

1 Q. Is that correct?

2 And -- but you didn't have that  
3 information with you?

4 A. I did not.

5 Q. Okay. And you were aware that the --  
6 that John wanted to open the property for -- open to  
7 the public -- in the very near future, correct?

8 A. I was aware that he would probably be  
9 looking to open it at some time in the near future,  
10 yes.

11 Q. Okay. A matter of days?

12 A. I had -- I didn't know how much, I was  
13 just asked to go take a look at to see where the job  
14 was at.

15 Q. And did you tell him that he could open  
16 on a temporary basis?

17 A. I did not.

18 Q. Did you tell him what he needed to do  
19 in order to open on a temporary basis?

20 A. I believe I did. I don't know if it  
21 was him, could have been -- I can't remember if there  
22 was -- I think John was there, I'm not positive, it's  
23 a long time since I've been there. I don't know if  
24 there was actually a contractor onsite, which there  
25 might have been that I was walking with, now that I'm

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tabbles

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1 thinking back. But I can't remember if I told John or  
2 it was another person onsite, that they needed to get  
3 a bunch of stuff done in order to be able to open.

4 Q. But you said earlier today that the key  
5 piece was getting the subcontractors to sign off, and  
6 you didn't know.

7 A. I did not know if they were completed  
8 yet or not. I'd have to go look and see in the system  
9 who's been signed off or not when I got back.

10 Q. Okay. If all of the subcontractors had  
11 signed off, would he have been given a permanent  
12 occupancy certificate?

13 A. No, because he wasn't done yet with the  
14 building portion of it.

15 Q. Was he done with the building portion?

16 A. There was a few corrections that needed  
17 to get done for a permanent. It's stated here in my  
18 comments there what needed -- a lot of stuff that  
19 needed to get done yet.

20 Q. "I would be okay for a temporary  
21 occupancy." Does that mean temporary occupancy  
22 permit?

23 A. That means a temporary. A temporary is  
24 something that we would give if we were close to  
25 having all the safety aspects in place for being able

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tabbles

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1 to open. That would be all the trades giving a nod  
2 that there might be some minor corrections yet to do;  
3 and including the building inspection department, too,  
4 that there was just some minor stuff yet to be  
5 completed in order to give out a temporary. As long  
6 as it was safe for people to be inside.

7 Q. So a safety issue?

8 A. It's a safety issue.

9 Q. Which ones -- what exactly are the  
10 safety issues that would have to be --

11 A. Exit signs needed to be installed yet,  
12 the emergency lights were still -- there were some  
13 missing, handrails needed to be installed yet, a  
14 sprinkler system needed to be installed throughout,  
15 the fire alarm system had not been completed yet. And  
16 I don't know -- I didn't know at the time if the  
17 plumbing was okay, the electrical was okay, the  
18 ventilation was okay, at the time when I entered this.

19 Q. But this particular information was  
20 never given to John, correct?

21 A. I don't believe it -- I don't know if I  
22 sent it to him or not. I don't recall.

23 Q. When was the 30 days supposed to start?

24 A. October 27th.

25 Q. And how would Mr. Rupp know that that

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tabbies  
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1 was the date that all these items had to be done?

2 A. If I talked to him, it would have been  
3 a verbal okay at that time, that I would grant him  
4 30 days to try to get stuff done. And I don't know if  
5 I said that or not to him.

6 Q. And if he had gotten all that stuff  
7 done, would he have gotten a temporary or a permanent?

8 A. If he would have been completed with  
9 all the major -- the majority of the stuff, yes, I  
10 would have been happy to give it to him.

11 Q. Give him what?

12 A. A temporary.

13 Q. Okay. Why not a permanent?

14 A. I would have given him a permanent if  
15 everything was -- been completed.

16 Q. To the best of your knowledge, he was  
17 never informed of what needed to be done; is that  
18 correct?

19 A. That, I don't know.

20 Q. Okay. Who would have informed him if  
21 not you?

22 A. I don't know. I can't recall if I sent  
23 him this or not.

24 Q. This list, and everything else that  
25 we're talking about, that was done without your review

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tabbles 49-4

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1 of this document; is that correct?

2 A. That is correct.

3 Q. And the list is, sort of, the list  
4 we're talking about today which consists of these  
5 items on Exhibit No. 38?

6 A. Yes.

7 Q. And now you're saying that, also, that  
8 all of the subs, the trades, had to be signed off?

9 A. That would be correct.

10 Q. Final approvals on inspections?

11 A. Yes.

12 Q. Going back again. What exactly did you  
13 tell Mr. Rupp about getting a temporary occupancy  
14 authorization?

15 A. State that again, please.

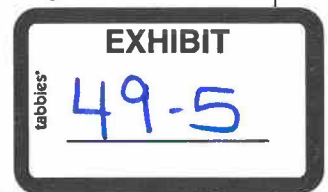
16 Q. What exactly did you tell Mr. Rupp he  
17 had to do in order to get a temporary occupancy  
18 authorization?

19 A. I don't recall.

20 Q. Is it possible that you could have told  
21 him that he could open temporarily if he got a punch  
22 list of items done within 30 days?

23 A. It's possible.

24 Q. When was the next time you were at the  
25 property after October 27th, 2015?



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1           A.       I don't know. I recall being there one  
2 time with a bunch of other inspectors, talked to them.

3           Q.       Was that after October 27th?

4           A.       Yeah, it must have been before  
5 October 27th, according to this.

6           Q.       Was there any time after October 27th?

7           A.       I don't believe I had been back since  
8 then.

9           Q.       Who is, at the City, currently  
10 responsible for the inspection of this?

11          A.       I believe Todd Sutter is the inspector  
12 for the site now.

13          Q.       And is that because it's in Todd  
14 Sutter's geographical area?

15          A.       That is correct.

16          Q.       Todd ever reported to you anything?

17          A.       No.

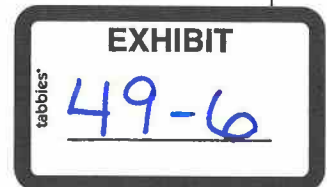
18          Q.       And if Todd has done any inspections,  
19 would that have shown up in AMANDA?

20          A.       I would hope so.

21          Q.       Would it have shown up under the permit  
22 number that is on the top of Exhibit No. 52?

23          A.       If that's the permit for this whole  
24 site, yes.

25          Q.       Is there any reason to not complete a



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1 final inspection in order to get a permit of --  
2 certificate of occupancy?

3 A. Is there a reason why he couldn't get  
4 one?

5 Q. Is there any reason that there can't be  
6 an inspection?

7 A. I don't know of any reasons why he  
8 couldn't have an inspection.

9 Q. Okay. Who would he contact?

10 A. Either Steve Ubl or Todd Sutter.

11 Q. Do you know if Mr. Rupp has ever talked  
12 to anybody at the City and requested a final  
13 inspection?

14 A. That, I don't know.

15 MR. MILLER: I think we're just about  
16 finished. I'd like one more break.

17 (Off the record.)

18 BY MR. MILLER:

19 Q. Mr. Palm, what does Mr. Rupp need to do  
20 in order to get, at least from your department's -- in  
21 terms of building department -- authorization to have  
22 a permanent certificate of occupancy issued?

23 A. I believe we would have to have all the  
24 trade inspectors go through and, if they haven't done  
25 their finals yet, to get them completed.



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1 Q. So final out all of the subs' permits?

2 A. Correct.

3 Q. Is that another way of stating that?

4 A. Stating it, yes, to final out all their  
5 permits. I don't know. I have not looked to see  
6 where we're at with it, if we needed to get a final  
7 for electrical, plumbing, mechanical, ventilation,  
8 sprinkle/fire alarm permit; HPC I think is -- I don't  
9 know where that's at. And the Health Department, I'm  
10 not sure where we're with that, if that's been finaled  
11 out or not either, from the state Health Department.

12 Q. How can that information be obtained?

13 A. We would have to call the state to find  
14 out if the Health Department went through on that.

15 Q. I'm talking -- I'm sorry. Go ahead.

16 A. But I would have to talk to all the  
17 different trades to see where they're at and look at  
18 AMANDA to see what it says in there, if they've been  
19 finaled out or not.

20 Q. Is that something that you could do?

21 A. I could look at it to see if they've  
22 been -- where it's -- yes.

23 Q. Is that a big project?

24 A. Not really a project, no.

25 Q. What does Mr. Rupp need to do?





1           A.       He just -- I guess he needs to ask to  
2 have all the trades get their finals looked at and  
3 authorized for a final. I don't know if Mr. Rupp  
4 hired out -- I don't believe Mr. Rupp was the general  
5 contractor. I mean, each one of the trades would have  
6 to call their inspector to get whoever it was he hired  
7 to have -- that got their permits, to have them final  
8 them out.

9           Q.       But would you be able to find out that  
10 information on AMANDA?

11          A.       Yes.

12          Q.       What else does John Rupp need to do?

13          A.       I don't know.

14                 MR. MILLER: I have nothing further.

15                 THE COURT REPORTER: Are you going to  
16 read and sign?

17                 MS. SKARDA: Yep.

18                 THE COURT REPORTER: Do you both need a  
19 copy?

20                 MR. MILLER: Yes.

21                 MS. SKARDA: Yes.

22                 (At 10:48 a.m. the foregoing proceeding  
23 was concluded.)

24

25

