

CITY OF IRVINE CITY COUNCIL
GREAT PARK AUDIT

IN RE:)
)
ORANGE COUNTY)
GREAT PARK CORPORATION.)
)
)
)
_____)

DEPOSITION OF DIANNA ANAST

Date and Time: Monday, March 16, 2015
9:26 a.m. - 9:40 a.m.

Location: 18881 Von Karman Avenue
Suite 1700
Irvine, California

Reporter: Erika Kotteakos, RPR, CSR
Certificate No. 9698

Job No. 5503

1 CITY OF IRVINE CITY COUNCIL
2 GREAT PARK AUDIT
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6 IN RE:)
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7 ORANGE COUNTY)
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8 GREAT PARK CORPORATION.)
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20 Deposition of DIANNA ANAST, taken before Erika
21 Kotteakos, RPR, CSR, a Certified Shorthand Reporter for
22 the State of California, with principal office in the
23 County of Orange, commencing at 9:58 a.m., on Monday,
24 March 16, 2015, at 18881 Von Karman Avenue, Suite 1700,
25 Irvine, California.

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APPEARANCES:

For City of Irvine City Council:

ALESHIRE & WYNDER, LLP
BY: ANTHONY R. TAYLOR, ESQ.
18881 Von Karman Avenue
Suite 1700
Irvine, California 92612
(949) 223-1170

For the Witness:

FRIEDMAN STROFFE & GERARD, P.C.
BY: ROBERT GERARD, ESQ.
19800 MacArthur Boulevard
Suite 1100
Irvine, California 92612-2440
(949) 265-1114

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I N D E X

EXAMINATION BY:	PAGE
MR. TAYLOR	6

E X H I B I T S

EXHIBIT NO.	PAGE
1 - Invoice from Kenny the Printer to Larry Agran dated 2/14/08 (1 page)	12

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IRVINE, CALIFORNIA;

MONDAY, MARCH 16, 2015; 9:26 A.M.

DIANNA ANAST,

called as a witness and having been first duly sworn by
the Certified Shorthand Reporter, was examined and
testified as follows:

THE REPORTER: Do you solemnly swear that the
testimony you're about to give in the cause now pending
shall be the truth, the whole truth, and nothing but the
truth, so help you God?

THE WITNESS: I do.

EXAMINATION

BY MR. TAYLOR:

Q Good morning, Miss Anast.
Did I pronounce it right?

A Anast.

Q Anast, I'm sorry.

A That's okay.

Q I would have never made it as a school teacher
because my pronunciation of names is sometimes off. I
give credit to all our wonderful teachers in the
community that have large numbers of students and
parents, that they need to pronounce names with

1 precision.

2 A Yes.

3 Q Can you state and spell your full name for the
4 record.

5 A It's Dianna Anast, D-i-a-n-n-a, Anast,
6 A-n-a-s-t.

7 Q And have you ever had your deposition taken
8 before?

9 A No, I have not.

10 Q I'll spend some time going through the ground
11 rules, which are often referred to as "admonitions."
12 But before I do so, did you review any documents in
13 preparation for your deposition?

14 A No, I did not.

15 Q And your current position with Kenny the
16 Printer is as a what?

17 A Production manager.

18 Q Production manager.

19 How long have you worked in that position?

20 A 30 years.

21 Q All 30 years for Kenny the Printer?

22 A Yes.

23 MR. GERARD: I would just note for the record
24 that's far longer than I've ever been able to hold one
25 job, so good for you.

1 BY MR. TAYLOR:

2 Q So let me just spend a little time with the
3 admonitions. You're here represented by an attorney, a
4 very able attorney, former Orange County Bar president
5 when I was active in the Bar Association myself here in
6 Orange County.

7 In litigation, you would have very strict
8 admonitions. This is a little different in this matter.
9 This is for the Orange County -- strike that -- the
10 Irvine Great Park Audit. I am special counsel for the
11 audit, representing the City of Irvine.

12 And what we have here today is -- your
13 proceedings involve a legislative subpoena process that
14 was initiated by the Irvine City Council in January of
15 2014. That process enables an attorney, such as myself,
16 to take depositions of various witnesses for information
17 for the audit.

18 All of the deposition testimony and
19 information is a matter of public record, since it's a
20 legislative process. You may have seen, the City of
21 Irvine has a Web site where they put up various
22 deposition transcripts and information. That is to
23 comply fully with the California Public Records Act.

24 So I've told each witness that their testimony
25 is a matter of public record. There are some

1 depositions we've had some redactions to. Probably will
2 not have any today, but we have deposed, for example,
3 some city employees, city officials, where they have
4 brought up matters of a confidential personnel nature,
5 confidential matters; and all of those matters, in
6 compliance with the Brown Act, have been redacted from
7 the transcripts that are on the city's Web site that are
8 available to the public.

9 Do you have any questions about what I just
10 explained?

11 A No.

12 Q We have certainly given all witnesses the
13 opportunity to review and make any changes they feel are
14 necessary to their deposition transcripts. The only
15 words of caution that I would have is if you make a
16 material change, such as crossing out an entire answer,
17 changing an answer from a "yes" to a "no," that's
18 certainly something that could be commented on in the
19 audit.

20 If you correct typographical errors or fill in
21 missing information, that's something we welcome and
22 appreciate. And what we've typically done is posted the
23 witness's corrections also on the same Web site. So
24 when somebody looks at the transcript -- and the timing
25 isn't necessarily the exact time the transcript goes

1 online, the corrections are posted. We try to keep it
2 as close in time as we can, so people can see, okay,
3 these are some typos or some corrections. So that's how
4 we've done that.

5 Does that make sense?

6 A Yes, it does.

7 Q As with any deposition, your testimony today
8 is under oath. It's under the penalty of perjury.

9 Do you understand that?

10 A Yes, I do.

11 Q And it's very important that only one of us
12 speak at a time. The court reporter is doing a great
13 job here trying to keep up with me talking fast, and so
14 it's important for her that you allow me to finish my
15 question, then you supply your answer, and that keeps a
16 clean transcript.

17 Does that make sense?

18 A Yes, it does.

19 Q At any point in time you need a break, just
20 let me know. I don't expect we're going to go very long
21 today.

22 Is there any medical, emotional, or any other
23 reason why you can't provide your most full and accurate
24 testimony here today?

25 A No, there is not.

1 Q So you've previously covered your current
2 position with Kenny the Printer.

3 And in terms of your work with Kenny the
4 Printer, did you handle, in any way, any of the work
5 that Kenny the Printer did for the Great Park project?

6 A Yes.

7 Q And what specifically were your roles and
8 responsibilities with regards to the Great Park project?

9 A Estimating and fulfilling their projects, to
10 make sure they were done correctly and on time.

11 Q And what specific work was done by Kenny the
12 Printer for the Great Park?

13 A Brochures, fliers, letterhead, envelopes,
14 business cards.

15 Q And was that work done with the city directly,
16 or through another party?

17 A We did work through three different clients.

18 Q Who were those clients?

19 A Foundation for the Great Park, Orange County
20 Great Park Corporation, and Forde & Mollrich.

21 Q Was there a specific cost structure put in
22 place by any of those entities for the work that was
23 done by Kenny the Printer on the Great Park, or were the
24 costs determined based on the specific project that
25 Kenny the Printer did?

1 A They were based on the customer. The
2 Foundation for the Great Park and the Orange County
3 Great Park Corporation, they got the regular pricing,
4 due to low volume. Forde & Mollrich, on all of their
5 jobs, they had special pricing, due to the volume.

6 Q And when you say "special pricing for Forde &
7 Mollrich," is that a discount?

8 A That's correct.

9 Q How much of a discount did Forde & Mollrich
10 receive?

11 A Depending on the job, it was between 10 and
12 15 percent, on every job.

13 Q And in terms of your best estimate, what is
14 the best estimate of the total amount, in terms of
15 dollars of work, that Kenny the Printer did on the
16 Great Park project between, roughly, 2005 to 2012?

17 MR. GERARD: For all three customers?

18 MR. TAYLOR: All three customers.

19 MR. GERARD: Thank you, Counsel.

20 THE WITNESS: It's a guess, but I would say
21 under 90- to a hundred-thousand dollars.

22 BY MR. TAYLOR:

23 Q I have a document here that I previously
24 showed you right before we started that I'm going to
25 mark as Exhibit 1.

1 It is a document, I will explain, is -- at the
2 top, it says, "Kenny the Printer." It appears to be an
3 invoice. It -- I think it has a fax transmission to
4 you. It says "Dianna" at the top. And it may not be
5 you, I'm not sure. That's one of the questions I'll
6 have. The customer says "Larry Agran," and it has an
7 amount paid of \$396.

8 And I'll just hand you this copy, because this
9 is the one I've marked as Exhibit 1.

10 (Deposition Exhibit 1 was later marked
11 for identification and is attached hereto.)

12 BY MR. TAYLOR:

13 Q And I'll just give you a moment to look at
14 that and then I just have a few questions for you. And
15 I'll represent to you that this document was provided to
16 us by Larry Agran pursuant to a document subpoena that
17 the city issued back in December. We received this
18 invoice that's marked as Exhibit 1 in January.

19 And it was one of the areas that I had a few
20 questions about, because I wasn't sure exactly why
21 Mr. Agran produced it and what is indicated here.

22 MR. GERARD: And just for the record,
23 Counsel -- and I don't want to interrupt the flow and
24 your ongoing professional courtesy -- I was going to ask
25 you, was this produced as part of Phase 1, the Phase 1

1 investigation, or in response to a subpoena that was
2 part of the Phase 2 investigation?

3 MR. TAYLOR: It is pursuant to a subpoena that
4 was in the Phase 2 investigation, is when we received
5 this from Mr. Agran.

6 MR. GERARD: All right. And I would just,
7 again, for the record, object to the degree this goes
8 outside the -- the deposition notice that -- insofar as
9 it pertains to Kenny the Printer's work on the
10 Great Park audit.

11 That having been said, since this was produced
12 by Mr. Agran -- and we certainly accept your
13 representation of that -- I'll permit her to respond to
14 your questions, but I do want to reserve that objection
15 for the record.

16 BY MR. TAYLOR:

17 Q Have you seen this invoice that's marked as
18 Exhibit 1 before?

19 A Yes, I have.

20 Q Can you describe to me the work that was done
21 that this invoice reflects?

22 A This invoice for 2008 was for 2,000 letterhead
23 and 2,000 envelopes.

24 Q And do you recall what the purpose of those
25 letterheads and envelopes was for?

1 A It was for Larry Agran.

2 Q Do you recall if it was for something of a
3 personal nature for Mr. Agran, a political nature, a
4 city nature, a Great Park nature?

5 A I don't know.

6 Q And do you recall when Mr. Agran first became
7 a customer of Kenny the Printer?

8 A In 1985, is when I started working with him.

9 Q You started working with Mr. Agran in 1985?

10 A That's correct.

11 Q One of the allegations that we've received
12 during the course of the audit is an allegation -- I'm
13 just going to ask you about this -- that there was some
14 type of discount or free printing services provided to
15 Mr. Agran and other city officials during the audit
16 period between 2005 and 2012 in exchange for Kenny the
17 Printer receiving contracts for the City of Irvine, the
18 Great Park, and other entities.

19 Was there any type of that type of discounted
20 or free service provided to Mr. Agran?

21 A No.

22 Q At any point in time did Mr. Agran or any city
23 official ever make a request to you, or anyone you know
24 of, to provide a discount for free services in exchange
25 for a city contract, a Great Park contract, or any other

1 contract related to work Kenny the Printer did for the
2 City of Irvine?

3 A No.

4 Q Is there any other work that Kenny the Printer
5 did for the Great Park that we haven't previously
6 covered here today at your deposition?

7 A No.

8 Q Okay. Is there anything else you'd like to
9 add in terms of your responses to the questions I've
10 asked concerning the Great Park or any other matter?

11 A No.

12 MR. TAYLOR: Okay. I have nothing further at
13 this point. I anticipated this would probably be one of
14 the briefer -- or shorter depositions.

15 What we will do is we'll go ahead and prepare
16 the transcript. It will probably be prepared, depending
17 on the court reporter's schedule, in a short time
18 period. We'll provide it to you. It is a matter of
19 public record, just so you know. I'll relieve the court
20 reporter of her duties under the code that she may have.

21 Any other questions, Counsel, or stipulations?

22 MR. GERARD: No. Thank you, Counsel, for your
23 professional courtesy. And I would certainly stipulate
24 to relieve our good court reporter of any of her
25 obligations under the Code of Civil Procedure.

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MR. TAYLOR: Okay. Thank you both very much.
THE WITNESS: Thank you.
MR. GERARD: You're very welcome.
MR. TAYLOR: We're off the record.
(Deposition concluded at 9:40 a.m.)

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DECLARATION UNDER PENALTY OF PERJURY

I, DIANNA ANAST, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on March 16, 2015; that I have made such corrections as appear noted herein; that my testimony as contained herein, as corrected, is true and correct.

DATED this _____ day of _____, 201____, at _____, California.

DIANNA ANAST

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REPORTER'S CERTIFICATE

I, Erika Kotteakos, Registered Professional Reporter, Certified Shorthand Reporter in and for the State of California, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

In WITNESS WHEREOF, I have subscribed my name this date: March 16, 2015.

Erika Kotteakos, CSR No. 9698

262384



17931 Sky Park Circle • Irvine, CA 92614
(949) 250-3212 • Fax: (949) 250-4258
sales@kennythepainter.com • www.kennythepainter.com

Date: 02/14/2008
Last Revised: 02/26/2008
In Hand Dt:
Due Date: 02/25/2008
Time: 4:00PM
Invoice Date: 02/26/2008

Customer 17422

Agran, Larry*
ATTN: Cheryl
14252 Culver Drive Suite A
PMB 211
Irvine, CA 92614

Order Description

Letterhead and #10 eps for Larry Agran Irvine City Councilmember

Customer Phone: (000) 000-0000
Fax:

Project Manager: dlp Order Taken By: dlp
Reference: Cheryl

QTY	QTY	SIDES	DESCRIPTION	PAPER	PRICE
1	2,000	1	Letterhead	60# Wht OFFSET	\$165.64
1	2,000	1	#10 eps	24# Wht REG	\$182.60
1	1	1	download to CTP		\$20.00
Quantity Total Price Price/1000 Price/EA					

Ship-To Ship Via: Pickup

Subtotal \$368.24

State Tax \$28.54

TOTAL \$396.78

AMOUNT PAID \$396.78

BALANCE DUE \$0.00

Payment Due Date Paid In Full

DEPOSITION EXHIBIT 1 pg
Anast 3/16/15