

APPROVED

MINUTES

CITY OF FORT LAUDERDALE CIVIL SERVICE BOARD MEETING

Monday, February 17, 2020 - 10:00 AM
City Hall, 1st Floor Commission Chambers
100 North Andrews Avenue
Fort Lauderdale, Florida

Cumulative Attendance

01/01/2020 – 02/17/2020

<u>Board Member</u>	<u>Attendance</u>	<u>Present</u>	<u>Absent</u>
Lori Adelson, Chair	P	0	0
Shelley Gialluca	P	0	0
Robert Baldwin	P	0	0

Call to Order

Ms. Adelson called the meeting to order by at 10:04 AM.

Roll Call

Staff Present:

Jerome Post – Deputy Director of Human Resources
Kerry Arthurs - Administrative Supervisor and Board Clerk

Other Attendees:

Mimi Turin, Esquire – Board Counsel
Patrick Zalman, Esquire – Outside Counsel for the City of Fort Lauderdale
Ken Miller, Esquire – Outside Counsel for the City of Fort Lauderdale
Denise J. Bleau, Esquire – Counsel for John Madden, Appellant
John Madden – Appellant
John Travers – Building Official, Department of Sustainable Development

Attachment:

Transcript of Proceedings – Prototype Inc.

Meeting Adjournment:

the meeting was adjourned at 4:25 PM.

CITY OF FORT LAUDERDALE
CIVIL SERVICE BOARD HEARING

TRANSCRIPT OF PROCEEDINGS

APPEAL OF TERMINATION OF EMPLOYMENT - JOHN MADDEN

DATE HELD: MONDAY, FEBRUARY 17, 2020
TIME: 10:04 a.m. - 4:25 p.m.
PLACE: City Hall
1st Floor Commission Chambers
100 East Andrews Avenue
Fort Lauderdale, FL 33301

APPEARANCES BY

BOARD MEMBERS:

LORI ADELSON
SHELLEY GIALLUCA
ROBERT BALDWIN

STAFF:

KERRY ARTHURS, Administrative Administrator
JEROME POST, Deputy Director, Human Resources

COUNSEL:

PATRICK W. ZALMAN, ESQUIRE
KEN MILLER, ESQUIRE
Haliczer, Pettis & Schwamm
Outside Counsel for the City of Fort Lauderdale
One Financial Plaza, Seventh Floor
Fort Lauderdale, FL 33394-0015

DENISE J. BLEAU, ESQUIRE
Ward, Damon, Posner, Pheterson and Bleau
Counsel for John Madden, Former Employee
4420 Beacon Circle
West Palm Beach, FL 33407

MIMI TURIN, ESQUIRE
Turin Center for Dispute Resolution
Board Counsel
11352 West State Road 84, Suite 58
Davie, FL 33325-4007

1 CHAIR ADELSON: Good morning, everyone. I want
2 to call to order the Civil Service Board meeting for
3 Monday, February 17, 2020. It is now 10:04 a.m. On
4 today's agenda we're going to actually do a roll call.
5 And then we are going to table our Review and Approval
6 of the Meeting Minutes. We're waiting for the package
7 to come in to make sure that we are reviewing them
8 appropriately and then be able to move past that.

9 So, roll call: I'll start to the left of me.
10 Jerome Post, Deputy Director, Human Resources. Mimi
11 Turin, Esq., Board Counsel. Lori Adelson, Esq., Board
12 Chair. Robert Baldwin, Board Member. Shelley Gialluca,
13 Civil Service. Madam Court Reporter, if you could just
14 -- Karen Reagan, Court Reporter.

15 CHAIR ADELSON: Okay, great. I'm going to start
16 with, for the good of the order, and see if there are
17 any housekeeping issues that we need to address. I do
18 have a couple of things I'd like to go over, but is
19 there anything that either party counsel would like to
20 bring to us before we get started with the Appeal of the
21 Termination of Employment of John Madden, which will be
22 our day three? And I do actually want to take this
23 moment to thank everyone for being cooperative and
24 understanding. I know we had a day scheduled and,
25 unfortunately, due to what was going on with the colds

1 and all of that, it did have to be cancelled due to my
2 illness. So, I apologize for that, but thank you for
3 being here today and we'll do what we can to move this
4 along. Maybe even get done today. If not, I'll
5 schedule that next day that was postponed. So, thank
6 you for that. Before I ask my next question,
7 Counselors, anything?

8 MR. ZALMAN: Nope.

9 MS. BLEAU: There's no way we're going to finish
10 today. So, if we can, while we have some time this
11 morning, go ahead and identify the subsequent dates so
12 we don't have to waste time later in the afternoon when
13 we're going hot.

14 CHAIR ADELSON: Great suggestion. So why don't
15 we go ahead and look at our calendars and I guess we're
16 going to need the City Calendar because that's one of
17 our -

18 UNKNOWN FEMALE: inaudible]

19 CHAIR ADELSON: Yes, when chambers are
20 available.

21 MR. POST: I'm going to call on Kerri Arthurs to
22 help us with the calendar, please.

23 MR. ZALMAN: Do we know how long we have the
24 room today?

25 CHAIR ADELSON: We go to five today, so we have

1 it for the whole day. I know we want to get this
2 expedited and finished. I'm looking at my calendar and
3 I think what seems to be best for all is Fridays. If
4 not, let me know. Otherwise Mondays are obviously
5 challenging because it's the beginning of the week, but
6 we got lucky, we had a holiday today. So, it worked
7 out.

8 MR. BALDWIN: Mondays are the best for me,
9 typically.

10 MS. GIALUCA: It just depends. Yes.

11 MR. BALDWIN: Actually, Tuesday and Thursday are
12 best for me, but of Monday, Wednesday, and Friday,
13 Monday is the best, typically.

14 UNKNOWN FEMALE: [inaudible]

15 CHAIR ADELSON: Yeah, that's what I think she
16 was going to look and give us --

17 MS. ARTHURS: I'm looking at the chamber's,
18 first of all, and I'm looking also on Mrs. Smith's
19 calendar. I know based on the directive I was given for
20 another hearing that needs to be done, scheduled, I know
21 that Ms. Smith is not able to attend in March or most of
22 April.

23 MS. TURIN: You talking about for the other case
24 or for this one?

25 MS. ARTHURS: To get any hearings on her

1 calendar, we're looking into May. Most of the time the
2 Chambers are free on a Monday and Friday because there
3 are pre-scheduled meetings that are on a recurring
4 basis. For example, for the week starting May the 4th,
5 I see that the Chamber is available Monday the 4th,
6 Thursday the 7th, and Friday the 8th.

7 MS. GIALLUCA: Could I just ask a question. You
8 scheduled this meeting because of the recording device,
9 but doesn't the eighth floor have a recording device as
10 well? It seems to be available more often than this
11 room, maybe?

12 MS. ARTHURS: The eighth floor is more of a
13 conference room set-up. Unfortunately, this room is
14 more ideal for this type of hearing. The eighth floor
15 is a conference room, a large circular table. We would
16 have to decide if you are okay with that set-up.

17 CHAIR ADELSON: I'm okay with that. However, I
18 have another suggestion, only because I know that May is
19 a long way off. And it's just a question, can we make -
20 - is there availability in this month to finish this up?
21 Because I know we've got another case coming up and who
22 knows what dates we're going to need for that and to ask
23 for the Board's time for that as well.

24 MS. TURIN: Also, you may want to ask the
25 Counsels, how many days do they anticipate after today,

1 ballpark? I know we don't have a crystal ball, but
2 ballpark.

3 MS. BLEAU: We haven't gotten to our case yet.

4 MS. TURIN: You haven't gotten to your case yet,
5 so, how many more days does the City anticipate? Do you
6 think you'll finish up today?

7 MR. ZALMAN: It's possible. We've been spending
8 30 minutes a witness. I could get through all of my
9 witnesses, but I don't think it's likely. So, at least
10 two days, today and another day for us, following the
11 pattern we went on the first two days.

12 CHAIR ADELSON: Okay, so we're not finishing up
13 this anyway.

14 MS. TURIN: So we know at least, how many days
15 does the employee anticipate needing for their case?

16 MS. BLEAU: Depending on their case --

17 MS. TURIN: And cross examination, right?
18 Another day?

19 MS. BLEAU: One to two days, best guess.

20 MS. TURIN: So then you're going to have
21 deliberation and discussion by the Board. So maybe look
22 at four days for this case, then we can perhaps discuss
23 Donaldson. We're looking at four.

24 CHAIR ADELSON: I definitely would like to
25 finish up the City's case and know that that is done.

1 And then if the May dates, we can focus on your case as
2 well as closings and deliberations. I think that would
3 be an appropriate way. So, is there any possibility --
4 assuming the City doesn't finish today -- we can get a
5 half day in February to finish up the City's case. Does
6 that sound fair?

7 MS. TURIN: And as to the other location the
8 City has, as long as it's amenable and accessible for a
9 public hearing, and you can put a sign up front saying,
10 "The public hearing involving the Civil Service Board
11 will be held in Room 8-0-whatever," and you have the
12 court reporter or the capability of doing the recordings
13 that the City needs, that should be able to accommodate.
14 Now, does the room seat maybe two to three dozen people?
15 Does that room accommodate sufficient space for members
16 of the public, we have three reps to the Board, and
17 whomever else? Is the room big enough, is it accessible
18 to about 20 people, let's say, 15 to 20 people?

19 MS. ARTHURS: Twenty people yes. It's the room
20 that is used during the Commission Conference meeting.
21 It actually can be modified slightly to accommodate a
22 larger crowd.

23 MS. TURIN: Oh, they can open up the wall --

24 MS. ARTHURS: They can open up the wall into the
25 break room, but I would have to coordinate that with the

1 City Clerk's office.

2 MS. TURIN: Okay, but you can record? You have
3 your capability?

4 MS. ARTHURS: Yes, they can record in that room.

5 MS. TURIN: Okay.

6 CHAIR ADELSON: That's acceptable.

7 MS. TURIN: As long as the public can access it
8 and there's notice down here that it's going to be in
9 room da-da-da, that's acceptable. Because what if, for
10 example there was a flood in this room -- I'm not
11 wishing it -- but let's say it did, and you still had to
12 move your location, you have a backup available on the
13 eighth floor. Even if somebody's disabled, they're can
14 take the elevator.

15 MS. ARTHURS: Okay.

16 MS. TURIN: So, do you have any dates in
17 February?

18 MS. ARTHURS: You said you were looking for a
19 half day in February?

20 CHAIR ADELSON: If you can get a full day, that
21 would be great, but my thought was that if the City
22 thinks they're going to run over a little bit to end
23 their case, if we've got a half day we can finish that
24 up and move on to Plaintiff's case.

25 MS. TURIN: What dates in February do we have

1 available, while everybody's here and can check their
2 calendar?

3 MS. ARTHURS: There's a possibility of Tuesday
4 the 25th.

5 CHAIR ADELSON: Just for the record, Tuesdays I
6 am unavailable.

7 MS. ARTHURS: Okay.

8 CHAIR ADELSON: That is the only day that I
9 absolutely cannot do.

10 MS. ARTHURS: So right now we're in the week of
11 the 17th, that's today, and then the last week in
12 February is February 24th. There's only two more weeks
13 left in February. I know Mrs. Smith is not available on
14 Tuesdays until after 12 p.m., so I also have to take
15 that into consideration.

16 MS. TURIN: Mr. Post, I'm sure, would volunteer.

17 MR. POST: I'm happy to accommodate.

18 MS. TURIN: You're happy to accommodate.

19 MS. ARTHURS: Okay, Thursday the 27th?

20 CHAIR ADELSON: That is good for me.

21 MS. ARTHURS: That would just be a half day
22 until 1:30.

23 CHAIR ADELSON: If you could do the afternoon?

24 MS. BLEAU: Madam Chair, that doesn't work for
25 us, sorry.

1 MR. ZALMAN: Neither for us.

2 MS. BLEAU: So it looks like we're into March.

3 MS. ARTHURS: Friday, February the 28th, there's
4 availability on the eighth floor.

5 MS. BLEAU: That doesn't work for us either.
6 That last week is rough for us.

7 CHAIR ADELSON: We're back to May, okay.

8 MS. ARTHURS: I'll look in March. Friday, March
9 the 6th? There's availability all day in the eighth
10 floor conference room.

11 CHAIR ADELSON: So long as you bring me a
12 cupcake with a candle in it?

13 MS. ARTHURS: That's your birthday?

14 CHAIR ADELSON: The day before, but that's okay.
15 I will make myself available for that day.

16 [General consensus for March 6.]

17 CHAIR ADELSON: City has not yet responded, I'm
18 looking at them, not sure. It's the day after, it's
19 fine, I'm not going anywhere until Saturday. Thank you.

20 MS. ARTHURS: For the record, this is also
21 pending Mrs. Smith's approval because I know that she's
22 not available that day. So if Mr. Post is available --
23 if she authorizes that, then.

24 MR. POST: I am available that day, it's just
25 pending Mrs. Smith's approval.

1 MS. GIALLUCA: Starts at 10:00?

2 MR. ZALMAN: We're available the 6th.

3 CHAIR ADELSON: All day?

4 MR. ZALMAN: Yeah.

5 CHAIR ADELSON: Okay, 10:00 to 5:00 pending Mrs.
6 Smith's approval, then Mr. Post can sit in in her stead?

7 MS. ARTHURS: Correct.

8 CHAIR ADELSON: I will expect that candle.

9 MR. ZALMAN: What was the time for the 6th?

10 MS. BLEAU: Ten, did you say? Can we do one
11 more day?

12 CHAIR ADELSON: I'm actually going to ask, can
13 we adjourn at 4:30 on that day?

14 MS. ARTHURS: Okay, that's fine. Or it could be
15 at 4:00, if that's okay.

16 CHAIR ADELSON: Either way, just a little bit
17 shorter, before 5:00.

18 MS. ARTHURS: So, Madam Chair, should I look for
19 another date?

20 CHAIR ADELSON: Yes, please. For now though,
21 pending Mrs. Smith's approval of Mr. Post sitting in, we
22 are looking at Friday, March 6, 2020, at 10:00 a.m. to
23 4:00 p.m. for the continuation of Day four of the Appeal
24 of Termination of Employment for John Madden. We are
25 now looking for one more day.

1 MS. ARTHURS: Friday, March 13th, the first
2 floor, the Chambers is available.

3 MS. BLEAU: That works for me as long as we end
4 at four.

5 MR. ZALMAN: Can't do it that day.

6 CHAIR ADELSON: The City is not able to do it on
7 that day. I am then out for two weeks traveling, so I
8 won't be back until the 26th of March.

9 MS. BLEAU: I am out on the 26th, travel.

10 CHAIR ADELSON: Could we do it the 27th,
11 possibly?

12 MS. BLEAU: The 27th does not work for Mr.
13 Madden, or actually for me either, I'll be in New York.

14 MS. TURIN: The 30th?

15 MS. ARTHURS: Thursday, April 2nd?

16 MR. MILLER: I'm out of town.

17 CHAIR ADELSON: So the City is not available on
18 the 2nd of April. How about the 3rd?

19 MR. MILLER: No, I'm out of town that day.

20 CHAIR ADELSON: Me too. How about April 10th?

21 MS. BLEAU: Couldn't you coordinate your spring
22 trip with me? The 10th works for me.

23 CHAIR ADELSON: 10th works for me. Doesn't work
24 for you?

25 MS. BLEAU: Sorry, does not work.

1 MS. ARTHURS: What about Thursday, April the
2 9th?

3 MS. TURIN: Thursday, April 9th? No.

4 MS. BLEAU: No, sorry.

5 CHAIR ADELSON: I'm glad we're doing this now.

6 MS. ARTHURS: Going into the week of April the
7 13th, well, we already have a hold for the 17th.

8 MS. GIALLUCA: For a different hearing.

9 MS. TURIN: A respondent.

10 MS. ARTHURS: So that's not going to work at
11 all, we're looking for new dates for the other hearing.

12 CHAIR ADELSON: That means that you're not
13 available for this either.

14 [Unknown]: Right. So we won't have that
15 meeting that day.

16 MS. TURIN: So maybe the 13th or 15th?

17 MS. BLEAU: That week is not good for us.

18 MS. TURIN: Week of the 20th.

19 MS. ARTHURS: Week of April the 20th -- Mimi
20 what about April 20th?

21 MS. BLEAU: The week of the 20th, the 22nd,
22 23rd, or 24th work for us.

23 CHAIR ADELSON: 24th works best for me,
24 obviously, Fridays are best for me.

25 MS. BLEAU: 24th works for us.

1 MS. ARTHURS: Okay, so the 24th?

2 CHAIR ADELSON: Possibly, we're waiting for the
3 City and Robert to respond.

4 MR. BALDWIN: April 24th, I can do it.

5 [General consensus for April 24.]

6 MS. ARTHURS: Once again, pending Mrs. Smith's
7 approval for Mr. Post to attend.

8 MS. TURIN: Is that all day we're looking at?

9 MS. ARTHURS: Yes, all day, and we actually can
10 have it here.

11 CHAIR ADELSON: All day meaning starting at
12 10:00, going till 4:00?

13 MS. ARTHURS: Yes.

14 MS. TURIN: So, that gives us two. We should
15 get at least another day. And then we're in May.

16 MS. ARTHURS: Okay, let me go back to the
17 calendar. Okay, so we're looking in May, the month of
18 May?

19 MS. TURIN: Yes.

20 MS. BLEAU: How about May 1st?

21 MS. TURIN: Actually, I'm in Puerto Rico, and I
22 can't do May 1st. But, starting May 4th I'm back in
23 Florida.

24 MS. BLEAU: So it has to be after May 4th.

25 MS. ARTHURS: There's May 7th and 8th.

1 MS. BLEAU: Those don't work for us.

2 MS. ARTHURS: I'm sorry, is that a no?

3 MS. BLEAU: No.

4 MS. ARTHURS: Okay.

5 CHAIR ADELSON: Following week?

6 MS. ARTHURS: Friday, May the 15th?

7 CHAIR ADELSON: I'm available.

8 MS. BLEAU: Starting May 19th through the rest
9 of the month, Mr. Madden is available. Is available.

10 MR. MILLER: I'm starting trial May 18th for
11 three weeks, so I'm not going to be available.

12 CHAIR ADELSON: What happened to the 7th? Wasn't
13 available?

14 MS. ARTHURS: It is available.

15 CHAIR ADELSON: Who wasn't? Somebody wasn't.

16 MS. BLEAU: Mr. Madden, I think.

17 CHAIR ADELSON: So that would end the last day,
18 so that would be a good way to do this.

19 [General consensus nothing in May.]

20 CHAIR ADELSON: So now we're in June. June 5?

21 MS. ARTHURS: Yes, June 5 is available.

22 MR. MILLER: That is the third week of my trial,
23 so I don't know if I'll be done.

24 CHAIR ADELSON: That's fair. June 12th, that's
25 it, then I'm out again.

1 MS. BLEAU: The 12th works for us.

2 MR. BALDWIN: I'm okay the 12th.

3 [General consensus for June 12.]

4 CHAIR ADELSON: All right, the 12th.

5 MS. ARTHURS: Madam Chair, can you repeat the
6 dates for me please so I can contact the City Clerk's
7 office?

8 CHAIR ADELSON: I will, just give me one second,
9 let me write this one down.

10 MR. BALDWIN: I say I'm okay, my daughter gets
11 out of school the 1st, I don't know when we're going on
12 vacation.

13 CHAIR ADELSON: Okay, well, we will hold it and
14 you will notify us. We will get these dates on the
15 calendar, at least tentatively, so we are -- So, I have
16 -- we are now in February, right?

17 MR. MILLER: I just checked, I'm in Atlanta June
18 11th through 14th.

19 CHAIR ADELSON: Okay, so right now we have - I
20 have March 6th, from 10:00 to 4:00, as the first next.

21 MS. GIALLUCA: March 6th?

22 CHAIR ADELSON: Yes, as the first next. The
23 next one I have was April 24th, also 10:00 to 4:00.
24 Then I have June 12th --

25 MR. MILLER: [inaudible]

1 CHAIR ADELSON: That's the one you're not good
2 with. Okay. That is - so we need to come up with one
3 more date.

4 MS. TURIN: What about the week of the 15th or
5 any other --

6 CHAIR ADELSON: So that week, it's the Florida
7 Bar Convention and I am out from the 17th to 20th
8 because I am on some boards that I have to be at those
9 meetings.

10 MS. BLEAU: Does Monday the 15th or 16th work
11 for you, before you leave?

12 CHAIR ADELSON: Yeah, I can do that. The 15th,
13 not the 16th. I can't do Tuesdays.

14 MS. TURIN: 15th works.

15 [General consensus for June 15.]

16 MS. ARTHURS: The room is available June 15.

17 CHAIR ADELSON: All right. I'm going to make a
18 recommendation for that day, if that is going to be
19 really our concluding day, maybe we could start at 9:30,
20 take it to 4:00. I like 10:00, but if we really want to
21 get this done -- we're all here anyway, actually.

22 MS. TURIN: So, that gives us three full days
23 after today. You think we can do it?

24 MS. BLEAU: I certainly hope so.

25 MS. TURIN: And then maybe this afternoon we

1 could discuss the other hearing.

2 CHAIR ADELSON: Yes, the other hearing. Maybe
3 this afternoon we can discuss scheduling the other
4 hearing.

5 MR. BALDWIN: We won't do that one until after
6 June, apparently, right?

7 CHAIR ADELSON: That won't involve these two
8 parties, so it will be easier for us to make a decision
9 on what date you would like to try to schedule it for.

10 MS. TURIN: Because there were some dates that
11 they weren't available that we were. So maybe we could
12 find out at lunch break or something on some of those
13 dates from the respective counsels on those cases, if
14 they're available. And we can revisit it this
15 afternoon, perhaps.

16 MS. ARTHURS: Okay.

17 CHAIR ADELSON: Okay, so you have the dates, I
18 think we're scheduled for three more full days.
19 Hopefully, we will conclude in those three days. Maybe
20 we'll conclude sooner. That actually gets to my
21 question, which is how many more witnesses do we have
22 and how much longer do you think we need, so that
23 resolves what I wanted to discuss.

24 We still don't have the Minutes, so we'll wait
25 until later for those.

1 So, absent any other housekeeping issues, we are
2 prepared to move forward. City, I believe you were
3 about to call another witness. Where were we?

4 MR. ZALMAN: Mr. Travers is still under oath for
5 cross examination.

6 CHAIR ADELSON: Cross examination was
7 proceeding, thank you for correcting me and reminding
8 me. It was a little while ago. So, Mr. Travers, if you
9 would, please. New books? Are these additional
10 documents?

11 MS. BLEAU: These are documents for Mr. Travers'
12 cross-examination. These are Madden's documents.

13 CHAIR ADELSON: Did we have them previously, I
14 guess is my question?

15 MS. BLEAU: Correct. These have not been
16 submitted before.

17 MS. TURIN: It has not been submitted before.

18 MS. BLEAU: It has not been submitted before.
19 These are new.

20 MS. TURIN: These are new.

21 CHAIR EDELSON: These are new documents.

22 MS. BLEAU: New documents.

23 MS. TURIN: Is there an extra book at the end of
24 the day for the City Clerk's office or they'll just keep
25 one of the Board Members' books?

1 MS. BLEAU: Or I can provide a copy - a scanned
2 copy.

3 MS. TURIN: Because that's the official record.

4 MS. BLEAU: Gotcha. Everybody set? Mr.
5 Travers, welcome back.

6 MR. TRAVERS: Good morning.

7 MS. BLEAU: Can you tell me, what licenses do
8 you hold?

9 MR. TRAVERS: I hold a Building Code
10 Administrator's license with State of Florida DBPR; a
11 Plans Examiner's license, electrical with State of
12 Florida DBPR; an Inspector's license electrical with
13 State of Florida DBPR; a Certified Electrical
14 Contractor's license with DBPR; the Electrical
15 Contractor's Licensing Board; a Certified Floodplain
16 Manager license with an FPM, which is a National
17 Floodplain Management Association.

18 MS. BLEAU: Anything else?

19 MR. TRAVERS: I have a State of Florida Driver's
20 License.

21 MS. BLEAU: Okay. The Inspector's License, you
22 said, was for electrical. Is the Plans Examiner also
23 for electrical?

24 MR. TRAVERS: Yes.

25 MS. BLEAU: Okay. And where have you worked?

1 MR. TRAVERS: How far back do you need to go,
2 Counsel?

3 MS. BLEAU: What was the job you had before the
4 City?

5 MR. TRAVERS: I worked for the City of Hialeah
6 for 21 years.

7 MS. BLEAU: Is that in Broward County?

8 MR. TRAVERS: No, in Miami-Dade County.

9 MS. BLEAU: When was your first job working in
10 Broward County under the Broward County Building Code?

11 MR. TRAVERS: The position of Building Official
12 for the City of Fort Lauderdale.

13 MS. BLEAU: And when did you start with the
14 City?

15 MR. TRAVERS: November of 2014.

16 MS. BLEAU: Prior to November of 2014, you have
17 never held a position administering or working under the
18 Broward County Building Code, correct?

19 MR. TRAVERS: The Florida Building Code has one
20 chapter that has a Broward Amendment, that's Chapter 1.
21 The rest of the Broward County Florida Building Code
22 mirrors the State Florida Building Code.

23 MS. BLEAU: Right, I understand. You never
24 worked under Chapter 1 of the Broward County Florida
25 Building Code -- Broward County's version of the Florida

1 Building Code, until you started in November 2014,
2 correct?

3 MR. TRAVERS: Correct.

4 MS. BLEAU: Can you give me some specific
5 examples of things that are different and unique to
6 Broward County under Chapter 1?

7 MR. TRAVERS: The certification process in
8 Chapter 1 of the Broward County Edition gives authority
9 to the Broward County Board of Rules and Appeals to look
10 at the experience levels of Plans Examiners, Inspectors,
11 and Building Officials; and to additionally certify
12 those who are State Certified, also through the Broward
13 County Board of Rules and Appeals.

14 There are several sections in Chapter 1 that are
15 more specific about certain items. An example would be
16 Section 118 in the Broward County Edition of the Florida
17 Building Code, talks about bidirectional amplifiers.
18 These are amplifiers for first responders when they're
19 inside a vertical building to boost their signal.

20 There's also sections in Chapter 1 that deal
21 with what's known as a four-year safety recertification
22 of buildings that have achieved forty years for their
23 age, since the inception of their CO that was issued.
24 There are other things in Chapter 1 that deal with items
25 that are decided by the Board of Rules and Appeals in

1 Broward County, specific to Broward County.

2 The High Velocity Hurricane Zone is a section
3 that is elsewhere in the Florida Building Code that is
4 also looked at in Broward County and Miami-Dade County.
5 This is a section of the Code that calls for a little
6 bit more stringent wind calculations and materials and
7 methodologies to be used, have to meet the High Velocity
8 Hurricane Zone requirements. So, these are some of the
9 examples of the things that are in Chapter 1 and
10 elsewhere throughout the Florida Building Code. Miami-
11 Dade County and Broward County are the only two counties
12 at this time that use the High Velocity Hurricane Zone
13 requirements.

14 MS. BLEAU: Does Miami-Dade County, where you
15 worked before, have that level of Chiefs that's below
16 the Building Official?

17 MR. TRAVERS: I know that Miami-Dade County has
18 a Board of Rules and Appeals. I'm not exactly sure how
19 their process works. It's been since 2011 when I left
20 Miami-Dade County. There may have been some revisions
21 to the Board of Rules and Appeals since then, so I'm not
22 aware of any special differences between Broward County
23 and Miami-Dade County as far as an appointment of Chief
24 Inspectors.

25 MS. BLEAU: You're not aware of any differences.

1 Are you aware of them being similar?

2 MR. TRAVERS: I haven't looked at the Miami-Dade
3 Board of Rules and Appeals certification process for
4 several years.

5 MS. BLEAU: Do you know how -- about John
6 Madden's experience in enforcing the Building Code in
7 Broward County?

8 MR. TRAVERS: Could you be more specific? I'm
9 not sure where you're going with that.

10 MS. BLEAU: Do you know how long John Madden has
11 been employed full-time in Broward County, enforcing the
12 Broward County Building Code?

13 MR. TRAVERS: I'm aware that Mr. Madden worked
14 for the City of Pembroke Pines at one time, but I don't
15 know exactly how long he's been enforcing the Broward
16 County Building Code.

17 MS. BLEAU: Are you aware that Mr. Madden worked
18 for the City of Pembroke Pines beginning in 1985?

19 MR. TRAVERS: No.

20 MS. BLEAU: Are you aware that Mr. Madden's
21 entire building career has been enforcing the Broward
22 County Building Code?

23 MR. TRAVERS: I'm not aware of that.

24 MS. BLEAU: And in September of 2016, you would
25 have had a month or two months less of two years

1 enforcing the Broward County Building Code, correct?

2 MR. TRAVERS: I guess if that's your
3 calculation, yes.

4 MS. BLEAU: As between you and Mr. Madden, who
5 would you say is more knowledgeable about the Broward
6 County Building Code?

7 MR. TRAVERS: Well, I think that would be a
8 speculative answer that I give. I mean, we both have to
9 be familiar with that Code. I respect Mr. Madden's
10 experience. But I can't tell you. I don't know his
11 level of experience other than when we worked together
12 at City.

13 MS. BLEAU: So, based on your years of working
14 with Mr. Madden, you don't know whether or not he was
15 more knowledgeable about the Building Code, is that your
16 testimony?

17 MR. TRAVERS: Yes.

18 MS. BLEAU: Would you turn to -- actually, the
19 City book, which is to your right there -- and turn to
20 Tab 1. This is Janeen Richard's investigative report.
21 If you'll look at page 2, there are statements on page 2
22 and 3 and 4 attributed to you, correct?

23 MR. TRAVERS: That's correct.

24 MS. BLEAU: Are these statements accurate?

25 MR. TRAVERS: I haven't reviewed this in the

1 last couple of months, so if you'd like, I can review
2 the entire thing and then I'll be glad to answer on
3 that.

4 MS. BLEAU: Sure.

5 MR. TRAVERS: [one minute pause] The statements
6 in the interview on page 2 appear to be correct. [three
7 minutes pause] I have reviewed what's on page 3 of
8 that. I don't have any major objections to what is
9 there.

10 MS. BLEAU: Let's stop there just for a second.
11 I'm not sure what "major objections" means. Does it
12 accurately report what you told Ms. Richard?

13 MR. TRAVERS: To the best of my knowledge, it
14 is. There's some statements in there about some
15 pictures that were taken and so forth. I don't know the
16 dates that they were taken and I don't know what the
17 relevance to what was going on. This, I believe, was for
18 a ground-breaking ceremony that was occurring at a
19 project called The Tiffany House.

20 MS. BLEAU: Which paragraph are you referring
21 to, Mr. Travers?

22 MR. TRAVERS: In paragraph 5, sentence number 2.

23 MS. BLEAU: "In the same email, he attached a
24 photograph of Travers and City officials at the ground-
25 breaking ceremony." That sentence?

1 MR. TRAVERS: Yes.

2 MS. BLEAU: Is there something you dispute about
3 the accuracy of that sentence?

4 MR. TRAVERS: I don't recall seeing the email
5 with those pictures, but it was in my transcript at that
6 time, so I must have been aware of it.

7 MS. BLEAU: You don't recall seeing the emails
8 with the pictures when? Ever?

9 MR. TRAVERS: No, I'm not remembering now the
10 date that I saw those, that email, or that picture.
11 Again, this was over three years ago, so I couldn't
12 quote to you the date. I have to rely on the fact that
13 when this statement was taken that I had those dates in
14 mind.

15 MS. BLEAU: Did Ms. Richard provide a date that
16 you're questioning?

17 MR. TRAVERS: Not to my recollection.

18 MS. BLEAU: I'm not sure why you're talking
19 about the date of the emails. The statement says that
20 you received an email and you're acknowledging that you,
21 in fact, received an email. Correct? With the
22 photographs?

23 MR. TRAVERS: Well, the first sentence talks
24 about a written response from Mr. Madden and then it
25 says in the same email he attached a photograph of

1 Travers and City officials at the ground-breaking
2 ceremony.

3 MS. BLEAU: Uh-huh [affirmative].

4 MR. TRAVERS: I'm not sure what email this is.
5 I do recall having a picture taken out at the ground-
6 breaking ceremony, but I'm not exactly sure, again, what
7 the relevance of that is.

8 MS. BLEAU: Do you recall in that same paragraph
9 telling Ms. Richard that the email and photographs, in
10 your opinion, was a deliberate attempt to embarrass you
11 in front of your staff?

12 MR. TRAVERS: Well, I made that statement,
13 according to her and so, yes, I'm not going to dispute
14 that.

15 MS. BLEAU: What information did you have about
16 Mr. Madden's psyche to arrive at that conclusion? You
17 recall last hearing, I asked you why you thought Mr.
18 Madden was wanting to embarrass you and you said, "I
19 can't speak to Mr. Madden's thoughts." But it appears
20 in this report that you, in fact, told Ms. Richard what
21 you thought Mr. Madden's thoughts were, correct?

22 MR. TRAVERS: No, I told Ms. Richard that it was
23 -- I felt it was a deliberate attempt to embarrass me.
24 I don't know what his thoughts were on that.

25 MS. BLEAU: When you say you think it's a

1 deliberate attempt to embarrass you, are you not
2 assigning motivation to Mr. Madden's actions?

3 MR. TRAVERS: I don't agree with that.

4 MS. BLEAU: You don't. So you acknowledge you
5 don't know what Mr. Madden's intent was and you don't
6 know what he was thinking when he sent it, correct?

7 MR. TRAVERS: I assumed when I made this
8 statement that since there was not relevance to the
9 photo that was attached to this, that it was an attempt
10 on Mr. Madden's part to introduce some sort of
11 embarrassment to me. That's it.

12 MS. BLEAU: In what way could that photo
13 possibly have embarrassed you?

14 MR. TRAVERS: Well, it didn't embarrass me, I
15 just felt like it might have been the attempt to
16 embarrass me. I attend a lot of ground-breaking
17 ceremonies with our City Commissioners and our Mayor.

18 Again, I don't know what the relevance of that
19 is, in terms of the Plan Review process and so forth.
20 This is just a ceremonial thing that is done often when
21 new projects break ground. And I don't know what
22 relevance that had in terms of what was being done on
23 this project as far as the permitting process and the
24 construction process.

25 MS. BLEAU: So, if it was a run-of-the-mill

1 event that happens frequently on projects within the
2 City and photos are frequently taken on such projects,
3 why did you believe Mr. Madden sent the pictures in a
4 deliberate attempt to embarrass you?

5 MR. TRAVERS: Well, to my knowledge this wasn't
6 a photo taken by the -- I don't know who took this
7 particular photo, I don't even remember the photo right
8 now -- but I'm not certain who took the photo or what
9 the intent of including the photo in the email
10 concerning the project, what the relevance of that photo
11 had to do with the process of issuing the permits for
12 that.

13 MS. BLEAU: Did you ask Mr. Madden why he sent
14 the photo?

15 MR. TRAVERS: No, I don't think I did. No.

16 MS. BLEAU: Why not?

17 MR. TRAVERS: I don't know, Counselor.

18 MS. BLEAU: Okay, so anything else on this page
19 that you want to discuss? Or is everything accurate as
20 Ms. Richard recorded it?

21 MR. TRAVERS: No, I need to review the next
22 page, page 4 of 10, now for the remainder.

23 MS. BLEAU: Sure, but before you do, if you can
24 answer my question, anything else on this page?

25 MR. TRAVERS: Not to my knowledge.

1 MS. BLEAU: Okay.

2 MR. TRAVERS: [one minute pause] I don't have any
3 objections to the rest of the statement that was made.

4 MS. BLEAU: Okay, and so having no objection,
5 you believe that this accurately depicts what your
6 conversation with Ms. Richard was at the time, correct?

7 MR. TRAVERS: Correct.

8 MS. BLEAU: Alternative Plans Review and
9 Inspections is another terms for Permit by Affidavit,
10 correct?

11 MR. TRAVERS: Yes.

12 MS. BLEAU: And you have acknowledged that
13 Alternative Plans Review and Inspections were utilized
14 in the City of Fort Lauderdale before you started
15 working there, correct?

16 MR. TRAVERS: I think that I had one project
17 that, prior to coming to the City of Fort Lauderdale,
18 that I was involved in an interior alteration where that
19 was done. But I don't know what the policy was at that
20 time.

21 MS. BLEAU: So you don't recall testifying at
22 the last hearing that there was a practice in effect at
23 the City using Alternative Plans Review, but the policy
24 had just not been written down?

25 MR. TRAVERS: No, I recall that conversation. I

1 don't recall that there was an established policy that
2 was written down as to how that portion of Statute was
3 to be carried out in the City of Fort Lauderdale.

4 MS. BLEAU: Okay. So my question, just to be
5 clear, was you acknowledge that Alternative Plans Review
6 and Inspections were utilized in the City of Fort
7 Lauderdale before you started working here, correct?

8 MR. TRAVERS: I'll agree to that, yes.

9 MS. BLEAU: When we were last here, I had asked
10 you about Ms. Richard's report, stating that adopting a
11 Private Provider policy was one of your main objectives.
12 And you responded, "I don't know that I said it was my
13 main task." Do you recall that testimony when we were
14 here last?

15 MR. TRAVERS: I remember the conversation. I
16 don't recall the exact words, but I agree that we did
17 talk about that.

18 MS. BLEAU: And Ms. Richard's report, at Tab 1,
19 the first sentence of page 2 under the heading "John
20 Travers," very first sentence said, "John Travers,
21 Building Official, says as the Building Official, one of
22 his main objectives was to develop a structured policy
23 of Alternative Plans Review and Inspections pursuant to
24 Section 553.791 of the Florida Building Code." Did I
25 read that accurately?

1 MR. TRAVERS: Yes, you did read it accurately.

2 MS. BLEAU: So, when you said, "I don't know
3 that I said it was my main task," you will acknowledge
4 now that according to Ms. Richard's report, which you've
5 agreed is accurate, you did, in fact, say it was one of
6 your main tasks, correct?

7 MR. TRAVERS: It was one of my main tasks.

8 MS. BLEAU: Okay. And in your testimony on
9 direct examination with Mr. Zalman during the last
10 hearing, you made a very similar comment, didn't you?
11 About it being one of your first tasks?

12 MR. TRAVERS: I'll have to agree to that. I
13 don't have script in front of me, but if you say that
14 was in the testimony, then, yes, I'll agree to it.

15 MS. BLEAU: And your goal wasn't just to
16 memorialize the process that had been existing when you
17 came to the City, was it?

18 MR. TRAVERS: No, it was more than that. There
19 was some things that I felt were not being done
20 according to the Statute 553.791.

21 MS. BLEAU: In what way was the process that was
22 in existence under the previous Building Official, not
23 in accordance with 553.791, in your opinion?

24 MR. TRAVERS: I couldn't find any record that
25 the Permit by Affidavit process or the Private Provider

1 process was actually submitting certification records of
2 all of the Inspectors and the Plans Examiners, which
3 Statute requires. So in the formulation of written
4 policy, that was one of the items that we worked on,
5 requiring that any Inspector or any Plans Examiner that
6 was going to be used in the Private Provider spectrum
7 would be submitted. The certifications would be
8 submitted for me to review.

9 MS. BLEAU: Do you know if, under Chapter 1 of
10 the Broward County version of the Florida Building Code,
11 there is a section authorizing Permits by Affidavit?

12 MR. TRAVERS: I couldn't quote you which section
13 that it's in, whether it's in Chapter 1 or if it appears
14 elsewhere, and I don't have, unfortunately, I don't have
15 Chapter 1 here in front of me.

16 MS. BLEAU: Chapter 1 Section 105.14 actually
17 reserves that section dealing with Alternative Plans
18 Review, doesn't it?

19 MR. TRAVERS: I don't have that in front of me,
20 so that if you mention that, then I'll have to take your
21 word for it.

22 MS. BLEAU: Or Permit by Affidavit, I guess is
23 what it calls it in Chapter 1. So, you're not aware of
24 that, as you sit here today, a Building Official, whose
25 main task when starting to work for the City of Fort

1 Lauderdale was to adopt a Permit by Affidavit program?
2 Is that right?

3 MR. ZALMAN: I'm going to object to the
4 question. He already testified that he can't quote to
5 what the Building Code says if he doesn't have it in
6 front of him.

7 MS. BLEAU: Well, that was my question, that you
8 don't know as you sit here today whether or not my
9 statement was accurate. That was the exact question.

10 MR. TRAVERS: I think more correctly, I don't
11 know the exact section that talks about that.

12 MS. BLEAU: Do you need me to wait, Patrick?

13 CHAIR ADELSON: Hold on one second. We're
14 looking for a new microphone that's working for the
15 City.

16 MS. BLEAU: All set? Okay. So, Mr. Travers, I
17 think maybe what we have here is a failure to
18 communicate. I'm not asking you if you know what
19 section off the top of your head permits Permits by
20 Affidavit. I'm asking you if you're aware that the
21 section in Chapter 1 of the Florida Building Code
22 actually does not permit Permits by Affidavit. That
23 section is reserved in Broward County. Do you know that
24 or not know that?

25 MR. TRAVERS: Again, if you say that section is

1 reserved, then I'll have to take your word for it. I
2 don't know that that necessarily means that Chapter 1
3 doesn't allow Private Provider. It may be reserved
4 since that's a section of State Statute that quite
5 possibly could pre-empt a local ordinance or statute.

6 MS. BLEAU: All right. I had asked you earlier
7 what it was that was in effect at the time that you
8 started with the City that was not in accordance with
9 Florida Statutes regarding Permits by Affidavit. If you
10 answered me, I apologize. I don't think you did.

11 MR. TRAVERS: I think what you had asked earlier
12 was --

13 MS. BLEAU: Let's save some time. Let me just
14 ask you again.

15 MR. TRAVERS: Sure.

16 MS. BLEAU: Can you tell me what was not in
17 effect at the time that the City wasn't doing correctly,
18 that you wanted to change with your Permit by Affidavit
19 program?

20 MR. TRAVERS: On the front side of the Permit by
21 Affidavit program, I couldn't find any written policy
22 where the City was requiring the Private Provider to
23 submit the certifications of the Plans Examiners and the
24 Inspectors that are reviewing plans or performing
25 inspections under the Private Provider process.

1 There also is a requirement in the State Statute
2 that says if any new Inspectors or Plans Examiners are
3 added or changed or if there's a substitution that,
4 again, those Inspectors and Plans Examiners have to have
5 certifications submitted to the City. I didn't see
6 where that process was being documented or where those
7 records were.

8 On the back side of the Permit by Affidavit
9 section of Florida Statute, the requirement says that
10 when the project is completed, the Private Provider,
11 through the use of either architect or engineer, has to
12 provide a certification or a letter stating that, to the
13 best of their knowledge, the construction has been in
14 compliance with the Florida Building Code at the time
15 that the permit was issued.

16 I don't know if there was a break in the way the
17 documentation was being stored or brought in, but I
18 didn't see a formal process for organizing all of this,
19 and this was one of the things that I felt was important
20 that we get established with written policy and we
21 followed those guidelines in a standard form for any of
22 the projects that were brought to the City utilizing the
23 Private Provider or the Permit by Affidavit program.

24 MS. BLEAU: One of the most significant changes
25 that you made in your Private Provider program was prior

1 to written policy the City was doing audits and
2 inspections and making sure that the plans that were
3 reviewed Private Providers were being properly reviewed
4 and that the inspections that were being done by the
5 Private Providers were being properly inspected and your
6 policy changed that, correct?

7 MR. TRAVERS: The State Statute says that the
8 Building Code Administrator has the ability to determine
9 the level of review, the level of audit, and the level
10 of audit inspections that can be performed. I felt that
11 if the Statute allows for the Private Provider to take
12 responsibility for Plan Review and to take
13 responsibility for inspections, then following the
14 guidelines of 553.791 we could perform audit inspections
15 and audit reviews as necessary to see if there were
16 issues that were arising.

17 But to do a 100% re-review of the project or to
18 do a 100% inspection review for every single inspection
19 that was taking place from the BMEP -- that would be the
20 building, the mechanical, the electrical, and the
21 plumbing inspectors that were being utilized by the
22 prior provider -- I thought that was a redundancy and it
23 didn't follow the guideline of 553.791 in authorizing a
24 contractor or an owner to hire an outside agency that
25 had proper certification to do those plan reviews and to

1 do those inspections.

2 So, my emphasis was on, we need to insure that
3 all of the plans that were submitted to the City had
4 been reviewed by the Private Provider in those four
5 discipline categories, building, mechanical, electrical,
6 and plumbing, and that the Statute requires that
7 whenever inspections are being asked on the job site
8 that the contractor has the responsibility of notifying
9 the private provider to do those inspections and also of
10 notifying the City that those inspections are being
11 performed by the Private Provider should the City want
12 to also send out an Inspector to do an audit inspection
13 and to look at the logs of the Private Provider
14 inspectors that have been looking at the work.

15 So, we had the ability to determine what level
16 of audit inspections that we wanted to do. And given
17 the workload that my staff had, given the Statute
18 allowing for Private Provider to do inspections and plan
19 review, I determined that a 100% audit was not
20 necessary. That weekly or bi-weekly jobsite visits by
21 our Inspectors to check the logs of the Private Provider
22 would be sufficient.

23 And if there were any flags that were thrown on
24 the field for discrepancies, that we would ramp us as
25 necessary. So, if you're saying, did I change the

1 procedures? Yes, I've tried to follow the intent of
2 what Statute required, and that is the responsibility of
3 the Plan Review and the responsibility of the
4 Inspections was now being put on the Private Provider
5 through the Permit by Affidavit program. And our role
6 was to audit those plan reviews and to audit those
7 inspections to make sure they were being done correctly.

8 MS. BLEAU: So, the answer to my question was
9 yes. Right?

10 MR. TRAVERS: Did I change the policy? The
11 answer is yes.

12 MS. BLEAU: Yes. And you went from a 100%
13 follow-up audits and reviews to, you said, under your
14 policy we can do audit reviews and audit inspections,
15 but no need to do 100%.

16 But the audit reviews and the audit inspections
17 actually were just checking the logs to make sure that
18 the Private Provider said they reviewed the plans or
19 said that they did the inspections. Correct?

20 MR. TRAVERS: Yes, Statute puts that
21 responsibility on the Private Provider that they are
22 responsible for submitting the logs on the job site,
23 that those logs cover the specific areas that they
24 performed inspections on, and our Inspectors were
25 auditing those logs to make sure that the normal

1 progress of inspections were being done by the Private
2 Provider.

3 MS. BLEAU: So again, the answer to my question
4 was yes.

5 MR. TRAVERS: Was yes.

6 MS. BLEAU: Thank you. And the audit
7 inspections and audit reviews that were being done prior
8 to you coming to work for the City in November of 2014,
9 were actual follow-up inspections reviewing the work
10 that was being done when an inspection was being called
11 for or reviewing the plans to make sure that they were
12 in actual compliance with the Code. Correct?

13 MR. TRAVERS: I can't answer that because that
14 was before I came to work with the City of Fort
15 Lauderdale. I don't know, for one, if they were a 100%
16 percent audit and I don't know that duplication of
17 inspections were being performed. I think I had
18 received word that that was the process that was being
19 done in the past, but I couldn't speak to it, I didn't
20 work for the City at that time.

21 MS. BLEAU: So your testimony is from the time
22 that you started working for the City until the time
23 that your Private Provider policy was adopted, that you
24 never had an opportunity to observe the process that was
25 in effect before you completely revamped it?

1 MR. TRAVERS: I'm not sure if there were any
2 Private Provider projects that were in progress when I
3 came on board with the City. The first one that I seem
4 to recall is going to be The Tiffany House project, the
5 2900 Riomar project. But at this time, I don't recall
6 if there were any other Private Provider projects that
7 were ongoing at that time.

8 MS. BLEAU: Are you aware that prior to your new
9 Private Provider policy, there were three companies
10 working with the City to help handle plan review and
11 inspections through the City's Supplemental Services and
12 Expedited Plan Review program?

13 MR. TRAVERS: Yes, you're talking about a
14 contractual agreement that City of Fort Lauderdale had
15 with staffing companies. This is not pursuant to
16 553.791. This is where the City is actually hiring
17 inspectors and plans examiners through a contractual
18 agreement and they actually work within the City. They
19 perform inspections, they perform plan reviews. There
20 were three companies that were under contract when I
21 came to the City and then I also worked on the committee
22 when the new contracts were to be developed.

23 MS. BLEAU: And prior to your Private Provider
24 policy, Calvin Giordano, CAP, and Nova were all
25 providing supplemental support by providing inspectors

1 or plans examiners to the City, correct?

2 MR. TRAVERS: Again, yes, that's a contractual
3 thing where they were actually performing as Inspectors
4 or Plans Examiners for the City.

5 MS. BLEAU: And as part of the Expedited Plan
6 Review program, the City provided oversight to make sure
7 the plans and inspections complied with the Code,
8 correct?

9 MR. TRAVERS: I'm not sure what you mean by
10 that, ma'am. What oversight would that be? These were
11 inspectors that were employed through their staffing
12 agency, working directly for the City, so they would be
13 reporting directly to the Chiefs.

14 MS. BLEAU: Right. And the City, the Chiefs and
15 staff, were making sure that they were doing their jobs
16 appropriately, weren't they?

17 MR. TRAVERS: I would assume that the Chiefs
18 were performing that, yes.

19 MS. BLEAU: Okay. Did MT Causley participate in
20 the Expedited Plan Review program by providing
21 Inspectors or Plans Examiners as supplemental support
22 similar to Calvin Giordano, CAP, and Nova?

23 MR. TRAVERS: Not during the ongoing contract
24 when I came on board. That contract was due to expire
25 and new contracts were due to be issued. And if I

1 remember correctly, Nova decided not to participate in
2 the program anymore. During the review process there
3 were, I think, four or five different companies that
4 submitted proposals to the City and eventually the
5 committee that overlooked that chose CAP, Giordano, and
6 MT Causley as the one, two, and three staffing agencies
7 to look for if we had shortages.

8 MS. BLEAU: So you're not aware that the City of
9 Fort Lauderdale put out an RFB for Expedited Review
10 Service, 1815-10695, and that MT Causley put in a bid,
11 but they did not get selected.

12 MR. ZALMAN: We're going to object to the
13 relevancy of this line of questioning. I assume Counsel
14 is trying to build background to make some point as to
15 Mr. Madden's termination and Mr. Travers' role in that.
16 But we don't think any of this questioning is relevant
17 to these proceedings. This is an appeal of Mr. Madden's
18 termination.

19 CHAIR ADELSON: I'm going to overrule the
20 objection for now. I'll let Counsel go on a little bit
21 further to see if she can connect what this line of
22 questioning is as to Mr. Madden's termination. So, in
23 that light, Counsel please let's see if we can tie it
24 back to the hearing that we're here for today.

25 MS. BLEAU: As I discussed in my opening

1 statements and as is pretty clearly spelled out, I
2 believe, in Ms. Richard's report, and in the employee
3 statements all, they all relate to the perception that
4 Mr. Madden was raising concerns about Mr. Travers'
5 dealings with MT Causley, in particular the 2900 Riomar
6 project specifically, but not exclusively, and some
7 others.

8 And that Mr. Madden was concerned that the laws
9 were not being properly followed. And then there was
10 the perception by the employees that Mr. Madden, who
11 BORA said is the guy who should be making these
12 decisions, not Mr. Travers, but the employees believed
13 that Mr. Madden was being insubordinate to Mr. Travers
14 when doing so.

15 So, all of these questions provide the framework
16 and the underlying facts, which I think this Board needs
17 to know in order to properly evaluate the conduct of Mr.
18 Madden, the statements of the employees, the motivations
19 of Mr. Travers and his statements as well.

20 CHAIR ADELSON: Thank you for that background.
21 Those type of statements, however, I would like to leave
22 for your closing. What I was saying in terms of
23 overruling it, is I was going to let you continue your
24 line of questioning to make sure that they do, in fact,
25 connect up --

1 MS. BLEAU: Absolutely.

2 CHAIR ADELSON: -- with regard to the
3 termination.

4 MS. BLEAU: Yes, ma'am. Thank you. Isn't it
5 true, Mr. Travers, that MT Causley put in a bid but they
6 were not selected as part of the Expedited Plan Review
7 service for the City?

8 MR. TRAVERS: I don't remember. To my
9 recollection, I thought that the order in the three
10 staffing agencies were CAP Gov, Calvin Giordano, and MT
11 Causley as the third. That's as I remember it. If you
12 say they weren't selected, then I don't recall that.

13 MS. BLEAU: Isn't it true that shortly after you
14 started with the City, you cancelled the Expedited
15 Review Service program?

16 MR. TRAVERS: Again, I don't recall. This is
17 back in 2014. I don't recall the specifics of how that
18 was being handled. I believe the process at that time
19 was that these staffing agencies would take plans with
20 them, do the reviews, and then bring those plans back to
21 the City.

22 And I do recall having some concern about the
23 custodial control of official documents that were being
24 submitted to the City for Plan Review but were being
25 allowed to be taken off-site by these staffing agencies

1 in order to perform plan review at an off-site
2 situation. I felt that it was more appropriate that any
3 drawings and plans that were submitted for the City
4 needed to be kept here and needed to be reviewed under
5 our control.

6 MS. BLEAU: And in your 2016 budget, you said
7 the Expedited Review Service was no longer needed and
8 would be cancelled, correct?

9 MR. TRAVERS: I'm not sure if I said that or
10 not, I mean, do you -- if you can show me where I said
11 that, I'll have to agree to it. But I'm not
12 remembering.

13 MS. BLEAU: Okay. You don't recall.

14 MR. TRAVERS: No, ma'am.

15 MS. BLEAU: Has the number of MT Causley
16 projects with the City of Fort Lauderdale increased
17 during your tenure with the City?

18 MR. TRAVERS: Well, the Private Provider process
19 is an ongoing thing, so projects will come in, go
20 through their completion, and then new projects may come
21 in.

22 Has the number of projects increased? There's
23 been a steady line of projects that MT Causley and other
24 private providers have done. But to my knowledge, we've
25 never asked for MT Causley to provide any contractual

1 staffing.

2 MS. BLEAU: So, I think I understood the answer
3 to your question is, not that you're aware of, that MT
4 Causley's projects were significantly more than --
5 significantly increased after you started working with
6 the City?

7 MR. TRAVERS: If they made a company policy to
8 try and perform more Private Provider projects in the
9 Broward County area, then that was a company policy that
10 they would make, it was not anything that I encouraged.

11 MS. BLEAU: That wasn't exactly my question, but
12 I'll move on. You testified at the last hearing that
13 you had nine registered private providers in 18 to 20
14 different job sites being overseen by private providers,
15 correct?

16 MR. TRAVERS: If that's recorded, then I'll
17 agree to that. And again, it's a living, breathing
18 process where projects will be completed, new projects
19 will start. So in any given month, those numbers might
20 be different.

21 MS. BLEAU: And the City issues approximately
22 20,000 permits a year, does that sound about right?

23 MR. TRAVERS: Well, we issue greater than 25,000
24 a year. Keep in mind, though, that a good percentage of
25 those permits are sub-permits to a master permit, if you

1 will, so that doesn't necessarily mean that there are
2 25,000 projects going on, it just means that all of the
3 subsidiary permits that are attached to a master permit
4 are part of that count.

5 MS. BLEAU: How many positions have you added in
6 the City over the last two and a half years following
7 Mr. Madden's termination?

8 MR. TRAVERS: I can't say accurately since his
9 termination. I can quote a couple of numbers. When I
10 came on board with the City, I think that the
11 organizational chart showed that there were about 88
12 employees in the Building Services Division. That would
13 include Plans Examiners, Inspectors, Chiefs, and
14 clerical. I think there we're probably up to about 120
15 Commission-approved positions now.

16 In other words, I've been successful in
17 increasing the staff so that we could keep up with the
18 amount of work that is going on in the City of Fort
19 Lauderdale, particularly when I came on Board in
20 November of 2014, the entire State was coming out a kind
21 of recession area and work had increased greatly. And
22 so we were able to increase staffing in order to meet
23 the demands of all of the new projects within the City.

24 MS. BLEAU: Under the process, the Permit by
25 Affidavit process developed by you, Mr. Hernandez, is

1 the Private Provider still required to get a permit?

2 MR. TRAVERS: We don't issue a permit to the
3 Private Provider. The permit is issued to the owner of
4 the property and to the contractor of record. The
5 Private Provider doesn't get a permit to do the work.

6 MS. BLEAU: For a job that is going to be
7 handled by a Private Provider, is the permit still
8 required for that job?

9 MR. TRAVERS: Yes.

10 MS. BLEAU: Under the Private Provider program
11 developed by you and Mr. Hernandez, if a Private
12 Provider does not have a permit, or if the job does not
13 have a permit on a Private Provider job, are their
14 special rights allowing them to proceed without
15 consequences for that?

16 MR. TRAVERS: There are some situations where an
17 early start may be allowed on a project that would allow
18 for some site work, such as grubbing, which is preparing
19 the earth, construction fences, construction trailers,
20 some basic things that can be done --

21 MS. BLEAU: Not my question. With all due
22 respect, you're not answering my question, so let me try
23 again.

24 MR. TRAVERS: Go ahead.

25 MS. BLEAU: If there's a job that is being

1 handled by a Private Provider, and a permit, the
2 necessary permit, the required permit is not issued or
3 obtained prior to the necessary work, are there special
4 rights allowing them to proceed without consequences, or
5 do they suffer the same consequences as any other job
6 site or construction project that's not being handled by
7 a Private Provider?

8 MR. TRAVERS: To answer your question, yes, they
9 have to follow the same procedures but there are options
10 for the stakeholders of the project to begin certain
11 things prior to the actual issuance of the permit.

12 MS. BLEAU: I don't know, why do you keep going
13 there?

14 MR. TRAVERS: Well, I'm kind of curious why you
15 keep trying to go in your direction.

16 MS. BLEAU: Okay, I'm just trying to get some
17 facts on the record. If you could answer my question,
18 we'll get out of here a lot faster. Let's go to Tab 125
19 in the notebook that I handed you this morning.

20 MR. ZALMAN: We're going to object to the
21 admittance of Tab 125 and we're going to have a standing
22 objection to the use of this notebook that was produced.
23 On first review, it appears that only Tab 79, a letter
24 from a Mr. Goldstein to the former Mayor, Mr. Feldman,
25 is the only thing that appears to have been considered

1 by the City in the termination of Mr. Madden.

2 And, again, this is an appeal of that
3 termination and it should be limited to the documents
4 that were reviewed by the City, and if Mr. Madden
5 submitted any documents, those were also reviewed. None
6 of these were submitted before. Everything that was
7 submitted is in our original notebook, which was
8 produced to the entire Board and to Mr. Madden and his
9 Counsel. This is all new evidence.

10 CHAIR ADELSON: So, noting your objection,
11 Counsel, how is this relevant to the appeal in the
12 matter at hand?

13 MS. BLEAU: Well, some of these documents are
14 impeachment documents for the testimony. If we're just
15 all here to look at the record, take the notebook home,
16 we'll cancel the next four days, and we don't need any
17 other testimony.

18 This is our opportunity to show that the
19 termination of Mr. Madden was improper. And Mr. Madden
20 provided in his written statement to the City certain
21 information. The City did not investigate that
22 information that he provided, so we are doing that here.

23 In this proceeding we're going to show you the
24 information that the City should have obtained in
25 following up on Mr. Madden's comments before deciding to

1 uphold his termination. We had these conversations with
2 Alfred Battle at our appeal hearing.

3 Did we have all of the documents here to
4 substantiate what we were explaining to the City? No.
5 Frankly, some of these documents we weren't able to
6 obtain except through public records request in this
7 process.

8 But this is Mr. Madden's case. As Mr. Zalman
9 likes to point out, the rules of evidence do not apply
10 here. This is your opportunity to decide whether or
11 not, under the rules of termination, was Mr. Madden
12 provided proper notice? Was he provided due process?
13 And was there just cause for his termination?

14 And all of this is underlying to explain to this
15 Board what was happening in the City at the time, the
16 motivations for Mr. Madden's actions, number one. And
17 number two, in some context, to impeach the witnesses
18 that the City is calling or to put in questions about
19 certain things.

20 If I'm not able to explore those, then we have
21 no defense. You know? You have the notebook. Decide on
22 the notebook whether or not Mr. Madden should be
23 terminated or not. And I don't think that that's the
24 process. I don't think that's what the procedures call
25 for.

1 CHAIR ADELSON: Let me ask a follow-up question.
2 Mr. Madden was given an opportunity during the time that
3 he was being terminated to present his position on why
4 he should not be terminated, according to the record
5 that we have so far. He was also, I understand, offered
6 an opportunity to sit and meet and have those
7 conversations, which he chose not to. He chose to
8 submit a written document instead.

9 MS. BLEAU: Yes and no. We met after Ms.
10 Richard's report. We met with Alfred Battle,
11 personally. We met with him. We submitted the written
12 report to Ms. Richard. I apologize, I didn't want to
13 interrupt you.

14 CHAIR ADELSON: So there was an opportunity,
15 though, at that time and before this appeal for him to
16 have submitted these rebuttal lines or impeachment
17 documents to the City's position on the terms of the
18 termination? That is a question mark at the end.

19 MS. BLEAU: Yes, sort of. Some of these
20 documents we didn't have at that time, number one.
21 Number two, there was no indication that anybody in the
22 City cared. It is Mr. Madden's hope that this Board
23 cares as to whether or not his termination was
24 justified.

25 Mr. Madden -- let me give you one very clear

1 example -- Mr. Madden put in his report that there was a
2 video of his interaction, a recording of his
3 interaction, with Mr. Goldstein. Mr. Goldstein's letter
4 that he wrote is an absolute falsehood, as proven by the
5 video recording. And Mr. Goldstein's letter was
6 included as a ground for termination of Mr. Madden.

7 He was chastised by Mr. Travers, he was
8 chastised by Mr. Fajardo, even though Mr. Fajardo had a
9 meeting where he heard the video. Ms. Richard never
10 obtained a copy of the video. And it's clear, we told
11 her it was there, it's on the City computer, it's in the
12 City system. Nobody ever bothered to look for it
13 because they weren't hearing what we were telling them.

14 And that's our problem. And that's why we
15 didn't spend all the money and time and energy to put
16 all of this together before that body, because we feel
17 like the appropriate body to hear the actual facts and
18 to provide an unbiased, unmotivated -- that's not the
19 word I'm looking for -- without underlying motives in a
20 fair hearing. And this is Mr. Madden's opportunity for
21 a fair hearing.

22 We also, as you know, have mentioned that Mr.
23 Madden was dealing with the FBI at the time, and in some
24 of this he was prohibited from disclosing this
25 information prior to now. So, for all of those reasons,

1 we ask that you take what we have and then make the
2 decision based on that. And if you think that Mr.
3 Madden was justly terminated, we accept that.

4 CHAIR ADELSON: One follow-up question before I
5 [inaudible], is it your contention that the City was not
6 affording you the opportunity during the termination
7 process to present and find the documents that you
8 needed and, therefore, you were unable to present them
9 at that time?

10 MS. BLEAU: I don't know that I would say that.
11 I would say that this has been an ongoing process. From
12 the time that Mr. Madden was terminated, these are not
13 the only exhibits that we have. These are the only
14 exhibits that we want to talk to Mr. Travers about. We
15 have other exhibits. And this has been a process of
16 gathering the information and putting it together to
17 show the truth. And some of those exhibits arrive from
18 the testimony that's been put on here by these
19 witnesses.

20 To say that we can call these witnesses and ask
21 them all sorts of questions that are not in the report.
22 Mr. Zalman asked Ms. Richard all sorts of questions that
23 were outside of her area that anything that she
24 specifically said in the report. I'm not allowed to
25 respond to that in some way through evidence? I think

1 that due process requires it. And Mr. Travers'
2 testimony is the same.

3 MR. ZALMAN: I think that's a misrepresentation
4 of what's on the record. I believe I only asked Ms.
5 Richard questions that were in regard to her report and
6 the reasons for termination of Mr. Madden.

7 And again, this isn't a re-hearing. This is an
8 appeal of the termination. Everything that was
9 considered by the City is in our original binder. Mr.
10 Madden, Madam Chairperson, is correct, had an
11 opportunity to present any and all evidence to show to a
12 hearing to give testimony. He chose not to attend. He
13 chose to write a letter and attached to that letter,
14 that statement, were exhibits. And that's all he
15 submitted.

16 And you heard testimony from Ms. Richard where
17 she expressed surprise that that was the only evidence
18 that Mr. Madden chose to rely on at that time. And
19 there are certainly processes to allow more time for
20 fact gathering. He didn't avail himself of any of that.
21 He submitted what's in this notebook, that's what the
22 City considered, and that was for termination.

23 And just to put this in perspective, I know the
24 Board, this is the avenue that a management-level
25 employee has. But it's no different than if a non-

1 management employee went to an arbitration and at that
2 arbitration they would only be allowed to consider what
3 was considered by the employer, the City, in regard to
4 making that final determination to uphold the
5 termination.

6 And so we stand by our objection that only the
7 material -- no new evidence should be admitted. Mr.
8 Madden had his chance to present new evidence and none
9 of this was submitted before.

10 MS. BLEAU: Let me give you just one other
11 example of why that wouldn't be fair. Mr. Travers has
12 testified, sat here and he's testified, that under his
13 Private Provider program audits were permitted and to
14 his knowledge, although his recollection seems to be
15 very faulty on a lot of questions, but he couldn't
16 recall any time where any employee was ever told where
17 an employee identified a building code violation, but an
18 employee was told to ignore it or proceed anyway.

19 We now have, we went back, and we got examples
20 to show that that is not true. To not be able to put
21 that evidence in and to have Mr. Travers testify in that
22 way without us having an opportunity to impeach that
23 testimony is not due process, in my opinion.

24 MR. ZALMAN: But again, Mr. Travers is not the
25 one that's on appeal here. He is employed by the City.

1 Mr. Madden's the one who's on appeal for his
2 termination. We don't see how any of this background
3 information should be -- is relevant to these
4 proceedings. And frankly, I know it was mentioned in
5 the opening statement, this is not about Mr. Madden's
6 licensing or BORA, this is about, I believe, the five
7 areas for where he was terminated for.

8 We questioned Mr. Madden -- I'm sorry, Mr.
9 Travers -- in regard to insubordination of Mr. Madden
10 for a reason why he was terminated, we questioned Mr.
11 Travers about the Private Provider because it appeared
12 that the evidence showed that Mr. Madden was being
13 insubordinate to the development of that plan.

14 However, all this background about -- that we've
15 heard so far for over an hour now, none of it seems to
16 be relevant to Mr. Madden's termination. And certainly
17 none of this binder is relevant because it was never
18 presented before. And this is an appeal.

19 MS. BLEAU: Mr. Madden explained to Ms. Richard
20 about the BORA proceeding, and it's in his written
21 response. And she basically said, "I don't know
22 anything about that and I don't know what that has to do
23 with anything."

24 And so this hearing is our opportunity to
25 explain to you what that has to do with everything. Why

1 it's important, why the BORA proceeding, finding that
2 Mr. Madden, not Mr. Travers, should be making these
3 decisions and fining him, penalizing him for not
4 overruling the previous Building Official who actually
5 held the same certification as him.

6 And while that proceeding was going on, Mr.
7 Travers was making decisions, whose only license is in
8 electrical, that affected Mr. Madden's area of
9 structure. Now, we explained that to Ms. Richard in the
10 report, but no follow-up was done on it, no testimony
11 was taken on it.

12 If I had an opportunity to call witnesses and
13 have this hearing then, I would have done that. I
14 didn't have that opportunity. Now I do.

15 MR. ZALMAN: Again, Mr. Madden had the
16 opportunity to present any new evidence at the original
17 time -- I believe it was the third step -- and he chose
18 to write a statement and attach any exhibits he wanted
19 considered to that statement, which was very thin.

20 And Ms. Richard testified to that, that it was
21 considered, but I also recall that she said it barely
22 addressed some of the other statements by employees that
23 were considered. And she expressed, to me it sounded
24 like confusion as to why Mr. Madden's statement was
25 written the way it was. It certainly was not as thick

1 as this binder. And if there's another subsequent
2 binder, it definitely wasn't as much as all of that.

3 So now this is taking this process, which is an
4 appeal, and essentially creating a whole new hearing.
5 That's just not what this is and, again, we stand by our
6 objection.

7 CHAIR ADELSON: So I need to ask Counsel a non-
8 hearing related question, so I'm going to go off for one
9 second. [one minute pause]

10 MS. TURIN: Let me just point something out for
11 the benefit of the Board Members, the rules of evidence
12 do not apply here. This is an informal process.
13 However, ultimately how much weight the Board chooses to
14 give to any testimony or evidence before you is, of
15 course, up to the Board and within your discretion. So,
16 that being said, I think you've heard a lot of
17 information from both Counsels to help you in making
18 your decision.

19 CHAIR ADELSON: But to any of the Board Members,
20 before I make a decision or ruling on this, do you have
21 any further questions on this particular issue?

22 MS. GIALLUCA: I guess I do. Is the decision
23 that you just made, is that something that's concrete
24 and that's the process or -- ?

25 CHAIR ADELSON: The statement that Mimi just

1 made about process?

2 MS. TURIN: No, that's just for clarification of
3 the Members. The rules of evidence don't apply here
4 because this is not a regular court of law. This is an
5 informal appeal process, quasi-judicial in nature. So,
6 for your benefit, we don't follow the technical rules of
7 evidence --

8 MS. GIALLUCA: Can you just explain that part?

9 MS. TURIN: Okay, if we were a regular court,
10 the attorneys would have to lay a proper foundation,
11 they would have to follow the technical rules of
12 evidence, and the judge could rule on each objection as
13 it's made, and either allow the evidence or not allow
14 the evidence.

15 Because evidence has to be relevant, it has to a
16 proper foundation, it can't be hearsay unless it's
17 within a technical exception to hearsay. So you have
18 all these formal rules that would apply if this was a
19 regular courthouse like we have down the street. This
20 is a more informal process, it's an appeal process for
21 the employees. So the formal rules of evidence really
22 don't matter here.

23 However, at the end of the day, how much weight
24 you, as the Board Members, want to give to the documents
25 and to the testimony and how much you feel is

1 appropriate, is up to you. You are the Board Members.

2 MS. GIALLUCA: Okay.

3 MS. TURIN: So, I'm just trying to clarify for
4 that. You've heard fully from the two attorneys why
5 they feel this information is important.

6 MS. GIALLUCA: Uh-huh [affirmative].

7 MS. TURIN: Okay? But at the end of the day,
8 the technical rules don't apply but it's within your
9 expertise or your discretion as to how much weight you
10 want to give to each of these documents. I'm not sure
11 what those documents say. But that is up to you.

12 CHAIR ADELSON: And for transparency's sake,
13 that was what I was asking, we need to please clarify
14 for the Board because I had a feeling that was at issue
15 here as to how we were proceeding in terms of making
16 determination with regard to whether we allow them to
17 discuss the documents and whether or not we give them
18 whatever weight we give them at the other end and how we
19 consider them is where our decision-making comes in,
20 because I felt that it might not have been clear for the
21 Board as to how the process works.

22 MS. GIALLUCA: Right.

23 MR. BALDWIN: Madam Chair, I'd just like to
24 mention, and I like what you said. I don't mind
25 listening to additional information and I'll give it as

1 much weight as I think is necessary.

2 But I do have a problem with going through a
3 management review and making decisions on termination.
4 And the City Manager didn't get all the information
5 before he made the decision, apparently because we're
6 getting information that the City Manager never
7 received. So, I don't know if we'd even be having a
8 meeting today if all the evidence had been presented to
9 the management before they made the decision. So,
10 that's all I have to say.

11 MR. ZALMAN: Again, in our experience, outside
12 of this Board but for dealing with non-management level
13 employee, generally the documents considered by the
14 employer, in this case the City, is what's considered on
15 an appeal of that person's discipline, of that
16 employee's discipline. This is all new evidence, but
17 this is still an appeal.

18 And just to point out, yes, it is new
19 information that you're receiving, but Mr. Madden had
20 the opportunity to present new evidence during the
21 regular process of combatting the discipline decision by
22 the City and the City Manager. He chose to write a
23 statement and to attach exhibits and that was it.

24 This is all new, additional material and it's
25 just outside -- he chose not to avail himself of the

1 opportunity to present this material at the appropriate
2 time. And now is not the appropriate time, this is an
3 appeal, it's not a new hearing.

4 MS. BLEAU: One other thing I need to tell you,
5 just for the record, Mr. Madden reminded me -- you'd
6 asked me, Madam Chairwoman, earlier whether or not we
7 were prohibited from gaining some of this information,
8 and the answer actually is yes. Mr. Fajardo, when Mr.
9 Madden was terminated -- when he was put on leave -- Mr.
10 Madden was instructed not to talk to anybody at the
11 City, not to access any -- he wasn't able to access any
12 of the records from the City, everybody from the City
13 was told not to talk to him. And so, yes, some of this
14 documentation Mr. Madden may have been able to submit
15 earlier except for those very specific instructions.

16 MR. ZALMAN: I believe Mr. Madden had counsel
17 from a very early stage of dealing with this employment
18 issue.

19 CHAIR ADELSON: I suppose my biggest concern is
20 this is moving into a realm where there was no issue
21 previously brought up. I know you say you brought up
22 certain issues in this letter. I am going to listen a
23 little bit further and go further, see where we're
24 heading with this. But if it is not in connection with
25 this termination, there are five bases upon which Mr.

1 Madden was terminated -- one, two, three, four, five,
2 six, excuse me -- and at this point it does appear that
3 it is veering a little off track in terms of the issues
4 related to his termination.

5 So, again, because of the forum that we are in,
6 I'm going to allow you to proceed again a little bit
7 further. But where it is not related to the specific
8 instances and the reasons for the termination, we might
9 need to think about -- and obviously, we want to give
10 Mr. Madden his opportunity, but we also need to stick
11 within the realm of the reasons for which he was
12 terminated and his opportunities and defenses for which
13 he presented before we got here today. Otherwise, this
14 hearing could end up being about other subject matter
15 not relevant to the issues at hand.

16 MS. BLEAU: And I can guarantee this Board and I
17 appreciate that and, actually, 100% agree. I believe
18 that nothing we want to present is not related to either
19 one of the defenses that Mr. Madden raised in his
20 written correspondence or directly related to the
21 charges that are brought.

22 You pointed out the six charges, some of which
23 are expression of agreements, conduct discrediting the
24 City, abuse of public criticism. Those charges
25 specifically relate to the challenges and questions that

1 Mr. Madden raised regarding what he perceived to be
2 potential law violations and rule violations in
3 violation of what BORA, who oversees the City, said, and
4 in violation of the Statute.

5 So, we're in 100% agreement, all of these things
6 go directly to that or, as I said, if a witness -- Mr.
7 Zalman has called a witness to testify about something
8 and a witness says something we believe is inaccurate,
9 now would be the only opportunity for us to address
10 those things. And that's actually what Exhibit 125 goes
11 to.

12 CHAIR ADELSON: And we want to remain mindful
13 that as the City did say, Mr. Travers, his conduct and
14 his behavior is not the reason we're here today. So if
15 it does start moving down that line, then I will
16 consider whatever the documentation or whatever it is
17 that you are bringing in -- because I believe, Counsel,
18 you're going to remain an ongoing objection to the
19 introduction of these documents.

20 I'm willing to ask that you again assert them if
21 there's something in particular, but in terms of this is
22 not Mr. Travers' conduct, it is about the hearing and
23 whether or not you're going for motivation or other
24 reasons, I understand that. But this is not a hearing
25 in regard to how he behaved in particular circumstances

1 related to any other external hearings and the like.

2 So, we have been mindful that this is staying on
3 track in terms of the termination related to Mr. Madden.
4 I understand his defenses, but we're not going to try
5 Mr. Travers today on issues related to other hearings
6 and circumstances outside of -- that's not the purpose
7 of this -- that's what I'm hearing a little of the
8 City's concern, at this juncture with regard to the
9 objection of the documents. So, again, we'll go down
10 the path --

11 MS. BLEAU: And I believe the only issues with
12 respect to Mr. Travers that we are addressing in this
13 hearing are the issues that Mr. Madden raised that led
14 to his termination. They're all directly related, we're
15 not going outside of that. And there's documentation in
16 Ms. Richard's report, of the City's investigative report
17 and the witness statements, all supporting the direct
18 relation to these issues.

19 CHAIR ADELSON: And back to the City's concerns,
20 we will give it the weight that we feel is appropriate
21 upon deliberation to the extent that we do consider
22 those documents. But I'm also, as I said, going to be
23 mindful to be listening that this is about this appeal,
24 this hearing, this particular circumstances in terms of
25 how much of this does get entered into the record.

1 MR. BALDWIN: Madam Chairman, could I ask a
2 question, please? We're spending a lot of time with
3 this, and I understand what our role is and what we're
4 doing, but I'd asked a question at the original meeting
5 because it was Mr. Feldman that agreed to terminate Mr.
6 Madden, and it was based on the evidence that was
7 presented to him at the time, I'm sure.

8 And I asked you does Mr. Lagerbloom also agree?
9 And the answer was yes, Mr. Lagerbloom agrees. Because
10 Mr. Lagerbloom can obviate the need for this meeting if
11 he decides to hire Mr. Madden back, he could do that.
12 Was he presented the additional information that we're
13 getting? If he supports terminating Mr. Madden, does he
14 have all the information that now is being presented to
15 us?

16 MR. ZALMAN: No, this is the first time we are
17 seeing these documents.

18 MR. BALDWIN: So, he could in fact, if he were
19 given the additional information, and you were
20 requested, he could overturn the original decision.
21 That's my point.

22 MR. ZALMAN: He has the authority.
23 Procedurally, I don't know how he would do, but he's the
24 City Manager, he has the authority to rehire Mr. Madden.

25 MR. BALDWIN: And as far as you know, the

1 additional information we're getting to pass judgement
2 on Mr. Feldman's decision, Mr. Lagerbloom has not seen
3 that.

4 MR. ZALMAN: No.

5 MR. BALDWIN: Okay.

6 MR. ZALMAN: Just for efficiency, yeah, we do
7 have a standing objection. Instead of repeating
8 everything that was just said, if a document is referred
9 to out of this notebook other than Tab 79, I'll just
10 refer to my standing objection, call it that, for
11 efficiency's sake.

12 CHAIR ADELSON: That would be helpful. So,
13 let's proceed. We are coming on the 12:00 hour. I know
14 we started a little bit later because of housekeeping
15 issues, I'm going to suggest we -- how much longer do
16 you think you have with Mr. Travers?

17 MS. BLEAU: Oh, I have a bit. You can break now
18 if you want, or I can just finish this one point and
19 then we --

20 CHAIR ADELSON: [inaudible] So, why don't you
21 finish the point that you were at now, then we'll take a
22 half an hour lunch break. As we all know, there's a
23 place across the street, and then we can be back and
24 then we can get started at about 1:00 again. So, let's
25 finish this line.

1 MS. BLEAU: And I understand that we are
2 concerned about time, so perhaps an instruction from the
3 Chair to Mr. Travers to try to answer my question.
4 Every yes or no question I've asked him, he goes into a
5 long explanation of what he thinks I'm trying to prove.
6 And I'm sure Mr. Zalman is very competent counsel and
7 can ask him on redirect anything that he deems
8 appropriate. But that would help. We could move this
9 along a little bit.

10 CHAIR ADELSON: I do not believe it is
11 appropriate for me to direct how the witness should
12 answer the questions, he does have counsel, so I am
13 going to overrule that request and Mr. Travers will
14 answer as he sees fit.

15 MR. ZALMAN: Thank you.

16 MS. BLEAU: All right, if you'll turn to 125 as
17 I requested, Mr. Travers. These are just a few excerpts
18 from a November 2016 Code Enforcement hearing. You are
19 over Mr. Oliva, who is the one that's actually in charge
20 of these Code Enforcement procedures, correct?

21 MR. TRAVERS: Yes.

22 MS. BLEAU: Thank you. Let's turn to the second
23 page in the exhibit of excerpts, there's a numbered
24 paragraph 25, you see the highlighting there. This is -
25 - Mr. Oliva was the Inspector on this, the building was

1 altered and construction work performed without
2 obtaining required permits and inspections, correct?
3 That's what that says?

4 MR. TRAVERS: That's what it says, yes.

5 MS. BLEAU: And this was brought before Code
6 Enforcement, so that is a customary procedure for
7 proceeding without the appropriate permits?

8 MR. TRAVERS: Yes.

9 MS. BLEAU: And if you'll turn the page, Mr.
10 Oliva has two other cases on the following page for the
11 same thing, work without a permit. Correct?

12 MR. TRAVERS: Yes, these appear to be the same.

13 MS. BLEAU: Okay, and the next page, garage
14 being built without a permit, being enclosed, and
15 windows installed. Again, that was a Code Enforcement
16 violation, correct?

17 MR. TRAVERS: Yes.

18 MS. BLEAU: And the next page, somebody built a
19 fence without a permit and they were brought before Code
20 Enforcement, is that right? Again, looking to the
21 highlighted section.

22 MR. TRAVERS: Yes.

23 MS. BLEAU: If you skip over to page 96 -- which
24 is two pages back, I think. In this particular case,
25 the homeowner actually just repaired their fence without

1 the required permits and they were brought before the
2 Code Enforcement Board, is that right?

3 MR. TRAVERS: That's what it shows on this page,
4 yes.

5 MS. BLEAU: All right, this is a good place to
6 stop, Madam Chair.

7 CHAIR ADELSON: All right, it is now 12:01. We
8 will be taking a recess for a half an hour, until 12:30.
9 And we'll have everybody back here at 12:30 and we can
10 resume the employee's cross of Mr. Travers. Mr.
11 Travers, you're still under oath, I just want to remind
12 you, okay?

13 MR. TRAVERS: I understand.

14 [recess began at 12:01 p.m.]

15 [recess ended at 12:36 p.m.]

16 CHAIR ADELSON: Good afternoon. It is now
17 12:36, we're back on the record. It is Monday, February
18 17, 2020, and we're continuing the Appeal of Termination
19 of Employment for John Madden. I am going to probably
20 want to break again around 3:00-3:30, so keeping in mind
21 your line of questioning, since everyone is going to
22 need a break at some point. So, if the employee is
23 ready to continue, Mr. Travers, you are still under
24 oath.

25 MR. TRAVERS: Yes.

1 MR. ZALMAN: Just one quick point of order.

2 When we were going over the future calendar, I noticed
3 at every time it ended at 4:00. So I confirmed with Ms.
4 Arthurs that -- do we have the room until 5:00? And
5 there's actually another meeting or something happening
6 here at exactly 5:00, and from our experience before
7 where they kicked us out at 4:00 to set up, something
8 similar might happen. So, you had mentioned you had
9 business to talk about for another matter. I just
10 wanted to make everyone aware that there's a good chance
11 we could be out of here at 4:00, 4:30 maybe. But I
12 wanted to give you time to do your business and us
13 enough time to do our case.

14 CHAIR ADELSON: I said on the agenda it was
15 10:00 to 5:00, but whatever time we get kicked out, we
16 get kicked out. And I appreciate the heads-up. We
17 could probably do some of our stuff quickly. But then
18 again, we're talking about calendaring. So, we know how
19 long it took that time, but thank you, I appreciate
20 that.

21 MR. ZALMAN: No problem.

22 MS. BLEAU: I will proceed then, thank you,
23 Madam Chair. Mr. Travers, under the City's policy and
24 under Florida Statutes, is the Private Provider required
25 to call for an inspection?

1 MR. TRAVERS: Yes.

2 MS. BLEAU: And did you permit MT Causley to
3 work on projects without calling the City before each
4 inspection?

5 MR. TRAVERS: Not that I'm aware of, no.

6 MS. BLEAU: You told Ms. Richard that John
7 Madden was insubordinate when he instructed a staff to
8 enter "C" into the C PLUS system because you had
9 specifically directed your staff to enter "R" or "N" --
10 do you remember that?

11 MR. TRAVERS: Yes, I believe that's in the Tab
12 1.

13 MS. BLEAU: Okay, and in your cross-examination
14 testimony last hearing you acknowledged that Mr.
15 Madden's email that you provided to Ms. Richard was
16 actually dated prior to your July policy, correct? The
17 Permit by Affidavit policy.

18 MR. TRAVERS: Okay, I'm not familiar with the
19 date schedule on that, but if you have it on record,
20 then I assume that it's correct.

21 MS. BLEAU: Do you or do you not recall the last
22 hearing where we discussed the fact that the
23 documentation that was provided to the City, to Ms.
24 Richard by the City, by you, actually did not show Mr.
25 Madden providing this instruction after you had provided

1 the instruction regarding the "R" and the "N." Do you
2 remember that discussion?

3 MR. TRAVERS: I do remember the discussion, yes.

4 MS. BLEAU: Okay. And in part of your testimony
5 last time, you said you explained that by saying, "The
6 policy that you see that begins with page 1 of 16 was
7 actually a revision. I don't see the original policy
8 included in here." Do you recall giving that testimony?

9 MR. TRAVERS: Okay, can you refer me where that
10 is?

11 MS. BLEAU: Sure. Take a look at this. If you
12 look at page 163 of the second hearing date, starting at
13 line 19 and going into line 20, again you'll see your
14 testimony saying, "The policy that you see that begins
15 with page 1 of 16 was actually a revision. I don't see
16 the original policy included in here." You see that?

17 CHAIR ADELSON: Please let us know what you're
18 referring to [inaudible].

19 MS. BLEAU: It's the court reporter's transcript
20 from the last hearing.

21 SJ: Tab 1 [inaudible].

22 MS. BLEAU: No, this is the court reporter's
23 transcript from the last hearing, regarding the last
24 hearing, and Mr. Travers' testimony in that regard. Did
25 I read that accurately?

1 MR. TRAVERS: I believe you did, yes.

2 MS. BLEAU: Are you aware that subsequent to
3 that hearing I made a public records request to the City
4 under Chapter 119 requesting any earlier versions of
5 your Private Provider policy?

6 MR. TRAVERS: I'm not aware that - nothing came
7 to me as a request for information. I think we have a
8 staff member who processes all of that, but I don't know
9 that it came directly to me.

10 MS. BLEAU: So, again, not whether or not it
11 came directly to you, but you are not aware as you sit
12 here today that that public records request was made, is
13 that right?

14 MR. TRAVERS: No, I believe that I am aware that
15 there was a request for information under the Freedom of
16 Information Act for additional information, but I'm not
17 aware the details of it because I don't oversee that
18 down at its actual level.

19 MS. BLEAU: Are you aware that according to Mr.
20 Solomon the initial policy was prepared on June 23,
21 2016, at 1:27 p.m. and modified June 24, 2016? Do you
22 know that?

23 MR. ZALMAN: We are objecting, we have no idea
24 what Counsel is referring to.

25 MS. BLEAU: I'm asking you --

1 MR. ZALMAN: It seems like she is adding
2 testimony, this is not on record.

3 MS. BLEAU: I'm happy to show it to him, but the
4 question was, are you aware of that?

5 MR. ZALMAN: Who's Mr. Solomon?

6 MS. BLEAU: Mr. Solomon, Mr. Travers knows.
7 Who's Mr. Solomon, Mr. Travers?

8 MR. TRAVERS: I know that he's a City employee,
9 but I don't know exactly what department or division
10 that he works in.

11 MS. BLEAU: Okay. I'll have to make copies of
12 this, I only have one. Didn't think this would be in
13 dispute. So, on January 6, Karen Becker with the City
14 acknowledged receipt of our public records request, Mr.
15 Solomon provided the whatever versions of your Private
16 Provider policy that were earlier than the July policy.
17 On January 14, I sent him an email saying, "You sent two
18 documents in response to my request below requesting
19 earlier versions of Permit by Affidavit procedures dated
20 07/14/16. One document provided is named with a date
21 included of 07/13/16. There is no date for the other.
22 Please provide a screen shot of the date last modified
23 for that document or provide any other information you
24 may have to show the date such document is created."
25 And Mr. Solomon responded at 1:28 p.m. on January 16.

1 "Per your below email regarding the attached document,
2 staff advised the document was prepared 06/23/16 at 1:27
3 p.m., and it was modified the next day, 06/24/16, 2012."
4 And we'll submit this into evidence and I'll get copies
5 for the Board.

6 MR. ZALMAN: Is there a question that you're
7 asking?

8 MS. BLEAU: It's coming. Would you like to see
9 this?

10 MR. ZALMAN: We're going to object to the
11 relevancy of this. I don't see how a public records
12 request has anything to do with the appeal of Mr.
13 Madden's termination, or this proceeding. And how would
14 Mr. Travers have any knowledge of it, and he has in fact
15 already answered he's not part of the process for a
16 public records request.

17 MS. BLEAU: May I explain? I need to.

18 CHAIR ADELSON: Let's see where we're going with
19 this.

20 MS. BLEAU: So, are you overruling the objection
21 or would you like me to explain the relevancy.

22 CHAIR ADELSON: Well, actually, the testimony I
23 heard was that Mr. Travers stated he was aware there was
24 a public records request but he's not involved in the
25 process of the procedure of it. So, I don't think

1 there's a dispute that it was made. I think your
2 comment that you didn't think this was going to be in
3 dispute. So, if that is why you're going to the line of
4 testimony, I don't think there's any further questioning
5 on that.

6 MS. BLEAU: It's not. So let me --

7 CHAIR ADELSON: So let me, just for now, hear
8 your explanation as to the relevance of the questioning
9 [inaudible].

10 MS. BLEAU: Thank you. I honestly couldn't
11 imagine anything more relevant. One of the specific
12 charges against Mr. Madden is insubordination. And the
13 example of insubordination that is in Ms. Richard's
14 report that was provided by Mr. Travers was he accused
15 Mr. Madden of providing direction to his staff about
16 entering information into the C PLUS system that
17 contradicted Mr. Travers' instructions pursuant to the
18 Private Provider policy. What this evidence shows is
19 that the Private Provider policy, in the earliest
20 version according to my public records request to the
21 City, the very earliest version of the Private Provider
22 policy was in June and Mr. Madden's email was in May,
23 which obviously could not have been, then,
24 insubordination, contrary to what Mr. Travers told Ms.
25 Richard. And so, that is the relevance as it shows

1 evidence that the Private Provider policy was adopted
2 subsequent to and not prior to Mr. Madden's email.

3 MR. ZALMAN: That's not what I recall. I recall
4 Ms. Richard and Mr. Travers, during our direct,
5 reviewing emails and those emails, which I believe are
6 one of the red tabs, called for somebody entering in a
7 certain letter code, such as a "C," into the system.
8 And then Mr. Travers commenting, Ms. Richard commenting
9 that Mr. Madden issued essentially a countermand saying,
10 "Do not do that." Or by entering the "C" it would --
11 the emails had to do with entering the incorrect letter
12 that would essentially stop the process instead of
13 following Mr. Travers' directive to enter the correct
14 letter. And it had to do with email directives, which
15 could be reviewed and discussed right now. Again, I
16 don't know how a public records request, how Mr. Travers
17 could answer any questions about a public records
18 request.

19 CHAIR ADELSON: So, I guess my question is, is
20 the questioning going to go to the public records
21 request or the document that was requested from the
22 public records request?

23 MS. BLEAU: It is regarding the information
24 provided by the City as to the earliest version of the
25 Private Provider policy. Because when I questioned --

1 Mr. Zalman is partially correct. There are emails in
2 the City's information that Mr. Travers had pointed out
3 -- or Ms. Richard, actually, had pointed out -- where
4 Mr. Travers gave this direction.

5 But once again, those emails were subsequent to
6 and not before the May email. And so, after asking Mr.
7 Travers about that on cross examination last time, I
8 then moved on to the policy itself. And in questions of
9 the fact that the policy was adopted after Mr. Madden's
10 email, not before, his testimony was, as I read into the
11 record, his testimony was, "The policy that you see that
12 begins with page 1 of 16 was actually a revision. I
13 don't see the original policy included in here." In
14 other words, he was implying in his testimony that the
15 policy was in fact adopted prior to Mr. Madden's email
16 of May 2016.

17 And so, to see if that was accurate testimony, I
18 made a public records request to the City and the City
19 provided information to show that in fact the very
20 earliest version of the policy was in June, again,
21 subsequent to and not prior to Mr. Madden's May email,
22 which could therefore clearly not be insubordinate.

23 CHAIR ADELSON: So, there has been a lot
24 colloquy and argument back and forth. I think the issue
25 is the document was requested, there's a date on it that

1 precedes another particular date on another document.
2 At that point I think we could probably move on. We
3 understand what you asked whether or not the weight of
4 what we give to the document will be taken into
5 consideration in light of the same conversation we had
6 previously. So, for now we are going to overrule the
7 objection with regard to the document itself. I think,
8 though, in terms of the line of questioning, we probably
9 could move on --

10 MS. BLEAU: Sure.

11 CHAIR ADELSON: -- because you've established
12 your timeline.

13 MS. BLEAU: Yes, we have. Thank you.

14 CHAIR ADELSON: And we would request, obviously,
15 copies of whatever document it is that you are asking us
16 to look at.

17 MS. BLEAU: Do you still have that? Just want
18 to make sure to keep that separate. Mr. Travers, would
19 you agree that if your Private Provider policy was not
20 in compliance with Florida Statute 553.791 regarding
21 inspections and plans review for Private Provider jobs,
22 Mr. Madden would be required as the Certified Structural
23 Chief in Broward County, to enforce the law as set for
24 in Florida Statute instead of your policy?

25 MR. TRAVERS: I would agree that you said "if,"

1 so I would agree that -- however, I need to remind
2 everybody that Chapter 1 in the Florida Building Code
3 puts the ultimate, final approval process on the
4 Building Code Administrator or the Building Official.

5 MS. BLEAU: And as we define that Building Code
6 -- defines Building Code Administrator as the person who
7 supervises the Plans Reviewers and supervises the
8 Inspectors, correct?

9 MR. TRAVERS: Yes.

10 MS. BLEAU: You have testified that under your
11 Private Provider policy, the inspection audit is to
12 verify that the required inspections are noted in the
13 logbook. We talked about that before the break. Under
14 your policy, no inspection of the work should be done as
15 a means of spot-checking the quality of the contractor's
16 work, correct?

17 MR. TRAVERS: Well, you made two statements
18 there. And the first statement is yes, the inspectors
19 are there to look at the audit books, the logs, and make
20 sure that inspections are being performed. I leave it
21 to their discretion, if they see something out of the
22 ordinary that they can then follow up with an
23 inspection. I don't dictate that they do or do not use
24 that procedure.

25 MS. BLEAU: And your policy actually required

1 notification prior to inspection notifications to the
2 City, correct?

3 MR. TRAVERS: Yes.

4 MS. BLEAU: And advance notification would
5 presumably be required under the Florida Statute so that
6 your inspectors can verify the information that is being
7 inspected by the Private Provider, correct?

8 MR. TRAVERS: Yes.

9 MS. BLEAU: If you'll turn to the City's
10 notebook you have open, got to red Tab 1, and then back
11 from there about five, six pages, I believe is Appendix
12 A to your Private Provider policy. Actually, I think
13 that's the beginning of your Private Provider policy,
14 and if you would go to page 8 of 16 of that policy,
15 that's Appendix A. Now turn to page 8 of 16, please,
16 Mr. Travers.

17 MR. TRAVERS: I'm at page 8.

18 MS. BLEAU: I'm sorry, it didn't look like it.
19 Great. And this is actually the Florida Statute that
20 was in effect at the time of your policy, correct?

21 MR. TRAVERS: Yes.

22 MS. BLEAU: Okay. And then if you turn to page
23 12, we see the last sentence of paragraph 9 -- actually,
24 I think the last two sentences of paragraph 9 -- which
25 is Florida Statutes. "After corrections are made, the

1 items must be re-inspected by the Private Provider or
2 representative before being concealed. Re-inspections
3 or audit fees shall not be charged by the local
4 jurisdiction as a result of the local jurisdiction's
5 audit inspection occurring before the performance of the
6 Private Provider's inspection." And then it goes on,
7 but that's the relevant part for my question to you.
8 Did I read that accurately?

9 MR. TRAVERS: Yes.

10 MS. BLEAU: Okay. Can you tell me, under your
11 policy for Private Providers in the City of Fort
12 Lauderdale, how an inspection could be performed before
13 the inspection by a Private Provider as contemplated in
14 the Florida Statute if, what you say, is the inspections
15 should be just to confirm that the logbooks are filled
16 out properly?

17 MR. TRAVERS: So the Statute says that even
18 though the Private Provider is performing an inspection,
19 that the local jurisdiction still has to be notified
20 that the Private Provider is performing an inspection.
21 And that's done through a request for both Private
22 Provider to do the inspection and a notice to the City
23 that the Private Provider has been asked to perform an
24 inspection.

25 Because the Private Provider's inspection

1 schedule may not be the same as the City's schedule, if
2 we chose to perform an audit inspection, it is quite
3 possible that we might arrive on the job site before the
4 Private Provider arrived to perform that inspection.

5 We have a policy that requires that any
6 inspections that are requested be called in before a
7 certain time in the afternoon so that the Chiefs can be
8 made aware of the fact that the Private Provider is
9 performing an inspection and, if necessary, they can
10 request an audit inspection. But we don't match or
11 correlate our inspection schedule to the Private
12 Provider's schedule.

13 MS. BLEAU: Thank you. So, in that context, you
14 would agree that "audit inspection" is not as you've
15 described it, which is verifying that the logbooks are
16 filled out properly, but actually audit inspection in
17 the context of this Florida Statute section means
18 something more, correct?

19 MR. TRAVERS: No, I don't agree with that.

20 MS. BLEAU: If the City is going to be
21 conducting the inspection prior to the Private
22 Provider's inspection, how can their audit inspection be
23 simply to verify that the inspection was done?

24 MR. TRAVERS: I'll see if I can explain this.
25 If our City Inspector showed up to do an audit

1 inspection prior to the Private Provider, there would be
2 no log, no entry into the logbook for that inspection.
3 So, therefore, that inspection hadn't been completed
4 yet. It's most likely that our Inspector just got to
5 the site prior to the Private Provider to perform that
6 inspection. And I believe that's what we're referring
7 to here.

8 MS. BLEAU: Right. And then it says, "Re-
9 inspection fees or re-audit fees shall not be charged in
10 those contexts where the inspection was performed prior
11 to the Private Provider." The audit inspection was
12 performed prior to the Private Provider, right?

13 MR. TRAVERS: Right. And that would be that
14 we're not going to charge a re-inspection fee if the
15 Private Provider hasn't even shown up on the job to do
16 that inspection yet.

17 MS. BLEAU: Okay. Well, let's move on to
18 another example. Look at page 9 of 16, subparagraph F
19 of Florida Statutes. You see the definition for
20 "immediate threat to public safety and welfare"?

21 MR. TRAVERS: I do.

22 MS. BLEAU: Okay. And this section permits the
23 City to issue a notice of corrective action if it
24 determines there is a violation of the Building Code or
25 the approved plans and the condition is deemed to be a

1 hazard to public safety, correct?

2 MR. TRAVERS: Yes.

3 MS. BLEAU: And if the statute contemplated an
4 audit, it was only to verify that the inspections had
5 been performed as stated in a logbook, how could the
6 City every know whether the building is being
7 constructed in violation of the Code or approved plans?

8 MR. TRAVERS: By examining the entry on the
9 inspection certificate that's put into the logbook.

10 MS. BLEAU: So, the Private Provider verifies,
11 "I inspected the conduits going into this area and
12 approved them." How would the then Inspector know by
13 looking at that logbook entry that there was a violation
14 of the Code?

15 MR. TRAVERS: If the Private Provider has
16 entered something and it's a passed inspection, then the
17 responsibility for whether or not it was compliant with
18 the Code falls on the Private Provider and we're there
19 to see that they're performing the normal procedure of
20 inspections.

21 MS. BLEAU: Okay, so, I know that's your policy.
22 My question is whether or not that's consistent with
23 Florida Statute. And to that end, I'm asking how and
24 Inspector conducting those audit in the manner in which
25 you're describing and the manner in which you required,

1 how would your Inspector ever know that the project was
2 being constructed in violation of the Code?

3 MR. TRAVERS: So, on direction of the Chair,
4 I've been asked to, where necessary, kind of be brief so
5 that we can continue to move on. But the Inspectors
6 that work for the City of Fort Lauderdale know the
7 required inspections. When they go out to the site to
8 do an audit inspection, they're looking at those logs to
9 see that what is normally required to be inspected has
10 been performed. If that's been performed by the Private
11 Provider and it is a compliant inspection, then they
12 don't normally reinspect behind the Private Provider
13 because Statute allows that the inspections can be done
14 by the Private Provider and they're in lieu of
15 performing the same inspections again by the local
16 municipality.

17 CHAIR ADELSON: Counselor and City, before we
18 proceed, I have in no way instructed you to truncate or
19 be brief. If you choose to be brief, that is your call.
20 We're not restricting your testimony in any way and you
21 answer as you see fit.

22 MR. TRAVERS: All right, I apologize to the
23 Chair. But I am trying to help us move along. And I
24 understand the Board may not be as familiar with all of
25 the building procedures that Mr. Madden and I are, and

1 so where I feel it is necessary to try and help you
2 understand in more of a lay term, I'm happy to provide
3 that information.

4 CHAIR ADELSON: I appreciate that, thank you.

5 MS. BLEAU: So, Mr. Travers, let's move on from
6 inspections to plans reviews. Similar to your policy
7 regarding Private Provider's inspections, if the Private
8 Provider is doing the plans review, your policy is: let
9 the Private Provider decide whether or not the code is
10 complied with, the only responsibility of the City is to
11 confirm that they're reviewing the plans. Right?

12 MR. TRAVERS: Yes, the Statute says that they're
13 responsible for the compliant review, that they are
14 required to make comments for corrections, if they're
15 found, and when those drawings come into us, those four
16 disciplines, BMEP -- building, mechanical, electrical,
17 and plumbing -- we're doing an audit review of the
18 Private Provider's plan review to see that each page was
19 examined.

20 MS. BLEAU: And to determine that each page was
21 examined, all you're looking for is an indication that
22 it was examined in some writing or notation, correct?

23 MR. TRAVERS: Normally the Private Providers
24 will provide a stamp at the bottom of the page that it's
25 been reviewed and approved.

1 MS. BLEAU: And if there's no stamp or the stamp
2 is there but there's nothing filled out, then it hasn't
3 been reviewed or approved and that's when your
4 Inspectors would take action?

5 MR. TRAVERS: If we notice there are sheets in
6 the drawing under those four disciplines that I
7 previously mentioned that don't have the stamp or the
8 signature of the Private Provider, then we would ask
9 that the Private Provider rectify or correct that.

10 MS. BLEAU: Okay. So, let's look at page 11 of
11 16, again still looking at Florida Statutes, and your
12 Private Provider Appendix A attached to your Private
13 Provider policy, and look at paragraph 7A, if you would.
14 This sections states that, "No more than 30 days after
15 receipt of the permit application and the affidavit by
16 the Private Provider, the permit should be issued or
17 written notice provided of the specific plan features
18 which do not comply with the Code." Correct?

19 MR. TRAVERS: Yes.

20 MS. BLEAU: So, again, if Florida Statutes
21 contemplated that all you should do is verify that the
22 Private Provider reviewed the plans, that's what the
23 affidavit is, right, that's being submitted along with
24 the permit application?

25 MR. TRAVERS: Correct.

1 MS. BLEAU: So why isn't Florida Statute
2 consistent with your testimony? Because it's requiring
3 permit application, one; affidavit by Private Provider,
4 two; but it doesn't stop there, does it? It says that
5 "The permit should be issued or written notice provided
6 of the specific plan features which do not comply with
7 the Code." That did not suggest to you that the Code
8 contemplates that the Plans Reviewer for the City is
9 going to determine whether or not the plan features
10 comply with the Code?

11 MR. TRAVERS: No. What it says to me is that if
12 we find pages that weren't reviewed, that we need to
13 bring that to the attention of the Private Provider.

14 MS. BLEAU: It doesn't say that, though, does
15 it?

16 MR. TRAVERS: It also doesn't say that we have
17 to perform a complete review.

18 MS. BLEAU: Well, it says "... or provide written
19 notice that the specific plan features do not comply
20 with the Code." Isn't that the language?

21 MR. TRAVERS: No, the language is "plan
22 deficiencies." They've already looked at the plans in
23 terms of compliance with the Florida Building Code.
24 We're looking to see that they have reviewed each of the
25 appropriate pages and made the determination that

1 they're either compliant or that they required
2 corrections.

3 MS. BLEAU: Okay, just to be clear, Mr. Travers,
4 if you'll look at the first part of 7A, you said it
5 doesn't say "specific plan features which do not comply
6 with the Code." But if you'll look, I think the only
7 word I left out is "applicable Codes." Do you see
8 there, about four sentences down, where it says, "... or
9 provide written notice." Do you see that? It's the
10 fourth -- one, two, three, excuse me, the third line
11 down, 7A.

12 MR. TRAVERS: Uh-huh [affirmative].

13 MS. BLEAU: Starting with "written notice or
14 provide written notice to the permit applicant,
15 identifying the specific plan features that do not
16 comply with the applicable Codes."

17 MR. TRAVERS: Okay, that's there in 7A.

18 MS. BLEAU: So when you said it says
19 "deficiencies," that's not what it says. It says what
20 we've been discussing, right?

21 MR. TRAVERS: No, the following sentence says,
22 "The Building Official does not provide a written notice
23 of the plan deficiencies." That's the area that I was
24 referring to.

25 MS. BLEAU: Okay, but it does in fact say,

1 "specific plan features which do not comply with
2 applicable codes," right? You read it, you can agree
3 with me on that, right?

4 MR. TRAVERS: Yes.

5 MS. BLEAU: Okay. We're looking at here the
6 City's notebook and if you just maybe turn back to the
7 front page for a second, in the Table of Contents. Tab
8 14 is described as "Travers Information Meeting
9 Documents." Where did these documents come from?

10 MR. TRAVERS: I don't know, you'll have to give
11 me a second to go to Tab 14 and see what that is. So,
12 under Tab 14 page 1, it looks like it has some dates
13 that the HR representative that supports the Building
14 Services Division --

15 MS. BLEAU: Again, Mr. Travers, I just want to
16 make sure you understand my question --

17 MR. TRAVERS: Okay.

18 MS. BLEAU: There are a lot of documents in Tab
19 14 and I don't need you to describe for me what they
20 are. My question is, where did they come from and who
21 put these together?

22 MR. TRAVERS: Oh. Well, I don't know where they
23 came from. I didn't put them together.

24 MS. BLEAU: You don't know why they're called
25 "Travers Information Meeting Documents"?

1 MR. TRAVERS: Perhaps Ms. Richard titled that.
2 I did not.

3 MS. BLEAU: Okay. And you didn't put these
4 documents together for Ms. Richard?

5 MR. TRAVERS: Not to my recollection, no.

6 MS. BLEAU: Okay. Did Ralph Riles -- who's
7 Ralph Riles, first of all?

8 MR. TRAVERS: Ralph Riles was a Senior Plans
9 Examiner Structural. He's no longer with the City.

10 MS. BLEAU: A Plans Examiner. Did he identify
11 deficiencies with the plans for 2900 Riomar, also known
12 as The Tiffany House?

13 MR. TRAVERS: I don't have his notes in front of
14 me, so I don't know if he did or not.

15 MS. BLEAU: According to Ms. Richard's report,
16 you told her that you believed Mr. Madden interfered
17 with your directives regarding Tiffany House, correct?
18 Do you recall that from what you read this morning?

19 MR. TRAVERS: Yes, that had to do with how the
20 entry of the letters went into C PLUS.

21 MS. BLEAU: Those are the only directives that
22 Mr. Madden interfered with regarding 2900 according to
23 your testimony?

24 MR. TRAVERS: Those are the ones that I recall
25 at this time, yes. And that's the ones that were in the

1 transcript that Ms. Richard had.

2 MS. BLEAU: Transcript that Ms. Richard had.

3 MR. TRAVERS: Well, the notes that she put
4 under, I guess, Tab 1.

5 MS. BLEAU: Okay. Let's look back at your - go
6 to page 4 of Tab 1. Sorry, paragraph 4 page 2. I'm
7 dyslexic. Paragraph 4 on page 3, which is the second,
8 yeah, of yours. So it says, "Travers believes Madden
9 improperly interfered with directives given by him on a
10 project known as The Tiffany House. The project was
11 initially submitted for full review, but because of
12 delays in Plans Review, the owner requested to use a
13 Private Provider." Your testimony is that this
14 interference had to do with the preceding paragraph, Mr.
15 Madden's instructions to enter C in the C Plus system?

16 MR. TRAVERS: I'm not sure of the exact
17 chronology here. I know that this is what Ms. Richard
18 put down in her report. I do know that we encountered
19 some challenges with the insertion into C Plus, which
20 was our permitting program. If certain letters were put
21 in there, it would bring about a stop. So, in terms of
22 paragraph 4 that you're referring to, I think that the
23 workaround that I came up with is mentioned in paragraph
24 3. And that is, the insertion of an "N" or an "R." But
25 that was not the instructions that I was aware of were

1 being passed on to the Plans Examiners, and that's in
2 paragraph 2.

3 MS. BLEAU: So, your recollection is, the
4 chronology is 2900 Riomar was in the process of
5 construction after a permit had been issued. The
6 Private Provider was reviewing the plans and providing
7 the inspections. You then told your staff to enter the
8 "N" and "R" into the system and Mr. Madden then told the
9 people to enter "C" instead. Is that what you're
10 testifying?

11 MR. TRAVERS: No, this section refers to the
12 fact that the plans had not been completed in terms of
13 our reviews, and the stakeholders had decided that at
14 that time they would like to resubmit the permit as a
15 Private Provider project. That's what was being talked
16 about under the section that said -- but because of the
17 delays in Plan Review, the owner requested the use of a
18 Private Provider.

19 MS. BLEAU: So, let me go back to my initial
20 question. "Travers believes Madden improperly
21 interfered with directives given him on the project
22 known as The Tiffany House." What directives did Mr.
23 Madden interfere with, improperly, regarding The Tiffany
24 House?

25 MR. TRAVERS: Again, recalling the sequence of

1 events there, we were in the process of moving those
2 plans out of our full review and getting them registered
3 as a Private Provider and there were no written
4 procedures and exactly how to do that. We were kind of
5 building the ship we went along with this. So, to
6 answer your question, "How did Mr. Madden improperly
7 interfere?" While that process was taking place, I seem
8 to recall that Mr. Madden had instructed someone to go
9 out and to issue a stop work order. There was some
10 initial work that may have been begun out there as far
11 as an early start, but again, the details -- this is
12 from four years ago, so I'm not recalling everything
13 specifically.

14 MS. BLEAU: Well, with all due respect, it is
15 the City's burden to show that Mr. Madden was guilty of
16 the charges being brought against him, and one of those
17 charges is insubordination. And according to Ms.
18 Richard's report, you told her that Mr. Madden
19 interfered with directives given by you regarding The
20 Tiffany House. For the last time, can you identify any
21 directives you gave regarding The Tiffany House that Mr.
22 Madden interfered with.

23 MR. TRAVERS: Yes, that's covered in paragraph 2
24 and paragraph 3. The types of letters that were
25 supposed to be entered into the system, Mr. Madden asked

1 for a different letter to be used than the ones that we
2 had figured out would work in the system.

3 MS. BLEAU: Anything else?

4 MR. TRAVERS: No.

5 MS. BLEAU: Ms. Richard says, "In a written
6 response to an inquiry from a structural plans examiner
7 regarding work performed on the project, Madden insisted
8 the work was done without a permit." Do you see that?

9 MR. TRAVERS: I see it.

10 MS. BLEAU: Was Mr. Madden correct or incorrect
11 when he insisted that work was being done on The Tiffany
12 House without a permit?

13 MR. TRAVERS: Can you say that again, please?

14 MS. BLEAU: Sure. Was Mr. Madden correct or was
15 he incorrect when he insisted that work was being done
16 on The Tiffany House without a permit?

17 MR. TRAVERS: I don't know if he was correct or
18 incorrect on whether or not work was being done. I
19 wasn't aware of it. He -- according to this -- he
20 insisted work was being done without a permit, but I
21 can't confirm whether or not that was actually
22 happening.

23 MS. BLEAU: So let me make sure I understand
24 correctly. You, as the Building Official for the City
25 of Fort Lauderdale, told Ms. Richard that you were Chief

1 of Structural, raised concerns about a project being
2 constructed without a permit and, as you sit here today,
3 you don't know whether or not his accusations or
4 insistence was accurate. You didn't follow up on it to
5 see if that was true or not.

6 MR. TRAVERS: All right, there's a lot of
7 information in that sentence, so let me again try to go
8 through all of this.

9 MS. BLEAU: Let me ask you the question again.

10 MR. TRAVERS: Yeah, can you simplify it into
11 segments so that I can deal with each one, please?

12 MS. BLEAU: Well, you told Ms. Richard and she
13 put it in her report as part of the reason Mr. Madden
14 was being terminated, was that Mr. Madden "insisted"
15 that the project was being constructed without a permit.
16 Do you know, first of all, if Mr. Madden was correct in
17 that statement? And I think your testimony was you
18 don't know. Right? You don't know whether they were
19 constructing without a permit.

20 MR. TRAVERS: The statement was he insisted was
21 done without a permit.

22 MS. BLEAU: And my initial question was to you,
23 was he correct or was he incorrect when he made that
24 statement? Do you know?

25 MR. TRAVERS: Again, I believed that I have

1 previously stated that there was a foundation permit
2 that was issued. I can't recall the exact chronology of
3 that, so I apologize. But remember, there's a lot of
4 work going on within the City, we were doing everything
5 I could and my assistants, to move this forward in a
6 correct manner and it was four years ago.

7 MS. BLEAU: So if Mr. Madden was correct, that
8 work was being done beyond whatever permit was or was
9 not issued, then there would be nothing wrong in his
10 insistence that work was being done beyond the permit,
11 or without a permit. Right?

12 MR. TRAVERS: If he was correct, then you would
13 be correct, yes.

14 MS. BLEAU: Okay, and as you sit here today, you
15 can't tell this Board whether or not Mr. Madden was in
16 fact correct or incorrect.

17 MR. TRAVERS: No, I'm sure I reacted at that
18 time according to what information was available to me.
19 And again, moving to all the other projects that we have
20 in the City, I don't recall the exact situation or the
21 chronology. However, I believe I followed the right
22 procedures with that as we switched it from a project
23 that the City was going to be responsible for to a
24 project that the Private Provider was going to be
25 responsible for.

1 MS. BLEAU: So, Ms. Richard goes on in in the
2 sentence to say, "In the same email -- and that would be
3 the same email Mr. Madden was insisting work was being
4 performed without a permit -- he attached a photograph
5 of Travers and City Officials at the ground-breaking
6 ceremony, and Madden copied the Chief and Inspectors."
7 And that's the one we talked about earlier where,
8 according to you and what you told Ms. Richard at the
9 time, you believed that was done to embarrass you.
10 During your cross at the last hearing, you said you did
11 not feel embarrassed by the picture showing you at the
12 groundbreaking ceremony for this project, correct?

13 MR. TRAVERS: Yes, I wasn't embarrassed.

14 MS. BLEAU: Okay. And Mr. Zalman had asked you
15 about the email and the pictures on direct examination,
16 and he'd asked you to turn to Tab 14 and go to the
17 fourth page from the beginning. Let's do that now, can
18 we? Tab 14, go to the fourth page from the beginning.
19 Yes, that one. And Mr. Zalman asked you if you recalled
20 this email and you testified last hearing that you did
21 not, but you did recall the pictures. Do you recall
22 giving that testimony?

23 MR. TRAVERS: That's on the record, so yes.

24 MS. BLEAU: In that email that you did not
25 recall, this is where Mr. Madden, the Chief for the

1 City, was expressing concerns about the fact that work
2 was being done at 2900 Riomar without a permit, correct?

3 MR. TRAVERS: All right. But again, I need to
4 know the relevance of the picture in terms of work being
5 done.

6 MS. BLEAU: Okay, my question was, in this email
7 Mr. Madden sent on September 5, 2016, was Mr. Madden
8 raising concerns about his belief that work was being
9 constructed without a permit, without the necessary
10 permits?

11 MR. TRAVERS: Well, I can't speak for Mr.
12 Madden, but if he felt that that was it, that would be
13 for him to testify about.

14 MS. BLEAU: Okay, not my question, Mr. Travers.
15 Can you read the third sentence of Mr. Madden's email?

16 MR. TRAVERS: "In the case where work began
17 without a permit, I'm not sure what other policies have
18 been established other than Code Enforcement action,
19 City Ordinance 9-47 and Florida Building Code 105."

20 MS. BLEAU: "In this case, the work began without
21 a permit." Would you agree that in this email Mr.
22 Madden is raising concerns about the fact that
23 construction was being done without a permit?

24 MR. TRAVERS: He's raising concerns that work
25 was being done without a permit; however, I think that

1 the Board needs to understand that you can put
2 construction equipment on a site prior to the issuance
3 of a permit and you can put a pile of dirt on the site
4 for the City Commissioners and the Mayor to put a shovel
5 into, but that does not necessarily mean that that's
6 work without a permit.

7 MS. BLEAU: So, now, could you answer my
8 question?

9 MR. TRAVERS: Repeat your question, please.

10 MS. BLEAU: Will you agree that in this email
11 Mr. Madden raised concerns about the fact that
12 construction was being done without a permit?

13 MR. TRAVERS: His email does state that he has
14 concerns about work without a permit.

15 MS. BLEAU: Thank you. And follow-up question:
16 Did you investigate to make sure that the appropriate
17 permits were issued or that no work was being done
18 beyond the permits?

19 MR. TRAVERS: Well, the permits were being
20 processed and the Code Enforcement Team had visited the
21 site. And, again, I don't physically go out to the
22 site. I rely on my staff to give me information, so
23 based on that I felt that the work wasn't being done.

24 MS. BLEAU: You're saying that staff told you
25 work was not being done beyond the permits?

1 MR. TRAVERS: I don't recollect anyone telling
2 me that there was work being done out there that was
3 part of the required inspection process. Again, I'm
4 sorry, I don't recall that that was brought to my
5 attention.

6 MS. BLEAU: Let's look at the beginning of this
7 email chain a few pages back. You see at the top of
8 what's numbered page 4 in this exhibit is an email from
9 Victor Blanco, who's Mr. Blanco?

10 MR. TRAVERS: At the time, Mr. Blanco was a
11 Zoning and Structural Plan Examiner.

12 MS. BLEAU: And Mr. Blanco said in his email,
13 "Is this a new policy where Special Provider jobs get
14 preferential treatment? Correct me if I'm wrong, but I
15 am pretty sure State Statute says that we have 30 days
16 to review those plans. If this is the policy, all Plans
17 Examiners, including myself, need to be informed." I
18 have yet to see written policy regarding this issue, so
19 your policy had not been adopted at this point, is that
20 right?

21 MR. TRAVERS: Well, Mr. Blanco asked the
22 question, "Is this a new policy where Special Provider
23 jobs get preferential treatment?" I don't know that
24 that commands an answer. That email was sent to
25 probably seven or eight people and copied to about

1 fifteen more. It was never directed directly at me.
2 However, he goes on to say, "Correct me if I'm wrong,
3 but I'm pretty sure State Statute says we have 30 days
4 to review these plans." And he's correct. So, again,
5 we have time to review, but that doesn't mean that
6 nothing can occur on that job site as far as trailers
7 being place, construction fences, equipment being
8 brought it. That doesn't necessarily mean work has
9 begun.

10 MS. BLEAU: Would it be the private provider's
11 responsibility to make sure that the required permits
12 were issued to allow the work to proceed?

13 MR. TRAVERS: The Private Provider is going to
14 need to have an issued permit in order to begin the
15 logbooks for that job. There is some areas that the
16 Private Provider cannot inspect on, and that would be
17 Threshold and Special Inspections. They're actually
18 charged with reviewing those logs by those Special
19 Inspectors.

20 MS. BLEAU: So, is the answer to my question
21 yes, the Private Providers' part of their job is to make
22 sure that work is not being done on the jobsite beyond
23 any issue of an appropriate permit, right?

24 MR. TRAVERS: Correct.

25 MS. BLEAU: Okay. If you'll turn to Tab 129 in

1 my notebook. This is an email chain, the subject matter
2 is: Permits for 2900 Riomar-Tiffany/Gale House. That's
3 the project we've been talking about, correct?

4 MR. ZALMAN: Yes, I just want to raise our
5 standing objection at this time.

6 MS. BLEAU: Yes, and this is Tab 129 of our
7 notebook for Mr. Travers. Who is Judy Johnson?

8 MR. TRAVERS: She was an admin clerk that worked
9 in the Engineering Division of Sustainable Development.
10 She has since taken a new position with the City.

11 MS. BLEAU: Ms. Johnson's email at the beginning
12 of this chain says, "If they are other than demo/fence,
13 they do not have a permit. I received a call from GT
14 Construction this morning and he made it sound like they
15 are working at site. If they are, other than
16 demo/fence, they do not have a permit. Only thing I see
17 is demo permit/mitt [phonetic] issued and temp fence.
18 No early start certificate issued either." Did I read
19 that correctly?

20 MR. TRAVERS: I'm sorry, I'm not sure I have the
21 same as you.

22 MS. BLEAU: You do.

23 MR. TRAVERS: The only thing I have under Tab
24 129 --

25 MS. BLEAU: Yeah, look at the bottom of the

1 page.

2 MR. TRAVERS: It begins with Andre Cross, up at
3 the very top.

4 MS. BLEAU: It doesn't begin, the email chains
5 begin at the bottom and work their way up, right? So I
6 was looking at the one on the bottom of this page.

7 MR. TRAVERS: Okay, so Ms. Johnson stated at the
8 bottom of the page, she says, "If they are, other than
9 demo and fence, they do not have a permit." Again,
10 she's in the Engineering Department, so there are other
11 permits that are required outside of the Building
12 Services Division in the Engineering Department.

13 MS. BLEAU: And who is Scott Vanlew?

14 MR. TRAVERS: I don't recall now. He may have
15 been one of the Engineering Plans Examiners in that
16 division, but I don't think that I ever really met him
17 or knew him personally.

18 MS. BLEAU: Mr. Vanlew responded to Ms.
19 Johnson's email by saying, "Contractor is definitely
20 working." Correct?

21 MR. TRAVERS: That's what the email says.

22 MS. BLEAU: And then Ms. Johnson responds by
23 saying, "Do they have printed permits on site other than
24 demolition? Do they have any permits allowing them to
25 work?" And Mr. Vanlew responds, "No." Correct?

1 MR. TRAVERS: That's what it says in the email,
2 yes.

3 MS. BLEAU: And then Judy Johnson sends an email
4 to Andre Cross -- who's Mr. Cross?

5 MR. TRAVERS: Mr. Cross is the Business
6 Assistance Coordinator, prior to that he was a Code
7 Enforcement Officer in the Community Enhancement
8 Division.

9 MS. BLEAU: Would Mr. Cross have been at this
10 time of August 26, 2016, in the Code Enforcement area?

11 MR. TRAVERS: I don't remember the date that he
12 transitioned from their over to Building Assistance
13 Coordinator. We'd have to look and see through HR when
14 that change took place.

15 MS. BLEAU: So, Ms. Johnson tells Mr. Cross,
16 "Scott was here for a meeting with us. He said they are
17 working away, no permits on site, see emails below."
18 Did I read that correctly?

19 MR. TRAVERS: Yes.

20 MS. BLEAU: And did Mr. Cross bring this to your
21 attention?

22 MR. TRAVERS: Not that I recall.

23 MS. BLEAU: If a phase permit had been issued
24 for this project, a number would have been assigned to
25 it, correct? And it would appear in the City's records?

1 MR. TRAVERS: Yes.

2 MS. BLEAU: If you look at Tab 46, please.
3 There is no 46. [pause] I don't know if you need a
4 break or anything, I just need 30 seconds.

5 CHAIR ADELSON: There's no question, right,
6 being asked? So why don't we take a five-minute
7 bathroom break. No one's right on time, so I'll say
8 1:42.

9 [eleven minute break]

10 CHAIR ADELSON: We are back on the record, it
11 was a little more, 1:46. We are continuing with Mr.
12 Travers.

13 MR. TRAVERS: Yes, ma'am.

14 MS. BLEAU: Madam Chair, I gave each Board
15 Member, Mr. Travers, Mr. Zalman, a Tab 46 now. If you
16 can insert into Mr. Travers' documents notebook, it goes
17 before 48. Mr. Travers, you have Tab 46 in front of you
18 now, do you not?

19 MR. TRAVERS: Yes.

20 MS. BLEAU: Okay. In this email, Mr. Madden
21 says, "According to our records, this permit" -- and he
22 gives a number -- "was applied for on August 30, 2016.
23 Under the process established in July 2016, phase
24 permits are not permitted." First of all, correct?
25 That's what Mr. Madden says in his email?

1 MR. TRAVERS: Yes.

2 MS. BLEAU: And was Mr. Madden again correct
3 that phase permits are not permitted under your Private
4 Provider policy?

5 MR. TRAVERS: Yes.

6 MS. BLEAU: And do you have any reason to
7 believe Mr. Madden was incorrect about the date that the
8 permit was applied for, for 2900 Riomar?

9 MR. TRAVERS: I don't have any reason to doubt
10 the date, no.

11 MS. BLEAU: But last time you testified that a
12 phase permit was allowed on 2900 Riomar, correct? I
13 believe you testified specifically that it was a phase
14 foundation permit.

15 MR. TRAVERS: I do believe I made that
16 statement.

17 MS. BLEAU: Is that statement correct?

18 MR. TRAVERS: I did make the statement, yes. I
19 was under the impression that yes, we did issue a
20 foundation permit for that. Again, I hadn't had a
21 chance to review the records, but I seem to recall that,
22 yes.

23 MS. BLEAU: Okay, and if a phase permit had been
24 issued, that would be contrary to your own Private
25 Provider policy, correct?

1 MR. TRAVERS: Yes.

2 MS. BLEAU: You specifically testified that
3 under the phase foundation permit, it permitted the
4 Civil Engineer and the Structural Engineer to determine
5 the exact placement and the number of piles that needed
6 to be put in the ground in order to stabilize the
7 building itself. Does that sound right?

8 MR. TRAVERS: Yes.

9 MS. BLEAU: And do you know -- determine the
10 exact placement, is that the same thing as actually
11 putting the piles in the ground?

12 MR. TRAVERS: Yeah, there's a Threshold
13 Inspector that looks at what's known as a pile placement
14 form and certifies that's all recorded and kept in logs
15 on the job site.

16 MS. BLEAU: And the Threshold Inspector
17 certainly couldn't do that until plans were approved and
18 a permit issued, correct?

19 MR. TRAVERS: Yes.

20 MS. BLEAU: From now I'm going to look and make
21 sure I have a tab before I say it out loud. Would you
22 turn to Tab 108, please. It's another email from Mr.
23 Madden in September of 2016, again, regarding 2900
24 Riomar, correct?

25 MR. ZALMAN: I just want to bring up our

1 standing objection.

2 CHAIR ADELSON: So noted.

3 MR. TRAVERS: Correct.

4 MS. BLEAU: And this email is dated two days
5 after Mr. Madden's 09/05/15 email, which I believe is
6 the one that we just looked at.

7 MR. TRAVERS: I have Tab 46 as 09/02.

8 MS. BLEAU: 09/02. And then there was another
9 one that he sent 09/05. Anyway, I don't know if that
10 matters, I'm sure we're going to come across it. But
11 this email on Tab 108, prior to Mr. Madden sending this
12 email, you apparently had asked Mr. Oliva to transfer
13 the review notes from one number to another, is that
14 right?

15 MR. TRAVERS: I believe that is correct.

16 MS. BLEAU: And why did you do that?

17 MR. TRAVERS: The permit was being changed from
18 a permit to have a plan review and inspections by the
19 City of Fort Lauderdale to relinquish the responsibility
20 for the four disciplines, BMEP, to the Private Provider.
21 So we needed to give it a new number and to be able to
22 identify that number is a Community Plus system that it
23 was now going to be a Private Provider project subject
24 to a couple of different areas. And that, in my
25 procedure, we labeled that as PXA1 and PXA2, meaning,

1 was it only going to be receiving inspections under the
2 Private Provider, or was it going to be receiving both
3 inspections and plan review by the Private Provider. We
4 couldn't do that under the submittal, under the original
5 permits, so we were changing the permit number to
6 reflect that it was now becoming a Private Provider
7 project.

8 MS. BLEAU: By permit number, though, that
9 doesn't mean issued permit, correct?

10 MR. TRAVERS: It's actually a process number.
11 It's not a permit number. The process number helps us
12 locate it in Community Plus.

13 MS. BLEAU: Look at Tab 110, please. This is a
14 printout of the Riomar project as of January 25, 2017.
15 You see the date in the upper left-hand corner?

16 MR. TRAVERS: Yes.

17 MS. BLEAU: Okay. These are all the permits for
18 that project. Can you -- do you see the foundation
19 permit that you said was issued?

20 MR. TRAVERS: I don't see anything in this tab
21 that identifies a foundation permit.

22 MS. BLEAU: Okay. We've looked at 108, you had
23 had Mr. Oliva transfer the review notes from number
24 ending in 0624 to number ending in 0868. If you look at
25 Tab 111, this is a printout as of November 13, 2018, for

1 the same project but a different physical address,
2 correct? 2900 Riomar was changed to 401 North Birch
3 Road, wasn't it?

4 MR. TRAVERS: I see that address on here. I
5 recall that there were two portions to this project.
6 One of them was going to be a high rise and the other
7 was to make repairs on a historical portion that was to
8 be altered and brought back into use.

9 MS. BLEAU: Do you see the permit number that we
10 looked at, at Tab 108, that you told Mr. Oliva to
11 transfer the 2900 Riomar notes to, which is 16060868.

12 MR. TRAVERS: Under Tab 8, I see that in the
13 first page of the email.

14 MS. BLEAU: And then Tab 111, do you see that
15 permit number 16060868, on page 4 of 6? About halfway
16 down, 16060868. See it?

17 MR. TRAVERS: I do, about three-quarters of the
18 way down, 16060868.

19 MS. BLEAU: Right. And when was that permit
20 issued?

21 MR. TRAVERS: I have an issue date of 03/06/17.

22 MS. BLEAU: March 6, 2017, subsequent to Mr.
23 Madden's termination, right? He was terminated in 2016,
24 right?

25 MR. TRAVERS: Yeah, again, I don't recall the

1 exact date he was terminated.

2 MS. BLEAU: And on Tab 111, do you see the
3 foundation permit that you said had been issued prior to
4 September 2016?

5 MR. TRAVERS: I don't see anything on this tab
6 about a foundation permit.

7 MS. BLEAU: And if you look at Tab 48, this was
8 attached to Tab 48 emails, is your contemporaneous
9 explanation regarding responding to questions raised
10 about 2900 construction prior to the issuance of a
11 permit, correct? If you look at the attachment to --
12 yes. You recognize that document?

13 MR. TRAVERS: I haven't reviewed it for a long
14 time, but it does have my name at the end of it and that
15 I prepared in on September 7, 2016.

16 MS. BLEAU: And the heading was 2900 Riomar
17 Street, Gale/Tiffany House, number 16060868. That's the
18 one that we've been looking at that was issued in March
19 of 2017, right?

20 MR. TRAVERS: Yes, that's correct.

21 MS. BLEAU: Back to the email from Tab 108 where
22 you had asked Mr. Oliva to transfer the notes from one
23 number to another, do you know if Mr. Oliva actually
24 transferred the review notes to the new permit number?

25 MR. TRAVERS: I don't recall, no, I don't know.

1 MS. BLEAU: Can you turn to Tab 112. You see
2 Building Structural -- what's the number under review
3 notes?

4 MR. TRAVERS: It's on the right-hand side, that
5 says 168.

6 MS. BLEAU: And note that at the top this says,
7 Phase Permit Foundation Ninth Floor, correct?

8 MR. TRAVERS: Yes.

9 MS. BLEAU: And that's the one that we can't
10 seem to locate, right?

11 MR. TRAVERS: Yes.

12 MS. BLEAU: And then if you'll turn to Tab 113,
13 this is the same project, printout of comments for the
14 Permit 16060868, which is the one you told him to
15 transfer the review notes to. How many Building
16 Structural notes are there now?

17 MR. TRAVERS: Well, at the top it says,
18 "Building Structural 3."

19 MS. BLEAU: So it went from 168 to 3. Mr. Oliva
20 does not appear to have transferred the review notes as
21 you instructed him, correct?

22 MR. TRAVERS: You'll have to ask Mr. Oliva that.
23 I'm not sure what the difference is here.

24 MS. BLEAU: Let's go to Tab 114, please. This
25 document shows the height of The Tiffany House building

1 as 12-story, multi-family residence. Right? On page 3?
2 The top, the highlighted.

3 MR. TRAVERS: Okay.

4 MS. BLEAU: New 12-story, multi-family
5 residence, 129 unit condominium with a parking garage,
6 correct? That's what this project was?

7 MR. TRAVERS: Yes.

8 MS. BLEAU: Would you agree that if the building
9 collapsed, the injury to human life would be
10 catastrophic?

11 MR. TRAVERS: If the building collapsed, yes, if
12 there were people in the building.

13 MS. BLEAU: And do you think it's the City's
14 obligation, responsibility, to avoid something like that
15 happening?

16 MR. TRAVERS: There are a number of people that
17 are responsible to seeing that that doesn't happen, the
18 designers, the Inspectors, the Plans Examiners. Yeah,
19 we all hold a little bit of the responsibility on that.
20 And that would also include the Private Provider who
21 performed the inspections and the plan reviews.

22 MS. BLEAU: So, the City's responsibility is
23 just a little responsibility, is that what you said?

24 MR. TRAVERS: No, those are your words.

25 MS. BLEAU: So is it one of the City's

1 obligations or responsibilities to make sure that a 12-
2 story, multi-family residence is being constructed in
3 accordance with the Building Code so that it doesn't
4 collapse, injuring and causing catastrophic injury. Yes
5 or no?

6 MR. TRAVERS: If you want a strict yes or no, if
7 I sign the CO off on that, then I'm satisfied that the
8 building is in compliance.

9 MS. BLEAU: We had looked at your written
10 explanation at Tab 48, I believe, regarding why certain
11 work was being constructed without a permit on the 2900
12 Riomar project. Did you provide this written
13 explanation to Ms. Richard when she was doing her
14 investigation?

15 MR. TRAVERS: I don't know if I did or not. I
16 don't think I did.

17 MS. BLEAU: Was it one of your main complaints
18 about Mr. Madden was the vocalization of his objections
19 and concerns regarding the fact that 2900 Riomar was
20 being constructed without a permit, and not in
21 accordance with the building code?

22 MR. TRAVERS: That would have been his
23 objection. I don't recall that he and I discussed that.

24 MS. BLEAU: You say in this Tab 48 that on
25 September 6, 2016, the Threshold Inspection team agreed

1 to a test to the compliance of all work done to date,
2 including modifications regarding the pile caps and the
3 ground floor slab pour, right?

4 MR. TRAVERS: Can you help me with the bullet
5 point that you're referring to?

6 MS. BLEAU: Sure. Very bottom of the front
7 page, bullet point: at the site meeting on.

8 MR. TRAVERS: Okay. I see it now.

9 MS. BLEAU: Okay. 2900 Riomar was a threshold
10 building?

11 MR. TRAVERS: Yes.

12 MS. BLEAU: And as you pointed out earlier, what
13 that means is special inspectors have to be called in to
14 inspect the building and it can't be done by Private
15 Providers, right?

16 MR. TRAVERS: Yes. Portions of the construction
17 have to be inspected by the special inspectors. That's
18 outside the purview of the Private Provider
19 responsibility that's covered in State Statute.

20 MS. BLEAU: And in order to issue a building
21 permit for a threshold building, the Code requires a
22 number of things that are not required for non-threshold
23 buildings. Isn't that correct?

24 MR. TRAVERS: Yes.

1 MS. BLEAU: For example, the structural
2 inspection plan is required before a permit can be
3 issued for the construction of the threshold building.
4 Isn't that true?

5 MR. TRAVERS: Yes.

6 MS. BLEAU: And the Code requires the structural
7 inspection plan to be submitted to the Building Chief,
8 in this case, that would be Mr. Madden, for review and
9 approval before a building permit can be issued. Isn't
10 that correct?

11 MR. TRAVERS: It's not my area of expertise, so
12 I rely on the Chiefs then to give me that information,
13 yes.

14 MS. BLEAU: And under 110.10.4 of Chapter 1, the
15 inspection plan must specify the scope and nature of
16 inspections to be performed. Correct?

17 MR. TRAVERS: I'll have to take your word on
18 that. I can't quote chapter and verse directly out of
19 Chapter 1.

20 MS. BLEAU: Are you aware that once verified by
21 the Building Chief, the plan becomes part of the permit
22 records?

23 MR. TRAVERS: Yes.

1 MS. BLEAU: Are you are that the person employed
2 by the owner as a Special Building Inspector shall be
3 subject to verification of qualifications by the Chief
4 Structural Inspector which, in this case, would be Mr.
5 Madden?

6 MR. TRAVERS: I'm not aware of who actually
7 verifies that. I do know that the Statute calls for a
8 threshold inspector to provide certification.

9 MS. BLEAU: And you're not aware that Chapter 1
10 says that the responsibility for verifying those
11 qualifications is the Chief Building Inspector?
12

13 MR. TRAVERS: Again, I don't have Chapter 1 in
14 front of me, so I can't say that that's what's in there.
15 I don't have it here.

16 MS. BLEAU: I understand. Just want to know
17 what you know and what you don't know.

18 Are you are that all shoring and re-shoring
19 procedures, plans, and details must be submitted to the
20 enforcement agency for record keeping?

21 MR. TRAVERS: Yes.

22 MS. BLEAU: Are you aware that the Special
23 Inspector must submit progress reports to the Chief
24 Structural Inspector on a weekly basis?
25

MR. TRAVERS: Yes, I am.

1 MS. BLEAU: Are you aware that, pursuant to
2 Chapter 1, for the threshold building the Special
3 Inspector may not serve as a surrogate in carrying out
4 the responsibilities of the Building Official, the
5 architect or the engineer of record?

6 MR. TRAVERS: Yes. Can you elaborate then when
7 you say "serve as a surrogate"?

8 MS. BLEAU: It's the language that's in Chapter
9 110.8.1.

10 MR. TRAVERS: All right, so in that language, if
11 it means is he actually a city employee? No, he's not.
12 He is a private certified threshold inspector.

13 MS. BLEAU: And the Private Provider policy does
14 not address those specific requirements in the threshold
15 building; and I think you testified earlier that that
16 actually doesn't apply to threshold buildings, right?

17 MR. TRAVERS: Right. The four disciplines have
18 been mentioned in the past already in testimony and
19 threshold and special inspectors are outside the
20 responsibility of the Private Provider.

21 MS. BLEAU: When you wrote this memo at Tab 48,
22 regarding 2900 Riomar, no structural inspection plan had
23 been submitted to Mr. Madden, and the work had been
24 commenced without the necessary permits. Correct?
25

1 MR. TRAVERS: I don't know. I don't know.

2 MS. BLEAU: At Tab 49, is an email here from
3 you, page 3 of that Tab. There's an email from you at
4 the bottom, correct, dated September 7, 2016?

5 MR. TRAVERS: I see it.

6 MS. BLEAU: And in that email, you admitted to
7 Mr. Madden that a permit had not been issued, but you
8 said that the Private Provider mistakenly thought they
9 had a permit. Isn't that what you said in here as to
10 Item 2, you say?

11 MR. TRAVERS: I need to review it. Thank you.

12 MS. BLEAU: Sure.

13 MR. TRAVERS: So in that paragraph at Item 2, it
14 was my belief that they thought because we had put a
15 process number on the back of the plans and that we had
16 put the notification on the back of the plans that that
17 was a go-ahead for them to proceed.

18 And that's what I stated in here. The notice
19 was to identify to our staff, both Plan Review and
20 Inspection teams, that this was permit by affidavit. I
21 went on to say they were not acting in defiance to
22 having a permit. They believed that they had completed
23 all of the steps.
24
25

1 MS. BLEAU: So my question, sir, was in that
2 email you acknowledged to Mr. Madden that a permit had
3 not been issued, but you said the Private Provider
4 mistakenly thought they had a permit. Correct?

5 MR. TRAVERS: Yes.

6 MS. BLEAU: And in Broward County, structures
7 commenced without a permit shall be presumed and deemed
8 unsafe under Florida law. Is that correct?

9 MR. TRAVERS: Yes.

10 MS. BLEAU: Did you want your Chief Building
11 Inspector to be concerned about buildings deemed unsafe
12 by the Building Code?

13 MR. TRAVERS: Of course.

14 MS. BLEAU: Was it your job to be concerned
15 about buildings deemed unsafe by the Florida Building
16 Code.

17 MR. TRAVERS: Yes.

18 MS. BLEAU: How did MCI perform inspections
19 before the permit had been issued in March of 2017?

20 MR. TRAVERS: I think you meant MTCI?

21 MS. BLEAU: Yes. MT Causley, MTCI. Same.

22 MR. TRAVERS: I don't know how they performed,
23 what method they used, or anything. I don't know the
24 timeline our audit inspectors would be looking at those
25

1 audit logs that were on the site. Again, from an
2 administrative level, I rely on my staff.

3 MS. BLEAU: If you'll turn to Tab 109, please.
4 This is inspection type building audit Private Provider,
5 right? This is the first audit inspection by the City
6 for this project, correct?

7 MR. TRAVERS: I don't know where you're reading
8 from, but I have page one of two.

9 MS. BLEAU: Page one of two says, "Inspection
10 Type, Building Audit, Private Provider," and it has a
11 one underneath it.

12 MR. TRAVERS: Yes. Okay. I see where you're
13 at.

14 MS. BLEAU: Okay. And then if we go to Tab 111,
15 fourth page. I'm sorry, that's the one we looked at
16 earlier that shows March 17 was when the permit was
17 actually issued.

18 So, Mr. Travers, can you explain at Tab 109,
19 which was the first building audit, page two of that tab
20 is the comment, the notes that says, "the inspections
21 were performed by MTCI under 553.791, Orlando Torres,
22 the Project Manager for MTCI, reviewed the threshold
23 logs from 09/01/2016 through 03/01/2017." Did I read
24 that accurately?
25

1 MR. TRAVERS: Yes.

2 MS. BLEAU: Can you explain how there were
3 threshold logs for review from September 1, 2016,
4 through March 1 of 2018 -- 2017, excuse me -- when the
5 permit had not been issued yet?

6 MR. TRAVERS: I think I explained earlier in
7 that statement that they were under the presumption that
8 they had a permit issued and so they were looking at the
9 logs at that time. The threshold inspector would have
10 been preparing logs throughout the process of putting
11 the pile in the ground.
12

13 MS. BLEAU: Would you recognize a pile if you
14 saw one?

15 MR. TRAVERS: Yes, ma'am.

16 MS. BLEAU: Okay. And the threshold inspector
17 is supposed to take the permitted documents to review
18 the construction on site and make sure that they're done
19 in compliance, correct?

20 MR. TRAVERS: Repeat please. I'm sorry.

21 MS. BLEAU: The threshold inspector is supposed
22 to review the permitted documents in order to determine
23 whether or not the construction is in compliance with
24 those permitted documents. Is that true or false?
25

1 MR. TRAVERS: The threshold inspector is
2 supposed to be looking at the layout of where the pile
3 is supposed to go. If we were still in the process of
4 reviewing this, there is an at-owner risk that some of
5 those pile may not be located in the right place. So, I
6 don't know that we would have had an approved set of
7 drawings for the work that was going into the earth.
8 Quite often, under an early start, we allow for that
9 work to begin. There is test pile that's put into the
10 ground to test the friction and specifics of the pile
11 and that helps the engineer -- the civil engineer
12 determine the location of the pile and then the
13 threshold inspector actually notates where all of that
14 pile is going on a site plan. And I apologize for
15 taking you through all of that.

17 MS. BLEAU: Mr. Travers, having reviewed your
18 statement and Miss Richard's report this morning, would
19 you agree with me that every statement in there by you,
20 every complaint that you had against Mr. -- about Mr.
21 Madden, specifically had to do with Private Provider --
22 the Private Provider issue that you issued in July of
23 2016?

24 MR. TRAVERS: You have to give me a moment,
25 please. No, I believe I disagree with you because on

1 page 3 of 10 in the statement that I gave to Miss
2 Richard, on the first paragraph, there was also constant
3 conversation about privatization versus Private
4 Provider, and I made the statement there that I had
5 reminded staff not to review Private Provider as attempt
6 to privatize. While this may have been one of those
7 projects that employed a Private Provider, it was more
8 of a general term that the employees were not going to
9 be losing their jobs because the City was going to
10 privatize and hire an outside agency to perform all
11 those functions.
12

13 MS. BLEAU: So, my question was, would you agree
14 that every complaint you mentioned to Miss Richard dealt
15 with the Private Provider and Permit by Affidavit issue?

16 MR. TRAVERS: Okay, so you've restated the
17 question now not to include 2900 Riomar, so, yes, I
18 agree.

19 MS. BLEAU: Yeah, the record will actually show
20 I didn't mention 2900 Riomar, but that's okay. I
21 understand if you heard it that way.

22 So, you do agree. And are you aware that Mr.
23 Madden worked for the City since 2007?
24
25

1 MR. TRAVERS: I don't know his exact start date,
2 but I do know that he had been with the City a number of
3 years before I started in 2014.

4 MS. BLEAU: And your Private Provider policy was
5 adopted in July of 2016?

6 MR. TRAVERS: I believe the record already shows
7 that.

8 MS. BLEAU: Okay. So, all of your complaints
9 about Mr. Madden's behavior were from July of 2016
10 through his termination in September -- October 13,
11 2016, right?

12 MR. TRAVERS: Again, without having all of that
13 laid out in front of me, I'll have to acquiesce and say
14 if those are the dates that you have established, then I
15 would agree.

16 MS. BLEAU: Are you aware that Mr. Madden never
17 received a single marginal or unsatisfactory rating in
18 the course of his employment with the City of Fort
19 Lauderdale?
20

21 MR. TRAVERS: No, I'm not aware of what his
22 reviews were prior to my coming to the City.

23 MS. BLEAU: Are you aware that Mr. Madden had
24 not one writeup or disciplinary employment action noted
25 anywhere in his personnel file?

1 MR. TRAVERS: I'm not aware of his personnel
2 file.

3 MS. BLEAU: Did you recommend that Mr. Madden be
4 terminated?

5 MR. TRAVERS: I made statements that we were not
6 agreeing on -- we were not working together. I didn't
7 make the ultimate decision on his termination.

8 MS. BLEAU: Again, my question was, did you
9 recommend that Mr. Madden be terminated?
10

11 MR. TRAVERS: I have to be truthful with you. I
12 don't know that I recommended his termination. I recall
13 that there were discussions concerning my concern with
14 our ability to work together, but I don't remember
15 recommending his termination.

16 MS. BLEAU: Would you acknowledge that in June
17 of 2016 in your review of Mr. Madden shortly months
18 before his termination, you gave him an above-
19 satisfactory overall performance review?

20 MR. TRAVERS: The major portions of that, yes, I
21 agree. The major portions of that did deal with his
22 expertise and his experience.

23 MS. BLEAU: You stated that Mr. Madden was
24 performing at a satisfactory level in the area of
25

1 interpersonal relations with contractors, and above
2 satisfactory with everyone else. Correct?

3 MR. TRAVERS: I don't have that review in front
4 of me, but if you do, then I'll be glad to look at it.

5 MS. BLEAU: Sure. Turn to Tab 84, please. And
6 specifically paragraph two of your letter.

7 MR. TRAVERS: All right, and then, your
8 question, please?

9 MS. BLEAU: The question was, isn't it true that
10 you stated that Mr. Madden was performing at a
11 satisfactory level in the area of interpersonal
12 relations with contractors and above satisfactory with
13 everyone else?
14

15 MR. TRAVERS: So, the first sentence of my
16 statement in that review was that he was performing at a
17 satisfactory level of interpersonal relations. However,
18 I did also say that I would like to see him improve his
19 efforts to project positive image of the City through
20 his manner toward our contractors.

21 MS. BLEAU: Despite that good review earlier,
22 you decided Mr. Madden should be terminated because he
23 believed he had a legal and ethical duty to make sure
24 the law was being followed and buildings were being
25

1 constructed in accordance with the building code.

2 Correct?

3 MR. TRAVERS: I didn't decide that Mr. Madden
4 should be terminated. Repeating my answer, I did not
5 decide that Mr. Madden should be terminated.

6 MS. BLEAU: Did you decide that Mr. Madden
7 should not be terminated?

8 MR. TRAVERS: No.

9 MS. BLEAU: So you had no opinion one way or the
10 other about whether or not Mr. Madden should be
11 terminated?
12

13 MR. TRAVERS: Oh, I had opinion. I just didn't
14 decide whether he should be terminated or not
15 terminated.

16 MS. BLEAU: Okay. I'm not sure what the
17 distinction is between deciding and having an opinion,
18 but what was your opinion?

19 MR. TRAVERS: I stated that I wanted him to work
20 on his interpersonal relationship with the contractors.

21 MS. BLEAU: So does that mean that you did not
22 think he should be terminated?

23 MR. TRAVERS: I didn't ask for his termination.
24 I didn't arrange for his termination. I merely stated I
25

1 wanted him to improve in that category. The rest of his
2 report was satisfactory or above satisfactory.

3 MS. BLEAU: So in September when Mr. Madden was
4 put on leave -- [speaking to Mr. Madden] October 13th is
5 when you were put on leave? Okay.

6 When Mr. Madden was put on leave October 13,
7 2016, did you think that Mr. Madden should be
8 terminated? Did you think Mr. Madden shouldn't be
9 terminated? Or did you not have any opinion one way or
10 the other?

11 MR. TRAVERS: That decision was made by
12 management above me. You're asking me how I felt about
13 that? I was kind of ambivalent. If there was an
14 opportunity for Mr. Madden to improve, then I would have
15 been happy to continue working with him. If there was
16 no opportunity for improvement in those areas that I
17 mentioned, then I wouldn't go against management's
18 decision.

19 MS. BLEAU: So you said the one area you thought
20 Mr. Madden should improve on is dealing with
21 contractors. Correct?

22 MR. TRAVERS: That's what the statement says in
23 paragraph 2, yes.
24
25

1 MS. BLEAU: Okay. And we've heard some testimony
2 regarding the letter from Mr. Goldstein, correct? In
3 these proceedings?

4 MR. TRAVERS: I think we did mention -- I don't
5 know whether it was on opening or in the proceedings --
6 some mention of a letter from Mr. Goldstein. I assume
7 that you may have that in a tab somewhere.

8 MS. BLEAU: Did you ever listen to the audio
9 recording of Mr. Madden's interaction with Mr.
10 Goldstein?

11 MR. TRAVERS: No.

12 MS. BLEAU: Why not?

13 MR. TRAVERS: I was never made aware of the
14 letter or the recording in those stages.

15 MS. BLEAU: But we know at a minimum Mr. Madden
16 put it in his written response. You never read his
17 written response prior to the City making the decision
18 to fire Mr. Madden?

19 MR. TRAVERS: I can't remember if I got a copy
20 of his written response or not. Again, that was from
21 the City Manager's office and the department head above
22 me. They may have been privy to those, but I don't
23 recall that it was ever made known to me or offered to
24 me.
25

1 MS. BLEAU: And do you recall seeing in Mr.
2 Malik Mohammed's written statement in Miss Richard's
3 investigative report that John Madden actually played
4 the audio recording for Mr. Fajardo and others? Just
5 asking, do you recall that in Mr. Mohammed's --

6 MR. TRAVERS: No, I don't recall Mr. Malik's
7 statement. That's why I was going back to Tab 1 to see
8 that.

9 MS. BLEAU: That's fine. Just wanted to know if
10 you recalled it. It's there.

11 MR. TRAVERS: No.

12 MS. BLEAU: As the City of Fort Lauderdale
13 Building Official, you must sign the Board of Rules and
14 Appeals Certification Application for every Chief
15 Inspector, Plans Examiner, and Inspector, correct?

16 MR. TRAVERS: Yes.

17 MS. BLEAU: And by doing so, you're making sure
18 that they comply with the certification requirements of
19 BORA?

20 MR. TRAVERS: No, BORA actually does that. I'm
21 just ensuring that applicants that are applying for the
22 position are being properly forwarded to BORA so that
23 BORA can do their background investigation and certify
24 them or request additional information. When it comes
25

1 time for renewal, if they've already been approved by
2 BORA, then there's no certification process. It's
3 strictly a renewal process and I sign that those are
4 still City of Fort Lauderdale employees, and that they
5 should be re-certified in the position that has BORA has
6 already certified them in.

7 MS. BLEAU: And how often is that done?

8 MR. TRAVERS: I believe it's once every two
9 years is the renewal process. It's dependent upon
10 continuing education. It's also dependent upon their
11 continued employment at that position.
12

13 MS. BLEAU: Have you ever recommended or
14 directed anyone, excuse me, working at the City of Fort
15 Lauderdale under your authority as the Building
16 Official, to approve an Inspection or a Plan Review when
17 they did not have the proper certification?

18 MR. TRAVERS: Not to my knowledge, no.

19 MS. BLEAU: Turn to Tab 4 in the City's
20 notebook, please. One the reasons stated for Mr.
21 Madden's termination is the small number of plans he
22 reviewed in 2016, correct?

23 MR. TRAVERS: Yes.

24 MS. BLEAU: And you were the one that raised
25 that as an issue to Miss Richard, correct?

1 MR. TRAVERS: I was made aware of it and so I
2 brought it to her attention.

3 MS. BLEAU: And is it your contention that Mr.
4 Madden was not working as much or as hard as other
5 Chiefs in your department?

6 MR. TRAVERS: It was my contention that his
7 record of doing Plan Reviews was drastically lower than
8 the other Chiefs.

9 MS. BLEAU: Now can you answer my question,
10 please? Was it your contention that Mr. Madden was not
11 working as much or as hard as the other Chiefs in your
12 department?

13 MR. TRAVERS: No, I never questioned that he
14 wasn't working hard. It was the direction that he was
15 in.

16 MS. BLEAU: It is your contention that Mr.
17 Madden was not overseeing the work of his Plans
18 Examiners and Inspectors in 2016?

19 MR. TRAVERS: No.

20 MS. BLEAU: Prior to his termination, was Mr.
21 Madden ever told that he was not reviewing enough plans
22 and that he needed to correct this behavior?

23 MR. TRAVERS: Not by me. I don't know if anyone
24 else mentioned it above me or not.

1 MS. BLEAU: When you did Mr. Madden's review a
2 few months prior his termination, did you note this as a
3 deficiency?

4 MR. TRAVERS: No, I did not.

5 MS. BLEAU: I believe you testified last time
6 that under Mr. Zalman's questions that the number and
7 the quantity column of these reports represents the
8 number of plans reviewed. Is that correct?

9 MR. TRAVERS: Yes.

10 MS. BLEAU: And ATF as a category, what does
11 that mean?
12

13 MR. TRAVERS: After the fact.

14 MS. BLEAU: CE is a category. What does that
15 mean?

16 MR. TRAVERS: If I had it in front of me I might
17 be able to better determine. Can you help me?

18 MS. BLEAU: I know it's Code Enforcement. These
19 codes here, you know all these -- ATF --

20 MR. TRAVERS: With your permission, may I look
21 at that?

22 MS. BLEAU: Sure. Like, here's ATF here.
23 Here's CE here, right? These are the ones I'm asking
24 about.
25

MR. TRAVERS: Okay.

1 MS. BLEAU: Under these review stop, it says.
2 CE is Code Enforcement?

3 MR. TRAVERS: So I would agree that CE is
4 probably the letter designator for Code Enforcement.

5 MS. BLEAU: And E, what would that be?

6 MR. TRAVERS: Engineering or electrical?

7 MS. BLEAU: I'm not sure under this category
8 whether it would be E, electrical or engineering.
9

10 MR. TRAVERS: Do you see Mr. Dry's report here?
11 I think it's on the third page in. It's one of the ones
12 that's highlighted by Mr. Zalman or somebody. Total --

13 MS. BLEAU: Okay, so, yes, on that page, two-
14 thirds of way down it says, "Total for Dry S," that
15 would be Scott Dry. And that total was 4,421.

16 MS. BLEAU: And that was one ATF and 4,420 E's,
17 correct?

18 MT? That's what it says, yes.

19 MS. BLEAU: And so that E would be what?

20 MR. TRAVERS: Under Mr. Dry's name that E would
21 be for electrical.

22 MS. BLEAU: Okay. And B as a category, what
23 does that mean? Is that building?

24 MR. TRAVERS: That's appears correct. I see
25 that B in other areas, yes.

1 MS. BLEAU: And Z would be zoning?

2 MR. TRAVERS: Yes.

3 MS. BLEAU: Okay. If you'll look at the sixth
4 page of this report you'll find Mr. Oliva's name about
5 three-quarters of the way down the page. Do you see
6 that, O-L-I-V-G?

7 MR. TRAVERS: Give me a second. Okay, I see
8 total for O-L-I-V-G.

9 MS. BLEAU: According to this report, next to
10 building is 250. That means that Mr. Oliva reviewed 250
11 plans to be in compliance, for compliance with the
12 Building Code?

13 MR. TRAVERS: No, not necessarily. That means
14 that he entered a process number or a permit number to
15 look at the details of that process or that permit and
16 it would have been logged in as a unopening of that
17 permit and a review under that category, but not
18 necessarily a review for compliance with the Florida
19 Building Code.

20 MS. BLEAU: So all of these numbers that were
21 put into evidence by the City do not necessarily
22 represent complete sets of plans reviewed by the
23 individual noted. It just might mean every time they
24
25

1 logged in to look at something on the plans, it got
2 credited? Is that what you're telling me?

3 MR. TRAVERS: There's a possibility, yes. Yes.

4 MS. BLEAU: In 2016, Mr. Oliva was not certified
5 by Board to review plans or perform inspections.
6 Correct?

7 MR. TRAVERS: I don't know. I don't have his
8 certification from BORA in front of me.

9 MS. BLEAU: Did Mr. Madden ever complain about
10 Mr. Oliva working outside his certifications, that you
11 recall?
12

13 MR. TRAVERS: I do recall there was conversation
14 and I think that there was even a clarification on Mr.
15 Oliva's job title so as not to make Mr. Oliva appear as
16 if he were a Chief Structural Inspector. There was
17 clarification from BORA on what his certification would
18 be.

19 MS. BLEAU: Right. Mr. Oliva, is he a Chief?

20 MR. TRAVERS: The title of his position is the
21 Chief of the Code Enforcement Section for the Building
22 Services Division.

23 MS. BLEAU: Is Mr. Oliva a Chief, within the
24 meaning of Chiefs, under the BORA regulations?
25

1 MR. TRAVERS: That's a title given by the City,
2 not given by BORA.

3 MS. BLEAU: So the answer is no, he's not a
4 Chief under the BORA certified Chiefs.

5 MR. TRAVERS: He is not certified as a Chief
6 Structural Inspector, to my knowledge. That's the title
7 that the City categorized him in our organizational
8 plan.

9 MS. BLEAU: Did you direct Mr. Oliva to seek
10 Rhonda Hasan's interpretation of the Florida Building
11 Code?
12

13 MR. TRAVERS: I don't recall that.

14 MS. BLEAU: Would that have been proper?

15 MR. TRAVERS: She's not allowed to interpret the
16 Florida Building Code, although she has experience in
17 building, permitting and inspection issues. We may have
18 consulted with her on the proper way to move forward on
19 certain actions, but she's not going to interpret the
20 Florida Building Code.

21 MS. BLEAU: Prior to any appropriate
22 certification by Mr. Oliva, did you ever direct him to
23 initial or sign permit documents?

24 MR. TRAVERS: I'm not sure exactly how you're
25 asking that question. Can you rephrase it, please?

1 MS. BLEAU: Have you ever directed Mr. Oliva to
2 initial or sign the permit documents for a project?

3 MR. TRAVERS: Have I ever directed him to sign
4 permit documents for compliance with the Florida
5 Building Code? I have not.

6 MS. BLEAU: Did you ever direct Mr. Oliva to
7 approve computer entries as a City of Fort Lauderdale
8 Plans Examiner?

9 MR. TRAVERS: I don't believe I have. No.

10 MS. BLEAU: Let's go to Tab 67 in our notebook,
11 please, sir. According to this print-out for the
12 Broward County Courthouse, the CO was received and
13 issued in September of 2016. Correct?

14 MR. TRAVERS: So on page one of this Tab, it
15 says CO issued 09/13/2016.

16 MS. BLEAU: Okay, so that would be September
17 2016 -- September 13, right?

18 MR. TRAVERS: Yes.

19 MS. BLEAU: Okay. And the issuance of that CO
20 was based on your approval, correct?

21 MR. TRAVERS: Yes.

22 MS. BLEAU: Return to Tab 66, please. Prior to
23 the issuance of that CO, Mr. Madden and Ralph Riles had
24
25

1 informed you that life safety issues remained with
2 respect to the Courthouse, had they not?

3 MR. TRAVERS: I do believe, yes, they did.

4 MS. BLEAU: And these concerns were noted by Mr.
5 Riles in the Plans Review notes in June of 2016,
6 correct?

7 MR. TRAVERS: I don't have those notes in front
8 of me.

9 MS. BLEAU: Let's go to 83. Tab 83 is an eight-
10 page document reflecting Mr. Riles' notes regarding the
11 life safety issues for the Broward County Courthouse.
12 Correct?

13 MR. TRAVERS: So there are entries on that tab
14 beginning on page 1 of 8, the dates actually start with
15 June 13 of 2016. Am I on the right page?

16 MS. BLEAU: Yes, sir. Yeah, my question was,
17 concerns were noted by Ralph Riles in the Plan Review
18 notes in June of 2016, the life safety concerns.

19 MR. TRAVERS: Yes.

20 MR. ZALMAN: Relevance objection, relevancy. I
21 don't -- this has nothing to do with Mr. Madden's
22 termination, again. It seems like Mr. Riles is
23 concerned about something. I don't see where Mr. Madden
24
25

1 was part of this email chain. What does this have to do
2 with his termination?

3 CHAIR ADELSON: I will give counsel one or two
4 more questions to see if this connects in any way.

5 MS. BLEAU: The corrections were never verified
6 by Mr. Madden or Mr. Riles prior to you issuing the CO,
7 correct?

8 MR. TRAVERS: I don't recall if they saw the
9 corrections or not, but I need to make this Commission
10 aware of something that occurred there if you'll allow
11 me a little latitude on that.
12

13 MS. BLEAU: Sure, go ahead.

14 MR. TRAVERS: So part of the issue that we were
15 looking at was the fact that we had three different
16 populations that were going to be in the court room at
17 any particular time. We had the public, and we had the
18 defendants, and we had the jurists and also the judges.
19 And part of the discussion over the means of egress was
20 that we did not want to mix these populations. We did
21 not want to have the defendants, who quite possibly
22 could be under prisoner control, trying to exit the
23 building in the same manner that the jurists or the
24 judges were; and so, we actually had a life safety
25

1 consultant provide for us an alternate plan, other than
2 what was originally approved.

3 The judges were the ones that objected to the
4 mingling of these populations, and so I asked for a
5 private consultant to recommend an alternate method.

6 CHAIR ADELSON: Understood. Thank you for the
7 clarification. Counsel, I think it may be appropriate
8 to move to a different line, unless, again one or two
9 more questions to connect this to Mr. Madden's
10 termination.

11 MS. BLEAU: Shortly before Mr. Madden's
12 termination, Mr. Travers, he complained about being
13 overruled with respect to his concerns regarding life
14 safety issues regarding the Courthouse, correct?

15 MR. TRAVERS: I do recall, perhaps, yes.

16 MS. BLEAU: And that was part and parcel of this
17 alleged insubordination that was being discussed by the
18 various employees in the DSD Department as interviewed
19 by Miss Richard, correct?

20 MR. TRAVERS: I can't speak for those employees.
21 I don't know if that was part of their discussion.

22 MS. BLEAU: It was another thing that you and
23 Mr. Madden were butting heads about immediately prior to
24 his termination. Correct?
25

1 MR. TRAVERS: I would say that we disagreed.
2 Butting heads may be a little bit of a strong term.

3 MS. BLEAU: Mr. Madden was pretty upset about
4 these life safety issues with respect to the Courthouse,
5 wasn't he?

6 MR. TRAVERS: He was concerned, yes, and that's
7 why I demanded that a private consultant come up with a
8 workable plan that would allow me under Section 104.32
9 to look at alternate methods and alternate materials.
10 The Building Official has that authority.

11 MS. BLEAU: So two years after you issued the
12 certificate of occupancy, the Courthouse was still
13 riddled with leaks and unfinished repairs, wasn't it?

14 MR. TRAVERS: I'm not sure of that. I mean, the
15 compliance with the Code was what the CO was issued on.
16 If there were maintenance issues, I'm unaware of those.
17 That goes beyond.

18 MS. BLEAU: If you turn to Tab 124, we see
19 something we just received from the City, finally, as a
20 result of multiple public records requests. A partial
21 Certificate of Occupancy was issued in March of 2019 for
22 the Courthouse, correct?

23 MR. TRAVERS: Yes.
24
25

1 MS. BLEAU: So, you initially issued the CO
2 under Mr. Madden's objections in 2016, and then three
3 years later you issue a partial Certificate of
4 Occupancy. Is that right?

5 MR. TRAVERS: Yes, and once again I need the
6 Board to be clear about what conspired here. The
7 Courthouse project was permitted before I became an
8 employee of the City. At the time that the inspections
9 were finished and a CO was brought to my attention, I
10 had no indication that there were incompleted parts of
11 the Courthouse.
12

13 After the fact, it turns out that this permit
14 was issued for the West Wing, the new tower of the
15 Courthouse, and an elevator tower on the existing East
16 Wing. I had no knowledge of that because I had not been
17 involved in any of the permitting process for this.
18 There was a conflict between the contractor and Broward
19 County that could not be settled and, therefore, Broward
20 County came to me and said they're refusing to finish
21 off the elevator on the East Wing, which means we cannot
22 continue with the alterations to the rest of existing
23 building because we don't have an operable elevator as a
24 means of egress. So, under my authority, I retracted
25 the C of O that was issued to the entire project, now

1 that I became aware of the fact that at a totally
2 different section of an existing building, there was a
3 portion of work under the original contract. So, I
4 rescinded the CO and issued a partial CO for the West
5 Wing tower. I did that, not because of the issues that
6 John Madden and I had with the means of egress out of
7 the new West Tower, I did it because no further work
8 could continue on the existing east tower because the
9 contractor was refusing to finish that portion of the
10 project.
11

12 MS. BLEAU: And if you turn to Tab 50, sir, we
13 see that in August of 2019, three years after the CO was
14 originally issued, George Oliva renewed the permit for
15 the Courthouse and gave them 90 days to obtain a CO,
16 correct?

17 MR. TRAVERS: Again, I can't speak for Mr.
18 Oliva, but I believe what happened here was we had to
19 reopen that permit in order to allow a partial to be
20 issued on the West Wing, which was completed.

21 MR. ZALMAN: You know, I'm going to move to
22 strike the testimony regarding the Courthouse. I just
23 spent the last minute reviewing Mr. Madden's statement
24 that he decided to issue, instead of attending a
25 hearing, and I don't even see the word "Courthouse" in

1 it. I don't see how this testimony and this evidence
2 has anything to do with appealing his termination.

3 CHAIR ADELSON: So while we're addressing a
4 battery issue, we do have an opportunity to go until
5 5:00. That hearing was cancelled, so I am going to ask
6 the Board if they are agreeable to stay until 5:00. I
7 know, I might have gotten excited a little early out,
8 but I think we'll take that opportunity if -- Counselor?

9 MR. ZALMAN: I'll check if the witnesses could
10 stay.

11 CHAIR ADELSON: Okay. So, let's go check since
12 we're talking about it and then we'll address your
13 objection. I have not forgotten.

14 [long pause, technical difficulties]

15 MR. ZALMAN: We're okay.

16 CHAIR ADELSON: Are we still on the record? All
17 right, so it looks like we have everyone's approval to
18 stay until 5:00, so the hearing will continue until
19 5:00.
20

21 MS. BLEAU: Mr. Zalman, I think, moved to
22 strike. It's the same objection as he's raised. And
23 again, let me just very briefly, the charges against Mr.
24 Madden are complaints about his expression of a
25 grievance, conduct discrediting the City, the

1 insubordination. Many, many witnesses testified that
2 they thought Mr. Madden was challenging Mr. Travers'
3 authority, and one of our main defenses here is that
4 when you come from life safety responsibilities and
5 adding on top of that BORA saying it is, in fact, Mr.
6 Madden's responsibility, he has to do what he has to do
7 to try to have the Code be enforced properly, regardless
8 of whether or not Mr. Travers is technically his
9 superior. And that's the point and these are the issues
10 we have to be able to show, that his actions were
11 justified. And that's what we're doing.

13 CHAIR ADELSON: So, with respect to the
14 testimony that we just heard, I believe the intention
15 was -- I'm sorry, the testimony was that there was a
16 disagreement between opinions between Mr. Travers and
17 Mr. Madden as to how something was going to proceed or
18 go forward in a particular circumstance. Any other
19 testimony regarding the Courthouse and the actual
20 processes, I do think that there is an issue as to the
21 relevancy at all with regard to the termination.
22 Whether or not they had a disagreement, which is what
23 you're saying is that he needs to be able to show that
24 there's a life safety issue and they disagreed.

1 So, that testimony, I believe, is relevant, but
2 the testimony about the Courthouse processes is not
3 relevant the hearing, and I'm going to maintain your
4 objection to that extent with regard to what happened at
5 the Courthouse after the testimony regarding the fact
6 that they might not have agreed on how it was going to
7 proceed.

8 MR. ZALMAN: My objection -

9 MS. BLEAU: Note our objection, for the record.
10 And note that when Mr. Zalman was having his witnesses
11 testify and I objected to relevance, he responded, "This
12 is an informal process. There's no rules of evidence
13 here," etcetera, and so I will just note my objection
14 for the record.

15 CHAIR ADELSON: With that understanding, I do
16 understand that, however, the hearing in terms of
17 relevance to the termination and the point or the issue
18 that you just addressed is that with regard to life
19 safety issues, the disagreements, the differences of
20 opinion, that was settled or well-addressed in the
21 testimony. So going any forward into City issues
22 related to the Courthouse, I understand why there is an
23 objection as to that particular information.
24
25

1 MR. ZALMAN: Well my objection, that's only part
2 of it. My objection is when I brought up evidence
3 regarding Tiffany House, the response was, "Well,
4 Tiffany House is mentioned in Miss Richard's report and
5 Mr. Madden's statement." So taking that into account,
6 Courthouse is not mentioned in either. So any issues
7 with the Courthouse wasn't even a subject of the
8 investigation, the termination, or Mr. Madden's
9 statement. So that's why it's not relevant. I'm
10 hearing about it for the first time, actually. So -

12 CHAIR ADELSON: So, understanding that and the
13 fact that there is testimony to satisfy the discussion
14 and what you just explained as to his defense, anything
15 about the Courthouse -- not the disagreement regarding
16 their interactions -- forward, I will sustain your
17 objection with regard to that testimony.

18 MS. BLEAU: Our objections to your --

19 CHAIR ADELSON: Your objection is noted. As I
20 said, this really has gone -- I think we've explored
21 limits and we're both, you know, we're allowing leeway
22 in all of the testimony, but I understand the objection
23 here with regard to there has been no testimony or court
24 records or documents, even previously, related to an
25 issue related to the Courthouse.

1 MS. BLEAU: And understand that all that we have
2 are summaries by three different investigators of
3 interviews. And the summaries conclude that they
4 believe Mr. Madden was insubordinate; that they believe
5 Mr. Madden was challenging Mr. Travers' authority
6 improperly; without providing specifics. Whether or not
7 the employees provided specifics, I don't know, but what
8 we're trying to do is provide you those specifics.
9

10 CHAIR ADELSON: Understood, and again, with
11 regard to the wait, I'm not discounting or excluding the
12 testimony Mr. Travers gave if they had a disagreement
13 over the particular issue. The rest of the testimony
14 thereafter as to how the Courthouse, you know, what was
15 going on in the Courthouse is not related to his
16 termination. So I'm going to maintain the objection in
17 that regard and --

18 MS. BLEAU: And I'll move on if that's
19 appropriate.
20

21 CHAIR ADELSON: Thank you.

22 MS. BLEAU: Mr. Travers, 1415 Northwest 62nd
23 Street was another MT Causley project, correct?
24

25 MR. TRAVERS: I'm not sure. Do you have
something in there that shows that?

1 MS. BLEAU: Sure. Let's look at Tab 10 in the
2 City's notebook with respect to -- this is the letter
3 from Mr. Goldstein complaining about Mr. Madden. Do you
4 know whether or not that's the 1415 property?

5 MR. TRAVERS: I don't know that this is that
6 property. I never saw this letter during the process
7 that was going on out there. The letter was not ever
8 made known to me or copied to me.

9 MS. BLEAU: Okay. Do you know what was being
10 constructed on Mr. Goldstein's property?

11 MR. TRAVERS: No, I'd have to have the records
12 from Community Plus. I believe there was a project out
13 there for interior alterations for a property that was
14 going to be used by BSO, but again, I don't have those
15 documents in front of me to remind me about it.

16 MS. BLEAU: Okay. Let's look at Tab 54, please,
17 in our notebook, sorry, not in the City's. Do you
18 recall receiving this email from Mr. Madden that begins
19 at the bottom of the first page? Take your time, review
20 it. And there's pictures of the project on the third
21 page that might refresh your recollection.

22 MR. TRAVERS: So the email from John, which
23 included me as part of the people it was sent to does,
24
25

1 under the subject, identify this as 1415 Northwest 62nd
2 Street, Permit by Affidavit.

3 MS. BLEAU: Okay. And in this email from Mr.
4 Madden, he explained that when he arrived on site it was
5 apparent that construction work was underway, correct?
6 It's the second sentence of his email.

7 MR. TRAVERS: That is correct.

8 MS. BLEU: And Mr. Madden advised you that he
9 had visited the site with Burt Ford, Joe Pasquariello,
10 Alberto Torres, and Felix Rodriguez, correct?

11 MR. TRAVERS: Yes.

12 MS. BLEAU: Are you aware that Mr. Goldstein was
13 not present at the site when Mr. Madden first visited
14 the site on September second?

15 MR. TRAVERS: I am not.

16 MS. BLEAU: Did you ever speak with Burt Ford,
17 Joe Pasquariello, Alberto Torres, or Felix Rodriguez
18 regarding his interaction with Mr. Goldstein?

19 MR. TRAVERS: No.

20 MS. BLEAU: In his email at Tab 54, Mr. Madden
21 informed you and others in the City that there had been
22 extensive work taking place even though many of the
23 permits had not yet been issued, correct?

24 MR. TRAVERS: That's what the email says.

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1 MS. BLEAU: Mr. Madden informed you that two
2 exterior overhead doors had been removed and
3 modifications to those walls appeared to be complete,
4 yet no permits had been issued for this work, right?

5 MR. TRAVERS: Yeah, that's covered in his email.

6 MS. BLEAU: And he provided photos showing some
7 of the work that had been done, correct?

8 MR. TRAVERS: Page 3 has two photos.

9 MS. BLEAU: And Mr. Madden explained in this
10 email that when representatives from the contractor
11 showed up and Mr. Madden questioned them about the work
12 being done without a permit, they responded that you and
13 Mr. Hernandez had both been on the site the prior week.
14 Correct?

15 MR. TRAVERS: Can you give me a second, please?
16 I need to look at that.

17 MS. BLEAU: Sure. It's at the end of the first
18 paragraph on page 4.

19 MR. TRAVERS: So in the last sentence of the
20 first paragraph on page 4 it says that myself and Luis
21 Hernandez were on the site last week.

22 MS. BLEAU: Do you recall being on the site?

23 MR. TRAVERS: I think I did, yes.
24
25

1 MS. BLEAU: Do you recall receiving this email
2 from Mr. Madden questioning the fact that work --
3 extensive work -- had been done without a permit; MC
4 Causley was the Private Provider on this job; and you
5 and Mr. Hernandez had been on the site the week before?

6 MR. TRAVERS: I think you're correct. I do
7 believe that Mr. Madden and I talked about this. I know
8 that Mr. Hernandez and I did visit the site. And I
9 don't recall the exact chronology here, but I know that
10 for one reason or another, MT Causley was being asked to
11 do Private Provider inspections on this. We wanted to
12 visit the site to make sure they were moving forward
13 with all of the proper procedures necessary for that.

14 MS. BLEAU: How could they be moving forward
15 with proper inspections if no permit had yet been
16 issued?

17 MR. TRAVERS: Again, I don't know what phase we
18 were in, in the plan review of this, whether it was
19 being converted to Private Provider. When I visited the
20 site and confirmed what John had said, then we needed to
21 get this project brought under compliance.

22 MS. BLEAU: Mr. Madden concludes in his email
23 suggesting a hold be placed on the property -- uh,
24
25

1 project -- and quadruple permit fees be imposed,
2 correct?

3 MR. TRAVERS: Yes, he suggested that.

4 MS. BLEAU: Is that the appropriate remedy for a
5 situation where extensive work is being done without a
6 permit being issued?

7 MR. TRAVERS: Well, there's conflicting
8 information in our City Ordinances and in the Florida
9 Building Code as to the amount that the permit fees
10 should be assessed at, so his suggestion was to place a
11 hold on printing the permits and to quadruple the permit
12 fees. That was a suggestion from him.

13
14 MS. BLEAU: Seven or eight minutes after Mr.
15 Madden's email, if you look at the front of this
16 exhibit, George Oliva tells Bobby Masula -- sorry ,I
17 couldn't find his name -- Bobby Masula to read John's
18 email, do an investigation, get Detective Maura involved
19 if he believes an NTA is required. Correct?

20 MR. TRAVERS: Yes. That's the email from Mr.
21 Oliva.

22 MS. BLEAU: So, Mr. Oliva's initial reaction was
23 this is a very serious violation. What's an NTA?

24 MR. TRAVERS: NTA stands for Notice to Appear,
25 and that would be from whoever the subject that received

1 the NTA, they would have to appear and show exactly what
2 the charges were or answer to those charges.

3 MS. BLEAU: And Detective Maura is a police
4 officer assigned to the City of Fort Lauderdale?

5 MR. TRAVERS: Yes.

6 MS. BLEAU: Go to Tab 120, please. At the
7 bottom of the third page of this exhibit, there's an
8 email from Bobby Masula dated September 8, 2016,
9 correct?

10 MR. TRAVERS: Yes.

11 MS. BLEAU: And it talks about his visit to the
12 site on September seventh, correct?

13 MR. TRAVERS: Yes.

14 MS. BLEAU: Are you aware that there had been an
15 early start permit, but this is only for work up to the
16 first required inspection, right, on this project? They
17 had had an early start permit? You don't recall that?

18 MR. TRAVERS: No, I don't recall if they had an
19 early start. I see that there is on page 5, under
20 number 2, some question about the early start
21 certificate for work under that permit 2278.

22 MS. BLEAU: If an early start permit is issued,
23 that's only until the first inspection, correct?
24
25

1 MR. TRAVERS: Yeah, no work can proceed past the
2 first required inspection.

3 MS. BLEAU: And if a demolition permit is
4 issued, that would not permit remodeling or renovation
5 work, correct?

6 MR. TRAVERS: Right.

7 MS. BLEAU: And Mr. Masula says a permit labeled
8 Addition Permit was submitted in March but the plan
9 review had failed three times and was in the process of
10 review again. Do you recall that?

11 MR. TRAVERS: No, I don't recall it. If it's
12 here in his notes, then that would be the case, but I
13 don't recall the specifics of this.

14 MS. BLEAU: Mr. Masula says on page 6 of his
15 memo, among other things, "My opinion, the owner, the
16 contractors, and the related parties have blatantly and
17 [inaudible] exceeded the scope of work of what was
18 originally permitted." Do you recall him saying that?

19 MR. TRAVERS: No.

20 MS. BLEAU: So if we look at the beginning of
21 Tab 120 -- you're still there -- the email before that.
22 Mr. Madden sent an email out about his discovery that
23 the plan review stops for this project had been removed,
24 correct?
25

1 MR. TRAVERS: So I see that in page 2 at the top
2 of the page.

3 MS. BLEAU: Do you recall when Mr. Madden
4 discovered that Plan Review stops for this project had
5 been removed and how upset he was about that?

6 MR. TRAVERS: No, I don't recall the exact date
7 of that, nor do I recall him being overly upset. I just
8 don't recall it, that's all. He may have been, but I
9 don't recall it.
10

11 MS. BLEAU: Valerie Arthur explained that the
12 way that happened was that she was doing training and
13 removed the Plan Review stops as part of a training
14 exercise and basically forgot to put them back in.
15 Correct?

16 MR. TRAVERS: I don't know. Can you show me
17 where that is? I'm looking at Valerie Arthur's email on
18 page 1.

19 MS. BLEAU: "This permit was provided by
20 Francyne to test the initial setup. When I deleted
21 those reviews, it was to show Francyne how it was done
22 as well as for the one or two inspections. When this
23 was done in the very beginning before it was routed
24 throughout the plan review, please speak to Luis and
25 Francyne for further details." Right?

1 MR. TRAVERS: No, I do see that, yes.

2 MS. BLEAU: Okay. And Mr. Madden had said the
3 simple fix is to add the plan review stops back in,
4 right?

5 MR. TRAVERS: Okay. Yes, he did say that.

6 MS. BLEAU: What did Luis Hernandez have to do
7 with the plan review stops being removed?

8 MR. TRAVERS: I don't know. I guess you'll have
9 to ask him. Mr. Hernandez and Francyne were the ones
10 that were helping me develop the Private Provider policy
11 and procedures. There may have been a problem. If
12 Valerie was involved with this, then there may have been
13 a problem in Community Plus as to how to post
14 information and not to have unintended consequences
15 occur. This was the procedure, I believe, that they
16 were working on, which was why Valerie may have put it
17 in a test mode to see if it would work.

18 MS. BLEAU: You recall that Mr. Madden's initial
19 email regarding his first visit to the site, he was told
20 that you and Mr. Hernandez had been there the week
21 before. Were you aware at that time that construction
22 was proceeding without a permit being issued?

23 MR. TRAVERS: I didn't know if a permit had been
24 issued or not. I went to the site to see exactly what
25

1 had been going on and to determine whether or not this
2 was a Private Provider project.

3 MS. BLEAU: According to Mr. Goldstein's letter
4 at the time Mr. Madden Came out to the project, it was,
5 in his words, "substantially complete." Would it be
6 proper or improper for a construction project to be
7 substantially complete without a permit ever being
8 issued?

9
10 MR. TRAVERS: Well, it would be improper, but
11 then again, this was Mr. Goldstein's statement, not
12 mine.

13 MS. BLEAU: It would have been MT Causley's
14 responsibility, would it not, to make sure that
15 construction work is not being conducted unless the
16 proper permit is issued and the work is being done in
17 accordance with that permit, correct?

18 MR. TRAVERS: Yes.

19 MS. BLEAU: Let's look at 64, please. There's a
20 comment on September 16, 2016, regarding this project,
21 saying that there was insufficient information. Do you
22 see that?

23 MR. TRAVERS: Yeah, the second entry says
24 insufficient information.
25

1 MS. BLEAU: Which in time is actually the first
2 entry and then the first is the second, right?

3 MR. TRAVERS: Yeah, you're right. Yeah.

4 MS. BLEAU: So, the plans reviewer said there
5 was insufficient information to approve the plans and
6 issue the permit. Is that what that means?

7 MR. TRAVERS: I'm not sure. It just says
8 insufficient information. So, I don't know whether
9 there was a document that was missing or that there
10 needed to be follow up to it. It merely says
11 insufficient information and then it goes on to list
12 four areas.

13
14 So, apparently the information was then made
15 specific as to, again, item number one, conference room;
16 item number two, separated occupancies; item number
17 three, panic and fire hardware; and item number four,
18 response to the designer's Plan and Review audit.

19 Apparently, the reviewer didn't have all the
20 information that he or she needed on this particular, so
21 that's why they logged that in.

22 MS. BLEAU: Three days later, there was another
23 entry that says "DSD audit only, reviewed by third party
24 for compliance." Correct?
25

1 MR. TRAVERS: Can you locate that for me,
2 please, help me where you are.

3 MS. BLEAU: Immediately above where you were
4 just looking -- page 1.

5 MR. TRAVERS: Okay. I see under notes, it says,
6 DSD audit only reviewed by third party for compliance.

7 MS. BLEAU: MCTI.

8 MR. TRAVERS: Yeah, it should be MTCI. It says
9 MCTI on there. That's just a keystroke error. And
10 Ryan Alexander, I don't know who that is. He's not a
11 City employee.
12

13 MS. BLEAU: So for Mr. Goldstein's project the
14 plans were originally rejected by your staff because
15 there was insufficient information and then, I guess,
16 they were directed by you to not review the plans and
17 just say this is a third party Private Provider project,
18 right?

19 MR. TRAVERS: No, I wouldn't have said not to
20 review. We would be responsible for reviewing the
21 drawings to see that the third party had done their
22 reviews and signed off on each of the sheets under the
23 four disciplines that we previously talked about.
24
25

1 MS. BLEAU: You would never have said, "Just
2 issue -- go ahead and issue -- approve it because it's a
3 third party?

4 MR. TRAVERS: No.

5 MS. BLEAU: Let's look at Tab 62, please. The
6 last in time entry on this document regarding a permit
7 for 1415 62nd Avenue is an entry by -- it says, "Bobby
8 Masula removed the ATF plan review stops as I was
9 directed to do so by my supervisor, Chief George Oliva,
10 who received the directive for us to remove the ATF
11 requirements for this permit from the Building Official
12 John Travers on Friday, September 9, 2016, at 11:55
13 a.m." Did I read that correctly?

14 MR. TRAVERS: Yes.

15 MS. BLEAU: And was that an accurate statement,
16 do you recall?

17 MR. TRAVERS: Well Mr. Masula made that
18 statement. I'm going to assume that if the documents
19 had been brought in and submitted to Mr. Hernandez and
20 Francyne Webber, that that cleared up the issue that it
21 was now going to be issued a permit as a Private
22 Provider.

23 MS. BLEAU: I'm sorry. Can you say that again?
24
25

1 MR. TRAVERS: Sure. Mr. Masula made the
2 statement that he was instructed to remove the ATF Plan
3 Review stop as directed by his supervisor, George Oliva,
4 who received the directive for us to remove the ATF
5 requirements for this permit from the Building Official
6 John Travers, and then the date, 09/09/2016 at 11:55
7 p.m. So, I may have given that request to George Oliva
8 if the documents had been provided to show us that the
9 plan review had been completed by the Private Provider.
10

11 MS. BLEAU: So, going back to Tab 64 and the
12 multiple pages of insufficient information noted by your
13 staff three days earlier, is it your testimony that all
14 that information was provided to the Private Provider
15 before you then issued -- you told them to remove the
16 ATF fees?

17 MR. TRAVERS: I would say more accurately that
18 if the corrections were done or if the Private Provider
19 saw that those corrections were done and they signed off
20 on it, that we would have moved forward with issuing the
21 permit.
22

23 MS. BLEAU: So, all of these problems were
24 identified by the City staff, but because it was a
25 Private Provider, if the Private Provider signed off on
it, your direction to your staff was to approve it, and

1 that's why on the same day at Tab 64, on 09/19/16, like
2 an hour later, it was noted that DSD Audit only reviewed
3 by third party for compliance, right? That entry was
4 made one hour after Mr. Masula said you told Mr. Oliva
5 to remove the ATF fees, correct? Actually, one hour and
6 five minutes.

7 MR. TRAVERS: Yeah, it appears that that's the
8 chronology of how it was done.

9 MS. BLEAU: So, your policy under Private
10 Provider was, even if your staff had specifically
11 identified numerous problems with plans, if the Private
12 Provider put their signature on it, they were to issue
13 the permit and look no further.

14 MR. TRAVERS: I wouldn't say look no further.
15 The Private Provider had taken responsibility for the
16 compliance with the Code and they had signed off on it.
17 So, again from an administrative level, if they've
18 signed off on it, I'm not going to have my Inspectors or
19 my Plans Examiners wade through all of that again. The
20 Private Provider's responsibility is now clearly
21 established and they're on the line for the compliance.

22 MS. BLEAU: Mr. Travers, are you aware that on
23 September 8 when Mr. Madden visited the site, Mr.
24 Goldstein's property, for the second time, none of the
25

1 plans had been reviewed and signed off on by the Private
2 Provider?

3 MR. TRAVERS: No, I'm not.

4 MS. BLEAU: And how does that affect your
5 testimony here today?

6 MR. TRAVERS: It merely points out that I am not
7 aware that the permit hadn't been issued when Mr. Madden
8 went to the site for the second time.

9 MS. BLEAU: It points out the fact that you
10 weren't aware that the permit hadn't been issued. On
11 September 8 when the project was substantially complete,
12 MT Causley, MTCI, had not signed off on any of the plans
13 as captured on video by Mr. Madden at the time. Are you
14 aware of that?
15

16 MR. TRAVERS: No, and again I would ask that
17 this is the first time that this has been presented to
18 me, so I really haven't had an opportunity to review the
19 timelines on all of this and I'm trying to cooperate as
20 much as possible, but help the Board move forward on
21 this. So, I apologize.

22 MS. BLEAU: Does it concern you that the project
23 was allowed to be substantially complete by MT Causley
24 as of September 8 when no permit had been issued and no
25 plans had been approved by MT Causley?

1 MR. TRAVERS: I would have concern about that,
2 but if they were performing inspections and keeping logs
3 on it, then I could look at that as the fact that the
4 work had been done under the inspection process of the
5 Private Provider.

6 MS. BLEAU: Performing inspections of plans
7 that, as of September 16, which is eight days later than
8 Mr. Madden's second visit to the project, there was
9 still being noted insufficient plans and missing
10 numerous things. Correct?

11 MR. TRAVERS: Right, but there may have been
12 portions of that job that did not have discrepancies
13 that could have been inspected.

14 MS. BLEAU: Okay. Turn to Mr. Goldstein's
15 letter. You can use our notebook, Tab 79, which is also
16 Tab 10 of the City's notebook. Paragraph 3 on page 1,
17 he starts out, "At the start we were made aware that the
18 City of Fort Lauderdale had lost a number of personnel
19 in the Building Department staff." Was that true and do
20 you know who made Mr. Goldstein aware?

21 MR. TRAVERS: Well our staff had dwindled
22 somewhat. During the recession process, many employees
23 were offered a buy-out and they chose to take advantage
24 of that buy-out, so the staff, again, it did dwindle.
25

1 That was prior to my arrival and then it goes on to say,
2 "had lost a number of personnel in the Building staff."
3 I was aware when I came on board that we were woefully
4 behind in plan review and that we were lagging in
5 inspection reaction times because we were understaffed.
6 We had actually contracts with the three staffing
7 agencies to try and help us with that, but I determined
8 that the goal should be that we needed to increase our
9 staff to be able to perform to the recovering economy.

10
11 MS. BLEAU: So, the answer's yes?

12 MR. TRAVERS: Yes.

13 MS. BLEAU: Paragraph 1 of page 2, Mr. Goldstein
14 says, "Of course, MTCI was the most familiar with the
15 process and worked with Chief Building Official, John
16 Travers, and others at all times." Do you see that?

17 MR. TRAVERS: I do see that.

18 MS. BLEAU: How would Mr. Goldstein know about
19 your relationship with MTCI?

20 MR. TRAVERS: I don't know. This is a statement
21 that Mr. Goldstein made. It's not one that I made.

22 MS. BLEAU: Is that something that MTCI would
23 tell people, considering hiring them, that you worked
24 closely with MTCI?
25

1 MR. TRAVERS: Well, I did. I was employed by
2 MTCI for three years. However, I never recommended them
3 to any of our clients to use. I never made that
4 statement.

5 MS. BLEAU: Mr. Goldstein goes on to say,
6 "Towards the end of the job, we had numerous meetings
7 with Building Department staff to finalize approvals."
8 Were you involved in those meetings?

9 MR. TRAVERS: I don't recall those meetings that
10 I actually sat in on them. Again, if it had to do with
11 finalizing approvals for inspections and for reviewing,
12 that might have been some of the procedure that was
13 covered by Mr. Hernandez and Francyne Webber in the
14 submission of the final certification forms from the
15 Private Provider in order for us to move forward to an
16 occupancy.

17 MS. BLEAU: In the second sentence of paragraph
18 3, Mr. Goldstein says, "By September the construction
19 was substantially complete." Do you see that?

20 MR. TRAVERS: Yes.

21 MS. BLEAU: And that is the reference I was
22 making earlier, that the permits actually hadn't been
23 issued until September, I think, 19. Is that what we
24 agreed?
25

1 MR. TRAVERS: Again, I don't have the record of
2 when the permits were issued, but if you're saying that
3 we talked about that, then okay, I agree.

4 MS. BLEAU: Throughout this letter, Mr.
5 Goldstein refers to you a number of times, but as you
6 sit here today, it sounds like you have no recollection
7 of being involved in this project at all.

8 MR. TRAVERS: No, that's not true. I was
9 involved in the project. I was not aware of this
10 letter. I have no recollection of this letter.

11 MS. BLEAU: At the bottom of page 2, in the last
12 paragraph, Mr. Goldstein complains that a stop work
13 order had been issued by Bobby Masula on September 7.
14 Was that a true statement?

15 MR. TRAVERS: Again, if we have records of that,
16 Mr. Masula could speak more of it. I'm not aware of the
17 exact date if a stop work order was issued.

18 MS. BLEAU: Are you aware that when Mr. Madden
19 visited the site on September 8 for the second time --
20 for the second time on September 8, the first being
21 September 2 -- when he went out on the 8th, that was the
22 day after a stop work order had been issued, but work
23 was continuing. Do you recall that?

24 MR. TRAVERS: No, I do not.

1 MS. BLEAU: Had you given permission for work to
2 continue despite the fact that a stop work order had
3 been issued?

4 MR. TRAVERS: Well, I see in his statement --
5 Mr. Goldstein's statement -- he said he was again "told
6 that John Travers had walked the site and said
7 everything was okay as long as we had a fire
8 inspection." I never requested that the stop work order
9 be suspended or lifted. I do recall saying that there
10 were completed fire inspections that would be necessary
11 before we could move forward with things.
12

13 MS. BLEAU: Turn to Tab 123, please.

14 MR. MILLER: You had mentioned earlier that you
15 wanted to break at 3:30.

16 CHAIR ADELSON: I had mentioned to her that it
17 might be a good time to take a break.

18 MS. BLEAU: If you give me --

19 CHAIR ADELSON: We already knew about the 4:00
20 and now we have 5:00, so we're good. Are you moving on
21 to a different topic?

22 MS. BLEAU: If you give me a few minutes, I'm
23 wrapping up.

24 CHAIR ADELSON: As I was going to say, I wanted
25 to let her finish this particular line of questioning.

1 MR. MILLER: The only reason I asked is that if
2 she was going to take the rest of the day, you've got
3 people that have been sitting out there for two days. I
4 would kind of like to let them know what we're doing.

5 CHAIR ADELSON: Okay, so why don't we finish
6 this line of questioning and then we'll take that break
7 and then you can meet with your witnesses and we can do
8 some housekeeping.

9 KEN MILLER: Thank you.

10 CHAIR ADELSON: And then we'll go from there.

11 MS. BLEAU: So Travers, on Tab 123, this is
12 another printout, regarding 1415 NW 62nd Street, Mr.
13 Goldstein's property, correct?

14 MR. TRAVERS: Yes.

15 MS. BLEAU: And is it true that according to the
16 note entered on page 2 of this document on September 28,
17 2016, the final inspection was failed because the
18 contractor had failed to notify the City about the
19 inspections.

20 MR. TRAVERS: That's the entry in our system,
21 yes.

22 MS. BLEAU: Are you aware that at the time of
23 the inspection in September, Leroy Jones was told he
24 better decide who's direction he was going to follow
25

1 because Mr. Madden was not going to be working for the
2 City much longer?

3 MR. TRAVERS: No. I am completely unaware of
4 that statement.

5 MS. BLEAU: And is it your testimony that you
6 never discussed Mr. Madden with Mr. Goldstein?

7 MR. TRAVERS: I do not recollect ever talking
8 with Mr. Goldstein about Mr. Madden.

9 MS. BLEAU: And again, just to clarify, prior to
10 Mr. Madden's termination, you never discussed anything
11 with Mr. Goldstein about Mr. Madden?
12

13 MR. TRAVERS: No, I don't even recall, like I
14 said, the letter. If you put Mr. Goldstein in front of
15 me, I would not know how to identify him.

16 MS. BLEAU: Prior to Mr. Madden's termination,
17 did you ever discuss Mr. Madden with the contractor for
18 Mr. Goldstein's property at 1415 62nd Street.

19 MR. TRAVERS: I don't ever recall discussing
20 anything with the contractor about the Chief Structural
21 Inspector, Mr. Madden.

22 MS. BLEAU: Any idea where the contractor for
23 Mr. Goldstein's property would have gotten the
24 impression that Mr. Madden's job was in jeopardy in
25 September of 2016?

1 MR. TRAVERS: No, I certainly can't speak for
2 that contractor.

3 By the way, the point that you mentioned in your
4 Tab that that final inspection failed, that inspection
5 would have been recalled at a later date, so I'm not
6 sure if there is missing information on this, or if a
7 followup inspection was done. But, we did a missed
8 inspection report as a reason for failing the final on
9 that.

10
11 MS. BLEAU: But you didn't inform Mr. Madden to
12 tell his staff to check the inspection logs only and if
13 they're filled out, pass the inspection, right?

14 MR. TRAVERS: I informed him that if they noted
15 that there were discrepancies or that there were areas
16 that we needed to follow up on, that they could do that,
17 but that we were not to follow in the footsteps of the
18 Inspectors and re-perform the inspections that had
19 already been completed and passed by the Private
20 Provider.

21 MS. BLEAU: I have no further questions.

22 CHAIR ADELSON: So this is a perfect time to
23 break, do some housekeeping. I assume, Ms. Bleau, that
24 you're done. So do you have any redirect?
25

MR. ZALMAN: Yes.

1 CHAIR ADELSON: Okay, so with regard to your
2 witnesses, I would --

3 MR. MILLER: What time do you intend on
4 finishing tonight? All the way to 5:00?

5 CHAIR ADELSON: We have the opportunity now, the
6 room is available. So that 5:00 meeting was cancelled.
7 I suppose -- how long do you think your redirect is
8 going to be?

9 MR. ZALMAN: I would love to go all the way to
10 5:00, but obviously we're not finishing our case in
11 chief today. And I have hesitations in starting my
12 direct of a new witness and then not being able to talk
13 to them until March 6th.

14 CHAIR ADELSON: Yeah, that's fair. So, why
15 don't we finish as much as you can with Mr. Travers on
16 your redirect and then he will be our last witness for
17 today. If you have to continue with him on March 6 --
18 if not, if hopefully you've completed -- No, but I --

19 MR. MILLER: I'm not sure he'll come back on
20 March 6.

21 CHAIR ADELSON: I don't to restrict anybody from
22 completing their testimony of this witness, but we'll go
23 to 5:00 and hopefully you'll conclude with Mr. Travers
24
25

1 and we won't have any further questioning, and then we
2 can start again with the new witness on March 6.

3 MR. MILLER: Okay.

4 MR. TRAVERS: Could I please request from the
5 Board a potty break.

6 CHAIR ADELSON: That's what we're doing right
7 now. You got it.

8 [six minute break]

9 CHAIR ADELSON: We are back on the record. It
10 is 3:55. We are going to continue the hearing till 5:00
11 p.m., and the City is going to begin its redirect of Mr.
12 Travers.
13

14 MR. ZALMAN: Mr. Travers, it's been your
15 testimony throughout this proceeding that as Building
16 official, you are the final authority in making sure
17 that there is compliance with the Florida Building Code
18 in the City of Fort Lauderdale. Is that correct?

19 MS. BLEAU: Objection, leading.

20 MR. ZALMAN: I mean, there's no rules of
21 evidence. I think Ms. Bleau would agree with that.

22 MS. BLEAU: Relevance, yes.

23 CHAIR ADELSON: Overruled.

24 MS. BLEAU: Leading's fine, but relevance is
25 not. Okay.

1 MR. ZALMAN: The relevance wasn't an evidentiary
2 issue. I mean, it's more of -- it's an appellate issue,
3 not an evidentiary issue.

4 CHAIR ADELSON: It is an appellate issue.

5 MR. ZALMAN: It's your testimony that the
6 Building Official is the final authority on compliance
7 with the Building Code in the City of Fort Lauderdale?

8 MS. BLEAU: Objection, leading.

9 CHAIR ADELSON: Overruled.

10 MR. TRAVERS: Yes.

11 MR. ZALMAN: And it's your testimony that you
12 rely on your Chiefs to interpret the Florida Building
13 Code in areas outside of your specialty?

14 MS. BLEAU: Same objection.

15 MR. TRAVERS: Yes.

16 MR. ZALMAN: Can one of your Chiefs simply
17 countermand your directives in regards to the Florida
18 Building Code?

19 MR. TRAVERS: No.

20 MR. ZALMAN: And because you have testified that
21 your Chiefs are there to assist you in interpreting the
22 Building Code, correct?

23 MS. BLEAU: Objection. This is also not
24 appropriate redirect at all. I actually skipped my
25

1 questions that I had about BORA for Mr. Travers because
2 he seemed, you know, in John Madden's sole authority to
3 act pursuant to BORA. I skipped those questions. I
4 didn't ask him anything about Mr. Madden's authority
5 versus his authority. And so, we're redirecting things
6 that I haven't ever asked about.

7 MR. ZALMAN: We did in December. This is from
8 my notes in December for this redirect.

9 CHAIR ADELSON: I'm going to allow the line of
10 questioning to continue.

11 MR. ZALMAN: So, can Mr. Madden simply overrule
12 your decisions as Building Official?

13 MR. TRAVERS: Not that I'm aware of.

14 MR. ZALMAN: And if he did overrule your
15 decisions, would that be insubordination?

16 MR. TRAVERS: Yes.

17 MR. ZALMAN: I want to call your attention back
18 to our binder and red Tab 1 and if you go forward to the
19 Appendix A that was referred to earlier today, and
20 specifically page 9 of 16, paragraph F. Do you recall
21 reviewing this paragraph with Mr. Madden's Counsel
22 earlier today?

23 MR. TRAVERS: Yes.

24 MR. ZALMAN: What's "immediate" mean to you?

1 MR. TRAVERS: Building ready to collapse, an
2 unsafe locking of emergency egresses, building that has
3 improper lighting, lighting the egress areas.

4 MR. ZALMAN: Immediate, though, specifically the
5 word immediate, what does that mean to you?

6 MR. TRAVERS: That there's a need to issue an
7 evacuation notice, to remove everybody from the
8 building.

9 MR. ZALMAN: In the emails that we reviewed
10 today from Mr. Madden calling attention to the way
11 permits were issued, the way inspections were done and
12 his grievances with them, did he ever specifically say,
13 as you sit there today, there's an immediate threat to
14 public safety in this building?

15 MR. TRAVERS: No.

16 MR. ZALMAN: In fact, if I can call your
17 attention to red Tab 4, and if you flip to the page
18 before the actual tab -- and I believe this is also in
19 Mr. Madden's binder -- on page 3, the Conclusion, it
20 refers to quadruple the permit fees. Do you see that?

21 MR. TRAVERS: Yes.

22 MR. ZALMAN: What is -- and that's come up in
23 another email, and I'll refer you to Mr. Madden's Tab
24
25

1 46, page 2 of that tab, do you see the paragraph that
2 begins, "What about quadruple fees"?

3 MR. TRAVERS: Yes.

4 MR. ZALMAN: What's it mean to quadruple the
5 fees?

6 MR. TRAVERS: So we have a fee schedule in the
7 City for assigning the fees that are relevant to issuing
8 a permit, so quadruple would mean to multiply that
9 normal fee that was assigned to the permit that's to be
10 issued by four.
11

12 MR. ZALMAN: And what is the purpose of
13 quadrupling fees?

14 MR. TRAVERS: I would assume that it's to send a
15 clear message to the people in charge of the
16 construction, whether it be a contractor or an owner,
17 that they had performed work without permit and that
18 they were being now fined as quadruple the normal fee
19 that would be charged for obtaining a permit.

20 MR. ZALMAN: And in these two emails, it was Mr.
21 Madden's recommendation to quadruple the fees for this
22 contractor, correct?

23 MR. TRAVERS: That's what I see in the emails,
24 yes.
25

1 MR. ZALMAN: In the two emails, does he ever
2 say, "There's an immediate concern for public safety.
3 Evacuate these buildings"?

4 MR. TRAVERS: No.

5 MR. ZALMAN: And I believe both of these
6 properties concern the Tiffany House. You can correct
7 me if I'm wrong though. I might be.

8 MS. BLEAU: Can I correct you?

9 MR. ZALMAN: Yes.

10 MS. BLEAU: No, you're wrong.

11 MR. ZALMAN: Okay. Tab 46 is 2900 Riomar.
12 That's Tiffany House, right?

13 MR. TRAVERS: Correct.

14 MR. ZALMAN: And the email chain that I'm
15 referring to for my tab, red Tab 4, it's 1415 Northwest
16 62nd Street. Do you remember what the nickname for that
17 property was?

18 MR. TRAVERS: No, I don't know what its nickname
19 was. Again --

20 MR. ZALMAN: Is that the Goldstein property?

21 MR. TRAVERS: Yes, I believe it is.

22 MR. ZALMAN: When these emails were issued and
23 we're discussing Mr. Madden's recommendation to
24 quadruple fees, was the building still under
25

1 construction? Were both buildings still under
2 construction?

3 MR. TRAVERS: Yes.

4 MR. ZALMAN: Does anywhere in the email, does
5 Mr. Madden make a recommendation, "What about the
6 workers? Get the workers out of there. There's an
7 immediate threat to public safety"?

8 MR. TRAVERS: No.

9 MR. ZALMAN: As you sit there today, is
10 construction completed at the Tiffany House project?

11 MR. TRAVERS: Yes.

12 MR. ZALMAN: Has the Tiffany project fallen
13 down?

14 MS. BLEAU: Not yet.

15 MR. TRAVERS: No.

16 MR. ZALMAN: Was there ever, to your knowledge,
17 discussion by anyone at the City or any discussion that
18 you're aware of at all that there was an immediate
19 threat to public safety at the Tiffany House?

20 MR. TRAVERS: No.

21 MR. ZALMAN: And the Goldstein property, has
22 that finished construction?

23 MR. TRAVERS: Yes.

24 MR. ZALMAN: Has it fallen down?

1 MR. TRAVERS: No.

2 MR. ZALMAN: Was there any conversation with
3 anybody at the City or otherwise that there's an
4 immediate threat to public safety at that Goldstein
5 property?

6 MR. TRAVERS: No.

7 MR. ZALMAN: And we mentioned earlier the
8 construction at the Courthouse, right?

9 MR. TRAVERS: Yes.

10 MR. ZALMAN: And we did mention public safety.
11 I recall we mentioned public safety when talking about
12 the Courthouse, right?

13 MR. TRAVERS: Yes.

14 MR. ZALMAN: And correct me if I'm wrong, you
15 testified that really had to do with an issue of ingress
16 and egress between the comingling of criminal defendants
17 and the general public, including the employees of the
18 Courthouse, right?

19 MS. BLEAU: I believe the testimony regarding
20 the specifics of the Courthouse was stricken and the
21 only thing left in the record was that there was a
22 disagreement between Mr. Madden and Mr. Travers. So, it
23 appears to me to be improper then to have redirect
24 testimony on the specifics.
25

1 MR. ZALMAN: Well, was it stricken?

2 CHAIR ADELSON: So you had requested that
3 testimony be stricken and I had asked Counsel to explain
4 the intent of the line of questioning. She indicated
5 that it was my summation of what the reason was to get
6 to the fact that the two of them had disagreements over
7 particular issues. And then the remaining of the
8 testimony regarding the Courthouse was stricken.
9

10 However, I did not strike the testimony about
11 the Courthouse and his answers that there had been some
12 disagreements in terms of the Courthouse. So, in terms
13 of opening up the door, I'm gonna give him some leeway
14 here too with regard to the Courthouse issues related to
15 the issues regarding the termination.

16 MR. ZALMAN: I think I might have misinterpreted
17 what you had said, too. If it's stricken, I won't go
18 down that road, but if there's an opening based on the
19 prior testimony that was allowed, I'll ask my question.

20 CHAIR ADELSON: There was a conversation about
21 the Courthouse. There was a conversation, I believe,
22 asked about their interactions related to it; whether
23 there was a disagreement, and that's where the testimony
24 will end.
25

1 However, in light of the fact that there was an
2 opening regarding the Courthouse, Counsel, I will hear
3 your question and see whether or not it has gone past.

4 MR. ZALMAN: I'll withdraw the question.

5 CHAIR ADELSON: Okay.

6 MR. ZALMAN: Now, from your review of documents
7 today and your recollection of the events leading up to
8 Mr. Madden's termination, do you feel that Mr. Madden
9 was insubordinate to you?

10 MR. TRAVERS: Yes.

11 MR. ZALMAN: No further questions.

12 MS. BLEAU: Redirect.

13 CHAIR ADELSON: Ms. Bleau, do you have --

14 MS. BLEAU: Yes. How was Mr. Madden
15 insubordinate, because I'm pretty sure I asked that
16 question before and you told me you couldn't specify.
17 So, you've now testified under oath that he was
18 insubordinate. How was he insubordinate?

19 MR. TRAVERS: I would refer once again to
20 paragraph 2 and paragraph 3 on page 3 of 10 of Tab
21 number 1 of the City's notebook where instructions were
22 given on how to enter results and Mr. Madden had
23 instructed his staff to enter different letters than
24 what I had asked for.
25

1 MS. BLEAU: What evidence do you have to show
2 that the instructions were given prior to Mr. Madden's
3 what you deemed to be contrary instructions?

4 MR. TRAVERS: Without going through all of that
5 again, again I gave these statements quite a while ago.
6 I don't have the exact dates, but the information is
7 accurate in what we needed to do to allow Community
8 Plus, the permitting system to properly allow for
9 inspections and what would happen if those instructions
10 weren't followed.

11 MS. BLEAU: Okay, so let me just ask you this
12 way. I would assume -- is it fair to assume that any
13 evidence that you have regarding your instructions that
14 you claim were countermanded by Mr. Madden would have
15 been provided to Miss Richard in the course of her
16 investigation and should be in this notebook somewhere?

17 MR. TRAVERS: No, I can't say that I would have
18 provided every single instance. Again, this has been
19 quite a while ago, so pardon me for not being able to
20 recall everything verbatim, but I did mention these
21 points because they were critical to allowing for the
22 inspection process to continue.

23 MS. BLEAU: Do you understand, Mr. Travers, that
24 in questioning you last time and in questioning Miss
25

1 Richard, we were able to establish that there is no
2 email from Mr. Madden that is subsequent to your email
3 giving that direction? Are you aware of that as you sit
4 here today?

5 MR. TRAVERS: I think that we already discussed
6 that, so if you're asking me am I aware? You made me
7 aware of it.

8 MS. BLEAU: Okay. And are you aware that your
9 policy was issued after Mr. Madden's email giving that
10 direction?

11 MR. TRAVERS: Again, I don't recall the exact
12 dateline for the policy and the revisions to it, but I
13 think you have established that there was a dateline
14 involved with that.

15 MS. BLEAU: So your testimony that Mr. Madden
16 was insubordinate is based solely on the fact that Miss
17 Richard put in her memo that you had raised that as an
18 issue at the time of her investigation and you have no
19 other independent recollection about it as we speak. Is
20 that true?

21 MR. TRAVERS: Yes, I have no recollection of
22 that prior.

23 MS. BLEAU: Thank you.
24
25

1 CHAIR ADELSON: Counselors, have we concluded?
2 Do you have any redirect of the redirect of the
3 redirect?

4 MR. ZALMAN: No.

5 CHAIR ADELSON: Okay. So, Mr. Travers you are
6 dismissed.

7 MR. TRAVERS: Thank you.

8 CHAIR ADELSON: Thank you for your time. I know
9 you're still going to be sitting here as a City
10 representative, but in terms of your testimony, thank
11 you for your time.
12

13 Actually, does the Board have any questions? I
14 just realized. Yeah I might have one or two. So,
15 sorry, a couple more minutes.

16 MS. GIALLUCA: Thank you, Chair. Sorry, I just
17 have a just have a quick question about the Permit by
18 Affidavit policy. Under Tab -- which tab is this --
19 under Tab 1 where it shows the first one that we were
20 made of -- and correct me if I'm wrong -- it had the
21 revision date of 07/14/16. Who created this document?

22 MR. TRAVERS: Okay, I think I didn't catch all
23 of your question. Who created what?
24
25

1 MS. GIALLUCA: The process for projects seeking
2 to proceed as Permit by Affidavit, the policy for Permit
3 by Affidavit.

4 MR. TRAVERS: So, again, in my efforts to create
5 something that was written down and was standard for the
6 employees to follow, it was a work in progress. We had
7 to do some revisions along the way, as we discovered.

8 MS. GIALLUCA: Okay. So my question was, who
9 created this document?
10

11 MR. TRAVERS: Oh, Luis Hernandez created it,
12 submitted it to me for review, and then I approved it.

13 MS. GIALLUCA: Okay. So, he created this. He
14 didn't obtain a copy from another agency to use as a
15 guideline for a final policy?

16 MR. TRAVERS: No, you are correct. He developed
17 this on his own.

18 MS. GIALLUCA: Okay, and then I guess I heard
19 today that the original policy was created sometime in
20 June, That I think was mentioned today. Is there a copy
21 of that original policy that was provided?

22 CHAIR ADELSON: Let's actually direct it to
23 Counsel because she provided it to us.

24 MS. BLEAU: Let me clarify that. I should have
25 -- I don't think I did -- sure, I will produce as a

1 composite exhibit this exhibit to the next hearing and
2 we'll make sure it's part of the record, not only the
3 email that I got from the City with respect to the
4 public records request, but what they sent me. And to
5 clarify, my understanding of what I got were just drafts
6 as they were being worked on, and it was in June.

7 MS. GIALLUCA: So, it was not the adopted
8 policy.

9 MS. BLEAU: It was not an adopted policy.

10 MS. GIALLUCA: Oh, okay.

11 MS. BLEAU: And one had a date of -- as I put in
12 my email -- no, that was his, sorry -- one of them had a
13 date of 07/13 and then actual one, I think, has a date
14 of 07/14. But then there was another one that was
15 undated, and according to the information from the
16 Clerk, that one was prepared on 06/23 initially and then
17 revised on 06/24.

18 MS. GIALLUCA: So this one with the revision of
19 07/14 was the final and approved --

20 MS. BLEAU: First and final.

21 MS. GIALLUCA: -- policy for the City of Fort
22 Lauderdale?

23 MS. BLEAU: Yes.

24 MS. GIALLUCA: Thank you. That's all.

1 MR. BALDWIN: Is this my only chance to
2 interview or to --

3 CHAIR ADELSON: This is your opportunity to ask
4 questions.

5 MR. BALDWIN: I just had a few questions. When
6 did you start working for the City of Fort Lauderdale?

7 MR. TRAVERS: I started in November of 2014.

8 MR. BALDWIN: And has Mr. Madden, has he been
9 your direct report, or you've been his Supervisor,
10 direct Supervisor the entire time, or is there somebody
11 in between?
12

13 MR. TRAVERS: No, he reports -- well, under the
14 original structure of our organizational chart, he
15 reported directly to me.

16 MR. BALDWIN: For the entire time that he was --

17 MR. TRAVERS: We then created an Assistant
18 Building Official position and, I'd have to look at it,
19 but there may have been an intermediary between Mr.
20 Madden and me at some point. But, for the most part
21 early on in my tenure, he reported directly to me.

22 MR. BALDWIN: Okay, and I may have
23 misunderstood, but you did his performance evaluation?
24

25 MR. TRAVERS: I think I did one performance
evaluation, yes.

1 MR. BALDWIN: Apparently, you gave him above
2 satisfactory and satisfactory ratings.

3 MR. TRAVERS: I believe that's what's in the
4 record. Yes, sir.

5 MR. BALDWIN: Was that during the period that he
6 was being evaluated for the termination?

7 MR. TRAVERS: I'm not sure. It may have
8 occurred before then. I don't know the exact date.
9 Again, it's in the record.

10 MR. BALDWIN: I may have misunderstood, if I
11 understood correctly, you did not recommend Mr. Madden
12 be terminated.

13 MR. TRAVERS: I didn't recommend for his
14 termination. I didn't recommend not to terminate him.
15 That was a decision that came from above me.

16 MR. BALDWIN: I believe you said that -- these
17 weren't your words, but that you would have taken some
18 kind of remedial action to his behavior.

19 MR. TRAVERS: In my annual performance review
20 that I completed, I expressed concern that I wanted him
21 to work on his approach and so forth with the
22 contractors. I wanted him to work on his -- how he
23 presented himself to the contractors.
24
25

1 MR. BALDWIN: I understand. Do you know who
2 recommended that he be terminated?

3 MR. TRAVERS: I only saw a letter, I think, from
4 the City Manager that he was terminated.

5 MR. BALDWIN: So I don't know. The paper trails
6 are -- I imagine there's some kind of recommendation
7 that worked its way up to the Manager, but I don't know
8 this. Normally, the disciplinary action starts with the
9 immediate supervisor.

10 MR. TRAVERS: Right.

11 MR. BALDWIN: And then it's reviewed up the
12 line. That's what I wasn't really clear on. If someone
13 can find out, I'd be interested to know. That's all I
14 have.

15 CHAIR ADELSON: I'm following Robert's
16 questions. So, were you asked to give a recommendation
17 as to whether or not Mr. Madden's employment should be
18 terminated with the City?

19 MR. TRAVERS: I don't think I was. I don't
20 recall, but I don't think so.

21 CHAIR ADELSON: How did you become involved in
22 the investigation? Did somebody come to you and discuss
23 with you that there were some issues that had arisen for
24
25

1 the information that you gave to the report -- that
2 became part of the report?

3 MR. TRAVERS: I believe I was asked by Janeen
4 Richard to come in, meet with her.

5 CHAIR ADELSON: But you didn't initiate the
6 investigation?

7 MR. TRAVERS: No, I don't think I did. No.

8 CHAIR ADELSON: I have no further questions.

9 MR. ZALMAN: If we could clarify the --

10 CHAIR ADELSON: The timeline?

11 MR. ZALMAN: Yeah.

12 CHAIR ADELSON: Is that appropriate?

13 MS. TURIN: It's in your prerogative.

14 MR. ZALMAN: We're going to have a witness --
15 our last witness -- he's the one that made the final
16 recommendation as his position at the time, using the
17 report from HR, if that helps. And some of it is our
18 Tabs 18 and 19 in our binder. But he's our last
19 witness, which we actually thought was perfect because
20 the number of days spent to sum it all up and give the
21 process back to you.

22 CHAIR ADELSON: Okay, so that would be helpful,
23 so let's let the witness do it and if we're still not
24 clear at that point, then we can have you further
25

1 clarify how the process worked to the ultimate decision
2 maker for the termination.

3 MR. ZALMAN: We'll definitely bring it up in our
4 closing, too. If there are closings, I mean.

5 CHAIR ADELSON: So now, Mr. Travers, you are
6 dismissed. Thank you for your time.

7 Okay, so we're going to take care of some
8 further housekeeping. We have some minutes that we have
9 to approve from the last time. I'm going to make one
10 clarification. I happened to have the opportunity during
11 some of the breaks to read through it. There is
12 deposition transcript in here, so we had to review that.

13 We received it at the earlier part of this
14 hearing. I don't know if all the members have had an
15 opportunity to do that. I'm thinking I can move to
16 approve them because I have read them. That is a skill
17 set I have. But I don't know if everyone's had an
18 opportunity to look through them to be able to move them
19 through the process for approval. And so, Madam
20 Attorney, I'm not really sure.

21 MS. TURIN: We can defer until everybody has had
22 an opportunity to review when we reconvene on March 6.

23 CHAIR ADELSON: Yeah, because I don't know if
24 all of you have had a chance --
25

1 MS. GIALLUCA: No, I was paying close attention
2 to --

3 CHAIR ADELSON: Right. That's what I figured.
4 And I took the time during the breaks to look at it.

5 All right, so I'm going to defer on actually
6 reviewing and approving the minutes from December 12 and
7 13 and then we can do it upon review the minutes for
8 this. And hopefully, the City will be able to get those
9 in advance for today's hearing, and that way we can do
10 all three at that time. Other than that, at this point
11 --
12

13 MS. TURIN: You may want to inquire as to
14 whether the City was able to any of the dates that we
15 discussed earlier --

16 CHAIR ADELSON: That is a great question.

17 MS. TURIN: -- if she heard back from any of the
18 counsel on their case.

19 CHAIR ADELSON: So we're going to see if we can
20 confirm the dates that we all talked about earlier this
21 morning and that way we can get those on the calendar.

22 MS. BLEAU: I think you guys were going to talk
23 about other dates for your other hearing too.

24 CHAIR ADELSON: Yeah, but I don't know that we
25 need to do that with you here.

1 MS. BLEAU: Yeah, we can leave.

2 CHAIR ADELSON: So, let's finish this hearing
3 and get those dates confirmed and then we'll worry about
4 our [inaudible].

5 MS. BLEAU: In case there's a question, we can
6 leave.

7 CHAIR ADELSON: Are you the attorney on the
8 other case that we're --

9 MR. ZALMAN: Don't even know what you're talking
10 about.

11 CHAIR ADELSON: Donaldson?

12 MR. ZALMAN: [Inaudible]

13 CHAIR ADELSON: That would have been helpful,
14 because then you would have been stuck here while we
15 figure out those dates.

16 MS. BLEAU: So what is it we're confirming with
17 respect to our dates?

18 CHAIR ADELSON: Your dates. Availability of the
19 City, whether Ms. Smith was okay with Mr. Post sitting
20 in.

21 We're going back on the record now for the
22 dates, continued dates for this hearing.

23 MS. ARTHURS: The other hearing is Michael
24 Donaldson.

1 MS. GIALLUCA: We need to confirm these --

2 MS. ARTHURS: We'd like to confirm these dates,
3 if possible.

4 CHAIR ADELSON: The City will send out notices if
5 those dates work, and thank you all and we're going to
6 now discuss another case and see if we can get dates for
7 those. You may be excused.

8 You're adjourned until next time.

9 The hearing concluded at 4:25 p.m.
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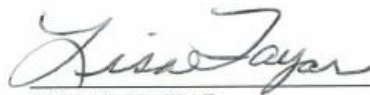
CERTIFICATE

STATE OF FLORIDA)
) ss:
COUNTY OF BROWARD)

I hereby certify that I was authorized to and did transcribe the foregoing and the transcript is a true record of the proceedings to the best of my ability.

I further certify that I am not of counsel, I am not related to or employed by any party to this matter, and I am not interested in the outcome thereof.

Dated this 26th day of February, 2020.


LISA G. TAYAR

STATE OF FLORIDA)
 ss:
COUNTY OF BROWARD)

SWORN TO and SUBSCRIBED before me the day and year above written by Lisa G. Tayar, who is personally known to me.


BRIGITTE CHIAPPETTA, Notary Public
State of Florida

Notarial Seal:

