

1 Q. Okay.

2 And what -- what have your -- what have

3 your jobs been for those 18 years in Chicago?

4 A. I'm --

5 Q. What type of work? Sorry.

6 A. Asbestos and I worked for many different

7 companies.

8 Q. Okay.

9 Regardless of the company, over the past

10 18 years, what sort of training have you had in

11 asbestos removal?

12 A. I have the 40 hours training and eight

13 hours refreshers every year.

14 Q. And the 40 hours training, that allows you

15 to do what?

16 A. Conduct -- I mean, supervisor for it,

17 supervise for it and do labor work.

18 Q. Okay.

19 So the 40 allows you to not only do the

20 labor but to be a supervisor as well, right?

21 A. Yes.

22 Q. What would a person have to do for

23 training just to be a laborer?

24 A. Take 32 hours.

1 Q. 32 hours?

2 A. Yes.

3 Q. Okay.

4 So that eight hours is included in that

5 40, correct?

6 A. Yes.

7 Q. All right.

8 And is that yearly or every -- every few

9 years? How does that work?

10 A. The what, the eight hours or 40 hours?

11 Q. The 40.

12 A. The 40 hours, just one time.

13 Q. Okay.

14 When did you last do your 40 hours for

15 Indiana?

16 A. I did it for Indiana and Illinois I think

17 ten years ago. I'm not sure.

18 Q. Okay.

19 So approximately around 2000 you had --

20 A. Yeah.

21 Q. -- your large 40 hour training?

22 A. Yes.

23 Q. And did you have any training in any state

24 since that time?

1 A. I went to Minnesota and take eight --

2 eight -- eight hours refresher about six years ago.

3 Q. So approximately 2004, you did --

4 A. Yes, 2005, 2008, something like that. I'm

5 not sure.

6 Q. Okay.

7 And that was eight hours?

8 A. Refresher class.

9 Q. Okay.

10 In Minnesota?

11 A. Yes.

12 Q. Did that allow you to receive licensure in

13 Minnesota?

14 A. Supervisor license in Minnesota.

15 Q. Okay.

16 And after that, have you had any asbestos

17 related training?

18 A. Yes.

19 Q. Okay.

20 Tell us about that?

21 A. Every -- every year I took my refresher

22 class, eight hours refresher class.

23 Q. In what state?

24 A. Illinois.

1 Q. Okay.

2 And as a result, your Illinois license is

3 current, correct?

4 A. Yes.

5 Q. Okay.

6 A. But not the refresher class.

7 Q. For Illinois?

8 A. The refresher class is -- I took is good

9 in Illinois and Indiana to get license on both the

10 states.

11 Q. I see.

12 So you could take a refresher course in

13 Minnesota, Indiana or Illinois and it applies to

14 all?

15 A. No.

16 Q. No?

17 A. No. All the state got different laws,

18 like they want -- the school has to be approved.

19 Like they want to take the eight-hour class in

20 Illinois is approved to get the licensing in

21 Indiana and Illinois.

22 Q. Okay.

23 A. But it's not to -- approved to get the

24 license in Minnesota.

1 Q. All right.

2 Is your license active in Illinois right?

3 A. Yes.

4 Q. Okay.

5 But not Indiana, correct?

6 A. Not Indiana.

7 Q. Okay.

8 When you came to Chicago approximately

9 16 years ago, can you tell us what company you

10 worked for then?

11 A. Was Burdco.

12 Q. Do you know how to spell that?

13 A. Nope.

14 Q. Is that one word or two words?

15 A. One word.

16 Q. And can you say it again?

17 A. One word.

18 Q. Right.

19 A. Burdco. I don't know how to spell it.

20 Q. It was Burdco?

21 A. Yes.

22 Q. Burdco, okay.

23 And how long were you at Burdco?

24 A. About two months I think.

1 Q. Okay.

2 Were you a supervisor?

3 A. No. I was a laborer.

4 Q. Okay.

5 And where did you go after Burdco?

6 A. I went to -- I don't remember now. It's a

7 lot of different companies I did work but I

8 think -- I think it was Seco Environmental.

9 Q. Cinco?

10 A. Seco, S-E-C-O.

11 Q. Okay.

12 Seco Environmental?

13 A. Yes.

14 Q. And how long were you with Seco?

15 A. Maybe one month I think.

16 Q. Okay.

17 And you were a laborer or a supervisor?

18 A. Laborer.

19 Q. Okay.

20 And what about after Seco?

21 A. Because I went to a lot of different

22 companies but I think -- I'm not sure but I think

23 the next company I moved was ACI.

24 And I think all those companies are out of

1 business now.

2 Q. Okay.

3 Let me ask you this, is it fair to say

4 that if a person is a laborer for an asbestos

5 abatement company that they might work for more

6 than one companies at -- more than one company at

7 the same time?

8 A. It's fair? What do you mean?

9 Q. Is it true that an asbestos laborer --

10 A. Yes.

11 Q. -- will work for more than one company --

12 A. Oh, yes.

13 Q. -- at the same time?

14 A. Yes.

15 Q. Why is that?

16 A. Because they go for eight hours at a time.

17 And I can work eight hours in this company and I

18 can work eight hours another company.

19 Q. Okay.

20 And that's standard in the business?

21 A. Yes.

22 Q. Okay.

23 Without going through each company that

24 you've worked in the last 16 years that you've

1 been in the Chicago area, how many companies would

2 you say that you were a laborer for?

3 A. It hard to say because I can't remember

4 now so many companies. Maybe -- maybe seven.

5 Q. Okay.

6 A. Maybe seven.

7 Q. All right.

8 And how many companies would you have been

9 a supervisor for?

10 A. In Chicago or Indiana or...

11 Q. In this whole region.

12 A. I think just two companies. I think.

13 Q. Okay.

14 What were those companies?

15 A. Safe Environmental.

16 Q. Okay.

17 A. And VersiTech. They are from

18 Pennsylvania.

19 Q. VersiTech?

20 A. Yes.

21 Q. Okay.

22 When did you start at Safe Environmental?

23 A. I think 2000 or 2001. I'm not sure.

24 Q. Okay.

1 And what sort of work did you do there,
 2 were you a laborer or --
 3 A. I just start as a laborer.
 4 Q. Okay.
 5 Then you became a supervisor?
 6 A. Working with them, I became a supervisor.
 7 Q. And when did you become a supervisor?
 8 A. I'm -- right now, I'm not sure but it must
 9 be 2001 -- 2000 or 2001, one of those years.
 10 I'm -- I don't have the information with me right
 11 now.
 12 Q. So about the time that you actually
 13 started for them?
 14 A. Yes.
 15 Q. What does a supervisor do?
 16 A. The supervisor do is make sure the work is
 17 followed the rules and do the paperwork.
 18 Q. And what are the rules?
 19 A. The EPA rules, the one we learned in the
 20 school.
 21 Q. Okay.
 22 Are those federal EPA or state EPA?
 23 A. Some are state and some are county or city
 24 or -- it depends where the job is.

1 Q. Okay.
 2 And what sort of paperwork would you --
 3 A. It's kind -- it's like a daily log, write
 4 down what -- what the production and sign -- make
 5 sure that whoever going to be containment sign in
 6 and sign out. There's some more that I can't
 7 remember right now.
 8 Q. Well, in general, as a supervisor, you
 9 would do these things, right?
 10 A. Yes.
 11 Q. At any company, right?
 12 A. Yes.
 13 Q. And probably in any state?
 14 A. Yes, every state.
 15 Q. So you would keep a daily log of the
 16 activity going on --
 17 A. Yes.
 18 Q. -- right?
 19 A. Yes.
 20 Q. So, for example, you might say today we
 21 are abating some wall or something?
 22 A. Like we starting today with the preclean.
 23 We going to prep the area. We going to start
 24 remove it, all those things.

1 Q. Okay.
 2 And the daily log would also have the
 3 workers?
 4 A. Yes.
 5 Q. Including the supervisor?
 6 A. Including the supervisor.
 7 Q. Okay.
 8 And it would have probably the time that
 9 they started and the time they finished --
 10 A. Yes.
 11 Q. -- correct?
 12 A. Yes.
 13 Q. Okay.
 14 As a supervisor, one of the things that
 15 you said you had to do was to make sure that the
 16 rules are followed --
 17 A. Yes.
 18 Q. -- right?
 19 A. Yes.
 20 Q. Do you -- would you as a supervisor in
 21 general, would you carry a book with you?
 22 A. Yes.
 23 Q. Okay.
 24 What kind of book?

1 A. The regulation books and the -- I mean,
 2 the company, most of the company they create a book
 3 with all the sheets where we have to make them, the
 4 daily log and sign-in sheets and --
 5 Q. Okay.
 6 A. And other sheets. Right now, I don't
 7 know.
 8 Q. When you were a supervisor with Safe
 9 Environment, did you have a Safe Environment
 10 regulation book?
 11 A. Yes.
 12 Q. Okay.
 13 And did you have -- and that book was
 14 specific towards Safe Environment, correct?
 15 A. Yes. It got the logo and --
 16 Q. Okay.
 17 So it had their logo on the front?
 18 A. Yes.
 19 Q. And when you were a supervisor for Safe --
 20 Safe Environmental, did you have a Safe
 21 Environmental daily log sheet?
 22 A. Yes.
 23 Q. Okay.
 24 Did that have the logo on it?

1 A. Yes.

2 Q. Okay.

3 A. I don't know -- I can't remember it got a
4 logo or not but the book in general got the
5 company's information.

6 Q. Okay.

7 You stayed with Safe Environmental until
8 what year?

9 A. I think it was 2007. I think. I'm not
10 sure.

11 Q. Okay.

12 What makes you say 2007?

13 A. Because it's '01 -- 2006 or 2007. I'm not
14 sure. One of those years is the last time I worked
15 for them.

16 Q. Okay.

17 And why did you end your employment with
18 Safe Environmental?

19 A. Actually, I never -- I have a -- you
20 understand the history?

21 Q. Pardon me?

22 A. We can understand the history right now.

23 Q. Sure.

24 A. I did work in Ohio --

1 Q. Okay.

2 A. -- and which I have problems in Ohio and
3 after that, I didn't -- I never called them for --
4 asked them for work.

5 Q. I understand.

6 So you're talking about the Cleveland
7 Trencher site --

8 A. Yes.

9 Q. -- right?

10 A. Yes.

11 Q. Okay.

12 So after the -- the issue with Cleveland
13 Trencher, you never called them again?

14 A. Never ask them for work.

15 Q. Okay.

16 What do you mean ask them for work?

17 A. Yeah, because they used to be my -- the
18 company I worked for.

19 Q. Well, when you -- let's go back to prior
20 to Cleveland Trencher --

21 A. Yes.

22 Q. -- okay?

23 How would your duties at Safe
24 Environmental -- how did they come about, would you

1 get a phone call or would you say call me when you
2 have work or what?

3 A. No. Because I think -- I was a supervisor
4 and I think I was kind of the major supervisor, the
5 top two or top three. And after we finish -- I
6 finish any work, they almost got the next job for
7 me.

8 Q. And how would that job be given to you?

9 A. Sometimes the -- either the owner of the
10 company or the superintendent, they go and we do --
11 go in to do a walk through and show me what we have
12 to do and sometimes, they just give me the book,
13 the address and specifications.

14 Q. What book?

15 A. The book with the -- all the -- like the
16 notification and the daily logs and all the
17 specifications how they want the job done or the
18 address or...

19 Q. Tell us, if you will, about that
20 notification? What is that?

21 A. It's kind of permit, state permit to
22 remove asbestos.

23 Q. Okay.

24 Was it also a specific application for a

1 job site?

2 A. Yes.

3 Q. Okay.

4 So it had job site details?

5 A. Yes.

6 Q. Which also included --

7 A. The amount of asbestos that have to be
8 removed.

9 Q. Okay.

10 And all the details about the job?

11 A. Yes -- not exactly but the amount and -- I
12 don't know. I can't remember now.

13 Q. In the first scenario that you gave us,
14 you would go with the owner and do a walk through
15 at the site?

16 A. Sometimes the owner or whoever is in
17 charge at that moment.

18 Q. Okay.

19 Who are some of those people that would do
20 a walk through from Safe Environmental with you?

21 A. Sometimes Mr. Tony Paganelli.

22 Q. Okay.

23 A. And sometimes with Rick Lovelace.

24 Q. Anyone else?

1 A. No.

2 Q. So they would take you as a supervisor,
3 one of the two, to a specific site?

4 A. Yes.

5 Q. And you would walk through the site and
6 look at things, right?

7 A. Yes.

8 Q. And point out what?

9 A. The material have to be removed.

10 Q. Okay.

11 Would you discuss with them how it should
12 be removed?

13 A. Nope.

14 Q. So just what had to be done?

15 A. Yes.

16 Q. Okay.

17 And on those occasions that they didn't do
18 a walk through, you said that, essentially, they
19 would just give you the book with the notification?

20 A. Yes.

21 Q. Was that a ten-day notification?

22 A. Yes, ten-day notification.

23 Q. Okay.

24 And tell you, essentially, drive to the

1 site?

2 A. Yes.

3 Q. Bring workers?

4 A. Yes. But sometimes they explained they
5 want the asbestos be removed under containment or
6 under glove bag, two different method.

7 MR. KRAMER: Glove bag, I believe.

8 MR. THOMAS: Glove bag. Okay.

9 BY MR. THOMAS:

10 Q. And that would depend on the amount,
11 right?

12 A. Yes.

13 Q. Because you might have dumpsters full or
14 you might have smaller amounts?

15 A. Yes.

16 Q. Okay.

17 Whether you did the first scenario which
18 is the walk through or you were just given the
19 information and told to go to the site --

20 A. Yes.

21 Q. -- who would arrange for the waste?

22 A. They hired a special --

23 Q. Okay.

24 A. -- hauling company.

1 Q. So you didn't have to do that?

2 A. No.

3 Q. What would be the difference between
4 whether or not a walk through was required or just
5 handing you the book?

6 A. Actually, the difference is the size of
7 the job.

8 Q. Okay.

9 If you can describe that for us?

10 A. If it's a small job, they don't go in. If
11 it's a big job, yes, they go in and show the whole
12 job.

13 Q. Okay.

14 What's a -- what's an example of a big
15 job?

16 A. Over three weeks of work, over two weeks
17 of work.

18 Q. Okay.

19 And what's a small job?

20 A. One week, one day, two days.

21 Q. So that -- that describes the difference
22 in terms of time.

23 Is there a difference in terms of waste
24 volume?

1 A. Yes.

2 Q. Okay.

3 What is the waste volume of a big job?

4 A. Over a dumpster.

5 Q. One Dempster?

6 A. Yes.

7 Q. And what about a small job?

8 A. It can be a dump -- but the thing is it
9 can be two, three bags but it still have to go in
10 the dumpster, that still a small job. It can be
11 the full dumpster. It -- maybe a full dumpster can
12 be a big job --

13 Q. Okay.

14 A. -- but it still have to be a dumpster.

15 Q. Okay.

16 What is the largest job in terms of waste
17 that you've ever personally worked on?

18 A. Minnesota, one job.

19 Q. Minnesota?

20 A. Yes.

21 Q. What was the waste volume at that job?

22 A. Between household waste and regular waste
23 about maybe 40 dumpsters.

24 Q. 40 dumpsters, okay.

1 A. I'm not sure.

2 Q. Okay.

3 So that's approximate, right?

4 A. Yes.

5 Q. And how many truckloads is 40 dumpsters?

6 A. 40.

7 Q. 40?

8 A. Yes.

9 Q. Okay.

10 Each dumpster is a trunk load --

11 A. Yes.

12 Q. -- truckload?

13 A. Yes.

14 Q. Okay.

15 We'll talk about it later but since we're

16 on this subject right now, was the Cleveland

17 Trencher site a big job or a small job?

18 A. It's a big job.

19 Q. Okay.

20 And other than the Cleveland Trencher

21 project that you worked on, were you ever assigned

22 work or jobs from Safe Environment in any way other

23 than either the walk through or here's the book,

24 we've arranged for the waste?

1 A. Say that again.

2 Q. Were you -- you talked about two ways that

3 you got a job from Safe Environment.

4 A. Yes.

5 Q. One was the more official for big jobs,

6 the walk through?

7 A. Uh-huh.

8 Q. Excuse me.

9 And the second was for a smaller job, you

10 would get the book, you would already have -- had

11 the waste arranged through the special company?

12 A. Yes.

13 Q. And you would be given the ten-day

14 notification --

15 A. Yes.

16 Q. -- that was already prepared --

17 A. Yes.

18 Q. -- in the small jobs?

19 A. Yes.

20 Q. Other than those two ways of getting work

21 or projects from Safe Environment, was there any

22 other way that you received work other than

23 Cleveland Trencher?

24 A. Yes, it's another way, Safe

1 Environmental, they had a contract in Melrose Park,

2 Illinois, which is they charged for the time and

3 the material.

4 Q. Where -- what is this place?

5 A. Time -- Melrose Park, Illinois.

6 Q. Do you know how to spell that?

7 A. Nope.

8 MR. KRAMER: Melrose, M-E-L-R-O-S-E.

9 MR. THOMAS: Melrose, thank you.

10 BY MR. THOMAS:

11 Q. And what went on with this? How did this

12 work at Melrose Park?

13 A. Melrose Park is maintenance.

14 Q. Maintenance?

15 A. Yes.

16 Q. Okay.

17 And what -- how did that work there at

18 Melrose?

19 A. It's a maintenance. They got a lot of

20 pipe insulation there and sometimes they want us to

21 cover the pipe insulation, sometimes they want us

22 to put labels or they got little amounts of

23 asbestos to remove. And sometimes like when we ran

24 out of work, Safe Environmental doesn't have any

1 work over here and I called the -- I called the

2 person in charge of that place if he got any work

3 for us which is for me.

4 Q. Right.

5 A. Then I go and perform the work, do the

6 paperwork and prepare like the sheet they have to.

7 They sign it and I give it to Safe Environment.

8 Q. Okay.

9 And what does Safe Environmental do with

10 it?

11 A. Send the invoice to the company.

12 Q. Okay.

13 And who does the work?

14 A. On --

15 Q. Who does the work at Melrose?

16 A. I do with one or two laborers.

17 Q. Okay.

18 So you're saying that this is a special

19 situation --

20 A. Yes.

21 Q. -- through Safe Environmental?

22 A. Yes.

23 Q. Okay.

24 That is not like the other two types of

1 work?

2 A. No.

3 Q. Is Melrose Park, was that an ongoing
4 situation, one that lasted a long time?

5 A. Yes. It's a project they have for years
6 and years. And they have open notification.

7 Q. Okay.

8 And how many times did you have the
9 opportunity to go to Melrose Park and get this kind
10 of work that you would tell Safe Environment and
11 then they'd bill?

12 A. Many times. Maybe ten times.

13 Q. Okay.

14 But you understood that this was a special
15 case --

16 A. Yes.

17 Q. -- correct?

18 Okay.

19 So other than this special case of Melrose
20 Park, were there any other jobs that fell outside
21 of those two ways of Safe Environmental?

22 A. No.

23 Q. Okay.

24 Tell us who Anthony Paganelli is? Who is

1 he?

2 A. A person from Indiana?

3 Q. Yes.

4 A. My ex-friend.

5 Q. Okay.

6 So he's -- he was a friend of yours,

7 correct?

8 A. Yes.

9 Q. When did you first become friends with
10 him?

11 A. I met him 19 -- I think 1996 when he was
12 working for Seco.

13 Q. Okay.

14 A. He was the vice-president.

15 Q. All right.

16 And what was your friendship with him
17 like?

18 A. I worked. It started with working.

19 Q. Was it a social friendship?

20 A. Once in a while.

21 Q. Okay.

22 And what does that mean, a social
23 friendship once in a while?

24 A. Like we been on a job in Bloomington, I

1 think -- I'm not sure it was 1996 to 1997 but we
2 been over there for about six, eight months. He
3 was my boss and we -- after work, we used to go out
4 and --

5 Q. Okay.

6 A. -- have dinner or...

7 Q. Sure.

8 After the -- the relationship at Seco,
9 when did you next interact -- interact with him?

10 A. Just working.

11 Q. Okay.

12 So you worked with him throughout the
13 years?

14 A. Yes.

15 Q. Okay.

16 And at some point then, he -- he became
17 president of Safe Environmental, right?

18 A. Yes.

19 Q. Okay.

20 Do you know when that was?

21 A. No, I can't remember. No, I don't even
22 know because I -- I always think he was the owner.

23 Q. Okay.

24 A. But I don't know. He was somebody else

1 over there.

2 Q. If you think --

3 A. I hear rumors somebody else was the owner
4 but I don't know.

5 Q. So you thought at some point he became the
6 owner of --

7 A. He was the owner all the time.

8 Q. He was the owner?

9 A. Yes.

10 Q. Okay.

11 That you knew, right?

12 A. Yes.

13 Q. And at some point, did he bring you on as
14 an employee?

15 A. No. Actually, I asked him for work.

16 Q. Okay.

17 A. Because I was working for another company.

18 Q. All right.

19 A. And everything started slowing down in
20 that company. I called him and he gave me work
21 right away.

22 Q. Okay.

23 And that was in approximately 2000 or
24 2001, right?

1 A. Yes.

2 Q. Okay.

3 And then steadily from that time, you

4 worked for Safe Environmental --

5 A. Yes.

6 Q. -- correct?

7 A. All the time.

8 Q. Okay.

9 And who is Rick Lovelace?

10 A. He -- I mean, when I -- I met him but all

11 at the same time I met Tony, the other company.

12 But him and I, we never been friends, just say hi

13 and that's it.

14 Q. Okay.

15 And you have your professional

16 relationship, correct?

17 A. Yes. And then, I didn't see him for what,

18 maybe six or eight years I didn't see him until he

19 become -- he came to Safe Environmental. He was

20 the -- I don't know -- vice-president or estimator,

21 one of those positions.

22 Q. Okay.

23 Do you know when that happened?

24 A. Actually, I think it was 2006 or 2005. I

1 dont know. I don't know.

2 Q. Okay.

3 And then when he arrived at Safe

4 Environmental, he would have been your supervisor,

5 correct?

6 A. Yes.

7 Q. And so on some occasions, he would do a

8 walk through with you, correct?

9 A. Yes.

10 Q. And tell you what needed to be done --

11 A. Yes.

12 Q. -- and how to do it, correct?

13 A. Yes.

14 Q. Then you would do it, right?

15 A. Yes.

16 Q. Obviously, you wouldn't do it alone.

17 You'd have laborers that came with you?

18 A. Yes.

19 Q. Okay.

20 Who determined who would come and work

21 with you?

22 A. They provide the laborers, the office.

23 Q. Okay.

24 So Safe Environmental would then provide

1 the laborers for any of the those jobs?

2 A. Yes.

3 Q. You would supervise and get the job done?

4 A. Yes.

5 Q. Okay.

6 And do you know how Safe Environmental

7 provided those laborers?

8 A. I think they called laborers and go -- and

9 they tell to go to work with whoever going to be

10 running the project, whoever is going to be in

11 charge of the project.

12 Q. So they would pretty much show up at the

13 site, right?

14 A. Yes. Yes.

15 Q. And you would check them in on your daily

16 log?

17 A. Yes.

18 Q. And tell them what to do?

19 A. Yes.

20 Q. And they went to work?

21 A. Yes.

22 Q. Okay.

23 Was it ever your responsibility at Safe

24 Environmental to personally get workers?

1 A. Sometimes.

2 Q. Tell us about those times?

3 A. Sometimes they don't have -- they are too

4 busy or they can't find a person and they have a

5 job have to be done and then I call people I know.

6 Q. And those people that you called, would

7 they be Safe Environmental employees?

8 A. Yes. Yes. They have application with

9 Safe.

10 Q. Okay.

11 So you would call those people who you

12 knew to be laborers for Safe Environmental?

13 A. I know them through Safe.

14 Q. Okay.

15 And these are people who would have worked

16 for Safe Environmental in the past, right?

17 A. Yes.

18 Q. And you would call them when what, you

19 didn't have enough workers at the site?

20 A. Yes. Sometimes when they don't --

21 sometimes they need a crew of five and they called

22 the guys and a little bit later, they call, oh, I

23 can't show up to the job site and they don't find

24 somebody else. And then I try to find a person.

1 Q. Who is they, Safe Environmental?
 2 A. Yes.
 3 Q. Like Anthony or Rick?
 4 A. The secretary – the secretary the most
 5 the person who called the laborers.
 6 Q. Okay.
 7 So you would show up at a job site?
 8 A. Yes.
 9 Q. You might be expecting five workers to
 10 show up?
 11 A. No. No. That thing – sometimes they
 12 don't show up but most of the time, they show up.
 13 Q. And most of the time, they showed up.
 14 These were the laborers that Safe Environmental had
 15 determined will come and work with you, correct?
 16 A. Yes.
 17 Q. But you're saying that sometimes somebody
 18 would call in sick or people wouldn't show up?
 19 A. Yes.
 20 Q. And then you didn't have enough people?
 21 A. Yes.
 22 Q. So then you, personally, would call –
 23 A. No.
 24 Q. No?

1 A. No, I don't do that. Sometimes the – the
 2 job took longer but I'd like the job – as soon as
 3 I'm on the job, I don't call nobody. I don't
 4 remember call somebody.
 5 Q. You don't remember doing that?
 6 A. No.
 7 Q. So you would call the secretary --
 8 A. Yes.
 9 Q. – and say we need more workers?
 10 A. Yes.
 11 Q. And then she would arrange to have Safe
 12 Environmental laborers come to your site, correct?
 13 A. Yes.
 14 Q. But you never called anyone personally?
 15 A. I – I can't remember I'm on the job site
 16 call somebody, no.
 17 Q. Okay.
 18 So you never did that?
 19 A. No. I don't remember. I don't know if I
 20 did it or not but right in this moment, I don't
 21 remember.
 22 Q. That's all I'm asking you is what you
 23 remember.
 24 A. Yes.

1 Q. But you don't remember having personally
 2 called any workers –
 3 A. No.
 4 Q. – to come in?
 5 Okay.
 6 If you did call in a worker, would you
 7 have to check with the secretary?
 8 A. Yes. The thing is the company doesn't
 9 allow us to call people who doesn't have
 10 application and the paperwork in the office. Like
 11 paperwork means license and certificate.
 12 Q. So the job for bringing in laborers was
 13 completely up to the Safe Environmental
 14 authorities?
 15 A. Yes. Yes.
 16 Q. Not yours?
 17 A. No. Right.
 18 Q. Okay.
 19 Who was the secretary at Safe Environment
 20 when you were there?
 21 A. I think I met three or four. I don't
 22 know.
 23 Q. Okay.
 24 And do you remember some of the names of

1 those people?
 2 A. Stacy. I don't know how many Stacy they
 3 had but..
 4 Q. More than one Stacy?
 5 A. Yes.
 6 Q. Okay.
 7 A. I just remember a Stacy and I don't know
 8 the rest.
 9 Q. Just one Stacy, right?
 10 A. Yes.
 11 Q. Okay.
 12 A. I remember both faces but – different
 13 face, same name.
 14 Q. Okay.
 15 What was your interaction with the
 16 secretaries when you were at Safe Environmental?
 17 A. What -- what you mean?
 18 Q. Did you – did you show up at work each
 19 day and talk to the secretaries or would you see
 20 them once in a while?
 21 A. Once in a while.
 22 Q. Okay.
 23 And when you interacted with them, did
 24 you – did you have any professional business with

1 the secretary?

2 A. Yes, when -- no. We talk just about

3 business nothing...

4 Q. Right.

5 And what sort of things did you talk about

6 with the secretary?

7 A. Sometimes when I go to pick up my check.

8 Q. To pick up a check?

9 A. Yes.

10 Q. Okay. Fair enough.

11 A. And sometimes to give the secretary the

12 book. After I get the job done, I finish up the

13 book and give it to her.

14 Q. Okay.

15 Sometimes or all the time?

16 A. All the time.

17 Q. Okay.

18 So when a job site was completed, you had

19 to turn everything in?

20 A. Yes.

21 Q. Which was the --

22 A. The whole book.

23 Q. The whole thing?

24 A. Yes.

1 Q. The book, the notification?

2 A. Yes.

3 Q. Any waste forms that were signed --

4 A. Yes. Yes.

5 Q. -- right?

6 Because you had to get receipts for that?

7 A. Yes. Yes.

8 Q. The daily logs?

9 A. Yes.

10 Q. So the workers could get paid --

11 A. Yes.

12 Q. -- right?

13 A. Yes.

14 Q. How much money per year were you making at

15 Safe Environmental?

16 A. Safe Environmental, I think the best year

17 I had it was \$70,000.

18 Q. Okay.

19 What year was that?

20 A. I think '96 or '95.

21 Q. Well, you --

22 A. No. No. No. Talking about 2006.

23 Q. Okay.

24 And did you work for anyone else in 2006.

1 when you had a good year?

2 A. Nope.

3 Q. Okay.

4 And did you report that \$70,000 or

5 whatever it was to the federal government on your

6 taxes?

7 A. Yes. I do taxes every year.

8 Q. Okay.

9 Who is John Vadas? Do I pronounce his

10 name correctly, by the way?

11 A. Yes.

12 Q. Okay.

13 Who is John?

14 A. John Vadas, I met John Vadas through Safe

15 Environmental.

16 Q. Okay.

17 And what was he doing?

18 A. He was a superintendent or vice-president.

19 I don't know. I don't know what his position was

20 but he was a big boss there.

21 Q. Did he work with Tony Paganelli?

22 A. For Safe, yes.

23 Q. Right. That's -- excuse me. That's what

24 I meant.

1 And did he have an office position or did

2 he work in the field?

3 A. No. He has office position.

4 Q. Okay.

5 So he was not an abatement laborer?

6 A. No.

7 Q. Was he a site supervisor?

8 A. No, I never see him as a supervisor.

9 Q. Did he ever come out to a job site for

10 Safe Environmental when you were --

11 A. He suggest to make sure the job is --

12 Q. So --

13 A. -- doing the correct way.

14 Q. So you would answer to him?

15 A. Yes.

16 Q. And when he came out to the job site, what

17 did he do? What's an example?

18 A. Like inspection, make sure the containment

19 is the way it's supposed to be.

20 Q. So he would, essentially, visually

21 assess --

22 A. Yes.

23 Q. -- the progress?

24 A. Yes.

1 Q. Okay.

2 Did he ever conduct any chemical tests?

3 A. I don't know. I never see it.

4 Q. Okay.

5 Did you ever conduct for Safe Environment

6 any chemical tests?

7 A. No.

8 Q. Okay.

9 All the questions that I'm asking you

10 right now are about your work with Safe Environment

11 except for the Cleveland Trencher --

12 A. Okay.

13 Q. -- situation. We'll talk about that

14 shortly.

15 When you were supervisor on site for Safe

16 Environment, did you ever have any opportunity to

17 interact with authorities from the government?

18 A. What?

19 Q. Like --

20 A. What that mean?

21 Q. EPA people.

22 A. Uh-huh.

23 Q. Did you? Did EPA people ever come out to

24 a site?

1 A. Yes, so many times.

2 Q. Okay.

3 What would happen when an EPA person would

4 come to a site?

5 A. The same thing John Vadas does, go and

6 inspect we doing the work procedures the way it's

7 supposed to be.

8 Q. Okay.

9 Did they ever take any samples?

10 A. No, I haven't see them. That -- I never

11 see federal EPA. I always see local EPA.

12 Q. Local?

13 A. Like city of Chicago or...

14 Q. And when a local EPA person would come to

15 a site, would that person just visually inspect or

16 did they also maybe take samples of things?

17 A. No. Just visually inspect.

18 Q. Okay.

19 So you met John Vadas early on in your

20 career at Safe Environment --

21 A. Yes.

22 Q. -- correct?

23 And how long did John Vadas stay at Safe

24 Environmental?

1 A. Maybe six months. Maybe. I'm not sure.

2 Q. Six months while you were there, right?

3 A. Yes.

4 Q. And then he left?

5 A. Yes. I don't know he left or he got

6 fired, no. I don't know.

7 Q. What makes you think he -- he may have

8 gotten fired?

9 A. No. I don't know. That's what I'm

10 saying.

11 Q. You don't?

12 A. I don't know. I don't know.

13 Q. Okay.

14 Did he ever say anything to you like, you

15 know, good luck, I'm leaving or did you not have

16 that kind of relationship?

17 A. No. I can't remember seeing where he

18 lives. I don't know.

19 Q. Okay.

20 After he left Safe Environmental, did you

21 continue any sort of contact with him?

22 A. Nope.

23 Q. Okay.

24 At some point in the future after he left,

1 you did have contact with him again?

2 A. Yes.

3 Q. Okay.

4 A. A few years, two or three years later.

5 Q. So two or three years after he left Safe

6 Environmental --

7 A. Yes.

8 Q. -- you had contact with him again?

9 A. Yes.

10 Q. And how did that happen?

11 A. I have a -- I had a co-worker who was

12 working with him somewhere else.

13 Q. Okay.

14 A. And back in that time, I just got my

15 Indiana contractor license.

16 Q. Uh-huh.

17 A. And I was looking for a person who can do

18 estimate work for me or for my company. And this

19 person, for some how, he thought John Vadas was the

20 person I was looking for. And then when he told

21 me, he mentioned John Vadas, I knew John Vadas

22 before and he find the number. He find John

23 Vadas's number and I called John Vadas.

24 Q. Okay.

1 And what did you say to John?
 2 A. If -- I told him I just opened my little
 3 business and I just got Indiana asbestos contractor
 4 license and he -- he wasn't working at that moment.
 5 If he want to work with me, we can split profit.
 6 That's the way --
 7 Q. Okay.
 8 A. -- I talked to him.
 9 Q. And that would have been for your company
 10 Asbestek --
 11 A. Yes.
 12 Q. -- correct?
 13 A. Yes.
 14 Q. That's A-S-B-E-S-T-E-K?
 15 A. Yes.
 16 Q. So you formed this company, Asbestek,
 17 when, in about 2006?
 18 A. 2006, yes.
 19 Q. Do you remember what month?
 20 A. No.
 21 Q. Okay.
 22 And is it fair to say that in addition to
 23 your work at Safe Environmental, you wanted to
 24 start a business?

1 A. Yes.
 2 Q. Okay.
 3 And how did you go about doing that? You
 4 said you got your Indiana contractor's license?
 5 A. Yes.
 6 Q. What's -- what is the purpose of an
 7 Indiana contractor's license?
 8 A. The idea was do small work, like
 9 residential work for real estate.
 10 Q. For asbestos?
 11 A. Yes, asbestos removal for real estate.
 12 Q. Okay. All right.
 13 Is --
 14 MR. THOMAS: I have a few exhibits.
 15 MR. KRAMER: Excuse me, one moment. I want to
 16 clarify. When you said when you were going to do
 17 residential type asbestos removal for real estate,
 18 did you mean for realtors, for home sales?
 19 THE WITNESS: Yes.
 20 MR. KRAMER: Thank you. I just wanted to
 21 clarify that.
 22 MR. THOMAS: Would it be okay to take a five
 23 minute break, would that be acceptable?
 24 THE VIDEOGRAPHER: We're off the record at

1 11:22 a.m.
 2 (A short break was taken.)
 3 THE VIDEOGRAPHER: We are back on the record at
 4 11:30 a.m.
 5 (Whereupon, Amaya Deposition
 6 Exhibit Nos. 1-4 were marked for
 7 identification.)
 8 BY MR. THOMAS:
 9 Q. Mr. Amaya, I have -- we have been speaking
 10 about your formation of Asbestos (sic) --
 11 A. Yes.
 12 Q. -- Incorporated and I want to ask you
 13 about a few documents here. I think, in fact, some
 14 of these documents you provided in response to
 15 discovery.
 16 The first one I have marked as Exhibit
 17 Amaya 1. We'll call each exhibit Amaya and then
 18 the number.
 19 And do you recognize what Amaya 1 is?
 20 A. Yes.
 21 Q. That's a letter, correct?
 22 A. Yes.
 23 Q. Okay.
 24 And it's dated July 31, 2007?

1 A. Yes. It's my -- asbestos contractor
 2 license.
 3 Q. Okay.
 4 And that's from Indiana, correct?
 5 A. Yes.
 6 Q. So you received this and there's a copy of
 7 the contractor's license on this letter, correct?
 8 A. Yes.
 9 Q. And this comes from --
 10 A. Indiana Health Department.
 11 Q. Indiana Health Department.
 12 July 31, 2007, correct?
 13 A. Yes.
 14 Q. Okay.
 15 Was that around the time that you founded
 16 Asbestek?
 17 A. Yes.
 18 Q. Okay.
 19 Is it fair to say that Asbestek then came
 20 into existence approximately July 2007?
 21 A. Yes.
 22 Q. Okay.
 23 A. I think. I'm not sure.
 24 Q. Okay.

1 And Amaya -- Exhibit Amaya 2, what is
2 that?

3 A. This is my article for incorporation.

4 Q. Okay.

5 And that's from the State of Indiana?

6 A. Yes.

7 Q. And what's the date on that? Is it

8 September 6, 2007?

9 A. Yes.

10 Q. Okay.

11 And Exhibit 3, what is this?

12 A. It's not the same? No. I think it's the
13 same.

14 Q. Exhibit 2 looks like a Certificate of
15 Existence from the Secretary of State of the State
16 of Indiana and Exhibit 3 looks like it is the State
17 of Indiana Certificate of Incorporation.

18 Is that correct?

19 A. Yes.

20 Q. So that's the difference between these two
21 documents?

22 A. I think so. Yes --

23 Q. Okay.

24 A. -- the difference, yes.

1 Q. And the Certificate of Existence is

2 Exhibit 2 which is dated September 2007, correct?

3 A. Yes.

4 Q. But it does indicate that you filed for it

5 on December 11, 2006.

6 Is that fair to say?

7 A. Yes.

8 Q. Okay.

9 And you did testify before that 2006 was

10 the year that you founded Asbestek --

11 A. Yes.

12 Q. -- correct?

13 Then going back to Exhibit 3, this is your

14 Certificate of Incorporation for Asbestek also from

15 the Secretary of State of Indiana, correct?

16 A. Yes.

17 Q. And also has an effective date of

18 December 11, 2006, correct?

19 A. Yes.

20 Q. Okay. I just need to confirm some of

21 these things on the record. It's not necessarily a

22 quiz of your memory about the dates on these

23 documents.

24 And then Exhibit 4, you recognize this?

1 A. No.

2 Q. You want to take a look at that and see if
3 you recognize it?

4 A. I can't remember this. I don't -- I don't
5 know. No, I can't remember right now.

6 Q. Okay.

7 Do you remember if that was one of the

8 documents that you produced in response to

9 discovery requests in this matter?

10 A. The -- I don't know. Is this

11 the affidavit? No?

12 Q. No.

13 A. No, I don't remember this.

14 Q. Okay.

15 But this is a document that indicates that

16 you are -- Tomas Amaya, you, are the -- are sworn

17 in as the president of the Asbestek --

18 A. Yes.

19 Q. -- correct?

20 A. Yes.

21 Q. And your name is typed there?

22 A. Yes.

23 Q. And then --

24 A. My signature there.

1 Q. And that's your signature?

2 A. Yes.

3 Q. And there's a date on this document, is
4 there not?

5 A. Yes.

6 Q. And what's that date?

7 A. I think it's 8-30-2010.

8 Q. I'm sorry. That is the -- that's the

9 expiration of the notary.

10 A. Yes.

11 Q. But there's a date by your signature here?

12 A. 9-20-2007.

13 Q. Okay.

14 So at some point -- well, specifically, on

15 September 20, 2007, you had a document notarized

16 indicating that you were the president of Asbestek?

17 A. Yes.

18 Q. Do you recall why you did this?

19 A. I can't remember why I did it. I did it a

20 few times but I don't know why I did this one.

21 Q. Okay. Fair enough.

22 When you formed Asbestek, you were still

23 employed by Safe Environmental?

24 A. Yes.

1 Q. And in order to get Asbestek up and
 2 running --
 3 A. Yes.
 4 Q. -- what did you do? I mean, you filed
 5 these things, obviously, with the Secretary of
 6 State?
 7 A. Yes.
 8 Q. And you received particular certificate --
 9 certifications that we --
 10 A. Yes.
 11 Q. -- just discussed?
 12 What else did you do physically? Did you
 13 have an office building?
 14 A. Yes, I got a little building.
 15 Q. Okay.
 16 And what was the address of that?
 17 A. 8811 Kennedy Avenue.
 18 Q. And that's your current home, correct?
 19 A. Yes.
 20 Q. Okay.
 21 So you were -- did you -- is that where
 22 you also lived at the time?
 23 A. Yes -- at that time, no, I did live
 24 somewhere else.

1 Q. Okay.
 2 But how you live at the site where your
 3 office for Asbestek was --
 4 A. Yes.
 5 Q. -- in 2006?
 6 A. Yes.
 7 Q. And did you get the 8811 Kennedy place
 8 specifically for Asbestek?
 9 A. Nope. I bought it to open a Mexican
 10 grocery store.
 11 Q. Okay.
 12 Did you ever do that?
 13 A. Yes.
 14 Q. When did you do that?
 15 A. I think it was 2006. I'm not sure.
 16 Q. Okay.
 17 And is that grocery store still open?
 18 A. No.
 19 Q. How long was that open for?
 20 A. About six months, eight months.
 21 Q. And why did you close the doors on that?
 22 A. Because I open with my wife to work and
 23 but --
 24 Q. That didn't work out?

1 A. Yes.
 2 Q. What was the business like in general?
 3 Did it do well for those six months?
 4 A. It was good for the beginning but then
 5 started dropping down after the divorce and all
 6 those things.
 7 Q. Okay.
 8 Was it after the grocery store closed that
 9 you started Asbestek?
 10 A. No, before.
 11 Q. So you started Asbestek before the grocery
 12 store closed?
 13 A. Yes.
 14 Q. Okay.
 15 And you used the grocery store location as
 16 well for your office?
 17 A. Address -- because it's a building with a
 18 commercial place in the bottom and apartments in
 19 the top, two apartments in the top.
 20 Q. And right now, you're residing in one of
 21 the apartments?
 22 A. Yes.
 23 Q. So you did have a -- an address for
 24 correspondence --

1 A. Yes.
 2 Q. -- correct?
 3 And did you employ anybody?
 4 A. For Asbestek?
 5 Q. Yes.
 6 A. Yes.
 7 Q. And who did you employ?
 8 A. Right now, I don't know. Maybe -- I can't
 9 remember names right now but maybe seven, eight
 10 guys.
 11 Q. So back when you formed the company, you
 12 put eight guys potentially on the payroll, correct?
 13 A. No. When I had work because sometimes I
 14 get a one-day job and I do it with one person.
 15 Q. Okay.
 16 So you might get a job for Asbestek and
 17 then you find workers, correct?
 18 A. Yes.
 19 Q. And where do you -- how do you find the
 20 workers?
 21 A. Sometimes I -- I have people I know.
 22 Q. Okay.
 23 A. Or sometimes if I -- the people I know is
 24 working, I call school, one school, ask for their

- 1 names and phone numbers.
- 2 Q. So is it fair to say it's kind of a word
- 3 of mouth thing?
- 4 A. Yes.
- 5 Q. Where you --
- 6 A. Yes.
- 7 Q. Casual -- not --
- 8 A. Like I call my friend, do you know anybody
- 9 who got a license who wants to work?
- 10 Q. Right. Okay.
- 11 And then you're able to get people to --
- 12 A. Yes.
- 13 Q. -- perform, correct?
- 14 Prior to any work on the Cleveland
- 15 Trencher site, how many jobs did Asbestek have?
- 16 A. None.
- 17 Q. None.
- 18 What about a small job?
- 19 A. Nope.
- 20 Q. Never had a --
- 21 A. It was the first job.
- 22 Q. Cleveland Trenchers was the first job?
- 23 A. Yes. Yes.
- 24 Q. So what you're answering is for other jobs

- 1 after Cleveland Trencher how you get workers,
- 2 correct?
- 3 A. Yes.
- 4 Q. And, in fact, Asbestek is still in
- 5 existence, correct?
- 6 A. I don't know. No. It dissolved.
- 7 Q. And when did it dissolve?
- 8 A. I didn't -- I didn't file to
- 9 reincorporate. I didn't file. I just got the
- 10 letter about two, three weeks ago which said that
- 11 Asbestek is dissolved from the Secretary of the
- 12 State.
- 13 Q. Okay.
- 14 Other than Cleveland Trencher, what jobs
- 15 have you had with Asbestek?
- 16 A. I did a lot of -- a lot of mold jobs with
- 17 a lot of different real estates.
- 18 Q. And that's cleaning up mold, right?
- 19 A. Yes.
- 20 Q. Any asbestos jobs?
- 21 A. Yes. I did one job was transite.
- 22 Q. Transite?
- 23 A. Yes.
- 24 Q. Where is transite?

- 1 A. What -- what is?
- 2 Q. Where?
- 3 A. It's a little town in Illinois by Joliet
- 4 somewhere.
- 5 Q. And when was that job done?
- 6 A. About two years ago. I don't know a
- 7 specific time but about two years ago.
- 8 Q. So about 2008?
- 9 A. Yes.
- 10 Q. About a year after Cleveland Trencher?
- 11 A. Yes. Yes.
- 12 Q. Okay.
- 13 Did Asbestek do any other asbestos jobs?
- 14 A. Nope.
- 15 Q. Okay.
- 16 But it did other remediation jobs like
- 17 mold, correct?
- 18 A. Mold, yes.
- 19 Q. Any lead?
- 20 A. No, we don't even do any lead job.
- 21 Q. Okay.
- 22 Any hazardous materials?
- 23 A. No.
- 24 Q. So just biological problems --

- 1 A. Yes.
- 2 Q. -- of mold?
- 3 Okay.
- 4 And for that job at transite, how many
- 5 people worked on that for you?
- 6 A. At the transite job, five, I think.
- 7 Q. Other than Cleveland Trencher, how many
- 8 jobs for Asbestek was John Vadas involved in?
- 9 A. That's the only one.
- 10 Q. Okay.
- 11 Was Asbestek formed for the purpose of
- 12 Cleveland Trencher?
- 13 A. Nope.
- 14 Q. Okay.
- 15 So Asbestek was formed in 2008 and the
- 16 very first job that it performed was the Cleveland
- 17 Trencher site --
- 18 A. Yes.
- 19 Q. -- correct?
- 20 Okay.
- 21 How did John Vadas become involved in
- 22 Asbestek?
- 23 A. I call him.
- 24 Q. Okay.

1 A. To -- because back in that time, I was
 2 working for Safe Environment and I didn't have
 3 enough time to go and look for work.
 4 Q. Okay.
 5 A. And he was unemployment and I ask him if
 6 we can work together and make some money.
 7 Q. Okay.
 8 And what was his response?
 9 A. Yes.
 10 Q. Okay.
 11 A. Right away because he was out of work that
 12 he told me. I don't know.
 13 Q. Okay.
 14 And did you call him prior to your
 15 knowledge of Cleveland Trencher?
 16 A. I didn't know anything about Ohio.
 17 Q. So you called John Vadas prior to any
 18 knowledge of Cleveland Trencher at all?
 19 A. Nope.
 20 Q. Okay.
 21 So you called John and he said yes, he
 22 would work, correct?
 23 A. Yes.
 24 Q. All right.

1 And when is the first time that you and he
 2 then actually did some work?
 3 A. After I call him, he went to the little
 4 office I have -- I had in that time because I had a
 5 little office and he drops over there. He brought
 6 the -- his paperwork like the license and
 7 everything and we start talking. And he -- he told
 8 me he got a -- after we talk about what -- exactly
 9 what I want from him, he told me I got a friend who
 10 owns a demolition company and who's looking for an
 11 asbestos contractor company.
 12 Q. Okay.
 13 And what did you say to that?
 14 A. He told me he going -- he going to talk to
 15 his friend about the job because he know -- he told
 16 me his friend had a job -- have a job in Ohio. He
 17 was looking for a contractor to do the job.
 18 Q. An asbestos contractor?
 19 A. Yes.
 20 Q. Okay.
 21 A. And he told me he going to talk to his
 22 friend and to see if he can give us the work.
 23 Q. Okay.
 24 And then what happened next?

1 A. And then he talked to his friend. And
 2 after he talked to his friend, the first thing come
 3 up in my mind is license because license take time
 4 to get the license plus the hardest part to get a
 5 license is a book. I have -- you have -- the
 6 company have to create they call the standard
 7 operation procedures.
 8 Q. Is that like the regulation book?
 9 A. Yes, it's kind of regulation book but the
 10 company has to create their own book and submit it
 11 with the application.
 12 Q. Okay.
 13 A. That was the hardest part for me to
 14 create.
 15 Q. Do you remember about what month in 2007
 16 it was that John mentioned his friend in Ohio?
 17 A. No, I don't remember. It must be I
 18 think -- September I think. I don't know.
 19 Q. September of 2000 --
 20 A. I think. I'm not sure.
 21 Q. But it was before the Cleveland
 22 Trencher --
 23 A. Oh, yes.
 24 Q. -- site?

1 Okay.
 2 Did you go ahead and create that book?
 3 A. The thing is, after he talked to his
 4 friend I mentioned, John Vadas, oh, he told me his
 5 friend got the -- he going to give us the work.
 6 We're going to see the work which I was working for
 7 Safe Environmental so I couldn't go. He went to --
 8 I paid the gas and I pay whatever he spent to go
 9 there and he went to see the job.
 10 Q. So he mentioned the job in Ohio?
 11 A. Yes.
 12 Q. Okay.
 13 You and he had somewhat agreed that he
 14 would join forces with Asbestek?
 15 A. Yes.
 16 Q. And you were working for Safe
 17 Environmental so --
 18 A. Yes.
 19 Q. -- you didn't have a chance to go --
 20 A. No.
 21 Q. -- to see the site?
 22 But you said that you had been thinking
 23 about this difficulty of creating the book --
 24 A. Yes.

1 Q. -- which you know you needed for an Ohio
2 job?

3 A. Yes.

4 Q. Okay.

5 And did you ever create that book?

6 A. Nope.

7 Q. Okay.

8 And why not?

9 A. Because after that, John Vadas come
10 over -- he went to see the job and after we discuss
11 about the license and he talked to the owner of
12 Nationwide (sic) Demolition who was -- I don't
13 know -- supposed to be his friend and Mike Collins
14 from Nationwide Demolition, he supposed to be --
15 have an asbestos contractor license and we going to
16 work under his license.

17 Q. So your initial understanding is that you
18 didn't have to create the book of regulations
19 for --

20 A. No. Because if we going to work under
21 Nationwide Demolition license, we don't have to
22 create a book.

23 Q. Okay.

24 Whd's rule or regulation is that that if

1 you work for Nationwide Demolition and they have a
2 license that you don't need one for Asbestek?

3 A. It's not a rule because they -- like we
4 go -- if they got a license, we going to work under
5 their license like a subcontractor.

6 Q. Okay.

7 So your understanding was that you were
8 potentially going to go to Ohio as a
9 subcontractor --

10 A. Yes.

11 Q. -- to do asbestos --

12 A. Yes.

13 Q. -- abatement --

14 A. Yes.

15 Q. -- but that you did not need a license
16 because Nationwide Demolition had a license?

17 A. Yes.

18 Q. Okay.

19 Did your belief about not needing a
20 license change at some point?

21 A. What do you mean?

22 Q. Well, you testified that your
23 understanding was that John Vadas --

24 A. Yes.

1 Q. -- talked to Mike Collins from --

2 A. Yes.

3 Q. -- Nationwide Demolition and relayed to
4 you that Nationwide Demolition had an asbestos
5 license --

6 A. Yes.

7 Q. -- so that Asbestek did not need one --

8 A. Yes.

9 Q. -- right?

10 A. Yes.

11 Q. Did that belief change where you all of a
12 sudden maybe realized that you did, in fact, need a
13 license?

14 A. If we working under Nationwide
15 Demolition, they -- they filed for the
16 notifications, I don't need a license. I just need
17 a supervisor license and get the job done under his
18 license.

19 Q. Okay.

20 So you just needed a supervisor's license
21 in Ohio?

22 A. Yes.

23 Q. Did you take steps to get that supervisor
24 license?

1 A. Yes. I did have my supervisor license
2 there.

3 Q. You had it in Ohio?

4 A. Yes.

5 Q. When did you get that?

6 A. Almost in the same time, this process.

7 Q. Was that a coincidence or something that
8 you --

9 A. No. No. I did it for that -- for that
10 job.

11 Q. Okay.

12 So you applied for your supervisor's
13 license in Ohio, correct?

14 A. Yes.

15 Q. Did you receive that license?

16 A. Yes.

17 Q. Did you receive that license prior to
18 working at Cleveland Trencher?

19 A. Yes.

20 Q. Okay.

21 Was that the only license that you needed
22 to do work in Ohio?

23 A. As a supervisor, yes, and contractor
24 license as a company.

1 Q. But you didn't need the contractor license
 2 because --
 3 A. If we use Nationwide Demolition license.
 4 Q. Okay.
 5 And it was your understanding that you
 6 would do that?
 7 A. Yes.
 8 Q. So you didn't need the contractor's
 9 license in Ohio. You only needed the supervisor's
 10 license?
 11 A. Yes.
 12 Q. So, essentially, your plan was to go into
 13 the Cleveland Trencher site --
 14 A. Do the abatement, yes.
 15 Q. -- do the abatement and you'd be finished?
 16 A. Yes.
 17 Q. And then you'd return to Indiana and look
 18 for more work or keep working --
 19 A. Yes.
 20 Q. -- for Safe Environment?
 21 A. Look for work.
 22 Q. Okay.
 23 What was -- after John Vadas then returned
 24 from Ohio, what did he tell you?

1 A. He want to work too. He said we got the
 2 job.
 3 Q. He said that to you?
 4 A. Yes.
 5 Q. Okay.
 6 A. I going to create the proposal which he
 7 did it.
 8 Q. So John then created a proposal, right?
 9 A. Yes.
 10 Q. And all this time, you're -- you're back
 11 in Indiana working for Safe Environment?
 12 A. Yes.
 13 Q. What was your professional agreement with
 14 John Vadas as far as Asbestos goes? You were the
 15 president, right?
 16 A. Yes.
 17 Q. What was he?
 18 A. We going to split half of the profit.
 19 Q. Okay.
 20 Did you give him a position title?
 21 A. Verbally, yeah, but nothing in writing.
 22 Q. And what was that verbal title?
 23 A. Vice-president.
 24 Q. Okay.

1 So, essentially, the plan was -- the
 2 verbal plan that you had --
 3 A. Yes.
 4 Q. -- with John was that you would go into
 5 the Cleveland Trencher site, receive payment --
 6 A. Yes.
 7 Q. -- from the contractor --
 8 A. Yes.
 9 Q. -- and that you and he would split that --
 10 A. Yes.
 11 Q. -- amount as profits --
 12 A. Yes.
 13 Q. -- correct?
 14 And you'd also, obviously, have to pay
 15 workers?
 16 A. Yes.
 17 Q. Okay.
 18 A. No. After we pay material. We pay for
 19 material, we pay for labor, we pay for everything,
 20 the profit, we going to split it.
 21 Q. Okay. I see.
 22 So John created this -- John Vadas created
 23 this proposal?
 24 A. Yes.

1 Q. And did he show you that proposal?
 2 A. Yes.
 3 Q. Okay.
 4 Do you know whether or not you produced
 5 that proposal in discovery response, a copy of
 6 that?
 7 A. What do you mean?
 8 Q. You know that as part of this
 9 litigation that we're involved in that Safe
 10 Environment asked you to produce documents with
 11 your attorney.
 12 Do you recall that?
 13 A. Uh-uh. No.
 14 Q. Do you recall having to sit down with your
 15 attorney and answer some questions that were posed
 16 to you?
 17 A. Yes. Yes.
 18 Q. Okay.
 19 And do you recall also going through your
 20 files and getting any documents and giving those to
 21 your attorney?
 22 A. Yes.
 23 Q. Okay.
 24 What documents did you get for him?

1 A. I gave -- gave him a big package. I don't
 2 know exactly what I gave him but everything he was
 3 asking me because I create kind of file for that
 4 case.
 5 Q. Okay.
 6 A. I got the file. Anybody asking me for the
 7 file, it's free.
 8 Q. So you gave him a copy of your entire file
 9 for Asbestek -- for Cleveland Trencher?
 10 A. That project, yes.
 11 Q. Did you give him everything you had?
 12 A. Yes.
 13 Q. Do you know whether or not John's proposal
 14 was in there?
 15 A. It was there.
 16 MR. THOMAS: Can we take a short break.
 17 THE VIDEOGRAPHER: We're off the record at
 18 11:55 a.m.
 19 (A short break was taken.)
 20 THE VIDEOGRAPHER: We're back on the record at
 21 11:55 am.
 22 (Whereupon, Amaya Deposition
 23 Exhibit No. 5 was marked for
 24 identification.)

1 BY MR. THOMAS:
 2 Q. I'll hand you what I've marked as Exhibit
 3 Amaya 5.
 4 A. Yes.
 5 Q. And do you recognize this document?
 6 A. Yes.
 7 Q. Okay.
 8 That's two pages, correct?
 9 A. Yes.
 10 Q. Is that the proposal?
 11 A. Yes.
 12 Q. All right.
 13 So who typed the proposal up?
 14 A. John Vadas.
 15 Q. Okay.
 16 And he showed you that?
 17 A. Yes.
 18 Q. And what was your determination after
 19 having looked at the proposal?
 20 A. I believe him when -- where -- he went to
 21 see it, the way he specified how the job, it looked
 22 like how it is.
 23 Q. Okay.
 24 A. And if -- after I see it, I told him fine,

1 send it to him but it's -- I don't know. I can't
 2 remember right now when we find out he didn't have
 3 a license.
 4 Q. What kind of license didn't he have?
 5 A. Asbestos contractor license. When Mike
 6 Collins told -- because at this point, I don't know
 7 who -- who was lying, it was Mike Collins or John
 8 Vadas about the asbestos contractor license.
 9 Q. Was somebody lying?
 10 A. I don't know because after -- we find out.
 11 I was trying to find Nationwide Demolition under
 12 any kind of license in Ohio and I couldn't find
 13 anything.
 14 Q. So your first under -- excuse me.
 15 Your first understanding was that John
 16 Vadas told you no contractor's license was needed
 17 because --
 18 A. No. No.
 19 Q. -- Mike Collins --
 20 A. Oh, yes.
 21 Q. -- or Nationwide had one --
 22 A. Yes.
 23 Q. -- correct?
 24 A. Yes.

1 Q. But then you somehow learned that
 2 Nationwide did not because you did some research?
 3 A. No. They told -- they told him. Mike
 4 Collins from Nationwide Demolition told John
 5 Vadas that his license already expired. We have to
 6 get our license.
 7 Q. Okay.
 8 So first you thought through John Vadas
 9 that Nationwide had a license that you were going
 10 to subcontract under?
 11 A. Yes.
 12 Q. Then you subsequently learned that their
 13 license expired so you had to get your own?
 14 A. Yes.
 15 Q. Okay.
 16 A. But I never -- I never see a license, I
 17 mean, like expired license from Nationwide
 18 Demolition, nothing like that.
 19 Q. You never -- you never saw any --
 20 A. No.
 21 Q. -- license expired or otherwise --
 22 A. No.
 23 Q. -- when you did your own research --
 24 A. Yes.

1 Q. -- correct?
 2 So having received that information, you
 3 were still interested in proceeding with this?
 4 A. Yes.
 5 Q. Okay.
 6 As was John, correct?
 7 A. Yes.
 8 Q. Okay.
 9 So knowing now that Nationwide didn't have
 10 a contractor's license, what steps did you take?
 11 A. Because it's two kind of asbestos over
 12 there which is friable and nonfriable.
 13 Q. Okay.
 14 A. The nonfriable was the transite. And the
 15 plan was go and remove the nonfriable asbestos
 16 which we don't need a license in Ohio.
 17 Q. Okay.
 18 A. Is what we did. We went over there and do
 19 the -- start doing the -- remove the nonfriable
 20 asbestos. By the time, we've been working on
 21 the -- on the --
 22 Q. On the pipes?
 23 A. -- the license. No. The license.
 24 Q. Oh, okay.

1 A. And we -- I -- according to the State of
 2 Ohio, it have -- the company, outside company has
 3 to have an agency living in that state. And John
 4 Vadas asked Mike he can be our agency representing
 5 Asbestek over there. And I fill it -- I fill it --
 6 no. John Vadas filled out the form to become -- to
 7 do business with the State of Ohio, Asbestek can do
 8 business with the State of Ohio. And John -- Mike
 9 Collins, he agreed to be the agency over there.
 10 Q. Okay.
 11 By the way, did you ever speak with Mike
 12 Collins prior to getting to Cleveland Trencher?
 13 A. Little bit when I was asking him for
 14 money.
 15 Q. Up front?
 16 A. Yes. I met him a few times. No. Before
 17 not. After.
 18 Q. Afterwards?
 19 A. Yes.
 20 Q. What kind of things did you talk to him
 21 about before you started any work at Cleveland
 22 Trencher?
 23 A. No. I don't think I met him before we
 24 start work.

1 Q. Okay.
 2 So until you got to Euclid, Ohio, you
 3 never spoke directly with --
 4 A. No.
 5 Q. -- Mike Collins?
 6 A. No.
 7 Q. Okay.
 8 Or anybody from --
 9 A. No.
 10 Q. -- Nationwide, right?
 11 A. No.
 12 Q. I wanted to just go back to Exhibit 5, the
 13 proposal.
 14 This proposal is dated August 16, 2007,
 15 correct?
 16 A. Yes.
 17 Q. Does that help you determine an answer to
 18 the question that I asked previously about
 19 approximately when you worked on the Cleveland
 20 Trencher site?
 21 A. Yes. Everything is around that time
 22 because it's no more than 20 days before and no
 23 more than 20 days after.
 24 Q. Okay.

1 This Exhibit 5 has two pages, correct?
 2 A. Yes.
 3 Q. And each page is the same, it's the
 4 proposal dated August 16, 2007, correct?
 5 A. Yes.
 6 Q. And the first page has a signature on the
 7 second line dated 8-16-2007?
 8 A. Yes.
 9 Q. Whose signature is that?
 10 A. This is John Vadas's signature.
 11 Q. Okay.
 12 And he identifies himself as what? Can
 13 you read that, what he wrote after his signature?
 14 A. Project manager.
 15 Q. Project manager?
 16 A. Yes.
 17 Q. Okay.
 18 And on the second page, it has a signature
 19 on the first line and that's Michael Collins; is
 20 that correct?
 21 A. Yes.
 22 Q. You didn't see him sign that, correct?
 23 A. No.
 24 Q. And that date is 8-16-2007?

1 A. Yes.

2 Q. Okay.

3 Incidentally, John Vadas, he prepared this

4 document, did he not?

5 A. Yes.

6 Q. Do you know where he was working, what

7 physical location he was --

8 A. At his house.

9 Q. He was working at his house?

10 A. Yes.

11 Q. Okay.

12 On the proposal, he puts -- is that 8911

13 Kennedy Avenue or is that 8611?

14 A. No. I think 88. I think.

15 Q. Its what?

16 A. 88.

17 Q. 86 you mean?

18 A. I don't know. I can't -- I don't know.

19 It looked like 89.

20 Q. It looks like 89.

21 A. Yes, but maybe it's different because -- I

22 don't know how many copies like that.

23 Q. Okay.

24 Did John live just a few doors down from

1 you?

2 A. About ten, 15 minutes.

3 Q. Ten, 15 minutes?

4 A. Yes.

5 Q. Same street?

6 A. Nope.

7 Q. Okay.

8 He showed this proposal to you.

9 Did you read the whole thing?

10 A. Yes.

11 Q. Okay.

12 Would you have read even that information

13 at the bottom as to the location?

14 A. No, because I think this is a fax, no?

15 Q. Well --

16 A. It look like the fax.

17 Q. So you think that this is information

18 down here --

19 A. I think. I think.

20 Q. Okay.

21 You don't remember, though, right?

22 A. No, I don't remember.

23 Q. Okay.

24 But you did look at this proposal before

1 it was signed by the parties?

2 A. Yes.

3 Q. Okay.

4 And you gave your verbal approval to Mike?

5 A. Yes.

6 Q. Excuse me, to John Vadas?

7 A. Yes.

8 Q. Okay.

9 Would you consider this the contract to do

10 work with Nationwide?

11 A. Yes. Yes.

12 Q. Okay.

13 So you said that the plan was that you

14 would go to the site in Euclid, Ohio, and you would

15 commence work on the nonfriable --

16 A. Yes.

17 Q. -- while you applied for the contractor's

18 license --

19 A. Yes.

20 Q. -- required for the friable --

21 A. Yes.

22 Q. -- correct?

23 And just to remind you, make sure you wait

24 until I'm done with the questions because the court

1 reporter is taking down our answers, okay?

2 A. Yes.

3 Q. Did you apply for the license -- the

4 contractor's license in Ohio for friable abatement

5 prior to going to Cleveland?

6 A. No.

7 Q. Okay.

8 Do you know why you didn't do that?

9 A. The thing is after we got the nonfriable

10 asbestos removed and the price of metal was very

11 high and the owner of Nationwide Demolition, he

12 wants the whole place cleaned, that way he can sell

13 his metal. And then -- and I knew I didn't have

14 time, enough time because the pressure we have, we

15 didn't have enough time to get the license because

16 it takes sometimes six week.

17 Q. So having experience in this kind of work

18 when you drove to Cleveland -- which you drove,

19 right?

20 A. Yes.

21 Q. What was your plan for removing the

22 friable asbestos? You knew Nationwide didn't have

23 a license and you knew you didn't?

24 A. Yes.

1 Q. Right?

2 A. Start working on the license. John Vadas

3 I gave -- the standard operation procedures, I pay

4 somebody to create one for the Indiana license,

5 Indiana contractor license. I pay somebody to do

6 it.

7 Q. Who did -- who did you pay to do that?

8 A. It's a school. I can't remember the name

9 of the school right now in Indiana.

10 Q. This is the school you mentioned before as

11 the job that you had done with Safe Environment?

12 A. No. No. It's another school in Indiana.

13 They sell those books for contractors.

14 Q. I see.

15 A. Yes.

16 Q. And --

17 A. And I used that -- that book to have my

18 Indiana contractor license. And I gave that book

19 to John Vadas, that way he can work on that book

20 and create one for Ohio.

21 Q. So in other words, you were going to apply

22 for your contractor's license?

23 A. Yes. Yes.

24 Q. Okay.

1 And when did you -- so you went to the

2 school in Indiana, this contractor school.

3 A. I never met the lady. Everything was over

4 the phone.

5 Q. How did you get the book?

6 A. By -- they send it because I submit all

7 the application to Indiana Health Department and

8 they all denied it because everything was

9 uncompleted. And somebody told me they sell the

10 book. I called the lady and she submit me all the

11 papers I was missing. She submit it and send me

12 copies by mail.

13 Q. So it's a template that you can use,

14 right?

15 A. Yes. Yes.

16 Q. And you were going to use this template to

17 submit to the Ohio Secretary of State?

18 A. Yes. Make some little changes, whatever

19 he change.

20 Q. Fair enough.

21 Go back to the one in Indiana for a

22 minute, was the Indiana one incomplete and,

23 therefore, not granted?

24 A. The one I make it was incomplete.

1 Q. When did -- is this the one -- is this one

2 that you made for the Cleveland Trencher site or

3 one for a prior occasion that was incomplete?

4 A. I don't know what you're talking about.

5 Q. Well, you -- you brought up in answer to

6 my question about getting the Ohio contractor's

7 license --

8 A. Yes.

9 Q. -- a situation where you had an Indiana --

10 A. Yes.

11 Q. -- book that was incomplete.

12 A. Yes.

13 Q. Why did you bring that up? What does

14 that --

15 A. No. No. No. No. The one -- the one

16 that I -- I sent to the Indiana Health Department,

17 it was uncomplete. That way, they cannot approve

18 my license until I have one complete.

19 Q. Why did you send anything to Indiana at

20 this time?

21 A. At this time?

22 Q. You said that you sent an application --

23 A. With all the requirements.

24 Q. Right.

1 And they rejected it, correct?

2 A. Yes.

3 Q. Okay.

4 When did they reject it?

5 A. After two weeks after I send the

6 application with the book.

7 Q. Is this right when you formed Asbestek?

8 A. Yes.

9 Q. Okay.

10 So this didn't have anything to do with

11 Cleveland Trencher?

12 A. No.

13 Q. And Indiana, the Secretary of State sent

14 you back --

15 A. No. No. We're talking about two

16 different things, secretary of the state and

17 Indiana Health Department is separate. I -- first

18 I had --

19 Q. I understand.

20 So you received your licenses from the

21 Secretary of State?

22 A. Yes.

23 Q. But --

24 A. No, that's not a license. The license?

- 1 Q. Your certificates?
- 2 A. Yes.
- 3 Q. Then you needed a license --
- 4 A. Contractor's.
- 5 Q. Contractor's license --
- 6 A. To perform asbestos work.
- 7 Q. In Indiana?
- 8 A. Yes.
- 9 Q. So you sent them the book?
- 10 A. Yes, all the application but I didn't do
- 11 it right, that's why they denied it.
- 12 Q. Okay.
- 13 A. And I have to pay a professional person to
- 14 create a book was the way I got my license.
- 15 Q. And so then you got your Indiana
- 16 contractor's --
- 17 A. Yes.
- 18 Q. -- license?
- 19 A. Yes.
- 20 Q. And this is all prior to and unrelated --
- 21 A. Yes.
- 22 Q. -- to Ohio --
- 23 A. Yes.
- 24 Q. -- correct?

- 1 Now, we go back to Ohio?
- 2 A. Yes.
- 3 Q. And you are preparing to submit the same
- 4 thing to Ohio?
- 5 A. The -- yes, the same process.
- 6 Q. With the changes that would be necessary
- 7 to get the Ohio license?
- 8 A. Yes.
- 9 Q. And in order to do that, you called the
- 10 school?
- 11 A. No. I was -- tried to use the same
- 12 template the school sent me --
- 13 Q. I see.
- 14 A. -- for Ohio just make --
- 15 Q. Okay.
- 16 A. -- changes.
- 17 Q. So you took the Indiana model that you
- 18 had --
- 19 A. Yes.
- 20 Q. -- that was approved --
- 21 A. Yes.
- 22 Q. -- and you were going to make the changes
- 23 and submit that to the --
- 24 A. Not me. John Vadas. I gave it to him --

- 1 Q. John Vadas.
- 2 A. -- so he -- he can.
- 3 Q. So you gave that to John Vadas and you
- 4 said make this so it's acceptable for the standards
- 5 of Ohio --
- 6 A. Yes.
- 7 Q. -- correct?
- 8 A. Yes.
- 9 Q. And this was prior to your going to
- 10 Cleveland, correct?
- 11 A. Yes.
- 12 Q. All right.
- 13 How did you get that to him? Did you mail
- 14 it to him?
- 15 A. To who?
- 16 Q. To John Vadas.
- 17 A. I gave -- I gave it in his hands.
- 18 Q. You gave it in person?
- 19 A. Yes.
- 20 Q. Okay.
- 21 Had he already gone to Cleveland Trencher?
- 22 A. Before that book?
- 23 Q. Yes.
- 24 A. Yes.

- 1 Q. Okay.
- 2 So he came back from Cleveland Trencher?
- 3 A. Yes.
- 4 Q. Gave you the proposal?
- 5 A. Yes.
- 6 Q. And then informed you that, in fact,
- 7 Nationwide did not have a contractor's --
- 8 A. Yes.
- 9 Q. -- license?
- 10 A. Yes.
- 11 Q. So you needed an Ohio contractor's
- 12 license, correct?
- 13 A. Yes.
- 14 Q. So you gave him the Indiana book --
- 15 A. Yes.
- 16 Q. -- as a template?
- 17 A. Yes.
- 18 Q. And said prepare this and submit it to the
- 19 Ohio Department of Health?
- 20 A. Yes.
- 21 Q. And did he do that?
- 22 A. Yes -- nope.
- 23 Q. He did not do that?
- 24 A. Nope.

1 Q. Okay.

2 When did you find out that he did not

3 submit the necessary application?

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

5 four weeks to get the secretary of the state paper

6 to do business with the State of Ohio.

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

8 Like in Indiana, there are two departments

9 in Ohio that you have to work with?

10 A. Yes.

11 Q. The Secretary of State?

12 A. Yes.

13 Q. And the Department of Health?

14 A. Yes.

15 Q. So knowing that you needed your

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

17 A. Yes.

18 Q. -- Ohio --

19 A. Yes.

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

21 Secretary of State?

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

23 with the Secretary of State, second step is Ohio

24 whatever the state is Health Department.

1 Q. To get the contractor license?

2 A. Yes.

3 Q. Okay.

4 Did you submit the application to the

5 Secretary of State?

6 A. Yes.

7 Q. Okay.

8 Who did that, you or John?

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

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

11 Q. Okay.

12 And was that approved?

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

14 think.

15 Q. Okay.

16 Once you received that, that would be part

17 of the application --

18 A. Yes.

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

20 Health?

21 A. Yes, the contract. Yes.

22 Q. Along with the book?

23 A. Yes.

24 Q. And you said that John Vadas never

1 submitted that?

2 A. Nope.

3 Q. Okay.

4 When did you find out he never submitted

5 that?

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

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

8 submit it because we had a lot of pressure by

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

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

11 details step by step.

12 A. Uh-huh.

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

14 intention to go forward with the abatement at

15 Cleveland Trencher?

16 A. Yes.

17 Q. Okay.

18 And the proposal met with your approval?

19 A. Yes.

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

21 A. Yes.

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

23 A. Yes.

24 Q. And submitted that to Nationwide?

1 A. Yes.

2 Q. And Mike Collins signed it?

3 A. Yes.

4 Q. Okay.

5 And your plan because you knew now that

6 you needed an Ohio license --

7 A. Yes.

8 Q. -- was to start with the nonfriable

9 pipes --

10 A. Yes.

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

12 would proceed with the friable work?

13 A. Yes.

14 Q. Okay.

15 Is it fair to say that you would have to

16 have done some friable work before demolition took

17 place, at least some?

18 A. Well -- say it again.

19 Q. Okay.

20 Is it true that no demolition work could

21 be done until the friable asbestos was gone?

22 A. Yes. Correct, 100 percent.

23 Q. Okay.

24 So even if you did the nonfriable work,

1 demolition could not proceed?
 2 A. Yes.
 3 Q. Correct?
 4 A. Yes.
 5 Q. Because you couldn't get the steel because
 6 the steel had asbestos --
 7 A. Yes.
 8 Q. -- on it?
 9 Okay.
 10 So you drove to Euclid, Ohio, correct?
 11 A. Yes.
 12 Q. Did you bring workers with you?
 13 A. Okay. After we got all the papers signed
 14 and everything, John Vadas went with a crew of guys
 15 over there to do the nonfriable asbestos removal.
 16 Q. Okay. Hold on one moment, please.
 17 At the time that you were preparing to go
 18 to Euclid, Ohio, were you doing any projects with
 19 Safe Environmental?
 20 A. When John Vadas was working over there in
 21 Ohio, I was working for Safe Environmental.
 22 Q. Okay.
 23 Do you know what project that was?
 24 A. Yes, I remember because I had a hard time

1 on that project. It was in Indiana, one -- one of
 2 the steel mills over there.
 3 Q. Okay.
 4 Was that Mittal Steel?
 5 A. I think. I don't know right now.
 6 Q. Okay.
 7 Was Mittal Steel or whatever that project
 8 was, that factory --
 9 A. Yes.
 10 Q. -- was that finished at the time that you
 11 left to go to Euclid, Ohio?
 12 A. Nope.
 13 Q. So how did you inform Safe Environmental
 14 that you would not be going back to the factory?
 15 A. No. The thing is, the situation, I was in
 16 charge of the project over there and then I started
 17 having a hard time with whoever was in charge over
 18 there.
 19 Q. The contractor?
 20 A. No. It's a person the plant hired to
 21 check to see if we doing -- we are doing the work
 22 the way it's supposed to be.
 23 Q. Who -- what was the organization that that
 24 person was from? Were they --

1 A. From Mittal Steel.
 2 Q. Okay.
 3 A. They hired a special person to watch
 4 contractors who going to be doing asbestos removal.
 5 Q. And why were you having a hard time with
 6 that person?
 7 A. Everything start when I asked for some --
 8 because she got some people helping her and when I
 9 ask her -- because after we make a containment,
 10 nobody without license is allowed to go in. And
 11 after I ask one of her guys for their asbestos
 12 license, they got the license but they got mad at
 13 me. And then they start giving me a hard time.
 14 Q. Who needed a license that didn't have one?
 15 A. Anybody who going to go inside
 16 containment.
 17 Q. Would that have been the laborers or --
 18 A. Laborers or inspectors or...
 19 Q. Isn't it true, though, that the laborers
 20 all had licenses?
 21 A. Yes.
 22 Q. So they didn't have a hard time going into
 23 the containment area?
 24 A. No, but I didn't know because -- let's say

1 if I'm in the containment, you go over there and
 2 you say, oh, I got a license but if I don't see it,
 3 I can't let you go in.
 4 Q. Okay.
 5 So is that when you had problems with this
 6 woman?
 7 A. When I start having problems with her.
 8 Q. And she was the inspector?
 9 A. Yes, she was the main.
 10 Q. What -- what was she upset about, that you
 11 wouldn't let the people in?
 12 A. Maybe. But after that, she start
 13 inventing regulations, regulations doesn't exist in
 14 the state of Indiana. She was inventing like --
 15 she was telling me I have to use -- legally, I have
 16 to use clear bags. And when I call the State, they
 17 told me no, you can use any kind of bag.
 18 Q. Bags? Clear -- clear bags, right?
 19 A. Yes.
 20 Q. Okay.
 21 A. And he some -- a lot of things, calm me
 22 down.
 23 Q. So what did you do as a result of that
 24 conflict?

1 A. And I -- I told her, I mean, I can use
2 any -- I just -- I told her I -- I just called the
3 state and they told me I can use any kind of bag as
4 long as it's got the sign and it's six mil poly.

5 Q. Okay.

6 A. And she got worse?

7 Q. Okay.

8 That was six mil poly?

9 A. Yes.

10 Q. Okay.

11 So then what did you do when she got
12 worse?

13 A. Now, after that, she started giving me
14 hard time and she report me with the -- whoever was
15 in charge in Safe Environmental at that moment.

16 Q. Okay.

17 A. She make a report I was a troublemaker.

18 Q. Okay.

19 A. And that person was in charge in that
20 project back at that time removed me -- removed me
21 from that project.

22 Q. So who -- so you were removed from the
23 project at the factory, right?

24 A. Yes.

1 Q. And the person who removed was from Safe
2 Environmental?

3 A. Yes.

4 Q. Who was that person?

5 A. Rick Lovelace.

6 Q. So Rick removed you?

7 A. Yes.

8 Q. And what did he tell you, you're done
9 here?

10 A. Because -- I can't remember the
11 conversation back at that time. I can't remember.
12 But I think he -- he sent me to another job.

13 Q. Okay.

14 Which job did he send you to?

15 A. I don't remember now.

16 Q. Do you know if that was a big job or a
17 small job?

18 A. No. A small job. I think it was a small
19 job.

20 Q. Did you complete that job?

21 A. I think it wasn't -- it was a demolition
22 company was doing the demo work and they want --
23 they need to have a person with a supervisor
24 license on the job site just in case they find

1 asbestos during the -- during they doing the
2 demolition.

3 Q. And this job was right before you would go
4 to Cleveland, correct?

5 A. Yes.

6 Q. Okay.

7 So at some point, you made the decision to
8 go to Cleveland?

9 A. Oh, yes.

10 Q. Okay.

11 And did you inform Safe Environmental that
12 you --

13 A. Yes.

14 Q. Okay.

15 How did you do that?

16 A. Before -- oh, before it happened, this
17 thing -- I don't know if we going to go back
18 because there's some things back or we going to
19 questions later.

20 Q. About what?

21 A. About how -- because I got a -- by the
22 time I inform the owner of Safe Environment I going
23 to take care of my business over there is by the
24 time I have the notification ready to remove

1 asbestos in Cleveland, Ohio.

2 Q. So you informed Mr. Paganelli, correct?

3 A. Yes.

4 Q. And it was about --

5 A. And I informed Mr. Rick Lovelace too.

6 Q. And at that same time, you received the
7 Ohio notification?

8 A. Yes.

9 Q. And what is the Ohio notification?

10 A. It's kind of permit to do asbestos
11 removal.

12 Q. And that's from the Secretary of State?

13 A. No. It's from the Ohio Health Department.

14 Q. And how did you get that notification?

15 A. Okay. With approval of contractor
16 license.

17 Q. In Ohio?

18 A. Yes.

19 Q. But you didn't have you --

20 A. No, I never had approval contractor
21 license.

22 Q. So how did you get notification from Ohio
23 that you were licensed to abate if you never
24 submitted --

1 A. Okay.

2 Q. -- the application?

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

4 pressure from Nationwide Demolition to remove the

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

6 six weeks to get the license because I see Safe

7 Environmental, they -- they apply for that license

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

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

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

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

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

13 permission to use his asbestos contractor license

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

15 in Cleveland, Ohio.

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

17 Indiana --

18 A. Yes.

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

20 A. Yes.

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

22 Environmental that you were leaving.

23 A. Yes.

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

1 A. Uh-huh.

2 Q. What did you say to Rick?

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

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

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

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

7 called Mr. Paganelli to ask permission to use his

8 asbestos contractor license.

9 Q. I understand that.

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

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

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

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

14 verbal approval, I went to his secretary. His

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

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

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

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

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

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

21 to go back a little bit, okay?

22 A. Okay.

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

24 you finished up at the factory because you had

1 problems and Rick pulled you off that job.

2 A. Yes.

3 Q. And then Safe Environment assigned you to

4 a small job that required a supervisor.

5 A. Yes.

6 Q. Okay.

7 And you don't remember if you finished

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

9 decision to go to Cleveland --

10 A. Yes.

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

12 A. Yes.

13 Q. -- at Cleveland Trencher?

14 A. Yes. Yes.

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

16 Rick and Tony that you were going to --

17 A. Yes.

18 Q. -- to Cleveland?

19 A. Yes.

20 Q. Okay.

21 When you informed Rick, just Rick --

22 A. Yes.

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

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

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

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

3 to remember everything.

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

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

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

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

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

9 want to tell the story about how you got the

10 license but I want to go back to what happened

11 prior to your requesting it.

12 A. Yes.

13 Q. Okay.

14 Because that request was made from

15 Cleveland?

16 A. Yes.

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

18 even leave to go to Cleveland.

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

20 have to submit a notification and all this time,

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

22 Q. You informed them?

23 A. Yes.

24 Q. That you were submitting an Ohio

1 notification?

2 A. Yes.

3 Q. And that you were planning on going to

4 Ohio?

5 A. Yes.

6 Q. When you told Rick Lovelace about that --

7 I'm talking now before you leave Indiana, okay,

8 because you said he knew, right?

9 A. Yes.

10 Q. When you told him that you were going to

11 do your own business in Ohio --

12 A. Yes.

13 Q. -- did he wish you well, was he upset?

14 A. No. He looked -- he don't care.

15 Q. He didn't care?

16 A. No.

17 Q. And when you informed Tony Paganelli that

18 you were going to Ohio to do work with your new

19 company on a project, what was his response?

20 A. I don't remember but same thing I think.

21 I don't remember right now.

22 Q. Is it -- did they -- they didn't mind that

23 you were leaving?

24 A. No. I mean, maybe they -- maybe they kind

1 of -- they don't like it because I'm part -- like

2 become a competition but...

3 Q. But they knew you were going, right?

4 A. Yes.

5 Q. So then you drove to Cleveland?

6 A. Yes.

7 Q. And if we can just review what was going

8 on at the time you drove to Cleveland alone,

9 correct?

10 A. Yes.

11 Q. Because Mr. Vadas was already in Euclid --

12 A. Yes.

13 Q. -- with the team?

14 A. Yes.

15 Q. Okay.

16 A. No. Mr. Vadas, no.

17 Q. No?

18 A. No.

19 Q. So he didn't have the team yet?

20 A. Mr. Vadas, he went to Cleveland. He got

21 the two -- I think two weeks, a week and a half of

22 work over there.

23 Q. Before you went?

24 A. Yes.

1 He got the week -- he finished up all the

2 nonfriable asbestos and then we stop.

3 Q. Okay. Hold on one sec.

4 So before you drive to Cleveland,

5 Mr. Vadas was in Euclid, Ohio --

6 A. Yes.

7 Q. -- performing nonfriable removal --

8 A. Yes.

9 Q. -- with a group of laborers?

10 A. Yes.

11 Q. Okay.

12 Did you know any of those laborers?

13 A. Yes, I know all of them.

14 Q. Okay.

15 Who chose those specific laborers?

16 A. I did.

17 Q. Okay.

18 And how did you choose them?

19 A. They work -- I met them working with Safe

20 Environmental.

21 Q. How many people were there?

22 A. I'm not sure right now but I think six or

23 seven.

24 Q. And how many of those six or seven people

1 currently work for Safe Environmental?

2 A. All of them.

3 Q. So as you were preparing to send workers

4 with Mr. Vadas while you were still working at Safe

5 Environment --

6 A. Yes.

7 Q. -- you selected laborers from Safe

8 Environment --

9 A. The ones were out of work back at that

10 time.

11 Q. So they didn't have an active project

12 with --

13 A. Yes.

14 Q. -- Safe Environment?

15 A. Yes.

16 Q. But they could be called back?

17 A. Yes.

18 Q. So you selected these individuals?

19 A. Yes.

20 Q. And what did you tell them?

21 A. Asked them if they want to go and help me

22 to finish up this project in Ohio.

23 Q. And they all said yes?

24 A. Yes.

1 Q. Did anyone you ask say no?
 2 A. No.
 3 Q. Okay.
 4 And did you agree with these six or seven
 5 what they would be paid for their work?
 6 A. What the question again?
 7 Q. Did you tell these people what they would
 8 be paid?
 9 A. Yes.
 10 Q. And what did you tell them?
 11 A. I going to pay you -- I think I paid them
 12 \$20 per hour, hotel, food and I think \$120 day for
 13 gas or whatever they need per diem. They call it
 14 per diem.
 15 Q. Okay.
 16 Now, you did all this arranging with these
 17 laborers, not John Vadas, right?
 18 A. No.
 19 Q. That's not right?
 20 A. No John Vadas. I did.
 21 Q. No John Vadas, okay.
 22 And were these six or seven laborers going
 23 to stay in Euclid, Ohio, for the duration or were
 24 they going to travel back and forth?

1 A. No. They stayed. I pay hotel for them.
 2 Q. Okay.
 3 So they were going to stay the entire
 4 time, right?
 5 A. Yes.
 6 Q. And the plan was that they would work
 7 during the daylight hours and sleep at night?
 8 A. Yes.
 9 Q. Correct?
 10 Were they going to work on weekends?
 11 A. Yes.
 12 Q. Okay.
 13 When John Vadas went to Euclid to start
 14 the nonfriable --
 15 A. In fact, we can call phase one and phase
 16 two.
 17 Q. Okay.
 18 Phase one is the --
 19 A. Nonfriable.
 20 Q. -- nonfriable and phase two is the
 21 friable.
 22 When you sent John Vadas or when he went
 23 to Euclid to start phase one, did he take these
 24 workers?

1 A. Yes. They -- yes, he take some of these
 2 workers.
 3 Q. In a car?
 4 A. No. Oh, no, he don't take. He drove by
 5 himself but the laborers, they drove by themselves.
 6 Q. Okay.
 7 Do you know if they went in a van or if
 8 they all drove alone?
 9 A. Some of them I had -- back at that time, I
 10 had a little truck. Some of them, they drove with
 11 my truck.
 12 Q. When you went?
 13 A. No. When they go. Because they had a --
 14 they have to take a box saw (sic) to take all the
 15 equipment we need to perform the work.
 16 Q. Okay.
 17 So they left two weeks prior to you with
 18 the equipment and your truck?
 19 A. Maybe more than two weeks, more than two
 20 weeks because after we -- they got done the phase
 21 one and then we submit for the notification maybe
 22 three or four days later and after that, we have to
 23 wait ten days.
 24 Q. So phase one was done without you being

1 present?
 2 A. Yes.
 3 Q. And that part took how many weeks?
 4 A. I think a week and a half. I'm not sure.
 5 Q. And that was done while you were still in
 6 Indiana?
 7 A. Yes.
 8 Q. And that was -- that work on phase one was
 9 commenced at a time when you knew you didn't have a
 10 contractor's license in Ohio?
 11 A. Yes. Yes.
 12 Q. So why didn't you apply for that
 13 contractor's license prior to starting phase one?
 14 A. We did. I mean, we -- we start the
 15 process to do that. We started -- because it's --
 16 first thing, got the paper with the Secretary of
 17 State. We start with the Secretary of State.
 18 Q. Which you got?
 19 A. Yes.
 20 Q. While you were still in Indiana?
 21 A. Yes. No. No. No. No. The Secretary of
 22 State with Ohio.
 23 Q. Right.
 24 But you received that from Ohio while you

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

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

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

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

1 A. Nope. We did it by mail.

2 Q. Okay.

3 When did you receive the certification?

4 A. The certification -- oh. I'm not sure it

5 was by the time we been doing the phase one or

6 after the phase one. I'm not sure.

7 Q. But before phase two?

8 A. Yes, before phase two.

9 Q. Because you couldn't start phase two

10 without that and the contractor's license?

11 A. Without notification.

12 Q. Okay.

13 And notification is the license from the

14 Department of Health in Ohio?

15 A. No. It's a permit to -- to work.

16 Q. All right.

17 Who issues that permit?

18 A. Illinois Health Department, the Health

19 Department of the state.

20 Q. But we're talking about Ohio, right?

21 A. Yes, Ohio Health Department.

22 Q. And did you need a notification from Ohio?

23 A. Yes.

24 Q. Okay.

1 You had not received notification by the

2 time that you, Tomas Amaya, were driving to Euclid,

3 right? Had you received the notification yet?

4 A. I didn't -- oh, yes. I went one day

5 before the notification, before the notification.

6 I went over there. I don't know it was almost to

7 complete the job, the phase one. I drove over

8 there one in -- the middle. I want to see the job

9 one of the days I had off over here at Safe

10 Environmental. In the middle -- okay. The middle

11 of phase one, I went one day but not to do any

12 work. I went to -- like ten days later or 12 days

13 later, I went with the notification.

14 Q. Okay.

15 THE VIDEOGRAPHER: Counsel, we have five

16 minutes on the tape.

17 MR. THOMAS: Okay. It's a good time for a

18 break.

19 THE VIDEOGRAPHER: This marks the end of tape

20 number one. We're off the record at 12:37 p.m.

21 (A short break was taken.)

22 THE VIDEOGRAPHER: This marks the beginning of

23 tape number two. We're back on the record at

24 1:17 p.m.

1 BY MR. THOMAS:

2 Q. Mr. Amaya, good afternoon.

3 A. Good afternoon.

4 Q. Before we went to lunch, I was asking you

5 a series of questions related to sort of the status

6 of the work at Cleveland Trencher at about the time

7 that you left Indiana to come and be part of the

8 work at the site, okay? Do you recall some of

9 those questions?

10 A. Okay.

11 Q. And one of the things that you said before

12 lunch I wanted to ask you to clarify and that was

13 that you had arrived at the site during phase one?

14 A. Phase one, yes.

15 Q. Okay.

16 And you said that you thought that you --

17 you recall having been there for about a day, is

18 that correct?

19 A. Yes.

20 Q. Does that mean that you returned back to

21 Indiana?

22 A. Yes.

23 Q. Okay.

24 So phase one is in -- is in progress, you

1 arrive, you're there for a day or so and then you

2 return back to Indiana?

3 A. Yes.

4 Q. Okay.

5 Is it your intention to return for phase

6 two?

7 A. Yes.

8 Q. Okay.

9 Now, going back to your first trip from

10 Hammond, Indiana, to Euclid, Ohio, okay, the first

11 trip that you make?

12 A. Yes.

13 Q. You, obviously, are going to Euclid, Ohio,

14 because of your contract with Nationwide

15 Demolition, correct?

16 A. The first time I went over there is when I

17 went to see phase one.

18 Q. Correct.

19 A. Yes.

20 Q. That's the first time?

21 A. Yes.

22 Q. Okay.

23 And let's just review some of the things

24 that we were talking about before lunch.

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

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

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

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

1 friable asbestos?

2 A. Yes.

3 Q. Okay.

4 At one point, you were preparing to file

5 the application for a contractor's license in Ohio

6 for this job, correct?

7 A. Yes.

8 Q. And you testified that you knew that this

9 was an ordeal because you had done it in Indiana?

10 A. Yes.

11 Q. And so what you did to prepare for the

12 Ohio's contractor's license is you took the

13 template or you took Indiana and you gave it to

14 John and instructed him to make the appropriate

15 changes –

16 A. Yes.

17 Q. – so that that could be submitted to Ohio

18 for approval and then you'd get your Ohio

19 contractor's license, correct?

20 A. Yes.

21 Q. Okay.

22 Do you know if John Vadas had any prior

23 experience submitting a contractor's license

24 application?

1 A. No.

2 Q. You don't know?

3 A. No.

4 Q. Did you check to see if he did? Did you

5 ask him or find out otherwise?

6 A. No.

7 Q. Weren't you concerned that he might not

8 know how to do it properly given the fact that you

9 had some trouble with it in Indiana?

10 A. No.

11 Q. Why not?

12 A. Because he been in the business for 20

13 something years. He knows most..

14 Q. Okay.

15 So because of his experience, you trusted

16 him to get that job done?

17 A. Yes.

18 Q. Okay.

19 Because of your experience with Indiana,

20 you understood that if you did submit the

21 contractor's license application, there was a

22 chance it would get rejected, correct?

23 A. Yes.

24 Q. Okay.

1 Did you think it was risky to enter into a

2 contract with Nationwide prior to getting that

3 license for that reason?

4 A. No, because they were nice person before

5 we start the contract.

6 Q. Okay.

7 What would their being nice have helped

8 you with?

9 A. First, they – we start with the – we

10 supposed to do the work with their contractor

11 license. That's a nice thing. And the second

12 thing is they going – they told John Vadas they

13 can wait because only they want get done the metal

14 is from the nonfriable thing. After we get the

15 nonfriable thing, they can wait until we got the

16 license.

17 Q. Okay.

18 You discovered, however, that they didn't

19 have a license?

20 A. Yes.

21 Q. So number one was out, right?

22 A. Yes.

23 Q. And then they would have to wait

24 indefinitely because you made the decision not to

1 apply for a contractor's license?

2 A. Nope. I didn't make – okay. I got –

3 after they started giving me pressure, I had two

4 choices, either wait to get my license or what the

5 other, the quicker way is ask my friend to let me

6 use his license.

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

8 What about before you got the pressure,

9 okay, before you had this choice of either waiting

10 for your license –

11 A. Yes.

12 Q. – or asking your friend, what were your

13 choices before the pressure?

14 A. Apply for the license.

15 Q. Okay.

16 Why didn't you?

17 A. We are – we were in the process. We

18 already – we didn't – we apply for the secretary

19 of the state paper.

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

21 A. But everything start at the same time.

22 Everything. We talking about a month of time.

23 Everything is in one month.

24 Q. When did you make the decision to not

1 submit the application to the Department of Health?

2 A. After my friend give me the permission.

3 Q. Did you receive certification from the

4 Secretary of State prior to phase one?

5 A. Nope.

6 Q. When did you receive that certification?

7 A. I think one or two weeks after. It's hard

8 right now because it's been almost four years.

9 Q. When was it that you gave John Vadas the

10 direction to prepare that application for the

11 contractor's license?

12 A. I think it was when we start phase one.

13 Q. When you started or before you started?

14 A. Or before we started. I don't remember

15 right now.

16 Q. Okay.

17 In any event, if he would have submitted

18 that application, then you would have had an

19 application in process?

20 A. Yes.

21 Q. And it's your understanding that he was

22 doing that, right?

23 A. Yes.

24 Q. Okay.

1 When did you find out that he didn't do

2 it?

3 A. I don't know if he told me he didn't do it

4 or I told him stop doing it, whatever you doing. I

5 can't remember right now.

6 Q. But you may have instructed him don't do

7 any more because I'm going with choice two?

8 A. Yes.

9 Q. What would you have done if when you asked

10 your friend to use his license he said no?

11 A. End the contract.

12 Q. Okay.

13 How would you do that?

14 A. One thing is if he wants to get the job

15 done right away, there's nothing I can do until I

16 get contractor license. He can do either two

17 things, wait for the -- my contractor license or he

18 hires somebody else.

19 Q. Now, you didn't want him to wait because

20 then you wouldn't get paid for the contract?

21 A. Yes.

22 Q. And you had no work to go back to at Safe

23 Environment, right?

24 A. Yes, but that's not the point because I

1 can go to work somewhere else.

2 Q. Where would you have gone?

3 A. It's 70 -- 70-something union companies

4 around here. I can apply anywhere.

5 Q. So you can have a job instantly, right?

6 A. Yes -- no, not instantly, not right away.

7 But if I start applying every week, I can get a new

8 job. I can get work.

9 Q. How long would it have taken you do you

10 think?

11 A. I think I can get work in -- I mean, back

12 at that time, in one -- in same week. Now it's

13 different.

14 Q. Okay.

15 So your alternative was to cancel the

16 contract and --

17 A. But I never think he never say no.

18 Q. What was it about your experience with

19 Tony that made you conclude that he would say yes?

20 A. Because he's my ex-friend.

21 Q. Well, you mean, he was your friend at the

22 time?

23 A. Yes.

24 Q. What other reason?

1 A. And besides, I was working for him so many

2 years. I put 150 percent of my heart in his jobs.

3 Q. What does that mean?

4 A. It means I get his job complete on time

5 with no problems, no fines, no problems. And I

6 knew he kind of afraid to tell me -- to say no

7 about the license.

8 Q. You think he was afraid to say no?

9 A. Yes, because he don't -- it don't matter

10 what time he call me to work, what he had to do, I

11 was for him.

12 Q. So you're saying that you were both

13 friends and you were faithful, I guess, and you

14 were responsible and so those three things lead you

15 to believe that he would have to say yes?

16 A. It's not a have to but he's my friend and

17 anything he needed, I'm for him.

18 Q. Okay.

19 A. And I was expecting when I need him, he

20 can be for me.

21 Q. Have you done favors for him in the past

22 that you haven't --

23 A. No favors but kind of work things because

24 the thing is if we got a job to do on the weekend,

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

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

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

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