

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY HEARING EXAMINER  
Naples, Florida  
February 26, 2015

LET IT BE REMEMBERED, that the Collier County Hearing Examiner, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION at 2800 North Horseshoe Drive, Room 609/610, Naples, Florida, with the following people present:

HEARING EXAMINER MARK STRAIN

Also Present: Heidi Ashton-Cicko, Managing Assistant County Attorney  
Ray Bellows, Zoning Manager

EXHIBITS:

| DESCRIPTION             | PAGE |
|-------------------------|------|
| PE-PL20140000538        |      |
| A - Staff Report        | 5    |
| B - Legal Advertisement | 5    |
| PDI-PL20140002801       |      |
| A - Staff Report        | 9    |
| B - Legal Advertisement | 9    |
| DR-PL20140002448        |      |
| A - Staff Report        | 14   |
| B - Legal Advertisement | 14   |
| PL20140002581           |      |
| A - Staff Report        | 24   |
| B - Legal Advertisement | 24   |
| ZVL(CUD)PL20140002784   |      |
| A - Staff Report        | 28   |
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PROCEEDINGS:

HEARING EXAMINER STRAIN: Good morning, everyone. It's nice and loud to start off the day. Would everybody -- I have some housekeeping matters to discuss, but if you'll all please rise for Pledge of Allegiance first, I'd appreciate it.

(The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: Well, welcome to the Thursday, February 26th meeting of the Collier County Hearing Examiner's Office.

Individual speakers will be limited to five minutes unless otherwise waived. All decisions are final unless appealed to the Board of County Commissioners, and the decision is required to be rendered within 30 days. Usually it takes a lot less time than that.

In review of the agenda, there's one change. In a prior meeting about a month ago we had a continuation a Petition No. CUR-PL20140000808. It was called the Maple Leaf Learning Center, LLC, and it was for a conditional use in Golden Gate City.

That item has been moved into the Collier County Planning Commission and the Board of County Commissioners' agendas, and it will move into that process from out of this process.

Is anybody here wanting to speak on that particular matter?

(No response.)

HEARING EXAMINER STRAIN: Okay.

There are no minutes to approve from the prior meeting, so we'll move directly into our advertised public hearings.

\*\*\*The first item up is Petition No. PE-PL20140000538. It's the Capri Christian Church Inc., on Lots 429 and 430 of the Isle of Capri.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

HEARING EXAMINER STRAIN: Okay, thank you.

Disclosures on my part, I've spoke numerous times to the applicant's representative, Blair Foley. I've reviewed all the files, history on the project, talked with staff many times, read the staff report, and I've talked to at least one -- a couple residents on Isle of Capri, in particular, Ann and Eddie Hall. And I believe that's the only disclosures I have that I can recall.

For the record, Exhibit A will be the staff report, and Exhibit B will be the legal ad.

And with that, we'll move into the discussion with the applicant. Blair, if you want to use that microphone.

Is there anybody here that opposes this particular action?

(No response.)

HEARING EXAMINER STRAIN: Okay.

Blair, I'm going to quickly run through a couple pieces of the application to familiarize those who are here to talk about this. How many people are here because of this action today?

Okay. Thank you.

That's the location. It's one lot over from the existing -- one lot over from the existing church. There are some staff recommendations. We'll get into them in a minute. And that's the layout of the property.

Blair, on those staff recommendations, did you have any objections to any of those?

MR. FOLEY: No, sir.

HEARING EXAMINER STRAIN: Okay. I have read the entire staff report. I have a few comments to make about it. I don't need a presentation, but if you would like to put anything else on the record, you're more than welcome to. And since there's nobody here in opposition, I don't believe a presentation's warranted.

MR. FOLEY: I really don't. I just wanted to state for the record, Blair Foley representing the Capri Christian Church, and we're in full support of the staff report.

HEARING EXAMINER STRAIN: Okay. The sidewalk, and the maximum you're going to -- the sidewalk from the lot to the church is one of the stipulations. You have a maximum of 27 parking spaces. You're looking for reduced buffer widths, upgraded plant materials, and no walls. Now, some of those are going to be the subject of a variance that are coming up as a result of this parking exemption.

And I've asked staff if they could address the time frame of the variance and when that's going through the process.

Fred?

MR. REISCHL: Fred Reischl with Planning and Zoning.

Because of the advertising deadlines that we have, the next available date would be the April 9, 2015, meeting.

HEARING EXAMINER STRAIN: So that -- I know that came in kind of late, but we will get it out. Probably a little over a month from now, then, that should be accomplished.

And with that, I'll see if there's anything else.

The county attorney just reminded me the stipulations will be written up specific to that lot, those lots. So that will be the condition in which you're applying for the variance. When the variance goes through, then everything will be equivalent.

And, Blair, I don't have any other issues with this. So unless you've got something else -- and I'll ask for public speakers. If we don't hear anything to the contrary, I should have a decision within probably a week or two; no greater than 30 days.

MR. FOLEY: Very well. Thank you. I have nothing to add.

HEARING EXAMINER STRAIN: Okay. By the way, I want to note we had 27 letters in favor of this. That's tremendous. It was good to see the public involvement and all the letters we got. And I had none against it. I found no one who spoke out against it.

Thank you, sir.

MR. FOLEY: Thank you.

HEARING EXAMINER STRAIN: Staff report, Fred?

MR. REISCHL: Nothing in addition to add. Thank you.

HEARING EXAMINER STRAIN: Okay. Are there any members of the public who would like to speak on this matter?

(No response.)

HEARING EXAMINER STRAIN: Okay. With that, we'll close the public hearing, and a decision will be rendered within 30 days. And I certainly thank you all for coming. This is as short and as less complicated as we can make it.

UNIDENTIFIED SPEAKER: Thank you very much.

HEARING EXAMINER STRAIN: Thank you. Appreciate it.

\*\*\*Next item up today is Petition No. PDI-PL20140002801. The Petitioner is Taylor Morrison of Florida, Inc. It's for a specific site location within Hacienda Lakes mixed use planned unit development called the Esplanade at Hacienda Lakes.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.  
(The speakers were duly sworn and indicated in the affirmative.)

HEARING EXAMINER STRAIN: Disclosures on my part, I reviewed the files, talked with Alexis, who's -- I think she's here with the applicant's representative, and I've also talked with staff. I also asked John Podczerwinsky to attend this morning to assure us that the concern he had on the site triangle was adequately addressed.

There will be two exhibits for the record. Exhibit A is staff report, and Exhibit B will be the legal ad. And with that, I'll ask for the applicant's representative. Alexis, if you -- I have read the -- oh, you came in late.

MS. CRESPO: You run a tight ship here.

(The speaker was duly sworn and indicated in the affirmative.)

HEARING EXAMINER STRAIN: Thank you.

Nothing like being rushed at the last minute, huh?

MS. CRESPO: My apologies.

HEARING EXAMINER STRAIN: That's okay. You can blame it on the traffic in Collier County, and that works real well right now.

MS. CRESPO: Yes, that does.

Good morning, Alexis Crespo with Waldrop Engineering representing the applicant.

We've reviewed the staff report, and we're in agreement with the findings and would respectfully request your approval.

HEARING EXAMINER STRAIN: Okay. And that particular site is just the Taylor Morrison property in Hacienda Lakes?

MS. CRESPO: Correct, only the portion owned by the applicant.

HEARING EXAMINER STRAIN: Okay. And they're adding one paragraph to the residential development standards table, and it involves a corner lot so they don't have two front setbacks.

I've found a series of questions that came up when I reviewed your application I want to make sure that you're in agreement with. I'll make sure -- up on top under ii is where this will be added to the PUD, and I believe that's the only information I needed.

Is there any members of the public here wishing to -- who are here for this particular subject even though you didn't get sworn in to speak?

(No response.)

HEARING EXAMINER STRAIN: Okay. Then we won't need a further staff report.

Also, the NIM for this was waived because it is internal to the project. There is no external impacts.

And the following notes are the notes I made on the project. Number one is it's limited to secondary front yards and corner lots; No. 2 would be secondary front yards do not -- those that do not contain driveway or vehicular access to the garage or the dwelling unit or the lot. So whatever that second side yard is or whatever that second yard is, it won't have any access through to the property that way.

It only applies to the residential lots, which I believe are the only ones that are in your village.

MS. CRESPO: Correct. Let me clarify. It would not apply to the amenities in the tract, which is the only nonresidential tract within the community.

HEARING EXAMINER STRAIN: Right. And then I'm going to ask John Podczerwinsky, our transportation expert, to verify that the site triangle language is adequate for his concerns.

MR. PODCZERWINSKY: Good morning, Mr. Strain. For the record, John Podczerwinsky, Transportation Planning.

Yes, it's absolutely adequate, the language that they've proposed.

HEARING EXAMINER STRAIN: Okay. Thank you, John.

With that, I'll ask for a staff report.

They're sensitive.

MS. DESELEM: Yeah, really.

For the record, Kay Deselem with Zoning.

And you do have the staff report, which is last revised 1/6/15, and we are recommending approval.

HEARING EXAMINER STRAIN: And, Kay, the stipulations that I just suggested I saw as part of the report, but I didn't see them under your recommendations. Do you see any problems with those as a recommendation -- as contained as stipulations?

MS. DESELEM: No, sir.

HEARING EXAMINER STRAIN: Okay. With that, is there -- I think I've already asked if any members of the public want to speak. I'll ask one more time. Anybody here to speak on this matter?

(No response.)

HEARING EXAMINER STRAIN: Okay. If not, we'll close the public hearing, and a decision will be rendered within 30 days. And as I said in the previous case, hopefully it will be a lot less, within a week or two.

Thank you all for attending.

\*\*\*The next petition is Petition No. DR-PL201400002448. The petitioner is Coastal Beverage, LTD, on Progress Avenue. This is a petition for deviations to a Site Development Plan.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

HEARING EXAMINER STRAIN: Thank you.

And this was a complicated one, and I first will start out with my disclosures.

I attended the preapp, reviewed the files, met with staff, and met with the applicant yesterday and staff and the county attorney and walked the entire perimeter of the site and reviewed all the elements involving this to try to make sure we had a good handle on it.

The exhibits for this will be the staff report, it will be Exhibit A, and Exhibit B will be the legal ad.

Okay. With that, I'm definitely going to have some questions, Patrick, as we talked about yesterday.

MR. VANASSE: Okay.

HEARING EXAMINER STRAIN: I'd like some clarification. For those who may be interested, that's the location of Coastal Beverage. I went and pulled a file from 1995, because part of the premise for the deviations is the fact that Livingston Road came in after the project was constructed.

As you can see on the right, it's a little hard to -- a little blurry from those old photos, but that is Livingston Road on the right side, and it was a corner lot. It was on Progress and Commercial. And with Livingston going in, they now have roadways on three sides.

This is a blowup of what it is today, and there are some changes to the site that they're asking for through what's called a site plan with deviations. They're zoned industrial.

This is some photos we took yesterday, or actually I took those from Google. This is along the west side of the site. The hedge row you see on the right side in the front, that's a buffer that I believe's going to continue along the right-of-way, and they wanted to maintain it at that height instead of the code required higher elevation which was a subject of some of the deviations.

This is looking down in the opposite direction now. The project is on the left side. You can see the hedge row. When they take that building down and continue, the hedge row will be maintained at the height it's at now or close to it, based on the calculation.

And, Patrick, if I'm speaking in error, please interrupt me and let me know.

MR. VANASSE: No problem.

HEARING EXAMINER STRAIN: This is kind of your presentation, but I wanted to provide the clarity so it was all understood.

This is the parking lot that involves several of the deviations for island plantings and paver parking spaces. Towards the front -- and it's right out here -- there's a couple paver parking spaces that have been there for a very long time. I believe there's some back here, and the parking spaces are not every -- there's not a planting area every 10 feet as code requires. That's another portion of the deviations.

In the back, this is theoretically -- or, actually, practically it appears to be the rear of the building because their frontage is on Coastal Ave. In the rear there's a large power line easement. You can see the

power lines up here, and they are substantial power lines.

They're up against that easement in the back side. I'll show that photograph right there. This is the easement area up here. And that particular setback is one that they're requesting a reduction for based on some changes in the code over time that would have allowed them to have a variable setback in that portion anyway.

Had it been considered a rear setback, since Progress Ave. towards the bottom is the front and they have a legal address on Progress, it seems, practically, that's rear, and it would have been only 15 feet at that point. But because of the way our code's written, it's actually considered a side yard. And that's hence why they need the rear setback.

This is a picture of the rear area that has a gas island in the center is going out. The building itself will be expanded, and they want to hold off about 24 feet and some change from the hedge row that's there right now, which is right along here.

Staff has a couple recommendations. They're going to provide some mitigation, and they're going to make -- with some trees and plantings to mitigate some of the deviances they asked for. And the driveway connection on Commercial must maintain and be signaled as egress only.

This is a blowup of the plan showing the location where the deviations occur. This is a list of all the deviations. We walked through them individually on the site yesterday.

And, Patrick, the reason I went through all that, in case any members of the public were here and wanted to know what this meeting was about; secondly, to acknowledge that we went to the effort to try to walk through this and -- on the site yesterday to see how these fit.

My questions are very limited. I'm assuming you have no objections to the staff recommendations.

MR. VANASSE: Good morning. For the record, my name is Patrick Vanasse. I'm with RWA, and I am representing the applicant.

We have reviewed the staff report, and we're in full agreement. We want to thank staff for taking something that's relatively complicated and finding practical solutions and making the process simple.

HEARING EXAMINER STRAIN: And I've got to congratulate Fred Reischl for doing an excellent job on a very complicated project. When I sat down and read this over the weekend, I pulled up aerials, and it was difficult to follow.

Once we got on site, the clarity was understandable then. So I appreciate all the effort everybody went through to make this as concise and as clear as possible.

One thing that I want to suggest is that your SDP is for a specific building. And you call out a height of, I believe, 35 feet and some change. Whatever that number is -- and I've got the documents here -- I will tie that into the decision so that the height is based -- it will be this building at that height subject to the request and that, let's call it for sake of argument, rear yard setback that you're asking for as a deviation.

MR. VANASSE: Understood.

HEARING EXAMINER STRAIN: So that means if you try to change the building and go higher, you're going to have to come back in and address this issue again.

MR. VANASSE: Understood.

HEARING EXAMINER STRAIN: Okay. And I don't have anything else. Fred, do you want to add anything to the discussion?

MR. REISCHL: Thank you. Fred Reischl, Planning and Zoning. Just to summarize what you said, seven of the deviation requests are to legitimize existing conditions, and the one true new deviation is the side yard setback.

HEARING EXAMINER STRAIN: From a practical viewpoint, I know the code here is -- I think you've already said, it's different than it is in other counties that you're used to.

MR. REISCHL: Yes.

HEARING EXAMINER STRAIN: Roads on three sides forces it to have basically a rear yard in the back, although we are now calling it a side yard because of the way it was originally built.

MR. REISCHL: Correct. In fact, if you look at another subdivision, Golden Gate City, there are some parcels that have five front yards and no sides at all. So our code would say they have five front yard setbacks.

HEARING EXAMINER STRAIN: Wow. Okay. And had this been a typical rear yard, as it seems

to be laid out, that would have been only 15 feet?

MR. REISCHL: Correct.

HEARING EXAMINER STRAIN: Okay. That's all I've got, and staff is finished.

So are there any members of the public that wish to address this issue?

(No response.)

HEARING EXAMINER STRAIN: Okay. Oh, ma'am, you'll have to come up. And first you have to be sworn in. Did you rise when we asked for swearing in speakers?

MS. LUSCINSKI: No.

HEARING EXAMINER STRAIN: Would you mind swearing her in.

(The speaker was duly sworn and indicated in the affirmative.)

HEARING EXAMINER STRAIN: You'll have to use that microphone and identify yourself for the record, please.

MS. LUSCINSKI: Okay.

HEARING EXAMINER STRAIN: Thank you.

MS. LUSCINSKI: I've never been to one of these before.

HEARING EXAMINER STRAIN: Well, that's okay. These are more informal than some of the others, so we just try to understand what everybody's concerns are.

MS. LUSCINSKI: I'm Sue Luscinski. I live in Briarwood.

HEARING EXAMINER STRAIN: Could you spell your name.

MS. LUSCINSKI: L-u-s-c-i-n-s-k-i.

HEARING EXAMINER STRAIN: Thank you.

MS. LUSCINSKI: I just want a clarification of what's going to happen on the Livingston Road side.

HEARING EXAMINER STRAIN: Could you pull that mike a little closer to you. There you go.

Nothing -- well, they're going to put some additional plantings. I'll let the applicant explain what they're going to do on the Livingston Road side, but the Livingston Road side has not got any of the deviations or issues that are here today. They're more towards the industrial park.

MS. LUSCINSKI: Okay.

HEARING EXAMINER STRAIN: But I'll certainly have them verify that on the mike as soon as you're -- is that the only question you had, ma'am?

MS. LUSCINSKI: Yeah, I just want to make --

HEARING EXAMINER STRAIN: Great.

MS. LUSCINSKI: I wanted to make sure more noise wasn't going into Briarwood.

HEARING EXAMINER STRAIN: Oh, we would hope not, so thank you.

MR. VANASSE: Again, Patrick Vanasse, for the record.

With regards to your question, if we look at this exhibit, this rectangle here is a building expansion. These will be bays for trucks, a loading bay over here.

HEARING EXAMINER STRAIN: Now, orientate us to Livingston Road. Livingston Road is on the right-hand side. So the truck orientation and everything will be towards the interior of the industrial park.

MS. LUSCINSKI: Okay.

MR. VANASSE: These will be full concrete walls with no windows. We also have a retaining wall, noise barrier wall also right here. And as part of these deviations, we've provided additional plantings right along here right by Livingston.

MS. LUSCINSKI: Okay, thank you.

HEARING EXAMINER STRAIN: Okay. Well, thank you for the question, ma'am. Appreciate it. With that, we'll close the public hearing, and the decision will be rendered within 30 days, probably a lot less. This one will take a little bit more time to write up.

So thank you all for attending on this matter, and that particular item is over.

\*\*\*The next item on the agenda is Petition No. ZVL-PL20140002581. It's Cameron Partners II, LLC. It's for the Heritage Bay PUD. A ZVL -- the ZVL letter is a comparable/compatible use analysis.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

HEARING EXAMINER STRAIN: For disclosures on my part, I've read the staff report, I've met and talked with the applicant and staff. The two exhibits that will be part of the record are Exhibit A will be the staff report; Exhibit B will be the legal ad.

And with that, I have read the staff report. Are there any members of the public here concerning this project?

(No response.)

HEARING EXAMINER STRAIN: Okay. Fred, if you want to come up to the podium. I don't have a need for a presentation. There are no members of the public here involved in this one, so it's limited to you. If you'd like to add anything to the record, you're more than welcome to.

MR. HOOD: Good morning. Frederick Hood, for the record, with Davidson Engineering representing Cameron Partners II, LLC.

I just had a clarification, actually. No need for a presentation. But in the ZVL -- the original ZVL that was done on this property for the activity center in 2013, December 20, 2013, we asked a question regarding the maximum caps on retail square footage and office square footage, and they are 150,000 and 50,000 respectively.

With the recent staff report recommendation for approval, this use, the 4225 indoor storage was deemed comparable and compatible.

I just wanted to make sure with that, that since we were being held to the retail height restrictions, that we were not also being held to the retail restrictions that would have gone against this previous ZVL.

HEARING EXAMINER STRAIN: That would be a different issue that you'd have to seek through probably a clarification to the zoning director. The issue at hand today is strictly the use as whether it's comparable or not.

MR. HOOD: Correct.

HEARING EXAMINER STRAIN: The particulars involving the PUD -- in fact, one of the points I was going to make in my notes, the decision here will not be rendered in regards to the height issue --

MR. HOOD: I understand.

HEARING EXAMINER STRAIN: -- that was addressed in the comparable/compatible letter. It's outside the scope of what we're here for today.

And the question you just asked is one that you will have to deal with when you make your submittal and how the zoning director will respond to it.

MR. HOOD: Okay.

HEARING EXAMINER STRAIN: And I know now, from other projects, we need to be real sensitive to square footage, and it's not a bad point to ask ahead of time.

Ray?

MR. BELLOWS: Hi, Fred. I think what we'll do is since this is just dealing with the use and not calling it a retail use or an office use, we will sit down with Mike Bosi, our director, and we'll clarify that letter versus the one recently issued.

MR. HOOD: Okay. That's all I ask. I just wanted to make sure we don't get into a sticky situation when we come in for an SDP.

HEARING EXAMINER STRAIN: Well, you said another, a letter recently issued. Are there two letters issued on this?

MR. BELLOWS: He's referring to an earlier letter, not the one that Fred Reischl just did.

MR. HOOD: Yeah, there's two letters. There's one from December 20, 2013, and then there's the one that we're here for today, and then there's also some email correspondence between that talked about both at the same time, so we'll discuss it.

HEARING EXAMINER STRAIN: Okay. I don't want to get this particular hearing mixed up with anything else. We're just focusing on just the one that was presented in this package today.

MR. HOOD: Okay.

HEARING EXAMINER STRAIN: Then as far as my notes go, there was two of them. I know you're probably going to be fine with them. I just asked you one about the height issue. We're not going to be addressing that. And the second thing is the use, 4225 will be limited to indoor air-conditioned space. And I



know that was part of staff's requirement.

So with that, I'll ask for staff report.

MR. REISCHL: I have no additional information, thanks.

MR. HOOD: Okay.

HEARING EXAMINER STRAIN: Those staff reports get easy, don't they?

And that's all I have, Fred.

Is anybody else here wanting to speak on this matter?

(No response.)

HEARING EXAMINER STRAIN: Okay. Thank you. We'll close the public hearing, and I will have a decision rendered within 30 days, probably a lot less.

MR. HOOD: Thank you.

HEARING EXAMINER STRAIN: Thank you, Fred.

\*\*\*Last item up today is Petition No. ZVL -- and, again, it's a compatible use analysis -- PL20140002784. It's the Autumn Blossoms, LLC, at the Miceli PUD.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

HEARING EXAMINER STRAIN: Okay. Disclosures on my part, I've talked with staff -- I mean, yeah. I've reviewed all the files, and I've talked with -- or I think Mr. Hancock and I either had a phone call or exchange in email, one or the other, but I have had contact with Mr. Hancock.

The exhibits for this particular item will be, Exhibit A will be the staff report, and Exhibit B will be the legal ad.

Now, with that, Tim, if you want to come up to the microphone. I've reviewed the staff report in full. It's a clean submission. I don't really have any issues with it.

You're welcome to make a presentation if you'd like. Since I'm the only that -- there's no members of the public here to hear it that seemed interested, and I don't -- I've read everything, so it's not necessary for my behalf. It's up to you.

MR. HANCOCK: No, sir. Tim Hancock with Stantec representing Autumn Blossoms, LLC. I believe this is a wonderful case of less is more.

HEARING EXAMINER STRAIN: Good. We're not going to defeat it by talking too much; that's good.

Is there a staff report?

MR. REISCHL: Fred Reischl. Ditto.

HEARING EXAMINER STRAIN: Okay. Are there any members of the public that would like to speak?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, we will close this item. And, Tim, I'll have a decision to you as quickly as we can get it out but no longer than 30 days.

MR. HANCOCK: Thank you, sir, and thank you to staff as well.

HEARING EXAMINER STRAIN: You're welcome. Thank you.

With that, it brings us to the end of our meeting. Are there any members of the public that wish to speak on any other matter?

(No response.)

HEARING EXAMINER STRAIN: Any other business? There is none. This meeting is adjourned. Thank you all.

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There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:27 a.m.

COLLIER COUNTY HEARING EXAMINER



MARK STRAIN, HEARING EXAMINER

ATTEST:  
DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 2-26-2015, as presented  or as corrected .

TRANSCRIPT PREPARED ON BEHALF OF  
GREGORY COURT REPORTING SERVICE, INC.  
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.