

George

I want to give you my input regarding my view of an effective cross examination of Martinez and the others based upon my knowledge of the facts of the case. I worked on this many hours to please read it carefully and I would like to discuss this with you tomorrow to get you feedback on this. I will be proposing some specific questions; however, I want to give you an overview at the time Martinez says is all began. According to his witness statement it all began here:

14. (Martinez 1st) witness statement) This case begins with a complaint submitted on February 2 of 2011 by US citizen Steve Bucelato, residency ID 184000102328, a neighbor of Esterillos Oeste [West], against David Richard Aven and Jovan Dushan Damjanac, for damage to the environment, to the forest ecosystem and to a swamp for submitting a false document to a case file with SETENA.

17. (Martinez 1st) witness statement) On the other hand, in addition to the report from Mr. Bucelato, the Aguirre prosecutor also had a complaint on 8 February 2011 against Mr. David Aven from Lic. Luis Picado Cubillo, in his capacity as employee of MINAE and in fulfillment of that provided in Article 54 of Forestry Act No. 7575.3

Please take note that according to Martinez, he got these two reports 6 days apart. Now what are the odds that this is just a coincidence? Bucelato and Picado were friends and were working together to get the project shut down, each for their own reasons. Picado, because I refused to pay Bogantes a bribe, he was an underling of Picado, and Bucelato was a competitor who didn't want the project built. So I would think you would need to bring this to the attention of the panel.

In February of 2008 Las Olas had received all the required SETENA Permits and construction permits and had been working on the infrastructure construction on the easements since July of 2008. After receiving the construction permit for the Condominium section on September 7, 2010, we immediately began working on the infrastructure as well.

At the time Martinez started his investigation in early February there were a number of core objective evidence out there that clearly showed that there was no intent to commit a crime, and therefore should not have been in Martinez's criminal arena. Let there be no doubt his actions were corrupt and criminal, and when he filed his charges he knew I was innocent Therefore he committed a crime in filing those false charges and following is the objective evidence that will prove that. The filing of false criminal charges against a person by a prosecutor, when the prosecutor knows the person is completely innocent, is a crime and Martinez should be brought up on criminal charges for committing that crime.

In the early part of February 2008 what was the status of the Las Olas project. Here is the objective evidence that Las Olas had that proves Martinez's committed a crime:

1. SETENA Resolution Number 2164-2004 dated November 23, 2004 for Villas De Canicula for Inversiones Costco. David Aven is listed in this Resolution, with a Bond of \$7500.00 required to be put up, which was done.
2. SETENA Resolution Number 543-2006 dated March 17, 2006 for La Canicula SA gotten by Juan Carlos Esquivel, who as I said was the President of La Canicula and the 51% owner before I assigned Paula those shares. David Aven is mentioned in that Resolution as well.
3. MINAE Alleged forged document report. I list this because to this day, I don't think this was forged because Martinez never provided evidence to the court and never got a Judge's order stating that it was forged. Further, Martinez failed to get any witness statement/affidavits from the signers of this document stating that it was a forged document or that it wasn't their signatures. In fact, it could be an authentic document if it was not their signatures, if it was signed in their absences by someone in the MINAE office. Can anyone be certain that did not happen?
4. MINAE clearance letter dated April 2, 2008, was sent to Edgardo Madrigal from MUSSIO MADRIGAL, which was then forwarded to SETENA. What is important for you to know is that this was a required document from SETENA and one of the many check the boxes, before SETENA issued the environmental permit. SETENA had to get an environmental clearance from MINAE before they would issue their EV permit. This is that letter. It's very short and doesn't mention any wetlands, Lakes or lagoons, forest, Bird sanctuary's, turtle nesting areas or sensitive ecosystems. If any of those conditions were present and identified in the MINAE clearance letter, then SETENA would not have issued a permit, but would have instead requested a mitigation plan to deal with whatever environmentally sensitive areas identified in the MINAE in their letter of April 2, 2008. Since no environmental conditions were identified. There was no need for a mitigation plan since no environmental areas were identified, therefore SETENA issued their permit without any mitigation language in the resolution. This was the last check the box that SETENA needed before they issued their permit. So the question is, did David Aven also dupe MINAE into issuing that MINAE letter? Did MINAE dupe SETENA with their letter? Was MINAE incompetent when they issued this letter? None of this is alleged by the Respondent, therefore we must assume that this is a true and accurate letter that SETENA except it at face value.
5. SETENA Resolution number 1597-2008 dated June 2, 2008, granting a D1 environmental permit to INVERSIONES COSTSCO and David Aven it's representative. The D1 is a permit that allows the densest housing to be built. An \$8,000 guarantee was put up after the issuance of this permit. Therefore, in every instance when SETENA resolutions were issued, Claimants paid a monetary consideration for the EV Permit as a guarantee. Just to get through the SETENA permitting phase cost close to \$1,000,000 not counting the cost of the land and took years to get there. So consideration was paid and that's why once SETENA issues their EV permit, it becomes a government order that by law, all are required to comply with, both public and private parties. That includes Mr. Martinez.
6. SETENA Resolution number 2086-2010 dated September 1, 2010. This is a critically important resolution, and again comes with the force of law. Why? This resolution was born out a Complaint that was made by Steve Bucelato to SETENA. Once his criminal complaint was received, SETENA sent a biologist by the name of Juan Diego Pacheo Polanco down to the Las Olas site to do an additional study. They rejected Mr. Bucelato's complaint and specifically rebuked him and mentions him in the rejection of his false claims of a wetland. This is one more Government order that everyone was required to comply with and obey and specifically Mr. Bucelato. SETENA was very transparent with us. Mr. Pacheo stopped by the Las Olas office and spoke with Jovan and informed him about the purpose of the audit/inspection report he wanted to conduct on the project site. When he was finished he had Jovan sign the report and then it was given to SETENA. Once the resolution was generated SETENA us a copy and also sent one to Bucelato.

That was one more Government order that everyone was required by law to comply with including Mr. Bucelato and Mr. Martinez. When Mr. Bucelato, 5 months later, made the very same complaint with Mr. Martinez, he broke the law and actually should have been charged with not obeying a Government order, just like Mr. Martinez charged me with a crime of not obeying a Government order when he said I didn't comply with the April 2011 shut down notice. In fact, Martinez should have charged himself for not obeying this Government order as well. When SETENA rescinded their permit in April 2011 based upon the lies and deception of Martinez and Picado, and falsely told SETENA I forged a document and that it was the one they relied upon when they issued the June 2008 EV permit. Based on those two lies they temporary suspended their permit. When I proved that was a lie, SETENA rescinded and reinstated their permit. SETENA was very upset with MINAE for lying to them.

7. MINAE Study/Audit done on July 16, 2010 stating no wetlands. This report was also grew out of Mr. Bucelato's same complaint that he had filed with SETENA. He made this very same complaint to all the various agencies. However, unlike SETENA, MINAE buried their report we didn't find out about it until March 18, 2011; the date of Mr. Bogantes's cover his ass letter he made me sign when he gave me that report. In that report it stated this: ***“two inspections have been performed during the months of January and February of the present year by MINAET members and its Report indicate clearly that the environment is not been affected, and they do not mention the presence of wetlands or body of water in the property”***. So not only did MINAE do the July 16, 2010 inspection, they also did two others in January and February of 2010 as well.
8. August 27, 2010 letter from Christian Bogantes to Helen Melendez. The purpose of this letter was to inform Ms. Melendez of all the reports that MINAE had in their files on the Las Olas Project. I showed this letter to Mr. Martinez at my inquisition in his office in May of 2011. In doing so, I told him that based upon the fact that the alleged forged document was the very first document listed by Bogantes as being in the MINAE file, to me indicates that it wasn't forged. How did that forge document and get into the MINAE file? He had no answer.

When applying the reasonable man test, would any reasonable person, who looked at this objective evidence in the above time frame of February 2011, think that the developer had an intent to commit an environmental crime? What's a reasonable man to believe when presented with all the objective evidence collectively says no wet wetlands? Is he supposed to somehow deduce that there are wetlands? When Mr. Martinez dismissed his criminal charge/criminal investigation at the preliminary hearing on June 19, 2012, he told the Judge he was dismissing the charge/investigation because Mr. Aven was faxed the SETENA shutdown notice instead of it being hand-delivered. Mr. Martinez then said to the Judge, I cannot charge Mr. Aven with a crime, that he did not know about. I got that statement blown up as a big exhibit, and when I gave my declaration at my criminal trial I put the blown up exhibit on an easel and relayed the story to the Judge about what Martinez said, and said, if that is Mr. Martinez's standard, then not only did I not know about the existence of wetlands or forest, but everything I read in the objective Government reports and permits, all stated the nonexistence of wetlands and Forest. So was I supposed to believe there were wetlands, according to the Respondents, yes!

9. Attached are the Construction permits and those can be shown to Mr. Martinez to and ask him when he first saw them.
10. I include one more Objective piece of evidence that was generated shortly after the February 2008 timeline, but before Mr. Martinez filed his criminal charges. It's the INTA Report that Mr. Martinez ordered as part of his criminal investigation. As you know this came back as well stating no wetlands. Martinez ordered that report and then totally ignored it when it came back with no wetlands. He then threw Dr. Cubero under the bus and he should be nailed on that during his cross examination. The other report he ordered from MINAE, which I objected to because of their bias in asking me for a bribe. Not surprisingly the MINAE report came back saying there were

wetlands, which contradicted the MINAE Report of July 2010, which stated there were no wetlands. As stated above that report also referred to an additional two reports that were done in January and February 2010, which also stated there were no wetlands. So actually in a 7 month time frame MINAE did three reports and SETENA did one. However, Mr. Martinez had two contradicting Government reports, the INTA Report stating no wetlands and a biased MAINE Report stating wetlands. At that point this criminal investigation should've been over, AGAIN. How can a prosecutor move forward with a criminal charge when you have contradicting Government reports? How could a prosecutor hope to prove his criminal charges beyond a reasonable doubt with contradicting objective evidence? However, this is Martinez's answer, which he told me personally, when he visited the site in May of 2011 after I mentioned the INTA report. He told me and Jovan, I don't believe the INTA report. So his simple answer was throw out the objective evidence and replace it with his personal belief system.

I am suggesting that you really hone in on this objective evidence and shred him with it on your cross and don't go easy with lying and crooked Martinez.

PROPOSED QUESTIONS:

Mr. Martinez in preparing for your cross examination today have you thoroughly reviewed and familiarized yourself with the transcripts of the preliminary hearing on June 19, 2012, the criminal trial transcripts and all written submissions provided to this arbitration panel?

Mr. Martinez when is the very first time you heard about David Aven and from whom?
When is the first time you heard about the Las Olas project and from whom?

14. (Martinez 1st) witness statement) This case begins with a complaint submitted on February 2 of 2011 by US citizen Steve Bucelato, residency ID 184000102328, a neighbor of Esterillos Oeste [West], against David Richard Aven and Jovan Dushan Damjanac, for damage to the environment, to the forest ecosystem and to a swamp for submitting a false document to a case file with SETENA.

Do you know Mr. Steve Bucelato?

When did you first meet him?

How did you meet him?

Where did you meet him?

How many times did you meet personally meet with Mr. Bucelato about Mr. Aven and Las Olas and on what dates, prior to your decision to seize the SETENA files on February 8, 2011, did you meet with Bucelato?

Did you meet with Bucelato after Feb 8th?

At these early meetings, did Mr. Bucelato provide you with any objective evidence that would lead you to believe that David Aven, with intent, damaged the environment? If so what was that evidence?

At these early meetings, did Mr. Bucelato provide you with any objective evidence that would lead you to believe that Mr. Aven had anything to do with submitting an alleged false document to SETENA, as mentioned in your witness statement?

Do you consider SETENA to be an important Costa Rica Environmental agency?

Did you understand that Bucelato has no training to determine a wetland from a wet area?

I believe he testified at the criminal trial he was a retired musician. You remember him saying that during the criminal trial?

On the other hand dear believe that SETENA is Trained to make determination about wetlands on proposed project sites?

Is it true that SETENA is the only agency that was given authority from the Costa Rica Government and the courts to make such determinations and once made has the authority to issue Resolutions for environmental permits for real estate developments which has the force of law?

Is it your understanding when SETENA issues a SETENA Resolution, granting an environmental permit for real estate project, that it becomes a Government order that by law requires all public and private institutions to comply with the findings contained in that Resolution/order?

Do you believe that also includes you?

Does it also include other Government Functionaries?

Does it include Mr. Bucelato?

Does it include everyone?

Since a SETENA Resolution is a law what is the process for nullification of a SETENA permit?

Isn't it true you have to file a motion with the court to have a legally issued SETENA permit legally nullified by a court order?

In that process the developers would get an opportunity to show evidence why the SETENA permit should not be nullified and cancelled correct?

Was that done in the with the Las Olas development?

After you spoke to Mr. Bucelato, did you call anyone at SETENA to discuss Mr. Bucelato's allegation about either the false document or Mr. Aven causing damage to the environment at

the Las Olas project? If so who did you talk to and when and did you have any notes about those discussions and if so where they produced into evidence?

Did you ever go to the SETENA office and speak to Mr. Easu Chavez the director of operations for SETENA about their knowledge about David Aven, the Las Olas Project and their granting of the Environmental Permit for Las Olas? If so when and with whom did you speak?

Are you aware that David Aven and his attorney Mr. Manuel Ventura when to the SETENA office and had lengthy discussions with Mr. Chavez. Mr. Chavez doesn't speak English, but Mr. Ventura speaks perfect English and Spanish was able translate between the parties did you know that?

Are you aware of the letter that Mr. Aven wrote to Mr. Chaves, in which he memorialized the discussions they had, based upon the conversations?

That letter was put into evidence and in fact here it is and I want ask you if you have read this letter? If you haven't you do not need to read it now I just want to know if you've seen it and if you read it prior to your testimony before us?

Did anyone from SETENA ever tell you that Mr. Aven duped them into believing there was no wetlands on the Las Olas site. If so, who told you that and what date was that?

Do you believe that Mr. Aven, duped SETENA into issuing an EV Permit to him?

Do you allege that in your criminal accusation against Mr. Aven?

Do you bring that up in your criminal trial?

So was that just manufactured by the Respondent as a way to obviate their responsibility for illegally shutting down the project?

Did you make that claim in the 2nd trial that you held for Jovan Damjanc?

The 2nd trial that was held in January of 2014, did you know that Mr. Aven could not appear at that trial because he had to have surgery at the very same time the trial was taking place?

Did you see the letters that were filed by Mr. Ventura about Mr. Aven was not able to be at that trial do to that surgery?

In Costa Rica if someone is ill or just had surgery, is he required to show up at trial with a threat of arrest even they have to be carried into the court room?

So why did you and the court not accept the fact that Mr. Aven could not be there due to a medical emergency and not issue an arrest warrant for him when he goes to court for a 2nd trial?

Do defendant in criminal trial have a right in the Cost Rican criminal justice system to a speedy trial?

So let me understand this. The criminal trial started on December 6, 2012 and it's still not concluded as of this date is that correct?

Is that what you call a speedy trial in Costa Rica?

During the 2nd trial of Jovan Damjanc, did you or the court try to contact Mr. Aven to request his appearance at the 3rd trial of Jovan Damjanc? Do you know that no one ever contacted Mr. Aven about the 3rd trial? Do you understand that Mr. Aven was ready to come to Costa Rica for the 3rd trial, but was never contacted by the court to appear?

Mr. Damjanc was found not guilty in the 3rd trial is that correct?

Is it also correct that you appealed the verdict and the verdict was overturned on appeal and Mr. Damjanc was supposed to be tried again?

Do you remember the date the appeal ruling came down?

Was either David Aven or Jovan Damjanc every contacted about the date of the 4th trial by either you or the court?

Is it true that defendants are guaranteed a speedy trial?

So let me see if I understand this. The trial started on December 6, 2012 and to this day it's still not over, is that correct?

That's going that's almost 4 years correct?

Is that what you call a speedy trial?

When you close the project down for precautionary measure, do you understand that a project closure of months not years would bankrupt a real estate project?

Do you understand that by taking the measure we are contending was taken by you that was illegal and with malice bankrupted and destroyed a multi-million dollar project?

Did you ever get a statement from SETENA about their knowledge regarding the environmental conditions of the Las Olas site?

Did you ever go to the SETENA office to speak to anyone either about Mr. Aven or the Las Olas Project?

Did you ever write to SETENA requesting any information about how it came about that they issued the EV Permit to Las Olas?

Did anyone from SETENA ever tell you that Mr. Aven Duped them?

If so did you get a witness statement from them?

Did you ever call anyone from SETENA to testify for the prosecution at Mr. Aven's criminal trial?

Did you know if anyone from SETENA was called upon to provide a statement for this arbitration?

Do you have any knowledge why no one from such a key Government agency, that issued a number of Resolutions and reports about the Las Olas project, was never called upon to provide a statement for this arbitration hearing or called to testify at your criminal trial?

Do you know why key people like Luis Picardo was never called to give a witness statement and appear to give testimony at this proceeding.

Do you know why Christian Bogantes was never called upon to provide a witness statement of his considerable involvement in this case and appear at this hearing to give testimony?

When Mr. Aven appeared in your office to make a statement and answer questions, he told you about an attempted bribery by Mr. Bogantes a lot of did not?

You consider bribery a serious crime?

Did you do anything to investigate that attempted robbery by Mr. Bogantes.

You understand that by Mr. Bogantes not providing a witness statement that refutes Mr. Aven's and Mr. Damjanc's allegations Mr. Bogantes attempted to bribe them, that the allegations go without objection and could be considered an admission of that bribery attempt?

Do you consider that Mr. Luis Picardo was a key MINAE person in the Las Olas shut down?

He was the one that filed a complaint with you in February correct?

He was also the one that wrote Mr. Aven a shutdown notice in February I believe is that correct.

In that July 16, 2010 report, that MINAE tried to hide from the claimants, when Mr. Aven went to Quepos to get that report after being told about it by his environmental Régent, Mr. Bermudez, Mr. Bogantes wrote a letter for Mr. Aven to sign and that letter stated that it was Mr. Luis Picardo that was in charge of everything concerning Las Olas?

Here's a copy of the letter that Mr. Bogantes had Mr. Aven sign. Have you seen this letter before, it's in evidence?

It appears that Mr. Picardo had a key role to play in the Las Olas matter, yet the Respondents didn't have him make a witness statement and provide him at this hearing for cross examination, does that seem strange to you Mr. Martinez?

In fact the state only called two fact witnesses who were minor players in the Las Olas matter, Ms., Monica Vargas and Ms. Helen Melendez. Neither one of these people has any key roles to play in the permitting process or conducting any environmental studies on the Las Olas site. Is that correct.

Another key figure in the Las Olas project was a Mr. Manfredi, who conducted the MINAE study in July 2010 along with Christian Bogantes where they found no wetlands. And then conduct in another study in 2011 when you begin your criminal investigation in that study came back saying there were wetlands, is that correct?

But again, the Respondent failed to call that key witness with this as well to provide a witness statement we're he could appear for cross examination and give testimony?

It seems to me Mr. Martinez, let's like you're trying to put on a criminal case any fellow call your key witnesses to provide testimony that will help you win your case. So my question is why were these key people call to give testimony about their deep involvement with the Los Olas project? Did you understand this does not look good that they're not here? Would you agree with that statement?

After you filed criminal charges against Mr. Aven, did you consider Mr. Bucelato an important witness in your criminal trial case?

If he says yes or no.

In fact, you thought him to be so important that you called Mr. Bucelato to testify against Mr. Aven at your criminal trial is that correct?

If he answers no, you ask him. Did you call him to testify as a witness in Mr. Aven's criminal trial?

You did say **"This case began with a complaint submitted on February 2 of 2011 by US citizen Steve Bucelato"**, so he had to be a very important witness for you?

Did you mean by that, that your involvement started with a complaint filed by Mr. Bucelato, was it specifically his complaint that started your investigation?

How important did you regard Mr. Bucelato's statements about Mr. Aven.

Did you do any investigation into the background of Mr. Bucelato to determine what kind of a reputation he had or to get an indication of the veracity of his criminal complaint he was filing with you?

Did you Google Mr. Bucelato's name to see what you could find about him? I did and quite frankly I was shocked about what was out there on Mr. Bucelato. I want to mention briefly what I found in my Google search and want to know if you ever heard about any of this?

A YouTube Video by Steve Bryant uploaded to YouTube on Nov 28, 2010, where Mr. Bryant describes Ms. Patricia Simpson, a British Citizen being tortured and robbed by Mr. Bucelato. Did you have any knowledge about this?

A YouTube video uploaded in Dec of 2010 just a few short months before you met Mr. Bucelato, where Ms. Simpson talks about the torture and robbery she suffered at the hands of Mr. Bucelato. Did you have any knowledge of this?

A report on Ripoff.com dated June 5, 2008 where a woman stated that Mr. Bucelato forcibly pulled her into his home, beat her, strangled her and placed a knife to her throat stating he would kill her and her children if she refused to have a relationship with him. Did you know about that?

Did you do any investigation into Mr. Bucelato's background at all?

Did Mr. Bucelato provide any credible testimony on or after your meeting with him on February 2, 2011 that proved Mr. Aven was guilty of any of the charges of damaging the environment or submitting a false document to SETENA. If so, what was that credible objective evidence?

Did you call Mr. Bucelato to testify against Mr. Aven at his criminal trial? What credible evidence did Mr. Bucelato provide at the criminal trial that proved Mr. Aven was guilty of the crimes you charged him with? Need to get a copy of the criminal trial transcripts for Bucelato.

Did Mr. Bucelato provide a witness statement for the Government in this case?

No

So he was important enough to be called for the criminal trial, but not important enough to get a witness statement from for this arbitration proceeding?

When did you first meet Mr. Luis Picado Cubillo? Where did you meet him? What did Mr. Cubillo tell you about Mr. Aven and or the Las Olas project?

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Same question for Mr. Cubillo as you asked him about Mr. Bucelato. Martinez did list Cubillo as a witness at the preliminary hearing, but for some reason, the Judge excluded him.

Mr. Martinez on February 2, 2011 when you got Mr. Bucelato's criminal complaint, what did you know about the SETENA Resolutions that were issued?

What did you know about any MINAE or SETENA reports that were done on the project Las Olas and when did you hear about them?

What did you know about any of the construction permits that had been issued by the municipality?

When did you get the Las Olas files from SETENA?

When did you order the Las Olas files from MINAE?

When did you order the Las Olas files from the municipality?

In your first witness statement you said this.

19. Martinez first witness statement paragraph 19; On 8 February 2011, one of the first measures I took in the investigative stage was to request the seizure of SETENA's⁵ records to see what documentation was there from the SINAC- MINAE, which is the agency with competence to determine the existence of wetlands and forests. Likewise, reviewing it was essential to investigating the submission of false documents from the SINAC-MINAE in those SETENA records. Therefore, I'm completely surprised by Mr. Aven's accusations in his witness statement that I had not taken SETENA's records into account during the investigation.⁶

20. I also collected all of the documentary evidence relevant to the case by making requests to the city and to SINAC-MINAE.

At the time you seized the above mentioned files, did you understand that Mr. Aven had acquired all necessary permits from SETENA and the municipality and was in the process of doing infrastructure construction per the master site plan and was working under the authority of the legal permits that were issued to him?

Did you call Mr. Aven after you received Mr. Bucelato's complaint and ask him to tell you his side of the story?

If not, why not?

Do you think it's fair and reasonable take a one side exparte testimony from an individual who may be lying or have ulterior motives, and not give the other party opportunity to respond?

When was you first conversation with Mr. Aven about this matter? Was it on May 6, 2011 about three months later correct?

Isn't it true that you didn't file your criminal charges against Mr. Aven until six months later in October 2011?

Who did you speak with at the Municipality about Las Olas and what dates when did you speak to them?

Did you ever speak with Mr. Jorge Bricenio, the municipality auditor about this?

Did you see any reports that were written by Mr. Bricenio regarding his effort to audit what the municipality was doing to ensure they were complying with Costa Rica law regarding legal actions they were taking against Las Olas?

Where you aware about the fact that Mr. Bricenio's, responsibility at the Municipality, was to ensure that the Municipality was in compliance with Costa Rica Law?

As a criminal prosecutor are you aware of auditors like Mr. Bricenio who are tasked with auditing municipalities to ensure they are complying with Costa Rica law?

Have you read Mr. Bricenio's witness statement? Did you read where he said that everything they were doing regarding Las Olas was illegal?

Did you read where he said their conduct could bring civil and possibly criminal charges against municipality employees and cause great liability to the Costa Rican Treasury?

Did you read where he did a deep dive into the Las Olas matter and none of his recommendations or warnings were ever headed?

Where you also aware that because no one appear to be interested in following the law resigned?

Mr. Martinez, I now want to show you a series of documents that are objective evidence in this arbitration and ask you when you first saw these documents after you seized the files from MINAE and SETENA since these documents were in those files. I would then show him the above listed documents and you may have more.

Show him one by one the resolutions and the various reports to established before the panel that there was a tremendous amount of exculpatory evidence clear proved that there was no intent on my part to commit a crime. An in fact the exculpatory evidence proved there were no wetlands on the project site; and that Mr. Martinez when he filed his criminal charges against me did so knowing that I was completely innocent of said charges. That's a crime you should be charge with crime.

Mr. Martinez, in February 2008, who did you have more faith in Mr. Bucelato or SETENA.

Mr. Martinez, in February 2008, who did you have more faith in SETENA Resolutions or contradictory MAINE reports?

Mr. Martinez, did you know prior to his filing his complaint with you, Mr. Bucelato had filed his criminal complaint with SETENA and MINAE six months before?

Did you know that both MINAE and SETENA conducted additional inspections/Audits of the Las Olas site in the summer of 2010?

When did you first become aware of those two reports?

At the time he filed his criminal complaint with you, did you know that he had previously has filed the same complaint with SETENA?

Did you know in February of 2008 that SETENA had acted on Bucelato's criminal complaint and had issued a Resolution on September 1, 2010 rejecting Bucelato's complaint about wetlands?

When did you find out about that SETENA Resolution?

Do you understand that SETENA resolutions are Government orders and everyone by law are required to comply with them?

Do you understand that in the SETENA Resolution dated Sept 1, 2010, SETENA Specifically mentions Bucelato and the fact that they rejected his complaint?

So when Mr. Bucelato visited you, or got his complaint to you, in February 2, 2008 at that point he was in violation of not obeying a Government order dated Sept 1, 2010?

Don' you agree that by disregarding SETENA's Resolution and filing the same complaint with you that Mr., Bucelato was intentionally refusing to comply with the SETENA Resolution of September 1, 2010 and that you should have charge him with a crime of not obeying a government order? In fact, didn't you charge Mr. Aven with a crime of not obeying a Government order when you claimed he failed to obey the SETENA resolution issued in April of 2011?

A copy of the above Resolution was sent to Mr. Bucelato and in fact, he was given a copy of that resolution by Las Olas management, are you aware of that?

Did Mr. Bucelato tell you about SETENA rejecting his complaint?

Do you know that SETENA had sent him a copy of the Resolution since he filed a complaint with them?

If he answers no, then ask him if it's illegal to withhold important information from a prosecutor during a criminal investigation?

When did you first discover the SETENA Resolution dated Sept 1, 2010?

When did you first discover the MINAE report of July 16, 2010?

You said you had more faith in SETENA than Bucelato, correct? Then when you discovered the SETENA Resolution that had already ruled on Bucelato's complaint, did you not feel compelled to comply with that determination and be bound by SETENA's Government order?

Isn't it true that you called David Aven months later to appear before you to answer questions correct?

Did Mr. Aven appear as requested in May of 2011?

You do not speak English and does Mr. Aven speak Spanish?

In that situation, is it required that the Government provide a translator so you can communicate with each other?

Isn't it required that the Government provide a certified translator for your criminal interviews, meaning that the Government is to provide a translator with a certain level of language skills, in both the Spanish and English, so they can accurately translate what's being said between the parties? Since investigating and charging a person with a crime is serious, don't you think and it's absolutely necessary that your questions are clearly understood by the defendant and his answers back to you are accurately understood by you?

Since this was a criminal proceeding you do agree that there has to be some kind of certification of language skill to ensure the rights of the defendant to be able to communicate accurately with a criminal prosecutor and have what he says accurately translated?

Was the translator provided a certified translator?

Mr. Aven stated that he was a college student and told Mr. Aven he was not certified are you aware of that?

When you asked Mr. Aven he was there to answer questions regarding a criminal investigation, did he have a right to refuse to answer questions on advice of his counsel?

Did Mr. Aven have an attorney with him?
Do you recall his name?

Isn't it true that when you asked Mr. Aven to speak that he told you that his attorney advised him not to speak since it was a criminal matter?

Was it true that Mr. Aven rejected that advise and wanted to speak to you directly since he said did nothing wrong and wanted to present you with objective evidence that would prove the project had all lawful permits and therefore there was no intent on his part to commit a crime?

Mr. Martinez, how many people would you say that you have taking similar statements from during you time as a prosecutor?

What percentage of people would you say, that upon the advice of my attorney, I wish to remain silent and not speak? (this has to be a very high number like 99%)

Mr. Martinez didn't it mean anything to you that Mr. Aven rejected advise from his attorney and wanted to engage in a conversation with you about what was going on at Las Olas and provide you with documentary evidence that would show you that the project was fully permitted and prove that there was no intent on his part to commit a crime?

Didn't you give Mr. Aven any points for doing that?

Did Mr. Aven show you the SETENA Resolutions and the SETENA and MAINE Reports and construction permits?

Did those permits mean anything to you?

Did you tell yourself, the Government has issued Mr. Aven legal permits, therefore there can be no intent to commit a crime and this is not a criminal matter?

Did that ever cross your mind?

Did you read about the charge that Mr. Aven duped SETENA into issuing him the SETENA permit?

Do you agree with that statement yes or no?

Let me show you this document in evidence. It's a letter that MINAE written to Mr. Edgardo Madrigal with MUSSIO MADRIGAL. Do you understand that one of the SETENA requirements was that SETENA must get an environmental clearance letter from MINAE before SETENA issued an environment permit?

Here is the letter that MINAE sent as the one that was required by SETENA?

Have you seen this letter before?

Please read is carefully and tell me if there is any mention of a wetland, forest or any other environmental problems that MINAE mentions in their required environmental clearance letter for SETENA dated April 2, 2008?

Did SETENA require any such letter from Mr. Aven?

Did MINAE Dupe STENA with their letter?

Did Mr. Aven Dupe MINAE into writing that letter?

Was MAINE incompetent when they wrote that letter?

You don't know of any allegations to the above do you?

Do you have any reason to believe that this is not an accurate letter from MINAE?

If so what is it?

At the criminal trial, did you ever bring up the allegation that MR. Aven Duped SETENA into issuing him the permit?

Was that alleged or mentioned in your 33-page criminal accusation?

Mr. Martine's, did you attend the preliminary hearing on June 19, 2012?

Was Mr. Aven there with his attorney and was Mr. Manuel Ventura there to interpret for Mr. Aven? Was Mr. Jovan Damjanc there as well?

Was this an evidentiary hearing where you were to present your evidence and the judge was to rule on whether there was sufficient evidence to forward the matter to trial?

You were also supposed to provide the evidence you intended to use at trial is that correct?

You were also supposed to provide a list of witnesses that you wanted to call for trial is that correct?

Is it correct that you went first to present your evidence?

We have a trial transcript, but isn't it true that you spent your entire time reading the charges in your 33-page accusation?

The accusation is not evidence is it?

Wasn't your criminal accusation just that accusations and allegations about alleged crimes that you believed that Mr. Aven and Mr. Damjanac may or may not have been committed, that would have to be proven at trial with objective evidence?

Isn't it true that the accusation is not objective evidence?

Isn't it true that other than reading the accusation at the preliminary hearing, you presented no objective facts and evidence?

Do you recall what evidence you actually presented to the judge for him to evaluate to make a decision whether to refer the matter to trial?

When you finished with the reading from your accusation, it was a time for the defense to show their evidence, is that correct?

Do you recall that Mr. Aven's attorney told him to go up and present the evidence before the court?

Did Mr. Aven follow his attorneys request and go up front near the judge and present the defenses evidence?

Did you recall that Mr. Aven had brought in large exhibits of the relevant documents blow up so the judge could see them clearly? There sitting over there do you recall those enlarge exhibits that Mr. Aven used in both his statement at the preliminary hearing and his declaration at his criminal trial?

Did you recall that those documents included the SETENA resolutions, various MINAE and SETENA reports, the INTA report as well as copies of the construction permits?

Would you agree that the documents he showed the judge was the same that he provided to you at your meeting in May 2011?

Would you agree that the documents, that are an evidence in this arbitration, is objective evidence to be considered by the arbitrators that are hearing this case?

Do you agree that the SETENA Resolutions are government orders that the law says everyone must comply with?

Do you agree that Government reports saying there're no wetlands should be able to be relied upon by the developer and other third-party'?

Do you believe that legally issued construction permits should be able to be relied upon by the developer and other third parties?

At the preliminary hearing, do you recall that the judge was paying attention to the evidence that Mr. Aven was presenting?

Did you pay attention to the evidence Mr. Aven was presenting?

Did you believe that the evidence Mr. Aven presented was true and correct?

Did you find any fault in the evidence that Mr. Aven was presenting, if so do you recall what faults you've found in his presentation?

Did you raise any objection to any evidence that Mr. Aven presented, at the time it was presented, at the preliminary hearing?

Did you raise any objection to any evidence that Mr. Aven presented, at the time it was presented, during his at the criminal trial?

Mr. Martinez, is it true that after Mr. Aven presented all of his exculpatory evidence at the preliminary hearing, the Judge gave you an opportunity to ask Mr. Aven any questions you wanted to and challenge, clarify or correct anything that he said during his presentation of his exculpatory evidence?

Isn't it true the judge asked Mr. Aven, if he would accept questions from you? Do you recall that, and as I said we have the transcripts? Do you recall what your answer was Mr. Martinez? Did you take the opportunity to ask Mr. Aven any questions? (he immediately said no)

Mr. Martinez, I find it very strange, and I am sure many people in this room will find it strange as well, that when a prosecutor is given an opportunity by a judge in a court room, to cross examine and question a person he's charge with a crime, and the prosecutor can't think of one question, don't you think that strange?

You stated you didn't agree with what Mr. Aven was saying, the judge gave you an opportunity to challenge him on anything that he was saying. But you told the judge you had no questions.

One last question Mr. Martinez. I thoroughly read everything the respondent has submitted before this arbitration panel. I have thoroughly read the transcripts from the criminal trial. Can you explain why much of the allegations that remain in the submissions before this panel, we're not raised in the criminal trial?

George, I think I can stop here. You get the idea that we need to use objective document evidence get it in front of Martinez and panel so the panel can see how he responds and ask him how any reasonable prosecutor could charge a person with a crime in light of this overwhelming exculpatory evidence. it doesn't matter what he says, it will be lie, and the panel will get that and it will be over. But you really need to nail him in this cross-examination with the exculpatory documentary evidence, to clearly show the panel that Martinez acted illegally and is really a corrupt criminal.

I'm sure you have a lot of other stuff, but keep in mind, that you only have a certain amount of time to cross examine him and we need to use the most compelling and damaging evidence we can put before him in the panel, to clearly show the panel that there was no basis for his criminal charges. That evidence is what I mentioned above.