



AGENDA
BOARD OF ADJUSTMENT MEETING
Conference Room 101
Thursday, August 7, 2025
6:00 PM

I. INTRODUCTION OF THE BOARD AND CITY STAFF

II. APPROVAL OF MEETING SUMMARY

- A. Approval of March 6, 2025 Meeting Summary

III. REQUEST FOR AFFIDAVIT OF PUBLICATION

IV. PUBLIC HEARING ITEMS

- A. **B.A. 03-2025 Judson Manor, Lot 27:** A request for a variance of the structure setbacks of the "R-3" Residential District for a .3-acre tract of land located south of Beagle Lane and east of Judson Manor Drive.

V. ADJOURNMENT

PERSONS REQUIRING AN ACCOMODATION TO ATTEND AND PARTICIPATE IN THE BOARD OF ADJUSTMENT MEETING SHOULD CONTACT CITY CLERK VICKIE MCGOWND AT (636) 537-6716 AT LEAST TWO (2) BUSINESS DAYS PRIOR TO THE MEETING.

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BEFORE THE BOARD OF ADJUSTMENT
PUBLIC HEARING

CITY OF CHESTERFIELD
690 CHESTERFIELD PARKWAY WEST
CHESTERFIELD, MO 63017

March 06, 2025
6:00 p.m.

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INDEX

PAGE

RECORD:

COLLOQUY 5

B. A. 02-2034 WILD HORSE BLUFFS, LOT 4 6

B. A. 01-2025 TERRACES AT WOODS MILL, LOT 19 33

B. A. 01-2024 SUNNY'S SPA 13714 OLIVE BLVD: 54

OPENING STATEMENT BY MR. GLICKFIELD 57

SUNNY'S SPA WITNESS:

JIE CAO

Direct examination by Mr. Glickfield 72

Cross-examination by Mr. Kloos 97

Redirect examination by Mr. Glickfield 108

CITY WITNESS:

JOHN HALLIDAY

Direct examination by Mr. Kloos 112

Cross-examination by Mr. Glickfield 145

Redirect examination by Mr. Kloos 156

VOTE BY THE BOARD 161

ADJOURNMENT 164

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
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18
19
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EXHIBITS

EXHIBIT	DESCRIPTION	PAGE
		Marked/Admitted
	Sunny's Spa:	
Hearing Exhibit 1	Sunny's Spa Rules and Regulations	66/83
	City:	
Exhibit A	Photos - Skip the Games	134/145
Exhibit B	Photos - Callescort.com	134/145
Exhibit C	Photos - Callescort.com	134/145
Exhibit D	Photos - Skip the Games	134/145
Exhibit E	Photos - Adult Look	134/145

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A P P E A R A N C E S

Board:

Ms. Katherine Hipp, Chair
Mr. Brendan Block
Ms. Jeannie Rader
Dr. Barb Whitman

City:

Alyssa Ahner, Senior Planner
Erica Blesener, Office Manager
Saundra Baker, Executive Assistant
Chris Graville, Attorney for the City
Ben Kloos, Attorney for the City

Sunny's Spa:

Jacob Glickfield
Frankel, Rubin, Klein, Payne & Pudlowski, P.C.
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Clayton, MO 63105
Email: jglickfield@frankelrubin.com
Phone: 314.725.8000

May Huang, Interpreter

REPORTED BY:

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Lexitas Legal
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St. Louis, Missouri, 63101
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* * * * *

(Starting time of the hearing: 6:18 p.m.)

CHAIR HIPPI: Good evening. Thank you very much for your patience in waiting for the board. I hereby call the Board of Adjustment of the City of Chesterfield meeting for March 6th, 2025, to order at 6:20 this evening. I'm Katherine Hipp, pardon me, Chair of the Board of Adjustment. Allow me to introduce the other members of the Board in attendance to this meeting. To my right, go ahead.

MR. BLOCK: Brendan Block.

MS. RADER: Jeannie Raider.

DR. WHITMAN: Barbara Whitman.

CHAIR HIPPI: Thank you. Also in attendance are -- representative city attorney, Chris Graville; prosecuting attorney Ben Kloos; senior planner, Alyssa Ahner; office manager Erica Blesener, did I say right? Blesener. Executive assistant, Saundra Baker; interpreter, Mary (sic) Huang and our court reporter from Lexitas --

MR. GRAVILLE: Lexitas Legal.

CHAIR HIPPI: Lexitas Legal, thank you. The first order of business is approval of the

1 August 3rd, 2023, minutes. The chair will
2 entertain a motion?

3 DR. WHITMAN: Move approval.

4 CHAIR HIPPI: Okay. Ms. Whitman has
5 moved -- has made a motion for approval. Can I
6 get a second?

7 MS. RADER: I second.

8 CHAIR HIPPI: All members who have reviewed
9 the minutes, can we -- is there any discussion?
10 No discussion? Ms. Blesener, will you call the
11 vote, please?

12 (Court reporter clarification.)

13 MS. BLESENER: Katherine Hipp?

14 CHAIR HIPPI: I -- I vote to approve the
15 minutes.

16 MS. BLESENER: Brendan Block?

17 MR. BLOCK: I vote to approve.

18 MS. BLESENER: Jeannie Rader?

19 MS. RADER: I vote to approve.

20 MS. BLESENER: Barb Whitman?

21 DR. WHITMAN: Approve.

22 CHAIR HIPPI: Okay, the minutes are
23 approved as stated. The Board will hear three
24 petitions this evening. BA-02-2024 Wild Horse
25 Bluffs, Lot 4. A request for a variance from

1 the 200 foot western boundary setback of site
2 specific zoning ordinance, 2394, to build an
3 outdoor kitchen, in brackets, 1AV6300838.
4 Second petition tonight would be BA-02-01-2025,
5 Terraces at Woods Mill, Lot 19. A request for
6 a variance from Section 4B3 of ordinance 822 in
7 order to construct a sun room. And, lastly,
8 BA012024, Sunny's Spa, at 13714 Olive
9 Boulevard, Suite A. An appeal of the City
10 Administrator's findings of fact, conclusions
11 of law and order upholding the City's decision
12 to deny an application to renew a business
13 license for Sunny's Spa. The Chair notes that
14 the affidavit of publication and exhibits for
15 the petition has been placed on the diagnosis.

16 General instructions here, as your name is
17 called you and your representative will be
18 asked to come forward, state your name, explain
19 the variance requested and the hardship for
20 practical difficulties which necessitates this
21 request. Petitioners are reminded that the
22 Board sits in a quasi-judicial manner, by that
23 I mean we are acting on what is presented to us
24 here tonight. It is the petitioner's
25 responsibility to show the particular hardships

1 or practical difficulties that they feel will
2 entitle them to a variance. Please be advised
3 that finances are not considered a hardship.

4 After the petitioners have presented their
5 request, there will be an opportunity for
6 anyone in favor or opposition to speak relative
7 to the variance request. The Board will
8 generally make a decision on the request this
9 evening. I will note that it takes four votes
10 in favor to approve a variance, and, therefore,
11 we needed all four of our members here tonight,
12 so I thank you, again, for your patience in
13 that matter. If the decision of the Board is
14 unfavorable you have the right to appeal to the
15 St. Louis County Circuit Court. This action
16 must be taken within 30 days from the Board's
17 decision. The first item on the agency is
18 BA022024, Wild Horse Bluffs, Lot 4. Will staff
19 please stand and present their exhibits and any
20 comments regarding BA022024.

21 MS. AHNER: All right, good evening. My
22 name is Alyssa Ahner. I'm a senior planner of
23 the City of Chesterfield. As mentioned, this
24 is BA022024, Wild Horse Bluffs, Lot 4, and this
25 is a request for the variance for the 200 foot

1 --

2 (Court reporter clarification.)

3 (Alyssa Ahner sworn.)

4 MS. AHNER: Continuing on, this is a
5 request for a variance from the 200-foot
6 western boundary setback of site specific
7 zoning ordinance 2394 in order to construct an
8 outdoor kitchen. Up on the screen, I have the
9 general location of the subject site, indicated
10 by a star. And to get a little bit closer
11 perspective, I have the subject site here
12 zoomed in a little bit. They're located on
13 Wild Horse Creek Road.

14 **A brief proposal summary, the applicant is**
15 **requesting a variance from the 200-foot western**
16 **boundary structure setback, established via**
17 **site specific ordinance 2394, which encompasses**
18 **the entirety of the Wild Horse Bluff**
19 **subdivision. In lieu of the 200 foot western**
20 **boundary setback, the applicant is requesting**
21 **this be reduced to 170 in order to construct an**
22 **outdoor kitchen.**

23 **A little bit of background on the site.**
24 **Wild Horse Bluffs is zoned E-1 acre state**
25 **district with a Wild Horse overlay, which is**

1 established in 2006 via site specific ordinance
2 2394. Staff researched the 200-foot setback to
3 better understand why the distance was
4 originally chosen and any implications there
5 may be from the potential reduction.

6 Per code, the setbacks for a Wild Horse
7 Creek overlay shall be established in the
8 underlying zoning district. In this specific
9 case, the underlying zoning district of Wild
10 Horse Bluffs is E-1 acre estate district. Per
11 code, the setback for the E-1 Estate District
12 was 25 feet from the side yard and right of way
13 and 40 feet between structures. Upon reviewing
14 code modifications between 2006 and 2025 and
15 the documents from the review process per
16 ordinance 2394, it remains unclear as to why
17 the structure setbacks for Wild Horse Bluffs
18 Subdivision differ from the underlying zoning
19 district.

20 The subject site has had interest from a
21 few parties over the years, but has sat
22 undeveloped until a record plat for four lots
23 was approved in 2022. Municipal zoning
24 approvals have been pulled for all four lots
25 and the construction of single-family

1 residential homes are underway. The owner of
2 Lot 4 is requesting a variance to reduce the
3 200-foot setback to 170 in order to construct
4 an outdoor kitchen. The image I have that up
5 on -- there on the screen is just a rough
6 comparison of 200-foot distance to the 170-foot
7 distance.

8 The applicant did provide a statement of
9 hardship, practical difficulty or other
10 information warranting action by the Board for
11 consideration. The entirety of the statement
12 has been provided and highlights the topography
13 and layout of the lot presents significant
14 obstacles that make it extremely difficult to
15 comply existing zoning regulations.

16 In response to the topography challenges, it
17 should be noted that all four lots sit on a
18 bluff, i.e. the name of the subdivision Wild
19 Horse Bluffs. The newly constructed homes sit
20 in at an elevation of 540, which then drops
21 down to an elevation of 492 at the northern
22 property line, before dropping to an elevation
23 of about 460 at the railroad just below. And I
24 do have an image up there on the screen just
25 showing different contours in that area.

1 Chapter 89 of the Missouri Revised
2 Statutes states in passing upon appeals where
3 there are practical difficulties or unnecessary
4 hardships in the way of carrying out the strict
5 letter of such ordinance to vary or modify the
6 application of any of the regulations or
7 provisions of such ordinance relating to the
8 construction or alteration of buildings or
9 structures or the use of the land so that the
10 spirit of ordinance shall be observed, public
11 safety and welfare secured and substantial
12 justice done.

13 In reviewing the statement of practical
14 difficulty, several factors are to be
15 considered by the Board. One, how substantial
16 the variance is in relation to the requirement.
17 Two, the effect if the variance is allowed on
18 available governmental facilities. Three,
19 whether substantial change will be produced in
20 the character of neighborhood or substantial
21 detriment to enjoying properties or neighbors.
22 Four, whether the difficulty can be obviated by
23 a feasible method other than a variance; and,
24 five, whether the interest of justice will be
25 served by allowing the variance.

1 A decision of the Board granting a
2 variance that permits the erection of a
3 structure shall be valid for a period of six
4 months, unless building permit for such
5 erection was obtained within this period, and
6 the erection is started and proceeds to
7 completion in accordance with the terms of this
8 decision.

9 That concludes my presentation, but I can
10 answer any questions you may have and we do
11 have a petitioner here as well.

12 CHAIR HIPPI: Questions at this point? We
13 have no questions at this time. We would like
14 to hear -- please be available. We'll hear
15 from the respondent or the applicant, and we'll
16 get back to you after we hear from them.

17 MS. AHNER: Okay.

18 CHAIR HIPPI: Ma'am, if you will please be
19 sworn in and state your name for the record.

20 (Stacy Adams sworn)

21 MS. SUTTON: Thank you guys for taking my
22 petition tonight. My name is Stacy Adams. I
23 am the owner of Lot 4 of the property that we
24 have historically called planes, trains and
25 automobiles. As you guys know, the property

1 there has sat vacant for many years. We took
2 it upon ourselves to take on a very challenging
3 project to develop those four lots, bringing in
4 significant revenue for the area. Part of that
5 is the homes -- Lot 4 was the most challenging
6 house that's out there. We literally built it
7 on a cliff. To adhere to the zoning ordinances
8 that were previously there, we took up a
9 significant amount of our land to -- the
10 backyard, to put retaining walls to stay within
11 the zoning setback lanes.

12 So, we have spent a significant amount of
13 time trying to figure out how we can possibly
14 make this a viable product or a viable parcel
15 of land. So, we have a pool that we are in the
16 process of installing that has MCA and zoning
17 permits and everything, and as part of that,
18 we're trying to put in a kitchen. My husband
19 likes to barbecue. My kids like to go out and
20 swim, and we want to be able to enjoy the
21 backyard to the best of our ability. The
22 challenge, though, is we have the topography
23 that we are up against.

24 In addition to the challenges of
25 the topography, the Metropolitan Sewer design,

1 our sewer district, asked us to put in some
2 bioretention basins. The only way that we
3 would have been able to put in those
4 bioretention basins is we brought them up
5 closer to the property to make sure that we
6 adhere to the overall area. Part of that, we
7 went on a journey. Spoke to St. Louis
8 Metropolitan Airport. They are in support of
9 this. We own the parcel, the acre right on the
10 next side of it. So, we, obviously, are in
11 support of it.

12 In addition to that, the HOA has approved
13 and is in support of it. We spoke with
14 Mr. Goldstein that owns the parcel of land on
15 the side further to make sure that he was also
16 supportive, which Alyssa has all of those on
17 file.

18 In addition to those, we are the builder
19 for the other three lots and have support from
20 all those owners as well. So, I'm asking for
21 your help in support of our pool house or our
22 pool outdoor kitchen really, and to make sure
23 that we'll able to enjoy the parcel of land
24 that otherwise sat vacant for many years as you
25 know. Do you have any questions for me?

1 CHAIR HIPPI: Yes, we do.

2 MS. ADAMS: Sure.

3 CHAIR HIPPI: I have a question.

4 MS. ADAMS: Sure.

5 CHAIR HIPPI: I have been reading this, and
6 I did read from what I found on the website.

7 MS. ADAMS: Sure.

8 CHAIR HIPPI: I was a little confused, is
9 there a concrete platform poured at this time?

10 MS. ADAMS: At this time, there's not a
11 concrete platform that's poured. It will be
12 poured as part of the pool deck. So, if you
13 look actually at the MCA approval for the pool,
14 that actually had approval for concrete. It's
15 part of the zoning ordinance. You can put in
16 what we spoke with Shelby on, is that you can
17 actually have concrete, but you can't necessary
18 put anything above it. And so --

19 CHAIR HIPPI: Okay.

20 MS. ADAMS: Yes.

21 CHAIR HIPPI: That makes it more clear,
22 because I was a little confused because it
23 sounded like there was already -- at the least
24 the concrete --

25 MS. ADAMS: Next week.

1 CHAIR HIPPI: -- was able to be put in, and
2 there was a kitchen which would be able to put
3 in, and what you are looking for is a variance
4 for the cover --

5 MS. ADAMS: That's right.

6 CHAIR HIPPI: -- that goes over the top --

7 MS. ADAMS: That's correct.

8 CHAIR HIPPI: -- a concrete platform? Is
9 that correct?

10 MS. ADAMS: Yeah.

11 CHAIR HIPPI: When you say the Spirit of
12 St. Louis has supported you, they're just not
13 opposed to you; is that correct?

14 MS. ADAMS: They actually -- and, Alyssa,
15 I believe you have that also in the file? They
16 actually wrote in support of -- so, it's not
17 that they're not in opposition, that they
18 understand what we're doing; they're completely
19 in support of it; and they had no concerns.

20 CHAIR HIPPI: Okay. So, you could put the
21 platform in and you could put the kitchen in,
22 but you can't put the cover over the top of it;
23 is that correct?

24 MS. ADAMS: So, it's right where we --

25 CHAIR HIPPI: So the cover --

1 MS. ADAMS: -- put the barbecue, yeah.

2 CHAIR HIPPI: Okay. Now, I was trying to
3 image in my thoughts that you wanted to build,
4 you know, construct your foot covering on this
5 concrete platform at the 170 point mark; is
6 that correct? Do I have that --

7 MS. ADAMS: Correct. So, the way that the
8 parcel is set up, and I'm still unsure of why
9 we have -- on one part side of the parcel, it's
10 65 foot in variance between our house -- well,
11 between that house and our next door neighbor.

12 CHAIR HIPPI: Can I interrupt you?

13 MS. ADAMS: Uh-huh.

14 CHAIR HIPPI: Could you put a map up here
15 on this, so she might be able to reference, so
16 we can kind of get a visual of what you're
17 describing?

18 MS. ADAMS: You can come over, actually.

19 CHAIR HIPPI: I know where the land is
20 located, but the details are --

21 MS. ADAMS: Thank you.

22 CHAIR HIPPI: It may be useful for others.

23 MS. AHNER: So, I don't have -- this image
24 that I think shows the most up-to-date
25 construction, or I also had this image, but

1 it's a little bit more dated, so it doesn't
2 necessary show the home construction yet.

3 CHAIR HIPPI: But we're just talking about
4 Lot 4 at this time --

5 MS. ADAMS: Yeah, that's correct. All I'm
6 asking is for Lot 4. So, right there, you will
7 see there is -- which is kind of hard to see
8 actually on there, is a slope drops directly
9 down, and then we have a flat parcel where --
10 almost where right there you see that arrow,
11 the arrow closest to myself or to you guys, and
12 there's going to be concrete right there. Part
13 of that concrete is where we're asking to be
14 able to put, and then where I'm referring from
15 to where you're seeing that arrow all the way
16 over, past that line, the secondarily line, we
17 actually own all that as well. And then the
18 homeowners that own on the other side of it,
19 actually submitted in their support not only
20 saying that they supported it but they actually
21 thought it was going to look really nice.

22 CHAIR HIPPI: Okay. Now, just a little
23 background, if you would.

24 MS. ADAMS: Sure.

25 CHAIR HIPPI: There was a study done

1 from -- what was it, 2006 (sic), 2022 or '24,
2 what was the outcome of that study regarding
3 the why in the world it was 200 feet? If you
4 can speak to that?

5 MS. ADAMS: There was not -- so --

6 CHAIR HIPPE: Historically.

7 MS. ADAMS: There -- there wasn't any
8 understanding. But what I do know about this
9 parcel of land is that at one point, this was
10 supposed to have a self-cover on it. So,
11 there's Zoning NU on one side, and Zoning NU on
12 the other side; and then if you look at it,
13 from that standpoint, I believe the zoning
14 setbacks, and I only know this from my past
15 life, was 200 feet setbacks from the line when
16 it comes to cell towers. So, I suspect, but
17 not fact, is it was probably related to the
18 cell tower that was originally being -- asked
19 to be put out there.

20 CHAIR HIPPE: Do you have any questions? I
21 would like to note for the record that the City
22 Council Liaison, Dan Hurt, is in the gallery
23 with us.

24 MR. HURT: Thank you, Madam Chair.

25 CHAIR HIPPE: Thank you, sir. Any

1 questions based on this -- so, I guess, you
2 know, one of the obstacles, we appreciate you
3 are building here in Chesterfield, and we
4 certainly applaud that and appreciate that.
5 Where is the hardship of having a concrete
6 platform this size that will help us help you?
7 I mean, demonstrate to us the hardship. Where
8 is it at?

9 MS. ADAMS: So, the hardship -- in regards
10 to what's the hardship that we --

11 CHAIR HIPPI: I mean, you want to use the
12 property to its greatest extent.

13 MS. ADAMS: That's correct.

14 CHAIR HIPPI: And be as marketable as
15 possible. We understand that. And, I mean,
16 that's what the spirit of this Board of
17 Adjustment is here to look at all the facts --

18 MS. ADAMS: Absolutely.

19 CHAIR HIPPI: -- and determine what's in
20 the best of the -- in spite of the code that
21 sets forth the details. But one of the things
22 that we have to determine is if there's a
23 hardship here --

24 MS. ADAMS: Yep.

25 CHAIR HIPPI: -- and through no fault of

1 your own, and if you can just kind of drill
2 into that particular --

3 MS. ADAMS: Absolutely. Thank you for the
4 question. So, the biggest struggle that we had
5 is the topography that we're facing there. So,
6 you'll see that back road there, is retaining
7 walls. Typically, in this situation, had we
8 not had those retaining walls in place, we
9 would have been able to build -- sorry. Build
10 an area that we could have done what we wanted
11 to on our property, but because of
12 the topography, it completely limited that and
13 then we had to put bioretention basins. So,
14 where you see at the corner of both of them,
15 there is a pretty substantial bioretention
16 basis required on both sides.

17 MR. GRAVILLE: Can I ask --

18 CHAIR HIPPE: Yes.

19 MR. GRAVILLE: -- a question?

20 CHAIR HIPPE: Yes.

21 MR. GRAVILLE: So, where is the pool going
22 on --

23 MS. ADAMS: The -- the pool is going right
24 behind the house, so where you see the pool up,
25 more where you see the main portion of the

1 house, so this part here is actually -- so I'm
2 sure you guys are probably familiar with the
3 area just based of the location, half of the
4 house is actually garage. The other half of it
5 is actually our house, and the portion in the
6 top right-hand corner, is almost the entire
7 thing, is the bioretention basin that was
8 required by MSD. The same thing is true over
9 here where the zoning --

10 MR. GRAVILLE: So --

11 MS. ADAMS: Go ahead.

12 MR. GRAVILLE: Let me stop you.

13 MS. ADAMS: Sure.

14 MR. GRAVILLE: So, the pool is in the
15 backyard?

16 MS. ADAMS: That's correct.

17 MR. GRAVILLE: But this structure is kind
18 of in the side yard or in the side yard --

19 MS. ADAMS: It's --

20 MR. GRAVILLE: -- because it's in the
21 setback?

22 MS. ADAMS: It's really -- it's -- yes.

23 MR. GRAVILLE: So, the way I understand it
24 is your dropoff topography is so significant
25 that you had to put those retaining walls in to

1 have any usable backyard?

2 MS. ADAMS: That's correct.

3 MR. GRAVILLE: Okay. And is it to the
4 side yard a little bit flatter?

5 MS. ADAMS: The side yard is -- so, yes,
6 it is flatter, and because of the retaining
7 walls, the way we put them in, they were
8 actually a requirement of the City for us to be
9 able to build a house in the first place. So,
10 it took up a significant amount of our personal
11 land already.

12 MR. GRAVILLE: Right, but if you didn't
13 have the retaining walls, it wouldn't be flat
14 enough to put in a pool, right?

15 MS. ADAMS: That's -- that's correct. But
16 we couldn't move them back further. We weren't
17 allowed to move them further back.

18 MR. GRAVILLE: Okay, understood. But
19 hardship-wise, there is significant
20 topography --

21 MS. ADAMS: That's correct.

22 MR. GRAVILLE: -- issues. That does it
23 limit the location of where you can put things
24 on the property because of the topography?

25 MS. ADAMS: That is correct as well.

1 MR. GRAVILLE: Okay, not what the City
2 required to do --

3 MS. ADAMS: Right.

4 MS. BLESENER: -- just the natural stuff
5 --

6 MS. ADAMS: That's correct.

7 MR. GRAVILLE: Okay, I just wanted to
8 clarify.

9 MS. ADAMS: Thank you. Thanks for helping
10 me get there.

11 CHAIR HIPPI: So, I'm imaging the pool kind
12 of where it says 200 distance, and the arrow
13 shoots off to the right and then kind --

14 MS. ADAMS: That's correct.

15 CHAIR HIPPI: -- in that spot, in the
16 shadowy spot is where the pool goes?

17 MS. ADAMS: That's correct. And part of
18 that is also where we're putting that concrete
19 in that location.

20 MR. GRAVILLE: And the pool is -- is the
21 pool behind the building line behind the back
22 of the house.

23 MS. ADAMS: It is within the setback
24 lines.

25 MR. GRAVILLE: What I mean by is, the pool

1 is not on the side of the property. It's
2 behind the property --

3 MS. ADAMS: That's correct, yep.

4 CHAIR HIPPIE: Not the issue of the setback?

5 MS. ADAMS: The outdoor kitchen will be a
6 portion of behind the house, and then a portion
7 that will be slightly visible; but, again, you
8 won't --

9 MR. GRAVILLE: So, the outdoor kitchen, is
10 that behind the house as well, just a little --

11 MS. ADAMS: A corner, that's correct.

12 MR. GRAVILLE: Because you don't have that
13 room in the back?

14 MS. ADAMS: That's correct. And it's also
15 worth noting the drop from the top of the house
16 all the way down is also pretty significant as
17 well, so you will not see -- not only are the
18 berms that you see a portion of it currently
19 right now, but the berms will cover and there
20 will be no visible -- I mean, very minimal, if
21 any, visibility to even the top of it.

22 MR. BLOCK: I'm just a little confused why
23 it is necessary to have an actual roof over,
24 you know, the concrete slab? Because, I mean,
25 to me it seems like, you know, more of a luxury

1 or a preference versus, you know, like a
2 really -- like a hardship; because, I mean, in
3 the summertime, we barely get any rain; and
4 when it rains outside and I'm barbecuing, I
5 just have to deal with it, you know.

6 MS. ADAMS: So, that's fair during the
7 summertime. However, we have a son that has
8 special medical needs that requires certain
9 additional diets and ways of cooking, and part
10 of those cooking requirements require my
11 husband to go out 24/7 -- well, not 24/7, year
12 round to be able to serve and cook certain
13 aspects of it. So, when we look at it, how
14 would we actually enjoy a parcel of land? I
15 think that really ties into it as well.

16 MR. BLOCK: Okay.

17 CHAIR HIPPI: Would the City like
18 to respond to any of the issues brought forth
19 by the petitioner?

20 MS. AHNER: Unless you would like
21 something clarified --

22 CHAIR HIPPI: No? Would anyone like --
23 would any of the members present here have any
24 positions for or against this particular
25 request for a variance? Are you the only one

1 here, ma'am, representing yourself? I just
2 want to make sure --

3 MS. ADAMS: You're stuck with me, sorry.

4 CHAIR HIPPI: -- everyone in the audience
5 to make sure we're all --

6 MR. GRAVILLE: Yeah, the only thing I want
7 to clarify for Board of Adjustment, it's
8 unfortunate about your son's condition, but the
9 personal -- it's something unique to the lot,
10 right? That is the hardship. This is a pretty
11 unique lot. The roof structure, probably most
12 backyards can be built. It's almost like your
13 lot was turned sideways because of the dropoff.

14 MS. ADAMS: That's correct.

15 MR. GRAVILLE: I think that's what you're
16 considering, but I want to make sure since
17 we're on the record here, that the person --
18 personal aspect of it does not create the
19 hardship.

20 MS. ADAMS: Thank you.

21 CHAIR HIPPI: We certainly want the land
22 used to its greater capacity, and we appreciate
23 your investment that you've made in the
24 property and continue to make in the property.
25 I have one question regarding the other lots.

1 MS. ADAMS: Sure.

2 CHAIR HIPPI: Are they going to need this
3 similar --

4 MS. ADAMS: No. We took the hardest one.
5 They actually -- they will be coming forward in
6 the future months on just overall MCA; but the
7 way we have it all designed, they should not
8 need this.

9 CHAIR HIPPI: Okay. Okay, city, any
10 other response from you? Okay. Deliberation
11 of the Board. Mr. Hurt, you're new and this is
12 in your ward, is that correct?

13 MR. HURT: Wild Horse Bluffs is in Ward 4.
14 I'm in Ward 3.

15 CHAIR HIPPI: Okay, do you have --

16 MR. HURT: Mr. Brendan Block is there.

17 CHAIR HIPPI: Okay. But just sitting over
18 here as the city liaison, do you have any
19 comments or any concerns?

20 MR. HURT: Well, I think you guys are
21 evaluating it appropriately. I think the
22 questions and the comments are all appropriate,
23 so I think you've taken -- trying to figure out
24 the best way to do this. Just as a point of
25 reflection, historically, when the city first

1 started, it was an appointed counsel, and they
2 had an appointed board for the Board of
3 Adjustment. Turned out that was the first
4 thing I served on before I was elected, so I
5 know what you're dealing with it, and I wish
6 you the best of luck in making a decision
7 because it's like a court here.

8 CHAIR HIPPI: Yes, it's difficult. You
9 presented a very good case. I am personally
10 stuck on the hardship matter a bit, but I think
11 I understand this land needs to be used,
12 and the topography is a difficult situation for
13 you to fully utilize this. 200 feet is a long
14 distance for a setback.

15 MR. HURT: Madam Chair?

16 CHAIR HIPPI: Yes, sir.

17 MR. HURT: The representative from this
18 ward is in the audience, though.

19 CHAIR HIPPI: Is that right?

20 MR. HURT: Ward 4. Merrell Hansen is in
21 the back.

22 CHAIR HIPPI: Merrell Hansen --

23 MR. HURT: And Mr. Budoor, too.

24 CHAIR HIPPI: Okay.

25 MR. HURT: If you want to ask if they have

1 any comments on --

2 CHAIR HIPPI: I would like you both to step
3 forward to the dais, please, and thank you so
4 much.

5 MS. ADAMS: Thank you.

6 CHAIR HIPPI: Wait here. You may have
7 comments based on their comments.

8 MR. GRAVILLE: If you comment, though, you
9 will have to be sworn in.

10 CHAIR HIPPI: Yes, please. If you would
11 like to comment.

12 MR. GRAVILLE: If you want to comment, you
13 need to be sworn in.

14 CHAIR HIPPI: We like your presence noted.
15 That's always positive. Come on in. Come on
16 up, yes, ma'am, come up on.

17 MS. HANSEN: So, I'm Merrill Hansen and
18 this is Gary Budoor. We may not have all of
19 the information being --

20 CHAIR HIPPI: Okay. Stop right there.
21 Just come and introduce yourself. Let's begin
22 in and say what you have to say.

23 (Merrill Hansen and Gary Budoor sworn.)

24 MS. HANSEN: So, I would say, I don't
25 doubt that there are facts about this case that

1 I'm not aware. Having listened to our resident
2 speak, like I think Mr. -- or Council Member
3 Hurt is saying, I'm -- what she's saying makes
4 sense. I consider -- and I think you had, and
5 Mr. Block has some really good questions about
6 this. I would have no problem with this from
7 all of the knowledge I have so far and support
8 her request.

9 CHAIR HIPPI: Okay, thank you, ma'am. All
10 right, sir. If you'll step forward to the
11 podium. Yes, sir, our elected officials made
12 it here this evening. Let's get you on the
13 record.

14 MR. BUDOOR: Gary Budoor, council member
15 of Ward 4.

16 CHAIR HIPPI: Okay.

17 MR. BUDOOR: I definitely echo Merrill
18 Hansen's comments, and we appreciate all your
19 work, and thanks for coming and speaking about
20 this.

21 CHAIR HIPPI: Okay. Thank you very much,
22 sir. Any questions based on our
23 representatives here? Okay, thank you. Thank
24 you very much. All right, having further -- no
25 further consideration, no questions. I request

1 that we take the vote. Please call the roll.

2 MS. BLESENER: Katherine Hipp?

3 CHAIR HIPPI: I vote yes to allow the
4 variance to be permitted.

5 MS. BLESENER: Brendan Block?

6 MR. BLOCK: I vote yes.

7 MS. BLESENER: Jeannie Rader?

8 MS. RADER: Yes.

9 MR. KLITZING: Barb Whitman?

10 DR. WHITMAN: Yes.

11 CHAIR HIPPI: Thank you, the request for
12 the variance is approved. Thank you very much.
13 Thank you for the council members coming this
14 evening, and we will move on to our second --
15 our second issue on the agenda today, which is
16 BA012025, Terraces at Woods Mill, Lot 19, a
17 request for a variance from section 4(E)(3) of
18 ordinance 822 in order to construct a sunroom.

19 (Court reporter clarification.)

20 MS. AHNER: My name is Alyssa Ahner. I'm
21 a senior planner with the City of Chesterfield.
22 Next on the agenda, we have BA012025 Terraces
23 at Wood Mill, Lot 19, and it's a request for
24 variance from Section 4(E)(3) of ordinance 822
25 in order to construct a sunroom. Up on the

1 screen, I have a general location of the site
2 indicated by a red star. And, then, again, to
3 zoom in a little bit more and give you more
4 perspective, I have the subject site there in
5 red. This is just off of Woods Mill Cove
6 Drive. Jack and Pamela Heaton, the applicants
7 and owners of 312 Woods Mill Terrace Lane are
8 requesting a variance from Section 4(B)(3) of
9 ordinance 822 in order to construct a sunroom
10 at their attached townhome residence.
11 Ordinance 822 covering ordinances for terraces
12 at Woods Mill Subdivision state that there's a
13 20-foot setback from the north and west
14 property lines of planned environment unit; but
15 that Planning Commission may allow outside
16 decks within these setbacks as approved on the
17 site development plan.

18 The existing residence which was
19 constructed in 1993, has a deck that currently
20 encroached into the 20-foot setback. In
21 January of 2025, property owners submitted a
22 site development plan in order to replace a
23 portion of the existing deck with the sunroom.
24 However, per ordinance 822, the only structure
25 that is permitted within the setback with

1 Planning Commission approval is an outside
2 deck.

3 Staff informed the property owners that a
4 variance would need to be sought and approved
5 in order to permit the sunroom. Figure two
6 depicts the portion of the survey with the
7 existing deck outlined in red. Figure three
8 depicts the site development plan with the
9 proposed sunroom in question. The existing
10 deck is 12 feet, 7 inches from the property
11 line, and the proposed sunroom is 10 feet,
12 7 inches from the property line.

13 The applicant is ultimately seeking a
14 variance to allow a sunroom within the setback
15 rather than an outside deck. Should the Board
16 of Adjustment approve the request, the
17 applicant then would proceed to the second
18 portion of the process, which would be taking
19 the site development plan before the Planning
20 Commission for a final approval of additional
21 encroachment into the setback.

22 Chapter 89 of the Missouri Revised
23 Statutes states in passing upon appeals where
24 there are practical difficulties or unnecessary
25 hardship in the way of carrying out the strict

1 letter of such ordinance, to verify or modify
2 the application of any of the regulations or
3 provisions of such ordinance relating to the
4 construction, alteration of buildings or
5 structures for the use of land, so that this
6 spirit of ordinance shall be observed, public
7 safety and welfare secured and substantial
8 justice done. In reviewing the statement of
9 practical difficulty, several factors are to be
10 considered by the Board.

11 One, how substantial the variance is in
12 relation to the requirement. Two, if the
13 variance is allowed -- I'm sorry, the effect if
14 the variance is allowed on the available
15 governmental facilities. Three, whether a
16 substantial change will be produced in the
17 character of the neighborhood or substantial
18 detriment to enjoying properties or neighbors.
19 Four, whether the difficulty can be obviated by
20 some feasible method other than the variance.

21 Five, whether the interest of justice will
22 be served by allowing the variance. The
23 decision by the Board granting the variance
24 that permits the erection of a structure shall
25 be valid for a period of sixth months, unless

1 the building permit for such erection is
2 obtained within this period and the erection is
3 started and proceeds to completion in
4 accordance with the terms of the decision.

5 That concludes my presentation. I can, of
6 course, answer any question, and I do again
7 have petitioner here that is here to speak as
8 well.

9 CHAIR HIPPI: Okay, any questions based on
10 the presentation? We'll like to hear from the
11 petitioner please, and have questions for you
12 perhaps afterwards. Thank you. Would the
13 petitioner please come forth? And, sir, if you
14 could please raise your hand and be sworn.

15 (Jack Heaton sworn.)

16 CHAIR HIPPI: Now, Mr. Heaton, if you just
17 please state your position for all of us. We
18 kind of got an understanding. If there's any
19 reference that in the city and the photos or
20 anything you wish to refer to, please just let
21 us. Go ahead, sir.

22 MR. HEATON: Okay, I'll try. I'm Jack
23 Heaton. I live with my wife, Pam Heaton, for
24 56 years. We moved to Chesterfield from Ohio
25 in 1978. Made a couple trips away and made it

1 back five years yesterday. So, we're five
2 years new. We took a look at this condominium,
3 not condominium. PUD, I guess it's called, a
4 little over five years ago and decided to buy
5 it after I looked at very carefully in our
6 adventures and so forth to make sure that we
7 could build a sunroom out the back. Since we
8 had one that we built in Whitmoor prior to this
9 that we enjoyed and spent most of our time
10 there. So, I guess the problem would be if we
11 can't, 56 years is a long time, but we'll leave
12 that alone for now.

13 The setback, as Alyssa clearly told, is
14 20 feet. You all know that, of course. And
15 it's currently 12.7 feet into that, so it's
16 about 7.3 feet or so already into the setback,
17 the deck. The deck is old, and it's probably
18 going to need to be rebuilt, at least some of
19 the columns and so forth. And when we had the
20 same problem at Whitmoor, where the posts were
21 rotten and so forth and needed to come out.
22 So, they had to come out anyway; we're going to
23 have to build the thing over again, et cetera,
24 so why not build the sunroom so we can use it
25 year round. In the winter, it gets kind of

1 cold again. And in the summer, it gets very
2 hot. So, that's the purpose of why we're
3 trying to do this.

4 What we learned by building this sunroom
5 in Whitmoor, was the size of it was not quite
6 as big as we should have made it. We used it
7 for partying and the normal things that we do.
8 And it was good for two of us, but not good for
9 the rest of the family, the kids and so forth.
10 So, we said let's go up to the easement. The
11 easement is 10 feet off. If we can go up to
12 the easement, it gives us about 40 square feet
13 more. We're asking for two feet more space,
14 and if we got to do it, we might as well do it
15 with as much as we could get, and that's
16 basically what we're trying to do. So, we're
17 asking for about 40 square feet.

18 CHAIR HIPPI: So you want --

19 MR. HEATON: Six by six.

20 CHAIR HIPPI: So, you want to encroach two
21 feet less than what you're already currently
22 encroaching; is that correct?

23 MR. HEATON: 2 feet more.

24 CHAIR HIPPI: 2 feet more, okay.

25 MR. HEATON: Yeah.

1 CHAIR HIPPI: Because the deck itself
2 that -- did you purchase the home with the deck
3 already there?

4 MR. HEATON: Yeah.

5 CHAIR HIPPI: So, the deck was already
6 there. It was already encroaching --

7 MR. HEATON: Yeah, it's been there since
8 '93.

9 CHAIR HIPPI: Now, it comes time to replace
10 it, instead of replacing it, you'd like to put
11 a sunroom on that's two feet bigger than the
12 deck itself right now?

13 MR. HEATON: That's right.

14 CHAIR HIPPI: Okay.

15 MR. HEATON: Two feet.

16 CHAIR HIPPI: Greater.

17 MR. HEATON: And I'm a trustee on our HOA,
18 and I've now looked at 493 -- we have 88 doors.
19 There's a deck on 87 of the doors, and I'll
20 tell you they're all over the line.

21 CHAIR HIPPI: Are there any sunrooms over
22 the line?

23 MR. HEATON: Oh, there's a bunch of
24 sunrooms as well. Most of the sunrooms are on
25 the other side, because it's not backing up to

1 Brooking Park. The other side just backs up to
2 trees. It would have been a better site --
3 better size -- better site for us to buy, but
4 they weren't available when we needed them, so.

5 CHAIR HIPPI: Okay. Mr. Graville?

6 MR. GRAVILLE: I just had a quick point of
7 clarification for staff. I thought I read that
8 the deck was okay because it was uncovered to
9 be in the setback; is that correct?

10 MS. AHNER: Correct, so the ordinance,
11 it's an older ordinance and it sets up with
12 language that specifically says that you could
13 have an outside deck encroach into the setback
14 as long as you have Planning Commission
15 approval. It does not say you can have
16 anything other than an outside deck, so when
17 staff saw this come in, and the transition
18 between a sunroom and an outside deck, they
19 need to ultimately have a variance for a
20 sunroom versus the language that states outdoor
21 deck. So, they're seeking --

22 MR. GRAVILLE: So -- so, the deck is
23 legal, because it has the approval. It can
24 encroach.

25 CHAIR HIPPI: Okay.

1 MR. GRAVILLE: It is typical with zoning
2 codes that the deck does change the dynamic. I
3 know it may seem simple, but when you roof
4 it -- or not the deck, the roof changes and the
5 dynamic and becomes part of the structure, and,
6 you know, the setback is a building setback
7 line; so, decks generally -- decks or patios
8 are generally not considered a structure, but
9 when you're roofing, it's considered a
10 structure because how you delineate between a
11 sunroom and a bedroom addition and kitchen.
12 So, you know, a 20-foot setback line is a
13 pretty common setback. It's not a huge
14 setback. I've seen 30 and 40, 20 is pretty
15 common, but I think -- I just want clarify
16 that's the distinction. Yes, practically
17 speaking, you're going two feet additional, but
18 it's the -- as you pointed out earlier, it's
19 the roofing of the structure.

20 CHAIR HIPPI: And closer, yeah.

21 MR. GRAVILLE: And closer, that makes a
22 difference.

23 MR. HEATON: I would like to comment on
24 that.

25 CHAIR HIPPI: Yes, sir.

1 MR. HEATON: Several of the sunrooms that
2 we see in our subdivision have sunrooms or
3 screened in porches with a roof that were built
4 by the developer. So, they've been doing this
5 since '93 or before, I'm not sure exactly.

6 MR. GRAVILLE: You definitely got one of
7 the thinnest backyards.

8 MR. HEATON: Oh, yeah, it is.

9 MR. GRAVILLE: It's pretty thin and it's a
10 pretty narrow lot, right?

11 MR. HEATON: Oh, yes. It sits with the --
12 the width of the house is --

13 MR. GRAVILLE: Yeah, I was just trying to
14 understand what is unique about the shape of
15 the property itself.

16 MR. HEATON: Okay.

17 MR. GRAVILLE: The land you can't change.
18 I understand what you want to do, but what is
19 unique about your property itself? Looks like
20 some of your neighbors can have sunrooms
21 because they have a lengthier -- they have more
22 setback in the backyard. You're pretty much
23 right up against the setback, right? Your
24 house is?

25 MR. HEATON: It's over the setback.

1 MR. GRAVILLE: What?

2 MR. HEATON: The house?

3 MR. GRAVILLE: The back of the house is
4 almost --

5 MR. HEATON: It's about -- yeah, you're
6 right. It's about 7 feet.

7 MR. GRAVILLE: Yeah, it looks like your
8 neighbors have way more than seven feet to get
9 to the setback line.

10 MR. HEATON: If you look at the neighbors,
11 if you look at --

12 CHAIR HIPP: Stop right there, sir, stop.

13 MR. HEATON: Sorry.

14 CHAIR HIPP: Can you put up that map so
15 everyone can --

16 MR. HEATON: I think you don't -- you
17 don't have the map on this one.

18 CHAIR HIPP: Oh, we have something kind
19 of -- maybe --

20 MR. GRAVILLE: We have an aerial of the
21 lot line.

22 MR. HEATON: Okay.

23 DR. WHITMAN: I have a question, right.
24 We're essentially asking for two variances: one
25 for the sunroom and one for the extra two feet?

1 MS. RADER: Yes, that was my question,
2 too.

3 MR. GRAVILLE: Well, it is a -- I think
4 it's one variance. The deck is legal to be in
5 there. It's not a two-foot variance. It's a
6 variance for the entire length; is that --

7 DR. WHITMAN: He wants it longer than the
8 deck is there.

9 MR. GRAVILLE: Well, I understand that.
10 It's an additional two feet on --

11 MS. AHNER: So, if I could read my last
12 slide that I have in here. So, the applicant
13 is seeking a variance to allow a sunroom within
14 the setback, rather than an outdoor deck. So,
15 that is where Board of Adjustment comes in.
16 It's just the difference between the language
17 sunroom and outside deck. If the Board were to
18 approve this, they would still have to go to
19 the Planning Commission, and they would be the
20 ones that would be reviewing the additional
21 encroachment. So, I'm not asking the Board of
22 Adjustment to review the additional
23 encroachment. It's really just the language
24 between sunroom and outside deck.

25 CHAIR HIPPE: Okay.

1 MR. GRAVILLE: So could --

2 CHAIR HIPPI: Thank you for that
3 clarification.

4 MR. GRAVILLE: So I understand Planning
5 and Zoning could say you can't go all the way
6 back or you have to --

7 MS. AHNER: Yes, so, I mean, there would
8 be something at play with Planning
9 Commission --

10 MR. GRAVILLE: To review how far an
11 encroachment occurred?

12 MS. AHNER: Yeah, correct. And they can
13 either put up their surveys here, so the
14 left-hand side has the survey of the wood deck
15 that is out there today, and then the
16 right-hand side, that is a portion of the site
17 development plan showing where the proposed
18 sunroom would go. As you can see there, the
19 sunroom proposed to be built right up to the
20 10 foot easement line, where as of right now,
21 it's the deck itself is just short of that
22 10 foot easement line. And I can also pull up
23 the image of the site if you prefer that
24 instead.

25 CHAIR HIPPI: Pardon?

1 MS. AHNER: I can also put up the aerial
2 of this site if you prefer that instead --

3 CHAIR HIPPI: Let's put the aerial up for a
4 moment. Now, that we've looked at that, let's
5 take a look at the aerial. That does give us a
6 little -- pardon me, allergies. Mr. Heaton, if
7 you could answer a question that we have, which
8 is, as I look at that, the cul-de-sac, you have
9 a very nice neighborhood there, and that's
10 Brooking -- that's the willow in the very top,
11 right? Is that correct?

12 MR. HEATON: I don't know if the willows
13 are in the front or the back, frankly, but
14 Brooking --

15 CHAIR HIPPI: It's north in that --

16 MR. HEATON: -- Park -- yeah.

17 CHAIR HIPPI: But it's to your north,
18 right?

19 MR. HEATON: It's to our -- yeah, yes.

20 CHAIR HIPPI: I like that. Okay. I guess
21 my question is as I look at all the terrain in
22 the other homes in the Woods Mill Cove Drive
23 area, I mean, everyone appears to -- it's hard
24 to tell whether they all have -- they all
25 appear to have decks, and, you know, you

1 mentioned sunroofs. Many of them have sunroofs
2 on a different side --

3 MR. HEATON: There's a few on this side on
4 the side that I'm on, and on the other side,
5 there's almost every one of them. No, that's
6 not true. There's about half of those on the
7 other side. I would say there's 20 to 30
8 rooms, sunrooms in some cases, I guess you
9 don't have it over here, there's two or three
10 up in the front where they're in the back as
11 well. But the point I'm trying to make sure
12 you understand is that the decks on the back
13 area, you're saying mine is the closest, our
14 isn't the closest to the end of the setback.

15 There are some that are much further over
16 by just looking down the line. If I'm clear,
17 I'm not clear.

18 CHAIR HIPPI: So, how would you -- how
19 would you classify the hardship that's going
20 on?

21 MR. HEATON: Well, the hardship --

22 CHAIR HIPPI: The mosquitoes and things --

23 MR. HEATON: Yeah, there's no mosquitoes.
24 It's hot in the summer -- hotter in the summer,
25 I guess, and it's cold in the winter, and we

1 like to use it year round. There's not much
2 place to get out and run, you know, you don't
3 have a great big area. So, that's a -- that
4 was something that we planned when we bought
5 this facility or this house --

6 CHAIR HIPPI: Okay.

7 MR. HEATON: That's it --

8 CHAIR HIPPI: Good, thank you, sir. Any
9 member of the Board have question for --

10 MS. RADER: What do your neighbors say?
11 Because the sunroom is going to be enclosed as
12 opposed to open with a deck.

13 MR. HEATON: I've talked to the neighbors.
14 It's something I've always done in any kind of
15 project, whether here or somewhere else, I
16 talked to the neighbors next door. I talked on
17 both sides. They said go do it, have fun, et
18 cetera, et cetera. They had no comments
19 negative, and you can see in the documents.

20 CHAIR HIPPI: Okay, all right.

21 MR. HEATON: And, of course, I've talked
22 to our -- the rest of our trustees. Say, look,
23 this is what we're doing, and do you guys have
24 any problems? I'm going to stay out of the
25 vote. You do it. They don't have any problems

1 with it either.

2 CHAIR HIPPI: City? Do you have anything
3 to state further?

4 MS. AHNER: The only thing I would add is
5 there is a letter of support from the neighbor
6 in the package that was provided to you.

7 MR. HEATON: On both neighbors, right? Or
8 there's an e-mail from one and a letter from
9 the other one.

10 MS. AHNER: Yes, I have that in the packet
11 available to the Board of Adjustment.

12 MR. HEATON: Thank you.

13 CHAIR HIPPI: Okay. Mr. Hurt, do you have
14 any questions or comments? You're way quiet
15 down there. I just want to make sure we hear
16 from you when necessary. Are there any further
17 questions? Well, hardships come in a variety
18 of degrees. The use of land -- could we flash
19 back, that's a great point, flashback to the
20 requirements and see what thoughts we have as
21 we move into our deliberations on the points.
22 Hardship is definitely a situation where I
23 see -- I'm not sure. But the fact that
24 everyone has done it also gives me a little bit
25 of, like, you know, we can't hold you back if

1 everybody has done it, and you're a trustee,
2 and you've got the homeowners' support, you
3 know, in addition to being a trustee. How long
4 have you been a trustee, sir?

5 MR. HEATON: Well, it's a little over
6 three years.

7 CHAIR HIPPI: Okay.

8 MR. HEATON: I'm about through with this
9 one.

10 CHAIR HIPPI: Okay. No impact on --

11 MR. HEATON: And I respect what you guys
12 have to do, so.

13 CHAIR HIPPI: Okay.

14 MR. HEATON: I understand completely.

15 DR. WHITMAN: So, Mr. Heaton, I have one
16 thing to say to you --

17 MR. HEATON: Yes?

18 DR. WHITMAN: I have 59 years with my
19 spouse.

20 MR. HEATON: Congratulations.

21 CHAIR HIPPI: We're talking about the
22 interest of justice here --

23 MR. HEATON: I don't know -- I don't know
24 that's the hardship. I was trying to think
25 about that. It's not --

1 DR. WHITMAN: Some days it is.

2 MR. HEATON: It's not.

3 CHAIR HIPPI: All right. Barring any -- is
4 there anyone in the audience here who wishes to
5 have a comment regarding this particular
6 request for a variance? Okay, that being in
7 the negative, Mr. Heaton, you may sit down,
8 sir.

9 MR. HEATON: Thank you.

10 CHAIR HIPPI: Thank you very much for your
11 thoughts and the information. The chair -- the
12 chair will entertain a board (sic) relative to
13 BA-012025. Is that --

14 DR. WHITMAN: Met approval.

15 CHAIR HIPPI: Is there a motion to --

16 DR. WHITMAN: I made --

17 MR. BLOCK: Second.

18 CHAIR HIPPI: Seconded, okay, so please
19 call -- please call the vote.

20 MS. BLESENER: Katherine Hipp?

21 CHAIR HIPPI: I vote to approve the
22 variance request.

23 MS. BLESENER: Brendan Block?

24 MR. BLOCK: I vote to approve.

25 MS. BLESENER: Jeannie Rader?

1 MS. RADER: Yes.

2 MS. BLESENER: Barb Whitman?

3 DR. WHITMAN: Approve.

4 CHAIR HIPPI: The approval is -- the
5 request for the variance is approved. Thank
6 you. I would make a note, a point of order on
7 the first variance, we did not entertain a
8 motion and second, so it's a little ad hoc.
9 All four of us voted for it before the purpose
10 of the first --

11 MR. GRAVILLE: I think it's okay. I think
12 there was enough verbiage --

13 CHAIR HIPPI: We have a quorum on the
14 matter --

15 MR. GRAVILLE: We can take care of that.
16 It was -- the intent was to approve --

17 CHAIR HIPPI: Okay, yes, very good.

18 MR. GRAVILLE: In the positive.

19 CHAIR HIPPI: Now, we're going to move onto
20 the third petition on the agenda BA012024.
21 Before I began that, Mr. Heaton, thank you very
22 much. You are approved, sir.

23 MR. HEATON: Thank you very much.

24 CHAIR HIPPI: If you'd like to stay, we
25 appreciate all your work as a trustee, and

1 you're helping the neighborhood. We wish you
2 success with your sunroof or sunroom.

3 MR. HEATON: Thank you.

4 CHAIR HIPPI: Okay. So, the third petition
5 on the agenda is BA-01-2024, Sunny's Spa at
6 13714 Olive Boulevard, Suite A. Will the staff
7 please present their exhibits --

8 MR. GRAVILLE: Staff -- staff will not be
9 doing the presentation on that. I'm going to
10 provide the background on it.

11 CHAIR HIPPI: Mr. Graville will provide the
12 background.

13 MR. GRAVILLE: For our purposes, Chris
14 Graville, City Attorney, I will be sitting up
15 here with the Board of Adjustment. I'm going
16 to give our parties a chance to configure.
17 Jacob, you guys want to go up head and grab a
18 couple of chairs? And Mr. Kloos, you might
19 want to grab a couple of chairs over there, if
20 that's okay, kind of rearrange.

21 So, as they're getting situated, this is a
22 process under city ordinance 605.250. If you
23 want just grab a couple of chairs or sit there,
24 Mr. Kloos, however is fine. A process under
25 650.070 in which a business license for Sunny's

1 Spa was not renewed based on the beliefs that
2 the -- the operation of the spa by
3 605.070(C)(3), 605.070(C)(6). This is an appeal
4 from an informal hearing and a findings of fact
5 and conclusions of law rendered by the city
6 administrator with regards to upholding the
7 non-renewal of Sunny's Spa's business license.
8 Since this is Sunny's Spa's appeal,
9 Mr. Glickfield, can you please announce your
10 name and -- and -- yeah, that's great. Can you
11 please announce your name and what your role is
12 and introduce your client as well?

13 MR. HEATON: Thank you, Chris. My name is
14 Jacob Glickfield. I'm attorney for Sunny's
15 Spa. Setting next to me is. Jie Cao, the owner
16 of Sunny's Spa.

17 MR. GRAVILLE: Okay. Well, give me a
18 second. Mr. Kloos, can you please announce who
19 are you and who you have here as any witnesses?

20 MR. KLOOS: Sure, should I go to the
21 microphone?

22 MR. GRAVILLE: You don't have to go to the
23 microphone if you don't want to or maybe she's
24 going to give you a microphone.

25 MR. KLOOS: My name is Ben Kloos,

1 representing the City of Chesterfield, and I
2 brought Detective John Halliday with me as my
3 witness from St. Louis County Police
4 Department.

5 MR. GRAVILLE: Okay. So, this is an
6 appeal of the record of the City. I would
7 first ask the Chair to take into evidence as
8 the record the packet that was provided with
9 regards to the cover memo, as to why we're here
10 in the standard, the ordinances, ordinance
11 section 605.070, 605.250, the Notice of Public
12 Hearing and Publication in the Countian. The
13 Findings of Fact and Conclusions of Law entered
14 into by Mike Geisel, the city administrator on
15 September 10th, 2024; the appeal, which is here
16 filed by Mayer Klein; Mr. Glickfield is here on
17 behalf of their law firm and his client. And I
18 think that is it.

19 Oh, the original business license
20 application, the records for the city regarding
21 the business licenses and the letter as far as
22 not non-renewal. So, that the City's record
23 that is under appeal here today. And, Chair,
24 with that, I don't know if there's any
25 additional questions since the record has been

1 made part of the record. I believe it's
2 Mr. Glickfield's appeal, so he shall be the
3 first one to go. We do have a court reporter
4 here or -- strike that. An interpreter here so
5 that we make sure we get it correctly. So slow
6 us down if we're not following the rules.

7 MR. GLICKFIELD: Thank you.

8 MR. GRAVILLE: But he won't get sworn as
9 he's the attorney on this.

10 MR. GLICKFIELD: Thank you.

11 CHAIR HIPPE: The speaker will.

12 MR. GLICKFIELD: I'm just going to make a
13 few opening remarks, then I'll examine my
14 client with the interpreter for everyone's
15 benefit. Thank you.

16 DR. WHITMAN: I need for you to be closer
17 to the microphone.

18 MR. GLICKFIELD: How is this?

19 DR. WHITMAN: Better, thank you.

20 MR. GLICKFIELD: Okay, I would like to
21 make sure everyone can hear me.

22 OPENING STATEMENT BY MR. GLICKFIELD:

23 MR. GLICKFIELD: So, my name is Jacob
24 Glickfield. I'm here as attorney for Jie Cao,
25 and her business, Sunny's Spa. We're here this

1 evening to appeal the denial of a renewal of a
2 business license for Sunny's Spa. A business
3 located at 13714 Olive Boulevard in
4 Chesterfield. There are a lot of dates here,
5 so please bear with me.

6 Since 2019, Jie Cao has own and operated
7 Sunny's Spa, a company which provides
8 traditional Chinese massage. She had worked at
9 the spa for several months before she purchased
10 it from its prior owners. During that time,
11 she did typically employ two to three massage
12 therapists, brought value to the community, and
13 for five years, never had any issues of any
14 kind. She is a hardworking legal immigrant and
15 naturalized citizen of the United States and
16 Jie is sitting next to me tonight. In January
17 of 2024, one of Jie's longtime employees,
18 Wendy, needed to return to China for family
19 reasons. To replace her, Jie hired a woman
20 named Lisa. At the time, a friend of Jie's
21 named Sasha also worked at the spa.

22 Both of these women are over the age of 70
23 years. On May 9th --

24 CHAIR HIPPI: They're over 70?

25 MR. GLICKFIELD: Yes, both of these women,

1 both Lisa and Sasha are over the age of 70
2 years. On May 9th, 2024, the police arrived at
3 Sunny's Spa and took her and two employees into
4 custody. Jie voluntarily permitted the police
5 to inspect her books and gave them her wallet,
6 all of which was returned to her. Through an
7 interpreter, Jie was told that there was
8 prostitution occurring at her spa. Jie was
9 shocked and denied the allegation, truthfully
10 telling the police that she does not condone
11 that sort of thing. Although arrests were made
12 against Lisa and Sasha, Jie did not actually
13 witness the arrest.

14 MR. KLOOS: Mr. Glickfield, I'm going to
15 interrupt you for a second. Seems like you're
16 testifying. Do we need to swear you in?

17 MR. GLICKFIELD: I'm introducing the story
18 and at the end, I will ask my client --

19 MR. KLOOS: So, this is what your evidence
20 will show?

21 MR. GLICKFIELD: Yeah --

22 MR. GRAVILLE: All right.

23 MR. GLICKFIELD: My evidence is going to
24 show every part of this. I did not realize
25 that just -- this I did not prepare for, but I

1 did not realize the interpreter would be
2 interpreting everything that I said. I thought
3 that I would make a presentation and then
4 examine my witness, who has no idea of what I'm
5 saying right now. She has no ability to
6 understand me without the interpreter.

7 Nevertheless, all of my -- all of this is
8 going to be shown by my witness. Lisa -- so,
9 although, the arrests were made against Lisa
10 and Sasha, Jie did not witness this, but she
11 did confront them immediately afterwards. Lisa
12 admitted to having been arrested but denied any
13 wrongdoing.

14 Nevertheless, Jie took the side of law
15 enforcement and terminated Lisa that day.
16 Sasha denied having been arrested and said she
17 was just taken into the custody the same way
18 that Jie was, which Jie believed. Jie only
19 become aware of Sasha's arrest on August 26,
20 2024, after a hearing before the Chesterfield
21 City administrator, and Jie fired her that day
22 despite their long friendship. On that day,
23 Jie did not yet know the outcome of the city
24 administrator's decision and fired Sasha
25 because she does want even a whiff of

1 impropriety in her business.

2 This is an appeal from that hearing. At
3 that hearing, we were told that no parties had
4 any access to the police reports and the police
5 read redacted portions of the police report to
6 us and the City. We found out there had been
7 an investigation into the spa, because it was
8 believed there was human trafficking occurring
9 there. The police explained that they had seen
10 the spa close and the employees did not leave
11 through the front door, and, on that basis,
12 concluded that the employees must be locked up
13 inside and forced to spend the night there.
14 This conclusion led to a warrant and a series
15 of undercover operations by a special task
16 force of the St. Louis County Police
17 Department.

18 About five weeks ago, after months of
19 informal requests and being told that the City
20 did possess the police report since they came
21 from the St. Louis County Police and not even a
22 Sunshine Request request would help, we were
23 provided the police reports. The police
24 reports show no evidence of human trafficking,
25 but they do indicate that when the elderly

1 massage therapists were asked to perform sexual
2 services for money by the undercover police,
3 they did provide those services.

4 The police identified these actions as
5 evidence of a misdemeanor infraction and
6 violation of Section 262 of the county code,
7 which could come with a penalty of \$500 or
8 sixth months in jail. No evidence of anyone
9 living in the spa was found. As it turns out,
10 the reason the employees don't leave from the
11 front door is because they park in the back.

12 Interestingly, the police report also
13 stated that not only did both Lisa and Sasha
14 deny any wrongdoing, but they also stated that
15 Jie does not tolerate this sort of conduct.
16 They made clear that Jie wants a legitimate
17 establishment --

18 MR. GRAVILLE: Mr. Glickfield, that's
19 hearsay. This is a Board of Adjustment
20 hearing.

21 MR. GLICKFIELD: It's in the police
22 report. Should we introduce the police reports
23 to evidence and have me sit here and find it
24 where it says that they both told the police
25 that that's what happened --

1 MR. GRAVILLE: It's an opening statement,
2 Mr. Glickfield. I'm just asking you to state
3 what your evidence is showing. You're reading
4 from a police report. And that's fine that --
5 if you intend to introduce the police report
6 into evidence, and I'll let you proceed.

7 MR. GLICKFIELD: I mean -- okay. So,
8 after the May 9th, 2024, police operation -- is
9 there -- is there a rule against hearsay in the
10 municipal code?

11 MR. GRAVILLE: I'm sorry?

12 MR. GLICKFIELD: Is there's a rule against
13 hearsay in the municipal code?

14 MR. GRAVILLE: We're not under the
15 municipal code. We're under the Administrator
16 Procedure Act.

17 CHAIR HIPPI: So, this is a quasi-judicial
18 board --

19 MR. GLICKFIELD: Yes.

20 CHAIR HIPPI: And I understand you're
21 making your opening statement. If you could
22 just summarize a little more briefly, that
23 would be appreciated, sir.

24 MR. GLICKFIELD: Thank you.

25 CHAIR HIPPI: Thank you.

1 MR. GLICKFIELD: So, Jie made numerous
2 remedial measures, of which I'll introduce
3 evidence right here. And before I hand them to
4 you, I'll just tell you what they are, that --
5 to ensure nothing like this could ever happen
6 again. She wrote an English-Chinese agreement,
7 which employees must sign in order to work for
8 her. She also puts signs in the massage rooms,
9 so that no illegal conduct can occur, and they
10 can refuse service for any reason. She took
11 the locks off the massage room doors and
12 requires that they be slightly ajar so no
13 employee could be comfortable committing
14 illegal contact therein.

15 When the city administrator denied Jie's
16 appeal in August, one of the reasons was that
17 Sasha still worked at the spa. This was
18 because Jie did not realize that Sasha had been
19 arrested and appeared to be the only person
20 that had done anything improper. Jie respects
21 the police very much, as she will testify very
22 soon and respects law tremendously as she will
23 testify very soon. And had she been told all
24 the details, she would have fired Sasha
25 immediately as she did with Lisa.

1 We come here to appeal this decision and
2 ask that Jie's business license be renewed.
3 She did not do anything wrong herself and had
4 no idea that other people were doing anything
5 improper in her employ. She has taken every
6 remedial action she can think of, and she will
7 tell you that she will agree to any further
8 action requested by the city.

9 All of us here are in business of some
10 sort or another, and we've all had issues with
11 employees who either done something improper,
12 gone rogue in some way and that's the nature of
13 being in business. And it's very difficult to
14 judge a business over it by the bad conduct of
15 employees. We are judged by the way we handle
16 it. Jie has done everything that she can to
17 move forward. Ten months have passed, and
18 there's been no further incident.

19 To our knowledge, charges were never filed
20 against Lisa or Sasha and the investigation
21 into the spa has ended. Jie simply asks for
22 the same grace that all of us require in order
23 to keep going. She's sorry that these things
24 happened and will do whatever it takes to make
25 sure it never happens again. Ten months of

1 solid legal results speak to that. I tell you
2 all this because Jie does not speak English,
3 and without the interpreter, she would have no
4 idea what I'm saying, but I want give her the
5 opportunity to testify to all of the points
6 I've just made, and before I bring her in, I
7 just do want to hand you guys the documents
8 that I brought.

9 MR. GRAVILLE: Mr. Glickfield, could
10 show -- have you provided Mr. Kloos?

11 MR. GLICKFIELD: I provided them to the
12 City at our last hearing, so it's in possession
13 of the City for the entire time.

14 MR. GRAVILLE: Okay. Could you have
15 Mr. Kloos look at them before you offer these
16 exhibits.

17 MR. GLICKFIELD: Sure. Here you go
18 (Indicating).

19 CHAIR HIPPI: Hold on. Wait a minute.
20 Come over here, sir. First of all, we need to
21 have these marked and noted for file. So,
22 could you please give those to the city and
23 have them marked.

24 (Hearing Exhibit 1 marked.)

25 CHAIR HIPPI: Sir, before we look at them,

1 would you please have your witness sworn and
2 testify and then tell us what we're looking at
3 slowly and introduce them as you go along.

4 MR. GRAVILLE: Mr. Kloos, would you mind
5 putting that microphone and maybe we'll swear
6 her in and have her testify up there. Does
7 that work for you?

8 MR. GLICKFIELD: Yeah, that's fine.

9 CHAIR HIPPI: Whatever is more comfortable.
10 If she would like to remain seated, would the
11 interpreter --

12 MR. GLICKFIELD: Would you prefer to be
13 sitting or standing with the witness?

14 THE INTERPRETER: Standing is fine.

15 CHAIR HIPPI: May I say before we began
16 this process, I just want to -- it's little a
17 murky in it's more of a city issue here, but
18 our standard, and maybe it's Mr. Gravois's, our
19 standard as a Board of Adjustment to determine
20 whether or not she should be permitted to have
21 her license, what's the word reinstated?

22 MR. GRAVILLE: To either affirm or
23 overturn --

24 CHAIR HIPPI: Okay.

25 MR. GRAVILLE: -- the decision of city

1 administrator not to renew the license.

2 CHAIR HIPPE: Okay. And what is our
3 standard in measuring whether to affirm or not
4 affirm?

5 MR. GRAVILLE: You all are invested
6 with -- you all are invested with a wide
7 latitude of discretion on this, you know, with
8 regards to the way it is set up is, you all --
9 what I would say is this is, you all are
10 reviewing a decision an administrative decision
11 of the city administrator. So, if you believe
12 it was arbitrary and capacious, it was done in
13 error, there was some information that was not
14 provided, I think Mr. Glickfield has raised an
15 issue and it's a good point, you can modify the
16 decision of the city administrator. So, you
17 could reverse and add conditions, I think
18 that's what you are getting to, correct,
19 Mr. Glickfield?

20 MR. GLICKFIELD: Yes, we are --

21 MR. GRAVILLE: So, you can -- you can
22 affirm the decision; you can reverse the
23 decision outright; you can modify the decision;
24 but you looking at that decision based on the
25 evidence here today, essentially de novo, a

1 new, based on the incident that the nonrenewal
2 was based on the investigation and the evidence
3 that was shown at the first administrative
4 hearing. So, you can reverse, you can affirm,
5 you can modify that decision. You have a wide
6 range of latitude with regards to that.

7 (Off-the-microphone discussion.)

8 MR. GRAVILLE: It doesn't. So, it's a
9 little bit different, so it's not a building
10 use. We're not looking at a hardship with
11 regard to the property. Essentially, Chapter
12 89 of the Revised Statutes can essentially
13 refer over, and that's what this ordinance
14 does, it refers over to you all the ability to
15 hear the appeal of Mike Geisel, the city
16 administrator's decision and to determine is
17 this -- was this decision arbitrary; was it
18 capricious; was it supported by the evidence?
19 If you guys look in the packet you received as
20 part of the city record, is that findings of
21 fact and conclusions of law a decision that
22 occurred.

23 MR. GLICKFIELD: So, I'm actually
24 confused, because it is de novo or based upon
25 error? Because --

1 MR. GRAVILLE: Based on what?

2 MR. GLICKFIELD: Is it a de novo decision
3 or it is based upon error?

4 MR. GRAVILLE: Based on who?

5 MR. GLICKFIELD: Error.

6 CHAIR HIPPE: Error.

7 MR. GLICKFIELD: Only if they find --

8 MR. GRAVILLE: Error.

9 MR. GLICKFIELD: -- error --

10 MR. GRAVILLE: No, no, no. It is de novo
11 because the way it works, it is confusing, but
12 it's the way administrative procedure law works
13 is, you have an uncontested case, which is what
14 occurred in front of Mike Geisel. The
15 reviewing entity, whether it's the court or
16 whether it's this body, makes a determination
17 de novo of the facts. So, you all determine,
18 and then they compare their determination of
19 the facts to the decision of Mike Geisel, and
20 then they make a decision whether or not that
21 decision of the city administrator was
22 arbitrary and capricious. So, it is de novo,
23 but then it is a comparison to the decision,
24 because they don't have the right to render
25 their own decision, they only have the right to

1 overturn the decision. Does that make sense?

2 MR. GLICKFIELD: Okay.

3 CHAIR HIPPI: Now, I'm confused. We can
4 overturn or not overturn, but we then also go
5 in different -- like, that's yes or no, but
6 there is -- I just --

7 MR. GRAVILLE: You can -- you can modify
8 the decision as well.

9 CHAIR HIPPI: Okay.

10 MR. GLICKFIELD: And it can be modified --

11 CHAIR HIPPI: And it's more than yes or no,
12 it's -- it's maybe could we add -- I'm just
13 hypothetically, haven't heard the facts, just
14 want to know what my range of options are,
15 could we, if we were so inclined, I don't want
16 to jump ahead of myself, but would we have it
17 within our opportunity of the parameters of our
18 findings to say we would give her back her
19 license in a condition of on a probationary
20 period? For example, I just wonder if that's
21 an option.

22 MR. GRAVILLE: The problem is, is you do
23 not have a right to legislate the business
24 license ordinances. I think within a
25 reasonable disagree, you can accept the

1 conditions to overturn it; you could, I think,
2 suggest, but I don't believe that you can add
3 conditions to the business license, because
4 part of the thing is this is based on the
5 conduct that occurred --

6 CHAIR HIPPEL: Right.

7 MR. GRAVILL: Right? And the actions
8 that occurred then.

9 CHAIR HIPPEL: Right.

10 MR. GRAVILL: So --

11 CHAIR HIPPEL: Okay. I think we can
12 continue --

13 MR. GRAVILL: Make our way through it.

14 CHAIR HIPPEL: All right, sir, go ahead,
15 please, sir.

16 MR. GLICKFIELD: Okay, can you please --

17 (Court reporter clarification.)

18 (Jie Cao and Interpreter May Huang sworn.)

19 DIRECT EXAMINATION

20 QUESTIONS BY MR. GLICKFIELD:

21 Q Can you please state and spell your full
22 name?

23 A (Through the interpreter) My name is Jie
24 Cao.

25 Q When did you move to the United States?

1 **A 2010, end of June.**

2 Q When did you come to St. Louis, Missouri?

3 **A 2019.**

4 Q And you lived here ever since?

5 **A That is correct.**

6 Q What's your date of birth?

7 **A January 6th, 1972.**

8 Q You're the owner of Sunny's Spa, correct?

9 **A That is correct.**

10 Q How many people currently work for you at
11 the spa?

12 **A Currently, I only have one employee.**

13 Q What is the name of that employee?

14 **A Her name is Wendy.**

15 Q And how long have you known Wendy?

16 **A Around five -- about five years since I
17 opened the Sunny's Spa, she's with me.**

18 Q And how old is Wendy?

19 **A Fifty-eight.**

20 Q Did you have employees named Lisa and
21 Sasha?

22 **A Prior, yes.**

23 Q Did you fire those employees?

24 **A That is correct.**

25 Q Do you know where they are right now?

1 **A I don't have any contact with them.**

2 Q Do you know how old Lisa is?

3 **A They both are 70 years old, around.**

4 Q When did you buy Sunny's Spa?

5 **A I remember that, I think, it's**
6 **November 2019.**

7 Q From whom did you buy it?

8 **A The prior owner named Tina, I bought from**
9 **her.**

10 Q Did you work for Tina before you bought
11 the spa?

12 **A Yes, I worked for her.**

13 Q How much did you pay for the spa?

14 **A Okay, I remember I bought -- I pay 50,000**
15 **for the shop. Also, I remodel, update, that was**
16 **10,000.**

17 Q So, does that mean your total investment
18 is \$60,000?

19 **A That is correct.**

20 Q Tell me about the work incidents involving
21 the police in May of 2024 in your own words?

22 THE INTERPRETER: I'm sorry, interpreter
23 need clarification for the question, please.

24 Q (By Mr. Glickfield) Yes, in your own
25 words, tell me about the incidents involving the

1 police that occurred on May 9th, 2024?

2 THE INTERPRETER: Give me -- I need a
3 pause for me to translate.

4 A (Through the interpreter) Okay, I remember
5 last year in May 9th in the afternoon around 2:00
6 o'clock, somebody come in, asked for Lisa. They --
7 he asked four times. Back then, I was in the back
8 taking a break. So, when I heard that he's looking
9 for Lisa so -- but Lisa is working at that time, so,
10 I told him Lisa isn't here but he's working -- she's
11 working. Okay. After that, I told him that Lisa
12 isn't here, she's working, and he told me he's
13 police, and they come in -- came in -- a lot of
14 people came in at the same time.

15 And then they took Lisa and Sasha to
16 the back of the shop. Then I asked them what
17 happened? Police said I'm trafficking. I said, no,
18 I'm not. Okay, I told them, no, we are not, because
19 Lisa is an American resident, and then Sasha also a
20 green card holder. That's a permanent resident,
21 yes. Lisa and I are citizens, but Sasha is
22 permanent resident, kind of green card. Then after
23 that, a lot of people come and -- came and searched
24 the shop. About two hours. Okay, I don't know when
25 they took Sasha and Lisa. They took both of them

1 away, but after two hours, around two hours, police
2 took me to the station. Then I asked the police,
3 why? What had happened? Why they searched my shop?
4 Because he says somebody report us. Okay. And then
5 March 12th, also April 25th, somebody report us or
6 say -- make a claim. Yeah, then I ask why? We
7 didn't do anything. Why they have to report us?
8 Okay, then he replied with that was somebody in our
9 shop touched somebody's private -- private place.
10 Okay, touched man's private side.

11 I told them that's impossible because
12 my employee always tell them that in front, that we
13 are just massage, pure massage. Nothing really
14 going to do anything. Back then, I was in shock
15 because when they first hired, I have a signed
16 agreement there's no sexual service in this spa, in
17 this -- okay. About -- police and I, we talk about
18 an hour after that. They send me to the -- back to
19 the spa, the shop. Then a police told me, they were
20 going to take me to a jail, but I'm not sure what
21 was actually -- is -- he took me there is mainly,
22 because he want me to bring that to employee, out.
23 That's about what happened that day.

24 Q Did you give the police your books and
25 records?

1 **A No, no nothing.**

2 Q The police didn't ask to see any books and
3 records from you?

4 **A No.**

5 Q So, I'm going to ask you some questions
6 about the massage therapist who had police issues.
7 When did you hire Sasha?

8 **A Okay, Sasha hired 2020, end of September.**

9 Q When did you hire Lisa?

10 **A Lisa was hired January 22nd, 2024.**

11 Q And, to be clear, the incidents that you
12 are aware of occurred in March and April of 2024; is
13 that correct?

14 **A Yeah, back then I don't. Police told me.**

15 Q Okay. When did you terminate Lisa's
16 employment with you?

17 THE INTERPRETER: Need clarification for
18 the question, please.

19 Q (By Mr. Glickfield) When did you fire
20 Lisa?

21 **A (Through the interpreter) On that day. On
22 that day. Same day, I fired her.**

23 Q And that same day is the day that the
24 police came, right?

25 **A That's correct. Yeah, that day when I**

1 **picked them up after the -- I fired them.**

2 Q That day is May 9th, 2024, right?

3 **A Yeah, that is correct.**

4 Q Before you fired Lisa, did you hear any
5 complaints about her?

6 **A No.**

7 Q When did you first become aware that Lisa
8 might be touching customers' private parts?

9 **A First of all, I have to say that I told
10 every employee when they first hired, I told them
11 this is just massage. I also will monitoring (sic)
12 how -- how they do the massage. Whatever they did,
13 I noticed May 9th, that day.**

14 Q Okay. Did you -- so before the police
15 told you that they had reason to believe that Lisa
16 was touching customers' private parts, you had no
17 idea; is that correct?

18 **A No, I don't, totally not.**

19 Q When did you terminate Sasha's
20 employment -- when did you fire Sasha?

21 **A So, back then, the police only came for
22 Lisa. They didn't -- I fired -- I fired Sasha, was
23 it from last hearing? That day? August 26.**

24 Q Okay. And is that first time you found
25 out that Sasha might also be touching customers'

1 private parts?

2 **A Back in May 9th, when police come for**
3 **Lisa, I -- come for Lisa, I didn't know Sasha was**
4 **involved. So, August 26, I fired Sasha.**

5 Q Is that the first -- is that the first
6 date that you found out that Sasha might be doing
7 this, too?

8 **A That is correct, because prior everybody**
9 **signed the agreement, this is just for massage only.**

10 Q Okay. Have you spoken to Lisa or Sasha
11 since you fired them?

12 **A No.**

13 Q Okay. I think that was a no on the
14 record, right?

15 **A I'm sorry.**

16 Q We got a no on the record on that.
17 Neither of these women still work for you, do they?

18 **A No.**

19 Q So, now only Wendy works for you, correct?

20 **A That is correct.**

21 Q Have you had any problems or complaints
22 about Wendy?

23 **A No.**

24 Q Do you want women to offer sexual services
25 at your spa?

1 **A I'm sorry, what?**

2 Q Do you want women to offer sexual services
3 at the spa?

4 **A Not anybody wants offer that kind of**
5 **service.**

6 Q Do you think prostitution is morally
7 acceptable?

8 **A No.**

9 Q When this was going on, were you aware of
10 any massage therapist having sexual contact with
11 customers?

12 **A I'm sorry, what was --**

13 Q Prior to May 9th, 2024, were you aware
14 that any massage therapist were having any sexual
15 contact with any customers?

16 **A No.**

17 Q Do you have locks on the doors to the
18 massage rooms? Do you have locks on the doors to
19 the massage rooms?

20 **A Sorry. Yeah, the massage rooms don't have**
21 **lock. We always have a way to open the door.**

22 Q Okay. So, the doors are always slightly
23 open, correct?

24 **A Yeah, that is correct.**

25 Q Okay. So a passerby would see if

1 something inappropriate was happening; is that
2 accurate?

3 **A Yes. I already said, I supervision their**
4 **work all the time.**

5 Q Do you respect the laws of Missouri? Do
6 you respect the laws of Missouri and the United
7 States?

8 **A Sorry. I respect very.**

9 Q Do you respect the police of St. Louis
10 county and the City of Chesterfield?

11 **A Yes, very.**

12 Q Have you cooperated with the police up
13 until now?

14 **A Yes.**

15 Q Prior to these arrests, did you ever have
16 any other massage therapists who were arrested for
17 similar reasons?

18 **A No, never.**

19 Q Have you ever had police come into the spa
20 prior to these incidents?

21 **A No.**

22 Q Since these two women were arrested, do
23 you have any issues with this sort of behavior?

24 **A No.**

25 Q To your knowledge, has anyone ever slept

1 overnight in the spa?

2 **A No, never. We have our own apartment.**

3 **Q What can you do to avoid future similar**
4 **incidents?**

5 **A For the employment, I did have them -- or**
6 **I do will have a signed agreement. Yeah, it says on**
7 **the agreement that we only provide massage, but**
8 **nothing -- anything is not allowed to do any sex**
9 **activity. And then I also told them once if this**
10 **happened -- in case this happened, I will fire them**
11 **right -- right away. This is to the employee.**
12 **Okay, so in each room, we have a post on there says**
13 **we only provide massage. And then if you request**
14 **more than that that we have the right to refuse to**
15 **provide service.**

16 **Q I'm going to approach so she can**
17 **authenticate this document. Is this the paper that**
18 **hangs on the wall that you're referring to?**

19 **A First one is the post on the room, the**
20 **service room. Then the second was -- the second is**
21 **the agreement.**

22 **Q And the third is the agreement in Chinese,**
23 **correct?**

24 **A The third one is translating.**

25 **MR. GLICKFIELD: Okay. May I now**

1 introduce this as evidence?

2 CHAIR HIPPI: Yes, you may, sir. Thank
3 you. Any objections to the admission of this
4 as evidence? Okay. So, we'll -- this is
5 Exhibit Hearing A-1.

6 MR. GLICKFIELD: Yeah, it was marked by
7 the court reporter as 1, so it's fine.

8 CHAIR HIPPI: Hearing 1, thank you.
9 (Exhibit Hearing 1 admitted onto the transcript
10 record.)

11 MR. GLICKFIELD: I just have a few more
12 questions.

13 Q (By Mr. Glickfield) How do you feel -- how
14 do these incidents make you feel?

15 A I feel very embarrassing and sad, because
16 I already told them this is not supposed -- this is
17 not allowed to do this kind of thing. I feel very
18 really sad and embarrassing it happened.

19 Q How do you feel about living in America?

20 A I've been here 15 years. I am an American
21 citizen. I love the United States. My children --
22 my daughter is in San Diego Medical School. She
23 already completed sixth year of medical school. I
24 like United States. A lot of freedom. Everybody's
25 kind.

1 Q What will happen to you if the spa closes?

2 What will happen to you if the spa closes?

3 A Sorry. The effect will be a lot. A big
4 effect, because I'm a single mom.

5 Q Will you be in default on the lease?

6 A My daughter need my support for her
7 tuition.

8 DR. WHITMAN: I have some Kleenex here.

9 THE WITNESS: (Through interpreter) Thank
10 you.

11 A And this is my only job. I support my
12 daughter's tuition. It's a lot. The living cost
13 over San Diego is also very high. Yeah, I need this
14 job, because I need to support to my daughter to
15 complete her education. I hope -- I truly beg for
16 the city hall will renew my license because I do
17 need this job, and also my employee need this job,
18 too. I truly, truly hope that city hall will
19 consider renew my license -- renew my license
20 because I do need a job to support and my employee
21 also needed this job. I'm here to beg your help,
22 hope I can get my license renewed. Also, I will
23 guarantee to city hall it never going to happen this
24 kind of incident in the future of my shop. I also
25 hope that you -- city hall can also supervision our

1 shop, too. I do really, really need this job to
2 support my daughter. I'm truly, truly asked for
3 your help.

4 CHAIR HIPPI: Thank you.

5 MR. GLICKFIELD: I actually have a couple
6 more questions.

7 CHAIR HIPPI: Okay.

8 Q (By Mr. Glickfield) Do you have a lease
9 for the spa?

10 A Yes.

11 Q And when does that lease end?

12 A April 2004 (sic), I renew my lease for
13 another five years.

14 Q In what year did you --

15 A April 2024. I just renewed for another
16 five years.

17 Q I see. So, that would be a hardship and a
18 loss to if you have a signed lease that you must pay
19 but you can't operate a business; is that correct?

20 A Yeah, yeah, it is a hardship for me,
21 because 2024, April, I just signed five-year lease.
22 So, if I'm not be able to open my business, every
23 year so -- I'm sorry, every month, I still have to
24 pay for the rent. Also, my apartment. I also need
25 to pay rent for apartment and my daughter's tuition,

1 support of my daughter.

2 So, I really, really very care about
3 my job. I treasures. So, I do hope that city hall
4 can renew my license. I really need the license to
5 open my business.

6 MR. GLICKFIELD: We have nothing more to
7 add. We also have nothing to hide, so I
8 encourage any member --

9 CHAIR HIPPIE: Do you have any further
10 documentations that you had marked that you
11 wanted to --

12 MR. GLICKFIELD: No, they would just be
13 duplicates.

14 CHAIR HIPPIE: Okay.

15 MR. GLICKFIELD: I have many duplicates,
16 if you would like --

17 CHAIR HIPPIE: No, we're --

18 (Court reporter clarification.)

19 MR. GLICKFIELD: I was just saying, I have
20 many duplicates because I brought duplicates in
21 case everyone wanted copies, but if only one is
22 necessary, that's all I have then, and we
23 encourage any member of the Board of Adjustment
24 to ask any questions of Ms. Jie that they would
25 like to.

1 CHAIR HIPPP: Questions from the Board? I
2 have a question from of the Board. How long
3 did you operate your business here in
4 Chesterfield at this location?

5 **THE WITNESS: (Through interpreter) Five**
6 **years.**

7 CHAIR HIPPP: Five years.

8 **THE WITNESS: (Through interpreter) Five**
9 **years.**

10 CHAIR HIPPP: All right. And during this
11 five year period of time, have you maintained
12 approximately three employees?

13 **THE WITNESS: (Through interpreter) It**
14 **real depends on the business. Like, right now,**
15 **the business is not good. I only have one**
16 **employee. It varies, depends.**

17 CHAIR HIPPP: I guess what I'm getting at
18 is maybe, Mr. Graville, I'm looking at the fact
19 that you as the owner of this business had
20 these -- young ladies or these women as your
21 employees who were -- appears from the
22 evidence, I know we're going to get further
23 into it, but to not be in compliance with the
24 law and having services rendered that weren't
25 part of your business operations in an illegal

1 way. How did you not know this was going on?

2 **THE WITNESS: (Through interpreter) Well,**
3 **we really don't talk a lot or we really don't**
4 **chat together, because once we go home, we**
5 **tired. We just want to go to bed. We really**
6 **not talk about it.**

7 CHAIR HIPPI: But as the owner and the
8 manager of this business, how can you fail to
9 notice what your employers (sic) may be doing
10 in your premises?

11 **THE WITNESS: (Through interpreter) First**
12 **of all, when they first came, I have them sign**
13 **agreement it's massage only. No other service**
14 **or sex-related activity. And they already know**
15 **this is only for massage.**

16 CHAIR HIPPI: But the signing of the
17 agreement, whether you fix it up a little bit
18 or you have it at the beginning, you did not --
19 you have a responsibility to enforce the laws
20 of Missouri, and so on, and Chesterfield. I
21 mean, I see you as a manager failing to be
22 responsible for your employee's conduct.
23 Please help me to understand. I know there's a
24 hardship, but how will you prevent that from
25 occurring in the future should we allow your --

1 you to have your business license restored?

2 How will you prevent that?

3 **THE WITNESS: (Through interpreter) Okay,**
4 **so I have them signed agreement. Also, I will**
5 **add, like, if everything -- or any time, I find**
6 **out something suspicious, I will report them to**
7 **the police or to the city hall.**

8 CHAIR HIPPI: And I want to make sure I
9 understand: the employers that you had --
10 employees that you had, did they live in the
11 building where they worked? Did they live
12 there? Did they stay there?

13 **THE WITNESS: (Through interpreter) No,**
14 **they don't. They don't live there. We rent**
15 **our own apartment. We live at apartment. We**
16 **rent our own.**

17 CHAIR HIPPI: And the apartment you rent is
18 not co-located where the business is located;
19 is that correct?

20 **THE WITNESS: (Through interpreter) Yeah,**
21 **it's two different locations.**

22 CHAIR HIPPI: Okay. Thank you. Any
23 questions based on my questions?

24 DR. WHITMAN: What does it take to get a
25 license as a massage therapist in Missouri?

1 What is the training requirements?

2 **THE WITNESS: (Through interpreter) I have**
3 **to go to school.**

4 DR. WHITMAN: How long?

5 **THE WITNESS: (Through interpreter) 500**
6 **hours, about half a year. Then I have to get a**
7 **federal license about two to three months.**

8 DR. WHITMAN: And is there a test or do
9 you just apply and say I have these 500 hours?

10 **THE WITNESS: (Through interpreter) Yes,**
11 **there is an exam, all of them are in English.**

12 DR. WHITMAN: My second question is,
13 you're still working is my understanding, but
14 is -- the report here says that you were denied
15 issuance of your license in August of 2024.
16 How is it you're still working?

17 MR. GRAVILLE: I can answer that. So, the
18 way the process works with the Board of
19 Adjustment, we give them due process. They
20 have an initial informal hearing in front of
21 the city administrator. If they decide to
22 apply to the Board of Adjustment, it's stays
23 the revocation --

24 DR. WHITMAN: Got you.

25 MR. GRAVILLE: -- until their due process

1 in the hearing tonight. Stays the renewal. I
2 said revocation. It's not a revocation. It's
3 a nonrenewal.

4 DR. WHITMAN: I believe you asked her the
5 question of anybody could walk past the rooms
6 and see that nothing was going on, but I'm
7 looking at pictures of the rooms and they all
8 have locked doors. How is it that they can be
9 monitored then?

10 MR. GLICKFIELD: I believe that's a new
11 policy, but I'll ask the witness so she'll
12 understand. When did you remove the locks from
13 the doors?

14 **THE WITNESS: (Through interpreter) What**
15 **locks?**

16 MR. GLICKFIELD: Were there ever locks on
17 the doors to the massage rooms?

18 **THE WITNESS: (Through interpreter) We**
19 **never have locks on those massage service room.**

20 MR. GLICKFIELD: And when did you
21 institute the rule that the door had to remain
22 a little bit open at any time?

23 **THE WITNESS: (Through interpreter) From**
24 **the very beginning.**

25 DR. WHITMAN: Okay, thank you.

1 CHAIR HIPPIE: Mr. Hurt, please? Yes, sir?

2 MR. HURT: I'd like to understand your
3 timeline a little better. She stated she came
4 to St. Louis in 2019; is that correct?

5 **THE WITNESS: (Through interpreter) Yeah.**

6 MR. HURT: And she's been operating this
7 business for five years; is that correct?

8 **THE WITNESS: (Through interpreter) Yes,**
9 **that's correct.**

10 MR. HURT: And she signed her most recent
11 lease in 2024; is that correct?

12 **THE WITNESS: (Through interpreter) Yes,**
13 **2024 April.**

14 MR. HURT: So, how long was her first
15 lease for?

16 **THE WITNESS: (Through interpreter) Five**
17 **years, that was back in 2019.**

18 MR. HURT: Okay. Was she operating the
19 ring business in 2020 all yearlong?

20 **THE WITNESS: (Through interpreter) That**
21 **is correct.**

22 MR. HURT: She also stated that her
23 daughter has been in med school, she's in her
24 sixth year; is that correct?

25 (Court reporter clarification.)

1 **THE WITNESS: (Through interpreter) Yes.**

2 MR. HURT: Okay. So, it leads up to the
3 one question I have is, in 2020, that was the
4 year that we are dealing with Covid 19 and
5 touching and everything else was not got going
6 on then and I thought that operations like were
7 not even operational. She was operating in
8 2020 even with Covid-19?

9 **THE WITNESS: (Through interpreter) Okay,**
10 **March 15, we close the shop. And then**
11 **June 1st, we reopened.**

12 CHAIR HIPP: Of what year please?

13 **THE WITNESS: (Through interpreter) 2020.**

14 MR. HURT: She was allowed to reopen in
15 June? What month again?

16 **THE WITNESS: (Through interpreter) 2020,**
17 **June 1st, I think. Yeah. Okay. Yes.**

18 MR. HURT: Okay, well, that's hard for me
19 to understand. I run a manufacturing
20 operation, and my understanding that those --
21 those tenures run longer, but I may be wrong.
22 I just wanted to understand because she's
23 expressing a hardship, so I was always curious
24 how you would run a business during that time
25 when everybody was going through that hardship.

1 Was she getting any kind of financial relief at
2 that time?

3 **THE WITNESS: (Through interpreter) So,**
4 **we're talking about the period of time March 15**
5 **to June 6, am I correct?**

6 MS. HEBERLE: I don't know; I'm asking
7 you.

8 **THE WITNESS: (Through interpreter) I**
9 **always work since I got into United States. I**
10 **always work for something, and then I save**
11 **money. I have money saved on the side for**
12 **emergency use.**

13 MR. HURT: How many employees did she have
14 in 2020?

15 **THE WITNESS: (Through interpreter) One,**
16 **just one.**

17 MR. HURT: So, you're operation in 2020
18 with one employee, no financial hardship, and,
19 now, you're dealing with that now?

20 **THE WITNESS: (Through interpreter) Okay,**
21 **could you repeat your question?**

22 MR. HURT: You're operating in 2020 with
23 one employee, apparently, able to sustain
24 yourself financially with no hardship at that
25 time, at least of some level, and you're

1 dealing with that now same level, correct?

2 **THE WITNESS: (Through interpreter) Okay,**
3 **back in Covid, because of the business slowed**
4 **down, so we had only one employee and then**
5 **gradually after Covid, and gradually the**
6 **business is getting a little bit better until**
7 **now because of the economy is not good, so it**
8 **went down again to only having one employee.**

9 MR. HURT: Okay. That is all the
10 questions I had. I just wanted to understand
11 how she got through that time, and how she's
12 dealing with it now.

13 **THE WITNESS: (Through interpreter) Yeah,**
14 **back then, I do use a lot of my savings.**

15 CHAIR HIPPE: All right, thank you.

16 MR. GLICKFIELD: I don't know how we
17 introduce this, but as a point of fact, and I
18 can send you the article, these places were
19 allowed to be opened during Covid just like a
20 barbershop was. They had certain requirements,
21 but there was no restriction on them
22 technically ever at all. Because it appears to
23 be she's testifying then for a period of time
24 she voluntarily closed, but, you know, just
25 like you were to able get your hair cut after a

1 couple of weeks, et cetera; and I'm reading
2 this from fox2now.com, "St. Louis area personal
3 services business protocols for reopening."
4 So, it appears to be that she -- there will be
5 no be legal issue for her reopening and so she
6 did.

7 CHAIR HIPPI: I'm going -- can I -- like in
8 the interest of 8:15, and we have more
9 information, I want to have the prosecuting
10 attorney, Mr. Kloos, present his evidence.

11 MR. GRAVILLE: Or he's got a right to
12 Cross --

13 CHAIR HIPPI: You've got a right to
14 Cross --

15 MR. GRAVILLE: If he's got any questions.

16 CHAIR HIPPI: Well, apart from Cross, here
17 we go, we're in the criminal area but we're
18 not; we're quasi-judicial, so, yes; but we will
19 come back to any other questions because the
20 Board has a few more but I'd like Mr. Kloos
21 to --

22 MR. KLOOS: Thank you, Madam Chair.
23 Should I take that microphone; is that
24 necessary?

25 (Off-the-record discussion.)

1 CROSS-EXAMINATION

2 QUESTIONS BY MR. KLOOS:

3 Q Good evening, Ms. Cao.

4 A **(Through the Interpreter) Good evening.**

5 Q So, back when the police came to Sunny's
6 Spa in May -- on May 9th of 2024, did you have two
7 employees Lisa and Sasha?

8 A **That is correct.**

9 Q Were those your only two employees?

10 A **That is correct.**

11 Q And we know they were arrested on that
12 date for prostitution?

13 A **Yeah, I know by that date, May 9th. I**
14 **learned by that date, May 9.**

15 Q Okay. That they were arrested for
16 prostitution?

17 A **I don't know why they got arrest (sic).**
18 **The police told me. I didn't know that they did**
19 **something or prostitution. The police told me.**

20 Q Okay. So, you were made aware by the
21 police that your only two employees were arrested
22 for prostitution?

23 A **Yes, that is correct.**

24 Q And --

25 MR. GLICKFIELD: I'm going to object to

1 form. I'm sorry, because I think you have to
2 ask her separately. Like, when did you find
3 out this one, when did you find out that one.
4 I think that's we --

5 MR. KLOOS: I'm sure that's why we're
6 confused. I don't even understand your
7 objection but that's up to them.

8 MR. GLICKFIELD: It's a compound
9 question --

10 CHAIR HIPPI: Can I --

11 MR. GLICKFIELD: -- asking multiple things
12 in one question.

13 CHAIR HIPPI: Hold on.

14 MR. GRAVILLE: Well, hold on, first off,
15 it was already answered, so the objection is
16 late.

17 CHAIR HIPPI: Right, but we want to hear
18 what's relevant to the investigation that you
19 conducted, which is relevant to how she
20 conducted her business. Covid is kind of a
21 side issue, in my opinion, because it's not
22 really relevant to the business operations that
23 were being conducted in May 2024. As I see it,
24 I could be wrong. I mean, the form of the
25 question is very important, but we are a

1 quasi-judicial board, so we want a question
2 asked in any format that is logical and
3 reasonable and uncomplicated. Please continue.
4 So ask -- Mr. Kloos, ask your question again,
5 she will answer it.

6 MR. GRAVILLE: I think it's -- can we just
7 move on?

8 MR. KLOOS: We're going to move on. I
9 think she answered.

10 THE INTERPRETER: But I have to translate
11 what she just said.

12 CHAIR HIPPE: Okay, go ahead.

13 THE INTERPRETER: But I have to tell you
14 that it really -- I learned from the police.
15 Police told me they have -- they're doing the
16 prostitution.

17 Q (By Mr. Kloos) Thank you. So, at that
18 time, you testified earlier that no one was living
19 at the spa, correct?

20 A **Never. Never had anybody live in there.**

21 Q In fact, both Lisa and Sasha lived with
22 you at that time with you, did they not?

23 A **That is correct.**

24 Q Did you all three share an apartment?

25 A **That is correct.**

1 Q And they paid you, right?

2 A **Yeah, they paid me.**

3 Q And their only job was working for you at
4 Sunny's Spa?

5 A **Correct, that is correct.**

6 Q Did you drive together to work?

7 A **Sasha has his -- Sasha has her own car.**

8 Q Okay. Yet, you didn't know they were
9 performing sex acts for money at your spa, even
10 though you worked all day together and then lived
11 together?

12 A **Well, we don't really talk to each other
13 because once we got home, we have our own room. We
14 just take shower and then went to bed.**

15 Q Okay. You testified earlier about, we'll
16 call it remedial measures that you have taken since
17 the police came to Sunny's Spa to prevent your
18 employees from performing sex acts for money at your
19 spa; is that correct?

20 A **Yes, that is correct.**

21 Q You put up signs, correct?

22 A **Prior to that.**

23 Q Okay.

24 A **Sign was prior to that.**

25 Q Okay. Have them sign codes of conduct

1 that they won't do that, correct? Is that correct?

2 THE INTERPRETER: Please, interpreter need
3 a clarification.

4 Q (By Mr. Kloos) Have -- have your employees
5 signed something that they say they won't engage in
6 that?

7 A That is correct, yes.

8 Q And you owned Sunny's Spa by yourself,
9 correct?

10 A That is correct.

11 Q You're the boss?

12 A That is correct.

13 Q You make the rules?

14 A That is correct.

15 Q You set the prices?

16 A Yes, I decide prices, but it's according
17 to the -- the market price.

18 Q You hire and fire employees?

19 A That is correct.

20 Q You advertise for the company?

21 A Only on Google, advertise.

22 Q Advertise on Google? Okay. Is one of the
23 phone numbers for Sunny's Spa: (314)628-1688?

24 A That is correct.

25 Q Okay. Do you run an escort service out of

1 Sunny's Spa?

2 **A Only in the shop (sic).**

3 Q I'm sorry?

4 **A Only in the shop (sic). No. No escort.**

5 Q Only massage, no escort service?

6 **A No escort.**

7 Q Okay. Then can you tell the Board why
8 Sunny's Spa advertises on five different escort
9 sites?

10 MR. GLICKFIELD: Objection, facts not in
11 the record.

12 (Multiple voices.)

13 CHAIR HIPPI: Hold on, wait a minute, wait
14 a minute, stop here. Do you -- could you
15 please give us some -- we want --

16 MR. GRAVILLE: I mean, it's -- the
17 question is facts not in record, and he asked a
18 question. You would argue facts not in record
19 if you were making a closing argument, and they
20 were not in the record, so.

21 CHAIR HIPPI: Do you have any evidence to
22 support your question about five different
23 escort services?

24 MR. KLOOS: I do, Madam Chair. I was
25 going to put that in through my witness. I

1 just figured I would --

2 CHAIR HIPPI: Okay. We'll allow the
3 question then. Please answer the question.

4 **A (Through the interpreter) I didn't do any**
5 **other five places.**

6 Q (By Mr. Kloos) So, you don't advertise on
7 Skip the Games? A website called Skip the Games
8 Escort Service?

9 **A Skip --**

10 Q The Games?

11 **A The Games. There are businessmen doing**
12 **advertising for us through Google. I need to**
13 **clarify the -- a friend introduced a guy that doing**
14 **advertising for me, for us, for me.**

15 Q Okay. So, you have a friend or an
16 employee that does the advertising for you?

17 **A My friend introduce a guy doing the**
18 **advertising business. He introduce -- or she**
19 **introduced the person to my shop and help me doing**
20 **the advertising.**

21 Q Okay. So, you hired someone to do the
22 advertising for you?

23 **A That is correct, but all I know is mostly**
24 **are from Google.**

25 Q Okay.

1 CHAIR HIPPI: May I ask -- I'm sorry to
2 interrupt you. Have you reviewed these
3 particular websites that your friend or
4 employer --

5 THE WITNESS: (Through interpreter) No,
6 never.

7 Q (By Mr. Kloos) Okay. How about
8 callescort.org?

9 A How do you spell that, please?

10 Q C-a-l-l-e-s-c-o-r-t.org?

11 A I'm not familiar, no.

12 Q How about bodyrubs.com?

13 A I don't know. I'm not familiar with that.
14 I don't think we have that.

15 Q How about adultlook.com?

16 A Adult Look?

17 Q Adultlook.com?

18 A I don't know. I'm not familiar. I never
19 heard about it.

20 Q So, it would surprise you to find Sunny's
21 Spa's phone number and advertisements on escort
22 websites?

23 A I'm very shocked to know that those
24 websites have our advertisement. I don't know why
25 our shop name on there on those websites.

1 Q Okay. But we established that you're the
2 boss and you control the entire company, right?

3 A According to -- to the person from the
4 advertising company that he says we only have
5 advertising -- they only advertise -- do the
6 advertising on Google. That's all I know.

7 Q Okay. So, you testified earlier you fired
8 Lisa on May 9, 2024, after the police arrested her,
9 correct?

10 A That is correct.

11 Q Okay. And that is also the same day that
12 Sasha was arrested, correct?

13 A I didn't know they got arrest (sic) or
14 what. Police told me and then took me to the place
15 to have Sasha -- to pick up Sasha and Lisa.

16 Q But the police told you that Sasha and
17 Lisa were touching people inappropriately?

18 A No, they didn't. But they came in just
19 looking for Lisa.

20 Q Okay. Yet, Sasha continued to work there
21 until August 26th of 2024?

22 A Yeah, August 26th, yes. Still in the
23 hearing, they told me. Sasha had same issue, so
24 that day I fired Sasha.

25 Q Okay. Today you say you have one

1 employee, correct? Wendy?

2 **A That is correct.**

3 Q And you testified she's 58 years old?

4 **A 58 year old. Yeah, that is correct.**

5 Q You don't have a 24-year-old woman working
6 for you?

7 **A Never.**

8 Q Never? Okay. I have no further
9 questions.

10 CHAIR HIPPI: Just a question based on your
11 questions. Are those platforms which you --
12 which some -- I'm not -- I'm confused about the
13 platforms. You said five adult websites or
14 platforms for escort services. Are those still
15 functional websites with her phone number
16 attached to them? Sunny's Spa phone number
17 attached to four -- five functional websites?

18 MR. KLOOS: That's correct, ma'am.

19 CHAIR HIPPI: They're still active
20 websites?

21 MR. GLICKFIELD: This was the basis of my
22 objection. These are message boards anyone can
23 post anything --

24 CHAIR HIPPI: Okay. Hold on. The court
25 reporter is going to have trouble with us.

1 Basis of your objection, go ahead.

2 MR. GLICKFIELD: That these are message
3 boards. Anyone can post anything they want.
4 So, this is extremely -- I don't understand
5 how, without examining what these are, we can
6 deal with an implication that she's been
7 advertising on a website, when, to my
8 knowledge, now, I'm not an expert in these
9 things, these are message boards where anyone
10 who wants can make an account and post whatever
11 they want because it's already an X-rated
12 website, so there's no limits on what you can
13 say.

14 CHAIR HIPPE: Okay.

15 MR. KLOOS: Madam Chair, I think I can
16 maybe clear up some confusion --

17 CHAIR HIPPE: Clarify that? Okay.

18 MR. KLOOS: That it's -- they're not
19 message boards. They are websites. I will
20 have the detective come up in my case and
21 testify to these, where he found them, how he
22 found them and he can authenticate, and then I
23 will offer them to the Board --

24 CHAIR HIPPE: Okay.

25 MR. KLOOS: -- as exhibits.

1 CHAIR HIPPI: I thank you for that. Mr. --
2 yes, sir. Am I saying it -- is it Glickline?
3 MR. GLICKFIELD: Glickfield.
4 CHAIR HIPPI: Glickfield.
5 MR. GLICKFIELD: It's all right. It's all
6 right. No worries.

7 CHAIR HIPPI: Mr. Glickfield --

8 MR. GRAVILLE: It's already been a couple
9 hours.

10 MR. GLICKFIELD: Yeah.

11 CHAIR HIPPI: Would you -- would you like
12 to ask questions of her? Of your client?

13 REDIRECT EXAMINATION

14 QUESTIONS BY MR. GLICKFIELD:

15 Q On May 9th -- on May 9th, 2024, did the
16 police tell you that they had arrested Lisa?

17 A **He came in, asked for Lisa for four times.**

18 Q Did they tell you on May 9th, 2024, that
19 Sasha might have done anything wrong?

20 A **No. Sasha didn't work, didn't really work
21 on that day. Not working on that day. She just sat
22 in front.**

23 Q Okay. On what day -- do you recall what
24 day you were first informed that Sasha might have
25 done something wrong?

1 **A August 26th.**

2 Q Okay. You didn't witness the arrests, did
3 you?

4 **A No. No, I didn't.**

5 Q Did you fully understand what the police
6 were telling you and what was going on on May 9th,
7 2024?

8 **A Not quite.**

9 Q Have you ever posted an ad for your spa on
10 a sexual website?

11 **A No.**

12 Q Did you ever ask anyone to post an ad for
13 your spa on a sexual website?

14 **A No.**

15 Q If you could take the information from
16 your spa down from any and all sexual websites,
17 would you do so?

18 **A Not -- no.**

19 Q Okay. I think I have no further questions
20 there.

21 MR. KLOOS: No Recross, Madam Chair.

22 CHAIR HIPPE: Do we have questions?

23 DR. WHITMAN: I have some questions.

24 You're having a lot of trouble communicating
25 with us tonight and we have a translator. How

1 do you communicate with your clients in your
2 business?

3 **THE WITNESS:** (Through interpreter) For
4 simple English, I understand. Like they're
5 going here, what time they make a reservation
6 or if they are a couples of they're just
7 friends. I understand simple English.

8 DR. WHITMAN: You have your employees sign
9 a code of conduct and the one that we've seen,
10 you explicitly say they are not to perform any
11 sexual acts. Do you have your clients sign a
12 code of conduct that they cannot request sexual
13 acts?

14 **THE WITNESS:** (Through interpreter) To the
15 client, we only have a post on each room that
16 indicate that we don't provide any sexual
17 activities. We're only have a massage, a pure
18 massage. That's it in each room for client.

19 DR. WHITMAN: But they don't have to sign
20 anything that they will not request such?

21 **THE WITNESS:** (Through interpreter) No,
22 customer -- the client don't need to sign. No,
23 we didn't ask them to sign. Only the poster on
24 the wall that say we have just a massage, and
25 then any other than the request, we can refuse

1 to provide.

2 DR. WHITMAN: I noticed that you are
3 opened from 9:30 a.m. to 9:30 p.m. six days a
4 week, and do two of you work all those hours
5 every day?

6 THE INTERPRETER: Who work the hour? I'm
7 sorry?

8 DR. WHITMAN: Do both of them work from
9 9:30 to 9:30 everyday?

10 THE WITNESS: (Through interpreter) Not
11 necessary everybody work from 9:30 -- 9:30 a.m.
12 to 9:30 p.m., sometimes we only work, like, for
13 two massage, then that's one day, sometimes.
14 Sometimes it varies. Sometimes two customers,
15 two clients, maybe sometimes three clients.

16 DR. WHITMAN: So, what do you do the rest
17 of those hours?

18 THE WITNESS: (Through interpreter) Okay,
19 most of the time, we don't have anything to do,
20 we probably on the phone or take a break and
21 then if this is not good enough or not busy,
22 we'll close at 8:00.

23 DR. WHITMAN: Okay, thank you.

24 CHAIR HIPPI: Any questions? Okay. Sir,
25 we'll let -- did you have -- I'll let you sit

1 for a moment and rest. Thank you. We'll bring
2 you up. Mr. Kloos, did you have one --

3 MR. GRAVILLE: You have any more witnesses
4 Mr. -- or any more evidence?

5 MR. GLICKFIELD: I have no more witnesses
6 and no more evidence.

7 MR. GRAVILLE: Okay, so you rest?

8 MR. GLICKFIELD: I rest.

9 MR. GRAVILLE: Okay.

10 CHAIR HIPPE: Mr. Kloos, thank you.

11 MR. KLOOS: Thank you. The City calls
12 Detective John Halliday from the St. Louis
13 County Police Department.

14 (Detective John Halliday sworn.)

15 DIRECT EXAMINATION

16 QUESTIONS BY MR. KLOOS:

17 Q Detective, can you state your name and
18 spell your last name for the record, please?

19 A My name is John Halliday, that's
20 H-a-l-l-i-d-a-y.

21 Q And what is your occupation, sir?

22 A I'm a St. Louis County police officer or a
23 detective.

24 Q And how long have you been employed as a
25 police officer?

1 **A I've been a police officer for 22 years.**

2 Q What's your current assignment?

3 **A Main detective in the Special**
4 **Investigation Unit, human trafficking task force.**

5 Q And how long have you been in that
6 assignment?

7 **A Over 11 years.**

8 Q What was your assignment on or about
9 February 9th of 2024?

10 **A We were notified by Judge --**

11 Q I'm sorry, what your assignment?

12 **A Oh, my assignment was special**
13 **investigations.**

14 Q Okay. And to this date, you're still
15 assigned to special investigations, correct?

16 **A Correct, yes.**

17 Q Okay. What is the Special Investigations
18 Unit function?

19 **A Typically, I guess, it's better known as**
20 **or more people know it as the Vice Unit. We**
21 **investigate human trafficking, half the unit**
22 **investigates ICAC, Internet Crimes against Children,**
23 **child pornography, enticement. We also do other**
24 **investigations: murder for hires, pawnshops,**
25 **gambling, just the gambit.**

1 Q Prostitution?

2 A **Correct, prostitution, human trafficking,**
3 **prostitution.**

4 Q Okay. As part of the Special Task Force
5 Unit, do you receive any special training concerning
6 prostitution and sex trafficking?

7 A **Yes, I've been to several trainings out in**
8 **Las Vegas, Charlie Fuller training, Human**
9 **Trafficking Device. The International Association**
10 **of Human Trafficking Investigations or**
11 **investigators. We have several conferences and**
12 **trainings. I've been doing many years of that.**

13 Q Okay. Fair to say you're one of the most
14 senior detectives in the Vice Unit?

15 A **Yes.**

16 Q Okay. Is it common to assist municipal
17 police departments with human trafficking
18 investigations?

19 A **Yes.**

20 Q Are you the only unit of your kind in St.
21 Louis County that's specializes in this?

22 A **Yes.**

23 Q Okay. What are some of the signs of human
24 trafficking or sex trafficking?

25 A **Are you talking about, like, locations or,**

1 **like, individuals?**

2 Q Let's kind of get to a more germane point.
3 Let's talk about sex trafficking as in regards to
4 businesses.

5 A Okay. Sex trafficking in businesses, in
6 this case, this instance, it will include -- you'll
7 people have that are brought, extremely vulnerable,
8 one of the human trafficking, that victims are
9 extremely vulnerable and the traffickers recognize
10 this. Kind of this situation, you'll people have
11 from foreign countries, don't know where they are.
12 Don't know their actual location. Have a language
13 barrier. They don't understand the economic system,
14 the cultural system, so there's difficult -- they
15 are at a disadvantage. And the traffickers will
16 take advantage of that and put them in certain
17 situations.

18 Q Okay. And are there sometimes businesses,
19 like, massage parlors used as fronts to use sexual
20 acts and people for sex acts?

21 A Yes.

22 Q Typically, do they live with their
23 employer?

24 A Typically, yes, and there are some
25 instances where they will reside at the massage

1 **parlor.**

2 Q And there was some talk about that
3 earlier. There was no evidence of people living at
4 the massage parlor, correct?

5 **A No.**

6 Q In fact, there was evidence that M. Cao
7 and her two employees, Lisa and Sasha, just lived
8 with her in an apartment?

9 **A Correct.**

10 Q Okay. On or about February 9th, 2024,
11 were you and your members -- you and members of your
12 unit contacted by the Chesterfield Police Department
13 concerning the possibility of sex trafficking
14 occurring at Sunny's Spa?

15 **A Yeah, there were -- we were contacted by a**
16 **Detective Chris Munch, Chesterfield Police**
17 **Department, stated they received several anonymous**
18 **reports of illicit behavior going on at the massage**
19 **parlor.**

20 Q And he had said he had gotten some
21 complaints about that over the last couple of years?

22 **A Correct.**

23 Q Okay. Is Sunny's Spa located at 13714,
24 Unit A, Olive Boulevard?

25 **A Yes.**

1 Q And is that the City of Chesterfield?

2 A Yes.

3 Q At what point did you and the members of
4 your unit initiate an investigation regarding
5 Sunny's Spa?

6 A Almost immediately. On that same day, we
7 contacted Mr. Munch and discussed what's going on
8 and that evening we started surveillance on the
9 massage parlor.

10 Q And surveillance, just set up covertly,
11 watches who's coming and going from the spa?

12 A Exactly.

13 Q Okay. Did you conduct only surveillance
14 February 9th or did you conduct additional
15 surveillance?

16 A Just surveillance on February 9th.

17 Q Okay. Did your unit return on
18 February 5th and February 22nd to conduct additional
19 surveillance?

20 A Correct.

21 Q Okay. After conducting your surveillance,
22 did -- were you able to ascertain a phone number for
23 Sunny's Spa?

24 A Yes, the (314)628-1618 telephone number.

25 Q Okay. And did you get that from Skip the

1 Games, a website?

2 A Actually, it's on the front of the window
3 of the massage parlor but we do use --

4 Q Okay. And after getting that phone
5 number, the 1688 phone number, did you call and make
6 an appointment?

7 A Yes.

8 Q Okay. Did you --

9 A We did see an advertisement on Skip the
10 Games. We did investigate the number and we did
11 find -- yes.

12 Q Okay.

13 A Back to your earlier question, yes, sorry.

14 Q Okay, so what's Skip the Games?

15 A Skip the Games is a website, I'm sure you
16 all remember Backpage. Backpage was taken down
17 because it was functioning out of the United States.
18 Skip the Games is an escort website where you have
19 to be a member, you have to sign up and log in and
20 post advertisements. And, typically, it's an escort
21 website. You know, the escorts or massage parlors,
22 brothels, whatever, they all advertise on this
23 website.

24 Q Okay. And through your 11 years in this
25 unit working prostitution and sex trafficking, have

1 you ever had any instances where prostitution or sex
2 trafficking has been advertised through Skip the
3 Games?

4 **A Many, yes.**

5 Q Okay. So, did you eventually make an
6 appointment after calling for a massage?

7 **A Yes.**

8 Q And did you attend that appointment?

9 **A Yes.**

10 Q And do you remember how much you paid for
11 how long a massage?

12 **A Forty dollars for half an hour.**

13 Q Okay. Who did you see when you got there?
14 Do you remember what the person told you their name
15 was?

16 **A I believe it was Lisa.**

17 Q Okay. And did you ultimately get a
18 massage?

19 **A Yes.**

20 Q Can you please tell the Board details
21 about that massage.

22 **A It's a -- I met with Lisa. She agreed to
23 meet. We went to the room, number 3, I believe it
24 was. And she, you know, had me enter the room. I
25 disrobed. She -- after I was completed, she**

1 knocked. I was already lying on the table and I
2 uncovered myself. I was laying on my stomach. I
3 uncovered by my buttock with a towel. She came in
4 and started a massage, having had -- myself having
5 had massages at other locations that were
6 professional massages, the massage I was receiving
7 had very, if no, therapeutic value, whatsoever.

8 After a certain point and time, she
9 removed the towel from my buttocks and started
10 massaging my buttocks, which is not uncommon on a
11 professional massage. But there was some situations
12 where she got extremely close to my anus and my
13 genitals.

14 Q And did you ask her to do that?

15 A No.

16 Q Okay. As the massage continued, did she,
17 again, move closer and touch your genitalia?

18 A After approximately between 10 and 15
19 minutes, I switched -- I rolled over to my back.
20 She actually left the room, got a hot towel, came
21 back, wiped the oils all of my back and legs, and
22 then returned. After she left again, I flipped over
23 to my back and covered my midsection with the towel.
24 She returned and started massaging my legs. And, at
25 one point, she touched my genitals and ended up

1 touching -- grabbing my penis, at which time, I
2 immediately stopped it.

3 Q Okay. Did you ever ask her to do that?

4 A No.

5 Q Okay. Did you ever guide her hand or
6 somehow gesture that you wanted her to do that?

7 A No. I actually -- when she touched the
8 first time, I said, no, up here; and she teased me a
9 little bit more and I finally waived my finger and
10 said, no, stop.

11 Q Okay. And did you ultimately leave?

12 A Yes.

13 Q Okay. And took no further action that
14 day?

15 A Correct.

16 Q Okay. At some point, did you and members
17 of your unit return back to Sunny's Spa on
18 April 25th?

19 A Correct.

20 Q Okay. And did members of your unit send
21 another detective in there to get a massage?

22 A Yes, a second detective went in to get a
23 massage.

24 Q And what was his name?

25 A Detective Jerry Cochran (ph.).

1 Q Okay. And were you the lead detective in
2 this investigation?

3 A Yes.

4 Q So, as lead detective, did you act as a
5 quarterback, kind of coordinated and everybody
6 responded to you what happened in their parts of the
7 investigation?

8 A Correct, yes. We still have a sergeant,
9 who is the overall supervisor, but I'm in charge of
10 the investigation.

11 Q Your case, right?

12 A Correct.

13 Q You wrote the report?

14 A Yes.

15 Q Okay. Did Detective Cochran then get a
16 message?

17 A Yes, he did.

18 Q Was that from a lady --

19 MR. GLICKFIELD: Objection, based on
20 hearsay.

21 CHAIR HIPPE: We'll allow that. Go ahead.

22 Q (By Mr. Kloos) And was that from a woman
23 identifying herself as Sasha?

24 A Correct.

25 Q Okay. What, if anything, did you learn in

1 your investigation regarding Detective Cochran's
2 massage?

3 **A The same thing that happened at my massage**
4 **happened during his massage as well.**

5 Q Okay. And as in, found his scrotum and
6 touched his penis?

7 **A Correct.**

8 Q So, now, we have two instances, and if
9 you're aware, did Detective Cochran ask for any of
10 that?

11 **A He did not.**

12 MR. GLICKFIELD: Same objection, objection
13 based on hearsay.

14 CHAIR HIPPI: Thank you, noted. Please
15 continue.

16 Q (By Mr. Kloos) Okay. Did he gesture for
17 Sasha to do any of this?

18 **A No.**

19 Q Did he tell her to stop in fact?

20 **A Yes, he did.**

21 Q Okay. Based on these two instances, did
22 detectives from your unit conduct more surveillance
23 on the -- on the massage parlor?

24 **A Yes.**

25 Q Okay.

1 **A** **After the 25th, we stayed -- or we stayed**
2 **in the area. And then at closing time, we followed**
3 **the -- actually one of the employees left early, and**
4 **we followed the remaining two employees back to**
5 **their apartment on Steamboat.**

6 **Q** **Okay. Through your investigation, were**
7 **you able to determine that both Ms. Cao, Sasha and**
8 **Lisa all resided on the same apartment on Steamboat**
9 **Lane in Baldwin?**

10 **A** **Correct, yes.**

11 **Q** **Okay. And the -- when you followed the**
12 **car, the Honda, that you testified to, were you able**
13 **to determine the registered owner of that car?**

14 **A** **Yes.**

15 **Q** **Was that Ms. Cao?**

16 **A** **Yes, it was.**

17 **Q** **Okay. Direct your attention to May 9,**
18 **2024, what, if anything, did your unit do to further**
19 **your investigation?**

20 **A** **At that time, having in both instances on**
21 **the 12th and the 25th, we conducted a search warrant**
22 **on the premises in an attempt to acquire more**
23 **evidence to see if there's a human trafficking being**
24 **conducted at the massage parlor.**

25 **Q** **Okay. If you remember, what employees**

1 were on-site at Sunny's Spa when the search warrant
2 was executed?

3 **A All three. The owner and the two**
4 **employees were present.**

5 Q So, Ms. Cao, Sasha and Lisa?

6 **A Correct.**

7 Q Okay. Were you and detectives from your
8 unit able to interview all three of them?

9 **A We interviewed the two employees on**
10 **scene --**

11 Q Okay.

12 **A -- using an FBI interpreter, and then we**
13 **later interviewed the owner back at the**
14 **headquarters.**

15 Q And was -- you said an FBI interpreter?

16 **A Yes, an FBI interpreter was utilized.**

17 Q Okay. And the FBI accompanies you guys
18 because you are investigating possible sex
19 trafficking?

20 **A Correct. We're task force officers with**
21 **the FBI.**

22 Q Okay. Through that investigation, were
23 you able to determine that Ms. Cao was indeed the
24 boss and those were her only two employees?

25 **A Correct, yes.**

1 Q Okay. During your investigation, were you
2 able to determine if either Lisa or Sasha even had
3 masseuse licenses?

4 A We determined that neither of them had a
5 massage license.

6 Q So, they weren't licensed or registered to
7 conduct massages in Missouri?

8 A I believe Sasha said she had a license --
9 one of the individuals said they had a license out
10 of Houston, Texas.

11 Q Okay.

12 A It's not good in Missouri.

13 Q It's not good here in Missouri?

14 A Correct.

15 Q Okay. During your interviews of Mrs. Cao,
16 did you ask her how she advertised for Sunny's Spa?

17 A Yes.

18 Q And what did she say?

19 A She said pretty much the same thing she
20 said today. That she had hired a friend or an
21 individual to advertise for her. I asked her if she
22 looked at the massage -- the advertisements because
23 they are on escort websites, and she said she did
24 not. I asked her since she's the boss, the owner of
25 the business, wouldn't she want to make sure that

1 the advertisements are on -- on respectable
2 websites. She said she didn't know because she was
3 not the one actually placing the message.

4 Q Okay.

5 A Part of the advertisement, excuse me.

6 Q The advertisement, okay. So, we
7 established that it was (314)628-1688?

8 A Correct.

9 Q And that's the same number that you and
10 Detective Cochran called to make your appointments
11 for the massages?

12 A Correct.

13 Q Okay. And you just testified you did an
14 investigation into that number and found it on
15 several websites, correct?

16 A Correct.

17 Q Escort websites? How recently have you
18 checked that phone number to see if it's on escort
19 websites?

20 A I did it yesterday and today.

21 Q Okay. And is that number on Sunny's Spa
22 still advertised on adult escort websites?

23 A Yes.

24 Q Okay. And were you able to determine that
25 there was another phone number associated with

1 Sunny's Spa? It was a (314)610-6521?

2 **A Yes.**

3 Q Okay. Did you do any investigation with
4 regard to that phone number?

5 **A We did, actually, a simple Google search,**
6 **and it did come back to adult websites or escort**
7 **websites, I should say.**

8 Q So, when you say "Google search" so the
9 Board understands, you just Googled that phone
10 number?

11 **A Yes.**

12 Q And what did it lead you to?

13 **A It gave a listing of several escort**
14 **websites.**

15 Q Okay. So, let me ask you about that:
16 you're Googling just the phone number to the
17 business and the first thing that pops up are
18 escorts websites?

19 **A Yes.**

20 Q Okay. So, for lack of better term,
21 legitimate massage parlors, like, we'll just use
22 MassageLuxe, for instance. Have you Googled
23 MassageLuxe's phone number?

24 **A Yes.**

25 Q What comes up? Escort websites?

1 **A** **No. Typically, it will be Yelp or the**
2 **actual advertisement of the website for the massage**
3 **parlor, itself. Yeah, but no -- no adult escort**
4 **websites.**

5 **Q** **So, this isn't -- this is something you**
6 **have to advertise on through your experience? This**
7 **isn't something that bots are putting on escorts --**

8 **A** **Correct.**

9 **Q** **-- escort sites?**

10 **A** **Correct. You have to be a member of Skip**
11 **the Games. You have to have a log in and password**
12 **to get in on that.**

13 **Q** **So, like, a paid subscription, log in,**
14 **password to advertise on their site?**

15 **A** **Correct.**

16 **Q** **Okay. Were some of these websites, I**
17 **guess, we said skipthegames.com, was that one --**

18 **A** **Yes.**

19 **Q** **-- that you found? How about**
20 **onebackpage.com?**

21 **A** **Yes.**

22 **Q** **Rubmaps.com?**

23 **A** **Correct.**

24 **Q** **Uscallgirls.com?**

25 **CHAIR HIPPI: I think your microphone --**

1 **THE WITNESS: Yeah, the microphones are**
2 **off.**

3 MR. GRAVILLE: They're out of battery.

4 (Off-the-record discussion.)

5 Q (By Mr. Kloos) Detective, are you familiar
6 with a website called usasexguide.com?

7 A **Yes.**

8 Q What is it?

9 A **That is a forum where people from this**
10 **city, any cities, can talk about massage parlors,**
11 **escorts, streetwalkers, typically anything. Strip**
12 **clubs and it's just -- like I said, it's a forum.**
13 **They talk about where they're going. Who they've**
14 **seen, their rate. It's just a conversation about**
15 **escorts and whatever you want to talk about.**

16 Q Okay. Did you, as part of your
17 investigation, go to usasexguide.com to determine if
18 Sunny's Spa was part of that?

19 A **Correct.**

20 Q Okay. And what, if any, information did
21 you find posted about Sunny's Spa on sexguide.com?

22 A **Actually, I believe, the date is**
23 **February 20th, it could be 21st of this year, yes,**
24 **this year. I located a forum comment that somebody**
25 **said they were going to the massage parlor, and they**

1 encountered an employee named Sunny that was well
2 worth their visit.

3 Q Okay. And that was three weeks ago?

4 A Correct.

5 Q Okay. Now, this is a forum you have no
6 idea -- no way to verify, to be fair, who that was?

7 A Correct.

8 Q Okay. But someone did post that they --
9 on usasexguide.com that they just visited three
10 weeks ago, and it was well worth their trip?

11 A No. The post was three weeks ago. What
12 timeframe, they had visited, it's unknown.

13 Q Okay. Did you find other forums where
14 Sunny's Spa was a place that performed sex acts, or
15 at least people were claiming that it was? I
16 believe happy endings, is what it was termed?

17 A Happy endings, yes.

18 Q Okay. Can you please explain what that
19 means to the Board?

20 A Happy endings, essentially, is to a point
21 where the customer ejaculates, climaxes.

22 Q Okay. Is that typically at the tail end
23 of a massage?

24 A Correct, hence the name happy ending.

25 Q Okay. And, just to be clear, you've

1 looked -- the bulk of this investigation was several
2 months ago, but you've looked into these forums and
3 they're still updated more recently even as of this
4 week and last week?

5 **A Correct.**

6 Q Okay. And, to be clear, the investigation
7 is still ongoing?

8 **A Correct. We still have evidence that is**
9 **being looked at and so the evidence -- the**
10 **investigation is still open, ongoing.**

11 Q Okay. And, after the search warrant, did
12 members of your unit arrest Lisa and Sasha for
13 prostitution?

14 **A Yes.**

15 Q Okay. Based on the totality of your
16 investigation, obviously, did you find there were
17 signs of prostitution?

18 **A Yes.**

19 Q Money changed hands between undercover
20 detectives?

21 **A Yes. A sex act was committed in the**
22 **exchange of something of value, which in this case**
23 **was money.**

24 Q Okay.

25 MR. GLICKFIELD: Well, I object to Exhibit

1 A --

2 MR. KLOOS: I haven't even offered it.
3 Just look through the exhibits, please.

4 CHAIR HIPPI: Would it be permissible,
5 while Mr. Glickfield -- Mr. Glickfield, pardon
6 me, sir, Mr. Glickfield is observing the
7 evidence there, why don't we take a five-minute
8 recover break, if that would be okay. The City
9 is going to go off the record for a minute.
10 So, we're going to recess at 9:07 and come back
11 at 9:15.

12 (Wherein, a short recess was taken.)

13 CHAIR HIPPI: All right, are we back on the
14 record, sir? Okay. Mr. Glickfield, are we
15 prepared to proceed? You had a chance to
16 review the documents?

17 MR. GLICKFIELD: I have, yes.

18 CHAIR HIPPI: Okay, thank you. Have we
19 labeled them?

20 MR. GLICKFIELD: They are labeled.

21 CHAIR HIPPI: They are labeled, okay, all
22 right.

23 MR. GRAVILLE: Before we take -- do you
24 want do an objection, Mr. Glickfield or --

25 MR. GLICKFIELD: Yeah, just to go back to

1 them because some of them actually are just
2 porn collages. So, if you didn't mind
3 giving --

4 **THE WITNESS: I will explain.**

5 MR. KLOOS: I would like a chance to try
6 to introduce them through the witness --

7 CHAIR HIPPIE: Okay.

8 MR. KLOOS: -- before offering them as
9 evidence.

10 CHAIR HIPPIE: Okay, that's very doable,
11 yes.

12 MR. KLOOS: Okay.

13 CHAIR HIPPIE: Please proceed.

14 Q (By Mr. Kloos) Okay, thank you. Kind of
15 awkward, I'll stand up here so we can get the
16 microphone or do you need me on microphone? Okay,
17 you can hear me? Detective, you can stand right
18 there. Detective, I'm going to hand you what's been
19 previously marked as City's Exhibits A, B, C, D and
20 E.

21 (City's Exhibit A, B, C, D and E marked.)

22 Q (By Mr. Kloos) Can you look at Exhibit A,
23 and tell the Board what that is?

24 **A Exhibit A, this is the Skip the Games.**
25 **So, if go on the website and you go to Skip the**

1 Games and you enter in St. Louis, what's going to
2 show up is three photographs, images, from each
3 advertisement that young ladies or men are placing
4 on that website. You can scroll and click one of
5 those photographs. It will take you to that
6 individual's website. So, this collage, as he was
7 saying, that is the first three are one individual;
8 the second three are of another advertisement; so,
9 once you click on that advertisement or one of those
10 photographs, it will take you to that specific
11 individual's advertisement. It will give all of the
12 details where they are or what phone number to call
13 or what services they actually provide.

14 Q So, can you go to the second page of
15 Exhibit -- City's Exhibit A, where it's flagged and
16 tell us what's highlighted there, sir?

17 A It's on the third page, and there are
18 three photographs. Third row down, the first
19 photographs are images, have a young Asian female
20 with the telephone number (314)628-1688 across the
21 center of each one of them.

22 Q And what's that the phone number to,
23 Detective?

24 A That is the phone number to the -- Sunny's
25 Spa.

1 Q Okay. When did you search Skip the Games
2 for that and print that out?

3 A That was today.

4 Q Okay. Going onto City's Exhibit B. What
5 is that?

6 A This is callescort.org, similar to the
7 website Skip the Games. Skip the Games, I might
8 add, is very popular. It's one of two the most
9 popular websites. Callescort, this one, actually,
10 is -- they're all essentially set up the same. They
11 all either have a photograph and you just go down
12 the line and you click on whatever female or male
13 that you're attracted to and you try to find their
14 services. This is after you go online and you click
15 on to the photo -- one of the images, and it brings
16 out the information, and the, I guess the gist of
17 this advertisement, the verbiage.

18 Q Okay. On City's Exhibit B, are there
19 phone numbers or addresses or name of a company
20 associated with that?

21 A There is the phone number (314)628-1688 at
22 the beginning, and then it talks about the address,
23 13704, A, Olive Boulevard, Chesterfield, Missouri
24 63107. Just below that, has the phone number,
25 again, and then just below that, it has 9:30 a.m. to

1 9:30 p.m. seven days.

2 Q Okay. City's Exhibit C, what's that?

3 A This is what you would get when you
4 actually click on one of the photographs. So, if I
5 went to page 389, clicked on the photograph or the
6 image with the telephone number, it brings up the
7 entire advertisement and all the photographs. There
8 are 1, 2, 3, 4, 5, 6 photographs of young Asian
9 females. Each one has the telephone numbers
10 (314)628-1688 across it. And then further down, it
11 talks about -- just the verbiage, "I see men.
12 Accepting cash. Available for incall, outcall."
13 That's commercial sex industry verbiage.

14 Q What is that incall, outcall, can you
15 explain that to the Board?

16 A Incall, outcall, if we want an outcall,
17 that means that the prostitute or the sex worker is
18 going to travel to the customer, the John. An
19 incall is just the opposite. It is where the John,
20 the customer, travels to the location of wherever
21 the sex worker is located.

22 Q Okay. And, again, Detective, when did you
23 find that advertisement?

24 A Today.

25 Q Okay. And City's Exhibit D?

1 **A D is another Skip the Games advertisement.**

2 Q Does it have the phone number associated
3 with Sunny's Spa on it?

4 **A Yes, it does.**

5 Q Does it advertise a 24-year-old female?

6 **A It advertises a very young Asian female.**

7 **I don't see the age on there but --**

8 Q It might -- it might be the wrong exhibit,
9 okay. And how about E?

10 **A E is AdultLook, which again, is similar to**
11 **Skip the Games. It's an escort website, and it has**
12 **a collage of, I'd say, a total of eight photographs**
13 **or images with, again, the telephone number**
14 **(314)628-1688. The verbiage below that. With the**
15 **address, the telephone number and the date or the**
16 **hours.**

17 Q Okay. When did you print out City's
18 Exhibit E?

19 **A This would be today as well.**

20 Q Okay. Did you alter those images or put
21 any additions or deletions to those exhibits?

22 **A No.**

23 Q Okay. Those are exactly as you found them
24 on the website except you printed them?

25 **A They were printed, and they will come out,**

1 once you print them, they will come out somewhat
2 different than you would see it on the computer
3 screen.

4 Q Just like you printed something off of STL
5 Today, it shows up differently?

6 A Yes, yes.

7 Q Okay. But you did not edit or change the
8 content --

9 A Correct, no.

10 Q -- from any of those exhibits from what
11 you saw on your computer screen?

12 A You are correct. I did not.

13 Q Okay. City is going to offer City's
14 Exhibits A, B, C, D and E into evidence?

15 CHAIR HIPPE: All right.

16 MR. GLICKFIELD: So, I'm going to object
17 because, most importantly, the City has
18 prevented -- the City has presented no evidence
19 that anybody could have posted -- could not
20 have posted these. These are website or
21 websites that anybody can make an account on.
22 They copy-paste whatever they want in; and it's
23 unfairly prejudicial to be assuming that this
24 was actually posted by my client. It's also
25 not factual to state that this couldn't have

1 been done by bots. My client has only owned
2 this five years. These websites have existed
3 far longer than that. And the way that
4 advertisement often works is they're automated
5 systems that continue to repost things. My
6 client, as you can see, doesn't really speak
7 English and is going to recognize none of this.

8 By even considering this evidence, there's
9 no evidence that she posted these things. It's
10 simply unfairly prejudicial. No evidence has
11 been presented that this is something that
12 Sunny's Spa actually did. And much of it is
13 just salacious content, like shocking content.
14 And, additionally, by printing it off the
15 internet, that makes it hearsay. It doesn't
16 meet the best evidence rule. It's not properly
17 authenticated. The testimony that, I didn't
18 alter it, is not adequate to make sure that it
19 wasn't altered, although I'm not saying I
20 question anyone's integrity at all.

21 However, it does not meet evidentiary
22 standards. I mean, just to get into the --
23 there's no basis for admitting something like
24 that. Every objection one could possibly make.
25 Additionally, it's irrelevant, because at the

1 end -- because at the end of the day, somebody
2 else could be posting these things. Nothing
3 has been presented -- nothing had been
4 presented to thwart any of that, and just using
5 basic logic, if my client had any idea that
6 this was going on, the moment that she was
7 encountered by the police, you think she'd
8 stop. But I think that does it for all of my
9 objections.

10 CHAIR HIPPIE: Very good points. I will let
11 you respond to that objection before I --

12 MR. KLOOS: Sure.

13 MR. GRAVILLE: Can I make one quick
14 point --

15 CHAIR HIPPIE: Yes.

16 MR. GRAVILLE: Real quick. We are a
17 quasi-judicial body. This is not a jury. So,
18 it's the weight, right? I think your points --
19 a lot of yours go to the weight of the --

20 CHAIR HIPPIE: How much we should weigh the
21 evidence, I agree.

22 MR. GRAVILLE: -- the evidence. I didn't
23 hear that he offered it for the truth of the
24 matter with regards to what's in there, and I
25 don't think he ever -- there was any

1 testimony -- I think the testimony was the
2 exact opposite that somebody -- that Jie was
3 the one that posted. It wasn't offered. It
4 was related to the phone number, but go ahead.

5 CHAIR HIPPI: No, I think those are all
6 good points, and I would like to hear your
7 response to his objections and then we'll --

8 MR. KLOOS: Well, there's a lot of
9 objections there. I guess I'll start with
10 relevance. I think that it's extremely
11 relevant based on -- his client testified that
12 they took a ton of remedial measures to make
13 sure none of this activity was happening at
14 their massage parlor.

15 As found in the conclusions of facts or in
16 testimony in front of the City Administrator,
17 police testified and she acknowledged, back on
18 May 9th, police told her that all of these
19 things were on the website. Now, we're ten
20 months later, and they're still advertising on
21 escort websites. So, we've seen evidence of
22 remedial measures of signs and codes of
23 conduct, yet, we're still advertising on sex
24 sites. I think the relevance is what it is.

25 As far as her not posting it, I'm not

1 offering it for that. I'm just saying that
2 these advertisements exist, and we also have an
3 expert who's been doing this for eleven years,
4 going to these websites. They just told the
5 Board how you get on them. They're paid
6 subscriptions. You have to have a log-in and a
7 pass code in order to advertise on these
8 things.

9 He also testified that they go to these
10 sites specifically for this, to find out if
11 they're advertising to find evidence of sex
12 trafficking and prostitution. The detective
13 also testified that if he did this for
14 MassageLuxe, you wouldn't find any of these
15 things. So, short of a conspiracy to frame
16 Sunny's Spa, I believe it's completely
17 relevant.

18 MR. GLICKFIELD: I need to respond to
19 something, because I don't recall the detective
20 testifying that all of these websites require
21 you to pay make your account, so I just want
22 to -- can I ask the detective all these?

23 MR. KLOOS: Well --

24 CHAIR HIPPE: He did testify to that.

25 MR. KLOOS: And, yeah, he'll get a chance

1 to cross-examine him but that was just my
2 answer to his objection.

3 CHAIR HIPPI: I believe the question of
4 whether or not you said you had to be a member
5 and you had to have a pass code --

6 MR. GLICKFIELD: No, to pay, to pay.

7 CHAIR HIPPI: To make a comment on these
8 websites. Isn't that correct, sir? That's
9 what you testified to --

10 **THE WITNESS: Correct, you have to have a**
11 **log-in and a password.**

12 CHAIR HIPPI: A log in and a password.

13 MR. GLICKFIELD: Do you have to pay was my
14 question? I don't recall hearing that
15 membership on these websites cost money.

16 MR. KLOOS: Well, strike that from my
17 response so we can move on. That's great.

18 CHAIR HIPPI: Okay.

19 MR. KLOOS: Okay, City offers A-E.

20 CHAIR HIPPI: I'd like to ask him that
21 question. Go ahead and ask the question over.

22 MR. GRAVILLE: He's going to get a chance
23 to cross --

24 MR. GLICKFIELD: Do these -- do these
25 websites require members to pay money in order

1 to become members?

2 **THE WITNESS: Some of them do. Some of**
3 **them do not.**

4 MR. GLICKFIELD: Which ones require you to
5 pay?

6 **THE WITNESS: Off the top of my head, I**
7 **cannot -- I do not know, unfortunately.**

8 CHAIR HIPPI: Okay. Subject to all of your
9 comments, I'm going to admit those pieces of
10 evidence, A through E, and we will weigh them
11 according to the -- how relevant they are to
12 the -- to whether or not, Ms. Cao has reformed
13 her business practices to the degree that you
14 assert that she has, in fact, done so including
15 notice to her clients or things of that matter.
16 (City's Exhibits A, B, C, D and E admitted onto the
17 hearing record.).

18 MR. GLICKFIELD: For the purposes of Cross
19 --

20 CHAIR HIPPI: For that purpose, I believe
21 it's very relevant, yes, sir.

22 MR. GLICKFIELD: For the purposes of
23 Cross-examination, can I hold them?

24 CHAIR HIPPI: Absolutely, you may, sir.
25 Okay. Now, having admitted those, we're

1 going -- you want to continue to hold them, and
2 we'll look at them later. Okay, very good.

3 Q (By Mr. Kloos) One final question if I
4 may, Madam Chair? Detective, back on May 9th, when
5 your police department executed the search warrant
6 on Sunny's Spa, did you have an opportunity to
7 interview Ms. Cao?

8 A Yes.

9 Q Okay. During that interview, did you
10 alert her to all of these advertisements on these
11 escort and adult sites?

12 A Yes, I did.

13 Q Okay. And, ten months later, they're
14 still on there?

15 A Correct.

16 Q Okay. I have nothing further.

17 CHAIR HIPPI: Thank you. Do you have
18 questions of this witness first before I --

19 MR. GLICKFIELD: I do.

20 CHAIR HIPPI: Okay, go ahead, sir.

21 MR. GLICKFIELD: Firstly, can everyone
22 hear me?

23 CHAIR HIPPI: Yes.

24 MS. AHNER: I have a mic if you need it.

25 CHAIR HIPPI: If you need it. We hear you

1 clearly.

2 MR. GLICKFIELD: I'll take the mic. Is
3 this any louder?

4 CHAIR HIPPI: Perfect.

5 MR. GLICKFIELD: It definitely works.
6 Okay.

7 CROSS-EXAMINATION

8 QUESTIONS BY MR. GLICKFIELD:

9 Q Do you have any idea how long these
10 websites have existed for?

11 A **No, I do not know.**

12 Q So, to your knowledge, in the year 2018,
13 did skipthegames.eu exist?

14 A **That I can't positively say, whether or
15 not it did or not.**

16 Q Okay. What about callescort.org? Did
17 that exist in the year 2018?

18 A **That is --that one is rarely used, so I
19 couldn't answer that question either.**

20 Q And what about skipthegames.com, did that
21 exist in the year 2018?

22 A **I can't answer.**

23 Q And did AdultLook exist in the year 2018?

24 A **Never had -- I couldn't answer that.**

25 Q So, since you understand the functionality

1 of these, does skipthegames.eu require, in order to
2 post, the individual posting to make an account?

3 **A Yes.**

4 Q Does it require the individual making an
5 account to pay money to have account?

6 **A I do not know. There are times when they
7 will change. Sometimes you do pay; sometimes you
8 don't pay. So, right now, I don't know whether or
9 not you have to pay.**

10 Q What about callescort.org? Do you have
11 pay to post on that?

12 **A That I don't know. That's, like I said,
13 that website is rarely used.**

14 Q And skipthegames.com?

15 **A That's the same at the first one.**

16 Q Uh-huh. So, also, to your knowledge, you
17 don't need to pay?

18 **A I don't -- I can't say you don't need to
19 pay. I just don't know whether or not you have to
20 pay.**

21 Q Okay. So, if a person doesn't need to pay
22 and they can just post, then something could be
23 posted by anyone; is that correct?

24 **A Yes.**

25 Q So, do you understand how internet bots

1 work?

2 **A Yes.**

3 Q So, is there any reason that a internet
4 bot could not keep posting ads over and over and
5 over on a message board-style website like this?

6 **A In theory, it could, yes.**

7 Q Okay. In the event that, let's say we're
8 talking about something like this. Let's say we're
9 talking about a message board that reviews hotdog
10 stands, and I set up a bot that says, they're
11 terrible hotdogs at somebody's hotdog stand and it
12 keeps reposting year after year. Would the owner of
13 that hotdog stand be able to stop that?

14 **A Typically, yes, they can contact that
15 website and have them take that down.**

16 Q Do you believe that contacting
17 skipthegames.eu would have that effect, that they
18 would -- if you contacted them, they would say, oh,
19 for sure, we'll take these down.

20 **A From my experience with working with Skip
21 the Games, they're very cooperative with me.
22 Whether or not, they would be with a customer, that
23 is -- I can't answer that question.**

24 Q Uh-huh. But if some other entity or some
25 other force is posting things, then an individual

1 effected doesn't necessarily have a recourse against
2 that; is that correct?

3 **A Correct.**

4 Q And when websites are based in other
5 countries, specifically, you mentioned Backpages was
6 taken down because it was based in the United
7 States --

8 **A Yes, sir.**

9 Q -- and these things are illegal in the
10 United States, correct?

11 **A Correct.**

12 Q So, these websites are not based in the
13 United States, am I correct --

14 **A Correct.**

15 Q -- in understanding that?

16 **A Correct.**

17 Q So, if they're not based in the United
18 States, what recourse would an individual business
19 owner have if ads were being placed about them, and
20 the website just ignored them? What recourse --
21 what recourse would an American have against a
22 website -- against that website that's based in
23 another country posting false things about them?
24 What -- what recourse?

25 **A They wouldn't have any recourse.**

1 Q Okay. When you went to -- when you went
2 to Sunny's Spa in February of 2024, do you recall
3 seeing Jie there?

4 A Yes.

5 Q Do you recall seeing her in February of
6 2024?

7 A Oh, no. February, no. February, when we
8 first initiated the investigation?

9 Q Yeah.

10 A No, I did not see her.

11 Q Okay.

12 A I didn't actually physically see Jie until
13 the surveillance when we followed April 25.

14 Q On April 25th?

15 A And, of course, on the day of the search
16 warrant.

17 Q And, so, do we have any way of knowing who
18 posted these ads in Exhibits A through E?

19 A No.

20 Q Okay. And we have no -- we have no
21 specific knowledge whether it cost moneys to
22 post these things, correct?

23 A Correct. Getting back to your previous
24 question, at this time, I could not tell you who
25 posted that; but we could issue a search warrant to

1 Skip the Games and see who posted those.

2 Q Okay.

3 A That is one of the procedures that is
4 being -- still being investigated, since it's an
5 ongoing investigation.

6 Q Okay.

7 CHAIR HIPPI: Mr. Glickfield, if you
8 believe that these postings are critical, I
9 mean, we'll give it the weight it's due in
10 determining whether we believe that the
11 City's -- that Mr. Geisel's findings should be
12 overturned but, if you'd like to table this to
13 another time and give our detective an
14 opportunity to look into that with a search
15 capacity -- search warrant capacity, we can do
16 that for us, if you find that would be helpful
17 to, I guess --

18 MR. GRAVILLE: I would -- I would
19 definitely caution that I don't want to in any
20 way intertwine this with any type of criminal
21 investigation.

22 CHAIR HIPPI: Okay. Subject to that, I
23 just make that offer. I mean, it's now 9:35.
24 We want to give Ms. Cao, you know, the very
25 important attention that her case deserves

1 and --

2 MR. GLICKFIELD: Right.

3 CHAIR HIPPIE: And we don't want to end up
4 making any hasty judgments with what you --
5 with what appears to be, maybe we don't have
6 all the facts, in whether or not she's been
7 posting or been somehow managing the posting of
8 inappropriate materials on these five different
9 platforms. Whether she's a paid subscriber or
10 an agent is a paid subscriber or how these came
11 to be about; and whether -- and I think it goes
12 to the heart of what we're looking at, whether
13 or not she has reformed her business practices
14 to be conducting business in a proper way here
15 in Chesterfield, which why is we're here today.
16 To see whether or not her business license
17 should be denied, continued to be denied or
18 should be overturned to allow her to have a
19 business license.

20 If you feel it's critical, maybe we should
21 recess, and you can have some more time to have
22 that opportunity to present, you know, this
23 seems to me to be a very important aspect of
24 her management style. If she's continuing to
25 allow, in despite of the detective telling her

1 in May, May 9th, or when the search warrant
2 was -- was first conducted that these websites
3 existed, and what, if anything, has she done to
4 remove her upscale business from these very
5 sleazy websites.

6 MR. GLICKFIELD: Yes.

7 CHAIR HIPPI: What have we done, what has
8 she done? Maybe you can offer some more
9 information.

10 MR. GLICKFIELD: Can I take a brief recess
11 to meet, because that's a decision really for
12 the client to make.

13 CHAIR HIPPI: Yes, absolutely.

14 MR. GLICKFIELD: Can I take a brief
15 recess --

16 CHAIR HIPPI: Yes, you may.

17 MR. GLICKFIELD: -- to speak with my
18 client about this?

19 CHAIR HIPPI: Yes, sir, absolutely.

20 MR. GLICKFIELD: Thank you.

21 CHAIR HIPPI: We'll take a -- we'll take
22 about five minutes until 9:45. Please come
23 back promptly.

24 (Wherein, a short recess was taken.)

25 CHAIR HIPPI: We're going to admit your

1 evidence, and I do not need more information
2 regarding -- we're going to get what weight is
3 necessary.

4 MR. GLICKFIELD: Okay.

5 CHAIR HIPPI: You brought out very
6 importantly what weight should be given to it,
7 how credible is it. We know it's there. We'll
8 get it the weight that is necessary --

9 MR. GLICKFIELD: Okay.

10 **THE WITNESS: For the issue. So, I**
11 **don't -- I don't want to proceed and give**
12 **Ms. Cao all the attention she needs before**
13 **we -- we don't need to delay. I'm going to**
14 **admit that, and we're going to proceed.**

15 MR. GLICKFIELD: Okay, so we're going to
16 proceed?

17 CHAIR HIPPI: Yes, sir, yes, sir.

18 MR. GLICKFIELD: Tell her that they
19 decided to proceed.

20 CHAIR HIPPI: Where are those documents?

21 MR. GLICKFIELD: Oh, I have them right
22 here.

23 CHAIR HIPPI: We'll take A through E, and
24 you can set them right here next to us. Okay,
25 Mr. Kloos, please continue -- oh.

1 MR. KLOOS: He's on Cross.

2 CHAIR HIPPI: You're on Cross, okay, sorry.
3 Mr. Glickfield.

4 MR. GLICKFIELD: I have no further
5 questions.

6 CHAIR HIPPI: I have a question, can the
7 Board --

8 MR. KLOOS: Can I do --

9 CHAIR HIPPI: You go ahead.

10 MR. GRAVILLE: -- redirect real quick?

11 CHAIR HIPPI: Yes.

12 MR. KLOOS: One question, Madam.

13 CHAIR HIPPI: Right.

14 REDIRECT EXAMINATION

15 QUESTIONS BY MR. KLOOS:

16 Q As we determined, you advised her about
17 these websites back on May 9th, 2024, and they're
18 still up today?

19 A **Correct.**

20 Q If she would have just changed the phone
21 number, since you brought them to her attention,
22 would that taken care of the problem?

23 A **Yes, because the advertisement wouldn't be**
24 **relevant to her massage parlor.**

25 Q Okay. So, absent any bots or any other

1 entities that want to harm her business, she could
2 have simply changed her phone number and that would
3 have taken -- it wouldn't have led you to Sunny's
4 Spa anymore, correct?

5 **A Correct.**

6 Q Okay, thanks. No further questions.

7 CHAIR HIPPI: Investigator, when you
8 conducted this search on February 2nd --
9 February 2024, I think you said February --

10 **THE WITNESS: February 9th, we started.**

11 CHAIR HIPPI: February 9th, 2024.

12 **THE WITNESS: Yes.**

13 CHAIR HIPPI: And you talked about evidence
14 that you found in the premises that would be
15 relating to sex trafficking. My question is,
16 what are some of the -- you talked about some
17 of indicia of sex trafficking, you know,
18 younger people, vulnerable foreigners, living
19 with people. My question is going toward cash
20 on the premises. When you conducted your
21 search warrant, what, if any, cash was found at
22 the premises at that time?

23 **THE WITNESS: There was a decent amount of**
24 **cash, I have to refer to my report.**

25 CHAIR HIPPI: Decent, would you clarify

1 that?

2 **THE WITNESS:** I'd say -- I would say maybe
3 4,000 dollars, which, you know, for a business
4 operating to have money laying around, to me,
5 me personally, that's a large amount of cash.

6 CHAIR HIPPI: What denominations were these
7 cash?

8 **THE WITNESS:** US, US currency.

9 CHAIR HIPPI: 20s, 50s?

10 **THE WITNESS:** 20s, typically 20s, 10s.

11 CHAIR HIPPI: Okay.

12 **THE WITNESS:** Yes.

13 CHAIR HIPPI: All right, thank you, sir.

14 Any questions based on my --

15 DR. WHITMAN: I have a question. You had
16 male officers go in to test the waters.

17 **THE WITNESS:** Yes.

18 DR. WHITMAN: Did you send female officers
19 in?

20 **THE WITNESS:** We did not, no.

21 DR. WHITMAN: Why?

22 **THE WITNESS:** Well, after doing
23 surveillance and watching this massage parlor,
24 we never saw any females go in.

25 DR. WHITMAN: Okay, thank you.

1 **THE WITNESS: Not that we don't send**
2 **females into other massage parlors.**

3 CHAIR HIPPI: Mr. Glickfield, do you have
4 any further evidence to prevent -- to present?

5 MR. GLICKFIELD: No, I have no further
6 evidence.

7 CHAIR HIPPI: Mr. Kloos, do you have any
8 further evidence to present?

9 MR. GLICKFIELD: Nothing further from the
10 City.

11 CHAIR HIPPI: Okay. Is there anyone
12 present in the gallery here that wishes to
13 present anything for or against the petitioner?
14 Okay. Very good. Does the Board have any
15 further questions? Okay. At this time, the
16 chair will entertain a motion relevant to
17 BA012024. Do we have a motion on the floor or
18 any further discussion?

19 (Court reporter clarification.)

20 MR. GRAVILLE: So, here what's I would
21 suggest, especially this late in the night,
22 make the motion in a positive or it will be
23 confusing. So, either -- I would suggest you
24 make the motion, for example, make a motion to
25 either uphold or reverse the decision of the

1 City Administrator. In that context, I think
2 that is perfectly fine in whatever you want
3 your motion to do.

4 CHAIR HIPPI: Then I would make a motion --

5 MR. GRAVILLE: Or sustain, I guess.

6 CHAIR HIPPI: I would make a motion to
7 uphold the finding of the City -- Mr. Geisel,
8 City -- City Administrator, which in his
9 motion, where he has a denial of the license or
10 the denial of the reinstatement of the license?

11 MR. GRAVILLE: It's a denial of the
12 renewal of the license.

13 CHAIR HIPPI: A denial of the renewal of
14 the license. That is my motion.

15 MR. BLOCK: I would second that motion.

16 CHAIR HIPPI: Okay. Ms. Blesener, would
17 you please call the vote?

18 MS. BLESENER: Katherine Hipp?

19 CHAIR HIPPI: I vote to approve the
20 motion -- the order rendered by the City
21 Administrator denying -- it's denying her
22 license, sorry.

23 MR. GRAVILLE: It's a motion to affirm.

24 CHAIR HIPPI: Affirm. The City
25 Administrator's.

1 MR. GRAVILLE: The decision of the City
2 Administrator --

3 CHAIR HIPPI: The decision --

4 MR. GRAVILLE: -- to deny the renewal --

5 CHAIR HIPPI: -- to deny renewal of the --

6 MR. GRAVILLE: Business license.

7 CHAIR HIPPI: That's my motion, that's been
8 seconded, and calling the role. I vote to
9 uphold the decision of the City Administrator.

10 MS. BLESENER: Okay. Brendan Block?

11 MR. BLOCK: I vote to uphold the decision.

12 MS. BLESENER: Jeannie Rader?

13 MS. RADER: I vote to uphold the decision.

14 MS. BLESENER: And Barb Whitman?

15 DR. WHITMAN: I vote to uphold the
16 decision.

17 MR. GRAVILLE: So, Mr. Glickfield, I'm
18 going to ask the Board of Adjustment to
19 authorize the Chair to sign a findings of facts
20 and conclusions of law so we get that done and
21 get it to you, so you can discuss with your
22 client what you want to do with that.

23 MR. GLICKFIELD: Okay.

24 MR. GRAVILLE: Do you have any objection
25 to that?

1 MR. GLICKFIELD: I want to make sure I
2 understand what's happening. That we have 30
3 days if we wish to appeal this, but that's 30
4 days from the date of the order of this finding
5 of facts that you'll get me when you get it to
6 me.

7 MR. GRAVILLE: Well, so what will happen
8 is, is I'm going to the -- I am going to ask
9 them to authorize the Chair to find -- to sign
10 a findings of facts and conclusion of law
11 consistent with the evidence of the hearing
12 today.

13 MR. GLICKFIELD: Okay.

14 MR. GRAVILLE: So, I can get it to you
15 soon, makes sense?

16 MR. GLICKFIELD: I understand. I just
17 want to understand when my 30-day clock begins.
18 It begins from the date of that, right? So, if
19 you get it to me tomorrow, it begins from
20 tomorrow, correct?

21 MR. GRAVILLE: I think you need to
22 research that, but that's my understanding. I
23 don't think I can advise you on that.

24 MR. GLICKFIELD: Okay.

25 MR. GRAVILLE: Yeah. Because they sign an

1 order now, but there's a little bit of
2 inconsistency in the timing, so I'm going to
3 ask them to expedite that, so I can get it to
4 you, so you can have the cleanest 30 days you
5 can have. Fair enough? Because they signed
6 these -- there's like a little -- if you look
7 at your packet there's like a little decision
8 that is at the very back that she'll sign
9 tonight --

10 MR. GLICKFIELD: What packet? I didn't
11 receive a --

12 MR. GRAVILLE: Your application to appeal.

13 MR. GLICKFIELD: Oh, that, yes, sorry.

14 MR. GRAVILLE: Okay. So, I would ask that
15 the Board of Adjustment make a motion to
16 authorize the Chair to find -- sign a findings
17 of facts and conclusions of law consistent with
18 the evidence in the decision today --

19 CHAIR HIPPI: I would second that motion.
20 Can we call a vote on that?

21 MR. GRAVILLE: You'll make a motion.

22 MR. BLOCK: I'll make the motion, you
23 second --

24 CHAIR HIPPI: I'll second. Does that make
25 sense?

1 MR. GLICKFIELD: Yes.

2 CHAIR HIPPI: We'll date and sign it with
3 the most cleanest opportunity for you to --
4 yeah.

5 MR. GLICKFIELD: Thank you very much.

6 CHAIR HIPPI: Thank you, you've done a fine
7 job.

8 MR. GLICKFIELD: I appreciate you saying
9 that.

10 CHAIR HIPPI: You as well, sir. Very
11 nice. Anything further? We are adjourned.

12 (Ending time of the hearing: 9:56 p.m.)

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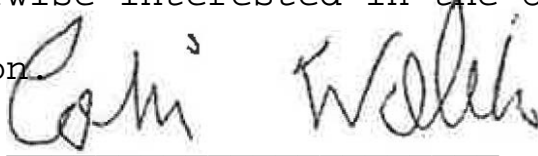
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1 I, Colin Wallis, in and for the State of
2 Missouri do hereby certify that the witness
3 whose testimony appears in the foregoing
4 Examination Under Oath was duly sworn by me;
5 that the testimony of the said witness was
6 taken by me to the best of my ability and
7 thereafter reduced to typewriting under my
8 direction; that I am neither counsel for,
9 related to, nor employed by any of the parties
10 to the action in which this examination was
11 taken, and further that I am not relative or
12 employee of any attorney or counsel employed by
13 the parties thereto, nor financially or
14 otherwise interested in the outcome of the
15 action.


Colin Wallis

17 within and for the State of Missouri
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22
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Exhibits	11 113:7 118:24	2019 58:6 73:3 74:6 92:4,17	2:00 75:5
183595_Meeting_030625_EX 1 3:8 66:24	12 35:10	2020 77:8 92:19 93:3,8,13,16 94:14,17,22	2nd 157:8
183595_Meeting_030625_EX A 3:10 132:25 133:1 134:21,22,24 135:15	12.7 38:15	2022 10:23 20:1	3
183595_Meeting_030625_EX B 3:10 136:4,18	12th 76:5 124:21	2023 6:1	3 29:14 119:23 137:8
183595_Meeting_030625_EX C 3:11 137:2	13704 136:23	2024 56:15 58:17 59:2 60:20 63:8 74:21 75:1 77:10, 12 78:2 80:13 85:15,21 90:15 92:11,13 97:6 98:23 105:8,21 108:15,18 109:7 113:9 116:10 124:18 151:2,6 156:17 157:9,11	30 8:16 42:14 48:7
183595_Meeting_030625_EX D 3:11 137:25	13714 7:8 54:6 58:3 116:23	2025 5:7 10:14 34:21	312 34:7
183595_Meeting_030625_EX E 3:12 138:18	15 83:20 93:10 94:4 120:18	20s 158:9,10	314 610-6521 128:1
\$	1688 118:5	20th 130:23	314 628-1618 117:24
\$500 62:7	170 9:21 11:3 18:5	21st 130:23	314 628-1688 101:23 127:7 135:20 136:21 137:10 138:14
\$60,000 74:18	170-foot 11:6	22 113:1	389 137:5
-	19 7:5 33:16,23 93:4	22nd 77:10 117:18	3rd 6:1
--that 147:18	1972 73:7	2394 7:2 9:7,17 10:2,16	4
1	1978 37:25	24 20:1	4 6:25 8:18,24 11:2 13:23 14:5 19:4,6 29:13 30:20 32:15 137:8
1 66:24 83:7,8,9 137:8	1993 34:19	24-year-old 106:5 138:5	4(B)(3) 34:8
10 35:11 39:11 46:20,22 120:18	1AV6300838 7:3	24/7 27:11	4(E)(3) 33:17,24
10,000 74:16	1st 93:11,17	25 10:12 151:13	4,000 158:3
10s 158:10	2	25th 76:5 121:18 124:1,21 151:14	40 10:13 39:12,17 42:14
10th 56:15	2 39:23,24 137:8	26 60:19 78:23 79:4	460 11:23
	20 38:14 42:14 48:7	262 62:6	492 11:21
	20-foot 34:13,20 42:12	26th 105:21,22 109:1	493 40:18
	200 7:1 8:25 9:19 20:3,15 25:12 30:13		4B3 7:6
	200-foot 9:5,15 10:2 11:3,6		5
	2004 85:12		5 137:8
	2006 10:1,14 20:1		
	2010 73:1		
	2018 147:12,17, 21,23		

50,000 74:14	89 12:1 35:22 69:12	Accepting 137:12	15,21,25 25:3,6,9, 14,17,23 26:3,5, 11,14 27:6 28:3, 14,20 29:1,4 31:5
500 90:5,9	8:00 111:22	access 61:4	
50s 158:9	8:15 96:8	accompanies 125:17	add 50:4 68:17 71:12 72:2 86:7 89:5 136:8
540 11:20		accordance 13:7 37:4	
56 37:24 38:11	9	account 107:10 139:21 143:21 148:2,5	addition 14:24 15:12,18 42:11 51:3
58 106:3,4	9 97:14 105:8 124:17	accurate 81:2	additional 27:9 35:20 42:17 45:10,20,22 56:25 117:14,18
59 51:18	93 40:8 43:5	acknowledged 142:17	additionally 140:14,25
5th 117:18	9:07 133:10	acquire 124:22	additions 138:21
6	9:15 133:11	acre 9:24 10:10 15:9	address 136:22 138:15
6 94:5 137:8	9:30 111:3,9,11,12 136:25 137:1	act 63:16 122:4 132:21	addresses 136:19
605.070 56:11	9:35 152:23	acting 7:23	adequate 140:18
605.070(C)(3) 55:3	9:45 154:22	action 8:15 11:10 65:6,8 121:13	adhere 14:7 15:6
605.070(C)(6) 55:3	9th 58:23 59:2 63:8 75:1,5 78:2, 13 79:2 80:13	actions 62:4 72:7	Adjustment 5:5,9 21:17 28:7 30:3 35:16 45:15,22 50:11 54:15 62:19 67:19 86:23 90:19,22 161:18
605.250 54:22 56:11	97:6,13 108:15,18 109:6 113:9	active 106:19	administrative 68:10 69:3 70:12
63107 136:24	116:10 117:14,16 142:18 146:4 154:1 156:17 157:10,11	activities 110:17	administrator 55:6 56:14 60:21 63:15 64:15 68:1, 11,16 70:21 90:21 142:16 160:1,8,21 161:2,9
65 18:10	A	activity 82:9 88:14 142:13	administrator's 7:10 60:24 69:16 160:25
650.070 54:25	A-1 83:5	acts 100:9,18 110:11,13 115:20 131:14	admission 83:3
6:18 5:2	A-E 144:19	actual 26:23 115:12 129:2	admit 145:9
6:20 5:7	a.m. 111:3,11 136:25	ad 53:8 109:9,12	
6th 5:7 73:7	ability 14:21 60:5 69:14	Adams 13:20,22 16:2,4,7,10,20,25 17:5,7,10,14,24 18:1,7,13,18,21 19:5,24 20:5,7 21:9,13,18,24 22:3,23 23:11,13, 16,19,22 24:2,5,	
7	absent 156:25		
7 35:10,12 44:6	absolutely 21:18 22:3 145:24 154:13,19		
7.3 38:16	accept 71:25		
70 58:22,24 59:1 74:3	acceptable 80:7		
8			
822 7:6 33:18,24 34:9,11,24			
87 40:19			
88 40:18			

<p>154:25 155:14</p> <p>admitted 60:12 83:9 145:16,25</p> <p>admitting 140:23</p> <p>ads 149:4 150:19 151:18</p> <p>adult 104:16 106:13 127:22 128:6 129:3 146:11</p> <p>Adultlook 138:10 147:23</p> <p>adultlook.com 104:15,17</p> <p>advantage 115:16</p> <p>adventures 38:6</p> <p>advertise 101:20, 21,22 103:6 105:5 118:22 126:21 129:6,14 138:5 143:7</p> <p>advertised 119:2 126:16 127:22</p> <p>advertisement 104:24 118:9 127:5,6 129:2 135:3,8,9,11 136:17 137:7,23 138:1 140:4 156:23</p> <p>advertisements 104:21 118:20 126:22 127:1 143:2 146:10</p> <p>advertises 102:8 138:6</p> <p>advertising 103:12,14,16,18, 20,22 105:4,5,6 107:7 142:20,23 143:11</p>	<p>advised 8:2 156:16</p> <p>aerial 44:20 47:1, 3,5</p> <p>affidavit 7:14</p> <p>affirm 67:22 68:3, 4,22 69:4 160:23, 24</p> <p>afternoon 75:5</p> <p>age 58:22 59:1 138:7</p> <p>agency 8:17</p> <p>agenda 33:15,22 53:20 54:5</p> <p>agent 153:10</p> <p>agree 65:7 141:21</p> <p>agreed 119:22</p> <p>agreement 64:6 76:16 79:9 82:6,7, 21,22 88:13,17 89:4</p> <p>ahead 5:11 23:11 37:21 71:16 72:14 99:12 107:1 122:21 142:4 144:21 146:20 156:9</p> <p>Ahner 5:18 8:21, 22 9:3,4 13:17 18:23 27:20 33:20 41:10 45:11 46:7, 12 47:1 50:4,10 146:24</p> <p>Airport 15:8</p> <p>ajar 64:12</p> <p>alert 146:10</p> <p>allegation 59:9</p> <p>allergies 47:6</p> <p>allowed 12:17</p>	<p>24:17 36:13,14 82:8 83:17 93:14 95:19</p> <p>allowing 12:25 36:22</p> <p>alter 138:20 140:18</p> <p>alteration 12:8 36:4</p> <p>altered 140:19</p> <p>alyssa 5:18 8:22 9:3 15:16 17:14 33:20 38:13</p> <p>America 83:19</p> <p>American 75:19 83:20 150:21</p> <p>amount 14:9,12 24:10 157:23 158:5</p> <p>announce 55:9, 11,18</p> <p>anonymous 116:17</p> <p>anus 120:12</p> <p>anymore 157:4</p> <p>anyone's 140:20</p> <p>apartment 82:2 85:24,25 89:15,17 99:24 116:8 124:5,8</p> <p>apparently 94:23</p> <p>appeal 7:9 8:14 55:3,8 56:6,15,23 57:2 58:1 61:2 64:16 65:1 69:15</p> <p>appeals 12:2 35:23</p> <p>appeared 64:19</p> <p>appears 47:23</p>	<p>87:21 95:22 96:4 153:5</p> <p>applaud 21:4</p> <p>applicant 9:14,20 11:8 13:15 35:13, 17 45:12</p> <p>applicants 34:6</p> <p>application 7:12 12:6 36:2 56:20</p> <p>apply 90:9,22</p> <p>appointed 30:1,2</p> <p>appointment 118:6 119:6,8</p> <p>appointments 127:10</p> <p>appreciated 63:23</p> <p>approach 82:16</p> <p>appropriately 29:21</p> <p>approval 5:25 6:3, 5 16:13,14 35:1, 20 41:15,23 52:14 53:4</p> <p>approvals 10:24</p> <p>approve 6:14,17, 19,21 8:10 35:16 45:18 52:21,24 53:3,16 160:19</p> <p>approved 6:23 10:23 15:12 33:12 34:16 35:4 53:5, 22</p> <p>approximately 87:12 120:18</p> <p>April 76:5 77:12 85:12,15,21 92:13 121:18 151:13,14</p> <p>arbitrary 68:12 69:17 70:22</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>area 11:25 14:4 15:6 22:10 23:3 47:23 48:13 49:3 96:2,17 124:2</p> <p>argue 102:18</p> <p>argument 102:19</p> <p>arrest 59:13 60:19 97:17 105:13 132:12</p> <p>arrested 60:12,16 64:19 81:16,22 97:11,15,21 105:8,12 108:16</p> <p>arrests 59:11 60:9 81:15 109:2</p> <p>arrived 59:2</p> <p>arrow 19:10,11,15 25:12</p> <p>article 95:18</p> <p>ascertain 117:22</p> <p>Asian 135:19 137:8 138:6</p> <p>asks 65:21</p> <p>aspect 28:18 153:23</p> <p>aspects 27:13</p> <p>assert 145:14</p> <p>assigned 113:15</p> <p>assignment 113:2,6,8,11,12</p> <p>assist 114:16</p> <p>assistant 5:20</p> <p>Association 114:9</p> <p>assuming 139:23</p> <p>attached 34:10 106:16,17</p> <p>attempt 124:22</p>	<p>attend 119:8</p> <p>attendance 5:10, 16</p> <p>attention 124:17 152:25 155:12 156:21</p> <p>attorney 5:16,17 54:14 55:14 57:9, 24 96:10</p> <p>attracted 136:13</p> <p>audience 28:4 30:18 52:4</p> <p>August 6:1 60:19 64:16 78:23 79:4 90:15 105:21,22 109:1</p> <p>authenticate 82:17 107:22</p> <p>authenticated 140:17</p> <p>authorize 161:19</p> <p>automated 140:4</p> <p>automobiles 13:25</p> <p>avoid 82:3</p> <p>aware 32:1 60:19 77:12 78:7 80:9, 13 97:20 123:9</p> <p>awkward 134:15</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>BA-01-2024 54:5</p> <p>BA-012025 52:13</p> <p>BA-02-01-2025 7:4</p> <p>BA-02-2024 6:24</p> <p>BA012024 7:8 53:20 159:17</p> <p>BA012025 33:16,</p>	<p>22</p> <p>BA022024 8:18, 20,24</p> <p>back 13:16 22:6 24:16,17 25:21 26:13 30:21 38:1, 7 44:3 46:6 47:13 48:10,12 50:19,25 62:11 71:18 75:7, 16 76:14,18 77:14 78:21 79:2 92:17 95:3,14 96:19 97:5 118:13 120:19,21,23 121:17 124:4 125:13 128:6 133:10,13,25 142:17 146:4 151:23 154:23 156:17</p> <p>background 9:23 19:23 54:10,12</p> <p>backing 40:25</p> <p>Backpage 118:16</p> <p>Backpages 150:5</p> <p>backs 41:1</p> <p>backyard 14:10,21 23:15 24:1 43:22</p> <p>backyards 28:12 43:7</p> <p>bad 65:14</p> <p>Baker 5:20</p> <p>Baldwin 124:9</p> <p>Barb 6:20 33:9 53:2 161:14</p> <p>Barbara 5:14</p> <p>barbecue 14:19 18:1</p> <p>barbecuing 27:4</p> <p>barbershop 95:20</p>	<p>barely 27:3</p> <p>barrier 115:13</p> <p>Barring 52:3</p> <p>based 21:1 23:3 31:7 32:22 37:9 55:1 68:24 69:1,2, 24 70:1,3,4 72:4 89:23 106:10 122:19 123:13,21 132:15 142:11 150:4,6,12,17,22 158:14</p> <p>basic 141:5</p> <p>basically 39:16</p> <p>basin 23:7</p> <p>basins 15:2,4 22:13</p> <p>basis 22:16 61:11 106:21 107:1 140:23</p> <p>battery 130:3</p> <p>bear 58:5</p> <p>bed 88:5 100:14</p> <p>bedroom 42:11</p> <p>beg 84:15,21</p> <p>began 53:21 67:15</p> <p>begin 31:21</p> <p>beginning 88:18 91:24 136:22</p> <p>behalf 56:17</p> <p>behavior 81:23 116:18</p> <p>beliefs 55:1</p> <p>believed 60:18 61:8</p> <p>Ben 5:17 55:25</p> <p>benefit 57:15</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

berms 26:18,19	Board's 8:16	155:5 156:21	C
big 39:6 49:3 84:3	board-style 149:5	Budoor 30:23	C-A-L-L-E-S-C-O-
bigger 40:11	boards 106:22	31:18,23 32:14,17	R-T.ORG 104:10
biggest 22:4	107:3,9,19	build 7:2 18:3 22:9	call 5:5 6:10 33:1
bioretention 15:2,	body 70:16 141:17	24:9 38:7,23,24	52:19 100:16
4 22:13,15 23:7	bodyrubs.com	builder 15:18	118:5 135:12
birth 73:6	104:12	building 13:4 21:3	160:17
bit 9:10,12,23 19:1	books 59:5 76:24	25:21 37:1 39:4	called 7:17 13:24
24:4 30:10 34:3	77:2	42:6 69:9 89:11	38:3 103:7 127:10
50:24 69:9 88:17	boss 101:11 105:2	buildings 12:8	130:6
91:22 95:6 121:9	125:24 126:24	36:4	Callescott 136:9
Blesener 5:19	bot 149:4,10	built 14:6 28:12	callescott.org
6:10,13,16,18,20	bots 129:7 140:1	38:8 43:3 46:19	104:8 136:6
25:4 33:2,5,7	148:25 156:25	bulk 132:1	147:16 148:10
52:20,23,25 53:2	bought 49:4 74:8,	bunch 40:23	calling 119:6
160:16,18 161:10,	10,14	business 5:25	161:8
12,14	Boulevard 7:9	7:12 54:25 55:7	calls 112:11
Block 5:12 6:16,17	54:6 58:3 116:24	56:19,21 57:25	Cao 55:15 57:24
26:22 27:16 29:16	136:23	58:2 61:1 65:2,9,	58:6 72:18,24
32:5 33:5,6 52:17,	boundary 7:1 9:6,	13,14 71:23 72:3	97:3 116:6 124:7,
23,24 160:15	16,20	85:19,22 86:5	15 125:5,23
161:10,11	brackets 7:3	87:3,14,15,19,25	126:15 145:12
bluff 9:18 11:18	break 75:8 111:20	88:8 89:1,18 92:7,	146:7 152:24
Bluffs 6:25 8:18,	133:8	19 93:24 95:3,6	155:12
24 9:24 10:10,17	Brendan 5:12 6:16	96:3 98:20,22	capacious 68:12
11:19 29:13	29:16 33:5 52:23	103:18 110:2	capacity 28:22
board 5:5,8,10	161:10	126:25 128:17	152:15
6:23 7:22 8:7,13	briefly 63:22	145:13 150:18	capricious 69:18
11:10 12:15 13:1	bring 66:6 76:22	153:13,14,16,19	70:22
21:16 28:7 29:11	112:1	154:4 157:1 158:3	car 100:7 124:12,
30:2 35:15 36:10,	bringing 14:3	161:6	13
23 45:15,17,21	brings 136:15	businesses 115:4,	card 75:20,22
49:9 50:11 52:12	137:6	5,18	care 53:15 86:2
54:15 62:19 63:18	Brooking 41:1	businessmen	156:22
67:19 86:23 87:1,	47:10,14	103:11	carefully 38:5
2 90:18,22 96:20	brothels 118:22	busy 111:21	carrying 12:4
99:1 102:7 107:23	brought 15:4	buttock 120:3	35:25
119:20 128:9	27:18 56:2 58:12	buttocks 120:9,10	case 10:9 30:9
131:19 134:23	66:8 86:20 115:7	74:4,7	31:25 70:13 82:10
137:15 143:5			
149:9 156:7			
159:14 161:18			

86:21 107:20 115:6 122:11 132:22 152:25 cases 48:8 cash 137:12 157:19,21,24 158:5,7 caution 152:19 cell 20:16,18 center 135:21 cetera 38:23 49:18 96:1 chair 5:3,8,15,24 6:1,4,8,14,22 7:13 13:12,18 16:1,3,5, 8,19,21 17:1,6,8, 11,20,25 18:2,12, 14,19,22 19:3,22, 25 20:6,20,24,25 21:11,14,19,25 22:18,20 25:11,15 26:4 27:17,22 28:4,21 29:2,9,15, 17 30:8,15,16,19, 22,24 31:2,6,10, 14,20 32:9,16,21 33:3,11 37:9,16 39:18,20,24 40:1, 5,9,14,16,21 41:5, 25 42:20,25 44:12,14,18 45:25 46:2,25 47:3,15, 17,20 48:18,22 49:6,8,20 50:2,13 51:7,10,13,21 52:3,10,11,12,15, 18,21 53:4,13,17, 19,24 54:4,11 56:7,23 57:11 58:24 63:17,20,25 66:19,25 67:9,15, 24 68:2 70:6 71:3, 9,11 72:6,9,11,14 83:2,8 85:4,7	86:9,14,17 87:1,7, 10,17 88:7,16 89:8,17,22 92:1 93:12 95:15 96:7, 13,16,22 98:10, 13,17 99:12 102:13,21,24 103:2 104:1 106:10,19,24 107:14,15,17,24 108:1,4,7,11 109:21,22 111:24 112:10 122:21 123:14 129:25 133:4,13,18,21 134:7,10,13 139:15 141:10,15, 20 142:5 143:24 144:3,7,12,18,20 145:8,20,24 146:4,17,20,23,25 147:4 152:7,22 153:3 154:7,13, 16,19,21,25 155:5,17,20,23 156:2,6,9,11,13 157:7,11,13,25 158:6,9,11,13 159:3,7,11,16 160:4,6,13,16,19, 24 161:3,5,7,19 chairs 54:18,19,23 challenge 14:22 challenges 11:16 14:24 challenging 14:2, 5 chance 54:16 133:15 134:5 143:25 144:22 change 12:19 36:16 42:2 43:17 139:7 148:7 changed 132:19	156:20 157:2 Chapter 12:1 35:22 69:11 character 12:20 36:17 charge 122:9 charges 65:19 Charlie 114:8 chat 88:4 checked 127:18 Chesterfield 5:6 8:23 21:3 33:21 37:24 56:1 58:4 60:20 81:10 87:4 88:20 116:12,16 117:1 136:23 153:15 child 113:23 children 83:21 113:22 China 58:18 Chinese 58:8 82:22 chosen 10:4 Chris 5:17 54:13 55:13 116:16 Circuit 8:15 cities 130:10 citizen 58:15 83:21 citizens 75:21 city 5:6,16 7:9 8:23 20:21 24:8 25:1 27:17 29:9, 18,25 33:21 37:19 50:2 54:14,22 55:5 56:1,6,14,20 60:21,23 61:6,19 64:15 65:8 66:12,	13,22 67:17,25 68:11,16 69:15,20 70:21 81:10 84:16,18,23,25 86:3 89:7 90:21 112:11 117:1 130:10 133:8 139:13,17,18 142:16 144:19 159:10 160:1,7,8, 20,24 161:1,9 city's 7:11 56:22 134:19,21 135:15 136:4,18 137:2,25 138:17 139:13 145:16 152:11 claim 76:6 claiming 131:15 clarification 6:12 9:2 33:19 41:7 46:3 72:17 74:23 77:17 86:18 92:25 101:3 159:19 clarified 27:21 clarify 25:8 28:7 42:15 103:13 107:17 157:25 classify 48:19 clear 16:21 48:16, 17 62:16 77:11 107:16 131:25 132:6 click 135:4,9 136:12,14 137:4 clicked 137:5 client 55:12 56:17 57:14 59:18 108:12 110:15,18, 22 139:24 140:1,6 141:5 142:11 154:12,18 161:22 clients 110:1,11
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

111:15 145:15	145:9	concluded 61:12	Congratulations 51:20
cliff 14:7	commercial 137:13	concludes 13:9 37:5	consideration 11:11 32:25
climaxes 131:21	Commission 34:15 35:1,20 41:14 45:19 46:9	conclusion 61:14	considered 8:3 12:15 36:10 42:8, 9
close 61:10 93:10 111:22 120:12	committed 132:21	conclusions 7:10 55:5 56:13 69:21 142:15 161:20	conspiracy 143:15
closed 95:24	committing 64:13	concrete 16:9,11, 14,17,24 17:8 18:5 19:12,13 21:5 25:18 26:24	construct 7:7 9:7, 21 11:3 18:4 33:18,25 34:9
closer 9:10 15:5 42:20,21 57:16 120:17	common 42:13,15 114:16	condition 28:8 71:19	constructed 11:19 34:19
closes 84:1,2	communicate 110:1	conditions 68:17 72:1,3	construction 10:25 12:8 18:25 19:2 36:4
closest 19:11 48:13,14	communicating 109:24	condominium 38:2,3	contact 64:14 74:1 80:10,15 149:14
closing 102:19 124:2	community 58:12	condone 59:10	contacted 116:12, 15 117:7 149:18
clubs 130:12	company 58:7 101:20 105:2,4 136:19	conduct 62:15 64:9 65:14 72:5 88:22 100:25 110:9,12 117:13, 14,18 123:22 126:7 142:23	contacting 149:16
co-located 89:18	compare 70:18	conducted 98:19, 20,23 124:21,24 154:2 157:8,20	content 139:8 140:13
Cochran 121:25 122:15 123:9 127:10	comparison 11:6 70:23	conducting 117:21 153:14	context 160:1
Cochran's 123:1	complaints 78:5 79:21 116:21	conferences 114:11	continue 28:24 72:12 99:3 123:15 140:5 146:1 155:25
code 10:6,11,14 21:20 62:6 63:10, 13,15 110:9,12 143:7 144:5	complete 84:15	configure 54:16	continued 105:20 120:16 153:17
codes 42:2 100:25 142:22	completed 83:23 119:25	confront 60:11	continuing 9:4 153:24
cold 39:1 48:25	completely 17:18 22:12 51:14 143:16	confused 16:8,22 26:22 69:24 71:3 98:6 106:12	contours 11:25
collage 135:6 138:12	completion 13:7 37:3	confusing 70:11 159:23	control 105:2
collages 134:2	compliance 87:23	confusion 107:16	conversation 130:14
columns 38:19	comply 11:15		cook 27:12
comfortable 64:13 67:9	compound 98:8		cooking 27:9,10
comment 31:8,11, 12 42:23 52:5 130:24 144:7	computer 139:2, 11		
comments 8:20 29:19,22 31:1,7 32:18 49:18 50:14	concerns 17:19 29:19		

<p>cooperated 81:12 cooperative 149:21 coordinated 122:5 copies 86:21 copy-paste 139:22 corner 22:14 23:6 26:11 correct 17:7,9,13, 23 18:6,7 19:5 21:13 23:16 24:2, 15,21,25 25:6,14, 17 26:3,11,14 28:14 29:12 39:22 41:9,10 46:12 47:11 68:18 73:5, 8,9,24 74:19 77:13,25 78:3,17 79:8,19,20 80:23, 24 82:23 85:19 89:19 92:4,7,9,11, 21,24 94:5 95:1 97:8,10,23 99:19, 23,25 100:5,19, 20,21 101:1,7,9, 10,12,14,19,24 103:23 105:9,10, 12 106:1,2,4,18 113:15,16 114:2 116:4,9,22 117:20 121:15,19 122:8, 12,24 123:7 124:10 125:6,20, 25 126:14 127:8, 12,15,16 129:8, 10,15,23 130:19 131:4,7,24 132:5, 8 139:9,12 144:8, 10 146:15 148:23 150:2,3,10,11,13, 14,16 151:22,23 156:19 157:4,5 correctly 57:5</p>	<p>cost 84:12 144:15 151:21 council 20:22 32:2,14 33:13 counsel 30:1 Countian 56:12 countries 115:11 150:5 country 150:23 county 8:15 56:3 61:16,21 62:6 81:10 112:13,22 114:21 couple 37:25 54:18,19,23 85:5 96:1 108:8 116:21 couples 110:6 court 5:21 6:12 8:15 9:2 30:7 33:19 57:3 70:15 72:17 83:7 86:18 92:25 106:24 159:19 Cove 34:5 47:22 cover 17:4,22,25 26:19 56:9 covered 120:23 covering 18:4 34:11 covertly 117:10 Covid 93:4 95:3,5, 19 98:20 Covid-19 93:8 create 28:18 credible 155:7 Creek 9:13 10:7 Crimes 113:22 criminal 96:17 152:20</p>	<p>critical 152:8 153:20 cross 96:12,14,16 144:23 145:18 156:1,2 Cross- examination 97:1 145:23 147:7 cross-examine 144:1 cul-de-sac 47:8 cultural 115:14 curious 93:23 currency 158:8 current 113:2 custody 59:4 60:17 customer 110:22 131:21 137:18,20 149:22 customers 80:11, 15 111:14 customers' 78:8, 16,25 cut 95:25</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>dais 31:3 Dan 20:22 date 73:6 79:6 97:12,13,14 113:14 130:22 138:15 dated 19:1 dates 58:4 daughter 83:22 84:6,14 85:2 86:1 92:23</p>	<p>daughter's 84:12 85:25 day 60:15,21,22 76:23 77:21,22, 23,25 78:2,13,23 100:10 105:11,24 108:21,23,24 111:5,13 117:6 121:14 141:1 151:15 days 8:16 52:1 111:3 137:1 de 68:25 69:24 70:2,10,17,22 deal 27:5 107:6 dealing 30:5 93:4 94:19 95:1,12 decent 157:23,25 decide 90:21 101:16 decided 38:4 155:19 decision 7:11 8:8, 13,17 13:1,8 30:6 36:23 37:4 60:24 65:1 67:25 68:10, 16,22,23,24 69:5, 16,17,21 70:2,19, 20,21,23,25 71:1, 8 154:11 159:25 161:1,3,9,11,13, 16 deck 16:12 34:19, 23 35:2,7,10,15 38:17 40:1,2,5,12, 19 41:8,13,16,18, 21,22 42:2,4 45:4, 8,14,17,24 46:14, 21 49:12 decks 34:16 42:7 47:25 48:12 default 84:5</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

degree 145:13	123:1,9 127:10	difficulty 11:9 12:14,22 36:9,19	drive 34:6 47:22 100:6
degrees 50:18	130:5 134:17,18 135:23 137:22	Direct 72:19 112:15 124:17	drop 26:15
delay 155:13	143:12,19,22 146:4 152:13	directly 19:8	dropoff 23:24 28:13
deletions 138:21	153:25	disadvantage 115:15	dropping 11:22
Deliberation 29:10	detectives 114:14 123:22 125:7 132:20	disagree 71:25	drops 11:20 19:8
deliberations 50:21	determination 70:16,18	discretion 68:7	due 90:19,25 152:9
delineate 42:10	determine 21:19, 22 67:19 69:16 70:17 124:7,13 125:23 126:2 127:24 130:17	discuss 161:21	duplicates 86:13, 15,20
demonstrate 21:7	determined 126:4 156:16	discussed 117:7	dynamic 42:2,5
denial 58:1 160:9, 10,11,13	determining 152:10	discussion 6:9,10 69:7 96:25 130:4 159:18	<hr/> E <hr/>
denied 59:9 60:12, 16 64:15 90:14 153:17	detriment 12:21 36:18	disrobed 119:25	E-1 9:24 10:10,11
denominations 158:6	develop 14:3	distance 10:3 11:6,7 25:12 30:14	e-mail 50:8
deny 7:12 62:14 161:4,5	developer 43:4	distinction 42:16	earlier 42:18 99:18 100:15 105:7 116:3 118:13
denying 160:21	development 34:17,22 35:8,19 46:17	district 9:25 10:8, 9,10,11,19 15:1	early 124:3
department 56:4 61:17 112:13 116:12,17 146:5	Device 114:9	doable 134:10	easement 39:10, 11,12 46:20,22
departments 114:17	diagnosis 7:15	document 82:17	echo 32:17
depends 87:14,16	Diego 83:22 84:13	documentations 86:10	economic 115:13
depicts 35:6,8	diets 27:9	documents 10:15 49:19 66:7 133:16 155:20	economy 95:7
describing 18:17	differ 10:18	dollars 119:12 158:3	edit 139:7
deserves 152:25	difference 42:22 45:16	door 18:11 49:16 61:11 62:11 80:21 91:21	education 84:15
design 14:25	differently 139:5	doors 40:18,19 64:11 80:17,18,22 91:8,13,17	effect 12:17 36:13 84:3,4 149:17
designed 29:7	difficult 11:14 30:8,12 65:13 115:14	doubt 31:25	effected 150:1
details 18:20 21:21 64:24 119:20 135:12	difficulties 7:20 8:1 12:3 35:24	drill 22:1	ejaculates 131:21
detective 56:2 107:20 112:12,14, 17,23 113:3 116:16 121:21,22, 25 122:1,4,15			elderly 61:25
			elected 30:4 32:11
			elevation 11:20, 21,22
			eleven 143:3

<p>elicit 116:18</p> <p>embarrassing 83:15,18</p> <p>emergency 94:12</p> <p>employ 58:11 65:5</p> <p>employed 112:24</p> <p>employee 64:13 73:12,13 76:12,22 78:10 82:11 84:17,20 87:16 94:18,23 95:4,8 103:16 106:1 131:1</p> <p>employee's 88:22</p> <p>employees 58:17 59:3 61:10,12 62:10 64:7 65:11, 15 73:20,23 87:12,21 89:10 94:13 97:7,9,21 100:18 101:4,18 110:8 116:7 124:3,4,25 125:4, 9,24</p> <p>employer 104:4 115:23</p> <p>employers 88:9 89:9</p> <p>employment 77:16 78:20 82:5</p> <p>enclosed 49:11</p> <p>encompasses 9:17</p> <p>encountered 131:1 141:7</p> <p>encourage 86:8, 23</p> <p>encroach 39:20 41:13,24</p> <p>encroached 34:20</p>	<p>encroaching 39:22 40:6</p> <p>encroachment 35:21 45:21,23 46:11</p> <p>end 48:14 59:18 73:1 77:8 85:11 131:22 141:1 153:3</p> <p>ended 65:21 120:25</p> <p>ending 131:24</p> <p>endings 131:16, 17,20</p> <p>enforce 88:19</p> <p>enforcement 60:15</p> <p>engage 101:5</p> <p>English 66:2 90:11 110:4,7 140:7</p> <p>English-chinese 64:6</p> <p>enjoy 14:20 15:23 27:14</p> <p>enjoyed 38:9</p> <p>enjoying 12:21 36:18</p> <p>ensure 64:5</p> <p>enter 119:24 135:1</p> <p>entered 56:13</p> <p>entertain 6:2 52:12 53:7 159:16</p> <p>enticement 113:23</p> <p>entire 23:6 45:6 66:13 105:2 137:7</p> <p>entirety 9:18 11:11</p>	<p>entities 157:1</p> <p>entitle 8:2</p> <p>entity 70:15 149:24</p> <p>environment 34:14</p> <p>erection 13:2,5,6 36:24 37:1,2</p> <p>Erica 5:19</p> <p>error 68:13 69:25 70:3,5,6,8,9</p> <p>escort 101:25 102:4,5,6,8,23 103:8 104:21 106:14 118:18,20 126:23 127:17,18, 22 128:6,13,25 129:3,9 138:11 142:21 146:11</p> <p>escorts 118:21 128:18 129:7 130:11,15</p> <p>essentially 44:24 68:25 69:11,12 131:20 136:10</p> <p>established 9:16 10:1,7 105:1 127:7</p> <p>establishment 62:17</p> <p>estate 10:10,11</p> <p>evaluating 29:21</p> <p>evening 5:3,7 6:24 8:9,21 32:12 33:14 58:1 97:3,4 117:8</p> <p>event 149:7</p> <p>eventually 119:5</p> <p>Everybody's 83:24</p>	<p>everyday 111:9</p> <p>everyone's 57:14</p> <p>evidence 56:7 59:19,23 61:24 62:5,8,23 63:3,6 64:3 68:25 69:2, 18 83:1,4 87:22 96:10 102:21 112:4,6 116:3,6 124:23 132:8,9 133:7 134:9 139:14,18 140:8, 9,10,16 141:21,22 142:21 143:11 145:10 155:1 157:13 159:4,6,8</p> <p>evidentiary 140:21</p> <p>exact 142:2</p> <p>exam 90:11</p> <p>EXAMINATION 72:19 108:13 112:15 156:14</p> <p>examine 57:13 60:4</p> <p>examining 107:5</p> <p>exchange 132:22</p> <p>excuse 127:5</p> <p>executed 125:2 146:5</p> <p>Executive 5:20</p> <p>exhibit 66:24 83:5, 9 132:25 134:21, 22,24 135:15 136:4,18 137:2,25 138:8,18</p> <p>exhibits 7:14 8:19 54:7 66:16 107:25 133:3 134:19 138:21 139:10,14 145:16 151:18</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>exist 143:2 147:13,17,21,23</p> <p>existed 140:2 147:10 154:3</p> <p>existing 11:15 34:18,23 35:7,9</p> <p>experience 129:6 149:20</p> <p>expert 107:8 143:3</p> <p>explain 7:18 131:18 134:4 137:15</p> <p>explained 61:9</p> <p>explicitly 110:10</p> <p>expressing 93:23</p> <p>extent 21:12</p> <p>extra 44:25</p> <p>extremely 11:14 107:4 115:7,9 120:12 142:10</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>facilities 12:18 36:15</p> <p>facility 49:5</p> <p>facing 22:5</p> <p>fact 7:10 20:17 50:23 55:4 56:13 69:21 87:18 95:17 99:21 116:6 123:19 145:14</p> <p>factors 12:14 36:9</p> <p>facts 21:17 31:25 70:17,19 71:13 102:10,17,18 142:15 153:6 161:19</p> <p>factual 139:25</p>	<p>fail 88:8</p> <p>failing 88:21</p> <p>fair 27:6 114:13 131:6</p> <p>false 150:23</p> <p>familiar 23:2 104:11,13,18 130:5</p> <p>family 39:9 58:18</p> <p>fault 21:25</p> <p>favor 8:6,10</p> <p>FBI 125:12,15,16, 17,21</p> <p>feasible 12:23 36:20</p> <p>February 113:9 116:10 117:14,16, 18 130:23 151:2, 5,7 157:8,9,10,11</p> <p>federal 90:7</p> <p>feel 8:1 83:13,14, 15,17,19 153:20</p> <p>feet 10:12,13 20:3, 15 30:13 35:10,11 38:14,15,16 39:11,12,13,17, 21,23,24 40:11,15 42:17 44:6,8,25 45:10 46:20</p> <p>female 135:19 136:12 138:5,6 158:18</p> <p>females 137:9 158:24 159:2</p> <p>Fifty-eight 73:19</p> <p>figure 14:13 29:23 35:5,7</p> <p>figured 103:1</p> <p>file 15:17 17:15</p>	<p>66:21</p> <p>filed 56:16 65:19</p> <p>final 35:20 146:3</p> <p>finally 121:9</p> <p>finances 8:3</p> <p>financial 94:1,18</p> <p>financially 94:24</p> <p>find 62:23 70:7 89:5 98:2,3 104:20 118:11 130:21 131:13 132:16 136:13 137:23 143:10,11, 14 152:16</p> <p>finding 160:7</p> <p>findings 7:10 55:4 56:13 69:20 71:18 152:11 161:19</p> <p>fine 54:24 63:4 67:8,14 83:7 160:2</p> <p>finger 121:9</p> <p>fire 73:23 77:19 78:20 82:10 101:18</p> <p>fired 60:21,24 64:24 77:22 78:1, 4,22 79:4,11 105:7,24</p> <p>firm 56:17</p> <p>Firstly 146:21</p> <p>five-minute 133:7</p> <p>five-year 85:21</p> <p>fix 88:17</p> <p>flagged 135:15</p> <p>flash 50:18</p> <p>flashback 50:19</p> <p>flat 19:9 24:13</p>	<p>flatter 24:4,6</p> <p>flipped 120:22</p> <p>floor 159:17</p> <p>foot 7:1 8:25 9:19 18:4,10 46:22</p> <p>force 61:16 113:4 114:4 125:20 149:25</p> <p>forced 61:13</p> <p>foreign 115:11</p> <p>foreigners 157:18</p> <p>form 98:1,24</p> <p>format 99:2</p> <p>Forty 119:12</p> <p>forum 130:9,12,24 131:5</p> <p>forums 131:13 132:2</p> <p>forward 7:18 29:5 31:3 32:10 65:17</p> <p>found 16:6 61:6 62:9 78:24 79:6 107:21,22 123:5 127:14 129:19 138:23 142:15 157:14,21</p> <p>fox2now.com 96:2</p> <p>frame 143:15</p> <p>frankly 47:13</p> <p>freedom 83:24</p> <p>friend 58:20 103:13,15,17 104:3 126:20</p> <p>friends 110:7</p> <p>friendship 60:22</p> <p>front 47:13 48:10 61:11 62:11 70:14</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

76:12 90:20
 108:22 118:2
 142:16
fronts 115:19
full 72:21
Fuller 114:8
fully 30:13 109:5
fun 49:17
function 113:18
functional 106:15,
 17
functionality
 147:25
functioning
 118:17
future 29:6 82:3
 84:24 88:25

G

gallery 20:22
 159:12
gambit 113:25
gambling 113:25
Games 103:7,10,
 11 118:1,10,14,
 15,18 119:3
 129:11 134:24
 135:1 136:1,7
 138:1,11 149:21
 152:1
garage 23:4
Gary 31:18,23
 32:14
gave 59:5 128:13
Geisel 56:14 69:15
 70:14,19 160:7
Geisel's 152:11
general 7:16 9:9

34:1
generally 8:8 42:7,
 8
genitalia 120:17
genitals 120:13,25
germane 115:2
gesture 121:6
 123:16
gist 136:16
give 34:3 47:5
 54:16 55:17,24
 66:4,22 71:18
 75:2 76:24 90:19
 102:15 135:11
 152:9,13,24
 155:11
giving 134:3
Glickfield 55:9,14
 56:16 57:7,10,12,
 18,20,22,23,24
 58:25 59:14,17,
 21,23 62:18,21
 63:2,7,12,19,24
 64:1 66:9,11,17
 67:8,12 68:14,19,
 20 69:23 70:2,5,7,
 9 71:2,10 72:16,
 20 74:24 77:19
 82:25 83:6,11,13
 85:5,8 86:6,12,15,
 19 91:10,16,20
 95:16 97:25 98:8,
 11 102:10 106:21
 107:2 108:3,4,5,7,
 10,14 112:5,8
 122:19 123:12
 132:25 133:5,6,
 14,17,20,24,25
 139:16 143:18
 144:6,13,24
 145:4,18,22
 146:19,21 147:2,
 5,8 152:7 153:2

154:6,10,14,17,20
 155:4,9,15,18,21
 156:3,4 159:3,5,9
 161:17,23
Glickfield's 57:2
Glickline 108:2
Goldstein 15:14
good 5:3 8:21 30:9
 32:5 39:8 49:8
 53:17 68:15 87:15
 95:7 97:3,4
 111:21 126:12,13
 141:10 142:6
 146:2 159:14
Google 101:21,22
 103:12,24 105:6
 128:5,8
Googled 128:9,22
Googling 128:16
governmental
 12:18 36:15
grab 54:17,19,23
grabbing 121:1
grace 65:22
gradually 95:5
granting 13:1
 36:23
Graville 5:17,23
 22:17,19,21
 23:10,12,14,17,
 20,23 24:3,12,18,
 22 25:1,7,20,25
 26:9,12 28:6,15
 31:8,12 41:5,6,22
 42:1,21 43:6,9,13,
 17 44:1,3,7,20
 45:3,9 46:1,4,10
 53:11,15,18 54:8,
 11,13,14 55:17,22
 56:5 57:8 59:22
 62:18 63:1,11,14

66:9,14 67:4,22,
 25 68:5,21 69:8
 70:1,4,8,10 71:7,
 22 72:7,10,13
 87:18 90:17,25
 96:11,15 98:14
 99:6 102:16 108:8
 112:3,7,9 130:3
 133:23 141:13,16,
 22 144:22 152:18
 156:10 159:20
 160:5,11,23
 161:1,4,6,17,24
Gravois's 67:18
great 49:3 50:19
 55:10 144:17
greater 28:22
 40:16
greatest 21:12
green 75:20,22
guarantee 84:23
guess 21:1 38:3,
 10 47:20 48:8,25
 87:17 113:19
 129:17 136:16
 142:9 152:17
 160:5

H

H-A-L-L-I-D-A-Y
 112:20
hair 95:25
half 23:3,4 48:6
 90:6 113:21
 119:12

hall 84:16,18,23, 25 86:3 89:7	harm 157:1	hide 86:7	109:22 111:24
Halliday 56:2 112:12,14,19	hasty 153:4	high 84:13	112:10 122:21
hand 37:14 64:3 66:7 121:5 134:18	he'll 143:25	highlighted 135:16	123:14 129:25
handle 65:15	head 54:17 145:6	highlights 11:12	133:4,13,18,21 134:7,10,13
hands 132:19	headquarters 125:14	Hipp 5:3,8,15,24 6:4,8,13,14,22	139:15 141:10,15, 20 142:5 143:24
hangs 82:18	hear 6:23 13:14,16 37:10 50:15 57:21	8,19,21 17:1,6,8, 11,20,25 18:2,12, 14,19,22 19:3,22, 25 20:6,20,25	144:3,7,12,18,20 145:8,20,24
Hansen 30:20,22 31:17,23,24	134:17 141:23 142:6 146:22,25	21:11,14,19,25 22:18,20 25:11,15	146:17,20,23,25 147:4 152:7,22
Hansen's 32:18	hearby 5:5	26:4 27:17,22 28:4,21 29:2,9,15, 17 30:8,16,19,22, 24 31:2,6,10,14, 20 32:9,16,21	153:3 154:7,13, 16,19,21,25
happen 64:5 84:1, 2,23	heard 71:13 75:8 104:19	33:2,3,11 37:9,16 39:18,20,24 40:1, 5,9,14,16,21 41:5, 25 42:20,25	155:5,17,20,23 156:2,6,9,11,13
happened 62:25 65:24 75:17 76:3, 23 82:10 83:18 122:6 123:3,4	hearing 5:2 55:4 56:12 60:20 61:2, 3 62:20 66:12,24 69:4 78:23 83:5,8, 9 90:20 91:1	44:12,14,18 45:25 46:2,25 47:3,15, 17,20 48:18,22 49:6,8,20 50:2,13 51:7,10,13,21	157:7,11,13,25 158:6,9,11,13 159:3,7,11 160:4, 6,13,16,18,19,24 161:3,5,7
happening 81:1 142:13	105:23 144:14 145:17	52:3,10,15,18,20, 21 53:4,13,17,19, 24 54:4,11 57:11	hire 77:7,9 101:18
happy 131:16,17, 20,24	hearsay 62:19 63:9,13 122:20 123:13 140:15	58:24 63:17,20,25 66:19,25 67:9,15, 24 68:2 70:6 71:3, 9,11 72:6,9,11,14 83:2,8 85:4,7	hired 58:19 76:15 77:8,10 78:10 103:21 126:20
hard 19:7 47:23 93:18	heart 153:12	86:9,14,17 87:1,7, 10,17 88:7,16 89:8,17,22 92:1 93:12 95:15 96:7, 13,16 98:10,13,17 99:12 102:13,21	hires 113:24
hardest 29:4	Heaton 34:6 37:15,16,22,23 39:19,23,25 40:4, 7,13,15,17,23	103:2 104:1 106:10,19,24 107:14,17,24 108:1,4,7,11	historically 13:24 20:6 29:25
hardship 7:19 8:3 11:9 21:5,7,9,10, 23 27:2 28:10,19 30:10 35:25 48:19,21 50:22 51:24 69:10 85:17,20 88:24 93:23,25 94:18,24	42:23 43:1,8,11, 16,25 44:2,5,10, 13,16,22 47:6,12, 16,19 48:3,21,23 49:7,13,21 50:7, 12 51:5,8,11,14, 15,17,20,23 52:2, 7,9 53:21,23 54:3 55:13		HOA 15:12 40:17
hardship-wise 24:19	HEBERLE 94:6		hoc 53:8
hardships 7:25 12:4 50:17	helpful 152:16		hold 50:25 66:19 98:13,14 102:13 106:24 145:23 146:1
hardworking 58:14	helping 25:9 54:1		holder 75:20
			home 19:2 40:2 88:4 100:13
			homeowners 19:18
			homeowners' 51:2
			homes 11:1,19 14:5 47:22

<p>Honda 124:12</p> <p>hope 84:15,18,22, 25 86:3</p> <p>Horse 6:24 8:18, 24 9:13,18,24,25 10:6,10,17 11:19 29:13</p> <p>hot 39:2 48:24 120:20</p> <p>hotdog 149:9,11, 13</p> <p>hotdogs 149:11</p> <p>hotter 48:24</p> <p>hour 76:18 111:6 119:12</p> <p>hours 75:24 76:1 90:6,9 108:9 111:4,17 138:16</p> <p>house 14:6 15:21 18:10,11 22:24 23:1,4,5 24:9 25:22 26:6,10,15 43:12,24 44:2,3 49:5</p> <p>Houston 126:10</p> <p>Huang 5:21 72:18</p> <p>huge 42:13</p> <p>human 61:8,24 113:4,21 114:2,8, 10,17,23 115:8 124:23</p> <p>Hurt 20:22,24 29:11,13,16,20 30:15,17,20,23,25 32:3 50:13 92:1,2, 6,10,14,18,22 93:2,14,18 94:13, 17,22 95:9</p> <p>husband 14:18 27:11</p>	<p>hypothetically 71:13</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>i.e. 11:18</p> <p>ICAC 113:22</p> <p>idea 60:4 65:4 66:4 78:17 131:6 141:5 147:9</p> <p>identified 62:4</p> <p>identifying 122:23</p> <p>illegal 64:9,14 87:25 150:9</p> <p>image 11:4,24 18:3,23,25 46:23 137:6</p> <p>images 135:2,19 136:15 138:13,20</p> <p>imaging 25:11</p> <p>immediately 60:11 64:25 117:6 121:2</p> <p>immigrant 58:14</p> <p>impact 51:10</p> <p>implication 107:6</p> <p>implications 10:4</p> <p>important 98:25 152:25 153:23</p> <p>importantly 139:17 155:6</p> <p>impossible 76:11</p> <p>improper 64:20 65:5,11</p> <p>impropriety 61:1</p> <p>inappropriate 81:1 153:8</p> <p>inappropriately 105:17</p>	<p>incall 137:12,14, 16,19</p> <p>inches 35:10,12</p> <p>incident 65:18 69:1 84:24</p> <p>incidents 74:20,25 77:11 81:20 82:4 83:14</p> <p>inclined 71:15</p> <p>include 115:6</p> <p>including 145:14</p> <p>Indicating 66:18</p> <p>indicia 157:17</p> <p>individual 126:21 135:7 148:2,4 149:25 150:18</p> <p>individual's 135:6, 11</p> <p>individuals 115:1 126:9</p> <p>industry 137:13</p> <p>informal 55:4 61:19 90:20</p> <p>information 11:10 31:19 52:11 68:13 96:9 109:15 130:20 136:16 154:9 155:1</p> <p>informed 35:3 108:24</p> <p>infraction 62:5</p> <p>initial 90:20</p> <p>initiate 117:4</p> <p>initiated 151:8</p> <p>inside 61:13</p> <p>inspect 59:5</p> <p>installing 14:16</p>	<p>instance 115:6 128:22</p> <p>instances 115:25 119:1 123:8,21 124:20</p> <p>institute 91:21</p> <p>instructions 7:16</p> <p>intend 63:5</p> <p>intent 53:16</p> <p>interest 10:20 12:24 36:21 51:22 96:8</p> <p>Interestingly 62:12</p> <p>International 114:9</p> <p>internet 113:22 140:15 148:25 149:3</p> <p>interpreter 5:21 57:4,14 59:7 60:1, 6 66:3 67:11,14 72:18,23 74:22 75:2,4 77:17,21 84:9 87:5,8,13 88:2,11 89:3,13, 20 90:2,5,10 91:14,18,23 92:5, 8,12,16,20 93:1,9, 13,16 94:3,8,15, 20 95:2,13 97:4 99:10,13 101:2 103:4 104:5 110:3,14,21 111:6,10,18 125:12,15,16</p> <p>interpreting 60:2</p> <p>interrupt 18:12 59:15 104:2</p> <p>intertwine 152:20</p> <p>interview 125:8</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

146:7,9 interviewed 125:9, 13 interviews 126:15 integrity 140:20 introduce 5:9 31:21 55:12 62:22 63:5 64:2 67:3 83:1 95:17 103:17,18 134:6 introduced 103:13,19 introducing 59:17 invested 68:5,6 investigate 113:21 118:10 investigated 152:4 investigates 113:22 investigating 125:18 investigation 61:7 65:20 69:2 98:18 113:4 117:4 122:2,7,10 123:1 124:6,19 125:22 126:1 127:14 128:3 130:17 132:1,6,10,16 151:8 152:5,21 investigations 113:13,15,17,24 114:10,18 Investigator 157:7 investigators 114:11 investment 28:23 74:17 involved 79:4	involving 74:20,25 irrelevant 140:25 issuance 90:15 issue 26:4 33:15 67:17 68:15 96:5 98:21 105:23 151:25 155:10 issues 24:22 27:18 58:13 65:10 77:6 81:23 item 8:17 <hr/> J <hr/> jack 34:6 37:15,22 Jacob 54:17 55:14 57:23 jail 62:8 76:20 January 34:21 58:16 73:7 77:10 Jeannie 5:13 6:18 33:7 52:25 161:12 Jerry 121:25 jie 55:15 57:24 58:6,16,19 59:4,7, 8,12 60:10,14,18, 21,23 62:15,16 64:1,18,20 65:16, 21 66:2 72:18,23 86:24 142:2 151:3,12 Jie's 58:17,20 64:15 65:2 job 84:11,14,17, 20,21 85:1 86:3 100:3 John 56:2 112:12, 14,19 137:18,19 journey 15:7 judge 65:14	113:10 judged 65:15 judgments 153:4 jump 71:16 June 73:1 93:11, 15,17 94:5 jury 141:17 justice 12:12,24 36:8,21 51:22 <hr/> K <hr/> Katherine 5:8 6:13 33:2 52:20 160:18 kids 14:19 39:9 kind 18:16 19:7 22:1 23:17 25:11, 13 37:18 38:25 44:18 49:14 54:20 58:14 75:22 80:4 83:17,25 84:24 94:1 98:20 114:20 115:2,10 122:5 134:14 kitchen 7:3 9:8,22 11:4 14:18 15:22 17:2,21 26:5,9 42:11 Kleenex 84:8 Klein 56:16 KLITZING 33:9 Kloos 5:17 54:18, 24 55:18,20,25 59:14,19 66:10,15 67:4 96:10,20,22 97:2 98:5 99:4,8, 17 101:4 102:24 103:6 104:7 106:18 107:15,18, 25 109:21 112:2, 10,11,16 122:22 123:16 130:5	133:2 134:5,8,12, 14,22 141:12 142:8 143:23,25 144:16,19 146:3 155:25 156:1,8, 12,15 159:7 knocked 120:1 knowing 151:17 knowledge 32:7 65:19 81:25 107:8 147:12 148:16 151:21 <hr/> L <hr/> labeled 133:19,20, 21 lack 128:20 ladies 87:20 135:3 lady 122:18 land 12:9 14:9,15 15:14,23 18:19 20:9 24:11 27:14 28:21 30:11 36:5 43:17 50:18 Lane 34:7 124:9 lanes 14:11 language 41:12,20 45:16,23 115:12 large 158:5 Las 114:8 lastly 7:7 late 98:16 159:21 latitude 68:7 69:6 law 7:11 55:5 56:13,17 60:14 64:22 69:21 70:12 87:24 161:20 laws 81:5,6 88:19
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

laying 120:2 158:4	19 160:9,10,12, 14,22 161:6	location 9:9 23:3 24:23 25:19 34:1 87:4 115:12 137:20	louder 147:3
layout 11:13	licensed 126:6	locations 89:21 114:25 120:5	Louis 8:15 15:7 17:12 56:3 61:16, 21 73:2 81:9 92:4 96:2 112:12,22 114:21 135:1
lead 122:1,4 128:12	licenses 56:21 126:3	lock 80:21	love 83:21
leads 93:2	lieu 9:19	locked 61:12 91:8	luck 30:6
learn 122:25	life 20:15	locks 64:11 80:17, 18 91:12,15,16,19	luxury 26:25
learned 39:4 97:14 99:14	likes 14:19	log 118:19 129:11, 13 144:12	lying 120:1
lease 84:5 85:8, 11,12,18,21 92:11,15	limit 24:23	log-in 143:6 144:11	M
leave 38:11 61:10 62:10 121:11	limited 22:12	logic 141:5	Madam 20:24 30:15 96:22 102:24 107:15 109:21 146:4 156:12
led 61:14 157:3	limits 107:12	logical 99:2	made 6:5 28:23 32:11 37:25 39:6 52:16 57:1 59:11 60:9 62:16 64:1 66:6 97:20
left 120:20,22 124:3	lines 25:24 34:14	long 30:13 38:11 41:14 51:3 60:22 73:15 87:2 90:4 92:14 112:24 113:5 119:11 147:9	main 22:25 113:3
left-hand 46:14	Lisa 58:20 59:1,12 60:8,9,11,15 62:13 64:25 65:20 73:20 74:2 75:6,9, 10,11,15,19,21,25 77:9,10,20 78:4,7, 15,22 79:3,10 97:7 99:21 105:8, 15,17,19 108:16, 17 116:7 119:16, 22 124:8 125:5 126:2 132:12	longer 45:7 93:21 140:3	maintained 87:11
legal 5:23,24 41:23 45:4 58:14 66:1 96:5	Lisa's 77:15	longtime 58:17	make 8:8 11:14 14:14 15:5,15,22 28:2,5,16,24 38:6 48:11 50:15 53:6 57:5,12,21 60:3 65:24 70:20 71:1 72:13 76:6 83:14 89:8 101:13 107:10 110:5 118:5 119:5 126:25 127:10 139:21 140:18,24 141:13 142:12 143:21 144:7 148:2 152:23 154:12 159:22,24 160:4,6
legislate 71:23	listened 32:1	looked 38:5 40:18 47:4 126:22 132:1,2,9	
legitimate 62:16 128:21	listing 128:13	loss 85:18	
legs 120:21,24	literally 14:6	lot 6:25 7:5 8:18, 24 11:2,13 13:23 14:5 19:4,6 28:9, 11,13 33:16,23 43:10 44:21 58:4 75:13,23 83:24 84:3,12 88:3 95:14 109:24 141:19 142:8	
length 45:6	live 37:23 89:10, 11,14,15 99:20 115:22	lots 10:22,24 11:17 14:3 15:19 28:25	
lengthier 43:21	lived 73:4 99:21 100:10 116:7		
letter 12:5 36:1 50:5,8 56:21	living 62:9 83:19 84:12 99:18 116:3 157:18		
level 94:25 95:1	located 9:12 18:20 58:3 89:18 116:23 130:24 137:21		
Lexitas 5:22,23,24			
liaison 20:22 29:18			
license 7:13 54:25 55:7 56:19 58:2 65:2 67:21 68:1 71:19,24 72:3 84:16,19,22 86:4 89:1,25 90:7,15 126:5,8,9 153:16,			

<p>makes 16:21 32:3 42:21 70:16 140:15</p> <p>making 30:6 63:21 102:19 148:4 153:4</p> <p>male 136:12 158:16</p> <p>man's 76:10</p> <p>management 153:24</p> <p>manager 5:18 88:8,21</p> <p>managing 153:7</p> <p>manner 7:22</p> <p>manufacturing 93:19</p> <p>map 18:14 44:14, 17</p> <p>March 5:6 76:5 77:12 93:10 94:4</p> <p>mark 18:5</p> <p>marked 66:21,23, 24 83:6 86:10 134:19,21</p> <p>market 101:17</p> <p>marketable 21:14</p> <p>Mary 5:21</p> <p>massage 58:8,11 62:1 64:8,11 76:13 77:6 78:11, 12 79:9 80:10,14, 18,19,20 81:16 82:7,13 88:13,15 89:25 91:17,19 102:5 110:17,18, 24 111:13 115:19, 25 116:4,18 117:9 118:3,21 119:6, 11,18,21 120:4,6, 11,16 121:21,23</p>	<p>122:16 123:2,3,4, 23 124:24 126:5, 22 127:3 128:21 129:2 130:10,25 131:23 142:14 156:24 158:23 159:2</p> <p>Massageluxe 128:22 143:14</p> <p>Massageluxe's 128:23</p> <p>massages 120:5,6 126:7 127:11</p> <p>massaging 120:10,24</p> <p>masseuse 126:3</p> <p>materials 153:8</p> <p>matter 8:13 30:10 53:14 141:24 145:15</p> <p>Mayer 56:16</p> <p>MCA 14:16 16:13 29:6</p> <p>means 131:19 137:17</p> <p>measures 64:2 100:16 142:12,22</p> <p>measuring 68:3</p> <p>med 92:23</p> <p>medical 27:8 83:22,23</p> <p>meet 119:23 140:16,21 154:11</p> <p>meeting 5:6,11</p> <p>member 32:2,14 49:9 86:8,23 118:19 129:10 144:4</p> <p>members 5:10 6:8 8:11 27:23 33:13</p>	<p>116:11 117:3 121:16,20 132:12 144:25 145:1</p> <p>membership 144:15</p> <p>memo 56:9</p> <p>men 135:3 137:11</p> <p>mentioned 8:23 48:1 150:5</p> <p>Merrell 30:20,22</p> <p>merrill 31:17,23 32:17</p> <p>message 106:22 107:2,9,19 149:5, 9</p> <p>met 52:14 119:22</p> <p>method 12:23 36:20</p> <p>Metropolitan 15:8</p> <p>Metropolitan 14:25</p> <p>mic 146:24 147:2</p> <p>microphone 55:21,23,24 57:17 67:5 96:23 129:25 134:16</p> <p>microphones 130:1</p> <p>midsection 120:23</p> <p>Mike 56:14 69:15 70:14,19</p> <p>Mill 7:5 33:16,23 34:5,7,12 47:22</p> <p>mind 67:4 134:2</p> <p>mine 48:13</p> <p>minimal 26:20</p> <p>minute 66:19 102:13,14 133:9</p>	<p>minutes 6:1,9,15, 22 120:19 154:22</p> <p>misdemeanor 62:5</p> <p>Missouri 12:1 35:22 73:2 81:5,6 88:20 89:25 126:7,12,13 136:23</p> <p>modifications 10:14</p> <p>modified 71:10</p> <p>modify 12:5 36:1 68:15,23 69:5 71:7</p> <p>mom 84:4</p> <p>moment 47:4 112:1 141:6</p> <p>money 62:2 94:11 100:9,18 132:19, 23 144:15,25 148:5 158:4</p> <p>moneys 151:21</p> <p>monitored 91:9</p> <p>monitoring 78:11</p> <p>month 85:23 93:15</p> <p>months 13:4 29:6 36:25 58:9 61:18 62:8 65:17,25 90:7 132:2 142:20 146:13</p> <p>morally 80:6</p> <p>mosquitoes 48:22,23</p> <p>motion 6:2,5 52:15 53:8 159:16,17,22,24 160:3,4,6,9,14,15, 20,23 161:7</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>move 6:3 24:16,17 33:14 50:21 53:19 65:17 72:25 99:7, 8 120:17 144:17</p> <p>moved 6:5 37:24</p> <p>MSD 23:8</p> <p>multiple 98:11 102:12</p> <p>Munch 116:16 117:7</p> <p>municipal 10:23 63:10,13,15 114:16</p> <p>murder 113:24</p> <p>murky 67:17</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>named 58:20,21 73:20 74:8 131:1</p> <p>narrow 43:10</p> <p>natural 25:4</p> <p>naturalized 58:15</p> <p>nature 65:12</p> <p>necessarily 150:1</p> <p>necessitates 7:20</p> <p>needed 8:11 38:21 41:4 58:18 84:21</p> <p>negative 49:19 52:7</p> <p>neighbor 18:11 50:5</p> <p>neighborhood 12:20 36:17 47:9 54:1</p> <p>neighbors 12:21 36:18 43:20 44:8, 10 49:10,13,16 50:7</p>	<p>newly 11:19</p> <p>nice 19:21 47:9</p> <p>night 61:13 159:21</p> <p>non-renewal 55:7 56:22</p> <p>nonrenewal 69:1 91:3</p> <p>normal 39:7</p> <p>north 34:13 47:15, 17</p> <p>northern 11:21</p> <p>note 8:9 20:21 53:6</p> <p>noted 11:17 31:14 66:21 123:14</p> <p>notes 7:13</p> <p>notice 56:11 88:9 145:15</p> <p>noticed 78:13 111:2</p> <p>notified 113:10</p> <p>noting 26:15</p> <p>November 74:6</p> <p>novo 68:25 69:24 70:2,10,17,22</p> <p>NU 20:11</p> <p>number 104:21 106:15,16 117:22, 24 118:5,10 119:23 127:9,14, 18,21,25 128:4, 10,16,23 135:12, 20,22,24 136:21, 24 137:6 138:2, 13,15 142:4 156:21 157:2</p> <p>numbers 101:23 136:19 137:9</p>	<p>numerous 64:1</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>object 97:25 132:25 139:16</p> <p>objection 98:7,15 102:10 106:22 107:1 122:19 123:12 133:24 140:24 141:11 144:2 161:24</p> <p>objections 83:3 141:9 142:7,9</p> <p>observed 12:10 36:6</p> <p>observing 133:6</p> <p>obstacles 11:14 21:2</p> <p>obtained 13:5 37:2</p> <p>obviated 12:22 36:19</p> <p>occupation 112:21</p> <p>occur 64:9</p> <p>occurred 46:11 69:22 70:14 72:5, 8 75:1 77:12</p> <p>occurring 59:8 61:8 88:25 116:14</p> <p>off-the- microphone 69:7</p> <p>off-the-record 96:25 130:4</p> <p>offer 66:15 79:24 80:2,4 107:23 139:13 152:23 154:8</p> <p>offered 133:2 141:23 142:3</p>	<p>offering 134:8 143:1</p> <p>offers 144:19</p> <p>office 5:18</p> <p>officer 112:22,25 113:1</p> <p>officers 125:20 158:16,18</p> <p>officials 32:11</p> <p>Ohio 37:24</p> <p>oils 120:21</p> <p>older 41:11</p> <p>Olive 7:8 54:6 58:3 116:24 136:23</p> <p>on-site 125:1</p> <p>onebackpage.com 129:20</p> <p>ongoing 132:7,10 152:5</p> <p>online 136:14</p> <p>open 49:12 80:21, 23 85:22 86:5 91:22 132:10</p> <p>opened 73:17 95:19 111:3</p> <p>opening 57:13,22 63:1,21</p> <p>operate 85:19 87:3</p> <p>operated 58:6</p> <p>operating 92:6,18 93:7 94:22 158:4</p> <p>operation 55:2 63:8 93:20 94:17</p> <p>operational 93:7</p> <p>operations 61:15 87:25 93:6 98:22</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>opinion 98:21</p> <p>opportunity 8:5 66:5 71:17 146:6 152:14 153:22</p> <p>opposed 17:13 49:12</p> <p>opposite 137:19 142:2</p> <p>opposition 8:6 17:17</p> <p>option 71:21</p> <p>options 71:14</p> <p>order 5:7,25 7:7, 11 9:7,21 11:3 33:18,25 34:9,22 35:5 53:6 64:7 65:22 143:7 144:25 148:1 160:20</p> <p>ordinance 7:2,6 9:7,17 10:1,16 12:5,7,10 16:15 33:18,24 34:9,11, 24 36:1,3,6 41:10, 11 54:22 56:10 69:13</p> <p>ordinances 14:7 34:11 56:10 71:24</p> <p>original 56:19</p> <p>originally 10:4 20:18</p> <p>outcall 137:12,14, 16</p> <p>outcome 20:2 60:23</p> <p>outdoor 7:3 9:8,22 11:4 15:22 26:5,9 41:20 45:14</p> <p>outlined 35:7</p> <p>outright 68:23</p>	<p>overlay 9:25 10:7</p> <p>overnight 82:1</p> <p>overturn 67:23 71:1,4 72:1</p> <p>overturned 152:12 153:18</p> <p>owned 101:8 140:1</p> <p>owner 11:1 13:23 55:15 73:8 74:8 87:19 88:7 124:13 125:3,13 126:24 149:12 150:19</p> <p>owners 15:20 34:7,21 35:3 58:10</p> <p>owns 15:14</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p.m. 5:2 111:3,12 137:1</p> <p>package 50:6</p> <p>packet 50:10 56:8 69:19</p> <p>paid 100:1,2 119:10 129:13 143:5 153:9,10</p> <p>Pam 37:23</p> <p>Pamela 34:6</p> <p>paper 82:17</p> <p>parameters 71:17</p> <p>parcel 14:14 15:9, 14,23 18:8,9 19:9 20:9 27:14</p> <p>pardon 5:8 46:25 47:6 133:5</p> <p>park 41:1 47:16 62:11</p>	<p>parlor 116:1,4,19 117:9 118:3 123:23 124:24 129:3 130:25 142:14 156:24 158:23</p> <p>parlors 115:19 118:21 128:21 130:10 159:2</p> <p>part 14:4,17 15:6 16:12,15 18:9 19:12 23:1 25:17 27:9 42:5 57:1 59:24 69:20 72:4 87:25 114:4 127:5 130:16,18</p> <p>parties 10:21 54:16 61:3</p> <p>parts 78:8,16 79:1 122:6</p> <p>partying 39:7</p> <p>pass 143:7 144:5</p> <p>passed 65:17</p> <p>passerby 80:25</p> <p>passing 12:2 35:23</p> <p>password 129:11, 14 144:11,12</p> <p>past 19:16 20:14 91:5</p> <p>patience 5:4 8:12</p> <p>patios 42:7</p> <p>pause 75:3</p> <p>pawnshops 113:24</p> <p>pay 74:13,14 85:18,24,25 143:21 144:6,13, 25 145:5 148:5,7, 8,9,11,17,19,20, 21</p>	<p>penalty 62:7</p> <p>penis 121:1 123:6</p> <p>people 65:4 73:10 75:14,23 105:17 113:20 115:7,10, 20 116:3 130:9 131:15 157:18,19</p> <p>Perfect 147:4</p> <p>perfectly 160:2</p> <p>perform 62:1 110:10</p> <p>performed 131:14</p> <p>performing 100:9, 18</p> <p>period 13:3,5 36:25 37:2 71:20 87:11 94:4 95:23</p> <p>permanent 75:20, 22</p> <p>permissible 133:4</p> <p>permit 13:4 35:5 37:1</p> <p>permits 13:2 14:17 36:24</p> <p>permitted 33:4 34:25 59:4 67:20</p> <p>person 28:17 64:19 103:19 105:3 119:14 148:21</p> <p>personal 24:10 28:9,18 96:2</p> <p>personally 30:9 158:5</p> <p>perspective 9:11 34:4</p> <p>petition 7:4,15 13:22 53:20 54:4</p> <p>petitioner 13:11</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>27:19 37:7,11,13 159:13</p> <p>petitioner's 7:24</p> <p>petitioners 7:21 8:4</p> <p>petitions 6:24</p> <p>ph 121:25</p> <p>phone 101:23 104:21 106:15,16 111:20 117:22 118:4,5 127:18,25 128:4,9,16,23 135:12,22,24 136:19,21,24 138:2 142:4 156:20 157:2</p> <p>photo 136:15</p> <p>photograph 136:11 137:5</p> <p>photographs 135:2,5,10,18,19 137:4,7,8 138:12</p> <p>photos 37:19</p> <p>physically 151:12</p> <p>pick 105:15</p> <p>picked 78:1</p> <p>pictures 91:7</p> <p>pieces 145:9</p> <p>place 22:8 24:9 49:2 76:9 105:14 131:14</p> <p>places 95:18 103:5</p> <p>placing 127:3 135:3</p> <p>plan 34:17,22 35:8,19 46:17</p> <p>planes 13:24</p>	<p>planned 34:14 49:4</p> <p>planner 5:18 8:22 33:21</p> <p>Planning 34:15 35:1,19 41:14 45:19 46:4,8</p> <p>plat 10:22</p> <p>platform 16:9,11 17:8,21 18:5 21:6</p> <p>platforms 106:11, 13,14 153:9</p> <p>play 46:8</p> <p>podium 32:11</p> <p>point 13:12 18:5 20:9 29:24 41:6 48:11 50:19 53:6 68:15 95:17 115:2 117:3 120:8,25 121:16 131:20 141:14</p> <p>pointed 42:18</p> <p>points 50:21 66:5 141:10,18 142:6</p> <p>police 56:3 59:2,4, 10 61:4,5,9,16,20, 21,23 62:2,4,12, 21,22,24 63:4,5,8 64:21 74:21 75:1, 13,17 76:1,2,17, 19,24 77:2,6,14, 24 78:14,21 79:2 81:9,12,19 89:7 97:5,18,19,21 99:14,15 100:17 105:8,14,16 108:16 109:5 112:13,22,25 113:1 114:17 116:12,16 141:7 142:17,18 146:5</p> <p>policy 91:11</p>	<p>pool 14:15 15:21, 22 16:12,13 22:21,23,24 23:14 24:14 25:11,16, 20,21,25</p> <p>pops 128:17</p> <p>popular 136:8,9</p> <p>porches 43:3</p> <p>porn 134:2</p> <p>pornography 113:23</p> <p>portion 22:25 23:5 26:6,18 34:23 35:6,18 46:16</p> <p>portions 61:5</p> <p>position 37:17</p> <p>positions 27:24</p> <p>positive 31:15 53:18 159:22</p> <p>positively 147:14</p> <p>possess 61:20</p> <p>possession 66:12</p> <p>possibility 116:13</p> <p>possibly 14:13 140:24</p> <p>post 82:12,19 106:23 107:3,10 109:12 110:15 118:20 131:8,11 148:2,11,22 151:22</p> <p>posted 109:9 130:21 139:19,20, 24 140:9 142:3 148:23 151:18,25 152:1</p> <p>poster 110:23</p> <p>posting 141:2 142:25 148:2</p>	<p>149:4,25 150:23 153:7</p> <p>postings 152:8</p> <p>posts 38:20</p> <p>potential 10:5</p> <p>poured 16:9,11,12</p> <p>practical 7:20 8:1 11:9 12:3,13 35:24 36:9</p> <p>practically 42:16</p> <p>practices 145:13 153:13</p> <p>prefer 46:23 47:2 67:12</p> <p>preference 27:1</p> <p>prejudicial 139:23 140:10</p> <p>premises 88:10 124:22 157:14,20, 22</p> <p>prepare 59:25</p> <p>prepared 133:15</p> <p>presence 31:14</p> <p>present 8:19 27:23 54:7 96:10 125:4 153:22 159:4,8,12,13</p> <p>presentation 13:9 37:5,10 54:9 60:3</p> <p>presented 7:23 8:4 30:9 139:18 140:11 141:3,4</p> <p>presents 11:13</p> <p>pretty 22:15 26:16 28:10 42:13,14 43:9,10,22 126:19</p> <p>prevent 88:24 89:2 100:17 159:4</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>prevented 139:18</p> <p>previous 151:23</p> <p>previously 14:8 134:19</p> <p>price 101:17</p> <p>prices 101:15,16</p> <p>print 136:2 138:17 139:1</p> <p>printed 138:24,25 139:4</p> <p>printing 140:14</p> <p>prior 38:8 58:10 73:22 74:8 79:8 80:13 81:15,20 100:22,24</p> <p>private 76:9,10 78:8,16 79:1</p> <p>probationary 71:19</p> <p>problem 32:6 38:10,20 71:22 156:22</p> <p>problems 49:24, 25 79:21</p> <p>procedure 63:16 70:12</p> <p>procedures 152:3</p> <p>proceed 35:17 63:6 133:15 134:13 155:11,14, 16,19</p> <p>proceeds 13:6 37:3</p> <p>process 10:15 14:16 35:18 54:22,24 67:16 90:18,19,25</p> <p>produced 12:19 36:16</p>	<p>product 14:14</p> <p>professional 120:6,11</p> <p>project 14:3 49:15</p> <p>promptly 154:23</p> <p>proper 153:14</p> <p>properly 140:16</p> <p>properties 12:21 36:18</p> <p>property 11:22 13:23,25 15:5 21:12 22:11 24:24 26:1,2 28:24 34:14,21 35:3,10, 12 43:15,19 69:11</p> <p>proposal 9:14</p> <p>proposed 35:9,11 46:17,19</p> <p>prosecuting 5:17 96:9</p> <p>prostitute 137:17</p> <p>prostitution 59:8 80:6 97:12,16,19, 22 99:16 114:1,2, 3,6 118:25 119:1 132:13,17 143:12</p> <p>protocols 96:3</p> <p>provide 11:8 54:10,11 62:3 82:7,13,15 110:16 111:1 135:13</p> <p>provided 11:12 50:6 56:8 61:23 66:10,11 68:14</p> <p>provisions 12:7 36:3</p> <p>public 12:10 36:6 56:11</p> <p>publication 7:14 56:12</p>	<p>PUD 38:3</p> <p>pull 46:22</p> <p>pulled 10:24</p> <p>purchase 40:2</p> <p>purchased 58:9</p> <p>pure 76:13 110:17</p> <p>purpose 39:2 53:9 145:20</p> <p>purposes 54:13 145:18,22</p> <p>put 14:10,18 15:1, 3 16:15,18 17:1,2, 20,21,22 18:1,14 19:14 20:19 22:13 23:25 24:7,14,23 40:10 44:14 46:13 47:1,3 100:21 102:25 115:16 138:20</p> <p>puts 64:8</p> <p>putting 25:18 67:5 129:7</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>quarterback 122:5</p> <p>quasi-judicial 7:22 63:17 96:18 99:1 141:17</p> <p>question 16:3 22:4,19 28:25 35:9 37:6 44:23 45:1 47:7,21 49:9 74:23 77:18 87:2 90:12 91:5 93:3 94:21 98:9,12,25 99:1,4 102:17,18, 22 103:3 106:10 118:13 140:20 144:3,14,21 146:3 147:19 149:23 151:24 156:6,12</p>	<p>157:15,19 158:15</p> <p>questions 13:10, 12,13 15:25 20:20 21:1 29:22 32:5, 22,25 37:9,11 50:14,17 56:25 72:20 77:5 83:12 85:6 86:24 87:1 89:23 95:10 96:15,19 97:2 106:9,11 108:12, 14 109:19,22,23 111:24 112:16 146:18 147:8 156:5,15 157:6 158:14 159:15</p> <p>quick 41:6 141:13, 16 156:10</p> <p>quiet 50:14</p> <p>quorum 53:13</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>Rader 5:13 6:7,18, 19 33:7,8 45:1 49:10 52:25 53:1 161:12,13</p> <p>Raider 5:13</p> <p>railroad 11:23</p> <p>rain 27:3</p> <p>rains 27:4</p> <p>raise 37:14</p> <p>raised 68:14</p> <p>range 69:6 71:14</p> <p>rarely 147:18 148:13</p> <p>rate 130:14</p> <p>read 16:6 41:7 45:11 61:5</p> <p>reading 16:5 63:3 96:1</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Readvised 12:1 35:22 69:12</p> <p>real 87:14 141:16 156:10</p> <p>realize 59:24 60:1 64:18</p> <p>rearrange 54:20</p> <p>reason 62:10 64:10 78:15 149:3</p> <p>reasonable 71:25 99:3</p> <p>reasons 58:19 64:16 81:17</p> <p>rebuilt 38:18</p> <p>recall 108:23 143:19 144:14 151:2,5</p> <p>receive 114:5</p> <p>received 69:19 116:17</p> <p>receiving 120:6</p> <p>recent 92:10</p> <p>recently 127:17 132:3</p> <p>recess 133:10,12 153:21 154:10,15, 24</p> <p>recognize 115:9 140:7</p> <p>record 10:22 13:19 20:21 28:17 32:13 56:6,8,22, 25 57:1 69:20 79:14,16 83:10 102:11,17,18,20 112:18 133:9,14 145:17</p> <p>records 56:20 76:25 77:3</p>	<p>recourse 150:1, 18,20,21,24,25</p> <p>recover 133:8</p> <p>Recross 109:21</p> <p>red 34:2,5 35:7</p> <p>redacted 61:5</p> <p>redirect 108:13 156:10,14</p> <p>reduce 11:2</p> <p>reduced 9:21</p> <p>reduction 10:5</p> <p>refer 37:20 69:13 157:24</p> <p>reference 18:15 37:19</p> <p>referring 19:14 82:18</p> <p>refers 69:14</p> <p>reflection 29:25</p> <p>reformed 145:12 153:13</p> <p>refuse 64:10 82:14 110:25</p> <p>regard 69:11 128:4</p> <p>registered 124:13 126:6</p> <p>regulations 11:15 12:6 36:2</p> <p>reinstated 67:21</p> <p>reinstatement 160:10</p> <p>related 20:17 142:4</p> <p>relating 12:7 36:3 157:15</p> <p>relation 12:16 36:12</p>	<p>relative 8:6 52:12</p> <p>relevance 142:10, 24</p> <p>relevant 98:18,19, 22 142:11 143:17 145:11,21 156:24 159:16</p> <p>relief 94:1</p> <p>remain 67:10 91:21</p> <p>remaining 124:4</p> <p>remains 10:16</p> <p>remarks 57:13</p> <p>remedial 64:2 65:6 100:16 142:12,22</p> <p>remember 74:5,14 75:4 118:16 119:10,14 124:25</p> <p>reminded 7:21</p> <p>remodel 74:15</p> <p>remove 91:12 154:4</p> <p>removed 120:9</p> <p>render 70:24</p> <p>rendered 55:5 87:24 160:20</p> <p>renew 7:12 68:1 84:16,19 85:12 86:4</p> <p>renewal 58:1 91:1 160:12,13 161:4,5</p> <p>renewed 55:1 65:2 84:22 85:15</p> <p>rent 85:24,25 89:14,16,17</p> <p>reopen 93:14</p> <p>reopened 93:11</p> <p>reopening 96:3,5</p>	<p>repeat 94:21</p> <p>replace 34:22 40:9 58:19</p> <p>replacing 40:10</p> <p>replied 76:8</p> <p>report 61:5,20 62:12,22 63:4,5 76:4,5,7 89:6 90:14 122:13 157:24</p> <p>reporter 5:22 6:12 9:2 33:19 57:3 72:17 83:7 86:18 92:25 106:25 159:19</p> <p>reports 61:4,23,24 62:22 116:18</p> <p>repost 140:5</p> <p>reposting 149:12</p> <p>representative 5:16 7:17 30:17</p> <p>representatives 32:23</p> <p>representing 28:1 56:1</p> <p>request 6:25 7:5, 21 8:5,7,8,25 9:5 27:25 32:8,25 33:11,17,23 35:16 52:6,22 53:5 61:22 82:13 110:12,20,25</p> <p>requested 7:19 65:8</p> <p>requesting 9:15, 20 11:2 34:8</p> <p>requests 61:19</p> <p>require 27:10 65:22 143:20 144:25 145:4 148:1,4</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>required 22:16 23:8 25:2</p> <p>requirement 12:16 24:8 36:12</p> <p>requirements 27:10 50:20 90:1 95:20</p> <p>requires 27:8 64:12</p> <p>researched 10:2</p> <p>reservation 110:5</p> <p>reside 115:25</p> <p>resided 124:8</p> <p>residence 34:10, 18</p> <p>resident 32:1 75:19,20,22</p> <p>residential 11:1</p> <p>respect 51:11 81:5,6,8,9</p> <p>respectable 127:1</p> <p>respects 64:20,22</p> <p>respond 27:18 141:11 143:18</p> <p>responded 122:6</p> <p>respondent 13:15</p> <p>response 11:16 29:10 142:7 144:17</p> <p>responsibility 7:25 88:19</p> <p>responsible 88:22</p> <p>rest 39:9 49:22 111:16 112:1,7,8</p> <p>restored 89:1</p> <p>restriction 95:21</p> <p>results 66:1</p>	<p>retaining 14:10 22:6,8 23:25 24:6, 13</p> <p>return 58:18 117:17 121:17</p> <p>returned 59:6 120:22,24</p> <p>revenue 14:4</p> <p>reverse 68:17,22 69:4 159:25</p> <p>review 10:15 45:22 46:10 133:16</p> <p>reviewed 6:8 104:2</p> <p>reviewing 10:13 12:13 36:8 45:20 68:10 70:15</p> <p>reviews 149:9</p> <p>revocation 90:23 91:2</p> <p>right-hand 23:6 46:16</p> <p>ring 92:19</p> <p>road 9:13 22:6</p> <p>rogue 65:12</p> <p>role 55:11 161:8</p> <p>roll 33:1</p> <p>rolled 120:19</p> <p>roof 26:23 28:11 42:3,4 43:3</p> <p>roofing 42:9,19</p> <p>room 7:7 26:13 64:11 82:12,19,20 91:19 100:13 110:15,18 119:23, 24 120:20</p> <p>rooms 48:8 64:8 80:18,19,20 91:5,</p>	<p>7,17</p> <p>rotten 38:21</p> <p>rough 11:5</p> <p>round 27:12 38:25 49:1</p> <p>row 135:18</p> <p>Rubmaps.com 129:22</p> <p>rule 63:9,12 91:21 140:16</p> <p>rules 57:6 101:13</p> <p>run 49:2 93:19,21, 24 101:25</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>sad 83:15,18</p> <p>safety 12:11 36:7</p> <p>salacious 140:13</p> <p>San 83:22 84:13</p> <p>Sasha 58:21 59:1, 12 60:10,16,24 62:13 64:17,18,24 65:20 73:21 75:15,19,21,25 77:7,8 78:20,22, 25 79:3,4,6,10 97:7 99:21 100:7 105:12,15,16,20, 23,24 108:19,20, 24 116:7 122:23 123:17 124:7 125:5 126:2,8 132:12</p> <p>Sasha's 60:19 78:19</p> <p>sat 10:21 14:1 15:24 108:21</p> <p>Sandra 5:20</p> <p>save 94:10</p>	<p>saved 94:11</p> <p>savings 95:14</p> <p>scene 125:10</p> <p>school 83:22,23 90:3 92:23</p> <p>screen 9:8 11:5,24 34:1 139:3,11</p> <p>screened 43:3</p> <p>scroll 135:4</p> <p>scrotum 123:5</p> <p>search 124:21 125:1 128:5,8 132:11 136:1 146:5 151:15,25 152:14,15 154:1 157:8,21</p> <p>searched 75:23 76:3</p> <p>seated 67:10</p> <p>secondarily 19:16</p> <p>seconded 52:18 161:8</p> <p>section 7:6 33:17, 24 34:8 56:11 62:6</p> <p>secured 12:11 36:7</p> <p>seeking 35:13 41:21 45:13</p> <p>self-cover 20:10</p> <p>send 76:18 95:18 121:20 158:18 159:1</p> <p>senior 5:18 8:22 33:21 114:14</p> <p>sense 32:4 71:1</p> <p>separately 98:2</p> <p>September 56:15 77:8</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

sergeant 122:8	sex-related 88:14	4 105:13	133:6,14 135:16
series 61:14	sexguide.com 130:21	side 10:12 15:10, 15 18:9 19:18 20:11,12 23:18 24:4,5 26:1 40:25 41:1 46:14,16 48:2,3,4,7 60:14 76:10 94:11 98:21	144:8 145:21,24 146:20 150:8 154:19 155:17 158:13
serve 27:12	sexual 62:1 76:16 79:24 80:2,10,14 109:10,13,16 110:11,12,16 115:19	sides 22:16 49:17	sit 11:17,19 52:7 54:23 62:23 111:25
served 12:25 30:4 36:22	shadowy 25:16	sideways 28:13	site 7:1 9:6,9,11, 17,23 10:1,20 34:1,4,17,22 35:8, 19 41:2,3 46:16, 23 47:2 129:14
service 64:10 76:16 80:5 82:15, 20 88:13 91:19 101:25 102:5 103:8	shape 43:14	sign 64:7 88:12 100:24,25 110:8, 11,19,22,23 118:19 161:19	sites 102:9 129:9 142:24 143:10 146:11
services 62:2,3 79:24 80:2 87:24 96:3 102:23 106:14 135:13 136:14	share 99:24	signed 76:15 79:9 82:6 85:18,21 89:4 92:10 101:5	sits 7:22 43:11
set 18:8 68:8 101:15 117:10 136:10 149:10 155:24	she'd 141:7	significant 11:13 14:4,9,12 23:24 24:10,19 26:16	sitting 29:17 54:14 58:16 67:13
setback 7:1 9:6, 16,20 10:2,11 11:3 14:11 23:21 25:23 26:4 30:14 34:13,20,25 35:14,21 38:13,16 41:9,13 42:6,12, 13,14 43:22,23,25 44:9 45:14 48:14	she'll 91:11	signing 88:16	situated 54:21
setbacks 10:6,17 20:14,15 34:16	Shelby 16:16	signs 64:8 100:21 114:23 132:17 142:22	situation 22:7 30:12 50:22 115:10
sets 21:21 41:11	shock 76:14	similar 29:3 81:17 82:3 136:6 138:10	situations 115:17 120:11
Setting 55:15	shocked 59:9 104:23	simple 42:3 110:4, 7 128:5	sixth 36:25 62:8 83:23 92:24
sewer 14:25 15:1	shocking 140:13	simply 65:21 140:10 157:2	size 21:6 39:5 41:3
sex 82:8 100:9,18 114:6,24 115:3,5, 20 116:13 118:25 119:1 125:18 131:14 132:21 137:13,17,21 142:23 143:11 157:15,17	shoots 25:13	single 84:4	Skip 103:7,9 117:25 118:9,14, 15,18 119:2 129:10 134:24,25 136:1,7 138:1,11 149:20 152:1
sex-related 88:14	shop 74:15 75:16, 24 76:3,9,19 84:24 85:1 93:10 102:2,4 103:19 104:25	single-family 10:25	skipthegames.com 129:17 147:20 148:14
sexguide.com 130:21	short 46:21 133:12 143:15 154:24	sir 20:25 30:16 32:10,11,22 37:13,21 42:25 44:12 49:8 51:4 52:8 53:22 63:23 66:20,25 72:14,15 83:2 92:1 108:2 111:24 112:21	skipthegames.eu 147:13 148:1 149:17
sexual 62:1 76:16 79:24 80:2,10,14 109:10,13,16 110:11,12,16 115:19	show 7:25 19:2 59:20,24 61:24 66:10 135:2	slab 26:24	
shadowy 25:16	showing 11:25 46:17 63:3		
shape 43:14	shown 60:8 69:3		
share 99:24	shows 18:24 139:5		
she'd 141:7	sic 5:21 20:1 52:12 78:11 85:12 88:9 97:17 102:2,		
she'll 91:11			
Shelby 16:16			
shock 76:14			
shocked 59:9 104:23			
shocking 140:13			
shoots 25:13			
shop 74:15 75:16, 24 76:3,9,19 84:24 85:1 93:10 102:2,4 103:19 104:25			
short 46:21 133:12 143:15 154:24			
show 7:25 19:2 59:20,24 61:24 66:10 135:2			
showing 11:25 46:17 63:3			
shown 60:8 69:3			
shows 18:24 139:5			
sic 5:21 20:1 52:12 78:11 85:12 88:9 97:17 102:2,			

<p>sleazy 154:5</p> <p>slept 81:25</p> <p>slide 45:12</p> <p>slightly 26:7 64:12 80:22</p> <p>slope 19:8</p> <p>slow 57:5</p> <p>slowed 95:3</p> <p>slowly 67:3</p> <p>solid 66:1</p> <p>somebody's 76:9 149:11</p> <p>son 27:7</p> <p>son's 28:8</p> <p>sort 59:11 62:15 65:10 81:23</p> <p>sought 35:4</p> <p>sounded 16:23</p> <p>spa 7:8,13 54:5 55:1,2,15,16 57:25 58:2,7,9,21 59:3,8 61:7,10 62:9 64:17 65:21 73:8,11,17 74:4, 11,13 76:16,19 79:25 80:3 81:19 82:1 84:1,2 85:9 97:6 99:19 100:4, 9,17,19 101:8,23 102:1,8 106:16 109:9,13,16 116:14,23 117:5, 11,23 121:17 125:1 126:16 127:21 128:1 130:18,21 131:14 135:25 138:3 140:12 143:16 146:6 151:2 157:4</p> <p>Spa's 55:7,8 104:21</p>	<p>space 39:13</p> <p>speak 8:6 20:4 32:2 37:7 66:1,2 140:6 154:17</p> <p>speaker 57:11</p> <p>speaking 32:19 42:17</p> <p>special 27:8 61:15 113:3,12,15,17 114:4,5</p> <p>specializes 114:21</p> <p>specific 7:2 9:6,17 10:1,8 135:10 151:21</p> <p>specifically 41:12 143:10 150:5</p> <p>spell 72:21 104:9 112:18</p> <p>spend 61:13</p> <p>spent 14:12 38:9</p> <p>spirit 12:10 17:11 21:16 36:6</p> <p>spite 21:20</p> <p>spoke 15:7,13 16:16</p> <p>spoken 79:10</p> <p>spot 25:15,16</p> <p>spouse 51:19</p> <p>square 39:12,17</p> <p>St 8:15 15:7 17:12 56:3 61:16,21 73:2 81:9 92:4 96:2 112:12,22 114:20 135:1</p> <p>stacy 13:20,22</p> <p>staff 8:18 10:2 35:3 41:7,17 54:6, 8</p>	<p>stand 8:19 134:15, 17 149:11,13</p> <p>standard 56:10 67:18,19 68:3</p> <p>standards 140:22</p> <p>standing 67:13,14</p> <p>standpoint 20:13</p> <p>stands 149:10</p> <p>star 9:10 34:2</p> <p>start 142:9</p> <p>started 13:6 30:1 37:3 117:8 120:4, 9,24 157:10</p> <p>starting 5:2</p> <p>state 7:18 9:24 13:19 34:12 37:17 50:3 63:2 72:21 112:17 139:25</p> <p>stated 6:23 62:13, 14 92:3,22 116:17</p> <p>statement 11:8,11 12:13 36:8 57:22 63:1,21</p> <p>states 12:2 35:23 41:20 58:15 72:25 81:7 83:21,24 94:9 118:17 150:7,10,13,18</p> <p>station 76:2</p> <p>Statutes 12:2 35:23 69:12</p> <p>stay 14:10 49:24 53:24 89:12</p> <p>stayed 124:1</p> <p>stays 90:22 91:1</p> <p>Steamboat 124:5, 8</p> <p>step 31:2 32:10</p>	<p>STL 139:4</p> <p>stomach 120:2</p> <p>stop 23:12 31:20 44:12 102:14 121:10 123:19 141:8 149:13</p> <p>stopped 121:2</p> <p>story 59:17</p> <p>streetwalkers 130:11</p> <p>strict 12:4 35:25</p> <p>strike 57:4 144:16</p> <p>Strip 130:11</p> <p>structure 9:16 10:17 13:3 23:17 28:11 34:24 36:24 42:5,8,10,19</p> <p>structures 10:13 12:9 36:5</p> <p>struggle 22:4</p> <p>stuck 28:3 30:10</p> <p>study 19:25 20:2</p> <p>stuff 25:4</p> <p>style 153:24</p> <p>subdivision 9:19 10:18 11:18 34:12 43:2</p> <p>subject 9:9,11 10:20 34:4 145:8 152:22</p> <p>submitted 19:19 34:21</p> <p>subscriber 153:9, 10</p> <p>subscription 129:13</p> <p>subscriptions 143:6</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>substantial 12:11, 15,19,20 22:15 36:7,11,16,17</p> <p>success 54:2</p> <p>suggest 72:2 159:21,23</p> <p>Suite 7:9 54:6</p> <p>summarize 63:22</p> <p>summary 9:14</p> <p>summer 39:1 48:24</p> <p>summertime 27:3, 7</p> <p>sun 7:7</p> <p>Sunny 131:1</p> <p>Sunny's 7:8,13 54:5,25 55:7,8,14, 16 57:25 58:2,7 59:3 73:8,17 74:4 97:5 100:4,17 101:8,23 102:1,8 104:20 106:16 116:14,23 117:5, 23 121:17 125:1 126:16 127:21 128:1 130:18,21 131:14 135:24 138:3 140:12 143:16 146:6 151:2 157:3</p> <p>sunroof 54:2</p> <p>sunroofs 48:1</p> <p>sunroom 33:18,25 34:9,23 35:5,9,11, 14 38:7,24 39:4 40:11 41:18,20 42:11 44:25 45:13,17,24 46:18,19 49:11 54:2</p> <p>sunrooms 40:21,</p>	<p>24 43:1,2,20 48:8</p> <p>Sunshine 61:22</p> <p>supervision 81:3 84:25</p> <p>supervisor 122:9</p> <p>support 15:8,11, 13,19,21 17:16,19 19:19 32:7 50:5 51:2 84:6,11,14, 20 85:2 86:1 102:22</p> <p>supported 17:12 19:20 69:18</p> <p>supportive 15:16</p> <p>supposed 20:10 83:16</p> <p>surprise 104:20</p> <p>surveillance 117:8,10,13,15, 16,19,21 123:22 151:13 158:23</p> <p>survey 35:6 46:14</p> <p>surveys 46:13</p> <p>suspect 20:16</p> <p>suspicious 89:6</p> <p>sustain 94:23 160:5</p> <p>SUTTON 13:21</p> <p>swear 59:16 67:5</p> <p>swim 14:20</p> <p>switched 120:19</p> <p>sworn 9:3 13:19, 20 31:9,13,23 37:14,15 57:8 67:1 72:18 112:14</p> <p>system 115:13,14</p> <p>systems 140:5</p>	<p style="text-align: center;">T</p> <hr/> <p>table 120:1 152:12</p> <p>tail 131:22</p> <p>takes 8:9 65:24</p> <p>taking 13:21 35:18 75:8</p> <p>talk 76:17 88:3,6 100:12 115:3 116:2 130:10,13, 15</p> <p>talked 49:13,16,21 157:13,16</p> <p>talking 19:3 51:21 94:4 114:25 149:8,9</p> <p>talks 136:22 137:11</p> <p>task 61:15 113:4 114:4 125:20</p> <p>teased 121:8</p> <p>technically 95:22</p> <p>telephone 117:24 135:20 137:6,9 138:13,15</p> <p>telling 59:10 109:6 153:25</p> <p>ten 65:17,25 142:19 146:13</p> <p>tenures 93:21</p> <p>term 128:20</p> <p>termed 131:16</p> <p>terminate 77:15 78:19</p> <p>terminated 60:15</p> <p>terms 13:7 37:4</p> <p>Terrace 34:7</p>	<p>terraces 7:5 33:16,22 34:11</p> <p>terrain 47:21</p> <p>terrible 149:11</p> <p>test 90:8 158:16</p> <p>testified 99:18 100:15 105:7 106:3 124:12 127:13 142:11,17 143:9,13 144:9</p> <p>testify 64:21,23 66:5 67:2,6 107:21 143:24</p> <p>testifying 59:16 95:23 143:20</p> <p>testimony 140:17 142:1,16</p> <p>Texas 126:10</p> <p>theory 149:6</p> <p>therapeutic 120:7</p> <p>therapist 77:6 80:10,14 89:25</p> <p>therapists 58:12 62:1 81:16</p> <p>thin 43:9</p> <p>thing 23:7,8 28:6 30:4 38:23 50:4 51:16 59:11 72:4 83:17 123:3 126:19 128:17</p> <p>things 21:21 24:23 39:7 48:22 65:23 98:11 107:9 140:5,9 141:2 142:19 143:8,15 145:15 149:25 150:9,23 151:22</p> <p>thinnest 43:7</p> <p>thought 19:21 41:7 60:2 93:6</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>thoughts 18:3 50:20 52:11</p> <p>thwart 141:4</p> <p>ties 27:15</p> <p>time 5:2 13:13 14:13 16:9,10 19:4 38:9,11 40:9 58:10,20 66:13 75:9,14 78:24 81:4 87:11 89:5 91:22 93:24 94:2, 4,25 95:11,23 99:18,22 110:5 111:19 120:8 121:1,8 124:2,20 151:24 152:13 153:21 157:22 159:15</p> <p>timeframe 131:12</p> <p>timeline 92:3</p> <p>times 75:7 108:17 148:6</p> <p>Tina 74:8,10</p> <p>tired 88:5</p> <p>today 33:15 46:15 56:23 68:25 105:25 126:20 127:20 136:3 137:24 138:19 139:5 153:15 156:18</p> <p>told 38:13 59:7 61:3,19 62:24 64:23 75:10,11, 12,18 76:11,19 77:14 78:9,10,15 82:9 83:16 97:18, 19 99:15 105:14, 16,23 119:14 142:18 143:4</p> <p>tolerate 62:15</p> <p>ton 142:12</p>	<p>tonight 7:4,24 8:11 13:22 58:16 91:1 109:25</p> <p>top 17:6,22 23:6 26:15,21 47:10 145:6</p> <p>topography 11:12, 16 14:22,25 22:5, 12 23:24 24:20,24 30:12</p> <p>total 74:17 138:12</p> <p>totality 132:15</p> <p>totally 78:18</p> <p>touch 120:17</p> <p>touched 76:9,10 120:25 121:7 123:6</p> <p>touching 78:8,16, 25 93:5 105:17 121:1</p> <p>towel 120:3,9,20, 23</p> <p>tower 20:18</p> <p>towers 20:16</p> <p>townhome 34:10</p> <p>traditional 58:8</p> <p>traffickers 115:9, 15</p> <p>trafficking 61:8,24 75:17 113:4,21 114:2,6,9,10,17, 24 115:3,5,8 116:13 118:25 119:2 124:23 125:19 143:12 157:15,17</p> <p>training 90:1 114:5,8</p> <p>trainings 114:7,12</p>	<p>trains 13:24</p> <p>transcript 83:9</p> <p>transition 41:17</p> <p>translate 75:3 99:10</p> <p>translating 82:24</p> <p>translator 109:25</p> <p>travel 137:18</p> <p>travels 137:20</p> <p>treasures 86:3</p> <p>trees 41:2</p> <p>tremendously 64:22</p> <p>trip 131:10</p> <p>trips 37:25</p> <p>trouble 106:25 109:24</p> <p>true 23:8 48:6</p> <p>trustee 40:17 51:1,3,4 53:25</p> <p>trustees 49:22</p> <p>truth 141:23</p> <p>truthfully 59:9</p> <p>tuition 84:7,12 85:25</p> <p>turned 28:13 30:3</p> <p>turns 62:9</p> <p>two-foot 45:5</p> <p>type 152:20</p> <p>typical 42:1</p> <p>typically 22:7 58:11 113:19 115:22,24 118:20 129:1 130:11 131:22 149:14 158:10</p>	<p style="text-align: center;">U</p> <hr/> <p>Uh-huh 18:13 148:16 149:24</p> <p>ultimately 35:13 41:19 119:17 121:11</p> <p>unclear 10:16</p> <p>uncommon 120:10</p> <p>uncomplicated 99:3</p> <p>uncontested 70:13</p> <p>uncovered 41:8 120:2,3</p> <p>undercover 61:15 62:2 132:19</p> <p>underlying 10:8,9, 18</p> <p>understand 10:3 17:18 21:15 23:23 30:11 43:14,18 45:9 46:4 48:12 51:14 60:6 63:20 88:23 89:9 91:12 92:2 93:19,22 95:10 98:6 107:4 109:5 110:4,7 115:13 147:25 148:25</p> <p>understanding 20:8 37:18 90:13 93:20 150:15</p> <p>understands 128:9</p> <p>understood 24:18</p> <p>underway 11:1</p> <p>undeveloped 10:22</p>
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<p>unfairly 139:23 140:10</p> <p>unfavorable 8:14</p> <p>unfortunate 28:8</p> <p>unique 28:9,11 43:14,19</p> <p>unit 34:14 113:4, 18,20,21 114:5, 14,20 116:12,24 117:4,17 118:25 121:17,20 123:22 124:18 125:8 132:12</p> <p>United 58:15 72:25 81:6 83:21, 24 94:9 118:17 150:6,10,13,17</p> <p>unknown 131:12</p> <p>unnecessary 12:3 35:24</p> <p>unsure 18:8</p> <p>up-to-date 18:24</p> <p>update 74:15</p> <p>updated 132:3</p> <p>uphold 159:25 160:7 161:9,11, 13,15</p> <p>upholding 7:11 55:6</p> <p>upscale 154:4</p> <p>usable 24:1</p> <p>usasexguide.com 130:6,17 131:9</p> <p>Uscallgirls.com 129:24</p> <p>utilize 30:13</p> <p>utilized 125:16</p>	<p style="text-align: center;">V</p> <hr/> <p>vacant 14:1 15:24</p> <p>valid 13:3 36:25</p> <p>variance 6:25 7:6, 19 8:2,7,10,25 9:5,15 11:2 12:16, 17,23,25 13:2 17:3 18:10 27:25 33:4,12,17,24 34:8 35:4,14 36:11,13,14,20, 22,23 41:19 45:4, 5,6,13 52:6,22 53:5,7</p> <p>variances 44:24</p> <p>varies 87:16 111:14</p> <p>variety 50:17</p> <p>vary 12:5</p> <p>Vegas 114:8</p> <p>verbiage 53:12 136:17 137:11,13 138:14</p> <p>verify 36:1 131:6</p> <p>versus 27:1 41:20</p> <p>viable 14:14</p> <p>Vice 113:20 114:14</p> <p>victims 115:8</p> <p>violation 62:6</p> <p>visibility 26:21</p> <p>visible 26:7,20</p> <p>visit 131:2</p> <p>visited 131:9,12</p> <p>visual 18:16</p> <p>voices 102:12</p>	<p>voluntarily 59:4 95:24</p> <p>vote 6:11,14,17,19 33:1,3,6 49:25 52:19,21,24 160:17,19 161:8, 11,13,15</p> <p>voted 53:9</p> <p>votes 8:9</p> <p>vulnerable 115:7, 9 157:18</p> <p style="text-align: center;">W</p> <hr/> <p>wait 31:6 66:19 102:13</p> <p>waiting 5:4</p> <p>waived 121:9</p> <p>walk 91:5</p> <p>wall 82:18 110:24</p> <p>wallet 59:5</p> <p>walls 14:10 22:7,8 23:25 24:7,13</p> <p>wanted 18:3 22:10 25:7 86:11,21 93:22 95:10 121:6</p> <p>ward 29:12,13,14 30:18,20 32:15</p> <p>warrant 61:14 124:21 125:1 132:11 146:5 151:16,25 152:15 154:1 157:21</p> <p>warranting 11:10</p> <p>watches 117:11</p> <p>watching 158:23</p> <p>waters 158:16</p> <p>ways 27:9</p> <p>website 16:6</p>	<p>103:7 107:7,12 109:10,13 118:1, 15,18,21,23 129:2 130:6 134:25 135:4,6 136:7 138:11,24 139:20 142:19 148:13 149:5,15 150:20, 22</p> <p>websites 104:3, 22,24,25 106:13, 15,17,20 107:19 109:16 126:23 127:2,15,17,19,22 128:6,7,14,18,25 129:4,16 136:9 139:21 140:2 142:21 143:4,20 144:8,15,25 147:10 150:4,12 154:2,5 156:17</p> <p>week 16:25 111:4 132:4</p> <p>weeks 61:18 96:1 131:3,10,11</p> <p>weigh 141:20 145:10</p> <p>weight 141:18,19 152:9 155:2,6,8</p> <p>welfare 12:11 36:7</p> <p>Wendy 58:18 73:14,15,18 79:19,22 106:1</p> <p>west 34:13</p> <p>western 7:1 9:6, 15,19</p> <p>whatsoever 120:7</p> <p>whiff 60:25</p> <p>Whitman 5:14 6:3, 4,20,21 33:9,10 44:23 45:7 51:15, 18 52:1,14,16</p>
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<p>53:2,3 57:16,19 84:8 89:24 90:4,8, 12,24 91:4,25 109:23 110:8,19 111:2,8,16,23 158:15,18,21,25 161:14,15</p> <p>Whitmoor 38:8,20 39:5</p> <p>wide 68:6 69:5</p> <p>width 43:12</p> <p>wife 37:23</p> <p>Wild 6:24 8:18,24 9:13,18,24,25 10:6,9,17 11:18 29:13</p> <p>willow 47:10</p> <p>willows 47:12</p> <p>window 118:2</p> <p>winter 38:25 48:25</p> <p>wiped 120:21</p> <p>wishes 52:4 159:12</p> <p>witnesses 55:19 112:3,5</p> <p>woman 58:19 106:5 122:22</p> <p>women 58:22,25 79:17,24 80:2 81:22 87:20</p> <p>wood 33:23 46:14</p> <p>Woods 7:5 33:16 34:5,7,12 47:22</p> <p>word 67:21</p> <p>words 74:21,25</p> <p>work 32:19 53:25 64:7 67:7 73:10 74:10,20 79:17 81:4 94:9,10</p>	<p>100:6 105:20 108:20 111:4,6,8, 11,12 149:1</p> <p>worked 58:8,21 64:17 74:12 89:11 100:10</p> <p>worker 137:17,21</p> <p>working 75:9,10, 11,12 90:13,16 100:3 106:5 108:21 118:25 149:20</p> <p>works 70:11,12 79:19 90:18 140:4 147:5</p> <p>world 20:3</p> <p>worries 108:6</p> <p>worth 26:15 131:2, 10</p> <p>wrong 65:3 93:21 98:24 108:19,25 138:8</p> <p>wrongdoing 60:13 62:14</p> <p>wrote 17:16 64:6 122:13</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p>X-RATED 107:11</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yard 10:12 23:18 24:4,5</p> <p>year 27:11 38:25 49:1 75:5 83:23 85:14,23 87:11 90:6 92:24 93:4, 12 106:4 130:23, 24 147:12,17,21, 23 149:12</p>	<p>yearlong 92:19</p> <p>years 10:21 14:1 15:24 37:24 38:1, 2,4,11 51:6,18 58:13,23 59:2 73:16 74:3 83:20 85:13,16 87:6,7,9 92:7,17 106:3 113:1,7 114:12 116:21 118:24 140:2 143:3</p> <p>Yelp 129:1</p> <p>yesterday 38:1 127:20</p> <p>young 87:20 135:3,19 137:8 138:6</p> <p>younger 157:18</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zoned 9:24</p> <p>zoning 7:2 9:7 10:8,9,18,23 11:15 14:7,11,16 16:15 20:11,13 23:9 42:1 46:5</p> <p>zoom 34:3</p> <p>zoomed 9:12</p>
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Board of Adjustment Staff Report

Variance Type:	Area Variance
Meeting Date:	August 7 th , 2025
From:	Alyssa Ahner, Senior Planner
Location:	716 Judson Manor Court
Applicant:	Robert Roggeman on behalf of Cooper Joint Irrevocable Gift Trust
Description:	<u>B.A. 03-2025 Judson Manor, Lot 27:</u> A request for a variance of the structure setbacks of the “R-3” Residential District for a .3-acre tract of land located south of Beagle Lane and east of Judson Manor Drive.

PROPOSAL SUMMARY

Robert Roggeman, on behalf of the property owner of 716 Judson Manor Court, is requesting a variance from the structure setbacks of the “R-3” Residential District in order to install a generator at a single-family residence.

SITE HISTORY

The Judson Manor subdivision was platted in 1962 with most homes being constructed in 1965. There have been no changes to the “R-3” zoning since its establishment. The “R-3” zoning district requires a front yard structure setback of thirty (30) feet, a side yard setback of eight (8) feet, and a rear yard setback of fifteen (15) feet. However, regardless of the zoning and some of these setbacks being depicted on the plat, homes were constructed within these setbacks and the reason behind is unknown.



Figure 1: Subject Site

There have been two Board of Adjustment petitions for the subdivision, one in 1993 and another in 1996, to address similar setback issues. Both petitions were approved which resulted in a reduction from the required eight (8) foot side yard setback.

REQUEST

As previously mentioned, the applicant intends to install a generator along their southern property line. In order to use the proposed location, a reduction in the side yard setback would need to be reduced from 8' to 1.417'. However, in order to remediate other non-conformities on site, the following reductions would need to be made:

- Reduction in side yard setback along southern property line from 8' to 1'.
- Reduction in side yard setback along northern property line from 8' to 4'.
- Reduction in front yard setback from 30' to 26'.

The applicant has included a statement of hardship in the application attached to this report. Additionally, the application also includes a narrative on the unique physical characteristics of the lot. Per the applicant, *"It has an angled shape that causes the right-side property line to converge unusually close to the structure. Unlike standard rectangular lots, this lot narrows sharply at one corner, limiting placement options for exterior equipment. This unique geometry makes it difficult to install a generator without infringing on setback requirements, even though the unit remains tucked closely to the house."* Said unique lot shape may be seen in Figure 2.



Figure 2: Subject Site

BOARD OF ADJUSTMENT POWERS AND RESPONSIBILITIES

In consideration of a request for a variance, the Board of Adjustment is required to follow Missouri State Statute and Chesterfield City Code requirements. Missouri Revised Statute Chapter 89.090 requires that a Board of Adjustment may only grant variances when the Applicant has established:

"there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance" and "to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done".

It should be noted, the practical difficulty relied on as a ground for a variance must be different from that suffered throughout the zone or the neighborhood. Hardships pertain to the nature of the property rather than the character of the owner. Thus, when granting a variance, the Board must consider the present and future effect of such variances on the property and neighboring property. Variances run with the land; they are not personal to the owner.

REVIEW OF VARIANCE REQUEST

The Department of Planning has reviewed the request and submits the following information for the Board's consideration during review.

Chapter 89 of the Missouri Revised Statutes states, "In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done..." (emphasis added).

In reviewing the statement of practical difficulty, several factors are to be considered by the Board:

1. How substantial the variation is in relationship to the requirement.
2. The effect, if the variance is allowed, on available governmental facilities.
3. Whether a substantial change will be produced in the character of the neighborhood or substantial detriment to adjoining properties or neighbors.
4. Whether the difficulty can be obviated by some feasible method other than the variance.
5. Whether the interest of justice will be served by allowing the variance.

A decision of the Board granting a variance that permits the erection of a structure shall be valid for a period of six (6) months, unless a building permit for such erection is obtained within this period and the erection is started and proceeds to completion in accordance with the terms of the decision.

Exhibits

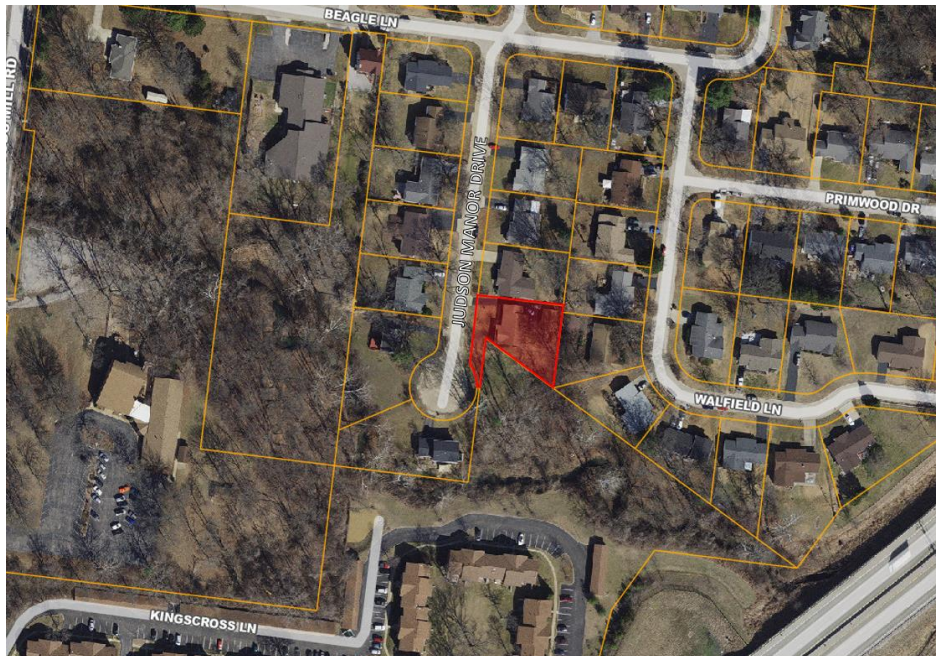
1. Staff Report
2. Notice of Public Hearing
3. Affidavit of Publication
4. Petitioner's Application
5. Letters of Support

**NOTICE OF PUBLIC HEARING
CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT**

NOTICE IS HEREBY GIVEN that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on August 7th, 2025 at 6:00 p.m. in the Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

Said Hearing will be as follows:

B.A. 03-2025 Judson Manor, Lot 27: A request for a variance of the structure setbacks of the “R-3” Residential District for a .3-acre tract of land located south of Beagle Lane and east of Judson Manor Drive.

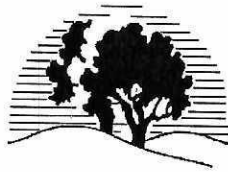


Anyone interested in the proceedings will be given an opportunity to be heard. Copies of the request are available in the Department of Planning at Chesterfield City Hall, 690 Chesterfield Parkway West on weekdays between the hours of 8:30 a.m. and 4:30 p.m. If you need additional information about this project, please contact Alyssa Ahner, Senior Planner, by telephone at 636-537-4738 or by email at aahner@chesterfield.mo.us

CITY OF CHESTERFIELD
Alyssa Ahner
Senior Planner

PROPERTY DESCRIPTION

A tract of land being Lot 27 of Judson Manor Plat One subdivision as recorded in plat book 105 page 71 in St. Louis County, Missouri.



City of Chesterfield

DEPARTMENT OF PLANNING

BOARD OF ADJUSTMENT APPLICATION

The Board of Adjustment is a local body consisting of volunteers appointed by the Mayor. The Board hears requests for variances and appeals of administrative determinations. A variance is a deviation from the zoning ordinance requirements for a specific parcel. The types of variances heard before the Board of Adjustment are Use, Area, and Bulk Variances. A variance is granted only upon demonstration of a hardship such as lot size, topography, or other issues not created by the lot owner. For questions about this application, please contact the Department of Planning at 636-537-4746. For information about this and other projects under review by the Department, please visit "Active Developments" at chesterfield.mo.us/active-developments.html

Check (✓) the type of variance for which you are applying:

- Area or Bulk variance: A request to allow deviation from the dimensional (i.e. height, bulk yard) requirements of a zoning district.
- Use variance: A request to allow deviation for the permissible uses of a zoning district.
- Sign variance: A request to allow deviation from dimensional/quantity regulations
- Appeal of Administrative Determination

Please note: Areas in gray will be completed by the Department of Planning.

STATE OF MISSOURI

BOA NUMBER _____

HEARING DATE _____

CITY OF CHESTERFIELD

Petition for Appeal from Zoning Regulations

I. APPLICANT INFORMATION

Owner(s) of record of the hereinafter described property according to St. Louis County Assessor

Record: COOPER JOINT IRREVOCABLE GIFT TRUST THE

Address: 716 Judson Manor Drive

City: Chesterfield

State: MO

Zip: 63141

Tel.: (314) 406-3089

Fax: _____

Petitioner, if other than owner(s): Robert Roggeman

Address: 17406 Chesterfield Airport Rd

City: Chesterfield

State: MO

Zip: 63005

Tel.: (314) 949-6409

Fax: _____

Legal Interest: _____

(Provide date of contract and date of expiration of contract)

*Attach additional sheets as necessary for other Parties of Interest (Architect, Engineer, etc.)

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

II. PROPERTY INFORMATION

Project Address: 716 Judson Manor Dr

Locator Number(s): 17Q610157

(List additional locator numbers on separate sheet and attach to petition)

Acreage: .3 (To the nearest tenth of an acre)

Subdivision Name (If applicable): JUDSON MANOR PLAT 1

Current Zoning District: R3 Zoning District

Legal Description of Property:

Lot 27 of Judson Manor Plat 1

(Attach additional sheets as necessary)

III. NATURE OF REQUEST FOR VARIANCE

Unique physical characteristics of the lot (e.g., size, slope, etc.):

It has an angled shape that causes the right-side property line to converge unusually close to the structure. Unlike standard rectangular lots, this lot narrows sharply at one corner, limiting placement options for exterior equipment. This unique geometry makes it difficult to install a generator without infringing on setback requirements, even though the unit remains tucked closely to the house.

(Attach additional sheets as necessary)

Description of the necessity of the proposed improvement:

18kW Home Standby Generac Generator to provide backup power in case of a power outage.

Ordinance Number and section to which a variance is sought:

Unified Development Code - Section 405.03.030(l)(3)(d)

(Attach additional sheets as necessary)

Do deed restrictions or subdivision trust indentures for the property prohibit the use or construction which is requested by this petition? Check (✓) one Yes No

Statement of unnecessary hardship, practical difficulty or other information warranting action by the Board:

We are respectfully requesting a variance to allow the installation of a home standby generator that will encroach upon the required side yard setback on the homeowners property. The proposed location for the generator is based on a combination of technical, environmental, and safety constraints that create a practical difficulty in adhering strictly to the zoning setback requirements.

Due to the layout of the existing home, including the location of utilities (natural gas and electrical service panels), HVAC units, and windows and doors, the side yard area, next to the natural gas meter, presents the most feasible and code-compliant location for generator placement in accordance with manufacturer and safety guidelines. Other potential locations either lack proper clearance, would obstruct required access or egress, or would result in excessive noise or vibration for habitable interior spaces.

Strict enforcement of the setback requirement would cause unnecessary hardship by significantly increasing installation costs, requiring major relocation of existing infrastructure, and potentially violating manufacturer safety specifications. The requested variance is the minimum necessary to allow for a reasonable use of the property while ensuring the safety and well-being of its occupants.

This generator is intended to provide essential power during outages, which are increasing in frequency due to severe weather. It supports vital systems such as minor medical equipment, refrigeration, heating, and communications, particularly important for vulnerable occupants in the home.

I believe that the requested variance will not alter the essential character of the neighborhood, nor will it substantially or permanently impair the appropriate use or development of adjacent property. The generator will be installed to meet all applicable noise and safety codes, and will include appropriate screening and mitigation measures to minimize any potential impact on neighboring properties.

I therefore respectfully request the Board's favorable consideration of this variance.

Sincerely,
Robert Roggeman

(Attach additional sheets as necessary)

**690 Chesterfield Parkway West, Chesterfield, MO 63017-0760
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us**

Description of the effect or impact on neighboring properties:

The generator will be placed at the front right corner of 716 Judson Manor Dr, near the property line. The adjacent property is an apartment complex located across a creek and wooded area, creating a natural buffer that minimizes both noise and visibility.

The generator will operate only during outages or brief maintenance tests, and it will meet all noise and safety regulations. Due to the distance, terrain, and existing vegetation, there will be no significant impact on neighboring properties.

(Attach additional sheets as necessary)

For Area or Bulk Variance Requests, complete the following section:

A. Setbacks/Height:

	The Petitioner(s) request the following setback(s):	City of Chesterfield Regulations require the following setback(s) for this site:
Front Yard:	N/A _____	20' _____
Side Yard:	1.417' _____	8' _____
Rear Yard:	N/A _____	15' _____
Height:	_____ _____	_____ _____

Provide the following:

1. A \$90.00 fee. (Checks/money orders to be made payable to the City of Chesterfield)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
 - A site plan showing the dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
 - Letters from abutting property owners stating their position.
 - Copies of the completed application.
 - The City of Chesterfield rejection or denial.
 - Any other information as required by the City of Chesterfield

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For Sign Variance Requests, complete the following section:

B. Signage:

	The Petitioner(s) request the following :	City of Chesterfield Regulations allow the following for this site:
Number of attached business signs:	_____	_____
Size of attached business signs:	_____	_____
Number of freestanding business signs:	_____	_____
Size of freestanding business signs:	_____	_____

Explain why the sign variance request would not cause a public health or safety concern to the neighborhood or the public welfare.

Provide the following:

1. A \$90.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
 - A site plan showing:
 - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
 - The location of proposed signs.
 - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business).
 - A detail sign plan indicating:
 - Dimension of signs with detail sign lettering layout.
 - Total square feet of signs. If attached, what percent of wall.
 - Light detail, if any.
 - Letters from abutting property owners stating their position.
 - Copies of the completed application.
 - The City of Chesterfield rejection or denial.
 - Any other information as required by the City of Chesterfield

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IV. COMPLIANCE

Is property in compliance with all previous conditions of approval of all applicable Ordinance requirements?

Yes No. If no, please explain:

Is property in compliance with all Zoning, Subdivision, and Code requirements?

Yes No. If no, please explain:

[THIS SPACE INTENTIONALLY LEFT BLANK]

V. STATEMENT OF CONSENT

STATEMENT OF CONSENT

I hereby give CONSENT to Robert Roggeman (type, stamp or print clearly full name of agent) to act on my behalf to submit this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property and I have an ownership interest and/or am the owner under contract in the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I understand this application, related material and all attachments become official records of the City of Chesterfield, Missouri, and will not be returned. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER/CONTRACT PURCHASER INFORMATION:

I am the [X] owner [] contract purchaser. (check (✓) one)

Kenneth Blaise Cooper (Name- type, stamp or print clearly)

Kenneth Blaise Cooper (Signature)

(Name of Firm)

716 Judson Manor Dr Chesterfield MO 63141 (Address, City, State, Zip)

Note: Attach additional sheets as necessary.

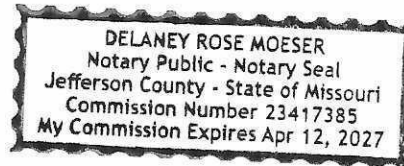
NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 3rd day of June 20 25.

Signed Delaney Rose Moeser Notary Public Print Name: Delaney Rose Moeser

Seal/Stamp:

My Commission Expires: 04/12/2027



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VI. AFFIDAVIT OF COMPLETENESS AND ACCURACY

INSTRUCTIONS: To be completed by individual submitting application (property owner, petitioner with consent, or authorized agent).

Project Name: Generator Install - Cooper

Submittal Date: _____

STATEMENT OF COMPLETION AND ACCURACY

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge and that all property owners have full knowledge that the property they own is the subject of this application. I understand that any knowingly false, inaccurate or incomplete information provided by me will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit and further certify that all owners and petitioners have been provided a complete copy of all material, attachments and documents submitted to the City of Chesterfield relating to this application. I acknowledge this application, related application material and all attachments become official records of the City of Chesterfield, Missouri and will not be returned. I further acknowledge that additional information may be required by the City of Chesterfield to process this application. No arrangement has been made to pay any commission, gratuity, or consideration, directly or indirectly, to any official, employee, or appointee of the City of Chesterfield with respect to this application.

Check (✓) one:

I am the property owner.

I am the contract purchaser.

I am the duly appointed agent of the petitioner.

Robert Roggeman

(Name- type, stamp or print clearly)

[Signature]
(Signature)

(Name of Firm)

17906 Chesterfield Airport Rd, Chesterfield
(Address, City, State, Zip) MO 63005

Note: Attach additional sheets as necessary.

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 5th day of June

20 25

Signed [Signature]

Notary Public

Print Name: Herman Travis III

Seal/Stamp:

My Commission Expires: 6-10-2026



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**VII. CITY OF CHESTERFIELD
LIENS AND FINES CERTIFICATION**

Project Name: _____ **Ward:** _____
Address: _____ **Locator:** _____

STATE OF MISSOURI, CITY OF CHESTERFIELD

I do hereby certify to the Council of the City of Chesterfield that:

___ There are no fines and/or liens of record on the property by or owed to the City of Chesterfield.

___ There are the following fines and/or liens owed to the City of Chesterfield:

1. _____
2. _____
3. _____
4. _____
5. _____

Finance Director
City of Chesterfield

Date

[THIS PAGE FOR INTERNAL USE]

STAFF / BOA USE ONLY

Intake Date: _____

This petition is granted / denied (circle one) on the _____ day of _____ 20 _____

Signed: _____
Chairman

[THIS PAGE FOR INTERNAL USE]

S I T E P L A N

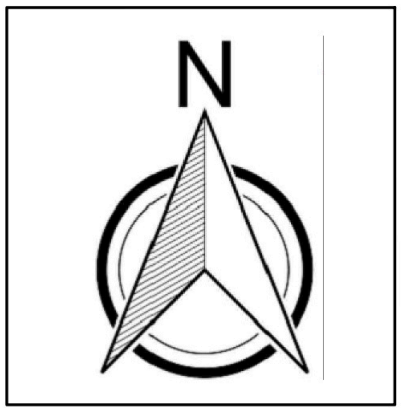
716 Judson Manor Dr

St. Louis, MO 63141

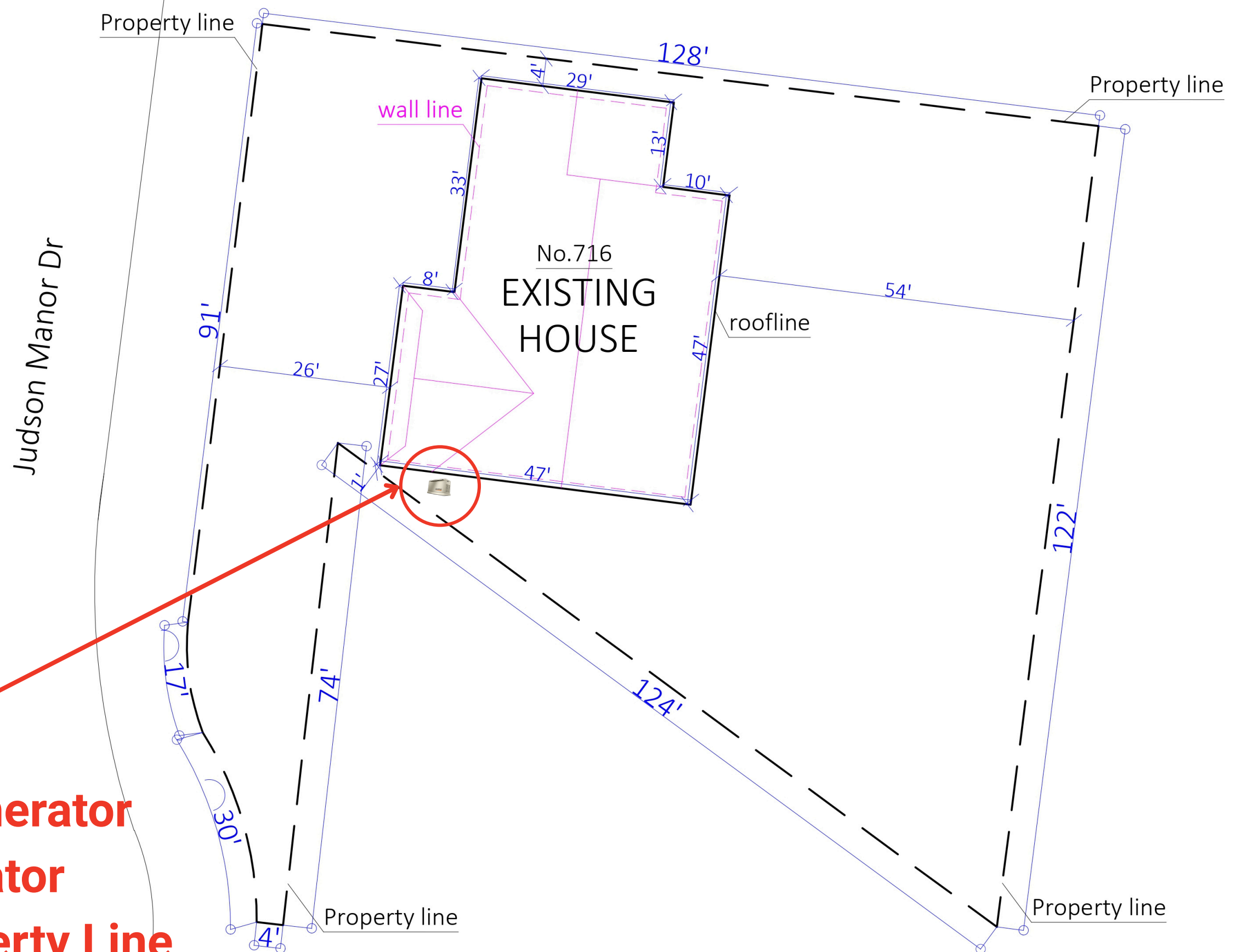
Parcel ID: 17Q-6-1-015-7

Lot area: 0.26 Acres

Paper Size: 11"x17"



scale 1"=20'



18" From House to Generator
25" Width of Generator
5' From House to S Property Line
1.417' From Generator to S Property Line

Letters of Support

Subject: Re: postcard & sign
Sent: 7/28/2025, 9:05:05 AM
From: Jeanne Holder<wga_tap@swbell.net>
To: Alyssa Ahner

Hi Alyssa,
Thanks for taking time to explain this permit situation and how the Board of Adjustment works.

Please pass along my support for the Cooper family request to the board since I am unable to attend the meeting.

Best Regards,
Jeanne Holder

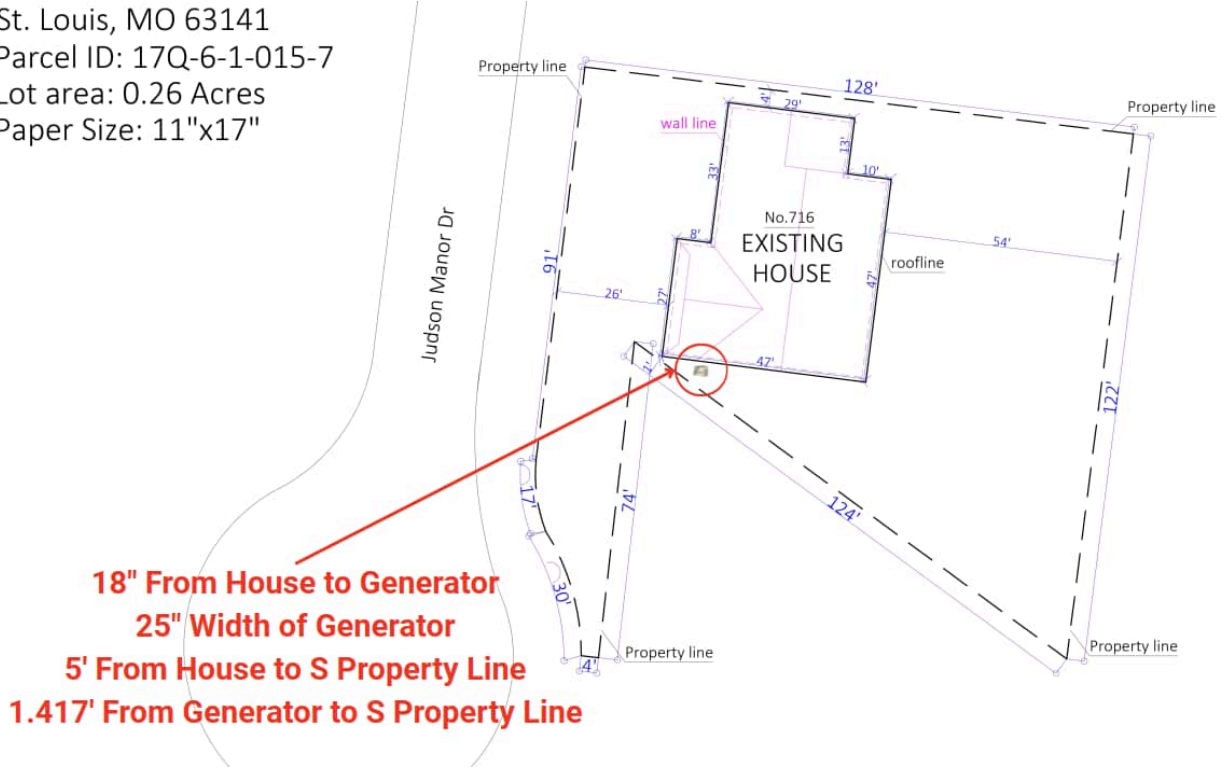
Sent from my iPhone

On Jul 28, 2025, at 8:18 AM, Alyssa Ahner <AAhner@chesterfield.mo.us> wrote:

Good morning Jeanne,

Your neighbor is looking to install a generator along their southern property line. However, generators are only allowed to extend 36 inches into the structure setbacks and their proposal does not meet this. The lot has a unique shape which makes it even trickier to meet setbacks in addition to the building code requirements so the only way for this to be possible is through a variance. The image below shows what is proposed.

St. Louis, MO 63141
Parcel ID: 17Q-6-1-015-7
Lot area: 0.26 Acres
Paper Size: 11"x17"



Alyssa Ahner
Senior Planner
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017
Phone: 636.537.4738
Email: ahner@chesterfield.mo.us

Subject: Variance request for lot 27 of Judson Manor Plat One recorded in plat book 105 page 71 in St Louis County.
Sent: 7/29/2025, 9:57:16 AM
From: James French<jdfrench5443@gmail.com>
To: Alyssa Ahner

Hi Alyssa,

I am unable to attend the Public Hearing on August 7, 2025. I wish to express my support for the requested variance by the Cooper Family.

Sincerely,

James D French

715 Walfield Ln, St. Louis, MO 63141

734-652-0035