

1 Dively, throughout the time you were on the board
2 donated -- I think you used the figure \$30,000; is
3 that correct?

4 A. That's what he submitted and we made part
5 of the minutes at the meeting that he submitted it,
6 yes.

7 Q. To your recollection, did Mr. Dively or
8 Dirt Bottom Excavating ever charge either fair
9 market value for a project or over fair market
10 value?

11 A. No. No. I'm not in that business, but
12 that's my opinion, yes.

13 Q. Did Mr. Dively and Dirt Bottom Excavating,
14 any work that they did that they charged the
15 corporation, was it always under fair market value?

16 A. In my opinion, yes, which is why, by the
17 way -- I know I'm not supposed to give you
18 unsolicited information but you'll probably allow
19 it --

20 Q. Yes.

21 A. -- which is why it's so absurd, the charges
22 against us benefiting and Dan Dively benefiting,
23 it's just the opposite. Exactly the opposite.

24 (D. Dively Group Exhibit A was marked
25 for identification.)

1 Q. Now, Jim, I'm going to hand you what I've
2 marked as D. Dively Exhibit Group A. You can go
3 ahead and take a moment to review this document.

4 MR. CASCIO: What are we calling this?

5 MR. LEAKE: I'm calling it Group A.

6 Q. And you see that it has Exhibit A, B, C, D,
7 and E; correct?

8 A. Yep.

9 Q. Now, this information was handed over to
10 the Plaintiffs in discovery. Have you ever seen
11 any of these invoices?

12 A. I don't think so. Well, I probably did
13 because we'd normally have to approve expenditures
14 on the board. So these probably would have been
15 passed out. So I'm guessing I seen them. I don't
16 think we would spend that kind of money without.

17 Q. Now, you notice on Exhibit A, though,
18 there's a zero total. Do you notice that?

19 A. I do see it. Oh, donation, I see, yes.
20 Okay, yep.

21 Q. So with that being said, recognizing that
22 the majority of these are donations, do you believe
23 you would have seen those? And if you don't know,
24 that's fine.

25 A. I don't know, but I think I would have. I

1 don't recall seeing these specifically, but it was
2 normal practice.

3 Q. Now, if you look at the front page, I'm
4 going to read, "Relevant time period April 17, 2017
5 until October 13, 2020."

6 Do you see that?

7 A. Yes.

8 Q. And specifically the invoices that are
9 attached are calculated. Do you see that?

10 A. Yes.

11 Q. And the donations total \$3,272.01. Do you
12 have any reason to believe that that number is not
13 accurate as far as donations Mr. Dively or Dirt
14 Bottom Excavating made?

15 A. I have no reason, no.

16 Q. Now, one invoice paid in that relevant time
17 period is \$2,300. Do you have any reason to
18 dispute that that would have been the only invoice
19 that was paid throughout that time period?

20 A. I have no reason to think that, right.

21 Q. Thank you.

22 Now, Mr. Bandstra, there was a lot of
23 discussion about -- you stated a lot of what you're
24 doing you're trying to do for the good of the
25 community; correct?