

1 APPEARANCES:

2 ON BEHALF OF ALLAPATTAH TRACE APARTMENTS:

3 AUSLEY & McMULLEN

4 123 S. Calhoun St.

5 Tallahassee, Florida 32301
6 By: MICHAEL J. GLAZER, ESQ.

7
8 ON BEHALF OF TOWN CENTER PHASE TWO, LLC:

9 CARLTON, FIELD, JORDEN, BURT, P.A.
10 215 S. Monroe St., Ste. 500
11 Tallahassee, Florida 32302
12 By: MICHAEL P. DONALDSON, ESQ.

13 ON BEHALF OF FLORIDA HOUSING FINANCE CORPORATION:

14 FLORIDA HOUSING FINANCE CORPORATION
15 227 N. Bronough St., Ste. 5000
16 Tallahassee, Florida 32301
17 By: HUGH R. BROWN, ESQ., by phone.

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19
20
21 ALSO PRESENT: Alberto Milo, Jr.

22
23
24
25

I N D E X

Deposition of Frank Lezcano

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1 Thereupon:

2 FRANK LEZCANO,

3 was called as a witness, and having been first duly
4 sworn, was examined and testified as follows:

5 THE WITNESS: I do.

6 DIRECT EXAMINATION

7 BY MR. DONALDSON:

8 Q. For the record, please state your name.

9 A. Frank Lezcano.

10 Q. Mr. Lezcano, have you ever been deposed
11 before?

12 A. Well, I've been to jury before, I guess it's
13 the same. I have been a juror; so, yeah, sort of.

14 Q. I am Michael Donaldson. We just met. I am
15 the applicant's lawyer here. This is Town Center in a
16 administrative proceeding before the Division of
17 Administrative Hearings, and we are arguing about
18 whether or not a particular application is eligible for
19 funding under Florida Housing Finance Corporation's
20 allocation process for tax credits.

21 Have you ever heard of Florida Housing before?

22 A. Yes.

23 Q. Okay. Have you ever worked with Florida
24 Housing before --

25 A. No.

1 Q. -- or any projects or developers who are
2 applying for Florida Housing funding?

3 A. Just plans that come through our office,
4 basically.

5 Q. I am going to ask you a series of questions.
6 None of them are designed to fool you. If I ask you a
7 question that you don't understand, "I don't understand"
8 is perfectly acceptable, and I will rephrase it, and we
9 will work with that. So there is nothing -- I am not
10 trying to fool you here. These are pretty
11 straightforward questions. If we don't understand each
12 other, then we will come to an understanding.

13 Mr. Lezcano, who do you currently work for?

14 A. Miami-Dade County DERM.

15 Q. And what is DERM?

16 A. The Department of Environmental Resource
17 Management.

18 Q. How long have you been there?

19 A. Twenty years.

20 Q. What does DERM do?

21 A. The -- basically, my job is to enforce the
22 environmental code, you know, from air to water, sewer,
23 anything to do with the environment, delegated programs
24 and so forth.

25 Q. Okay. And your official title is?

1 A. I am an Engineer III.

2 Q. Okay. What does that mean?

3 A. It's basically a manager, chief.

4 Q. Now, before you were an Engineer III, what did
5 you do?

6 A. I was an Engineer I. I skipped the II. No,
7 basically, I worked -- as to in the county or out before
8 the county?

9 Q. County, still county.

10 A. Well, I started with the allocation program in
11 '93 with the first consent decree, and pretty much I
12 have grown up, you know, Engineer I, ERPS, which is
13 environmental supervisor, and Engineer III.

14 Q. Now, what did you do before the County?

15 A. I worked nine years for UPS.

16 Q. Now, I want to ask you, I am going to call
17 you -- tell me if this is okay; I am going to call where
18 you are, your department, DERM; is that okay?

19 A. Yes.

20 Q. And there is another department that we are
21 going to be talking about today. It's the water and
22 sewer department, which I am going to call WASA. Okay?

23 A. Okay.

24 Q. What is the relationship between DERM and
25 WASA?

1 A. Well, like I said, we have delegated programs.
2 We become -- we monitor the utilities. There are 16
3 utilities in Dade County. WASA is one of them. WASA is
4 the biggest utility.

5 But for the EPA consent decree, we do make
6 sure that we control development. We review plans and
7 certificate of use; and, again, allocations is part of
8 our process.

9 The allocation is to make sure that some areas
10 don't get more developed than others, and part of that
11 monitoring is all the pump stations in Dade County. So
12 any time there is a new development, they have to come
13 to us for review, anything within the environmental
14 code, including water and sewer. That's where our
15 relation is.

16 Prior to the utility giving out service, water
17 and sewer service, they need that sewer certification
18 from us.

19 Q. Okay. Now, you have mentioned the consent
20 decree several times, so I am going to go off script
21 here for a moment. I don't have this as an exhibit, but
22 I am going to hand it to you to make sure that I
23 understand.

24 Are you talking about the consent decree that
25 Dade County entered into with EPA and all kinds of other

1 agencies?

2 A. Yes. There was one in '93, and there is one
3 that just was filed the end of last year.

4 Q. Is this 300-some-odd-page document, does that
5 look like --

6 A. Yeah, that looks --

7 Q. -- the right thing?

8 MR. DONALDSON: I printed it yesterday,
9 Mike, for what it's worth, I am not going to
10 have it as an exhibit, but just in case he
11 needed it.

12 A. That's what I do, so...

13 BY MR. DONALDSON:

14 Q. Tell me what that is, please.

15 A. Well, in '93, there is -- there was a
16 moratorium, basically, on the treatment plants and a
17 whole bunch of pump stations. Pretty much all Dade
18 County was moratorium due to lack of capacity, too much
19 development, no infrastructure was getting constructed.

20 So we came in. The EPA came in and put a
21 lawsuit against Dade County. That was the first consent
22 decree that came out.

23 Through my 20 years, I worked through that,
24 either through grease-trap programs, allocations where
25 they have had to upgrade all the pump stations due to

1 development. This area got upgraded three times, the
2 Brickell area, through the pump station, because it was
3 just too much development.

4 So our job is basically to control when there
5 is too much development in one area, we stop
6 construction, basically stop development, until the
7 utility upgrades the pump station; or the infrastructure
8 could be gravity, could be force main, could be pump
9 station or even up to the treatment plant.

10 Q. So would it be fair to say that in your 20
11 years at Dade County, you are very familiar with that
12 consent decree?

13 A. Yes.

14 Q. I guess we can look at a document once I find
15 my copies of it.

16 I guess this will be -- I guess we better call
17 it Deposition No. 1 for this one, instead of trying to
18 cross-reference.

19 (The referred-to document was marked for
20 identification as Exhibit No. 1.)

21 MR. DONALDSON: I didn't bring any
22 copies, Mike; but you have already seen that,
23 obviously.

24 And, guys -- Hugh, this Mr. Lezcano's
25 letter.

(Discussion off the record.)

BY MR. DONALDSON:

Q. Mr. Lezcano, that's -- Exhibit No. 1 for deposition is a letter that you drafted, correct?

A. Correct.

Q. What's the date on that?

A. February 5th, 2014.

Q. Okay. Here we go.

Now, this letter talks about sewer capacity to a designated property in Dade County, correct?

A. Correct.

Q. Now, are you familiar with the area where this property is?

A. Very familiar.

Q. Now I am going to, for purposes of deposition, tell you that the property here is the Allapattah project. That's the Allapattah development. This developer is trying to get funding from Florida Housing through this allocation process I told you about. Okay?

A. Okay.

Q. So that we are clear, when I say "Allapattah," that's what I am talking about.

A. Right.

Q. Now, the letter mentions a moratorium on pump station 30-0054. I am just going to call it pump

1 station 54. Okay? You see that, correct?

2 A. Yes.

3 Q. Okay. Now, is DERM the agency within Dade
4 County that -- I don't know what the right word is, but
5 implements and regulates and enforces moratorium?

6 A. Yes.

7 Q. That wouldn't be WASA, would it?

8 A. No, it isn't. We monitor the utilities.

9 Q. Now, for a pump station to be in -- under a
10 moratorium, what does that really mean? What does it
11 mean?

12 A. Well, in the consent decree, there is
13 criterias set forth that they have to operate, certain
14 pump stations have to operate, the old consent decree
15 was ten hours. Well, the new consent decree is still
16 ten hours, unless the utility implements --

17 Let's say this pump station -- there is three
18 pump stations in Dade County. This one was -- due to a
19 peak factor study, it was brought up to 18 hours. So
20 they could tell the EPA, listen, this -- according to
21 our peak factor, this pump station can operate properly
22 up to 18 hours. What happened was that it went past 18
23 hours.

24 The 18 hours is a 12-month -- what they call
25 an NAPOT; it's an average of 12 months, and that's the

1 amount that has to be under 18 hours of operation. Once
2 it goes above that, it will go into a temporary
3 moratorium. That means it alerts us -- the enforcement
4 agency, it alerts us that one of the pump stations for
5 one of our utilities is not to capacity.

6 Then, once we notify them, it goes to initial
7 moratorium. Initial moratorium means -- either
8 temporary or initial moratorium, we cannot issue an
9 application -- sorry, certification. We cannot approve
10 the project. We have to wait for a response back from
11 the utility saying what happened. It could be, you
12 know, something mechanical failure.

13 They respond back, and then we will take the
14 initiative to review their report and say, well, we can
15 put it back on okay status, or they decide they want to
16 upgrade it. In this case, I think, at that time -- I am
17 not sure. I think about the end of the month, I think
18 they established that they were going to upgrade the
19 pump station. So we put into conditional moratorium --
20 I am not certain on those dates.

21 But they decided what they are going to do,
22 what the plan of corrective action is. If they go ahead
23 and do a plan of corrective action, which I think they
24 have a plan of corrective action that wouldn't be
25 completed until 2018, that's what we are supposed to

1 tell the developer: Listen, the utility has given us in
2 writing, and to the EPA, that it will not be approved or
3 certified until 2018. It could be less. It could be
4 more, but that's what we have to tell the developer;
5 that's what they gave us in writing.

6 Q. So the moratorium for this particular pump
7 station, Pump Station 54, is October 10th, 2013, through
8 December 31st, 2018, according your letter.

9 A. Okay. I did put it, yes.

10 Q. But you said it could be less than --

11 A. It could be less. It's up to them. They are
12 the ones who have control of what, you know, their
13 scheduling is for the pump stations.

14 Q. And "them" is WASA in this case?

15 A. WASA, that's correct.

16 Q. Now, when you talk about a moratorium on a
17 pump station, does that include the area around the pump
18 station?

19 A. That's the whole service area.

20 Q. Okay. Now, what would the service area be?

21 A. Service area is any -- the whole gravity
22 system, whatever laterals go into the gravity system
23 that direct the flow to the pump station or any pump
24 station upstream of it. Everything that goes into the
25 well of that pump station would be considered the

1 service area, whether it's a private lift station,
2 whether it's a gravity, whether it's a -- well, it
3 wouldn't be a force main; but, yeah, you may have some
4 small private lift station that may be there, as well.
5 Anything upstream from the pump station would be
6 considered the service area and would be under
7 moratorium.

8 Q. Now, your letter says in that first paragraph,
9 at least as to this particular development site, no
10 sewer capacity certification is available for connection
11 between the dates that I talked about earlier, the 2/13
12 through 2/18; what does that mean?

13 A. Basically, we can't allow any new flows to the
14 system, no sewer certification to the system.

15 Q. So does that mean there is no --

16 A. There is limited capacity.

17 Q. Okay.

18 A. There is -- let's put it this way. We
19 basically cannot -- even one gallon, so people may say,
20 well, one gallon, maybe a small barber shop; but
21 moratorium means that everybody, you know, no new flows
22 can go to that system.

23 And the way that our system is developed is
24 that we can't -- we issue a sewer certification in
25 writing, which I sign; and we -- where -- we cannot --

1 because of the codes on the pump station, it does not
2 allow you to give a sewer certification. And that's
3 what Miami-Dade Water and Sewer, WASA needs, in order
4 for them to proceed with their agreements with service
5 to that property.

6 Q. And that's because of the moratorium status?

7 A. Because of the moratorium. I mean, they
8 currently have about 130 pump stations in moratorium.
9 Just this week I had two more with the same ordeal, so
10 it is not getting any better.

11 Q. I think you have been famously quoted as
12 saying, part of my job is giving people bad news --

13 A. Yes.

14 Q. -- would that be fair?

15 A. So a letter like this, it's -- either I do it
16 through email, a letter or -- my whole day is spent
17 giving bad news.

18 My review is to review plans and review
19 certificate of use, but when it stops and they can't go
20 forward, they have to meet with me, so...

21 Q. I have another document. This will be
22 Deposition Exhibit No. 2.

23 (The referred-to document was marked for
24 identification as Exhibit No. 2.)

25 BY MR. DONALDSON:

1 Q. And that's a letter from WASA for this
2 particular Allapattah development site; have you ever
3 seen that letter before?

4 A. Well, they have agreements. They have
5 availability -- do they have availability? Yeah, water
6 and sewer availability.

7 Yes, I am familiar with -- not with this
8 certain one but with others.

9 Q. Okay.

10 A. Actually, a lot of times, we do need this in
11 order to proceed with sewer certification, because what
12 we see in the atlas doesn't mean that that's the point
13 of connection that the utility made -- directed the
14 developer to connect. They may have other areas or
15 other -- you know, you have a corner lot; they may have
16 two different points of connection. So, you know, it's
17 up to them to decide where the point of connection is.

18 Q. So WASA determines the point of connection?

19 A. Yes, it's their system.

20 Q. So they determine if there is pipes there,
21 correct?

22 A. Right.

23 Q. Now, and if you can tell, I mean, I'll
24 represent to you that this is -- this letter is
25 representing the same development site as your earlier

1 letter; and if you could look at it and tell me if I am
2 right about that, but it looks like it's the same folio
3 numbers, et cetera.

4 A. Yes.

5 Q. Now, in looking at the November 12th letter --
6 and that's from Mr. Douglas Pile; do you know Mr. Pile?

7 A. Yes.

8 Q. Okay. And looking at that letter, it
9 references the moratorium, and it references the
10 moratorium that apparently was put in place by your
11 department, of course it's RER there; but we are going
12 to call it DERM, correct? It's the same thing, correct,
13 RER and DERM?

14 A. Right.

15 Yeah, RER is the department, so we are a
16 branch.

17 Q. And I am looking, actually, at the third
18 complete paragraph where it's talking about sewer; we
19 are not talking about water here today.

20 A. Okay.

21 Q. We are just talking about sewer.

22 Now, the letter says, the owner cannot
23 increase the flow to the gravity system that the
24 property is already connected to; do you see that?

25 A. Which one are you talking about?

1 Q. Third paragraph, one, two, third complete
2 paragraph.

3 A. Okay. How many sentences down?

4 Q. Two, three --

5 A. Okay.

6 Q. -- third sentence.

7 A. Okay. I see now.

8 Q. And you can read the whole paragraph, if you
9 want to.

10 A. Okay. Okay.

11 Q. Okay.

12 A. I read it.

13 And what was your question? Did it have a
14 question?

15 Q. Well, doesn't that mean -- that statement
16 mean, no flow, that as of the date of this letter,
17 November 12th, 2013, there was no capacity?

18 A. Right, and it's still moratorium status.

19 Q. Now, the letter goes on in that same paragraph
20 to apparently discuss an alternative to pumping or
21 connecting to some other pipe in the system; do you see
22 that?

23 A. Yes.

24 Q. Now, does that fact that you can connect to
25 someplace else change whether or not there was capacity

1 to that particular development site?

2 A. Well, I would think that that 18-inch force
3 main does not go -- well, it's an 18-inch; it's probably
4 outside the service area of 54.

5 Q. Okay. Now, does that change whether or not
6 there was capacity as of that date to that development
7 site?

8 A. Not to the pump station, I mean, there is
9 still no capacity.

10 Q. So does the fact that that alternative is
11 listed in this letter mean that there is capacity?

12 MR. GLAZER: Object to the form.

13 A. Yes.

14 BY MR. DONALDSON:

15 Q. It means that there is --

16 A. Well, that there is capacity outside that
17 service area.

18 Q. But not in the service area?

19 A. Not in the service area.

20 Q. Now, you may have answered this earlier; what
21 branch of Miami-Dade County determines if sewer capacity
22 actually exists? Is that WASA, or is that DERM?

23 A. That's DERM.

24 Q. Now, is there a distinction between sewer
25 capacity and an availability to connect to the sewer

1 **system?**

2 A. Yeah, I mean, when -- I mean, I deal with 16
3 utilities. I have got to try to tell my employees, they
4 all work a little bit different. When we look at
5 availability, you are paying for, basically, what's --
6 what's available; and just like FP&L, just like AT&T,
7 just like any other utility, they are going to tell you
8 the closest available option they have.

9 It might be AT&T tells you, well, it's not --
10 we are not in the service area, maybe in a year we will
11 be there. But they will tell you exactly what the
12 furthest point of connection is, and that's what I
13 interpret as availability.

14 You go to the utility and you come to me, and
15 I say, I can't give you a sewer certification because
16 there is no sewers abutting, and we basically go by the
17 Florida Statute as to gravity abutting, we can force
18 connection, by Florida Statute; but if there is no
19 gravity abutting, we don't have no enforcement. So the
20 next step would be for them to find out what is the
21 closest sewers, and they would apply for availability.

22 That's my interpretation of availability; it's
23 just telling you, what is the closest available sewer to
24 your system.

25 Q. Now, would that guarantee you capacity, that

1 wherever this nearest connection is?

2 A. Yeah, it would guarantee your capacity. Now,
3 anything would guarantee your capacity; you could go all
4 the way to the treatment plant. The treatment plant has
5 capacity. Now, is it logical or is it feasible? That's
6 another question.

7 We have houses, too. They may have a force
8 main near the house. Is it feasible for a single-family
9 residence to connect to a force main and put a private
10 lift station in your front yard. I don't think it's --
11 yes, it's there available, but is it logical to do it?
12 Is it feasible to do it? Is it worth it?

13 I mean, I deal with that on a daily basis with
14 projects as to they can build their own treatment plant
15 on the property or have the option of a private lift
16 station or, you know, a septic tank. I mean, you can
17 get into different systems and how to treat sewer, but
18 it's -- you know, is it logical to do that?

19 And you still have to go through other
20 departments. You still have to go through the state.
21 On a septic tank, you have to go through the health
22 department. Pump station, you would have to go through
23 the department of -- it doesn't mean that we could
24 approve it. You still have to go to different agencies
25 to now see if they would approve that other system.

1 Q. So the mere fact that there may be an
2 available connection doesn't mean that there is sewer
3 capacity, does it?

4 MR. GLAZER: Object to form.

5 A. Not necessarily. They could still have to go
6 through the DEP, and they -- they have to get a state
7 permit. Before I could approve capacity, they will
8 still have to go through different agencies, have it
9 approved, have a permit, so then that I could create a
10 sewer certification and condition to those permits.

11 Q. Okay. I am going to ask you to look at --
12 this is Exhibit Three.

13 MR. DONALDSON: This is the aerial photo,
14 for you on the phone.

15 (The referred-to document was marked for
16 identification as Exhibit No. 3.)

17 BY MR. DONALDSON:

18 Q. And you have never seen that before, but I am
19 going to -- and you tell me if it's correct. What we
20 tried to do with that aerial is we tried to take the
21 description of the pipe that is suggested by this
22 November 12th, 2013, letter and use Google to actually
23 draw the line of the pipe, and it came out to be about
24 2,700 linear feet to this other point of connection you
25 talked about.

1 You were just talking about the feasibility of
2 something. Now, in comparing the aerial to the letter,
3 does that make sense? It looks like it's about five
4 city blocks that you would have to take that --

5 A. Yeah.

6 Q. -- gravity line. Is that --

7 MR. GLAZER: You are just asking him to
8 make that assumption?

9 BY MR. DONALDSON:

10 Q. I am asking if he can confirm that.

11 A. Half a mile, I would say.

12 I mean, you are asking me if it's feasible? I
13 would --

14 Q. Well, I am going -- I am going to use your
15 word; you said practical.

16 A. Yeah, it's not logical -- well, practical, I
17 mean, it's just -- let's put it this way: I have been
18 dealing with Miami Shores and doing their sewer system.
19 I think it came out in an article last week, and that's
20 been for years, over three years.

21 It was easy to say, well, you could put a
22 sewer system, a pressurized sewer system, just
23 throughout -- less than that, four city blocks through
24 the alley in the back; and they are still trying to get
25 it approved. They ran into a lot of obstacles. They

1 ran into corridors for FP&L. They run into problems
2 where residents that don't want the construction or
3 either that or they feel like now they may be forced to
4 connect because, again, Florida statute says, if there
5 is an available line, now you have to connect. You
6 know, you have commercials that may have hazardous
7 material, which we are forced to connect.

8 So, you know, you don't realize what happens,
9 what implication it may have until you start going into
10 it. And, again, there is a lot of utilities, you may be
11 forced to challenge, and then you have to see your
12 project; what is your project. You know, is it worth
13 it? You know, for Miami Shores, it is, because they are
14 all on septic tanks; and all the commercial -- they
15 can't put any restaurants, any commercial uses that
16 really would bring business to the city.

17 So is it feasible? Is it logical to do it for
18 them, yes; but it depends on the project. What is your
19 project?

20 **Q. Eighty-unit apartment complex.**

21 A. I mean, I don't know where your cost is, but
22 looking at that, I know that that's -- that becomes a
23 challenge.

24 **Q. You are talking about cost, do you have any**
25 **kind of idea?**

1 A. I rough -- contractors throughout there maybe
2 \$80 a foot, and it depends on the highway, depends on
3 the road. You got road closures. You got police. You
4 have to add all that to it.

5 Just a private lift station alone could cost
6 you 100,000, 150,000. Then you have to put the cost of
7 the construction of the line to the point of connection.

8 Q. Tell me the process that you would have to go
9 through to get that alternative permitted.

10 A. Well, again, if you come to us, we already
11 made -- you know, we said there was no capacity in the
12 system for that service area. Again, what we are
13 looking at is what is existing. There is a gravity line
14 there that works. Yet, you want to increase the flow to
15 the property. There is no capacity in that service area
16 for what infrastructure is there.

17 Now, if the alternative -- I don't like the
18 word he used, "shall." I think, more appropriate, it
19 should be, you know, this is what is available. Maybe
20 even some areas, you know, you might go different
21 directions; but he put "shall." I wouldn't put "shall."
22 I would put this is closest available sewer we have. In
23 that sense -- I lost my track of -- you were asking
24 the --

25 MR. MILO: The process.

1 A. -- the process.

2 So I would not be able to give you a sewer
3 certification approval from us for construction for you
4 to go get a building permit until, one, you have to
5 design it. It has to go through the utility who is
6 going to maintain it, because it is going to be a
7 donation. You are going to then have to go to DEP,
8 which we are -- we also do that for -- we are delegated
9 by the DEP; get a sewer certification, so that's a
10 construction permit for that line.

11 Once that's approved, then we will go ahead
12 and have a sewer certification with conditions, and you
13 have to -- you know, we prepare an estoppel so that you
14 are recorded to make sure that no one else -- you know,
15 if it's sold, the next buyer would know that there is a
16 moratorium in that area; and there is conditions set
17 forth. The condition would be the sewer extension to
18 serve this property.

19 Until that is completed, the line is completed
20 and certified by the state, certification of completion
21 of construction, a CO from the city, we would not
22 release for use.

23 Q. Now, you looked at the word "shall" in there;
24 just because that alternative is listed in that letter,
25 does that guarantee the applicant here that they are

1 going to get that connection?

2 MR. GLAZER: Object to form.

3 A. No. I mean, to me, it has to be directed as
4 that's the only -- not even alternative, that's what you
5 have to do. I mean, I do give the -- what I do send
6 them to is, again, back to WASA and see what their plan
7 is for that pump station.

8 I mean, the ideal thing is to connect to the
9 pump station. You might -- the time length it would
10 take you to do that amount of work would probably be, I
11 would say, a couple years, because, you know, from
12 construction, probably three to six months -- well,
13 depending on the designer, maybe about three months.
14 Water and sewer may take three to six months.

15 I don't know if they have an agreement
16 already. I guess Pile did the agreement. If there is
17 an agreement, I don't know if one is done already, but
18 that takes a few weeks, too, also, maybe a couple
19 months.

20 Once that's done, then they have to apply for
21 DEP. They have 30 days. That's in the sense that, you
22 know, they don't run into any issues with public works,
23 DOT. I don't know what kind of road that is. They have
24 to go through all those agencies. I don't know what
25 kind of utilities.

1 And then you are talking, once they get the
2 permit, then the construction. You guys might know
3 better, you know, the time that it would take to
4 construct something like that, half a mile on a dense
5 area.

6 I mean, the goal here, what I tell some of my
7 developers is like, you know, the option you want to do
8 is that you want to be finished with your sewer
9 extension at the same time that you are finished with
10 your project. That's the whole reason we give it to you
11 with conditions so that you can maybe start construction
12 at the same time, and you both will finish. Because
13 what happens is, you may finish your project, and if
14 this is not completed, you are not going to get your CO.

15 Now, there is -- I know I have a lot of people
16 that call me, saying, well, we have bank loans, and I am
17 still paying interest until I get my CO. The building
18 department, the building official should not issue a CO
19 until the sewer is completed. That's what's on the --
20 on the estoppel that we agree on that's recorded.

21 **Q. Now, in your 20-some years with Dade County,**
22 **have you seen a project like that actually constructed**
23 **and approved and moved forward with, going five city**
24 **blocks?**

25 A. Actually, I saw it, and it was only done just

1 for the banks. When I saw the developer, I said, why
2 are you doing this? He went around, I don't know how
3 many blocks to connect somewhere. The bank wanted a
4 guarantee that they will connect, but it wasn't -- you
5 know, they just said no. They new the pump station
6 would be done in three months. That was the one in
7 Brickell. That was high priority.

8 They had sat down with WASA. WASA said, look,
9 we will be done in a certain amount of time; but they
10 wanted to start construction. The bank says, no, I
11 don't want a conditional letter, which it would have
12 been appropriate, because the set dates were within
13 their completion date of the project.

14 But they went ahead with the design, and they
15 came back and revised the letter.

16 Q. What was it someone was trying to build; do
17 you remember?

18 A. An apartment building.

19 And it wasn't within three or four months that
20 they had to wait, but I guess those three or four
21 months, those mean a big difference in development.

22 Q. Now, you mention the DEP, DOT; what about the
23 City of Miami, in terms of the approval process, did
24 they play a role in the approval process for just the
25 sewer line?

1 A. Well, City of Miami, since it's probably
2 public works, basically, public work roads, I'm sure
3 they have their -- I don't know if they are going to
4 go -- maybe if there is trees, they have their own tree
5 program. Drainage, there may be an obstacle in drainage
6 they may have to overlook.

7 I know that where pump station number nine
8 down in Coconut Grove was, they were trying to divert
9 the flow from one area to another one; and that was --
10 basically, they had thought of being that solution for
11 pump station nine, and it wasn't because of all the road
12 closures and road construction that they were going to
13 deal with, and it wasn't feasible for them.

14 **Q. Now, if there was no moratorium in the WASA**
15 **letter and there was a connection right there abutting**
16 **the property, how long would it take to gain approval**
17 **for that connection?**

18 A. With us, it would take -- with plans and
19 everything, it would take less than eight days, if there
20 was no moratorium, yeah. We do the allocation, sewer
21 certification, review the plans, review pavement and
22 drainage. I mean, if everything is sent to plans, our
23 goal is to do it within eight days.

24 **Q. So if there was no moratorium, would there be**
25 **capacity?**

1 A. Yes. I mean, that's the definition: capacity,
2 no moratorium; no capacity, moratorium. Basically,
3 that's...

4 Q. The last document I want you to look at, which
5 I don't think you have seen, this will be No. 4.

6 (The referred-to document was marked for
7 identification as Exhibit No. 4.)

8 MR. GLAZER: Are they the same?

9 MR. DONALDSON: This one was for the
10 court reporter. I'll keep this one. They are
11 the same, yes, Mike.

12 BY MR. DONALDSON:

13 Q. Let me ask you: Have you ever seen that form
14 before?

15 A. No, I can't say I have.

16 Q. Now, that's the form that Florida Housing
17 includes in their application, in their RFA application
18 the applicant needs to have the service provider fill
19 out and turn in. Okay?

20 A. Okay.

21 MR. GLAZER: I am going to object to the
22 form. That's not right.

23 BY MR. DONALDSON:

24 Q. Well, Dade County -- I am going forward.
25 Dade County is allowed to prepare a letter,

1 service, other than payment of hook-up or installation
2 fees, line extensions to be paid for by the applicant in
3 connection with the construction of the development or
4 other such routine administrative procedures; could you
5 confirm that?

6 A. No.

7 Q. And why not?

8 A. No capacity.

9 Q. How about number three: To the best of our
10 knowledge, no variance or local hearing is required to
11 make this service available to the proposed development?

12 A. No. Since it's a consent agreement, you can't
13 go through variance.

14 Q. So you could confirm that one, that there
15 would be no variance?

16 A. Right, we can't go through what we call EQCB.

17 Q. Correct.

18 How about four: To the best of our knowledge,
19 there are no moratoriums pertaining to this service
20 which are applicable to the proposed development; could
21 you confirm that?

22 A. No, there are moratoriums.

23 Q. So you couldn't sign this form if you had to,
24 correct?

25 A. Correct.

1 Q. Now that you have seen the WASA letter that
2 has this alternative in it, does that change the
3 conclusions you reached in your February letter dealing
4 with capacity?

5 A. Like I said, our point of connection, no;
6 because, I mean, I don't look at those points. I mean,
7 I am looking at the plans physically being in front of
8 me and looking at what's available; and to us, it would
9 be just a gravity, and until that line is certified,
10 there is no availability.

11 Q. Now, has anybody submitted any plans to you
12 for this particular development site?

13 A. If I do have it -- I wrote this letter, it's
14 because we did have some kind of proposal. I mean, I am
15 not sure if it was plans. I am sure there had to have
16 been plans; if not, I wouldn't have wrote this request.
17 Either through that or I get different -- I mean, we get
18 different -- I would have wrote it there. I'm not sure.

19 I can't -- people email me. I get plans that
20 come in. I get letters of request. I do what's called
21 MDR's, administrative approvals. There is different
22 ways that people do due diligence that I have to respond
23 back. I mean, this letter is one way, either through
24 email. As I said, we have different ways. We have
25 letter of interpretation.

1 Q. Okay. Now, this --

2 A. If you ask me, I have to respond one way or
3 another.

4 Q. Sure.

5 This letter was directed to -- how do I say
6 the last name? Mr. Luis Castellon, vice president of
7 RUDG. So were you responding to a question Luis may
8 have asked you?

9 A. We have several -- I mean, I have several
10 plans just in that area, but I am no -- I can't answer
11 that right now, exactly what it was. I know he did
12 request information at that date, and I responded.

13 Q. Okay. And nothing in the WASA letter that you
14 have seen today changes your opinions in this letter,
15 your conclusions in your February 5th, 2014, letter,
16 correct?

17 A. That, I can't -- again, we don't look at it
18 the same way they do. I got to look at what's
19 available, because it's not in my system, so I can't
20 really talk for their system, since we are the enforcer,
21 monitors. All I got to look at is what's available at
22 that time to make my decision.

23 Q. And during --

24 A. Of course, that doesn't guarantee -- also,
25 what they put here doesn't guarantee, if you go this

1 route, by the time you come to me, there may be no
2 capacity in the treatment plants. So I can't really
3 give you a -- it would be wrong to really -- I even put,
4 at this time, there is capacity.

5 I get a lot of requests and I say, at this
6 time there is capacity; and there is instances where you
7 come in the next week and there is no capacity: Why you
8 told me last week? I go, but this is a moving system,
9 plans are getting approved and developments going up
10 constantly. It's always moving with time.

11 Q. So, is it possible that if you went down the
12 alternative route from the WASA letter and you went
13 through the two years of permitting and constructing,
14 when you finished that and then you wanted to connect at
15 the place of connection, is it possible there is no
16 capacity there, either?

17 A. That's a possibility. This is not the only
18 one that I have in this case. I have got plenty more
19 with a lot of headaches that catches you by surprise,
20 either we are going underwater or -- but, you know.

21 Q. From a regulatory perspective, and I
22 understand that DERM and WASA are doing two different
23 things, does it make sense to pump a half a mile away to
24 another part of the sewer system? Does that make sense
25 from a regulatory perspective? In other words --

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MR. GLAZER: Object to the form.

Q. -- you are taking -- you have a problem here, so now you are pumping over to where -- over to another area; does that make sense?

MR. GLAZER: Object to the form.

A. No, it doesn't make sense. I mean, I have had instances where we -- again, I go back to Florida Statute that says that when there is an available sewer, they don't say where there is a gravity or a force main.

We have had cases where there is industrial places that do we want to connect as an environmental agency; and when they go to WASA for connection to that force main, they say no because they are going to -- it -- the integrity of the pipe is -- you know, that transmission force main is to transmit from pump stations, of course; but the more small pump stations you put to that transmission line, the integrity, you lose the integrity of that line.

And we have had instance -- I know that for 30 inches or more, they definitely don't allow it. Depending how many are in a certain area, they wouldn't allow to connect. I don't know if that's a policy, but I -- you know, we have gone back and forth on that on certain other areas that -- there is a force main and we have all these commercial areas and we say, you know,

1 you have got to connect by Florida Statute.

2 Of course, they are the ones who say it's
3 available or not available, and there is cases where
4 they say it's not available; and, of course, we can't do
5 an enforcement because the utility is one who is
6 supposed to respond with availability.

7 The problem with the private lift station,
8 later on, you do have maintenance. You become a
9 utility, a small utility for that property, and so
10 you -- we treat you just the same. We have over maybe
11 1,200 private lift stations in Dade County; those are
12 also treated the same way as utilities, the same as
13 WASA. They have to submit, on a monthly basis, ET
14 readings. They have to maintain the maintenance. If
15 there is any spills within the property, they get fined
16 just like a regular utility.

17 WASA does not go in there and fix it up or
18 clean it because it doesn't belong to them. It's called
19 private. Now, if it spills outside where the connection
20 is, yes, it's theirs; but, you know, it's an extra thing
21 you got to do now for your property to maintain it, and
22 you become a small utility.

23 Q. Now, the Allapattah development here, you
24 couldn't get a building permit from the City of Miami
25 before you addressed the sewer issue; is that correct?

1 A. Right. You have still got to -- you have
2 still got to go through DERM. You have still got to go
3 through WASA, get your sewer certification, get your
4 agreement, get your verification form, also, for water
5 and sewer. Once you have an overall approval from us,
6 then you proceed to building department, and they will
7 issue the building permit.

8 MR. DONALDSON: I think I am done.

9 CROSS-EXAMINATION

10 BY MR. GLAZER:

11 Q. Mr. Lezcano, I am Mike Glazer. I represent
12 Allapattah Trace.

13 Let me start with that last question. If you
14 were connecting a project to a county pump station,
15 wouldn't you still have to go through DERM and WASA
16 before you could get a building permit?

17 A. Yes.

18 Q. So the process is the same, whether --

19 A. You are asking to get a building permit? Yes.

20 Q. To get a building permit, if you have got a
21 private pump station, you said you would still have to
22 go through DERM and WASA to get the building permit,
23 correct?

24 A. Well, you also have to include the state. The
25 EPA will issue the construction permit for the private

1 lift station.

2 Q. But you still have to go through DERM and
3 WASA --

4 A. Yes.

5 Q. -- even if it's a County lift station --

6 A. Yes.

7 Q. -- correct, before you get a building permit?

8 A. Correct.

9 Q. Let me look at the Exhibit Two.

10 MR. DONALDSON: Can we take a break for
11 two minutes?

12 (Whereupon, a recess was had.)

13 BY MR. GLAZER:

14 Q. Mr. Lezcano, looking at the Miami-Dade -- the
15 WASA letter, is it correct that if the developer wanted
16 to do a private pump station, run the line to this force
17 main that's referenced in the letter, that they could,
18 in fact, have a way to provide sewer to that project
19 through the Miami-Dade Water and Sewer system; that is
20 an option that's available?

21 A. Yes.

22 Q. And that option was available in November of
23 2013, wasn't it?

24 A. Yes.

25 Q. Am I correct that before today, you have not

1 seen this document marked as Exhibit Two?

2 A. Correct.

3 Q. And am I correct that before today, you had
4 not seen this document marked as Exhibit Four?

5 A. Correct.

6 Q. And you had not seen the document marked as
7 Exhibit Three before today, either, had you?

8 A. Correct.

9 Q. The process -- when somebody wants to get --
10 hook up to sewer, are you part of the process that
11 results in a permit?

12 A. Yes.

13 Q. Okay. And is the first document that is
14 submitted to you for the sewer part of a project a
15 permit application?

16 A. Well, it's a building permit application.

17 Q. Okay. A building permit application?

18 A. Right.

19 Q. And within that, there is a sewer and water
20 component?

21 A. By that time, everything should be set that --
22 we review everything that -- you know, pretty much all
23 the civil has to be completed, ready for the building to
24 go up. They have to have all their sewers. I mean
25 water, sewer, paving and drainage, South Florida Water

1 Management, everything has to be in place for us to
2 approve for them to go to construction.

3 Q. Now, you said there is 1,200 private lift
4 stations in round numbers in Miami-Dade County?

5 A. You said private or utility or WASA.

6 Q. Well, that's what I am trying to understand.
7 You gave a number of 1,200. I wrote down --

8 A. 1,200 is for WASA.

9 Q. Okay, and that's private lift stations, as
10 opposed --

11 A. Another 1,200 plus for private lift stations.
12 You are talking over 2,000.

13 Q. Okay. And were those -- would those have been
14 approved through your office?

15 A. Yes. Pretty much any sewer certification goes
16 through DERM.

17 Q. Okay. So it certainly is possible to get a
18 private lift station approved in Miami-Dade County?

19 A. Yes.

20 Q. And would some of those private lift stations
21 be -- exist because they need to bypass a county station
22 that's under moratorium?

23 A. The majority that I have seen, the ones that I
24 have seen is because there is no -- that's the only
25 thing that's available is a force main; there is no

1 gravity.

2 Q. But are there also some that are there because
3 of a moratorium on the nearby lift station, county
4 station?

5 A. I would be ignorant to say there is not, but I
6 can't even think of one. Like I said, the one that I
7 did mentioned before in Coral Gables, they had come up
8 with that solution, but it was just for the banks. They
9 basically did it for guarantee of a loan.

10 Q. But you would agree with me that the option of
11 a private pump station was available to the Allapattah
12 Trace project?

13 A. Yes, that's what he mentioned there as
14 availability. I hope they get their money's worth out
15 of it.

16 MR. GLAZER: That's all I have. Thank
17 you.

18 MR. BROWN: I've got nothing, guys.

19 REDIRECT EXAMINATION

20 BY MR. DONALDSON:

21 Q. I have just one followup.
22 Outside of the one that you just talked about,
23 was that Coconut Grove for the banks?

24 A. That was Pump Station 11. It is about Bird
25 Road -- and it was for the banks?

1 Q. The one that you -- here is the question --

2 A. Yeah.

3 Q. -- in 20 years, have you seen a project that
4 ran a sewer line a half a mile?

5 A. I cannot -- for private, not a -- I mean, I
6 can't -- again, there could be. I cannot recall. I
7 have seen utilities do it; but, again, that's
8 feasibility, because, you know, they have the money and
9 they have the means to do it. They do parallel -- other
10 pump stations just because the other one is too old. So
11 they say, I'll build another pump station, put that
12 one -- you know, close that one out and build another
13 one, but that's a utility.

14 MR. DONALDSON: That's all I have.

15 COURT REPORTER: Read or waive?

16 MR. DONALDSON: You can either read the
17 deposition and draft to see if there is any
18 mistakes or errors in it that you want to
19 correct, or you can just waive it.

20 THE WITNESS: I'll waive it.

21 COURT REPORTER: Are you ordering this
22 one?

23 MR. DONALDSON: Yes.

24 COURT REPORTER: Is there a deadline on
25 when you need this one? Do you need it

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expedited?

(Discussion off the record.)

COURT REPORTER: You need it by what day?

MR. DONALDSON: Tuesday, Wednesday.

COURT REPORTER: You want it Tuesday of next week?

MR. DONALDSON: Yeah.

COURT REPORTER: Okay. Do you want a copy of this one?

MR. GLAZER: Yes. And we agreed today that we will split the appearance fee between the two of us; and, obviously, I am paying for the original on the first one.

COURT REPORTER: And do you want a copy on Mr. Milo?

MR. DONALDSON: Please.

(Whereupon, a recess was had.)

MR. GLAZER: We can stipulate on the record that this witness will be beyond a hundred miles from the trial during the time of the hearing.

Good enough?

MR. DONALDSON: That's fine.

AND FURTHER DEPONENT SAITH NAUGHT

STIPULATION

1 It is hereby stipulated and agreed by and between
2 counsel present at this deposition and by the deponent
3 that the reading and signing of this deposition is
4 waived.

5 (Deposition concluded at 1:05 p.m.)
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CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF BROWARD

I, Emily Scott, shorthand reporter and Notary Public, State of Florida certify that Frank Lezcano personally appeared before me on the 23rd of April, 2014.

EMILY SCOTT, Shorthand Reporter and
Notary Public, State of Florida at Large
Commission No.: EE 121681
My commission expires: December 14, 2015

C E R T I F I C A T E

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I, EMILY SCOTT, Shorthand Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that I was authorized to and stenographically report the deposition of Frank Lezcano; that a review of the transcript was not requested; and that the foregoing transcript, pages 1 through 49, is a true record of my stenographic notes.

I further certify that I am not a relative, employee or attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' counsel connected with the action, nor am I financially interested in the action.

Dated this 23rd day of April, 2014, at Broward County, Florida.

EMILY SCOTT, Shorthand Reporter and
Notary Public, State of Florida at Large
Commission No.: EE 121681
My commission expires: December 14, 2015

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February 5, 2014

Regulatory and Economic Resources
Environmental Plan Review
701 NW 1st Court • 2nd Floor
Miami, Florida 33136-3902
T 305-372-6899 F 305-372-6550
miamidade.gov/development

Mr. Luis Castellon
Vice President of Development
RUDG
315 S. Biscayne Blvd
Miami, Florida 33131

RE: 3435 NW 17 Ave. – Folio: 01-3126-038-0200, 3415 NW 17 Ave. – Folio: 01-3126-038-0230
3401 NW 17 Ave. – Folio: 01-3126-038-0240, 3435 NW 17 Ave. – Folio: 01-3126-038-0320
1609 NW 34 ST. – Folio: 01-3126-038-0330

Dear Mr. Castellon,

County Pump Station 30-0054 has been under a Moratorium by the Miami Dade Department of Regulatory and Economic Resources (RER) since October 10, 2013 and it is anticipated to be under Moratorium until December 31, 2018; therefore, no sewer capacity certification is available for connection between these dates.

This letter is to confirm that Miami Dade Water and Sewer Pump Station 30-0054 service the properties at the above reference sites. Furthermore, this service area has limited capacity and since October 10, 2013. As per your request these properties did not have sanitary sewer certification of adequate capacity as of November 12, 2013 and currently cannot connect to the existing sanitary sewer.

Sincerely,

Frank Lezcano, Engineer III
Environmental Plan Review
Department of Regulatory and Economic Resources

Δ π EXHIBIT 1
Deponent LEZCANO
Date 4/23 Rpt CA
WWW.DEPOBOOK.COM

Delivering Excellence Every Day



miamidade.gov

Water and Sewer
PO Box 330316 • 3575 S. Lejeune Road
Miami, Florida 33233-0316
T 305-665-7471

November 12, 2013

The Richman Group of Florida
477 South Rosemary Avenue, Suite 301
West Palm Beach, Florida 33401

Re: Water and Sewer Availability (13-298101) for "Allapattah Trace" for the construction and connection of 80 apartment units located at 3401 NW 17th Ave., 1609 NW 34th St., 3435 NW 17th Ave., 3415 NW 17th Ave., 3435 NW 17th Ave., Miami, Folios # 01-3126-038-0240, -0330, -0320, -0230, and -0220.

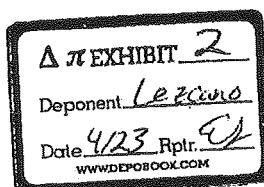
Ladies and Gentlemen:

This letter is in response to your inquiry regarding water and sewer availability to the above-referenced property for the construction and connection of eighty (80) apartment units.

The County owns and operates a twelve (12) inch water main located in N.W. 17 Avenue at 34 Street, to which the Owner shall connect and extend a twelve (12) inch water main easterly in N.W. 34 Street to the southeast corner of the property, interconnecting to an existing two (2) inch water main at that location. Also, the Owner may connect to an existing twelve (12) inch water main that abuts the property in N.W. 17 Avenue for water service/fire line/fire hydrant. Any other public water main extension within the property shall be twelve (12) inches minimum in diameter. If two (2) or more fire hydrants are to be connected to a public water main extension within said property, the water system shall be looped with two (2) points of connection.

Because the County's Sewage Pumping Station No. 30-0054 (PS 54) serving the abutting gravity sewer basin is reported under Initial Moratorium by Miami-Dade Department of Regulatory and Economic Resources (RER), the Owner cannot increase the flow to the gravity system that the property is already connected to. If at the time this project is ready for construction PS 54 is still in Moratorium Status, thence a private pump station is acceptable, as long as all legal requirements are met. The Owner shall connect to an existing eighteen (18) inch force main in N.W. 22 Avenue at N.W. 34 Street, and extend an eight (8) inch force main within the public right-of-way to a point as required to provide sewer service to the subject property. If unity of title does not apply, then any gravity sewer within the property shall be public and eight (8) inch minimum in diameter. Other points of connection may be established subject to approval of the Department.

Construction connection charges and connection charges shall be determined once the property owner enters into an agreement for water and sewer service, provided the Department is able to offer those services at the time of the owner's request. Information concerning the estimated cost of facilities must be obtained from a consulting engineer. All costs of engineering and construction will be the responsibility of the property owner. Easements must be provided covering any on-site facilities that will be owned and operated by the Department. Other points of connection may be established by the Department.



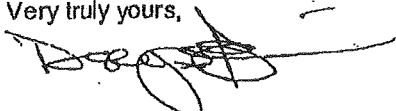
Water and Sewer Availability
"Allapattah Trace" (13-298101)
Page 2

Please be advised that the right to connect the referenced property to the Department's sewer system is subject to the terms, covenants and conditions set forth in the Settlement Agreement between the Florida Department of Environmental Protection ("DEP") and the County dated July 27, 1993; the First Amendment to Settlement Agreement between DEP and the County dated December 21, 1995; the First Partial Consent Decree and the Second and Final Partial Consent Decree entered in the United States of America Environmental Protection Agency vs. Metropolitan Dade County (Case Number 93-1109 CIV-MORENO), as currently in effect or as modified in the future; and all other current, subsequent or future agreements, court orders, judgments, consent orders; the consent order between DEP and the County filed on April 4, 2004; consent decrees and the like entered into between the County and the United States of America, the State of Florida and/or any other governmental entity; and all other current, subsequent, or future enforcement and regulatory actions and proceedings.

This letter is for informational purposes only and conditions remain in effect for thirty (30) days from the date of this letter. Nothing contained in this letter provides the property owner with any vested rights to receive water and/or sewer service. The availability of water and/or sewer service is subject to the approval of all applicable governmental agencies having jurisdiction over these matters. When development plans for the subject property are finalized, and upon the owner's request, we will be pleased to prepare an agreement for water and/or sewer service, provided the Department is able to offer those services at the time of the owner's request. The agreement will detail requirements for off-site and on-site facilities, if any, points of connection, connection charges, capacity reservation and all other terms and conditions necessary for service in accordance with the Department's rules and regulations.

If we can be of further assistance in this matter, please contact us.

Very truly yours,



Douglas Pile, Esq.
New Business Contract Officer

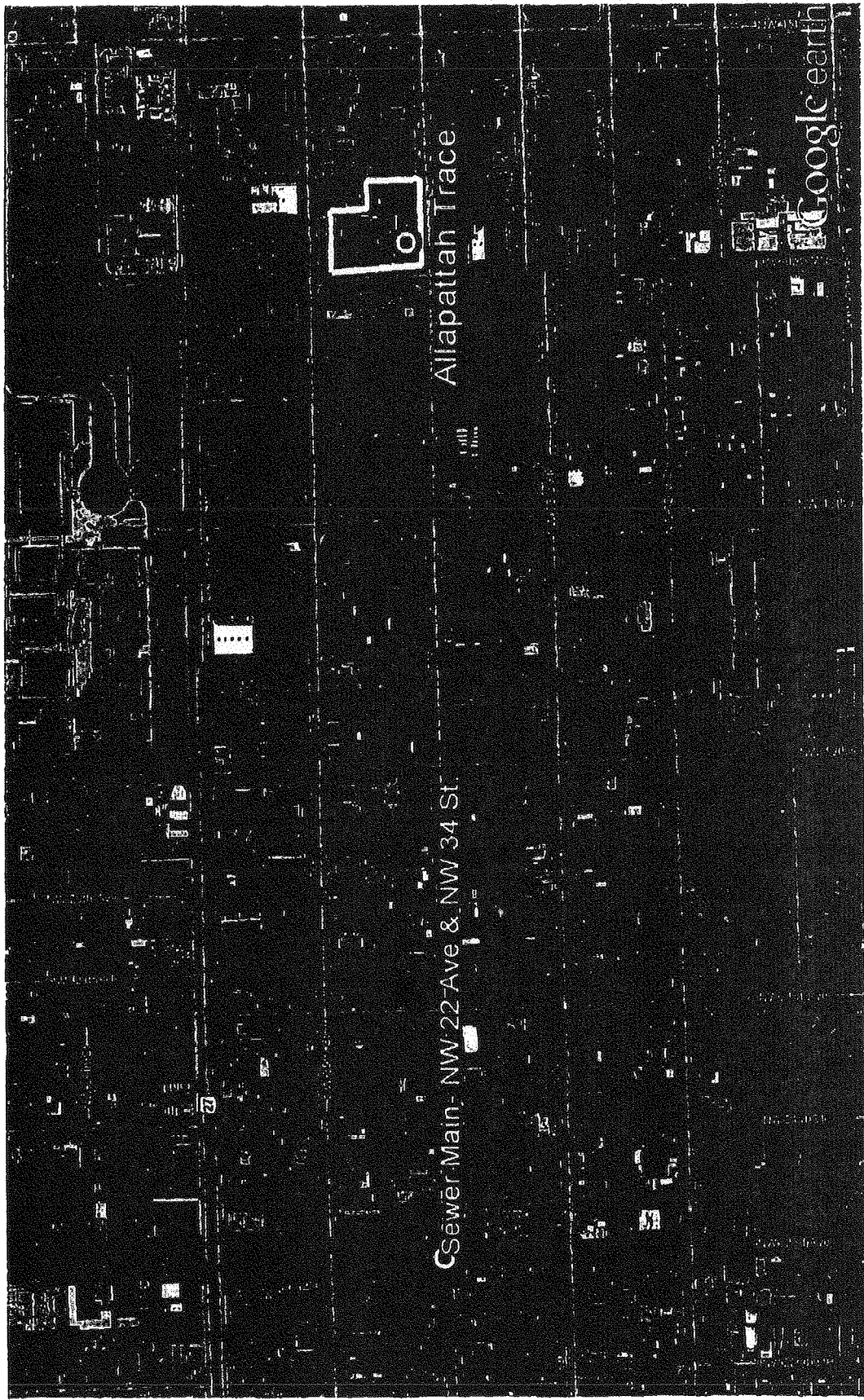


EXHIBIT A

Δ 7 EXHIBIT 3
Deponent LEZARD
Date 4/23 April 04
WWW.DEFOOL.COM

**2013 FLORIDA HOUSING FINANCE CORPORATION
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE - SEWER CAPACITY,
PACKAGE TREATMENT, OR SEPTIC TANK**

FHFC Application Reference: _____
(Indicate the name of the application process under which the proposed Development is applying/has applied for funding from the Corporation such as the Request for Proposal/Application number and/or the name of the Request for Proposal/Application)

Name of Development: _____

Development Location: _____
(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county).)

The undersigned service provider confirms that on or before the submission deadline for the above referenced FHFC Request for Proposal/Application:

1. Sewer Capacity, Package Treatment, or Septic Tank is available to the proposed Development.
2. There are no impediments to the proposed Development for obtaining the specified waste treatment service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.
3. To the best of our knowledge, no variance or local hearing is required to make this service available to the proposed Development.
4. To the best of our knowledge, there are no moratoriums pertaining to this service, which are applicable to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct.

Signature

Name of Entity Providing Service

Print or Type Name

Address (street address, city, state)

Print or Type Title

Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the certification will not be accepted.

