

1 STATE OF SOUTH DAKOTA) IN CIRCUIT COURT
 2)SS
 2 COUNTY OF DEUEL) THIRD JUDICIAL CIRCUIT
 3) 19CIV18-00019
 3 GEORGE HOLBORN, RUBY HOLBORN,
 4 JOHN HOMAN, TERESA HOMAN, VICKI
 4 HINDERS, STACEY HINDERS, RICK
 5 KOLBECK, JENNIFER KOLBECK,
 5 WILLIAM STONE, FAY STONE, HEATH
 6 STONE, KATIE STONE, and STEVEN
 6 OVERBY,
 7
 7 Petitioners,
 8 vs.
 9 DEUEL COUNTY BOARD OF
 10 ADJUSTMENT, DEUEL HARVEST WIND
 10 ENERGY LLC, and DEUEL HARVEST
 11 WIND ENERGY SOUTH LLC,
 12 Respondents.

DEPOSITION OF KEVIN DEBOER,
 taken before NANCY McCLANAHAN, court reporter and
 notary public within and for the County of Codington,
 State of South Dakota.
 DEUEL COUNTY COURTHOUSE
 Jury Room
 408 Fourth Street West
 Clear Lake, South Dakota
September 21, 2018
 8:35 A.M.
 Nancy McClanahan
 Reporter/RPR,RMR
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APPEARANCES

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Lisa M. Agrimontj, Fredrikson & Byron, P.A., 200 South Sixth Street, Suite 4000, Minneapolis, MN 55402-1425, lagrimontj@fredlaw.com, appearing on behalf of Defendants, Deuel Harvest Wind Energy LLC and Deuel Harvest Wind Energy South LLC. Michael Svedeman appearing personally at the deposition.

STIPULATION

IT IS STIPULATED by and between counsel for the parties hereto that the DEPOSITION OF KEVIN DeBOER, may be taken at this time and place before NANCY McCLANAHAN, a court reporter and a notary public in and for the State of South Dakota, for the purpose of discovery or for use at trial or for each of said purposes; that said deposition is taken in accordance with the applicable statutes and rules of civil procedure and taken pursuant to written notice; and that counsel waive reading and signature of the transcript by the deponent. It is further noted that the deponent has waived reading and signature.

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 14
 15
 16
 17
 18
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1 are the documents that the county produced as part of
 2 the record in this proceeding.
 3 I've marked as Exhibit 1, the Deuel County
 4 Zoning Ordinances. Are you familiar with the Deuel
 5 County Zoning Ordinances?
 6 **A. Yes.**
 7 **Q. And that is Exhibit A to the return; correct?**
 8 **A. This is --**
 9 **Q. Yep. It talks about the exhibits that are**
 10 **marked to the return. "A" is the Deuel County Zoning**
 11 **Ordinances?**
 12 **A. Yes.**
 13 **Q. Then Exhibit 2, which correspond to Exhibit B**
 14 **of the return is the applications that were submitted by**
 15 **Deuel Harvest Wind Energy and Deuel Harvest Wind**
 16 **Energy South, and there are large binders here in front**
 17 **of you, four of which, or four of them. I have them**
 18 **broken up I believe into the first application, which is**
 19 **here. Exhibit 2 starts with the first application. You**
 20 **can see down here at the bottom, it's Bates labeled**
 21 **Exhibit B, page 1 of 1972. Do you see that?**
 22 **A. Uh-huh (Yes). Yes.**
 23 **Q. Do you remember going through this application?**
 24 **A. I remember looking at it. I don't remember**
 25 **every detail of it.**

1 **PROCEEDINGS**
 2 **(DEPOSITION EXHIBITS 1 THROUGH 7 MARKED.)**
 3 **KEVIN DEBOER,**
 4 **being first duly sworn, testified as follows:**
 5 **EXAMINATION**
 6 **By MR. ALMOND:**
 7 **Q. Can you state and spell your name for the court**
 8 **reporter, please.**
 9 **A. Kevin DeBoer. K-E-V-I-N, capital D-e, capital**
 10 **B-O-E-R.**
 11 **Q. And your current address?**
 12 **A. 17345 480A Avenue, Clear Lake 57226.**
 13 **Q. Mr. DeBoer, my name is Reece Almond. I'm an**
 14 **attorney with the Davenport-Evans Law Firm. What I**
 15 **first want to talk to you about this morning is just go**
 16 **over some of these documents that are in front of you.**
 17 **I'm going to hand you what has been marked as Exhibit 7.**
 18 **This was produced in the litigation. Have you seen this**
 19 **document?**
 20 **A. I've seen so many I don't know.**
 21 **Q. Yeah. So what this basically is is a filing**
 22 **that the County Board of Adjustment produced in the**
 23 **litigation saying that these are the files that we're**
 24 **producing as part of the Return of Writ of Certiorari.**
 25 **There are Exhibits A through F listed on here. So these**

1 **Q. Right. It's almost 2,000 pages. I wouldn't**
 2 **expect you to remember every detail of it, but that's**
 3 **what these four binders are in front of you. All of**
 4 **which are going to be Exhibit 2 for purposes of this**
 5 **deposition, but there were two applications submitted by**
 6 **Deuel Harvest; correct?**
 7 **A. Yes.**
 8 **Q. One was for the Deuel Harvest Wind Energy**
 9 **System; the other for the Deuel Harvest Wind Energy**
 10 **South System; correct?**
 11 **A. Yes.**
 12 **Q. So what I've tried to do is break them up into**
 13 **each one, I think. Page 1 starts with the Deuel Harvest**
 14 **Wind Energy and then Deuel Harvest Wind South starts on**
 15 **page 1085. Did I see that correctly?**
 16 **A. It would appear that way, yes.**
 17 **Q. How did you understand the two projects or what**
 18 **did you call them by?**
 19 **A. "North" and "South."**
 20 **Q. "North" and "South"? So I want to keep that**
 21 **terminology during this deposition. So "South" project**
 22 **is the "South" project. "North" project is, I guess,**
 23 **what's actually called Deuel Harvest Wind Energy, but**
 24 **we'll just call it the "North," because that's what**
 25 **you're familiar with.**

1 **A. Yes.**
 2 Q. Okay?
 3 **A. Okay.**
 4 Q. Exhibit 3 is Exhibit C to the return. Looks
 5 like these are just the notices that were sent out by
 6 the county of its public hearings. Is that right?
 7 **A. Yes, that would appear that way.**
 8 Q. And Exhibit 4, which is this big binder over
 9 here, the bottom there is Bates labeled Exhibit D1 of
 10 518, and that according to the return that was produced
 11 by the Board are submissions received by the Board
 12 together with related correspondence. So that's
 13 Exhibit 4 that we're going to be working with today.
 14 Okay?
 15 **A. Okay.**
 16 Q. And here is Exhibit 5, which correspondences to
 17 the Board's Exhibit E, and 1 of 95, and if you flip
 18 through here, it will be all of 95 pages. That
 19 according to the return is what?
 20 **A. Minutes.**
 21 Q. Minutes of and materials related to the Board's
 22 January 22, 2018 hearing together with correspondence
 23 between Deuel County, its State's Attorney, and
 24 First District Association; right?
 25 **A. Yes.**

1 **A. No, just the males.**
 2 Q. Can you go through each --
 3 **A. You want each name?**
 4 Q. -- sibling first and last name?
 5 **A. James DeBoer. Robert DeBoer. Kathleen Beste.**
 6 **Jerome DeBoer. Joann Dagenhart. Jeanie Hoff.**
 7 **Jennifer Quail.**
 8 Q. So it's is Jennifer Quail?
 9 **A. Yeah.**
 10 Q. Jeanie --
 11 **A. Hoff.**
 12 Q. H-O-F-F?
 13 **A. Yeah.**
 14 Q. Joann --
 15 **A. Dagenhart.**
 16 Q. And it was Kathleen?
 17 **A. Kathleen.**
 18 Q. Kathleen --
 19 **A. Beste. Best with an "E" at the end, I believe.**
 20 Q. Do you have any children, Mr. DeBoer?
 21 **A. Right.**
 22 Q. What are their first and last names?
 23 **A. Miranda DeBoer, Jake DeBoer, Elizabeth DeBoer.**
 24 **Luke DeBoer, Isabel DeBoer, and Issac DeBoer.**
 25 Q. Now, do you know who the family members are of

1 Q. Now I'm showing you what has been marked as
 2 Exhibit 6, and that corresponds to Exhibit F in the
 3 return that was submitted by the Board. That's the
 4 Board's Findings of Fact related to the two projects
 5 granting the "North" and "South" applications, both
 6 dated February 13, 2018, along with the letters of
 7 assurance, and special exception notices. So that's
 8 Exhibit 6. Okay?
 9 **A. Okay.**
 10 Q. You were the lucky one that we got to go over
 11 that stuff with.
 12 **A. The other ones don't get to go over it?**
 13 Q. We're going to go over some of it, but I'm not
 14 going to go over all of it with them, probably. Why
 15 don't we just start off. What are your parents' names?
 16 **A. George and Margaret Ann.**
 17 Q. DeBoer?
 18 **A. Yeah.**
 19 Q. Are they alive?
 20 **A. Mother is.**
 21 Q. Okay. And then siblings? I know you have some
 22 brothers, James and Jerome; right?
 23 **A. And Jim, Bob, Kathleen, Jerome, Joann, myself,**
 24 **Jeanie and Jenny.**
 25 Q. Do they all have DeBoer as the last name?

1 your other board members? And I don't want to know all
 2 of them, but do you know if Justin and Kristen Brandt
 3 are related to Paul Brandt in any way?
 4 **A. I have no clue.**
 5 Q. Do you know who Jason and Teresa Kanengieter
 6 are?
 7 **A. No.**
 8 Q. How about Diane and Joel Brandt? Do you know
 9 if they're related to Paul Brandt?
 10 **A. Yes.**
 11 Q. They are?
 12 **A. Yes.**
 13 Q. And how so?
 14 **A. It's his twin brother and his wife.**
 15 Q. So Joel is Paul Brandt's twin brother?
 16 **A. Yes.**
 17 Q. And you don't -- Do you know Justin and
 18 Kristen Brandt?
 19 **A. No.**
 20 Q. There are five board members; correct?
 21 **A. Yes.**
 22 Q. Board of adjustment members?
 23 **A. Yes.**
 24 Q. Yourself, Dennis Kanengieter, Paul Brandt,
 25 Steve Rhody, and Mike Dahl; correct?

1 **A. Yes.**
 2 Q. Are you all still on the board of adjustment?
 3 **A. Yes.**
 4 Q. Do you know who Dennis Kanengieter works for?
 5 **A. I know the name. I don't know the man.**
 6 Q. What's the name?
 7 **A. Rogness Trucking.**
 8 Q. Do you know any of the Rognesses?
 9 **A. I know Bert Rogness.**
 10 Q. Is he affiliated with Rogness Trucking at all?
 11 **A. No, I don't believe so.**
 12 Q. Do you know any other Rognesses?
 13 **A. No.**
 14 Q. You just know that Dennis Kanengieter works for
 15 Rogness Trucking?
 16 **A. Yes.**
 17 Q. What I'd like you to do now, Mr. DeBoer, is
 18 give me a list of every agreement you have entered into
 19 with a wind energy company.
 20 **A. Just with Invenergy.**
 21 Q. And how many agreements did you enter into with
 22 Invenergy?
 23 **A. One.**
 24 Q. And this agreement you entered with Invenergy,
 25 when did you enter into that agreement?

1 conversation go?
 2 **A. Well, he was just saying that was there to sign
 3 up land for wind leases. And we just talked back and
 4 forth about wind towers and if they were going to happen
 5 or not, the cost of the tower. That sort of thing.**
 6 Q. And when did Gene first stop by your house? I
 7 assume it was before you entered into the agreement with
 8 Invenergy?
 9 **A. Yeah, it was before.**
 10 Q. Do you recall approximately a month when Gene
 11 would have stopped by?
 12 **A. Oh, probably six months.**
 13 Q. Six months before you entered into the
 14 agreement with Invenergy?
 15 **A. Yes.**
 16 **(DEPOSITION EXHIBITS 8 AND 9 MARKED.)**
 17 **MS. AGRIMONTI:** I am requesting this document
 18 be marked as confidential for purposes of this
 19 deposition. Mr. Almond and I still have an open item
 20 about how these leases will be treated in this
 21 litigation, and that status being confidential or
 22 nonconfidential. I understand that this document has
 23 already been shared with those present in this room so
 24 nobody needs to be removed but I ask that it be marked
 25 as confidential.

1 **A. I can't even say.**
 2 Q. Can you give me a month and a year?
 3 **A. Oh, it would have been in the summertime. We
 4 were cutting silage so probably September, and I would
 5 have to say -- I don't know if it was 15 or 16.**
 6 Q. How do you first get introduced to Invenergy?
 7 **A. Well, they were driving around trying to
 8 solicit people to put their land in to the wind farm.**
 9 Q. So someone just stopped by your farm or your
 10 residence?
 11 **A. Well, yeah, eventually they did.**
 12 Q. Who did you speak with from Invenergy?
 13 **A. I can't remember his name.**
 14 Q. How many --
 15 **A. Gene was his first name.**
 16 Q. Was Gene by himself? This was the first time
 17 that you spoke with someone from Invenergy?
 18 **A. Yes.**
 19 Q. And was Gene by himself?
 20 **A. I believe so.**
 21 Q. Where did that conversation take place?
 22 **A. In the middle of the yard.**
 23 Q. Of your yard?
 24 **A. Yes.**
 25 Q. And the best you can, just how did that

1 **MR. ALMOND:** Let's go off the record quick.
 2 **(DISCUSSION OFF THE RECORD.)**
 3 **MS. AGRIMONTI:** Correction to my statement.
 4 I understand the document Exhibit 8 were distributed
 5 and shared with Ms. Kilby --
 6 **MR. ALMOND:** Exhibit 9.
 7 **MS. AGRIMONTI:** Exhibit 9. I'll get it right
 8 the third time. Exhibit 9 has been shared only with
 9 counsel, and I am asking that it be marked as
 10 confidential. To the extent we get into any details
 11 regarding specific terms in the agreement, I will ask
 12 that the three individuals who are non-attorneys leave
 13 the room so that we can keep the confidentiality of
 14 the document and understand that we still have to
 15 resolve that finally with Mr. Almond. What I'm trying
 16 to do is mark it as confidential so that I can try to
 17 keep it that way. Once I mark it as public, I can't
 18 go back.
 19 **By MR. ALMOND:**
 20 Q. All right. Mr. DeBoer, I'm handing you what
 21 has been marked as Exhibit 9. If you look at the Bates
 22 label DCBA down at the bottom of the page --
 23 **A. Yeah.**
 24 Q. -- 1 through 21, is that an agreement you
 25 signed with Invenergy?

1 **A. Yes.**
 2 Q. And there is a signature date on there or,
 3 yeah, there is a signature date. I just want to get our
 4 timeline down here. That's why -- On DCBA 16, looks
 5 like, is that your signature there?
 6 **A. Yes.**
 7 Q. If you look at the acknowledgment of owner, it
 8 looks like it was signed on July 13 of 2016; is that
 9 right?
 10 **A. That's what it says.**
 11 Q. Yep. Then I know earlier you said you had one
 12 agreement. I'm going to show you another document here,
 13 part of Exhibit 9, starting on page 22 of Exhibit 9,
 14 which as I read it, it's another wind lease that you
 15 executed with Invenergy on the same day.
 16 **A. Yeah.**
 17 Q. So for a different piece of property that you
 18 own?
 19 **A. Well, that's understandable.**
 20 Q. Yeah. But technically you have two agreements,
 21 but you signed them on both the same day. Does that
 22 sound right?
 23 **A. Yes.**
 24 Q. So you signed those agreements in July of '16.
 25 You said you first were approached by Invenergy about

1 **him when he come out to sign the lease. There was**
 2 **another gentleman along. It probably would say in the**
 3 **document.**
 4 Q. If you heard his name, would you remember it?
 5 **A. Not necessarily.**
 6 Q. Kevin Parzyck?
 7 **A. (Gestures.)**
 8 Q. Doesn't ring a bell?
 9 **A. Don't ring a bell.**
 10 Q. How about Dan Litchfield?
 11 **A. I never talked to him about the leases.**
 12 Q. Do you know who Dan Litchfield is?
 13 **A. I know who he is.**
 14 Q. Okay. So after you entered into these two --
 15 Do you call them lease agreements, or what do you refer
 16 to them as?
 17 **A. We can refer to them as that, yes.**
 18 Q. Okay. So these two lease agreements that are
 19 in Exhibit 9 that we've talked about that you entered
 20 into in July of 2016, after you entered into these lease
 21 agreements, when was the next communication you had with
 22 anyone from Invenergy?
 23 **A. Probably when the meetings started happening.**
 24 Q. When you say "the meetings," what are you
 25 referring to?

1 six months before that earlier; right?
 2 **A. Estimation, yes.**
 3 Q. Approximately. So between the time that you
 4 were first approached by Invenergy and when you actually
 5 signed the agreement, how many conversations did you
 6 have with people from Invenergy?
 7 **A. I can't recall.**
 8 Q. Just give me a rough estimation.
 9 **A. Couple probably.**
 10 Q. And how were the communications, how did they
 11 take place? Over the phone? In person? Through
 12 e-mail?
 13 **A. They would have been in person.**
 14 Q. Did you exchange any e-mail with anyone from
 15 Invenergy?
 16 **A. No.**
 17 Q. Did you have any telephone conversations with
 18 anyone from Invenergy?
 19 **A. Not to my recollection.**
 20 Q. I assume you didn't send any text messages with
 21 anyone from Invenergy.
 22 **A. No.**
 23 Q. Other than Gene, who else did you speak with in
 24 that six-month time frame?
 25 **A. I don't remember the man's name that was with**

1 **A. Well, when they'd have a gathering about the**
 2 **wind towers, the public hearings or public meetings.**
 3 Q. So there were public hearings in front of
 4 county boards; right?
 5 **A. Yes.**
 6 Q. And you said when they would have the
 7 gatherings. I understand it, Invenergy would also host
 8 gatherings for leaseholders and potential leaseholders;
 9 is that correct?
 10 **A. That's correct.**
 11 Q. Then did you attend some of those gatherings?
 12 **A. I did.**
 13 Q. And how many did you attend?
 14 **A. Two, as I recall.**
 15 Q. And where were those located at?
 16 **A. One was the Pizza Shack, and the other one was**
 17 **Melvee's.**
 18 Q. Which one happened first? The Pizza Shack
 19 meeting or the Melvee's?
 20 **A. I believe the Pizza Shack one.**
 21 Q. Do you recall when that Pizza Shack meeting
 22 took place?
 23 **A. No.**
 24 Q. Do you recall a month?
 25 **A. No.**

1 Q. How about the Melvee's meeting? Do you recall
 2 when that took place?
 3 **A. No.**
 4 Q. So let's start with the Pizza Shack meeting.
 5 Were there other board members at that meeting?
 6 **A. Not that I can recall.**
 7 Q. So what about county commissioners? Were there
 8 any county commissioners at that meeting?
 9 **A. Not that I can recall.**
 10 Q. Okay. And then the Melvee's meeting. Were
 11 there any board members at that meeting?
 12 **A. No. Not that I can recall.**
 13 Q. What about county commissioners?
 14 **A. Not that I can recall.**
 15 Q. Were your brothers Jerome and or James at
 16 either of those meetings?
 17 **A. James would have been at both of them.**
 18 Q. What about Jerome?
 19 **A. No.**
 20 Q. And let's start with the Pizza Shack meeting.
 21 Just tell me about that meeting. What was going on?
 22 **A. It was just talking about how they were going**
 23 **to go to the public hearing and what they were going to**
 24 **present and that are sort of stuff.**
 25 Q. And the Melvee's hearings, what was --

1 the Pizza Shack and Melvee's, were you a board member at
 2 the time?
 3 **A. No.**
 4 Q. Neither one of them?
 5 **A. No.**
 6 Q. Aside from the, I'll call it the Invenergy
 7 project, have you been approached by any other wind
 8 development companies about signing up your land for a
 9 wind lease?
 10 **A. No.**
 11 Q. And how long have you been on the Board?
 12 **A. Oh, it would have been -- Oh, gosh.**
 13 Q. And I'll help you out here. In your
 14 interrogatory responses, which is Exhibit 8 here, we
 15 asked you that question in writing and the response we
 16 got was February of 2017. Does that sound right?
 17 **A. Yeah, February, March, somewhere in there.**
 18 Q. Okay. How did you get on the Board of
 19 Adjustment?
 20 **A. There was a vacancy and I was asked so I said,**
 21 **yeah, I'll do it.**
 22 Q. Who were you asked by?
 23 **A. I can't even remember who asked me.**
 24 Q. Do you remember how he or she asked you?
 25 **A. Well, it was at one of the public hearings and**

1 **A. Same thing.**
 2 Q. So they were just kind of giving a timeline and
 3 their expectations and --
 4 **A. Yes.**
 5 Q. Did Invenergy provide anything to anyone at
 6 those meetings?
 7 **A. As far as --**
 8 Q. Did they give them any gifts? Handouts? Did
 9 they buy them dinner? Anything.
 10 **A. At the Pizza Shack there was, food was**
 11 **provided. I don't know who paid for it, but.**
 12 Q. There was pizza there?
 13 **A. There was pizza there.**
 14 Q. But were there like gift bags or --
 15 **A. No.**
 16 Q. What about Melvee's? Was there anything that
 17 was provided at Melvee's?
 18 **A. No.**
 19 Q. Were there any documents that were handed out
 20 at either of those meetings to people who came and
 21 attended?
 22 **A. Not to me.**
 23 Q. Okay. But were there documents handed out?
 24 **A. Not to my knowledge.**
 25 Q. Okay. When you were attending the meetings at

1 **somebody, I don't remember who it was said, you know,**
 2 **"That would be a good job for you. You should do that."**
 3 Q. Was it a county commissioner, do you remember?
 4 **A. No. No, it was not a commissioner or the**
 5 **Board.**
 6 Q. Just a citizen in Deuel County thought you'd be
 7 a good fit for the Board of Adjustment?
 8 **A. Yeah.**
 9 Q. So to get on Board of Adjustment, do you have
 10 to get appointed by a commissioner?
 11 **A. I believe you have to be recommended and then**
 12 **they appoint you.**
 13 Q. Do you know if a county commissioner
 14 recommended you, or do you know which county
 15 commissioner recommended you?
 16 **A. No, I don't.**
 17 Q. And typically I go over some rules for
 18 depositions, but if you just wait to let me finish
 19 asking my question before you answer, the court reporter
 20 will like us both a lot more. Okay?
 21 **A. (Nods affirmatively.)**
 22 Q. It's normal for people to already know what the
 23 answer to the question is going to be so they just give
 24 us the answer, but this is not the normal conversation.
 25 So somebody recommended you. Did you appear

1 before the county commission when they decided whether
 2 or not to appoint you?
 3 **A. I went to the meeting, the zoning board meeting**
 4 **and that's when I was appointed at the zoning board**
 5 **meeting.**
 6 Q. Oh, the zoning board appointed you to the
 7 zoning board?
 8 **A. I don't know if I was appointed before I got**
 9 **there. But that's, when I got there, they said, "Well,**
 10 **this is the new zoning board member."**
 11 Q. At any point while you were being considered
 12 for the zoning board, did anyone ask you about any wind
 13 leases, whether or not you had any wind leases?
 14 **A. No.**
 15 Q. And did you volunteer that information to
 16 anyone at that time?
 17 **A. I do believe I did, when I was on the Board,**
 18 **got on the Board.**
 19 Q. Once you got on the Board, tell me about that.
 20 **A. I said, "Well, how is this going to affect that**
 21 **I have a wind lease?"**
 22 Q. And what happened?
 23 **A. They said, "Well, you'll probably have to get**
 24 **out of it, or you won't be able to be on the Board,**
 25 **because you'll have a conflict of interest."**

1 Q. And was there any other discussion about that
 2 conflict of interest or what you should do because of
 3 it?
 4 **A. Well, no, not to my recollection.**
 5 Q. Do you know when your brothers James and Jerome
 6 first signed up with Invenergy?
 7 **A. No.**
 8 Q. Have you had any conversations with them about
 9 the Invenergy project?
 10 **A. Sure.**
 11 **MS. AGRIMONTI:** Objection. Compound. Just
 12 get separate answers to the question. I think you
 13 started asking the second question.
 14 **MR. ALMOND:** Can you read back both of my
 15 questions, I guess, because I don't remember asking
 16 two?
 17 **MS. AGRIMONTI:** I apologize. I didn't hear
 18 the answer. I thought you were just questioning.
 19 **MR. ALMOND:** He was speaking a little
 20 quietly. Well, you caught me off -- Let's go off.
 21 **(DISCUSSION OFF THE RECORD.)**
 22 **By MR. ALMOND:**
 23 Q. All right. Let's go back on. So, again, have
 24 you had any conversations with either of your brothers
 25 about the Invenergy project?

1 Q. Well, who did you tell that to?
 2 **A. Tell what to?**
 3 Q. That you have a wind lease.
 4 **A. To the board.**
 5 Q. The other four members --
 6 **A. The full board, yes.**
 7 Q. The other four members of the Board of
 8 Adjustment?
 9 **A. Yeah.**
 10 Q. Just so we're clear here, when we say "the
 11 Board," we're talking about the Board of Adjustment or
 12 the zoning board; correct?
 13 **A. Correct.**
 14 Q. We're not referring to the Board of County
 15 Commissioners.
 16 **A. Correct.**
 17 Q. Was that at a board meeting when you told your
 18 board members about your wind lease?
 19 **A. I can't recall.**
 20 Q. And did you tell all four of them?
 21 **A. I would believe so.**
 22 Q. And best you can, again, what was their
 23 response when you told them that?
 24 **A. They figured it would have been a conflict of**
 25 **interest, you know, so.**

1 **A. Yes.**
 2 Q. And tell me about those conversations.
 3 **A. Just if they would come to fruition or not, you**
 4 **know, if they're going to get a tower or not. All the**
 5 **preliminary stuff that you would talk about some new**
 6 **event taking placing in your community.**
 7 Q. And how many towers were each of you hoping to
 8 get?
 9 **A. Didn't know that we'd get any.**
 10 Q. Was there a maximum amount of towers that was
 11 suggested to you during the negotiation?
 12 **A. No.**
 13 Q. So he didn't say, "We might be able to put five
 14 towers on your land"?
 15 **A. No.**
 16 Q. Nothing like that?
 17 **A. No.**
 18 Q. Do you know whether your brothers were
 19 expecting a certain number of towers?
 20 **A. I have no idea.**
 21 Q. And these conversations with your brothers
 22 about this project and whether it was going to go
 23 through and how many towers, whether you would get any
 24 towers, did they take place shortly after you signed up,
 25 or when did they take place, I guess?

1 **A. I can't say for sure. Probably prior and**
 2 **after.**
 3 Q. Prior and after you signed your agreement?
 4 **A. Yes.**
 5 Q. Now, in the answers to interrogatories -- Let's
 6 go off the record.
 7 **(DISCUSSION OFF THE RECORD.)**
 8 **MR. ALMOND:** Go back on.
 9 **By MR. ALMOND:**
 10 Q. In the Board's answers to interrogatories,
 11 Exhibit 8 here in front of you, the question was asked
 12 whether any board members had received any payments from
 13 Invenergy and the top of the page here, you received
 14 \$3,060 under the agreement and notice of release. So at
 15 some point Invenergy paid you \$3,060; correct?
 16 **A. Correct.**
 17 Q. And if you look at Exhibit 9, page 44, looks
 18 like a letter from Invenergy to you; correct?
 19 **A. That's what it would appear to be.**
 20 Q. And the letter says that enclosed with this
 21 letter is your payment for \$3,060; right?
 22 **A. Yes.**
 23 Q. And what's the date on that letter?
 24 **A. 8-19-2016.**
 25 Q. So about a month after you had signed up your

1 that correct?
 2 **A. That is correct.**
 3 Q. So how was it that your -- How were you
 4 approached about having your easements released?
 5 **A. I approached them.**
 6 Q. You approached Invenergy?
 7 **A. Yes.**
 8 Q. And who did you approach?
 9 **A. Dan.**
 10 Q. Dan Litchfield?
 11 **A. Yes.**
 12 Q. And how did you approach him?
 13 **A. I said in order for me to have a voice on the**
 14 **Board, I'll have been to be released from the contract.**
 15 Q. Okay. So you asked Invenergy to be released
 16 from the contract in order to vote on the Board of
 17 Adjustment?
 18 **A. Yes.**
 19 Q. Did you call him? Did you e-mail him? How did
 20 you talk with Dan?
 21 **A. I believe I called him.**
 22 Q. And would that have been -- How did Dan
 23 respond?
 24 **A. At first he seemed like he didn't want to, but**
 25 **then eventually he said that that would be acceptable, I**

1 lease agreements, you got a check for a little over
 2 \$3,000 from Invenergy?
 3 **A. Yes.**
 4 Q. Have you ever paid that money back to
 5 Invenergy?
 6 **A. No.**
 7 Q. Aside from that payment, have you received any
 8 other payments from Invenergy?
 9 **A. Not to my recollection.**
 10 Q. Did you get a payment in 2017 from Invenergy?
 11 **A. I can't recall one, no.**
 12 Q. Let's look at the same Exhibit 9, starting on
 13 page 45, and these were also produced in discovery by
 14 the county's attorney. It looks like these or this
 15 document is a notice of release of your wind easement.
 16 Are you familiar with this documents?
 17 **A. Yep.**
 18 Q. Yep?
 19 **A. Yes.**
 20 Q. And it looks like there is another one shortly
 21 behind it. There is two Notices of Release of Easement,
 22 because you had two easements like we saw earlier. Do
 23 you recall having both of your easements released?
 24 **A. Yes.**
 25 Q. And the date on there is December of '17; is

1 **guess.**
 2 Q. And then that conversation ended basically
 3 saying we'll be sending over some paperwork to document
 4 the determination of the lease?
 5 **A. Yes. And I told him that he had to send it to**
 6 **the courts here to get it registered that it actually**
 7 **took place.**
 8 Q. Okay. So how did you actually receive the
 9 notice of terminations?
 10 **A. In the mail.**
 11 Q. You got them in the mail.
 12 **A. (Nods affirmatively.)**
 13 Q. And then did you -- I assume you signed them?
 14 **A. Yeah, I believe.**
 15 Q. Well --
 16 **A. I don't remember that part.**
 17 Q. I'm not sure if you did sign them, actually.
 18 In fact, I don't think you did. So I guess in your
 19 words, tell me what you understood it to mean that your
 20 easement was being released.
 21 **A. That they would no longer had wind rights to my**
 22 **property.**
 23 Q. Did you have the belief that you would be able
 24 to re-sign with them at some point in the future?
 25 **A. No.**

1 Q. So you didn't think you could ever re-sign with
 2 Invenergy?
 3 **A. I guess I never really thought about it.**
 4 Q. So once you received the notice of terminations
 5 or notice of releases in the mail, did you have any
 6 other conversations with anyone from Invenergy?
 7 **A. No, not to my knowledge.**
 8 Q. How many conversations did you have with
 9 Mr. Litchfield about the releases?
 10 **A. I believe two.**
 11 Q. So was the first one, you think you called him
 12 up?
 13 **A. Yeah.**
 14 Q. Tell me about the second one.
 15 **A. He called and said that the paperwork was filed**
 16 **and that he had sent it to the courthouse here and**
 17 **wished me luck.**
 18 Q. Anything else that was discussed in that
 19 telephone conversation?
 20 **A. Not that I can recall.**
 21 Q. So going back to Exhibit 9, the two wind lease
 22 agreements that we talked about earlier, is it your
 23 understanding that you no longer have any obligations
 24 under those wind lease agreements?
 25 **A. I have no obligation to Invenergy, yeah.**

1 **cooperative.**
 2 Q. And how long have you been on that board?
 3 **A. Oh, going on nine years, I believe.**
 4 Q. As a board member, do you receive compensation
 5 from H-D Electric?
 6 **A. Yes.**
 7 Q. You said it's a co-op?
 8 **A. Yes.**
 9 Q. How much compensation do you receive from
 10 H-D Electric on an annual basis?
 11 **A. Well, that will depend on how many events you**
 12 **take in, because you get a per diem for travel and what**
 13 **not so anywhere from five to seven thousand.**
 14 Q. You said the events you take in. Can you tell
 15 me what you're talking about when you say that.
 16 **A. Well, if you go to the natural or -- natural.**
 17 **National Rural Electric Cooperative meeting, be it in**
 18 **San Diego or different places throughout the United**
 19 **States, it's the big meeting for all the rural**
 20 **cooperatives to go to. Then you get paid, you know,**
 21 **your per diem while you're gone and your meals and what**
 22 **not.**
 23 Q. I apologize; it's going to be a really
 24 stupid-sounding question, but can you just tell me what
 25 H-D Electric does.

1 Q. Okay. Do you have any obligation to anyone
 2 under those two agreements?
 3 **A. These agreements here?**
 4 Q. The two lease agreements, wind leases that you
 5 entered into with Invenergy.
 6 **A. No, I don't believe I have any obligation to**
 7 **them.**
 8 Q. Now, moving a little bit away from the
 9 Invenergy project. I want to talk a little bit more
 10 about just your service as a board member. In your role
 11 as a board member, have you ever recused yourself or
 12 abstained from voting on any issue?
 13 **A. Yes.**
 14 Q. And how many times have you done that?
 15 **A. Twice, I believe.**
 16 Q. And give me a brief rundown in terms of why you
 17 either recused or abstained from voting in those
 18 instances?
 19 **A. It was the stuff that dealt with H-D Electric,**
 20 **because I'm on their board. So to avoid a conflict of**
 21 **interest, I just said I was not going to vote on this**
 22 **because I'm on the other board and I think I should**
 23 **abstain from voting.**
 24 Q. So you're on the board of H-D Electric?
 25 **A. Yeah, it's a cooperative, rural electric**

1 **A. They provide electrical services to the rural**
 2 **community in Deuel and Hamlin County.**
 3 Q. Okay. Are there board meetings?
 4 **A. Yes.**
 5 Q. How frequently does the board meet?
 6 **A. Once a month.**
 7 Q. And who else is on that board?
 8 **A. Alvin Kangas, Steve Hansen, Roxanne Bass,**
 9 **Wayne Tekrony, Terry Strohfus, Laurie Seefeldt,**
 10 **Dale Williams, and Bert Rogness.**
 11 Q. That's probably how you know Bert Rogness?
 12 **A. That's how I know him.**
 13 Q. So does the board for H-D Electric decide --
 14 What does the board decide?
 15 **A. We figure which direction we want H-D Electric**
 16 **to go in the future. And then our job as board members**
 17 **is to give the CEO direction and make sure he does what**
 18 **we direct him to do.**
 19 Q. What's the CEO's name?
 20 **A. Matt Hotzler.**
 21 Q. And what are the other, underneath the CEO,
 22 kind of the main players over at H-D Electric? What are
 23 their names?
 24 **A. Troy Kwasniewski. Annie Aberle. Todd Sprang,**
 25 **that's the manager and then the manager.**

1 Q. Are you aware of any communications between
 2 H-D Electric and Invenergy?
 3 **A. No.**
 4 Q. So you don't know if Invenergy has approached
 5 H-D Electric about the possibility of buying electricity
 6 from Invenergy?
 7 **A. Not to my knowledge, no.**
 8 Q. So aside from the two issues in front of the
 9 Board that you recused yourself from that were related
 10 to H-D Electric, were they related to wind at all?
 11 **A. No.**
 12 Q. So to state it differently, you've never
 13 recused yourself from any wind-related issues from the
 14 Board?
 15 **A. No.**
 16 Q. Are you aware of any board members ever
 17 recusing themselves from a wind-related issue?
 18 **A. Yes.**
 19 Q. And tell me about those instances.
 20 **A. It was last night.**
 21 Q. Last night?
 22 **A. Yeah.**
 23 Q. And what happened last night?
 24 **A. There was another wind company coming to submit**
 25 **an application to build in Deuel County. And**

1 Q. I'm asking because the Invenergy project, there
 2 were two separate special exception permits for two
 3 separate projects. Does crowned Ridge just have one
 4 special exception?
 5 **A. For Deuel County, yes.**
 6 Q. And approximately how large was the application
 7 that Crowned Ridge submitted?
 8 **A. I think it was for 29,000 acre.**
 9 Q. I meant in page numbers, was it similar in size
 10 to the Deuel Harvest Wind applications?
 11 **A. Yes.**
 12 Q. And did you receive a similar amount of public
 13 comments from people in the Crowned Ridge as you did
 14 from the Deuel Harvest projects?
 15 **A. No.**
 16 Q. All right. Did you receive more or less public
 17 comments?
 18 **A. Less.**
 19 Q. In Crowned Ridge you received less public
 20 comments?
 21 **A. You mean at the meeting or out in public?**
 22 Q. I mean -- Thanks for asking the clarification
 23 question. So Exhibit 4 that we went over earlier are
 24 submissions received by the Board related to the
 25 project, some of which were submitted to the Board via

1 **Paul Brandt had a metro tower application, which never,**
 2 **he never -- they never built it, but he recused himself**
 3 **because of that.**
 4 Q. And what was the Board considering last night?
 5 Was it a special exception permit?
 6 **A. Yes.**
 7 Q. For an entire wind development project?
 8 **A. For the application, yes.**
 9 Q. And what's the name of that project?
 10 **A. Crowned Ridge.**
 11 Q. And was it the public hearing last night?
 12 **A. Yes.**
 13 Q. And how long did the public hearing take?
 14 **A. Oh, when did we start? I suppose it took three**
 15 **hours.**
 16 Q. And the Crowned Ridge project, is it just one
 17 project, or are there multiple projects?
 18 **A. Part of the project. There is two projects.**
 19 **Part of one of the projects is in Deuel County.**
 20 Q. So how many special exception permits is
 21 Crowned Ridge trying to get from the Board?
 22 **A. Well, I do believe they said 68 towers.**
 23 Q. But they're just getting one special exception
 24 permit for a project; right?
 25 **A. Right.**

1 e-mail through the zoning administrator. Some of which
 2 were, you know, brought to the hearing. They were
 3 papers, etc. I'm calling all those public comments that
 4 are part of the record. So that's what I'm curious
 5 about is comparing Crowned Ridge to the Deuel Harvest,
 6 are you saying that were fewer public comments in the
 7 Crowned Ridge project than there were in the
 8 Deuel Harvest projects?
 9 **A. I would say yes.**
 10 Q. And was the hearing shorter in the
 11 Crowned Ridge project?
 12 **A. I wouldn't say so, no.**
 13 Q. What about the number of people that spoke out
 14 in opposition to the project? Comparable? More or
 15 less?
 16 **A. Comparable.**
 17 Q. And how did the Board vote last night?
 18 **A. They didn't.**
 19 Q. What happened?
 20 **A. They tabled it to study the opposition's**
 21 **information to make sure that everything is considered**
 22 **before they make a decision.**
 23 Q. Was there anything unique about last night that
 24 required that tabling?
 25 **A. There was a little more information affecting**

1 animals and people that I wanted to investigate,
 2 personally.
 3 Q. Tell me about that information.
 4 A. On the deal, how it affects animals in close
 5 proximities to the towers, because there is not a
 6 setback for animals, but there is for people and houses
 7 and whatnot.
 8 Q. What kind of animals were they talking about
 9 last night?
 10 A. All of the beef, cows and pigs and poultry.
 11 Q. Okay. Anything else other than the discussion
 12 about animals?
 13 A. Not that pops out.
 14 Q. Pretty similar proceeding as what happened in
 15 the Deuel Harvest?
 16 A. Yes.
 17 Q. When did Paul Brandt inform the Board he was
 18 going to recuse himself from the proceeding last night?
 19 A. I found out last night at the meeting -- or
 20 before, prior to the meeting.
 21 Q. Do you know when he recused himself?
 22 A. No.
 23 Q. Is there a process that you board members are
 24 told to utilize when you're going to recuse yourself?
 25 A. Not that I'm aware of.

1 Q. Just to be fair here, I'm not intending to quiz
 2 you about the information in it, because there are 2,000
 3 pages in here. But I'm just trying to get a sense of
 4 what portions you read and what portions you didn't
 5 read. Because it's pretty important to this proceeding,
 6 I'm going to ask that you start here on page 1 of
 7 Exhibit 2 and just kind of flip through this. If there
 8 is a portion that it looks like you didn't read, let us
 9 know. If it all kind of looks familiar and looks like
 10 you read it, I'm not interested in that. I want to know
 11 kind of the stuff you didn't read.
 12 Q. If there is anything you didn't read, I should
 13 add.
 14 A. (Complies.)
 15 Q. Why don't you flip forward to page 200 for me.
 16 A. (Complies.)
 17 Q. 201, I guess. Do you remember seeing this
 18 document here in the application when you were reviewing
 19 it, which is a list of all the leaseholders?
 20 A. Yeah, I remember. I didn't study it, but,
 21 yeah, I seen the leaseholders.
 22 Q. You saw the leaseholders and you went through
 23 the names of the leaseholders?
 24 A. Some of them, yeah.
 25 Q. And you did that for the other application as

1 Q. So if you were to recuse yourself, how would
 2 you do so?
 3 A. I would just tell the chairman that I believe I
 4 need to recuse myself.
 5 Q. At the meeting or before the meeting?
 6 A. At the meeting, if whatever event come up that
 7 would make me think that.
 8 Q. All right. So we got last night Paul Brandt
 9 recused himself from a wind project. Are you aware of
 10 any other situations in which a board member has recused
 11 himself from considering a wind-related project?
 12 A. Not that I can recall.
 13 Q. All right. Let's turn back to the
 14 Deuel Harvest project now instead of speaking more
 15 generally. Earlier I showed you Exhibit 2, which is
 16 these four binders in front of you, which were the two
 17 applications submitted by Invenergy; one for the "North"
 18 project one for the "South" project. Did you read both
 19 of the applications?
 20 A. Not in its entirety, no.
 21 Q. Not in their entirety. Which portions did you
 22 read?
 23 A. I can't recall right offhand. I read them and
 24 when you speed read, read headlines, and then
 25 investigate it if it piques your curiosity.

1 well?
 2 A. For the other ones?
 3 Q. Yeah, the "South" and "North" project?
 4 A. As I recall, yeah.
 5 MR. ALMOND: Can you mark this, please?
 6 THE REPORTER: Sure.
 7 (DEPOSITION EXHIBIT 10 MARKED.)
 8 By MR. ALMOND:
 9 Q. When did you first receive the two applications
 10 for the two projects?
 11 A. I can't say.
 12 Q. How did you receive them?
 13 A. I believe I got them from Jodi.
 14 Q. The zoning administrator Jodi?
 15 A. Yeah.
 16 Q. Yes?
 17 A. Yes.
 18 Q. Did she e-mail them to you? Did she give you a
 19 hard copy?
 20 A. A hard copy.
 21 Q. She gave you a hard copy. Did she give each
 22 board member a hard copy of both applications?
 23 A. As I recall.
 24 Q. Approximately how soon before the hearing did
 25 she give the board members the applications?

1 **A. A couple months, if I remember right. A while.**
 2 **We had time to study.**
 3 Q. Aside from the applications, was any other
 4 information given to you by Jodi? Initially, when she
 5 sent you guys the applications, did she send anything
 6 else along with them?
 7 **A. I can't recall.**
 8 Q. Okay. And then you had them, you reviewed
 9 them; right?
 10 **A. Yes.**
 11 Q. And the hearing for the special exception
 12 permits took place on January 22 of 2018; is that
 13 correct?
 14 **A. One of them, I believe.**
 15 Q. Oh, were there multiple hearings on the special
 16 exception permits?
 17 **A. I thought it got tabled once or something. I**
 18 **can't remember.**
 19 Q. Tell me what you do remember about that you
 20 think you're getting tabling.
 21 **A. I don't remember if Jodi put something right in**
 22 **the paper so we had to extend it or something like --**
 23 **some legal, to do with the paper so we had to have**
 24 **another meeting. I don't remember exactly the time**
 25 **frame. But it seemed like there was some sort of,**

1 **A. That would have been after the meeting where we**
 2 **granted the permit.**
 3 Q. So the Board met with First District to talk
 4 about how to draft the findings?
 5 **A. Right.**
 6 Q. When did that meeting take place?
 7 **A. I can't give you a date.**
 8 Q. Was it at a public meeting?
 9 **A. Yeah.**
 10 Q. It was at a public meeting?
 11 **A. It was after a public meeting, I believe.**
 12 Q. It was after a public meeting?
 13 **A. I believe so.**
 14 Q. And who from First District was at that
 15 meeting?
 16 **A. I can't remember his name.**
 17 Q. Luke Muller sound familiar?
 18 **A. It does.**
 19 Q. Todd Kays?
 20 **A. No.**
 21 Q. Do you think it was Luke Muller?
 22 **A. I think so.**
 23 Q. Okay. What about before you voted at the
 24 meeting? Did you have any communications with anyone
 25 from First District?

1 **something that had happened that we couldn't move**
 2 **forward at one point time.**
 3 Q. Okay. Tell me about First District. I've seen
 4 that name pop up in this. What does First District do?
 5 **A. They're our counsel for the zoning board.**
 6 Q. When you say "counsel," you don't mean
 7 attorney, do you?
 8 **A. No. They tell the rules and regulations.**
 9 Q. They just provide counsel for you guys. Not
 10 legal counsel but --
 11 **A. Right.**
 12 Q. Okay. Tell me what role they had in this
 13 project. What did First District do for this project?
 14 **A. What I recall is they told us how we were to go**
 15 **over the -- What do they call them? The way you, the**
 16 **rule to allowing an application. I can't think of the**
 17 **right word. The findings. The findings over to make**
 18 **sure that everything is the way it's supposed to be.**
 19 Q. And did you have any conversations with anyone
 20 from First District?
 21 **A. Personally, no.**
 22 Q. Did First District make any sort of
 23 presentation to the Board?
 24 **A. Yes.**
 25 Q. When did that take place?

1 **A. Not to my recollection.**
 2 Q. Did you receive any documents, correspondence,
 3 anything from First District before voting?
 4 **A. I don't believe so.**
 5 Q. Do you recall seeing a staff report that was
 6 prepared for these projects prior to voting at the
 7 hearing?
 8 **A. I can't say.**
 9 Q. I'm handing you what has been marked as
 10 Exhibit 5. I'm going to page 26 of Exhibit 5. This
 11 looks like an e-mail from Todd Kays to Jodi. Can you
 12 review that e-mail for me?
 13 **A. Do you want me to read it to you?**
 14 Q. Just read it to yourself.
 15 **A. Okay.**
 16 Q. Did you ever receive that e-mail?
 17 **A. I don't know that it was an e-mail or if it was**
 18 **a hard copy but I seen this somewhere.**
 19 Q. Okay. If you flip to the next page quick,
 20 looks like that's the start of the staff report that's
 21 referenced in the e-mail; right?
 22 **MS. AGRIMONTI: Off the record.**
 23 **(DISCUSSION OFF THE RECORD.)**
 24 **A. Yes.**
 25 Q. Did you receive that before voting on the two

1 special exception permits for "North" and "South"
 2 projects?
 3 **A. I can't remember.**
 4 Q. You don't remember if you got that staff report
 5 beforehand?
 6 **A. Before or after, I don't remember.**
 7 Q. Okay. But you do remember getting it at some
 8 point in time?
 9 **A. Yes, I did see it somewhere.**
 10 Q. So, again, silly question but I just need to be
 11 clear about this. You don't remember whether or not you
 12 reviewed this before voting at the hearing on the
 13 permits?
 14 **A. No, I don't recall.**
 15 Q. Going back to page 26, the e-mail that
 16 Todd Kays sent. The way I read that e-mail it looks at
 17 First District reviewed the two applications, compared
 18 them against the Deuel County ordinances and then
 19 prepared a report. Is that kind of how you read that
 20 e-mail?
 21 **A. That's what it would appear to be.**
 22 Q. Let me ask you this. Do you know if
 23 First District reviewed the applications at all?
 24 **A. Do I know?**
 25 Q. Yeah. Do you have any knowledge of

1 **the Board. They had them afterwards.**
 2 Q. Go to the third page of Exhibit 10, a March 23,
 3 2017 dated letter, template of a letter. Did you
 4 receive a letter that had these contents in it?
 5 **A. Not that I can recall.**
 6 Q. And go to the next page, January 9, 2017 dated
 7 letter. Do you recall receiving this letter?
 8 **A. No, I don't recall it.**
 9 Q. And one more page, the very last page, the
 10 January 23, 2017. Any recollection of receiving that
 11 letter?
 12 **A. No, I don't.**
 13 **MR. ALMOND:** Let's take about a five-minute
 14 break.
 15 **(RECESS TAKEN AT 9:52 TO 10:02 A.M.)**
 16 **By MR. ALMOND:**
 17 Q. Do you remember if Lynn Pederson is the
 18 individual who appointed you to the Board?
 19 **A. Now that you say that, he might have.**
 20 Q. Do you know Lynn Pederson?
 21 **A. Know of him, yeah.**
 22 Q. Did you see Lynn Pederson at these gatherings
 23 at Pizza Shack and at Melvee's?
 24 **A. Not to my recollection.**
 25 Q. Okay. Have you had any conversations with

1 First District reviewing the applications?
 2 **A. They didn't do it in front of me.**
 3 Q. Right. But you guys use First District as a
 4 counsel to counsel you guys on things. Did they counsel
 5 you on this project?
 6 **A. I can't recall.**
 7 Q. Okay. Handing you what has been marked as
 8 Exhibit 10.
 9 **MR. ALMOND:** Let's go off quick.
 10 **(DISCUSSION OFF THE RECORD.)**
 11 Q. So I've handed you what has been marked as
 12 Exhibit 10. Did you receive the first page of
 13 Exhibit 10, or was that letter mailed to you?
 14 **A. No.**
 15 Q. Do you know who Michael Svedeman is?
 16 **A. No. No.**
 17 Q. Don't know who Michael Svedeman is. What about
 18 the next page? Go to the next page of Exhibit 10,
 19 December 22, 2017 letter. Did you receive that letter?
 20 **A. No.**
 21 Q. And the second paragraph there references a
 22 prehearing rally at Melvee's at 5:00 p.m. Do you know
 23 if that Melvee's event that was referencing, was that
 24 the Melvee's event that you attended?
 25 **A. No, because I quit going to them once I got on**

1 Lynn Pederson about wind development?
 2 **A. No.**
 3 Q. Okay. Let's go back to the Deuel Harvest
 4 "North" and "South" projects. Earlier you testified
 5 that you received the applications ahead of time, hard
 6 copies from Jodi. My understanding was that public
 7 comments were also submitted in writing from various
 8 individuals before the hearing. Is that correct?
 9 **A. Some were.**
 10 Q. Did you receive public comments before the
 11 hearing, written public comments before the hearing?
 12 **A. Yes.**
 13 Q. And how did you receive the written public
 14 comments before the hearing?
 15 **A. At the hearing they were handed out, the ones**
 16 **that were, couldn't have been handed out prior to that.**
 17 Q. Did you receive some prior to the hearing,
 18 though?
 19 **A. I might have. I can't remember.**
 20 Q. And as I understand it, the comments were
 21 submitted to Jodi. Does that sound right?
 22 **A. Yes.**
 23 Q. If you would have received public comments
 24 before the hearing, would Jodi have e-mailed those to
 25 you?

1 **A. She might have, or sent a hard copy. She does**
 2 **it both ways. She e-mails stuff and she sends a hard**
 3 **copy.**
 4 Q. Do you have any recollection as you sit here of
 5 receiving any public comments before the hearing?
 6 **A. I can't say that I do.**
 7 Q. Okay. So tell me about the night of the
 8 hearing. Where was the hearing?
 9 **A. At the City Community Center.**
 10 Q. So how earlier before the hearing did you show
 11 up?
 12 **A. Probably 10-minutes.**
 13 Q. And did the Board meet before the hearing to
 14 kind of talk about what was going to happen at the
 15 hearing?
 16 **A. Yeah.**
 17 Q. Just give me an overview of what that
 18 conversation was like.
 19 **A. Well, it was to declare that we didn't have a**
 20 **financial gain or any special interest in the outcome.**
 21 Q. And that was in public; correct?
 22 **A. Right.**
 23 Q. But did the Board meet outside of the public
 24 aspect to kind of talk about the process that they were
 25 going to be going under, how long the hearing was going

1 attached documents be submitted as my official comments.
 2 Did you receive this e-mail?
 3 **A. I probably did. I can't say.**
 4 Q. Okay. And what is your e-mail?
 5 **A. Treeguy.**
 6 Q. Treeguy?
 7 **A. Yeah.**
 8 Q. At --
 9 **A. Treeguy007.kd@gmail.com.**
 10 Q. Do you use any other e-mail addresses?
 11 **A. No.**
 12 Q. At my office there are people that delete
 13 e-mails the day they come in; there are people that keep
 14 every e-mail they've ever received. What kind of person
 15 are you?
 16 **A. Some of both.**
 17 Q. Some of both. Have you deleted any e-mails
 18 that are related to this project?
 19 **A. I can't say.**
 20 Q. So flipping to page 3 of Exhibit 4, it looks
 21 like a letter that is to you and other board members
 22 providing public comments. Do you remembering seeing
 23 this letter and reading it?
 24 **A. Yeah, some of it looks familiar.**
 25 Q. And it goes on to page 4 and 5. And then at

1 to take? Anything like that?
 2 **A. Not that I can recall.**
 3 Q. So the Board didn't gather amongst yourselves
 4 and kind of talk about what was going to happen that
 5 night?
 6 **A. Not that I recall.**
 7 Q. Okay. So you said some of the public comments
 8 were in writing at the hearing. So tell me about that.
 9 Was there just a table full of the public comments? Or
 10 piles of them?
 11 **A. Well, they were brought up to Jodi, you know,**
 12 **submitted there during the hearing.**
 13 Q. Right. So some written comments were submitted
 14 during the hearing by the public?
 15 **A. Right.**
 16 Q. Did Jodi have a stack of comments waiting for
 17 the board members when you showed up that night?
 18 **A. I can't recall.**
 19 Q. Okay. Let's take a look at Exhibit 4, going to
 20 page 2 of Exhibit 4. This is an e-mail from
 21 Joe Blastick to dc zoning@jtctel.com, dc zoning is Jodi's
 22 e-mail; correct?
 23 **A. I believe, yeah.**
 24 Q. It looks like Joe Blastick sent an e-mail to
 25 Jodi attaching a bunch of information asking that the

1 the bottom of page 5 it says, documents that I attached
 2 to the e-mail that support my perspective, and then it
 3 lists documents 1 through 6. Do you see that at the
 4 bottom?
 5 **A. The 1 through 6?**
 6 Q. Yep.
 7 **A. I see 1 through 6, yeah.**
 8 Q. As I understand it, those documents 1 through 6
 9 are after this letter in the exhibit starting on page --
 10 Can you read what page number that is? Looks like six.
 11 **A. Yeah, I can't make that out.**
 12 Q. And then there are the other five documents
 13 following it. Do those documents look familiar?
 14 **A. Some of it I recognize some things, yes.**
 15 Q. Are there others you don't recognize?
 16 **A. Like I said, I don't know if I -- you read so**
 17 **much stuff and it runs together.**
 18 Q. In reviewing the file, one of the arguments
 19 that people opposed to this project, people opposed were
 20 making the argument that this project was going to
 21 decrease the value of land around the area. Do you
 22 recall that?
 23 **A. Yes.**
 24 Q. Did you receive any reports or read any reports
 25 from any appraisers or experts making arguments either

1 in favor of that argument or against that argument?
 2 **A. There was people that testified saying that it**
 3 **wouldn't change.**
 4 Q. Yep. Was there anyone that testified that said
 5 that it would change?
 6 **A. I can't recall. I think there was somebody**
 7 **that said that it would.**
 8 Q. And what about written material? Did you
 9 remember receiving any reports saying that this project
 10 was going to negatively impact land values?
 11 **A. No, I don't recall that.**
 12 Q. Okay. Let's turn to page 305 of Exhibit D,
 13 Exhibit 4. Take some time to familiarize yourself with
 14 this document, which is a letter from Kilby Law
 15 January 15, 2018.
 16 **A. (Complies.)**
 17 Q. Have you seen that letter before today?
 18 **A. I believe so.**
 19 Q. Did you see it before you voted at the hearing?
 20 **A. Yes, I believe so.**
 21 Q. Do you recall how you received that letter?
 22 **A. I believe Jodi sent it to me.**
 23 Q. Okay. Stepping away from Exhibit 4 here, did
 24 the Board have any discussions about these projects
 25 before the January 22, 2018 hearing?

1 was a three-minute time limit imposed on people in the
 2 public speaking. Is that correct?
 3 **A. Yes.**
 4 Q. Who decided that three-minute time limit?
 5 **A. That was suggested by First District.**
 6 Q. And who from First District suggested that?
 7 **A. I can't tell you that.**
 8 Q. Was it suggested orally? Was it in some sort
 9 of writing?
 10 **A. That's just what Dennis said First District or**
 11 **John, maybe it was John who said it, the attorney,**
 12 **John Knight.**
 13 Q. So either Dennis --
 14 **A. Or John, I can't recall.**
 15 Q. -- Kanengieter or John Knight told you that
 16 First District recommended a three-minute time limit?
 17 **A. Yes.**
 18 Q. Would you agree that certain members of the
 19 public who were voicing their opposition to the project
 20 were asked to stop when they hit their three-minute
 21 mark?
 22 **A. Do I believe certain people were?**
 23 Q. Yes.
 24 **A. I believe all people were.**
 25 Q. So everyone who, as soon as they hit their

1 **A. What do you mean?**
 2 Q. Did the Board meet and discuss this project
 3 before that January 22 hearing?
 4 **A. Discussing as in --**
 5 Q. Anything about the project? Did the Board meet
 6 and talk about it?
 7 **A. Not to my recollection.**
 8 Q. I want to talk a little bit about the process
 9 used at the hearing. Did the Board talk about what
 10 process was going to be used at the hearing before the
 11 actual hearing?
 12 **A. The process being that Invenergy was going to**
 13 **present and the people that were opposed or for it were**
 14 **going to speak afterwards?**
 15 Q. Yeah.
 16 **A. That.**
 17 Q. You did have conversations with your board
 18 members about that?
 19 **A. That is what was told was going to happen.**
 20 Q. Who told you that?
 21 **A. That, I believe, Dennis Kanengieter who was the**
 22 **chairman.**
 23 Q. And when did he tell you that?
 24 **A. Beginning of the meeting.**
 25 Q. In looking through the file, looks like there

1 three-minute mark, they were asked to stop; correct?
 2 **A. Yeah, the time clock went off and then it was**
 3 **your three minutes were up. Some talked a little bit**
 4 **more and some said okay, thank you.**
 5 Q. Do you recall members of the public voicing
 6 opposition to that three-minute time limit during the
 7 hearing?
 8 **A. I don't know if it was during or prior or**
 9 **after. There was comments saying they didn't feel that**
 10 **was enough time.**
 11 Q. Okay. At some point there were Findings of
 12 Fact prepared that were signed by the chairman. Tell me
 13 about your involvement with the preparation of those
 14 findings.
 15 **A. Findings for the application?**
 16 Q. Yep.
 17 **A. Well, we just go over it and discuss it to see**
 18 **if we felt that the findings were relevant or didn't fit**
 19 **or, you know.**
 20 Q. There were written findings prepared. And I'll
 21 maybe show them to you here if I can find them.
 22 Exhibit 6 or return Exhibit F, did you assist in
 23 actually writing the findings?
 24 **A. No.**
 25 Q. They were in just presented to you at a board

1 meeting and the board members, you know, read through
 2 them and discussed it, and then voted whether or not to
 3 approve the findings; correct?
 4 **A. Yes.**
 5 Q. So you weren't involved at all in the actual
 6 drafting of the findings?
 7 **A. No.**
 8 Q. Do you know who was?
 9 **A. No.**
 10 Q. So when you're going to the hearing on
 11 January 22, 2018, you said you showed up about
 12 10 minutes earlier or 10 minutes early before the
 13 hearing. What was your expectations for that hearing?
 14 What did you think was going to happen?
 15 **A. I had no clue. We was going to go there and**
 16 **listen to what evidence or information was presented,**
 17 **and then derive a decision from that.**
 18 Q. Okay. I know a few months before Deuel Harvest
 19 Winds applied for their special exception permit,
 20 John Homan applied for a runway permit. Do you recall
 21 that?
 22 **A. Uh-huh (Yes). Yes.**
 23 Q. Before Mr. Homan applied for his runway permit,
 24 had you ever considered a private runway permit before
 25 in your time on the Board?

1 **A. Yes.**
 2 Q. And there were no applications that had been
 3 approved for wind towers at that time; correct?
 4 **A. Correct.**
 5 **(DEPOSITION EXHIBIT 11 MARKED.)**
 6 **By MR. ALMOND:**
 7 Q. I'm handing you what has been marked as
 8 Exhibit 11. Do those appear to be meeting minutes from
 9 a Deuel County Zoning Board meeting that took place
 10 April 10, 2017.
 11 **A. That's what it would appear to be.**
 12 Q. I'll represent to you that I printed that off
 13 of Deuel County's website a few days ago. But if you to
 14 the back page there, it looks like there is signatures
 15 from both Jodi and your chairman, Dennis Kanengieter.
 16 So Mr. Homan submitted his runway application or filed
 17 it in April. This is the -- or excuse me, in March. So
 18 this was the April 10 meeting. If you go to
 19 paragraph 10, which is on the second to the last page.
 20 **A. (Complies.)**
 21 Q. Looks like paragraph 10 is talking about that
 22 runway application; right?
 23 **A. Uh-huh (Yes).**
 24 Q. If you go to the next page, the last page of
 25 Exhibit 11.

1 **A. No.**
 2 Q. And for the Homan runway permit, did anyone
 3 recuse themselves from participating in those
 4 proceedings?
 5 **A. Not that I recall.**
 6 Q. All right. Do you know if John Knight recused
 7 himself from providing advice to the Board in that
 8 proceeding?
 9 **A. I don't remember.**
 10 Q. And let's look at Exhibit 4, page 310. Is that
 11 Mr. Homan's runway application for a special exception
 12 permit?
 13 **A. Looks like it.**
 14 Q. Looks like it was filed with the zoning officer
 15 on March 15 of 2017; correct?
 16 **A. That's what it says.**
 17 Q. As of that time, there weren't any wind
 18 turbines around where this runway was going to be
 19 placed; correct?
 20 **A. Correct.**
 21 Q. And at this time there weren't any applications
 22 to place any wind turbines around that runway; correct?
 23 **A. Not to my knowledge.**
 24 Q. Well, as a board member, you would have had
 25 knowledge if any applications were submitted; right?

1 **A. (Complies.)**
 2 Q. Go to the conclusion there of that
 3 paragraph 10, it says, motion by Rhody, seconded by Dahl
 4 to table the special exception to use the following
 5 property, etc., etc., until the Board can get more
 6 information about the setbacks for wind towers from an
 7 airstrip. Do you see that language there?
 8 **A. Uh-huh (Yes).**
 9 Q. Yes?
 10 **A. Yes.**
 11 Q. Tell me why the Board was concerned about
 12 setbacks from turbines on April 10, 2017.
 13 **A. I suppose they were wondering what the impact**
 14 **would be. I would have to make the assumption.**
 15 Q. And why were you concerned about the impact of
 16 setbacks on turbines at the time?
 17 **A. I was concerned about timing for the**
 18 **application.**
 19 Q. Timing for what application?
 20 **A. For the airstrip application.**
 21 Q. You were concerned about the timing for the
 22 airstrip application.
 23 **A. Right.**
 24 Q. Okay. My question was, were you concerned --
 25 My question was why was the Board concerned about

1 setbacks for wind turbines, and it sounds like you're
 2 not going to say why the Board was concerned. Were you
 3 concerned about setbacks for wind turbines?
 4 **A. Was I concerned about setbacks for wind**
 5 **turbines? I would have to say I didn't know. So, yeah,**
 6 **I guess I would be concerned.**
 7 Q. So why is it that you were concerned about
 8 setbacks for wind towers as of April 10, 2017?
 9 **A. To know the impact to everybody involved.**
 10 Q. Well, we already covered there weren't any
 11 turbines around; right?
 12 **A. Right.**
 13 Q. And there weren't any applications for any
 14 turbines around?
 15 **A. Right.**
 16 Q. So as a board member, why were you concerned
 17 about wind turbines?
 18 **A. Curiosity, I suppose.**
 19 Q. You were just curious about wind turbines?
 20 **A. Yes.**
 21 Q. For your other special exception permits that
 22 you consider, do you share that same curiosity about
 23 wind turbines?
 24 **A. The impact from one exception to another**
 25 **exception, you mean?**

1 **A. I don't know if I can say correct on that.**
 2 Q. Okay. Well, his application didn't mention any
 3 wind turbines; right?
 4 **A. Correct.**
 5 Q. And there weren't any wind turbines around
 6 where the runway was going to go; right?
 7 **A. Correct.**
 8 Q. And there weren't applications to place any
 9 wind turbines around where the runway was going to go;
 10 right?
 11 **A. Correct.**
 12 Q. So the application didn't relate to wind
 13 turbines?
 14 **A. No. But his was prior visit to me before the**
 15 **application stating how he was opposed to wind towers.**
 16 Q. Explain that to me.
 17 **A. He come to my home, my residence, to find out**
 18 **my stance on wind towers.**
 19 Q. Okay.
 20 **A. And he shared with me that he was opposed to**
 21 **wind towers.**
 22 Q. Okay.
 23 **A. So now he comes with an application for a wind**
 24 **tower, leads me to believe that it's an intent to**
 25 **disrupt something else.**

1 Q. Yes.
 2 **A. On different things I do.**
 3 Q. Give my examples, other examples in which
 4 you've been concerned about turbines when considering a
 5 special exception permit unrelated to wind turbines.
 6 **A. Unrelated to them? I don't know that we've had**
 7 **any other special applications for anything that, you**
 8 **know. Because this is a -- the wind -- or the airport**
 9 **is an excepted, exception in ag district. The rest of**
 10 **it is always the ag stuff that we deal with, so.**
 11 Q. So for this special exception permit, you were
 12 curious about wind turbines and how it might affect
 13 setbacks for wind turbines.
 14 **A. Right.**
 15 Q. Can you provide me another example of any of
 16 the other special exception permits that you've
 17 considered in your time as a board member that you've
 18 been concerned about setbacks for wind turbines that
 19 doesn't actually have to be with a wind project?
 20 **A. I don't know if I understand your question.**
 21 Q. It was long question, so. It was poorly asked.
 22 So Mr. Homan's runway special exception permit was
 23 asking for a runway; correct?
 24 **A. Correct.**
 25 Q. And it was unrelated to wind turbines; correct?

1 Q. You mean an application for a runway?
 2 **A. A runway, yes.**
 3 Q. Did Mr. Homan say that to you?
 4 **A. No.**
 5 Q. So you're just assuming that he was trying to
 6 put a runway there to do what?
 7 **A. To keep the towers further away from his**
 8 **property.**
 9 Q. Okay. And there weren't any application to put
 10 any towers close to his property at the time, was there?
 11 **A. No. That's why I voted to allow him to have**
 12 **his wind tower.**
 13 Q. Okay. So aside from --
 14 **MR. PETERSON:** Can I just -- When you say, I
 15 voted to allow him to have his wind tower, I think you
 16 mean, did you mean runway strip?
 17 **A. Runway.**
 18 **MR. PETERSON:** Okay. I just want to make
 19 sure the record -- We don't want to skip over
 20 something here.
 21 Q. So aside from Mr. Homan's special exception
 22 permit, tell me other special exception permits where
 23 you've considered setbacks from wind towers.
 24 **A. I can't recall any.**
 25 Q. Okay. It says you wanted to get more

1 information about setbacks from wind towers. Wouldn't
 2 that information just be found in the county ordinances?
 3 **A. There was nothing definitive about the flight**
 4 **pattern in or out of a runway in the county ordinance.**
 5 Q. So what kind of setbacks were you looking in
 6 to?
 7 **A. We just wanted to know if FFA [sic] had rules**
 8 **or regulations for this, for a runway, and the impact**
 9 **that it might have.**
 10 Q. Feel free to review those minutes, but there
 11 isn't any mention of a letter of assurance in those
 12 minutes, is there?
 13 **A. Not at this time I don't believe there was in**
 14 **these minutes.**
 15 Q. Let's look at Exhibit 4 again, page 331. It
 16 was a June 9, 2017 letter from Fredrikson & Byron law
 17 firm to Chair Kanengieter. Did you receive this letter
 18 as well?
 19 **A. I believe I read it at the meeting. I don't**
 20 **know that I actually got a hard copy of it or I might**
 21 **have got an e-mail.**
 22 Q. In what meeting did you read that at?
 23 **A. Probably prior to this one. Not this one but**
 24 **the one after the, the one after that one.**
 25 Q. Well, this one was April 10, 2017. The letter

1 Q. So your testimony today is that the letter of
 2 assurance and the reason one was required from Mr. Homan
 3 came from Mr. Brandt? It was Mr. Brandt's idea.
 4 **A. No, it was FAA's idea.**
 5 Q. But Mr. Brandt relayed that information from
 6 FAA to the Board.
 7 **A. Yes.**
 8 Q. So who came up with the idea to require a
 9 letter of assurance?
 10 **A. I believe that it was FAA who said that it's up**
 11 **to the landowner. And who come up with the idea of a**
 12 **letter of assurance I can't tell you. If it was Paul of**
 13 **FAA?**
 14 Q. Well, was it you?
 15 **A. No.**
 16 Q. Did you say we should have a letter of
 17 assurance?
 18 **A. No.**
 19 **MR. PETERSON:** Try not to talk over each
 20 other for her benefit.
 21 **MR. ALMOND:** We're both bad at it, probably.
 22 Q. So it wasn't your idea.
 23 **A. No.**
 24 Q. Let's go to page 346 of Exhibit 4.
 25 **A. (Complies.)**

1 is dated June 9, 2017. So you probably reviewed this at
 2 a meeting after the meeting minutes on Exhibit 11;
 3 right?
 4 **A. After the April meeting. The June meeting more**
 5 **than likely.**
 6 Q. Okay. If you go to the last page here of this
 7 letter in the conclusion section, it says, Should the
 8 Board grant Mr. Homan's application, Invenergy
 9 respectfully requests that such approval specifically
 10 state that it does not grant Mr. Homan any right to
 11 limit the uses on neighboring properties. Do you see
 12 where it says that?
 13 **A. Yes.**
 14 Q. So is that where the Board got the idea, make
 15 Mr. Homan sign a letter of assurance?
 16 **A. I believe that where that come from was FAA,**
 17 **the FAA, because Paul Brandt talked to the FAA about**
 18 **this. And that's where that --**
 19 Q. When you say "that," what are you referring to?
 20 **A. The letter of assurance come from was -- FAA**
 21 **told him, according to Paul, that Paul brought to the**
 22 **meeting, was that it's up to the landowner to get**
 23 **unrestricted air access to his landing strip from**
 24 **adjacent landowners. That's what FAA told Paul that**
 25 **Paul told us.**

1 Q. This is an August 12, 2017 letter that
 2 Mr. Homan sent to the Deuel County Commissioners. Does
 3 that look right?
 4 **A. It says, Dear Deuel County Commissioners.**
 5 Q. It's from John Homan there on page 3 of that
 6 letter; right?
 7 **A. Yep.**
 8 Q. Looking at the third paragraph, Mr. Homan gives
 9 a summary of the April zoning board meeting. Do you see
 10 where I'm at?
 11 **A. The conversation continued for over a half an**
 12 **hour?**
 13 Q. The third paragraph starts off, I attended the
 14 April zoning board meeting.
 15 **A. Okay.**
 16 Q. Do you see that?
 17 **A. Yep.**
 18 Q. The very first question I received from the
 19 Board before any question about airport or landing
 20 strips was from Mr. Kanengieter and it was how is this
 21 going to affect wind towers? Do you disagree with that
 22 summarization?
 23 **A. At some point in time he asked that question.**
 24 Q. At some point in time. You just don't remember
 25 if it was right away?

1 **A. Yeah, I don't know if it was before or during.**
 2 Q. Again, let's go to the next paragraph.
 3 "The conversation continued for over a half hour, and
 4 the Board's questions and comments were only concerning
 5 wind towers. It went so far as the Board telling me
 6 that they would not grant me the permit because in the
 7 future some surrounding landowner may want to put up a
 8 wind tower on the adjacent property." Do you disagree
 9 with the summarization there?
 10 **A. I don't know that we wouldn't grant him one.**
 11 Q. Do you know if a board member told him that
 12 they would not grant him a permit because some
 13 surrounding landowner may want to put up a wind tower
 14 there?
 15 **A. No, I don't recall that.**
 16 Q. But aside from that part, did he summarize it
 17 accurately?
 18 **A. He summarized it accurately that there was**
 19 **conversation about wind towers, yes.**
 20 Q. Okay. And then if you go to the second to last
 21 paragraph there on that page starting with *Also*, "The
 22 Board gave more time to the other parties opposing my
 23 landing strip, including representatives for the wind
 24 tower company than they gave me to defend my request."
 25 Do you disagree with that summarization?

1 Q. I want to go back to when you were released
 2 from your lease agreements with Invenergy. Why is it
 3 that you thought you needed to get released from those?
 4 Couldn't you have just recused yourself from deciding
 5 the issue?
 6 **A. Yeah, I suppose I could have.**
 7 Q. Can you explain to me why you went one route
 8 versus the other?
 9 **A. Then I had a voice.**
 10 Q. So you wanted to have a voice at the hearing?
 11 **A. Yes.**
 12 Q. Okay. Do you know what a Good Neighbor
 13 Agreement is?
 14 **A. As far as --**
 15 Q. Well, in the wind industry, there is this Good
 16 Neighbor Agreement, is what it's commonly referred to.
 17 Have you ever heard that?
 18 **A. I've heard the phrase, but I've never seen what**
 19 **the wording of it was.**
 20 Q. Do you have a general understanding of what a
 21 good neighbor agreement is or does?
 22 **A. No.**
 23 Q. Have you entered into any sort of Good Neighbor
 24 Agreements?
 25 **A. No.**

1 **A. I -- Yeah, I would have to disagree.**
 2 Q. Explain to me why you disagree.
 3 **A. If he's saying each person or all the people**
 4 **had more time individually as a group than him, is that**
 5 **what he's saying?**
 6 Q. I don't know what he's saying. I'm only
 7 reading the letter, but so you're saying several people
 8 may have spoke in opposition to his runway application?
 9 **A. Several people did, yes.**
 10 Q. But is he still accurate in saying those
 11 opposed to his application were given more time than he
 12 was?
 13 **A. I don't believe so. I don't believe they were**
 14 **given more time than him.**
 15 Q. Let's go to the next page.
 16 **A. (Complies.)**
 17 Q. First full paragraph. "The June meeting was
 18 handled the same as the April meeting. Every question
 19 was about how the landing strip would affect surrounding
 20 wind towers." Now, I assume you disagree with "every
 21 question," because I'm sure not every question was about
 22 wind towers, but would you agree that the vast majority
 23 of questions during that June meeting were about wind
 24 towers?
 25 **A. I'd say that's a fair statement.**

1 Q. Have you entered into any other agreements with
 2 any wind developer or neighbor or anyone related to
 3 wind?
 4 **A. No.**
 5 Q. I understand the county zoning ordinances were
 6 amended. Was it some time in 2016?
 7 **A. You mean when they were changed?**
 8 Q. Yeah, when the ordinances were changed, when
 9 was that?
 10 **A. It must have been '16.**
 11 Q. I don't remember.
 12 **A. I don't either.**
 13 Q. Okay. Do you remember the ordinances being
 14 changed in the recent past?
 15 **A. Prior to that or after that?**
 16 Q. No, when was the last time the ordinances were
 17 changed?
 18 **A. I don't know. I have no idea.**
 19 Q. But the change dealt with wind --
 20 **A. Wind.**
 21 Q. -- ordinances. Right?
 22 **A. Right.**
 23 Q. And after the county commission changed the
 24 ordinances, I understand a petition for referendum went
 25 around Deuel County.

1 **A. Yes.**
 2 Q. And that petition for referendum, as I
 3 understand it, was to make it -- Had the petition for
 4 referendum gone through, it would have been easier for
 5 wind to come into Deuel County. Is that your
 6 understanding what the petition was for?
 7 **A. It would have put it back to the original**
 8 **setbacks.**
 9 Q. Okay. And the original setbacks would have
 10 made it easier for wind to be developed in Deuel County;
 11 right?
 12 **A. Yes.**
 13 Q. And do you recall if you signed any petitions
 14 in that referendum process?
 15 **A. I believe I refrained from it.**
 16 Q. You believe you refrained from it.
 17 **(DEPOSITION EXHIBIT 12 MARKED.)**
 18 Q. Why would you have refrained from signing the
 19 referendum petition?
 20 **A. Because I believe I was going to get on the**
 21 **Board or was on the Board.**
 22 Q. Okay. I'm handing you what has been marked as
 23 Exhibit 12. It's the County Referendum Petition. I'm
 24 going to have you turn to page 2 at the top there.
 25 **A. There it is.**

1 to you to decide whether you'd like to read your
 2 transcript or if you waive that right, but you need to
 3 indicate on the record your preference.
 4 **THE WITNESS:** Did you do it right?
 5 **THE REPORTER:** I guess.
 6 **(LAUGHTER.)**
 7 **THE WITNESS:** Well, I guess I'll waive my
 8 right.
 9 **(DEPOSITION CONCLUDED AT 10:47 A.M.)**

1 Q. Is that your name and signature there?
 2 **A. It is.**
 3 Q. So you did sign a petition?
 4 **A. I did.**
 5 Q. Okay.
 6 **(DEPOSITION EXHIBIT 13 MARKED.)**
 7 **By MR. ALMOND:**
 8 Q. I'm going to hand you what is marked as
 9 Exhibit 13. Before this moment right now, have you ever
 10 seen that e-mail, or did you ever receive that e-mail?
 11 **A. I don't recall seeing this.**
 12 Q. Okay. Before you joined the Board, did you
 13 speak at any board or county commission meetings
 14 regarding wind?
 15 **A. Publicly, you mean?**
 16 Q. (Nods affirmatively.)
 17 **A. No.**
 18 **MR. ALMOND:** Those are all the questions I
 19 have for you, Mr. DeBoer.
 20 **MS. AGRIMONTI:** I don't have any questions.
 21 **MR. PETERSON:** All right, Kevin, you have the
 22 right to read the transcript that that's being
 23 prepared here today and correct any errors you may
 24 perceive in your testimony, or you can waive that
 25 right and rely upon the court reporter. I'll leave it

1 STATE OF SOUTH DAKOTA)
 2 COUNTY OF CODINGTON) :SS CERTIFICATE
 3
 4 BE IT KNOWN that the foregoing deposition was
 5 taken before me, NANCY MCCLANAHAN, a court reporter and
 6 a notary public in and for the County of Codington,
 7 State of South Dakota; that the deponent, KEVIN DEBOER,
 8 before testifying was duly sworn by me to testify to
 9 the whole truth; that the questions propounded to the
 10 witness, the answers of the witness thereto, and any
 11 objections or statements of counsel were taken down by
 12 me stenographically and thereafter typewritten through
 13 computerized transcription under my direction; that the
 14 witness has waived reading and signature of the
 15 deposition; and that the foregoing 6 - 79 pages are a
 16 true and correct transcript of all the proceedings had
 17 upon the taking of said deposition, all done to the
 18 best of my skill and ability.
 19
 20 I FURTHER CERTIFY that I am not a relative,
 21 employee, attorney or counsel of any of the parties,
 22 or am I a relative or employee of such attorney or
 23 counsel, or financially interested in the action.
 24
 25 DATED at Watertown, South Dakota, Codington
 County, on this 25th day of October, 2018.

 /s/ Nancy McClanahan
 Nancy McClanahan, RPR/RMR/NP
 Expires: 4/13/2023.

<p>MR. ALMOND: [10] 15/25 16/5 27/13 27/18 29/7 44/4 50/8 51/12 71/20 78/17</p> <p>MR. PETERSON: [4] 68/13 68/17 71/18 78/20</p> <p>MS. AGRIMONTI: [7] 15/16 16/2 16/6 27/10 27/16 48/21 78/19</p> <p>THE REPORTER: [2] 44/5 79/4</p> <p>THE WITNESS: [2] 79/3 79/6</p>	<p>29/24 76/6</p> <p>2017 [14] 23/16 30/10 50/19 51/3 51/6 51/10 62/15 63/10 64/12 65/8 69/16 69/25 70/1 72/1</p> <p>2018 [6] 9/22 10/6 45/12 57/15 57/25 61/11</p> <p>21 [1] 16/24</p> <p>22 [7] 9/22 17/13 45/12 50/19 57/25 58/3 61/11</p> <p>23 [2] 51/2 51/10</p> <p>26 [2] 48/10 49/15</p> <p>29,000 acre [1] 39/8</p>	<p>73/17 73/18</p> <p>acknowledgment [1] 17/7</p> <p>acre [1] 39/8</p> <p>actual [2] 58/11 61/5</p> <p>add [1] 43/13</p> <p>address [1] 6/11</p> <p>addresses [1] 55/10</p> <p>adjacent [2] 70/24 73/8</p> <p>adjustment [9] 6/22 12/22 13/2 23/19 24/7 24/9 26/8 26/11 31/17</p> <p>administrator [2] 40/1 44/14</p> <p>advice [1] 62/7</p> <p>affect [4] 25/20 66/12 72/21 74/19</p> <p>affecting [1] 40/25</p> <p>affects [1] 41/4</p> <p>affiliated [1] 13/10</p> <p>affirmatively [3] 24/21 32/12 78/16</p> <p>afterwards [2] 51/1 58/14</p> <p>ag [2] 66/9 66/10</p> <p>ago [1] 63/13</p> <p>agree [2] 59/18 74/22</p> <p>agreement [14] 13/18 13/24 13/25 15/7 15/14 16/11 16/24 17/12 18/5 29/3 29/14 75/13 75/16 75/21</p> <p>agreements [15] 13/21 17/20 17/24 19/15 19/18 19/21 30/1 33/22 33/24 34/2 34/3 34/4 75/2 75/24 76/1</p> <p>ahead [1] 52/5</p> <p>air [1] 70/23</p> <p>airport [2] 66/8 72/19</p> <p>airstrip [3] 64/7 64/20 64/22</p> <p>alive [1] 10/19</p> <p>allow [2] 68/11 68/15</p> <p>allowing [1] 46/16</p> <p>Almond [3] 6/13 15/19 16/15</p> <p>almost [1] 8/1</p> <p>along [3] 10/6 19/2 45/6</p> <p>also [4] 20/7 30/13 52/7 73/21</p>	<p>Alvin [1] 36/8</p> <p>Alvin Kangas [1] 36/8</p> <p>am [2] 15/17 16/9</p> <p>amended [1] 76/6</p> <p>amongst [1] 54/3</p> <p>amount [2] 28/10 39/12</p> <p>animals [5] 41/1 41/4 41/6 41/8 41/12</p> <p>Ann [1] 10/16</p> <p>Annie [1] 36/24</p> <p>Annie Aberle [1] 36/24</p> <p>annual [1] 35/10</p> <p>answer [4] 24/19 24/23 24/24 27/18</p> <p>answers [3] 27/12 29/5 29/10</p> <p>apologize [2] 27/17 35/23</p> <p>appear [7] 8/16 9/7 24/25 29/19 49/21 63/8 63/11</p> <p>application [27] 7/18 7/19 7/23 37/25 38/1 38/8 39/6 43/18 43/25 46/16 60/15 62/11 63/16 63/22 64/18 64/19 64/20 64/22 67/2 67/12 67/15 67/23 68/1 68/9 70/8 74/8 74/11</p> <p>applications [21] 7/14 8/5 10/5 39/10 42/17 42/19 44/9 44/22 44/25 45/3 45/5 49/17 49/23 50/1 52/5 62/21 62/25 63/2 65/13 66/7 67/8</p> <p>applied [3] 61/19 61/20 61/23</p> <p>appoint [2] 24/12 25/2</p> <p>appointed [5] 24/10 25/4 25/6 25/8 51/18</p> <p>appraisers [1] 56/25</p> <p>approach [2] 31/8 31/12</p> <p>approached [7] 17/25 18/4 23/7 31/4 31/5 31/6 37/4</p> <p>approval [1] 70/9</p> <p>approve [1] 61/3</p> <p>approved [1] 63/3</p> <p>approximately [4] 15/10 18/3 39/6 44/24</p>	<p>April [10] 63/10 63/17 63/18 64/12 65/8 69/25 70/4 72/9 72/14 74/18</p> <p>April 10 [5] 63/10 63/18 64/12 65/8 69/25</p> <p>area [1] 56/21</p> <p>argument [3] 56/20 57/1 57/1</p> <p>arguments [2] 56/18 56/25</p> <p>aside [7] 23/6 30/7 37/8 45/3 68/13 68/21 73/16</p> <p>aspect [1] 53/24</p> <p>assist [1] 60/22</p> <p>Association [1] 9/24</p> <p>assume [4] 15/7 18/20 32/13 74/20</p> <p>assuming [1] 68/5</p> <p>assumption [1] 64/14</p> <p>assurance [8] 10/7 69/11 70/15 70/20 71/2 71/9 71/12 71/17</p> <p>attached [2] 55/1 56/1</p> <p>attaching [1] 54/25</p> <p>attend [2] 20/11 20/13</p> <p>attended [3] 22/21 50/24 72/13</p> <p>attending [1] 22/25</p> <p>attorney [5] 6/14 9/23 30/14 46/7 59/11</p> <p>attorneys [1] 16/12</p> <p>August [1] 72/1</p> <p>August 12 [1] 72/1</p> <p>Avenue [1] 6/12</p> <p>avoid [1] 34/20</p> <p>away [4] 34/8 57/23 68/7 72/25</p>
<p>\$</p> <p>\$3,000 [1] 30/2</p> <p>\$3,060 [3] 29/14 29/15 29/21</p>	<p>3</p> <p>305 [1] 57/12</p> <p>310 [1] 62/10</p> <p>331 [1] 69/15</p> <p>346 [1] 71/24</p>	<p>advice [1] 62/7</p> <p>affect [4] 25/20 66/12 72/21 74/19</p> <p>affecting [1] 40/25</p> <p>affects [1] 41/4</p> <p>affiliated [1] 13/10</p> <p>affirmatively [3] 24/21 32/12 78/16</p> <p>afterwards [2] 51/1 58/14</p> <p>ag [2] 66/9 66/10</p> <p>ago [1] 63/13</p> <p>agree [2] 59/18 74/22</p> <p>agreement [14] 13/18 13/24 13/25 15/7 15/14 16/11 16/24 17/12 18/5 29/3 29/14 75/13 75/16 75/21</p> <p>agreements [15] 13/21 17/20 17/24 19/15 19/18 19/21 30/1 33/22 33/24 34/2 34/3 34/4 75/2 75/24 76/1</p> <p>ahead [1] 52/5</p> <p>air [1] 70/23</p> <p>airport [2] 66/8 72/19</p> <p>airstrip [3] 64/7 64/20 64/22</p> <p>alive [1] 10/19</p> <p>allow [2] 68/11 68/15</p> <p>allowing [1] 46/16</p> <p>Almond [3] 6/13 15/19 16/15</p> <p>almost [1] 8/1</p> <p>along [3] 10/6 19/2 45/6</p> <p>also [4] 20/7 30/13 52/7 73/21</p>	<p>annual [1] 35/10</p> <p>answer [4] 24/19 24/23 24/24 27/18</p> <p>answers [3] 27/12 29/5 29/10</p> <p>apologize [2] 27/17 35/23</p> <p>appear [7] 8/16 9/7 24/25 29/19 49/21 63/8 63/11</p> <p>application [27] 7/18 7/19 7/23 37/25 38/1 38/8 39/6 43/18 43/25 46/16 60/15 62/11 63/16 63/22 64/18 64/19 64/20 64/22 67/2 67/12 67/15 67/23 68/1 68/9 70/8 74/8 74/11</p> <p>applications [21] 7/14 8/5 10/5 39/10 42/17 42/19 44/9 44/22 44/25 45/3 45/5 49/17 49/23 50/1 52/5 62/21 62/25 63/2 65/13 66/7 67/8</p> <p>applied [3] 61/19 61/20 61/23</p> <p>appoint [2] 24/12 25/2</p> <p>appointed [5] 24/10 25/4 25/6 25/8 51/18</p> <p>appraisers [1] 56/25</p> <p>approach [2] 31/8 31/12</p> <p>approached [7] 17/25 18/4 23/7 31/4 31/5 31/6 37/4</p> <p>approval [1] 70/9</p> <p>approve [1] 61/3</p> <p>approved [1] 63/3</p> <p>approximately [4] 15/10 18/3 39/6 44/24</p>	<p>Association [1] 9/24</p> <p>assume [4] 15/7 18/20 32/13 74/20</p> <p>assuming [1] 68/5</p> <p>assumption [1] 64/14</p> <p>assurance [8] 10/7 69/11 70/15 70/20 71/2 71/9 71/12 71/17</p> <p>attached [2] 55/1 56/1</p> <p>attaching [1] 54/25</p> <p>attend [2] 20/11 20/13</p> <p>attended [3] 22/21 50/24 72/13</p> <p>attending [1] 22/25</p> <p>attorney [5] 6/14 9/23 30/14 46/7 59/11</p> <p>attorneys [1] 16/12</p> <p>August [1] 72/1</p> <p>August 12 [1] 72/1</p> <p>Avenue [1] 6/12</p> <p>avoid [1] 34/20</p> <p>away [4] 34/8 57/23 68/7 72/25</p>
<p>'</p> <p>'16 [2] 17/24 76/10</p> <p>'17 [1] 30/25</p>	<p>4</p> <p>44 [1] 29/17</p> <p>45 [1] 30/13</p> <p>480A [1] 6/12</p>	<p>advice [1] 62/7</p> <p>affect [4] 25/20 66/12 72/21 74/19</p> <p>affecting [1] 40/25</p> <p>affects [1] 41/4</p> <p>affiliated [1] 13/10</p> <p>affirmatively [3] 24/21 32/12 78/16</p> <p>afterwards [2] 51/1 58/14</p> <p>ag [2] 66/9 66/10</p> <p>ago [1] 63/13</p> <p>agree [2] 59/18 74/22</p> <p>agreement [14] 13/18 13/24 13/25 15/7 15/14 16/11 16/24 17/12 18/5 29/3 29/14 75/13 75/16 75/21</p> <p>agreements [15] 13/21 17/20 17/24 19/15 19/18 19/21 30/1 33/22 33/24 34/2 34/3 34/4 75/2 75/24 76/1</p> <p>ahead [1] 52/5</p> <p>air [1] 70/23</p> <p>airport [2] 66/8 72/19</p> <p>airstrip [3] 64/7 64/20 64/22</p> <p>alive [1] 10/19</p> <p>allow [2] 68/11 68/15</p> <p>allowing [1] 46/16</p> <p>Almond [3] 6/13 15/19 16/15</p> <p>almost [1] 8/1</p> <p>along [3] 10/6 19/2 45/6</p> <p>also [4] 20/7 30/13 52/7 73/21</p>	<p>annual [1] 35/10</p> <p>answer [4] 24/19 24/23 24/24 27/18</p> <p>answers [3] 27/12 29/5 29/10</p> <p>apologize [2] 27/17 35/23</p> <p>appear [7] 8/16 9/7 24/25 29/19 49/21 63/8 63/11</p> <p>application [27] 7/18 7/19 7/23 37/25 38/1 38/8 39/6 43/18 43/25 46/16 60/15 62/11 63/16 63/22 64/18 64/19 64/20 64/22 67/2 67/12 67/15 67/23 68/1 68/9 70/8 74/8 74/11</p> <p>applications [21] 7/14 8/5 10/5 39/10 42/17 42/19 44/9 44/22 44/25 45/3 45/5 49/17 49/23 50/1 52/5 62/21 62/25 63/2 65/13 66/7 67/8</p> <p>applied [3] 61/19 61/20 61/23</p> <p>appoint [2] 24/12 25/2</p> <p>appointed [5] 24/10 25/4 25/6 25/8 51/18</p> <p>appraisers [1] 56/25</p> <p>approach [2] 31/8 31/12</p> <p>approached [7] 17/25 18/4 23/7 31/4 31/5 31/6 37/4</p> <p>approval [1] 70/9</p> <p>approve [1] 61/3</p> <p>approved [1] 63/3</p> <p>approximately [4] 15/10 18/3 39/6 44/24</p>	<p>Association [1] 9/24</p> <p>assume [4] 15/7 18/20 32/13 74/20</p> <p>assuming [1] 68/5</p> <p>assumption [1] 64/14</p> <p>assurance [8] 10/7 69/11 70/15 70/20 71/2 71/9 71/12 71/17</p> <p>attached [2] 55/1 56/1</p> <p>attaching [1] 54/25</p> <p>attend [2] 20/11 20/13</p> <p>attended [3] 22/21 50/24 72/13</p> <p>attending [1] 22/25</p> <p>attorney [5] 6/14 9/23 30/14 46/7 59/11</p> <p>attorneys [1] 16/12</p> <p>August [1] 72/1</p> <p>August 12 [1] 72/1</p> <p>Avenue [1] 6/12</p> <p>avoid [1] 34/20</p> <p>away [4] 34/8 57/23 68/7 72/25</p>
<p>1</p> <p>1 of 95 [1] 9/17</p> <p>1 through 6 [4] 56/3 56/5 56/7 56/8</p> <p>10 [15] 44/7 50/8 50/12 50/13 50/18 51/2 61/12 63/10 63/18 63/19 63/21 64/3 64/12 65/8 69/25</p> <p>10 minutes [1] 61/12</p> <p>10-minutes [1] 53/12</p> <p>1085 [1] 8/15</p> <p>10:02 [1] 51/15</p> <p>10:47 [1] 79/9</p> <p>11 [4] 63/5 63/8 63/25 70/2</p> <p>12 [3] 72/1 77/17 77/23</p> <p>13 [4] 10/6 17/8 78/6 78/9</p> <p>15 [3] 14/5 57/15 62/15</p> <p>16 [2] 14/5 17/4</p> <p>17345 [1] 6/12</p> <p>1972 [1] 7/21</p>	<p>5</p> <p>518 [1] 9/10</p> <p>57226 [1] 6/12</p> <p>5:00 p.m [1] 50/22</p> <p>6</p> <p>68 [1] 38/22</p> <p>8</p> <p>8-19-2016 [1] 29/24</p> <p>9</p> <p>95 [2] 9/17 9/18</p> <p>9:52 [1] 51/15</p> <p>A</p> <p>A.M [2] 51/15 79/9</p> <p>Aberle [1] 36/24</p> <p>able [3] 25/24 28/13 32/23</p> <p>abstain [1] 34/23</p> <p>abstained [2] 34/12 34/17</p> <p>acceptable [1] 31/25</p> <p>access [1] 70/23</p> <p>according [3] 9/10 9/19 70/21</p> <p>accurate [1] 74/10</p> <p>accurately [2]</p>	<p>advice [1] 62/7</p> <p>affect [4] 25/20 66/12 72/21 74/19</p> <p>affecting [1] 40/25</p> <p>affects [1] 41/4</p> <p>affiliated [1] 13/10</p> <p>affirmatively [3] 24/21 32/12 78/16</p> <p>afterwards [2] 51/1 58/14</p> <p>ag [2] 66/9 66/10</p> <p>ago [1] 63/13</p> <p>agree [2] 59/18 74/22</p> <p>agreement [14] 13/18 13/24 13/25 15/7 15/14 16/11 16/24 17/12 18/5 29/3 29/14 75/13 75/16 75/21</p> <p>agreements [15] 13/21 17/20 17/24 19/15 19/18 19/21 30/1 33/22 33/24 34/2 34/3 34/4 75/2 75/24 76/1</p> <p>ahead [1] 52/5</p> <p>air [1] 70/23</p> <p>airport [2] 66/8 72/19</p> <p>airstrip [3] 64/7 64/20 64/22</p> <p>alive [1] 10/19</p> <p>allow [2] 68/11 68/15</p> <p>allowing [1] 46/16</p> <p>Almond [3] 6/13 15/19 16/15</p> <p>almost [1] 8/1</p> <p>along [3] 10/6 19/2 45/6</p> <p>also [4] 20/7 30/13 52/7 73/21</p>	<p>annual [1] 35/10</p> <p>answer [4] 24/19 24/23 24/24 27/18</p> <p>answers [3] 27/12 29/5 29/10</p> <p>apologize [2] 27/17 35/23</p> <p>appear [7] 8/16 9/7 24/25 29/19 49/21 63/8 63/11</p> <p>application [27] 7/18 7/19 7/23 37/25 38/1 38/8 39/6 43/18 43/25 46/16 60/15 62/11 63/16 63/22 64/18 64/19 64/20 64/22 67/2 67/12 67/15 67/23 68/1 68/9 70/8 74/8 74/11</p> <p>applications [21] 7/14 8/5 10/5 39/10 42/17 42/19 44/9 44/22 44/25 45/3 45/5 49/17 49/23 50/1 52/5 62/21 62/25 63/2 65/13 66/7 67/8</p> <p>applied [3] 61/19 61/20 61/23</p> <p>appoint [2] 24/12 25/2</p> <p>appointed [5] 24/10 25/4 25/6 25/8 51/18</p> <p>appraisers [1] 56/25</p> <p>approach [2] 31/8 31/12</p> <p>approached [7] 17/25 18/4 23/7 31/4 31/5 31/6 37/4</p> <p>approval [1] 70/9</p> <p>approve [1] 61/3</p> <p>approved [1] 63/3</p> <p>approximately [4] 15/10 18/3 39/6 44/24</p>	<p>Association [1] 9/24</p> <p>assume [4] 15/7 18/20 32/13 74/20</p> <p>assuming [1] 68/5</p> <p>assumption [1] 64/14</p> <p>assurance [8] 10/7 69/11 70/15 70/20 71/2 71/9 71/12 71/17</p> <p>attached [2] 55/1 56/1</p> <p>attaching [1] 54/25</p> <p>attend [2] 20/11 20/13</p> <p>attended [3] 22/21 50/24 72/13</p> <p>attending [1] 22/25</p> <p>attorney [5] 6/14 9/23 30/14 46/7 59/11</p> <p>attorneys [1] 16/12</p> <p>August [1] 72/1</p> <p>August 12 [1] 72/1</p> <p>Avenue [1] 6/12</p> <p>avoid [1] 34/20</p> <p>away [4] 34/8 57/23 68/7 72/25</p>
<p>2</p> <p>2,000 [2] 8/1 43/2</p> <p>200 [1] 43/15</p> <p>201 [1] 43/17</p> <p>2016 [4] 17/8 19/20</p>	<p>5</p> <p>518 [1] 9/10</p> <p>57226 [1] 6/12</p> <p>5:00 p.m [1] 50/22</p> <p>6</p> <p>68 [1] 38/22</p> <p>8</p> <p>8-19-2016 [1] 29/24</p> <p>9</p> <p>95 [2] 9/17 9/18</p> <p>9:52 [1] 51/15</p> <p>A</p> <p>A.M [2] 51/15 79/9</p> <p>Aberle [1] 36/24</p> <p>able [3] 25/24 28/13 32/23</p> <p>abstain [1] 34/23</p> <p>abstained [2] 34/12 34/17</p> <p>acceptable [1] 31/25</p> <p>access [1] 70/23</p> <p>according [3] 9/10 9/19 70/21</p> <p>accurate [1] 74/10</p> <p>accurately [2]</p>	<p>advice [1] 62/7</p> <p>affect [4] 25/20 66/12 72/21 74/19</p> <p>affecting [1] 40/25</p> <p>affects [1] 41/4</p> <p>affiliated [1] 13/10</p> <p>affirmatively [3] 24/21 32/12 78/16</p> <p>afterwards [2] 51/1 58/14</p> <p>ag [2] 66/9 66/10</p> <p>ago [1] 63/13</p> <p>agree [2] 59/18 74/22</p> <p>agreement [14] 13/18 13/24 13/25 15/7 15/14 16/11 16/24 17/12 18/5 29/3 29/14 75/13 75/16 75/21</p> <p>agreements [15] 13/21 17/20 17/24 19/15 19/18 19/21 30/1 33/22 33/24 34/2 34/3 34/4 75/2 75/24 76/1</</p>		

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