

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

* * * * *

SWORN STATEMENT OF ITAMAR GELBMAN

November 4, 2015

* * * * *

SWORN STATEMENT OF ITAMAR GELBMAN, taken on November 4, 2015, from 9:40 a.m. until 11:18 a.m., before Suzanne Kelly, CSR No. 1260, in and for the State of Texas, reported by stenographic method, at Flower Mound Town Hall located at 2121 Cross Timbers Road, Flower Mound, Texas.

JOB NO.: 2174041

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES

Ross T. Foster, Esq.
FOSTER & EAST
Suite 675
9001 Airport Freeway
North Richland Hills, Texas 76180-7774
Phone: 817.788.1111
e-mail: [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

Page No.

Appearances.....	2
ITAMAR GELBMAN	
Examination by Mr. Foster.....	4
Reporter's Certificate	79

EXHIBITS

NO.	DESCRIPTION	PAGE
Exhibit 1	A copy of a one-page document entitled, "Council Document Request"	13, 15, 16 20
Exhibit 2	A copy of a one-page screen shot	18, 19
Exhibit 3	A copy of a one-page screen shot	20, 59, 60 61
Exhibit 4	A copy of a one-page photograph	21
Exhibit 5	A copy of a one-page photograph	22
Exhibit 6	A copy of a one-page document entitled, "Agenda"	24, 25
Exhibit 7	A copy of an eight-page e-mail string	25, 26

1 P R O C E E D I N G S

2 THE COURT REPORTER: If you would
3 raise your right hand, I'll administer the
4 witness' oath to you.

5 (Oath administered.)

6 ITAMAR GELBMAN,
7 having sworn to testify the truth, the whole
8 truth, and nothing but the truth testifies upon
9 his oath as follows:

10 EXAMINATION

11 BY MR. FOSTER:

12 Q. State your full name, please, sir.

13 A. Sorry. Itamar Gelbman.

14 Q. Is that your full name?

15 A. Yes.

16 Q. Mr. Gelbman, my name is Ross Foster. We
17 have had an opportunity to meet before. Is that
18 correct?

19 A. Yes.

20 Q. And you understand that I've been hired
21 by the City of Flower Mound to investigate
22 elected officials with regard to potential legal
23 violations?

24 A. Yes.

25 Q. You understand that? And we are here

1 today in the executive conference room for the
2 City of Flower Mound and you are giving a sworn
3 statement. Do you understand that?

4 A. Yes.

5 Q. I'm going to be asking you some
6 questions which you are going to be answering and
7 the Court Reporter is going to take down that
8 information and reduce it to writing?

9 A. Reduce it to what? I'm sorry.

10 Q. Reduce it to writing.

11 A. Okay.

12 Q. You understand that?

13 A. Yes.

14 Q. During the course of this interview.
15 It's possible I may ask you a few questions that
16 you do not fully understand. If I do that,
17 please stop me immediately and ask me to explain
18 or restate the question is that agreeable?

19 A. Yes.

20 Q. If you don't stop me and ask me to
21 restate or explain the question, then I will
22 assume and the people that review this deposition
23 testimony later will assume, that you understood
24 the question and the answer you gave is the
25 answer you intended.

1 Do you understand and agree with
2 that?

3 A. Yes.

4 Q. You mentioned just a second ago before
5 we went on the record that you have an accent.
6 Correct?

7 A. Yes.

8 Q. And you wanted a copy of the recording
9 so you can make sure that the Court Reporter gets
10 this statement down correctly?

11 A. Yes.

12 Q. Is English your first language?

13 A. No.

14 Q. What is your first language?

15 A. Hebrew.

16 Q. How long have you been speaking the
17 English language?

18 A. All my life. Just school English
19 mostly, and it's, in Israel, you learn British,
20 on the British accent, on the British way of
21 pronouncing and writing. And I have been
22 speaking, you know, English in America since I
23 moved here. So since I moved back.

24 Q. When did you move back here?

25 A. I want to say 2004.

1 Q. And when did you move to Flower Mound?

2 A. So, long story: I used to live here --
3 hang on. Hang on. I used to live here about, I
4 want to say six, seven years ago. I'm
5 not -- don't quote me on the date. No. Four or
6 five years ago. Four or five years ago. And I
7 moved out, and then I moved back in I want to say
8 May of 2013. If I remember right.

9 Q. When you moved from Flower Mound, where
10 did you move to?

11 A. I moved a couple places. For a little
12 bit, I tried to find, you know, a new place to
13 live maybe.

14 Then I had to move for work. So, I
15 moved to Burleson.

16 Then I moved to the Austin
17 Metroplex area.

18 Then I moved to LA, and then I
19 moved back here.

20 Q. What is your residence address in Flower
21 Mound?

22 A. [REDACTED], Flower Mound,
23 Texas.

24 Q. And who lives there with you, if anyone?

25 A. My family.

1 Q. And that would be your wife and
2 children?

3 A. My wife and kids.

4 Q. And do you have any other residences
5 that you maintain?

6 A. I own -- I own other houses.

7 Q. Not -- excluding houses that you rent to
8 someone else, do you have any other residences?

9 A. I do have a house in LA, you know, that
10 I work a lot in LA so do I have an address in LA
11 as well.

12 Q. What is that address?

13 A. Does it matter for this investigation?

14 Q. Well, I'm not answering the questions
15 today. You are. You can refuse to answer the
16 question.

17 A. I refuse to answer that. It has nothing
18 to do with this investigation. But I like to
19 keep the questions related to the investigation.

20 Q. Well, your idea and my idea of what's
21 related to the investigation may be different.

22 A. Okay.

23 Q. But you're going to refuse to answer
24 that question. Right?

25 A. Yeah. You might ask me again later on

1 if you explain exactly how it's related to the
2 investigation, and if it is, I'll answer it.

3 Q. How much time do you spend in Flower
4 Mound versus LA?

5 A. Almost 90 percent of the time is in
6 Flower Mound, probably.

7 Q. And where is your business location?

8 A. My business is in LA.

9 Q. Okay. And what's the name of your
10 business?

11 A. 3GI.

12 Q. Do you have a business location?

13 A. It's just a suite number. I don't
14 have -- I don't have an office.

15 Q. You don't have a physical location?

16 A. I don't have a physical office.

17 Q. Do you operate out of your house in LA?

18 A. I operate on the cell phone most of the
19 time.

20 Q. You understand that the oath you took
21 today to tell the truth is applicable throughout
22 all of this interview and that the testimony
23 you're giving today is just like it would be in
24 front of a court and jury. You understand that?

25 A. Yes.

1 Q. And you understand the penalties of
2 perjury apply to the testimony that you're giving
3 today? Understand that?

4 A. Yes.

5 Q. Have you had an opportunity to consult
6 with an attorney concerning this --

7 A. No.

8 Q. When did you run for your Council seat?
9 What time period?

10 A. I don't remember when I filed.

11 Q. Can you give me an estimate of when you
12 filed?

13 A. I think it was January or February of
14 this year.

15 Q. And the election was in May?

16 A. In May, yes, sir.

17 Q. Is that right?

18 A. (Nods.)

19 Q. And you were elected to the Council
20 Place --

21 A. 5.

22 Q. 5. What date were you sworn in to the
23 Council, if you recall?

24 A. I think it was May 20th. I think. I'm
25 not -- I don't remember the exact date.

1 We can pull that in a second if you
2 want to.

3 Q. Best you recall, it was May the 20th?

4 A. I believe so.

5 Q. Prior to being sworn in as a Council
6 member, did you have any position with the City
7 of Flower Mound?

8 A. I was a P & Z member.

9 Q. When did you become a P & Z member?

10 A. I want to say September of last year.
11 Maybe August. August or September. I believe
12 so.

13 Q. Other than being a P & Z member, have
14 you had any other position with the City of
15 Flower Mound?

16 A. No.

17 Q. As a P & Z member, did you attend
18 Planning and Zoning Commission hearings and
19 meetings?

20 A. Yes.

21 Q. During the course of any of those P & Z
22 meetings, were you required to go into Executive
23 Session?

24 A. I don't remember. I don't remember any
25 executive sessions back then. I was an

1 alternate. So I didn't even get to vote in most
2 of the meetings.

3 Q. When you were running for Council, did
4 you investigate or review or try to educate
5 yourself on the City Charter and the other duties
6 that you would have as a City Council person?

7 A. Yes.

8 Q. What did you do?

9 A. If I remember right, I believe, I read
10 the Charter.

11 I read -- what else? I think this
12 is it actually.

13 I read -- I looked at the Master
14 Plan, and I read a little bit of Smart Growth.

15 Q. I'm --

16 A. Smart Growth.

17 Q. Did you attend City Council meetings?

18 A. Maybe once or twice. I don't believe I
19 attended any of the Council meetings.

20 Q. So, the first Council meeting that you
21 attended was your -- where you were sworn in?

22 A. No. I remember I -- if I believe so, I
23 attended one Council meeting, or two. Again, I
24 didn't make a memo for myself on how many
25 meetings. I didn't think anybody would need to

1 go back and look how many meetings I've attended
2 before I was elected.

3 Q. In any of those meetings, did the
4 Council retire to Executive Session?

5 A. I don't remember.

6 Q. Prior to the time that you were elected,
7 did you have any impression or understanding of
8 what an Executive Session was and why the Council
9 went into executive session?

10 A. I believe so.

11 Q. What was your understanding?

12 A. My understanding is to talk about topics
13 that is not concern of the public right now
14 and -- and of executives of the Town need to
15 discuss it in private and see if they can solve
16 it before it becomes public information.

17 Q. After you were elected and sworn in, did
18 you receive or develop any additional information
19 as to the reason for a Council to go into
20 Executive Session?

21 A. Mostly because of what I just said.

22 Q. Any other reason that you can recall?

23 A. I don't think so.

24 Q. Since you have been on the Flower Mound
25 Town Council, has the City Council normally gone

1 in to Executive Session in every meeting?

2 A. I believe so. I believe we go in every
3 meeting.

4 Q. As part of this investigation process, I
5 requested that you provide certain documents. Do
6 you recall that?

7 A. Yes, sir. And I have more documents
8 here.

9 THE COURT REPORTER: I'm sorry.
10 I'm sorry. Could you repeat that?

11 THE WITNESS: Sorry. I said I have
12 more documents, and I'll submit them as we go
13 through their topics.

14 BY MR. FOSTER:

15 Q. Let me show you a document marked as
16 "Deposition Exhibit 1." Do you recognize that?

17 A. I believe so.

18 Q. Okay. And what is that?

19 A. I believe that's an e-mail you sent us
20 regarding information, request of information of
21 documents to be --

22 Q. Excuse me. I didn't mean to interrupt
23 you. Go ahead.

24 A. As I said, they're documents that I
25 believe you asked to provide you.

1 Q. That is the list of documents that I
2 distributed to the Council members and requested
3 that they produce them. Is that correct?

4 A. I believe so.

5 Q. Have you produced all the documents that
6 are listed on that request, save and except the
7 e-mails that would have been found in your City
8 e-mail address?

9 A. Repeat this question again.

10 Q. You have a City e-mail address.
11 Correct?

12 A. Correct.

13 Q. Some of the documents in your City
14 e-mail would be responsive. Is that correct?

15 When I say, "responsive," would be
16 identified as documents for you to produce.

17 A. I believe that the e-mails from my
18 e-mail in my Town e-mail account was noted to be
19 ultimately produced by Teresa. So I did not
20 forward you -- I don't believe I forward you
21 anything from my Town e-mail account.

22 Q. That's what I'm trying to get at is the
23 fact that all the City Council members relied on
24 the City to provide the responsive e-mails for
25 their Town e-mail account?

1 A. Correct. I believe so.

2 Q. Do you have an e-mail account other than
3 your Town e-mail account?

4 A. I got a personal e-mail account.

5 Q. Did you provide any documents from your
6 personal e-mail account?

7 A. No, because I don't have any related to
8 these issues.

9 Q. Okay. You don't have any that would be
10 responsive to the request in Deposition
11 Exhibit 1?

12 A. Not in my personal e-mail accounts.

13 Q. And do you also have -- do texting?

14 A. Not related to anything between those
15 issues that are requesting here.

16 Q. Okay. So you -- you do do texting.
17 Correct?

18 A. Yes.

19 Q. But you looked at your texts, and
20 there's nothing in your text that is responsive
21 to any of these requests in Deposition Exhibit 1?

22 A. I do have, I believe, text message
23 between me and David Vaught regarding the gun
24 range but it's mostly, "Hey, David, I'm still
25 interested in looking at your shooting range."

1 And he's replying, I'll -- we'll
2 talk about it more when we'll meet, or something
3 like that.

4 But I don't have
5 anything -- there's no other communication
6 except: I'm interested. So there's no -- there
7 is -- there is no information there as far as I
8 remember that says numbers or times or anything
9 like that as far as I remember. I looked and I
10 couldn't find anything.

11 Q. Okay. Number 4 asks for "Communications
12 between David Vaught and elected officials
13 concerning the Town, Town business, the proposed
14 gun range or any business in which David Vaught
15 has an ownership interest without limitation as
16 to time period."

17 And I believe you just said that
18 you have some text messages where -- between you
19 and Mr. Vaught, where you have expressed interest
20 in the gun range. Correct?

21 A. Yes, I -- but it doesn't as a reply as
22 far as I remember because I looked back and I
23 couldn't find anything that involves that. Most
24 of -- David Vaught, his daughter goes to the same
25 class. Well, last year at least. This year,

1 they're not in the same class. But his daughter
2 goes to the same class as my daughter. So we are
3 friends. We have a whole lot of text messages --
4 well, we used to be friends.

5 We have a whole lot of text
6 messages as friends. We have miles and miles and
7 miles of text messages as friends, but nothing
8 related to the Town and not -- that I could see
9 at least, nothing related to the Town and there
10 is no text messages related to the shooting range
11 except, "Hey, I am interested."

12 And that's it.

13 Q. Well, obviously the ones saying that you
14 would be interested are -- relate to the gun
15 range. But you haven't produced those yet. Is
16 that correct?

17 A. No. I can produce it to you. I mean I
18 can look for them and if I can find them, I'll
19 produce it to you because, as I said, it's just:
20 I'm interested and -- or saying, oh, if it's
21 still available, I'm still interested, but
22 there's no reply. So there's nothing. As I
23 said, there's no communication. My understanding
24 of "communication" is, I'm asking you something.
25 You are replying back to me. That's a

1 communication.

2 Q. Well, actually, I think a communication
3 is defined as anything passing between parties
4 whether it's one sided or two sided.

5 A. Oh, that's not my understanding, so I
6 apologize for that, and I will look back. As I
7 said, there was no two-way communication on
8 those, so --

9 Q. But you were --

10 A. Not that I remember at least.

11 Q. You will provide the one-way
12 communications. Is that correct?

13 A. I will look for them, and if I have them
14 I will give them to you if I find them.

15 But if you're talking about David
16 Vaught, then I want -- I want to submit to
17 evidence. This is a text message from David
18 Vaught to myself dated June 11th at 9:58 a.m., I
19 believe. And while my wife is a vet,
20 veterinarian. Sorry. And David Vaught is asking
21 my wife to prescribe him illegal drugs, or growth
22 hormone for his dog. But it's for himself, and
23 this is where everything started going wrong with
24 David Vaught and I refused to provide him drugs.

25 Q. Okay. I'll mark this as "Deposition

1 Exhibit 2."

2 (Deposition Exhibit Number 2 is
3 marked.)

4 BY MR. FOSTER:

5 Q. Is there a reason you didn't provided
6 this to me initially?

7 A. As I said, I don't -- I didn't think it
8 was related to what we need to do. My
9 understanding is information regarding investing
10 in shooting ranges, our Town Council.

11 Q. Okay. So, you're offering this
12 Deposition Exhibit 2 as responsive to which of
13 these requests?

14 A. For David Vaught. It's a new evidence
15 which is going to lead to my next evidence, which
16 is going to lead to my statement against David
17 Vaught.

18 Q. Okay.

19 A. And I want it to be on the record. This
20 is a screen shot of David Vaught -- of Nicole
21 Webb. Sorry. Which is Bryan Webb's daughter
22 Facebook account where David Vaught -- and it was
23 September 9th, around 11:00 a.m., and that's
24 where David Vaught and I'm reading just what's in
25 the orange, marked in orange here, "I am

1 embarrass for our town but I'd literally choke
2 some of those idiots unconscious for your dad."

3 Which means everybody goes against
4 Bryan Webb which means -- and David Vaught is a
5 former BUDS, which Navy -- U.S. Navy BUDS
6 training, which means Navy SEALS. If I testify
7 against David Vaught, I'm afraid for my life and
8 my family's life as he is clearly, he is asking
9 for illegal drugs and growth hormone for himself
10 and is clearly have no problem going --
11 publically saying he's going to choke anybody
12 going against his -- against Bryan Webb until we
13 faint, and he has the military training to do so.

14 So, I'm afraid for my life and my
15 family's life.

16 (Deposition Exhibit Number 3 is
17 marked.)

18 BY MR. FOSTER:

19 Q. And what you just gave me and we're
20 discussing is marked as "Deposition Exhibit 3."
21 Is that correct?

22 A. Correct, sir.

23 Q. Do you have any other documents which
24 you want to present or are responsive to
25 Deposition Exhibit 1?

1 A. Yes. Can I look at it first?

2 Q. Certainly.

3 A. So it's not the communication with
4 Sherillyn Flick but it's regarding the incidents
5 that I was involved in. And that's what I'm --
6 I'm assuming you're looking in to. So I don't
7 remember the date because, again, it wasn't in
8 text messages or e-mails. So, I don't remember
9 when it happened.

10 I am -- I probably do have it in an
11 e-mail with Jimmy because I would discuss this
12 with Jimmy. Jimmy is our Town Manager.

13 So Ms. Flick was inspected by Town
14 official for a pile of dirt that she bought or
15 brought -- sorry -- for her property that she had
16 delivered to fight erosion like most of us in
17 Flower Mound had. So this is the pile of dirt
18 that she brought in. And --

19 Q. When you say "this is the" --

20 A. This is a picture. I'm sorry.

21 Q. When you say -- it's hard for her to
22 take us both down.

23 A. I know.

24 Q. And I was just going to try to make sure
25 that we understand what you're talking about.

1 (Deposition Exhibit Number 4 is
2 marked.)

3 BY MR. FOSTER:

4 Q. What I have got marked as, "Deposition
5 Exhibit 4" is a picture that you just identified
6 as being the pile of dirt that she brought in.
7 Is that correct?

8 A. Correct. To her property.

9 Q. All right.

10 A. So, and the next picture is a picture of
11 three trucks from Town inspectors that came to
12 inspect the pile of dirt. There is no bigger
13 than probably five, six cubic -- cubic feet, I
14 believe.

15 (Deposition Exhibit Number 5 is
16 marked.)

17 BY MR. FOSTER:

18 Q. And that's marked as, "Deposition
19 Exhibit 5"?

20 A. 5 is the trucks.

21 4 is the pile of dirt.

22 Q. All right.

23 A. Correct. So, the incident involved
24 Sherillyn Flick is an elderly woman. She was
25 contacted by the Town that they wanted to inspect

1 her pile of dirt. It was right after we got
2 sworn in. So, I want to say it was June. I
3 might be wrong. I might be off about it. I
4 really don't remember the dates.

5 She called me in the morning. She
6 said, "Town inspectors are going to come look at
7 my pile of dirt. I'm home by myself. The Town
8 inspectors do have a tendency to intimidate and
9 scare people. Would you mind coming and being my
10 witness of the inspection?"

11 I live -- I want to say maybe a
12 couple of miles away from Sherillyn. She lives
13 in the same area that I live. So I decided
14 that -- I said, "Okay. I'd like to see -- I
15 would like to witness an inspection."

16 And that's why I witness. And
17 that's why I took pictures of it, of three
18 inspectors coming with strobe lights almost like
19 a S.W.A.T. operation to inspect pile of dirt that
20 is no more than six cubic feet. Not -- probably
21 not even four cubic feet of dirt.

22 Q. Anything else that you have that's
23 responsive?

24 A. That's it, actually.

25 Q. Okay. So those are all of the

1 additional documents that you brought?

2 A. Well, the other ones are regarding what
3 I believe is violation of Tom Hayden. Other
4 residents told me that you refused to accept from
5 them. So they asked me to provide it to you.

6 Q. Well, if you have any documents that are
7 responsive or you want to present, let's --

8 A. Okay.

9 Q. -- discuss them now.

10 A. So, the next item is a meeting of -- I
11 want to believe it's called "Windmill Farms HOA,"
12 which Mayor Hayden is a director of the Board,
13 which is owned by Centurion America which is the
14 owner of River Walk here in Flower Mound.

15 My understanding, it is violation
16 to be a director of -- of a Board while serving
17 on Town Council. And it is definitely a
18 violation as he voted and he was attending
19 meetings for Centurion America River Walk
20 meetings or River Walk issues, which is a
21 violation of conflict of interest.

22 Q. Okay. What you've given me is an
23 agenda --

24 A. Smith --

25 Q. A meeting of Smith Elementary and

1 introduction of Board of Directors, and Tom
2 Hayden is listed as a director. Is that correct?

3 A. Correct. It's the first page of -- of
4 the meetings of actually what's called "Windmill
5 Farms HOA." And I can provide you the link for
6 that, as well.

7 (Deposition Exhibit Number 6 is
8 marked.)

9 BY MR. FOSTER:

10 Q. We have marked that as "Deposition
11 Exhibit 6." Correct?

12 A. Correct.

13 Q. And you mentioned that somebody gave
14 this to you, had contacted me?

15 A. Yes.

16 Q. Who was that?

17 A. I believe his name is Scott. He just
18 e-mailed me from an e-mail called "Scott."

19 Q. All right. Anything else that you have?

20 A. Yes. I have a whole lot of e-mails that
21 are PIR requests from residents that -- showing
22 Mr. Hayden contacting staff without the
23 prior -- prior notification to -- to Jimmy, the
24 Town manager, which was our charter calls and
25 which is the same violation, I believe, they

1 accused Mr. Roundtree of.

2 Q. Okay. You have given me several pages
3 of documents here, which I'm going to mark as
4 "Deposition Exhibit 7." Correct?

5 A. Correct.

6 (Deposition Exhibit Number 7 is
7 marked.)

8 BY MR. FOSTER:

9 Q. We will staple these together.

10 A. I didn't count how many pages were
11 together. So if you want, maybe we can count it
12 for the record.

13 Q. I don't think it's necessary unless you
14 want to.

15 A. Yeah. I would rather -- I'd rather just
16 to have a count. Sorry if I speak too hard.

17 Q. All of these which are Deposition
18 Exhibit Number 7 relate to Mayor Hayden.

19 A. Mayor Hayden and his communication to
20 Town staff without prior notification to Jimmy,
21 our Town manager, which is also a violation of, I
22 believe, the Charter. I believe. I'm not sure.
23 You are the lawyer. Not me.

24 Q. How many pages are there?

25 A. I believe it's eight.

1 Q. You mentioned David Vaught. When did
2 you first become acquainted with Mr. Vaught?

3 A. I met him in school events last year, I
4 believe, but I just recognize his face. I don't
5 know -- I don't believe I ever knew his name.
6 And then, I want to say -- I want to say maybe
7 late of last year or earlier this year, we became
8 friends. And it was mostly because we chatted a
9 little bit on Facebook and then I put a comment
10 on social media that I'm looking for people if
11 they want to open shooting range with me in
12 Flower Mound.

13 And then he e-mailed me -- or he
14 contacted me. Sorry. Because I couldn't find
15 any e-mails about it. He contacted me and said,
16 "Hey, please don't continue discussing it. Let's
17 meet, and I can tell you what -- why."

18 So I want to say it was either late
19 of last year or early, very early of this year.

20 Q. Okay. I want to make sure that I
21 understand that. You put a comment on Facebook
22 that you were interested in opening a gun range.
23 Is that correct?

24 A. Correct.

25 Q. Okay. And a response to that Facebook

1 comment Mr. Vaught contacted you?

2 A. Correct. And that's how we became
3 friends outside social media.

4 Q. You said at one point that you
5 recognized him as far as his face as a result of
6 school activities. Is that correct?

7 A. Yes.

8 Q. And you had mentioned that his daughter
9 and your daughter were in the same class. Is
10 that correct?

11 A. Correct.

12 Q. Is that where the origination of this
13 school events came from?

14 A. What do you mean "school events"?

15 Q. Well, you said you were familiar with
16 him as a result of school events. Was it school
17 events that you attended because of your
18 daughter, and he attended because of his daughter
19 being in the same class?

20 A. Correct.

21 Q. But you didn't meet each other until you
22 put the post on Facebook to that you were
23 interested in opening a game -- a gun range. Is
24 that correct?

25 A. I believe so. I mean we might have met

1 before that, but we weren't really communicating
2 to each other before that. We became more
3 friendly -- or friendly when I said out loud that
4 I'm looking for a partner to start maybe a
5 shooting range in Flower Mound.

6 Q. When you say "out loud," you mean on
7 Facebook?

8 A. On social media, yes.

9 Q. Okay. Is it Facebook, or something
10 else?

11 A. Facebook.

12 Q. Was Mr. Vaught a friend of yours on
13 Facebook?

14 A. Yes. I believe so.

15 Q. And how did that occur?

16 A. You know, being P & Z, being that our
17 daughters are in the same class, we became
18 friends on Facebook, I think. I don't remember
19 who send a friend request to who or why or when.
20 I don't know if I can even go back and look in
21 it. So, and find it out.

22 Q. Did you meet with Mr. Vaught as a result
23 of the response that he gave you to your Facebook
24 post?

25 A. Yes.

1 Q. Do you recall approximately when that
2 meeting was?

3 A. No. But it was -- it was -- it was
4 before I nominated myself for Council.

5 Q. Before you what?

6 A. I believe it's before. I believe. I
7 believe it was before submitting the paperwork to
8 run for office here in Flower Mound.

9 Q. Where did this meeting occur?

10 A. I believe our first few meetings were in
11 Trio Cafe, T-r-i-o. It's on 2499, I believe.

12 I think most of my meetings with
13 him except for my house and the Thursday morning
14 breakfast that we host -- no. Sorry. I group
15 host. I think I met him all the time over there.
16 I don't think I've ever met him anywhere else
17 except either my house, Trio or, you know,
18 sitting Charter school or Town Council meetings.
19 I don't think I've ever done any other activities
20 with him.

21 Q. You mentioned a group. What group are
22 you referring to?

23 A. David Vaught group. He has a
24 Thursday -- Thursday morning breakfast with a
25 few -- a few of his friends or a few of his

1 people that politically agree with him.

2 Q. Were you invited to that meeting?

3 A. Yes. He -- it's an open invitation.

4 Q. When you say "it's an open invitation"?

5 A. For anybody that come. It's not a
6 closed group. It's an open invitation every
7 Thursday morning. I believe it's 7:30 a.m., I
8 believe, in Fuzzy's Taco in Flower Mound.

9 Q. What prompted you to attend the meeting
10 the first time?

11 A. It's a meeting that David Vaught tried
12 to group together some people with conservative
13 values, political conservative values mostly, and
14 personal. And I thought I would be in good
15 company over there.

16 Q. How did you know that it was a group for
17 conservative values?

18 A. Because that's how he represented it.

19 Q. On Facebook?

20 A. Yes.

21 Q. And when you say it's an "open
22 invitation," it's an open invitation that he put
23 on Facebook and described the type of group it
24 is. You read that and decided that would be
25 something you would be interested in?

1 A. Yes.

2 Q. Was that before or after you received
3 this response to your Facebook post about putting
4 on a -- in a gun range?

5 A. That was, I believe, so the group start
6 meeting after, I believe. I'm not 100 percent
7 sure. Again, I didn't make a mental for myself
8 about it. I never thought I'm going to be
9 deposed on if I met David Vaught before or after,
10 you know --

11 Q. I understand.

12 A. -- I wanted to open a shooting range.

13 Q. Do you recall the meeting, first meeting
14 you had with Mr. Vaught about the shooting range?

15 A. Yeah. It was a meeting about a whole
16 lot of other things as well. Just I believe we
17 met in Trio. I might wrong about it. We just
18 talked about the shooting range.

19 We talked about political.

20 We talked about what's happening to
21 our town.

22 Just kind of you know, it was
23 pretty much, you know, a blind date kind of
24 style. You know, just --

25 Q. Getting to know each other?

1 A. Getting to know each other. Asking
2 questions about kids, about family, about, you
3 know, military service. Just -- just two
4 friends, kind of like two people, two fathers of
5 girls in the same class with the same interests,
6 same political view meeting.

7 Q. Let's focus just on the gun range.

8 A. Okay.

9 Q. The conversation you had about the gun
10 range. Do you recall about that?

11 A. Not really. I just recall that I --
12 I've talked to him and said I want to put it. I
13 don't have personally my own money to invest. I
14 mean I do have my own money. I don't have enough
15 of my own money.

16 And I don't believe in doing
17 businesses like this, by yourself. I believe in
18 partnering up. And I would like to have somebody
19 with the same views as I do on business, second
20 amendment rights, that see it as I do.

21 Q. Did he indicate a willingness to partner
22 up with you?

23 A. Yeah.

24 Q. Did he tell you where he was on putting
25 the gun range together?

1 A. The only thing he told me, again, I
2 don't remember if it was a first meeting or the
3 second meeting or the third meeting or whatever.

4 During my time frame, knowing him,
5 that's what you're asking? Or are you just
6 asking for the first meeting?

7 Q. Initially, just the first meeting.

8 A. First meeting, I don't remember what --
9 what exactly we talked about.

10 Q. And if I understand what you're saying
11 correctly. You had this first meeting and your
12 friendship kind of bloomed from there. Is that
13 correct?

14 A. Correct. They came to our house for
15 barbecue and, you know, play date with the --
16 with the kids.

17 Q. So you went to each other's houses?

18 A. I've never been to his house. I mean I
19 have been to his property and never been inside
20 his house.

21 Q. But he's been to your house?

22 A. Correct.

23 Q. Y'all have eaten meals together?

24 A. I believe it was only one time that they
25 came over for -- yeah.

1 Q. Did you eat meals together with him in a
2 restaurant?

3 A. I don't believe so. I don't believe I
4 have ever had -- you know what? That's not true.
5 I did have -- I remember one meeting with him
6 with actually Jason Hitt as well, believe it or
7 not, in Jake's, Jake's Hamburger.

8 But other than that, I don't
9 believe -- and the Thursday mornings, breakfast,
10 I don't believe I've ever went to eat with him.

11 We're both -- we're both extreme
12 supporters of small businesses and mom and pop
13 shops. So we try to support Trio a lot because
14 Trio is owned by a young family, hard-working
15 guy, which I adore and love.

16 So, I tried to do a whole lot
17 of -- as much money as I can give him, I rather
18 him getting my money over Starbucks, or any other
19 chain.

20 Q. Tell me if you will, this -- the
21 progression that you had about the discussion of
22 you participating in the gun range up until the
23 time that you were sworn in as counsel.

24 A. So we were talking about the shooting
25 range. I've asked him -- again, I don't remember

1 which step came before the other because I never
2 made a, you know, mental note to myself, or a
3 memo.

4 I've asked him if he can provide me
5 pro forma numbers.

6 I've asked him if he can -- if he
7 can provide me design layouts and which
8 consulting firm is hired to look into -- to build
9 a shooting range and which location.

10 And I told him if we will go in
11 partnership, I would like to be -- I would like
12 to be the guy that managed the retail store and
13 not the range, itself, because I don't want that
14 personal liability on me.

15 And he said that he's more than
16 happy to do so because he wanted to manage the
17 actual shooting range facility.

18 And he was okay if I would take
19 over the retail.

20 But ever since Day One, we
21 disagreed on a whole lot of business model. So
22 that's why it never -- it never advanced more
23 than looking at the layout and looking at the pro
24 forma numbers that he gave it to me. I looked
25 for it, you know. I wanted to give it to you. I

1 couldn't find it. He actually physically gave it
2 to me. He -- he never e-mailed any of those.

3 Q. Okay. So he gave you pro forma -- pro
4 forma numbers.

5 He gave you --

6 A. The site plan, the layout.

7 Q. Site plan. Anything else?

8 A. That's it, I believe, that's it on -- on
9 actual documents.

10 Q. Did y'all ever talk money?

11 A. No. The only thing that he talked
12 about, his -- that it was going to cost him about
13 \$10 million and that he has a loan for that and
14 he only needs to put in about half a million
15 dollars cash. I believe it was half a million.

16 And I said, "I'm willing to go in,
17 but one of my prerequisites to go in is that I
18 have a voting -- that I'm a voting member; I'm
19 not just a silent partner."

20 And he refused that from Day One.
21 So that's pretty much the block that we had. He
22 wanted to keep all the voting rights for him and
23 his wife.

24 And I said, you know, you're asking
25 for a whole lot of money to give you, and I don't

1 have any guarantees that I have control. So, and
2 that's where it pretty much dead-ended. It never
3 continued to more numbers. It never continued
4 to -- to anything else because I told him, "I
5 need a voting -- voting right on the corporation
6 over the company."

7 And he refused to do it from Day
8 One. So, it never went anywhere.

9 Q. When is the last time that you talked to
10 Mr. Vaught about potentially having an interest
11 or partnering up, as you say, with him and the
12 gun range?

13 A. I really can't remember the date. It
14 was a long time ago.

15 Q. Was it before or after you were sworn in
16 as a Council member?

17 A. After. Definitely after that.

18 Q. Was that when he gave you the pro forma?

19 A. No. He gave -- I believe he gave me the
20 pro forma before. Again, I -- I didn't even keep
21 the pro forma. I just looked at it. Some of it
22 didn't make sense to me. But it was first pro
23 forma I did so it was kind of like I looked at
24 it. I -- I don't know if I shredded it or I
25 threw it out, or misplaced it. I just -- I

1 actually tried to look for it and -- to give it
2 to you, and I couldn't find any of them.

3 Q. Okay.

4 A. Because I thought maybe some of it would
5 have dates. It might help to remember when I got
6 what. But again, I couldn't find anything.

7 Q. Did Mr. Vaught support you as -- in your
8 bid to become a Town Council member?

9 A. Yes and no. I mean --

10 Q. I'm sorry. Tell me about it.

11 A. You asked if he supported me. Right?

12 Q. Yes. Yes.

13 A. Yes and no. He kind of spoke in both,
14 you know, both side of the stick. He would go
15 against my voting record on the P & Z.

16 He was mad at me for -- for voting
17 no on south gate, which after the fact, I
18 realized that that's where the shooting range is
19 going to be.

20 Q. So he didn't tell you what the location
21 of the shooting range was going to be --

22 A. No.

23 Q. -- before you voted on --

24 A. So I voted "no" on south gate as a P & Z
25 member.

1 Q. Uh-huh.

2 A. And I never knew his location for his
3 shooting range up until -- up until probably one
4 of our last conversations about it and that was
5 another thing that I disagreed with him on. He
6 refused to tell me where it was. He just told
7 me, if I remember the numbers right, he just told
8 me that he's on a contract to buy four acres.
9 Again, I might be off on the numbers. I didn't
10 really, you know, I thought he was buying too
11 much land. I -- I disagreed with so many things
12 that he is doing on the shooting range that I
13 kind of thought, no, it's not going to happen but
14 I wanted to open -- to keep a door open, and I
15 knew he was not going to be willing to give me a
16 voting right. But I do have access to a lot of
17 money and to a lot of celebrities. So I thought
18 that maybe he'll understand that I'm a -- I'm a
19 tactical investor that, you know, maybe because
20 of my experience and my knowledge and my
21 relationships to some other people, he might
22 benefit and we might all benefit. But that never
23 happened.

24 Q. You said at one point, you realized that
25 his shooting range was going to be in the south

1 gate development. Correct?

2 A. Correct.

3 Q. When was that?

4 A. I don't remember when it was. I really
5 don't.

6 Q. Can you give me a general idea such as,
7 was it before or after you were sworn in as a
8 Council member?

9 A. I believe it was after. I believe that,
10 again, I just don't remember the dates.

11 Q. Was it before or after he gave you the
12 pro forma?

13 A. Definitely after, I believe. I believe.

14 Q. How did you become aware that he was
15 going to put the gun range in the south gate
16 development?

17 A. So one of the times we were talking and
18 I said, "Why do you have so much money for land
19 acquisition? You are putting too much money in
20 land. I mean you are an indoor shooting range.
21 You don't need that much land. You don't need
22 more than half an acre or maybe an acre, max, for
23 parking and all that."

24 And he said, "No, I, you know, this
25 is the minimum that the developer has asked me to

1 buy. And I can't buy any less and I want this
2 location."

3 And I said, "Listen, your shooting
4 range and the store is a
5 designation -- designated -- designation
6 business. People -- if you have good prices and
7 you have good inventory and you give good
8 classes, people will drive even 100 miles to
9 come. You don't need a prime location for a
10 shooting range. And when I buy my stuff, I
11 drive. There's a store that I like. I drive, I
12 think, 40 miles, 50 miles to get there. And it's
13 in the middle of a warehouse district. And I
14 drive specially for there because they have
15 everything I want so I can go in one time, buy
16 everything I need. They have good prices and
17 then I drive home.

18 Nobody drives back from work seeing
19 a sign for a shooting range and say, "Hey, I need
20 to shoot today." And still buy and shoot.
21 People make plans to go to the shooting range.

22 Spending so much money on land, it
23 just -- you're throwing money away. It doesn't
24 make sense. It doesn't work. And that's one of
25 the other topics that we just disagreed from the

1 first place.

2 Q. You think at that point in time, you
3 realized he was going into the south gate
4 development?

5 A. I didn't know yet. He just told me he
6 was buying four acres on a main road and I
7 actually, from the way that he described it, I
8 actually thought he was going to help seals
9 (phonetic) development which is in a different
10 part of town. But that -- he presented it as
11 being on one -- on the main artery of Flower
12 Mound or something in that wording.

13 Q. So when did you realize that he was
14 going in to the south gate?

15 A. I really don't remember when. I
16 just -- I really don't. But looking backward, it
17 made sense because he was mad at me for voting no
18 against south gate when I was P & Z.

19 Q. In these discussions with Mr. Vaught
20 about the gun range, did he ever mention asking
21 for incentives from the City?

22 A. He never told me. The first time I have
23 heard about it was when we went into Executive
24 Session and they show it to me. He never told me
25 he was asking for incentive of any kind.

1 Q. Describe for us what you're
2 understanding of "incentives" are.

3 A. The Town giving you money or waiving
4 money from you paying to start a business in the
5 town limits.

6 Q. And if I understand your testimony that
7 the first time that you were aware that
8 Mr. Vaught and the Town we are discussing
9 incentives was when you went in to Executive
10 Session in a Council meeting?

11 A. If I remember right, yes.

12 Q. Do you recall the date of that Council
13 meeting?

14 A. No, but it's easy to find out.

15 Q. Well, I think it was June the 2nd.

16 A. Might be. I would have to trust you on
17 that.

18 Q. I think that -- is that the first
19 Council meeting after you were sworn in?

20 A. No, I believe May 20th was --

21 Q. You were sworn in on May 20th.

22 A. Okay. May 20th wasn't also a meeting.
23 It was just a swearing. I believe it was a
24 meeting as well afterwards. It was a short
25 meeting.

1 Q. Okay. So excluding May 20th, you were
2 sworn in and you had a short meeting when the
3 incentives came up in Executive Session, that was
4 the first meeting that you had been at?

5 A. It might be. I really don't remember.

6 Q. As a Council member, do you get a
7 packet?

8 A. Of what?

9 Q. Information about the Council meeting
10 that is going to occur.

11 A. Yes.

12 Q. When do you normally get that packet?

13 A. I take the packet five minutes before we
14 go into the meeting. I read it online. But the
15 actual packet, the physical packet, is -- is
16 waiting for me here in my mail box.

17 Q. But you get -- get an e-mail with a
18 packet attached to it. Is that correct?

19 A. No. We get an e-mail that the packet
20 has been updated online, and then we go to the
21 Town website, and we can read the packet from the
22 Town website just like you can do it, or Suzanne
23 can do it.

24 Q. So, the packet that you're referring to
25 is the same packet that is posted on the website.

1 Is that correct?

2 A. Yes. It is exactly that packet.

3 Q. As a member of the Town Council, have
4 you ever received additional information in
5 Executive Session?

6 A. Yes.

7 Q. What happens to that information after
8 the Executive Session closes?

9 A. I always either give it back to Teresa
10 or Jimmy.

11 Q. Is that a policy that the Town Council
12 follows?

13 A. Is it -- I'm sorry?

14 Q. You told me that you either give it
15 back, information that you receive in Executive
16 Session, you give that back to the City
17 Secretary, or to the City Manager?

18 A. Usually. Sometimes I forget it and I
19 put it back in my mail box. Sometimes I take it
20 home and shred it. It depends. It depends on
21 the meeting.

22 Q. Okay. So is there a policy at the Town
23 that if something is distributed in Executive
24 Session that it is collected at the end of the
25 Executive Session so it doesn't --

1 A. Not that I'm aware of.

2 Q. Okay. Who is India Golf?

3 A. That's a military -- military dictation,
4 so A is Alpha, B Bravo, C Charlie, India Golf is
5 Itamar Gelbman. It can be India Golf. It's I.G.

6 Q. And Delta Victor, would be?

7 A. David Vaught.

8 Q. David Vaught. Did you have an
9 impression when you attended the Executive
10 Session and discussed the incentives for the gun
11 range as to why that was done in Executive
12 Session?

13 A. No. As far as -- as far as they told
14 us, all of those are being done in Executive
15 Session. All the incentives.

16 Q. Why --

17 A. Excuse me.

18 Q. Do you know why all of the incentives
19 are discussed in Executive Session?

20 A. Because they don't want the public to
21 know about it.

22 Q. That would make sense.

23 Actually, what -- what the Town
24 Council is doing in the Executive Session is
25 actually determining what type of offer to enter

1 into a contract that they're going to make to
2 these various businesses in the
3 sense -- incentives to try to have them locate in
4 the Town. Is that correct?

5 A. Repeat it again.

6 Q. Okay. Maybe I can state it better. The
7 purpose of discussing incentives in Executive
8 Session as opposed to open session is the Council
9 is generally determining what type of offer to
10 the proposed business in the amount of incentives
11 that they will provide as part of a contract with
12 the proposed business. Is that correct?

13 A. I'm not necessarily agreeing with that
14 comment because you said "executive versus
15 public." I didn't talk about it in public
16 participation as well.

17 Q. Excuse me?

18 A. I think they can talk about it in public
19 as well because it's taxpayer money so I -- I'm
20 not sure that I personally agree with the
21 statement you made.

22 Q. You understand and understood back in
23 your first Executive Session that the Town enters
24 into an agreement with the business with regard
25 to the incentives and that agreement is normally

1 referred to as at a "380 agreement"?

2 A. I didn't know that every incentive is
3 380 agreement, but I know -- I mean.

4 Q. I knew there was going to be a contract?
5 Right?

6 A. Yeah. There was going to be a contract
7 if we agree -- we agreed to it.

8 Q. In your first Executive Session, did you
9 receive information about the incentives for the
10 gun range?

11 A. I'm sure we did. I don't remember but
12 I'm sure we did.

13 Q. If your first Executive Session in
14 addition to the gun range, were there other
15 incentive packages discussed for different
16 businesses?

17 A. I believe so. Again, I don't remember.
18 We can pull back the package. I'm sure -- I'm
19 sure they have it in Town.

20 Q. Do you recall ever seeing any
21 information concerning the potential gun range
22 known as the "Crossfire Gun Range" in Executive
23 Session that was not made public?

24 A. I don't think so. I don't remember
25 anything.

1 Q. Do you recall ever seeing anything
2 handed out in Executive Session with regard to
3 any other business that the City was negotiating
4 incentives with that was not made public?

5 A. I'm sure there was. Again, I just don't
6 remember. I mean I didn't make myself notes from
7 that meeting.

8 Q. Do you recall making any statements or
9 giving any opinions regarding the Crossfire
10 incentives in the Executive Session?

11 A. I tried to stay away from that as far as
12 I can. Although I did ask before -- I believe it
13 was before that meeting, I mean right before we
14 got in, when I realize we are going to discuss
15 Crossfire, I did, I believe, I did ask our Town
16 lawyer if I can even attend that meeting due to
17 the fact that I'm discussing potential
18 partnership in -- in the business that's going to
19 be discussed.

20 And the Town attorney said that as
21 long as I don't have ownership or it's not at
22 least 10 percent of my annual income then it
23 shouldn't be any problem. There's no conflict of
24 interest. There's nothing there, due to the fact
25 that me and Mr. Vaught did not even make our baby

1 step, that first baby step in partnership, there
2 was no -- any conflict of interest. I did recuse
3 myself, by the way, on the vote on that.

4 Q. So it's your --

5 A. Although legally I didn't have to.

6 Q. It's your testimony that prior to
7 entering the Executive Session in your first
8 meeting after the May 20th meeting that you
9 consulted with the Town attorney whether or not
10 it would be a conflict of interest for you to
11 attend that Executive Session and discuss the
12 Crossfire incentives and he told you it would not
13 be?

14 A. I don't remember if it was the first or
15 the second meeting. I believe we had two
16 meetings regarding that. I believe so. So, I
17 don't remember -- I'm not sure the first meeting
18 I even knew we were talking about but I remember
19 asking the Town attorney and actually, he even
20 e-mailed back to me. We had it in writing, that
21 it is not a conflict of interest for me to
22 attend, vote, participate, or whatever.

23 Q. Do you recall when you received that in
24 writing?

25 A. The in writing, I actually just received

1 last week because I asked him if he recalls. So,
2 not even a week ago. That was a -- sorry. That
3 was Wednesday, July 15th, according to his e-mail
4 to me. So in July, I asked him.

5 Q. You didn't ask him before the June 2nd
6 meeting?

7 A. Probably not then. I might have asked
8 him -- I might have asked him just without
9 mentioning which -- which business it is. And
10 when he said there is no conflict of interest, I
11 just, you know, I'm not --

12 Q. But you don't remember one way or
13 another?

14 A. I don't remember one way or another.

15 Q. And you would have to defer to the City
16 attorney if he doesn't remember that happening?
17 Is that correct?

18 A. The only thing he remembers is that we
19 had the long conversation on -- what did I just
20 state? July 15th, I believe?

21 Q. Uh-huh.

22 A. He just remembers that on July 15th we
23 had one conversation about it. And he told me
24 there is no conflict of interest.

25 Q. Do you know an Eric Gelson?

1 A. Yes.

2 Q. Who is that?

3 A. Resident of Flower Mound.

4 Q. How do you know Mr. Gelson?

5 A. He volunteered to my campaign, and he
6 also made an interest in the shooting range with
7 David Vaught.

8 Q. Did Mr. Gelson talk directly to
9 Mr. Vaught about the shooting range?

10 A. I have no clue.

11 Q. Well, how do you know that he expressed
12 an interest?

13 A. He told me.

14 Q. Do you remember when he told you?

15 A. No. I just remember -- because when he
16 told me for sure it was before the election
17 because I remember being in the car with him and
18 talking to him about maybe even pooling our money
19 together and do, like, small joint venture for
20 small companies in -- in Flower Mound.

21 Again, we talked about it maybe
22 twice, and it didn't go anywhere.

23 Q. Do you recall having a meeting with
24 Mr. Gelson immediately after -- I say
25 "immediately." In the morning after your Council

1 meeting on June the 2nd, 2015?

2 A. Mr. Gelson? I don't believe so.

3 Q. Did you go to La Madeline Restaurant on
4 the morning of June the 3rd, 2015?

5 A. I might. I go there every week -- or I
6 go there quite a bit. I mean not every week.
7 Sorry. But I go there quite a bit.

8 Q. But you don't recall having a meeting
9 with Mr. Gelson on that morning at La Madeleine?

10 A. I don't remember.

11 Q. Have you met with Mr. Gelson about
12 anything other than the gun range and him
13 supporting you in your campaign?

14 A. I don't believe so. We've been trying
15 to get together for coffee for probably a couple
16 months now. It may have been that.

17 Q. Did you have a meeting with Mr. Vaught
18 on June the 3rd, 2015?

19 A. Again, I don't remember.

20 Q. Did you have a meeting with Mr. Vaught
21 after the meeting in which the incentives to the
22 gun range were first discussed from Executive
23 Session?

24 A. I don't remember when every time I met
25 Mr. Vaught.

1 Q. I'm not asking you to remember every
2 time that you met Mr. Vaught. My question is:
3 Did you meet with him about the gun range after
4 the Executive Session where incentives were
5 discussed on June the 2nd, 2015?

6 A. I don't remember. I don't remember
7 anything like that. I mean I met -- I met him, I
8 believe, but I -- I don't think we ever continued
9 our conversation about the shooting range.

10 Q. When you say that you "met him," you
11 mean you met him at La Madeleine?

12 A. Oh, no. I don't know where I met him.
13 I just know I have met him since. I just don't
14 know when and where. And if you know I met him
15 there, maybe I did.

16 Q. Did you provide any -- let's -- you
17 don't recall whether you met Mr. Vaught
18 immediately after the -- or the day
19 after -- let's not use "immediately" -- the day
20 after Executive Session in discussion of the
21 incentives to Crossfire?

22 A. I don't remember. I might have.

23 Q. Do you remember giving Mr. Vaught a copy
24 of the incentive handouts for the various
25 businesses that were discussed in Executive

1 Session?

2 A. No. I never took -- I don't think I
3 ever took any of those home with me.

4 Q. Maybe I didn't ask this clearly. I'll
5 try to do it again.

6 Have you ever discussed with
7 Mr. Vaught incentives for the gun range?

8 A. I don't believe so.

9 Q. On 7-20, there was a Council meeting
10 where the incentives for the gun range came up
11 for a vote.

12 A. Okay.

13 Q. Did you vote on those incentives?

14 A. I recused myself from voting on the
15 shooting range.

16 Q. Why?

17 A. I thought morally, it would set an
18 example that also, I don't have any legal
19 conflict of interest. Set an example that
20 because I am discussing or am, you know, thinking
21 about it, it will look bad in the future if I do
22 go in and they'll see that I am, you know, in the
23 business invested, I gave incentives to. So, I
24 just -- I had tried to go above and beyond to
25 show that I'm ethical and moral person.

1 Q. You mentioned that it's possible the
2 incentives were discussed in Executive Session
3 for more than one time for Crossfire. Is that
4 correct?

5 A. Might have been.

6 Q. Do you recall?

7 A. Again, I don't recall in Executive
8 Session. I don't recall every single meeting.

9 Q. Do you ever recall making any threats
10 against Mr. Vaught?

11 A. I don't threaten people.

12 Q. The answer to that question is "no"?

13 A. "No." Do you have my threat, my
14 so-called threat?

15 Q. Excuse me?

16 A. Can I see it?

17 Q. I'm just -- I just asked if you ever
18 made any.

19 A. Okay.

20 Q. You stated that you don't believe you
21 ever talked to Mr. Vaught about the incentives.
22 Correct? You don't remember one way or the
23 other?

24 A. Correct.

25 Q. Do you -- let me restate that.

1 Sometimes, you can jog people's
2 memory and do what we in the legal profession
3 call "refresh their memory."

4 Do you recall having a meeting at
5 La Madeleine with Mr. Vaught where you told him
6 he wasn't getting all the incentives that he was
7 entitled to get or could get and that you could
8 help him with that?

9 A. No. Absolutely not. I mean I might
10 have met him, but I would absolutely not have
11 said something like that. I'm actually against
12 even taking incentive from the government in my
13 own businesses. I have never applied for any
14 financial help or anything. I think it's a good
15 pride of ownership to show that you've built
16 everything on your own. So, I'm -- I'm
17 personally business-minded wise that don't take
18 any taxpayer help and build everything on your
19 own and be done with that. This way, you own it
20 and nobody can come and claim that somebody owns
21 you or whatever.

22 And I do want to go on the record
23 that I am -- I'm afraid for my life and my -- my
24 family's life safety going against David Vaught
25 in this meeting, as he has shown that he will

1 choke people to death or unconscious and he does
2 have the training to do so.

3 Q. When you say "going against him," what
4 do you mean?

5 A. Testimony against him because I don't
6 know how stable he is. He's been asking for
7 illegal drugs or illegal growth hormone. I don't
8 know how stable he is. I don't know how honest
9 he is.

10 I don't know, if this thing goes
11 against him somehow. I am afraid for my life,
12 for my family's safety.

13 He is a well-trained martial
14 artist. He's a well-trained military. He has
15 been asking for illegal drugs from my wife. And
16 I don't know. And he has been posting on social
17 media that he will go physical against anybody
18 that...

19 Q. Would it be fair to say you're not
20 friends with Mr. Vaught any more?

21 A. I have stopped being friendly with him
22 after -- after he asked my wife to prescribe him
23 illegal drugs.

24 Q. When was that?

25 A. June 11th. And --

1 Q. Have you communicated with him since
2 June 11th?

3 A. Every now and then, we text each other.

4 Q. What about?

5 A. For a while after that, because I
6 refused to give him that -- those drugs, I even
7 refused to ask my wife to even look to prescribe
8 it or even consult my wife about it.

9 He started texting me that he's
10 going to put me in jail, that he talked to his
11 wife, that I have committed felonies and
12 threatened my own safety. So at that time I --

13 Q. Do you still have those texts?

14 A. I believe so.

15 Q. But you haven't produced them at this
16 point?

17 A. I believe it was after your request.

18 Q. Well --

19 A. Because again, it's not related to Town
20 business and it's not related to Crossfire.
21 So...

22 Q. So it sounds like to me you've been kind
23 of selective in what you've --

24 A. I don't keep --

25 Q. -- produced?

1 A. I don't keep a lot of text messages.

2 Q. I think you said you still had those
3 texts?

4 A. I hope so.

5 Q. Will you produce them?

6 A. If I have them, oh, yeah, I will produce
7 them. I have no problem producing when somebody
8 is threatening my life.

9 Q. When did Mr. Vaught threaten your life?

10 A. I don't remember. I just ignored it,
11 and then he text me, I believe, he either text me
12 or contact me and he said, "Don't worry about it.
13 I met with the investigator and I gave him all
14 our text messages."

15 "So, I gave him everything I have,"
16 or something like that. Something in those
17 wording, he told me.

18 Q. Do you have that text message?

19 A. I don't know if it was a text, or he
20 called me. He will text me sometimes just: Can
21 you call me? Can you please call me? Or
22 something and so I call. I -- I tried to avoid
23 text messages. I'm not a big fan of text
24 messages.

25 Q. So y'all are still communicating?

1 A. I've tried to as he's a resident and he
2 has threatened me. I've tried to see if I can
3 solve it between two adults, and I've asked him
4 if he wants to meet in a public place.

5 And he keep repeating, either we
6 meet in my office or I don't have time. So...

7 Q. Okay.

8 A. I tried to -- he is the resident of
9 Flower Mound, he's my constituent. I believe I
10 was elected to represent everybody. I would like
11 to hear from him as well as anybody else. I'm
12 not a guy that wants to hide behind a computer.
13 I don't -- I'm not a guy that likes e-mails. As
14 you can see, I don't have a whole lot of e-mails.
15 I'm a guy that likes to sit around and talk to
16 people because I think -- I think if you have
17 text message or e-mail, you lose an element. And
18 if -- it's easier to solve issues face-to-face or
19 talk about issues or, you know.

20 Q. You have given me a document which is
21 Deposition Exhibit 3.

22 A. Correct.

23 Q. Where you have highlighted something in
24 orange here down towards the bottom, which you
25 characterize as a threat to you and your family.

1 Correct?

2 A. This is another threat of him that, yes,
3 I'm concerned about me and my family about that.

4 Q. Other than Deposition Exhibit 3, when
5 has Mr. Vaught threatened you?

6 A. I don't remember. I need to look again.
7 I've tried to look for stuff. Whatever I could
8 find. I gave it. As I said, I don't keep a
9 whole lot of paperwork. I -- I hate cluster
10 (sic.)

11 I try to avoid text messaging.

12 I try to avoid e-mails.

13 As you can see, if you can do a PIR
14 on my e-mails, every resident -- or a whole lot
15 of residents that do try to ask me about an
16 issue, I invite them for coffee maybe, maybe to
17 talk about it so I will understand more than just
18 e-mail because I think that in writing, you
19 lose -- you lose an element. So...

20 Q. Okay.

21 A. Call me old-fashioned but that's what...

22 Q. Okay. I'm trying to ask you about the
23 threats that you say Mr. Vaught has made against
24 you. And you have told me that other than
25 Deposition Exhibit 3, Mr. Vaught has made threats

1 against you. Is that correct?

2 A. Yes.

3 Q. Were they oral or written?

4 A. I believe it was both.

5 Q. What did he say in his oral threat?

6 A. He stated he was going to put me in
7 jail, that his wife is a lawyer or has legal
8 background or something of that and -- and then,
9 I'm a felony. I'm a felon. Sorry. With what
10 I'm doing. And whenever I would say, "What am I
11 -- what have I done wrong? Tell me. I'll fix
12 it.

13 He would refuse to tell me what he
14 had, and he said, "Don't worry. Everything I
15 have, I gave to the investigator."

16 And that's his --

17 Q. So the threat was he's going to put you
18 in jail?

19 A. Correct.

20 Q. And that was in a text message?

21 A. I -- you know what? I don't remember.
22 I need to look again. I've looked. I need to
23 look again.

24 If I have it, I promise you, I'll
25 get it as I would like it to be on record.

1 Q. Okay. And you say he's made oral
2 threats, also?

3 A. Correct.

4 Q. What are the oral threats?

5 A. Same thing, that he'll put me in jail.
6 He got mad regarding -- regarding the illegal
7 drugs that -- the request for illegal drugs from
8 me.

9 And I think he probably got himself
10 in the corner. He probably showed it to his
11 wife. My -- again, this is 100 percent
12 assumption. This is -- this is my own personal
13 assumption. That's it. It has no evidence
14 background to that. My gut feeling is, he showed
15 it to his wife. His wife said, what the heck did
16 you just do? And he got scared.

17 So he's turning around and tried to
18 attack me so I'll be afraid from -- from
19 disclosing it or whatever. As he has licenses
20 that he can lose if this comes public including
21 the shooting range possibility, including the FFL
22 license.

23 Q. So oral threat, again, was to put you in
24 jail?

25 A. Correct. The threats --

1 Q. Was that over the telephone, or
2 face-to-face?

3 A. I don't remember. Some of them were on
4 the phone -- on the telephone.

5 Q. Any of them face-to-face?

6 A. I don't remember. You know, when
7 somebody threatens me, if I ever talk to him again,
8 I usually try to do it in a public area so it
9 wouldn't be any issue that will escalate. So I
10 don't -- I don't remember if he maybe seen me in
11 one of the Town Council meeting, maybe.

12 Some of his best friends even
13 before the election were my worst enemies, I
14 would say. Made up lies about me, made comments
15 about me on Facebook.

16 Got my daughter out of Girl Scouts.
17 So, I decided that it just isn't
18 worth it. It isn't worth it. My family will
19 suffer through this just -- just to be friends
20 with somebody, but I've tried to -- I've tried
21 to -- I'm a guy that forgive. I've tried to meet
22 with him, see maybe he was just in a bad spot and
23 it may be we can shake hand and even if we're not
24 friends, at least when we see each other,
25 especially when our daughters are in the same

1 class. At least not hate each other. So.

2 Q. So I think the answer to the question
3 was: You don't recall whether it was
4 face-to-face?

5 A. I don't recall if it was face-to-face or
6 just on phones, or in text messages.

7 Q. So it may have only been the text
8 messages?

9 A. No. He -- he threatened me verbally. I
10 just don't remember if it was just on the phone
11 or in a meeting with him as well. I mean, if he
12 saw me in Town Council. I don't believe we have
13 ever seen each other again -- well, no, that's
14 not true. We did meet each other in school
15 again. There is events that I saw him in school.
16 I just don't remember.

17 Again, I didn't even think this
18 thing will ever come in question. I never made
19 myself memos or notes or anything like that.

20 Q. So you don't remember when an individual
21 that you used to be friends with, threatened
22 verbally to have you put in jail. Is that
23 correct?

24 A. Correct. I knew I've done nothing wrong
25 so was wasn't afraid from jail. I was afraid of

1 him murdering my kids because that would come
2 pubic.

3 And again, he kept repeating that
4 he gave you everything. So, I assume you have
5 everything. He's more than once told me you have
6 all the text messages of us and all. I don't
7 think we've ever sent any e-mail.

8 Q. Wait a minute. Wait a minute. Wait a
9 minute. You said -- and I don't know. Maybe I'm
10 not hearing you right. But you say he
11 just -- you just said, he's told you several
12 times.

13 A. Sorry. I'm -- is or isn't necessarily
14 politically correct. And when you meet -- in
15 Hebrew, when you're talking plural, it also means
16 one time. So, I might have been wrong on several
17 times but he did tell me that he did forward you
18 all our text messages.

19 Q. Okay.

20 A. I don't believe we have any e-mails
21 regarding everything. I think the only e-mail
22 that I've sent him is an invitation when a while
23 back we were still friends, an invitation to go
24 with me to a Republican event.

25 But other than that, I don't think

1 I've ever even e-mailed him. I might be wrong
2 about it. I couldn't find anything other than
3 that.

4 Q. Did you provide that e-mail?

5 A. No. Again, it's just, "Hey, Bud. Do
6 you want to go to a David Horowitz event?"

7 It's a Republican event. My
8 understanding, according to charter, we're not
9 allowed to bring partisan to Council. My
10 understanding is you need anything to do with
11 either shooting range or Town-related, asking
12 somebody to go to an event, you know, a
13 Republican event outside the scope of work of
14 Town or anything, I didn't think you wanted. If
15 you want it, I will find it. If I have it, I'll
16 definitely give it to you.

17 Q. All right. You told me that Ms. Flick
18 called you about the fact that the City was going
19 to show up and talk with her about the pile of
20 dirt that was on her property. Correct?

21 A. Correct.

22 Q. She did that the morning?

23 A. I believe it was the morning of that
24 pile of dirt, correct.

25 Q. She just asked me if I can be a witness.

1 She said she has her neighbors have been fighting
2 with her about some issues. She had been
3 complaining about her neighbors and her neighbors
4 about -- complaining about her.

5 And every time she had an encounter
6 with Town staff it was just they treated her
7 really bad. And it is known in this town that
8 Town staff is not very friendly to residents.
9 That's one of the reason why I decided to run for
10 office is to try to change it from the inside and
11 try to be more friendly to the residents. I mean
12 the horror stories that I can tell you from
13 residents, it's unbelievable.

14 So she asked me if I can just be a
15 witness of how they treat her. And I said, "No
16 problem."

17 I mean I was brand-new elected. I
18 think it was June. I don't remember. I really
19 don't. But I think it was the first month, month
20 and a half I got elected.

21 So I was still new. I thought that
22 pretty much most of the people don't even know
23 who I am yet. Especially staff. If I just go
24 there and just witness what's happening and how
25 the staff is treating people because I've heard

1 so many stories and you won't believe how many
2 stories I've heard how bad Town staff treats
3 residents.

4 So, I have decided it would be a
5 good idea to witness it on my own block.

6 Q. And you did that because you don't
7 believe the City employees would understand you
8 were a counsel person?

9 A. No. I did it because when somebody
10 wants me to help, I want to see it from -- I want
11 to see what I'm helping for. I want to
12 see -- learn how to change it. I want to learn
13 from my experience. I want to talk from my
14 experience. I don't like to be the third person,
15 you know, third ear.

16 So I want to really see how
17 inspection is being done in Flower Mound, how the
18 residents are being treated.

19 And then try to see if we can -- if
20 we can solve it.

21 Q. You mentioned the fact that you
22 didn't -- you were new and you didn't think that
23 the City employees would recognize who you were.

24 A. Correct.

25 Q. Why was that important?

1 A. People change, change their attitude
2 when they know somebody might have the power over
3 them. So, I thought it was -- would be really
4 good to see for my own eye, from my own, you
5 know, point of view how people are being treated
6 in this town.

7 Q. Without them knowing that you --

8 A. Without them knowing that I just got
9 elected. So, I actually thought it would be a
10 great idea to do it this way.

11 Q. Did Ms. Flick support you in your
12 campaign?

13 A. Yes.

14 Q. Other than supporting you in your
15 campaign, did you have any other relationship
16 with her?

17 A. Yeah. She -- we're pretty friendly.

18 Q. You said you lived in the general area.
19 Is that correct?

20 A. Yeah. Probably two to three miles away
21 from her.

22 Q. When you say you're friendly. What do
23 you mean? I mean have you --

24 A. We talk on the phone every now and then.
25 Again, we have -- we have the same political

1 view, the national level. She is a supporter of
2 Israel. She will call me sometimes and ask me
3 what's happening in Israel.

4 If I can tell her the inside scoop
5 of what's really happening because I have a whole
6 lot of friends that are police officers in
7 Israel.

8 That's it pretty much. I mean we
9 don't really even talk about town politics
10 anymore. I mean we don't even -- I think the
11 last time I spoke to her was maybe two days ago.
12 But other than that, maybe a month ago.

13 Q. What did you speak to her about two days
14 ago?

15 A. Just about what's happening in Israel
16 with all the stabbings. There's a wave of now
17 Arabs, Islamic Arabs that they are going,
18 stabbing Jews.

19 So she just asked me what's, you
20 know, what's happening, if -- how are my parents
21 doing? My parents still live in Israel. If my
22 parents are scared about it. What's happening
23 there.

24 I told her that one of the
25 stabbings was about probably a couple of miles

1 away from my dad's office. So, we had -- he
2 actually had to hire security for his entire
3 office and -- and for the parking lot because his
4 employees didn't feel comfortable.

5 Q. Did you talk to Ms. Flick about giving
6 an interview for this investigation?

7 A. I believe she called me. She said that,
8 if I remember right, that you called her, and she
9 said, what do I think?

10 And I said, "We have done nothing
11 wrong. There is no problem for you to talk to
12 him."

13 Q. Do you know what she told my office?

14 A. I have no clue. I haven't talked to her
15 since then about this investigation. I
16 personally think it's a joke to be investigated
17 for four to six cubic feet of dirt. I personally
18 think that the town should be embarrassed in the
19 way they treated them. If it goes to the media,
20 the Town will look really, really bad. That's
21 one of the things that I've tried to stop from
22 happening. I don't want my town to be portrayed
23 as -- as, you know, picking on residents. And
24 having three trucks with full strobe lights on
25 coming in like S.W.A.T. team operation to inspect

1 the dirt of land is embarrassing.

2 The neighbors looked through the
3 windows. It's embarrassing. It's still
4 embarrassing to residents. There is no reason to
5 do it.

6 One inspector could have come. Not
7 three. Could have talked to her. Didn't need
8 the strobe lights on.

9 Q. Finished?

10 A. I'm sorry?

11 Q. I said, "Are you finished?"

12 A. Yes.

13 Q. Okay. Let me ask you another question:
14 When Ms. Fick contacted you --

15 A. Flick.

16 Q. Flick. Sorry. Contacted you that
17 morning, did she know how many City employees
18 were going to come?

19 A. No. I don't believe so. I mean, that's
20 a question you need to ask her. She
21 didn't -- she did not tell me.

22 Q. So whenever you decided to go, you
23 didn't know how many City employees were going to
24 show up?

25 A. Correct. All I have heard since I was

1 on P & Z and even before that, is how badly our
2 residents are being treated by Town staff.

3 Q. And your -- your purpose in going was to
4 anonymously see what actually happened at that
5 time, point in time when the City employees
6 contacted Ms. Flick?

7 A. Correct. I didn't think there was any
8 violation of attending an inspection.

9 Q. Well, you indicated that if they had
10 known you were a member of the City Council that
11 they would have been, I guess, intimidated to
12 some degree.

13 A. I don't think intimidated. I just think
14 that as any regular human being, just learning a
15 little bit about psychology, if I'm there, if I
16 was the inspector and just a newly elected Town
17 official was there, I would probably be a little
18 bit more courteous and go above and beyond to be
19 courteous just so maybe he can talk to my boss
20 and say, hey, that guy was really good in what he
21 does.

22 And that's not necessarily the real
23 him but if I was him, that's what I would have
24 done. And I always look at other people, you
25 know, what if they -- what would they have been

1 doing or what -- how would they have -- how would
2 I have been reacting if I was them. And if I was
3 an inspector and I know there is a brand new guy
4 who just got elected, I would -- I would be way
5 more than -- way more than usual on being
6 courteous and nice.

7 Q. That would be -- but that was not your
8 purpose to ensure he was courteous because you
9 were there anonymously. Is that correct?

10 A. Correct. I just wanted to know what's,
11 you know, I wanted to see how this town is being
12 really treated. Again, I don't think even Jimmy
13 Stathatos was in one of the meetings, Town
14 Manager, mentioned -- I think after that, I am
15 pretty sure after this event, I have asked in one
16 of the meetings. I've asked Jimmy if he minds if
17 I ever meet -- if I go to meetings with Town
18 staff and be present there.

19 And he said, "Absolutely, no
20 problem."

21 Tom Hayden actually refused for me
22 to go but Jimmy Stathatos replies he is not
23 afraid. He is not worried, sorry. That it will
24 inflict anything and Tom actually, Tom Hayden,
25 our mayor, actually argued with him and Tom said

1 that he personally thinks that the Town staff
2 will be intimidated if any Council member would
3 sit in a meeting, and Jimmy replied to him that
4 he is not worried about that.

5 Q. Did you --

6 A. I -- go ahead.

7 Q. Would you explain or tell us what
8 happened when you got to the meeting, what was
9 said, and how long you were there? Just take me
10 as best you recall through the meeting.

11 A. I think it was just a matter of a few
12 minutes. Maybe 10, 15 minutes, I was there.
13 Well, 10, 15 minutes since they arrived. I think
14 I came there about five to 10 minutes before.
15 And I got there and I am like, "Okay. What's --
16 what's the issue about?"

17 Because she didn't tell me on the
18 phone what was the problem. She just said she
19 was being inspected for dirt.

20 And she pointed to the dirt, and
21 she said -- she said, "Do you see this is what
22 I'm being inspected for?"

23 And I'm like, "Why are you being
24 inspected for dirt?"

25 She was like -- I mean, I asked why

1 she even needs the dirt and she said she has a
2 little bit of lands erosion like most of us here
3 in Flower Mound. And she's just trying to fill
4 up the dirt a little bit.

5 And I said, "Okay. What's the
6 problem?"

7 She said, "The inspectors refused
8 to tell me on the phone what was the issue. They
9 just said they were going to come and inspect."

10 I said, "Okay." We waited. We saw
11 one truck goes by us and then turn around and
12 came back because I guess they might have missed
13 her house. And then they came back. Again,
14 strobe lights.

15 Then two other trucks came in. I
16 don't remember how many of them came out. The
17 first guy that came out and started talking to us
18 was really rude. Really, really rude actually.
19 He came to me a couple times and said "Who are
20 you?"

21 And I said, "I'm Itamar Gelbman.
22 I'm a neighbor," and continued talking to her --
23 to Ms. Flick, was very rude to her.

24 And then he looked back at me and
25 said, "Who are you again?"

1 And I said, "I am just a neighbor,
2 you know, she's an elderly woman. She asked for
3 a neighbor to be present. And she asked me to be
4 here."

5 And he said, "Okay."

6 And I said, "Do you mind if I ask
7 you, what -- what's the inspection about?"

8 And he said, "Well, I'm inspecting
9 because it looks like the dirt is contaminated."

10 And I am like, "By what?"

11 And they said there is PVC pipes.

12 I said, "Is that not -- is that not
13 okay to have PVC pipes?"

14 He said, "No. It's okay. I just
15 want to make sure that the dirt is not
16 contaminated by other stuff."

17 I am like, "Okay."

18 And then the two other ones came --
19 came out from their trucks, and they came down,
20 and I asked them if it's necessary that you have
21 the strobe lights on because it gives too much
22 attention from the neighbors and I started seeing
23 neighbors looking through the windows and
24 peeping.

25 And I said, you know, "It would be

1 nice if you guys, you know, is it necessary to
2 have the strobe lights on?"

3 Or I don't remember the exact
4 wording, but that was pretty much the topic.

5 And then we talked for about a
6 couple more minutes.

7 I've asked why -- is it usually
8 that three inspectors come to inspect dirt, a
9 pile of dirt?

10 And one of them said, "Well, I am
11 from" -- one of them replied, "I'm from Public
12 Works."

13 The other one replied, "I'm from
14 Environmental so we just need to make sure."

15 And the third one replied, "I had
16 nothing to do, so I just came. I just came to
17 see what's happening."

18 And I said, "Okay."

19 And then the girl, the lady
20 inspector, the woman inspector, she looks at me
21 and she was like, "What's your name?"

22 And I said, "Itamar Gelbman."

23 And she said, "You just got
24 elected, right?"

25 And I said, "Yes, thank you."

1 And when I realized that they -- I
2 asked a couple -- I mean, we talked earlier and
3 they explained -- and then the first guy's
4 reaction was a lot nicer all of a sudden, the
5 first inspector was really, really nice and
6 really, really polite actually after that, which
7 pretty much, you know, support my claims. About
8 people. Not just him specifically but, human
9 beings at all.

10 And then the guy said, "Hey, all we
11 want to do is make sure that the dirt is clean.
12 Just looking at it, we don't have any problems."

13 And I said, "You know what?" I
14 think my family was in town from Israel back
15 then. I think. I'm not sure.

16 And then I said, "Listen, I have
17 another meeting. I'm going to head out."

18 I shook their hands, all of them
19 and left and she continued with the three
20 inspectors. So, I don't know what happened
21 afterwards.

22 Q. Okay.

23 A. But again, all of the wording that I
24 said, that's just my recollection. It's not
25 quotes. It's not necessarily the order it was

1 said, or how it was said. Just my recollection.

2 Again, it was an event, very long
3 time ago. Important to mention that Jimmy, the
4 Town Manager never told me I have done anything
5 wrong by doing so. I even asked -- I even asked
6 him. As I said, "I was newly elected. I'm still
7 sure -- I'm sure that I still don't know 100
8 percent of the laws and the rules." So...

9 Q. Well, I don't have any more questions.

10 A. Awesome.

11 (Sworn Statement concluded at
12 a.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

* * * * *

SWORN STATEMENT OF

DAVID VAUGHT

NOVEMBER 20, 2015

* * * * *

SWORN STATEMENT OF DAVID VAUGHT, taken on November 20,
2015, from 9:40 a.m. to 11:10 a.m., before Rhonda Mears,
Certified Shorthand Reporter in and for the State of Texas, by
machine shorthand, at Vaught Studio, 601 Silveron Boulevard,
Suite 180, Flower Mound, Texas.

Page 2

1 A P P E A R A N C E S
 2 MR. ROSS T. FOSTER
 Foster & East
 3 9001 Airport Freeway
 Suite 675
 4 North Richland Hills, TX 76180
 817-788-1111
 5 [REDACTED]
 6
 7
 8
 9 MR. CHAD LEE
 Law Offices of Chad Lee
 10 1301 Ballinger Street
 Fort Worth, TX 76102
 11 817-596-3866
[REDACTED]
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 4

1 (Sworn Statement commenced at 9:40 a.m.)
 2 (The witness was sworn.)
 3 DAVID VAUGHT,
 4 having being first duly sworn, testified as follows:
 5 EXAMINATION
 6 BY MR. FOSTER:
 7 Q Would you state your full name please, sir?
 8 A David Louis Vought.
 9 Q Mr. Vought, we are here today taking your statement
 10 under oath in regard to an investigation that is being
 11 conducted at the direction of the Flower Mound City Council
 12 concerning violations or potential violations of certain
 13 statutes and ordinances by elected officials. Do you
 14 understand that?
 15 A Yes.
 16 Q And you have just been sworn by the court reporter,
 17 correct?
 18 A That's correct.
 19 Q And you understand that the testimony you're giving
 20 here today is the same level of truthfulness that you would be
 21 obligated to provide if you were in a court before a judge or
 22 jury?
 23 A Absolutely.
 24 Q And you understand that the penalties of perjury
 25 apply to your testimony here today?

Page 3

1 I N D E X
 2 WITNESS: PAGE
 3 DAVID VAUGHT
 4 Examination by Mr. Foster 4
 5 Reporter's Certificate 45
 6
 7 EXHIBITS
 NUMBER & DESCRIPTION
 8
 Exhibit 1 6
 9 Text messages
 10 Exhibit 2 8
 Email dated December 9, 2013
 11
 Exhibit 3 10
 12 Incentive Application
 13 Exhibit 4 14
 Economic Development Closed Session 6-1-15
 14
 Exhibit 5 16
 15 Text messages
 16 Exhibit 6 33
 Text messages
 17
 Exhibit 7 37
 18 Text messages
 19
 20
 21
 22
 23
 24
 25

Page 5

1 A I do.
 2 Q Do you know an individual by the name of Itamar
 3 Gelbman? And you might want to spell that for her.
 4 A I do know that individual. His name is I-t-a-m-a-r,
 5 last name G-e-l-b-m-a-n.
 6 Q What is the first occasion you had to meet Mr.
 7 Gelbman?
 8 A That would be -- The first time I met Mr. Gelbman was
 9 March 16th of 2015. The first time I had contact with him was
 10 when he announced his candidacy for town council in January of
 11 2015.
 12 Q So when you say the first time that you met him was
 13 in March, that was a face-to-face meeting. Is that correct?
 14 A That's correct.
 15 Q But you did have communications with him over the
 16 internet, is that correct, prior to that?
 17 A Correct.
 18 Q What type of communications did you first have with
 19 him?
 20 A I asked him if he was conservative in his political
 21 beliefs. And he responded yes, I am conservative.
 22 Q What prompted you to contact him to ask about his
 23 conservative beliefs?
 24 A He was running for a town council position. His
 25 opponent was Carol Kyar (phonetics), and I was doing my due

Page 6	<p>1 diligence research on both candidates to find out who I wanted 2 to put my support behind. 3 Q I assume that Mr. Gelbman responded to that inquiry 4 that you made in January. Is that correct? 5 A He responded to that January 27th of 2015. 6 Q Do you have copies of those texts that passed back 7 and forth between you? 8 A I do. 9 Q Have you given me copies of those? 10 A I have. 11 Q Why don't we identify -- You have given me several 12 pages here, correct? 13 A Right. Here would be the first page. This page 14 right here is my first communication. 15 (Exhibit 1 was marked for identification.) 16 Q Let me give you a document that's marked Exhibit 1, 17 and it appears that this is two pages, is that correct, or one 18 page? 19 A No, sir. It's one page right here. 20 Q And ask you what Exhibit Number 1 is? 21 A This is -- Exhibit 1 is my first communication with 22 Mr. Gelbman. And I had asked him an open question on a social 23 media page. And to respond to me, he responded directly in a 24 message to me rather than on the open page. And that was 25 January 27th of '15. And he said, regarding your question I am</p>	Page 8	<p>1 had a consultant that helped you with that. Is that correct? 2 A That is right. 3 Q Who was that? 4 A Stuart Mullen with Range Development Services, Inc. 5 out of North Carolina. 6 Q And when did you first contact Mr. Mullen? 7 A December 9th of 2013. 8 Q And what did you ask Mr. Mullen to do? 9 A I asked -- I have given you the e-mail if you wanted 10 to make it -- 11 (Exhibit 2 was marked for identification.) 12 Q You want to identify it? 13 A Sure. It is -- This is the e-mail. And it's two 14 pages. It includes contact with my developer and contact with 15 a land broker that I put in motion to secure or find land. 16 Q And that's marked as Exhibit Number 2, correct? 17 A Yes, sir. 18 Q Do you have something I can attach these two pages 19 together? 20 A Would you like me to explain what Exhibit 2 is. 21 Q We can doing this later staple wise. With regard to 22 Exhibit Number 2, would you explain these communications and 23 the purpose for them? 24 A Absolutely. The first one was dated December 9th, 25 2013. I found Range Development Services, Inc. on the internet</p>
Page 7	<p>1 conservative. And subsequent messages from both him and I, 2 including a message on March 16th when I said it was great to 3 finally meet you at breakfast at Fuzzy's Tacos. He said 4 likewise. And at that point he asked me if I wanted to come 5 over for barbecue. So that is -- It went on further to March 6 19th. I informed him that we were building a gun range in 7 Flower Mound. And he immediately responded and said if there 8 is room for a partner, I would like to talk more about it with 9 you. It has been a dream of mine. And my response was, we 10 should grab coffee. I have been working with my developer for 11 about a year now, and I would like to tell you more about it. 12 That's Exhibit 1. 13 Q Were there other messages that are not here that 14 passed between you and Mr. Gelbman between the time you first 15 contacted him in January and you first met him in March? 16 A I don't know if there are or not. I am sure that 17 through social media we communicated. I don't have any 18 specific knowledge of exactly what was discussed or not. 19 Q When you met him in March 2015, how would you 20 describe your relationship with him? 21 A Friendly. 22 Q Had that relationship been established through social 23 media? 24 A Yes. 25 Q With regard to your development of the gun range, you</p>	Page 9	<p>1 as a consultant company that builds indoor or develops indoor 2 shooting ranges all over the United States. I contacted him 3 and said I am interested in opening an indoor gun range in my 4 area and would like to speak with you about assistance in doing 5 so. Please call at your convenience. That was my first 6 correspondence with Stuart Mullen, Range Development Services. 7 I also on December 13th of 2013 contacted Scott Hobbs who is 8 senior vice-president at CBRE brokerage services and asked him 9 to begin looking for property for which we could build an 10 indoor shooting facility here in Flower Mound. And that is 11 also part of Exhibit 2. 12 Q At the time that you did that, had you ever been 13 involved in a development process in a city before? 14 A No, sir. 15 Q Were you aware of the potential for a city to provide 16 incentives to a business that is potentially locating in a 17 city? 18 A No. 19 Q When did the concept of the town of Flower Mound 20 providing incentives to you to locate in the town first come to 21 mind? 22 A Our developer was familiar with that process, and he 23 spoke to -- He's been instrumental in this development process. 24 And he spoke to people at the town and got the required 25 paperwork that we needed to fill out with estimated annual</p>

Page 10

1 sales, et cetera. And I don't know a specific date on when
2 that happened, but Stuart Mullen was the one that first spoke
3 to the town about that. That's how I found out that incentives
4 were available.
5 (Exhibit 3 was marked for identification.)
6 Q I am going to show you what's been marked as Exhibit
7 Number 3, and ask if you can identify that?
8 A Yes. This was the incentive application that was
9 filled out by Stuart Mullen on behalf of our company Crossfire
10 Defense Academy.
11 Q The date on this is April 24, 2015.
12 A Correct.
13 Q Do you recall how long before that you became aware
14 that incentives might be available to you?
15 A I don't recall.
16 Q Do you think it was days or months or --
17 A Probably a month or more.
18 Q Before these get all messed up, let's get some
19 staples.
20 (A short break ensued.)
21 Q And I believe that you have already testified that
22 you had contact with Mr. Gelbman in March of 2015 about the gun
23 range, correct?
24 A That's correct.
25 Q Do you recall when you first actually sat down and

Page 11

1 talked to him about the gun range and the investment
2 possibilities or your development?
3 A I don't remember a specific date.
4 Q Can you give me a general time frame in which that
5 occurred?
6 A I would say in May, April or May.
7 Q It was after this incentive application which is
8 Exhibit 3?
9 A That's correct. Yes.
10 Q So at the time that you talked with Mr. Gelbman
11 initially about becoming either an investor or partner or
12 having some interest in the gun range, you had already applied
13 for these incentives?
14 A That is correct.
15 Q Do you recall ever bringing up in your discussion
16 with Mr. Gelbman that you were applying for incentives with the
17 city?
18 A The topic came up. I don't recall -- I don't recall
19 me bringing that up to him though.
20 Q Do you recall him bringing it up to you?
21 A Yes.
22 Q Mr. Gelbman was elected to the Flower Mound town
23 council at some point during this process. Is that correct?
24 A That is correct.
25 Q My understanding is that he was sworn in as a town

Page 12

1 council member in May of 2015. Is that your recollection?
2 A That is my recollection.
3 Q Do you recall at this first meeting where you
4 discussed him potentially having an interest in the gun range
5 occurred, I think you said in May, was that before or after he
6 was sworn in?
7 A I don't recall whether that was before or after he
8 was sworn in the first time that we spoke about it.
9 Q What information or what was the general subject of
10 the communications between you and he, other than just simply
11 investing in the gun range? What did y'all talk about?
12 A One afternoon I received a phone call from Mr.
13 Gelbman that he needed to meet with me right away. I asked
14 what it was in regards to. And he said -- he told me it was in
15 regards to my business, the Crossfire Defense Academy. He
16 asked me to meet him at La Madeleine that day. So I did. I
17 went to La Madeleine. There was another gentleman that was
18 there meeting with him that day. His name was Eric Jellison.
19 I believe I have already told you about him in our last
20 meeting, but Eric was leaving as I was getting there, so he can
21 confirm that I did, in fact, meet with him that day. At that
22 point Mr. Gelbman showed me documents from a closed door
23 meeting at town council where he showed me the economic
24 incentive packages that were being offered to other businesses
25 coming into Flower Mound. And he felt that I was not getting a

Page 13

1 fair shake. He believed that the town should do more as far as
2 economic incentives for us. And that was an uncomfortable
3 feeling for me.
4 Q How did you know that the information he provided to
5 you was from an executive session?
6 A He told me it was.
7 Q Do you have any knowledge of when the executive
8 session occurred in relationship to your meeting with Mr.
9 Gelbman?
10 A It was either the day of or potentially a few days
11 prior. We met a few days after, or it could have been the same
12 day as the executive session. But when he made his phone call,
13 it was urgent that he needed to speak with me right away.
14 Q Did you meet in the morning or the evening?
15 A It was in the afternoon.
16 Q Do you have a recollection of the approximate time?
17 A Between 12 and two possibly.
18 Q Do you have a copy of the documents that Mr. Gelbman
19 gave you?
20 A No. He didn't give them to me. He showed them to me
21 but would not allow me to take them.
22 Q Did he represent to you what the documents were?
23 A Yes.
24 Q And what did he specifically represent to you?
25 A That these were the incentive packages that were

Page 14

1 being offered to other companies. The one that he pointed out
 2 most notably was a company -- a restaurant called Mi Dia. And
 3 he informed me that the town was purchasing their land for
 4 them, and how he made the argument during -- at least what he
 5 told me he made the argument during the executive session that
 6 the town should be doing more for me since I am a local here,
 7 live in Flower Mound, own a business already here in Flower
 8 Mound, and that I am a veteran of the military. And he
 9 believed that the town should do more for me than they are for
 10 the company, Mi Dia, who is just coming here. The owner
 11 doesn't live there. They're just moving into the town.
 12 (Exhibit 4 was marked for identification.)
 13 Q I am going to show you a document marked Exhibit 4,
 14 and ask you if that is the document that Mr. Gelbman displayed
 15 to you at that meeting?
 16 A This does look like -- this does look like what he
 17 showed me, yes, sir.
 18 Q And that's to the best of your recollection?
 19 A To the best of my recollection.
 20 Q When -- Let me back up. Did you provide him any
 21 information at that meeting?
 22 A About the --
 23 Q About the gun range or anything.
 24 A I did.
 25 Q What information did you provide to him?

Page 15

1 A I gave him a business plan or an investor explanation
 2 of what the businesses that we're building.
 3 Q As I understand your testimony, the meeting that
 4 you're talking about would have occurred sometime after the
 5 June 1st, 2015 Flower Mound Council meeting?
 6 A It would have happened on June 1st.
 7 Q Why do you say it would have happened on June 1st?
 8 A Well, this document, Exhibit 4, is dated June 1st. I
 9 have given you my text messages to Mr. Gelbman dated June 2nd.
 10 They're not in the ones that I gave you today. They're in the
 11 ones I have given you previously that were dated June the 2nd
 12 where I asked him to stop trying to seek more. I thanked him
 13 for doing it, but I asked him to stop. And on June 2nd I made
 14 a phone call to the town and accepted the 380 agreement that
 15 they were offering that made me feel uncomfortable that Mr.
 16 Gelbman was so adamantly trying to get more for us.
 17 Q Okay. You have given me some e-mails today -- or not
 18 e-mails -- actually copies of text messages. And you have
 19 previously given me some copies of text messages. Is what you
 20 gave me today a duplicate of what I've already received?
 21 A I don't know. I don't recall exactly what I gave you
 22 before. What I have given you today may very well be
 23 different.
 24 Q Let me mark what you have previously given me as
 25 Exhibit 5. And that's several pages of documents. I am going

Page 16

1 to mark those and number the pages.
 2 (Exhibit 5 was marked for identification.)
 3 Q Let me show you what's marked as Exhibit 5 with pages
 4 numbered one through eight. And would you identify the text
 5 that you're talking about where you text Mr. Gelbman that he
 6 was not to be concerned about the incentives.
 7 A Correct. My date was off. This is dated June the
 8 3rd. I said, don't sweat the economic incentives thing. We're
 9 going to accept the offer for Mark with the request that it be
 10 front loaded. My developer was a city planner for a decade,
 11 and he believes this was a -- he felt it was a fair shake.
 12 Q And that is on page one of Exhibit 5, correct?
 13 A That is correct.
 14 Q All right. The actual meeting of the council was the
 15 evening of June the 1st, 2015. So it would have been
 16 impossible for you to meet with Councilman Gelbman on that
 17 day?
 18 A Correct. I would have had to have met with him on
 19 the 2nd, which I thought that I sent this text message on the
 20 2nd, but clearly I did not. I sent that on the 3rd. So I knew
 21 that I had met with him the day prior to sending this text
 22 message.
 23 Q When you say this text message, you're talking
 24 about --
 25 A Exhibit 5, page one.

Page 17

1 Q Did he respond to that text message in any way?
 2 A Not to my knowledge. I don't recall.
 3 Q Did you have any other conversations with Mr. Gelbman
 4 about incentives for the gun range other than what you have
 5 told us about?
 6 A No.
 7 Q So the subject never came up again?
 8 A No.
 9 Q How would you characterize the status of your
 10 negotiations with Mr. Gelbman about him acquiring an interest
 11 in the gun range the day before you sent that text?
 12 A I am not sure I understand what you're asking.
 13 Q Well, when I say characterize, had he made offers?
 14 Had you made offers to him?
 15 A No.
 16 Q Okay. I am just kind of giving you a general idea
 17 because I don't know exactly what y'all had talked about up to
 18 that point in time. Can you relate to me --
 19 A Absolutely. Sure. I gave him a brief overview of
 20 what the project was going to be and the type of investor that
 21 we were looking for, which was a non-voting member, financial
 22 backing only. He expressed an interest in being a more active
 23 partner, a voting member in the range. And that's not
 24 something that either me nor my business partner had any
 25 interest in doing, not just for him, but for anybody. We

Page 18

1 weren't interested in that. So that ended our pursuit of Mr.
 2 Gelbman as an investor.
 3 Q Did that occur on June the 2nd?
 4 A To the best of my recollection during that meeting is
 5 when he expressed that he wanted to be a more active partner in
 6 the business if he was going to be an investor, but no
 7 discussion of money. He didn't offer. We didn't ask. There
 8 was nothing like that.
 9 Q So if I understand your testimony, on June the 2nd
 10 when you went to meet with Mr. Gelbman, that you took him a pro
 11 forma. And when you started that meeting, you thought there
 12 was still a possibility that he would become an investor in the
 13 business, correct?
 14 A That's right.
 15 Q And during the course of that meeting after he
 16 displayed these incentives to you which is Exhibit Number 4,
 17 y'all discussed the gun range and whether or not he would be
 18 able to have some type of interest that allowed him to vote.
 19 And you essentially told him that you were not interested in
 20 that, correct?
 21 A We didn't tell him anything at that point. We left
 22 the meeting, and I discussed it with my partner. And we
 23 decided that he was not somebody that we wanted as an investor,
 24 but also as a city council person we didn't want to make him
 25 angry. So we just kind of stopped the communication with him

Page 19

1 about investing. We didn't tell him we didn't want him as an
 2 investor.
 3 Q Did you express to him in a meeting on June the 2nd
 4 that you were not interested in any investor or any person
 5 having an equity interest or voting interest in the company?
 6 A Yes.
 7 Q Did he react to that?
 8 A I don't recall exactly what he said. I know that
 9 that was -- I know that he verbalized to me that that is
 10 something that he wanted to do.
 11 Q But at that meeting he didn't tell you that -- he
 12 didn't provide an equity interest or a voting interest that he
 13 wasn't interested in being an investor?
 14 A He did not say that.
 15 Q As I understand your testimony, after that meeting
 16 you discussed it with your business partner and decided you no
 17 longer wanted to pursue him as any type of investor?
 18 A Correct.
 19 Q And that was not specifically communicated to Mr.
 20 Gelbman because of his position on the city council. You just
 21 let the negotiations die?
 22 A Correct.
 23 Q Did Mr. Gelbman to your recollection ever bring back
 24 up the issue of being an investor?
 25 A Yes.

Page 20

1 Q When did he do that?
 2 A I don't have a specific date. It may be in the text
 3 messages.
 4 Q Well, look through those, if you can.
 5 A Yes. It looks like on page seven of Exhibit 5 we
 6 were having a discussion, a friendly discussion. He asked me
 7 if I wanted to go with him and his wife to a shooting range and
 8 go shooting. I responded that, you know, that I wished that I
 9 could but I was working. And then he responded and said, do
 10 you want to hire me. And I said as an instructor, you know,
 11 because he knew how we felt on the voting partner. And he said
 12 no, there isn't enough money for instructor jobs unless you own
 13 the range. And I kind of made light of it, and I said, you
 14 know, ha, not for the first eight years anyway. The investors
 15 will receive the lion's share of the profits.
 16 Q And you interpreted that as him again asking for the
 17 acquisition of some type of voting interest in the gun range?
 18 A Absolutely. He said as much.
 19 Q Is there a date on that text?
 20 A It would have had to have been prior to July 21st
 21 because the next line in the text conversation was,
 22 congratulations, which I assume was something that had occurred
 23 at a town council meeting where our project maybe was re-zoned
 24 or something, but he congratulated me. So that conversation
 25 that he had about that, that was prior to July 21st.

Page 21

1 Q At that point in time was your relationship with Mr.
 2 Gelbman still friendly?
 3 A Yes.
 4 Q We have talked about some of the text messages that
 5 are represented by Exhibit Number 5. Would you go through
 6 there on a page by page basis and describe to us the basis and
 7 content of the conversations that are there and date them, if
 8 you can, because some of them are kind of missing the date.
 9 A Page one of Exhibit 5 is dated June 3rd of 2015 where
 10 I was asking him to no longer seek more benefits for us or more
 11 economic incentives for us. I asked him to stop in his efforts
 12 to get more for us, and that we were going to accept what the
 13 town -- what Mark Wood had offered to us.
 14 Q Let me interrupt you a second there. When you say
 15 you asked him to stop, when you left the meeting on that day
 16 was it your understanding that he was going to continue?
 17 A Yes. He told me specifically -- I'm sorry.
 18 Q That's okay. That's okay. Sometimes it's hard for
 19 her to take down both of us talking at the same time. But was
 20 it your understanding that he was going to continue to lobby or
 21 ask for more incentives for the gun range when you left the
 22 meeting on June the 2nd?
 23 A Yes. He specifically told me, do not accept it, that
 24 he was going to get more for me.
 25 Q Go ahead with the Exhibit Number 5, page two.

Page 22

1 A Page two, I explained -- I had not been able to be
 2 present at the town council meeting, but I had watched it
 3 on-line.
 4 Q What town council meeting are we referring to?
 5 A This was -- this was dated June 17th, so I assume
 6 that it would have been a town council meeting just prior to
 7 June 17th. I just watched the town council meeting. I am not
 8 exactly sure what I expected. I thought you had some really
 9 good points, but I did not understand the removal of Nels.
 10 Nels Pierson was a planning and zoning commissioner that had
 11 been appointed. And Mr. Gelbman brought him up in front of --
 12 It looked like a prosecution to me. It was for somebody that
 13 had volunteered. It was uncomfortable to watch what was
 14 happening to him. I didn't know Mr. Pierson. I just thought
 15 it was the wrong way to dismiss somebody, and I told him as
 16 much. And I said, you know, you are not new to the leadership
 17 role. You have military and business experience, but what you
 18 did to Nels came across as very disrespectful. You never
 19 yelled at him or said bad things about him, but the entire way
 20 that it was handled came across as arrogant and bullying.
 21 Maybe there's more to the story that I don't know, but that was
 22 the first time that I was beginning to disagree with the way
 23 that what I was seeing from him. I had supported him
 24 throughout his campaign. Now that he was in a town council
 25 leadership role, he was doing some things that I didn't feel

Page 23

1 were appropriate.
 2 Q Generally most people who see town council meetings
 3 and disagree with council members don't necessarily text them.
 4 Was your relationship with him at that point in time close
 5 enough that you felt like he would react to a personal
 6 expression of opinion by you through text?
 7 A Yes. We were at that point -- I would say that we
 8 were still friends.
 9 Q When you say that you were friends, can you be more
 10 descriptive of that?
 11 A Well, I have outlined when I first contacted him and
 12 when I first met him. During that time period and up until
 13 about now, June 17, he had invited my wife, my children and I
 14 over to his home a few times.
 15 Q Had you gone?
 16 A Yes. We ate dinner. I helped him put a bicycle
 17 together in his garage because he was going to start
 18 exercising. I think we went over to his house twice for
 19 dinner. And one of those times was when I helped him put his
 20 bicycle together in the garage. I don't believe that we have
 21 ever done anything outside of those two things other than I
 22 believe he came to breakfast with a group of my friends that we
 23 meet every Thursday for breakfast, and he attended a few of
 24 those. But other than that --
 25 Q Okay. That gives me an idea of what your

Page 24

1 relationship was. Page number three.
 2 A Page number three, page three he is explaining that
 3 Tom and Webb, he's meaning Tom Hayden, our mayor, and Brian
 4 Webb are going against us on purpose. And by us he's meaning
 5 the newly elected council members of Brian Roundtree, Kevin
 6 Bryant and Mr. Gelbman. They're going against us on purpose.
 7 They're sore losers and can't get over the election. They're
 8 trying to do everything they can to make us look bad. This
 9 thing about Nels in the public forum, that was Webb. He may
 10 have succeeded to make us look bad, but sooner or later
 11 everything will come out. I also think it's funny that only
 12 people think I bullied are the hard core conservatives are
 13 extremely vocal and name calling on Facebook. His English is
 14 kind of broken, so I am reading what he wrote.
 15 Q Is page number three a continuation of page number
 16 two?
 17 A I don't recall if it is or if it isn't.
 18 Q Can you date page number three, the texts that are
 19 reflected there?
 20 A There's no date present on page three. I can find
 21 those dates for you if it would be helpful.
 22 Q Obviously it was sometime after the council meeting
 23 in which Mr. Pierson was removed from the P and Z and sometime
 24 after the text that is represented by Exhibit -- excuse me --
 25 page two of Exhibit 5, correct?

Page 25

1 A It is after June 17th, which is dated on page two of
 2 Exhibit 5. And it is prior to June 25th which is dated on page
 3 four of Exhibit 5. So it is between the June 17th and 25th.
 4 Q And if I understand your testimony, page three is Mr.
 5 Gelbman kind of summarizing to you his view of the dispute on
 6 the Flower Mound Council. Is that correct?
 7 A That's correct.
 8 Q Turn over to page four. What is the date of that
 9 text?
 10 A June 25th of 2015.
 11 Q And in summary what does that text reflect?
 12 A I had made a comment on a social media page about my
 13 distaste for the way that Nels Pierson was removed from
 14 planning and zoning. You may or may not be aware of it, but
 15 Mr. Pierson, according to his wife, that was very emotionally
 16 disturbing to him, and he died 10 days after that from a heart
 17 attack. Mr. Gelbman did not like that I posted something on
 18 social media. He didn't like that I said that it was
 19 distasteful the way that he was dismissed. So he asked why am
 20 I mentioning this on the social media page. You know, why is
 21 it important to mention a negative issue when saying goodbye to
 22 somebody except for bringing drama. He's accusing me of just
 23 wanting to insight drama rather than my true distaste for what
 24 had happened. And I just said, look, if you want to discuss
 25 this, we can do it face-to-face, but I am not going to get into

Page 26

1 a text debate. I think it was bad the way that he was removed.
 2 I voiced my opinion, and I am reaffirming it now. I also think
 3 that it's important to let his friends and family know that
 4 regardless of how he was removed, we appreciated his service.
 5 That is why I brought it up. He was appreciated even though
 6 the town council basically said we no longer want your
 7 volunteer service. He said that he would be happy to talk to
 8 me face-to-face about it. And he said, but I think what you're
 9 really wanting is to bring drama into the social media page.
 10 And I am telling you as a friend that bringing negativity in
 11 saying goodbye isn't helping anyone.
 12 Q At that point in time did you still consider Mr.
 13 Gelbman a friend?
 14 A He said not even your case. I am sorry. At the end
 15 of that, he said not even your case.
 16 Q What does that mean?
 17 A I am not sure exactly what that meant. He said I
 18 have no problem with the face-to-face debate. I think you are
 19 wanting to bring drama to Getting Real, which is the social
 20 media page. It's your group. I am telling you as a friend
 21 bringing negativity in saying goodbye isn't helping anyone, not
 22 even your case. I don't really know what that means.
 23 Q Turning over to page five.
 24 A Turning over to page five.
 25 Q Is that a continuation of page four?

Page 27

1 A No, sir. This is dated July 19th, 2015.
 2 Q Okay. You believe that is before the text that is
 3 reflected on page four. Is that correct?
 4 A No. Page four was June 25th, 2015.
 5 Q Tell us about page five.
 6 A Page five, there was discussion of an investigation
 7 that was being launched, going after a sitting councilman,
 8 Brian Webb. It was known that Mr. Roundtree and Mr. Gelbman
 9 were going to try to have him removed from town council because
 10 he did not think like they think.
 11 Q Let me interrupt you just a second. When you say it
 12 was known, what do you mean?
 13 A I guess the scuttlebutt around the town was that they
 14 were going to try to have him removed through an investigation.
 15 And I don't recall if it was an ethics or a charter violation.
 16 I believe it was charter, but I could be off on that. That
 17 they were going to try to have him removed because Mr. Webb
 18 allegedly informed Mr. Pierson that he was going to be removed
 19 from P and Z. And because he informed Mr. Pierson of that, Mr.
 20 Roundtree and Mr. Gelbman were going to try to have him kicked
 21 off town council for a charter violation.
 22 Q Please continued to page five of Exhibit 5.
 23 A To paraphrase, he said that he was not the one going
 24 after Mr. Webb. And he said that -- And I clarified, and I
 25 said, well, let me rephrase this. Is Brian, meaning Brian

Page 28

1 Webb, really the focus of an ethics investigation. I am
 2 certain -- I am certain it is not him leading the charge. It's
 3 not Tom. It's not Dickson. And Bryant has expressed openly
 4 that it's not him which leaves you and Mr. Roundtree. I just
 5 think there's so many things for town council to do. This just
 6 seems a little nutty. But I am sure I only know a fraction of
 7 the details. His response was, so you're okay with council
 8 members being above the law. So a council member you like
 9 shouldn't be investigated for breaking the law. And I just
 10 reaffirmed that I am sure that I only know a fraction of the
 11 details. And I asked who was leading the charge. Was it Mr.
 12 Gelbman or Mr. Roundtree. He said it is not me, but you didn't
 13 answer my question regarding council members above the law.
 14 And I said, yes, actually I did when I admitted that I don't
 15 know all of the details. From what I do know, no laws have
 16 been broken.
 17 Q And now you have flipped to page six of Exhibit 5.
 18 Is that a continuation of page five?
 19 A I do not believe this is a continuation.
 20 Q Well, would you summarize the communication on page
 21 six?
 22 A Yeah. I am expressing my distaste for what I am
 23 seeing in town council, my opinion about it. And I said this
 24 is my opinion, not spoonfed crap, but it looks like you guys,
 25 meaning Mr. Gelbman and Mr. Roundtree and Mr. Bryant go after

Page 29

1 anyone that opposes you. That may not be the case, but it is
 2 what it looks like. And he responded, really. Don McDaniels
 3 wasn't removed. Claudia Forest wasn't removed. Mike McCall
 4 wasn't removed. Funny that all three of them went really
 5 strong against us. And I said, well, for that matter, you have
 6 broken the law by sharing stuff with me that was discussed in
 7 closed session. I sure as hell don't want you removed from
 8 town council over that, nor would I want you brought up on
 9 charges. He responded, I won't allow corruption and above the
 10 law council members and town employees. And it's funny that
 11 you mention yourself. Webb is filing charges against me. And
 12 I said, what charges is he filing against you. And he
 13 responded the same thing. But unlike him I am not going to cry
 14 to the entire world about it and play victim. I will support
 15 an investigation against me and do it without crying. I wonder
 16 if ask his supporters still feel the same way about petty and
 17 taxpayer money. I am going to turn the page to page seven.
 18 Q Is that a continuation of page six?
 19 A I believe it is. He says yes, and I support the
 20 investigation against me if that will go that way. And I said,
 21 I wouldn't testify, but tomorrow will be interesting to say the
 22 least. And I believe tomorrow was referring to a council
 23 meeting possibly the next day, but I can't be sure of that.
 24 The next text message was he asked me if I wanted to go with he
 25 and his wife to a shooting range. And I said --

Page 30

1 Q Was that on the same day that you texted him about
2 the next day being interesting, or was that a different day?
3 A That is on the same day. And I told him that I was
4 working. Would love to. We have already gone over the next
5 part, but I will paraphrase it. He asked at that point if I
6 wanted to hire him. Again, this is the same day. And I
7 responded as an instructor. And he said no, there isn't enough
8 money in it for instructor jobs unless you own the range. And
9 I made light of it and just said not for the first eight years
10 anyway. The investors get the lion's share of the money. On
11 July 21st -- So that text message that I just said had to have
12 occurred prior to July 21. So on July 21 he responded to me
13 congratulations. And I said, hey, I am really bothered by the
14 Jason Hitt post. That was below the belt.
15 Q Hold on just a second. In relationship to the
16 congratulations, you testified that and the document indicates
17 that that was on June 21st, 2015. Do you recall when your
18 incentives package was approved by the council?
19 A I don't recall. That could have been that night. He
20 texted me that congratulations at 12:38 in the morning. So I
21 assume that it was the same night that -- or early morning that
22 our economic incentive package was approved, that or the
23 re-zoning was approved. Something that went into the evening
24 and into the early morning before our range was approved.
25 Q Were you at the meeting where your economic

Page 31

1 incentives were approved?
2 A I was.
3 Q And Mr. Gelbman did not vote on those economic
4 incentives. Is that correct?
5 A He did not.
6 Q At the time that your economic incentives were
7 approved, were you still in ongoing negotiations with him
8 concerning investing in the gun range?
9 A We were -- When I say we, my partner and I were not
10 interested in having him as an investor at that point. But we
11 were being cautious because of his position. So we were no
12 longer discussing it with him. We were trying to, as I did
13 above, if it came up, I was trying to deflect the
14 conversation.
15 Q You and your partner were no longer interested in Mr.
16 Gelbman being an investor at that time. Is that correct?
17 A That's correct.
18 Q But you had not communicated that to Mr. Gelbman?
19 A That is correct.
20 Q All right. Please continue.
21 A I expressed that I was really bothered by a social
22 media post by a man by the name of Jason Hitt. Jason Hitt was
23 a planning and zoning commissioner that was appointed by Brian
24 Roundtree, Itamar Gelbman and Kevin Bryant. On a secret page
25 Mr. Hitt asked for information on a city council member, Brian

Page 32

1 Webb, the same council member that Mr. Roundtree and Mr.
2 Gelbman were trying to have kicked off town council. And he
3 made a comment or he put out a request for information on this
4 council member. Asked for information on him. Asked for
5 information on his wife and asked for information on his
6 children. He said he wanted any information and all
7 information about Mr. Webb and his family. I thought that that
8 was very distasteful for a human to do, much less a planning
9 and zoning commissioner. And I expressed my -- I just said I
10 am really bothered by the Jason Hitt post. That is way below
11 the belt.
12 Q Is page eight a continuation of page seven?
13 A Does not seem to be.
14 Q Can you give me a date or a rough date of those
15 texts?
16 A It would have been after -- either on or after July
17 21st of 2015. And --
18 Q Would you summarize the content of page eight for
19 me?
20 A Yes. Okay. This is where I was discussing with him
21 what bothered me about his attempt to seek more financial
22 compensation for my business. And I said, you know, that his
23 sharing the information with me about what was given to Mi Dia,
24 which was one of the companies he shared information, and other
25 for their economic incentives and telling me not to accept what

Page 33

1 the town -- He said -- he told me not to accept that the town
2 should give me more, it's not just a breach of ethics. It's a
3 criminal offense. And then I asked him to please point me to
4 hateful remarks on a social media page that I moderate so that
5 I can delete them. And he said -- You know, I asked him how am
6 I supposed to handle the information that he gave me in
7 confidence. And he at that point said, you know, share the
8 truth with the investigator and let them make a decision. And
9 I said I will. That was the end of that document.
10 Q At the time that the text represented by page eight
11 of Exhibit 5 were sent, the city council had authorized an
12 investigation. Is that correct?
13 A To my knowledge, yes.
14 Q It looks like I missed one.
15 A Does that fit in here somewhere?
16 Q I think it may be the first one, but I am not sure.
17 (Exhibit 6 was marked for identification.)
18 Q Let me show you what's marked as Exhibit 6. And
19 that's also a text message. Is that correct?
20 A Yes.
21 Q And would you tell me -- summarize what Exhibit 6
22 represents?
23 A Exhibit 6 is a text message dated May 19th, 2015. I
24 had changed my screen name on social media to my initials, the
25 phonetic alphabet of my initials, which was Delta Victor. And

Page 34

1 he asked me why I did that. And I said that there were people
 2 trying to do weird stuff, web searches. My clients were being
 3 called, odd phone calls because I didn't support certain
 4 councilmen because I did not support Roundtree or Kevin Bryant.
 5 Brian Roundtree, Kevin Bryant and Itamar Gelgman kind of ran as
 6 a ticket item. They had the same supporters. I did not
 7 support two of them, but I did support Itamar Gelbman. Those
 8 supporters are fairly radical. And because I was outspoken
 9 about my opposition to the other two, certain things were
 10 happening. My clients were being called. Other people's
 11 clients were being called. I know that one friend of mine that
 12 is also outspoken who owns land that there's a recording of one
 13 of these. Well, Jason Hitt called Quick Trip, QT, and demanded
 14 that they not buy from this particular landowner. I suspect
 15 that's the same person that called one of my clients, but I
 16 can't prove it. We were getting odd phone calls in the middle
 17 of the night. Anyway, I just said, well, that's why. I don't
 18 like people getting too much into my personal business. He
 19 said that's too late. Everybody already knows you. And then
 20 he said, hey, do you want to come over for barbecue on Sunday.
 21 And so I said -- I responded, I said, I just had a great
 22 meeting with an investment group about the shooting range. It
 23 went very well. And I said are you still interested or would
 24 it be a conflict of interest now that you're a councilman. And
 25 he said I am still very much interested, but I would like to

Page 35

1 take an active role. Now this was, again, May 19th. So this
 2 is prior to Exhibit 5 that we just kind of went through. And
 3 we talked about -- He said when can we have a one-on-one
 4 meeting about it. And I said, well, I am going to have coffee
 5 in the morning. Do you want to join me. I don't recall. I
 6 don't believe he went to coffee with me that morning. If I am
 7 not mistaken, we had dinner with them soon after this, but I
 8 could be mixed up on my dates.
 9 Q You told me that the June meeting or the meeting you
 10 had on June the 2nd or 3rd immediately after the council
 11 meeting where executive session discussions included your
 12 business that you gave him a pro forma, correct?
 13 A That's correct.
 14 Q Is that the first pro forma that you have given?
 15 A Correct.
 16 Q Do you recall discussing this comment that he wanted
 17 to take an active role prior to that June 2nd or 3rd meeting
 18 with him?
 19 A I'm sorry. Do I recall?
 20 Q Yes. This is dated -- When I say this, I am talking
 21 about Exhibit 6 is dated May the 19th, 2015. And he says in
 22 that he would like to take an active role. And you told me
 23 that approximately 12 to 14 days after that, you had a meeting
 24 with him. And he, again, expressed that he wanted to take an
 25 active role, and you were not interested in that. Do you

Page 36

1 recall between May the 19th and the June 2nd or 3rd meeting
 2 talking with him about investing in the gun range?
 3 A I don't specifically recall anything. I know that on
 4 this he didn't explain what taking an active role meant on that
 5 particular text message on Exhibit 6. I don't recall exactly
 6 when it was that he explained what his active role was. I
 7 believe it was on June 2nd or 3rd whenever we met for coffee at
 8 La Madeleine. And at that time I became aware of what his
 9 intentions as an investor were.
 10 Q Okay.
 11 A That kind of ended the conversation.
 12 Q The last text message which is page number eight of
 13 Exhibit Number 5, at that point were you and Mr. Gelbman still
 14 friends?
 15 A Can I see that?
 16 Q Sure.
 17 A I would -- I would not characterize us as friends at
 18 that point. I wouldn't say that we were enemies. He was
 19 somebody that I had at that point believed or I was beginning
 20 to believe that I had made a mistake in my support for him
 21 because of his actions on town council, what I was seeing from
 22 them and the way that they were going after people. And I was
 23 beginning to voice my concerns to him about that and still
 24 hoping that things would turn around and he would be the leader
 25 that I had expected that he would be. We were no longer going

Page 37

1 over to his home for dinner, meeting for coffee and things like
 2 that if that's what you're asking.
 3 Q But you were still texting each other?
 4 A Correct.
 5 Q After the text which is represented by page eight of
 6 Exhibit 5, did you have any further text communications with
 7 Mr. Gelbman?
 8 A Page eight, I believe, occurred on or after July
 9 21st. Yes. I have had plenty of text messages after that,
 10 yes.
 11 Q Any of them about the gun range?
 12 A I don't specifically recall any about the gun range.
 13 I have given you a few here today. This is --
 14 Q Let me mark these --
 15 A Sure.
 16 Q -- so we can keep track of what we're doing.
 17 (Exhibit 7 was marked for identification.)
 18 Q And they're marked as Exhibit 7. These were
 19 additional e-mail communications that you have given me between
 20 you and Mr. Gelbman. Is that correct?
 21 A That is correct.
 22 Q And there's two pages there?
 23 A Uh-huh.
 24 Q But there are numerous texts on each page, correct?
 25 A That is correct.

Page 38

1 Q Would you go through there and, again, summarize what
2 the communications say, and if you can date the text. And if
3 you would just for clarity purposes, when you're talking about
4 them, just number them starting with one.
5 A On October 18th of 2015 there was a little bit of a
6 discussion about he's referring to Brian Webb. He says your
7 conservative friends are now supporting Bernie and Wendy. I
8 assume -- take a shot and would say that they're more
9 liberal.
10 Q That's text number one that you have marked on
11 Exhibit 7, correct?
12 A Exhibit 7, page one. And I asked him if he was
13 cooperating with the investigation that was under way. And he
14 said that he was cooperating with the investigation, but he was
15 not going to go under oath unless other people did. He said
16 that the investigator, and I am going to read this verbatim.
17 The investigator refused to question then -- he means them --
18 under oath. Now he changed his mind. And if everyone are
19 equal, then I will take part of it.
20 Q Number two is what?
21 A Number two of page one on Exhibit 7 he asked me if I
22 still felt that Brian Webb was conservative. And I just --
23 Some of the questions that he would ask in the text message,
24 they would come at odd hours of the night, and they would just
25 be in left field. I wouldn't know where they were coming from.

Page 39

1 So I responded, and I said what are you talking about with
2 Brian Webb. And he said, well, you always told me how
3 conservative he is. Trying to figure that out if you still
4 think that. I just said, look, I think it is local -- at the
5 local level he makes decision based on fact and logic. His
6 voting record is in line with conservative principles. I have
7 never tried to convince you that he is a conservative on the
8 national politics, nor do I care. I know -- And I said, do you
9 disagree. I know one thing for sure, that voting to keep Jason
10 Hitt on planning and zoning was about as liberal as it gets.
11 That guy is a cancer. He's toxic. And that's really who you
12 want to have on planning and zoning. And I said that says a
13 whole lot about you. This is now crossing over into three of
14 Exhibit 7, page one. He explains his justification for keeping
15 Mr. Hitt.
16 Q You don't need to read that.
17 A Now on to four, Exhibit 7, page one.
18 Q Did you date two and three?
19 A This is a running text message, and it's still dated
20 October 18th at around 10 in the morning. So that's a -- that
21 will not change date until we get to six.
22 Q Okay. You don't need to read it, but just generally
23 summarize it.
24 A Four and five are discussing Jason Hitt's either
25 removal or voting to keep him on planning and zoning. At that

Page 40

1 point on five of Exhibit 7, page one, I did express that I felt
2 betrayed and misled by him. And at that time I said I regret
3 that I supported you in the election. You have consistently
4 sided with the most vile liberal people in the town. And these
5 people have literally tried to come after my ability to provide
6 for my family simply because I didn't support or simply because
7 I supported Walker and Don. Mike Walker and Don McDaniel were
8 two people running for council members. And those are the
9 people that you side with. You might be okay with it, but I am
10 not, and I won't associate with those that do.
11 Q Number six.
12 A On to number six, Exhibit 7, page one. After -- and
13 this again a continuing text. After I just said that, he asked
14 me if I wanted to come to the gym and work out with him. He is
15 trying to justify his thoughts on Brian Webb and Don McDaniels.
16 On number six also -- this is dated October -- I'm sorry --
17 October the 19th. So this is the next day. I asked him if he
18 had a moment to speak. And he said always for you. And --
19 Q Did you speak to him?
20 A I don't recall if we had a phone conversation or not.
21 Q Moving on to number seven.
22 A Yes. I'm sorry. Number seven of Exhibit 7, page two
23 now. So we're discussing I was informed by a third party that
24 Mr. Gelbman was making a veiled threat against me for my
25 cooperation in this investigation. And I asked him about it,

Page 41

1 confronted him about it in this text message.
2 Q Is there a date for that text message?
3 A Yes. That was October 19th, --
4 Q Okay.
5 A -- 2015. And then he said -- he then accused me of
6 trying to fake criminal actions against him. And he still
7 supported my range. And he asked his supporters to back off.
8 He asked his supporters to back off from both me and Mr.
9 Ramsey.
10 Q You're now on eight. Is that correct?
11 A Yes, sir. I am sorry about that.
12 Q So eight is a continuation of seven?
13 A That is correct. So what he meant by backing off of
14 me and Mr. Ramsey was he was aware that his supporters were
15 doing things like calling our clients trying to have us lose
16 business or lose work because we simply disagreed with someone.
17 He asked his supporters to stop doing that, back off doing
18 that. The veiled threat that came had information in it that
19 was disclosed to you, the investigator, about Mr. Gelbman and
20 our relationship. And he claims at that point that he didn't
21 disclose that information to this person. And he claims that
22 if that person -- he claims that the only person that had
23 information was the investigator and that if it was leaked out,
24 that the investigator leaked it out. Moving on to nine,
25 Exhibit 7, page two. Same --

Page 42

1 Q Is that a continuation?

2 A It's a continuation where we're discussing his veiled

3 threat against me. And he was asking me for who it was that

4 told me that information.

5 Q And then number 10?

6 A We move on to number 10. I explained to him that the

7 person that told me begged me not to tell him because he was

8 afraid of Mr. Gelbman, but I did tell him anyway. I told him

9 that it was a man by the name of Eric Jellison. And in number

10 11 of Exhibit 7, page two, he told me that Mr. Jellison was

11 flat out lying to me. Continuing on to number 12, Exhibit 7.

12 I said -- Well, I'm sorry. The bottom of 11, I said, well, if

13 that's the case and it gets off, then I apologize. And he

14 responded on 12, Exhibit 7, that he was writing the same thing.

15 And he said, look, we need to go -- we need to go out and talk

16 like adults. And I said, you know, hey, sorry about getting

17 frustrated. But I took Eric at his word. And he said, no

18 problem. I owe you an apology as well. And he admitted that

19 he had made some mistakes the first couple of months, but he

20 learned from it and promised to change his attitude to make the

21 town better. And that was the end of 12 of Exhibit 7.

22 Q Obviously up through October you were still

23 communicating with Mr. Gelbman as represented by these texts.

24 Do you recall any conversations -- telephone conversations

25 between you and he during that period of time?

Page 43

1 A I know that we had telephone conversations. I don't

2 recall dates or, you know, specifics about the conversations.

3 I am not sure.

4 Q How about face-to-face meetings from say the end of

5 July through today?

6 A Not that I can recall. I don't remember any

7 face-to-face meetings.

8 Q I believe you testified that you and Councilperson

9 Gelbman had discussed the fact that you were asking for

10 incentives from the town prior to the time that you had the

11 June 2nd or 3rd meeting with him. And he provided to you the

12 document that he received in executive session. Is that

13 correct? And I don't want to put words in your mouth. Think

14 about that. I am just talking about incentives.

15 A So what you're asking is -- one more time.

16 Q Obviously you talked about incentives on the June 2nd

17 or 3rd meeting.

18 A Correct.

19 Q You said that you first started talking with him

20 about the gun range in March. My recollection is that you also

21 testified that the issue of incentives from the town came up

22 with Mr. Gelbman before you had the June 2nd or 3rd meeting.

23 My recollection of your testimony may not be correct. So would

24 you please tell us again whether or not you had any discussion

25 of incentives with Mr. Gelbman between the first time that you

Page 44

1 talked with him about the gun range in March and when you sat

2 down at the La Madeleine and talked with him and he gave you a

3 copy of the incentives package.

4 A I do not specifically recall discussing the incentive

5 packages prior to the June 2nd or June 3rd meeting with Mr.

6 Gelbman at La Madeleine. I recall getting a phone call from

7 him telling me that he needed to speak with me. It was urgent.

8 It was about the gun range. That was to the best of my

9 recollection the first time we spoke about him not wanting me

10 to accept the incentive package that was presented to me and

11 that he felt like I should receive more.

12 Q I don't believe I have any other questions.

13 (Sworn Statement concluded at 11:10 a.m.)

14 (Signature was waived.)

15

16

17

18

19

20

21

22

23

24

25

Page 45

1 REPORTER'S CERTIFICATION

2 STATE OF TEXAS)

3 COUNTY OF TARRANT)

4 I, Rhonda Mears, a Certified Shorthand Reporter in and for

5 the State of Texas, do hereby certify that the transcript of

6 the Sworn Statement of the above-named witness is a true record

7 of the testimony given by said witness after the witness was

8 first duly sworn by me.

9

10

11

12

13 Certified to by me, this 24th day of

14 November, 2015.

15

16 *Rhonda Mears*
RHONDA MEARS, CSR #3665

17 Expiration Date: 12-31-16

18 MERIT COURT REPORTERS -

19 A VERITEXT COMPANY

20 Firm Registration No. 571

21 300 Throckmorton Street

22 Suite 1600

23 Fort Worth, TX 76102

24 817-336-3042

25