

EXHIBIT 1

37905



U.S. Department
of Transportation
Federal Highway
Administration

Michigan Division

October 18, 2011

OCT 27 2011

315 W. Allegan Street, Room 201
Lansing, MI 48933
517-377-1844
517-377-1084
Michigan.FHWA@dot.gov

In Reply Refer To:
HDA-MI

Mr. Kirk T. Steudle, P.E.
State Transportation Director
Department of Transportation
Lansing, Michigan

Dear ^{Kirk}Mr. Steudle:

The enclosed report concerns the issues brought to our attention by Ms. Belandra Foster, Owner of BBF Engineering Services, P.C., in Detroit, Michigan.

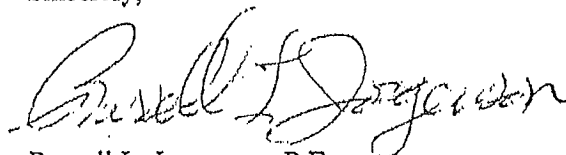
In October of 2010 the Federal Highway Administration Civil Rights Headquarters' Office (FHWA- CR-HQ) accepted for investigation four alleged violations of Title VI of the Civil Rights Act of 1964 (Title VI) made by Ms. Foster. These four complaints (and others that were accepted later) are still in the hands of the CR-HQ Office. In addition, CR-HQ remanded seven complaints that were not considered to have been filed timely (within 180 days of the incident) the FHWA Division Office. Please understand that although the complaints were not timely, we did not find them without merit. The report indicates Ms. Foster was not treated fairly in the procurement process by MDOT.

On September 15, 2011 FHWA and MDOT met to discuss the report and FHWA asked MDOT to consider negotiating a settlement with Ms. Foster. At this point we understand that MDOT is in consultation with the Attorney General's Office. However, since it has been one month since the meeting, FHWA does not view it as fair to Ms. Foster to withhold the official report any longer.

We encourage you to continue to pursue an opinion from the Attorney General's Office and to work with Ms. Foster on settlement of her claims.

By this letter, we are requesting that you form a process improvement team aimed at strengthening MDOT's monitoring of the consulting/service contract award process. It is our recommendation that you include both your Title VI Coordinator (Ms. Cheryl Hudson) and representative from the FHWA Division Office on the team. If you have further questions concerning this report, you may contact Ms. Mary Finch, Civil Rights Program Manager at 517-702-1853 or Mary.Finch@dot.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Russell L. Jorgenson".

Russell L. Jorgenson, P.E.
Division Administrator

lmk

Attachment

By e-mail

cc: Ms. Cheryl Hudson, HudsonC1@michigan.gov MDOT
Mr. Gregory Johnson, JohnsonG2@michigan.gov MDOT
Ms. Belandra Foster, BBF Engineering

DMS: BBF Engineering Letter

File Directory: J:\GroupWiseFiles

File Name: MKF_BBF Engineering Letter_OCT182011.docx

I. Executive Summary:

When deciding if EEO or Title VI complaints have validity the standard of a preponderance of evidence is used. A preponderance of evidence has been described in the Black's Law Dictionary as "just enough evidence to make it more likely than not that the fact the claimant seeks to prove is true".

In this inquiry the preponderance of evidence showed that an MDOT employee willfully removed BBF Engineering Services P.C. from the top place on a consulting construction award so that Ms. Foster's firm would not be considered.

In addition the evidence shows that based on Ms. Foster's sex (gender) (female) an MDOT employee sent forward her contract to Lansing to have funds removed from it. This resulted in her as-needed service contract being cut in half.

These facts have raised questions in the way service/consulting contracts are awarded at MDOT and the "power" that Project Engineers have in those selections and awards.

It is our belief that MDOT should set up a process improvement team aimed at strengthening MDOT's monitoring of the consulting/service contract award process.

It is our belief that MDOT should meet with Ms. Foster in regards to these issues and reaching a settlement agreement that would be acceptable to both parties.

IX. Results of Inquiry:

- a. Interview conducted with Ms. Marilyn Caldwell by Ms. Cheryl Hudson. Ms. Caldwell has served as Mr. Victor Judnic's secretary for the past five years. Ms. Caldwell verified that in 2006 speaking of Ms. Foster Mr. Victor Judnic said, "No woman should be making money like that." She did not recall if he said, 'no Black woman.'
- b. In June of 2006 Mr. Judnic notified BBF Engineering that they were cutting her "as needed" contract in half and "rebidding" the M-10 portion. This is contract number 2006-0490 (BBF Original Bid \$4.2 Million before negotiations). See letter from Mr. Myron Frierson, P.E. in response to Mr. Foster's questions. Per Investigator (Ms. Mary Finch's) interview with Mr. Frierson the decision was made by a committee in the Lansing Office to "unbundle" larger contracts to build a "viable consultant industry". Per Ms. Finch's interview with Mr. Judnic he was told that, "Lansing wants to provide more opportunities for diverse small consultants" and he was asked which contracts could be cut back by his supervisor and he provided them with the M-10/as-needed contract. Ms. Finch asked him if he, "had considered the fact that BBF was a Disadvantaged Business Enterprise" (by definition a DBE is a small disadvantaged contractor). He replied, "I didn't think of that".

BBF was awarded the as-needed contract for \$2.2 million. The M-10 portion of the contract was awarded to Fishbeck for \$2.0 Million. In 2007 Fishbeck was the third largest consultant contractor doing business with MDOT.

1. HNTB \$17.6 M
2. URS \$13.1 M
3. Fishbeck \$8.1 M

Per Mr. Frierson, BBF did not bid on the M-10 portion of the contract. Ms. Finch asked him if he, "considered the fact that she had bid and won the contract already and the decision was made not to award to her." He said, "she should have bid, she may have got the second contract". Per Mr. Frierson there was a second contract that this was done with the M-85 contract.

- c. Contract Number 2008-0044 BBF was selected for contract and MDOT once again asked to have the contract services hours and services to be cut in half. After Ms. Foster complained to Mr. Frierson all efforts to cut the contract were stopped. Mr. Judnic was the Project Engineer Supervisor; Mr. Jason Voigt was the Project Engineer. Efforts to reach Mr. Voigt have not been successful. Mr. Judnic does not recall if he had anything to do with suggesting the hours be cut on Ms. Foster's contract.

X. Conclusions:

- a. The preponderance of evidence shows that Mr. Judnic appears to have taken actions based on Ms. Foster's sex (gender) (female). By making statements about her gender and how much money she was being awarded on a contract. Then acting later on her contracts to "suggest" that they go forward as contracts that could be cut back on.
- b. The preponderance of evidence shows that the MDOT offices in Lansing were sending mixed messages about what they wanted to accomplish by re-advertising parts of contracts. The evidence shows that Mr. Judnic thought he was supposed to be obtaining more diversity in his contracting opportunities and he choose to break out a contract that was already awarded to a DBE. The result was that a large white owned firm was awarded the second half of the contract.
- c. The preponderance of evidences shows that MDOT (Mr. Mark Stuecher) willfully changed the scores on the sheet to remove BBF Engineering from the top three so the firm would not be considered. It is unclear as to the motive. The evidence shows that the Consultant Selection Team is "lead" by the Project Engineer and normally has a majority of persons who work for the Project Engineer on the team. The result is that the team could be biased by the Project Engineer in their scoring etc. The consultation selection process used although non-discriminatory on its face resulted in disparate treatment to Ms. Foster.

Report of Inquiry

BBF Engineering Services, P.C.

XI. Complainants Request for Resolution:

1. Funds	Monetary Losses Due to Projects		Pain/Suffering/Mental Distress	Punitive Damages	Attorney Fees 20%	Totals
Project 2006-0490	Profit Loss	Interest				
Year 2006	\$308,000.00	7%	\$494,340.00	\$346,038.00	\$65,912.00	\$1,338,275.90
Year 2007	\$23,069.20		150%	105%		
Year 2008	\$24,684.00					
Year 2009	\$26,412.00					
Year 2010	\$28,260.70					
Project CS63052-JN72404						
Year 2009	\$55,000.00	7%	\$88,275.00	\$61,792.50	\$11,770.00	\$224,807.00
Year 2010	\$4,119.50		150%	105%		
Project 2008-0044			\$25,000.00	\$20,000.00	\$9,000.00	\$54,000.00
Loss of Work Profit Opportunities (FY 2006-2009)						
2006-2009			\$900,000.00	\$540,000.00		\$9,000,000.00
Total (FY 2006-2009)			10%	6%		\$1,440,000.00
2. Other						\$12,057,082.90
a. Restoration of all current MDOT prequalifications upon expiration date of 10/2011 for a period of 4 years. b. MDOT Guaranteed as-needed services inspection and project administration contract(s) for the period of 9/2011 through 12/2014 \$3,000,000.00 (BBFES must receive work).						

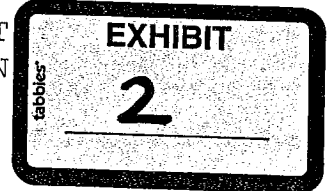
This report is not to be shared unless needed to obtain settlement.

XII. FHWA Recommendations:

- a. It is our belief that MDOT should set up a process improvement team aimed at strengthening MDOT's monitoring of the consulting/service contract award process.
- b. It is our belief that MDOT should meet with Ms. Foster in regards to these issues and reaching a settlement agreement that would be acceptable to both parties.

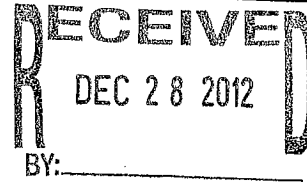
EXHIBIT 2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION



* * *

BBF ENGINEERING SERVICES, P.C.,
a Michigan corporation, and
BELLANDRA FOSTER, an individual,



Plaintiffs,

vs.

Case No. 11-CV-14853
Hon. Nancy G. Edmunds
Mag. Laurie J. Michelson

STATE OF MICHIGAN, a Michigan Public
Corporation, MICHIGAN DEPARTMENT OF
TRANSPORTATION, a Department of the
State of Michigan, VICTOR JUDNIC and
MARK STUECHER,

Defendants.

/

THE DEPOSITION OF VICTOR JUDNIC

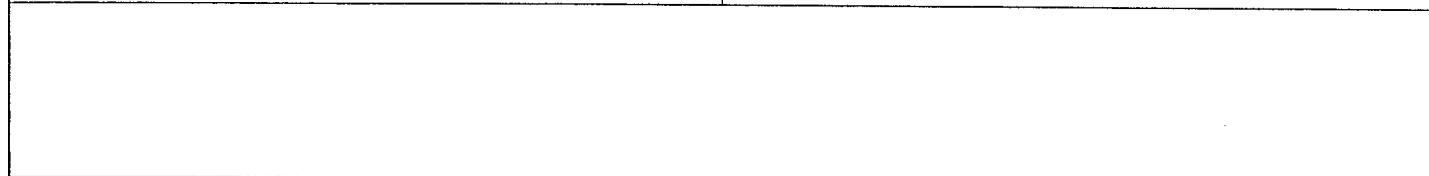
The Deposition of VICTOR JUDNIC, taken
before Judith Halprin, CSMR-3202, Certified Court Reporter and
Notary Public for the County of Oakland, Acting in the County of
Wayne, at 535 Griswold Street, Suite 1000, City of Detroit,
State of Michigan, on Wednesday, November 7, 2011, commencing at
or about the hour of 10:10 o'clock, a.m.

APPEARANCES:

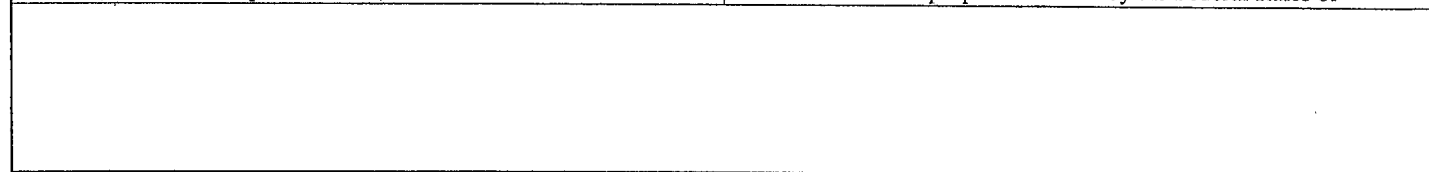
AVERY K. WILLIAMS, ESQUIRE
Williams Acosta, PLLC
535 Griswold Street, Suite 1000
Detroit, Michigan 48226
Appearing on behalf of the Plaintiffs.

* * * CONTINUED ON FOLLOWING PAGE * * *

<p>APPEARANCES, CONT.: MICHAEL J. DITTENBER, ESQUIRE MICHAEL J. REILLY, ESQUIRE Assistant Attorney General Transportation Division 425 West Ottawa Street, 4th Floor Lansing, Michigan 48913 Appearing on behalf of the Defendants.</p> <p>ALSO ATTENDING: BELLANDRA FOSTER</p> <p>REPORTED BY: JUDITH HALPRIN, CSMR-3202 Judith Halprin Court Reporting & Video Telephone: 248.851.3332</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">I N D E X</p> <p>1 WITNESS PAGE</p> <p>2 VICTOR JUDNIC</p> <p>3 Cross-Examination by Mr. Williams 6</p> <p>4 Redirect Examination by Mr. Dittenber 164</p> <p>5 Recross-Examination by Mr. Williams 170</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 * * * * *</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p style="text-align: right;">Page 4</p> <p>1 EXHIBITS PAGE # MARKED</p> <p>2 Deposition Exhibit Number 1 87</p> <p>3 (Title VI Complaint Form, w/Attachments)</p> <p>4 Deposition Exhibit Number 2 96</p> <p>5 (Title VI Complaint Form, w/Attachments)</p> <p>6 Deposition Exhibit Number 3 102</p> <p>7 (Title VI Complaint Form, w/Attachments)</p> <p>8 Deposition Exhibit Number 4 117</p> <p>9 (Title VI Complaint Form, w/Attachments)</p> <p>10 Deposition Exhibit Number 5 122</p> <p>11 (Title VI Complaint Form, w/Attachments)</p> <p>12 Deposition Exhibit Number 6 125</p> <p>13 (Title VI Complaint Form, w/Attachments)</p> <p>14 Deposition Exhibit Number 7 135</p> <p>15 (Title VI Complaint Form, w/Attachments)</p> <p>16 Deposition Exhibit Number 8 144</p> <p>17 (Title VI Complaint Form, w/Attachments)</p> <p>18 Deposition Exhibit Number 9 144</p> <p>19 (Title VI Complaint Form, w/Attachments)</p> <p>20 Deposition Exhibit Number 10 146</p> <p>21 (Title VI Complaint Form, w/Attachments)</p> <p>22 Deposition Exhibit Number 11 150</p> <p>23 (Title VI Complaint Form, w/Attachments)</p> <p>24 Deposition Exhibit Number 12</p> <p>25 (Title VI Complaint Form)</p>	<p style="text-align: right;">Page 5</p> <p>1 Detroit, Michigan</p> <p>2 Wednesday, November 7, 2012</p> <p>3 At about 10:10 o'clock, a.m.</p> <p>4 * * *</p> <p>5 VICTOR JUDNIC,</p> <p>6 having been first duly sworn by the Notary Public to</p> <p>7 tell the truth, the whole truth, and nothing but the</p> <p>8 truth, testified upon his oath as follows:</p> <p>9 MR. WILLIAMS: The record should</p> <p>10 reflect that this is the date, time and place set for</p> <p>11 the Deposition of Mr. Victor Judnic, and BBF Engineering</p> <p>12 Services, P.C. and Bellandra Foster versus</p> <p>13 Victor Judnic, et al.</p> <p>14 Mr. Judnic, as you know, my name is</p> <p>15 Avery Williams. I'm an attorney representing</p> <p>16 Miss Foster and BBF Engineering in some litigation that</p> <p>17 has been brought against you and others.</p> <p>18 I am going to be asking you</p> <p>19 questions today regarding that litigation, and the facts</p> <p>20 and circumstances surrounding it. If at anytime you</p> <p>21 don't understand the question, please indicate you don't</p> <p>22 understand the question, and I'll attempt to restate it</p> <p>23 or rephrase it.</p> <p>24 This Deposition is intended to be</p> <p>25 used for all purposes allowed by the Federal Rules of</p>
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1 Civil Procedure, as well as the Federal Rules of
2 Evidence.
3 If you give me an answer to a
4 question, I'm going to assume you understood the
5 question, and the answer you've given is the answer
6 you've intended. Is that fair?
7 THE WITNESS: Yes.
8 MR. WILLIAMS: And I don't know if
9 you've had your Deposition taken before, but there's a
10 court reporter here that is trying to keep a record of
11 what is being said. To accomplish that, obviously you
12 have to give her a verbal answer, words, yes, no, words
13 at least she can understand, so nods of the head,
14 um-hmm's or um-hmm's will not effectively work for her,
15 at least that's what she tells me, so I'll try and be
16 mindful of that. I ask that you try to be mindful of
17 that as well, and so that we can have a fair record.
18 I'm sure your counsel will advise you if you or I are
19 making too many mistakes in that regard.
20 CROSS - EXAMINATION
21 BY MR. WILLIAMS:
22 Q Can you just state your name for the record, sir?
23 A Victor Judnic.
24 Q And what is your business address?
25 A 535 Griswold, Suite 1100.

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1 Q And that is here in the Buhl Building in Detroit?
2 A That is correct.
3 Q And what is your date of birth?
4 A April 27, 1965.
5 Q And what is your educational background?
6 A I have a degree, a Bachelor's in Civil Engineering from
7 the Illinois Institute of Technology. I have a Master's
8 Degree from Northwestern University. It's a Project
9 Management Master's out of the Civil Engineering School
10 out of Northwestern.
11 Q Northwestern in --
12 A Illinois.
13 Q In Evanston?
14 A Exactly.
15 Q And when did you get the Master's Degree?
16 A 1997.
17 Q And when did you get your Bachelor's Degree?
18 A 1988.
19 Q Do you have any other degrees beyond your Master's
20 Degree?
21 A I do not.
22 Q Have you taken any classes towards a Ph.D, or anything
23 of that nature?
24 A I have not.
25 Q Any classes toward any other Master's Degree?

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1 A No, I have not.
2 Q Do you have any certifications of any type?
3 A I'm currently licensed in Michigan as a Professional
4 Engineer. I have a dormant license in Illinois because
5 I'm not there, and it's in a dormant state.
6 Q Meaning that you passed the exams, and met the
7 requirements, but the license itself is just being held
8 in sort of a dormant phase?
9 A Yes. Those are the major certificates. There's other
10 -- I don't know, Soils Erosion Certificate; Sediment
11 Control. Yeah, soils erosion and sediment control; CPR
12 type certifications.
13 Q Traditional CPR, as in --
14 A Yes, yes.
15 Q Actually giving people CPR, physically?
16 A Yeah. That's all I can think of for any other type of
17 certification.
18 Q And you are currently employed by HNTB?
19 A Correct.
20 Q And how long have you been employed by HNTB?
21 A Since March of '11.
22 Q March of 2011?
23 A Yes, and current.
24 Q And prior to being employed by HNTB, you were employed
25 by the Michigan Department of Transportation?

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1 A Yes, for seven-and-a-half years.
2 Q So that was basically from 2003 or 2004 until you --
3 A The fall of 2003.
4 Q Through March --
5 A March of 2011.
6 Q Prior to going to work for the Michigan Department of
7 Transportation, where did you work?
8 A I worked for Stanley Consultants out of the Chicago
9 office.
10 Q And what type of work did Stanley Consultants do?
11 A They do actually all engineering, except nuclear;
12 mechanical, electrical, civil. Nearly every type of
13 engineering except for nuclear.
14 Q Did you ever work for the Illinois Department of
15 Transportation?
16 A I did. I did for an internship, a couple of summers,
17 never as a full-time employee.
18 Q And how long did you work for Stanley?
19 A Fifteen-and-a-half years.
20 Q What was your last title at Stanley?
21 A I was the Department Manager of Construction
22 Engineering.
23 Q Was that for all types of construction, both public and
24 private?
25 A That is correct.

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1 Q And you oversaw a staff of people I presume?
 2 A Correct.
 3 Q How many?
 4 A It was roughly ten people in that position at Stanley.
 5 That changed periodically.
 6 Q How many different titles did you hold at Stanley?
 7 A They were basic titles; resident engineer, civil
 8 engineer, and then the other one I had mentioned, the
 9 department manager.
 10 Q And you were located in the Chicago area?
 11 A Yes.
 12 Q Was Stanley doing work at all for the Illinois
 13 Department of Transportation?
 14 A Yes.
 15 Q Were you responsible for overseeing that work?
 16 A Some of the work that we did with the Illinois
 17 Department of Transportation, yes.
 18 Q Which work were you overseeing?
 19 A Well, I was a resident engineer overseeing projects, so
 20 we were either working directly for the Illinois DOT, or
 21 for clients that required services to run projects for
 22 the Illinois DOT.
 23 Q So you might be subcontracting to a general contractor
 24 that was doing work for the Illinois DOT?
 25 A Contractor is not the term we would use. We'd usually

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1 be consultants, either a sub to a consultant, or we'd
 2 work for a municipality.
 3 Q Does the term consultant have some different meaning to
 4 you than a contractor?
 5 A A contractor is normally used for persons who actually
 6 do the physical work of construction. A consultant is
 7 engineering services, so they separate the two to try to
 8 differentiate between contractors that have heavy
 9 equipment, who build projects versus engineering
 10 services.
 11 Q So you're drawing a distinction between professional
 12 services and basic construction contractual services?
 13 A Correct.
 14 Q But your contracts as a consultant, what I'm trying to
 15 understand is Stanley would be the consultant to
 16 someone. Who would that be, a contractor or another
 17 consultant, or both?
 18 A It would be another consultant or a client directly.
 19 While I was there, we -- I do not recall any projects
 20 that I was affiliated with that were directly related to
 21 a contractor.
 22 Q Do you have any knowledge as to whether Illinois DOT had
 23 any type of disadvantaged business program, or minority
 24 business enterprise program?
 25 A I got to believe that they do, but I wasn't in the -- in

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1 that arena to know hands on. I was a younger engineer
 2 performing at the lower levels of the staffing, but they
 3 had some program I'm sure.
 4 Q You just didn't have any hands-on, or working knowledge
 5 of it?
 6 A Correct. I would see documents, and I'd know of it, but
 7 I wasn't involved in the higher, intense level.
 8 Q I assume then that Stanley was not a DBE or MBE?
 9 A That is correct. I should clarify that I worked ten
 10 years in the Chicago area, but not the full fifteen.
 11 For five years, I worked in Jamaica. I worked overseas.
 12 Q In the --
 13 A International.
 14 Q Okay. In the Nation of Jamaica, in the Caribbean?
 15 A Correct.
 16 Q Any particular location, Negril?
 17 A Montego Bay.
 18 Q Montego Bay.
 19 A And the international world is just a different -- a
 20 whole other different set of contracts, and how people
 21 are hired, and --
 22 Q Yes, that's true. You were working for Stanley at the
 23 time?
 24 A I was working for Stanley at the time, and Stanley was
 25 working for the government of Jamaica.

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1 Q Was this civil engineering work?
 2 A Yes.
 3 Q And what period of time was this?
 4 A 1997 through 2002.
 5 Q So you left Jamaica to come back to the Illinois,
 6 Chicago area?
 7 A Correct. There was a small period of time where I
 8 came back to Chicago.
 9 Q And I assume your time in Jamaica you were at a much
 10 more junior engineering level at Stanley?
 11 A No. In Jamaica I was a little more senior there,
 12 because we had hired local staff, and we had to have --
 13 to get a Work Visa, you needed to have a license, and
 14 that established -- I was more senior at that time.
 15 Q Did you have a license from the Republic of Jamaica?
 16 A They don't have a licensing process that we -- at the
 17 time they did not have a licensing process that we have
 18 in our country. They did have a licensing process, but
 19 it wasn't by exam. It was some other -- Jamaica
 20 Institute of Engineers, and it was established
 21 differently than it is here.
 22 Q And so you didn't undergo any kind of process for
 23 licensure in Jamaica?
 24 A Correct.
 25 Q Did you -- when did you obtain your Professional

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<p>1 Engineers License in Illinois?</p> <p>2 A I would only guess it was somewhere around 1994, but I'm</p> <p>3 not sure. I don't recall the exact.</p> <p>4 Q And you had a license when you went to Jamaica?</p> <p>5 A Correct. That was how we obtained Work Visas for</p> <p>6 ex-patriots.</p> <p>7 Q Are you presently married?</p> <p>8 A I am, yes.</p> <p>9 Q How long have you been married?</p> <p>10 A Almost twenty-one years.</p> <p>11 Q Any children?</p> <p>12 A Yes, two.</p> <p>13 Q And how old are they?</p> <p>14 A My daughter is seventeen and my son is ten.</p> <p>15 Q How old, ten?</p> <p>16 A Ten.</p> <p>17 Q And you presently reside in the Detroit area?</p> <p>18 A Yes.</p> <p>19 Q Which community?</p> <p>20 A Grosse Pointe Woods.</p> <p>21 Q Have either of your professional engineering licenses</p> <p>22 ever been suspended?</p> <p>23 A No. It's just the dormant state for the Illinois.</p> <p>24 Q Was there reciprocity for the Illinois license in</p> <p>25 Michigan?</p>	<p>1 A Yes.</p> <p>2 Q What does this dormant state mean? Is that something</p> <p>3 you elected to do?</p> <p>4 A When they send a notification that it needed to be</p> <p>5 renewed and you have to pay your fee, there was an</p> <p>6 option to just state that I'm not practicing and it just</p> <p>7 would be on hold. I don't have to pay the fee, and then</p> <p>8 when I want to re-activate, then I go and pay the fee,</p> <p>9 and then --</p> <p>10 Q And any employers prior to Stanley?</p> <p>11 A Oh, I worked for -- through college, I worked for a</p> <p>12 restaurant, bussed tables, and I was a cook, a waiter.</p> <p>13 Q So just basic college, sort of part-time work?</p> <p>14 A Exactly, and then you said prior to Stanley?</p> <p>15 Q Yes.</p> <p>16 A And then it was the Illinois DOT.</p> <p>17 Q As an intern?</p> <p>18 A As an intern and then Stanley full-time. The first</p> <p>19 full-time position as an engineer.</p> <p>20 Q Your first full-time position in engineering was</p> <p>21 Stanley?</p> <p>22 A Correct.</p> <p>23 Q And why did you leave Stanley?</p> <p>24 A Family reasons. When we were overseas for five years,</p> <p>25 it takes its toll; separated from family and a new</p>

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<p>1 career, it goes in a different direction. We did not</p> <p>2 want to go to the next country and stay international,</p> <p>3 because five years was quite a long time, so we came</p> <p>4 back, and my wife wanted to raise the kids in Michigan</p> <p>5 where she has a large family, so I was -- I was asked to</p> <p>6 go and look for some employment in Michigan so we can</p> <p>7 raise a family here. She has a large family. I have</p> <p>8 small family, so that's how I ended up in Michigan. I</p> <p>9 found a job with the DOT.</p> <p>10 Q What was your first job at the DOT?</p> <p>11 A Resident engineer in Detroit, in the Detroit office.</p> <p>12 Q And that's what they call the Detroit TSC?</p> <p>13 A Yes.</p> <p>14 Q What is --</p> <p>15 A Transportation Service Center.</p> <p>16 Q And that's the one that's located at Southfield and Nine</p> <p>17 Mile?</p> <p>18 A No. It was located at -- I can't recall the exact</p> <p>19 address, but it was at Rosa Parks and Lafayette, and</p> <p>20 then we moved to 1400 Howard, and now they're located on</p> <p>21 Fort Street, but they had just moved. The current</p> <p>22 address is different, as of today, but I never was at</p> <p>23 the current address. 1400 Howard is the one that was --</p> <p>24 I was mainly, throughout the years, located at.</p> <p>25 Q 1400 Howard, isn't that the old State Building?</p>	<p>1 A No. It's behind it.</p> <p>2 Q Okay.</p> <p>3 A It's behind it.</p> <p>4 Q And what was your next position with MDOT?</p> <p>5 A I became a senior resident engineer.</p> <p>6 Q So you became a resident engineer in 2003?</p> <p>7 A That terminology was delivery engineer. I don't know if</p> <p>8 that matters. It's all the same, but they</p> <p>9 interchangeably -- at MDOT it was specifically to call</p> <p>10 -- they called it delivery engineer, and then I believe</p> <p>11 that --</p> <p>12 Q And that was 2003?</p> <p>13 A Correct, and then I think officially -- it's a senior --</p> <p>14 I'm not sure if it's resident engineer or delivery</p> <p>15 engineer on paper. I don't recall because they</p> <p>16 interchange them a lot, either/or, senior resident or</p> <p>17 senior delivery.</p> <p>18 Q And that was in 2004 you became a senior resident or</p> <p>19 delivery engineer?</p> <p>20 A No. That would be right around April of '07. April '07</p> <p>21 was the senior position.</p> <p>22 Q So you started -- you served as a resident or delivery</p> <p>23 engineer for about three years?</p> <p>24 A Correct. There is something I go back to. When I</p> <p>25 returned back to Chicago after Jamaica, I did have some</p>

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1 involvement with DBE, because I was the head of the
 2 department, and I was working with a lot of the Chicago
 3 DOT work, and Illinois DOT work, and there were DBE
 4 requirements, and I was coordinating with a DBE firms,
 5 so I was in a position with some exposure to that, and
 6 as well as in Jamaica. We had some local firms, but
 7 they were not called DBE firms in Jamaica, but I do have
 8 a little experience with Disadvantaged Business
 9 Enterprise.
 10 Q Both in Jamaica, as well as Chicago, when you came back
 11 to Chicago?
 12 A Correct. I just recalled it now.
 13 Q Do you recall the names of the firms you worked with?
 14 A In Chicago?
 15 Q Yes.
 16 A I may recall later. It's just not coming to mind.
 17 Q Were these consulting firms?
 18 A They were consulting firms.
 19 Q What does a resident or delivery engineer do?
 20 A Generally you administer projects during construction,
 21 and you're ensuring that the dollars that are spent are
 22 spent -- you're getting the value out of the dollars
 23 that are being spent, and you -- you oversee the
 24 construction, and you make sure it meets the quality
 25 standards of the contract.

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1 Q So you basically manage the budgeted funds, and then
 2 oversee the construction process to ensure that the
 3 project actually accomplishes what it's supposed to
 4 accomplish, and satisfies the contract terms?
 5 A Yes, and you're referring to when I was at the DOT,
 6 or --
 7 Q Yes, at the DOT.
 8 A Yes.
 9 Q At the Michigan Department of Transportation.
 10 A Yes.
 11 Q And were you assigned specific projects by someone?
 12 A Yes. The projects were assigned by whomever had
 13 leadership. They were rolled out, and it was
 14 determined.
 15 Q When you say leadership, is that someone -- you had an
 16 immediate supervisor that would do that, a resident
 17 senior engineer or a project engineer?
 18 A Well, my supervisor would have been Rita Screws. Some
 19 -- some decisions were done with the region office, with
 20 the deputy region engineer, or the region engineer.
 21 Decisions weren't only solely made by Rita Screws on
 22 which project, and that was the question, right? Which
 23 project were assigned to me specifically?
 24 Q Well, how were projects assigned to you specifically?
 25 A How?

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1 Q Yes, as a delivery or resident engineer.
 2 A There was a big program rolling out every year, so there
 3 would be a list of projects. There were at times three
 4 of us resident engineers, then sometimes two of us,
 5 depending on when people left.
 6 When the projects came out, they
 7 come out during the design phase, so during design MDOT
 8 is very good at involving the delivery engineers in the
 9 design phase, so the projects would roll out and
 10 questions would be asked of the resident engineers, of
 11 Rita, and at times possibly the region engineer, but
 12 during design they say, well, we're going to -- who's
 13 going to go to the design meetings.
 14 That would start the process, but it
 15 wasn't -- it wasn't set to see that project through
 16 construction as well, because often times I would see a
 17 project through design, but I wouldn't build it as the
 18 official project that's handed to me for construction
 19 administration.
 20 Other people would see other design
 21 projects fully, sign on the plan as the MDOT
 22 construction engineer, and then I would build it, so I
 23 never saw the plan, so it was a -- it was a fluid motion
 24 because of all the projects we had.
 25 It was a high number of projects,

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1 different scales, mega-size projects, and tiny, very
 2 small projects, so we fit the program with timing of
 3 design, and then it goes through the process of -- you
 4 try to keep the same person on the project, but it just
 5 always didn't work out because of work loads and
 6 special -- any other special conditions, so it really
 7 was a collaborative with several different people
 8 involved discussing our best options.
 9 Q What was Rita Screws title?
 10 A Rita Screws was the Detroit Transportation Service
 11 Center Manager.
 12 Q In this collaborative process, was she sort of the
 13 person that sort of brought the team of delivery
 14 engineers together to have these discussions about
 15 design, and/or construction administration?
 16 A That and the Region. She was in the center of
 17 collaborating with her staff, which would be us, and
 18 Region people.
 19 Q Who was the region engineer?
 20 A Well, it changed, but for the first five years it was
 21 Greg Johnson would be a Region Engineer, while I was at
 22 MDOT, roughly five years. Tony Kratofil was a Deputy.
 23 Tony Kratofil would have been Rita Screws direct boss,
 24 and then --
 25 Q For the first five years?

1 A Yes, and I'm speaking in terms of roughly five years.
 2 Q Um-hmm.
 3 A And then Greg Johnson would be the direct supervisor of
 4 Tony Kratofil. Those were the major leaders that would
 5 be contacted, but then you'd have -- I believe it would
 6 be Paige Williams. Kim Avery served as the role of the
 7 Design Region Engineer. Kim Avery and/or Paige Williams
 8 may chime in on those discussions.
 9 Q When you say Kinavery, that's a name?
 10 A Kim Avery. Avery.
 11 Q Oh, Avery?
 12 A Yeah. A-v-e --
 13 Q A-v-e
 14 A R-y.
 15 Q Yes, Kim Avery?
 16 A Yes.
 17 Q That's what you're saying, okay.
 18 A Sorry.
 19 Q You're saying Kim Avery.
 20 A It blended.
 21 Q Yeah, it sort of blended together, because I don't know
 22 if she was getting it, so I was just trying to make it
 23 clear for her. Go ahead.
 24 A And then there's a construction region engineer, Mike
 25 Eustice, and I wasn't always privy to those discussions

1 as they would roll out the program, because the program
 2 came from Lansing through to the region, and the region
 3 -- or the region office, and that's the one in
 4 Southfield, and that program would roll out to the
 5 different TSCs, and then they would have discussions on
 6 staffing at some level involving any and all those
 7 people. They may have even involved other people at the
 8 region level.
 9 Q Were these sort of assignments driven by whether it was
 10 a mega project, in my mind like M-59, which is a mega
 11 project, or a smaller project like repaving some small
 12 segment of the road, or --
 13 A Well, at one point they would talk about all of them.
 14 They would talk about which TSC would take the project,
 15 and then even within the TSCs who would be handed the
 16 project, the person that would be handed the project.
 17 It would really encompass from the small to the largest
 18 I would presume. I wasn't -- I was rarely involved at
 19 the region, the TSC level.
 20 Q Okay.
 21 A But I know there was collaborative, just by hearing what
 22 was being discussed and the plan on how to push these
 23 projects out.
 24 Q And so ultimately Rita would come to her team, and
 25 basically -- the Detroit TSC, and sort of coordinate

1 how you were going to be involved, when you were going
 2 to be involved, depending on work load, work flow,
 3 availability, skill set?
 4 A Yes, and also there was another person, a design
 5 engineer in the TSC that was at the time Able Sahlool,
 6 who would actually keep the list of design projects, so
 7 he was the maintaining person.
 8 Q You said Sahlool?
 9 A Sahlool, S-a-h-l-o-o-l, I believe is how you spell it.
 10 He was a design engineer in the TSE, and he would be the
 11 keeper and maintain a spread sheet showing the projects
 12 as they come through the office, what's upcoming, and
 13 then he would -- he would tally whatever conversations
 14 he had with Rita, and then Rita would have conversations
 15 with us, and that list be re-issued back and forth, and
 16 it was a collaborative again. People would just find
 17 out what best fits the -- how we make the program happen
 18 as efficiently as possible.
 19 Q When you say the program, you're talking about actually
 20 the project that was going to be built or worked on by
 21 MDOT?
 22 A Correct, and projects, of course, all the projects
 23 through the program.
 24 Q Did your role then change when you became a sort of
 25 senior delivery engineer?

1 A My role changed in the sense of the Gateway Project,
 2 which was a project that was of a size that was never
 3 seen at MDOT before.
 4 Q You mean -- are we talking about the same Gateway
 5 Project that involved the work around the Ambassador
 6 Bridge?
 7 A Yes.
 8 Q And Matty Moroun, that Gateway Project?
 9 A Yes.
 10 Q That is still unfinished, an open-ended wound --
 11 A Yes.
 12 Q For so much of the community?
 13 A Yes.
 14 Q That Gateway --
 15 A Yes.
 16 Q Project?
 17 A Yes. That was one of the projects that were assigned to
 18 me in the new role, and then there was some change in
 19 how some people directly reported to me. I became the
 20 senior, and I was -- the other two gentlemen that were
 21 resident engineers, or delivery engineers, were then
 22 reporting directly to me to help Rita try to streamline
 23 how the TSC was managed.
 24 Q Who were those, Mr. Voigt and someone else?
 25 A Mr. Voigt and Mr. Teale, like the color, T-e-a-l-e.

1 Q What was his first name?
 2 A Roger.
 3 Q So Jason Voigt, that's V-o --
 4 A I-g-t.
 5 Q G-t.
 6 Q And then Jason Teale?
 7 A Roger Teale.
 8 Q Roger Teale, okay. I think I'm thinking of an athlete.
 9 Okay, so -- and that happened, that
 10 change happened you recall about 2007?
 11 A I want to say April.
 12 Q Of 2007?
 13 A Of 2007.
 14 Q Now I've heard the term project engineer. Does that
 15 term have any meaning within this process to you?
 16 A There is -- resident engineers, slash, delivery
 17 engineers, are usually the highest project level person.
 18 Below the resident or delivery engineer there may be
 19 project engineers working on the project, or the project
 20 engineer could be the resident engineer.
 21 They have established just another
 22 position where if you're the resident engineer you could
 23 delegate to a project engineer similar tasks, and -- but
 24 the resident engineer was considered the final
 25 signature, or the lead on the project more so, but that

1 could also have been the project engineer as well. It
 2 was a way to manage the projects and delegate the staff,
 3 and --
 4 Q Okay, so you could have a project engineer and a
 5 resident engineer that were one and the same, or --
 6 A Similar in many of the duties they performed, and you'd
 7 both sign-off on projects, depending on what -- what was
 8 being signed off on. Sometimes the project engineer
 9 could sign strictly all items.
 10 Q Okay, but work with me, because I heard two things. I
 11 heard that you could have a project engineer that was
 12 sort of working for or with a resident engineer.
 13 A Correct.
 14 Q And then you're saying in that situation both might
 15 sign-off on the project documents ultimately during the
 16 course of the project?
 17 A Correct, both may, but also you can have a scenario
 18 where there is a delivery or resident engineer, and the
 19 project engineer signs off on everything, and basically
 20 takes care of everything, though it's still in the name
 21 of the resident engineer.
 22 Q So basically the resident engineer would sort of give
 23 authority to that project engineer to sign-off on
 24 everything, even though ultimately the resident engineer
 25 was responsible for the project?

1 A Yes, and the two-name system, sometimes in the system at
 2 MDOT, when you have things in your name, they wouldn't
 3 get switched over. Even though all the work is being
 4 done by the project engineer, it would still be in the
 5 resident engineer's name, so ultimately you may have to
 6 sign-off on something just because they didn't change
 7 it, so they just get the signatures so that you wouldn't
 8 have to change the State system of all the finance
 9 software, and there was just so many different levels of
 10 calling out projects to individuals that you would just
 11 go through -- sometimes the resident engineer would have
 12 to sign nothing. Sometimes they would sign everything.
 13 Q And sometimes they might sign everything jointly with a
 14 project engineer?
 15 A Sometimes. It was -- it was fairly fluid, depending on
 16 the document and what needed to be signed.
 17 Q I assume there are a range, a universe of documents,
 18 because you keep saying signing off on things. I'm
 19 assuming there's a range, a universe of documents that
 20 that might entail.
 21 A Correct. There are all types of forms.
 22 Q And then --
 23 A And processes that have to be approved, and a project
 24 engineer may not -- because it was in the name of a
 25 resident engineer, they're looking for the resident to

1 sign-off on it because the form, or that type of --
 2 whatever was set up in the system had that person's
 3 name on it, so it would be just a smoother issue to just
 4 sign-off on it because.
 5 Q And from what I'm gathering from this, whether you're a
 6 project engineer or a resident engineer, a delivery
 7 engineer, you are not necessarily doing the hands-on
 8 work, the consulting work itself. You are giving
 9 approvals, or sign-offs on work that is being done by
 10 others, or authorizing work to be done by others, and
 11 not hands-on doing the work generally yourself as
 12 project engineer or resident engineer?
 13 A That is correct, and that project engineer could also be
 14 a consultant company that is out-sourced, so it wouldn't
 15 only be in the realm of MDOT. It would be in the realm
 16 of companies.
 17 Q But if project engineering services are out-sourced, the
 18 resident engineer would be responsible for signing off
 19 on work orders, and other approvals that are necessary
 20 for that out-sourced work?
 21 A There's flexibility. The project engineer can also
 22 sign-off on it. Within MDOT, there's flexibility.
 23 Q When you say the project engineer on an out-sourcing
 24 basis, you're saying there are certain things that an
 25 out-source project engineer could sign-off on without

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1 the resident engineer approval?
 2 A The out-source work could not be. Somebody at MDOT had
 3 to sign. It was just determining who at MDOT would
 4 sign-off on it. Usually the person who would have the
 5 most information or the most knowledge would sign-off on
 6 things, so a consultant who is out-sourced would never
 7 be allowed to final sign-off on an MDOT project.
 8 It would have to be somebody at
 9 MDOT, and that was flexible again due to the fact that
 10 there's a lot of projects, and people can sign off at
 11 different levels because they're not always accessible,
 12 or knowledgeable, and you have to push projects through,
 13 so there was flexibility built in.
 14 Q When you're saying flexibility, you're talking about
 15 flexibility within MDOT?
 16 A MDOT.
 17 Q As to who might be able to actually sign-off on anything
 18 that needed a sign-off?
 19 A Yes. It could go higher in the ranks as well if people
 20 were not able to be found. Rita Screws, Tony Kratofil,
 21 Greg Johnson could sign-off on items.
 22 Q And so if you were not available, out-of-town, busy on
 23 other projects, Rita Screws might be able to sign-off on
 24 a project that was within your realm of
 25 responsibilities?

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1 A Yes.
 2 Q Did you ever obtain any title beyond senior resident or
 3 delivery engineer at MDOT?
 4 A No.
 5 Q So that was your last title at the time you left in
 6 March of 2011?
 7 A That would be correct.
 8 Q The Gateway Project became one of your major projects.
 9 Were there any other major projects that you were
 10 working on, or had responsibility for at the time that
 11 you left in March of 2011?
 12 A March of '11?
 13 Q Um-hmm.
 14 A Responsibility for projects?
 15 Q Beyond Gateway, major projects.
 16 A Major, there would be -- I was -- we were just getting
 17 started on the Southfield. There was another project,
 18 the Southfield.
 19 Q Another project near and dear to my heart.
 20 A M-39, yeah.
 21 Q And that was the re-surfacing work from basically Eight
 22 Mile to wherever they stopped it?
 23 A Well, actually it was all the way down to 94, and it
 24 was a bridge, and then some of the road was
 25 reconstructed. Some of it was re-surfaced. New walls,

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1 new signal. It was new ITS equipment. It was the full.
 2 Q And when did you start work on that project, or was --
 3 let me strike that.
 4 When did your involvement start on
 5 that project?
 6 A I believe it was May of '10. We started having
 7 community meetings. It was the design phase. I believe
 8 it was May of 2010, and collaborating with the designers
 9 and getting involved with that.
 10 Q When did your work start on the Gateway Project?
 11 A April of 2007.
 12 Q Was that also at the design phase?
 13 A No. The Gateway Project I did not see through design.
 14 That was only a month or two before construction. The
 15 project was let out on the -- it was bid letting in
 16 June, I believe.
 17 Q Of 2007?
 18 A Of 2007.
 19 Q So you came in late in the process on that project?
 20 A Well, before construction. I don't know what late
 21 means. I was a delivery engineer, construction
 22 engineer, so it was before construction, but I did not
 23 foresee the project through the design phase.
 24 Q Any other major projects that you can recall?
 25 A That's a tough one because there's just so many. Major

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1 projects from which period are you looking for?
 2 Q While you were a senior delivery engineer.
 3 A A senior, I was still finishing the Lodge Project, the
 4 one that -- I think it was called Dodge the Lodge II. I
 5 was actually in the midst of constructing it. It was
 6 the project they reconstructed -- I can't remember how
 7 far into Oakland County, but it was from -- for the City
 8 of Detroit area that I was required to oversee, that
 9 portion of the project was Eight Mile basically all the
 10 way down to -- not far from Cobo Hall, so that was a
 11 mega project ongoing at that -- they're at the same
 12 time. We were in the midst of that project.
 13 Q And did that project start while you were a
 14 delivery engineer?
 15 A That project started when I was a delivery engineer at
 16 the time.
 17 Q Do you remember the date, 2006, 2007?
 18 A Do you -- are you asking about construction start?
 19 Q No. I'm asking about your involvement start.
 20 A On the Lodge --
 21 Q Yes.
 22 A Project?
 23 Q Yes.
 24 A Roughly I would state I was involved in the design at
 25 some point of the Lodge Project, and I want to say the

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1 summer of '06 would be when I started getting involved
 2 in the Lodge Project.
 3 Q And when did that project end up being completed, or
 4 your role in it being completed?
 5 A You mean full close-out?
 6 Q Yes.
 7 A I would say summer of '09. Possibly later. Possibly 12
 8 of '09.
 9 Q And when you say full close-out, that means that you did
 10 a final sign-off on all of the requisite documents to
 11 finish up on the project?
 12 A Yes, and it may have even went later than that. I
 13 believe it was late '09. Again I'd have to see the
 14 records and -- my memory is -- it's hard to describe.
 15 Q And I assume you did not do a final sign-off on the
 16 Gateway Project before you left MDOT?
 17 A That would be correct. There are several stages. I did
 18 not sign-off. Yes, I left before we could get the
 19 close-out documents on any of the phases. There was one
 20 phase closed out since I've left.
 21 Q Which phase is that?
 22 A That would be Phase III.
 23 Q And how do you know that there's been one phase closed
 24 out since you left?
 25 A They would ask me to collaborate and assist with

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1 close-outs of the Gateway Project.
 2 Q When you say they --
 3 A MDOT. Sorry, MDOT asked.
 4 Q While you were working for HNTB?
 5 A Correct.
 6 Q And you've been compensated for that work, this
 7 collaboration on the close-out?
 8 A Yes. It was through engineering services to help
 9 close-out the work.
 10 Q So HNTB would have a contract for that?
 11 A There was something.
 12 Q Do you recall what contract that was?
 13 A There were a couple of contracts. There's a
 14 construction assistance contract. There was an
 15 as-needed contract.
 16 Q An as-needed engineering services contract?
 17 A Correct.
 18 Q And those were both with HNTB?
 19 A That is correct. That's all that comes to memory.
 20 Q And you don't recall any contract numbers?
 21 A No. I have HNTB contract numbers. I don't recall.
 22 Q MDOT contract numbers?
 23 A MDOT contract numbers would be Job Number 37795, is the
 24 MDOT job number, and 60077. Those are the two general
 25 numbers.

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1 Q Were both of those contracts bid, if you know?
 2 A Bid?
 3 Q Did MDOT actually send out Requests for Proposals for
 4 those contracts, or were they just expressly coming to
 5 you while you were at HNTB?
 6 A Yes, they were. There was Requests for Proposals, yes.
 7 Q So there were Requests for Proposals that were
 8 advertised for those jobs?
 9 A Yes, at some point.
 10 Q Did you do any final close-out, sign-offs on the
 11 Southfield Project?
 12 A The Southfield Project that I mentioned?
 13 Q Yes.
 14 A No.
 15 Q Are you aware of any of the phases of that project being
 16 closed out?
 17 A I believe they are not closed out.
 18 Q Have you, you specifically, Mr. Judnic, been involved in
 19 any consulting work related to the Southfield Project
 20 that you mentioned while at HNTB?
 21 A No. I would get calls about some questions, because I
 22 had some information to help along because I would just
 23 have some knowledge that other people didn't, and they
 24 would just call and ask for information.
 25 Q And that was something that you would do gratis, I

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1 assume not charge them for any information you provided,
 2 or was there a separate billing contract that you could
 3 assign that compensated you?
 4 A No. It wouldn't be billed. It would just be by
 5 conversation, general discussion.
 6 Q So while at HNTB you have not done any work on the
 7 Southfield Project?
 8 A Correct, other than advising them.
 9 Q Does HNTB have any contracts related to the Southfield
 10 Project?
 11 A Yeah, they have. They have an as-needed contract for
 12 that.
 13 Q An as-needed engineering services contract?
 14 A Yeah. It's just an as-needed.
 15 Q Was that as-needed engineering services contract, I
 16 assume Requests for Qualifications were sent out on that
 17 contract before you left MDOT?
 18 A Yes. It was an as-needed contract that I sent out with
 19 that and other projects.
 20 Q Were you part of the selection team related to that
 21 as-needed services contract?
 22 A Yes.
 23 Q Were you part of either of the Request for
 24 Qualification for the two job -- MDOT Job Numbers 37795
 25 or 60077 that went to HNTB for the Gateway Project?

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1 A I don't know the question. Can you just repeat it
 2 again?
 3 Q Were you part of the Request for Qualification, were
 4 you part of the selection team for the Request for
 5 Qualification for Job Numbers 37795 or 60077?
 6 A Request for Qualification, those are the MDOT job
 7 numbers.
 8 Q Yes.
 9 A I'm not clear on the question.
 10 Q Were you part of the Request for Proposals while you
 11 were at MDOT?
 12 A For 37795, I had rolled out three different contracts.
 13 I believe Roger Teale had advertised it. I don't recall
 14 who advertised, it was his name or my name, but there
 15 were three different contracts rolled out for the
 16 Gateway Project for construction services, so under that
 17 project number, I administered it, but, yes, I was
 18 involved with the selection and the management of those
 19 three different as-needed contracts.
 20 Q And did HNTB get any or all of those three contracts?
 21 A Did they get any?
 22 Q Or all of those three contracts?
 23 A The three consultants were URS, Fishbeck and PB,
 24 Parsons, Brinckerhoff.
 25 Q As I understood it, HNTB had two MDOT job numbers.

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1 A You had asked me the job numbers for Gateway.
 2 Q Yes.
 3 A And you asked for the MDOT project numbers.
 4 Q Um-hmm.
 5 A Phase III is 60077 and Phase IV is 37795. Can you
 6 repeat the question?
 7 Q I'm asking you did you have any involvement in these
 8 Request for Proposals for those job numbers that you
 9 gave me for Phase III and Phase IV?
 10 A Yeah. Phase IV was as I said, for the construction
 11 engineering services. Phase III, Jason Voigt was the
 12 delivery engineer for the 60077 for the construction
 13 services.
 14 Q And who was the construction engineer for the --
 15 A Phase IV would be me, 37795.
 16 Q The three other contracts that you mentioned that went
 17 to URS, Fishbeck, Parsons, Brinckerhoff, did HNTB have
 18 a sub-consultant role on any of those contracts?
 19 A Yes. They were on the Parsons, Brinckerhoff team.
 20 Q And then have you been -- were you part of that
 21 sub-consulting team?
 22 A I don't know if I understand the question.
 23 Q While at HNTB, have you been part of that sub-consulting
 24 team?
 25 A No.

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1 Q And what is your present title at HNTB?
 2 A I am a senior resident engineer.
 3 Q What are your duties as senior resident engineer?
 4 A I administer projects to ensure the quality, and that
 5 the projects are done on time, on budget, and to the
 6 client's satisfaction.
 7 Q And HNTB just opened its office in this building. Prior
 8 to that, it was in the Dime Building; is that right?
 9 A The design, there was a design office in the Dime.
 10 Q Yes?
 11 A They moved.
 12 Q When you originally joined HNTB, where were your
 13 offices?
 14 A Allen Park, Michigan.
 15 Q And when did you move downtown to this building, the
 16 Buhl Building?
 17 A I believe we moved in July.
 18 Q 2012?
 19 A 2012. We closed the Allen Park and consolidated.
 20 Q Have you always been a resident, senior resident
 21 engineer at HNTB? Has that always been your title?
 22 A Yes.
 23 Q You haven't held any other title?
 24 A No.
 25 Q Have you worked on projects for clients other than the

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1 Michigan Department of Transportation?
 2 A Yes.
 3 Q And can you give me just a brief representative list of
 4 those other clients?
 5 A City of Detroit, Public Works Department, and that's all
 6 that comes to memory right now.
 7 Q And what type of work did you do for the Detroit DPW?
 8 A Project manager, or resident engineer on a series of
 9 projects on their program, in their yearly program.
 10 Q The yearly program, yearly road program, yearly
 11 collection program?
 12 A Roads, road infrastructure.
 13 Q Do you have a specific person you work with in the city?
 14 A We work with the Public Works Department. Right now it
 15 would be headed by Ron Brundidge.
 16 Q And prior to that, Al Jordan?
 17 A I'm not certain if in my involvement it was Al Jordan.
 18 He was the previous director. I believe in my -- in my
 19 time working with the City of Detroit, it was Ron
 20 Brundidge and Jose Abraham, the Deputy, and Richard
 21 Doherty, the City Engineer.
 22 Q And so to the best of what you can recall now, you've
 23 done work on MDOT projects and the Detroit DPW projects
 24 while working for HNTB?
 25 A Yes. That would be the majority of the work.

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1 Q The majority of this work is then done through Request
2 for Proposals?
3 A Yes.
4 Q Are you involved in the process of preparing these
5 Requests for Proposals?
6 A I do aid, yes.
7 Q What are your responsibilities for preparing the Request
8 for Proposal?
9 A Well, I assist in any way we can. We have a team
10 assembled, and depending on the proposal, I could be
11 support or the lead on compiling them.
12 Q In your role in doing this, are you involved in the role
13 of -- well, let me strike that.
14 These Requests for Proposals include
15 both the role as a prime, as well as looking at
16 sub-consultants that could assist HNTB on any particular
17 project?
18 A Can you repeat the question?
19 Q These projects, they include HNTB as a prime and also
20 situations where HNTB assembled the team that might
21 include sub-consultants?
22 A Yes, and we may be sub-consultants on teams as well.
23 Q When you are looking at sub-consultants as part of the
24 HNTB team, are you involved in evaluating those
25 sub-consultants?

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1 A Can you repeat the question?
2 Q Are you involved in the process of evaluating, or
3 selecting sub-consultants when you are working on the
4 RFP involving HNTB?
5 A And the question was evaluating and --
6 Q And/or selecting.
7 A We do reach out, and we have a collaborative. We all
8 participate in deciding what our best team would be to
9 get more work. I would be part of the process.
10 Q When you say you may be part of the process, that is on
11 both work for MDOT as well as work for the Detroit DPW?
12 A Yes.
13 Q Are you involved at all in the process of looking at and
14 evaluating whether there should be a DBE component, or
15 an MBE component in any of the teams that you are
16 evaluating?
17 MR. DITTENBER: I'm going to object
18 to the relevancy of any decisions made at HNTB when
19 Mr. Judnic is no longer a State actor.
20 THE WITNESS: Can you repeat the
21 question?
22 BY MR. WILLIAMS:
23 Q In this process of selecting teams, are you looking at
24 whether MBEs or DBEs should be included as part of a
25 team?

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1 A When we get proposals posted, there is criteria to be
2 met, so we will collaborate in a team to try to
3 determine DBEs to meet those goals.
4 Q Does MDOT include in its RFPs goals for DBE
5 participation?
6 A Sometimes they do. Sometimes they don't.
7 Q Are you presently administering any MDOT contracts?
8 A Administering, what do you mean by administering?
9 Q I'm using your term. I thought you said in your
10 responsibilities you would administer projects.
11 A Oh, contracts --
12 Q Are you administering any MDOT projects presently?
13 A Yes.
14 Q What projects?
15 A We have five different projects out of the Detroit TSC.
16 They're a smaller scale. Do you want me to go on?
17 Q Well, just tell me what the projects are.
18 A Crack treatments on Eight Mile; micro-surface on M-85; a
19 pump house project, a pump house rehabilitation project;
20 a signal modernization project on Grand River, and
21 there's one more. Oh, I-75 patch repair project; I-75
22 freeway, a patch repair project. I believe that's the
23 five. Oh, then was the question all?
24 Q Yes.
25 A There is a Gateway Design Build Project.

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1 Q Is this a new project to the existing Gateway Project?
2 A No. It's entirely different.
3 Q When you say it's entirely different, how is it
4 different?
5 A MDOT was ordered by the courts to finish the Ambassador
6 Bridge portion of the project, and then that's separate
7 from the --
8 Q The original?
9 A The original Gateway Project. It's really the
10 completion of the Ambassador Bridge Plaza.
11 Q So this was an Order from Judge Prentis Edwards?
12 A Yes, and at this time I can't recall any other MDOT
13 projects.
14 A Do you know if BBF Engineering submitted proposals on
15 any of those projects?
16 A Can you clarify the question? Proposals?
17 Q Do you know if they bid, or submitted a response to the
18 Request for Proposals on any of those five or six
19 projects?
20 A I'm not sure I even know that. The five projects are
21 under one -- are under one contract, and the Ambassador
22 Bridge Design Build project is its own contract. I
23 don't recollect. I don't recollect.
24 Q Do you recall the project number for the five projects,
25 or a job number?

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1 A MDOT?
 2 Q Yes, MDOT.
 3 A No. I have too many numbers in my head. I can't
 4 remember all those job numbers. I don't recall.
 5 Q Do you remember a job number for the Gateway completion
 6 project?
 7 A 116071-A.
 8 Q Was there an RFP issued for that project?
 9 A Yes, and the other job number that's affiliated with
 10 the contract is 116942-A.
 11 Q Was that a separate RFP for that project?
 12 A No. The same RFP. Two different job numbers. That's
 13 to the best of my knowledge. I believe I have the
 14 numbers right.
 15 Q And I'm only asking you to the best of your knowledge.
 16 If you don't recall, that's no problem.
 17 Have you ever had your Deposition
 18 taken before, sir?
 19 A Yes.
 20 Q How many occasions?
 21 A Three. Three times.
 22 Q Do you remember any of the case names?
 23 A Oh, one had to deal with -- like Lubienski. There was a
 24 necessity challenge, and Lubienski is a property owner.
 25 The other one was the --

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1 Q Was that on the Gateway Project?
 2 A It was on the Gateway Project, affiliated with it.
 3 Q And who took your Deposition? Was it the Zausmer firm,
 4 or someone else?
 5 A I don't recall the firm, and then there was the Matty
 6 Moroun, Ambassador Bridge case.
 7 Q Do you recall who took your Deposition in that case?
 8 A Dave John -- no.
 9 Q Craig John?
 10 A Oh, Craig John.
 11 Q From Dykema?
 12 A Yes.
 13 Q And what was the third case, if you can recall?
 14 A That was at Stanley Consultants, somewhere around 1999,
 15 and I don't recall the case.
 16 Q Have you testified in any trials?
 17 A Yes.
 18 Q And how many trials have you testified in?
 19 A One. The Ambassador Bridge, the Matty Moroun case.
 20 Q Mr. Moroun is keeping you busy
 21 A Yes.
 22 Q Have you ever been a party to any litigation other than
 23 this case?
 24 A No. When you say a party?
 25 Q Have you ever been sued by anyone, or sued anyone?

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1 A In my name?
 2 Q Yes, in your name.
 3 A No.
 4 Q And I assume you don't recall the name of the case with
 5 Stanley?
 6 A No, I don't.
 7 Q Have you testified in any Arbitrations?
 8 A No.
 9 Q And you have not had any felony convictions in the past
 10 ten years?
 11 A No.
 12 Q No convictions for theft or dishonesty?
 13 A No.
 14 Q When was the last time you spoke with Jason Voigt?
 15 A I ran into him at a Christmas party. I don't recall
 16 what year. I'm not sure if it was this last winter, and
 17 the question was the last time I spoke to him?
 18 Q Um-hmm.
 19 A I really don't know when I spoke to him. I just
 20 remember -- I think the last time I saw him was at a
 21 Christmas party, but -- and I spoke to him at the
 22 Christmas party briefly.
 23 Q Have you had any telephone conversations with him at
 24 all within the last two years?
 25 A Oh, I just recalled. On Gateway Phase III, we had a

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1 conference call with him. There was a claim, and I had
 2 called him to coordinate the conference call, and we had
 3 a conference call with a group of people.
 4 Q Was he still at MDOT at the time?
 5 A No. Nevada DOT, and we coordinated the conference call.
 6 We had the conference call, and then he was involved in
 7 a claim meeting where he conferenced in earlier this
 8 year. I don't recall the date. I want to say it's
 9 February or March of this year, and I had called him to
 10 be on the conference call, and then we chatted briefly.
 11 That was the last conversation I had with him. I
 12 believe it was somewhere around March of this year.
 13 Q Is he in Henderson, Nevada?
 14 A I don't know.
 15 Q Do you have a telephone number for him?
 16 A I had some contact information in an e-mail to
 17 coordinate whatever I needed his advisement on, because
 18 he was dealing with that phase of the Gateway Project.
 19 Q And this was while you were at HNTB?
 20 A This last connection was while I was at HNTB, yes,
 21 because I was assisting MDOT and coordinating, helping
 22 them, and as well as Jason.
 23 Q Are you aware of whether or not you have been named in
 24 any other Title VI Complaints, or Requests for
 25 Investigations other than by BBF and Bellandra Foster?

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1 A No other Complaints.
 2 Q Do you know a Tia Schnee?
 3 A Yes. Her name is now Tia Klein.
 4 Q Did she get married?
 5 A Yes.
 6 Q Who is Tia Schnee, Tia Klein/Tia Schnee?
 7 A She is an engineer that I had hired at MDOT.
 8 Q Was she a delivery engineer?
 9 A Yes. As she got hired, she was a delivery engineer with
 10 her firm, and then she got hired as a delivery engineer
 11 at MDOT.
 12 Q What was her firm?
 13 A Hubbell, Roth and Clark.
 14 Q Did you hire her while you were a senior delivery
 15 engineer?
 16 A Yes.
 17 Q In what year did you hire her?
 18 A In '09.
 19 Q Do you know if she is still with MDOT?
 20 A Yes, she is.
 21 Q Are you still working with her on any projects at MDOT?
 22 A I am working with her on projects.
 23 Q On what specific projects?
 24 A Those five that I mentioned earlier and that Ambassador
 25 Bridge design build.

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1 Q Is she still a delivery engineer, or did she move up to
 2 a senior delivery engineer?
 3 A She has an entirely different title. It's a very long
 4 title. I couldn't tell you what it is. She has a
 5 different title.
 6 Q Is Rita Screws still the manager of the Detroit TSC?
 7 A Yes.
 8 Q Does Miss Klein report to Miss Screws, if you know?
 9 A Yes.
 10 Q Do you know if the new title includes a promotion for
 11 Miss Klein?
 12 A The promotion from?
 13 Q Delivery engineer.
 14 A It is a promotion, an increase of -- yes,
 15 responsibilities, and it is a promotion.
 16 Q Did this promotion occur before or after you left MDOT?
 17 A It would have occurred after I left.
 18 Q Were you involved at all in any of the decision-making
 19 related to the promotion while you were at MDOT?
 20 A There was no promotion while I was at MDOT. It happened
 21 after I left.
 22 Q But were you asked for any input while you were there on
 23 her performance?
 24 A No.
 25 Q Are you familiar with Marilyn Caldwell?

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1 A Yes.
 2 Q And who is Marilyn Caldwell?
 3 A She was a word processing assistant that -- when I
 4 first came to the MDOT, she was on my staff.
 5 Q She was not a secretary?
 6 A Correct.
 7 Q What is a word processing assistant?
 8 A Just what it is, what the title entails. Just word
 9 processing.
 10 Q Basically just typing?
 11 A Basically, but she had other duties. I have never seen
 12 her position description for that title.
 13 Q When you say when you first came to MDOT she was this
 14 word processing assistant, and she was on your staff,
 15 how long was she on your staff?
 16 A The entire seven-and-a-half years.
 17 Q In the same position?
 18 A Yes.
 19 Q And what were her responsibilities?
 20 A She took care of time-keeping, and just a lot of the
 21 needs as required by certain technicians and engineers
 22 for -- just miscellaneous needs.
 23 Q Do you know how long she has had worked for MDOT before
 24 you joined MDOT?
 25 A Roughly, before I joined, she might have been with them

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1 fifteen to eighteen years. I'm guessing. It's roughly
 2 in that area.
 3 Q You said she was assisting the other engineers and
 4 technicians. Did she provide any direct assistance to
 5 you?
 6 A Yes. There were some duties.
 7 Q And what were her duties and responsibilities directly
 8 related to you while you were at MDOT?
 9 A She would process the mail, and pass it out to
 10 distribute. She would mail, send out mail that was
 11 necessary.
 12 Q And when you say send out mail, are you talking about
 13 letters or documents that you had signed or prepared?
 14 A Yes, and she would be the time-keeper and processing the
 15 time sheets, because it took some time to get them
 16 packaged to make sure everybody was doing them without
 17 errors. She would answer the phone.
 18 Q When you say answer the phone, was there one line, or
 19 did you have a separate line?
 20 A There were multiple lines, and it was one of her
 21 duties was to assist with answering the phone.
 22 Q Did you have a direct dial line?
 23 A I had a direct line.
 24 Q Was she responsible for answering that line as well?
 25 A No. It was a general number that would come in to the

1 TSC. Our direct lines would go directly to voice mail
 2 if we didn't pick up. Sometimes it would bounce --
 3 depending on how we had it set up, they may -- she could
 4 intercept them, but it wasn't required. They would come
 5 into the system.
 6 Q Did she open all incoming mail?
 7 A We had more than just her opening mail, so --
 8 (Whereupon there was an
 9 interruption in the proceedings.)
 10 THE WITNESS: Where were we at?
 11 MR. WILLIAMS: You were saying you
 12 had more than just her opening the mail.
 13 THE WITNESS: Yes. Sometimes she
 14 would delegate opening the mail, or Brian Finch would
 15 open the mail. She wouldn't open all the mail, but she
 16 would most likely open a lot of the mail.
 17 BY MR. WILLIAMS:
 18 Q Was she restricted from opening any mail from any
 19 particular person?
 20 A No. Not from my perspective. I'm not sure if other
 21 managers in the office required anything different.
 22 Q And when was the last occasion you spoke with
 23 Miss Caldwell?
 24 A Does that mean -- does that -- if I say hello to her,
 25 does that mean I've spoke to her, or a conversation? If

1 you could rephrase the question.
 2 Q Well, when was the last time you saw Miss Caldwell?
 3 A It was several weeks ago. I was at the office, and in
 4 passing.
 5 Q That you spoke to her in passing?
 6 A I don't recall a conversation other than saying hi.
 7 Q When was the last time you had a substantive
 8 conversation with her?
 9 A When she first moved into this new building they're
 10 currently at, which I believe was the summer, maybe in
 11 July. I was passing through by her desk, and we had
 12 briefly spoken.
 13 Q And what was the nature of the conversation?
 14 A She had mentioned to me that she didn't like her
 15 location in the new office, and she was saying that she
 16 blamed me for it, and then I had said it wasn't I who
 17 decided where her cubicle was going to be in that
 18 building, because it had changed from what was
 19 originally conceived, and then we parted. I don't know
 20 how long it was.
 21 Q Parted?
 22 A Parted, I left. I was on my way out.
 23 Q Was this July of 2012?
 24 A Yes. It's roughly July of 2012. They had moved I
 25 believe in that month, and I happened to be in the

1 office.
 2 Q And you were working for HNTB?
 3 A Yes.
 4 Q And why would she blame you for the new location of her
 5 office?
 6 A The building took two to three years to actually move,
 7 and there were design layouts, design plans for the
 8 cubicles early on, two or three years ago, and we laid
 9 out the cubicles with a certain number of people, but
 10 now that they've reinvented, and they've gone through
 11 some changes, and early retirements, there's lesser
 12 people, so they reconfigured the layout, so she just
 13 mentioned that she didn't like her layout, and I told
 14 her it wasn't something that stayed the same over the
 15 years. The building had a problem with the
 16 construction, and they didn't move for -- I want to say
 17 they didn't move for two-and-a-half years because of it.
 18 Q So she just thought you had input on the configuration
 19 while you were at MDOT?
 20 A While I was at MDOT that I had determined that, but that
 21 was determined years ago, before the big change, the
 22 re-invention of the staff. I believe that was the last
 23 conversation that we've had.
 24 Q Well, how many substantive conversations have you had
 25 with her since you left MDOT?

1 A I don't recall. It may be one or two in passing, if I
 2 would walk by and she'd say how's it going. Not very
 3 much substance. Just general talk maybe two or three
 4 times, in addition to the one I mentioned, over a year.
 5 Q Have you discussed this litigation with her at all?
 6 A No.
 7 Q Did you discuss with her your interview with Miss Finch?
 8 A I -- no.
 9 Q And she worked for you the entire time that you were at
 10 MDOT?
 11 A Yes. She was a direct report.
 12 Q Did you ever discipline her for any reason?
 13 A No discipline.
 14 Q Was she ever up for a promotion that you refused to
 15 approve while she was at MDOT?
 16 A I'm sorry. Can you repeat that one?
 17 Q Did you ever refuse her a promotion while she was your
 18 direct report?
 19 A Refuse?
 20 Q Yes. Deny, refuse?
 21 A No.
 22 Q Did you prepare Performance Evaluations for your direct
 23 reports?
 24 A Yes.
 25 Q Did you ever give her a negative Performance Evaluation?

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1 A Oh, are you referring overall?
 2 Q Yes. At any point in time while she was a direct report
 3 to you at MDOT?
 4 A I gave her a meet expectations, as I recall throughout
 5 the years, and meets expectations is an overall rate.
 6 Q Are you aware of any complaints she ever made against
 7 you while she was an employee regarding your
 8 relationship with her as her supervisor?
 9 A Do you mean something in writing, official?
 10 Q Yes.
 11 A I don't recall that something of that matter was --
 12 Q Did she ever make a complaint against you that was
 13 unofficial?
 14 A I do know she had spoken to Rita on one occasion, maybe
 15 more.
 16 Q And how do you know that?
 17 A Rita would mention it.
 18 Q And do you recall the nature of what she was addressing
 19 to Miss Screws?
 20 A The one was we had a Christmas party, and she was
 21 performing the coordination and the planning for it, and
 22 we had some issues with the cash flow. People would pay
 23 at the door to come to the Christmas party, and there
 24 were some issues with money being paid out to people who
 25 had expenses to hold the party, so I called in Sharletta

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1 Paris, my assistant, and her into my office, and I had
 2 done some accounting, and I said that there's a kitchen
 3 fund in the office, and we need to make sure that
 4 there's monies left over, that the kitchen fund is
 5 replenished, and if there's any additional money needed
 6 that we take care of the accounting, and I had done my
 7 own accounting with what was expenses and people paying
 8 at the door, and I felt there were extra monies that
 9 weren't becoming available, so we need to make sure.
 10 Sharletta helped out with some of the planning and she
 11 got paid, so I --
 12 Q Who is Sharletta?
 13 A She was my assistant, and --
 14 Q And she was paid from this fund that was collected?
 15 A From the fund from the door, and she took offense to it.
 16 She was upset, and then she felt I was calling her out.
 17 She went to Rita, and in the end she gave Rita \$200.00
 18 in cash to give to me to give to the kitchen fund
 19 because there was some excess money, and it dissipated,
 20 but Rita had mentioned to me that she went to -- she
 21 approached her.
 22 I don't know the details of what was
 23 said, but I just got the money from Rita, and then we
 24 put it in the kitchen fund for the entire office. That
 25 was the one that I recall. There might have been other

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1 instances, but they're --
 2 Q You don't recall specifically the details of any of
 3 these other instances?
 4 A The other instances, no. She might have complained
 5 about something or other, but I don't recall if there
 6 was some details to it.
 7 Q And do you recall exactly how many times there may have
 8 been these other complaints?
 9 A Oh, I would guess maybe one other time.
 10 Q And you know Mark Steucher?
 11 A I know him, yes.
 12 Q And how long have you known him?
 13 A I have known of him since I was at MDOT, that he was
 14 another delivery, slash, resident engineer. We had some
 15 meetings, where all the engineers would come together,
 16 so I've known him from that.
 17 Q Have you worked together on any projects?
 18 A No.
 19 Q Have you socialized with him at all?
 20 A No. Other than seeing him at a Christmas party once and
 21 saying hello. Two Christmas parties come to mind.
 22 Q Did you and Mr. Steucher ever have any discussions or
 23 collaborations on outside consultants while you were
 24 both working for MDOT?
 25 A No.

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1 Q Does MDOT have an approved list of outside consultants?
 2 A I'm not sure if I know the question when you say
 3 approved.
 4 Q Yes. Was there a list of outside consultants that was
 5 approved by MDOT?
 6 A I don't know the word approved.
 7 Q Well, if I was a prime consultant, and I wanted to put
 8 together a team, then I'd call you as a delivery
 9 engineer, a senior delivery engineer and say I want to
 10 put together a team, are there some consultants that you
 11 know MDOT would find acceptable, pre-qualified
 12 consultants?
 13 A Yeah. There's a pre-qualification list at MDOT.
 14 Q And who puts together that pre-qualification list?
 15 A They have a team of people in Lansing that determine
 16 pre-qualification.
 17 Q Did you have any input on that pre-qualification list?
 18 A Oh, once in a while they would call and have questions;
 19 very seldom, but they would call and just ask.
 20 Q And who was on the team that called you?
 21 A The one call I remember is Gothier -- what's his first
 22 name. He's at Construction and Technology. Dave
 23 Gothier, that's the only call I remember.
 24 Q And he was the person about whom you received the call?
 25 A I received a call, and it was something regarding a

1 pre-qual. for somebody.
 2 Q Do you recall the years that you had seen Mr. Steucher
 3 at Christmas parties?
 4 A Roughly 2010. It would be the winter of 2010-11, and
 5 then maybe 2008, between 2008 and '09.
 6 Q Were these MDOT Christmas parties?
 7 A One was an MDOT party. One was a Christmas party for
 8 Fishbeck.
 9 Q Which one was the MDOT party?
 10 A In 2010, we had said hello at that party.
 11 Q And the 2008 party would have been the Fishbeck?
 12 A It would have been Fishbeck. Actually I did not talk to
 13 him. I saw him across the room, and we never crossed
 14 paths on that one.
 15 Q And I assume that you never had any calls from
 16 Mr. Steucher about anyone on the pre-qual. list?
 17 A No.
 18 Q When did you first meet Miss Foster?
 19 A I would say the winter, either fall or winter of '03.
 20 Q When you first started at MDOT?
 21 A Yes. Late fall, winter.
 22 Q And how did you come into contact with Miss Foster?
 23 A She had an existing contract with my predecessor.
 24 Q Who was your predecessor?
 25 A Cedric Dargin.

1 Q And what happened to Mr. Dargin? He moved into another
 2 position?
 3 A He moved into the region office.
 4 Q And where is the region office?
 5 A Southfield, Nine Mile.
 6 Q And did she call you, or come to see you, or how did you
 7 come -- where you were first introduced to her?
 8 A I don't remember the first meeting, per se, or a
 9 conversation, but at the first Christmas party that year
 10 in that office, I had --
 11 Q In which office?
 12 A The Detroit TSC. Sorry. It was our office that used to
 13 be located at Lafayette and Rosa Parks. We had a
 14 Christmas party, and that would be where I may have --
 15 may have met her for the first time. I'm not sure, but
 16 I do remember she was there. I sat next to her.
 17 MR. WILLIAMS: Let's take a break.
 18 (Whereupon there was an
 19 interruption in the proceedings.)
 20 BY MR. WILLIAMS:
 21 Q Mr. Judnic, you are still an adjunct professor at
 22 Lawrence Tech.?
 23 A Yes.
 24 Q And what specifically do you teach at Lawrence Tech.?
 25 A I teach a graduate course called Advanced Construction

1 Techniques and Methods.
 2 Q And how long have you been an adjunct professor at
 3 Lawrence Tech.?
 4 A It will be five years. Coming up to five years.
 5 Q You only teach the one class?
 6 A Correct.
 7 Q And how often are you teaching that class?
 8 A Once a year.
 9 Q And you've never held a title Construction Section
 10 Manager at HNTB?
 11 A Construction Section Manager is another title that they
 12 use, yes. I have cards that say Senior Project Manager,
 13 I believe, or Senior Resident Engineer. I have a card
 14 that also says Construction Section Manager, and that's
 15 a manager within the section of the Construction
 16 Division.
 17 Q Does that mean you manage all of the construction, or
 18 you just manage part of the construction?
 19 A I manage part of it.
 20 Q And what specific responsibilities do you have for
 21 construction management at HNTB?
 22 A I manage all the engineers in our department.
 23 Q And how many are they?
 24 A They vary from three to eight or nine.
 25 Q When you say our department, what is that department?

1 A The Construction Engineering Department.
 2 Q For all of HNTB?
 3 A For the Detroit office.
 4 Q And the Detroit office is responsible for the
 5 southeastern Michigan region, or just for Detroit?
 6 A It's responsible for -- there's no limits on a
 7 geographical area. We have another construction office
 8 in Jackson, so we have a Detroit construction office and
 9 we have a Jackson construction office, and we try to
 10 reach out as far as we can to perform work.
 11 Q And it isn't divided like the east side of the State,
 12 west side of the State?
 13 A Jackson will take care of the west, more of the west
 14 side, and then Detroit would try to care of the
 15 remainder of the State. Both offices would be limited
 16 within the footprint of the State of Michigan.
 17 Q Who gets the upper peninsula?
 18 A We don't normally go to the upper peninsula. It will be
 19 odd because it's just too far, but if there were
 20 something there, it probably would fall to Detroit.
 21 Q Okay, and in terms of volume of work, how much are we
 22 talking dollars?
 23 A Dollars of?
 24 Q Annually, if you can estimate.
 25 A Construction, overseeing construction costs, or --

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1 Q Yes.
 2 A I would think it's somewhere -- and I don't have the
 3 historical data, I would think it's somewhere around
 4 fifty-million dollars of construction-type work that we
 5 oversee.
 6 Q Fifty-million annualized?
 7 A Yes.
 8 Q Now were you aware of Miss Foster before you came to
 9 MDOT at all? Had you read anything about her?
 10 A No.
 11 Q Had you had any occasions to work with her prior to
 12 coming to MDOT?
 13 A No.
 14 Q Do you recall the first project you had occasion to work
 15 with BBF?
 16 A I don't.
 17 Q Do you recall your first experience with BBF where you
 18 were actually working with them while you were a
 19 delivery engineer or a senior delivery engineer?
 20 A And the question was the first?
 21 Q Yes, the first occasion.
 22 A That I do remember?
 23 Q Yes, that you do remember.
 24 A And this is a particular project you're asking about?
 25 Q Yes.

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1 A I would say that one of the first major projects that I
 2 had was this -- it was an emergency project. There was
 3 a tanker fire that burned the ramp from northbound 75 to
 4 eastbound 94, and the tanker fire project, we hit the
 5 ground running, and since Pat Lawton, who is on the
 6 staff with BBF, was in the office, he was literally from
 7 day one me coming to MDOT, he was assisting with the
 8 documentation and inspection work on an instantaneous
 9 basis, so in regards to the company, it was Pat Lawton
 10 from day one. Was your question specific to
 11 Miss Foster?
 12 Q No. It was specific to BBF.
 13 A Oh, it would be day one. Sorry. They were on staff, on
 14 contract already that I adopted from Cedric Dargin.
 15 Q And was the work with Mr. Lawton work that started from
 16 day one?
 17 A Yes. His services, he was with me every single day I
 18 was at the State. He was on my team.
 19 Q Was the ramp from 75 to 94 a project that started in
 20 2003, or was it after that?
 21 A It was bid very early 2004. Actually it was bid late
 22 2003, it was bid, and that's the first major project
 23 that comes to recollection. I inherited all of the
 24 projects that Cedric left behind, so there were many in
 25 play.

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1 Q And you just don't recall what --
 2 A Yeah.
 3 Q Specifically?
 4 A I can't recall. There's so many projects.
 5 Q Was one of your responsibilities as delivery engineer to
 6 fill out evaluation scores for consultants?
 7 A Yes.
 8 Q One of your responsibilities as delivery engineer was
 9 also to participate on teams that evaluated proposals
 10 that were submitted in response to Request for
 11 Proposal?
 12 A Yes.
 13 Q And that also involved a form of scoring process?
 14 A Yes.
 15 Q So as I understand it, a consultant, if there was an
 16 RFP, could submit a response to that RFP, a team would
 17 be assembled by MDOT that would evaluate that RFP and
 18 score it to make recommendations as to a consultant
 19 that might be ultimately selected as a consultant to do
 20 work on a particular project?
 21 A Can you repeat -- sorry. Can you repeat that one?
 22 Q All right. As I understand it, the RFPs are let, the
 23 Request for Proposal. Consultants respond to those
 24 RFPs, and then teams are assembled to evaluate those
 25 RFPs.

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1 A Yeah. They're not let, but they are posted and teams
 2 are assembled to evaluate them.
 3 Q And then they fill out actually scoring sheets for those
 4 consultants that have submitted RFPs?
 5 A They collectively fill out the selection, yes.
 6 Q And then what happens once the collective team has
 7 completed one of those evaluation forms for an RFP?
 8 A The team signs it, and then it's sent forward for
 9 processing.
 10 Q Sent forward to whom?
 11 A There is a central review team, committee. CSRT,
 12 Central Selections Review Team, and they review,
 13 possibly modify and final accept all selections.
 14 Q And how many evaluations are sent forward to the Central
 15 Review Team, Central Review Selection Team?
 16 A I wouldn't know. That's a statewide. I don't know how
 17 sheer numbers of RFPs and recommendations are --
 18 Q I'm not talking about in the aggregate. I'm talking
 19 about if you receive a -- let's say ten responses to an
 20 RFP, how many of those actually are sent to the Central
 21 Review Team?
 22 A Normally you score them all. You submit the whole list.
 23 Whoever submitted, you submit those scores normally.
 24 Q Who actually selects the team that evaluates these RFPs?
 25 A The project manager would collectively decide how he

1 would pull together the team, and it could be in
 2 collaboration with others, depending on the nature of
 3 the project. Sometimes it's strictly the project
 4 manager, and sometimes it's the TSC and the project
 5 manager --
 6 Q Wait a minute, a TSC?
 7 A I'm sorry, the TSC manager and the project manager may
 8 collaborate. It also involves, if the contract is over
 9 a million dollars, there's a member from CSRT that goes
 10 on the team. They can also come in to the team at
 11 anytime they choose to be part of the evaluation team,
 12 and that -- there is some criteria in that everybody on
 13 the team can't report to one entity.
 14 Q When you say one entity, what do you mean?
 15 A If Rita Screws has a project coming through her office,
 16 the criteria was you'd want to -- you have to have at
 17 least one team member outside the reporting
 18 responsibilities under Rita. You have to have somebody
 19 that doesn't report to Rita on that team.
 20 Q Okay, so there's a -- it's sort of a linear fashion.
 21 You couldn't have all of your direct reports make up
 22 part of the team?
 23 A Correct, and it would really come down to the direct
 24 reports to any one entity. In other words, the
 25 selection team would not all linearly direct report to

1 any one person, whatever level that would be in the end.
 2 Q Now you used the term project manager. Who is that for
 3 purposes of your response? Is that the project -- the
 4 delivery engineer or the project engineer, or the senior
 5 delivery engineer?
 6 A It can be any of those people. It can be a TSC manager.
 7 It's identified in the RFP. It will say MDOT project
 8 manager. Within the RFP, it's identified.
 9 Q And would the project manager be responsible for the
 10 making the selection of the team members?
 11 A I'm sorry?
 12 Q Would the project manager be responsible for selecting
 13 the team members?
 14 A Sometimes yes, and sometimes it was a collaborative, and
 15 -- because the CSRT member was going to be on the team,
 16 that wasn't the project manager's choice.
 17 Q What would, if you know, trigger a CSRT person being on
 18 the team, or deciding to be on the team?
 19 A What I recall, which I'm not sure if it's changed, but
 20 over a million-dollar contract for professional services
 21 would require a CSRT member at the time, at most of the
 22 time I was doing it. CSRT wasn't always in effect when
 23 I was at MDOT. There were different processes, and they
 24 changed slightly over the years.
 25 Q How many people would make up one of the selection team?

1 A I always have known that a minimum of three people would
 2 be on the team, and then it was really unlimited in how
 3 many, though it was limited because you didn't want to
 4 burden so many people with the extra work, but it was
 5 normally a three-member team that I know of, minimum.
 6 Q Did every person have one vote, or was it weighted?
 7 A It was a collaborative. When the team sat together,
 8 we'd all get to a point of consensus on what you would
 9 roll out as the scoring.
 10 Q So you would discuss the proposals until you arrived at
 11 a consensus on what a score should be for the various
 12 components that made up the evaluation form?
 13 A Yes.
 14 Q And if a person dissented, was there room for dissent,
 15 or would you --
 16 A You would have to come to some amicable -- no one had
 17 the time to re-meet, so you'd have to an amicable number
 18 in that meeting. There were always discussions and
 19 different points of view. It was always good to get a
 20 good mixture of perspective.
 21 Q Was there only one score sheet that was filled out?
 22 A Yes. We filled out one score sheet, and ideally you
 23 would sign that score sheet and -- that same day, or
 24 you'd have to wait until the score sheet was filled out
 25 later and get the signatures later.

1 Q Were there ever occasions where, in your experience,
 2 there were drafts score sheets that were prepared?
 3 A Yeah. Some individuals would do their own score sheets
 4 for their own discussion points.
 5 Q Were all of the drafts and final score sheets kept?
 6 A No. They were working documents. It was up to the
 7 individual on how they would come to the meeting with
 8 their input.
 9 Q Do you recall occasions on which you knew, or on teams
 10 that evaluated responses to RFPs that were submitted by
 11 BBF?
 12 A Can you repeat that?
 13 Q Were there occasions where you were on teams that
 14 evaluated responses to Requests for Proposals that were
 15 submitted by BBF?
 16 A Yes.
 17 Q Do you recall how many occasions?
 18 A I'm guessing three, and I have to ask are you referring
 19 to --
 20 Q A prime.
 21 A As a prime?
 22 Q Right.
 23 A As a prime I would say three, but I'd have to get
 24 records to confirm.
 25 Q Okay. What about a sub.?

1 A Subs, there were more. Maybe double that.
 2 Q So maybe six?
 3 A Maybe over the years, or less. I'm not sure.
 4 Q You were aware that BBF was a DBE?
 5 A Yes.
 6 Q Were you also aware that it was a woman-owned business?
 7 A Yes.
 8 Q And you were also aware that it was a minority-owned
 9 business?
 10 A Yes.
 11 Q Were you aware that at all times from the inception of
 12 your involvement with Mr. Lawton?
 13 A Yes. Involvement, could you elaborate?
 14 Q Your first interaction, as I understood it, with BBF was
 15 with Mr. Lawton.
 16 A If it wasn't the very first day, I found out shortly
 17 after, yes.
 18 Q And how did you find out shortly after?
 19 A Oh, I don't -- I don't know. I'm saying that if I
 20 didn't know day one, I would have known pretty quick,
 21 and I don't know how I found out.
 22 Q As I understand it, Mr. Lawton was a caucasian male?
 23 A Yes. Love Charles was also in the office, both of them
 24 were.
 25 Q When you say in the office, in whose office?

1 A It would be in the Detroit TSC. Love had an office next
 2 to my office. Pat Lawton had an office right outside
 3 my door, so they both were adjacent to me.
 4 Q Had you known Love Charles before you met Mr. Lawton?
 5 A No.
 6 Q When you first met Mr. Charles, he was under contract or
 7 employed by BBF?
 8 A He should have been employed by BBF at the time.
 9 Q When you say should have been, why would you say that?
 10 A He had contract work with the region. I believe he was
 11 with BBF at the time I had came to the -- to the MDOT.
 12 Cedric Dargin had relayed to me, and I don't know the
 13 timing of it, but I believe he worked for BBF at the
 14 time I started at MDOT, but there were some previous
 15 contracts that Love Charles had himself.
 16 Q Previous direct contracts with MDOT?
 17 A That is correct.
 18 Q Did Mr. Dargin give you any type of written summary of
 19 the projects, and the consultants with whom he was
 20 working when you transitioned?
 21 A I'm sure he had given me files, and gave me the
 22 briefings of what -- the transfer of files and who was
 23 in what role.
 24 Q And you don't have any specific recollection of when
 25 you first worked directly with Miss Foster?

1 A Not with her directly.
 2 Q And was there ever an occasion when she was working out
 3 of the Detroit TSC?
 4 A Not necessarily working. Maybe passing through, and
 5 taking care of some -- a few things, but nothing of a
 6 nature where she sat in the office and worked out of
 7 the TSC.
 8 Q You knew that she was the principal of BBF?
 9 A I knew that she was the principal, yes.
 10 Q Did you advise her that as a principal she could not
 11 bill for her work on any project that you were
 12 managing --
 13 A Right, I --
 14 Q Because it should be overhead?
 15 A Did I advise her?
 16 Q Yes, or did you instruct her that she could not bill?
 17 A I wouldn't call it instruction. When negotiations, when
 18 there's a price proposal to come down to a final dollar,
 19 and you negotiate a price for what was necessary for the
 20 work at hand, whatever the contract -- the scope of work
 21 was, there would be a dialogue and a discussion stating
 22 what people we need, the charges, how many hours, so
 23 that would be a -- what is called a negotiation.
 24 Q In the course of those negotiations, was there ever a
 25 time where you agreed that as a principal that she could

1 bill directly on any project that she was project
 2 manager?
 3 A Repeat that one.
 4 Q Was there ever -- during the course of these
 5 negotiations with her on any price proposal, was there
 6 ever an occasion in which you agreed that she could bill
 7 as the principal of BBF on any project where you were
 8 the project manager?
 9 A I don't recall.
 10 Q And you also do not recall, in the course of
 11 negotiation, telling her that her time should be
 12 encapsulated in her overhead rate?
 13 A I recall that MDOT had a policy that principals are not
 14 to charge up to a certain point in time, and I most
 15 likely conveyed the policy, and then the policy had
 16 changed.
 17 Q Was the policy in writing?
 18 A I do know there's language in the RFPs that come out
 19 from Lansing that had the language already as a guide,
 20 as what was to be in RFPs. You were allowed to modify
 21 things, and customize it to your needs at the TSC, but
 22 there was language in the RFP that referred to those
 23 matters.
 24 Q And you don't recall what the specific language said?
 25 A The specific language said something about principals

1 charging the projects. I don't have that memorized.
 2 Q And you said it was to a particular point in time. Can
 3 you tell me what the principal point in time was?
 4 A Sometime in the winter of -- between '08 and '09, there
 5 was a committee set-up by the American Council of
 6 Engineering Consultants, that sat with a committee of
 7 MDOT officials because the consultant industry wanted to
 8 change the policy, and they had had this committee. The
 9 two committees sat down and they developed an
 10 understanding, and it was rolled out, what I recollect
 11 is early -- in early '09. They rolled out that the
 12 process has changed, and that principals can charge to
 13 projects as long as its negotiated with the MDOT PM.
 14 Q All right. I guess I was a little confused. I thought
 15 you were talking about principals couldn't charge until
 16 a particular time in the project. You're saying that in
 17 '08 or '09 the entire policy changed and made it
 18 negotiable with the project manager?
 19 A I don't know what the exact words were in earlier than
 20 the change, but the change allowed -- the change allowed
 21 an open avenue for principals, and they were telling all
 22 the consultant companies and all of the project managers
 23 that there is an open policy to allow principals of
 24 firms to charge the project, so the specific language I
 25 don't have memorized, but it was a harder policy and it

1 became a softer policy.
 2 Q And was the basis of the original policy a concern
 3 that larger firms with non-working principals
 4 shouldn't just be billing time for projects?
 5 A I don't know the reason why the policy existed.
 6 Q And did you understand that Miss Foster was a working
 7 business principal?
 8 A I don't know what a working -- whatever the terminology
 9 you just used means.
 10 Q Well, you understood she was a smaller enterprise?
 11 A I understood that she was a smaller enterprise.
 12 Q And that she was still providing services to her company
 13 because she was a small enterprise. You were aware of
 14 that?
 15 A I don't understand the question.
 16 Q You understood that she was still working in her
 17 business because she was a smaller enterprise?
 18 A She obviously would be working for the engineering firm
 19 that she was the principal of. On an as-needed
 20 contract, MDOT coined those as rent-a-tech, and those
 21 contracts were set-up so that you supplement your staff,
 22 meaning the MDOT staff, so if I were to get a contract
 23 that's an as-needed, I would then have my own staff, and
 24 then I needed more because I couldn't handle the work.
 25 To obtain that assistance is an

1 as-needed, and all that would be would be hiring of the
 2 inspectors and engineers on the ground because my senior
 3 people and myself ran out of projects, so the model at
 4 the TSC was to run as-needed contracts and run the
 5 projects through myself and my senior staff and manage
 6 that project.
 7 When we negotiate the prices of
 8 these price proposal, we look at what staff we're going
 9 to add to the MDOT staff. That's when we layout the
 10 people and their duties. We'll know a tech., an
 11 engineer, what they're basically going to do.
 12 That's how we lay that out, so when
 13 we determine that detail, we crunch the numbers and come
 14 with a dollar value, or the dollar value then is decided
 15 upon. That's how we determine a negotiation of price.
 16 You look at the needs of the
 17 project, and then you fill the staff, and in my case I
 18 needed technicians and engineers to help run -- help
 19 team our project.
 20 Q But if she's an engineer and a technician, you're
 21 telling her that she could not work on the project?
 22 A I would sit down and say the roles of the people, what
 23 are those roles, and fit those roles to a project. I
 24 did not say anybody cannot work on a project. It would
 25 be negotiated to say Pat Lawton, Love Charles, Rick

1 Covington, Hunter Hinchcliff, these are the layout of
 2 those people; these are how we're going to fit them on
 3 my team; this is how we're going to roll this contract
 4 out.
 5 That is what's determined when you
 6 to negotiate a price. You see your need, and you fit
 7 them with the personnel. That's how we determined.
 8 Q So you never made any blanket decisions regarding
 9 Miss Foster? That's what you're telling me?
 10 A Correct. I would go through and see what's there to --
 11 what staff is available to supplement my team, and we
 12 would fit them accordingly.
 13 Q And you would base that upon staff that they advised you
 14 in the RFP they had available to them?
 15 A The RFP is a scope of service. The RFP lists the scope
 16 of service. The proposal they submit would show a list
 17 of people on that team, and then that list would be the
 18 basis of where you start your negotiations to determine
 19 who actually goes on that team.
 20 Q And you would select from the list?
 21 A You would have a collaborative with any and all the
 22 folks that are on that list. You have a collaborative
 23 discussion on who would do what part, and what happens
 24 with that team.
 25 Q So instead of a price proposal, you would meet with all

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1 members that were on the list and come up with a
 2 collaborative agreement on who was going to be part of
 3 the team?
 4 A No. We wouldn't meet with everybody.
 5 Q So who was the collaborative with?
 6 A Most likely the prime consultant, and then the prime
 7 consultant may decide to insert their subs at any one
 8 time, and further discuss the collaborative because the
 9 prime may not know the details of what the sub. can do,
 10 and the sub. might want to elaborate, so it's a
 11 collaborative. You sit down and you negotiate if you
 12 want to talk about meeting a need, a work duty
 13 responsibility's need on a team.
 14 Q Okay. If BBF was the prime, with whom would you have
 15 the collaborative discussion?
 16 A Most likely it would have been Bellandra.
 17 Q Do you know a gentleman named Jason Fisher?
 18 A Jason Fisher, I do know a gentleman named Jason Fisher.
 19 Q He works for URS?
 20 A Yes.
 21 Q Do you recall a time in 2010 when you instructed
 22 Miss Schnee, or Miss Klein to use Mr. Fisher as an
 23 assistant project engineer on an as-needed project where
 24 BBF was the prime?
 25 A Can you rephrase? Can you say the question again?

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1 Because I'm not quite sure I captured the whole thing.
 2 Q Was there a time in which you instructed Miss Klein to
 3 use Jason Fisher as an assistant project engineer on a
 4 project, on an as-needed project where BBF was the
 5 prime consultant?
 6 A Do I recall?
 7 Q Yes.
 8 A No. I don't recall.
 9 Q So you have no recollection of that occurring in 2010?
 10 A No.
 11 Q Do you recall any occasion in which you agreed that
 12 Miss Foster could serve as a working member of any team
 13 where you were overseeing the project?
 14 A I don't recall that there was a need for Bellandra to
 15 fill in any duties on a contract.
 16 Q Do you recall any occasions in which you found a need
 17 for a principal of any engineering consulting firm to
 18 fulfill a need on a contract while you were a project
 19 engineer?
 20 A Yeah, I do. I recall Steve Nichols.
 21 Q And who is Steve Nichols?
 22 A I'm sorry. Was there a question?
 23 Q Who is Steve Nichols?
 24 A Who?
 25 Q Yes.

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1 A He is a principal with Fishbeck. I don't know the
 2 entire name of the firm.
 3 Q And do you recall the project where Mr. Nichols filled a
 4 need while he was a principal?
 5 A I don't recall.
 6 Q Do you recall the need that Mr. Nichols filled?
 7 A Yes. He was -- he was on the committee that I
 8 referenced earlier. He was frustrated because I
 9 wouldn't allow him to charge on the project because he
 10 was a principal, and he said it was wrong, so then he
 11 went on this committee. They had this committee, and
 12 then they opened it up to where MDOT project managers
 13 were told it is wide open, you can have principals
 14 charging.
 15 Well, I recall joking with
 16 Steve Nichols because he was instrumental in being on
 17 the committee that changed the process, that he didn't
 18 agree with me when I didn't allow him to charge, then he
 19 did charge to some contract after the fact. It was some
 20 minuscule hours.
 21 Q So you just recall the one occasion with Mr. Nichols?
 22 A I just recall the one occasion for Mr. Nichols. There
 23 was another occasion. Ed Tatem from Parsons
 24 Brinckerhoff was on a contract where he charged as
 25 well, because he met the needs of the contract.

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1 Q Was he also part of this committee?
 2 A I don't recall who was on the committee. I just recall
 3 that Steve Nichols was because he spoke. He spoke at a
 4 meeting on behalf of the committee for the consultants.
 5 Q And do you recall what needs Mr. Nichols filled -- I
 6 mean Mr. Tatem filled? I'm sorry.
 7 A Yeah. Mr. Tatem was utilized as a community liaison for
 8 a project, because he had some key relationships that we
 9 wanted to make sure that the community was involved on
 10 the project.
 11 Q Do you recall what community that was?
 12 A Southwest Detroit.
 13 Q And with whom did he have relationships?
 14 A Oh, with schools and he knew some business leaders in
 15 the neighborhood, and some politicians.
 16 Q Was it Mr. Tobocman?
 17 A I don't know if it was him, per se.
 18 Q Jane Garcia?
 19 A I don't know if it's her personally.
 20 Q And you don't remember who any of these community
 21 leaders may have been? Miss Talib, was it her?
 22 A I don't recall who they were. They were people in the
 23 community that he reached out to, business associations;
 24 Southwest Business Association I believe.
 25 Q Southwest Business Association?

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1 A Yeah. I don't recall offhand.
 2 Q Was it LaSed, Sir Metro?
 3 MR. DITTENBER: Objection. He said
 4 several times he doesn't recall.
 5 MR. WILLIAMS: I know he said he
 6 doesn't recall the people. I'm talking about
 7 organizations now.
 8 BY MR. WILLIAMS:
 9 Q Was it LaSed?
 10 A I don't recall.
 11 Q What about Sir Metro?
 12 A He did have a relationship with LaSed, yes. His key
 13 role was he was going to act as a person who can receive
 14 calls, and log them and determine the best avenue of
 15 informing the public, participate in the meetings,
 16 and --
 17 Q I assume this was on the Gateway Project?
 18 A Yes.
 19 Q So he just simply logged in calls and contacts, and
 20 receiving calls on the project?
 21 A No, not simply. It's just he came from recommendation
 22 from Tony Kratofil, now that I recollect. Tony Kratofil
 23 had asked that he get engaged as that role on the team.
 24 Q So basically a community liaison?
 25 A Yes.

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1 Q Anyone else you recall?
 2 A I recall in regards to?
 3 Q A principal being involved before or after the change in
 4 policy.
 5 A I don't -- I don't recall.
 6 (Whereupon Deposition Exhibit Number
 7 1 was marked for identification.)
 8 MR. WILLIAMS: Mr. Judnic, I'm
 9 handing you a series of documents that have been
 10 identified as Plaintiff's Exhibit 1 for purposes of this
 11 Deposition, or Judnic Exhibit 1. They are Bate stamp
 12 pages BBF 5 through BBF 28. I'm going to ask you to
 13 look at those documents.
 14 MR. DITTENBER: On 19 and 20, there
 15 appear handwritten notes on the Exhibit, and so I'll
 16 object unless we know who placed those notes on this,
 17 and so objection to the foundation on these two pages at
 18 least.
 19 BY MR. WILLIAMS:
 20 Q Okay. Mr. Judnic, have you seen any or all of Judnic
 21 Exhibit 1 at any point in time?
 22 A I have seen -- I do not recall seeing the Discrimination
 23 Complaint. This seems to be an RFP that I rolled out at
 24 some point at MDOT. I believe I have seen the estimate.
 25 Q That's Pages --

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1 A 20 and 21. I have not seen the Greg Johnson letter of
 2 22, Pages 22, 23. I have seen the letter on Pages 24,
 3 25. I have never seen the e-mails from 26, 27, 28.
 4 Q So as part of this matter, you have not seen a complete
 5 package of Complaints that Miss Foster submitted to the
 6 Federal Highway Administration at any point in time?
 7 A I wouldn't know if I have. I don't know the full list
 8 of Complaint.
 9 Q Do you recall Current Track Number 2006-0490?
 10 A Do I recall it in what way?
 11 Q Do you recall it in any way?
 12 A By number, I'll assume that it's -- the scope of service
 13 is in this packet, in Exhibit 1, if that's the job
 14 number that connects to this Exhibit.
 15 Q Well, do you recall a Contract 2006-0490 that was
 16 awarded to BBF?
 17 A I recall a contract. I'm not certain of the time, but,
 18 yeah, I would imagine I had an as-needed contract with
 19 BBF in '06.
 20 Q Do you recall a time, at least as I understand it,
 21 before a price was negotiated with BBF that you
 22 contacted BBF and advised them that the original
 23 proposed price for the contract was going to be cut in
 24 half?
 25 MR. DITTENBER: I'll object to the

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1 -- a standing objection to this line of question based
 2 on relevance. The court has ruled that the allegations
 3 contained in this Complaint fall outside the Statute of
 4 Limitations.
 5 THE WITNESS: All right. Can you
 6 repeat it? Sorry.
 7 BY MR. WILLIAMS:
 8 Q Do you recall a period of time in which this contract
 9 was cut in half?
 10 MR. DITTENBER: Objection as to
 11 foundation. You haven't established that it was
 12 altered.
 13 THE WITNESS: Sorry. Can you repeat
 14 that again?
 15 MR. WILLIAMS: I understand. I
 16 understand.
 17 BY MR. WILLIAMS:
 18 Q Do you recall that at some point in time any
 19 conversation with BBF for Contract 2006-0490, that that
 20 contract was cut in half?
 21 A I recall that I had gotten a message from Lansing that
 22 the contract was going to be reduced so that they could
 23 get more work to other people in the industry.
 24 Q More work from other people in the industry?
 25 A I apologize. That was a bad way of saying it. It was

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1 going to be split so that other companies had
 2 opportunities, and to spread work amongst more -- a
 3 higher number of companies.
 4 Q A higher number of?
 5 A Consultants.
 6 Q With DBEs, or just consultants generally?
 7 A Consultants.
 8 Q Well, do you recall what portion of the contract was
 9 split?
 10 A Yes. The Lodge Project was pulled out.
 11 Q Was this the Lodge from Eight Mile to 94, the Lodge II,
 12 or Lodge I?
 13 A Yes, Lodge II.
 14 Q And do you recall the original contract amount to be
 15 roughly 42 million dollars -- I mean 4.2 million
 16 dollars?
 17 A That sounds correct, and that's just based on the sheer
 18 limit of 42,000 hours, as a very rough estimate that
 19 that would be the -- the idea of what the contract was
 20 worth, not that that was set in stone.
 21 Q And also I believe the contract, the Lodge portion of
 22 the contract was re-bid?
 23 A Re-posted. Re -- they posted for selection. Bid is
 24 implicating price. This is qualification based.
 25 Q So re-posted for selection, and Fishbeck, Thompson, Carr

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1 and Huber were selected?
 2 A I do recall.
 3 Q Do you recall that?
 4 A I do recall that they were selected, yes.
 5 Q Do you recall telling Miss Foster that she should submit
 6 another proposal for the work that she had already
 7 previously won?
 8 MR. DITTENBER: Objection to the
 9 characterization of that statement.
 10 THE WITNESS: What's the won, the
 11 word won mean?
 12 MR. WILLIAMS: For work she had been
 13 previously selected.
 14 THE WITNESS: She was selected for
 15 work, and I recall contacting her so that we can get the
 16 negotiation finalized, and then I notified her at the
 17 time I needed a price proposal that it would have to be
 18 a price proposal that was less.
 19 BY MR. WILLIAMS:
 20 Q And did you at the time tell her that she would have to
 21 submit a new Response to Request for Proposals for the
 22 Lodge portion of the contract?
 23 A I believe I remember saying she can compete for the
 24 posting of the -- whatever else is posted. I don't know
 25 if at that time we knew exactly how this contract was

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1 going to be changed. I needed a price proposal, but I
 2 could have very reasonably told her that another
 3 contract will be posted.
 4 Q And who in Lansing contacted you about this re-posting?
 5 A Jim Culp.
 6 Q Jim --
 7 A Culp is C-u-l-p.
 8 Q And when did he contact you about this re-posting?
 9 A He contacted me -- when I sent the selection for the
 10 consultant, soon after. I don't have a date. Soon
 11 after I was contacted by Jim stating that we have to
 12 make a change.
 13 Q Do you recall ultimately how much Fishbeck was awarded
 14 to do the Lodge portion of the work under this contract?
 15 A I don't. I don't recall.
 16 Q And who is Jim Culp?
 17 A Jim Culp was a member on CSRT. I don't know what other
 18 role he played, but he was a member for CSRT.
 19 Q Was there a written document that said that this needed
 20 to be re-posted?
 21 A I don't recall.
 22 Q Was there a written policy that said there needed to be
 23 an expansion of the number of consultants that were
 24 receiving work from MDOT?
 25 A A policy, I don't recall.

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1 Q Do you -- what is the M-85?
 2 A Fort Street.
 3 Q And where on Fort Street was work being done? Was it
 4 right in front -- between Rosa Parks and the bridge
 5 area?
 6 A Are you referring to the Fishbeck?
 7 Q No. I'm referring to the reference in the letter from
 8 Mr. Frierson to an M-85 project that would be posted.
 9 A I don't know what that is referring to. Is that the
 10 sentence another consultant, a non-DBE, was recommended
 11 for design services selection on the M-85?
 12 Q Yes.
 13 A Yeah, that -- I wouldn't know.
 14 Q Are you aware of any other contracts other than this
 15 contract, or the contract for the M-85 project where a
 16 similar re-posting was made to expand the work available
 17 to other consultants?
 18 A I don't -- there was a contract that Jason Voigt had
 19 posted, and it was pulled and repackaged, but that was
 20 something else. In regards to -- in regards to a
 21 similar situation, I'm not aware. That was a different
 22 situation I'm referring to.
 23 Q And even though this contract is dated 2006, discussions
 24 were going on until October 2007?
 25 A The RFP was posted when?

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1 Q Even though the contract looks like a 2006 contract, it
 2 looks like these discussions were occurring, letters
 3 going back and forth, and e-mails in 2007?
 4 MR. DITTENBER: Are you referring to
 5 a specific document here?
 6 MR. WILLIAMS: Well, you can look at
 7 Pages 22, 24, 26, 27. All of them refer to dates going
 8 as far as -- as late as October 2007.
 9 THE WITNESS: And the reference to
 10 2006 is where?
 11 MR. WILLIAMS: The contract 2006-
 12 0490.
 13 THE WITNESS: It seems like that,
 14 though when you have 2006-049 --
 15 MR. WILLIAMS: 0490.
 16 THE WITNESS: Yeah, I don't know
 17 when that 0490 gets attached to the 2006. If it's
 18 lagging and then it's in '07 that they post it, so the
 19 timing of it isn't clear, but yes. This is a August --
 20 it's an August '06 to August '08 contract, and, yes,
 21 there are letters in '07.
 22 BY MR. WILLIAMS:
 23 Q Do you -- and as I understand it, do you know when --
 24 did BBF ultimately receive one-half of the contract?
 25 A Ultimately, yes.

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1 Q And do you know when that contract was closed out?
 2 A I'm guessing -- I don't know. No, I really don't know.
 3 Q 2008, 2009?
 4 A If you're looking for a year, it will be late '08 or
 5 early or mid '09, but I don't know.
 6 Q And what about the second half of the contract, do you
 7 know whether that -- has that portion been closed out?
 8 A I wouldn't have hands-on knowledge, but I would guess it
 9 is. I would guess it was soon after its completion
 10 date, it would have been closed out, whatever the
 11 completion date on that contract is.
 12 Q Do you know when it was re-posted?
 13 A No.
 14 Q Would it have been after October 2007?
 15 A I really don't know, and you're referring to the
 16 contract that was set off?
 17 Q Yes.
 18 A Out of this?
 19 Q Yes.
 20 A Yeah, I don't -- I really don't know when it was
 21 repackaged.
 22 Q Do you know when it was awarded to Fishbeck?
 23 A No.
 24 Q Do you know what the contract number was that went to
 25 Fishbeck for the second segment of the contract?



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1 A No. Not by memory.
 2 Q Do you know when the price was negotiated with Fishbeck?
 3 A No. I can't recollect the timing.
 4 Q Were you the person that negotiated with Fishbeck on
 5 price?
 6 A I honestly don't know. I would assume yes, but I just
 7 don't recall the details.
 8 Q Do you know who you would have dealt with at Fishbeck?
 9 A It would either be John Lavoy, Tom Grey or Steve
 10 Nichols.
 11 (Whereupon Deposition Exhibit Number
 12 2 was marked for identification.)
 13 MR. WILLIAMS: And just for the
 14 record, Mr. Judnic, I've handed you what's been marked
 15 as Judnic Exhibit 2, and I ask you to look at that
 16 series of documents, Bate stamped pages BBF 29 through
 17 BBF 50.
 18 BY MR. WILLIAMS:
 19 Q All right. Mr. Judnic, I assume you haven't seen this
 20 complete package of documents before?
 21 A I have not.
 22 Q Is this the other contract that you talked about where
 23 Mr. Voigt may have cut services in half, or is it
 24 something other than this?
 25 A No. This is just -- I don't recall now. I --

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1 Q Was Mr. Voigt a report, a direct report to you at this
 2 point in time?
 3 A At this time, in December of '07, yes.
 4 Q Yes?
 5 A Yes.
 6 Q You just don't recall this contract, 2008-0044?
 7 A Oh, I recall it was Jason's contract, but your question
 8 was if this is the pulled out section of the other
 9 contract?
 10 Q No, no, no. My question was you mentioned that
 11 Mr. Voigt had made the -- had a similar situation where
 12 he cut a contract in half. I'm asking you if this is
 13 the similar situation.
 14 A I don't recall. I said?
 15 Q Yes.
 16 A I said Jason Voigt?
 17 Q Yes.
 18 A No, I was really -- I was always referring to the
 19 contract that I contacted Miss Foster, and then I had
 20 said that I had to pull out the Lodge, but I believe
 21 you're now saying this is the contract.
 22 Q No, no. No, no, no.
 23 A But that's -- I'm confused.
 24 Q No. I thought you had indicated that Mr. Voigt had cut
 25 a contract in half.

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<p>1 A No, no. I was --</p> <p>2 MR. DITTENBER: Objection, that</p> <p>3 mischaracterizes his testimony. He said there was</p> <p>4 different circumstance involving a repackaging, is my</p> <p>5 recollection.</p> <p>6 MR. WILLIAMS: Okay. A different</p> <p>7 circumstances involving repackaging of contracts.</p> <p>8 BY MR. WILLIAMS:</p> <p>9 Q Is this the contract involving the different</p> <p>10 circumstances involving repackaging?</p> <p>11 A Oh, no. I'm sorry. Now I know where I'm back at with</p> <p>12 what you're saying. No. There was a posting once made,</p> <p>13 and he didn't tell Rita Screws or myself, for some type</p> <p>14 of an as-needed, and we said -- and I don't know if this</p> <p>15 is connected to that.</p> <p>16 Q Okay.</p> <p>17 A And all of --</p> <p>18 Q So that's the circumstances?</p> <p>19 A Yes, and all I recall is we pulled it. We posted it and</p> <p>20 pulled it completely, and I believe it was rewritten and</p> <p>21 repackaged. I don't know if this is the contract that</p> <p>22 you gave me here, this RFP, but that was the instance</p> <p>23 where Jason Voigt posted something without telling</p> <p>24 anybody, and then we needed to make sure it satisfied</p> <p>25 the TSC's needs, that's all. Sorry, and then to answer</p>	<p>1 your question I don't know if this is that contract that</p> <p>2 was repackaged. I'm going off by memory of what had</p> <p>3 happened when you said repackaged.</p> <p>4 Q Do you recall having any discussions with Mr. Voigt</p> <p>5 about the repackaging of this contract with Miss Foster?</p> <p>6 A When you say repackaging --</p> <p>7 Q Or re-posted?</p> <p>8 A I don't know if this was re-posted. I don't know. The</p> <p>9 answer is I don't recall.</p> <p>10 Q Were you involved in the decision to contact Miss Foster</p> <p>11 to advise her that this particular contract was going to</p> <p>12 be reduced to one year?</p> <p>13 A No. That wasn't my involvement.</p> <p>14 Q Would Mr. Voigt had done something like that without</p> <p>15 your knowledge?</p> <p>16 A He could have very well done that without my knowledge</p> <p>17 because there was another point in time when Lansing</p> <p>18 decided to change durations of contract. I recall I was</p> <p>19 told to also change a contract, its length, so I would</p> <p>20 have heard about it later, but, yes, he would have done</p> <p>21 some things because he was getting told by either the</p> <p>22 region or Lansing.</p> <p>23 Q And who in the region would have told him that?</p> <p>24 MR. DITTENBER: Objection,</p> <p>25 foundation.</p>

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<p>1 If you know, you can answer.</p> <p>2 MR. WILLIAMS: I'm only asking to</p> <p>3 the best of your knowledge, Mr. Judnic.</p> <p>4 THE WITNESS: I don't know of</p> <p>5 anybody at the region.</p> <p>6 BY MR. WILLIAMS:</p> <p>7 Q What about in Lansing?</p> <p>8 A It would be someone from Contracts.</p> <p>9 Q And when you say Contracts, what are you referring to?</p> <p>10 A The Contract Division that processes the RFPs and helps</p> <p>11 with selections, and then once the project is ongoing,</p> <p>12 there's a person that -- and I can't recall the name of</p> <p>13 what they called them -- analyst that would follow your</p> <p>14 project through and make sure invoices are paid.</p> <p>15 Contracts is the entity of folks that help us on the</p> <p>16 ground process contracts, so somebody from Contracts</p> <p>17 could have called Jason and told him some change, some</p> <p>18 criteria that needs to be met.</p> <p>19 Q And do you remember what the reduction in time frames</p> <p>20 were for contracts?</p> <p>21 A No. At one point we were told we were not allowed to</p> <p>22 have contracts longer than a year, and then it came back</p> <p>23 and then it was told that we could get some, but we had</p> <p>24 to have special approvals. It was just that sort of</p> <p>25 change. There were different policy changes, and then</p>	<p>1 we were told what we can or cannot do.</p> <p>2 Q Do you know how long the policy change lasted, before</p> <p>3 not having contracts that exceeded a year, may have</p> <p>4 lasted?</p> <p>5 A No. I don't know how long. It was a -- I don't know</p> <p>6 how long. It was a short period of time.</p> <p>7 Q Was there another limitation on duration of contracts</p> <p>8 that was imposed after that policy of one year or less</p> <p>9 went into effect?</p> <p>10 A It changed again.</p> <p>11 Q Do you know what it changed to?</p> <p>12 A No. It was -- it was a requirement to discuss the</p> <p>13 duration.</p> <p>14 Q A requirement to discuss the duration with whom?</p> <p>15 A Contractors. Whoever was applying to you by contract.</p> <p>16 They would tell you the latest stipulation, the latest</p> <p>17 requirements, what they will and will not allow, so that</p> <p>18 was a constant communication that just came from the</p> <p>19 folks in Lansing.</p> <p>20 Q And you just don't -- as it relates to this particular</p> <p>21 contract, you just don't know who may have communicated</p> <p>22 the decision to cut this one in half in terms of</p> <p>23 duration?</p> <p>24 A No. I don't have any knowledge of this contract. Jason</p> <p>25 ran this contract.</p>

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1 Q Who is John Friel? Did you know him?
 2 A He was a gentleman that works for HNTB.
 3 (Whereupon Deposition Exhibit Number
 4 3 was marked for identification,
 5 following which there was an
 6 interruption in the proceedings.)
 7 MR. WILLIAMS: Mr. Judnic, you've
 8 had an opportunity to review what's been identified as
 9 Judnic Exhibit 3.
 10 THE WITNESS: Yes.
 11 MR. WILLIAMS: Which are Pages
 12 BBF 51 through BBF 130, I believe.
 13 BY MR. WILLIAMS:
 14 Q Have you seen any of those documents before, Mr. Judnic?
 15 A Some of them.
 16 Q And do you recall the July 18, 2008 meeting among
 17 representatives of MDOT and representatives of BBF
 18 Engineering?
 19 A Yes.
 20 Q Do you also recall the document that's identified as BBF
 21 Page Numbers 76 through -- I believe it's 80?
 22 A Yes.
 23 Q Is that a document that you prepared?
 24 A No. It came from BBF.
 25 Q These Minutes came from BBF?

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1 A Yes.
 2 Q And then you at the meeting gave BBF a two-page
 3 document, or showed them a two page list of issues that
 4 you had regarding the performance of BBF?
 5 A There was a list of items given to Love Charles, yes.
 6 There's some issues that needed to get fixed or
 7 resolved.
 8 Q And you did not provide them with a list prior to the
 9 meeting?
 10 A I don't recall.
 11 Q You don't recall? You don't recall whether you did, or
 12 you don't --
 13 A I don't recall whether I did.
 14 Q Did you prepare the list of concerns?
 15 A Deanna Papanek prepared the list.
 16 Q Who is she?
 17 A She was on my staff, and she was a senior technician.
 18 Q Had she been working directly with Love Charles?
 19 A Yes.
 20 Q Did Miss Foster actually request a copy of the list to
 21 be e-mailed to her in Word form?
 22 A I believe she did, yes.
 23 Q Did you ever e-mail her the list?
 24 A The electronic form of the list?
 25 Q Yes.

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1 A I don't believe I did.
 2 Q And why not?
 3 A I didn't understand the request from BBF, and all they
 4 had to do is retyping of a list. I don't know what was
 5 the importance of an electronic copy of a list. I
 6 didn't supply it probably because I didn't have the time
 7 or the whereabouts, or the staff to be typing a list.
 8 It was a working product, and it was a list to get
 9 things done. If it needed to be electronically -- or
 10 made into an electronic document, that could have been
 11 easily done by anybody. I don't know --
 12 Q So you just didn't think it was --
 13 A I don't know why --
 14 Q Worthy of consideration?
 15 A I don't know why I was required to make an electronic
 16 version of a list.
 17 Q Well, I don't think they asked you to make it, as much
 18 as just to attach it to an e-mail. You thought that
 19 was too much?
 20 A No. I believe the -- I recall the question was the Word
 21 document.
 22 Q Yes, the --
 23 A And the Word document is a specific format. A specific
 24 format can be produced by anybody, and I was requested
 25 to provide a Word document, and I was a busy person. I

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1 don't know why this product can't be put into a Word
 2 document by anybody.
 3 Q Well, Miss Papanek could not have e-mailed that to
 4 Miss Foster?
 5 A I don't know if she did or didn't.
 6 Q But you didn't make the request?
 7 A I don't recall making a request for an electronic
 8 version of a list, but the list was provided to be
 9 worked on.
 10 Q Do you see the document that is -- the documents
 11 identified as Pages 98 through basically 103?
 12 A Yes.
 13 Q All right. If you look at BBF Page 100, there is an
 14 e-mail from you indicating you've taken over the duties
 15 of Jason Voigt as a -- I guess on October 23 of 2008?
 16 A I don't know if that's the date, but when Jason Voigt
 17 left, I inherited his work.
 18 Q But the e-mail is what is sent on October 23 of 2008?
 19 A The e-mail was sent on October 23rd. I don't know when
 20 I assumed his role.
 21 Q And this attaches a Word, an MS Word version of a
 22 document that she should be able to open?
 23 A Which document are you referring to?
 24 Q I'm assuming it's the Pages 98 and 99, the Interim
 25 Evaluation.

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<p>1 A I think that's not the Word document. I don't believe 2 that's a Word. I think it's a different version of 3 different software. 4 Q I'm just going with what the e-mail says. 5 A Where is the e-mail? 6 Q Right -- 7 A Oh, I see it. On Page 100? 8 Q Yes. 9 A Yeah. It's looking like it's a PDF document. 10 Q Okay, and was the PDF document the Interim Evaluation? 11 A Yes. 12 Q And do you know when Mr. Voigt signed this evaluation? 13 A I don't know when he signed it, per se. 14 Q Do you know when he prepared this evaluation? 15 A I don't know exactly when he prepared the evaluation. 16 It has a date on it of 9-22 of '08. 17 Q Do you know when he left MDOT? 18 A I don't recall. 19 Q He was at this point in time, or at all times preceding 20 this he was your direct report? 21 A Not at all times. At this time he was a direct report, 22 if this is September of '08. Yes, in '08 he was a 23 direct report at that time. 24 Q Did you review the Interim Evaluation yourself? 25 A I might have done a precursory look at it, and then</p>	<p>1 forward it, yeah, some quick review. 2 Q Did you agree with everything in the Interim Evaluation? 3 A I don't really review it and agree with it. It was his 4 contract, so he determined the content, he and/or Steve 5 Griffith. 6 Q Did Steve Griffith send the document to Miss Foster? 7 A It looks like I may have sent it. 8 Q Did you review the suggestions for improvement? 9 A What are you looking for? 10 Q The second page. It's Page 99, BBF 99. 11 A This statement? 12 Q Where? 13 A When the MDOT project manager makes a decision? 14 Q When the MDOT project manager makes a decision about 15 billing or staffing, BBF should adhere to the decision 16 of MDOT without question or justification by MDOT. 17 A And what's the question? 18 Q Did you agree with that suggestion? 19 A I don't -- I don't believe I reviewed this at any level 20 of detail. It was Jason Voigt's document. He put this 21 together, and they sent it to me at some point, and I 22 may have forwarded it at some point. It was their 23 evaluation. 24 Q So you can't say whether you agreed or disagreed with 25 the suggestion?</p>

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<p>1 A I don't know the circumstances, so I can't say I agree 2 or disagree. 3 Q Did you see a similar suggestion made to any other 4 consultant? 5 A Have I seen -- 6 Q A similar suggestion made? 7 A I don't recall. 8 Q Is it possible that Mr. Voigt left MDOT in August of 9 2008? 10 A Yes. That sounds about right. 11 Q If you turn to BBF Pages 115 through 130, do you see 12 those documents? 13 A Yes. 14 Q Are those Service Vendor Performance Evaluations that 15 you prepared? 16 A Page 115 through? 17 Q 130. 18 A 118 -- oh, I'm sorry. I follow you now. 19 Q There's more than one evaluation. 20 A It seems like I did, yes. 21 Q So you -- he evaluated the prime consultant, BBF, as 22 well as the sub. consultants that were part of the BBF 23 team? 24 A Correct. 25 Q And BBF had the lowest score average among the entire</p>	<p>1 team? 2 A Yes. It seems like she has the lowest score average. 3 Q And as I understand it, Miss Foster had to request these 4 evaluations for her team members through FOIA? 5 A Is that a question? 6 Q Yes. That Miss Foster had to request these evaluations 7 for her team members from FOIA? 8 A I believe that was the case. 9 Q Why is that the case? 10 A It could have been the case. Shared information between 11 consultants was not something that was a common 12 practice. It wasn't -- it wasn't shared, so we sent 13 evaluations to the consultants themselves, whoever got 14 the rating. 15 Q So you never sent evaluations of sub-consultants to the 16 prime? 17 A I don't know if I did or didn't. I do not recall. 18 Q Now was Mr. Charles the office technician on staff when 19 you obtained your project engineer certification? 20 A What is the question? 21 Q Was he the office technician on staff at MDOT when you 22 obtained your project engineer certification? 23 A Yes. 24 Q Do you know when Mr. Charles left BBF's employment? 25 A I believe it was December of '08. Somewhere in that</p>

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1 area of December.
 2 Q Did you have an acrimonious relationship with
 3 Mr. Charles at any point in time?
 4 A Can you define acrimonious?
 5 Q Contentious.
 6 A At anytime?
 7 Q Yes.
 8 A There were instances where he would inform me that he
 9 had things completed or taken care of, and I -- we had
 10 a difference of opinion.
 11 Q Were you trying to force Mr. Charles out of his position
 12 with BBF?
 13 A No.
 14 Q Did you ever have a similar meeting with a prime about
 15 the activities of one of its contractors or employees,
 16 and issues related to that contractor or employee?
 17 A Contractor?
 18 Q Or employee.
 19 A Yes.
 20 Q Or sub-consultant. I'm sorry. Sub-consultant or
 21 employee.
 22 A Can you repeat the question?
 23 Q Have you ever had a meeting similar to the July 18th,
 24 2008 meeting with any other prime consultant regarding a
 25 sub-consultant or employee and your difficulties with

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1 them?
 2 A But the July 18th meeting was with the prime and the
 3 prime's employees. You said sub-consultant.
 4 Q Okay. Well, a consultant to the prime, or a person
 5 under contract to the prime.
 6 A If I had similar meetings?
 7 Q Yes.
 8 A Yes.
 9 Q With whom?
 10 A One meeting with a Kirk Branson.
 11 Q K-u-r or C-u-r?
 12 A Kirk is K-i-r-k, Kirk.
 13 Q Kirk?
 14 A Kirk.
 15 Q Okay, Kirk.
 16 A And Branson, B-r-a-n-s-o-n.
 17 Q And with whom did he work?
 18 A Parsons, Brinckerhoff.
 19 Q And when was that?
 20 A Oh, it was 2010, roughly.
 21 Q So after this one. Do you recall Mr. Branson's
 22 nationality?
 23 A African American.
 24 Q Any other individuals with whom you've had such
 25 meetings, or about whom you've had such meetings?

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1 A Tom Grey.
 2 Q And who was Tom Grey with?
 3 A Fishbeck.
 4 Q When was that meeting?
 5 A Roughly?
 6 Q Yes.
 7 A '07.
 8 Q And what was the issue with Mr. Grey?
 9 A We had some performance issues with Gary Breyz,
 10 B-r-e-y-z, that's the best as I can recall.
 11 Q Do you know if Mr. Charles retired from BBF?
 12 A I understand that he retired from BBF. That's what I
 13 thought I understood.
 14 Q Have you ever done any inquiries about the status of --
 15 A I have more -- I have more meetings with people. I'm
 16 still working --
 17 Q Okay.
 18 A On the other question.
 19 Q All right.
 20 A I had a meeting with Vic Frendo.
 21 Q B-r-e-n-d-o?
 22 A F, F.
 23 Q F.
 24 A Frendo. F-r-e-n-d-o.
 25 Q And that's at HNTB?

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1 A Yes.
 2 Q Regarding?
 3 A Performance of Brian Edwards.
 4 Q And when was that?
 5 A '09.
 6 Q Did --
 7 A I have more.
 8 Q Okay.
 9 A Victor Frendo, the same person. There was a gentleman,
 10 I don't recall the inspector's name because he was a
 11 county employee and he was acting on site. He was
 12 acting up on site. He only came for one season, so I
 13 couldn't recall his name. He wasn't a regular person.
 14 He wasn't --
 15 Q But he worked for which county?
 16 A Wayne County, but he's a retired Wayne County employee,
 17 and he came to work for HNTB, and I had a problem with
 18 his performance on a project.
 19 Q And you said you don't recall his name?
 20 A I don't recall the inspector's name. If I remember
 21 hearing it, or if I -- I just don't recall at the
 22 moment.
 23 Q Anyone else?
 24 A I'm still thinking. I had a lot of staff. I had a talk
 25 with Mike Guter from URS in regards to something that

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1 Jason Fisher was doing on a project, and I took him out
 2 of the meeting.
 3 Q Took who out of some meeting, Fisher?
 4 A Jason Fisher.
 5 Q Anyone else?
 6 A I'm thinking. Matt Simon at HNTB.
 7 Q That would be the person with whom you had
 8 communication, or the --
 9 A Communication.
 10 Q Or the employee that was in question?
 11 A No. He was the one I had communication with,
 12 Matt Simon.
 13 Q Regarding?
 14 A Victor Frendo. Vic Frendo.
 15 Q So this wasn't with Frendo. This was about Frendo?
 16 A Correct.
 17 Q And when was that?
 18 A '08. That's all I can think of at the moment.
 19 Q Are any of these people that you -- Jason Fisher, did
 20 you prepare a list of issues for your discussions with
 21 Mr. Guter?
 22 A I don't recall.
 23 Q Matt Simon, did you prepare a list of issues for your
 24 discussions regarding Mr. Frendo?
 25 A I don't recall.

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1 Q Brian Edwards, did you prepare a list of issues
 2 regarding Mr. Edwards?
 3 A I don't recall.
 4 Q Kirk Branson, did you prepare a list of issues?
 5 A No. I do not recall.
 6 Q This Gary Breyz, did you prepare a list of issues?
 7 A For Gary Breyz, I don't recall if there were issues --
 8 or a list of issues.
 9 Q Did you prepare Performance Evaluations for HNTB
 10 regarding any of these projects where you had meetings
 11 regarding concerns?
 12 A (Witness indicating)
 13 Q No, my question isn't those evaluations. I'm saying
 14 when you met with Mr. Simon, it was regarding HNTB; is
 15 that correct?
 16 A Correct.
 17 Q And did you do a Performance Evaluation for HNTB on that
 18 project where you had concerns about Mr. Frendo?
 19 A Yeah, I'm trying to rattle my memory looking at this
 20 HNTB evaluation. I don't recall if there was an
 21 evaluation.
 22 Q Did you prepare an evaluation of URS when you had your
 23 discussions with Mr. Guter regarding Mr. Fisher?
 24 A Did I perform the evaluation?
 25 Q Yes.

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1 A I don't recall.
 2 Q Do you recall any scores for HNTB or URS that were in
 3 the range of 7 on a Performance Evaluation?
 4 A I don't recall.
 5 Q When you had your meeting with Parsons, Brinckerhoff
 6 regarding Mr. Branson, did you prepare a Performance
 7 Evaluation for Parsons, Brinckerhoff?
 8 A You mean a Performance Evaluation specific to that
 9 meeting?
 10 Q No. Specific to Parsons, Brinckerhoff.
 11 A I don't believe -- I don't recall ever doing
 12 Performance Evaluations for Parsons, Brinckerhoff,
 13 because I had left MDOT before it was going to be
 14 required. I may have. I can't recall if I have.
 15 Q Do you recall ever giving Parsons, Brinckerhoff a
 16 Performance Evaluation score of 7 on any Performance
 17 Evaluation?
 18 A I don't recall.
 19 Q What about Tom Grey at Fishbeck? In 2007, did you do
 20 any Performance Evaluation of Fishbeck?
 21 A I don't recall.
 22 Q Do you recall ever giving them a Performance Evaluation
 23 score of 7?
 24 A I don't recall.
 25

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1 (Whereupon Deposition Exhibit Number
 2 4 was marked for identification.)
 3 MR. WILLIAMS: Mr. Judnic, you've
 4 been shown what's been marked as Judnic Exhibit 4.
 5 BY MR. WILLIAMS:
 6 Q Have you seen this document before at all?
 7 A I have seen this document, yes.
 8 Q Does it refresh your recollection at all as to when
 9 Mr. Voigt's last day may have been?
 10 A August. I remember it was around August. It says
 11 September 22nd. It was towards the end of a
 12 construction season, so it makes sense if it's August or
 13 September. It sounds consistent from my memory.
 14 Q Does it refresh your recollection that you may have
 15 assisted Mr. Voigt in preparing the Interim Evaluation
 16 that was discussed previously?
 17 A I left the evaluations for Steve Griffith and
 18 Jason Voigt to complete.
 19 Q Do you know why there was a lag in time between
 20 completion of the Interim Evaluation and its submission
 21 to BBF of nearly a month?
 22 A Submission meaning receipt?
 23 Q Yes, or delivery.
 24 A A combination of Jason leaving before it was done to
 25 mailing time.

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1 Q Well, who completed it, completed the evaluation, the
 2 Interim Evaluation if Mr. Voigt left before it was done?
 3 A The evaluation was left for Steve and Jason to do
 4 together, so I don't know. I don't know who finalized
 5 it. I mean Steve Griffith would have finalized it, but
 6 how -- who put the evaluation together, was it all
 7 Jason, was it all Steve, was it just Steve, that would
 8 be -- I wouldn't know.
 9 Q Do you know if the document was only e-mailed to
 10 Miss Foster?
 11 A I'm not -- I don't know.
 12 Q Do you know if there were ever any discussions between
 13 Miss Foster and Mr. Voigt regarding the Interim
 14 Evaluation?
 15 A If there were discussions between Miss Foster and
 16 Mr. Voigt?
 17 Q Yes.
 18 A Verbal discussions?
 19 Q Yes.
 20 A I don't recall.
 21 Q What was the relationship between Mr. Voigt and
 22 Mr. Griffith in terms of reporting? Did one report to
 23 the other, or one work for the other?
 24 A Steve Griffith reported to Jason Voigt. He was a direct
 25 report.

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1 to do what he was doing, so he administered the
 2 contract. He performed the evaluations. He saw it
 3 through to its end.
 4 Q He administered it after Mr. Voigt left, but I thought
 5 Mr. Voigt was administering the project before he left.
 6 A Both of them. He's the resident engineer, delivery
 7 engineer. Steve Griffith was his assistant, so they did
 8 it together, and when Jason left, Steve took over the
 9 conclusion of whatever remained.
 10 Q What were the assignment of tasks between --
 11 A Between Jason and Steve Griffith?
 12 Q Yes.
 13 A I wouldn't know the level of detail of what Jason
 14 required of Steve, and what Jason did himself. I
 15 wouldn't know a level of detail that I can describe.
 16 Q So you really don't know what role he played other than
 17 he was Mr. Voigt's assistant?
 18 A Mr. Griffith?
 19 Q Yes.
 20 A He was engaged. He was involved. At some point, he --
 21 Q But you can't say specifically how?
 22 A Well, he -- he would coordinate staff and make sure
 23 projects are covered, and I believe he reviewed the
 24 invoices.
 25 Q But with respect to this particular contract and a role

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1 Q How was it decided which of Mr. Voigt's evaluations
 2 Mr. Griffith would complete?
 3 A I don't know.
 4 Q Did you authorize that at all?
 5 A Authorize?
 6 Q Mr. Griffith to complete Mr. Voigt's evaluation.
 7 A I authorized it to be done. He was in the office, and
 8 I just wanted -- I knew it was getting done. Did I
 9 authorize it, it's a task that falls under my name, so I
 10 had asked him to finish it.
 11 Q Did Mr. Griffith work with BBF at all on the contract in
 12 question, 2008-0044?
 13 A Steve Griffith was on that project, or contract, and
 14 helping Jason Voigt administering it.
 15 Q What was his role in helping Mr. Voigt?
 16 A He was Mr. Voigt's assistant.
 17 Q But do you know if he had direct dealings with BBF at
 18 all?
 19 A Mr. Griffith?
 20 Q Yes.
 21 A I don't know. Direct dealing, e-mail, verbal?
 22 Q Overseeing their work, receiving the work, overseeing
 23 their day-to-day tasks, anything?
 24 A Well, he -- he and Jason Voigt ran the project. When
 25 Jason left, it was just tasks that Steve would continue

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1 with BBF, you can't say specifically what his role was?
 2 A Well, how specific do you want me to get?
 3 Q Well, I want to know do you know what he did day-to-day
 4 in his involvement with BBF, and with whom he was
 5 involved.
 6 MR. DITTENBER: Objection, he's
 7 answered. It's asked and answered. He's told you what
 8 he knows.
 9 MR. WILLIAMS: No, he hasn't.
 10 MR. DITTENBER: He's answered the
 11 question.
 12 MR. WILLIAMS: No, he hasn't.
 13 THE WITNESS: The question you're
 14 asking is specific on what a person does administering
 15 construction projects with contractors and consultants,
 16 on teams of multiple projects with multiple contractors
 17 and multiple consultants. I don't know any level of
 18 specific -- I don't know how specific you would like me
 19 to be with regards to what Steve Griffith did everyday,
 20 because it sounds to me like you're saying what did they
 21 do everyday.
 22 MR. WILLIAMS: No. I'm saying what
 23 did he do with respect to BBF.
 24 BY MR. WILLIAMS:
 25 Q What was his involvement on this contract with BBF?

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1 That's the only thing I'm asking.
 2 A He had multiple duties. I could not get specific to
 3 what his involvement with BBF was.
 4 Q Okay. That's all I was asking, and in your October 23,
 5 2008 e-mail, I thought you wrote to Miss Foster that you
 6 were taking over for Mr. Voigt.
 7 A Yes. I assumed his staff, his projects, his
 8 consultants, his contractors, I assumed a level of work
 9 from him and his staff when he left. Then I further
 10 delegated work to my staff and his staff accordingly, so
 11 I adopted a lot of his work. I inherited a lot of his
 12 work.
 13 (Whereupon Deposition Exhibit Number
 14 5 was marked for identification.)
 15 MR. WILLIAMS: Mr. Judnic, you have
 16 reviewed the document that make-up Judnic Exhibit 5, BBF
 17 Pages 133 through 145.
 18 BY MR. WILLIAMS:
 19 Q You had an opportunity to review those pages?
 20 A Yes.
 21 Q And are any of those documents familiar to you?
 22 A No.
 23 Q None of them?
 24 A None.
 25 Q Were you aware that BBF at one point in time in 2008 was



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1 -- it describes the Gateway construction, but I don't
 2 know which contract that would be. There's another
 3 reference on Page 136, second from the top, it says MDOT
 4 Detroit TSC As-Needed Construction Engineering Services,
 5 2009. I don't know what contract that would be, if that
 6 would be in my office. It doesn't have enough details
 7 to really know. I'm not sure if they were assigned to
 8 me or not.
 9 Q Did Miss Foster ever reach out to you to -- as a project
 10 engineer to seek your input on steps BBF could take to
 11 improve its proposals and to avoid -- and perhaps get
 12 more contracts?
 13 A And the first part of the question again?
 14 Q Did Miss Foster ever reach out to you and request a
 15 meeting with you to get input from you how BBF might
 16 improve its responses to the RFPs?
 17 A I know we had debriefs, but the debriefs were just
 18 determining the background of a selection after the
 19 selection was made. I don't offhand remember
 20 Miss Foster had called me directly, but I do remember a
 21 conversation, and I'm not sure who initiated the
 22 conversation.
 23 I had mentioned to her to keep
 24 Pat Lawton, and I had suggested that he -- he's doing
 25 well, and that you should keep him on board, and I do

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1 selected as the DBE Contractor of the Year for MDOT?
 2 A Yeah. I had participated in helping that happen, make
 3 that happen.
 4 Q What was your participation?
 5 A Cedric Dargin called me and asked a question, and wanted
 6 my opinion.
 7 Q And what opinion did you offer?
 8 A That it would be fine if BBF was selected as the -- it
 9 would be fine if BBF was selected as the 2008 award.
 10 Q Do you have any reason to doubt Miss Foster's numbers
 11 that thereafter she bid on any number of projects that
 12 are listed on BBF Pages 135 and 136 without being
 13 selected?
 14 A Can you say that first part of that question?
 15 Q Do you have any reason to doubt Miss Foster's numbers
 16 that she bid on any number of any projects as identified
 17 on Pages 135 to 136 without being selected?
 18 A Doubt them, I wouldn't have the information to research
 19 to confirm. I don't know. I don't know the -- I'll
 20 have access to the level of details to confirm.
 21 Q If you look at Pages 135 and 136 --
 22 A Yes.
 23 Q Were any of those projects under your jurisdiction?
 24 A The first one sounds like a construction, Gateway
 25 construction, but it doesn't have any -- anything that



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1 recall I accelerated a raise for Pat Lawton, because he
 2 was doing well and I had asked that he stay on board,
 3 and to keep going along, if that's the type of
 4 suggestion you're mentioning. I don't remember who
 5 initiated the conversation though.
 6 Q Okay. Did you ever see the e-mail that is shown as BBF
 7 Page 142 and 143?
 8 A No. I have never seen it.
 9 (Whereupon Deposition Exhibit Number
 10 6 was marked for identification.)
 11 THE WITNESS: Okay.
 12 MR. WILLIAMS: You had an
 13 opportunity to read what's been marked as Judnic
 14 Exhibit 6.
 15 THE WITNESS: Yes.
 16 BY MR. WILLIAMS:
 17 Q Does this refresh your recollection as to a 2009
 18 as-needed services contract on which BBF bid in
 19 September of 2009?
 20 A For what work is this now?
 21 Q As-needed service contract.
 22 A And the selected firm was Fishbeck.
 23 Q Was the selected firm Fishbeck?
 24 A I only have a spread sheet for BBF.
 25 Q Do you recall if Fishbeck received an as-needed service

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1 contract in September of 2009?
 2 A I believe they did, yes.
 3 Q Was it for two years?
 4 A I believe it was.
 5 Q And three-million dollars?
 6 A I don't recall the amount. I'm not even sure of the
 7 length of time.
 8 Q Was it more than one year?
 9 A I don't know. I'd have to see some documentation. I
 10 don't -- I don't know. I don't remember that level of
 11 detail.
 12 Q Do you recall telling Miss Foster that MDOT was not
 13 awarding multi-year service contracts exceeding
 14 one-million dollars?
 15 A I recall that that came down from -- from Lansing, and
 16 it changed. Like I had said earlier, it changed fairly
 17 abruptly from down to one year and then it was allowed
 18 again. I don't recall telling anybody specifically, but
 19 I probably informed multiple consultants.
 20 Q And so by September of 2009 it had changed?
 21 A I don't know the time tables. I don't have the memory
 22 of that.
 23 Q Did Miss Foster request an in-person debriefing with
 24 you?
 25 A I believe she did.

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1 Q And you would not accommodate that request?
 2 A I requested a phone debrief, as I was doing with all
 3 the consultants.
 4 Q So for what period of time were you only doing phone
 5 debriefing?
 6 A I don't recall ever doing any face-to-face debriefing.
 7 Q So there was no consultant for whom you ever did a
 8 face-to-face debriefing?
 9 A I don't recall.
 10 Q So Miss Foster was misinformed when she understood that
 11 you were doing in-person debriefings with other
 12 consultants?
 13 A I don't understand the question.
 14 Q Miss Foster was misinformed when she came away with the
 15 impression that you were doing face-to-face debriefing?
 16 A But who informed -- who informed her that I was? I
 17 thought I just said I don't recall ever doing any
 18 face-to-face. There was not enough time in the day. At
 19 one time, Lansing did them, then they pushed it to the
 20 project managers and said for us to do it, and they
 21 recommended that they do phone debriefings because it
 22 was too time consuming.
 23 Q Did you tell Miss Foster that while BBF was qualified,
 24 you had to find something since there were so many
 25 qualified companies?

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1 A I don't recall specifically saying that, but I might
 2 have said that. When you're --
 3 Q What does that mean?
 4 A When you're evaluating a set of consultants, they're all
 5 in the same level of playing field. You're looking at
 6 evaluations to distinguish, to differentiate something.
 7 If it's a positive, it's a negative, you're looking to
 8 somehow differentiate between firms.
 9 Q So it's subjective as to what you're looking to
 10 differentiate them?
 11 A What do you mean by subjective?
 12 Q You say you're just looking for something to
 13 differentiate them. That seems subjective.
 14 A When you're reviewing a qualification-based selection,
 15 there's a team of people who gather, sit down and decide
 16 how to differentiate in the score of someone so that
 17 there can be a team selected.
 18 Q So is that subjective or not subjective?
 19 A When we look at the proposals, we grade the proposals as
 20 they meet the requirements of the RFP. You have to
 21 determine that if this RFP versus that RFP versus the
 22 next RFP, which does the better job as honing in on the
 23 work on task, understanding it; the team that's
 24 assembled, some past performance criteria, some location
 25 criteria; quality assurance, quality control criteria,

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1 your sum of those scores.
 2 Q Well, you're just looking for something. What is the
 3 something that you're looking for to differentiate them?
 4 A You're looking for things that people have commented on
 5 that no one else has, and other things that people left
 6 out that everybody else has met to determine. You're
 7 differentiating between the two proposals, and also
 8 trying to get as close to the project scope as possible.
 9 You're seeing what one person does well, and what one
 10 person doesn't do well. That you differentiate.
 11 Q Was there ever a point in time when upper management at
 12 MDOT requested that you do in-person debriefing
 13 meetings with anyone, including BBF?
 14 A Can you repeat the question?
 15 Q Was there ever a time where upper management at MDOT
 16 requested that you do in-person debriefing meetings
 17 with anyone, including BBF?
 18 A And who would be upper management?
 19 Q Frierson.
 20 A And the question is if they requested?
 21 Q The region office -- yes, if they ever requested. Rita
 22 Screws, anybody?
 23 A That had requested that I do a debriefing in person?
 24 Q An in-person debriefing.
 25 A And they directed me?

1 Q Yes.
 2 A No.
 3 Q On the evaluation sheet that's shown as Page 159, BBF,
 4 when you find something like missing team MDOT
 5 personnel staff, do you identify who they're missing?
 6 A As it was explained to Bellandra on the phone,
 7 organizational charts will have consultants, and I've
 8 never seen a proposal until this one where at least one
 9 or two boxes above the consultant -- these solid boxes
 10 drawn would be the consultant status. You would have a
 11 direct line of reporting to an MDOT someone, assistant,
 12 project engineer, project manager, then you'd have the
 13 lines of responsibility underneath the MDOT team.
 14 It was clearly described on the
 15 phone that her organizational chart was lacking the key
 16 people from MDOT, because the team was shown, but the
 17 team didn't show who they were reporting to. That's a
 18 differentiate. You've missed who the MDOT PM is, and
 19 the team who were going to run the project. That's a
 20 differentiate. You're looking for the -- everybody else
 21 has it.
 22 Q So you explained this diagram that you've just drawn
 23 over the phone?
 24 A I explained the diagram to you. I explained it over the
 25 phone.

1 Q So she didn't see the diagram?
 2 A I just drew it. She can't see it. I just drew it for
 3 the first time.
 4 Q Okay, so she would not have seen that?
 5 A And it was explained that the MDOT personnel that she
 6 has to report to wasn't shown on the organizational
 7 chart, just like I had drawn.
 8 Q And they received a reduction of 8 points for that?
 9 A I couldn't tell you.
 10 Q You couldn't tell from looking at the sheet that
 11 they --
 12 A No.
 13 Q Had lost --
 14 A Because it says good overall team presented; technical
 15 assistants, inspections and survey staff is -- I can't
 16 read that word, but also has staff with very minimal
 17 experience; project manager is strong, organizational
 18 chart was missing some key MDOT staff. The compilation
 19 of all those comments would have been correlated to a
 20 score.
 21 Q And who were the staff with the minimal experience?
 22 A I'd have to see the proposal this is dated. I couldn't
 23 tell you. It says survey staff is strong. I believe
 24 the word strong.
 25 Q And who was the -- what was the problem with the QA/QC

1 plan?
 2 A It says general discussion regarding QA/QC, and specific
 3 QA/QC lead not listed; MDOT will not be providing
 4 feedback regarding the QA/QC plan.
 5 Q And so they didn't list the person who was going to lead
 6 the QA/QC?
 7 A That's what it seems like it says.
 8 Q And were those comments from the collaborative?
 9 A Yes.
 10 Q Do all members of the collaborative review every
 11 proposal?
 12 A Yes.
 13 Q So no particular person takes the lead on some
 14 proposals, and others on others? Everybody reviews
 15 every proposal?
 16 A Yes.
 17 Q Is it true that BBF had one of the lowest overhead rates
 18 of any of the consultants that was working for MDOT?
 19 MR. DITTENBER: Objection,
 20 foundation.
 21 MR. WILLIAMS: If you know.
 22 THE WITNESS: I don't know those
 23 details.
 24 BY MR. WILLIAMS:
 25 Q Do you recall who the project manager was for this

1 project?
 2 A Is this correlating -- can you give me more description,
 3 which project?
 4 Q I'm talking about for this Request for Qualifications.
 5 Who was the MDOT project manager?
 6 A Well, I'm listed as the project manager on this
 7 selection team, but I don't know necessarily which
 8 project this is referring to, so I can't tell you who
 9 ran the project. It may or may not have been me. I'm
 10 not sure which project this is connected to. I don't
 11 remember. I have so many -- I had so many contract
 12 committees -- consultants to know that level of detail.
 13 Q And so even though you're listed on the selection team
 14 as the project manager, you may have not been the person
 15 that ran this project?
 16 A Day-to-day, that is correct.
 17 Q So if I'm submitting a Request for Proposal, am I
 18 supposed to assume it's you, or am I supposed to assume
 19 it's someone else?
 20 A In the Request for Proposal, there's a project manager
 21 listed. That project manager most likely is involved
 22 with the selection. That doesn't mean that you'll work
 23 with that project manager because the project manager
 24 has different team members he may delegate that to.
 25 The -- there's options there. It

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1 may go to another project manager. It may stay with
 2 that project manager. He may assign it to his assistant
 3 engineer. There's flexibility within MDOT on how to run
 4 the day-to-day of projects.
 5 Q But in the bid, you just assume the person identified in
 6 the -- or in the response to the proposal, you just
 7 assume the person identified in the RFP is the person
 8 that should be listed in your org. chart?
 9 A Not necessarily. It could be an assistant. It could be
 10 a project engineer. It could be the TM on the team.
 11 Most likely it is the PM on the team.
 12 Q And when you say key personnel, was there more than one
 13 person that was missing, or was it just one person that
 14 was missing, if you recall?
 15 A It says key MDOT staff.
 16 Q So is that more than one person, or is just one person?
 17 A I don't know the inference of that. I don't know.
 18 Q Do you know who wrote it?
 19 A It was this collective team. I don't know who wrote it.
 20 That was the consensus comment.
 21 Q Did D. Parker ever sign it?
 22 A He must have. He conferenced called in as the CSRT
 23 members normally did, so we assigned it and sent it to
 24 him, so it should be signed somewhere in Lansing.
 25

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1 (Whereupon Deposition Exhibit Number
 2 7 was marked for identification.)
 3 MR. WILLIAMS: Mr. Judnic, you've
 4 had an occasion to review what's been identified as
 5 Judnic Exhibit 7.
 6 BY MR. WILLIAMS:
 7 Q Do you recall seeing that document before?
 8 A I recall seeing the -- either a part of the Complaint or
 9 the entire Complaint. I don't recall seeing the bottom
 10 portion of the Complaint on Page 283, the bottom half on
 11 Page 283.
 12 Q Do you --
 13 A And I don't really recall seeing the 286, 287, 288.
 14 Q Do you recall that you were the person that did the
 15 final evaluations on BBF on Contract 2008-0044?
 16 A No. I -- 2008-0044, those were done by someone else. I
 17 didn't do those evaluations as I recall.
 18 Q That was the contract that you took over for Mr. Voigt,
 19 but you didn't do the final evaluation?
 20 A Correct. I wasn't engaged. I wasn't very involved at
 21 all. I have people who knew how to evaluate, do the
 22 evaluation.
 23 Q Do you recall a meeting at which you agreed to do
 24 monthly meetings with Miss Foster?
 25 A I remember discussions about monthly meetings.

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1 Q Do you recall agreeing to participate in them?
 2 A I don't agree -- I mean I don't recall that -- myself,
 3 that I participated?
 4 Q Yes.
 5 A I don't recall that I -- I recall that we discussed
 6 having some monthly meetings, but I don't recall that I
 7 personally said I'd make them.
 8 Q You never attended any monthly meetings with
 9 Miss Foster?
 10 A I don't recall. I may have attended one, but I didn't
 11 attend most all of them.
 12 Q And Mr. Griffith was there in attendance at the
 13 meetings, the monthly meetings with Miss Foster in
 14 August through December?
 15 A I don't know that -- I'm not remembering the time
 16 period, but Mr. Griffith had said let me please take
 17 over these meetings, I know you're busy, and I said
 18 that's fine, and he sat in those meetings as part of our
 19 staff.
 20 Q Do you recall getting reports from Mr. Griffith about
 21 those meetings?
 22 A And reports, what do you mean?
 23 Q Did he report back to you about the meetings, what was
 24 being discussed, what was being said?
 25 A Verbally, yes. I don't remember any documentation

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1 whatsoever, but he generally discussed, or vaguely
 2 discussed. There wasn't much to talk about.
 3 Q Did he vaguely tell you that he told Miss Foster there
 4 were no major issues of concern with BBF?
 5 A No major issues, I believe I recall that. What's the
 6 definition of major?
 7 Q I don't know. What was the definition of major?
 8 A I don't know. You asked the question.
 9 Q Well, he's your person, so I don't know. That's why I'm
 10 asking the question. I mean I assume he and you had an
 11 understanding of what constituted major.
 12 A Yeah, but you asked the question and I'm answering the
 13 question, but I'm not quite sure what you're saying is
 14 major.
 15 Q I don't know, because -- your person, Mr. Griffith says
 16 there were no major issues of concern. What does that
 17 mean to you?
 18 A I don't know how to answer the question. I don't know
 19 what major means, so I don't know the question at hand,
 20 but he would -- he normally would not even give me any
 21 information because there was nothing to talk about, but
 22 if he did, he'd say we're all set, we're good. We
 23 didn't talk about issues.
 24 Q Well, why were you having the meetings if there was
 25 nothing to talk about?

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1 A I wasn't having any meetings. That was --
 2 Q Why were the meetings taking place?
 3 A Because Bellandra Foster asked for them.
 4 Q So you were just doing it as a courtesy to Miss Foster?
 5 A No. She made a request, and what they discussed I don't
 6 know. I don't recall seeing meeting notes. I don't
 7 know the specifics. I wasn't in the meeting, and
 8 nothing of any serious nature was sent to me.
 9 Q But you do recall Mr. Griffith telling you that there
 10 were -- he had told her there were no major issues of
 11 concern?
 12 A No.
 13 MR. DITTENBER: Objection, asked and
 14 answered.
 15 THE WITNESS: He relayed to me there
 16 was no other issues. I don't know what he said to
 17 Miss Foster. He was relaying to me a part about issues,
 18 there was nothing to be concerned about, that type of
 19 conversation with me, not with what he had said in the
 20 meeting. I don't know what was said in the meetings.
 21 BY MR. WILLIAMS:
 22 Q Was the reason for the meetings related to Miss Foster's
 23 concern about, having received low evaluations in the
 24 past, trying to eliminate those issues on a going
 25 forward basis?

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1 A What would be constituted as low?
 2 Q Seven.
 3 A If 7 is low, that's why there were meetings. We
 4 accommodated the meeting.
 5 Q But did you understand that was the reason that
 6 Miss Foster requested the meetings, and you and your
 7 team agreed to the meetings?
 8 A I generally remember that was the situation, yes.
 9 Q And did you also understand that a score of 8 or above
 10 would eliminate any rights of a consultant to Appeal the
 11 scoring, or the decision on the evaluation?
 12 A Did I know that?
 13 Q Yes.
 14 A Yes.
 15 Q Do you know if all of the evaluation scores that BBF
 16 received for 2008-0044 contained scores of 8 out of 10?
 17 A I believe I've seen the report, and I think I believe I
 18 saw 8, yes.
 19 Q So just enough so as to not trigger an Appeal right?
 20 A I don't know what just enough to trigger an Appeal
 21 really means.
 22 Q Well, I mean 8 out of 10, you have no right to Appeal,
 23 right?
 24 A That is correct. I said that.
 25 Q Did you tell Paul Ajegba that Region officials should

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1 not meet with Miss Foster, and you wanted to meet with
 2 her without their involvement?
 3 A No. I had said to Mr. Ajegba please let me meet with
 4 Bellandra Foster to work out any concerns with
 5 project-level issues. Then if there were further
 6 issues, since I didn't meet with her regarding whatever
 7 those issues were, at least vet through at my level,
 8 then if she had further concerns, then you can go to the
 9 Region, and he granted that saying that's fine, why
 10 don't you meet with her.
 11 Q And so you considered the one time meeting with her
 12 sufficient for that purpose, even though you agreed to
 13 monthly meetings?
 14 A I don't -- those are -- these are two different subjects
 15 you're asking. She asked the Region to meet. The
 16 Region had asked me why are we meeting. I said I don't
 17 know, let me meet with her and let's see if we can
 18 resolve it at the project level. That's all that --
 19 that's separate from the monthly meetings. The monthly
 20 meetings, I don't know how that all ties.
 21 Q So this request for a meeting with the Region by
 22 Miss Foster was not related at all in your mind to the
 23 monthly meetings?
 24 A She made a request to the Region, and I said I would
 25 meet with her to discuss issues. I don't know why there

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1 is a comment about a connection with the monthly
 2 meetings. I was accommodating what the Region was
 3 asking about, why is the Region meeting, and I said,
 4 well, let me meet with her first.
 5 Q And when was that meeting?
 6 A We didn't have it because she cancelled it.
 7 Q Oh, okay, this is the one she postponed?
 8 A She postponed, and she didn't reschedule.
 9 Q And this was a meeting that was requested after she got
 10 the final evaluation scores on the 2008-0044 contract?
 11 A When was the date of the final evaluation of the 004?
 12 Q I believe it was June of 2010, June 2nd of 2010.
 13 A And I believe July of that same year is when we had
 14 scheduled a meeting, roughly one month later that was
 15 postponed.
 16 Q Did you ever confirm with her who would attend the
 17 meeting?
 18 A I don't recollect. The meeting was postponed. I don't
 19 remember.
 20 Q Did she ask you who was going to attend?
 21 A I don't recollect.
 22 Q And why did you ask Region not to go ahead and meet with
 23 her?
 24 A Because the Region didn't know truly what the meeting
 25 was about, and I'm at the project level. I asked the

1 Region let me please meet with her so I could try to vet
 2 that through. She can always meet with the Region
 3 afterwards, but the Region was asking me and I didn't
 4 have an answer, so I said why don't I just take it, and
 5 we'll sit and we'll talk things through.
 6 Q And this was after she had had one meeting with you in
 7 the Love Charles situation back in 2008 on a similar
 8 sort of situation?
 9 A Was that June of 2008?
 10 Q July of 2008.
 11 A July, I believe that was the date, and would be -- that
 12 was a meeting with Jason Voigt, and then I was pulled in
 13 for part of the meeting, because we both had -- we both
 14 had issues in the meeting, but it was Jason's meeting
 15 and then I participated in part of it.
 16 Q And that was a meeting that you subsequently referred to
 17 her in an e-mail as a rough meeting?
 18 A Yes. It was -- it was an intense meeting.
 19 (Whereupon there was an
 20 interruption in the proceedings.)
 21 BY MR. WILLIAMS:
 22 Q And in terms of the word rough, what do you consider to
 23 be a rough meeting, Mr. Judnic?
 24 A When we came into the meeting, Love Charles was denying
 25 that the list that we were providing, he was denying

1 Deanna Papanek's capabilities as an office tech., and
 2 she helped teach the class at MDOT for office tech'ing.
 3 He was -- he was not agreeing with what was being said
 4 in the meeting.
 5 It spilled over into Miss Foster
 6 also getting frustrated in the meeting, as well as
 7 myself, and it was just frustrating to deal with. At
 8 some point, Love Charles left. We talked more about
 9 other issues. I had left, and then Jason finished the
 10 meeting to talk about other issues, so it was emotional.
 11 It was intense in the discussions because people didn't
 12 agree with what was being said.
 13 Q The Meeting Minutes, did you go over those?
 14 A I read through the Meeting Minutes.
 15 Q Was any of that dialogue contained in those Minutes?
 16 A I didn't -- I don't recall that I saw that dialogue in
 17 the Minutes. I don't believe it is. If it is, it's a
 18 very small amount of it.
 19 Q Did you ever ask for any corrections to the Minutes?
 20 A I'm not sure. I thought I may have.
 21 Q Was the request in writing?
 22 A Yeah, I don't -- I believe I responded back, but I don't
 23 recall if there were major comments or a minor comment.
 24
 25

1 (Whereupon there was an
 2 interruption in the proceedings,
 3 during which time Deposition
 4 Exhibit Number 8 was marked for
 5 identification.)
 6 MR. WILLIAMS: Mr. Judnic, you have
 7 what's been marked as Deposition Exhibit, I believe 8 in
 8 front of you.
 9 THE WITNESS: No -- oh, I'm sorry, I
 10 do. Sorry.
 11 BY MR. WILLIAMS:
 12 Q Have you seen that document before, that series of
 13 documents?
 14 A At some point I've seen them. There may be some e-mails
 15 I haven't seen, but most -- most of it, yes.
 16 Q All right.
 17 (Whereupon Deposition Exhibit Number
 18 9 was marked for identification.)
 19 MR. WILLIAMS: Okay. Mr. Judnic,
 20 for purposes of getting through this, I'm showing you
 21 what's been marked as Deposition Exhibit 9. This was
 22 the Complaint that was filed by BBF. It's Judnic
 23 Exhibit 9. It relates to the opinion issue with URS, or
 24 failure of URS to submit certain BBF invoices to MDOT
 25 for payment.

1 BY MR. WILLIAMS:
 2 Q Do you recall that issue being discussed with you at any
 3 point in time?
 4 A Yes.
 5 Q Now as I understand it, it is your position that at some
 6 point in time you did, in fact, meet with someone from
 7 URS regarding this issue.
 8 A Yes.
 9 Q Even though the Complaint states that you, in fact, did
 10 not take any steps to pursue BBF's non-payment, even
 11 though you were responsible for approving the invoices
 12 for URS. Do you recall that issue?
 13 A I recall the issue.
 14 Q Who did you meet with? Was it Mr. Guter? G-u-t-e-r.
 15 A Mr. Guter and Mr. Dargin.
 16 Q And when did you meet with Mr. Guter and Mr. Dargin?
 17 A '08 is the best I can recollect. I don't -- I don't
 18 have the exact date.
 19 Q Okay. The date of the Complaint says, in the first
 20 line, on June 10th Miss Foster forwarded past due
 21 invoices for the project. Does that help you refresh
 22 your recollection that it may have been later than '08?
 23 A Oh, yes. 2010.
 24 Q Okay, and was this after Miss Foster had started to
 25 complain that you had this meeting?

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1 A We had the meeting when the issue was brought up that
 2 there was an issue with regards to invoicing.
 3 Q Did you --
 4 A I had talked to Mike Guter on the phone on occasions,
 5 and then Cedric had decided to try to get him in a
 6 sit-down meeting, and then we all sat because it didn't
 7 seem like it was getting resolved.
 8 Q So you met with Mr. Guter in person?
 9 A Yes. It was in my office, with Cedric Dargin.
 10 Q Was Miss Foster invited?
 11 A I don't know. Cedric had asked to pull together the
 12 meeting. I asked Mr. Guter to come. I don't know if
 13 she was invited by Mr. Dargin.
 14 Q Do you know if she received any report from the meeting?
 15 A I don't know.
 16 (Whereupon Deposition Exhibit Number
 17 10 was marked for identification.)
 18 MR. WILLIAMS: I'm showing you,
 19 Mr. Judnic, what's been marked as Deposition Exhibit 10.
 20 BY MR. WILLIAMS:
 21 Q Have you seen that document before?
 22 A Well --
 23 Q Or series of documents?
 24 A There's a series of documents I haven't had time to
 25 review, but some of it looks like I've seen it, yes.

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1 Q Do you recall developing a Scope of Services and Request
 2 for Proposals where you required subcontractors to
 3 include a fleet of vehicles in their responses, of a
 4 minimum of five vehicles?
 5 A Yes. There was some language that we extracted from
 6 other parts of the country, and we refined language to
 7 implement at MDOT, and it was sent to Commission Audit.
 8 They reviewed it, changed one word for grammar, said it
 9 was a great idea, and put it in the RFP, or allowed it
 10 to pass through the RFP.
 11 Q And that's the Office of Commission Audits?
 12 A That is correct.
 13 Q Did you consider at all the impact of this requirement
 14 on smaller contractors, who might not be able to invest
 15 in the vehicles upfront?
 16 A Did I consider smaller in what sense?
 17 Q Did you consider whether they had the capital to invest
 18 in the vehicles upfront?
 19 A This was a pass-through Lease. Whatever costs were
 20 incurred by any individual would have been passed
 21 through to the DOT, and reimbursement made.
 22 Q Reimbursement made on a timely basis?
 23 A Of course. MDOT always processed -- they do due
 24 diligence to try to promptly pay, and they get direct
 25 expenses, and then direct expenses for these vehicles

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1 would be reimbursed. It was to pass through the costs,
 2 to save cost on vehicles overall, and then it was just
 3 simply a pass-through.
 4 Q A pass-through for how long under the contract?
 5 A Well, whatever the contract period was for.
 6 Q And then what happens to the vehicles after, at the end
 7 of that period of time?
 8 A This was a request with a specification. This is a
 9 request for a specification to provide vehicles, a
 10 Lease. That would be for this period of time for this
 11 contract. The innervations were checked, so that if
 12 anybody wanted to be creative, they have that ability to
 13 be creative, and then in the negotiations process you
 14 would determine any level of details you needed to
 15 during negotiation of any of those costs, and those
 16 implications that you're referring to, so the contract
 17 is not specific stating any duration. It was just for
 18 the life of this contract that it was asking for.
 19 Q Did it consider at all potential impacts on the
 20 consultant in terms of whether they could actually get
 21 Lease contracts that were only for the life of this
 22 contract?
 23 A My task is that if there's new language I'm adding to a
 24 contract, I send it to Commission Audit to vet that
 25 through. They vetted through it, and they said this is

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1 great, this is good to go, let's go, we should have done
 2 this earlier, so --
 3 Q So you were relying on Commission Audit, basically?
 4 A This is MDOT. We are as a whole. We're not relying on
 5 anyone. They have their job. I found a means to save a
 6 lot of money on vehicles, and they liked the idea and
 7 they processed it.
 8 Q Were there any other RFPs that contained this
 9 requirement?
 10 A Not to my knowledge.
 11 Q And what --
 12 A Not in the State of Michigan. It's been done all over
 13 the country, but not in the State of Michigan.
 14 Q And what specific project was this for?
 15 A It was various. It came out of the various as-needed
 16 contracts.
 17 Q So this was the first time that this particular
 18 requirement was imposed on any --
 19 A I believe it was in the State of Michigan.
 20 Q Do you know who ended up winning this, or being awarded
 21 this contract?
 22 A The prime consultant?
 23 Q Yes.
 24 A HNTB.
 25 Q And are they still working on this project?

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1 A I believe they are still. It's a series of projects.
 2 Q Do you know the amount of the contract?
 3 A It's somewhere around four-million dollars.
 4 Q And the term?
 5 A The term, it was a two-year.
 6 Q And did you -- were you on the award team?
 7 A I believe I chaired it. I believe I -- yes, I was and I
 8 chaired it. I'd have the documents to confirm. I was
 9 on the team, but I believe I was the chair.
 10 Q Do you know when it was awarded to HNTB?
 11 A I believe it was December.
 12 Q Of 2010?
 13 A Yes.
 14 Q And have there been any amendments to this contract?
 15 A There have been three amendments. I believe three
 16 amendments.
 17 Q And so what is the total contract award amount now
 18 for that contract, if you know?
 19 A It's something like five-million dollars.
 20 (Whereupon Deposition Exhibit Number
 21 11 was marked for identification.)
 22 MR. WILLIAMS: I'm handing you,
 23 Mr. Judnic, what's been marked as Deposition
 24 Exhibit Number 11.
 25

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1 BY MR. WILLIAMS:
 2 Q Have you seen that Discrimination Complaint Form before?
 3 A I've seen the Discrimination Complaint Form, but I
 4 haven't really had time to review the other parts, but
 5 some of it I have not seen.
 6 Q Do you recall an assertion by Miss Foster that Mr. Ray
 7 Stewart of her office was being compelled to basically
 8 participate in an office technician training course?
 9 A When you say assertion, to me directly?
 10 Q Or to Miss Schnee?
 11 A I wasn't -- I was aware of what was going on. I was
 12 aware. I don't know the details of what was going on.
 13 Q Do you recall that Fishbeck, Thompson, Carr and Hubert
 14 was actually being charged with providing the training
 15 course to BBF people?
 16 A I don't know what's being charged.
 17 Q The \$900.00 charge for the week-long office technician
 18 training course?
 19 A That -- what was the question?
 20 Q Do you recall that Fishbeck, Thompson was actually
 21 giving the course and charging \$900.00 a week for
 22 training office technicians?
 23 A I know they train, but I am not -- I didn't know what
 24 they charge, or --
 25 Q Is there a requirement anywhere in MDOT guidelines or

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1 policies for an office technician to receive re-
 2 certification every five years?
 3 A I don't know what the policy is.
 4 Q Have you ever seen such a policy?
 5 A I don't remember seeing a policy. I know there is an
 6 office tech. training and there's refresher courses.
 7 Two different sets of courses.
 8 Q And who decides when an office technician has to take
 9 these courses?
 10 A I don't know. The -- I don't know how that is
 11 determined. The refresher is to keep current, but I
 12 don't know how frequent and how much is required, and
 13 how long it lasts.
 14 Q And would Miss Foster be competing with Fishbeck in
 15 terms of prime consulting bidding on certain projects?
 16 A Would she compete with Fishbeck on projects, yes.
 17 Q Did you ever have any discussions with Miss Schnee
 18 regarding this office technician issue?
 19 A No, other than I've heard some of the background while
 20 it was going on, but I was not involved in any level of
 21 detail.
 22 Q Do you recall if there were any changes made to the
 23 contract regarding vehicles? The requirements for
 24 vehicles in the contract, do you know if there any
 25 changes made to that?

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1 A Changes from?
 2 Q From what you originally proposed in the RFP.
 3 A In the RFP there was five minimum vehicles, and there
 4 were eight obtained, because there was a five minimum.
 5 Q Do you presently drive one of those vehicles yourself --
 6 A No.
 7 Q A leased vehicle -- do you know Chris Schafer?
 8 A Chris Schafer sounds familiar. He would be somebody at
 9 Commission Audit.
 10 Q Have you ever worked with him?
 11 A Have I worked with him?
 12 Q Yes.
 13 A Not directly.
 14 Q Were you ever assigned a lease vehicle by HNTB, that was
 15 leased on the contract that was marked as Exhibit 10?
 16 A No.
 17 Q Have you ever had any discussions with Mr. Schafer
 18 regarding Miss Foster or BBF?
 19 A I may have had a discussion once.
 20 Q What was the discussion?
 21 A I just remember the subject of BBF. I don't recall the
 22 detail.
 23 Q Do you know Linda Shepard?
 24 A By name only.
 25 Q Have you ever met her?

1 A I may have met her, but I don't know who she is. It
 2 might have been in a meeting, or some kind of conference
 3 or something, but I don't -- I don't know her.
 4 Q Have you ever discussed BBF or Miss Foster with
 5 Miss Shepard?
 6 A No. I don't know if I've ever had a conversation with
 7 Miss Shepard.
 8 Q Did you ever discuss the issue of principal billing with
 9 Mr. Schafer or Miss Shepard as it relates to BBF?
 10 A No. I don't recall the details of the Schafer
 11 conversation, and I never spoke to Miss Shepard about
 12 it.
 13 Q Do you know Dean Harr?
 14 A No.
 15 Q Have you ever -- so you've never spoken to Mr. Harr?
 16 A No, and who is Mr. Harr with?
 17 Q The Office of Commission Audit.
 18 A No, I don't.
 19 Q Are you aware that BBF is being audited by the Office of
 20 Commission Audits?
 21 A I only heard recently something to that effect.
 22 Q And how recently?
 23 A Within -- earlier this year.
 24 Q And so you were never contacted about BBF by anyone from
 25 the Office of Commission Audits?

1 A The one Chris Schafer phone call when I was at MDOT.
 2 Not -- are you talking ever?
 3 Q Yes.
 4 A It was just the one Chris Schafer conversation, but I
 5 don't recall the detail.
 6 Q Did Mr. Schafer ask you about Miss Foster being allowed
 7 to bill at all along the projects that BBF had been
 8 awarded?
 9 A I don't recall what the conversation was about.
 10 Q You do know Marilyn Caldwell?
 11 A Yes.
 12 Q Have you seen Miss Finch's report where she references
 13 Miss Caldwell overhearing you discussing Miss Foster
 14 saying that no woman, or no black woman should be making
 15 that kind of money?
 16 A Repeat the question.
 17 Q Do you recall Mary Finch's report where she references
 18 overhearing you state that no woman, or no black woman
 19 should be making the kind of money that Miss Foster is
 20 making?
 21 MR. DITTENBER: Are you referencing
 22 the report?
 23 THE WITNESS: I recall the report,
 24 but I don't recall that -- any statement regarding a
 25 black woman. I believe the quote did not include black,

1 but there was another quote regarding woman.
 2 BY MR. WILLIAMS:
 3 Q Do you recall making the statement?
 4 A No.
 5 Q Are you denying that you made the statement?
 6 A I did not make the statement.
 7 Q So Miss Caldwell was either mistaken or she's lying?
 8 A Is that the question?
 9 Q Yes.
 10 MR. DITTENBER: Objection, calls for
 11 speculation.
 12 MR. WILLIAMS: Well, no, it's either
 13 one or the other.
 14 MR. DITTENBER: It's speculation.
 15 If you know.
 16 THE WITNESS: So I can only answer
 17 with one or the other?
 18 MR. WILLIAMS: Yes.
 19 MR. DITTENBER: No, he --
 20 MR. WILLIAMS: Or both.
 21 MR. DITTENBER: You don't have to
 22 speculate. If you know the answer.
 23 THE WITNESS: I don't know the
 24 answer to that.
 25

1 BY MR. WILLIAMS:
 2 Q So you're saying Miss Caldwell made that statement up?
 3 A I can't answer that.
 4 Q So you have no idea where that statement came from from
 5 Miss Caldwell?
 6 A I can't answer that.
 7 Q What did you tell Miss Hudson or Miss Finch when they
 8 interviewed you regarding the comment?
 9 A I never spoke to Miss Hudson.
 10 Q And so what did you tell Miss Finch?
 11 A Miss Finch came to me and asked me a series of
 12 questions, and she said to me did you ever say she made
 13 too much money, and the quote is she ever -- or she
 14 makes too much money, and I said, Mary, I don't
 15 understand the question, is that regarding
 16 Bellandra Foster, and she says I can't tell you.
 17 I said when did I say the statement;
 18 I can't tell you. I said who did I say it to. I can't
 19 tell you is her response. I asked to whom I said it to,
 20 where I said it. She said I can't tell you. So what I
 21 said to Mary Finch was, Mary, if you're going to ask me,
 22 and I counted on my hands, my fingers five words that I
 23 strung together over a seven-and-a-half year period at
 24 MDOT that says she makes too much money, if that's the
 25 statement you're asking, yes, over a seven-and-a-half

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1 year period, and you can't tell me who, what, where and
 2 when, in what context was it said, I can't tell you that
 3 either, you can't tell me anything other than those five
 4 words put together, I told Mary Finch I can't honestly
 5 answer that I know that I said it and that I didn't know
 6 that I said it, and the very quote was she makes too
 7 much money, and she couldn't define, and I said, Mary, I
 8 can't answer a question if you can't define it to where
 9 I can actually have a recall and answer a question.
 10 I was never asked the quote that's
 11 in that report. I was never asked that, and I was never
 12 interviewed by Cheryl Hudson.
 13 Q So you're saying Miss Finch never asked you whether you
 14 stated, with respect to Bellandra Foster, no -- that she
 15 should not be making that kind of money?
 16 A That is correct.
 17 Q And you're saying that if you're saying did I use words
 18 like that at various points in time that might be able
 19 to be put together by Miss Caldwell over a seven-year
 20 period of time, that's possible, I can't say yes or no?
 21 A No. I said if, Mary, you're asking me -- I'm stringing
 22 five words together, she makes too much money, a
 23 statement of that matter, those five words, I cannot
 24 answer you because you don't give me enough information
 25 if those five words could have been strung together,

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1 over a seven-and-a-half year period, or they may have
 2 not been strung together over a seven-and-a-half year
 3 period; how do I answer a question without adequate
 4 information. That's what I told Mary Finch, and she
 5 said we're moving on.
 6 Q So you couldn't tell her that under absolutely no
 7 circumstances did you ever make that statement?
 8 A How do you recall seven-and-a-half years at the State,
 9 and I was being -- I was being told that I strung five
 10 words together, I can't definitely say I said it, and I
 11 can't definitely say I didn't. That's what transpired
 12 in that interview.
 13 Q But you're saying in 2006 if Miss Caldwell says you made
 14 that statement in front of her, that's not true?
 15 A I said -- I answered the question. I've answered the
 16 question.
 17 Q So in 2006 you didn't make that statement?
 18 A I've answered the question.
 19 MR. DITTENBER: Objection, asked and
 20 answered.
 21 BY MR. WILLIAMS:
 22 Q So that's you didn't make the statement in -- I'm just
 23 asking for a specific time frame; in 2006, so that we
 24 are definitive, so there are no questions about what
 25 you're being asked. In 2006, a date and time frame,

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1 because I don't want you saying later on that I didn't
 2 give you a time frame, you did not make that statement?
 3 MR. DITTENBER: The same objection.
 4 THE WITNESS: I am a liberal. I am
 5 married to feminist that kept her own name. I've been
 6 married for twenty-one years. I don't think in those
 7 terms. I don't act in those terms, and I have never
 8 said that statement. Never have I said that statement
 9 in my life, the statement that Mary Finch put in that
 10 report. Is that definitive enough for you?
 11 MR. WILLIAMS: That is definitive
 12 enough for me.
 13 BY MR. WILLIAMS:
 14 Q Did you tell Miss Finch that you never thought of BBF as
 15 a Disadvantaged Business Enterprise?
 16 A What's the quote?
 17 Q Did you tell Miss Finch that you never thought of BBF as
 18 a DBE?
 19 A That was taken completely out of context. Mary Finch
 20 asked me all the details that I full explained,
 21 supported by the Myron Frierson letter that said I was
 22 instructed as the project manager, by contract, and it
 23 happens to be Jim Culp, the letter definitively decides
 24 -- Lansing decided that I needed to split the contract.
 25 I explained everything to Mary in

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1 that realm. It was supported by Myron Frierson's
 2 letter. Then she asked me the question, the DBE
 3 question. The first statement she took out of context.
 4 I said I did not think of that because the decision was
 5 already made, and that wasn't the -- that wasn't the
 6 point of the decision. The decision was by Lansing to
 7 do what we had to do. The edict came down from
 8 Lansing. I do what I was told.
 9 Q Did you ever tell --
 10 A She quoted only a partial statement. She cut off the
 11 end of the sentence, which was it wasn't my duties to
 12 think about that because I was following an instruction,
 13 but she conveniently cut it off, and it came out of
 14 context.
 15 Q Did you ever tell Miss Foster who in Lansing made the
 16 statement?
 17 A I don't recall if I ever told Miss Foster -- who made
 18 what statement?
 19 Q Who asked you to cut the contract, did you ever
 20 tell --
 21 A I don't recall if I ever told Miss Foster. I don't
 22 recall.
 23 Q And Mr. Culp never sent you anything in writing
 24 instructing you to cut the contract?
 25 A I don't recall if he sent me anything in writing, but I

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1 have a memo to him explaining what we did as he
 2 instructed, so I sent him back a memo, an internal memo
 3 to clarify exactly what was going on.
 4 Q Did BBF bid on the Gateway Project?
 5 A There's no bids from consultants.
 6 Q Did she submit -- did BBF submit an RF -- a response to
 7 the RFP on the Gateway Project?
 8 A Which Gateway Project are you referring to?
 9 Q Any of them while you were at MDOT, for which you posted
 10 RFQs.
 11 A I would not have that in my memory bank. There's too
 12 many consultants out there. I don't know. I don't
 13 recall that she put in for a contract, for a -- sorry, a
 14 Proposal for Selection, I don't recall.
 15 Q Do you know if she put in a Response to a Request for
 16 Proposals for the Southfield Freeway Project?
 17 A I don't remember that she did as a prime consultant.
 18 Q Do you recall if she did as a sub-consultant?
 19 A Yes. She's on -- she's on the team that was selected.
 20 Q Which team was that?
 21 A HNTB.
 22 Q Are you familiar with Great Lakes Engineering?
 23 A I'm familiar to some level. I'm familiar with the
 24 company.
 25 Q Have you worked with Great Lakes Engineering?

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1 A Worked, meaning?
 2 Q Have you done any work with Great Lakes Engineering on
 3 the Southfield Freeway Project?
 4 A Did I work with Great Lakes on the Southfield Project,
 5 no. Why would I work with Great Lakes on the Southfield
 6 Project? I'm not -- worked?
 7 Q Have you assisted them in any manner on the Southfield
 8 Freeway Project?
 9 A Assisted them?
 10 Q Yes. Provided them with staffing support, anything, any
 11 type of assistance?
 12 A I -- I --
 13 MR. DITTENBER: Are you referring to
 14 Mr. Judnic's role as an HNTB employee, or at MDOT?
 15 MR. WILLIAMS: Yes, an HNTB
 16 employee.
 17 THE WITNESS: At HNTB if I --
 18 MR. DITTENBER: I'll continue my
 19 objection then pending a -- activities related to
 20 Mr. Judnic's status as an HNTB employee. It's
 21 irrelevant.
 22 You can answer.
 23 THE WITNESS: I did not work with
 24 Great Lakes Engineering.
 25

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1 BY MR. WILLIAMS:
 2 Q Are you familiar with Contract 2010-0515?
 3 A That would be -- that would be the contract HNTB has
 4 that covers the Southfield Project, and various others.
 5 Q And what is your role on that project?
 6 A I was asked to work on the Gateway Project, Gateway VII,
 7 another phase, and they had some amendments to add some
 8 time so that I can help with MDOT with some projects.
 9 MR. WILLIAMS: Let's take a few
 10 minutes.
 11 (Whereupon there was an
 12 interruption in the proceedings.)
 13 MR. WILLIAMS: I'm done.
 14 R E D I R E C T E X A M I N A T I O N
 15 BY MR. DITTENBER:
 16 Q Mr. Judnic, you were asked some questions about
 17 principals being allowed to bill on consultant
 18 contracts.
 19 A Yes.
 20 Q Do you recall those questions?
 21 A Yes.
 22 Q And do you recall the policy that you discussed?
 23 A Yes.
 24 Q Did you negotiate the price proposal on the Contract
 25 2006-0490 with BBF Engineering?

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1 A Yes.
 2 Q And what was the policy regarding principals at that
 3 time?
 4 A At the time principals were not to charge contracts.
 5 Q Did you negotiate the price proposal with BBF on
 6 Contract 2008-0044?
 7 A No.
 8 Q Do you know who did that?
 9 A Jason Voigt.
 10 Q Are you familiar with Contract 2008-0064?
 11 A Yes.
 12 Q Do you recall when that -- when the proposals were
 13 selected for that contract?
 14 A Late '09.
 15 Q Did you serve on the selection committee for that
 16 contract?
 17 A Yes. I chaired the selection committee.
 18 Q Did you serve as the project manager on that contract?
 19 A I served as a contract -- as a project manager on the
 20 contract for selection, and then I passed it to my -- to
 21 Tia Klein, to my staff to administrate everyday.
 22 Q Did you negotiate the price proposal for that contract?
 23 A No.
 24 Q You testified that Mr. Nichols from Fishbeck was allowed
 25 to bill as a principal on a consulting contract. Do you

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1 recall that testimony?
 2 A Yes.
 3 Q Was that negotiated as a price proposal for that
 4 contract?
 5 A It was negotiated into the price proposal with him.
 6 Q Do you recall if that was before or after the MDOT
 7 policy changed?
 8 A It was after the policy changed.
 9 Q You also testified that Ed Tatem was allowed to bill as
 10 a principal on a consulting contract?
 11 A Yes.
 12 Q Do you recall if his hours were contained in the price
 13 proposal?
 14 A Yes. His hours were in the price proposal.
 15 Q Do you recall if that proposal was negotiated before or
 16 after the MDOT policy changed?
 17 A I don't recall the exact timing on that, that
 18 negotiation, that final negotiated number.
 19 Q Did you ever negotiate a price proposal with BBF after
 20 the policy changed?
 21 A No.
 22 Q You testified regarding a FOIA request for
 23 sub-consultant evaluations. Did you ever provide
 24 sub-consultant evaluations to a prime contractor?
 25 A I don't recall that I did.

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1 Q Did you ever conduct debriefing meetings regarding
 2 proposal with any contractors in person?
 3 A You mean sub-consultants or consultants, or contractors?
 4 MR. WILLIAMS: Maybe you should
 5 write the question for him.
 6 THE WITNESS: No, I heard
 7 contractors I thought.
 8 MR. DITTENBER: I'll rephrase.
 9 BY MR. DITTENBER:
 10 Q Did you ever conduct a debriefing meeting with a
 11 consultant regarding a proposal in person?
 12 A Not that I recall.
 13 Q Did you ever agree to monthly meetings with a prime
 14 consultant, other than BBF?
 15 A No.
 16 Q Why not?
 17 A It wasn't common practice. It wasn't necessary.
 18 Q You testified regarding Love Charles and his retirement.
 19 A Yes.
 20 Q Do you recall when Mr. Charles first informed you that
 21 he intended to retire?
 22 A It was when he returned from his winter break in '08,
 23 in the spring of '08. He had said that he is finally
 24 going to retire.
 25 Q Mr. Judnic, do you recall when you first became aware

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1 that BBF and Miss Foster had filed Title VI Complaints
 2 against you?
 3 A Was I aware when?
 4 Q Do you recall when that -- when you first had knowledge
 5 that the Complaint had been filed?
 6 A I think I -- the first time I ever heard was when
 7 Mary Finch was calling me in February or March to sit
 8 down and interview me, and that's February and March of
 9 '11, 2011.
 10 Q Mr. Judnic, in your role as a project manager engineer
 11 for MDOT, did you have the authority to hire employees
 12 for consulting firms?
 13 A No.
 14 Q Did you have the authority to terminate employees for
 15 consulting firms?
 16 A No.
 17 Q Did you have the authority to discipline employees for
 18 consulting firms?
 19 A No.
 20 Q In your position at MDOT, was there anyone with higher
 21 authority that could overrule one of your decisions?
 22 A Yes.
 23 Q Who would that have been?
 24 A That would have started with Rita Screws, and it would
 25 have gone to the deputy region engineer, whoever that

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1 would have been, the region engineer, and Contracts,
 2 anyone from Contracts.
 3 Q And then my final question has to do with some
 4 testimony you gave regarding some meetings you had with
 5 various contractors regarding the performance of their
 6 employees. You testified that you met with Tom Grey of
 7 Fishbeck.
 8 A Yes.
 9 Q Do you recall Mr. Grey's race or ethnic background?
 10 A A white male.
 11 Q Do you recall the ethnic background of the -- or race of
 12 the employee Gary Breyz?
 13 A White male.
 14 Q What about Mr. Frendo?
 15 A White male.
 16 Q And what about Brian Edwards?
 17 A White male.
 18 Q What about Mike Guter?
 19 A White male.
 20 Q What about Jason Fisher?
 21 A White male.
 22 Q What about Matt Simon?
 23 A A white male.
 24 MR. DITTENBER: I have no further
 25 questions.

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1 RE CROSS - EXAMINATION
 2 BY MR. WILLIAMS:
 3 Q Just for the record, Mr. Judnic, you did discuss some
 4 action involving discipline involving these various
 5 people that you just went through that were all white
 6 males with their bosses?
 7 A It wasn't discipline. It was performance issues,
 8 whatever they were. There were performance issues that
 9 needed correction.
 10 Q And you excluded Mr. Fisher from certain meetings, as I
 11 recall his testimony?
 12 A That was -- that was the -- yes.
 13 Q And when Mr. Charles went to break would have been in
 14 what, December of 2008?
 15 A December, January, February. He usually took anywhere
 16 from two to three months off every winter.
 17 Q And so this was after the July 18, 2008 meeting that you
 18 had with Mr. Charles and representatives of BBF?
 19 A No. It was before.
 20 Q I thought it was --
 21 A The spring of '08.
 22 Q I thought his winter break was in --
 23 A Every winter.
 24 Q Every winter. Oh, so his winter break was the 2007
 25 winter break? That's what you're saying?

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1 A Yes. 2007-2008 winter break.
 2 Q Okay, so it wasn't 2008 winter break. It was 2007
 3 winter break.
 4 A Yes. He retired in 2000 and -- December of -- or winter
 5 of 2008. He talked about retirement every year, but
 6 this one was serious. He said it was over, he was done
 7 with it.
 8 Q So he retired roughly right after the July of 2008
 9 meeting?
 10 A Whatever the final date was which was six months later.
 11 I'm guessing it was somewhere in December. It was
 12 towards the end of the year. I'm not sure of the exact
 13 date, but for the last five years, he worked for me
 14 four or five years, he would always either --
 15 Q Was there ever a meeting like the meeting -- the rough
 16 meeting that occurred in July of 2008 in any of those
 17 other years that he discussed retirement?
 18 A No. As I was saying, he was discussing retirement every
 19 year, and he was -- he was always talking about how old
 20 he was and he was going to wrap it up, but 2008 was
 21 serious because I told him, Love, you say that every
 22 year, and he says no, this is truly, I'm going to be
 23 done.
 24 Q And how many times -- did you ever discuss with
 25 Miss Foster whether or not, or when Mr. Charles was

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1 leaving?
 2 A I was asking the question because I have to be prepared
 3 to coordinate overlap, and so that discussion.
 4 Q So that would be yes, you did?
 5 A I was asking questions so that I knew --
 6 Q So yes, you did discuss it with her?
 7 MR. DITTENBER: Objection, he's
 8 answered the question.
 9 THE WITNESS: Discussion, e-mail.
 10 MR. WILLIAMS: No, he hasn't
 11 answered my question.
 12 BY MR. WILLIAMS:
 13 Q My question was did you ever discuss it with
 14 Miss Foster? That's a yes or no.
 15 MR. DITTENBER: If you have to
 16 explain outside of a yes or no, you can.
 17 MR. WILLIAMS: Well, he didn't say
 18 that.
 19 THE WITNESS: But I described for
 20 the fact of coordination for the -- especially the DBE
 21 component and his office tech. duties, I have to
 22 transition staff to phase them in and phase him out if
 23 it was happening, so I was coordinating with her at some
 24 level of discussion, so the answer would ultimately be
 25 yes.

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1 BY MR. WILLIAMS:
 2 Q Was Mr. Charles ever given any office tech. project to
 3 complete in 2008?
 4 A I don't understand the question.
 5 Q Did Mr. Charles ever come back to do any kind of
 6 consulting work with MDOT outside of Miss Foster?
 7 A Come back?
 8 Q Yes. Did he return, do consulting work under contract
 9 directly with MDOT?
 10 A Yes. I heard through Pat Collins that he was serving in
 11 some capacity, but I -- helping the -- whatever her
 12 group, Business Development, or the DBEs, he was helping
 13 them after.
 14 Q All of these gentlemen that you re-negotiated proposals
 15 to allow -- the price proposals to allow them to bill
 16 for principal time, Mr. Nichols, Mr. Tatem, and whoever
 17 else, were these all white males?
 18 A Well, the first part of your question was that I
 19 re-negotiated?
 20 Q No, negotiated.
 21 A Well, when we got the price proposals together, Ed Tatem
 22 is not a white male. I believe he is from Puerto Rican
 23 descent.
 24 Q You believe he's Puerto Rican?
 25 A I'm not sure the exact nationality. He's Hispanic, but

CERTIFICATE OF NOTARY PUBLIC

STATE OF MICHIGAN }
COUNTY OF OAKLAND }

I, JUDITH HALPRIN, a Notary Public within and for the County of Oakland, State of Michigan, do hereby certify that the witness whose attached Deposition was taken before me in the entitled cause, was sworn to testify the truth, the whole truth, and nothing but the truth; that the testimony contained in said Deposition was taken by me by means of Stenomask; that said testimony was thereafter reduced to written form and that the said Deposition is a true and correct transcript of the testimony given by said witness.

I do further certify that I am not connected by blood or marriage to any of the parties, or their attorneys or agents; that I am not an employee of any of them; nor am I interested directly or indirectly in the matter in controversy either as counsel, agent, attorney or otherwise.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at West Bloomfield, County of Oakland, State of Michigan, this 18th day of December, 2012.

Judith Halprin
JUDITH HALPRIN / CSNR-3202
Notary Public, Oakland County, Michigan
My Commission Expires: 12/18/2013

1 I don't know, but I believe he is from -- no, I take
2 that back. He is from Dominican Republic.
3 Q And were there any black females that you negotiated to
4 bill as principal?
5 A If I negotiated with black females?
6 Q Yes. Any black females you negotiated to be paid as a
7 principal, ever?
8 A As a consultant ever, I can't recall in Chicago because
9 Chicago was too far back. I'm not certain if I was
10 dealing with -- I can't recall from my Chicago years.
11 In Michigan the answer is no, but I can't recall from my
12 Jamaican, Chicago years if I actually negotiated
13 contracts with a black woman.
14 MR. WILLIAMS: All right. Thank
15 you, Mr. Judnic.
16 (Whereupon at about 6:10 o'clock, p.m., the
17 Deposition was concluded.)
18 * * *
19
20
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23
24
25

EXHIBIT 3

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

* * *

BBF ENGINEERING SERVICES, P.C.,
a Michigan corporation, and
BELLANDRA FOSTER, an individual,

Plaintiffs,

vs.

Case No. 11-CV-14853
Hon. Nancy G. Edmunds
Mag. Laurie J. Michelson

STATE OF MICHIGAN, a Michigan Public
Corporation, MICHIGAN DEPARTMENT OF
TRANSPORTATION, a Department of the
State of Michigan, VICTOR JUDNIC and
MARK STUECHER,

Defendants.

THE DEPOSITION OF MARILYN (MADLYN) CALDWELL

The Deposition of MARILYN (MADLYN) CALDWELL,

taken before Judith Halprin, CSMR-3202, Certified Court Reporter
and Notary Public for the County of Oakland, Acting in the County
of Wayne, at 535 Griswold Street, Suite 1000, City of Detroit,
State of Michigan, on Wednesday, November 14, 2012, commencing
at or about the hour of 1:10 o'clock, p.m.

APPEARANCES:

AVERY K. WILLIAMS, ESQUIRE
Williams Acosta, PLLC
535 Griswold Street, Suite 1000
Detroit, Michigan 48226
Appearing on behalf of the Plaintiffs.

* * * CONTINUED ON FOLLOWING PAGE * * *

APPEARANCES, CONT.: MICHAEL J. DITTENBER, ESQUIRE
Assistant Attorney General
Transportation Division
425 West Ottawa Street, 4th Floor
Lansing, Michigan 48913
Appearing on behalf of the Defendants.

ALSO ATTENDING: VICTOR JUDNIC

REPORTED BY: JUDITH HALPRIN, CSMR-3202
Judith Halprin Court Reporting & Video
Telephone: 248.851.3332

1 I N D E X
 2 WITNESS PAGE
 3 MARILYN CALDWELL
 4 Cross-Examination by Mr. Williams 5
 5
 6
 7
 8
 9
 10 * * * * *
 11 EXHIBITS PAGE # MARKED
 12 None offered.
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 14
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1 give me an answer to a question, I'm going to assume you
 2 understood the question, and the answer you've given is
 3 the answer you've intended, and as Miss Halprin, the
 4 court reporter, has indicated, we have to keep a record,
 5 so your answers have to be yes, no, or a verbal answer
 6 because she has to take down everything that is said
 7 between -- among the parties in the room, and so that is
 8 her role, and I'll try and be mindful of that, and I ask
 9 you to be mindful of it as well, so we don't nod or
 10 shake our head.
 11 THE WITNESS: Okay.
 12 MR. WILLIAMS: Or um-hmm or uh-uh,
 13 because that --
 14 THE WITNESS: Right.
 15 MR. WILLIAMS: That just doesn't
 16 look good on the record.
 17 THE WITNESS: Okay.
 18 MR. WILLIAMS: And the purpose of
 19 this Deposition is to be used for all purposes allowed
 20 by the Federal Rules of Civil Procedure and the Federal
 21 Rules of Evidence.
 22 C R O S S - E X A M I N A T I O N
 23 BY MR. WILLIAMS:
 24 Q Would you just state your name for the record?
 25 A Legally my name is Madlyn Caldwell.

1 Detroit, Michigan
 2 Wednesday, November 14, 2012
 3 At about 1:10 o'clock, p.m.
 4 * * *
 5 MARILYN CALDWELL,
 6 having been first duly sworn by the Notary Public to
 7 tell the truth, the whole truth, and nothing but the
 8 truth, testified upon her oath as follows:
 9 MR. WILLIAMS: The record should
 10 reflect that this is the date, time and place set for
 11 the Deposition of Miss Marilyn Caldwell.
 12 Miss Caldwell, my name is Avery
 13 Williams. I'm an attorney representing Plaintiffs
 14 Bellandra Foster and BBF Engineering in an action that
 15 she has been brought against Victor Judnic and Mark
 16 Steucher, among others.
 17 I'm going to be asking you some
 18 questions today about that case, and the facts
 19 underlying it, and some things that have surfaced about
 20 your statements, role with respect to some of the
 21 assertions in the case.
 22 If at anytime you don't understand
 23 the question, please indicate you don't understand the
 24 question, and I'll attempt to restate it or rephrase it
 25 so you give a fair answer to a fair question. If you

1 Q Madlyn?
 2 A Um-hmm.
 3 Q Why do they call you Marilyn?
 4 A There's a story behind it, but it's M-a-d-l-y-n.
 5 Q M-a-d --
 6 A L-y-n.
 7 Q Okay, so --
 8 A Caldwell.
 9 Q So all of these spellings I've seen as Marilyn is not
 10 accurate?
 11 A Not for me.
 12 Q Not legally?
 13 A Right.
 14 Q Okay, so Marilyn is just an also known as?
 15 A Known as, um-hmm.
 16 Q And how long have you been known as Marilyn Caldwell?
 17 A All my life, so let's say fifty-two years.
 18 Q Were you born in the south?
 19 A Yes.
 20 Q So they just couldn't say Madlyn?
 21 A Couldn't pronounce the name.
 22 Q Okay, I got it. I knew it had to be something of the
 23 Mason Dixie line.
 24 A Right.
 25 Q I got it. My mother and the family used to call me

1 Aery.
 2 A Right.
 3 Q So I know.
 4 A So you know what I'm saying.
 5 Q Yes, because I was born in Mississippi.
 6 A Okay.
 7 Q So I understand, so what is your business address,
 8 ma'am?
 9 A Are you talking about the current address?
 10 Q Yes.
 11 A 1060 West Fort Street.
 12 Q 1060 West Fort?
 13 A Um-hmm.
 14 Q Yes?
 15 A Yes. I'm sorry.
 16 Q And your date of birth?
 17 A 6-24-60. I got this thing in my mouth, too, so --
 18 Q Oh.
 19 A It's -- I'm getting dental work done.
 20 Q Oh.
 21 A So I can't take it out.
 22 Q Oh, okay. Like one of those dams that they put in your
 23 mouth to keep it dry?
 24 A No. It's a -- I'm getting a bridge.
 25 Q Oh, a temporary plate?

1 A Um-hmm.
 2 Q So 6-24-60?
 3 A Um-hmm.
 4 Q Yes?
 5 A Yes, yes. I'm sorry.
 6 Q And are you presently married?
 7 A No.
 8 Q Have you ever been married?
 9 A Yes.
 10 Q Are you legally divorced?
 11 A No. Separated.
 12 Q Just separated?
 13 A Um-hmm.
 14 Q Yes?
 15 A Yes.
 16 Q And how long have you been separated?
 17 A Oh, about twenty-four years. We just never divorced.
 18 Q I've been there, too. That was my mother.
 19 Do you have any children?
 20 A Yes.
 21 Q How many?
 22 A One daughter.
 23 Q And how old is she?
 24 A She turned thirty yesterday.
 25 Q And what is her name?

1 A Sierra Caldwell.
 2 Q Does she live in the Detroit area?
 3 A Yes.
 4 Q Can you just briefly describe your educational
 5 background, ma'am?
 6 A Well, I have -- I finished high school, and I have a
 7 two-year Associate's Degree.
 8 Q From which community college?
 9 A It was Sawyer School of Business.
 10 Q And which southern State was that in?
 11 A No. That's in Detroit. Well, it was in Centerline,
 12 Michigan.
 13 Q Okay, and what year did you get your Associate's Degree?
 14 A I don't know. I think it was '80.
 15 Q Was it in Business Administration?
 16 A Yes, it was.
 17 Q Other than your Associate's Degree, do you have any
 18 other Certificates or specialized training?
 19 A No.
 20 Q And you are presently employed by the Michigan
 21 Department of Transportation?
 22 A Yes.
 23 Q And how long have you been employed by MDOT?
 24 A Actually -- well, I have thirty years.
 25 Q So you started at MDOT in --

1 A Actually it wasn't MDOT I started with. I started with
 2 the Department of Labor, and that was back in '81.
 3 Yeah, '81, somewhere around June or July of '81.
 4 Q Okay. Did you have an employer before you went to work
 5 for the Michigan Department of Labor?
 6 A What do you mean?
 7 Q Were you employed by anybody else before you went to the
 8 Michigan Department of Labor?
 9 A Um-hmm.
 10 Q Who?
 11 A Secretary of State.
 12 Q And what years were you employed by the Michigan
 13 Secretary of State?
 14 A '83 to '86 I think it was. I'm not sure about the
 15 dates though. I think it's '83 through '86, or -- '83,
 16 '84, '85 and 6. No, it had to be -- I spent four years
 17 with the Secretary of State -- no, so it was '83, '84,
 18 and I guess it was '87. I think it was '87.
 19 Q Okay, and when did you start at the Department of
 20 Labor?
 21 A I started in 1981 until I got the next job in '83.
 22 Q When you went to the Secretary of State?
 23 A Right, um-hmm.
 24 Q Before 1981, did you have any type of job?
 25 A Yeah.

1 Q Where did you work then?
 2 A Yes. I was at a party store, and I was going to school.
 3 Q After you -- where did you go after you left the
 4 Secretary of State's office?
 5 A MDOT.
 6 Q And that was in 1987?
 7 A Um-hmm.
 8 Q Yes?
 9 A Yes. Yes, yes. I'm sorry. Um-hmm, I'm so used to
 10 saying um-hmm.
 11 Q Okay. Are you -- have you been working for MDOT
 12 full-time since 1987?
 13 A Yes. Um-hmm.
 14 Q Have you ever been convicted of any crimes involving
 15 theft or dishonesty?
 16 A No.
 17 Q Have you had any felony convictions in the last ten
 18 years?
 19 A No.
 20 Q Have you ever been sued by anyone?
 21 A Are you talking about like --
 22 Q You, personally?
 23 A Like -- yeah, I guess. Yes, I guess, because when you
 24 say -- because -- yes.
 25 Q And who sued you?

1 A Ford Motor Company. Are you talking about people like
 2 that?
 3 Q Yes. If anybody had brought a suit against you.
 4 A Okay, so Ford Motor Company.
 5 Q Was that a collection action?
 6 A Um-hmm.
 7 Q Yes?
 8 A Yes.
 9 Q Have you ever sued anyone?
 10 A No.
 11 Q When did Ford Motor Company sue you?
 12 A 2007.
 13 Q Was it Ford Motor Credit?
 14 A Yeah. Yes.
 15 Q Has that case been resolved now?
 16 A Yes.
 17 Q Have you ever had your Deposition taken, like you're
 18 having it taken today, in any case?
 19 A Yes. This is -- yes.
 20 Q What case did you have your Deposition taken in?
 21 A I had it for this case.
 22 Q You had your --
 23 MR. DITTENBER: No.
 24 THE WITNESS: Oh, that was not a
 25 Deposition?

1 MR. DITTENBER: Objection. I'm
 2 going to --
 3 THE WITNESS: Oh, sorry.
 4 MR. DITTENBER: Direct her not to
 5 answer, divulge any attorney-client privileged
 6 communications in her role as an agent of MDOT.
 7 MR. WILLIAMS: Well, you don't
 8 represent MDOT. Are you going to tell her -- so you
 9 don't represent her.
 10 MR. DITTENBER: I represent MDOT. I
 11 represent an individual MDOT employees.
 12 MR. WILLIAMS: I don't think you can
 13 assert the privilege in this setting. I think that's
 14 going to be hard for you to do, because I don't think
 15 you have a privilege given the posture you've taken.
 16 MR. DITTENBER: These discussions
 17 were within her role as an MDOT employee, an agent of
 18 the Department, and I represent the Department. I do
 19 not represent her individually, but I assert --
 20 MR. WILLIAMS: Well, you can't have
 21 it both ways. You can't assert a privilege in this case
 22 in having talked to her. That you cannot do.
 23 BY MR. WILLIAMS:
 24 Q You had conversations with the Attorney General's
 25 office? Is that what you're saying?

1 MR. DITTENBER: I'm directing her
 2 not to answer.
 3 MR. WILLIAMS: You are directing her
 4 not to answer whether she had a conversation? I didn't
 5 ask her what the conversation is. I asked her if she
 6 had conversations. I'm entitled to know that. We'll
 7 deal with the judge on whether I'm entitled to know what
 8 the conversations were.
 9 MR. DITTENBER: I'm directing her
 10 not to answer.
 11 MR. WILLIAMS: Okay. Just for the
 12 record, you have been directed not to answer questions
 13 about whether you had conversations with the Attorney
 14 General prior to this Deposition.
 15 BY MR. WILLIAMS:
 16 Q Do you understand that?
 17 A Yes.
 18 Q Do you know if your conversations with the Attorney
 19 General were recorded?
 20 MR. DITTENBER: The same objection.
 21 BY MR. WILLIAMS:
 22 Q The Attorney General is not your attorney here today for
 23 this Deposition, is he?
 24 A I guess no.
 25 Q Have any -- has anyone threatened your employment

1 relationship with MDOT as a result of any statements you
 2 made relating to this litigation?
 3 A No.
 4 Q How many times have you met with the Attorney General
 5 regarding this litigation?
 6 MR. DITTENBER: The same objection.
 7 BY MR. WILLIAMS:
 8 Q Were you given any written documentation from the
 9 Attorney General regarding this litigation?
 10 MR. DITTENBER: The same objection.
 11 BY MR. WILLIAMS:
 12 Q Who was present in your meetings with the Attorney
 13 General?
 14 MR. DITTENBER: The same objection.
 15 BY MR. WILLIAMS:
 16 Q Was Mr. Judnic present -- have you met with Mr. Judnic
 17 prior to today's Deposition?
 18 A No.
 19 Q Was Mr. Judnic present at any meetings that you had with
 20 the Attorney General?
 21 MR. DITTENBER: The same objection.
 22 MR. WILLIAMS: I'm going to tell you
 23 I think this will be sanctionable, because I don't think
 24 you get to instruct her not to answer those questions, I
 25 really don't.

1 2011?
 2 A Yes.
 3 Q What was your title while you worked for Mr. Judnic?
 4 A Administrative Support Aide.
 5 Q What were your duties as an Administrative Support Aide
 6 from 2003 through 2011?
 7 A I did like office stuff. Do you want me to detail it?
 8 Q Generally just tell me what you did.
 9 A Like typing, filing, payroll, construction damage
 10 claims.
 11 Q What did you do with respect to construction damage
 12 claims?
 13 A I filed the claims on behalf of MDOT.
 14 Q Were your duties in working for Mr. Judnic the same as
 15 the duties you had while you were working for Mr. Dargin
 16 prior to that?
 17 A No.
 18 Q How did your duties change?
 19 A Well, it basically was the same, so I guess you could --
 20 I guess it's yes. They didn't change that much, so the
 21 stuff stayed the same.
 22 Q Were there any major changes that you can think of
 23 between your duties working for Mr. Dargin versus
 24 working for Mr. Judnic?
 25 A No. I would say no.

1 BY MR. WILLIAMS:
 2 Q So other than your meetings with the Attorney General's
 3 office, to sand you I guess, have you ever testified in
 4 a Deposition before?
 5 A If I did, it was years ago. I don't remember what it
 6 was about.
 7 Q Have you ever testified in any trials?
 8 A No.
 9 Q Have you ever testified in an Arbitration?
 10 A No.
 11 Q Have you discussed your testimony with anyone other than
 12 the Attorney General in this case?
 13 A No.
 14 Q You have not discussed your testimony, potential
 15 testimony with Miss Foster?
 16 A No.
 17 Q How did you come to know Mr. Judnic?
 18 A He was my supervisor to MDOT.
 19 Q And he became your supervisor in 2003?
 20 A I get them dates mixed up. It might have been 2003, or
 21 '02. It was either 2003 or '02.
 22 Q And your supervisor immediately before that was
 23 Mr. Cedric Dargin?
 24 A Correct. Yes.
 25 Q And did you work for Mr. Judnic until he left MDOT in

1 Q How long did you work for Mr. Dargin?
 2 A Seventeen years.
 3 Q When was the last time you spoke with Mr. Judnic that
 4 you can recall?
 5 A Just having a conversation, or just spoke with him?
 6 A Just having a conversation.
 7 A Probably March of last year.
 8 Q Was it just a hello kind of conversation?
 9 A Well, I speak to him whenever I see him, so as far as
 10 the office stuff goes, it was March of last year, but I
 11 always speak to him when I see him.
 12 Q Do you recall having a conversation with him about the
 13 location of your cubicle in the new Detroit TSC
 14 building?
 15 A Yes.
 16 Q And when was that?
 17 A It could have been anytime, because, you know, I always
 18 complained about my work area, so it could have been --
 19 Q And what was your complaint about your work area?
 20 A Well, I was just complaining because I thought the
 21 way the office was set-up I was going to be like
 22 next to the bathroom, but I am, but I'm not,
 23 because there's a wall between us in the space.
 24 It was just -- it was nothing important.
 25 Q Did you ever make any formal or informal complaints

1 about Mr. Judnic to anyone during the time that you
 2 worked for him?
 3 A Yes, I did.
 4 Q How many?
 5 A I made -- well, one time I called -- no. The only one
 6 that's probably recorded is Rita Screws. I talked to
 7 the office manager about some things that was going on.
 8 Q Did you informally complain to anybody, such as
 9 Mr. Dargin?
 10 MR. DITTENBER: Objection, leading.
 11 MR. WILLIAMS: Well, you made her
 12 your witness, so, you know, I think I can lead. It's
 13 your witness.
 14 MR. DITTENBER: I still object to
 15 the leading.
 16 MR. WILLIAMS: You just said you're
 17 representing her and you're representing MDOT. I don't
 18 care about that.
 19 Go ahead. Answer the question.
 20 THE WITNESS: What was the question?
 21 BY MR. WILLIAMS:
 22 Q Did you talk informally to Mr. Dargin about this?
 23 A Yes.
 24 Q About -- what were your informal complaints to
 25 Mr. Dargin?

1 A Are you talking about my complaints as far as Mr. Judnic
 2 goes?
 3 Q Yes, Mr. Judnic.
 4 A Well -- well, it was a lot of stuff. It was all kind of
 5 items and stuff. It was complaining about the treatment
 6 we was receiving, and, you know, it was just -- it was
 7 just a whole bunch of stuff. It's all kind of different
 8 items and things that was going on.
 9 Q Such as?
 10 A Well, we complained about -- I complained about -- I'm
 11 trying to get this right. To me, I complained about I
 12 guess being controlling, the work itself, which I don't
 13 really -- I really can't recall. I tried to let it go,
 14 because it was just -- it wasn't the best years of my
 15 life, that's for sure.
 16 Q And why do you say they weren't the best years of your
 17 life?
 18 A Because everyday you'd just never know what was going to
 19 happen when he came to work, so it was like it could be
 20 over anything, so --
 21 Q And what could be over anything?
 22 A The discussion, or whatever he wanted to talk to you
 23 about, or whatever he told me to do or something, so it
 24 didn't matter if -- sometimes it's just the way he
 25 presented himself to you, presented it to you.

1 Q So it was just you believe he was generally difficult to
 2 deal with?
 3 A Yes.
 4 Q Now you say you complained formally to Miss Rita Screws?
 5 A Yes.
 6 Q What was your formal complaint to Miss Screws?
 7 A Let me see, the complaint was -- I went to Rita because
 8 of -- like the way he spoke to me and stuff. You know,
 9 he would scream at me sometimes, or if I tried to
 10 explain that, if I didn't get it right, you know, I can
 11 fix it, you know, so I was trying to make her understand
 12 that no one -- he don't have to talk to us like that, or
 13 treat us like that, when all he has to do is ask and we
 14 can get it done.
 15 Q You've used the plural a couple times. You said us.
 16 Who was the us?
 17 A Well, I'm not going to bring another person in to it,
 18 because they asked not to be, so --
 19 Q Was this somebody else that was in the office?
 20 A Yes.
 21 Q Did Miss Screws take any action to address the concerns
 22 that you raised?
 23 A She did.
 24 Q What did she do?
 25 A She told me that she was going to speak to Victor, and

1 she must have because I know things changed a little
 2 bit, so it got a little better, because she told me not
 3 to go to OHR, because OHR recommend that I go to the
 4 manager first, so that's what I did, before the
 5 complaint was legally filed.
 6 Q So OHR was the Office of Human Resources?
 7 A Um-hmm.
 8 Q Yes?
 9 A Yes.
 10 Q And what year did you make this formal complaint?
 11 A Now that's a good question. Okay, so he left in 2011.
 12 It had to be in '10 or '09, '09 or '10.
 13 Q Did you ever put any of your complaints in writing?
 14 A Well, I had put -- I was keeping a log of -- a
 15 diary of the different things, but my computer got
 16 erased, so I don't have that information anymore.
 17 Q Did you accidentally erase it, or did you --
 18 A No. It crashed, um-hmm, so I didn't get to save
 19 anything on there.
 20 Q So there was a log you were keeping of concerns you had
 21 about how Mr. Judnic was treating you?
 22 A That's correct. Yes.
 23 Q As well as others?
 24 A Just me.
 25 Q Just you?

1 A Um-hmm.
 2 Q And how long was the log, I mean entries?
 3 A Well, I had had it probably about a year.
 4 Q Okay.
 5 A Um-hmm.
 6 Q Like two pages, one page?
 7 A It probably was a page or two. It just had dates and
 8 the actions that might have took place at that time.
 9 Q Had you had similar experiences with any of your other
 10 supervisors while you worked at MDOT?
 11 A No.
 12 Q Were you getting good Performance Reviews from
 13 Mr. Judnic?
 14 A Most of my Reviews were satisfactory, except for I got
 15 one, a couple things on there that was negative, you
 16 know, what's the other word -- need improvement.
 17 Q And what areas was it stated you needed improvement?
 18 A You really want to know?
 19 Q Yes.
 20 A Well, it wasn't about my work, that's for sure.
 21 Q What was it about?
 22 A My cubicle, my work area was not neat.
 23 Q And that was it?
 24 A Yes.
 25 Q Had you gotten that complaint from anybody else that you

1 had worked for?
 2 A No.
 3 Q Who are you currently for?
 4 A Roger Teale.
 5 Q Teale, T-e --
 6 A A-l-e?
 7 Q A-l-e.
 8 A Um-hmm.
 9 Q And you've worked for him since 2011?
 10 A Um-hmm.
 11 Q Yes?
 12 A Yes, yes. I'm sorry.
 13 Q No problem. I understand. Did you ever work directly
 14 with Miss Screws at all?
 15 A No. She's just always been the office manager.
 16 Q What about Paul Ajegba, have you ever worked with him?
 17 A No.
 18 Q What about Mark Steucher, do you know him?
 19 A I know him, but I never worked with him.
 20 Q Have you had any conversations with Mr. Steucher?
 21 A No.
 22 Q And you indicated you know Miss Foster.
 23 A Yes.
 24 Q How long have you known Miss Foster?
 25 A I've been knowing Bellandra quite a few -- for a long

1 time. I met her in the '90s. I'm not sure exactly
 2 when. No, I met her, yes, when she was working for
 3 MDOT, because she used to be a permanent agent or
 4 something back in the day, so, yes, I've been knowing
 5 her for quite awhile.
 6 Q Have you worked with her on any projects?
 7 A No.
 8 Q You just know her from her having worked at MDOT, and
 9 then having worked for MDOT as a consultant?
 10 A Yes. That's correct.
 11 Q And you knew she was a woman-owned business enterprise?
 12 A Yes.
 13 Q And she was a Disadvantaged Business Enterprise?
 14 A Yes.
 15 Q And she was a Minority Business Enterprise?
 16 A Yes.
 17 Q Did you know Clarence Wilson?
 18 A Yes.
 19 Q And you knew he worked for BBF at some point in time?
 20 A Yes. He also worked at MDOT.
 21 Q And Love Charles?
 22 A Yes.
 23 Q You knew him --
 24 A Um-hmm.
 25 Q As having worked for MDOT, as well as for BBF?

1 A Yes.
 2 Q And you knew Bruce Bordner?
 3 A Yes.
 4 Q Having worked for MDOT, as well as BBF at some later
 5 date?
 6 A Yes.
 7 Q Hubert Barnes?
 8 A Yes.
 9 Q Also MDOT and BBF?
 10 A Um-hmm.
 11 Q Yes?
 12 A Yes. Um-hmm.
 13 Q Patrick Lawton?
 14 A Yes.
 15 Q MDOT and BBF later?
 16 A Yes.
 17 Q Was there like a time in 1997 when there was like a
 18 buy-out of some of the senior employees at MDOT, if you
 19 know?
 20 A Not a buy-out, but early retirement.
 21 Q Okay. Was that about 1997, '98?
 22 A Yeah, or it might have been a year earlier, but it was
 23 around that time, um-hmm.
 24 Q What about Charles Covington, do you know Mr. Covington?
 25 A Yes.

1 Q Was he also an MDOT and BBF --
 2 A Yes.
 3 Q Employee?
 4 A Um-hmm.
 5 Q Alan Hinchcliff, do you know him?
 6 A I know of him, but I never -- I don't know him like I
 7 know the other guys.
 8 Q What about Hunter Hinchcliff?
 9 A I didn't meet Hunter until he started working for us at
 10 -- at -- when we was at 1400 Howard Street, that's when
 11 I met Hunter.
 12 Q What about Andy Mitchell?
 13 A I don't know that person.
 14 Q I assume you know Ray Stewart?
 15 A Yes.
 16 Q While he was at MDOT and --
 17 A Yes.
 18 Q BBF?
 19 A Um-hmm.
 20 Q Willis Stewart, do you know him?
 21 A Yes.
 22 Q Was he also a former MDOT employee that went to work for
 23 BBF?
 24 A Yes.
 25 Q What about Robert Randazzo, do you know him?

1 Q Latisha Hamilton?
 2 A Yes.
 3 Q And was this -- just a BBF employee?
 4 A She was an MDOT co-op.
 5 Q That went to work for BBF?
 6 A Yes.
 7 Q What about Greg Viglia?
 8 A No.
 9 Q Asia Benson?
 10 A Yes.
 11 Q Was she a former MDOT employee?
 12 A No. I just know Asia through BBF.
 13 Q What about Charles Latimer?
 14 A Charles Latimer, we met back in the '90s, because he
 15 used to work for this other construction company, and
 16 then he left and went to BBF, so that's how I know him.
 17 Q What about Reagan Jeeter?
 18 A Reagan was an MDOT co-op, also.
 19 Q Did she also go to work for BBF at some point?
 20 A She did, um-hmm.
 21 Q And how long have you known Love Charles?
 22 A Love Charles was since the '80s, because he was my first
 23 -- Love Charles was one of the first guys I worked for
 24 when I came for MDOT, um-hmm, came to MDOT.
 25 Q Did you ever have any issues with Mr. Charles when you

1 A No.
 2 Q Daniel Sperber?
 3 A No.
 4 Q Jason Jackson?
 5 A No.
 6 Q Sheila Lincoln?
 7 A No.
 8 Q David Sleight?
 9 A No.
 10 Q Chad Gudbout, do you know him?
 11 A Yes.
 12 Q Was he a former MDOT employee?
 13 A He was a co-op.
 14 Q A co-op?
 15 A Um-hmm.
 16 Q Yes?
 17 A Yes. Yes.
 18 Q And he used to work for BBF at some point?
 19 A He left MDOT and went to BBF.
 20 Q What about Carston Applegate?
 21 A No.
 22 Q And what about Aerial Hurt, do you know her?
 23 A No.
 24 Q How about Arshon Harper?
 25 A No.

1 worked for him?
 2 A Never.
 3 Q Did you know that at some point in 2008, BBF was
 4 nominated as MDOT's DBE Contractor of the Year?
 5 A Right. I had heard that, um-hmm. I did hear that.
 6 Q Have you -- are you familiar with the Office of
 7 Commission Audits at MDOT?
 8 A Not really.
 9 Q Do you know a Chris Schafer?
 10 A No.
 11 Q Linda Shepard?
 12 A No.
 13 Q Karen Leang?
 14 A No.
 15 Q Dean Harr?
 16 A No.
 17 Q The reason that you're probably here, the biggest
 18 principal reason is it's been stated that at sometime
 19 in 2006 you indicated that Mr. Judnic made a statement
 20 regarding Miss Foster, and you are familiar with that?
 21 A Yes, but that's not how the story goes.
 22 Q Okay.
 23 A I said that --
 24 Q You tell me how the story goes.
 25 A Okay. I was just going to say I just heard the

1 statement that no woman should be making that kind of
 2 money. Now I cannot say one-hundred percent that it was
 3 directed at BBF or at someone else. That's -- that's
 4 the truth.
 5 Q So you -- when did you hear this statement?
 6 A And that's another thing. I can't remember exactly when
 7 I heard it, but I know he was just in the work area like
 8 by his office, or it might have been inside the office.
 9 I'm not sure.
 10 Q Was he making the statement to you, or was he making the
 11 statement to somebody else?
 12 A Well, I think --
 13 Q Mr. Judnic?
 14 A No. It was just me and him.
 15 Q Well, was he talking to you when he made the statement?
 16 A Well, I guess. Yeah, I would say he was talking --
 17 well, he was talking, but I don't -- you know what I'm
 18 saying, you know how a person just might say, well, you
 19 know, such and such and such, so I'm not -- I don't even
 20 know how the statement came about, but we was talking
 21 about something, then I don't know how we got on the
 22 subject of women, or females or whatever. It just so
 23 happens the statement came out, so I don't know if it
 24 was involving the contract or what. I don't know what
 25 we was doing at that particular time.

1 BY MR. WILLIAMS:
 2 Q So BBF was the only woman-owned company at the time that
 3 was working out of the Detroit TSC?
 4 A Yes. That I know of, okay.
 5 Q Okay. That you were aware of?
 6 A Right. That I'm aware of.
 7 Q And you have no doubt that that statement that you
 8 recounted was how it was said, that no woman should be
 9 making that kind of money?
 10 A Right.
 11 Q And you didn't get that statement in pieces at different
 12 times?
 13 A Right, or yes.
 14 Q It has been stated that perhaps you heard this statement
 15 over time in different pieces, that it might have been
 16 no woman should be doing X, and then nobody should be
 17 making that kind of money, that you might have picked up
 18 different parts of the statement at different points in
 19 time, and you're saying that is not how it happened?
 20 A Not --
 21 MR. DITTENBER: Lack of foundation.
 22 MR. WILLIAMS: Okay. That's an
 23 absurd objection, but okay.
 24 BY MR. WILLIAMS:
 25 Q All right, and you're saying that's not how it happened,

1 Q So you don't recall exactly what you were doing when he
 2 made the statement?
 3 A That's correct.
 4 Q But somehow he just blurted out that no woman should be
 5 making that kind of money?
 6 A Right.
 7 Q Did you ask him what he was talking about, or who he was
 8 talking about?
 9 A No. I do recall saying who is -- you know, it's not
 10 that person's fault because the contract is set-up in
 11 Lansing, so whoever makes that kind of money, it's not
 12 their fault, because the contracts are in Lansing set-up
 13 basically, so all you're doing is bidding on them, or
 14 trying to retrieve them.
 15 Q And what did he say in response to that?
 16 A Oh, nothing.
 17 Q Well, was there another woman contractor at the time he
 18 made the statement that was making significant money
 19 other than BBF?
 20 MR. DITTENBER: Objection, calls for
 21 -- object to foundation.
 22 MR. WILLIAMS: If you know.
 23 THE WITNESS: I don't know. I don't
 24 know if we had -- I don't -- no, we didn't have another
 25 female working out of the office at the time.

1 that it was just one complete statement made to you
 2 during a conversation between the two of you?
 3 A Yes.
 4 Q Did you report that statement to anybody?
 5 A Did I?
 6 Q Yes. Did you tell anybody about the statement?
 7 A Yes.
 8 Q Who did you tell?
 9 A Sharlitta Paris.
 10 Q Who is Sharlitta Paris?
 11 A She was Victor's assistant at the time.
 12 Q Did you tell Love Charles -- I mean did you tell
 13 Cedric Dargin about the statement?
 14 A I think I did. I'm not a hundred percent sure.
 15 Q Did you tell Bellandra Foster about the statement at any
 16 point in time?
 17 A I think I did, yes.
 18 Q When did you tell Miss Foster?
 19 A I'm not sure. I'm not even sure of the year. I don't
 20 even -- I do recall telling her, but I don't know
 21 exactly when.
 22 Q Did you tell her more than once?
 23 A I can't say if I did.
 24 Q What did Miss Paris say when you told her about the
 25 statement?

1 MR. DITTENBER: Objection, calls for
 2 hearsay.
 3 THE WITNESS: I really can't recall.
 4 BY MR. WILLIAMS:
 5 Q Was she surprised?
 6 A Probably not, no.
 7 Q And why not?
 8 A You got to ask her.
 9 Q Were you surprised by the statement?
 10 A Well, maybe a little bit. Maybe a little bit, but don't
 11 nothing surprise me anymore.
 12 Q Me neither.
 13 A No, it really doesn't.
 14 Q Not in America today.
 15 A Right.
 16 Q Did he say no woman, or no black woman? Was there any
 17 other adjectives or adverbs in the statement that you
 18 recall?
 19 A It was just no woman. It doesn't have anything to do
 20 with race I don't think.
 21 Q Why do you think that?
 22 A Because I don't think he's prejudice.
 23 Q What do think he is, sexist?
 24 A Just mean, but I wouldn't testify him as a racist.
 25 Q Did he ever make any other statements like that that you

1 A Right, right. There you go. That's correct.
 2 Q Any other changes?
 3 A No, not that I can recall.
 4 Q Did you hear him make any other complaints about BBF or
 5 Miss Foster while you were working for him as his
 6 administrative assistant?
 7 A No.
 8 Q Did you hear him make any complaints about Mr. Love
 9 Charles?
 10 A Well, let me see, I heard some complaints, but I can't
 11 say that they was actually spoken directly to me. You
 12 know how people talk in the office, so I heard some
 13 complaints, but I can't say that they was actually
 14 talking directly to me.
 15 Q From Mr. Judnic or from others?
 16 A I guess I would say yes and yes, because it would be --
 17 it could have been, yes.
 18 Q Both?
 19 A Yes, both.
 20 Q Did you hear any complaints about Mr. Stewart?
 21 A No.
 22 Q Do you recall the nature of the complaints about
 23 Mr. Charles?
 24 A Lazy, slow.
 25 Q The traditional fare?

1 recall?
 2 A No.
 3 Q Did he ever say any other nationality, or person of any
 4 type should not be making money like that to you?
 5 A No.
 6 Q Did you have any lull in processing payments for
 7 consultants that were working on projects managed by
 8 Mr. Judnic at about the time that he made this
 9 statement?
 10 A Well, the only roles I played was maybe making a copy of
 11 the invoices and mailing them out.
 12 Q Did you, in the course of your continuing work for him
 13 after that, see any decrease in the amount of work or
 14 business that BBF was receiving from the Detroit TSC?
 15 A Say that again. Repeat that.
 16 Q Did you see any change in the amount of business that
 17 BBF was getting from the Detroit TSC after he made this
 18 statement?
 19 A Well, I can only say this: I don't think it was right
 20 after, but I did notice some changes.
 21 Q What were the changes that you noticed?
 22 A I noticed that her people was not -- she was not --
 23 let's see, how can I put this -- I noticed that her
 24 people were not around.
 25 Q As much as they had been before?

1 A Right. You know, I'm trying to be honest as possible,
 2 you know.
 3 Q I know that one.
 4 A That's it.
 5 Q Do you recall complaints, or a complaint that you had,
 6 or a dispute you had with Mr. Judnic involving a
 7 Christmas fund of some type?
 8 A Yes.
 9 Q Where you gave him back \$200.00?
 10 A Yes.
 11 Q Can you tell me what that was about?
 12 A I guess it was just a misunderstanding, because the
 13 secretaries always ran the Christmas and holiday parties
 14 and stuff, so I never had to report to anybody about
 15 what I did and how I did it, but that particular year he
 16 wanted to know everything.
 17 Q Did you ever get a check from BBF for the holiday party?
 18 A Yes.
 19 Q Was that simply them paying for their attendees to come
 20 to the party?
 21 A Yes. Um-hmm.
 22 Q And was it like fifteen dollars a person to attend the
 23 party or something?
 24 A It usually be ten or fifteen dollars, so she usually
 25 didn't spend more than a hundred bucks.

1 Q Were consultants, outside consultants often invited to
 2 your holiday party?
 3 A Yes.
 4 Q So this was just like a party that's held around the
 5 office, like a pot luck?
 6 A Yeah. Well, it was like an office party, but we charged
 7 everybody ten to fifteen dollars to -- you know, to pay
 8 for the party.
 9 Q To pay for the food and --
 10 A Food, and -- you know, not alcohol, but drinks.
 11 Q And pop and --
 12 A Yes, and stuff, um-hmm, so everybody paid the same
 13 price.
 14 Q BBF wasn't the only consultant that attended the party?
 15 A No.
 16 Q Did you ever hear any complaints from Mr. Judnic about
 17 anybody at HNTB being lazy and slow?
 18 A No.
 19 Q Did you ever hear any complaints about anybody at
 20 Fishbeck, Thompson, Carr and Huber being lazy and slow?
 21 A No.
 22 Q Did you ever hear any complaints about anybody at URS by
 23 Mr. Judnic about them being lazy and slow?
 24 A No.
 25 Q Did you ever hear any complaints about anybody at URS

CERTIFICATE OF NOTARY PUBLIC
 STATE OF MICHIGAN)
)
 COUNTY OF OAKLAND)

I, JUDITH HALPRIN, a Notary Public
 within and for the County of Oakland, State of Michigan, do
 hereby certify that the witness whose attached Deposition was
 taken before me in the entitled cause, was sworn to testify
 the truth, the whole truth, and nothing but the truth; that
 the testimony contained in said Deposition was taken by me by
 means of Stenomask; that said testimony was thereafter reduced
 to written form and that the said Deposition is a true and
 correct transcript of the testimony given by said witness.

I do further certify that I am not
 connected by blood or marriage to any of the parties, or their
 attorneys or agents; that I am not an employee of any of them;
 nor am I interested directly or indirectly in the matter in
 controversy either as counsel, agent, attorney or otherwise.

IN WITNESS WHEREOF, I have hereunto
 set my hand and affixed my notarial seal at West Bloomfield,
 County of Oakland, State of Michigan, this 26th day of
 December, 2012.

Judith Halprin, CSMR-3202
 Notary Public, Oakland County,
 Michigan
 My Commission Expires: 12/18/2013

1 making too much money?
 2 A No.
 3 Q Ever hear any complaints about anybody at HNTB making
 4 too much money?
 5 A No.
 6 Q Ever hear any complaints about anybody at Fishbeck
 7 making too much money?
 8 A No.
 9 MR. WILLIAMS: Okay. Thank you,
 10 Miss Caldwell.
 11 THE WITNESS: Is that it for me?
 12 MR. WILLIAMS: Well, he might have
 13 some questions.
 14 MR. DITTENBER: Give us a moment.
 15 THE WITNESS: Okay.
 16 (Whereupon there was an
 17 interruption in the proceedings.)
 18 MR. DITTENBER: I don't have any
 19 questions.
 20 (Whereupon at about 2:20 o'clock, p.m., the
 21 Deposition was concluded.)
 22 * * *
 23
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EXHIBIT 4

661 Love Charles.

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF MICHIGAN
 SOUTHERN DIVISION
 BBF ENGINEERING SERVICES,
 P.C., a Michigan corporation,
 and BELLANDRA FOSTER, an Individual,
 Plaintiffs,
 vs. CASE NO. 11-CV-14853
 THE HONORABLE RICK SNYDER,
 in his capacity as GOVERNOR
 OF THE STATE OF MICHIGAN,
 KIRK T. STEUDLE, in his
 capacity as DIRECTOR OF THE
 MICHIGAN DEPARTMENT OF
 TRANSPORTATION, VICTOR JUDNIC,
 and MARK STEUCHER,

Defendants.

DEPOSITION OF: LOVE CHARLES
 DATE: November 27, 2012
 TIME: 10:01 AM
 LOCATION: Holiday Inn Express & Suites
 35 Bluffton Road
 Bluffton, SC
 TAKEN BY: Counsel for the Defendant
 REPORTED BY: MARIE H. BAUER, Registered
 Professional Reporter, CRR

A. WILLIAM ROBERTS, JR., & ASSOCIATES
 Fast, Accurate & Friendly
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LOVE CHARLES
 being first duly sworn, testified as follows:
 EXAMINATION
 BY MR. DITTENBER:
 Q. Good morning, Mr. Charles.
 A. How you doing?
 Q. I'm well. My name is Mike Dittenber.
 I'm an attorney for the State of Michigan, an
 assistant attorney general, and I'm here today to
 ask you some questions about a lawsuit involving
 BBF Engineering and Bellandra Foster against some
 former and current MDOT employees.
 A. Okay.
 Q. Have you ever had your deposition
 taken before?
 A. I think once before, I think, once or
 twice before.
 Q. And just to go over just a little bit
 of the background, everything you'll say will be
 taken down by the court reporter.
 A. Okay.
 Q. If I ask you a question and you don't
 understand the question, please ask me to repeat
 it or to rephrase it, and I will. If you need a
 break at any time, please let me know.

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 3 Michigan Corporation, and BELLANDRA
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A. No problem.
 Q. And I just ask that you give a yes or
 no answer. The court reporter can't take down if
 you're shaking your head or uh-huh or huh-uh, and
 I will try to do the same, and I'm sure she will
 let us know if either one of us aren't abiding by
 that.
 A. Okay.
 Q. Could you please state your full name
 for the record?
 A. Love Charles.
 Q. And how old are you, Mr. Charles?
 A. 73.
 Q. Are you married?
 A. Yes, I am.
 Q. And how long have you been married?
 A. About 40 years.
 Q. Do you have children?
 A. Yes, I do.
 Q. How many children do you have?
 A. I have three children.
 Q. And how old are they?
 A. One 45, one 33, and one 50 a couple
 days ago.
 Q. What is your current address?

1 A. 16 Talbot Court.
 2 Q. And is that here in Bluffton?
 3 A. That's in Bluffton, South Carolina, or
 4 Okatie, whatever they want to call it.
 5 Q. And is that your full-time address?
 6 A. My full-time address.
 7 Q. How long have you lived in Bluffton?
 8 A. I moved to Bluffton in 19 -- no, I
 9 didn't move. I bought down here in 19 -- had to
 10 be, what's that, '79? No, not '79. It'd have
 11 been 1997 -- '97, '98.
 12 Q. And do you recall when you first
 13 started living down here full time?
 14 A. It been about three years ago, so
 15 that'd have been, what, 2008 or something. I
 16 think Christmas of 2008, I think it was.
 17 Q. And could you just very briefly
 18 describe your educational background for me?
 19 A. Graduated from high school and got
 20 some -- probably got, I'd say, a two-year degree
 21 in college and whatnot, the school -- I went to
 22 school with the State. They sent me to different
 23 varieties of schools and whatnot.
 24 Q. Which high school did you attend?
 25 A. Duquesne High.

1 Q. And did you attend those schools when
 2 you were working for the Michigan Department of
 3 Transportation?
 4 A. I think one -- yes. And there was one
 5 when I graduated from high school that was for --
 6 it was for like mail clerk, you know, type, office
 7 clerk. I attend that class. I went there right
 8 after I graduated from high school or a couple
 9 years after I graduated from high school.
 10 Q. And could you briefly describe your
 11 work experience?
 12 A. I worked in a bowling alley when I was
 13 like 11 years old.
 14 Q. Let's start after high school.
 15 A. Okay. You told me I got to be honest
 16 here, right. Okay. High school, I worked in the
 17 steel mills, Duquesne U.S. Steel, and I worked in
 18 a tube factory, International Tube, a coupling
 19 outfit. Then I moved to Michigan and went to work
 20 for the State.
 21 Q. Do you recall about when you started
 22 working for the State of Michigan?
 23 A. 19 -- would have been 1970.
 24 Q. And how long did you work for the
 25 State of Michigan?

1 Q. Where is that located?
 2 A. Pittsburgh, in the Pittsburgh area.
 3 Q. And do you recall the names of the
 4 colleges you attended?
 5 A. Schoolcraft. Let me see. What were
 6 some of the name of the other schools and whatnot?
 7 I can't remember, it's been so long ago, but
 8 Schoolcraft was one of the ones. I went there
 9 for -- the State had what they call a program
 10 where they send you to further your education and
 11 whatnot, like surveying and school and stuff like
 12 that, so it'd be -- I'd say it'd be a partial
 13 engineering degree.
 14 Q. Did you ever obtain an associates or
 15 similar degree?
 16 A. I'd say it was basically -- it would
 17 be based along those lines, yes, sir.
 18 Q. And that was Schoolcraft in the
 19 Livonia area?
 20 A. Yeah. There was a couple other
 21 schools around the area that -- I think I went to
 22 Wayne State for a couple of -- for a couple of --
 23 for one semester or so, Schoolcraft for one or two
 24 semesters, and a couple other schools around the
 25 area.

1 A. Until I retired.
 2 Q. Do you recall what year that was?
 3 A. What, the year I retired?
 4 Q. Yes.
 5 A. Like I said, I retired in, what, '98,
 6 and then I -- but I came back as a consultant and
 7 worked another ten years.
 8 Q. Did you work for the Michigan
 9 Department of Transportation for the full time you
 10 were employed by the State of Michigan?
 11 A. That's correct.
 12 Q. And what positions did you hold with
 13 the Michigan Department of Transportation?
 14 A. I was -- like I say, I was -- what
 15 they call it when you first start out? A
 16 seasonal, where you did variety types of work,
 17 like inspection, testing, and stuff like that,
 18 inspection work out in the field, doing inspection
 19 work and whatnot, surveying inspection work,
 20 whatever.
 21 Q. And did you hold any other positions
 22 than as an inspector seasonal employee?
 23 A. No. After one year, after one year as
 24 a seasonal, I became a full time. I became the
 25 clerk for the department, office clerk.

1 Q. And how long were you an office clerk
 2 as a full-time position?
 3 A. Probably for three or four years.
 4 Q. And did you have a different position
 5 after you were an office clerk for those three or
 6 four years?
 7 A. I became an inspector and then became
 8 a surveyor. I became the -- what they call it,
 9 the surveyor for the office in various -- you
 10 know, layout work and stuff like that for roads
 11 and bridges and that type of thing. I laid out
 12 the roads. I laid out the -- you know, layout
 13 work as a surveyor, and I did inspection behind
 14 the big -- the companies that was doing the work.
 15 I oversee (sic) their work to make sure it was
 16 being done properly, according to specs and
 17 provisions and whatnot.
 18 Q. And how long did you hold that
 19 position, approximately?
 20 A. Until I retired. No. I became an
 21 office tech. After serving in the field and
 22 learning all that, I became also a DBE tech, which
 23 is -- it's another classification I held. A DBE
 24 tech is one that they created that was to go out
 25 there and help the minorities and the small

1 companies, females and blacks and Hispanics, to
 2 help them, you know, in their share of the work.
 3 Q. And just so we're clear on the record,
 4 when you say DBE, are you referring to
 5 disadvantaged business enterprises?
 6 A. That's right.
 7 Q. Do you recall what year,
 8 approximately, you became the office tech or DBE
 9 tech?
 10 A. I became the office tech probably --
 11 I'd say that had to be -- I'm not sure, but I
 12 would say that probably would have been -- I
 13 became the office tech probably about 19 -- I'd
 14 say '90, '91.
 15 Q. And do you recall which year you
 16 became a DBE tech? Was that the same year?
 17 A. About eighty -- it'd have been about
 18 '85, '84.
 19 Q. Did you hold the office tech and DBE
 20 tech positions until you retired, then?
 21 A. Yes.
 22 Q. And you did retire from MDOT. Is that
 23 correct?
 24 A. That's correct.
 25 Q. Do you recall where you worked as a

1 seasonal employee, which MDOT location?
 2 A. I started out I think it was probably
 3 down in -- it was down -- who would that have
 4 been? It was a guy name of Carey I think I
 5 started working for. He might have been out of
 6 Plymouth or one of those offices down line there
 7 somewhere. I don't know. I'm not sure.
 8 Q. Do you recall where you -- what MDOT
 9 location you served as an office clerk at?
 10 A. Yes. That would have been off of
 11 Hagerty Road. We was doing 275. I was a clerk in
 12 the office over there for Dale Morris.
 13 Q. Dale Morris, you said?
 14 A. Dale Morris, project engineer.
 15 Q. Would he have been your direct
 16 supervisor?
 17 A. Yes, he would have.
 18 Q. Do you recall what MDOT location you
 19 served as an inspector/surveyor at?
 20 A. Same office.
 21 Q. Was Mr. Morris still your direct
 22 supervisor during that time?
 23 A. That's correct.
 24 Q. And what about when you became an
 25 office technician? Do you recall what location

1 you were at?
 2 A. I was working for Cedric Dargin. I
 3 was on 8 Mile, and I'd said it would have been the
 4 Detroit area. It was up in 8 Mile and whatever
 5 that road is right in there. I came there.
 6 But I was working out of the Detroit
 7 office or whatnot. We was reporting to the
 8 Detroit office. Me and another office had a -- we
 9 had a situation where we worked out of the same
 10 office as tech. They had a tech there, an
 11 office -- I mean, what you call it, office tech,
 12 and I was also an office tech there. We went down
 13 there once a week and served to do our office
 14 teching there.
 15 Q. And you said Cedric Dargin was your
 16 supervisor as an office technician?
 17 A. That's correct.
 18 Q. At any time when you worked for MDOT,
 19 did you supervise other MDOT employees?
 20 A. Yes, train and supervise.
 21 Q. In which one of your positions would
 22 you have trained and supervised other MDOT
 23 employees?
 24 A. I was -- as a surveyor, you had a
 25 crew. You was given seasonals or whatever to go

1 out in the field, you know, to help you lay out
2 the bridges and the road. I had to oversee and
3 supervise them.

4 Q. Do you recall how big your crew was?

5 A. Usually, you had a four-man crew,
6 three to four.

7 Q. After you retired from the Michigan
8 Department of Transportation, did you work
9 anywhere else?

10 A. Well, if you -- well, I worked for
11 Bellandra Foster, BBF Engineering, who was a
12 consultant to the department, so I was still
13 working for the department, basically.

14 Q. Would you consider yourself an
15 employee of BBF Engineering during those years?

16 A. I was not an employee. I was -- I had
17 my own company.

18 Q. And what was your company?

19 A. LC Consulting, L, period, C, period,
20 Consulting, Incorporated.

21 Q. And what is the business of LP (sic)
22 Consulting, Inc.?

23 A. It was consulting. I consulted, I
24 guess, at -- she hired me to work for the State of
25 Michigan in a capacity of office tech and DBE

1 State. Love, you're going to fill in the -- she
2 hired my company, which I'm the president of LC
3 Consulting, to fill the spot of DBE, which I'd
4 been doing, you know, for the last 20-or-so years,
5 and also office teching, which I'd been doing for
6 the last 20 years or so -- 15, 20 years. So
7 that's what she hired me for.

8 She had other people that she hired
9 for other things, inspection. I was also -- could
10 go out in the field and work as an inspector or a
11 surveyor because I had all the -- I had all the
12 qualifications for all of that.

13 Q. Was LC Consulting ever prequalified
14 with the State of Michigan?

15 A. What do you mean, prequalified? No,
16 no. I was not that type. This was a special
17 service that they -- that they created because
18 they let too many people go in the early years, in
19 1997, '98. This was not a prequalified or -- this
20 was not -- this was not major contract work. That
21 was only for -- I think Bellandra is only
22 qualified -- see, you have to be licensed for
23 that. I was not licensed.

24 Q. Did LC Consulting have any employees
25 other than yourself?

1 work.

2 Q. When you said she, are you referring
3 to Bellandra Foster?

4 A. She hired me. She hired my company.

5 Q. Was there a contract between LP
6 Consulting and --

7 A. LC, LC, not LP, LC.

8 MR. WILLIAMS: Love Charles
9 Consulting.

10 THE WITNESS: LC.

11 BY MR. DITTENBER:

12 Q. That makes sense.

13 Was there a contract between LC
14 Consulting and BBF Engineering?

15 A. Yes, yes.

16 Q. And was that contract for a specific
17 time period?

18 A. Basically, whenever she -- there was
19 work, she consulted me to go out and do the work.
20 See, the State hired her, and, I mean -- you know,
21 they hired her, and she, in turn, hired me. She
22 had the same position she had to fill through the
23 state.

24 In other words, the State said: Okay,
25 we want -- we need some positions filled for the

1 A. No.

2 Q. Do you recall what year LC Consulting,
3 Incorporated became incorporated?

4 A. '97, '98, the same year I retired.

5 Q. Is LC Consulting, Incorporated still
6 an active corporation in the state of Michigan?

7 A. Yes, still licensed. I still pay my
8 fee every year, my \$25 fee, whatever, yes.

9 Q. Has LC Consulting done -- entered into
10 any contracts with any company other than BBF
11 Engineering?

12 A. I went into one with the State of
13 Michigan a couple years ago.

14 Q. Was that with the Michigan Department
15 of Transportation?

16 A. Yes, it was. Office of Disadvantaged
17 hired me to assist on the Southfield Expressway
18 when they was doing that work. They hired me to
19 assist the major companies and the majority -- I
20 mean the minority -- companies to come together to
21 work together as a team to work down on the
22 Southfield Expressway.

23 Q. Were you hired through the Detroit TSC
24 for that work?

25 A. No.

1 Q. Do you recall --
 2 A. I was hired out of Lansing through the
 3 DBE program, the office of whatever, the EEO.
 4 Q. Do you recall any specific MDOT
 5 employees that you negotiated the contract with or
 6 discussed the contract with?
 7 A. It was with the people who run the
 8 Office of EEO.
 9 Q. Do you recall any names?
 10 A. Well, the people that work up there
 11 would be Patricia Collins and Ann Williams. And
 12 who was overseeing the program at the time? The
 13 guy with the office of finances, what's his name?
 14 I forget his name now, but that was -- you know, I
 15 forget what his name is.
 16 Q. Are you currently performing work
 17 under your contract with the State of Michigan?
 18 A. No.
 19 Q. When did that work end?
 20 A. I worked for about six months or so,
 21 and I think about the time a lot of this stuff
 22 here started coming up, and I guess maybe they
 23 thought it wouldn't be to their advantage to keep
 24 me on.
 25 Q. Is your company currently performing

1 So I assisted not only the DBE
 2 companies, but the majority companies too, Dan's
 3 Excavating and all. They call for my help on
 4 any -- hey, I got a problem. This guy's having a
 5 problem, this company, keeping up with the
 6 payrolls, keeping up with the crew, you know.
 7 Because they were small. The small
 8 companies have a good time keeping up with the big
 9 companies, so that's why I kind of -- I came in to
 10 kind of smooth -- you know, help smooth out the
 11 ruffles and whatnot.
 12 Q. At any time would you have considered
 13 yourself an employee of BBF Engineering?
 14 A. No, unless you call my working for her
 15 as a consultant. She was in control. I mean, she
 16 had -- she paid me through my company, if that's
 17 what you mean. Is that considered an employee?
 18 Q. Were any payments made to the name of
 19 your company or to you personally?
 20 A. Well, they came through the company,
 21 because I was -- I was the president and also
 22 whatever you want to call it -- I was the
 23 president, CEO. I was everybody.
 24 Q. You were everything?
 25 A. I was everybody, yeah.

1 any work for BBF Engineering?
 2 A. No.
 3 Q. Do you recall the last work that your
 4 company performed for BBF?
 5 A. I think that would have been in 2008,
 6 beginning of 2009, somewhere in there. I do have
 7 occasion for -- a lot of the companies up there do
 8 call me and ask for my help. They still call me,
 9 because that's a name that I had. They used to
 10 call me all the time for help and whatnot.
 11 Q. But aside from the State of Michigan
 12 and BBF Engineering, you haven't entered any --
 13 your company hasn't entered any contracts?
 14 A. No, no contracts, no, no.
 15 Q. Just phone calls or --
 16 A. No, just bother me, hey, can you help
 17 me, I need help, you know, that type of thing.
 18 Q. What services did your company offer?
 19 A. Consulting in dealing -- you know, how
 20 to read plans and proposals and prepare paperwork
 21 for the State of Michigan and whatnot, how to
 22 enter into -- you know, a lot of the companies,
 23 DBE companies, had problems with dealing with the
 24 paperwork and getting the payrolls in and
 25 different things like that.

1 Q. Did BBF ever offer you any sort of
 2 healthcare or other benefits?
 3 A. Not me. I guess I informed her that
 4 maybe that's what she should start doing with her
 5 company, because she did have some people that she
 6 had that worked for her that was employees of BBF,
 7 and I told her that would be to her advantage to
 8 offer that care to those if she wanted to keep
 9 them.
 10 Q. Do you recall when you first met
 11 Ms. Foster?
 12 A. She worked for the State somewhere
 13 in the -- probably would have been in the early
 14 '80s. She came and worked over the district
 15 offices as an engineer over there.
 16 Q. Did you work directly with Ms. Foster
 17 when she was working for MDOT?
 18 A. No, no, but there was, you know --
 19 Department of Transportation, you know, right
 20 there in that immediate area, all offices worked
 21 with the central office, so we was in and out of
 22 the office. You know, me being a clerk, you go in
 23 the office and you would get to meet people. New
 24 people come in, you get to meet them.
 25 Q. When did you first discuss the

1 possibility of contracting with BBF Engineering
 2 with Ms. Foster? Do you recall?
 3 A. I think it would have been early in
 4 '98, March, somewhere around there.
 5 Q. During the times you contracted with
 6 BBF, did you have a specific contact person who
 7 you communicated through with BBF?
 8 A. What do you mean?
 9 Q. I mean, if you had to communicate
 10 something to BBF, which one of BBF's employees
 11 would you speak to?
 12 A. I would talk to BBF. Remember, I was
 13 a DBE rep, so I spoke -- I'd talk to the people
 14 who owned the companies, you know. I actually
 15 went into their offices, talked to them, and
 16 helped them and assisted them in every which way I
 17 could.
 18 Q. Let me try asking that a little bit
 19 differently. During the times where you were
 20 under a contract with BBF Engineering, would
 21 Ms. Foster be your main contact with BBF
 22 Engineering? Would you talk directly to her?
 23 A. I was working for the State of
 24 Michigan. She assigned me to work for the State
 25 of Michigan, so I was working for the State of

1 Mr. Steucher?
 2 A. Probably when he first came in the
 3 department.
 4 Q. Do you recall about when that may have
 5 been?
 6 A. I would say Mark probably came in the
 7 department somewhere in the '80s.
 8 Q. Did you ever work directly with
 9 Mr. Steucher?
 10 A. Maybe in DBE matters and whatnot,
 11 because I did work -- as working for Victor as his
 12 office tech, but as a DBE tech, I correlated with
 13 all the engineers in the district and some outside
 14 of the district. When there was a DBE matter that
 15 need to be resolved, I was either called by the
 16 DBE or the resident engineer.
 17 Q. What about while you were still
 18 working as an MDOT employee, did you work with
 19 Mr. Steucher?
 20 A. No, no.
 21 Q. And when you were a consultant, you
 22 may have contacted Mr. Steucher through the DBE
 23 program?
 24 A. Uh-huh.
 25 Q. Did Mr. Steucher ever serve as a

1 Michigan through her, so my direct contact would
 2 be project engineer or resident engineer or TSC
 3 manager.
 4 Q. Do you recall which project engineers
 5 or managers you worked with then?
 6 A. I worked for Victor Judnic. I worked
 7 for -- the TSC manager would have been -- she was
 8 the main overseer of all of us, but she was
 9 Victor's boss.
 10 Q. Rita Screws?
 11 A. Rita Screws. And there was two other
 12 engineers in there, Jason Voigt. Not Jason --
 13 yeah, Jason Voigt.
 14 Q. Jason Voigt?
 15 A. And one other engineer was in there.
 16 They were not my direct contact. We had three
 17 different engineers in there. Victor had his
 18 office, Jason Voigt had his office, and they all
 19 had their office. They all had -- supposedly,
 20 they're all an engineer office tech. I was Victor
 21 Judnic's office tech.
 22 Q. Do you know a former MDOT employee
 23 named Mark Steucher?
 24 A. Yes.
 25 Q. And how long have you known

1 project manager on a project you were working on?
 2 A. Not that I know of, that I could
 3 recall. Sometimes we was on loan to a different
 4 office for a week or two, or something like that,
 5 but I don't ever remember working for Mark
 6 Steucher.
 7 Q. Do you recall the last time you spoke
 8 with Mr. Steucher?
 9 A. It might have been at a construction
 10 meeting or something. We had meetings two or
 11 three times a year for the whole district, call
 12 everybody in for a meeting. I might have said hi,
 13 spoke to him. We were all right. We was okay. I
 14 had no problem with him.
 15 Q. And you mentioned Jason Voigt. Do you
 16 recall when you met Mr. Voigt?
 17 A. He came to work at the TSC office
 18 there as a third engineer, and I met him there,
 19 and that would have been -- that would have been
 20 probably the late '80s or so, something like that,
 21 early '90s. It might not have been then, because
 22 I don't think that TSC office was probably opened
 23 up 'til the early '90s or so, something like that,
 24 the TSC office opened up there.
 25 Q. Did you ever work directly with

1 Mr. Voigt when you were an MDOT employee?

2 A. Jason Voigt? Not directly with his
3 office, no. He was never -- he would have never
4 been considered one of my direct contacts, no.

5 Q. Did you work with Mr. Voigt as a
6 consultant?

7 A. Yes.

8 Q. And what were your responsibilities?

9 A. DBE tech. He had -- he was overseeing
10 projects that he had different DBE people working
11 on in contracts or whatnot, and I'd be called out
12 for different matters or whatever.

13 Q. And what types of activities did you
14 do as a DBE tech?

15 A. I basically went out there -- when
16 they had set-aside programs, I would actually go
17 out and almost hold a contractor's hand in reading
18 the plans, what this meant, what that meant, you
19 know, even helped him lay out some work if it had
20 to be laid out, lay out the curb, lay out
21 whatever. That was part of our job.

22 There was me and one other guy in the
23 Detroit area that had -- we had our own individual
24 office. This was before I -- when I was -- when I
25 was a DBE tech, I had my own office. I didn't

1 work under nobody; I worked under the district
2 office. District engineers said, you know -- they
3 say: Here's your office. You guys got some
4 problems, you handle it.

5 And we said we would allow -- we're
6 under no really direct engineer, then, because we
7 went up against engineers. If I felt they was
8 mistreating one of the DBE contractors, I let them
9 know: Hey, we need to do something with this
10 contractor. You know, I worked with them to try
11 to -- like I said, to keep things, you know,
12 smooth and whatnot.

13 Q. And do you recall approximately the
14 years where Mr. Voigt would have been a project
15 manager or engineer that you were working under
16 him as a consultant?

17 A. All the years he was there, him and
18 Jason. Or Mark Steucher, rather. Jason and Mark
19 Steucher, from the time they came in, I was
20 already there, so -- and I was a DBE tech at that
21 time.

22 Q. Do you recall the last time you spoke
23 with Mr. Voigt?

24 A. I went down to Vegas one year. He had
25 moved to Vegas. He had got a job down in Vegas,

1 and I called him to let him know I was in town and
2 tried to meet him, I was going to have lunch or
3 something together, but he didn't show up. He
4 stood me up. He said he couldn't make it, he
5 said. You know, me and the family and everybody
6 was down there, you know, and I thought I'd give
7 him a call, you know, so --

8 Q. And do you recall when you met Victor
9 Judnic?

10 A. When Judnic hired into the department,
11 I met him. He took Cedric Dargin's place. I was
12 working with Cedric at the time.

13 Q. Did you work with Mr. Judnic while you
14 were an MDOT employee?

15 A. Yes, I worked for him. He was my
16 boss. He was my supervisor, my immediate
17 supervisor.

18 Q. And has Mr. Judnic served as a project
19 engineer or project manager while you've been a
20 consultant?

21 A. All the time he's been there, 'til the
22 time I retired.

23 Q. And what were your responsibilities
24 when working under Mr. Judnic?

25 A. I was the office tech.

1 Q. And what responsibilities --

2 A. And the DBE -- and the DBE tech.

3 Q. What responsibilities does an office
4 technician involve?

5 A. Well, keeping the files up to date,
6 making sure that they're following compliance,
7 everything's -- when you -- office tech job is to
8 make sure that the files and everything is in
9 compliance with state rules and federal rules and
10 regs and whatnot.

11 And in order for a guy to be -- to
12 become certified officially as a project engineer
13 or resident engineer, he had to be certified, and
14 he got certified basically through his
15 recordkeeping, and so his recordkeeping --

16 You would come down as an attorney for
17 the State of Michigan, and you would go over the
18 records that I have kept for the last -- you know,
19 and look at his records, and if his records is up
20 to standard what he's supposed to do, then they
21 certify him to become a resident engineer. If you
22 don't, you don't become a resident engineer.

23 Q. Do you recall what year Mr. Judnic was
24 certified as a resident engineer?

25 A. Probably about two years after he --

1 after he hired in. I was his office tech.

2 Q. In your role as a DBE technician, did
3 you attend meetings?

4 A. Yes.

5 Q. Did Mr. Judnic ever prevent you from
6 attending meetings?

7 A. He kind of told me that I didn't need
8 to attend the meetings because him and his
9 assistant could handle whatever need to be done in
10 that office -- I mean at that meeting at that
11 time.

12 Q. Did Mr. Voigt ever prevent you from
13 attending meetings?

14 A. It was not his job. They couldn't --
15 he couldn't refuse. In other words, if he had a
16 meeting with the City of Plymouth or whatever as a
17 resident engineer or whatever, my job was to go
18 down into the city. They set up meetings. My job
19 was to sit in, because they had -- they invited
20 the DBE contractors, they invited the major
21 contractors, and I sat in, like the resident
22 engineers and the rest of the people sat in on
23 the -- if they're DBE contractors or had
24 anything -- questions for me or a major question
25 need to be answered they didn't understand, that I

1 was there to help them in that -- that was my --
2 that was part of my job.

3 Q. As part of your position as a DBE
4 technician, did you have times where you would
5 leave the office to meet with DBE companies?

6 A. Yes, sir.

7 Q. Did Mr. Judnic ever prevent you from
8 doing that?

9 A. No and yeah I guess is my -- would be
10 my answer to that. His assistant -- with him
11 telling me I didn't need to attend meetings and
12 whatnot, to me, that was part of my duties, and
13 there's -- I do have --

14 When they gave us an office, the idea
15 of that office and getting us away from engineers
16 is because there was other offices and whatnot
17 throughout the state that had DBE techs. I would
18 get calls from those offices at the other -- from
19 those other offices and whatnot from contractors,
20 DBE contractors, saying: Hey, can you come up
21 here and help me? I said: You got a DBE tech?
22 They said: But no. We don't get the help that we
23 get from you. And I said: Why is that? He said,
24 well --

25 And I'll tell you the reason why I

1 think it was, because they was under the influence
2 of their direct -- you're working for the
3 engineer, and you're going out to go against the
4 engineer when a DBE tech say: Hey, I got a
5 problem with this engineer.

6 So how effective could I be in my job
7 if you're my boss and I'm going out there to get
8 some information that a DBE tech's going to tell
9 me that: Hey, this guy I think is discriminating
10 against me, or he's not treating me fair.

11 So they set us out -- the City of
12 Detroit -- I mean, the office that me and Larry
13 Douglas was in, we was like a specialized office.
14 We didn't take no -- from none of the engineers
15 that we went out to go up against or whatever,
16 they were not our immediate supervisor. That was
17 taken away from them. We had a district
18 supervisor.

19 So if I went to your office, and
20 you're Jason Voigt or whatever, and me and you got
21 into it verbally about how you was treating
22 somebody or whatnot, I was not afraid of you,
23 because you was not my immediate supervisor. But
24 if you was my immediate supervisor, would I be
25 afraid of you? How would I go up against you? In

1 what way? Would that affect my duties? That's a
2 question to ask you, huh?

3 Q. I'm only asking about the times where
4 you were a subconsultant to BBF Engineering under
5 LC Consulting.

6 A. But the question's what?

7 Q. During those times when Mr. Judnic was
8 serving as the project manager or project
9 engineer, were there times where you would leave
10 the office to --

11 A. Oh, they start telling me I didn't
12 need to go out, or, you know, they don't want me
13 to go out in the field and whatnot and whatnot.
14 And that's one of the reasons I retired when I
15 did. They were starting to take away from my
16 duties and whatnot, and it was going to affect the
17 way I operated, the way that I took care of my
18 job, and I wasn't going to go out with my hands
19 tied.

20 Q. Did Mr. Judnic ever ask that you
21 notify him before you left the office to go out in
22 the field?

23 A. There was always -- not the idea that
24 you notified him, you know. He, towards the end,
25 I think, just wanted to know everywhere --

1 everything I did, everywhere I went. That's the
2 only way I can answer that.

3 I think I was -- you know, I don't
4 know how I was being -- how they were affecting
5 what I did, but I had been working that way all my
6 life, all while I was working as a DBE tech. I'd
7 go out in the field. If they was around, I would
8 say: Hey, I'm getting ready to go out. But most
9 of the time, engineers are not around.

10 If they're not there for -- if you're
11 not there, how could I contact you, say: Hey, I'm
12 getting ready to go in the -- or if I have to ask
13 your permission to go out in the field, then once
14 again, how effective can I be? If someone say:
15 Hey, man, I need you out here now, can you please
16 come out, and I got to find you, I got to run you
17 down, how effective can I be?

18 Q. Did Mr. Voigt ever ask that you notify
19 him before you went out in the field?

20 A. It wouldn't have been his job. Victor
21 became a senior resident engineer. He was like
22 over Jason, and he was like over -- I forget the
23 other guy's name on the other side of the fence.
24 You got his name. What's his name?

25 MR. WILLIAMS: I think he's talking

1 to watch me, she was my watchdog over me, or what.
2 I don't know.

3 Q. Did you and Ms. Foster ever discuss
4 Mr. Judnic?

5 A. I don't know. What do you mean
6 discuss him?

7 Q. Discuss any of the --

8 A. Well, I'll put it to you like this:

9 There came a time when I know they was having a
10 conflict between the two of them, and they was
11 trying to put me in the middle.

12 Q. A conflict between Ms. Foster and
13 Mr. Judnic?

14 A. I think -- yes. That's what I would
15 call it.

16 Q. And did you have any understanding at
17 the time what the cause of that conflict was?

18 A. Well, it became like a rivalry between
19 them. You know, it was like he didn't think that
20 maybe a woman should have been serving in the
21 capacity she was and whatnot. Didn't seem like --
22 you know, I mean, Judnic was all right with me, I
23 had no problem with him, but I think that was just
24 his way.

25 Q. Did he ever make any comments to you

1 about Steve Griffith.

2 THE WITNESS: Who?

3 MR. WILLIAMS: Steve Griffith. Is
4 that who you're talking about?

5 THE WITNESS: Well, Steve Griffith was
6 Jason's assistant, but there was three engineers
7 there, Victor, and they made Victor the -- they
8 were like the -- resident engineer. He was over
9 the other two engineers.

10 BY MR. DITTENBER:

11 Q. I can't recall the other one's name
12 right off the top of my head either.

13 A. Right, right.

14 Q. Did you know Sharleta Paris?

15 A. Yes.

16 Q. And who is Ms. Paris?

17 A. She was Victor's assistant.

18 Q. Did she ever ask that you notify her
19 before you went to the field?

20 A. Yes. Well, I think at one time me and
21 her got into it. She was saying: Well, you
22 shouldn't be going out, or you this or something,
23 you know. And I told her: Hey, that's my job. I
24 got to do my job, you know. You got to let me do
25 my job. You know, I don't know if she was there

1 regarding Ms. Foster's gender?

2 A. Well, I ain't going to say he made --
3 it's just his action, the way -- you know, he
4 asked me to say -- he kind of really wanted me to
5 step in between them, and I wasn't going to get in
6 that, I wasn't going to get in that, because I
7 could see it coming, you know, because Bellandra
8 would say: Why is Judnic doing this? And I
9 would -- I didn't understand, so I knew I was
10 right in the middle of it.

11 She would win a contract, and the way
12 the contracts are set up to get awarded through
13 the department -- for all these people we're
14 talking about, I was there the longest. Cedric
15 Dargin might have been about the only one there
16 longer than me.

17 The way the contracts was set up was
18 based on the knowledge of your personnel. When
19 the department let all those people go, and I
20 start seeing the people forming companies, and I
21 called Bellandra and told her, I said: Look,
22 there's going to be a shortage of manpower here
23 around in the department. You need to think about
24 forming yourself a company.

25 She already had a company working for

1 the State, billboard-type companies, doing fairly
2 good. She was -- I think she was -- wasn't making
3 no major money, but she was making enough money to
4 survive and whatnot. I said: They letting all
5 these people go. You need to form yourself a
6 company and hire you some of these state employees
7 that they're probably going to bring back. And I
8 sat down with her and talked to her about it, and
9 that's what she did.

10 Because as a DBE contractor, and
11 that's what she was, but on a smaller -- I advised
12 her that she needed to probably form herself a
13 company, and she did. And in forming the company
14 or whatnot, she hired me, a consultant, and a
15 couple other people that was consultants that was
16 being let go by the State of Michigan, that was
17 retiring.

18 And that's how BBF got started doing
19 construction inspection-type work. I advised her
20 I thought it'd be a good idea for her to do that.

21 Q. Did you assist her in becoming
22 prequalified with MDOT as a consultant?

23 A. Probably. That was part of my job.

24 Q. Did you assist her in becoming DBE
25 certified?

1 review that document and let me know when you've
2 had time to review it.

3 A. Okay. Front page is enough for me.

4 Q. Does Exhibit 1 help refresh your
5 recollection of a meeting that occurred on or
6 about July 18th of 2008?

7 A. You mean the first one up at the top
8 there, the list, provide a list or whatnot?

9 Q. Yes.

10 A. Oh, yeah.

11 Q. Do you recall receiving a list of
12 issues at that July 18th, 2008, meeting?

13 A. I recall --

14 MR. WILLIAMS: Objection, assumes
15 facts not in evidence, but go ahead.

16 THE WITNESS: There was a piece of
17 yellow dog or something that had some different
18 little items written on it.

19 MR. WILLIAMS: Yellow dog, I think
20 they don't know what you mean by yellow dog.

21 THE WITNESS: Oh, okay. A piece of
22 paper with some -- and pencil written down saying
23 that stuff is missing out of the files and
24 different things like that.

25 MR. WILLIAMS: You're too old-school

1 A. Probably. That was part of my job.
2 It all depends what you mean by help her. What do
3 you mean, assist her? How to do it? That was a
4 part of my job to tell the DBE contractor you need
5 to get prequalified to do work -- not
6 prequalified -- well, yeah, she was prequalified.
7 You need to get prequalified, you need to get
8 certified, you need to get your paperwork in.
9 Yes, that was part of my job.

10 Q. Do you recall attending a meeting on
11 or around July 18th, 2008, that involved
12 Mr. Judnic, Mr. Voigt, Ms. Foster, and yourself,
13 among others?

14 A. I attended a lot of meetings. What do
15 you mean?

16 Q. I've got an exhibit here that might --

17 A. I was attending meetings all the time.
18 I mean, that was part of my job.

19 MR. DITTENBER: Mark this as
20 Exhibit 1.

21 (CHARLES EXH. 1, 7/18/08 BBF
22 Engineering Services, PC and MDOT Detroit TSC
23 Meeting Minutes, was marked for identification.)

24 BY MR. DITTENBER:

25 Q. You can just take a few moments to

1 now.

2 THE WITNESS: Oh, okay. I'm sorry.
3 I'm sorry. Go ahead.

4 BY MR. DITTENBER:

5 Q. Do you recall who prepared that list?

6 A. I think it was Deanna.

7 Q. And you're referring to Deanna
8 Papanek?

9 A. Is she my friend? What did you say?
10 Was she what, now?

11 Q. Are you referring to Deanna Papanek?

12 A. Yeah. I guess that's her -- yeah,
13 yeah, yeah, yes, sir.

14 Q. And who was she?

15 A. I think she was the one that they was
16 getting ready to try to replace me with.

17 Q. Was she an MDOT employee?

18 A. She was just hired in I guess about
19 six months earlier or so, something like that.

20 Q. Did you discuss that list at the
21 July 18th meeting?

22 A. Yes, we did.

23 Q. And what was the nature of the
24 discussion, if you recall?

25 A. There was an accusation made that

1 there was deficiencies in the files and whatnot,
 2 and I was not keeping the files up to date and all
 3 that stuff like that.
 4 Q. Did you discuss the list with
 5 Ms. Foster after the meeting?
 6 A. We discussed it during the meeting,
 7 and then I was excused from the meeting while -- I
 8 was called outside the meeting because I know -- I
 9 used to teach the field manager. I used to teach
 10 the office manager. You know, I taught the class
 11 to my DBE consultants and students and whatnot, so
 12 I know -- I know they call for certain things to
 13 be in the files at certain times, okay.
 14 While they were in there, after I got
 15 put out of the meeting, some of the stuff they
 16 said was missing, I went back, got it, and brought
 17 it and gave it to Ms. Foster.
 18 Q. Do you recall who dismissed you from
 19 the meeting?
 20 A. Well, that's what they usually do
 21 once -- okay. If they got an engineer in there or
 22 a DBE contractor, if they -- as a consultant, as a
 23 DBE, I would have my input, and then they would
 24 excuse me from the meeting, you know. I was
 25 excused from the meeting.

1 materials?
 2 A. Like what do you mean, take any
 3 additional action? Beat somebody up? Break some
 4 knuckles?
 5 Q. Did she say anything else was needed,
 6 any --
 7 A. No. Wasn't nothing wrong with the
 8 files.
 9 Q. Do you recall the date you retired?
 10 A. I think it'd have been about the 22nd
 11 or the 23rd of 2008 in December.
 12 Q. Do you recall when you first notified
 13 Ms. Foster that you were intending to retire?
 14 A. I had no intention of retiring.
 15 Q. Had you decided, prior to December of
 16 2008, that you were going to retire?
 17 A. I knew it was time to go because they
 18 was trying to get rid of me. There wasn't any
 19 need in me staying around there letting myself --
 20 you know, my reputation go to hell because
 21 somebody -- I was being -- you know, they took my
 22 position basically away from me, you know.
 23 They stated in here, from what I just
 24 read, that I paid somebody some money in the fall
 25 that I shouldn't have paid, you know. I'm the

1 Q. And what actions did you take after
 2 the meeting in regard to the list?
 3 A. That's like I said. I went back, and
 4 I went in the files and found the stuff that they
 5 were talking about.
 6 Q. Did you discuss that with Ms. Foster
 7 afterwards?
 8 A. I gave the list to her. When I come
 9 back, I gave the list to her and told her: Here.
 10 Here's some of the stuff they say was missing. I
 11 think they had some discussion about the list
 12 after that. I was not in there.
 13 Q. After you gave the materials to
 14 Ms. Foster, did you hear anything additional about
 15 the list, if you recall?
 16 A. I think down the road, somewhere down
 17 the road, there might have been some issues
 18 over -- I think Bellandra might have asked them to
 19 put in writing whatever was all missing in the
 20 files or whatnot, or something like that, and, you
 21 know, I guess if there was something missing, we
 22 need to correct it. She was going to try to work
 23 towards my getting it corrected, whatnot.
 24 Q. Did Ms. Foster ever ask you to take
 25 any additional actions after you gave her the

1 one -- I should be suing you guys, really, for
 2 what you guys did to me.
 3 Q. Had you had discussions with
 4 Ms. Foster, prior to December of 2008, regarding
 5 your potential retirement?
 6 A. Well, yeah. You know I ain't going to
 7 just walk away. I'm going to tell somebody I'm
 8 getting ready to go.
 9 Q. Do you recall when you first told
 10 somebody that you were going to be retiring?
 11 A. No, no, I don't, no, because I hadn't
 12 set nothing in stone. I had retired from the
 13 State. I could have worked as a consultant until
 14 I was 100 years old.
 15 Q. Did you discuss your potential
 16 retirement with Mr. Judnic at any time?
 17 A. No, sir.
 18 Q. Do you recall if you had begun to
 19 discuss retirement prior to the July 18th, 2008,
 20 meeting?
 21 A. Say that again, now.
 22 Q. Do you recall if you had started to
 23 discuss retirement prior to the July --
 24 MR. WILLIAMS: Objection to the form
 25 of the question.

1 If you understand what he's talking
2 about, sir.

3 THE WITNESS: Well, I had no plans to
4 retire. I was forced out, basically, is all I got
5 to say about that.

6 Like I say, the system was set up
7 based on points. You understand what I mean by
8 that? And I would have been one of Bellandra's
9 key people, and when they gave our contracts to
10 people to work, it was based on the points that
11 you had, the point system.

12 My point -- me probably was the
13 highest paid guy that worked for Bellandra, and
14 that reason was my office teching experience, my
15 DBE teching experience, my surveying experience,
16 and my inspection experience. Most of the guys,
17 when they came back to work for the State, had one
18 or two; they had surveying and inspection. I had
19 additional. I had DBE, and I had office teching
20 and clerking.

21 So my point -- the point system, the
22 way it was set up, was based on the people that
23 you had working for you. So you was allowed so
24 many points for whatever that person experience --
25 based on that person's experience that you had

1 basically had that field manager training, you
2 know, and she wanted to bring one of the people
3 that worked for her, not a consultant. She wanted
4 to train -- this LaKeisha was one of her persons
5 actually worked for Bellandra. She wanted to
6 bring her in to train her. Victor wouldn't let
7 her.

8 You don't learn how to -- office
9 teching in no month or two. That girl, what's her
10 name, Deborah or whatever it was in that meeting
11 with her, she only had about six months or a year
12 or so. They didn't -- they didn't do nothing
13 about -- that office teching they had was read in
14 the books and whatnot. It was not on-the-job type
15 of training that you need.

16 BY MR. DITTENBER:

17 Q. When you were working for LC
18 Consulting --

19 A. I am LC Consulting.

20 Q. -- did you ever attend an office
21 technician training course?

22 A. Yes.

23 Q. Do you recall when you attended that?

24 A. About a year or two before I retired,
25 they told me if I didn't take it, they was going

1 working for you.

2 BY MR. DITTENBER:

3 Q. Could you turn to Page 2 of Exhibit 1?
4 And could you look at the third bullet point from
5 the bottom?

6 A. Yeah, I see it.

7 Q. And do you see where it starts:
8 Bellandra recommended allowing Love time to
9 resolve the issues listed on the document provided
10 by MDOT. She proposed that Ray Stewart be phased
11 in when Love retires.

12 A. Yeah, when I retire.

13 Q. Does that document help refresh your
14 recollection of when you may have discussed
15 retirement with Ms. Foster?

16 MR. WILLIAMS: You never asked that
17 question, but go ahead.

18 THE WITNESS: I said when I retire. I
19 had no plans on retiring. She wanted to bring
20 somebody in and started training somebody because
21 she figured that I guess eventually I would
22 retire. She wanted to have somebody trained in my
23 experience so she could keep that work, that type
24 of work.

25 I was the only one that had that --

1 to phase me out. That's why I say they was trying
2 to phase me out.

3 MR. WILLIAMS: You keep saying they,
4 sir. Who are they?

5 THE WITNESS: Judnic and his team.

6 BY MR. DITTENBER:

7 Q. Do you recall who requested that you
8 take the training course?

9 A. Bellandra said I -- that they was
10 making me take it, along with another fellow
11 employee, Ray Stewart, who had some -- he was an
12 office tech. He had had that work.

13 Q. Do you recall if you attended a field
14 manager training course?

15 A. A field manager training course. I
16 don't know if they even give one. Field manager
17 was office teching. All it is is it's the
18 computer from there, you know.

19 Q. Do you recall a separate course for
20 the computer-specific portion?

21 A. No, no, no, I don't.

22 Q. Since you've retired, do you still
23 communicate with Ms. Foster?

24 A. Several years ago, she used to call.
25 I'd talk to her -- some of the people up there

1 that worked for the State, everybody up there.
 2 Hey, my name is Love. They all love me.
 3 MR. WILLIAMS: That sounds like a line
 4 you can use.

5 THE WITNESS: No. I got -- there's
 6 people that I worked with. I worked in the
 7 offices with them people for years. Yeah, they
 8 all know me up there.

9 BY MR. DITTENBER:

10 Q. Do you recall the last time you've
 11 spoken with Ms. Foster?

12 A. I think it might have been last year
 13 sometime or so, something like that.

14 Q. Have you discussed this lawsuit with
 15 Ms. Foster at all?

16 A. No, just what I hear about in the
 17 paper and different things like that. I hear
 18 about people -- every now and then, somebody might
 19 call me, some of my people up there. Somebody
 20 called me the other day, said: Hey, man, you
 21 going to get some of this money or whatnot? One
 22 of the guys up there said something. They read in
 23 the paper. I guess it's all in the paper and
 24 whatnot.

25 Q. Do you recall who you've spoken with

1 regarding the lawsuit?

2 A. There's a guy named Stan, an old buddy
 3 of mine. He call me all the time.

4 Q. Do you recall Stan's last name?

5 A. Lindquist or something, whatever his
 6 name is.

7 Q. Is he a present MDOT employee?

8 A. Yes, he is.

9 Q. Do you know where he works at, what
 10 location?

11 A. He works out of the new TSA, the new
 12 Detroit TSA.

13 Q. Did you discuss the litigation with
 14 anyone else?

15 A. No.

16 Q. Have you discussed it with
 17 Mr. Williams?

18 A. Who?

19 MR. WILLIAMS: Me.

20 THE WITNESS: Oh.

21 MR. WILLIAMS: So apparently not.

22 MR. DITTENBER: Maybe that's my
 23 answer.

24 BY MR. DITTENBER:

25 Q. Is that a no, then?

1 A. That's a no.

2 Q. I don't have any other questions for
 3 you, Mr. Charles.

4 MR. DITTENBER: Do you?

5 MR. WILLIAMS: Yeah.

6 EXAMINATION

7 BY MR. WILLIAMS:

8 Q. Mr. Charles, as you know, my name --
 9 well, I guess you don't know. My name is Avery
 10 Williams, and I represent Ms. Foster and BBF
 11 Engineering in this lawsuit, and I just have a few
 12 questions for you regarding your testimony and
 13 some of the background you may have on some of
 14 what has gone on.

15 First off, have you ever testified in
 16 a deposition before? I think you said one time.

17 A. I think I did one time before, yeah.
 18 I forget what it was about. It might have been
 19 about a DBE. That was years ago. I think -- I
 20 forget the lady's name. I had some input, and
 21 they called me in to testify.

22 Q. Have you ever testified at a trial at
 23 all, sir?

24 A. No.

25 Q. Have you ever been a party? Have you

1 ever been sued by anybody or sued anyone?

2 A. No.

3 Q. I assume you have no felony
 4 convictions in the last ten years?

5 A. No, or 20, 30.

6 Q. And I think one of your areas of
 7 expertise is working with disadvantaged business
 8 enterprises?

9 A. Yes, sir.

10 Q. And if I'm understanding you
 11 correctly, that's a sort of field and experience
 12 sort of game? I mean, it's not something you can
 13 simply just walk into and learn from a book?

14 A. No, you can't, no. First you have to
 15 gain -- you have to gain the trust of the people
 16 that you're assisting. You've got to gain their
 17 trust first, and that's a major obstacle right
 18 there, just gaining their trust.

19 Q. And one of the things that they would
 20 be concerned about as DBEs occasionally would be a
 21 potential for retaliation by some of the engineers
 22 or even some of the people they were
 23 subcontracting with?

24 MR. DITTENBER: Objection, calls for
 25 speculation.

1 MR. WILLIAMS: If you know.

2 THE WITNESS: Yes, it would.

3 BY MR. WILLIAMS:

4 Q. So some of your concern about keeping
5 detailed records about your conversations and
6 meetings would be the potential for that
7 information to get out and breaching some of their
8 confidentiality and having some of their concerns
9 realized?

10 A. I didn't see no reason for the logging
11 all my calls and whatnot. See, that's one --
12 that's one of the main reasons I left. They
13 wanted me logging every call that I was going to
14 receive from everybody -- in other words, they
15 treated me like I'm a child, you know. In other
16 words, log in my calls, log in this, who called
17 you, who e-mailed you, and what did they send.
18 You know, I couldn't do that.

19 Q. Because that would potentially create
20 problems with your dealing with the very DBEs who
21 you were supposed to be assisting?

22 A. What would happen is -- like I said
23 before, it was all about trust, you know. Well,
24 they trusted me -- if they trusted -- if I came
25 out in the field and said I was going to help

1 them, they believed that. They knew that I was
2 going to do that. You know, I wasn't going to use
3 that against them.

4 And that was one of the reasons that I
5 did well in that field, the trust of the white
6 females, the black males, the black females. They
7 all trusted me. They believed in me, that when I
8 came out and said I was going to help them, that's
9 what my intentions were.

10 Q. And when you said they wanted you to
11 log in all your calls, again, that was Mr. Judnic
12 and his team?

13 A. Yes, sir.

14 Q. Did you know Clarence Wilson?

15 A. Yes, sir.

16 Q. He was a former MDOT employee?

17 A. Yes, sir.

18 Q. That went to work for Ms. Foster?

19 A. Yes, sir.

20 Q. What about Bruce Bordner? Did you
21 know him?

22 A. Yes. He's an engineer with the
23 department.

24 Q. And went to work with Ms. Foster
25 eventually?

1 A. Yes, sir.

2 Q. What about Hubert Barnes?

3 A. Yes, sir.

4 Q. He's a former MDOT employee that went
5 to work for Ms. Foster?

6 A. Yes, sir.

7 Q. What about Patrick Lawton?

8 A. I think he still works for them.

9 Q. Charles Covington?

10 A. Yes.

11 Q. The same thing?

12 A. Charles don't work for her anymore.

13 Q. But he was a former MDOT employee that
14 went to work for Ms. Foster?

15 A. Yes, sir.

16 Q. What about Alan Hinchcliff?

17 A. Yes, sir.

18 Q. Same thing?

19 A. Same thing.

20 Q. Hunter Hinchcliff, do you know him?

21 A. He was one of the employees that would

22 have actually worked for Bellandra. All those

23 other people's names that you called was

24 consultants. They had their own companies.

25 Q. What about Andy Mitchell?

1 A. Andy Mitchell came in just for a
2 moment. He was just like in and out, if she
3 needed some additional people on the side. Her
4 main four people that hired with her when she
5 first formed the company was me, Clarence Wilson,
6 Hugh Barnes, and Vic Covington. Those are the
7 four people she started with.

8 Q. Ray Stewart. You've already mentioned
9 you worked with Ray?

10 A. Ray Stewart came in later on, Ray
11 Stewart.

12 Q. Willis Stewart, did you know him?

13 A. He came in later on. They worked for
14 the -- when they retired, they worked for other
15 companies, and they later on came to work for
16 Bellandra.

17 Q. What about Robert Randazzo?

18 A. Robert Randazzo?

19 Q. Did you know him?

20 A. I don't think I know him.

21 Q. What about Daniel Sperber?

22 A. No.

23 Q. Didn't know him? Jason Jackson?

24 A. Yes.

25 Q. Went to work for Bellandra after he

1 left for MDOT?
2 A. He was actually an employee of
3 Bellandra's.

4 Q. What about Sheila Lincoln? Did you
5 know her?

6 A. Sheila Lincoln. Sheila -- wait a
7 minute. Sheila Lincoln, ain't that -- that was
8 Bellandra's -- I mean, that was Victor's
9 assistant, isn't it? That was her name, Sheila
10 Lincoln.

11 Q. What about Daniel Slate?

12 A. I don't know no Daniel Slate.

13 Q. Chad Godbout?

14 A. Yeah. Chad used to work -- I think
15 Chad worked for her, yeah.

16 Q. Carston Applegate?

17 A. All those would have been people that
18 she hired as a seasonal with that -- they would
19 have been what you call students that was --
20 either came to work during the summer months and
21 whatnot, and they would either work five or six
22 months out of the year, April through November.
23 Some of them stayed on for the -- through the
24 season and whatnot.

25 Q. You mentioned LaKeisha Hamilton as

1 can you come up here and help? And I said: Well,
2 why? You got a DBE rep up there. And they said:
3 But it's not the same. So this is why I used to
4 go outside of my area and whatnot.

5 Q. The July 18th meeting with Mr. Judnic
6 and various other people, did you know that
7 Mr. Judnic characterized that as a rough meeting?

8 MR. DITTENBER: Objection, assumes
9 facts not in evidence.

10 THE WITNESS: What do you mean, a
11 rough meeting?

12 BY MR. WILLIAMS:

13 Q. Did you ever see anything with
14 Mr. Judnic characterizing it as a rough meeting,
15 an e-mail or anything?

16 A. I don't recall if he did. I don't
17 recall.

18 Q. I think Mr. Judnic has said in
19 evidence that you frequently talked about
20 retiring, that you were always talking about
21 retiring, and so your retirement was not a
22 surprise, that he heard you talking about
23 retirement often to him. Is that true or untrue?

24 A. Well, I'll put it to you like this:
25 Would I have fought as hard -- if I was getting

1 someone that Ms. Foster wanted to have trained by
2 you to step into your shoes when you eventually
3 retired?

4 A. Yes. She knew I was -- sooner or
5 later was going to probably be retiring, but she
6 didn't know when. Nobody didn't actually know. I
7 was -- hey, I had a decent job, I was good at what
8 I did and, you know -- and leaving a lot of the
9 people that had come to trust me was probably one
10 of the toughest jobs I had to do.

11 Q. You had built up a pretty good
12 following --

13 A. Yes.

14 Q. -- and expertise in the Detroit TSC?

15 A. Well, throughout the state, because
16 like I said, people call me outside of the state,
17 outside of my area they would call, and especially
18 some of the minorities. And their problem was
19 they say they didn't get the same type of service
20 they got --

21 None of them -- when they came in the
22 Detroit area and they needed help, they'd call me,
23 and that's how they got to know me. So when they
24 went back to their areas that they worked in and
25 they was having problems, they would say: Well,

1 ready to retire, would I have fought as hard to
2 maintain and -- you know, I loved my job. I loved
3 what I was doing. I got Victor certified. I had
4 nothing against Victor. I'm the one that got
5 Victor certified.

6 Q. Got him certified as --

7 A. A resident engineer, within two years,
8 and then part was a worker. My filing system --
9 he said to me, his exact words, he said: They
10 didn't certify me. They certified you. I said:
11 No, Victor. Well, it is based on the
12 recordkeeping.

13 Did you know that? Did you?

14 Q. He can't answer your questions.

15 A. Oh, he can't?

16 MR. DITTENBER: Mr. Williams is asking
17 the questions now.

18 BY MR. WILLIAMS:

19 Q. He's never going to answer a question
20 for you.

21 A. Did you know that?

22 Q. No, I did not.

23 A. It's based on your recordkeeping and
24 your filing system. And I guess the resident
25 engineer is supposed to keep the cost down. The

1 TSC management is to keep the cost down and get
 2 the job well done and whatnot, and your filing
 3 system, I guess, is what basically does that.
 4 Q. Before you attended this July 18th of
 5 2008 meeting, did you have -- did they contact you
 6 with any issues or problems, let you know that
 7 they had any concerns about the recordkeeping that
 8 you had been doing on the project in question,
 9 which I think was the Lodge M-10 project?
 10 A. I guess it would have been the M-10
 11 project. No, it wasn't no problems.
 12 Q. Did anybody -- did Ms. Paris or this
 13 Deanna, did anybody contact you saying: Hey, we
 14 got concerns about what you've been doing?
 15 A. No.
 16 Q. Did you ever try and work with
 17 Ms. Parish? Did you ever help her, like you
 18 helped Mr. Judnic, with anything?
 19 A. Well, when I first came there -- when
 20 she first came to work for the department, she was
 21 Cedric's assistant. And of course I tried to -- I
 22 was training her to do office teching and whatnot
 23 and different things like that. I said: You need
 24 to learn all this type of stuff, because down the
 25 road, it's going to help you. It's going to --

1 Because they have to know something
 2 about all this to become certified, to become even
 3 a project engineer. They have to know these
 4 things. I mean, you might be supervising people
 5 that know what -- you know, know the system, but
 6 you should know it yourself.
 7 Q. Did you know Reagan Jeter?
 8 A. Yes.
 9 Q. Do you know if anybody ever tried to
 10 steer her away from working for BBF?
 11 A. When you say steer her away -- there
 12 were several young ladies I know that was out
 13 there, was seasonals, co-ops, and I told them they
 14 need to -- they probably, you know, should try to
 15 get some work with Bellandra, set this up with
 16 Bellandra.
 17 And Bellandra did have a -- I know
 18 Reagan might have been one of them, and there was
 19 one other young lady that I steered towards
 20 Bellandra. I told them -- you know, they was
 21 young upcoming engineers, students, whatnot, and
 22 had a lot on the ball. And I guess they end up
 23 going with somebody else.
 24 Q. With Fishbeck?
 25 A. Yes, sir, yeah. They was going to

1 come over there with -- you know, I had my office
 2 set up. I said: Yeah. You come work for us.
 3 You know, come work for -- you need to get on the
 4 DBEs program, you know. You know, you guys would
 5 be all right, you know, if you could come work
 6 over there, you know, work for her. They
 7 decide -- they took less money and went to work
 8 for somebody else. That didn't make a lot of
 9 sense to me.
 10 Q. When a field manager overrides
 11 quantity requirements under a contract, does that
 12 require some kind of approval?
 13 A. Usually by the engineer, yeah. He can
 14 override it.
 15 Q. But the engineer would have to approve
 16 it? A field manager couldn't just do it?
 17 A. He would be the man to do it.
 18 Q. Did you ever hear any complaints about
 19 you coming back from vacation and attending a DBE
 20 conference without approval from Mr. Judnic or
 21 Mr. Voigt?
 22 A. I don't know why Jason's name keep
 23 coming up. Jason had no control over what I did.
 24 But no, I don't recall them -- they
 25 might have, but I'm not going to say -- I can't

1 say one way or the other. It's just something
 2 that I don't really recall right now.
 3 Q. Normally, as I understand the office
 4 tech arrangements, even as you were working as a
 5 consultant for BBF, you were basically sort of
 6 stationed in the Detroit TSC, and so you would
 7 sort of operate out of that office as your primary
 8 office?
 9 A. Yes, sir.
 10 Q. And you wouldn't be at BBF's office;
 11 you would be actually at Judnic's office?
 12 A. I worked for Judnic. I reported every
 13 morning.
 14 Q. Did you observe Mr. Judnic having
 15 lunch with representatives of Fishbeck or HNTB or
 16 URS on a regular basis?
 17 A. Well, that was kind of standard with
 18 us, I guess, with engineers and inspectors.
 19 Occasionally, we would go out to lunch and
 20 whatnot, you know. Yeah, we would go.
 21 Q. Did you ever see Mr. Judnic go out to
 22 lunch with any DBE representative, any DBE
 23 company's representative?
 24 A. I think he -- I forget the name of
 25 that company. What was the name?

1 Q. Time Engineering?
 2 A. Yeah, Time, yeah. Johnny Watkins
 3 was -- they would come there. Yeah, he would go
 4 to lunch with them occasionally.
 5 Q. Anyone else? Did he ever have lunch
 6 with Ms. Foster?
 7 A. Like I say, for some reason, something
 8 didn't work there.
 9 Q. Something did not work between
 10 Mr. Judnic and Ms. Foster?
 11 A. Yeah. I used to tell Bellandra:
 12 Look, this is -- be cool. We'll make a little
 13 money right now. We're getting -- you know, we're
 14 doing okay. Let's not make no waves or whatnot.
 15 Because I could see something was going down the
 16 tubes that wasn't going to smell too good.
 17 I can recall one time that she did get
 18 a contract, was awarded a contract, and then
 19 they -- she used to talk about that all the time.
 20 They took the contract back from her and cut it in
 21 half and give it to another company. I mean,
 22 those are things like that I can't forget. Those
 23 are things that -- you know, there was something
 24 wrong with that. That didn't smell too good, you
 25 know.

1 (CHARLES EXH. 2, Title VI Complaint
 2 Form, with Attachments, Bates No. BBF000051
 3 through 000130, was marked for identification.)
 4 BY MR. WILLIAMS:
 5 Q. Mr. Charles, I handed you what's been
 6 marked as Deposition Exhibit 2. I'd like -- just
 7 for the ease of operation, it includes
 8 Ms. Foster's original -- one of her complaints to
 9 the Federal Highway Administration, as well as a
 10 number of e-mail attachments. I'd just like to
 11 point you to some specific pages here and ask you
 12 some questions about this exhibit, ask you if
 13 you've seen any of these pages.
 14 A. Have I seen this?
 15 Q. No, no. If you look at in the lower
 16 right-hand corner, there are some pages numbers
 17 called Bates stamp numbers. You see that? If
 18 you'd turn to what's been identified as Bates
 19 stamp page No. 55.
 20 A. Okay. I see Charles -- down here?
 21 Q. No, right here.
 22 A. Oh, okay. There's 51.
 23 Q. If you'd go to Page 55.
 24 A. Okay. Go to Page 55.
 25 Q. Have you ever seen this e-mail

1 exchange where Mr. Judnic asks: We want to know
 2 what Love (DBE technician) is doing on site?
 3 Right in the middle of the page.
 4 A. Yeah, I see that.
 5 Q. Have you ever seen that before?
 6 A. Well, like I say, there was -- my
 7 direct DBE contact would have been Gian Taneja, an
 8 engineer up in Lansing and whatnot. He basically
 9 was the one that overseen our DBE work and whatnot
 10 that we did, you know. He was our DB -- Victor
 11 was my boss when it came down to office teching,
 12 inspection, any work I might have did there. DBE
 13 work was overseen by Gian Taneja. And they're the
 14 one that wanted us to be out in the field and
 15 being seen and being heard.
 16 A lot of times, when I would go out in
 17 the field -- I would say, well, maybe I need to
 18 take a visit out in the field. When all my work
 19 was done in the office and whatnot, you know, I'd
 20 say, okay, I'm going to take a ride in the field.
 21 I'd get in my vehicle. I might have been getting
 22 off that day at 4:00 o'clock. I may leave about
 23 2:30. I'd say I'm going to stop by the field,
 24 different jobs on the way home and whatnot.
 25 A lot of times whenever I ride up to

1 one of the jobs or whatnot that the DBE contractor
 2 was on, they would see me. Oh, they'd be so glad
 3 to see me. Oh, been wanting to call you. Then
 4 they -- you know, I said: Well, what's wrong?
 5 Well, I got this problem here. I got that problem
 6 there.
 7 In other words, I guess they were so
 8 busy at the time that they didn't really have the
 9 time to call me, so when I would just show up
 10 sometime on their job, just to see how they was
 11 doing, it was a relief for them just to see me,
 12 and then they would explain to me what was going
 13 on, you know, and blah blah this and blah blah
 14 that.
 15 So that's why as part of the DBE
 16 tech's work in the Detroit area was that we make
 17 on-site visit, you know, two or three times a week
 18 or whatever, you know, just go out, just ride
 19 through the project, see how they're doing, you
 20 know, shake their hand. Hey, how you doing?
 21 How's the work coming? You know, things like
 22 that, that was part -- that was part of our job.
 23 Q. The list that was on the yellow dog at
 24 the meeting, did you ever see a written copy of
 25 that list from Mr. Judnic or anyone else?

1 A. I seen the original list that was --
 2 Q. Yeah, but did they ever circulate a
 3 copy of that list to you or to Ms. Foster that you
 4 know of?
 5 A. I think Bellandra -- somebody made a
 6 copy. I think I remember having a copy.
 7 Q. If you turn to Page 81. At the bottom
 8 of the page, Mr. Judnic, in an e-mail to
 9 Ms. Foster, appears to suggest that there were
 10 additional problems. Were you aware of those, any
 11 additional issues on any -- on this project or any
 12 other projects?
 13 A. Was I aware of this list?
 14 Q. Were you aware of any other problems
 15 that he had on any -- did he ever make you aware
 16 of any other problems?
 17 A. No. This was -- I mean, all I see
 18 here, it say: The deficiency list was not
 19 complete, as it was intended as a sample of the
 20 many deficiencies on the M-10 project.
 21 See, let me say this, and I'll say
 22 this to everybody in this room. They were looking
 23 for a fall guy, and I guess I was their fall guy,
 24 okay. If there was that many deficiencies on this
 25 project, then there was some -- a lot wrong with

1 this statement, because you know what, my file is
 2 only as complete as to --
 3 The people and the inspectors in the
 4 field have to collect so many different type of
 5 papers while they're in the field when new people
 6 arrive. They're to bring that to the office tech.
 7 The office tech is to place those files -- record
 8 them and place them in the files and whatnot,
 9 okay. Now, in the old days, office tech didn't --
 10 nobody in their file but the office tech.
 11 Q. They managed their own file?
 12 A. That way he knew where everything was.
 13 If you came to me and you took something out of my
 14 files, you would write it down, you'd record it,
 15 taken such-and-such date, so I knew where it was
 16 at. What they were doing in that office was just
 17 all the inspectors and everybody just running up
 18 in the files, just running amok in the files, got
 19 stuff scattered everywhere.
 20 Q. So you think Mr. Judnic was out to get
 21 you?
 22 MR. DITTENBER: Objection to form and
 23 foundation.
 24 THE WITNESS: They needed a -- okay.
 25 Read what this is saying. If you go through all

1 this, what he gave to me, what -- you read it into
 2 it. You read into it what all what is being said
 3 right here. If this was not a setup, I've never
 4 seen one.
 5 BY MR. WILLIAMS:
 6 Q. And you're referring to the --
 7 A. I told Bellandra time and time again,
 8 I said: When they get rid of me, you're through.
 9 I told her that. I said: I'm the key. I'm the
 10 key, and you're the wheel that made everything
 11 turn right here, because I had the most experience
 12 out of all the guys that she hired. She got more
 13 points from me than she did anybody.
 14 Q. And when you're talking about points,
 15 you're talking about the process of evaluating
 16 consultants and then --
 17 A. How they got hired, how they got
 18 picked for different projects.
 19 Q. -- when they submitted responses to
 20 proposals and --
 21 A. Yes, yes, yes. They got certain
 22 points based on the experience of your group that
 23 you brought -- your team that you brought in. If
 24 her team was the LC Consulting, who had office
 25 teching, and he had inspection, he had surveying,

1 that's what's based on your point system.
 2 If she's replaced all the key people,
 3 like Clarence Wilson with 40 years, so and so 30
 4 years, me, 30 years, and now as the system --
 5 she's broke down, and all she got is kids out
 6 there with one or two years experience, she has no
 7 point system now. She can't compete.
 8 Q. If you'd turn to Page 89, Mr. Charles.
 9 Would you, please?
 10 A. Okay.
 11 Q. At the bottom of the page again,
 12 Mr. Judnic is writing to Ms. Foster. It says:
 13 Love and yourself have noted that Love will retire
 14 in December 2009.
 15 Did you ever tell him you were going
 16 to retire in December of 2009?
 17 A. I don't recall telling him that, but
 18 if I retired in 2008, would that tell you
 19 something?
 20 Q. Yeah, that you --
 21 A. That I was planning on staying to
 22 2009, and I cut it a year short. Would that not
 23 tell you guys something?
 24 Q. Yes, sir.
 25 A. Okay.

1 Q. I'll ask you to turn to Page 99, sir,
 2 of Exhibit 2.
 3 A. Okay.
 4 Q. Have you seen one of these forms
 5 before? 98, I believe, was the first page of the
 6 form. It's like an evaluation form, interim
 7 evaluation.
 8 A. Let's see. 98?
 9 Q. Yeah. That's the first page of it.
 10 A. Okay.
 11 Q. Have you ever seen this interim
 12 evaluation form before?
 13 A. I can't say for sure that I've seen
 14 this. This would have been something that
 15 Bellandra would receive, not me. I don't remember
 16 receiving anything like that.
 17 Q. If you'd turn to Page 99.
 18 A. Okay.
 19 Q. You see there's a box there with
 20 suggestions for improvement in it. Do you see
 21 that box, just above the signature block?
 22 A. It says: When MDOT project management
 23 makes a decision about billing or staffing, BBF
 24 Engineering should adhere to the decision of MDOT
 25 without question or justification by MDOT.

1 official notice of Love's retirement.
 2 Q. That's the Judnic e-mail. The e-mail
 3 above it, dated 10/1/08 at 6:44 PM. Do you see
 4 where I'm at? It starts: Victor, there was a
 5 previous e-mail that went out stating December.
 6 A. Okay. That's when I -- yeah. That's
 7 when I was on my way out then. I was gone. I was
 8 getting ready to go. That was probably May the --
 9 yeah. That's when I retired.
 10 Q. December 19th, 2008, correct?
 11 A. Yes.
 12 Q. Is it possible that the December 2009
 13 that Mr. Judnic referenced was a typo?
 14 MR. WILLIAMS: He can't speak for
 15 Mr. Judnic.
 16 THE WITNESS: No, I can't -- I can't
 17 say that was a typo.
 18 BY MR. DITTENBER:
 19 Q. Going back to the -- you answered some
 20 questions about field manager and overriding
 21 items.
 22 A. Okay.
 23 Q. And my recollection is that you
 24 testified that you would need the project
 25 engineer's permission to --

1 Q. Yes. Have you seen that for any DBE
 2 ever? Have you ever seen somebody write that on
 3 an interim evaluation for any DBE ever?
 4 A. It's never been brought before me
 5 before, no.
 6 Q. Thank you, Mr. Charles.
 7 EXAMINATION
 8 BY MR. DITTENBER:
 9 Q. Just a couple follow-up questions,
 10 Mr. Charles.
 11 That same page you were just looking
 12 at, BBF000099.
 13 A. Go ahead.
 14 Q. How often did you review evaluations
 15 of DBE companies?
 16 A. I don't think I ever had one brought
 17 before me.
 18 Q. And if you could turn back to 89.
 19 A. Okay.
 20 Q. Do you see where Mr. Judnic writes:
 21 Love will retire in December 2009?
 22 A. Uh-huh.
 23 Q. If you read Ms. Foster's e-mail in
 24 response, which is right above that e-mail.
 25 A. She said: I do not recall receiving

1 A. That's correct, or the TSC manager.
 2 Q. How would they give that permission?
 3 A. Tell me to override it. I'd look
 4 through the file. He would ask me questions
 5 about -- okay. Let's say there's a reason why you
 6 would override -- I mean why you would not pay a
 7 person, you know, for their item of work that they
 8 did in that pay period or, you know, for that --
 9 and some of the reason being is they don't have
 10 their payrolls in or they're missing something
 11 else in files and whatnot that's missing that they
 12 should have in.
 13 The way I did it and the way I was
 14 taught to do it was tell the guys: Okay, I'm
 15 going to override this payroll, I'm going to pay
 16 you for your items, but you have to get your
 17 payrolls in by such and such a date or you have to
 18 get -- or there's a certain piece of paper missing
 19 that we got to have. You get that paper to me,
 20 you know, and next -- I'm going to override it
 21 this time. If you don't have that information
 22 next time, you won't get paid.
 23 Q. And are you referring to other
 24 consultants or contractors performing work for
 25 MDOT?

1 A. Anybody, anybody, anybody work for
2 MDOT.
3 Q. If you were going to override an item,
4 would the project manager have to enter a password
5 or anything like that?
6 A. I had that power.
7 Q. You just had to get permission
8 verbally before you did that. Is that fair to
9 say?
10 A. Yes, right.
11 Q. In those instances where you overrode
12 something that you just mentioned, dependent upon
13 them getting you the document in a timely manner,
14 would you have had permission from the project
15 engineer?
16 A. Sure. We were given permission by --
17 in a lot of instances, a lot of times, if it
18 wasn't given by the project engineer, the resident
19 engineer, it was given by the district engineer or
20 it could be given by the engineer up in Lansing.
21 If they deemed that they wanted that contractor to
22 be paid, they'd say: Okay. Pay them. That's the
23 way the system worked. It worked for some people,
24 didn't work for others. I mean, if they didn't
25 like you, you wasn't going to get paid.

1 Q. You've testified that instead of being
2 an employee of BBF Engineering, you were in a
3 separate company that contracted with BBF
4 Engineering?
5 MR. WILLIAMS: That's beyond the scope
6 of my cross.
7 MR. DITTENBER: I'm getting there.
8 THE WITNESS: Well, you can -- yeah.
9 You can look it up in the files. You can look in
10 the system.
11 MR. WILLIAMS: I never asked him
12 anything about that.
13 MR. DITTENBER: Mr. Charles brought it
14 up with a few other employees. That's what I'm
15 referring to.
16 THE WITNESS: Go ahead.
17 BY MR. DITTENBER:
18 Q. Was Mr. Wilson an employee, or did he
19 have a separate contract?
20 A. Separate contract.
21 Q. What about Mr. Covington?
22 A. Covington had a separate contract.
23 Q. What about Mr. Barnes?
24 A. Barnes had a separate contract.
25 Q. And what about Mr. Stewart?

1 A. Separate contract.
2 Q. Do you know the name of Mr. Wilson's
3 company?
4 A. I have no idea.
5 Q. What about Mr. Covington's?
6 A. No idea. They had to go to a CPA and
7 go to the State and get licensed as a consultant.
8 They had to become a consultant, an independent
9 consultant. They all probably used their own
10 independent CPA to do it and whatnot.
11 Q. And do you know the name of
12 Mr. Stewart's company?
13 A. No.
14 Q. No further questions.
15 EXAMINATION
16 BY MR. WILLIAMS:
17 Q. Mr. Charles, do you think Mr. Judnic
18 forced you out?
19 MR. DITTENBER: Objection. That's
20 beyond the scope of my questioning.
21 BY MR. WILLIAMS:
22 Q. Yes or no?
23 MR. DITTENBER: Also calls for
24 speculation.
25 BY MR. WILLIAMS:

1 Q. Do you think Mr. Judnic forced you
2 out, sir? Yes or no.
3 A. My being around a lot of times did not
4 go along with how a lot of the people in the
5 department felt, you know. I think he felt it was
6 time for me to go. I stood in the way in some
7 ways and manner.
8 I got nothing against Judnic, but I
9 made one mistake I think I made with Judnic, and
10 that was when they had a big celebration down
11 there at the office down there, and I brought a
12 couple of my vehicles down there. I had a nice
13 '61 El Dorado Cadillac, and I had another
14 convertible, and I brought those down there.
15 Years ago, I learned that you never
16 let your employees see how good you're doing. If
17 you're doing better than them, then you're in
18 trouble. And I made that mistake. And I avowed
19 early in my time of employment, you never do
20 things like that. You bring the raggedy car your
21 kid ride around in, and then people take -- oh,
22 man, I got to let him make some more money,
23 because, you know, look at that car he's riding
24 in.
25 So I made that mistake, and I think --

1 there's pictures of it right now. It was kind of
 2 downhill after that.
 3 Q. Thank you, Mr. Charles.
 4 A. No problem.
 5 EXAMINATION
 6 BY MR. DITTENBER:
 7 Q. One final question: Do you recall
 8 when that was that you brought the vehicles? Do
 9 you recall what year?
 10 A. It's on record. They had a big TSC
 11 celebration. It was after the first year opening
 12 the TSC or grand opening of the TSC, and all the
 13 district and people from Lancing were all down
 14 there.
 15 I got a copy of it. I got a copy of
 16 it right now.
 17 Q. Thank you.
 18 A. So there shouldn't be no problem
 19 getting a copy of it. Do you want me to e-mail
 20 you a copy of it?
 21 MR. WILLIAMS: Thank you, Mr. Charles.
 22 THE WITNESS: No problem. No problem.
 23 (Off-the-record discussion.)
 24 (The witness, after having been
 25 advised of his right to read and sign this

1 CERTIFICATE OF REPORTER
 2
 3 I, Marie H. Bauer, Registered
 4 Professional Reporter, Certified Realtime
 5 Reporter, and Notary Public for the State of South
 6 Carolina at Large, do hereby certify that the
 7 foregoing transcript is a true, accurate, and
 8 complete record.
 9 I further certify that I am neither
 10 related to nor counsel for any party to the cause
 11 pending or interested in the events thereof.
 12 Witness my hand, I have hereunto
 13 affixed my official seal this 10th day of
 14 December, 2012, at Hilton Head Island, Beaufort
 15 County, South Carolina.
 16
 17
 18
 19
 20
 21 Marie H. Bauer
 22 Registered Professional
 23 Reporter, CCR
 24 My commission expires
 25 April 18, 2021

1 transcript, waives that right.)
 2 (The deposition was concluded at 11:33
 3 AM.)
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 20 MDOT Detroit TSC Meeting Minutes
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 25

EXHIBIT 5



STATE OF MICHIGAN
**DEPARTMENT OF
 TRANSPORTATION**
 DETROIT

JENNIFER M. GRANHOLM
 GOVERNOR

KIRK T. STEUDLE
 DIRECTOR

September 29, 2010

Mr. Robert V. Jones
 Walter Toebe Construction Company
 29001 Wall Street P.O. Box 930129
 Wixom, Michigan 48393-0129

RE: I-75 Reconstruction @ Ambassador Bridge
 MDOT Contract ID 82123/82124/82194/82195 – 37795A, 5150A, 60103A, 78423A, 78827A,
 86954A, 86955, 87519A

PROGRESS MEETING NOTES NUMBER: No. 121

Date: Thursday, September 9, 2010
Place: MDOT Gateway Field Office
 2835 Bagley Avenue 2nd Floor
 Detroit, MI 48216
Purpose: Report on the progress of work, resolve issues, assign tasks, and overall coordination with the Contractor(s) and major stakeholders.
Notes By: URS/MDOT

The following meeting notes set forth our understanding of the discussions and decisions made at this meeting. If you have any questions, additions, or comments, please contact the writer within five calendar days of receipt. If we do not hear from you, we will assume that our understandings are the same. We are proceeding based on the contents of these meeting notes.

MTG ITEM NO.	DISCUSSION	ACTION REQUIRED BY
	MDOT noted the meeting notes from meeting No. 120 had no revisions and were accepted as written.	

Mobility		
1.10.2	Local Signs / Traffic Control Needs See previous meeting minutes for other entries.	
1.97.4	MOT Signing Work See previous meeting minutes for other entries.	

	<p>Temp Concrete Barrier – needs to be installed at WGB on the ESD – Mod. is written up, MDOT to talk to feds because it's over \$50,000.</p> <p>Maintenance issue: Pot Holes at W. Grand SB at Fort and EB Fort down by 14th – MDOT to look into</p> <p>08/26/10: EB Fort Street parking lane at W. Grand is where no parking signs need to be installed. Also, there are barrels down at 47B; MDOT to pick up. Vernor signs need to go up before barrels get picked up.</p> <p>09/09/10: MDOT needed a Type III installed on Dragoon at Fort – POCO to check today.</p>	<p>POCO</p> <p>MDOT</p> <p>POCO</p>
1.118.1	<p>Fort / Springwell Traffic</p> <p>07/29/10: Downriver is pumping a lot of truck traffic onto Springwell – PK to come out and do temp striping before 9/12/10.</p>	PK
1.109.1	<p>EB I-96 @ Vernor Signs</p> <p>See previous meeting minutes for other entries.</p> <p>07/15/10: HSC to submit lane closure and time to Toebe once MDOT puts together line items/punchlist.</p> <p>08/26/10: MDOT has provided the To-do list.</p>	TOEBE

Utilities

2.82.1	<p>DTE Power</p> <p>See previous meeting minutes for other entries.</p> <p>07/29/10: MCEU will have all cameras done tomorrow. (3) MCEU to look at switch in the tub girder – currently the light only works at night. (4) Added pole for 16th St for ITS – Toebe supposed to give MCEU WO for this – to be done on 9.15.10.</p> <p>08/26/10: MCEU doesn't have a price for item (4) above and to confirm what is complete.</p>	MCEU
2.102.1	<p>Structure/Drainage Issues</p> <p>See previous meeting minutes for other entries.</p> <p>08/12/10: MDOT will check one last time with regards to a written directive from PLD. MDOT will then direct contractor to fill with aggregate, pull plate and let PLD know that MDOT is no longer involved.</p> <p>08/26/10: MDOT directed the contractor to remove the plate and fill with aggregate.</p>	TOEBE

Materials

3.96.1	<p>Correction Action to Concrete Test Failures</p> <p>See previous meeting minutes for other entries.</p> <p>12/17/09: MDOT needs to give TOEBE blue 1174 form for each pour containing low breaks.</p> <p>04/22/10: SIXS to finish QI calculations and submit to MDOT (06/09-06/10).</p> <p>05/13/10: MDOT to calculate the credit on any items.</p> <p>07/29/10: SIXS submitted QI calcs. MDOT reviewing.</p> <p>09/09/10: MDOT provided latest QI calcs. Six-S needs to complete the QI submittal. Deanna did IDR for the old comps and processed it – MDOT waiting on current QI calcs.</p>	<p>MDOT</p> <p>TOEBE</p>
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Progress Schedule

	<p>CPM</p> <p>See previous meeting minutes for other entries.</p> <p>06/17/10: Toebe and Canon meeting next week. Walk site and figure out where all slope restoration work that will need to be done for Gateway 4 - is to come out in fall (Gateway 6).</p> <p>08/26/10: Toebe received new To-Do List – split up between the subs.</p> <p>09/09/10: Canon to come out 09/13/10 and begin work on Gateway 6 09/20/10.</p>	
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	<p>Current Progress: Tony Angelo: To do list. Toebe: Toebe noted they are complete with their To-Do List, sent out To-Do List to subs (they have until 9/8/10 to complete). Canon: Toebe waiting on Canon's proposal. Canon waiting on colder temperatures and then work will begin. Some areas they will have to start from scratch. TOEBE to inform MDOT when work will start. Nationwide: fence repair at the end of Scotten; foundations need to be removed at Warren on service drives. Need ramp closures and 1 left lane on service drive and will submit for MDOT approval. – on-site today 09/09/10. Wess: needs to turn in reports. Final numbers on turf establishment. MCEU: To-Do List.</p>	TOEBE
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Contractor Potential Claim Issues

6.54.1	<p>POCO Stolen Items See previous meeting minutes for details. 08/12/10: MDOT reviewing the POCO provided information. 08/26/10: Waiting on PCMS invoices and proof of payment – to be dropped off</p>	POCO
6.96.1	<p>MCEU Lightning Protection 08/12/10: MDOT is reviewing the issue.</p>	MDOT

Pay Quantities

7.5.1	<p>Force Accounts See previous meeting minutes for other entries. 07/29/10: IDR's need to be done and agreement between MCEU and MDOT. 08/26/10: MDOT looking into the irrigation permit.</p>	MCEU/ MDOT
7.20.1	<p>Items Contractors are Requesting Payment for: See previous meeting minutes for other entries. 07/15/10: See 5/13/10 – Pat to go over MCEU/SIX-S quantities. MDOT/MCEU to set up meeting – no agreement on Gateway 4. See 06/17/10 - Getting paid furnished – put back to 207 furnished – posted correctly. 08/12/10: 1) 2 railroad bridges: 4300ft caulk – Atsalis wants 20,000ft. 2) Deck drain on S33; TOEBE submitted adjustment; work done on 3 drains (force account) 3) See 5/13/10 minutes above: Expired cure used. TOEBE to provide MDOT piling quantities for review. 08/26/10: MDOT is awaiting Atsalis to setup a meeting with the Atsalis field foreman; he is to provide drawings on where this 20,000ft quantity was installed on railroad bridges. MDOT corrected the deck drain adjustments. MDOT has overpaid Toebe \$5.3M by not deducting material stockpile dollars. Deanna to put together an estimate with a negative \$5.3M; TOEBE will not see a positive estimate on the remainder of the project. The \$3 mil credit from MCEU requires some modifications. MDOT proposes to eliminate credit on Gateway 4 and then deduct this amount from the cable supply contract. MCEU may have closed the books on this already – MCEU to speak with accounting department. 09/09/10: MCEU will be able to give MDOT a partial credit – MDOT has to figure how to work this situation out. Nylander: as-builts are being sent to Toebe (5%); asked Toebe not to deduct.</p>	MDOT/ MCEU/ TOEBE ATSALIS TOEBE

Miscellaneous

8.20.3	<p>Damage Claims Status See previous meeting minutes for other entries. Kelly Merrit – response is not on file with MDOT (active lawsuit)</p>	TOEBE
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	<p>Donovan's Pub – Sewer issue complete, parking lot issue is ongoing. 07/15/10: Donovan's Pub – Ajax never did the parking lot – they still plan on coming out. Supposed to be a mill and fill with new parking blocks. 08/26/10: Contractor to do work after labor day for Donovans. 09/09/10: Donovan's got paid Friday. MDOT has nothing on-field files for Kelly Merrit and Donvans. Toebe needs to fax filled out forms for Dennis McCafferty, Kelly Merrit, Donovans, etc. Toebe to provide .</p>	TOEBE
8.96.2	<p>Light Pole Deficiencies from NDT & Truss Deficiencies See previous meeting minutes for other entries 07/01/10: Toebe looking over Sanches' work Toebe to inform MDOT when work is complete so MDOT may schedule NDT to perform final inspection.</p>	TOEBE
8.100.1	<p>Controllers for Freeway Lighting See previous meeting minutes for other entries 06/03/10: MCEU submitted a price (one for 100 amp and one for 30-50 amp); MDOT to review.</p>	MCEU
9.115.1	<p>To-Do Items 06/17/10: Fencing at DIBC property at 21st needs to be added to the To-Do List. Tetra Tech to put together a permanent sign list of work to be performed. TOEBE was provided a punchlist of only fence items in the meeting. 07/29/10: List has been given to Toebe by MDOT – TOEBE sent them to subs.</p>	TOEBE

Work Orders

10.	<p>This list are active work orders which require action/signatures from TOEBE: WO #43 SP for maturity meters, SP for temp control at P09 WO #47 Retaining Wall Light Foundations WO #93 Way Finding Signs Rev R-W</p>	<p>TOEBE TOEBE TOEBE</p>
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Next Meeting

	<p>Next Progress Meeting is Thursday, September 30th, 2010 at 10:00 AM at the MDOT Detroit TSC Office (1400 Howard St., Detroit, MI 48216). An outstanding issues meeting will be discussed upon completion of the progress meeting.</p>	
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Note: Meeting Item Number 1.2.3 – 1 is topic, 2 is progress meeting #, and 3 is the meeting item #.

Sincerely,



Victor Judnic, P.E.

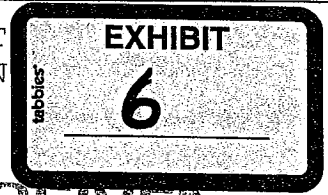
Delivery Engineer – Detroit TSC

Distribution: Progress meeting attendees, Rita Screws

Attachment(s): Progress Meeting Attendance Sheet (6 pages);

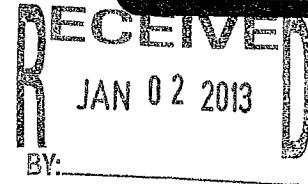
EXHIBIT 6

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION



* * *

BBF ENGINEERING SERVICES, P.C.,
a Michigan corporation, and
BELLANDRA FOSTER, an individual,



Plaintiffs,

vs.

Case No. 11-CV-14853
Hon. Nancy G. Edmunds
Mag. Laurie J. Michelson

STATE OF MICHIGAN, a Michigan Public
Corporation, MICHIGAN DEPARTMENT OF
TRANSPORTATION, a Department of the
State of Michigan, VICTOR JUDNIC and
MARK STUECHER,

Defendants.

_____ /

THE DEPOSITION OF CEDRIC DARGIN

The Deposition of CEDRIC DARGIN, taken
before Judith Halprin, CSMR-3202, Certified Court Reporter and
Notary Public for the County of Oakland, Acting in the County of
Wayne, at 535 Griswold Street, Suite 1000, City of Detroit,
State of Michigan, on Tuesday, November 13, 2012, commencing at
or about the hour of 1:05 o'clock, p.m.

APPEARANCES:

AVERY K. WILLIAMS, ESQUIRE
Williams Acosta, PLLC
535 Griswold Street, Suite 1000
Detroit, Michigan 48226
Appearing on behalf of the Plaintiffs.

* * * CONTINUED ON FOLLOWING PAGE * * *

APPEARANCES, CONT.: MICHAEL J. DITTENBER, ESQUIRE
 Assistant Attorney General
 Transportation Division
 425 West Ottawa Street, 4th Floor
 Lansing, Michigan 48913
 Appearing on behalf of the Defendants.

ALSO ATTENDING: VICTOR JUDNIC, MARK STEUCHER

REPORTED BY: JUDITH HALPRIN, CSMR-3202
 Judith Halprin Court Reporting & Video
 Telephone: 248.851.3332

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I N D E X

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2	WITNESS	PAGE
3	CEDRIC DARGIN	
4	Cross-Examination by Mr. Williams	5
5	Redirect Examination by Mr. Dittenber	90
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12	EXHIBITS	PAGE # MARKED
13	Deposition Exhibit Number 1	63
14	(Title VI Complaint w/Attachments)	
15	Deposition Exhibit Number 2	75
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Page 4

1 Detroit, Michigan
 2 Tuesday, November 13, 2012
 3 At about 1:05 o'clock, p.m.
 4 * * *

5 CEDRIC DARGIN,
 6 having been first duly sworn by the Notary Public to
 7 tell the truth, the whole truth, and nothing but the
 8 truth, testified upon his oath as follows:
 9 MR. WILLIAMS: The record should
 10 reflect that this is the date, time and place set for
 11 the Deposition of Mr. Cedric Dargin.
 12 Mr. Dargin, I think we introduced
 13 ourselves prior to the start of the Deposition. My
 14 name is Avery Williams. I'm an attorney representing
 15 Bellandra Foster and BBF Engineering in some litigation
 16 that Miss Foster has filed against Victor Judnic and
 17 Mark Steucher and others related to some claims that
 18 she believes she has against all of them.
 19 I'm going to be asking you some
 20 questions today regarding factual background related to
 21 that matter, and instances where your name has come up
 22 about matters about which you may have knowledge.
 23 If at anytime you don't understand
 24 the question, please indicate you don't understand the
 25 question, and I'll attempt to restate it or rephrase it

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1 so that you can give a fair answer to a fair question.
 2 If you give me an answer to a question, I'm going to
 3 assume that you understood the question, and the answer
 4 you've given is the answer you've intended.
 5 Because, as the court reporter has
 6 indicated, at least at the beginning, we have to try and
 7 keep our voices up because of the blower, but also she
 8 is here to take a record of the proceedings and the
 9 things that are said here today, and to make that
 10 possible we have to give verbal answers, yes, no. Nods
 11 of the heads, um-hmm or uh-umm don't work. I don't
 12 know how many occasions you've had to have your
 13 Deposition taken, but obviously to accommodate her we
 14 have to have verbal answers.
 15 The purposes for this Deposition are
 16 the purposes allowed by the Federal Rules of Civil
 17 Procedure, as well as the Federal Rules of Evidence.
 18 C R O S S - E X A M I N A T I O N
 19 BY MR. WILLIAMS:
 20 Q So with that, could you just state your name for the
 21 record, please?
 22 A My name is Cedric Wesley Dargin.
 23 Q And what is your date of birth?
 24 A August 26th, 1920 -- excuse me, 1943.
 25 Q And what is your present business address, Mr. Dargin?

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1 A My present business address is 18101 West Nine Mile
2 Road, Southfield, Michigan.
3 Q And you presently work for the Michigan Department of
4 Transportation?
5 A I do.
6 Q Are you married, sir?
7 A Yes, I am.
8 Q Do you have any children?
9 A One son.
10 Q And what is his name?
11 A Auwin, A-u-w-i-n.
12 Q And what is your wife's name?
13 A Jorjan.
14 Q And how long have you been married?
15 A A long time. I'd say about thirty -- about thirty-six
16 years, thirty-eight years, somewhere in there.
17 Q And what is your educational background?
18 A I have a Bachelor of Science in Civil Engineering, and a
19 Master of Science in Civil Engineering.
20 Q Where did you receive your Bachelor's?
21 A At Wayne State University.
22 Q And your Master's?
23 A At Wayne State University.
24 Q In what year was the Bachelor's?
25 A 1974.

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1 Q And your Master's?
2 A 1979.
3 Q Do you have any other certificates or certifications
4 other than your Master's and your Bachelor's?
5 A Let's see, I did have a few department certifications,
6 but basically no outside of that.
7 Q You're not a Professional Engineer?
8 A Yes. I am a Professional Engineer.
9 Q Okay. How long have you been a Professional Engineer?
10 A Since about 1989, 1990.
11 Q Can you just briefly describe your employment history,
12 Mr. Dargin?
13 A The employment history starting shortly after high
14 school, the fall of 1962 through 1974, I was a
15 construction technician. I worked for the --
16 Q With whom?
17 A With the Michigan Department of Transportation. I was
18 doing survey work and construction inspection, and then
19 in 1974, when I received my Bachelor of Science Degree,
20 shortly after that I resigned from the Michigan
21 Department of Transportation, and I went to work for
22 Del Webb Construction Company.
23 Q Dale Webb?
24 A D-e-l. W-e-b-b, Webb, right, and that was in building
25 construction.

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1 Q And how long did you work for Del Webb?
2 A From I'd say probably -- in total probably about roughly
3 fifteen months.
4 Q Um-hmm.
5 A And then from there I returned back to the Michigan
6 Department of Transportation in late 1975 as an
7 engineer, and so from that point forward, let's say from
8 '75 to the early '80s I was like a staff engineer in
9 construction, and then I became an assistant resident
10 engineer from about roughly 1980 through 1985.
11 In 1985 I became a project engineer,
12 managing MDOT projects, and then eventually it was
13 re-classified to resident engineer doing very similar
14 work, and so from there to -- I was doing that work
15 until about 2003.
16 Q So from 1985 to 2003, you were a --
17 A A resident engineer.
18 Q Resident engineer?
19 A Yes.
20 Q Okay.
21 A And from like 2003 to the present time, my current
22 duties are that of a metro region construction
23 engineer.
24 Q So other than Del Webb, you have not had any employers
25 other than MDOT since 1962?

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1 A That is correct.
2 Q Have you ever been convicted of any crimes involving
3 theft or dishonesty, sir?
4 A No.
5 Q Any felony convictions within the last ten years?
6 A No.
7 Q Have you been sued by anyone?
8 A No.
9 Q Have you sued anyone?
10 A Yes.
11 Q Okay. Who have you sued?
12 A City Street.
13 Q City --
14 A City Street, I believe the name is. That's the
15 organization that was managing the State retirement --
16 not retirement. It was the 401K.
17 Q And you sued them over investment issues?
18 A Well, I was in a group that we brought suit.
19 Q About mismanagement of investment opportunities?
20 A It was about some misinformation.
21 Q What year was that lawsuit?
22 A That was about -- it must have been about around --
23 around 2002, I believe. Sometime around there.
24 Q Was that case settled or resolved?
25 A Yes, it was.

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1 Q It was settled?
 2 A Yes.
 3 Q Other than today's Deposition, have you had occasion to
 4 testify in an Arbitration before?
 5 A In an Arbitration?
 6 Q Yes.
 7 A You mean similar to this?
 8 Q In any kind of Arbitration. Have you testified in any
 9 type of Arbitration proceeding?
 10 A Well, I've been involved in several -- several lawsuits.
 11 Q Okay. Have you testified in a Deposition like --
 12 A Yes, I have.
 13 Q How many Depositions have you testified?
 14 A One or two.
 15 Q On behalf of MDOT?
 16 A On behalf of MDOT.
 17 Q Do you recall the nature of the cases in which you
 18 offered testimony?
 19 A The first one was -- it was about 1986, and that was
 20 involving a contractor's insurance company that was
 21 suing MDOT over a project that did for the
 22 rehabilitation of a bridge on M-59 and M-53, where the
 23 construction was impacted by a hi-lo hit from a truck.
 24 Q So was it like a construction defect case?
 25 A No. They were concerned about the construction charges

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1 to the insurance company.
 2 Q And you say that was at M-59 and M-53?
 3 A That's correct.
 4 Q What was the second case?
 5 A Let's see, the next one was -- let's see, well, I went
 6 to -- I went to court, but let's see -- I may -- I think
 7 I may have to -- you said to give direct testimony, I
 8 think I had to give the -- the written statements, what
 9 do you call that?
 10 Q Oh, Interrogatories?
 11 A Interrogatories, I had to answer those, and that was
 12 concerning a case with another contractor suing MDOT.
 13 Q Do you recall the nature of that suit?
 14 A Yes. That was Florence Cement Company suing MDOT over a
 15 project that we -- the M-10 in Detroit.
 16 Q What year?
 17 A Oh, that was -- that was about around -- around 2001.
 18 Q Was that for payment issues, or something else?
 19 A That was the contractor claimed that the design of the
 20 project was defective. He claimed that it was
 21 impossible to keep up with the production that was
 22 required, and also the methodology of the pavement
 23 repair.
 24 Q Was that case also resolved?
 25 A That went to court.

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1 Q Did it go to trial, if you recall?
 2 A Yes. Yes.
 3 Q Was there a verdict reached in the case?
 4 A Yes, it was.
 5 Q Did you actually -- where was the case? In what court?
 6 A The case was in Ingham County, the Circuit Court. This
 7 is the one -- okay, no, that -- the next one -- wait,
 8 hold on a second. Let me get my cases correct.
 9 Q Okay.
 10 A This is the dowel bar retrofit case, and that was --
 11 yeah, that was in Circuit Court in Ingham County.
 12 Q And did you actually testify in that court?
 13 A I attended, but I didn't testify there.
 14 Q Have you had your Deposition taken, like today, where
 15 you've been sworn and under oath?
 16 A I think in that one I was -- I think I just had to do
 17 Interrogatories, I believe, if I remember correctly.
 18 Q And you mentioned --
 19 A There was one more lawsuit.
 20 Q Okay, so there were three?
 21 A Yes.
 22 Q What was the third lawsuit?
 23 A The third one was a contractor claimed that MDOT -- it
 24 was John Carlo, Incorporated suing MDOT over some
 25 quantities of work on M-10. I just had to do

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1 Interrogatories on that, and I did not have to testify
 2 in court.
 3 Q And who represented John Carlo, Mr. MacAlpine?
 4 A I don't recall.
 5 Q You don't, okay. Now what were your duties as a project
 6 engineer, or a resident engineer?
 7 A My duties as a project or resident engineer were to
 8 administer MDOT projects by directing a crew of
 9 engineers and construction technicians to ensure that
 10 the contractor was constructing the project within a
 11 reasonably close performance to the plans and
 12 specifications.
 13 Q And generally how many people made up a crew of
 14 engineers or construction technicians?
 15 A It's varied over the years. From as few as probably --
 16 as few as probably about ten, and as many as
 17 thirty-five or forty.
 18 Q And you're presently located at the Nine Mile and
 19 Southfield office. How long have you been there?
 20 A Since 2003.
 21 Q Where were you before 2003?
 22 A I was at the MDOT Detroit TSC, and I believe that's the
 23 one -- the old location was at Rosa Parks and Fort
 24 Street.
 25 Q And how long were you at the old Detroit TSC?

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1 A About two years. From about 2001 to '03.
 2 Q And prior to 2001, which location?
 3 A Prior to 2001, I was located at the stand-alone MDOT
 4 resident office commonly known as the Southfield
 5 Techno-Center, and that was on Lasher Road in
 6 Southfield.
 7 Q Were you personally responsible for managing projects
 8 while you were a project engineer or a resident
 9 engineer?
 10 A Yes, I was personally responsible for managing the
 11 projects.
 12 Q Any major projects you've managed in that period of
 13 time?
 14 A Yes.
 15 Q Can you just identify some examples?
 16 A Okay. Well, some of the larger ones, let's say going
 17 backwards, reconstruction of M-10 from I-75 to
 18 Jefferson. Also reconstruction of I-75 from I-96 to
 19 M-3, Gratiot, and the reconstruction of I-75 from Fort
 20 Street to West Grand Boulevard. Numerous other projects
 21 which included bridge rehabilitation projects; pave
 22 rehabilitation projects, all types of bridge paving,
 23 freeway lighting projects, just many, many projects.
 24 Q Have you had occasion to work on the -- what's been
 25 identified generally as the Gateway Project in any

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1 fashion?
 2 A I worked on that when it was in its development stage.
 3 Q Nothing beyond that?
 4 A Let's see, primarily -- primarily the development
 5 stage, and very little, if any, during the actual
 6 construction.
 7 Q Were you a metro region construction engineer during
 8 that development stage?
 9 A Yes, I was.
 10 Q What about the recent Southfield rehabilitation project
 11 from basically Eight Mile to Ford Road?
 12 A I didn't do much in that project at all, very little.
 13 Q And what are your duties as the metro region
 14 construction engineer?
 15 A As the metro region construction engineer, I have a
 16 staff of four MDOT engineers, and one construction
 17 technician, and one consultant engineer, and so
 18 basically I manage to work with my staff, which consists
 19 of documentation reviews, project documentation reviews,
 20 wage compliance reviews, and also I manage the metro
 21 region contractor claims.
 22 Q And what does that mean?
 23 A So what that means is that when we receive the claims
 24 from the Transportation Service Centers, that we
 25 schedule meetings for them, and we appoint a panel to

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1 review the claims, and we write the claims up, and prior
 2 to that time we try to get involved to intervene to try
 3 to resolve the construction issues before they reach a
 4 claim status. In addition, I'm involved with several
 5 committees.
 6 Q Such as?
 7 A Such as the Good Faith Effort Committee from the Office
 8 of Business Development, and also the -- with the Office
 9 of Business Development, I assist in the DBE project
 10 selection, and I'm on the OJT, or the On-the-Job
 11 Training committee.
 12 Q The Under Job --
 13 A On-the-Job.
 14 Q On-the-Job?
 15 A On-the-Job, statewide On-the-Job Training Committee. I
 16 have served on numerous other committees.
 17 Q What is the Good Faith Effort Committee?
 18 A The Good Faith Effort Committee is the Committee that
 19 reviews contractor's applications for Waivers to DBE
 20 goals on construction projects.
 21 Q So they review construction projects to see whether the
 22 DBE goals that have been set for that project have been
 23 met?
 24 A That is correct. The selection committee signs the DBE
 25 Goals, and then once the contractor receives the

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1 project, and let's say that there's a ten percent DBE
 2 goal, and the contractor feels that he cannot meet it,
 3 he's required to submit a Waiver so that the goal may be
 4 adjusted.
 5 Q And is it the committee's job to make recommendations on
 6 whether to waive or not waive?
 7 A Well, the committee -- the committee votes and
 8 determines if a Waiver is accepted or not.
 9 Q Is that just on construction projects?
 10 A Mostly construction projects, and a few consultant
 11 projects.
 12 Q Why is it less involved in the consultant project end of
 13 the business?
 14 A I think because -- from what I understand, very few DBE
 15 goals are established on most consultant projects, and,
 16 from what I've seen most of the time the consultants do
 17 meet the DBE goals, and usually don't request a Waiver.
 18 Q Why are there so few DBE goals set on the consultant
 19 end, if you know?
 20 A Well, I believe it has to do with the size of the
 21 contract and the location of the project.
 22 Q And why do you say location?
 23 A Because the DBE goals are established for many type of
 24 project. What's taken into consideration is the DBE
 25 population in the area that the project is being

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1 performed in.
 2 Q So you might expect fewer DBE-targeted goals in the
 3 upper peninsula than you might in southeastern Michigan?
 4 A There are fewer DBEs in the northern part of the State,
 5 and thus the goals are reduced there.
 6 Q Now you also mentioned the DBE project selection
 7 committee. What is that?
 8 A The DBE selection team, what happens is that we get a
 9 list of projects that are coming up for a particular
 10 letting, and we get a description of the work, the
 11 dollar amount, and the list of DBE contractors who --
 12 certified contractors who are -- say that they are
 13 available to work in certain areas, and so we make the
 14 determination of what the DBE goal should be on
 15 particular projects within the State of Michigan.
 16 Q Within the entire State?
 17 A Yes.
 18 Q Is that on an annual basis, a semi-annual basis?
 19 A Probably -- an average, probably once a month.
 20 Q And what happens with these recommendations?
 21 A These recommendations are given to our Contract Section,
 22 and they establish them as a goal for DBE contractors
 23 on any particular project.
 24 Q So basically they just -- you sort of set these goals as
 25 a committee, transfer the recommendations to the

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1 Contract Section, and the Contract Section then is
 2 supposed to follow-up to basically target the goals
 3 within the contracts that are actually awarded?
 4 A That is correct, and make it part of the contract
 5 proposal.
 6 Q Now is this also for construction contracts and
 7 consulting contracts, or is this just for --
 8 A It's primarily for construction contracts, and
 9 occasionally for consultant contracts, and sometimes --
 10 Q Is this again the same rationale --
 11 A Yes.
 12 Q In terms of location and size of contract sort of
 13 drives whether consulting contracts are included?
 14 A Yes, and sometimes the DBE goals on consultant contracts
 15 are established in the central office. I'm not quite
 16 sure of that because we don't always see all those.
 17 Q When you say the central office, Lansing?
 18 A At Lansing central office.
 19 Q And who in Lansing, if you know, is responsible for
 20 setting those DBE goals for consulting contracts?
 21 A I think they come from the -- probably the project
 22 development folks dealing with the Office of Business
 23 Development, I believe. We do see a few of those, but
 24 not very many.
 25 Q Now when you say project development folks, who are you

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1 talking about?
 2 A Design.
 3 Q And that's in the central office?
 4 A Yes.
 5 Q And the Office of Business Development, is that also in
 6 the central office?
 7 A Yes, it is. The Office of Business Development manages
 8 the statewide DBE program.
 9 Q Do you know who heads up the Office of Project
 10 Development?
 11 A What, the Office of Business Development?
 12 Q I thought you said Project Development. Is that a
 13 separate office, or is that just people?
 14 A Well, actually, when I said project development, I'm
 15 saying Design.
 16 Q Well, who heads up the Design office?
 17 A Right now I believe it's Brad Weifriech, I believe.
 18 Q How do you spell Weifriech?
 19 A W-e-i-f-r-i-e-c-h, something like that.
 20 Q And what about the Office of Business Development, who
 21 heads up that office?
 22 A That's headed by Patricia Collins.
 23 Q Now you indicated you had basically I believe four MDOT
 24 engineers, one construction tech. and one consultant
 25 engineer that presently work for you, directly for you?

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1 A That's correct.
 2 Q And who are the four MDOT engineers?
 3 A The four MDOT engineers are Jeffrey Grossklaus,
 4 G-r-o-s-s-k-l-a-u-s.
 5 Q Okay.
 6 A Abel Sahloul. A-b-e-l, S-a-h-l-o-o-l.
 7 Q Okay.
 8 A Scott Douglas.
 9 Q Okay.
 10 A And Gustavo, G-u-s-t-a-v-o, Serratos,
 11 S-e-r-r-a-t-o-s. Those are the engineers, MDOT
 12 engineers, and the technician is Jonathan Eschmann,
 13 E-s-c-h-m-a-n-n, and the consulting engineer working
 14 with us is Ernie Savas, S-a-v-a-s.
 15 Q And how long have these people been with you?
 16 A Each one, or generally now?
 17 Q General. How long have the four -- have the four
 18 construction engineers been with you for any particular
 19 length of time, or has it been a revolving door?
 20 A Several years. I'd say two of them, I'd say Jeffrey
 21 Grossklaus and Abel Sahloul each have been with me
 22 several years.
 23 Q And Mr. Douglas and --
 24 A Mr. Douglas has probably been with me probably about
 25 five years.

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1 Q And Mr. Serratos?
 2 A Mr. Serratos just got hired about -- about three weeks
 3 ago.
 4 Q Okay, and Mr. Eschmann?
 5 A Mr. Eschmann just came to work with us from a different
 6 MDOT location earlier this year.
 7 Q And Mr. Savos?
 8 A Mr. Savos, Mr. Savos is a consultant engineer. He's
 9 been working with us, oh, several years.
 10 Q Has Rita Screws ever reported to you directly?
 11 A Years, years ago.
 12 Q What years were those?
 13 A I'd say back when she was a co-op, I believe, and I
 14 wasn't her -- I wasn't her official supervisor. I
 15 believe I was the assistant resident engineer back
 16 around -- it must have been around 1984 or so.
 17 Q Did you ever report to her?
 18 A Yes.
 19 Q When did you report -- what years did you report to her?
 20 A Probably about -- it must have been probably about maybe
 21 a year, a year-and-a-half from -- let's say somewhere
 22 between '02, '03, something like that.
 23 Q In the Detroit TSC?
 24 A Yes, the Detroit TSC. Yes.
 25 Q What about Paul Ajegba?

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1 A Paul Ajegba, yes, I reported to Paul Ajegba when Paul
 2 was the deputy region engineer at the metro region
 3 office. Well, I was indirect report to him. He was two
 4 levels higher on us.
 5 Q While you were a --
 6 A I was a region construction engineer then.
 7 Q You were a region engineer?
 8 A Region construction engineer.
 9 Q So that's been since 2003?
 10 A Yes.
 11 Q Do you know Marilyn Caldwell?
 12 A Yes, I do.
 13 Q Has she ever worked for you?
 14 A Yes. Marilyn worked as my secretary.
 15 Q What years was she your secretary?
 16 A For about eighteen years. From I'd say from about
 17 1986 till about 2003, something like that.
 18 Q So she was your secretary until you actually became
 19 region --
 20 A Construction engineer.
 21 Q Construction engineer -- why didn't she go with you?
 22 A Because the system didn't operate like that. You
 23 basically, you know, stay at your level unless you are
 24 promoted or reassigned.
 25 Q When was the last occasion you spoke with Miss Caldwell?

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1 A Oh, let's see, probably about -- I don't know, it must
 2 have been about a month ago or so, something like that.
 3 Q And do you consider her a friend?
 4 A A work associate.
 5 Q Did you ever have any performance issues with her while
 6 she was your secretary?
 7 A Yes.
 8 Q And what were the nature of those performance issues?
 9 A That was shortly after she started working for MDOT,
 10 back around 1986. I found out that -- after she got
 11 hired that her secretarial skills were marginal, at that
 12 time.
 13 Q And did they improve over time?
 14 A Tremendously.
 15 Q So at the end you had no complaints about her ability?
 16 A That is correct.
 17 Q So other than her initial marginal secretarial skills,
 18 you've had no complaints about her?
 19 A That's correct.
 20 Q What about her truth and veracity?
 21 A I had no problems with that.
 22 Q Did Victor Judnic ever report to you?
 23 A No. Victor didn't report to me directly, no.
 24 Q When you became the region construction engineer, he
 25 replaced you in your prior position?

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1 A That is correct, he did.
 2 Q And inherited Miss Caldwell as his secretary?
 3 A That is correct.
 4 Q Before you were promoted to the region construction
 5 engineer, did you have occasion to work with Mr. Judnic
 6 on any projects while you were the resident engineer at
 7 the Detroit TSC?
 8 A Well, I was the resident -- okay, Mr. Judnic was hired
 9 by MDOT, let's see, I believe it was shortly after I got
 10 promoted --
 11 Q Promoted --
 12 A I believe it was around 2003.
 13 Q So you had no occasion to work with him?
 14 A Well, I -- yeah. We -- because as the region
 15 construction engineer, part of my duties were to mentor
 16 new resident engineers, and also to assist all the
 17 resident engineers with field problems that they may
 18 have or anything.
 19 Q So in that capacity you had occasion to work with him?
 20 A Yes, I did.
 21 Q On which projects, if you recall?
 22 A There were -- there were several projects. One was I
 23 believe -- I believe when he started, I think -- I think
 24 we were working on the bridge at 94 and I-75, the bridge
 25 that was damaged by fire.

1 Q And that was as a result of an accident?
 2 A Yes. That was the result of a tanker truck accident.
 3 Also there was some projects -- there were probably a
 4 few projects, several projects for I-96 in Detroit.
 5 Q The Jeffries Freeway?
 6 A The Jeffries Freeway, yeah, there were -- I believe
 7 there were a couple of reconstruct projects there.
 8 Q Always.
 9 A Yeah. Well, I've been involved in a lot of different
 10 projects with Victor and the other resident engineers.
 11 Q What about with Mr. Steucher, have you had occasion to
 12 have any working relationship with Mr. Steucher?
 13 A As far as direct project involvement --
 14 Q Yes.
 15 A I'd say there was probably -- probably a minimum with
 16 Mark Steucher.
 17 Q Because he was in another TSC?
 18 A No. Because I was the region construction engineer
 19 then, and Mark was one of our more or less senior
 20 resident engineers, and he -- he usually had, you know,
 21 enough experience that he usually didn't call for help.
 22 He's been around quite a long time.
 23 Q Well, did Mr. Judnic actually reach out to you seeking
 24 assistance?
 25 A Well, that was part of the understanding that when

1 he got hired that he said he would, you know,
 2 contact me and -- until he more or less, you know,
 3 got along on his own two feet.
 4 Q And how long until he got his feet under him
 5 sufficiently that he didn't really have to involve you
 6 in anything?
 7 A Let's see, I don't remember for sure, but it -- but he
 8 learned pretty quickly, and he had some pretty good
 9 prior experience, so I'd say a relatively -- relatively
 10 a short period of time, but we -- we still, you know,
 11 work out field problems, or, you know, any other issues
 12 that we'd be working on.
 13 Q Before Mr. Judnic was hired, did you have any
 14 responsibility for investigating his background from
 15 prior jobs?
 16 Q I was on the interview team that hired Mr. Judnic.
 17 Q What were your responsibilities on the interview team?
 18 A Well, on the interview team we -- we sat in on the
 19 interview of the candidates, and selected one of
 20 them, which was Victor.
 21 Q In the course of your role on the interview team, did
 22 you ever become aware of any alleged improprieties in
 23 his past employment?
 24 A No. As a matter of fact, I believe there were two
 25 interview teams that he was on -- that I was on with

1 Victor. I believe the first team reviewed as an
 2 assistant resident engineer, and at that interview I
 3 believe we suggested to him that he apply as a resident
 4 engineer, also, and he did, and we selected him.
 5 Q And so you never were advised of any improprieties or
 6 problems with his conduct in his prior employment?
 7 A Not at all.
 8 Q In the time, you know, since his hire, have you
 9 received any complaints about Mr. Judnic, either formal
 10 or informal, from any female employees, or contractors
 11 or consultants?
 12 A Yes, yes.
 13 Q And that's been since 2003?
 14 A Yes.
 15 Q And from whom did you receive these complaints?
 16 A I -- let's see, I -- well, verbal complaints, Marilyn
 17 Caldwell did basically tell me she -- she said that she
 18 and Victor did not get along very well.
 19 Q Did she describe what that -- what she meant by that?
 20 A I don't remember anything major that they did not get
 21 along with. I think it was basically her talking about
 22 office procedures, or the way he wanted things done, or
 23 something to that effect, from what I recall as far as
 24 her complaints go.
 25 Q Okay, so that was Marilyn Caldwell?

1 A Yes.
 2 Q How many complaints?
 3 A I don't know, but she -- she did also mention that --
 4 you know, told me about an incident between Victor and
 5 Miss Foster, also.
 6 Q And what was the incident that she described between
 7 Victor and Miss Foster?
 8 A Well, he -- she stated that -- or she made a comment
 9 something to the effect that a woman shouldn't make that
 10 much money, or something to that effect.
 11 Q Do you recall when she told you about that comment?
 12 A I don't recall which year that was in, sir.
 13 Q Pardon?
 14 A I don't recall the year.
 15 Q Did you do any type of investigation, or follow-up on
 16 that comment?
 17 A No, I didn't.
 18 Q Did you report it to anyone?
 19 A No, I didn't.
 20 Q Were you the region construction engineer at the time?
 21 A That is correct.
 22 Q Anything else that Miss Caldwell may have complained
 23 about to you that you can recall?
 24 A Let's see, nothing I can recall right now.
 25 Q And she expressed no concerns about race or gender

1 discrimination?
 2 A Well, I guess the gender discrimination is the statement
 3 that I -- that's stated there, but as far as a specific
 4 incident, I don't recall.
 5 Q Anyone else that complained to you?
 6 A Oh, Bellandra Foster did.
 7 Q And do you recall what year Miss Foster complained to
 8 you?
 9 A Well, you see I don't know the date that I first heard
 10 of it, but she did -- but she did issue, you know,
 11 complaints from time to time, such as she was
 12 complaining something about not having meetings with
 13 Victor, expectation meetings or something like that, and
 14 so she -- she mentioned something about her staff.
 15 Q Love Charles or Ray Stewart, or anybody in particular?
 16 A She -- she did mention something about Mr. Charles. She
 17 thought -- she told me that she thought that Victor
 18 didn't care for Mr. Charles, and she told me that she
 19 thought that Victor wanted Mr. Charles to move on.
 20 Q Did you conduct any type of follow-up investigation, or
 21 inquire into that yourself?
 22 A No, I didn't.
 23 Q Did you talk to Mr. Judnic at all about Miss Foster's
 24 complaints?
 25 A No, I didn't.

1 Q Did you talk to Mr. Judnic at all about Miss Caldwell's
 2 complaints?
 3 A No, I didn't.
 4 Q Anything else you recall about Miss Foster's complaint?
 5 A Yes. Also she -- I guess the Detroit TSC wasn't the
 6 only place where she had complaints, too. I remember
 7 the Taylor TSC she -- she said had some problems with
 8 her staff being accepted there.
 9 Q Who was heading up the Taylor TSC?
 10 A Let's see --
 11 Q Roger Young, or somebody else?
 12 A Well, let's see, more recently it was Kimberly Avery,
 13 but prior to that time -- let's see, who was there --
 14 it probably Kim Avery was probably there then because
 15 she has been there quite some time.
 16 Q Do you recall the staff that wasn't being accepted
 17 there?
 18 A In particular, I remember Mr. Charles Covington in
 19 particular.
 20 Q Any other complaints you recall Miss Foster having about
 21 Mr. Judnic?
 22 A She -- let's see, at the Detroit TSC in general she was
 23 telling me that her -- that her -- that her staff was
 24 being less accepted. I think she had said something
 25 about she had to -- lost her employees who had been

1 working for a long time.
 2 Q As a result of they're not being accepted at the Detroit
 3 TSC?
 4 A That's -- that's what she was saying.
 5 Q Did you do any type of follow-up, or investigation into
 6 that?
 7 A No, I did not.
 8 Q Would those types of issues be within the purview of any
 9 of the committees that you were sitting on?
 10 A No.
 11 Q Is there a committee, or a department, or office in MDOT
 12 that would address these types of complaints?
 13 A I would say -- well, first of all, the -- well, see,
 14 first of all, I never did -- I never received any formal
 15 complaint.
 16 Q These were just verbal?
 17 A These were verbal, and --
 18 Q And so you didn't consider them to be informal
 19 complaints?
 20 A Yeah. They were verbal, and so Miss Foster also made a
 21 complaint about payment issues out of the Detroit TSC.
 22 Q Out of which one, Detroit?
 23 A Detroit TSC, yeah.
 24 Q Was that on a particular contract, or just general?
 25 A Well, I think it was primarily out of the Gateway

1 Project.
 2 Q And Mr. Judnic was managing that project at the time?
 3 A Mr. Judnic was the manager of the Gateway Project.
 4 Q Any other complaints you recall by Miss Foster, informal
 5 or verbal?
 6 A At which location?
 7 Q The Detroit TSC.
 8 Q The Detroit TSC, basically, like I said, it was staffing
 9 issues, payment issues, things of that nature.
 10 Q Do you recall any complaints she had out of the TSC in
 11 which Mr. Steucher was located?
 12 A Yes.
 13 Q Was this also a verbal complaint?
 14 A Yes.
 15 Q Do you recall the nature of the complaint?
 16 A Yes, I do.
 17 Q What was that complaint?
 18 A That was a consultant selection complaint.
 19 Q Was that formal or informal?
 20 A That was informal.
 21 Q And that would have been roughly 2009?
 22 A It was -- I believe it was probably around spring 2009.
 23 Q Any other complaints regarding the Oakland TSC, I think
 24 it was?
 25 A I think she said she -- I don't think she ever got work

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1 out of there.
 2 Q Did you conduct any kind of follow-up investigation, or
 3 inquiry regarding those complaints?
 4 A Well, I was -- I was on the selection team there that
 5 she had applied for --
 6 Q On the 2009 complaint?
 7 A That's correct. Yes.
 8 Q What about the complaint about no work coming out of the
 9 Oakland TSC, did you --
 10 A No. No, because she -- well, she -- she claims that
 11 she had a difficulty getting any work out of lot of
 12 different locations, not just Oakland and not just
 13 Detroit.
 14 Q Anyone else that you recall, other than Miss Foster and
 15 Miss Caldwell, that complained to you informally about
 16 Mr. Judnic?
 17 A Well, maybe some of the employees may have some
 18 grumblings about work rules and things like that, so --
 19 Q And so any employees, male or female, that complained to
 20 you informally?
 21 A Well, yes, I remember one employee who didn't like
 22 Mr. Judnic's overtime policies. I guess Victor had
 23 instituted some new policies where the employees had to
 24 seek permission prior to working overtime, and I think
 25 there might have been one employee who apparently

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1 violated that and received some type of disciplinary
 2 procedure as a result of it. Just like I said some --
 3 some general grumblings, you know.
 4 Q When you say general grumblings, there are different
 5 types of general grumblings.
 6 A I know that.
 7 Q So you don't have any specific recollection of anything
 8 in particular? I'm only asking what you recall.
 9 A Okay, yeah. Well, some of the technicians there, you
 10 know, thought that they were -- they were being
 11 under-utilized, that type of thing.
 12 Q Did you ever attend any progress meetings on the Gateway
 13 Project?
 14 A Yes, I did.
 15 Q And what was your role in those progress meetings?
 16 A I started attending the progress meetings for the
 17 Gateway Project when the project first began basically
 18 as a representative of the region office.
 19 Q Do you recall any overpayments to contractors on that
 20 project in the course of your involvement?
 21 A I do recall an instance of that.
 22 Q And what was that instance?
 23 A It wasn't from my attendance at the meeting. It was
 24 from a progress report, a progress meeting report that I
 25 read where it appeared that the contractor had been

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1 overpaid.
 2 Q By the tune of how much, five-million?
 3 A I think it was about -- it was about -- I believe the
 4 report said about five-million, and there might have
 5 been some issue, too, with the electrical subcontractor,
 6 I believe, too.
 7 Q Do you recall the contractor that was overpaid?
 8 A Walter Toebe Company. T-o-e-b-e.
 9 Q Was this a result of some form of pre-payment on the
 10 project?
 11 MR. DITTENBER: I'm just going to
 12 put an objection on the record to the relevance of these
 13 questions involving another contractor as a part of this
 14 case.
 15 MR. WILLIAMS: You can go ahead and
 16 answer.
 17 THE WITNESS: As I understand the
 18 nature of the overpayment was -- in my discussions with
 19 Victor, was that the contractor was paid for stock
 20 piling foundation piling, and what Victor tells me was
 21 that somehow or another -- well, as the project
 22 proceeds, the way stock piling works is that when the
 23 contractor has a very expensive item that he has to
 24 make payment up front for, the Department has a policy
 25 of us paying for the materials which were invoiced by

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1 the contractor, and it's my understanding that the
 2 contractor did purchase a large quantity of foundation
 3 piling for used in the project, and that as a result
 4 they did receive what we call stock pile payment for the
 5 material in advance of its use.
 6 BY MR. WILLIAMS:
 7 Q And that's authorized by the project engineer?
 8 A That is correct.
 9 Q Have you ever seen in your experience a payment of that
 10 size authorized by a project engineer on an MDOT
 11 project?
 12 A That's about the largest amount I've ever seen for stock
 13 piling, but, you know, we -- we allow stock piling on a
 14 percentage basis for what the contract amount is, so if
 15 you have, you know, large quantity and a high price,
 16 then more would be allowed.
 17 Q Did MDOT have to recoup the overpayment through some
 18 process?
 19 A Yes. Yes, MDOT did recoup the overpayment. Well,
 20 actually I guess at first it might not have been
 21 considered as an overpayment as such. It's just -- I
 22 think the problem was is that it wasn't being paid back
 23 in a timely manner. That was really problematic. I
 24 don't think there was any issue with the initial
 25 payment.

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1 Q Do you know if it was ultimately paid back?
 2 A It's my understanding that it was.
 3 Q Did you ever work with Love Charles?
 4 A Yes, I did.
 5 Q And when was that?
 6 A The first time I worked with Love Charles was probably
 7 about the late 1970s.
 8 Q Did he ever serve as an office technician for you?
 9 A Yes. Yes, he -- eventually he did serve -- he did serve
 10 as an office technician for me. This was back in
 11 probably in the late '90s. When he worked for BBF, he
 12 was working as a field inspector, a construction
 13 inspector through -- I believe BBF, and at the time I
 14 needed an office technician, and -- and I assigned him
 15 that work.
 16 Q Were you aware of any project audits on the Gateway
 17 Project by the federal government?
 18 A Federal government audits on the Gateway Project?
 19 Q Yes.
 20 A I'm not aware of that.
 21 Q What about a federal project assessment by -- on the
 22 Gateway Project?
 23 A I'm not aware of that.
 24 Q Did you ever get any reports on the level of DBE
 25 participation on the Gateway Project?

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1 A From what I understood, the contractor was meeting the
 2 goal.
 3 Q Do you know if there were any African American or
 4 Hispanic owned companies that obtained work as a prime
 5 on the Gateway Project?
 6 A Well, when you say the Gateway Project, there is a
 7 series of Gateway Projects.
 8 Q Any of them?
 9 A Okay. Well, actually I guess the term Gateway Projects
 10 was started probably back in the late '90s. They
 11 started numbering them, and then they dropped it, and
 12 then started, and so if you're talking about the time --
 13 well, when Victor had it, or prior to that time?
 14 Q When Victor had it.
 15 A Yes. There were some DBE contractors working in some of
 16 those.
 17 Q As primes?
 18 A No, no. I don't believe so. As subcontractors.
 19 Q I think my question were there any African American or
 20 Hispanic owned companies that acted as primes on the --
 21 A As primes, I'm not aware of any prime contractors
 22 there. The main project was very large, and none
 23 of them pre-qualified for that.
 24 Q Do you recall any that worked as sub-consultants?
 25 A As sub-consultants?

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1 Q Yes.
 2 A Well, I know that -- let's see, BBF was a sub-consultant
 3 there.
 4 Q Through HNTB?
 5 A To URS, I believe. Let's see --
 6 Q Anybody else?
 7 A Let's see, I -- I don't recall the names specifically.
 8 There might have been some Hispanic consultants there,
 9 but as far as African Americans, I -- let's see, hold on
 10 a second here, there might have been one for the PR
 11 work. I'm not sure.
 12 Q Do you know if there were any African American owned, or
 13 Hispanic owned companies that have prime contracts on
 14 the Southfield Freeway Project?
 15 A No.
 16 Q No, they did not?
 17 A As prime contractors?
 18 Q Yes.
 19 A No.
 20 Q Did any of them have sub-consultant contracts?
 21 A Yes.
 22 Q Who were they?
 23 A Paradigm 2000.
 24 Q And what were they doing?
 25 A I believe that Paradigm was -- they will take these

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1 sewers, and then eventually I think he may have started
 2 cleaning out sewers, too.
 3 Q Do you know if Mr. Judnic was still billing the
 4 Southfield Freeway Project after he left and went to
 5 HNTB?
 6 MR. DITTENBER: Objection to
 7 foundation.
 8 MR. WILLIAMS: If you know.
 9 THE WITNESS: After Mr. Judnic left
 10 MDOT, he did work on the M-39 project.
 11 BY MR. WILLIAMS:
 12 Q Were you aware of correspondence from MDOT to HNTB
 13 telling them that Mr. Judnic could no longer bill on
 14 that project?
 15 A I did hear about that. I didn't see anything officially
 16 in writing. I heard that. Yeah, I heard that there
 17 were some comments about that subject.
 18 Q You do know Miss Foster, apparently.
 19 A Yes.
 20 Q Have you ever allowed her to bill as a principal on any
 21 project for which she served as a consultant where you
 22 were the project engineer?
 23 A Well, you mean billed as a principal? I don't
 24 understand what you mean.
 25 Q Was she allowed to actually bill her time working on the

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1 project --
 2 A Oh, oh.
 3 Q Even though she's the principal of the company?
 4 A Oh, okay, okay. You mean bill.
 5 Q Yeah, bill. Yes, b-i-l-l.
 6 A Okay. Let's see, from what I recall I believe that she
 7 did bill time as a manager, I believe.
 8 Q Were you aware of any series of -- I guess any changing
 9 policies regarding the ability of a principal of
 10 consulting firms to bill their time on projects, or not
 11 bill their time on projects?
 12 A Are you talking about an MDOT policy?
 13 Q Yes.
 14 A No. I haven't heard of any change in that policy.
 15 Q What was your understanding of the policy, if any, as to
 16 whether a principal of a consulting firm could bill for
 17 their time working on a project?
 18 A Well, it's my understanding that a principal could bill,
 19 could bill on the contract provided that they were
 20 providing some type of useful service other than just
 21 being a principal of the company. For example, let's
 22 say like some of them in the past have been like QA/QC
 23 managers, or something -- something to that effect.
 24 Q Now do you, yourself, have you ever, in the course of
 25 your work as a resident engineer, been involved in

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1 debriefing meetings with any consultant or contractor?
 2 A Yes, yes.
 3 Q Did you do those on the phone, or did you do those in
 4 person?
 5 A In person.
 6 Q Did you do that as a matter of -- in the regular course
 7 of business, or was that something unusual to be engaged
 8 in a debriefing meeting?
 9 A Well, I -- actually I think I've only had probably one
 10 formal request for that.
 11 Q And who made that formal request?
 12 A That was HNTB.
 13 Q And who at HNTB made the request?
 14 A I don't remember, but it wasn't a project that I was the
 15 project manager on. It was -- it was for the -- it was
 16 for what we called the DRIC Project.
 17 Q The bridge problem?
 18 A Yeah.
 19 Q The DRIC, the Detroit River International Crossing.
 20 Have you, yourself, ever completed final evaluation form
 21 for any consultant or contractor?
 22 A Yes, I have. I've performed a lot of them.
 23 Q Do you normally sign those forms yourself?
 24 A Yes. I sign them. Typically I may have an assistant,
 25 or a tech. prepare them, and then I would review the

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1 ratings to see if I agreed with them, and ask them to
 2 adjust if I saw any changes that were necessary, and
 3 then I would sign them.
 4 Q Do you always review every evaluation form that went out
 5 under your signature?
 6 A Yes.
 7 Q Did you review the evaluation forms that went out for --
 8 under the signatures of people that were working on
 9 your behalf? Like if you had an assistant engineer
 10 doing an evaluation, and they were signing the form,
 11 would you review that form as well?
 12 A Well, they would -- well, what would happen, let's say
 13 like on a contractor's evaluation, the assistant who
 14 would prepare the evaluation would sign it, and then --
 15 as the preparer, and then I would sign it as approval.
 16 Q So you would review it for approval purposes?
 17 A That's correct.
 18 Q If you had a disagreement with what they were -- what
 19 was contained in the evaluation, would you address that
 20 with the assistant before the evaluation was completed
 21 and you approved it?
 22 A That is correct, because -- for contractors, if you give
 23 a negative evaluation for contractors, and I think we
 24 had a numbering system for -- between 1 to 10, and if
 25 the contractor got 7 or below, you have to supply

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1 documentation for the contractor.
 2 Q And as I understand the numbering system, potentially
 3 the lower -- the more low scores you get --
 4 A The lower score is more negative.
 5 Q And it affects your ability not only on that job, but
 6 also on bidding, or submitting RFPs on future jobs?
 7 A Well, a low score would -- it could impact your
 8 pre-qualification.
 9 Q Meaning that --
 10 A Meaning that your acceptance, or your ability to bid on
 11 future work.
 12 Q And could you just tell me what a pre-qualification is?
 13 You've used that a couple times.
 14 A Well, let's say for -- you mean you're talking about for
 15 a contractor or for a consultant?
 16 Q Well, let's start with a contractor.
 17 A Okay. For a contractor, the pre-qualification means
 18 that the contractor is -- is qualified to perform a
 19 certain dollar-value of work based upon their experience
 20 managing the projects, their staffing or personnel,
 21 their experience, the -- your equipment, your capital
 22 assets, your total capacity to perform certain classes
 23 of work based on the dollar amounts, so the higher your
 24 qualifications, the pre-qualifications, the higher
 25 dollar value of work you could bid on as a contractor.

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1 Q What about a consultant, generally?
 2 A Pre-qualifications for consultants, that is -- that is
 3 really not as straightforward, in my opinion, as it is
 4 for contractors.
 5 Q Is it more in the nature of the types of work you could
 6 perform, or --
 7 A It's primarily based upon your experience in the
 8 managing of certain types of projects, and also the
 9 staffing that you have available; experience and
 10 qualifications of your staffing; you know, have you done
 11 this type of work before, and also your -- your ratings
 12 on being a consultant on other work, too.
 13 Q And when you say your ratings, you're talking about the
 14 evaluations you receive?
 15 A The evaluations that you received for past projects, all
 16 that. You know, all that -- all that goes into --
 17 Q Whether you become pre-qualified, or in a position to
 18 being pre-qualified to do a certain type of work on a
 19 going forward basis?
 20 A Yeah, or -- or you being -- let's say being qualified to
 21 work on another project.
 22 Q So if you're getting lower evaluation scores,
 23 potentially it's going to have a detrimental effect on
 24 your ability to get certain types of future work?
 25 A Sure. For consultants and contractors, right.

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1 Q Would you ever use an electronic signature on an
 2 evaluation form?
 3 A You say would I or have I?
 4 Q Have you.
 5 A I have not yet.
 6 Q Have you ever signed someone else's name to an
 7 evaluation form?
 8 A No.
 9 Q Have you ever had someone sign your name to an
 10 evaluation form?
 11 A No.
 12 Q How long have you known Miss Foster?
 13 A Probably about -- probably about the late '80s, I
 14 believe.
 15 Q You met her when she was working for MDOT?
 16 A She was an MDOT employee.
 17 Q And how many projects would you estimate you've had to
 18 work with Miss Foster while she was an employee?
 19 A Well, when she was an employee, she was not in the
 20 Construction Division that I was in, so we didn't
 21 have direct assignments together.
 22 Q What about when she became an outside consultant, did
 23 you have occasion to work with her then?
 24 A Yes, I did.
 25 Q On how many projects did you work with her?

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1 A Let's see, I believe the first project was in 1997, and
 2 the last project was probably in 2003, and there were I
 3 think many projects in between those years.
 4 Q Fifteen, twenty?
 5 A Oh, I'd say from -- you say from '97?
 6 Q Yes.
 7 A To '03?
 8 Q Yes.
 9 A We're talking what, about -- I would -- it could -- I'd
 10 say lots, because I did a lot of work -- I was assigned
 11 a lot of projects, so I'd typically have -- I don't
 12 know, maybe about -- anywhere -- on an average, probably
 13 ten to fifteen active projects going on at one time.
 14 Q At what kind of dollar value?
 15 A Well, the total dollar value, all of them?
 16 Q Yes.
 17 A For any one particular year?
 18 Q Yes.
 19 A Well, I saw one list that said it was like 121 million
 20 dollars in let's say around 2001. These are projects
 21 that were in various stages, from just starting, active
 22 work, and being final or completed.
 23 Q Did you ever have an opportunity to fill out any
 24 evaluation scores for BBF Engineering?
 25 A Yes. Yes, I did.

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1 Q Did you ever score BBF with sevens and eights on any of
 2 your evaluation forms?
 3 A Sevens and eights, from my -- from my recollection, they
 4 were always rated high.
 5 Q As I understand it, an eight is really sort of like the
 6 lowest score you can get without triggering --
 7 A An eight, yeah, so I believe they were above
 8 eights on the average, because -- yeah, because if
 9 you got -- I believe if she got a seven, I think
 10 you were in trouble.
 11 Q Did you develop any familiarity with BBF's overhead
 12 rates when you were working with the company?
 13 A No. I really didn't get into that.
 14 Q But you were aware that BBF was a DBE?
 15 A Yes.
 16 Q And a woman-owned business in the firm?
 17 A That is correct. I did understand that.
 18 Q And a Minority Business Enterprise?
 19 A Yes. I understand that.
 20 Q And you had occasion to review -- to make selections of
 21 BBF based upon their responses to Request for
 22 Qualifications that you prepared?
 23 A BBF and other consultants would submit their Request for
 24 Proposals, and we would -- we would select them from
 25 that.

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1 Q Part of your responsibility as a resident engineer was
 2 to, from time to time, sit on a selection team?
 3 A That is correct. I would -- I would form a selection
 4 team, and assign or invite MDOT employees to participate
 5 in such a team.
 6 Q How did that work? Was it your job on a project you
 7 were overseeing as a resident engineer to develop the
 8 selection team, or invite people to participate in the
 9 selection team for RFPs?
 10 A That's correct, because the person managing the project
 11 was called the project manager, and it was their
 12 responsibility to form a selection team.
 13 Q And that wouldn't be a job that would be delegated to
 14 the central office, would it?
 15 A Well, that depends, you see because over the years the
 16 rules have changed.
 17 Q Okay.
 18 A Because since I got involved in doing that, in 1997, and
 19 the rules are new, and very few of us really knew what
 20 we were doing, and it's been an evolving process,
 21 because early on we would have consultants come in and
 22 give us an oral presentation of their work.
 23 Q So you're talking about in the late 1990s?
 24 A Yeah, um-hmm. Let's say from 1990s up till -- I don't
 25 know, maybe early 2000, something like that.

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1 Q So it would be like a dog and pony show? They'd
 2 come in and make a presentation to you?
 3 A Yeah. Yeah, that went on -- yeah, for a while, and then
 4 the rules were changed.
 5 Q When did the rules change? Was that the early 2000s?
 6 A Well, the rules -- as I recall, the -- sometime around
 7 there we had a -- well, let's say the current rules got
 8 to where they were basically when I think when
 9 Gloria Jeff was the Director.
 10 Q Gloria --
 11 A Gloria Jeff, J-e-f-f, was the MDOT Director, and the
 12 ACEC had a lot of complaints.
 13 Q The who?
 14 A The --
 15 Q ACEC?
 16 A ACEC. That's the Association of Consultant Engineering
 17 Companies. It's my understanding that they complained
 18 about the selection process, and so Director Jeff
 19 appointed a committee of MDOT personnel and ACEC
 20 personnel to come up with a new system, a
 21 qualification-based selection.
 22 Q And what year was that?
 23 A I'm guessing probably about around '02, '03, somewhere
 24 around there.
 25 Q Now the period from the '90s to this 2001, 2002

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1 period --
 2 A Yeah, right.
 3 Q What was the role of the project engineer in the
 4 selection processes with consultants?
 5 A Well, the role of the project or resident engineer was
 6 to prepare a scope. Let's say if you had a need for
 7 engineer assistants, or inspection assistants, or
 8 whatever, technical assistants, you would have to
 9 prepare a scope of work, and identify, you know, what
 10 all the terms of the contract were, and then -- you're
 11 talking about early years, right?
 12 Q Yes, early years.
 13 A In the early years, okay, you would prepare a scope of
 14 work, and it would be advertised, and then you would see
 15 who all applied for it, and I believe they came in and
 16 gave a presentation.
 17 Q And now you say you went to a qualification-based system
 18 based upon recommendations from Miss Jeff, and working
 19 with the AC --
 20 A EC.
 21 Q EC, and what was this qualification-based system?
 22 A Well, my understanding was that at that point, that's
 23 when we came up with a point system, where -- well,
 24 actually, you know, we did have some points before that,
 25 but it was more defined as to getting more specific

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1 about the consultants understanding of the project,
 2 their staffing, qualifications of the staffing, the
 3 location of the consultant, and things like that, you
 4 see, and theoretically you would make your selection
 5 based upon the consultant that was best qualified to do
 6 that work based upon their understanding and staff
 7 qualifications and all that experience.
 8 Q Now was it at this point that the selection team concept
 9 was introduced into the qualification-based system, or
 10 did that come later?
 11 A Well, the -- well, we did have a selection team
 12 prior to that.
 13 q Even in the early years?
 14 A Well, it evolved. Like I said, it evolved, and I think
 15 from the very beginning I don't -- I don't think we had
 16 a selection team as such, you see, but, yeah, there was
 17 a selection team then. In the later years, it was more
 18 refined as to, you know, what -- what specific
 19 qualities you were looking for.
 20 Q In terms of the selection team, or the consultants?
 21 A The consultants.
 22 Q Now at what point did the role of the resident engineer,
 23 in terms of selecting members of the selection team
 24 sort of increased? Was that a qualification-based
 25 system?

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1 A Well, let's see, so basically we're talking about the
 2 system that's more or less in effect right now, so the
 3 resident engineer and project manager, even in project
 4 development or construction, they were -- the project
 5 managers, it was their responsibility to see this
 6 process through from advertising through selection.
 7 Q And -- okay. Well, when did this, the current system,
 8 in your opinion, get implemented in its present form?
 9 A It's present form, I -- I think it was probably about,
 10 oh, early 2000 sometime. I can't remember exact dates
 11 when, but, like I said, it's been variation between --
 12 you know, dollar amounts of the contract, and things
 13 like that, because for -- for up to a \$25,000.00
 14 contract, you can -- you can, you know, it's less
 15 formal.
 16 Q It's like a no bid contract basis?
 17 A Something like that.
 18 Q Like Wayne County has they can give you a contract up
 19 to 25,000 without going to the commission.
 20 A So the higher dollar amount, the higher your tier, and,
 21 you know, the more constraints there are.
 22 Q Do you know an employee from BBF, Clarence Wilson?
 23 A Yes, I do.
 24 Q Do you recall working with him while he was at BBF?
 25 A Yes, I do.

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1 Q And you knew Love Charles while he was an employee of
 2 BBF?
 3 A Yes.
 4 Q What about a Bruce Bordner? B-o-r-d-n-e-r.
 5 A Yes. I knew Bruce, also.
 6 Q While he was at BBF?
 7 A Yes.
 8 Q Was Mr. Wilson ever a former MDOT employee?
 9 A Yes. Mr. Wilson was a former MDOT employee.
 10 Q Love Charles was also a former MDOT employee?
 11 A That is correct.
 12 Q What about Mr. Bordner?
 13 A Mr. Bordner was, also.
 14 Q What about Hubert Barnes, do you know that name?
 15 A Yes.
 16 Q A former MDOT employee?
 17 A Yes.
 18 Q And you knew him while he worked for BBF as well?
 19 A Yes, I did.
 20 Q Patrick Lawton? L-a-w-t-o-n.
 21 A Yes, I know Patrick.
 22 Q Did you work with him while he was an employee of BBF?
 23 A Yes.
 24 Q Was he also a former MDOT employee?
 25 A Yes.

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1 Q I think you mentioned Mr. Charles Covington.
 2 A Oh, yes.
 3 Q He was also a BBF employee?
 4 A That's correct.
 5 Q Do you know if he was a former MDOT employee as well?
 6 A Yes, he was.
 7 Q What about Alan Hinchcliff? H-i-n-c-h-c-l-i-f-f.
 8 A I knew him working for BBF, and he was a former MDOT
 9 employee.
 10 Q Okay. Hunter Hinchcliff?
 11 A Yes. I knew Hunter Hinchcliff.
 12 Q Was he also a BBF employee and a former MDOT employee?
 13 A He was -- Hunter -- let me think, he was -- I believe he
 14 was a BBF employee first, and then became an MDOT
 15 employee.
 16 Q Do you know Andy Mitchell?
 17 A Yes. Andy Mitchell is deceased. I did know Andy
 18 Mitchell, too.
 19 Q Was he also a BBF employee --
 20 A Yes. Yes, he was.
 21 Q And a former MDOT?
 22 A That is correct.
 23 Q Ray Stewart?
 24 A Yes. Ray Stewart was an MDOT employee, and BBF
 25 employee, too.

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1 Q Willis Stewart? W-i-l-l-i-s.
 2 A Yes. I know Willis Stewart was a former MDOT employee
 3 and a BBF employee.
 4 Q Robert Randazzo?
 5 A Who?
 6 A Robert Randazzo?
 7 A No. I never heard -- I don't know him.
 8 Q What about Daniel Sperber, did you know him?
 9 A I didn't know Daniel.
 10 Q Jason Jackson?
 11 A No.
 12 Q Sheila Lincoln?
 13 A Yes.
 14 Q And while she was a BBF employee?
 15 A I knew her as a BBF employee.
 16 Q Was she ever an MDOT employee, to the best of --
 17 A Not that I'm aware.
 18 Q What about Daniel Sleight? S-l-e-i-g-h-t.
 19 A I don't know that person.
 20 Q Chad Godbout?
 21 A Yes. I -- Chad, I -- yeah. Yes, I did meet Chad.
 22 Q Was he a former MDOT employee as well, or just BBF?
 23 A Chad, I believe he was a -- I believe he was an MDOT
 24 co-op, and then I believe he went to work for MDOT
 25 after, after being a co-op I believe.

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1 Q What about Carsten, C-a-r-s-t-e-n, Applegate, do you
2 know him?
3 A No, I do not.
4 Q Arielle Hurt? A-r-i-e-l-l-e?
5 A No.
6 Q Arshon, A-r-s-h-o-n, Harper?
7 A No, I don't know him.
8 Q When the name starts getting like that, they're starting
9 to get younger.
10 A Yeah.
11 Q We're getting into the young years, I can tell.
12 LaKeisha Hamilton? See, this is the
13 younger years.
14 A Yes. I knew LaKeisha Hamilton.
15 Q Okay. Was she a former MDOT employee, or just BBF?
16 A Let's see, I'm trying to remember. I believe that
17 LaKeisha was -- I believe she was a co-op for MDOT and
18 then went to work for BBF, I believe.
19 Q What about Greg Vigilar? V-i-g-i-l-a-r.
20 A No. I don't know that person.
21 Q Asia Benson.
22 A No. I don't know that person.
23 Q Charles Latimer, I believe you know.
24 A Yes. I know Mr. Latimer.
25 Q Was he a former MDOT employee?

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1 A No, no.
2 Q Just BBF?
3 A That's correct. He was a BBF employee.
4 Q What about Reagan Jeeter, do you know her?
5 A I met her, but never worked with her. She -- I believe
6 she was a -- I think she was a co-op, and I'm not sure
7 if she worked for BBF ever or not. I don't know.
8 Q Do you recall her working for Fishbeck or URS?
9 A I'm not sure if she did or not because I really didn't
10 know her well at all.
11 Q In the time -- did you ever have occasion to work with
12 Mr. Charles?
13 A Yes.
14 Q Did you ever have any issues with Mr. Charles'
15 performance or work product while he worked with you on
16 any project?
17 A No. Most of the time that he worked with me it was as
18 an office tech., for quite a few years.
19 Q Was he an office tech. overseeing any particular area,
20 like DBE compliance or DBE recruitment?
21 A Oh, Mr. Charles had a dual duty working as an office
22 tech. and as a DBE tech., that they were called at the
23 time.
24 Q What's a DBE tech.?
25 A A DBE tech. was a person who provided assistance to

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1 DBEs, so he would act as an advocate for DBEs and assist
2 them in resolving field problems, or answering questions
3 they may have about plans or the preparation of bids,
4 things of that nature. They were basically the first
5 line of contact for DBEs out in the field.
6 Q Did he have a particular geographical region in which he
7 operated, or --
8 A Yes, he did.
9 Q What region was that?
10 A Well, he -- well, he worked in the metro region, but
11 Mr. Charles had DBE responsibilities in Detroit, or for
12 metro regions south of Eight Mile Road.
13 Q And you say he was also an office technician. What
14 responsibilities did he have as an office technician?
15 A He had the typical responsibilities of an office
16 technician, which was basically taking inspector's --
17 inspector daily reports and checking them out, and
18 making sure that they were correct, and making sure that
19 they was sufficient materials to qualify for payment,
20 that also the contractor has submitted certified
21 payrolls, and had complied with other contract
22 requirements, and generate pay estimates for
23 contractors. He basically kept the construction books
24 for the engineer.
25 Q Did you ever have any issues or concerns with his

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1 performance as an office technician?
2 A No, I didn't.
3 Q What about his performance as a DBE technician?
4 A No. No problems with that.
5 Q Did he ever complain to you that he was ready for
6 retirement in the time he was working with you on any
7 project?
8 A That he was ready for retirement?
9 Q Yes.
10 A Let me think. At some point -- at some point I believe
11 he -- I think -- I think his family moved to South
12 Carolina, I believe, and I think he -- I think he did
13 leave for a while and he came back, I believe, if my
14 memory serves me correctly.
15 Q Have you ever written on a project evaluation that when
16 an MDOT project manager makes a decision about billing
17 or staffing, the consultant should adhere to the
18 decision of MDOT without questioning or justification by
19 MDOT? Have you ever written anything like that on a
20 project evaluation?
21 A Could you repeat that again?
22 Q Have you ever written on a project evaluation that when
23 an MDOT project manager makes a decision about billing
24 or staffing, the consultant should adhere to the
25 decision of MDOT without question or justification by

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1 MDOT?
 2 A No. I never heard that.
 3 Q Do you think that's a true statement?
 4 MR. DITTENBER: Objection to
 5 relevance.
 6 MR. WILLIAMS: I think it's highly
 7 relevant.
 8 THE WITNESS: Well, the way I think
 9 is that I think generally that the consultants is bound
 10 by the terms of the contract, so whatever is in the
 11 contract, I think the consultant and the agent are both
 12 required to abide by whatever the terms of the contract
 13 are.
 14 BY MR. WILLIAMS:
 15 Q You were aware that in 2008, March I believe, BBF was
 16 MDOT's DBE Contractor of the Year, or Consultant of the
 17 Year?
 18 A Yes.
 19 Q Did you have any input on that selection?
 20 A I might have. I don't remember.
 21 Q Do you know how that selection is made?
 22 A Yes. The Office of Business Development will send
 23 questionnaires around to construction staff asking them
 24 to submit the names of contractors, maybe three or
 25 something like that, on who they think deserves to be,

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1 you know, nominated as Contractor of the Year, and so --
 2 so what we'll do is give maybe three names and send it
 3 back up to the Office of Business Development, to
 4 Pat Collins, and Pat Collins, and/or her staff, somebody
 5 up there would make the final selection.
 6 Q Did you fill out one of those forms in 2008, yourself?
 7 A Probably, because I believe I did every year.
 8 Q Do you ever -- do you remember a year when you included
 9 BBF among your list of three?
 10 A I think I probably did nominate them back in '08, I
 11 believe.
 12 (Whereupon Deposition Exhibit Number
 13 1 was marked for identification.)
 14 MR. WILLIAMS: Mr. Dargin, I'm
 15 handing you what's been marked as Deposition Exhibit
 16 Dargin Number 1, which is a series of documents, Bate
 17 stamped Pages BBF 1138 through 1175, and ask you to
 18 take a look at that document if you would, and, I'm
 19 sorry, Mr. Dargin, I should have told you that, you
 20 know, we've been going at it two hours. If you need to
 21 take a break, you know, we can do that, so if you need
 22 to take a rest room break, or --
 23 THE WITNESS: Yeah, I'd like to take
 24 a -- a five-minute break if possible.
 25 MR. WILLIAMS: Yeah, that's fine.

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1 THE WITNESS: Okay.
 2 MR. WILLIAMS: Anytime you need to
 3 take a break, just let me know.
 4 (Whereupon there was an
 5 interruption in the proceedings.)
 6 MR. WILLIAMS: Mr. Dargin, I think
 7 when we left off, I had handed you what's been marked as
 8 Dargin Exhibit Number 1.
 9 BY MR. WILLIAMS:
 10 Q I'll ask if you have seen that document before?
 11 A I don't think I've seen this one.
 12 Q Do you agree -- I think you mentioned earlier that one
 13 of the complaints that Miss Foster made to you
 14 informally was about not being paid on a particular
 15 series of invoices on some segment of the Gateway
 16 Project. Is that right?
 17 A That is correct.
 18 Q Is this -- having read the first two pages of what's
 19 been identified as Dargin Exhibit 1, is this basically
 20 the complaint that she sort of made to you?
 21 A Yes. I would say that basically the complaint was made
 22 to me and to Mr. Judnic.
 23 Q Did you get involved in investigating this complaint?
 24 A Yes.
 25 Q Now when were you involved in the investigation of this

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1 complaint?
 2 A It was probably around mid-2010, sometime around there.
 3 Q So the summer of 2010?
 4 A Yes.
 5 Q Do you know if it was after Miss Foster actually put her
 6 complaint into writing?
 7 A I believe it was prior to that time, I believe.
 8 Q And how did you get involved in the investigation?
 9 A Paul Ajegba asked me and Gian Taneja.
 10 Q Who was that, Dion?
 11 A Gian, G-i-a-n, Taneja, T-a-n-e-j-a.
 12 Q He asked the two of you to do what?
 13 A He asked us to --
 14 Q Is Gian a man or a woman?
 15 A Gian is a man. Gian is -- is a construction staff
 16 engineer from the central office in Lansing.
 17 Q So what did Mr. Ajegba ask you and Mr. Taneja to do?
 18 A He asked us to arrange a meeting with Mr. Judnic and
 19 with URS to find out, you know, what's the source of the
 20 problem.
 21 Q And how did Mr. Ajegba become aware that there was
 22 a problem?
 23 A I believe that -- I believe that BBF complained to him.
 24 Q Was it a formal complaint?
 25 A I don't -- I don't -- I'm not aware of it being any

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1 written complaint, but I believe that she -- she
 2 complained to Paul Ajegba and to Tony Kratofil.
 3 Q Did you -- prior to Mr. Ajegba approaching you about
 4 getting involved in trying to ferret out the problem,
 5 did Mr. Judnic approach you directly about going to URS
 6 for a meeting?
 7 A Are you saying asking me to have a meeting with them?
 8 Q Yes.
 9 A I don't recall him asking me to have a meeting with
 10 them, no.
 11 Q So you don't remember him coming to you, separate and
 12 apart from Mr. Ajegba to say, hey, we need to go meet
 13 with --
 14 A No. I don't recall that at all.
 15 Q So you involved a meeting -- you became involved in a
 16 meeting with Mr. Judnic and representatives of URS, I
 17 believe it was Mr. Guter, after Mr. Ajegba came to you?
 18 A That is correct.
 19 Q And that was after Miss Foster complained?
 20 A That is correct.
 21 Q And what else would you do other than approach
 22 Mr. Judnic, and I presume it was Mr. Guter about a
 23 meeting?
 24 A I told Mr. Judnic that Paul Ajegba wanted Gian and me to
 25 meet with him and Mike Guter about the lack of payment

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1 issued between BBF and URS.
 2 Q And as I understand, Miss Foster's complaint, it was
 3 basically that while BBF had submitted their invoices to
 4 URS, their invoices hadn't been actually submitted to
 5 Mr. Judnic or whomever for payment as part of the
 6 payment process by URS?
 7 A Yeah. During the meeting, we -- well, that was part of
 8 -- yeah, Mrs. Foster's complaint was that she hadn't
 9 been paid for several months, and she wanted to know
 10 why, and so that was the reason that we arranged the
 11 meeting between Victor Judnic and Mike Guter.
 12 Q And what did you find out was the source of the problem
 13 in terms of BBF not being paid?
 14 A Well, prior to the meeting, Gian and I prepared a series
 15 of questions that we intended to ask Victor and
 16 Mike Guter, and it was a series of questions about the
 17 consultant payment process, and how sub-consultants are
 18 paid.
 19 Q Were those questions put in writing?
 20 A Yes. Those questions were put in writing prior to the
 21 meeting.
 22 Q And did you get responses back to the questions prior to
 23 the meeting, or were they addressed at the meeting?
 24 A The questions were addressed at the meeting at the
 25 Detroit TSC.

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1 Q By Mr. Guter, or by Mr. Judnic, or both?
 2 A The questions were answered primarily by Mr. Guter.
 3 Q By Mr. Guter?
 4 A Primarily.
 5 Q Was it your understanding, though, that BBF had
 6 submitted all of its unpaid invoices to URS prior to BBF
 7 complaining to Mr. Ajegba?
 8 A It's my understanding that BBF did claim that they had
 9 properly submitted their monthly invoices, but they
 10 weren't being paid.
 11 Q Was that one of your questions?
 12 A Yes, it was.
 13 Q And what was the answer to that question?
 14 A Well, it was just -- it was a series of questions, and
 15 basically what URS told us that they believed that there
 16 was some time lag that was caused by MDOT, and some
 17 within their system.
 18 Q What was the time lag caused by MDOT?
 19 A Well, according to them, and I believe that Mike Guter
 20 said that somehow or another invoices were being hung-up
 21 in Contract Services Division. I believe he said
 22 something to that effect.
 23 Q And what was the time lag problem caused by URS?
 24 A From what I recall, he said that BBF's payment depended
 25 upon what part of the month they received an invoice,

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1 and then after receiving an invoice, the payment would
 2 depend upon routing within URS itself.
 3 Q And I agree that that might be a problem in one month,
 4 but as I understood it this was a backlog of invoices,
 5 so I can't believe that that was a justification for all
 6 of the invoices.
 7 A Well, that's -- from what I recall, that's basically
 8 what he said, because I believe that BBF might have been
 9 owed money going back to maybe January of that year, and
 10 I believe we did the interview probably around June,
 11 July, sometime around there.
 12 Q So four or five invoices?
 13 A Several invoices were overdue.
 14 Q Did you understand one of BBF's complaints to be that
 15 the project engineer should have spotted this oversight
 16 in the review of the invoices that were submitted by the
 17 prime consultant?
 18 A Well, BBF was not at that meeting, and I don't think she
 19 was -- I don't know if she was aware of who or what was
 20 causing the delay. I did not see a written complaint on
 21 that.
 22 Q Did anybody ever meet with Miss Foster about the unpaid
 23 invoices in the course of the investigation that you and
 24 Mr. --
 25 A Taneja?

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1 Q Yes.
 2 A Well, after we completed the interview, we turned -- I
 3 typed it up and I turned it over to Paul Ajegba, and I'm
 4 not quite sure what he did with it.
 5 Q But you and Mr. Taneja never met with Miss Foster about
 6 this at all?
 7 A No.
 8 Q And so you prepared a written report to Mr. Ajegba?
 9 A That is correct.
 10 Q Can you tell me what the written report basically said,
 11 if you recall?
 12 A Well, what I recall is that the report basically were
 13 the answers to the questions that were prepared in
 14 advance, and we just asked questions. I don't know,
 15 there might have been maybe six or eight questions about
 16 how consultants are paid on the project, how
 17 sub-consultants are paid; if there were any complaints
 18 from the other sub-consultants, things of that nature.
 19 Q When Mr. Ajegba spoke to you about this problem, did he
 20 tell you he had had a conversation with Mr. Judnic
 21 regarding the non-payment issue, and Mr. Judnic had
 22 indicated to him that it's not our problem?
 23 MR. DITTENBER: Objection, it calls
 24 for hearsay.
 25 THE WITNESS: Well, I didn't hear

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1 Mr. Judnic say that. Well, wait, hold on a second. He
 2 did say something to the extent that it was the
 3 consultant's problem, and --
 4 BY MR. WILLIAMS:
 5 Q Did Mr. Ajegba tell you that?
 6 A No.
 7 Q But Mr. Judnic told you that it was the consultant's
 8 problem?
 9 A Well, basically he -- Victor told me that he felt that
 10 the meeting wasn't necessary, and Paul insisted that we
 11 do have the meeting, because Victor felt that it could
 12 be worked out, you know, between the -- between -- with
 13 him and the consultants.
 14 Q Do you know if BBF was ever paid?
 15 A It's my understanding, yes. I did receive a message
 16 from the Lansing Contract Service Division that they
 17 were eventually paid.
 18 Q In the course of your experience as a project engineer
 19 or a resident engineer, have you ever prepared an RFP
 20 for consultant services?
 21 A Yes.
 22 Q Have you ever in the course of preparing terms for an
 23 RFP for consultant services, have you ever included a
 24 provision in that RFP that required the consultant to
 25 have a fleet of leased vehicles available to it?

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1 A No, I haven't.
 2 Q Are you aware, in the course of your experience over
 3 time working with office technicians, of certification
 4 requirements for office technicians?
 5 A Yes, yes.
 6 Q Are you aware of a requirement that office technicians
 7 take a certification, or re-certification course from
 8 time to time?
 9 A That is correct.
 10 Q Do you know what the time frame is for their
 11 re-certification process for any office technician, how
 12 many years they are allowed to expire before, or elapse
 13 before they are obligated to take some type of refresher
 14 or re-certification class?
 15 A I don't recall what the time that certifications are
 16 good for.
 17 Q Do you know if there is a written requirement anywhere
 18 in MDOT regarding the certification process?
 19 A I believe that is part of the pre-qualifications for a
 20 consultant to perform that type of technical
 21 assistance.
 22 Q Do you know who was responsible for developing and
 23 providing the certification class to technicians?
 24 A Let's see, I don't believe that it's MDOT. It might be
 25 -- it might be ACEC.

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1 Q Are you aware of the class being offered by Fishbeck,
 2 Thompson, Carr and Huber?
 3 A I have heard of that. I think the -- let's see -- wait,
 4 hold on a second now. I think there's two separate
 5 classes. The one is an office tech. class, and the
 6 other is a field manager class, and Fishbeck does offer
 7 training in one of those.
 8 Q Even if the person might be competing with them on
 9 responding to RFPs?
 10 A That's probably a possibility.
 11 Q Do you know if Love Charles has ever been certified?
 12 A Well, I can't say for sure because -- because the
 13 central office will check to make sure that the
 14 consultants have the required certifications for them to
 15 maintain their pre-qualification.
 16 Q Do you ever recall getting a telephone call from
 17 Mr. Judnic in the last few years, since he's left MDOT
 18 and been at HNTB, asking you about former BBF employees,
 19 including any of the ones we've talked about previously?
 20 A No.
 21 Q You don't ever recall him calling you, and asking you
 22 about former BBF employees and wanting to put them in a
 23 proposal?
 24 A No. I don't recall that.
 25 Q When BBF was working for a consultant for you, did you

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1 review their invoices?
 2 A The way that worked was that I delegated that assignment
 3 to my assistant, and the assistant would review the
 4 invoices, checked them with the progress -- well, with
 5 the reports, I believe the bi-weekly reports that the
 6 consultant submits, check the hours, the job charges and
 7 all that, and then handed it back to me for approval.
 8 Q Would you, in the course of that process, be looking for
 9 complete invoicing both for consultants and
 10 sub-consultants, depending on the stage of the project?
 11 A Well, for my involvement, it was usually -- it usually
 12 wasn't for sub-consultants for me. I had very few
 13 sub-consultants, because I usually -- I had things
 14 organized a little bit differently than everybody else.
 15 Q Do you know Chris Schafer?
 16 A Chris Schafer?
 17 Q Yes.
 18 A I don't think so.
 19 Q Linda Shepard?
 20 A Linda Shepard, no.
 21 Q Karen Leang?
 22 A No.
 23 Q Dean Harr?
 24 A No.
 25 Q Do you know anyone from the Office of Commission Audit?

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1 A Not now. I don't think so. Let's see -- wait a minute,
 2 that name -- Shay, what's that?
 3 Q Chris Schafer?
 4 A Chris Schafer, I did -- I did receive a phone call from
 5 a Chris Schafer before.
 6 Q Did Mr. Schafer contact you about receiving copies of
 7 BBF invoicing going from 1998, 1999?
 8 A Yes, yes. I did receive -- I thought that was rather
 9 odd. Let's see, it was probably -- let's see, a couple
 10 years ago about that. I received a phone call this
 11 Schafer person asking me about some BBF invoices from
 12 roughly ten years prior to that, and I was rather
 13 shocked, and he wanted copies of certain invoices, and I
 14 said I don't have them because I'm not at the Detroit
 15 TSC anymore, and he wanted to know how they can obtain
 16 them, and I said to contact Sharletta Paris, who may
 17 still have the records, I don't know.
 18 Q Did you ask him why he wanted them?
 19 A No. I just thought it was rather odd.
 20 Q Were you aware of the Office of Commission Audits
 21 investigating BBF at any point in time, beyond this call
 22 from Mr. Schafer?
 23 A Other than that, no.
 24 (Whereupon Deposition Exhibit Number
 25 2 was marked for identification.)

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1 MR. WILLIAMS: Mr. Dargin, I've
 2 handed you what's been marked as Deposition Exhibit 2
 3 for you.
 4 BY MR. WILLIAMS:
 5 Q I ask you to take a look at that document, and let me
 6 know if you have seen that document, or any portion of
 7 it before.
 8 MR. DITTENBER: For the record, I'm
 9 going to object that this document has been highlighted
 10 by someone, and there's no indication when it was done.
 11 MR. WILLIAMS: Well, I don't think
 12 we need to be spending a lot of time talking about the
 13 highlighting because I don't think that's the point of
 14 this, but --
 15 MR. DITTENBER: I'm just putting the
 16 objection on the record.
 17 MR. WILLIAMS: I'm not even sure
 18 what objection that is.
 19 BY MR. WILLIAMS:
 20 Q Mr. Dargin, do you recall this selection team?
 21 A Yes, I do.
 22 Q Do you recall Mr. Koskinen? Had you worked with him
 23 before?
 24 A No. I never really worked directly with him.
 25 Q And Mr. Kerley, had you worked with him before?

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1 A I knew him, but I didn't work directly with him.
 2 Q And Mr. Steucher?
 3 A I knew Mark, yes.
 4 Q You were the only person on the team that wasn't working
 5 in the Oakland TSC?
 6 A That is correct.
 7 Q And these other people, in some form or fashion, all
 8 worked together at the Oakland TSC?
 9 A Yes. They did work together.
 10 Q Were you aware of any MDOT policies, any sort of
 11 qualification stage of evaluations where you weren't
 12 supposed to have too many people on the selection team
 13 that were in the same direct line of reporting?
 14 A Well, no.
 15 Q You say no to that, but you seem to say it with some
 16 hesitation.
 17 A Well, it's my understanding that it's allowable to have
 18 people who work in the same work group on the selection
 19 team; however, I believe that you have to have at least
 20 one outsider from that group.
 21 Q Were you the outsider in this case?
 22 A That's correct, yes.
 23 Q And how did you come to be on this selection team?
 24 A I was requested to be in the selection team.
 25 Q By whom?

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1 A By Mark Steucher.
 2 Q So this again goes back to the project engineer gets to
 3 sort of select the selection team?
 4 A That is correct.
 5 Q And do you recall, during the course of this selection
 6 process, that the team got together at some point in
 7 time to review proposals from consultants?
 8 A Yes. The team did gather for that purpose, yes.
 9 Q Do you recall how many proposals you reviewed?
 10 A Well, from what I believe -- what I recall, I think
 11 there were -- I think two separate contracts were being
 12 considered, and we had multiple proposals for each, for
 13 each contract.
 14 Q When the selection team first convened, were all members
 15 of the team available and present?
 16 A When the team first convened in the morning, the four of
 17 us were there to start.
 18 Q And how long were all four team members there to start?
 19 A Well, what I recall is that we were just getting started
 20 to look at the material, and then Mark received a phone
 21 call, and telling us that he had to leave because he had
 22 forgotten that he had an appointment with -- I believe
 23 it was the Area of Federal Highway Engineers.
 24 Q And so he then left the meeting?
 25 A Yes. He did leave the meeting.

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1 Q So what was your understanding at the point that he left
 2 the meeting as to what the team was supposed to do?
 3 Was the meeting going to break-up, or --
 4 A Well, he instructed us to proceed with our selection
 5 process, and that he would catch up with us upon his
 6 return.
 7 Q And he didn't tell you that you couldn't discuss the
 8 proposals because the team wasn't convened?
 9 A No. We were to proceed on with the selection.
 10 Q Well, my understanding was that the team had to be
 11 convened as a whole, or you couldn't even discuss
 12 anything, that there couldn't be any consideration of
 13 the proposals without all four members of the team.
 14 A Well, from what I understand you need at least -- at
 15 least three people is my understanding, you need at
 16 least three. Most -- I'd say most selection teams
 17 probably did have a minimum of three people, and I have
 18 seen teams that have more than that.
 19 Q So with respect to the proposal for which BBF was
 20 submitting a response, did the team that was there,
 21 after Mr. Steucher left, have discussions regarding the
 22 proposals that were in response to that particular
 23 report?
 24 A Yes. The team did review those, yes.
 25 Q And what did the team do in the process of reviewing

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1 those proposals?
 2 A The team ranked the consultants, ranked the proposals.
 3 Q And was that ranking in writing?
 4 A What happens was that -- the normal procedure is that
 5 team members would have copies of the proposals in
 6 advance, and team members should review them prior to
 7 their attendance, make their own notes, and then once
 8 you are at the meeting, compare your notes and come to a
 9 consensus, and so at that point in time, about it being
 10 in writing, I would say each one of us had our own
 11 individual notes.
 12 Q But you said the team ranked the proposals that it
 13 reviewed, so how did you rank them? Just based upon a
 14 consensus discussion, or was the ranking itself that you
 15 developed in that process put into writing?
 16 A Yes. Yes, it was. As a matter of fact, we did -- we
 17 did prepare a -- we did -- we did evaluate each
 18 proposal, and we gave each proposal a numerical score
 19 based on the --
 20 Q Using a score sheet?
 21 A Using a score sheet, we did that.
 22 Q And where was BBF ranked in this preliminary ranking?
 23 A BBF was ranked number one.
 24 Q But BBF didn't get the award for this particular
 25 contract.

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1 A That is correct. They did not.
 2 Q In fact, BBF didn't even finish in the top three at the
 3 conclusion of this process.
 4 A They did not.
 5 Q So the preliminary ranking was not the final ranking?
 6 A That's what happened. The preliminary ranking did
 7 change, yes.
 8 Q So how did the preliminary ranking come to change?
 9 A The preliminary ranking changed after Mark returned from
 10 his meeting.
 11 Q How did -- who changed it?
 12 A Well, Mark came back. He asked for an update and where
 13 we stood, and the team said that we had -- we had
 14 finished all the evaluations, and we had the consultants
 15 arranged in order, you know, with the number one on top
 16 and then the others down, and Mark reviewed it, and he
 17 didn't like the order and he changed it.
 18 Q Just unilaterally?
 19 A Yes. Yes, right.
 20 Q Do you recall him saying that -- when he saw BBF was
 21 number one, oh, no, I hate her, referring to
 22 Miss Foster?
 23 A That's what he said.
 24 Q And you clearly recall that?
 25 A Yes.

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1 Q And then at that point he proceeded to change the
2 ranking and the scores that the three of you had
3 developed?
4 A That's correct. He did.
5 Q But at the end you still signed this final score sheet
6 for Miss Foster?
7 A I did.
8 Q Why?
9 A I signed it because -- because I was on the team, and
10 customarily the project manager, or the team leader
11 usually has a strong influence on the outcome of the
12 project selection.
13 Q Well, I thought the central office controlled it, not
14 the team leader or the project engineer.
15 A Well, I believe in this case, I think -- I believe they
16 were supposed to send in the top three, I believe.
17 Q But in this case, before we ever got to the top three,
18 BBF was gone?
19 A That's correct.
20 Q Based upon the actions of the project engineer in charge
21 that was managing the project?
22 A Yes. Correct.
23 Q And you deferred to his leadership as the project
24 engineer on the project?
25 A Well, he was the project manager on it, yes.

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1 Q Do you recall having a conversation with Miss Foster
2 about this process, and telling her something happened?
3 A Yes.
4 Q And you relayed your rendition of the facts as you
5 understand them to her?
6 A Partially.
7 Q What didn't you tell her?
8 A I did not tell her all the -- Mark's statement.
9 Q Well, how did she find out about Mark's statement?
10 A Well, I told her --
11 MR. DITTENBER: Objection,
12 foundation.
13 MR. WILLIAMS: If you know.
14 THE WITNESS: I told her that --
15 MR. DITTENBER: He's just
16 uncomfortable.
17 MR. DITTENBER: I am allowed to make
18 whatever objections on the record that I feel are
19 appropriate.
20 MR. WILLIAMS: He's just
21 uncomfortable.
22 MR. DITTENBER: Without a comment
23 from you.
24 MR. WILLIAMS: He's just
25 uncomfortable, but you can go ahead and answer the

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1 question.
2 I can comment anytime I get ready.
3 THE WITNESS: I understand that she
4 was attempting to be debriefed, and she couldn't get
5 anybody to tell her, you know, what happened, because
6 she -- she said that she thought that she had an
7 outstanding team, but then as it turned out she was
8 ranked very low, and she -- she told me that she saw my
9 name on the --
10 BY MR. WILLIAMS:
11 Q On the evaluation?
12 A On the evaluations, and she said, well, what happened.
13 She said, you know, I need a debriefing, tell me, tell
14 me why I ranked so low. I said, well -- I told her that
15 -- I said that the ranking had been changed.
16 Q Do you know who she made the request to for debriefing?
17 A At that time I had never seen anything in writing, but
18 from what I understand she was trying to get debriefed
19 by the Oakland TSC staff.
20 Q Do you recall her wanting all of the members of the team
21 to show up at her debriefing meeting?
22 A I wasn't aware that was going on at that time.
23 Q Did she ever -- did you ever become aware of her
24 requesting that all of the members of the --
25 A Later on I did hear of that.

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1 Q Do you know if she put that request in writing? Did you
2 ever see it?
3 A No. I didn't see it. At that time, I didn't see it in
4 writing.
5 Q Did you later see it in writing?
6 A Not in that time span.
7 Q At some later point you saw it?
8 A To tell the truth, I -- I really didn't see her request
9 in writing, you know, I didn't, but --
10 Q Were you -- okay, I'm sorry.
11 A The way it came about was that I mentioned it to Paul,
12 Paul Ajegba, and later on Paul told me that -- I guess
13 when things started to get out of control, and he said
14 he didn't recall that conversation, and so that's -- so
15 when she asked me about it again, that's when I told her
16 parts of what happened. I didn't tell her everything.
17 Q Were you ever requested by Mr. Steucher to participate
18 in a debriefing meeting about this particular scoring
19 situation?
20 A No, I wasn't.
21 Q Do you know what happened to the scoring sheets you
22 originally completed?
23 A I'm not sure what happened to them, because I -- I'm not
24 sure if I discarded them, or if they were collected or
25 what. I don't remember. All I know is I didn't have

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1 them anymore. I can't recall exactly what happened to
 2 them, because normally once the final score sheet is --
 3 it's developed, the original sheets, you know, are not
 4 kept.
 5 Q And why did you tell Mr. Ajegba about this situation?
 6 A Because -- because I felt that the process didn't go as
 7 it should have.
 8 Q And why do you say that?
 9 A Because I thought that BBF should have been ranked
 10 higher than what they were based upon what the team
 11 initially concluded.
 12 Q Do you know if Miss Foster requested copies of the
 13 original score sheets in the process of seeking a
 14 debriefing?
 15 A I heard that she did request them.
 16 Q Do you know if BBF bid as a prime consultant on any of
 17 the Gateway Projects?
 18 A On the Gateway Projects?
 19 Q Yes.
 20 A I'm not sure of that. I don't know.
 21 Q Do you know if they bid as a prime on any of the
 22 Southfield Freeway Project, the Eight Mile to Ford Road
 23 rehab. or the --
 24 A I don't have any firsthand knowledge of that.
 25 Q Do you know a firm named Great Lakes Engineering?

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1 A Yes, I think I do.
 2 Q Were you aware of Fishbeck assigning workers to Great
 3 Lakes Engineering so it could bill its full contract
 4 amount on the Southfield Freeway Project?
 5 A No.
 6 MR. DITTENBER: Objection, assumes
 7 facts not in evidence.
 8 THE WITNESS: No. I don't know
 9 anything about that.
 10 BY MR. WILLIAMS:
 11 Q Are you familiar with the term DBE fraud?
 12 A I have heard the term before, yes.
 13 Q What does it mean to you?
 14 A It means that all the requirements are -- all the
 15 federal requirements aren't being carried out somehow.
 16 That's what it generally means. It could mean one of
 17 several different things.
 18 Q Do you believe it's possible that a consultant or
 19 contractor could be black-listed at MDOT?
 20 MR. DITTENBER: Objection, calls for
 21 speculation.
 22 THE WITNESS: Do I think they can
 23 be?
 24 MR. WILLIAMS: Yes.
 25 THE WITNESS: Oh, it's possible.

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1 BY MR. WILLIAMS:
 2 Q Do you believe that BBF has been black-listed?
 3 MR. DITTENBER: Objection, calls for
 4 speculation and an opinion.
 5 THE WITNESS: Well, I guess what I
 6 believe is that they've had a difficult time securing
 7 work. That's what I know.
 8 BY MR. WILLIAMS:
 9 Q A difficult time securing work since you left?
 10 A Actually, from the very beginning, to tell the truth
 11 about it.
 12 Q And why do you think they've had a difficult time
 13 securing work?
 14 A Well, I guess when they first started out, they were
 15 only getting work from my projects, and the reason for
 16 that was back -- back around '97 or so, to tell the
 17 truth about it, when I would advertise, they were the
 18 only ones that would respond, because at that time the
 19 other consultants didn't want to work in Detroit, and
 20 that's where the bulk of my work was.
 21 Q And so when other consultants wanted to come to Detroit,
 22 they started to get pushed out?
 23 A They didn't want to start to come and do work in Detroit
 24 until some of the bigger projects started going in.
 25 Q And then BBF just got pushed out?

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1 A Well, you see --
 2 MR. DITTENBER: Objection, calls for
 3 speculation.
 4 THE WITNESS: You see, what happened
 5 is --
 6 MR. WILLIAMS: No, it calls for an
 7 opinion.
 8 MR. DITTENBER: Then objection, it
 9 calls for opinion.
 10 MR. WILLIAMS: Thank you.
 11 THE WITNESS: Back in that time
 12 period, BBF was -- provided as-need service, or
 13 provided technical support, and they were not going for
 14 what we call full CE, acting as a consultant project
 15 engineer. They were supplying what we generally call
 16 rent-a-techs at the time, and during those years I
 17 didn't -- I didn't send out any full CE contracts.
 18 BY MR. WILLIAMS:
 19 Q And what's a full CE, construction --
 20 A A full CE is when you hire a consultant to manage the
 21 project completely, and they bring their own project
 22 engineer and their own staff on board, and I didn't do
 23 that.
 24 Q Did you ever come to believe that BBF was capable of
 25 performing full CE services?

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1 A Yes.
 2 MR. DITTENBER: Objection, calls for
 3 opinion.
 4 BY MR. WILLIAMS:
 5 Q Do you think BBF should have had difficulties securing
 6 work?
 7 MR. DITTENBER: The same objection.
 8 THE WITNESS: It's my opinion. I
 9 felt that, you know, they eventually develop the
 10 capacity to do full CE work. They brought on different
 11 staff members, you know, with a variety of experience.
 12 MR. WILLIAMS: All right. Thank
 13 you, Mr. Dargin.
 14 R E D I R E C T E X A M I N A T I O N
 15 BY MR. DITTENBER:
 16 Q Mr. Dargin --
 17 A Yes.
 18 Q How long have you known Miss Foster?
 19 A Oh, I'd say probably over twenty years, maybe -- maybe -
 20 - let's see, maybe about twenty-four years, something of
 21 that order.
 22 Q Were you ever her supervisor at MDOT?
 23 A Never, no.
 24 Q How often did you communicate with Miss Foster?
 25 A It varies. Well, it depends. It depends if her company

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1 was -- are you talking about when she was an employee,
 2 or when are you talking about?
 3 Q Let's start when she was an employee.
 4 A Was an employee, there was no regular basis.
 5 Q And then obviously when she got a job at the Detroit
 6 TSC, I assume you had frequent communication with
 7 Miss Foster?
 8 A Yes, and that was actually when she started working for
 9 me, it was prior to a reorganization of TSCs. We had
 10 stand-alone offices at that time.
 11 Q Since you moved on to the region position, how often do
 12 you communicate with Miss Foster?
 13 A It's no regular interviews. Just occasionally.
 14 Q What's the most recent communication you've had with
 15 her?
 16 A The most recent communication was -- I think it was
 17 probably maybe about -- probably around August of this
 18 year.
 19 Q Did you talk about any of the issues you've discussed
 20 today regarding her Complaints?
 21 A No.
 22 Q When was the last time you've spoke with her regarding
 23 one of the issues in her Complaints?
 24 A It was probably about 2010, something like that.
 25 Nothing recent. There's been no recent conversation of

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1 that type.
 2 Q How many times did you select BBF as a prime consultant?
 3 A Are you saying as a prime consultant as opposed to a
 4 sub-consultant, or what are you saying?
 5 Q Yes, as a prime consultant.
 6 A Well, when BBF was working for me, we didn't have any
 7 sub-consultants working for me, and so as a prime
 8 consultant they never ran a project for me as such. I
 9 had them on an as-needed services.
 10 Q How many times did you select them for as-needed
 11 services contracts?
 12 A I'd say -- I'm guessing. I would guess maybe three,
 13 four -- four times maybe. I'm not sure.
 14 Q Do you recall out of those three or four times how many
 15 times was the BBF was the only company to have submitted
 16 a proposal?
 17 A Most of those times. I think the only other time was
 18 probably about around -- around 2001, I believe, and I
 19 did receive another.
 20 Q Do you recall if you chose BBF for that proposal?
 21 A I selected both of them.
 22 Q You selected both of them?
 23 A Um-hmm.
 24 Q Do you recall who the other company was?
 25 A Yes.

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1 Q Who was that?
 2 A PSI.
 3 Q You discussed several individuals, or former MDOT
 4 employees that went to work for BBF. Did Clarence
 5 Wilson -- were you ever Mr. Wilson's direct supervisor?
 6 A Yes, I was.
 7 Q Do you recall when he left MDOT to go to BBF?
 8 A I believe it was 1997.
 9 Q Would he have been working for BBF when you selected BBF
 10 for proposals?
 11 A Yes.
 12 Q Were you ever Love Charles direct supervisor?
 13 A Yes, I was.
 14 Q Do you recall when Mr. Charles left BBF -- excuse me,
 15 when he left MDOT?
 16 A 1997.
 17 Q Would he have been working for BBF when you selected BBF
 18 for proposals?
 19 A Yes.
 20 Q What about Bruce Bordner, were you ever his direct
 21 supervisor?
 22 A As an MDOT employee?
 23 Q Yes.
 24 A No, never.
 25 Q Were you his direct supervisor elsewhere?

1 A No.
 2 Q Do you recall when he left MDOT?
 3 A I think it was -- oh, boy, when -- I think it was after
 4 '97, but it could have been -- I don't know, around
 5 2000. I'm not sure.
 6 Q What about Hubert Barnes, were you ever his direct
 7 supervisor?
 8 A Hubert Barnes, I believe for a short while.
 9 Q And do you recall when he left MDOT?
 10 A I believe he left in '97, also.
 11 Q Would he have been working for BBF when you selected BBF
 12 for --
 13 A Yes.
 14 Q Proposals?
 15 A That's correct.
 16 Q Were you ever Pat Lawton's direct supervisor?
 17 A Yes.
 18 Q At MDOT?
 19 A That's correct.
 20 Q Do you recall when Mr. Lawton left MDOT?
 21 A I believe that was probably '97, also, with the early
 22 out.
 23 Q Would he have been working for BBF at the time you
 24 selected BBF for proposals?
 25 A Yes. Correct.

1 Q Were you Charles Covington's supervisor at anytime at
 2 MDOT?
 3 A Yes. For a short while, before he retired in '97, yeah.
 4 Q Would he have been working for BBF at the time that you
 5 selected --
 6 A Yes.
 7 Q BBF for proposals?
 8 A Yes. That's correct.
 9 Q Al Hinchcliff, were you ever Al Hinchcliff's supervisor?
 10 A Al Hinchcliff, yes. Yes -- let's see, hold on a second.
 11 Let me think. Al Hinchcliff, I know he worked for BBF.
 12 I'm trying to remember if -- let's see, Al -- I don't --
 13 Al worked for me -- I can't remember if Al had worked --
 14 I mean Al -- I mean I know Al for many, many years, and
 15 if he did work for me around '97, it was a short time. I
 16 can't remember if he did or not. I had a lot of people.
 17 Q How about Andy Mitchell?
 18 A Andy Mitchell, what about Andy?
 19 Q Were you ever his direct supervisor at MDOT?
 20 A Never.
 21 Q Were you ever Ray Stewart's direct supervisor at MDOT?
 22 A Ray Stewart, no.
 23 Q Were you ever Willis Stewart's direct supervisor at
 24 MDOT?
 25 A No.

1 Q When was the last time you spoke with Love Charles, do
 2 you recall?
 3 A The last time I spoke with Love Charles?
 4 Q Yes.
 5 A It's been years.
 6 MR. WILLIAMS: He retired.
 7 BY MR. DITTENBER:
 8 Q Have you ever discussed the subject of Miss Foster's
 9 Complaints with Mr. Charles?
 10 A Never.
 11 Q Have you ever met Mr. Williams before today?
 12 A Who is --
 13 Q He's the --
 14 MR. WILLIAMS: That's me.
 15 THE WITNESS: No. I just met him
 16 when he introduced himself at the table here.
 17 BY MR. DITTENBER:
 18 Q You never talked to him before?
 19 A I never talked to him before.
 20 Q Turning back to Exhibit 2, I'm going to ask you to look
 21 at the page that there's a scoring sheet. It's about
 22 the sixth page.
 23 A Okay.
 24 Q Do you agree that Mark Steucher was a member of the
 25 scoring team?

1 A What do you mean by that?
 2 Q Was he part of the selection team?
 3 A The selection team, yes.
 4 Q Was he the chair of the selection team?
 5 A Yes.
 6 Q Would you agree that, as the chair of the selection
 7 team, Mr. Steucher is entitled to have his opinion heard
 8 on these proposals?
 9 A Of course.
 10 Q At the time -- at the time Mr. Steucher returned to the
 11 meeting, had the selection team signed a final scoring
 12 sheet?
 13 A No.
 14 Q And you did sign the final consensus scoring selection
 15 sheet, correct?
 16 A I did.
 17 Q When did Miss Foster first contact you regarding the
 18 scoring proposal?
 19 A Let's see -- let's see, the postings were done on this. I
 20 think it was May, and then -- the proposals were scored
 21 in May, and it was sometime after the -- after
 22 selections were released.
 23 Q Have you participated on other scoring teams?
 24 A Yes, I have.
 25 Q Do you recall how many?

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1 A Not exactly the number, but I'd say probably -- probably
 2 on teams maybe -- averaging probably maybe one or two a
 3 year, maybe two a year, something like that.
 4 Q Did you ever chair a selection team?
 5 A Oh, yes, I have.
 6 Q Do you have an understanding of who is responsible for
 7 conducting debriefing meetings following a scoring?
 8 A Yes.
 9 Q Who would that be?
 10 A The project manager.
 11 Q Did you ever conduct a debriefing meeting when you
 12 weren't the project manager?
 13 A Well, I didn't get requests for debriefings except
 14 for one that I mentioned earlier.
 15 Q And that would have been for Miss Foster?
 16 A No.
 17 MR. WILLIAMS: Objection, a
 18 mischaracterization. He said HNTB.
 19 THE WITNESS: I said that was a DRIC
 20 Project, Detroit River International Crossing selection
 21 team. That was -- that was held in Lansing. The
 22 meeting was held in Lansing.
 23 BY MR. DITTENBER:
 24 Q And that was the only time you were contacted for a
 25 debriefing, whether you were project manager or not?

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1 A Let's see, hold on a second. There might have been --
 2 well, you see, the process has changed over the years,
 3 and going back around the late '90s, I might have --
 4 there might have been one other when someone else who
 5 was the project manager, but as far as me holding
 6 debriefing meetings, no, I didn't hold debriefing
 7 meetings except for that one occasion. I was -- it was
 8 me and one other person who was requested to meet with a
 9 consultant for a debriefing meeting.
 10 Q Are you aware of any times where, after a selection
 11 where you were the project manager, that another member
 12 of the panel held a debriefing meeting?
 13 A Well, like I said, something like that happened when I
 14 was on that same team debriefing instance, something
 15 similar to that, you know. We didn't have a full panel
 16 there. I think some of them may have had conversations
 17 with the consultant in Lansing, and a couple of us down
 18 here, but, like I said, I really wasn't involved in very
 19 many debriefings, just, like I said, maybe one or two.
 20 Q Did Mr. Steucher make any comments regarding
 21 Miss Foster's race during the selection meeting?
 22 A No.
 23 Q Did Mr. Steucher make any comments regarding
 24 Miss Foster's gender during the selection meeting?
 25 A Except saying her. Other than that, no.

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1 Q In your experience serving on selection teams, do you
 2 recall a selection ever being made without the project
 3 manager present?
 4 A No.
 5 Q Do you recall if Tyme Engineering Services was a
 6 sub-consultant on the Gateway Project?
 7 A If they did, I wasn't aware of what they were doing.
 8 Q What about Somat Engineering?
 9 A I think I heard that Somat was there.
 10 Q What about SII?
 11 A SSI?
 12 Q SSI, do you recall if -- do you recall if SSI was a
 13 sub-consultant on the Gateway Project?
 14 A They may have been. Like I said, I didn't really get
 15 that involved with the consultants on the Gateway, no, I
 16 didn't.
 17 Q Are you aware of whether Somat is a DBE?
 18 A Yes. Somat is a DBE.
 19 Q And on the Southfield Project, do you know if Somat was
 20 a sub-consultant?
 21 A I don't know.
 22 Q What about SSI, do you recall?
 23 A I don't know.
 24 Q Following the selection meeting, did you inform
 25 Mr. Ajegba what happened?

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1 A I did.
 2 Q Do you recall how long after the meeting you spoke
 3 with Mr. Ajegba?
 4 A I would say roughly one or two weeks. I don't think it
 5 was more than a couple weeks.
 6 Q Had the selection for this contract been made by then?
 7 A Had the selection been made? You mean -- what do you
 8 mean by that?
 9 Q My understanding is that the top three went to a
 10 second round.
 11 A Oh, I believe so. I believe so.
 12 Q You didn't make any effort to contact Mr. Ajegba before
 13 the final selection was made then?
 14 A Well, I didn't keep up with the time table, though, when
 15 the final selection was being made, so I wasn't thinking
 16 like that.
 17 Q Did you contact Mr. Kratofil?
 18 A No, I did not.
 19 Q You talked about some complaints that Marilyn Caldwell
 20 and Miss Foster had communicated to you over the years.
 21 A Oh, yes.
 22 Q Do you recall that?
 23 A Yes.
 24 Q Was that part of your job responsibility to accept those
 25 type of complaints?

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1 A Usually not.
 2 Q Do you know why Miss Caldwell would come to you with
 3 those -- with complaints of that nature?
 4 A What was your question again?
 5 Q Do you know why Miss Caldwell would have come to you
 6 with complaints of that nature if it wasn't a part of
 7 your job responsibility to accept those complaints?
 8 A The reason she would come to me, I would have to guess,
 9 because she didn't -- when she told me about it she
 10 didn't, you know, that this is -- you know, this is the
 11 reason I'm talking to you about it. I would guess.
 12 Q And you never forwarded those complaints on to anyone
 13 else within MDOT?
 14 A No.
 15 Q Why not?
 16 A Well, which ones in particular are you talking about
 17 now?
 18 Q Right now I'm talking Miss Caldwell's comments.
 19 A Well, Miss Caldwell's comments, well, they were verbal,
 20 and -- and -- they were verbal.
 21 Q Did you ever ask her to provide a written statement or
 22 complaint?
 23 A No, I didn't.
 24 Q Do you know why Miss Foster came to you with her
 25 complaints?

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1 A Which complaints in particular?
 2 Q There was a complaint about her staff.
 3 A Okay. What I recall was that -- what I recall is that
 4 she had been attempting to get her issues resolved and
 5 was somewhat frustrated, and not just at the TSC, but at
 6 the region office, too, she said. That's what I --
 7 that's what I understand.
 8 Q And you never took any action with regards to those
 9 complaints by her?
 10 A It was my understanding that they were being discussed
 11 at levels higher than mine.
 12 Q Did you ever instruct Miss Foster to file a written
 13 complaint?
 14 A No. Oh, let's see, hold -- what kind of complaint are
 15 you talking about? Are you talking about a departmental
 16 complaint, or a legal Complaint, or what do you mean?
 17 Q Any type.
 18 A Well, I suggested that she talk to the leadership in the
 19 region about it.
 20 Q Would that be Tony Kratofil?
 21 A Yeah. Tony Kratofil, yeah.
 22 Q Do you know if other firms started to compete in the
 23 Detroit area for consulting jobs, or for consulting
 24 contracts with MDOT?
 25 A What time period and where?

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1 Q You testified that for a time BBF was the only
 2 consultant willing to work in Detroit; is that correct?
 3 A That is correct.
 4 Q Do you recall if other firms began demonstrating a
 5 willingness to work in Detroit?
 6 A Of course.
 7 Q Do you know about what time that was?
 8 A Oh, it was when the projects started getting bigger.
 9 Q For example, the Gateway Project maybe?
 10 A For sure by then.
 11 Q Were they getting bigger prior to the Gateway Project?
 12 A Well, the projects started to get bigger when we started
 13 doing reconstruct projects on I-75 in the late '90s,
 14 early 2000s. There were signs of, you know, there's a
 15 lot of work there, and in the future there would be more
 16 work, and more work for the City of Detroit. That's
 17 when the big projects were planned.
 18 Q Would it be fair to say that BBF began to have more
 19 competition for consulting contracts in and around the
 20 City of Detroit?
 21 A Oh, sure.
 22 Q And you testified about an issue with URS and BBF
 23 regarding payment.
 24 A Yes.
 25 Q On the Gateway Project.

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1 A Um-hmm.
 2 Q And if I recollect correctly, you thought there were two
 3 problems, two delays perhaps, one with Contract Services
 4 in Lansing and one with URS; is that correct?
 5 MR. WILLIAMS: Objection.
 6 THE WITNESS: Not -- no. Those
 7 weren't my conclusions.
 8 BY MR. DITTENBER:
 9 Q What were they?
 10 A I'm saying that's what the consultant concluded.
 11 Q Are you referring to URS?
 12 A Yes.
 13 Q Did you reach any conclusions?
 14 A No.
 15 Q You did not?
 16 A No. I came with prepared questions, asked the
 17 questions, and then I turned the report in to the deputy
 18 region engineer.
 19 MR. DITTENBER: That's all I have
 20 for you, Mr. Dargin.
 21 THE WITNESS: Okay. Thank you.
 22 R E C R O S S - E X A M I N A T I O N
 23 BY MR. WILLIAMS:
 24 Q Mr. Dargin, Somat is a DBE, but it is owned by a
 25 Pakistani or an Indian?

1 A Rom.
 2 Q Not a black woman?
 3 A That is correct.
 4 Q And SSI, are they owned by a black woman?
 5 A No. I believe they -- I believe they are American
 6 Indian, I believe.
 7 Q And Tyme, are they owned by a black woman?
 8 A No. They are not. It's African.
 9 Q And when Mr. Steucher made his statement in May of 2009,
 10 was, Bellandra Foster, oh, no, I hate her, is Bellandra
 11 Foster a black woman?
 12 A Yes.
 13 Q The one debriefing meeting that you held, that was in
 14 person?
 15 A Yes.
 16 Q At the time that you actually were working on this
 17 scoring sheet that is part of Dargin Exhibit 2, did the
 18 members of the scoring team take out a ruler and measure
 19 the distances to determine locations of the various
 20 people submitting proposals? Do you recall that?
 21 A I recall there was no measurements made.
 22 Q And I assume that you have never applied for, or went to
 23 work for BBF?
 24 A Repeat that.
 25 Q I assume you have never applied for a position with, or

1 went to work for BBF?
 2 A No. I have never applied to work for any consultant.
 3 Q So if you've been scoring, on scoring teams for two a
 4 year, for how many years have you been at MDOT?
 5 A Well, the process wasn't going on all that time, because
 6 it's really just got started, you know, going full swing
 7 in the late '90s.
 8 Q So for the last twenty years?
 9 A Since about '97.
 10 Q So that's roughly thirteen years, fourteen, fifteen
 11 years?
 12 A Yes.
 13 Q Have you ever come in and changed a score sheet like
 14 Mr. Steucher did in the case of this score sheet that's
 15 part of Exhibit 2?
 16 A No.
 17 Q Do you think the playing field was ever level for BBF?
 18 MR. DITTENBER: Objection, calls for
 19 speculation.
 20 BY MR. WILLIAMS:
 21 Q The whole time they were bidding, no matter who they
 22 were competing with --
 23 MR. DITTENBER: Objection.
 24 BY MR. WILLIAMS:
 25 Q Do you think the playing field was ever level?

1 MR. DITTENBER: Objection, calls for
 2 speculation and opinion.
 3 THE WITNESS: Well, to give a
 4 factual answer to that without giving an opinion, I do
 5 know that in the early years it was relatively easy for
 6 them to get work due to a lesser amount of competition,
 7 but I am aware that they did have a very difficult time
 8 getting paid, even back in the early years.
 9 MR. WILLIAMS: All right.
 10 THE WITNESS: I think they always
 11 did have some kind of difficulty.
 12 MR. WILLIAMS: Thank you,
 13 Mr. Dargin.
 14 MR. DITTENBER: I have one
 15 follow-up.
 16 R E D I R E C T E X A M I N A T I O N
 17 BY MR. DITTENBER:
 18 Q Mr. Dargin --
 19 A Yes.
 20 Q Did you ever make any suggestion, or have any
 21 involvement with any former MDOT employee going to work
 22 for BBF after they left MDOT?
 23 A Any involvement? What do you mean by that?
 24 Q Did you ever discuss it with them?
 25 A You mean discuss it with them, well, I never -- I never

1 suggested anybody to go work for them. You know, I
 2 guess whatever arrangements was made for employees to go
 3 work for BBF was between Bellandra Foster and the
 4 individual employee.
 5 MR. DITTENBER: Thank you.
 6 R E C R O S S - E X A M I N A T I O N
 7 BY MR. WILLIAMS:
 8 Q Mr. Dargin, did you ever promise any work to any former
 9 MDOT employee that left MDOT to go to work for BBF?
 10 A Never.
 11 MR. WILLIAMS: Thank you. I wish we
 12 all played like that.
 13 All right. Thank you, Mr. Dargin.
 14 MR. DITTENBER: No questions.
 15 (Whereupon at about 4:15 o'clock, p.m., the
 16 Deposition was concluded.)
 17 * * *
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 25

CERTIFICATE OF NOTARY PUBLIC

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STATE OF MICHIGAN }
COUNTY OF OAKLAND }

I, JUDITH HALPRIN, a Notary Public within and for the County of Oakland, State of Michigan, do hereby certify that the witness whose attached Deposition was taken before me in the entitled cause, was sworn to testify the truth, the whole truth, and nothing but the truth; that the testimony contained in said Deposition was taken by me by means of Stenomask; that said testimony was thereafter reduced to written form and that the said Deposition is a true and correct transcript of the testimony given by said witness.

I do further certify that I am not connected by blood or marriage to any of the parties, or their attorneys or agents; that I am not an employee of any of them; nor am I interested directly or indirectly in the matter in controversy either as counsel, agent, attorney or otherwise.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at West Bloomfield, County of Oakland, State of Michigan, this 28th day of December, 2012.

Judith Halprin
Judith Halprin, CSM# 3202
Notary Public, Oakland County,
Michigan
My Commission Expires: 12/18/2013

EXHIBIT 7

Wedley, Deborah (MDOT)

From: Wedley, Deborah (MDOT)
Sent: Friday, December 02, 2011 8:37 AM
To: Frierson, Myron (MDOT); Parker, Demetrius (MDOT)
Cc: Johnson, Gregory (MDOT); Wedley, Deborah (MDOT)
Subject: BBF Contract Information

Good morning Myron and Dee,

Greg has asked me to schedule a 1 ½ hour meeting with the two of you, David Brickey, Mark Stucher (spelling?), Tony Kratofil, and Victor Judnic to discuss this issue. As he would like this meeting to take place prior to the holidays, I will be getting dates to you shortly.

In the meantime, Greg would like to know if you've had the opportunity to gather BBF contract information covering the past 10 years. He would like to have this information available by the date of the meeting.

Deb Wedley
Executive Management Assistant
to Chief Operations Officer Greg Johnson
Michigan Department of Transportation
(Telephone) 517-373-4656
(fax) 517-335-2785
(e-mail) wedleyd@michigan.gov

Hello Mr. Stuecher,

Please let this correspondence serve as written confirmation of the BBF meeting as follows:

Date: Friday, December 16, 2011

Time: 10:00 a.m.

Location: Tony Kratofil's Office at Metro Region - 18101 W. Nine Mile Road, Southfield, MI 48075

To join this meeting by telephone:

Dial: 1-866-434-5269

Access Code - 2198774

Host Code -- 4718 (Greg will host the call.)

Thank you.

Deb Wedley
Executive Management Assistant
to Chief Operations Officer Greg Johnson
Michigan Department of Transportation
(Telephone) 517-373-4656
(fax) 517-335-2785
(e-mail) wedleyd@michigan.gov

Blackledge, Michael (MDOT)

From: Grover, Deana (Dee) (MDOT)
Sent: Tuesday, October 30, 2012 4:35 PM
To: Blackledge, Michael (MDOT)
Subject: RE: Request for Information
Attachments: RE: Indefinite Delivery of Services (IDS) Contract with MDOT (2012-0323)

The attached is the only email I had with BBF.

Dee

From: Blackledge, Michael (MDOT)
Sent: Tuesday, October 30, 2012 11:43AM
To: Meldrum, Amy (MDOT); Hawkins, Sherrl (MDOT); Gould, Reatha (Jean) (MDOT); Grover, Deana (Dee) (MDOT); Kransz, Judy (MDOT); Moore, Nikki (MDOT); Royal, Kathy (MDOT); Chesbro, Lynne (MDOT); Rottlers, William (MDOT); Brown-Whaley, Lisa (MDOT); Hill, Cheryl (MDOT); Plementosh, Pam (MDOT); Morrison, Mark (MDOT); Foreback, Jill (MDOT); Beecher, Mary Lou (MDOT); Stornant, Lori L. (MDOT); Meddaugh, Michael (MDOT)
Cc: Rademacher, Carol R. (MDOT); Parker, Demetrius (MDOT)
Subject: Request for Information
Importance: High

The AG's office has requested CSD to provide any and all correspondence related to the firm **B.B.F.** This information may include e-mails, notes, or conversations that were documented in your files. Several agreements are being provided for AG review which may already include some correspondences. In this case and to assure CSD has not missed anything, please look through your files (esp. outlook) and provide me with those messages. You may need to look in your archives for the details.

Amy – Additionally, we'll need any evaluations that have been submitted by the PM's.
Sherrl – Could you look to see if there are any sub agreements pending where BBF is identified?

This information is needed by the close of business tomorrow, October 31st.

Please see me if you have any questions.

Thanks,
Mike

Blackledge, Michael (MDOT)

From: Bellandra Foster <bbfoster@bbfes.com>
Sent: Tuesday, July 17, 2012 12:27 AM
To: Grover, Deana (Dee) (MDOT)
Subject: RE: Indefinite Delivery of Services (IDS) Contract with MDOT (2012-0323)

Hello Ms. Grover,

Per the review of the IDS contract by my attorney, it has been concluded that at this time there is no need for me to sign a new MDOT IDS contract due to no current work assignments involving BBF Engineering Services on MDOT projects that begin on or extend after 8/26/2013. If this situation changes, I will notify your office immediately.

Bellandra B. Foster, Ph.D., P.E.

From: Grover, Deana (Dee) (MDOT) [<mailto:GroverD1@michigan.gov>]
Sent: Wednesday, June 06, 2012 6:49 AM
To: 'Bellandra Foster'
Subject: RE: Indefinite Delivery of Services (IDS) Contract with MDOT (2012-0323)

Good morning Bellandra,

Yes, this master contract is required for all prequalified consultants. This contract is just like the one you signed on August 27, 2010 (2010-0181), but it will expire on 8/26/2013.

Thanks,
Dee

From: Bellandra Foster [<mailto:bbfoster@bbfes.com>]
Sent: Tuesday, June 05, 2012 11:29PM
To: Grover, Deana (Dee) (MDOT)
Subject: RE: Indefinite Delivery of Services (IDS) Contract with MDOT (2012-0323)

Ms Grover,

Please inform as to whether this contract is required for consultants only obtaining subcontracts and no prime contracts.

Bellandra B. Foster, Ph.D., P.E.

From: Grover, Deana (Dee) (MDOT) [<mailto:GroverD1@michigan.gov>]
Sent: Tuesday, June 05, 2012 2:35 PM
To: 'bbfoster@bbfes.com'
Subject: Indefinite Delivery of Services (IDS) Contract with MDOT (2012-0323)
Importance: High

Good afternoon Ms. Foster,

An IDS contract was previously sent to your company on February 15, 2012 (see attached) to be signed by an authorized contract signer. This contract has not been returned to-date. If your company wishes to continue to do business and be prequalified with the Michigan Department of Transportation, this contract needs to be signed and returned no later than Friday, June 29, 2012.

If you have any questions, please contact me as soon as possible.

Thank you,

Dee Grover

Dee Grover
Contract Administrator
Michigan Department of Transportation
Contract Services Division
Work 517-241-0193
Fax 517-335-7446
PO Box 30050, Lansing 48909
Mail Code: B470

Blackledge, Michael (MDOT)

From: Brown-Whaley, Lisa (MDOT)
Sent: Wednesday, October 31, 2012 12:21 PM
To: Blackledge, Michael (MDOT)
Subject: RE: Request for Information

I don't have any information, etc regarding this firm.

Lisa

From: Blackledge, Michael (MDOT)
Sent: Tuesday, October 30, 2012 11:43AM
To: Meldrum, Amy (MDOT); Hawkins, Sherri (MDOT); Gould, Reatha (Jean) (MDOT); Grover, Deana (Dee) (MDOT); Kransz, Judy (MDOT); Moore, Nikki (MDOT); Royal, Kathy (MDOT); Chesbro, Lynne (MDOT); Rottiers, William (MDOT); Brown-Whaley, Lisa (MDOT); Hill, Cheryl (MDOT); Plementosh, Pam (MDOT); Morrison, Mark (MDOT); Foreback, Jill (MDOT); Beecher, Mary Lou (MDOT); Stornant, Lori L. (MDOT); Meddaugh, Michael (MDOT)
Cc: Rademacher, Carol R. (MDOT); Parker, Demetrius (MDOT)
Subject: Request for Information
Importance: High

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Amy – Additionally, we'll need any evaluations that have been submitted by the PM's.
Sherri – Could you look to see if there are any sub agreements pending where BBF is identified?

This information is needed by the close of business tomorrow, October 31st.

Please see me if you have any questions.

Thanks,
Mike

Blackledge, Michael (MDOT)

From: Hawkins, Sherri (MDOT)
Sent: Tuesday, October 30, 2012 12:33 PM
To: Blackledge, Michael (MDOT)
Subject: RE: Request for Information

Hi Mike

Right now I have:

2010-0515
2011-0336
2012-0467

Sherri

From: Blackledge, Michael (MDOT)
Sent: Tuesday, October 30, 2012 11:43AM
To: Meldrum, Amy (MDOT); Hawkins, Sherri (MDOT); Gould, Reatha (Jean) (MDOT); Grover, Deana (Dee) (MDOT); Kransz, Judy (MDOT); Moore, Nikki (MDOT); Royal, Kathy (MDOT); Chesbro, Lynne (MDOT); Rottiers, William (MDOT); Brown-Whaley, Lisa (MDOT); Hill, Cheryl (MDOT); Plementosh, Pam (MDOT); Morrison, Mark (MDOT); Foreback, Jill (MDOT); Beecher, Mary Lou (MDOT); Stornant, Lori L. (MDOT); Meddaugh, Michael (MDOT).
Cc: Rademacher, Carol R. (MDOT); Parker, Demetrius (MDOT)
Subject: Request for Information
Importance: High

The AG's office has requested CSD to provide any and all correspondence related to the firm **B.B.F.** This information may include e-mails, notes, or conversations that were documented in your files. Several agreements are being provided for AG review which may already include some correspondences. In this case and to assure CSD has not missed anything, please look through your files (esp. outlook) and provide me with those messages. You may need to look in your archives for the details.

Amy – Additionally, we'll need any evaluations that have been submitted by the PM's.

Sherri – Could you look to see if there are any sub agreements pending where BBF is identified?

This information is needed by the close of business tomorrow, October 31st.

Please see me if you have any questions.

Thanks,
Mike

Blackledge, Michael (MDOT)

From: Royal, Kathy (MDOT)
Sent: Tuesday, October 30, 2012 12:20 PM
To: Blackledge, Michael (MDOT); Meldrum, Amy (MDOT); Hawkins, Sherri (MDOT); Gould, Reatha (Jean) (MDOT); Grover, Deana (Dee) (MDOT); Kransz, Judy (MDOT); Moore, Nikki (MDOT); Chesbro, Lynne (MDOT); Rottiers, William (MDOT); Brown-Whaley, Lisa (MDOT); Hill, Cheryl (MDOT); Plementosh, Pam (MDOT); Morrison, Mark (MDOT); Foreback, Jill (MDOT); Beecher, Mary Lou (MDOT); Stornant, Lori L. (MDOT); Meddaugh, Michael (MDOT)
Cc: Rademacher, Carol R. (MDOT); Parker, Demetrius (MDOT)
Subject: RE: Request for Information

I do not have any information on the below firm.

From: Blackledge, Michael (MDOT)
Sent: Tuesday, October 30, 2012 11:43AM
To: Meldrum, Amy (MDOT); Hawkins, Sherri (MDOT); Gould, Reatha (Jean) (MDOT); Grover, Deana (Dee) (MDOT); Kransz, Judy (MDOT); Moore, Nikki (MDOT); Royal, Kathy (MDOT); Chesbro, Lynne (MDOT); Rottiers, William (MDOT); Brown-Whaley, Lisa (MDOT); Hill, Cheryl (MDOT); Plementosh, Pam (MDOT); Morrison, Mark (MDOT); Foreback, Jill (MDOT); Beecher, Mary Lou (MDOT); Stornant, Lori L. (MDOT); Meddaugh, Michael (MDOT)
Cc: Rademacher, Carol R. (MDOT); Parker, Demetrius (MDOT)
Subject: Request for Information
Importance: High

The AG's office has requested CSD to provide any and all correspondence related to the firm B.B.F. This information may include e-mails, notes, or conversations that were documented in your files. Several agreements are being provided for AG review which may already include some correspondences. In this case and to assure CSD has not missed anything, please look through your files (esp. outlook) and provide me with those messages. You may need to look in your archives for the details.

Amy – Additionally, we'll need any evaluations that have been submitted by the PM's.
Sherri – Could you look to see if there are any sub agreements pending where BBF is identified?

This information is needed by the close of business tomorrow, October 31st.

Please see me if you have any questions.

Thanks,
Mike

Blackledge, Michael (MDOT)

From: Kransz, Judy (MDOT)
Sent: Tuesday, October 30, 2012 3:30 PM
To: Blackledge, Michael (MDOT)
Subject: RE: Request for Information

Mike,

I don't have any specific information in relation to contracts that I have put through regarding BBF in the last several years.

Jk



Judy G. Kransz, Contract Administrator
Contract Services Division | Van Wagoner Building
425 W. Ottawa Street, P. O. Box 30050, Lansing, MI 48909
Ph: 517.373.4468 | Fax: 517.373.9466 | Mail Code: B470
Email: kranszj@michigan.gov

From: Blackledge, Michael (MDOT)
Sent: Tuesday, October 30, 2012 11:43AM
To: Meldrum, Amy (MDOT); Hawkins, Sherri (MDOT); Gould, Reatha (Jean) (MDOT); Grover, Deana (Dee) (MDOT); Kransz, Judy (MDOT); Moore, Nikki (MDOT); Royal, Kathy (MDOT); Chesbro, Lynne (MDOT); Rottiers, William (MDOT); Brown-Whaley, Lisa (MDOT); Hill, Cheryl (MDOT); Plementosh, Pam (MDOT); Morrison, Mark (MDOT); Foreback, Jill (MDOT); Beecher, Mary Lou (MDOT); Stornant, Lori L. (MDOT); Meddaugh, Michael (MDOT)
Cc: Rademacher, Carol R. (MDOT); Parker, Demetrius (MDOT)
Subject: Request for Information
Importance: High

The AG's office has requested CSD to provide any and all correspondence related to the firm B.B.F. This information may include e-mails, notes, or conversations that were documented in your files. Several agreements are being provided for AG review which may already include some correspondences. In this case and to assure CSD has not missed anything, please look through your files (esp. outlook) and provide me with those messages. You may need to look in your archives for the details.

Amy – Additionally, we'll need any evaluations that have been submitted by the PM's.
Sherri – Could you look to see if there are any sub agreements pending where BBF is identified?

This information is needed by the close of business tomorrow, October 31st.

Please see me if you have any questions.

Thanks,
Mike

Blackledge, Michael (MDOT)

From: Plementosh, Pam (MDOT)
Sent: Tuesday, October 30, 2012 12:36 PM
To: Blackledge, Michael (MDOT)
Subject: RE: Request for Information

Mike,

I am the payment tech for B.B.F. however I really haven't had any contact with her and if I did it minimal and Bellandra was asking about year-end or if a payment had been made.... I don't have any current emails.....

Pam

Pamela Plementosh - MDOT - CSD - B470
Consultant Payment Technician
Phone: 517-241-4209
Fax: 517-373-9466
Email: plementoshp@michigan.gov



From: Blackledge, Michael (MDOT)
Sent: Tuesday, October 30, 2012 11:43AM
To: Meldrum, Amy (MDOT); Hawkins, Sherri (MDOT); Gould, Reatha (Jean) (MDOT); Grover, Deana (Dee) (MDOT); Kransz, Judy (MDOT); Moore, Nikki (MDOT); Royal, Kathy (MDOT); Chesbro, Lynne (MDOT); Rottiers, William (MDOT); Brown-Whaley, Lisa (MDOT); Hill, Cheryl (MDOT); Plementosh, Pam (MDOT); Morrison, Mark (MDOT); Foreback, Jill (MDOT); Beecher, Mary Lou (MDOT); Stornant, Lori L. (MDOT); Meddaugh, Michael (MDOT)
Cc: Rademacher, Carol R. (MDOT); Parker, Demetrius (MDOT)
Subject: Request for Information
Importance: High

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Sherri - Could you look to see if there are any sub agreements pending where BBF is identified?

This information is needed by the close of business tomorrow, October 31st.

Please see me if you have any questions.

Thanks,
Mike

Blackledge, Michael (MDOT)

From: Morrison, Mark (MDOT)
Sent: Tuesday, October 30, 2012 12:58 PM
To: Blackledge, Michael (MDOT)
Subject: RE: Request for Information

I have not had any correspondence related to BBF.....

Thanks,

Mark Morrison
MDOT - CSD
Payments - Lansing
(517) 241-2343

From: Blackledge, Michael (MDOT)
Sent: Tuesday, October 30, 2012 11:43AM
To: Meldrum, Amy (MDOT); Hawkins, Sherri (MDOT); Gould, Reatha (Jean) (MDOT); Grover, Deana (Dee) (MDOT); Kransz, Judy (MDOT); Moore, Nikki (MDOT); Royal, Kathy (MDOT); Chesbro, Lynne (MDOT); Rottiers, William (MDOT); Brown-Whaley, Lisa (MDOT); Hill, Cheryl (MDOT); Plementosh, Pam. (MDOT); Morrison, Mark (MDOT); Foreback, Jill (MDOT); Beecher, Mary Lou (MDOT); Stornant, Lori L. (MDOT); Meddaugh, Michael (MDOT)
Cc: Rademacher, Carol R. (MDOT); Parker, Demetrius (MDOT)
Subject: Request for Information
Importance: High

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Amy – Additionally, we'll need any evaluations that have been submitted by the PM's.
Sherri – Could you look to see if there are any sub agreements pending where BBF is identified?

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Please see me if you have any questions.

Thanks,
Mike

Evaluations

Blackledge, Michael (MDOT)

From: Meldrum, Amy (MDOT)
Sent: Tuesday, October 30, 2012 3:47 PM
To: Blackledge, Michael (MDOT); Hawkins, Sherri (MDOT); Gould, Reatha (Jean) (MDOT); Grover, Deana (Dee) (MDOT); Kransz, Judy (MDOT); Moore, Nikki (MDOT); Royal, Kathy (MDOT); Chesbro, Lynne (MDOT); Rottiers, William (MDOT); Brown-Whaley, Lisa (MDOT); Hill, Cheryl (MDOT); Plementosh, Pam (MDOT); Morrison, Mark (MDOT); Foreback, Jill (MDOT); Beecher, Mary Lou (MDOT); Stornant, Lori L. (MDOT); Meddaugh, Michael (MDOT)
Cc: Rademacher, Carol R. (MDOT); Parker, Demetrius (MDOT)
Subject: RE: Request for Information
Attachments: 2005-71.pdf; 2005-231.pdf; 2008-44.pdf; 2005-224.pdf; 2005-58.pdf

Mike:

I could only find evaluations in SVES for BBF. They are attached.

Amy Meldrum
Contract Services Division, Selection Analyst
517-335-0137
meldruma@michigan.gov

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() / ()

From: Blackledge, Michael (MDOT)
Sent: Tuesday, October 30, 2012 11:43AM
To: Meldrum, Amy (MDOT); Hawkins, Sherri (MDOT); Gould, Reatha (Jean) (MDOT); Grover, Deana (Dee) (MDOT); Kransz, Judy (MDOT); Moore, Nikki (MDOT); Royal, Kathy (MDOT); Chesbro, Lynne (MDOT); Rottiers, William (MDOT); Brown-Whaley, Lisa (MDOT); Hill, Cheryl (MDOT); Plementosh, Pam (MDOT); Morrison, Mark (MDOT); Foreback, Jill (MDOT); Beecher, Mary Lou (MDOT); Stornant, Lori L. (MDOT); Meddaugh, Michael (MDOT)
Cc: Rademacher, Carol R. (MDOT); Parker, Demetrius (MDOT)
Subject: Request for Information
Importance: High

The AG's office has requested CSD to provide any and all correspondence related to the firm **B.B.F.** This information may include e-mails, notes, or conversations that were documented in your files. Several agreements are being provided for AG review which may already include some correspondences. In this case and to assure CSD has not missed anything, please look through your files (esp. outlook) and provide me with those messages. You may need to look in your archives for the details.

Amy – Additionally, we'll need any evaluations that have been submitted by the PM's.
Sherri – Could you look to see if there are any sub agreements pending where BBF is identified?

This information is needed by the close of business tomorrow, October 31st.

Please see me if you have any questions.

Thanks,
Mike

M-10 Summary

- Original Scope for "As-needed services which consist of construction engineering, project administration, inspection, testing, DBE consulting, construction staking and surveying for various projects for the Detroit TSC".
Estimated at \$4,200,000.
- CSRT instructed the PM to split the selection into two selections and re-advertise:
 - As-needed engineering services: Awarded to BBF (2006-0490) in the amount of **\$2,199,998.89**
 - As-needed engineering services specific to M-10: Awarded to Fishbeck, Thompson, Carr and Huber (2007-0351) in the amount of **\$2,041,737.00**
 - Neither contract was amended to add additional dollars
 - The CSRT minutes from May 24, 2006 state regarding the initial selection of BBF for \$4,200,000: "Tabled until further discussions with Tony Kratofil and Greg Johnson. Not approved. Myron spoke with Tony Kratofil and Rita Screws and they will address the issue of such a large project being as-needed and resubmit the selection information".

Give this back to Carol
Should Hold it for a couple of weeks to
Allow Mary Finch to write her
Report.

Cousin, Rose (MDOT)

From: Sebenick, Pam (MDOT)
Sent: Tuesday, October 30, 2012 4:33 PM
To: Cousin, Rose (MDOT)
Cc: Parker, Demetrius (MDOT); Mester, Laura (MDOT)
Subject: RE: BBF

The Office of the Chief Administrative Officer does not have any information related to this request.
Thank you.

Pam

-----Original Message-----

From: Wedley, Deborah (MDOT)
Sent: Tuesday, October 30, 2012 3:53PM
To: Cousin, Rose (MDOT); Bowerman, Maria (MDOT)
Cc: Grant, Christin (MDOT); Simon, Betsy (MDOT); Sebenick, Pam (MDOT); Maldonado, Vera (MDOT);
Buck, Shirleen (MDOT); Parker, Demetrius (MDOT)
Subject: RE: BBF

I'm beginning to look through our files now.

-----Original Message-----

From: Cousin, Rose (MDOT)
Sent: Tuesday, October 30, 2012 3:43PM
To: Bowerman, Maria (MDOT)
Cc: Grant, Christin (MDOT); Simon, Betsy (MDOT); Sebenick, Pam (MDOT); Maldonado, Vera (MDOT);
Wedley, Deborah (MDOT); Buck, Shirleen (MDOT); Parker, Demetrius (MDOT)
Subject: RE: BBF

Thank you Maria.

Rose

Rose M. Cousin
Executive Secretary
Michigan Department of Transportation
Contract Services Division
517.373.4680

-----Original Message-----

From: Bowerman, Maria (MDOT)
Sent: Tuesday, October 30, 2012 3:42PM
To: Cousin, Rose (MDOT)
Cc: Grant, Christin (MDOT); Simon, Betsy (MDOT); Sebenick, Pam (MDOT); Maldonado, Vera (MDOT);
Wedley, Deborah (MDOT); Buck, Shirleen (MDOT)

Subject: RE: BBF

Hi Rose,

Shirleen searched and did not locate any files in the Director's Office. Our Director's letter files only go back to 2008 in our file room. Anything previous to that date was sent to the records center.

Maria

-----Original Message-----

From: Cousin, Rose (MDOT)
Sent: Tuesday, October 30, 2012 3:20PM
To: Bowerman, Maria (MDOT); Sebenick, Pam (MDOT); Wedley, Deborah (MDOT); Maldonado, Vera (MDOT)
Cc: Grant, Christin (MDOT); Simon, Betsy (MDOT)
Subject: RE: BBF

Correspondence between MDOT and BBF since 2006.

Rose

Rose M. Cousin
Executive Secretary
Michigan Department of Transportation
Contract Services Division
517.373.4680

-----Original Message-----

From: Cousin, Rose (MDOT)
Sent: Tuesday, October 30, 2012 3:12PM
To: Bowerman, Maria (MDOT); Sebenick, Pam (MDOT); Wedley, Deborah (MDOT); Maldonado, Vera (MDOT)
Subject: RE: BBF

BBF or Belandra Foster Consultant Firm

Sorry....

Rose

Rose M. Cousin
Executive Secretary
Michigan Department of Transportation
Contract Services Division
517.373.4680

-----Original Message-----

From: Bowerman, Maria (MDOT)
Sent: Tuesday, October 30, 2012 3:11PM
To: Cousin, Rose (MDOT)
Subject: RE: BBF

What would the subject matter be as I am not familiar with what BBF stands for.

-----Original Message-----

From: Cousin, Rose (MDOT)
Sent: Tuesday, October 30, 2012 2:59PM
To: Bowerman, Maria (MDOT); Sebenick, Pam (MDOT); Maldonado, Vera (MDOT); Wedley, Deborah (MDOT)
Subject: FW: BBF

Hi ladies,

Please see message below Dee sent previously, but it did not go through.

Rose

Rose M. Cousin
Executive Secretary
Michigan Department of Transportation
Contract Services Division
517.373.4680

-----Original Message-----

From: Parker, Demetrius (MDOT)
Sent: Tuesday, October 30, 2012 2:01PM
To: Deb Wedley; Pam Sebenick; Maldonado, Vera (MDOT); Maria Bowerman
Cc: Cousin, Rose (MDOT)
Subject: BBF

Greetings Deb, Pam, Vera and Maria

Our department recently received a subpoena to provide any and all documents, communication, correspondence files relating to BBF and any and all documents, communication, correspondence files relating to Mark Steucher and Victor Judnic referring to BBF.

Please check your files and email correspondence for the Director, Laura, Greg and Myron to see if you have any information.

I will need info by this Thursday. Pls let me know what you find.

Thanks

Dee

Sent from my iPhone

B.B.F. Engineering Services, PC
Summary of Contracts, Payments and Selections

1. Contracts/Authorizations

From 1999 to present, B.B.F. obtained 30 contracts (39 including revisions/amendments involving dollar increases) as a prime consultant totaling \$15,618,544.53. With the exception of one contract, all are expired of today's date. The remaining, open contract is in the amount of \$962,219.64, of which \$842,265.86 has been invoiced against. I spoke with the Project Manager and B.B.F. is currently completing one project on this as-needed contract. Future as-needed I & T work in the Detroit TSC has not yet been determined.

2. Subcontracts

From 2000 to present, B.B.F. has been named as a subconsultant on 23 contracts in the amount of \$1,829,108.20

3. Payments

Amount of dollars paid to B.B.F. from their conception to December 31, 2005:
\$9,768,845.50

Amount of dollars paid to B.B.F. from January 1, 2006 to November 23, 2011:
\$5,180,132.84

This includes payments on direct voucher and against purchase orders.

Note: These amounts were paid to B.B.F. as a prime consultant only.

4. Proposal Submittals/Selections

From 2006 to present B.B.F. proposed on 35 projects as a prime consultant.

- One of the 35 projects was an under \$25,000 selection, which B.B.F. was not selected for. The selected consultant was not a certified DBE.
- Eight of the 35 projects were Tier I projects. Of these eight, B.B.F. was selected for one project. **Note:** One of these eight projects is scheduled for the 12/7/11 CSRT meeting—a selection has not yet been determined. Of the remaining six Tier I projects, three certified DBE's were selected.
- The remaining 26 projects that B.B.F. proposed on, they were selected for four. Of the remaining 22 projects, six certified DBE's were selected.

Response to a Request for Information

DOT #2010-0343

Bellandra B. Foster

vs.

Michigan Department of Transportation

Issues:

- 1. Whether in June 2010, the complainant's firm received the lowest evaluation score for contracts 2006-0490 and 2008-0044 based on her race/color (African American) and sex (female).**

The Department does not evaluate consultants/vendors based on race/color or sex. On a scale of 1 through 10, the complainant did receive the lowest score.

For the 2006-0490 contract, the complainant acquired a total average score of 8.08, which is 0.19 less than the next highest consultant's score and a core average of 7.75, which is 0.75 less than the next highest consultant's score.

For the 2008-0044 contract, the complainant acquired a total average score of 8.00, which is 0.11 less than the next highest consultant's score and a core average of 8.00, which is tied with another consultant's score.

Please see Attached 1-A for Performance Evaluations for both contracts.

- 2. Whether in or around June 2010, the complainant's firm was denied the opportunity to meet for an interim evaluation to discuss pending issues related to contract 2008-0044 based on her race/color (African American) and sex (female).**

The project manager (Victor Judnic) scheduled a meeting with complainant in response to a letter dated June 15, 2010 to Mr. Tony Kratofil from the complainant requesting a meeting pertaining to contract 2008-0044 to discuss a final evaluation. Please see Attachment 2-A.

Victor Judnic scheduled a performance evaluation meeting with the complainant for 7/12/2010 in response to the letter to Mr. Tony Kratofil. Enclosed is an email from the complainant to Victor Judnic dated

7/11/2010 highlighting that the complainant postponed the meeting. The complainant did not reschedule the meeting. Please see Attachment 2-A.

a. Provide a position statement addressing the issues.

The project manager (Victor Judnic) scheduled a meeting with complainant in response to a letter dated June 15, 2010 to Mr. Tony Kratofil from the complainant requesting a meeting pertaining to contract 2008-0044 to discuss a final evaluation. Please see Attachment 2-A for a copy of the letter.

Victor Judnic scheduled a performance evaluation meeting with the complainant for 7/12/2010 in response to the letter to Mr. Tony Kratofil. Enclosed is an email from the complainant to Victor Judnic dated 7/11/2010 highlighting that the complainant postponed the meeting. The complainant did not reschedule the meeting. Please see Attachment 2-A for emails.

b. Provide a copy of MDOT's policies and procedures for scoring as-needed services contracting firms.

The department does not have specific policies and procedures for scoring "as-needed" contracts. However, the department does provide policy and procedures for scoring the qualifications of the consultant/vendor's proposals. Please see Attachment 2-B for a copy of the procedures.

c. Provide a copy of MDOT's policies and procedures for interim evaluation for as-needed services contracting firms.

The department does not have specific policies and procedures for interim evaluations for "as-needed" contracts. However, the department does provide policy and procedures for completing evaluations. Please see Attachment 2-C for copy of the Performance Evaluation procedure.

d. Provide a copy of the complainant's contracts 2006-0490 and 2008-0044.

Please see Attachment 2-D for a copy of the contracts.

- e. **Provide a list of all as-needed services contracting firms' evaluation scores for contracts 2006-0490 and 2008-0044. Include the following:**
 - i. **Name of firm;**
 - ii. **Race of firm owner;**
 - iii. **Sex of firm owner;**
 - iv. **Indicate the firm's evaluation score; and**
 - v. **Provide any comments indicated regarding the evaluation score.**

Please see Attachment 2-E for copies of evaluations and listing of firms.

- f. **Provide a list of all as-needed services contracting firms for contracts 2006-0490 and 2008-0044 that requested an interim evaluation. Include the following:**
 - i. **Name of firm:**
 - ii. **Race of firm owner:**
 - iii. **Sex of firm owner:**
 - iv. **Indicate whether the interim evaluation was granted or denied. If denied, include an explanation why;**

MDOT has no records for request from consultant firms to perform interim evaluations for the 2006-0490 contract.

MDOT performed one interim evaluation on the 2008-0044 contract, which was requested by the complainant and granted. Please see Attachment 2-F (iv) for a copy of the interim evaluation. In addition to the interim evaluation (9/22/08), a meeting was held on July 18, 2008 to discuss performance issues in detail with the complainant. Please see Attachment 2-F (iv) for meeting notes. No other firms on the contract requested interim evaluations.

- v. **Identify the concerns raised by the firm; and**

The complainant responded to the Project Manager's (Jason Voigt) interim evaluation for the 2008-0044 contract. Please see Attachment 2-F (v) for a copy of the concerns.

- vi. **An explanation stating the outcome of the interim evaluation.**

The interim evaluation shows a slightly above average performance.

3. **Whether in June 2010, the complainant's firm did not receive payment for work performed on the MDOT Gateway project based on her race/color (African American) and sex (female).**

During the month of June 2010, for the Gateway Project, contract 2007-0556, the department received two (2) invoices dated June 6, 2010 and June 24, 2010 on June 14, 2010 and June 29, 2010, respectively from the prime consultant URS Corporation. The complainant had costs of \$47,453.07 on the June 6, 2010 invoice and \$34,086.96 on the June 24, 2010 invoice.

The department made two (2) electronic payments to the prime consultant on August 10, 2010 for the two invoices dated June 6, 2010 and June 24, 2010. The department's policy is to pay all billings directly to the prime consultant and then the prime consultant pays their subconsultants. Please see Attachment 3-A.

4. **Whether in August 2010, the complainant's firm was eliminated from competing for the MDOT's Request for Proposal for Construction Engineering Services for the MDOT Metro Region Detroit Transportation Service Center based on her race/color (African American) and sex (female).**

Documents Needed:

1. **The complainant specifically states that the above-referenced Request for Proposal requested a priced proposal inclusive of a fleet of a minimum of 5 lease vehicles; however, this has never been requested before. Provide a position statement addressing this issue:**

The MDOT has never before requested a price proposal inclusive of a fleet of a minimum of 5 lease vehicles. The MDOT added this language to save tax payer dollars on reimbursing consultants for the use of construction vehicles.

Please see Attachment 4-1. It is a cost summary of the savings of nearly \$80,000.00. The cost summary is a comparison of the vehicles in the new contract versus vehicle costs from past contracts.

2. **Provide a copy of the MDOT's policies and procedures for responding to a Request for Proposal for Construction Engineering Services.**

Please see Attachment 4-2 for a copy of procedures for responding to Request for Proposals.

3. **Has the MDOT ever included a requirement in a Request for Proposal that requested a priced proposal inclusive of a fleet of a minimum of 5 leased vehicles?**

MDOT has never before requested a price proposal inclusive of a fleet of a minimum of 5 lease vehicles.

**Attachment
2-F (v)**

**SERVICE VENDOR
PERFORMANCE EVALUATION**

CONTRACT NO.
2008-480

AUTHORIZATION NO.
(if applicable)

Notes to Evaluator: Rate service vendor from 1 to 10. Behavioral statements are provided for ratings of 10, 8, 5 and 1 as guidance. Comments shall be given for all questions rated. A rating of 7 or less must be documented in the project files. Choose N/A for items which do not apply.

The evaluator is to send a signed copy of the evaluation to the contract administrator for the respective support area and a copy to the vendor being evaluated. The evaluator should also retain a copy of the evaluation for the project files. After the evaluator has sent the evaluation to the vendor, in order to "Complete" the evaluation, the evaluator must use the "Add Actions" function in the system to update the status of the evaluation to show that it is now "Complete".

Note to Vendor: Any appeal of this evaluation must be filed within 14 calendar days of the signature date on this evaluation form. The appeal process details are available in Guidance Document Number 10157, Service Vendor Performance Evaluation Appeal Process.

ORGANIZATION Detroit TSC	VENDOR NAME B.B.F. ENGINEERING SERVICES, PC	<input checked="" type="checkbox"/> Prime <input type="checkbox"/> Sub
VENDOR PROJECT MANAGER Foster Bellendra	SPECIAL PROJECT TYPE N/A	
PREQUALIFICATION CLASSIFICATION Bridge Construction Engineering	WORK TYPE	
EVALUATION TYPE Final	PROJECT COMPLEXITY Medium	
PROJECT ROUTE AND DESCRIPTION "As-Needed" Construction Engineering services on various construction projects under the construction administration responsibility of the Detroit TSC in the Metro Region.		
CONTROL SECTION Varies	EVALUATION JOB NO. Various	CONTROLLING JOB NO. Various
SERVICE COMPLETION DATE 09/25/2008	SERVICE ACCEPTANCE DATE 10/28/2008	COST OF SERVICE \$1,000,001 or greater
TOTAL AVERAGE 8.08	CORE AVERAGE 7.75	EVALUATED BY Judnic, Victor

RATING	Indicate your appraisal of the Vendor's performance and add comments for each question.
8	<p>Project Management</p> <p>1. Was the vendor in control of the services provided to MDOT?</p> <p>Rating Description</p> <p>10 - Vendor displayed outstanding knowledge and control of the services and provided superior advice and counsel to the department that improved MDOT's project approach, including but not limited to communication with the public, coordination with local governments, or the project management considerations.</p> <p>8 - Vendor was always knowledgeable and in control of the services and clearly met the department's expectations.</p> <p>5 - Vendor was usually knowledgeable and in control but required guidance from department personnel.</p> <p>1 - Vendor demonstrated no control over the services and the project was harmed.</p> <p>Comments</p>
7	<p>2. Did the vendor communicate adequately with the department staff?</p> <p>Rating Description</p> <p>10 - Vendor provided superior communications with the department, communicating in a thorough, concise and timely manner, and clearly exceeded the department's expectations by identifying problems and helping to define choices faced by the department.</p> <p>8 - Vendor always communicated with the department in a thorough, concise and timely manner and clearly met the department's expectations.</p> <p>5 - Vendor usually communicated with the department in a thorough, concise and timely manner. Department personnel occasionally had to initiate and clarify communications to move project forward.</p> <p>1 - Communication was lacking and the project was harmed.</p> <p>Comments</p> <p>There were occasions when an individual staff member did not communicate when attending various meetings or leaving the office for field assignments. This was discussed with the vendor project manager.</p>

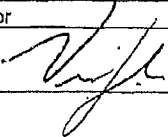
RATING	Indicate your appraisal of the Vendor's performance and add comments for each question.
8	<p>3. Was the vendor responsive to requests from the department, including requests for information and requests to make changes in the work?</p> <p>Rating Description</p> <p>10 - Vendor anticipated the need for information or changes and proactively initiated action.</p> <p>8 - Vendor was always responsive and promptly complied with all requests.</p> <p>5 - Vendor was usually responsive or was occasionally resistant to requests for information or minor changes.</p> <p>1 - Vendor was unresponsive and the project was harmed.</p> <p>Comments</p>
Resources	
8	<p>4. Did the vendor have competent and sufficient personnel with the technical expertise needed to successfully complete the project?</p> <p>Rating Description</p> <p>10 - Vendor provided personnel with superior qualifications who were able to complete the scope of services with minimal guidance or expertise given by MDOT.</p> <p>8 - Vendor always provided personnel who were able to complete the scope of services with little more than the normal guidance or expertise given by MDOT.</p> <p>5 - Vendor usually provided personnel who were able to complete the scope of services with little more than the normal guidance or expertise given by MDOT. Occasionally, the vendor's personnel demonstrated lack of knowledge and skill.</p> <p>1 - Vendor did not provide competent and sufficient personnel to adequately perform the scope of services and the project was harmed.</p> <p>Comments</p>
9	<p>5. Did the vendor have adequate and sufficient resources other than personnel (equipment, manuals, etc.) to fulfill the requirements of the scope of services?</p> <p>Rating Description</p> <p>10 - All resources exceeded requirements to perform the scope of services.</p> <p>8 - All resources met requirements to adequately perform the scope of services.</p> <p>5 - Resources usually were adequate and sufficient to perform the scope of services. On some occasions, the vendor had to be notified to provide resources to meet requirements.</p> <p>1 - Vendor did not have adequate and sufficient resources to perform the scope of services and the project was harmed.</p> <p>Comments</p>
Work Performance	
9	<p>6. Did the vendor follow good safety practices?</p> <p>Rating Description</p> <p>10 - Vendor took the initiative to ensure the safety and health of the employees. Safety equipment and devices were in excellent condition and were used by all vendor employees.</p> <p>8 - Safety equipment and devices were in good condition and were used by vendor's employees. Vendor immediately carried out any requests by MDOT for changes in safety measures.</p> <p>5 - Vendor usually ensured the safety and health of employees. Safety equipment and devices were in good condition and were used by vendor's employees. Vendor carried out requests by MDOT for changes in safety measures after written notification.</p> <p>1 - Vendor's safety and health practices were unsatisfactory. MDOT imposed stoppages of work for safety issues. Vendor reluctantly made changes requested by MDOT or did not make the change.</p> <p>Comments</p>

RATING	Indicate your appraisal of the Vendor's performance and add comments for each question.
	<p>7. Did the vendor provide a quality work product?</p> <p>Rating Description</p> <p>10 - Vendor's work product was excellent (complete, accurate, and professional in appearance) and MDOT requirements were exceeded.</p> <p>8 - Vendor's work product was acceptable and MDOT requirements were met without a need for MDOT to identify deficiencies.</p> <p>5 - Vendor's work product met minimum requirements after notification of deficiencies from MDOT.</p> <p>1 - Vendor's work product was unacceptable and clearly did not meet MDOT requirements, and the project was harmed.</p> <p>Comments MDOT reviewed project files which were overseen by the vendor and found numerous deficiencies needing correction. MDOT met with the vendor Project Manager and staff to discuss the deficiencies and address concerns.</p>
8	<p>8. Did the vendor properly notify and coordinate work with other affected parties such as utility companies, property owners, local units of government, and other MDOT areas?</p> <p>Rating Description</p> <p>10 - Vendor was proactive in initiating and executing notifications and project coordination activities.</p> <p>8 - Vendor always provided proper notification and coordinated with each affected party.</p> <p>5 - Vendor usually coordinated with, or gave proper notification to, all affected parties.</p> <p>1 - Vendor did not provide proper notification nor coordinate with affected parties, and the project was harmed.</p> <p>Comments</p>
8	<p>9. Did the vendor meet the applicable environmental requirements, such as documentation, enforcement, obtaining permits, studies, etc?</p> <p>Rating Description</p> <p>10 - Vendor was proactive in initiating and executing activities to meet environmental requirements without prompting by MDOT.</p> <p>8 - Vendor always met environmental requirements.</p> <p>5 - Vendor usually met environmental requirements.</p> <p>1 - Vendor's failure to meet environmental requirements harmed the project.</p> <p>Comments</p>
8	<p>10. Did the vendor meet deliverable date requirements?</p> <p>Rating Description</p> <p>10 - Acceptable deliverables were always received more than 15% ahead of schedule.</p> <p>8 - Acceptable deliverables were always within the schedule.</p> <p>5 - Acceptable deliverables were usually received no more than 10% behind schedule.</p> <p>1 - Acceptable deliverables were usually received more than 25% behind schedule.</p> <p>Comments</p>
9	<p>11. To the best of my knowledge, did the vendor comply with applicable federal, state and local laws and regulations and/or MDOT guidelines and procedures? This includes, but is not limited to, compliance with prompt payment to subvendors (completing attachment G), submitting accurate and timely invoices, responding to contractual issues, and adhering to Disadvantaged Business Enterprise (DBE) participation guidelines.</p> <p>Rating Description</p> <p>10 - Vendor displayed outstanding knowledge of applicable federal, state and/or local laws and regulations. In addition, the vendor was proactive in assuring they complied with MDOT guidelines and procedures and therefore needed no MDOT intervention.</p> <p>8 - Vendor always knew and complied with applicable federal, state and/or local laws and regulations. In addition, the vendor always followed MDOT guidelines and procedures with normal guidance or expertise given by MDOT.</p> <p>5 - Vendor was usually knowledgeable of applicable federal, state and/or local laws and regulations, but MDOT had to intervene occasionally to assure compliance. The vendor usually followed MDOT guidelines and procedures but needed more than the normal guidance or expertise by MDOT. Any problems were corrected immediately upon notification by MDOT.</p> <p>1 - Vendor failed to comply with applicable federal, state and/or local laws regulations and/or the vendor failed to comply with MDOT guidelines and procedures.</p> <p>Comments</p>

RATING	Indicate your appraisal of the Vendor's performance and add comments for each question.
8	<p>Subvendor Management</p> <p>12. Did the vendor coordinate work with subvendor's work, exercise authority over subvendors, provide notice of subvendor work schedule, and ensure that subvendors were in compliance with contract requirements?</p> <p>Rating Description</p> <p>10 - Vendor was proactive in exercising authority, coordinating and monitoring work operations of the subvendors to ensure acceptable completion of the scope of services.</p> <p>8 - Vendor always exercised authority, coordinated and monitored work operations with their subvendors to ensure acceptable completion of the scope of services.</p> <p>6 - Vendor usually exercised authority, coordinated and monitored work operations with their subvendors to ensure acceptable completion of the scope of services. Any problems were corrected immediately upon notification by MDOT.</p> <p>1 - Vendor's failure to exercise authority, coordinate and monitor work operations with their subvendors harmed the project.</p> <p>Comments</p>

OTHER COMMENTS

Comment for No. 2 modified following appeal.

PROJECT MANAGER HAS NOTIFIED ANY SPECIALTY AREAS TO COMPLETE AN EVALUATION : No	
IS THIS A PRIMARY EVALUATION OR A SPECIALTY AREA EVALUATION ? Primary	
EVALUATED BY : Judnic, Victor	DATE : 4-08-09
EVALUATOR'S SIGNATURE : 	

SERVICE VENDOR PERFORMANCE EVALUATION

AUTHORIZATION NO.
(if applicable)

CONTRACT NO. 2008-44

Notes to Evaluator: Rate service vendor from 1 to 10. Behavioral statements are provided for ratings of 10, 8, 5 and 1 as guidance. Comments shall be given for all questions rated. A rating of 7 or less must be documented in the project files. Choose N/A for items which do not apply.

The evaluator is to send a signed copy of the evaluation to the contract administrator for the respective support area and a copy to the vendor being evaluated. The evaluator should also retain a copy of the evaluation for the project files. After the evaluator has sent the evaluation to the vendor, in order to "Complete" the evaluation, the evaluator must use the "Add Actions" function in the system to update the status of the evaluation to show that it is now "Complete".

Note to Vendor: Any appeal of this evaluation must be filed within 14 calendar days of the signature date on this evaluation form. The appeal process details are available in Guidance Document Number 10157, Service Vendor Performance Evaluation Appeal Process.

ORGANIZATION Detroit TSC	VENDOR NAME B.B.F. ENGINEERING SERVICES, PC	<input checked="" type="checkbox"/> Prime <input type="checkbox"/> Sub
VENDOR PROJECT MANAGER Foster Bellandra	SPECIAL PROJECT TYPE N/A	
PREQUALIFICATION CLASSIFICATION Portland Cement Concrete Inspection & Testing	WORK TYPE	
EVALUATION TYPE Final	PROJECT COMPLEXITY Simple	
PROJECT ROUTE AND DESCRIPTION "As Needed Construction Engineering services on various construction projects under the administration responsibility of the Detroit TSC in the Metro Region"		
CONTROL SECTION Varies	EVALUATION JOB NO. Various	CONTROLLING JOB NO. Various
SERVICE COMPLETION DATE 12/31/2009	SERVICE ACCEPTANCE DATE 01/11/2010	COST OF SERVICE \$1,000,001 or greater
TOTAL AVERAGE 8.0	CORE AVERAGE 8.0	EVALUATED BY Griffith, Steve

RATING	Indicate your appraisal of the Vendor's performance and add comments for each question.	
8	Project Management	
8	<p>1. Was the vendor in control of the services provided to MDOT?</p> <p>Rating Description</p> <p>10 - Vendor displayed outstanding knowledge and control of the services and provided superior advice and counsel to the department that improved MDOT's project approach, including but not limited to communication with the public, coordination with local governments, or the project management considerations.</p> <p>8 - Vendor was always knowledgeable and in control of the services and clearly met the department's expectations.</p> <p>5 - Vendor was usually knowledgeable and in control but required guidance from department personnel.</p> <p>1 - Vendor demonstrated no control over the services and the project was harmed.</p> <p>Comments</p>	
8	<p>2. Did the vendor communicate adequately with the department staff?</p> <p>Rating Description</p> <p>10 - Vendor provided superior communications with the department, communicating in a thorough, concise and timely manner, and clearly exceeded the department's expectations by identifying problems and helping to define choices faced by the department.</p> <p>8 - Vendor always communicated with the department in a thorough, concise and timely manner and clearly met the department's expectations.</p> <p>5 - Vendor usually communicated with the department in a thorough, concise and timely manner. Department personnel occasionally had to initiate and clarify communications to move project forward.</p> <p>1 - Communication was lacking and the project was harmed.</p> <p>Comments</p>	

RATING	Indicate your appraisal of the Vendor's performance and add comments for each question.
8	<p>3. Was the vendor responsive to requests from the department, including requests for information and requests to make changes in the work?</p> <p>Rating Description</p> <p>10 - Vendor anticipated the need for information or changes and proactively initiated action.</p> <p>8 - Vendor was always responsive and promptly complied with all requests.</p> <p>5 - Vendor was usually responsive or was occasionally resistant to requests for information or minor changes.</p> <p>1 - Vendor was unresponsive and the project was harmed.</p> <p>Comments</p>
Resources	
8	<p>4. Did the vendor have competent and sufficient personnel with the technical expertise needed to successfully complete the project?</p> <p>Rating Description</p> <p>10 - Vendor provided personnel with superior qualifications who were able to complete the scope of services with minimal guidance or expertise given by MDOT.</p> <p>8 - Vendor always provided personnel who were able to complete the scope of services with little more than the normal guidance or expertise given by MDOT.</p> <p>5 - Vendor usually provided personnel who were able to complete the scope of services with little more than the normal guidance or expertise given by MDOT. Occasionally, the vendor's personnel demonstrated lack of knowledge and skill.</p> <p>1 - Vendor did not provide competent and sufficient personnel to adequately perform the scope of services and the project was harmed.</p> <p>Comments</p>
8	<p>5. Did the vendor have adequate and sufficient resources other than personnel (equipment, manuals, etc.) to fulfill the requirements of the scope of services?</p> <p>Rating Description</p> <p>10 - All resources exceeded requirements to perform the scope of services.</p> <p>8 - All resources met requirements to adequately perform the scope of services.</p> <p>5 - Resources usually were adequate and sufficient to perform the scope of services. On some occasions, the vendor had to be notified to provide resources to meet requirements.</p> <p>1 - Vendor did not have adequate and sufficient resources to perform the scope of services and the project was harmed.</p> <p>Comments</p>
Work Performance	
8	<p>6. Did the vendor follow good safety practices?</p> <p>Rating Description</p> <p>10 - Vendor took the initiative to ensure the safety and health of the employees. Safety equipment and devices were in excellent condition and were used by all vendor employees.</p> <p>8 - Safety equipment and devices were in good condition and were used by vendor's employees. Vendor immediately carried out any requests by MDOT for changes in safety measures.</p> <p>5 - Vendor usually ensured the safety and health of employees. Safety equipment and devices were in good condition and were used by vendor's employees. Vendor carried out requests by MDOT for changes in safety measures after written notification.</p> <p>1 - Vendor's safety and health practices were unsatisfactory. MDOT imposed stoppages of work for safety issues. Vendor reluctantly made changes requested by MDOT or did not make the change.</p> <p>Comments</p>

RATING	Indicate your appraisal of the Vendor's performance and add comments for each question.
8	<p>7. Did the vendor provide a quality work product?</p> <p>Rating Description</p> <p>10 - Vendor's work product was excellent (complete, accurate, and professional in appearance) and MDOT requirements were exceeded.</p> <p>8 - Vendor's work product was acceptable and MDOT requirements were met without a need for MDOT to identify deficiencies.</p> <p>5 - Vendor's work product met minimum requirements after notification of deficiencies from MDOT.</p> <p>1 - Vendor's work product was unacceptable and clearly did not meet MDOT requirements, and the project was harmed.</p> <p>Comments</p>
8	<p>8. Did the vendor properly notify and coordinate work with other affected parties such as utility companies, property owners, local units of government, and other MDOT areas?</p> <p>Rating Description</p> <p>10 - Vendor was proactive in initiating and executing notifications and project coordination activities.</p> <p>8 - Vendor always provided proper notification and coordinated with each affected party.</p> <p>5 - Vendor usually coordinated with, or gave proper notification to, all affected parties.</p> <p>1 - Vendor did not provide proper notification nor coordinate with affected parties, and the project was harmed.</p> <p>Comments</p>
N/A	<p>9. Did the vendor meet the applicable environmental requirements, such as documentation, enforcement, obtaining permits, studies, etc?</p> <p>Rating Description</p> <p>10 - Vendor was proactive in initiating and executing activities to meet environmental requirements without prompting by MDOT.</p> <p>8 - Vendor always met environmental requirements.</p> <p>5 - Vendor usually met environmental requirements.</p> <p>1 - Vendor's failure to meet environmental requirements harmed the project.</p> <p>Comments</p>
8	<p>10. Did the vendor meet deliverable date requirements?</p> <p>Rating Description</p> <p>10 - Acceptable deliverables were always received more than 15% ahead of schedule.</p> <p>8 - Acceptable deliverables were always within the schedule.</p> <p>5 - Acceptable deliverables were usually received no more than 10% behind schedule.</p> <p>1 - Acceptable deliverables were usually received more than 25% behind schedule.</p> <p>Comments</p>
8	<p>11. To the best of my knowledge, did the vendor comply with applicable federal, state and local laws and regulations and/or MDOT guidelines and procedures? This includes, but is not limited to, compliance with prompt payment to subvendors (completing attachment G), submitting accurate and timely invoices, responding to contractual issues, and adhering to Disadvantaged Business Enterprise (DBE) participation guidelines.</p> <p>Rating Description</p> <p>10 - Vendor displayed outstanding knowledge of applicable federal, state and/or local laws and regulations. In addition, the vendor was proactive in assuring they complied with MDOT guidelines and procedures and therefore needed no MDOT intervention.</p> <p>8 - Vendor always knew and complied with applicable federal, state and/or local laws and regulations. In addition, the vendor always followed MDOT guidelines and procedures with normal guidance or expertise given by MDOT.</p> <p>5 - Vendor was usually knowledgeable of applicable federal, state and/or local laws and regulations, but MDOT had to intervene occasionally to assure compliance. The vendor usually followed MDOT guidelines and procedures but needed more than the normal guidance or expertise by MDOT. Any problems were corrected immediately upon notification by MDOT.</p> <p>1 - Vendor failed to comply with applicable federal, state and/or laws regulations and/or the vendor failed to comply with MDOT guidelines and procedures.</p> <p>Comments</p>

7

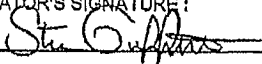
RATING	Indicate your appraisal of the Vendor's performance and add comments for each question.
	Subvendor Management
8	<p>12. Did the vendor coordinate work with subvendor's work, exercise authority over subvendors, provide notice of subvendor work schedule, and ensure that subvendors were in compliance with contract requirements?</p> <p>Rating Description</p> <p>10 - Vendor was proactive in exercising authority, coordinating and monitoring work operations of the subvendors to ensure acceptable completion of the scope of services.</p> <p>8 - Vendor always exercised authority, coordinated and monitored work operations with their subvendors to ensure acceptable completion of the scope of services.</p> <p>6 - Vendor usually exercised authority, coordinated and monitored work operations with their subvendors to ensure acceptable completion of the scope of services. Any problems were corrected immediately upon notification by MDOT.</p> <p>1 - Vendor's failure to exercise authority, coordinate and monitor work operations with their subvendors harmed the project.</p> <p>Comments</p>

OTHER COMMENTS

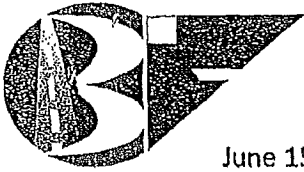
PROJECT MANAGER HAS NOTIFIED ANY SPECIALTY AREAS TO COMPLETE AN EVALUATION: No

IS THIS A PRIMARY EVALUATION OR A SPECIALTY AREA EVALUATION? Primary

EVALUATED BY: Griffith, Steve DATE: 5/18/10

EVALUATOR'S SIGNATURE: 





June 15, 2010

Mr. Tony Kratofil, P.E.
Michigan Department of Transportation
18101 West Nine Mile Road
Southfield, MI 48075

RECEIVED
JUN 16 2010
DETROIT TSC
MICH DEPT OF TRANSPORTATION

Subject: MDOT Project Scoring and Performance Evaluation

Dear Mr. Kratofil,

I am providing this correspondence as a follow up to our meeting last fall regarding the discussions relative to the MDOT proposal and performance evaluation scoring. Upon review of my recent contract performance evaluations, it must be noted that as the prime, BBF Engineering Services has been rated lowest of the entire as-needed services team on two consecutive contracts with the same project engineer manager. This is especially disturbing in light of the fact that I requested monthly meetings for our recent contract that ended in December, 2009. I made contact to arrange each monthly meeting to which only the assistant project manager attended. At the conclusion of every meeting, I always asked the question pertaining to whether the MDOT management had any concerns regarding the work product of the team or the staff. There were no major concerns brought up at any of our monthly meetings for contract 2008-0044. I feel that it is imperative that I am able to address these issues, especially in light of the fact that my scores have and will continue to hinder me from being selected for project awards from MDOT due to their impact on the past performance selection criteria.

I have enclosed past performance evaluations for your review regarding this issue. I am requesting a further review of our recent performance evaluation for contract 2008-0044 as I did not receive a satisfactory response regarding why my company received the lowest evaluation of the team. I appreciate your time to discuss this issue in the near future.

Sincerely,

Bellandra B. Foster, Ph.D., P.E.

Enclosures

Cc:
P. Ajegba, MDOT
C. Dargin, MDOT
S. Griffith, MDOT
V. Judnic, MDOT
R. Screws, MDOT

BBF ENGINEERING SERVICES, P.C.
Civil, Construction and Transportation Engineering
24445 Northwestern Hwy. ■ Suite 110 ■ Southfield, MI 48075-2436
Phone: 248.262.5777 ■ Fax: 248.262.5778
www.bbfes.com

(9)

	BBF	HNTB	SOMAT	WADETRIM
Contract 2006-0490				
Project Management				
1	8	9	8	9
2	7	8	8	8
3	8	9	8	9
Resources				
4	8	9	9	9
5	9	9	9	9
Work Performance				
6	9	9	8	9
7	7	9	9	9
8	8	8	na	na
9	8	8	8	na
10	8	8	8	8
11	9	8	8	8
bVendor Management				
12	8	na	8	na
Core Average	7.75	8.75	8.5	8.75
Total Average	8.08	8.55	8.27	8.67

	BBF	FTCH	SOMAT	5 STAR
Contract 2008-0044				
Project Management				
1	8	9	8	8
2	8	9	8	8
3	8	9	9	9
Resources				
4	8	9	9	8
5	8	8	8	8
Work Performance				
6	8	8	8	8
7	8	9	9	8
8	8	8	na	na
9	na	8	na	na
10	8	8	8	8
11	8	9	8	8
bVendor Management				
12	8	na	na	na
Core Average	8.0	8.75	8.5	8.0
Total Average	8.0	8.55	8.33	8.11

(10)

From: <bbfengr@aol.com>
To: JudnicV@michigan.gov
CC: HicksT@michigan.gov; COLLINSP@michigan.gov; DarginC@michigan.gov; kratof...
Date: 7/11/2010 2:45PM
Subject: Re: Performance Evaluation Meeting - Contract 2008-0044

Victor,

Upon further review of your email dated June 23, 2010, I noted that you are referencing a "debriefing". In my letter to Mr. Kratofil dated June 15, 2010, I requested further review of the performance evaluations for contract 2008-0044. I had a discussion with Steve Griffith via telephone on June 3, 2010 when I ask a question regarding the typical scoring given to BBF and the fact that BBF had been given the lowest score of the team on two consecutive contracts. I also noted that there was no commentary stated on my evaluation nor on those of the subconsultants. In light of this, it is my understanding that a "debriefing" is not in accordance with any MDOT policy pertaining to performance evaluations. I am, therefore, postponing the July 12 meeting until further notice.

Bellandra B. Foster, Ph.D., P.E.
BBF Engineering Services, P.C.

-----Original Message-----

From: Victor Judnic judnicv@michigan.gov
To: bbfengr@aol.com
Cc: Steve Griffith <GriffithS@michigan.gov>; Tia Schnee <SchneeT@michigan.gov>; Rita Screws <SCREWSR@michigan.gov>
Sent: Fri, Jun 25, 2010 6:56 am
Subject: Re: Performance Eval

We are all set with 1PM on July 13th. Thanks

>>> <bbfengr@aol.com> 6/24/2010 11:12PM >>>

I am requesting the meeting date of Tuesday, July 13, 2010 at 1:00 pm. Please confirm time.

ellandra Foster

-----Original Message-----

From: Victor Judnic <judnicv@michigan.gov>
To: bbfengr@aol.com
Cc: Paul Ajegba <AJEGBAP@michigan.gov>; Cedric Dargin <DarginC@michigan.gov>; Steve Griffith <GriffithS@michigan.gov>; Tony Kratofil <kratofil@michigan.gov>; Tia Schnee <SchneeT@michigan.gov>; Rita Screws <SCREWSR@michigan.gov>
Sent: Wed, Jun 23, 2010 2:41 pm
Subject: Performance Eval

ellandra,

we are able to provide you a debriefing of your performance evaluation for 2008-0044, in response to your letter to Tony K. on June 15, 2010.

Please let us know if you would like to meet at the TSC and if you are available

on any of the dates shown below:

July 13th, afternoon

July 20th, afternoon

July 21st, morning

July 26th, afternoon

Please feel free to contact me directly when you have questions or comments regarding this contract. Thanks

12



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

KIRK T. STEUDLE
DIRECTOR

December 5, 2011

Mr. Russell L. Jorgenson, P.E.
Division Administrator
Federal Highway Administrator
315 W. Allegan Street, Room 201
Lansing, Michigan 48933

Dear Mr. Jorgenson:

The Michigan Department of Transportation (MDOT) is in receipt of the Federal Highway Administration's letter of October 18, 2011, regarding BBF Engineering Services' (BBF's) Title VI complaint. Subsequently, we have received notice that BBF has filed a lawsuit against MDOT. Therefore, we will be unable to have any communication with the firm while the matter is in litigation. If you have any concerns or questions regarding on this issue, please contact either me or Gregory C. Johnson, our Chief Operations Officer, at 517-373-4656.

Sincerely,

Kirk T. Steudle
Director

BOHOP:GCJ:adw
bcc: G. Johnson
L. Mester
M. Frierson
D. Brickey
C. Hudson
M. Bowerman

#37905

11/01/11 11:02

ASN - Assignment Information

POWERSL2

Document: 37905 Correspondence Date: 10/18/2011
Correspondence Location: EXEC -- Assigned by Location: EXEC

Contact Names and Titles:

RUSSELL JORGENSON

DIVISION ADMINISTRATOR

Organization:

US DEPARTMENT OF TRANSPORTATION -
FEDERAL HIGHWAY ADMINISTRATION

City, State: LANSING MI

Type of Correspondence: LETTER

Correspondence Subject:

RE: BBF ENGINEERING SERVICES IN
DETROIT . INVESTIGATION OF
ALLEGED TITLE VI VIOLATIONS.

Assigned to: GREG JOHNSON

Location: BOH-OP BUREAU OF HIGHWAY OPERATIONS

for Action: REPLY DIRECTORS SIGNATURE

Assigned Date: 11/01/2011 Due Date: 11/10/2011 Completed: 00/00/0000

Assignment Details:

CC: STEUDLE, BRICKEY, HUDSON



STATE OF MICHIGAN
STATE TRANSPORTATION COMMISSION
LANSING



RICK SNYDER
GOVERNOR

Dr. Bellandra B. Foster
B.B.F. Engineering Services, P.C.
24445 Northwestern Hwy.
Suite 110
Southfield, Michigan 48075-2436

Dr. Foster,

During the Office of Commission Audit's (OCA) fieldwork, which occurred from October 10 to October 13, 2010, OCA concluded that BBF Engineering Services, PC (BBF) did not comply with 48 CFR 31.201-2(d). BBF did not provide, for OCA review, documentation to sufficiently support costs incurred by BBF during fiscal years ended 2006, 2007, and 2008.

48 CFR 31.201-2(d) requires that consultants account for costs appropriately and maintain records, including supporting documentation, adequate to demonstrate that costs claimed have been incurred, are allocable to the contract, and comply with applicable cost principles. The documentation provided by BBF to OCA did not include support for all recorded costs, such as invoices and receipts that tie directly to general ledger entries, which BBF included in year-end account balances.

As we informed our new Commission Auditor, John T. Cotter, C.P.A., of the status of our various projects, Mr. Cotter instructed us to ensure that BBF was afforded another opportunity to provide OCA with documentation that would meet federal regulation 48 CFR requirements. We noted to Mr. Cotter, in discussions with OCA that you stated that BBF followed IRS requirements (i.e., seven years for documentation retention). Mr. Cotter stated that BBF compliance with IRS requirements would be useful to consider and requested that we clarify to BBF that the documentation that BBF retains for IRS purposes might suffice in many regards for MDOT/OCA purposes.

As a result of Mr. Cotter's request that we provide BBF with another opportunity to provide OCA with documentation required by 48 CFR 31.201-2(d), please provide BBF's general ledgers (details, not summaries) for 2006, 2007, and 2008, as well as corresponding invoices and receipts to support items of expense included in the general ledger and overhead rate computations.

As is generally the case with consultants that we review, OCA expects that the consultant will index or code documentation to support BBF's reconciliation between supporting documents (e.g. indication of what general ledger account the expense was recorded to, specific journal entry reference, etc.), the complete and detailed general ledgers, and BBF's overhead rate computations.

• Jerrold M. Jung, Chair • Ted B. Wahby, Vice Chair • Linda Miller Atkinson • Charles Moser • James S. Scallid • Todd A. Wyatt •



RICK SNYDER
GOVERNOR

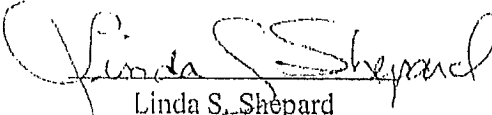
STATE OF MICHIGAN
STATE TRANSPORTATION COMMISSION
LANSING



Although OCA's examination documentation shows that BBF gave OCA access to records at the time of fieldwork, BBF records were not indexed, coded, or in some way specifically associated with recorded costs. Consequently, and as discussed in 48 CFR 31.201-2(d), OCA concluded that the documentation did not adequately support BBF expenditures contained within the BBF's general ledger and overhead rate computation. However, as stated above, Mr. Cotter and OCA would like to ensure that BBF has another opportunity to supply supporting documentation required under the federal regulations that is sufficiently organized to allow OCA to conclude its review of BBF costs and rates.

If you would like more time for BBF to compile the requested information, please contact me so that we can arrange a time to discuss and decide upon a mutually agreeable timeframe.

As always, if you have any questions, please contact me or Chris Schafer.


Linda S. Shepard
Auditor Manager

cc: Loyst Fletcher, Jr.

Wedley, Deborah (MDOT)

From: Cotter, John (MDOT)
Sent: Tuesday, September 27, 2011 12:06 PM
To: Johnson, Gregory (MDOT)
Subject: FW: BBF Engineering Audit
Attachments: BBF Letter.pdf

Greg,
FYI, per our discussion last week. The AG's office gave this their informal okay.

Please call me if you have any questions.

Take care,

Jack

From: Shepard, Linda S. (MDOT)
Sent: Tuesday, September 27, 2011 11:57AM
To: 'Bellandra Foster'
Cc: 'fletcherwolfjc@msn.com'; 'lfletcherj@aol.com'; Cotter, John (MDOT); Schafer, Christopher (MDOT)
Subject: BBF Engineering Audit

Dr. Foster,

Please see the attached document.

As always, if you have any questions, please contact me or Chris Schafer.

Thank you.
-Linda

Linda S. Shepard, CGFM
Auditor Manager
Office of Commission Audits
Michigan Transportation Commission
425 W. Ottawa P.O.Box 30050
Lansing, MI 48909
(517) 373-1500
fax (517) 335-2277
shepardl@michigan.gov

BBF Engineering, PC
 Projected Overhead Adjustments
 2006-2008

Schedule of Projected Adjustments to Reported Overhead Rates

		2006	2007	2008
Professional Services				
Direct labor included by adjusting entry	A			18,355
Direct Subconsultants	B	16,878	98,116	
Check to MDOT employee	C			500
Writers Edge - Book Publishing	D	95		
Public Relations Firm	E			805
Dues and Subscriptions				
Personal Membership to the Detroit Athletic Club	F	5,122	5,222	3,689
Advertising and Website Costs				
Advertising	G	528	285	6,920
Website	H			440
Supplies				
Public relations/ Advertising Firms	I	640	1,592	459
Journals and Publications				
Detroit Athletic club	J		485	
Vehicle Expenses				
Bellandra's Personal Use Land Rover	K	11,972	13,300	14,997
Insurance for the land rover	L	357	2,301	3,245
Other Personal Vehicle Costs	M	4,954	4,964	2,649
Parking for Personal Vehicle	N	2,149		2,411
Travel				
Direct mileage billed on projects	O	29,384	31,825	32,132
U of D Jesuit	P			488
Meals and Entertainment				
Detroit Athletic Club	Q	387	317	283
Other Likely Unallowable Meals	R		972	1,593
Depreciation				
Depreciation	S	4,341	6,812	5,286
Owner Compensation Adjustment				
Compensation adjustment	T	283,394	277,928	47,020
Total Projected Reductions		360,201.09	444,118.37	141,270.94
Total Reported Overhead Pool		688,167.00	753,825.00	548,559.00
Projected Adjusted Overhead Pool		327,965.91	309,706.63	407,288.06
Reported Direct Labor Base		492,632.00	562,000.00	540,693.00
Projected Adjusted Overhead Rate		66.57%	55.11%	75.33%
Reported Overhead Rate		139.69%	134.13%	101.45%
Unallowable portion of reported overhead rate		52.34%	58.91%	25.75%

BOLD= "Slam Dunk" – Further testing is needed to validate other adjustments.

Explanatory notes are located on the following pages

BBF Engineering, PC
Projected Overhead Adjustments
2006-2008

Professional Services

A – Direct Labor

1. In 2008, a year end adjusting entry was made to increase “Professional Services” and reduce the direct labor.

B – Subconsultant Costs

1. In 2006, professional fees included \$16,878 in previously billed direct subconsultant costs from HNTB.
2. In the 2007 overhead rate calculation submitted MDOT, Professional fees was overstated by \$98,116 with a corresponding understatement to direct subconsultants when compared to the general ledger, effectively billing \$98,116 a second time through overhead.

C – Check to Individual

1. A \$500 check was written to an MDOT employee in 2008

D – Writers Edge

1. \$95 likely related to the book the owner was writing/publishing in 2006

E – Public Relations

1. \$805 charge from a public relations firm.

Dues and Subscriptions

F – Detroit Athletic Club

1. Dues and Subscriptions includes 14,033 in charges for Bellandra Foster’s membership at the Detroit athletic club from 2006 - 2008

Advertising and Web Site Costs

G – Advertising

1. 7,733 in advertising costs form 2006-2008, including 3,000 for advertising in Hope Today Magazine, a non-engineering related periodical

H – Website Costs

1. \$440 in unallowable website costs in 2008

Supplies

I – Public Relations

1. \$2,690 related to public relations, advertising, and website costs from 2006-2008

Journals and Publications

J – Detroit Athletic Club

1. \$485 in charges for the Detroit Athletic Club in 2007

Vehicle Expenses

K – Land rover

1. \$40,269 for the owner’s personal use Land Rover from 2006-2008

L – Insurance

1. \$5,902 of insurance for the owner’s personal vehicles from 2006-2008

BBF Engineering, PC
Projected Overhead Adjustments
2006-2008

Vehicle Expenses (continued)

M – Other Vehicle Costs

1. \$12,568 in miscellaneous costs, including gasoline and maintenance, related to the owner's vehicles for 2006-2008

N – Parking

1. \$4,560 in parking fees for the owner's vehicles from 2006-2008

Travel

O – Direct Mileage

1. In 2006 and 2008, direct mileage previously billed on projects was added to the travel accounts via adjusting entry, for \$29,384 and \$32,132, respectively.
2. In 2007, the overhead rate calculation submitted to MDOT overstated travel expenses by \$31,825 when compared to general ledger support.

P – Contribution

1. In 2008, the travel account included an apparent \$488 contribution to U of D Jesuit

Meals and Entertainment

Q – Detroit Athletic Club

1. Includes \$987 in charges for the Detroit Athletic Club from 2006-2008

R - Other Meals

1. \$2,564 in meal expenses identified as likely unallowable resulting from the size of the charge and venue.

Depreciation

S - Accelerated Depreciation

1. Included \$16,479 in Section 179 depreciation for assets on 2006-2008. Accelerated depreciation is not allowable. *BBF might be able to prove an alternative, GAAP depreciation expense.*

Owners Compensation

T – Reasonableness Adjustment

1. 2006 – \$450,391 in compensation paid to the owner, including wages, \$4,421 in direct medical payments made by BBF on behalf of the owner and \$44,000 of pension contribution. When compared to similar firms using compensation surveys, calculated adjustment is a reduction of \$283,935.
2. 2007 – \$449,378 in compensation paid to the owner, including wages, \$3,308 in direct medical payments made by BBF on behalf of the owner and \$45,000 of pension contribution. When compared to similar firms using compensation surveys, calculated adjustment is a reduction of \$277,928.
3. 2008 – \$245,194 in compensation paid to the owner, including wages, \$694 in direct medical payments made by BBF on behalf of the owner and \$46,000 of pension contribution. When compared to similar firms using compensation surveys, calculated adjustment is a reduction of \$47,020.

BBF Engineering Services, P.C.
Timeline

Timeline

- On December 18, 2009, OCA set up the BBF audit in Teammate. Project documentation was obtained from MDOT and costs were scheduled. The audit was set up to be ready for action when audit staff became available.
- August 25, 2010, OCA informed BBF of the audit. OCA sent an e-mail, listing documentation that would be requested and noted the projects that would be included in the audit.
- August 26, 2010, OCA sent BBF an e-mail listing documentation that would be requested during audit and the projects that would be included in the audit and requested a fieldwork date of September 8th.
- 8/27/10 – OCA sent Mrs. Foster (BBF) a follow up e-mail to ask for Mrs. Foster's w-2's. Mrs. Foster (BBF) followed up stating that BBF's accountant would have that information.
- 8/30/10 – OCA contacted BBF to re-schedule the fieldwork date of 9/8/10, due to extraneous circumstances.
- 8/31/10 – A law firm representative from Loyst Fletcher Junior & Associates contacted OCA to ask for the address of Office of Commission Audits, and stated that the lawyer was drafting a letter to OCA.
- 9/1/10 – OCA received a confirmation e-mail from Mrs. Foster (BBF) stating that BBF had noted the requested date change and was informing BBF's accountant.
- 9/2/10 – OCA received a letter from BBF's Lawyer questioning OCA's motives for audit.
- 9/8/10 – OCA received an E-mail from BBF requesting that OCA go through Mrs. Foster's (BBF) lawyer regarding the audit: "Please contact Mr. Fletcher as necessary relative to the audit date and questions in the letter that was forwarded to you."
- 9/23/10 – OCA sent a response letter to BBF and requested a revised field date of October 11, 2010.
- 10/5/10 – OCA called BBF to confirm October 11 as a date to begin fieldwork. OCA asked BBF if Mrs. Foster (BBF) had received our letter, and Mrs. Foster (BBF) replied BBF had received the letter and Mrs. Foster's (BBF) lawyer was supposed to have drafted a response 10 days ago. (OCA had not received a response). BBF said that Mrs. Foster (BBF) and BBF's accountant had pulled all

BBF Engineering Services, P.C.

Timeline

- of BBF's information and OCA should have what OCA needs to perform this review.
- 10/05/10 – OCA received a letter from Loyst Fletcher (BBF's Lawyer) stating BBF would cooperate with the audit.
 - 10/11/10 – OCA performed four days of fieldwork.
 - Files were not kept in a logical filing system (accordion folders)
 - Personal and business expenses were comingled in these folders
 - Records were not retained for the contractual retention period
 - Detailed general ledgers were not available for any of the years under audit
 - Support was not available for all claimed overhead expenses
 - OCA found significant instances of direct mileage and direct subconsultants being billed through overhead as well as directly (double billing)
 - OCA found cause for significant owners compensation adjustments in the overhead rate computations
 - 12/31/10 – Jerry Jones, Commission Auditor, retired
 - 5/1/11 – John Cotter assumes responsibilities as Commission Auditor
 - 05/18/11 – OCA performed a follow up visit to address concerns discovered after fieldwork.
 - 9/27/11 – John Cotter directs OCA to provide BBF with an additional opportunity to provide support for costs for 2006-2008.
 - 10/4/11 – Williams Acosta, PLLC, responded on Behalf of BBF, requesting clarification.
 - 10/25/11 – OCA responded to BBF, clarifying OCA's request.
 - 10/31/11 – BBF requested a conference call
 - 11/7/11 – OCA sent a final request for information to BBF, stating that if the information was not received prior to November 18, 2011, OCA would conclude its examination.
 - 11/14/11 – 11/16/11 – BBF and OCA set up a closeout meeting for December 14, 2011.

BBF Engineering Services, P.C.
Timeline

- 12/5/11 - OCA provided BBF with draft adjustments resulting from BBF not supporting costs for 2006-2008.
- 12/14/11 – OCA and BBF held a closeout meeting in Detroit. During the meeting, BBF provided OCA with detailed general ledgers for 2006-2008, which BBF had previously stated were unavailable. OCA accepted the detailed general ledgers for review.
- 1/27/12 – OCA requested specific documentation for testing based off of the 2006-2008 general ledger detail BBF provided at the December 14 meeting; OCA requested to receive documentation by January 9th, 16th, and 23rd for the years 2006, 2007, and 2008, respectively.
- 2/8/12 – BBF requested an extension to submit supporting documentation for 2006-2008. OCA agreed, but asked that original documentation be made available for OCA to review.
- 2/23/12 – OCA received support for 2006 overhead costs from BBF.

EXHIBIT 8

From: I [<mailto:bbfenr@aol.com>]
Sent: Monday, October 24, 2011 11:40 PM
To: bbfoster@bbfes.com
Subject: Fwd: Past Due Payment Request and other issues

-----Original Message-----

From: Pat Collins <collinsp@michigan.gov>
To: bbfenr <bbfenr@aol.com>
Sent: Fri, Jun 18, 2010 5:00 pm
Subject: Re: Past Due Payment Request and other issues

Bellandra,

I've been following some of the issues/concerns you have regarding delayed payments and issues with some of your staff on MDOT projects, as well as other issues. Please take a look at this site and give it some thought. I can answer any questions you may have about the Federal Title VI Program and DBE options, as can Mary Finch.

<http://www.justice.gov/crt/cor/coord/titlevi.php>

I can be reached at 517-373-2377. Here is contact information for Mary Finch:

Mary K. Finch
Civil Rights Program Manager
FHWA Michigan Division
315 W. Allegan Street
Lansing, MI 48933
Phone: 517-702-1824
Fax: 517-377-1804

EXHIBIT 9



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- Aeronautics

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Kirk T. Steudle, P.E.

Kirk T. Steudle began his career with the Michigan Department of Transportation (MDOT) in 1987 as an engineer trainee. He is a registered professional engineer, and rose through the ranks of the department to his current position. On Jan. 1, 2011, Governor Rick Snyder appointed Kirk T. Steudle as the State Transportation Director. Steudle also served as State Transportation Director from 2006 to 2010.

Steudle oversees MDOT's more than \$3 billion budget and is responsible for the construction, maintenance and operation of nearly 10,000 miles of state highways and more than 4,000 state highway bridges. He also oversees administration of a wide range of multi-modal transportation programs statewide. MDOT currently has 2,500 employees statewide.

Steudle has been appointed as the vice chairman of the Transportation Research Board (TRB) Executive Committee, for a term beginning January 2013. He served as president of the American Association of State Highway and Transportation Officials (AASHTO) from 2011 to 2012 and continues to serve on the AASHTO Executive Committee. In 2010, he received the prestigious Thomas H. MacDonald Memorial Award from AASHTO, recognizing him nationally for his continuous outstanding service and exceptional contribution to highway engineering. In 2011, he was awarded the P.D. McLean Award from the Road Gang for excellence in highway transportation. In 2012, he was one of nine alumni inducted into the Inaugural Lawrence Technological University Department of Engineering Alumni Hall of Fame.



In 2004, he participated in Federal Highway Administration's (FHWA) National Asset Management Delegation, where he helped to conduct a Transportation Asset Management Seminar in Riga, Latvia, for the countries of Estonia, Latvia, and Lithuania. In 2005, he was a member of the FHWA/AASHTO International Scan and had a firsthand opportunity to study the asset management practices of Australia, New Zealand, Canada, and England.

Steudle also is a national leader in the development of Connected Vehicle Technologies, working with a partnership of governments and auto manufacturers to further high-tech highway operations, and at the same time, improve Michigan's economy. Connected Vehicle Technology allows vehicles to communicate with the road and other vehicles to improve safety and mobility. Steudle is on the board of directors of the Intelligent Transportation Society of America (ITS America) and the Engineering Society of Detroit, the largest engineering society in the country. He also chairs the Strategic Highway Research Program (SHRP) II oversight committee and the implementation report to the U.S. Congress.

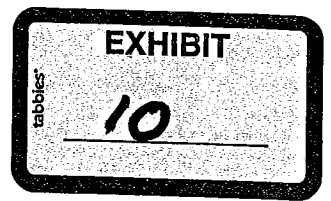
In the past, Steudle has served as MDOT's Chief Deputy Director, Bay Region Engineer, and Deputy Region Engineer for the Metro Detroit Region. He also was president of the 2009 Mississippi Valley Conference and has been a member of the AASHTO Board of Directors since 2006.

Steudle and his wife, Marilyn, have two children and live in South Lyon, Michigan.

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EXHIBIT 10



BIENNIAL REPORT
of the
ATTORNEY GENERAL
of the
STATE OF MICHIGAN
for the
BIENNIAL PERIOD ENDING DECEMBER 31, 2010
MICHAEL A. COX
ATTORNEY GENERAL

AUTHORITY

OPINION POLICY

Michigan law provides that "[i]t shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer, or any other state officer . . ."¹⁸⁷ Michigan's Supreme Court has recognized that one of the "primary missions" of the Attorney General is to give legal advice to the Legislature, and to departments and agencies of state government.¹⁸⁸ Although not legally required to do so, the Attorney General may respond to opinion requests from individual members of the Legislature. In deciding whether to grant such requests, the Attorney General takes into account the need to allocate limited resources and other long recognized policy considerations outlined below. County prosecutors may also submit opinion requests provided that they are accompanied by a memorandum of law analyzing the legal question.

Consistent with his primary mission, the Attorney General prioritizes opinion requests that affect the operation of state government. Because the Legislature has authorized local units of government to employ their own legal counsel to provide guidance on matters of local concern, the Attorney General typically does not issue opinions concerning the interpretation of local charters, local ordinances, locally negotiated collective bargaining agreements, and other uniquely local issues.

Upon receipt, all opinion requests are referred to the Assistant Attorney General for Law. Opinion requests are initially evaluated to determine whether to grant the request to issue an opinion. Typical reasons for declining a request are: 1) the requester is not a person authorized to request an opinion under the applicable law; 2) the request seeks an interpretation of proposed legislation that may never become law; 3) the question asked is currently pending before a court or administrative tribunal or is likely to be the subject of litigation in the near future; 4) the request involves the operation of the judicial branch of government or a local unit of government; or 5) the request seeks legal advice on behalf of, or involves disputes between, private persons or entities.

If the request is granted, it is then determined whether the response should be classified as a formal opinion, letter opinion, or informational letter. Formal opinions address questions significant to the State's jurisprudence that warrant publication. Letter opinions involve questions that are appropriately addressed by the Attorney General but are of more limited impact and do not warrant publication. Informational letters address questions that have relatively clear, well-established answers or are narrow in scope. Copies of all pending requests are provided to the Governor's Legal Counsel and to the Senate and House Majority and Minority Counsel, thereby affording notice that the question is under review and the opportunity for input. Any person may submit information regarding pending requests.

If the opinion request is granted, it is assigned to an assistant attorney general having recognized expertise in the relevant area of the law. This attorney is expected to prepare a thoroughly researched and well-written draft. The Assistant Attorney General for Law then reviews the draft to assure it is legally sound and performs any

¹⁸⁷ MCL 14.32.

¹⁸⁸ *East Grand Rapids School Dist v Kent County Tax Allocation Bd*, 415 Mich 381, 394; 330 NW 2d 7 (1982).

Circ Ct of App	1	2	1	2	1	2	1
Supreme Ct	0	0	0	0	0	0	0
Bankruptcy Ct	4	4	1	7	2	0	9
Total	9	12	4	17	12	9	20

Administrative Actions

State	114	73	100	87	74	59	102
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Monies Paid To/By the State:

	2009	2010
All Judgments/Settlements paid TO State	\$92,155.11	\$825,765.19
All Judgments/Settlements paid BY State	\$991,948.42	\$666,430.69
Amount Saved the State	\$73,950,089.72	\$190,943,929.95
Value of Transactions	\$2,369,096,136.62	\$7,327,859,428.65

Other Significant Division Activity:

	Pending 12/31/08	Opened 2009	Closed 2009	Pending 12/31/09	Opened 2010	Closed 2010	Pending 12/31/10
Transactions	112	202	202	112	277	227	162
General Assignments	358	701	692	367	591	542	416

Transportation Division

Patrick F. Isom, Division Chief

The Transportation Division is organized into two sections: Torts & Condemnation Section and Contracts & General Counsel Section. The Transportation Division advises and represents the Michigan Department of Transportation (MDOT), Michigan State Transportation Commission, the Mackinac Bridge Authority, the International Bridge Administration, the Aeronautics Commission, and the Michigan Truck Safety Commission, each of which has constitutional and/or statutory responsibilities in an area of transportation, in all areas of the law and litigation except municipal bonding.

MDOT constructs and maintains state trunk line highways throughout the State and administers a comprehensive transportation program involving travel by watercraft, bus, railroad car, aircraft, rapid transit vehicle, or other means of public conveyance. In addition, MDOT administers numerous funding and grant programs under which municipalities, local transit agencies, and others carry out transportation programs. MDOT's regulatory responsibilities include the areas of highway advertising, driveways, and rail safety. Attorneys in this division represent MDOT and each of its agencies in all lawsuits and administrative proceedings; assist in the development, review, and interpretation of contracts; and, advise regarding the interpretation of state and federal laws. The Division also represents MDOT in all its condemnation and tort litigation. The areas of litigation range from contract and tort litigation; to employment/ discrimination claims; to lawsuits to collect damages from motorists, insurance companies and others responsible for damage to MDOT property; to appellate litigation in all areas of civil practice.

Division Caseload:

	Pending 12/31/08	Opened 2009	Closed 2009	Pending 12/31/09	Opened 2010	Closed 2010	Pending 12/31/10
Michigan Courts							
District Ct	18	11	12	17	6	16	7

Circuit Ct	58	23	32	49	30	29	50
Ct of Claims	29	22	16	35	17	28	24
Ct of Appeals	19	15	15	19	10	19	10
Supreme Ct	1	5	1	5	5	7	3
Total	125	76	76	125	68	99	94

US Courts

District Ct	0	2	1	1	6	1	6
Circ Ct of App	1	0	1	0	2	1	1
Total	1	2	2	1	8	2	7

Administrative Actions

State	10	20	17	13	10	9	14
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Monies Paid To/By the State:

	2009	2010
All Judgments/Settlements paid TO State	\$622,950.77	\$748,447.80
All Judgments/Settlements paid BY State	\$660,737.18	\$3,260,385.18

Other Significant Division Activity:

Contract review for 2009 and 2010:

2009: Approximately 2,024 contracts — 921 construction contracts totaling approximately \$1,351,245,777; approximately 1,103 contracts from Real Estate, Maintenance Division, Design, Planning, and Multimodal.

2010: Approximately 2,139 contracts — 988 construction contracts totaling approximately \$1,321,990,789; approximately 1,151 contracts from Real Estate, Maintenance Division, Design, Planning, and Multimodal.

The Division administers a program to collect compensation from motorists and insurance companies for damages done to guardrail, bridges, and other elements of highway infrastructure. Often this can be done without litigation. In 2009, the amount collected without litigation was \$960,723.61. In 2010, the amount collected without litigation was \$745,580.98.

Additionally, both with and without litigation, attorneys in the Division assist MDOT in recovering compensation, or having payment made to injured parties who could otherwise hold MDOT liable, from contractors, consultants, insurance companies, and others that have contractual or other legal liability to MDOT or an agency within MDOT. For the 2009-2010 period, the amount either collected or paid to injured parties was \$133,447.10.

SOLICITOR GENERAL BUREAU

B. Eric Restuccia
Solicitor General

The Solicitor General Bureau includes two divisions: Appellate Division and Opinions Division. The Assistant Solicitor General, Henry Boynton, serves as the First Assistant to the Solicitor General. The Assistant Attorney General for Law is the Division Chief of the Opinions Division, and the Appellate Division is supervised by its own Division Chief.