

1 L I S A D Z I S,

2 2189 Southeast Dolphin Road, Port St. Lucie, Florida,
3 34952, having been duly sworn, testified to the
4 following:

5 DIRECT EXAMINATION BY ATTY. FOURNIER:

6 Q And you live in Florida, Lisa?

7 A Yes, I do.

8 Q And how long you been living there?

9 A Since last January.

10 Q Since last January. Your name is Dzis, D-z-i-s.

11 A Yes.

12 Q That's your married name?

13 A Yes.

14 Q Your maiden name is?

15 A Lisa Maria Fournier.

16 Q Fournier, same as mine.

17 A Yes.

18 Q Because we're brother and sister.

19 A Yes.

20 Q Okay. Before you moved to Florida, where did you
21 live?

22 A I owned and lived at 541 Maple Avenue in Hartford.

23 Q When did you move there?

24 A I bought the house in 1978 and I moved in at the end
25 of that year, really got there in '79.

26 Q What did you pay for that house?

27 A \$47,500.

1 Q And at the time was it -- describe the house a little
2 bit for us.

3 A I was the third owner of the house. The second
4 owners were a large family who occupied the property. All
5 the children were raised -- all their children, they all
6 grew up, they all bought their own property, mostly in
7 Wethersfield, and when the parents passed away, they decided
8 to sell their house. It was partially occupied. The
9 parents had lived on the second floor and there were tenants
10 on the first floor and the third floor. Everything was
11 freshly painted on the inside. The tenants were good,
12 clean, took care of their apartments. The exterior house
13 needed paint and a new roof, and this I could see, I didn't
14 have to send contractors to look. So it was a decent price
15 for what I got. There was nothing in disrepair. A three
16 car garage. The previous owners had left a lawn mower,
17 garden tools. And it was good; I was happy to buy it.

18 Q And you bought that -- did you buy that with your
19 husband?

20 A Circumstances were a little unusual. My husband and
21 I had decided we wanted to buy a piece of income property,
22 either a two family or a three family. When we started
23 looking, he got discouraged and changed his mind. I
24 continued to look because I could see that it was a good
25 idea for us to live inexpensively in a house that we owned
26 in Hartford, if possible. So I continued to look and my
27 real estate agent found the property.

1 I applied for a mortgage with, well, it's People's
2 Bank now, it was (indecipherable) Bank for Savings, and they
3 said we'll give you the mortgage but your husband has to
4 cosign the note. And I explained the situation and I said
5 my mother will cosign, and they said that's fine but we want
6 your husband. So he did not want to have anything to do
7 with anything. I promised him you'll never have to make a
8 mortgage payment, I will take care of everything, please,
9 please give me your signature, and he did agree to that. So
10 the deed was in my name and my name alone, if that makes any
11 sense to anybody.

12 Q And that didn't change since 1978 until you --

13 A No.

14 Q -- sold the property.

15 A Right.

16 Q And did you replace the roof?

17 A Yes, I did.

18 Q And did you get the house painted?

19 A Yes, I did.

20 Q And you eventually moved in there.

21 A The second floor was empty, so my husband, he came
22 with. I said, If you want to live here, you can; if you're
23 not happy, you can go someplace else. He came, we moved
24 into the second floor. It was ready to move in; moved in
25 in, I believe it was November. It was cold. We were just
26 getting used to the air burner.

27 Q Okay. And at that time back in '78, '79, what were

1 you doing for an occupation?

2 A I had a couple of jobs. I worked for a while at the
3 Aetna part time, another part-time job working for a small
4 business owner, a lot of clerical-type of thing. I wasn't
5 professionally trained at that time in accounting or
6 bookkeeping, but I ended up working in offices for the most
7 part, and that was fine.

8 Q Yeah. So what -- tell me a little bit about your
9 education.

10 A I graduated from the University of Connecticut in
11 1970 with a BA. I had a dual major in English and in
12 German. I happen to enjoy languages. I did some graduate
13 work, again, just to pursue my interest in German language
14 and linguistics. And then I took a course at the Morse
15 School of Business in accounting, a nine month course,
16 because I knew by this time that I could do it. I was not
17 good in math in high school but I was getting better and I
18 liked the accounting, it came easily to me. And so that's
19 pretty much what my education has been all my life. I
20 graduated from Hartford Public High School in 1966.

21 Q And as far as your -- as far as family members are
22 concerned, you had regular relations with family members
23 right here in Hartford, did you?

24 A Oh, yes. Most of them lived here. Those who
25 didn't --

26 Q Who was living in Hartford at --

27 A My mother --

1 Q -- back in '78?

2 A -- had a house on Broad Street. My younger brother,
3 Edward, our younger brother, lived mostly with her. He was
4 in high school when she bought the house. My sister Nina
5 and her fiancé at one point occupied the third floor
6 apartment at Maple Avenue. They wanted their own apartment.
7 They had two dogs, had a problem, that apartment.
8 Eventually my mother moved into my first floor apartment.
9 Our sister Mary lived in Hartford; relocated at some point
10 to move to Granby and moved to Windsor Locks. My cousin
11 Paula, who's like a sister to me, was not living in Hartford
12 but she was also a property owner in my neighborhood in
13 Hartford. And her mother and her stepmother because of her
14 lived in Hartford off and on. A lot of family, a lot of
15 family; my sister-in-law, my niece.

16 Q And as far as 541 Maple Avenue is concerned, the
17 grounds were something that you took care of yourself
18 personally?

19 A I happen to enjoy gardening very much. It was a very
20 long, very narrow yard, so there was room to plant in the
21 front, on the sides, a little bit in the back, and I went
22 crazy with buying daffodils, tulips, rose bushes. Our
23 mother gave me a magnolia tree, which I put in the front
24 yard, and it did very well and it looked good in that
25 neighborhood because the magnolia is popular in the south
26 end of Hartford, so it fitted in very well. People used to
27 admire it.

1 Q People admired it.

2 A Mm-hmm.

3 Q You had cordial relations with neighbors or did you?
4 Tell me.

5 A I did. At the time I bought my house, the one to the
6 north of me was owner-occupied by a senior citizen with a
7 handicapped adult son. The other side was not owner-
8 occupied but the tenants had been there for a long time and
9 they had dogs. And I'm a dog lover, I'm an animal lover.
10 And so I cordial with them.

11 And then there was a couple of houses up a single
12 family residence with two sisters, both retired, lovely
13 ladies. We weren't on top of each other all the time. It
14 wasn't, you know, like the tenements and molly Goldberg,
15 but, yes, my neighbors were fine, the ones closest to me.
16 The others I didn't know that well.

17 Q The neighborhood, would you say that it's a
18 prosperous neighborhood?

19 A No.

20 ATTY. BEAMON: Objection. Leading, Your Honor.

21 THE COURT: Sustained.

22 THE WITNESS: All right. I chose --

23 BY ATTY. FOURNIER:

24 Q Give me a little --

25 A -- the neighborhood --

26 Q -- description of it.

27 A -- at a point that I was very familiar with it

1 because my younger brother and sister went to Bulkeley High
2 School, which was practically across the street from the
3 house. I had been in the neighborhood a lot. It used to be
4 an Italian Polish neighborhood and it was to a great extent,
5 but it was changing too, which was no problem, I had no
6 problem with that.

7 Prosperous, I'm -- I've always been a poor person. I
8 don't think about prosperity. There were no extremely
9 wealthy people. In talking to my neighbors who rented
10 property, they felt their rents were reasonable. They
11 enjoyed living there. They had no problems. They worked,
12 some worked, some were retired, some had little children.
13 It was a big mix. It was comfortable for me.

14 Q And on -- describe the -- we're taking about Maple
15 Avenue.

16 A Yes.

17 Q Describe the volume of automotive traffic, walking
18 traffic, the general level of activity in the neighborhood
19 back in '78 and then also up to the present time.

20 A There was plenty of foot traffic with what used to be
21 the Buckley High School across the street was changed into
22 the Fox Elementary School. So during the school year there
23 was a lot of traffic, mostly because of school buses --

24 THE COURT: Can you just repeat that? I don't
25 understand the Fox and Buckley. What changed? What
26 did you say?

27 THE WITNESS: The high school was changed to an

1 elementary school and it was named for Michael J.
2 Fox.

3 So there was plenty of foot traffic. It was
4 very conducive to foot traffic, a lot of children.
5 And also Maple Avenue is a main artery; one end
6 starts at Main Street, the other end goes to the
7 Berlin Turnpike, so it's a busy route. There's
8 plenty of traffic, plenty of traffic.

9 BY ATTY. FOURNIER:

10 Q And over the years that you lived there, did anybody
11 ever complain to you about the condition of your property
12 before 2012?

13 A Nobody complained to me, no.

14 Q How about tenants?

15 A The tenants were good. They were not destructive, so
16 I wasn't there unclogging drains all the time, replacing
17 things. No, the tenants did not complain about anything.
18 If there was something that they didn't care that much about
19 whether I fixed it or not, they would take care of it
20 themselves. If they wanted me to fix it, I fixed it;
21 replaced the garbage disposal, whatever they wanted. I
22 lived there. It's different when you don't live there.

23 Q Now, your plans back in 2011 as far as living in that
24 house, did you have any plans to move?

25 A No, I didn't.

26 Q How old are you?

27 A I'm 66.

1 Q Sixty-six. And, okay, so let's go back to February
2 of 2012. Did you become aware of an inspection that was --
3 that took place in February of 2012 of your property?

4 A I became aware of it in March, early March.

5 Q In March. How did you become aware of it?

6 A There was some documents taped to the front door of
7 the building. The front door services the second and third
8 floors, but it was 541 my address, it was taped.

9 Q Taped with --

10 A Masking tape.

11 Q -- adhesive tape of some kind?

12 A Masking tape.

13 Q Masking tape. Okay. I'm going to show you what's
14 been marked as Exhibit 2, 3, and 4, and ask you if you
15 recognize these.

16 A They look -- it's the same as what was taped to my
17 front door. I can't see that any changes have been made.
18 They appear to be identical to what I saw.

19 Q All right. And these three are entitled, each one is
20 entitled "anti-blight notice of violation."

21 A Yes.

22 Q And they're dated March 3, --

23 A Yes.

24 Q -- 2012. And I want to read each one to you in turn.
25 Okay? So I'll start with Exhibit 2 and it says, "To whom it
26 may concern, on February 21, 2012, Inspector Michael Landry*
27 conducted an inspection of the property located at 541 Maple

1 Ave. During the inspection the following violation was
2 discovered. You are hereby served notice and ordered to
3 correct the following violation: Violation of Hartford
4 Municipal Code 9-91.2, exterior walls, roof, stairs,
5 porches, floors or chimneys are damaged, collapsing or
6 damaged, collapsing or deteriorating, or permit the interior
7 of the building to be open to the weather. The deteriorated
8 rotted components of the second floor front porch on the
9 eastern side of the building need to be repaired and/or
10 replaced. The trim on the eastern side of the building,
11 third floor left window, needs to be repaired and/or
12 replaced. The deteriorating siding on the northern side of
13 the building needs to be repaired and/or replaced. You have
14 30 days from receipt of this notice to correct the above-
15 cited violation. A copy of this order shall be filed with
16 the town clerk and any subsequent purchaser of the property
17 shall be subject to such order. A follow-up inspection will
18 be conducted by this office after the 30 day notice and
19 repair period. Failure to correct violation within the
20 specified 30 days will result in \$100 per day fines for each
21 cited violation and further legal action may be taken."

22 And then there's a phone number to call. And you
23 read that.

24 A Yes.

25 Q Okay. Let me ask you a couple of questions about it.
26 It says exterior walls, roof, stairs, porches, floors or
27 chimneys are damaged, collapsing or deteriorating or permit

1 the interior of the building to be open to the weather.

2 Were any walls damaged, collapsing, or deteriorating?

3 A No.

4 Q Was the roof damaged, collapsing or deteriorating?

5 A It looked as new as when I had it put in brand new.

6 Q Were the stairs damaged, collapsing or deteriorating?

7 A Well, they were comparatively new. I had replaced
8 both the front and back porches. I know they didn't mention
9 the back but, no, that's no.

10 Q Were porches, floors or chimneys damaged, collapsing
11 or deteriorating?

12 A Absolutely not. And specifically to the chimneys,
13 when I converted from oil heat to gas heat, the chimneys
14 were inspected because if they hadn't had liners, I would've
15 had to put them in, but they had liners and the gas company
16 would not have permitted anything like that if there had
17 been any kind of problems with the chimneys. So
18 specifically that chimney part, that is completely wrong.

19 ATTY. BEAMON: Your Honor, just with regards to
20 that answer, what the gas company would or would not
21 have done is hearsay.

22 THE WITNESS: Okay.

23 THE COURT: I guess that's --

24 ATTY. FOURNIER: Yes. And --

25 THE COURT: -- an objection to that part?

26 Any --

27 ATTY. FOURNIER: I know. That's okay.

1 THE COURT: Okay. Sustained.

2 ATTY. FOURNIER: We can strike that, yeah.

3 THE WITNESS: I'm not a mason.

4 BY ATTY. FOURNIER:

5 Q Was the interior -- was there any place where the
6 interior of the building was open to the weather?

7 A Not that I know of, no; not that I'm aware of.

8 Q Did you inspect your property when you received this
9 notice?

10 A Yes, I did.

11 Q He says -- or the notice says, Deteriorated rotted
12 components of the second floor front porch on the eastern
13 side of the building need to be repaired and/or replaced.
14 Were there deteriorated rotted components of the second
15 floor front porch that needed to be replaced?

16 A As far as I could tell, there was nothing rotten. I
17 didn't tear the whole thing apart to look for rot. Some of
18 the shingles needed attention. The property -- the second
19 floor porch was held up by round pillars. They weren't
20 solid pillars, they were hollow. They needed some scraping
21 and painting but I disagreed with the deteriorating rotted
22 part; no.

23 Q It says the trim on the eastern side of the building
24 third floor left window needs to be repaired and/or
25 replaced. Did the trim on the eastern side need to be
26 repaired and/or replaced?

27 A One piece of the trim had fallen off; it was gone.

1 It turned up later in the front yard. After the snow melted
2 I found it. But by then I had bought new trim, which looked
3 fine. It wasn't made of wood but I bought new trim and
4 replaced it.

5 Q You replaced that trim.

6 A That part was true; there was a piece of trim
7 missing.

8 Q And as of March 3, 2012, when you found these notes
9 on your door, what were the weather conditions?

10 A It was March, it was cold. There was an accumulation
11 of snow, and the east side of my building, which is where a
12 lot of this was, was not about to melt any time soon; it was
13 piled up. There was a lot of snow. It wasn't like a little
14 bit that was going to melt during the day and refreeze
15 during the night. It was permanent until the weather got
16 warmer.

17 Q And so in March were you in a position to repair
18 damage to the outside of the house?

19 A No, no. If I had tried to paint, it wouldn't have
20 dried, it wouldn't have cured. It was winter. Nobody was
21 painting in the neighborhood.

22 ATTY. BEAMON: Your Honor, I'd ask that last
23 section to be stricken.

24 ATTY. FOURNIER: Well, I claim that. Nobody was
25 painting in the neighborhood, I think that's an
26 observation that can be noted.

27 THE COURT: What's the basis for the objection?

1 ATTY. BEAMON: I'll withdraw.

2 THE COURT: Okay.

3 BY ATTY. FOURNIER:

4 Q I'm going to now draw your attention to Exhibit 3.
5 And I'm not going to read it all because a lot of it is
6 repetitious, and so I'm going to read the parts that differ
7 from the last violation; in other words, I'm going to
8 eliminate the boilerplate and give you the parts that
9 specify the alleged violation.

10 Okay. So eliminating the boilerplate, we come to
11 violation of Hartford Municipal Code Section 9-91-10, and it
12 says, The property is a factor creating a substantial and
13 unreasonable interference with the reasonable and lawful use
14 and enjoyment of other space within the building or
15 premises -- or within the building or premises or within the
16 neighborhood as documented and reported to the director of
17 licenses and inspections by neighborhood complaints.

18 And then it says, The department of licenses and
19 inspections has a history of complaints related to the above
20 referenced property documented and recorded in their munice*
21 computer software system. To correct this violation
22 incoming new complaints must cease.

23 Were you aware of any complaints at that -- when you
24 received this notice about your property?

25 A No, I was not.

26 Q Did the inspector tell you what the substance of any
27 of these complaints was?

1 A He pointed to that and he said, See right here, see,
2 your neighbors are complaining.

3 Now, if that's hearsay, I'm sorry, but that's what
4 the inspector said to me.

5 Q He said your neighbors are complaining.

6 A This is because of -- this part means complaints from
7 your neighbors.

8 Q One more time on that?

9 A Mr. Landry said that this thing here, this refers to
10 complaints that your neighbors have made.

11 Q And did he say specifically what the complaints were
12 about?

13 A No.

14 Q And he says here that documented and recorded. Did
15 you see any documents or records of any complaints?

16 A No, no.

17 Q And he says also that to correct this violation,
18 incoming new complaints must cease. What does that suggest
19 to you as a way to comply with this alleged violation?

20 A I don't know how I could prevent something that
21 hasn't happened yet from happening in the future. It was
22 pretty meaningless to me. I didn't know if I should go to
23 my neighbors and tap on their doors and say, look, whatever
24 you're complaining about, don't do it anymore.

25 Q Did you do that?

26 A No, I didn't. No, I wasn't aware. The neighbors had
27 changed, but it wasn't like there were any broiling disputes

1 or back and forth and, you know, take their garbage and
2 throw it my yard and me throw it back. It wasn't that kind
3 of a situation. Everybody minded their own business.

4 Q He says that your property is a factor creating a
5 substantial and unreasonable interference with a reasonable
6 and lawful use and enjoyment of other space within the
7 building or premises or within the neighborhood. Can you
8 tell me what that -- did he give you any explanation of what
9 that might be?

10 A If it means that my tenants who were living in the
11 building complained to me and said we can't live here
12 anymore because of the conditions that exist in our
13 apartment and around the building, nothing like that ever
14 happened. I didn't notice anybody shunning my property.
15 Kids would still, you know, park themselves on their
16 bicycles in my driveway and chitchat. There are bus stops
17 on my side of the street; I didn't notice anybody not
18 waiting for the bus because they didn't want to be close to
19 my building. It wasn't -- it used to be in front of my
20 building but the sign got knocked down, so they changed it.
21 But, no, I was mystified, mystified. Everything seemed
22 normal to me. If anything, slightly better as far as --

23 Q Slightly better than what?

24 A There was a time when there was a big drug dealing
25 problem on the street, on my street specifically. It was a
26 very favorite spot. And there was a time when it was very
27 obvious to everybody. Even so, people would still let their

1 children go out and play at night. It wasn't as bad as some
2 places, and it did get better. I will give credit to
3 anybody where credit is due. A little more attention was
4 paid by the fire department and the police, and that got
5 better.

6 Q I'm going to move to Exhibit 4, do the same thing,
7 I'm going to leave out the boilerplate and get right to the
8 violation. Violation of Hartford Municipal Code Section 9-
9 91-7, other conditions exist that reflect a level of
10 maintenance which is not in the keeping with community
11 standards, including but not limited to, graffiti that is
12 clearly visible from the street. The overall condition of
13 the property and building, paint, lack of maintenance, is
14 not in keeping with the community standards abating all
15 other violations of the Hartford Municipal Code Anti-blight
16 Section will in turn abate this violation.

17 And so it says other conditions exist that reflect a
18 level of maintenance which is not in the keeping with
19 community standards. Were there any other conditions that
20 existed that reflect a level of maintenance not in keeping
21 with community standards?

22 A I'm a live-and-let-live kind of person. I would
23 answer that question no, specifically the part about the
24 graffiti. Graffiti was never a problem on my part of the
25 street. And I don't drive, I walk. So if there had been
26 anything at all, I would've seen it. If it had, you know,
27 been on my neighbors' houses, I would've seen it. If it had

1 been on my house, they would've seen it. And I can
2 specifically say no graffiti. And that might just be some
3 boilerplate too, but no graffiti.

4 Q Now, it says overall condition of the property and
5 building, paint, lack of maintenance. Did the inspector
6 give you any idea how this paint, lack of maintenance, was
7 in any way different from the other paint and maintenance
8 condition --

9 A He didn't talk about anybody else, if that's what you
10 mean. He didn't say, you know, Look what your house is
11 doing to your neighbor's house over here; it's because of
12 you that your neighbor, you know, can't enjoy his property.
13 My neighbor was outside and about and our driveways were
14 right up against each other, and all my neighbors, not just
15 for the neighbor I had at the time.

16 All I can say is that the properties in general were
17 well maintained. The house to the north of me on the third
18 floor had some kind of ceramic shingle, and even though he
19 did a lot of work, some of that blew off that winter and it
20 couldn't be replaced but it ended up in my yard. But that
21 just happened; that didn't happen because of me, and it
22 wasn't because of anything he did either.

23 Q And when he says -- or when this violation -- notice
24 of violation says abating all other violations will in turn
25 abate this violation, what did you make of that?

26 A That's one of the reasons I asked the inspector to
27 come and meet with me personally instead of just leaving me

1 a notice. I had some questions too and I wanted to go with
2 him around my house and show me the exact spots that he
3 wanted dealt with. I couldn't just go by what it said
4 there; that's a lot of guesswork. There might've been
5 something there that I would've wanted to do that wasn't a
6 problem.

7 Q Did there come a time when you met personally with
8 him?

9 A Yes.

10 Q And do you know when that was?

11 A I tried to keep up with everything. The phone number
12 I called right away as soon as I could. So I'd have to say
13 it was probably in the middle of March, within that 30 day
14 period that I was given I said, you know, I would like you
15 to come here, I have to confess that I'm a little mystified,
16 I need to know specifically what you want.

17 Q Did he come?

18 A Yes, he did.

19 Q And tell me how that meeting went.

20 A Okay. We went to that piece of window trim.

21 Q Say again, please.

22 A The piece of window trim.

23 Q Yes.

24 A Okay. And that had to be replaced, we agreed on that
25 no problem. The second floor porch, it was shingled. It
26 was an open porch but it was shingled and nothing was
27 missing, but there was some peeling paint and I said, okay,

1 I'll paint that. It turns out later I decided to side it
2 instead. But originally, you know, if I paint this, scrape
3 off the peeling paint, it was just a porch, there was
4 shingles other places, just the porch. Yes, fine. And I
5 said, well, you know, the paint part, I said, the north side
6 has always been a problem since I bought the house. That
7 was the worst part of the house paint-wise. And you know, I
8 had a very good paint job but, again, because that was the
9 shady side, the paint required a little more upkeep than the
10 other areas of the house where it was a little dirty but not
11 flaking at all. And we pretty much agreed that some
12 painting needed to be done, nothing more specific than that.

13 Q And did you do some work after -- in --

14 A I sided --

15 Q -- connection with this?

16 A -- the second floor porch.

17 Q Yeah.

18 A I used vinyl because that's what they sell now. I
19 didn't do it myself; I had help. I have a friend, also a
20 tenant, who's in construction. He's an electrical
21 contractor but he knows a lot; he did the siding. We found
22 the piece of trim but, as I said, we bought new trim,
23 replaced that, and we got started with scraping first the
24 first floor, which was the clapboard part that was, you
25 know, flaking off the most, scraping that off, and getting
26 it ready for painting. We bought paint and we did paint the
27 first floor completely. It was fast. We had a paint

1 sprayer. The prep work was a lot more than the actual
2 painting. The painting went --

3 Q And was this all within the 30 days that you were
4 given to do these corrections?

5 A No, because that was in March and, as I said, I
6 didn't even know how the paint would've looked, if that
7 would've been considered an abatement if I had tried to
8 paint anything on the exterior in March. That's why when
9 Mr. Landry said, You don't have to worry about any of this,
10 you don't have to worry about the fines, you can appeal --

11 ATTY. BEAMON: Objection, Your Honor, as to what
12 Mr. Landry said. It's hearsay.

13 ATTY. FOURNIER: Fair admissions, Your Honor;
14 he's a city employee.

15 ATTY. BEAMON: He's not a party in this case but
16 it's still hearsay.

17 THE WITNESS: All right. Well, --

18 ATTY. FOURNIER: He's a city -- the City is a
19 party and the admissions of a city employee on city
20 business are admissible. It's not hearsay.

21 THE COURT: Well, the parties that -- the only
22 party is Segarra. Right?

23 ATTY. FOURNIER: No, the party is the --

24 ATTY. BEAMON: No, the party is the --

25 ATTY. FOURNIER: -- City of Hartford.

26 ATTY. BEAMON: -- City of Hartford, Your Honor.

27 ATTY. FOURNIER: Segarra's been released as a

1 party.

2 THE COURT: Okay. So -- yeah, so the only party
3 left is the City of Hartford. And I gather pretty
4 much --

5 ATTY. FOURNIER: Admissions of an agent, Your
6 Honor.

7 THE COURT: -- from what the testimony so far is
8 that this Landry is an employee of the City of
9 Hartford. He was the inspector and speaking about --
10 on behalf of the City of Hartford and on subjects
11 that he -- was part of his job to talk about, so --
12 and that's -- so his statements can be used against
13 the defendant City of Hartford as an admission of its
14 agent authorized.

15 So the objection is overruled.

16 ATTY. FOURNIER: Thank you, Your Honor.

17 THE COURT: You can proceed.

18 THE WITNESS: If I'm wandering around, I'm
19 sorry, but I do remember the conversation. And the
20 way he put it, You can appeal, don't worry about the
21 fines, we're not trying to hurt you, we're trying to
22 help you.

23 And I was referred to other people. I don't
24 know if they were direct employees of the City, but
25 they pretty much said the same thing, we're trying to
26 improve neighborhoods and we're here to help you,
27 there are funds available, no cost, no loans, no

1 interest, low interest loans. Frank Landry started
2 that. But I gathered that I would have time to carry
3 me over into the spring and early summer to do the
4 exterior work that I couldn't do at that time.

5 BY ATTY. FOURNIER:

6 Q And as far as you know from the conversation that you
7 had with the City inspector, were you -- had you already
8 begun to accrue fines against the property?

9 A I didn't think that I had been.

10 Q Did he tell you -- well, the notices say fines of
11 \$100 per day.

12 A Mm-hmm.

13 Q And did you understand that that meant that there
14 were going to be fines of \$100 per day per violation?

15 A If I didn't correct the violations, I took that as
16 that was true. If I didn't make an effort to comply, do my
17 best, follow the instructions, call the people, file the
18 documents, that if I just tried to ignore it, it wasn't
19 going to go away, yes, I would get fined, I understand that.

20 Q Did Landry tell you when these fines were going to
21 begin?

22 A No, he didn't tell me. Why he didn't, I don't know.
23 I gathered that because I was cooperating that there was no
24 need for him to start a specific date at that point.

25 Q I'm going to show you Exhibit 5. Do you recognize
26 that?

27 A I've seen this, yes.

1 Q Yeah? Where did it come from?

2 A When I saw it, it was -- you got it, you found it.
3 Nobody showed it -- nobody from the City showed it to me.

4 Q Okay. Well, so --

5 A All it is is this is a lot of money for some
6 properties right here, this is a lot of money; \$18,000,
7 that's a lot of money.

8 Q And did Landry leave you a copy of that or show you
9 that?

10 A No, he didn't.

11 Q He did not?

12 A No, no.

13 THE COURT: Is this a full exhibit?

14 ATTY. FOURNIER: This is a full exhibit.

15 THE COURT: Could I take a look at?

16 ATTY. FOURNIER: Yeah.

17 ATTY. BEAMON: Yes, Your Honor.

18 BY ATTY. FOURNIER:

19 Q And, now, did you become aware of a situation in
20 which fines were being assessed against your property? Did
21 there come a time when you became aware of fines being
22 assessed against your property?

23 A Yes.

24 Q When was that?

25 A It was my understanding that when my appeal was
26 denied, the fines would start up right about then.

27 Q Okay. And so --

1 A And my appeal was --

2 Q -- let's talk about the appeal.

3 A Oh, okay.

4 Q What do you mean by appeal?

5 A There was a process. I didn't just, you know, grasp
6 at a straw. I was told, You can appeal this, this is what
7 you have to do. I took it upon myself to address each issue
8 to the best of my ability, the best of my recollection. It
9 was (indecipherable) I say, you know, I'm a property owner
10 who doesn't care about her property, it was I did this, I
11 did this, I met with the building inspector, this is what
12 I've done, this is what I plan to do, and I thought that
13 that would be a good basis for an appeal.

14 Q And this is something that you put in writing?

15 A Yes.

16 Q And what did you do with that?

17 A Okay. I was instructed to bring it to an address on
18 Constitution Plaza, the ground level. I went there with my
19 appeal and it was a place I had been in before. As I said,
20 I don't drive but I know that's the place where you go to
21 contest a traffic ticket, and that's exactly what it was.
22 The people who were there told me, You don't do this here,
23 this is not the place to do that, this is for appealing
24 traffic tickets.

25 So I took my documents, I just said, Could you please
26 initial these and put the date on them. There's a deadline
27 for doing this, it was a holiday weekend coming up. And

1 when I got back home, I made a few phone calls and I got the
2 right address, which was Hartford City Hall, and that's
3 where I went and filed my appeal and got a proper time clock
4 stamped receipt. And that's all I thought I needed as far
5 as I know. So I was ready -- that was my appeal and I was
6 given the opportunity to have that heard in front of a
7 magistrate.

8 Q And that would be in front of an attorney hearing
9 officer, as you understood it?

10 A A hearing officer. I didn't know if he was a judge
11 or some kind of municipal equivalent. But at City Hall,
12 perfectly, you know, everything in order as far as I could
13 tell.

14 Q And did you eventually -- well, now, that would've
15 been when?

16 A That was in July that I went for that.

17 Q No, but when did you file the appeal?

18 A I had a certain length of time to do it; I think it
19 was two weeks. And I was also involved in trying to discuss
20 with the City their program, so whatever the date is on
21 there, it was end of April, June. But I might be wrong
22 about that too, but --

23 Q Okay.

24 A -- I did it within the time that I was given to do
25 it. I did it right away.

26 Q And did there come a time when you were summoned to
27 appear for a hearing?

1 A Yes, I was given a date.

2 Q And how did that come -- how did you find out about
3 the hearing? How did that come to you?

4 A I think I got something in the mail.

5 Q And that hearing was held in July. Is that correct?

6 A Was it July 12th?

7 Q July 12th.

8 A Okay, yes.

9 Q And you went to that hearing. Did you -- well,
10 describe to me where you went and what procedure was
11 followed.

12 A Okay. City Hall, the second floor, in the front with
13 a nice balcony, open window, a large room. I took my
14 electrical contractor with me; thought his opinion as to the
15 conditions of my building and what we'd done would be
16 valuable and all of his experience. And there was Mr.
17 Forrest, he mentioned his name to me, I didn't really catch
18 it, but that's who it was, with books and documents and
19 volumes; and Mr. Landry was there; and there was a lawyer
20 for the City. And there were two -- I think they were
21 paralegals or legal clerks, a couple of younger people
22 compared to me, who were invited to come and sit in and
23 watch the proceedings; they didn't participate but they were
24 there.

25 Q And did you give testimony?

26 A Yes, I did.

27 Q Were you sworn to an oath, do you remember?

1 A I don't remember that, no.

2 Q And your testimony was -- consisted of what?

3 A This is what you wanted, this is what I've done so
4 far, I've replaced the trim, sided the second floor porch,
5 still in the process of painting a very large three-family
6 house. It's not done in a day. I know because when I had
7 it painted professionally by a licensed contractors, it took
8 them two weeks, and they did a great job.

9 Q Yes. And was there -- did the City make a
10 presentation as well? Do you remember what their
11 presentation consisted of?

12 A Yes. Again, this is what Mr. Landry said. He always
13 mentioned that he was in construction and a contractor
14 for -- of long standing, for many, many years. He was very
15 experienced. And the City's lawyer, who had been very
16 pleasant, very amenable, changed and she said, You have been
17 given more opportunities to correct these violations -- I'm
18 paraphrasing -- than most people have gotten. You have
19 received extra considerations that no other resident of the
20 city of Hartford has ever gotten and you're not -- you
21 failed at this, you haven't done it.

22 Very unpleasant. Whether that matters or not, it
23 was -- everything is fine until, boom, at that minute. I
24 was attacked.

25 Q And that was during the course of this --

26 A Yes.

27 Q -- hearing.

1 A It was a personal attack on me.

2 Q Now, I understand that the violations cited in
3 Exhibit 3, the violation involving the complaints, was
4 withdrawn. Did you understand that that violation was
5 withdrawn at that hearing?

6 A I believe there was some discussion between the
7 magistrate and Mr. Landry, and it was at that point that it
8 was pretty much agreed that that was gone. If it ever
9 existed at all, it didn't exist anymore. I didn't do
10 anything about it, but as far as the complaints from the
11 neighbors, either they stopped or there was only one and --
12 they never went into it specifically, but at that point I
13 was pretty much aware that that part -- and it's just two
14 violations, cause I was getting fined per violation per day.
15 So to drop it from three to two was good news for me.

16 Q And when you were told that you had received so much
17 consideration and hadn't complied, was there any guidance
18 given to you about how you could come into compliance?

19 A No, no. I think this was -- this was my last chance;
20 that's what I saw it as. I would go there, I would appeal,
21 and it would be decided for me, against me. That was going
22 to be the end of it. And I was pretty sure that my appeal
23 would be granted. Until I got the notification that it was
24 denied, I really thought that I'd be granted; not you don't
25 have to do this, you got more time, fine.

26 Q Did anybody tell you or advise you about how you
27 might stop the fines -- they told you fines were going to

1 accrue, didn't they?

2 A Yes.

3 Q Did anybody tell you how the fines might stop
4 accruing, how you might arrange for inspections or whatever
5 other procedures might have to be undergone in order for the
6 fines to stop accruing? Did anybody give you any of that
7 that --

8 A No, no, no. And at the time we replaced the trim, we
9 sided the porch, we prepped the house for paint, we painted
10 the house, and there was nobody to check up and say, oh, I
11 see, okay, okay, we'll make sure you do -- there was nothing
12 like that.

13 Q Nothing like that.

14 A No communication, no.

15 Q Did there come a time when Michael Landry, the
16 inspector, suggested a contractor that you might use to do
17 work on the property?

18 A Yes. It was early on. I believe it was the occasion
19 of my first request that he come to my property and go over
20 it with me piece by piece, item by item, just so we both
21 were -- understood what needed to be done. I believe it was
22 then, yes, definitely.

23 Q Yeah?

24 A Yes.

25 Q And what was the suggestion that he made?

26 A First he asked me whether I knew a woman named
27 Magda.* And I said no, -- even though I didn't understand

1 the question, I said no -- I'm afraid I don't know the lady.

2 Q And did he describe --

3 A He enlightened me. He says she owns a lot of
4 property in Hartford. She has a lot of work done on her
5 properties and are you aware that you could get yourself a
6 crew of people -- I don't remember specifically if he said
7 Guatemalans, but that was the impression I got -- are you
8 aware that you can get yourself a crew of people who will
9 come here and paint your entire house over a weekend for
10 \$2,000?

11 Q That was his suggestion? And he suggested that you
12 get in touch with Magda?

13 A We never got that far. I shut that conversation down
14 at that point. I didn't want to pursue any conversation
15 like that. And just to let him know for certain that we are
16 not going to discuss this at all, I said, Are you suggesting
17 that I get some undocumented workers to work on my property?
18 And that shut it off, that cut out -- which was my
19 intention; I didn't want to pursue that. He sat down on a
20 tree stump in my yard and shrugged his shoulders and
21 grinned, and that put that -- that shut that down, which was
22 fine with me. I didn't want to go anywhere near that.

23 Q You appealed the appeal. Right?

24 A I got some lawyers, so I'm very fortunate. It didn't
25 stop at that point and I just said, please, you know, I know
26 you're going to do what's best, I know you know how to do
27 this and, yes, it didn't stop there, it continued with

1 expert legal advice, thank you.

2 Q And you didn't call me before that, did you?

3 A No, I didn't. I was --

4 Q How come?

5 A Well, we're brother and sister. I'm not stupid.
6 We're both property owners in the city of Hartford and I've
7 always handled my own life myself without bothering anybody.
8 I've been fortunate enough to help other members of my
9 family, like when I gave my sister a nice place to live and
10 when I gave my mother a nice place to live. And I did -- at
11 that point I did not think that the first thing I had to do
12 was go to a lawyer. I was getting assistance, I thought,
13 from the City of Hartford as well. Everybody was very nice
14 about it; you can call this one, call that one, some of the
15 people were, you know, very cooperative. They didn't have a
16 lot of information but they were earnest. The nice young
17 guy, met him in person, talked to him on the phone. Nope,
18 that's why I didn't do it, Steve.

19 Q I want to show you Exhibit 6, and tell me whether you
20 recognize that.

21 A Yes, I do.

22 Q What is that?

23 A This is to let me know that my appeal was denied, and
24 I was still in the process of painting my house when I got
25 this. I wasn't expecting it. I thought I would be granted
26 the appeal.

27 Q And this is when you called me when you got this?

1 A Either I called you or our mutual cousin Paula called
2 you. We were all in on it. Everybody came to help me,
3 everybody came, even people I didn't know. But that's
4 when --

5 Q What do you understand by the word "blight"? What
6 does that mean to you? You're an English major. Right?

7 A Yes. Stunted in its growth, not nourished properly,
8 not cared for properly. When it comes -- being a gardener
9 too, there are diseases that affect plants, they're called
10 blight some of them, will do some of them, viruses, and they
11 can be very destructive and you do have to attend to them.
12 Some of them you can get rid of, some of them you just have
13 to let -- you don't plant that thing, you can't have it
14 cause it's not going to do it, it's not going to make it.
15 That's what I understand blight.

16 Q And you're accused of having blighted property.

17 A Yes, I am; by the City of Hartford, I was, yes.

18 Q Within your understanding of that term "blight", was
19 your property blighted?

20 A No. My property was in need of maintenance, maybe a
21 little above and beyond routine maintenance, but you have to
22 understand, this was the outside of the property. I had
23 upgraded the electrical service soon after I bought the
24 building. I had, as I said, a new roof, new paint with a
25 home equity loan and some money from our mother, converted
26 the furnaces from oil to gas. The gas company had free
27 equipment, you had to pay to install it, so I got two new

1 furnaces and a new boiler. I hired a plumbing contractor to
2 do the installing; that cost me \$4500. Replacement
3 windows -- thermal replacement windows, a little at a time
4 throughout the house. Insulation shortly after I bought it
5 because it wasn't insulated. I didn't want my tenants
6 losing their heat through uninsulated walls.

7 And so the exterior, I worked at that as I could, but
8 for a woman on a fixed income and reasonable rents with
9 other expenses, yes, the property -- the building needed
10 some maintenance. It wasn't beyond my ability but it had to
11 take its turn.

12 Q We petitioned the Court to vacate those fines and
13 citation, and tell me what role you played in that petition
14 to vacate.

15 A I found out, which I hadn't known, that in addition
16 to the fines, the City had filed liens upon my property.
17 And I didn't know about that; you found that out for me and
18 you told me that there were liens and how much they were.
19 And so I was getting pretty buried under everything. I
20 don't think I have to explain to everybody that I did not
21 have the money to pay the fines and the liens. I couldn't
22 buy them off, I couldn't get rid of them.

23 And at the urging of my family, it was suggested that
24 I sell my house, that I would have to sell it, I would just
25 have to sell it. And so I decided to do that. It wasn't
26 that I planned on selling it. I did not plan on selling it
27 but it was suggested that I sell it. At the time I had

1 P A U L A Z E I N E R,

2 1053 Windsor Avenue, Windsor, Connecticut, having been
3 duly sworn, testified to the following:

4 DIRECT EXAMINATION BY ATTY. FOURNIER:

5 Q And, Paula, what's your relationship to Lisa, the
6 plaintiff?

7 A Lisa and I are first cousins.

8 Q Would you say you're close?

9 A Very close. We're friends, like sisters more than
10 cousins, and we've spent a lot of time in our adult lives
11 together, socially, recreationally, family.

12 Q And as far as 541 Maple Avenue is concerned, you know
13 that -- those premises?

14 A Oh, sure. Lisa bought it. I was living in Hartford
15 at the time. Her mom lived on the first floor, her sister
16 lived on the third floor. I've known the building for many
17 years.

18 Q And you know that neighborhood too?

19 A I do. I have two houses in the neighborhood, the
20 Barry Square neighborhood, on Julius Street.

21 Q Julius Street?

22 A Yup.

23 Q And did there come a time when you became aware that
24 Lisa was cited for a blighted condition at 541 Maple Avenue?

25 A Yes, there did come a time.

26 Q How did you find out about that?

27 A She called me or told me about it. It was very

1 worrisome to her. Lisa has high blood pressure, she gets
2 stressed, and I said, you know, tried to calm her down. I
3 went, Lisa, this is just a letter, you know, I mean, nothing
4 to worry about. And she proved me wrong though; it was a
5 lot to worry about.

6 Q There was something to worry about.

7 A Yes, the City was coming after her; inspectors,
8 notices left on the front porch, that sort of thing.

9 Q Did you have occasion to visit the property after
10 Lisa --

11 A Oh, every month we'd go somewhere, I'd pick her up,
12 we'd visit; sure, I was there throughout the period.

13 Q So during this time -- the -- what does the term
14 "blight" mean to you?

15 A Well, I guess it could mean anything to anybody. I
16 don't know. I don't know enough about the ordinance. I was
17 a former city employee for 22 years. It was anybody's guess
18 what they had in mind or the term "blight." It was an
19 inhabited building, there were tenants on the first floor,
20 tenants on the third floor. Lisa purposely had the second
21 floor vacant for a long time; she didn't like the noise.
22 And business going on from there.

23 And the house needed some paint basically. She had a
24 beautiful garden in the front yard that people would stop
25 and admire. She was a great neighborhood friend. She took
26 care of animals that were in the neighborhood. She fixed
27 animals that needed neutering on her own. She provided

1 shelter and food for animals, and cats especially. And she
2 was a very good citizen. She followed the politics of
3 Hartford and she loved her home. House needed a little
4 paint. And Lisa was alone basically, you know. She had a
5 friend, she had all of us, but did not have a lot of
6 financial resources. And her health wasn't that great.

7 Q And in your opinion was the property blighted?

8 ATTY. BEAMON: Objection, Your Honor.
9 Relevance.

10 ATTY. FOURNIER: What is the objection?

11 ATTY. BEAMON: Relevance.

12 THE WITNESS: I know the neighborhood --

13 THE COURT: I have to --

14 ATTY. FOURNIER: Don't answer yet.

15 THE COURT: -- rule on these first.

16 THE WITNESS: Oh, sorry.

17 ATTY. FOURNIER: It certainly is relevant to the
18 question of whether the property was blighted. A
19 neighbor, a -- somebody that was there that saw it.
20 I don't -- of course it's relevant.

21 ATTY. BEAMON: Your Honor, she's not a plaintiff
22 in this action. And not only that, it's, you know,
23 there's a real issue with foundation as well in that
24 she could determine what's blighted or not.

25 ATTY. FOURNIER: I think I've covered the
26 foundation. I -- she was there, she saw it, she
27 visited it, she saw the notices, she's a property

1 owner herself. She can certainly state an opinion
2 whether it was blighted or not.

3 THE COURT: Well, I guess we have two issues:
4 one is relevancy and the other is whether she's
5 qualified to make -- give an opinion --

6 ATTY. BEAMON: Yes.

7 THE COURT: -- on that. Is that it?

8 Well, as to the relevancy, why is it not
9 relevant whether this house was ever blighted? I
10 mean, the plaintiff testified on that point and there
11 was no objection to her stating what she thought the
12 condition of the property was. But why is it not
13 relevant that -- to get observations by another
14 person too?

15 ATTY. BEAMON: I think it's already established
16 that the plaintiff believes it was blighted, so what
17 is the relevance to have someone else say it was
18 blighted?

19 ATTY. FOURNIER: The plaintiff believes it was
20 blighted? That was not established at all.

21 ATTY. BEAMON: That the plaintiff believed that
22 it was not blighted.

23 ATTY. FOURNIER: No.

24 ATTY. BEAMON: And I assume that this
25 plaintiff -- this witness will also say it was not
26 blighted, but that's just a guess.

27 THE COURT: Okay. Well, I'll overrule that on

1 the relevancy grounds. I guess the, you know, the
2 case is about whether she was unfairly accused of
3 having a blighted house and the City was arbitrary in
4 pursuing her -- I mean, that's what the case is about
5 so -- for having a blighted house -- and so whether
6 it was blighted or not would certainly be relevant,
7 so I'll overrule on that grounds.

8 But on the grounds of, you know, the other
9 point, she is giving an opinion and laypeople are not
10 ordinarily allowed to give opinions.

11 ATTY. FOURNIER: I think on matters of common
12 knowledge I think they are.

13 THE COURT: But some matters upon which
14 nonexpert opinion testimony have been held admissible
15 include the appearance of persons or things: *State*
16 *versus McGuinness*,* 158 Conn at pages 130 to 31;
17 *McLaren* versus Bishop*,* 113 Conn 312 at 313 to 14.

18 So this -- she's giving an opinion on an
19 appearance and that's permitted, so overruled.

20 And so you may answer the question -- if she
21 remembers it.

22 THE WITNESS: No. I would say blighted would be
23 dangerous or risky or hazardous, you know, meaning --
24 or broken windows, glass, obvious dangers to children
25 and whatever, no. As I say, it needed some painting.
26 The windows and doors opened and closed, the building
27 was standing strong, people were living there, and I

1 didn't see where it was -- would meet those
2 definitions, whatever they are.

3 BY ATTY. FOURNIER:

4 Q Even so, you went to the property and helped to do
5 some work there, didn't you?

6 A Yes, yes.

7 Q What did you do?

8 A Some of the cousins --

9 Q Well, what -- all -- how many -- who went, first?

10 A My cousin, my niece Amy, and some friends, my friend
11 Travis came, I think my daughter came and I went, and
12 another friend or two; we had a ladder and scraping and
13 coating up and painting, going to go up two stories to get
14 the peeling paint. And that's what we were doing and
15 working on it for a few weekends.

16 Q Worked on that for a few weekends.

17 A Yeah, we did.

18 Q Mm-hmm.

19 A You know, at the time when this came up -- I don't
20 know if I'm allowed to say this -- I looked around the --

21 ATTY. BEAMON: Objection, Your Honor.

22 THE WITNESS: Nope?

23 ATTY. BEAMON: There's no question pending.

24 THE WITNESS: Okay.

25 THE COURT: Yeah. Sustained.

26 BY ATTY. FOURNIER:

27 Q Okay. So you -- let me ask you that question. Okay?

1 Did you have occasion to take a look around the neighborhood
2 at some point at properties in the neighborhood?

3 A I did, I did.

4 Q With this anti-blight ordinance in mind?

5 ATTY. BEAMON: Objection, Your Honor. It's
6 leading.

7 THE WITNESS: Okay, yup. I did, yes.

8 THE COURT: Well, --

9 ATTY. FOURNIER: Wait, wait --

10 THE COURT: -- overruled.

11 ATTY. FOURNIER: I don't see how it's leading.
12 I'm not -- certainly not -- I asked her if she had
13 occasion to do something.

14 THE COURT: I just -- I agree. I overruled the
15 objection. You're just focusing the witness --
16 you're just focusing the witness on the next
17 question. So overruled. You may ask the question.

18 ATTY. FOURNIER: You overruled the objection?

19 THE COURT: Yes.

20 BY ATTY. FOURNIER:

21 Q Did you have occasion to take a tour of the
22 neighborhood?

23 A I did.

24 Q And what did you find?

25 A I found about 20 or 25 buildings. I just kind of
26 drove up and down Whitmore Street, Bond Street, Barker
27 Street, the whole Barry Square area, with my camera and I

1 said let me just take pictures of these buildings. And
2 there's so many much worse, so many that I looked at, and I
3 said, gee, these porches are falling off. I mean, I wonder
4 if these are on the list, you just don't know. And I think
5 I gave you the pictures. I don't know what came of it, but...

6 Q You took some pictures.

7 A Oh, I took a lot of pictures, yes.

8 Q I'm going to show you some pictures. They're marked
9 as -- well, I'm going to show you some pictures. Okay?

10 A Are those the ones I took?

11 Q And they're all marked.

12 A Okay.

13 Q And you tell me if those are the ones that you were
14 referring to.

15 A Oh, yeah. Yes, they are.

16 Q And you put those address labels on them, didn't you?

17 A Yes. And I signed on the -- on the rear side too and
18 dated them.

19 Q And are they -- those are the properties that you're
20 talking about that you toured?

21 A Some of them, sure.

22 Q Yeah. And they are in the very square neighborhood?

23 A All of them.

24 Q Yeah. And let's -- just pick one and tell me what
25 you were looking for -- what you intended -- identify it
26 by -- on the back is a label. Identify it by the label and
27 then tell me how you came to take that particular picture.

1 THE COURT: Are these full exhibits?

2 ATTY. FOURNIER: Excuse me, please?

3 THE COURT: Are these all full exhibits?

4 ATTY. BEAMON: No, Your Honor.

5 ATTY. FOURNIER: No, they're for identification
6 only so far.

7 THE WITNESS: 91 Whitmore Street, it had peeling
8 paint that's similar to what Lisa had, very similar,
9 and so that's why I took that picture.

10 374 New Britain Avenue seemed peeling paint 100
11 percent and to the point where the paint was holding
12 the porch up, I thought, and I wondered if that
13 building had been cited.

14 57 Mountford Street looked -- appeared similar
15 to Lisa. It did have some graffiti and a door was
16 missing.

17 Small area on 261 Wethersfield Street, very
18 similar to what Lisa's house had, and just was
19 wondering whether they were -- they too were
20 blighted.

21 And some of these much, much worse. 55 Colonial
22 Street, two full stories, all three sides were
23 peeling and coming off.

24 You know, so...

25 ATTY. FOURNIER: All right. And I'm going to
26 move these as full exhibits, Your Honor.

27 THE COURT: Any objection?

1 ATTY. BEAMON: Well, I'd again object to
2 relevance, Your Honor.

3 THE COURT: Okay. Well, --

4 ATTY. FOURNIER: Well, they're relevant to the
5 question of whether the -- as I pleaded, this -- the
6 process by which the properties were chosen to be
7 cited and fined was a deficient process, and these
8 are -- this is evidence of that because these are
9 properties that were not cited and fined and have
10 basically the same characteristics as the one that
11 was that I'm complaining about.

12 ATTY. BEAMON: Again, Your Honor, --

13 THE COURT: Wouldn't that be relevant if she can
14 say that?

15 ATTY. BEAMON: If she can. But I, you know, I
16 don't know about if these photographs by someone
17 driving by has the same, you know, inspection that an
18 inspector went to 541 Maple Avenue, but that's why I
19 don't believe they're relevant, Your Honor.

20 THE COURT: Okay. Well, that goes to the
21 weight.

22 ATTY. FOURNIER: Say again, please, Your Honor?

23 THE COURT: His argument would go to the weight
24 of it rather than the admissibility. But I didn't
25 hear her say that I know and I looked up and I know
26 that these were not cited for blight.

27 ATTY. FOURNIER: No, we're --

1 THE COURT: All she said was --

2 ATTY. FOURNIER: -- going to get to that.

3 THE COURT: -- I drove around and took pictures
4 and --

5 ATTY. FOURNIER: We're going to get to that.

6 THE COURT: Okay. So then we need to lay that
7 foundation before we admit them.

8 ATTY. FOURNIER: All right.

9 THE COURT: If that's the grounds for why you
10 say they're relevant, we need to hear her explain
11 that she knows in fact that none of these were cited.

12 ATTY. FOURNIER:

13 Q I have in my hand Exhibit 9 and this is the six month
14 report. And there's a table at the end of the report and I
15 have it here. And it purports to be a list of all the
16 properties that were cited and fined as of June -- as of
17 August 31st of 2012; that's what it purports to be. And my
18 question is have you seen that before?

19 A Was this on the internet? Was this on the internet,
20 a report? Yeah, I kind of kept up with the case somewhat.

21 Q You did?

22 A I looked at it, sure.

23 Q And the properties that you have taken pictures of
24 don't appear on that list, am I right, none of them?

25 A No.

26 Q That was one of your criteria in going around was to
27 take pictures of properties that were not on that list.

1 Isn't that correct?

2 A I don't think so. I think I just wanted to get, you
3 know, some kind of perspective on, you know, what the
4 neighborhood look like, what the standards are in the
5 neighborhood, and what's a fair picture. I don't think I
6 really knew about this particular list at that time.

7 Q All right. Well, let's just run through these.

8 A Okay.

9 Q They're not in alphabetical order so it's kind of
10 difficult to -- it's kind of difficult to find, okay, but
11 they are by -- the ones that are in the south end and the
12 ones that are in the central section are together. So I'm
13 going to read you these addresses and --

14 THE COURT: Well, she's already testified --
15 just to speed things up -- she's already said none of
16 the pictures that she took are on the list --

17 ATTY. FOURNIER: Okay.

18 THE COURT: -- of blighted. So --

19 ATTY. FOURNIER: That should be sufficient, --

20 THE COURT: -- hasn't she --

21 ATTY. FOURNIER: -- I think.

22 THE COURT: Hasn't she said what you wanted her
23 to say?

24 ATTY. FOURNIER: Right.

25 THE WITNESS: I looked through, yup.

26 ATTY. FOURNIER: Yeah, I was going to go through
27 them one at a time but I'm not sure if that's

1 necessary to do that.

2 THE COURT: Okay. Any objection further? Still
3 the same objection?

4 ATTY. BEAMON: Same objection, Your Honor.

5 THE COURT: Okay. Well, I think it's relevant
6 and the foundation has been laid, so overruled.

7 ATTY. FOURNIER: Good.

8 BY ATTY. FOURNIER:

9 Q Now, you took another tour today, didn't you?

10 A I did.

11 Q And what were you touring today?

12 A I was taking a look around Barry Square south end
13 area --

14 THE COURT: Oh, by the way, before you continue,
15 what exhibit number is this and -- so I can make an
16 order of saying it's full?

17 ATTY. FOURNIER: Oh, Exhibit --

18 THE CLERK: It's 14A through M, Your Honor.

19 THE COURT: Okay. 14A through M is full.

20 ATTY. FOURNIER: Yes, 14A through 14M.

21 BY ATTY. FOURNIER:

22 Q Okay. You made another tour. And what were you
23 touring on this particular tour? What were you -- what was
24 it you were looking for?

25 A I wanted to look at some existing pictures as of
26 today around the south side of town, Barry Square
27 particularly, didn't have time -- you gave me this group of

1 pictures and I just verified what they looked like today,
2 went around and looked at them myself. And I didn't have --
3 didn't do all of them, you had thirty-something on the list,
4 but I was able to look at 10 of them.

5 Q Okay. And so you looked at 10. And these are all
6 properties that are on this list. Am I correct?

7 A Yes, nine buildings plus one, Maple Avenue, 10
8 buildings, and they're on this list.

9 Q And just tell me which ones you looked at.

10 A Sure. I took a quick look at 541 Maple Avenue.

11 Q And that's my sister's property.

12 A Right. 16 Warner Street, it appears to be vacant.
13 The gas meters are removed.

14 98 Whitmore Street appears to be vacant and boarded
15 up.

16 755 Broad Street is vacant.

17 873 Broad Street is vacant.

18 1180 Broad Street is not vacant. It's a commercial
19 business.

20 49 Annawan Street is vacant.

21 197 Bond Street is vacant.

22 And 641 Wethersfield Avenue is an empty lot.

23 Actually, the two of those are empty lots: 197 Bond
24 Street is an empty lot and 641 Wethersfield Avenue is an
25 empty lot. So that's the nine of them.

26 Q Now, you and Raoul Rodriguez are friends. Is that
27 correct?

1 A Yes, we're friends. I also worked for Raoul in his
2 construction outfit for about 10 years.

3 Q And who got Raoul involved in Lisa's property?

4 A I would say I did. You know, he's always kind of
5 looking for a good bargain and this was one that he was
6 interested in acquiring and Lisa was in a tight spot, so it
7 kind of worked for both of them.

8 Q And when you say bargain, what does that mean?

9 A Let's see, he likes them before they go on the market
10 with real estate agents, he likes foreclosure. He likes to
11 get a good, good deal.

12 Q Below market value.

13 A Totally.

14 Q And did he get a good deal on this one?

15 A Yes, he knows he got a good deal and I know he got a
16 good deal.

17 Q And what -- you spent a lot of time with Lisa at the
18 time.

19 A Yeah.

20 Q And you knew that you were involved in a deal that
21 was costing her money. Right?

22 A Yeah.

23 Q Tell me what your motive was.

24 A Well, I think that Lisa's health was very much at
25 risk. I think that the City was not going to let up on her.
26 That property was -- they were just going to keep coming
27 after her until she lost it or the liens just accumulated

1 and -- there was no good end for her as far as trying to
2 hold onto it the way it was. So it was -- Raoul is a friend
3 of mine but, of course, Lisa's family. I don't see it as
4 any kind of a conflict that I was involved in. I think this
5 was just, you know, a good situation for them and it gave
6 Lisa an out. Raoul -- there was a provision she could stay
7 there until she could find where she was going, at a
8 reasonable rent and that sort of thing.

9 Q And he and Ace were going to pay cash?

10 A Cash money on the line, yup.

11 Q They had it.

12 A They knew, right, hmm, yup.

13 Q And when you say that you were worried about Lisa's
14 health, what do you mean by that?

15 A Well, I mean, I don't want to divulge her secrets but
16 she was very stressed and she has medical conditions that,
17 you know, that get worse with stress, and so this was really
18 emotional, the home where her mother lived, where her sister
19 lived, always took in family that needed a place, you know,
20 there was a tremendous emotional attachment there and a
21 depression because she was defeated.

22 Q And this -- of a financial loss in your mind was the
23 price to pay to -- for health? Is that --

24 A It was just going to be expedient for her and, you
25 know, just cut our losses right now.

26 Q And expedient cutting losses?

27 A Yeah.

1 Q What's the condition of that property now at 541
2 Maple Avenue?

3 A It's rented. It's been -- the exterior has been
4 vinyl sided. And I don't know what else to say. It's
5 pretty much the same. I mean, the windows, it didn't need
6 new windows. It needed some paint and paper on the inside.
7 The second floor apartment was tenable but no one lived
8 there so there were a few little improvements done there.

9 Q And all three floors are tenanted now as far as we
10 know?

11 A Yes, yes.

12 Q And these other properties that were pronounced
13 blighted that you visited, you mentioned that several of
14 them are vacant?

15 A They all appear to be unoccupied; two of them were
16 empty lots.

17 Q Yeah. So would you say that the blight was abated in
18 the two years since then?

19 ATTY. BEAMON: Objection, Your Honor. I don't
20 think she --

21 ATTY. FOURNIER: What's the objection?

22 ATTY. BEAMON: Could I get the objection out?

23 She didn't give a foundation that she knew that
24 they were blighted before when she went to go look at
25 them.

26 ATTY. FOURNIER: Well, they're on the list of
27 blighted properties, they were subjected to fines. I

1 think that the City has identified them as blighted,
2 and I'm asking whether on her inspection they've
3 been -- the blight has been abated.

4 THE COURT: I assume by that they mean are they
5 all fixed up now.

6 ATTY. FOURNIER: Fixed up, yeah.

7 THE COURT: Okay. Overruled.

8 You can answer the question.

9 THE WITNESS: They don't seem to be fixed up.

10 ATTY. FOURNIER: I have no more questions.

11 THE COURT: Any cross-exam?

12 ATTY. BEAMON: Yes, Your Honor.

13 CROSS-EXAMINATION BY ATTY. BEAMON:

14 Q Good afternoon, Ms. Zeiner.

15 A Hello.

16 Q You indicated that you took pictures of other
17 properties in September of 2012?

18 A Whatever's marked on the back of the picture, the
19 photo, yeah.

20 Q Why'd you do that?

21 A Because I wanted to understand -- we were -- I think
22 there was a court date, for one thing, but I wanted to kind
23 of get an understanding of what the neighborhood looks like,
24 what the neighborhood standards are, you know, what happened
25 that the City would get down on somebody for a paint job. I
26 just wanted to get, you know, an understanding.

27 Q And you also wanted to assist your friend.