

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HIDDEN VILLAGE, LLC,)	
)	
Plaintiff(s),)	
)	
vs.)	Case No. 1:10CV887
)	Judge Gwin
CITY OF LAKEWOOD, OHIO,)	
ET AL.,)	
)	
Defendant(s).)	

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Deposition of DOROTHY BUCKON
Tuesday, November 9, 2010

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Deposition of DOROTHY BUCKON, a Witness herein,
called by the Plaintiff for examination under the
Ohio Rules of Civil Procedure, taken before me, the
undersigned, Kimberly M. Smoot, Notary Public in and
for the State of Ohio, at the Lakewood City
Hall, 12650 Detroit Avenue, Lakewood, Ohio 44107,
commencing at 9:50 a.m. the day and date above
set forth.

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13 Nora L. Hurley, Esq.
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17 - - - - -

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1 DOROTHY BUCKON

2 called by the Plaintiff for examination under the Ohio
3 Rules of Civil Procedure, after having been first duly
4 sworn, as hereinafter certified, was examined and
5 testified as follows:

6 EXAMINATION

7 BY MR. HABER:

8 Q Would you state your full name for the record.

9 A Dorothy Mar Buckon.

10 Q Ms. Buckon, my name is Rich Haber. You and I met
11 moments ago. I'm one of the attorneys representing
12 Hidden Village in this lawsuit against the City of
13 Lakewood and others.

14 Have you been deposed before?

15 A I'm trying to remember if it was a formal
16 deposition or not. One other time that I -- I don't
17 think it was.

18 THE WITNESS: Nora, can you
19 remind me?

20 Q Well, actually, one, Nora can't remind you.

21 A Okay. Then no, I can't say that I have been
22 formally deposed.

23 Q And it's not critically important. I just wanted
24 to know whether you had some understanding of the
25 process other than what counsel explained to you.

1 Let me explain a few ground rules to you. The
2 first one, as it came up, is this is your deposition.
3 So you just got to do the best you can with your
4 memory, and if you don't remember something, tell me
5 you don't remember. And if I can refresh your
6 recollection about an event, I'll try and do that.
7 And if not, then that's fine as well. Okay?

8 A Okay.

9 Q Second, as you can see, while I'm speaking, the
10 court reporter is taking everything I say down, and
11 she's going to record all of your answers that you
12 give to my questions. So you need to give me a verbal
13 response to all of my questions.

14 A Okay.

15 Q And uh-huh, um-hum, nod of the head, shrug of the
16 shoulders is difficult to record accurately, so I may
17 prompt you if that happens during the course of the
18 deposition. Is that understood?

19 A Yes.

20 Q If at any time you need to take a break, if you
21 want to get another cup of coffee, you want to speak
22 to your lawyer, you want to use the restroom, please
23 let me know, and I'll be happy to take a break for
24 you. Okay?

25 A Okay.

1 Q If at any time I ask you a question, and you do
2 not understand me, stop me, and ask me to restate the
3 question so you do understand me. Is that fair?

4 A Yes.

5 Q Would you please give me your home address?

6 A 1245 Chase Avenue, Lakewood, Ohio 44107.

7 Q And are you currently employed?

8 A Yes.

9 Q Where are you employed?

10 A The City of Lakewood.

11 Q In what capacity?

12 A Director of Human Services.

13 Q How long have you held that position?

14 A Since June of 2003.

15 Q Prior to that, where were you employed?

16 A City of Lakewood.

17 Q In what capacity?

18 A Assist Director for Human Services over the
19 Division of Health.

20 Q And how long did you hold that position?

21 A From 1993, June of 1993 to June of 2003.

22 Q Prior to that, where were you employed?

23 A Lakewood Hospital.

24 Q In what capacity?

25 A I had five capacities from four levels of staff

1 nurse to head nurse of intensive care.

2 Q How long were you employed at Lakewood Hospital?

3 A From January '82 until October of '93.

4 Q What is your educational background?

5 A I have an Associate's degree in nursing, a
6 Bachelor's degree in nursing, and a Master's in health
7 care administration.

8 Q I'm sorry. You said an Associate in nursing and
9 a --

10 A A Bachelor's in nursing and a Master's in health
11 care administration.

12 Q Thank you.

13 A I'm sorry. It's an MBA in health care
14 administration.

15 Q And have you had any particular training with
16 respect to equal employment laws or equal opportunity
17 laws?

18 A Just those as presented within my position as
19 director and assistant director.

20 Q What types of training have you received with
21 respect to your positions as Associate Director or
22 Director of Human Services?

23 A Specifically or only those that have been
24 presented by the City.

25 Q Would those relate principally to equal

1 employment opportunity laws?

2 A I don't recall.

3 Q Have you received any training with respect to
4 fair housing?

5 A No, only -- can you clarify training? Does that
6 mean certificates, intensive training? What
7 constitutes training, please?

8 Q Any type of educational process, whether it be a
9 seminar, whether it be a formal certificate that you
10 received, whether it be manuals that you may receive,
11 online training, any type of what I would consider to
12 be informational or educational training provided
13 either by the City of Lakewood or a third party.

14 A Then yes.

15 Q What training have you received with respect to
16 fair housing?

17 A A seminar and some written materials.

18 Q And when did you receive that training?

19 A Most recently that I recall, this September.

20 Q And who provided that training?

21 A It was during a realtors seminar conducted by the
22 City of Lakewood. I don't recall the individual's
23 name.

24 Q Was the person who was providing -- was the
25 person who was giving the seminar an employee of the

1 City of Lakewood or a third party employed by the City
2 of Lakewood?

3 A A third party.

4 Q Do you still have those materials with respect to
5 fair housing?

6 A Yes.

7 Q Where would those be?

8 A In my office.

9 Q Prior to September of 2010 -- I'm sorry. Was it
10 September of 2010 that you had that?

11 A Correct.

12 Q Prior to that time, have you had any training
13 with respect to fair housing?

14 A I don't recall.

15 Q Would you summarize for me your responsibilities
16 as the Director of Human Services?

17 A I oversee the administration of the Divisions of
18 Youth, Aging, and Early Childhood, including budgets,
19 programs, goals, priorities, and policies.

20 Q Do those responsibilities in any way overlap with
21 the City of Lakewood's obligations to promote fair
22 housing?

23 MR. CATHCART: Objection. Go

24 ahead.

25 Q You can answer.

1 A Okay. Can you clarify the question?

2 Q Well, I can try.

3 A Okay.

4 Q I will represent to you that the City of Lakewood
5 has an legal duty to promote fair housing, in other
6 words, to make housing equally available to people
7 without regard to race and other specific
8 characteristics. My question is, as it relates to
9 your responsibilities as the Director of Human
10 Services, do you have any responsibilities that
11 overlap with that obligation to promote fair housing?

12 A No.

13 MR. CATHCART: Objection.

14 Q He was going to tell you to answer the question
15 anyway.

16 A Okay.

17 Q He's just objecting for the record. There may be
18 an occasion where he instructs you not to answer.
19 Specifically, that would be if I asked you what you
20 and Mr. Cathcart talked about before the deposition or
21 on any other occasion. So you want to try and give
22 him an opportunity to interpose that objection, but I
23 suspect that under most circumstances, he'll still
24 instruct you to answer the question. Okay?

25 A Okay.

1 Q Tell me when you first became familiar with the
2 Lutheran Ministry's Youth Re-entry Program, if you
3 know.

4 A Are you asking for dates?

5 Q Well, I'm asking for your best estimate as to
6 time because I'm assuming you don't know the specific
7 date that you first became familiar with them.

8 A Was early in 2006.

9 Q Prior to discussions regarding the Youth Re-Entry
10 Program moving to the City of Lakewood, did you have
11 any familiarity with the program?

12 A No.

13 Q And how did it come to your attention that they
14 were considering moving?

15 A Came to my attention in two ways: Mary Louise
16 Madigan, Councilperson, she and I had a conversation
17 in passing after a City Council meeting in early 2006,
18 and Mary Hall, who is Assistant Director of the
19 Division of Youth, also informed me because of her
20 conversation with Mark Brauer.

21 Q Let's start with your conversation with
22 Mary Louise Madigan after a City Council meeting in
23 early 2006. What do you recall about this
24 conversation, what she said to you, what you said to
25 her, et cetera?

1 A It was a brief conversation in passing that had I
2 spoken with a gentleman named Mark Brauer from
3 Lutheran Metropolitan Ministry. And at that point in
4 time, I had not. And she briefly told me what he
5 would be calling me about and who he represented.

6 Q And what did she tell you he would be calling
7 about?

8 A About the Youth Re-Entry Program coming into
9 Lakewood.

10 Q Did you form any opinion as to whether the Youth
11 Re-Entry coming to Lakewood was a good idea at that
12 time?

13 A No.

14 Q Had you talked with Mary Hall at that time about
15 her conversation with Mark Brauer when
16 Mary Louise Madigan brought it to your attention?

17 A I don't recall which came first.

18 Q Do you recall anything else about your
19 conversation with Mary Louise Madigan?

20 A No.

21 Q And how frequently are those City Council
22 meetings?

23 A Twice a month, and they take recess in August.

24 Q Now, we know there was a meeting on
25 February 14th, 2006 regarding the Youth Re-Entry

1 Program, and by meeting, I mean with Lutheran
2 Ministry's representatives. So I assume that the City
3 Council meeting that you'd be referring to would have
4 predated that meeting?

5 A Correct.

6 Q To give you some context, I had previously marked
7 Exhibit 14, which is an email exchange that starts at
8 the bottom; an email from Mark Brauer to
9 Mary Louise Madigan. And then it appears that there
10 was an email that you sent with a description of the
11 Youth Re-Entry Program, which, for your benefit, I
12 previously marked as Exhibit 15.

13 A Yes.

14 Q And then there's a subsequent email on January
15 31, 2006 from you regarding scheduling this meeting.
16 Does that help refresh your recollection as to
17 approximately when you had your conversation with
18 Mary Louise Madigan about this issue?

19 A Yes. More than likely, it would have been the
20 second Council meeting in January, first or second.

21 Q And when you say they're twice a month, which
22 weeks typically are they?

23 A First Monday, third Monday, unless there's a
24 holiday.

25 Q Now, looks like you were the one then that was

1 trying to get this meeting scheduled in February?

2 A Correct.

3 Q Why were all of these individuals on Exhibit 14
4 up at the top sent a copy of your email for this
5 meeting?

6 A Why? Because in conversation, and I don't
7 exactly remember if it was an email or just a
8 discussion, it was suggested that possibly someone
9 from the Mayor's office might be involved as well as
10 someone from building. And so I chose to include the
11 Mayor, his secretary. I copied Mary Louise because
12 she had -- because of our discussions and the other
13 individuals from building or the Mayor's office.

14 Q Did you send this to anybody in the police
15 department?

16 A I don't recall.

17 Q Why were you -- did you want to add something?

18 A No.

19 Q Okay. First, as it relates to somebody in the
20 Building Department, who suggested that building might
21 want to be involved?

22 A I don't recall off the top of my head.

23 Q Did anybody at this juncture tell you that the
24 police department needed to be involved?

25 A I don't recall that either.

1 Q And so you sent this to Mayor George to include
2 the Mayor's office so that if they wanted to attend
3 the meeting, they would have the opportunity to do so?

4 A Yes. And I work directly for the Mayor and need
5 to advise him of anything that I'm proceeding with.

6 Q In connection with this email and the
7 February 14th meeting, did you have a conversation
8 with Mayor George about the Youth Re-Entry Program?

9 A I don't recall any conversation.

10 Q Did you have any conversations with somebody from
11 Major George's office between your email of January
12 31, 2006 and February 14, 2006?

13 A Only as it would have pertained to scheduling the
14 location. That would be the only conversation that I
15 would recall.

16 Q Did you have any conversations with
17 Sergeant Ed Favre prior to the February 14th meeting?

18 A I don't recall.

19 Q How about Chief Malley?

20 A No, not that I recall.

21 Q I'm going to show you what I'm marking as
22 Exhibit 112.

23 - - - - -

24 (Plaintiff's Exhibit 112

25 was marked for identification.)

1 - - - - -

2 Q These are some notes from a meeting which I
3 believe was the February 14th, 2006 meeting. There's
4 a list of attendees, and then there's some
5 discussion. Did you attend this meeting?

6 A Yes.

7 Q You're not listed as an attendee. That doesn't
8 obviously mean that you didn't attend. Do you know
9 why you're not listed as an attendee?

10 A I was taking notes.

11 Q These are your notes?

12 A Yes.

13 MR. CATHCART: Can I ask a
14 question about this document?

15 Is the sign-in sheet on the
16 first page separate from the notes?

17 THE WITNESS: Yes.

18 MR. CATHCART: So really,
19 these should be two separate
20 documents.

21 MR. HABER: They don't have
22 to be two separate documents.

23 Q The sign-in sheet so you know who was present,
24 right?

25 A Yes.

1 Q And the notes behind it are the notes from that
2 meeting?

3 A My notes.

4 Q Your notes?

5 A Yes.

6 Q Do you know if anyone else took notes?

7 A No, I don't.

8 Q Is there any handwriting on the sign-in sheet
9 that's yours?

10 A Yes, the title, name, organization, and the names
11 at the bottom.

12 Q Tom Corrigan and Mike Flynn?

13 A Yes.

14 Q They were both in attendance?

15 A Yes.

16 Q And they're both part of the Law Department at
17 the City of Lakewood or were?

18 A To my knowledge, yes.

19 Q Do you know why they were there?

20 A No.

21 Q Going into this meeting, did you know that there
22 was going to be an objection to the Youth Re-Entry
23 Program's presence in the City of Lakewood?

24 A No.

25 Q What did you understand the purposes of this

1 meeting to be?

2 A It was an introductory meeting so that members of
3 administration and members of Lutheran Metropolitan
4 Ministry could meet face to face and discuss the
5 program.

6 Q How would you characterize the tone of the
7 meeting?

8 A Professional.

9 Q Were you surprised at the number of City of
10 Lakewood officials that attended the meeting?

11 A Not really.

12 Q Well, for example, your email seems to suggest
13 that you were including Ed Fitzgerald as a potential
14 attendee and Mr. Barrett as a potential attendee and
15 somebody from the Mayor's office. Were you surprised
16 that there were three Lakewood Police Department
17 representatives present?

18 A I really didn't form an opinion one way or the
19 other.

20 Q To the extent that you need to, feel free to
21 refer to your notes. Can you tell me what transpired
22 at this meeting?

23 A We made introductions around the table. Mark
24 provided information. Written information had been
25 provided prior to. I was attempting to educate myself

1 and the other members of the administration.

2 Q And that would be the written information
3 reflected in Exhibit 15?

4 A Correct.

5 Q Okay. Go ahead. Please continue.

6 A At that point after Mark's discussion, Ed Favre
7 talked about Diesel Tech, which was a program in that
8 area prior to. And as my notes reflect, he touched on
9 those two areas as well.

10 Q Touched on what two areas, the threats to kids?

11 A The threats to kids in the area, safety of that
12 area, and then the proximity of the schools to the sex
13 offenders because of the concentration of sex
14 offenders in that area.

15 Q And those were sex offenders that were registered
16 already with the City of Lakewood?

17 A Correct, with the Sheriff's Department.

18 Q At the time that you had this meeting -- and I'll
19 continue through it in a moment. At the time that you
20 had this meeting, other than the written document with
21 respect to the Youth Re-Entry Program, did you know
22 anything else about the program?

23 A Not really.

24 Q Did you know the racial demographics of the
25 program, in other words, what percentage of the

1 program was African American versus Caucasian versus
2 Hispanic?

3 A No.

4 Q Did anybody in the conversation prior to this
5 meeting raise concerns about the racial demographics?

6 A No.

7 Q Prior to the meeting, did Ed Favre ever tell you
8 he had concerns about the program?

9 A No.

10 Q Did anybody tell you they had concerns about the
11 program?

12 A Not really.

13 Q Not really?

14 A I mean, no. I'll say no. Let me clarify that.
15 No.

16 Q Why don't you continue then with what you recall
17 about the meeting?

18 A Then it went to the housing code, and
19 Charlie Barrett came with Ed Fitzgerald. He was the
20 Building Commissioner at the time. And he made
21 references to the code, talked about -- as you can see
22 in my notes -- the fact that it's not a permitted use.

23 Q Was that the first you heard that?

24 A Yes.

25 Q What else do you recall?

1 A Then Tom Corrigan presented the information about
2 the Planning Commission. There was a -- my notes may
3 not reflect this. There was talk about the
4 grandfather clause and the fact that the Planning
5 Commission did not approve a recent request by an
6 individual organization who wanted to establish a
7 daycare in an old location in Birdtown. He made
8 reference to this to say that the Planning Commission
9 is very strict, and they did not allow for the
10 grandfather clause or to grandfather another daycare
11 location in there because it had been vacated. So he
12 was -- that's that statement there. And there was
13 reference to Diesel Tech property. They did have a
14 grandfather clause which allowed them to be present at
15 Hidden Village. But again, in reference to the
16 daycare, that you can't transfer the grandfather
17 clause. You have to go to the Planning Commission.

18 Q What's the next thing you remember?

19 A There was some discussion then about -- zoning
20 discussion about residential use and was it a group
21 home, and I -- my notes may not be very clear on
22 that. That was basically what the rest of the
23 conversation boiled down to, what is the real use of
24 this Lutheran Metropolitan Ministry program, does it
25 fit into that, what do they need to do in order to

1 move forward. And that's when it was determined they
2 had to go to the Planning Commission and would there
3 be other areas that might work.

4 Q And then I think the next page is just a repeat
5 of the first page even though it's Bates stamped as
6 the same document.

7 A Yes.

8 Q It has a different page, but it's repetitive,
9 correct?

10 A Yes. Yes, it is.

11 Q What was the resolution that came out of this
12 meeting with respect to Youth Re-Entry Program? How
13 did you understand that the parties would proceed?

14 A I understood that they would need to go to the
15 Planning Commission to get approved use to move into
16 the location.

17 Q What's the next thing you heard about Youth
18 Re-Entry Program?

19 A The next --

20 Q The next event as it relates to the Youth
21 Re-Entry Program.

22 A I was told that they did move in.

23 Q Did you have any prior conversations with
24 Mark Brauer before they moved in?

25 A No. I had a conversation after this meeting.

1 Q With who?

2 A Not a conversation, an email with Mark Brauer
3 after this meeting.

4 Q What was the email about?

5 A Just that until this situation was resolved, the
6 situation with the Planning Commission, that there
7 would be no further activity.

8 Q That email, though, would have been after they
9 moved into the City, right?

10 A I don't recall.

11 Q I'm not going to make you remember the exact
12 date. I think I have that email. But before we get
13 to that email, let me show you Exhibit 18.

14 A Uh-huh.

15 Q Take a minute and read Exhibit 18.

16 A (Witness reading.)

17 Q Did you receive this email?

18 A Yes.

19 Q Around March 14, 2006?

20 A Yes.

21 Q It references in the first sentence -- I'm
22 sorry -- in the second paragraph, "The February 14th
23 meeting took a little different direction than some of
24 us expected. And early on, Charles Barrett cited the
25 Lakewood zoning code for the neighborhood where the

1 Hidden Village Apartments are located." Do you agree
2 with that characterization of Mark Brauer, that you
3 were surprised at the direction the meeting took?

4 A Not surprised. I had no preconceived notion
5 except for the introduction of the two parties; of the
6 City and the program.

7 Q Did you think that it was a program that the City
8 of Lakewood would embrace when you made that
9 introduction?

10 A I didn't have any opinion one way or the other.

11 Q Had you formed an opinion as of that point in
12 time as to whether the City of Lakewood was welcoming
13 to African-Americans as an administration?

14 A No, I did not form any opinion at that time.

15 Q It says that he called you, down at the bottom
16 paragraph, and asked if you were aware of what had
17 transpired, i.e., the prior paragraph, the
18 conversation between their lawyer, Charles Barrett,
19 Ed Fitzgerald, and Tom Corrigan. Were you aware of
20 it?

21 A No. I was not involved in that.

22 Q In this email, he indicates on March 14, 2006
23 that it was the intent of the Youth Re-Entry Program
24 to move into the City pending an agreement on a
25 lease. Do you agree with that characterization?

1 A Can you clarify where you have that
2 understanding?

3 Q Sure. Bottom of the third paragraph. He,
4 meaning Craig Miller, the attorney for Lutheran
5 Ministry, told them that he would be counseling us,
6 that he believed their position in that regard, i.e.,
7 the zoning was untenable. He has done that, and
8 pending agreement on a lease, we will likely make the
9 move.

10 A And can you restate the question, please?

11 Q Certainly. Do you agree that Mark Brauer was
12 communicating to Mary Louise Madigan that pending an
13 agreement on a lease with Hidden Village, that Youth
14 Re-Entry Program would be relocating to the City of
15 Lakewood?

16 MR. CATHCART: Objection. Go
17 ahead.

18 A Well, he's stating, we'll likely make the move.
19 There's nothing there that I read that they are
20 certainly going to be going in there.

21 Q But certainly, this email was a different
22 direction than the way it was left in February, which
23 is that they were going to get with the Planning
24 Commission before they moved in, right?

25 MR. CATHCART: Objection.

1 A Correct.

2 Q Did you view this email as a departure from the
3 prior position of the Youth Re-Entry Program that they
4 would first go to Planning Commission?

5 A I did not form an opinion one way or the other.

6 Q Did he ever get back in touch with you between
7 March 14, 2006 and the middle of April 2006 when the
8 Youth Re-entry Program moved into the City?

9 A I don't recall, no.

10 Q Do you recall following up with him to see what
11 the status of their move was?

12 A No.

13 Q Let me take 18 back. I'm going to show you
14 Exhibit 19. Because of the way these emails have been
15 produced to us, I can't always tell who the recipients
16 are. You'll see the dot, dot, dot at the end here.
17 My question is, did you receive a copy of Exhibit 19
18 from Edward Favre?

19 A I don't recall seeing this.

20 Q Exhibit 20, this one lists you as recipient. Did
21 you have any conversations with Mayor George upon
22 receipt of this email from Mayor George on April 13,
23 2006?

24 A May I take a moment to review it?

25 Q Absolutely. And that remains true with every

1 document that I show you.

2 A (Witness reading.) I do recall getting this. I
3 don't recall having a conversation with him.

4 Q Did you speak with anybody on that recipient list
5 or with Edward Favre regarding them moving to the City
6 of Lakewood?

7 A I don't recall a conversation.

8 Q I'm going to show you what was previously marked
9 as Brauer Exhibit C, which I don't have a copy of, but
10 tell me what you -- take a minute to read that
11 document, and tell me what you recall about your
12 conversation with Mark Brauer to the extent it's
13 inconsistent with what's reflected in the email.

14 MR. CATHCART: Do you have a
15 copy of that?

16 MR. HABER: No. This is in
17 the production. It was the one that
18 Jim Climer used. Start in Tab 2 and
19 move forward.

20 MR. CATHCART: Got it.

21 Q And while she reads it, I'll, for the record,
22 indicate this is an email from Mark Brauer to a number
23 of people regarding a conversation with you dated
24 March 10, 2006, correct?

25 A (Witness reading.) Okay. What was the question?

1 Q Mr. Brauer has characterized a conversation with
2 you in this email. Is there anything about this
3 conversation that he had with you on March 10, 2006
4 that in your recollection is inconsistent with what is
5 reflected in this email?

6 A No. I think it's reflective of the conversation.

7 Q Did you have a recollection of anything else
8 being discussed that's not reflected in this email?

9 A No.

10 Q Let me have that one back.

11 MR. HABER: You're going to
12 want to hold onto this.

13 MR. CATHCART: Okay.

14 Q Showing you what's been marked as Brauer
15 Exhibit E by your counsel, which is an email string
16 dated April 24, 2006. Starting with the one at the
17 bottom from you to Mark Brauer, and then the one up at
18 the top is Mark Brauer's response. Is this the email
19 you were previously referring to where you
20 communicated with him indicating that there wouldn't
21 be any services providing until the outstanding zoning
22 issues were resolved?

23 A I recognize this, and this would be the email.

24 Q Do you remember what the voicemail message was
25 from Mark Brauer on April 21, 2006 that you reference

1 in your email?

2 A No. I don't recall the content of that
3 voicemail.

4 Q Who told you that the Division of Youth would not
5 be able to work with the Youth Re-Entry Program until
6 outstanding issues with the City were resolved?

7 A I believe I was directed by my boss.

8 Q Which would be Mayor George?

9 A Correct.

10 Q May I have that back? Did he tell you why the
11 Division of Youth would not be able to work with the
12 Youth Re-entry Program until those issues were
13 resolved?

14 A I only understood that it was a conflict because
15 they were -- there was a conflict because of the
16 violation of the zoning code.

17 Q Did you ever come to learn that the zoning issue
18 had been resolved by Planning?

19 A I did hear that.

20 Q Did you attend the Planning Commission meeting?

21 A No, I did not.

22 Q And I'm sorry. You said you did not attend?

23 A I did not.

24 Q Was it your understanding that upon conclusion --
25 and I'll represent to you that the Planning Commission

1 issued their decision on July 6th. That upon the
2 issuance of that decision, that the issue with Youth
3 Re-Entry Program's ability to stay in the City of
4 Lakewood was resolved?

5 MR. CATHCART: Objection. Go
6 ahead.

7 Q You can answer.

8 A I was told that it was approved, so that would
9 be -- then I would assume that it was resolved.

10 Q Did you then from July 6, 2006 going forward get
11 involved in any discussions regarding whether the City
12 of Lakewood was going to try and force the Youth
13 Re-entry Program to leave the City of Lakewood?

14 MR. CATHCART: Objection. Go
15 ahead.

16 A Force the City, no, no.

17 Q Did you understand that even after that Planning
18 Commission decision that the administration of the
19 City of Lakewood did not want Youth Re-Entry Program
20 here in the City?

21 A No. I understand there were concerns.

22 Q Tell me what you understood those concerns to
23 be.

24 A Involvement in criminal activity or police
25 activity.

1 Q Were they worried about criminal activity even
2 before they moved in?

3 A I don't know that.

4 Q When did it come to your attention that there was
5 a concern regarding criminal activity or police
6 activity?

7 A Can't give you an exact date on that. I don't
8 recall.

9 Q You were a recipient of Exhibit 22, which was an
10 email from Mark Brauer dated April 26, 2006, regarding
11 the Youth Re-entry Program currently residing at
12 Hidden Village. What, if anything, did you do with
13 this information?

14 A I filed it.

15 Q In a file that you kept with respect to the Youth
16 Re-Entry Program?

17 A Yes.

18 Q And where is that file maintained?

19 A I have it at my office.

20 Q What would be contained within the Youth Re-entry
21 Program file, what type of information?

22 A My original documents that I've shared with the
23 law department.

24 Q So those would have been provided in their
25 entirety to the law department in response to the

1 Department of Justice investigation?

2 A Yes.

3 Q Since the Department of Justice investigation in
4 2008, have you continued to maintain a file with
5 respect to the Youth Re-Entry Program?

6 A Yes, but without any new information.

7 Q Okay. So since approximately February of '08 or
8 March of '08, you haven't added any additional
9 documents to that file?

10 A Correct.

11 Q Did you ever have an understanding that
12 Mayor George wanted the Youth Re-Entry Program to
13 leave the City of Lakewood?

14 A I don't remember ever hearing that specifically.

15 Q You were unaware of his letter that was written
16 to the Youth Re-Entry Program asking them to leave in
17 February of 2007?

18 A Actually, maybe I should ask my counsel how I
19 should respond to this.

20 MR. CATHCART: Answer, if you
21 know.

22 A I do remember seeing that letter.

23 Q Did you see because it was given to you in
24 preparation for your deposition here, or did you know
25 about it at the time?

1 A I'm trying to remember the time frame. I don't
2 remember the time frame that I received it; although,
3 I did receive it in the past.

4 Q Would it have been sometime in or around when it
5 was actually sent to the Youth Re-Entry Program?

6 A Afterwards.

7 Q Were you surprised that that was the position of
8 the Mayor?

9 A Let me consider this. The term surprised is --
10 can you clarify surprised?

11 Q Yeah. Did you --

12 A Did I anticipate that?

13 Q Were you surprised? And surprised using the
14 regular definition of surprised, i.e., you didn't
15 expect that the Mayor would send a letter to the Youth
16 Re-Entry Program asking them to leave the City.

17 A I did not expect that a letter would be issued.

18 Q Was that the first you heard that the Mayor
19 actually wanted them out of the City of Lakewood?

20 A That letter, I did not expect to see that letter.

21 Q At any point in time from the time the Youth
22 Re-Entry Program moved into the City of Lakewood to
23 the present time, did Ed Favre ever share with you his
24 concern that there were too many black people in that
25 program?

1 MR. CATHCART: Objection.

2 You can answer the question.

3 A No.

4 Q If he had shared that with you, would you have
5 told him that that attitude was inappropriate?

6 MR. CATHCART: Objection. Go
7 ahead.

8 A I did not form an opinion because he never made
9 that statement.

10 Q I'm asking a hypothetical. There's actually been
11 testimony in this case that he did make that
12 statement. I'm not suggesting that he made the
13 statement to you. I'm just asking if he did make that
14 statement.

15 MR. CATHCART: Objection;
16 mischaracterizes the testimony.

17 MR. HABER: You weren't here
18 for the testimony.

19 MR. CATHCART: I understand.

20 MR. HABER: If I were you,
21 I'm not sure that would be my
22 objection.

23 Q That being said, my question is, assuming that he
24 did express that to somebody in the City of Lakewood,
25 do you think that that would be an appropriate

1 sentiment from Sergeant Favre?

2 A No, it would not be appropriate.

3 Q Now -- I'm sorry. Did you want --

4 A No, no.

5 Q Sergeant Favre was somebody that was principally
6 involved in communicating the policy of the
7 administration towards the Youth Re-Entry Program,
8 wasn't he?

9 A That's my understanding.

10 Q In fact, you were specifically told that by
11 Mayor George that all administration policy was to
12 flow through him?

13 A That's correct.

14 Q In Exhibit 23, Mr. Favre expressed his
15 disappointment to Mr. Brauer that they chose to move
16 in in disregard to the zoning laws, correct?

17 A Correct.

18 Q Were you surprised to see Sergeant Favre
19 communicating directly with Mr. Brauer his
20 disappointment?

21 A No, as he was the person in the administration
22 who was directed to communicate with Lutheran
23 Metropolitan Ministry.

24 Q Now, without regard to when -- and I think I can
25 help you with when ultimately. But with regard to

1 when you first learned that there was a concern
2 regarding issues of crime, what triggered your
3 knowledge of a concern regarding issues of crime?

4 A Let me think a moment.

5 Q Take your time.

6 A I don't recall exactly.

7 Q See if I can help you. Do you have a
8 recollection of ever attending a meeting with people
9 from the community regarding concerns?

10 A Not a community meeting.

11 Q With whom did you have a meeting regarding
12 concerns?

13 A I was asked to attend a meeting arranged by
14 Councilperson Madigan.

15 Q With whom? In other words, who did Councilperson
16 Madigan arrange the meeting with that you then
17 attended?

18 A There was an individual who lived -- a woman who
19 lived in the community. I don't recall her name. And
20 representatives from the police department and
21 Mark Brauer was present and I also believe
22 Kandi Withers was present.

23 Q And what was the subject of the discussions? In
24 other words, what was the issue or concern that was
25 being raised specifically?

1 A The woman from the community that lived in the
2 neighborhood wanted to discuss her concerns that she
3 had within the neighborhood.

4 Q What were her concerns?

5 A I don't recall specifically each incident. There
6 were some concerns about kids, youth loitering in the
7 area. That's all I recall.

8 Q But other than loitering, you don't recall any
9 specific crime that had been committed? I'm not
10 suggesting loitering isn't a crime, but --

11 A I don't remember specifically.

12 Q I'm going to show you Deposition Exhibit 57.
13 Tell me if you remember the email at the bottom.

14 A I do.

15 Q This is an email where Mayor George expresses his
16 surprise to hear you attended the meeting regarding
17 Hidden Village, looks like October 11, 2006, correct?

18 A Correct.

19 Q Is this the meeting that you're referring to?

20 A Yes.

21 Q And tell me what your thoughts were when you
22 received this email from Mayor George.

23 A I didn't see a problem with my attending the
24 meeting because I had been asked by a councilperson,
25 and needed clarification if there was a problem with

1 me being involved in this in the future.

2 Q In fact, I think -- and I'll show you your
3 response in a minute. But were you aware of this
4 exchange above between Edward Favre and
5 Anthony Ciresi?

6 A Was I aware that they had seen my email?

7 Q Correct.

8 A No.

9 Q But the email from Mayor George indicated to you
10 that any policy from this administration regarding
11 this issue will be directed through Edward Favre?

12 A Correct.

13 Q And that was consistent with what you had been
14 told previously, correct, or was this the first time
15 that that was communicated to you?

16 A I don't recall the exact dates, but I believe
17 this was the first -- I don't recall the exact dates,
18 but I believe this was the first communication.

19 Q Did that surprise you that the policy of the
20 administration was going to be directed through
21 Sergeant Favre?

22 A No. He was the Mayor's executive assistant.

23 Q Is that the same as like a right-hand man, if you
24 will?

25 A Correct.

1 Q I don't have an extra copy of this one, but
2 Exhibit 59, that was your response to the Mayor,
3 correct?

4 A Uh-huh.

5 Q Yes?

6 A Yes, that is my response.

7 Q Did you know that Mayor George shared your
8 response with Edward Favre?

9 A He didn't tell me he had.

10 Q Did you ever discuss with Mayor George this issue
11 of you attending that meeting?

12 A Don't recall that we had a meeting to follow.

13 Q Let me show you why I'm asking that question. In
14 Exhibit 60, there's an email from Mayor George in
15 response to your email that says, "It appears we
16 definitely need to meet regarding this issue."

17 A I recall seeing this, but I don't recall meeting
18 with him on this issue.

19 Q Do you know why you wouldn't have met with the
20 Mayor after he told you you definitely need to meet
21 regarding this issue?

22 A No. It was clear at the time that I was not to
23 be involved with any discussion with Lutheran
24 Metropolitan Ministry.

25 Q Well, considering the role of the Division of

1 Human Services and particularly, the Youth Division
2 had with the Youth Re-Entry Program, did you have an
3 understanding as to why he didn't want you to have any
4 conversation with them?

5 A Because of the -- my only understanding was
6 because of the safety concerns there, and that that
7 was still an outstanding concern.

8 Q Had somebody communicated to you at this time
9 that they believed that there was a crime wave or an
10 increase in police activity around the Hidden Village
11 Apartments that were attributable to the Youth
12 Re-Entry Program?

13 A I would say the first part of your statement is
14 true.

15 Q That somebody had indicated that there was an
16 increase in criminal activity?

17 A Yes.

18 Q But nobody had said, we think it's related to
19 Youth Re-Entry Program?

20 A I don't recall that, but I know that there was a
21 discussion about the increase in criminal activity in
22 the police reports.

23 Q Did the police or do you know who it was that
24 communicated that to you?

25 A It may have been at that meeting with -- it may

1 have been communicated at that meeting with the police
2 and with Mary Louise Madigan, the open City Council
3 meeting.

4 Q So around October 11, 2006, it may have been
5 communicated to you?

6 A Correct.

7 Q Do you remember which officers were present at
8 the meeting of October 11, 2006?

9 A It would have been Sergeant Favre and Ciresi. I
10 don't know his title at the time.

11 Q Did Sergeant Favre appear upset that you attended
12 that meeting?

13 A I didn't read it one way or the other.

14 Q But obviously, he must have communicated it to
15 Mayor George since you got an email the next day,
16 correct?

17 MR. CATHCART: Objection. Go
18 ahead.

19 Q Right?

20 A Right.

21 Q Is that how you understood that Mayor George
22 found out you had attended?

23 A Yes.

24 Q If you would read his email back to Mayor George
25 with respect to your email below, were you aware of

1 his attitude towards your involvement at this time?

2 A No.

3 Q Is that the first time you've seen that email?

4 A I think so. I believe it is the first time I
5 ever saw that, yes.

6 Q Do you have any explanation why Sergeant Favre
7 would have been so hostile towards your involvement at
8 that time?

9 MR. CATHCART: Objection. Go
10 ahead.

11 A No. No, unless -- human services and police,
12 social services and police services sometimes are
13 diametrically opposed.

14 Q Well, because you're interested in helping the
15 Youth Re-Entry Program and he's not?

16 MR. CATHCART: Objection.

17 A I wouldn't say that.

18 Q How would you characterize why you would be
19 diametrically opposed with the police department as it
20 relates to Youth Re-Entry?

21 A I was using that as a generality with the social
22 services and police.

23 Q As it relates to Youth Re-Entry Program, do you
24 think you were diametrically opposed with the Division
25 of Police?

1 A No, because we were not directly involved. We
2 were not directly involved with the police in this
3 specific program. My comment was a generality of
4 social services and police services.

5 Q Did Mr. Favre ever tell you that he wanted the
6 Youth Re-Entry Program out of the City of Lakewood?

7 A I don't recall that conversation ever taking
8 place.

9 Q Exhibit 64, this is an email string that was
10 about a month later, November 8, 2006. It starts with
11 an email from you to Ed Favre indicating that
12 Councilwoman Madigan would like to discuss the status
13 of Youth Re-Entry sometime at the end of this week.
14 "I'm available on Wednesday to provide more
15 information regarding our conversation at council
16 tonight." Do you remember that conversation you had
17 with Mary Louise Madigan in November of '06?

18 A No, I don't recall.

19 Q Do you remember a conversation with Ed Favre in
20 November of '06 at a council meeting?

21 A No, I don't.

22 Q Now, Mr. George, Mayor George is advising
23 Ed Favre what the conversation you're referencing is,
24 and that is that Mary Louise Madigan had approached
25 you last night, i.e., November 4, 2006, after City

1 Council as to how to ease their transition into the
2 neighborhood. Do you remember that?

3 A Give me just a moment here. (Witness reading.)

4 Actually, I recall a conversation with Councilwoman
5 Madigan. I'm trying to put the time frame together.
6 She had wanted to explore ways that Youth Re-Entry
7 could become a good neighbor, if you will, in the
8 neighborhood, whether it be volunteer opportunities or
9 ways that the neighbors could feel more comfortable
10 with the kids -- not feel more comfortable with the
11 kids, but the kids could become good neighbors, and
12 the program could become good neighbors in the
13 neighborhood. So to make that relationship more
14 neighborhood based.

15 Q There's been some testimony regarding that
16 attitude, and specifically, there was some concern
17 regarding the way the Youth Re-Entry Program was being
18 perceived in the neighborhood. As we sit here today,
19 do you recall that conversation with
20 Mary Louise Madigan to be directed at trying to
21 improve the perception, and in some respects, dispel
22 some misconceptions about the Youth Re-Entry Program?

23 A I recall that she wanted to have these volunteer
24 opportunities or this neighborhood-based interactions
25 so that -- perception may be one way to place it, to

1 state it; to open up the dialog between residents and
2 the youth in the program.

3 Q Okay. He indicates that you told Mary Louise
4 Madigan that Ed Favre was the administrative contact
5 for the Hidden Village situation, right?

6 A Uh-huh.

7 Q Yes?

8 A I'm sorry. Can you repeat the question?

9 Q Do you remember telling Mary Louise Madigan that
10 Ed Favre was the administrative contact for the Hidden
11 Village situation?

12 A Yes.

13 Q And were you privy to the conversation between
14 Mayor George and Mary Louise Madigan that as far as he
15 was concerned, "Hidden Village is on probation.
16 Unless major changes occur in their operation, their
17 future in Lakewood is dim"?

18 A You're referring to the top?

19 Q No, no, the last paragraph of Tom George's email,
20 November 7, 2006, down at the bottom. See kind of
21 middle to the bottom?

22 A Uh-huh.

23 Q Were you privy to that statement from
24 Mayor George?

25 A I don't recall that, no.

1 Q Now, I take it you were not privy to Ed Favre's
2 sentiment expressed in the November 7th, 2006 email at
3 the top?

4 A No, I was not.

5 Q Had he ever made you aware of his sentiment that
6 he was not interested in being part of anything that
7 was going to keep the Youth Re-Entry Program in the
8 City of Lakewood?

9 A I don't recall having much conversation with
10 Mr. Favre about any of this.

11 Q Did anybody communicate to you that this -- if
12 you look at this email, it basically says Ed Favre
13 said Mary Louise Madigan wants to keep them here, I
14 don't want any part of it. Do you agree with that,
15 that that's essentially what he's saying?

16 MR. CATHCART: Objection. Go
17 ahead.

18 A It seems apparent to me here.

19 Q I think it seems apparent to most. But my
20 question is, did anybody make you aware in November of
21 2006 that this was the policy of the administration?

22 A I was still aware that there were concerns about
23 safety. I was not involved much in this discussion.

24 Q Had anybody actually shared with you what the
25 allegedly crime statistics were that raised this

1 concern of safety in November of 2006?

2 A I was aware of some of the crimes, yes.

3 Q What crimes were you aware of?

4 A The crimes that I recall, one was a discussion of
5 Sapell's grocery store and shoplifting.

6 Q And that was in September of 2006?

7 A Yes. There were a number of concerns about
8 that. The other was allegedly drugs, drug -- I don't
9 know what you would say, use of drugs or drugs. We
10 talked about loitering in that neighborhood. Those
11 are most of what I recall.

12 Q The drugs, the allegations of drugs, did anybody
13 ever tell you there was a drug arrest or drug
14 conviction involving anyone from the Youth Re-Entry
15 Program at that time?

16 A No. I don't know about a drug conviction.

17 Q Showing you what's been marked as Exhibit 65,
18 were you ever made privy to this email exchange
19 involving Mary Louise Madigan, Christopher Toth, who I
20 assume is a citizen, and Mayor George?

21 A I don't recall ever seeing this no.

22 MR. HABER: Okay. Can we
23 take a quick restroom break, and then
24 I'll change direction a little bit.

25 MR. CATHCART: Okay.

1 (Recess taken.)

2 MR. HABER: Back on the
3 record.

4 Q Showing you what's been mark as Exhibit 28, this
5 is an email dated November 11, 2007, which shows that
6 you are a recipient, scheduling a meeting regarding --
7 says Hidden Valley, but it's Hidden Village, in the
8 Mayor's conference room, which is where we're sitting
9 right now; is that correct?

10 A Yes.

11 Q Do you remember this meeting?

12 A I don't.

13 Q Do you have any idea why this was scheduled in
14 January of 2007?

15 A I don't recall.

16 Q Can you hand me that back, and I'll help try and
17 refresh your recollection.

18 As we sit here today, without anything further,
19 you don't remember attending that meeting?

20 A I don't.

21 Q All right.

22 MR. CATHCART: I'm sorry.
23 Did you say you don't remember?

24 THE WITNESS: I don't
25 remember attending. I remember the

1 email.

2 Q I'm going to show you two sets of notes. One is
3 Exhibit 70. One is Exhibit 71. Even though one of
4 them indicates January 18, 2006, I'm guessing that
5 those notes are actually just misdated, and that it's
6 actually January 18, 2007. It appears from these
7 notes that you were in attendance at this meeting.
8 And why don't you take a minute, look at the
9 scribblings of Exhibits 70 and 71, and see if that
10 helps refresh your recollection regarding the events,
11 the meeting itself.

12 A (Witness reading.) I'm trying to remember, but
13 I'm having difficulty. Obviously, I was here. I was
14 at this meeting, but --

15 Q It appears that Mayor George was present? I'm
16 just looking at the notes at the top.

17 A Yeah.

18 Q Ed Favre was present?

19 A Yes.

20 Q Chief Malley was present?

21 A Yes.

22 Q Captain Hassing was present?

23 A Yes.

24 Q Captain Ciresi was present?

25 A Uh-huh.

1 Q Brian Corrigan?

2 A Yes.

3 Q Charles Barrett, Edward Fitzgerald, Tom Jordan.

4 I'm not sure who -- is that Bennett?

5 A Looks like Bennett, but --

6 Q And Buckon, Dottie Buckon?

7 A Yes. I'm not clear if that's Bennett or not, but
8 obviously, my name is on there.

9 Q It looks like during this meeting that there's a
10 conversation about the prior Planning Commission
11 decision, but also discussion -- looking at the second
12 page -- about ways to go back and approach getting
13 Youth Re-Entry Program out of Lakewood. Do you
14 remember being a part of any type of meeting like
15 that?

16 MR. CATHCART: Objection. Go
17 ahead.

18 A (Witness reading.) I'm having a hard time
19 remember this.

20 Q This meeting was about a little over a month
21 before the Mayor sent his letter to the Lutheran
22 Ministry asking them to remove the Youth Re-Entry
23 Program from the City of Lakewood. Does that help
24 you?

25 A Yes, but I'm not still not remembering a lot of

1 the content of this meeting.

2 Q Okay. Does it help refresh your recollection
3 that you were aware even prior to Mayor George's
4 meeting that the administration wanted the Youth
5 Re-Entry -- let me start that question again.

6 Does it refresh your recollection that you were
7 aware even before Mayor George sent his letter to the
8 Lutheran Ministry asking them to leave the City of
9 Lakewood that the administration wanted them to leave
10 the City of Lakewood?

11 A Again, I understood that there were concerns
12 about the crime and the police involvement and that
13 those concerns still stood even at this time and that
14 that was the grounds for this meeting here.

15 Q Okay. But you don't remember the meeting itself?

16 A I really don't.

17 Q Okay. There's a reference to another meeting two
18 to three weeks later at the bottom of Exhibit 70. Do
19 you know whether another meeting took place?

20 A I don't recall.

21 Q What involvement, if any, after this did you have
22 in the administration's dealings with the Youth
23 Re-Entry Program?

24 A I really didn't have involvement in -- well, let
25 me ask you a point of clarification. What kind of

1 dealings? Are you talking about legal dealings?

2 Q Not legal dealings, but meetings where
3 discussions were had regarding what do we do about the
4 Youth Re-Entry Program, should they leave the City of
5 Lakewood, should they be relocated, anything like
6 that. And the reason I ask you this question, and
7 I'll tell you this up front, is the communications
8 that I have that relate to you seem to end in January
9 of 2007, and that there doesn't seem to be a lot of
10 copying of you, at least in the emails I've seen, and,
11 of course, I don't always know who gets some of these
12 emails.

13 A Right.

14 Q It doesn't seem like you're being included in
15 those communications thereafter.

16 A No. And I made it clear, our Family to Family
17 Program, grant program year started at the end of
18 2006. I had provided that contract to the
19 administration and made it clear that we were -- it
20 was a deliverable, and really, that was the
21 involvement of the Department of Human Services and
22 Division of Youth with those youth that were aging out
23 of the system.

24 Q And your department was going to provide those
25 services as required under the contract?

1 A We had to, yes, correct.

2 Q In fact, the administration, when you said you
3 provided it to the administration, that was provided
4 at the request of Ed Favre, correct?

5 A Yes.

6 Q And did you have an understanding that he wanted
7 to review that to determine if there was any
8 obligation on the part of the City of Lakewood to
9 service the Youth Re-Entry Program?

10 A I wanted to make it very clear that that was a
11 deliverable. And he wanted to see it in writing, so I
12 provided that contract to him.

13 Q For lack of a better way to put it, he didn't
14 accept your representation that that was a
15 deliverable, and he wanted to see it in the contract?

16 MR. CATHCART: Objection.

17 A I can't assume that. So I just wanted to make
18 very clear that this was, in fact, a deliverable.

19 MR. CATHCART: Can I ask her
20 to clarify, what is a deliverable?

21 A In each grant proposal, there are requirements
22 for certain duties and responsibilities that the
23 grantee must meet, and it can be as specific as you
24 will work with this population, target population, or
25 you will come to so many meetings at the county. So

1 they have very specific requirements, and that's what
2 I refer to as a deliverable.

3 Q And in this particular case, your Family to
4 Family grant that the City of Lakewood received
5 required you to work with youths who were aging out of
6 the Ohio Department of Family Services, right?

7 A Out of the foster care system.

8 Q Out of the foster care system. And you
9 communicated that whether in writing or verbally to
10 the administration that that was our obligation?

11 A Correct.

12 Q To deal with those youths at the Youth Re-entry
13 Program who were aging out of the foster care system?

14 A Correct.

15 Q In Exhibit 61, Ed Favre asked for a copy of the
16 grant?

17 A Yes.

18 Q And ultimately, you provided that?

19 A Yes.

20 Q And after you provided that, there was -- and
21 I've got an email -- an assessment from the legal
22 department that concurred with your assessment as to
23 your obligations to provide deliverables?

24 A Correct.

25 Q Did you ever hear what Mr. Favre's response was

1 to the opinions of the law department with respect to
2 the obligations under the Family to Family grant?

3 A No. I just assumed that I provided him enough
4 information, and that it was satisfactory.

5 Q So he never expressed to you verbally that that
6 was an example of you having -- not you, personally,
7 but the City of Lakewood having brought this problem
8 on themselves by accepting grant money?

9 MR. CATHCART: Objection. Go
10 ahead.

11 A No, I don't recall him saying that.

12 Q So then your involvement -- if I can summarize,
13 essentially, once the Family to Family grant year
14 began, which would have been the end of '06, your
15 involvement quickly -- your involvement regarding the
16 disputes between the Youth Re-Entry Program and the
17 City of Lakewood quickly diminished to where you were
18 then simply providing the services and were no longer
19 involved in any of these other extracurricular issues?

20 A Correct.

21 Q Were you aware at any point in time that the City
22 of Lakewood decided to do joint departmental
23 inspections of the Hidden Village property?

24 A Yes, because at that time, my department included
25 the Division of Health.

1 Q So how did you become aware of the decision to
2 conduct a joint inspection?

3 A Through my communication with my Division of
4 Health employees.

5 Q And who were those employees?

6 A It would have included the environmental health
7 inspectors because that is their normal duty. I
8 believe you're probably saying John Lunter and
9 Thomas Barsett.

10 Q And what did Tom Barsett tell you about the joint
11 inspection, if you recall?

12 A I don't recall specifics from Tom's inspection.
13 I may have seen the inspection notes, but I can't tell
14 you right now what it says.

15 Q What I want to do is ask you about what he may
16 have communicated to you prior to the inspection as to
17 the reasons for the inspection, if you know?

18 A It's not uncommon for an annual inspection at
19 that time when we had a Division of Public Health that
20 was charged with upholding local ordinances, that
21 health would do joint inspections with building and
22 sometimes with fire as well especially if it was a
23 multi-family commercial unit.

24 Q So this was part of an annual inspection process?

25 A It was either annual inspection or if there were

1 concerns that were -- it could be either part of an
2 annual inspection, or if building had any concerns,
3 they would call health in on inspections, and this was
4 very common. The opposite would be said if health had
5 concerns, that building would need to be involved or
6 fire, then they would have a joint inspection.

7 Q By very common, is it fair to say that your
8 expectation is that there would be records of annual
9 joint inspections involving health, building, fire,
10 police and other departments of the City of Lakewood
11 of properties throughout the City of Lakewood other
12 than Hidden Village?

13 A Let me clarify your statement. It was not only
14 annual inspections. There may have been some annual
15 inspections that were joint inspections but also,
16 inspections of concerns. Annual inspections don't
17 necessarily include those that are complaint driven or
18 welfare driven. In other words, if the welfare of a
19 resident was of a concern or if a building had a
20 heating issue and the entire building was affected,
21 there would be -- so it wasn't just annual
22 inspections. There were other drivers for those joint
23 inspections.

24 Q But that suggests to me -- and I want to make
25 sure I'm clear -- that there is more -- when you say

1 there's annual inspections and inspections driven by
2 complaints or concerns for residents, that suggests to
3 me that the joint inspections, the joint departmental
4 inspections occur more frequently in the City of
5 Lakewood than once a year because you have annual
6 inspections, and then, of course, you have more
7 frequent inspections if there's a complaint. Is that
8 a fair assessment?

9 A I need clarification. Are you speaking of on the
10 same property, or are you speaking of across the
11 City?

12 Q Across the City. Here's what I'm specifically
13 asking: May 22, 2007, police, fire, health, building
14 descended on Hidden Village for an inspection. Okay?
15 Is it your testimony that your expectation is that
16 type of inspection, a joint department inspection
17 would occur at least on an annual basis in the City of
18 Lakewood?

19 MR. CATHCART: Objection. Go
20 ahead.

21 A First, let me clarify that annual inspections is
22 a term, that not all properties are inspected
23 annually, meaning every year; although, they call it
24 an annual inspection because of the nature of the type
25 of inspection. So would the fact that an inspection

1 like that occurred be something of a surprise to me?
2 No, because we did it -- we frequently inspected, did
3 joint inspections for any number of reasons on
4 properties. And it could be a property that we had
5 seen once already that year, and there could be
6 another issue. So it really depended on the property.

7 Q Let me ask you a different hypothetical, though.
8 Even though annual isn't really an annual inspection,
9 could you expect that Hidden Village would be
10 inspected if not annually, every two or three years?

11 A Depending on where the building department was
12 with that; with their inspection schedule.

13 Q And there are records that are maintained
14 regarding joint inspections, right? You've seen these
15 forms?

16 A Yes.

17 Q And I'm showing you what I've marked as Exhibit
18 36. I'm not going to give you the document to go
19 through it in detail, but this is a complaint
20 investigation form that comes from the Health
21 Department, correct?

22 A Yes.

23 Q And that would have been under your supervision,
24 right?

25 A Right.

1 Q So to the extent that your department is involved
2 in a joint inspection of any property in the City of
3 Lakewood with other departments, there's a record of
4 it?

5 A Yes.

6 Q And even if Hidden Village isn't inspected on an
7 annual basis, there should be annual joint inspections
8 done somewhere in the City of Lakewood?

9 A Annual and otherwise driven, complaint driven.

10 Q But at least once a year, some property, even if
11 it's only one, some property in the City of Lakewood
12 is going to be subject to a joint departmental
13 inspection?

14 A It was a common practice, yes.

15 Q And then in addition to that, if there were
16 complaints about a specific piece of property, there
17 may be more frequent joint departmental inspections?

18 A Yes.

19 Q What was the complaint that triggered the May 22,
20 2007 inspection, if any, regarding Hidden Village, if
21 you know?

22 A I don't know.

23 Q If there was a complaint, would that complaint be
24 reflected in some document in your department?

25 A It may or may not depending on -- the complaint

1 investigation is just very technical. It may say why
2 we're out there if we're looking at something
3 specific. If it's a general inspection, it would just
4 identify those issues that pertain to the Division of
5 Health.

6 Q Now, I'm going to you ask you to assume that on
7 May 16, 2007 there was a meeting at the Mayor's office
8 with the Lutheran Ministry representatives about the
9 Youth Re-Entry Program. I assume you were not a part
10 of that meeting in May of 2007?

11 A Not that I recall.

12 Q At that meeting, there's been testimony that the
13 City again asked the Youth Re-Entry Program to
14 voluntarily leave the City of Lakewood. Okay? I'm
15 going to ask you to assume that.

16 A Okay.

17 Q Six days later, after the Youth Re-Entry Program
18 indicated that they were not going to voluntarily
19 leave the City of Lakewood, there was a joint
20 departmental inspection of the Hidden Village
21 property. As we sit here today, do you believe, have
22 an assumption, would you assume based upon that
23 chronology that that inspection was triggered by the
24 refusal of the Youth Re-Entry Program to leave the
25 City?

1 MR. CATHCART: Objection. Go
2 ahead.

3 A I can't tell you. No, I didn't make any
4 assumption, and I was not part of a conversation that
5 would tell you that that refusal to move triggered
6 that inspection.

7 Q If you wanted to know, as the Director of the
8 Division of Human Services at the City of Lakewood, if
9 you wanted to know what triggered a joint inspection
10 on May 22, 2007 that included your Division of Health,
11 where would you go look?

12 A Who would I ask, or where would I look?

13 Q Well, either one. Would there be a document that
14 you can go look for or a person that you would ask?

15 A There would be a person that I would ask.

16 Q Who would you ask?

17 A More than likely, whoever arranged it, whether it
18 would be Ed Fitzgerald from Building Department,
19 Ed Favre, or my environmental health director, who is
20 John Lunter.

21 Q John --

22 A John Lunter.

23 Q L-u-n-t-e-r?

24 A Correct.

25 Q Does he still work here at the City of Lakewood?

1 A No, he's not employed with the City anymore.

2 Q Was he employed back in 2007?

3 A Yes.

4 Q If he helped arrange it, would there be a
5 document or communication between the other
6 departments to him to try and arrange this?

7 A Probably to schedule it, correct.

8 Q Would that be an email or a memo, do you know?

9 A It may have just been conversation.

10 Q If Tom Barsett did the inspection, would he have
11 been involved in the schedule?

12 A Only as far as his time was concerned.

13 Q So other than Mr. Lunter, you would have talked
14 to Mr. Fitzgerald or Mr. Favre?

15 A Correct.

16 Q Because if your department didn't call for it --

17 A Correct.

18 Q -- then it would have been requested by another
19 department at the City of Lakewood, in this case,
20 either police, fire or building?

21 A Correct. And we would have responded to the
22 request.

23 Q How would you search to determine the occasions
24 when your department, health, was involved in joint
25 inspections in the City of Lakewood with other

1 departments over the last five years?

2 A We maintain property files, so each property had
3 their own file by address, and they were retained
4 within environmental health.

5 Q And are they still retained within environmental
6 health?

7 A When we eliminated the division in May of 2008,
8 those records would have been secured and stored.

9 Q Where are they stored?

10 A I will have -- I would have to find out where
11 those records are. Some records went to the county,
12 some went to the building department, and our
13 environmental health records may have gone to the
14 building department because it was most closely
15 aligned with that role of the Public Health
16 Department.

17 Q And I assume that within each file for each
18 property, you would have documents such as the
19 complaint and investigation forms that would detail
20 the actions taken with respect to that property
21 following the investigation?

22 A Yes.

23 Q But would you keep some separate log that would
24 show which properties were subject to joint
25 inspections so that you knew which property files to

1 go look at?

2 A No, not for a joint inspection.

3 Q Would your inspectors keep some type of log that
4 would show the inspections that they had performed and
5 whether these inspections were joint or just property
6 specific?

7 A They maintained a daily log with all of their
8 activities; each inspector did.

9 Q And how many inspectors did you have at that
10 time?

11 A We had the environmental health supervisor, two
12 full-time registered sanitarians, a part-time
13 registered sanitarian, who did mostly food, and a
14 liter control officer, who did inspections, external
15 inspections only.

16 Q The environmental health supervisor was who?

17 A John Lunter.

18 Q Who were the other inspectors?

19 A Tom Barsett.

20 Q Does he still work for the City?

21 A No.

22 Q Where does he work, do you know?

23 A Cuyahoga County Board of Health.

24 Q What type of inspector was he?

25 A He's a registered sanitarian as is Mr. Lunter.

1 Q And who were the other people?

2 A James Armstrong, a registered sanitarian.

3 Q Who else?

4 A Diana Camelli.

5 Q Spell the last name for me.

6 A C-a-m-e-l-l-i. She was the liter control
7 officer.

8 Q Okay.

9 A And the part-time regular sanitarian was Herb or
10 Herbert Erskine, E-r-s-k-i-n-e.

11 Q And those logs, where would they be retained?

12 A With the other environmental health records.

13 Q Probably in building?

14 A Probably, or at the old Health Department across
15 the street. I can't remember where.

16 Q And do you know what information would be
17 reflected on those logs?

18 A They would indicate the time spent on a certain
19 task, what the task was, what component of
20 environmental health the task was involved in, for
21 instance, whether it was food service or school
22 inspections, et cetera. They often contained
23 addresses.

24 Q Okay. And then you eliminated that department
25 when in 2008?

1 A May of 2008, it was closed, and we contracted
2 with the Cuyahoga County Board of Health for those
3 services.

4 MR. HABER: All right,
5 Ms. Buckon. I do not have any other
6 further questions.

7 MR. CATHCART: Okay.

8 MR. HABER: I will order it.
9 Do you want to explain waiver to
10 her?

11 MR. CATHCART: You have a
12 right to review your testimony and to
13 check it for errors and that sort of
14 thing. If you don't want to review
15 it, you can waive that right. I
16 suggest that you waive that right.
17 In this case, you can do so.

18 THE WITNESS: You suggest
19 that?

20 MR. CATHCART: Yes. Okay?
21 So go ahead and tell her whether you
22 want to waive it or whether you want
23 to review it.

24 MS. HURLEY: I always suggest
25 they read it.

1 MR. CATHCART: I know. Go
2 ahead. Hang on. We'll get back to
3 you in just a second.

4 (Recess taken.)

5 THE WITNESS: I'll waive.

6 - - - - -

7 (Deposition concluded at 11:45 a.m.)

8 (Signature was waived.)

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