

1 Q. Okay.

2 When did you find out that he did not

3 submit the necessary application?

4 A. I mean, we did -- it took -- took us about

5 four weeks to get the secretary of the state paper

6 to do business with the State of Ohio.

7 Q. Okay. I'm going to stop you right there.

8 Like in Indiana, there are two departments

9 in Ohio that you have to work with?

10 A. Yes.

11 Q. The Secretary of State?

12 A. Yes.

13 Q. And the Department of Health?

14 A. Yes.

15 Q. So knowing that you needed your

16 contractor's license to do asbestos abatement in --

17 A. Yes.

18 Q. -- Ohio --

19 A. Yes.

20 Q. -- you needed to submit papers to the

21 Secretary of State?

22 A. Before. And then, after we got the paper

23 with the Secretary of State, second step is Ohio

24 whatever the state is Health Department.

1 Q. To get the contractor license?

2 A. Yes.

3 Q. Okay.

4 Did you submit the application to the

5 Secretary of State?

6 A. Yes.

7 Q. Okay.

8 Who did that, you or John?

9 A. He fill it out the paper, I sign it and --

10 I don't know if I have to notarize but I send it.

11 Q. Okay.

12 And was that approved?

13 A. Yes, for a couple -- couple months I

14 think.

15 Q. Okay.

16 Once you received that, that would be part

17 of the application --

18 A. Yes.

19 Q. -- feature of -- to the Department of

20 Health?

21 A. Yes, the contract. Yes.

22 Q. Along with the book?

23 A. Yes.

24 Q. And you said that John Vadas never

1 submitted that?

2 A. Nope.

3 Q. Okay.

4 When did you find out he never submitted

5 that?

6 A. No, because we -- we never submitted it

7 because he was -- wasn't by himself. We never

8 submit it because we had a lot of pressure by

9 John -- Mike Collins to get the job done.

10 Q. Let's go back and take some of these

11 details step by step.

12 A. Uh-huh.

13 Q. At some point in August, you had the

14 intention to go forward with the abatement at

15 Cleveland Trencher?

16 A. Yes.

17 Q. Okay.

18 And the proposal met with your approval?

19 A. Yes.

20 Q. And John Vadas signed it as the contract?

21 A. Yes.

22 Q. And that's Exhibit 5, right?

23 A. Yes.

24 Q. And submitted that to Nationwide?

1 A. Yes.

2 Q. And Mike Collins signed it?

3 A. Yes.

4 Q. Okay.

5 And your plan because you knew now that

6 you needed an Ohio license --

7 A. Yes.

8 Q. -- was to start with the nonfriable

9 pipes --

10 A. Yes.

11 Q. -- and once you received the license, you

12 would proceed with the friable work?

13 A. Yes.

14 Q. Okay.

15 Is it fair to say that you would have to

16 have done some friable work before demolition took

17 place, at least some?

18 A. Well -- say it again.

19 Q. Okay.

20 Is it true that no demolition work could

21 be done until the friable asbestos was gone?

22 A. Yes. Correct, 100 percent.

23 Q. Okay.

24 So even if you did the nonfriable work,

1 demolition could not proceed?

2 A. Yes.

3 Q. Correct?

4 A. Yes.

5 Q. Because you couldn't get the steel because

6 the steel had asbestos --

7 A. Yes.

8 Q. -- on it?

9 Okay.

10 So you drove to Euclid, Ohio, correct?

11 A. Yes.

12 Q. Did you bring workers with you?

13 A. Okay. After we got all the papers signed

14 and everything, John Vadas went with a crew of guys

15 over there to do the nonfriable asbestos removal.

16 Q. Okay. Hold on one moment, please.

17 At the time that you were preparing to go

18 to Euclid, Ohio, were you doing any projects with

19 Safe Environmental?

20 A. When John Vadas was working over there in

21 Ohio, I was working for Safe Environmental.

22 Q. Okay.

23 Do you know what project that was?

24 A. Yes, I remember because I had a hard time

1 on that project. It was in Indiana, one -- one of

2 the steel mills over there.

3 Q. Okay.

4 Was that Mittal Steel?

5 A. I think. I don't know right now.

6 Q. Okay.

7 Was Mittal Steel or whatever that project

8 was, that factory --

9 A. Yes.

10 Q. -- was that finished at the time that you

11 left to go to Euclid, Ohio?

12 A. Nope.

13 Q. So how did you inform Safe Environmental

14 that you would not be going back to the factory?

15 A. No. The thing is, the situation, I was in

16 charge of the project over there and then I started

17 having a hard time with whoever was in charge over

18 there.

19 Q. The contractor?

20 A. No. It's a person the plant hired to

21 check to see if we doing -- we are doing the work

22 the way it's supposed to be.

23 Q. Who -- what was the organization that that

24 person was from? Were they --

1 A. From Mittal Steel.

2 Q. Okay.

3 A. They hired a special person to watch

4 contractors who going to be doing asbestos removal.

5 Q. And why were you having a hard time with

6 that person?

7 A. Everything start when I asked for some --

8 because she got some people helping her and when I

9 ask her -- because after we make a containment,

10 nobody without license is allowed to go in. And

11 after I ask one of her guys for their asbestos

12 license, they got the license but they got mad at

13 me. And then they start giving me a hard time.

14 Q. Who needed a license that didn't have one?

15 A. Anybody who going to go inside

16 containment.

17 Q. Would that have been the laborers or --

18 A. Laborers or inspectors or...

19 Q. Isn't it true, though, that the laborers

20 all had licenses?

21 A. Yes.

22 Q. So they didn't have a hard time going into

23 the containment area?

24 A. No, but I didn't know because -- let's say

1 if I'm in the containment, you go over there and

2 you say, oh, I got a license but if I don't see it,

3 I can't let you go in.

4 Q. Okay.

5 So is that when you had problems with this

6 woman?

7 A. When I start having problems with her.

8 Q. And she was the inspector?

9 A. Yes, she was the main.

10 Q. What -- what was she upset about, that you

11 wouldn't let the people in?

12 A. Maybe. But after that, she start

13 inventing regulations, regulations doesn't exist in

14 the state of Indiana. She was inventing like --

15 she was telling me I have to use -- legally, I have

16 to use clear bags. And when I call the State, they

17 told me no, you can use any kind of bag.

18 Q. Bags? Clear -- clear bags, right?

19 A. Yes.

20 Q. Okay.

21 A. And he some -- a lot of things, calm me

22 down.

23 Q. So what did you do as a result of that

24 conflict?

1 A. And I — I told her, I mean, I can use  
 2 any — I just — I told her I — I just called the  
 3 state and they told me I can use any kind of bag as  
 4 long as it's got the sign and it's six mil poly.  
 5 Q. Okay.  
 6 A. And she got worse?  
 7 Q. Okay.  
 8 That was six mil poly?  
 9 A. Yes.  
 10 Q. Okay.  
 11 So then what did you do when she got  
 12 worse?  
 13 A. Now, after that, she started giving me  
 14 hard time and she report me with the — whoever was  
 15 in charge in Safe Environmental at that moment.  
 16 Q. Okay.  
 17 A. She make a report I was a troublemaker.  
 18 Q. Okay.  
 19 A. And that person was in charge in that  
 20 project back at that time removed me — removed me  
 21 from that project.  
 22 Q. So who -- so you were removed from the  
 23 project at the factory, right?  
 24 A. Yes.

1 Q. And the person who removed was from Safe  
 2 Environmental?  
 3 A. Yes.  
 4 Q. Who was that person?  
 5 A. Rick Lovelace.  
 6 Q. So Rick removed you?  
 7 A. Yes.  
 8 Q. And what did he tell you, you're done  
 9 here?  
 10 A. Because — I can't remember the  
 11 conversation back at that time. I can't remember.  
 12 But I think he — he sent me to another job.  
 13 Q. Okay.  
 14 Which job did he send you to?  
 15 A. I don't remember now.  
 16 Q. Do you know if that was a big job or a  
 17 small job?  
 18 A. No. A small job. I think it was a small  
 19 job.  
 20 Q. Did you complete that job?  
 21 A. I think it wasn't — it was a demolition  
 22 company was doing the demo work and they want —  
 23 they need to have a person with a supervisor  
 24 license on the job site just in case they find

1 asbestos during the — during they doing the  
 2 demolition.  
 3 Q. And this job was right before you would go  
 4 to Cleveland, correct?  
 5 A. Yes.  
 6 Q. Okay.  
 7 So at some point, you made the decision to  
 8 go to Cleveland?  
 9 A. Ch, yes.  
 10 Q. Okay.  
 11 And did you inform Safe Environmental that  
 12 you —  
 13 A. Yes.  
 14 Q. Okay.  
 15 How did you do that?  
 16 A. Before — oh, before it happened, this  
 17 thing — I don't know if we going to go back  
 18 because there's some things back or we going to  
 19 questions later.  
 20 Q. About what?  
 21 A. About how — because I got a — by the  
 22 time I inform the owner of Safe Environment I going  
 23 to take care of my business over there is by the  
 24 time I have the notification ready to remove

1 asbestos in Cleveland, Ohio.  
 2 Q. So you informed Mr. Paganelli, correct?  
 3 A. Yes.  
 4 Q. And it was about —  
 5 A. And I informed Mr. Rick Lovelace too.  
 6 Q. And at that same time, you received the  
 7 Ohio notification?  
 8 A. Yes.  
 9 Q. And what is the Ohio notification?  
 10 A. It's kind of permit to do asbestos  
 11 removal.  
 12 Q. And that's from the Secretary of State?  
 13 A. No. It's from the Ohio Health Department.  
 14 Q. And how did you get that notification?  
 15 A. Okay. With approval of contractor  
 16 license.  
 17 Q. In Ohio?  
 18 A. Yes.  
 19 Q. But you didn't have you —  
 20 A. No, I never had approval contractor  
 21 license.  
 22 Q. So how did you get notification from Ohio  
 23 that you were licensed to abate if you never  
 24 submitted —

1 A. Okay.

2 Q. -- the application?

3 A. After I -- I find out -- we have the

4 pressure from Nationwide Demolition to remove the

5 asbestos, I -- and I knew if going to take at least

6 six weeks to get the license because I see Safe

7 Environmental, they -- they apply for that license

8 and it took about six weeks to get the license.

9 And I figured out it going to take me six weeks.

10 And after that happened, I called the owner of Safe

11 Environmental, Mr. Tony Paganelli. It wasn't in

12 person, I call him by phone and I ask him to

13 permission to use his asbestos contractor license

14 to finish up, like 30 percent of the job was left

15 in Cleveland, Ohio.

16 Q. Well, let's go back to you being in

17 Indiana --

18 A. Yes.

19 Q. -- and finishing up on the small job --

20 A. Yes.

21 Q. -- and notifying Rick and Tony of Safe

22 Environmental that you were leaving.

23 A. Yes.

24 Q. Okay. Let's go back there.

1 A. Uh-huh.

2 Q. What did you say to Rick?

3 A. Rick, when I -- I asked Tony -- let's go

4 little bit -- little bit back before that. I -- as

5 soon as I knew I don't going to make it with the

6 license because it's going to take too long, I

7 called Mr. Paganelli to ask permission to use his

8 asbestos contractor license.

9 Q. I understand that.

10 A. Yeah. Then we going -- it's -- that's

11 before. Then he -- he authorized me to use his

12 asbestos contractor license. He don't give it to

13 me in my hands. I went -- after he gave me the

14 verbal approval, I went to his secretary. His

15 name, I don't know. They called that two different

16 ways, Matt and they call Chris. I don't know what

17 his name is. Then after -- and I went over there

18 to the office and I told Matt Tony let me use his

19 Ohio license. Can I get a copy, please?

20 Q. I'm going to stop you right there. I want

21 to go back a little bit, okay?

22 A. Okay.

23 Q. I want to go back to the point at which

24 you finished up at the factory because you had

1 problems and Rick pulled you off that job.

2 A. Yes.

3 Q. And then Safe Environment assigned you to

4 a small job that required a supervisor.

5 A. Yes.

6 Q. Okay.

7 And you don't remember if you finished

8 that job or not but around this time, you made a

9 decision to go to Cleveland --

10 A. Yes.

11 Q. -- because you had this job --

12 A. Yes.

13 Q. -- at Cleveland Trencher?

14 A. Yes. Yes.

15 Q. So you informed -- you said you informed

16 Rick and Tony that you were going to --

17 A. Yes.

18 Q. -- to Cleveland?

19 A. Yes.

20 Q. Okay.

21 When you informed Rick, just Rick --

22 A. Yes.

23 Q. -- what did you say to him?

24 A. That's why if we don't -- I mean, we start

1 over here, we can go point by point because we go

2 over here, we go back, it's going to be hard for me

3 to remember everything.

4 Q. Well, I'd rather -- I understand.

5 A. When I told that, Rick knew it, everything

6 about the Ohio thing. Then by the time I told him,

7 okay, I got the license, I got the notification.

8 Q. Hold on one second. I know -- I know you

9 want to tell the story about how you got the

10 license but I want to go back to what happened

11 prior to your requesting it.

12 A. Yes.

13 Q. Okay.

14 Because that request was made from

15 Cleveland?

16 A. Yes.

17 Q. And I want to go to the point before you

18 even leave to go to Cleveland.

19 A. Yes, but before I going to Cleveland, I

20 have to submit a notification and all this time,

21 Mr. Paganelli and Mr. Rick Lovelace been informed.

22 Q. You informed them?

23 A. Yes.

24 Q. That you were submitting an Ohio

1 notification?  
 2 A. Yes.  
 3 Q. And that you were planning on going to  
 4 Ohio?  
 5 A. Yes.  
 6 Q. When you told Rick Lovelace about that --  
 7 I'm talking now before you leave Indiana, okay,  
 8 because you said he knew, right?  
 9 A. Yes.  
 10 Q. When you told him that you were going to  
 11 do your own business in Ohio --  
 12 A. Yes.  
 13 Q. -- did he wish you well, was he upset?  
 14 A. No. He looked -- he don't care.  
 15 Q. He didn't care?  
 16 A. No.  
 17 Q. And when you informed Tony Paganelli that  
 18 you were going to Ohio to do work with your new  
 19 company on a project, what was his response?  
 20 A. I don't remember but same thing I think  
 21 I don't remember right now.  
 22 Q. Is it -- did they -- they didn't mind that  
 23 you were leaving?  
 24 A. No. I mean, maybe they -- maybe they kind

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1 of -- they don't like it because I'm part -- like  
 2 become a competition but..  
 3 Q. But they knew you were going, right?  
 4 A. Yes.  
 5 Q. So then you drove to Cleveland?  
 6 A. Yes.  
 7 Q. And if we can just review what was going  
 8 on at the time you drove to Cleveland alone,  
 9 correct?  
 10 A. Yes.  
 11 Q. Because Mr. Vadas was already in Euclid --  
 12 A. Yes.  
 13 Q. -- with the team?  
 14 A. Yes.  
 15 Q. Okay.  
 16 A. No. Mr. Vadas, no.  
 17 Q. No?  
 18 A. No.  
 19 Q. So he didn't have the team yet?  
 20 A. Mr. Vadas, he went to Cleveland. He got  
 21 the two -- I think two weeks, a week and a half of  
 22 work over there.  
 23 Q. Before you went?  
 24 A. Yes.

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1 He got the week -- he finished up all the  
 2 nonfriable asbestos and then we stop.  
 3 Q. Okay. Hold on one sec.  
 4 So before you drive to Cleveland,  
 5 Mr. Vadas was in Euclid, Ohio --  
 6 A. Yes.  
 7 Q. -- performing nonfriable removal --  
 8 A. Yes.  
 9 Q. -- with a group of laborers?  
 10 A. Yes.  
 11 Q. Okay.  
 12 Did you know any of those laborers?  
 13 A. Yes, I know all of them.  
 14 Q. Okay.  
 15 Who chose those specific laborers?  
 16 A. I did.  
 17 Q. Okay.  
 18 And how did you choose them?  
 19 A. They work -- I met them working with Safe  
 20 Environmental.  
 21 Q. How many people were there?  
 22 A. I'm not sure right now but I think six or  
 23 seven.  
 24 Q. And how many of those six or seven people

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1 currently work for Safe Environmental?  
 2 A. All of them.  
 3 Q. So as you were preparing to send workers  
 4 with Mr. Vadas while you were still working at Safe  
 5 Environment --  
 6 A. Yes.  
 7 Q. -- you selected laborers from Safe  
 8 Environment --  
 9 A. The ones were out of work back at that  
 10 time.  
 11 Q. So they didn't have an active project  
 12 with --  
 13 A. Yes.  
 14 Q. -- Safe Environmental?  
 15 A. Yes.  
 16 Q. But they could be called back?  
 17 A. Yes.  
 18 Q. So you selected these individuals?  
 19 A. Yes.  
 20 Q. And what did you tell them?  
 21 A. Asked them if they want to go and help me  
 22 to finish up this project in Ohio.  
 23 Q. And they all said yes?  
 24 A. Yes.

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1 Q. Did anyone you ask say no?

2 A. No.

3 Q. Okay.

4 And did you agree with these six or seven

5 what they would be paid for their work?

6 A. What the question again?

7 Q. Did you tell these people what they would

8 be paid?

9 A. Yes.

10 Q. And what did you tell them?

11 A. I going to pay you – I think I paid them

12 \$20 per hour, hotel, food and I think \$120 day for

13 gas or whatever they need per diem. They call it

14 per diem.

15 Q. Okay.

16 Now, you did all this arranging with these

17 laborers, not John Vadas, right?

18 A. No.

19 Q. That's not right?

20 A. No John Vadas. I did.

21 Q. No John Vadas, okay.

22 And were these six or seven laborers going

23 to stay in Euclid, Ohio, for the duration or were

24 they going to travel back and forth?

1 A. No. They stayed. I pay hotel for them.

2 Q. Okay.

3 So they were going to stay the entire

4 time, right?

5 A. Yes.

6 Q. And the plan was that they would work

7 during the daylight hours and sleep at night?

8 A. Yes.

9 Q. Corred?

10 Were they going to work on weekends?

11 A. Yes.

12 Q. Okay.

13 When John Vadas went to Euclid to start

14 the nonfriable –

15 A. In fact, we can call phase one and phase

16 two.

17 Q. Okay.

18 Phase one is the –

19 A. Nonfriable.

20 Q. – nonfriable and phase two is the

21 friable.

22 When you sent John Vadas or when he went

23 to Euclid to start phase one, did he take these

24 workers?

1 A. Yes. They – yes, he take some of these

2 workers.

3 Q. In a car?

4 A. No. Oh, no, he don't take. He drove by

5 himself but the laborers, they drove by themselves.

6 Q. Okay.

7 Do you know if they went in a van or if

8 they all drove alone?

9 A. Some of them I had -- back at that time, I

10 had a little truck. Some of them, they drove with

11 my truck.

12 Q. When you went?

13 A. No. When they go. Because they had a –

14 they have to take a box saw (sic) to take all the

15 equipment we need to perform the work.

16 Q. Okay.

17 So they left two weeks prior to you with

18 the equipment and your truck?

19 A. Maybe more than two weeks, more than two

20 weeks because after we – they got done the phase

21 one and then we submit for the notification maybe

22 three or four days later and after that, we have to

23 wait ten days.

24 Q. So phase one was done without you being

1 present?

2 A. Yes.

3 Q. And that part took how many weeks?

4 A. I think a week and a half. I'm not sure.

5 Q. And that was done while you were still in

6 Indiana?

7 A. Yes.

8 Q. And that was – that work on phase one was

9 commenced at a time when you knew you didn't have a

10 contractor's license in Ohio?

11 A. Yes. Yes.

12 Q. So why didn't you apply for that

13 contractor's license prior to starting phase one?

14 A. We did. I mean, we – we start the

15 process to do that. We started – because it's –

16 first thing, got the paper with the Secretary of

17 State. We start with the Secretary of State.

18 Q. Which you got?

19 A. Yes.

20 Q. While you were still in Indiana?

21 A. Yes. No. No. No. No. The Secretary of

22 State with Ohio.

23 Q. Right.

24 But you received that from Ohio while you

1 were still in Indiana, you, Mr. Amaya?  
 2 A. Yes. Yes.  
 3 Q. Right?  
 4 A. Can you repeat the question again?  
 5 Q. Yes.  
 6 You applied for certification with the  
 7 Secretary of State?  
 8 A. Yes.  
 9 Q. Okay.  
 10 And you submitted that application while  
 11 you were still in Indiana?  
 12 A. Yes.  
 13 Q. Okay.  
 14 And you received that certification --  
 15 A. Yes.  
 16 Q. -- while you were still in Indiana --  
 17 A. Yes.  
 18 Q. -- correct?  
 19 A. Yes.  
 20 Q. Before you went to commence phase one?  
 21 A. I don't know -- I don't know if we did  
 22 it -- we have it before or after. But we knew we  
 23 don't need an asbestos contractor license to do  
 24 the --

1 Q. I understand.  
 2 A. -- the nonfriable.  
 3 Q. I understand that but you also know from  
 4 your experience at Safe Environmental that it takes  
 5 six weeks to get a contractor's license in Ohio --  
 6 A. Yes.  
 7 Q. -- right?  
 8 A. Uh-huh.  
 9 Q. And so you started that process right  
 10 away?  
 11 A. Yes.  
 12 Q. In fact, before phase one was started?  
 13 A. Yes.  
 14 Q. Okay.  
 15 Phase one was completed after one and a  
 16 half weeks?  
 17 A. Yes.  
 18 Q. You stopped working at Safe Environment,  
 19 right?  
 20 A. No. I was working all the time with Safe  
 21 Environment.  
 22 Q. No, but you started -- you stopped your  
 23 job, you stopped work --  
 24 A. Yes.

1 Q. -- physical work at Safe Environment?  
 2 A. After the notification. After, let's see,  
 3 maybe ten, 12 days later.  
 4 Q. Okay.  
 5 And then you drove to Ohio?  
 6 A. Yes.  
 7 Q. To Euclid, Ohio?  
 8 A. Yes.  
 9 Q. To be part of the remainder of the  
 10 abatement?  
 11 A. The rest of the abatement, yes.  
 12 Q. Which would be phase two?  
 13 A. Yes. Phase two, yes.  
 14 Q. And while you were driving to Ohio -- by  
 15 yourself, correct?  
 16 A. Nope. Oh, yes, by myself. Yes.  
 17 Q. While you were driving to Ohio, you had  
 18 already submitted and received certification from  
 19 the Secretary of State?  
 20 A. Yes.  
 21 Q. And you had instructed Mr. Vadas to take  
 22 that certification along with the template from  
 23 Indiana for submission to the Ohio Department of  
 24 Health?

1 A. No. No. No, sir.  
 2 Q. No? Okay.  
 3 A. It's different thing. The template for  
 4 Indiana is to get Ohio contractor -- asbestos  
 5 contractor license.  
 6 Q. Okay.  
 7 A. That was the template.  
 8 Q. Right.  
 9 A. And I got the notification under -- under  
 10 Safe Environmental contractor license.  
 11 Q. We'll get there. We'll get to that point.  
 12 I'm talking about prior to your coming to  
 13 Ohio, I want to establish what the status of  
 14 everything with Asbestek was.  
 15 A. Yes.  
 16 Q. Okay.  
 17 So you tell me if I'm correct, as you  
 18 drove to Ohio, phase one was either complete or  
 19 about to be complete?  
 20 A. It was complete.  
 21 Q. It was complete, okay.  
 22 Also, as you drove to Ohio, you had  
 23 applied and received certification from the State  
 24 of Ohio Secretary of State?

1 A. Nope. We did it by mail.  
 2 Q. Okay.  
 3 When did you receive the certification?  
 4 A. The certification -- oh, I'm not sure it  
 5 was by the time we been doing the phase one or  
 6 after the phase one. I'm not sure.  
 7 Q. But before phase two?  
 8 A. Yes, before phase two.  
 9 Q. Because you couldn't start phase two  
 10 without that and the contractor's license?  
 11 A. Without notification.  
 12 Q. Okay.  
 13 And notification is the license from the  
 14 Department of Health in Ohio?  
 15 A. No. It's a permit to -- to work.  
 16 Q. All right.  
 17 Who issues that permit?  
 18 A. Illinois Health Department, the Health  
 19 Department of the state.  
 20 Q. But we're talking about Ohio, right?  
 21 A. Yes, Ohio Health Department.  
 22 Q. And did you need a notification from Ohio?  
 23 A. Yes.  
 24 Q. Okay.

1 You had not received notification by the  
 2 time that you, Tomas Amaya, were driving to Euclid,  
 3 right? Had you received the notification yet?  
 4 A. I didn't -- oh, yes. I went one day  
 5 before the notification, before the notification.  
 6 I went over there, I don't know it was almost to  
 7 complete the job, the phase one. I drove over  
 8 there one in -- the middle. I want to see the job  
 9 one of the days I had off over here at Safe  
 10 Environmental. In the middle -- okay. The middle  
 11 of phase one, I went one day but not to do any  
 12 work. I went to -- like ten days later or 12 days  
 13 later, I went with the notification.  
 14 Q. Okay.  
 15 THE VIDEOGRAPHER: Counsel, we have five  
 16 minutes on the tape.  
 17 MR. THOMAS: Okay. It's a good time for a  
 18 break.  
 19 THE VIDEOGRAPHER: This marks the end of tape  
 20 number one. We're off the record at 12:37 p.m.  
 21 (A short break was taken.)  
 22 THE VIDEOGRAPHER: This marks the beginning of  
 23 tape number two. We're back on the record at  
 24 1:17 p.m.

1 BY MR. THOMAS:  
 2 Q. Mr. Amaya, good afternoon.  
 3 A. Good afternoon.  
 4 Q. Before we went to lunch, I was asking you  
 5 a series of questions related to sort of the status  
 6 of the work at Cleveland Trencher at about the time  
 7 that you left Indiana to come and be part of the  
 8 work at the site, okay? Do you recall some of  
 9 those questions?  
 10 A. Okay.  
 11 Q. And one of the things that you said before  
 12 lunch I wanted to ask you to clarify and that was  
 13 that you had arrived at the site during phase one?  
 14 A. Phase one, yes.  
 15 Q. Okay.  
 16 And you said that you thought that you --  
 17 you recall having been there for about a day, is  
 18 that correct?  
 19 A. Yes.  
 20 Q. Does that mean that you returned back to  
 21 Indiana?  
 22 A. Yes.  
 23 Q. Okay.  
 24 So phase one is in -- is in progress, you

1 arrive, you're there for a day or so and then you  
 2 return back to Indiana?  
 3 A. Yes.  
 4 Q. Okay.  
 5 Is it your intention to return for phase  
 6 two?  
 7 A. Yes.  
 8 Q. Okay.  
 9 Now, going back to your first trip from  
 10 Hammond, Indiana, to Euclid, Ohio, okay, the first  
 11 trip that you make?  
 12 A. Yes.  
 13 Q. You, obviously, are going to Euclid, Ohio,  
 14 because of your contract with Nationwide  
 15 Demolition, correct?  
 16 A. The first time I went over there is when I  
 17 went to see phase one.  
 18 Q. Correct.  
 19 A. Yes.  
 20 Q. That's the first time?  
 21 A. Yes.  
 22 Q. Okay.  
 23 And let's just review some of the things  
 24 that we were talking about before lunch.



1 If you are to do a job in Ohio --  
 2 A. Yes.  
 3 Q. -- as an asbestos abatement contractor --  
 4 A. Yes.  
 5 Q. -- you need three things, you need  
 6 certification --  
 7 A. Yes.  
 8 Q. -- from the Secretary of State?  
 9 A. Yes.  
 10 Q. Okay.  
 11 Which you had?  
 12 A. Yes.  
 13 Q. All right.  
 14 You also must file a notification with the  
 15 EPA?  
 16 A. Yes.  
 17 Q. Okay.  
 18 And that process involves your submitting  
 19 the information about the job?  
 20 A. Yes.  
 21 Q. Your contact information?  
 22 A. Yes.  
 23 Q. And the EPA files that?  
 24 A. Yes.

1 Q. So that they can inspect if they choose  
 2 to?  
 3 A. Any time they want to.  
 4 Q. Okay.  
 5 And you may not never hear back from the  
 6 EPA regarding the notification; is that correct?  
 7 For example, if they don't show up to the site,  
 8 you're not necessarily going to get anything back  
 9 from the EPA?  
 10 A. Yes. We get a copy of the notification  
 11 approval after ten days.  
 12 Q. Okay.  
 13 So you sent in the notification to the  
 14 Ohio EPA?  
 15 A. Yes.  
 16 Q. And then they send you a copy with --  
 17 A. Yes.  
 18 Q. -- the approval?  
 19 A. John Vadas pulled it from the public  
 20 record over the online computer.  
 21 Q. He was able to access it that way?  
 22 A. Yes. Yes.  
 23 Q. So if he didn't pull it, would the EPA  
 24 necessarily send you anything?

1 A. No.  
 2 Q. No.  
 3 A. I don't know if they sent or not. I would  
 4 never see it, that like original, I never see. I  
 5 see copy of them.  
 6 Q. Okay.  
 7 With respect to Cleveland Trencher?  
 8 A. Yes.  
 9 Q. But with respect to your experience at  
 10 Safe Environment, you know that you file with the  
 11 local or the state EPA, the notification?  
 12 A. Yes.  
 13 Q. And if you don't look at it online, you  
 14 may never receive anything back but they could  
 15 check you at the site?  
 16 A. I don't know how they do it. They gave it  
 17 to me.  
 18 Q. Who gave it to you?  
 19 A. Whoever is in charge at Safe at that  
 20 moment.  
 21 Q. Okay.  
 22 But with respect to the work at Cleveland  
 23 Trencher, nothing was ever sent but John Vadas went  
 24 online to check that out?

1 A. Yes.  
 2 Q. So that's the second thing.  
 3 A. Yes.  
 4 Q. And then the third thing is you need a  
 5 contractor's license, correct?  
 6 A. Yes.  
 7 Q. Okay.  
 8 You did number one, we've clarified that,  
 9 that's that the Secretary of State?  
 10 A. Yes.  
 11 Q. And you had John Vadas do number two which  
 12 is notification?  
 13 A. Yes.  
 14 Q. Okay.  
 15 Do you know when he sent notification, was  
 16 it before phase one or after phase one?  
 17 A. After phase one.  
 18 Q. Okay.  
 19 Why didn't that notification get submitted  
 20 prior to phase one?  
 21 A. Because we didn't have a license.  
 22 Q. Can you -- okay, I understand. All  
 23 right.  
 24 And notification was only needed for

1 friable asbestos?

2 A. Yes.

3 Q. Okay.

4 At one point, you were preparing to file  
5 the application for a contractor's license in Ohio  
6 for this job, correct?

7 A. Yes.

8 Q. And you testified that you knew that this  
9 was an ordeal because you had done it in Indiana?

10 A. Yes.

11 Q. And so what you did to prepare for the  
12 Ohio's contractor's license is you took the  
13 template or you took Indiana and you gave it to  
14 John and instructed him to make the appropriate  
15 changes --

16 A. Yes.

17 Q. -- so that that could be submitted to Ohio  
18 for approval and then you'd get your Ohio  
19 contractor's license, correct?

20 A. Yes.

21 Q. Okay.

22 Do you know if John Vadas had any prior  
23 experience submitting a contractor's license  
24 application?

1 A. No.

2 Q. You don't know?

3 A. No.

4 Q. Did you check to see if he did? Did you  
5 ask him or find out otherwise?

6 A. No.

7 Q. Weren't you concerned that he might not  
8 know how to do it properly given the fact that you  
9 had some trouble with it in Indiana?

10 A. No.

11 Q. Why not?

12 A. Because he been in the business for 20  
13 something years. He knows most...

14 Q. Okay.

15 So because of his experience, you trusted  
16 him to get that job done?

17 A. Yes.

18 Q. Okay.

19 Because of your experience with Indiana,  
20 you understood that if you did submit the  
21 contractor's license application, there was a  
22 chance it would get rejected, correct?

23 A. Yes.

24 Q. Okay.

1 Did you think it was risky to enter into a  
2 contract with Nationwide prior to getting that  
3 license for that reason?

4 A. No, because they were nice person before  
5 we start the contract.

6 Q. Okay.

7 What would their being nice have helped  
8 you with?

9 A. First, they -- we start with the -- we  
10 supposed to do the work with their contractor  
11 license. That's a nice thing. And the second  
12 thing is they going -- they told John Vadas they  
13 can wait because only they want get done the metal  
14 is from the nonfriable thing. After we get the  
15 nonfriable thing, they can wait until we got the  
16 license.

17 Q. Okay.

18 You discovered, however, that they didn't  
19 have a license?

20 A. Yes.

21 Q. So number one was out, right?

22 A. Yes.

23 Q. And then they would have to wait  
24 indefinitely because you made the decision not to

1 apply for a contractor's license?

2 A. Nope. I didn't make -- okay. I got --  
3 after they started giving me pressure, I had two  
4 choices, either wait to get my license or what the  
5 other, the quicker way is ask my friend to let me  
6 use his license.

7 Q. Okay. We'll talk about that in a minute.

8 What about before you got the pressure,  
9 okay, before you had this choice of either waiting  
10 for your license --

11 A. Yes.

12 Q. -- or asking your friend, what were your  
13 choices before the pressure?

14 A. Apply for the license.

15 Q. Okay.

16 Why didn't you?

17 A. We are -- we were in the process. We  
18 already -- we didn't -- we apply for the secretary  
19 of the state paper.

20 Q. That's number one. I understand that.

21 A. But everything start at the same time.  
22 Everything. We talking about a month of time.  
23 Everything is in one month.

24 Q. When did you make the decision to not

1 submit the application to the Department of Health?  
 2 A. After my friend give me the permission.  
 3 Q. Did you receive certification from the  
 4 Secretary of State prior to phase one?  
 5 A. Nope.  
 6 Q. When did you receive that certification?  
 7 A. I think one or two weeks after. It's hard  
 8 right now because it's been almost four years.  
 9 Q. When was it that you gave John Vadas the  
 10 direction to prepare that application for the  
 11 contractor's license?  
 12 A. I think it was when we start phase one.  
 13 Q. When you started or before you started?  
 14 A. Or before we started. I don't remember  
 15 right now.  
 16 Q. Okay.  
 17 In any event, if he would have submitted  
 18 that application, then you would have had an  
 19 application in process?  
 20 A. Yes.  
 21 Q. And it's your understanding that he was  
 22 doing that, right?  
 23 A. Yes.  
 24 Q. Okay.

1 When did you find out that he didn't do  
 2 it?  
 3 A. I don't know if he told me he didn't do it  
 4 or I told him stop doing it, whatever you doing. I  
 5 can't remember right now.  
 6 Q. But you may have instructed him don't do  
 7 any more because I'm going with choice two?  
 8 A. Yes.  
 9 Q. What would you have done if when you asked  
 10 your friend to use his license he said no?  
 11 A. End the contract.  
 12 Q. Okay.  
 13 How would you do that?  
 14 A. One thing is if he wants to get the job  
 15 done right away, there's nothing I can do until I  
 16 get contractor license. He can do either two  
 17 things, wait for the -- my contractor license or he  
 18 hires somebody else.  
 19 Q. Now, you didn't want him to wait because  
 20 then you wouldn't get paid for the contract?  
 21 A. Yes.  
 22 Q. And you had no work to go back to at Safe  
 23 Environment, right?  
 24 A. Yes, but that's not the point because I

1 can go to work somewhere else.  
 2 Q. Where would you have gone?  
 3 A. It's 70 - 70-something union companies  
 4 around here. I can apply anywhere.  
 5 Q. So you can have a job instantly, right?  
 6 A. Yes -- no, not instantly, not right away.  
 7 But if I start applying every week, I can get a new  
 8 job. I can get work.  
 9 Q. How long would it have taken you to do you  
 10 think?  
 11 A. I think I can get work in -- I mean, back  
 12 at that time, in one -- in same week. Now it's  
 13 different.  
 14 Q. Okay.  
 15 So your alternative was to cancel the  
 16 contract and --  
 17 A. But I never think he never say no.  
 18 Q. What was it about your experience with  
 19 Tony that made you conclude that he would say yes?  
 20 A. Because he's my ex-friend.  
 21 Q. Well, you mean, he was your friend at the  
 22 time?  
 23 A. Yes.  
 24 Q. What other reason?

1 A. And besides, I was working for him so many  
 2 years. I put 150 percent of my heart in his jobs.  
 3 Q. What does that mean?  
 4 A. It means I get his job complete on time  
 5 with no problems, no fines, no problems. And I  
 6 knew he kind of afraid to tell me -- to say no  
 7 about the license.  
 8 Q. You think he was afraid to say no?  
 9 A. Yes, because he don't -- it don't matter  
 10 what time he call me to work, what he had to do, I  
 11 was for him.  
 12 Q. So you're saying that you were both  
 13 friends and you were faithful, I guess, and you  
 14 were responsible and so those three things lead you  
 15 to believe that he would have to say yes?  
 16 A. It's not a have to but he's my friend and  
 17 anything he needed, I'm for him.  
 18 Q. Okay.  
 19 A. And I was expecting when I need him, he  
 20 can be for me.  
 21 Q. Have you done favors for him in the past  
 22 that you haven't --  
 23 A. No favors but kind of work things because  
 24 the thing is if we got a job to do on the weekend,

1 it's not easy to get guys right away but I'm for  
 2 him.  
 3 Q. Did Tony ever do you such a favor before  
 4 as to just give you his license?  
 5 A. No.  
 6 Q. Okay.  
 7 A. I never ask.  
 8 Q. Did you know of anybody else who asked him  
 9 and just got the license?  
 10 A. No, I don't know.  
 11 Q. Okay.  
 12 Did you ever ask any other person for a  
 13 license --  
 14 A. Nope.  
 15 Q. -- to do work?  
 16 Do you know of any situation in your  
 17 20 years of experience doing this kind of work  
 18 where somebody just gives a license?  
 19 A. Safe Environmental used somebody else  
 20 license in Ohio because they didn't have their  
 21 license.  
 22 Q. And was that a situation like the one  
 23 you're describing here where they just used the  
 24 license for free without any --

1 A. No. They pay for the license.  
 2 Q. Okay, they paid for it.  
 3 What I'm asking you is there -- do you  
 4 know of any situation in your 20 years of  
 5 experience where a contractor has simply given  
 6 their license to somebody else to use without any  
 7 pay back?  
 8 A. No, I haven't seen it.  
 9 Q. Okay.  
 10 So your situation with Cleveland Trencher  
 11 with Nationwide Demolition is the only one you know  
 12 of?  
 13 A. Yes. For free, yes.  
 14 Q. For free?  
 15 A. Yes.  
 16 Q. Okay. Okay.  
 17 So at some point then, you made the  
 18 decision you were going to call Tony Paganelli,  
 19 correct?  
 20 A. Yes.  
 21 Q. And what gave rise to that? What made you  
 22 do that?  
 23 A. I need to get the job done and I have to  
 24 do it the legal way.

1 Q. So how did you do this?  
 2 A. I called him over the phone.  
 3 Q. Okay.  
 4 A. By phone.  
 5 Q. Where were you, in Cleveland?  
 6 A. No. I was over here working somewhere.  
 7 Q. You were back in Indiana?  
 8 A. Yes.  
 9 Q. Where were you working when you did that?  
 10 A. I don't know.  
 11 Q. Were you working for Safe Environment?  
 12 A. Yes.  
 13 Q. So was this before phase one?  
 14 A. After phase one.  
 15 Q. Okay.  
 16 So you went to Cleveland for one day  
 17 during phase one and then you came back to Indiana?  
 18 A. Yes.  
 19 Q. And then you started another job?  
 20 A. I don't know. I don't know if I started  
 21 the other job or was the same job. I don't know.  
 22 Q. Well, is it true that you called Tony  
 23 after you came back from your quick --  
 24 A. Oh, yes.

1 Q. So you -- you went to Cleveland for a  
 2 quick phase one visit?  
 3 A. Yes.  
 4 Q. You came back to Indiana?  
 5 A. Yes.  
 6 Q. And then you called Tony?  
 7 A. Yes.  
 8 Q. Okay.  
 9 And you said you were working another job  
 10 back in Indiana?  
 11 A. Yes. No, I don't know it was Indiana or  
 12 Illinois because that happens with this kind of  
 13 work. Sometimes just one day to work or can be  
 14 three days of work or they -- or I don't work for  
 15 three days and I start working somewhere else. I  
 16 mean --  
 17 Q. When you --  
 18 A. -- it's not like every -- every day 7:00  
 19 to 3:30. It can be -- the job can start  
 20 4:00 o'clock or can start any time in different  
 21 places.  
 22 Q. When you returned to Cleveland after your  
 23 phase one visit, did you know if you were going  
 24 back to a certain job or not?

1 A. With Safe?  
 2 Q. Any job?  
 3 A. With Safe, I didn't plan because I was  
 4 thinking after I get this job, this job over here  
 5 down in Ohio which would be fine with no problems,  
 6 I can start looking for my own work somewhere else.  
 7 I mean, like company.  
 8 Q. So it was your plan to never go back to  
 9 Safe Environment?  
 10 A. Yes.  
 11 Q. Tony knew that, didn't he?  
 12 A. No, I didn't tell him.  
 13 Q. So you kept that secret from him?  
 14 A. Actually, the reason I was doing that  
 15 thing is because after Mr. Rick Lovelace moved to  
 16 Safe Environmental, everything start changing for  
 17 the people have a lot of time in that company.  
 18 Q. When you went back to Indiana after your  
 19 phase one visit, what were you going back for?  
 20 A. The question?  
 21 Q. After your phase one visit, you went back  
 22 to Indiana.  
 23 Why?  
 24 A. Why?

1 Q. Yes.  
 2 A. I don't have nothing to do over there.  
 3 Q. You don't have —  
 4 A. I don't have nothing to do in Ohio.  
 5 Q. Well, how long would it be until you would  
 6 have something to do in Ohio?  
 7 A. After the notification, maybe  
 8 ten-something days.  
 9 Q. What notification?  
 10 A. The notification I submit for them.  
 11 Q. Okay.  
 12 Well, you had submitted that prior to the  
 13 phase one visit?  
 14 A. No. We submitted notification after,  
 15 after the phase one.  
 16 Q. Okay.  
 17 A. I'm sorry. It was mistake. After phase  
 18 one, we submitted notification.  
 19 Q. Okay.  
 20 Now, you don't need that notification if  
 21 you're going to use Safe Environmental's license,  
 22 right?  
 23 A. Yes, we need it.  
 24 Q. For what?

1 A. Any kind of work has to be with  
 2 notification.  
 3 Q. Okay.  
 4 So you submitted that notification after  
 5 phase one began, correct?  
 6 A. Done.  
 7 Q. When it was done?  
 8 A. Yes.  
 9 Q. All right.  
 10 And at that time, you were back in  
 11 Indiana?  
 12 A. Yes.  
 13 Q. Because you had nothing to do in  
 14 Cleveland?  
 15 A. Yes.  
 16 Q. And you may have been working odd jobs or  
 17 not, right?  
 18 A. Yes.  
 19 Q. And it was at that time that you called  
 20 Anthony Paganelli?  
 21 A. Yes.  
 22 Q. What did you say to Anthony Paganelli?  
 23 A. At first, I call him and I told him I need  
 24 to talk to him in person.

1 Q. Okay.  
 2 A. And he — he was so busy. He told me I'm  
 3 so busy. What do you want? And I asked him, I  
 4 told him what I wanted. I want you to — I have a  
 5 small job in Ohio which I need to get done but I  
 6 don't — it going to take me too long to get the  
 7 license. Can you let me use your license?  
 8 Q. Now, when you said small job, was this a  
 9 small job, Cleveland Trencher, or a big job?  
 10 A. That's the same job.  
 11 Q. No.  
 12 I'm saying how do you describe the  
 13 Cleveland Trencher job, is it a big job or small  
 14 job?  
 15 A. It's a big job with both together.  
 16 Q. But you told Tony it was a small job?  
 17 A. Yes.  
 18 Q. Why did you tell him that?  
 19 A. Because phase two is kind of 30 percent of  
 20 the work.  
 21 Q. 20 percent?  
 22 A. 30 percent maybe.  
 23 Q. 30 percent?  
 24 A. Yes.

1 Q. So phase one was 70 to 80 percent?  
 2 A. Yes, something.  
 3 Q. Okay.  
 4 So the nonfriable asbestos, which was  
 5 phase one, is 70 to 80 percent of the work?  
 6 A. Nonfriable, yes, with the transite.  
 7 Q. Nonfriable.  
 8 And the friable, which would be phase two,  
 9 was only 20 or 30 percent?  
 10 A. Yes.  
 11 Q. That's a small job?  
 12 A. That's like -- yes.  
 13 Q. That's what you call a small job?  
 14 A. Yes.  
 15 Q. And so you told Anthony I have a small job  
 16 in Ohio?  
 17 A. Yes.  
 18 Q. And you said what, can I use your license?  
 19 A. Yes.  
 20 Q. Okay.  
 21 And you said that with no prior experience  
 22 of you or anyone you know making such a request,  
 23 right?  
 24 A. Yes.

1 Q. Okay.  
 2 And what did Anthony say when you said  
 3 that?  
 4 A. Yes.  
 5 Q. Okay.  
 6 He just said yes?  
 7 A. Yes, no problem.  
 8 Q. Okay.  
 9 And he understood you, didn't he?  
 10 A. That's the point.  
 11 Q. Tell us?  
 12 A. I don't know because when I told him, yes,  
 13 When I ask him to use his license, he said yes.  
 14 Q. Okay.  
 15 A. But he's the only one can answer that  
 16 question if he understand -- he understood or not.  
 17 Q. There's a chance he didn't understand,  
 18 right?  
 19 A. Maybe.  
 20 Q. Okay.  
 21 And why do you think there's a chance that  
 22 he didn't understand what you were asking for?  
 23 A. One thing maybe because it was -- wasn't  
 24 face to face. It was by phone.

1 Q. Okay.  
 2 A. And second thing, you know, you see my  
 3 English now. Two years ago, four years ago, it was  
 4 worse.  
 5 Q. So he said yes and then what?  
 6 A. Yes. And then he told me go to the office  
 7 and get it.  
 8 Q. Okay.  
 9 What office?  
 10 A. Safe office.  
 11 Q. Well, what else was said in that  
 12 conversation on the phone?  
 13 A. No, nothing -- I -- I can't remember it  
 14 was something else.  
 15 Q. So how long did that conversation last?  
 16 A. Two minutes, I think. Three minutes.  
 17 Q. And how did you feel when you got off the  
 18 phone?  
 19 A. Happy.  
 20 Q. Pretty happy, huh?  
 21 A. Yeah.  
 22 Q. What did you do?  
 23 A. I went to the office and I asked the -- I  
 24 told the secretary Tony let me use his Ohio

1 contractor license. Can I have a copy, please, and  
 2 he gave it to me.  
 3 Q. What's his name?  
 4 A. I don't know what his name. Some people  
 5 call him Matt and some people call him Chris.  
 6 Q. Did you tell Matt or Chris -- we'll call  
 7 him Matt, Okay?  
 8 Did you tell Matt about your conversation  
 9 with Tony?  
 10 A. Yes.  
 11 Q. And what did you tell him?  
 12 A. I just talked to Tony, I asked him to  
 13 use -- if he can let me use his Ohio license. He  
 14 told me yes. And can I have a copy, please, and he  
 15 gave it to me.  
 16 Q. Okay.  
 17 Did you tell Tony about any details about  
 18 the Cleveland Trencher job?  
 19 A. No.  
 20 Q. Why not?  
 21 A. Because I was secure, I was 100 percent  
 22 sure the job going to be done with no problems.  
 23 Q. You're saying that you were sure there  
 24 would be no problems?

1 A. Yes.

2 Q. And so that was sufficient for you not to

3 tell him anything about the job?

4 A. He don't ask me.

5 Q. But -- I know he didn't ask you but you

6 didn't volunteer that?

7 A. No.

8 Q. And did you tell him or did you have any

9 discussion -- and I'm back to Tony now and the

10 phone call.

11 Did you have any conversations with him

12 about paying for that license?

13 A. Yes, I ask him if I can pay him and he

14 said no.

15 Q. Okay.

16 So that was another thing about the

17 conversation that you're remembering now, right?

18 A. Yes.

19 Q. Okay. And that was about payment.

20 You said can I pay you?

21 A. Can -- no. I asked him how much you're

22 going to charge -- how much it going to cost me?

23 Nothing.

24 Q. Nothing, okay.

1 But that was not a surprise to you because

2 you were going to call him to ask if you could use

3 it for free anyway?

4 A. Nope, I wasn't. I never going to ask him

5 for free. I was -- like I was thinking to do the

6 same way they did it in Ohio with the other

7 contractor.

8 Q. Okay.

9 By the way, with that other job with the

10 Ohio contractor, what was -- what kind of money had

11 to be --

12 A. I don't know. That's company things.

13 Q. Okay.

14 Well, what kind of money were you prepared

15 to offer Safe Environment for this license?

16 A. I was thinking maybe \$5,000.

17 Q. Okay.

18 And how did you come up with that figure?

19 A. Because I was thinking that profit can be

20 maybe \$15,000 and I gave whoever let me use the

21 license \$5,000 and we can split \$5,000 each John

22 Vadas.

23 Q. But you think that maybe he didn't

24 understand what you were talking about?

1 A. I'm not sure. I'm not sure he understand

2 or he didn't understand. I'm...

3 Q. Okay. Well, you bring that up.

4 A. Because -- yeah. Because maybe, maybe

5 understand, maybe not. I don't know. Because the

6 only -- the reason I figured out is because it was

7 a phone conversation. It was four years ago.

8 Q. When you got off the phone with him,

9 though, you thought there was a chance that maybe

10 he didn't understand, correct?

11 A. I don't even think about it.

12 Q. Okay.

13 You weren't concerned with that?

14 A. No.

15 Q. So you went to the office and you spoke

16 with Matt and you said Tony said I can have the

17 license for Ohio, please give it to me.

18 What did he do?

19 A. Who?

20 Q. Matt.

21 A. He make a copy and gave it to me.

22 Q. And how did that happen? What did he do?

23 Did he go to a filing cabinet? Did he go and talk

24 to Tony? How did that happen?

1 A. Well, he -- I don't know -- I don't

2 know where the license was. He make a copy and

3 gave it to me.

4 Q. Did he do that in front of you or did he

5 do it in a back room, what?

6 A. I remember he was making copy but I don't

7 know -- he gave it to me but I don't know.

8 Q. Do you know where he got the license from?

9 A. No.

10 Q. Had you ever been in the office before?

11 A. So many times.

12 Q. You know that there's a board in there

13 with the licenses all over the board, right?

14 A. Yes.

15 Q. Okay.

16 Is that where Chris went to get the

17 license?

18 A. I don't know.

19 Q. You didn't watch?

20 A. No. I didn't see it.

21 Q. What were you doing that you couldn't see

22 that?

23 A. Maybe I was talking with the other

24 secretary or I don't know.

1 Q. You don't remember, though?

2 A. No.

3 Q. But how is it that you remember what you

4 said to Matt and what he did?

5 A. Because common sense. I just asked -- I

6 just asked him for a favor, give me the license,

7 Tony gave me permission. But details like where I

8 was sitting, where I was -- what I was doing

9 exactly in that moment, it's hard to remember.

10 Q. Well, my question to you is why is it not

11 hard to remember about your conversation with Matt

12 and the fact that he gave you a license but you

13 can't remember anything else about that?

14 A. Because I can be sitting over here and you

15 ask how, where he was looking in four years, you

16 won't be able. I wouldn't be able. I don't know.

17 Maybe you because you're a smart guy but I don't.

18 Q. But you do remember that maybe Tony didn't

19 understand you?

20 A. No. No. I don't remember. That's not a

21 thing to remember. It's something you can figure

22 out. After four years and this situation, maybe he

23 didn't understand. Maybe. Now maybe he didn't

24 understand but after he got involved with this

1 thing.

2 Q. Did you ever put anything in writing to

3 Tony about this?

4 A. No.

5 Q. Now, see if you remember this, when you

6 were getting a copy of the license from Matt, which

7 you don't know where he got it from but you do know

8 that there's a board with all the licenses --

9 A. Yes.

10 Q. -- right in front of you, do you remember

11 asking to speak to Tony to thank him for this?

12 A. I did ask --

13 Q. Do you remember doing that?

14 A. Nope.

15 Q. Did you do that?

16 A. No, I didn't. I didn't call Tony.

17 Q. Why not?

18 A. Because I was -- after I get everything

19 done because I'm 100 percent the job is going to be

20 done with no problem. After everything is done,

21 everything is over, go and thank you, thank you

22 very much, my friend, a good favor.

23 Q. So you were going to thank him afterwards?

24 A. Yes. I mean, I did it when I -- he gave

1 me the permission I did it but it's not like I was

2 thinking to give like in front thank you, my

3 friend, shaking hands.

4 Q. So you didn't even -- you didn't -- when

5 you went to the office, you could have asked for

6 Tony who would have been there?

7 A. No, he wasn't there.

8 Q. How do you know that?

9 A. Because I call him -- I call -- I was

10 calling him for something else right at that

11 moment. Oh, I think it was for -- calling him to

12 tell him Chris, something like that but I was

13 calling him and his call was for voicemail or

14 something.

15 Q. And did you call Tony to get permission

16 for the license when he was at work or at home?

17 A. Tony, who? Tony -- where Tony was or --

18 Q. Right.

19 A. -- was the question?

20 Q. Right.

21 A. I don't know. It was over the phone.

22 Q. Well, did you have his home -- his home

23 number?

24 A. Yes, I had it but I did it from the cell

1 phone, his cell phone. I never call him to home

2 phone number. I always call him to cell phone.

3 Q. So you called him on his cell phone?

4 A. Yes.

5 Q. Okay.

6 And what phone did you use to make that

7 call to Tony?

8 A. My personal phone.

9 Q. Is that the one that you still have?

10 A. The phone you been calling me, it's not in

11 service anymore.

12 Q. But my --

13 A. You left a message on my phone. You was

14 calling -- you left -- you was calling me at the

15 773 phone number. I got the message another phone.

16 Q. I mean, the call -- the phone that you

17 used to call Tony, which phone was that?

18 A. (773) 544-4848.

19 Q. What is that number?

20 A. (773) 544-4848.

21 Q. So if we were to get the cell phone

22 records for that phone -- which you don't use

23 anymore?

24 A. Uh-huh.



1 Q. It will show a phone call from you to Safe  
 2 Environment at some point in August 2007?  
 3 A. To Tony. To Tony's phone.  
 4 Q. Tony's cell phone?  
 5 A. Yes, 100 percent.  
 6 Q. And how long will phone be -- how long  
 7 will that phone call be?  
 8 A. Which phone call, the one when I asked for  
 9 the license or the one when I was around the  
 10 office?  
 11 Q. Well, you didn't--  
 12 A. Which phone call?  
 13 Q. I don't-- I didn't know about this one  
 14 around the office.  
 15 A. Yes. I remember I call him around before  
 16 I get to the office, I call him from there and the  
 17 call went directly to the voicemail.  
 18 Q. So that would be a short call?  
 19 A. Yes.  
 20 Q. But what about the call where you called  
 21 and asked for the license and offered to pay him?  
 22 A. Yes, it's in the record.  
 23 Q. How long will that call last?  
 24 A. Maybe two minutes. Maybe.

1 Q. Two minute?  
 2 A. Maybe.  
 3 Q. So in a two-minute phone call, you  
 4 received your authorization to use Safe  
 5 Environment's license?  
 6 A. Yes.  
 7 Q. Okay.  
 8 What about Safe Environmental's employees,  
 9 the laborers?  
 10 A. Yes. What about it?  
 11 Q. Were you authorized to use them?  
 12 A. They don't belong to Safe. They work  
 13 anywhere else.  
 14 Q. Okay.  
 15 Were you using them under employment by  
 16 Asbestek?  
 17 A. Yes.  
 18 Q. Okay.  
 19 So they had -- for their work at Cleveland  
 20 Trencher, they had nothing to do with Safe  
 21 Environment?  
 22 A. No.  
 23 Q. Okay.  
 24 Do you remember the names of any of those

1 laborers?  
 2 A. A couple of them.  
 3 Q. Okay.  
 4 Can you tell us some of those names?  
 5 A. Leonel is one of the ones.  
 6 Q. Can you spell -- can you spell?  
 7 A. L-E-O-N-E-L.  
 8 Q. Okay.  
 9 A. I got his papers. I don't remember the  
 10 rest.  
 11 Q. Okay.  
 12 If I said some of those names, would you  
 13 remember?  
 14 A. Ch, yes.  
 15 Q. I will say some of these names and you can  
 16 say if you remember if they were some of the  
 17 people, Marlin Cordero?  
 18 A. Yes.  
 19 Q. Behingno, B-E-N-I-N-G-N-O --  
 20 A. Yes.  
 21 Q. -- Alvarado?  
 22 And then Leonel Maza?  
 23 A. Yes.  
 24 Q. Clemente Alvarez?

1 A. Yes.  
 2 Q. Ovidio, O-V-I-D-I-O --  
 3 A. Yes.  
 4 Q. -- Lopez?  
 5 A. Yes.  
 6 Q. Juan Amaya?  
 7 A. Yes.  
 8 Q. Any relation?  
 9 A. Yes.  
 10 Q. Who's that?  
 11 A. My brother.  
 12 Q. How old is Juan?  
 13 A. About 30, I think.  
 14 Q. Where is Juan these days?  
 15 A. He's working somewhere.  
 16 Q. What kind of work does he do?  
 17 A. Asbestos removal.  
 18 Q. Does he do any work for Asbestek right  
 19 now?  
 20 A. No. Asbestek is out of business.  
 21 Q. Other than Cleveland Trencher, did he ever  
 22 do any work for Asbestek?  
 23 A. Yes. He went over there to do the phase  
 24 one.

1 Q. Other than that, other than Cleveland  
 2 Trencher, did he ever do any other work for —  
 3 A. No.  
 4 Q. — Asbestek?  
 5 A. No.  
 6 Q. Did you have sort of a side business where  
 7 you would locate asbestos laborers and pair them up  
 8 with companies who were looking for work?  
 9 A. Ch, not Asbestek. Different.  
 10 Q. Okay.  
 11 Is that a yes?  
 12 A. Yes.  
 13 Q. Tell us how that business worked?  
 14 A. Now it's no business anymore.  
 15 Q. How did it used to work?  
 16 A. Yeah, that's — it's a temporary service.  
 17 Q. Okay.  
 18 A. Which is environmental contractors, they  
 19 got a project, they need laborers and I find the  
 20 laborers and I provide with them — to them with —  
 21 when they need it.  
 22 Q. And did you get paid for that?  
 23 A. Yes.  
 24 Q. Okay.

1 Did you do that in 2007?  
 2 A. Yes. 2007?  
 3 Q. That was the year of Cleveland Trencher.  
 4 A. I don't think so, no.  
 5 Q. 2008?  
 6 A. Nope. That's — way after, about two,  
 7 three years later.  
 8 Q. So after Cleveland Trencher?  
 9 A. Yes.  
 10 Q. So recently you've been doing this?  
 11 A. What?  
 12 Q. This service, this temp service.  
 13 A. I did it after because after this Trencher  
 14 in Cleveland happened, I didn't have any work and I  
 15 have to find a way to make — survive and I opened  
 16 this little company and start offer the service to  
 17 the different environmental companies.  
 18 Q. What was the name of this company?  
 19 A. The same A-S-B, tek, T-E-K.  
 20 Q. Asbestek?  
 21 A. Almost the same. No, two letters less.  
 22 Do you want me to write it for you?  
 23 A-S-B-T-E-K.  
 24 Q. Asblek?

1 A. Yes.  
 2 Q. Why did you give it that name?  
 3 A. I don't know. Because it's related with  
 4 asbestos. That's why.  
 5 Q. Okay.  
 6 So you went to the office at Safe  
 7 Environmental and you spoke with Matt.  
 8 And you said there was another woman  
 9 secretary there?  
 10 A. Yes.  
 11 Q. Okay.  
 12 Do you know what her name was?  
 13 A. Stacy.  
 14 Q. Stacy, she's one that you remember, right?  
 15 A. Yes.  
 16 Q. Did you speak with her at that time?  
 17 A. I don't know. Maybe yes because I go —  
 18 like when I go — I did go over there, I say hi to  
 19 everybody.  
 20 Q. Okay.  
 21 So Matt gave you a copy of the license?  
 22 A. Yes.  
 23 Q. You didn't ask to speak with Tony?  
 24 A. No.

1 Q. You said you didn't think Tony was there  
 2 anyway because his call went right to voicemail?  
 3 A. Yes.  
 4 Q. Even though that was a cell phone, not the  
 5 company phone?  
 6 A. It was cell phone, yes.  
 7 Q. Did you ask Matt if Tony was in?  
 8 A. Nope.  
 9 Q. Do you know why you didn't?  
 10 A. Nope.  
 11 Q. Would you agree that this is a pretty big  
 12 thing that Tony just did for you?  
 13 A. Yes.  
 14 Q. Do you think that it would have been  
 15 proper to probably ask for Tony when you showed up  
 16 there?  
 17 A. Maybe.  
 18 Q. Isn't it true that Tony had no idea about  
 19 this?  
 20 A. What the question again?  
 21 Q. Isn't it true that Tony had no idea about  
 22 your work at Cleveland Trencher?  
 23 A. No, that's not true.  
 24 Q. It's not true?

- 1 A. (Witness indicating).
- 2 Q. But it's possible he didn't hear what you
- 3 said to him?
- 4 A. It's possible.
- 5 Q. Okay.
- 6 So after you received this license, what
- 7 did you do? You were in Indiana. You received
- 8 this license from Matt. What you --
- 9 A. I took the -- I took the copy he gave me
- 10 and I gave it to John Vadas.
- 11 Q. Okay.
- 12 How did you get it to John Vadas?
- 13 A. I don't know how I did it but it wasn't by
- 14 e-mail, it wasn't by -- it was in person but I -- I
- 15 don't remember right now if I went to his house or
- 16 he went to the -- called the office.
- 17 Q. Well, where was he? Was he in Ohio or
- 18 Indiana?
- 19 A. Indiana.
- 20 Q. When did he come back from Ohio to get to
- 21 Indiana?
- 22 A. After the job was done.
- 23 Q. Phase one?
- 24 A. Phase one, yes.

- 1 Q. Why did he come back to Indiana?
- 2 A. I don't think -- I think without the
- 3 notification, there's nothing can be doing over
- 4 there except personal things.
- 5 Q. Do you remember when phase one ended in
- 6 comparison to when you had your conversation with
- 7 Tony?
- 8 A. No.
- 9 Q. Do you know approximately?
- 10 A. Maybe three, four days.
- 11 Q. Okay.
- 12 What happened first, did phase one end,
- 13 then it was three days, then you talked to Tony?
- 14 A. Yes.
- 15 Q. Okay.
- 16 You recall you and I talking about this
- 17 situation, do you not, on the phone?
- 18 A. What?
- 19 Q. Do you remember talking to me on the
- 20 phone?
- 21 A. Talking to you, yes.
- 22 Q. Yes.
- 23 Do you remember telling me that you were
- 24 in Cleveland when you called Tony?

- 1 A. Nope.
- 2 Q. You don't remember that?
- 3 A. Nope. I never said that, 100 percent.
- 4 Q. So after you got a copy of this license,
- 5 you went to see John, correct?
- 6 A. Yes.
- 7 Q. Or you -- you somehow get the license to
- 8 him?
- 9 A. Yes.
- 10 Q. And what did he do with it?
- 11 A. He prepared the notification paper and
- 12 sent it to Ohio Health Department.
- 13 Q. All right.
- 14 Did you approve that notification paper?
- 15 A. Nope.
- 16 Q. Did you ask him to see it?
- 17 A. Nope.
- 18 Q. Why not?
- 19 A. Because I trust him.
- 20 Q. Okay.
- 21 Do you know who the person from Safe
- 22 Environment was who was listed who authorized the
- 23 license use from Safe Environment?
- 24 A. No.

- 1 Q. Do you know if it was Carlos Bonilla?
- 2 A. What the question?
- 3 Q. Do you know if that person was Carlos
- 4 Bonilla?
- 5 A. No. The question, the first question.
- 6 Q. I'm asking you do you know if that person
- 7 who was listed as the contact person at Safe
- 8 Environment on the notification was Carlos Bonilla?
- 9 A. No. Carlos Bonilla -- according with the
- 10 Ohio Health Department, to submit a notification,
- 11 he has to know the name of one of the persons with
- 12 a valid supervisor license. Without -- without
- 13 somebody with a valid supervisor license, there's
- 14 no way to submit the notification.
- 15 Q. Who better than you?
- 16 A. Because I didn't have the license right at
- 17 that moment.
- 18 Q. Which license?
- 19 A. Asbestos supervisor license.
- 20 Q. In Ohio?
- 21 A. Yes.
- 22 Q. And Carlos had one --
- 23 A. Yes.
- 24 Q. -- didn't he?

1 Okay.

2 Did Carlos come and work at Cleveland

3 Trencher?

4 A. Nope.

5 Q. When did Carlos authorize his license, his

6 supervisor's license in Ohio to be used?

7 A. I can't remember.

8 Q. Why didn't you just get Tony Paganelli's

9 Ohio supervisor license?

10 A. I don't know. I don't know why. I didn't

11 ask him for that.

12 Q. That would have made sense, right?

13 A. Yes.

14 Q. I mean, he gave you something as great as

15 the contractor's license for Ohio.

16 A. Yes.

17 Q. He could have at least also given you the

18 supervisor's license, right?

19 A. Yes.

20 Q. And you could have asked him for that

21 because you --

22 A. I don't even ask him for -- I don't even

23 know he has a supervisor license for Ohio.

24 Q. Well, that's a small thing compared to the

1 contractor's license, right?

2 A. Yes. I don't even know because he don't

3 have to have a supervisor license.

4 Q. But maybe he did?

5 A. Maybe.

6 Q. Did you think to ask him?

7 A. Nope.

8 Q. Why not? Why did you go to Carlos

9 Bonilla?

10 A. Because Carlos Bonilla was my friend.

11 Q. But so was Tony.

12 A. Yeah, but the thing is I don't even

13 know -- I knew 100 percent Carlos Bonilla had a

14 license because he was my friend. And I don't even

15 know, I don't even ask Tony if he got a license. I

16 don't even know if he got a license.

17 Q. So you had a conversation with Carlos

18 Bonilla?

19 A. Yes.

20 Q. When was that?

21 A. Around that time. I don't have a specific

22 day, specific time but I -- I remember when I ask

23 him personally to be -- to -- if he help me to get

24 the notification with his name. He gave me a copy

1 of his license. Actually, he told me to -- to use

2 his license and I need to send copy over there.

3 And I -- Chris gave me a copy of his license.

4 Q. So Chris also gave you a copy --

5 A. Yes.

6 Q. -- of Carlos's --

7 A. Yes.

8 Q. -- information?

9 A. Yes.

10 Q. Okay.

11 Do you remember when you and I spoke and I

12 asked you about Carlos Bonilla and you said he had

13 absolutely nothing to do with it? Do you remember

14 saying that?

15 A. Yes.

16 MR. KRAMER: Objection.

17 THE WITNESS: Yes. But talking about -- the

18 question is -- the way you ask the question because

19 you was asking me if he was working over there.

20 That was the question.

21 BY MR. THOMAS:

22 Q. Carlos Bonilla is pretty important in

23 this, right?

24 A. For the notification only.

1 Q. And you can't do the work without the

2 notification, right?

3 A. No.

4 Q. So it wouldn't matter what Tony gave you,

5 you still needed that notification?

6 A. Yes.

7 Q. Okay.

8 Did you have conversations with John Vadas

9 about the notification papers -- excuse me --

10 paper?

11 A. I can't remember right now.

12 Q. Well, you would have to have because

13 you --

14 A. Maybe but --

15 Q. -- would instruct him to fill it out,

16 right?

17 A. Yeah, I have to.

18 Q. So what did you tell John Vadas to write

19 on the notification paper?

20 A. I have to have -- I have to talk something

21 with him. The only problem is it's hard to

22 remember right now after four years what exactly I

23 told him or what he told me right at the moment.

24 Q. Okay.

1 But you did have a conversation with him?

2 A. Maybe. Maybe not. I don't know.

3 Q. Well, if you didn't, how would the

4 notification paper get filled out?

5 A. It makes sense. It makes sense I had to

6 talk to him. The point is I can't remember what I

7 talked to him.

8 Q. Okay.

9 Well, I have some exhibits here that I'd

10 like to show you.

11 (Whereupon, Amaya Deposition

12 Exhibit No. 6 was marked for

13 identification.)

14 BY MR. THOMAS:

15 Q. I'll start with Exhibit Amaya 6. Do you

16 recognize that? Take a moment to look at it. Take

17 whatever time you need, please.

18 A. Yes.

19 Q. Do you recognize that?

20 A. Yes.

21 Q. Okay.

22 And what is that single piece of paper?

23 What is that document?

24 A. Yes, it's the notification.

1 Q. Okay.

2 And that's the notification that would

3 require —

4 A. Yes.

5 Q. — somebody to have an Ohio supervisory

6 license, correct?

7 A. Yes.

8 Q. And who is listed as the person with the

9 supervisor's license?

10 A. I don't see it over here.

11 Q. Well, it would be in line eight.

12 A. Line eight, nobody.

13 Q. Nobody.

14 Nobody's listed, right?

15 A. Yes.

16 Q. Okay.

17 Who is listed as the contact person?

18 A. Tony Paganelli.

19 Q. Okay.

20 And that's on line — that's the bottom of

21 line seven, correct? So there's a section seven

22 identifies the license number AC1922, correct?

23 A. What?

24 Q. See section seven here? There's no —

1 excuse me.

2 There's no license number, correct?

3 A. No.

4 Q. But there is right after that the

5 abatement contractor.

6 And who is the abatement contractor?

7 A. Safe Environmental.

8 Q. Okay.

9 And the contact person is whom?

10 A. Tony Paganelli.

11 Q. It actually says Anthony Paganelli,

12 correct?

13 A. Yes.

14 Q. On the very last line or — yes, the very

15 last line, section 14, is the name of the person

16 filing this notice?

17 A. Yes.

18 Q. And who's that person?

19 A. Anthony Paganelli.

20 Q. Okay.

21 And what's the date?

22 A. 08-31-07.

23 Q. Okay.

24 So that would be August 31, 2007, correct?

1 A. Yes.

2 Q. Okay.

3 Now, do you recognize this document? Have

4 you seen this before?

5 A. I don't know. I can't remember.

6 Q. Okay.

7 Would you be surprised to learn that you

8 provided that to Safe Environment in the course of

9 this litigation?

10 A. I provide it to them?

11 Q. Yes.

12 A. This?

13 Q. Yes.

14 A. How I did it?

15 Q. Well, do you see at the bottom right-hand

16 page, it has something that we call a Bate's number

17 and it says Asbestos Document 27.

18 A. Yes.

19 Q. So I'm asking you if you would be

20 surprised to learn that that came from Asbestos as

21 part of this litigation?

22 A. Yes, I'm surprised.

23 Q. Okay.

24 Did you fill that form out?

1 A. No, I didn't.  
 2 Q. Who did?  
 3 A. John Vadas.  
 4 Q. How do you know?  
 5 A. Because he's the one filling out the  
 6 notification.  
 7 Q. Okay.  
 8 How did John know that that was his job?  
 9 A. I asked him to do it.  
 10 Q. Okay.  
 11 Now, do -- you remember that now, correct?  
 12 A. Yes.  
 13 Q. Okay.  
 14 And, in fact, you would have to have  
 15 provided him the results of your conversation with  
 16 Anthony Paganelli so he would know to do that,  
 17 correct?  
 18 A. Yes.  
 19 Q. Okay.  
 20 Now, there is -- there are two things  
 21 missing from this form, correct? There's the  
 22 license number for Safe Environment, that's  
 23 missing, correct?  
 24 A. Yes.

1 Q. Why would you -- why would that be  
 2 missing?  
 3 A. Maybe he sent copy attachment with the  
 4 notification.  
 5 Q. What does that mean?  
 6 A. A copy of the license maybe. I don't  
 7 know.  
 8 Q. Okay.  
 9 So in other words, he just not fill that  
 10 out and attached it as a copy?  
 11 A. Yes. Maybe. Maybe.  
 12 Q. And then the person from the Health  
 13 Department in Ohio would see that that was missing  
 14 and then see the license number --  
 15 A. Yes.  
 16 Q. -- on the next page?  
 17 A. Yes.  
 18 Q. Okay.  
 19 That would be an acceptable approach to  
 20 you?  
 21 A. Yes.  
 22 Q. Okay.  
 23 Also, we have missing in line eight the  
 24 certification number and the certification of the

1 asbestos supervisor, correct?  
 2 A. Yes.  
 3 Q. And that's the specialist, right?  
 4 A. Yes.  
 5 Q. Okay.  
 6 What name should have gone in that spot?  
 7 A. What name should be there?  
 8 Q. Yes.  
 9 A. Carlos Bonilla's name.  
 10 Q. Why?  
 11 A. Because he let me -- I asked him to apply  
 12 for the notification with his license.  
 13 Q. You asked Carlos that?  
 14 A. Yes.  
 15 Q. Okay.  
 16 Now, do you agree that this form -- that  
 17 the Health Department requires this form because  
 18 they want to know, for example in number eight, who  
 19 the specialist of the project's going to be?  
 20 A. Yes.  
 21 Q. Okay.  
 22 So it would be --  
 23 A. Where you get this?  
 24 Q. Well, the thing is I'm asking the

1 questions but I've told you this came from you,  
 2 okay.  
 3 A. But maybe -- because the thing, the  
 4 original, if you got it from the Health Department  
 5 is the original.  
 6 Q. I didn't get it from the Health  
 7 Department. You provided this in discovery and I'm  
 8 asking you about it.  
 9 A. Okay.  
 10 Q. But -- so what you're saying is that the  
 11 person in number eight should be Carlos Bonilla?  
 12 A. Yes.  
 13 Q. But you also agree that whoever's name  
 14 goes there is somebody who should be working at the  
 15 site as a specialist?  
 16 A. No.  
 17 Q. No?  
 18 A. They don't have to. The -- you can get  
 19 the notification and the person going to be on the  
 20 notification not exactly have to be the site  
 21 supervisor.  
 22 Q. What does that person have to be?  
 23 A. Anybody with a supervisor license after  
 24 you get the notification.

1 Q. So your understanding of the way the Ohio  
2 Department of Health wants this form filled out is  
3 that they don't care if you just throw anybody's  
4 name down here if they have a valid license,  
5 correct?  
6 A. Yes. He has to be a person with a valid  
7 license.  
8 Q. So you could put your best friend down  
9 here —  
10 A. Yes.  
11 Q. — if that person has a good license —  
12 A. Yes.  
13 Q. — but they don't have to have anything to  
14 do with the project, right?  
15 A. No.  
16 Q. Where did you learn that? Where did you  
17 learn that that was an acceptable way to fill out  
18 one of these forms?  
19 A. I think I learn it with Safe because a lot  
20 of notifications are with somebody else name and I  
21 was running the project.  
22 Q. So you're saying Safe Environmental taught  
23 you that you could put anybody's name down on the  
24 form?

1 A. No. No. No. No. No. That I'm saying  
2 when I was supervisor for Safe Environmental and  
3 the notification was sometimes Rick Lovelace,  
4 sometimes Tony Paganelli but never — they never  
5 show up at the job site and I the one run the job.  
6 I the person was in charge of the job because the  
7 job — but the person who was on the paper is  
8 somebody else.  
9 Q. So, once again, you're saying that  
10 Carlos's name should be there —  
11 A. Yes.  
12 Q. — because he gave you permission?  
13 A. Yes.  
14 Q. But it didn't matter that he had nothing  
15 to do with the Nationwide contract?  
16 A. Nope.  
17 Q. And it didn't matter that he was not going  
18 to be employed there?  
19 A. No.  
20 Q. And it didn't matter that he had no  
21 connection to this project at all?  
22 A. Nope.  
23 Q. That you were just going to put his name  
24 down?

1 A. Yes.  
2 Q. And that that would be acceptable for Ohio  
3 Department of Health in order to prove —  
4 A. Yes.  
5 Q. — your license?  
6 A. Yes.  
7 Q. Okay.  
8 A. The notification.  
9 Q. Notification.  
10 What would be the difference between you  
11 just making a name up and putting it in that spot  
12 with a fake license number? Wouldn't that be about  
13 the same thing?  
14 A. Do you — I don't think they going to give  
15 you the license because they going to check by the  
16 license number.  
17 Q. Okay.  
18 A. If it's not legal, I don't think they  
19 going...  
20 Q. So it's all about tricking that  
21 department, isn't it?  
22 A. I don't know about that.  
23 Q. Well, wouldn't that amount to putting  
24 anybody's name down there if they have nothing to

1 do with the project?  
2 A. It's one of the requirements and I don't  
3 know.  
4 Q. So the difference between putting a fake  
5 license number down here that would not get  
6 approved because they would check it and putting  
7 down a license that would be approved is that as  
8 long as the person checking this confirms that the  
9 license is valid, you've done your job?  
10 A. Yes. I mean, with the notification.  
11 Q. With the notification?  
12 A. Yes.  
13 Q. Okay.  
14 (Whereupon, Amaya Deposition  
15 Exhibit No. 7 was marked for  
16 identification.)  
17 BY MR. THOMAS:  
18 Q. I now have what I've marked State's  
19 Exhibit 7 — sorry — Amaya Exhibit 7.  
20 And if you take a look at that for a  
21 moment and take your time and let us know what that  
22 is?  
23 A. It's a notification.  
24 Q. Okay.

1 Similar to six, correct?  
 2 A. Yes.  
 3 Q. Okay.  
 4 And what's different about this  
 5 notification -- first of all --  
 6 A. Contact person.  
 7 Q. Let me -- hold on one moment, please.  
 8 Just going back to Amaya Exhibit 6, this  
 9 is a form that was filled out for notification in  
 10 preparation of the Cleveland Trencher --  
 11 A. Yes.  
 12 Q. -- work, correct?  
 13 A. Yes.  
 14 Q. That was related to the contract with  
 15 Nationwide Demolition --  
 16 A. Yes.  
 17 Q. -- correct?  
 18 A. Yes.  
 19 Q. Is it fair to say that Amaya Exhibit 7 is  
 20 the same thing?  
 21 A. No, it's not the same thing because I got  
 22 different --  
 23 Q. Excuse me.  
 24 Same form?

1 A. Yes, the same form, yes.  
 2 Q. For the same purpose?  
 3 A. Yes.  
 4 Q. For the same contract?  
 5 A. Yes.  
 6 Q. Now, what's different about this form?  
 7 Here.  
 8 A. Over here, you got a contact -- no -- let  
 9 me see. Contact person is John Vadas.  
 10 Q. Who was it on the State -- I'm sorry --  
 11 Amaya's Exhibit 6?  
 12 A. Six, Tony Paganelli. Anthony Paganelli.  
 13 Q. Why did the contact person change from  
 14 Anthony Paganelli to John Vadas?  
 15 A. I think maybe this doesn't exist. The  
 16 only -- I think maybe that -- the one exists is  
 17 this one.  
 18 Q. Well, that may be true but here -- and I  
 19 want you to look at these.  
 20 A. Yes.  
 21 Q. What I'd like to know is why did the  
 22 contact person, Anthony Paganelli, which would have  
 23 been consistent with your story about --  
 24 A. Yes. Yes.

1 Q. -- receiving or -- receiving authority to  
 2 use the license --  
 3 A. Yes.  
 4 Q. -- why would that have changed from  
 5 Anthony Paganelli to John Vadas?  
 6 A. The thing is maybe this is -- this is --  
 7 this paper doesn't exist. Maybe this the only one  
 8 exists because it makes sense. John Vadas create  
 9 the paper and he going to be the contact person, he  
 10 say why ain't going to put himself the  
 11 notification.  
 12 Q. Well --  
 13 A. Maybe. I don't know.  
 14 Q. Well, let -- let's agree that this is the  
 15 one that was filed --  
 16 A. Yes. Okay.  
 17 Q. -- number seven, okay?  
 18 A. Yes.  
 19 Q. So going back to these -- and you can keep  
 20 them on the table there.  
 21 You didn't fill out this form?  
 22 A. Nope.  
 23 Q. So John Vadas would have to have filled it  
 24 out?

1 A. Yes.  
 2 Q. Because there were no other office workers,  
 3 for Asbestek --  
 4 A. No.  
 5 Q. -- right?  
 6 A. No.  
 7 Q. And none of the laborers were using  
 8 typewriters or --  
 9 A. No. No. No.  
 10 Q. -- right?  
 11 A. No.  
 12 Q. And there were no other officers?  
 13 A. No.  
 14 Q. So both of these would have to have been  
 15 filled out by Vadas, right?  
 16 A. Yes.  
 17 Q. Exhibit 6, if it's true that Anthony  
 18 Paganelli offered his license for free to you to  
 19 use, this would have been more accurate, right?  
 20 A. Yes.  
 21 Q. Because the contact person is Antony  
 22 Paganelli?  
 23 A. Not really because see, the inspector  
 24 call, okay, I'm the -- at the job site right now,



1 who they going -- they going to call Tony or they  
 2 going to call John Vadas? Who we want the  
 3 inspector call?  
 4 Q. Who do you -- who did you want the  
 5 inspector to call?  
 6 A. Either me or John Vadas.  
 7 Q. And why would it not have been a good idea  
 8 for the inspector to call Anthony Paganelli?  
 9 A. Because he's not a -- he's not related  
 10 with the job.  
 11 Q. At all, is he?  
 12 A. No.  
 13 Q. In fact, he didn't even offer his license,  
 14 did he?  
 15 A. Funny. No. Different because the thing  
 16 is -- the -- confuse me. You're smart.  
 17 MR. KRAMER: Take your time.  
 18 THE WITNESS: Yes, you're smart.  
 19 He let me use his license, I telling you  
 20 hundred times, 100 percent. The reason is his --  
 21 name came -- I mean, our name, either John Vadas or  
 22 my name, can be over here is because they need to  
 23 contact somebody who knows 100 percent about the  
 24 job. It's us, not him.

1 BY MR. THOMAS:  
 2 Q. And John Vadas would know that?  
 3 A. Yes.  
 4 Q. Then why would he put Paganelli as a  
 5 contact person?  
 6 A. And how I know he did this?  
 7 Q. Why would John Vadas put Paganelli?  
 8 A. But how I know he did this?  
 9 Q. Who else would do it?  
 10 A. I don't know. Because I no make sense.  
 11 He put this over here and he put his name over  
 12 here. It's no -- I mean, two different things.  
 13 Which is the one was approved by the State?  
 14 Q. I suppose that's the question for you.  
 15 And the question is didn't it make sense  
 16 to submit one with Vadas to avoid having the Ohio  
 17 Department of Health or the EPA contact  
 18 Paganelli --  
 19 A. Yes.  
 20 Q. -- because if they contacted Paganelli,  
 21 what would he say? I have no idea what you're  
 22 talking about, right?  
 23 A. No. Because if everything is fine, no  
 24 problem.

1 Q. And that was the plan the whole time,  
 2 right?  
 3 A. Uh-huh.  
 4 Q. If you could slip this whole job through  
 5 without anybody checking it, no one would be the  
 6 wiser, right?  
 7 A. Yes.  
 8 Q. And you and John Vadas would make your  
 9 \$50,000 right? And Paganelli --  
 10 A. \$15,000.  
 11 Q. \$15,000.  
 12 But it was supposed to be 50?  
 13 A. 50 for the whole job.  
 14 Q. 50 for the whole job.  
 15 So you'd make this 50 and if nobody ever  
 16 tested the samples or things didn't go wrong,  
 17 Paganelli would never know, would he?  
 18 A. About?  
 19 Q. About this job.  
 20 A. Why not? He knew it from the beginning.  
 21 Q. But wasn't that the reason that the name  
 22 was changed, why alert Paganelli --  
 23 A. Who changed the name?  
 24 Q. You tell me. These are your documents.

1 A. Do you see my signature somewhere over  
 2 here?  
 3 Q. Well, you were the president of Asbestek.  
 4 A. Yes, but how I know this is true paper,  
 5 really paper?  
 6 Q. Okay.  
 7 So you didn't fill this form out?  
 8 A. No.  
 9 Q. Do you know if John Vadas did?  
 10 A. Yes.  
 11 Q. He would have to, right?  
 12 A. Yes.  
 13 Q. Did he ever show it to you?  
 14 A. Nope.  
 15 Q. How about Exhibit 7, who filled that out?  
 16 A. John Vadas did everything.  
 17 Q. Okay.  
 18 So you didn't do this?  
 19 A. No.  
 20 Q. What do you notice on this about the --  
 21 line number eight as opposed -- on Exhibit 7, what  
 22 does line eight have that Exhibit 8 doesn't?  
 23 A. Carlos Bonilla.  
 24 Q. Okay.

1 Carlos Bonilla was there because you just  
 2 needed anybody's license to tell the Ohio  
 3 Department of Health --  
 4 A. Yes.  
 5 Q. -- that you were good, correct?  
 6 A. Yes.  
 7 Q. So even though it says specialist, you're  
 8 saying that that didn't matter, correct?  
 9 A. Yes.  
 10 Q. Okay. All right.  
 11 So in your notification to the Ohio  
 12 Department of Health -- because that was filed,  
 13 correct?  
 14 A. Yes.  
 15 Q. Asbestek through you and John Vadas  
 16 notified the Department that Safe Environmental was  
 17 the license holder?  
 18 A. Yes.  
 19 Q. And you say you got that authority from a  
 20 two-minute phone call with Anthony Paganelli,  
 21 correct?  
 22 A. Yes.  
 23 Q. And you say it's possible that Anthony  
 24 Paganelli didn't understand you?

1 A. It's possible, yes.  
 2 Q. Okay.  
 3 And you didn't use Safe Environmental's  
 4 laborers that were under their authority, correct?  
 5 They were your own people?  
 6 A. Yes. I mean, they work for Safe  
 7 Environmental. They work for different companies,  
 8 not just Safe. They work wherever is work.  
 9 Q. But -- but their work under this contract  
 10 was only with Asbestek?  
 11 A. Yes, only with Asbestek.  
 12 Q. Regardless of where they worked?  
 13 A. Yes.  
 14 Q. And you had nothing in writing from Safe  
 15 Environmental with respect to the authority from  
 16 them?  
 17 A. No.  
 18 Q. No e-mails?  
 19 A. Nope.  
 20 Q. No faxes?  
 21 A. Nope.  
 22 Q. No contracts?  
 23 A. No.  
 24 Q. No U.S. mail?

1 A. No.  
 2 Q. Nothing from Safe Environmental?  
 3 A. Nothing.  
 4 Q. Okay.  
 5 But there's a document that you submitted  
 6 to the Ohio Department of Public Health?  
 7 A. Yes.  
 8 Q. What about what you represented to  
 9 Nationwide? You had a written contract with  
 10 Nationwide?  
 11 A. Yes.  
 12 Q. Which was also a proposal, correct?  
 13 A. Yes.  
 14 Q. It served two purposes.  
 15 What other written documentation do you  
 16 have with Nationwide Demolition regarding Safe  
 17 Environment?  
 18 A. No -- no. I can't remember anything.  
 19 Q. Anything that you wrote?  
 20 A. No.  
 21 Q. Okay.  
 22 The notification that we've just discussed  
 23 about, Exhibit 7 --  
 24 A. Yes.

1 Q. -- which has John Vadas as the contact  
 2 person and Carlos Bonilla as the specialist --  
 3 A. Yes.  
 4 Q. -- was submitted and filed on August 31st.  
 5 Do you recall that?  
 6 A. Yes.  
 7 Q. Okay.  
 8 I have -- I'll withdraw that question for  
 9 the moment.  
 10 (Whereupon, Amaya Deposition  
 11 Exhibit No. 9 was marked for  
 12 identification.)  
 13 BY MR. THOMAS:  
 14 Q. I'm marking Exhibit 9, Amaya 9. I'd like  
 15 you to take a look at that. That document is a few  
 16 pages so take your time and let me know when you're  
 17 ready.  
 18 MR. THOMAS: Just for the record, I haven't  
 19 admitted an eight yet.  
 20 THE WITNESS: Yes.  
 21 BY MR. THOMAS:  
 22 Q. What is Exhibit 9?  
 23 A. It's the application for the workers'  
 24 compensation.

1 Q. What's that for?  
 2 A. For employees.  
 3 Q. Okay.  
 4 And why do you file this?  
 5 A. Why? Because I was -- I had workers  
 6 working over there.  
 7 Q. Well, my question is what's the purpose of  
 8 this? What does this do?  
 9 A. So any -- if any accident, laborers get in  
 10 any accident, they been covered by this.  
 11 Q. Okay.  
 12 And you filled this form out, correct?  
 13 A. Yes.  
 14 Q. Okay.  
 15 And you have the name of your company and  
 16 your address --  
 17 A. Yes.  
 18 Q. -- and your phone number?  
 19 A. Yes.  
 20 Q. And this is the number, 773 --  
 21 A. Yes.  
 22 Q. -- 5444?  
 23 A. It doesn't exist anymore but that was  
 24 mine.

1 Q. That was the number that you used,  
 2 incidentally, to call Tony?  
 3 A. Yes. Yes. Yes.  
 4 Q. And you indicate your incorporation date  
 5 of December 2006 --  
 6 A. Yes. Yes.  
 7 Q. -- which we know is consistent with --  
 8 A. Yes.  
 9 Q. -- the certification?  
 10 And it doesn't have a page number in this  
 11 document but the Bate's number down here is  
 12 Asbestek 36.  
 13 A. Yes.  
 14 Q. On this particular page, there are some  
 15 areas where explanation is required --  
 16 A. Yes.  
 17 Q. -- in the middle of the page.  
 18 Do you see that?  
 19 A. Uh-huh.  
 20 Q. And the first one, if I may take a look,  
 21 asks for a description of primary service --  
 22 A. Yes.  
 23 Q. -- correct?  
 24 And it says Asbestek removal operations --

1 A. Yes.  
 2 Q. -- asbestos contractor.  
 3 Who wrote that?  
 4 A. It wasn't me. To my -- maybe John Vadas.  
 5 Q. You think John Vadas may have written  
 6 that?  
 7 A. Maybe. I don't know.  
 8 Q. Okay.  
 9 Then there is a section below that asking  
 10 for a description of machinery and equipment,  
 11 correct?  
 12 A. Uh-huh.  
 13 Q. And there's an answer.  
 14 You see that answer?  
 15 A. Yes.  
 16 Q. Who wrote that?  
 17 A. It wasn't me.  
 18 Q. Okay.  
 19 A. Must be John Vadas. The only two.  
 20 Q. Okay.  
 21 Would you say that the handwriting for  
 22 that first answer and the handwriting for the  
 23 second answer are the same or is that --  
 24 A. It doesn't look like the same.

1 Q. It looks different, doesn't it?  
 2 A. Yes.  
 3 Q. In fact, there's a third answer, that  
 4 looks more like number one?  
 5 A. Yes.  
 6 Q. And did you write any of these?  
 7 A. Nope.  
 8 Q. Okay.  
 9 But you signed this form, correct?  
 10 A. Yes.  
 11 (Whereupon, Amaya Deposition  
 12 Exhibit No. 10 was marked for  
 13 identification.)  
 14 BY MR. THOMAS:  
 15 Q. Exhibit 10 is a two-page document.  
 16 Do you see that?  
 17 A. Yes.  
 18 Q. Would you take a moment and look at that.  
 19 Have you had a chance to look at that?  
 20 A. Yes.  
 21 Q. And what is that?  
 22 A. It's registration for do business with the  
 23 State of Ohio.  
 24 Q. And who filled this form out?

1 A. John Vadas.  
 2 Q. Okay.  
 3 And this is the application for your  
 4 license to the Secretary of State?  
 5 A. Yes.  
 6 Q. Right.  
 7 This is that number one we talked about?  
 8 A. Yes.  
 9 Q. Okay.  
 10 So that was completed — there's no date  
 11 on here, is that correct?  
 12 A. No.  
 13 Q. Okay.  
 14 Do you know whether or not this was  
 15 prepared for the Cleveland Trencher work?  
 16 A. It was prepared for it.  
 17 Q. Yes?  
 18 A. Yes.  
 19 Q. Okay.  
 20 (Whereupon, Amaya Deposition  
 21 Exhibit No. 11 was marked for  
 22 identification.)  
 23 BY MR. THOMAS:  
 24 Q. And did you have an insurance carrier for

1 Asbestek?  
 2 A. Back in that time?  
 3 Q. Yes.  
 4 A. Yes.  
 5 Q. Okay.  
 6 And who was your insurer?  
 7 A. I bought insurance through a broker. I  
 8 can't remember now who was the company.  
 9 Q. And did you get that insurance for the  
 10 purpose of the Cleveland Trencher work?  
 11 A. No.  
 12 Q. Okay.  
 13 A. To do any kind of work.  
 14 Q. Do you remember when you got that  
 15 insurance?  
 16 A. No.  
 17 Q. Did you do that through Insurance Brokers,  
 18 Limited?  
 19 A. Yes.  
 20 Q. Okay.  
 21 I'm handing you Amaya Exhibit 11. Would  
 22 you take a look at that.  
 23 Do you recognize that?  
 24 A. Yes.

1 Q. Okay.  
 2 That's a certificate of insurance, is it  
 3 not?  
 4 A. Yes.  
 5 Q. And when was that — what was the date of  
 6 that certificate?  
 7 A. 07 — 08-17-09.  
 8 Q. Okay.  
 9 So that's August 17, 200 — what year,  
 10 seven?  
 11 A. Seven.  
 12 Q. 2007.  
 13 And that was just around the time that you  
 14 were commencing phase one of Cleveland Trencher,  
 15 correct?  
 16 A. Yes.  
 17 Q. And you —  
 18 A. Maybe it's before because...  
 19 Q. Okay.  
 20 Not too much before because didn't you  
 21 testify that phase one took about a week and a  
 22 half?  
 23 A. Yes.  
 24 Q. And by the 31st, it was complete, right?

1 A. Yes.  
 2 Q. Because that was around the time that you  
 3 got authority from —  
 4 A. Yes.  
 5 Q. — Paganelli?  
 6 Okay.  
 7 So you name as additional insured in your  
 8 policy which company?  
 9 A. Nationwide Demolition.  
 10 Q. Okay.  
 11 And that was under your authority because  
 12 you had a contract, correct?  
 13 A. Yes.  
 14 Q. Okay.  
 15 Where on that certificate did you identify  
 16 Safe Environment?  
 17 A. Nowhere.  
 18 Q. Okay.  
 19 Why not?  
 20 A. Just — I didn't do any work for Safe  
 21 Environmental.  
 22 Q. So Cleveland Trencher had nothing to do  
 23 with Safe Environment, did it?  
 24 A. As far as work, no.