

CAUSE NO. 2024CCV-61174-3

AJIT DAVID	§	IN THE COUNTY COURT
Plaintiff	§	
	§	
VS.	§	AT LAW NO. 3
	§	
CITY OF CORPUS CHRISTI, TEXAS	§	
Defendant	§	NUECES COUNTY, TEXAS

\* \* \* \* \*

ORAL AND VIDEOTAPED DEPOSITION OF

SONY PERONEL

TAKEN ON JULY 10, 2025

\* \* \* \* \*

ORAL AND VIDEOTAPED DEPOSITION of SONY PERONEL,  
produced as a witness at the instance of the Plaintiff,  
and duly sworn, was taken in the above-styled and  
numbered cause on the 10th day of July, 2025, from 9:07  
a.m. to 1:36 p.m., before SYLVIA KERR, CSR, RPR, CRR, in  
and for the State of Texas, reported by machine  
shorthand, at Corpus Christi City Hall, 1201 Leopard  
Street, 5th Floor, Corpus Christi, Nueces County, Texas,  
pursuant to the Texas Rules of Civil Procedure and the  
provisions attached hereto.

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1	APPEARANCES		1	THE VIDEOGRAPHER: Today is Thursday,	
2			2	July 10, 2025. We're on the record at 9:07 a.m.	
3	COUNSEL FOR THE PLAINTIFF:		3	SONY PERONEL,	
4	MR. DOUGLAS ALLISON		4	having been first duly sworn, testified as follows:	
5	Law Offices of Douglas Allison		5	EXAMINATION	
6	403 N. Tanchua Street		6	BY MR. ALLISON:	
7	Corpus Christi, Texas 78401		7	Q. Will you state your name, please.	
8	(361) 888-6002		8	A. Sony Peronel.	
9	doug@dallisonlaw.com		9	Q. Mr. Peronel, you understand that I	
10	COUNSEL FOR THE DEFENDANT:		10	represent -- my name is Doug Allison and I represent	
11	MS. AMANDA P MARCUM		11	Ajit David, correct?	
12	Assistant City Attorney		12	A. Yes.	
13	City of Corpus Christi		13	Q. We're here today taking your deposition. Do	
14	P.O. Box 9277		14	you understand that?	
15	Corpus Christi, Texas 78469-9277		15	A. Yes.	
16	(361) 826-3360		16	Q. It's real important, and I'm going to remind	
17	AmandaM5@ccctexas.com		17	you of this right now because you sort of nodded on the	
18	ALSO PRESENT:		18	first answer, which is not uncommon. Please remember	
19	MR. AJIT DAVID		19	that you have to give a spoken response; otherwise, this	
20	MR. JOE COOK, Videographer		20	nice lady to my left cannot take down a formal response.	
21			21	A. Yeah. Yes.	
22			22	Q. And have you been deposed before?	
23			23	A. No.	
24			24	Q. Especially given that, let me run through some	
25			25	of the sort of ground rules, okay?	

Page 3			Page 5		
1	INDEX		1	A. Okay.	
2		PAGE	2	Q. First of all, let's try to not speak at the	
3	Appearances.....	2	3	same time because it makes everybody's job a little more	
4	SONY PERONEL		4	difficult. Let's try to have good communication. You	
5	Examination by Mr. Allison.....	4	5	let me finish my question and I'll wait for your answer.	
6	Signature and Changes.....	157	6	A. Okay.	
7	Reporter's Certificate.....	159	7	Q. And do you understand that today's proceedings	
8			8	are for court purposes?	
9	EXHIBITS		9	A. Yes.	
10	NUMBER DESCRIPTION PAGE		10	Q. And that you are under oath?	
11	1 -- Photograph.....	46	11	A. Yes.	
12	(Retained by Mr. Allison)		12	Q. And that we are going to be talking today	
13	2 -- Business Dinner Receipt.....	59	13	really about your service as assistant city manager and	
14	3 -- Audio Recording of Mr. Zanoni and Mr. David	99	14	kind of the role that you played in an investigation	
15	(Retained by Mr. Allison)		15	that occurred into an altered document; fair enough?	
16	4 -- Transcript of Audio Recording of Mr. Zanoni	99	16	A. Okay. Yes.	
17	and Mr. David.....	99	17	Q. You know that's why we're here?	
18	5 -- Agenda Memorandum 1/30/2024.....	110	18	A. Yes. And to correct, at the time I was	
19	6 -- Meeting Agenda - Final-revised 2/20/2024....	112	19	assistant to the city manager.	
20	7 -- Text Messages with Mr. David, IMG_5808.....	116	20	Q. Thank you. Okay. And do you understand that	
21	8 -- Text Messages with Mr. David, IMG_5809.....	121	21	with your oath that it is important to tell the truth?	
22	9 -- Another Charged in Association with City of		22	A. Yes.	
23	Weslaco Scam.....	122	23	Q. You understand that we have recordings, text	
24	10 - Text Messages with Mr. David, IMG_5811.....	138	24	messages, all sorts of things so, you know, you need to	
25	11 - Letter from Homewood Suites 4/11/2024.....	138	25	tell the truth and track what happened for the period	
	12 - Text Messages with Mr. David, IMG_5812.....	147			
	13 - Agenda Memorandum 3/11/2024.....	154			

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1 we're talking about, right?

2 A. Yes.

3 Q. Okay. And you understand that if you violate

4 that oath of truth, then there can be consequences,

5 perjury, different findings by the court, contempt.

6 There's different things that can happen.

7 A. Yes, I understand.

8 Q. Okay. Before we -- I do want to get some

9 background on you.

10 A. Okay.

11 Q. First of all, just where did you go to school?

12 A. University of Central Florida.

13 Q. And when did you graduate from the University

14 of Central Florida?

15 A. My master's in -- master's degree in 2015.

16 Q. And what did you get your master's in?

17 A. Urban and regional planning.

18 Q. And tell me -- describe for me what urban and

19 regional planning is.

20 A. So design and planning of cities. It also

21 includes economic development, emergency management,

22 planning law.

23 Q. What was that last one?

24 A. Planning law. Planning law.

25 Q. Planning law?

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1 A. Yeah, planning law.

2 Q. What does that mean?

3 A. So just laws regarding around rights either

4 for land ownership. Yeah. So it can be -- what's the

5 term I'm looking for? Oh, my gosh. When the city can

6 take over. I lost the words.

7 Q. Eminent domain?

8 A. Thank you. Eminent domain, yes.

9 Q. It's your specialty, not mine but --

10 A. So I went to school for it, but planning law

11 is not my specialty. But that's what everything

12 encompasses. And then you can take a career out from

13 there.

14 Q. With that, let me just ask you up front: Are

15 you a lawyer?

16 A. No.

17 Q. Do you consider yourself to have any expertise

18 in law?

19 A. No.

20 Q. Do you consider yourself to have any expertise

21 at looking at sort of a fact situation and evaluate it

22 in the context of a legal statute?

23 A. No.

24 Q. And after 2015 when you graduated, where did

25 you go?

Page 8

1 A. City of San Antonio. City of San Antonio.

2 Q. And what was your job when you got hired

3 there?

4 A. So I got hired on as a management fellowship.

5 Q. Management what?

6 A. Management fellowship. It's a fellowship,

7 yeah.

8 Q. What does that mean?

9 A. So the City of San Antonio, they have a

10 competitive program where they select three -- the city

11 manager selects three people who recently completed the

12 master's degree. And so from there, once you get

13 selected, you do -- it's a year program where they do

14 rotation in three different departments.

15 Q. And so who selected you to do that?

16 A. The city manager at the time was Sheryl

17 Sculley.

18 Q. And is that where you would have met Peter

19 Zanoni?

20 A. Yes.

21 Q. 2015?

22 A. Yes, in the city manager's office.

23 Q. And you were -- your title at that time would

24 have been a --

25 A. Management fellow.

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1 Q. And what was Peter Zanoni's title at that

2 time?

3 A. Deputy city manager.

4 Q. And just to get some bookends on it, how long

5 were you with the City of San Antonio?

6 A. Four years. 2015 to 2019.

7 Q. And during that four years, did you work

8 frequently with Peter Zanoni?

9 A. No, didn't really know him until I came to

10 Corpus.

11 Q. Did you have any relationship with him in

12 San Antonio?

13 A. No.

14 Q. If you -- by the way, one of the things I

15 should have told you, during the deposition if you need

16 to correct an answer, please do, okay?

17 A. Okay.

18 Q. So then when is the first time you met Peter

19 Zanoni?

20 A. No, met him in San Antonio. So when you work

21 in the fellowship, one of your first rotations is the

22 city manager's office, so you meet all the -- so you

23 meet the city managers, deputy city managers, the

24 assistant city managers, so you meet all of them.

25 Q. Okay. That's what confused me a moment ago.

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1 So you did know him since -- you did know Peter Zaroni  
2 since 2015?  
3 A. Right. Yes. So I said yes, I knew him in  
4 2015, but you asked relationship. So knowing him, like  
5 I knew a lot of people but there's not a relationship or  
6 a working relationship. So I didn't really -- I didn't  
7 work with Peter, just knew of him because I worked in  
8 that office, but didn't know Peter really until I got to  
9 Corpus, in terms of having a working relationship.  
10 Q. So you had a working relationship with him in  
11 San Antonio but you --  
12 A. No, in Corpus.  
13 Q. Okay. You met him in San Antonio?  
14 A. Correct.  
15 Q. But you didn't really have a relationship with  
16 him until you came to Corpus?  
17 A. A working -- right.  
18 Q. Let's go and back up to San Antonio. What was  
19 the -- what was your interface with Mr. Zaroni up in  
20 San Antonio?  
21 A. How are you doing, I'm Sony. And then from  
22 there say -- because all the fellows go through that  
23 rotation. So from there he says, you know, if you have  
24 any questions, come ask, you know, if you want to know  
25 what I do. So . . .

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1 Q. And did you have questions and go ask?  
2 A. Yeah, from time to time.  
3 Q. Okay. So I mean, you were getting to know  
4 him?  
5 A. Define "getting to know him."  
6 Q. Well, I mean, you're talking with him with  
7 some measure, some degree, once a month, once a week,  
8 whatever it is, and you're getting to know -- he's  
9 answering questions for you because you are sort of  
10 under his guidance as a fellow?  
11 A. No, not under his guidance, no.  
12 Q. Well, whose guidance were you under?  
13 A. So I was under at the time -- so when you do a  
14 different -- when you do a different rotation, you have  
15 someone that you're under as a supervisor. So when I  
16 worked in the city manager's office as a rotation, I was  
17 under the special projects manager at the time, whose  
18 name was John Peterrek. I was under that individual.  
19 But, of course, I would ask other assistant  
20 city managers, hey, how did you get to this profession?  
21 Just general questions in terms of how they got to where  
22 they were.  
23 Q. Right. It sounds to me like if you were a  
24 fellow, that sounds to me like you're being mentored by  
25 your seniors.

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1 A. No, it's what you put into it, honestly. If  
2 you ask to be mentored, like I can select a mentor. But  
3 to then have a mentor, you have to ask and build a  
4 relationship. So that wasn't the case really with Peter  
5 so -- not in San Antonio.  
6 Q. Okay. But not till you got to Corpus?  
7 A. Right.  
8 Q. Okay. And then when you got to Corpus, using  
9 your words, I think you said that's when you really got  
10 to know him, right?  
11 A. Yeah, work with him, yeah, got to work with  
12 him.  
13 Q. You said "got to work with him" a few times.  
14 Is your relationship purely work related?  
15 A. Uh-huh, yes.  
16 Q. So you don't see him outside of work?  
17 A. No. But if we go to -- if there's like work  
18 dinners, work associated dinners, community meetings,  
19 etcetera, if there's an event that we all get invited  
20 to.  
21 Q. So -- but that's still work related.  
22 A. Yeah, I'm always on the clock so I always have  
23 to keep --  
24 Q. Well, I'm sure there are some things you do  
25 that are personal in nature and not work related, right?

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1 A. Well, once out in the public, I have to assume  
2 I'm always on the clock as a public -- as a public  
3 official.  
4 Q. If you go out to dinner, you're at work?  
5 A. No, but I can't get belligerently drunk  
6 because then I'm a public figure as well, and so that --  
7 I have to -- so the way I carry myself is I'm on the  
8 clock.  
9 Q. Okay. Well, let me just ask you this.  
10 What kind of personal things do you like to do  
11 that are not work?  
12 A. Oh, go to the gym, cycling.  
13 Q. Huh?  
14 A. Going to the gym, cycling.  
15 Q. What other personal things do you like to do  
16 that are not work?  
17 A. Travel.  
18 Q. What else?  
19 A. That's it.  
20 Q. Go to dinner?  
21 A. I go to dinner, yeah.  
22 Q. Dinner with friends?  
23 A. Uh-huh.  
24 Q. Is that a yes?  
25 A. Yes.

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1 Q. Remember, when you say uh-huh --  
2 A. Yes, yes, yes.  
3 Q. So go to gym, cycle, travel, go to dinner with  
4 friends. What other sort of not work related things do  
5 you like to do?  
6 MS. MARCUM: Objection, form. You can  
7 answer.  
8 A. That's it.  
9 Q. And where do you like to travel?  
10 A. Outside of Corpus.  
11 Q. Where have you been in the last, let's say,  
12 two or three years?  
13 MS. MARCUM: Objection, form.  
14 A. Outside of Corpus.  
15 Q. Can you give me some places, locations?  
16 A. Besides outside of Corpus?  
17 Q. Yes.  
18 A. Orlando, my home.  
19 Q. Huh?  
20 A. I went home.  
21 Q. Where is that?  
22 A. Orlando.  
23 Q. Have you done any other travel outside of  
24 Corpus in the last three or four years?  
25 A. Yes.

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1 Q. Where?  
2 A. Houston, and then places outside of the  
3 country.  
4 Q. Where would those be?  
5 A. Turkey.  
6 Q. Anywhere else?  
7 A. Yeah. I went to Sri Lanka -- no. Only two  
8 years. Tanzania, Dubai, Abu Dhabi.  
9 Q. Anywhere else?  
10 A. No, not in the last two or three years.  
11 Q. Huh?  
12 A. No, not really, not in the last two years, not  
13 really.  
14 Q. And all of those are obviously your personal  
15 time, right?  
16 A. Yes.  
17 Q. And when you first came to work here in Corpus  
18 Christi, what was your job title?  
19 A. Performance management administrator.  
20 Q. And what does that mean you did?  
21 A. So I worked -- worked on process improvements  
22 projects for various departments.  
23 Q. Tell me what that means.  
24 A. So process improvement could be if, let's say,  
25 one department had an issue to where overtime was

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1 abnormally high, then I would go in and work that  
2 department to then see where -- you know, why they're  
3 putting in so much overtime and work to reduce the  
4 overtime. So that's one example of a process  
5 improvement.  
6 Q. So you would go from department to department  
7 and help them improve how they did things?  
8 A. Not from department. It depends. So if a  
9 department says, hey, we need -- or if the city manager  
10 directed or an ACM said, hey, there's a particular issue  
11 with a department, they don't have the capacity, can you  
12 go and help and look at it to see -- to see if you can  
13 help them do process improvements.  
14 Q. Would that expose you to the different  
15 departments and the work they did?  
16 A. Yes.  
17 Q. And what different departments would you be  
18 working in during your time that you were performance  
19 management administrator?  
20 A. So I wouldn't per se work in the department, I  
21 would still be in my office, right, just helping them on  
22 the project. But some of the departments I helped  
23 support was public works, asset management,  
24 communications. Asset management, we have facilities in  
25 asset management, communications, yeah, and some others

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1 I can't remember off the top of my head, yeah.  
2 Q. Did you ever, while you were performance  
3 management administrator, work with the health  
4 department?  
5 A. No, not at that time.  
6 Q. And for what period of time were you  
7 performance management administrator?  
8 A. For about roughly a year or so, I believe, up  
9 until COVID.  
10 Q. Up until COVID?  
11 A. Uh-huh.  
12 Q. Is that a yes?  
13 A. Yes. Sorry. Up until COVID. So I believe  
14 for a year, so 2020. If COVID was in 2020, then 2020.  
15 Q. Okay. And so -- and I'm a little confused.  
16 What year did you start here with Corpus?  
17 A. 2019.  
18 Q. Okay. Thank you. And so you worked as the  
19 performance -- in the -- you worked as performance  
20 management administrator for about a year, 2019 to 2020,  
21 until the time COVID hit?  
22 A. Correct.  
23 Q. And when COVID hit, what did you start doing  
24 for the city?  
25 A. So from there when most of the people at City

<p style="text-align: right;">Page 18</p> <p>1 Hall got sent home to work from home, I was able to 2 continue to work from City Hall. So at that time, I was 3 asked to support the city manager with his day-to-day 4 activities. So from there I became support and just 5 assisting the city manager on certain -- certain 6 projects. 7 Q. Okay. And I assume that's Peter Zanoni that 8 moved you into that position under him? 9 A. Correct. Yeah, I was asked to help. 10 Q. And it sounds like you were working on special 11 projects, I guess, for him? 12 A. Yeah. Yeah, special projects or some -- you 13 know, it could be things like helping writing speeches, 14 writing talking points for him, putting together 15 reports, helping get information from different 16 departments. 17 Q. Sort of like a liaison to the other 18 departments? 19 A. That's one of the functions and helping on 20 special projects. Or if there's a project, then I would 21 be the one to oversee it. 22 Q. And how -- what's the right title for that 23 job? 24 A. Well, I was still -- during COVID I was still 25 under -- so I guess I was still under performance</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Yeah, projects, etcetera, yeah, and whatever 2 was asked. 3 Q. And after you served in the role as assistant 4 to the city manager for four years, what was your next 5 position? 6 A. Then it was -- I became interim assistant city 7 manager in May of last year, 2024. And then became 8 appointed permanent assistant city manager in 2024. 9 Q. Now, while you were performance management 10 administrator, did you have employees that reported 11 directly to you? 12 A. Not as the performance management 13 administrator, no. Yeah, I was the only one in that 14 department. The department was called strategic 15 planning innovation. 16 Q. You were the only one? 17 A. At the time I was the only person. 18 Q. Okay. And then I know you continued with that 19 title and for four years worked as assistant to the city 20 manager from 2020 to 2024. At that point in time, did 21 you have any employees that worked under you? 22 A. Yes. So when I was assistant to the city 23 manager, I had departments report to me. So I had the 24 communications department report to me, 25 intergovernmental relations report to me, then I had</p>
<p style="text-align: right;">Page 19</p> <p>1 management administrator. And then in that year, then I 2 got promoted to assistant to the city manager, I believe 3 later that year. So at first it was, hey, while you're 4 doing your performance management administrator, you 5 know, can you also do -- can you also assist the city 6 manager with some of his work. So I was kind of doing 7 both roles. And then from there, then eventually I got 8 promoted to assistant to the city manager after working 9 a lot with him during COVID. 10 Q. Okay. And so when did you get promoted to be 11 the assistant to Peter Zanoni? 12 A. I believe -- I believe it was 2020, later that 13 year in 2020. 14 Q. 220? 15 A. 2020, I believe, yeah. 16 Q. And how long were you assistant to Peter 17 Zanoni? 18 A. Four years. 19 Q. And it's while you were -- I guess your 20 technical title was still, if I'm understanding you, was 21 still performance management administrator, but you sort 22 of moved over to work more closely with Peter Zanoni on 23 day-to-day activities, helping write speeches, be 24 liaison to the different departments, that sort of 25 thing?</p>	<p style="text-align: right;">Page 21</p> <p>1 libraries report to me as well, so . . . 2 Q. Okay. 3 A. And then I had the -- our general coordinator 4 report to me as well. So I had -- I oversaw departments 5 and I had direct reports. So I oversaw three directors 6 and a general coordinator. 7 Q. Okay. But I may be wrong about this, but 8 doesn't the city organization chart have those people 9 reporting directly to the city manager and you're just 10 acting as a liaison? 11 A. No. So the assistant to the city manager, 12 it's an executive level position. So for here -- I 13 wasn't familiar with Corpus, but other cities, other 14 large cities, that assistant to the city manager is an 15 executive position. So the natural progression for that 16 position would be assistant city manager. So this is an 17 executive level position that oversees departments as 18 well. 19 Q. So would, for example, the departments you 20 just listed, would they still meet and report to city 21 manager, to Peter Zanoni, or would it all flow through 22 you? 23 A. To me. 24 Q. Only? 25 A. Correct.</p>

<p>Page 22</p> <p>1 Q. And then when you became -- let me back up.</p> <p>2 So while information was flowing only through</p> <p>3 you while you're being assistant to the city manager,</p> <p>4 this 2020 through 2024 time frame, what departments</p> <p>5 would flow only through you?</p> <p>6 A. Yeah, it was communications, intergovernmental</p> <p>7 relations, libraries. And then, of course, an agenda</p> <p>8 coordinator. So obviously I work with them, and then</p> <p>9 from there, obviously us as a team, the executive</p> <p>10 leadership team, which is composed of deputy city</p> <p>11 manager, assistant city managers and assistant to the</p> <p>12 city manager, that's the executive leadership team. So</p> <p>13 I --</p> <p>14 Q. Tell me those again. Executive leadership</p> <p>15 team is who?</p> <p>16 A. Correct. The deputy city manager, the</p> <p>17 assistant city managers, and the assistant to the city</p> <p>18 manager.</p> <p>19 Q. And the assistant to what?</p> <p>20 A. To the city manager, yeah.</p> <p>21 Q. That was your position?</p> <p>22 A. Correct, yeah. And it's on our old chart.</p> <p>23 And so from there we report directly to the city</p> <p>24 manager, so obviously then . . .</p> <p>25 Q. Okay. And so in the framework you're</p>	<p>Page 24</p> <p>1 Q. The executive leadership team would have been</p> <p>2 composed of the city manager, the deputy city manager,</p> <p>3 the assistant city manager or managers?</p> <p>4 A. Yeah.</p> <p>5 Q. Right?</p> <p>6 A. Correct. Yeah, there's more than one. So</p> <p>7 assistant city managers, right, the assistant to the</p> <p>8 city manager -- actually -- actually to add -- actually,</p> <p>9 and then the structure did change a little bit. It's</p> <p>10 when the -- Drew Molly, the COO of water, that became an</p> <p>11 executive position. I don't know what year, but it's on</p> <p>12 our org chart so --</p> <p>13 Q. And what's his title?</p> <p>14 A. Chief operating officer for the Corpus Christi</p> <p>15 water department. So in our old chart, I believe all</p> <p>16 the executive leadership team positions, I believe the</p> <p>17 color is -- I believe it's green, green or blue, but</p> <p>18 there's a certain color on the structure.</p> <p>19 Q. Okay. And I want to make sure I understand</p> <p>20 the structure. And I appreciate you letting me know</p> <p>21 that it changed when water got pulled into it and Drew</p> <p>22 Molly came into that leadership group, right?</p> <p>23 A. Yes, yes. Yeah.</p> <p>24 Q. What year was that?</p> <p>25 A. That I don't remember.</p>
<p>Page 23</p> <p>1 describing for me, was that always the way it was for</p> <p>2 2020 to 2024 while you were the assistant city --</p> <p>3 assistant to the city manager?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And did that framework -- and I know</p> <p>6 you've changed positions and became the interim</p> <p>7 assistant city manager and assistant city manager in the</p> <p>8 2024-2025 time frame, correct?</p> <p>9 A. Yeah. So yeah. Yes, yes.</p> <p>10 Q. And the framework we've talked about, was it</p> <p>11 always the same up until present day as far as who's the</p> <p>12 executive leadership, that sort of thing?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And so every since 2020, for example,</p> <p>15 to the present --</p> <p>16 A. Okay.</p> <p>17 Q. -- it's been the same sort of structure in</p> <p>18 terms of who was the executive leadership?</p> <p>19 A. The structure itself, yes. Maybe not the --</p> <p>20 maybe not the people, but the structure, yes.</p> <p>21 Q. That's what I mean. People come and go</p> <p>22 sometimes, right?</p> <p>23 A. Yeah. Right, right. But the structure is,</p> <p>24 yes, the executive leadership team is composed of those</p> <p>25 positions.</p>	<p>Page 25</p> <p>1 Q. Huh?</p> <p>2 A. I don't remember the year when that position</p> <p>3 became an executive position.</p> <p>4 Q. More like this year, 2025? Or more like two</p> <p>5 or three years ago?</p> <p>6 A. I don't remember the exact year.</p> <p>7 Q. Was it this year?</p> <p>8 A. It was not this year.</p> <p>9 Q. Was it 2024 or before?</p> <p>10 A. I don't remember before that, but it wasn't</p> <p>11 this year.</p> <p>12 Q. Okay. See, sometimes I can at least narrow it</p> <p>13 down.</p> <p>14 A. Yes, sir.</p> <p>15 Q. So from 2000 [sic] when you became the</p> <p>16 assistant to the city manager up until the present, with</p> <p>17 just a little asterisk by the COO for Corpus Christi</p> <p>18 water department, because it's a little change there,</p> <p>19 but other than that little change, the structure of who</p> <p>20 is executive leadership for the city has always been the</p> <p>21 same for that time period?</p> <p>22 A. Correct.</p> <p>23 Q. And that would -- that executive leadership</p> <p>24 would be Peter Zaroni?</p> <p>25 A. Correct.</p>

<p style="text-align: right;">Page 26</p> <p>1 Q. The deputy city managers -- manager, right?</p> <p>2 A. Correct.</p> <p>3 Q. Assistant city managers, plural?</p> <p>4 A. Correct.</p> <p>5 Q. And the assistant to the city manager?</p> <p>6 A. Correct.</p> <p>7 Q. And then at some point in time before 2025,</p> <p>8 Drew Molly was added to that executive leadership team</p> <p>9 as COO for Corpus Christi water department?</p> <p>10 A. Right. And so that position, because I don't</p> <p>11 want to say that person, so that position. So these</p> <p>12 positions are the executive leadership team.</p> <p>13 Q. Now, the deputy city manager for the period of</p> <p>14 time 2020 until the present, who has that been?</p> <p>15 A. So Michael Rodriguez -- so the deputy city</p> <p>16 manager -- deputy city manager, when that position was</p> <p>17 created, I don't remember when, but it has been Michael</p> <p>18 Rodriguez. So when that position was created, Michael</p> <p>19 Rodriguez was appointed as deputy city manager.</p> <p>20 Q. And I think he's left the city, right?</p> <p>21 A. No, he's with the city.</p> <p>22 Q. Okay. So --</p> <p>23 A. He's currently employed.</p> <p>24 Q. He's what?</p> <p>25 A. He's with the city today.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. And do the three different assistant city</p> <p>2 managers oversee different departments?</p> <p>3 A. That is correct.</p> <p>4 Q. And how are those broken out?</p> <p>5 A. So the city manager ultimately decides who</p> <p>6 oversees the departments.</p> <p>7 Q. So the city manager, Peter Zaroni, would</p> <p>8 decide which department each assistant city manager</p> <p>9 oversees?</p> <p>10 A. Correct. Each assistant city manager and</p> <p>11 assistant to the city manager.</p> <p>12 Q. And while you were one of the -- were you for</p> <p>13 a period of time -- well, you are now, right, an</p> <p>14 assistant city manager?</p> <p>15 A. Correct.</p> <p>16 Q. And what departments do you oversee now?</p> <p>17 A. So I oversee intergovernmental relations,</p> <p>18 animal care, libraries, public health district.</p> <p>19 Q. Now, intergovernmental relations, it sounds</p> <p>20 like you were doing that back when you were the</p> <p>21 performance management administrator?</p> <p>22 A. No, assistant to the city manager.</p> <p>23 Q. Okay. You were doing it when you were</p> <p>24 assistant to the city manager?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. Okay. And so he has always been the deputy</p> <p>2 city manager for the period 2020 to present?</p> <p>3 A. Since that position has been in existence,</p> <p>4 yes.</p> <p>5 Q. Okay. And when did it come into existence?</p> <p>6 A. I don't remember the year, to be honest with</p> <p>7 you.</p> <p>8 Q. Years ago, though?</p> <p>9 A. Yeah, prior to 2024.</p> <p>10 Q. Okay. And then the assistant city managers,</p> <p>11 how many of there -- are there? That's a bad sentence.</p> <p>12 How many assistant city managers are there?</p> <p>13 A. You want the position count or the people who</p> <p>14 are actually filling the positions?</p> <p>15 Q. Let's do the positions first.</p> <p>16 A. So there's three.</p> <p>17 Q. And what are those titles?</p> <p>18 A. Assistant city manager. They're all the same</p> <p>19 title.</p> <p>20 Q. Okay. And has that always been true, that</p> <p>21 there's three since 2020?</p> <p>22 A. Yeah. In one shape or form, yes. Because one</p> <p>23 of them might have been chief financial officer, the</p> <p>24 title, but then from there, the title just changed to</p> <p>25 assistant city manager. But yes.</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. And so that's not a new area for you?</p> <p>2 A. Correct.</p> <p>3 Q. And then libraries, I think you mentioned you</p> <p>4 were doing that earlier in your career also, right?</p> <p>5 A. Correct.</p> <p>6 Q. So that's not a new area for you?</p> <p>7 A. Correct.</p> <p>8 Q. And then animal relations, have you done --</p> <p>9 excuse me.</p> <p>10 A. Animal care.</p> <p>11 Q. Animal care, had you done that before?</p> <p>12 A. Oversee the department?</p> <p>13 Q. Yeah.</p> <p>14 A. No, not overseeing that department.</p> <p>15 Q. So that was new for you?</p> <p>16 A. That was a new department of oversight.</p> <p>17 Q. Okay. And health department, I don't think</p> <p>18 you had overseen that before or been involved in that?</p> <p>19 A. Yes, that was -- so that would -- so that was</p> <p>20 my new department of oversight as well.</p> <p>21 Q. Pardon?</p> <p>22 A. That was a new department of oversight as</p> <p>23 well.</p> <p>24 Q. Right. It's new to you when you became</p> <p>25 assistant city manager?</p>



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1 A. That department, overseeing it, yes.  
2 Q. Okay. And if I understand it correctly, you  
3 really have no background in health, no education,  
4 right?  
5 A. No, not -- not as an expert, but -- so . . .  
6 Q. I think we have a double negative in there.  
7 I think you're agreeing with me you did not  
8 really have an educational background in health; is that  
9 right?  
10 A. Correct.  
11 Q. Okay. But it was the city manager, Peter  
12 Zaroni, who still put you in charge of health, right?  
13 A. Correct, of overseeing it. So a director is  
14 in charge of the department, I just oversee it.  
15 Q. And so the director of health, who would the  
16 director of health have been, since you mentioned that?  
17 A. So in 2024 it was Dr. Khan. So when I -- so  
18 last year it was Dr. Khan. When the department was  
19 assigned to me, Dr. Khan was the director.  
20 Q. And who is it now?  
21 A. It's vacant.  
22 Q. Anybody serving interim?  
23 A. Correct, yes.  
24 Q. Who?  
25 A. Dr. Gonzalez.

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1 Q. I want to talk to you -- a moment ago we got,  
2 I think, very clear that the executive leadership would  
3 be Peter Zaroni and then Mike Rodriguez as deputy city  
4 manager. Am I right so far?  
5 A. Correct.  
6 Q. And then there would be three assistant city  
7 managers, right?  
8 A. Correct.  
9 Q. And then there would be the assistant to the  
10 city manager, also part of that executive group?  
11 A. Correct. Yeah.  
12 Q. Okay. And is that the group that would  
13 have -- I think have scheduled meetings in terms of kind  
14 of coordinating the business of the city?  
15 A. Of overseeing it, of making sure -- of  
16 ensuring that the departments are doing what they're  
17 supposed to do, correct.  
18 Q. Yeah. And what was the -- what was the  
19 frequency or the routine with regard to the regular  
20 meetings of that executive leadership group?  
21 A. Weekly. Weekly and as needed.  
22 Q. Weekly plus as needed?  
23 A. Correct.  
24 Q. In other words, you do it every week, but if  
25 something was more urgent, then you'd get together

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1 whenever you needed to?  
2 A. Correct.  
3 Q. In addition to the weekly meetings?  
4 A. Correct.  
5 Q. And if I understand how those meetings -- by  
6 the way, let me back up.  
7 You know I depose Heather Herbertson?  
8 MS. MARCUM: Hurlbert.  
9 MR. ALLISON: Thank you. How do you say  
10 it?  
11 MS. MARCUM: Heather Hurlbert.  
12 MR. ALLISON: Hurlbert, thank you.  
13 Q. (By Mr. Allison) I've depose Heather  
14 Hurlbert. Are you aware of that?  
15 A. Yes.  
16 Q. Okay. So we've talked some about this so I  
17 think I have a pretty good idea but I want to walk  
18 through it with you, this structure like we've been  
19 doing, okay?  
20 A. Okay.  
21 Q. And so you would have these weekly or more  
22 than weekly executive leadership meetings. And I think  
23 that's really the level at which there was a coordinated  
24 effort to make sure the business of the city is getting  
25 done. That's what it's supposed to be, right?

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1 A. Correct.  
2 Q. That's the purpose of having those meetings?  
3 A. Correct. Yeah. Yes, yes.  
4 Q. And any -- any and all issues are discussed at  
5 those meetings, correct?  
6 A. So high level -- high level -- high level  
7 types would be discussed. And then, of course, if  
8 there's anything separate then that individual would  
9 then meet with the city manager.  
10 Q. Say that again.  
11 A. Then, of course, if there's any other topics  
12 or something, then that executive would then meet with  
13 the city manager separate as well, so . . .  
14 Q. And in terms of the culture of what occurs at  
15 those meetings --  
16 A. Okay.  
17 Q. -- is it supposed to be that the culture is to  
18 give full information during those leadership meetings?  
19 A. So -- so at the meetings it would be -- right.  
20 Again, it's high level topics, right, each department,  
21 what's high level or pressing. And then we would --  
22 then it would be discussed in terms of them either  
23 getting feedback or give an update.  
24 Q. Yeah, you're supposed to get feedback from the  
25 others in the group for one, right? That's why you're

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1 there?

2 A. Well, yeah, right. So if I'm sharing updates,

3 it may -- it may involve a different department where I

4 can get feedback from an ACM. Or obviously, we all

5 update the city manager is now up-to-date, as is

6 everybody else is, and that's where we get feedback and

7 direction.

8 Q. And I'm going to quote what you just said. I

9 mean, part of what happens at that meeting is "we all

10 update the city manager," correct?

11 A. Yeah, on -- yes, on topics of that person's --

12 you know, whichever that -- whatever high level topics

13 that person shares with the CM or the CM may ask about a

14 project.

15 Q. Yeah. Whatever the -- each assistant city

16 manager, whatever department they're overseeing, they're

17 going to be updating the city manager about what's

18 happening in that department?

19 A. Correct. Right.

20 Q. And maybe whatever things that the deputy city

21 manager, Mike Rodriguez, had been involved in, he'll

22 update the city manager at those weekly meetings also?

23 A. Right. So there's that high level, and of

24 course, there's always meetings happening one-on-one so

25 I can't speak to --

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1 Q. Right. There's more updating that goes on

2 that you're not aware of?

3 A. Correct.

4 Q. Okay. But I mean, the purpose of all of that,

5 obviously, is to make sure that the city manager, number

6 one, is fully informed of what's happening in his city,

7 right? Correct?

8 A. Correct.

9 Q. And to get feedback from the city manager, in

10 other words, direction as to what to do or how to handle

11 situations?

12 A. Correct. That's one of the purposes of that

13 meeting.

14 Q. Yeah. And one of the persons in the meeting

15 also would be the assistant to the city manager. And

16 you served in that role up until, I think, May of 2024,

17 right?

18 A. Correct.

19 Q. And the same thing. For any of the

20 departments that you were interacting with --

21 A. Yes.

22 Q. -- you would be, during these meetings in your

23 role as assistant to the city manager, making sure the

24 city manager is fully updated as to what's going on in

25 those departments?

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1 A. Correct, in that meeting --

2 Q. Things you're working on?

3 A. Correct. In that meeting or if I have

4 one-on-one meetings.

5 Q. Right. In other words, it might happen in the

6 weekly meeting, but in addition to the weekly meetings,

7 you would also make sure the city manager is always

8 fully informed by having one-on-one meetings?

9 A. Right, because it's fluid.

10 Q. Pardon?

11 A. Right, because the business itself is fluid,

12 so . . .

13 Q. It's changing. It's every day?

14 A. Correct.

15 Q. And you're wanting to make sure -- like while

16 you were assistant to the city manager, you wanted to

17 make sure every day that the city manager knows what's

18 going on so that the city can be managed by the city

19 manager correctly?

20 A. As assistant city manager or as assistant to?

21 Q. As assistant to the city manager.

22 A. So as assistant to the city manager, I was

23 also with him, right, as his assistant, so I'm -- his

24 schedule is the same as my schedule as well in terms of

25 doing -- so I'm doing -- right, I'm overseeing

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1 departments and I'm serving as his assistant, so . . .

2 Q. Right. And all of this boils down to we have

3 this executive leadership team that is meeting weekly,

4 sometimes more frequently, right?

5 A. Correct.

6 Q. And having individual meetings, sometimes

7 day-to-day basis with the city manager?

8 A. Correct.

9 Q. And all of that is for the purpose of making

10 sure that the city manager is fully informed as to

11 what's happening in the city?

12 A. Correct.

13 Q. So that the city manager can be fully informed

14 of what's happening in the city and so that the city

15 manager can give feedback on how to handle situations or

16 how to move forward with issues?

17 A. Correct.

18 Q. Okay. And that's the job of the city manager

19 is to know, in fact, what's happening in the city and to

20 give guidance to the assistant city managers and others

21 that are working under him to make sure things are being

22 handled correctly at the city departments?

23 A. Correct.

24 Q. And do you think that you did that always

25 while you were city manager, that you fulfilled that

<p style="text-align: right;">Page 38</p> <p>1 duty of disclosing and providing information to the city 2 manager? 3 A. As assistant to or as assistant city manager? 4 Q. Both. 5 A. Yes. 6 Q. I would assume you always did that, made sure 7 that the city manager was fully informed about issues? 8 A. Yes, yes. Issues that I feel that should come 9 to his attention, yes. I mean, obviously -- yes, yes. 10 Q. Issues that -- 11 A. Issues that I feel, hey, this needs to come to 12 his attention. 13 Q. Well, an issue that came to your attention, 14 right, is what I think you said, too, there. 15 A. No, issues that I feel -- issues that come to 16 me that I feel that he should be notified of, right. 17 Q. Okay. And certainly that would include 18 anything that is of significant dollar amount to the 19 city? 20 A. Right. Yes, yes, yes. 21 Q. For example -- for example, I know that the 22 city manager, I think, must have permission to act in 23 certain circumstances, must get permission from the city 24 council for matters over \$50,000. And so I'm sure you 25 would make sure to communicate to the city manager any</p>	<p style="text-align: right;">Page 40</p> <p>1 A. In a timely manner. 2 Q. Okay. And do you think you always did your 3 job? 4 A. Yes. 5 Q. Okay. For example, if there was a specific 6 issue you were involved in investigating, that would be 7 something that you should make sure you keep the city 8 manager fully informed about, agreed? 9 A. Correct. 10 Q. And those sort of updates to the city manager 11 would occur on at least a weekly basis? 12 A. In a timely manner. 13 Q. Which would be every week you would be meeting 14 with him? 15 A. In a timely manner. 16 Q. One of the things about questions and answers, 17 I get to ask my question the way I want and you don't 18 get to change it, okay? 19 A. So, again, it depends -- 20 Q. Do you understand what I just told you? 21 A. I do. But -- 22 Q. Let me ask my question then, okay? 23 A. Okay. 24 Q. And I'll give you a chance to explain but I 25 want an answer to my question.</p>
<p style="text-align: right;">Page 39</p> <p>1 issue that involved something more than \$50,000? 2 A. Well, that has to go through a whole -- an 3 agenda process and everything, so yes. 4 Q. Yeah. But the answer to my question is yes? 5 A. Yes. 6 Q. Anything that had a value to it that's more 7 than \$50,000, you'd have to be making sure the city 8 manager is kept up-to-date on a daily or at least weekly 9 basis? 10 A. He can be -- 11 Q. Is that a yes? 12 A. He would have to be -- he would have to be 13 kept up-to-date, as anything over \$50,000 goes through 14 an agenda. So there's a whole -- so there's a whole 15 process. There's a whole -- and it has to go to 16 council, so yes, if -- 17 Q. But before you even go to council, it's your 18 job to make sure that he was kept up to speed on those 19 sort of items that had a value or an issue greater than 20 \$50,000 on an at least weekly and sometimes daily basis, 21 right? 22 A. In a timely manner. 23 Q. Okay. Which means real-time -- not this 24 exact -- I'm not saying you have to do it the exact day 25 you learn of a piece of information, but frequently?</p>	<p style="text-align: right;">Page 41</p> <p>1 A. Okay. 2 Q. You met with him every week and almost every 3 day for the purpose of keeping Peter Zaroni informed of 4 what was happening in the various departments where 5 you're doing your business, right? 6 A. Correct. 7 Q. And anything that is an issue, you're supposed 8 to be updating him during those meetings, right? 9 A. If -- if it's an issue that I feel that needs 10 to be brought to his attention. 11 Q. Right. If it's an investigation about whether 12 or not illegal conduct occurred, that would sure be 13 something you want to be talking to him about on a 14 frequent basis, agreed? 15 A. No, no, it depends. 16 Q. You would keep that away from him? 17 A. If it's a lower level employee. If it's an 18 executive, then yes, that executive is appointed by the 19 city manager. 20 Q. Well, what if it had to do with the city 21 giving an award of \$2 million and there was illegal 22 conduct? Do you think if you were investigating that 23 you are supposed to keep him informed? 24 A. For something like that, yes. 25 Q. Okay.</p>

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1 A. But you said investigation but you didn't  
2 clarify what type, so . . .  
3 Q. Anything over \$50,000.  
4 A. If there was an investigation about it?  
5 Q. If there was an important issue that had a  
6 value that was significant, over \$50,000, because that  
7 requires city council approval, then that's your job to  
8 keep him informed, right?  
9 A. Yes, yes.  
10 Q. Okay. And you've said you always did your job  
11 every week?  
12 A. Yes.  
13 Q. Okay. What is the son -- excuse me.  
14 What is the Safe Fun Fit program?  
15 A. It's exercise. It's a -- well, free -- it's  
16 an exercise program that happens every Saturday over at  
17 Water's Edge Park. So it's free to everybody. So it  
18 involves 5K's as well.  
19 Q. And what was your involvement with that  
20 program?  
21 MS. MARCUM: Objection, form. You can  
22 answer.  
23 A. Okay. So I helped create it, helped put it  
24 together, coordinate it.  
25 Q. I'm sorry, say it again.

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1 A. I helped create it.  
2 Q. When you say "helped," who else helped?  
3 A. The city manager. So he had -- he had a  
4 concept in mind of providing -- this is during COVID.  
5 Of providing people access to come outside and have some  
6 exercise. And so from there, once I heard his concept,  
7 then I helped, obviously, make it a reality.  
8 Q. Okay. And who else was involved in creating  
9 it other than you and Peter Zanoni?  
10 A. So just the creation of it, me and the city  
11 manager.  
12 Q. And then who ran it?  
13 A. And then from there, then we got with V Fit  
14 Productions to then help to run it.  
15 Q. V Fit Productions?  
16 A. Correct.  
17 Q. Is that like an outside company?  
18 A. Correct.  
19 Q. Not a city company?  
20 A. No.  
21 Q. So were you getting paid for your work in  
22 connection with that program?  
23 A. No.  
24 Q. Okay. It was -- it was done on your personal  
25 time?

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1 A. What do you mean? Sorry.  
2 Q. Well, you just said you weren't getting paid  
3 for it, so it wasn't a work project?  
4 A. No, to help create and everything, it was a  
5 work project to provide free after. So yes, it was part  
6 of my -- it was part of my work plan.  
7 Q. Okay. So you did get paid for creating it,  
8 helping create it?  
9 A. No, I get -- when you say I got paid to create  
10 it, I get paid a salary, and then from there I'm given  
11 job duties. So within those job duties, that's what I  
12 do. So that was within the scope of all my job duties.  
13 Q. Okay. Did you ever participate beyond the  
14 scope of your work?  
15 A. What would that be?  
16 Q. I mean, like personally go participate in it  
17 when you were not really there as a city employee?  
18 A. No, I would -- no, I would go there just to  
19 make sure that things are running good, get feedback.  
20 So I never really -- I never went there to go just be a  
21 participant. So when I'm there, it's to make sure that  
22 the program is running smoothly.  
23 Q. And who is Victor Betancourt?  
24 A. He's the owner of V Fit.  
25 Q. So is he the person whose company, I guess,

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1 got paid to run the program?  
2 MS. MARCUM: Objection, form.  
3 A. Yes. His company was contracted.  
4 Q. Yeah. And I think it's all public information  
5 but is that about a \$200,000 per year contract?  
6 A. I don't remember.  
7 Q. It was a substantial contract?  
8 A. I don't remember.  
9 Q. Okay. What do you know about the relationship  
10 between Victor Betancourt and Peter Zanoni?  
11 MS. MARCUM: Objection, form.  
12 A. I don't know.  
13 Q. Pardon?  
14 A. I don't know.  
15 Q. Well, did you ever hang out with them?  
16 A. With who?  
17 Q. The three of you-all?  
18 A. So there's a couple of gatherings, like a  
19 couple of gatherings, yeah.  
20 Q. Did you ever hang out, the three of you-all  
21 together?  
22 MS. MARCUM: Objection, form.  
23 A. Like at a gathering or --  
24 Q. For any reason?  
25 A. Yeah, there may be -- there was one time where

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1 someone we knew had a dinner or a lunch or something and  
2 so we -- we were all there, among other people.  
3 (Exhibit No. 1 was marked.)  
4 Q. (By Mr. Allison) I'm going to go ahead and  
5 show you what I'll mark as Exhibit 1 to your deposition.  
6 I'll show it to opposing counsel first. A photograph.  
7 Do you see that?  
8 A. Uh-huh.  
9 Q. Is that a yes?  
10 A. That was at an event, at a gathering.  
11 Q. Pardon?  
12 A. That was at an event. That was at a  
13 gathering.  
14 Q. Okay. And who is in that photograph?  
15 A. Me, Peter Zanoni and Victor Betancourt.  
16 Q. And what is the gathering?  
17 A. I don't remember.  
18 Q. You don't remember where it was?  
19 A. No, I don't.  
20 Q. You don't remember who invited you?  
21 A. No.  
22 Q. You don't remember why you were there?  
23 MS. MARCUM: Objection, form.  
24 A. It was a gathering, so it could have been for  
25 probably -- it could have been a dinner, but I don't

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1 remember. I don't remember the exact person who invited  
2 me and what day that was.  
3 Q. Okay. Well, I mean, did -- were you invited  
4 by Peter Zanoni?  
5 MS. MARCUM: Objection, form.  
6 A. I don't remember who I was invited by.  
7 Q. Okay. Were you invited by Mr. Betancourt?  
8 MS. MARCUM: Objection, form.  
9 A. I don't remember.  
10 Q. Do you remember what you-all did there?  
11 MS. MARCUM: Objection, form.  
12 A. I don't remember.  
13 Q. Do you remember who hosted the function?  
14 A. No.  
15 MS. MARCUM: Objection, form.  
16 Q. (By Mr. Allison) Do you remember where you  
17 went afterwards?  
18 MS. MARCUM: Objection, form.  
19 A. No.  
20 Q. Do you remember the location where it was  
21 held?  
22 MS. MARCUM: Objection, form.  
23 A. No. It's hard to tell by that picture.  
24 Q. Huh?  
25 A. No. It's hard to tell by that picture, so

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1 there's no --  
2 Q. Well, I'm asking your memory. Since you have  
3 some memory, it sounds like -- do you remember the  
4 picture being taken?  
5 A. No, I don't. So I don't have -- when I see it  
6 now, now I see it, but I don't know who -- I couldn't  
7 tell you who took it. There's pictures of me  
8 everywhere. I don't have social media so . . .  
9 Q. Okay. But I mean, just -- are you telling us  
10 that was work when we see you in the picture?  
11 MS. MARCUM: Objection, form.  
12 Q. (By Mr. Allison) Is that work?  
13 A. I never said it was work.  
14 Q. Huh?  
15 A. I never said it was work.  
16 Q. Okay. What we see in this picture, is that  
17 work?  
18 MS. MARCUM: Objection, form.  
19 A. It's not -- again, no, it's not -- it's  
20 probably not during the work hour.  
21 Q. Huh?  
22 A. It's not during the work hour, I would assume.  
23 Q. So I mean, clearly, I mean, you would get  
24 together with Peter outside of work, right?  
25 A. If there's -- again, if there was an event,

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1 sometimes there's after work events and so we would get  
2 invited.  
3 Q. Have you ever been to like a hotel with him?  
4 A. For conferences.  
5 Q. Where is that? Where did you-all go?  
6 A. There's TML. So we have a -- there's a TML,  
7 Texas Municipal League conference. And there's another  
8 conference. And so if we go to Washington for work. So  
9 the answer is yes.  
10 Q. Okay. Ever been to a local hotel with him?  
11 Maybe they had video cameras, so . . .  
12 A. There may have been, either to visit -- either  
13 to see one or if there was an event at the hotel.  
14 MR. ALLISON: Can we go ahead and -- I'm  
15 going to say -- I'm about to launch into a whole another  
16 area, why don't we take a break.  
17 MS. MARCUM: Sure.  
18 MR. ALLISON: Five, ten minutes, whatever  
19 you want.  
20 THE VIDEOGRAPHER: Going off the record  
21 at 9:57.  
22 (A recess was taken.)  
23 THE VIDEOGRAPHER: We're back on the  
24 record at 10:07.  
25 Q. (By Mr. Allison) You mentioned not drinking

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1 on -- when you're at a city function. Do you remember  
2 that?  
3 A. I never said that.  
4 Q. Huh?  
5 A. I never said that.  
6 Q. I thought you said you're a public person -- a  
7 public official and you had to make sure that you  
8 weren't out drinking in public.  
9 A. I didn't say not drinking. I said  
10 belligerently getting drunk.  
11 Q. Okay.  
12 A. Yeah.  
13 Q. So what's the city policy on drinking at city  
14 functions?  
15 MS. MARCUM: Objection, form.  
16 Q. (By Mr. Allison) Let me back up a little bit.  
17 So you're talking about when you're on your  
18 own time. When you say you can't go out and get  
19 belligerently drunk, that's on your own time. You know  
20 better than to do that?  
21 A. Right.  
22 Q. And that's probably good advice whether you're  
23 a city employee or not, right?  
24 A. Correct.  
25 Q. Okay. What's the policy for drinking alcohol

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1 at city functions?  
2 MS. MARCUM: Objection, form.  
3 A. What's a city function? Like what --  
4 Q. Anything that --  
5 A. What would be a city function?  
6 Q. -- is being paid for by the city.  
7 MS. MARCUM: Objection, form.  
8 A. Well, if it's a city function, so let's say, I  
9 don't know, like if it's a lunchtime city function, then  
10 yeah, you know, you couldn't -- if it's during work  
11 hours -- I don't know the policy, honestly. Yeah, I  
12 don't know the policy so I can't say. If there is one,  
13 I don't know the policy.  
14 Q. Have you ever been trained on the city's  
15 policy with regard to drinking on the job?  
16 MS. MARCUM: Objection, form.  
17 A. Well, I don't drink on the job, so I know you  
18 can't drink on the job.  
19 Q. Okay.  
20 A. So when you say "city function," let's say,  
21 for instance, if there was a -- I'm not saying there was  
22 but let's say there was a nighttime Christmas party, I  
23 don't know the 100 percent rules on that.  
24 Q. Okay. Let me ask you that then.  
25 On a Christmas party -- does the city have a

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1 Christmas party?  
2 A. No.  
3 Q. Okay. So that's not a good example. What  
4 parties does the city have where they do allow you to  
5 drink?  
6 A. None.  
7 MS. MARCUM: Objection, form.  
8 Q. (By Mr. Allison) None?  
9 A. No.  
10 Q. Okay. And so -- and you said -- and a moment  
11 ago you said you do at least know you're not supposed to  
12 drink on the job, right?  
13 A. Correct, on the job.  
14 MS. MARCUM: Objection, form.  
15 Q. (By Mr. Allison) So if it's a city function  
16 and there's no parties they have where they allow you to  
17 drink, you're just not supposed to drink at city  
18 functions, as far as you're concerned?  
19 MS. MARCUM: Objection, form.  
20 A. Again, it would depend what the city function  
21 is.  
22 Q. Well, who can give you permission to drink on  
23 the job?  
24 MS. MARCUM: Objection, form.  
25 A. Well, you can't drink on the job.

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1 Q. Okay. Well if you're at a city function,  
2 you're on the job, right?  
3 A. Well, it depends. So --  
4 Q. Okay. If you're attending a dinner or a lunch  
5 for the city, you're doing that as part of your job, you  
6 told me earlier, right?  
7 A. So if you're attending --  
8 Q. Is that true or not?  
9 A. If you're attending -- so I'll use an example.  
10 So let's say there's a dinner, a dinner, right, where  
11 the city can pay -- where if we pay for the dinner,  
12 right, perhaps then somebody can purchase their own  
13 beverage.  
14 Q. That's okay if you purchase your own alcohol?  
15 A. Yeah. So that's what I mean, yeah.  
16 Q. Okay. And any other rules about drinking when  
17 you're at a city event, other than you've got to use  
18 your own money?  
19 MS. MARCUM: Objection, form.  
20 A. I don't know all the details.  
21 Q. Okay. Have you ever been trained on what the  
22 city policy is when drinking at dinners?  
23 MS. MARCUM: Objection, form.  
24 Q. (By Mr. Allison) Drinking alcohol at dinners?  
25 A. Well, I don't believe -- I don't know if

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1 there's a policy of drinking at dinners. You asked me  
2 about drinking on the job, so there's two different  
3 things in terms of, hey, you're at a dinner, you're  
4 drinking and in terms of you're at that --  
5 Q. Let me clear it up because when I say a  
6 dinner, I was meaning dinner while -- that's a work  
7 dinner, okay? And let me clarify my question for you.  
8 That's a fair distinction.  
9 Do you know what the policy is for the city to  
10 be at a city-related dinner, something that the city  
11 people are paying for, somebody from the city is paying  
12 for, and drinking alcohol?  
13 MS. MARCUM: Objection, form.  
14 A. You just can't -- you can't purchase alcohol  
15 on city -- on city funds.  
16 Q. On city funds?  
17 A. Right.  
18 Q. Okay. And so if you want to drink alcohol,  
19 what you're telling me is you've got to pay for it  
20 yourself?  
21 MS. MARCUM: Objection, form.  
22 Q. (By Mr. Allison) That's what you understand  
23 the policy to be?  
24 A. Yeah. So any type of beverage can be  
25 purchased by the -- it can't be purchased by the city.

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1 Liquor, alcohol, alcoholic beverages, alcoholic  
2 beverages.  
3 Q. And to do so would be a violation of the city  
4 policy, as you understand it?  
5 MS. MARCUM: Objection, form.  
6 Q. (By Mr. Allison) Right?  
7 A. As I -- as I understand it, yes, can't use --  
8 Q. And so have you ever gone down and been  
9 drinking at the Yacht Club with Peter Zanoni?  
10 MS. MARCUM: Objection, form.  
11 A. Yeah, I've had --  
12 Q. Drinking alcohol?  
13 A. Yes, I've had a beverage.  
14 Q. Alcohol?  
15 A. Yes.  
16 Q. Okay. How many times do you think you've gone  
17 and drank alcohol with Peter Zanoni at the Yacht Club?  
18 MS. MARCUM: Objection, form.  
19 A. I don't know.  
20 Q. Huh?  
21 A. Don't know.  
22 Q. More than 20?  
23 A. I don't know.  
24 MS. MARCUM: Objection, form.  
25 Q. (By Mr. Allison) More than 50?

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1 A. I don't have a number.  
2 MS. MARCUM: Objection, form.  
3 Q. (By Mr. Allison) In the times that you were  
4 drinking alcohol with Peter Zanoni at the Corpus Christi  
5 Yacht Club, were you on the job with him?  
6 MS. MARCUM: Objection, form.  
7 Q. (By Mr. Allison) Doing city business?  
8 A. It's a meeting.  
9 Q. So that's a yes?  
10 A. It's a meeting to talk. Well, it depends. So  
11 if someone -- if a company wants to meet us, hey, we  
12 want to have dinner to talk about something, right,  
13 it's --  
14 Q. Let me reask my question. For the times --  
15 and I know you don't know how many it was -- that you  
16 were down at the Yacht Club drinking alcohol with Peter  
17 Zanoni that were city-related functions --  
18 A. No, that wouldn't be a city-related function.  
19 Q. Okay. It's never -- okay. So there should  
20 never be alcohol served and paid for by the city at a  
21 dinner at the Yacht Club?  
22 MS. MARCUM: Objection, form.  
23 Q. (By Mr. Allison) Agreed?  
24 A. Well, the city can't pay for alcohol.  
25 Q. Okay. So I think we're agreeing, right?

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1 A. I don't --  
2 MS. MARCUM: Objection, form.  
3 A. I can't answer. I don't know if we're -- I  
4 don't know if we're in agreement.  
5 Q. So have you ever been down at the Yacht  
6 Club -- well, wait.  
7 You've already said you've been down to the  
8 Yacht Club, you don't know how many times, and had  
9 drinks with Peter Zanoni, right?  
10 MS. MARCUM: Objection, form.  
11 A. No, you asked me how many -- you asked me if I  
12 had a drink. Yes. You asked me how many times. I  
13 can't give you a number.  
14 Q. And for the times that you had a drink at the  
15 Yacht Club with Peter Zanoni -- and I understand you  
16 don't know how many times that was -- was that work  
17 related?  
18 MS. MARCUM: Objection, form.  
19 A. It was not during work hours.  
20 Q. Was it work related?  
21 MS. MARCUM: Objection, form.  
22 A. It wasn't during work hours.  
23 Q. I understand it wasn't during work hours. Was  
24 it work related is my question.  
25 MS. MARCUM: Objection, form.

<p style="text-align: right;">Page 58</p> <p>1 A. It could have been composed of different</p> <p>2 things.</p> <p>3 Q. Does that mean it could have been work</p> <p>4 related?</p> <p>5 MS. MARCUM: Objection, form.</p> <p>6 A. It could have been a possible topic, just to</p> <p>7 talk.</p> <p>8 Q. Okay. You understand my word work related,</p> <p>9 don't you?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Is that a yes?</p> <p>12 A. Yes. So some topics could have been work</p> <p>13 related.</p> <p>14 Q. Okay. So sometimes you would have been down</p> <p>15 at the Yacht Club drinking alcohol and working on</p> <p>16 city-related, work-related items?</p> <p>17 MS. MARCUM: Objection, form.</p> <p>18 A. I wouldn't -- I wouldn't know if it's work or</p> <p>19 not, as opposed to just a conversation after work hours.</p> <p>20 Q. And would the city pay for those?</p> <p>21 MS. MARCUM: Objection, form.</p> <p>22 Q. (By Mr. Allison) Or should the city pay for</p> <p>23 them?</p> <p>24 MS. MARCUM: Objection, form.</p> <p>25 Q. (By Mr. Allison) For the alcohol?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Correct?</p> <p>2 A. Yes.</p> <p>3 Q. And then the next one is two more shots of</p> <p>4 tequila, and the next one two more shots of tequila, and</p> <p>5 the next one two more shots of Casamigos tequila, right?</p> <p>6 MS. MARCUM: Objection, form.</p> <p>7 A. Okay.</p> <p>8 Q. Correct?</p> <p>9 A. Yes, that's what it says on the receipt.</p> <p>10 Q. And then the next one is Amigos Blanco, that's</p> <p>11 another shot of tequila, right?</p> <p>12 MS. MARCUM: Objection, form.</p> <p>13 A. Uh-huh, yes.</p> <p>14 Q. And then there's one Coca-Cola there, right?</p> <p>15 A. Yes.</p> <p>16 Q. And then there's Chris Hamilton wine for \$29 a</p> <p>17 glass. Do you see that?</p> <p>18 A. Yes.</p> <p>19 MS. MARCUM: Objection, form.</p> <p>20 Q. (By Mr. Allison) By the way, each shot of</p> <p>21 tequila we talked about earlier is \$17 per shot, right?</p> <p>22 MS. MARCUM: Objection, form.</p> <p>23 A. Yes.</p> <p>24 Q. And then if you scroll down, do you see</p> <p>25 there's a Pinot Noir for \$8.50? I think that's the next</p>
<p style="text-align: right;">Page 59</p> <p>1 A. No, because we can't -- you can't purchase</p> <p>2 alcohol with city funds.</p> <p>3 (Exhibit No. 2 was marked.)</p> <p>4 Q. (By Mr. Allison) I'm going to show you</p> <p>5 Exhibit No. 2 to your deposition. You'll want to touch</p> <p>6 that pad every now and then so that it doesn't go to</p> <p>7 screensaver.</p> <p>8 A. Okay. I touched it. Oh, you want me to</p> <p>9 scroll down? I got it.</p> <p>10 Q. Well, two fingers lets you scroll is what I</p> <p>11 was going to show you. Do you see that?</p> <p>12 A. Okay. Uh-huh.</p> <p>13 Q. Exhibit No. 2, do you recognize that as a</p> <p>14 receipt?</p> <p>15 A. Yes, I do recognize it as a receipt.</p> <p>16 Q. Pardon?</p> <p>17 A. I do recognize that as a receipt.</p> <p>18 Q. And at the bottom it has the name Peter Zanoni</p> <p>19 on it?</p> <p>20 A. It does have his name, yes.</p> <p>21 Q. Okay. And if we go through that receipt, if</p> <p>22 you look up at the top, the first two items, both of</p> <p>23 them are Casamigos. That's drinks of tequila, right?</p> <p>24 MS. MARCUM: Objection, form.</p> <p>25 A. Let me see here.</p>	<p style="text-align: right;">Page 61</p> <p>1 one. Do you see that?</p> <p>2 MS. MARCUM: Objection, form.</p> <p>3 A. Yes.</p> <p>4 Q. Okay. All of those, except for the Coke so</p> <p>5 far, are alcoholic drinks, right?</p> <p>6 MS. MARCUM: Objection, form.</p> <p>7 A. Yes.</p> <p>8 Q. And then if you keep looking down, you'll see</p> <p>9 three more tequila shots at \$15.50 per shot. Do you see</p> <p>10 that?</p> <p>11 MS. MARCUM: Objection, form.</p> <p>12 A. Yes.</p> <p>13 Q. And then actually there are, it looks like</p> <p>14 shots of 1942 tequila at \$47.90 for one drink. Do you</p> <p>15 see that?</p> <p>16 MS. MARCUM: Objection, form.</p> <p>17 A. I do see 42, but I don't know what that means.</p> <p>18 Q. Yeah, I think that's that Don Julio 1942. Do</p> <p>19 you know that tequila?</p> <p>20 MS. MARCUM: Objection, form.</p> <p>21 A. I'm aware of it, but by the receipt I don't</p> <p>22 know if that's it.</p> <p>23 Q. Okay. But whatever it is, it's another \$47</p> <p>24 drink, right?</p> <p>25 MS. MARCUM: Objection, form.</p>



<p style="text-align: right;">Page 62</p> <p>1 A. Yes.</p> <p>2 Q. Okay. It's probably an alcoholic drink,</p> <p>3 right?</p> <p>4 MS. MARCUM: Objection, form.</p> <p>5 Q. (By Mr. Allison) It's not iced tea?</p> <p>6 A. It could be anything.</p> <p>7 Q. Do you think iced tea would be \$47 per glass?</p> <p>8 MS. MARCUM: Objection, form.</p> <p>9 A. Not iced tea.</p> <p>10 Q. Okay. And then if you count them from top to</p> <p>11 bottom, it looks like about 20 drinks, most of them,</p> <p>12 maybe all of them tequila, right?</p> <p>13 MS. MARCUM: Objection, form.</p> <p>14 A. Give or take.</p> <p>15 Q. Okay. And on this receipt then that has Peter</p> <p>16 Zanoni's name, do you see where it says at the bottom</p> <p>17 "business dinner with Rob Hayden -- Hayden and team."</p> <p>18 Do you see that?</p> <p>19 MS. MARCUM: Objection, form.</p> <p>20 A. I do see it.</p> <p>21 Q. And who is that?</p> <p>22 A. The Rob Hunden group was a firm that was doing</p> <p>23 consulting.</p> <p>24 Q. Consulting for the city?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 64</p> <p>1 membership number of 2370, correct?</p> <p>2 MS. MARCUM: Objection, form.</p> <p>3 A. It does say that, so --</p> <p>4 Q. Do you see that?</p> <p>5 A. I do see that.</p> <p>6 Q. And then underneath it it has handwriting that</p> <p>7 says "business dinner with Rob Handen and team," right?</p> <p>8 MS. MARCUM: Objection, form.</p> <p>9 A. Right.</p> <p>10 Q. Do you see that?</p> <p>11 A. It says "business dinner," it does not say</p> <p>12 city function. And it does not -- and you're saying</p> <p>13 taxpayer dollars but here it says Peter Zononi, so I</p> <p>14 don't know if that's his own credit card.</p> <p>15 Q. Yacht Club doesn't take credit cards.</p> <p>16 A. Okay. So I don't know if it's charged to his</p> <p>17 account.</p> <p>18 MS. MARCUM: Objection, form.</p> <p>19 Q. (By Mr. Allison) Okay. So let me just ask</p> <p>20 you this. Is 20 shots of tequila and two ice creams, is</p> <p>21 that a city dinner?</p> <p>22 MS. MARCUM: Objection, form.</p> <p>23 A. That's not a city -- you're calling it as a</p> <p>24 city dinner. I don't -- I don't think this classifies</p> <p>25 as a city dinner.</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. Okay. And by the way, there's an entry for</p> <p>2 salad that says zero. Do you see that towards the</p> <p>3 bottom of the receipt?</p> <p>4 MS. MARCUM: Objection, form.</p> <p>5 A. Yes.</p> <p>6 Q. And then I think maybe the only food items are</p> <p>7 down at the bottom. It looks like there were two ice</p> <p>8 creams. Do you see that?</p> <p>9 MS. MARCUM: Objection, form.</p> <p>10 A. I see vanilla ice cream.</p> <p>11 Q. Are a couple of ice creams and 20 drinks or</p> <p>12 shots of tequila, is that a typical city function?</p> <p>13 MS. MARCUM: Objection, form.</p> <p>14 A. Yeah, I think we're -- what's on the city</p> <p>15 function? I don't know, how is that considered a city</p> <p>16 function?</p> <p>17 Q. Yeah, that would be a violation of policy to</p> <p>18 use city funds to pay for that receipt, wouldn't it?</p> <p>19 MS. MARCUM: Objection, form.</p> <p>20 A. Well, here it says member. It says "member</p> <p>21 signature," so I don't know how the Yacht Club works.</p> <p>22 But it says "member signature," so I don't know if</p> <p>23 that's his credit card or --</p> <p>24 Q. Well, it says "member signature" and then it</p> <p>25 has Peter Zononi's name and his account number, his</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Okay. Well, it says that it's a -- is that</p> <p>2 a -- is 20 shots of tequila and two ice creams a</p> <p>3 business dinner?</p> <p>4 MS. MARCUM: Objection, form.</p> <p>5 A. It could be to somebody.</p> <p>6 Q. Okay. Well, is that Peter Zononi's</p> <p>7 handwriting on the bottom that says "business dinner"?</p> <p>8 MS. MARCUM: Objection, form.</p> <p>9 A. I don't know if that's his handwriting.</p> <p>10 Q. But can we agree that if this was treated as a</p> <p>11 business dinner, this 20 shots of tequila and two ice</p> <p>12 creams, that if it was paid for by the city, that would</p> <p>13 be a violation of the city policy?</p> <p>14 MS. MARCUM: Objection, form.</p> <p>15 Q. (By Mr. Allison) Can we agree to that?</p> <p>16 MS. MARCUM: Objection, form.</p> <p>17 A. As per the -- as per the policy, if the city</p> <p>18 had paid for it.</p> <p>19 Q. It would be a violation?</p> <p>20 A. Right.</p> <p>21 MS. MARCUM: Objection, form.</p> <p>22 A. But it says "member's signature," so here I</p> <p>23 don't -- I don't see the connection between city dollars</p> <p>24 and his signature where it says "member's signature."</p> <p>25 MR. ALLISON: Okay. Object,</p>

<p style="text-align: right;">Page 66</p> <p>1 nonresponsive.</p> <p>2 Q. (By Mr. Allison) Try to hear my question.</p> <p>3 A. Okay.</p> <p>4 Q. If the city had paid for this receipt that</p> <p>5 shows 20 shots of tequila and two ice creams, if they</p> <p>6 had paid for -- the city had paid for it as a business</p> <p>7 dinner, and I'm quoting the receipt, what's written at</p> <p>8 the bottom, that would be a violation, I think we can</p> <p>9 agree, of the city's policy on alcohol, agreed?</p> <p>10 MS. MARCUM: Objection, form.</p> <p>11 A. I have to read the policy, but it's possible.</p> <p>12 Q. Or do you think this is -- do you think this</p> <p>13 is okay to do this on city money if this were done on</p> <p>14 city money?</p> <p>15 MS. MARCUM: Objection, form.</p> <p>16 A. I have no opinion.</p> <p>17 Q. Okay. So it may be, you just don't have an</p> <p>18 opinion?</p> <p>19 MS. MARCUM: Objection, form.</p> <p>20 A. I have no opinion.</p> <p>21 Q. Well, do you have an opinion on whether or not</p> <p>22 it's okay to have -- serve 20 shots of tequila at a city</p> <p>23 business dinner?</p> <p>24 MS. MARCUM: Objection, form.</p> <p>25 A. I don't remember how many people were there.</p>	<p style="text-align: right;">Page 68</p> <p>1 don't remember not being there?</p> <p>2 MS. MARCUM: Objection, form.</p> <p>3 A. No, I couldn't say if a drink was served with</p> <p>4 no food. I couldn't -- I couldn't tell you.</p> <p>5 Q. Okay. But you know drinks were served while</p> <p>6 you were there and that you didn't pay, right?</p> <p>7 MS. MARCUM: Objection, form.</p> <p>8 A. Correct, I haven't.</p> <p>9 Q. Because remember you said earlier, if you</p> <p>10 drink alcohol and it's at a city dinner, you're supposed</p> <p>11 to pay for it with your own money. Do you remember</p> <p>12 that?</p> <p>13 MS. MARCUM: Objection, form.</p> <p>14 A. Right. But that's not -- I don't see that as</p> <p>15 a city dinner. So if someone -- let's say it could be a</p> <p>16 community stakeholder says, hey, can we have dinner,</p> <p>17 right, I want to talk to you about this, that's not a</p> <p>18 city dinner.</p> <p>19 Q. Okay. And so that would be not work related,</p> <p>20 that would be more on the personal side, so it's okay to</p> <p>21 drink?</p> <p>22 MS. MARCUM: Objection, form.</p> <p>23 Q. (By Mr. Allison) Is that what you're saying?</p> <p>24 A. I mean, if someone -- again, if --</p> <p>25 Q. No, I'm talking about -- let's make sure.</p>
<p style="text-align: right;">Page 67</p> <p>1 I don't know how many people were there, so I have no</p> <p>2 opinion.</p> <p>3 Q. Okay. And is it okay to let the people, after</p> <p>4 they, however many, have these 20 shots and these</p> <p>5 glasses of wine, is it okay for them to drive home?</p> <p>6 MS. MARCUM: Objection, form.</p> <p>7 A. I can't speak for the people. I can't speak</p> <p>8 for their physical ability.</p> <p>9 Q. Okay. Have you been to dinners at the Yacht</p> <p>10 Club where there were 20 drinks served?</p> <p>11 MS. MARCUM: Objection, form.</p> <p>12 Q. (By Mr. Allison) And no food?</p> <p>13 A. I can't recall. And I don't count.</p> <p>14 Q. Okay. You don't count how many drinks, is</p> <p>15 that what you meant?</p> <p>16 A. No, I'm not counting -- I'm not counting how</p> <p>17 many beverages, water or whatever that people are</p> <p>18 having.</p> <p>19 Q. Right. Well, let me ask you. Is it possible</p> <p>20 that you've been at the Yacht Club with Peter Zanoni</p> <p>21 when, like we see in this receipt, ten, 20, maybe more</p> <p>22 drinks were served and there was no food served?</p> <p>23 MS. MARCUM: Objection, form.</p> <p>24 A. I don't recall. I don't remember that.</p> <p>25 Q. Okay. You don't remember being there and you</p>	<p style="text-align: right;">Page 69</p> <p>1 A. Yeah.</p> <p>2 Q. I'm talking about going down there with Peter</p> <p>3 Zanoni and drinking alcohol at dinners, okay?</p> <p>4 A. Okay.</p> <p>5 Q. Is it city business when you go and drink</p> <p>6 alcohol with Peter at a dinner?</p> <p>7 MS. MARCUM: Objection, form.</p> <p>8 A. We -- it could be discussion of city</p> <p>9 business --</p> <p>10 Q. And is that -- so does that count as --</p> <p>11 A. -- in that, but I don't --</p> <p>12 Q. So that's drinking while you're doing</p> <p>13 business, right?</p> <p>14 MS. MARCUM: Objection, form.</p> <p>15 A. It's discussion.</p> <p>16 Q. It's drinking while you're discussing city</p> <p>17 business, right, drinking alcohol?</p> <p>18 MS. MARCUM: Objection, form.</p> <p>19 A. At night, at dinner.</p> <p>20 Q. And that's okay?</p> <p>21 A. Not a city dinner.</p> <p>22 MS. MARCUM: Objection, form.</p> <p>23 Q. (By Mr. Allison) Is it okay to be drinking</p> <p>24 alcohol and discussing city business with Peter?</p> <p>25 MS. MARCUM: Objection, form.</p>

<p style="text-align: right;">Page 70</p> <p>1 A. I have no opinion.</p> <p>2 Q. Okay. But you've done it?</p> <p>3 MS. MARCUM: Objection, form.</p> <p>4 Q. (By Mr. Allison) Right?</p> <p>5 A. Have I had a cocktail at dinner?</p> <p>6 Q. Yeah. And you've been to those dinners where</p> <p>7 they have a lot of cocktails like we just saw, right?</p> <p>8 MS. MARCUM: Objection, form.</p> <p>9 A. Well, I don't count.</p> <p>10 Q. I understand. You indicated you had</p> <p>11 background in economic development. Do you remember</p> <p>12 that?</p> <p>13 A. No, I didn't say I had background. You asked</p> <p>14 me with my master's degree what does it entail, so I</p> <p>15 said it entails these subjects.</p> <p>16 Q. Okay. Do you have any background after you</p> <p>17 got your master's degree in economic development?</p> <p>18 A. Just very little, in general.</p> <p>19 Q. For example, do you know what the CCREDC is?</p> <p>20 A. Yes.</p> <p>21 Q. What is that?</p> <p>22 A. Regional -- Corpus Christi Regional Economic</p> <p>23 Development.</p> <p>24 Q. And as you're -- given your position with the</p> <p>25 city, would you interact with the CCREDC?</p>	<p style="text-align: right;">Page 72</p> <p>1 MR. ALLISON: Object, nonresponsive.</p> <p>2 Q. (By Mr. Allison) I'm not talking about the</p> <p>3 city yet. I'm trying to ask you about -- you know that</p> <p>4 some projects are considered for type B money by CCREDC</p> <p>5 before they ever get to type B board and before they</p> <p>6 ever get to the city, correct?</p> <p>7 A. Correct. Correct.</p> <p>8 Q. Okay. So when the project, like the Homewood</p> <p>9 Suites project, is at the CCREDC level, if Mike</p> <p>10 Culbertson has testified that in order for it to get</p> <p>11 recommended, it must have an infrastructure component to</p> <p>12 it, that's an issue that falls within the expertise of</p> <p>13 Culbertson, agreed?</p> <p>14 A. Yes.</p> <p>15 Q. Not you?</p> <p>16 A. No, not me. Not me as an individual.</p> <p>17 Q. So you would defer to what he says about it</p> <p>18 because he's that expert in that field, right?</p> <p>19 A. Yes. But in the project itself, I have</p> <p>20 very -- I don't have -- I don't have involvement with</p> <p>21 them, so any communication about that project would not</p> <p>22 come to me, it would go to a different staff member.</p> <p>23 Q. I'm just trying to figure out if you're going</p> <p>24 to come here today and try to contradict what he said</p> <p>25 about something that's in CCREDC, and it sounds to me</p>
<p style="text-align: right;">Page 71</p> <p>1 A. Very minimal.</p> <p>2 Q. Do you know their requirements for</p> <p>3 infrastructure to be a part of any grant or award of</p> <p>4 money that they might recommend for a project?</p> <p>5 A. Very minimal. Just that certain projects -- I</p> <p>6 know that certain projects go through them first for --</p> <p>7 you know, as they do either to see the ability of the</p> <p>8 project, do analysis. And then from there, then meet</p> <p>9 with the city to then --</p> <p>10 Q. But do you really rely on CCREDC as being the</p> <p>11 experts on what meets their criteria or not?</p> <p>12 A. I don't have -- I don't have -- so with my</p> <p>13 day-to-day in my job, I don't have -- I don't deal with</p> <p>14 them in that form, so . . .</p> <p>15 Q. They're the experts in that, right?</p> <p>16 A. Right. Yeah.</p> <p>17 Q. Okay. In other words, so if Mr. Culbertson,</p> <p>18 for example, has provided testimony in this case that in</p> <p>19 order for the Homewood Suites project to have been</p> <p>20 recommended for some sort of an award or grant of money,</p> <p>21 in order for that to happen, that it would require an</p> <p>22 infrastructure component to the project, you leave that</p> <p>23 to CCREDC; is that right?</p> <p>24 A. So the EDC and the -- excuse me, and the city</p> <p>25 as well.</p>	<p style="text-align: right;">Page 73</p> <p>1 like you're acknowledging he's the expert in that?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And I think you know that the Homewood</p> <p>4 Suites project, that that project was ultimately awarded</p> <p>5 \$2 million in type B funds, right?</p> <p>6 A. Yes.</p> <p>7 Q. And you know that's why we're here today, to</p> <p>8 talk about that, right?</p> <p>9 A. Yes.</p> <p>10 Q. And I know you were involved in the</p> <p>11 investigation of some of the problems that arose, right?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay. And so one of the members -- who all</p> <p>14 was on the team that did the investigation?</p> <p>15 A. That I don't know. But -- yeah, I don't know</p> <p>16 because, again, I'm not -- there's certain parts I'm</p> <p>17 involved in being as Peter's assistant, right? I may be</p> <p>18 there in a meeting just next to him, right? Not as a</p> <p>19 participant, but just more as a --</p> <p>20 Q. You do at least know that Heather Hurlbert was</p> <p>21 one of the persons involved with that team investigating</p> <p>22 the alterations in the federal document, right?</p> <p>23 A. That would make sense because she's the</p> <p>24 type --</p> <p>25 Q. Go ahead.</p>

<p style="text-align: right;">Page 74</p> <p>1 A. Yeah, with her working with type B, Economic 2 Development, etcetera, so I would assume her and the 3 legal department. 4 Q. Anybody other than Heather Hurlbert and legal 5 department -- anybody else other than Heather Hurlbert 6 and legal department that you think would have been 7 involved in the investigation? 8 A. Not to my knowledge. 9 Q. Were you one of the people who helped 10 investigate? 11 A. No, I didn't help investigate, no. 12 Q. Huh? 13 A. No, I didn't help investigate. 14 Q. And by "investigate," I mean, did you question 15 anybody who would have information about the alterations 16 to the document? 17 A. No, I personally would not question. 18 That's -- that's above . . . 19 Q. And so anyone other than Heather Hurlbert and 20 the legal department that you think was directly 21 involved in the investigation of the alteration of the 22 federal document? 23 A. You would have the city manager. 24 Q. Anybody else? 25 A. Not to my knowledge.</p>	<p style="text-align: right;">Page 76</p> <p>1 position to make an evaluation about what happened and 2 whether it's right, wrong or, you know, report on the 3 investigation findings? 4 A. I don't know about better position, but she 5 would be a key component. 6 Q. Well, I mean, by better position I mean better 7 than you since you were not involved? 8 A. Oh, yes, better than me, yes. 9 Q. Okay. So just like you said a moment ago, you 10 would defer to Culbertson and his conclusions about what 11 happened at the CCREDC level, would you sort of defer to 12 Heather Hurlbert in what happened at the investigation 13 stage of the altered document? 14 A. So given my background and my position at that 15 time, yes. 16 Q. Okay. I always like to make sure that if you 17 look at something you have the context for it, and this 18 is the deposition of Heather Hurlbert. Do you 19 understand what I'm going to refer you to? 20 A. Okay. 21 Q. And I'm going to let you read it before I ask 22 you questions so you can see everything so I'm not 23 picking and choosing what you look at, okay? 24 A. Okay. 25 Q. Again, two fingers allows you to scroll up or</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. A moment ago you said it makes sense for 2 Heather Hurlbert or something along those lines. Is 3 that because -- did you say that because you understand 4 that she has an accounting background and has some 5 knowledge about application of law to facts? 6 A. No, because -- 7 Q. Why did you say that? 8 A. Because -- because -- so one of the areas that 9 she -- that she's in is in economic development projects 10 that go through EDC or from -- or from the DMD, is that 11 they work with the city to review all products, review 12 presentations and whatnot, so there would have been 13 involvement. So when EDC makes a recommendation, 14 obviously then the city needs to review the information 15 and getting things prepared to take it to type B. 16 Q. Okay. So that's the reason you thought it 17 makes sense for her to be involved in the investigation? 18 A. Correct. 19 Q. Okay. And did that, since you were not 20 involved in the investigation, directly from your 21 testimony, would you agree then that Heather Hurlbert 22 was in a better position to make evaluation or to 23 evaluate -- let me rephrase it. 24 Since Heather Hurlbert was directly involved, 25 as you just said, do you think she was in a better</p>	<p style="text-align: right;">Page 77</p> <p>1 down. And this begins, the portion we're looking at, on 2 page 169. 3 A. Just everything highlighted, right? 4 Everything highlighted? 5 Q. Yes, sir. 6 A. Okay. Cool, I'm still going down it. Okay. 7 I'm on page 171. 8 Q. Take your time. 9 A. Okay. Yeah. 10 Q. It looks like you read through page 178, so 11 great. Do you feel like you -- did I give you a fair 12 opportunity to read beginning at page 169 through -- it 13 looks like you stopped on page 178, which is the end? 14 A. Yes, yes. 15 Q. And do you understand what you were reading 16 there? 17 A. Yes. 18 Q. You understand that was a deposition, sworn 19 testimony of Heather Hurlbert, right? 20 A. Yes. 21 Q. And did you see in her testimony that based 22 upon the investigation, that she acknowledges, first of 23 all, that somebody altered the federal document that was 24 used during the type B board slide presentation and also 25 used again at the first city council meeting for this</p>

<p style="text-align: right;">Page 78</p> <p>1 ordinance we're talking about today?</p> <p>2 A. Yes, I interpret it as that it appears that</p> <p>3 the document was altered.</p> <p>4 Q. Yeah. And during the period of this</p> <p>5 investigation, which I think is April, May -- March,</p> <p>6 April, May, that time frame, or March, April maybe,</p> <p>7 2024. During the period of this investigation, you were</p> <p>8 serving for Peter Zaroni as the assistant to the city</p> <p>9 manager?</p> <p>10 A. Correct.</p> <p>11 Q. And so you would have been present during a</p> <p>12 lot of the information exchanged about that altered</p> <p>13 federal document, right?</p> <p>14 A. No. It depends, yeah.</p> <p>15 Q. Did you know anything about it? Or not</p> <p>16 really?</p> <p>17 A. Not details, just -- just that the -- that the</p> <p>18 document was altered and there was questions regarding</p> <p>19 the FEMA. But the details, meetings and stuff like</p> <p>20 that, I wouldn't be involved in all the different</p> <p>21 meetings because I have, you know, my own.</p> <p>22 Q. But you knew the document, the federal</p> <p>23 document had been altered?</p> <p>24 A. I knew that was the allegation.</p> <p>25 Q. Okay. And did you form any opinion about</p>	<p style="text-align: right;">Page 80</p> <p>1 produced.</p> <p>2 Q. Okay. And do you see when she's given that</p> <p>3 definition, that she agrees that it meets the definition</p> <p>4 under the statute, the Texas Penal Code statute of</p> <p>5 forgery?</p> <p>6 A. Okay.</p> <p>7 Q. You saw that in what you read, right?</p> <p>8 A. I did. I did see that.</p> <p>9 Q. And, in fact, I think if you read it closely,</p> <p>10 there are three or four, maybe even, I think,</p> <p>11 definitions of forgery in the statute and each one was</p> <p>12 read to that -- read to Ms. Hurlbert. Did you see that?</p> <p>13 A. I did.</p> <p>14 Q. And you saw that on each occasion, she agreed</p> <p>15 that what was done on the document used in order to get</p> <p>16 the \$2 million, in each definition of forgery, what was</p> <p>17 done met the definition of forgery, right?</p> <p>18 A. I did see that. I did read that, yes.</p> <p>19 Q. Okay. And, in fact, she's giving the specific</p> <p>20 statute number, Texas Penal Code 32.21. You read that,</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. And then she was asked if she discovered any</p> <p>24 information that would suggest or be evidence that it</p> <p>25 was not a forgery and she said no. Do you remember</p>
<p style="text-align: right;">Page 79</p> <p>1 whether that was indeed true?</p> <p>2 A. I looked at it as it appeared to be altered.</p> <p>3 When I saw the -- when I saw the two exhibits before and</p> <p>4 after?</p> <p>5 Q. Yes.</p> <p>6 A. Yes. I said, yeah, it appears to be altered</p> <p>7 with some change.</p> <p>8 Q. Okay. And then so she was -- Heather Hurlbert</p> <p>9 was asked about that altered document in the section</p> <p>10 that I had you read, right?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And do you see where she was -- and it</p> <p>13 was understood that somebody other than FEMA altered it.</p> <p>14 It wasn't a FEMA change in the document, it was somebody</p> <p>15 altering a FEMA document, right?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And do you see where she agreed that</p> <p>18 there was no original document from FEMA that was the</p> <p>19 same as the document that had been altered and presented</p> <p>20 to the city, correct?</p> <p>21 A. Yes. To my knowledge, you know, the other --</p> <p>22 the other version didn't -- wasn't produced.</p> <p>23 Q. Right. The FEMA correct version was not</p> <p>24 produced?</p> <p>25 A. Correct. To my knowledge, yeah, it was never</p>	<p style="text-align: right;">Page 81</p> <p>1 seeing that?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And so what we have here is really the</p> <p>4 testimony by somebody who was directly involved in the</p> <p>5 investigation of the altered federal document used to</p> <p>6 get \$2 million, and it's her testimony that it was a</p> <p>7 forgery, right?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. And, in fact, because it's more than</p> <p>10 \$300,000, did you read the part where it would be a</p> <p>11 felony forgery?</p> <p>12 A. Yes, I did read that, yes.</p> <p>13 Q. Okay. And did you have any information that</p> <p>14 you think would suggest it was not a felony forgery that</p> <p>15 was committed in order to procure the \$2 million for</p> <p>16 this Homewood Suites project?</p> <p>17 A. My only opinion -- my only opinion, because</p> <p>18 again, I wasn't in all the meetings --</p> <p>19 Q. One thing at a time. I'm asking about facts</p> <p>20 first, if you have any facts.</p> <p>21 A. Okay.</p> <p>22 Q. Did you uncover any facts that you think</p> <p>23 proved it was not a felony forgery?</p> <p>24 A. Oh, I did not uncover -- I did not uncover any</p> <p>25 facts.</p>

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1 Q. Okay. So you're really not in a position to  
2 disagree with her at all, right?

3 A. Correct.

4 Q. Okay. And she's the one doing the  
5 investigation for the city and she's the one who really  
6 has the background in economic development and in other  
7 things. She explained her accounting background.  
8 She's the one who has the background to really  
9 be able to reach the conclusions like we see she  
10 testified to, right?

11 A. Yes, I would -- yes, yes.

12 Q. Okay. So you would defer to her on that?

13 A. I would.

14 Q. Just like you were deferring to Culbertson,  
15 it's sort of his specialty to know if -- what the  
16 infrastructure feature is required to get the \$2  
17 million, right?

18 A. Correct. Yes.

19 Q. And you would defer to Heather Hurlbert  
20 because it's her expertise to be able to look at the  
21 facts of what happened, given her investigation, and  
22 conclude that it was, in fact, a forgery that occurred?

23 A. Yes, yes.

24 Q. Felony forgery, right?

25 A. Yes. So those parties and legal. But again,

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1 I'm not -- I wasn't involved in it to give any direction  
2 or really -- or my opinion matter or anything because  
3 I'm just a -- I was just the assistant as a bystander.

4 Q. Okay.

5 A. As a spectator.

6 Q. But were you there when some of the  
7 investigation information was reported to the city  
8 manager?

9 A. Yes.

10 Q. Okay. And so, I mean, like we talked about  
11 earlier -- and that's why I covered it in such thorough  
12 detail earlier.

13 It is absolutely the job of Heather Hurlbert  
14 in this case to fully disclose all the information she  
15 uncovers about the felony forgery that occurred, right?

16 A. Yes.

17 Q. And she did her job to make sure the city  
18 manager was fully informed in April of -- March and  
19 April of 2024, right?

20 A. I believe so. I believe so.

21 Q. Yeah. And so do you know what the city policy  
22 is with regard to passing a statute that has, as part of  
23 its support, the commission of a felony forgery?

24 A. I do not.

25 Q. Well, do you think -- well, is it allowed to

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1 participate in a felony forgery?

2 A. Is it allowed?

3 Q. Right. Are city employees supposed to  
4 encourage felony forgeries?

5 A. No, we're not -- we're supposed to follow the  
6 laws, right? All laws, state, federal, city.

7 Q. I mean, are city employees supposed to keep,  
8 for example, felony forgeries when they know and when  
9 they've done an investigation and they know that there's  
10 a felony forgery, are they supposed to inform the city  
11 council or keep it hidden from the city council?

12 A. Well, they're supposed to inform -- as a city  
13 employee, we're supposed to inform the city manager and  
14 then from there.

15 Q. Well, the city manager is the one who is  
16 supposed to inform the city council, right?

17 A. Correct.

18 Q. Okay. And do you know if Peter Zaroni ever  
19 informed the city council of the seriousness of the  
20 offense; that is, that it was a felony forgery --

21 A. Yeah.

22 Q. -- according to their investigation?

23 A. I'm aware he -- I'm aware that he brought up  
24 that there's been allegations made against an altered  
25 document.

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1 Q. Well, there was more than allegations made.  
2 There was an investigation, and Heather Hurlbert  
3 uncovered facts that she concluded showed a felony  
4 forgery, right? We just read that.

5 A. Right. But again, I wasn't in -- I wasn't in  
6 all the meetings, all the investigation, so I can only  
7 give you just from --

8 Q. But let me make sure we understand this. I  
9 understand at the beginning it's a mere allegation,  
10 right? People can just allege whatever they want to  
11 allege maybe, right? Correct?

12 A. Correct, correct. Yes.

13 Q. But you know for a fact it wasn't just an  
14 allegation, it was factually provable that the document  
15 had been altered, right?

16 A. Yes.

17 Q. Okay.

18 A. Yes, it was proved the document was altered,  
19 but the case was who altered it. That was another -- so  
20 that was another component. And so that's why I'm  
21 saying a part of it is allegation because it was --

22 Q. I'm not trying to talk to you about who you're  
23 going to put in jail or not. I'm just talking about you  
24 knew a felony forgery had occurred. That got concluded  
25 by the investigation effort, right?

<p style="text-align: right;">Page 86</p> <p>1 A. I knew that there was an altered document. So</p> <p>2 in terms of knowing the Penal Code, the statutes, you</p> <p>3 know, when that event occurred, I didn't know the Penal</p> <p>4 Code, I didn't know statutes, so all I knew was that --</p> <p>5 Q. And that's why you'd leave it to Heather?</p> <p>6 A. Exactly.</p> <p>7 Q. Right. And so --</p> <p>8 A. City manager, legal. So all I know is that</p> <p>9 there was two different documents, one appeared altered.</p> <p>10 Q. But here you have city legal being involved in</p> <p>11 the investigation, right?</p> <p>12 A. Right.</p> <p>13 Q. And you have Peter Zanoni being involved in</p> <p>14 the investigation, you said, right?</p> <p>15 A. Correct.</p> <p>16 Q. And you've got Heather Hurlbert who is</p> <p>17 uncovering facts and being a part of the investigation,</p> <p>18 right?</p> <p>19 A. Correct.</p> <p>20 Q. And then you have her testimony that it meets</p> <p>21 all of the criteria of felony forgery, right?</p> <p>22 A. Okay. Yes.</p> <p>23 Q. And so in that context, then you've got your</p> <p>24 legal department there. I mean, they're smart enough to</p> <p>25 figure out if Heather -- surely the city legal</p>	<p style="text-align: right;">Page 88</p> <p>1 Heather testified, and legal department should know, we</p> <p>2 think it constitutes a felony forgery?</p> <p>3 A. I don't know the verbiage that was used to</p> <p>4 communicate that, so . . .</p> <p>5 Q. But he shouldn't just say it's a mere</p> <p>6 allegation, he should give the city council the results</p> <p>7 of the investigation, right?</p> <p>8 A. I can't -- I can't speak to that.</p> <p>9 Q. Well, don't you do the investigation so you</p> <p>10 can correctly inform the city council? Isn't that the</p> <p>11 purpose?</p> <p>12 A. So -- yes.</p> <p>13 Q. Okay. You're not supposed to do the</p> <p>14 investigation and hide it from the city council, right?</p> <p>15 A. No.</p> <p>16 Q. Okay. We agree on that?</p> <p>17 A. Yes. Yes, sir.</p> <p>18 Q. Okay. So whatever the investigation found</p> <p>19 with city, legal and Heather Hurlbert there and the city</p> <p>20 manager there, whatever the results of the investigation</p> <p>21 are should have been fully communicated to the city</p> <p>22 council, right?</p> <p>23 A. Okay.</p> <p>24 Q. That's the city manager's job, right?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 87</p> <p>1 department, if Heather can figure out it's felony</p> <p>2 forgery, the city legal department should figure that</p> <p>3 out, shouldn't they?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And so you have all the right people</p> <p>6 there, don't you, reaching, getting this information and</p> <p>7 to make the determination that it's a felony forgery</p> <p>8 like Heather did?</p> <p>9 A. I believe so.</p> <p>10 Q. Okay. And that then would be the city</p> <p>11 manager's job to communicate to the city council that a</p> <p>12 felony forgery had occurred. Isn't that his job?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. He's not supposed to keep secrets from</p> <p>15 the city council, is he?</p> <p>16 A. No.</p> <p>17 Q. Okay. And so do you think Peter Zanoni did</p> <p>18 his job of informing the city council that a felony</p> <p>19 forgery had occurred?</p> <p>20 A. He did his job in informing them that there's</p> <p>21 been an alleged altered document.</p> <p>22 Q. But are you saying -- let me ask my question</p> <p>23 more specifically. And I heard what you just said.</p> <p>24 Do you think he did his job of saying we did</p> <p>25 an investigation and the facts we uncovered, just like</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. Okay. And do you know if he fully</p> <p>2 communicated not just there's an allegation of an</p> <p>3 alteration --</p> <p>4 A. Okay.</p> <p>5 Q. -- but do you know if Peter Zanoni fully</p> <p>6 communicated to the members of the city council and the</p> <p>7 mayor that, in fact, the investigation had occurred and</p> <p>8 the conclusion was it probably constitutes a felony</p> <p>9 forgery?</p> <p>10 MS. MARCUM: Objection, form.</p> <p>11 A. I myself don't know.</p> <p>12 Q. Okay. Do you attend executive sessions?</p> <p>13 MS. MARCUM: Objection, form.</p> <p>14 A. No, I do not.</p> <p>15 Q. Okay. Were you in meetings where there was</p> <p>16 discussion about it being a forgery?</p> <p>17 MS. MARCUM: Objection, form.</p> <p>18 A. No, just -- just that altered -- it was an</p> <p>19 altered document. So when it got to the -- anything</p> <p>20 about forgery, this and that, I wasn't in any meetings.</p> <p>21 So hearing the words forgery, Penal Code, that's new to</p> <p>22 me.</p> <p>23 Q. That's over your pay grade?</p> <p>24 A. At that time, yeah.</p> <p>25 Q. Okay.</p>

<p style="text-align: right;">Page 90</p> <p>1 A. Well, again, it's not my areas of oversight, 2 so . . . 3 Q. Okay. But it certainly should have been 4 discussed fully, this issue, right? It's an important 5 issue that should have been fully discussed? 6 A. Oh, yeah. Yes. 7 Q. With the leadership? 8 A. Correct. Correct. Yeah, for the parties -- 9 for the parties needing to be involved. 10 Q. Right. Given your background in city 11 government, do you think it's okay to pass a statute 12 that relies upon a felony forgery having occurred to 13 support the request for \$2 million? 14 A. Again, there's -- I would leave it to -- it 15 would be give the information to the parties that vote 16 on it, and then from there, the parties make that 17 decision. 18 Q. But I'm asking what do you think. Is it okay 19 to pass an ordinance that has as its foundation the 20 occurrence of a felony forgery? 21 A. I would -- I would not -- I would probably -- 22 I would have to -- I would do -- possibly not -- I don't 23 know if I'd -- let's say I don't know if I'd recommend 24 it. I'll put it -- yeah, I would say it like that, I 25 don't know if I would recommend it.</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Right. If there was a felony committed -- 2 A. Right. 3 Q. -- and somebody recommended it, knowing that 4 the felony had been committed or that there was an 5 altered federal document, then that would be aiding and 6 abetting that misconduct, right? 7 MS. MARCUM: Objection, form. 8 A. I can't speak -- because I don't know all the 9 legalities under that, so I don't know. 10 Q. Well, but I mean, you're not supposed to help 11 somebody in the commission of a crime. Can we agree on 12 that? 13 A. Correct. 14 Q. You're not supposed to help somebody in 15 getting \$2 million by using an altered federal document. 16 We can agree on that? 17 A. Correct. 18 Q. Okay. You're not supposed to aid them in 19 getting the \$2 million when you know that they have 20 committed or done an altered federal document, right? 21 A. Well, again, I don't know if they -- so we're 22 saying "they." So we're saying that the party altered 23 it. I don't know -- I don't know -- this is me. I 24 don't know if the party altered it. There was just two 25 documents. I don't know who -- I don't know who altered</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. Okay. Because if you recommend it, you 2 recognize you would be participating in it, right? 3 A. It could be looked at as that or it -- so 4 you're saying if I knew -- if I knew something was wrong 5 or there's something questionable, then I would not make 6 a recommendation until the issue was finalized. 7 Q. You would not make a recommendation? 8 A. Correct, until the issue was finalized. 9 Q. So if you knew there was an altered federal 10 document that was, in part, the foundation for a request 11 of \$2 million in taxpayer money, you're saying you would 12 not recommend it? 13 A. Correct, I would not recommend it. 14 Q. And if you knew there had been evidence 15 supporting an allegation of felony forgery in a request 16 for \$2 million of public funds from the city, you would 17 not recommend it? 18 A. Correct. 19 Q. Okay. And you recognize that if someone did 20 recommend it, knowing the results of the investigation 21 that we have in this case, that that would be aiding and 22 abetting the commission of that felony forgery, right? 23 MS. MARCUM: Objection, form. 24 A. I would have to know -- it would have to be 25 proven that there was a felony committed, so . . .</p>	<p style="text-align: right;">Page 93</p> <p>1 it. 2 Q. But whoever altered it, you're not supposed to 3 use an altered federal document to get \$2 million in 4 taxpayer money. We can agree on that? 5 A. We can. 6 Q. Okay. Now, we're not talking about who 7 altered it and who gets to go to jail, if anybody. 8 We're not talking about that, okay? Right? 9 A. Right. 10 Q. Okay. But if you know that somebody has 11 altered a federal document and they're using it to get 12 \$2 million in taxpayer funds, maybe that's a felony 13 forgery, maybe not. Fair enough? 14 A. Fair enough. 15 Q. Well, hold on for a minute there. 16 A. Okay. 17 Q. Okay. But you sure shouldn't be a city 18 employee and aid somebody in the effort that they have 19 ongoing where they've used an altered federal document 20 and they're trying to get \$2 million. You shouldn't be 21 helping them, should you? 22 MS. MARCUM: Objection, form. 23 A. I wouldn't recommend it. 24 Q. Well, that would be -- wouldn't that be aiding 25 and abetting?</p>



<p style="text-align: right;">Page 94</p> <p>1 MS. MARCUM: Objection, form.</p> <p>2 A. I --</p> <p>3 Q. Do you know that word?</p> <p>4 A. I do know that word.</p> <p>5 Q. Aiding and abetting basically means you're</p> <p>6 helping them -- helping them in the commission of the</p> <p>7 crime, right?</p> <p>8 A. Again, I wouldn't recommend it. So once I</p> <p>9 wouldn't recommend it, I'm not helping.</p> <p>10 Q. Well, you understand if you're aiding and</p> <p>11 abetting, you can also be guilty of that crime, right?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And so if somebody recommended, using</p> <p>14 your word from earlier, recommended that this \$2 million</p> <p>15 of public money be given, knowing the results of the</p> <p>16 investigation in this matter, that would be helping --</p> <p>17 the recommendation is a way to help that person, that</p> <p>18 applicant get the \$2 million, agreed?</p> <p>19 MS. MARCUM: Objection, form.</p> <p>20 A. Well, I don't know the results of the</p> <p>21 investigation.</p> <p>22 Q. I didn't ask you that. Do you want me to</p> <p>23 restate it? Or do you want me to just have her read it?</p> <p>24 Let me read it again exactly the way I said it, okay?</p> <p>25 Listen very carefully.</p>	<p style="text-align: right;">Page 96</p> <p>1 A. To my knowledge.</p> <p>2 Q. And I'll tell you she testified that she did</p> <p>3 her job and was giving full disclosure to the city</p> <p>4 manager. Are you with me?</p> <p>5 A. Yes.</p> <p>6 Q. And nonetheless, you know that at the second</p> <p>7 reading, Peter Zanoni recommended it to the city</p> <p>8 council, didn't he?</p> <p>9 MS. MARCUM: Objection, form.</p> <p>10 A. I don't know. I don't remember.</p> <p>11 Q. Okay. But if he did, then he would be a</p> <p>12 person who was helping or aiding in getting the \$2</p> <p>13 million for the applicant, right?</p> <p>14 MS. MARCUM: Objection, form.</p> <p>15 A. If something was committed.</p> <p>16 Q. Right.</p> <p>17 A. I don't know.</p> <p>18 Q. But we agree -- but one step at a time.</p> <p>19 A. Okay.</p> <p>20 Q. If Peter Zanoni recommended the passage of the</p> <p>21 ordinance at the time of the second reading, that is</p> <p>22 Peter helping the applicant get the \$2 million, right?</p> <p>23 MS. MARCUM: Objection, form.</p> <p>24 A. No, I don't -- I don't know -- I don't know if</p> <p>25 it's helping because he's not the decision-maker.</p>
<p style="text-align: right;">Page 95</p> <p>1 So if somebody, using your word from earlier,</p> <p>2 recommended that this \$2 million of public money be</p> <p>3 given, and that somebody knew the results of the</p> <p>4 investigation, that would be helping, if they made a</p> <p>5 recommendation, yes, you should pass this ordinance,</p> <p>6 that would be helping to get the money, right?</p> <p>7 MS. MARCUM: Objection, form.</p> <p>8 A. Right. But you're saying if they knew the</p> <p>9 result of the investigation, so I don't know.</p> <p>10 Q. Right. Well, Peter Zanoni sure knew the</p> <p>11 results of the investigation because Heather has</p> <p>12 testified she told him the information, right?</p> <p>13 A. So I can't speak to that. I wasn't --</p> <p>14 Q. I know. I know.</p> <p>15 A. Yeah.</p> <p>16 Q. But you know that's what the evidence is in</p> <p>17 this case?</p> <p>18 A. I don't know all the evidence in the case,</p> <p>19 just what I just read from there and what I saw.</p> <p>20 Q. Okay. Well, you know it's her job and your --</p> <p>21 to fully communicate the results of the investigation to</p> <p>22 Peter Zanoni. You already agreed with that, right?</p> <p>23 A. Yes, yes, yes, if it was --</p> <p>24 Q. And you know you -- and you testified earlier</p> <p>25 you believe she did her job?</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. But you don't think it helps to the applicant</p> <p>2 when the city manager makes a recommendation to pass the</p> <p>3 ordinance?</p> <p>4 A. There's been other recommendations --</p> <p>5 MS. MARCUM: Objection, form.</p> <p>6 A. -- and gets struck down, so I don't -- I --</p> <p>7 you know, so I --</p> <p>8 Q. You think he recommended -- do you think if a</p> <p>9 city manager like Peter Zanoni recommends the passage of</p> <p>10 an ordinance, do you think that is trying to help the</p> <p>11 ordinance get passed? Or do you think that's trying to</p> <p>12 defeat the ordinance?</p> <p>13 A. No, that's just based on professional</p> <p>14 recommendation.</p> <p>15 Q. Yeah. He's trying to help it get passed,</p> <p>16 right?</p> <p>17 A. Based on professional recommendation.</p> <p>18 MS. MARCUM: Objection, form.</p> <p>19 Q. (By Mr. Allison) The reason a city manager</p> <p>20 recommends something is because he's trying to help get</p> <p>21 it passed, right?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. And have you ever had conversations</p> <p>24 with Peter Zanoni about why he recommended passage of</p> <p>25 this ordinance allowing the applicant to get access to</p>

<p style="text-align: right;">Page 98</p> <p>1 the \$2 million in funds? Have you ever had those 2 conversations with Mr. Zaroni? 3 A. No. 4 MS. MARCUM: Objection, form. 5 Q. (By Mr. Allison) Okay. Did you ever ask him 6 after the fact, why did you recommend it since we know 7 that it was an altered document? 8 A. No. 9 MS. MARCUM: Objection, form. 10 Q. (By Mr. Allison) Were you ever in the room 11 when that was discussed? 12 A. No. 13 MS. MARCUM: Objection, form. 14 Q. (By Mr. Allison) Did you ever have 15 discussions about that with anybody? 16 A. About why? 17 MS. MARCUM: Objection, form. 18 Q. (By Mr. Allison) Yes. 19 A. No. 20 Q. About why Peter recommended it even knowing 21 that it had been an altered federal document? 22 MS. MARCUM: Objection, form. 23 A. No. 24 Q. Okay. Were you involved at all in the type B 25 process where they considered the presentation for</p>	<p style="text-align: right;">Page 100</p> <p>1 that it helps you read along while you're listening to 2 it? I'll show you both at the same time. However you 3 want to do it. 4 A. Audio is fine. 5 Q. That's a good idea? 6 A. Yeah, audio is fine, yeah. 7 [Audio played.] 8 A. I can hear it. 9 [Audio played.] 10 Q. I think you probably clearly recognize Peter 11 Zaroni's voice? 12 A. Yes. 13 Q. And you clearly recognize Ajit David's voice? 14 A. Yes. 15 Q. And you've obviously known Peter for a long 16 time, you've known also Ajit David for quite a period of 17 time? 18 A. Yes. 19 Q. Well enough to recognize his voice on that 20 recording? 21 A. Yes. 22 Q. And does that sound like a conversation that 23 most definitely occurred in the time frame we're talking 24 about during the investigation before the second reading 25 of the ordinance?</p>
<p style="text-align: right;">Page 99</p> <p>1 Homewood Suites? 2 A. No, sir. 3 MS. MARCUM: Objection, form. I just 4 want to clarify. You're not talking about any executive 5 sessions? 6 MR. ALLISON: Correct. I'm not. 7 MS. MARCUM: Okay. Okay. 8 MR. ALLISON: I was curious why you were 9 objecting on that. You threw me on that one. I thought 10 I'll leave it alone. It's okay. I'm not. 11 Q. (By Mr. Allison) Were you involved in the 12 process at all when consideration of the \$2 million 13 award to the applicant, to Homewood Suites came before 14 the city council? 15 A. No. 16 MS. MARCUM: Objection, form. 17 A. No. 18 MS. MARCUM: Just clarifying. It's not 19 executive session you're asking? 20 MR. ALLISON: Correct. 21 (Exhibit Nos. 3 and 4 were marked.) 22 Q. (By Mr. Allison) I'm going to play an audio 23 tape for you and it will be Exhibit 3 to your 24 deposition. And I have a transcript, I'll make that as 25 Exhibit 4. My point is: Are you one of those people</p>	<p style="text-align: right;">Page 101</p> <p>1 A. Based on that conversation, it appears so, 2 yes. 3 Q. Yeah. And do you agree where it has Peter 4 acknowledges that there was tampering with the federal 5 document? I'm quoting "tampering." 6 A. Yeah, that -- yes. 7 Q. And do you agree with what was said as between 8 Mr. David and Peter Zaroni that the FEMA website makes 9 it very clear that it's a United States Government 10 portal? 11 A. Yes. 12 Q. And that's what was tampered with, right? 13 A. Yes. 14 Q. And that -- these are Peter's words. He says 15 "when you read" -- I'm quoting -- "when you read the 16 entire PowerPoint, it's so obvious that the reader or 17 the writer wanted one to be led to believe that the FEMA 18 was just recent, even the words like recently released 19 and this and that." Do you understand what I've just 20 read to you? 21 A. Yes. 22 Q. And in that time frame when you were -- you 23 were being assistant to the city manager, right? 24 A. Correct. 25 Q. So I know you're shadowing him, you're with</p>

<p style="text-align: right;">Page 102</p> <p>1 him a lot, right?</p> <p>2 A. Correct.</p> <p>3 Q. And during that period of time, do you agree</p> <p>4 that the information was that the applicant wanted the</p> <p>5 person who was viewing the presentation to believe that</p> <p>6 there were recent changes in FEMA?</p> <p>7 A. Based on -- based on the interpretation.</p> <p>8 Q. Correct?</p> <p>9 A. Right. That was the interpretation.</p> <p>10 Q. Right. That's what -- that's what the</p> <p>11 applicant was trying to -- that was -- well, we'll get</p> <p>12 to it even in more detail here.</p> <p>13 Peter says, "it goes back to the narrative."</p> <p>14 He called it a narrative.</p> <p>15 A. Okay.</p> <p>16 Q. Do you remember that in the recording?</p> <p>17 A. Yes, yes.</p> <p>18 Q. Do you agree the applicant had a narrative</p> <p>19 that FEMA rules had changed? That's what he's talking</p> <p>20 about.</p> <p>21 A. I can't speak to that.</p> <p>22 Q. Well, do you agree with Peter on it or do you</p> <p>23 disagree with Peter on that?</p> <p>24 A. Neither. I don't have an opinion.</p> <p>25 Q. Huh?</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. He would know better than you?</p> <p>2 A. Yes.</p> <p>3 Q. So you'll take it as true because it's your</p> <p>4 boss and he knows more than you do?</p> <p>5 A. I have to take it as no opinion.</p> <p>6 Q. Okay. Well, do you think he's lying?</p> <p>7 A. No, I don't think he's -- I don't think</p> <p>8 he's --</p> <p>9 Q. Or do you think he's telling the truth?</p> <p>10 A. For him that's -- whatever he's saying, I</p> <p>11 think he's giving his truth. But I can't say that it's</p> <p>12 my truth. I just have no opinion because I don't --</p> <p>13 Q. So you think that Peter Zanoni is telling the</p> <p>14 truth when he's saying that they hatched this scheme?</p> <p>15 A. He's giving his opinion.</p> <p>16 Q. Truthfully, you think?</p> <p>17 A. Yes, he's giving a truthful opinion.</p> <p>18 Q. Okay. And did you hear in the recording where</p> <p>19 he said that there were seven votes in favor of passing</p> <p>20 the ordinance?</p> <p>21 A. Yeah. Yes.</p> <p>22 Q. Okay. Do you remember being a part of those</p> <p>23 conversations during this period of time that they had</p> <p>24 the votes to pass the ordinance?</p> <p>25 MS. MARCUM: Objection, form.</p>
<p style="text-align: right;">Page 103</p> <p>1 A. I don't have an opinion on it.</p> <p>2 Q. Well, Peter says, let me quote, "and part of</p> <p>3 it goes back to the narrative. Mike Culbertson" --</p> <p>4 that's the head of the RDC, right?</p> <p>5 A. Correct.</p> <p>6 Q. "Mike Culbertson said, hey, this has to be</p> <p>7 tied to infrastructure." And so then they -- it says</p> <p>8 here catch. I think the word maybe on the recording is</p> <p>9 hatch, but either way, "that scheme, that okay, FEMA</p> <p>10 floodplain, that's infrastructure. You know, they're</p> <p>11 fixing the bottom floor so it needs to -- so it needs</p> <p>12 the floodplain." Do you understand that's what was said</p> <p>13 on the recording?</p> <p>14 A. Yes.</p> <p>15 Q. And do you agree with Peter's characterization</p> <p>16 that it was a scheme?</p> <p>17 A. Again, that was his interpretation.</p> <p>18 Q. Yeah. Are you disagreeing with your boss?</p> <p>19 A. I have no -- therefore, I have no opinion.</p> <p>20 Q. Okay.</p> <p>21 A. Yeah.</p> <p>22 Q. You're not -- you're not disagreeing with him,</p> <p>23 though, that it was a scheme, right?</p> <p>24 A. Yeah, because I don't know. Again, I'm not</p> <p>25 into the whole investigation details to really form --</p>	<p style="text-align: right;">Page 105</p> <p>1 A. No, not being involved in the conversation.</p> <p>2 Q. Okay. Well, because that indicates that Peter</p> <p>3 knows how each council member is going to vote, right?</p> <p>4 MS. MARCUM: Objection, form.</p> <p>5 A. It could be.</p> <p>6 Q. Well, it sounds like it, doesn't it?</p> <p>7 A. Well, he said "I heard." He didn't -- he said</p> <p>8 "I heard," so I don't know who he heard it from.</p> <p>9 Q. Okay. We can agree that it is a violation of</p> <p>10 Open Meetings Act to be out trying to count votes ahead</p> <p>11 of a vote, right?</p> <p>12 MS. MARCUM: Objection, form.</p> <p>13 A. I'm not familiar with --</p> <p>14 Q. Pardon?</p> <p>15 A. I'm not familiar with all the --</p> <p>16 Q. Well, aren't you trained on Open Meetings Act?</p> <p>17 A. I am, but I don't -- if there are certain</p> <p>18 details I'm not sure on, I have a book to go read back</p> <p>19 on, so . . .</p> <p>20 Q. Can you tell me whether or not Peter informed</p> <p>21 the city council members that this was a scheme that had</p> <p>22 been hatched, using Peter's words, that was false about</p> <p>23 the FEMA document?</p> <p>24 MS. MARCUM: Objection, form.</p> <p>25 A. No. To my knowledge, all I know is that he</p>

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1 informed council that there is an allegation of an  
2 altered document, so --  
3 Q. And how do you know that?  
4 A. Any other communication -- just sometimes if  
5 I'm -- if -- in a meeting or if we're talking about it  
6 as a whole during executive. So there's some times  
7 where there's conversation as me, if I'm an assistant, I  
8 may just -- you know, I may be in that meeting but . . .  
9 Q. Okay. So you think you were in some meetings  
10 where Peter did inform some councilmen that there had  
11 been an allegation?  
12 A. No, that he informed council, that he informed  
13 council.  
14 Q. Okay. You weren't actually in the meetings?  
15 A. No, not -- no.  
16 Q. You were in meetings where you heard Peter say  
17 that he had informed council there was an allegation?  
18 A. Correct.  
19 Q. Okay. And were council members at that  
20 meeting?  
21 A. No.  
22 Q. Okay. So -- and was that right before the  
23 second vote, I would think, on the ordinance?  
24 A. Correct.  
25 Q. Okay. And was Peter saying those words to

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1 whomever was in that meeting, hey, I informed council  
2 there was an allegation?  
3 A. Yeah.  
4 Q. Is that essentially what Peter informed your  
5 group?  
6 A. Yes.  
7 Q. Okay. And did he -- did he provide any  
8 additional information about how he may have or did or  
9 did not further inform council?  
10 A. Not to my knowledge.  
11 Q. So the only thing you ever heard him say when  
12 you were in meetings and this was discussed was that he  
13 had informed council that there had been an allegation?  
14 A. Correct.  
15 Q. But you never heard him in any of those  
16 meetings say I informed council about the results of the  
17 investigation?  
18 A. Not to my knowledge. I don't remember that.  
19 Q. And you never heard him say that legal has  
20 looked at this and it's wrong to alter a federal  
21 document and I told council?  
22 MS. MARCUM: Objection, form.  
23 Q. (By Mr. Allison) Did you ever hear him say  
24 that?  
25 A. I wasn't around.

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1 Q. Huh?  
2 A. I wasn't around if it was said.  
3 Q. Okay. So as far as you know, he never said  
4 that -- he never claimed to have told council the  
5 results of the investigation in your presence?  
6 A. Correct.  
7 Q. And he never claimed to have told city council  
8 that it may constitute the commission of a felony  
9 forgery, you never heard him say that in your presence?  
10 A. Correct.  
11 Q. Okay. As far as when you were having meetings  
12 with Peter Zanoni during this period of time, the  
13 most -- the most he would ever say is that he informed  
14 city council just that there had been an allegation?  
15 A. Correct.  
16 Q. Okay. You said something earlier that you  
17 were involved, though, in helping, I think, prepare  
18 agendas for city council?  
19 A. Yes.  
20 Q. Yeah. And so were you involved in preparing  
21 the agenda for this ordinance for the city council?  
22 A. No, because that's type B, so any -- yeah,  
23 that's type B, so I have no . . .  
24 Q. But even for the city council's agenda item,  
25 would you have been involved when it got to the city

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1 council?  
2 A. No.  
3 Q. Okay.  
4 THE WITNESS: I have a missed call. Is  
5 it okay if I check to see who called me?  
6 MR. ALLISON: Huh?  
7 THE WITNESS: I have a missed call. Is  
8 it okay if I check to see who called me? Is that  
9 allowed?  
10 MR. ALLISON: You know what, why don't we  
11 take our break. I'm starving anyway. Let's go eat  
12 rather than wait until noon and then come back at 12:30.  
13 MS. MARCUM: Does that work for you?  
14 THE WITNESS: Yeah, you let me know.  
15 THE VIDEOGRAPHER: Off the record at  
16 11:18.  
17 (A recess was taken for lunch.)  
18 THE VIDEOGRAPHER: We're back on the  
19 record at 12:33.  
20 Q. (By Mr. Allison) I think you do attend city  
21 meetings, is that correct, typically?  
22 A. Do I attend?  
23 Q. City council meetings?  
24 A. It depends.  
25 Q. Okay. And did you attend the first city

<p style="text-align: right;">Page 110</p> <p>1 council meeting that was a reading of the ordinance for 2 the award of \$2 million?</p> <p>3 A. No.</p> <p>4 Q. You are on the distribution list, though, for 5 the city memos for those meetings, right?</p> <p>6 A. I believe so.</p> <p>7 Q. Yeah. And I'm going to show you -- you're 8 familiar with it when it said an agenda memorandum, 9 correct?</p> <p>10 A. Correct.</p> <p>11 (Exhibit No. 5 was marked.)</p> <p>12 Q. (By Mr. Allison) I'm going to show you the 13 agenda memorandum. And I think it's Exhibit 5. I'll 14 have it marked. Go ahead and familiarize yourself with 15 that.</p> <p>16 A. Okay. Okay.</p> <p>17 Q. And you recognize that as a city agenda 18 memorandum to inform the -- I guess prepared by staff 19 and to inform the council about the agenda item?</p> <p>20 A. Correct.</p> <p>21 Q. And this one is specifically -- Exhibit No. 5 22 is specifically about the agenda item for \$2 million 23 award to the applicant, to the Homewood Suites group, 24 right, Elevate?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 112</p> <p>1 that council is going to want to know the reason that 2 they're awarding money, right?</p> <p>3 A. Correct.</p> <p>4 Q. You don't just award money for no reason. 5 Reasons matter, right?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. And the reason in this memo refers to 8 the very documents that were altered and forged, right?</p> <p>9 A. Okay.</p> <p>10 Q. Correct? Yes?</p> <p>11 A. Okay. Yes.</p> <p>12 Q. Yeah, you recognize that, right?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And so it's not like the forged 15 documents were somehow of no consequence. I mean, they 16 were the very reason that is stated in this memorandum 17 as the basis or the justification for the award of the 18 money, right?</p> <p>19 A. Right.</p> <p>20 (Exhibit No. 6 was marked.)</p> <p>21 Q. (By Mr. Allison) Okay. And then if you go 22 to -- I'm going to show you Exhibit No. 6. This is the 23 actual agenda item for the February -- the first reading 24 of February 20, 2024. I'll let you read it so you can 25 refresh yourself on it.</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. And it says in here that it's for -- I'm going 2 to read it. "For costs associated with FEMA AE flood 3 zone requirements." Do you remember that?</p> <p>4 A. Yes.</p> <p>5 Q. Yeah. And it says in here, "the grant request 6 will be utilized for additional costs associated with 7 newly defined Federal Emergency Management Agency, FEMA, 8 AE flood zone requirements that has added additional 9 unexpected costs of \$1,510,087.50 towards the project." 10 Do you remember seeing that I'm quoting?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And so this memo, just like the type B 13 board presentation, this memo very clearly is 14 associating the money with, I'm going to quote here, 15 newly -- what they're calling new FEMA guidelines, 16 right?</p> <p>17 A. Yes, but -- yes.</p> <p>18 Q. Okay. And, of course, the reason that the 19 information -- the reason the memorandum exists -- you 20 probably draft some of these memos sometimes or no?</p> <p>21 A. Yeah, never -- yes.</p> <p>22 Q. Okay. You didn't draft this one, though?</p> <p>23 A. No.</p> <p>24 Q. But the reason you draft the memo and the 25 reason you give the reason is because you understand</p>	<p style="text-align: right;">Page 113</p> <p>1 A. Okay.</p> <p>2 Q. And, again, the actual agenda item on -- at 3 the time of the first reading, the February 20, 2024 4 meeting of the city council, it tracks what we read in 5 the memorandum, understandably, right?</p> <p>6 A. Correct.</p> <p>7 Q. And by tracks, it says that the \$2 million is 8 "for costs associated with FEMA AE flood zone 9 requirements," right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Again, highlighting the falsified 12 forged document as the basis for the award of \$2 13 million, right?</p> <p>14 A. The way that description is written?</p> <p>15 Q. Well, the way the description reads talking 16 about FEMA, that's the same thing that the altered slide 17 dealt with is FEMA guidelines?</p> <p>18 A. Yes.</p> <p>19 Q. Yeah. Okay. Again, just showing that the 20 reasons matter, like we talked about. And this is 21 showing that the reason behind the giving or the 22 awarding of the money, the \$2 million, goes back to that 23 altered document directly at the time of the first 24 reading, right?</p> <p>25 A. Okay. Yes.</p>

<p style="text-align: right;">Page 114</p> <p>1 Q. Yeah. And they use the altered slide during</p> <p>2 the presentation in this first meeting. You know that,</p> <p>3 too?</p> <p>4 A. I didn't watch the meeting, so . . .</p> <p>5 Q. Okay. I don't think that's disputed. It's on</p> <p>6 the video. Fair enough?</p> <p>7 A. Okay. If it's on the video, then it's on the</p> <p>8 video.</p> <p>9 Q. Okay. But you do remember that after this</p> <p>10 first reading is when all of the hullabaloo kind of</p> <p>11 launched, all the craziness about, hey, that's forged?</p> <p>12 A. I don't remember the timeline.</p> <p>13 Q. I don't remember like the day of or two days.</p> <p>14 I'm not trying to pin you down to a day.</p> <p>15 A. Yeah.</p> <p>16 Q. But it was in between the first reading, which</p> <p>17 we just went over the agenda item and the memo for the</p> <p>18 first reading. It's in between that period of time,</p> <p>19 which we see from the memo is February 20, 2024. Are</p> <p>20 you with me so far?</p> <p>21 A. Yeah.</p> <p>22 Q. It's in between that and the second reading</p> <p>23 that took place two months later. It's in that</p> <p>24 two-month window when this investigation occurred that</p> <p>25 we've been talking about today, right?</p>	<p style="text-align: right;">Page 116</p> <p>1 than that day? In other words, anything before that day</p> <p>2 or anything after that day where you think you</p> <p>3 participated in discussions about the problem here?</p> <p>4 A. Not participated, no.</p> <p>5 Q. Okay. I'm going to show you -- the name of</p> <p>6 the document, it's a JPEG is 5808. I'm saying that</p> <p>7 mainly for her so I can keep track of it.</p> <p>8 A. No problem.</p> <p>9 Q. And I'm going to mark this as Exhibit No. 7.</p> <p>10 (Exhibit No. 7 was marked.)</p> <p>11 Q. (By Mr. Allison) Why don't you take a look at</p> <p>12 that. It's a text message --</p> <p>13 A. Okay.</p> <p>14 Q. -- between you and Ajit David.</p> <p>15 A. Okay.</p> <p>16 MS. MARCUM: Just this one text?</p> <p>17 A. Okay.</p> <p>18 Q. This is a text message where Ajit David is</p> <p>19 telling you, "if an applicant intentionally provided</p> <p>20 altered documents to a governmental entity and this was</p> <p>21 verified, everyone who has knowledge of this</p> <p>22 automatically is an accomplice, especially if they are</p> <p>23 the recipient of financial benefits or were involved in</p> <p>24 the decision-making process." Did you just read that?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 115</p> <p>1 A. Yeah. So I don't remember when the -- so</p> <p>2 between the first reading, second reading and when the</p> <p>3 investigation occurred, I don't remember the timeline.</p> <p>4 Q. Okay. And that's because you were not</p> <p>5 involved in the investigation?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. Did you have any participation in</p> <p>8 trying to learn or be exposed to learning what the facts</p> <p>9 were of what had happened and why it had been altered or</p> <p>10 whether it had been altered or anything like that?</p> <p>11 A. Minimal.</p> <p>12 Q. Huh?</p> <p>13 A. Minimal.</p> <p>14 Q. What were you involved in?</p> <p>15 A. So there was just -- there was one meeting</p> <p>16 that was held where I was there with Phillip Ramirez.</p> <p>17 Q. With who?</p> <p>18 A. Phillip Ramirez. Yeah. And so that was --</p> <p>19 that would be the most I was involved.</p> <p>20 Q. Okay. And the day that that happened, is that</p> <p>21 the only day that you participated in this discussion</p> <p>22 about what happened?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. Do you remember any discussions or</p> <p>25 exchanges of information that you were involved in other</p>	<p style="text-align: right;">Page 117</p> <p>1 Q. And so that is Ajit letting you know --</p> <p>2 because here are -- and this is dated April 5, right?</p> <p>3 A. Yes. Let me see the date. I'm sorry. Okay.</p> <p>4 Q. And so here we are, February 20th has gone by,</p> <p>5 the first reading, and this is clearly at this point in</p> <p>6 time there's discussion going on about anybody who</p> <p>7 participates in supporting an award of money is an</p> <p>8 accomplice to that crime, right? Isn't that what he's</p> <p>9 warning you about here?</p> <p>10 MS. MARCUM: Objection, form.</p> <p>11 A. I don't know if he's warning me. It looks</p> <p>12 more just of a statement.</p> <p>13 Q. More of an information?</p> <p>14 A. Yeah.</p> <p>15 Q. Okay. Yeah. He's giving you information to</p> <p>16 let you know, hey, if you participate in this, then</p> <p>17 you're an accomplice, right?</p> <p>18 MS. MARCUM: Objection, form.</p> <p>19 A. Well --</p> <p>20 Q. That's what it says?</p> <p>21 A. Right. That doesn't mean it's true. So</p> <p>22 he's -- so he's telling me that, the person is not a</p> <p>23 lawyer, so it's just a person is making a statement.</p> <p>24 Q. Right. But do you know what an accomplice is?</p> <p>25 A. I do know what an accomplice is.</p>

<p style="text-align: right;">Page 118</p> <p>1 Q. Okay. And accomplice means that if something 2 criminal is happening, like forging a federal document, 3 I think you agree that's criminal, right? 4 A. Correct. 5 Q. Okay. So here you are knowing that if 6 somebody forged a document and that's criminal, then 7 he's letting you know, he's informing you, hey, don't be 8 a part of that because you're going to be labeled an 9 accomplice. 10 A. That's not how I interpret it. 11 Q. Well, how did you interpret it? 12 A. It's just a statement. 13 Q. Well, the statement was that "everyone who has 14 knowledge of this automatically is an accomplice, 15 especially if they are the recipient of financial 16 benefits or were involved in the decision-making 17 process." I read that correctly, right? 18 A. Correct. 19 Q. And so isn't he letting you know that, hey, 20 stay -- informing you. And I think it is. That's a 21 fair characterization. 22 Isn't he informing you that, hey, if you're 23 involved in this decision-making process, then you 24 become an accomplice to the crime? 25 A. No, I didn't get --</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. But you've already agreed with Heather 2 Hurlbert that it's a felony, right? You agreed with her 3 earlier today. 4 A. Yes. 5 Q. Okay. So if you agree with Heather Hurlbert 6 that it's a felony and you combine that with this text 7 message, then, hey, I mean, that's the sort of thing you 8 want to distance yourself from, agreed, being an 9 accomplice? 10 A. For any -- any crime committed being an 11 accomplice. 12 Q. Yeah. Do you want to be an accomplice to a 13 crime? 14 A. No. 15 Q. Okay. And that's kind of what he's informing 16 you is you don't want to be an accomplice to a crime? 17 MS. MARCUM: Objection, form. 18 A. Well, that's not how I interpreted it, sir. 19 Q. How did you take it again? 20 A. He's just making a statement that he feels a 21 crime was committed, a forged document was given. 22 That's how I interpret it. 23 Q. Okay. He agrees with Heather. Ajit David was 24 agreeing with Heather, right? 25 MS. MARCUM: Objection, form.</p>
<p style="text-align: right;">Page 119</p> <p>1 MS. MARCUM: Objection, form. 2 A. No, I didn't interpret that based off that 3 text, just that if -- that there's an allegation. I 4 interpret it as if he -- if he feels that something -- 5 that a law was violated, then here's what could happen. 6 Q. Right. But it's clearly saying if a law is 7 violated, hey, you, Sony, should stay away from that 8 just for your own good. 9 A. No. 10 MS. MARCUM: Objection, form. 11 A. That's not what the text told me. 12 Q. Okay. Do you think it's okay to be an 13 accomplice if somebody is doing a crime? 14 A. No. 15 Q. You know enough to know you should stay away 16 from that crime, right? 17 A. Right. But -- right. 18 Q. Okay. And you've already told me a moment 19 ago, you knew it was -- by now everybody has figured out 20 it's a forged document, right? 21 A. Allegedly. 22 Q. Well, no. The investigation proved it. 23 A. Again, I wasn't in the, hey, here's what the 24 investigation proved, here's what all the evidence is, 25 so again --</p>	<p style="text-align: right;">Page 121</p> <p>1 A. I don't know. 2 Q. Well, I mean, clearly they both think a crime 3 was committed, right? 4 A. I don't know. 5 Q. You don't know if Ajit does or not? 6 A. Again, saying a crime is committed and, hey, 7 this document was forged, it's a crime, and saying a 8 crime was committed, so as far as I know, there has 9 been -- what crime has been committed? 10 Q. Okay. So you think even though -- do you 11 think it's okay to have passed an ordinance if there's a 12 felony associated with it? 13 A. If I think? I don't make the decision. 14 Q. No, but I'm asking you: If you think there is 15 a felony that's been committed in the documents 16 supporting the ordinance, do you think it's okay to pass 17 the ordinance? 18 A. I wouldn't recommend it. 19 Q. Well, is it okay, though? I know you wouldn't 20 recommend it. But is it okay with you if that happens 21 in our city? 22 A. I just wouldn't recommend it. 23 Q. No, but I'm asking you: Is it okay with you 24 as an employee, as an assistant city manager, is it okay 25 with you if our city does that?</p>

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1 A. I mean, again, I wouldn't recommend it.  
2 Q. I'm not -- I understand you wouldn't recommend  
3 it.  
4 A. Right.  
5 Q. But personally, is it okay for you if that  
6 happens?  
7 A. No opinion.  
8 Q. Okay. I'm going to attach 5809 as Exhibit  
9 6 -- excuse me, 58 -- and let me back up completely  
10 because I have them in time sequence here, I think. I'm  
11 going to attach 5810 as Exhibit 8 is I think where I am.  
12 (Exhibit No. 8 was marked.)  
13 Q. (By Mr. Allison) Let me give you the chance  
14 to read that one.  
15 A. Okay.  
16 Q. And this exhibit is another text between you  
17 and Ajit David, correct?  
18 A. Correct.  
19 Q. And he is telling you that there was a very  
20 similar criminal case with an EDC and another city  
21 manager, correct?  
22 A. Correct.  
23 Q. And then he sends you -- the email shows the  
24 attachment that is a link to the other city folks who  
25 got in trouble for committing a felony when they passed

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1 an ordinance, right?  
2 A. Was it a link or a picture?  
3 Q. Link or --  
4 A. Was it a link? You're saying a link. Was it  
5 a link or a picture?  
6 Q. I think it's a link. It's the Justice.gov  
7 link. Do you see it?  
8 A. Okay. Got it. Okay.  
9 (Exhibit No. 9 was marked.)  
10 Q. (By Mr. Allison) Okay. And I'm going to mark  
11 that document as Exhibit 9. And you can scroll and read  
12 that.  
13 A. (Witness complies.) I'm reading it.  
14 Q. Okay.  
15 A. Was it the intent for me to read the whole  
16 thing or just --  
17 Q. Sure. No, no, no, I always like to give you a  
18 fair chance to look at the whole thing.  
19 A. Okay.  
20 Q. So on April 6, Ajit sends you an article  
21 that's titled another Charged in Association with City  
22 of Weslaco Scam. That's what it's titled, right?  
23 A. Correct. Yes.  
24 Q. And this is an article that talks about people  
25 being criminally charged, indicted for basically

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1 awarding funds that were not supported by documents that  
2 were honest, right?  
3 A. I saw bribes.  
4 Q. Pardon?  
5 A. It said people were arrested for bribes.  
6 Q. Okay.  
7 A. So there was other components.  
8 Q. This is certainly a bad process if you have  
9 bribes involved, right?  
10 A. Right. But there was other components.  
11 Q. Here it says what they did is it involves  
12 obtaining a development agreement. This -- let me back  
13 up.  
14 The article is about obtaining -- what they  
15 did is obtain in Weslaco a development agreement with  
16 favorable terms containing 300,000 in incentive  
17 agreements from the City of Weslaco, correct?  
18 A. Correct.  
19 Q. Just like in this case we have the Elevate  
20 people, the Homewood Suites project, procuring \$2  
21 million in incentive agreements, right?  
22 A. Correct.  
23 Q. Okay. So in that sense, it's very similar  
24 what happened in Weslaco and then now happened recently  
25 here in Corpus Christi, right, in that sense?

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1 A. No, not in that sense.  
2 Q. Huh?  
3 A. Not in that sense.  
4 Q. Well, they're both involved in incentive  
5 agreements, right, for a project?  
6 A. Correct.  
7 Q. Okay. And then here it talks about that they  
8 met to "devise a scheme." Do you see that?  
9 A. Yes.  
10 Q. In this case -- the "devise a scheme" is the  
11 language talking about the Weslaco circumstance that led  
12 to indictments, right?  
13 A. Correct.  
14 Q. Okay. Just like Peter Zanoni you heard in the  
15 tape-recording talks about that the applicant was  
16 engaged in a scheme. Peter Zanoni's words, right?  
17 A. Yeah. On the tape-recording?  
18 Q. Yeah. Correct.  
19 A. Right.  
20 Q. Yeah. And so just like what happened in  
21 Weslaco, there was an allegation of a scheme. And Peter  
22 Zanoni is the one who called it a scheme here in Corpus  
23 Christi, right?  
24 A. Correct.  
25 Q. Okay. And in Weslaco, the way that they tried



<p style="text-align: right;">Page 126</p> <p>1 to kind of falsely paper it was it says with -- and I'm</p> <p>2 quoting now, "fictitious consulting agreement." Did you</p> <p>3 read that?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. Just like in the City of Corpus Christi</p> <p>6 case that we're here on today, they used a fictitious</p> <p>7 altered FEMA document, right?</p> <p>8 A. They used an altered document, yes.</p> <p>9 Q. Okay. Is that a yes?</p> <p>10 A. Yes, that they used an altered document, yes.</p> <p>11 Q. Okay. And that because of that then, charges</p> <p>12 were brought -- well, let me back up. Another</p> <p>13 similarity.</p> <p>14 In Weslaco, they granted a \$300,000 incentive,</p> <p>15 and that's similar in that in the City of Corpus Christi</p> <p>16 case they granted a \$2 million incentive to Elevate and</p> <p>17 the Homewood Suites project, right?</p> <p>18 A. Correct.</p> <p>19 Q. So both of them involved money and quite a bit</p> <p>20 of money?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. And in Weslaco, because of this</p> <p>23 fictitious consulting agreement and it being done for</p> <p>24 the purpose of getting the \$300,000 in incentive</p> <p>25 agreement, that's what happened in there, right?</p>	<p style="text-align: right;">Page 128</p> <p>1 A. Alleged. I mean --</p> <p>2 Q. Huh?</p> <p>3 A. The alleged forged document.</p> <p>4 Q. Why do you keep saying alleged? I mean, the</p> <p>5 investigation -- Peter said repeatedly in the recording</p> <p>6 that, yes, it was altered, yes, it was altered.</p> <p>7 A. Okay. But at that time it was alleged. So to</p> <p>8 my -- again, to my knowledge, I don't have involvement,</p> <p>9 it was alleged, so . . .</p> <p>10 Q. But first of all, in the recording Peter</p> <p>11 Zanon repeatedly says, yes, they altered the document,</p> <p>12 right?</p> <p>13 A. He said he believes it was a scheme, yes.</p> <p>14 Q. So it's not just an allegation, it's -- Peter</p> <p>15 agrees it's been altered by April of 2024, right?</p> <p>16 A. He believes that the document was altered.</p> <p>17 Q. Okay. That's the crime, right? Isn't that</p> <p>18 the crime that Heather testified to that you already</p> <p>19 agreed was a crime?</p> <p>20 A. When I hear crime, I hear somebody was</p> <p>21 found -- that there was a trial, someone was found</p> <p>22 guilty, just like the -- just like the Weslaco, there</p> <p>23 was a --</p> <p>24 Q. I appreciate you telling me that. I didn't</p> <p>25 mean they have been convicted yet, okay? Let's make</p>
<p style="text-align: right;">Page 127</p> <p>1 A. Correct.</p> <p>2 Q. In Weslaco?</p> <p>3 A. Correct.</p> <p>4 Q. That resulted in criminal charges being</p> <p>5 brought, right?</p> <p>6 A. That was part of it.</p> <p>7 Q. Yes. And here what we have is we have a</p> <p>8 fictitious or false and forged FEMA document that helped</p> <p>9 cause the passage, just like we read it when they voted</p> <p>10 on the first reading, helped supported the passing of a</p> <p>11 city ordinance to give Elevate, Homewood Suites project</p> <p>12 \$2 million, right?</p> <p>13 MS. MARCUM: Objection, form.</p> <p>14 A. Say it one more time.</p> <p>15 Q. Sure. And in this case we have Elevate</p> <p>16 getting \$2 million based upon the forged document that</p> <p>17 was articulated as the reason behind the first vote at</p> <p>18 the first reading, right?</p> <p>19 A. I --</p> <p>20 Q. Huh?</p> <p>21 A. That the forged document was the reason why</p> <p>22 they got the \$2 million?</p> <p>23 Q. Well, if you look at the memo, it says the</p> <p>24 cost associated with the FEMA document, and we know</p> <p>25 that's the forged document, right?</p>	<p style="text-align: right;">Page 129</p> <p>1 sure we understand each other.</p> <p>2 I'm talking about -- let's divide it this way,</p> <p>3 if it's okay with you. An allegation means there's just</p> <p>4 no proof. People can allege something but may have no</p> <p>5 proof. Do you understand?</p> <p>6 A. Uh-huh. Yes, yes.</p> <p>7 Q. Okay. And then you can have an allegation and</p> <p>8 then it can be proven and then you have a proven fact,</p> <p>9 right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And then you can have a proven fact,</p> <p>12 and then some of the time if it's a crime and it's</p> <p>13 proven facts, then it may be can be an indictment,</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. And then if you go prove it to a jury and you</p> <p>17 get convicted, then you have a conviction, right?</p> <p>18 A. Yes.</p> <p>19 Q. And we know in this case, I don't think we</p> <p>20 have an indictment yet and I don't think we have a</p> <p>21 conviction yet, right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. But also, we have more than just a mere</p> <p>24 allegation, right?</p> <p>25 A. Okay.</p>

<p style="text-align: right;">Page 130</p> <p>1 Q. Do you agree?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. We have not just an allegation, but</p> <p>4 it's been proven to Peter because we see in his</p> <p>5 recording he repeatedly admits or concedes that the</p> <p>6 document was altered, right?</p> <p>7 A. Right.</p> <p>8 Q. Okay. So we don't have to say it's just an</p> <p>9 allegation. It's been proven to Peter, and we know that</p> <p>10 Heather has testified it constitutes a felony forgery,</p> <p>11 right?</p> <p>12 A. Okay.</p> <p>13 Q. We agree with all that, you do, right?</p> <p>14 A. If proven, yes.</p> <p>15 Q. Pardon?</p> <p>16 A. If proven, yes. Correct.</p> <p>17 Q. Well, it's been proven to the satisfaction of</p> <p>18 Peter already, right?</p> <p>19 A. Okay.</p> <p>20 Q. You agree with that. You heard it on the</p> <p>21 recording.</p> <p>22 A. Yes.</p> <p>23 Q. Correct?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And it's been proven to the</p>	<p style="text-align: right;">Page 132</p> <p>1 what happened here in Corpus Christi, involve a</p> <p>2 fictitious or a falsified or altered, whatever word you</p> <p>3 want to use, document, right?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. So -- and that's another similarity.</p> <p>6 We've been discussing some of the similarities between</p> <p>7 Weslaco and the Corpus Christi incident here with</p> <p>8 Homewood Suites, right?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. And I think I named about four</p> <p>11 similarities going through the article, right?</p> <p>12 A. You named some.</p> <p>13 Q. Yeah. I think it's three, four, five. I</p> <p>14 think it was four but we can count them if we want</p> <p>15 later, okay?</p> <p>16 So here you have then on April 6th, it</p> <p>17 appears, Ajit David sending to you this Weslaco article,</p> <p>18 again, trying to inform you. Fair enough?</p> <p>19 A. He made a statement.</p> <p>20 Q. Huh?</p> <p>21 A. He was giving me information.</p> <p>22 Q. Right. He's giving -- when someone is giving</p> <p>23 you information, I think it's fair to say to inform you,</p> <p>24 right?</p> <p>25 A. Okay. Yes.</p>
<p style="text-align: right;">Page 131</p> <p>1 satisfaction of Heather, who you said has more</p> <p>2 experience than you in making that determination.</p> <p>3 A. Yes.</p> <p>4 Q. Okay. So can we quit calling it an allegation</p> <p>5 because it's a proven fact at this point, right?</p> <p>6 MS. MARCUM: Objection, form.</p> <p>7 A. That the --</p> <p>8 Q. That the person altered the document, which is</p> <p>9 a crime. That person altered the document -- I know you</p> <p>10 don't like the word crime. That person altered the</p> <p>11 document, which is an offense under the statute,</p> <p>12 according to Heather?</p> <p>13 A. Just that the document was altered.</p> <p>14 Q. Well, yeah, that's the crime. That's the</p> <p>15 offense, right?</p> <p>16 A. That is the -- that is the offense.</p> <p>17 Q. And it happened. It's not just merely</p> <p>18 alleged, agreed?</p> <p>19 A. The document was altered.</p> <p>20 Q. Okay. So since we have this offense, this</p> <p>21 altered document, that was just like in this other case</p> <p>22 over here, we had a fictitious consulting agreement,</p> <p>23 right, the Weslaco case?</p> <p>24 A. Correct.</p> <p>25 Q. Okay. And so both circumstances, Weslaco and</p>	<p style="text-align: right;">Page 133</p> <p>1 Q. It's the same word.</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So here you have Ajit David trying to</p> <p>4 give you information, to inform you --</p> <p>5 A. Yes.</p> <p>6 Q. -- that using fake documents to get money,</p> <p>7 like they did in Weslaco, can result in an indictment,</p> <p>8 right?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. And I would assume since somebody got</p> <p>11 indicted in Weslaco for using false documents or</p> <p>12 fictitious documents, that you would think to yourself,</p> <p>13 man, I don't want to be any part of supporting a</p> <p>14 \$2 million award for this project that has an altered,</p> <p>15 forged document in the file.</p> <p>16 A. Okay.</p> <p>17 MS. MARCUM: Objection, form.</p> <p>18 Q. (By Mr. Allison) I mean, that's a pretty</p> <p>19 natural thought on your part, right?</p> <p>20 A. I was never part of it, so it was never a</p> <p>21 thought because I was never part of it, so . . .</p> <p>22 Q. You were never part of the scheme?</p> <p>23 A. Again, I'm not -- that's -- the decisions made</p> <p>24 on --</p> <p>25 Q. Were you a part of the scheme to trick the</p>

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1 city council into believing information that was on the  
2 document?  
3 A. No.  
4 MS. MARCUM: Objection, form.  
5 A. I'm not the decision maker.  
6 Q. Well, no, I didn't ask if you were the  
7 decision maker. Quit changing my question, please.  
8 Were you a part of the scheme to falsify the document?  
9 A. No.  
10 MS. MARCUM: Objection, form.  
11 Q. (By Mr. Allison) Would you have ever done  
12 that?  
13 A. No.  
14 Q. You know it's wrong to do that, don't you?  
15 A. Correct.  
16 Q. You know that it -- according to Heather  
17 Hurlbert, it's a crime, it's a felony, right?  
18 A. Yes.  
19 Q. Okay. And you know not to commit a crime to  
20 get money, don't you?  
21 A. Correct.  
22 Q. You know not to get crime in order to get an  
23 award from the city of \$2 million, right?  
24 A. Correct.  
25 Q. That would be horrifically wrong, would it

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1 not?  
2 A. It would be wrong.  
3 Q. Okay. And you would never want your name, I  
4 assume, associated with such bad conduct?  
5 A. Correct.  
6 Q. And if you helped to get it done, you  
7 understand -- I'm going to use the word that he used  
8 back at the time, Mr. Ajit David used back at the time.  
9 You realize, hey, you can be charged as an accomplice  
10 actually because of the information he gave you?  
11 A. Okay.  
12 MS. MARCUM: Objection, form.  
13 Q. (By Mr. Allison) Right? You realize that?  
14 A. Correct.  
15 Q. Okay. And you didn't want to be a part of it,  
16 I hope.  
17 A. I was not a part of it.  
18 Q. Okay. Okay.  
19 A. No.  
20 Q. The people that are a part of it are the ones  
21 that either recommend it or don't recommend it to the  
22 city council. That would be a part of it, right?  
23 MS. MARCUM: Objection, form.  
24 A. I have no opinion on that.  
25 Q. Pardon?

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1 A. I can only speak for myself.  
2 Q. You don't want to speak for Peter Zanoni?  
3 A. I can only speak for myself.  
4 Q. Okay. Well, in this same text on April 6  
5 then, after sending you this information, Ajit David  
6 then write "this is" -- writes "this is scandalous" in  
7 the text and you responded "indeed." Right?  
8 A. Yes.  
9 Q. So you're agreeing with him that it is  
10 scandalous, right?  
11 A. I'm saying that the whole premise, the  
12 whole -- the allegation. Because it's in April so  
13 nothing was finalized yet. So that the allegations are  
14 scandalous, that's all.  
15 Q. Yeah. And you now know the -- well, you knew  
16 back then, too, or at least Heather did and Peter did,  
17 the allegations were true?  
18 A. I can't speak for what they thought that day.  
19 Q. But you agreed it's scandalous, right?  
20 A. The whole premise -- just everything in total.  
21 Q. Pardon?  
22 A. Everything in total.  
23 Q. Is scandalous?  
24 A. Yeah.  
25 Q. Okay. And I assume we can agree people should

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1 not be awarded \$2 million in an award for scandalous  
2 behavior. Can we agree on that?  
3 A. If any law is being violated.  
4 Q. Well, if it's scandalous, you shouldn't be  
5 giving money out to scandalous people.  
6 A. Scandalous and illegal are two different  
7 things, so scandalous could be --  
8 Q. Oh, it's okay to give it to scandalous people?  
9 A. Again, scandalous and illegal is two different  
10 things.  
11 Q. I just want to know: Do you think it's okay  
12 to give \$2 million of taxpayer money to scandalous  
13 people?  
14 MS. MARCUM: Objection, form.  
15 A. To illegal.  
16 Q. Huh?  
17 A. To illegal.  
18 Q. I'm asking you about the word scandalous  
19 because that's the word you-all used in the text. You  
20 understand that, right?  
21 A. Uh-huh.  
22 Q. Is that a yes?  
23 A. It all depends. Again, if nothing illegal is  
24 committed --  
25 Q. Please try to answer my question. I'm using

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1 the word scandalous because you know I'm looking at a  
2 text that uses the word scandalous between you and Ajit  
3 David, right?  
4 A. Correct.  
5 Q. So I want to know about the word scandalous.  
6 I'm not asking you about illegal conduct right now;  
7 we've already talked about that, okay?  
8 A. Okay.  
9 Q. If somebody comes in and their behavior is  
10 scandalous and they want \$2 million for a project, do  
11 you think that the city should be making that award in  
12 that scandalous circumstance?  
13 MS. MARCUM: Objection, form.  
14 A. Again, there's some -- there's context lacking  
15 in a text than just saying it's scandalous.  
16 Q. Okay. So sometimes it's okay to do it and  
17 sometimes not?  
18 A. No, I'm not saying that.  
19 Q. Huh?  
20 A. I'm not saying that.  
21 Q. Well, I'm asking you what you are saying.  
22 A. Again, he's writing --  
23 Q. Here, fill in the blank for me. If you do  
24 something scandalous, I, blank, will or will not support  
25 the award of \$2 million. Please fill in the blank, will

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1 or will not.  
2 A. Will not.  
3 Q. Okay. Thank you. I'm going to show you  
4 what's marked electronically as 5809, and I think it's  
5 Exhibit 9 -- 10. And I apologize, I think it's 5811  
6 that will be Exhibit 10.  
7 (Exhibit Nos. 10 and 11 were marked.)  
8 Q. (By Mr. Allison) And I'm going to jump to  
9 Exhibit No. 11 to keep them in time sequence. And  
10 Exhibit No. 11 is going to be the letter that Elevate  
11 wrote.  
12 So now I'm going to show you a letter that was  
13 written by Elevate. And you know who Elevate is, right?  
14 A. Yes.  
15 Q. And this letter is written on, looks like,  
16 April 11. Go ahead and read that, please.  
17 A. Okay. (Witness complies.) Yes, sir.  
18 MS. MARCUM: Has that been produced?  
19 MR. ALLISON: I think so. Obviously it's  
20 a letter to Zanoni.  
21 MS. MARCUM: Right.  
22 MR. ALLISON: So I'm sure you have it,  
23 but I think it's been produced but I'll double-check.  
24 Q. (By Mr. Allison) So I don't confuse you, I'm  
25 going to jump back to the previous exhibit for one

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1 second, okay?  
2 A. Okay.  
3 Q. When you look closely at the text message  
4 where the word scandalous is used, do you see that in  
5 front of you?  
6 A. Yes.  
7 Q. Do you see that it's a string -- it's really a  
8 text conversation between you and Ajit David, right?  
9 A. Yes.  
10 Q. And the immediately -- what the word  
11 scandalous is referring to clearly in the text is this  
12 back and forth conversation where there's a screenshot  
13 of the altered federal document, right?  
14 A. Correct.  
15 Q. And so what the reference is, the timing here  
16 when the jury looks at it is it's the federal document  
17 that's been altered is being shared as between you and  
18 Ajit David, and then he says "it's scandalous," and you  
19 say "indeed," correct?  
20 MS. MARCUM: Objection, form.  
21 Q. (By Mr. Allison) Isn't that the sequence?  
22 A. Yeah, but -- well, because the last -- there's  
23 the Weslaco case.  
24 Q. You're the one who sent the website to Ajit  
25 David, right, that had been unaltered?

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1 A. Oh, the FEMA one. Sorry.  
2 Q. Okay. Let me rephrase it. You're the one  
3 on -- is it April 6th?  
4 A. Let me see the date. Sorry. I don't see the  
5 date.  
6 MS. MARCUM: It doesn't show the date.  
7 A. I don't see the date unless you have it up at  
8 top.  
9 Q. We have both of them. You can see -- oh, no,  
10 it's at the bottom here.  
11 A. Is it at the bottom?  
12 Q. Yeah. April 6, right there.  
13 A. Okay. Okay.  
14 Q. And you're the one who on April 6, you send  
15 Ajit David the image of the FEMA website that's  
16 unaltered, right?  
17 A. Correct.  
18 Q. Okay. And you said to Ajit David, "I'm on the  
19 website now," right?  
20 A. Correct.  
21 Q. And he responds, "this is scandalous," right?  
22 A. Uh-huh.  
23 Q. Correct?  
24 A. Yes, yes.  
25 Q. And you respond "indeed," right?

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1 A. Yes.

2 Q. So that is you sending -- obviously able to

3 pull up the unaltered document and then agreeing that

4 the alteration is scandalous, right?

5 A. Yes, yes.

6 Q. Okay. Then I'm going to go to Exhibit 11.

7 And I think these are in time sequence but I'm not 100

8 percent positive right here on the order of a couple of

9 them, okay?

10 A. Okay.

11 Q. And this is the letter I just had you fully

12 review a moment ago between Phillip Ramirez and Deven

13 Bhakta writing to Peter Zaroni, correct?

14 A. I don't know who -- I just know it came from

15 the Elevate, so I don't -- let me see here. Okay. I do

16 recall that. Okay.

17 Q. It's from --

18 A. Yes.

19 Q. It's from Phillip Ramirez and from Bhakta?

20 A. Yes.

21 Q. To Peter Zaroni, right?

22 A. Yes.

23 Q. And what's the date of it?

24 A. It is -- I have to go up top -- April 11th.

25 Q. And it's on the Homewood Suites letterhead,

Page 143

1 right?

2 A. That is correct.

3 Q. Okay. And this is Peter and Deven Bhakta

4 saying, "last week we met with city staff, the type B

5 board chair and three city council members." Did I read

6 that correctly? Take my word for it?

7 A. Yeah. Yes.

8 Q. You saw that in here?

9 A. Yeah. Yes.

10 Q. And you -- it says "last week," and so I don't

11 know if that was five days ago or six days ago exactly

12 or four days ago, eight days ago, but around early April

13 there was clearly a meeting, right, by this letter?

14 A. Yeah.

15 Q. Is that the meeting you think you were in?

16 A. I don't know.

17 Q. Pardon?

18 A. No, I don't know.

19 Q. Well, this one had three city council members

20 in it.

21 A. I wasn't in that one.

22 Q. Okay. Do you know who the three city council

23 members who were participating in this part of the

24 investigation?

25 A. I do not.

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1 Q. Do you know who the city -- well, the type B

2 board chair, that would have been Leo Lavari, right?

3 A. I don't remember who it was at the time.

4 Q. Okay. You did say, though, that you were in

5 one meeting?

6 A. I was.

7 Q. Okay. But you think you were in a meeting

8 different than when the city council people had a

9 meeting?

10 A. Correct.

11 Q. Okay. Three of them at least, not all of

12 them, right?

13 A. Based on -- based on that document, yes.

14 Q. Yes. And in this letter it looks like that

15 Phillip Ramirez and Deven Bhakta are trying to be very

16 clear that the incentive money is "not tied to nor

17 contain any requirements related to flood proofing

18 improvements." Do you see that?

19 A. Yes.

20 Q. And it goes on to say, the letter does, that

21 this different view -- the first view of it was clearly

22 tied to FEMA, right? That's the distinction that's

23 being made here, right?

24 A. Correct.

25 Q. In other words, we know at the time of the

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1 first reading, and we've already talked about this, that

2 the first reading, the \$2 million was based upon what

3 were alleged, we now know false, claims of recent

4 changes in FEMA rules, right?

5 A. That is correct.

6 Q. Okay. And now they're saying here in this

7 April 11 letter, no, no, no, at the second reading we're

8 not going to -- the reason is going to be completely

9 different. The reason that we're going to get the money

10 is going to be different. That's what they're saying

11 here, right?

12 A. That's how I interpret it.

13 Q. Yeah. And so they're basically asking for the

14 second reading to be based upon different information.

15 A. That's how I interpret that document.

16 Q. Okay. And then on April 9 -- and this is --

17 it's 5811 is the reference on it. And I didn't -- it is

18 Exhibit 10, 5811, okay? I marked it earlier and then

19 said I was going to jump around a little bit. Sorry

20 about that.

21 And then on April 9, the text shows, again,

22 you exchanging information with Ajit David by text,

23 right?

24 A. Yes. Okay.

25 Q. And this text, which is Exhibit No. 10, this

<p style="text-align: right;">Page 146</p> <p>1 text is still more discussion between you and Ajit David 2 relating to this same issue, right? 3 A. Correct. 4 Q. And your statement, you wrote these words, 5 "council is not going" -- excuse me. "Council is not 6 touching this issue, given the allegations." Did I read 7 that correctly? 8 A. Correct. 9 Q. Okay. Now, so we have you really involved in 10 exchanges about what happened, at least just with 11 Mr. Ajit David, we have you involved, it looks like, on 12 April 5th and on April 6, right? 13 A. Correct. 14 Q. And on April 9th, right? 15 A. Correct. 16 Q. And it looks like you were -- you see the 17 letter on April 11th that clearly in that time frame, 18 Phillip Ramirez or somebody was meeting with the city 19 council people and city staff, right? 20 A. No, this is the first time I've seen that 21 letter. 22 Q. Huh? 23 A. This is the first time I've seen that letter. 24 Q. Okay. But I mean, we see that. I'm just 25 putting -- all of this is going on at the same time</p>	<p style="text-align: right;">Page 148</p> <p>1 staff or they're trying to blame me or anything like 2 that? 3 A. No. 4 Q. Okay. You heard the recording, though, where 5 he talks about I don't want them to blame me, right? 6 A. Yeah, yeah. I forgot what he said, but it's 7 to that point, yes. 8 Q. And other than Ajit David, obviously you were 9 communicating with him about this issue. Since you're 10 the assistant to the city manager, I assume you're 11 communicating with him about the issue? 12 A. Yes, sir. 13 Q. Okay. I mean, that's your job, right? 14 A. Correct. 15 Q. To help bring him information, any information 16 you can gather, right? 17 A. Correct. 18 Q. And provide him updates, right? 19 A. Correct. 20 Q. And were you also -- I know that you said you 21 were in a meeting. The meeting you were in, I think, 22 was probably in this April time frame. Does that sound 23 right? 24 A. It may. I don't remember. But -- but let's 25 say April or May time frame.</p>
<p style="text-align: right;">Page 147</p> <p>1 you're texting Ajit David, right? 2 A. Okay. 3 Q. You see that now? 4 A. Yeah, based on the dates, yes. 5 (Exhibit No. 12 was marked.) 6 Q. (By Mr. Allison) Okay. And then even on 7 Exhibit 12, which is marked 5812, this even shows on 8 April 19th that you're still exchanging texts with Ajit 9 David with regard to the same controversy about this 10 altered document, correct? 11 A. Yes. 12 Q. And do you see in here this discussion between 13 you and Ajit David is about city staff being blamed for 14 this whole problem of having an altered forged document 15 being supporting an ordinance, right? 16 A. Yes, I saw a document where he stated that a 17 former council member made a statement. 18 Q. Yeah. And so here we are in this April time 19 frame. Were you aware of sort of this whole ongoing 20 discussion about who was to blame for kind of getting 21 this far down the road with a forged or altered 22 document? 23 A. No, not in terms of who's to blame. 24 Q. Okay. You didn't ever have any conversations 25 where Peter Zanoni was saying they're trying to blame</p>	<p style="text-align: right;">Page 149</p> <p>1 Q. Let me help you there a little bit. Don't you 2 think it may have been on April 8th, 2024 when you had 3 the applicant -- meeting with the applicant and "it was 4 obvious that Phillip and team altered the document"? Do 5 you remember saying that? 6 A. Yes, there was a meeting. I don't remember 7 the date. 8 Q. The exact date. 9 A. But yeah, I don't remember the exact date. 10 Q. Okay. But if it's about April 8th, that's 11 consistent with all the things we're looking at here, 12 right? 13 A. April time frame, yeah. 14 Q. Okay. So about April 8th, you make the 15 statement I just said a moment ago precisely to Ajit 16 David, right? 17 A. Yes, yes, yes. 18 Q. Okay. And that was based upon a meeting that 19 you've told us you were in? 20 A. Correct. 21 Q. And that's a meeting where you were there and 22 Phillip Ramirez came in and talked to city staff? 23 A. Correct. 24 Q. And it's about April 8th. I'm not trying to 25 hold it to the exact date. Maybe there's a way to get</p>

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1 it exact, I don't know. But about that time who all was  
2 in that meeting?  
3 A. Myself, the city -- myself, the city manager,  
4 Phillip Ramirez.  
5 Q. Who?  
6 A. Phillip Ramirez. Phillip Ramirez. And I  
7 don't -- and I don't remember who else would be in  
8 there, if there was others.  
9 Q. But the three of you for sure?  
10 A. Yeah, three of us for sure.  
11 Q. And you don't remember if anybody else was  
12 there?  
13 A. No, I don't.  
14 Q. And, of course, Phillip was there because we  
15 have this investigation going on to see who altered the  
16 federal document and what to do about it, right?  
17 A. Correct. Yeah.  
18 Q. Okay. And go ahead and tell me -- go ahead  
19 and tell me what you remember about that meeting.  
20 Phillip came in in person, right?  
21 A. Yeah, came in in person, and then the meeting  
22 was to ask him, hey, there's been obviously an  
23 allegation about this document, that it's been altered.  
24 So here is the original document from the FEMA website,  
25 here is the document that was given to EDC. Can you

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1 explain the difference?  
2 Q. And what?  
3 A. Can you explain the difference --  
4 Q. Yeah.  
5 A. -- of why there's two separate -- two  
6 different versions. That was -- that was what the  
7 meeting was about.  
8 Q. And were you doing the questioning or was  
9 Mr. Zanonni doing the questioning?  
10 A. City manager.  
11 Q. Okay. And were you doing any of the talking?  
12 A. No.  
13 Q. And then -- but it was clearly -- I mean, this  
14 is the core issue to the investigation, right?  
15 A. The document, yeah, the alteration of the  
16 document.  
17 Q. Yes. And so clearly you were in the room, as  
18 they say?  
19 A. Yes.  
20 Q. You were in the room when the core issue is  
21 being discussed directly with the applicant, right?  
22 A. Correct.  
23 Q. And that is obviously part of the  
24 investigation process, right?  
25 A. Correct.

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1 Q. So you did participate obviously in the  
2 investigation process?  
3 A. Well, again, I don't know -- yeah.  
4 Q. Okay. And so when you were there in the room  
5 and Phillip's response was that he started basically  
6 stammering, right?  
7 A. Yeah, not stammering, I would say it was more  
8 of, you know, kind of stuttering and not --  
9 Q. I'll use the word stuttering. He was  
10 stuttering trying to give you a good answer, right?  
11 A. Correct.  
12 Q. Okay. And you gleaned from that, what you  
13 just agreed to a moment ago, that you called Ajit and  
14 said Phillip did it?  
15 A. No, I said -- I said just based on what --  
16 based on what happened there, one could then -- one  
17 could then come to the conclusion that the document was  
18 altered.  
19 Q. Well, and that Phillip knew about it. He's  
20 the one stammering or stuttering, right?  
21 A. Right.  
22 Q. Okay. In fact, I think you said to him that  
23 Phillip couldn't complete a sentence, right?  
24 A. Correct.  
25 Q. And I think you asked Ajit David to please

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1 don't present anything in front of the council tomorrow,  
2 right?  
3 A. I don't remember what I exactly said.  
4 Q. You don't deny that, though, do you?  
5 A. No.  
6 Q. Okay. And you told Ajit David on April 8th  
7 that Peter advised -- was going to advise don't touch  
8 this item. In other words, stay away from it?  
9 A. Not recommend it.  
10 Q. Right. And that's because here we are in this  
11 meeting, like you said, you being in a position then to  
12 have seen with your own eyes part of this investigation.  
13 You were in the room, right?  
14 A. Correct.  
15 Q. Okay. And the conclusion was -- and I don't  
16 know if -- I'm not saying Phillip is the one who had his  
17 hands on the keyboard, but that the applicant had  
18 altered the document. That's what you concluded?  
19 A. Yeah. So based on the body language. But  
20 from that meeting, I believe they were told, hey,  
21 well -- because they didn't -- there was no answer  
22 given.  
23 Q. And nobody ever comes in and says I admit to  
24 the crime, do they?  
25 A. Who knows. So I can't --

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1 Q. I guess sometimes people -- sometimes people  
2 confess.  
3 A. Some people can, some people can't, right.  
4 Q. Yeah, some people confess and some people  
5 don't.  
6 A. And so if that was --  
7 Q. Right? Right? I want an answer to the  
8 question.  
9 A. Yes.  
10 Q. Sometimes people confess and sometimes they  
11 don't?  
12 A. Correct.  
13 Q. When Peter -- when Phillip came in, he didn't  
14 confess, right? We agree he did not confess?  
15 A. Correct, he didn't give an answer.  
16 Q. Okay. But what he was doing is stuttering and  
17 couldn't complete a sentence, like you told us, and you  
18 reached your conclusion?  
19 A. Correct, based on that.  
20 (Exhibit No. 13 was marked.)  
21 Q. (By Mr. Allison) Okay. And then let me show  
22 you Exhibit No. 13. And this is the new agenda  
23 memorandum, the one for the second reading. Do you know  
24 what I'm referring to, generally?  
25 A. Yeah. Yeah. I know what you're referring to,

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1 but I --  
2 Q. I'm going to let you look at it.  
3 A. Okay. I have seen it before. Okay.  
4 Q. And you understand what Exhibit 13 is, right?  
5 A. The exhibit you just showed me?  
6 Q. Yes.  
7 A. Yes.  
8 Q. And now what we have -- because the second  
9 reading then occurred on April 23rd, 2024. I don't  
10 think there's any disagreement about that, okay?  
11 A. All right.  
12 Q. The second reading?  
13 A. Yes.  
14 Q. Okay. Now instead of FEMA being the reason  
15 for the \$2 million, now the \$2 million -- or the  
16 ordinance now has changed so that it will be for "costs  
17 associated with the street level retail, public space  
18 and outdoor dining area." Did you read that in here?  
19 A. Yes, I did.  
20 Q. Okay. I think it says it three different  
21 times at least, right? It says it repeatedly, what I  
22 just read, right?  
23 A. Yeah, more than once.  
24 Q. Yeah. And obviously giving \$2 million for  
25 new -- of course, we now know they were not new, but

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1 "new FEMA floodplain guidelines" is different than  
2 giving \$2 million for costs associated with street level  
3 retail, public space and outdoor dining, right?  
4 A. They differ, yes.  
5 Q. Okay. Pardon?  
6 A. Yes.  
7 Q. Okay. So what was considered then at the  
8 second reading obviously, because reasons matter, is not  
9 the same as what was considered at the first reading,  
10 right?  
11 A. That's what I read.  
12 Q. Pardon?  
13 A. Yes.  
14 MR. ALLISON: Take our break and I think  
15 I'm going to compare notes and finish up.  
16 THE VIDEOGRAPHER: Going off the record  
17 at 1:32.  
18 (A recess was taken.)  
19 MR. ALLISON: No more questions. We'll  
20 pass the witness.  
21 MS. MARCUM: We'll reserve.  
22  
23  
24 \* \* \* \* \*  
25

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CHANGES AND SIGNATURE

1  
2 WITNESS NAME: SONY PERONEL  
3 DATE OF DEPOSITION: JULY 10, 2025  
4 Reason Codes: (1) to clarify the record; (2) to conform  
5 to the facts; (3) to correct a transcription error; (4)  
6 other (please explain)  
7 PAGE LINE CHANGE REASON  
8  
9  
10  
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14  
15  
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17  
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1 I, SONY PERONEL, have read the foregoing deposition  
2 and hereby affix my signature that same is true and  
3 correct, except as noted above.  
4  
5  
6  
7 \_\_\_\_\_  
8 SONY PERONEL  
9  
10 THE STATE OF TEXAS:  
11 COUNTY OF NUECES:  
12  
13 Before me, \_\_\_\_\_, on this day personally  
14 appeared SONY PERONEL, known to me (or proved to me  
15 under oath through \_\_\_\_\_) (description of  
16 identity card or other document) to be the person whose  
17 name is subscribed to the foregoing instrument and  
18 acknowledged to me that they executed the same for the  
19 purposes and consideration therein expressed.  
20 Given under my hand and seal of office on this the  
21 day of \_\_\_\_\_, 2025.  
22  
23 \_\_\_\_\_  
24 Notary Public, State of Texas  
25 Commission Expires: \_\_\_\_\_

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1 CAUSE NO. 2024CCV-61174-3  
2 AJIT DAVID, § IN THE COUNTY COURT  
3 Plaintiff §  
4 VS. § AT LAW NO. 3  
5 CITY OF CORPUS CHRISTI, TEXAS §  
6 Defendant § NUECES COUNTY, TEXAS  
7  
8 REPORTER'S CERTIFICATION  
9 DEPOSITION OF SONY PERONEL  
10 TAKEN ON JULY 10, 2025  
11  
12 I, SYLVIA KERR, Certified Shorthand Reporter in and  
13 for the State of Texas, hereby certify to the following:  
14 That the witness was duly sworn by the officer and  
15 that the transcript of the oral deposition is a true  
16 record of the testimony given by the witness;  
17 That the deposition transcript was submitted on  
18 to MS. AMANDA P. MARCUM for the  
19 witness to examine, sign and return to U.S. Legal  
20 Support by \_\_\_\_\_.  
21 That the amount of time used by each party at the  
22 deposition is as follows:  
23 MR. DOUGLAS ALLISON - 02:58:48  
24 That pursuant to information given to the  
25 deposition officer at the time said testimony was taken,  
the following includes all parties of record:  
MR. DOUGLAS ALLISON, Attorney for Plaintiff  
MS. AMANDA P MARCUM, Attorney for Defendant

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1 I further certify that I am neither counsel for,  
2 related to, nor employed by any of the parties or  
3 attorneys in the action in which this proceeding was  
4 taken, and further that I am not financially or  
5 otherwise interested in the outcome of the action.  
6 Further Certification requirements pursuant to Rule  
7 203 of TRCP will be certified to after they have  
8 occurred.  
9 Certified to by me on this the 25th day of July,  
10 2025.  
11  
12   
13  
14 SYLVIA KERR, RPR, CRR, CSR #4776  
15 Expiration Date: 10/31/2025  
16 U.S. Legal Support  
17 Firm Registration No. 122  
18 16825 Northchase Drive, Suite 800  
19 Houston, Texas 77060  
20 (713) 653-7100  
21  
22  
23  
24  
25

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1 FURTHER CERTIFICATION UNDER RULE 203 TRCP  
2  
3 The original deposition was/was not returned to the  
4 deposition officer on \_\_\_\_\_;  
5  
6 If returned, the attached Changes and Signature  
7 page contains any changes and the reasons therefor;  
8 If returned, the original deposition was delivered  
9 to Mr. Douglas A. Allison, Custodial Attorney;  
10  
11 That \$ \_\_\_\_\_ is the deposition officer's  
12 charges to the Plaintiff for preparing the original  
13 deposition transcript and any copies of exhibits;  
14  
15 That the deposition was delivered in accordance  
16 with Rule 203.3, and that a copy of this certificate was  
17 served on all parties shown herein and filed with the  
18 Clerk.  
19 Certified to by me this \_\_\_\_\_ day of \_\_\_\_\_, 2025.  
20  
21  
22 U.S. Legal Support  
23 Firm Registration No. 122  
24 16825 Northchase Drive, Suite 800  
25 Houston, Texas 77060  
(713) 653-7100

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