

In the Matter of All Licenses Held by the University Club of St. Paul

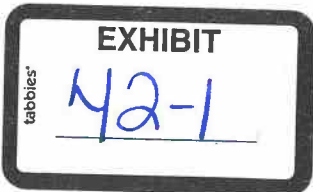
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STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE CITY OF ST. PAUL

In the Matter of All Licenses Held by
the University Club of St. Paul d/b/a
The Commodore for the Premises Located
at 79 Western Avenue in St. Paul.

DEPOSITION

The following is the deposition of
JOHN SKRADSKI, taken by Joan M. Anderson,
Certified Shorthand Reporter, pursuant to Notice
of Taking Deposition, taken at 55 East 5th Street,
St. Paul, Minnesota, commencing at 9:06 a.m.,
March 7, 2018.



In the Matter of All Licenses Held by the University Club of St. Paul

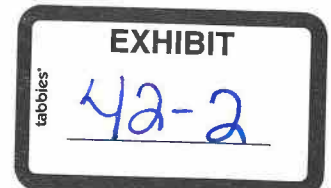
1 APPEARANCES:

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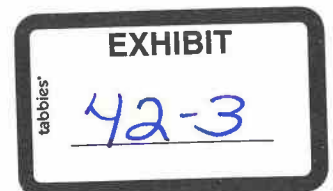
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(Exhibits 26, 27 and 55 were retained by Counsel)



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P R O C E E D I N G S

(Whereupon, the deposition of JOHN SKRADSKI
was commenced at 9:06 a.m. as follows:)

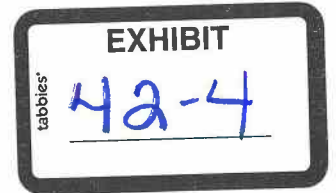
(Witness sworn.)

JOHN SKRADSKI,

called as a witness, being first duly sworn,
was examined and testified as follows:

EXAMINATION

BY MR. MILLER:



Q. Mr. Skradski, have you ever had your
deposition taken before?

A. No.

Q. Let's just talk for a minute or so
about some of the ground rules that will help the
process go smoothly. First, if I ask a question
and you don't understand it, if I phrase it
incorrectly, feel free to ask me to rephrase the
question.

Also, it's important that your
answers to the questions that I'm going to ask you
are verbal. You can't nod your head one way or
another. That's easy for us to see sitting across
from you what you mean, but it can't be picked up

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1 by the court reporter.

2 And then third, it's also important
3 that we don't talk over each other. There can
4 only be one person talking at a time, otherwise
5 the court reporter is going to have real
6 difficulty making a transcript if there's more
7 than one person talking. Okay?

8 **A. All right.**

9 Q. Are you currently employed?

10 **A. Yes, I am.**

11 Q. Okay. In what capacity?

12 **A. As a plan examiner with the City of**
13 **St. Paul.**

14 Q. How long have you been employed in
15 that capacity?

16 **A. 20 years.**

17 Q. Planning examiner?

18 **A. Plan examiner.**

19 Q. Plan examiner. And what generally
20 are your responsibilities with respect to being a
21 plan examiner?

22 **A. I review the building plans and issue**
23 **building permits.**

24 Q. Could you take me through the
25 process, like what happens when plans come in?



1 Just generally right now.

2 A. Let's see. A contractor will come in
3 with a permit application that has been entered
4 into the system with our permit clerks. And they
5 bring the plans down to us to plan review. We
6 take the plans in, and we discuss the numerous
7 items as we look at the plans to see if they're
8 missing any items that we might need, and then we
9 will take the plans in and conduct our plan
10 review.

11 And then if there are additional
12 issues, then we would probably contact the
13 designer of record and wait for their response
14 back for any of the issues that we address.

15 Q. How is it determined who reviews the
16 plans?

17 A. At this time, when this was done, or
18 currently?

19 Q. When this was done.

20 A. When this was done? Okay. Because
21 we've had a change of the way they do stuff now.
22 Whoever usually is with the person that comes in,
23 that person usually ends up with the plans to
24 review.

25 Q. So you don't have areas that are

EXHIBIT
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tabbles

1 designated geographically or by type of permit
2 request?

3 A. No, no. When the plans come in, a
4 lot of times what will happen is the -- let's see.
5 At the time that this was done, we had the senior
6 plan examiner, and he would look at different
7 projects that would come in. And then he would
8 more or less decide who would be looking at it.
9 So I mean, a lot of the times, my position is I'm
10 mainly doing commercial review now. I used to do
11 a lot of residential, but as I moved up to a
12 different position, then I do commercial review.

13 Q. Back in 2012 -- and that's the
14 relevant time that we're talking about now -- who
15 was the senior plan examiner?

16 A. At that time, the senior plan
17 examiner was James Bloom.

18 Q. Bloom?

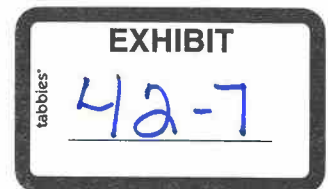
19 A. Bloom.

20 Q. B-l-o-o-m?

21 A. Correct.

22 Q. Back at that time, were the plans
23 moved around the building department? Was there
24 only one plan examiner?

25 A. There was one plan examiner, but that



1 plan examiner is responsible for checking in with
2 the other departments.

3 Q. Okay. When you say "other
4 departments," which departments are you talking
5 about?

6 A. Well, we would have to check with the
7 zoning, and then if there's any structural issues,
8 we have to get plans with a structural engineer.
9 We need to have HVAC plans for ventilation. That
10 has to be looked at by our warm air person, and
11 that usually has to be approved by him before we
12 issue the building permit, if the job requires to
13 have major HVAC.

14 Q. How about licensing?

15 A. Licensing, I don't deal with the
16 licensing. That's the other department upstairs.
17 A lot of times we don't really check with the
18 licensing and plan review.

19 Q. Are there ever any circumstances that
20 you check with the licensing during the plan
21 review process?

22 A. It used to be when licensing was --
23 they had -- I think they used to license massage
24 parlors and stuff like that, but then the state
25 came in and took that over, so those we would a

EXHIBIT

tabbles

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1 lot of times check.

2 Q. How about other types of projects,
3 which anticipate an activity that requires a
4 license, such as selling alcohol?

5 A. That, plan review doesn't usually
6 check on that.

7 Q. Okay. So the plans are never sent to
8 licensing?

9 A. No. Our plans that we receive, no,
10 they were never sent to licensing.

11 Q. Let's put this aside for a moment.

12 (Whereupon, Deposition Exhibit No. 55
13 was marked for identification and a copy is
14 attached and hereby made a part of this
15 deposition.)

16 BY MR. MILLER:

17 Q. Showing you what's been marked as
18 Exhibit Number 55 --

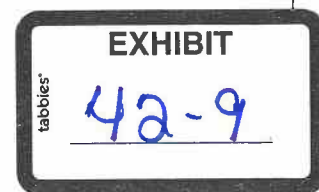
19 MR. MILLER: Would you like a
20 separate copy for you right now?

21 MS. SKARDA: No, I can look on if he
22 doesn't mind me scooting in here a little bit.

23 BY MR. MILLER:

24 Q. Do you recognize this?

25 A. These are not the plans that I've



1 colored in.

2 Q. Do you recognize this, though?

3 A. I recognize the plans, but these are
4 not the plans that I reviewed and colored in.

5 Q. Okay. Can you identify this? When
6 did you see these plans?

7 A. 2012, I guess, when these came in.
8 I'm not sure of the exact date. The plans that I
9 had were probably marked on -- I usually would
10 mark on the back when the plans would come in, or
11 by the permit application when it came in.

12 Q. And for the record, what does this
13 appear to be?

14 A. Pardon me?

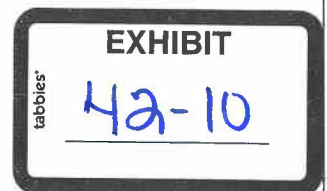
15 Q. What does this appear to be? Do you
16 recognize the project?

17 A. Yeah, it was the Commodore building,
18 and there's going to be work being done here.

19 Q. And also for the record, what's the
20 date of these plans?

21 A. The date on the plans was
22 February 1st, 2012.

23 Q. And also for the record, where are
24 the areas that are designated as area of future
25 work?



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1 Q. And so this is the point which this
2 project was assigned to you?

3 A. That is correct.

4 Q. Now, the date on the plans, on
5 Exhibit Number 53 --

6 A. It's not 53, it's 55.

7 Q. 55. You testified earlier the date
8 is what? February 1st?

9 A. February 1st, 2012.

10 Q. Were these plans brought in with
11 this?

12 A. These particular plans?

13 Q. Yes.

14 A. Not these plans, because the plans
15 that I would have received would be colored.

16 MR. MILLER: Could you mark this as
17 66?

18 (Whereupon, Deposition Exhibit No. 66
19 was marked for identification and a copy is
20 attached and hereby made a part of this
21 deposition.)

22 BY MR. MILLER:

23 Q. Mr. Skradski, I'm showing you what's
24 been marked as Exhibit Number 66. Do you
25 recognize this?



1 But those plans I color coded. And where they
2 are, I don't know.

3 Q. So when they came in, they weren't
4 color coded --

5 A. No.

6 Q. They would look like Exhibit Number
7 55?

8 A. Right. They were just regular black
9 and white plans. I color code them to help show
10 where the work is going to be done.

11 Q. Where was the work to be done on
12 these plans? What was covered by the permit? I'm
13 going to give you are a highlight marker. Would
14 you show with the highlighter the area that was
15 covered by the building permit, the work that was
16 authorized to be done?

17 A. Okay if I draw on it?

18 MS. SKARDA: Yes.

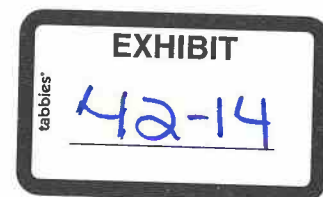
19 MR. RUP: No, not the -- I'm sorry.

20 (OFF THE RECORD)

21 BY MR. MILLER:

22 Q. Can you show the work that was to be
23 covered by this drawing?

24 A. It's all within this area right here.
25 This is where all the work was going to take place



1 was, right in this area right here.

2 Q. With respect to these plans?

3 A. Pardon me?

4 Q. With respect to these plans?

5 A. With these plans that originally were
6 submitted.

7 Q. But Exhibit Number 55 ultimately
8 wasn't the committed plans, correct?

9 A. That is correct.

10 Q. What happened to these plans after
11 they were brought into the department?

12 A. Well, if they're not going to be the
13 issued plans, they're discarded.

14 Q. When it came in, did somebody look at
15 these plans?

16 A. Yes, I did.

17 Q. Who else?

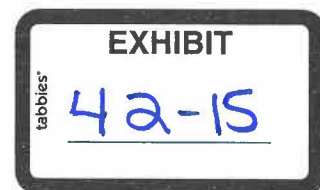
18 A. I went over it with Jim Bloom.

19 Q. Were these looked at by zoning?

20 A. That I am not sure. Jim might have
21 checked with zoning on that.

22 Q. If they were reviewed by zoning, how
23 would that be recorded?

24 A. What would happen is zoning would
25 either sign off on the permit application, or they



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1 would just sign off in our computer program,
2 Amanda.

3 Q. But there would be some record
4 somewhere in Amanda or on the application?

5 A. Correct.

6 Q. That zoning had looked at it?

7 A. Correct.

8 Q. Looking at Exhibit Number 8, is there
9 any indication that zoning looked at these --

10 A. No. There's no zoning sign up on the
11 permanent application. There's just a structural
12 signoff.

13 Q. If zoning did sign off on the permit,
14 where would it have been on this Exhibit Number 8?

15 A. It would have been right down under
16 where it says plan review remarks. They would
17 have put their requirements, and then their
18 signoff in with the date.

19 Q. Would there be a similar entry made
20 into Amanda?

21 A. Normally, yes. They would put that
22 information into the Amanda system.

23 Q. And how could that be tracked?

24 A. By looking up this permit application
25 number, and then going to the process, and there

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tabbies
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1 might be a signoff in there with their notes.

2 Q. And again, looking at Exhibit Number
3 55, there are several areas that are noted, areas
4 of future work?

5 A. Correct.

6 Q. And one of them is the area over
7 here, which is called west dining?

8 A. Correct. It's blocked in, and it
9 says "Area of future work."

10 Q. Could you draw, or highlight with the
11 blue the area that we just discussed?

12 A. (The witness complies).

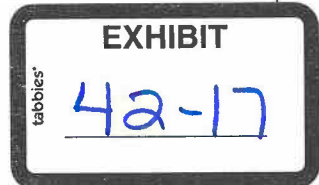
13 Q. And there's also some key notes as
14 well, correct?

15 A. Right.

16 Q. And which ones there refer to future
17 work, or refer to future items? You can highlight
18 them if you want.

19 A. Let's see, you've got number 8,
20 number 9, number 10, number 11, number 12, number
21 13. That's it.

22 Q. Going back to Exhibit Number 8 and
23 the plan review remarks, if -- I'm not saying it
24 was, but if this had been sent to zoning, and they
25 didn't have any comments, would that show up



1 there, or would that just continue to be blank?

2 A. Zoning would still have signed off on
3 it.

4 Q. Even if they had no comments?

5 A. Right. Because we would still have
6 them acknowledge that they looked at it, whether
7 they were examining issues that they had to
8 address or not. They might do like how structure
9 does, he just says okay for structure. Because he
10 receives his information a different way than how
11 we would do it.

12 Q. So this "Okay structural," there
13 should be an entry in Amanda for that as well?

14 A. Correct.

15 Q. Okay. So based on this document, the
16 only thing that you can say with any confidence is
17 that it was only reviewed by structural?

18 A. And by us in plan review.

19 Q. And plan review?

20 A. Correct.

21 MR. MILLER: Would you mark this as
22 number 54.

23 (Whereupon, Deposition Exhibit No. 54
24 was marked for identification and a copy is
25 attached and hereby made a part of this



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1 deposition.)

2

3 BY MR. MILLER:

4 Q. I'm showing you what's been marked as
5 Exhibit Number 55. Could you review that, please?

6 A. All right.

7 Q. Do you recognize that?

8 A. Yes, I do.

9 Q. And could you just explain for the
10 record what it is?

11 A. It is an email sent by the zoning
12 staff, Larry Zangs, to John Rupp, with comments
13 and questions regarding the plans that were in for
14 review in our office, and there are five addresses
15 that are noted on the title.

16 Q. I'm sorry, what was your last
17 statement?

18 A. I said there's five addresses on this
19 email.

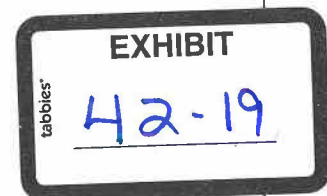
20 Q. And one of them is 79 Western Avenue
21 North, correct?

22 A. That is correct.

23 Q. And that's the Commodore project?

24 A. That is the Commodore project.

25 Q. And was that referring to the same



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1 project that is on the plans on Exhibit Number 55?

2 A. I would say it is, yes.

3 Q. Now, it talks about "see attached"
4 for liquor license conditions. Is that correct?

5 A. That's what it says on here, "See
6 attached for liquor license conditions."

7 Q. Does that indicate that it perhaps
8 did go to the licensing department?

9 A. Very possible, but I don't deal with
10 licensing, so I have no idea.

11 Q. Again, who is Larry Zangs?

12 A. Larry Zangs is zoning. He does site
13 plan review.

14 Q. For zoning?

15 A. For zoning, correct.

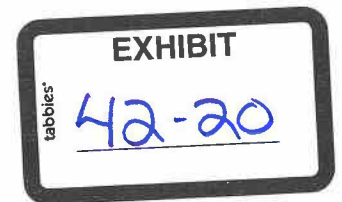
16 Q. So it appears that these were sent to
17 zoning, if Larry Zangs --

18 A. It appears that Larry was aware of
19 this, yes.

20 Q. And if he had a comment, then it
21 would be able to be picked up on Amanda?

22 A. Very possible. It could be on
23 Amanda, yeah.

24 Q. And it also refers to future work,
25 correct?



1 **A.** **Yes, it does state that also.**

2 **Q.** And it's a question going to Mr.

3 Rupp: "We need to know what your intention is for
4 future work as noted on the plans."

5 **A.** **Correct.**

6 **Q.** And then it also talks about the
7 minor work being done, "Door openings, accessible
8 ramp, miscellaneous wall construction as affecting
9 future work." Which of those, door openings,
10 accessible ramp, miscellaneous wall construction
11 affected the future work?

12 **A.** **The door openings between the west**
13 **dining and the dining area. But that's why**
14 **there's this structural signature here because he**
15 **was cutting through masonry, I believe, right**
16 **here, and that had to have structural information**
17 **for the structural engineer to approve the plans.**

18 **Q.** And when you say "here," you're
19 pointing to the area --

20 **A.** **It would be between the west dining**
21 **and the dining room.**

22 **Q.** Close to key notes 1-A and 1-B, even
23 though they may not have anything -- they refer to
24 the door openings, correct?

25 **A.** **Right. Because 1-A states, "Remove**

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1 portion of existing masonry wall for new door
2 assembly. See attached structural detail prepared
3 by Larson Engineering, 5/12/10." And 1-B says,
4 "Remove portion of existing masonry wall for new
5 door assembly. Provide 1 foot 6 by 3 and a half
6 inch by 5/16ths angle for each 4 inch thickness of
7 wall, 6 inch varying each end."

8 Q. And again, just for clarification,
9 that's the area that was eventually signed off on
10 by the structural?

11 A. That's correct.

12 Q. If the plans went to licensing -- and
13 it appears that they did -- then where would that
14 be recorded?

15 A. That I don't know. I don't deal with
16 licensing.

17 Q. But you're familiar with Amanda,
18 correct?

19 A. Correct, Amanda, but the licensing is
20 not in Amanda. The licensing, I believe, is in
21 the other system, which is called Eclipse, and I
22 have no way to get into Eclipse. I'm not in that
23 program.

24 Q. So my understanding from previous
25 depositions is that Eclipse doesn't talk to

EXHIBIT

tabbies

42-22

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1 Amanda?

2 A. That's correct.

3 Q. And there's no way to get them to
4 talk?

5 A. Not that I'm aware of.

6 Q. To the best of your recollection, did
7 Mr. Rupp ever respond to this in an email?

8 A. That I don't remember. I don't
9 remember.

10 Q. Yeah, if you don't remember --

11 A. I don't remember if there was one or
12 not.

13 Q. Do you recall ever talking to him at
14 about this period of time, March of 2012, in
15 response to these questions?

16 A. I believe that's -- we had pretty
17 much -- Jim and I -- which mainly I think Jim had
18 brought the plans to Larry to discuss with him. I
19 don't remember being in any discussion with that.

20 Q. Okay.

21 A. And that's why we sort of gave it to
22 Larry because Larry was also acting, at that
23 time -- because this is 2012, and we're in 2018
24 now -- okay, let's see. Larry, at that time, I
25 think, was the project facilitator. Now, what the

EXHIBIT
tabbies 42-23

1 project facilitator would do would help
2 businesses, you know, do the licensing. May check
3 the zoning and make sure that the right plans were
4 submitted that they needed in order to get a
5 building permit. So that's why Larry had gotten
6 involved because at that time, in 2012, he was a
7 project facilitator.

8 Q. So Larry's role was to make sure that
9 the proposal was being circulated so that at such
10 time as the building permit -- this is just
11 generally speaking, not particularly on this one
12 -- so that when the application comes in to your
13 department, that Larry would look at it in order
14 to make sure that all of the other departments and
15 the city would have reviewed it?

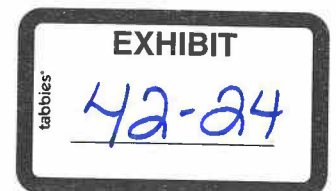
16 A. Right. I mean, that's what the job
17 of the project facilitator was, was to help
18 businesses facilitate and make sure that they were
19 bringing in all the right information so they
20 could start their business.

21 Q. Sort of a coordinator?

22 A. Right.

23 Q. Then he would be the point person, so
24 to speak?

25 A. Who would be the point person?



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1 Q. Larry, the point person, if --

2 A. At that time, I believe Larry was the
3 point person because at that time, he was the
4 project facilitator, and now he's moved into a
5 different -- doing different job duties now.

6 Q. Okay. Just to clarify, you don't
7 recall any response from Mr. Rupp to these issues
8 raised in that email?

9 A. Related to this email?

10 Q. Yes.

11 A. No, because if there would have been
12 any response, he would have responded to Larry
13 Zangs because I was just copied on this email with
14 Jim Bloom and Christine Rozek.

15 Q. Do you still have a copy of Exhibit 8
16 over there? And I know that this was previously
17 identified, Exhibit Number 66?

18 A. Right, these are the -- not the
19 original plans, but the plans that were color
20 coded.

21 Q. So revised plans from 5/7/2012?

22 A. Right, and on the back of --

23 MS. SKARDA: He'll give you a copy,
24 if you want to check it for accuracy.

25 MR. MILLER: Yes, that would be fine.

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(Whereupon, Deposition Exhibit No. 65 was marked for identification and a copy is attached and hereby made a part of this deposition.)

BY MR. MILLER:

Q. I'm showing you what's been marked as Exhibit Number 65. Do you recognize that?

A. A copy of the original, sure.

Q. And that's the original stamp that's on the back of the plans that Miss Skarda just showed you?

A. That's correct.

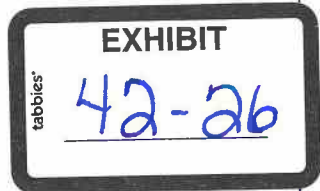
Q. And it states that they were submitted on 5/17/12?

A. Correct.

(Whereupon, Deposition Exhibit No. 64 was marked for identification and a copy is attached and hereby made a part of this deposition.)

BY MR. MILLER:

Q. I'm showing you another document that's been marked as Exhibit Number 64. Do you recognize that?



1 A. Yes, I do. It is a structural report
2 that was submitted to our structural engineer for
3 his review.

4 Q. And was that also attached to the
5 document that Miss Skarda just showed you, the
6 plans?

7 A. Was it attached to it?

8 Q. Yes.

9 A. When it was submitted or afterwards?

10 Q. On what she just showed you.

11 A. Can you clarify that a little bit?

12 Q. Sure. Miss Skarda just showed you a
13 document.

14 A. The original documents, correct.

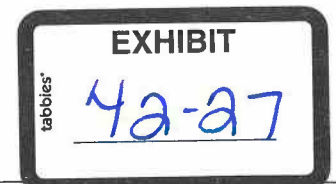
15 Q. And they're not in evidence right
16 now?

17 A. Right.

18 Q. Was Exhibit Number 64 one of the
19 documents that was on the document that Miss
20 Skarda just showed you?

21 A. That particular document from Larson,
22 I believe might have been submitted with the
23 original plans, but I don't recall if they came in
24 after -- before or after.

25 Q. Dated here 5/12/2010.



1 A. Uh-huh. What's the date here?

2 Q. This is February, 2012.

3 A. February 1st, right?

4 Q. Right.

5 A. Okay. So these plans -- these
6 original plans are submitted on February 2nd,
7 2012. And at that time, I don't believe the
8 structural information we had -- and that's
9 something we required -- and these, the
10 engineering, Larson Engineering, was submitted --
11 must have been submitted on 5/12. So it might
12 have been in between the original plans and the
13 plans that were issued -- which does happen almost
14 all the time with a lot of projects that we
15 have -- we will get the original plans. We might
16 see some issues that are not addressed, and then
17 we will require additional information, and then
18 that additional information will come to us.

19 And at that time, then we would pass
20 it on to the other disciplines that we needed. In
21 this case, it was structural, and he could do his
22 review. Then when he gets done, he can sign off,
23 and that portion of his was done, and we can issue
24 the building permit.

25 Q. With respect to the requesting of



1 additional information, how is that request
2 documented, generally?

3 A. Generally, sometimes when a customer
4 comes in, when we do a quick glance at the plans,
5 if we see something that might require additional
6 information, we might verbally just say that to
7 them over the counter. And other times, if we
8 take the plans in, if it's a larger project -- in
9 this case here, this wasn't really a larger
10 project that would require us to be sitting at our
11 desk and have to page through a couple pages. At
12 that time we would probably send them an email and
13 ask for additional information.

14 Q. Would that be documented in Amanda?

15 A. That would be --

16 Q. Would it have been documented in
17 Amanda back in 2012?

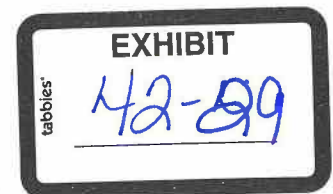
18 A. Well, probably not. Because it would
19 have been done by email, and that email is not put
20 into Amanda.

21 Q. Other than Miss Rozek -- am I
22 pronouncing that right?

23 A. Christine Rozek.

24 Q. Rozek. What was her role?

25 A. She was the deputy director.



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1 Q. And why did she look at these?

2 A. Well, the people that she was in
3 charge of was the licensing group.

4 Q. The licensing group where?

5 A. In our department.

6 Q. Okay. So you have a licensing group
7 in the building department?

8 A. In DSI, yes.

9 Q. In DSI.

10 A. Right. And they are still there,
11 it's just that they're under a new director, now,
12 deputy director.

13 Q. Was she licensing -- was she the
14 deputy director for licensing at that time?

15 A. Correct.

16 Q. So is that another indication that
17 licensing had taken a look at these? I'm
18 referring to your --

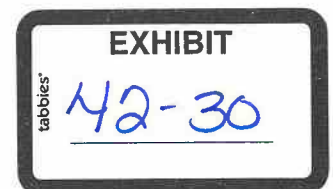
19 A. Exhibit 54 there?

20 Q. Exhibit 54.

21 A. She was copied on the email from
22 Larry Zangs, so she would have been aware of the
23 licensing.

24 Q. And Mr. Bloom looked at them?

25 A. Looked at the plans?



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1 Q. Looked at the plans.

2 A. Oh, yes. We had gone over the plans
3 together.

4 Q. It looks like Mr. Zangs' project
5 facility also took a look at them, correct?

6 A. Correct.

7 Q. Do you know if Steve Ubl looked at
8 them?

9 A. At that time, no, because he wasn't
10 in the position to be looking at them.

11 Q. Why is that?

12 A. Because at that time, in 2012, Jim
13 Bloom was the senior planning examiner, and he was
14 also the building official at the time. He was
15 doing double duty. So Mr. Ubl had no reason to be
16 looking at the plans because he was not involved
17 in any discussion.

18 Q. What was Mr. Ubl's position in 2012?

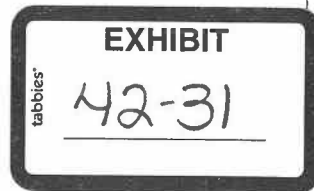
19 A. I'm not sure if he was a building
20 inspector or if he was the senior. You'd have to
21 look up the dates there. I'm not sure.

22 Q. If you don't know, that's fine.

23 A. I have no idea.

24 Q. It's not a trick question.

25 A. Yeah, I have no idea.



1 Q. Okay. Can you -- are you aware of
2 any other information regarding what happened in
3 the review of Exhibit 55 between the date that
4 Exhibit 55 was submitted and the date that Exhibit
5 Number 66 was submitted? Which was, evidently,
6 May 17th, I think.

7 A. I'm not sure what went on between
8 here to there.

9 Q. Other than what we've already
10 discussed.

11 A. Yeah.

12 Q. There's the email?

13 A. Right, yup.

14 Q. All right. We were looking at
15 Exhibit 66 and trying to get a little bit more
16 information regarding that before we got waylaid a
17 little bit.

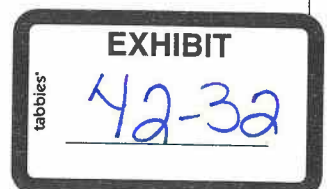
18 MR. MILLER: Can you mark that as 63.

19 (OFF THE RECORD)

20 (Whereupon, Deposition Exhibit No. 63
21 was marked for identification and a copy is
22 attached and hereby made a part of this
23 deposition.)

24 BY MR. MILLER:

25 Q. I'm showing you what's been marked as



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1 Exhibit Number 63. Do you recognize that?

2 A. No. This is a document that I really
3 do not deal with.

4 Q. So you're not sure if you've ever
5 seen this before?

6 A. No.

7 (OFF THE RECORD)

8 BY MR. MILLER:

9 Q. Mr. Skradski, in order to try to
10 avoid too much more confusion, just focus in right
11 now. Exhibit Number 66.

12 A. Right.

13 Q. And it's my understanding, and I
14 think everybody agrees, that this is a copy of the
15 plans. And by plans, I mean the 24 by 36
16 document, which was attached to the building plan
17 that was approved --

18 A. Building permit.

19 Q. Permit, I'm sorry.

20 A. It's not physically attached to the
21 plans.

22 Q. The permit's not?

23 A. Correct. Because I can explain how
24 this works.

25 Q. Sure, go ahead.

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1 A. Okay. You have Exhibit 8, which is
2 the building permit application. The building
3 permit application, when it's signed off by plan
4 review, then the plans in Amanda are automatically
5 given a plan number. Then the plans are brought
6 up to the front counter to be picked up, or if the
7 customer comes in to pick it up at that time. But
8 it has to go to the front counter. The front
9 counter will process this permit application,
10 which in turn will create this building permit,
11 with the building permit card -- which used to be
12 a card, now it's paper -- and any other pertinent
13 information that would be related to the project
14 would be stapled to this, and then this portion of
15 the permit that has now been issued would go with
16 the plans that were approved with the building
17 permit application.

18 Q. When you say "go with the plans," are
19 you talking about go with the plans that would be
20 given to the contractor or the owner?

21 A. Correct.

22 Q. As they walk out the door?

23 A. Correct.

24 Q. So then in this particular case,
25 number 66 is what we're looking at, the exhibit,



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1 when that was taken off by the contractor and the
2 owner and whoever, a building, a document called
3 "building permit" would have been attached to it.

4 A. Well, it's not physically attached to
5 the plans. The permit clerks would have stapled
6 all the permit information that would go with this
7 permit, with this building permit, and give that
8 back to the contractor owner along with the plans.

9 Q. But not attached?

10 A. They are not officially attached to
11 the plans, that I am aware of.

12 Q. Again, looking at Exhibit Number 66.
13 Are these the plans that were approved?

14 A. It is a copy of the plans that were
15 approved.

16 Q. And you did the coloring, correct?

17 A. That is correct.

18 Q. And when would this have been
19 approved?

20 A. Well, according to this building
21 permit application, it looks like it might have
22 been issued on 8/28/2012, unless you can make
23 something different out of that. It didn't make a
24 very good copy on it. And actually, on the
25 building permit that was issued, it says

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1 August 30th, 2012. The date there does say
2 August 30th.

3 Q. Right. That's a question that I had,
4 too, because I've seen two different dates
5 throughout the various documents. Now, the date
6 I'm pointing at on Exhibit 8, that does look like
7 8/28/12?

8 A. And what can happen with that is the
9 plan -- we will approve it. It may sit up at the
10 front counter for a couple days, couple months,
11 whatever, and then someone will come in and pick
12 it up. And when it is processed, that's when that
13 date comes up there.

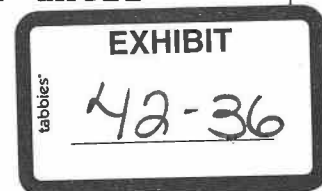
14 Q. Okay, thank you. That's what I
15 thought. I appreciate the clarification.

16 You indicated that when it was first
17 brought in that it was given a plan number. You
18 used the phrase "plan number."

19 A. It's not issued a plan number until
20 it's issued.

21 Q. Until the permit is issued?

22 A. Until the building permit is issued,
23 right, or the application. It isn't the building
24 permit, it's the approval of the building permit
25 application, and that when it goes into Amanda,



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1 Amanda automatically generates the plan number for
2 us.

3 Q. So in this case, the plan number
4 wouldn't have been generated until August?

5 A. Right. Until August 28th, right.

6 Q. And you used the word "plan number,"
7 and other references are to a permit number. Are
8 they the same?

9 A. They're two different numbers because
10 the building permit number is based on the year
11 with a number. Because the building permit, we
12 always say the building permit is 12-something
13 something, and actually, on the permit
14 application, it comes like this particular one for
15 her for Exhibit 63. It says "2012," and then it
16 would be 017614.

17 Q. That's the permit number?

18 A. Right. But we don't put the 20 in
19 front of it. We always just put everything as
20 '12, or the current year. I mean, that's how we
21 enter stuff into the system.

22 Q. What would the plan number be?

23 A. The plan number is generated after
24 this building permit is issued, when it's ready to
25 issue, then it automatically generates, and that

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1 shows up on the building permit, down there. It
2 shows plan number F-2012-0108.

3 Q. And then the plan number refers to
4 the plan? And when I say "the plan," I'm talking
5 about the 24 by 36 document, Exhibit Number 66.

6 A. Correct.

7 Q. So this plan would have been plan
8 number --

9 A. F 2012 0108, which I believe your
10 other information you had there shows that it was
11 -- you had the one that was stamped on the back.
12 On Exhibit 65, it shows that it was signed off on
13 8/28/12 by myself and by Jim Bloom, and the plan
14 number that was given to it was F 12-108, which we
15 just shrink down instead of putting 2012 0108.

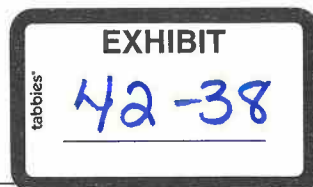
16 Q. But the plan and the phrase "plan
17 number" is referring to this document; is that
18 correct, Exhibit 66?

19 A. Of the original plans, right, but not
20 of those particular plans. I know this is a copy
21 of the original plan, so Exhibit 66 is a copy of
22 the original plans that were issued, correct.

23 Q. And the original plans are plans 12

24 --

25 A. F12-108.



In the Matter of All Licenses Held by the University Club of St. Paul

1 Q. 108.

2 A. Correct. Which would be stamped on
3 the back of the original plans.

4 Q. And this, you agree, is a copy of the
5 original plans?

6 A. That's correct.

7 Q. After these were dropped off in May,
8 do you know who reviewed them?

9 A. I reviewed them and went over them
10 with Jim Bloom. I mean, I did the coloring, and
11 then I went over them with Jim Bloom.

12 Q. Do you know if anybody else besides
13 Jim Bloom looked at them?

14 A. I don't recall anyone else looking at
15 them.

16 Q. Okay. I'm going to bring out another
17 set of plans.

18 (OFF THE RECORD)

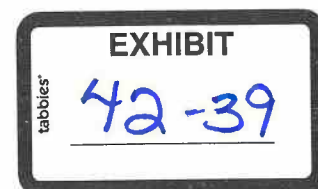
19 BY MR. MILLER:

20 Q. I'm going to ask you to look again at
21 Exhibit Number 66 and 55. What are the
22 differences between --

23 A. What are the differences?

24 Q. Yes.

25 A. Extended the boundaries of the



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1 existing on plan 55 -- is it 55 or 65? On plan
2 55, it just shows the center core that's being
3 worked on. And on 66, all of a sudden, it bumps
4 out and goes up and around, which was missed.

5 Q. Which was missed?

6 A. Right.

7 Q. Well, what do you mean, "missed"?

8 A. Well, I mean, I did not -- when I was
9 looking at this --

10 Q. When you were looking at Exhibit --

11 A. When I was looking at Exhibit 66, I
12 did not notice that the bump-out went here because
13 there's still the note over here that said "future
14 dining area" and all that other stuff over there.

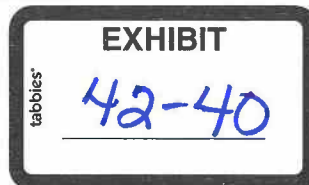
15 Q. But in fact, the bump-out did exist
16 on this?

17 A. The bump-out does exist on 66, yes.

18 Q. Okay. And when you say bump-out, are
19 you talking about the west dining area? I'm just
20 trying to make sure that the record is correct.

21 A. Right. What had happened from
22 Exhibit 55 to Exhibit 66 was the area of existing
23 that was marked on the plans also went out and
24 included the west dining area.

25 Q. And when you say the west dining



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1 area, is that the same as the area that you --

2 A. That I highlighted on Exhibit 55
3 where it says "area of future work."

4 Q. And on 55, that includes --

5 A. That's the west dining.

6 Q. And some area south of that?

7 A. Right.

8 Q. And then I'm pointing to the south
9 terrace.

10 A. Correct.

11 Q. For the record, it's close to --
12 actually, that's a reference to key note 14?

13 A. Right. The key note 14 says "New
14 dining terrace. Terrace construction by separate
15 permit with HPC approval."

16 Q. That was referring to a permit from
17 HPC, right?

18 A. No. You would need a separate
19 building permit, but you need HPC approval in
20 order to do any exterior work.

21 Q. Okay. And then the other change
22 is -- number 13 is included, key note 13 is
23 included?

24 A. 13 says, "Remove and replace existing
25 concrete systems. Add new decorative iron fencing

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1 and gate by separate permit with HPC approval."

2 So there again, that portion over
3 there should have been -- would have needed a
4 separate permit, and it would have had to have HPC
5 approval.

6 Then if you want to come over here to
7 the west dining, where it says number 15, it says,
8 "Future platform in green room." And number 7,
9 "New service, bar and counter. Electric and
10 plumbing by future permit." And that's -- the way
11 that says that, to me is interpreted as to that
12 the new service bar and counter, electric and
13 plumbing, are supposed to be -- is supposed to be
14 under a future permit, not saying just electric
15 and plumbing needs a separate permit, but a future
16 permit. To me that meant that the whole thing
17 needed a separate permit.

18 Q. Number 7, the key note number 7 is
19 the same on --

20 A. It says the same thing, too; correct.

21 Q. Is that correct?

22 A. Yep.

23 Q. Key note number 8, that's new,
24 correct?

25 A. Key note number 8 on Exhibit 66 says

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1 "Accessible unisex toilet room. See detail
2 1R-A2." And 1R-A2, I believe, is this in that
3 packet.

4 Q. By "this," you're referring to the
5 last two pages of what has been marked as Exhibit
6 --

7 A. 63.

8 Q. Item number 10?

9 A. Item 10 says, "New toilet room. See
10 detail 1R-A1, electrical and mechanical by
11 separate permit." So that was also in this packet
12 63, which shows the toilet room. All that
13 information was included in the building permit
14 packet that the clerks gave back to the
15 contractor/owner.

16 MR. RUPP: Give me another 30
17 seconds.

18 (OFF THE RECORD)

19 BY MR. MILLER:

20 Q. What are the changes, other than the
21 ones that we've already discussed, the changes
22 between number 55 and 66?

23 A. Well, we've already discussed the
24 changes. I'm not sure what else you want to know.

25 Q. Have we discussed all of the changes?



1 A. Well, the change from Exhibit 55 to
2 Exhibit 66 is, he's got the revision symbols over
3 there, and they're clouded. And that's basically
4 changing from down on the original Exhibit 55
5 where it says, future, future, future for
6 everything, whereas on Exhibit 66, he specifically
7 states stuff, but he says, "by separate permit."

8 Q. Permit with HPC?

9 A. No, it's by separate permit with HPC
10 approval. It's two different things. We need a
11 building permit for doing the work, and if there's
12 any exterior work, it has to be approved by the
13 historic preservation people. That's a whole
14 separate group that has to look at the plans. And
15 we cannot issue the building permit until we have
16 their approval for exterior work.

17 Q. There's another cloud area up here on
18 66, correct?

19 A. At the very top of the page?

20 Q. Yes.

21 A. That's different from Exhibit 55 to
22 Exhibit 66, and what that is is just another
23 revision, that it's clouded, and what that is
24 talking about is just talking about the plumbing
25 fixtures. And it's basically the same. It's the



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1 exact same as what was on the original Exhibit 55.

2 There are some numbers that were
3 changed because he had some different calculations
4 for a couple things here, I see. I have no idea
5 -- here, this one here, the plumbing scope of
6 work, and that's for future work.

7 Q. And do you know what the reason for
8 the changes are?

9 A. No, I do not know why those changes
10 were made.

11 Q. Is that something that you would have
12 looked at during your review of Exhibit Number 66?

13 A. That's something we normally look at,
14 yes.

15 Q. Could you explain on the record what
16 the differences are between this scope of work,
17 which is on the top of 55, and the analogous --

18 A. All right. It appears that from
19 Exhibit 55, at the very top, it has "Plumbing
20 fixtures, scope of work." And then it has, the
21 other item there that says "Plumbing fixtures,
22 scope of work, future work." And it appears that
23 on Exhibit 66, they combine those two on
24 Exhibit 55 to come up with the totals that they
25 have there. And that's what it appears that they



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1 did, is they just added those two together, and
2 did it as a revision.

3 Q. Do you know why the plumbing fixture
4 changes were made?

5 A. It appears what they had done is they
6 added the future work onto the original scope of
7 work.

8 Q. Did the plumbing fixture calculation
9 take into account the west dining area?

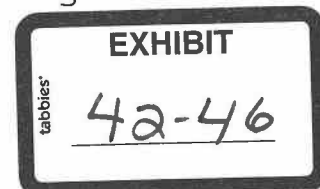
10 A. Not that I'm aware of. Because when
11 it says up here at the top, "For the future work"
12 on Exhibit 55, it says "See notes 8 and number
13 10." And number 8 is "Accessible unisex toilet
14 room," and "see details" in that other packet.
15 And 10 says, "New toilet room. See detail 1 over
16 R-A1," and "electrical and mechanical by separate
17 permit." So it was mainly addressing these toilet
18 rooms that were being worked on.

19 Q. I think that you were pointing to a
20 note that was on 55.

21 A. Right, Exhibit 55.

22 Q. But those notes changed between 55
23 and 66, didn't they?

24 A. Right. Because on Exhibit 55, number
25 8 says, "Future accessible unisex toilet room."



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1 And number 10 says "Future toilet room on
2 Exhibit 55." And on Exhibit 66, all of a sudden,
3 8 changes to accessible unisex toilet room, and
4 then you see the detail that was given to us, 1
5 over RA-2, and number 10 is the new toilet room:
6 "CD-21 over R-1, electrical and mechanical by
7 separate permit." Which to me means that the
8 whole thing is a separate permit.

9 Q. Did the plumbing fixture calculations
10 take into account the west dining room?

11 A. Not that I'm aware of.

12 Q. And why do you believe that?

13 A. Because that wasn't included in the
14 permit application that we approved the permit
15 for. Exhibit 8, this building permit application,
16 says "Interior remodel," and the interior remodel,
17 by our -- the way that we had looked at it for the
18 value that it was, at \$10,000, which is
19 undervalued for doing restrooms, which is just for
20 doing the restrooms and doing these minor
21 structural changes. It wasn't for doing any work
22 over here. Because if there would have been work
23 being done in the west dining area, we would have
24 required a full H mechanical plans, HVAC plans for
25 that area to be looked at.

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1 Q. But the west dining area is included
2 on this plan, correct?

3 A. Right. On Exhibit 66, the plans that
4 were issued was marked off for that, which was
5 missed by me because on the original plans for
6 Exhibit 55, west dining said area future work, and
7 I didn't see that that had changed on that because
8 I missed it.

9 (Whereupon, Deposition Exhibit No. 26
10 was marked for identification and a copy is
11 attached and hereby made a part of this
12 deposition.)

13 BY MR. MILLER:



14 Q. I'm showing you what's been marked as
15 Exhibit 26. Do you recognize this?

16 A. No, I do not recognize Exhibit 26.
17 Revision dates of 5/7/2012 and 5/30/2014.

18 Q. As far as you know, this has never
19 been submitted?

20 A. I cannot recall if these were
21 submitted or not. A lot of times what happens is
22 there's people who make revisions, and sometimes
23 if there's another revision that comes in, that
24 other revision is just discarded because there's
25 no sense looking at it. It's been changed.

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1 Q. So this could have been submitted,
2 correct? But you just don't recall whether it
3 was?

4 A. I have no idea if it was or not.
5 Normally I would usually, if I would -- if it
6 would have been submitted, it would have been
7 stamped on the back, and it would have had a note
8 on there that would have said "re-submitted,"
9 because that's usually how I mark anything when I
10 get a revision. I always put the regular stamp on
11 there, the stamp that we use for review, to look
12 over the plan, and I would specifically mark on
13 there when I received it.

14 Q. Would you have colored it?

15 A. No, I probably would not have colored
16 it.

17 Q. Would you have -- as to the marking
18 on the back, would you have given it back to the
19 contractor or the owner?

20 A. No, no. Because like I say, if I
21 would have gotten another revision after this
22 revision, I would have just discarded those plans
23 because there's no sense -- everything gets
24 confused if you start keeping all those revisions.
25 You're better off to get rid of those revisions



1 and keep the newest one, because that has the most
2 current information on it.

3 Like I say, anything that does come
4 in -- because you get so much paper that comes
5 into the office. It's very important that you
6 stamp the back. Usually I stamp the back and put
7 the address on, and I put when it was
8 re-submitted. And that way I know when it came
9 in, and I know it's the newest one that came in.
10 But those plans, if you don't have any and we
11 don't have any, I have no idea those would come
12 in.

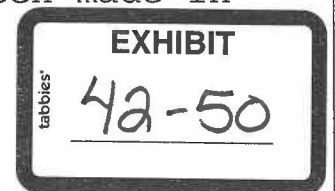
13 Q. If the new plans come in, say, for
14 instance, if this had come in, just hypothetically
15 speaking -- because you don't recall. You're not
16 saying they did come in, but you just don't recall
17 seeing them. 26, would an entry have been made in
18 Amanda?

19 A. At that time, no.

20 Q. Okay. Would there have been an entry
21 made anywhere about the --

22 A. Just on the back of the plans, and I
23 would have stamped them, put the address on them,
24 and then I would have put "resubmitted."

25 Q. Then if other plans came in, that



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1 document would have been discarded?

2 A. Discarded, correct. Half of the time
3 when the building permit was issued -- I mean, I
4 don't discard it until the building permit is
5 issued. And then at that time, there's no sense
6 keeping anything.

7 Q. These particular plans --

8 A. Exhibit 26, yes.

9 Q. The revision date is what?

10 A. 5/30 -- the second revision is
11 5-30-2014.

12 Q. So that would have been a long time
13 after the approval of --

14 A. Well, the original one came in on
15 February 1st, 2012. This one came in --

16 Q. When you say this one --

17 A. Exhibit 66 came in with a revision at
18 5/7/2012, and then Exhibit 26, there is a second
19 revision, and that came in on 5/30/2014.

20 Q. That's the date of the revision?

21 A. That's the date of the revision. So
22 what happened is, these plans here, Exhibit 66,
23 which had a revision on them of 5/7/2012,
24 Exhibit 66 were the ones that were issued, but
25 then there's another revision that came in



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1 5/20/2014, and those were the plans that really
2 should have been issued, because those are the
3 newest plans that should have come in.

4 Like I say, I don't remember seeing
5 any of those, because this building permit was
6 issued for Exhibit 66.

7 Q. Exhibit number 26 includes the west
8 dining area, correct? And let's refer to it as
9 scope of interior alteration work.

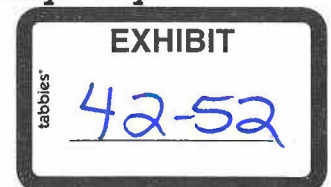
10 A. Correct. It is -- it does show that
11 that portion was included in Exhibit 26. Which I
12 have not seen those plans, that I'm aware of.

13 Q. And so actually, the scope of
14 interior alteration work designated on Exhibit 66
15 would appear to be the same as designated as scope
16 of interior alteration work on Exhibit Number 26?

17 A. Correct. They do show the same
18 thing. And originally, on Exhibit 55, that
19 same -- over on the legend on the key notes, that
20 symbol key, on Exhibit 55, that symbol key says
21 "existing."

22 Q. Correct.

23 A. Okay. Now, when you go to Exhibit
24 66, now that same identical symbol key now says
25 "Scope of interior alteration work." And then on



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1 Exhibit 26, it also shows the same thing. That
2 symbol key shows the scope of interior alteration
3 work.

4 Now, when you're looking at plans,
5 when you're looking at the first plans, when
6 you're looking everything over, when you're
7 looking at all the key notes and the symbol key,
8 and you read this stuff, and there it says
9 "existing," that sticks in your mind. When you
10 see this border here, you're looking at that, and
11 you're saying, okay, that's existing. Now, when
12 you get revisions, a lot of times that isn't
13 something that you're going to look at when it's
14 changed because it's not clouded as a revision.

15 If you look at these other plans
16 here, on Exhibit 66, where it shows the revisions
17 with a little triangle and the things all clouded,
18 it shows it was a revision, so you're going to
19 look at that. That's something that draws your
20 attention that you're supposed to look at. That
21 symbol key was not included or marked as a
22 revision.

23 So as I'm looking at these plans, and
24 I see how it is marked for the existing with a
25 large dash and two small dashes, I'm looking at

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1 that, that is existing to me. So when I'm looking
2 at any revisions that come in, I'm going to look
3 at that as existing because I don't see anything
4 down here that says that was a revision.

5 Q. When Exhibit Number 66 came in, did
6 you compare Exhibit 66 to Exhibit 55?

7 A. Yes, I would have compared the two.
8 Like I say, I didn't see that difference there,
9 but as I was looking at it, to me, this mark
10 was -- that symbol that they show there was
11 existing. It didn't really show that it was going
12 to be built up or anything, it was saying that
13 that was an existing part of the building.

14 Q. There's a key note in the west dining
15 area on Exhibit Number 66, which isn't on
16 Exhibit 55; is that correct?

17 A. Right. There are no key notes on --
18 on Exhibit 66 there are no key notes on the west
19 dining area, and on Exhibit 66, then the key notes
20 show up, but those key notes show, number 7 says,
21 "New service bar and counter, electric and
22 plumbing by future permits." So that's saying
23 they're going to get a future permit for that.
24 That's not saying it's being built. It says
25 "future permit."



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1 Q. What kind of permit would they need
2 to get?

3 A. They would be need a building permit.

4 Q. A building permit?

5 A. They would need a building permit, a
6 plumbing permit and an electrical permit. And
7 then when you go to 15, same thing. That area
8 there, which is now clouded as a revision, it just
9 says, "Future platform in green room."

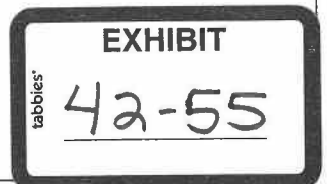
10 Okay. So to me, that isn't being
11 done in this whole grouping here.

12 Q. And there's --

13 A. And 12 -- and there's another number
14 down here, 12, for the exterior stair, and that
15 also is a revision. It says "New exterior stair,"
16 exit stair, "exit stair construction by separate
17 permit with HPC approval." And there again, that
18 means they needed a separate permit, and they
19 needed HPC approval.

20 Now, that permit was issued later on
21 in 2017, I think, maybe. Maybe '16, '17. Anyway,
22 that permit was issued, and they did have HPC
23 approval to do that, but it was a temporary stair.
24 It was not a permanent stair.

25 Q. But a permit was issued?



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1 A. A permit was issued for that.

2 Q. And a permit could have been issued
3 for number 7, too? It wasn't, but --

4 A. Yeah. There was no permit issued for
5 that.

6 Q. Now, if another permit was issued for
7 number 7, would they have to come in with a
8 complete new diagram?

9 A. We usually require to have a key plan
10 on the whole building so we know where the work is
11 being done.

12 Q. So did you require that for number
13 12?

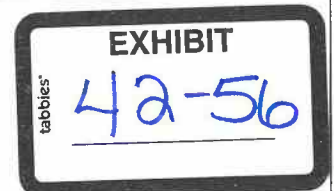
14 A. I did not issue the permit for the
15 stairs, so I'm not aware.

16 Q. So we also have a reference on
17 Exhibit 66 to another -- that is in the west
18 dining area --

19 A. Right. But do you know what that
20 symbol means?

21 Q. No.

22 A. That's talking about the occupant
23 load. That's how many people are coming out of
24 that space. Okay? Now, nowhere on here -- well,
25 down hear it says, "Provided exit width, required



1 exit width, number of occupants."

2 Q. Which means that people would be
3 going through the west dining room?

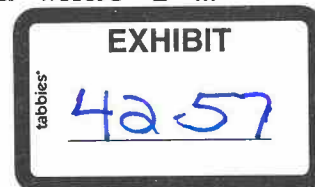
4 A. Yes, but if you look at Exhibit 55,
5 it says the same thing on there, and that says
6 that that's an area of future work. So that
7 symbol was carried over on each of the plans.

8 Q. Okay. But there are three things
9 here that would seem to draw one's attention to
10 this area. I'm just trying to get a better
11 understanding. This is fairly bold. And what I'm
12 pointing to here is the symbol key --

13 A. On Exhibit 66 yeah.

14 Q. For the scope of interior alteration.

15 A. That's correct, that's correct. But
16 as I stated before, on Exhibit 55, the first plan
17 that came in, on the symbol key, it shows that
18 symbol, which is the dash with two small dashes,
19 shows it as existing. All right? So what I'm
20 looking at, comparing this to this, and it has the
21 same dash as this right here, and over on
22 Exhibit 66, where it has "scope of interior
23 alteration work" at the symbol key with the dash,
24 with two small dashes, there's no revision note by
25 here. So if that's not a revision, I'm looking at



1 this original one and saying, this is all
2 existing. It wasn't revised.

3 And what shows here is this work,
4 even here, as stated before, number 7, it says
5 "New service bar and counter, electric and
6 plumbing by future permit."

7 And the same thing, too, for the 15.
8 It talks about the future platform and green room.
9 Number 12 talks about the new exterior exit stair,
10 exit stair and construction by separate permit
11 with HPC approval.

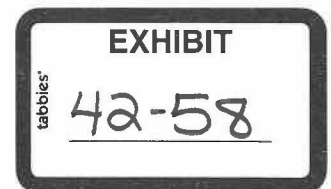
12 So this whole area, the way we were
13 looking at that, was future. That was not
14 included in this building permit.

15 (OFF THE RECORD)

16 BY MR. MILLER:

17 Q. Mr. Skradski, if you had noticed that
18 the west dining area was now in the scope of
19 interior alteration work on Exhibit 66, what would
20 have been different?

21 A. I would have required HVAC plans
22 before we could issue the building permit. And
23 then I also would have required a SAC
24 determination, if I knew that work was going to be
25 done. But it said "future," and I would have to



1 have HVAC approval and the SAC determination
2 letter before the building permit could have been
3 issued.

4 But the work that was being done was
5 basically the restrooms and the accessible ramp
6 that was on the inside, and the structural work
7 done between the west dining and the dining area.

8 Q. I just want to go back to the
9 plumbing fixture calculations. You're sure that
10 those didn't take into account the west dining
11 room?

12 A. Not that I'm aware of.

13 Q. Did you check? Because the
14 calculation has changed. Did you check to see why
15 they changed? And I'm pointing to the changes in
16 the cloud area on Exhibit 66.

17 A. I don't recall looking at what the
18 change was.

19 Q. So why do you think they didn't take
20 into account the west dining area?

21 A. Because it appears from looking at
22 that -- this is on Exhibit 66 -- from the
23 restaurant, the way he has it figured here, to me
24 this is what he was figuring. This restaurant
25 area here. This, I don't believe was figured into

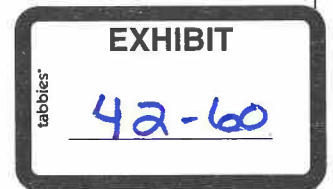


1 the calculation because of the fact that I don't
2 believe that the fixture code is correct. But I'm
3 not quite sure.

4 MR. MILLER: Can we mark this as
5 Exhibit 27?

6
7 (Whereupon, Deposition Exhibit No. 27
8 was marked for identification and a copy is
9 attached and hereby made a part of this
10 deposition.)

11 BY MR. MILLER:



12 Q. Showing you what's been marked as
13 Exhibit Number 27. Do you recognize that?

14 A. Nope.

15 Q. Are you sure?

16 A. Positive. What's the dates on there?

17 Q. The date is 3/9/2015.

18 A. 3/9/2015. Three years after the
19 first one was originally submitted?

20 Q. Correct.

21 A. I do not remember seeing this one
22 from 3/20/15. Why would this have been submitted
23 after the building permit was issued?

24 Q. A change in the plans?

25 A. Like I say, I did not do the stairs.

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1 These plans might have been submitted for the
2 stairs because there again, too, on Exhibit 27,
3 for number 12 -- by the way, these plans are not
4 colored in, because I color in my plans. These
5 were not colored in. Number 12 says, "New
6 exterior exit stair, exterior stair constructed by
7 separate permit with HPC approval." And I believe
8 that permit was issued, but it was not issued by
9 me.

10 So that's why I think these plans
11 were submitted for that, specifically if it was in
12 2015. So there would have been no reason for
13 whoever reviewed these plans to look at everything
14 else. All they were looking at was for the
15 exterior stair.

16 Q. The 27, you see the cloud area here?

17 A. On 27?

18 Q. Yes. Does that indicate that that's
19 some of the change?

20 A. Well, it shows that it was a
21 revision, but I don't know what it was revised
22 from. Because it looks like this whole thing here
23 has got a cloud in here, too, but I don't believe
24 that -- I don't know. I haven't worked on these
25 plans. If they're not colored in, they're not



1 mine. That's how I make sure that my plans are
2 done by me, because I color them.

3 Q. Okay. There's two cloud areas, one
4 is -- this is just for the record -- on top, and
5 has a key note number 3 by it, and then there's
6 another cloud area indicating modifications, which
7 is --

8 A. It's a revision. It's revision
9 number 3.

10 Q. Yeah, revision number 3. Storage,
11 office area, and this is, on the top of the area,
12 which is designated as "Scope of interior
13 alteration work." Do you see any other changes?

14 A. Like I say, I didn't deal with these
15 plans.

16 Q. Who would have?

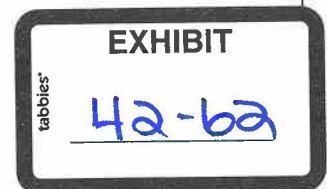
17 A. I have no idea. I have no idea who
18 even looked at these plans.

19 Q. Do you have any idea who would have
20 looked at Exhibit Number 26?

21 A. No, because what's the date on that
22 one?

23 Q. That's the ones from May 30th, 2014.

24 A. Well, it was 2014, but the building
25 permit -- like I say, the building permit was

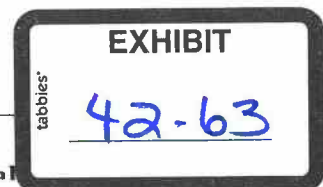


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1 issued in 2012. So these plans came in after the
2 fact with a revision. I'm not quite sure what the
3 revision was for. And there wasn't a building
4 permit tied into it. So I don't know who would
5 have received these. If I would have received
6 them, they would have been colored, and they would
7 have been attached to the original ones saying
8 they were revised.

9 Q. And Exhibit Number 27 includes the
10 west dining area. The scope of interior
11 alteration work is the same as Exhibit Number 66;
12 is that correct?

13 A. It appears that Exhibit 27 is, like
14 Exhibit 26, shows the west dining room. But I
15 don't believe that Exhibit 27 has anything to do
16 with the west dining other than that exterior
17 stair and that revision number 3. Like I say, I
18 have no idea who did these plans, who viewed those
19 plans. Mine would have been colored, and on the
20 back side it would have had a stamp, it would have
21 had the address, and it would have had a
22 "resubmitted" on it because I try to document when
23 the stuff comes in. I have too much paper. I
24 have to keep track of it somehow, and that's what
25 I do.



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1 Q. Sure. But do you throw away the ones
2 that you've colored?

3 A. After the project is issued?

4 Q. Uh-huh.

5 A. If the building permit is issued,
6 then I can throw them away because there's no
7 sense to keep them anymore. But until the
8 building permit is issued, I keep them all.

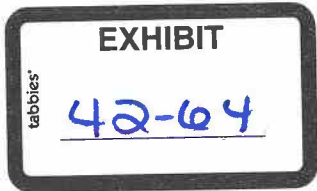
9 Q. What happens if after the building
10 permit is issued, and here's your colored ones,
11 and this is the one --

12 A. Okay, the plan --

13 Q. What if there is a change in the
14 plan? What happens?

15 A. Well, let's see. There's so many
16 different ways that this goes. What can happen is
17 the building inspector might be out on the job
18 site, and he may see something changed. And then
19 he'll send a contractor in with a revised set of
20 plans from the architect. And at that time, we
21 would attach them -- we would review what the
22 change was and make sure everything was all right,
23 meeting code, and then we would attach it to the
24 original set of plans.

25 Okay. Now we only keep plans a few



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1 years back. After that everything is cleaned out.
2 We do not keep plans permanently.

3 Q. Hard copies?

4 A. Hard copies.

5 (Whereupon, Deposition Exhibit No. 28
6 was marked for identification and a copy is
7 attached and hereby made a part of this
8 deposition.)

9 BY MR. MILLER:

10 Q. Showing you what's been marked as
11 Exhibit Number 28. Do you recognize these?

12 A. No, not these plans. I mean, I
13 recognize where it is, you know, 79 Western and
14 the Commodore and stuff. But I haven't seen these
15 plans. And these were submitted on --

16 Q. August 30th, 2017?

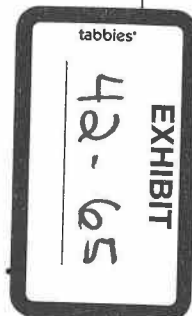
17 A. 2017. I haven't seen these plans
18 since 2017, no.

19 Q. Is the western dining area part of
20 the plans shown on Exhibit 66?

21 A. Do you want to state that again?

22 Q. Is the western dining area part of
23 these plans?

24 A. Not -- I do not believe they were
25 included in this plan that was issued for permit.



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1 Q. Okay. I'm not sure I understand.

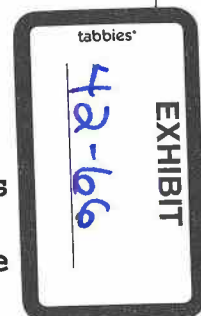
2 A. The building permit that was taken
3 out for these plans for Exhibit 66 were for doing
4 the restrooms and the ramp and these openings
5 between the west dining and the other dining. It
6 did not include the built-out of the west dining
7 because at that time, we would have required
8 mechanical plans, and we would have required a SAC
9 determination, and this building code would not
10 have been issued without those two things
11 approved.

12 Q. What other facts do you rely upon to
13 reach the conclusion that it wasn't -- the west
14 dining area was not part of the plans?

15 A. The value. The value on the building
16 permit application and the value of that \$10,000
17 to do any kind of work like that in that west
18 dining area to be built out, that would have been
19 close to \$300,000, probably. That's just a guess.
20 I mean, I have no idea. I don't do estimating for
21 projects.

22 Q. What other facts do you rely upon?

23 A. There's really nothing out there I
24 would really be looking at other than if there's
25 any kind of revision that marks something on the



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1 plan, that would draw my attention to it.

2 Q. Who have you talked to at the city
3 other than Therese about whether or not the west
4 dining area was included in the permit, was
5 included in these plans?

6 A. You mean, at the time, or after all
7 of this has come about?

8 Q. After all this has come about.

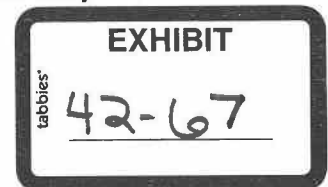
9 A. Well, I mean, I've talked to Steve
10 Ubl. I've talked -- I might have talked to Larry
11 about it. I don't know why I would have, but I
12 might have.

13 Q. When did you first talk to Steve Ubl
14 about it?

15 A. When this first all came about, I
16 guess. Whenever this started.

17 Q. Do you know when?

18 A. I don't have any idea if it was, you
19 know, last year. If it started in '16 and
20 everything sort of merges together. I'm not sure.
21 I mean, whenever Steve -- you know, he wanted the
22 information of all the plans that I had, and I
23 gathered everything up for him that he needed
24 because he needed it for giving his affidavit and
25 everything. So I gathered all that information



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1 up. I'm not sure if that was -- was that '16 when
2 it started?

3 MS. SKARDA: I think so.

4 A. So yeah, so it might have been in
5 '16, sometime in 2016 he might have approached me
6 and wondered if I had the information on it.

7 Q. So is that when Steve Ubl would have
8 first seen Exhibit 66?

9 A. Probably. That probably would have
10 been when he first seen the plans, yeah. I do not
11 believe that he would have gone looking for them
12 on his own. I mean, he might have. He might have
13 pulled them out of the file room.

14 Q. He wasn't involved in any part of the
15 review of the plans during the review process?

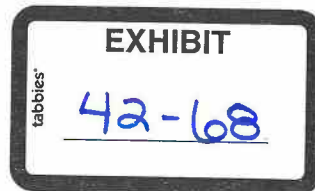
16 A. No, no, he was not. The only ones
17 that did review the plans, is I did the review. I
18 conferred with James Bloom at the time because he
19 was a senior planning examiner, and he was the
20 building official at the time.

21 Q. What did you discuss with Steve?

22 A. With Steve?

23 Q. Yes.

24 A. Basically what we're talking about
25 now. He wanted to know, you know, how I reviewed



1 the plans and what I issued the permit for, and I
2 told him, just what we discussed here.

3 Q. What did you tell him?

4 A. That this permit was for doing the
5 restrooms and the ramp and build these doors. And
6 he question, he says that value was -- it was
7 under-valued for that, and I said, Yeah, I know.
8 I probably should have said that it should have
9 been updated for doing that work, because
10 realistically, any kind of restroom and stuff,
11 when you're doing that right there, and you're
12 talking per restroom, you're probably talking
13 about maybe 20, 30 thousand dollars for a
14 restroom.

15 So it was way under-valued. So I
16 mean, I should have called it out more, but I
17 didn't.

18 Q. Did you tell Steve that you had
19 incorrectly, or -- let me back up. Did you tell
20 Steve that you did not notice upon your review of
21 Exhibit 66 that the scope of interior alteration
22 work now included the west dining room area?

23 A. I probably mentioned that. I'm not
24 sure. I can't say for sure that I did. But if we
25 were discussing the project, I probably would

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1 have, because if we were comparing this one to
2 that one, like I said, the original on Exhibit 55
3 showed it was future, and then the symbol key
4 shows how it is for the existing around that, and
5 then all of a sudden, the existing goes out around
6 here. To me that's just the existing building.
7 It doesn't mean that it's the existing interior
8 done out of the whole space.

9 Q. Have you ever told John Rupp that the
10 plans, what we're looking at here today,
11 Exhibit 66, or some of the other documents in the
12 file, were lost for a period of time, that you
13 couldn't find them?

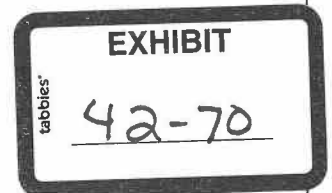
14 A. Had I told Mr. Rupp that?

15 Q. Yes.

16 A. Why would I have contacted him to
17 discuss that? I'm not quite sure what you're
18 getting to.

19 Q. Did you ever tell Mr. Rupp that
20 plans, permits, were lost and couldn't be found
21 over at the city?

22 A. No. They wouldn't have been lost
23 because when the plans, when the permit
24 application comes in and a permit is issued, the
25 plans get the file number, and I file the plans



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1 away in our file room, and that's where they stay.
2 Until somebody comes and takes them out to look at
3 them, they stay in that room.

4 Q. Who would come -- who had access to
5 them?

6 A. Anybody in the office has access to
7 that room. And there is a sign-on sheet on the
8 door that says if you remove these plans, you're
9 supposed to sign them out. So that's more or less
10 an honor system.

11 I mean, if they don't sign them out,
12 which I've had them do -- because I basically am
13 the keeper of the plans in the file room. I file
14 everything away every day. So when the plans go
15 in there, I know they're in there.

16 Q. So it is possible that somebody could
17 have taken them without signing out?

18 A. Oh, yeah. I have a couple of them
19 that somebody took out, and they never signed them
20 out. I can't regulate that. It's all basically
21 an honor system. The sign-in sheet is there for
22 them to write on there, that they're taking them
23 out, and if they don't do that, I can't control
24 that. There's no way to control that.

25 Q. Have you had any discussions with

In the Matter of All Licenses Held by the University Club of St. Paul

1 John Rupp regarding whether or not the west dining
2 area is included in these plans?

3 A. Not to my knowledge, no.

4 Q. Were there subcontractors who did any
5 work in the west dining area?

6 A. What was that?

7 Q. Are you aware of any contractors,
8 subcontractors, doing work in the west dining
9 area?

10 A. I would have no reason to look to see
11 if anybody was doing work in that area.

12 Q. Is there anything on here that
13 expressly states that work could not be done in
14 the west dining area?

15 A. On Exhibit 66?

16 Q. Yes.

17 A. In the west dining room area, you
18 have number 7 and number 15. That just says, "New
19 service bar and counter, electric and plumbing by
20 future permit." So that would have needed a
21 separate permit for that. And for 15, the same
22 thing there, "Future platform and green room,"
23 they would have needed a permit for that. And the
24 reason they would have needed a permit for that,
25 because if you put any kind of platform there, it



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1 has to be accessible. You have to make sure it's
2 meeting our requirements for code.

3 Q. Anything else?

4 A. No.

5 Q. Are you aware of any discussions with
6 John Rupp during the construction period that was
7 not permitted to do any work in the west dining
8 area?

9 A. No. My only discussion was when he
10 brought the plans in for doing the work for the
11 restrooms and for the ramp and for these openings
12 between the west dining and the dining.

13 It was never mentioned that -- this
14 was always future. It was always -- we always
15 interpreted this west dining area as being a
16 future work that was going to be done. The main
17 thing was he wanted to get this area here going so
18 he could operate that.

19 Q. When you say "we," who are you
20 referring to?

21 A. Jim Bloom. Jim Bloom and me.

22 Q. Just Jim Bloom and you?

23 A. Yep.

24 Q. Have you had any discussions with Jim
25 Bloom regarding the west dining area and whether

EXHIBIT
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In the Matter of All Licenses Held by the University Club of St. Paul

1 or not it was included in that permit?

2 A. I don't recall. As far as I know,
3 the building permit that was taken out was for the
4 restrooms, the openings and their ramp. That's
5 how we had looked at everything. We did not look
6 at the west dining area as being occupied at any
7 time.

8 Q. Why was a fire stair necessary?

9 A. Pardon me?

10 Q. Why was a fire stair necessary to be
11 built?

12 A. I'm not sure what you mean by that.

13 Q. Was it necessary as part of the plans
14 to build a fire exit there?

15 A. Not on these plans, no. Because the
16 number 12 on Exhibit 66, it says "New exterior
17 exit stair construction by separate permit with
18 HPC approval." So that was going to be done in
19 the future. That was not going to be done -- and
20 in order to occupy this space, they would have had
21 to have two exits out of here, okay? One of them
22 is coming out through here, and the other one was
23 coming out through this exit stair here.

24 So if these stairs were not built,
25 this area here could not be occupied or built out

tabbies'

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EXHIBIT

1 or anything because of the fact that you needed to
2 have the exits out of there.

3 Q. But you were aware that this was
4 built, correct?

5 A. It wasn't built at this time.

6 Q. No, not in 2012, but in 2016, one was
7 required to be built, correct?

8 A. Well, if the building permit was
9 issued for them to build that.

10 Q. Excuse me. Did I say 2012? It was
11 required in 2012 as part of these plans.

12 A. The stairs were required in 2012?

13 Q. Is that correct?

14 A. Or the door?

15 Q. The door and the stairs.

16 A. If that space would have been
17 occupied, it would have been required. But it
18 specifically states on Exhibit 66 that new
19 exterior exit stair construction by separate
20 permit with HPC approval. So if we did not have
21 any permit for this work and HPC approval, they
22 couldn't occupy that space.

23 (OFF THE RECORD)

24 (Whereupon, Deposition Exhibit No. 61
25 was marked for identification and a copy is

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In the Matter of All Licenses Held by the University Club of St. Paul

1 attached and hereby made a part of this
2 deposition.)

3 BY MR. MILLER:

4 Q. Showing you what's marked as Exhibit
5 Number 61. Would you take a look at that, please?

6 A. Okay. Question on Exhibit 61?

7 Q. Would you identify that, please?

8 A. Yes. An email I sent to Steve Ubl
9 regarding trying to get the SAC credits from Mr.
10 Rupp at 79 Western for the Commodore.

11 Q. And it states that you conducted an
12 exhaustive search with Larry Zangs?

13 A. That's correct.

14 Q. And what was included in the
15 exhaustive search?

16 A. Went through the address file, going
17 through SAC information, books. And trying to
18 find out if there are any kind of credits anywhere
19 on the property.

20 Q. So you were looking for credits?

21 A. Correct.

22 Q. And you evidently reached a
23 conclusion that the banquet room was formerly an
24 exercise room when the squash addition was
25 constructed in 1976?

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1 A. That is correct.

2 Q. Is that a conclusion that the
3 exercise room was in fact used as an exercise room
4 in 1976?

5 A. I believe that is correct, what I've
6 got written down here, yes. I have there, "When
7 the squash addition was constructed in 1976, it
8 remained an exercise room until 1987."

9 Q. What led you to the conclusion that
10 it was an exercise room in 1976?

11 A. Probably found some documents in the
12 address file that stated something in there. I'm
13 not sure. I mean, when you go to the address
14 file, you're going to find information on the
15 property, very large information, two inches thick
16 worth of all kinds of information. You have to go
17 through each of those papers to see if you can
18 find any information on it. That's probably where
19 we came up with that information where it changed
20 from a squash to an exercise room.

21 Q. Would you repeat that last sentence?
22 It was changed from what?

23 A. Well, it appears that it was -- when
24 it was the squash room that was added on to the
25 building, then it was that for awhile, and then it



1 changed over to an exercise room.

2 Q. Okay. So are you saying in this
3 sentence that the exercise room was used as an
4 exercise room in 1976?

5 A. I am saying that it was an exercise
6 room from 1976 until 1987.

7 Q. And what evidence do you have that it
8 was used as an exercise room from 1976 through
9 1987?

10 A. Like I say, that information probably
11 would be in the address file.

12 Q. Did you take any notes of your
13 exhaustive search?

14 A. Probably, with the Affidavit C, which
15 is a Met Council affidavit that you fill out, I
16 might have put the information on that form.

17 Q. Is there any record of the results of
18 the exhaustive search?

19 A. Not that I recall, no.

20 Q. You don't have any other
21 recollection?

22 A. No.

23 Q. Do you know what information
24 indicated that the exercise room was vacant in
25 2004?

EXHIBIT

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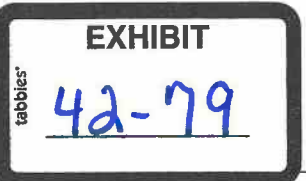
1 A. Like I say, the information is in the
2 address file. You'd have to go to the address
3 file and pull everything and start looking at
4 everything. When I did this letter for Steve,
5 sent this email to Steve, it was just to let him
6 know that we've looked all the information up that
7 was in the address file, and just highlighted what
8 we found out. I didn't keep any of the documents
9 that pointed anything out that I recollect, or
10 made any copies or anything to send to him. I
11 don't believe I have. The only attachment I put
12 on that email was for that affidavit. Like I say,
13 that Affidavit C, that 2015 Affidavit C, which is
14 a Met Council form, it might have been broken down
15 on that form, or I might have said where
16 everything is at. And you don't have that
17 affidavit, right? I don't think we do.

18 Q. Do you know how we can get a copy of
19 that?

20 A. Yeah, we have that information.
21 Should still have it. In fact, I thought one was
22 sent to Mr. Rupp, I thought.

23 Q. Would you be able to try to provide a
24 copy to Miss Skarda?

25 A. Sure.



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1 MR. MILLER: I don't recall seeing
2 it.

3 MS. SKARDA: Can we go off the
4 record.

5 (OFF THE RECORD)

6 BY MR. MILLER:

7 Q. In that last sentence in the first
8 paragraph, it says "If you look at the building
9 permit inspection notes, it will help to give you
10 an insight of what and who had looked at the work
11 done."

12 A. Uh-huh.

13 Q. Where are the building permit
14 inspection notes?

15 A. In Amanda.

16 Q. Only in Amanda?

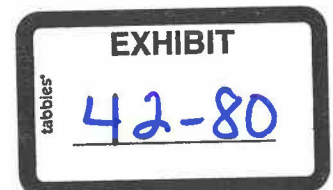
17 A. Uh-huh.

18 Q. No hard copy?

19 A. Everything is electronic. Everybody
20 likes electronic.

21 Q. And how would you conduct the search
22 on Amanda to find out what building inspection
23 notes you're referring to?

24 A. You would have to enter the permit
25 number to bring up the folder for that address,



1 and then you would go to the process. And then
2 the process, you would go to look for the building
3 inspector permit notes in there.

4 Q. Do you recall what those inspection
5 notes referred to, the ones that you referred --
6 let me restate that question. You referred to the
7 building permit inspection notes in that last
8 sentence. Do you have a recollection today of
9 what those building permit inspection notes
10 stated?

11 A. Can you say that again?

12 Q. You referred to building inspection
13 notes in the last sentence of the first paragraph.

14 A. Yeah.

15 Q. Do you recall today what those
16 building permit inspection notes stated, what
17 information was in those notes?

18 A. That's not my job to look through
19 those notes. That's the building inspector's
20 notes. It isn't something that I look at.

21 Q. So you didn't look at the building
22 permit inspection notes?

23 A. No. I told Steve that it would help
24 to give him -- I said, it will help to give you,
25 Steve, an insight, what and who had looked at the



1 work done. So I told Steve, go into Amanda, bring
2 it up, go and look at the inspector's notes that
3 are in there, and you can read what kind of notes
4 he put in there. That isn't something that I
5 would be doing on a regular basis.

6 Q. With respect to the use of the
7 exercise room in 1976, are you aware that the
8 former zoning administrator, Wendy Lane, came to a
9 different conclusion as to the -- what the
10 exercise room was designed for?

11 A. I have no knowledge of that.

12 Q. None whatsoever?

13 A. No.

14 (Whereupon, Deposition Exhibit No. 7
15 was marked for identification and a copy is
16 attached and hereby made a part of this
17 deposition.)

18 BY MR. MILLER:

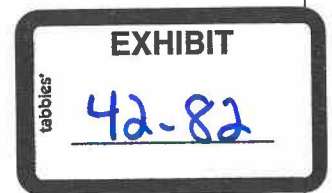
19 Q. If you look at the last paragraph on
20 the first page --

21 A. On Exhibit 7 or Exhibit 61?

22 Q. Exhibit 7.

23 A. Okay.

24 Q. No, I'm sorry, Exhibit 7. First of
25 all, for the record, Exhibit Number 7 is an



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1 October 30th, 2017 letter from Wendy Lane to John
2 Rupp. Have you ever seen that before?

3 A. No. And as noted on the letter, I'm
4 not copied on it.

5 Q. Would you look at the bottom of the
6 first page. Last paragraph, it says, "You
7 obtained the space in 2001. It was used for a
8 squash club at some time prior to your
9 acquisition." The next sentence states, "Although
10 it was originally designed for a future dining
11 room space, it was never legally established as a
12 space for a restaurant." Do you agree or disagree
13 with that statement?

14 MS. SKARDA: You know, I'm going to
15 object. This is way beyond the scope of his
16 knowledge. He said he's never seen the letter.
17 He --

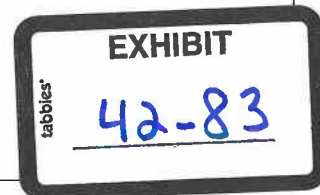
18 MR. MILLER: That's true, but he's
19 also --

20 MS. SKARDA: Well, we can note it for
21 the record.

22 MR. MILLER: Okay. That's fine.

23 MS. SKARDA: I just think it's going
24 way past.

25 BY MR. MILLER:



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1 Q. Do you agree or disagree with what
2 was stated in that sentence?

3 A. This is a zoning issue.

4 Q. Although it was originally designed
5 for a future dining room space. I believe that
6 you indicated that you had evidence that it had
7 been used as a fitness center since 1976?

8 A. That's correct. That's the
9 information I found.

10 Q. But you couldn't remember where you
11 found that information?

12 A. In the address file.

13 Q. But you couldn't remember exactly
14 what information it was that led you to that,
15 correct?

16 A. No.

17 Q. If you had learned about the use of
18 the west dining area as a fitness area in 1976,
19 would that have affected the SAC determination?

20 A. That would have been up to Met
21 Council to make that decision because we send
22 everyone over to Met Council to make the SAC
23 determinations. We do not do the SAC
24 determinations ourselves. That has to go to Met
25 Council, and they have to make that determination.

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1 Q. But don't they base that on
2 information that you gave them?

3 A. Say that again.

4 Q. Doesn't the Met Council make the
5 determination based on the information which you
6 provided?

7 A. No, no, they don't. The owner or the
8 contractor had to submit plans to Met Council, and
9 Met Council will make that determination when they
10 give us a SAC determination letter.

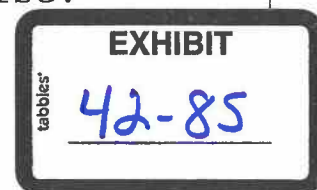
11 Now, when we receive that SAC
12 determination letter, if we feel or if the
13 customer feels they're being overcharged -- of
14 course if they're undercharged, they're not going
15 to say anything -- but if they feel they're being
16 overcharged, then we can do research to find if
17 there's any credits on that property to try to
18 bring their SAC charges down. But we send
19 everyone to Met Council to make a SAC
20 determination.

21 MR. MILLER: I have nothing else.

22 EXAMINATION

23 BY MS. SKARDA:

24 Q. I have just a few questions. Mr.
25 Skradski, I'm going to stand up here because I'm



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1 short. I can't see over.

2 I just have some follow-up questions
3 on Exhibit 66, which we've established is a copy
4 of the plans you reviewed and approved that go
5 along with the general building permit application
6 that Mr. Rupp filled out, and along with the
7 plans, the building permit issued by the
8 Department of Safety and Inspections.

9 I'm going to have you just talk a
10 little bit about the occupant load up here and
11 what that means, and what the notes were about,
12 how you interpret, I guess, the information up in
13 that upper left-hand corner.

14 A. On Exhibit 66, what we have to do is
15 the architect has to provide us with a code
16 analysis, which provides us with an occupant load.
17 And what he has up here in the upper left-hand
18 corner, it says "Occupant Classification." He has
19 it as an A-2, and he also has it as S-2, lower
20 hazard storage.

21 And then he goes to the occupancy
22 load, and he breaks everything down here on what's
23 in these different spaces. And what he does here,
24 he goes through each room, and he says, north
25 lounge, north bar, da da da. And then he comes

1 down towards the bottom, and it says, "Future west
2 dining area is 2,587, factor of 15, 172
3 occupants." So that right there is telling me
4 that this is the future. This has nothing to do
5 with this permit that was issued. That's future.
6 It has nothing to do with what we had issued a
7 permit for.

8 Q. And then today we talked a little bit
9 about the symbol keys.

10 A. Yes.

11 Q. And the fact that the symbol that is
12 actually denoting the scope of interior alteration
13 work changed from the first set of plans. Based
14 on your years of experience, do architects change
15 their symbol keys very often?

16 A. No. No. Normally when they show the
17 normal symbol key, they follow that for the
18 building. For any kind of revision that comes
19 through it always stays the same. So when we
20 would be looking at the plans, and we would be
21 looking at the symbol key, we see that it says
22 "existing," that's how we would be interpreting
23 any new plans that would be submitted, and we
24 would be looking at that symbol as being existing,
25 unless they stuck a cloud around that and made it



1 a revision and saying that they actually changed
2 their symbol.

3 Q. So what you call the cloud, that's
4 what the architect, the designer of record uses to
5 kind of tell you, cue you into the areas you
6 should be --

7 A. Right, that's how he tells us there's
8 a revision. Because what he does is he clouds it,
9 he puts his little triangle there with a number in
10 there, if it's revision number 1. If it's
11 revision 8, then he puts an 8 in there. But it
12 draws attention to us so we can look at that, and
13 we see that there's a change.

14 Q. We talked a little bit about, I think
15 you referred to it as what we're here for today.
16 You understand that at some point, the department
17 went in and learned that this western dining area
18 had been finished off.

19 A. Correct.

20 Q. And you saw pictures of the area
21 before it was finished?

22 A. I did see some from -- I forget who
23 showed them to me, but they issued pictures of it
24 before it was finished.

25 Q. Have you seen pictures since it was

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1 finished?

2 A. I believe I did see some pictures of
3 that, too.

4 Q. And looking at those pictures, and
5 based on your recollection of what the western
6 dining room looked like when it was an exercise
7 room, what other permits and analysis, processes,
8 would the applicant have had to go through to get
9 that finished off under permit for occupancy?

10 A. Under permit, they would have had to
11 finish that area off. They would have had to
12 provide us with HVAC plans. There would have had
13 to have been a SAC determination, and architect
14 would have had to show us for sure what the
15 occupant load was going to be and if this space
16 was going to have to be sprinklered, and how many
17 exits would be required out of the space, which on
18 the plan, on the 66 that was issued, he just had
19 the general arrow that shows that there's 86
20 occupants exiting out of a future exterior stair.

21 Q. And do you require -- I guess my
22 question is, you don't make architects decide what
23 they're going to put on their plans?

24 A. No. They do the design. We review
25 their design to see that it's meeting code



1 requirements. If it doesn't meet code
2 requirements, then we tell them to re-visit what
3 they're proposing and to resubmit.

4 Q. So you actually go back to them and
5 ask for more?

6 A. Right. We usually go right directly
7 to the architect and then send him the request for
8 the changes that we made.

9 Q. When you say HVAC -- you said
10 mechanical plans and HVAC plans. What are those?

11 A. For us, it's a general term when we
12 say mechanical plans. Because mechanical plans
13 are actually plumbing, electrical and HVAC. But
14 the only ones that we required to review and plan
15 review are the HVAC plans because we just -- we
16 have to give those plans to our HVAC person to
17 review because he's looking at air changes. And
18 if there's any kind of duct work and stuff going
19 through rated walls and stuff like that, he just
20 has to verify that information.

21 You still have to get a separate
22 permit, mechanical permit for -- it's actually
23 called a warm air permit for the HVAC. They have
24 to get a separate plumbing permit, and then our
25 plumbing inspector does his own plan review. And



1 then the electrical inspector has to get a
2 separate electrical permit, and then the
3 electrical people, they get separate plans, too.
4 So everybody kind of gets their separate things.

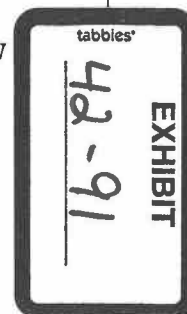
5 The same thing, there's a sprinkler
6 system, and fire protection engineer, they get
7 their plans, and they review those. A lot of
8 times, those come after we've issued the zoning
9 permits, so we really don't have anything to do
10 with that. But those plans have to be submitted
11 and a permit issued by the fire group.

12 Q. And that all has to happen before a
13 building gets a certificate of occupancy?

14 A. Right. Before the certificate of
15 occupancy can be issued, all that has to be taken
16 care of. All that work has to be done. I mean,
17 the permits don't have to be issued because, I
18 mean, permits have to be issued for them to do the
19 work, but they will not sign off for the C of O
20 until all that work is done.

21 Q. And if those things were done, you
22 would have them attached to this -- how do we know
23 none of that got done?

24 A. By looking in Amanda. Amanda would
25 show, you know, if all the different permits were



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1 taken out for everything. Because all this plan
2 here shows me is I'm just issuing for life safety.
3 I'm not issuing for the other disciplines.

4 Q. I'm going to have you take a look at
5 a line on Exhibit 61, the last sentence. "Since
6 the building has been given a temporary C of O."
7 When you made that statement, what knowledge was
8 that based on? Are you aware that the building
9 had one, didn't have one? Were you making
10 assumptions?

11 A. That I'm not sure. I probably looked
12 in Amanda and probably saw that there was a
13 temporary C of O issued.

14 Q. But you don't recollect whether that
15 temporary C of O you might have seen would have
16 covered one area, both areas?

17 A. Yeah, the C of O, I don't know what
18 it would have said on there. I don't know if it
19 would have said this area or that area. That's
20 not one of the things that I do, is issue C of
21 O's. The building inspector would have been doing
22 that.

23 Q. And that would have been who at that
24 time? Do you recall?

25 A. I'm not really sure who was -- I

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1 mean, there have been changes, so I'm not sure who
2 was doing the inspections at that time. I know on
3 that one exhibit, this one here, on Exhibit 63, it
4 has on it that the inspector was Ken Eggers.

5 No, I don't know if he was doing the
6 inspections at the time, or if -- because there
7 were people hired and stuff, so they had to change
8 the inspectors around. And sometimes what would
9 happen is the computer would print out the
10 inspector's name, but it wasn't correct. So I'm
11 not sure who was the inspector that was supposed
12 to be out there doing the inspections.

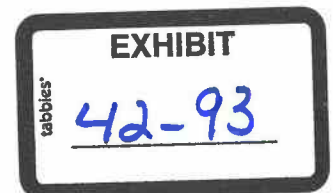
13 MS. SKARDA: That's all I have at
14 this point.

15 EXAMINATION

16 BY MR. MILLER:

17 Q. Just a quick follow-up on Miss
18 Skarda's questions. You talked about when the
19 department realized that the west dining area was
20 finished off. When was it that the department
21 realized that the west dining area was finished
22 off?

23 A. That I don't recall when I saw
24 pictures of that. I'm not sure. I don't remember
25 what year that was.



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1 MR. MILLER: I have nothing further.

2 MS. SKARDA: We'll read and sign.

3 MR. MILLER: Electronic.

4 MS. SKARDA: Electronic as well.

5

6 (The deposition was concluded at 12:05 p.m.)

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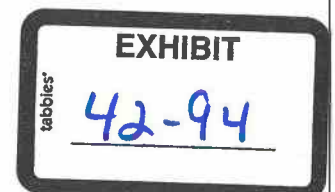
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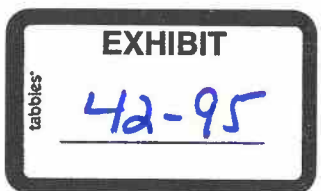
In the Matter of All Licenses Held by the University Club of St. Paul

1 I, JOHN SKRADSKI, do hereby certify that I
 2 have read the foregoing Deposition and found the
 3 same to be true and correct except as follows,
 4 (noting the page and line number of the change or
 5 addition as desired and the reason):

6	Page	Line	Correction	Reason for Change
7	_____	_____	_____	_____
8	_____	_____	_____	_____
9	_____	_____	_____	_____
10	_____	_____	_____	_____
11	_____	_____	_____	_____
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15	_____	_____	_____	_____
16	_____	_____	_____	_____
17	_____	_____	_____	_____
18	_____	_____	_____	_____
19	_____	_____	_____	_____
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21	_____	_____	_____	_____
22	_____	_____	_____	_____

23 _____

24 JOHN SKRADSKI



25 _____ Date

In the Matter of All Licenses Held by the University Club of St. Paul

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NOTARY & REPORTER'S CERTIFICATE

I, Joan M. Anderson, hereby certify that prior to being examined, this witness, JOHN SKRADSKI, was duly sworn to testify the whole truth, and nothing but the truth relative to said cause;

That said deposition, consisting of 95 pages of typewritten material, was taken down by me in Stenograph at the time and place therein named, and was thereafter reduced to computer-aided transcription under my direction; that the reading and signing of the deposition was not waived by the witness and respective counsel;

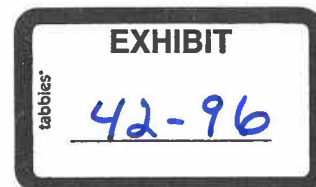
That the foregoing deposition is a true record of the testimony given by said witness;

That the cost of the original has been charged to the party who noticed the deposition, and that all parties who ordered copies have been charged at the same rate for such copies;

I further certify that I am not interested in the outcome of this action.

WITNESS my hand and seal at Minneapolis, Minnesota this 14th day of March, 2018.

JOAN M. ANDERSON
Certified Shorthand Reporter



In the Matter of All Licenses Held by the University Club of St. Paul

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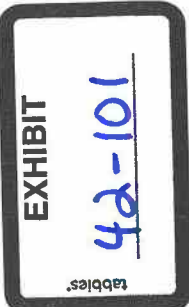
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