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	2
IN THE COURT OF COMMON PLEAS	
RICHLAND COUNTY, OHIO	
GENERAL DIVISION	
NATIONWIDE DEMOLITION) CASE NO. 2008 CV 2002	
SERVICES, LLC,) JUDGE JAMES D. HENSON	
Plaintiff,)	
vs.)	
ASBESTEK, INC., et al.,)	
Defendants.)	
vs.)	
TOMAS AMAYA, et al.,)	
Third Party Defendants.)	
The second videotaped discovery deposition of	
JOHN VADAS, taken in the above-entitled cause,	
before Liza Marie Regan, a notary public of Cook	
County, Illinois, on the 3rd day of September,	
2010, at the hour of 10:09 a.m. at 123 North Wacker	
Drive, Suite 1800, Chicago, Illinois, pursuant to	
Notice.	
Reported by: LIZA MARIE REGAN, CSR, RPR	
License No. 084-004277	

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â	APPEARANCES:		3	INDEX	
2	LAW OFFICES OF JEFFREY N. KRAMER,		2	WITNESS	EXAMINATION
3	BY: MR. JEFFREY N. KRAMER,		3	JOHN VADAS (Continued)	
4	24 West Third Street, Suite 300		4	By Mr. Thomas	287
5	Mansfield, Ohio 44902		5	Mr. Kramer	366
6	(419) 522-7474		6	Mr. Thomas (Further)	472
7	Representing the Plaintiff,		7	Mr. Kramer (Further)	488
8			8		
9	JANIK, L.L.P.,		9	EXHIBITS	
10	BY: MR. PATRICK J. THOMAS,		10	NUMBER	MARKED FOR ID
11	9200 South Hills Boulevard, Suite 300		11	Vadas Deposition Exhibit	
12	Cleveland, Ohio 44147		12	No. 1	288
13	(440) 838-7600		13	No. 2	300
4	Representing Safe Environmental		14	No. 3	307
	Corp.,				
5			15	No. 4	314
B			16	No. 5	322
17			17	No. 6	322
18	ALSO PRESENT:		18	No. 8	335
19	Mr. Rick Lovelace.		19	No. 9	335
20			20	No. 10	335
21			21	No. 11	335
22			22	No. 12	335
23			23	No. 12A	335
24			24	No. 13	335

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		285	286
1	EXHIBITS(C	Continued)	1 THE VIDEOGRAPHER: My name is Nick Harvey,
2	NUMBER	MARKED FOR ID	2 legal video specialist with McCorkle Court
3	Vadas Deposition Exhibit		3 Reporters located at 200 North LaSalle Street,
4	A	411	4 suite 300, Chicago, Illinois, 60601. I'm the
5	В	413	5 camera operator on September 3, 2010, for the
6	C	418	6 videotaping of the deposition of John Vadas being
7	D	420	7 taken at 123 North Wacker Drive, Chicago, Illinois,
8	E	426	8 at the time of 10:09 a.m. in the matter of
9	F	429	9 Nationwide Demolition Services, LLC, plaintiff,
10	G	431	10 versus Asbestek, Inc., et al., defendants, versus
11	н	432	11 Tomas Amaya, et al., third party defendants, filed
12	Ũ.	435	12 in the Court of Common Pleas, Richland County,
13	J	436	13 Ohio, General Division, case number 08 CV 2002,
14	к	437	14 Will counsel please identify themselves
15	Ľ	438	15 for the record beginning with plaintiffs counsel.
16	м	438	16 MR. KRAMER: Jeff Kramer, counsel for
17	N	440	17 Nationwide Demolition Services, LLC.
18	0	448	18 MR. THOMAS: Patrick Thomas, counsel for Safe
19	P	450	19 Environmental of Indiana.
20	Q	453	20 THE VIDEOGRAPHER: Will the court reporter
21	R	454	21 please identify herself and swear in the witness.
22			22 (Witness sworn.)
23			23 THE VIDEOGRAPHER: You may proceed.
24			24 MR. THOMAS: Thank you.
911	McCork	le Court Reporters, Inc.	McCorkle Court Reporters, Inc.

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1	JOHN VADAS,	1 the estimate was whited out or the estimate itself
2	called as a witness herein, having been first duly	2 was whited out?
3	sworn, was examined and testified as follows:	3 A. The portion that was faxed to me but
4	EXAMINATION (Continued)	4 the – the environmental report was a booklet. I
5	BY MR. THOMAS:	5 was only faxed two pages of that.
в	Q. Good morning, John.	8 Q. Okay.
7	A. Good morning,	7 (Whereupon, Vadas Deposition
8	Q. When we finished last time, we had gone	8 Exhibit No. 1 was marked for
9	through a series of facsimiles. And I want to	9 identification.)
10	change gears a little bit and ask you about the	10 BY MR. THOMAS:
11	environmental report that you testified about on	11 Q. I'm handing you what I've marked as Vadas
12	August 24th.	12 No. 1. That's a two-page document. I don't have
13	Do you recall that?	13 it stapled -
14	A. The environmental report? The ten-day	14 A. Yes.
15	notification?	15 Q. – at this point.
16	Q. No. The - the environmental report that	16 If you could take a look at that and see
17	you would have reviewed in order to assess what	17 if you recognize that?
18	kind of work asbestos - Asbestek would have to	18 A. Yes.
19	have done –	19 Q. Okay.
20	A. Okay.	20 Is that the the two-page report that
21	Q for remediation.	21 you received?
22	A. The Flynn environmental report?	22 A. Yes, it looks like it is. Yes.
23	Q. Correct.	23 Q. Okay.
24	Do you recall testifying that a portion of	And on page two, there are a number of

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1	cost breakdowns with a total figure of	1	better cost.	
2	approximately \$102,000 for an estimate for the	2	Q. Okay.	
3	asbestos abatement.	3	In your personal experience, is this the	
4	Do you see that?	4	first time that you have ever reviewed a proposal	
5	A. Yes.	5	and had the figures whited out?	
6	Q. Is that the portion that was whited out?	6	A. Well, this wasn't the reposal - proposal	
7	A. Yes.	7	I reviewed prior to talking to Mike about the job.	
8	Q. Okay.	8	This came afterwards. I was on site with Mike	
9	So you were unable to when you received	9	looking at the job before I seen this.	
10	that report review any of the figures; is that	10	Q. So is it fair to say that this is a report	
11	correct?	11	from Affiliated Environmental Services, correct?	
12	A. That's correct.	12	A. Yes.	
13	Q. Okay.	13	Q. And that's dated August 9, 2007?	
14	And is that sort of procedure standard in	14	A. Yes. That's, I believe, the date that	
15	the business?	15	they took the report, they did it or whatever.	
16	A. It's been done. It depends on who gets	16	Q. Do you remember when you reviewed this	
17	the report but certain parties of the company are	17	report?	
18	privy to the total figures and certain aren't. The	18	A. It was within a couple of days after I	
19	foremen run the jobs. It's not their business what	19	looked at the site.	
20	the total overall cost of the project is. They may	20	Q. Okay.	
21	just be given a certain man day number and that may	21	Before any work was done, correct?	
22	be exaggerated or falsified just so that they get	22	A. Yeah, of course.	
23	the job done quicker. It's a means to try to	23	Q. And before the contract and proposal were	
24	get – get the job done at – at a better – a	24	prepared -	

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1	A. Yes.	1	Q. And what report were you referring to when
2	Q correct?	2	you said that you had kept repeatedly asking them
3	A. Yes.	3	for this report?
4	Q. Okay.	4	A. Well, actually, I was asking for this
5	But is it fair that you also reviewed the	5	report and he also wanted me to look at a job in
в	larger report by Flynn Environmental?	6	Indianapolis and I was asking him for that report
7	A. I eventually got that larger report but	7	as well. I needed, you know, both, you know, to be
8	that just broke down into specifics total	8	able to have some idea of what what the project
9	quantities of ACM in - in this type of material,	9	manage – you know, they hired Flynn Environmental
10	in this type of material. It was a lot of	10	to do an environmental survey and I - I needed
11	information that wasn't necessary to put a price on	11	information.
12	that project.	12	Q. What I'd like to clarify, however, is that
13	Q. Okay.	13	when you were reviewing exhibit - it was Amaya
14	Do you recall last Tuesday you testified	14	Exhibit 15 - 14 - excuse me - my recollection is
15	when you were looking at the faxes that you kept	15	that you said that you kept saying to them we need
16	asking Nationwide for the report?	16	the report, we need the report and they weren't
17	A. Yes, I-I-I did ask Mike in person.	17	getting it to you.
18	He went to his truck and he didn't have it on site.	18	Are you referring to this report, Vadas
19	He says he must have left it at the other site or	19	No. 1, or a report for another job site?
20	with Chuck. He'll get it to me. And then I also	20	A. This report.
21	asked Molly for it. And then he did eventually get	21	Q: Okay.
22	it to me but I think he had another project going	22	A. Yeah, I needed the report and that's
23	at the same time and he was shifting paperwork	23	they did get it to me.
24	between the two.	24	Q. Okay.

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	2	3	25
1	And they got it to you before you were	1	the contract.
2	able to prepare the proposal which also became the	2	Q. Okay.
3	contract; is that correct?	3	What - what I'd like to clarify is is it
4	A. They got it to me then or shortly after.	4.	possible that you prepared the proposal prior to
5	I can't remember. I don't recall exactly when it	5	having this in your hand or having reviewed Vadas
6	took place because we had pretty much agreed on	6	No. 1?
7	what I saw was, basically, without going over it	7	A. That's possible but I would not have
8	and spending two days doing takeoffs and	8	prepared the ten-day without the report.
9	everything. I went by the square footages that he	9	Q. Okay.
10	had and - and he told me what he needed done and	10	But the proposal and the contract, you may
11	I, basically, put together my estimate based on	11	have, correct?
12	what I was looking at and he told me if - if it	12	A. That's possible.
13	was more or less or anything, any change orders	13	Q. All right.
14	that may come up, he would, obviously, honor that,	14	And that's Amaya Exhibit 5; is that
15	He wouldn't let me get hurt. He would take care of	15	correct?
16	it.	18	A. Yes.
17	Q. So are you recalling now, if you do, that	17	Q. Okay.
18	your proposal which became the contract was	18	And that -
19	prepared prior to receipt of this Affiliated whited	19	A. Well, wait a minute. Wait a minute. This
20	out report?	20	has the exact quantities. I would have had the
21	A. If if was either if was either prior	21	report. Mike wouldn't have known these off the top
22	to or at the about the same time. It could have	22	of his head.
23	been the same day as a matter of fact before I	23	Q. Okay.
24	faxed that to Molly because I did fax it to Molly,	24	A. I'm sorry.

1	Q. That's okay.
2	So when you prepared the proposal, you had
3	the -
4	A. Yes.
5	Q Affiliated in your - in your
6	possession?
7	A. Because it has the exact quantities.
8	Q. Okay.
9	A. Mike, there's no way he would have known
10	that.
11	Q. Okay.
12	MR. KRAMER: Referring to Exhibit 1 as
13	Affiliated?
14	MR. THOMAS: Right.
15	THE WITNESS: Right. I think I just got it at
16	the same time that I was faxing him the proposal
17	and I needed that to include it in my proposal. I
18	wanted to be, you know, somewhat specific on what
19	we're doing.
20	MR. THOMAS: Okay.
21	BY MR. THOMAS:
22	Q. Did Tomas Amaya give you an indication
23	that insurance - that his insurance or Asbestek's
24	insurance would cover this contract?

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		-
	29	97
1	Q. Is it possible?	
2	A. No. No. It was something they brought up	
3	later and, again, this was my part of it. Amaya -	
4	Amaya would have taken care of the insurance. When	
5	he did it, I don't know. But it's something that	
6	came up shortly after the contract.	
7	Q. Okay.	
8	And you recall that, is that correct?	
9	A. Yes, I recall Amaya taking care of the	
10	insurance.	
11	Q. And then you just mentioned - the last	
12	thing you just mentioned was that you recall Amaya	
13	taking care of the insurance?	
14	A. Yes. He said that he had insurance to	
15	cover it. I said Mike, you know, he's asking, you	
16	know, to be insured. Yeah, he's got insurance.	
17	Now, he has done projects before I met up with him	
18	in Indiana and I think he was trying to get	
19	yeah, he was in the middle of trying to get his	
20	Illinois license and he had done some projects in	
21	Indiana but I was not with him at that time.	
22	Q. Okay.	
23	So your recollection is that you reviewed	
24	the proposal – I'm sorry you reviewed Vadas	

1		296
3	A. We never really talked about his	
24	insurance. He said that he has insurance. I think	
3	he told me that he had a good insurance company and	
Z	he was covered. I - I didn't handle any of the	
ŧ	insurance records.	
6	Q. Did you speak to Mike or Molly or anybody	
7	at Nationwide about insurance?	
8	A. I believe I spoke with Mike and he asked	
ç) to be additional insured and I relayed that to	
10) Tomas.	
11	Q. Okay.	
12	2 Do you know what - was that prior to the	
13	contract?	
14	A. No. That was probably after. That was	
15	when we were getting all the loose ends tied up,	
16	the paperwork to get the job going.	
17	Q. Okay.	
18	A. We needed this and then they needed that	
19	and we needed - you know, it kind of went back and	
20) forth.	
21	Q. So your recollection is that the that	
22	there was no discussion of insurance prior to	
23	signing the contract?	

24 A. No, I don't believe so.

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 No. 1 which is the environmental assessment, correct, that's the first thing? A. I – I reviewed the job site is the first thing. Q. Okay. You reviewed – reviewed the job site. 	
 A. I – I reviewed the job site is the first thing. Q. Okay. You reviewed – reviewed the job 	
 4 thing. 5 Q. Okay. You reviewed – reviewed the job 	
5 Q. Okay. You reviewed – reviewed the job	
6 site.	
1911 - C. 2007 March	
7 Then you had the opportunity to review the	
8 Affiliated Environmental?	
9 A. Right, to get the quantities.	
10 Q. Third thing – and I'm not saying that	
11 there was no intervene - intervening things but	
12 just in order of the things that we're mentioning,	
13 reviewed the site -	
14 A. Right.	
15 Q reviewed the environmental proposal	
16 assessment – excuse me – prepared the proposal,	
17 both parties signed it which became the contract	
18 and then insurance was discussed?	
19 A. Probably the next day, yes. At Amaya's	
20 office I believe we talked about it.	
21 Q. Okay.	
22 And you talked about it as a result of	
23 Mike Collins requesting or suggesting or demanding	
24 that insurance be included?	

	299		
1	A. Mike just says you're going to include me	ä.	A. No.
2	as additional insured. I says, yeah, that's	2	Q. – Nationwide?
3	typical procedure. I relayed that to Tomas and he	3	A. No.
4	said he would take care of it. That's the way I	4	Q. Okay.
5	see it.	5	So after the conversation that you had
в	Q. And I appreciate that. What I'm trying to	6	with Amaya about insurance based on what Mike
7	clarify is the timing of that.	7	Collins requested
8	Was that discussion about the insurance	8	A, Right.
9	A. I don't recall. That was	9	Q. – you never had anything further to do
10	Q. Okay.	10	with insurance; is that correct?
11	A. That was almost –	11	A. That's correct.
12	Q. Okay.	12	Q. All right.
13	A three years ago.	13	(Whereupon, Vadas Deposition
14	Q. All right.	14	Exhibit No. 2 was marked for
15	When you mentioned then to Tomas about the	15	identification.)
16	insurance, do you know what steps he took with	16	BY MR. THOMAS:
17	respect to that?	17	Q. I'm handing you Vadas Exhibit 2.
18	A. I imagine he got his - called his	18	If you do, do you recognize that insurance
19	insurance company and got them insured, put them -	19	form?
20	added them as additional insured, whatever he had	20	A. Acord Insurance, yes, it's something that
21	to do.	21	a lot of certificate of liability. A lot of
22	Q. Did you handle any of that in terms of	22	Chicago-based companies use this insurance company.
23	forwarding verbally or by fax or in any way	23	Q. Okay.
24	insurance information to -	24	Have you seen that form before, that

	301
particular form?	
A. Yeah, I believe I have. Yeah.	
Q. Do you know when you would have seen that?	
A. In Amaya's office.	
Q. Okay.	
A. Yes.	
Q. And I'm handing you Exhibit Amaya 11.	
Do you know if you've seen that particular	
form before?	
A. They look the same to me. Oh, Minnesota.	
I don't remember seeing this one. I don't recall	
seeing this one because it's in Minnesota.	
Q. Okay.	
A. I - well, the question, what do we need a	
Minnesota coverage for?	
Q. Well, I'm not sure that that's the	
question as much as the the Exhibit Vadas 2 you	
recall having seen in his office as some sort of	
insurance form for Asbestek, correct?	
A. Right.	
Q. And then -	
A. And the fact it's Illinois Department of	
Public Health certificate holder. Certificate	
holder Illinois Department of Public Health which,	

30

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1	providing this to Nationwide?
2	A. No, I don't believe so.
3	Q. Okay.
4	So you think Amaya took care of that?
5	A. Yes, I believe he did.
6	Q. Okay. Okay. Okay. Just put that there.
7	If we look back at Exhibit 14 -
8	MR. KRAMER: Amaya 14?
9	BY MR. THOMAS:
0	Q. Amaya 14, which is this packet of
1	facsimiles, and we look at the second to last
2	one - and this one is sent by you was your
3	testimony to Mike and Molly regarding the fact that
4	you will be using or Asbestek will be using Safe
5	Environment Corporation of Indiana contractor's
6	license?
7	A. Yes.
8	Q. This is, again, on August 31st and we've
9	talked about that date in - on the prior date that
0	we met. And I believe that your testimony was that
1	this was the day that Amaya informed you that you
2	would officially be using Safe Environment, Safe
3	Environment's license, right?

24 A. Right.

T

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	3	05
1	Tomas has a good relationship with the owner of	
2	Safe and they do hold an Ohio license. And it may	
3	be possible and as it turned out, it was possible,	
4	to use their license.	
5	Q. Okay.	
6	So you you made a representation to	
7	them on a prior date that - that Safe	
8	Environment	
9	A. I believe so, yeah, I talked to Mike about	
10	it. I don't think it was it was just out in the	
11	field.	
12	Q. And what did Mike say when - when you	
13	told him on a - on a prior date in the field that	
14	you would be using Safe's -	
15	A. He said, well, as long as you can get it	
16	going, whatever, you know, whatever it takes. If	
17	you can get your license, that's great. If you can	
18	get someone else's, that's fine. However you want	
19	to run it.	
20	Q. Did he ever ask for any proof of your	
21	relationship with Safe Environment?	
22	A. He never asked but I gave him proof of it	
23	anyway.	
24	Q. What did you give him?	

1	Q. And so you forwarded that information to
2	Mike and Molly, is that correct?
3	A. That's correct.
4	Q. Okay.
5	Did they make any comment back to you
6	about your statement that you'll be using Safe
7	Environment?
8	A. No. I don't think they - it mattered as
9	long as it was a valid license. And I said I've
10	worked for Tony in the past and as far as I know,
11	it's it's a valid license. I looked at the
12	license. It looked good to me.
13	Q. What I mean is when you forwarded the
14	information to Nationwide and said we will be using
15	Safe Environment's license -
16	A. Right.
17	Q. – did you also in addition to this fax
18	have a conversation with Mike or Molly about using
19	Safe Environment's license?
20	A. No, I don't think so. I think we had one
21	prior to that. I said if we - we put in for our
22	Ohio license. I don't how long that's going to
23	take. Some states are longer than others.

304

24 Hopefully, we'll get it quickly but if we don't,

		306
1	A. I gave him a business I gave him a	
2	business card that showed that I was a project	
3	manager for Safe a few years ago and I said that	
4	I've run projects for Tony in the past and I've -	
5	I've used his license. I know of one particular	
6	job where he let another contractor use his license	
7	and I oversaw that project.	
8	Q. Why did you tell Mike that?	
9	A. So he would feel a little bit more	
10	confident about using somebody else's license.	
11	Q. Would it not have been a better situation	
12	to just have him call Safe Environment directly and	
13	confirm with them instead of kind of going through	
14	the back door?	
15	A. Well, I don't know what he would consider	
16	what would be better or not. I can't speak for	
17	Mike Collins.	
18	Q. Can you speak for yourself?	
19	A. I handed him a card with their number on	
20	it. Surely, he could have called. He had every	
21	opportunity. I handed him a card just like I'm	
22	handing you right now. Here, I worked for Safe -	
23	I've worked for Safe Environment in the past.	
24		

		307
1	(Whereupon, Vadas Deposition	
2	Exhibit No. 3 was marked for	
3	identification.)	
4	BY MR. THOMAS:	
5	Q. Well, here, let me show you Vadas 3.	
6	Is that it?	
7	A. Yes, that's what I faxed him. Look, I -	
8	I also - this is what I faxed to Molly. I handed	
9	him a card out in the field.	
10	Q. When you handed him that card, were you	
11	representing that you were an employee of Safe	
12	Environment?	
13	A. No. I was letting him know that we had	
14	worked together before. He knew I wasn't employed	
15	by - well, he knew - we were in the middle of a	
16	project at LaPorte with Kinsale. I was working	
17	for – if anybody, I was working for Kinsale at the	
18	time and that project at Kinsale came to a halt	
19	because of legal problems with the town of LaPorte	
20	and with the owner of the property so we were on	
21	standby. I was laid off. I had nothing going. So	
22	when Tomas called me, I said I'm free.	
23	Q. I understand that. We've talked about	
-		

24 that part.

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		309
1	please call Mike and tell him that you've given us	
2	authority to use your license?	
3	A. No, I don't believe that was	
4	Q. As an alternative to getting an old card	
5	that was no longer valid with information trying to	
6	describe your former relationship and a fax saying	
7	we will be using their license, instead of	
8	accomplishing - instead of taking all those steps,	
9	did you ever consider making a quick phone call to	
0	Safe Environment and saying will you call	
1	Nationwide and confirm your authority? Did you	
2	ever do that?	
3	A. No, I never did that but	
4	Q. Okay.	
5	A there's a lot of ways to get to the	
6	same means.	
7	Q. Well, I agree. I mean	
8	A. This is just one way that I - I took.	
9	Whether it was, you know, more prudent to do it the	
0	other way, I don't know.	
1	Q. Okay.	
2	Well -	
3	A. This this was my way of doing it.	
4	Q. Well, was your way of doing it a result of	

		308
1	But what I want to know is why are you	
2	giving Mike Collins a card of yours with Safe	
3	Environment's information that's five years expired	
4	as some sort of proof? Why is that necessary?	
5	A. If he wanted to call Safe for verification	
6	of the license, he could have called Safe. It -	
7	whatever he wanted to do with it, that would give	
8	him a little bit more confidence in the fact that	
9	we had a valid license. That's why I did it.	
10	Q. Did you ever did you ever encourage him	
11	to call Safe Environment?	
12	A. No. I mean, I handed him a license or	
13	a card and I said, you know, this this is I	
14	used to work for Tony. It's a good corporation.	
15	Tomas and some of the guys still work with - with	
16	Safe as far as I know and they're starting their	
17	own company. I believe it's - it's also known by	
18	Tony that they're - they're moonlighting, they're	
19	doing work on the side.	
20	Q. Did you ever call Safe Environment and	
21	have them call Mike directly as a means of having	
22	all this effort to verify use of the license	
23	accomplished? Did you ever take the simple step of	

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accomprished . Did you ever take the simple step t

24 calling up Safe Environment and saying will you

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		310
1	the fact that you were committing fraud?	
2	MR. KRAMER: Object.	
3	THE WITNESS: Of course not.	
4	BY MR. THOMAS:	
5	Q. Well, then describe to us, if you will,	
6	why you would take all these backdoor approaches to	
7	telling Mike Collins -	
8	A. Well, you're calling it backdoor	
9	approaches. I don't consider them backdoor	
10	approaches at all. I didn't have to give him a	
11	card at all. I didn't have to do any of that.	
12	Q. Okay.	
13	A. He didn't ask for it and I didn't have to	
14	give it to him.	
15	There's a lot of things that I do that are	
16	overkill but I do it for the client's consideration	
17	and for - for whoever I'm working for. I mean,	
18	for - if I'm working for a school, I may give them	
19	more information than they need. My wife can run	
20	my jobs. I go home and tell her all about what I'm	
21	doing. She can go there the next day and run the	
22	damn job. I'm very thorough when it comes to	
23	giving a lot of information.	
24	Q. Did you ever think it would be very	

1	thorough to actually call Safe Environment and -
2	and send them a copy of the ten-day notification?
3	A. At that particular time, I wasn't talking
4	with Tony directly as friends or anything because
5	he had, basically, let me go and replaced my job in
в	a roundabout way and I come to find out that, you
7	know, I was replaced by Rick Lovelace. I was a
8	little miffed with that and a little surprised that
9	he didn't – he didn't – he didn't man up and just
10	tell me that, you know, he wants to hire Rick
11	Lovelace and he's letting me go. That's not how it
12	happened.
13	Q. Okay.
14	So you had some problems with Tony, didn't
15	Aons
16	A. Well, I had that problem particularly, you
17	know, but that problem had nothing to do with
18	Amaya's relationship with Tony. I wasn't going to
19	jeopardize Amaya's position with Tony at all. I
20	wouldn't I wouldn't do that.
21	Q. So at the time that you were representing
22	to Mike Collins that Tony had given Amaya
23	authority, you were having actually personal

24 problems with Tony?

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		313
1	because he knew I was his boss at one time working	
2	for Tony and he felt I had better communication	
3	skills. I spoke English better. I can communicate	
4	better with - with anybody involved on the site	
5	and he gave me that parameter to go ahead. But all	
6	of the decisions would go through him. This was	
7	his company.	
8	I made sure that he was aware of that and	
9	even the - I wouldn't even send forth that	
10	contract without Amaya going out there and looking	
11	at it himself. Now, I want you to feel	
12	comfortable. Go out there. We went out there	
13	together. Do you feel comfortable that you can do	
14	this with these numbers? And he looked at it and	
15	he said yes, he feels comfortable he can do that.	
16	I says you sure you can manage? I asked him all	
17	the pertinent questions. I says now, this is	
18	important. And he said he can man it, he feels	
19	comfortable. That's all I could do.	
20	Q. Who's he?	
21	A. Tomas Amaya, Asbestek.	
22	Q. What was your legal relationship with	
23	Tomas Amaya at this time?	
24	A. There was no legal relationship.	

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24 business of what I know about the paperwork end

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		314
1	Q. What was your business relationship?	
2	A. There - the business relationship, I was	
3	doing - a friend of his, I was doing him a favor.	
4	If anything, this would have turned into a finder's	
5	fee at worst case. Best case, it would have turned	
6	into probably a not very profitable job but we	
7	would have been getting our foot in the door with	
8	another contractor and possibly could have worked	
9	further jobs in the future and we would have worked.	
10	out some type of arrangement and possibly some	
11	future relationship as – as a company. But it	
12	wasn't it was unfolding where I was being	
13	inundated with too much of the responsibility, too	
14	much of the paperwork and he was off running too	
15	many other jobs or doing too many other jobs for	
16	Tony that I come to find out.	
17	Q. So was your relationship business with	
18	Tomas?	
19	A. Well, at the time we were doing business,	
20	this was business, yes.	
21	Q. Okay.	
22	(Whereupon, Vadas Deposition	
23	Exhibit No. 4 was marked for	
24	identification.)	

			<i>1</i> 0	1	
		315			
1	BY MR. THOMAS:			1	
2	Q. I'm going to hand you Exhibit Vadas 4.			2	
3	Take a look at that.			3	
4	A. Did you want me to comment on this?			4	
5	Q. Well, just tell me if you recognize it?			5	
6	A. Yes.			6	
7	Q. Okay.			7	
8	And this is a - what is it?			8	
9	A. Well, it's a - it's a facsimile to the			9	
10	Ohio EPA. I talked with Ms. Sharon McDuffy. I			10	
11	spoke with her in lieu of Mr. Mike Sanec who I had			11	
12	spoke to previously. This was something that I			12	
13	would do - it's a long transit back and forth. I			13	
14	would make notes. Mark Needham I spoke with. I			14	
15	spoke with Jeff Gerdes.			15	
16	Q. I appreciate that but what is this			16	
17	document?			17	
18	A. That document?			18	
19	Q. It's a facsimile, is it not?			19	
20	A. Well, yes.			20	
21	Q. And that - you're sending to the Ohio			21	
22	EPA?			22	
23	A. Yes.			23	
24	Q. With a cover page?			24	

-		
		317
1	government?	
2	A. 8-31.	
3	Q. Okay.	
4	That's August 31st, right?	
5	A. Yes.	
6	Q. That's the date that all the other	
7	facsimiles to Mike Collins from you indicate that	
8	you'll be using Safe Environment, correct?	
9	A. Yes.	
10	Q. Okay.	
11	And that's - that's the date that you	
12	received information from Tomas Amaya that you	
13	would be using Safe Environment's license, correct?	
14	A. Yes.	
15	Q. And that's the date that you received	
16	Carlos Bonilla's information that you would be	
17	using Safe Environment and him as a specialist,	
18	correct?	
19	A. Yes.	
20	Q. Why didn't you tell the government you	
21	were using Safe Environment on August 31st in your	
22	ten-day notification?	
23	A. I believe I did. I – I told them in a	
24	revision that I was using -	

		316
1	A. Yes.	
2	Q. And two attached pages?	
3	A. Yes.	
4	Q. What are you sending?	
5	A. A revised notification.	
6	Q. Okay.	
7	What's the date of the notification?	
8	A. It was completed on - oh, no. Let me	
9	see. The date of the notification was revised -	
10	sorry. Some of these you can hardly write in the	
11	space. Where are my glasses?	
12	MR. KRAMER: Why don't you just read him the	
13	date?	
14	THE WITNESS: I might have left them on the	
15	table. All right. I'll just try to give this a	
16	shot here. Scheduled dates - no. Dates of	
17	asbestos, 9-4, complete 10-21. Revised.	
18	BY MR. THOMAS:	
19	Q. Why don't you take a look at page two at	
20	the bottom and see where you signed it and see what	
21	that date is?	
22	A. 8-31.	
23	Q. Okay.	

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And what date did you fax that to the

		318
1	Q. Well, this is the revision, correct? I	
2	understand that you brought a lot of papers with	
3	you today but I want - I want you to look at this	
4	exhibit, Vadas 4, okay?	
5	A. Well, I've got a revision too that shows	
6	I – I – I put Tomas Amaya.	
7	Q. Well, I just want to talk about this one.	
8	This is from the EPA?	
9	A. Yes.	
10	Q. This is a fax to you to the EPA.	
11	I want you to show me where on this	
12	notification you indicate that Safe Environment's	
13	license will be used by Asbestek?	
14	A. They don't ask for his license.	
15	Q. What do they ask for?	
16	A. This is EPA. They have different - all	
17	they're asking for, EPA is concerned about the	
18	waste stream.	
19	Q. All right. Let me see if I can point	
20	something out to you on here.	
21	In section five, it says asbestos removal	
22	contractor?	
23	A. Right.	
24	Q. And you put Asbestek, Incorporated,	

		319
1	license number pending in Ohio?	
2	A. Pending, right.	
3	Q. Right.	
4	Why didn't you put Safe Environment with	
5	their license number since you were using Safe	
6	Environment?	
7	A. Because at that time, we were waiting for	
8	the – for Tomas's license I believe.	
9	Q. Okay.	
10	Well, what's the date of this facsimile?	
11	A. August 31st.	
12	Q. Okay.	
13	And what's the date that you had authority	
14	from Tomas Amaya to use - Amaya to use Safe	
15	Environment's license?	
16	A. August 31st, that's one of the dates I	
17	got. August 31st. Okay. My revision to the Ohio	
18	Department of Public Health was on September 17th.	
19	Q. Yes. I just want you to focus - I know	
20	you brought papers with you but I want you to focus	
21	on this exhibit that the EPA produced as part of	
22	this litigation, not the paper that you have, okay?	
23	A. Okay.	
24	Q. Why didn't you indicate Safe Environment	

<u> </u>		
01	75 13230-1746	321
1	A. Right.	
2	Q. – 8-20-07.	
3	So you knew about revisions, right?	
4	A. I knew about revisions.	
5	Q. Okay.	
6	Where's the second revision that you	
7	submitted to the government once you realized you	
8	were using Safe Environment's license?	
9	A. Right here.	
10	Q. Where's the one that was sent to the U.S.	
11	government? I'm sorry. To the State of Ohio?	
12	A. Right here.	
13	Q. Okay. Let's see what you have.	
14	Where's the fax date?	
15	A. Well, right at the top, you can see that	
16	they received it. That's not to be I don't	
17	write in that space. That's the confirmation that	
18	they received it.	
19	Q. Where's your proof that this was sent?	
20	A. You can call them and reference these	
21	numbers and they'll let you know that they received	
22	this.	
23	Q. Okay.	
24	May I have this?	

1	on this August 31st notification to the government?
2	A. This is at 10:38 in the morning. I might
3	not have known about it at that time.
4	Q. Okay.
5	Once you knew about it, did you send a
6	second revision?
7	A. No.
8	Q. Why not?
9	A. I don't remember. Probably because I was
10	so busy trying to get the other paperwork together.
11	I was overwhelmed with paperwork and manpower and
12	trying to get this job going.
13	Q. What other paperwork would be more
14	important than the notification to the government?
15	A. The notification to the government, the
16	Department of Public Health.
17	Q. Okay.
18	Well, the EPA produced all the documents
19	to us in this litigation that they have with
20	respect to your notifications and there are two
21	notifications that you sent, one on August 23rd and
22	then this revision that you identify in the fax
23	where you put revision one of ten-day notification
24	of

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		322			
1	A, Sure.				
2	Q. This was sent to the government? Shall we				
3	mark this an exhibit?				
4	MR. KRAMER: Why don't we make a copy so you				
5	don't take his original document.				
6	THE WITNESS: Well, I - yes, I probably don't				
7	have a				
8	MR. KRAMER: We'll make a copy and mark it.				
9	BY MR. THOMAS:				
10	Q. Was this sent to the government?				
11	A. Yes.				
12	MR, THOMAS: Okay, Can we take a break?				
13	MR. KRAMER: Sure.				
14	THE VIDEOGRAPHER: We're off the record at				
15	10:45 a.m.				
16	(A short break was taken.)				
17	THE VIDEOGRAPHER: We're back on the record at				
18	10:47 am.				
19	(Whereupon, Vadas Deposition				
20	Exhibit Nos. 5 & 6 were marked				
21	for identification.)				
22	MR. THOMAS: Okay.				
23	BY MR. THOMAS:				
24	Q. We've marked a form that you brought to				

		323
1	this deposition as Vadas 6.	
2	And this is a ten-day notification that	
3	you claim that you filled out; is that correct?	
4	A. Yes.	
5	Q. And you filled that out on 9-17, that's	
в	September 17, 2007?	
7	A. Yes.	
8	Q. Okay.	
9	And you've indicated that this is revision	
10	number two; is that correct?	
11	A. Yes.	
12	Q. Okay.	
13	And you would be required to submit a	
14	check in the amount of \$85 for this?	
15	A. Yes.	
16	Q. Did you do that?	
17	A. I don't remember. I don't recall to tell	
18	you the truth. Tomas wrote all the checks. So	
19	whether or not it was written or drafted, I don't	
20	remember.	
21	Q. So Tomas wrote the checks, correct?	
22	A. He wrote the checks.	
23	Q. And what kind of checks were those, were	
24	those Asbestek checks?	

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٦.	A. I believe so.
2	Q. Okay.
3	Did you ever see them?
4	A. Nope.
5	Q. Okay.
6	So you prepared this form and he wrote the
7	check?
8	A. I don't know that he didn't use his -
9	that he didn't give them a credit card number, if
10	that wasn't an option because he was using his
11	credit card a lot. So I don't know. I don't
12	recall.
13	Q. Now, who - so who filled this form out,
14	this Vadas No. 6?
15	A. I did.
16	Q. Okay.
17	And you filled this out as
18	nonencapsulation, is that correct?
19	A. I don't see where you see that, I guess.
20	Q. Number five.
21	A. I filled it out as removal.
22	Q. Okay. Right.
23	So you it was not encapsulation,
24	correct?

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	325	32
1	A. That's correct.	1 A. Yes.
2	Q. Okay.	2 Q. And you filled it out on September 17,
3	Is encapsulation when you put up the	3 2007?
4	containment areas?	4 A. Yes.
5	A. No. No. Encapsulation is a form of	5 Q. And you indicated that the abatement date
6	it's it's an alternative to abatement actually,	6 would start on September 21, 2007?
7	enclosure, encapsulation. It's more of a repair	7 A. Yes.
8	than a - than a - an abatement situation.	8 Q. Did that ever begin?
9	If you're going to encapsulate something,	9 A. As far as I know, it did, yes.
10	you would - you would use something to repair a	10 Q. Okay.
11	boiler. Rather than abate the whole boiler or	11 Who authorized you to fill out this form?
12	abate part of it, you would encapsulate, use	12 A. Who authorized? Tomas Amaya.
13	bridging encapsulation or use something thick, use	13 Q. Okay.
14	something to keep the - the asbestos intact and	14 When did he authorize you to fill out this
15	from becoming friable, from becoming air	15 form?
16	airborne. You wouldn't necessarily remove it. You	16 A. When it became necessary.
17	would encapsulate it.	17 Q. When did it become necessary?
18	That's not what we were there to do,	18 A. It became necessary when we were changing
19	encapsulate or endose or renovate. We were -	19 the contact person to Tony Paganelli because I had
20	this was a demolition job and we were there for	20 mistakenly made the original notification out using
21	removal.	21 my name as contact person because that's how I
22	Q. Okay.	thought it should be done and I was mistaken.
23	You you filled the form out, though,	23 Q. Why didn't you tell us about that mistake
24	correct?	24 last Tuesday?

1	A. I didn't catch that until - I didn't even
2	know I – I – I filled these out until I went back
3	on site and found out that I can PDF write into the
4	thing. Again, this was three years ago. I had no
5	documentation until I went - this is 1 percent of
6	my documentation at my office, 1 percent.
7	Q. What date was it that you realized you
8	made a mistake in the original notification?
9	A. What date was it that I - last week.
10	Q. Well, what date was it in 2007 -
11	A. Oh, you mean when I did this?
12	Q. Yes.
13	A. Prompted me to do the second revision?
14	Q. Yes.
15	A. Well, I've got - I've got - my first
16	draft here, I was putting Gary Thomas as the
17	abatement contractor.
18	Q. You didn't know what you were doing, did
19	you?
20	A. Well, no, I'm not going to say I didn't
21	know what I was doing. I was - I was answering
22	the questions. And when I had a question, I would
23	call Mark Needham or Jeff Gerdes or like you had
24	the cover page there, somebody from the EPA or

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1	what happened to some of these documents just as	
2	I'm sure that you don't - you didn't have a	
3	document that I had.	
4	BY MR. THOMAS:	
5	Q. So your testimony now is that the next	
6	revision after this - which you would admit is an	
7	error, correct, that's an error?	
8	A. This was not an error. The Ohio	
9	Department of Public Health was an error.	
10	Q, Okay.	
11	A. That was	
12	Q. When did you correct the Ohio Department	
13	of Public Health form?	
14	A. On the 17th.	
15	Q. Is that what this is -	
16	A. Yes.	
17	Q. – Vadas 6? Okay.	
18	A. Yes.	
19	Q. So you filled this out, is that correct?	
20	A. Yes.	
21	Q. And how did you get it to the Ohio	
22	Department of Health?	
23	A. Any revisions can be faxed. The first one	
24	has to be notified by registered mail only. That's	

1	somebody from the Department of Public Health and
2	ask them and one person would give me one answer
3	and another person would give me another. Well,
4	don't worry about it. Just add – just put it –
5	throw another revision at us, okay.
6	Q. When you – when you filled out Vadas
7	Exhibit 4 on August 31st and sent that to the EPA
8	and indicated that the Asbestek contractor was
9	Asbestek and you put that the license was pending
10	in Ohio —
1	A. Yes.
12	Q. – and then later that day, maybe one hour
13	later, you found out that you were using Safe
14	Environment, why didn't you fill this form out
15	again and send revision two at that time to the
16	State of Ohio?
17	MR. KRAMER: Objection.
18	THE WITNESS: I don't remember why. I have no
19	recollection of why I did or did not.
20	MR. THOMAS: Okay.
21	THE WITNESS: Maybe I did and you just don't
22	have a copy of it. I don't have a copy of it
23	either so I don't even have that copy. So,
24	again, there was a paper trail that I'm not sure

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1	how they would accept it.	
2	Q. Well, how did you submit this one?	
3	A. I faxed.	
4	Q. Okay.	
5	Where is your copy of the fax submitted	
6	piece in all your documents?	
7	A. I couldn't find it.	
8	Q. Okay.	
9	Do you have any reason to explain why the	
10	EPA doesn't have it?	
11	A. I might have just faxed -	
12	MR. KRAMER: Object to the form of the	
13	question. This is Ohio Department of Health. This	
14	is not Ohio EPA.	
15	BY MR. THOMAS:	
16	Q. Do you have any reason to explain why the	
17	Ohio Department of Health would not have this form?	
18	A. I have no - I imagine that's something	
19	that they probably throw out or they would have a	
20	ton of these but	
21	Q. So you think they lost it?	
22	A. No, I don't know if they lost it. I don't	
23	know if they even keep them. I think they keep	
24	the - the -	

ä	Q. Well, they kept this one, right, the one
2	that you sent on August 31st, right?
3	MR. KRAMER: Objection.
4	THE WITNESS: Well, apparently somebody did,
5	yeah.
6	BY MR. THOMAS:
7	Q. But you don't think they kept this one?
8	A. I don't know. I don't know how they run
9	their office. I have no idea.
10	Q. When you faxed this, did you use a cover
11	sheet?
12	A. I might not. I might have just sent it
13	straight like that. They told me just fax it.
14	Q. Okay.
15	Where did you fax the \$65 check?
16	A. You can't fax a check.
17	Q. Okay.
18	Well, how did you get the payment along
19	with this?
20	A. Like I said, Tomas may have used his
21	credit card.
22	Q. How would Tomas know to use his credit
23	card?
24	A. How - he would call them up and ask them

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1	he's the one that makes out the checks. And he	
2	gave me no cause to believe he didn't send that	
3	check.	
4	Q. Did you fill this form out last week?	
5	A. No, of course not.	
6	Q. Handing you Vadas 5, what is Vadas 5?	
7	A. It's a the original document to the EPA	
8	of Ohio. Yeah, it's the one that this revision	
9	replaced.	
10	Q. Okay.	
11	And that one, we have your records that	
12	you faxed that, correct?	
13	A. I don't see a cover sheet.	
14	Q. Well, does it have your fax information at	
15	the top?	
16	A. Yes.	
17	Q. Okay.	
18	Then we also, going back to Vadas 4, we	
19	have your first revision on August 31st, correct?	
20	And that has your fax information, correct?	
21	A. Yes.	
22	Q. And we have the EPA receipt of that,	
23	correct? Do you see that?	
24	A. Oh, yes.	

	1	if he can use his credit card.
	2	Q. Do you know if did that?
	3	A. I don't know
	4	Q. Okay.
	5	A no. I don't know if he sent them a
	6	check, credit card. He handled all the financial.
	7	This whole job was financed by his credit card and
	8	whatever money he had in the bank and whatever
	9	money he was making from Safe Environment at the
3	0	time.
3	11	Q. Okay.
1	12	So as far as you know, if Tomas never
ą	13	followed up with the credit card or any sort of
Ì	14	payment, this was not accepted, correct?
3	15	A. I think we would have heard something if
1	16	he had not sent a payment.
1	17	Q. Did you ever follow up to see if they
1	18	received it?
1	19	A. No.
2	20	Q. Did you ever follow up to see if they
ž	21	received the payment?
2	22	A. No. That's not typical for any company to
22	23	follow up. If they didn't receive it, I mean, they
2	24	would probably have called me or called Tomas since

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		33
1	Q. Okay.	
2	But we have no record either from you or	
3	from the EPA that this form that you brought today	
4	dated September 17th with Paganelli's information	
5	was received or sent, correct? We have no record	
6	of that, do we?	
7	A. Well, just the I I did not put these	
8	numbers in at the top. I don't even know what they	
9	mean.	
10	Q. Who put those numbers in?	
11	A. I have no idea.	
12	Q. Why would you have that form with somebody	
13	else's numbers in your possession?	
14	A. I – I imagine that they put these numbers	
15	in.	
16	Q. Did they send that to you?	
17	A. They might have.	
18	Q. Well, did they?	
19	A. I don't know. I don't - they - they	
20	might have sent it to Tomas's office.	
21	Q. And then Tomas gave that to you after	
22	September 17th?	
23	A. I don't remember. This was three years	
24	ago.	

ä	0.5	
đ	35	

Well, how do you explain those recei	ved
	Well, how do you explain those recei

- 2 numbers at the top if you don't recall having any
- 3 prior interaction with this department after that
- 4 form was submitted?
- 5 A. I did have prior interaction. That was
- 6 the second revision.
- 7 Q. I'm sorry. Subsequent interaction.
- 8 A. I did have subsequent. I had a third
- 9 revision.

- 10 Q. You have a third revision with you?
- 11 A. Yes.
- 12 Q. Let me see that.
- A. The third revision indicates Tomas Amaya
 as the –
 THE VIDEOGRAPHER: We're off the record at
- 16 10:59 a.m.
- (A short break was taken.)
 THE VIDEOGRAPHER: We're back on the record at
- THE VIDEOGRAPHER: We're back on the record at
 11:04 a.m.
- 20(Whereupon, Vadas Deposition21Exhibit Nos. 8, 9, 10, 11, 12,
- 22 12A & 13 were marked for 23 identification.)
- 23 identification.) 24
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1	correct?
2	A. I may have you know, I may have been in
3	a hurry to get this out and I submitted it but I
4	did revise revise lines eight and 12, line eight
5	being the - Tomas Amaya just received his asbestos
6	supervisor's license so I revised that line to read
7	Tomas Amaya was the supervisor of the site and line.
8	12 was the - the dates of abatement - set up,
9	abatement and completion.
0	Q. By the way, did Carlos Bonilla ever show
1	up on site?
2	A. I couldn't answer that because they ran at
3	night. He might have - I didn't see the payroll.
4	I don't know that he worked there ever.
5	Q. Do you have any idea who was working
6	there?
7	A. I know Juan Amaya was working there.
8	That's the only one I can definitely - that I
9	knew.
20	Q. Did you ever think to discuss with Tomas
21	Amaya the problem with having putting - having put
22	Carlos Bonilla's name down when Carlos was not
23	there?
24	A. I think he had intended Carlos to be there

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ä	BY MR. THOMAS:	
2	Q. John, prior to the break, you handed me	
3	two documents that I'm marking Exhibits Vadas 8 and	
4	9 and your indication was that you had additional	
5	revisions that you submitted to the Ohio Department	
6	of Health; is that correct?	
7	A. That's correct.	
8	Q. Okay.	
9	That's what I've marked as Vadas 8 - I'm	
10	sorry. Let's start with Vadas 9.	
11	That's a revision; is that correct?	
12	A. Yes.	
13	Q. What's the -	
14	A. It's a rough - rough draft to the	
15	revision.	
16	Q. And what's the date of that?	
17	A. 9-21-07.	
18	Q. Did you submit that?	
19	A. If I wrote it, I submitted it but I may	
20	not have submitted this particular one because it's	
21	not typed in.	
22	Q. Okay.	
23	And that's the reason that you think maybe	
24	you didn't submit it is because it's not typed,	

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1	but something came up where he was needed at	
2	another job.	
3	Q. Okay.	
4	A. And that - again, this is typical.	
5	Q. Typical of Bonilla or -	
6	A. Typical of asbestos abatement companies to	
7	switch out foremen.	
8	Q. So was this form submitted or not? Do you	
9	know?	
10	A. If I drafted it, it was submitted one way	
11	or another. I wouldn't have done all that work for	
12	nothing. And it had to be done. I know project	
13	completed - a matter of fact, how I know I	
14	submitted well, we can get to the next one where	
15	I said project completed. I wouldn't have known to	
16	put that there had I not called the EPA to find out	
17	how to close the project out in Ohio.	
18	Q. Did you submit this project completed	
19	form?	
20	A. Yes, I did.	
21	Q. Did you send it by mail or fax?	
22	A. Again, probably by fax because it was a	
23	revision and they considered - because I was	
24	revising line 12 because we did not complete on the	

4	Each time you submitted a form with
23	Q. Ökay.
22	A. No.
21	you submitted that we don't have?
20	putting down Safe Environment's information that
19	Is there any other document pertaining to
18	question.
17	Q. I appreciate that. Let me rephrase the
16	waste.
15	Tomas was look for landfills that would accept
14	that was part of my job or part of what I did for
13	typical copy of a waste hauling manifest. I -
12	with was the waste hauler and, you know, this is a
11	A. No. The only other party that I dealt
10	government did not give us?
9	Anything else that you submitted that the
8	Q. Okay.
7	know where they came from.
6	A. No, I don't - that's correct. I don't
5	correct?
4	these pieces of information at the top; is that
3	Q. Going back to Vadas 6, you did not put
2	revision.
1	day I said I was going to complete on the third

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1	to I had to put a change in. Again, I tried to
2	keep up with all the people involved, Secretary of
3	State, Mark Needham from the Ohio Department of
4	Public Health. I talked with him several times.
5	Jeff Gerdes. Again, I had several conversations
6	with all the authorities in the Department of
7	Public Health and EPA. And I was asking what I
8	need to do to complete this job and that's how I
9	know I did fax the last form because they said just
0	put project completed at the top of the revision.
1	Q. In all this time that you were sending
2	fax faxes to Nationwide and to the governmental
3	authorities at the Department of Health and the EPA
4	and all the phone calls trying to get assistance,
5	did you ever place a single call to Safe
6	Environment Company about anything?
7	A. No.
8	Q. Did you ever fax them anything?
9	A. No.
0	Q. Okay.
1	Handing you Vadas Exhibit 10, what is
2	Vadas 10?
3	A. Cleveland Division of Air Quality, Mike
4	Samec, fax cover sheet, notice of violation former

1	Paganelli's information and Safe Environment's
2	license number, did you contact Tomas Amaya to
3	confirm that it was okay to do that?
4	A. Yeah. He was kept apprised of all the -
5	Q. Okay.
6	A actions at that yes, absolutely.
7	Q. And each time, did he confirm that it was
8	acceptable and authorized?
9	A. Yes. I wouldn't do it, yeah.
10	Q. Did you ever think to cc Safe Environment
11	on any of these forms to keep them apprised of the
12	use of their license?
13	A. No. At the time, that was Tomas Amaya's,
14	you know, job if he was going to carbon copy them.
15	That would have been totally up to him.
16	Q. Did you send these forms to Tomas Amaya
17	first so that he would have that option?
18	A. Sometimes it may not have been possible.
19	They had to go out quickly.
20	Q. Okay.
21	A. The job was under a lot of pressure and we
22	were being rushed to get it in and to get the work.
23	done. So I had to get these forms out as quickly

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24 as possible. Every time something changed, I had

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1	Cleveland Trencher.	
2	Q. That goes with that. It's two pages.	
3	We'll staple it.	
4	What's the purpose of that facsimile in	
5	November?	
6	A. Okay. At the time this was going on,	
7	especially when we went over the site - I can give	
8	you the long version or I can give you the short	
9	version. Long version is probably going to be more	
10	accurate.	
11	Q. Well, let me ask you a question and see if	
12	you can just give a short answer to it. You	
13	indicate in here - this is page two of Exhibit 10,	
14	you indicate I am not employed by as Asbestek now,	
15	was not employed by them during this project nor do	
16	I have any final - financial interest or	
17	association with Asbestek, Inc., or Tomas Amaya.	
18	Is that true, yes or no?	
19	A. Well, it's true to the point where what do	
20	you consider being employed? I was never paid.	
21	What do you consider a business relationship? We	
22	never come to any agreement and when we started to	
23	work out agreements, they were not acceptable. And	
24	when he started talking about cleaning up the site	

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343	

1	and	I tried	to	explain	to	him	that	was	not	in his	

- 2 domain, he was not allowed to clean that site up
- 3 because they're saying that you used that you
- 4 were not allowed to use Safe's license so you can't
- 5 clean it up and he's saying no, they're going to
- 6 let me clean it up. They're going to help me clean
- 7 it up. And then I received a call from
- 8 Mr. Lovelace from Safe Environment and then he told
- 9 me straight out that he says we're not going to
- 10 admit to letting them use the license. We're going
- 11 to dodge that bullet is what he said exactly.
- 12 Because he says I know what happened out there and
- 13 there's no way we're going to -- to let Tomas or
- 14 to -- to cover for Tomas. We're not going to say
- 15 that we helped in any way with this project.
- 16 Q. When did Mr. Lovelace say that to you on
- 17 the phone?

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- 18 A. This was the day after the job was
- 19 stopped. I got a call from Mr. Lovelace the day
- 20 after Mike Collins was stopped from working by the
- 21 EPA.
- 22 Q. When prior to the last five minutes in the
- 23 past have you ever told anyone about that
- 24 conversation with Rick Lovelace?

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1	deny anyway.
2	Q. You wrote on page two of Vadas 10 any
3	future correspondence regarding this matter should
4	be taken up with Tomas Amaya, the owner of
5	Asbestek, Incorporated, and Michael Collins, the
6	owner of Nationwide Demolition.
7	You wrote that, correct?
8	A. Right.
9	Q. Why didn't you tell them to take anything
10	up with Safe Environmental?
11	A. Because the contract was between Tomas
12	Amaya and Nationwide.
13	Q. What about the contract between Safe
14	Environment and Asbestek that you've told us about?
15	A. I just forgot to include them.
16	Q. How?
17	A. I didn't include them.
18	Q. Despite that conversation with Rick two
19	months earlier, that never crossed your mind to
20	indicate to the government about the association
21	with Safe Environment?
22	A. No, it didn't. I did have conversations
23	with other owners of companies in Chicago and -
24	Q. Who?

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'n	A. I told Tomas the very next day.
2	Q. Did you tell any - anyone at the EPA?
3	A. Did I tell anyone at the EPA? No.
4	Q. Did you tell your attorney?
5	A. I didn't have an attorney.
6	Q. Did you tell anyone at Nationwide about
7	that?
8	A. I told someone - well, I - I talked to
9	friends in the business. Now, I've been in this
10	business over 20 years.
11	Q. I appreciate that. I just want the know
12	if prior to today you in writing anywhere
13	communicated that call from Rick Lovelace to you
14	that you're telling us about today?
15	A. In writing anywhere? No, but I verbally
16	did transmit that - or - or talk to people and
17	received advice from other people, owners of
18	companies that have my respect and that respect me.
19	Q. Did you ever tell any government authority
20	involved in the situation at Cleveland Trencher
21	about that conversation with Rick Lovelace?
22	A. He would deny it. No, I didn't tell
23	anybody that conversation. It it seemed like a
24	pointless thing to tell anybody that he's going to

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		34
1	A. Dave Montgomery, DEM Services. Geoff	
2	Kelly.	
3	Q. Hold on.	
4	Dave Montgomery?	
5	A. Yes, DEM Services.	
6	Q. Okay.	
7	They're in Chicago?	
8	A. Yep.	
9	Q. Who else?	
10	A. Geoff Kelly.	
11	Q. Where's Jeff?	
12	A. He's Envirocon.	
13	Q. How do you spell that?	
14	A. He's in – he's in Chicago.	
15	Q. How do you spell that, please?	
16	A. G-E-O-F-F, Kelly, K-E-L-L-Y. Envirocon,	
17	E-V-I-R-O-C-O-N (sic).	
18	Q. When did you tell Dave Montgomery about	
19	the conversation with Rick?	
20	A. The day after.	
21	Q. What did Dave say?	
22	A. Dave says are - are - were you working	
23	with Tomas at the time? Were you employed by his	
24	company? I says no. Did you ever receive a	

		5400.000
3	paycheck? No. He says then you're legally not	
2	responsible for what took place. You were just	
3	helping him out. You were, you know, basically,	
4	looking to try to get something together. I says	
5	yes, basically.	
6	Q. Will Dave remember that conversation if we	
7	ask him about it?	
8	A. He might.	
9	Q. He might not?	
10	A. He might, yes.	
11	Q. Okay.	
12	Does that mean he might not?	
13	A. Yes, I think if you called him up, he'd	
14	remember talking to me about it I'm sure.	
15	Q. How about Geoff Kelly, when did you speak	
16	to him about the conversation with Rick?	
17	A. It was shortly after that.	
18	Q. And what did you tell Geoff?	
19	A. Something along similar lines, that I was	
20	working with Tomas Amaya on this project.	
21	Basically, what - the client that I met through	
22	Kinsale. It started to go bad. He started to put	
23	more demands on me, started asking to do more	
24	work in -	

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1	Let me show you Exhibit 12, Vadas 12,	
2	what's that?	
3	A. That's a \$65 payment to the Treasury of	
4	Ohio Safe – from remitter, Safe Environment	
5	Corporation.	
6	Q. Who got that check?	
7	A. I can't read who signed it.	
8	Q. Who's the person who went to Harris Bank	
9	and obtained that check?	
10	A. I think this was Tomas but, again, I don't	
11	know who signed this check. I don't know who got	
12	this check.	
13	Q. Could it have been you?	
14	A. No.	
15	Q. Did you ever handle any financial	
16	documents, checks or credit card, anything at all	
17	with respect to this Nationwide project?	
18	A. Well, yeah. I was, basically, using	
19	Tomas's credit card -	
20	Q. Okay.	
21	A to finance my gas and expenses but	
22	that's all it, basically, financed.	
23	Q. Did you ever get an official check like	
24	this one?	

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1	Q. Did you - but did you tell Geoff about	
2	the conversation with Rick?	
3	A. I told him how it laid out, yes,	
4	basically.	
5	Q. Well, did you tell him what - what Rick	
6	said to you about not taking any responsibility for	
7	what happened?	
8	A. Yes.	
9	Q. What did Geoff say to you?	
10	A. He says it's not surprising for them to	
11	distance themselves.	
12	Q. Okay.	
13	And he said that when, in about October	
14	of 2007?	
15	A. Yes. But I've - I've talked with - with	
16	Geoff since then. I did a project for Geoff last	
17	year. He asked me how things were going and I go	
18	they're still sending me letters and - or letters	
19	and legal – legal things regarding that case. I	
20	really don't know what's going on.	
21	Q. You have no idea?	
22	A. I have no idea? Well, I know what's going	
23	on now. You're taking my deposition.	

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Q. Okay.

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1	A. I had purchased some equipment through one	
2	of my - I had a contract - or a - I had	
3	purchased some equipment that we used and supplies	
4	and he owed me some money for that and I think he	
5	paid me back for that.	
6	Q. What will Harris Bank tell us about that	
7	official check, about who - who purchased it?	
8	MR. KRAMER: Objection.	
9	THE WITNESS: I don't know. Who purchased it?	
10	I have no idea. It wasn't me.	
11	MR. THOMAS: Okay.	
12	BY MR. THOMAS:	
13	Q. It wasn't you?	
14	A. No.	
15	Q. So if it wasn't you, who would it have	
16	been?	
17	MR. KRAMER: Objection.	
18	THE WITNESS: I don't know. I can't speculate	
19	on who this would have been.	
20	BY MR. THOMAS:	
21	Q. Well, is there another possibility other	
22	than Tomas Amaya?	
23	A. Well, it's remitter, Safe Environment. It	
24	could have been Tony.	

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ă.	Q. Okay.	1 probably had a lot of faith in me to get this job
2	Do you know that - whether or not Tony	2 done.
3	writes checks from Safe Environment for	3 Q. I asked you once before if you would be
4	applications or does he go to Harris Bank and get	4 surprised to learn that Tomas Amaya testified that
5	money orders?	5 it's possible that Tony did not hear him when he
6	A. Thave no idea.	6 requested use of the license.
7	Q. Okay.	7 MR. KRAMER: Objection, misstates.
8	A. All I know is that Tony does work with	8 THE WITNESS: You asked me that before? I have
9	Tomas. Tomas was his number one guy and -	9 no idea what -
10	Q. Well, you know that you know that Tomas	10 BY MR. THOMAS:
11	works with Tony on the Cleveland Trencher project	11 Q. Do you recall me asking you that?
12	because Tomas told you that, correct?	12 A. No, I don't.
13	A. Well, he worked for Tony for years prior	13 Q. Then I'll ask you now.
14	to that.	14 Would you be surprised to learn that Tomas
15	Q. As you did but you know that Tomas got	15 Amaya testified in his deposition that it's
16	authority to use the license for Cleveland Trencher	16 possible that Tony did not hear him or understand
17	because Tomas told you, right?	17 him when he requested use of Safe Environment's
18	A. That's correct.	18 license?
19	Q. You don't have any personal knowledge of	19 MR. KRAMER: Objection.
20	that, correct?	20 THE WITNESS: I never heard anything about
21	A. No, I – but I don't have anything to	21 that.
22	doubt it either. I don't have any reason to doubt	22 MR. THOMAS: Okay.
23	it because I know Tony felt Tomas was a good	23 BY MR. THOMAS:
24	foreman and was using his crew, basically, and	24 Q. Would you be surprised by that statement?

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1	A. Yes, actually.		1	10 percent.
2	Q. Handing you Exhibit Vadas 11, what is		2	Q. Which would have been \$3,000 for that?
3	that, please?		3	A. Right.
4	A. Asbestek, it's a run down of a percentage		4	Q. Okay.
5	of work done day by day bringing the part one of		5	Do you recall testifying last Tuesday that
6	the job to conclusion. And it's an invoice for		6	you never went in this with the idea that you would
7	\$30,000 to Michael Collins, Nationwide Demolition		7	get any money at all? Do you recall that
8	to be paid to Asbestek, Incorporated.		8	statement?
9	Q. And you submitted that, did you not, that		9	A. I went in there with the - no. No. I
10	bill?		10	went in there with the idea that we it was not a
11	A. Yes, I did.	2	11	money maker, that we were going to break even on
12	Q. And it's your testimony that you didn't		12	this.
13	expect to get one penny of that amount?		13	Q. So that's your testimony today, that it
14	A. No. He was - I believe that Tomas was		14	would be a break even situation?
15	given a check.		15	A. Right, because this - this amount that we
16	Q. I understand that.	1	16	were asking for probably costs almost as much to
17	My question is when you submitted that		17	perform that work but I don't know what he was
18	bill, you were not submitting that in order to	1	18	paying the workers so I can't speculate on exactly
19	obtain any moneys for yourself personally, correct?		19	what it - what his costs were.
20	A. Well, no. I was - I was hoping I would	1	20	Q. Well, you must have had some idea of what
21	get a percentage of this but we never came to an	1	21	sort of profit you personally, John Vadas, were
22	agreement.	2	22	looking for when you entered into this contract and
23	Q. What percent were you hoping for?	1	23	worked, correct?
24	A. At this point, I was hoping for at least		24	A. Yeah. I would have been happy - again,

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1	as - 10 percent as a finder's fee and 10 percent
2	for doing part of the paperwork and then helping
3	him get started. But I did find him the contract
4	and I did help him get started.
5	Q. Would you have been fine with zero?
6	A. Well, would I have been fine? Not - not
7	really but that's pretty much where it ended up.
8	It's to my recollection that he was paid
9	by Mike Collins but I believe the check bounced.
10	It wasn't for \$30,000. And Mike did make it good
11	but it was after Tomas had a lot of checks drawn on
12	his bank account to pay the workers so he incurred
13	a lot of overdrafts. That's what he told me.
14	Q. This is Exhibit Vadas 12A, take a look at
15	that, please. Let us know when you've had a chance
16	to review it.
17	Do you recognize that?
18	A. Yes. Can I finish, please?
19	Okay. This is something I believe Tomas
20	asked me to put together because he was upset at
21	the time that he had a check bounce and seeing this
22	happen and –
23	Q. That's a fax, is it not or I mean, an
	111120-000-000-00-00

24 e-mail?

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1	all the complaints that the EPA had against him and	
2	I told him that was not possible. I'm not a	
3	lawyer. You need to contact an attorney. And I	
4	was distancing myself, obviously, from what I seen	
5	as to be criminal charges that were going to be	
6	brought against somebody.	
7	Q. Why did you know that at that time?	
8	A. That's what they were saying at the site.	
9	They were being very adamant about the that's	
10	where the long version comes in. They dragged us	
11	around that site picking up every piece the size of	
12	a dime and holding it up and saying look at this,	
13	do you know what this is? A piece of transite.	
14	Q. Where in that facsimile do you indicate	
15	anything about Safe Environment?	
16	A. I don't. This - this fax was to Tomas	
17	Amaya. It wasn't to Safe Environment.	
18	Q. Did you ever send a fax to Safe	
19	Environment?	
20	A. No.	
21	Q. Okay.	
22	Last Tuesday, I asked you a question about	
23	August 31, 2007 and that question was what was	
24	significant about August 31, 2007 that you were	

		10.1
'n	A. This is an e-mail, yes.	
2	Q. Sent by you?	
3	A. Yes.	
4	Q. Okay.	
5	What's the date of that e-mail?	
6	A. October 17th.	
7	Q. And you're describing the unfortunate	
8	situation at the Cleveland Trencher site, are you	
9	not?	
10	A. Yes, but in reviewing the Flynn documents	
11	later, those drums were actually on the report.	
12	Q. Where in there do you make any indication	
13	about Safe Environment's involvement in the	
14	Cieveland Trencher project?	
15	A. I don't.	
16	Q. Sorry?	
17	A. I don't.	
18	Q. Handing you Vadas Exhibit 13. Take a look	
19	at that.	
20	A. Right. I was - just at the beginning	
21	I'll tell you I was distancing myself from Tomas	
22	Amaya who was determined to try to be his own legal	
23	counsel, take care of the Cleveland Trencher plant	
24	himself and have me do - he wanted me to answer	

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đ	sending multiple faxes to multiple people and you	
2	had said you didn't know. And then you said that	
3	was the day that you got authority from Tomas Amaya	
4	to use safe Environment's license.	
5	Do you recall that?	
6	A. Yes.	
7	Q. Okay.	
8	When on August 31, 2007 with the	
9	approximately eight documents that you separately	
10	faxed to the government and Nationwide did you ever	
11	tell the government that Asbestek was using Safe	
12	Environment's license?	
13	A. I don't recall ever saying that except	
14	with the fact in - in the notification where it	
15	points out that they were using it. I didn't think	
16	I had to repeat myself over something that was a	
17	one-time notification.	
18	Q. And yet, you come today equipped with	
19	multiple revisions?	
20	A. Right, because there was changes made	
21	that – again, you know, when I was here last week,	
22	I didn't have a paper in my hand. I mean, you're	
23	asking me a lot of questions that I couldn't answer	
24	so now I'm trying to answer them with as much	

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1	material as I can gather and there's probably still	'n
2	more that I have not found yet.	2
3	Q. So you came back today with three or four	3
4	revisions of the ten-day notification -	4
5	A. Right.	5
6	Q that you knew to be important and yet,	6
7	your testimony is that you never sent a revision to	7
8	the Ohio Department of Public Health on August 31st	8
9	regarding Safe Environment's license, correct?	9
10	A. I don't remember sending one, no.	10
11	Q. Okay.	11
12	A. But I may have. Again, I - I'm usually	12
13	pretty thorough. Tomas might have had it in his	13
14	file. I don't necessarily keep all the documents	14
15	but I started a file for Tomas. He did have the	15
16	original - the green attachment that you get from	16
17	a registered letter. I told him to put that along	17
18	with the envelope that shows that you sent - a	18
19	copy of the envelope that shows that you sent this	19
20	to the EPA and the Ohio Department of Public	20
21	Health.	21
22	Q. Looking once again at Exhibit 4 that you	22
23	send out August 31st at 10:30 in the morning where	23
24	you indicate the contractor to be Asbestek	24

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3	A. Yes.	
2	Q with the license pending -	
3	A. Yes.	
4	Q did you ever on August 31st or	
5	September 1st send a revision of this form	
6	indicating Safe Environment's license?	
7	A. You'll have to say that over again.	
8	Im –	
9	Q. Okay.	
10	A. I'm not following you.	
11	Q. At 10:30 on August 31, 2007 you submitted	
12	a three-page facsimile to the Ohio EPA?	
13	A. Yes.	
14	Q. Indicating that the contractor for the	
15	Cleveland Trencher site was Asbestek -	
16	A. Yes.	
17	Q corred?	
18	A. Yes.	
19	Q. Later that day, you received authorization	
20	from Tomas Amaya to use Safe Environment's license,	
21	correct?	
22	A. Right.	
23	Q. Okay.	

When after you received that authorization McCorkle Court Reporters, Inc. Chicago, Illinois (312) 263-0052

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1	on August 31st did you send the second revision	1	Environment's license, correct?
2	indicating the change to the Ohio EPA?	2	A. Yes.
3	A. It should be in your pile of papers there.	3	Q. When on August 31st after Tomas gave you
4	Q. Did you do that on August 31st?	4	that authority did you send another revision with
5	A. August 20th I'm sorry. Again, it's	5	the correct information in section five?
6	dated August 31st.	6	A. I don't remember.
7	Q. Right.	7	Q. You don't remember or you didn't do it?
8	This is an – this is an August 31st fax,	8	A. I don't remember when I sent it. I
9	three pages, that you sent to the Ohio EPA,	9	believe I would have done it. If I sent one, I
10	correct?	10	would have sent the other.
11	A. Yes.	11	Q. Okay.
12	Q. And you - you're sending them a revision	12	And just to recap, you brought with us
13	of the ten-day notification that you sent on	13	today a second revision?
14	August 20th, correct?	14	A, Yes.
15	A. Yes.	15	Q. Dated September 17th with Safe
16	Q. Okay.	16	Environment's information on that form, correct?
17	Which was handwritten, correct? That's	17	A. That's correct.
18	Exhibit 5, right?	18	Q. Okay.
19	A. This first revision I don't think was.	19	So your testimony is that actually 17 days
20	Oh, to the EPA, yes.	20	after you received notification from Tomas Amaya
21	Q. Okay.	21	that you decided you would update the EPA?
22	Later in the day on August 31st, you -	22	A. No.
23	you have testified multiple times that you received	23	Q. No?
24	authority from Tomas Amaya to use Safe	24	A. That's 17 days after that the - we were

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1	getting into the friable phase. At that point,	494.00
2	no - I can't remember if it was because it was the	
3	nonfriable or if there was another reason why I had	
4	to have that one out that at that time.	
5	Q. Well, regardless of the reason - and	
6	let's just clarify this before I finish here.	
7	You have a ten-day notification sent to	
8	the EPA on August 31st where you indicate that the	
9	contractor is Asbestek, correct?	
10	A. Yes.	
11	Q. And then later on that day, you receive	
12	notification from Tomas Amaya that you will be	
13	using Safe Environment and Carlos Bonilla in order	
14	to	
15	A. Right.	
16	Q complete the job?	
17	A. Right. Right.	
18	Q. But you don't submit that updated	
19	information until, according to you today,	
20	September 17th, is that correct?	
21	A. That's correct.	
22	MR. KRAMER: Objection.	
23	BY MR. THOMAS:	
24	Q. Why did you wait - why didn't you notify	

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1	A. No, that is not fair to say that. I	
2	didn't I've never done anything fraudulent in my	
3	life.	
4	MR. THOMAS: I have no further questions.	
5	MR. KRAMER: All right. I do have questions	
6	but I think we should take a five or ten-minute	
7	break before I start.	
8	THE VIDEOGRAPHER: We're going off the record	
9	at 11:37 a.m.	
10	(A short break was taken.)	
11	THE VIDEOGRAPHER: We're going back on the	
12	record at 11:48 a.m.	
13	MR. KRAMER: It's almost afternoon but it's	
14	still morning so good morning, Mr. Vadas. My name	
15	is Jeff Kramer.	
16	THE WITNESS: Good morning.	
17	MR. KRAMER: And you know I represent	
18	Nationwide Demolition Services.	
19	THE WITNESS: Yes, I do.	
20	MR. KRAMER: I have a few questions I'd like to	
21	ask you. Some of them you may have been asked	
22	earlier but I want to take things in my order and	
23	would appreciate your cooperation in answering them	
24	again —	

1	the EPA in any of the communications that you had
2	with them either verbally or in writing after this
3	incorrect
4	A. I believe -
5	Q document that Safe Environment's
6	license would be employed by Asbestek?
7	A. I believe I did verbally talk with them
8	and told them that we were waiting on our license.
9	In the meantime, we're going to use Safe
10	Environment's license which I have a copy of here.
11	Q. Who did you tell that to at the EPA?
12	A. I think I was talking with Mark Needham
13	but it could have been the day that I talked with
14	Sharon McDuffy because I was working with -
15	talking with both of them. Adually, there's three
16	of them. Jeff Gerdes too. I don't remember. It
17	was quite a while ago.
18	Q. Isn't it fair to say that the reason that
19	there's no –
20	A. Here we go.
21	Q. – documentation to the Ohio EPA on the
22	31st regarding Safe Environment is because – is
23	because you fraudulently used Safe Environment's

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24 license?

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đ	THE WITNESS: Fine.	
2	MR. KRAMER: – as best you can.	
3	THE WITNESS: Yes, sir.	
4	EXAMINATION	
5	BY MR. KRAMER:	
6	Q. The first thing I'd like to do is clarify	
7	some things about asbestos abatement.	
8	First of all, if we refer to asbestos	
9	containing material in the way the industry does,	
10	can we refer to it by the initials ACM for asbestos	
11	containing material?	
12	A. We can but if it's regulated, that would	
13	indicate friable. If it's not regulated, you could	
14	refer to transite as ACM. Anything -	
15	Q. Okay.	
16	A that contains more than 1 percent, you	
17	can refer to as ACM.	
18	Q. All right.	
19	A. But-	
20	Q. And that's the next distinction. I may	
21	refer to for shorthand asbestos containing material	
22	as ACM.	
23	A. Yes.	
24	Q. Now, to my understanding, would you agree	