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JACKSONVILLE CITY COUNCIL
SPECIAL INVESTIGATORY COMMITTEE ON JEA MATTER

INTERVIEW OF
SAM MOUSA

DATE TAKEN: Thursday, August 27, 2020
TIME: 9:58 a.m. to 4:52 p.m.
LOCATION: Smith Hulsey & Busey
One Independent Drive
Suite 3300
Jacksonville, Florida 32202

Examination of the witness taken before:
Terrie L. Cook, RPR, CRR, FPR, and a Notary Public

Hedquist and Associates
345 East Forsyth Street
Jacksonville, Florida 32202
(904)354-4111 FAX (904)791-9103

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1	APPEARANCES OF COUNSEL	2
2	On behalf of Special Investigatory Committee	
3	Stephen D. Busey, Esquire	
4	E. Lanny Russell, Esquire	
5	Kevin Blodgett, Esquire	
6	Smith, Hulsey & Busey	
7	One Independent Drive	
8	Suite 3300	
9	Jacksonville, Florida 32202	
10	On behalf of the Witness	
11	Charles W. Arnold, Esquire	
12	Charles W. Arnold Law Firm	
13	Casey Arnold, Esquire	
14	Fisher Tousey Leas & Ball	
15	501 Riverside Avenue	
16	Suite 600	
17	Jacksonville, FL 32202	
18	On behalf of JEA	
19	Lee D. Wedekind, III, Esquire	
20	Nelson Mullins Riley & Scarborough LLP	
21	50 N. Laura Street	
22	41st Floor	
23	Jacksonville, FL 32202	
24		
25		
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STIPULATION

It was stipulated and agreed by and between counsel for the respective parties, and the witness, that the reading and signing of the interview by the witness was not waived.

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SAM MOUSA,

acknowledged having been duly sworn to tell the truth and testified upon his oath as follows:

THE WITNESS: I do.

DIRECT EXAMINATION

BY MR. BUSEY:

Q You're Sam Mousa?

A Good morning, Steve Busey.

Q Good morning, Sam.

Can you just give us a quick overview of the time and service that you've done for the City of Jacksonville during your career and time frame, different positions you've held for the City?

A Sure. Let me begin by going back to my career. I graduated from the University of Florida in 1976 with a degree in civil engineering.

Four years later, 1980, I was eligible to sit for the Florida Professional Engineer exam, which I passed, and served the first 11 years of my career in Hedquist & Associates Reporters, Inc.

the private consulting engineering profession.

In 1987, I was solicited by the City of Jacksonville to go to work with the department -- with the department of public works. I made a career change in 1987 and went to the City as a civil servant professional engineer.

Six months later, I was appointed to the position of city engineer or the chief of the engineering division. This would have been under Mayor Tommy Hazouri. I served Mayor Hazouri's first term as the city engineer.

In 1991, Mayor Austin became mayor and promoted me from civil engineer to director of public works. I reported to the chief administrative officer at the time, Lex Hester, and spent four years as the public works director under Mayor Austin.

In 1995, Mayor Delaney became mayor. Mayor Austin only spent one term as mayor, four years, from '91 to '95. But in 1995, Mayor Delaney became mayor and I remained as public works director. I will note, I was the only director to be retained by Mayor Delaney. 11 others were discharged from their service.

During the Delaney administration, I served multiple roles: public works director, for a stint I

served as interim director of public utilities, that was a time when the City still owned the water and sewer services.

I served as interim director as the -- for the Jacksonville Housing Authority until they converted the department to an authority.

I've also served as city council liaison, deputy chief administrative officer. And for the last three years, upon the unexpected passing of Lex Hester, I was appointed chief administrative officer under Mayor Delaney and spent three years doing that job.

In 2003, Mayor Payton became mayor, asked me to stay on board. I initially accepted to stay on board and then decided I wanted to get back into the private sector.

And so after three to four months of the Payton administration, I left city government and went to work in the private sector in my professional area, which was engineering -- civil engineering and civil construction. I spent 12 years, from 2003 to 2015 in the private sector.

During the mayoral campaign for 2015, I met Mayor Curry on the campaign trail. He had heard of my past experience in city government and upon him becoming the mayor elect, he asked me to serve as his transition Hedquist & Associates Reporters, Inc.

team executive director, where the new administration transitions into the old administration's work. That occurred about Memorial Day of 2015.

Just before July 1st of 2015, before the mayor took over as the mayor, he asked me to return to city government as his chief administrative officer. Be quite frank, it was a very difficult decision for me and my family. There was a significant reduction in compensation, significant reduction in free time with the family and for other matters, but I took a liking to Mayor Curry and decided to accept his appointment as chief administrative officer.

And I made it very clear to the mayor at that time that my acceptance was only guaranteed for the first four years of his term and that when the time came, we would have to re-discuss whether -- if he gets reelected, whether I remain as the chief administrative officer.

Upon his reelection, which I believe was in March of 20- -- what would that have been --

MR. ARNOLD: '19.

THE WITNESS: Yep. What was that date?

MR. ARNOLD: I think '19.

THE WITNESS: '19. Thank you.

A Upon his election in March of 2019, a couple of Hedquist & Associates Reporters, Inc.

1 months later I made a decision that I did not wish to
2 remain as chief administrative officer. I was becoming
3 the age of retirement and, quite frankly, I missed the
4 private sector and wanted to get back out and offer my
5 services as a consultant to those that perhaps needed it
6 and wanted to utilize my services.

7 And so on June 28th of 2019, I retired from the
8 City after approximately 20-plus years combined service
9 and here we are today.

10 Q It's very helpful. Thank you, Sam.

11 A You're welcome.

12 Q And congratulations on a pretty good career.

13 A Thank you. I'm very proud of my career.

14 Q You should be. You don't mind if I ask you a
15 few questions about it?

16 A Sir?

17 Q You don't mind if I ask you a few questions?

18 A You go right ahead.

19 Q When Mayor Curry was reelected -- when
20 Mayor Curry was elected in 2015 for the first time and
21 you became his chief of staff --

22 A Chief administrative officer.

23 Q -- chief administrative officer -- why don't we
24 take a minute there. Tell me the difference between
25 chief of staff and chief administrative officer in terms

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1 of their duties.

2 A Sure. The chief administrative officer was
3 responsible for the day-to-day operations of government.
4 There were approximately 12 directors that oversaw
5 various departments within the City and each one of
6 those directors reported to the chief administrative
7 officer.

8 The chief administrative officer's role was to
9 ensure that the train ran on time, stayed on the track
10 and followed up on all required city services, whether
11 it be patching potholes, chasing dogs and cats in the
12 street for animal care and control, code enforcement,
13 public works, social services, parks and recreation,
14 whatever operational matter that would service, that was
15 the chief administrative officer's role.

16 You could have referred to him as the chief
17 operations officer, but under our charter, it was the
18 chief administrative officer that is appointed by the
19 mayor.

20 The chief of staff's duties are more in the
21 policy decision-making, more political activities that
22 the mayor may or may not desire to get into and the
23 supervision of the remaining staff on the mayor's floor,
24 which is a variety of functions. The director of
25 intergovernmental affairs, the director of community

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1 relations, whatever else -- whatever other functions
2 that remained on the mayor's floor.

3 So that's the basic difference between the two.

4 One was more oriented to the daily operations of
5 government; the other one oriented to policy-making,
6 catering to the mayor's desires, needs and so forth.

7 Q Do you recall, when Curry was elected in 2015,
8 he asked for the resignations of the members of the
9 board of JEA?

10 A I do recall that.

11 Q Tell me what you recall about that.

12 A I recall the mayor wanting to start fresh at
13 the JEA for whatever reasons. Those reasons were never
14 disclosed to me. I was never asked whether I thought
15 that was something that should be done or should not be
16 done, but the mayor took the position that they were his
17 appointees and he decided to make changes.

18 Q Did he ask for all of the board's resignations
19 or all the board's resignations except for Husein
20 Cumber?

21 A I don't recall.

22 Q And I heard what you just said about you didn't
23 get involved and to why, but do you remember any kind of
24 conversation with Curry in which he told you why he had
25 asked for the resignations?

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1 A No, sir, I don't think he ever told me why he
2 was changing out.

3 And let me be clear about something. My role
4 as chief administrative officer had nothing to do with
5 board appointments, reappointments, new appointments,
6 whether they get carried over, et cetera. Those
7 decisions were handled between the mayor and the chief
8 of staff. I was rarely ever asked my opinion on who or
9 what should occur on any board or commission
10 appointments. That's not the role of chief
11 administrative officer.

12 Q Do you ever -- do you remember ever talking to
13 Mayor Curry about his interest in exploring the sale of
14 JEA?

15 A I don't remember him expressing his interest in
16 the sale of the JEA. I remember having several
17 discussions regarding the review of privatization of
18 various City functions.

19 Q Including JEA or not including JEA?

20 A It could include the JEA.

21 Q Do you remember him talking about JEA in
22 particular?

23 A JEA was discussed along with many other
24 functions of government.

25 Q And what do you recall about the discussion

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1 about JEA?

2 **A** If I may take you through a background and
3 history.

4 **Q** Please.

5 **A** Early on in the Payton -- Payton -- early on in
6 the Curry administration, we were approached by an
7 individual by the name of Stephen Goldsmith. Stephen
8 Goldsmith was the former mayor of --

9 **Q** Excuse me. You predicated by this by saying
10 "early on," in which administration?

11 **A** In the Curry administration.

12 **Q** Curry administration. Okay.

13 **A** Early on in the Curry administration, we were
14 approached by a gentleman named Stephen Goldsmith.
15 Mr. Goldsmith was the former mayor of Indianapolis.
16 Mr. Goldsmith's claim to fame was converting
17 Indianapolis from a slow, sleepy town to a thriving
18 metropolis. And he took a lot of pride and claim in
19 converting the City of Indianapolis and he's well-known
20 around the country for doing that.

21 He was then -- when he came to visit, was then
22 a consultant to various municipalities, governments,
23 what have you, in convincing -- trying to convince
24 governments that they should look at privatization of
25 services. He had done a lot of that while he was mayor

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1 opportunities, public/private partnerships and -- but
2 that went on for a considerable amount of time. And not
3 all at one time. It would occur every couple of months,
4 every three months. I suspected that Mr. Goldsmith had
5 reached out to some of these folks and says, here's an
6 opportunity you may want to look at.

7 So that's the time that -- the first time that
8 the water, sewer, electric was discussed is when vendors
9 would approach us.

10 **Q** And at that time, did you judge it to be
11 Mayor Curry's interest in privatizing JEA?

12 **A** I don't -- he had -- his only interest in
13 privatizing JEA, and this is in discussions with the
14 mayor, is he wanted to see what the value of the JEA
15 was. He never at any time said, I'm going to sell the
16 JEA. But he always had a curiosity and an interest as
17 to what the value of the JEA was to the City of
18 Jacksonville.

19 **Q** Towards what end, if there was sufficient value
20 there, he might be considered -- might be interested in
21 selling it?

22 **A** He's always discussed three prongs that had to
23 be correct before he would consider selling it.

24 Number one is that the JEA employees would have
25 to be protected. Protected with regards to their

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1 of Indianapolis.

2 We listened to Mayor Goldsmith and immediately
3 took no action.

4 **Q** How do you spell Goldsmith?

5 **A** Goldsmith, G-o-l-d-s-m-i-t-h.

6 But we simply listened, thanked him for coming
7 by and just followed for information.

8 Subsequently, and I don't recall when,
9 Mr. Goldsmith made a second visit with us to, once
10 again, talk about privatization. He mentioned all the
11 different services that were privatized in Indianapolis
12 and that he found it to be very efficient, cost
13 effective, et cetera. Again, we took no -- no action
14 after that second meeting.

15 However, subsequently, we were -- we began
16 receiving multiple visits from various entities showing
17 an interest in privatizing a variety of city services,
18 including the electric, water and sewer.

19 And these vendors, I would call them, who would
20 come visit, would discuss privatizing anything and
21 everything from fleet management, library services, fire
22 services, electric, water and sewer services, airport.

23 We had a vendor come by and discuss a
24 concessionaire-type arrangement for the airport. We had
25 others that would come by and discuss public and private

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1 pensions, protected with regards to their longevity at
2 the JEA, their tenure, et cetera.

3 Number two, the rate payers had to be
4 protected. He was interested in seeking privatization
5 alternatives that would protect the rate payers from a
6 significant rate increase and matters such as that.

7 And the third prong -- was the value that was
8 possibly to be offered for the JEA.

9 And if those three were not to his liking, he
10 would not consider selling the JEA.

11 **Q** But if those three were to his liking, he would
12 consider?

13 **A** He would consider it. Now, whether he ever
14 would or not, I don't know.

15 **Q** Okay. Do you ever remember a visit during
16 Mr. -- Mayor Curry's first term from an energy company
17 called Exelon?

18 **A** I do.

19 **Q** Tell me about that.

20 **A** I received a call from Kevin Hyde, who advised
21 that he was representing a firm out of the northeast
22 called Exelon and Exelon desired to come by and visit
23 with us to express their interest in possibly
24 privatizing the JEA. I checked off the visit with the
25 mayor before their arrival and the mayor advised that

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1 they could come in and visit.
 2 Kevin Hyde and Herschel Vinyard brought three
 3 or four gentlemen in from Exelon. The first meeting was
 4 specifically to address their experience in the electric
 5 industry.

6 Q Their being Exelon?

7 A Their being Exelon, yes, sir. And who they
 8 were, what they do and that they had an interest in --
 9 in seeking our interest in privatizing the JEA.

10 Q Can you recall roughly when this first visit
 11 was or year?

12 A When the first meeting was? No, sir, I don't.
 13 I'm sorry.

14 Q It was in the first term of Mayor Curry?

15 A Probably closer to the latter end of the first
 16 term.

17 Q Okay.

18 A Early second term.

19 Q And where was the first meeting with Kevin and
 20 Herschel and Exelon people?

21 A Pardon me?

22 Q Where was the first meeting?

23 A In the mayor's conference room on the fourth
 24 floor of City Hall.

25 Q All right. And just carry that conversation
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1 forward, please.

2 A Pardon me, sir?

3 Q Carry that conversation forward.

4 A Yes, sir, more than happy to.

5 After that first meeting, nothing occurred. We
 6 listened and took no action whatsoever.

7 Probably three or four months later, Exelon
 8 asked to come visit again and we accepted their offer to
 9 come visit. During the second meeting, they had advised
 10 where they had done research via public records and only
 11 public records on the JEA's performance, the JEA's
 12 assets, whatever they could find via the public records.
 13 And this is -- when I say "the public records," records
 14 that have already been published on the Internet or so
 15 forth. They never asked for a public records request of
 16 the JEA.

17 And during the second meeting, they expressed
 18 more interest in wanting to discuss a proposal to
 19 privatizing the JEA. In fact, they talked about, in the
 20 second meeting, at City Hall, their interest in
 21 possibly -- and I repeat possibly submitting an
 22 unsolicited proposal for the privatization of the JEA.

23 So, once again, we took no action and listened
 24 and deferred to them on what they wanted to do. We
 25 didn't encourage them or discourage them.

1 Q Was that second meeting in the St. James
 2 Building?

3 A Yes, sir.

4 Q Then what happened?

5 A Then there was a third meeting that took place
 6 at the offices of Foley Lardner with Mr. Weinstein and
 7 myself and Exelon representatives and Kevin and Herschel
 8 where Exelon disclosed what they thought the value of
 9 the JEA was. And they were preparing to submit an
 10 unsolicited proposal to the City of Jacksonville for
 11 privatizing the JEA.

12 Q Did they give you a number of what they thought
 13 it was worth?

14 A Yes. They thought it was a net value of
 15 anywhere from 3 to 4 -- net value of 3 to 4 billion.

16 Q When you say net value, you mean after
 17 satisfaction of liabilities?

18 A Yes, sir, after payment of all debt, other
 19 liabilities, et cetera.

20 Q And what was your and Mike's response to that?

21 A Again, we deferred to them. If you wish to
 22 turn in a non-solicited, turn one in. We cautioned
 23 them, however, that an unsolicited becomes a public
 24 record. And that if the mayor or the board of the JEA
 25 decided to go any further with that unsolicited, that

1 according to Florida Statutes, that unsolicited would
 2 have to be noticed and giving other entities an
 3 opportunity to submit a proposal. So we cautioned them
 4 that whatever information they submitted would not
 5 remain private, it would become public.

6 Q And what did they do?

7 A About four months later, I get a call from
 8 Herschel Vinyard that says Exelon decided not to pursue
 9 the unsolicited route. They've changed their mind.
 10 Something to the effect that perhaps their board of
 11 directors weren't totally on board. They were concerned
 12 their stockholders would become concerned by submitting
 13 an unsolicited and they've decided not to submit an
 14 unsolicited. So an unsolicited never came in from
 15 Exelon.

16 Q Do you remember talking to Mayor Curry about
 17 the fact that Exelon was considering offering the City
 18 an unsolicited offer for JEA?

19 A No question. Mayor Curry knew that.

20 Q And what was his interest in that as far as you
 21 could tell?

22 A Defer to them. Let them turn it in, we'll see
 23 what it says.

24 Q So is it fair to say then Mayor Curry was open
 25 to it?

1 A Sure. He's open to any privatization, any
2 service. He was open to reviewing any service being
3 privatized.

4 I will note this, which is important, I
5 believe, the mayor -- when Exelon was discussing their
6 seriousness to submitting an unsolicited, the mayor
7 asked Weinstein and I to give the chairman of the board,
8 of the JEA board, Tom Petway and Paul McElroy, a
9 heads-up that Exelon was out there and was considering
10 submitting an unsolicited.

11 So I scheduled a meeting with Mayor --
12 Tom Petway and Paul McElroy with me and Mike and we
13 advised them that the mayor wanted us to give them a
14 heads-up that Exelon was out there considering, and we
15 didn't know whether they would or not, considering
16 submitting an unsolicited proposal.

17 Mr. Petway was quite surprised at the action,
18 but Mr. McElroy sort of looked at me with a smile on his
19 face. And I didn't know why he was smiling or
20 snickering. And so I asked him, I says, Paul, why the
21 smile? Why the snicker? And he says, That doesn't
22 surprise me at all. He says, I, too, have been
23 receiving proposals from various utilities. One, in
24 fact, is FP&L. And I said, Proposals, like written
25 proposals? He says, No, discussions on the potential

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1 privatization of the JEA.

2 And when I mentioned to Paul what Exelon had
3 speculated on the net value of 3 to 4 billion, Paul
4 immediately took exception to that and said, Absolutely
5 not. The JEA has a much greater value than that.

6 And I found it interesting that Paul had been
7 having discussions with other utilities talking about
8 the potential privatization of the JEA.

9 Q Why did you find that interesting?

10 A He never gave anyone a heads-up. He would --
11 you know, he sort of kept it to himself. I would have
12 thought that that discussion was out there, that he
13 would have at least told his chairman of the board. He
14 may have mentioned it to the mayor. He just sort of
15 kept it quiet.

16 Q Do you remember Tom Petway's last board meeting
17 in November of 2017?

18 A I only remember it through the media. I was
19 not there.

20 Q And what do you remember hearing about it?

21 A I remember him, through the media, saying that
22 he felt the JEA needed to consider their future, needed
23 to look at where the industry was proceeding in the
24 future and what opportunities there may be to seek the
25 value of the JEA and to see where the JEA stood as far

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1 as their performance and their value compared with the
2 industry.

3 Q At that point in time, though, we're talking
4 about December of 2017, were you aware of any other
5 parties expressing an interest in acquiring or
6 privatizing the JEA?

7 A Other than what Mr. McElroy had advised, that
8 FP&L had had discussions with him about their interest
9 in possibly privatizing the JEA.

10 Q That and other than Exelon?

11 A And other than Exelon, of course.

12 Q Anybody else?

13 A No, sir, I don't recall anybody else.

14 Q Were you surprised to hear Mr. Petway's public
15 comments in December of 2017 regarding the fact that JEA
16 should look at its future and consider options?

17 A No, I wasn't surprised one way or the other.

18 Q Did you talk to the mayor about Mr. Petway's
19 observations?

20 A Oh, I don't recall if I talked to the mayor
21 about it, but I'm sure there was discussion on the
22 fourth floor of City Hall about Mr. Petway's discussion
23 at the board meeting.

24 Q Do you know if Mr. -- if the mayor were aware
25 that Mr. Petway was going to make that statement at the

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1 conclusion of the board meeting?

2 A I had no awareness of the mayor knowing or not
3 knowing what Mr. Petway was going to do at that board
4 meeting.

5 Q Let me show you what we have marked as Exhibit
6 4. It's an excerpt.

7 (Mousa's Exhibit 4 was marked for
8 identification.)

9 MR. CHARLES ARNOLD: Kevin, what's the -- the
10 date? I know what it is, but --

11 MR. BLODGETT: December 20th, 2017.

12 MR. CHARLES ARNOLD: Okay.

13 BY MR. BUSEY:

14 Q It's an excerpt of a Request for Proposals to
15 Request Strategic Initiatives, Financial Advisory
16 Services to the City of Jacksonville, dated December
17 20th, 2017.

18 A May I ask a question?

19 Q Please.

20 A You refer to this as an excerpt. What's the
21 rest of the document?

22 Q I misspoke. It's the entire thing.

23 A Oh, okay.

24 Q It's seven pages.

25 A Okay. I thought so. Go ahead.

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1 Q Have you seen this before?

2 A I have seen this before.

3 Q Tell me about your familiarity with this
4 document.

5 A My familiarity with this document was generated
6 by discussions between me and Mike Weinstein due to the
7 fact that we were being solicited by various vendors
8 interested in privatizing a variety of city services.
9 Each time we would listen, we would conclude that we did
10 not have the expertise in-house to evaluate any of these
11 proposals and we needed some assistance. In the event
12 we got serious about any proposal, we needed some
13 assistance in having experts evaluate and recommend to
14 us the validity or otherwise concerning any proposal
15 that's received.

16 And so Mike and I decided to issue an RFP
17 seeking these services pursuant to this RFP in the event
18 that we were ever serious about any privatization
19 consideration.

20 Q And what, if any, involvement did Mayor Curry
21 have in your and Mike's discussions about the issuance
22 of this RFP?

23 A He had no involvement in this RFP.

24 Q He didn't know about it?

25 A He may have learned about it later, but he was
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1 not solicited, advised on whether the RFP should be
2 issued or not. Mike and I made that decision and Mike
3 and his staff pursued the creation of this RFP.

4 Q And to your knowledge, Mayor Curry didn't know
5 about the issuance of the RFP before it went out?

6 A To the best of my knowledge, he did not know
7 about the issuance of the RFP before it went out.

8 MR. CHARLES ARNOLD: Excuse me just a minute.

9 Is this something you want to make part of the
10 record or we can keep or give it back to you or
11 what?

12 MR. BUSEY: You can give it back to me. I'm
13 not going to mark anything unless it's a potential
14 issue about what it is we're talking about.

15 MR. CHARLES ARNOLD: I got you.

16 MR. BUSEY: I think we know what we're talking
17 about. I'm sorry.

18 MR. CHARLES ARNOLD: Yeah. We -- Lanny and
19 Kevin were kind enough to show us that. We're
20 familiar with it. I just didn't want it sit on the
21 table and Terrie wonder what was going on.

22 BY MR. BUSEY:

23 Q Let me show you a document, which we marked as
24 Exhibit 15, which is an e-mail chain, which starts with
25 an e-mail from Kyle Billy to Michael Weinstein, dated

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1 February 21, 2018, and includes a response by you to
2 Mr. Weinstein and to Kyle Billy, on the same date, later
3 that evening.

4 Do you remember these e-mails?

5 A Yes, I do, but let me clarify. The e-mail
6 begins with an e-mail from Kyle Billy to all city
7 council members and not to Mr. Weinstein. Mr. Weinstein
8 responded to that e-mail. And immediately thereafter,
9 I, too, responded to that e-mail.

10 And for your information, this is not a
11 complete string of e-mails. There's one more e-mail
12 referencing this matter that was written by Councilman
13 Bill Gulliford, who also expressed his dissatisfaction
14 with Kyle Billy for issuing the initial e-mail to all
15 council members.

16 But to answer your question, I recall this
17 e-mail.

18 (Mousa's Exhibit 15 was marked for
19 identification.)

20 Q Yeah. Your response to Michael Weinstein and
21 Kyle Billy at the top of the e-mail chain evidences some
22 disappointment or frustration by you with Mr. Billy.

23 A No question.

24 Q Well, tell us about that reaction.

25 A This e-mail upset me. Kyle Billy had no idea
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1 of what we were going through with regards to vendors
2 coming to see us, wanting to privatize various city
3 services. Again, various city services; libraries,
4 parking garages, fire operations, fleet management, just
5 anything and everything the City was doing.

6 And for Kyle to initially -- without -- and
7 what's really concerning and really upsetting is any
8 other time Kyle would have picked up the phone and would
9 have called me or Mike and said, Hey, tell me about this
10 RFP. Where did it come from? What are you doing,
11 et cetera? But he did not. He called everyone else
12 that he could and not call the people who were
13 responsible for putting out the RFP to find out just
14 what was behind the RFP.

15 But he was directed by his council president,
16 President Anna Brosche, to put the e-mail out and to
17 make this claim that the RFP was issued directly related
18 to the JEA, which was completely false. Completely
19 false.

20 Q How do you know that he was directed by the
21 president of --

22 A He says it in the e-mail.

23 Q Wait, wait, wait. Let me finish my question.

24 A Okay.

25 Q How do you know that he was directed by

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1 President Brosche to issue the e-mail that you're
 2 speaking of?
 3 **A** I am e-mailing you at the request of the
 4 council president, his e-mail starts.
 5 **Q** And that's -- that's the basis for your
 6 knowledge, saying that the president had asked him to do
 7 it?
 8 **A** What other basis is there?
 9 **Q** Okay. So do you have -- what is your suspicion
 10 about what Kyle Billy was up to? Why did he do this?
 11 You must subscribe some motive to it, given your
 12 frustration.
 13 **A** Yes. Anna Brosche put him up to it.
 14 **Q** So it's a political thing between Anna Brosche
 15 and Mayor Curry?
 16 **A** A political game between Anna Brosche and
 17 Mayor Curry in an attempt to embarrass the mayor.
 18 **Q** Why would it embarrass the mayor to consider
 19 selling the city asset? I don't understand why that
 20 would embarrass the mayor.
 21 **A** Well, the way Kyle puts it, it was some
 22 clandestine secretive process. And there was no such
 23 thing. And it wasn't related to the JEA at all.
 24 And there was animosity between the mayor and
 25 Council President Brosche. They both were strong-willed
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1 individuals. They both were professional accountants,
 2 CPAs. And there always seemed to be a one upmanship
 3 regarding the two of them.
 4 **Q** Regarding -- regardless of the subject matter?
 5 **A** Regardless of the subject matter.
 6 **Q** And so you think that the genesis of Kyle
 7 Billy's e-mail about the RFP was he was put up to it by
 8 Councilman President Brosche simply because of the
 9 politics going on between her and Mayor Curry that you
 10 just described?
 11 **A** Absolutely. Particularly since Kyle never
 12 picked up the phone to find out for a fact what was the
 13 genesis of the RFP.
 14 There hadn't been a time in my career at the
 15 City where if the auditors didn't have a concern about
 16 something, that they wouldn't either come visit you or
 17 give you a call and say, hey, can you brief us on this?
 18 But that did not happen.
 19 **Q** In February of 2018, where was Kyle Billy's
 20 office in the St. James Building?
 21 **A** On the second floor of the building.
 22 **Q** When you wrote this e-mail, which we've marked
 23 as Exhibit 15, to Kyle Billy and Mike Weinstein, did you
 24 consider going -- to call Kyle Billy or to go see him
 25 and say this to him in person?
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1 **A** I did not.
 2 **Q** And why is that?
 3 **A** I don't know. I read the e-mail from my house
 4 laptop. You'll notice the time of the e-mail was 6:31
 5 in the evening, which is an unusual time for Kyle Billy
 6 to be writing an e-mail to begin with. He was never at
 7 City Hall beyond 5:00 o'clock on any other day. And so
 8 I immediately reacted to it because it upset the hell
 9 out of me that he would make statements --
 10 unsubstantiated statements to the entire city council
 11 that were absolutely false.
 12 **Q** Let me show you what we've marked as
 13 Exhibit 5 --
 14 **A** Yes, sir.
 15 (Mousa's Exhibit 5 was marked for
 16 identification.)
 17 **Q** -- which is a payment request on JEA
 18 letterhead, dated September 20th, 2000 -- September
 19 2018 -- September 19, 2018. And it's a payment request
 20 for services related to the RFP that we just talked
 21 about to the tune of \$86,320.
 22 Have you seen that invoice before?
 23 **A** No, sir, it's the first time I'm seeing this.
 24 Well, second time I'm seeing it. This is one of the
 25 documents that Mr. Russell provided in advance of this
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1 interview.
 2 **Q** And the payment request has time records
 3 attached to it. And you can see in those time records
 4 that Michael Mace devoted his first time to the project
 5 on December 20th, 2017. And his time description is
 6 discuss potential JEA evaluation for board.
 7 That was the same date of the RFP, do you see
 8 that?
 9 **A** I see the December 20th.
 10 **Q** Time entry?
 11 **A** Yes, sir. 2017.
 12 **Q** Can you read the description for that time
 13 entry?
 14 **A** Discuss potential JEA evaluation for the
 15 board.
 16 **Q** And that was -- that was the date of the RFP,
 17 wasn't it?
 18 **A** If you say so, sir. I don't have a copy of the
 19 RFP in front of me anymore.
 20 **Q** What happened to it?
 21 **A** Chuck gave it to you.
 22 Yes, sir. That is the same date as the RFP
 23 issue date, December 20, 2017.
 24 May I ask a question?
 25 **Q** Yes, sir.
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1 A Are you telling me these services were
2 conducted under this RFP?
3 Q I'm just asking you about the piece of paper I
4 handed to you.
5 A Well, I don't know what you're asking. And I'm
6 asking if you're advising me that these services were
7 conducted under this RFP.
8 Q Yes.
9 A Okay. I understand your question now.
10 Q Are you able to answer that question?
11 A What was the answer? What was the question?
12 Q You just stated --
13 A Are you -- are you asking me if these services
14 were conducted under this RFP?
15 Q Well, it appears they are because the dates
16 coincide.
17 A It appears that they were, but I -- I don't
18 know that for a fact.
19 Q Do you know why JEA would be paying for
20 services rendered pursuant to that RFP instead of the
21 City of Jacksonville?
22 A City of Jacksonville wouldn't be authorized to
23 pay for the services under this RFP. They can't
24 contract on behalf of the JEA -- or they can't do a
25 report on behalf of the JEA. So only the JEA were
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1 authorized to issue these authorized services.
2 Q Well, let's dig down and be a little more
3 precise.
4 A Sure.
5 Q In Exhibit 4, which is the RFP. It suggests --
6 the RFP suggests that responses to the RFP be sent to
7 PFM Financial Advisors and Public Financial Management
8 in Orlando. Are you familiar with PFM?
9 A I am familiar with PFM.
10 Q Do you know why the RFP would ask for responses
11 to be made to PFM rather than to the City of
12 Jacksonville?
13 A No, sir, I do not.
14 Q You said that Mike Weinstein created this
15 document?
16 A Mike and his staff created this document.
17 Q And you don't know why they used PFM as
18 somebody to whom proposals should be submitted?
19 A No, sir, I could only speculate on that and I
20 won't do that.
21 Q You won't do that?
22 A No.
23 Q Alan Howard said he thought it was to avoid
24 Sunshine Law?
25 A It's not true.
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1 Q How do you know if it's not true if you don't
2 know why it was done?
3 A Why would you want to avoid the Sunshine Law?
4 Q That's my question.
5 A Is it the Sunshine Law or Public Records Law?
6 Let's get clear on that.
7 Q I think he said Sunshine.
8 A He's wrong if he said Sunshine.
9 Q What if he said Public Records?
10 A Public Records would have been in context of
11 what he was talking about.
12 Q But in any event --
13 A But I can't tell that you it was done to avoid
14 the Public Records Law.
15 Q What is your familiarity with PFM?
16 A There are two separate groups within PFM.
17 There could be more, but I'm aware of two separate
18 groups within PFM's umbrella. One group was contracted
19 by the City of Jacksonville for financial advisory
20 services. And it just so happens that another group,
21 who has more experience in the utility arena, was
22 contracted, too, by the JEA.
23 I't's also my understanding that PFM had been
24 longtime financial advisors to both the City of
25 Jacksonville and the JEA. And that's my knowledge of
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1 PFM. I don't know what they did for the JEA, but they
2 were on continuous contract with the City of
3 Jacksonville to provide financial advisory services to
4 our finance and treasury staff.
5 Q Well, you see that in Exhibit 4, the RFP calls
6 for submissions to be made to PFM?
7 A Yes, sir, I see that.
8 Q And you see in Exhibit 5 there is a billing by
9 PFM for financial services provided to the JEA pursuant
10 to that date?
11 A Yes, sir.
12 Q Do you have any reason to believe that this --
13 what I've handed you as Exhibit 5 is not PFM's billing
14 for the services rendered pursuant to the RFP?
15 A Sir, only thing I can believe is this is a
16 legitimate invoice and that they provided services to
17 the JEA under this RFP.
18 And to be honest with you, this is the first
19 time I'm learning that the JEA utilized this RFP for
20 their evaluation report. I was not aware of that.
21 Q And when you said "for their evaluation report"
22 in your last answer --
23 A Yes, sir.
24 Q -- which evaluation report are you referring
25 to?
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1 A It's a report that was eventually created for
2 the JEA board by PFM. And this is the PFM arm that did
3 the utility work for the JEA. The report that was
4 eventually presented to the JEA board and which was
5 presented to the city council in early February, I
6 believe it was February 14 of 2018.

7 Q By PFM?

8 A By PFM, yes, sir.

9 Q Let me show you what we've marked as Exhibit
10 11.

11 A Yes, sir.

12 (Mousa's Exhibit 11 was marked for
13 identification.)

14 Q This is an excerpt, I believe, of the report to
15 which you just referred. Can you confirm that?

16 A Yes, sir. This is -- this appears to be an
17 excerpt of the report that was created by PFM for the
18 JEA board of directors.

19 MR. CHARLES ARNOLD: What's the date on that,
20 Kevin?

21 MR. BLODGETT: It's February 14th, 2018.

22 MR. CHARLES ARNOLD: Thank you.

23 BY MR. BUSEY:

24 Q And what I hear you telling me, Sam, is that
25 until I showed you Exhibit 5, you were unaware that JEA
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1 paid for the valuation work pursuant to the RFP?

2 A No, sir, that's not what I said.

3 Q Tell me what you said.

4 A I said I was unaware that the JEA utilized this
5 RFP to create this report.

6 Q But now you do see that?

7 A I do. If you're -- if you're saying this is an
8 invoice, which it appears it is that references this
9 RFP, then it appears that JEA utilized this RFP to
10 produce this report.

11 Q And before today, you were unaware of that?

12 A I was unaware that the JEA used this RFP to
13 create this report.

14 Q All right. Accepting that, are you surprised
15 to learn that?

16 A No. There have been times where the JEA has
17 piggybacked, what we refer to as piggybacking City RFPs,
18 and the City has piggybacked JEA RFPs. Piggybacking,
19 meaning that if an RFP was solicited by one governmental
20 agency, then another governmental agency can utilize the
21 services that were solicited under that RFP. So it
22 doesn't surprise me that they may have done that. But,
23 again, I did not know that they solicited PFM under this
24 RFP.

25 And quite -- quite honestly, the services under
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1 the -- the scope of work in the RFP, JEA had PFM under
2 contract and they didn't necessarily have to use this
3 RFP to create this report. PFM was already under
4 contract to the JEA as their financial advisor. And so
5 I don't even know why they referenced this RFP when they
6 could have used their existing contract with PFM to
7 create this report.

8 Q Let me show you what we've marked as Exhibit 6,
9 which is an e-mail from Melissa Charleroy to Michael
10 Mace at PFM.

11 Do you know who Melissa Charleroy is?

12 A I've learned subsequently that she was Paul
13 McElroy's executive assistant.

14 (Mousa's Exhibit 6 was marked for
15 identification.)

16 Q And this is an e-mail dated January 23
17 referring to a meeting, a JEA meeting at the
18 Jacksonville International Airport, on January 24th.

19 A Yes.

20 Q Were you aware of that meeting?

21 A No, sir. And I only became aware of this
22 e-mail when Mr. Russell sent it in advance of this
23 interview.

24 Q So you -- you didn't know that JEA arranged for
25 a meeting with PFM on January 24th, at the Jacksonville
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1 International Airport?

2 A I did not know that, sir. And I'm not sure who
3 they arranged a meeting with, whether it was PFM or
4 anyone else.

5 Q Do you -- do you see underneath the from line,
6 Melissa Charleroy, it says, Subject?

7 A Yes, sir.

8 Q It says, The subject is City of Jax Advisor
9 RFP?

10 A I do see that.

11 Q And it's addressed to Michael Mace's PFM?

12 A Yes, sir.

13 Q And you didn't go to a meeting on January 24th
14 at the airport?

15 A No, sir, I did not.

16 Q And you are unaware of -- today, you are
17 unaware of the existence of that meeting?

18 A That is correct, sir.

19 Q Until you saw this e-mail?

20 A Until I saw this e-mail the last couple of
21 days.

22 Q Since you saw this e-mail, have you asked
23 anybody about this meeting?

24 A No, sir, I did not.

25 Q Do you know why this meeting occurred?
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1 A No, sir, I do not.
 2 Q Let me show you what we marked as Exhibit 7,
 3 which is another e-mail from Melissa to attendees.
 4 It's addressed to attendees. And the attendees are
 5 listed; Mousa, Hughes, Weinstein, Alan Howard, Melissa
 6 and Paul.

7 Did you receive this e-mail?

8 A I'm sure I did.
 9 (Mousa's Exhibit 7 was marked for
 10 identification.)

11 Q Did you attend the meeting?

12 A I don't recall attending the meeting, but if I
 13 did, I did.

14 Q All right. So I take it from your testimony
 15 that you don't have any recollection of Exhibit 7 before
 16 you saw it today?

17 A I don't have specific recollection of this
 18 meeting, but I'm not going to sit here and tell you I
 19 did not attend the meeting.

20 Q Could have happened, you don't remember it?

21 A It could have happened. Absolutely, it could
 22 have happened.

23 Q And if you look at Exhibit 6, you'll see that
 24 there were attendees at the meeting from Moelis.

25 Do you know who Moelis is?

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1 A This is the second time I've seen this. The
 2 first time was when Mr. Russell sent it in advance of
 3 this interview.

4 Q Do you agree with Mr. Greive's characterization
 5 of the RFP?

6 A Based on this letter, Mr. Greive is indicating
 7 that the RFPs were graded based on a matrix and that
 8 he's recommending that J.P. Morgan, Goldman Sachs,
 9 Morgan Stanley and KPMG were the highest rated firms.

10 Q Were you aware that he had made that
 11 determination in February 2018?

12 A I don't recall. I may have been, but I don't
 13 recall. I am aware that none of these firms were
 14 contracted by the City of Jacksonville.

15 Q Well, did you say contracted or contacted?

16 A Contracted with the City of Jacksonville for
 17 these services.

18 Q Let me understand what you're saying. Do you
 19 know who -- who contracted with them?

20 A From what -- I don't. But from what you're
 21 telling me, that perhaps JEA contracted with them.

22 Q But you're telling me you're not aware of the
 23 City contracting with them?

24 A Well, I know the City did not contract with
 25 them for the services referenced in the RFP. And let me

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1 A No, sir, I do not know who they are.

2 Q Do you see what I'm referring to on the second
 3 page of Exhibit 6? ScottDeGhetto@Moelis.com.

4 A Yeah, Scott DeGhetto.

5 Q Yeah.

6 A No, sir, I do not know Scott, nor do I know who
 7 Moelis is.

8 Q That name doesn't ring a bell to you at all?

9 A No, sir, it does not.

10 Q Okay. Let me show you what we've marked as
 11 Exhibit 8, which is a letter or a memorandum, on
 12 Jacksonville letterhead, from Joey Greive to Mike
 13 Weinstein, dated February 1, 2018.

14 Who is Joey Greive?

15 A Joey Greive was the City's treasurer who
 16 reported to Mike Weinstein at the time.

17 (Mousa's Exhibit 8 was marked for
 18 identification.)

19 Q And you see in the first paragraph, The City
 20 recently solicited proposals from qualified firms
 21 wishing to serve as financial advisor for Strategic
 22 Initiative Opportunities. The purpose of the request
 23 for proposals was to select a team of advisors qualified
 24 to provide complex financial advisory services.

25 Have you seen this document before?

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1 tell you why I keep clarifying I know the City did not
 2 contract with them for the services referenced in the
 3 RFP is that the City may have had other contracts with
 4 these firms for unrelated business.

5 Q Well, in the third sentence of the second
 6 paragraph of Exhibit 8, Joey says, Based on the results
 7 of the review and scoring, the following four firms will
 8 be invited to serve on the City's Strategic Initiative
 9 Financial Advisory Team for a period of three years with
 10 the City's option of two two-year renewals. And then he
 11 names the four firms you just named.

12 A Yes, sir.

13 Q Were they selected?

14 A To the best of my knowledge, they were not
 15 contracted with, sir. Selection and being contracted is
 16 two different things.

17 Q Were they selected?

18 A They were ranked is what my understanding was.
 19 They were ranked as the four most qualified firms.

20 Q Well, the sentence says they will be invited to
 21 serve. Were they invited to serve?

22 A To the best of my knowledge, sir, they weren't
 23 invited to serve on any City function.

24 Q Are you saying that in distinction to a JEA
 25 function?

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1 A They could have been invited to serve on JEA
2 functions. I don't know.

3 Q Pursuant to the RFP?

4 A That's possible.

5 Q Looking back at Exhibit 8, do you know -- can
6 you tell from looking at this exhibit who did the
7 scoring? Was it Joey or somebody else?

8 A I can't tell you that, sir.

9 Q Okay. Let me show you what we've marked as
10 Exhibit 9. This is a letter from Anna Lopez Brosche, as
11 President of the City Council, dated February 12th,
12 2018, to Paul McElroy.

13 Have you seen this letter before?

14 A Sir, this is the second time I've seen this
15 letter. The first time is when Mr. Russell forwarded it
16 to me in advance of this interview.

17 (Mousa's Exhibit 9 was marked for
18 identification.)

19 Q Well, let's go through it for a minute.

20 A Sure.

21 Q President says to Paul McElroy, in February
22 12th, 2018, Thank you for your letter of February 9th
23 regarding the status of the JEA valuation being
24 performed by Public Financial Management, Inc., and for
25 our related phone conversation. I appreciate your
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1 A Of JEA, yes, sir. And the mayor was insistent
2 that the report be as transparent -- the report findings
3 be as transparent as anything he could do. And so he
4 wanted everyone, everyone meaning the JEA board of
5 directors, the city council members, the public and the
6 media to hear the report at the same time. And that was
7 why the request was made for a special city council
8 meeting where PFM could present the results of the
9 report to everyone at the same time, in the same room.

10 Q When you just said that he wanted everybody to
11 receive the report at the same time, the "he" you're
12 referring to was Mayor Curry?

13 A Mayor Curry, yes, sir.

14 Q And so did Mayor Curry ask Paul McElroy to send
15 this request, Exhibit 9, to President Brosche?

16 A I don't know who asked Paul McElroy to make the
17 request, but Paul advised that he was going to make the
18 request.

19 Q And your understanding was that Paul's request
20 to the council president was consistent with what
21 Mayor Curry wanted to happen?

22 A That's exactly correct. The mayor wanted full
23 transparency when that report was disclosed.

24 Q In the next paragraph of Exhibit 9, the
25 president says, In your letter and our discussion, you
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1 respectful request of a City -- Special City Council
2 meeting on the afternoon of February 14th, 2018, to
3 allow a presentation of the final report to both the JEA
4 board and the city council.

5 Were you aware that Paul McElroy had made a
6 request of the city council to meet with the board of
7 JEA and the city council on February 14th?

8 A Yes, sir. I was aware that he made a request,
9 but how he made the request, I did not know.

10 Q Were you aware at -- that he -- that he made
11 the request at the time he made the request?

12 A Yes, I was aware he made the request at the
13 time he made the request.

14 Q How did you become aware of it if you hadn't
15 seen this letter?

16 A Mr. McElroy advised me that he had made the
17 request.

18 Q Did he tell you why he would have liked to have
19 had that meeting?

20 A I knew why we wanted to have that meeting.

21 Q Tell me why we wanted to have that meeting.

22 A The mayor knew -- we all knew that PFM was
23 nearing completion of their -- what I'll refer to as a
24 valuation report.

25 Q Of JEA?

1 suggested I consider scheduling the form of the meeting
2 that would allow the city council to take action upon
3 hearing an executive summary presentation from the
4 consultant, followed by distribution of the report in
5 its complete and final version.

6 Your recommendation comes on the heels of
7 multiple meetings with the mayor's staff in which they
8 asked if I was open to holding a joint meeting to hear
9 the presentation and if I would consider legislation to
10 approve next steps in the sale process at the very same
11 meeting.

12 Were you among the people on the mayor's staff
13 who had made that request?

14 A I'm sure I was. Her presentation of those
15 facts were inaccurate, though.

16 Q In what respect?

17 A It was never, ever a request to approve
18 legislation after the presentation by PFM. There was
19 nothing to approve. There was no legislation before
20 her. There was nothing that the council could have
21 voted on. But she took the approach of advising, in
22 writing, to Mr. McElroy that we were going to go up,
23 make a presentation and ask the council to immediately
24 vote on whether we should sell the JEA. Nothing further
25 from the truth.

1 Q That's what she says here, though.
 2 A She's wrong. She's wrong.
 3 The purpose of the meeting was to let everybody
 4 hear the PFM report at one time. Recall, initially only
 5 the board of directors were going to receive the report
 6 and we objected to that. We wanted the report to be as
 7 open and as transparent as possible, which is why we
 8 insisted that the board, the city council members, the
 9 public and the media be invited to a special city
 10 council meeting to hear the PFM report.

11 Now, subsequent to that -- subsequent to that,
 12 there may have been a request for the council to
 13 authorize a resolution supporting the proceeding into a
 14 more formalized process to privatize the JEA, but that
 15 never happened. And for her to say in this letter that
 16 you wanted us to hear a report and take emergency
 17 actions is ludicrous. There was nothing before her to
 18 take emergency action.

19 Q But she did say that, didn't she?

20 A She didn't what?

21 Q I said, she did say that?

22 A She did say that and she's wrong.

23 Q Do you think she said -- she's in error or
 24 she's purposely misstating it?

25 A I don't know why she said what she said, but
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1 Q Thank you. Exhibit 4.

2 Unaware until now?

3 A Unaware until now, when you showed me the
 4 invoice.

5 Q When was -- when was the first time you saw the
 6 PFM final report?

7 A At the city council meeting.

8 Q On February the 14th?

9 A On February 14th, yes, sir.

10 Q 2018?

11 A Yes, sir.

12 Q Were you aware of what it said prior to the
 13 meeting?

14 A I was -- it was summarized to me.

15 Q By whom?

16 A By Mr. Weinstein.

17 Q He told you about it?

18 A He did.

19 Q He had seen it?

20 A He had.

21 Q Do you know as of when?

22 A No, sir, I don't know as of when.

23 Q And keep reading in President Brosche's letter,
 24 which is Exhibit 9, the third paragraph, In considering

25 your request and the requests of the mayor's
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1 she was wrong.

2 Q And keep reading, in the next sentence, it
 3 says, Essentially, the mayor's office is asking the city
 4 council to consider passing legislation as an emergency
 5 upon introduction without the public involvement
 6 afforded by the normal legislative process and without
 7 an appropriate analysis of and response to the final
 8 valuation report by the city auditor.

9 Do you think that's incorrect as well?

10 A Very incorrect.

11 Q But you -- when -- what you just said to me,
 12 though, Sam, you said that the mayor wanted the report
 13 to be transparent and presented to everybody at the same
 14 time?

15 A Correct.

16 Q The report you're referring to is PFM's
 17 valuation report of JEA?

18 A That is correct.

19 Q Which was performed pursuant to the RFP, which
 20 we've marked as an exhibit to this deposition?

21 A If you say so.

22 Q Precisely. I'll get the exhibit number.

23 A And as I testified, I was unaware that the
 24 valuation report conducted on the JEA by PFM was
 25 conducted under the RFP, which was Exhibit 4.

1 administration, it's important to know that the city
 2 council did not initiate an analysis of JEA's value.

3 Do you agree with that statement?

4 A No. Yeah, I agree with that. The city council
 5 did not initiate an analysis of the JEA valuation.

6 But I think it's important to note that the
 7 privatizing or sale of the JEA after that first
 8 valuation report by PFM to even consider that anyone was
 9 ever ready to even think about privatizing or selling
 10 the JEA is ludicrous. I mean, there was work to be
 11 done, more analyses to be done, more valuation to be
 12 done before anybody could ever make a recommendation to
 13 take, in Ms. Brosche's word, emergency action to sell
 14 the JEA. You would have never sold the JEA based on the
 15 PFM report because it's not conclusive. It's not
 16 inclusive of everything that had to be evaluated before
 17 you ever thought about selling the JEA.

18 And so for her to make the statement that we
 19 were asking for emergency action, all we would have
 20 asked for is a resolution that would have gone through
 21 the normal process to seek the city council's thoughts
 22 on whether we should proceed with doing a more formal
 23 evaluation of the sale of the JEA.

24 Q Let me continue to read that paragraph, The JEA
 25 board should proceed with addressing the results of an

1 action it approved independent of the city council.
 2 While there may be benefits of a single presentation of
 3 the final report, the city council's participation in a
 4 meeting on February 14th, 2018, is premature. Both city
 5 council member John Crescimbeni and I have requested of
 6 General Counsel Jason Gabriel a detailed analysis of the
 7 potential sale process and I have expressed my intention
 8 to take no action until my colleagues and I fully
 9 understand such process.

10 Furthermore, while Council Auditor Kyle Billy
 11 is updating his analysis of a potential JEA sale, and
 12 while Mr. Billy is not a valuation expert, the city
 13 council should hear from our advisors, including on
 14 the final valuation report prior to considering any
 15 action.

16 Did you know that Kyle Billy was working on
 17 his analysis in February of 2018 of a potential JEA
 18 sale?

19 A No, sir, I did not. I knew Kyle Billy -- or
 20 the council auditor's office, I shouldn't say Kyle
 21 Billy, did a similar two or three-page analysis back in
 22 2012, I want to say at the request of Councilman
 23 Schellenberg, who was hot to trot back then to sell the
 24 JEA. And that's a public record. It's on the City's
 25 website under council auditor reports.

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1 A Sure.

2 MR. BUSEY: Before you do that, let's go off
 3 the record.

4 (Recess taken.)

5 BY MR. BUSEY:

6 Q Before we stopped, Sam, you were getting ready
 7 to give me some color about the drama at the February
 8 14, 2018, city council meeting reflected by -- in the
 9 minutes by Exhibit 10. So what happened at that
 10 meeting?

11 A Prior to the meeting, it was difficult getting
 12 the council president to schedule the meeting. She was
 13 under the impression that we were coming to the meeting,
 14 asking for immediate action to privatize the sale of the
 15 JEA.

16 Q Which is consistent with her letter?

17 A Consistent with her letter. She could never
 18 understand the purpose of the meeting. And she refused
 19 to schedule a meeting.

20 And so the mayor, under his executive powers,
 21 is the one who called for the special meeting. There's
 22 a council rule that, I believe, if the mayor had four or
 23 five councilmen agree with him, that a special meeting
 24 was in order, that he could call for the special
 25 meeting. And so that special meeting was called for by

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1 Q What is on the city council's website?

2 A The Kyle Billy report that was created for the
 3 city council back in 2012. And, like I said, it was a
 4 minimal report, two to three pages. And what
 5 information they utilized to develop their conclusions
 6 is beyond me.

7 Q Let me show you what we've marked as Exhibit
 8 10, which is minutes of the meeting of the city council
 9 called by the Mayor on February 14th, 2018.

10 Have you seen this document before?

11 A This is the second time I've seen this
 12 document, sir. The first time was yesterday when
 13 Mr. Russell had produced documents in advance of this
 14 interview.

15 (Mousa's Exhibit 10 was marked for
 16 identification.)

17 Q Yesterday, did you read this document?

18 A Yes, sir, I did.

19 Q You were at that meeting, weren't you?

20 A I was at this meeting, yes, sir.

21 Q Does this document accurately reflect what
 22 happened at the meeting?

23 A Somewhat accurately. It doesn't reflect all
 24 the drama that took place at the meeting.

25 Q Can you share some of that drama with us?

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1 the mayor, when she refused to hold it. She being
 2 Council President Brosche at the time.

3 That, of course, did not go well with the
 4 council president, but she attended the meeting. She
 5 opened the meeting. She explained to the folks why we
 6 were there. She recognized Mr. Alan Howard, who was at
 7 the time the chairman of the board. The meeting
 8 included JEA board members, all city council members,
 9 the media, the public, which is exactly what we had
 10 wanted to disclose the PFM valuation report of the JEA.

11 And Mr. Howard gave a brief opening as to why
 12 he was there. Thanking the council president for
 13 holding the meeting, et cetera. And he went on to say
 14 that he was going to turn the podium over to Mayor Curry
 15 for a few words.

16 As the Mayor stood up and began to approach
 17 the podium, she absolutely stopped him and said, You're
 18 not recognized, which was pretty embarrassing for the
 19 mayor. She absolutely refused to let the mayor approach
 20 the podium and explain why he thought the meeting --
 21 what the purpose of the meeting was. Of course, some in
 22 the audience booed, others clapped, but at the end of
 23 the day, the mayor was not allowed to speak at the
 24 meeting.

25 However, the mayor remained seated and listened

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1 to PFM's report, but there was no need for all that
2 drama. No need whatsoever. But it's just another
3 indication where she was upset with the mayor, she
4 wanted to embarrass the mayor. And she did. She did a
5 good job embarrassing the mayor by refusing to allow him
6 to attend or speak at the podium. And it was just
7 uncalled for. All of that was uncalled for.

8 **Q** Do you know what the mayor proposed or wanted
9 to say at that meeting?

10 **A** Basically thanking her for the meeting. We
11 wanted an opportunity to review the report in public.
12 He wanted the report to be disclosed one time for
13 everybody at once and not in individual pockets where
14 people would begin to speculate what's in the report or
15 what was said to one group and not said to another. The
16 mayor wanted to be very transparent in the disclosure of
17 the PFM report.

18 **Q** And then Mr. Michael Mace spoke?

19 **A** A PFM gentleman spoke. If you say it's
20 Mr. Mace, I don't recall the name.

21 **Q** Well, look at Exhibit 10, the bottom -- the
22 last paragraph on the first page.

23 **A** Okay.

24 **Q** Chair -- Chair Howard introduced Michael
25 Mace --

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1 Do you recall Mr. Mace reviewing those
2 things?

3 **A** Not specifically, sir. But if that's what the
4 meeting minutes say, I'll take the word that the meeting
5 minutes accurately reflect what Mr. Mace said. I don't
6 specifically remember hearing exactly what Mr. Mace said
7 at the podium.

8 **Q** And do you recall what the valuation of JEA was
9 according to PFM's report?

10 **A** I did not recall until I saw the exhibit, until
11 I saw Exhibit 11, which -- excerpts of Exhibit 11, which
12 referenced the range of 2.9 -- net proceeds could range
13 from 2.9 billion to 6.4 billion.

14 **Q** What page are you referring to?

15 **A** That's page --

16 **Q** The bottom of the page?

17 **A** Bottom of page 19 of Exhibit 11.

18 **Q** And this -- Exhibit 11 is the report that

19 Mr. Mace described at that meeting on February 14th?

20 **A** Exhibit 11 is an excerpt of the report that

21 Mr. Mace described on February 14th.

22 **Q** And what was your takeaway from the February
23 14th meeting, if any?

24 **A** I don't know if I had a takeaway. I thought
25 the report spoke for itself. I couldn't tell you how

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1 **A** Okay.

2 **Q** -- managing director --

3 **A** Okay.

4 **Q** -- Public Financial Management.

5 **A** Yes, sir.

6 **Q** Mr. Mace briefly reviewed PFM's charge from the
7 JEA.

8 Do you know what that charge was?

9 **A** I don't know what the charge was.

10 **Q** And --

11 **A** I wasn't involved in charging PFM with their
12 scope of services.

13 **Q** Do you remember what Mr. Mace said about his
14 charge?

15 **A** Oh, vaguely. It's been what? Four years. How
16 long's it been? Two years. He basically reviewed the
17 report.

18 **Q** And the report was a valuation report of JEA?

19 **A** Yes, sir.

20 **Q** Okay. Mr. Mace briefly reviewed PFM's charge
21 from JEA and provided a presentation, including the
22 origins of the report, scope of the report, utility
23 industry valuation and trend, valuation methodology
24 and metrics, important considerations and the sale
25 process.

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1 council members felt. A few of them asked questions.
2 I don't recall what the questions and responses were,
3 but Mr. Mace did respond to several questions that were
4 raised by council members. But I didn't have a take
5 one way or the other when I walked away from that
6 meeting.

7 **Q** Did you have any sense of the interest of the
8 council on the sale of JEA?

9 **A** At that time, I did not, no, sir.

10 **Q** Did you talk to the mayor subsequently about
11 the meeting?

12 **A** Oh, I'm sure I did.

13 **Q** Do you recall what he had to say about it?

14 **A** No. I knew he was upset about the meeting, I
15 do recall that.

16 **Q** Let me show you what we've marked as Exhibit
17 13.

18 **A** Thank you.

19 (Mousa's Exhibit 13 was marked for
20 identification.)

21 **MR. CHARLES ARNOLD:** Before you do that, if you
22 don't mind me interjecting something, Steve, because
23 I got confused and I didn't want the record to be
24 confused.

25 When we were back discussing the RFP the City

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1 issued and then JEA piggybacked on it and then
2 apparently the JEA paid for something --

3 THE WITNESS: May I clarify that, Mr. Busey?

4 MR. CHARLES ARNOLD: I was -- I would -- it
5 just sounded all muddled to me. I didn't know if
6 you wanted to let Mr. Mousa perhaps explain it a
7 little further.

8 BY MR. BUSEY:

9 Q Go ahead.

10 A Yeah, maybe I wasn't clear. The RFP that was
11 put out for the City, in my opinion, in my interactions,
12 had nothing to do with selecting consultants to help
13 evaluate the JEA. That RFP was put out for city
14 services.

15 And as I testified earlier, I was not aware
16 that the JEA had piggybacked that RFP to select those
17 consultants, if they even selected them. I couldn't
18 tell you who the JEA selected. I don't know who all the
19 JEA's consultants were, but the intent of the RFP was
20 not specifically to allow the JEA to hire consultants.

21 Now, they're allowed to, procurement laws,
22 among governmental agencies, allowed one agency to
23 utilize another agency's selections or shortlist for
24 their -- for their purposes. And apparently that's what
25 they did.

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1 shortlisting and selection synonymously.

2 But, yes, I do read where Morgan Stanley Team
3 for Jacksonville Electric Authority is on the Joey
4 Greive February 1st, 2018, memo that's marked as
5 Exhibit 8.

6 Q And as you can see from Exhibit 13, apparently
7 prepared extensive materials in response to the RFP, 67
8 pages, dated February 15th, 2018.

9 A Sir, are you saying -- I need clarity on this.
10 Are you saying this was a response to the City's RFP?

11 Q Yes.

12 A I'm not aware of that.

13 Q Look on page 3.

14 A I'm looking at page 3.

15 Q Morgan Stanley welcomes the opportunity to work
16 with the JEA and the City of Jacksonville to consider
17 potential and strategic alternatives for both electric
18 and water utility.

19 Are you aware of any reason why Morgan Stanley
20 would prepare, in February of 2018, the 60 -- this
21 67-page presentation if it were not for the RFP?

22 A Well, the first thing I'll have to question is
23 the proposals were due in the RFP on January 15th of
24 2018. This was dated February 15, 2018. So this
25 document was created 30 days after the proposals were

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1 The JEA decided -- the JEA contracted with them
2 and the JEA made the decisions as to who they wanted to
3 use. They could have easily have put out an RFP
4 themselves and selected consultants, but they apparently
5 used the shortlist that the City had developed.

6 Q I've showed you Exhibit 13. Have you seen that
7 before?

8 A Yes, sir. Only the second time. First time I
9 saw it is when Mr. Russell sent it as part of the
10 documents in preparation for this interview.

11 Q Did you have a chance to look at it?

12 A I'd be lying to you, sir, if I reviewed all of
13 it. I looked at it very briefly, but I did not
14 recognize it and so I did not pay much attention to it.

15 Q Well, looking at page 3, there's a page that
16 says, Morgan Stanley Team for Jacksonville Electric
17 Authority.

18 A I see that.

19 Q And you see that Morgan Stanley was one of
20 the consultants selected by the City of Jacksonville
21 according to Joey Greive's memo, which is Exhibit 8?

22 A A shortlist -- shortlisted by the City of
23 Jacksonville. I must continue to emphasize that this
24 memo utilizes the word selection, but they were not
25 contracted so they were shortlisted. And you can use

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1 due for this RFP.

2 Q From -- yes, the proposals were already made to
3 the RFP.

4 A Right.

5 Q And as a result of those proposals, Morgan
6 Stanley had been selected by Joey Greive's letter of
7 February 1, 2018, which is Exhibit 8. So they had
8 already been selected, the discussion materials was
9 prepared subsequent to --

10 A My question to you was --

11 Q Let me finish. Let me finish.

12 -- Exhibit 13, the discussion materials, were
13 prepared subsequent to Morgan Stanley's selection.

14 A My question to you was: Was this document
15 prepared in response to this RFP?

16 Q This document was prepared by Morgan Stanley
17 for JEA pursuant to its being selected in response to
18 that RFP, yes.

19 A How can that be? How can that -- how can it be
20 that a document dated February 15 was submitted as a
21 response to this RFP --

22 MR. BLODGETT: You're talking about --

23 MR. BUSEY: Wait a minute. Let him -- let --

24 A -- that says the proposals were due January
25 15th? Is this a proposal that was due on January 15th?

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1 Q No.
 2 A Okay. This was not a proposal due on January
 3 15th.
 4 Q I don't think you heard what I just said.
 5 A I think I heard clearly what you said.
 6 Q Let me say it again.
 7 A And you're not answering my question.
 8 Q Tell me, what's your question?
 9 A And I know you're here to ask the questions,
 10 but I want to be clear what we're talking about.
 11 Q We all want to be clear.
 12 A My question was: Was this document prepared in
 13 response to this RFP in order to get shortlisted?
 14 Q No.
 15 A Thank you. Apparently this document was
 16 prepared subsequently.
 17 Q Because Morgan Stanley had been selected,
 18 yes.
 19 A Okay. So what's your question?
 20 Q My first question was: Have you seen this
 21 before? And the answer is no?
 22 A That's correct. Except for --
 23 Q Yesterday?
 24 A -- when Mr. Russell sent it to me in advance of
 25 this interview.

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1 A Not aware whatsoever. In fact, I wasn't aware
 2 that this document existed. And, ironically, it's one
 3 day after the February 14th, 2018, meeting.
 4 Q And you see on the first page it says, We
 5 recommend that in order to a maximize the valuation of
 6 electric utility, that the operation be sold as a,
 7 quote, "clean," closed quote, company, paren, i.e.,
 8 without exposure to Project J, closed paren.
 9 A Where do you read that, sir?
 10 Q Two-thirds of the way down on page 5.
 11 Paragraph starts, We recommend.
 12 A We recommend preserving the option or that in
 13 order to maximize valuation of electric utility that the
 14 operation being sold as a clean company without exposure
 15 to Project J.
 16 Q The latter. Do you know what Project J is?
 17 A No idea.
 18 Q Do you now?
 19 A I don't know what Project J is. What is
 20 Project J?
 21 Q Vogtle.
 22 A Okay. I know Project Vogtle.
 23 Q And on page 6, there's Four Pillars for
 24 Successful Privatization?
 25 A Yes, sir.

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1 Q Okay. And you -- and by February 15th, Morgan
 2 Stanley had already been selected, we've seen evidence
 3 of that and they have now prepared the discussion
 4 materials, which is Exhibit 13 and they welcome the --
 5 they say in their discussion materials that they welcome
 6 the opportunity to work with the JEA and the City to
 7 consider potential strategic alternatives for the
 8 electric and water utility.
 9 And they propose -- on page 3 and 4 of their
 10 presentation, they identify 18 Morgan Stanley
 11 individuals who are going to work on the engagement.
 12 And in their first paragraph on page 5 of their
 13 proposal, an executive summary, they say, Given our vast
 14 experience and expertise, we believe Morgan Stanley is
 15 uniquely qualified to execute the potential
 16 privatization of JEA.
 17 So you see Exhibit 13 is about the
 18 privatization of JEA?
 19 A I see that.
 20 Q And they say in the middle of that page, We are
 21 confident JEA can execute a sale transaction within 12
 22 months.
 23 Were you -- were you aware that Morgan Stanley
 24 was, in February of 2018, stating that it could
 25 accomplish the sale of JEA in 12 months?

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1 Q But you hadn't seen that before --
 2 A No, sir.
 3 Q -- yesterday?
 4 A I haven't seen this entire document before
 5 yesterday.
 6 Q But you -- if you just flip through it, you can
 7 see it represents an awful lot of work, can't you?
 8 A Appears so. Now, whether all this is fluff, as
 9 a lot of proposers provide, or whether it's actual work
 10 is debatable.
 11 Q Well, look at page 17.
 12 A Yes, sir.
 13 Q You see a comparison to privatization from the
 14 Philadelphia Gas Works to JEA?
 15 A Will you please wait till I get to that page?
 16 Q Yes.
 17 A Okay. Where are you on page 17?
 18 Q At the top.
 19 A Precedent Privatization of Scale.
 20 Q And do you see where Morgan Stanley is
 21 comparing Philadelphia Gas Works to the JEA?
 22 A I see that statement up there.
 23 Q So this is more than just fluff. This is
 24 actual comparison, isn't it?
 25 A If you say so. I haven't read it.

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1 Q Are you surprised to see this level of analysis
2 by Morgan Stanley so early into the process?

3 A Quite frankly, I am. Particularly a day after
4 the special council meeting where no action and no
5 further conclusion was reached.

6 Q Let me show you what we've marked as Exhibit
7 16.

8 A Yes, sir.

9 (Mousa's Exhibit 16 was marked for
10 identification.)

11 Q This is a resolution of the city council
12 confirming the appointment of Aaron Zahn as a member of
13 the board of JEA to succeed Thomas Petway. Are you
14 familiar with this appointment?

15 A I'm familiar with the appointment, yes.

16 Q Tell me what familiarity you have with it.

17 A Simply that he was recommended for appointment
18 to the city council and the city council, I believe,
19 in entering this, approved his appointment to the JEA
20 board.

21 Q You said he was appointed, he was appointed by
22 whom?

23 A Appointed by the city council. He was
24 appointed by the mayor -- he was recommended by the
25 mayor to the city council and the city council confirmed
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1 Q And when he -- when he was introduced to you in
2 your office, when was that relative to the council's
3 action on the appointment?

4 A I don't recall, sir. It couldn't have been --
5 it could not have been too much before the appointment.

6 Q But likely before the appointment?

7 A Oh, very likely before the appointment.

8 Q And what conversation did you -- if any, did
9 you have with Mayor Curry regarding Aaron Zahn's
10 recommendation?

11 A Sir, as I testified earlier in this interview,
12 I rarely had any conversations with the mayor or others
13 regarding the mayor's recommendation for appointments.
14 Appointments were not under my purview. I was running
15 the day-to-day operations of government. And I don't
16 recall any discussions between me and the mayor on Aaron
17 Zahn's appointment or hardly any other appointment that
18 the mayor recommended to council.

19 Q Do you remember the first time you ever talked
20 to Aaron Zahn alone?

21 A I never spoke to Aaron Zahn alone before his
22 appointment. I didn't know Aaron Zahn to speak with him
23 alone, but subsequently in his tenure at the JEA, I
24 would speak to Aaron on City-related matters.

25 Q And you don't recall the first time you talked
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1 the appointment.

2 Q Do you know who -- how Mayor Curry learned of
3 Aaron Zahn in order to appoint him or recommend him to
4 the city council?

5 A I -- I do not, sir.

6 Q When was the first time you remember hearing
7 Aaron Zahn's name?

8 A First time I met Aaron Zahn was during -- I'm
9 assuming during the appointment process. He was up on
10 the fourth floor, at City Hall, I was in my office and
11 someone brought him in and introduced him to me. It's
12 the first time I had ever met Aaron Zahn.

13 Q Do you remember who brought him into your
14 office?

15 A Sir, I do not remember who specifically brought
16 him into my office. It could have been the director of
17 intergovernmental affairs, who is responsible for
18 shepherding appointments through city council or it
19 could have been the chief of staff or could have even
20 been the mayor, but I do not recall specifically.

21 Q Do you recall what would -- how Aaron Zahn was
22 introduced to you, that he was a candidate?

23 A Simply that he was a candidate and that the
24 mayor was going to present him to the city council as an
25 appointment to the JEA board.

1 to him?

2 A First time I talked to him was the time he was
3 introduced to me.

4 Q First time you talked to him alone?

5 A No.

6 Q Do you remember talking to Brian Hughes about
7 Aaron Zahn's selection for the board?

8 A I don't recall, sir, but I wouldn't be
9 surprised if Brian had mentioned that Aaron was the
10 mayor's appointment recommended to the city council.

11 Q Recognizing you wouldn't be surprised, you have
12 no recollection of such a conversation?

13 A I have no recollection, sir.

14 Q What about Tim Baker? Did you ever talk to Tim
15 Baker about Aaron Zahn?

16 A No, sir.

17 Q Did you have any conversation with any JEA
18 board member about the board's election of -- about the
19 city council's selection of Aaron Zahn to be on the JEA
20 board?

21 A Absolutely not. I rarely communicated -- I
22 can't remember a time that I ever communicated with a
23 JEA board member about anything.

24 Q Let me show you Exhibit 18, which is an e-mail
25 exchange. We marked as Exhibit 18 culminating in an

1 e-mail from Cheryl Brown, dated March 19th, 2018. Do
 2 you have any knowledge of the e-mail below from Nicole
 3 Evans? Have you seen this, what we've marked as Exhibit
 4 18 before?

5 A Yes, sir, I recognize this correspondence.
 6 (Mousa's Exhibit 18 was marked for
 7 identification.)

8 Q From when it occurred?

9 A I remember issuing the correspondence.

10 Q Why did you issue the correspondence?

11 MR. BUSEY: Can we go off the record for a
 12 minute?

13 (Off-the-record discussion.)

14 BY MR. BUSEY:

15 Q Tell me what you recall about --

16 MR. BUSEY: Excuse me. Back on the record.

17 Q Tell me what you recall about this
 18 communication.

19 A I've got to back up to tell you what
 20 generated --

21 Q Please.

22 A -- this correspondence.

23 Sometime after the February 14, 2018, special
 24 city council meeting, Council President Anna Brosche at
 25 the time assigned John Crescimbeni, as chairman of the
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1 special committee to review JEA in general, how the JEA
 2 was performing, what the JEA was doing, et cetera,
 3 et cetera.

4 Q Excuse me. When was that?

5 A Sometime after the February 14, 2018, special
 6 city council meeting.

7 Q Do you know why --

8 A May I continue?

9 Q Yes.

10 A Okay. Thanks. There was concern about the
 11 City RFP that was issued back in December that the
 12 special committee wanted information on. And so
 13 Mr. Crescimbeni called me and invited me to his office
 14 and asked me if I would be willing to come before the
 15 committee and explain two things about the City RFP.
 16 Number one, why it was issued.

17 Q We're talking about Exhibit 4?

18 A We're talking about --

19 MR. CHARLES ARNOLD: Yeah.

20 A -- Exhibit 4. He wanted to know two things.
 21 He wanted to know why it was issued and whether there
 22 were any City dollars expended on the RFP and/or if any
 23 consultants were hired by the City with that RFP.

24 I agreed with Mr. Crescimbeni that I would be
 25 more than happy to come to committee and answer those

1 two questions, but I asked Mr. Crescimbeni whether his
 2 committee members were going to place anybody under oath
 3 because there was talk about council members placing
 4 folks, providing testimony, to go under oath. And he
 5 assured me that that was not his intent, he simply
 6 wanted me to come by and answer those two questions and
 7 that I would not be placed under oath.

8 On March 15th, 2018, I attended a special
 9 committee meeting by Mr. Crescimbeni. He explained to
 10 the four members that were present why I was there and
 11 that I had agreed to come explain a couple of questions
 12 on the RFP.

13 Mr. Crescimbeni asked me to approach the
 14 podium. And before I began to speak, Councilman Garrett
 15 Dennis, who was a committee member, asked
 16 Mr. Crescimbeni to place me under oath. Mr. Crescimbeni
 17 advised Mr. Garrett Dennis that there need -- was no
 18 need to place Mr. Mousa under oath, that Mr. Mousa came
 19 at his own voluntary means and methods to explain the
 20 two questions that he had asked for.

21 That was not good enough. Ms. Brosche asked
 22 Mr. Crescimbeni to put me under oath. Once again,
 23 Mr. Crescimbeni explained why he didn't feel that was
 24 necessary. And, thereafter, Councilman Becton asked me,
 25 in public, Mr. Mousa, will you go under oath? And my

1 response to Mr. Becton was that I have testified before
 2 various city council committees and various council
 3 hundreds of times, both as a public employee and as a
 4 private citizen, and no time did I ever not tell the
 5 truth before any committee. And that I had no reason
 6 whatsoever not to tell the truth at that time. He asked
 7 me again if I would go under oath. Again, I repeated
 8 the same response.

9 There was a motion made by Councilman Garrett
 10 Dennis to put me under oath and a second by Anna Brosche
 11 to put me under oath. The motion passed three to one
 12 and they asked the court reporter to put me under oath
 13 and I refused to take the oath for two reasons. I did
 14 not have counsel present. He committed to me that an
 15 oath would not be provided. And I was insulted, I was
 16 insulted for all the years that I've worked for the City
 17 of Jacksonville and as many times that I presented to
 18 the city council, that they would dare to put me under
 19 oath.

20 And besides, there's a law on the books already
 21 that says any time a City employee testifies before city
 22 council, he's required to tell the truth. And I brought
 23 that to their attention.

24 And so Mr. Crescimbeni excused me from the
 25 meeting, but he did ask if they still wanted me to

1 answer those questions. And -- and Brosche and Garrett
2 Dennis says, no. So I left.

3 And subsequent to leaving the meeting, I felt
4 it was important, as described on Exhibit 18, that I
5 answer Mr. Crescimbeni's questions. And he asked two
6 questions.

7 What is the current status of the RFP for the
8 December 20, 2017, RFP for Strategic Initiatives
9 Financial Services?

10 My response was: The RFP is complete. No
11 contract exists and no contract encumbrance or contract
12 expenditures have occurred. In fact, no additional
13 funds of any amount were expended on this process.

14 Number two: Would the administration consider
15 holding in abeyance any further action on the RFP
16 pending the conclusion of the work City Council Special
17 Committee on the potential sale of the JEA?

18 My response: As previously advised in writing,
19 the subject RFP authorized by the administration had
20 nothing to do with the potential sale of the JEA. The
21 administration was not charged by the JEA board to
22 pursue any activity related to the potential sale of the
23 JEA, but rather the charge by the JEA board was directed
24 to JEA staff. The administration does not pursue
25 actions directed by the JEA board.

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1 Q Well, the fact of the matter is that JEA did
2 pay \$86,000 for PFM, didn't they?

3 A Not to my knowledge. They apparently
4 piggybacked on the City's -- the administration did not
5 do that. And, again, the administration is not
6 authorized to do anything on behalf of the JEA. It
7 can't. By law, the board of directors of the JEA and
8 the executive director of the JEA are only authorized to
9 expend JEA dollars.

10 Q But you and the administration knew in February
11 and March of 2018 that PFM had produced evaluation
12 reports for JEA?

13 A I did know that, sir. Yes, sir. Yes, sir.

14 Q And you've seen evidence this morning that JEA
15 subsequently paid for that?

16 A Yes, sir. You've showed me evidence that the
17 JEA paid \$86,000 and change for that report. But,
18 again, PFM was already under contract with the JEA.

19 Q Do you recall when Paul McElroy stepped down as
20 CEO of JEA?

21 A I do recall when he stepped down.

22 Q Tell me what you recall about that.

23 A Other than he stepped down.

24 Q Do you know why?

25 A I do not know why.

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1 Again, as previously stated, the RFP was
2 developed for a variety of other City infrastructure
3 review, analysis and evaluation by qualified consultants
4 in the event the administration decided to pursue same
5 on any proposal which may have been received by parties
6 interested in privatization, public/private partnerships
7 or other facility management proposals for City
8 infrastructure.

9 The executive branch has the authority, duty
10 and responsibility to evaluate any and all such
11 proposals it deems appropriate and to solicit the need
12 of consultants utilizing lawfully appropriated funds.

13 Therefore, since the RFP was not developed for
14 the potential sale of the JEA, it will not be utilized
15 by the administration for any JEA activity. However,
16 the RFP may be utilized in the future for any other City
17 infrastructure evaluation as the executive branch sees
18 fit to possibly do.

19 I thought it was important that I answer those
20 questions that I was prevented from answering unless I
21 went under oath.

22 Q To what, if you know, do you attribute the
23 hostility you encountered with the city council?

24 A Anna Brosche, Garrett Dennis and the mayor.
25 Embarrassment. Simply an agenda to embarrass folks.

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1 Q Did you ever talk to Paul about it?

2 A Never did.

3 Q Did you talk to anybody in the administration
4 about it?

5 A No, sir.

6 Q Nobody?

7 A No, sir.

8 Q It wasn't a -- the fact that Paul McElroy
9 resigned pretty suddenly wasn't the subject of any
10 discussion on the fourth floor?

11 A Wasn't a subject of my discussion with anybody
12 on the fourth floor. Too busy running government. Not
13 saying there wasn't discussion on the fourth floor, but
14 I didn't discuss it on the fourth floor.

15 Q Did you become aware at some point that Aaron
16 Zahn wanted to become the interim CEO after Paul McElroy
17 stepped down of JEA?

18 A Yes, I did become aware that Aaron wanted to
19 put his hat in the ring.

20 Q And this would be a short period of time after
21 he was on the JEA board?

22 A I recall he hadn't been on the JEA board for
23 very long when he decided to step down and put his hat
24 in the ring for interim CEO.

25 Q A month or two?

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1 A If you say so.
 2 Q And how did that become -- how did that -- how
 3 did Aaron's candidacy for the interim CEO come to your
 4 attention?
 5 A I probably heard it on the fourth floor.
 6 Q Did you have any reaction to it?
 7 A No.
 8 Q Little unusual that a new member of the board
 9 would resign from the board and say, I'd like to be the
 10 CEO?
 11 A No. Aaron was a very articulate, aggressive
 12 individual, ambitious and -- from what I knew of him,
 13 but it's not surprising.
 14 Q Did you know in April of 2018 that he was
 15 ambitious, the person you just described?
 16 A I heard that. I heard.
 17 Q But you hadn't experienced it yourself in
 18 talking to him?
 19 A No, I rarely spoke to Aaron. I don't think I
 20 ever speak to Aaron, other than the introduction before
 21 he was appointed to the board or from the time where he
 22 went from the board appointment to interim CEO. I had
 23 no relationships with Aaron.
 24 Q Well, you just described him so that
 25 description was based upon what you had heard from

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1 other people?
 2 A That is correct.
 3 Q Do you remember any controversy about his
 4 becoming the interim CEO, about Aaron becoming the
 5 interim CEO?
 6 A No, sir, I don't recall any controversy.
 7 Q Were you aware that there was a board meeting
 8 at which the board had to decide between Melissa and
 9 Aaron -- Melissa Dykes and Aaron Zahn as who was going
 10 to be the interim CEO?
 11 A I'm aware of the meeting that took place and
 12 the discussion that took place when they were deciding
 13 whether it should be Melissa or Aaron.
 14 Q And you're aware that Aaron prevailed in that
 15 discussion?
 16 A Am I aware of what, sir?
 17 Q That Aaron prevailed and became the interim
 18 CEO?
 19 A Yes, sir, I'm aware that Aaron prevailed after
 20 each was provided an opportunity to present their
 21 reasonings why they should be interim CEO, that Aaron
 22 did prevail.
 23 Q How did you know that each had been given that
 24 opportunity?
 25 A How did I know what?

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1 Q That each of the candidates had been given that
 2 opportunity.
 3 A I may have watched the JEA board meeting on the
 4 Internet that day.
 5 Q What --
 6 A And -- and listened to Melissa's statement and
 7 Aaron's statement.
 8 Q Why would you have done that? Why did you do
 9 that?
 10 A Just curious.
 11 Q Did you know Melissa Dykes?
 12 A I knew Melissa Dykes.
 13 Q Did you have an impression of her competency or
 14 qualifications?
 15 A In all my dealings with Melissa Dykes, I felt
 16 she was competent at what she did. Now, I knew her more
 17 of a CFO, in her CFO role and not an operational role.
 18 Q Were you surprised at all that the board
 19 selected Aaron over Melissa?
 20 A Sir, I had no -- I had no expectations or any
 21 expected results.
 22 Q You had no reaction?
 23 A No.
 24 Q Okay. Do you know whether or not Mayor Curry
 25 supported Aaron's candidacy as the interim CEO?

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1 A What do you mean by supported his candidacy?
 2 Q Wanted Aaron to become CEO or the interim CEO.
 3 A No, I don't know if the mayor wanted Aaron to
 4 become CEO. And I tell you why I'm not surprised. I
 5 didn't know Aaron's background. I didn't know Aaron. I
 6 didn't know if he was experienced, qualified or
 7 otherwise. What I knew is what he presented in his
 8 statement to the JEA board of directors and they made
 9 the decision.
 10 Q Let me show you what we marked as Exhibit 22.
 11 A You handed me 23.
 12 (Mousa's Exhibit 22 was marked for
 13 identification.)
 14 MR. BLODGETT: Sorry.
 15 Q This is a news article of April 26, 2018,
 16 regarding a public statement by Mayor Curry regarding
 17 privatization of JEA.
 18 Are you familiar with this -- the statement to
 19 which this article is referring?
 20 A Which statement are you referring to, sir, the
 21 whole article?
 22 Q Yes. Where it says, Here's the full statement
 23 at the bottom of the first page.
 24 A On the bottom of the first page.
 25 Q Here is the full statement.

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1 A Okay. I'm with you. Am I familiar with it?
 2 Pretty sure I read it sometime in the past.
 3 Q Are you aware that Mayor Curry made this
 4 statement on April 26?
 5 A I may have been. I don't recall.
 6 Q Do you remember talking to him about it?
 7 A No, sir.
 8 Q Do you know why the mayor made this statement
 9 on April 26th?
 10 A I'm going to have to read this, sir, and see
 11 what the statement is.
 12 Q Go ahead.
 13 MR. CHARLES ARNOLD: This is the one we got
 14 before so we had looked at it.
 15 A All right. It is one that Mr. Russell sent me,
 16 I believe, but when I -- when I saw newspaper articles,
 17 I didn't pay much attention to them because I didn't
 18 know I would be testifying to media reports, which I'm
 19 not very fond of.
 20 Q Well, this purports to be an exact quote of the
 21 mayor's statement.
 22 A Who purports that?
 23 Q I beg your pardon?
 24 A Who purports this is an exact quote of the
 25 mayor's statement?

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1 special interests and politicians?
 2 A I don't know who the special interests are, but
 3 I'm pretty confident the politicians he's referring to
 4 is several members of the city council.
 5 Q Do you remember talking to the mayor at the
 6 time about his feelings in this regard?
 7 A About his feelings about what?
 8 Q Special interests, hijacking.
 9 A No. I've never heard -- I've never heard him
 10 discuss special interests. We've all discussed the --
 11 the actions of certain council members who were opposed
 12 to any discussion or further analysis of the JEA
 13 privatization. And I have no idea who the special
 14 interests are.
 15 Q The third sentence from the end of this --
 16 A Third sentence from where? Where?
 17 Q The bottom --
 18 A Okay.
 19 Q -- of page 3.
 20 A Yes, sir.
 21 Q It says, I am choosing to state unequivocally
 22 that I will not submit any JEA privatization plan to the
 23 city council --
 24 A I read that.
 25 Q -- period.

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1 Q It says, Here is the full statement.
 2 A Okay. You take that for granted?
 3 Q Yes.
 4 A Okay.
 5 Q And the statement says, Since the consolidation
 6 of city and county government 50 years --
 7 A Right.
 8 Q -- we -- we have had a countywide electric
 9 utility.
 10 A Right. I read that.
 11 Q I assume that's "we," as the mayor of the City,
 12 he's referring to the City of Jacksonville?
 13 A I'm assuming it is. You can purport this is an
 14 accurate statement. I can't purport that.
 15 Q And --
 16 A Let me read it.
 17 Q Okay. Go ahead.
 18 A Okay, sir. I have read this.
 19 Q The introduction to the article says, Saying
 20 the process was hijacked by special interests and
 21 politicians, Mayor Lenny Curry says he will not submit
 22 any JEA privatization plan to the city council.
 23 A That's what it says.
 24 Q Do you know what this article's referring to
 25 when he says that -- saying the process was hijacked by

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1 Did you know that that was the mayor's feelings
 2 in April of 2018?
 3 A I believe it was.
 4 Q What causes you to believe that?
 5 A I believe that he saw the writing on the wall
 6 with regards to the interest or lack thereof of
 7 discussing any privatization efforts of the JEA.
 8 Q The interest or lack thereof, by whom?
 9 A City council.
 10 Q By the city council?
 11 A (Nods head.)
 12 Q That is, what I understood you just to say,
 13 that Mayor Curry saw the handwriting on the wall that
 14 the council did not appear to be interested in selling
 15 JEA? Is that what you said?
 16 A That's what I -- that's what I'm saying, based
 17 on the previous February 14, 2018, meeting and the
 18 actions that were occurring during the John Crescimbeni
 19 special committee.
 20 Q Does that include, do you think, the mayor's
 21 perception that the community was not interested in the
 22 sale of JEA?
 23 A I don't think the community had an opportunity
 24 or even opined thoroughly on what should happen with the
 25 JEA.

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1 Q So the mayor was just simply reading -- it's
2 his reading of the city council?

3 A I believe so.

4 Q Did you know that the board of JEA, in May
5 of 2018, passed a motion directing the senior
6 leadership team to discontinue any effort of
7 privatization of JEA?

8 A I knew when I read that. I recall reading in
9 the media that the JEA board made a motion to their
10 staff to discontinue any further activity related to the
11 privatization of the JEA.

12 Q And did you have any understanding why the
13 board did that?

14 A No. I do not know why the board did that.

15 Q Based upon what happened in 2018 up to this
16 point in time, you're aware generally that there was a
17 lot of community interest in the debate about whether or
18 not JEA should or should not be sold?

19 A I'm aware there was a lot of JEA employee
20 interest in why the JEA should or should not be sold.
21 I cannot say I was aware of a lot of community
22 interest.

23 Q Well, you know about the Crescimbeni
24 committee?

25 A I do.

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1 A I was aware it happened. I can't tell you
2 specifically at the board meeting on November 27, 2018.
3 (Mousa's Exhibit 24 was marked for
4 identification.)

5 Q But you're aware that Aaron had been selected
6 as interim CIO and then he was a candidate for and
7 selected as the permanent CEO --

8 A Yes, sir, I was.

9 Q -- in late 2018?

10 A Yes, sir.

11 Q Did you have any -- did you support Mr. Zahn
12 for the candidacy as the permanent CEO?

13 A I didn't support him or not support him.

14 Q Did you have an assistant named Jordan?

15 A Wasn't my assistant. He was the mayor's
16 director of intergovernmental affairs.

17 Q At what point in time?

18 A Talking about Jordan Ellsbury.

19 Q Yes.

20 A Jordan joined the Curry administration in July
21 1st of 2015.

22 Q '15?

23 A '15.

24 Q And what was his position in '18?

25 A I'm not sure if he was deputy intergovernmental
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1 Q What was your understanding of the
2 purpose/function of the Crescimbeni committee?

3 A My understanding of the function -- and, of
4 course, I'm sure there's a charge somewhere, so I
5 won't -- anything I say shouldn't be interpreted either
6 for or against the charge, but there was a charge issued
7 to Crescimbeni by the council president and the charge
8 would speak for itself.

9 Q What came -- what came out of that?

10 A I don't know what came out of that. There was
11 a final report, but I couldn't tell you what it said.

12 Q But you are aware that the board of JEA
13 directed the senior leadership team, in May of 2018, to
14 stop consideration of privatization?

15 A Yes, sir, I'm aware of that.

16 MR. BUSEY: Let's go off the record.

17 (Lunch recess.)

18 BY MR. BUSEY:

19 Q Let me show you what we marked as Exhibit 24,
20 which is the minutes of the JEA board meeting, dated
21 November 27th, 2018, at which Aaron Zahn was considered
22 as a candidate for permanent CEO of the JEA and
23 ultimately was selected.

24 Are you aware that this happened at a board
25 meeting in November of 2018?

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1 or intergovernmental. He's now the chief of staff. But
2 I can't tell you exactly what his position was in
3 November of '18.

4 Q Do you remember asking Jordan to call Matt
5 Schellenberg and ask him to come to your office to
6 talk?

7 A I do. I absolutely sure do.

8 Q Tell me what you recall.

9 A I recall calling Matt Schellenberg to my
10 office, asking Jordan to set up a meeting.

11 Q Why?

12 A Because Matt needed to finally hear from me
13 that he was not invisible and that he needed to stop
14 going around and telling lies or creating drama that
15 I hear from people. And he had been doing that for
16 quite some time. It had been coming back to me. Some
17 of it personal. And I kept my mouth shut as long as I
18 could. And it was time for me to let Matt know that he
19 was not invisible and he needed to quit going around and
20 making up stuff. That's exactly why I called him in my
21 office.

22 Q Do you recall when this was?

23 A Do I recall when this was?

24 Q Yes.

25 A No, sir, I do not.

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1 Q Do you recall it was in 2018?

2 A I -- it could be.

3 Q And what was it that Matt was doing that was
4 upsetting to you?

5 A Matt did a couple of three things. Number one,
6 he was claiming to folks behind my back -- or let me
7 see, gossiping, was a great gossip. He was gossiping
8 behind people's back, my back, about my son, who was
9 part of a local consulting engineering company and
10 whether there possibly could be a conflict with me being
11 CAO and my son competing for City business with a
12 national engineering company.

13 And he was gossiping to Jordan and others about
14 this and whether there was a conflict and, you know,
15 Sam, not sure if he should be CAO and his son working
16 for an engineering firm. So I kept my mouth shut about
17 that.

18 There's a couple other times where he would
19 tell folks that I was making contact with the JEA board
20 members in support of Aaron Zahn. And no such thing
21 happened.

22 And I forget what the others were, but it was
23 time that I confronted Matt and tell him that I was
24 disappointed in his actions. If he ever wanted to know
25 anything about anything dealing with me, he should come

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1 Mr. Busey, you probably agree with me.

2 Q I think there's a lot that's invisible in this
3 city. But go ahead. Excuse me.

4 A And that I took exception to him claiming that
5 I was making calls to the JEA, which is totally lies,
6 totally false. He was opposed to Aaron Zahn. He was
7 making calls to the JEA board members. I never, ever
8 called -- I don't even remember ever talking to a JEA
9 board member, unless it was passing by in the hallway
10 and greeting each other in a pleasant good morning or
11 pleasant hello.

12 And the third thing, I told him as far as I
13 was -- he was concerned, I was a dead man. Don't ask me
14 for anything. Don't ask for my help. I'm tired of you.
15 As far as you're concerned, I'm dead and I don't exist
16 and I don't want to speak with you again. That's
17 exactly what I said in the meeting. Got tired of his
18 bullshit. Pardon the French.

19 Q You said something in the process of that
20 answer about you or he contacting JEA board members.
21 What was that about?

22 A He was claiming to folks that I was making
23 calls to JEA board members in support of Aaron Zahn,
24 which was not true. Totally false. And he's telling
25 people and not telling me that I was doing that. In

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1 talk to me and not gossip behind my back.

2 I just had enough of him and I could only take
3 so much.

4 Q And did you have that conversation with Matt?

5 A Absolutely, in Jordan's presence.

6 Q In your office?

7 A My office.

8 Q And what did Matt say to you in response?

9 A Of course he denied everything. And it was a
10 very terse discussion.

11 Q What do you mean when you say "terse"?

12 A Loud and was very upset.

13 Q Who was loud, you or Matt or both?

14 A I was. Not Matt. Matt didn't know what to
15 say.

16 Q But is it fair to say you raised your voice?

17 A Yes, definitely.

18 Q And do you recall what you said to Matt?

19 A Yes.

20 Q Tell me.

21 A Told him he wasn't invisible. He thinks he can
22 go around talking about people and that it's not going
23 to get back to folks. I explained to him that nothing
24 was a secret in government. Nothing's a secret in this
25 city and he needed to stop it. I see you're giggling,

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1 fact, when he was the one, and he's eligible to do it,
2 he's legally allowed to do it, to call individual board
3 members as many times as he wants, but I damn sure
4 didn't call any board members. And I got very upset
5 when he claimed that I was calling board members.

6 Q Did he say it to you that he thought you were
7 calling board members?

8 A No. He said it to others that I was calling
9 board members.

10 Q So you called him to your office to confront
11 him about that?

12 A And the other matters that I just discussed.

13 Q And did you tell Matt that you were not calling
14 board members about Aaron Zahn?

15 A Absolutely. I told him he was lying about
16 that.

17 Q What did he say?

18 A He said he wasn't.

19 Q He said he wasn't lying?

20 A I says, Well, prove it. I says, Go find a
21 board member, bring him here and tell that board member
22 to tell me that I called him. He couldn't do it.

23 Q You said Matt Schellenberg was opposed to Aaron
24 Zahn?

25 A Big time.

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1 Q Do you know why?
 2 A I don't know why.
 3 Q Did he say why?
 4 A He didn't tell me why. He didn't say much in
 5 the meeting. I controlled the meeting. But it was time
 6 that I set the record straight with him. There's been
 7 too many times where his name would surface in reference
 8 to me personally or otherwise and I got sick and tired
 9 of it.
 10 Q Were you aware that Matt Schellenberg talked to
 11 the mayor about your conversation with Matt?
 12 A Yes.
 13 Q Tell me what you're aware of.
 14 A That he asked the mayor for me to apologize.
 15 Q To Matt?
 16 A Yes.
 17 Q Do you know what the mayor said?
 18 A The mayor says, We're big boys. We need to
 19 work it out ourselves.
 20 Q You and Matt?
 21 A Yes. Mayor told him he was not getting
 22 involved in that.
 23 Q At that point was the mayor supportive of Aaron
 24 Zahn's candidacy as the permanent CEO?
 25 A You know, I'm assuming he was. I can't tell
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1 you if he was waving a flag for him.
 2 Q What makes you assume that he was?
 3 A Well, I don't know if he would have recommended
 4 his appointment to begin with if he didn't think highly
 5 of Aaron. I just -- you know.
 6 Q Thinking highly of Aaron, there's a -- you
 7 think highly of Aaron and believe he's qualified to be
 8 on the board of the JEA without believing he has the
 9 requisite experience to run the JEA.
 10 A I don't know what the mayor believed about
 11 requisite experience. I had no knowledge of his
 12 requisite experience.
 13 Q You had no knowledge of whether or not Aaron
 14 Zahn was qualified to be the CEO of JEA?
 15 A I didn't know -- I didn't know his background.
 16 I had no idea what his background was.
 17 Q So you agree with me, you didn't have the
 18 knowledge of whether or not Aaron Zahn was qualified to
 19 be the CEO of JEA?
 20 A I did not have any knowledge of his background
 21 to make any such determination.
 22 Q Was there anything further to your story about
 23 Matt Schellenberg?
 24 A Unless you have any questions about it.
 25 Q Y'all didn't talk about it again?
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1 A Did not. Did not.
 2 Q Ever?
 3 A Oh, never. Never talked about it again. And
 4 eventually he would approach me and talk and I would
 5 speak. We sort of put it behind us.
 6 Q And you weren't dead?
 7 A I wasn't. But it's only the human thing to do,
 8 is it not?
 9 MR. RUSSELL: I don't think he heard you.
 10 THE WITNESS: Sir?
 11 MR. RUSSELL: He didn't hear you.
 12 MR. BUSEY: I heard.
 13 MR. RUSSELL: Okay.
 14 THE WITNESS: And he didn't acknowledge.
 15 MR. RUSSELL: I think he said yes.
 16 THE WITNESS: Okay.
 17 BY MR. BUSEY:
 18 Q The minutes that I just showed you, which we
 19 marked as Exhibit 26, was the board meeting which Aaron
 20 Zahn was elected as the permanent CEO.
 21 MR. CHARLES ARNOLD: That was 24.
 22 A November 27th.
 23 MR. CHARLES ARNOLD: No, no, exhibit number.
 24 A 24.
 25 Q Yes. Looking at Exhibit Number 26 --
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1 A I don't have 26.
 2 Q We'll get you that.
 3 -- which is the JEA board meeting of June 25,
 4 2019.
 5 A Okay.
 6 (Mousa's Exhibit 26 was marked for
 7 identification.)
 8 Q Are you -- are you familiar with that board
 9 meeting on June -- June 25, 2019?
 10 A Familiar from the standpoint of reading media
 11 about it.
 12 Q And what do you recall about reading?
 13 A I'm mistaken. This is not the meeting that I
 14 read media on.
 15 Q You're thinking July 23?
 16 A I'm thinking July 23rd, sir.
 17 Q Yeah.
 18 A I don't --
 19 Q This was the meeting before that.
 20 A I don't recall anything about this meeting,
 21 sir. And this was three days prior to my retirement --
 22 Q Yes.
 23 A -- from the City.
 24 Q Yes.
 25 A And I was probably in the midst of
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1 transitioning, assigning, following up and not paying
2 attention to anything other than me ensuring a smooth
3 transition for the next CAO.

4 **Q** Well, at this meeting and the minutes reflect
5 there was a discussion about the future of JEA, which --
6 which discussion at the board meeting on June 25 of 2019
7 led to the July 23 meeting.

8 **A** Okay.

9 **Q** But what I'm hearing you're telling me, I just
10 want to confirm, this was three days before your
11 resignation and you were not mindful of what was going
12 on at the JEA board at that time?

13 **A** That's exactly correct.

14 **Q** And you didn't know that Aaron Zahn was leading
15 the board to a consideration about the sale of JEA
16 during the summer of 2019?

17 **A** I did not know he was leading the board for
18 consideration of a sale of the JEA during the summer of
19 2019. I did know that he was embarking on a strategic
20 planning process. And what that process was, I don't
21 know. But I did know that he was embarking on a
22 strategic planning process.

23 **Q** How did you know that?

24 **A** Either reading about it in the media or hearing
25 about it from JEA employees or City employees or
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1 whatever the case may be.

2 **Q** And what was your understanding, if any, of
3 what that strategic planning process was?

4 **A** I had no understanding at all. I just knew it
5 was a strategic planning process. It was not until
6 later on where I read media on the July 23rd meeting
7 where I had heard of the five potential options,
8 et cetera, et cetera.

9 **Q** And tell me, if you haven't already this
10 morning told me, what caused you to resign as chief
11 administrative officer in June of 2019.

12 **A** As I testified earlier, I was approaching an
13 age where I wanted to slow down in what I was doing.
14 The chief administrative officer job is a very big and
15 24/7 function. With my work ethic and my need to know
16 and understand everything, it was 12, 13, 14 hours a
17 day. It's just how I work. And I was becoming tired,
18 was missing the private industry and had only committed
19 four years to the mayor and decided it was time for me
20 to exit.

21 **Q** And who succeeded you as chief administrative
22 officer?

23 **A** Brian Hughes succeeded me as CAO.

24 **Q** What was his role in the administration, if
25 any, prior to his succeeding you as CAO?

1 **A** Brian began his tenure as chief of staff on
2 January 2nd, 2018, and continued in that role until he
3 was appointed by the mayor as my successor.

4 **Q** How did you get to know Brian Hughes?

5 **A** I first met Brian on the campaign trail when
6 Mayor Curry was running for mayor.

7 **Q** In 2015?

8 **A** Probably a year or so before that, as they were
9 campaigning to run for mayor.

10 **Q** They, being Brian and the mayor -- and Lenny
11 Curry?

12 **A** Yes, sir.

13 **Q** And what was your understanding of Brian
14 Hughes' background?

15 **A** I could only -- at the time I could only tell
16 you of his background that I knew at the time I met him
17 and that was a political consultant, but I later
18 learned Brian had had a pretty diverse career in other
19 elements.

20 **Q** What elements?

21 **A** Well, I learned that he entered the Air Force
22 at a young age and flew missions in the war against Iraq
23 or -- or Afghanistan. I don't recall which. He spent
24 four years in the Air Force. Got his bachelor's degree
25 in, I believe, political science. And then received his
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1 master's degree in fine arts from Syracuse University.

2 Had worked for various congressmen, governors
3 and various other politicians. And that he ran his own
4 political consulting company. I did not learn the bulk
5 of that until I began working with Brian in January of
6 2018. I only knew him as a political consultant at that
7 time and did not know of his education or business
8 background.

9 **Q** Let me show you what we've marked as Exhibit
10 28.

11 Have you seen that document before? It's
12 entitled Project Freebird Organizational Materials, July
13 2019.

14 **A** No, sir. I believe this is another document
15 that may have been sent to me by Mr. Russell over the
16 last couple of days, but I had never seen it before
17 then.

18 (Mousa's Exhibit 28 was marked for
19 identification.)

20 **Q** It's essentially the agenda for a meeting that
21 JEA held at Club Continental on July 10th and July 11th,
22 2019. Are you aware of that meeting?

23 **A** I was not aware of that meeting, sir, until I
24 read about it in the media.

25 **Q** And what do you recall reading about it?

1 A That a meeting took place where -- discussions
2 took place over the privatization or other matters
3 associated with the JEA. Remember, I was gone when that
4 meeting occurred. I was not in government.

5 Q This was about two weeks after you retired?

6 A Whenever it is I was gone; two weeks or two
7 years.

8 Q Recognizing that, are you -- are you telling me
9 that, nevertheless, in -- at the beginning -- first two
10 weeks of July of 2019, you were completely unaware of a
11 meeting at Club Continental with the senior JEA staff
12 except for what you read in the newspaper?

13 A That's exactly what I'm saying.

14 Q You told me you were aware that the JEA board
15 had directed the senior staff in May of 2018 to stop any
16 consideration of privatization. Were you surprised to
17 read in the newspaper in July of '19 that they're
18 considering it again?

19 A Surprised is not the word.

20 Q What's the right word?

21 A Curious. Maybe the board had taken different
22 actions or maybe the board chairman had directed
23 something differently, but I did find it unusual, is a
24 better word, that the JEA staff had been continuing to
25 pursue privatization efforts subsequent to the May
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1 meeting where the board said put all actions on hold.

2 Q And did you -- were you ever able to reconcile
3 your recollection that the senior staff had been told to
4 put the privatization on hold and your reading it in
5 July of '19 that they were considering it again?

6 A No, I didn't care to reconcile it. I had no
7 idea what Aaron and his board members may have discussed
8 or voted on or had one-on-one conversations with board
9 members. I did not care to reconcile those major
10 differences.

11 Q But they did occur to you to be -- appear to
12 you to be differences?

13 A Oh, definitely appeared to me to be different,
14 but I couldn't tell you what happened to create that
15 difference.

16 Q So is it -- I take it from your testimony, it's
17 fair to say that in the -- as of July 2019, because you
18 had left the City government, you had no further
19 interest in the issue of the privatization of JEA?

20 A What do you mean by no further interest in the
21 privatization of the JEA?

22 Q Well, I just got the impression what you said
23 that you -- once you resigned from the city government
24 and went into private enterprise, that you didn't care
25 about what was going on in the city or you weren't

1 interested in what was going on at JEA or the
2 privatization of JEA; is that right?

3 A Well, as I -- I'm sure will eventually testify,
4 I was working for a firm that had an interest in the
5 privatization of the JEA. So I did not want to say no,
6 when I knew I was working for an entity that did have an
7 interest.

8 But I had -- I had no reason to keep up with
9 what was happening at the -- at the JEA.

10 Q What was the firm to which you just referred?

11 A Which is the firm that I'm referring to?

12 Q (Nods head.)

13 A Florida Power & Light.

14 Q Let me show you what we've marked as Exhibit
15 29. This appears to be a chain of e-mails or
16 communications of some sort, dated in July of 2019,
17 between you and folks at Florida Power & Light. And
18 it's entitled Re: Consultant Services.

19 Does this look to be what you were referring
20 to?

21 A Yes, sir.

22 (Mousa's Exhibit 29 was marked for
23 identification.)

24 Q Tell me about it.

25 A And this document --

1 Q Tell me about it, please.

2 A This document was a document I furnished to
3 Mr. Russell.

4 MR. CHARLES ARNOLD: Hold on just a minute.
5 Excuse me, Mr. Busey, let me interrupt just a
6 minute.

7 The document you're referring to as Exhibit 29,
8 that document and all other documents that were
9 requested by the special committee through you that
10 dealt with Florida Power & Light documents that
11 Mr. Mousa's consulting firm and Mr. Mousa, we
12 furnished to the special investigative committee.
13 We did so after sending these documents, these
14 very same documents, to Florida Power & Light's
15 attorney.

16 And as you'll get into eventually, there is a
17 paragraph 5 of an agreement between Mr. Mousa and
18 consulting firm and Florida Power & Light that
19 required for him not to disclose any confidential
20 information. And it certainly can be argued some of
21 this is confidential information.

22 And Florida Power & Light, through their
23 counsel, has informed us they have no objection to
24 disclosing this information to the committee and we
25 have done so with their permission.

1 Secondly, after we disclosed these documents, I
2 knew we would get into conversations that Mr. Mousa
3 had with representatives of Florida Power & Light
4 during this interview. And I asked them, once
5 again, if they wished for us to not disclose any
6 information pursuant to paragraph 5 of the agreement
7 dealing with confidential information. And they
8 informed me that they had no objection to Mr. Mousa
9 disclosing that information and did not wish for us
10 to exercise any privilege of confidential
11 information, that it was their goal that the special
12 investigative committee be fully informed of all
13 matters that Mr. Mousa is aware of that Florida
14 Power & Light had to do with this matter, that
15 Mr. Mousa is aware of.

16 So there is no confidential issue concerning
17 what you're fixing to go through so I wanted to just
18 get that straight on the record for now.

19 MR. BUSEY: Thank you.

20 Who was the attorney and the individual to whom
21 you're referring to secure that permission from
22 Florida Power & Light?

23 MR. CHARLES ARNOLD: That would be Mr. David
24 Wells at Gunster.
25

1 but I eventually agreed, after listening to his request,
2 agreed to contract with him.

3 And this was an e-mail confirming that
4 understanding, providing a W9 for my company and he
5 would subsequently have sent me a contract.

6 Q I missed a word. You said to elevate FP&L's
7 what?

8 A Presence in the --

9 Q Presence?

10 A Presence in the community.

11 Q And what understanding did you have of why FP&L
12 wanted to elevate its presence in the community in July
13 of 2019?

14 A It was my understanding that the ITN had
15 criteria they're in relative to interested entities and
16 their past background on their charitable contributions,
17 their community involvement, their sponsorships and
18 outreach. I believe the ITN had a -- a grading matrix
19 or required that respondents address those matters. And
20 they wanted to be able to say that they were doing those
21 things.

22 Q They being FPL?

23 A Yes, sir.

24 Q What is the ITN to which you're referring?

25 A Pardon me, sir?

1 BY MR. BUSEY:

2 Q Do you recognize Exhibit 29?

3 A Yes, I do.

4 Q What is it?

5 A Exhibit 29 is a memorandum -- an e-mail, pardon
6 me, confirming the understanding of a phone call that I
7 received that same day from Mr. Martell.

8 Q Same day as July 12th, 2019?

9 A Yes, sir. I believe I wrote this e-mail the
10 same day in which I had a phone conversation with him,
11 where Mr. Martell called and asked if I would be
12 interested -- interested in working with FP&L on the
13 potential privatization of JEA.

14 Q That was a telephone call?

15 A First contact was a telephone call.

16 Q From Mr. Martell to you?

17 A Correct.

18 Q On July 12th, 2000- --

19 A Approximately July 12th.

20 Q And what did he say regarding the -- the --
21 what -- what they were looking for from you?

22 A They were looking for a team of local
23 consultants that could help them either advocate or
24 provide guidance to elevate FP&L's presence in the
25 community. He was not very descriptive of the services,

1 Q What is the ITN to which you're referring?

2 A I'm referring to the invitation to negotiate,
3 which was issued for competition by the JEA.

4 Q To negotiate what?

5 A I don't know what the ITN totally asked for.
6 I'm sure one was to negotiate the sale.

7 Q Of JEA?

8 A The JEA.

9 Q Do you know who else Mr. Martell was looking to
10 to be on the team for FPL's -- raising FPL's presence in
11 the community besides yourself?

12 A I did not know at the time, sir. I did not
13 know who was on the team until we attended the first
14 meeting with Mr. Martell on or about August 8th of
15 2019.

16 Q Exhibit 29 refers to a monthly retainer of
17 \$7500.

18 A Yes, sir. I had a one-year contract for a
19 monthly retainer of \$7500 a month.

20 Q That would be approximately \$90,000?

21 A If that's what it is.

22 MR. CHARLES ARNOLD: That would be exactly
23 90,000.

24 MR. BUSEY: I went to Terry Parker.

25 THE WITNESS: You're pretty good at math, huh?

1 MR. CHARLES ARNOLD: I have to confess, I
2 multiplied it by 12.
3 BY MR. BUSEY:
4 Q How did you, you and FPL, agree on that price?
5 A It was a price that they offered and I took
6 it.
7 Q Simply an offer and acceptance?
8 A Yes, sir.
9 Q And how did you know what you were going to be
10 doing for \$7500 a month?
11 A I didn't really know what I was going to be
12 doing. I knew what Mr. Martell had said on the phone
13 call. He was looking for a group of individuals here
14 locally who could help elevate FPL's profile presence in
15 the community and that we would have, later on, meetings
16 and discussions regarding what those were.
17 Q But I take it you did know, in that
18 conversation when he called you, that this was -- you
19 mentioned the ITN, that this was a part of a process by
20 which FPL was interested in acquiring JEA?
21 A Oh, I think that's a fair statement, but
22 there's no question FP&L was interested in responding to
23 the invitation to negotiate.
24 Q In fact, being around Jacksonville as long as
25 you had, you had heard discussions about the potential
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1 of the sale of JEA for years, hadn't you?
2 A I have.
3 Q And you knew FPL was a logical suitor for JEA?
4 A I -- I wouldn't know whether FP&L was a logical
5 suitor. I did know that FP&L had many prior
6 relationships with the JEA. Whether it was a joint
7 ownership of power plants, power purchasing agreements,
8 mutual aid agreements, so I knew there was a prior
9 relationship between FP&L and the JEA.
10 Q Did you know, prior to July 12th, 2019, that
11 FPL might be interested in your services as a
12 consultant?
13 A I did not.
14 Q Was the first you learned of that on July
15 12th?
16 A First I learned of that was on or about July
17 12th when FP&L, Danny Martell of FP&L, made a phone call
18 to me.
19 Q And you responded to the telephone call with
20 your e-mail at the bottom of the first page of 2000 --
21 of Exhibit 29 to Mr. Martell, saying that, Daniel, thank
22 you for the call this afternoon.
23 A Yes. If you say -- if you're reading.
24 Q I'm reading at the bottom of the first page of
25 Exhibit 29.
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1 A Yeah. Thank you for your call this afternoon.
2 Grateful, excited to assist FP&L with their endeavors.
3 Q That exhibit shows that the blind copy of your
4 e-mail went to BakerLawGroup@gmail.com. Why did you
5 send a copy, a blind copy, of this e-mail to Baker Law
6 Group?
7 A I don't know.
8 Q What is Baker Law Group?
9 A Baker Law Group is an organization that is
10 owned and/or managed by Tim Baker.
11 Q How did you know that?
12 A Tim told me.
13 Q When?
14 A Oh, my gosh, I don't know when.
15 Q Well before this?
16 A Sir?
17 Q Long before this?
18 A I won't say long. The more I got to know Tim
19 when I was at the City, I learned he had various
20 different companies that he was working with or owned.
21 Q Well, let me -- let me explore.
22 What is your knowledge of Tim Baker? How did
23 you get to know him?
24 A My knowledge began the same way as I got to
25 know Brian Hughes on the campaign trial. He and Brian
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1 were Mayor Curry's lead strategists, poll takers,
2 advisors during his run for mayor.
3 Q Both runs?
4 A Both runs.
5 Q And Mayor Curry ultimately brought Brian Hughes
6 into the administration?
7 A He did on January 2nd, 2018.
8 Q But he didn't bring Tim Baker into the
9 administration?
10 A To my knowledge, he didn't.
11 Q And Baker was just an outside advisor?
12 A I don't know how much he advised the mayor, but
13 he was an outside private citizen.
14 Q While you were in City Hall, did you ever see
15 Tim Baker in the City Hall?
16 A I did.
17 Q How frequently?
18 A Oh, I don't know. That's too hard to tell.
19 Q Frequently?
20 A I wouldn't say frequently, on occasions.
21 Q On occasion. So back to the question, why --
22 why did you copy Tim Baker on this e-mail to FPL?
23 A I -- I don't -- I don't know. I don't know.
24 Tim and I were talking about possibly opening up a
25 separate consulting firm that had nothing to do with
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1 FP&L. And perhaps I copied Tim to let him know that,
2 hey -- because this is one of my first gigs from Mousa
3 Consulting. And just to let Tim -- hey, FP&L reached
4 out and I'm going to be working with them.

5 Q Did you -- did you consider, when you resigned
6 from the City in June, that you would have opportunities
7 like this to be a consultant?

8 A Oh, yes, I considered I would have many
9 opportunities as a consultant. Not necessarily just
10 FP&L, but many others.

11 And for the record, I had been very clear and
12 conscious of who I would take on as clients. I probably
13 rejected more clients than I had hired due to potential
14 conflicts. I would have clients call me and wish to
15 hire me to represent them on a matter that I had direct
16 involvement with at the City and I would quickly advise
17 them that I could not do that. I -- I had direct
18 involvement in that matter and I could not represent
19 them to handle their issue on that matter. So I was
20 very -- very conscious and very purposeful when it came
21 to that matter.

22 Q Did you have a discussion with the school board
23 about being a consultant to the school board?

24 A I did.

25 Q Tell me about that conversation.

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1 Jacksonville Plan.

2 And so I mentioned to Warren that I was
3 retiring from --

4 Q Approximately when was this conversation with
5 Warren?

6 A At the same time the council was opposing the
7 school board. I don't know what time.

8 Q Relative to your retirement.

9 A Oh, probably 30 days before my retirement.

10 Q Before your retirement?

11 A Yes, sir. Yes, sir.

12 Q So the end of May, early June?

13 A End of May, beginning of June.

14 Q Okay.

15 A Somewhere around that time.

16 Q Go ahead.

17 A And so I says, Warren, come to find out, I'm
18 going to -- I says, you know, interesting you would
19 call. I do plan on going back into private consulting.
20 I don't want to get too busy. I want to try to slow it
21 down. I've been working too hard lately, but I would be
22 very interested in talking to you guys about how I could
23 possibly help you better organize the -- the school
24 board program, the sales tax program.

25 He says, I tell you what, I will have -- I will

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1 A The school board was having a tough time
2 getting their -- this is their initial effort in getting
3 their sales tax approved by the city council. The city
4 council was wanting a heck of a lot more information on
5 the program than what the City -- than what the school
6 board wanted to provide.

7 All the school board would furnish is a listing
8 of projects and dollar values and is asking the council
9 to approve 1.5 billion, if I remember, sales tax
10 collection program. And the council would object to do
11 that.

12 One afternoon, I get a call from Warren Jones,
13 who was a school board member, and Warren starts off --
14 and I've known Warren for many years. I worked with him
15 when he was a city councilman. And he starts off by
16 saying, Sam, I'm sitting here thinking about you. And I
17 go, What are you thinking about, Warren? He says, I'm
18 thinking you're the only one in this City who could help
19 the school board put together a program on their sales
20 tax that could eventually get approved by city council.
21 He says, We're having a tough time with the city
22 council. They're wanting information. And you came to
23 mind because of your past City experience and
24 particularly because of your help with Delaney in
25 creating and administrating the \$2.2 billion Better

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1 have discussions with the superintendent and the
2 chairman of the board, who was Lori Hershey at the
3 time, and if they're interested, they'll reach out to
4 you.

5 So one day before I retired, I get a call from
6 Ms. Hershey. And inviting me -- let me back up. I get
7 a call from an assistant to Ms. Hershey, not Lori,
8 asking if I could make a meeting at 12:30 one particular
9 day. I told her I could.

10 I called Mr. Baker, Tim Baker, because Tim and
11 I were planning on opening up a consulting firm together
12 and I asked if Tim would like to come to the meeting
13 with me. And I explained to him how this meeting got
14 arranged. Tim said he would.

15 So we attended -- we went to the school board
16 building. We got -- we -- the individual that called
17 me, I forget her name now, met us at the front door of
18 the school board building and escorted us -- escorted us
19 up to Ms. Hershey's office of the school board.

20 Ms. Hershey did not make it to the meeting
21 until probably 45 minutes later. She came in and
22 claimed she thought the meeting was 1:30 and not 12:30.
23 And so we said, No problem.

24 She invited us into her office, me, her and Tim
25 Baker. Dr. Diana Greene, the superintendant, saw us

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1 waiting in the lobby. She greeted us; we greeted her.
 2 She did not attend the meeting, nor did she ask what we
 3 were doing there.

4 We walked into Ms. Hershey's office. She began
 5 the conversation by complaining about the city council,
 6 how they're being difficult. We don't understand what
 7 else they need or want. We've been transparent. We've
 8 been this, we've been the other. And she's just
 9 frustrated.

10 And she wanted my opinion on what I was hearing
 11 and seeing. And I told her, based on what I've been
 12 hearing, is that her plan was not flushed out enough. I
 13 says, for example, you keep indicating that right off
 14 the top you're going to go out and borrow \$500 million.
 15 Why are you going to go out and immediately borrow \$500
 16 million and start paying interest on that \$500 million
 17 when you don't have plans, you don't have
 18 specifications, you don't have contractors ready to
 19 start building, et cetera, et cetera, et cetera,
 20 et cetera.

21 I says, Ms. Hershey, for the first year, two
 22 years, you should use your pay-go dollars. You
 23 understand what pay-go is? Use cash as it comes in the
 24 door, that's pay-go. And don't borrow any monies until
 25 you're ready to put out a \$20 million school project or

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1 a \$30 million renovation. Don't go out and borrow a
 2 half a million dollars -- half a billion dollars when
 3 you don't have anything ready to put out for bids or to
 4 start construction.

5 She was very attentive and she asked some very
 6 interesting questions. And I told her that I could be
 7 in the position to help them, that I was retiring from
 8 government soon and I was going to go into the
 9 consulting business and that I had experience in what I
 10 could do to help them show the right program, the right
 11 information to get city council support.

12 She asked me to send her a proposal. I
 13 explained to her that I was still on City payroll and
 14 that I would not send her her proposal until I left city
 15 government.

16 So I sent her a proposal on July 1st. And this
 17 was a very detailed proposal. It probably had 10 to 12,
 18 15 bullet style statements as to what our scope of work
 19 would be and what we could do to help her.

20 She asked me to send it to her private e-mail
 21 address, which I did. I texted her and said, Heads up,
 22 I sent the proposal to your private e-mail address --

23 MR. CHARLES ARNOLD: Let me interrupt you a
 24 minute. Has he answered your question or did you
 25 have a follow-up question because we are way over

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1 into something that doesn't have nothing to do with
 2 your committee's job and --

3 MR. BUSEY: I'm just listening. I'm very --

4 MR. CHARLES ARNOLD: I know. I'm listening,
 5 too, but I didn't want to waste your time, to be
 6 honest with you.

7 MR. BUSEY: Sam is a fountain of information.

8 MR. CHARLES ARNOLD: Exactly.

9 MR. BUSEY: And I'm here to gather it.

10 MR. CHARLES ARNOLD: With that said, I'll butt
 11 out.

12 BY MR. BUSEY:

13 Q What I'm interesting in, and you're getting to
 14 it, is what became of this meeting with the school
 15 board? What happened?

16 A I heard nothing back from Ms. Hershey after
 17 advising me two times that she was going to review the
 18 proposal with Superintendent Greene. And the next thing
 19 I know, she's in the newspaper claiming that I was
 20 extorting her.

21 Q Her being Ms. Hershey?

22 A Yeah. Yeah.

23 MR. CHARLES ARNOLD: No good deed goes
 24 unpunished.

25 A No good deed goes unpunished. And so you'll
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1 still read media to this day where Mousa sent in a
 2 proposal to extort her because he was the mayor's
 3 lieutenant. And if you were to hire the mayor's
 4 lieutenant, then by golly you will get anything you
 5 want through city council.

6 And not once has the media or anybody else
 7 read the scope of work to see what I was offering to
 8 Ms. Hershey.

9 There you go. That's the story and I'm
 10 sticking to it.

11 Q I take it the school board didn't accept your
 12 proposal?

13 A I thought I told you. I never -- I never heard
 14 back until I read in the paper she was extorted.

15 Q Did you make the proposal yourself or some firm
 16 of which you were a part of?

17 A I made a proposal under Mousa Consulting
 18 Group.

19 Q And what is Mousa Consulting Group?

20 A It's a firm that I and my wife own. It's the
 21 same firm that I worked for FP&L.

22 Q Are the -- is it a corporation?

23 A Yes. It's an S corp.

24 Q And you and your wife are shareholders?

25 A Yes, sir.

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1 Q And you're the only shareholder?
 2 A Me and my wife.
 3 Q Yes.
 4 A Shareholders.
 5 Q You're the only -- you two are the only
 6 shareholders?
 7 A Only shareholders, yes, sir.
 8 Q And so Tim Baker was not a part of that
 9 proposal to the City -- to the school board?
 10 A No, he was not. However, the proposal had a
 11 statement in it that the contract could be assignable to
 12 another company.
 13 Q Did you intend to assign it?
 14 A We did intend to assign it to the company. If
 15 we had gotten the contract, we intended to assign it to
 16 the company that Tim Baker and I own together.
 17 Q The name of that company?
 18 A Conventus, C-o-n-v-e-n-t-u-s, LLC.
 19 Q And when did you create that corporation?
 20 A August -- sometime in August.
 21 Q Of '19?
 22 A Of '19. Yes, sir.
 23 Q Subsequent to your retirement from the City?
 24 A Oh, yes, sir.
 25 Q And who -- what -- what principles were there
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1 in Conventus, in the limited liability company?
 2 A Two members, Mousa Consulting Group, which was
 3 owned by me and my wife, and Bold City Strategic
 4 Partners, which is owned by Tim Baker. So those were
 5 the two members of the LLC.
 6 THE WITNESS: Judge, and I appreciate you --
 7 and I know he wants all the information he can get,
 8 but I'm utilizing this time --
 9 MR. CHARLES ARNOLD: I know what you're doing.
 10 THE WITNESS: -- to get my side of the story
 11 out because you never get that opportunity. And
 12 thank you for listening.
 13 MR. CHARLES ARNOLD: I told Mr. Busey earlier
 14 you were in the end stages of aggravation of people
 15 saying ugly things about you that were not true.
 16 THE WITNESS: It's not true.
 17 MR. CHARLES ARNOLD: And we appreciate it.
 18 THE WITNESS: It's not true.
 19 MR. CHARLES ARNOLD: And thank you.
 20 MR. BUSEY: Let's go off the record, Terrie.
 21 (Off-the-record discussion.)
 22 BY MR. BUSEY:
 23 Q Tell me about your conversations with Tim Baker
 24 about creating Conventus and what you hoped to do with
 25 it.
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1 A Conventus has got nothing to do with the JEA.
 2 I don't know why I need to tell you that.
 3 MR. CHARLES ARNOLD: Well, the point is this:
 4 You know, they had a bunch of other clients that had
 5 nothing to do with this JEA matter which --
 6 MR. BUSEY: They, meaning Tim and Sam?
 7 MR. CHARLES ARNOLD: Conventus.
 8 But, Sam, to the extent they're going to ask
 9 you questions about a trip that Conventus paid for,
 10 you need to answer a question just rudimentary about
 11 the relationship.
 12 THE WITNESS: I'm happy -- I'm happy to do
 13 that.
 14 MR. CHARLES ARNOLD: That part of it.
 15 THE WITNESS: I'm happy to do that --
 16 MR. CHARLES ARNOLD: I'm sure they won't go
 17 into --
 18 THE WITNESS: -- but I don't think it's
 19 relevant to get into why Tim and I opened up a -- a
 20 firm that had absolutely nothing to do with the
 21 relevancy of this interview or what Smith Hulse
 22 Busey has been charged by the city council.
 23 MR. CHARLES ARNOLD: In any event, ask another
 24 question.
 25 BY MR. BUSEY:
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1 Q Did you intend to assign your agreement with
 2 FPL to Conventus?
 3 A No, sir, absolutely not.
 4 Q Well, what was the distinction between the FPL
 5 consulting agreement and the proposed school board
 6 consulting agreement in that regard?
 7 A I had no idea that -- you know, there was just
 8 no distinction. And just because we had the option to
 9 assign didn't necessarily mean we were going to assign,
 10 but I never gave a second thought to -- in fact,
 11 Conventus wasn't even chartered with the State at the
 12 time I signed the contract with FP&L. I think I signed
 13 a contract with FP&L July 18th. Conventus wasn't
 14 chartered until August of '19 -- July of '19, Conventus
 15 wasn't chartered until August, I believe, of '19.
 16 And there was no assignability clause in the
 17 contract that FP&L provided me. I did not create the
 18 terms and conditions in the FP&L contract where I was
 19 able to suggest terms and conditions in the school board
 20 contract, which never proceeded to a contract.
 21 Q But you told me that when you made the proposal
 22 to the school board --
 23 A Uh-huh.
 24 Q -- that you had an assignability clause and you
 25 considered assigning that agreement if it were
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1 consummated to Conventus?
 2 A Correct.
 3 Q And your visit to the school board towards that
 4 end was in June of 2019?
 5 A Correct.
 6 Q So in June of 2019 -- well, or in July, you
 7 were considering doing business with Mousa Consulting or
 8 with Conventus. What -- to you, what difference does it
 9 make as to which entity you do business in?
 10 A Makes a big difference to me. Some entities
 11 are my own clients that Tim had nothing to do with and
 12 those would fall under Mousa Consulting.
 13 And the others were entities that both Tim and
 14 I solicited as business partners.
 15 Q And so the difference -- to answer my question,
 16 I think, the difference is if you were going to do
 17 business with an entity in which Tim had some
 18 familiarity, it would do it in Conventus, but if it was
 19 just you, you would do it in Mousa Consulting?
 20 A No, most of my business is being done under
 21 Conventus. There's very little business being done
 22 under Mousa Consulting.
 23 Q What makes the difference?
 24 A I don't think there was a purposeful
 25 difference. It was the timing of the opening of the
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1 companies and the ability to assign or not assign. And
 2 as I stated earlier, I had the opportunity to draft a
 3 scope of services to the school board and that I was
 4 able to include an assignability clause where I was not
 5 given that opportunity when FP&L came calling.
 6 Q So I think that's the answer to my question,
 7 the difference is that FPL didn't give you the
 8 opportunity.
 9 A I thought I answered that earlier.
 10 Q Is that right?
 11 A That is right.
 12 Q Okay.
 13 A And I didn't ask for it.
 14 Q Well, that gets me back to Exhibit 29 and my
 15 question to you about why did you copy Baker Law Group.
 16 The Baker Law Group was your prospective partner in
 17 Conventus.
 18 Why did you do a blind copy on the proposed
 19 FP&L agreement, which you said is all you and not Tim?
 20 A I think I stated earlier, my testimony that
 21 FP&L was one of my first gigs to Mousa Consulting and I
 22 wanted Tim to know that Mousa Consulting had picked up a
 23 gig.
 24 Q Okay. That was your reason?
 25 A That was my testimony.
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1 Q Okay.
 2 A And by the way, this was not one of the
 3 documents that Mr. Russell sent me.
 4 Q This being Exhibit 29?
 5 A Yes, sir. Y'all did say you may share other
 6 documents that you didn't send me in advance.
 7 Q In Exhibit 29, in your e-mail of July 12th to
 8 Dan Martell, you said, in the third paragraph, I
 9 understood the contract would include a monthly retainer
 10 of \$7500, plus other terms and conditions you asked me
 11 to review upon receipt. In addition, I understand we
 12 would review and discuss a success fee structure at a
 13 later date.
 14 What was that discussion?
 15 A When Mr. Martell called and offered the \$7500
 16 per month, I knew from past experiences that similar
 17 contracts of this nature would include a success fee.
 18 So during our initial conversation, I asked Mr. Martell
 19 if a success fee could be negotiated as part of this
 20 engagement. He advised that he was not authorized at
 21 that time to discuss any sort of success fee, but there
 22 may be an opportunity later on during the contracted
 23 services to discuss one.
 24 We never discussed one. I never asked for one.
 25 He never offered one. And a success fee was never
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1 negotiated.
 2 Q What was your thinking in proposing the
 3 possibility of a success fee? What -- how did you think
 4 that would be measured?
 5 A I don't know how it's measured. I just knew
 6 most merger and acquisitions, when occurring, that some
 7 of the consultants would be in line for a success fee if
 8 the acquisition or merger occurred.
 9 Q So I think you answered -- your answer to my
 10 question was that in the event FPL was a successful
 11 acquirer of JEA, then that would be what you would
 12 consider to be a success from FPL's perspective for
 13 which they may be willing to pay a success fee?
 14 A That is a fair statement. But, again, to
 15 reemphasize, other -- after that initial discussion,
 16 success fee was never discussed, offered, requested
 17 or -- or contracted for.
 18 Q I'm going to show you what we marked as Exhibit
 19 33, which is the contract for services between Florida
 20 Power & Light --
 21 A Yes, sir.
 22 (Mousa's Exhibit 33 was marked for
 23 identification.)
 24 Q -- and Mousa Consulting Group, Inc.
 25 A Yes, sir.
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1 Q Is this the contract to which you've been
2 referring?

3 A This is the contract in which I did work for
4 FP&L.

5 Q And you signed it on July 13th, 2019?

6 A That's what it appears to be, sir.

7 Q And Florida Power & Light signed it on July 23,
8 2019?

9 A That's what the contract states, sir.

10 Q Did you, in fact, sign this agreement on July
11 13th?

12 A I'm sure I did. I normally date, at the time
13 of signature, all of my documents.

14 Q Do you know why it was not signed by Florida
15 Power & Light until July 23?

16 A No idea, sir.

17 Q How did you find out it was signed by Florida
18 Power & Light?

19 A How did I find out?

20 Q Uh-huh.

21 A When it -- when I got returned a fully executed
22 contract.

23 Q Somebody sent you this contract?

24 A Danny Martell sent me the contract after it was
25 fully executed.

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1 got called by a *Times-Union* reporter asking me that if I
2 knew Tim Baker was consulting or helping the JEA prior
3 to July 23rd, 2019. I told the *Times-Union* that I was
4 not aware of Tim Baker's involvement in that.

5 I subsequently called Tim and asked him, Were
6 you helping the JEA in their whatever? And he advised
7 he was, as a nonpaid consultant. I said, Tim, you never
8 told me that. He says, I never told anybody, Sam. I
9 says, Okay, and I hung up.

10 So I had no clue that Tim was assisting or
11 consulting or otherwise to the JEA.

12 Q When did you have that conversation with Tim
13 that you just told us about?

14 A Whenever the reporter called me. It was during
15 the -- it's whenever the reporter sniffed out that
16 Tim -- apparently, the reporter saw a -- a meeting
17 minutes of maybe it was the Club Continental discussion
18 that came out where they saw Tim --

19 Q Was there?

20 A -- was there or maybe the Dalton meeting that
21 I'm reading about was there. And they knew that Tim and
22 I were business partners, they being the *Times-Union*,
23 knew that Tim and I were business partners in Conventus.
24 And so --

25 Q At what point in time?

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1 Q After July 23?

2 A Either on or after July 23rd. I can't tell you
3 exactly.

4 Q You're aware July 23 was the date of the JEA
5 board meeting in which they authorized the sale of the
6 JEA?

7 A Now that you bring that to my attention, I'm
8 aware of that.

9 Q Do you have any idea of whether it was just a
10 coincidence that FP&L signed this document on the same
11 date that the board acted on July 23?

12 A I don't what FP&L could have been thinking.

13 Q Well, did Mr. Martell say anything to you about
14 why that was the date it was executed?

15 A No, sir, and I didn't pay any attention to it.
16 It was an executed contract that I took.

17 Q Were you aware of whether or not Tim Baker had
18 any role in the JEA's board's approval of the senior
19 staff proceeding with the sale of JEA on July 23?

20 A I had no knowledge of Tim Baker's involvement
21 in anything dealing with the JEA.

22 Q Did you know that Tim Baker commented on the
23 board materials before they were sent to the board at
24 the end of July 2019?

25 A I did not, sir. In fact, I'll tell you this, I

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1 A At that same time.

2 And so they called me up, assuming that I would
3 know everything that Tim does because he was my business
4 partner. And I told the *Times-Union*, I had -- that was
5 the first time that I had ever heard that Tim Baker was,
6 for lack of any other word, assisting, consulting,
7 uncompensated to the JEA senior leadership team.

8 Q Can you place that telephone call in terms of
9 either before or after or on July 23?

10 A Oh, no, it wasn't -- it was after July 23.

11 Q And that was the first time -- it was after
12 July 23 was the first time you learned that Tim Baker
13 may have had some role in the Club Continental meeting?

14 A That is correct.

15 Q And you didn't know until I just told you that
16 Tim Baker was commenting on the board materials for the
17 July 23 board meeting?

18 A I read that in the media.

19 Q Did you go to or watch the July 23 board
20 meeting?

21 A No, sir, I did not.

22 Q When and how did you become aware of what
23 happened at the July 23 board meeting?

24 A Reading about it in the media.

25 Q Let me show you what we marked as Exhibit 34.

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1 This is a series of e-mails between you and FPL.
2 Have you seen this chain before, this two-page
3 chain of e-mails?

4 A Yes, sir, I have.
5 (Mousa's Exhibit 34 was marked for
6 identification.)

7 Q The first one at the bottom is an e-mail July
8 23, at 2:00 o'clock in the afternoon, of 2019, from
9 Cynthea Panzarino of FP&L.com to Susie Wiles, Paul
10 Harden, Sam Mousa and Marty Fiorentino.

11 And the e-mail says, Good afternoon. Please
12 put a hold on your calendar to meet with Pam Rauch and
13 Danny Martell on August the 8th, from 12:30 to 3:00
14 p.m., in Jacksonville. Once the location's confirmed, I
15 will let you know.

16 Did you receive this e-mail from FPL on July
17 23?

18 A Yes, sir, it's evidenced by this e-mail that
19 I've received it from FP&L on July 23.

20 Q In fact, you responded and said, Got it. Thank
21 you.

22 A That's me. Got it. Thank you.

23 Q And was this your first knowledge of who was
24 going to be on the FPL team?

25 A Yes, sir.

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1 Q Had you talked to any of the team members
2 prior -- about the FPL engagement prior to your receipt
3 of this e-mail?

4 A No, sir.

5 Q I -- I assume that as of July 23, 2019, you
6 knew Susie Wiles?

7 A Well, I knew Susie for a long time.

8 Q And I assume you knew Paul Harden?

9 A Known Paul for a long time.

10 Q And I assume you knew Marty?

11 A Very long time.

12 Q So you weren't surprised when you saw they were
13 on the team?

14 A No.

15 Q Do you know why they were on the team?

16 A I'm sure based on their experience and their
17 knowledge, FP&L wanted the best team they could have and
18 this is a pretty powerful team.

19 Q Best team they could have to do what?

20 A To do whatever FP&L wanted them to do.

21 Q What was your understanding of what FP&L
22 wanted?

23 A My understanding of what FP&L wanted is what
24 FP&L conducted during our meetings. I had no
25 understanding of what FP&L wanted on or before August

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1 8th. August 8 was the first joint meeting with these
2 individuals, with FP&L, wherein it was disclosed what
3 this team's agenda was to consist of.

4 Q And you went to that meeting on August 8th?

5 A I did, sir.

6 Q And it was at the Hyatt Regency?

7 A No, the meeting eventually got changed to
8 Epping Forest.

9 Q Do you know why?

10 A I do not know why it got changed from Hyatt
11 Regency to Epping Forest.

12 Q Was it upstairs in Epping Forest?

13 A The first meeting was upstairs. And the reason
14 I hesitate is other meetings took place downstairs, but
15 I believe the first one was upstairs.

16 Q And what did you learn during that meeting
17 about what FPL wanted?

18 A FPL wanted to compete for the ITN and wanted
19 this group of individuals to help them keep an eye on
20 matters in Jacksonville and help elevate their profile
21 in the City of Jacksonville.

22 Q Help elevate FPL's profile in the City of
23 Jacksonville --

24 A Right.

25 Q -- with whom?

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1 A With the community, with elected leaders, with
2 business folks. They wanted, again, as I've testified
3 earlier, a piece of the RFP, I believe. The ITN
4 requested that competitors talk about their past or
5 proposed involvement in the community. And it was based
6 on that that this team was created.

7 Q Do you know anything about what FP&L's
8 compensation was to these other team members?

9 A No, sir.

10 Q You never talked to any team member?

11 A Never talked to any of them, never saw their
12 contracts and didn't care.

13 Q Did you keep time records for this engagement
14 for FPL?

15 A Did I keep records for what?

16 Q This engagement by Florida Power & Light.

17 A I don't understand time records for this
18 engagement.

19 MR. CHARLES ARNOLD: How long you spent working
20 on it.

21 Q Time records for this engagement.

22 A Oh, for this engagement. Pardon me. No, I
23 didn't need to keep time records. This was a monthly --
24 a monthly retainer. This was not an hourly -- an hourly
25 contract. This was a monthly retainer, whether I worked

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1 one hour, zero hours or 100 hours a month.
 2 **Q** So you've answered my question about what you
 3 learned at the meeting.
 4 Were you -- did you have any responsibilities
 5 after the meeting was over, things you were asked to
 6 do?
 7 **A** I was assigned responsibilities at the
 8 beginning of the meeting.
 9 **Q** And what were you assigned?
 10 **A** My responsibilities were to be the meeting
 11 scribe, to keep track of meeting highlights and prepare
 12 agendas for subsequent meetings. I was the task master
 13 to keep everyone else on task of what they were charged
 14 with doing.
 15 **Q** Who -- who charged you with that
 16 responsibility?
 17 **A** Danny Martell.
 18 **Q** What was his role?
 19 **A** Danny was the director of intergovernmental --
 20 I don't know his exact title, but Danny was the lead
 21 presenter at the meeting and I believe his title is --
 22 MR. CHARLES ARNOLD: What are you looking
 23 for?
 24 **A** -- governmental affairs, I believe.
 25 Director -- or vice president of governmental affairs,
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1 that's it, for FP&L.
 2 **Q** What -- and what was Pam Rauch's responsibility
 3 with FPL?
 4 **A** Pam was vice president of external affairs and
 5 economic development, I believe.
 6 **Q** What were the responsibilities of the other
 7 team members that were assigned during that meeting?
 8 **A** The responsibilities varied from meeting to
 9 meeting. There weren't specific assigned
 10 responsibilities to each individual. Action items, if
 11 you'll allow me to use that word, were assigned from a
 12 meeting-to-meeting basis to various individuals. And it
 13 was my job to keep track of those action items and to
 14 follow up to ensure that they're completed.
 15 **Q** Did you do that?
 16 **A** Yes, I did that.
 17 **Q** Did you have writings which reflected that?
 18 **A** You have the writings that reflected that.
 19 Much of my documents that I produced to you showed
 20 various agendas, various action items, whether action
 21 items were completed or not, whether they needed to be
 22 followed up on, et cetera.
 23 **Q** Was -- had -- Paul and Susie and Marty were all
 24 at that meeting on August 8th?
 25 **A** Yes.

1 **Q** And what was Paul's responsibility?
 2 **A** As I stated earlier, I don't think anybody had
 3 a specific responsibility. We were viewed as
 4 consultants advising on the lay of the land in the
 5 community and the potential for lobbying, if and/or when
 6 FP&L was ever presented to the city council for
 7 consideration of a sale.
 8 **Q** As the successful suitor for JEA?
 9 **A** If and/or when FP&L was presented to the city
 10 council as the best option for the sale of the JEA.
 11 **Q** Let me show you what we've marked as Exhibit
 12 35.
 13 Do you recognize that?
 14 **A** This is the first time I've seen a hard copy of
 15 this. I have previously reviewed and not read this
 16 entire document on the Internet.
 17 (Mousa's Exhibit 35 was marked for
 18 identification.)
 19 **Q** On whose website?
 20 **A** Pardon me?
 21 **Q** On whose website?
 22 **A** JEA's website.
 23 **Q** Look at page 55 of Exhibit 35, which is the
 24 senior leadership team of JEA.
 25 **A** Yes, sir, I'm with you.
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1 **Q** Do you see Herschel Vineyard's picture?
 2 **A** I do, sir.
 3 **Q** When did you become aware that he had joined
 4 JEA?
 5 **A** I don't recall when I became aware, but I did
 6 become aware, but I don't recall when.
 7 **Q** I assume you know Herschel?
 8 **A** Pardon me?
 9 **Q** I assume you know Herschel?
 10 **A** Know him very well.
 11 **Q** And you've known him for years?
 12 **A** Yeah, I think it would be fair. Not very, very
 13 many years, but more --
 14 **Q** Well, you --
 15 **A** -- less -- more than five, less than ten.
 16 **Q** You knew that in 2019 he was with Foley &
 17 Lardner?
 18 **A** Oh, definitely. I knew he worked with
 19 Foley & Lardner when he called me with Kevin to bring
 20 Exelon in.
 21 **Q** And how did you learn -- when did you learn
 22 that he became -- he left Foley to join JEA?
 23 **A** I testified earlier, I don't recall when that
 24 happened, but I recall it happened.
 25 **Q** Do you recall having your own reaction, what

1 your reaction was?
 2 A I had no reaction.
 3 Q One way or the other?
 4 A No.
 5 Q Did you think Herschel was qualified to be
 6 chief administrative officer of JEA?
 7 A I don't know what Herschel's roles were as
 8 chief administrative officer of the JEA.
 9 Q Well, you know what a chief administrator
 10 officer is?
 11 A I know what that is.
 12 Q So assuming that was his title with JEA, do you
 13 think he was qualified to do that?
 14 A I don't know what his role were. I know what
 15 the roles of a chief administrative officer is for the
 16 City of Jacksonville. I know that very well.
 17 Q When is the first time you looked at the ITN?
 18 A Oh, gosh, Steve, I can't tell you the first
 19 time when I looked at it. I have no idea.
 20 Got it.
 21 Q Oh, you've got Exhibit 36?
 22 A Yes.
 23 (Mousa's Exhibit 36 was marked for
 24 identification.)
 25 Q Which is an FPL document entitled JEA ITN
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1 127-19, Briefing Book, August 6, 2019.
 2 Have you seen this before?
 3 A Yes, sir.
 4 Q When did you see it?
 5 A This was presented by FP&L at one of our
 6 meetings.
 7 Q Was it the August 8th meeting?
 8 A No, it was later on in one of the subsequent
 9 meetings.
 10 Q And what does this document show us?
 11 A Document pretty much speaks for itself. It's
 12 a listing of community stakeholders as developed by
 13 FP&L. They're color-coded for their appropriate
 14 profession, whether they were federal government
 15 officials, state government officials, local officials,
 16 commissioners, media, influence leaders --
 17 Q What --
 18 A -- local businesses.
 19 Q What was your understanding of why FPL put this
 20 document together?
 21 A Again, FP&L wanted to raise their profile and
 22 presence in the community and felt it was important to
 23 have community outreach and be able to know who the
 24 players were in the community and to let them know that
 25 FP&L was interested in serving the community.
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1 Q To let these people that are listed on -- in
 2 Exhibit 36 know that FP&L was interested?
 3 A Exhibit 36, in my opinion, is a compilation of
 4 people that FP&L would want to know, get to know and
 5 become aware of who FP&L is. Now, I'm not going to sit
 6 here and tell you that they reached out to any of these
 7 folks or all of these folks, but this was a list of what
 8 they called community stakeholders.
 9 Q Well, was there any discussion in your meetings
 10 with the team as to what to do with this list?
 11 A No. No, there was just discussion that this is
 12 a community stakeholders' list.
 13 Q With no action?
 14 A No action. There was never an assignment for
 15 anyone to contact anybody. It was just a listing for
 16 FP&L's knowledge of who the community stakeholders were
 17 in the -- in the community.
 18 Q Page 7 of Exhibit 36 says, Appendix ii,
 19 Potential Sponsorships. And then on pages 8 -- page 8,
 20 there's a list.
 21 What does that mean, potential sponsorships?
 22 What did you understand that to be?
 23 A Again, if I'm not mistaken, the ITN wanted to
 24 know what a bidder's interest was in the community, what
 25 their contribution was to the community, whether it be
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1 charitable giving -- charitable giving sponsorships or
 2 otherwise. And I'm assuming this was a list that FP&L
 3 was considering providing potential sponsorships to.
 4 Q So in the second column it says -- on page 8,
 5 it says, Projected Investment.
 6 A Right.
 7 Q That's investment by FP&L in these entities?
 8 A That was a -- that was what? An investment to
 9 do what?
 10 Q By FPL.
 11 A This was created by FPL.
 12 Q Was FPL contemplating an investment by it in
 13 these --
 14 A To the best of my knowledge, they were. Now,
 15 whether they did or not, I can't tell you.
 16 Q Do you remember talking with the FPL folks
 17 about these sponsorships?
 18 A No, I did not. Did not. Don't know what they
 19 did with it. Don't know if they ever sponsored, don't
 20 know.
 21 Q The first sponsorship opportunity mentioned on
 22 page 8 is Bay Street Innovation Corridor.
 23 A Right.
 24 Q Do you know what that is?
 25 A I do know what that is.
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1 Q Tell me what that is.
 2 A The Bay Street Innovation Corridor is the
 3 corridor between the new JRTC, which is located on the
 4 western most part of the city, adjacent to the
 5 interstate.
 6 Q JRTC?
 7 A Jacksonville Regional Transportation Center.
 8 Section of Bay Street from that point up to the sports
 9 complex was dubbed by Jacksonville Transportation
 10 Authority as the Bay Street Innovation Corridor. That
 11 is the first corridor for a first phase implementation
 12 of an autonomous vehicle transportation system.
 13 Q And the Second Proposed Sponsorship of
 14 Jacksonville Landing Redevelopment, do you know what
 15 that is?
 16 A I don't know what that is. I don't think
 17 that's a particular entity. It could be a particular
 18 project, but I don't know. No, I know what they're
 19 talking about, but I don't know what it means.
 20 Q When you say you know what they're talking
 21 about, what are they talking about?
 22 A I'm sure they're talking redeveloping the nice
 23 green lawn that you can see from your office here.
 24 Q Well, the City incurred an expense in buying
 25 and tearing down The Landing. Do you think that's what

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1 from?
 2 A You know, I'll be honest with you, when the --
 3 when the term Freebird was used at the first meeting, I
 4 didn't give it any thought. And then later on during
 5 the ITN discussions and via media reports, I learned
 6 that Freebird was a code name that was once used by the
 7 JEA in reference to the ITN, but at the time of August
 8 8th, I did not know that. I only learned that when
 9 Freebird, Project Freebird, Project Scampi and there
 10 were several other code names that the JEA were using
 11 for the invitation to negotiate.
 12 Q So did somebody explain to you -- how did you
 13 learn that that was a name that JEA had used -- code
 14 name the JEA had used?
 15 A I just explained, through the media.
 16 Q That's how you learned, through media.
 17 A Yes.
 18 Q Nobody explained it to you at the August 8th
 19 meeting?
 20 A No. I thought it was a term that FP&L came up
 21 with.
 22 Q And so you learned to the contrary?
 23 A Until I learned through the media that that was
 24 one of the several code names that the JEA had used for
 25 the ITN.

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1 they're referring to?
 2 A I have no idea what they're referring to.
 3 Q Well, I just thought you said you did know.
 4 A I knew that that's the project, but I have no
 5 idea what the money was for.
 6 Q Or to whom it was going to go?
 7 A No idea.
 8 Q Beyond what we've discussed already, was there
 9 any discussion by FP&L's people as to what the team
 10 should do with the data that's on Exhibit 36?
 11 A No, sir. I'm not aware of any discussion as to
 12 what's supposed to happen with the data that's shown on
 13 Exhibit 36.
 14 Q Let me show you Exhibit 37, which appears to be
 15 a -- agenda of a meeting August 8th.
 16 A That is correct.
 17 (Mousa's Exhibit 37 was marked for
 18 identification.)
 19 Q Freebird Team Meeting Agenda. What is Freebird
 20 Team?
 21 A Freebird Team is the team that was assembled
 22 here locally with me, Susie Wiles, Paul Harden, Marty
 23 Fiorentino, FP&L executives and other folks who were
 24 associated with Marty.
 25 Q Do you understand where the term Freebird came

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1 Q Do you know why JEA was using code names?
 2 A No idea.
 3 Q This handwriting on Exhibit 37, is that yours?
 4 A Yes, sir, it is.
 5 Q What does the handwriting on the left say?
 6 A Handwriting on the left? Next meeting was
 7 going to be 12:30 p.m., May 23, '19.
 8 Q And what about the handwriting on the right?
 9 A Handwriting on the right says, Kevin Leo of
 10 CDM.
 11 Q What's that?
 12 A At one time during this meeting, FP&L was
 13 seeking water consultancy assistance and they were
 14 throwing out different company names who were proficient
 15 in water services. FP&L knew that they did not have the
 16 water services expertise.
 17 And this was in pursuit of their other team who
 18 was working on the ITN of wanting to talk to a water
 19 consultant. They asked me if I knew Kevin Leo, who
 20 worked for CDM. I told them I did not know Kevin, but I
 21 knew the managing partner of CDM here in town, his name
 22 was Patrick Victor.
 23 They asked if I would call Patrick and/or Kevin
 24 to see if they were available to assist FP&L with their
 25 endeavor. So I called Patrick and learned that CDM was

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1 under contract to the JEA helping -- they helped to
 2 develop criteria for the ITN and they had a conflict.
 3 And so I reported that back to FP&L.
 4 Q Is the second page to Exhibit 37 your
 5 handwriting?
 6 A Yes, sir.
 7 Q Is that your notes of what happened at the
 8 meeting of August 8th?
 9 A Highlights of what happened at the meeting of
 10 August the 8th.
 11 Q Can you just read through your handwriting so I
 12 make sure I know what it says?
 13 A Sure. You want me to read it?
 14 Q Please.
 15 A I wanted to organize. The -- the first bullet
 16 says, organize in buckets. They wanted to organize
 17 their action in very distinct silos. And they wanted
 18 everybody to keep aligned with other FP&L staff.
 19 Pam, which was the external affairs vice
 20 president, as I testified earlier, talked about
 21 community outreach.
 22 Jim Bush. That name in parentheses there is
 23 Jim Bush. Jim works for Pam. And Pam had explained
 24 that Jim was part of her staff and would be -- would be
 25 assisting the team.

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1 38.
 2 A Damn, Steve.
 3 (Mousa's Exhibit 38 was marked for
 4 identification.)
 5 Q Do you recognize this e-mail chain?
 6 A Yes, sir. Some it's the same e-mail that I had
 7 seen previously. Yes, sir, I do recognize it.
 8 Q Let me show you what we marked as Exhibit 39.
 9 A Are we done with 38, sir?
 10 (Mousa's Exhibit 39 was marked for
 11 identification.)
 12 Q Yes. What is Exhibit 39? Do you recognize
 13 it?
 14 A What is it?
 15 Q Yes.
 16 A It's a document that I created. And it's
 17 highlights from the August 8th meeting and an agenda
 18 that was created for the August 23rd meeting.
 19 Q Marty Fiorentino is listed as an attendee and
 20 he was on the team that we talked about earlier.
 21 Marty's associated with Rogers Towers, isn't he?
 22 A Sir, I know Marty. I don't know what his
 23 association is with Rogers Towers. I know him as the
 24 Fiorentino Group. He might -- he might have another
 25 association with Rogers Towers.

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1 We talked about the ITN and the several
 2 components of the ITN and how we needed to capture
 3 information to respond to those several components.
 4 We were advised to keep an eye on public
 5 opinion throughout the process.
 6 We knew that September 30 of 2019 was the
 7 deadline for the minimum qualifications.
 8 Mr. Martell discussed the potential need for a
 9 polling instrument to seek the opinion of the local
 10 community in regards to what they felt about the JEA.
 11 JEA consultant roles and evaluation. There was
 12 a question whether any of the JEA consultants were going
 13 to be involved in the evaluation of the -- of the
 14 proposers. We did not know that.
 15 Again, the water consultants, Jacobs/CDM, those
 16 were two that were -- that were mentioned to help them
 17 with water and sewer components.
 18 And then we concluded by talking about
 19 community outreach, charitable organizations and polling
 20 on public opinion as something that we would carry on in
 21 discussion at our next meeting.
 22 Is that sufficient?
 23 Q Yes.
 24 A You like my handwriting? No comment.
 25 Q Let me show you what we've marked as Exhibit

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1 Q If he does, you're not aware of it?
 2 A I am aware he has another association with
 3 Rogers Towers. I just don't know if, under this
 4 contract, whether it's with Rogers Towers or with the
 5 Fiorentino Group.
 6 Q You don't know whether or not Marty's
 7 arrangement with FP&L is through the Fiorentino Group or
 8 Rogers Towers?
 9 A Correct. I have no knowledge which entity
 10 contracted with him.
 11 Q Do you have any knowledge of whether or not
 12 FP&L intended, through Marty, to take advantage of John
 13 Delaney's relationship with Marty and Rogers Towers?
 14 A John Delaney was a consultant to FP&L.
 15 Q Independently of Marty?
 16 A I believe as part of Marty's organization.
 17 Q As a part of Marty's organization?
 18 A I believe so, sir.
 19 Q And when you say Marty's organization, you're
 20 talking about Fiorentino Group?
 21 A I don't know whether it's Fiorentino or Rogers
 22 Towers because John has an association with both firms
 23 too.
 24 Q And what involvement, if any, did John Delaney
 25 have with the Freebird team?

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1 A Sir, he was never at any one of our Freeturn --
2 Freebird team meetings so I can't tell you what
3 involvement he had.

4 Q Apart from the fact that he was never there,
5 did you hear any reference to John Delaney in any of
6 these meetings?

7 A Yes.

8 Q What reference did you hear?

9 A On occasions, FP&L would be talking to Marty
10 and they would ask Marty to run it by John or get John
11 to do something. And Marty -- and Wyman Duggan was a
12 part of the FP&L team.

13 And at the time -- there would be times during
14 discussion where FP&L would talk to Marty about John and
15 Wyman, John and Wyman.

16 Q John Delaney and Wyman Duggan?

17 A Yes, sir.

18 Q Was Wyman at that time a state representative?

19 A I believe he was, sir.

20 Q And I take it from what you're telling me now,
21 it was your understanding that Marty and Wyman and John
22 Delaney were all consultants to FPL through the
23 Fiorentino Group?

24 A Sir, they were consultants to FP&L. And as I
25 testified, I don't know through which group.

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1 A I have no idea what connection Tim Baker had as
2 a consultant to the ITN process. He was not part of our
3 team.

4 Q Okay. I get that he was not a part of your
5 team. Do you know whether or not Tim Baker was
6 independently a consult to FP&L as a part of the ITN
7 process?

8 A No, sir, I do not.

9 Q One way or the other?

10 A No, sir.

11 Q Paragraph 2(e) of Exhibit 39, it says, Contact
12 with Jim Gilmore resulted with Gilmore flying in a
13 different direction than Team Freebird.

14 A Correct.

15 Q What does that mean?

16 A That means that one time during the meeting,
17 the team was considering hiring Jim Gilmore as a
18 consultant. And it was concluded that Jim was not
19 available. He was going to be working with another
20 entity. And I don't know who the entity is, but he
21 could not work for FP&L. He would have had a conflict.

22 Q 2(f) says, Rauch to ask Munz to contact Dave
23 Reuter to flush out his involvement with JEA and to
24 discuss his potential involvement with Team Freebird.

25 What does that refer to?

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1 Q But your understanding was that Wyman and
2 John, in one form or another, were paid consultants for
3 FPL?

4 A I've never seen their contracts. I'm assuming
5 they were paid consultants through FPL.

6 Q And what causes you to make that assumption?

7 A Because they were always referenced in our FP&L
8 team meetings to Marty.

9 Q As if they were members of the team?

10 A As if they were a member of the team, that's
11 correct, sir.

12 Q In paragraph 2, on Exhibit 39, the 2(d) refers
13 to the Deal Team. What is the Deal Team?

14 A The Deal Team, sir, was a separate team outside
15 of our local team that had nothing to do with us and
16 that we had nothing to do with them, but that's who
17 Danny Martell and Pam Rauch would reference to the
18 group -- that's who they would reference as the group
19 who was preparing the response to the ITN. They called
20 them the Deal Team.

21 Q Getting back to who was a member of the
22 Freebird team. We talked about Wyman and John Delaney
23 and Marty, Susie, Paul. To your knowledge, did Tim
24 Baker have any involvement as a consultant to FPL in
25 connection with the ITN process?

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1 A That refers to a similar situation as the
2 previous in reference to Jim Gilmore. Dave Reuter is
3 the vice president of communications for FP&L. And Pam
4 was going to ask Dave to contact Munz to see what his
5 availability was to join the FP&L team.

6 Q Munz being Michael Munz of the Dalton Agency?

7 A Yes, sir.

8 Q And what happened to that?

9 A I understood that Michael was doing work with
10 the JEA and could not work for FP&L.

11 Q Item 3(c) says, Agreed to have Marty and his
12 associates register as lobbyists effective immediately.

13 Do you know, when it says Marty and his
14 associates, is that referring to Wyman and John
15 Delaney?

16 A That's exactly correct, sir.

17 Q Then it says Paul is already registered. Sam
18 and Susie to register upon the submission deadline of
19 the response to the ITN, expected on September 30th,
20 2019.

21 Did you register?

22 A Never.

23 Q Why?

24 A I was directed not to. There was a change of
25 direction from when this was written.

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1 Q So on August 23, you were expected to
 2 register as a lobbyist and subsequently you were
 3 directed not to?
 4 A That is correct.
 5 Q By whom?
 6 A FP&L.
 7 Q Why?
 8 A Couple of reasons. There was no reason to
 9 register because you couldn't lobby due to the ex parte
 10 communication guidance that was provided.
 11 And, secondly, FP&L felt they had a very, very
 12 strong local consultant team and did not want to show
 13 all their cards by making all their lobbyists register.
 14 MR. CHARLES ARNOLD: Potential lobbyists.
 15 A Potential lobbyists register, correct.
 16 Q You added the word "potential"?
 17 A Yes, sir.
 18 Q Because they're not lobbyists until they
 19 register?
 20 A That is correct. I think Ms. Miller will tell
 21 you the opposite of that is once you register, if you
 22 lobby or not, you're a lobbyist.
 23 Q Item 4(c) says, Rauch advised that Kathy
 24 Chambers has been hired.
 25 Who's Kathy Chambers?
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1 A Kathy Chambers worked with the Chamber of
 2 Commerce, just coincidental that her last name would be
 3 Chambers. And during the meeting, Pam announced that
 4 she hired, as part of her external affairs team, Kathy
 5 Chambers. I did not know Kathy until she eventually
 6 showed up at a subsequent meeting. I had never met her
 7 before.
 8 Q And paragraph 7 of Exhibit 39 says,
 9 Communications Update, 7(b), Community: Rauch and Bush
 10 to participate in Jax Chamber leadership trip to
 11 Las Vegas.
 12 A Correct.
 13 Q What Chamber leadership trip was that? When
 14 was it?
 15 A I don't know when it was. It was around that
 16 time.
 17 Q Did Rauch and Bush go?
 18 A I do not know.
 19 Q Was it planned at the meeting on August 23 that
 20 they would go?
 21 A It was discussed at the meeting of August 23
 22 that they may go.
 23 Q And 7(c) says, Community: Company and Jags to
 24 co-sponsor events at Jag football games.
 25 A Correct.
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1 Q What events were you co-sponsoring?
 2 A Excuse me?
 3 Q What events?
 4 A What is that?
 5 Q What events did the Jags and the Company
 6 co-sponsor?
 7 A I have no idea.
 8 Q So you don't know what this is referring to,
 9 Sam?
 10 A I don't know what events it's referring to.
 11 Q Okay. 7(d) Community: Company to host stadium
 12 suite for two Jaguar games; one October 27th and one on
 13 12 -- December 8 --
 14 A Correct.
 15 Q -- 2019.
 16 Did the FPL host a stadium suite?
 17 A To the best of my knowledge they did.
 18 Q Was it next to the City's suite at the stadium?
 19 A I have no idea where the suite was. I did not
 20 attend.
 21 Q Did you -- what was your understanding, if
 22 any, as to why the company was going to host a stadium
 23 suite?
 24 A Again, they wanted to raise their profile and
 25 meet the movers and shakers in the city. And there's no
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1 better place than to meet the movers and shakers in the
 2 city than there are at a stadium suite.
 3 Q And 7(e), the last sentence says, Reuter to
 4 reach out to Melissa Ross at WJCT.
 5 A Correct.
 6 Q Why was Mr. Reuter to reach out to Melissa
 7 Ross?
 8 A Melissa Ross was having -- she runs a daily --
 9 she runs a daily news -- one-hour news cast that
 10 discusses happenings within the community. And she was
 11 hosting several individuals who were commenting about
 12 the potential sale of the JEA. And Pam wanted Dave to
 13 reach out to Melissa, not to go on radio with her, but
 14 to explain to her who FP&L is, what FP&L does and to try
 15 to combat some of the negative information that was
 16 being broadcast.
 17 Q On Melissa's radio program?
 18 A Yes, sir.
 19 Q Did he do that?
 20 A I don't know.
 21 Q Paragraph 8 refers to a polling instrument. Do
 22 you know what the polling instrument is?
 23 A Yes, sir. FP&L was talking about hiring a
 24 consultant to do a public opinion poll on the JEA,
 25 whether it should be sold or not. I do not know if
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1 there was -- if there was a poll done, I don't know of
 2 it. So I don't know if a poll was ever done or not.
 3 Q And paragraph 9 says, Next meeting is September
 4 23.
 5 Was there a meeting on September 23?
 6 A You'll have to see if there were a meeting
 7 agenda or meeting briefs on September 23. I'm assuming
 8 there could have been. Can't swear to it. Sometimes
 9 meetings would get cancelled.
 10 THE WITNESS: Can we take a break?
 11 MR. BUSEY: Sure.
 12 THE WITNESS: Thank you.
 13 MR. BUSEY: Five minutes.
 14 (Recess taken.)
 15 BY MR. BUSEY:
 16 Q I'm showing you what we marked as Exhibit 40.
 17 A Yes, sir.
 18 (Mousa's Exhibit 40 was marked for
 19 identification.)
 20 Q Do you recognize that?
 21 A Yes, sir.
 22 Q What is it?
 23 A This is an agreement that I had with the City
 24 of Jacksonville, Florida.
 25 Q Dated when?
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1 A September 1st, effective date, of 2019.
 2 Q And what was the purpose of the agreement?
 3 A The scope of services is outlined in the
 4 agreement. That's the purpose. See that on Exhibit A,
 5 page 10.
 6 Q Well, the first paragraph on the first page of
 7 Exhibit 40 says, Concludes that you're being retained as
 8 for general consulting services to the mayor and the
 9 City.
 10 And then in paragraph 1.01, Engagement of
 11 Consultant. City hereby engages the consultant and the
 12 consultant accepts such engagement for the purpose of
 13 providing to the City the services set forth in the
 14 scope of services attached hereto as Exhibit A.
 15 And that's what you just referred to as the
 16 Exhibit A?
 17 A Yes, sir.
 18 Q Well, apart from what's written in Exhibit 40
 19 and Exhibit A to Exhibit 40, what was your understanding
 20 of what you were being hired to do?
 21 A This is my understanding of what I was being
 22 hired to do.
 23 Q You didn't have any more specific understanding
 24 of what's written?
 25 A If you're asking what I did, that's a different
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1 story, but this is what I was hired to do.
 2 Q Well, tell me what conversations you had with
 3 whom that led up to this contract.
 4 A What conversation I had with whom?
 5 Q Yes, with the City.
 6 A The mayor, upon realizing that he wanted --
 7 that I was wanting to leave government, wanted to have
 8 me under contract to assist with matters needed and I
 9 agreed to do that.
 10 Q On August 30th?
 11 A Contract was executed August 30th. I'm sure he
 12 agreed to do that before.
 13 Q So when did -- when did you first have a
 14 conversation with the mayor about this?
 15 A Probably when he learned that I was leaving
 16 government. Probably March, April of '19, he knew that
 17 I would be ending my service with government effective
 18 end of June, initially was effective end of September of
 19 2019, but I backed it up to the end of June.
 20 And when he first learned, he hated to see me
 21 leave, based on my knowledge and what I had done in
 22 government, and he felt he needed to have me on board on
 23 an as-needed basis to either consult with, assist with
 24 projects or what other matter that may surface. And I
 25 agreed to do that.
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1 Q And when were those discussions? Were they in
 2 June or were they in May or what?
 3 A Well, between April and June of 2019.
 4 Q Then why is this dated August -- why was this
 5 agreement not entered into until August 30th?
 6 A It just wasn't. It wasn't supposed to become
 7 effective the day I left government. It became
 8 effective whenever we crafted a contract. And you know
 9 better than anybody how long it takes to get a contract
 10 executed through -- drafted and executed through city
 11 government.
 12 Q I have a painful familiarity with that.
 13 A Did you catch that?
 14 Q And your compensation that you agreed with the
 15 mayor was going to be \$10,000 a month?
 16 A That is correct, sir, that's what the contract
 17 states.
 18 Q And for \$10,000 a month, all you were going to
 19 do was what was on Exhibit A?
 20 A And whatever else the mayor asked.
 21 Q What did the mayor ask you to do?
 22 A I had two primary responsibilities initially.
 23 The first ask came on or about in September when
 24 Jacksonville was being approached by a hurricane. He
 25 and Brian Hughes called me and wanted me to assist the
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1 public works director in preparing for the potential of
 2 a hurricane approaching the City of Jacksonville and to
 3 assist in the cleanup, assist public works in
 4 administering the cleanup of any debris that may have
 5 been created by this hurricane. Fortunately, the
 6 hurricane did not impact Jacksonville.

7 The other responsibility was assisting the
 8 public works director with better organizing the Capital
 9 Improvement Program, the public works director, as a
 10 multi million, hundreds of millions dollar capital
 11 improvement program and needed assistance in better
 12 organizing and creating better efficiency in producing
 13 the program.

14 Q When you signed on to be a consultant to FPL,
 15 did you know that you were going to be a consultant to
 16 the City as well?

17 A I knew we had talked, but you never know for
 18 sure until you get a contract.

19 Q And you got that contract on August 30th. Did
 20 you tell FPL that you received a contract on August 30th
 21 to become a consultant to the City of Jacksonville?

22 A FP&L knew that I was going to be a
 23 consultant -- that I was a consultant. I made it very
 24 clear to FP&L that I was a consultant to the City of
 25 Jacksonville and told them what my role and

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1 A No. I told FP&L that I was going to consult
 2 with the City of Jacksonville. I don't exactly know
 3 when I told FP&L about and --

4 MR. CHARLES ARNOLD: He asked you after you
 5 contracted with FP&L you told them you contracted
 6 with the City.

7 Q You contracted with FP&L in early July.

8 A Yes. Of course. Of course.

9 Q That's what I was trying to find out.

10 A Oh, I couldn't understand. I'm sorry. Yes.
 11 It was after because the City contract was after
 12 contracting with FP&L. Such an obvious timeline, you
 13 had me confused.

14 Q Well, the date of contracting may be different
 15 than the date of conversations is why I was asking.

16 A And the date --

17 Q When did you tell FP&L that you were going to
 18 sign a consulting agreement with the City of
 19 Jacksonville?

20 A I didn't tell them I was going to sign a
 21 consulting agreement. I told them I had already signed
 22 a consulting agreement.

23 Q All right. That necessarily tells me that you
 24 didn't tell FP&L until after --

25 A August 30th.

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1 responsibility was currently doing for the City of
 2 Jacksonville -- or what I currently anticipated doing
 3 for the City of Jacksonville and FP&L saw no issue with
 4 that.

5 Q When did you have that conversation with FPL?

6 A Near or immediately after I signed on with the
 7 contract with the City. It was at the beginning of one
 8 of our team meetings that were held at Epping Forest.

9 Q August 8th or August 23?

10 A Could have been August 23. May have been
 11 August 8th. But I made it very clear to FP&L that I was
 12 under contract with the City of Jacksonville.

13 Q Well, you were not under contract in August.

14 A September 1st I was.

15 Q You made it very clear to FPL in August that
 16 you would be under contract on September 1st?

17 A I said August. I don't know when I made it
 18 clear to FPL that I was under contract.

19 Q You said it was one of the team meetings.

20 A I know. And there was a team meeting on
 21 September 23rd. I believe it could have been September
 22 23rd where I told FP&L.

23 Q So you told FP&L that you were becoming a
 24 consultant to the City after the point in time you
 25 became a consultant to FP&L?

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1 Q -- August 30th.

2 A That is correct. That makes sense.

3 Q So it wasn't a team meeting in August?

4 A I said earlier I was mistaken on that. It
 5 could have been September.

6 Q And so in September, at some point you told
 7 FP&L and that you were signing or had signed a
 8 consulting agreement with the City?

9 A It was sometime after August 30th that I told
 10 FP&L I signed a consulting agreement with the City.

11 Q Do you remember -- do you remember who?

12 A I told Danny Martell.

13 Q And what did he say?

14 A He didn't say anything.

15 Q Were you in person or on the telephone?

16 A In person.

17 Q So the team meeting?

18 A Separate. I called him -- I called him aside
 19 from the team members.

20 Q And did Danny ask you what you were going to be
 21 doing for the City?

22 A I told Danny what I was going to be doing.

23 Q And did at any point you tell the City that you
 24 had a contract with FP&L?

25 A No.

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1 Q No?

2 A No.

3 Q Never?

4 A Never. People speculated that I had a contract

5 with FP&L all the time, but I would not confirm, nor

6 deny.

7 Q Why?

8 A It's not their business.

9 Q You don't think it's any -- anybody's business

10 that you were working for FP&L and for the City at the

11 same time that FP&L and the City were negotiating the

12 ITN?

13 A Nope. I don't disclose my clients to anyone

14 unless I have to.

15 Q Or unless there's a conflict of interest?

16 A Well, unless there's a conflict, but I didn't

17 see a conflict. There was nothing in my contract

18 dealing with FP&L and the ITN and the City was not

19 negotiating on an ITN. The JEA was negotiating on an

20 ITN. So I had no conflict with the City. If I was

21 contracted with the JEA, that would be a helluva

22 conflict, but I was not contracted with the JEA. I was

23 contracted with the City so I see no conflict.

24 Q Were you aware that the mayor's office was

25 running the ITN negotiations in Atlanta?

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1 Q Let me show you what we marked as Exhibit 41.

2 A Thank you.

3 (Mousa's Exhibit 41 was marked for

4 identification.)

5 Q This appears to be an agenda for the team

6 meeting Freebird Team Meeting on September 23.

7 A Correct.

8 Q Was this at Epping Forest?

9 A Have I seen this before?

10 Q I said was this at Epping Forest?

11 A Sir, you're talking down to the table so I

12 can't get a clear, across-the-table voice.

13 Yes, sir, this was at Epping Forest.

14 Q Is this your handwriting?

15 A This is my handwriting.

16 Q The handwriting that is to the left of Roman

17 numeral III, what does that say?

18 A The handwriting to the left, Roman numeral III.

19 Dave Reuter was to reach out to Nate Monroe.

20 Q Why?

21 A For the same reason he was asked to reach out

22 to Melissa Rauch, which I testified to earlier.

23 Q Well, Nate Monroe doesn't have a radio

24 program?

25 A No, but he had a column that was discussing

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1 A The mayor was running negotiations in Atlanta?

2 Q The mayor's office.

3 A I have no idea who was running the negotiations

4 in Atlanta.

5 Q Did you know that negotiations -- do you know

6 what I'm talking about when I say the negotiations in

7 Atlanta?

8 A I believe I read what you're talking about,

9 that the mayor assigned some of his lieutenants to do

10 the negotiations up in Atlanta, but I read that. Is

11 that what you're talking about?

12 Q Yes.

13 A Yes, sir.

14 Q So you knew the mayor's staff was running the

15 negotiations in Atlanta regarding the ITN process?

16 A I learned through the media that JEA staff had

17 a conflict, according to the ethics director, that they

18 couldn't be sitting at the negotiation table and that

19 the mayor assigned three of his staffers to sit at the

20 negotiation table. I learned that in the media.

21 Q As a part of your consulting agreement with the

22 mayor, did the mayor ask you for advice regarding the

23 ITN negotiations in Atlanta with FPL?

24 A Never. I don't even know if the mayor knew I

25 was a consultant for FP&L.

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1 various stuff about the JEA. And Dave's job -- I say

2 his job, he was asked to try to reach out to Nate to try

3 to present FP&L's side of the story.

4 Q Did he do that?

5 A I don't know, sir, if he did it or did not.

6 Q And you don't know if he was successful?

7 A I did not know if he even contacted Nate

8 Monroe, much less if he was successful.

9 Q Roman numeral II(a) refers to a polling

10 instrument to team.

11 Was there a polling instrument done?

12 A There never was.

13 Q Why was that on the agenda?

14 A Because it was anticipated that one would be

15 done. And that was an action to have one done. Martell

16 and Rauch were assigned the action. And you'll see that

17 I have a bubble up there that says, 10/25/19, next

18 meeting is where they anticipated having a polling

19 instrument.

20 Q And below that, it says, decided to hold back,

21 not yet?

22 A Below that, decided to hold back, not yet, that

23 is in reference to II (a), yes, sir.

24 Q The polling instrument?

25 A Yes, sir.

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1 Q Why did they --
 2 A Let me -- let me change something, sir. The
 3 10/25/19 had nothing to do with the -- with the polling
 4 instrument. The 10/25/19, next meeting in a circle is
 5 strictly me noting down when the next meeting was going
 6 to be. The decided to hold back, not yet, is in
 7 reference to II (a).

8 Q And what was the reason for holding back on the
 9 poll?

10 A I don't know. No reason was given.

11 Q Down at the bottom, Roman numeral 7(c) Media,
 12 there's handwriting out to the right of that. What does
 13 that say? Something quiet?

14 A Yes, whether there's been any --

15 Q Is that overall?

16 A Overall quiet, that is correct. They would ask
 17 for -- if anyone has been hearing anything in the media
 18 or anything specific in the media. And there was a
 19 comment made that, Overall the media was quiet.

20 Q And to the left of that, there's a bubble that
 21 says, Paul, list of suite holders to -- and what does
 22 that say?

23 A To and invitees to Pam. FP&L was looking for
 24 invitees to their suite. FPL -- FP&L also wanted Paul
 25 to provide them with a list of suite owners that had

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1 A Yeah, yeah. Whatever was required to get
 2 submitted, FP&L would not let anyone, other than the
 3 deal team, to work on.

4 Q And this was September 23?

5 A Yes, sir.

6 Q When was the first time you talked to anybody
 7 about taking the mayor to a baseball game in Atlanta?

8 A I don't know when the first time, but the first
 9 time occurred when Tim Baker called me.

10 Q When was that?

11 A Sometime maybe the end of September, near the
 12 end of September. I don't know exactly when Tim
 13 called.

14 Q Tell me about that telephone conversation.

15 A Tim called to ask if I had any objections --
 16 since we were business partners, if I had any objections
 17 to paying for a chartered plane and other minor expenses
 18 to go see a major league baseball game in Atlanta. I
 19 said, No, I have no issues in Conventus, which is a
 20 partnership company between me and Tim, I had no issues
 21 in Conventus paying for the -- the trip.

22 I asked who was going on the trip. And Tim
 23 advised that he had invited Brian Hughes, Aaron Zahn and
 24 Mayor Delaney. And that --

25 MR. CHARLES ARNOLD: You said Delaney.

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1 already had suites in the stadium where FP&L could reach
 2 out and make visits, to drop in and say hellos to. And
 3 Paul was charged in providing that list to Pam.

4 Q Do you recall, as of September 23, at the time
 5 of this meeting, what the status of FP&L's efforts were
 6 in the ITN process?

7 A No, sir. In fact, you will note on item II (b)
 8 here, at one time it was indicated that the first draft
 9 of the ITN would be provided our team for review and
 10 comments. It's important to note that that never
 11 occurred. The local team never saw a first draft of the
 12 response to the ITN. The local team has no -- had no
 13 involvement in creation of the responses to the ITN.

14 FP&L changed their position and said no drafts
 15 would be provided to anyone and that the deal team would
 16 be the only one who would know what the responses to the
 17 ITN would include. And Pam and Danny Martell even
 18 indicated that they, too, would have no idea what the
 19 ITN response would be.

20 I say all that, Steve, to emphasize that the
 21 local team had absolutely nothing -- nothing to do with
 22 the response to the ITN.

23 Q FP&L substantive response to the ITN?

24 A FP&L's substantive?

25 Q Substantive.

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1 A Oh, excuse me, Mayor Curry. Did I say Delaney?
 2 I apologize. I've worked for too many mayors. I'm
 3 sorry. Mayor Curry.

4 He further advised that Mayor Curry was going
 5 to invite Scott Wilson. And so I said, Fine. Let's go
 6 on the ball game. That was the extent of that
 7 conversation.

8 Q Well, what was your understanding in your
 9 conversation with Tim as the reason for the trip?

10 A A fun afternoon, Friday afternoon trip, after a
 11 long week's work, for some fellowship and enjoyment at a
 12 major league baseball game, in a brand new stadium that
 13 had just recently been built in Atlanta.

14 Q So a private airplane with Tim Baker, Sam
 15 Mousa, Lenny Curry, Brian Hughes, Aaron Zahn and Scott
 16 Wilson was just a casual afternoon at a baseball game?

17 A That's exactly what it was.

18 Q Can you understand why the community of the
 19 City of Jacksonville might think there was more to it
 20 than that?

21 A I don't know what the community of the City of
 22 Jacksonville may be thinking and not thinking.

23 Q You're not sensitive to appearances?

24 A Oh, I can reference other potential appearances
 25 that may not have looked good.

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1 Q I bet you can.
 2 A You know I can. You want to talk about them?
 3 Q I just want to talk about this baseball game.
 4 A I'd like to talk about appearances.
 5 Q Did you think there was anything amiss about
 6 the appearance of these five individuals getting on a
 7 private plane and going to Atlanta during the ITN
 8 negotiations?
 9 A Steve, I can tell you this: Those people who
 10 know me and know my background and know my experience
 11 will know there is no way that I would have gone on any
 12 trip with anybody and purposely or maliciously violate
 13 any ex parte communication, any cone of silence or any
 14 anything. Now, what people think about perception,
 15 perception's in the eye of the beholder. And I can't
 16 worry about what people think about perception.
 17 Q And you're not sensitive to it?
 18 A I'm not sensitive to it?
 19 Q Right.
 20 A May I ask you something? Are you sensitive to
 21 contributing to Scott Wilson's campaign at the same time
 22 that Scott Wilson is signing your contracts and contract
 23 amendments for what we're doing here today? I'm -- I'm
 24 sensitive to that, just maybe like you may be sensitive
 25 to my trip.

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1 Q My question was, though, were you sensitive to
 2 the appearance of that trip?
 3 A Are you sensitive to what you did?
 4 Q Either you're going to answer my question or
 5 you're not.
 6 A No, I wasn't sensitive to it. That was the
 7 last thing on my mind, was going on a trip. And -- and
 8 doing anything that I -- first of all, I was directed by
 9 FP&L not to even talk about the ITN. I was not a
 10 registered lobbyist, so I couldn't lobby. And if I did,
 11 I would have been illegal in doing that. And so I have
 12 no preconceived idea that this trip was in any way
 13 associated with the ITN.
 14 Q Conventus paid for the trip?
 15 A Conventus paid for the trip. However, public
 16 officials, who had to reimburse for the trip, so did so.
 17 Q How much did Conventus pay for the trip?
 18 A I don't recall the number. I don't remember
 19 the number. Mr. Baker handled all the arrangements on
 20 invitations, payments, invoices, et cetera, except for
 21 one matter that I was involved with.
 22 Q I'm talking about this trip to Atlanta we've
 23 been talking about.
 24 A Yes.
 25 Q Do you have any idea how much it cost

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1 Conventus?
 2 A I could speculate and guess, but I don't know
 3 the exact amount.
 4 Q Do you see any sort of business accounting for
 5 Conventus that would tell you?
 6 A I can -- I can tell you approximately what the
 7 trip cost, but I can't tell you exactly.
 8 Q Well, tell me approximately what it cost.
 9 A \$5500.
 10 Q All things included?
 11 A I don't know. Tim handled all of that, but the
 12 airplane was five-plus thousand.
 13 Q The airplane alone?
 14 A Yes.
 15 Q And then you had the tickets and the seats and
 16 all that stuff?
 17 A No suites.
 18 Q Seats.
 19 A Tickets and seats are the same thing.
 20 Q But they were special seats, weren't they?
 21 A They weren't special seats.
 22 Q The newspaper said you had free food and
 23 beverages.
 24 A We were provided wrist bands to enter the Delta
 25 Club at any time we wanted. So we would enter the Delta

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1 Club, eat food, have a beer, and then go back out and
 2 sit in the seats.
 3 Q Did you have --
 4 A But the seats were not part of the Delta Club.
 5 Q Was there any expense to Conventus to have the
 6 wrist bands from the Delta Club?
 7 A The wrist bands, yes, were paid for by
 8 Conventus that Tim Baker handled.
 9 Q And do you know the approximate cost of those
 10 wrist bands?
 11 A 50 bucks, I believe. You'll have to ask him
 12 that question.
 13 Q Per --
 14 A Per person.
 15 Q -- person?
 16 A Yes, sir.
 17 Q Did you ever talk to Scott Wilson after the
 18 trip about the fact that he enjoyed it or wished he
 19 hadn't gone?
 20 A No, sir. The last time I talked to Scott
 21 Wilson was on December 17th of 2019. We never discussed
 22 his enjoyment or otherwise. I have read his comments,
 23 but we never discussed them.
 24 Q In the newspaper article about that trip, it
 25 was reported that he -- Brian Hughes said that he had

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1 paid Tim Baker \$400 in cash to cover his share of the
 2 expenses of the trip. Are you aware that Brian Hughes
 3 paid Tim or Conventus \$400 in cash?
 4 A Yes, sir, I am. I saw a receipt that Conventus
 5 issued to Brian Hughes for \$400.
 6 Q A written receipt?
 7 A A written receipt.
 8 Q For \$400 in cash?
 9 A Yes, sir.
 10 Q Do you know why Brian paid in cash?
 11 A I have no idea why he paid in cash.
 12 Q How did you happen to see that receipt?
 13 A Putting together a -- just happened to see it
 14 in reviewing all background and history on the project.
 15 Q On the project, what project?
 16 A On the trip. I shouldn't have said project.
 17 Q The trip?
 18 A Yeah.
 19 Q Let me show you what we marked as Exhibit 44.
 20 And this appears to be a team -- Freebird Team Meeting
 21 Agenda, dated October 25, 2019.
 22 A Uh-huh.
 23 (Mousa's Exhibit 44 was marked for
 24 identification.)
 25 Q Apparently a telephone call?
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1 A Yes, sir, this was a conference call. As I
 2 testified earlier, some -- some of our meetings were
 3 conference calls.
 4 Q And was the whole team there at this call, on
 5 this call?
 6 A To the best of my memory, the routine team
 7 members were there. I can tell you nothing was
 8 discussed during this meeting other than the cone of
 9 silence and the NDA language.
 10 Q That's your handwriting at the bottom?
 11 A That is mine. The -- this -- this agenda was
 12 never reviewed, never gone through. There was only --
 13 the only focus was that the JEA had issued a new NDA or
 14 a revised NDA that really strengthened the cone of
 15 silence in the ex parte communication. And there was
 16 much discussion on that. Some people thought they'd
 17 never seen anything like that before. Others thought --
 18 well, others commented on what they thought about it,
 19 but I can tell you Roman numerals I through VII were not
 20 discussed whatsoever. Otherwise, you would have
 21 probably seen some of my handwritten notes on this. The
 22 whole call was focused on the cone of silence.
 23 And once again, FP&L had emphasized, as they
 24 emphasized from day one, they wanted nobody -- no one
 25 talking to anyone about the ITN or the JEA. They made
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1 that vividly clear on numerous occasions.
 2 Q Tell me what your understanding of the meaning
 3 cone of silence is.
 4 A Well, you know, I use that because that's what
 5 others have used. I never heard of cone of silence.
 6 I've always known it to be ex parte communications and
 7 if people are using those two terms synonymously, then
 8 I'm assuming they're using those two terms synonymously,
 9 but ex parte communications is communications that would
 10 somehow give one team or one entity an advantage over
 11 the other by disclosing communications that one team has
 12 that another does not have.
 13 Q When you refer to one team versus another
 14 team --
 15 A Right.
 16 Q -- we're talking about competing bidders?
 17 A Competing bidders. In my experience, ex parte
 18 communication runs deep with my City involvement. Every
 19 bid, particularly every negotiating bid, not a hard bid,
 20 on a hard bid, everything is secret and it's a hard bid,
 21 but on any professional services selection or any
 22 negotiated item, ex parte has always been ex parte.
 23 Once the RFP hits the street, vendors,
 24 participants shall not contact nor shall any City
 25 official or employee discuss any contents of the RFP.
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1 If you have questions, you put them in writing to the
 2 procurement division and the procurement division
 3 responds to all vendors in writing.
 4 Q And -- and the idea is to keep competing
 5 bidders from having the advantage one over the other?
 6 A That is correct.
 7 Q And so your handwriting at the bottom of
 8 page -- Exhibit 44, NDA language expanded to -- what's
 9 that, silence all?
 10 A Yes.
 11 Q Is that what that says?
 12 A That's what it says.
 13 Q What does that mean, all?
 14 A Based on my understanding, and I've never seen
 15 the NDAs, was you couldn't talk to anybody, whether
 16 they're related to the JEA or not, about the JEA ITN.
 17 In essence, you couldn't talk to your neighbor, that's
 18 how hard -- I understand the NDA was written. It
 19 required you not to say a word to anyone about the ITN
 20 or the JEA's process of the ITN.
 21 And there was some strong consternation during
 22 this meeting about that. As I stated earlier, some of
 23 the folks couldn't believe that, couldn't understand
 24 that that's what's happening. And others just didn't
 25 say anything and didn't complain about it.
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1 Q Your statement was that you couldn't say
2 anything to anybody. Who's the "you" you referred to?
3 A No one. Me, us, our team. We were admonished
4 extremely heavily not to say a word to anyone, anyone,
5 whether you're associated with the JEA, whether they are
6 associated with the JEA or otherwise, about the ITN or
7 anything related to the ITN.

8 Q So you're saying the Freebird team could not
9 communicate?

10 A That is correct. Freebird team was told not
11 to. They could, but they were told not to. Of course
12 they can speak, but they were told not to.

13 Q Told by whom?

14 A Danny Martell and Pam Rauch.

15 Q Those were instructions from FPL?

16 A Big time.

17 Q And do you recall what the status of the ITN
18 process was at the time of this meeting on October 25?

19 A No. Only that. And I don't know if the -- I
20 think the required submittal date was September 30th.
21 And if that date had held, then I guess they were in
22 process of reviewing or negotiating with potential
23 entities.

24 Q They being JEA?

25 A Yes, sir.

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1 all times, you know, Paul was in the business where he
2 deals with the council on a daily basis.

3 Q Paul Harden?

4 A Paul Harden.

5 THE WITNESS: Mr. Busey's being funny now, but
6 he still didn't tell me if he liked my handwriting,
7 Judge. Maybe at the end of the thing, he will.

8 A Paul's involvement -- constant involvement with
9 city council, they would ask Paul, Paul, what do you
10 think the council is leaning with the sale of the JEA?
11 And Paul would verbally verbalize. He would verbalize
12 during the meeting. And Susie was taking notes, I
13 recall, that day. And subsequently Susie had put
14 together this document and said, As per Paul.

15 So I'm assuming this document is reflective of
16 the notes that Susie took when Paul was verbalizing his
17 thoughts of where council members were.

18 Q Verbalizing during?

19 A For the group. During the group meeting.

20 Q Freebird -- the FPL Freebird team meeting?

21 A Yes, sir.

22 Q And because this is dated -- Exhibit 45, e-mail
23 is dated October 25 and because we just looked --

24 A What date was that meeting?

25 Q Exhibit 44, you had a team meeting on October

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1 Q Let me show you what we marked as Exhibit 45.
2 Do you recognize that?

3 A Yes, sir, I do.

4 (Mousa's Exhibit 45 was marked for
5 identification.)

6 Q What is it?

7 A This is a document attachment to an e-mail.
8 The e-mail is written by Susie Wiles and sent to Pam
9 Rauch, Danny Martell, Paul Harden, Marty Fiorentino and
10 Sam Mousa. And the attachment on the e-mail body says,
11 As per Paul, Susie. And it is my understanding this was
12 Paul Harden's anticipation of where council members
13 leaned on the sale of JEA.

14 Q How do you have that understanding?

15 A Because I recall during the meeting Paul was
16 asked if --

17 Q The meeting would be the --

18 A Sir?

19 Q The meeting would be the October 25 meeting?

20 A I don't know which meeting it was, sir. It
21 could have been the meeting just before this or one even
22 before that. I don't -- I don't recall.

23 Q All right. Excuse me.

24 A But I recall discussions -- Paul was being
25 asked -- because of his involvement with the council at

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1 25?

2 A So it could have been the same day.

3 Q Appears to be likely, doesn't it?

4 A No, that didn't occur during this -- that
5 discussion did not occur during this conference call.
6 This conference call was strictly the cone of silence
7 and NDA. It's just coincidence that Susie sent that on
8 October 25th, but I know Paul's verbalization did not
9 occur on the 25th.

10 Q But it did in some team meeting?

11 A It did. Yes, sir, it did.

12 Q And if you look at Paul's list --

13 A Yes, sir.

14 Q -- and if you count the people who are either
15 yes or leaning yes, it's 11 of the council people?

16 A If you say so. I never counted them.

17 Q So when you -- whenever Paul was articulating
18 these leanings, there was no discussion among the team
19 that the leaning suggested the council was leaning in
20 favor of the sale of JEA?

21 A I don't think the team put much credence in
22 this listing. I don't know how Paul knew, but I don't
23 think the team put much -- of course they respect Paul's
24 opinion, but they did not put much credence into the
25 validity and the -- the seriousness -- not seriousness,

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1 but the accuracy of this listing.
 2 Q Well, help me understand that. You -- you said
 3 on the one hand they respected Paul's opinion.
 4 A They did.
 5 Q And I can understand that. So why wouldn't
 6 they put much credence?
 7 A I think it was too early in the process to put
 8 much credence in it.
 9 Q October 25?
 10 A Well, I would think so. They had no idea who,
 11 you know, the bidders were and what was happening.
 12 There was concern among the council members for
 13 transparency. And so FP&L, I'm sure, took this into
 14 consideration, but they weren't going to bank on it.
 15 Q Well, October 25 was well after Billy -- Kyle
 16 Billy blew the whistle on the PUP plan, wasn't it?
 17 A Well, I don't know when he blew the whistle on
 18 the PUP plan.
 19 Q You're not aware of that?
 20 A I knew he blew the whistle. I don't know if it
 21 was October 25th or not.
 22 Q Or whether it was before that or after that?
 23 A I have no idea. You'll have to remind me when
 24 he blew the whistle on the PUP.
 25 Q It was before October 25?

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1 A It was before the 25th?
 2 Q Yes.
 3 A Okay.
 4 Q So I would -- my perception, generally
 5 speaking, in the community was in the fall of 2019, the
 6 thought of the council being supportive of selling JEA
 7 was eroding.
 8 A I wouldn't deny that, but keep in mind the date
 9 of Susie's e-mail does not necessarily indicate when
 10 this discussion took place. That's --
 11 Q And you're not aware of when that was?
 12 A I don't recall, but I'm aware the discussion
 13 took place.
 14 Q Okay.
 15 A But I do not know in which meeting.
 16 Q Are you aware of any other discussion about
 17 Paul's list, other than what we just talked about?
 18 A No, sir. And, again, I don't know -- I have
 19 no idea how Paul gained the insight to make these
 20 estimates.
 21 Q Did you talk to Paul about it?
 22 A No.
 23 Q Did it occur to you this is pretty
 24 presumptuous?
 25 A When is Paul never presumptuous about

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1 anything?
 2 Q Is that a yes or a no?
 3 A You got my answer.
 4 Q Let me show you what we marked as Exhibit 30.
 5 A Thank you.
 6 (Mousa's Exhibit 30 was marked for
 7 identification.)
 8 MR. CHARLES ARNOLD: Thank you. Did you say
 9 30?
 10 MR. BUSEY: 30.
 11 BY MR. BUSEY:
 12 Q Which is another e-mail from Pamela Rauch,
 13 dated -- this one's dated September the 6, 2019, to the
 14 Freebird team. And the e-mail says, Team, as a
 15 follow-up from our last meeting, attached is a service
 16 map of FPL service territory. FPL service territory.
 17 Hope this helps. Have a great weekend. Pam.
 18 Do you remember seeing this?
 19 A I do, but I don't recall why she sent it. I
 20 guess she was letting the team know where FP&L service
 21 territories were.
 22 Q Have you ever heard the phrase that
 23 Jacksonville was a hole in FPL's doughnut?
 24 A I heard that many years.
 25 Q What is your understanding what that means?

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1 A Means FPL service was surrounding the JEA
 2 service, surrounding as far as counties.
 3 Q Does that suggest FPL would be a logical suitor
 4 for JEA?
 5 A As I stated earlier, FP&L had a lot of prior
 6 contracts and agreements with the JEA. And it would not
 7 have surprised me if that would not have been an
 8 advantage to FP&L being a potential suitor of the JEA.
 9 Q Let me show you what we marked as Exhibit 46.
 10 A Thank you.
 11 (Mousa's Exhibit 46 was marked for
 12 identification.)
 13 Q This is another e-mail from Pamela Rauch, dated
 14 October 24th, to the team and others. And it says,
 15 Attached are those guests which will be attending the
 16 Jaguars game in our suite this Sunday.
 17 This Sunday, the next Sunday after the date of
 18 this memoranda would be October 27th.
 19 Paul, I do believe there are others that will
 20 be at the game that you have identified to connect with
 21 Eric. So let us know what your thoughts are on that.
 22 Do you know who Eric is?
 23 A Eric Silagy, the CEO of Florida Power.
 24 Q You understand he was going to be at the game?
 25 A It's my understanding he was going to be at the

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1 game, yes, sir.

2 Q But you weren't there?

3 A No, sir.

4 Q And what understanding did you have, if any,
5 as to why FP&L was purchasing a suite in the Jaguar's
6 stadium and inviting these people on October 27th,
7 2019?

8 A First of all, I don't know if they purchase
9 suites. I think they rented suites on a per game basis,
10 but I don't know for a fact. So I don't want to answer
11 your question on purchase. I don't know if they
12 purchase suites.

13 It all relates to them wanting to mingle with
14 businesspeople and others in the community, all based on
15 raising their profile, improving their community
16 outreach and knowing who --

17 THE WITNESS: Can we go off the record, sir?

18 MR. BUSEY: Yes.

19 (Off-the-record discussion.)

20 A But the answer to your question, sir, this was
21 just a matter of FP&L's marketing and strategy to
22 knowing who -- wanting to know who the local players
23 were.

24 Q It looks like a pretty thorough effort towards
25 that end, doesn't it?

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1 Q What was your understanding of why you were
2 being asked to do that?

3 A There was questions about what was in the
4 original report. It was either during a phone call and
5 it could have been -- I don't know when the phone call
6 was. No one had a copy of the report in front of them.
7 Some people said, oh, it's in my desk back at the
8 office. And others say, you know, I've never seen it.
9 So Pam says, Sam, can you find a copy of the PFM report
10 and send it to these people? And that's exactly what I
11 did.

12 Q That's the PFM valuation report that was done
13 in February of 2019?

14 A That was presented to the special city council
15 meeting on February 4th, 2018.

16 Q 14?

17 A 2018 -- 2019 -- 2018.

18 Q February --

19 A February 14th of 2018 is when the presentation
20 was made.

21 Q And that's the report we're talking about here
22 with Exhibit 47?

23 A Yes, sir.

24 Q Okay. And beyond what you've already said, did
25 Pam say why they wanted to see this?

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1 A You know, Mr. Busey, I have never been involved
2 in anything like this before, in a company wanting to
3 acquire another company. But from what I knew and
4 heard, they were extremely hard to prove and/or wanting
5 to prove that they were the company to be selected.

6 Q They being FPL?

7 A Yes, sir. Yeah, at no time did I feel that
8 they thought this was theirs at all, that they knew they
9 had to compete and they had to compete fairly and
10 strongly.

11 Q Let me show you what we marked as Exhibit 47.

12 A Uh-huh.

13 (Mousa's Exhibit 47 was marked for
14 identification.)

15 Q It's another e-mail from Pamela Rauch to Sam
16 Mousa, dated October 31, 2019 --

17 A Correct.

18 Q -- and to others on the team. And it says,
19 Please find attached the JEA/PFM report, as requested.
20 Thanks.

21 A Correct.

22 Q This was from you to Pamela?

23 A That is correct. I was asked to find a copy of
24 the PFM report and to furnish it to the individuals that
25 were shown on my e-mail to Pam.

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1 A No, she felt every team member should have a
2 copy of it. And as I stated some didn't, some left it
3 back at the office. And so as a courtesy, Pam says, I
4 tell you what, Sam, can you locate it? And I did. I
5 located it on the Internet and downloaded it and
6 forwarded it to all these team members.

7 Q Well, at this point that the report was a year
8 and a half old and it dealt with the merits of the value
9 of the JEA, why would that be of interest to a team that
10 was looking to raise FPL's profile in the community in
11 late 2019?

12 A They may have wanted it for their deal team, I
13 don't know.

14 Q Say it again.

15 A They may have wanted it for their deal team, I
16 don't know.

17 Q They being FPL?

18 A Yes, sir.

19 Q Let me show you what we marked as Exhibit 48.
20 Do you recognize that?

21 A No, sir. This was another document that
22 Mr. Russell sent me the last couple of days and I did
23 not recognize it.

24 (Mousa's Exhibit 48 was marked for
25 identification.)

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1 Q It's entitled Confidential Version and that's
2 crossed out and then it says, Revised Redacted Version.
3 And it says, Confidential Preliminary Proposal, NextEra
4 Energy, November 26, 2019. And it's addressed to John
5 McCarthy, Vice President of JEA, and Jen McCollum,
6 Director of Procurement Services of JEA. And it says,
7 Re: NextEra's Energy's Revised Reply Regarding JEA.
8 To your knowledge, is this FPL's/NextEra's
9 response to the ITN, or you can't say?
10 A I can't say. I don't know what this is.
11 Q Okay.
12 A Doesn't even reference the ITN number or
13 nothing like that. I have no idea what this is written
14 in response to. Typically anything referenced in an ITN
15 would reference an ITN number.
16 Q You see the first sentence says, NextEra was
17 pleased to provide this reply -- revised reply --
18 A Okay. I see that.
19 Q -- JEA invitation to negotiate?
20 A I see that.
21 Q There's no number --
22 A Yes.
23 Q -- but there is an invitation to negotiate.
24 A Yes. I see that now, but I don't know what
25 this was written for or why.

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1 Q And on page 3 and 4 and 5 --
2 A Page 3, 4 and 5.
3 Q -- there are redactions.
4 A Yes, sir.
5 Q And you don't know what that --
6 A I have no clue.
7 Q -- redacted?
8 A No clue. Never seen this document.
9 Q I'm going to show you Exhibit 49.
10 A Yes, sir.
11 (Mousa's Exhibit 49 was marked for
12 identification.)
13 Q Do you recognize this document?
14 A I do, sir.
15 Q It's a letter on your letterhead, directed to
16 the mayor's office.
17 A Yes, sir.
18 Q Written to Brian Hughes.
19 A Yes, sir.
20 Q And your first sentence says, Please consider
21 this correspondence a 30-day termination notice without
22 cause, effective December 31.
23 A Yes, sir.
24 Q Of your -- of what, of your consulting with the
25 mayor?

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1 A Well, it references the City contract in the re
2 up above. Mousa Consulting Group, Inc., for general
3 consulting services, City Contract 10685.
4 Q That's your \$10,000 a month consulting
5 agreement?
6 A Yes, sir.
7 Q And why was that terminated?
8 A I initiated this termination.
9 Q Why did you do that?
10 A The letter speaks for itself.
11 Q Well, tell me.
12 A It speaks for itself. Read the letter or I can
13 read it for you.
14 Looking ahead to the new year. Family
15 commitments and other professional obligations will
16 prevent me from fulfilling the subject contract or
17 obligations, thus not providing the City of Jacksonville
18 with the complete and comprehensive services it deserves
19 and expects.
20 Letter speaks for itself.
21 Q Well, were there family commitments that you
22 incurred in September and October --
23 A The letter speaks for itself, Steve.
24 Q Are you going to let me finish my question?
25 A Well, that's part of the question.

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1 Q You made this commitment to the City on
2 September -- effective September 1 to be a consultant?
3 A Correct, sir.
4 Q So this is 60 days later and you're saying you
5 can't be a consultant? 90 days.
6 A 90 days later.
7 Q 90 days.
8 A Yes, sir, that is correct.
9 Q And has something changed in your family
10 commitments in 90 days?
11 A The letter speaks for itself. I'm not going to
12 get into my family commitments.
13 Q Okay. Apart from your family commitments, what
14 changed in 90 days to make you change your mind about
15 being a consultant to the mayor for \$10,000 a month?
16 A The letter speaks for itself. I had other
17 professional obligations that I wanted to pursue.
18 Q That could conflict with your obligations?
19 A Could possibly conflict.
20 Q Did the status of what was going on with the
21 ITN have anything to do with it?
22 A With this letter?
23 Q Yeah.
24 A Absolutely not. My contract with the City had
25 absolutely nothing to do with the status of the ITN,

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1 nothing.

2 MR. CHARLES ARNOLD: I believe he was referring
3 to your other contractual obligations as to why you
4 couldn't work with the City anymore.

5 THE WITNESS: I had no other contractual
6 obligations on the ITN.

7 MR. CHARLES ARNOLD: I just made it worse. I'm
8 sorry. Ask your question again.

9 MR. BUSEY: You're doing fine.

10 THE WITNESS: Maybe you ought to sit over
11 here.

12 MR. CHARLES ARNOLD: I don't want to.

13 BY MR. BUSEY:

14 Q I tell you, beyond -- I take it beyond what is
15 in this letter that we've marked as Exhibit 49, you
16 don't want to tell me why 90 days later you quit as a
17 consultant to the mayor?

18 A The letter speaks for itself. I can't tell you
19 any more than what the letter says. Family commitments
20 and other professional obligations would prevent me from
21 providing the services the City expected to receive from
22 me.

23 Q Are those family commitments and other
24 professional obligations that you did not have on
25 September 1, 2019?

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1 Q It's dated October 31. Thank you for your help
2 with Jag game this past Sunday.

3 You didn't do anything to help with the Jags?

4 A No, I did not. I was not interested in the
5 Jags, period.

6 Q Why weren't you interested in the Jags?

7 A You don't want to know.

8 MR. CHARLES ARNOLD: I'm afraid I'll have to
9 start testifying as a part of that answer. Goes
10 back to '92.

11 Q Fourth paragraph of this letter says, Also I'm
12 assuming that Marty, Susie and Sam will be attending and
13 will need a ticket and a suit -- suite pass and Paul
14 will attend, but will not need a ticket.

15 Do you know why he was assuming that you would
16 attend?

17 A Can't tell you why they were assuming anything.
18 I never attended any game that FP&L was hosting. I had
19 no interest in being around everybody up there. You get
20 up on the suite level, you never get to watch a game.

21 Q What do you do?

22 A People bombard you.

23 Q Talking about City business?

24 A City business, their kids, their grandkids and
25 all I want to do is watch a damn football game.

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1 A I won't talk of the family commitments, but I
2 will talk about other obligations that I did not have on
3 August 30th of 2019.

4 Q Okay. Talk about that.

5 A Just started picking up other contracts under
6 Mousa -- under Conventus, LLC, became too busy. And I
7 never wanted to be as busy as I had become when I left
8 government.

9 Q So in 90 days, you got too busy to help the
10 mayor?

11 A In 90 days, I told you, I was being solicited
12 almost every day for my expertise and services. And
13 many of those I turned down because of conflicts. And,
14 yes, family commitments, obligations and other
15 professional obligations. The letter speaks for
16 itself.

17 Q Let me show you what we marked as Exhibit 52.

18 A Thank you.

19 (Mousa's Exhibit 52 was marked for
20 identification.)

21 Q And this is an e-mail apparently from Jim Bush
22 at FPL to the Freebird consulting team of Susie, Marty,
23 Paul, Sam, with a copy to Kathy Chambers.

24 Do you remember seeing this e-mail?

25 A Yes, sir, I do.

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1 Q So it's too social of an occasion?

2 A Too much.

3 MR. CHARLES ARNOLD: And they play music
4 between every play so you never can follow the game.
5 It's a rock concert. Paul didn't need to get a
6 ticket because he owns the stadium.

7 MR. BUSEY: That was my next question.

8 THE WITNESS: Yeah, Paul is Shad Khan's able
9 assistant. He can attend whenever he wants to.

10 MR. CHARLES ARNOLD: That was part of the
11 reason he gave him the stadium. You forgot, he gave
12 Paul the stadium.

13 THE WITNESS: That's right. I forgot that.

14 BY MR. BUSEY:

15 Q I don't want to get off the record.

16 Did you have anything to do with counseling as
17 to who should be in the suite, the guest list?

18 A No, sir. I wasn't interested in those games
19 and wasn't interested in who would go, not go. I was
20 not asked -- I was not asked specifically, Sam, do you
21 have any recommendations who should be up there? I just
22 didn't.

23 Q But this is part of your consulting agreement,
24 wasn't it?

25 A That is, part of the team, part of the team

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1 meetings, yes, sir. There were times I just didn't say
 2 anything.
 3 Q That's -- that's a good thing sometimes.
 4 A It is a good thing sometimes.
 5 Q So you didn't have any input on the guest list
 6 on Exhibit 52?
 7 A No, sir.
 8 Q Let me show you what we marked as
 9 Exhibit 53 --
 10 A Thank you.
 11 (Mousa's Exhibit 53 was marked for
 12 identification.)
 13 Q -- which is an e-mail from you to Pamela and
 14 Danny Martell. Please see the attached draft agenda.
 15 A Right.
 16 Q And this is an agenda that you had drafted?
 17 A There should be an attachment to this which
 18 shows an actual agenda. But I'll explain what this
 19 e-mail is, in preparation for a meeting, Danny Martell
 20 initiated the string from Danny to me -- from Danny to
 21 Paul. Excuse me. From Danny Martell to Pamela Rauch.
 22 And Danny is saying, Here are the items I think we ought
 23 to be prepared to discuss. So this was Danny's proposed
 24 agenda.
 25 And he ends off by saying, I will call you to
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1 discuss. I view this as a draft of ideas. There could
 2 be more.
 3 And then Pam writes Danny and says, What about
 4 some of these additions in blue? And so the blue on
 5 this agenda are additions that Pam wanted.
 6 And then Danny forwards the e-mail to me. Sam,
 7 here are a few notes that Pam and I bounced around for
 8 the next agenda meeting. Let us know what you think.
 9 We could add and delete as necessary.
 10 Pam then writes and says, I would also add a
 11 discussion about creating or adding a coalition and a
 12 discussion of the timing of that launch.
 13 And what I did is I took these comments and
 14 created an agenda similar --
 15 MR. CHARLES ARNOLD: It's Exhibit 55, if you
 16 want.
 17 THE WITNESS: Is it Exhibit 55?
 18 MR. CHARLES ARNOLD: I believe so.
 19 THE WITNESS: Let me see.
 20 BY MR. BUSEY:
 21 Q I'll show you Exhibit 55.
 22 A This is -- yes, it appears that Exhibit 55 is
 23 what I developed as an agenda based on the e-mail of
 24 Exhibit 53.
 25 (Mousa's Exhibit 55 was marked for
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1 identification.)
 2 Q An agenda for a meeting of Freebird Team on
 3 December 19th?
 4 A That is correct, sir.
 5 Q Did that meeting occur?
 6 A Yes, sir, it did.
 7 Q Where?
 8 A At -- all our meetings, if they were in person,
 9 were at Epping Forest.
 10 Q Was that meeting in person?
 11 A Yes, sir. Otherwise, I would have had a
 12 conference call number at the top.
 13 Q And what happened at that meeting?
 14 A Are you referencing to Exhibit 55?
 15 Q Yes.
 16 A Well, as every meeting, I would begin -- since
 17 I put together these agendas, I would begin the review
 18 of the previous meeting's action items.
 19 Q Did anybody reach out to Melissa and Nate?
 20 A I don't believe it ever happened. I don't
 21 believe that ever happened and I don't believe there was
 22 any follow-up on this because soon thereafter the ITN
 23 was cancelled.
 24 Q Roman numeral V says, Availability of data.
 25 The first one is UNF polling data. Was there UNF
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1 polling data available?
 2 A UNF either created a poll or was talking about
 3 doing a poll on whether or not the community was
 4 interested in selling the JEA. So I don't recall if
 5 there was an actual UNF poll, but FP&L was interested in
 6 those results, if there was one.
 7 Q But you don't remember whether there was a poll
 8 or not?
 9 A I do not. I want to say there was, but I can't
 10 swear to it.
 11 Q Are you available -- are you aware of any other
 12 data regarding the community or the council's
 13 receptiveness to the ITN process?
 14 A No, sir.
 15 Q Roman numeral VI of this agenda, it says,
 16 Political Process Timeline.
 17 A Uh-huh.
 18 Q What was the expectation of those dates in
 19 Roman numeral VI?
 20 A This was -- this was a brief outline -- outline
 21 sort of timelining the anticipated expectation of the
 22 JEA board vote on a potential competitive -- competing
 23 entity, expectation of how long it would take to get the
 24 city council vote after the JEA vote. And then
 25 expectations of a referendum vote after the city council
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1 vote.

2 So at that time, it was still anticipated that
3 the process would -- the ITN process would continue and
4 there was discussion about next steps.

5 Q You say at that time, you're talking about
6 December 19?

7 A Yes, sir.

8 Q Let me show you what we marked as Exhibit 54,
9 which is a letter from the mayor to JEA board
10 members --

11 A Yes, sir.

12 (Mousa's Exhibit 54 was marked for
13 identification.)

14 Q -- dated September 12th, which is the date that
15 occurs between your e-mail of December 10, which was
16 Exhibit 53, and the December 19th meeting so in
17 between -- in the week between the mayor, on December
18 12th, sends the JEA board members this letter.

19 Have you seen this letter before, Exhibit 54?

20 A Yes, sir. I believe I've seen this letter
21 twice before. One soon after it was written in the
22 media and then yesterday or the day before when
23 Mr. Russell sent this to me in advance of my interview.

24 Q And when you saw it yesterday, did it refresh
25 your recollection that you had seen it before?

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1 that he wanted the process to continue.

2 What he did subsequent to the process, I have
3 no idea, but he never told me I'm selling the damn JEA,
4 ever.

5 Q On the second page of the letter, it says, I am
6 requesting a path that will acknowledge the important
7 work accomplished by JEA over the past year and give the
8 city council the strategic opportunity it seeks because
9 both are important for the people of Jacksonville.
10 Therefore, I ask you as a board to do the following:

11 Number 1, At your board meeting next week, tell
12 JEA senior leaders to prepare specific legislative
13 requests for council related to each of the five
14 scenarios.

15 Do you know what the mayor's doing in asking
16 the board of JEA to tell its leadership what to do?

17 A No, sir, I can't speak on behalf of the mayor
18 there.

19 Q That doesn't sound like good governance, does
20 it?

21 A I can't tell you what the mayor meant there.
22 It could have been poor English language. I don't
23 know.

24 Q So, again, in paragraph 2, he says, One of the
25 scenarios includes the ongoing ITN process, so tell the

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1 A It refreshed my recollection that I had seen it
2 before. I recognize seeing the letter before.

3 Q And in the first paragraph, the mayor says,
4 Thank you for your dedication to our community with your
5 service on the JEA board during a time of challenge. As
6 you and the senior leaders of JEA know, the utility
7 industry is facing marketplace disruption and
8 technological innovation that presents very serious
9 threats to the future success of a government-owned
10 utility. Turning a blind eye to this would lead JEA on
11 a course towards rapidly increasing rates, unconstrained
12 debt and more -- more uncertainty for employees,
13 customers and taxpayers. So, again, thank you for
14 continuing to put the best interest of our community
15 foremost.

16 Sounds there like the mayor's interested in
17 selling the JEA, doesn't it?

18 A I don't know what the mayor -- what it sounds
19 like here, but I can tell you, as I testified earlier,
20 the mayor had never advised me that he was going to sell
21 the JEA. He wanted a complete and thorough, legitimate
22 process to determine what the value of the JEA was that
23 would furthermore preserve the three pillars that I
24 discussed earlier; employees, rate payers and the amount
25 of cash that would be presented. He was very insistent

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1 seniors leaders and their advisors to conclude the ITN
2 by the end of January.

3 A I can tell you what his -- I can't tell you
4 where the word "tell" came from. What I can tell you,
5 that I knew that he was feeling the same frustrations
6 that the city council was feeling and the city council
7 was feeling being left out of the loop, completely being
8 left out of the loop. Notwithstanding that at the end
9 of the day, the council would have been presented with
10 a, quote, winning bidder that they could evaluate, that
11 they could discuss. And he was -- he was frustrated, as
12 were the council members were, with what was happening
13 at the JEA.

14 And to be quite honest with you, the council's
15 frustration, and this is me speaking from what I've read
16 and seen, the council frustration grew tremendously
17 higher after Kyle Billy disclosed the PUP plan and what
18 the PUP plan would be valued.

19 And so I believe, knowing the mayor, he wanted
20 specific actions to be taken and presented to the city
21 council for their final deliberation.

22 Q There's an awful lot of documentation that
23 suggests the ITN process was designed by JEA's
24 consultants to conclude in March of 2020. And in
25 December of 2019, for the first time, both, the

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1 negotiations in Atlanta and in this letter, which is
2 Exhibit 54, the mayor's office, both, through his
3 negotiators in Atlanta and the mayor himself in this
4 letter, have now truncated that time frame from March of
5 2020 down to January of 2020. And, hence, this
6 paragraph 2, on the second page of 54, One of the
7 scenarios includes the ongoing ITN process, so tell the
8 senior leaders and their advisors to conclude the ITNs
9 by the end of January.

10 What is the mayor doing telling the board
11 what to tell its management about the timing of the
12 process?

13 A Sir, I can't tell you what the mayor's doing by
14 telling the board to tell senior leaderships. I can
15 only tell you that the mayor -- I believe the mayor was
16 becoming frustrated and wanted the board to advise
17 staff, get this done and get the information to city
18 council because they are very frustrated with the lack
19 of information that you have provided.

20 Q Well, you just told me that you perceive that
21 the community was getting upset because of what Kyle
22 Billy did in September of --

23 A I never said it was the community, sir. I said
24 the council.

25 Q Accepting that amendment, the council was
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1 getting upset because of what Billy Kyle had done to
2 disclose extraordinary payouts under Aaron Zahn's
3 proposed PUP plan, and which is consistent with my
4 impression as well. So it could be perceived that if
5 there was a concern on the part of City Hall that the
6 ITN process was being undermined because of the
7 council's concern about this PUP plan that -- and the
8 City Hall wanted JEA to be sold, that the logical step
9 would be for the mayor to tell the JEA board to tell the
10 staff to hurry up and get this thing done before the
11 whole thing falls apart.

12 Do you think that's what the mayor was doing,
13 was to try and get the sale of JEA's assets --

14 A Sir, I can't tell you what the mayor was
15 thinking and I can't agree one way or the other with
16 your perception.

17 Q You understand my question?

18 A Oh, I do totally understand your question. I
19 do know, just by reading the media and watching council
20 meetings and watching everything else that was going on,
21 that council was becoming extremely agitated with the
22 process. And became even more agitated upon learning of
23 the PUP plan. And I believe the mayor wanted to back
24 down the agitation, help resolve the agitation by
25 getting information to the city council as soon as

1 possible.

2 And that's me speculating. I don't know.

3 Q Paragraph 5, Finally city council has spoken
4 much to old models of municipal utility service, so I
5 would ask you to instruct the JEA team to consider a
6 sixth scenario and prepare research on it, which would
7 consider -- be collapsing and moving the independent
8 authority into a municipal department.

9 Do you know what the mayor's doing in telling
10 the board how to instruct its management? Why is the
11 mayor involving himself in JEA management?

12 A Sir, once again, I can only tell you. He's not
13 instructing the board, I have to take exception to that.
14 He's asking them. He said, I ask you. He doesn't say,
15 I demand you do it.

16 Q He asked the board to instruct the
17 management?

18 A Yeah, he's asking the board. The board can do
19 what they want. He's -- he's not instructing the board;
20 he's asking the board.

21 I'll tell you why he's doing number 6, because
22 in the media and on television, you've heard the council
23 say, One option should be the City taking it back over
24 as a department.

25 MR. CHARLES ARNOLD: That's 5, not 6. You said
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1 6. You meant 5.

2 THE WITNESS: No, 5.

3 MR. CHARLES ARNOLD: Yeah.

4 THE WITNESS: Collapsing into a municipal
5 department.

6 MR. CHARLES ARNOLD: You said 6. I'm just
7 saying it's 6. You said 5.

8 THE WITNESS: 6. Can't be 6. 6 has got
9 nothing to do with instructive.

10 MR. CHARLES ARNOLD: You said 6 --

11 THE WITNESS: Ah.

12 MR. CHARLES ARNOLD: -- you meant to say 5.

13 THE WITNESS: Doggone it.

14 MR. CHARLES ARNOLD: Okay.

15 THE WITNESS: Under number 5.

16 MR. CHARLES ARNOLD: There you go. Straight
17 now.

18 THE WITNESS: Under number 5.

19 BY MR. BUSEY:

20 Q You -- again you've referenced the -- the PUP
21 plan and Kyle Billy's blowing the whistle in the fall of
22 2019.

23 A Did I use the word "blowing the whistle"?

24 Q No.

25 A Okay.

1 Q But you referred to Billy Kyle's report and the
2 council consternation about it.

3 A Yes.

4 Q Do you have any familiarity with what the PUP
5 plan was or the proposed payouts under the PUP plan?

6 A Only from what I read, sir, in the media.

7 Q And what is your understanding from what you
8 read in the media?

9 A Based on the model that was being discussed,
10 the payout was proportionate to the amount of net
11 proceeds that the JEA would have -- the City would have
12 received from the sale of the JEA, but I couldn't tell
13 you what the model is, how the model was developed.

14 In fact, the first time I heard about the PUP
15 plan is when Kyle Billy presented it to the city
16 council. And I'll be quite frank with you, I was quite
17 surprised that such a plan was being -- even being
18 considered.

19 Q When you say "such a plan," you mean a -- a --
20 an incentive plan that would pay a lot of money to the
21 senior management of JEA?

22 A I think it was a plan that had a couple of
23 fallacies in it. The sale of stocks that didn't belong
24 to the employees or stock options or whatever it is they
25 were doing, it didn't belong to the employees, but

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1 Q Well, you -- you read in the media reports
2 about this PUP plan that conceivably the payout for
3 senior management of JEA could be in the hundreds of
4 millions of dollars total?

5 A You know, I've read so many numbers. The last
6 article I read was this morning where the TU wrote what
7 the FP&L offers were. I think it was 11.05 million --
8 billion gross, 6.45 billion net. And according to the
9 newspaper article this morning, Kim Taylor, the council
10 auditor, went back and plugged those numbers into the
11 model and determined there could have been 1.1 billion
12 of money distributed to senior leadership folks.

13 Now, how accurate Kim Taylor's number is, I
14 don't know, but it's eye-popping to hear where 1.1
15 billion could possibly -- and I say possibly because I
16 don't know any of this for a fact, could have been
17 distributed to senior leadership team.

18 Q Did you know coincident- -- maybe it's not
19 coincidentally, that that same number, \$1.1 billion
20 payout was used by Foley & Lardner, a lawyer, while
21 Foley & Lardner was advising JEA?

22 A I have -- I have no knowledge of that, sir.

23 Q But in any event, 1.1 billion payout to senior
24 management would be eye-popping, wouldn't it?

25 A Definitely would be, sir.

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1 belonged to the county, the rate payers, was not an
2 appropriate thing to do.

3 And I was taken aback by the potential, I don't
4 know what the exact is, but by the potential amounts of
5 what JEA senior executives could possibly -- possibly
6 earn under this plan. It was -- it was astounding --
7 astounding to me when I read that.

8 Q The size of the numbers?

9 A Oh, yes, sir. But for many years, the JEA, in
10 the past, always talked big numbers, even when they
11 didn't have PUP plans. They put out 30-, 40-, \$50,000
12 bonuses to senior leadership team, 6- to \$12,000 bonuses
13 to other managers every year. The JEA, over the years,
14 has always treated themselves differently than city
15 government.

16 For many years when the City couldn't give out
17 raises, the JEA was continuing to give raises, during
18 the recession of '08, '09, '10. I would hire an
19 accountant for a range that's set by the City. They'd
20 work with me for two weeks and get hired by the JEA,
21 twice the salary.

22 So they lived in a different mentality with
23 regards to money compared to what general government
24 did with their raises and with their salaries and so
25 forth.

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1 Q Do you have any idea if anybody in the mayor's
2 office, the mayor's administration, before October of
3 2019 had any idea about the magnitude of what Aaron Zahn
4 was proposing in terms of long-term incentive plan for
5 the senior management of JEA?

6 A Sir, I have no idea. I wasn't there. But I
7 can tell you, knowing the mayor and knowing Brian and
8 knowing others on the mayor's floor, had they known,
9 they would have put an immediate stop to it. And people
10 have asked me what I would have done if I was still the
11 CAO and my response was I would have marched across the
12 street and gone up to that ivory tower and sat down with
13 Aaron Zahn and asked him, What the hell are you doing?
14 Stop it. But, unfortunately, I never had that
15 opportunity.

16 Q You would have done that if you were the chief
17 administrative officer in the fall of 2019?

18 A You're damn right.

19 Q Did Brian Hughes do that?

20 A I don't know what Brian Hughes did, sir.

21 Q Did you have this conversation with
22 Brian?

23 A No, sir. I don't think Brian Hughes, sir, knew
24 that the PUP existed.

25 Q What do you base that statement on?

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1 **A** I don't think anybody knew. I think we were
2 all surprised that there was such a thing called the
3 PUP. We knew that the J- --
4 **Q** When you say "we," who are you referring to?
5 **A** Anybody. Me and former -- me, as the City
6 administrator and as the former City administrator, my
7 colleagues that I worked with, we've never heard of such
8 a thing. We never heard. We knew the JEA would provide
9 significant bonuses to their executive director and
10 senior leadership team, but this was something that I --
11 and I'll give you an example.

12 I don't know if you know this or not. You may
13 want to look into this. When there was talk about
14 Exelon possibly submitting an unsolicited, there was a
15 schedule of retention bonuses that was developed under
16 Alan Howard's guidance that listed out these multi
17 thousand dollar -- multi thousand dollar retention
18 bonuses to a listing of 60 or 75 JEA employees. There
19 was concern that if the employees realized that
20 discussion of the JEA was on the block, the sale of the
21 JEA was on the block, that they would begin to exit us
22 and they would leave the JEA. And in order not to do
23 this, there was a listing of retention bonuses
24 developed.

25 And when the mayor and I and Brian Hughes saw
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1 that, we went through the roof and called Alan Howard
2 in, who claimed he knew nothing about it. I can't
3 confirm or deny that. But we told him to immediately
4 terminate that listing and immediately discontinue any
5 discussion of retention bonuses. But they were in the
6 50s, 60, 100, \$200,000 range.

7 **Q** When did you have that discussion with Alan
8 Howard?

9 **A** During the Exelon dating scene because it
10 happened at that time. And it wasn't just me. Me and
11 the mayor and Brian called Alan in and asked him what
12 that was.

13 **Q** Well, let me -- let's try to be clear here.
14 The Exelon dates came, as I understand it, was pre-2018.
15 It was 2017.

16 **A** That's when the -- that's when the listing was
17 done.

18 **Q** But in 2017, Tom Petway was the Chair of JEA,
19 not Alan Howard.

20 **A** It was whenever -- it was around that time,
21 Steve, but here's the point I'm making.

22 **Q** I'm trying to -- was this --

23 **A** Yeah, but here's --

24 **Q** -- on Alan Howard's watch or Tom Petway's
25 watch?

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1 **A** On Alan Howard's watch.

2 **Q** Okay.

3 **A** It was Alan Howard's watch. And here's the
4 point I'm making. With the Cain that we raised on the
5 retention bonuses, I can assure you that if the mayor or
6 Brian or anyone else knew about the PUP plan, there
7 would have been double the Cain raised.

8 **Q** Okay. I hear you.

9 **A** That's the -- that's the point I'm making.

10 **Q** So accepting that point --

11 **A** Yes, sir.

12 **Q** -- then one would conclude that what Aaron Zahn
13 was driving over at JEA and the PUP plan coincidentally
14 with the sale process of JEA was the result of a --
15 simply a rogue CEO at JEA?

16 **A** Sir, I can't make that conclusion. I think
17 I'll leave that up to federal prosecutors who are
18 looking into the situation, the city council that's
19 looking into that. I'm in no position to comment on any
20 rogue description of Aaron Zahn or anybody else.

21 I can tell you that I was not happy when I read
22 about the PUP. Now, others may have been. I was not
23 happy in reading about the PUP. I knew nothing about
24 the PUP, but I was shocked when I read it, especially
25 with the dollar values associated with it.

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1 **Q** Well, you were comfortable in concluding just a
2 few minutes ago that not only you, but also Brian Hughes
3 and Mayor Curry would have the similar reaction?

4 **A** Oh, absolutely. They had a similar reaction
5 when Alan Howard came up with the retention bonus list
6 that each employee was going to get 150-, \$200,000 just
7 to not leave.

8 But, again, that's not unusual for the JEA.

9 The JEA have always had more money than the City, have
10 always spent more money than the City, have always paid
11 employees more money than the City. So money to them
12 was important. Money to them was important, but in my
13 opinion, was not highly scrutinized like city government
14 because city government was limited to a certain pot of
15 money.

16 But the -- the attitude of JEA has always been
17 we're bigger, we're better, we're smarter and we get
18 paid more, always.

19 **Q** Well, Sam, there's money and then there's
20 money. Payouts of thousands of dollars of bonuses is
21 one thing to individuals. Payouts of millions of
22 dollars in bonuses to individuals is something else
23 again. You told me that if you were the chief
24 administrative officer, when you learned about the size
25 of the proposed payouts and the PUP plan, you would have

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1 marched over to the CEA's office and told him to stop
 2 it.
 3 A I told you if I was, not when I was.
 4 Q I said if -- if you were CAO --
 5 A If I was the CAO --
 6 Q -- at the time you learned --
 7 A -- and learned about the PUP plan, I would have
 8 marched across the street, up to his office and sat down
 9 and asked him what the hell he was doing. And would
 10 have done everything I could to stop the damn thing
 11 because it was not right. I mean, you could have a
 12 performance unit plan, but in the multi million dollar
 13 amount is crazy.
 14 Q And that's what I meant -- when you said it
 15 wasn't right, that's what I meant by a rogue CEO.
 16 A Sir, I don't know a definition of a rogue CEO.
 17 I'm not going to sit here and say a rogue CEO. He may
 18 have been an inexperienced CEO -- CAO -- CEO, he could
 19 have been a confused CEO. I'm not going to sit here and
 20 call Aaron rogue. I'm just not going to do it.
 21 Q But you --
 22 A I don't know.
 23 Q But you did conclude that the PUP plan, as you
 24 understood it from media reports, was wrong?
 25 A I did not think it was appropriate for city

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1 government or municipal government. I did not think it
 2 was appropriate for municipal government. You come to
 3 work for municipal governments not to become a
 4 stockholder or a millionaire. You come to work for
 5 municipal governments because you enjoy public service
 6 or whether you want to stay poor.
 7 MR. CHARLES ARNOLD: Or if you may have no
 8 sense. Actually, former general counsel.
 9 THE WITNESS: That's right.
 10 BY MR. BUSEY:
 11 Q Let me show you what we marked as Exhibit 56.
 12 Have you seen that before? It's the JEA's December 24th
 13 announcement of the termination of the --
 14 A Sir, I may have seen this. I'm not sure. I'm
 15 not sure if this is a document that Mr. Russell sent me
 16 the last couple of days, but it could have been.
 17 (Mousa's Exhibit 56 was marked for
 18 identification.)
 19 Q Were you aware at the end of December of 2019
 20 the JEA terminated ITN?
 21 A I became aware when the termination took place.
 22 Q How did you become aware of it?
 23 A News media. I saw the mayor early one morning
 24 on television doing a press conference that said he's
 25 asking the JEA board to terminate the ITN. He has lost

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1 confidence in the process.
 2 Q Do you know why he lost confidence in the
 3 process?
 4 A Oh, I don't know why. You'd have to -- I just
 5 don't know why, sir.
 6 Q Tell me about that. Tell me -- you were about
 7 to say I'd have to ask the mayor.
 8 A Pardon me?
 9 Q You were about to say I'd have to ask the
 10 mayor.
 11 A No, I didn't want to say that. I didn't say.
 12 But I don't know why he lost confidence in it. I can
 13 speculate why he lost confidence in it. City council
 14 raising Cain. The PUP surfacing. I'm sure -- I'm sure
 15 the PUP had a lot to do with him losing confidence in
 16 the process.
 17 Q Let me show you what we marked as Exhibit 57 --
 18 A Yes, sir.
 19 (Mousa's Exhibit 57 was marked for
 20 identification.)
 21 Q -- which is, on the top, an e-mail from Jodie
 22 Murphy at FPL to the Freebird Team.
 23 A Yes.
 24 Q Did you have a meeting on the Monday, January
 25 the 6th?

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1 A We had a conference call.
 2 Q And what happened during that call?
 3 A Oh, we summarized with each other what had
 4 happened. Talked about how the mayor cancelled the ITN.
 5 There was discussion as to whether or not the sale would
 6 ever surface again in the near future. So it was just
 7 general discussion back and forth about what had
 8 happened, how it happened, why it happened, everybody
 9 had an opinion. And there was discussion about do you
 10 think this sale will surface again? And the unanimous
 11 consensus was absolutely not, not any time soon. And
 12 that was the end of the conference call.
 13 Q Do you recall the reasoning or the basis for
 14 that consensus?
 15 A The -- what had happened during the process,
 16 the being overly nontransparent, not trans- -- being --
 17 not being transparent enough, the concerns that the city
 18 council raised, the PUP. The FP&L group felt that there
 19 were just too much there that would bring back a
 20 potential sale of the JEA.
 21 Q I -- you said not being transparent enough.
 22 Tell me what you're referring to. Who -- who's not
 23 being transparent about what?
 24 A The JEA not being transparent enough about the
 25 ITN process. I had never been through -- I've only been

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1 through one -- a limited portion in one ITN process in
 2 my career. When I was chief administrative officer, I
 3 had nothing to do with selecting the builder for the new
 4 JEA headquarters. However, during the evaluation
 5 process of selecting the builder during the JEA
 6 headquarters, I was asked to review all the proposals
 7 from a building construct ability standpoint. Because
 8 of my prior civil engineering experience, they wanted me
 9 to review what the different building construct ability
 10 options were.

11 And so I helped the JEA do that and gave them
 12 my opinion on what building I thought was more durable
 13 than the other, which building had a better floor layout
 14 than the other, that sort of stuff. But that was my
 15 first involvement in an ITN. In fact, I'd never heard
 16 of an ITN until that time.

17 Q Until which time?

18 A Until the JEA put their solicitation for a new
 19 headquarters on the street. Now, JEA, I understand,
 20 previous to that have used ITNs a lot, but I don't know.
 21 I've never used them at the City.

22 Q I think I heard what you said, that's a part of
 23 this conversation, that the -- that among the reasons
 24 that this --

25 A We're talking about transparency.

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1 word "secrecy" to nontransparent matters. I mean, I'm
 2 used to public -- a public solicitation process, where
 3 everything is on the table.

4 Q Well, why do you think the JEA's management was
 5 so completely lacking in transparency or secret about
 6 the ITN process in 2019?

7 A I don't know, Mr. Busey. I can't figure it
 8 out. I mean, I couldn't -- and I thought about that a
 9 lot. You know, because being the CAO for so many years,
 10 I was involved in a lot of bid openings and stuff and I
 11 would think about that, why -- why such secrecy.

12 I mean, so what if Duke Energy knew that FP&L
 13 submitted a bid. I mean, I could have told you from day
 14 one who was going to submit bids. I would have told you
 15 Exelon, Duke Energy, Georgia Power. I would have
 16 rattled them off on you and I guarantee you I would have
 17 been 95 percent correct. So I don't know why all the
 18 secrecy. There was no need in it.

19 But the nontransparency -- the nontransparency
 20 went a long way to get everybody suspect of the process,
 21 a long way.

22 Q Got it.

23 A And when the PUP showed up was the nail in the
 24 coffin. It was the nail in the coffin. And that's when
 25 the mayor said, I've lost confidence in the process.

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1 Q Right. And among the reasons is what's going
 2 to happen again in a long time was because the JEA had
 3 not been sufficiently transparent --

4 A Yeah.

5 Q -- about the ITN process?

6 A Yeah. In my opinion, the ITN process, as I've
 7 read and heard, was overly protective of many -- many
 8 elements that I had never heard being protected before.
 9 I never knew what difference it made if anybody knew who
 10 the 16 bidders were. I mean, so what? If you're going
 11 to be brave enough to put in a bid and to put in your
 12 bid, you need to be brave enough to know that you're
 13 submitting a bid to a public entity and when you submit
 14 a bid to a public entity, it becomes public information
 15 and so that's the lack of transparency.

16 And according to FP&L, some -- multiple NDAs
 17 would be issued for competitors to sign and each NDA was
 18 even more strict about what you could do and what you
 19 cannot do. And I don't know why all the secrecy. I
 20 mean, I've never seen so much secrecy in a bid process.

21 In fact, I would talk to some of my colleagues
 22 on the FP&L team and they would ask me, because they
 23 knew of my past and experience, Sam, have you ever seen
 24 such secrecy on a bidding process? I would say, Never
 25 in my career have I seen such. And I want to change the

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1 I've lost confidence in the process.

2 Q Do you think that the JEA's management's reason
 3 for the lack of transparency or secrecy of the ITN
 4 process in 2019 was because they wanted to get a big
 5 number to the city council to approve as quickly as
 6 they could to overcome public resistance to the sale of
 7 JEA?

8 A I don't know if it was the public resistance or
 9 to minimize the number of protests by others, other
 10 bidders, because I can assure you this bid was going to
 11 be protested.

12 Q By other bidders?

13 A Oh, I can assure you the bid --

14 Q For the reason --

15 A -- was going to be protested.

16 Q For the reason that?

17 A What's the reason for that? Because it's such
 18 a big project. Bidders are going to hire the best
 19 emanated attorneys in the country to come up with every
 20 reason why Steve's bid was not responsive or left out A,
 21 B and C. And Sam's bid was a better bid than Steve's
 22 bid and you should reject Steve's bid because of A, B, C
 23 and you should accept Sam's bid. I can assure you that
 24 was going to happen on a -- such a deal as this.

25 So I -- I don't know. I don't know why the

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1 secrecy and why the compressing of the timeline. It
 2 wasn't -- it wasn't to keep the community out of it
 3 because, remember -- remember, even if the mayor was in
 4 support and let's say the council was in unanimous
 5 support, you still had a referendum to go to.

6 And that's another thing that I couldn't
 7 understand the council. They got all bent out of shape
 8 and all excited that at sometime in the future the
 9 decision was going to be placed on their -- on their
 10 table. And they would have had every right to say no.
 11 At that time they could have said, We never agreed with
 12 the process. We never agreed with the nontransparency.
 13 We don't agree with the PUP. We're not even reviewing
 14 this legislation. We're withdrawing the legislation.

15 They could have done that. They could have done that.
 16 But anyway, that's my feelings and opinions for
 17 whatever they're worth.

18 Q Well, let's -- let's try to review that
 19 quickly. The initial PFM valuation for JEA was \$3
 20 billion or so, \$3 billion and change.

21 A It was 2.4 to 6 -- it was a range of 2.4 to
 22 6-point something.

23 Q And 3 billion -- 3.4 billion was the base
 24 against which the ITN was going to be measured. There
 25 was a number in there. It's dollars -- the PUP plan was

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1 A But, again, Paul deals with those council
 2 members every day and I do not. So who am I to guess
 3 Paul's opinion?

4 Q That's a good question. Who are you? Who do
 5 you think's better?

6 A I'm better at a lot of things than Paul.

7 Q Maybe we should stop there for a minute.

8 MR. BUSEY: Let's go off the record.

9 (Off-the-record discussion.)

10 BY MR. BUSEY:

11 Q Are you aware of whatever role the Dalton
 12 Agency or Michael Munz played with the JEA's
 13 consideration of the ITN process?

14 A Sir, only through what I've learned through
 15 the media. Without that, I had no clue what Munz was
 16 doing.

17 Q What did you learn through the media?

18 A That he was a communication consultant for
 19 them.

20 Q For whom?

21 A The JEA. Good question.

22 Q Do you know Michael Munz?

23 A Know Michael well.

24 Q Did you ever talk to him about the JEA ITN
 25 process?

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1 dollars in excess of that base.

2 A If you say so. I don't know that.

3 Q And so my hypothesis that I'm putting to you is

4 if the true number is going to be 6 to \$11 billion, I
 5 could see somebody suggesting, well, let's get that
 6 number on the table before city council before there's
 7 any debate about the sale of JEA. And it's going to be
 8 such an attractive number, the council's going to
 9 approve it because it means so much money for the City
 10 of Jacksonville. So let's just get to a number and get
 11 it in front of city council as quickly as we can.

12 A I wouldn't agree with you on that, Steve. My
 13 gut tells me you could have put \$20 billion at city
 14 council, there weren't enough votes there to get it out.
 15 That's my gut.

16 Q Contrary to Paul's?

17 MR. CHARLES ARNOLD: Paul Harden's --

18 THE WITNESS: Oh.

19 MR. CHARLES ARNOLD: -- supposition.

20 A Contrary to his assumed leaning one way and
 21 leaning the other.

22 Q 11 votes.

23 A I -- I wouldn't have -- I wouldn't have put my
 24 money on 11 votes. I'll just say that.

25 Q Do you --

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1 A No, sir. It's been ages since I've spoken to
 2 Michael. I can't remember the last time I spoke to
 3 Mike.

4 Q But you never talked to him about the sale of
 5 JEA?

6 A No. I couldn't. I couldn't talk to anybody.

7 I was directed by FP&L not to talk to anyone about the
 8 sale of the JEA.

9 Q Your consulting agreement was with FP&L?

10 A Yes, sir.

11 Q Why was it with FP&L if NextEra was the
 12 bidder?

13 A Couldn't answer that. Couldn't answer that.

14 Q As far as you were concerned, they were one and
 15 the same?

16 A Oh, yeah. One was the subsidiary of the
 17 other.

18 Q We learned from Michael Weinstein, Mike
 19 Weinstein, that he had key card access to the JEA
 20 building. Did you know that?

21 A That he had card access to JEA building, yeah,
 22 I knew that.

23 Q Did you?

24 A No, sir.

25 Q Why did he and not you?

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1 A Mike was heavily involved in the early stages
2 with PFM in developing the initial PFM valuation report
3 for the JEA. And he was over there a lot.

4 Q The PFM report?

5 A That was presented February the 14th, 2018, to
6 the special council committee.

7 Q That came in response to the December 20th,
8 2017 --

9 A According --

10 Q -- RFP?

11 A According to the invoice you showed me, yes.
12 And, again, I did not know that the JEA had utilized the
13 short list developed by the December 20th RFP was used
14 to select their consultants.

15 Q You said you did not know that, that's just
16 an assumption you made today based on what you've seen?

17 A No assumption. That's a fact. I did not know
18 that the JEA used the December 20 RFP and the shortlist
19 that was selected, subsequent to that RFP, that they
20 used that to hire PFM to do the valuation that was
21 presented on February 14th of 2018.

22 Q That led to the ITN?

23 A That led to?

24 Q The ITN process.

25 A I don't know how much of that was used for the
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1 ITN process. I can't say it led to the IT- -- it
2 shouldn't have. If the JEA board had directed staff to
3 terminate all activity, I think you said in May of 2018,
4 it shouldn't have led to the ITN process.

5 Q If the JEA had followed the instructions of the
6 board and they --

7 A If the staff had followed instructions of the
8 board.

9 Q But from the totality of circumstances, as
10 you've seen in the documents and what you've read, it
11 appears that the JEA senior management did not stop
12 looking at the sale process.

13 A From the documents you showed me, sir, it
14 appears that way.

15 Q Would make -- make you think that perhaps the
16 JEA was operating under a rogue CEO?

17 A No, sir. I think I testified to that earlier
18 in this interview. I told you I do not know what may
19 have happened in the interim. It may -- the CEO may
20 have had private conversations with individual board
21 members. The board may have changed their mind. I do
22 not know why senior leadership team continued to pursue
23 activity on privatization when their board had directed
24 them to stop.

25 Q You said in your testimony earlier that in
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1 connection with the Exelon unsolicited expression of
2 interest from JEA, that you had seen an Alan Howard list
3 of proposed bonuses of term- -- of hang-in bonuses for
4 the JEA senior management. And write -- what was that
5 writing you were referring to?

6 A The schedule of JEA senior leadership team.
7 And it was a significant -- and it was more than
8 senior leadership. It was -- it was officers. It
9 was directors. It was managers. I bet there was
10 probably over 100 employee names on that list that
11 showed their tenure, their salary and proposed
12 retention bonus. And the list totaled up to millions
13 of dollars. I want to say three and a half to \$4
14 million of retention bonuses.

15 Q For approximately how many people, 100, did you
16 say?

17 A 100 or so. There could have been more. I'm
18 going by memory.

19 Q And who prepared that writing?

20 A You're referring to the writing as the list?

21 Q Yes.

22 A Okay. I don't know. I don't know. It
23 surfaced. It somehow surfaced. And when it came to our
24 attention, I know Alan Howard was the chairman of the
25 board at the time. I do know that for a fact. The
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1 timing as to when that list surfaced is what I'm a
2 little vague on.

3 I know I testified earlier it was during the
4 Exelon deal. It may not have been. It could have been
5 later on, but the list did surface. And when we
6 realized that list surfaced, we called Alan Howard in
7 and had a heart to heart with him and said, What are you
8 doing? He claimed he did not authorize the list and he
9 put a stop to the list.

10 Q The list that you're referring to is a list of
11 employees containing the information you described, was
12 it a part of any other writing?

13 A No, sir, it was just a list.

14 Q Just a list of employees and compensation?

15 A And -- and showing the retention bonus, yes,
16 sir.

17 Q And you said it surfaced and you don't know
18 where it came from?

19 A Don't recall.

20 Q And you don't know who wrote it?

21 A Do not know that for a fact. I don't know.

22 Q Did you ask Alan that question?

23 A I don't know if I asked Alan that question, but
24 if my memory serves me correctly, Alan claimed -- Alan
25 claimed confusion or miscommunication among him, Jody
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1 Brooks and someone other -- and Angie Hiers, who was the
2 HR director. He never -- and in his defense, he
3 probably didn't know the specific list, the specific
4 amounts.

5 Now that I recall, he discussed the list in
6 generalities with Jody Brooks and Angie Hiers. So he
7 may not have ever seen the final list. But when we
8 brought it to his attention and expressed our concerns
9 with the amount of money that was on that list, he put a
10 stop to it.

11 Q And are you -- are you telling me now that
12 you're not confident that list surfaced in the context
13 of the Exelon discussions?

14 A That's what I'm telling you now, but I'm
15 confident it surfaced when Alan Howard was the board
16 chairman.

17 MR. RUSSELL: What's happened to the list?

18 Q Oh, where can I find the list?

19 A I don't have it.

20 Q Well, you said it surfaced. Where did it go?

21 A I don't know where it went. I didn't keep it.

22 Q With whom -- who else was aware of the list
23 besides you and Alan?

24 A JEA should be aware of the list. Jody Brooks
25 should be well aware of the list.

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1 was not aware of the magnitude of the list.

2 But you should be able to get the list from the
3 JEA. Jody -- Jody Brooks, I believe, was instrumental
4 in developing that list.

5 Q You don't recall if the list was in the context
6 of the Exelon initiative, but if it was wrong, Alan
7 Howard was the Chair of the board, it was in connection
8 with the discussion about the proposed sale of the JEA?

9 A If you say so.

10 Q Was there any other purpose to hanging
11 retention bonuses for JEA's executives, other than the
12 sale of JEA?

13 A So it may have been -- it may have been part of
14 the discussion -- of the initial discussions or the sale
15 of the JEA from the time period of the fall of 2017 to
16 the time in March -- May of 2018, where the board told
17 the JEA, stop. It was probably in that time frame
18 there.

19 Q Got it.

20 A Makes more sense that it would be in that time
21 frame.

22 MR. BUSEY: Okay. We're done. Thank you.

23 MR. CHARLES ARNOLD: Let me say on the record
24 for the sake of Terrie, I know you're an extremely
25 competent court reporter, but I don't -- all of

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1 Q Anybody in the mayor's administration?

2 A I don't know what the mayor's staff knew or
3 didn't know about the list.

4 Q Well, at the time you saw the list, you were
5 the chief administrative officer.

6 A That is correct.

7 Q Okay. Was anybody else, to your knowledge, an
8 employee of the mayor's office aware of the list?

9 A Well, they were aware of the list. I can't
10 tell you if they still have the list.

11 Q Who was aware of the list?

12 A The mayor was aware of the list and Brian
13 Hughes was aware of the list.

14 Q And when you met with Alan Howard, did you meet
15 with either -- who else did you meet with?

16 A Me, the mayor, Brian and Alan Howard.

17 Q Oh, you, the mayor, Brian and Alan?

18 A Yes, sir.

19 Q Four people?

20 A We expressed our concern with the list and why
21 the list was developed. And Alan went on to explain
22 that he had had discussions about a retention bonus. He
23 thought it was important that these employees know that
24 they wanted -- they need to hang around, they need to be
25 kept, which is the purpose of a retention bonus, but he

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1 these lawyers and this client of mine, a lot of
2 words have been said so we'd like to review the
3 document and make sure that no mistakes were made
4 before it's finalized.

5 MR. BUSEY: Terrie's not insulted by your --
6 she's heard it before.

7 MR. CHARLES ARNOLD: Okay. And, secondly, I
8 know some things get posted in the COJ as far as
9 people's statements they have given y'all. We would
10 ask that this posted in its entirety so that people
11 can look at it and accurately -- and see what --
12 everything that was said. Because, as we know, some
13 of your clients, others, just pick out bits and
14 pieces they want and try to make somebody look good
15 or bad. And we want the whole thing to be there so
16 people can reach their own decisions.

17 And I know you have a client you have to
18 prepare summaries to send to them and those
19 summaries are extremely short and it's very, very
20 hard for the whole picture to -- to come out. Of
21 course, we ask that you do your usual excellent job
22 of sending over what the -- occurred during the
23 interview as opposed to something that -- that
24 Mr. Mousa would take exception to.

25 MR. BUSEY: We do intend on posting the entire
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1 transcript.
 2 MR. CHARLES ARNOLD: Okay. Well, I appreciate
 3 it. That's all I've got to say.
 4 And, Lanny, will you just get with Terrie and,
 5 you know, just give me a call and tell us how we
 6 want to get access to it and we'll do that.
 7 MR. RUSSELL: Sure.
 8 MR. CHARLES ARNOLD: Of course if you have
 9 any -- we can go off the record now.
 10 (Witness excused.)
 11 (The interview was concluded at 4:52 p.m.)
 12
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1 REPORTER'S CERTIFICATE
 2
 3 STATE OF FLORIDA
 4 COUNTY OF DUVAL
 5
 6 I, Terrie L. Cook, RPR, CRR, FPR, certify that I
 7 was authorized to and did stenographically report the
 8 interview of SAM MOUSA; that a review of the transcript
 9 was requested; and that the foregoing transcript, pages
 10 1 through 253 is a true record of my stenographic notes.
 11
 12 I further certify that I am not a relative,
 13 employee, attorney, or counsel of any of the parties,
 14 nor am I a relative or employee of any of the parties'
 15 attorney or counsel connected with the action, nor am I
 16 financially interested in the action.
 17
 18 DATED on September 11, 2020.
 19
 20
 21
 22
 23
 24
 25

Terrie L. Cook, RPR, CRR, FPR

Hedquist & Associates Reporters, Inc.

1 CERTIFICATE OF OATH
 2 STATE OF FLORIDA)
 3 COUNTY OF DUVAL)
 4
 5 I, Terrie L. Cook, RPR, CRR, FPR, Notary
 6 Public, State of Florida, certify that SAM MOUSA
 7 personally appeared before me on August 27, 2020, and
 8 was duly sworn.
 9
 10 WITNESS my hand and official seal on
 11 September 11, 2020, Jacksonville, Duval County, Florida.
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Terrie L. Cook, RPR, CRR, FPR
Notary Public-State of Florida

Hedquist & Associates Reporters, Inc.



1 ERRATA SHEET
 2 DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES
 In Re: JACKSONVILLE CITY COUNCIL
 3 SPECIAL INVESTIGATORY COMMITTEE ON JEA MATTER
 4 INTERVIEW OF SAM MOUSA
 5 TAKEN - August 27, 2020
 6 PAGE NUMBER LINE NUMBER CHANGE/REASON
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 8 _____
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21 under penalties of perjury, I declare that I have read
22 the foregoing document and that the facts stated in it
23 are true.

24 Date SAM MOUSA

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