



0 148

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01/16 DEPARTMENT OF HEALTH
 DIVISION OF PUBLIC HEALTH
 P.O. BOX 16278
 COLUMBUS, OH 43215

Ohio Department of Health
 P.O. Box 16278
 Columbus, Ohio 43215
 Attn: Revenue Processing

Self-Insured
 Corporation of Indiana
 Schererville, IN 46175

DEPT#0000 3242 0000000000000000 0000 0000 0000 000000000000 000000

DO NOT WRITE IN THIS SPACE

Pattern	DATE RECEIVED	NOTIFICATION NO	ARCNO
	08/17/2007	20071827	0607547

Ohio Department of Health
Prior Notification of Asbestos Hazard Abatement Project

Read carefully all the instructions and questions prior to completing the notification form.

1. Notifications including check shall be filed 14 days to the Ohio Department of Health, Attn: Revenue Processing, P.O. Box 16278, Columbus, Ohio 43215.
2. Check shall be made payable to: Treasury, State of Ohio, for the amount of any fee associated.
3. Any licensed asbestos hazard abatement contractor who performs any asbestos hazard abatement projects within the State of Ohio shall submit prior notification to the Director at least ten business days before beginning each planned asbestos hazard abatement project as required by Chapter 3703-01 of the Ohio Administrative Code.
4. Type of notification: Original Renewal number 2 Renewal (check) number _____
 Emergency Special Sanitation
5. Type of abatement involving at least 50 linear feet or 30 square feet:
 Removal Repair Encapsulation Enclosure Remediation

6. Owner Name GARY THOMAS		City Aurora		State OH	ZIP 44206
8. Location Number AC1922		Abatement Contractor Safe Environment Corporation of Indiana		Expiration 03/30/2008	
ADDRESS 2301 Cine Ave CINCINNATI		City Erlanger	State OH	ZIP 45375	
9. Construction number A02888		Name of asbestos hazard abatement specialist (or assessor) GARY BONILLA		Expiration 04/04/2008	
10. Project Information - Building Name The former Cleveland Transfer Company					
ADDRESS 20100 9TH QUINN AVENUE CITY INDUSTRIAL		City Cleveland	State OH	ZIP 44116	County Cuyahoga
11. Project Description Type of asbestos material: <input checked="" type="checkbox"/> Surfacing <input type="checkbox"/> Mechanical <input type="checkbox"/> Other _____ Asbestos removal from: <input checked="" type="checkbox"/> FGI <input type="checkbox"/> Degr <input type="checkbox"/> Other _____ Engineering controls: <input checked="" type="checkbox"/> APC <input checked="" type="checkbox"/> Other bag <input type="checkbox"/> Other _____					
12. Estimate of asbestos containing material Linear feet: 1950 Square feet: 9700					
13. Abatement Dates Est start: 09/21/2007 Est finish: 09/22/2007 completion (each work item): 09/25/2007					
14. Method of Abatement Type of Abatement: <input checked="" type="checkbox"/> Partial <input checked="" type="checkbox"/> Temporary <input type="checkbox"/> Enclosure <input type="checkbox"/> Full <input checked="" type="checkbox"/> Full					
15. Approved Person - Name Ottawa County Landfill					
City Port Clinton		State OH	Telephone number (419) 835-2367	EPA permit number C0138371	
16. Name of person filing this notice Gary Thomas					
Date 08/17/2007					

Asbestos

Page 1 of 1



FAQ

REGULATIONS

NOTIFICATION

LINKS / RESOURCES & SERVICES

FILES

CONTACT

Asbestos

The Asbestos program licenses and certifies companies and persons directly involved with the asbestos abatement industry. The program regulates contractors performing asbestos removal projects, project supervisors, project designers, workers removing asbestos, persons inspecting buildings for asbestos-containing material and developing plans to manage asbestos found in a facility, persons conducting air sampling for asbestos and the companies that provide required asbestos training. The Ohio Department of Health Asbestos program ensures the safety and quality of asbestos services by requiring persons to take approved training that is specific to the asbestos related activities in which they will be involved and by inspecting/auditing the activities of the program participants.

For questions on certification and licensure, asbestos hazard abatement projects and training, you're advised please refer to the Frequently Asked Questions (FAQ) section.

Mailing Address:
 Ohio Department of Health
 Asbestos Program
 146 North High Street
 Columbus, OH 43215

Telephone: (614) 468-0561
Fax: (614) 732-4357
E-mail: ASBESTOS@odh.ohio.gov

Last updated: 2/1/07

REVISI-WS/1-DAY

SPAKE WITH SAHARA TO VERIFY JOSH HAS RECEIVED (INSURANCE)

ODH Programs / Links
 Home / Search / Contact



Do Not Write in This Space	Date Received	Notification No.	By

Ohio Department of Health Prior Notification of Asbestos Hazard Abatement Project

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- Notifications including check shall be typed and sent to the Ohio Department of Health, Attn: Revenue Processing, P.O. Box 15278, Columbus, Ohio 43215.
 - Checks shall be made payable to: Treasurer, State of Ohio, for the amount of sixty-five dollars (\$65.00).
 - Any licensed asbestos hazard abatement contractor who performs any asbestos hazard abatement projects within the State of Ohio shall submit prior notifications to the Director at least ten business days before beginning each planned asbestos hazard abatement project as required by Chapter 3701-34 of the Ohio Administrative Code.
 - Type of notification: original revision number 2 revised project number 8 12
 emergency client cancellation
 - Type of abatement involving at least 50 linear feet or 50 square feet:
 removal repair encapsulation enclosure renovation

6. Contact Name: **GARY THOMAS**

Address: **P.O. BOX 1052** City: **AKRON** State: **OH** Zip: **44309**

Contact: **GARY THOMAS** Contact telephone number: **(330) 535-7070**

7. License number: **AC 1922** Abatement Contractor: **SAFE ENVIRONMENT CORPORATION OF IN** Registration: **03/30/2008**

Address: **2301 CLIVE AVE.** City: **SCHERERVILLE** State: **IN** Zip: **46375**

Contact: **ANTHONY J. PALANELL** Telephone number: **(219) 322-0844**

8. Certification number: **AS 29843** Name of asbestos hazard abatement project to project: **TOMAS AMAYA** Date: **9/13/2008**

9. Project description - Building name: **THE FORMER CLEVELAND TRUMPET COMPANY**

Address: **20100 ST. CLAIR AVENUE** City: **EUCLID** State: **OH** Zip: **CUYAHOGA**

10. Project description: Type of asbestos material: surfacing mechanical other

11. Estimate of asbestos containing material: **1400 L.F.** Square feet: **6,700 S.F.**

12. Abatement dates: Start: **09-22-07** Abatement: **09-22-07** Completion: **09-26-07**

13. Approved landfill name: **OTTAWA COUNTY LANDFILL** City: **PORT CLINTON** State: **OH** EPA permit number: **CID 33837**

14. Name of person filing the notice: **JOHN P. VADAS** Date: **09-21-07**

EXHIBIT
Vadas P

2008 09 24 2007 10 16 2007 10 16 2007 10 16
 TO CHRIS P
 FROM CHRIS P
 ASBESTOS WASTE PROFILE SHEET
 Requested Disposal Facility: **Cuyahoga County Landfill**
 SI 120
 Date: **9-11-07**

1. GENERATOR INFORMATION
 Generator Name: **SAFE ENVIRONMENT CORPORATION**
 Generator Site Address: **2301 CLIVE AVE** City: **OH** State: **OH** Zip: **46375**
 Generator Contact Name: **ANTHONY J. PALANELL** Telephone Number: **(219) 322-0844**

2. CONTRACT/OPERATOR INFORMATION OF APPLICABLE
 Contract Name, Phone Number, and Fax Number: **SAFE ENVIRONMENT CORPORATION**
 Contract Address: **2301 CLIVE AVE** City: **OH** State: **OH** Zip: **46375**

3. TRANSPORTATION INFORMATION
 Method of transport: TRUCK RAIL BARGE OTHER
 Frequency: QUARTERLY SEMI-ANNUALLY ANNUALLY

4. PHYSICAL CHARACTERISTICS OF WASTE
 Waste Description: **ASBESTOS WASTE**
 This asbestos waste is: FIBROUS NON-FIBROUS
 Material: **ASBESTOS** (check all that apply)
 Estimated Volume: **1400 L.F.** (check all that apply)
 Estimated Weight: **6,700 S.F.** (check all that apply)

5. GENERATOR CERTIFICATION
 I, the undersigned, being duly sworn, depose and testify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am duly qualified to give such testimony.

Signature: **JOHN P. VADAS** Date: **9-21-07**

Approved: **JOHN P. VADAS** Date: **9-21-07**

Accepted: **JOHN P. VADAS** Date: **9-21-07**

Approved Waste Disposal: Removal Encapsulation

Conditions: **3/31/08**

Rebecca Dyer, Special Waste Manager
 Date: **9-27-07**

Fax Back to Tami 440 774 4003

EXHIBIT
Vadas - P

Do Not Write in This Space	Date Received	Notification No.	By

Ohio Department of Health Prior Notification of Asbestos Hazard Abatement Project

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- Notifications including check shall be typed and sent to the Ohio Department of Health, Attn: Revenue Processing, P.O. Box 15278, Columbus, Ohio 43215.
 - Checks shall be made payable to: Treasurer, State of Ohio, for the amount of sixty-five dollars (\$65.00).
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 - Type of notification: original revision number 4 revised project number 12
 emergency client cancellation
 - Type of abatement involving at least 50 linear feet or 50 square feet:
 removal repair encapsulation enclosure renovation

6. Contact Name: **GARY THOMAS**

Address: **P.O. BOX 1052** City: **AKRON** State: **OH** Zip: **44309**

Contact: **GARY THOMAS** Contact telephone number: **(330) 535-7070**

7. License number: **AC 1922** Abatement Contractor: **SAFE ENVIRONMENT CORPORATION OF IN** Registration: **03/30/2008**

Address: **2301 CLIVE AVE.** City: **SCHERERVILLE** State: **IN** Zip: **46375**

Contact: **ANTHONY J. PALANELL** Telephone number: **(219) 322-0844**

8. Certification number: **AS 29843** Name of asbestos hazard abatement project to project: **TOMAS AMAYA** Date: **9/13/2008**

9. Project description - Building name: **THE FORMER CLEVELAND TRUMPET COMPANY**

Address: **20100 ST. CLAIR AVENUE** City: **EUCLID** State: **OH** Zip: **CUYAHOGA**

10. Project description: Type of asbestos material: surfacing mechanical other

11. Estimate of asbestos containing material: **1,900 L.F.** Square feet: **6,700 S.F.**

12. Abatement dates: Start: **09-26-07** Abatement: **09-26-07** Completion: **09-23-07**

13. Approved landfill name: **OTTAWA COUNTY LANDFILL** City: **PORT CLINTON** State: **OH** EPA permit number: **CID 33837**

14. Name of person filing the notice: **JOHN P. VADAS** Date: **9-25-07**

EXHIBIT
Vadas R

CERCLA 106(b) 12-01

EXHIBIT 12

{00512372; 1; -}

1
IN THE COURT OF COMMON PLEAS
RICHLAND COUNTY, OHIO
GENERAL DIVISION

NATIONWIDE DEMOLITION) CASE NO. 2008 CV 2002

SERVICES, LLC,) JUDGE JAMES D. HENSON

Plaintiff,)

vs.)

ASBESTEK, INC., et al.,)

Defendants.)

vs.)

TOMAS AMAYA, et al.,)

Third Party Defendants.)

The videotaped discovery deposition of TOMAS AMAYA, taken in the above-entitled cause, before Liza Marie Regan, a notary public of Cook County, Illinois, on the 23rd day of August, 2010, at the hour of 10:36 a.m. at 123 North Wacker Drive, Suite 1800, Chicago, Illinois, pursuant to Notice.

Reported by: LIZA MARIE REGAN, CSR, RPR
License No. 084-004277

McCorkle Court Reporters, Inc.
Chicago, Illinois (312) 263-0952

2
1 APPEARANCES:

2 LAW OFFICES OF JEFFREY N. KRAMER,
3 BY: MR. JEFFREY N. KRAMER,
4 24 West Third Street, Suite 300
5 Mansfield, Ohio 44902
6 (419) 522-7474
7 Representing the Plaintiff,

8
9 JANIK, L.L.P.,

10 BY: MR. PATRICK J. THOMAS,
11 9200 South Hills Boulevard, Suite 300
12 Cleveland, Ohio 44147
13 (440) 838-7600
14 Representing Safe Environmental
15 Corp.,

16 CALHOUN, KADEMENOS & CHILDRESS CO., L.P.A.

17 BY: MR. LOUIS H. GILBERT (via telephone),
18 6 West 3rd Street, Suite 200
19 Mansfield, Ohio 44901
20 (419) 524-8011
21 Representing Joseph J. Piscazzi and
22 Gary Thomas,

23 ALSO PRESENT:

24 Mr. Rick Lovelace, Mr. Kevin Chow.

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3
1 I N D E X

2 WITNESS EXAMINATION

3 TOMAS AMAYA

4 By Mr. Thomas 8
5 Mr. Gilbert 272
6 Mr. Kramer 274
7 Mr. Thomas (Further) 310

8 E X H I B I T S

9 NUMBER MARKED FOR ID

10 Amaya Deposition Exhibit

11 No. 1 59
12 No. 2 59
13 No. 3 59
14 No. 4 59
15 No. 5 85
16 No. 6 185
17 No. 7 196
18 No. 9 208
19 No. 10 212
20 No. 11 213
21 No. 12 220
22 No. 13 222
23 No. 14 241
24 No. 15 241
25 No. 16 268

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4
1 THE VIDEOGRAPHER: My name is Nick Harvey. I'm

2 the video specialist with McCorkle Court Reporters
3 located at 200 North LaSalle Street, suite 300,
4 Chicago, Illinois, 60601. I'm the camera operator
5 on August 23, 2010 for the videotaping of the
6 deposition of Tomas Amaya being taken at 123 North
7 Wacker Drive Chicago, Illinois, at the time of
8 10:33 a.m. in the matter of Nationwide Demolition
9 Services, LLC, plaintiff, versus Asbestek, Inc., et
10 al, defendants, versus Tomas Amaya, et al., third
11 party defendants filed in the Court of Common
12 Pleas, Richland County, Ohio, General Division,
13 case number 08-CV-2002.

14 Will counsel please identify themselves
15 for the record beginning with plaintiff's counsel.

16 MR. KRAMER: Jeff Kramer representing
17 Nationwide Demolition Services.

18 MR. THOMAS: I'm Patrick Thomas -- excuse me --
19 representing Safe Environment Corporation of
20 Indiana. We also have --

21 MR. GILBERT: Louis Gilbert representing Gary
22 Thomas and Joe Piscazzi from Mansfield, Ohio.

23 THE VIDEOGRAPHER: Will the court reporter
24 please identify herself and swear in the witness.

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EAB CERCLA 106(b) 12-01 000234

5

1 (Witness sworn.)

2 THE VIDEOGRAPHER: You may proceed.

3 MR. THOMAS: Thank you.

4 We also have present in the courtroom

5 Mr. Kevin Chow from the Environmental Protection

6 Agency and Rick Lovelace, president of Safe

7 Environment Corporation. We're here today to

8 conduct a deposition of Tomas Amaya.

9 Do I pronounce your name correctly, is it

10 Tomas?

11 THE WITNESS: Yes.

12 MR. THOMAS: Pursuant to Rule 30,

13 Mr. Amaya, have you ever had your

14 deposition taken before?

15 THE WITNESS: Yes.

16 MR. THOMAS: Okay.

17 So you probably know the rules. I'll just

18 briefly run over a few things.

19 As you know, we have a court reporter and

20 video camera so that this deposition is being

21 recorded two ways, stenographically and by video.

22 THE WITNESS: Yes.

23 MR. THOMAS: Okay.

24 Just make sure to keep your voice up and

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6

1 to give complete answers when I finish speaking and

2 I'll also wait, of course, until you finish

3 speaking so we don't talk over each other so that

4 the court reporter can take down our answers

5 clearly. If you don't understand a question that I

6 ask or that Mr. Kramer or Mr. Gilbert may ask

7 later, just ask us to repeat the question, okay?

8 THE WITNESS: Yes.

9 TOMAS AMAYA,

10 called as a witness herein, having been first duly

11 sworn, was examined and testified as follows:

12 EXAMINATION

13 BY MR. THOMAS:

14 Q. If you would start by telling us your full

15 name, please?

16 A. Tomas Amaya.

17 Q. Okay.

18 And Amaya is A-M-A-Y-A?

19 A. Yes.

20 Q. Okay.

21 And if we can go off the record for the

22 answer to this question, can you give us your

23 Social Security number?

24 THE VIDEOGRAPHER: Off the record.

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7

1 (Discussion off the record.)

2 BY MR. THOMAS:

3 Q. What is your date of birth?

4 A. 11-18-67.

5 Q. Sorry?

6 A. 11-18-67.

7 Q. What is your current address?

8 A. 6811 Kennedy Avenue.

9 Q. And that's in Chicago?

10 A. Hammond, Indiana.

11 Q. Hammond Indiana, okay.

12 And what is your telephone number?

13 A. (219) 308-0508.

14 Q. Okay.

15 And are you currently married?

16 A. Divorced.

17 Q. Divorced, okay.

18 How long have you been divorced?

19 A. Twice.

20 Q. Twice?

21 A. Yes.

22 Q. Okay.

23 When was the last time that you were

24 divorced?

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8

1 A. About two, two, three years ago. I - I

2 don't - I'm not sure.

3 Q. Okay.

4 Your address at 6811 Kennedy, is that a

5 resident address?

6 A. Yes.

7 Q. Okay.

8 Do you also conduct business out of that

9 address?

10 A. Yes.

11 Q. Okay.

12 Do you hold any professional licenses?

13 A. Asbestos license, asbestos supervisor

14 license.

15 Q. Okay.

16 A. And lead supervisor license.

17 Q. And what are the sources of -- what's the

18 source of the asbestos license? Is that from

19 Indiana?

20 A. Indiana, yes - no. Right now, just

21 Illinois.

22 Q. Okay.

23 Did you have one in another state at some

24 date prior?

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EAB CERCLA 106(b) 12-01 000235

9

1 A. No.

2 Q. Okay.

3 So you've — your — your asbestos

4 supervisor's license only comes from Illinois,

5 correct?

6 A. Yes. Right now, yes.

7 Q. You say right now.

8 Did you at a different time have another

9 one from —

10 A. Yes, I had from Ohio, I had from Illinois,

11 Indiana, Virginia, I think. I'm not sure.

12 Q. Okay.

13 And why do you no longer have those

14 licenses?

15 A. Because I'm no working in asbestos for

16 this moment.

17 Q. Are these licenses the type that require

18 renewal with a fee?

19 A. Yes.

20 Q. Okay.

21 And, for example, with Ohio, did you just

22 not renew the fee or was your license revoked?

23 A. No. I didn't renew the fee.

24 Q. Okay.

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10

1 So that license was never revoked,

2 correct?

3 A. No.

4 Q. Okay.

5 Did you ever have an asbestos supervisor

6 license revoked from any state?

7 A. Nepe.

8 Q. Okay.

9 And your lead supervisor, that's for lead

10 abatement, correct?

11 A. Yes.

12 Q. And your lead supervisor abatement

13 license, is that also in Illinois?

14 A. Yes, Illinois and Indiana.

15 Q. Okay.

16 May I ask why don't you have an asbestos

17 supervisor's license in Indiana?

18 A. I supposed to be renew it about three

19 months ago but didn't take the refresher class yet.

20 Q. Do you plan on doing that?

21 A. I will, yes.

22 Q. And what does the class require you to do?

23 A. Eight hour refresher class for asbestos.

24 Q. Okay.

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11

1 Is that all in one day?

2 A. Yes, one day.

3 Q. And then do you take a test?

4 A. Yes.

5 Q. And if you pass the test, they give you

6 your —

7 A. Certificate, yes.

8 Q. Okay.

9 What does the certificate allow you to do

10 in Indiana?

11 A. Just work — work for a company. I can do

12 anything as a person, Illinois and Indiana.

13 Q. So with that asbestos supervisor's license

14 in Indiana, you can do asbestos abatement, correct?

15 A. Yes. I can supervise project.

16 Q. Right now in Indiana, you don't have that

17 license so you can't supervise, right?

18 A. Correct.

19 Q. Can you work with asbestos at all right

20 now in Indiana?

21 A. No. Even Indiana or Illinois, I cannot do

22 it because I don't have the refresher class.

23 Q. Okay.

24 Does it cost money to take that class?

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12

1 A. \$200 — between \$200, \$250.

2 Q. And this is something that you plan on

3 doing in the future, correct?

4 A. Yes, in the future time.

5 Q. Okay.

6 And we'll talk about it later but it's

7 fair to say that your livelihood is asbestos

8 abatement, correct?

9 A. Yes.

10 Q. Okay.

11 You are 42 years old, correct?

12 A. Yes.

13 Q. Okay.

14 And tell us — tell us about your

15 professional career, when you first got started?

16 A. I started in Miami, Florida.

17 Q. Okay.

18 A. Work little bit over there, maybe two

19 months and then I moved to Denver, Colorado.

20 Q. Okay.

21 A. Work over there for two years, I think.

22 Q. Okay.

23 A. And then I move to Chicago, worked the

24 rest of — like almost 16 years. I think 16 years.

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EAB CERCLA 106(b) 12-01 000236

1 Q. Okay.

2 And what – what have you – what have

3 your jobs been for those 16 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 16 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.

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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?

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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, 2006, 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.

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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.

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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. Labor.
 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. Ch, 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 Dumpster?

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 Environmental
 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 faces, 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 Environment?

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 8, 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. True -- 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 now 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 knew 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 Who'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 Asbestek 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 a.m.

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. Is 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 sent 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.