

BEFORE THE VILLAGE BOARD  
OF THE VILLAGE OF ROUND LAKE PARK  
SITTING AS A POLLUTION CONTROL FACILITY  
SITING AUTHORITY

IN RE: APPLICATION FOR LOCAL SITING )  
APPROVAL FOR GROOT INDUSTRIES ) 03-01  
LAKE TRANSFER STATION, )

Transcript of proceedings at the  
hearing of the above-entitled cause on the 2nd day  
of October, 2013, at the hour of 12:00 p.m.  
(Concluded at 3:10 p.m.)

REPORTED BY: JENNIFER A. LANG

LICENSE NO.: 084-003293

1 APPEARANCES:

2 SCHIROTT, LUETKEHANS & GARNER, LLC,

3 BY: MR. PHILLIP A. LUETKEHANS

4 The Hearing Officer;

5

6 HINSHAW & CULBERTSON,

7 BY: MR. RICHARD S. PORTER

8 On behalf of Groot Industries;

9

10 THE LAW OFFICES OF RUDOLPH F. MAGNA,

11 BY: MR. PETER S. KARLOVICS

12 On behalf of Board of Trustees of the

13 Village of Round Lake Park;

14

15 THE SECHEN LAW GROUP, P.C.,

16 BY: MR. GLENN C. SECHEN

17 On behalf of Village of Round Lake Park;

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1 APPEARANCES (CONT'D):

2 TRESSLER, LLP,

3 BY: MR. STEPHEN T. GROSSMARK

4 On behalf of the Village of Round Lake;

5

6 JEEP & BLAZER, LLC,

7 BY: MR. MICHAEL S. BLAZER

8 On behalf of Timber Creek

9 Homes, Inc.;

10

11 MR. LARRY M. CLARK

12 On behalf of the Solid Waste Agency

13 of Lake County, Illinois.

14

15 MR. ROBERT CERRETTI, SR.,

16 Village of Round Lake Park Trustee;

17 MS. JEAN McCUE,

18 Village of Round Lake Park Trustee;

19 And other Trustee's previously listed.

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20  
21  
22  
23  
24

I N D E X

WITNESS:	PAGE
DALE J. KLESZYNSKI	
Direct Examination by Mr. Sechen	6
Cross Examination by Mr. Clark	36
Cross Examination by Mr. Grossmark	49
Cross Examination by Mr. Blazer	53
Examination by Hearing Officer Luetkehans	123
Redirect Examination by Mr. Sechen	128
Cross Examination by Mr. Porter	132
Recross Examination by Mr. Clark	40
Recross Examination by Mr. Blazer	141

E X H I B I T S

PAGE
EVD
36
36
145
146
146
146

Round Lake Park No. 1
Round Lake Park No. 2
TCH No. 45
TCH No. 46
TCH No. 47
TCH No. 51

1 THE HEARING OFFICER: I will call  
2 application for Groot Industries for Siting  
3 Approval, the hearing Before the Village Board of  
4 the Village of Round Lake Park Sitting as a  
5 Pollution Control Facility Siting Authority to  
6 order.

7 Gentlemen, would you introduce  
8 yourselves.

9 MR. CLARK: Larry Clark on behalf of the  
10 Solid Waste Agency of Lake County, Illinois.

11 MR. GROSSMARK: Steve Grossmark for the  
12 Village of Round Lake.

13 MR. BLAZER: Michael Blazer for Timber  
14 Creek Homes.

15 MR. KARLOVICS: Peter Karlovics  
16 representing the Village Board, the Village of Round  
17 Lake Park. Present with me today are Trustee Bob  
18 Ceretti and Trustee Jean McCue.

19 MR. SECHEN: Glenn Sechen on behalf of the  
20 Village of Round Lake Park.

21 HEARING OFFICER LUETKEHANS: Identify  
22 yourself, Mr. Porter.

23 MR. PORTER: Good afternoon, Rick Porter  
24 on behalf of the Applicant Groot.

1 HEARING OFFICER LUETKEHANS: Thank you.

2 Let's start off with public comment.

3 Is anyone here for public comment?

4 Hearing none, we will proceed.

5 Is there anyone who has any  
6 preliminary matters before we start with the direct  
7 of Mr. Kleszynski?

8 MR. SECHEN: I have two things, very  
9 briefly. First thing is is the record should  
10 reflect that Mr. Smith is not present.

11 HEARING OFFICER LUETKEHANS: Yes.

12 MR. SECHEN: And second thing is with  
13 respect to my examination of Mr. Kleszynski, I have  
14 marked two exhibits, RLP, Round Lake Park No. 1 and  
15 No. 2. You only have No. 1 in front of you or  
16 excuse me, No. 2 in front of you because number with  
17 is really the statement of qualifications which is  
18 also attached to No. 2.

19 So you have everything

20 HEARING OFFICER LUETKEHANS: Just I'm  
21 clear on the document before me, Mr. Sechen, pages  
22 19 through 24, I assume, are what will be Round Lake  
23 Park Exhibit 1?

24 MR. SECHEN: Exactly. I'm also leaving it  
6

1 attached to No. 2.

2 HEARING OFFICER LUETKEHANS: That's fine.  
3 So we know exactly what it is you're referring to.

4 Mr. Sechen, you may begin.

5 MR. SECHEN: The Village will call Dale  
6 Kleszynski.

7 HEARING OFFICER LUETKEHANS: Swear in the  
8 witness, please.

9 (Witness sworn.)

10 HEARING OFFICER LUETKEHANS: You may  
11 proceed.

12 DALE KLESZYNSKI,  
13 called as a witness herein, having been first duly  
14 sworn, was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. SECHEN:

17 Q. Sir, would you state your name and spell  
18 your last name for the benefit of the court  
19 reporter, please?

20 A. My name is is Dale Kleszynski.  
21 K-L-E-S-Z-Y-N-S-K-I.

22 Q. And Mr. Kleszynski, could you tell us what  
23 your employment or occupation is, sir?

24 A. I am the president and chief appraiser for

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1 Associated Property Counselors Limited. It's a real  
2 estate appraisal and consulting firm.

3 Q. I show what you has been marked as RLP No.  
4 1 for identification. And I ask that you take a  
5 look at it.

6 A. The document that you handed me is a  
7 photocopy of my statement of professional  
8 qualifications.

9 Q. And, Mr. Kleszynski, does that statement  
10 of professional qualifications truly and accurately  
11 reflect your background and expertise?

12 A. Yes.

13 Q. And can you tell us just briefly about  
14 your education, sir?

15 A. My educational background is I am a  
16 graduate of Loyola University in Chicago with a  
17 Bachelor of Arts degree in 1971. Subsequent to  
18 graduating from Loyola and working in the field of  
19 real estate appraisal I began to take all of the  
20 courses that would allow me to be awarded both my  
21 SRA and MAI designations as are awarded by the  
22 Appraisal Institute. And have continued in terms of  
23 education to complete continuing education  
24 requirements for the states in which I am licensed

8



1 as well as for the Appraisal Institute.

2 Q. And, sir, could you tell us what the MAI  
3 designation is?

4 A. MAI designation, the nomenclature is  
5 basically that I am a member of the Appraisal  
6 Institute. That designation is awarded by the  
7 Appraisal Institute after an individual has  
8 demonstrated expertise in the area of real estate  
9 valuation or questions associated with real estate  
10 valuations that might arise in the normal course of  
11 business.

12 Q. Can you tell me what it was that you did  
13 to receive that designation?

14 A. The criterion to complete the requirements  
15 of that designation were basically that I had to  
16 take a number of classes, and I believe it was ten,  
17 approximately ten classes. I had to additionally  
18 produce the demonstration appraisal report that was  
19 reviewed by the Appraisal Institute. I had to  
20 supply the Appraisal Institute with a sampling of  
21 five years' worth of work to be reviewed by people  
22 who were serving in the admissions area at that  
23 particular time. And additionally I had to pass a  
24 comprehensive examination.

1 Q. And in what year did you receive your MAI  
2 designation?

3 A. I received my MAI designation in 1984.

4 Q. And can you just briefly tell us what the  
5 SRA designation is?

6 A. The SRA designation nomenclature stands  
7 for senior residential appraisal. It's a  
8 designation that is awarded to individuals who have  
9 demonstrated expertise in the area of residential  
10 real estate valuation.

11 Q. You mentioned other jurisdictions, can you  
12 tell us in which states you are licensed?

13 A. I am currently licensed in Illinois,  
14 Indiana, and Michigan.

15 Q. And can you tell us what, if any, teaching  
16 experience you have?

17 A. My teaching experience is basically with  
18 the Appraisal Institute, and subsequent to -- or I  
19 guess ongoing with becoming designated, I spend a  
20 great deal of time, have spent a great deal of time  
21 teaching classes for the Appraisal Institute to  
22 date, and over the years I have taught virtually  
23 every course that the Appraisal Institute offers  
24 including courses in terms -- courses in seminars on

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1 the issue of detrimental conditions. I am currently  
2 qualified by the Appraisal Foundation to be an  
3 instructor for the course work that deals with what  
4 is called Uniform Standards of Professional  
5 Appraisal Practice or USPAP guidelines, so I do some  
6 instructing for the Appraisal Foundation in the area  
7 of those guidelines, as well as professional ethics  
8 for the Appraisal Institute.

9 Q. And how long have you been in the real  
10 estate appraisal field?

11 A. I have been a real estate appraiser since  
12 1977.

13 Q. Could you tell us, sir, in your practice,  
14 do you have any specialization or things that you do  
15 more than other things?

16 A. Basically my practice is, I guess I would  
17 divide it up this way; of the hundred percent of the  
18 time that we spend Associated Property Counselors  
19 spends in the area of real estate appraisal and  
20 consulting, approximately 70 percent of that time is  
21 in the area of litigation support in one way or  
22 another, meaning that a large portion of our  
23 clientele is -- or consists of law firms or the  
24 people who those law firms represent with the --

11

1 with many of the situations that we involve  
2 ourselves in having the potential of being litigated  
3 at some point in time.

4 Q. Mr. Kleszynski, regarding the matter that  
5 you're here today concerning, did you receive an  
6 assignment?

7 A. I did.

8 Q. Could you briefly describe that  
9 assignment?

10 A. My assignment in this particular instance  
11 was to act in the capacity of a review appraiser, to  
12 review the work that was done by Poletti and  
13 Associates to determine whether or not the work that  
14 in the context of the assignment that they had or to  
15 determine whether or not they had, in fact, rendered  
16 a credible opinion in this matter. And so basically  
17 for us, an appraisal, what that means is, is that  
18 the assignment that I had was to take a look at  
19 their work and determine whether or not that work  
20 within the context of the assignment that they had  
21 was done appropriately and completely so that they  
22 resulted or determined whether or not they resulted  
23 in a credible opinion. So, in other words, what my  
24 job was, was to determine whether or not Poletti

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1 had, in fact, formulated or done the work that was  
2 necessary to formulate a credible opinion and  
3 formulate any reasons for agreement or disagreement  
4 that I might have with the work that was done.

5 For us -- and I don't mean to  
6 interrupt you, but for us that's called a Standard 3  
7 review under Uniform Standards of Professional  
8 Appraisal Practice.

9 Q. You anticipated my next question.

10 A. Okay.

11 Q. Could you tell us how that compares, if it  
12 a compares at all, to what is commonly referred to  
13 as a peer review?

14 A. A peer review is, the significant  
15 difference between a peer review and a Standard 3  
16 review, it's related to the amount of work that's  
17 done in order to check on the work of the appraiser  
18 that you are -- for the assignment that's under  
19 review. So in a peer review, might be, for example,  
20 that I would review someone's work, and basically  
21 what I would do is I would come back to an attorney  
22 such as yourself and say, well, I think that this  
23 report is weak here and identify areas of weakness.

24 A Standard 3 review, Standard 3 under

1 the Uniform Standards of Professional Appraisal  
2 Practice actually has an outline of the steps that  
3 the reviewing appraiser must take in order to  
4 formulate the opinions that they formulate, and it  
5 also has a portion of that standard which address  
6 the issue of how their results are to be  
7 communicated. So I think that it's a, for lack of a  
8 better term, a higher standard than the idea of just  
9 a peer review.

10 Q. Now, Mr. Kleszynski, did you have an  
11 occasion to prepare a report?

12 A. I did.

13 Q. I show you what has been marked as RLP No.  
14 2 for identification. Could you tell us what that  
15 is, sir?

16 A. This is a copy of the report that I  
17 produced in this matter.

18 Q. And is it a true and accurate copy of that  
19 report?

20 A. It appears to be.

21 Q. Could you tell us some of the things that  
22 you did in proceeding with your assignment in  
23 preparing that report?

24 A. In order to complete my review assignment

1 in this matter, I first read through the section  
2 marked Criterion 3 in the Application that was  
3 presented to me in the Application for siting in  
4 Round Lake Park for Groot Industries.

5 Section 3 included two documents,  
6 basically those documents consisted of the Lannert  
7 report and they also consisted of the Poletti  
8 report. So I read through those documents to  
9 familiarize myself with the, for lack of a better  
10 term, review or valuation question that would be  
11 posed to me in this matter.

12 Q. And you're referring to Section 3 of the  
13 Groot Application?

14 A. I am.

15 Q. And that section, does that deal with  
16 Criterion number 3 of Section 39.2 of the  
17 Environmental Protection Act?

18 A. I just know it as Criterion 3, the rest I  
19 presume is correct.

20 Q. Fair enough Mr. Kleszynski.

21 Could you tell us what you did next?

22 A. What I did next after reviewing the  
23 appraisal and the land planning reports that were  
24 identified in that section of the document, I

1 visited the subject property and inspected the  
2 subject property as well as the area photographs  
3 that I presented in the body of my report. I  
4 identified my, I would call my cataloging of the  
5 subject property and the subject area on Porter  
6 Drive starting at the southern terminus and working  
7 its way all the way up to and including the north  
8 terminus and then coming back to Belvidere Road.

9 Q. Can you tell us how you documented what  
10 you saw during the site visits?

11 A. During the site visit I documented the  
12 applications that were there through digital  
13 photography.

14 Q. And do any of those photographs, sir,  
15 appear in your report?

16 A. Yes, all of them -- well, a sampling of  
17 them do. I had taken more photographs than are  
18 presented here, but it was in completing the report,  
19 these were the photographs that I selected for  
20 presentation.

21 Q. There is an aerial photograph in your  
22 report, sir. I take it that you did not take that  
23 one?

24 A. No, that was provided by Google Earth.



1 Q. Can could you tell us, sir, what you did  
2 after driving the subject property?

3 A. After identifying the subject property and  
4 inspecting it and the subject area, I then expanded  
5 my inspection of the area to the uses that are  
6 located along Main Street as well as Belvidere Road  
7 and to the south and west of the subject property,  
8 some of the residential subdivisions that existed  
9 and went additionally to the east to see the  
10 applications that were located, for lack of a better  
11 term, near the intersection of Belvidere Road and  
12 Route 83, as well as Main Street. So that was done  
13 predominately in order to familiarize myself with  
14 the uses that existed in the subject area. And that  
15 might, in fact, be influenced by the establishment  
16 of the Lake Transfer Station.

17 Q. And could you tell us, sir, what did you  
18 after that?

19 A. After I that I visited the three case  
20 study sites that were included in the Poletti  
21 report. And I inspected those sites as well as the  
22 target and control areas that were identified in the  
23 Poletti report.

24 Q. And, sir, could you tell us the names of

1 those subject sites or how they are referred to?

2 A. They were referred to in the body of the  
3 Poletti report I believe as the Glenview site. The  
4 Glenview Transfer Station, the Elburn Transfer  
5 Station, and the Bluff City Transfer Station.

6 Q. And could you tell us, pick any one you  
7 like, and tell us what you observed?

8 A. Actually, the observation of all of them  
9 were basically pretty consistent.

10 What I did was I went to each site, I  
11 drove or circulated on the property where it was  
12 available to me. The best example of that would be  
13 at the Glenview site. I followed the track pattern  
14 onto the site as well as circulated throughout the  
15 site to see how the traffic would be ingressing and  
16 egressing the building.

17 I then proceeded up and down the  
18 primary roadways as well as the roadways of both the  
19 target and the control areas that were identified in  
20 the Poletti report.

21 Q. And did you see any vehicles?

22 A. Sure.

23 Q. Did you see any transfer trailers at any  
24 of these sites?

1           A.    Sure.

2           Q.    And did you see how they moved about the  
3 sites and off the sites?

4           A.    Yes.  I was able to observe, in particular  
5 I was able to observe at the Glenview station and in  
6 the Bluff City station, I was able to observe truck  
7 traffic there.  When I got into the Elburn station,  
8 the facility was, the facility was closed at that  
9 particular point in time.  But for the other two  
10 facilities, I was able to observe their ingress  
11 routes and their egress roots both within the  
12 circulation of the property itself as well as the  
13 circulation to the roadways that service the area.

14          Q.    Could you tell us, sir, what you did  
15 thereafter?

16          A.    After that basically the work came down  
17 to, for lack of a better term, drilling down on the  
18 work that was completed by Poletti in this matter.  
19 And so for each of these transfer station's case  
20 studies, what I did was I took the data that -- I  
21 guess I should back up and say it this way; because  
22 the Standard 3 review requires that I determine  
23 whether or not the appraiser or the analyst who has  
24 presented the report that is under review had done

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1 it correctly, the first thing that is -- the first  
2 thing that I do is I review the data that they  
3 present within the body of their report. So in this  
4 particular instance, the Poletti report had a number  
5 of sales that they listed as being located,  
6 residential sales that they listed as being located  
7 within the target and control areas. What I did was  
8 using public record, I went back and using the  
9 Permanent Index Numbers that they identified, I  
10 pulled up those records to determine whether or not  
11 the sales had, in fact, were accurately presented.  
12 And by that I mean I took a random sample using, as  
13 I said the public record, was able to determine from  
14 that review of the initial day that Poletti  
15 presented that the information that they were basing  
16 their opinion on or that they were basing their  
17 opinion on, was, in fact, appropriately presented  
18 and accurately presented from my standpoint.

19 Q. And could you tell us, sir, did you make  
20 any other findings and reach any conclusions  
21 regarding what you have done?

22 A. Sure. What I did additionally, because  
23 the determination of credible opinion under Standard  
24 3 review, is for -- the easiest way to explain it is

20

1 that it is also tied to what other appraisers would  
2 do if presented with the same problem.

3           So, in other words, credibility  
4 doesn't just come from mathematical accuracy, but  
5 the determination has to be made as to whether or  
6 not other appraisers or other professionals  
7 presented with the same problem would go about  
8 solving that problem or analyzing that problem in  
9 the same manner. So what I did in that -- what I  
10 did in order to determine that, was I contacted or  
11 reviewed several text materials that are published  
12 by the Appraisal Institute, which included the  
13 detrimental conditions text material, and in  
14 addition to that, I reviewed text material from the  
15 13th Edition of the Appraisal of Real Estate, and as  
16 well as specialized articles at our library at the  
17 Appraisal Institute. That's an online -- for  
18 members of the Appraisal Institute it's an online --  
19 you can access those records online.

20           So subsequent to that -- so I  
21 reviewed -- I additionally contacted Integra Realty  
22 resources and asked them if they would be kind  
23 enough to submit to me the three articles or the  
24 three reports that were referenced in the Poletti

1 document about documents that he relied on, and they  
2 were kind enough to submit to me PDF copies of the  
3 analyses that they had produced in similar sitings.

4 I additionally contacted three MAI  
5 designated appraisers who were also instructors or  
6 former instructors for the Appraisal Institute to  
7 determine whether or not they would have gone about  
8 and applied the same methodologies in order to  
9 determine whether or not the Criterion 3 to minimize  
10 the effect on values of surrounding properties have  
11 been met. So I contacted them and discussed the  
12 options that an appraiser might have in terms of  
13 solving that valuation question, solving that  
14 question in real estate.

15 Q. Is this something that would be ordinarily  
16 and customarily done in the Standard 3 review?

17 A. Yes.

18 Q. Now, could you tell us, what, if anything,  
19 you concluded thereafter?

20 A. After going through the steps that I have  
21 identified, I additionally did an analysis of the  
22 data that was in the Poletti report to make a  
23 determination just from the use of the average price  
24 per square foot analysis that they completed to see

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1 if it was done mathematically accurately and whether  
2 or not that conclusion, those conclusions were  
3 supportable. So I did the arithmetic, so to speak,  
4 as far as those particular sales were concerned and  
5 found that Dr. Poletti had, in fact, done his  
6 mathematical calculations correctly.

7 Q. Now, what do you call the type of analysis  
8 that Professor Poletti did?

9 A. The analytical technique that was applied  
10 by Dr. Poletti in this instance is basically called  
11 a target and control survey of property pricings.

12 Q. Is that at all referred to as a paired  
13 analysis?

14 A. Actually it's a different than a paired  
15 analysis.

16 Q. Explain the difference.

17 A. Appaired analysis in real estate appraisal  
18 is where an appraiser uses sales data in order to  
19 extract contributory value. Most commonly is done  
20 in order to abstract contributory value of specific  
21 components so they could make appropriate  
22 adjustments when applying either the cost market or  
23 income approach as to value. So by -- it's best  
24 explained through an example of saying, if I were

1 going to do a study to find out how much a two-car  
2 garage contributes to the overall value of a  
3 residential piece of real estate, what I would do is  
4 find sales of similar type buildings, one of which  
5 that has a two-car garage and several of which have  
6 a two-car garage, several of which do not have a two  
7 car garage, I would try and isolate variables. And  
8 then basically what I would do is I would be able to  
9 say that a two-car garage has a contributory value  
10 of, I am going to use a number of \$4,000 to \$6,000  
11 in this particular location. And then I would have  
12 support for making an adjustment that I might make  
13 in doing that residential appraisal.

14                   The analysis that's done by Poletti  
15 in this particular instance is referred to as a  
16 target and control area analysis, and more simply,  
17 basically it's identified in the profession as being  
18 a near and far analysis. And what you're doing by  
19 setting up your control, your target areas and your  
20 control areas, is that you're gathering data from  
21 those areas in order to determine how those sales  
22 prices or how the interactions of buyers and sellers  
23 in that market place have reacted to a use that is  
24 called into question as being a detrimental



1 condition to the surrounding properties. And the  
2 term detrimental condition doesn't refer, in my  
3 opinion, to this particular siting or this  
4 particular project. But it's nomenclature for that  
5 we use in the text material and in identifying  
6 damages or analyzing damages.

7           So what you're basically doing under  
8 that scenario is you're gathering multitudes of  
9 sales in that area and then you are applying any one  
10 or more of several analytical techniques that are  
11 available to you. Those techniques would be, by way  
12 of example, they would be the average sale price per  
13 square foot that's applied in the Poletti report,  
14 other appraisers, and in the instances where I have  
15 done these studies, the technique might be applied  
16 where you would select target sales, and I am going  
17 to use the term drill down on those target sales for  
18 an extended period of time.

19           So, for example, go back 10, 15, 20  
20 years for that one particular property and determine  
21 its various pricing points at various times and  
22 determine how that sale reacted in the market.

23           What you would do then, you would  
24 obviously use several of those in the target area

25

1 and then you would do the same thing in the control  
2 area and make a determination as to whether or not  
3 the pricing patterns were similar or identical or  
4 not or very, very different, and then make a  
5 determination as to why those variances existed.  
6 Those would be examples of the tools that were  
7 available to Dr. Poletti in this particular  
8 instance.

9 Q. And what did Poletti end up utilizing?

10 A. What the analytical tool that Poletti,  
11 Dr. Poletti elected to apply in this instance was  
12 his observational, his observational input, which  
13 was to view the sales and collect the data about  
14 each one of those sales. And the first thing he did  
15 was he made a determination as or he applied the  
16 average price per square foot analysis. And so  
17 essentially what he did was he calculated the  
18 average price per square foot in the target area as  
19 well as in the control area and made a visual  
20 comparison as to whether or not there were  
21 significant differences between those pricing  
22 patterns.

23 And in his particular instance, in  
24 the three case studies that he presented, he found

1 that there was no significant difference between  
2 those pricing patterns, both near the condition or  
3 near the siting or the stations that he selected and  
4 away from the stations that he had selected.

5 Q. What, if anything, else did Professor  
6 Poletti do to verify what he had determined to that  
7 point?

8 A. Professor Poletti then applied a multiple  
9 regression analysis technique to determine -- and  
10 basically what he did in the multiple regression  
11 analysis technique was that he took the sales  
12 day-to-day that he had developed and then he  
13 identified, for lack of a better term, fundamental  
14 characteristics of the real estate so that he could  
15 -- physical characteristics of the real estate so  
16 that he could categorize them further. And those  
17 would be identified in my opinions as variables.

18 So what he did was he, for example,  
19 applied, he took the size of the buildings, he  
20 counted the number of bedrooms that were reported  
21 and public record, the number of bathrooms, basement  
22 areas, as well as I think it was a bathroom basement  
23 areas and a couple other variables that he cited in  
24 the body of his report. He then basically plugged

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1 that data into a, I would presume either a software  
2 that he developed or a preprogrammed software in  
3 order to get a statistical analysis as to whether or  
4 not there was a statistically identifiable variation  
5 between the target areas and the control areas.

6 Q. What did Professor Poletti find?

7 A. He found that there was no -- that his  
8 observational analysis and the analysis of the data  
9 on the price per -- the average price per square  
10 foot was supported statistically through those  
11 activities.

12 Q. Do you take issue in any way with respect  
13 to what Professor Poletti did?

14 A. No. As a matter of peer fact, what I did  
15 in this particular instance in trying to determine  
16 whether or not his opinion was credible is I shipped  
17 the long portions of the Poletti report to a Ph.D.  
18 at Texas A and M University who's also an appraiser  
19 who I serve on several committees with, in order to  
20 determine what I would call a second opinion for  
21 myself as to whether or not the study had been done  
22 correctly. I didn't have any familiarity with the  
23 program, the software program that he might have  
24 used, nor did I contact Dr. Poletti in this

1 particular instance in order to determine which one  
2 he used.

3                   So I wanted to satisfy myself that  
4 the, not only the methodology, but that the, for  
5 example, the identification of the variables and  
6 things like that were typically found or typically  
7 done by other appraisers in our profession. And I  
8 found that the categorization of the variables as  
9 well as the use of the amount of data and things of  
10 that character were appropriate to run the  
11 statistical analysis and the multiple progression  
12 analysis.

13           Q.    Could you tell us what the advantages are  
14 of multiple progression analyses, if, in fact, there  
15 are any?

16           A.    I think that in a case like this, because  
17 there are so few variables, when I say variables,  
18 there are still few decisions to make based on the  
19 amount of data that's available to you, or was  
20 available to Dr. Poletti in this particular  
21 instance, what I found was, is that the use of the  
22 multiple regression analysis was an appropriate  
23 analytical technique, predominantly because of the  
24 fact there's really no decisions to be made.

1 Basically it's data input in allowing the software  
2 that he used to make a determination as to whether  
3 or not there's any statistical variation.

4                   Let me explain what that means a  
5 little bit. By taking, for example, by taking --  
6 what you have here is what I would consider to be  
7 basically pure data, and that basically pure data is  
8 you have a sales price that's a recorded price, you  
9 have an identification of the size of the building  
10 through a public record service, you have the  
11 identification of how many bedrooms there are and  
12 how many bathrooms and things that are physically  
13 identified in real estate and you break those down.  
14 That's all, for a lack of a better term, it's  
15 reasonably simple data categorizations, in my  
16 opinion. And by using the multiple regression  
17 analysis, what appeared to have occurred here was  
18 that there was, in fact, no, again, statistical  
19 variation between the target areas and the control  
20 areas allowing Dr. Poletti to conclude that the  
21 construction of the Groot facility, the Lake  
22 Transfer Station, that the impact on real estate  
23 would be similar or identical.

24           Q.    What, if anything, did you do or conclude

1 thereafter?

2           A.    After that I -- because I had done both a  
3 checking of his data and analysis of the data that  
4 he utilized, I went back to the multiple listing  
5 service for the areas in which the target and  
6 control areas were located, to check to see whether  
7 or not there was any additional data that should be  
8 concluded. I rechecked the average pricing as it  
9 was presented.

10                   Then I formulated -- my, I formulated  
11 several opinions about the work that Dr. Poletti had  
12 done. Those opinions basically are identified on  
13 Page 1 of my report. And the summary of that  
14 basically is that Dr. -- within the context of the  
15 assignment that Dr. Poletti was given, he had  
16 done -- he had applied analytical techniques that  
17 were appropriate, that he had gone through the steps  
18 from a professional perspective to complete the work  
19 in a professional manner, and that the resultant  
20 opinions that he had formulated were, in fact,  
21 credible to determine that the Lake Transfer Station  
22 is located so as to minimize the effect on value of  
23 surrounding properties.

24                   Personally I think it would have been

31

1 safe to formulate the conclusion that there would be  
2 no impact on value market, no impact on value of the  
3 surrounding properties if the development of the  
4 Lake Transfer Station is completed.

5 Q. Now, did you have occasion to formulate  
6 some of your own opinions related to the Lake  
7 Transfer Station?

8 A. I did.

9 Q. And to a reasonable degree of certainty,  
10 as utilized in your profession and based on your  
11 background and experience, did you have occasion to  
12 formulate an opinion as to whether the Lake Transfer  
13 Station is located as to minimize the effect on the  
14 value of surrounding property?

15 A. Yes.

16 Q. What is that opinion?

17 A. My opinion concurs with Dr. Poletti in the  
18 sense that I believe that the property will be  
19 located and will have no, in my opinion, have no  
20 effect on the surrounding property values in the  
21 area if the development is, in fact, completed.

22 Q. Now, Mr. Kleszynski, did you also have  
23 occasion to review a report prepared by Mr. MaRous?

24 A. I did.



1 Q. Were you present when Mr. MaRous testified  
2 in this matter?

3 A. I was.

4 Q. And could you tell us what, if anything,  
5 you did with respect to Mr. MaRous report?

6 A. I did what would be more identified as a  
7 peer review of the report. I did not do a Standard  
8 3 review of Mr. MaRous's report predominately  
9 because of the timing issues associated with  
10 receiving that particular report. So I read through  
11 his report and the criticisms of both the Lannert  
12 report and the Poletti report that Mr. MaRous  
13 presented, and yesterday I was here during the  
14 course of his testimony.

15 Q. Now, you mentioned criticisms in  
16 Mr. MaRous's report regarding Mr. Lannert and  
17 Mr. Poletti, does Mr. MaRous's report rise to the  
18 level of a Standard 3 report as your profession  
19 uses?

20 A. No, actually what I think in the MaRous I  
21 think that the MaRous report on its face is, for  
22 lack of a better term, is mischaracterized within  
23 the body of the report.

24 Mr. MaRous says that what he

1 completed was a consulting report, and that I  
2 thought was inconsistent with the testimony that I  
3 heard yesterday which is where he identified that  
4 his function in this instance was to review the work  
5 of the Poletti report. When he identifies in the  
6 body of his report that he adhered to Standard 4 of  
7 the Uniform Standards of Professional Appraisal  
8 Practice as it relates to the completion of a  
9 consulting report, he mischaracterized what, in  
10 fact, his scope of work actually was. And when that  
11 scope of work is mischaracterized, in my opinion --  
12 I guess the easiest way to say it is that in my  
13 opinion the MaRous report does not meet the standard  
14 of Standard 3 or Standard 4 because of the  
15 conclusions that lapsed.

16 Q. Now, you mentioned Standard 4, can you  
17 tell us what that is?

18 A. Standard 4 in the Uniform Standards of  
19 Professional Appraisal Practice is the standard that  
20 governs the development and the communication of a  
21 credible consulting report.

22 In the body of the MaRous report, he  
23 says that this report meets the standard of Standard  
24 4 of the Uniform Standards of Professional Appraisal

34

1 Practice. I disagree with that characterization  
2 predominately because of the fact that I don't  
3 believe based on the testimony that I heard and the  
4 document that I reviewed, that he, in fact, was  
5 asked a consulting question. What he was asked to  
6 do was to review both the Lannert report and the  
7 Poletti report which would carry him on to Standard  
8 3. And if it carried him on to Standard 3, he was  
9 required by that standard to develop any reasons for  
10 disagreement with the Poletti report and the Lannert  
11 report and offer conclusions that would be  
12 identified within the body of that report.

13 Q. And did he do what you suggest is required  
14 by Standard 3?

15 A. In my opinion, the report that I read does  
16 not meet the standard predominately due to the lack  
17 of conclusions presented in the body of that report.

18 Q. Was his testimony lacking in that respect  
19 as well?

20 A. His testimony, in my opinion, mirrored the  
21 report itself and, therefore, in my opinion, didn't  
22 meet that standard either.

23 MR. SECHEN: This may be a little bit  
24 premature, so subject to cross examination, the

1 Village would move admission of both Exhibits No. 1  
2 and No. 2, striking the identification marks  
3 thereon.

4 MR. BLAZER: No objection.

5 HEARING OFFICER LUETKEHANS: Round Lake  
6 Park Exhibits 1 and 2 would be admitted.

7 MR. SECHEN: Thank you. I will tender the  
8 witness at this point.

9 HEARING OFFICER LUETKEHANS: Why don't we  
10 start with Mr. Porter. Do you have anything, do you  
11 have any questions.

12 MR. PORTER: No questions. Thank you.

13 HEARING OFFICER LUETKEHANS: Mr. Clark?

14 MR. CLARK: Yes.

15 CROSS EXAMINATION

16 BY MR. CLARK:

17 Q. Good morning.

18 A. Good morning.

19 Q. How much time did you spend at the  
20 Glenview Transfer Station?

21 A. I think probably a total of probably not  
22 more than a half hour.

23 Q. And you said you went on-site; is that  
24 correct?

1 A. I did.

2 Q. You observed the collection vehicles  
3 entering the facility and leaving the facility?

4 A. I did.

5 Q. When you observed those vehicles go in and  
6 out of the facility, were there doors that were open  
7 or did the doors open and close for each vehicle?

8 A. The doors that I saw at the time that I  
9 was at that site were open.

10 Q. And they remained open?

11 A. Yes, to the best of -- to the best of my  
12 recollection, those doors were open during my  
13 on-site visit.

14 Q. What time of day was that?

15 A. I'm going to guess that it was between  
16 10:00 and 2:00. That's 10:00 in the morning and  
17 2:00 in the afternoon.

18 Q. Now, first of all, Mr. Poletti, you keep  
19 referring to him as doctor; is that correct?

20 A. Yes.

21 Q. Do you know what his doctorate is in?

22 A. My recollection is that it's --

23 Q. Philosophy?

24 A. Philosophy.

1 Q. And his Masters is in Geography?

2 A. Yes.

3 Q. And his Bachelors is in Forest Management;  
4 is that correct?

5 A. That's the best of my recollection of his  
6 resume.

7 Q. Did you look at the properties that  
8 Mr. Poletti discarded for one reason or another?

9 A. When you say "look at," are you talking  
10 did I physically visit those particular addresses or  
11 did I look at the data that was associated with the  
12 ones that he discarded?

13 Q. Did you look at the data?

14 A. I don't have a recollection of the Poletti  
15 report identifying the specific addresses that were,  
16 I will use the term discarded. But I do have a  
17 recollection in looking at the Multiple Listing  
18 Service for that period of time that showed that  
19 there were short sales or foreclosure sales that  
20 were included in the dataset that he elected to  
21 discard based on his definition of arm's length  
22 transaction, which was the primary dataset that he  
23 had.

24 Q. He discarded properties other than

1 foreclosures and short sales, didn't he?

2 A. I would have to go back and look at his  
3 report, but that was, in my recollection, the  
4 predominant -- my recollection, I guess a better way  
5 to say it is, my recollection is, is that he  
6 identified a definition of arm's length transaction  
7 and then discarded transactions that he felt did not  
8 meet that test or meet that definition, and then  
9 identified that some of those were foreclosure or  
10 short sale transaction. That's my recollection of  
11 his report.

12 Q. As you stand here today, you don't  
13 recollect if he discarded for reasons other than  
14 short sale or foreclosures?

15 A. Not without going back and reviewing his  
16 specific language.

17 Q. Would that make a difference to the data?

18 A. Actually, I don't -- in the overall  
19 scheme, it would make a difference in terms of the  
20 number of pieces of data that would be analyzed, but  
21 from my perspective as an analyst, I would say that  
22 that's where it would be limited in that -- or it  
23 would be limited to that variation, predominately  
24 because of the fact that the report itself tells you

39

1 specifically that I am not considering certain data.  
2 And when he does not consider that certain data, you  
3 know, he goes along with his analysis and his  
4 categorizations of the data and data selection and  
5 does his -- applies his analytical technique. And  
6 so whether or not the inclusion or exclusion of that  
7 data and the technique that he applied had an impact  
8 on the result, I do not know.

9 Q. And you didn't review that, correct?

10 A. Well, again, the only thing that I  
11 reviewed in terms of it, by going to the multiple  
12 listing service, was tied specifically to the idea  
13 that the Poletti report was consistent in that there  
14 were, in fact, short sales and foreclosure sales,  
15 and I just presumed that those were the ones that  
16 were eliminated.

17 Q. So if that presumption wasn't correct,  
18 would that change your opinion?

19 A. It would not.

20 Q. Why not?

21 A. It would not because it was my -- it's my  
22 opinion that the amount of data that was presented  
23 in the analysis that Poletti did was sufficient in  
24 order to result in a reasonably and a credible



1 opinion.

2 Q. How can you come to that conclusion when  
3 you don't know the data that was discarded?

4 A. As I said, it is judged from the context  
5 of the assignment that he completed and in the  
6 question that he was asked. And what that means to  
7 me from a reviewer's perspective is, is that Poletti  
8 identified that there was certain data that was not  
9 included in the analysis and he gave what I would  
10 consider to be solid reasons for their exclusion, is  
11 my recollection, and did exactly what he had said he  
12 was going to do and resulted in, resulted in an  
13 opinion.

14 Q. Your recollection, again, only goes to  
15 foreclosures and short sales, correct?

16 A. That is correct.

17 Q. Now, and is it fair to say that when you  
18 analyzed Mr. Poletti's data, you took the properties  
19 that he gave as coming from the control area or the  
20 target area, you took those and you verified that  
21 data, correct?

22 A. I didn't verify all of that data. I  
23 selected out of the population of data that he  
24 presented in the body of his report, I spot checked

41

1 various transactions to determine whether or not  
2 they were accurately presented.

3 Q. And I assume that they were, correct?

4 A. The ones that I looked at were accurately  
5 presented in the Poletti report.

6 Q. And then you took those numbers and you  
7 independently crunched those, just like Mr. Poletti  
8 did, correct?

9 A. Actually, I think he did a better job than  
10 I did because I am not a -- I know enough about  
11 statistics to make me extremely dangerous, I guess  
12 is the easiest way to say it.

13 Normally what I would do under those  
14 circumstances is, for lack of a bet term firm,  
15 appeal to a higher authority.

16 Q. Did you make any sort of independent  
17 determination as to whether or not the property that  
18 Mr. Poletti had identified as target or control  
19 areas were properly picked?

20 A. Yes, I did, as a matter of fact.

21 Q. You didn't testify to that on direct  
22 though, did you?

23 A. I don't think I was asked that on direct.

24 Q. Wouldn't that be the single most important

1 thing to look at, the very first that you would look  
2 at?

3 A. Well, had Mr. Sechen asked me that  
4 question, my answer would have been that as part of  
5 my analysis what I did was I physically measured the  
6 distance between the station using Google Earth to  
7 determine whether or not they were, for lack of a  
8 better term, reasonably similar to the subject  
9 circumstances and I formulated the opinion that they  
10 were. And then when I inspected both the target and  
11 the control areas for each of those stations, I felt  
12 that those areas, given the location of the transfer  
13 stations tested, were appropriate selections by  
14 Dr. Poletti.

15 Q. So your single guideline was distance,  
16 then?

17 A. No, my single -- no, that misrepresents  
18 what I am saying.

19 Q. I am asking you.

20 A. Okay. My guidelines were basically to,  
21 first all, first question that I asked myself, were  
22 these target and control areas reasonably similar to  
23 the target and control -- to the subject location in  
24 terms of where single-family residential units were

1 located, as those were the basis of the testing.  
2 And from my measurements, again, as crude as it is,  
3 using Google Earth and driving those locations, I  
4 determined that they were reasonably similar so as  
5 to not to be distorted.

6 Q. And, in fact, in the case of Glenview, the  
7 two areas are adjacent to each other, are they not?

8 A. Absolutely.

9 Q. And, in fact, some of the target areas are  
10 further away than some of the control areas; is that  
11 correct?

12 A. Some of the target areas, well, my  
13 recollection on the Glenview station is that the  
14 target area that Poletti used was a specific block  
15 of housing units, I forget the streets that they  
16 were bounded by, but a specific block of housing  
17 units, and then the control area was to the north of  
18 that location. So I would suspect that the ones  
19 that were located on the northern portion of it  
20 were, in fact, were further away than the ones that  
21 were on the southern portion of the target area.

22 Q. Did you look at the map in Dr. Poletti's  
23 presentation?

24 A. I did.

1 Q. And, in fact, aren't some of the target  
2 areas further away than some of the control areas?  
3 It's a pretty simple measurement, isn't it?

4 A. I would have to look at it, but that  
5 doesn't surprise me.

6 Q. And isn't -- strike that.

7 So would it be fair -- did you look  
8 at things like flood plain to determine if some of  
9 the properties were located in a target area or  
10 control area, were in a flood plain or not?

11 A. Sure. I looked at flood hazard, what I  
12 would call the FEMA maps for the target areas and  
13 the control areas, and again, in an attempt to  
14 familiarize myself with those locations.

15 Q. Did you look to see if they were in the  
16 same school districts?

17 A. I did not look at different school  
18 districts.

19 Q. Can that have an impact on the prices?

20 A. Can school -- if you're asking me  
21 generically can school districts have an impact on  
22 the price that people pay for homes, the answer to  
23 that question would be, yes, oftentimes the school  
24 district will have an impact on the price.

1 Q. Now in your conclusion, you're concurring  
2 with Mr. Poletti that you don't see any impact on  
3 the -- on the value of the property by the operation  
4 of the proposed facility; is that correct?

5 A. Yes.

6 Q. Okay. Were you aware that this facility  
7 is proposed to operate 24/7?

8 A. I learned that in the course of attending  
9 some of this, some of this hearing. I am not sure  
10 if I knew that by reviewing the Application.

11 Q. So did you consider that in your report?

12 A. I guess the answer to that question is  
13 there was no need to consider that in the body of  
14 the report because my report is a review of the  
15 Poletti document and that, for lack of a better  
16 term, wasn't one of the variables that was presented  
17 in terms of the analysis. So within the scope of  
18 the analysis, within the scope of the inputting of  
19 the data, I am just not sure that hours of  
20 operation -- well, I know that hours of operation  
21 weren't identified as any variable that could be  
22 measured.

23 Q. Well, now that you're aware that this  
24 proposed facility may operate 24 hours a day, 7 days

1 a week, does that impact your analysis?

2 A. It does not.

3 Q. It does not. Do you live within a mile of  
4 a transfer station?

5 A. Do I live within a mile of a transfer  
6 station?

7 Q. Yes.

8 A. I live in Palos Heights, so I am not sure  
9 where the nearest transfer station is to Palos  
10 Heights.

11 Q. I find it somewhat incredulous that you  
12 can say that has no impact.

13 A. The difference is that I actually reviewed  
14 the data and the techniques applied, and as  
15 incredulous as you may find it, as a professional  
16 real estate appraiser, I am able to formulate that  
17 opinion.

18 Q. By determining what factors you  
19 subjectively determine are important, correct?

20 A. No, I didn't make any determinations about  
21 what factors were important. What I did was I  
22 looked at the work that was done by Poletti in this  
23 particular instance and determined that he had done  
24 that work correctly and that he had, in fact,

1 applied the appropriate analytical techniques that  
2 are both acceptable by the Appraisal Institute and  
3 applied by Pearse who do similar studies and that.

4 Q. And that --

5 A. Can I --

6 Q. I am sorry. Yes.

7 A. And that based on that, it is reasonable  
8 to -- it is reasonable to determine that the  
9 construction of this particular facility, if it is,  
10 in fact, developed, will have a similar impact on  
11 the surrounding real estate, which in these three  
12 test cases was none.

13 Q. So you have taken Mr. Poletti's data and  
14 crunched it and come to the same conclusion,  
15 correct?

16 A. Again, it would be inappropriate for me to  
17 say that I did the same amount of work as was done  
18 by Poletti. What I did was I tested that data based  
19 on the observations -- based on the data that he  
20 presented as well as additional work that I did.

21 Q. And the data that you took from  
22 Mr. Poletti you assumed to be true, correct?

23 A. Well, not only did I assume it to be true,  
24 on the ones that I, in fact, checked appeared to be



1 true based on public record.

2 Q. The sampling that you did was correct?

3 A. The sampling.

4 Q. But you didn't independently determine if  
5 he selected the correct properties, did you?

6 A. I guess I have to answer that question no,  
7 I did not independently determine if he selected the  
8 correct properties. What I did determine was that  
9 in the observation of the properties that were  
10 selected over the period of time using the sources  
11 that were available, being public record as well as  
12 the Multiple Listing Service, it appeared as though  
13 his sampling was appropriate to formulate a credible  
14 opinion.

15 MR. CLARK: I don't have anything further.

16 Thank you.

17 HEARING OFFICER LUETKEHANS: Mr.  
18 Grossmark?

19 CROSS EXAMINATION

20 BY MR. GROSSMARK:

21 Q. Sir, do you note hours of operation of the  
22 three transfer stations that were included in  
23 Mr. Poletti's report?

24 A. From memory do not.

49

1 Q. Do they operate 24 hours day, 7 days a  
2 week?

3 A. To the best of my knowledge, they do not.

4 Q. It's your understanding that Mr. Poletti  
5 relied on Mr. Lannert's report?

6 A. For certain things, yes, I understand that  
7 for certain aspects of his analysis, Dr. Poletti  
8 relied on Mr. Lannert's report.

9 Q. And Mr. Lannert assumed certain hours of  
10 operation of the proposed site?

11 A. Yes --

12 Q. If you know?

13 A. -- I was here when Mr. Lannert testified  
14 that in his report he assumed certain hours of  
15 operation.

16 Q. So your report and your testimony is  
17 limited to the scope of Mr. Poletti' report and  
18 opinions and Mr. Lannert's report and opinions,  
19 correct?

20 A. It is limited to the review of the Poletti  
21 report and the data that he utilized as well as the  
22 additional work that I did. I guess the easiest way  
23 to explain it is this, in this particular  
24 instance --

1 Q. You don't have to explain it because I  
2 want to ask you a question and it's a particular  
3 question. If you have a problem with the question,  
4 let me know.

5 A. Sure.

6 Q. And that is, both the Lannert report and  
7 opinions and the Poletti report and opinions have a  
8 certain scope or boundary?

9 A. Yes.

10 Q. And so your report and your opinions are  
11 limited to the scopes and boundaries of the Lannert  
12 and Poletti reports, correct --

13 A. I guess --

14 Q. -- and opinions, correct?

15 A. I have to answer that question yes.

16 Q. Where did Mr. Poletti, if you know, get  
17 his data regarding the three sites that he looked at  
18 and opined about, if you know?

19 A. Which data are you referring to?

20 Q. The data about the homes or residences or  
21 buildings?

22 A. I would have to go back and look at the  
23 Poletti report, but my recollection is that he  
24 identifies the Multiple Listing Service and public

1 record as being the primary sources for his data.

2 Q. What would be the public records that he  
3 would have looked at or did look at, if you know?

4 A. The public record that he would have  
5 looked at in Cook County would have been the  
6 transfer declarations or visitation to the Recorder  
7 of Deed's website, and I believe that that would  
8 hold true for the other counties in which the  
9 competitive or the other facilities in the case  
10 study were used, that were used.

11 Q. Do those two sources, the MLS and the  
12 county, have the same or identical sense of data or  
13 information?

14 A. No.

15 Q. So based on your knowledge -- strike that.

16 Each has a certain set of information  
17 or data, correct?

18 A. If I can explain what I mean by that,  
19 the --

20 Q. No. You can answer my question.

21 They each have a certain set of  
22 information or data, correct?

23 A. Yes, the MLS --

24 Q. That's --

1 A. I just want to make sure that it's clear.

2 Q. Okay.

3 A. The MLS has, for lack of a better term,  
4 different data than the assessor's record or even  
5 the transfer declarations might demonstrate.

6 Q. The assessor's information is different  
7 from the transfer records?

8 A. Yes, in some instance it can be.

9 Q. Do you know whether Mr. Poletti used one  
10 or two or all three of those sources, the assessor's  
11 information, the transfer records, and the MLS?

12 A. I would have to go back and look at  
13 exactly what he says in his document. But my  
14 recollection is that he used either two or all three  
15 of those sources.

16 MR. GROSSMARK: Thank you. I have no more  
17 questions right now.

18 HEARING OFFICER LUETKEHANS: Mr. Blazer.

19 CROSS EXAMINATION

20 BY MR. BLAZER:

21 Q. Good morning. Good afternoon?

22 A. Good afternoon.

23 Q. How are you?

24 A. Fine, thank you.

1 Q. Do you have RLP Exhibit 1 there or i guess  
2 the back half of Exhibit 2, your statement of  
3 qualifications?

4 A. Yes.

5 Q. The very last page you list professional  
6 law firms that you have worked for or you have done  
7 work for?

8 A. Yes.

9 Q. I have to admit I am hurt, you didn't  
10 include my firm.

11 A. You know what when I was reading through  
12 this, I was going to pencil that in and put your  
13 firm in there, but I elected not to, I elected not  
14 to do that. So I apologize. I knew we would get to  
15 the part where I would end up apologizing to you for  
16 that omission.

17 Q. You have done one assignment for my firm,  
18 correct?

19 A. That is correct.

20 Q. About two years ago?

21 A. Approximately.

22 Q. All right. We will talk about that a  
23 little bit later.

24 Now, your report has an effective

1 date of September 5, correct?

2 A. I think it has an effective date of  
3 September 10, which is the letter of transmittal.

4 Q. If you look at page 11 of your report, it  
5 says, here effective date of the review report --  
6 the effective date of this review and report is  
7 September 5, 2013?

8 A. The document that I am looking at is --  
9 here. My page 11 says the effective date of this  
10 review and report is September 10, 2013.

11 Q. It's possible I was imagining this.  
12 Here's I guess the problem I have.

13 MR. BLAZER: Maybe we will just mark this  
14 as TFLP 51, if I may, Mr. Hearing Officer. I  
15 unfortunately don't have multiple copies?

16 HEARING OFFICER LUETKEHANS: What do you  
17 want to label it.

18 MR. BLAZER: TFLP, 51.

19 HEARING OFFICER LUETKEHANS: TFLP? TCH.

20 MR. BLAZER: TCH?

21 HEARING OFFICER LUETKEHANS: You can show  
22 him that one because I have the exact same one you  
23 have as well.

24 MR. BLAZER: I think you know where I am

1 going with this.

2 HEARING OFFICER LUETKEHANS: For the  
3 record, just so everybody who doesn't see it, this  
4 is the one that we received Sunday from Mr. Sechen.

5 BY MR. BLAZER:

6 Q. Hopefully you can hear me because the cord  
7 isn't long enough. I am going to show you,  
8 Mr. Kleszynski, the report that was e-mailed to all  
9 of the parties in this matter by Mr. Sechen on this  
10 past Sunday, as the hearing officer just indicated.

11 And what does that report show as the  
12 effective date of the review of report?

13 A. The report shows the effective date of the  
14 review of report as September 5.

15 Q. Is it correct then sometime between Sunday  
16 and today, you revised this report?

17 A. No. I think that that's a typographical  
18 that was, I believe, should have been corrected  
19 prior to the submission of the September 10 report.

20 Q. So it was revised sometime after Sunday;  
21 is that correct?

22 A. No. My file document says September 10,  
23 and quite frankly, I may have transmitted an earlier  
24 version to Mr. Sechen in a PDF that was transmitted

56



1 to you that would reflect this, but I would view  
2 that as a typographical error.

3 Q. Well, when was that typographical error  
4 changed?

5 A. I finalized this report on September 10  
6 and that typographical error would have been changed  
7 either on or near September 10, because the way I  
8 produced this document is that as I am going through  
9 it and making my revisions and doing proofreading  
10 and things of that character or having my assistant  
11 do proofreading, some items like that would get  
12 caught and then changed.

13 Q. The cover letter of this thing indicates  
14 that you sent it to the Village of Round Lake Park  
15 care of Glenn C. Sechen, correct?

16 A. Yes.

17 Q. And the one that was sent to all of us on  
18 Sunday indicates a date on the letter of  
19 September 10, correct?

20 A. Yes.

21 Q. But as we have indicated, the effective  
22 date as, at least on the version that Mr. Sechen  
23 gave all of us, says September 5, correct?

24 A. In the body of the report that's

1 inconsistent, yes.

2 Q. How many versions of this report have you  
3 sent to Mr. Sechen?

4 A. I believe I sent two to Mr. Sechen and  
5 possibly, yeah, I believe it was two.

6 Q. Is one of them the one that is now RLP No.  
7 2?

8 A. Yes.

9 Q. Is one of them the one that is now TCH 51?

10 A. Yes.

11 Q. Are there any others?

12 A. No, to the best of my knowledge, there are  
13 not.

14 Q. What do you mean to the best of your  
15 knowledge?

16 A. Well, prior to -- I mean, the chain of  
17 events is prior to the finalization of the report, I  
18 sent along a report to Mr. Sechen so that I could  
19 show him what the conclusions were.

20 Q. And when did that occur?

21 A. My suspicion would be is that it was  
22 around September 5th based on that date.

23 Q. Could it have been sooner than that?

24 A. Maybe, but I am not sure.

1 Q. Were you the only one at your office who  
2 was working on this project for Mr. Sechen or for  
3 the Village?

4 A. The answer to that question would be, yes,  
5 prior to it going through what would be identified  
6 as a final proofreading.

7 Q. And how many people conducted the final  
8 proofreading?

9 A. One.

10 Q. Who was that?

11 A. Susan Newman, who's the administrative  
12 assistant at my office.

13 Q. Did she transmit any versions of this  
14 report to Mr. Sechen?

15 A. She did not, at least to the best of my  
16 knowledge, she did not.

17 Q. So she might have, but you don't know?

18 A. It would be -- I guess the easiest way to  
19 say that, it would be uncharacteristic if that  
20 occurred.

21 Q. And when you sent what you recall to be  
22 the first draft of this report to Mr. Sechen, did  
23 you receive any comments back?

24 A. Sure.

1 Q. All right. And where are his comments?

2 A. There weren't any. I mean, I received  
3 comments back and since that Mr. Sechen read through  
4 the report, we had discussion relative to the  
5 language about Criterion 3, about the minimization,  
6 we had some conversation relative to my conclusions  
7 that the development of the property would not have  
8 a deleterious impact on value or was placed in such  
9 a position to minimize an impact on surrounding  
10 value, and those were pretty much the verbal  
11 comments that were made.

12 Q. And how many conversations did you have  
13 with Mr. Sechen?

14 A. Over the time that I was working on this  
15 assignment, I probably had three to five discussions  
16 with Mr. Sechen.

17 Q. When did you start work on this  
18 assignment?

19 A. I started working on this assignment, we  
20 opened our file on September 9, which means that we  
21 formerly opened that file, but my actual work on  
22 this file began sometime in June, after June 21st,  
23 when I received my contract back from the Village  
24 Clerk of Round Lake Park.

1 Q. But you didn't open a file on this until  
2 September 9?

3 A. I didn't formally open the file, I had --  
4 for lack of a better term, I had the Application  
5 that was presented to me after we were hired and,  
6 quite honestly, it just sat in my conference room  
7 and didn't open the file until I instructed my  
8 assistant to open the file.

9 Q. So you opened your file after you had had  
10 conversations with Mr. Sechen?

11 A. As far as that date is concerned on the  
12 jacket of that file, that would be true. That would  
13 not --

14 Q. I am sorry.

15 A. That would not describe when the actual  
16 work on this file began.

17 Q. I understand.

18 And you opened your file after you  
19 had transmitted to Mr. Sechen at least one draft of  
20 your report, correct?

21 A. Yeah, technically speaking, that's  
22 correct.

23 Q. If I asked you this, I apologize. I am  
24 sure I will hear an objection if I did.

1                   How many conversations did you have  
2 with Mr. Sechen regarding the content in your  
3 report?

4                   MR. SECHEN: It was asked and answered.  
5 Three to five.

6                   HEARING OFFICER LUETKEHANS: Actually, I  
7 don't think it was.

8                   MR. BLAZER: I couldn't remember.

9                   HEARING OFFICER LUETKEHANS: That was  
10 slightly different question. The first question was  
11 how many overall conversations is what was answered.  
12 That was a slightly different question. So I will  
13 let the question stand.

14 BY MR. BLAZER:

15                 Q. How many conversations did you have with  
16 Mr. Sechen regarding the content of your report?

17                 A. During what time period?

18                 Q. The entire time period from the beginning  
19 of your assignment until today?

20                 A. I would have to guess that my interaction  
21 with Mr. Sechen in this matter included probably ten  
22 conversations from the time that I received the  
23 application to the completion of the report.

24                 Q. And you said, at least in the

1 conversations, that you received comments from  
2 Mr. Sechen regarding the content of your report; is  
3 that correct?

4 A. No, what I think I said was that when I  
5 completed the draft of the report or the, what I  
6 would call what's identified as the September 5th  
7 draft of the report, I did receive comments from  
8 Mr. Sechen as it related to the conclusions because  
9 that's when the conclusions were formulated.

10 Q. Did the first version of this report,  
11 whenever it was transmitted to Mr. Sechen, include  
12 your independent opinion, separate and apart from  
13 your review of the Poletti report?

14 A. Yes. To the -- again, yes, the answer to  
15 that question is yes.

16 Q. And you never received any written  
17 comments back from Mr. Sechen regarding what you  
18 were doing?

19 A. Not a one.

20 Q. They were all verbal?

21 A. Yes.

22 Q. Have you ever spoken to any other person  
23 on behalf of the Village of Round Lake Park?

24 A. I have not.

1 Q. As I understand it, as indicated in your  
2 report, your assignment was completed in accordance  
3 or in compliance with USPAP, correct?

4 A. It was.

5 Q. And that's the Uniform Standards of  
6 Professional Appraisal Practice and the Code of  
7 Ethics of the Appraisal Institute, correct?

8 A. That is correct.

9 Q. And you're aware that under that Code of  
10 Ethics, an appraiser must not advocate the cause or  
11 interest of any party or issue, correct?

12 A. I am absolutely aware of that part of the  
13 Code of Ethics, as well as the Uniform Standards.

14 Q. You're also aware then that an appraiser  
15 must not accept an assignment that includes the  
16 reporting of predetermined opinions and conclusions,  
17 correct?

18 A. That is absolutely correct. But that is  
19 part of both of the Code of Ethics as well as USPAP.

20 Q. A couple of more that I think we're going  
21 to agree on.

22 You're also aware that an appraiser  
23 must not misrepresent his or her role when providing  
24 valuation services that are outside of appraisal



1 practice, correct?

2 A. We would agree on that also.

3 Q. Here's another one, an appraiser must not  
4 communicate assignment results with the intent to  
5 mislead or to defraud, correct?

6 A. That would also be true.

7 Q. And then finally, an appraiser must not  
8 use or communicate a report that is known by the  
9 appraiser to be misleading or fraudulent, correct?

10 A. That is also true.

11 Q. You testified that your assignment in this  
12 matter was to act in the capacity of a review  
13 appraiser to determine if Poletti rendered a  
14 credible opinion, did I restate your testimony  
15 correctly?

16 A. I think you did.

17 Q. And the review you conducted was under  
18 Standard 3 of USPAP, correct?

19 A. That is correct.

20 Q. When did your assignment expand to include  
21 a critique of the MaRous report?

22 A. Upon receipt of the MaRous report.

23 Q. On September 12th?

24 A. I don't remember the day that that was

1 transmitted to me, but it was sometime after, it was  
2 sometime after my review work had been done.

3 Q. So sometime after you generated your  
4 initial report, someone said to you, I want you to  
5 review the MaRous report, correct?

6 A. That would be a correct -- well, I think  
7 more specifically what transpired was, is that the  
8 MaRous report was transmitted to me and I was asked  
9 to read it.

10 Q. Were you asked to conduct a Standard 3  
11 review?

12 A. I was not asked to conduct a Standard 3  
13 review, nor did I offer to conduct a Standard 3  
14 review in this instance.

15 Q. And, in fact, you didn't conduct a  
16 Standard 3 review of the MaRous report, correct?

17 A. That is correct.

18 Q. And I think it's safe to assume, but I  
19 have to ask you any way, the person who asked you to  
20 expand your assignment to include a review of the  
21 MaRous report was Mr. Sechen, correct?

22 A. That would be a correct statement.

23 Q. On behalf of the Village of Round Lake  
24 Park?

1 A. Well --

2 Q. Correct.

3 A. I presume that it was acting on behalf of  
4 the Village of Round Lake Park, but that was the  
5 question he asked me, he asked me to review the  
6 MaRous document.

7 Q. When did your assignment expand beyond a  
8 review of the Poletti report to include your own  
9 independent opinion regarding impact on value to the  
10 surrounding area?

11 A. I consider that to be part of the review  
12 or part of the review. I don't think I was ever  
13 truly ever asked specifically to formulate that  
14 opinion, but offered that opinion after completing  
15 my work. It was sort of an add on, so to speak,  
16 because I was convinced after doing the work that I  
17 had done that the conclusion was solid.

18 Q. And what did Mr. Sechen tell you when he  
19 saw your opinion regarding your independent opinion  
20 regarding the value of surrounding property?

21 A. He was okay with it.

22 Q. He was okay with it?

23 A. Yeah.

24 Q. What did he tell you?

1           A.    He noted that I had formulated my own  
2 opinion and asked me if I was comfortable with doing  
3 that, and I said I was.

4           Q.    Now, in the context of your report,  
5 whichever version you're looking at, in your  
6 testimony here today, are you speaking on behalf of  
7 the Village of Round Lake Park?

8           MR. SECHEN: Move to strike the comment.

9           MR. BLAZER: It wasn't a comment --

10          HEARING OFFICER LUETKEHANS: Rephrase the  
11 question.

12 BY MR. BLAZER:

13          Q.    In the context of your report,  
14 Mr. Kleszynski, whether it's the September 5 version  
15 or the September 10 version.

16          A.    Actually they're both September 10 version  
17 because that's the date it's transmitted. The  
18 typographical error in the report is on page 11  
19 where it should have read 10.

20          Q.    We will accept September 10, it's really  
21 not that big of a deal at this point.

22                         In the context of that report in your  
23 testimony here today, are you speaking on behalf of  
24 the Village of Round Lake Park?

1           A.    I am speak on behalf of Dale Kleszynski as  
2   a review appraiser who was given a professional  
3   assignment in order to determine whether or not the  
4   person whose work I reviewed met the standards of  
5   professional practice and formulated a credible  
6   opinion.  I'm talking on this issue based on my work  
7   and not on behalf of anyone else.

8           Q.    So your client is not the Village of Round  
9   Lake Park?

10          A.    Sure.  My client is -- my client is the  
11   Village of Round Lake Park in care of Mr. Sechen's  
12   law firm.

13          Q.    And Mr. Sechen is not paying your bills,  
14   the Village of Round Lake Park is, correct?

15          A.    I would presume that somebody is paying my  
16   bills whether it is Mr. Sechen or the Village of  
17   Round Lake Park.  My presumption is that a bill will  
18   be sent and that it will be paid.

19          Q.    So are you saying that acting on behalf of  
20   the Village of Round Lake Park is not in the scope  
21   of your retention?

22          A.    I take exception to the terminology where  
23   you imply that I am acting on behalf of anyone.  In  
24   this particular instance and in every instance that

69

1 an appraiser is hired to formulate an opinion and  
2 they claim or are doing it in accordance with the  
3 professional ethics and the Uniform Standards of  
4 Professional Appraisal Practice, independence of  
5 that opinion is presumed if the appraiser is doing  
6 their job correctly, and that's what occurred in  
7 this instance.

8 Q. Let's try it this way: One of your  
9 opinions, I think as we discussed, is that the  
10 subject facility will not have an impact on the  
11 value of surrounding property, correct?

12 A. That is my opinion.

13 Q. And you have indicated in your report,  
14 it's on page 11, last paragraph, in addition to  
15 reviewing the Poletti report, the client requested  
16 that I use the data in the Poletti report and other  
17 information to formulate an independent opinion and  
18 determine if the Groot Industries Inc. Lake Transfer  
19 Station is located to minimize the effect on the  
20 value of surrounding property; did I read that  
21 correctly?

22 A. You did.

23 Q. So it sounds to me, based on what you  
24 wrote in your report, that rather than volunteering

1 your independent opinion, in fact, the client asked  
2 to you do that; isn't that right?

3 A. Actually, I guess I would have to answer  
4 that yes and no. And whether or not that's artfully  
5 stated in the body of my report, under the uniform  
6 standards, for example, I am entitled formulate that  
7 opinion and I elected to do so.

8 Q. But that's not what you said in your  
9 report, isn't it?

10 A. My report says that they requested.

11 Q. And who requested it?

12 A. In the safety of -- no one requested it  
13 specifically. I formulated that opinion independent  
14 after doing my work.

15 Q. So that's another typo?

16 A. I wouldn't consider it to be a typo, I  
17 would consider it if I had, like many of these  
18 documents, if I had the opportunity to review it  
19 after a question such as that, I might have written  
20 it differently.

21 Q. But you reviewed this report with  
22 Mr. Sechen multiple times, right?

23 A. Right, I reviewed the report with  
24 Mr. Sechen one time and I reviewed it internally

1 multiple times.

2 Q. And he certainly expressed no disagreement  
3 with the statement that your client had asked you to  
4 generate an independent opinion regarding  
5 minimization on the effect -- excuse me, minimizing  
6 the effect on value of surrounding property,  
7 correct?

8 A. I would agree with you that he did not  
9 express any objection to my formulating that  
10 opinion.

11 Q. You reference in the same paragraph that  
12 you were asked by your client to use the data in the  
13 Poletti report and other information to formulate  
14 your independent opinion, correct?

15 A. Yes.

16 Q. Okay. What other information were you  
17 asked to look at?

18 A. Well, again, that portion of the document  
19 suffers from the inartful, my inartful authoring of  
20 that terminology. I elected to use the data that I  
21 looked at from the Multiple Listing Service as well  
22 as the public record search that I did to verify  
23 that information.

24 Q. Is this paragraph stock language that you



1 use in every report?

2 A. I don't think it's stock language. I  
3 just, as I said, I think it's not as artfully  
4 written as I would like to have done in the safety  
5 of retrospect.

6 Q. How many other Poletti reports have you  
7 reviewed in your career?

8 A. None.

9 Q. So when we see a reference here in this  
10 paragraph to using the data in the Poletti report,  
11 this is the only time you have ever used that  
12 language, correct?

13 A. Yes.

14 Q. And then further in the same paragraph,  
15 Mr. Kleszynski, you say, further the client  
16 requested that I determine using the information in  
17 the Poletti report and other information, if the  
18 Groot Lake Industries Transfer Station will have an  
19 impact on nearby properties. Did I read that  
20 correctly?

21 A. Yes.

22 Q. Is that also inartful drafting?

23 A. I would say yes.

24 Q. Could you turn to page 14 of your report,

1 paragraph, the fourth paragraph?

2 A. Yes.

3 Q. You say here, the information contained in  
4 the report is specific to the needs of the client.  
5 Did I read that correctly?

6 A. Yes.

7 Q. And the client is the Village of Round  
8 Lake Park, correct?

9 A. Yes.

10 Q. And the Village's needs in the context of  
11 your report were expressed to you, correct?

12 A. No. The Village's needs were not directed  
13 to me. What this underlying assumption and limiting  
14 condition says is that the information contained in  
15 the report is specific to the needs of the client as  
16 it -- well, and it's intended to imply that it's  
17 tied to the scope of work that was -- that was --  
18 and the valuation question that I was asked to  
19 answer or asked to address.

20 Q. And the needs of your client are reflected  
21 in your report, correct?

22 A. The needs of the client are reflected in  
23 my report to the extent that it references the data  
24 utilized and the methodologies applied.

1 Q. So your conclusions were not part of the  
2 needs of the client?

3 A. My conclusions were not part of the needs  
4 of the client.

5 Q. Well, what did you mean when you -- strike  
6 that.

7 Is this canned language, stock  
8 language?

9 A. Yes.

10 Q. So when you included this language through  
11 the multiple revisions of your report, you never  
12 considered the needs of the Village of Round Lake  
13 Park, the specific needs?

14 A. I did not.

15 Q. Okay. Page 15, paragraph 11, you say  
16 here, all data provided by the client or research  
17 from public records is deemed reliable. Do you see  
18 that?

19 A. Yes.

20 Q. What data did the Village provide you?

21 A. Through Mr. Sechen the Village provided me  
22 with the Application which included the Lannert and  
23 Poletti report.

24 Q. That's the only thing he provided you?

1 A. Yes.

2 Q. So the client never provided you any other  
3 information?

4 A. None.

5 Q. And you have determined that the entire  
6 Application is reliable?

7 A. No, I determined that within the specific  
8 scope of my assignment, which was the Lannert, the  
9 section under Criterion 3, that that was reliable.

10 Q. Did anyone on behalf of the Village tell  
11 you that Groot bought the subject property in  
12 May 2010?

13 A. No.

14 Q. You did public records research in  
15 connection with your assignment, correct?

16 A. Yes.

17 Q. Did you confirm independently that Groot  
18 bought the subject property in May 2010?

19 A. I believe I did.

20 Q. Page 12, second paragraph, please. This  
21 is the section on identification of extraordinary  
22 assumptions applied in the review of the Poletti  
23 report, do you see that?

24 A. Yes.

1           Q.    You say in this assignment, I have  
2 inspected, but did not verify all of the data  
3 presented?

4           A.    That is correct.

5           Q.    All right. Which data are you talking  
6 about here that you didn't verify?

7           A.    There were portions of the data presented  
8 in the Poletti sales that I did not specifically  
9 look up on public record or the Multiple Listing  
10 Service. That is there to identify that I did not  
11 look at every single sale in the public record or  
12 Multiple Listing Service of every single sale that  
13 was presented in the Poletti report.

14          Q.    So you didn't independently verify any of  
15 that, correct?

16          A.    I disagree with that. I used as the basis  
17 for the verification that I went through, the  
18 listings of sales that Poletti had presented in his  
19 chart at the back and in the addendum of his report,  
20 as he identified that as being the data that he  
21 utilized, I spot checked that data to determine  
22 whether or not the transactions had, in fact,  
23 report.

24          Q.    So you spot checked?

1 A. Yeah, that's what I said.

2 Q. So let's work backwards for a moment. The  
3 ones you didn't spot check, you didn't independently  
4 verify, correct?

5 A. That would be a correct statement.

6 Q. How many did you spot check?

7 A. My recollection is, is that within each of  
8 the sampled areas for the case studies that I looked  
9 up between 25 and 40 of those PIN numbers that were  
10 presented by Poletti.

11 Q. How many did Poletti use in total?

12 A. I don't know. I would have to count them,  
13 but it seemed to me to be well over a couple of  
14 hundred.

15 Q. Now, it's also your opinion that the  
16 construction of the subject facility will not have  
17 an impact on the value of surrounding property,  
18 correct?

19 A. That is correct.

20 Q. And that's your independent opinion  
21 separate and apart from whatever Poletti said,  
22 correct?

23 A. Yes.

24 Q. Now, you said at some point, and I think

1 it was during direct examination, that you  
2 familiarized yourself with the area around the site,  
3 correct?

4 A. Yes.

5 Q. You actually drove around and walked  
6 around and looked at the area around the site?

7 A. Yes.

8 Q. How far did you go from the site?

9 A. My inspection of the site started at the  
10 site and then proceeded north to Main Street, then  
11 back through the -- back south towards the uses that  
12 are located on the west side of the street. I drove  
13 through Timber Creek mobile home park, the  
14 manufactured home park, proceeded south to Belvidere  
15 Road, then drove west.

16 Q. So you did go over a thousand feet from  
17 the subject site, correct?

18 A. I believe I did, yes.

19 Q. Why did you do that?

20 A. Because I wanted to familiarize myself  
21 with the applications that are located surrounding  
22 the surrounding subject property.

23 Q. How much more than a thousand feet did you  
24 go?

1           A.    How much more than a thousand feet did I  
2 go?

3           Q.    Yes.

4           A.    I think went I think I went in every  
5 direction at least a couple of miles clearly.

6           Q.    Now, going back to your independent  
7 opinion in your report, where is the target and  
8 control area analysis that you independently  
9 conducted?

10          A.    That I independently completed?

11          Q.    Yes.

12          A.    I didn't, I did not identify a target or  
13 control area for the independent analysis.

14          Q.    So you didn't do a target and control area  
15 analysis for your independent --

16          A.    I did not.

17          Q.    Did you ever tell that to any members of  
18 the Round Lake Park Village Board?

19          A.    I never spoke to any members of the Round  
20 Lake Park Village Board.

21          Q.    Did you ever tell that to Mr. Sechen?

22          A.    Yes, I believe I did that tell that to  
23 Mr. Sechen.

24          Q.    And he was still okay with your report?



1 MR. SECHEN: Objection.

2 HEARING OFFICER LUETKEHANS: Basis?

3 MR. SECHEN: He never told it to me, how  
4 could he know that I would be okay with it? This  
5 whole line of questioning --

6 HEARING OFFICER LUETKEHANS: I am going to  
7 sustain the objection for a couple of reasons. But  
8 that's fine.

9 BY MR. BLAZER:

10 Q. Did Mr. Sechen ever ask you if you had  
11 done a target and control area analysis to support  
12 your independent opinion?

13 A. No.

14 Q. Where is the multiple regression analysis  
15 that you independently conducted?

16 A. I didn't do a multiple regression  
17 analysis.

18 Q. Did you ever tell Mr. Sechen that?

19 A. No.

20 Q. Did the subject of a multiple regression  
21 analysis ever come up in your discussions with  
22 Mr. Sechen?

23 A. I am sure they did.

24 Q. Did the subject of a target and control

1 area analysis ever come up in your conversations  
2 with Mr. Sechen?

3 A. I am sure they did.

4 Q. Let's go back to the Poletti report for a  
5 moment. Poletti's report identified four studies of  
6 transfer stations, correct, do you remember that?

7 A. Yes.

8 Q. And all four of those reports concluded  
9 that the facility that they were talking about did,  
10 in fact, minimize the impact on the property values,  
11 correct?

12 A. Well, I never read the McCann report, but  
13 the three Integra reports I believe had that  
14 conclusion.

15 Q. You never got the McCann report?

16 A. I never got the McCann report.

17 Q. Why didn't you ask Poletti for it?

18 A. Because I wasn't -- I specifically, so  
19 that there would be no appearance of conclusion,  
20 elected not to talk to Dr. Poletti under any  
21 circumstances, that the report was going to be  
22 judged on its own weight and faith and its own merit  
23 he.

24 Q. You just -- Mr. Clark pointed out that you

1 keep referring to Mr. Poletti as Dr. Poletti and, in  
2 fact, his doctorate is in philosophy, who told you  
3 to keep referring to him as doctor?

4 A. No one told me to keep referring to him as  
5 doctor.

6 Q. Have you ever met him before this  
7 proceeding?

8 A. No.

9 Q. Now, let's talk about the other three  
10 reports, the three Integra Realty Resources reports.  
11 All of those, along with the McCann report, were  
12 done for companies that were seeking, waste  
13 companies that were seeking siting approval,  
14 correct?

15 A. That's my recollection.

16 Q. And you read that obviously in the three  
17 Integra reports that you did have, correct?

18 A. Yes.

19 Q. They were on behalf of the waste companies  
20 that were seeking approval of the three transfer  
21 stations, correct?

22 A. Yes.

23 Q. And I believe you indicated in response to  
24 Mr. Clark's questions that you did not need to

1 review the hours of operation with respect to this  
2 facility because they were not addressed in  
3 Poletti's report, correct?

4 A. I believe that that was my testimony.

5 Q. And did you also determine that you did  
6 not need to review the fact that the doors of this  
7 facility will be open 20 hours a day because it was  
8 not addressed in Poletti's report?

9 A. That would also be correct.

10 Q. And I believe Mr. Grossmark asked you a  
11 question regarding the hours of operation of the  
12 three transfer stations that Poletti reviewed, and I  
13 believe you indicated that you didn't know what the  
14 hours are?

15 A. I said that I didn't have them memorized.

16 Q. Do you know if Glenview, Elburn and Bluff  
17 City have their truck bay doors open 20 hours a day?

18 A. I do not know specifically how many hours  
19 a day those truck doors, the truck doors are open at  
20 the facilities that you mentioned.

21 Q. Now, let me see if I could refresh your  
22 recollection about their operating hours.

23 Glenview, Monday through Friday --

24 MR. SECHEN: Objection. There's no

1 showing that his recollection is exhausted.

2 MR. BLAZER: He just said he doesn't  
3 recall.

4 HEARING OFFICER LUETKEHANS: I want to  
5 hear how the question is asked.

6 BY MR. BLAZER:

7 Q. I want to see if this refreshes your  
8 recollection about their operating hours from -- you  
9 know what the IEPA landfill or IEPA capacity reports  
10 are, they have been discussed in this case?

11 A. Yes.

12 Q. Glenview, Monday to Friday 6:00 a.m. to  
13 9:00 p.m., Saturday 6:00 a.m. to noon, no Sunday  
14 hours. Does that sound right to you?

15 A. It sounds familiar. Again, I would have  
16 to look back at the documents, but I have no reason  
17 to doubt that that's correct.

18 Q. Elburn, Monday to Saturday 6:00 a.m. to  
19 6:00 p.m., no Sunday hours. Does that sound right?

20 A. That my answer would be the same.

21 Q. And then finally Bluff City Monday to  
22 Saturday, 4:00 a.m. to 8:00 p.m., no Sunday hours.  
23 Does that sound familiar?

24 A. My answer would be the same.

1 Q. But you didn't consider any of that in  
2 coming to your independent conclusion or in your  
3 review of Poletti's report, correct?

4 A. I did not.

5 Q. Because he didn't consider it, right?

6 A. Yes.

7 Q. Independent of what's in Poletti report,  
8 did you review any reports for any project in  
9 Illinois that weren't written by people that weren't  
10 working for waste companies?

11 A. No.

12 Q. Did you review any other reports for any  
13 transfer station projects in Illinois?

14 A. I presume we're talking about impact  
15 reports?

16 Q. Any kind of reports?

17 A. I would have -- can I have the question  
18 back, just to be positive?

19 HEARING OFFICER LUETKEHANS: You have to  
20 read two questions back.

21 (Record was read back.)

22 THE WITNESS: No.

23 BY MR. BLAZER:

24 Q. Did you review any other reports for any

1 transfer station project in Illinois?

2 A. No.

3 Q. So you limited yourself exclusively to  
4 what Poletti looked at, correct?

5 A. Yes.

6 Q. And your conversations with Mr. Sechen and  
7 the context of reviewing the two drafts of your  
8 report that we're aware of here, did he ever tell  
9 you that the contents of your report were not  
10 consistent with the needs of your mutual client, the  
11 Village of Round Lake Park?

12 A. That discussion never occurred.

13 Q. He never told you that?

14 A. No.

15 Q. And did you ever telling Mr. Sechen that  
16 you never reviewed any other reports for any other  
17 transfer station projects in Illinois?

18 A. That discussion never occurred.

19 Q. Did he ask you if you reviewed any other  
20 reports for any other transfer station in Illinois?

21 A. No.

22 Q. Let's go to your report page 2, third  
23 paragraph. Are you there on page 2, Mr. Kleszynski?

24 A. I am.

1 Q. Within the overall -- you say here, I am  
2 sorry, within the overall context of analyzing an  
3 alleged detrimental condition, and you talked about  
4 detrimental conditions when Mr. Sechen was  
5 questioning you, correct?

6 A. I didn't hear the last part. I was trying  
7 to read this. I apologize.

8 Q. You're referring to here to detrimental  
9 conditions, correct?

10 A. Yes. That paragraph comes from the  
11 heading or under the heading discussion and  
12 definition of a detrimental condition.

13 Q. Right. And what you say here is, within  
14 the overall context of analyzing an alleged  
15 detrimental condition, the impact can range from no  
16 impact or benign up to and including a complete loss  
17 or a liability to the owner. When identified,  
18 damages caused by a detrimental condition are  
19 typically measured against a baseline value or a  
20 comparison of data where a similar situation slash  
21 condition is known to exist. The analysis of the  
22 data allows the analyst to formulate an opinion  
23 about the condition and identify if the impact is  
24 measurable, real or perceived. Did I read that



1 correctly?

2 A. You did.

3 Q. And the detrimental condition in this case  
4 is the transfer station, correct? Whether or not  
5 you agree that it's detrimental, in the context of  
6 valuation services, the generic term detrimental  
7 condition is applied to the condition that has a  
8 potential impact on value of surrounding properties,  
9 correct?

10 A. I would have to agree with that. And you  
11 are correct that the term detrimental condition is  
12 the text terminology that identifies the imposition  
13 of anything into an area that could be perceived or  
14 identified as possibly or really having an impact on  
15 value.

16 Q. Could be rendering plant?

17 A. Could be a new light post that shines in  
18 somebody's backyard.

19 Q. Could be anything that might impact the  
20 value, right?

21 A. Yes. That's the broad definition of  
22 detrimental condition.

23 Q. So in this case the potential detrimental  
24 condition we're talking about is the transfer

1 station, correct?

2 A. Yes, as defined in that textbook  
3 terminology.

4 Q. And that's the textbook you rely on,  
5 right?

6 A. Sure.

7 Q. That's the textbook you have sitting there  
8 next to you, correct?

9 A. Yes.

10 Q. The 13th Edition?

11 A. No. The document that you're referring to  
12 is the real estate damages text material as produced  
13 by the Appraisal Institute.

14 Q. All right. Based on the statement I just  
15 read from your report, where in your report do we  
16 find your baseline value or a comparison of data  
17 where a similar situation slash condition is known  
18 to exist?

19 A. You do not. As it states in my report, I  
20 utilize --

21 Q. You answered the question, sir. Thank  
22 you.

23 HEARING OFFICER LUETKEHANS: Let's take a  
24 5-minute break. We will start at about 2:02 or

90

1 something like that.

2 (A short recess was taken.)

3 HEARING OFFICER LUETKEHANS: We will  
4 reconvene the hearing.

5 Mr. Blazer, you can proceed.

6 BY MR. BLAZER:

7 Q. Thank you, sir.

8 All right. Mr. Kleszynski, let's go  
9 to that case where you worked for my firm a couple  
10 years ago.

11 You have up there what we marked as  
12 TCH Exhibit 45, which is a report that you did in  
13 2011, our client matter was the Tinaglia Family  
14 Limited Partnership, correct?

15 A. Yes.

16 Q. And you recall that case involved property  
17 in Glencoe?

18 A. Yes.

19 Q. And that's the property that belonged to  
20 our client, the Partnership, correct?

21 A. That is correct.

22 Q. And it had been contaminated by a dry  
23 cleaners next door to it. Do you recall that?

24 A. I do.

1 Q. And the detrimental condition in that case  
2 was that contamination, correct?

3 A. Yes.

4 Q. Just like here, the detrimental condition  
5 is the transfer station, correct?

6 A. Well, I think we have a fundamental  
7 disagreement, but other than the things that we  
8 discussed, I just want to make sure that the record  
9 is clear from my perspective in the event we meet  
10 again on that issue. I want to be perfectly clear  
11 that the terminology detrimental condition is the  
12 textbook terminology and has a different meaning as  
13 it relates to the Tinaglia Family Limited  
14 Partnership.

15 Q. Could you turn to the table of contents in  
16 TCH Exhibit 45?

17 A. Yes.

18 Q. Now, you see one the things you did  
19 here -- we will get into parts of this report, but  
20 one of the things you did here was a property  
21 history?

22 A. Yes.

23 Q. And where is that in your report in this  
24 case?

1 A. It is not.

2 Q. You also did a highest and best use  
3 analysis?

4 A. That is correct.

5 Q. Again, in the case for me?

6 A. Yes.

7 Q. And where is that in your report in this  
8 case?

9 A. It is not in the report in this case.

10 Q. Let's keep going.

11 A. Wait a second. Let me check one place  
12 though.

13 Q. For highest and best use?

14 A. I want to be positive.

15 Q. Absolutely, I want you to be positive.

16 A. Okay. No, it is not addressed.

17 Q. Next thing on the table of contents in  
18 Exhibit 45, estimate of marketing time, where is  
19 that in your report in this case?

20 A. It is not.

21 Q. Estimate of exposure time, where is that  
22 in your report in this case?

23 A. It is not and would not be included.

24 Q. Zoning, where is that in your report in

1 this case?

2 A. It is not.

3 Q. Real estate tax and assessment, where is  
4 that in your report in this case?

5 A. It is not in this report, nor would it be.

6 Q. Definition of market value, where is that  
7 in this case?

8 A. It is not in this report nor would it be.

9 Q. All right. Let's go to the next page of  
10 the table of contents. Estimate of value by the  
11 direct sales comparison approach, where is that in  
12 this case?

13 A. It would not be -- it is not and would not  
14 be.

15 Q. Can you look at Exhibit 46, that rather  
16 hefty stack of documents, TCH 46?

17 A. I am sorry. I was looking at the bottom  
18 where it says 73.

19 Q. I printed it double-sided just so it's not  
20 quite so --

21 A. Sure.

22 Q. Could you describe what Exhibit 46 is?

23 A. Exhibit 46 would be the backup research  
24 that was utilized in the appraisal of the Tinaglia

1 property with two specific dates of value that would  
2 be in the body of my file.

3 MR. BLAZER: If we could just take a  
4 moment, Mr. Hearing Officer.

5 HEARING OFFICER LUETKEHANS: Mr.  
6 Kleszynski, this is a back up for TCH Exhibit 45,  
7 correct?

8 THE WITNESS: Yes.

9 MR. BLAZER: May I proceed?

10 HEARING OFFICER LUETKEHANS: Yes.

11 BY MR. BLAZER:

12 Q. Am I correct, Mr. Kleszynski, that what  
13 you were doing with Exhibits 45 and 46 was  
14 determining the value of the property that was the  
15 subject of your report and then determining the  
16 impact on that value resulting from the detrimental  
17 condition, correct?

18 A. Yes and no.

19 Q. Explain what you mean by yes and no.

20 MR. SECHEN: I have an objection as to  
21 relevance, materiality.

22 HEARING OFFICER LUETKEHANS: I think it is  
23 a preliminary question at this point, so I will let  
24 it stand.

1           THE WITNESS: In this particular case,  
2 based on your associate's interpretation of the law  
3 and the definition of debt of damages, my assignment  
4 was to evaluate the Tinaglia property as of two  
5 specific dates in time, one being the date, the  
6 earlier date the February 6, 2008, being a date at  
7 which point we knew that the property or we believed  
8 that the property was unimpacted by the spill from  
9 the adjacent cleaners.

10           The April 11 date being the date at  
11 which we knew that the spill had existed and we had,  
12 I believe at that point in time, the reports  
13 associated with the cost of remediation and other  
14 aspects. And when -- and so that's the yes part.

15           The no part is, is that based on my  
16 discussions with your office at that time, we  
17 identified that the calculation of damages, because  
18 it's a legal issue and not an appraisal issue, would  
19 be defined as the differences between those two  
20 value and conclusions.

21           Q. And you certainly expressed no  
22 disagreement with that concept, did you?

23           A. No.

24           HEARING OFFICER LUETKEHANS: Hold on for

96



1 one second. Okay.

2 BY MR. BLAZER:

3 Q. And so what you did in your report,  
4 Exhibit 45, based in part on the data that's in  
5 Exhibit 46, is issue an opinion regarding the impact  
6 in terms of dollar value from that detrimental  
7 condition, correct?

8 A. Yes. Given that definition of damages and  
9 the scope of the work that was defined by your  
10 office.

11 Q. Right.

12 And in terms of the independent  
13 opinion that you come to in this case, none of that  
14 is in your report, correct?

15 A. Yes, that would be correct.

16 Q. But you also did a second report for my  
17 firm in that case, right?

18 A. I am not sure.

19 Q. Exhibit 47.

20 A. Oh, I am sorry. Yes.

21 Q. For the record, TCH Exhibit 47?

22 A. Got it.

23 Q. And like you did here with Poletti's  
24 report, you reviewed someone else's report in

1 Exhibit 47, right?

2 A. Yes.

3 Q. And that is actually entitled, a rebuttal  
4 analysis and appraisal review, correct?

5 A. It is.

6 Q. Was that a Standard 3 review?

7 A. Yes.

8 Q. And the report you were rebutting was  
9 written by Integra Realty, right?

10 A. Yes.

11 Q. The company that wrote three of the four  
12 reports that Poletti relied on, correct?

13 A. Yes.

14 Q. Could you turn to Exhibit 47, page 2,  
15 second paragraph under the heading, scope of the  
16 rebuttal opinion and appraisal review?

17 A. Yes.

18 Q. And in your report --

19 MR. SECHEN: Page 15.

20 MR. BLAZER: Page 2, second paragraph,  
21 under scope of a rebuttal opinion.

22 BY MR. BLAZER:

23 Q. Are you there?

24 A. Yes.

1 Q. And you said here, please note that Ms.  
2 McGarr, and Ms. McGarr was the person whose report  
3 that you were rebutting in Integra Realty, correct?

4 A. Yes.

5 Q. Please note that Ms. McGarr states that  
6 items used in her review are retained in her file.  
7 Absent an opportunity to review the file material, I  
8 reserve the right to amend this rebuttal opinion and  
9 review after additional material is provided. Did I  
10 read that correctly?

11 A. You did.

12 Q. And that was because without that material  
13 contained in her file you couldn't be sure what she  
14 relied on, right?

15 A. Based on -- that would be true based on  
16 the questions that I was asked, the evaluation  
17 questions that I was asked and the scope of work.

18 Q. And the scope was a Standard 3 review,  
19 right?

20 A. Yes.

21 Q. And without that information contained in  
22 her file, you couldn't determine whether there was,  
23 in fact, information that was contrary to the  
24 opinions she generated, correct?

1 A. Well I really couldn't verify anything --

2 Q. Right.

3 A. -- in the material that was presented.

4 So, for example, in that particular case, I didn't

5 have the opportunity to review the actual sales

6 documents as I did in the Poletti incident. This is

7 a different valuation question, different assignment

8 and different scope of work.

9 Q. We're still talking about a Standard 3  
10 review, right?

11 A. Yes, globally we are.

12 Q. All right. And then in the context of  
13 your Standard 3 review, you did a point by point  
14 analysis and response to what to me appears to be  
15 every comment in Ms. McGarr's report, correct?

16 A. Yes.

17 Q. And would it be fair to state that it was  
18 important to you to analyze every point and  
19 determine whether or not her statements were  
20 accurate?

21 A. It was important for me to do exactly what  
22 it says in Standard 3, which was to point out areas  
23 of disagreement and give the basis for those  
24 disagreements.

1 Q. Do you still have your report hanging  
2 around there somewhere?

3 A. My report for the?

4 Q. For this case?

5 A. Yes.

6 Q. If you could go to page 6, second  
7 paragraph.

8 A. Okay.

9 Q. The part that starts, while completing  
10 this assignment, do you see that section?

11 A. I do.

12 Q. You say in that paragraph that you  
13 considered the supply and comparable data presented  
14 in the Poletti and Lannert reports, correct?

15 A. Yes.

16 Q. And supplemental data retained in your  
17 file, correct?

18 A. Yes.

19 Q. What supplemental data and information?

20 A. That's retained in my file?

21 Q. Yes?

22 A. It's all of the information that I  
23 referred to at the beginning of this testimony as it  
24 related to the documents that I looked up on the

101

1 Multiple Listing Service for the addresses and PIN  
2 numbers and the Poletti report as well as their --  
3 as well as their, for lack of a better term, the  
4 information that comes off public record sources.

5 Q. And none of that information is attached  
6 to your report in this case, correct?

7 A. Yes, that's why it says it's retained in  
8 the file.

9 Q. Just like Ms. McGarr said, right?

10 A. Yes.

11 Q. We will get back to McGarr in a minute.

12 I believe you testified you also  
13 reviewed Mr. Lannert's report; is that correct, in  
14 this case?

15 A. Yes.

16 Q. Okay. Obviously Lannert didn't do  
17 anything for the Tinaglia case, we're talking about  
18 this case, right?

19 A. Yes.

20 Q. All right. Do you agree with Mr. Lannert  
21 that the existing zoning and the permitted uses with  
22 within a 1-mile study radius of the subject site  
23 indicates that the existing uses have been  
24 established for many years and continued growth as

1 anticipated as planned?

2 A. I would say that I generally agree with  
3 that statement, yes.

4 Q. And do you know what the predominant use  
5 is within 1 mile of the site?

6 A. My recollection, the answer is yes, I saw  
7 a lot of open space, I saw residential and I saw  
8 industrial and commercial.

9 Q. All right. Do you recall from Lannert's  
10 report that it's 55 percent open space?

11 A. I would have to look. I have no reason to  
12 argue with that issue.

13 Q. I want to make sure we're certain here,  
14 Mr. Kleszynski. I haven't marked this,  
15 Mr. Kleszynski, because it's in the Application.

16 MR. BLAZER: I hope that's okay with you,  
17 Mr. Hearing Officer.

18 BY MR. BLAZER:

19 Q. This is the text of Mr. Lannert's report  
20 out of the siting application?

21 A. Yes.

22 Q. If you could turn to page 3.1-6 of the  
23 table entitled Land Use Ratios.

24 A. Yes.

1 Q. All right. And you see there that he  
2 identifies open space as 55 percent?

3 A. Yes.

4 Q. All right. And what's the second-most  
5 predominant use within the 1-mile study area?

6 A. Residential.

7 Q. 37 percent?

8 A. Yes.

9 Q. Do you agree with Mr. Lannert that  
10 residential uses have been successfully integrated  
11 within the study area?

12 MR. SECHEN: Objection, scope.

13 HEARING OFFICER LUETKEHANS: Objection  
14 overruled.

15 THE WITNESS: Yes.

16 BY MR. BLAZER:

17 Q. Do you agree that open space and  
18 residential land uses account for 92 percent of the  
19 area within a 1-mile radius of the proposed site?

20 A. Based on this arithmetic and calculation,  
21 yes, I do.

22 Q. And you have no reason to dispute it, do  
23 you?

24 A. None.



1 Q. Do you agree that the area within 1 mile  
2 of the site has been defined by open space and  
3 residential uses that have been established over the  
4 past years?

5 A. Yes.

6 Q. Do you agree that the Village of Round  
7 lake Park is a multi-faceted commercial and  
8 residential community?

9 A. Yes.

10 Q. Do you recall this from the Poletti  
11 report, right?

12 A. That's my recollection. I would have to  
13 go back and look at it specifically, but that would  
14 also be -- I am familiar with Round Lake Park, and  
15 that description would be reasonable.

16 Q. Right. So I assume would you agree with  
17 Mr. Poletti that this is not an area that is defined  
18 by industrial uses, correct?

19 A. Again, I would have to go back and look at  
20 his report, but yes.

21 Q. Well, since Mr. Lannert said exactly the  
22 opposite, why didn't you mention your disagreement  
23 with him in your report?

24 A. I don't have a recollection of recalling

1 that as a disagreement point when I reviewed the  
2 Lannert report. The areas that I concentrated on in  
3 the Lannert report were what I identified as being  
4 pretty much the, what I call the land planning  
5 issue, what I believe the land planning issues as it  
6 related to the positioning of the property on the  
7 site.

8 Q. You have Mr. Lannert's report there?

9 A. I do.

10 Q. Could you turn to page 3.1-12?

11 A. Sure.

12 Q. Section 8, second bullet?

13 A. Okay.

14 Q. He said here, the character of the  
15 immediate area surrounding the site has been defined  
16 by industrial uses that have been established over  
17 the past year. Did I read that correctly?

18 A. Yes.

19 Q. Why didn't you in your report mention that  
20 you agree with Poletti and disagree with Lannert?

21 A. Because as it relates to that particular  
22 paragraph, the area surrounding the subject site is,  
23 in fact, identified as being predominately  
24 industrial. When you drive up and down Porter

1 Drive, the applications that are up and down Porter  
2 Drive are clearly industrial. And when you go to  
3 the east, the applications, for example, with the, I  
4 will call it a scrap yard or recycling yard, are  
5 residential in character, and that's how I  
6 interpreted that section of the report.

7 Q. Mr. Lannert's study area was 1 mile,  
8 right?

9 A. I agree that he defined it as 1 mile both  
10 in the testimony and as part of his report. But my  
11 interpretation of the immediate environs of the  
12 subject property is that it's industrial in  
13 character.

14 Q. Did you talk to Lannert about your  
15 interpretation of what he said?

16 A. I did not.

17 Q. Did you talk Poletti about his  
18 disagreement with what Lannert said?

19 A. I spoke to neither one of those gentlemen  
20 prior to.

21 MR. SECHEN: Object, I think it  
22 mischaracterizes the reports.

23 HEARING OFFICER LUETKEHANS: Well, I am  
24 going to withstand the objection as asked and

1 answered because he has said he never spoke to  
2 Poletti at all, so it really doesn't get us  
3 anywhere.

4 MR. BLAZER: Understood.

5 BY MR. BLAZER:

6 Q. You had an assignment to accomplish in  
7 this case, correct, Mr. Kleszynski?

8 A. Tell me what you mean by "accomplish."  
9 That implies to me that I set out with a specific  
10 goal.

11 Q. You were given an assignment in this case,  
12 correct?

13 A. Yes, I was asked a valuation question --

14 Q. The "yes" is all I needed.

15 And that assignment was communicated  
16 to you by Mr. Sechen on behalf of the Village,  
17 correct?

18 A. Yes.

19 Q. Let's go back to TCH Exhibit 47, your  
20 rebuttal report that you did for my firm two years  
21 ago.

22 Do you recall that Ms. McGarr at  
23 Integra had criticized your initial report, TCH 45?

24 A. Yeah, there was a lot of criticism going

108

1 around.

2 Q. There was a lot of criticisms going around  
3 absolutely, and she had criticized your conclusion  
4 regarding how the real estate market operates, do  
5 you remember that?

6 A. I do.

7 Q. All right. And in response to that  
8 criticism in your rebuttal report, you said that the  
9 description of market operation offered in the  
10 Integra report appears to be understated in this  
11 matter, and that the reader and user of your report  
12 should consider how the market actually operates, do  
13 you remember that?

14 A. I would have to read it, but.

15 Q. If could you turn to page 8 of Exhibit 47,  
16 the third paragraph?

17 A. Okay.

18 Q. The paragraph that starts, with respect to  
19 this specific item.

20 A. Yes.

21 Q. All right. If you could read that to  
22 yourself.

23 A. Okay.

24 Q. Okay. Was I accurate in my description of

1 your criticism of Ms. McGarr?

2 A. You were.

3 Q. Okay. And you point out that in that case  
4 the ability to sell the property had not just been  
5 negatively impacted by the detrimental condition, it  
6 had been completely derailed, right?

7 MR. PORTER: I am going to object. We  
8 have gone a long time now talking about properties  
9 that have absolutely nothing to do with the Groot  
10 Transfer Station, we have gotten so far beyond  
11 relevancy, it's ridiculous. I object to relevancy.

12 HEARING OFFICER LUETKEHANS: Objection  
13 overruled.

14 BY MR. BLAZER:

15 Q. Do you need me to read that question back?

16 A. No.

17 Yes, it was my conclusion that the in  
18 the instance where there was an agreed upon price  
19 that upon determination of the environmental --  
20 identifying an existing environmental condition that  
21 would have remediation costs were -- derailed that  
22 sale.

23 Q. And that environmental condition was the  
24 detrimental condition whose impact you were retained

1 to assess, correct?

2 A. Yes. The spill with an identifiable  
3 location, and for lack of a better term, from a  
4 remediation cost.

5 Q. All right. And then in your rebuttal  
6 report, TCH 47, page 9, you finally said for  
7 purposes of clarification, the APC analysis -- and  
8 APC is you, right?

9 A. Associated Property Counsels, yes.

10 Q. For purposes of clarification, the APC  
11 analysis opines on the value of the subject property  
12 before and after consideration of the environmental  
13 condition of the real estate as of two points in  
14 time?

15 A. Yes. Oh, I am sorry.

16 Q. That's okay. I'm accurate so far?

17 A. Yes.

18 Q. The analysis applied is compliant with the  
19 USPAP guidelines, appraisal practice and appraisal  
20 theory, correct?

21 A. Yes.

22 Q. Now let's go back to the report you did in  
23 this case.

24 Where is the discussion in your

111

1 report how a market operates?

2 A. There is none, nor would there be based on  
3 the questions asked and scope of work.

4 Q. Am I correct, sir, that you performed no  
5 independent analysis in this case of the values of  
6 properties in the area before and after the  
7 imposition of the detrimental condition, that being  
8 a transfer station, correct?

9 A. Yes, that would be correct. I did not  
10 evaluate any properties in the -- in this -- I did  
11 not formulate an opinion of value about any property  
12 in this instance based on the scope of work.

13 Q. You could have done a comparative  
14 analysis, right?

15 A. That's two different questions.  
16 Comparative analysis is not an evaluation. What I  
17 did in your instance was that we were focused on  
18 a --

19 Q. Let me try and ask you the question again  
20 so we're clear. Let me rephrase the question for  
21 you.

22 You could have done a target and  
23 control analysis of your own, right?

24 A. Sure.



1 Q. Did anybody tell you not to?

2 A. The answer to that question is yes and no.  
3 When we're outlining the scope of work, the question  
4 that I asked was whether or not it was needed for me  
5 to do my own target and control area analysis. That  
6 was not included in my scope of work based on  
7 discussions relative to the amount of data that was  
8 in the Poletti report, as well as the locations of  
9 the -- and the physical characteristics of the case  
10 study, the case study province.

11 Q. And who told you not to do your own target  
12 and control analysis?

13 A. That was my discussions in setting up the  
14 scope of work with Attorney Sechen.

15 Q. You could have gone to some other transfer  
16 stations and done your own analysis but for  
17 Mr. Sechen telling you it was not in your scope of  
18 work?

19 A. Well --

20 Q. Is that right, sir, yes or no?

21 A. Yes and no. And it's yes and no because  
22 of the fact that after having read the Poletti  
23 reports, in my discussions in setting up the scope  
24 of work with Mr. Sechen, we agreed, we mutually

113

1 agreed that there was sufficient data that it was  
2 unnecessary to go in that direction.

3 Q. So Mr. Sechen agreed that you did not need  
4 to do your own independent target and control  
5 analysis of other transfer station areas, correct?

6 A. He agreed with my conclusion that I didn't  
7 think we needed it either, yes.

8 Q. Let's go back again now to your rebuttal  
9 report TCH 47. This is on page 10, fourth  
10 paragraph.

11 A. The one that begins the Integra report?

12 Q. Yes.

13 A. Okay.

14 Q. Here you criticize Ms. McGarr's use of  
15 what she described as comparable properties, do you  
16 recall that?

17 A. I do.

18 Q. And you described what she identified as  
19 comparables and the property you were reviewing as a  
20 giant leap that is misleading, although the subject  
21 has many positive features, the property does not  
22 compete with top of the market real estate in the  
23 City of Chicago, nor can it be confused with real  
24 estate that competes for renters or buyers of

1 nationally recognized properties. Did I read that  
2 correctly?

3 A. You did.

4 Q. And then you said page 10 of the report,  
5 fifth paragraph. I will wait until you are there.

6 A. I am there.

7 Q. Although the national analysis is  
8 interesting, the Integra report does not consider or  
9 put their analysis into the perspective of the  
10 location in which the subject property exists. Did  
11 I read that correctly?

12 A. You did.

13 Q. And you described her comparison to other  
14 real estate markets as misleading, correct?

15 A. Yes.

16 Q. Now, Poletti's report uses other transfer  
17 stations in other markets as the basis for his  
18 opinion on impact of property values, correct?

19 A. He certainly does.

20 Q. Let's take an example from his report, the  
21 Bluff City Transfer Station, that's one of them,  
22 right?

23 A. Sure.

24 Q. That's one of the ones you looked at?

115

1 A. Absolutely.

2 Q. You actually went out there, right?

3 A. Yes.

4 Q. It's in Elgin, right?

5 A. Certainly.

6 Q. You know, it's immediately next door to  
7 the Village of Bartlett, right?

8 A. I do.

9 Q. And in reviewing that part of Poletti's  
10 report, did you determine what kind of development  
11 existed in the vicinity of the transfer station  
12 before it was built?

13 A. Yes.

14 Q. Let's say within 1 mile of where the  
15 transfer station is?

16 A. Yes, I was very familiar with its location  
17 because it's adjacent to the Villa Olivia golf  
18 course to the east and had done work on Villa Olivia  
19 relative to some of the residential units that were  
20 being developed there.

21 Q. Have you ever done any work for the  
22 Village of Bartlett? You can look at your resume,  
23 if you need to?

24 A. I don't think we have been hired by the

1 Village of Bartlett or the attorneys that represent  
2 them.

3 Q. Do you know what an estate residential  
4 zoning area is?

5 A. Generically the answer is yes, but it  
6 depends obviously on the municipality.

7 Q. Are you aware that the Village of Bartlett  
8 has multiple zoning classifications called estate  
9 residential?

10 A. Sure.

11 Q. And you're aware -- are you aware that one  
12 of those includes 40,000 square foot residential  
13 lots?

14 A. I would have to go back and look at that,  
15 but that doesn't surprise me.

16 Q. And how many of those types of residential  
17 units are within 1 mile of this proposed transfer  
18 station?

19 A. When you say this, are we talking about  
20 within 1 mile of the --

21 Q. Of Groot, of the proposed Groot station?

22 A. How many estate --

23 Q. Residential units are there within 1 mile  
24 of the proposed Groot transfer station?

1           A.    I don't have a clue.

2           Q.    Let's go back to your rebuttal report TCH  
3 47, page 10, we're still on page 10, fifth  
4 paragraph.

5                        You talked about the fact that Ms.  
6 McGarr from Integra used examples of paired sales in  
7 support of her opinion, correct?

8           A.    Yes.

9           Q.    And then you said the Integra report does  
10 not reference the fact that each of the locations  
11 sited is superior to the subject with respect to  
12 population base, retail strength, visibility and  
13 accessibility, did I read that correctly?

14          A.    Yes.

15          Q.    All right.  Where in your report do we  
16 find your comparison of the population base in Round  
17 Lake Park to Glenview, Elgin, Bartlett and Elburn?

18          A.    You don't, nor --

19          Q.    Where in your report do we find your  
20 comparison of the retail strength in Round Lake Park  
21 compared to Glenview, Elgin, Bartlett and Elburn.

22          A.    You don't nor --

23                       MR. SECHEN:  Objection to him cutting off  
24 the witness.

1 MR. BLAZER: His answer was you don't.

2 HEARING OFFICER LUETKEHANS: But he did  
3 say "nor" then he got cut off. We have let all of  
4 the experts complete their answers.

5 Mr. Kleszynski, did you have  
6 something more to say?

7 THE WITNESS: No. That's fine. Thank  
8 you.

9 BY MR. BLAZER:

10 Q. And where in your report do we find your  
11 comparison of the visibility in Round Lake Park to  
12 Glenview, Elgin, Bartlett and Elburn?

13 A. You don't, nor would you.

14 Q. And finally, where in your report do we  
15 find your comparison of the accessibility in Round  
16 Lake Park as compared to Glenview, Elgin, Bartlett  
17 and Elburn?

18 A. You don't, nor would you.

19 Q. And one reason we wouldn't is because that  
20 wasn't part of your assignment, right?

21 A. It was not part of the scope of work nor  
22 was it, in my opinion, a relevant question given the  
23 work that Claudia had done in this instance.

24 Q. And if you could turn to -- you're still

1 on page 10, the last sentence of TCH 47, you  
2 concluded that the use of one sale to extract this  
3 market adjustment with support from three properties  
4 in significantly different locations causes the  
5 conclusion to lack credibility, did I read that  
6 correctly?

7 A. You did.

8 Q. But in this case you didn't question  
9 Poletti's credibility, right?

10 A. Well, first of all, I am not talking about  
11 Poletti's credibility, I am talking about the  
12 credibility of the conclusions that Poletti had  
13 formulated based on the work that he did. And it's  
14 my opinion that to compare this statement based on  
15 the scope of work that was part of this assignment,  
16 is absolutely ridiculous because they're totally  
17 different assignments with totally different  
18 valuation questions that require totally different  
19 analysis. So that's my answer.

20 MR. BLAZER: Could I ask that the question  
21 be read back, Mr. Hearing Officer.

22 (Record was read back.)

23 THE WITNESS: The answer to that question  
24 is I did not question Mr. Poletti's credibility, nor

120



1 did I question the credibility of his conclusions  
2 based on the work that I did and the review of the  
3 document that was provided to me in this matter.

4 BY MR. BLAZER:

5 Q. Because that wasn't part of your  
6 assignment, right?

7 A. No, actually, it was part of my assignment  
8 under Standard 3; that if I had any questions  
9 associated with the credibility of Poletti's  
10 conclusions, that it was incumbent upon me to cite  
11 those conclusions and then tell you what the impact  
12 would be. Unlike what occurred in the MaRous  
13 report, which didn't offer any of that.

14 The issue as far as this is concerned  
15 is that had -- under Standard 3, had I, in fact, had  
16 any reasonable doubt about the conclusions that were  
17 presented by Poletti, I would have at that point  
18 identified those things and actually done the  
19 analysis to identify the impact of what those  
20 differences would be.

21 Q. Like you did for my firm two years ago  
22 when you were reviewing --

23 A. Because it was irrelevant in the instance  
24 of your firm --

121

1 Q. Excuse me.

2 HEARING OFFICER LUETKEHANS: Mr.  
3 Kleszynski, let him finish the question, you're going  
4 to get the chance to answer?

5 THE WITNESS: Thank you.

6 BY MR. BLAZER:

7 Q. Like you did for my firm two years ago  
8 when you were reviewing the Integra report in the  
9 context of a Standard 3 review? Yes, sir, correct?

10 A. Yes, that is correct, absolutely --

11 MR. BLAZER: I have no further questions.

12 HEARING OFFICER LUETKEHANS: You may  
13 finish your answer, Mr. Kleszynski.

14 THE WITNESS: You're absolutely correct  
15 because it was not relevant in the assignment that I  
16 did for your firm.

17 HEARING OFFICER LUETKEHANS: Mr. Smith is  
18 not here.

19 I have a couple of follow-up  
20 questions that I had.

21 THE WITNESS: Is it okay if I come over  
22 that way to make sure I hear you.

23 HEARING OFFICER LUETKEHANS: I am going to  
24 speak in the mike.

122

1 EXAMINATION

2 BY HEARING OFFICER LUETKEHANS:

3 Q. We talked to the other three appraisers  
4 and asked whether they would utilize similar  
5 methodologies as Poletti, I think that was the  
6 essence of what you said, maybe I didn't say it  
7 exactly?

8 A. Your statement is correct.

9 Q. Did anyone suggest doing a before or after  
10 analysis on any of the transfer stations that  
11 existed? Do you understand my question?

12 A. You have to clarify for me what you mean  
13 by a before and after analysis.

14 Q. One of the things I wondered as I sat  
15 throughout this entire hearing is that no one has  
16 prepared an analysis of what has happened to  
17 property values from before versus what occurred to  
18 them after. Now that we have had 30 years of  
19 transfer stations occurring in Illinois, no one has  
20 provided a, here's what they were, property values  
21 were the day before the transfer station went in,  
22 and the year before, and here's where they were two  
23 years later. Did anyone ever suggest doing  
24 something like that, some historical approach?

123



1 guess is my question?

2 A. It would depend I think, I guess the  
3 answer is, is the answer is somewhat academic is the  
4 easiest way to start and say that, given the fact  
5 that on a daily basis we have more data, not only  
6 about the operation of facilities like this, but the  
7 steps that are taken in order to protect property  
8 values, that from an academic perspective exercise,  
9 which is how these studies always start out and how  
10 these methodologies always start out in our  
11 profession, that the idea would be, is that now over  
12 this period of time, maybe one of the things that we  
13 should start doing in our classrooms is to teach  
14 this as the possibility of another methodology to  
15 test the impact.

16 Q. I get the feeling, and I am not trying to  
17 put words in your mouth, that you're not comfortable  
18 as a quote status issue; is that a fair statement?

19 A. I am not. To be honest with you, we use  
20 Excel and the Duke University's methodology for  
21 using Excel in multiple regression analysis, and it  
22 doesn't have as many variables that I can utilize  
23 with as the preprogram softwares do.

24 Q. And when you say multiple regression, what

125

1 do you mean?

2 A. Well, to me, multiple regression is, it's  
3 only done in comparison to linear regression.  
4 Linear regression only isolates one, you know, two  
5 pieces of data and compares them. Multiple  
6 regression analysis basically identifies a multitude  
7 of variables that can be applied and then runs its  
8 statistical analysis in order to get various degrees  
9 of certainty and standard deviations and  
10 co-efficient. And quite frankly, that's where I  
11 slip off the sled in my understanding of how they  
12 work because I have not -- I have just never modeled  
13 it in the programs that we use in my office.

14 Q. And I am familiar with double regression,  
15 and this is single regression, however, multiple  
16 coefficients or multiple variables; is that a fair  
17 statement?

18 A. That would be correct.

19 Q. And I assume if I ask you about King's  
20 psychological (phonetic) nomenclature, you have no  
21 idea what I am talking about?

22 A. I am going to tell you I have no clue nor  
23 would I purport to have the background to answer  
24 that question. That's why I went to the Ph.D.s and

126

1 that's --

2 Q. That's my next question. The Texas A and  
3 M professor, you mentioned -- what was his name?

4 A. His name is, his name is Thomas Jackson.

5 Q. Okay. And is he a statistician or  
6 appraiser or both?

7 A. He's an MAI designated appraiser as well  
8 as a, I believe he teaches in the finance  
9 department.

10 Q. Okay.

11 A. And I want to be clear about what I did  
12 with this. My questions to him were, because it's  
13 important that you know this, my questions to him  
14 were designed to increase my understanding of what  
15 were appropriate methodologies to be applied. I  
16 mean, I didn't ask him to do any work, I didn't ask  
17 him to do, you know, it was me doing what's required  
18 in our profession which is when you have a, for lack  
19 of a better term, when you're uncertain of things,  
20 what's incumbent upon us is to seek out that  
21 knowledge from knowledgeable parties.

22 Q. Referring to your, the two reports, one is  
23 Round Lake Park Exhibit 2 and 1 is TCH Exhibit 51,  
24 are there any difference in those two reports other

127

1 than the September date on page 11?

2 A. My suspicion is, is that the September 5th  
3 date is the big part of it and, quite frankly,  
4 there's probably some commas and periods and things  
5 like that, that were corrected by my assistant when  
6 it went through the final proofing.

7 Q. But you don't believe there was anything  
8 substantive change?

9 A. In my opinion, there's no substantive  
10 variation between those reports.

11 HEARING OFFICER LUETKEHANS: I have  
12 nothing further.

13 Mr. Sechen.

14 MR. SECHEN: I will try to be brief.

15 REDIRECT EXAMINATION

16 BY MR. SECHEN:

17 Q. You just mentioned, Mr. Kleszynski, that  
18 you spoke to the Ph.D.s regarding whether the  
19 appropriate methodologies were used by Mr. Poletti?

20 A. Yes.

21 Q. Were they?

22 A. Yes.

23 MR. BLAZER: We can't hear you. Sorry.

24 MR. SECHEN: Thank you.

128



1 BY MR. SECHEN:

2 Q. You were repeatedly asked questions about  
3 why things are in one report and why they are not in  
4 this report, is there a short answer for that?

5 A. Yes.

6 Q. What is a short answer?

7 A. There are two completely different  
8 assignments and two completely -- and two completely  
9 different valuation questions.

10 Q. At one point you were describing land use  
11 to the east of the subject site?

12 A. Yes.

13 Q. Is that land use residential, is it  
14 industrial?

15 A. Well, there's vacant land directly to the  
16 east of the subject site, and then further east of  
17 the subject site, is the -- well, it's been referred  
18 to as the scrap yard, in modern -- in today's world  
19 we call it a recycling yard.

20 Q. So if you would have referred to that use  
21 as being residential, that would be incorrect?

22 A. Absolutely.

23 Q. Let me just cut to the chase here and  
24 limit a bunch of what I got written down here?

1 MR. BLAZER: No objection.

2 BY MR. SECHEN:

3 Q. Mr. Clark here asked you questions about  
4 differences in value because one piece of property  
5 is in one school district and one piece of property  
6 is in another school district?

7 A. Yes.

8 Q. Now, throughout these hearings you have  
9 also heard questions regarding difference in  
10 property caused by other factors regarding, for  
11 example, whether they have sanitary sewer, whether  
12 they're in a flood plain, as opposed to what other  
13 property may have; is that correct?

14 A. Yes.

15 MR. BLAZER: Object to the form of the  
16 question and also leading.

17 HEARING OFFICER LUETKEHANS: Objection  
18 overruled.

19 BY MR. SECHEN:

20 Q. Now, Professor Poletti utilized the  
21 multiple regression analysis; is that correct?

22 A. Yes.

23 Q. Can you tell us what utilizing the  
24 multiple regression analysis does with respect to

1 such differences in property?

2 A. What it does is it basically purifies the  
3 data. And by purifying the data, it just -- it's  
4 just pure math. It is the input of the data and  
5 it's the running of the multiple regression analysis  
6 to determine whether or not, without any judgment,  
7 so to speak, about the data that you input, whether  
8 or not there is a statistical variation of  
9 significance. That's the difference.

10 Q. Does that in short mean it obviates the  
11 need to discuss any difference because the math  
12 takes care of it?

13 A. It takes a lot of that stuff into  
14 consideration, I guess, is the easiest way to say  
15 it.

16 Q. And it does so without subjectivity?

17 MR. BLAZER: Objection, leading.

18 HEARING OFFICER LUETKEHANS: Objection  
19 overruled.

20 THE WITNESS: The answer is yes, it's  
21 pure, it's just pure arithmetic.

22 MR. SECHEN: I have nothing further.

23 HEARING OFFICER LUETKEHANS: Okay.

24 Mr. Porter?

1 MR. PORTER: Thank you.

2 MR. BLAZER: Mr. Hearing Officer,  
3 Mr. Porter had no questions on cross.

4 HEARING OFFICER LUETKEHANS: He has the  
5 opportunity like we have had throughout this hearing  
6 to clarify the questions that people had before him  
7 that may raise other issues.

8 MR. BLAZER: Thank you.

9 CROSS EXAMINATION

10 BY MR. PORTER:

11 Q. Mr. Kleszynski, am I pronouncing that  
12 correctly?

13 A. You're doing just fine.

14 Q. I am Rick Porter, the attorney for Groot.

15 You were asked about the hours of  
16 operations at a proposed Groot facility and whether  
17 Mr. Poletti was aware the facility could, on  
18 occasion, operate 24 hours, do you recall that  
19 questioning?

20 A. I do.

21 MR. BLAZER: Object to the form of the  
22 question, mischaracterizes both the question that  
23 was asked and the answer was given.

24 HEARING OFFICER LUETKEHANS: Objection

132

1 overruled.

2 BY MR. PORTER:

3 Q. You reviewed the Poletti testimony; is  
4 that correct?

5 A. I was here for the Poletti testimony.

6 Q. Isn't it true that he testified that the  
7 proposed Groot facility would typically operate from  
8 4:00 a.m. to 8:00 p.m. normally with potential to  
9 operate 24 hours?

10 A. I recollect that, yes.

11 Q. So Mr. Poletti drafted his report, which  
12 you have endorsed, he knew the operating hours of  
13 the proposed facility, right?

14 MR. BLAZER: Object to characterization  
15 and also calls for speculation.

16 HEARING OFFICER LUETKEHANS: Objection  
17 sustained.

18 MR. GROSSMARK: Objection.

19 BY MR. PORTER:

20 Q. It's your understanding when Mr. Poletti  
21 drafted his report, he was aware of the proposed  
22 operating hours of the facility?

23 MR. BLAZER: Calls for speculation --

24 MR. GROSSMARK: And assumes facts not in

1 evidence.

2 HEARING OFFICER LUETKEHANS: Could you  
3 rephrase the question.

4 BY MR. PORTER:

5 Q. Isn't it true when you drafted your  
6 report, you understood that Mr. Poletti knew what  
7 the hours were that the facility was proposed to  
8 operate?

9 MR. BLAZER: Same objection.

10 HEARING OFFICER LUETKEHANS: Objection  
11 overruled.

12 THE WITNESS: It is true that my  
13 recollection of the Poletti report relative to the  
14 issue of the hours of operation were only clarified  
15 when I heard the testimony that he said he was aware  
16 that it could operate for 24 hours, that he had a  
17 certain time frame that I don't recall specifically  
18 what the time frame was, but that there was the  
19 possibility that it could be 24 hours, and that it  
20 was at that point that was clarified in my mind  
21 regarding his report.

22 BY MR. PORTER:

23 Q. All right. It was clarified in your mind  
24 that he was aware of the hours that he drafted his

1 report, correct?

2 MR. GROSSMARK: Objection, hearsay.

3 HEARING OFFICER LUETKEHANS: Objection  
4 overruled.

5 THE WITNESS: I have to answer that  
6 question yes.

7 BY MR. PORTER:

8 Q. Now, Mr. Blazer made a big deal out of the  
9 fact --

10 MR. BLAZER: Object to the form of the  
11 question.

12 BY MR. PORTER:

13 Q. -- you did not do your target and control  
14 analysis, isn't that correct?

15 HEARING OFFICER LUETKEHANS: Objection  
16 sustained.

17 MR. PORTER: The characterization  
18 is accurate, I will rephrase.

19 MR. BLAZER: I ask that be stricken and he  
20 be directed to control his mouth.

21 HEARING OFFICER LUETKEHANS: Please  
22 proceed both of you.

23 BY MR. PORTER:

24 Q. Do you recall Mr. Blazer asking you

135

1 several questions about the fact that you do not do  
2 your own target and control analysis?

3 A. Yes.

4 Q. Isn't it true Mr. MaRous, Mr. Blazer's own  
5 witness did not do his own target and control  
6 analysis?

7 MR. BLAZER: Objection,  
8 mischaracterization. Mr. MaRous did not issue an  
9 independent opinion like Mr. Kleszynski did.

10 HEARING OFFICER LUETKEHANS: Objection  
11 overruled.

12 THE WITNESS: It is true that the MaRous  
13 report did not include any references to that issue.

14 BY MR. PORTER:

15 Q. Mr. Blazer pointed out that the Elgin  
16 Transfer Station, which Mr. Poletti had considered,  
17 was near large estate properties, do you recall that  
18 line of questioning?

19 A. Yes -- no, he actually said it was near  
20 areas that were zoned for large estate properties  
21 but never really identified any specific large  
22 estate areas that would be near that property.

23 Q. Doesn't the fact that the Elgin Transfer  
24 Station which had no impact on property values, did

136



1 not impact those large estates, just support  
2 Mr. Poletti's ultimate conclusions in this case  
3 which involves --

4 MR. BLAZER: Objection.

5 MR. PORTER: Can I finished my question  
6 first, counsel.

7 HEARING OFFICER LUETKEHANS: In this  
8 respect I will say I thought you were finish a  
9 couple of times myself, Mr. Porter. If you want to  
10 restate the question, you can get it on the record  
11 and we will go from there. How is that?

12 MR. PORTER: Touche.

13 BY MR. PORTER:

14 Q. Isn't it -- well, strike that.

15 Doesn't the fact that the Elgin  
16 Transfer Station did not have any impact on large  
17 estate properties only support Mr. Poletti's  
18 ultimate opinions here that involves industrial open  
19 space and more moderate residential sites within a  
20 mile?

21 A. It would --

22 MR. BLAZER: Objection, foundation,  
23 assumes facts not in evidence.

24 HEARING OFFICER LUETKEHANS: What's the

1 foundation objection?

2 MR. BLAZER: He didn't testify that he  
3 knows one way or the other whether it impacted large  
4 estate properties or not. Poletti doesn't indicate  
5 whether or not he considered the large estate  
6 properties near the Elgin Bluff City Transfer  
7 Station. So unless this witness can testify that he  
8 did consider them and determine that they were or  
9 were not affected by the transfer station, there is  
10 no foundation, and it assumes facts not in evidence.

11 HEARING OFFICER LUETKEHANS: Mr. Porter, I  
12 ask that you limit the question not to large estate,  
13 but to his actual findings that he testified which  
14 to.

15 BY MR. PORTER:

16 Q. Again, do you recall that Mr. Blazer asked  
17 you about the Elgin Transfer Station and whether or  
18 not in its location it's large estate property,  
19 correct?

20 A. Yes. And my answer is the same, that  
21 they're located near some properties that are zoned,  
22 whether or not they're approved, I have no clue.

23 Q. And in Mr. Poletti's report, that Elgin  
24 Transfer Station was one of the transfer stations he

138

1 reviewed and noted that there had been no impact on  
2 property values around that transfer station; is  
3 that right?

4 MR. BLAZER: Objection, that report isn't  
5 in evidence and there's no indication whether or not  
6 that report considered the estate properties near  
7 the Bluff City Transfer Station.

8 HEARING OFFICER LUETKEHANS: Objection  
9 overruled.

10 THE WITNESS: I am uncomfortable with  
11 answering the question only because of the fact that  
12 I would have to go back and look at the data that  
13 was used in the Poletti report to determine what and  
14 relook at the target and control areas. So it would  
15 have to be more specific. And based on the question  
16 you asked, I can't answer it.

17 BY MR. PORTER:

18 Q. All right. There was some questioning by  
19 the hearing officer concerning regression analysis,  
20 do you recall that?

21 A. Yes.

22 Q. Isn't it true that the use of target and  
23 control areas and regression analysis is one of the  
24 six recognized methodologies under that appraisal

1 damages publication he was referring to earlier for  
2 determining the impacts on property values from a  
3 potentially detrimental condition?

4 A. It is.

5 MR. PORTER: Nothing further.

6 HEARING OFFICER LUETKEHANS: Mr. Clark.

7 MR. SECHEN: If I may interrupt one  
8 second, it may benefit the record and perhaps the  
9 Village Board if one of us were to clarify which  
10 transfer station -- the Elgin transfer station is  
11 referred to by another name.

12 THE WITNESS: Bluff City.

13 HEARING OFFICER LUETKEHANS: For the  
14 record we call Elgin Transfer Station Bluff City.

15 Please proceed, Mr. Clark.

16 RE CROSS EXAMINATION

17 BY MR. CLARK:

18 Q. Multiple regression analysis only analysis  
19 data that you supply, correct?

20 A. Yes.

21 Q. So if you don't supply certain data, a  
22 multiple regression analysis doesn't address that  
23 data, does it?

24 A. It only deals with the data that you use.

140

1 THE WITNESS: Thank you.

2 HEARING OFFICER LUETKEHANS: Mr.

3 Grossmark?

4 MR. GROSSMARK: No further questions.

5 HEARING OFFICER LUETKEHANS: Mr. Blazer.

6 RECROSS EXAMINATION

7 BY MR. BLAZER:

8 Q. Mr. Kleszynski, I am going to read you a  
9 portion of testimony from Mr. Moose?

10 A. From Mr. MaRous or?

11 Q. Moose.

12 Question: In response to some of Mr.  
13 Grossmark's questions regarding again overnight  
14 operations, 24/7 operations, you were mainly, it  
15 sounded like, focusing on exigent circumstances,  
16 snow storms, things like that, correct? Answer:  
17 Yes, and as well as to service commercial clients.

18 Question: Right. But servicing  
19 commercial clients are not emergency situations,  
20 right? Answer: But I also testified that 24 hours  
21 is necessary to service certain commercial clients.

22 Now, with the understanding of what  
23 the applicant refers to with respect to 24/7  
24 operations, do you know if Mr. Poletti was here when

141

1 Mr. Moose said that?

2 MR. SECHEN: Objection, scope, relevance,  
3 materiality. What difference does it make --

4 HEARING OFFICER LUETKEHANS: One at a  
5 time.

6 Mr. Sechen, proceed.

7 MR. SECHEN: It makes no difference if  
8 Mr. Poletti was there when Mr. Moose testified. I  
9 mean, sooner or later this proceeding has to end and  
10 that's why there are scope objections or relevance  
11 and materiality, we're so far afield that it is  
12 amazing.

13 MR. PORTER: Join in the objection. It's  
14 irrelevant whether or not he was here.

15 HEARING OFFICER LUETKEHANS: Mr. Blazer?

16 MR. BLAZER: The witness was asked a  
17 series of questions about his understanding of what  
18 Mr. Poletti knew or didn't know about 24/7  
19 operation. I objected to most of them, some you  
20 sustained, some you didn't.

21 HEARING OFFICER LUETKEHANS: I think  
22 almost all of them he said he had no idea. Why are  
23 we going through this?

24 MR. BLAZER: Because he said, his opinion,  
142

1 his independent opinion of his review of Poletti's  
2 report was premised in part on this issue of 24/7  
3 operations.

4 HEARING OFFICER LUETKEHANS: And you got  
5 that out of him completely. And I don't know where  
6 we're going with this.

7 MR. BLAZER: I will move on, Mr. Hearing  
8 Officer.

9 BY MR. BLAZER:

10 Q. You said in response to Mr. Sechen's  
11 question, Mr. Kleszynski, that your report in this  
12 case and your report for my firm for the Tinaglia  
13 family were two completely different assignments,  
14 correct?

15 A. Yes.

16 Q. Your review of Poletti's report was a  
17 Standard 3 review, correct?

18 A. Yes.

19 Q. Your review of Integra's report was a  
20 Standard 3 review, correct?

21 A. Yes, and more.

22 Q. Next question, the MaRous report, unlike  
23 your report, does not presume to include an  
24 independent opinion about impact on property value,

1 correct?

2 A. Yes.

3 Q. And as far as estate properties near the  
4 Bluff City transfer stations, and you mentioned that  
5 there was estate residential zoning in that area,  
6 correct, you are aware of that?

7 A. I am aware that there is a state  
8 residential zoning.

9 Q. Okay. You have no idea if those estate  
10 residentially zoned properties in fact have  
11 40,000 square foot properties on them, correct?

12 A. You mean 40,000 square foot sites that  
13 they --

14 Q. Sites, correct.

15 A. I have no clue as I stand here today.

16 Q. You have no idea whether Integra -- excuse  
17 me, whether Mr. Poletti took that into account in  
18 his review of Bluff City, correct?

19 A. That's why I said I would have to go back  
20 and look at the data that he used.

21 MR. BLAZER: That's all I have.

22 HEARING OFFICER LUETKEHANS: Mr. Sechen?

23 MR. SECHEN: Nothing further.

24 HEARING OFFICER LUETKEHANS: Mr. Sechen,

144



1 do you --

2 MR. SECHEN: I move the admission of the  
3 two exhibits.

4 MR. BLAZER: They're already in.

5 MR. SECHEN: They're already in?

6 HEARING OFFICER LUETKEHANS: Yes, they  
7 are.

8 MR. SECHEN: At this point we have nothing  
9 further.

10 HEARING OFFICER LUETKEHANS: Any request  
11 for admission further TCH exhibits we went through.

12 MR. BLAZER: There is, Mr. Hearing  
13 Officer.

14 We will start with 45.

15 HEARING OFFICER LUETKEHANS: Any objection  
16 to the admission of TCH Exhibit 45.

17 MR. PORTER: I object, it's irrelevant,  
18 untimely.

19 HEARING OFFICER LUETKEHANS: TCH  
20 Exhibit 45 will be admitted over objection.

21 MR. SECHEN: Let the record reflect my  
22 objection.

23 HEARING OFFICER LUETKEHANS: Thank you.  
24 The record will so reflect.

1 MR. BLAZER: I am sorry. Now I am  
2 stepping on you.

3 HEARING OFFICER LUETKEHANS: TCH  
4 Exhibit 46, same objections?

5 MR. PORTER: Same objection.

6 HEARING OFFICER LUETKEHANS: Same ruling.  
7 TCH Exhibit 47, same objection?

8 MR. PORTER: Yes.

9 MR. SECHEN: Same objections.

10 HEARING OFFICER LUETKEHANS: Same ruling.

11 MR. BLAZER: And TCH Exhibit 51, which is  
12 the version of Mr. Kleszynski report we got on  
13 Sunday.

14 MR. PORTER: What is 51?

15 HEARING OFFICER LUETKEHANS: It is the  
16 Sunday report we received from Mr. Kleszynski, from  
17 Mr. Sechen.

18 MR. SECHEN: No objection.

19 MR. BLAZER: Do you need another one?

20 HEARING OFFICER LUETKEHANS: I already  
21 marked it. So we're good.

22 Mr. Porter you're not -- let me ask,  
23 does anybody have any further evidence they wish to  
24 submit?

1 MR. GROSSMARK: Yes.

2 HEARING OFFICER LUETKEHANS: What is that?

3 MR. GROSSMARK: I would like to offer the  
4 times of operation for the three transfer stations  
5 that were discussed during this witness' testimony.  
6 I think Mr. Blazer asked if he recalled if these  
7 were the times of operation, he said it sounded  
8 right. I would request that judicial notice be  
9 taken that those are the times of operation for  
10 those three transfer stations.

11 MR. BLAZER: What I can actually do,  
12 Mr. Hearing Officer, to make it easier.

13 HEARING OFFICER LUETKEHANS: You know  
14 what, let's take a break. We will come back and  
15 deal with this in ten minutes and then we will  
16 finish this issue.

17 I think Mr. Porter has no further  
18 testimony; is that correct

19 MR. PORTER: That is correct.

20 HEARING OFFICER LUETKEHANS: So we will  
21 deal with this issue in ten minutes as well. And  
22 then we will go directly into closings, unless  
23 someone else has an issue to address at that time.  
24 We will switch court reporters.

147

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Thank you.

1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF L A K E )  
3

4 Jennifer A. Lang, C.S.R., being first  
5 duly sworn says that she is a court reporter doing  
6 business in the State of Illinois; and that she  
7 reported in shorthand the proceedings of said  
8 hearing, and that the foregoing is a true and  
9 correct transcript of her shorthand notes so taken  
10 as aforesaid, and contains the proceedings given at  
11 said hearing.

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Certified Shorthand Reporter



<b>A</b>	116:17	93:3 98:4	2:1 3:1	<b>approval</b>	142:16 147:6
<b>ability</b>	<b>adjustment</b>	100:14 111:7	<b>appeared</b>	1:7 5:3 83:13	<b>asking</b>
110:4	24:12 120:3	111:11,18	30:17 48:24	83:20	43:19 45:20
<b>able</b>	<b>adjustments</b>	112:5,14,16	49:12	<b>approved</b>	135:24
19:4,5,6,10	23:22	112:23 113:5	<b>appears</b>	138:22	<b>aspects</b>
20:13 24:8	<b>administrative</b>	113:12,16	14:20 100:14	<b>approximately</b>	50:7 96:14
47:16	59:11	114:5 115:7	109:10	9:17 11:20	<b>assess</b>
<b>aboveentitled</b>	<b>admission</b>	115:9 120:19	<b>applicant</b>	54:21	111:1
1:11	36:1 145:2,11	121:19	5:24 141:23	<b>april</b>	<b>assessment</b>
<b>absent</b>	145:16	123:10,13,16	<b>application</b>	96:10	94:3
99:7	<b>admissions</b>	125:21 126:6	1:6 5:2 15:2,3	<b>area</b>	<b>assessors</b>
<b>absolutely</b>	9:22	126:8 130:21	15:13 46:10	9:8,22 10:9	53:4,6,10
44:8 64:12,18	<b>admit</b>	130:24 131:5	61:4 62:23	11:6,19,21	<b>assignment</b>
93:15 109:3	54:9	135:14 136:2	75:22 76:6	16:2,5 17:4	12:6,9,10,14
110:9 116:1	<b>admitted</b>	136:6 139:19	103:15,20	17:5,14	17:18,20
120:16	36:6 145:20	139:23	<b>applications</b>	19:13 24:16	13:18 14:22
122:10,14	<b>advantages</b>	140:18,18,22	16:12 17:10	25:9,24 26:2	14:24 31:15
129:22	29:13	<b>analyst</b>	79:21 107:1	26:18,19	41:5 54:17
<b>abstract</b>	<b>advocate</b>	19:23 39:21	107:3	32:21 41:19	60:15,18,19
23:20	64:10	88:22	<b>applied</b>	41:20 44:14	62:19 64:2
<b>academic</b>	<b>aerial</b>	23:9 25:10	22:8 23:9	44:17,21	64:15 65:4
125:3,8	16:21	26:10 29:23	25:13,15	45:9,10	65:11,20
<b>accept</b>	<b>affield</b>	31:16 40:5	26:15 27:8	67:10 79:2,6	66:20 67:7
64:15 68:20	142:11	48:1	27:19 31:16	80:8,13,14	69:3 76:8,15
<b>acceptable</b>	<b>aforesaid</b>	149:10	40:7 47:14	81:11 82:1	77:1 96:3
48:2	149:10	<b>afternoon</b>	48:1,3 74:24	89:13 104:5	100:7 101:10
<b>access</b>	5:23 37:17	5:23 37:17	76:22 89:7	104:11,19	108:6,11,15
21:19	53:21,22	<b>accessibility</b>	111:18	105:1,17	119:20
<b>accessibility</b>	<b>agency</b>	118:13 119:15	124:17 126:7	106:15,22	120:15 121:6
118:13 119:15	3:12 5:10	<b>accomplish</b>	127:15	107:7 112:6	121:7 122:15
108:6,8	<b>ago</b>	108:6,8	<b>applies</b>	113:5 117:4	<b>assignments</b>
<b>account</b>	54:20 91:10	104:18 144:17	40:5	124:12 144:5	120:17 129:8
104:18 144:17	108:21	<b>accuracy</b>	26:11	<b>areas</b>	143:13
21:4	121:21 122:7	21:4	<b>applying</b>	13:23 17:22	<b>assistant</b>
<b>accurate</b>	<b>agree</b>	14:18 100:20	23:22 25:9	18:19 20:7	57:10 59:12
109:24	64:21 65:2	111:16	<b>appraisal</b>	24:19,20,21	61:8 128:5
135:18	72:8 89:5,10	<b>accurately</b>	8:2,9,22 9:1	27:22,23	<b>associated</b>
8:10 20:11,18	102:20 103:2	23:1 42:2,4	9:5,7,18,19	28:5,5 30:19	8:1 9:9 11:18
<b>act</b>	104:9,17	12:11 15:17	9:20 10:7,18	30:20 31:5,6	33:9 38:11
65:12	105:1,6,16	67:3 69:19,23	10:21,23	42:19 43:11	96:13 111:9
<b>acting</b>	106:20 107:9	28:11	11:2,5,6,8	43:12,22	121:9
67:3 69:19,23	<b>agreed</b>	<b>activities</b>	11:10,19	44:7,9,10,12	<b>associates</b>
28:11	110:18 113:24	28:11	12:17 13:8	45:2,2,12,13	12:13 96:2
<b>actual</b>	114:1,3,6	60:21 61:15	14:1 15:23	78:8 100:22	<b>assume</b>
60:21 61:15	<b>agreement</b>	100:5 124:1	21:12,15,17	106:2 114:5	6:22 42:3
138:13	13:3	138:13	21:18 22:6	136:20,22	48:23 66:18
<b>add</b>	<b>alleged</b>	139:16	23:17 24:13	139:14,23	105:16
67:15	88:3,14	141:16,20	34:7,19,24	<b>arent</b>	126:19
<b>addendum</b>	<b>allow</b>	<b>answered</b>	48:2 64:6,7	45:1	<b>assumed</b>
77:19	8:20	62:4,11 90:21	64:24 70:4	<b>argue</b>	48:22 50:9,14
<b>addition</b>	<b>allowing</b>	108:1	90:13 94:24	103:12	<b>assumes</b>
21:14 70:14	30:1,20	<b>answering</b>	96:18 98:4	<b>arithmetic</b>	133:24 137:23
<b>additional</b>	<b>allows</b>	139:11	98:16 111:19	23:3 104:20	138:10
31:7 48:20	88:22	<b>answers</b>	111:19 124:3	131:21	<b>assumption</b>
50:22 99:9	<b>amazing</b>	119:4	139:24	<b>arms</b>	74:13
<b>additionally</b>	142:12	<b>anticipated</b>	<b>appraiser</b>	38:21 39:6	<b>assumptions</b>
9:17,23 17:9	<b>amend</b>	13:9 103:1	7:24 11:11	<b>artfully</b>	76:22
20:22 21:21	99:8	113:1 146:23	12:11 13:17	71:4 73:3	<b>attached</b>
22:4,21	<b>amount</b>	<b>apart</b>	14:3 19:23	<b>articles</b>	6:18 7:1 102:5
<b>address</b>	13:16 29:9,19	63:12 78:21	22:12 23:18	21:16,23	<b>attempt</b>
14:5 74:19	40:22 48:17	<b>apc</b>	28:18 47:16	<b>arts</b>	45:13
140:22	113:7	111:7,8,10	64:10,14,22	8:17	<b>attending</b>
147:23	<b>analyses</b>	<b>apologize</b>	65:3,7,9,13	<b>asked</b>	46:8
<b>addressed</b>	22:3 29:14	54:14 61:23	69:2 70:1,5	21:22 35:5,5	<b>attorney</b>
84:2,8 93:16	<b>analysis</b>	88:7	127:6,7	41:6 42:23	13:21 113:14
124:10	22:21,24 23:7	<b>apologizing</b>	<b>appraisers</b>	43:3,21	132:14
<b>addresses</b>	23:13,17	54:15	21:1,6 22:5	61:23 62:4	<b>attorneys</b>
38:10,15 102:1	24:14,16,18	<b>appeared</b>	25:14 29:7	66:8,10,12	117:1
34:6	26:16 27:9	23:17	123:3	66:19 67:5,5	<b>authoring</b>
<b>adjacent</b>	27:11 28:3,8	<b>appeal</b>	<b>approach</b>	67:13 68:2	72:19
44:7 96:9	28:8 29:11	42:15	23:23 94:11	71:1 72:3,12	<b>authority</b>
	29:12,22	<b>appear</b>	123:24	72:17 74:18	1:4 5:5 42:15
	30:17 31:3	16:15	<b>appropriate</b>	74:19 84:10	<b>available</b>
	40:3,23 41:9	<b>appearance</b>	23:21 29:10,22	85:5 99:16	18:12 25:11
	43:5 46:17	82:19	31:17 43:13	99:17 107:24	26:7 29:19
	46:18 47:1	<b>appearances</b>	48:1 49:13	108:13 112:3	29:20 49:11
	50:7 80:8,13		127:15	113:4 123:4	<b>average</b>
	80:15 81:11		128:19	129:2 130:3	22:23 25:12
	81:14,17,21		<b>appropriately</b>	132:15,23	26:16,18
	82:1 88:21		12:21 20:17	138:16	28:9 31:8
				139:16	<b>awarded</b>

8:20,21 9:6 10:8 <b>aware</b> 46:6,23 64:9 64:12,14,22 87:8 117:7 117:11,11 132:17 133:21 134:15,24 144:6,7	24:17 25:7 27:10,24 30:1,7,7 31:12,14 43:20 126:6 131:2 <b>basing</b> 20:15,16 <b>basis</b> 44:1 77:16 81:2 100:23 115:17 125:5	<b>big</b> 68:21 128:3 135:8 <b>bill</b> 69:17 <b>bills</b> 69:13,16 <b>bit</b> 30:5 35:23 54:23 <b>blazer</b> 3:6,7 4:7,12 5:13,13 36:4 53:18,20 55:13,18,20 55:24 56:5 62:8,14 68:9 68:12 81:9 85:2,6 86:23 91:5,6 95:3 95:9,11 97:2 98:20,22 103:16,18 104:16 108:4 108:5 110:14 119:1,9 120:20 121:4 122:6,11 128:23 130:1 130:15 131:17 132:2 132:8,21 133:14,23 134:9 135:8 135:10,19,24 136:7,15 137:4,22 138:2,16 139:4 141:5 141:7 142:15 142:16,24 143:7,9 144:21 145:4 145:12 146:1 146:11,19 147:6,11	<b>brainstorming</b> 124:8 <b>break</b> 30:13 90:24 147:14 <b>brief</b> 128:14 <b>briefly</b> 6:9 8:13 10:4 12:8 <b>broad</b> 89:21 <b>building</b> 18:16 30:9 <b>buildings</b> 24:4 27:19 51:21 <b>built</b> 116:12 <b>bullet</b> 106:12 <b>bunch</b> 129:24 <b>business</b> 9:11 149:6 <b>buyers</b> 24:22 114:24	101:4 102:6 102:14,17,18 108:7,11 110:3 111:23 112:5 113:9 113:10 120:8 137:2 143:12 <b>cases</b> 48:12 <b>cataloging</b> 16:4 <b>categorization</b> 29:8 <b>categorizat...</b> 30:15 40:4 <b>categorize</b> 27:16 <b>caught</b> 57:12 <b>cause</b> 1:11 64:10 <b>caused</b> 88:18 130:10 <b>causes</b> 120:4 <b>ceretti</b> 5:18 <b>cerretti</b> 3:15 <b>certain</b> 40:1,2 41:8 50:6,7,9,14 51:8 52:16 52:21 103:13 124:9,17 134:17 140:21 141:21 <b>certainly</b> 72:2 96:21 115:19 116:5 <b>certainty</b> 32:9 126:9 <b>certified</b> 149:14 <b>chain</b> 58:16 <b>chance</b> 122:4 <b>change</b> 40:18 128:8 <b>changed</b> 57:4,6,12 <b>character</b> 29:10 57:10 106:14 107:5 107:13 <b>characteris...</b> 27:14,15 113:9 <b>characteriz...</b> 35:1 133:14 135:17 <b>chart</b> 77:19 <b>chase</b> 129:23 <b>check</b> 13:17 31:6 78:3,6 93:11 <b>checked</b> 41:24 48:24 77:21,24 <b>checking</b> 31:3 <b>chicago</b> 8:16 114:23 <b>chief</b> 7:24 <b>circulated</b> 18:11,14 <b>circulation</b>	19:12,13 <b>circumstances</b> 42:14 43:9 82:21 141:15 <b>cite</b> 121:10 <b>cited</b> 27:23 <b>city</b> 18:5 19:6 84:17 85:21 114:23 115:21 138:6 139:7 140:12 140:14 144:4 144:18 <b>claim</b> 70:2 <b>clarification</b> 111:7,10 <b>clarified</b> 134:14,20,23 <b>clarify</b> 123:12 132:6 140:9 <b>clark</b> 3:11 4:5,11 5:9,9 36:13 36:14,16 49:15 82:24 130:3 140:6 140:15,17 <b>clarks</b> 83:24 <b>classes</b> 9:16,17 10:21 <b>classificat...</b> 117:8 <b>classrooms</b> 125:13 <b>claudia</b> 119:23 <b>cleaners</b> 91:23 96:9 <b>clear</b> 6:21 53:1 92:9 92:10 112:20 124:18 127:11 <b>clearly</b> 80:5 107:2 <b>clerk</b> 60:24 <b>client</b> 69:8,10,10 70:15 71:1 72:3,12 73:15 74:4,7 74:15,20,22 75:2,4,16 76:2 87:10 91:13,20 <b>clientele</b> 11:23 <b>clients</b> 141:17,19,21 <b>close</b> 37:7 <b>closed</b> 19:8 <b>closings</b> 147:22 <b>clue</b> 118:1 126:22 138:22 144:15 <b>code</b> 64:6,9,13,19 <b>coefficient</b> 126:10 <b>coefficients</b>		
<b>B</b>							
<b>b</b> 4:15 <b>bachelor</b> 8:17 <b>bachelors</b> 38:3 <b>back</b> 13:21 16:8 19:21 20:8 25:19 31:4 39:2,15 51:22 53:12 54:2 59:23 60:3,23 63:17 77:19 79:11,11 80:6 82:4 85:16 86:18 86:20,21 95:6 102:11 105:13,19 108:19 110:15 111:22 114:8 117:14 118:2 120:21,22 139:12 144:19 147:14 <b>background</b> 8:11,15 32:11 126:23 <b>backup</b> 94:23 <b>backwards</b> 78:2 <b>backyard</b> 89:18 <b>bartlett</b> 116:7,22 117:1 117:7 118:17 118:21 119:12,16 <b>base</b> 118:12,16 <b>based</b> 29:18 32:10 35:3 38:21 48:7,18,19 49:1 52:15 58:22 69:6 70:23 90:14 96:2,15 97:4 99:15,15 104:20 112:2 112:12 113:6 120:13,14 121:2 139:15 <b>baseline</b> 88:19 90:16 <b>basement</b> 27:21,22 <b>basically</b> 9:5,15 10:17 11:16 12:16 13:20 15:6 18:9 19:16 23:10 24:8	<b>bathroom</b> 27:22 <b>bathrooms</b> 27:21 30:12 <b>bay</b> 84:17 <b>becoming</b> 10:19 <b>bedrooms</b> 27:20 30:11 <b>began</b> 8:19 60:22 61:16 <b>beginning</b> 62:18 101:23 <b>begins</b> 114:11 <b>behalf</b> 2:8,12,17 3:4 3:8,12 5:9 5:19,24 63:23 66:23 67:3 68:6,23 69:1,7,19,23 76:10 83:19 108:16 <b>believe</b> 9:16 18:3 32:18 35:3 52:7 56:18 58:4,5 76:19 79:18 80:22 82:13 83:23 84:4,10,13 96:12 102:12 106:5 127:8 128:7 <b>believed</b> 96:7 <b>belonged</b> 91:19 <b>belvidere</b> 16:8 17:6,11 79:14 <b>benefit</b> 7:18 140:8 <b>benign</b> 88:16 <b>best</b> 18:12 23:23 37:11,11 38:5 50:3 58:12,14 59:15 93:2 93:13 124:21 <b>bet</b> 42:14 <b>better</b> 14:8 15:9 17:10 19:17 27:13 30:14 33:22 39:4 42:9 43:8 46:15 53:3 61:4 102:3 111:3 124:6 124:8 127:19 <b>beyond</b> 67:7 110:10	<b>blazers</b> 136:4 <b>block</b> 44:14,16 <b>bluff</b> 18:5 19:6 84:16 85:21 115:21 138:6 139:7 140:12 140:14 144:4 144:18 <b>board</b> 1:1 2:12 5:3 5:16 80:18 80:20 140:9 <b>bob</b> 5:17 <b>body</b> 16:3 18:2 20:3 27:24 33:23 34:6,22 35:12,17 41:24 46:13 57:24 71:5 95:2 <b>bottom</b> 94:17 <b>bought</b> 76:11,18 <b>boundaries</b> 51:11 <b>boundary</b> 51:8 <b>bounded</b> 44:16	<b>blazer</b> 3:6,7 4:7,12 5:13,13 36:4 53:18,20 55:13,18,20 55:24 56:5 62:8,14 68:9 68:12 81:9 85:2,6 86:23 91:5,6 95:3 95:9,11 97:2 98:20,22 103:16,18 104:16 108:4 108:5 110:14 119:1,9 120:20 121:4 122:6,11 128:23 130:1 130:15 131:17 132:2 132:8,21 133:14,23 134:9 135:8 135:10,19,24 136:7,15 137:4,22 138:2,16 139:4 141:5 141:7 142:15 142:16,24 143:7,9 144:21 145:4 145:12 146:1 146:11,19 147:6,11 <b>blazers</b> 136:4 <b>block</b> 44:14,16 <b>bluff</b> 18:5 19:6 84:16 85:21 115:21 138:6 139:7 140:12 140:14 144:4 144:18 <b>board</b> 1:1 2:12 5:3 5:16 80:18 80:20 140:9 <b>bob</b> 5:17 <b>body</b> 16:3 18:2 20:3 27:24 33:23 34:6,22 35:12,17 41:24 46:13 57:24 71:5 95:2 <b>bottom</b> 94:17 <b>bought</b> 76:11,18 <b>boundaries</b> 51:11 <b>boundary</b> 51:8 <b>bounded</b> 44:16	<b>brainstorming</b> 124:8 <b>break</b> 30:13 90:24 147:14 <b>brief</b> 128:14 <b>briefly</b> 6:9 8:13 10:4 12:8 <b>broad</b> 89:21 <b>building</b> 18:16 30:9 <b>buildings</b> 24:4 27:19 51:21 <b>built</b> 116:12 <b>bullet</b> 106:12 <b>bunch</b> 129:24 <b>business</b> 9:11 149:6 <b>buyers</b> 24:22 114:24	<b>C</b> <b>c</b> 2:15,16 57:15 149:4 <b>calculated</b> 26:17 <b>calculation</b> 96:17 104:20 <b>calculations</b> 23:6 <b>call</b> 5:1 7:5 16:4 23:7 28:20 45:12 63:6 106:4 107:4 129:19 140:14 <b>called</b> 7:13 11:4 13:6 23:10 24:24 117:8 <b>calls</b> 133:15,23 <b>canned</b> 75:7 <b>cant</b> 128:23 139:16 <b>capacity</b> 12:11 65:12 85:9 <b>car</b> 24:7 <b>care</b> 57:15 69:11 131:12 <b>career</b> 73:7 <b>carried</b> 35:8 <b>carry</b> 35:7 <b>case</b> 17:19 19:19 26:24 29:16 44:6 52:9 78:8 85:10 89:3,23 91:9 91:16 92:1 92:24 93:5,8 93:9,19,22 94:1,4,7,12 96:1 97:13 97:17 100:4	101:4 102:6 102:14,17,18 108:7,11 110:3 111:23 112:5 113:9 113:10 120:8 137:2 143:12 <b>cases</b> 48:12 <b>cataloging</b> 16:4 <b>categorization</b> 29:8 <b>categorizat...</b> 30:15 40:4 <b>categorize</b> 27:16 <b>caught</b> 57:12 <b>cause</b> 1:11 64:10 <b>caused</b> 88:18 130:10 <b>causes</b> 120:4 <b>ceretti</b> 5:18 <b>cerretti</b> 3:15 <b>certain</b> 40:1,2 41:8 50:6,7,9,14 51:8 52:16 52:21 103:13 124:9,17 134:17 140:21 141:21 <b>certainly</b> 72:2 96:21 115:19 116:5 <b>certainty</b> 32:9 126:9 <b>certified</b> 149:14 <b>chain</b> 58:16 <b>chance</b> 122:4 <b>change</b> 40:18 128:8 <b>changed</b> 57:4,6,12 <b>character</b> 29:10 57:10 106:14 107:5 107:13 <b>characteris...</b> 27:14,15 113:9 <b>characteriz...</b> 35:1 133:14 135:17 <b>chart</b> 77:19 <b>chase</b> 129:23 <b>check</b> 13:17 31:6 78:3,6 93:11 <b>checked</b> 41:24 48:24 77:21,24 <b>checking</b> 31:3 <b>chicago</b> 8:16 114:23 <b>chief</b> 7:24 <b>circulated</b> 18:11,14 <b>circulation</b>	19:12,13 <b>circumstances</b> 42:14 43:9 82:21 141:15 <b>cite</b> 121:10 <b>cited</b> 27:23 <b>city</b> 18:5 19:6 84:17 85:21 114:23 115:21 138:6 139:7 140:12 140:14 144:4 144:18 <b>claim</b> 70:2 <b>clarification</b> 111:7,10 <b>clarified</b> 134:14,20,23 <b>clarify</b> 123:12 132:6 140:9 <b>clark</b> 3:11 4:5,11 5:9,9 36:13 36:14,16 49:15 82:24 130:3 140:6 140:15,17 <b>clarks</b> 83:24 <b>classes</b> 9:16,17 10:21 <b>classificat...</b> 117:8 <b>classrooms</b> 125:13 <b>claudia</b> 119:23 <b>cleaners</b> 91:23 96:9 <b>clear</b> 6:21 53:1 92:9 92:10 112:20 124:18 127:11 <b>clearly</b> 80:5 107:2 <b>clerk</b> 60:24 <b>client</b> 69:8,10,10 70:15 71:1 72:3,12 73:15 74:4,7 74:15,20,22 75:2,4,16 76:2 87:10 91:13,20 <b>clientele</b> 11:23 <b>clients</b> 141:17,19,21 <b>close</b> 37:7 <b>closed</b> 19:8 <b>closings</b> 147:22 <b>clue</b> 118:1 126:22 138:22 144:15 <b>code</b> 64:6,9,13,19 <b>coefficient</b> 126:10 <b>coefficients</b>

126:16	<b>completely</b>	<b>consider</b>	45:2,10,13	135:14	<b>criticize</b>
<b>collect</b>	12:21 110:6	30:6 40:2	80:8,13,14	138:19	114:14
26:13	129:7,8,8	41:10 46:11	81:11,24	140:19	<b>criticized</b>
<b>collection</b>	143:5,13	46:13 67:11	112:23 113:5	141:16	108:23 109:3
37:2	<b>completing</b>	71:16,17	113:12 114:4	143:14,17,20	<b>critique</b>
<b>come</b>	16:18 67:14	86:1,5	124:11	144:1,6,11	65:21
13:21 21:4	101:9	109:12 115:8	135:13,20	144:14,18	<b>cross</b>
41:2 48:14	<b>completion</b>	138:8	136:2,5	147:18,19	4:5,6,7,10
81:21 82:1	34:8 62:23	<b>consideration</b>	139:14,23	149:9	35:24 36:15
97:13 122:21	<b>compliance</b>	111:12 131:14	<b>conversation</b>	<b>corrected</b>	49:19 53:19
147:14	64:3	<b>considered</b>	60:6	56:18 128:5	132:3,9
<b>comes</b>	<b>compliant</b>	75:12 101:13	<b>conversations</b>	<b>correctly</b>	<b>crude</b>
88:10 102:4	111:18	136:16 138:5	60:12 61:10	20:1 23:6	44:2
<b>comfortable</b>	<b>components</b>	139:6	62:1,11,15	28:22 47:24	<b>crunched</b>
68:2 125:17	23:21	<b>considering</b>	62:22 63:1	65:15 70:6	42:7 48:14
<b>coming</b>	<b>comprehensive</b>	40:1	82:1 87:6	70:21 73:20	<b>culbertson</b>
16:8 41:19	9:24	<b>consisted</b>	<b>convinced</b>	74:5 89:1	2:6
86:2	<b>concentrated</b>	15:6,7	67:16	99:10 106:17	<b>currently</b>
<b>commas</b>	106:2	<b>consistent</b>	<b>cook</b>	115:2,11	10:13 11:1
128:4	<b>concept</b>	18:9 40:13	52:5	118:13 120:6	<b>customarily</b>
<b>comment</b>	96:22 124:10	87:10	<b>copies</b>	132:12	22:16
6:2,3 68:8,9	<b>concerned</b>	<b>consists</b>	22:2 55:15	<b>cost</b>	<b>cut</b>
100:15	23:4 61:11	11:23	<b>copy</b>	23:22 96:13	119:3 129:23
<b>comments</b>	121:14	<b>constructed</b>	14:16,18	111:4	<b>cutting</b>
59:23 60:1,3	<b>concerning</b>	124:13	<b>cord</b>	<b>costs</b>	118:23
60:11 63:1,7	12:5 139:19	<b>construction</b>	56:6	110:21	
63:17	<b>conclude</b>	30:21 48:9	<b>correct</b>	<b>couldnt</b>	<b>D</b>
<b>commercial</b>	30:20,24	78:16	15:19 36:24	62:8 99:13,22	<b>d</b>
103:8 105:7	<b>concluded</b>	<b>consulting</b>	37:19 38:4	100:1	4:1 28:17
141:17,19,21	1:13 22:19	8:2 11:20 34:1	40:9,17	<b>counsel</b>	126:24
<b>committees</b>	31:8 82:8	34:9,21 35:5	41:15,16,21	137:6	128:18
28:19	120:2	<b>contact</b>	42:3,8 44:11	<b>counselors</b>	<b>daily</b>
<b>commonly</b>	<b>conclusion</b>	28:24	46:4 47:19	8:1 11:18	125:5
13:12 23:19	23:2 32:1 41:2	<b>contacted</b>	48:15,22	<b>counsels</b>	<b>dale</b>
<b>communicate</b>	46:1 48:14	21:10,21 22:4	49:2,5,8	111:9	4:3 7:5,12,20
65:4,8	67:17 82:14	22:11	50:19 51:12	<b>count</b>	69:1
<b>communicated</b>	82:19 86:2	<b>contained</b>	51:14 52:17	78:12	<b>damages</b>
14:7 108:15	109:3 110:17	74:3,14 99:13	52:22 54:18	<b>counted</b>	25:6,6 88:18
<b>communication</b>	114:6 120:5	99:21	54:19 55:1	27:20	90:12 96:3
34:20	<b>conclusions</b>	<b>contains</b>	56:15,21	<b>counties</b>	96:17 97:8
<b>community</b>	20:20 23:2	149:10	57:15,19,23	52:8	140:1
105:8	34:15 35:11	<b>contaminated</b>	61:20,22	<b>county</b>	<b>dangerous</b>
<b>companies</b>	35:17 58:19	91:22	63:3 64:3,7	3:13 5:10 52:5	42:11
83:12,13,19	60:6 63:8,9	<b>contamination</b>	64:8,11,17	52:12 149:2	<b>data</b>
86:10	64:16 75:1,3	92:2	64:18 65:1,5	<b>couple</b>	19:20 20:2
<b>company</b>	96:20 120:12	<b>contd</b>	65:9,18,19	27:23 64:20	22:22 23:18
98:11	121:1,10,11	3:1	66:5,6,16,17	78:13 80:5	24:20 26:13
<b>comparable</b>	121:16 137:2	<b>content</b>	66:21,22	81:7 91:9	28:1,8 29:9
101:13 114:15	<b>concurring</b>	62:2,16 63:2	67:2 69:14	122:19 137:9	29:19 30:1,7
<b>comparables</b>	46:1	<b>contents</b>	70:11 72:7	<b>course</b>	30:7,15 31:3
114:19	<b>concurr</b>	87:9 92:15	72:14 73:12	9:10 10:23	31:3,7 38:11
<b>comparative</b>	32:17	93:17 94:10	74:8,11,21	11:3 33:14	38:13 39:17
112:13,16	<b>condition</b>	<b>context</b>	76:15 77:4	46:8 116:18	39:20 40:1,2
<b>compare</b>	25:1,2 27:2	12:14,20 31:14	77:15 78:4,5	<b>courses</b>	40:4,4,7,22
120:14	74:14 88:3	41:4 68:4,13	78:18,19,22	8:20 10:24,24	41:3,8,18,21
<b>compared</b>	88:12,15,18	68:22 74:10	79:3,17 82:6	<b>court</b>	41:22,23
118:21 119:16	88:21,23	87:7 88:2,14	82:11 83:14	7:18 147:24	46:19 47:14
<b>compares</b>	89:3,7,7,11	89:5 100:12	83:17,21	149:5	48:13,18,19
13:11,12 126:5	89:22,24	122:9	84:3,9 85:17	<b>cover</b>	48:21 50:21
<b>comparison</b>	90:17 92:1,4	<b>continued</b>	86:3 87:4	57:13	51:17,19,20
26:20 88:20	92:11 95:17	8:22 102:24	88:5,9 89:4	<b>credibility</b>	52:1,12,17
90:16 94:11	97:7 110:5	<b>continuing</b>	89:9,11 90:1	21:3 120:5,9	52:22 53:4
115:13	110:20,23,24	8:23	90:8 91:14	120:11,12,24	70:16 72:12
118:16,20	111:13 112:7	<b>contract</b>	91:20,21	121:1,9	72:20 73:10
119:11,15	140:3	60:23	92:2,5 93:4	<b>credible</b>	74:23 75:16
126:3	<b>conditions</b>	<b>contrary</b>	95:7,12,17	12:16,23 13:2	75:20 77:2,5
<b>compete</b>	11:1 21:13	99:23	97:7,14,15	20:23 28:16	77:7,20,21
114:22	88:4,9	<b>contributes</b>	98:4,12 99:3	31:21 34:21	88:20,22
<b>competes</b>	<b>conduct</b>	24:2	99:24 100:15	40:24 49:13	90:16 97:4
114:24	66:10,12,13,15	<b>contributory</b>	101:14,17	65:14 69:5	101:13,16,19
<b>competitive</b>	<b>conducted</b>	23:19,20 24:9	102:6,13	<b>creek</b>	113:7 114:1
52:9	59:7 65:17	<b>control</b>	105:18 108:7	3:8 5:14 79:13	124:11 125:5
<b>complete</b>	80:9 81:15	1:3 5:5 17:22	108:12,17	<b>criterion</b>	126:5 131:3
8:23 9:14	<b>conference</b>	18:19 20:7	111:1,20	9:14 15:2,16	131:3,4,7
14:24 31:18	61:6	23:11 24:16	112:4,8,9	15:18 22:9	139:12
88:16 119:4	<b>confirm</b>	24:19,20	114:5 115:14	60:5 76:9	140:19,21,23
<b>completed</b>	76:17	26:1,19 28:5	115:18 118:7	<b>criticism</b>	140:24
19:18 22:24	<b>confused</b>	30:19 31:6	122:9,10,14	108:24 109:8	144:20
32:4,21 34:1	114:23	41:19 42:18	123:8 126:18	110:1	<b>dataset</b>
41:5 63:5	<b>connection</b>	43:11,22,23	130:13,21	<b>criticisms</b>	38:20,22
64:2 80:10	76:15	44:10,17	133:4 135:1	33:11,15 109:2	<b>date</b>



10:22 55:1,2 55:5,6,9 56:12,13 57:18,22 58:22 61:11 68:17 96:5,6 96:6,10,10 128:1,3	127:7 <b>designation</b> 9:3,4,6,13,15 10:2,3,5,6,8 <b>designations</b> 8:21 <b>designed</b> 127:14 <b>determination</b> 20:23 21:5 22:23 26:2,5 26:15 30:2 42:17 110:19 <b>determinations</b> 47:20 <b>determine</b> 12:13,15,19,24 19:22 20:10 20:13 21:10 22:7,9 24:21 25:20,22 27:9 28:15 28:20 29:1 31:21 42:1 43:7 45:8 47:19 48:8 49:4,7,8 65:13 69:3 70:18 73:16 77:21 84:5 99:22 100:19 116:10 131:6 138:8 139:13 <b>determined</b> 12:22 27:6 44:4 47:23 76:5,7 <b>determining</b> 47:18 95:14,15 140:2 <b>detrimental</b> 11:1 21:13 24:24 25:2 88:3,4,8,12 88:15,18 89:3,5,6,11 89:22,23 92:1,4,11 95:16 97:6 110:5,24 112:7 140:3 <b>develop</b> 35:9 <b>developed</b> 27:12 28:2 48:10 116:20 <b>development</b> 32:3,21 34:20 60:7 116:10 <b>deviations</b> 126:9 <b>didnt</b> 28:22 35:21 39:1 40:9 41:22 42:21 47:20 49:4 54:9 61:1,3 61:7 66:15 77:6,14 78:3 78:3 80:12 80:14 81:16 82:17 84:13 84:15 86:1,5 88:6 100:4 102:16 105:22 106:19 114:6 120:8 121:13 123:6 127:16 127:16 138:2 142:18,20	<b>difference</b> 13:15 23:16 27:1 39:17 39:19 47:13 127:24 130:9 8:21 131:9,11 142:3,7 <b>differences</b> 26:21 96:19 121:20 130:4 131:1 <b>different</b> 23:14 26:4 45:17 53:4,6 62:10,12 92:12 100:7 100:7,8 112:15 120:4 120:17,17,18 129:7,9 143:13 <b>differently</b> 71:20 <b>digital</b> 16:12 <b>direct</b> 4:4 6:6 7:15 42:21,23 79:1 94:11 <b>directed</b> 74:12 135:20 <b>direction</b> 80:5 114:2 <b>directly</b> 129:15 147:22 <b>disagree</b> 35:1 77:16 106:20 <b>disagreement</b> 13:3 35:10 72:2 92:7 96:22 100:23 105:22 106:1 107:18 <b>disagreements</b> 100:24 <b>discard</b> 92:1,4,11 <b>discarded</b> 38:8,12,16,24 39:7,13 41:3 <b>discuss</b> 131:11 <b>discussed</b> 22:11 70:9 85:10 92:8 147:5 <b>discussion</b> 60:4 87:12,18 88:11 111:24 <b>discussions</b> 60:15 81:21 96:16 113:7 113:13,23 124:2 <b>dispute</b> 104:22 <b>distance</b> 43:6,15 <b>distorted</b> 44:5 <b>district</b> 45:24 130:5,6 <b>districts</b> 45:16,18,21 <b>divide</b> 11:17 <b>doctor</b> 37:19 83:3,5 <b>doctorate</b> 37:21 83:2	<b>document</b> 6:21 8:6 15:24 22:1 35:4 46:15 53:13 55:8 56:22 57:8 67:6 72:18 90:11 121:3 <b>documented</b> 16:9,11 <b>documents</b> 15:5,6,8 22:1 71:18 85:16 94:16 100:6 101:24 <b>doesnt</b> 21:4 25:2 45:5 56:3 85:2 108:2 117:15 125:22 136:23 137:15 138:4 140:22 <b>doing</b> 24:13,18 25:7 57:9 63:18 67:16 68:2 70:2,5 71:14 95:13 123:9 123:23 124:13 125:13 127:17 132:13 149:5 <b>dollar</b> 97:6 <b>dont</b> 13:5 35:2 36:9 38:14 39:12 39:18 41:3 42:23 46:2 49:15 51:1 55:15 59:17 62:7 65:24 67:12 73:2 78:12 105:24 116:24 118:1 118:18,22 119:1,13,18 128:7 134:17 140:21 143:5 <b>door</b> 91:23 116:6 <b>doors</b> 37:6,7,8,12 84:6,17,19 84:19 <b>double</b> 126:14 <b>doublesided</b> 94:19 <b>doubt</b> 85:17 121:16 <b>dr</b> 23:5,10 26:7 26:11 28:24 29:20 30:20 31:11,14,15 32:17 43:14 44:22 50:7 82:20 83:1 <b>draft</b> 59:22 61:19 63:5,7 <b>drafted</b> 133:11,21 134:5,24 <b>drafting</b> 73:22 <b>drafts</b> 87:7	<b>drill</b> 25:17 <b>drilling</b> 19:17 <b>drive</b> 16:6 106:24 107:1,2 <b>driving</b> 17:2 44:3 <b>drove</b> 18:11 79:5,12 79:15 <b>dry</b> 91:22 <b>due</b> 35:16 <b>duke</b> 125:20 <b>duly</b> 7:13 149:5 <hr/> <b>E</b> <hr/> <b>e</b> 4:1,15 149:2 <b>earlier</b> 56:23 96:6 140:1 <b>earth</b> 16:24 43:6 44:3 <b>easier</b> 147:12 <b>easiest</b> 20:24 34:12 42:12 50:22 59:18 125:4 131:14 <b>east</b> 17:9 107:3 116:18 129:11,16,16 <b>edition</b> 21:15 90:10 <b>education</b> 8:14,23,23 <b>educational</b> 8:15 124:15 <b>effect</b> 22:10 31:22 32:13,20 70:19 72:5,6 <b>effective</b> 54:24 55:2,5,6 55:9 56:12 56:13 57:21 <b>egress</b> 19:11 <b>egressing</b> 18:16 <b>either</b> 23:22 28:1 35:22 53:14 57:7 114:7 <b>elburn</b> 18:4 19:7 84:16 85:18 118:17,21 119:12,17 <b>elected</b> 26:11 38:20 54:13,13 71:7 72:20 82:20 <b>elgin</b> 116:4 118:17 118:21 119:12,16 136:15,23 137:15 138:6 138:17,23 140:10,14	<b>eliminated</b> 40:16 <b>elses</b> 97:24 <b>emailed</b> 56:8 <b>emergency</b> 141:19 <b>employment</b> 7:23 <b>endorsed</b> 133:12 <b>entering</b> 37:3 <b>entire</b> 62:18 76:5 123:15 124:5 <b>entitled</b> 71:6 98:3 103:23 <b>environmental</b> 15:17 110:19 110:20,23 111:12 <b>environs</b> 107:11 <b>error</b> 57:2,3,6 68:18 <b>essence</b> 123:6 <b>essentially</b> 26:17 <b>established</b> 102:24 105:3 106:16 <b>establishment</b> 17:15 <b>estate</b> 8:2,19 9:8,9 10:10 11:10 11:11,19 21:15 22:14 23:17 24:3 27:14,15 30:13,22 47:16 48:11 90:12 94:3 109:4 111:13 114:22,24 115:14 117:3 117:8,22 136:17,20,22 137:17 138:4 138:5,12,18 139:6 144:3 144:5,9 <b>estates</b> 137:1 <b>estimate</b> 93:18,21 94:10 <b>ethics</b> 11:7 64:7,10 64:13,19 70:3 <b>evaluate</b> 96:4 112:10 <b>evaluation</b> 99:16 112:16 <b>evd</b> 4:17 <b>event</b> 92:9 <b>events</b> 58:17 <b>everybody</b> 56:3 <b>evidence</b> 134:1 137:23 138:10 139:5 146:23 <b>evolved</b>
--	---	---	---	--	---

124:6,7	10:16,17 32:11	15:20 41:17	8:2 42:14	<b>four</b>	51:22 53:12
<b>exact</b>	<b>expertise</b>	45:7 100:17	54:10,13,17	82:5,8 98:11	79:8,16,24
55:22	8:11 9:8 10:9	125:18	69:12 91:9	<b>fourth</b>	80:2 82:4
<b>exactly</b>	<b>experts</b>	126:16	97:17 108:20	74:1 114:9	87:22 91:8
6:24 7:3 41:11	119:4	<b>faith</b>	121:21,24	<b>frame</b>	94:9 101:6
53:13 100:21	<b>explain</b>	82:22	122:7,16	134:17,18	105:13,19
105:21 123:7	20:24 23:16	<b>familiar</b>	143:12	<b>frankly</b>	107:2 108:19
<b>examination</b>	30:4 50:23	85:15,23	<b>firms</b>	56:23 126:10	111:22 114:2
4:4,5,6,7,8,9	51:1 52:18	105:14	11:23,24 54:6	128:3	114:8 117:14
4:10,11,12	95:19	116:16	<b>first</b>	<b>fraudulent</b>	118:2 137:11
6:13 7:15	<b>explained</b>	126:14	6:9 7:13 15:1	65:9	139:12
9:24 35:24	23:24	<b>familiarity</b>	20:1,1 26:14	<b>friday</b>	144:19
36:15 49:19	<b>exposure</b>	28:22	37:18 43:1	84:23 85:12	147:22
53:19 79:1	93:21	<b>familiarize</b>	43:21,21	<b>front</b>	<b>goal</b>
123:1 128:15	<b>express</b>	15:9 17:13	59:22 62:10	6:15,16	6:15,16
132:9 140:16	72:9	45:14 79:20	63:10 120:10	<b>function</b>	40:3 41:14
141:6	<b>expressed</b>	<b>familiarized</b>	137:6 149:4	34:4	<b>going</b>
<b>examined</b>	72:2 74:11	79:2	<b>five</b>	<b>fundamental</b>	22:20 24:1,10
7:14	96:21	<b>family</b>	9:21 60:15	27:13 92:6	25:16 37:15
<b>example</b>	<b>extended</b>	91:13 92:13	62:5	<b>further</b>	39:15 40:11
13:19 18:12	25:18	143:13	<b>flood</b>	27:16 44:10,20	41:12 54:12
23:24 25:12	<b>extent</b>	<b>far</b>	45:8,10,11	45:2 49:15	56:1,7 57:8
25:19 27:18	74:23	23:4 24:18	130:12	73:14,15	59:5 64:20
29:5 30:5	<b>extract</b>	61:11 79:8	<b>focused</b>	122:11	80:6 81:6
71:6 100:4	23:19 120:2	110:10	112:17	128:12	82:21 93:10
107:3 115:20	<b>extraordinary</b>	111:16	<b>focusing</b>	129:16	107:24
130:11	76:21	121:14	141:15	131:22 140:5	108:24 109:2
<b>examples</b>	<b>extremely</b>	142:11 144:3	<b>followed</b>	141:4 144:23	110:7 122:3
26:6 118:6	42:11	<b>features</b>	18:13	145:9,11	122:23
<b>excel</b>		114:21	<b>follows</b>	146:23	124:11
125:20,21	<b>F</b>	<b>february</b>	7:14	147:17	126:22 141:8
<b>exception</b>	<b>f</b>	96:6	<b>followup</b>		142:23 143:6
69:22	2:10	<b>feeling</b>	122:19	<b>G</b>	<b>golf</b>
<b>exclusion</b>	<b>face</b>	125:16	<b>foot</b>	<b>garage</b>	116:17
40:6 41:10	33:21	<b>feet</b>	22:24 25:13	24:2,5,6,7,9	<b>good</b>
<b>exclusively</b>	<b>facilities</b>	79:16,23 80:1	26:16,18	<b>garner</b>	5:23 36:17,18
87:3	19:10 52:9	<b>felt</b>	28:10 117:12	2:2	53:21,21,22
<b>excuse</b>	84:20 125:6	39:7 43:11	144:11,12	<b>gathering</b>	146:21
6:16 72:5	<b>facility</b>	<b>fema</b>	<b>foreclosure</b>	24:20 25:8	<b>google</b>
122:1 144:16	1:3 5:5 19:8,8	45:12	38:19 39:9	<b>generally</b>	16:24 43:6
<b>exercise</b>	30:21 37:3,3	<b>field</b>	40:14	103:2	44:3
125:8	37:6 46:4,6	8:18 11:10	<b>foreclosures</b>	<b>generate</b>	<b>gotten</b>
<b>exhausted</b>	46:24 48:9	<b>fifth</b>	39:1,14 41:15	72:4	110:10
85:1	70:10 78:16	115:5 118:3	<b>foregoing</b>	<b>generated</b>	<b>governs</b>
<b>exhibit</b>	82:9 84:2,7	<b>file</b>	149:8	66:3 99:24	34:20
6:23 54:1,2	132:16,17	56:22 60:20,21	<b>forest</b>	<b>generic</b>	<b>graduate</b>
91:12 92:16	133:7,13,22	60:22 61:1,3	38:3	89:6	8:16
93:18 94:15	134:7	61:7,8,9,12	<b>forget</b>	<b>generically</b>	<b>graduating</b>
94:22,23	<b>fact</b>	61:16,18	44:15	45:21 117:5	8:18
95:6 97:4,5	12:15 13:1	95:2 99:6,7	<b>form</b>	<b>gentlemen</b>	<b>great</b>
97:19,21	17:15 20:11	99:13,22	130:15 132:21	5:7 107:19	10:20,20
98:1,14	20:17 23:5	101:17,20	135:10	<b>geography</b>	<b>groot</b>
108:19	28:14 29:14	102:8	<b>formally</b>	38:1	1:7 2:8 5:2,24
109:15	29:24 30:18	<b>final</b>	61:3	<b>giant</b>	15:4,13
127:23,23	31:20 32:21	59:6,7 128:6	<b>former</b>	114:20	30:21 70:18
145:16,20	34:10 35:2,4	<b>finalization</b>	22:6	<b>give</b>	73:18 76:11
146:4,7,11	39:24 40:14	58:17	<b>formerly</b>	100:23	76:17 110:9
<b>exhibits</b>	42:20 44:6,9	<b>finalized</b>	60:21	<b>given</b>	117:21,21,24
6:14 36:1,6	44:20 45:1	57:5	<b>formulate</b>	31:15 43:12	132:14,16
95:13 145:3	47:24 48:10	<b>finally</b>	13:2,3 14:4,4	69:2 97:8	133:7
145:11	48:24 66:15	65:7 85:21	32:1,5,12	108:11	<b>grossmark</b>
<b>exigent</b>	71:1 77:22	111:6 119:14	47:16 49:13	119:22 125:4	3:3 4:6 5:11
141:15	82:10 83:2	<b>finance</b>	67:13 70:1	132:23	5:11 49:18
<b>exist</b>	84:6 99:23	127:8	70:17 71:6	149:10	49:20 53:16
88:21 90:18	106:23	<b>find</b>	72:13 88:22	<b>glencoe</b>	84:10 133:18
124:5	113:22 118:5	24:1,4 28:6	112:11	91:17	133:24 135:2
<b>existed</b>	118:10	47:11,15	<b>formulated</b>	<b>glenn</b>	141:3,4
17:8,14 26:5	121:15 124:1	90:16 118:16	13:1 31:10,10	2:16 5:19	147:1,3
96:11 116:11	124:17 125:4	118:19	31:20 43:9	57:15	<b>grossmarks</b>
123:11	135:9 136:1	119:10,15	63:9 68:1	<b>glenview</b>	141:13
<b>existing</b>	136:23	<b>findings</b>	69:5 71:13	18:3,4,13 19:5	<b>group</b>
102:21,23	137:15	20:20 138:13	120:13	36:20 44:6	2:15
110:20	139:11	<b>fine</b>	<b>formulating</b>	44:13 84:16	<b>growth</b>
<b>exists</b>	144:10	7:2 53:24 81:8	72:9	84:23 85:12	102:24
115:10	<b>factors</b>	119:7 132:13	<b>found</b>	118:17,21	<b>guess</b>
<b>expand</b>	47:18,21	<b>finish</b>	23:5 26:24	119:12,16	10:19 11:16
65:20 66:20	130:10	122:3,13 137:8	28:7 29:6,8	<b>globally</b>	19:21 34:12
67:7	<b>facts</b>	147:16	29:21	100:11 124:4	37:15 39:4
<b>expanded</b>	133:24 137:23	<b>finished</b>	<b>foundation</b>	<b>go</b>	42:11 46:12
17:4	138:10	137:5	11:2,6 137:22	21:7 25:19	49:6 50:22
<b>experience</b>	<b>fair</b>	<b>firm</b>	138:1,10	37:5 39:2	

51:13 54:1 55:12 59:18 62:20 71:3 125:1,2 131:14 <b>guideline</b> 43:15 <b>guidelines</b> 11:5,7 43:20 111:19	<b>hearings</b> 130:8 <b>hearsay</b> 135:2 <b>hefty</b> 94:16 <b>heights</b> 47:8,10 <b>heres</b> 55:12 65:3 123:20,22 <b>hes</b> 127:7 <b>higher</b> 14:8 42:15 <b>highest</b> 93:2,13 <b>hinshaw</b> 2:6 <b>hired</b> 61:5 70:1 116:24 <b>historical</b> 123:24 <b>history</b> 92:21 <b>hold</b> 52:8 96:24 <b>home</b> 79:13,14 <b>homes</b> 3:9 5:14 45:22 51:20 <b>honest</b> 125:19 <b>honestly</b> 61:6 <b>hope</b> 103:16 <b>hopefully</b> 56:6 <b>hour</b> 1:12 36:22 <b>hours</b> 46:19,20,24 49:21 50:1,9 50:14 84:1,7 84:11,14,17 84:18,22 85:8,14,19 85:22 132:15 132:18 133:9 133:12,22 134:7,14,16 134:19,24 141:20 <b>housing</b> 44:15,16 <b>hundred</b> 11:17 78:14 <b>hurt</b> 54:9	17:22 18:19 20:9 22:21 24:17 27:13 27:17 30:13 31:12 33:6 34:3 35:12 39:6,9 41:8 42:18 46:21 59:5 63:6 77:20 82:5 88:17 89:14 96:17 106:3 106:23 114:18 121:18 124:14 136:21 <b>identifies</b> 34:5 51:24 89:12 104:2 126:6 <b>identify</b> 5:21 13:23 77:10 80:12 88:23 121:19 <b>identifying</b> 17:3 25:5 38:15 110:20 <b>iepa</b> 85:9,9 <b>illinois</b> 3:13 5:10 10:13 86:9 86:13 87:1 87:17,20 123:19 149:1 149:6 <b>im</b> 6:20,24 37:15 69:6 111:16 <b>imaging</b> 55:11 <b>immediate</b> 106:15 107:11 <b>immediately</b> 116:6 <b>impact</b> 30:22 32:2,2 40:7 45:19 45:21,24 46:2 47:1,12 48:10 60:8,9 67:9 70:10 73:19 78:17 82:10 86:14 88:15,16,23 89:8,14,19 95:16 97:5 110:24 115:18 121:11,19 125:15 136:24 137:1 137:16 139:1 143:24 <b>impacted</b> 110:5 138:3 <b>impacts</b> 140:2 <b>implies</b> 108:9 <b>imply</b> 69:23 74:16 <b>important</b> 42:24 47:19,21 100:18,21 127:13 <b>imposition</b> 89:12 112:7 <b>inappropriate</b> 48:16	<b>inartful</b> 72:19,19 73:22 <b>incident</b> 100:6 <b>include</b> 54:10 63:11 65:20 66:20 67:8 136:13 143:23 <b>included</b> 15:5 17:20 21:12 38:20 41:9 49:22 62:21 75:10 75:22 93:23 113:6 <b>includes</b> 64:15 117:12 <b>including</b> 10:24 16:7 88:16 <b>inclusion</b> 40:6 <b>income</b> 23:23 <b>inconsistent</b> 34:2 58:1 <b>incorrect</b> 129:21 <b>increase</b> 127:14 <b>incredulous</b> 47:11,15 <b>incumbent</b> 121:10 127:20 <b>independence</b> 70:4 <b>independent</b> 42:16 63:12 67:9,19 70:17 71:1 71:13 72:4 72:14 78:20 80:6,13,15 81:12 86:2,7 97:12 112:5 114:4 136:9 143:1,24 <b>independently</b> 42:7 49:4,7 76:17 77:14 78:3 80:8,10 81:15 <b>index</b> 20:9 <b>indiana</b> 10:14 <b>indicate</b> 138:4 <b>indicated</b> 56:10 57:21 64:1 70:13 83:23 84:13 <b>indicates</b> 57:13,18 102:23 <b>indication</b> 139:5 <b>individual</b> 9:7 <b>individuals</b> 10:8 <b>industrial</b> 103:8 105:18 106:16,24 107:2,12 129:14 137:18 <b>industries</b> 1:7 2:8 5:2 15:4 70:18	73:18 <b>industry</b> 124:6 <b>influenced</b> 17:15 <b>information</b> 20:15 52:13,16 52:22 53:6 53:11 70:17 72:13,16,23 73:16,17 74:3,14 76:3 99:21,23 101:19,22 102:4,5 <b>ingress</b> 19:10 <b>ingressing</b> 18:15 <b>initial</b> 20:14 66:4 108:23 <b>input</b> 26:12 30:1 131:4,7 <b>inputting</b> 46:18 <b>inspected</b> 16:1 17:21 43:10 77:2 <b>inspecting</b> 17:4 <b>inspection</b> 17:5 79:9 <b>instance</b> 12:10 20:4 23:10 24:15 26:8,11,23 28:15 29:1 29:21 34:4 47:23 50:24 53:8 66:14 69:24,24 70:7 110:18 112:12,17 119:23 121:23 <b>instances</b> 25:14 <b>institute</b> 8:22 9:1,6,7 9:19,20 10:18,21,23 11:8 21:12 21:17,18 22:6 48:2 64:7 90:13 124:3 <b>instructed</b> 61:7 <b>instructing</b> 11:6 <b>instructor</b> 11:3 <b>instructors</b> 22:5,6 124:3 <b>integra</b> 21:21 82:13 83:10,17 98:9 99:3 108:23 109:10 114:11 115:8 118:6,9 122:8 144:16 <b>integras</b> 143:19 <b>integrated</b> 104:10 <b>intended</b> 74:16	<b>intent</b> 65:4 <b>interaction</b> 62:20 <b>interactions</b> 24:22 <b>interest</b> 64:11 <b>interesting</b> 115:8 <b>internally</b> 71:24 <b>interpretation</b> 96:2 107:11,15 <b>interpreted</b> 107:6 <b>interrupt</b> 13:6 140:7 <b>intersection</b> 17:11 <b>introduce</b> 5:7 <b>involve</b> 12:1 <b>involved</b> 91:16 124:16 <b>involves</b> 137:3,18 <b>irrelevant</b> 121:23 142:14 145:17 <b>isnt</b> 45:3,6 56:7 71:2,9 133:6 134:5 135:14 136:4 137:14 139:4,22 <b>isolate</b> 24:7 <b>isolates</b> 126:4 <b>issue</b> 11:1 14:6 28:12 64:11 69:6 92:10 96:18,18 97:5 103:12 106:5 121:14 124:2,4,9 125:18 134:14 136:8 136:13 143:2 147:16,21,23 <b>issues</b> 33:9 106:5 124:9 132:7 <b>item</b> 109:19 <b>items</b> 57:11 99:6
					<b>J</b>
					<b>j</b> 4:3 <b>jacket</b> 61:12 <b>jackson</b> 127:4 <b>jean</b> 3:17 5:18 <b>jeep</b> 3:6 <b>jennifer</b> 1:23 149:4 <b>job</b> 12:24 42:9 70:6 <b>join</b> 142:13 <b>judged</b> 41:4 82:22



117:17,20,23 137:20	130:21,24 131:5 140:18 140:22	79:10	<b>occurring</b> 123:19	<b>ones</b> 38:12 40:15 42:4 44:18 44:20 48:24 78:3 115:24	50:18 51:7,7 51:10,14 64:16 70:9 99:24 137:18
<b>miles</b> 80:5	<b>multitude</b> 126:6	<b>northern</b> 44:19	<b>october</b> 1:12	<b>ongoing</b> 10:19	<b>opportunity</b> 71:18 99:7 100:5 132:5
<b>mind</b> 134:20,23	<b>multitudes</b> 25:8	<b>note</b> 49:21 99:1,5	<b>offer</b> 35:11 66:13 121:13 147:3	<b>online</b> 21:17,18,19	<b>opposed</b> 130:12
<b>minimization</b> 60:5 72:5	<b>municipality</b> 117:6	<b>noted</b> 68:1 139:1	<b>offered</b> 67:14 109:9	<b>onsite</b> 36:23 37:13	<b>opposite</b> 105:22
<b>minimize</b> 22:9 31:22 32:13 60:9 70:19 82:10	<b>mutual</b> 87:10	<b>notes</b> 149:9	<b>offers</b> 10:23	<b>open</b> 37:6,7,9,10,12 61:1,3,7,8 84:7,17,19 103:7,10 104:2,17 105:2 137:18	<b>options</b> 22:12
<b>minimizing</b> 72:5	<b>mutually</b> 113:24	<b>notice</b> 147:8	<b>office</b> 59:1,12 96:16 97:10 126:13	<b>opened</b> 60:20,21 61:9 61:18	<b>order</b> 5:6 13:17 14:3 14:24 17:13 21:10 22:8 23:18,20 24:21 28:3 28:19 29:1 40:24 69:3 125:7 126:8
<b>minute</b> 102:11	<b>N</b>	<b>number</b> 6:16 9:16 15:16 20:4 24:10 27:20 27:21 39:20	<b>officer</b> 2:4 4:8 5:1,21 6:1,11,20 7:2,7,10 36:5,9,13 49:17 53:18 55:14,16,19 55:21 56:2 56:10 62:6,9 68:10 81:2,6 85:4 86:19 90:23 91:3 95:4,5,10,22 96:24 103:17 104:13 107:23 110:12 119:2 120:21 122:2 122:12,17,23 123:2 128:11 130:17 131:18,23 132:2,4,24 133:16 134:2 134:10 135:3 135:15,21 136:10 137:7 137:24 138:11 139:8 139:19 140:6 140:13 141:2 141:5 142:4 142:15,21 143:4,8 144:22,24 145:6,10,13 145:15,19,23 146:3,6,10 146:15,20 147:2,12,13 147:20	<b>operating</b> 84:22 85:8 133:12,22	<b>outlined</b> 113:3
<b>minutes</b> 147:15,21	<b>n</b> 4:1	<b>numbers</b> 20:9 42:6 78:9 102:2	<b>object</b> 107:21 110:7 110:11 130:15 132:21 133:14 135:10 145:17	<b>operate</b> 46:7,24 50:1 132:18 133:7 133:9 134:8 134:16	<b>outline</b> 14:2
<b>mirrored</b> 35:20	<b>name</b> 7:17,18,20 127:3,4,4 140:11	<b>O</b>	<b>objected</b> 142:19	<b>operates</b> 109:4,12 112:1	<b>outlining</b> 134:11 135:4 136:11 139:9
<b>mischaracter...</b> 136:8	<b>names</b> 17:24	<b>object</b> 107:21 110:7 110:11 130:15 132:21 133:14 135:10 145:17	<b>objection</b> 36:4 61:24 72:9 81:1,7 84:24 95:20 104:12,13 107:24 110:12 118:23 130:1 130:17 131:17,18 132:24 133:16,18 134:9,10 135:2,3,15 136:7,10 137:4,22 138:1 139:4 139:8 142:2 142:13 145:15,20,22 146:5,7,18	<b>operation</b> 46:3,20,20 49:21 50:10 50:15 84:1 84:11 109:9 125:6 134:14 142:19 147:4 147:7,9	<b>overall</b> 24:2 39:18 62:11 88:1,2 88:14
<b>mischaracter...</b> 33:22 34:9,11	<b>nationally</b> 115:7	<b>objected</b> 72:9 81:1,7 84:24 95:20 104:12,13 107:24 110:12 118:23 130:1 130:17 131:17,18 132:24 133:16,18 134:9,10 135:2,3,15 136:7,10 137:4,22 138:1 139:4 139:8 142:2 142:13 145:15,20,22 146:5,7,18	<b>objections</b> 142:10 146:4,9	<b>operations</b> 132:16 141:14 141:14,24 143:3	<b>overnight</b> 141:13
<b>mischaracter...</b> 107:22 132:22	<b>national</b> 115:7	<b>objection</b> 36:4 61:24 72:9 81:1,7 84:24 95:20 104:12,13 107:24 110:12 118:23 130:1 130:17 131:17,18 132:24 133:16,18 134:9,10 135:2,3,15 136:7,10 137:4,22 138:1 139:4 139:8 142:2 142:13 145:15,20,22 146:5,7,18	<b>observation</b> 18:8 49:9	<b>opined</b> 51:18	<b>overruled</b> 104:14 110:13 130:18 131:19 133:1 134:11 135:4 136:11 139:9
<b>mislead</b> 65:5	<b>nationally</b> 115:1	<b>objections</b> 142:10 146:4,9	<b>observational</b> 26:12,12 28:8	<b>opines</b> 111:11	<b>owner</b> 88:17
<b>misleading</b> 65:9 114:20 115:14	<b>near</b> 17:11 24:18 27:2,3 57:7 136:17,19,22 138:6,21 139:6 144:3	<b>objections</b> 142:10 146:4,9	<b>observations</b> 48:19	<b>opinion</b> 12:16,23 13:2 20:16,17,23 25:3 28:16 28:20 30:16 32:12,16,17 32:19 34:11 34:13 35:15 35:20,21 40:18,22 41:1,13 43:9 47:17 49:14 63:12 65:14 67:9,14,14 67:19,19 68:2 69:6 70:1,5,12,17 71:1,7,13 72:4,10,14 78:15,20 80:7 81:12 88:22 97:5 97:13 98:16 98:21 99:8 112:11 115:18 118:7 119:22 120:14 128:9 136:9 142:24 143:1,24	<b>page</b> 4:2,16 31:13 54:5 55:4,9 68:18 70:14 73:24 75:15 76:20 87:22 87:23 94:9 98:14,19,20 101:6 103:22 106:10 109:15 111:6 114:9 115:4 118:3,3 120:1 128:1
<b>misrepresent</b> 64:23	<b>nearby</b> 73:19	<b>objections</b> 142:10 146:4,9	<b>offices</b> 2:10	<b>opines</b> 111:11	<b>pages</b> 6:21
<b>misrepresents</b> 43:17	<b>nearest</b> 47:9	<b>objections</b> 142:10 146:4,9	<b>oftentimes</b> 45:23	<b>opines</b> 111:11	<b>paid</b> 69:18
<b>mis</b> 52:11,23 53:3 53:11	<b>necessary</b> 13:2 141:21	<b>objections</b> 142:10 146:4,9	<b>oh</b> 97:20 111:15	<b>opines</b> 111:11	<b>paired</b> 23:12,14 118:6
<b>mobile</b> 79:13	<b>need</b> 46:13 83:24 84:6 110:15 114:3 116:23 131:11 146:19	<b>objections</b> 142:10 146:4,9	<b>okay</b> 13:10 43:20 46:6 53:2 67:21,22 72:16 75:15 80:24 81:4 93:16 97:1 101:8 102:16 103:16 106:13 109:17,23,24 110:3 111:16 114:13 122:21 127:5 127:10 131:23 144:9	<b>opines</b> 111:11	<b>palos</b> 47:8,9
<b>modeled</b> 126:12	<b>needed</b> 108:14 113:4 114:7	<b>objections</b> 142:10 146:4,9	<b>oblivia</b> 116:17,18	<b>opines</b> 14:4 27:17 31:11,12,20 32:6 50:18	<b>paper</b> 124:15
<b>moderate</b> 137:19	<b>needs</b> 74:4,10,12,15 74:20,22 75:2,3,12,13 87:10	<b>objections</b> 142:10 146:4,9	<b>omission</b> 54:16		<b>paragraph</b> 70:14 72:11,24 73:10,14 74:1,1 75:15 76:20 87:23 88:10 98:15 98:20 101:7
<b>modern</b> 129:18	<b>negatively</b> 110:5	<b>objections</b> 142:10 146:4,9			
<b>moment</b> 78:2 82:5 95:4	<b>neither</b> 107:19	<b>objections</b> 142:10 146:4,9			
<b>monday</b> 84:23 85:12,18 85:21	<b>never</b> 63:16 75:11 76:2 80:19 81:3 82:12 82:15,16 87:12,13,16 87:18 108:1 126:12 136:21	<b>objections</b> 142:10 146:4,9			
<b>moose</b> 141:9,11 142:1 142:8	<b>new</b> 89:17	<b>objections</b> 142:10 146:4,9			
<b>morning</b> 36:17,18 37:16 53:21	<b>newman</b> 59:11	<b>objections</b> 142:10 146:4,9			
<b>mouth</b> 125:17 135:20	<b>nomenclature</b> 9:4 10:6 25:4 126:20	<b>objections</b> 142:10 146:4,9			
<b>move</b> 36:1 68:8 143:7 145:2	<b>noon</b> 85:13	<b>objections</b> 142:10 146:4,9			
<b>moved</b> 19:2	<b>normal</b> 9:10	<b>objections</b> 142:10 146:4,9			
<b>multifaceted</b> 105:7	<b>normally</b> 42:13 133:8	<b>objections</b> 142:10 146:4,9			
<b>multiple</b> 27:8,10 29:11 29:14,22 30:16 31:4 38:17 40:11 49:12 51:24 55:15 71:22 72:1,21 75:11 77:9 77:12 81:14 81:16,20 102:1 117:8 125:21,24 126:2,5,15 126:16	<b>north</b> 16:7 44:17	<b>objections</b> 142:10 146:4,9			

101:12	86:9 132:6	140:15	137:2,17	<b>prepared</b>	9:18
106:22	<b>perceived</b>	<b>plugged</b>	138:23 143:1	32:23 123:16	<b>produced</b>
109:16,18	88:24 89:13	27:24	143:16	<b>preparing</b>	14:17 22:3
114:10 115:5	<b>percent</b>	<b>point</b>	<b>pollution</b>	14:23	57:8 90:12
118:4	11:17,20	12:3 19:9 27:7	1:3 5:5	<b>preprogram</b>	<b>profession</b>
<b>park</b>	103:10 104:2	36:8 68:21	<b>population</b>	125:23	24:17 29:7
1:2 2:13,17	104:7,18	78:24 95:23	41:23 118:12	<b>preprogrammed</b>	32:10 33:18
3:16,18 4:18	<b>perfectly</b>	96:7,12	118:16	28:2	125:11
4:19 5:4,17	92:10	100:13,13,18	<b>porter</b>	<b>present</b>	127:18
5:20 6:14,23	<b>performed</b>	100:22 106:1	2:7 4:10 5:22	5:17 6:10 20:3	<b>professional</b>
15:4 36:6	112:4	110:3 121:17	5:23,23 16:5	33:1	8:7,10 11:4,7
57:14 60:24	<b>period</b>	129:10	36:10,12	<b>presentation</b>	13:7 14:1
63:23 66:24	25:18 38:18	134:20 145:8	106:24 107:1	16:20 44:23	31:18,19
67:4 68:7,24	49:10 62:17	<b>pointed</b>	110:7 131:24	<b>presented</b>	34:7,19,24
69:9,11,14	62:18 124:14	82:24 136:15	132:1,3,10	15:3 16:3,18	47:15 54:5
69:17,20	125:12	<b>points</b>	132:14 133:2	19:24 20:11	64:6 69:2,5
74:8 75:13	<b>periods</b>	25:21 111:13	133:19 134:4	20:15,17,18	70:3,4
79:13,14	128:4	<b>poletti</b>	134:22 135:7	21:2,7 26:24	<b>professionals</b>
80:18,20	<b>permanent</b>	12:12,24 15:7	135:12,17,23	31:9 33:13	21:6
87:11 105:7	20:9	17:20,23	136:14 137:5	35:17 40:22	<b>professor</b>
105:14	<b>permitted</b>	18:3,20	137:9,12,13	41:24 42:2,5	23:8 27:5,8
118:17,20	102:21	19:18 20:4	138:11,15	46:16 48:20	28:6,13
119:11,16	<b>person</b>	20:14 21:24	139:17 140:5	61:5 77:3,7	127:3 130:20
127:23	63:22 66:19	22:22 23:5,8	142:13	77:13,18	<b>program</b>
<b>part</b>	69:4 99:2	23:10 24:14	145:17 146:5	78:10 100:3	28:23,23
43:4 54:15	<b>personally</b>	25:13 26:7,9	146:8,14,22	101:13	<b>programs</b>
64:12,19	31:24	26:10,11	147:17,19	121:17	126:13
67:11,12	<b>perspective</b>	27:6,8 28:6	<b>portion</b>	<b>president</b>	<b>progression</b>
75:1,3 88:6	31:18 39:21	28:13,17,24	11:22 14:5	7:24	29:11,14
96:14,15	41:7 92:9	29:20 30:20	44:19,21	<b>presume</b>	<b>project</b>
97:4 101:9	115:9 125:8	31:11,15	72:18 141:9	15:19 28:1	25:4 59:2 86:8
107:10 116:9	<b>peter</b>	32:17 33:12	<b>portions</b>	67:3 69:15	87:1
119:20,21	2:11 5:15	33:17 34:5	28:17 77:7	86:14 143:23	<b>projects</b>
120:15 121:5	<b>ph</b>	35:7,10	<b>posed</b>	<b>presumed</b>	86:13 87:17
121:7 128:3	28:17 126:24	37:18 38:8	15:11	40:15 70:5	<b>pronouncing</b>
143:2	128:18	38:14 40:13	<b>position</b>	<b>presumption</b>	132:11
<b>particular</b>	<b>phillip</b>	40:23 41:7	60:9	40:17 69:17	<b>proofing</b>
9:23 12:10	2:3	42:5,7,18	<b>positioning</b>	<b>pretty</b>	128:6
19:4,9 20:4	<b>philosophy</b>	43:14 44:14	106:6	18:9 45:3	<b>proofreading</b>
23:4 24:11	37:23,24 83:2	46:2,15	<b>positive</b>	60:10 106:4	57:9,11 59:6,8
24:15 25:3,4	<b>phonetic</b>	47:22 48:18	86:18 93:14,15	<b>previously</b>	<b>properly</b>
25:20 26:7	126:20	48:22 50:4,7	114:21	3:19	42:19
26:23 28:15	<b>photocopy</b>	50:17,20	<b>possibility</b>	<b>price</b>	<b>properties</b>
29:1,20	8:7	51:7,12,16	125:14 134:19	22:23 25:12	22:10 25:1
33:10 38:10	<b>photograph</b>	51:23 53:9	<b>possible</b>	26:16,18	31:23 32:3
47:23 48:9	16:21	63:13 65:13	55:11	28:9,9 30:8	38:7,24
50:23 51:2	<b>photographs</b>	67:8 70:15	<b>possibly</b>	30:8 45:22	41:18 45:9
69:24 96:1	16:2,14,17,19	70:16 72:13	58:5 89:14	45:24 110:18	49:5,8,9
100:4 106:21	<b>photography</b>	73:6,10,17	<b>post</b>	<b>prices</b>	73:19 89:8
124:23	16:13	75:23 76:22	89:17	24:22 45:19	110:8 112:6
<b>parties</b>	<b>physical</b>	77:8,13,18	<b>potential</b>	<b>pricing</b>	112:10
56:9 127:21	27:15 113:9	78:10,11,21	12:2 89:8,23	25:21 26:3,21	114:15 115:1
<b>partnership</b>	<b>physically</b>	82:4,17,20	124:15 133:8	27:2 31:8	120:3 136:17
91:14,20 92:14	30:12 38:10	83:1,1 84:12	<b>potentially</b>	<b>prings</b>	136:20
<b>parts</b>	43:5	86:7 87:4	140:3	23:11	137:17 138:4
92:19	<b>pick</b>	98:12 100:6	<b>practice</b>	<b>primary</b>	138:6,21
<b>party</b>	18:6	101:14 102:2	11:5,13,16	18:18 38:22	139:6 144:3
64:11	<b>picked</b>	105:10,17	13:8 14:2	52:1	144:10,11
<b>pass</b>	42:19	106:20	34:8,19 35:1	<b>printed</b>	<b>property</b>
9:23	<b>piece</b>	107:17 108:2	64:6 65:1	94:19	8:1 11:18 16:1
<b>pattern</b>	24:3 130:4,5	113:8,22	69:5 70:4	<b>prior</b>	16:2,5 17:2
18:13	<b>pieces</b>	120:12	111:19	56:19 58:16,17	17:3,7 18:11
<b>patterns</b>	39:20 126:5	121:17 123:5	<b>predetermined</b>	59:5 107:20	19:12 23:11
26:3,22 27:2	<b>pin</b>	128:19	64:16	<b>probably</b>	25:20 32:14
<b>pay</b>	78:9 102:1	130:20	<b>predominant</b>	36:21,21 60:15	32:18,20
45:22	<b>place</b>	132:17 133:3	39:4 103:4	62:21 128:4	42:17 46:3
<b>paying</b>	24:23 93:11	133:5,11,20	104:5	<b>problem</b>	60:7 67:20
69:13,15	<b>placed</b>	134:6,13	<b>predominantly</b>	21:2,7,8,8	70:11,20
<b>pdf</b>	60:8	136:16 138:4	29:23	51:3 55:12	72:6 76:11
22:2 56:24	<b>plain</b>	139:13	<b>predominately</b>	<b>proceed</b>	76:18 78:17
<b>pearse</b>	45:8,10 130:12	141:24 142:8	17:13 33:8	6:4 7:11 91:5	79:22 82:10
48:3	<b>planned</b>	142:18	35:2,16	95:9 135:22	91:16,19
<b>peer</b>	103:1	144:17	39:23 106:23	140:15 142:6	92:20 95:1
13:13,14,15,19	<b>planning</b>	<b>polettis</b>	<b>preliminary</b>	<b>proceeded</b>	95:14 96:4,7
14:9 28:14	15:23 106:4,5	41:18 44:22	6:6 95:23	18:17 79:10,14	96:8 106:6
33:7	<b>plant</b>	48:13 49:23	<b>premature</b>	<b>proceeding</b>	107:12 110:4
<b>pencil</b>	89:16	82:5 84:3,8	35:24	14:22 83:7	111:9,11
54:12	<b>please</b>	86:3 97:23	<b>premised</b>	142:9	112:11
<b>people</b>	7:8,19 76:20	115:16 116:9	143:2	<b>proceedings</b>	114:19,21
9:21 11:24	99:1,5	120:9,11,24	<b>prepare</b>	1:10 149:7,10	115:10,18
45:22 59:7	135:21	121:9 124:19	14:11	<b>produce</b>	123:17,20

125:7 130:4 130:5, 10, 13 131:1 136:22 136:24 138:18 139:2 140:2 143:24	108:13 110:15 112:19, 20 113:2, 3 119:22 120:8 120:20, 23, 24 121:1 122:3 123:11 125:1 126:24 127:2 130:16 132:22, 22 134:3 135:6 135:11 137:5 137:10 138:12 139:11, 15 141:12, 18 143:11, 22	<b>reading</b> 54:11 <b>real</b> 8:1, 19 9:8, 9 10:10 11:9 11:11, 19 21:15 22:14 23:17 24:3 27:14, 15 30:13, 22 47:16 48:11 88:24 90:12 94:3 109:4 111:13 114:22, 23 115:14 <b>really</b> 6:17 29:24 68:20 89:14 100:1 108:2 136:21 <b>reality</b> 21:21 83:10 98:9 99:3 <b>reason</b> 38:8 85:16 103:11 104:22 119:19 124:23 <b>reasonable</b> 32:9 48:7, 8 105:15 121:16 <b>reasonably</b> 30:15 40:24 43:8, 22 44:4 <b>reasons</b> 13:3 35:9 39:13 41:10 81:7 <b>rebuttal</b> 98:3, 16, 21 99:8 108:20 109:8 111:5 114:8 118:2 <b>rebutting</b> 98:8 99:3 <b>recall</b> 59:21 85:3 91:16, 23 103:9 105:10 108:22 114:16 132:18 134:17 135:24 136:17 138:16 139:20 <b>recalled</b> 147:6 <b>recalling</b> 105:24 <b>receipt</b> 65:22 <b>receive</b> 9:13 10:1 12:5 59:23 63:7 <b>received</b> 10:3 56:4 60:2 60:23 62:22 63:1, 16 146:16 <b>receiving</b> 33:10 <b>recess</b> 91:2 <b>rechecked</b> 31:8 <b>recognized</b>	115:1 139:24 <b>recollect</b> 39:13 133:10 <b>recollection</b> 37:12, 22 38:5 38:14, 17 39:3, 4, 5, 10 41:11, 14 44:13 51:23 53:14 78:7 83:15 84:22 85:1, 8 103:6 105:12, 24 134:13 <b>reconvene</b> 91:4 <b>record</b> 6:9 20:8, 13 27:21 30:10 49:1, 11 52:1 52:4 53:4 56:3 72:22 77:9, 11 86:21 92:8 97:21 102:4 120:22 137:10 140:8 140:14 145:21, 24 <b>recorded</b> 30:8 <b>recorder</b> 52:6 <b>records</b> 20:10 21:19 52:2 53:7, 11 75:17 76:14 <b>recross</b> 4:11, 12 140:16 141:6 <b>recycling</b> 107:4 129:19 <b>redirect</b> 4:9 128:15 <b>refer</b> 25:2 <b>reference</b> 72:11 73:9 118:10 <b>referenced</b> 21:24 <b>references</b> 74:23 136:13 <b>referred</b> 13:12 18:1, 2 23:12 24:15 101:23 129:17, 20 140:11 <b>referring</b> 7:3 15:12 37:19 51:19 83:1, 3, 4 88:8 90:11 127:22 140:1 <b>refers</b> 141:23 <b>reflect</b> 6:10 8:11 57:1 145:21, 24 <b>reflected</b> 74:20, 22 <b>refresh</b> 84:21 <b>refreshes</b> 85:7 <b>regarding</b> 12:4 20:21 33:16 51:17 62:2, 16 63:2 63:17 67:9	67:19, 20 72:4 84:11 97:5 109:4 128:18 130:9 130:10 134:21 141:13 <b>regression</b> 27:9, 10 29:22 30:16 81:14 81:16, 20 125:21, 24 126:2, 3, 4, 6 126:14, 15 130:21, 24 131:5 139:19 139:23 140:18, 22 <b>related</b> 13:16 32:6 63:8 101:24 106:6 <b>relates</b> 34:8 92:13 106:21 <b>relative</b> 60:4, 6 113:7 116:19 124:2 134:13 <b>relevance</b> 95:21 142:2, 10 <b>relevancy</b> 110:11, 11 <b>relevant</b> 119:22 122:15 <b>reliable</b> 75:17 76:6, 9 <b>relied</b> 22:1 50:5, 8 98:12 99:14 <b>relook</b> 139:14 <b>rely</b> 90:4 <b>remained</b> 37:10 <b>remediation</b> 96:13 110:21 111:4 <b>remember</b> 62:8 65:24 82:6 109:5 109:13 <b>rendered</b> 12:15 65:13 <b>rendering</b> 89:16 <b>renters</b> 114:24 <b>repeatedly</b> 129:2 <b>rephrase</b> 68:10 112:20 134:3 135:18 <b>report</b> 9:18 13:23 14:11, 16, 19 14:23 15:7, 8 16:3, 15, 18 16:22 17:21 17:23 18:3 18:20 19:24 20:3, 4 22:22 25:13 27:24 28:17 31:13 32:23 33:5, 7 33:8, 10, 11 33:12, 12, 16 33:17, 18, 21 33:23 34:1, 5 34:6, 9, 13, 21	34:22, 23 35:6, 7, 10, 11 35:12, 15, 17 35:21 38:15 39:3, 11, 24 40:13, 41:24 42:5 46:11 46:14, 14 49:23 50:5, 8 50:14, 16, 17 50:18, 21 51:6, 7, 10, 23 54:24 55:4, 5 55:6, 10 56:8 56:11, 12, 13 56:14, 16, 19 57:5, 24 58:2 58:17, 22 59:14, 22 60:4 61:20 62:3 16, 23 63:2, 5, 7, 10 63:13 64:2 65:8, 21, 22 66:4, 5, 8, 16 66:21 67:8 68:4, 13, 18 68:22 70:13 70:15, 16, 24 71:5, 9, 10, 21 71:23 72:13 73:1, 10, 17 73:24 74:4 74:11, 15, 21 74:23 75:11 75:23 76:23 77:13, 19, 23 80:7, 24 82:4 82:5, 12, 15 82:16, 21 83:11 84:3, 8 86:3, 7 87:8 87:9, 22 90:15, 15, 19 91:12 92:19 92:23 93:7, 9 93:19, 22, 24 94:4, 5, 8 95:15 97:3 97:14, 16, 24 97:24 98:8 98:18 99:2 100:15 101:1 101:3 102:2 102:6, 13 103:10, 19 105:11, 20, 23 106:2, 3, 8, 19 107:6, 10 108:20, 23 109:8, 10, 11 111:6, 22 112:1 113:8 114:9, 11 115:4, 8, 16 115:20 116:10 118:2 118:9, 15, 19 119:10, 14 121:13 122:8 124:19 129:3 129:4 133:11 133:21 134:6 134:13, 21 135:1 136:13 138:23 139:4 139:6, 13 143:2, 11, 12 143:16, 19, 22 143:23	
<b>proposed</b> 46:4, 7, 24 50:10 104:19 117:17, 21, 24 132:16 133:7 133:13, 21 134:7 <b>protect</b> 125:7 <b>protection</b> 15:17 <b>provide</b> 75:20 <b>provided</b> 16:24 75:16, 21 75:24 76:2 99:9 121:3 123:20 <b>providing</b> 64:23 <b>province</b> 113:10 <b>psychological</b> 126:20 <b>public</b> 6:2, 3 20:8, 13 27:21 30:10 49:1, 11 51:24 52:2, 4 72:22 75:17 76:14 77:9 77:11 102:4 <b>publication</b> 140:1 <b>published</b> 21:11 <b>pulled</b> 20:10 <b>pure</b> 30:7, 7 131:4 131:21, 21 <b>purifies</b> 131:2 <b>purifying</b> 131:3 <b>purport</b> 126:23 <b>purposes</b> 111:7, 10 <b>put</b> 54:12 115:9 125:17	<b>questioning</b> 81:5 88:5 132:19 136:18 139:18 <b>questions</b> 9:9 36:11, 12 53:17 83:24 86:20 99:16 99:17 112:3 112:15 120:18 121:8 122:11, 20 127:12, 13 129:2, 9 130:3, 9 132:3, 6 136:1 141:4 141:13 142:17 <b>quite</b> 56:23 61:6 94:20 126:10 128:3 <b>quote</b> 125:18	<b>reading</b> 54:11 <b>real</b> 8:1, 19 9:8, 9 10:10 11:9 11:11, 19 21:15 22:14 23:17 24:3 27:14, 15 30:13, 22 47:16 48:11 88:24 90:12 94:3 109:4 111:13 114:22, 23 115:14 <b>really</b> 6:17 29:24 68:20 89:14 100:1 108:2 136:21 <b>reality</b> 21:21 83:10 98:9 99:3 <b>reason</b> 38:8 85:16 103:11 104:22 119:19 124:23 <b>reasonable</b> 32:9 48:7, 8 105:15 121:16 <b>reasonably</b> 30:15 40:24 43:8, 22 44:4 <b>reasons</b> 13:3 35:9 39:13 41:10 81:7 <b>rebuttal</b> 98:3, 16, 21 99:8 108:20 109:8 111:5 114:8 118:2 <b>rebutting</b> 98:8 99:3 <b>recall</b> 59:21 85:3 91:16, 23 103:9 105:10 108:22 114:16 132:18 134:17 135:24 136:17 138:16 139:20 <b>recalled</b> 147:6 <b>recalling</b> 105:24 <b>receipt</b> 65:22 <b>receive</b> 9:13 10:1 12:5 59:23 63:7 <b>received</b> 10:3 56:4 60:2 60:23 62:22 63:1, 16 146:16 <b>receiving</b> 33:10 <b>recess</b> 91:2 <b>rechecked</b> 31:8 <b>recognized</b>	<b>quite</b> 56:23 61:6 94:20 126:10 128:3 <b>quote</b> 125:18 <hr/> <b>R</b> <hr/> <b>r</b> 149:4 <b>radius</b> 102:22 104:19 <b>raise</b> 132:7 <b>random</b> 20:12 <b>range</b> 88:15 <b>ratios</b> 103:23 <b>reach</b> 20:20 <b>reacted</b> 24:23 25:22 <b>read</b> 15:1, 8 33:10 35:15 60:3 66:9 68:19 70:20 73:19 74:5 82:12 83:16 86:20 86:21 88:7 88:24 90:15 99:10 106:17 109:14, 21 110:15 113:22 115:1 115:11 118:13 120:5 120:21, 22 124:19 141:8 <b>reader</b> 109:11	<b>reading</b> 54:11 <b>real</b> 8:1, 19 9:8, 9 10:10 11:9 11:11, 19 21:15 22:14 23:17 24:3 27:14, 15 30:13, 22 47:16 48:11 88:24 90:12 94:3 109:4 111:13 114:22, 23 115:14 <b>really</b> 6:17 29:24 68:20 89:14 100:1 108:2 136:21 <b>reality</b> 21:21 83:10 98:9 99:3 <b>reason</b> 38:8 85:16 103:11 104:22 119:19 124:23 <b>reasonable</b> 32:9 48:7, 8 105:15 121:16 <b>reasonably</b> 30:15 40:24 43:8, 22 44:4 <b>reasons</b> 13:3 35:9 39:13 41:10 81:7 <b>rebuttal</b> 98:3, 16, 21 99:8 108:20 109:8 111:5 114:8 118:2 <b>rebutting</b> 98:8 99:3 <b>recall</b> 59:21 85:3 91:16, 23 103:9 105:10 108:22 114:16 132:18 134:17 135:24 136:17 138:16 139:20 <b>recalled</b> 147:6 <b>recalling</b> 105:24 <b>receipt</b> 65:22 <b>receive</b> 9:13 10:1 12:5 59:23 63:7 <b>received</b> 10:3 56:4 60:2 60:23 62:22 63:1, 16 146:16 <b>receiving</b> 33:10 <b>recess</b> 91:2 <b>rechecked</b> 31:8 <b>recognized</b>	67:19, 20 72:4 84:11 97:5 109:4 128:18 130:9 130:10 134:21 141:13 <b>regression</b> 27:9, 10 29:22 30:16 81:14 81:16, 20 125:21, 24 126:2, 3, 4, 6 126:14, 15 130:21, 24 131:5 139:19 139:23 140:18, 22 <b>related</b> 13:16 32:6 63:8 101:24 106:6 <b>relates</b> 34:8 92:13 106:21 <b>relative</b> 60:4, 6 113:7 116:19 124:2 134:13 <b>relevance</b> 95:21 142:2, 10 <b>relevancy</b> 110:11, 11 <b>relevant</b> 119:22 122:15 <b>reliable</b> 75:17 76:6, 9 <b>relied</b> 22:1 50:5, 8 98:12 99:14 <b>relook</b> 139:14 <b>rely</b> 90:4 <b>remained</b> 37:10 <b>remediation</b> 96:13 110:21 111:4 <b>remember</b> 62:8 65:24 82:6 109:5 109:13 <b>rendered</b> 12:15 65:13 <b>rendering</b> 89:16 <b>renters</b> 114:24 <b>repeatedly</b> 129:2 <b>rephrase</b> 68:10 112:20 134:3 135:18 <b>report</b> 9:18 13:23 14:11, 16, 19 14:23 15:7, 8 16:3, 15, 18 16:22 17:21 17:23 18:3 18:20 19:24 20:3, 4 22:22 25:13 27:24 28:17 31:13 32:23 33:5, 7 33:8, 10, 11 33:12, 12, 16 33:17, 18, 21 33:23 34:1, 5 34:6, 9, 13, 21	34:22, 23 35:6, 7, 10, 11 35:12, 15, 17 35:21 38:15 39:3, 11, 24 40:13, 41:24 42:5 46:11 46:14, 14 49:23 50:5, 8 50:14, 16, 17 50:18, 21 51:6, 7, 10, 23 54:24 55:4, 5 55:6, 10 56:8 56:11, 12, 13 56:14, 16, 19 57:5, 24 58:2 58:17, 22 59:14, 22 60:4 61:20 62:3 16, 23 63:2, 5, 7, 10 63:13 64:2 65:8, 21, 22 66:4, 5, 8, 16 66:21 67:8 68:4, 13, 18 68:22 70:13 70:15, 16, 24 71:5, 9, 10, 21 71:23 72:13 73:1, 10, 17 73:24 74:4 74:11, 15, 21 74:23 75:11 75:23 76:23 77:13, 19, 23 80:7, 24 82:4 82:5, 12, 15 82:16, 21 83:11 84:3, 8 86:3, 7 87:8 87:9, 22 90:15, 15, 19 91:12 92:19 92:23 93:7, 9 93:19, 22, 24 94:4, 5, 8 95:15 97:3 97:14, 16, 24 97:24 98:8 98:18 99:2 100:15 101:1 101:3 102:2 102:6, 13 103:10, 19 105:11, 20, 23 106:2, 3, 8, 19 107:6, 10 108:20, 23 109:8, 10, 11 111:6, 22 112:1 113:8 114:9, 11 115:4, 8, 16 115:20 116:10 118:2 118:9, 15, 19 119:10, 14 121:13 122:8 124:19 129:3 129:4 133:11 133:21 134:6 134:13, 21 135:1 136:13 138:23 139:4 139:6, 13 143:2, 11, 12 143:16, 19, 22 143:23 146:12, 16
<b>Q</b> <b>qualifications</b> 6:17 8:8, 10 54:3 <b>qualified</b> 11:2 <b>question</b> 13:9 15:10 22:13, 14 24:24 35:5 41:6 43:4, 21 45:23 46:12 49:6 51:2, 3 51:3, 15 52:20 59:4 62:10, 10, 12 62:13 63:15 67:5 68:11 71:19 74:18 84:11 85:5 86:17 90:21 95:23 100:7	<b>quite</b> 56:23 61:6 94:20 126:10 128:3 <b>quote</b> 125:18 <hr/> <b>R</b> <hr/> <b>r</b> 149:4 <b>radius</b> 102:22 104:19 <b>raise</b> 132:7 <b>random</b> 20:12 <b>range</b> 88:15 <b>ratios</b> 103:23 <b>reach</b> 20:20 <b>reacted</b> 24:23 25:22 <b>read</b> 15:1, 8 33:10 35:15 60:3 66:9 68:19 70:20 73:19 74:5 82:12 83:16 86:20 86:21 88:7 88:24 90:15 99:10 106:17 109:14, 21 110:15 113:22 115:1 115:11 118:13 120:5 120:21, 22 124:19 141:8 <b>reader</b> 109:11	<b>reading</b> 54:11 <b>real</b> 8:1, 19 9:8, 9 10:10 11:9 11:11, 19 21:15 22:14 23:17 24:3 27:14, 15 30:13, 22 47:16 48:11 88:24 90:12 94:3 109:4 111:13 114:22, 23 115:14 <b>really</b> 6:17 29:24 68:20 89:14 100:1 108:2 136:21 <b>reality</b> 21:21 83:10 98:9 99:3 <b>reason</b> 38:8 85:16 103:11 104:22 119:19 124:23 <b>reasonable</b> 32:9 48:7, 8 105:15 121:16 <b>reasonably</b> 30:15 40:24 43:8, 22 44:4 <b>reasons</b> 13:3 35:9 39:13 41:10 81:7 <b>rebuttal</b> 98:3, 16, 21 99:8 108:20 109:8 111:5 114:8 118:2 <b>rebutting</b> 98:8 99:3 <b>recall</b> 59:21 85:3 91:16, 23 103:9 105:10 108:22 114:16 132:18 134:17 135:24 136:17 138:16 139:20 <b>recalled</b> 147:6 <b>recalling</b> 105:24 <b>receipt</b> 65:22 <b>receive</b> 9:13 10:1 12:5 59:23 63:7 <b>received</b> 10:3 56:4 60:2 60:23 62:22 63:1, 16 146:16 <b>receiving</b> 33:10 <b>recess</b> 91:2 <b>rechecked</b> 31:8 <b>recognized</b>	115:1 139:24 <b>recollect</b> 39:13 133:10 <b>recollection</b> 37:12, 22 38:5 38:14, 17 39:3, 4, 5, 10 41:11, 14 44:13 51:23 53:14 78:7 83:15 84:22 85:1, 8 103:6 105:12, 24 134:13 <b>reconvene</b> 91:4 <b>record</b> 6:9 20:8, 13 27:21 30:10 49:1, 11 52:1 52:4 53:4 56:3 72:22 77:9, 11 86:21 92:8 97:21 102:4 120:22 137:10 140:8 140:14 145:21, 24 <b>recorded</b> 30:8 <b>recorder</b> 52:6 <b>records</b> 20:10 21:19 52:2 53:7, 11 75:17 76:14 <b>recross</b> 4:11, 12 140:16 141:6 <b>recycling</b> 107:4 129:19 <b>redirect</b> 4:9 128:15 <b>refer</b> 25:2 <b>reference</b> 72:11 73:9 118:10 <b>referenced</b> 21:24 <b>references</b> 74:23 136:13 <b>referred</b> 13:12 18:1, 2 23:12 24:15 101:23 129:17, 20 140:11 <b>referring</b> 7:3 15:12 37:19 51:19 83:1, 3, 4 88:8 90:11 127:22 140:1 <b>refers</b> 141:23 <b>reflect</b> 6:10 8:11 57:1 145:21, 24 <b>reflected</b> 74:20, 22 <b>refresh</b> 84:21 <b>refreshes</b> 85:7 <b>regarding</b> 12:4 20:21 33:16 51:17 62:2, 16 63:2 63:17 67:9	67:19, 20 72:4 84:11 97:5 109:4 128:18 130:9 130:10 134:21 141:13 <b>regression</b> 27:9, 10 29:22 30:16 81:14 81:16, 20 125:21, 24 126:2, 3, 4, 6 126:14, 15 130:21, 24 131:5 139:19 139:23 140:18, 22 <b>related</b> 13:16 32:6 63:8 101:24 106:6 <b>relates</b> 34:8 92:13 106:21 <b>relative</b> 60:4, 6 113:7 116:19 124:2 134:13 <b>relevance</b> 95:21 142:2, 10 <b>relevancy</b> 110:11, 11 <b>relevant</b> 119:22 122:15 <b>reliable</b> 75:17 76:6, 9 <b>relied</b> 22:1 50:5, 8 98:12 99:14 <b>relook</b> 139:14 <b>rely</b> 90:4 <b>remained</b> 37:10 <b>remediation</b> 96:13 110:21 111:4 <b>remember</b> 62:8 65:24 82:6 109:5 109:13 <b>rendered</b> 12:15 65:13 <b>rendering</b> 89:16 <b>renters</b> 114:24 <b>repeatedly</b> 129:2 <b>rephrase</b> 68:10 112:20 134:3 135:18 <b>report</b> 9:18 13:23 14:11, 16, 19 14:23 15:7, 8 16:3, 15, 18 16:22 17:21 17:23 18:3 18:20 19:24 20:3, 4 22:22 25:13 27:24 28:17 31:13 32:23 33:5, 7 33:8, 10, 11 33:12, 12, 16 33:17, 18, 21 33:23 34:1, 5 34:6, 9, 13, 21	34:22, 23 35:6, 7, 10, 11 35:12, 15, 17 35:21 38:15 39:3, 11, 24 40:13, 41:24 42:5 46:11 46:14, 14 49:23 50:5, 8 50:14, 16, 17 50:18, 2	

<b>reported</b> 1:23 27:20 149:7	31:19 <b>resulted</b> 12:22,22 41:12 41:12	71:23 77:5 85:14, 19 86:5 88:13 89:20 90:5 90:14 91:8 94:9 97:11 97:17 98:1,9 99:8,14,19 100:2,10,12 102:9,18,20 103:9 104:1 104:4 105:11 105:16 107:8 109:7,21 110:6 111:5 111:8 112:14 112:23 113:20 115:22 116:2 116:4,7 118:15 119:20 120:9 121:6 133:13 134:23 139:3 139:18 141:18,20 147:8	4:15 126:24 128:18 149:4 <b>safe</b> 32:1 66:18 <b>safety</b> 71:12 73:4 <b>sale</b> 25:12,22 39:10 39:14 77:11 77:12 110:22 120:2 <b>sales</b> 20:5,6,11 23:4 23:18 24:4 24:21 25:9 25:16,17 26:13,14 27:11 30:8 38:19,19 39:1 40:14 40:14 41:15 77:8,18 94:11 100:5 118:6 <b>sample</b> 20:12 <b>sampled</b> 78:8 <b>sampling</b> 9:20 16:16 49:2,3,13 <b>sanitary</b> 130:11 <b>sat</b> 61:6 123:14 <b>satisfy</b> 29:3 <b>saturday</b> 85:13,18,22 <b>saw</b> 16:10 37:8 67:19 103:6 103:7,7 <b>saying</b> 23:24 43:18 69:19 <b>says</b> 33:24 34:23 53:13 55:5,9 56:22 57:23 71:10 74:14 94:18 100:22 102:7 149:5 <b>scenario</b> 25:8 <b>scheme</b> 39:19 <b>schirott</b> 2:2 <b>school</b> 45:16,17,20,21 45:23 130:5 130:6 <b>scope</b> 34:10,11 46:17 46:18 50:17 51:8 69:20 74:17 76:8 97:9 98:15 98:21 99:17 99:18 100:8 104:12 112:3 112:12 113:3 113:6,14,17 113:23 119:21 120:15 142:2 142:10 <b>scopes</b> 51:11 <b>scrap</b>	107:4 129:18 <b>search</b> 72:22 <b>sechen</b> 2:15,16 4:4,9 5:19,19 6:8 6:12,21,24 7:4,5,16 35:23 36:7 43:3 56:4,9 56:24 57:15 57:22 58:3,4 58:18 59:2 59:14,22 60:3,13,16 61:10,19 62:2,4,16,21 63:2,8,11,17 66:21 67:18 68:8 69:13 69:16 71:22 71:24 75:21 80:21,23 81:1,3,10,18 81:22 82:2 84:24 87:6 87:15 88:4 95:20 98:19 104:12 107:21 108:16 113:14,17,24 114:3 118:23 128:13,14,16 128:24 129:1 130:2,19 131:22 140:7 142:2,6,7 144:22,23,24 145:2,5,8,21 146:9,17,18 <b>sechens</b> 69:11 143:10 <b>second</b> 6:12 28:20 76:20 93:11 97:1,16 98:15,20 101:6 106:12 140:8 <b>secondmost</b> 104:4 <b>section</b> 15:1,5,12,15 15:16,24 76:9,21 101:10 106:12 107:6 <b>see</b> 17:9 18:15,21 18:23 19:2 22:24 31:6 45:15 46:2 56:3 73:9 75:17 76:23 84:21 85:7 92:18 101:10 104:1 <b>seek</b> 127:20 <b>seeking</b> 83:12,13,20 <b>select</b> 25:16 <b>selected</b> 16:19 27:3,4 41:23 49:5,7 49:10 <b>selection</b> 40:4 <b>selections</b>	43:13 <b>sell</b> 110:4 <b>sellers</b> 24:22 <b>seminars</b> 10:24 <b>senior</b> 10:7 <b>sense</b> 32:18 52:12 <b>sent</b> 57:14,17 58:3 58:4,18 59:21 69:18 <b>sentence</b> 120:1 <b>separate</b> 63:12 78:21 <b>september</b> 55:1,3,7,10 56:14,19,22 57:5,7,19,23 58:22 60:20 61:2 63:6 65:23 68:14 68:15,16,20 128:1,2 <b>series</b> 142:17 <b>serve</b> 28:19 <b>service</b> 19:13 30:10 31:5 38:18 40:12 49:12 51:24 72:21 77:10,12 102:1 141:17 141:21 <b>services</b> 64:24 89:6 <b>servicing</b> 141:18 <b>servicing</b> 9:22 <b>set</b> 52:16,21 108:9 <b>setting</b> 24:19 113:13 113:23 <b>sewer</b> 130:11 <b>shines</b> 89:17 <b>shipped</b> 28:16 <b>short</b> 38:19 39:1,10 39:14 40:14 41:15 91:2 129:4,6 131:10 <b>shorthand</b> 149:7,9,14 <b>shouldnt</b> 124:24,24 <b>show</b> 8:3 14:13 55:21 56:7 56:11 58:19 <b>showed</b> 38:18 <b>showing</b> 85:1 <b>shows</b> 56:13 <b>side</b> 79:12 <b>significance</b> 131:9
<b>result</b> 40:8,24 <b>resultant</b>	53:17 54:22 60:1 71:2,22	<b>s</b> 2:7,11 3:7			



<b>significant</b> 13:14 26:21 27:1	125:23 <b>solid</b> 3:12 5:10 41:10 67:17	80:19 107:19 108:1 124:4 128:18	<b>station</b> 1:8 17:16 18:4 18:5,5 19:5 19:6,7 30:22 31:21 32:4,7 32:13 36:20 43:6 44:13 47:4,6,9 70:19 73:18 86:13 87:1 87:17,20 89:4 90:1 92:5 110:10 112:8 114:5 115:21 116:11,15 117:18,21,24 123:21 124:12 136:16,24 137:16 138:7 138:9,17,24 139:2,7 140:10,10,14	<b>study</b> 17:20 24:1 28:21 52:10 102:22 104:5 104:11 107:7 113:10,10 <b>stuff</b> 131:13 <b>subdivisions</b> 17:8 <b>subject</b> 16:1,2,5,5 17:2,3,4,7 17:14 18:1 35:24 43:8 43:23 70:10 76:11,18 78:16 79:17 79:22 81:20 81:24 95:15 102:22 106:22 107:12 111:11 114:20 115:10 118:11 129:11,16,17 <b>subjectively</b> 47:19 <b>subjectivity</b> 131:16 <b>submission</b> 56:19 <b>submit</b> 21:23 22:2 146:24 <b>subsequent</b> 8:17 10:18 21:20 <b>substantive</b> 128:8,9 <b>successfully</b> 104:10 <b>suffers</b> 72:19 <b>sufficient</b> 40:23 114:1 <b>suggest</b> 35:13 123:9,23 <b>summary</b> 31:13 <b>sunday</b> 56:4,10,15,20 57:18 85:13 85:19,22 146:13,16 <b>superior</b> 118:11 <b>supplemental</b> 101:16,19 <b>supply</b> 9:20 101:13 140:19,21 <b>support</b> 11:21 24:12 81:11 118:7 120:3 137:1 137:17 <b>supportable</b> 23:3 <b>supported</b> 28:10 <b>sure</b> 18:22 19:1 20:22 45:11 46:9,19 47:8 51:5 53:1 58:24 59:24 61:24 69:10 81:23 82:3	90:6 92:8 94:21 97:18 99:13 103:13 106:11 112:24 115:23 117:10 122:22 <b>surprise</b> 45:5 117:15 <b>surrounding</b> 22:10 25:1 31:23 32:3 32:14,20 48:11 60:9 67:10,20 70:11,20 72:6 78:17 79:21,22 89:8 106:15 106:22 <b>survey</b> 23:11 <b>susan</b> 59:11 <b>suspect</b> 44:18 <b>suspicion</b> 58:21 128:2 <b>sustain</b> 81:7 <b>sustained</b> 133:17 135:16 142:20 <b>swear</b> 7:7 <b>switch</b> 147:24 <b>sworn</b> 7:9,14 149:5
<b>simple</b> 30:15 45:3 <b>simply</b> 24:16 <b>single</b> 42:24 43:15,17 77:11,12 126:15 <b>singlefamily</b> 43:24 <b>sir</b> 7:17,23 8:14 9:2 11:13 14:15 16:14 16:22 17:1 17:17,24 19:14 20:19 49:21 90:21 91:7 112:4 113:20 122:9 <b>site</b> 16:10,11 18:3 18:10,13,14 18:15 37:9 50:10 79:2,6 79:8,9,10,17 102:22 103:5 104:19 105:2 106:7,15,22 129:11,16,17 <b>sited</b> 118:11 <b>sites</b> 17:20,21 18:1 18:24 19:3,3 51:17 137:19 144:12,14 <b>siting</b> 1:4,6 5:2,5 15:3 25:3 27:3 83:13 103:20 <b>sittings</b> 22:3 <b>sitting</b> 1:3 5:4 90:7 <b>situation</b> 88:20 90:17 <b>situations</b> 12:1 141:19 <b>six</b> 139:24 <b>size</b> 27:19 30:9 <b>slash</b> 88:20 90:17 <b>sled</b> 126:11 <b>slightly</b> 62:10,12 <b>slip</b> 126:11 <b>smith</b> 6:10 122:17 <b>snow</b> 141:16 <b>software</b> 28:1,2,23 30:1 <b>softwares</b>	<b>solving</b> 21:8 22:13,13 <b>somebody</b> 69:15 <b>somebodys</b> 89:18 <b>someones</b> 13:20 <b>somewhat</b> 47:11 125:3 <b>sooner</b> 58:23 142:9 <b>sorry</b> 48:6 61:14 88:2 94:17 97:20 111:15 128:23 146:1 <b>sort</b> 42:16 67:15 <b>sound</b> 85:14,19,23 <b>sounded</b> 141:15 147:7 <b>sounds</b> 70:23 85:15 <b>sources</b> 49:10 52:1,11 53:10,15 102:4 <b>south</b> 17:7 79:11,14 <b>southern</b> 16:6 44:21 <b>space</b> 103:7,10 104:2 104:17 105:2 137:19 <b>speak</b> 23:3 67:15 69:1 122:24 131:7 <b>speaking</b> 61:21 68:6,23 <b>specialization</b> 11:14 <b>specialized</b> 21:16 <b>specific</b> 23:20 38:15 39:16 44:14 44:16 74:4 74:15 75:13 76:7 95:1 96:5 108:9 109:19 136:21 139:15 <b>specifically</b> 40:1,12 66:7 67:13 71:13 77:8 82:18 84:18 105:13 134:17 <b>speculation</b> 133:15,23 <b>spell</b> 7:17 <b>spend</b> 10:19 11:18 36:19 <b>spends</b> 11:19 <b>spent</b> 10:20 <b>spill</b> 96:8,11 111:2 <b>spoke</b>	<b>spoken</b> 63:22 <b>spot</b> 41:24 77:21,24 78:3,6 <b>square</b> 22:24 25:13 26:16,18 28:9 117:12 144:11,12 <b>sr</b> 3:15 <b>sra</b> 8:21 10:5,6 <b>ss</b> 149:1 <b>stack</b> 94:16 <b>stand</b> 39:12 62:13 95:24 144:15 <b>standard</b> 13:6,15,24,24 14:5,8 19:22 20:23 22:16 33:7,18 34:6 34:13,14,14 34:16,18,19 34:23,23 35:7,8,9,14 35:16,22 65:18 66:10 66:12,13,16 98:6 99:18 100:9,13,22 121:8,15 122:9 126:9 143:17,20 <b>standards</b> 11:4 13:7 14:1 34:7,18,24 64:5,13 69:4 70:3 71:6 <b>standpoint</b> 20:18 <b>stands</b> 10:6 <b>start</b> 6:2,6 36:10 60:17 90:24 125:4,9,10 125:13 145:14 <b>started</b> 60:19 79:9 <b>starting</b> 16:6 <b>starts</b> 101:9 109:18 <b>state</b> 7:17 100:17 144:7 149:1 149:6 <b>stated</b> 71:5 <b>statement</b> 6:17 8:7,9 54:2 66:22 72:3 78:5 90:14 103:3 120:14 123:8 125:18 126:17 <b>statements</b> 10:20 <b>states</b> 8:24 10:12 90:19 99:5	<b>statisticians</b> 19:19 27:3,4 43:11,13 49:22 82:6 83:21 84:12 113:16 115:17 123:10,19 124:5 138:24 144:4 147:4 147:10 <b>statistical</b> 28:3 29:11 30:3,18 126:8 131:8 <b>statistically</b> 28:4,10 <b>statistician</b> 127:5 <b>statistics</b> 42:11 <b>status</b> 125:18 <b>stephen</b> 3:3 <b>stepping</b> 146:2 <b>steps</b> 14:2 22:20 31:17 125:7 <b>steve</b> 5:11 <b>stock</b> 72:24 73:2 75:7 <b>storms</b> 141:16 <b>street</b> 17:6,12 79:10 79:12 <b>streets</b> 44:15 <b>strength</b> 118:12,20 <b>stricken</b> 135:19 <b>strike</b> 45:6 52:15 68:8 75:5 137:14 <b>striking</b> 36:2 <b>studies</b> 19:20 25:15 26:24 48:3 78:8 82:5 125:9	<b>substantive</b> 128:8,9 <b>successfully</b> 104:10 <b>suffers</b> 72:19 <b>sufficient</b> 40:23 114:1 <b>suggest</b> 35:13 123:9,23 <b>summary</b> 31:13 <b>sunday</b> 56:4,10,15,20 57:18 85:13 85:19,22 146:13,16 <b>superior</b> 118:11 <b>supplemental</b> 101:16,19 <b>supply</b> 9:20 101:13 140:19,21 <b>support</b> 11:21 24:12 81:11 118:7 120:3 137:1 137:17 <b>supportable</b> 23:3 <b>supported</b> 28:10 <b>sure</b> 18:22 19:1 20:22 45:11 46:9,19 47:8 51:5 53:1 58:24 59:24 61:24 69:10 81:23 82:3	<b>target</b> 17:22 18:19 20:7 23:11 24:16,19 25:16,17,24
					<b>T</b>
					<b>t</b> 3:3 4:15 <b>table</b> 92:15 93:17 94:10 103:23 <b>take</b> 8:4,19 9:16 12:18 14:3 16:22,22 28:12 69:22 90:23 95:3 115:20 147:14 <b>taken</b> 16:17 48:13 91:2 125:7 147:9 149:9 <b>takes</b> 131:12,13 <b>talk</b> 54:22 82:20 83:9 107:14 107:17 <b>talked</b> 88:3 118:5 123:3 <b>talking</b> 38:9 69:6 77:5 82:9 86:14 89:24 100:9 102:17 110:8 117:19 120:10,11 126:21 <b>target</b> 17:22 18:19 20:7 23:11 24:16,19 25:16,17,24

26:18 28:5	46:16 53:3	111:16	74:17	110:10 112:8	117:16
30:19 31:5	61:4 89:6,11	112:15	<b>timber</b>	113:15 114:5	<b>typically</b>
41:20 42:18	102:3 111:3	115:21,24	3:8 5:13 79:13	115:16,21	29:6,6 88:19
43:10,22,23	124:7,8	119:7 120:19	<b>time</b>	116:11,15	133:7
44:9,12,14	127:19	126:10,24	9:23 10:20,20	117:17,24	<b>typo</b>
44:21 45:1,9	<b>terminology</b>	127:1,2	11:18,20	123:10,19,21	71:15,16
45:12 80:7	69:22 72:20	131:9 142:10	12:3 19:9	124:5,12	<b>typographical</b>
80:12,14	89:12 90:3	144:19,21	25:18 36:19	136:16,23	56:17 57:2,3,6
81:11,24	92:11,12	<b>theory</b>	37:8,14	137:16 138:6	68:18
112:22 113:5	<b>terminus</b>	111:20	38:18 49:10	138:9,17,24	
113:11 114:4	16:6,8	<b>thereon</b>	60:14 62:17	138:24 139:2	
124:11	<b>terms</b>	36:3	62:18,22	139:7 140:10	
135:13 136:2	8:22 10:24	<b>theres</b>	71:24 73:11	140:10,14	
136:5 139:14	22:12 39:19	29:24 30:3	93:18,21	144:4 147:4	
139:22	40:11 43:24	84:24 128:4	96:5,12,16	147:10	
<b>taught</b>	46:17 97:6	128:9 129:15	110:8 111:14	<b>transmit</b>	
10:22	97:12	139:5	124:14	59:13	
<b>tax</b>	<b>test</b>	<b>theyre</b>	125:12	<b>transmittal</b>	
94:3	39:8 48:12	68:16 120:16	134:17,18	55:3	
<b>tch</b>	125:15	130:12	142:5 147:23	<b>transmitted</b>	
4:20,21,22,23	<b>tested</b>	138:21,22	<b>times</b>	56:23,24 61:19	
55:19,20	43:13 48:18	145:4,5	25:21 71:22	63:11 66:1,8	
58:9 91:12	<b>testified</b>	<b>thing</b>	72:1 137:9	68:17	
92:16 94:16	7:14 33:1	6:9,12 20:1,2	147:4,7,9	<b>transpired</b>	
95:6 97:21	50:13 65:11	26:1,14	<b>timing</b>	66:7	
108:19,23	102:12 133:6	40:10 43:1	33:9	<b>tressler</b>	
111:6 114:9	138:13	57:13 75:24	<b>tinaglia</b>	3:2	
118:2 120:1	141:20 142:8	93:17	91:13 92:13	<b>truck</b>	
127:23	<b>testify</b>	<b>things</b>	94:24 96:4	19:6 84:17,19	
145:11,16,19	42:21 138:2,7	6:8 11:14,15	102:17	84:19	
146:3,7,11	<b>testimony</b>	14:21 29:6,9	143:12	<b>true</b>	
<b>teach</b>	33:14 34:2	30:12 45:8	<b>today</b>	14:18 48:22,23	
125:13	35:3,18,20	50:6 57:10	5:17 12:5	49:1 52:8	
<b>teaches</b>	50:16 65:14	92:7,18,20	39:12 56:16	61:12 65:6	
127:8	68:6,23 84:4	121:18	62:19 68:6	65:10 99:15	
<b>teaching</b>	101:23	123:14 124:7	68:23 144:15	133:6 134:5	
10:15,17,21	107:10 133:3	124:15	<b>today's</b>	134:12 136:4	
<b>technically</b>	133:5 134:15	125:12	129:18	136:12	
61:21	141:9 147:5	127:19 128:4	<b>told</b>	139:22 149:8	
<b>technique</b>	147:18	129:3 141:16	81:3 83:2,4	<b>truly</b>	
23:9 25:15	<b>testing</b>	<b>think</b>	87:13 113:11	8:10 67:13	
27:9,11	44:1 124:17	13:22 14:7	<b>tool</b>	<b>trustee</b>	
29:23 40:5,7	<b>texas</b>	27:22 29:16	26:10	3:16,18 5:17	
<b>techniques</b>	28:18 127:2	31:24 33:20	<b>tools</b>	5:18	
25:10,11 31:16	<b>text</b>	33:21 36:21	26:6	<b>trustees</b>	
47:14 48:1	21:11,13,14	42:9,23 55:2	<b>top</b>	2:12 3:19	
<b>tell</b>	25:5 89:12	55:24 56:17	114:22	<b>try</b>	
7:22 8:13 9:2	90:12 103:19	62:7 63:4	<b>total</b>	24:7 70:8	
9:12 10:4,12	<b>textbook</b>	64:20 65:16	36:21 78:11	112:19	
10:15 11:13	90:2,4,7 92:12	66:6,18	<b>totally</b>	128:14	
13:11 14:14	<b>tflp</b>	67:12 70:9	120:16,17,18	<b>trying</b>	
14:21 15:21	55:14,18,19	73:2,3 78:24	<b>touche</b>	28:15 88:6	
16:9 17:1,17	<b>thank</b>	80:4,4 92:6	137:12	125:16	
17:24 18:6,7	6:1 36:7,12	95:22 107:21	<b>track</b>	<b>turn</b>	
19:14 20:19	49:16 53:16	114:7 116:24	18:13	73:24 92:15	
22:18 29:13	53:24 90:21	123:5 125:2	<b>traffic</b>	98:14 103:22	
33:4 34:17	91:7 119:7	142:21 147:6	18:15 19:7	106:10	
67:18,24	122:5 128:24	147:17	<b>trailers</b>	109:15	
76:10 80:17	132:1,8	<b>third</b>	18:23	119:24	
80:21,22	141:1 145:23	87:22 109:16	<b>transaction</b>	<b>two</b>	
81:18 87:8	148:1	<b>thomas</b>	38:22 39:6,10	6:8,14 15:5	
108:8 113:1	<b>thats</b>	127:4	<b>transactions</b>	19:9 24:6	
121:11	7:2 13:6,16,18	<b>thought</b>	39:7 42:1	44:7 52:11	
126:22	21:17 24:14	34:2 124:13	77:22	53:10,14	
130:23	25:13 29:19	137:8	<b>transcript</b>	54:20 58:4,5	
<b>telling</b>	30:8,14	<b>thousand</b>	1:10 149:9	86:20 87:7	
87:15 113:17	37:16 38:5	79:16,23 80:1	<b>transfer</b>	95:1 96:4,19	
<b>tells</b>	39:10,22	<b>three</b>	1:8 17:16 18:4	108:20	
39:24	52:24 56:17	17:19 21:23,24	18:4,5,23	111:13	
<b>ten</b>	57:24 61:21	22:4 26:24	19:19 30:22	112:15	
9:16,17 62:21	63:9 64:5	48:11 49:22	31:21 32:4,7	121:21 122:7	
147:15,21	68:17 70:6	51:17 53:10	32:12 36:20	123:22 124:3	
<b>tender</b>	71:4,8,15	53:14 60:15	43:12 47:4,5	124:14 126:4	
36:7	75:24 78:1	62:5 82:13	47:9 49:22	127:22,24	
<b>term</b>	78:20 81:8	83:9,10,16	52:6 53:5,7	129:7,8,8	
14:8 15:10	83:15 85:17	83:20 84:12	53:11 70:18	143:13 145:3	
17:11 19:17	89:21 90:4,7	98:11 120:3	73:18 82:6	<b>twocar</b>	
25:2,17	91:19 96:14	123:3 147:4	83:20 84:12	24:1,5,6,9	
27:13 30:14	97:4 101:20	147:10	86:13 87:1	<b>type</b>	
33:22 38:16	102:7 103:16	<b>tied</b>	87:17,20	23:7 24:4	
42:14 43:8	105:12 107:5	21:1 40:12	89:4,24 92:5	<b>types</b>	

<b>uspap</b> 11:5 64:3,19 65:18 111:19	100:1 <b>version</b> 56:24 57:22 63:10 68:5 68:14,15,16 146:12	28:12 34:12 39:4 42:12 50:22 57:7 59:18 66:19 70:8 122:22 125:4 131:14 138:3	119:21,23 120:13,15 121:2 126:12 127:16	85:22 133:8 133:8	14:14 15:16 36:2,6 37:16 37:17 54:2 58:7 87:22 87:23 90:24 98:14,20 127:23
<b>utilize</b> 90:20 123:4 125:22	63:10 68:5 68:14,15,16 146:12	59:18 66:19 70:8 122:22 125:4 131:14 138:3	<b>worked</b> 54:6 91:9	<b>000</b> 24:10,10 117:12 144:11,12	37:17 54:2 58:7 87:22 87:23 90:24 98:14,20 127:23
<b>utilized</b> 31:4 32:10 50:21 74:24 77:21 94:24 130:20	<b>versions</b> 58:2 59:13	<b>weak</b> 13:23	<b>working</b> 8:18 16:6 59:2 60:14,19 86:10	<b>02</b> 90:24	<b>20</b> 25:19 84:7,17
<b>utilizing</b> 26:9 130:23	<b>versus</b> 123:17	<b>weakness</b> 13:23	<b>world</b> 129:18	<b>0301</b> 1:7	<b>2008</b> 96:6
<hr/> <b>V</b> <hr/>	<b>vicinity</b> 116:11	<b>website</b> 52:7	<b>worth</b> 9:21	<b>084003293</b> 1:24	<b>2010</b> 76:12,18
<b>vacant</b> 129:15	<b>view</b> 26:13 57:1	<b>week</b> 47:1 50:2	<b>wouldnt</b> 42:24 71:16 119:19 124:24	<hr/> <b>1</b> <hr/>	<b>2011</b> 91:13
<b>valuation</b> 9:9 10:10 15:10 22:13 64:24 74:18 89:6 100:7 108:13 120:18 124:9 124:9 129:9	<b>villa</b> 116:17,18	<b>weight</b> 82:22	<b>wrote</b> 70:24 98:11	<b>1</b> 4:18 6:14,15 6:23 8:4 31:13 36:1,6 54:1 103:5 105:1 107:7 107:9 116:14 117:17,20,23 127:23	<b>2013</b> 1:12 55:7,10
<b>valuations</b> 9:10	<b>village</b> 1:1,2 2:13,17 3:4,16,18 5:3,4,12,16 5:16,20 7:5 36:1 57:14 59:3 60:23 63:23 66:23 67:4 68:7,24 69:8,11,14 69:16,20 74:7 75:12 75:20,21 76:10 80:18 80:20 87:11 105:6 108:16 116:7,22 117:1,7 140:9	<b>went</b> 17:9 18:10 20:8 31:4 36:23 77:17 80:4,4 116:2 123:21 126:24 128:6 145:11	<hr/> <b>X</b> <hr/>	<b>10</b> 1:13 25:19 37:16,16 55:3,10 56:19,22 57:5,7,19 68:15,16,19 68:20 114:9 115:4 118:3 118:3 120:1	<b>21st</b> 60:22
<b>value</b> 23:19,20,23 24:2,9 31:22 32:2,2,14 46:3 60:8,10 67:9,20 70:11,20 72:6 78:17 88:19 89:8 89:15,20 90:16 94:6 94:10 95:1 95:14,16 96:20 97:6 111:11 112:11 130:4 143:24	<b>villages</b> 74:10,12	<b>west</b> 17:7 79:12,15	<b>x</b> 4:1,15	<hr/> <b>Y</b> <hr/>	<b>24</b> 6:22 46:7,24 50:1 132:18 133:9 134:16 134:19 141:14,20,23 142:18 143:2
<b>values</b> 22:10 32:20 82:10 112:5 115:18 123:17,20 125:8 136:24 139:2 140:2	<b>virtually</b> 10:22	<b>whats</b> 63:6 86:7 104:4 127:17 127:20 137:24	<b>yard</b> 107:4,4 129:18 129:19	<b>yeah</b> 58:5 61:21 67:23 78:1 108:24	<b>25</b> 78:9
<b>variable</b> 46:21	<b>visibility</b> 118:12 119:11	<b>whichever</b> 68:5	<b>year</b> 10:1 106:17 123:22	<b>youre</b> 7:3 12:5 15:12 24:18,20 25:7,8 45:20 46:1,23 64:9 64:14,22 68:5 88:8 90:11 117:11 119:24 122:3 122:14 125:17 127:19 132:13 146:22	<b>2nd</b> 1:11
<b>variables</b> 24:7 27:17,23 29:5,8,17,17 46:16 125:22 126:7,16	<b>visit</b> 16:11 37:13 38:10	<b>whos</b> 28:18 59:11	<b>years</b> 9:21 10:22 25:20 54:20 91:10 102:24 105:4 108:20 121:21 122:7 123:18,23	<b>11</b> 55:4,9 68:18 70:14 75:15 96:10 128:1	<b>3</b> 1:13 13:6,15 13:24,24 15:2,5,12,16 15:18 19:22 20:24 22:9 22:16 33:8 33:18 34:14 35:8,8,14 60:5 65:18 66:10,12,13 66:16 76:9 98:6 99:18 100:9,13,22 103:22 106:10 121:8 121:15 122:9 143:17,20
<b>variances</b> 26:5	<b>visitation</b> 52:6	<b>wish</b> 146:23	<b>yesterday</b> 33:13 34:3	<b>12</b> 1:12 76:20	<b>11</b> 123:18
<b>variation</b> 28:4 30:3,19 39:23 128:10 131:8	<b>visited</b> 16:1 17:19	<b>witness</b> 4:2 7:8,9,13 36:8 86:22 95:8 96:1 104:15 118:24 119:7 120:23 122:5 122:14,21 131:20 134:12 135:5 136:5,12 138:7 139:10 140:12 141:1 142:16 147:5	<b>youre</b> 7:3 12:5 15:12 24:18,20 25:7,8 45:20 46:1,23 64:9 64:14,22 68:5 88:8 90:11 117:11 119:24 122:3 122:14 125:17 127:19 132:13 146:22	<b>123</b> 4:8	<b>36</b> 4:5,18,19
<b>various</b> 25:21,21 42:1 126:8	<b>visits</b> 16:10	<b>wondered</b> 123:14	<b>zoned</b> 136:20 138:21 144:10	<b>128</b> 4:9	<b>37</b> 104:7
<b>vehicle</b> 37:7	<b>visual</b> 26:19	<b>words</b> 12:23 21:3 125:17	<b>zoning</b> 93:24 102:21 117:4,8 144:5,8	<b>12th</b> 65:23	<b>39</b> 15:16
<b>vehicles</b> 18:21 37:2,5	<b>volunteering</b> 70:24	<b>work</b> 9:21 11:3 12:12,13,19 12:19 13:1,4 13:16,17,20 19:16,18 31:11,18 34:4,10,11 47:22,24 48:17,20 50:22 54:7 60:17,21 61:16 66:2 67:15,16 69:4,6 71:14 74:17 78:2 97:9 99:17 100:8 112:3 112:12 113:3 113:6,14,18 113:24 116:18,21	<hr/> <b>Z</b> <hr/>	<b>132</b> 4:10	<b>4</b> 24:10 34:6,14 34:16,18,24 85:22 133:8
<b>verbal</b> 60:10 63:20	<b>wanted</b> 29:3 79:20	<b>wondered</b> 123:14	<b>0</b> 1:12 37:16,16 37:16,17 85:12,13,13 85:18,19,22	<b>133</b> 4:10	<b>40</b> 4:11 78:9 117:12 144:11,12
<b>verification</b> 77:17	<b>wasnt</b> 40:17 46:16 68:9 82:18 119:20 121:5	<b>wondered</b> 123:14	<b>00</b> 1:12 37:16,16 37:16,17 85:12,13,13 85:18,19,22	<b>134</b> 4:20	<b>45</b> 4:20 91:12 92:16 93:18 95:6,13 97:4 108:23 145:14,16,20
<b>verified</b> 41:20	<b>waste</b> 3:12 5:10 83:12,19 86:10	<b>wondered</b> 123:14	<hr/> <b>0</b> <hr/>	<b>135</b> 4:21,22,23	<b>46</b> 4:21 94:15,16 94:22,23 95:13 97:5 146:4
<b>verify</b> 27:6 41:22 72:22 77:2,6 77:14 78:4	<b>way</b> 11:17,21 16:7 16:7 19:21 20:24 25:11	<b>wondered</b> 123:14	<hr/> <b>0</b> <hr/>	<b>15</b> 25:19 75:15 98:19	<b>47</b>

4:22 97:19 97:21 98:1 98:14 108:19 109:15 111:6 114:9 118:3 120:1 146:7					
<b>49</b> 4:6					
<hr/> <b>5</b> <hr/>					
<b>5</b> 55:1,7 56:14 57:23 68:14					
<b>51</b> 4:23 55:14,18 58:9 127:23 146:11,14					
<b>53</b> 4:7					
<b>55</b> 103:10 104:2					
<b>5minute</b> 90:24					
<b>5th</b> 58:22 63:6 128:2					
<hr/> <b>6</b> <hr/>					
<b>6</b> 4:4 24:10 85:12,13,18 85:19 96:6 101:6					
<hr/> <b>7</b> <hr/>					
<b>7</b> 46:7,24 50:1 141:14,23 142:18 143:2					
<b>70</b> 11:20					
<b>73</b> 94:18					
<hr/> <b>8</b> <hr/>					
<b>8</b> 85:22 106:12 109:15 133:8					
<b>83</b> 17:12					
<hr/> <b>9</b> <hr/>					
<b>9</b> 60:20 61:2 85:13 111:6					
<b>92</b> 104:18					