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1 MS. GLASSER: Asked and answered, objection;  
2 and objection, it's not his pickup truck. So it's  
3 not --  
4 A. I don't know what their options could be.  
5 MS. GLASSER: I'm making my objection for the  
6 record.  
7 It's been asked and answered multiple times  
8 and, number two, I object to the form.  
9 It's not his pickup truck, and he's not in a  
10 position to say what somebody else's options are,  
11 which could be numerous.  
12 MR. KUVIN: Well, that's the longest objection  
13 to form I think I've ever heard.  
14 MS. GLASSER: Okay.  
15 Q. One of the options obviously they would have  
16 to consider is they might have to actually sell that  
17 vehicle, correct?  
18 MS. GLASSER: Object to form.  
19 A. Yes.  
20 Q. Get rid of their vehicle, the only vehicle  
21 they own, because there's no way to comply with the  
22 code if they don't have a garage?  
23 MS. GLASSER: I object to form.  
24 A. Yes.  
25 Q. Had you in your job here at the City working

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1 as a code enforcement officer ever heard of a decision  
2 by the name of Proctor versus City of Coral Springs?  
3 A. No.  
4 Q. No one ever gave you that to read, look at?  
5 A. No.  
6 Q. Do you know any code enforcement officers that  
7 work in the City of Coral Springs?  
8 A. No, sir.  
9 Q. Has anyone ever made you aware that before the  
10 decision had come out of the appellate court here last  
11 year that there was a decision out of a court up in the  
12 Coral Springs area?  
13 A. I believe I might have heard talk about it,  
14 but I don't recall what the decision was.  
15 Q. I want to see and I want to make sure that  
16 we're clear about some of this stuff, because we're  
17 going to be probably showing this to the court later,  
18 just so that we can understand what the definition is  
19 and the enforcement of your particular code.  
20 So we will mark these individually.  
21 (Thereupon, Plaintiffs' Exhibit No. 4 was  
22 marked for Identification.)  
23 Q. Okay. Let's look at what I've marked as  
24 Exhibit 4. Okay?  
25 MR. KUVIN: Now, let me just hold this up for

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1 the camera real quick. If he'll let me know when  
2 he's got it.  
3 THE VIDEOGRAPHER: Okay.  
4 Q. Does that particular vehicle violate the code?  
5 A. No.  
6 (Thereupon, Plaintiffs' Exhibit No. 5 was  
7 marked for Identification.)  
8 Q. Let's look at what I marked as Exhibit 5.  
9 MS. GLASSER: Object to form. It violates  
10 which section of the code?  
11 MR. KUVIN: 4-411 or 4-412.  
12 MR. GLAZIER: If it's parked in a residential  
13 area?  
14 MR. KUVIN: Yes.  
15 Q. If parked in a residential area after  
16 7:00 p.m.  
17 A. No.  
18 Q. Okay. Thank you.  
19 Let's hold this one up for the camera.  
20 THE VIDEOGRAPHER: Okay.  
21 Q. Does that vehicle violate 4-411 or 4-412 if  
22 it's parked in a residential area at someone's home  
23 after 7:00 p.m.?  
24 A. Yes.  
25 Q. Why?

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1 A. It has an area that is not designed for  
2 passenger seating and an area of space which is capable  
3 of carrying property, cargo or bulk material.  
4 (Thereupon, Plaintiffs' Exhibit No. 6 was  
5 marked for Identification.)  
6 Q. Let me show you Exhibit 6.  
7 Take a look at Exhibit 6. Does that vehicle  
8 violate 4-411 or 4-412 if parked in a residential area  
9 after 7:00 p.m.?  
10 A. No.  
11 (Thereupon, Plaintiffs' Exhibit No. 7 was  
12 marked for Identification.)  
13 Q. These are all going to be the same question by  
14 the way. I'll show this for the camera?  
15 THE VIDEOGRAPHER: Okay.  
16 Q. Does that vehicle violate the code as we  
17 discussed?  
18 A. Yes.  
19 Q. Why?  
20 A. Because of the open area to the rear of the  
21 cab which is not designed for passenger seating.  
22 Q. Let's mark 8.  
23 (Thereupon, Plaintiffs' Exhibit No. 8 was  
24 marked for Identification.)  
25 Q. Let's take a look at 8. Okay?

1 THE VIDEOGRAPHER: Okay.  
 2 Q. Does that one violate the code we've been  
 3 talking about?  
 4 A. No.  
 5 (Thereupon, Plaintiffs' Exhibit No. 9 was  
 6 marked for Identification.)  
 7 Q. Let's take a look at 9.  
 8 MS. GLASSER: Show it to me, please.  
 9 MR. KUVIN: Sorry, sorry, sorry.  
 10 Q. Okay. How about that one, does that violate  
 11 the codes we've been talking about?  
 12 A. Yes.  
 13 (Thereupon, Plaintiffs' Exhibit No. 10 was  
 14 marked for Identification.)  
 15 Q. I show you Exhibit 10.  
 16 MR. KUVIN: I'll show it to you guys in a  
 17 second.  
 18 THE VIDEOGRAPHER: Okay.  
 19 MS. GLASSER: Is that yours?  
 20 MR. KUVIN: Oh, no. Mine's coming up.  
 21 Q. Okay. Take look at Exhibit 10.  
 22 Does that vehicle violate 4-411 or 4-412 if  
 23 parked in a residential area after 7:00 p.m.  
 24 A. No.  
 25 Q. All right. Take a look at that vehicle for

1 one second for me, if you would.  
 2 Exhibit 10, if that vehicle was parked in a  
 3 residential area after 7:00 p.m. is there any code,  
 4 that you're aware of, that that vehicle would violate  
 5 in the City code in the City of Coral Gables?  
 6 A. No.  
 7 Q. If I were to ask you to look at -- let's see.  
 8 Let's take Exhibit 9 and compare it to Exhibit 10.  
 9 Which vehicle is a nicer looking vehicle?  
 10 MS. GLASSER: Object to form.  
 11 Q. In your opinion.  
 12 MS. GLASSER: Object to form.  
 13 A. 9.  
 14 Q. Personal opinion.  
 15 A. 9.  
 16 Q. Clearly it the looks better, right?  
 17 A. Obviously.  
 18 Q. More esthetically pleasing?  
 19 MS. GLASSER: Object to form.  
 20 A. Yes.  
 21 Q. Good question. If we take a look at  
 22 Exhibit 10 for a second, what if the seats were removed  
 23 from the back of the vehicle, would it violates the  
 24 sections of the code we've been talking about?  
 25 A. No.

1 (Thereupon, Plaintiffs' Exhibit No. 11 was  
 2 marked for Identification.)  
 3 Q. Let's take a look at Exhibit 11.  
 4 THE VIDEOGRAPHER: Okay.  
 5 Q. Does that one violate 4-411 and 4-412?  
 6 A. Yes.  
 7 Q. If it's parked in a residential area after  
 8 hours?  
 9 A. Yes.  
 10 MS. GLASSER: Oh, there's yours.  
 11 MR. KUVIN: Told you it was coming.  
 12 Q. Take a look at what we'll mark as Exhibit 12.  
 13 (Thereupon, Plaintiffs' Exhibit No. 12 was  
 14 marked for Identification.)  
 15 THE VIDEOGRAPHER: Okay.  
 16 Q. How about that one, Exhibit 12, does that  
 17 violate 4-411 and 4-412?  
 18 A. No.  
 19 Q. Would that violate any codes that you're aware  
 20 of for the City of Coral Gables if parked in a  
 21 residential area after 7:00 p.m.?  
 22 A. No.  
 23 MR. KUVIN: Object to form. You can't see  
 24 what is on the other side of that car or vehicle,  
 25 rather.

1 Q. Okay. So if I were to have -- I just want to  
 2 make sure I understand this and when the Court reviews  
 3 this they can understand the code as well.  
 4 And trust me, it's not you that I'm making fun  
 5 of here but -- and I want the camera to get this. Hang  
 6 on. Let me put this up here.  
 7 If I had in my driveway the car in Exhibit 9  
 8 and the car in Exhibit 12 --  
 9 MR. KUVIN: You got that?  
 10 THE VIDEOGRAPHER: Yes.  
 11 Q. If I had these two cars parked in my driveway  
 12 after 7:00 p.m. in the City of Coral Gables, you would  
 13 ticket No. 9 and not No. 12?  
 14 MS. GLASSER: Object to form.  
 15 A. Yes.  
 16 Q. Do you see any rhyme or reason to that?  
 17 MS. GLASSER: Object to form.  
 18 A. This doesn't meet the code.  
 19 Q. Okay.  
 20 A. Exhibit 9 does not meet the code.  
 21 Q. Other than it does not meet the code, do you  
 22 see any reason why the vehicle in Exhibit 9 should be  
 23 ticketed and the vehicle in Exhibit 12 should not?  
 24 MR. KUVIN: Object to form.  
 25 A. Because it doesn't meet the code is the only

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1 reason.  
2 Q. Do you think the vehicle in Exhibit 9 is more  
3 esthetically pleasing looking than the one in  
4 Exhibit 12?  
5 MR. KUVIN: Object to form.  
6 A. It's the eye of the beholder.  
7 Q. Okay. Fair enough.  
8 Let's take a look -- I've got two more and  
9 then we're done with this. All right. Two last ones  
10 only and I'll stop with this.  
11 (Thereupon, Plaintiffs' Exhibit No. 13 was  
12 marked for Identification.)  
13 (Thereupon, Plaintiffs' Exhibit No. 14 was  
14 marked for Identification.)  
15 Q. Take a look at what I marked as Exhibit 13.  
16 THE VIDEOGRAPHER: Okay.  
17 Q. Does that violate the code sections we've been  
18 discussing at all?  
19 A. No.  
20 Q. Exhibit 14, but that does, correct?  
21 A. Yes.  
22 Q. Do you know why the code section is enforced  
23 during nighttime hours and not daylight hours; in other  
24 words, why it was written that a vehicle like the one  
25 shown in Exhibit 14 cannot be parked after 7:00 p.m. or

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1 before 7:00 a.m.?  
2 A. No.  
3 Q. You agree with me that's generally nighttime  
4 hours?  
5 A. Correct.  
6 Q. At least most of those hours it's nighttime?  
7 A. Correct.  
8 Q. Dark out?  
9 A. Correct.  
10 Q. Now, I don't mean to be silly here, but at  
11 night it's dark, right?  
12 A. Correct.  
13 Q. Harder to see things in the night?  
14 A. Yes.  
15 Q. Easier to see things in daylight hours  
16 clearly?  
17 A. Correct.  
18 MS. GLASSER: I object to form.  
19 Q. Did anyone give you the case that came out  
20 last year, the appellate case to read as a code  
21 enforcement officer to kind of educate you on why that  
22 code was overturned by that court?  
23 A. No.  
24 Q. Did you ever read it?  
25 A. No.

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1 Q. Never curious about what they said?  
2 A. No.  
3 Q. Are there any weight or size restrictions with  
4 respect to the pickup truck or truck ordinance?  
5 A. No.  
6 Q. So it doesn't matter if it's a small pickup or  
7 a huge, you know, Ford F250, they both violate the  
8 code?  
9 A. Yes.  
10 Q. And they would both be ticketed?  
11 A. Correct.  
12 Q. Would you agree with me that a pickup truck is  
13 different than a camper?  
14 A. Yes.  
15 Q. Generally the two things are different?  
16 A. Yes.  
17 Q. People can use pickup trucks for purely  
18 personal reasons if they choose, it could be a personal  
19 transport vehicle?  
20 A. Yes.  
21 (Discussion off the record.)  
22 Q. Take a look at what I'll mark as Exhibit 15.  
23 (Thereupon, Plaintiffs' Exhibit No. 15 was  
24 marked for Identification.)  
25 MR. KUVIN: You're welcome to read it, but

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1 these did come from you guys.  
2 THE VIDEOGRAPHER: Off the record at 2:30.  
3 (Discussion off the record.)  
4 THE VIDEOGRAPHER: Back on the record at 2:38.  
5 Q. I'm going to show you what we have marked as  
6 Exhibit 15, and let me tag the page here.  
7 It appears this is a particular ticket that  
8 you issued. I tagged the page, but you're welcome to  
9 flip back to the first page, if you want.  
10 Is that your signature on the ticket?  
11 A. Yes.  
12 Q. That's a ticket that you issued?  
13 A. Yes.  
14 Q. Issued to a pickup truck, correct?  
15 A. Correct.  
16 Q. When was this ticket issued?  
17 A. February the 9th of '07 6:10 in the morning.  
18 Q. Were you aware at the time this ticket was  
19 issued that the issue of whether or not that ordinance  
20 was lawful or not was before the courts?  
21 A. Yes.  
22 Q. Someone explained that to you?  
23 A. Yes.  
24 Q. Has it ever been explained to you that tickets  
25 should not be issued while the court cases were