

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. Oh, 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. Beningno, B-E-N-I-N-G-N-O --
 20 A. Yes.
 21 Q. -- Alvarado?
 22 And then Leonel Mazza?
 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. Oh, 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. 8 was marked for

13 identification.)

14 BY MR. THOMAS:

15 Q. I'll start with Exhibit Amaya 8. 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 Environmental 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 Asbestek Document 27.

18 A. Yes.

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

20 surprised to learn that that came from Asbestek 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 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 6 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.

1 Q. Well, as far as what?

2 A. Just the license notification.

3 Q. Well, what – what sort of liability does

4 that put on Safe Environment to offer a license?

5 What – what does that make Safe Environment

6 responsible for in your opinion?

7 A. I don't know. I'm not a lawyer. I don't

8 know. I can't answer that question because I don't

9 know.

10 Q. So other than the license which you claim

11 to have received from Paganelli in a two-minute

12 call and you're not sure if he truly understood

13 you –

14 A. Yes.

15 Q. – what responsibility did Safe

16 Environment have at Cleveland Trencher at all?

17 A. They never been there. They never do any

18 work over there.

19 Q. They had no relationship to it, did they?

20 A. Except the little thing, license.

21 Q. Is that a little thing or a big thing?

22 A. It's a big thing now.

23 Q. What was it back then, was it little or

24 big?

1 A. It was small thing.

2 Q. Why was it small back then?

3 A. Because if everything goes with no

4 problem, everything can be happy by now. Everybody

5 can be happy by now.

6 Q. But if it didn't go well, then it becomes

7 a big problem?

8 A. Yes, which is now.

9 Q. And people get insurance in case there are

10 big problems?

11 A. Yes.

12 Q. And that's why you had insurance, correct?

13 A. Yes.

14 Q. And that's why you named Nationwide under

15 the policy?

16 A. Yes.

17 Q. Why didn't you name Safe Environment in

18 case anything went wrong?

19 A. Maybe I didn't think about it back in that

20 time.

21 Q. You didn't think about it because they had

22 nothing to do with this project, right?

23 A. That's your opinion but...

24 Q. Well, what's your opinion?

1 A. They let me use the license.

2 Q. Why didn't you name them as an insured?

3 A. The thing is it was my first business. I

4 didn't have a lot of experience in this thing. I

5 didn't never think, oh, I have to put Safe over

6 here, I have to put the other company over here.

7 Q. Well, why did you put Nationwide?

8 A. Because they asked for certificate.

9 Q. Okay.

10 Did that make you think why they might

11 want a certificate?

12 A. For – yes, for something, something

13 wrong, yeah.

14 Q. For something to go wrong.

15 And you also knew that you had to have

16 insurance on your own, correct?

17 A. Yes.

18 Q. Which you had prior to this date?

19 A. Yes.

20 Q. In case something went wrong?

21 A. Yes.

22 Q. What if something went wrong for Safe

23 Environment? Did you ever think to include them in

24 your insurance policy?

1 A. I never think about it.

2 Q. You never thought about it because they

3 had nothing to do with it, right?

4 A. Okay. Your opinion.

5 Q. But is that – is that a fair opinion?

6 A. Your point, yes. From my point, it's

7 different.

8 Q. Why is it different?

9 A. Because I'm – I'm the one talk to Tony.

10 I'm the one got the license. I'm the one in this

11 position but your position is different.

12 Q. Did you ask Tony when you talked to him

13 about getting insurance?

14 A. Nope.

15 (Whereupon, Amaya Deposition

16 Exhibit No. 12 was marked for

17 identification.)

18 BY MR. THOMAS:

19 Q. I've marked Exhibit Amaya 12 and if you'd

20 take a moment and look at that.

21 A. Yes.

22 Q. Okay.

23 What is Exhibit 12?

24 A. It's an account I opened with the – with

1 the dumpster company.

2 Q. And this is for the disposal of the

3 contaminated waste –

4 A. Yes.

5 Q. – correct?

6 A. Yes.

7 Q. Because when you do a project, as you

8 testified before, you've got to properly dispose –

9 A. Yes.

10 Q. – right?

11 So in addition to having a contract with

12 Nationwide, you had a contract with Allied Waste,

13 correct?

14 A. Yes.

15 Q. And this contract was only between you and

16 Allied Waste, is that correct?

17 A. Yes.

18 Q. And you filed this application –

19 A. Yes.

20 Q. – on August 17, 2007?

21 A. Yes.

22 Q. Okay.

23 Was there any waste generated by phase

24 one?

1 A. Yes.

2 Q. Okay.

3 And did you use Allied Waste for that –

4 A. Yes.

5 Q. – generated waste?

6 Okay.

7 (Whereupon, Amaya Deposition

8 Exhibit No. 13 was marked for

9 identification.)

10 BY MR. THOMAS:

11 Q. I've marked this document Amaya 13. Take

12 a moment. Take a look at that.

13 What is 13?

14 A. It's a credit application.

15 Q. That's a credit application to whom?

16 A. To the dumpster company, Allied Waste.

17 Q. So Allied Waste, correct?

18 A. Yes.

19 Q. Phase one of the remediation took place

20 under the direction of Vadas, correct?

21 A. Yes.

22 Q. Okay.

23 You were there for one day?

24 A. Yes.

1 Q. Was Carlos Bonilla ever there?

2 A. Never.

3 Q. When you were not there, who was the

4 supervisor on site?

5 A. It was Juan Amaya.

6 Q. Juan Amaya?

7 A. Yes.

8 Q. He has a supervisory license in Ohio?

9 A. No.

10 Q. Was he authorized under Ohio law to be a

11 supervisor on phase one?

12 A. No. It was not regulated asbestos.

13 Q. He was not regulated in asbestos?

14 A. Yes.

15 Q. He was not, correct?

16 A. Yes. Transite.

17 Q. Did he have any authority whatsoever to be

18 a supervisor at phase one?

19 A. From any state or from...

20 Q. From any state?

21 A. No.

22 Q. Yet, you knew he was the person

23 supervising that phase one, correct?

24 A. Yes.

1 Q. And you knew that that was illegal,

2 correct?

3 A. Illegal?

4 Q. Yes.

5 A. If it's not regulated, how – anybody can

6 do it. How can be illegal?

7 Q. Well –

8 MR. KRAMER: Objection to the question. Move

9 to strike.

10 BY MR. THOMAS:

11 Q. What about this, what about the fact that

12 it was against regulations? It was, wasn't it?

13 A. Against what regulations?

14 Q. Regulations to have a supervisor on site.

15 A. Yes, but when you doing regulated

16 asbestos. But when it's not regulated asbestos,

17 you – I mean, anybody can do it.

18 Q. So no supervisor was required for this, is

19 that correct?

20 A. No.

21 Q. Okay.

22 When did phase two – phase two begin?

23 A. After we got the notification.

24 Q. Okay.

1 From whom did you get that?

2 A. From who? Who what?

3 Q. Who gave you the notification, Department

4 of Health?

5 A. John Vadas gave it to me.

6 Q. Because he got that online?

7 A. Yes.

8 Q. Did the Department of Health ever mail

9 that to you?

10 A. No.

11 Q. And when you have the notification and you

12 claim that you also now had the Ohio contractor's

13 license, you began work?

14 A. Yes.

15 Q. Were you present for that?

16 A. Yes.

17 Q. When did that begin? What date? Do you

18 remember?

19 A. Nope.

20 Q. Okay.

21 And how long did it last?

22 A. The what? The project?

23 Q. Phase two.

24 A. Phase two I think eight days. I think

1 eight days.

2 Q. Okay.

3 And during those eight days, did Asbestek

4 employees work every day?

5 A. No. It's, I think, Wednesday to Sunday.

6 I think.

7 Q. They worked Wednesday to Sunday?

8 A. Yes, or Thursday to Sunday, something like

9 that.

10 Q. So five days?

11 A. I mean, I know we worked that weekend

12 because we started like Friday or Thursday, one of

13 these days. Right now, I can't remember exactly

14 what day we started.

15 Q. But you worked over one weekend?

16 A. Yeah, we worked two different weekends.

17 Q. Okay.

18 And did you work during the daytime?

19 A. Yes.

20 Q. Did you work at night?

21 A. Nope -- yeah, because we work like

22 14 hours a day.

23 Q. Okay.

24 A. We start like 8:00 to whatever is dark.

1 Q. 8:00 a.m.?

2 A. Yes.

3 Q. Until 8:00 p.m.?

4 A. Yes. Maybe yes.

5 Q. How about on Saturdays and Sundays, both

6 days?

7 A. Almost the same thing.

8 Q. During the eight days and only the eight

9 days that your employees were working at the

10 Cleveland Trencher site, were they working anywhere

11 else?

12 A. No.

13 Q. Were you present for all eight days?

14 A. Yes.

15 Q. What happened at the conclusion of the

16 eighth day? What was done?

17 A. Oh, everything was -- we used the first

18 four days to remove pipe insulation.

19 Q. That's phase one?

20 A. No. Phase two.

21 Q. Phase two.

22 A. Oh, okay. Phase one is the transite and

23 then we -- I did go -- I did go one day between

24 phase one and phase two. I did. I remember now I

1 went one day.

2 Q. You went one day during phase one?

3 A. No. No. No. I -- yes, phase one. And

4 then I went second day, one more time in between

5 both phases.

6 Q. Okay.

7 How about during phase two, were you

8 there?

9 A. Yes.

10 Q. For the whole thing?

11 A. Yes.

12 Q. Okay.

13 So you made three visits to Cleveland?

14 A. Yes. Actually, four, because the phase

15 one, the middle of phase one and phase two is

16 second time and we call phase three -- phase one,

17 phase two, phase three. Because phase one is the

18 transite, phase two is the pipe insulation and

19 phase three is the -- how do they call?

20 Q. Insulation?

21 A. It's insulation but this the one they

22 apply on the ceiling.

23 Q. Okay.

24 And you -- that's -- we're now calling

1 that phase three?
 2 A. Yes.
 3 Q. So phase three you were there for the
 4 entire time, correct?
 5 A. Yes. Yes.
 6 Q. And what did you do?
 7 A. We make the containment, set up the whole
 8 containment and we power wash everything
 9 to remove -- to remove the insulation.
 10 Q. Okay.
 11 And when the project was completed, what
 12 did you do?
 13 A. I put everything in bags in the dumpster
 14 and then I jump -- I call John Vadas to do a visual
 15 inspection and then after the visual inspection, he
 16 can call John -- Mike Collins and give him the
 17 okay.
 18 Q. Okay.
 19 After you called John Vadas, you packed
 20 stuff up and went back to Indiana, correct?
 21 A. Yes.
 22 Q. What did the laborers do?
 23 A. Same thing.
 24 Q. And when is the next time that you heard

1 anything about that particular site?
 2 A. When the EPA call me. When they wake me.
 3 up.
 4 Q. Okay.
 5 Tell us about that?
 6 A. Oh, it's another thing, between phase one
 7 and phase two -- between phase one and phase two,
 8 you -- you focused now? You know what I'm talking
 9 about, right? Between phase one and phase two, I
 10 went over there because it was a pile of debris
 11 over there and we went to -- I went to clean or
 12 remove it over there, clean it up in the floor.
 13 Then Mike Collins can be -- keep wrecking the part
 14 of the building. Then -- and then I clean up over
 15 there and come over here.
 16 Q. So he was demolishing while you were
 17 remediating?
 18 A. No. He stop it. But between phase one
 19 and phase two, we went over there to do some clean
 20 up on the floor and then we come back -- I come
 21 back. And then I get back when the notification.
 22 Q. Okay.
 23 And when you got the notification, did you
 24 communicate with John Vadas?

1 A. Yes.
 2 Q. Okay.
 3 What was that communication about?
 4 A. I asked him to order some dumpsters and he
 5 gave me the notification he ordered for dumpsters.
 6 Q. Okay.
 7 What was that for?
 8 A. For the waste we going to generate.
 9 Q. Okay.
 10 And then that waste was generated or not?
 11 A. Yes.
 12 Q. Okay.
 13 When you returned to Indiana, did you have
 14 further contact with John Vadas? You said you were
 15 woken in -- you were woken up by EPA's call?
 16 A. Yes.
 17 Q. Okay.
 18 A. They called John Vadas first.
 19 Q. Okay.
 20 A. But for some reason, I was at Safe
 21 Environment when I got the news too. I was in
 22 Safe's office.
 23 Q. Okay.
 24 When you got that call?

1 A. No, I didn't -- they didn't call me -- I
 2 don't know if I -- I can't remember right now if I
 3 told John Vadas about the thing or somebody from
 4 the EPA call him.
 5 Q. Okay.
 6 Did you tell Tony?
 7 A. Right at that moment?
 8 Q. Yes.
 9 A. He almost knew the same time I knew it.
 10 Q. So you were present --
 11 A. No. No. No. Because I was at Safe
 12 Environmental, when I went over there to pick it
 13 up, something, office and the guy, Matt; he told me
 14 the situation in Ohio. He was kind of telling me
 15 what I went to do over there and I didn't know. I
 16 didn't know. Then I went home. When I went home,
 17 I don't -- I -- the only thing I can remember if I
 18 told John Vadas or he already knew it but he find
 19 out and we start -- next day we drove to Cleveland,
 20 Ohio.
 21 Q. Together?
 22 A. Yes.
 23 Q. And what did you do when you got there?
 24 A. We met the local EPA guy and the State of

1 Ohio environment department person.

2 Q. Okay.

3 And what did they tell you?

4 A. A lot of things, a lot of things like they

5 saying they big contamination we make, we make and

6 that one of the thing was -- the thing he saw is

7 one of the -- he point, it's a little piece of

8 transite like this. He found -- found it in the

9 ground somewhere and he called that visual

10 emission. And I asked him do you think this is

11 releasing the fibers because I don't see any dust

12 or not? He don't say anything. He ignore me.

13 That was the guy Mike.

14 Q. When you were in the office at Safe

15 Environment and Matt said what did you do over

16 there in Ohio, what did you tell him?

17 A. I didn't know. Nothing. I told him

18 nothing.

19 Q. What did you say to Tony?

20 A. I don't think I talked to him. He never

21 answered the phone again.

22 Q. You called him again?

23 A. Yes, I call him and call him.

24 Q. Why did you call him?

1 A. To see what -- because right at that

2 moment, I need help from everybody. I was talking

3 to him how can I handle this.

4 Q. But he didn't answer? You left him a

5 message?

6 A. No. Oh, I think I left a message. I

7 think.

8 Q. And in that message you asked him how you

9 could help?

10 A. No. I don't know who -- I think I just

11 left the message I left. It was please call me, I

12 think.

13 Q. And did he call you?

14 A. No.

15 Q. Did you try and call him back?

16 A. Yes.

17 Q. How many times?

18 A. I don't know.

19 Q. Once or more than once?

20 A. Yes, more than once.

21 Q. Okay.

22 Did you use your same cell phone to call

23 him back?

24 A. Yes.

1 MR. THOMAS: Does anyone need a break?

2 MR. KRAMER: Yeah, four, five minutes.

3 THE VIDEOGRAPHER: We're off the record at

4 2:50 p.m.

5 (A short break was taken.)

6 THE VIDEOGRAPHER: This marks the beginning of

7 tape number three. We're back on the record at

8 3:03 p.m.

9 BY MR. THOMAS:

10 Q. Good afternoon, again, Mr. Amaya.

11 A. Good afternoon.

12 Q. As vice-president or project manager, John

13 Vadas had what primary responsibilities with

14 Asbestek?

15 A. We never discussed about responsibilities.

16 Q. Okay.

17 Well, what was your understanding of what

18 you would do in this whole process from start to

19 finish?

20 A. On the project? I was thinking the one

21 going to do phase two and phase -- phase two and

22 phase three, finish up with phase two and phase

23 three.

24 Q. Phase two was the pipes?

1 A. Yes.

2 Q. So you'd finish that up?

3 A. And then phase three which is pipe

4 insulation.

5 Q. Okay.

6 And for phase three, if your plan to be

7 present for the entire thing, correct?

8 A. For both of them, yes.

9 Q. Had you ever done a job on your own

10 outside of Safe Environment --

11 A. No.

12 Q. Well, wait until I finish the question.

13 Had you ever done a job outside of Safe

14 Environment where the -- where the pay amount would

15 be \$50,000?

16 A. Nope.

17 Q. Okay.

18 That was a big amount, was it not?

19 A. The -- yeah.

20 Q. Prior to --

21 A. Yeah, but -- it's a big amount but it's

22 not a lot of money because most is going to labor

23 and material.

24 Q. Do you have any idea of what your -- your

1 personal projected profit would be from a job like
 2 this?
 3 A. Job like that, yes, about \$10, \$15,000.
 4 Q. Okay.
 5 And then that would mean that John Vadas
 6 would make about \$10 or \$15,000?
 7 A. No. No. No. \$10 or \$15,000, the whole
 8 thing and then we going to split it.
 9 Q. So out of that \$50,000, you only expected
 10 to make about \$7,500?
 11 A. On that job or different job?
 12 Q. Just Cleveland Trencher.
 13 A. How we going to make --
 14 Q. Let me back up. I'm asking you about the
 15 contract with Nationwide to do the Cleveland
 16 Trencher site.
 17 A. Yes.
 18 Q. That was a \$50,000 job --
 19 A. Yes.
 20 Q. -- correct?
 21 What did you, personally, expect to make
 22 at the time you signed the contract?
 23 A. About \$15, \$20,000.
 24 Q. For you?

1 A. No. No. No. For the company.
 2 Q. Okay.
 3 And would you then pay yourself and pay
 4 John Vadas out of that?
 5 A. Yes.
 6 Q. Okay.
 7 So you expected to receive as a paycheck
 8 personally, Tomas Amaya --
 9 A. From the company.
 10 Q. Right.
 11 -- of about \$7,500 or \$10,000?
 12 A. Yes.
 13 Q. Okay.
 14 For a two week job, correct?
 15 A. Yes.
 16 Q. All right.
 17 Did you ever think it would be wise to be
 18 there for all three phases?
 19 A. Why do we have to -- say it again?
 20 Q. Do you think that it would have been wise
 21 to be there for all three phases?
 22 A. No.
 23 Q. Okay.
 24 A. I never think about it.

1 Q. Why would you have to go at all?
 2 A. At all? What do you mean?
 3 Q. Why would you have to go to this site even
 4 once? What would be the point?
 5 A. For the three phases?
 6 Q. For any phase. Couldn't you have just
 7 stayed back in Indiana.
 8 A. Oh, why I did go over there?
 9 Q. Yes.
 10 A. Oh, because I'm the only one with a
 11 supervisor license.
 12 Q. For phase three?
 13 A. Phase -- yes.
 14 Q. Okay.
 15 But you didn't -- did you have an Ohio
 16 supervisor license?
 17 A. Yes.
 18 Q. Okay.
 19 And that came because of the notification?
 20 A. Yes.
 21 Q. Okay.
 22 Which was falsely submitted with Carlos
 23 Bonilla's name?
 24 A. That's a question you have to ask John

1 Vadas. He false submitted because I didn't submit
 2 the notification.
 3 Q. But if you had submitted the notification,
 4 you would have put Carlos Bonilla's name?
 5 A. Yes. Yes.
 6 Q. So you agree with John Vadas's use of
 7 Carlos Bonilla's name?
 8 A. Yes.
 9 Q. As the site supervisor?
 10 A. Yes.
 11 Q. But instead of Carlos, you went to be the
 12 site supervisor?
 13 A. Yes.
 14 Q. Which was -- which you did not notify the
 15 State of Ohio you would be doing?
 16 A. No.
 17 Q. Okay.
 18 So you would be a supervisor then for
 19 phase two and phase three.
 20 What would John Vadas do for the entire
 21 project? What did you expect him to do?
 22 A. Paperwork and inspection.
 23 Q. And what sort of paperwork?
 24 A. Like the one he did, like contract,

1 notification and any paper we needed.

2 Q. Okay.

3 Except you've already testified that you

4 took care of some of the paperwork, correct?

5 A. Some, yes.

6 Q. Okay.

7 A. And collect money.

8 Q. How did that go?

9 A. Send the invoice.

10 Q. Okay.

11 Now, you're aware, are you not, that John

12 Vadas communicated with different parties by fax?

13 You didn't know he did that?

14 A. Nope.

15 Q. Okay.

16 (Whereupon, Amaya Deposition

17 Exhibit Nos. 14 & 15 were marked

18 for identification.)

19 BY MR. THOMAS:

20 Q. I'm handing you what I've marked as Amaya

21 Exhibit 14. Take a look at those documents stapled

22 together in that exhibit and let me know when

23 you've had a chance to look them over.

24 A. Yes, I see this.

1 Q. Have you seen these documents before?

2 A. I see this, yes.

3 Q. You're referring to page one?

4 A. Yes.

5 Q. Okay. Go ahead and take a look at each

6 one and let us know.

7 A. Is this the same or different? Because I

8 don't know which one I see it. I know I see one.

9 Q. Well, this exhibit is a series of pages,

10 correct?

11 A. Yes.

12 Q. And do they all appear to be fax cover

13 sheets?

14 A. Yes, but all this is from his -- he did

15 everything from his fax from his home.

16 Q. I understand that. Let's just talk about

17 the exhibit in general.

18 The exhibit is a series of faxes, are they

19 not?

20 A. Yes.

21 Q. And did you write any of those faxes?

22 A. Nope.

23 Q. Okay.

24 Who wrote them?

1 A. John Vadas.

2 Q. Okay.

3 And is it true that many of them were

4 written on behalf of Safe Environment -- I'm

5 sorry -- that many of them were written on behalf

6 of Asbestek?

7 A. Yes.

8 Q. And did you -- did you ever see any of

9 these?

10 A. Nope. Maybe one.

11 Q. Okay.

12 If I may, do you notice that the first fax

13 that's dated August 15, 2007 identifies a fax being

14 submitted to Molly Collins.

15 She's Nationwide, right?

16 A. Yes.

17 Q. From John Vadas?

18 A. Yes.

19 Q. And it says from JPV Services.

20 What's that?

21 A. He got his own business.

22 Q. Okay.

23 A. He's advertising his business there.

24 Q. So he's advertising his business.

1 And then in bigger letters he puts

2 Asbestek, correct?

3 A. Yes.

4 Q. And then he puts a phone and fax number --

5 A. Yes.

6 Q. -- of (219)845-3074?

7 A. Yes.

8 Q. Okay.

9 Whose number is that? Is that an Asbestek

10 office number?

11 A. I don't know if that because I had a

12 different number back at the time and I don't know

13 if that's the number I used to have.

14 Q. Okay.

15 On the bottom of this fax, he writes a

16 letter to Molly, does he not?

17 A. Yes. Uh-huh.

18 Q. Then he puts his name in the salutation,

19 does he not?

20 A. Yes.

21 Q. And he put his e-mail address and he's

22 advertising his own personal website, right?

23 A. Yes.

24 Q. And then he puts his phone number again,

1 correct?

2 A. Yes.

3 Q. That's JPV Services.

4 Then he puts his office number?

5 A. Yes.

6 Q. And then at the very bottom, he puts

7 Asbestos's information, correct?

8 A. Yes.

9 Q. Okay.

10 And the date of that first fax on

11 Exhibit 14 is August 15th, right?

12 A. Yes.

13 Q. 2007.

14 The second page is another fax, correct?

15 A. Yes.

16 Q. Looks similar.

17 This one is August 16, 2007, correct?

18 A. Yes.

19 Q. That's also to Molly Collins and also Mike

20 Collins this time, right?

21 A. Yes.

22 Q. August 23, 2007, this is another fax from

23 John also to Molly and Mike with the same –

24 relatively same information, correct?

1 A. Yes.

2 Q. Okay.

3 Then similarly, we have another fax on the

4 fourth page, August 24th?

5 A. Yes.

6 Q. Everything else is the same, correct?

7 A. Yes.

8 Q. Except now unlike the first three faxes,

9 he's removed JPV Services?

10 A. Yes.

11 Q. Do you know why he would have done that on

12 August 24th?

13 A. No.

14 Q. But he keeps Asbestos, doesn't he?

15 A. Yes.

16 Q. All right.

17 Now, we move to August 31st – excuse

18 me – August 31st – August 31, 2007?

19 A. Yes.

20 Q. And we have another fax from John to Molly

21 and Mike, correct?

22 A. Yes.

23 Q. And he's put the JPV Services back on?

24 A. Yes.

1 Q. And now he's added Safe Environment?

2 A. Yes.

3 Q. Okay.

4 Did you tell him to do that?

5 A. Nope.

6 Q. Do you have any idea why he would have

7 done that?

8 A. Nope.

9 Q. He puts a phone under Safe Environment of

10 845-3074.

11 Do you see that?

12 A. Yes.

13 Q. Is that the same number for JPV Services

14 on the first few faxes that we looked at?

15 A. Yes.

16 Q. Okay.

17 So it appears as if he's advertising Safe

18 Environment but really using his phone number and

19 other contact information, right?

20 A. Yes.

21 Q. Including the information for Asbestos?

22 A. Yes.

23 Q. At the very bottom of the page, what does

24 he write?

1 A. Safe Environment.

2 Q. And he puts a number (219)808-1882?

3 A. Yes.

4 Q. Do you recognize that number?

5 A. No.

6 Q. Is that Safe Environment?

7 A. I don't know.

8 Q. Okay.

9 A. I don't remember now.

10 Q. All right.

11 This fax is sent at 6:30 p.m., correct?

12 A. Yes.

13 Q. All right.

14 There's also a fax that he sends on

15 August 31, 2007 that's sent after the previous one

16 and this one does not have the Safe Environment in

17 the cover letter place, does it?

18 A. Yes, I can't see it.

19 Q. And this one is not sent to Nationwide

20 Demolition, is it?

21 A. Mike, I think this is the Ohio.

22 Q. That's to Ohio, right?

23 A. Ohio – EPA Ohio.

24 Q. Okay.

1 So isn't it true that what was being
2 accomplished here was that any communication to
3 Nationwide should have that new Safe Environment
4 label because they had to be convinced --
5 MR. KRAMER: Objection to the form of the
6 question.
7 BY MR. THOMAS:
8 Q. -- that Safe Environment was involved,
9 right?
10 A. Yes.
11 MR. KRAMER: Objection.
12 BY MR. THOMAS:
13 Q. But when communicating with the
14 authorities, you would not want to have Safe
15 Environment because they weren't really involved,
16 right?
17 MR. KRAMER: Objection.
18 THE WITNESS: Not really involved. It's kind
19 of-- it's not really because somehow they got
20 involved.
21 BY MR. THOMAS:
22 Q. But the point is don't raise a flag about
23 it, right?
24 A. Yes.

1 Q. Is that fair to say?
2 So take out Safe Environment when you're
3 talking to the authorities, right?
4 A. Yes.
5 MR. KRAMER: Objection.
6 MR. THOMAS: Okay.
7 BY MR. THOMAS:
8 Q. Then later on that day, there is another
9 fax back -- this is August 31, 2007, this goes to
10 Molly and Mike, correct?
11 A. Yes.
12 Q. Now, this is -- this one is hard to read,
13 is it not?
14 A. Yes.
15 Q. It looks like maybe it went through the
16 scanner on the fax machine and got messed up.
17 Do you agree with that?
18 A. Yes.
19 Q. So I'm handing you what I've marked as 15.
20 A. Yes.
21 Q. And is this an actual copy that you
22 provided?
23 A. I never remember providing that
24 information but...

1 Q. But it says Asbestek down here 23?
2 A. Yes, you got it.
3 Q. And take a look at it if you need to, does
4 that look like the official version of the last
5 page of 14?
6 A. Yes.
7 Q. Okay.
8 And on this one, you write or John writes
9 on behalf of Asbestek, we will be using Safe
10 Environment Corporation of Indiana contractor's
11 license?
12 A. Yes.
13 Q. Is that correct?
14 A. Yes.
15 Q. All right.
16 Did you tell Nationwide Demolition at any
17 point that you would be using Carlos Bonilla as the
18 specialist?
19 A. Nope.
20 Q. Why not?
21 A. I don't think I have to tell them after
22 they hire me. I don't think they have to know who
23 I going to use.
24 Q. Okay.

1 Why would you tell them that you were
2 using Safe Environment if you didn't have to tell
3 them about Carlos Bonilla?
4 A. Actually, you see, I never talk to the
5 owner of Nationwide Demolition. Everything was
6 between -- John Vadas was in the middle. I
7 never -- I mean, I talked to him but never -- we
8 never talked about this.
9 Q. But John Vadas only told things to
10 Nationwide and the Ohio Department of Health that
11 you told him to say, correct?
12 A. Yes.
13 Q. Okay.
14 So --
15 A. That's I think. I don't know what else he
16 said. I don't know.
17 Q. Well, but anything that we've seen that --
18 A. When it's related with the license, yes,
19 he told whoever whatever I say, I tell him.
20 Q. Right.
21 And that includes to -- the notification
22 to the Ohio Department of Health?
23 A. Yes.
24 Q. Because he didn't do that on his own, you

1 told him --

2 A. Yes.

3 Q. -- Carlos Bonilla?

4 A. Yes. I gave -- I gave him copy of the

5 Carlos Bonilla license and copy of Safe

6 Environmental license.

7 Q. Okay.

8 Incidentally, when you worked for Safe --

9 I'm going back in time now.

10 When you worked for Safe Environment in

11 Indiana and Illinois as a supervisor --

12 A. Yes.

13 Q. I'm going back to prior to Nationwide

14 Demolition.

15 You had, as a supervisor, items that you

16 carried around, the manual, correct?

17 A. Yes.

18 Q. And the book that we've been talking

19 about?

20 A. Yes.

21 Q. And that book has a copy of the -- of Safe

22 Environmental's license in there, doesn't it?

23 A. I haven't see it. I haven't see that,

24 their license.

1 Q. I'm talking about the contractor's

2 license?

3 A. No, I haven't seen it.

4 Q. You never saw that?

5 A. No. Oh, yes, I seen the one in Minnesota.

6 Q. Okay.

7 A. Yes.

8 Q. And how did you see it?

9 A. Because they gave it to me when I was over

10 there.

11 Q. Okay.

12 So you had access to Safe Environmental's

13 contractor's license prior to any work at Cleveland

14 Trencher?

15 A. No. The only one -- the only one was in

16 Ohio -- over there in -- in Minnesota.

17 Q. But that was in your possession, correct?

18 A. Yes.

19 Q. Okay.

20 And that was the only time that you had

21 ever seen that license?

22 A. Yes. The only time I had access to Safe

23 Environmental license.

24 Q. Okay.

1 What about access to any of Carlos

2 Bonilla's records?

3 A. Never.

4 Q. You never had access to that?

5 A. No. Yes. When he go to work with me,

6 yes, he gave me copy. I have to keep. As a

7 supervisor, I have to keep a copy of everybody's

8 paperwork.

9 Q. Okay.

10 So at times in the past, prior to doing

11 any work with Nationwide Demolition at Cleveland

12 Trencher --

13 A. Yes.

14 Q. -- you had access to Safe Environmental's

15 contractor's license?

16 A. Not Ohio. Minnesota.

17 Q. Minnesota?

18 A. Yes.

19 Q. Okay.

20 And Carlos Bonilla's information, correct?

21 A. Not Ohio, Minnesota.

22 Q. Okay.

23 How did you get Carlos Bonilla's

24 information for Ohio?

1 A. Chris gave it to -- the guy Matt gave it

2 to me.

3 Q. So Matt gave you that too?

4 A. Yes.

5 Q. Okay.

6 How did you get permission to get that?

7 A. I talked to Carlos in person.

8 Q. And what did you say to him?

9 A. If he can -- I need -- I explain the

10 situation, I need to get a notification but I can't

11 get notification right now until I get my license

12 and I want to go little bit ahead until I get my

13 license and then can you let me use your license

14 just to get a notification.

15 Q. What did he say?

16 A. Yes.

17 Q. Okay.

18 What do you mean by go a little bit ahead?

19 A. Yeah, like having the notification

20 quicker.

21 Q. Okay.

22 Did you call anybody at the Department of

23 Health and ask them if that was --

24 A. No.

1 Q. Okay.

2 Did you think that that was okay to do?

3 A. Yes.

4 Q. Okay.

5 Did you still think that's okay to do?

6 A. Yes.

7 Q. Okay.

8 So you talked to Carlos Bonilla?

9 A. Yes.

10 Q. Where was he when you talked to him?

11 A. He was working with me.

12 Q. And where was that?

13 A. In Indiana on the project we just talking

14 about, the one on -- Mittal Steel.

15 Q. That's where you were working just prior

16 to --

17 A. Yes.

18 Q. -- being taken off the job there, right?

19 And so you spoke with Carlos and he said

20 yes, you can use my what?

21 A. Yes, my asbestos supervisor license.

22 Q. Anything else?

23 A. No.

24 Q. Okay.

1 Did he give you anything else?

2 A. No.

3 Q. Okay.

4 So he gave you nothing. He just said you

5 could use it, right?

6 A. Yes.

7 Q. Did he tell you how you should go about

8 getting a copy of that license?

9 A. I think, I think he called Chris because

10 he -- yes, I asked him tell Chris to get me

11 permission -- I mean, gave me the copy of the

12 license.

13 Q. Okay.

14 A. Chris is Matt, same person.

15 Q. I understand.

16 And did Carlos do that?

17 A. Yes, he did it because when I -- I talked

18 to Chris, did Carlos call you or Carlos tell you

19 everything? Yes, he told me.

20 Q. And so what did you say to Chris or Matt?

21 A. The same thing I told him. I just talked

22 to Carlos. He call you and yes, he called me,

23 something like that. I can't tell you right now

24 exactly what the conversation was but...

1 Q. And so what did Chris do?

2 A. Make a copy from the file.

3 Q. Of what?

4 A. Of the asbestos supervisor license and

5 gave it to me.

6 Q. Did he give you anything else?

7 A. Nope. I don't -- I don't remember -- I

8 mean, besides the Safe Environmental contractor

9 license.

10 Q. But that was at a different time, right?

11 A. No. Same time.

12 Q. Same time?

13 A. Yes.

14 Q. Okay.

15 So when you went in to talk to Chris about

16 getting the Ohio contractor's license from Tony,

17 you also talked to him about getting Tony -- Carlos

18 Bonilla's documents?

19 A. Yes.

20 Q. And Chris gave you all that stuff?

21 A. Yes.

22 Q. No questions asked?

23 A. Nope.

24 Q. Did he go back and talk to Tony and say

1 that --

2 A. I don't know.

3 Q. -- Tomas Amaya is out front?

4 A. I don't know.

5 Q. Well, did he go in the back room?

6 A. Well, Tony wasn't there.

7 Q. And you know that because you tried to

8 call him on his cell phone and he didn't answer?

9 A. No, he wasn't there. The office is small.

10 You can see it.

11 Q. So he wasn't there?

12 A. Yes.

13 Q. All right.

14 But it was at that time that you went to

15 get the contractor's license that Chris or Matt

16 also gave you Carlos's stuff?

17 A. Yes.

18 Q. Okay.

19 Did Chris ask you what you had going on in

20 Ohio?

21 A. Everybody knew in that office what is

22 going on in Ohio, trying to get a little job over

23 there.

24 Q. Okay.

1 And I don't mean to call into question
 2 semantics but was this a little job or a big job?
 3 A. Compare -- because I -- the reason I call
 4 little job is because maybe a couple months before,
 5 I got done a job for Safe which I was eight months
 6 working over there with a lot of guys. That is a
 7 huge job. Compare it with that, that was a very
 8 little job.
 9 Q. Okay.
 10 But in terms of -- in terms of the fact
 11 that this was the first major job by Asbestek --
 12 A. Oh, yes.
 13 Q. -- that was a big job?
 14 A. Yes.
 15 Q. And in terms of the fact that you were the
 16 president and in charge, that's a big job, right?
 17 A. Yes. Yes.
 18 Q. In fact, you had to do a lot of things for
 19 this job you never had to do for Safe Environment,
 20 right?
 21 A. Yes.
 22 Q. A lot of paperwork --
 23 A. Yes.
 24 Q. -- right?

1 And you did it all, didn't you? In fact,
 2 you did -- you got your Certificate of Existence?
 3 A. Yes.
 4 Q. You got your Certificate of Incorporation?
 5 A. Yes.
 6 Q. You had a proposal and contract with
 7 Nationwide?
 8 A. Yes.
 9 Q. You had actually two notification forms,
 10 one which was not submitted with Tony's information
 11 and then one that was submitted with Vadas's
 12 information, you submitted that to Ohio, right?
 13 A. Yes.
 14 Q. You applied for worker's compensation for
 15 the six or seven employees that you hired?
 16 A. Yes.
 17 Q. You submitted a foreign corporation --
 18 A. Yes.
 19 Q. -- form to Ohio?
 20 You had insurance?
 21 A. Yes.
 22 Q. You had a policy through American Risk,
 23 right?
 24 A. Yes.

1 Q. And then you even got a certificate for
 2 Nationwide?
 3 A. Yes.
 4 Q. Which you never mentioned Safe
 5 Environment, right? Is that correct?
 6 A. Yes.
 7 Q. You had a contract with the waste company?
 8 A. Yes.
 9 Q. Okay.
 10 And you actually filled out a credit form
 11 to ensure that you would get the stuff carried
 12 away, correct?
 13 A. Yes.
 14 Q. So you knew that paperwork was important?
 15 A. Yes.
 16 Q. But you don't have a single document that
 17 identifies your business relationship at Cleveland
 18 Trencher with Safe Environment, correct?
 19 A. No.
 20 Q. Why not?
 21 A. I don't know.
 22 Q. Well, only you can know.
 23 A. I mean, I don't know.
 24 Q. Because it didn't exist, right?

1 A. How you know?
 2 Q. Well, you know that paperwork is
 3 important?
 4 A. Yes.
 5 Q. You know that there are --
 6 A. What paperwork are you talking about?
 7 Q. Any paper.
 8 A. Yeah, but what? I mean, a contract
 9 between Asbestek and Safe or what are you talking
 10 about?
 11 Q. A thank you note, anything in writing that
 12 shows that you had any agreement with Safe
 13 Environmental to use their license?
 14 A. No, I didn't have any -- anything in
 15 writing.
 16 Q. Did you ever think to get something in
 17 writing?
 18 A. Nope.
 19 Q. Yet you knew that as a president of an
 20 asbestos remediation company --
 21 A. Yes.
 22 Q. -- that there are laws that have to be
 23 followed?
 24 A. Yes.

1 Q. And that there are forms to fill out?
 2 A. Yes.
 3 Q. Multiple forms?
 4 A. Yes.
 5 Q. For regulation, insurance, worker's comp,
 6 contracts and everything else?
 7 A. Yes.
 8 Q. Yet, you have no written documentation
 9 with respect to Safe Environment, is that correct?
 10 A. No.
 11 Q. Do you have any written documentation with
 12 respect to Carlos Bonilla?
 13 A. Nope.
 14 Q. Okay.
 15 And you have admitted to us that you put
 16 Carlos Bonilla's name in the notification form just
 17 to put a name in that would pass check, correct?
 18 A. Yes.
 19 Q. And it didn't matter whether or not Carlos
 20 Bonilla had anything to do with the work, correct?
 21 A. He don't going to do the work. It's just
 22 a -- it's a requirement.
 23 Q. You could have put any person's name in
 24 the country who had a license, correct?

1 A. Yes.
 2 Q. Because you're saying --
 3 A. As long as he authorized me.
 4 Q. Where is that authorization?
 5 A. It's verbal authorization.
 6 Q. Just like your agreement to get a license
 7 from Safe Environment, verbal, right?
 8 A. Yes.
 9 Q. Okay.
 10 And that verbal communication with Safe
 11 Environment has very little follow up in itself,
 12 doesn't it?
 13 A. Yes.
 14 Q. What -- right?
 15 Okay.
 16 Whether it's with Anthony Paganelli or
 17 Carlos Bonilla?
 18 A. Yes.
 19 Q. In fact, the only thing that you have is
 20 that Chris gave you both Bonilla's and Safe
 21 Environment's licenses?
 22 A. Yes.
 23 Q. At the same time?
 24 A. Yes.

1 Q. In a two-minute meeting?
 2 A. Yes.
 3 Q. Based upon --
 4 A. In front of Stacy.
 5 Q. In front of Stacy based on two quick
 6 conversation that you had?
 7 A. With Tony Paganelli, yes.
 8 Q. With no consideration? Do you know that
 9 what means?
 10 A. No.
 11 Q. Did -- was there any exchange to get these
 12 documents either from Safe Environment or Carlos
 13 Bonilla? Did you give them anything?
 14 A. No.
 15 Q. You gave them no money?
 16 A. Nope.
 17 Q. You made no promises to them?
 18 A. Nope.
 19 Q. Okay.
 20 In fact, you offered nothing in exchange
 21 for getting these documents, is that correct?
 22 A. Yes.
 23 Q. Okay.
 24

1 (Whereupon, Amaya Deposition
 2 Exhibit No. 16 was marked for
 3 identification.)
 4 BY MR. THOMAS:
 5 Q. I'm going to hand you Exhibit Amaya 16.
 6 That's three pages. If you take a moment to look
 7 at those things.
 8 A. Just one is copy of Carlos Bonilla's
 9 certificate. The other one is a copy of the Carlos
 10 Bonilla license.
 11 Q. What kind of license?
 12 A. Asbestos supervisor license.
 13 Q. Okay.
 14 A. And the other one is a copy of Safe
 15 Environmental contractor license.
 16 Q. Okay.
 17 And these are the three documents that
 18 you're testifying were given to you when you went
 19 and saw Matt --
 20 A. Yes.
 21 Q. -- during phase one?
 22 A. Phase two.
 23 Q. During phase two?
 24 A. No. No. No. Between phase two and phase

1 one.

2 Q. Okay.

3 And when you received these documents,

4 what did you do with them?

5 A. I took it right away to John Vadas.

6 Q. Okay.

7 Did you give him any instructions?

8 A. Nope.

9 Q. Would he know what to do with them?

10 A. Yes.

11 Q. How would he know that?

12 A. Because he been in business for long -- a

13 lot of years.

14 Q. So he would receive a fax from you with an

15 asbestos supervisor refresher and an asbestos

16 supervisor card for Carlos Bonilla and he would

17 know what to do with it?

18 A. Yes, because he knew it.

19 Q. What would he do with it?

20 A. Make the notification.

21 Q. He'd slip that in line eight, right, to

22 let the Ohio know that this specialist --

23 A. Yes.

24 Q. -- who was your friend --

1 A. Yes.

2 Q. -- would be giving you the ability to do

3 work even, though, he wouldn't be present?

4 A. Yes.

5 Q. Okay.

6 And what would -- what would John Vadas

7 know what to do with the Safe Environment

8 contractor license?

9 A. Put the number in the notification and

10 submit it.

11 Q. Okay.

12 And when he filled out the notification,

13 why wouldn't he put Safe Environmental's phone

14 number along with the name?

15 A. I think that's a question you have to ask

16 him.

17 Q. So you didn't follow up with him on any of

18 that, correct?

19 A. No.

20 Q. You recently pled guilty to a felony in

21 Cuyahoga County?

22 A. No. Misdemeanor.

23 Q. What did you plead guilty to in Cuyahoga

24 County?

1 A. Why? Why? Was that the question? Is

2 that what the question is?

3 Q. What did you plead guilty to?

4 A. Contamination.

5 Q. Okay.

6 What was your understanding of that

7 charge? What was the violation?

8 A. Contamination, removal of asbestos

9 unpreparedly (sic) way.

10 Q. And that was at the Cleveland Trencher

11 site?

12 A. Yes.

13 Q. And what was the disposition of that case?

14 What did the judge have you do as a result?

15 A. I had to pay \$3,000 -- \$3,500 personally

16 and \$10,000 as a corporation.

17 Q. Through Asbestek, right?

18 A. Yes.

19 Q. And that was on a program through your

20 probation officer, right?

21 A. Yes.

22 Q. So are you still paying that off?

23 A. I don't pay anything because I don't make

24 any money.

1 Q. So have they violated you? Had you paid

2 it all off?

3 A. No. I have a year to pay the whole thing.

4 Q. I see.

5 A. But I don't -- I didn't pay anything yet

6 because I don't have money.

7 Q. Did you not plead guilty as well to an

8 unclassified felony? Do you recall that?

9 A. No.

10 Q. You believe it was just one charge?

11 A. Yes. As a corporation, it got a felony.

12 Q. Okay.

13 A. As a person, misdemeanor.

14 MR. THOMAS: Okay. All right.

15 I think that concludes my questions. So

16 at this point, I'll turn it over to the other

17 attorneys. Louis, did you have any questions?

18 MR. GILBERT: Just a couple.

19 MR. THOMAS: Okay. Do you want to start first?

20 MR. GILBERT: Sure.

21 EXAMINATION

22 BY MR. GILBERT:

23 Q. Hi, Mr. Amaya. How are you?

24 A. Good. How are you?

1 Q. Good. I'm in Ohio. Just a few quick
2 questions.
3 Prior to the onset of this litigation, did
4 you ever have any contact with the owner of the
5 Cleveland Trencher site?
6 A. Never.
7 Q. Prior to this litigation, did you know who
8 the owner was?
9 A. Say that again? I can't -- I don't know.
10 Q. Did you know when you were doing the work
11 there at the Cleveland Trencher site, did you know
12 who the owner was?
13 A. No.
14 Q. Did you or anyone else from Asbestek try
15 to contact the owner at any time?
16 A. No. I don't know. I don't think John
17 Vadas did it.
18 Q. But you didn't?
19 A. No.
20 Q. And do you know if they ever tried to
21 contact you?
22 A. No.
23 Q. Or anyone else --
24 A. No.

1 Q. -- with Asbestek?
2 A. No.
3 MR. GILBERT: That's all the questions I have.
4 THE WITNESS: Okay.
5 MR. KRAMER: I'll have some questions but I'm
6 going to be about 30 minutes. Do you want to take
7 a short break or a short recess before I start?
8 We'll wrap this up.
9 THE WITNESS: No problem. I'm fine.
10 MR. KRAMER: You're okay?
11 THE WITNESS: I want to go home.
12 MR. KRAMER: I think everybody probably would
13 like to.
14 Again, ask me to clarify anything that you
15 don't understand, all right?
16 THE WITNESS: Yes.
17 EXAMINATION
18 BY MR. KRAMER:
19 Q. So you have been in the asbestos
20 remediation business as your profession for how
21 many years now?
22 A. As a supervisor or as a laborer?
23 Q. Both.
24 A. Both. I started in 1994.

1 Q. All right.
2 So 18 years?
3 A. Yes.
4 Q. And as a supervisor, how many years?
5 A. Since 2001.
6 Q. So eight or nine years?
7 A. Yes.
8 Q. Every year since you took your initial
9 40 hours of basic training which was 32 hours of
10 laborer training, how to do asbestos remediation,
11 plus eight more hours for initial certification as
12 supervisor, you have taken eight-hour refresher
13 courses to continue your supervisor certification
14 every year since then, correct?
15 A. Yes, eight hours.
16 Q. Right.
17 A. Yes.
18 Q. And you've had to submit a fee every year
19 to renew that certification of you think \$200 to
20 \$250, something in there?
21 A. Yes.
22 Q. I'd like you to clarify are there two
23 different classes of -- well, first of all, you're
24 familiar with the term ACM or --

1 A. Asbestos material containing.
2 Q. It stands for asbestos containing
3 material?
4 A. Yes.
5 Q. And are there two classes of ACM or
6 asbestos containing material as far as a remediator
7 is concerned?
8 A. Yes.
9 Q. Is the first class what we call nonfriable
10 asbestos containing material?
11 A. Yes.
12 Q. And we've heard some use of the term
13 transite?
14 A. Yes.
15 Q. Is that --
16 A. Nonfriable.
17 Q. Okay.
18 Does it require any licensure or --
19 A. It depends--
20 Q. -- licensed supervisor to remove --
21 A. It depends the site.
22 Q. So let's limit ourselves to Ohio.
23 Does it require a license to remove
24 nonfriable ACM?

1 A. No.

2 Q. So I could do that or our court reporter
3 could do that, anybody is allowed to –

4 A. Yes.

5 Q. And what is this nonfriable? What's the
6 difference between it and the friable type of
7 asbestos containing material?

8 A. The difference is the nonfriable, you – I
9 mean, you can break it with you hands, the
10 nonfriable and the friable, you can pulverize with
11 your hands.

12 Q. Okay.

13 A. Create fibers.

14 Q. So is there a greater risk with one of
15 airborne asbestos contamination than with the other
16 type?

17 A. Yes. Asbestos is asbestos.

18 Q. All right.
19 Transite is what type?

20 A. Nonfriable.

21 Q. All right.
22 So when you were removing transite at the
23 Cleveland Trencher property –

24 A. Yes.

1 Q. – that was the first phase of the
2 project, correct?

3 A. Yes. Yes.

4 Q. And that did not require a licensed
5 supervisor at will?

6 A. No. No.

7 Q. It didn't require licensed personnel at
8 all, did it?

9 A. No.

10 Q. And Mr. Vadas actually was the person in
11 charge of that phase one nonfriable ACM removal at
12 Cleveland Trencher, correct?

13 A. Yes.

14 Q. Phase two and phase three, you said phase
15 two concerned pipe insulation?

16 A. Yes.

17 Q. Is that friable or nonfriable?

18 A. It's friable.

19 Q. All right.
20 Because it's easily pulverized –

21 A. Yes.

22 Q. – and born – airborne?

23 A. Yes.

24 Q. Did you supervise all of phase two?

1 A. Yes.

2 Q. At Cleveland Trencher?

3 A. Yes.

4 Q. Phase three was spray on insulation in a
5 curing room –

6 A. Yes.

7 Q. – at the Cleveland Trencher, is that
8 correct?

9 A. Yes.

10 Q. Is that friable or nonfriable?

11 A. It is friable.

12 Q. So that, again, required a licensed
13 supervisor –

14 A. Yes.

15 Q. – be on site?

16 A. Yes.

17 Q. And you supervised all of that phase three
18 spray on insulation removal?

19 A. Yes.

20 Q. At Cleveland Trencher site?

21 A. Yes.

22 Q. So wherever a licensed supervisor was
23 required at Cleveland Trencher, you were the
24 licensed supervisor?

1 A. Yes.

2 Q. Now, at the time that you were acting as
3 licensed supervisor for the removal of the friable
4 ACM at the Cleveland Trencher site which you
5 described as phases two and three of that project?

6 A. Yes.

7 Q. Were you licensed in Ohio as an asbestos
8 supervisor?

9 A. Yes.

10 Q. All right.
11 But you had just gotten that license as
12 I –

13 A. Yes.

14 Q. – understand it?

15 And you did not have the license yet at
16 the time that the ten-day notification was sent to
17 the State of Ohio for that second and third phase?

18 A. No.

19 Q. You had applied for the license?

20 A. Yes.

21 Q. But had not yet received it?

22 A. No.

23 Q. So you had no Ohio license number to put
24 on the ten-day notification for your own name?

1 A. No.

2 Q. So you secured permission from a co-worker

3 named Carlos Bonilla in Indiana to use his Ohio

4 abatement supervisor license on that notification?

5 A. Yes.

6 Q. Did you tell him at the time that you had

7 applied for your Ohio license and would have it

8 before that work was done?

9 A. Yes.

10 Q. And on that, he agreed to allow you to use

11 his name for the notification?

12 A. Yes.

13 Q. And that is not unusual in the business,

14 to use one person's license so long as — and you

15 can use another one on the project so long as that

16 person is properly licensed?

17 A. Yes.

18 Q. And you were properly licensed as an

19 abatement supervisor by the State of Ohio at the

20 time you supervised phases two and three?

21 A. Yes.

22 Q. All right.

23 So you had a card in your possession just

24 like —

1 A. Yes.

2 Q. — the one that was copied from Carlos

3 Bonilla that was submitted with the ten-day

4 notification, correct?

5 A. Yes.

6 Q. All right. Thank you.

7 Now, when asbestos containing material,

8 friable asbestos containing material is released on

9 a job site, that does carry the potential for

10 criminal penalty?

11 A. Yes.

12 Q. That's criminally wrong under the

13 environmental protection laws of the United States,

14 correct?

15 A. Yes.

16 Q. And as the contractor, you faced those

17 charges where your company and you, personally, as

18 the head of the company —

19 A. Yes.

20 Q. — are held liable, correct?

21 A. Yes.

22 Q. Because Safe Environment Corp.'s license

23 was used on the project, if they assumed

24 responsibility, could Mr. Paganelli have also been

1 charged if he admitted giving you permission to use

2 their license and operate under it?

3 A. I don't know the law.

4 Q. Okay.

5 But at any rate, do you know why he has

6 taken the position that he never gave you

7 permission to use the license?

8 A. I think one is money and one he's afraid

9 to get charges like me. I think.

10 Q. All right.

11 Now, it took you almost a year to get the

12 charge resolved; is that correct?

13 A. Three, two years or more.

14 Q. Two years.

15 And you had to hire counsel to do that?

16 A. Yes.

17 Q. And your business closed down, correct?

18 A. Yes.

19 Q. I want to go through these — this time

20 frame for your visits to the site and the time that

21 you contacted Mr. Paganelli.

22 First of all, before the Cleveland

23 Trencher project, before that contract was even —

24 proposal was even signed —

1 A. Yes.

2 Q. — you were working pretty steadily for

3 Safe Environment Corp. —

4 A. Yes.

5 Q. — correct?

6 A. Yes.

7 Q. And how long before — the contract with

8 the Cleveland Trencher — for the Cleveland

9 Trencher project was in August, early August,

10 wasn't it?

11 A. Yes.

12 Q. Of 2007.

13 How long before that did Mr. Lovelace come

14 back to work for Safe Environment Corp.?

15 A. You mean how long is that? Three or four

16 months, I think.

17 Q. Okay.

18 You alluded earlier to things changed when

19 Mr. Lovelace came back.

20 What things changed? What did you — were

21 you concerned about?

22 A. I was kind of the — part of the main

23 supervisors, two or three main supervisors.

24 Q. Right.

1 A. When Mr. Lovelace come to Safe
 2 Environmental, he brought his own supervisors, like
 3 supervisor come with him and start put the old
 4 supervisors on the side and give more opportunity
 5 for his supervisors and that's the reason I decide
 6 to open my company because I didn't see any future
 7 in that company and outside is...
 8 Q. Did you know why, what purpose
 9 Mr. Lovelace had in coming back? Was he buying the
 10 company from Mr. Paganelli?
 11 A. I think that's -- he's buying the company.
 12 I think.
 13 Q. Now, you had been working for
 14 Mr. Paganelli and developed a very close -- what
 15 you described as a close personal friendship and
 16 relationship with him since 2000 or 2001?
 17 A. Yes.
 18 Q. This relationship was close enough that
 19 after work, you and Mr. Paganelli would sometimes
 20 go to dinner together, correct?
 21 A. Before that, before 2000 and two -- two --
 22 1996, 1998, we been working together with another
 23 company.
 24 Q. Now, you're 48 years old now, right?

1 A. Who me?
 2 Q. Yes.
 3 A. No. 40 -- 43 will be.
 4 Q. 43, okay. I'm sorry.
 5 Are you and Mr. Paganelli close in age?
 6 A. Yes.
 7 Q. All right.
 8 So did you consider yourself to be almost
 9 like his right hand?
 10 A. Yes.
 11 Q. His best supervisor?
 12 A. Yes.
 13 Q. And he could call you on a weekend, at
 14 night, any time?
 15 A. Any time, yes.
 16 Q. And he could always count on you going out
 17 and getting the job done?
 18 A. Yes.
 19 Q. And no complaints about the job?
 20 A. Yes.
 21 Q. Now, you were working on Mittal Steel
 22 until -- really into the start of this Cleveland
 23 Trencher project, weren't you?
 24 A. Yes.

1 Q. And the Mittal Steel plant is in Indiana?
 2 A. Yes.
 3 Q. And what city in Indiana?
 4 A. I think it's East Chicago.
 5 Q. And you never know how long a project's
 6 going to last generally when you start a project
 7 although --
 8 A. It was estimated for three weeks.
 9 Q. Okay.
 10 John Vadas tells you that he has a project
 11 in Cleveland?
 12 A. Yes.
 13 Q. That would -- from a friend of his who
 14 owned a demolition company?
 15 A. Yes.
 16 Q. And that turned out to be Mike Collins --
 17 A. Yes.
 18 Q. -- and his company Nationwide Demolition,
 19 correct?
 20 A. Yes.
 21 Q. And -- and at the time that he estimated
 22 the job and came up with a proposal that it was
 23 going to be \$50,000 for this project, removal of
 24 friable and nonfriable asbestos containing

1 materials from the Cleveland Trencher property, you
 2 had never seen the property, correct?
 3 A. No.
 4 Q. Mr. Vadas had apparently seen it and
 5 estimated the job and told you about it?
 6 A. Yes.
 7 Q. Did he tell you that the property had been
 8 abandoned for a long period of time?
 9 A. Yes.
 10 Q. Did he tell you there was vandalism,
 11 evidence of vandalism on the property?
 12 A. Yes.
 13 Q. But he told you -- how long did he
 14 estimate the friable portion was going to take at
 15 that time, two or three days?
 16 A. It's about -- each -- phase one, one week,
 17 phase two, one week and phase three, one week.
 18 With less guys but then more guys went too.
 19 Q. All right.
 20 And the first phase would be nonfriable,
 21 the transite removal?
 22 A. Yes.
 23 Q. That required no licensure?
 24 A. Yes.

1 Q. So at the time the contract was signed, he
2 took care of that because it didn't require a
3 license and because you were still busy at Mittal
4 Steel, is that correct?

5 A. Yes.

6 Q. Now, was it during the completion of the
7 phase one transite removal that Mr. Vadas informed
8 you that Mr. Collins or his company's asbestos
9 hazard license in Ohio had expired, had not been
10 renewed and you needed -- you needed to get a
11 license from somewhere else or was it after phase
12 one was completed?

13 A. I can't remember right now it was in the
14 middle of phase one or before phase one. I can't
15 remember right now.

16 Q. All right.

17 Was it before Carlos Bonilla's -- you had
18 your discussion with Carlos Bonilla at Mittal Steel
19 about --

20 A. Yes, it was before.

21 Q. So you knew you needed a contractor's
22 license?

23 A. Yes.

24 Q. In addition to you, personally, would need

1 an Ohio asbestos hazard supervisor license?

2 A. Yes.

3 Q. You applied for the Ohio supervisor's
4 license but while you were waiting on that, you
5 secured Mr. Bonilla's permission to use his license
6 for the ten-day advanced notification form?

7 A. Yes.

8 Q. Was that before or after you spoke to
9 Mr. Paganelli about using Safe Environment's Ohio
10 license as a contractor license?

11 A. It was after.

12 Q. So you were still working at Mittal Steel
13 when you called Mr. Paganelli?

14 A. I don't know. I can't remember where I
15 was working right at that moment but it was after I
16 talked to --

17 Q. When you called Mr. Paganelli, you called
18 him on his cell phone?

19 A. Yes.

20 Q. And was it during the day or was it in the
21 evening?

22 A. I'm not sure but I think it was in the
23 evening -- yes, in the evening -- no, not
24 nighttime. Like afternoon, I think.

1 Q. Afternoon?

2 A. Yes.

3 Q. And you asked him for a personal meeting
4 if I understand your testimony?

5 A. Yes.

6 Q. You wanted to meet him in person to ask
7 this favor?

8 A. Yes.

9 Q. And you expected you would pay him for use
10 of the license?

11 A. Yes.

12 Q. So we go through this conversation. He
13 answered the phone and he knows you very well and
14 you ask him Mr. Paganelli, I need a favor. I need
15 to be able to use your license for a project -- a
16 project I'm on in Cleveland?

17 A. Yes.

18 Q. Did he already know about the project in
19 Cleveland?

20 A. No, I don't think so.

21 Q. All right.

22 Did Mr. Lovelace know about the project in
23 Cleveland at that point?

24 A. Before the notification -- before the

1 license?

2 Q. Yes.

3 A. No.

4 Q. So how did you describe the project in
5 Cleveland that you wanted the license for to
6 Mr. Paganelli, tell me as best you can recall?

7 A. Like I just said, little job.

8 Q. Little job.

9 Did you say how many days or --

10 A. No.

11 Q. Did you tell him why you needed it?

12 A. Yes. I explain to him I need to get -- I
13 need to get a notification because I need to get
14 this, like I say again, little job done.

15 Q. Did he ask you how big a job it was?

16 A. No.

17 Q. Did he ask you how long you'd need it for?

18 A. No.

19 Q. Did you -- what, if anything, did you say
20 about paying him for the license?

21 A. Can -- do you want me charge me anything?
22 He said no but like I said.

23 Q. So did he -- did he say yes, you can have
24 the license before you asked him what you want for