



SAGE

**Seniors' Action Group
of
Elliot Lake**

**Closing Submissions To The Elliot Lake Commission of
Inquiry
Regarding the Algo Mall Collapse, June 23, 2012
Phase 1 of Inquiry Only**



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Prepared By Keith Moyer, Chair, on Behalf of Seniors Action Group of Elliot Lake**

Opening Remarks

SAGE would like to express our appreciation to both Mr. Commissioner and the Commission Staff and Counsel for permitting us to participate on behalf of our members and other concerned citizens of Elliot Lake. We have appreciated the opportunity to observe, listen, think outside our daily lives, and to be permitted to actively participate develop and submit our own Recommendations for the consideration of Mr. Commissioner in his final Recommendations to the Province of Ontario. Thank you.

Background

The collapse of the Algo Centre Mall in June 2012 was a tragedy that effected the lives of most citizens of Elliot Lake in some way. SAGE represents seniors of Elliot Lake, who comprise perhaps the largest demographic of the community. The mall was important to many seniors who depended on its location and convenience for their shopping and some services. However, seniors were not the only citizens effected. SAGE originally became involved due to, what was viewed as, some rather serious shortcomings of what occurred “post collapse”, but since, has discovered that there were also many yet unidentified actions or inaction’s which led up to the collapse.

As testimony unfolded, it was discovered that those who ought to have known certain conditions appeared to have no idea, or, simply had no desire to know how bad things were becoming. It appeared that almost every resident knew things were bad and getting worse with almost continued water penetration into and through the roof, and onto vital structural steel supporting the roof. Those who ought to have known and

ought to have demanded immediate action to stop this deterioration appear to have been in denial, that is, until the last owner took possession.

SAGE felt that, in the interest of truth and, to prevent such a tragedy from ever reoccurring, that it may be able to gather facts and formulate recommendations to the Commissioner, for his consideration and submission to a higher power. A number of SAGE members are from varied backgrounds which involve construction management and building management as well as Emergency Response, so, it was felt that SAGE could make an effective and meaningful contribution to this Commission of Inquiry.

Executive Summary

The Commission of Inquiry has been convened to gather factual evidence as to what may have been the cause of the collapse of the Algo Centre Mall in 2012, and to ask for public input on ways to prevent such an incident from reoccurring. It further has been tasked with reviewing what occurred after the collapse by way of emergency procedures for rescue and recovery, by municipal forces and provincial and outside agencies. This latter task shall not be addressed in this brief, but, in a separate brief when Phase 2 of the Inquiry is completed.

At least one member from our organization has been present at all sessions of the Inquiry hearings and, coupled with the review of documents by many of our members, and reviewing of transcript evidence, SAGE has endeavoured to carefully follow and understand all evidence given and recorded. From this exhaustive undertaking, we have garnered many observations, which shall be articulated later in this brief, and a number of, what we consider, pertinent recommendations for consideration by Mr. Commissioner and his staff and counsel.

It should be emphasized that no member of SAGE has a law degree or legal background and we have done our best to follow the details of the Inquiry as it unfolded and, attempted to gather information and formulate Observations based on what we have heard and seen, in an effort to assist the Commissioner to arrive at his final recommendations, based on some grass roots, common sense observations from people who live here. We apologize for any lacking in correct legal proceeding and wording.

Observations

While a good deal of evidence presented has been sketchy and peppered with many cases of memory loss, much has come to light as to what led up to this unfortunate occurrence which led to the death of two innocent citizens of this community and, the upset of many more lives and livelihoods.

- 1) It has become quite clear that an original design was undertaken, against the professional advice of engineers and architects, to satisfy economic concerns.
- 2) It has been quite clear that the lack of diligent maintenance and proper corrective actions through three successive owners allowed continued deterioration of the structure, despite numerous engineering reports pointing out concerns and identifying recommended corrective action, again, based on apparent economic concerns.
- 3) It would appear that many decisions were made in secret between a compliant municipal council and the first two owners of the facility, with little regard for what was happening through many years right in front of their eyes.
- 4) It would appear that a number of professional reports identifying concerns and actions were never brought to the attention of municipal officials who could have ordered immediate actions, or, to the attention of subsequent owners of the facility.
- 5) It would appear that through the ownership of then first two owners of then facility, no action was ever sought by municipal or other authorities until the current and last owner took possession, despite the fact that everyone in the municipality knew of continued leakage from the roof and complaints from the municipality's own library staff.
- 6) It would appear that a bureaucratic system for complaints prevented

the municipality from even recognizing that anyone had complained about the conditions in the facility, always citing a systemic barrier of process and procedures which the public was never made fully aware of. People believed that their concerns would be addressed, while, in reality, they were being ignored.

7) It would appear that the purchase of the mall by the second owner was carried out with as much secrecy as possible, between the purchaser and a cooperative municipal mayor who also sat on the board of directors of that same purchaser. Minimal information was given to council by the mayor/director in steering a decision of council to fund a couple studies and a building evaluation of the mall, and none of the deliverables were ever produced as required by the contract. In addition, the extent of the problems with said building and recommendations and costs to remediate were not given to the board itself in order for them to arrive at the decision to purchase it.

8] It would appear that the second owner was making healthy profits but chose to collect wealth rather than spend the monies on recommended remedial work to stop leakage and further deterioration, and the municipality chose to turn a blind eye to continuing leakage, despite being informed by their own library employees, and instead chose to hide behind an artificial requirement to get a written complaint sent directly to the Chief Building Official.

9]It would appear that the third owner either did not know what he was purchasing, and refused to undertake due diligence to find out what he was facing.

10] It would appear that the third owner became profit driven and simply promised things in hopes the problems could be solved with band aids and those seeking remedy would eventually leave him alone.

11] It would appear that, despite an entire year passing since the collapse, the City of Elliot Lake has done nothing to improve their procedures and policies and is awaiting the recommendations to

come forth from this Commission before taking any positive action.

Recommendations

All recommendations are shown as a separate attachment, however, the rationale is laid out as follows for each.

Recommendation #1: It is felt that the inclusion of this recommendation into the Municipal Act, and the section of Building Code which refers to a Municipal Property Standards By-Law would solidify the intent of assuring the public that buildings identified therein have been effectively inspected on a regular basis by those in a municipality who are responsible for ensuring public safety in the buildings they frequent.

Recommendation #2: It is suggested that this recommendation will allow municipalities to reinforce their process of diligent inspection, directly into their Property Standards By-Law, and allow them to [for lack of a better term] put teeth into their enforcement efforts to assure public safety in buildings within their municipality.

Recommendation #3: It is the opinion of SAGE that the inclusion of this recommendation would prevent any secretive dealings between municipal politicians and individual Board of Directors of any company, organization or commission, dealing directly with or through council, and thus, eliminate any perception of conflict of interest on the part of the council member and, allow this politician to represent the citizens who elected them and not possibly, conflicting private or business interests, by making this recommendation an inclusion within the Municipal Act.

Recommendation #4: This inclusion into the Municipal Act and Procedural By-Law would prevent any need to have any other meetings of council to “bring councilors not on specific Standing Committees up to speed with issues”. All council members would be in the same room when issues were discussed.

Recommendation #5: Perhaps, this recommendation is the most effective and important. To allow the Ombudsman to oversee all actions of councils will allow full enforcement of the requirements necessary for council to follow, are indeed, enforced. Currently, it is up to an individual citizen, at his/her own expense, to launch individual court proceedings to have any

enforcement of the various provisions of the Municipal Act, or, the Municipal Conflict of Interest Act enforced, or even investigated. This is unfair to residents of any municipality and the public at large.

Recommendation #6: Our reasoning for this recommendation is much the same as that for Recommendation #5. It is felt that, one cannot serve two masters, and, as an elected official, your first loyalty must be to the electorate, and not a private Board, company or Commission.

Recommendation #7: It is felt that the inclusion of this requirement within the Municipal Act would assist in putting knowledgeable and updated council members in place, and, based on some evidence put forth, prevent the excuse of “I was not familiar with the requirements of that Act or Regulation. While not a guarantee that they all would retain what they learn, it's doubtful an entire council would all forget, and, it would make the excuse of “memory loss” or, “never having been made aware” completely invalid.

Recommendation #8: Currently, the Municipal Act permits the municipality to simply post a notification on an internal bulletin board in the municipal offices. Unless a member of the public has reason to stop by city hall and look at this board, they would have no way of knowing if a meeting was being planned at all. Likewise, council members are “appointed” various “Board of Directors of any company, organization or commission”, with the purpose of representing the interests of the city, which is, the citizens of the city. Some of these Boards or Commissions are, by law, “Open to the Public. [Elliot Lake Residential Development Commission], however, the public is never made aware of such meetings. For those Board or Commission meetings that are of a corporate nature but, [if Recommendation #3 is put forth and enacted], it will alert the public that such a meeting has been scheduled and that some information should be coming forth at the council meeting following.

Recommendation #9: Currently, municipal building officials are not required to become certified under law, and those who do become so, do so on a voluntary basis. It is felt that the requirement of full certification, and stages of same, would establish uniform standards for all municipal building officials and allow municipalities to be aware that all applicants would be fully trained in professional standards for the position and will be governed by the Association as to ethics, standards and requirements

of said position.

Recommendation #10: As opposed to a recommendation, this is more of a request to Mr. Commissioner, to urge the Province of Ontario to look deeper into certain dealings and business practices between the City of Elliot Lake, and, other entities.

Recommendation #11: Much evidence has been brought forth as to engineering firms conducting inspections of a visual nature, in which some more serious deficient observations were made, or anecdotal evidence indicated there may be deeper more serious problems hidden within the structure, however, further investigation was not included in the original commissioning contract agreement, so, the report was provided and no stronger recommendation made to investigate in more detail.

Recommendation #12: Many questions were raised as to the clarity of some recommendations for either follow up action or, corrective actions contained within the report presented to the building owner. The adoption of this recommendation would make it mandatory for the engineering firm to make sure that their recommendations were clear and precise to the owner, and, could be followed up with a personal interview or telephone call for any clarification, initiated by the engineering firm. In addition, no engineering firm can be held responsible for a documented recommendation for further, more thorough investigation or corrective action, which said firm deems to be in the interest of public safety, however, proves to be more than was initially required.

Recommendation #13: From testimony presented by two Health & Safety Inspectors, it would appear that training in specific workplaces is lacking, and inspectors with specialized experience in a certain industry are arbitrarily assigned to carry out inspections in workplaces which they have no detailed training in. In addition, it appears that much of the training they do receive is limited to “policy and Procedure” matters and some “shadowing” under an experienced inspector, with little chance to experience all workplaces in their area of responsibility, and, no followup or updating of training, after the initial approximate six [6] month period. This recommendation would enhance and round out inspector training.

Recommendation #14: The current “targeting” system of undertaking workplace inspections has the potential of allowing small workplace

safety problems to fester and slip through the cracks of indifference and become accepted as the norm. The current system leaves too much up to individual inspectors as to proper record keeping and reporting, and this too creates a lack of a paper trail for both themselves and their successors, as well as workplace safety representatives. This recommendation will facilitate full and fair coverage of all workplaces and allow Health & Safety Representatives & Committees on site to be aware of findings and the ability to speak directly with an inspector. It will also facilitate a more comprehensive record keeping and retention of all findings, comments, and recommendations or orders from an inspector.

Recommendation #15: This recommendation will coordinate efforts of an Inspector and Engineer from the Ministry with any efforts already underway from municipal Building Officials, or, alert and support any potential actions by the municipality to facilitate corrective actions.

Conclusions

It is felt that SAGE does not possess the legal expertise to put forth any meaningful “Conclusions” that would be within the mandate of the Commission and Mr. Commissioner, beyond the Recommendations put forth earlier in this brief. We do, however, have a few “Comments” that have been formulated throughout the process this Commission has undertaken.

- 1) While the Commission has brought to public knowledge, much information surrounding the history of the mall and its various ownerships, it has brought up more questions regarding this community and how things have been done here in past years; many things totally unrelated to the Commissions mandate.
- 2) SAGE and its members feel that this Commission is but a start to delving deeper into what has occurred here in the years following the mine closures and, what we shall be facing in the future should changes not be forthcoming.
- 3) SAGE members and indeed many members of the general public feel that the Province of Ontario, through its various incarnations of governments, has failed to provide adequate oversight as to good governance; the spending of numerous grant monies given to this

municipality over many years [and on going] since the mines closed.

- 4) It is felt that the ordinary citizen here has little chance at success to speak and be heard and taken seriously for whatever concern they may wish to bring forth to our elected officials. Most people here feel that their concerns are secondary to the wants, wishes and agendas of special interest corporate influences in the community, which are always secretive in nature.**

- 5) It was noted that, despite the devastation and carnage thrust upon the town, causing two people to loose their lives, a number of injuries, both physical and emotional, and, loss of employment for many others, the City of Elliot Lake has, after a full year, failed to recognize any shortcomings or errors in their policies and procedures dealing with buildings or property standards, and, by their own admission, have changed nothing in the methods under which they operate.**

- 6) It became apparent during the testimony of Levon Nazarian, that many of the counsel, [not Commission Counsel] had a preconceived notion that the party responsible for the entire incident was the last and current owner. While absolutely true that this owner did little other than try to cut corners and manufacture some rather questionable deals and fabricated documents, while making empty promises to anyone with a question, it has also become quite evident that all parties involved from the original builder through all subsequent owners, as well as a complaint municipal who chose to turn a blind eye to known infractions and problems throughout the first two owners, and suddenly regained sight and realization of their responsibilities. Witness responses of "I Don't Recall" were readily accepted by all counsel through previous owners, mayors, building officials, provincial officers, municipal administrators and professionals, however, were suddenly no longer accepted as truthful or viable when the same response was given by Mr. Nazarian. The municipality appeared to have no idea as to their power and responsibilities under the Ontario Building or the Property Standards By-Law [indeed, many were allegedly not even aware of its existence] yet suddenly became more aware and undertook previously non existent inspections and issuing of official Orders to correct problems, within months of the Nazarians taking possession.**

Indeed, it would appear that, had the Inquiry commenced with witnesses scheduled in reverse order, individual counsel [again, not Commission Counsel] would have seen the proceedings wrapped up back as early as May, 2013.

Appendix “A”

This Appendix provides reference to testimony presented and Exhibits introduced, as they relate to our Observations, presented earlier in this brief. SAGE apologizes for what may appear to be a rather random, and perhaps, arbitrary layout of references, however, what is presented is the result of many hours of exhaustive and, at times, mind numbing review of testimony presented, by dedicated volunteers, all laypersons, with no legal background or, the resources of a legal backup team. All have done their best.

Observation #1

See Kadlec, March 6th, Page 202, Line 19, 20, & 25. Page 203 thru Page 205, Lines 1 thru 25 Inclusive. See Keywan, March 11th, Page 959, Line 18 thru 25. Page 960, Line 1 thru 966, Line 9.

Observation #2

See Jeff Truman, April 9th, Page 4604, Line 5 thru Page 4607, Line 11, inclusive; and Page 4613, Line 12 thru Page 4615, Line 11, inclusive.

See Albert Celli, April 5th, Page 4276, Line 17 thru Page 4279, Line 17, inclusive; Page 4297, Line 10, thru Page 4298, Line 23; and, Page 4336, Line 4 thru Page 4342, Line 13, inclusive.

See Michael Buckley, April 8th, Page 4398, Line 2, thru Page 4400, Line 14, inclusive, and, Page 4405, Line 12 thru Page 4406, Line 9, inclusive.

See Richard Quinn, April 11th, Page 4877, Line 16 thru Page 4881, Line 25, inclusive.

See Richard Kennealy, April 16th, Page 4993, Line 8, thru Page 4997, Line 2, and, Page 5035, Line 14, Kennealy statement “no large cash outlay, Exhibit 11-13.

Observation #3

See Bathus, March 25th, Page 2983, Line 13 thru 25 & Page 2984 thru Page 3060, Lines 1 thru 25 Inclusive.

Document AGC_P00000378 Exhibit 467; Document AGC_P00000765 Exhibit 384.

See Bathus, May 16th, Page 10142, Lines 16 thru 25, and Page 10143, Lines 1 thru 25 inclusive.

See Bathus, May 21st, Page 10397, Line 13 thru 25 inclusive, Page 10398 thru 10624, Lines 1 thru 25 inclusive; Page 10625, Line 17 thru 25; Page 10626, thru 10634, Line 1 thru 25; Page 10635, Line 1 thru 13 and Line 21 thru 25 inclusive; Page 10636 thru 10677, Line 1 thru 25 inclusive; Page 10687, Line 1 thru 11; Page 10679, Line 21 thru 25, inclusive; Page 10680 thru 10689, Lines 1 thru 25 inclusive; Page 10690, Lines 1 & 2.

See Bathus, May 22nd, Page 10696, Line 11 thru 15 and Page 10697 thru 10714, Lines 1 thru 25 inclusive; Page 10715, Lines 1 thru 7.

See Hamilton, July 9th & 10th, Secrecy In Council Page 27 line 12 thru 19; Exhibits 4321, 3292, 2351, 4198, 4218, 4219, 4370, 4400, 11-18, 11-13, 165, 3483, 11-201, 11-209, Secrecy In ELRL Board Page 18, line 7 thru Page 34 line 23, Exhibits 2145, 4213, 67, 70,

2288, 2303, 2295, Mr. Roy, Exhibit 2288, 469, 706, 2338, 2355, 2352, 2296, 5655, 2503.

Observation #4

See Caughill, March 20th, Page 2080, Line 14 thru 25; Page 2081 thru 2108, Lines 1 thru 25 inclusive; Page 1 thru 4 and Lines 23 thru 25 inclusive; Page 2221, Line 1 thru 25 and Page 2222, Lines 1 thru 19, inclusive.

See Del'Aquila, March 21, Page 2232, Lines 1 thru 25; Page 2233 thru 2303, Lines 1 thru 25 inclusive; Page 2304, Lines 1 thru 17; Page 235 thru 2369, Lines 1 thru 25 inclusive; Page 2370, Lines 1 thru 7; Page 2371, Lines 23 thru 25; Page 2372 thru 2437, Lines 1 thru 25 inclusive; Page 2348, Lines 1 thru 23, inclusive.

See Iamónico, March 22nd, Page 2439, Line 8 thru 25; Page 2440 thru 2500, Lines 1 thru 25 inclusive; Page 2501, Lines 1 thru 8; Page 2505, Lines 3 thru 25; Page 2506 thru 2527, Lines 1 thru 25, inclusive; Page 2528, Lines 1 thru 20.

Observation #5

See Exhibits 3007 thru 3021 [NORR Report] showing time lines for corrosion and conditions at time of collapse, as well as time when conditions were still fully repairable
See Pigeau, March 22nd, Page 2539, Lines 12 thru 15; Page 2540 thru 2568, Lines 1 thru 25 inclusive; Page 2569, Lines 1 thru 23; Page 2570, Lines 22 thru 25; Page 2571 thru 2612, Lines 1 thru 25, inclusive; Page 2623, Lines 1 thru 17; Page 2614, Lines 5 thru 25; Page 2615 thru 2649, Lines 1 thru 25, inclusive; Page 2650, Lines 1 thru 15, inclusive.

[Library Leaks] Pigeau, March 25th, Page 2662, Lines 1 thru 16; Page 2663, Lines 9 thru 25; Page 2664 thru 2692, Lines 1 thru 25, inclusive; Page 2693, Lines 1 thru 24; Page 2696, Lines 16 thru 25; Page 2697 & 2698, Lines 1 thru 25 inclusive; Page 2699, Lines 1 thru 11; Page 2704, Lines 6 thru 25; Page 2705 thru 2722, Lines 1 thru 25, inclusive; Page 2723, Lines 1 thru 23; Page 2724, Lines 12 thru 25; Page 2725, Line 1 thru 25 & Page 2736, Line 1 thru 20; Page 2738, Line 11 thru Page 2762, Line 25, all inclusive; Page 2763, Line 1 thru 9; Page 2764, Line 1 thru Page 2791, Line 25, inclusive; Page 2792, Lines 1 thru 8; Page 2794, Lines 1 thru 16; Page 2796, Lines 10 thru 25; Page 2797 thru 2862, Lines 1 thru 25, all inclusive.

See Allard, April 29th, Page 6969, Lines 13 thru 25; Page 6070 thru 7041, Lines 1 thru 25, inclusive; Page 7042, Lines 17 thru Page 7121, Line 15, all inclusive; Page 7122 Line 14 thru Page 7188, Line 5, inclusive; Page 7189 Page 7222, Lines 1 thru 25, inclusive; Page 7223, Lines 1 thru 7 & Lines 21 thru 25; Page 7224 thru Page 7237, Lines 1 thru 25 inclusive; Page 7238, Lines 1 thru 8; Page 7240, Lined 23 thru Page 7255, Line 6, all inclusive.

See Ewald, May 24th, Page 11428, Line 23 thru Page Page 11453, Line 25, inclusive; Page 11454, Line 9 thru Page 11526, Line 17, inclusive; Page 11527, Line 11571, Lines 1 thru 25, inclusive; Page 11578, Lines 1 thru 18, inclusive.

See Ewald May 27th, Page 11578, Line 8 thru 11653, Line 25, inclusive; Page 11654, Lines 10 thru 25; Page 11655 thru Page 11666, Lines 1 thru 25, inclusive; Page 11667 thru 3 and Page 11667, & Lines 17 thru 25; Page 11668 thru Page 11740, Line 21, all inclusive; Page 11741, Line 8 thru 25; Page 11742 Line 1 thru Page 11773, Line 22, inclusive; Page 11774, Line 14 thru Page 11775, Line 25, inclusive; Page 11811, Line 1; Page 11813 Line 8 thru Page 11850, Line 2, inclusive.

See Ewald, May 28th, Page 11860, Line 24 thru Page 11930, Line 25, inclusive; Page 11931, Line 1 thru 4 & Lines 22 thru 25; Page 11932, Line 1 thru Page 11939, Line 16, inclusive; Page 11940, Line 3 thru Page 11970, Line 18.

See Hamilton, July 9th & 10th, Exhibit 3678, Cassan Questions July 10th, Page 20, line

11 thru 25; Page 118, line 25 thru Page 119, line 1 thru 25; Longo Page 89, line 22 thru Page 91, line 20. Exhibit 11-160, 11-161, 11-166, Exhibit 11+18, 11-19-3, 6-7, 11-82, 11-96, 11-100, 1699, 11-111, 1698, 1120, 6-4, 175, 11-150, 11-151, 3416, 3760, 11-157, 11-26, 11-160, 11-161, 1547, 11-166, 3422, 11-197, 11-229, 11-230, 11-231, 11-232, 11-233, 11-234,

Observation #6

See Speck, April 24th, Page 6637, Line 7 thru Page 6662, Line 12, inclusive; Page 6672, Line 22 thru Page 6701 Line 18; Page 6702 thru Page 6727, Line 4 & Lines 11 thru 25, inclusive; Page 6728 thru Page 6779, Line 19, inclusive.

See Speck, April 25th, Page 6787, Lines 1 thru 13; Page 6863, Lines 1 thru 13 & 23 thru 25; Page 6788, Line 1 thru Page 6797, Line 23, inclusive; Page 6819, Lines 1 thru 19; Page 6820, Lines 1 thru 19; Page 6821 thru Page 6862, Lines 1 thru 25 inclusive; Page 6864 thru Page 6876, Lines 1 thru 25, inclusive; Page 6879 Line 1 thru Page 6882, Line 20; Page 6883, Lines 6 thru 15; Page 6884, Line 6 thru Page 6891, Line 4 & Lines 16 thru 25, inclusive; Page 6892, Line 1 thru Page 6903, Line 11; Page 6904 Line 1 thru Page 6932, Line 18, inclusive; Page 6933, Line 13 thru Page 6946, Line 25, inclusive; Page 6947, Lines 1 thru 8 and Lines 15 thru 25; Page 6948, Line 1 thru Page 6960, Line 8, inclusive.

Observation #7

See Kennealy, April 16th, 17th, and 18th inclusive. Since all of Mr. Kennealy's testimony, beginning on Page 5162 and continuing thru Page 5806, has bearing on this Observation, this summary will focus more on Exhibits presented into evidence, then individual lines of testimony.

Board members, 1999 thru 2005, Exhibit 2283; Reasons for City reps on board and Confidentiality Agreements, Exhibit 2145; Mall Purchase financial statements, Exhibits 1613 , 3249, 2147, & 2148; December Meeting with ACP in Sault Ste. Marie, Exhibit 3224, 400, 3226 , 3270, 390, 2089, 874 & 3227; City Council Agreement, Exhibit 249; ELRL Board Meetings, Exhibits 3230, [By-Law] Exhibit 3233, 3234, 69, 3273; Secret City/ELRL Meeting, Exhibits 2090 & 3240; Compilation of City Meetings, Sept-Dec 1998, Exhibit 2324; Final NYB/Halsall Report, Exhibits 2094 & 2168; Increase Operational, Exhibit 3246; Financing, Exhibit 7-2, 741, & 2183; Mall Due Diligence, Exhibits 2194, & 11-79.

See Farkouh, May 2nd & 7th, inclusive. Since Mr. Farkouh's testimony, beginning on Page 7984 and continuing thru Page 8431, has bearing on this Observation, this summary will focus on Exhibits presented into evidence, as well as individual testimony.

Non Disclosure Agreement, Exhibit 4213; Discussion re: Caucus Meetings, Page 8009, line 19; Library Complaints, Page 8102, line 20 thru Page 8112, line 6, inclusive; Complaint Procedure, Page 8123, line 7 thru Page 8125, line 19, inclusive; Roof Repair Costs, Page 8125, line 21 thru Page 8116, line 10; Retail Study, Page 8125, line 21 thru Page 8136, line 24 & Page 8139, line 14 thru Page 8155, line 25, inclusive; Non Disclosure Agreement, Page 8156, line 20 thru Page 8164, line 19, inclusive & Page 8169, line 7 thru Page 8178, line 19, inclusive; NYB/Halsal Report, Page 8186, line 1 thru Page 8201, line 1, inclusive; Mall Purchase, Page 8228, line 5 thru Page 8229, line 1, inclusive; Library Letter 2002, Page 8229, line 4 thru Page 8239, line 5, inclusive; Library e-mail McTaggart 2004, Page 8240, line 19 thru Page 8244, line 23, inclusive; Library Letter, Morin, Page 8249, line 24 thru Page 8276, line 7, inclusive; Library 2005, Page 8276, line 17 thru Page 8298, line 16; Library & Mall Merchants, Page 8298, line 17 thru Page 8313,

line 13; Library & Tom Derreck, Page 8313, line 14 thru Page 8342, line 7; Violation Notice 2006, Page 8342, line 8; Longo Cross, Page 8373, line 14; City & ERL, Page 8404, line 10 thru Page 8406, line 16, inclusive; Derrek/Curtis Cross Exam, Page 10023, line 23.

See Bathus, March 25th & 26th, CAO/Mayor, Regular Meetings, Page 2875, line 18; Secrecy of ERL, Page 2884, line 2; ERL/Kennealy Reporting Back to City, Page 2889, line 1; Library Complaint, April 25/91, Page 2919, line 3 & Exhibit 274; Library Complaint, Sept 12/94, Page 2936, line 23 & Exhibit 11-12; Library Complaint, Aug. '96, Page 2950, line 10 & Exhibit 11-3; ERL Mall Purchase, various Exhibits beginning Page 2979, including numbers, 3224, 400, 3226, 391, & 3227; ERL Mall Secrecy, Page 3011, line 8, Page 3015, line 18, Page 3019, line 5 & Exhibit 249, Page 3028, lines 5 thru 24, & Exhibit 3233; Page 3037, line 2 & Exhibit 3234; Page 3036, line 18 & Exhibit 3233; Page 3038, line 5 & Exhibit 390; Page 3045, line 4 & Exhibits 2090 & 2091; Page 3049, line 3.

Observation #8

Please see testimony and Exhibit summaries under Observation #7 above. Most reinforce the same observations. In addition:

See Guertin, April 19th, Page 5846, line 14 thru 17; Page 5946, line 5 thru Page 5953, line 18 & Exhibit 2168; Page 5953 line 18 thru Page 5967, line 14 & Exhibit 07-02; Page 5967 line 15 thru Page 5970, line 10 & Exhibit 70; Page 5970, line 17 thru Page 5976, line 20 & Exhibit 2212; Page 5976, line 21 Page 5990, line 18 & Exhibit 2282; Page 5998, line 17 thru Page 6005, line 11.

See Exhibits 3007 thru 3021 [NORR Report] showing time lines for corrosion and conditions at time of collapse, as well as time when conditions were still fully repairable See Hamilton, July 9th & 10th, Exhibit 3677, Farkouh Exhibit 3374, Hamilton, Exhibit 11-171, 1547, 11-171, 3483, Kennealy statement "no large cash outlay, Exhibit 11-13, Undue Influence Exhibit 11-29, 3484, 11-206, 11-41, 11-43,

Observation #9

See Levon Nazarian, Claims mall was in much worse condition then presented to them by vendor, and soon became basically, a money pit.

See Levon Nazarian, July 18th, Page 297, Lines 6 thru 25, inclusive.

See Bob Nazarian July 23rd, Page 17482, Line 16 thru Page 17483, line 23; Page 17577, line 2, thru Page 17578, line 1 thru 13, inclusive; Page 17579, line 11 thru Page 17580, line 23;

See Title, July 26th, [Draft] Page 245, line 2 thru Page 256, line 25; Page 257, line 3 thru Page 260, line 19, inclusive.

Observation #10

See entire testimony of Levon Nazarian, July 15th thru 18th, which all points to maybe attempting to find a solution, but, always on the cheap and in some cases, not paying for services, or, ignoring valid advice due to cost, while always seeking some rather questionable funding schemes and sources.

See Bob Nazarian, July 25th [Draft] Page 241, line 19 thru Page 242, line 13, inclusive. Kennealy statement "no large cash outlay, Exhibit 11-13.

See Turner, June 4th, Page 12698 line 10 thru Page 12704, line 24, inclusive; Page 12707, line 22 thru Page 12708, line 22, inclusive; Page 12727 line 7 thru Page 12732 line 16, inclusive; Page 12737 line 15 thru Page 12739 line 14 inclusive.

Observation #11

See diBartol, June 12, 2013, Page 258, Lines 2 thru 25, inclusive, and Page 259, Lines 1 thru 15, inclusive.

See Hamilton, July 9th & 10th, who testified that the City is awaiting the recommendations of the Commissioner, before acting.

Participants In Preparation of This Presentation

Robert Henderson - Executive At Large
Art Hilder – Executive At Large
Don Nichols – Executive At Large
Jean Nichols – Secretary
Heather Moyer – Treasurer
Reta Wallace – Vice Chair
Toby Batz – Member
Mary Dee Hiley – Member

Charles [Chuck A. Myles] Member & Participant in Commission
Keith H. Moyer Chairperson & Participant in Commission

All Members of SAGE
The Citizens of Elliot Lake who encouraged us, supported us, and inputted