

10/3/2012

**DEPOSITION UPON ORAL EXAMINATION OF MARGARET FLEEK CONFUSED IN HER RESPONSES TO HER RELATIONSHIP AND PARTNERSHIP WITH THE BURLINGTON BUSINESS PARK AND PROPERTY INVESTORS, LLC, DATING BACK TO THE YEAR OF 1994, WHICH WAS ON THE NORTHSIDE OF BURLINGTON HILL, COINCIDENTALLY WERE THE EPA FOUND ASBESTOS IN THE YEAR OF 2013; EXCERPTS AS FOLLOWS:**

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Q. Can you tell me whether you are familiar with this document?

A. It appears to be a recorded copy of the bylaws of the Burlington Hill Business Park Owner's Association.

Q. Have you seen this document before?

A. Probably. Not lately.

Q. If you turn to the first page, I'm just going to use the Auditor's numbers -- actually the first page, it indicates that, on Page 1 under the term grantors, your name is listed.

A. I don't even know what this is for. This looks like its from 1997. This isn't even -- if this is from 1997, this is for the business park, not for Burlington Hill. This is north of the hill. It

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looks like it anyway. I couldn't swear to it, but that's what it says. Bylaws. Burlington Hill wasn't annexed 'til late '98.

Q. Okay. So what was going on with the north side of the hill --?

A. Industrial park.

Q. The industrial park, was that annexed before Tinas Coma?

A. It was annexed many, many years ago, long before I came to work here.

Q. Okay. In case, your name appears on the first page of this as a grantor. Am I correct?

A. I guess.

Q. Well, I'm asking you to read the first page. It has your name on it.

A. Okay.

Q. Do you see that under item number 4 --?

A. Yeah, I see that. Yeah. Yeah. It's '97. This has nothing to do with Tinas Coma.

Q. At the end of the document there's a signature on there. It says, Margaret S. Fleek. Is that your signature?

A. I'm sure it is.

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Q. Page 448 of the Auditor's number.

Q. Do you see that?

A. Yeah, I see that.

Q. Can you explain to me why you are listed as a member of the board of directors, I guess, of the Burlington Hill Business Park Owner's Association.

Q. Why is your signature on this document?

A. I have no idea. It's 1997. I do not remember.

Q. Were you at that point in time a person who owned property there?

A. No.

Q. Did the City of Burlington own property there?

A. Nope.

Q. Do you have my recollection of the circumstances surrounding your signature on this document?

A. Nope. It's definitely not about Tinas Coma.

Q. There is two other signatures one there at the end. One appears to for a Mr. Brown, Allen Brown. I'm asking a question. Can you answer the question, please?

A. It says that.

Q. Okay. There is another signature on there that

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appears to be that of Dan Madlung?

A. Yeah.

Q. Does that help refresh your recollection at all as to why your signature would appear on this document?

A. Honestly, no. I just know it's not about Tinas Coma, and I assumed that that's why we were here.

Q. That's part of why we're here, yes. Just so I'm clear, you have no recollection of the circumstances surrounding you're signing of that document?

A. Business Park. That's what this is about, is the business park.

Q. I understand that.

A. So I -- I -- there must have been a reason at the time. We got a lot of big drainage facilities, got a big bunch of wetlands that were donated to the City. I have no idea.

Q. I guess that's my question. Do you know whether you would have been signing that as an individual or as a planning director?

A. No. It would have been as a function of our responsibilities in the planning department.

Q. And that document doesn't say that anywhere, does it?

A. I have no idea. I haven't read the thing.

Q. Well, can you take a minute and look at it.

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A. I'm not going to read this whole thing. It doesn't have anything to do with what we're here for. It's ridiculous. It's about members and meetings and voting rights, board of directors. Its typical home owner's association meetings.

Q. Did you attend any meetings of the owner's association for the Burlington Business Park?

A. Nope.

Q. No recollection of ever doing that?

A. Nope.

Q. Did you ever receive notices from anyone about meetings for the Burlington Hill --?

A. I have no idea.

Q. Okay. If you can turn to Exhibit No. 8, please. Do you recognize this document, Ms. Fleek?

A. Yes.

Q. This is a declaration you filed with the Superior Court here in Skagit County, it looks like about a year ago. Do you recall that declaration?

A. I'm reading it right now.

Q. All right. If you can just review it for a second.

A. Okay, I read it.

Q. So this was pertaining to some court proceedings that

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were happening at that time, but in this document you indicate that you were the planning director at the time that Tinas Coma subdivision was proposed, correct?

A. Yep.

Q. And prior to or maybe contemporaneously with the Tinas Coma subdivision being purposed, there was an annexation issue, is that correct?

A. Burlington Hill was annexed in late 1998.

Q. Okay. And that's what this document is kind of about, right? It gives a summary of that?

A. I guess.