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Date	Summary	Explanation	Document
2 Feb 2001	Deed of Incorporation for Inversiones Cotsco SA		Electronic
<u>March 2001</u>	Legal document in which Inversiones CostCo C&T is legally constituted		Hard copy file
<u>6 February 2002</u>	Option Agreement for the Sale and Purchase of Properties	<p>(1) Between Sellers Carlos Monge Rojas acting with power of attorney on behalf of La Canicula Sociedad Anonima, and Mauricio Chaves Mesen, acting with power of attorney on behalf of Pacific Condo Park Sociedad Anonima; and Buyer David Aven</p> <p>(2) There are three properties under option for the purchase price of \$1,647,000 USD</p> <p>(3) Copies of the agreement are in English and Spanish, executed by the law offices of Esquivel & Associates</p> <p>There is also an Agreement for the Purchase-Sale, Endorsement a Europe 657989v.6 nd Transfer of Shares between the same parties, with the same sellers, selling to David Aven all of their shares in the capital stock of La Canicula, S.A. and Inversiones Costco C&T S.A.; Exhibit C-8 in the Notice of Arbitration</p>	Hard copy file
18 Feb 2002	Concession Agreement for La Canicula		Electronic
<u>March 2002</u>	Concession Contract between the Municipality of Parrata and La Canicula S.A		Hard copy file
<u>22 March 2002</u>	Concession Contract Between the Municipality of Parrita and the Canicula Sociedad Anonima (The materials include approval by the Costa Rican Tourism Institute)		Hard copy file
<u>17 April 2002</u>	Granting of Property sold by La Canicula S.A. to Inversiones CostCo C&T S.A.		Hard copy file
<u>April 2002</u>	Document recording the sale of certain property in April of 2002 by Pacific Condo Park S.A. to Inversiones CostCo C&T S.A.		Hard copy file
<u>15 May 2002</u>	Meeting minutes for La Canicula in which David Aven is named President of La Canicula S.A		Hard copy file
<u>May 2002</u>	Document recording the sale of certain parcels by Chicas Poderosas S.A. to Inversiones CostCo C&T S.A.		Hard copy file
21 Aug 2002	Letter from Marvin Mora Chinchilla (Municipality of Parrita) to Nigsia Gutiérrez re: Las Olas property: “el uso exclusivo del suelo de dicha Concesión es y sera solamente para desarrollo de Hotel o cabinas de Alquiler” [OBTAIN COPY]		K&S witness outline
<u>October 2002</u>	Las Olas Commissioned Hidrogeosonsulta, S.A. to conduct a Preliminary Report on Possible Sources for the Supply of Water Needs for Housing and Tourist Development Esterillos Oeste and Puntarenas.	The work was performed in October of 2002 and a series of payments were made amount to about \$2,000	Hard copy file
<u>October 2002</u>	Design plans provided by Hidrogeoconsulta S.A. for what appear to be water wells in the Esterillos region		Hard copy file
<u>March 2003</u>	Environmental Management Plan provided by CDG Consultants regarding the Colinas del Mar project, prepared for Carlos A. Dengo Garrón of SETENA		Hard copy file
<u>June 2003</u>	La Canicula meeting minutes in which certain powers were conferred upon Juan Carlos Esquivel Favareto		Hard copy file
<u>24 January 2004</u>	Letter from Cade HC, environmental consultants with attached SETENA Resolution 2164-2004-SETENA		Hard copy file

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<u>7 July 2004</u>	Resolution No. 1040-2004-SETENA [TRANSLATION BEING OBTAINED – 6 OCT 2015]	(1) Administrative record 551-2002-SETENA, Ministry of Environment and Energy (2) The resolution states that environmental assessment of the Villas la Canicula project will continue. (3) These documents also include a letter from Cade HC, environmental consultants, stating that it was providing an environmental guarantee deposit	Hard copy file
22 Aug 2004	Letter from Jeffrey Shioleno of American Development Group to David Aven [OBTAIN COPY]	Shioleno discusses the bribery of government officials for the illegal construction of Waterland Park. Shioleno writes, “We know that Costa Rica has very good laws on the books governing building codes, however, when we [have] become aware that these laws are not being obeyed and action is not taken to uphold these laws, as a matter of policy, we do not get involved.”	K&S witness prep
24 Aug 2004	Letter from David Aven to his attorney Juan Carlos Esquivel [OBTAIN COPY]	Aven wrote to his attorney, Juan Carlos Esquivel, to discuss the consequences of the Parrita officials’ bribe solicitation. Aven subsequently notes that “[w]e need to get this problem resolved and I need to get some answers from you about where do we go from here.”	K&S witness prep
<u>15 September 2004</u>	EDSA Materials (Tab 29)	(1) Informational package sent by Sara H. Bell of EDSA to David Aven on September 15, 2004 (2) This looks to be information regarding graphics services that EDSA could provide in connection with the Colinas del Mar project (3) It also includes several different invoices issued to David Aven from EDSA for reimbursable expenses and site design development services	Hard copy file
29 Oct 2004	Letter from Juan Carlos Esquivel to Marvin Mora, Zona Marítimo Terrestre, Municipalidad de Parrita, discussing bribery occurring with Waterland Park. [OBTAIN COPY]		K&S witness prep
<u>23 November 2004</u>	SETENA Resolution 2164-2004-SETENA, Administrative Record 551-2002 evaluating the environmental impact of the Villas de Canicula		Hard copy file
<u>February 2005</u>	Article from The Tico Times, “Central America’s Leading English-Language Newspaper,” titled “Buy Real Estate in Costa Rica with IRA Funds”		Hard copy file
<u>2005-2006</u>	National Registry Documents	(1) Proof of Registration of Las Olas Beach Resort Hotel Sociedad Anonima with the National Registry of Legal Persons on 24 August 2006 (2) Property surveys stamped and certified by the National Registry; they appear to be dated 4 November 2005	Hard copy file
<u>2005-2006</u>	Connection Contracts	(1) There are a number of contracts entered into between the Esterillos Association for the Management of Water and Sanitation (roughly translated) and La Canicula and CostCo, signed by Juan Carlos Esquivel Favareto on behalf of the companies and Carlos Alberto Mora Solano on behalf of the Association in January of 2005; (2) The contracts deal with connection rights to ASADAS’s water system – ASADAS is a national water service provider (3) In addition to these contracts, there are several emails, some of which are in English and others in Spanish, in which David Aven is discussing acquiring additional water rights from the water board of Esterillos. This required making certain deposits to AYA, which is also a national water and sanitation company, in charge of administering and operating water systems primarily in urban areas (4) It appears that several developers met with AYA in 2005 and 2006 so that AYA could assess their water needs. AYA required deposits from the developers in order to ensure access to more water. In the correspondence Aven indicated that he paid \$17,500, and was then asked to pay an additional amount in March of 2006. (5) Additionally, in 2009 the documents suggest that there may have been a study conducted by Hidrogeotecnia regarding the feasibility of an aqueduct in Esterillos, Costa Rica, and that Aven helped pay for	Hard copy file

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		this study, but the plan was eventually abandoned.	
<u>27 January 2005</u>	Letter from Maritza Naranjo, Administrative Director of DEPPAT, to SETENA,	Letter from Maritza Naranjo, Administrative Director of DEPPAT, to SETENA, enclosing various documents related to record 110-05, Project Hotel Colinas del Mar, including the following: (1) Preliminary environmental evaluation of the Colinas del Mar project (FEAP form); (2) Summary of the project; (3) Copy of the site design; (4) Certification of the property; (5) Soil mechanics study; (6) Certified copy of legal status; (7) Survey documents for the property; (8) Certification of the aggregate amount of the investment	Hard copy file
<u>25 April 2005</u>	Resolution 897-2005-SETENA, administrative record 110-2005-SETENA, Project Colinas del Mar, requesting, within a year, production of an environmental impact study in connection with the Colinas del Mar project		Hard copy file
<u>27 April 2005</u>	SETENA form for the preparation of the terms of reference for the environmental impact study in record 110-2005, Colinas del Mar		Hard copy file
<u>11 May 2005</u>	Letter from CDG Consultants to Patricia Campos, Secretary General of SETENA		Hard copy file
<u>29 August 2005</u>	Letter from Sonia Espinosa, DAP-652-SETENA, to Juan Carlos Esquivel Favareto, providing technical analysis and requesting clarification of certain environmental aspects of the environmental impact study for Project Hotel Colinas del Mar		Hard copy file
<u>30 August 2005</u>	Letter from Eugenio Bermudez, Project Director at DEPPAT, to Patricia Campos Mesen, Secretary General at SETENA, enclosing a garbage collection letter and a drinking water availability letter for record number 110-2005, Project Colinas del Mar		Hard copy file
<u>1 September 2005</u>	Letter from Patricia Campos Mesen, Secretary General of SETENA, to Juan Carlos Esquivel Favareto of La Canicula S.A., requesting clarification of various technical and legal issues related to the environmental assessment of the project		Hard copy file
<u>1 September 2005</u>	Letter from Patricia Campos Mesen, Secretary General of SETENA, to Juan Carlos Esquivel Favareto of Las Caniculas S.A., requesting clarification of various technical and legal issues related to the environmental assessment of the project		Hard copy file
<u>9 December 2005</u>	Letter from Patricia Campos Mesen, Secretary General of SETENA, to Juan Carlos Esquivel Favareto of La Canicula S.A., citing fact analysis conducted by the developer of the Colinas del Mar project and stating that it is necessary to continue with the environmental assessment of the project		Hard copy file
<u>2006</u>	Brochure – Las Olas Beach Community – Esterillos Oeste Beach, Costa Rica – “The Place Where Luxury, Nature, and the Ocean Meet” – brochure with information about the property.		Hard copy file
<u>2006</u>	Mussio Madrial Regulatory Plan	(1) Provided in 2006 by Mauricio Mussio Vargas (2) This report appears to be a summary of an ecological study and analysis of the property that may have been submitted for approval by the Costa Rican Tourism Institute and the National Institute of Housing and Urban Development	Hard copy file
<u>January 2006</u>	SETENA Environmental Log	(1) Document appears to be a log with handwritten notes from a SETENA official, based on an inspection of “Proyecto Hotel Colinas del Mar” (2) I am uncertain as to whether David Aven played a role in this project	Hard copy file

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January 2006	DEPPAT Report to Setena [OBTAIN COPY]		K&S witness prep
<u>7 January 2006</u>	Letter from David Aven to MINAE confirming designation of DEPPAT as environmental representative for the Colinas del Mar project		Hard copy file
<u>10 January 2006</u>	Letter from David Aven to MINAE, providing various documents, including	(1) Affidavit of environmental commitments of La Canicula S.A. (2) Copy of the environmental guarantee deposit (3) Letter of approval of the Project Hotel Colinas del Mar' environmental representative (4) Letter of acceptance of appointment as environmental representative of DEPPAT and (5) environmental work logs for the project	Hard copy file
<u>30 January 2006</u>	Letter from Alfredo Bermudez of DEPPAT to MINAE, stating that he has accepted his appointment as environmental representative for the Colinas del Mar project		Hard copy file
<u>31 January 2006</u>	Contract for Consulting Services and Related Documents – the contract was entered into between Arquitectura y Diseno S.C.G.M.T. S.A. and CACISA in connection with the Las Olas project, specifically		Hard copy file
13 Feb 2006	ESDA proposal for the Pacific Village (feasibility study)		
6 March 2006	Opinion by Lacle & Gutierrez	Opinion on the possible structure for the intended use of the concession land within Las Olas Luxury Beach Resort	
17 March 2006	SETENA Resolution 543-2006 [TRANSLATION RECEIVED ICE]		
7 Jul 2006	Loan from Ban CentroAmericano de Integracion Economica, Costa Rica	USD 7.5 million for the Project	
<u>21 July 2006</u>	Letter from Eugenio Bermudez, Director of Projects at DEPPAT, to MINAE officials, stating that authorizing release of certain environmental logs		Hard copy file
<u>13 October 2006</u>	Sworn statement from David Aven stating that he is president of Inversiones CostCo C&T, notarized by Román Esquivel Font		Hard copy file
<u>2007</u>	Numerous surveys with National Registry stamps, listed as property of La Canicula S.A., Inversiones CostCo C&T S.A., Association Solidarista de Empleados de Lacsca – these surveys are from 2007 and are in a FedEx envelope sent from David Aven to someone named Ana Vohryzek		Hard copy file
2007	Las Olas Analysis Report		Electronic
<u>January 2007</u>	Professional Services Contract in which David Aven (on behalf of Las Olas Luxury Beach Resort), and representatives from Costa Rica Land Corp, Costa Reserva de Esterillos S.A., commissioned Hidrogeotecnia Ltd. to do a study related to the extension of an aqueduct for more potable water		Hard copy file
<u>January 2007</u>	It appears from these documents that the municipality of Parrita required the construction of storm vents in 2006-2007 in order for the Las Olas project to proceed, and the companies Arquitectura y Diseno S.C.G.M.T and CACIA were engaged to provide services in this regard		Hard copy file
<u>2 March 2007</u>	Letter from David Aven to Tatiana Cruz Ramirez, Secretary General of SETENA, citing necessity to renew the environmental viability determination for the Hotel Las Colinas Project		Hard copy file
2007	Process for obtaining a permit from SETENA	David: <i>It took us over two years to get the permits and cost over a million dollars. I do not speak Spanish, do not know the laws or customs in Costa Rica so we had to at all time work with Costa Rica professionals who</i>	David update of 15 January 2012

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	<p>[OBTAIN CONTRACTS WITH ESDA & NORTON CONSULTING & LAW FIRM]</p> <p>[OBTAIN ALL REPORTS PROVIDED BY CONSULTANTS TO SETENA]</p>	<p>had the knowledge and expertise to handle all aspects of the permitting process. An architect and engineering company called MUSSIO MADRIGAL, was selected and engaged to shepherd the mix-planned development through the various Government permitting agencies. MUSSIO and MADRIGAL is an experienced architect and engineer firm that done similar work previously for other large development companies. We also had to hire a number of Costa Rica Attorney's as well to do the various legal work for the project that was required. Part of the process was obtaining an environmental impact study and do soil test. We engaged the services of EDSA; known the world over for their land planning expertise, was engaged do a land plan for the project. EDSA is a world-renowned land planning company from Fort Lauderdale, Florida. We also engaged the services of Norton Consulting do a marketing study of the entire pacific coast as well.</p> <ul style="list-style-type: none"> • Applied for a D4 high-density permit • SETENA required they build a treatment plant for the project • A checklist was established for the permitting process • Mussio Madrigal worked with Las Olas to provide SETENA with all the required information, studies & other documents 	
9 April 2007	Mussio Madrigal Proposal	<p>(1) Proposal detailing architectural services to be provided and the members of the consulting team;</p> <p>(2) It includes members who will participate, major stages for the project, preliminary master plan, fee proposal</p>	Hard copy file
25 April 2007	Contract with Mussio & Madrigal Architects		Electronic
24 May 2007	Zürcher Architects Engagement (Tab 34)	<p>(1) Engagement for Professional consulting services signed by Ronald Zürcher and David Aven on 24 May 2007</p> <p>(2) The engagement appears to be primarily for a schematic and preliminary design for the Las Olas Beach Club.</p> <p>(3) A confirmation letter was sent on 22 April 2008 from Adrian Saballos, Partner at Zürcher, to David Aven, confirming that Mr. Aven accepted and approved of the schematic design phase of the Las Olas Resort, and stating that the “portion of the repetitions that you will be notifying us later in the process” is pending.</p> <p>(4) The April 22 letter also states, “We acknowledge receipt of the cancellation of the 100% fees for our services, therefore the material we provided you can now be used by anyone of your choice to start the marketing and the production of the construction documents for your project.” It is not entirely clear what is meant by this</p>	Hard copy file
25 May 2007	Consulting Agreement for Professional Services on Architecture and Engineer Contract between Las Olas Luxury Beach Resort and Mussio & Madrigal Architects		Hard copy file
June 2007	Fee proposal of Arquitectos SO + MUSSIO MADRIGAL		Electronic
July 2007	GeoTest Report, Geological Study requested by TecnoControl S.A. – only includes a 1-page excerpt		Hard copy file
July 2007	Geotest – PROJECT SOIL TEST [TRANSLATION RECEIVED RGF]		
30 July 2007	Document titled “World Happiness: rankings by country,” posted in Heath, Mental Health, Science by “LeisureGuy”		Hard copy file
Aug 2007	Protocol Study by Geol. Eduardo M. Hernandez Garcia [OBTAIN COPY]		K&S witness outline
24 September 2007	Barron’s article titled “A New Life Abroad” discussing, among other things, the “silent emigration” of American retirees to places such as Panama and Central America		Hard copy file
Sep 2007	IMPACT STUDY FOR SETENA [TRANSLATION NEEDED]	Carried out by Geoambiente S.A.	Electronic

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24 September 2007	Barron's article titled "A New Life Abroad" discussing, among other things, the "silent emigration" of American retirees to places such as Panama and Central America		Hard copy file
28 Sep 2007	Letters relating to Esterillos Water Project		Electronic
8 Nov 2007	SETENA received the Environmental Evaluation Document (D-1) for Las Olas Horizontal Condominium Project's Environmental Management Forecast Plan	Resolution No. 1597-2008-SETENA (dated 2 June 2008) states that: <ul style="list-style-type: none"> SETENA received the Environmental Evaluation Document (D-1) for Las Olas Horizontal Condominium Project's Environmental Management Forecast Plan, of COTSCO INVERSION C&T S.S represented by David Aven, record No. D1-1362-2007-SETENA 	Letter from SINAC dated 2 Apr 2008
8 Nov 2007 (although doc states 2008)	Institutional Management Department & developer company performed the project area's inspection	Resolution No. 1597-2008-SETENA (dated 2 June 2008) states that: <ul style="list-style-type: none"> On November 8 of 2008, Eduardo Segnini Zamora, member of the Institutional Management Department and officials of the developer company performed the project's area inspection. <p>[BUT PRESUME THIS WAS IN FACT 8 NOV 2007]</p>	Electronic
2008-2011	FOUR SALES & PURCHASE AGREEMENTS		Electronic
December 2008 – June 2010	Consolidated Environmental Report for Project Colinas del Mar, submitted by La Canicula to SETENA, concluding, among other things, that there is no evidence of environmental damage occurring as a result of the project		Hard copy file
10 Jan 2008	Project inspection by Institutional Management Department	Project inspection by Eduardo Segnin Zamora, member of the Institutional Management Department, and officials of the developer company (According to report of SETENA inspection on 18 Aug 2010)	SETENA Inspection Report of 18 Aug 2010
17 January 2008	Ticotimes.net article titled "San Jose-Caldera Highway Hits the Open Road," regarding the construction of a 77-kilometer stretch of road in Costa Rica		Hard copy file
25-31 January 2008	Ticotimes.net article titled "Costa Rica 5th in Environmental Performance Index"		Hard copy file
19 February 2008	Ticotimes.net article titled "Tourism in Costa Rica remains strong despite U.S. economic downturn"		Hard copy file
23 Feb 2008	SETENA requested information from David Aven [OBTAIN REQUEST]	SETENA requested information including: <ul style="list-style-type: none"> Actual vegetation map Registered certification of the property Intervention of ACOPAC-MINAE Sworn statement <p>(According to Report of SETENA inspection on 18 Aug 2010)</p>	SETENA Inspection Report of 18 Aug 2010
14 March 2008	Letter of 14 March 2008 from Edgardo Madriga Mora, Architect, to SINAC officials (names not provided) acknowledging that property owned by Inversiones Costco C&T S.A. is not located within a protected wildlife area		Hard copy file
15 Mar 2008	Investor Summary of Las Olas Project	Helpful summary of: <ul style="list-style-type: none"> Location & plan for development Phases of development Investment propositions 	Electronic & hard copy file
24 March 2008	Letter from Mauricio Mussio Vargas to SETENA requesting an extension of environmental viability of record 110-2005-SETENA in connection with the Colinas del Mar project		Hard copy file

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<p>27 March 2008</p>	<p>SINAC Preliminary Study of Environmental Impact, 67389RNV5-2008</p> <p>Conclusion: Las Olas Project is not an environment threat</p> <p>[Translation ok for now]</p> <p>[DOES THIS MEAN THAT THE LAND IS WITHIN A WILDLIFE NATIONAL REFUGE? DID IT MAKE A DETERMINATION ON WETLANDS????]</p> <p>[TRANSLATION RECEIVED – ICE – 1ST BATCH]</p>	<p>SINAC Preliminary Study of Environmental Impact, Real Folio: 6142646-000.</p> <ul style="list-style-type: none"> • Authors: <ul style="list-style-type: none"> ➢ Gabriel Quesada Avadano (biologist) ➢ Ronald Vargas Brenes (engineer) • Preliminary Study of Environmental Impact: The environmental impact studies were developed by the visit to the property and institutional information, as well as backgrounds of the place. The authors found that the activities of Las Olas Project does not involve any extension use of the ground as pasturage or surface geology and have little impact activities on fragile ecosystems. • Analysed Environmental Variables: The following environmental variables that were analysed in Las Olas Project (west esterillos), which were grouped into subject areas with the purpose of determining if the effects of the activities are or not an environmental threat. <ul style="list-style-type: none"> ➢ Hydrology ➢ Water quality ➢ Ground ➢ Geodynamic ➢ Biodata • Conclusion: Considering that taking into account all the analysed variables and studies, Las Olas project IS NOT an environmental threat and does not cause any damages in the biodiversity of the Wildlife National Refuge. 	<p>Electronic</p>
<p>2 April 2008</p>	<p>SINAC confirms to architects (by letter) that the property is not within any wildlife protected area</p>	<p>Letter from SINAC to Egado Madrigal Mora (Ref. ACOPAC-0SRAP-00282-08)</p> <p>From: Gerado Chavarria Amador, Sub Regional Office Aguirre Parrita</p> <ul style="list-style-type: none"> • <i>Answering the note we received in this office by fax on March 25th of 2008, I must notice you that the property located in West Esterillos, Parrita, Puntarenas, with the cadastral plan P-1244761-2007, it is NOT inside any protected area.</i> <p>[OBTAIN COPY OF CADASTRAL PLAN P-1244761-2007]</p>	<p>Electronic & hard copy file</p>
<p>3 Apr 2008</p>	<p>It appears that the requested information by SGP-DGI was received by SETENA (from David)</p>	<p>Resolution No. 1597-2008-SETENA (dated 2 June 2008) states that:</p> <ul style="list-style-type: none"> • On April 03 of 2008, the requested information by SGP-DGI 098-2008 was received, on February 23 of 2008, day in which the updated vegetation map, the proprietaries' registration certificate, the ACOPAC-MINAE pronouncing, the sworn declaration of no initiation of the work without VLA, three georeferenced points and the AP's photographic register is requested to the presentation developer. <p>(Also see Report of SETENA inspection on 18 Aug 2010)</p>	<p>Documents received from DA May 2015/ 3</p> <p>And</p> <p>Documents received from DA May 2015/ 9</p>
<p><u>3 April 2008</u></p>	<p>CFIA Worklog: TRANSLATION RECEIVED RGF 3RD BATCH</p>	<p>(1) The Colegio Federado de Ingenieros y de Arquitectos de Costa Rica (Professional Association of Engineers and Architects) (CFIA) appears to be a "compulsory consulting entity." My understanding is that in a construction project, the company carrying out the project must present its plans to the CFIA for review and approval, and the CFIA will then work to obtain approvals from various government offices that are relevant to the construction project.</p> <p>(2) The CFIA charges a fee that is a percentage of the value of the construction that the owner must pay in order for the project to move forward.</p> <p>(3) There are a series of CFIA "work logs" that contain information regarding site visits made in connection with various aspects of the Las Olas project. Some of the logs have handwritten notes, but most of them do not. All of the logs have a stamp with certain information, including a Contract number, assessed amount, date, and owner information.</p> <p>(4) Contrato 438809; dated 3 April 2008, owned by Inversiones CostCo – this one does have handwritten notes that are difficult to read, but they seem to concern a site visit by civil engineers with the goal of</p>	<p>Hard copy file</p>

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		providing technical supervision of the works	
<u>13 April 2007</u> [CHECK DATE]	Letter from Jose Miguel Tapia Fernandez of SETENA to Luis Soto Bastos of the National Bank of Costa Rica, DA-97-2007, Record 110-05-SETENA, confirming renewal of the environmental guarantee and certificate of deposit for an additional year		Hard copy file
<u>17 April 2008</u>	SETENA Resolution 884-2008-SETENA, approving the request of David Aven to be granted an extension of one year to the environmental viability permit granted in Resolution Number 543-2006-SETENA (OBTAIN COPY OF THIS 2006 RESOLUTION)		Hard copy file
May 2008	Las Olas (and 2 other companies) invested US\$127,000 to construct water line from municipality wells to project site	Las Olas and two other development companies entered into an agreement with the water company to pay US\$127,000 for a water study and for Las Olas to construct a water line from the municipality wells to the project site (about 4 miles away). In exchange, Las Olas was allocated a certain number of water lines based upon the size of its project and investment. This was not necessary, but Los Alos did it to ensure there was enough water for the projects. However, in doing so, they also ensured that there was enough water for the town of Esterillos Oeste, since the water was continuously shut off because of poor supplies. Work done in 2009 and completed by end of year.	David email “Water Project for Esterillos”
<u>20 May 2008</u>	Resolution No. JD-012005-2008 of the Association for the Management of Water and Sewage	(1) This resolution was attached to a letter sent on 20 May 2008 from Carlos Alberto Mora Solano, President of ASADA (Association for the Management of Water & Sewage). The recipient of the letter is not entirely clear; (2) The letter states that ASADA approves of an investment of \$127,000 USD for the extension of an aqueduct in light of the demand for potable water for tourist development; it appears that a number of different developers, including Cabo Caletas and Condominio Las Olas, were involved in this project, which would provide them with additional water rights (3) The folder also includes some registration documents – they appear to be registrations from the National Registry of certain business interests, many of which are owned in part by David Aven – for example, Las Olas Lapas, Trio International Inc.	Hard copy file
<u>27 May 2008</u>	SETENA DGI-878-2008 Analysis – granting environmental viability for two-year period – this is likely related to the 2 July 2008 Resolution 1597-2008-SETENA, granting environmental viability		Hard copy file
2 Jun 2008	SETENA grants Environmental Viability (subject to conditions) for the villas portion of the project [DID THIS MAKE A DETERMINATION ON WHETHER THERE WERE WETLANDS OR WHETHER IT IS IN WILDLIFE PROTECTED AREA?] [Translation ok for now] [TRANSLATION RECEIVED – ICE – 1 ST BATCH]	Resolution No. 1597-2008-SETENA <ul style="list-style-type: none"> On November 8 of 2007, this secretary receive the Environmental Evaluation Document (D-1), Los Olas Horizontal Condominium Project’s Environmental Management Forecast Plan, of COTSCO INVERSION C&T S.S represented by David Aven, record No. D1-1362-2007-SETENA. On November 8 of 2007, Eduardo Segnini Zamora, member of the Institutional Management Department and officials of the developer company performed the project’s area inspection. On April 03 of 2008, the requested information by SGP-DGI 098-2008 was received. Resolution proceeds to: <ul style="list-style-type: none"> ➤ set out a summary of the Project ➤ confirm that the D-1 form fulfils the technical, legal and complementary information ➤ confirm that the construction phase of the project has not commenced ➤ [Translation may be poor but it appears to state that if the project needs to eliminate any trees, the corresponding permission must be requested from the MINAE office] Grants the Environmental Viability, subject to the following conditions which the developer (David Aven, Inversiones Costco C&T S.A) must fulfil: <ol style="list-style-type: none"> Make the Environmental Warranty deposit of \$8,000.00 ... Name an environmental responsible, with a valid inscription on SETENA’s consultants registry.. The periodicity of the regencial reports presentation will be defined by the Plenary Commission. The regencial reports must be submitted in a maximum term of 10 days after 	Electronic & hard copy

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		<p>the ending of the established period.</p> <p>d) Submit to the Secretariat Legal Unit, a 100-page document for an environmental binnacle which will be defined by the Plenary Commission.</p> <p>The developer must also submit every month a letter indicating that the activities haven't started. The developer must submit a letter a month before starting the activities indicating the date of the start of the project.</p> <p><u>This permit will be valid for TWO YEARS from the moment that the activities begin.</u> If activities do not start during the started time frame, existing legislation will be applied.</p>	
<u>6 June 2008</u>	Contract for the Design, Construction, and Furnishing of a Plan for Wastewater Treatment	<p>(1) Signed by David Aven and Mario Peña Cabús</p> <p>(2) Entered into between David Aven and Amanco Tubosistemas de Costa Rica S.A.</p>	Hard copy file
15 Jun 2008	Las Olas announces the issuance of the SETENA Permit	<p>Good summary</p> <ul style="list-style-type: none"> • The Las Olas Project will consist 358 homes, 10 small condo towers, beach club and hotel • Anticipated that the project will do time shares for the small condos towers and for the beach club will be built on the 2.2 hectares (5.4 acres) which is a concession • Idea is for the Las Olas to be vertically integrated • Mixed plan development with homes, condos, condo/hotel units and small condo towers placed in different parts of the project site • Not only will they sell the lots, but also build the home and private the mortgage 	Electronic
Post Jun 2008	Next steps (post SETENA Environmental Viability)	<p><i>David states: From that point on there were many more things to do before construction permits were issued by the municipality. We first had to get the land subdivided, per the master site plan that was submitted to SETENA. That required survey work, more legal and professional work, then we had to get the approval of the college of architects, pay more fees, get insurance and then finally take all of that to the Municipality to get the construction documents and incur more fees and impact taxes. It was just another checklist we had to follow.</i></p>	David's update of 15 Jan 2012
14 Aug 2008	Stream evaluated as being public LOCATE ORIGINAL	<p>Document IMN-DA-2586-2008</p> <p>(According to letter from SISTEMA to Town Planner of 27 August 2010)</p>	According to letter from SISTEMA to Town Planner of 27 August 2010
Sep 2008	FINANCIAL CRISIS BRINGS PROJECT TO HALT	Las Olas had no debt. Shareholders were able to wait until the real estate market turned around. Las Olas did not re-open operations until 2010.	Report of 14 Sep 2010
1 Sep 2008	David Aven sent a packet of documents to the mayor of Parrita updating him on the progress of Las Olas [OBTAIN DOCUMENTS]		Witness outline by K&S
17 Sep 2008	MASTER SITE PLAN		Electronic
<u>1 October 2008</u>	SINAC Letter, ACOPAC-SD-187-08 to Carlos Vinicio Cordero Valverde; states that after reviewing the Las Olas Project site, 2 possible wetlands were determined to have been found, but it is only the SINAC department of wetlands that can make a formal classification as to this SCAN & SEND		Hard copy file
<u>7 October 2008</u>	Letter from Luis Quiros Rodriguez to Ronald Varga, ACOPAC-D-1063-08, noting a recent inspection of the Las Olas project site and stating that the document "INFORME SINAC 67389RNV5-2008 REFUGIO NACIONAL DE VIDA SILVESTRE AREA DE CONSERVACION" is not an official document and contained a forged signature SCAN & SEND		Hard copy file

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	[TRANSLATION RECEIVED – ICE – 1 ST BATCH]		
17 October 2008	CFIA Stamped Approvals		Hard copy file
2009	Problems in Esterillos Oeste with water supply [MORE DETAILS NEEDED]	DAVID: <i>There was a problem in Esterillos Oeste with the water supply and the water was constantly being shut off. So in 2009, Las Olas, Costa Developers and Cabo Caletas got together and contracted for a study to be done to determine how to get a better water supply into the area. The study found out that there was plenty of water in the municipal wells about 4 miles from Esterillos Oeste, but it needed new pumps and a bigger line. So we agreed to provide the funds to buy new pumps and large pipes and pay to have the pipes run from the municipal wells to Esterillos Oeste. The cost was \$127,000 US dollars. That did two things, it provided the people in Esterillos Oeste with a more stable water supply and in return for our investment, we were guaranteed water lines for our project. So as developers we felt it was a win win. We did something for the community and it helped up secure needed water lines for our projects.</i>	David Update of Jan 2012
2009	City Manager, MUNI asked David for a bribe [MORE DETAILS NEEDED. OBTAIN RECORDING OF THAT MEETING]	DAVID: In 2009 I was asked for a bribe by the Municipality of Paritta by the City Manager, who said he was representing 12 other people in the Municipality including the Mayor. I made a recording of that meeting and I was ask to pay a bribe of \$200,000 US dollar for a permit. I told them that I could not do that since it was a crime in Costa Rica and the United States to pay bribes to Government officials and I wasn't going to risk going to jail in either country. His remark was, in Costa Rica the way it works is "when it rains everyone gets wet". I later was told that expression is well known in Costa Rica and is only used when someone wants a bribe. Again, another human rights violation. Apparently Gavridge Perez Porras was present for this. (See K&S witness prep)	David Jan 2012 Update
29 Jan 2009	Document (potentially ACOPAC-D-1063-08 of 7 Oct 2008) is transferred to legal department		27 Aug 2010
<u>March of 2009</u>	Contract between David Aven and Gustavo Salazar Steller of the Administration Association of Rural Water and Sanitation Systems (ASADA), which can be considered a local water coop of Esterillos		Hard copy file
<u>16 March 2010</u> [CHECK DATE? IS THIS 2010 or 2009]	MINAET/SETENA Letter, RVLA-0580-2010-SETENA, granting environmental viability – also noting that if the project requires the cutting down of trees, permission must be granted from MINAET/SINAC		Hard copy file
<u>30 March 2009</u>	Letter from Jenny Asch Corrales, SINAC-SE-GASP-070 to Hugo Blaco Araya of SINAC, returning the Las Olas project file and stating that the issues presented are mainly of legal origin, such as forged signatures and false documents SCAN & SEND		Hard copy file
30 Mar 2009	By document SINAC-SE-GASP-070 the expedient of Proyecto Las Olas are dissolved and indicate that the problem in this expedient is legal and has fake documents. LOCATE ORIGINAL	Jenny Asch Corrales of MINAE wrote to Hugo Blanco Araya of SINAC explaining that the March 2008 report contained a forged signature and a presentation of false documents (According to letter from SISTEMA to Town Planner of 27 August 2010)	According to letter from SISTEMA to Town Planner of 27 August 2010 K&S witness prep
26 Apr 2009	COMPLAINT BY NEIGHBOURS [TO WHICH GOV DEPARTMENT INITIALLY?] Complaint made by neighbours because wetlands have been filled	A complaint was made by the neighbours.	

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	LOCATE ORIGINAL	[David says that Steve Bucelato filed a complaint to both SETENA and MINAE claiming there were wetlands on the project]	David Jan 2012 update
26 Apr 2009	MUPI writes to SINAC to investigate (and certify) whether property contained a wetland ecosystem and investigate whether the Wildlife Conservation Law has been broken LOCATE ORIGINAL	Potentially DEGA-091-2009	18 Aug 2010 letter
26 Apr 2009	FIRST INSPECTION by MUNI & MINAE (after complaint) Inspection by MUNI & MINAET-ACOPAC on West Esterillos	Environmental Management Department of Parrita subsequently carried out an inspection. [Subsequently a report (N. 049-2009) was sent to MINAET, in Quepos, because is their responsibility to certify or declare the use of the ground of the property could belong to a wetland ecosystem.] OBTAIN COPY OF REPORT N.049-2009 [According to letter from the Environmental Management Department (ref. DeGA-200-2010) of the Municipality of Parrita to Hazel Diaz Melendez (Town Planner?) on 18 August 2010)]	According to letter from the Environmental Management Department (ref. DeGA-200-2010) of the Municipality of Parrita to Hazel Diaz Melendez on 18 August 2010
20 Dec 2009	Letter from David Aven to Shareholders [OBTAIN COPY]	Includes description of Damjanac's hiring	K&S witness prep
2010	Las Olas agreed to put in storm drains [MORE DETAILS NEEDED]	David: <i>In 2010, Las Olas also agreed to put in storm drains on two interior roads running in Esterillos. During heavy rains the water would run off the hills and flood the streets. So we agreed to provide the money and manpower to buy the storm drains and the municipality agreed to provide the machinery to dig the ditches and to install the storm drains. That cost us over \$100,000, but again we felt it was good investment for the community and would benefit all.</i>	David Update of Jan 2010
At some point in 2010	SETENA gave environmental viability for electric distribution (RVLA-0582-2010-SETENA) [CONFIRM DATE] [OBTAIN COPY]		Letter of 18 Aug 2010
January 2010	LAS OLAS RE-OPENED THEIR OPERATIONS AFTER THE FINANCIAL CRISIS		Report of 14 Sep 2010
1 January 2010	Jovan Damjanac came on board and reopend the project (says David)		
20 Jan 2010	SECOND INSPECTION by MUNI & MINAE Second inspection by OSRAP employees of MINAET (because of machinery working inside the land). The project is not producing environmental damages. [MORE DETAILS NEEDED]	MINAET carried out a second inspection because there was machinery working inside the land. (According to letter from the Environmental Management Department (ref. DeGA-200-2010) of the Municipality of Parrita to Hazel Diaz Melendez (Town Planner?) on 18 August 2010)	According to letter from the Environmental Management Department (ref. DeGA-200-2010) of the Municipality of Parrita to Hazel Diaz Melendez on 18 August 2010
<u>11 May 2010</u>	Costa Rican Institute of Electricity (ICE) Contract for the construction of distribution lines, signed by clients Paula Elena Murillo Alpizar (client), Gilbert Porras Villalobos (Coordinator of the Parrita and Quepos subregions), and Yeirin Vega Segura (technical area development for the subregions of Parrita and Quepo)		Hard copy file
<u>11 May 2010</u>	Letter from Sonia Espinosa Valverde, Secretary General of SETENA, to David Ave, acknowledging receipt of Aven's request for an extension of the viability permit and requesting a notarized request form signed by the developer		Hard copy file
<u>14 May 2010</u>	Professional Services Offer issued by Andres Castro R. of Arquitec s.a.		Hard copy file
<u>15 May 2010</u>	Offer submitted by Engineer Javier Olivares Madrigal for design, survey and construction services		Hard copy file

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19 May 2010	Contract for Consulting Services and Environmental Responsibility of the Project – entered into between La Canicula S.A. and Planificacion Diseno Ambiental DLS Limitada – it is unclear when exactly the contract was signed but a payment of \$1,500 USD was made on 19 May 2010		Hard copy file
21 May 2010	THIRD INSPECTION (by MUNI) Third inspection by Environmental Management of Parrita (to check electricity pylons being installed) [MORE DETAILS NEEDED]	A third inspection was carried out by Environmental Management as SELECTRICA S&A was putting in electricity pylons. The same day asked ICE to get the authorization from SETENA (doc RVL A-0582-2010-SETENA) about the environmental viability of the electric distribution. (According to letter from the Environmental Management Department (ref. DeGA-200-2010) of the Municipality of Parrita to Hazel Diaz Melendez (Town Planner?) on 18 August 2010)	According to letter from the Environmental Management Department (ref. DeGA-200-2010) of the Municipality of Parrita to Hazel Diaz Melendez on 18 August 2010
28 May 2010	Technical & economic proposal by DEPPAT to carry out environmental supervision process of the Los Olas Beach Community Project	Includes: <ul style="list-style-type: none"> • Environmental supervision (site visit every 2 months) • Internal report after each visit • Bimonthly report to SETENA • Fulfilment of the environmental book 	Electronic
31 May 2010	Internal note [MORE DETAILS NEEDED] [TRANSLATION RECEIVED – ICE – 1 ST BATCH]	Note sent from Parrita Municipality to Shelem Castro [Municipal department of engineering] about the necessity of receiving an answer from MINAET (N090-2010, N. 092-2010). (According to letter from the Environmental Management Department (ref. DeGA-200-2010) of the Municipality of Parrita to Hazel Diaz Melendez (Town Planner?) on 18 August 2010)	According to letter from the Environmental Management Department (ref. DeGA-200-2010) of the Municipality of Parrita to Hazel Diaz Melendez on 18 August 2010
31 May 2010	MUNI writes to SINAC (Christian Bogantes and Carlos Vinicio Cordero) asking for the categorisation of the Las Olas project	Letter DeGa-091-2009 [OBTAIN COPY, This doesn't seem right??]	18 August 2010 letter
31 May 2010	THIRD INSPECTION BY MUNI	[This (or the reference to the inspection on 21 May 2010) is probably a mistake - I would imagine that only one of the inspections by MUNI took place]	Inspection Report of 16 Jun 2010
31 May 2010	Complaint issued by Monica Vargas Quesada of the Department of Environmental Management to of Parrita to MINAET citing complaints of residents of the West Esterillos community that the area should be classified as wetlands, and requesting an investigation into this matter and a classification of a wetlands zone by MINAET		Hard copy file
14 Jun 2010	[Municipal department of engineering] indicated that Los Olas Project did not have all the permissions [MORE DETAILS NEEDED]	Shelem Castro (Municipal Dept of Engineering) – 2010 N. 113-2010- indicated that Los Olas Project did not have any permission from the Municipality for ground motion for the construction of private streets (MIM 113-2010) (According to letter from the Environmental Management Department (ref. DeGA-200-2010) of the Municipality of Parrita to Hazel Diaz Melendez (Town Planner?) on 18 August 2010)	According to letter from the Environmental Management Department (ref. DeGA-200-2010) of the Municipality of Parrita to Hazel Diaz Melendez on 18 August 2010
14 Jun 2010	Municipal Engineer Department sends document to David Aven informing him that Las Olas does not have all the permissions LOCATE ORIGINAL	The Municipal Engineer Department sends document No. 114 to David Aven, informing that Las Olas Beach Community SA doesn't have the corresponding permissions and must obtain these from the government entities (SETENA, INVU and respective studies). Doc is 114-2010. (According to letter from the Environmental Management Department (ref. DeGA-200-2010) of the Municipality of Parrita to Hazel Diaz Melendez (Town Planner?) on 18 August 2010)	According to letter from the Environmental Management Department (ref. DeGA-200-2010) of the Municipality of Parrita to Hazel Diaz Melendez on 18 August 2010
15 Jun 2010	Environmental Management Department of Parrita sends a request to the TAA for the investigation of whether Las Olas belongs to the category of wetland, 0106-2010 LOCATE ORIGINAL [TRANSLATION RECEIVED – ICE – 1 ST BATCH]	Environmental Management Department of Parrita sends a request for the investigation of whether Las Olas belongs to the category of wetland was sent to the environmental tribunal. (According to letter from the Environmental Management Department (ref. DeGA-200-2010) of the Municipality of Parrita to Hazel Diaz Melendez (Town Planner?) on 18 August 2010)	According to letter from the Environmental Management Department (ref. DeGA-200-2010) of the Municipality of Parrita to Hazel Diaz Melendez on 18 August 2010

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<p>16 Jun 2010</p>	<p>Parrita Municipality's Environment Management department sent a fax to SINAC about some anomalies on Las Olas Project</p> <p>BETTER TRANSLATION NEEDED</p> <p>[TRANSLATION RECEIVED – ICE – 1ST BATCH]</p>	<p>Monica Vargas of Parrita Municipality's Environment Management department sent a fax to Carlos Vinicio Cordero, Director ACOPAC (DeGa-091-2009) .</p> <p>[ACCORDING TO SINAC LETTER OF 27 AUGUST 2010: this concerned anomalies on Las Olas Project]</p> <p>Full translation needed.</p> <p>APPEARS TO RELATE TO VISIT OF 21 MAY 2010.</p> <p>RESULTING</p> <ol style="list-style-type: none"> 1. On April 26th of 2009, an inspection was carried out by the municipality and MINAET-ACOPAC on West Esterillos, because of a complaint made by the neighbours of this community, because supposedly wetlands have been filled, it was realised in the document DeGA 049-2009. 2. There are asphalted streets from east to west 3. The lands have wetlands features but there does not exist any certification 4. On 20 Jan 2010, a second inspection was performed in company of ACOPAC-MINAET, because there was found machinery working in the place 5. We don't count with the report of the inspection performed by MINAET 6. On 21 May 2010, a third inspection was performed because of the continuity of the activities and construction on the land 7. The company SELECTRICA SA, represented by Jairo Guadamuz ID 1580-127, private company authorised by ICE put two lamp posts on the place 8. ACOPAC-MINAET have not ruled on the category of the site inspected <p>CONSIDERING THE FACTS</p> <ol style="list-style-type: none"> 1. The observed zone is featured for having flooding and intermittent ground 2. According to the neighbours, the lands in the rainy season acts as a lagoon and has wetland fauna 3. In the site we can find tree felling and tree burning during different seasons of the year 4. There does not exist a certification of the category of the land by MINAET 5. According to the National Register the lands which belongs to the affected property are for the human pass and the storm water pass according to the Water Law and the Path Law 6. The Municipality has not given any kind of permission for the construction to the owners of this location 7. There are two streets in the place and electric posts <p>LEGALLY</p> <ol style="list-style-type: none"> 1. The Politic Constitution of Costa Rica, clearly in Article 50 says that every person has the right of a healthy environment. 2. The Wildlife Conservation Law (7317), Article 103, modified on 4 Dec 2008: Will be punished with prison who dry, fill or eliminate the lagoons without the permission of SINAC. <p>THEREFORE</p> <ol style="list-style-type: none"> 1. We ask the authorities to perform an investigation to determine if the laws have been broken. 2. We ask the certification of the category of the land. 3. This report must be notified to the Environmental Management Department of Parritas Municipality. 	<p>Letter of 16 Jun 2010 [Also in hard copy]</p>
<p><u>16 June 2010</u></p>	<p>Letter from Daniel Loria Sims to Sonia Espinosa Valverde, Secretary General of SETENA, stating that he has been named as, and accepts, appointment as environmental representative for the Project Colinas del Mar</p>		<p>Hard copy</p>
<p><u>18 June 2010</u></p>	<p>ACOPAC-D-857-10, Letter from SINAC to Christian Bogantes, recommending that he contact certain individuals in connection with his investigation</p>		<p>Hard copy</p>
<p><u>23 June 2010</u></p>	<p>Letter from Paula Elena Murillo Alpizar, legal representative on behalf of Las Olas, to Sonia</p>		<p>Hard copy</p>

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	Espinosa Valverde, Secretary General of SETENA, 110-2005-SETENA, requesting an authorization note to proceed with the National Bank in the renewal of the environmental guarantee		
June - July 2010	DEPPAT Report to Setena [TRANSLATION RECEIVED 2 ND BATCH RGF GLOBAL]		K&S witness prep
Jul 2010	Los Olas obtained permits to put in easements along the road going to Esterillos Oeste [OBTAIN PERMITS]	Los Olas obtained permits to put in easements along the road going to Esterillos Oeste and started working on those easements at the same time they were putting in storm drains	David's Jan 2012 update
8 Jul 2010	SINAC INSPECTION OF LAS OLAS (see inspection report of 16 July 2010)	SINAC-MINAET employees Rolando Manfredi and Cristian Bogantes Sanchez carry out inspection [NB. Later on at the hearing: Manfredi signs witness statement to prove that during the inspection the presence of lakes in the site was dismissed, but they didn't assess the presence of marshy wetlands as the one located in the property. [Better translation?] Furthermore, at the date of the inspection, the conclusions were justified as they were carried out when the place was already altered due to the works ordered by David Aven.]	Inspection report of 16 July 2010
<u>13 July 2010</u>	Letter from Sonia Espinoza Valverde, Secretary General of SETENA, to Paula Murillo Alpizar, legal representative for the Las Colinas del Mar project, requiring compliance with SETENA Resolution 1287-2005-SETENA, including appointment of an environmental manager for the project		Hard copy file
16 Jul 2010	Inspection Report by SINAC – No wetlands on the property [KEY DOCUMENT] [JM OBTAINING TRANSLATION]	Inspection Report ACOPAC-OSRAP371-2010 SINAC Report signed by Lic. Jose Rolando Manfredi Abarca <ul style="list-style-type: none"> States that an inspection was performed on 8 July 2010 on a property in Esterillos Oeste for the purpose of determining if there were areas with the characteristics of wetlands. Refers to two inspections performed in January and February by MINAET which reported that the environment is not being affected but did not mention whether there are wetlands on the property. Describes what was observed on 8 July 2010 visit. Refers to <u>OFICIO-ACOPAC-SD-087-2008, which mentions that there are no damages caused to the environment; report SINAC-67389RNV5-2008, which clearly indicates that the Las Olas Project is not affecting natural resources; document ACOPAC-OSRAP 282-2008, which mentions that the map, P-1244761-2007, is not found in a wildlife protected area.</u> Refers to MINAET Water Department document IMN-DA-2586-2008, which reports and determines that the Aserradero Stream is permanent and a public domain stream and there is no documentation regarding the property in relation to the province, municipality, district, cartographic sheet section latitude 287-388 and longitude 407-409 and the stream. SETENA in decision No. 1597-2008 awarded Condominio Horizontal Residencial Las Olas its environmental viability. During the field inspection performed on the project Condominio Horizontal Residencial Las Olas, based on its topographical, ecological characteristics and vegetative profile in addition to its soil and the reports mentioned before, <u>there is no indication that there are wetlands in the property, therefore, it is established that there are no wetlands on the property.</u> <p>RECOMMENDATIONS [BETTER TRANSLATION NEEDED FOR THESE]</p> <ul style="list-style-type: none"> Request the owner of the property that no further tree cutting or brushing of herbaceous and both type vegetation be continued on an area inside the property where there is a forest patch. Request any tree cutting permit to the Aguirre-Parrita Sub Region. In addition, to respect all existing environmental laws when performing any works or construction. <p>LOCATE REPORTS LISTED</p>	Electronic & hard copy file

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<u>16 July 2010</u>	Construction Permit from the Municipality of Parrita [REVIEW – WHAT IS IT IN RELATION TO?] [TRANSLATION RECEIVED – ICE – 1 ST BATCH]		Hard copy file
<u>20 July 2010</u>	Record of payment to the General Registry to Guarantees on behalf of Hotel Las Olas (La Canicula S.A.), or \$17,500 CDP – this appears to be the amount for the environmental guarantee, which has an expiration date listed of 13 July 2011		Hard copy file
20 July 2010	Towns defender received a complaint from Steve Allen Bucelato (neighbour) [CHECK: DAVID – in update of Jan 2012 – says that BUCELATO sent complaint to TAA, and filed a criminal complaint with criminal prosecutor's office in Costa Rica]	Complaint said: <ul style="list-style-type: none"> By the development of the project, wetlands and lakes of the zone have been affected, and the vegetation of the place because it was filled with dirt and the trees were felled. Floods cause damage to the houses of the neighbours Received by Monica Vargas at the municipality	See Letter of 7 August 2010.
<u>21 July 2010</u>	Confirmation from Sebastian David Vargas Roldan, attorney at law, of receipt issued by the Costa Rican National Bank stating that the developer of Las Colinas del Mar, has provided the \$17,500 CDR required for the environmental guarantee		Hard copy file
Late Aug 2010	CHRISTIAN BOGANTES ASKED DAVID FOR A BRIBE [MORE DETAILS NEEDED. WHY DID DAVID NOT REPORT IT FOR ANOTHER YEAR?]	Christian Bogantes is the director of MINAE office in Quepos, Costa Rica [CHECK]	David update Jan 2012
<u>3 August 2010</u>	Proposal and Offer issued by Totem Construction, which appears to have led to the contract signed 2 September 2010		Hard copy file
7 Aug 2010	Letter from Town Defender Department (Hazel Diaz Melendez), Director of the Municipality to Carlos Vinicio Cordero Valverde (TAA) acknowledging receipt of a complaint from Steve Bucelato on 20 July 2010, and stating that an investigation has been launched in relation to, among other things, whether Las Olas project is being constructed in a wetlands area. <ul style="list-style-type: none"> Requests investigation into complaint by Steve Allen Bucelato [TRANSLATION RECEIVED – ICE – 1 ST BATCH]	Official Note 08952-2010-DHR Notification and request about report <ul style="list-style-type: none"> Refers to complaint from Steve Allen Bucelato (received by the Towns Defender on 20 July 2010). The development of the project has affected the wetlands and lakes because it was filled with dirt and the trees were felled, creating serious damage. At the start of the rainy season all the houses get flooded. The flood damages the houses of all the neighbours, which never happened before the start of the project States that despite being received about 3 weeks ago, until today there is no answer for the complaint and the developer of the project continues with the activities and construction of the place causing damage in the environment and also the neighbours' house. Requests the intervention of the town defender to investigate the case. Requests that they send [a witness statement] attaching evidence: <ol style="list-style-type: none"> Indicate if there is any knowledge about the complaint made by Bucelato To point if the complaint was issued To point if the place of the construction was or not a wetland To point if the permissions of tree felling were approved To indicate any information for the investigation of this case Also it asks him to communicate the town's defender about any procedure management or extra information related with this subject. The person in charge of this case is Alejandra Vega Hidalgo.	Electronic & hard copy files
11 Aug 2010	[Town Defender presented to SETENA the Legal Denunciation]		
12 August 2010	Ministry of the Environment, Energy, & Communications, Record 343-10-01 TAA, Resolution 1076-10, letter from the Jose Lino Chaves Lopez (President), stating that Monica Vargas Quesada shall clearly indicate the effect companies in the West Esterillos are having on the		Hard copy file

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	environment		
13 Aug 2010	Towns Defender Department transfers the complaint (made by Steve Bucelato) against Las Olas to SETENA because of an environmental threat	Towns Defender Department transfers the complaint (made by Steve Bucelato) against Las Olas to SETENA because of an environmental threat – Official Note No. 08949 2010 DHR (Report of SETENA inspection on 18 Aug 2010)	Report of SETENA inspection of 18 Aug 2010
<u>16 August 2010</u>	ACOPAC-D-1049-10 Letter to Christian Bogantes from Carlos Vinicio Cordero (TAA), requesting confirmation of action taken in light of ACOPAC-D-857-10.		Hard copy file
<u>August – September 2010</u>	DEPPAT Environmental Report for Project Colinas del Mar; the report notes, among other things, that there are no situations of non-conformity that have occurred in the inspection [TRANSLATION RECEIVED 2 ND BATCH RGF GLOBAL]		Hard copy file
18 Aug 2010	Inspection by SETENA by Juan Diego Pacheco Polanco (biologists) (SETENA). Conclusion: No wetlands Inspection by MINAET/SETENA, signed by Juan Diego Pacheco Polanco of SETENA and Jovan Damjanac – the inspection has hand-written observations stating, among other things, there is no presence of bodies of water in the area of the Las Olas Development [TRANSLATION RECEIVED – ICE – 1 ST BATCH]	Inspection by SETENA by Juan Diego Pacheco Polanco (Biologists). Jovan Damjanac was present. On basis of this, SETENA issued Resolution 2086-2010 of 1 Sep 2010 in which it reaffirmed that there were no wetlands and rejected the complaint of Mr. Bucelato.	Documents received from DA May 2015/ 9 Draft letter to SETENA of 7 Dec 2012 Hard copy file
18 Aug 2010	Letter from the Environmental Management Department, Municipality of Parrita to Hazel Diaz Melendez (Town Defender Department) [TRANSLATION RECEIVED – ICE – 1 ST BATCH]	Letter from the Environmental Management Department (ref. DeGA-200-2010) of the Municipality of Parrita to Hazel Diaz Melendez (Town Defender) on 18 August 2010 <ol style="list-style-type: none"> 1. Environmental Management Department in the year 2009 carried out inspection on the place of west Esterillos, in the place of Las Olas Project, following a complaint made by the neighbours of the place. 2. A report (N. 049-2009) was subsequently sent to MINAET, in Quepos on April 26th of 2009, because is their responsibility to certify or declare the use of the ground of the property could belong to a wetland ecosystem. 3. MINAET carried out an inspection but did not provide MUNI with any report or notification about the use of the ground in this place. 4. On January 20 of 2010, a second inspection was carried out by an employee of MINAET, because there was machinery working inside the land. But MUNI didn't get any report of this inspection from MINAET. 5. On May 21st of 2010, a third inspection was carried out by Environmental Management of MUNI as SELETRICA S&A was putting in electricity pylons. The same day asked ICE to get the authorization from SETENA (doc RVLA-0582-2010-SETENA) about the environmental viability of the electric distribution. 6. By 31 May 2010, despite that the report from MINAET had been requested several times verbally, MINAET hadn't done anything about it. A note was then sent to Shelem Castro about the necessity of waiting for the answer from MINAET (N090-2010, N. 092-2010). Eng. Castro answered on 14 June 2010 (N.113-2010), indicating that Las Olas Project did not have any permission from the Municipality for ground motion, for the construction of private streets (the document MIM 113-2010). 7. On 31 May 2010, doc DeGA-091-2009, the second report is delivered to MINAET. Asked for categorization of the lands of the project for Las Olas, but no answer was provided. 8. On 14 June 2010 the Municipal Engineer Department sends document No. 114 to David Aven, informing that Las Olas Beach Community SA doesn't have the corresponding permissions and must obtain these from the government entities (SETENA, INVU and respective studies). Doc is 114-2010. 9. 15 June 2010, a request for the investigation of whether Las Olas belongs to the category of wetland was sent to the environmental tribunal, but we have not received any answer. 10. Mr Aven gave us a document of SINAC (67389RNV5-2008) signed by Eng. Ronald Vargas Brenes, SINAC director, indicating that the Las Olas does not represent any environmental threat on Esterillos Oeste and that it didn't was a cause of damages in the Wild Life National Refuge. 11. In the past days, the representatives of the project gave us the documents for a permission request in 	Electronic

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		which they delivered the environmental viability given by SETENA.	
19 Aug 2010	<p>SETENA Report</p> <p>Recommends dismissal of the complaint issued by Steve Bucelato for lack of evidence of land movement and bodies of water or wetlands in the project area.</p> <p>[PROPER TRANSLATION NEEDED]</p>	<p>SETENA Report ASA-1216-2010-SETENA</p> <p>Site inspection after a complaint was made.</p> <p>Description of the complaint</p> <ul style="list-style-type: none"> • Damage to wetlands • Wetlands and lakes filling • Flooding of houses <p>Observations</p> <ul style="list-style-type: none"> • The streets are paved and have sewers • In the area of the project, no evidence of ground motion • The project area is covered by grass and trees • There is not lake or lagoon on the property <p>Recommendations</p> <ol style="list-style-type: none"> 1. The complaint made by Steve Bucelato is rejected because it is considered that in the property there does not exist any ground motions or presence of lakes or wetlands 2. Requests David Aven presents to SETENA within 30 days the environmental management plan 3. Requests David Aven presents a report on the actual situation of the project 	<p>Documents received from DA May 2015/ 10</p> <p>Hard copy files</p>
<u>23 August 2010</u>	<p>Letter from Paula Elena Murillo Alpizar, legal representative, to Sonia Espinosa Valverde, Secretary General of SETENA, record 110-2005-SETENA, requesting an authorization note to proceed with the National Bank in the renewal of the environmental guarantee</p>		Hard copy file
26 Aug 2010	<p>DEPPAT Report to Setena</p> <p>[OBTAIN COPY]</p>		K&S witness prep
<u>27 August 2010</u>	<p>ACOPAC-OSRAP-463-10 Letter from Christian Bogantes, requesting records from Gerardo Acuna Calderon of the municipality of Parrita, pertaining to the Las Olas project</p>		Hard copy file
27 Aug 2010	<p>Letter from Christian Bogantes at SINAC to Hazel Diaz Melendez (Town Defender Department)</p> <p>[DAVID EMAIL: <i>Christian Bogantes writes to Hazel Melendez on 27 Aug 2010: - The first document he tells Ms Melendez he has is the alleged forged document. But how did this alleged forged document get into the MINAE files if it was forged. During the trial when Christian Bogantes was giving testimony, he told the judge that there were wetlands on the property. But the July 2010 minae report says there were no wetlands.</i>]</p>	<p>ACOPAC-OSRAP-468-10</p> <p>Refers to previous correspondence on the matter</p> <ul style="list-style-type: none"> • This includes the letter of 1 Oct 2008 which indicates the possibility of two wetlands, and correspondence (on 7 Oct 2008 29 Jan 2009 and 30 Mar 2009) relating to irregularities (and fake document) [MISSING LETTERS CHECK] <p>Concludes that:</p> <ul style="list-style-type: none"> • According to the documents found on the office Aguirre Parrita the complaints have been responded, which indicates there is no damages on the environment • There aren't permissions for tree felling • According to the inspections there aren't wetlands lakes or lagoons on the property • It is conducting research by collecting documents presented in the Parrita Municipalities correspondence in order to determine whether the documents meet the MINAET requirements. It will take some time for the results of this as the request has been sent to other agencies. <p>[In hearing, they said that the letter mentioned that the Wetlands Department of SINAC was in charge of issuing technical criteria]</p>	<p>Documents received from DA May 2015/ 11</p> <p>Referred to in criminal charges of 13 Nov 2013</p> <p>Hard copy file</p>
29 Aug 2010	<p>Letter from the Environmental Management Department, Municipality of Parrita to the Environmental Administrative Tribunal</p> <p>[TRANSLATION RECEIVED – ICE – 1ST BATCH]</p>	<p>Letter from Monica Vargas at the Environmental Management Department, Municipality of Parrita to the of the Environmental Administrative Tribunal</p> <p>This makes the following observations:</p>	Letter of 29 Aug 2010

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		<ul style="list-style-type: none"> Refers to the biologist Roland Manfredi's letter of 16 July 2010 that the inspection performed and reports do not mention the existence of any wetlands so this area does not have wetlands. This resolution is to proceed to recommend to the office No. 0122-10 to the municipal engineering department that the process of issuing building permits continues as long as the viability to do so is granted by SETENA. 	
September 2010	DEPATT ENVIRONMENT REPORT [TRANSLATION REQUIRED] the report notes, among other things, that there are no situations of non-conformity that have occurred in the inspection		Electronic & hard copy
September 2010	Report of Ing. Minor Arce Solano, Forestry Consultant No. 2220 on TREES DAVID REQUESTED A FORESTRY REPORT FROM MINOR SOLANO (WHO LATER TESTIFIED AT TRIAL THERE WAS NO FOREST) HOW DI [TRANSLATION RECEIVED ICE 2 ND BATCH]	Conclusions (from translation) <ul style="list-style-type: none"> The fence trees listed to make a road on the property can be cut without the need for a forestry permit Some species of the internal areas require a permit to be cut (though the process is very quick and should not be a problem) If < 10 trees are to be cut, a simple permit is granted by MINAET (and the process can be handled by the owner) If > 10 trees per year are to be cut, one must hire a professional forestry engineer. 	Electronic & hard copy
1 Sep 2010	SETENA Resolution, rejecting complaint. [BETTER TRANSLATION REQUIRED & FULL DOCUMENT] [TRANSLATION RECEIVED – ICE – 1 ST BATCH]	SETENA Resolution No. 2086 2010 SETENA In order session No. 094 2010 on 31 August 2010, the Result of the Plenary Commission is: <ul style="list-style-type: none"> The complaint by Mr. Steve Bucelato is rejected as there is 	Documents received from DA May 2015/ 15
2 September 2010	Construction Contract between Totem Construction and Inversiones CostCo C&T S.A., signed by David Aven, also including a series of invoices and receipts		Hard copy file
7 Sep 2010	Las Olas received the construction permits for the infrastructure for their approved master site plan [OBTAIN PERMITS]		Report of 14 Sep 2010: Las Olas Project Overview
10 Sep 2010	YouTube video of storm drainage work		YouTube (via links sent by David)
14 Sep 2010	Las Olas Project Overview and Proposed Business Model (prepared by David Aven) VERY HELPFUL OVERVIEW (including plots)	Sets out a plan view Information on project: <ul style="list-style-type: none"> Announces that the Project received the construction permits for the infrastructure for their approved master site plan. While Las Olas received SETENA approved in June 2008, the financial crisis in September 2008 dried up funding. Although Las Olas has no debt, the shareholders had to wait for the real estate market to recover. In January 2010, Las Olas re-opened operations. But had to make some adjustments to business model (to account for the fact that the homes and condos were selling at around \$250k rather than \$500k mark). Adjusting plans for beach and condo development. Condo/hotel units will have smaller units and lower price point. Las Olas will be a mixed plan development with approximately 358 home lots and areas set aside for beach front hotel/condo units and 2-bedroom condo units. Anticipate that when they re-design the beach units it will consist of approximately 66 units (33 one-beds and 33 two-beds). There will also be around 10 small five-storey condo units with approximately 10 units per building, which will each be sold as a timeshare. Information on market & on the industry & funding	Electronic copy
14 September 2010	Las Olas Project Overview and Proposed Business Model		Hard copy file

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	(1) Authored by David Aven (2) Notes that the project received the construction permits for the infrastructure for the approved master site plan on 7 September 2010 (3) A copy of the construction permit is attached to this document		
17 September 2010	DEPPAT letter resigning as the head of environmental management for the Colinas del Mar project		Hard copy file
17 Sep 2010	YouTube video of storm drainage work		YouTube (via links sent by David)
23 Sep 2010	YouTube video of MUNI digging ditch in front of parcel.	Ditch going into registro. 5-12m back off the road. Water goes into catch basin. Goes to outflow location (estuary location). He says it will need to be dredged to ensure no backflow during heavy rain.	YouTube (via links sent by David)
23 September 2010	Letter from Daniel Loria Sims of Avicennia to the Department of Environmental Control at SETENA, stating that DEPPAT has resigned its role as environmental manager on the Las Colinas de Mar project, and Sims will now take over		Hard copy file
6 October 2010	Letter from Paula Elena Murillo Alpizar to Sonia Espinosa Valverde, Secretary General of SETENA, record 110-2005-SETENA, enclosing proof of the renewal of the environmental guarantee		Hard copy file
Oct – Nov 2010	DEPPAT – SETENA UPDATE [TRANSLATION RECEIVED 2 ND BATCH RGF]		
Nov 2010 – Feb 2011	Gradual filling of the wetlands (prosecutor said)	Prosecutor says: During this time, a group of hired laborers (including Mr. Francisco Inglesias Alberto Cardenas and Gabriela Montero Arce) were ordered to perform, particularly in the limits of the subsidiary farms belong to the project, a drainage channel which was built with culverts, with which he drained a wetland palustrito of approximately 13,500 square meters located between the geographical coordinates 1054150-444340 northwest; 1054150-444580 northeast, southeast 1053950-444580 ; 1053950-444340 southwest. Prosecutor says: David ordered the workers to undertake the filling of the space occupied by the wetland that was drained by placement of large amount of land and the construction of cobblestone streets and the placement of lighting services with which he invaded this conservation area, without having obtained the permission of SINAC.	Jovan Court Ruling
November and December 2010	David Aven Affidavit of Income Tax		Hard copy file
4 November 2010	Special Report of Environmental Responsibility, 110-2005-SETENA, for the Hotel Colinas del Mar; the report notes certain modifications to the project but states that works as originally approved do not differ from the proposed modifications in terms of environmental impact. [NEED TO OBTAIN COPY OF MODIFICATIONS SUBMITTED TO SETENA]		Hard copy file
10 November 2010	Letter from Victor Villalobos Rodrigues & Juan Diego Polanco of the Department of Environmental Audit to Paula Elena Murillo Alpizar, legal representative for La Canicula S.A., confirming receipt of a note from Daniel Loria Sims stating that he has accepted appointment as environmental manager on the Cabinas del Mar project and requesting a signed note by the developer confirming such appointment		Hard copy file
18 Nov 2010	YouTube video of progress		YouTube (via links sent by David)
23 Nov 2010	CV-0081-2010. Letter from Public Defender to SINAC (copying SETENA and MUNI) asking	Writes about the complaint made by Steve Bucelato to Monica Vargas (MUNI) 3 weeks ago, requesting an	Electronic

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	if 2008 report is valid [TRANSLATION RECEIVED – ICE – 1 ST BATCH]	answer on whether the SINAC report 67389RNVS-2008 is official or valid.	
<u>23 November 2010</u>	SINAC Letter, ACOPAC-OSRAP-601-10, from Christian Bogantes to Carlos Vincio Cordero Valverde – the letter appears to be requesting additional support to track complaints and logging permits [TRANSLATION RECEIVED ICE 2 ND BATCH]		Hard copy file
<u>23 November 2010</u>	Letter from Hazel Diaz to Guiselle Mendez Vega, noting that record number 64593-2010-SI, a complaint filed by Steve Allen Bucelato, has been filed with SINAC and requesting a response; the complaint related to the effect on wetlands and lakes		Hard copy file
<u>24 November 2010</u>	Letter from Paula Elena Murillo Alpizar to Dunya Porras Castro, Secretary General of SETENA, stating that the company Avicennia will provide environmental management services in connection with the Cabinas del Mar project		Hard copy file
<u>25 November 2010</u>	Letter from Carlos Vinicio of SINAC/MINAET to Hazel Diaz, stating among other things that SINAC document 67389RNVS-2008 is not an official document and its terms are contrary to the position taken by ACOPAC REVIEW [TRANSLATION RECEIVED – ICE – 1 ST BATCH]		Hard copy file
25 Nov 2010	Letter from Esteban Bermudez Rodriguez with an update on Las Olas to Juan Diego Pacheco Polanco [OBTAIN COPY]		K&S witness prep
25 Nov 2010	Letter from SINAC (Carlos Vinicio Cordero Valverde) to Town Defender Department [BETTER TRANSLATION REQUIRED & BETTER COPY OF DOCUMENT NEEDED] Letter from Carlos Vinicio Cordero, ACOPAC-D-1519-10, to Luis Picado Cubillo, attaching documents regarding the environmental effects of the Las Olas project and also taking note of the findings of the municipality and the Ombudsman of Costa Rica, and of reports DeGA-091-2009, ACOPAC-OSRAP-468-10, and ACOPAC-OSRAP-463-10. There are no attachments included in the document set with this letter, although we do have ACOPAC-OSRAP-468-10 and ACOPAC-OSRAP-463-10.	ACOPAC—1520-10SINAC states that they got a copy of the SINAC REPORT 67389RNVS-2008 WILDLIFE CONSERVATION AREA, WEST ESTERILLOS which presents some irregularities which causes doubt about its validity. <ul style="list-style-type: none">• The file includes mention of document SINAC-SE-GASP-070 but does not mention the results of the procedures in document ACOPAC-D-1063-08. [LOCATE DOCUMENTS]• The formatting/headline/logos do not belong to those of this conservation area• In ACOPAC no operative called WILDLIFE CONSERVATION AREA REFUGE WEST ESTERILLOS exists• The document wasn't subscribed by an ACOPAC functionary• The terms in the document are opposite to the technical criteria issued by ACOPAC about Las Olas Project 2008 (ACOPAC-SD-87-08) which will also be attached to ACOPAC-D-1068-08 <u>This directive considers that REPORT 67389RNVS-2008 WILDLIFE CONSERVATION AREA, WEST ESTERILLOS is not an official document of this conservation area and that the terms are oppose to the technical criteria issued by ACOPAC.</u> <u>By ACOPAC-D-1519-10 I request Luis Picado, in charge of control and protection of ACOPAC, to perform a visit to the property with the purpose of resolving the complaints against this project.</u> A report will be issued before December 3 rd of 2010. The terms will be communicated immediately.	Electronic & hard copy
30 Nov 2010	Official Letter from Mrs. Guiselle Mendez Vega, Executive Director of SINAC requests the suspension of the Environmental Viability [OBTAIN COPY] [TRANSLATION RECEIVED – ICE – 1 ST BATCH]	SINAC-DE-1786 Official Letter from Mrs. Guiselle Mendez Vega, Executive Director of SINAC requests the suspension of the Environmental Viability, based on the supposition of a false letter SINAC 67389RNVS-2008, that was useful input to give the Environmental Viability of the project.	Letter of 25 Feb 2011 SETENA Resolution 2850-2011

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			Hard copy file
<u>30 November 2010</u>	Letter from Guiselle Mendez Vega, SINAC-DE-1783, to Carlos Vinicio Cordero, requesting permission to inspect the Las Olas project site		Hard copy file
<u>30 November 2010</u>	Letter from Victor Villalobos Rodrigues & Juan Diego Polanco of the Department of Environmental Audit to Paula Elena Murillo Alpizar, legal representative for La Canicula, confirming that information provided on 24 November 2010 complies with SETENA resolution 1287-2008-SETENA to the extent that a company called Avicennia will act as environmental consultants on the Cabinas del Mar project [TRANSLATION RECEIVED – ICE – 1 ST BATCH]		Hard copy file
<u>December 2010 – January 2011</u>	Environmental Report, SETENA Record 110-2005-SETENA, Project Hotel Cabinas del Mar, this is a report for the period of December 2010 to January 2011 on the state of the project, including environmental impact and compliance with regulations – the report concludes, among other things, that no non-conformities were presented during this period of time. [WE NEED TO OBTAIN ALL COPIES OF THE SETENA RECORDS DURING THIS PERIOD]		Hard copy file
<u>December 2010 – January 2011</u>	DEPPAT – SETENA UPDATE [TRANSLATION RECEIVED 2 ND BATCH RGF]		
6 th , 10 th , 17 th & 21 st Dec 2010	Inspections performed at Las Olas Project by SINAC		
<u>8 December 2010</u>	Settlement Agreement Between Luis Mariano Solis Vargas (Solis Electric Company Ltd.) and David Aven; it is unclear what type of dispute these parties were in – it appears to be related to payments for change orders – and it resulted in a payment from David Aven to ICE in the amount of 8,815,000 colones, for materials, transportation, and labor; appended to the agreement are certain invoices and plans associated with the work performed, as well as the original agreement between the parties		Hard copy file
12 Dec 2010	Newsletter from Las Olas to shareholders	USD 874,500.000 of total sales + USD 387,500 of deposits sales	Electronic
19 Dec 2010	Milena Rios says she has connections with a European investment fund with up to USD 850 million to invest	Letter states that she has reviewed the 14 September 2010 report [OBTAIN A COPY OF THIS] announcing the issuance of the Las Olas Construction permit. States would like to get involved in the Project. Mentions her connection to a European investment fund that are looking to make an investment (of up to USD850 million)	Electronic
20 Dec 2010	LAS OLAS BUSINESS PLAN	<ul style="list-style-type: none"> • By Jovan Damjanac • 26 of the home lots had already been sold • Total of USD 1,500,000 in sales • Summary of financials & plan 	Electronic Hard copy files
21 Dec 2010	INSPECTION – attended by Luis Picado Cubillos	In his statement he says that they found a riverbed almost covered up which belongs to the property, which coverage in the sewers built months ago, which bleeds on a mangrove swamp located about 400m southwest. A very considerable riverbed was directed and it was being directed away from the property by the plumbing. There was a quantity of water on the zone of the construction with yellowish shade (feature of a wetland). At the excavation some sand is added to consume all the water. He said they also found vegetation associated with the ecosystem, bird fauna and frogs and toads.	Letter of 25 Feb 2011 (Statement of Luis Picado Cubillos)
<u>3 Jan 2011</u>	Report by Luis Picado Cubillo (SINAC) on inspection at Las Olas Project Conclusions: requests the National Wetlands Program perform an inspection of the place with the purpose of determinate the existence or non-existence of the wetland. Also requests the	SINAC Inspection Results, ACOPAC-CP-003-11 Inspection Results Luis Picado Cubillo attended the inspections with Dioneal Burgos Gonzales and Fluvia Wohl Jimenez (employees of Regional Office in Puriscal).	Electronic & Hard copy files

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	<p>Farming National Innovation and Technologic Transfers Institute (INTA) perform a sampling of the ground to know the type of ground of the property.</p> <p>JM OBTAINING BETTER TRANSLATION</p> <p>[DAVID: DID THEY VISIT THEN?]</p> <p>CAN WE GET HOLD OF THE PHOTOGRAPHS ATTACHED]</p>	<p>Observations:</p> <ol style="list-style-type: none"> 1. Went to SE side of project, and saw tree felling performed on an area of 7.515 hectares, cutting trees of diameters of between 5c and 25cm. They did not count the number of trees but believed there to be more than 400 trees. 2. Also detected different fluids of water running from north to south. 3. About 600m away from the entrance, they found draining pipes on the road 4. Interviewed people who had been living in the zone for 30 and even 40 years. They said it was easy to find birds and reptiles, even alligators, and that the vegetation on the shore of the wetland was removed and burned. 5. About 2 months ago, a channel was built by Parrita’s Muni – this comes from the property, goes in line with the road and then turns to the south in line with the sport square and then bleeding in a manglar by Mario Venegas Hidalgo’s property. The piping is about 450m long and, according to people interviewed, was built for drying the wetland. 6. On 21st Dec the last visit they went to the place the neighbours said was a wetland, which was supposedly filled in the past year. They saw a semi covered riverbed which came from the high parts and went to a drain system built months before and which bled on a near manglar. The volume of water is still considerable and it is being directed to the outside of the property by pipes. 7. In the place of construction we could find the presence of a yellowish water, which is common in wetlands, which is why they throw sand on it to dry the water. We also found plants related with wetlands and birds. <p>CONCLUSIONS</p> <ol style="list-style-type: none"> 1. The property counts with water corps supposedly classified as wetlands, so is important the National Wetlands Program to do something about. 2. Is necessary to perform a sampling of the ground to prevent any environmental damage in a fragile ecosystem which according to the neighbours is a wetland. 3. According to the article N 11, clause 2) of the biodiversity law 7788 which indicates that the respective measures must be taken for the protection of the natural resources preventing a damage on it. 4. The elimination of vegetation in an area bigger than 3 hectares where trees with a diameter between 5cm and 40cm were eliminated. 5. We could prove the existences of a document with fake signatures of Mr. Ronald Vargas Brenes from SINAC and the biologist Gabriel Quesada, which indicates that Las Olas Project wasn’t an environmental threat and that does not involve the National Wild Life Refuge, reason why the constructions and activities must be stopped until the case is resolve. <p>RECOMMENDATIONS</p> <ol style="list-style-type: none"> 1. To request the National Wetlands Program to perform an inspection of the place with the purpose of determinate the existence or non-existence of the wetland 2. To request the Farming National Innovation and Technologic Transfers Institute (INTA) perform a sampling of the ground to know the type of ground of the property. 3. To request ACOPAC or SINAC perform an investigation with the purpose of finding the fake signatures in the documents according to SINAC 67389 RNVS 208 4. Stop all activities until we find the truth of the facts 5. Make a penal and administrative complaint for the elimination of vegetation in a forest of more than 3 hectares <p>Attachments include pictures of previews taken by the neighbours which show the existence of wetlands, as well as pictures taken in December 2010 which show water bleeding in the place which is supposedly a wetland, machinery performing ground motions and levelling for the construction.</p>	
<p><u>4 January 2011</u></p>	<p>Letter from Ronald Vargas Brenes of the “Removing Barriers Project” to Luis Picado Cubillo of the Central Pacific Conservation Area, stating that the signature in Informe SINAC 67389RNVS-2008 does not correspond to his signature</p>		<p>Hard copy file</p>
<p><u>15 January 2011</u></p>	<p>Construction Contract entered into between Inversiones CostCo C&T S.A. and Jonathan</p>		<p>Hard copy file</p>

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	Montero Alraro of Maedmontero Building Construction and Architectural Design – the agreement is signed by David Aven and includes a table of payments indicating a balance of 15,467,000 colones		
17 Jan 2011	[SETENA??] requests that David present an original official letter from SINAC 67389RNVS-2008 or Authenticated copy	SG-ASA-041-2011	See SETENA Resolution of 15 Nov 2011
17 Jan 2011	SETENA writes to Mrs. Guiselle Mendez Vega to request she pronounce the veracity of SINAC 67389RNVS-2008	See Official Letter SG-ASA-042-2011 Mrs Mendez answers (in official letter SINAC-DE-075)– saying that this letter is not an official report by the reasons given in official letter SINAC-DE-1786, namely that (a) the original signature does not correspond to Mr. Vargas Brenes, (b) There is no Sub regional office of SINAC which name is Regional Esterillos Oeste. (c) The number of the document does not correspond to the one SINAC uses.	See Injunction of 15 Nov 2011
28 Jan 2011	Luis Picado Cubillo (SINAC) informed the Attorney General’s Office about damage to an area of forest and wetland in order to prove the detail of facts taking place in January. [TRANSLATION RECEIVED – RGF – 1 ST BATCH]	Report number ACOPAC-CP-015-11-DEN in which Luis Picado Cubillo informed the AGO about the damage to an area of forest and a wetland inside the Las Olas Project (1) This document appears to be a police report issued by Luis Picado Cubillo, stating, among other things, that the Las Olas property has a forest, as provided by the definition under the Forestry Law Number 7575; (2) It also cites the Law on the Use, Maintenance and Soil Conservation Number 7779 and the Law on Biodiversity Number 7788, and states that there are bodies of water that are apparently classified as wetlands; (3) The report further confirms the existence of a document that had forged signatures of a chief executive of SINAC in 2008 – Ronald Vargas Brenes and Garbiel Quesada Avendaño; (4)The report then petitions for an inspection to corroborate the facts alleged and an injunction against further development	Criminal charges of 13 Nov 2013 Hard copy files
<u>February-March 2011</u>	Environmental Report, SETENA Record 110-2005-SETENA, Project Hotel Cabinas del Mar, this is a report for the period of February 2011 to March 2011 on the state of the project, including environmental impact and compliance with regulations – the report concludes, among other things, that no non-conformities were presented during this period of time		Hard copy file
<u>February-March 2011</u>	DEPPAT – SETENA UPDATE [TRANSLATION RECEIVED 2 ND BATCH RGF]		
2 Feb 2011	Demand filed to Aguirre Prosecution against Las Olas Horizontal Residential Condominium Project [TRANSLATION RECEIVED – RGF – 1 ST BATCH]	REQUEST COPY	Criminal charges of 13 Nov 2013
<u>4 February 2011</u>	SINAC Letter, ACOPAC-D-83-11 from Carlos Vinicio Cordero Valverde to Hazel Diaz, acknowledging allegations of the illegal cutting down of trees, and referring action related to an injunction until February of 2011 [TRANSLATION RECEIVED – RGF – 1 ST BATCH]		Letter of 25 Feb 2011
<u>4 February 2011</u>	SINAC Letter, ACOPAC-D-84-11 from Carlos Vinicio Cordero Valverde to Guisselle Mendez Vega, acknowledging that technical staff was instructed to file complaints in connection with the illegal cutting down of trees, and also noting that SINAC will analyze allegations regarding the falsification of documents		Hard copy file
4 Feb 2011	SINAC asked the Wetlands National Program (by doc ACOPAC-80-11) to carry out an inspection to determine if the damaged ground belongs to the category of wetland		
8 Feb 2011	Environmental Agrarian Prosecution Office issued and Order of confiscation of SETENA file number D-1362-2007-SETENA		Criminal charges of 13 Nov 2013
8 Feb 2011	CFIAProject Logbook TRANSLATION RECEIVED RGF 3 RD BATCH		

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9 Feb 2011	David Aven responds to letter of 17 Jan 2011 where he indicates he does not have any relation to SINAC report 67389RNVS-2008 (of 3 April 2008)	REQUEST COPY	67389RNVS-2008
11 Feb 2011	Inspection by the prosecution carried out in the area of the facts to prove that draining and filling works of the wetland were carried out, as well as the presence of machinery at the site. [OBTAIN CD OF DOCUMENTS]		Criminal Charges of 13 Nov 2011
14 Feb 2011	YouTube video showing progress – laying of pavement etc.		YouTube (via links sent by David)
14 Feb 2011	Administrative Injunction Notification from SINAC [WHAT IS THE STATUS OF THIS? INJUNCTION TO STOP WORKS NOT ISSUED UNTIL LATER IN 2011]	Administrative Injunction Notification – ACOPAC-CP-032-11 - from Luis Picado Cubillo, Control and Protection Coordinator, Central Pacific Conservation Area, to David Aven States that several visits were made to attend the complaint filed, and that anomalies against the environment were found including: <ul style="list-style-type: none"> • Tree felling in the forest side • Ground motion • Possible filler of wetlands • Possible drying of wetlands because of the construction of a sewer of 450m which vents in a mangrove swamp • Forged signatures were found on the record of the project <p>The injunction is issued to stop the tree felling and constructions, or any other harmful action against the ecosystem until the possession of the required permissions, existence of wetlands and signatures legitimacy is verified.</p> <p>According to N.33 of the Forest Law N. 7575, according with the National Legislation and the articles N.50 of the Political Constitution, N. 99 of the Environmental Organic Law and N.9 and N.11 of the biodiversity law. And N. 54 of the Forestal Law and Article N. 16 of the Wildlife Conservation Law.</p> <p>The development of the project can't continue, also any activity related with the elimination of vegetation or ground motion or the opening of new roads in this propriety until it is established if any protect areas have been invaded or damaged, also the filling or drying of wetlands.</p>	Electronic & hard copy
20 Feb 2011	Letter from David Aven filing formal motions for revocation of document ACOPAC C-P-032-11 [TRANSLATION RECEIVED RGF 11/11/15]		
23 Feb 2011	Section for Various Crimes of the Judicial Investigation organ confiscated file number D1-1362-2007-SETENA	This was recorded in Report 60-DVDM-2011 made by investigator Lorenzo Gonzalez Martinez	Criminal charges of 13 Nov 2013
24 Feb 2011	Steve Bucelato provided the tribunal with a document attaching a photocopy without the certification of the deed ACOPAC CP003 11 (BETTER TRANSLATION NEEDED)		Electronic
25 Feb 2011	SINAC Resolution – ACOPAC-CP-049-11 – STATEMENT OF LUIS PICADO CUBILLOS [TRANSLATION RECEIVED ICE 2 nd BATCH] RESPONDS TO ALLEGATIONS BY DAVID – WHERE ARE THESE?	Luis Picado Cubillos CONSIDERING: <ul style="list-style-type: none"> • First: [Difficult to understand] • Second: Referring to the criminal complaint against me, I'm not certain about it as I have never been notified. <p>STATEMENT</p> <ul style="list-style-type: none"> • The situation was caused by a complaint about the Las Olas Project which was sent to ACOPAC Director. • I was appointed to investigate and inspect • On 21 Dec 2010, he found a riverbed almost covered up which belongs to the property, which bleeds into the mangrove swamp located about 400m southwest. A very considerable riverbed there and it was being directed away from the property by the plumbing. There was a quantity of water on the 	Electronic & hard copy

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		<p>zone of the construction with yellowish shade (feature of a wetland).</p> <ul style="list-style-type: none"> At the excavation some sand had been added to consume all the water. He said they also found vegetation associated with the ecosystem of wetlands - bird fauna and frogs and toads. Asked the Wetlands National Program (by document ACOPAC-80-11 of 4 Feb 2011) to carry out an inspection to determine if the damaged ground bellows to the category of wetlands. On 30 Nov 2010, SINAC Executive Director (Guissele Mendez Vega in document SINAC-DE-1786) asked Andrei Borrouquete Vargas (deputy of SETENA) to consider the situation and the signature of Mr. Vargas Brenes who was in charge of approving the environmental viability, with the purpose of cancelling the granted permissions of the Project. [BETTER TRANSLATION NEEDED] Stated that he is in charge of the Protection & Control; his boss is Fulvia Whol Jimene (who coordinates Management & Use of Natural Resources), who in subordinate to Conservation Area Director Carlos Vinicio Cordero Valverde. <p>TECHNICAL CRITERIA FOLLOWED ON CASE</p> <ul style="list-style-type: none"> Denies that he took decisions that did not belong to his rank (as claimant alleges) He said for the inspection of land he gave evidence of environmental damage and on elimination of trees in 7 hectares Denies a relationship with Steve Bucelato. Says that in 28 years of working in the public section, there was only one investigation on relations. 	
March 2011	David goes to Queopos and asks for report mentioned in Bogantes letter.	<ul style="list-style-type: none"> Bogantes tried to hold it back 	K&S witness prep
1 Mar 2011	<p>Complaint made by Dionel Burgos Gonzales against David Aven (ACOPAC-CP-052-11-DEN)</p> <p>[SINAC Police Report, ACOPAC-CP-052-11-DEN, for falsification of documents, elimination of plants and forestry, and wetlands filling]</p> <p>[TRANSLATION RECEIVED – RGF – 1ST BATCH]</p>	<p>Complaint made by Dionel Burgos Gonzales against David Aven (ACOPAC-CP-052-11-DEN)</p> <p>[NOTE: Dionel Burgos Gonzales also provided a report which said there were no wetlands]</p> <p>POLICE REPORT</p> <p>Stated as being for: Falsified document, elimination of forest, wetland filling in Las Olas Project</p> <ul style="list-style-type: none"> FIRST: According to the document ACOPAC-D-1519-10 with the date November 25 of 2010 issued by ACOPAC, on 6 Dec 2009 a complaint was issued by a member of the public which indicated that environmental damages were being caused on the Project. SECOND: He carried out the inspection with Luis Picado Cubillo, the Protection & Control coordinator from ACOPAC, from the Regional Office of Puriscal. THIRD: they proceed to perform a journey on the south east side of the property, watching a tree felling of the forest in an area of 7.515 if extension, cutting trees with a diameter between 5 and 25 centimetres which are from different species... Even though they couldn't been individually counted, he estimates that approximately 400 trees were cut. FOURTH: With the elimination of the vegetation, the pass of the smallest species of reptiles, birds and others has been interrupted, as has been the growth of small trees which in 20 years could become a stable forest. FIFTH: They detected a few water streams from north to south. Stated it was the end of the rainy season which may be why they could still watch streams. Said it would be necessary to perform an investigation in the dry season (Feb/Mar) to verify the existence of new water sources and to determine if a protection area has been invaded. SIXTH: According with conversations with neighbours (living there for more than 30 years) they are sure about the existence of a wetland which has been filled in, located on the north east of the property where at the moment they are performing some ground motions at the start of the building that seems to be a condominium. They said that it was pretty easy to watch aquatic birds and reptiles, even alligators etc. They said that about 2 months ago the municipality started to realise the intubation which comes from the property and continues in line with the main street and then turns to the south, going in line with the sports court and ends in the vent place in a mangle which share limits with the property of Mr. Mario Venegas,. In this site they could find water roaming in the sewers. The butes are about 450 (m?) long and according to the interviewed people it was near to wetland. SEVENTH: On 21 Dec, a visit to the property was made with Luis Picado Cubmillo and Fluvia 	Electronic & hard copy

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		<p>Wolh Jiminez. The objective of this visit was to cover the property to verify if the elimination of vegetation has continued in the south east side of the property finding that the place was the same.</p> <ul style="list-style-type: none"> • EIGHT. A visit to Hills of Esterillos located in front with the purpose to look if water was still running from two little streams as it was observed in the last visit. The conclusion was that water was still roaming from those streams. • NINTH: They visited the place indicated as wetland by the neighbours, which supposedly was filled several times before. Here we can find a half-covered stream which comes from the high part form a sewer system implemented months ago which ends in a mangle near to the place. <p>LEGAL BASES</p> <ol style="list-style-type: none"> 1. The property of Las Olas has a big vegetal cover. Attachment shows the affect area, which has produced the elimination of vegetation in a bigger area than 3 ha, being eliminated trees between 5-40cm and lower vegetation, causing a damage which affects the free developing of smaller trees and the pass of the fauna. The ecosystem was affected ad the home of many species has been destroyed. 2. It is necessary to perform an inspection of the ground to determine the use to avoid permanent environmental damage in the ecosystem known as wetland. 3. According to article N.11 (Clause 2) of the Biodiversity Law N. 7788 which indicates that measures must be taken for the protection of the ecosystem and to avoid a possible damage, all the activities in the project must stop until the respective studies of the round indicating that the project won't cause damage are performed. 4. In the property, there are water bodies which supposedly are wetlands, so it is important that MINAET does something about it. 5. The existence of a document with fake signature of the Director of SINAC in 2008 (Ronald Vargas Brenes and the biologist Gabriel Quesad Avadano), which indicates that Las Olas Project is not a danger for the environment in Esterillos, and this does not cause damages in the biodiversity, is the reason why the activities in the project must stop until the investigations of the case,. 	
9 March 2011	<p>Appeal motion of ACOPAC-CP-032-11 filed by Sebastian D. Vargas Roldan on behalf of David Aven</p> <p>[TRANSLATION RECEIVED – RGF – 1ST BATCH]</p>		
9 March 2011	<p>David Letter to SINAC</p> <p>[TRANSLATION RECEIVED RGF]</p>		
11 March 2011	<p>Manuel Calvo (Engineer) Inspection Report</p> <p>TRANSLATION RECEIVED ICE</p>	<p>Work Progress</p> <ul style="list-style-type: none"> • Earthworks continue on street No. 2. • The excavation works for the subdrainage in street No. 4 were started and instructions given about its dimension and final details. • Areas were rainwater might accumulate during the rainy season are being detected and channeled. • Low-level lots are filled and their respective vegetation cover is removed. The filling layer is 30 cm and is compacted according to the recommendation. 	
11 Mar 2011	<p>YouTube video of laying ballast rock on roads to handle water coming off hill</p>	<p>States putting in drains along the road and canals next to curving. Refers to drainage ditch</p>	<p>YouTube (via links sent by David)</p>
16 Mar 2011	<p>ACOPAC-CP-061-11 SINAC letter to Director of ACOPAC informing him about the visit to Las Olas.</p>		
18 Mar 2011	<p>SINAC Inspection Report – sent to Environmental Prosecutor (Luis Gerardo Martinez Zuniga)</p> <p>[WHEN WAS INSPECTION MADE? TRANSLATION NEEDED – IMPORTANT DOC. BETTER COPY NEEDED TO SEE PHOTOGRAPHS]</p> <p>[NEED TO OBTAIN SINAC-GASP-093-11]</p> <p>Wetland (measuring 1.35ha) was filled in.</p> <p>Includes request that the developers be required to take restoration efforts given damage to wetlands.</p>	<p>SINAC Inspection Report - SINC-GASP 143-11 - signed by Jorge Gamboa Eilzodo / Luis Picado Cubillo / Fluvia Wohl</p> <p>Accompanists: Luis Gerardo Martinez (Environmental Attorney), Biologist Jairo Sancho (SINAC_GASP), Luis Picado Cubillo & Fluvia Whol (ACOPAC)</p> <ul style="list-style-type: none"> • Stated purpose: determine if there is a wetland as described on the report SINAC-GASP-093-11 • In the land described on P-1244761-2007 as a land of irregular topography, with the presence of trees native of this zone, bushes, palms in which was found a wetland... which has been affected by the construction of a drain system which is connected to a sewer in the outside of the property in a public space which drains the limits of the wetland about 450m away from the inspected area. • The place of the wetland was 100% filled letting uncovered the drain channel and the sewers. 	<p>Electronic & hard copy</p>

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	[TRANSLATION RECEIVED RGF 11/11/15]	<p>Conclusions and Recommendations</p> <ul style="list-style-type: none"> The wetland described on SINAC-GASP-093-011 was filed and the drain channel and the sewer system are uncovered. The employees of the Central Pacific Conservation Area agreed to delimit the wetland area with an area of 1,35ha. There are damages in the ecosystem, breaking the article 45 of the Organic Environmental Law which prohibit any activity which interrupts the natural cycle of the ecosystem as any construction which interrupts the pass of water and also the draining or filling or any alteration which create a damage in the ecosystem. <p>We request the developers of this project:</p> <ul style="list-style-type: none"> Eliminate the filling materials Eliminate the drain system Management of the waters of this channel Reforest the place with plants which are native of this place Label the ecosystems of the property Include the cadastral maps fo the wetlands Establish a restoration and protection plan for the ecosystems of the property Present an Environmental Education Project in this community focused on the wetlands 	
<u>18 March 2011</u>	<p>SINAC Inspection Report GASP 093-11 from Jorge Gamboa Elizondo, concluding that present construction was affecting the natural dynamic of wetlands. The site of inspection is Esterillos Oeste and appears to be within or near the Las Olas development; the report also mentions the allegedly forged Vargas document.</p> <p>[TRANSLATION RECEIVED RGF 9/11/2015]</p> <p>[REVIEW]</p>		Hard copy file
18 Mar 2011	<p>SINAC sends Richard Aven a copy of the official report ACOPAC-OSRAP-371-10 of July 2010 of biologist Rolando Manfredi.</p>	<p>ACOPAC-OSRAP-171-11</p> <p>[In the criminal charges of 13 Nov 2013, it says that this document will be used to prove that starting from this date, David knew about the existence and contents of the July 2010 Report so that by the date David ordered the drainage and filling of the wetland, he did not know the technical criteria for the non-existence of the lakes or lagoons at the site ???]</p> <p>SINAC Letter, ACOPAC-OSRAP-171-11 from Christian Bogantes Sanchez to David Aven, citing the investigation of Las Olas and stating that Laura Chaves and Luis Picado Cubillo will be involved in working on the investigation</p>	Electronic & hard copy
<u>18 March 2011</u>	<p>SINAC / MINAET Report</p> <p>(1) Issued by Christian Bogantes</p> <p>(2) Report mentions that environment is not being damaged and that two inspections did not reveal any wetlands</p>		Hard copy file
<u>22 March 2011</u>	<p>Letter from Esteban Bermudez Rodriguez of Deppat to Carlos Vinicio Cordero Valverde of ACOPAC, criticizing any findings of wetlands or protected forestry areas in the Las Olas development</p> <p>[TRANSLATION RECEIVED – RGF – 1ST BATCH]</p>	[Cited in criminal charges of 13 Nov 2013)	Hard copy file
<u>23 March 2011</u>	<p>SETENA Inspection of the Hotel Colinas del Mar that includes handwritten notes with observations regarding the project</p>	<p>Official Communication SINAC-GASP-121 signed by Jorge Gamboa Elizondo of National Wetlands Program to prove he sent his report GASP-093-11 to the Prosecution Office</p>	Criminal charges of 13 Nov 2013
April 2011	<p>[Environmental?] Prosecutor ordered David to appear in office for questioning</p> <p>Prosecutor orders 2 more studies: from MINAE & INTA</p>	<p>David showed him all the permits & numerous government studies</p> <p>Prosecutor ordered two more studies to determine if there were wetlands – from MINAE & INTA (the top</p>	David update of Jan 2012

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	[DOES DAVID HAVE COPIES OF MEETING? Or the summons for questioning etc?]	government wetland authority). [David: Prosecutor is asking for evidence of past crimes by ordering more reports from: He is not SETENA or MINAE whose job is to determine if there are wetlands on a planned development site. He ordered one of these from MINAE (which had asked him for a bribe and had already done 4 other studies)]	
<u>1 April 2011</u>	SINAC Letter ACOPAC-D-281, from Carlos Vincio Cordero Valverde to Laura Chves and Luis Picado, attaching a note from Esteban Bermudez of DEPPAT from 22 March 2011, criticizing any findings of wetlands or protected forestry areas in the Las Olas development		Hard copy file
<u>1 April 2011</u>	Technical Report, Hotel Cabinas de Mar, ASA-610-2011-SETENA, administrative record D1-110-2005-SETENA, recommending approval of modifications to the project which would reduce the number of rooms from 80 to 40		Hard copy file
<u>4 April 2011</u>	Manuel Calvo (Engineer) Inspection Report TRANSLATION RECEIVED ICE	WORK PROGRESS: <ul style="list-style-type: none"> • Earthworks continue in street No. 1. • Work is being done on the slopes in street No. 1. • Work is being done in the rainwater canal of easement No. 7. • Earthworks in street No. 2 were completed. 	
<u>12 April 2011</u>	Manuel Calvo (Engineer) Inspection Report TRANSLATION RECEIVED ICE	WORK PROGRESS: <ul style="list-style-type: none"> • Earthworks continue in street No. 1. • Work continues on the slopes in street No. 1. • Work continues in the curb and gutter and drinking water network in easement No. 7. 	
<u>13 April 2011</u>	SETENA Resolution No. 839-2011-SETENA - SETENA REVOKES ENVIRONMENTAL VIABILITY [TRANSLATION RECEIVED – RGF – 1 ST BATCH]	Resolution 839-2011-SETENA, listed as C-20 in the Notice of Arbitration (1) This SETENA resolution had the effect of shutting down the Las Olas project and also makes reference to the TAA injunction suspending the works, asking the municipality of Parrita to enforce the injunction in accordance with the technical report (2) There is a series of letters that were sent/issued after Resolution 839-2011 and are appended to this resolution in the document set—they include the following: i. 4 May 2011: Letter from the Secretary of the Municipality of Parrita to the Department of Urban Development, confirming receipt of Resolution 839-2011 11 May 2011 Letter from Urban Management and Development recognizing and requiring compliance with Resolution 839-2011 – the recipients of this letter are not entirely clear iii. 2 September 2011: Letter to Jovan Damjanac from the Department of Urban Management and Development, in response to a request from Jovan for information regarding visits conducted by the inspectors of the Las Olas project – it appears that the reports compiled were attached to this letter, and were sent to the Secretary General of SETENA iv. 26 September 2011: Letter from the inspection department of the municipality of Parrita to Jorge Alvarez Mondragon of the Department of Urban and Social Development, stating that a visit took place on 23 September 2011 and confirming that there was no further construction taking place v. 27 September 2011: Letter from Mondragon to Secretary General Baltodano of SETENA, it appears that a monthly report of some type is attached to this letter, with an inspection by the department’s inspectors of the activities taking place in regard to the Las Olas construction	Electronic & hard copy
<u>13 April 2011</u>	Tribunal of Administrative Environment in San Jose, Resolution No. 412 11 TAA INJUNCTION	Considers: <ul style="list-style-type: none"> • Steve Bucelato’s complaint 	Electronic & hard copy

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	<p>[WHAT IS THE STATUS OF THIS?]</p> <p>[Notice of Closure for project due to wetlands violation – says David]</p> <p>[TRANSLATION RECEIVED ICE 2ND BATCH]</p> <p>(1) The resolution issues an injunction suspending the project until a final act is determined by the administrative tribunal, or the tribunal determines that the injunction shall be lifted</p> <p>(2) The resolution is signed by Jose Lino Chaves Lopez, Jose Luis Vargas Mejia, and Daniel Montero Bustabad; this resolution is based on the complaint filed by Steve Bucelato</p>	<p>Taking into consideration:</p> <ul style="list-style-type: none"> • [Mentions a number of provisions of law] • Refers to ACOPAC 003 11 • Requests that Mr. Jorge Gamboa Elizondo, as coordinator of the Wetland National Program of the National System of Conservation Areas to send the tribunal an economic evaluation report of the presume environmental damage done. • Necessary to ask Mr. Freddy Garro Arias, as Municipal Magistrate of the County of Parrita of the province of Puntarenas, to certify if there is any authorisation granted by that institution in the name of the Los Olas Project to realise the supposed stuffing of the zone, movement of lands, construction of private streets with electrification, as well as the burning of trees, with side at Esterillos, west of Parrita and more. • It is important to find out the truth of the facts, to ask Mr. Andrei Bourrouet Vargas (Secretary General of SETENA) to certify if his office exists an administrative file for Las Olas as to the same. • It is important to also ask Mr. Gerardo Chavarria Amador, Chief Officer of Sub Regional Aguirre Parrita from Pacific Central Conservation Area on the same. <p>Outcome:</p> <ul style="list-style-type: none"> • Injunction against any project or activity that could make any environmental damage on the supposed wetland with the cutting of trees, excavations, placement of sewer tubes and levelling to construct an infrastructure. • These measures will persist until the Tribunal dictates final act of the present Ordinary Administrative Process 	
18 April 2011	<p>Manuel Calvo (Engineer) Inspection Report</p> <p>TRANSLATION RECEIVED ICE</p>	<p>WORK PROGRESS:</p> <ul style="list-style-type: none"> • Potable water works continue in street No. 7. • Rainwater works in easement No. 7 were completed. • The spillway outlet in easement No. 7 was completed. • The rainwater spillway inlet is being built in street No. 1. 	
24 April 2011	<p>Manuel Calvo (Engineer) Inspection Report</p> <p>TRANSLATION RECEIVED ICE</p>	<p>WORK PROGRESS:</p> <ul style="list-style-type: none"> • Earthworks have been halted; work is only being done in secondary works: canal cleaning, pipeline cleaning, and spillway inlets and outlets. • Temporary gravel is being laid out along street No. 1 until the intersection with street No. 3. The work along street No. 2 has already been finished. • Final details in the culvert and spillway outlet in street No. 1 are being finished. • Overall cleaning of the lots is taking place. 	
28 Apr 2011	<p>Certified copies of the Report of Jorge Gamboa, Coordinator of the National Wetland Program of SINAC (GASP-093-11), in the inspection performed at the Project (dated 18 March 2011 as above)</p>	<p>ACOPAC-CP-075-11-DEN</p> <p>Certification of report done by Jorge Gamboa, Coordinator of the National Wetland Program of SINAC, in the inspection performed in Las Ola Project to be attached to the complaint made by Dionel Burgos Gonzales against David Aven according to the document ACOPAC-CP-052 March 1st of 2011.</p>	<p>Documents received from DA May 2015/ 26</p>
29 April 2011	<p>WAS THERE AN APPEAL BY DAVID OF SETENA RESOLUTION NUMBER 839 (i.e. an appeal against revocation??)</p>		<p>See SETENA Resolution of 15 Nov 2011</p>
April - May 2011	<p>DEPPAT Report to Setena</p> <p>[TRANSLATION RECEIVED RGF 2ND BATCH]</p>		<p>K&S witness prep</p>
May 2011	<p>DAVID FILED A COMPLAINT AGAINST CHRISTIAN BOGNATES FOR ATTEMPTED BRIBERY</p> <p>[TRANSLATION REQUIRED]</p>	<p>Manuel only recently was able to get the Bogantes file</p>	<p>Electronic</p>
May 2011	<p>Environmental Prosecutor (Luis Martinez) asked if he could visit Las Olas</p> <p>[MORE DETAILS NEEDED]</p>	<p>David attended, as did Esteban Bermudez as well as a minor attorney.</p> <p>Environmental Prosecutor brought a team of people, as well as a contingent from MINAE.</p> <p>DAVID: <i>We met them on the property and he comes over and asks me if he could borrow some of my people</i></p>	<p>David Jan 2012 Update</p>

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		<p><i>so they could mark the wetlands. I said what, are you kidding me, did you read the INTA report. Now listen to this amazing statement the criminal prosecutor made to me in person, "YES I READ THE REPORT, BUT I DON'T BELIEVE THAT REPORT".</i></p> <p><i>He alleged in his complaint that we had cut down 400 hundred trees. I kept asking him, please show me the 400 trees that we cut down. Where are these trees you allege that we cut down, he said on the other side of the property well go there after we are finished hers. After spending hours putting stakes into the ground and into the heart of the project, we finally made our way over to the other side of the property and started to walk the entire area where he alleged we had cut down the 400 trees. There were a number of people that took that walk including myself, Esteban Bermudez, our environmental representative and the prosecutor. There was nothing there, it was totally pristine since this was not an area that we were not doing any work at all. So when we get back to the starting place, which was a main road at the back side of the property, I was standing with Esteban, the prosecutor and Mr., Luis Picardo the main antagonists, and I was pretty upset and so I said, where are the 400 trees you said were cut down, we didn't see any. Where are they. So then both Mr. Picado and Mr. Martinez got upset and they storm off into the property about 100 feet and motion me and Esteban to come where they were. So we did. When we got there, I asked him again where are the 400 trees you said we cut, he points down to a small tree stump about 6 inches in diameter that was cut down years ago and said there. In Costa Rica you are permitted to clear your land and cut small trees less than 15 inches without a permit. So I said, that's a small tree and then he made this shocking statement. "IF YOU KILL A SMALL CHILD IS THAT NOT MURDER"? Both Esteban and I were shocked and just dumbfounded. I said to him, are you correlating cutting a small tree with killing a small child and he said yes. So at that point I realized I was not dealing with a rational human being at all, no rational human being would ever make that ridiculous comment, and for that to come out of the mouth of a criminal prosecutor was just stunning and unbelievable.</i></p>	
May 2011	<p>Monica Vargas of the Municipality of Parrita sent a letter to the TAA indicate the possible existence of wetlands in Las Olas</p> <p>[MORE DETAILS NEEDED]</p>		Draft letter to SETENA of 7 Dec 2012
02 May 2011	<p>Manuel Calvo (Engineer) Inspection Report</p> <p>TRANSLATION RECEIVED ICE</p>	<p>WORK PROGRESS:</p> <ul style="list-style-type: none"> The fill from street No. 4 to No. 1 is checked. The modification of the roundabout curb at the main entrance on street No. 1. The subdrainage ditches on top of the slopes will be built this week. The gravel fill works in streets No. 1 and No. 3 continue. Earthworks in street No. 5 continue to complete the right of way. The slope investment details in street No. 8 are checked and correction instructions are given. 	
4 May 2011	<p>SINAC Report, ACOPAC-OSRAP-0233-1, stating that on 16 February 2011, an inspection was conducted of the West Las Olas Project, and a lake was observed, which was drained to a low level, which resulted in a large number of dead fish</p>		Hard copy file
04 May 2011	<p>MUNI administrative act N.SM-2011-301</p> <p>[MORE DETAILS NEEDED]</p>	[NOT SURE WHAT THIS IS. REFERRED TO IN LETTER OF 12 May 2011]	
05 May 2011	<p>INTA REPORT (for Environmental Prosecutor)</p> <p>Conclusion: there are no wetlands on property.</p> <p>[TRANSLATION RECEIVED ICE 2ND BATCH DAVID said the report was done by Dr. Diogenes Cubero Fernandez, who is now the director of INTA.</p>	<p>INTA Report – DE-INTA-255-2011</p> <p>Conclusions of INTA Report (technical) – [INTA is top governmental wetland authority in Costa Rica]</p> <ul style="list-style-type: none"> The area in question physiographically represents a concave terrain, where superficial leftover waters coming from the surrounding hills are deposited, as well as those from the artificial drains in the highway that is to its West. Due to the difficulty of the water drainage in these areas, anaerobic processes are evident and with its depth reduction processes are increased and where approximately at 80cm such processes are radical due to the presence of glazed terrains. At the time of the inspection there was no evidence of a phreatic surface above 120 centimetres. The Terrain Use Capacity Study was made up to the Management Unit level.... The anthropic interference that for several decades has affected this area (road infrastructure, deforestation, grazing) and the definition of the Management Unit on point 4 do not allow for the terrains in this area to be considered as typical wetland ecosystems. 	Electronic & hard copy

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		<p>COMMENTARY</p> <ul style="list-style-type: none"> The conclusions rendered in the following official reports can be respected: SINAC 67389RNVS-2008, ACOPAC-OSRAP-171, ACOPAC-OSRAP-468-10 and the SETENA inspection report of 18th August 2010, which support the conclusions that have been detailed here. Thus, such decisions provide the approval for the project to advance normally with regards to the environmental part. It is clear that there was no invasion by the project of an area previously and technically defined as a wetland. On the contrary, it is based on the technical reports and the inspections that the project members continue to develop the works in question. The developer is not under the obligation of knowing technical criteria for the definition of a wetland ecosystem, because it should be provided by studies and the corresponding offices. <p>The report states that the developer is not under the obligation of knowing technical criteria for the definition of a wetland ecosystem, because it should be provided by studies from the corresponding offices. INCLUDES ON PAGE 14/16: TECHNICAL CRITERIA: SOILS & LAND AND LAND USE CAPACITY - WHAT IS THIS? FOR EXPERTS?</p>	
<p>6 May 2011</p>	<p>DAVID GAVE A DECLARATION OF THE ACCUSED TO THE ENVIRONMENTAL PROSECUTOR</p> <p>TRANSLATION RECEIVED ICE 2ND BATCH</p>	<ul style="list-style-type: none"> David refers to 12 documents on the project, and sets out what each show (including that there are no wetlands on the property). David discusses the fake document, and the fact that Christian Bogantes made a bribery attempt in August 2008. [CHECK THIS: PREVIOUSLY REFERRED TO BRIBERY IN AUGUST 2010]. Christian came to the project and said the project could have more fluency [BETTER TRANSLATION NEEDED] if the project could collaborate on pension funds. He also refers to Picao who also asked him for a bribe (though not directly). David confirms they have not cut trees and that the attorney could visit the property at any time <p>[He also didn't do anything about bribery attempt]</p>	<p>Electronic & Hard copy files</p>
<p>9 May 2011</p>	<p>Manuel Calvo (Engineer) Inspection Report</p> <p>TRANSLATION RECEIVED ICE</p>	<p>WORK PROGRESS:</p> <ul style="list-style-type: none"> The temporary gravel layer on street No. 1 is finished; it goes from the main access to the intersection with street No. 7. There are no data about the compaction degree of the gravel laid out. If the owner wants more information on the compaction degree of the work done, he should hire a material laboratory to do so. Meanwhile, it is recommended to withhold 10% for warranty purposes while the laboratory tests are obtained. This amount will be paid when the approval for the compaction degree is obtained or when the desired degree of compaction ordered and contracted is reached. The temporary gravel layer on street No. 2 and street No. 3 is finished. The same recommendations about the compaction degree and the 10% withhold discussed in the previous point are made. Earthworks in street No. 5 to complete the right of way and improve the road slopes are made. Gravel placing has reached 50% in this street. Gravel works in street No. 7 started. The transition concrete slabs between the existing public road and the accesses to easements No. 8 and No. 9 were finished. The temporary drainage pipeline was laid out in intersection of street No. 7 and street No. 1. 	
<p>11 May 2011</p>	<p>Manuel Calvo (Engineer) Inspection Report</p> <p>TRANSLATION RECEIVED RGF</p>	<ul style="list-style-type: none"> OBSERVATIONS 1. The work has been stopped at the request of the Ministry of the Environment and Energy by means of official document DVM-117-2011 dated April 27, 2011. The work will continue when authorization is received to start working again. JOB PROGRESS: The only work that has been done is laying gravel on the existing streets. The streets still need to be compacted. We are expecting stronger rains to check the slope stability and general control barriers. 	
<p>11 May 2011</p>	<p>LAS OLAS PROJECT NOTIFIED OF SHUTDOWN BY MUNI</p> <p>[WHAT IS THE STATUS OF THIS?]</p>	<p>Letter OIM 119-2011</p> <p>This may be the shutdown notice to David (THE COPY WE HAVE IS UNDATED)</p> <ul style="list-style-type: none"> Refers to the injunction in SETENA Resolution No.839-2011-SETENA 	<p>Letter of 19 May 2011</p> <p>Hard copy files</p>

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	<p>Notification to Las Olas Project of SETENA Resolution 839-2011-SETENA, which said that construction and activities must stop.</p> <p>Members of MUNI went to Las Olas Project and informed Jovan Damjanac (see letter of 12 May 2011)</p> <p>[NEED OT OBTAIN COPY]</p>	<ul style="list-style-type: none"> Based on the rule of coordination of the public administration and with Article 28 of the Environmental Organic Law, SETENA asked MUNI to ensure for the accomplishment of its injunction not to grant any kind of permission for construction in the Project's area until a decision is made on the injunction Appears to reject the option of revoking injunction (??). States that the right of appeal (under Article 162 of the Municipal Code) is to the Municipal Mayor 	
12 May 2011	<p>Letter from Parrita Municipality to Plenary Commission of SETENA</p> <p>SHUT DOWN NOTICE</p> <p>[TRANSLATION RECEIVED – RGF – 1ST BATCH]</p>	<p>Letter OIM 125-2011</p> <p>States that the project was notified to Jovan Damjanac, who refused to receive the notification. The municipal notifiers Gerado Godinez Chincilla y Alexander Elizondo asked for police presence who then delivered it to Jovan.</p> <p>States that the day before notification – i.e. on 10 May 2011 – there were construction activities at Las Olas.</p> <p>[Existing translation is very bad]</p>	Electronic & Hard copy file
13 May 2011	<p>MINAE REPORT (for Environmental Prosecutor)</p> <p>[LOCATE REPORT]</p>	<p>Report ACOPAC-CP-081-11 signed by Luis Picado Cubillo, Engineer Fluvia Wolf Jimenez and Technico Dionel Burgos to illustrate the existence of a wetland in the place mentioned, demonstrate and illustrate the farea of forest damages (75150 square meters) in the months of November and December of 2010 due to the alleged actions ordered by Jova.</p> <p>[Notes taken down (but wrong??)- <i>Inspection Report by SINAC by Luis Gerardo Marinez (environmental prosecutor) & Jairo Sancho (SINAC-GASP), Luis Picado Cubillo, Fluvia Whol (ACOPAC)</i></p> <ul style="list-style-type: none"> Objective: Determine a wetland area described on the report SINAC-GASP-093-11 Observations & pictures included Conclusions & Recommendations <ul style="list-style-type: none"> The wetland described on SINAC-GASP-093-011 was filled and the drain channel and the sewer system are uncovered. The Employees of the Central Pacific Conservation Area agreed to delimit the wetland area with an area of 1.35 ha. There are damages in the ecosystem, breaking the article 45 of the Organic Environmental Law which prohibit any activity which interrupts the natural cycle of the ecosystem as any construction which interrupts the passage of water and also the draining or filling or any alteration which create a damage in the ecosystem 	Criminal Charges of 13 Nov 2011 (page 9 / point 22)
13 May 2011	<p>Inspection of the prosecution at the place of the facts</p>	<p>Inspection was to prove that on this date construction works were carried out in relation to a house in the area of the wetland. The area of the wetland was marked and the area of clear cutting of the lower forest structure had taken place on November and December 2010.</p>	
16 May 2011	<p>ACOPAC-CP-081-11 – Letter to the TAA indicating wetlands and forest cutting</p>		
17 May 2011	<p>Letter from Municipality of Parrita, Urban Management and Development; notification of shutdown of the project</p>		Hard copy file
17 May 2011	<p>Declaration by residents of Esterillo Oeste, stating that they are in favor of Las Olas and would like to see it move forward – this is a signed petition with numerous signatures</p>		Hard copy file
19 May 2011	<p>Some form of affidavit of Freddy Garro Arias, Municipal Mayor, Parrita, which he sends to the Environmental Administrative Tribunal</p> <p>[TRANSLATION WOULD BE HELPFUL]</p>	<p>Letter 34-11-01-TAA</p> <ul style="list-style-type: none"> He certifies that Letter OIM 119-2011 (of 11 May 2011) notified Las Olas Project of SETENA Resolution 839-2011-SETENA that construction activities must stop 	Letter of 19 May 2011

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23 May 2011	Certification by Jorge Arturo Gambo Eilzondo, coordinator of the National Wetland program of the SINAC – which is sent to Environmental Prosecutor (Luis Gerardo Martinez Zuniga)	Letter SINAC-GASP 154-11 Attaches: <ul style="list-style-type: none"> • Certification (SINC-GASP-216-2011) • Geographic coordinates of the Map of limits of the wetlands area in Las Olas Project • Reference vertexes in the limits of the wetland area on Las Olas Project 	Electronic
23 May 2011	Manuel Calvo (Engineer) Inspection Report TRANSLATION RECEIVED RGF	<ul style="list-style-type: none"> • JOB PROGRESS: • Work is continuing on digging channels for the surface water for Streets 1, 5, and 7. 	
24 May 2011	Letter from DEPPAT to Environmental Prosecutor [TRANSLATION REQUIRED]		Electronic
27 May 2011	Letter from Victor Villalobos Rodrigues & Juan Diego Polanco of the Department of Environmental Audit to the SETENA Plenary Commission, noting a requested reduction of the Hotel Cabinas de Mar project from 80 rooms to 40 rooms, which would considerably reduce the environmental impact – the letter is a recommends approval of the modification		Hard copy file
30 May 2011	Manuel Calvo (Engineer) Inspection Report TRANSLATION RECEIVED RGF	OBSERVATIONS 1. The work is still at a standstill at the request of SETENA. No major damages were seen to have been caused to the street embankments by the rain. Some work will be done on channeling the water based on the needs that arise. JOB PROGRESS: <ul style="list-style-type: none"> • Work is continuing on digging channels for the surface water for Streets 1, 5, and 7. 	
6 June 2011	Manuel Calvo (Engineer) Inspection Report TRANSLATION RECEIVED RGF	OBSERVATIONS 1. The work is still at a standstill. New secondary channeling work is being anticipated to stop surface rainwater runoff that is cutting tracks in some embankments. JOB PROGRESS: <ul style="list-style-type: none"> • Secondary channels are being dug on the top edge of the embankments. They should be dug 6 meters from the edge. • Work is being done on planting pinto peanut plants to avoid surface damage on the embankments. 	
8 June 2011	SETENA Resolution 1309-2011-SETENA, Project Hotel Cabinas del Mar, Administrative Record D1-110-2005-SETENA, providing a description of the project consisting of 80 tourist villas, which received an environmental viability permit via Resolution 543-2006-SETENA on 17 March 2006. This resolution authorizes modifications to the project to reduce the number of rooms to 40, submitted by Paula Murilla Alpizar, and orders the deposit of the sum of \$17,500 CDP for the environmental guarantee		Hard copy file
11 June 2011	Letter from Monica Vargas Quesada, Department of Environmental Management for the municipality of Parrita, to Andrei Bourrquet Vargas, Plenary Commission Secretary Genegal, stating that despite the SETENA ruling shutting down the Las Olas project, the works have continued, based on observations of 9 June 2011		Hard copy file
20 June 2011	Manuel Calvo (Engineer) Inspection Report TRANSLATION RECEIVED RGF	<ul style="list-style-type: none"> • OBSERVATIONS • 1. The work is still at a standstill. Despite the intensity of the current rains, the damages caused to the embankments have been controlled by channels dug at the top of the embankments. There is water bubbling up out of the ground on Lot 70, easement 9. A channel leading out of the lot should be dug between where the lot borders on the public street but before the street. The depth will depend on the point where the water can be seen on the lot until we are able to contain the water. We will lay pipe and lead the water to the easement rain water system. Details about the types, filling, etc., will be defined later. • JOB PROGRESS: • Damages caused by the rains were controlled by digging channels above the embankments. • Plants are continuing to be planted on the embankments and pronounced slopes with soil that has 	

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		little organic content. It is being planted in bamboo channels.	
20 June 2011	Manuel Calvo (Engineer) Inspection Report TRANSLATION RECEIVED RGF	Suggestions to improve the rainwater systems to prevent further damage from intense rainstorms.	
23 June 2011	Inspection Report No. 34-11-01-TAA		
27 June 2011	Letter from Paula Elena Murillo Alpizar to the National Environment Technical Secretary of SETENA, citing certain errors in SETENA Resolution 1309-2011-SETENA and requesting correction of such errors, which errors, as indicated below, were corrected via SETENA Resolution on 23 August 2011		Hard copy file
27 June 2011	State Response to petition for temporary relief signed by Heilyn Saenz-Calderon [TRANSLATION RECEIVED ICE]		
28 June 2011	Letter from Monica Vargas Quesada of the Municipality of Parrita, to MINAET and the SETENA, alleging non-compliance with the shut-down order on the Las Olas project		Hard copy file
30 June 2011	Certification SINAC-GASP-216-2011, enclosing SINAC inspection reports GASP-154-11, GASP-143-011		Hard copy file
29 Jun 2011	Letter from Environmental Management, MUNI to SETENA informing them of continuation of ground motion & construction of walls BETTER TRANSLATION WOULD BE HELPFUL	Letter DeGA-0111-2011 Letter from Monica Vargas Quesada of Environmental Management, MUNI to Andrei Bourrquet, General Secretary of SETENA, copying Luis Picado (ACOPAC) and Jorge Alvarez of MUNI States that under the non-compliance of the injunction, she refers them to the knowledge of observation of acts done by the Ministry of Public Security about the continuity of the ground motion and the construction of walls. This information is provided to SETENA so it can recommend or indicate a process.	Letter of 30 Jun 2011
June - July 2011	DEPPAT Report to Setena [TRANSLATION RECEIVED RGF 2 ND BATCH]		K&S witness prep
July 2011	Manuel Calvo (Engineer) Inspection Report Sub-Drainage Diagram	Sub-Drainage Diagram for installation.	
7 Jul 2011	Letter from Luis Picado Cubillo (SINAC) to prove forests [TRANSLATION RECEIVED ICE 2 ND BATCH]	Official communication ACOPAC-CP-11 signed by Luis Picado Cubillo, SINAC, to prove that a random sampling was made across the parcels and forests were found (according to definition in Forest Law). Final paragraph apparently says: <i>"In conclusion it can be confirmed that we are in front of a forest, which complies with the definition established in the Forest Law 7575, article 3, clause d).</i> <i>The abovementioned because it is an area greater than or equal to 02 hectares, which has been regenerating naturally, it has mature trees of different ages, specifies, and varied appearances, with one of more canopies, covering more than seventy per cent (70%) of the area and also the sampling of the 03 lots carried out exceeds the 60 trees per hectare."</i>	Criminal Charges of 13 Nov 2011
8 Jul 2011	Parrita Municipality (Engineering Dept) authorises storm drainage <i>[David mentioned that they made an investment of approximately US\$100,000 to put in drainage lines along the interior roads of Eestrillos Oeste]</i>	Paritta Municipality confirms authorization to improve the storm drainage in the Esterillos Oeste by community members, as indicated in the site visit on July 7th of this year. DA: This was something they volunteered to do for the community. They provided the storm drains and MUNI provided the CAT and operated to dig the ditches to put them in. [DA PROVIDED PHOTOGRAPHS OF WORK – and videos too – see below]	Project documents
21 July 2011	VARIOUS CONSTRUCTION PERMITS [TRANSLATIONS REQUIRED. CHECK ALL THE DATES]	[David says these comprise: 1. SETENA environmental permit for the beach club concession, 2. Environmental permit for the housing development in back of the concessions	Electronic

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		<ol style="list-style-type: none"> 3. Construction permit for Beach Club Concession issued by the Municipality of Paritta, 4. Construction permit for housing development in back of the Concessions including permit to construct the infrastructure issued by the Municipality of Paritta, 5. Construction permits for 9 road easements along main road going into Esterillos Oeste, issued by the Municipality of Paritta. 	
<u>1 August 2011</u>	Letter from Jorge Alvarez Mondragon, Urban and Social Development Manager for the Municipality of Parrita, to Uriel Juarez Baltodano, Secretary General of SETENA, confirming a weekly inspection of the Las Olas property and activities taking place on the property, and stating that certain “closing labels” were discovered to not be in place during the inspection		Hard copy file
<u>10 August 2011</u>	Letter from Department of Environmental Management of the Municipality of Parrita – The last paragraph looks to state that within the regulatory plan of the city of Parrita this area is considered as hills and slopes, so that the housing project is consistent with land use, while there is not a contrary ruling		Hard copy file
<u>10 August 2011</u>	Technical Report ASA-1427-2011-SETENA, Project Hotel Cabinas del Mar, Issued by Victor Villalobos Rodriguez, Head of the Department of Environmental Audit and Juan Diego Pacheco Polanco of the same department, responding to a request from Paula Elena Murillo Alpizar for a correction of errors regarding the number of rooms at Cabinas del Mar – the recommendation is to make the requested corrections via SETENA resolution, which as indicated below, was issued on 23 August 2011		Hard copy file
<u>10 August 2011</u>	Statement issued by Sebastian D. Vargas Roldan on behalf of David Aven, notifying the municipality of a lack of due process and unfairness on the part of the municipality by, among other things, directing the SETENA order to apply to sections of the Las Olas project that have nothing to do with the condominiums and are not within the scope of the SETENA order [TRANSLATION RECEIVED ICE 2 ND BATCH]		Hard copy file
<u>16 August 2011</u>	Letter from Jorge Alvarez Mondragon, Urban and Social Development Manager for the Municipality of Parrita, to Uriel Juarez Baltodano, Secretary General of SETENA, stating that Las Olas refused to sign a letter requesting information regarding construction of sewers on the property		Hard copy file
<u>23 August 2011</u>	SETENA Resolution 2030-2011-SETENA, Project Hotel Cabinas del Mar, administrative record Number D1-0110-2005-SETENA, authorizing a modification of the project from a hotel of 80 rooms to a hotel of 65 rooms		Hard copy file
<u>30 August 2011</u>	Letter from Uriel Juarez Baltodano, Secretary General of SETENA, DA-543-11, stating that the Bank will return the environmental deposit document 103003 (CDP \$17,5000), and requesting a renewed deposit within a period of 10 days to provide for a one-year guarantee		Hard copy file
August - September 2011	DEPPAT Report to Setena [TRANSLATION RECEIVED RGF 2 ND BATCH]		K&S witness prep
9 Sep 2011	Police observation of tree being cut down [OBTAIN COPY]		Criminal Charges of 13 Nov 2011
<u>16 September 2011</u>	Criminal Complaint (Tab 12), listed as C-18 in the Notice of Arbitration (1) Filed by David Aven against Christian Bogantes on 16 September 2011 (2) Includes a signed statement by David Aven with a statement of facts; the statement of facts includes a discussion of the alleged bribery attempts and the changes in the agencies’ positions		Hard copy file & electronic

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	regarding the presence of wetlands [TRANSLATION RECEIVED – RGF – 1 ST BATCH]		
	Request for Accusation & request to pronounce an Order for Opening a Trial against David Aven & Jovan Damjanac	Environmental Public Prosecution Office, Attorney’s General Office – Judicial Office. Stated offences: <ul style="list-style-type: none"> • Offence to the wildlife conservation law in the form of wetlands’ draining and filling • Offence against the forest law in the form of invasion of conservation areas and illegal use of forest resources to the detriment of the natural resources 	Electronic
23 Sep 2011	Official letter ACOPAC-OSRAP-708-11 confirms that official letter ACOPAC-OSRAP-00282-08 (2 Apr 2008) has been issued in the sub regional Aguirre Parrita Office (OSRAP)		Electronic
<u>27 September 2011</u>	Record of payment to the General Registry to Guarantees on behalf of Hotel Las Olas (La Canicula S.A.), or \$17,500 CDP – this appears to be the amount for the environmental guarantee, which was received by SETENA on 10 November 2011, and has an expiration date listed of 19 September 2012		Hard copy file
<u>October 2011 – November 2011</u>	Environmental Agency Report, Administrative Record 1362-07-SETENA #9 (1) This is the same type of report mentioned above; both reports are signed by David Aven and another professional, whose signature is not legible (2) Again, the purpose is to identify compliance issues that may pose a risk to the environment. The inspection also states that “at the time of the inspection, there are no situations of non-compliance that have been identified in the course of the inspection.”		Hard copy file
2 Oct 2011	MINAE REPORT ON FOREST [CHECK & OBTAIN COPY] Conclusion: there was a forest at Las Olas		David Jan 2012 Update
3 Oct 2011	SINAC Report on tree cutting [CHECK & OBTAIN COPY]	Report ACOPAC-CP-129-11 signed by Luis Picado Cubillo to prove and illustrate the new damage due to the illegal cutting of an area of forest carried out in September 2011	Criminal Charges of 13 Nov 2011
5 Oct 2011	Email from Dionel Burgos Gonzalez to Public prosecutors [CHECK & OBTAIN COPY]	Allegedly shows exact location of area of forest damaged in September 2011 due to actions of Jovan	Criminal Charges of 13 Nov 2011
21 Oct 2011	CRIMINAL CHARGES FILED AGAINST DAVID & JOVAN [MORE DETAILS NEEDED]	Criminal charges filed by the Assistant Attorney General against David and Joban for violating wetlands and forests. Criminal Complaint, listed as C-22 in the Notice of Arbitration (1) Signed by Luis Gerardo Martinez Zuniga, Assistant Prosecutor, Environment and Agriculture, on 21 October 2011 (2) Request for trial issued to Aven and Jovan for crimes mentioned above, violation of the law of conservation of wildlife and infringement of forestry law	Draft letter to SETENA of 7 Dec 2012 Hard copy file
25 Oct 2011	SINAC INSPECTION	Inspection performed by Eddy Aguilar Coto. <ul style="list-style-type: none"> • Report presented on 7 November 2011 (as below) 	Report of 7 Nov 2011
October - November 2011	DEPPAT Report to Setena [TRANSLATION RECEIVED RGF 2 ND BATCH]		K&S witness prep
<u>November 2011</u>	Site Visit Report, Las Olas Condominiums, Minor Arce, Forestry Consultant, the report concludes that it is possible that in the future, formation in the project site could achieve a forest		Hard copy file

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	formation status, but the professional opinion in this report is that the area cannot be classified as a whole as a forest unit [TRANSLATION RECEIVED ICE 2 ND BATCH]		
1 Nov 2011	Letter from SINAC	Letter ACOPAC-OSRAP-789-11 from SINAC (Ing. Christian Bogantes Sanchez) to Luis Ricardo Cubillo, the Control & Protection Coordinator at ACOPAC <ul style="list-style-type: none"> • Re: Transfer of the Copy Report N. 34-11-01-TAA, RESOLUTION 412-11-TAA David Aven • Christian says he sent him a copy of the resolution 412-11-TAA. • The complaint was sent on ACOPAC-CP-003-11 (a document he didn't have) and also indicated by the Agrarian Prosecutor • The complaint was transferred to Puriscal and Luis Ricardo Cubillo was in charge of it • Requests an answer to TAA about the status of the complaint and advance and to remit to the sub-regional office of Aguirre-Parrita a copy of the report 	Electronic
7 Nov 2011	SINAC-ACOPAC INSPECTION REPORT ACOPAS-OSRAP-784-2011 (from inspection on 25 Oct 2011)	SINAC-ACOPAC INSPECTION REPORT ACOPAS-OSRAP-784-2011 (from inspection on 25 Oct 2011) CHRISTIAN BOGANTES SANCHEZ – who previously said there was a wetland <ul style="list-style-type: none"> • Found a small water mirror that they were not able to determine its type, but being a wetland, by its environmental categories of hydraulic vegetation and the type of ground of the place. From the hill to the water mirror, the vegetation has been cut, following the shore of this water mirror they found 4 people that were cutting the vegetation with machines and knives. We asked them about their nationality and they all said they were from Nicaragua and they did not have any document for inspection. They said that the owner of the property had hired them and they were just doing their work. • A few mins later, Jovan Damjanac asked us our names. Jovan said that he has studies which say that if you cut the herbaceous vegetation, trees will grow faster, bigger and healthier. He also said that the other week a forestall engineer will visit the property, so we told him that when the engineer gets there, to tell him to call to our office to get the report about the vegetation of Las Olas property. • In the place where the cut was performed, we could not find any felling trees, but we found the growing vegetation. The sun will create damage on the ground because of its direct contact affecting the vegetation and the ground and the decomposing organisms which are very important in the chemical cycles of the nature. RESULTS AND CONCLUSIONS <ul style="list-style-type: none"> • We found that the vegetation was cut in several lands of the project around a water mirror, which we can describe as a wetland. • If this water mirror is of public possession it will be categorized as wetland, so the Forestall ?? Law, Article 33 must be respected. • The Environmental Organic Law mentions the definition of wetland: they are ecosystems which depend on the water regimes, which can be sweet or salt, natural or not, permanent or not. This definition is very clear when we are not able to see this water corps in a season of the year but we are able to see it in the other season, according to the hydraulic conditions of the place. RECOMMENDATIONS <ul style="list-style-type: none"> • To perform inspections in the place because several times the cut of herbaceous vegetation is performed. • To check the place with a purpose of avoiding damage to a wetland, stream or public water mirror. • Perform visit to the project to avoid the cut of vegetation near the wetland • Attach this inspection to the expedient (?) 	Electronic
13 Nov 2011	INJUNCTION TO STOP WORKS [CHECK: WAS THIS FAXED TO DAVID – Did this satisfy procedural rules? See David's summary of preliminary hearing on 19 June 2012]	Criminal Court of Aguirre and Parrita issues injunction to stop works. Based on the request for an injunction made by Counsellor Luis Gerardo Martinez Zuniga (Assistance Environmental Prosecutor), as a result of a claim made by Steve Bucelato. <ul style="list-style-type: none"> • On or around April 2009, David Aven allegedly ordered the periodic filling of the wetland located on 	Electronic

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		<p>the west side of the project. These actions increased during the months of November 2010 through February 2011.</p> <ul style="list-style-type: none"> • He then hired a group of workings (incl. Francisco Iglesias Cabrera and Gabriel Alberto Montero Arce) to perform on the West side of the project on the border between the branch properties of Condominio Horizontal Residencial Las Olas) a drainage canal with sewers, which allowed for the entire drainage of a palustrine wetland of approximately 13500 square meters located between geographic coordinates 1054150-44340 Northwest; 1054150-444580 Northeast; 1053950-444580 Southeast; 1053950-444340 Southwest. • Moreover, David Aven ordered the workers to file the leftover space that was occupied by the wetland that was drained, by placing vast amounts of dirt and the construction of cemented streets and the installation of public lights which invaded the area of conservation. These actions were performed without the authorization of the National conservation Areas Offices. • [JOVAN activities: hiring agricultural works to cut forest area] • Court agrees that SETENA is the one who must determine which projects are environmentally adequate to be developed and define what is a forest and/or a wetland before granting an environmental viability. But it is also true that throughout the development of the project certain actions could occur that could be considered as crimes (as it appears to be in this case). Under that scenario, the Prosecutor would have the authority to start the investigation and this court should analyse and determine the need for an injunction. An injunction can be implemented when it attempts to prevent damages and consequences that could affect the environment, assets, and the protection of the environment. 	
<p>13 Nov 2011</p>	<p>CRIMINAL CHARGES BROUGHT AGAINST DAVID & JOVAN</p> <p>[HOW DOES THIS FIT WITH 21 OCT 2011??]</p>	<p>EXPEDIENTE: 11-000009-0611-PE</p> <p>David charged with:</p> <ol style="list-style-type: none"> 1. Offence to the Wildlife Conservation Law in the form of draining & drying a wetland (regulated & sanction by Article 98 of the Wildlife Conservation Law); 2. Offence against the Forest Law in the form of invasion of Conservation Areas (regulated & sanction by Article 58 (a) of the Forest Law, and Number 32 of the Environmental Organic Law) <p>Jovan charged with:</p> <ol style="list-style-type: none"> 1. (3 crimes re) Offence against the Forest Law in the form of Illegal Use of Forest Resources (regulated by Article 61(a) and Number 3 of the Forest Law) <p>Submission of Evidence</p> <ol style="list-style-type: none"> 1. Jose Rolando Manfredi Arbarca (biologist) – Sub-regional Office of Aguirre & Parrita, SINAC 2. Jorge Arturo Gamboa Elizondo – Management of Protected Wildlife Areas, SINAC 3. Luis Picado Cubillo – Sub-Regional Office of Puriscal of SINAC 4. Fulvia Alejandra Wohl Jimenez - Sub-Regional Office of Puriscal of SINAC 5. Monica Isabel Vargas Quesada – Department of Environmental Management of MUNI 6. Carlos Alberto Mora Solano – Neighbour 7. Sonia Maria Solano Jimenez – Neighbour 8. Celia Rosa Venegas Jimenez – Neighbour 9. Christian Bogantes Sanchez - Sub-regional Office of Aguirre & Parrita, SINAC 10. Melvin Jose Gonzalez Benevides – Neighbour who was an agricultural worker. Said he was just clearing brush, not ordered to clear lower forest stratum. 11. Antonio Guteirrez Mendez – Neighbour who was an agricultural worker. Said he was just clearing brush, not ordered to clear lower forest stratum. 12. Dionel Burgos Gonzalez (engineer) - Sub-regional Office of Aguirre & Parrita, SINAC 13. Francisco Vicente Igelsias Caldera – Neighbour 14. Gabriel Alberto Montero Arce – Neighbour 15. Jorge Luis Montero Arce – Neighbour 16. Sebastian David Vargas Roldan – Neighbour 17. Walter Gonzalez Fallas – Regional Delegation of Aguirre and Parrita from the Judicial Investigation Organ 18. Jorge Barrantes Villa - Regional Delegation of Aguirre and Parrita from the Judicial Investigation Organ 	<p>David Jan 2012 Update</p>

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		<p>19. Steve Bucelato</p> <p>Sets out the main facts</p> <ul style="list-style-type: none"> • Timeline include • Damage was allegedly started in April 2009, increased in year 2010 and the beginning of 2011. • Report refers to ACOPAC-CP-099-11 of 7 July 2010, and method of evaluation of the trees. <p>[David said that within the charges was that David had forged the document]</p> <ul style="list-style-type: none"> • The prosecutor charges David with a crime for violation of wet lands and seeks an injunction against the property. • He also charged Jovan Damjanac, our sales and marketing director for cutting a forest. <p>David's point: Dr. Diogenes Cubero Fernandez, who did the report ordered by the prosecutor, stated this very clearly in his report the following, "It is not up to the developer to know what wetlands are, it is up the appropriate Government agencies to make that determination" (paraphrased from Spanish) For a prosecutor to knowingly file false criminal charges when he knew the person did not commit a crime is the worse form of a human rights violation. That in itself is a crime and the Mr. Martinez should be fired and charged the filing false criminal charges.</p>	
<p>15 Nov 2011</p>	<p>SETENA Resolution No. 2850-2011 – which SETENA UPHOLDS REVOCATION OF RESOLUTION 839-2011-SETENA and reinstating of the Environmental Viability</p> <p>[TRANSLATION RECEIVED – RGF – 1ST BATCH]</p> <p>[David says that SETENA in this resolution called the person at MINAE "an incompetent Government employee". Also commented that the alleged forged document was the one they had seen in the MINAE file. Page 3, paragraph 9 says that they had a document in a file with date of May 28, 2008 with many pictures.]</p>	<p>[Wording a little unclear, but looks like it is an appeal against revocation of licence??]</p> <ul style="list-style-type: none"> • Refers to precautionary measures that any initiated work or activity be stopped • <u>Refers to Article 19 of the Organically Environmental Law which says: "The resolutions of the Environmental Technical National Office should be reasoned and supported. They will be obligatory to the people as to the bodies or public entities.</u> • States that the stopped work of the project was required because of the MRs. Guiselle Mendez Vega, Executive Director of the Conservation Areas National System, requesting in official letter SINAC-DE-1786 of November 30th 2010 folio 357 the suspension of the Environmental Viability on the basis that it used a false official letter SINAC 67389RNVS-2008. • Is verified in the folio 272 the resolution N. 1597-2008-SETENA in which the Environmental Viability is given, it is mentioned on 3 April 2008 that the information includes the declaration of ACOPAC-MINAE, requested in this Office S.G.P.D.G.I.098-2008, which was directed to architect Edgardo Madrigal Mora – and that the project is located in no wild protected area. • There is certified proof by the Agricultural Environmental Public Prosecutors Office: there is a legend that is part of the official letter SINAC 67389RNVS-2008 (i.e. the allegedly forged letter), which says: this has been showed to SETENA in the File Department May 28th 2008, with 04 folios and many pictures <p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> • The revocation of the Resolution (containing the Environmental Viability) on April 13th 2011 with foundation on article 153 of Public Administrations General Law. <p>Article 153:1 – The revocation could be founded in the appearance of new practiced circumstances (facts), non-existence of unknown at the moment where the original act is dictated. 2. Also, it could be founded in a distinctive evaluation of the practiced circumstances (facts) that began the act, or the public interest affected.</p> <p>THE PLAIN COMMISSIONARY RESOLVES:</p> <p>It declares in favour the revocation resource with appeal in allowance or benefit and incident nullity interposed by David Aven against resolution number 839-2011-SETENA on April 13 2011. Revocation itself in all terms, taking into consideration the Resultings and Considerations of this resolution.</p>	<p>Electronic & hard copy</p>
<p>30 Nov 2011</p>	<p>Notice from the court that the injunction against the property was extended by the court [TRANSLATION NEEDED]</p>	<p>(1) Ordered by the Criminal Court of the Canton of Aguirre (Quepos) and Parrita</p>	<p>Electronic & hard copy</p>

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		<p>(2) Based on the interim application for the crimes of violation of the law of conservation of wildlife in the form of wetland drainage and drying and for infringement of forestry law</p> <p>(3) The injunction looks to be an order requiring Aven and Jovan Dushan Damjanac to, among other things, cease work in wetlands and forest areas</p>	
Dec 2011	<p>INGEOFOR FORESTRY REPORT</p> <p>[ENGLISH TRANSLATION WOULD BE HELPFUL – AS WOULD BETTER QUALITY COPY (with photographs)]</p> <p>(1) Ingeofor, a Costa Rican environmental consulting company, issued a study that seems to be directed at analyzing the merits of MINAET Record ACOPAC-CP-129-2011-DEN, which exposed Las Olas to a claim for environmental damage.</p> <p>(2) The report refutes the MINAET record, concluding that the area in question is not in the category of forest but rather is a regeneration zone. It is not entirely clear who commissioned this report.</p>	<p>SUMMARY OF RESULTS</p> <ul style="list-style-type: none"> Data from the plots was analysed on the basis of the Forest Law No. 7575, Article 3(d), and Executive Regulations No. 35868-MINAET of 28 April 2010. The area in study is not in the forest category, but is an area of very early to early regeneration and in areas there were pastures with trees with a predominance of sun species, with diameters ranging between 15 and 30cm. Based on definition in Article 3(3) there is not a 70% tree top coverage of mature species and a low density of species and ages (80% corresponds to diametrical classes of similar ages and 70% corresponds to two species that are guacimo and guarumo). <p>CONCLUSIONS</p> <ul style="list-style-type: none"> The area under review is not a Forest in accordance to the definition established in Article 3 of Forest Law No. 7575, Executive Regulations 35868-MINAET of 28 April 2010. Reviewing report prepared by MINAET (ACOPAC-CP-129-2011-DEN) [OBTAIN COPY – NOT ANNEXED], which is included as Annex 1, it was determined that there were no samples included that would enable it to determine if the area under inspection was a forest or not: a conclusion that it was a forest was reached by mere observation. In order to reach that conclusion, it would be necessary to prepare a sample of the affected area with coordinates to determine if the area is forest or not. 	Electronic & hard copy file
<u>December 2011 – January 2012</u>	<p>Environmental Agency Report, Administrative Record 1362-07-SETENA #10</p> <p>(1) This type of report is also discussed above, and appears to be geared toward monitoring the environmental impacts of the project, and is based on a site visit that took place on January 12, 2012</p> <p>(2) A number of observations and recommendations are made, for example, dealing with the control of erosion, paying proper attention to proper sewage design, etc. The inspection states that “at the time of the inspection, there are no situations of non-compliance that have been identified in the course of the inspection.”</p> <p>(3) The report mentions another site visit planned for March of 2012</p>		Hard copy file
<u>16 December 2011</u>	<p>Sistema Nacional de Areas de Conservacion (SINAC – which is part of MINAE) Report ACOPAC-OSRAP-926-11</p> <p>(1) The report includes the ruling of the Criminal Judge of 16 December 2011</p> <p>(2) The 16 December ruling was on the public prosecutor’s request; the criminal court issued an injunction requiring that David Aven suspend any part of the works in which there may be a wetland area or forest area</p> <p>(3) Requiring David Aven and Jovan Damjanac to refrain from performing any work affecting natural resources or wetlands in the area</p>		Hard copy file
December - January 2012	<p>DEPPAT Report to Setena</p> <p>[TRANSLATION RECEIVED RGF 2ND BATCH]</p>		K&S witness prep
<u>25 January 2012</u>	<p>National registry documents reflecting properties owned by Trio International Inc. in Puntarenas Province as of 25 January 2012; the results of the query include information regarding the boundaries of the property owned, ownership history of the land, owner information, liens or</p>		Hard copy file

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	encumbrances, and additional notes.		
27 February 2012	Court Order[TRANSLATION RECEIVED ICE]		
February - March 2012	DEPPAT Report to Setena [TRANSLATION RECEIVED RGF 2 ND BATCH]		
April -May 2012	DEPPAT Report to Setena [TRANSLATION RECEIVED RGF 2 ND BATCH]		
8 June 2012	Letter from DEPPAT (1) DEPPAT is a Costa Rican engineering firm engaged by Aven in connection with the project; (2) The letter states seems to be highlighting deficiencies in the inspection that occurred during phase 1 of the project, and taking the position that there were no forestry or wetlands violations		Hard copy file
June 2012	MUNI REPORT [TRANSLATION RECEIVED ICE 2 ND BATCH]		Electronic
14 June 2012	TAA REPORT [TRANSLATION RECEIVED ICE 2 ND BATCH]		Electronic
17 June 2012	Resolution 695-12-TAA, confirming the shutdown of the project – recommended for translation		Hard copy file
19 June 2012	Preliminary hearing held in Quepos [EVIDENCE?]	<p>Purpose of hearing</p> <ol style="list-style-type: none"> Put into evidence whatever both sides were going to use at trial Determine if there was enough evidence to proceed to trial on charges that (i) a portion of the property was wetlands; and (ii) the property was a forest. <p>David</p> <ul style="list-style-type: none"> Showed evidence of government reports / reports / permits that stated there were no wetlands or forests <p>Prosecutor</p> <ul style="list-style-type: none"> Dismissed forgery charge against David Dismissed charge of not following an order from a government agency (the reason: he had faxed the shutdown notice to him instead of having it delivered by the law.) <p>Judge referred the case to trial.</p>	Las Olas Update of 7 July 2012
19 June 2012	Recommended for translation – seems to be a municipal resolution to create a commission for conducting field inspections to assess the works and determine whether it is feasible to continue with the Las Olas project		Hard copy file
June – July 2012	DEPPAT Report to Setena [TRANSLATION RECEIVED RGF 2 ND BATCH]		
17 July 2012	TAA Resolution 695-12 [TRANSLATION RECEIVED RGF]		

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<u>24 July 2012</u>	SINAC Letter, ACOPAC-CP-064-12, Report of on site visit to Las Olas development, signed by Luis Picado Cubillo – this appears to be a request to ACOPAC’s director for a referral of matters related to the Las Olas project to administrative proceedings. [WHEN WAS THE VISIT?] [TRANSLATION RECEIVED – RGF – 1ST BATCH]		Hard copy file
<u>10 August 2012</u>	Letter to Carol Cespedes Calderon of the National Bank of Costa Rica, DA-494,12, Record 110-05-SETENA, from Uriel Juarez Baltodano, Secretary General of SETENA, confirming renewal of the environmental guarantee and certificate of deposit for an additional year		Hard copy file
<u>5 October 2012</u>	Letter from Paula Elena Murillo Alpizar to SETENA, requesting, in light of SETENA Resolution 543-2006-SETENA, authorization to renew the environmental guarantee to the securities department of the National Bank		Hard copy file
<u>16 October 2012</u>	Letter from Jorge Antoio Briceno Vega, Internal Auditor of the Municipality of Parrita, to the President of TAA, requesting information regarding the complaint filed by Monica Vargas, in particular regarding the complaint’s effect on the municipality – recommended for translation		Hard copy file
<u>17 October 2012</u>	Letter to Alfonso Duarte Marin, Director of the Central Pacific Conservation Area, from Alejandro Montiel, Nelson Masis, Luis Merlo, and Monica Vargas, requesting assistance in determining the limits of the Palustrino wetlands which are at issue in the Las Olas Project; Duarte responded on 30 October 2012 stating that this request was out of his reach, as requests for demarcation of wetlands should be submitted to the National Geographic Institute (IGN) [TRANSLATION RECEIVED – RGF – 1ST BATCH]		Hard copy file
<u>5 November 2012</u>	Letter from from Jorge Antoio Briceno Vega, Internal Auditor of the Municipality of Parrita, to the Municipal Council of Parrita, recommending that it recognize the injunction issued by TAA and the SETENA resolution shutting down the project – [TRANSLATION RECEIVED ICE 2ND BATCH]		
<u>6 November 2012</u>	Municipal Council’s proposed motion to remove the order of closure of the project of 2850-2011 and to inform David Aven that the municipal council agrees that development of the Las Olas project shall continue. [REVIEW]		Hard copy file
<u>20 November 2012</u>	Commission for Environmental Affairs stating to the municipal council that there are not sufficient funds in the budget to pay the IGN the costs of demarcation of the wetlands, and it is suggested that David Aven pay this cost		Hard copy file
21 Nov 2012	David met with Esau Chaves Aguilar, Director, SETENA	Present: David / Esau Chaves Aguilar / Dr. Manuel Ventura / Jovan Damjanac / Esteban Valverde [David summarises meeting in draft letters to SETENA of 21 Nov 2012 and 7 Dec 2012]	David draft letter of 7 Dec 2012
21 Nov 2012	Draft letter from David to SETENA [WAS THIS EVER SENT?]	David sets out the elements discussed at the meeting: <ol style="list-style-type: none"> 1. General Introduction Project Las Olas and the processing of environmental viability 2. It was noted and praised the excellent work done by the SETENA and its readiness to always give hearing to all parties and process files in order. 3. Mr. Chaves explained that existed Aguilar criminal charges against David Aven and Jovan Damjanac for alleged crimes to the Forestry Law and affectation of wetlands. 4. Mr. David Aven asked whether SETENA had been duly informed about it and about the obligation of the various bodies and state bodies to keep you informed of everything. 5. Mr. David Aven said that was no contradiction on the issue of wetlands, because they had never mentioned, and then, having been granted the environmental viability, began to cite. 6. Mr. Chaves said Aguilar was SETENA environmental governing body and should be informed of 	Electronic

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		<p>the proceedings of a file; He also said that inspections had to be reported in the file.</p> <ol style="list-style-type: none"> 7. Mr. Chaves Aguilar said that the problem was of a legal nature. 8. Mr. Aguilar Chaves said that the technical aspects are valued by environmental consultants hired by the developer; in case of conflict, they must determine who failed or information submitted is not feasible - environmental consultants, or the state, through its organs or entities. 9. Mr. Aguilar Chaves recommended a detailed study of the record of SETENA. 	
29 Nov 2012	<p>Court of Judgment of Aguirre and Parrita extend injunction until 2 March 2012</p> <p>[OBTAIN JUDGMENT]</p>		Judgment of 1 March 2013
4 Dec 2012	<p>Criminal trial started (was due to be over on 7 Dec 2012) and continued to 19 Dec</p> <p>[DO WE HAVE A TRANSCRIPT OF THIS / ATTORNEY NOTES etc]</p>	<p>Trial got continually delayed by the judge while more important criminal proceedings came up which took precedent.</p> <p>Key things to focus on:</p> <ul style="list-style-type: none"> ➤ Christian Bogantes perjured himself ➤ Shortly before the first trial began, the prosecutor offered to accept a fine of around US\$6,000 under a deferred prosecution agreement (under which payment of the fine would result in the dismissal of the charges without trial) [MORE DETAILS NEEDED] ➤ On 5 Dec 2012, Mr. Manfredi Abarca testified under oath that in his report of July 2010 he said that there were [no?] wetlands in Las Olas, but went on to say that he made another report 15 months later (Oct 2011) which declared the existence of wetlands. He went on to say that sometimes a property shows no evidence of wetlands, but a year later it could form so you need to corroborate the property frequently. <ul style="list-style-type: none"> ○ But this contradicted the testimony of Dr. Diogenes Cubero Fernandez, a member of INTA and National Wetlands Committee. He testified on 6 Dec 2012 in respect of a wetlands study that he had carried out at request of Mr. Luis Gerardo Martinez Zuniga (Assistance AG). When asked if an area of land on which there were no wetlands could become them five months later, he said no. The ground does not lie and it is the soil that tells if the land is a wetland. He went into a detailed description of how INTA determines whether or not an area of land is a wetland and that Las Olas had no land that would rate it as wetlands. The soil of wetlands are dead and contain no oxygen and have a dark purple or green specific colour and it would take years for an area of land to change to wetland. 	<p>David's Update on Criminal Trial (March 2013)</p> <p>Draft letter re. meeting with SETENA on 21 Nov 2012</p>
7 Dec 2012	<p>Draft letter from David to Esau Chaves Aguilar, SETENA</p> <p>[WAS THIS EVER SENT?]</p>	<p>Purpose of the meeting was to discuss the Environmental Viability.</p> <ul style="list-style-type: none"> • David recapped on Project • Stated that SETENA has acted reasonably • SETENA said that environmental permits must be respected by all agencies of government (it is a legal contract between the government and the developer) • David asked if there was a specific legal procedure by which a person must comply with either an individual or government entity which challenges an environmental permit issued by SETENA [Better translation needed but seems to say that]: <ul style="list-style-type: none"> ➤ Deben (???) and SETENA must inform the developer about the nature of a complaint and the state the basis of the claim documents, as well as be informed about SETENA studies they want to conduct and be provided with copies of SETENA studies. ➤ From the moment that SETENA issued government permission, SETENA is responsible for research permission. ➤ SETENA must ensure that all studies and reports that were made before issuance of permit and determine if a mistake was made. ➤ When Steve Bucelato filed a complaint in 2010 alleging the existence of wetlands, SETENA sent Mr. Juan Diego Pacheco Polanco, a biologist working for wetlands to investigate. Mr. Polanco conducted his study on August 18, 2010 and on the basis of this investigation SETENA issued Resolution 2086-2010 of 1 Sep 2010 in which it reaffirmed that there were no wetlands. ➤ SETENA and the developer should be informed every step of the way and the developer should have the opportunity to participate in research until the matter is resolved by SETENA ➤ No agency has the right to cancel or revoke a permit of SETENA. SETENA only has the 	Electronic

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		<p>authority to cancel permits legally issued (provided work is being done in respect of this permit)</p> <ul style="list-style-type: none"> ➤ The developer has no obligation or liability in the permit ➤ If a government agency wants to challenge SETENA permit it should take the matter with SETENA and the company representing the developer (as they are legally responsible for the authorisation) ➤ [Letter says a conclusion that the Assistant Prosecutor, MINAE, TAA and Monica Vargas did not comply with the law and respective procedures <ul style="list-style-type: none"> • Of note that Bucelato made complaints to MINAE, Prosecutor, TAA, MUNI & Public Defender. <ul style="list-style-type: none"> ➤ In 2010, MINAE & SETENA made reports at the same time and found that there were no wetlands and therefore no complaint ➤ But TAA & Prosecutor took the complaint, did not notify SETENA, nullified the SETENA permit and stopped the project. ➤ Then in 2011, MINAE took a 180 degree turn. Started making inspections and filing reports that there was now wetlands. ➤ [So 5 reports of MINAE & SETENA (2008-2010) and INTA (2011) saying no wetlands, and then 2 reports by MINAE (2011) saying that there are wetlands) 	
16 Jan 2013	Trial was adjourned	David had given his declaration (which finished at 10:30am). After that the Government attorneys were due to give their closing statement. Prosecutor asked for a continuance to finish full closings another day. Judge granted the request and continued the trial until 25 Jan 2013.	David's Update on Criminal Trial (March 2013)
24 Jan 2013	Judge calls in sick (for final day of trial on 25 Jan 2013)		David's Update on Criminal Trial (March 2013)
31 Jan 2013	Judge checks back in & prosecutors file a motion for new trial	If a trial goes on for more than 10 days that it is a mistrial. First time that the Government has caused the delay and a motion for a new trial is filed.	David's Update on Criminal Trial (March 2013)
2 Feb 2013	Threatening email	<p>Ruben Jimenez (gohomenow@yahoo.com) emails David:</p> <ul style="list-style-type: none"> • <i>Senior David Aven i here your debate didn't go well for you. Don't think the next one will be better. Some good advice is to go bac home were you come from while you still can. Bad things happen to greedy gringos who caus problemas all time here. go home now.</i> 	Electronic
2 February & 5 February 2013	<p>Purchase Agreement between Bosques Lindos de Esterillos and Sand Group Investments</p> <p>(1) The object of sales is 100% of all the shares of Bosques Lindos de Esterillos</p> <p>(2) Signed on behalf of the shareholder/owner on February 5, 2013 and on behalf of the purchaser on February 2, 2013</p>		Hard copy file
[FEBRUARY] 2013	<p>Prosecution files a motion to continue the injunction issued in March 2012</p> <p>[We have some docs on this]</p>	<p>David objected, stating that the injunction was issued when the Judge knew nothing about the facts of the case. However, given that they had subsequently had a trial and have testimony under oath and documentary evidence, there is no evidence to support the continuation of the injunction against the property.</p> <p>Court granted the government's motion – they did not give DA time to respond, which is illegal.</p> <p>DAVID: Reason it's important:</p> <ol style="list-style-type: none"> 1. This motion was after the trial took place and all the evidence was presented. The prosecutor knew full well that he had not produced any testimony via by witnesses or documentary evidence that proved we were guilty of anything. 2. Need to show that the judge made the ruling before Nestor was able to file his answer 3. This is more evidence that the court was biased against 'GRINGOS'. 	David's Update on Criminal Trial (March 2013)
1 Mar 2013	<p>Court of Judgment for Aguirre and Parrita rules to extend the injunction (until 2 Sept 2013).</p> <p>[HAS THIS BEEN EXTENDED SINCE?? COPIES NEEDED]</p>		Electronic
5 Mar 2013	Email from court with attachment stating "GRINGOS"	Notification from Judicial Tribunal of Aguirre y Parrita attaches document called "SIN LUGGAR APELACION Y OTROS (GRINGOS).rft"	Electronic
15 Apr 2013	CAR SHOOTING – POLICE REPORT		Electronic

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		<ul style="list-style-type: none"> • Car shooting involving David and Jeff Shioleno. • PHOTOGRAPHS <p>Manuel tried to get the police report in Orintina – but police there told him they had sent the file to Atenas. Manuel stopped at Atenas spoke to the prosecutor and was told the file was never sent to them</p>	
22 Apr 2013	Threatening email	<p>R Jimenez (fjimenez25@gohomenow.com) emails David:</p> <ul style="list-style-type: none"> • You are getting message (GRINGO) GRINGO Aven, you very lucky, nex time not be so lucky. Get out Costa Rica and stop your law suits. This is last warning, wont get no more, cant hide, we know when you go and come, know you were in US for two weeks in March, know you have to try case again and will know when and where nex court debate is. We may be watching you now. Are you getting message now (GRINGO) R. Jimenez 	Electronic
15 May 2013	Meeting between Manuel Ventura and Sergio Valdeloma (Chief, Environmental Crimes Division)	<p>Date: May 15th, 2013 Location: First Judicial Circuit, San José, Costa Rica, 2nd Floor, Prosecutor’s Office, Environmental Crimes Division Attendees: Manuel Ventura, Nestor Morera, Sergio Valdelomar (Chief, Environmental Crimes Division) and Another Prosecutor named Luis Diego (did not provide last name) Time: 14:20</p> <p>Issues Discussed:</p> <ol style="list-style-type: none"> Background of the case was provided to Mr. Valdelomar. <ol style="list-style-type: none"> Story of the case and the interruptions it has received. Steve Bucelato’s testimony was described, as well as his general appearance and reputation. Mr. Valdelomar was upset that there were so many interruptions. <ul style="list-style-type: none"> ➤ He considers that interruptions are a problem for all parties. ➤ Affects the resources of all parties. Mr. Valdelomar was informed that the Judge, Prosecutor, and Government Attorney insisted on settling the case. Injunction <p>The injunction was discussed; situation with the Court awarding the injunction without allowing the defense to respond was also mentioned.</p> <p>Mr. Valdelomar considers that the Judge in charge was not being diligent.</p> <p>Mr. Valdelomar was told that the injunction practically bankrupted the Project.</p> <p>Mistrial</p> <ol style="list-style-type: none"> Mr. Valdelomar was informed that case was dismissed as a result of the 10 day rule established in article 336 of the Rules of Criminal Procedure. <ol style="list-style-type: none"> Mr. Valdelomar understood the frustration, but said he understood why the Prosecutor acted the way he did; considers that law in question is murky and unclear. Mr. Valdelomar believes his Prosecutor acted in the best interests of the Prosecutor’s office. Mr. Valdelomar understands how frustrating the situation can be for Mr. Aven. Shooting Incident <p>Mr. Valdelomar was informed of the attempt on Mr. Aven’s life.</p> <ul style="list-style-type: none"> ➤ He was glad that he incident was reported. ➤ He guaranteed that his office would do their utmost best in order to provide protection and guarantee that a speedy trial would take place. Merits of the case <ol style="list-style-type: none"> The permitting situation was discussed in detail. <ol style="list-style-type: none"> The unnamed Prosecutor indicated that it was possible that SETENA or the other environmental agencies had not evaluated important biological aspects that the Prosecutors do consider. The issue of intent was widely discussed and both Prosecutors considered that if the permits existed, intent was very difficult to prove and the Prosecutor in charge could very well decide to ask for an acquittal. The Prosecutor’s Office position is that they should try the case and if once tried, there is no indication of a crime being committed, then an acquittal 	DA email to GB of 31 May 2015

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		<p style="text-align: center;">should be requested from the Judge.</p> <p style="text-align: center;">4.Mr. Valdelomar indicated that he would remove Mr. Martínez, the Prosecutor in charge of Mr. Aven’s case, from the case.</p> <p>6. Conclusions</p> <p>(1) Mr. Aven may decide not to appear before the Court in July.</p> <ul style="list-style-type: none"> ➢ If so, the case could not be tried and eventually, the statute of limitations would run. <p>(2) If Mr. Aven appears, Protection would be provided.</p> <ul style="list-style-type: none"> ➢ Prosecutor’s office would do its best to act diligently. <p>(3) Settlement options</p> <ul style="list-style-type: none"> ➢ Mr. Aven can repair environmental damage and the charges would be dropped. 	
22 Jul 2013	Threatening email	<p>ruben@yahoo.com</p> <ul style="list-style-type: none"> • <i>Gringo Aven Know you moved back to US. Don’t come back and don’t caus problemas for Costa Rica Government. You have choice, write off your loss or write off your life. We are watching you and can find you.</i> 	Electronic
28 Aug 2013	<p>ICICOR informs Manuel Ventura that the fair market value of the land is worth US\$0</p> <p>Letter from Manfred Rodriguez Jerez, Appraisal Manager, to Manuel E. Ventura on 28 August 2013, stating that “it has come to our attention that the Costa Rican authorities under the direction of the Ministry of Environment (MINAE) specifically SINAC . . . has determined that the areas around the property are considered wetlands, and thus cannot be exploited.” In light of that designation the appraised value is listed at \$7,841</p>	This is because the location of the property corresponds to wetlands. Given that wetlands, under Costa Rica law, are deemed to be government property and have no commercial value, the land value is therefore \$0.	Electronic & hard copy file
September 2013	Draft Las Olas Preliminary Estimates (Tab 7), overview of the discounted cash flow model		Hard copy file
30 Sep 2013	Threatening email	<p>Ruben Jimenez (gohomenow@live.com)</p> <ul style="list-style-type: none"> • <i>You still not getting message GRINGO Aven, you lucky not long we know your moves your adres in CLIRWATER your novia just visit you. Stop all your bizness in Costa Rica or no more luck for you and your friends. Get the message Gringo!</i> 	Electronic
6 October 2013	Statement of Uriel Juarez Baltodano, Secretary General of SETENA, providing the administrative record for the project titled Hotel Cabinas del Mar, a company of La Canicula S.A		Hard copy file
19 Nov 2011	<p>Bogantes was acquitted (of attempted bribery)</p> <p>[TRANSLATION NEEDED]</p>		Electronic
Jan 2014	SECOND TRIAL OF JOVAN – found not guilty	<p>David could not attend – he had surgery the same week and was not able to travel. The court was notified of this [OBTAIN COPY OF NOTIFICATION]</p> <p>David said he was getting surgery at a hospital and that he had written reports from the hospital and doctors [GET COPIES OF REPORTS]</p>	
5 Feb 2014	<p>JOVAN ACQUITTED</p> <p>Statement No. 6-14-TPPAP</p>	Made at the Court of Puntarenas, Aguirre and Parrital	Electronic
9 Sep 2014	<p>Public Defender Request</p> <p>[TRANSLATION RECEIVED ICE 2ND BATCH]</p> <p>APPEARS TO INCLUDE INTERPOL REQUEST</p>	Review	Electronic
15 Jan 2015	Notification of Jovan’s hearing date of 6-10 April 2015		Electronic
26 May 2015	VIDEO OF CORRUPTION OF PARRITA OFFICE		Electronic
30 May 2015	Court request – to appoint Patricia Salazar Protti		Electronic
16 November 2015	Additional Request for Eviction		
UNDATED			

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	Shareholder registrations for La Canicula, S.A. and Inversiones CostCo C&T S.A		
	<p>Corporate Charter of La Canicula S.A.</p> <p>The Charter looks to be appointing David Aven as President of the Company, but also notes that a Juan Carlos Esquivel Favareto holds a certain amount of share capital in trust. The Charter documents also include shareholder meeting minutes (probably in the notice of arbitration for date)</p>		
	<p>Exhibit “C:” Protective Covenants, Conditions and Restrictions for Las Olas Beach Sustainable Community</p> <p>(1) Exhibit C concerns the “Property,” which is located in Esterillos Oeste, Parrita, Costa Rica, and is registered as the property of Inversiones CostCo C&T S.A.</p> <p>(2) The intent of the developer is listed as “to have the development called Las Olas Sustainable Beach Community a sustainable beach community, meaning that all the green areas, recreational areas and other spaces can be planted with various fruit trees and vegetable gardens and permaculture so that members of the community can live off the land.”</p> <p>(3) It is not entirely clear when this document was drafted.</p>		
	Written Testimony document, on law firm letterhead from Equivel & Associates, citing a land sale transaction between “Condo Park” and “Inversiones CostCo C&T T.S.A.”		
	Agreement between Mr. Aven and Mussio & Madrigal (page(s) missing)		
	Letter from Luis Gerardo Martinez Zuniga, Assistant Prosecutor, to Jorge Gamboa Elizondo, Luis Picado Cubillo, and Fulvia Wohl Jimenez of ACOPAC, asking them to present information within 24 hours concerning their allegations of previous complaints against the Las Olas project		
	Numerous surveys with National Registry stamps, listed as property of La Canicula S.A., Inversiones CostCo C&T S.A., Asociacion Solidarista de Empleados de Lacsca – these surveys are from 2007 and are in a FedEx envelope sent from David Aven to someone named Ana Vohryzek		
	Notes regarding contemplated courses of action related to filing claims against Costa Rica – the drafter of this document is unclear		
	Power of Attorney granted by David Aven to Juan Carlos Esquivel Favareto to act on behalf of Inversiones CostCo on the signature of a mortgage in favor of Carlos Monge Rojas, which mortgage will finance the balance that the company owes Mr. Monge for the purchase of property – mortgages are also attached		
	Handwritten documents from 2003 that appear to reflect transfers of ownership interests to David Aven in La Canicula S.A. and Inversiones CostCo C&T S.A. The notes are not always easy to read, and they are also accompanied by stamps from the General Directorate of Taxation in Costa Rica		
	Criminal Investigation forms filed by David Aven alleging the assassination attempt and shots fired at his vehicle		

Look into Wildlife Conservation Area 7317, which classify the Wildlife Refuges as (a) State-Owned (b) mixed Property Refuges (c) Private Property Refuges

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APPLICABLE LAWS

- Article 40, Political Constitution
- Articles 59, 99, 103, 106, 107, 109 and 111 of the Environmental Organic Law – This law provides definition of wetland
- Articles 1, 11, 18, 22 from Executive Degree No. 34136 MINAE Rule of Procedures of Administrative Environmental Tribunal
- Articles 214, 262 and 302 of the Public Administration Law,
- Articles 106 and 109 of the Biodiversity Law

The Wildlife Conservation Law (7317), Article 103, modified on 4 Dec 2008: Will be punished with prison who dry, fill or eliminate the lagoons without the permission of SINAC.

<p>GOVERNMENT AUTHORITIES</p>	<p>In the early part of 2012, the MUNI was on our side in trying to get MINAE and TAA to rescind their shut down order and let the project proceed. I will send you a copy of those letters TAA is an administrative environmental court who also shut the project down for wetlands violations based upon the false criminal complaint filed by Steve Bucelato and it was also taken up the Criminal prosecutor. In that exchange the MUNI wrote MINAE and specifically asked them where the wetlands were on the property. Now this was after the first trial was misstrialed by the prosecutor and a year after I was charged with violating wetlands. Now get this, MINAE writes the MUNI and says, we can't tell you where the wetlands are for that you have to get a study done by (they named the Government Agency, I forget right now, but will get those letters for you to reveiw) So the MUNI writes back and says they don't have the money to order that study.</p> <p>So here you have an admission by MINAE that they didn't have the ability to determine where the Wetlands were, but they were the first agency that sent us the shut down notice in February of 2011, claiming that the existences of wetlands and sent a letter to SETENA and lied to them about the existence of a forged document that SETENA used in their decision to issue the original permit. Based upon those two lies from a brother department head, SETENA issued a shut down notice for the project in April of 2011.</p> <p>After we proved to SETENA that the MINAE representations to them were false, they rescinded their shut down notice and issued a formal resolution regarding the entire set of facts and in fact they reconfirmed their permit in November of 2011, at the very same time, literally, that the prosecutor was filing his criminal charges against me for violating wet lands and also against Jovan Damjanac for cutting a forest. So, in effect, SETENA, the only agency that has the power and authority to issue environmental permits was reconfirming their permit and saying there are no wetlands or forest and giving the project another green light to continue. Jovan was our sale and marketing guy who was at our one site project office.</p> <p>Also, both MINAE and the prosecutor had the INTA report issued in April of 2011. This study was ordered by the prosecutor and INTA reported that there were not wetlands. I heard from the mouth of Luis Martinez, the prosecutor, before he filed his criminal charges against me if he had seen that report, tell me directly "I don't believe that report. Prosecutors are not supposed charging people with crimes that can send them to jail and destroy investments, based on their personal beliefs, but on cold hard facts. But this was did not happen in my situation and that is not an acceptable International standard. So the prosecutor in effect threw out the INTA report and instead relied solely on the MINAE report he ordered. However, MIANE had been compromised after they asked me for a bribe and I turned them down and the prosecutor knew that since I told him that personally when I gave him my statement in March of 2011. Yet he throws out the INTA report and clings to the MIANE report. Then MINAE writes the MUNI a letter in 2012 asking where the wetlands are they answer we don't know. You can't make this stuff up and as I told you before every time I write about the facts of this case, I feel like I am in a John Grisham novel.</p> <p>Both MINAE and the prosecutor had the INTA report, which was ordered by the Prosecutor. Why wasn't that good enough for them? Why didn't they just accept that report, drop all criminal charges and false allegations and let the project continue? Surely both MINAE and the Prosecutor knew that INTA was the top Government authority on wetlands and knew that INTA actually teachers MINAE how to determine wetlands. Dr, Diogenes Curbero, the top guy at INTA did the wetland studies and testified at the first and second trial and will testify at the third trail of Jovan, that his soil studies concluded that Las Olas did not have Wet Land soils. Why wasn't that good enough for Mr. Lus Martinez when he heard that testimony at the first trial and just dismiss the case instead of engineering a mistrial?</p> <p>LATER</p> <p>SETENA was ticked off that MINAE and the Prosecutor went around their back, ignored established Costa Rica law that gave clear rules to follow whenever anyone challenged a SETENA permit, one of which was to notify SETENA immediately once a challenge was made with one of their environmental permits and then its SETENA who becomes the lead investigator, this wasn't done. Instead, MINAE and the prosecutor both ignored SETENA, didn't contact them as required by law and never brought them into their actions. I covered this at trial when I made my declaration, which they permit Defendants to do, without taking any question. I sent you the trial videos and I would suggest that you watch them and get them translated into English as well. You will see what a train wreck this trial was for the prosecution, you will see Government witnesses caught in perjury by the Judge, with no consequences by either the criminal prosecutor or the judge. You will see that the prosecution did not produce one bit of evidence that I was guilty of anything and you will understand why the criminal prosecutor manufactured a mistrial when it was time for him to give his closing arguments.</p> <p>The only time MINAE reached out to SETENA was when MINAE lied to SETENA when they wrote them a letter telling SETENA that there was a suspected forged document that SETENA relied upon in issuing their permit. Based upon that lie, which SETENA initially believed, SETENA sent us a shut down notice in April of 2011. We objected of course and once we proved that what MINAE told SETENA was a lie and proved that the document that SETENA relied upon was not forged, SETENA then issued a resolution that reversed their shutdown notice in April and reconfirmed their permit in a lengthy resolution. (I sent that to you in my last email probably need to get that translated into English as well) So are we to believe that MINAE is so incompetent that they couldn't determine the document that they sent to SETENA, that SETENA relied upon in issuing their permit, was a real MINAE document that was not forged? Or is the truth that they knew what the document that SETENA relied upon was not forged and they just lied to SETENA to get them to shut down the project just like MINAE had done?</p>	
<p>HUMAN RIGHTS VIOLATIONS</p>	<p>1. Filing the criminal case knowing that no crime was committed.</p> <p>2. Not having two judges at the court house as required by law so if one judge got sick, there would be the other to cover.</p>	

CHRONOLOGY

	<p>3. The engineering of a mistrial in a conspiracy between the prosecutor and judge, which deprive us of our rights to a speedy trial and exposed us to double jeopardy.</p> <p>4. Report me to Interpol under a false representation that I was wanted to serve a 3 year sentence. This was a lie, since I was never found guilty of committing any crime in Costa Rica to my knowledge. Just to be clear I never committed any crimes in all my life and never had been charged with any crime anywhere in the world.</p> <p>5. The Possibility of CR starting extradition proceedings with the US Government and possibly lying about me being wanted to serve a 3 year sentence.</p>	
<p>CRIMINAL TRIAL</p>	<p>NO NOTICE: Neither Jovan of the project ever got one letter, citation or a fine for illegally cutting any trees. Other projects that did illegally cut down trees were fined and equipment confiscated. None of that happened as Las Olas, this was never an issue until the false charges were filed by the prosecutor and they started to try to allege that we were cutting trees without permits, it just never happened. So that allegation is simply false and it was proven at trial to be false.</p>	
<p>FOREST</p>	<p>I requested on my own the first forestry report in Sept of 2010 from Minor Solano, who testified at trial that there was no forest. We are required by law to keep the property clean so that a potential forest does not grow up on the property. So we were continually cleaning the property and cutting the grass to keep it looking good for potential buyers. Las Olas did not have any trees that would classify it as a forest, as stated in the forest engineers report. You are legally permitted to cut down any small tree less than 15 centimeters without getting any permits. We never cut down any trees since trees are a good selling point. That is what MINOR'S September 2010 report stated since my question to him was what could we do and not do in the cleaning process for the project.</p> <p>In the criminal charge, we were charged with cutting down 400 trees, When I specifically asked the prosecutor, when he was inspecting the property before he filed his criminal charges against me and Jovan, to show me where the 400 trees were cut down, he was unable to show me any trees that were cut down and we walked the entire area. Esteban Bermudez, our environmental representative, was with us and can testify to that fact. The only thing he pointed out was a small tree stump about 3 inches in diameter. I said that is a small tree that is permitted to be cut during the cleaning process.</p> <p>A very important person to the project was the environmental representative, Esteban Bermudez. This was a Government licensed agent who every developer must have on every project. They are required by the Government to inspect the property every two months and to file a report with SETENA about their findings. This is to ensure that the project was adhering to all the laws and regulations. Our environmental representative, Esteban Bermudez of Dappat, filed reports as required by law and never reported anything going on that was against the law. So the company that is licensed by the Government that we were required to have as our environmental representative, never reported any violations of the law. See his attached letter to MINAE which he specifically addresses the issue of a wetlands and forest. He would be an important witness to our case.</p>	