

Sworn Written Statement
Vermont State Police
Troop "D" Royalton

FULL NAME: <u>Richard Martin</u>	DATE OF BIRTH: <u>05/12/1959</u>
STREET ADDRESS: <u>9 Ashland Street Dorchester</u>	STATE: <u>MA</u> COUNTY: <u>Suffolk</u> ZIP: <u>02122</u>
HOME TELEPHONE: <u>857 544 6415</u>	
WORK TELEPHONE: <u>857 544 6415</u>	
DATE OF INCIDENT: <u>08 APRIL 2016</u>	CASE# <u>16-D-301129</u>

I, Richard Martin HEREBY SWEAR UNDER PENALTY OF PERJURY (NOT MORE THAN 15 YEARS, NOT MORE THAN \$1,000.00) THAT I HAVE PERSONAL KNOWLEDGE OF THE FOLLOWING FACTS AND THIS STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF:

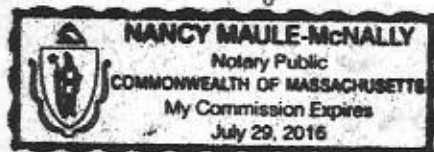
Incident occurred at residence owned by Richard Martin, 2663 Lynds Hill Road, Plymouth Vermont, Windsor County, 05056

Please see attached timeline of events (12 pages) (total of 13 pages) Attachments are numbered 1-12.

Steve Radonis of Mountain Lake Builders, Inc 101 Campground Road Plymouth, VT 05056 caused substantial damage to house located at 2663 Lynds Hill Road, Plymouth, VT and violated contractual obligations.

Subscribed and sworn to before me on this
20th Day of April, 2016

Nancy Maule McNally
Notary Public



20 April 2016
Date

[Signature]
Affiant Richard A. Martin

On July 12, 2015, Richard Martin of 9 Ashland Street, Dorchester, MA 02122 signed a contract with a Steve Radonis of Mountain Lake Builders, Inc, 101 Campground Road, Plymouth, Vermont 05056. The contract was for work to be performed at the residence located at 2663 Lynds Hill Road, Plymouth, VT. The scope of the work to be done (see attached contract) was to demolish an existing two level structure and build a three level structure. The structure was to be Weather tight by Winter 2015/2016, meaning the first day of winter, 21st December 2016. Radonis ensured me that the roof would be on and weather tight before the beginning of winter. Radonis stated several times that he was on his roof during snow storms putting his own roof on. I was worried about this commitment from the start of the contract. I asked several times if it would be logical to wait until spring to start the project, but Radonis kept insisting that he could get the roof on by the agreed upon date as stated in the contract. The reason for ensuring that the new structure was weather tight before winter 2015/2016 was to ensure that the new concrete floor would not be damaged by freeze/thaw from water leaking into garage and to ensure that there would be no rot damage to new structure from moisture leaking into the new wood. The cost for the project was agreed by both parties, albeit verbally, to be \$65,000.00. This was reiterated multiple times to Radonis and witnesses will testify to this fact. Any cost overruns were to be communicated before they occurred and invoices were to be submitted within one week of work being completed. Work started on August 24, 2015, well after one month had passed when Radonis was given a check of \$20,000. I started to voice my concerns on the schedule at this time as he was over one month late stating he had delayed the start of the project and he did not communicate this to me. In an email dated Monday, 24 August, 2015, Radonis stated the following:

Hello Rick,

*Actually started this mid morning,
bringing the machine up either tomorrow or Weds .
trying to safely get the electric .etc. out of the way.*

*we will try to work around the Dish(and BTW I am getting VTEL fios hooked
up Yea!!!! its up and running)*

I usually try to send an Invoice every week to keep things up to date/.

this way you can compose an Excel spread sheet from that if you choose to.

Best,

Steve

*was down in NY at a family event this past weekend when you called but did get
your message*

This evidence of what was to come as far as work ethic and communication. Radonis stated he did not get my message? This was a common thread for Radonis. All through the process, communication by Radonis was extremely poor. I had to keep asking for updates, ask why there major expenditures without my approval and why we were behind schedule. Emails attesting to this problem were given to the Vermont State Police.

On Sunday, November 1st 2015, Radonis sent a shocking email about cost overruns:

Rick,
Just some thoughts.

Reviewing the invoices, The site work and foundation concrete etc. were a big chunk of what we have spent thus far.

We still have a little concrete to pour IE: Garage floor./ .

Have you had a chance think about windows (Anderson 400 series) gives you lots of décor options/ Casement. double hung/ true divided light/ 6 over 6 / 2 over 6/ etc.

Steve

He never contacted me to authorize these huge expenses, Radonis went ahead and made several decisions on his own that affected the cost of the project. In addition, I investigated and found out that the Anderson windows he wanted to order were terribly expensive and we did not want these windows. He had been told this multiple times. I started to voice my concerns about the delays and budget overruns. I sent two emails on November 1, 2015:

I will be up there Tuesday and Wednesday.

We budgeted \$60-65K for the entire project as we discussed.

I think we have written checks for the first \$20K and the next \$23K, correct? So that gave us \$43K.

I see the invoice from November 1st, from what I can see we have spent approx. \$25K?

AND

Just looked at all of the invoices.

WE really have to keep to the budget.

I did not expect that this we be almost 2/3 of the budget, and we still have not even started looking at internal finishes.

How much more we will need to spend to finish framing and roof???

Radonis never replied.

On Monday, Novemerb 16, 2015, I sent the following email:

Hi Steve

I am starting to keep an excel spreadsheet for the project.

This is what we are at so far for a total:

<i>Date</i>	<i>Invoice No.</i>	<i>Amount</i>
<i>8/30/2015</i>	<i>140</i>	<i>2310.9</i>
<i>9/27/2015</i>	<i>143</i>	<i>10567.02</i>
<i>10/17/2015</i>	<i>145</i>	<i>10797.77</i>

pg 2 of 12

11/1/2015	146	15791.36
11/8/2015	147	1991.25
11/15/2015	148	4641.65

TOTAL		46099.95
-------	--	----------

As you know, we budgeted a maximum of \$65000 for the entire project. This leaves us approximately \$19000 to finish, and this number includes what is budgeted for the windows garage door and doors which is going to be around, \$8000. This only leaves us \$11,000 to finish your part of the framing, floors and other construction.

And now I am not sure how we are going to get the electrical, plumbing and finish work done now.

As we discussed, I am rather disappointed on the amount that was spent on the site work. I think this was overpriced and could have been scaled back.

We should take a look at what costs we can cut in order to stay on budget.

At this time, I am not willing to exceed the original budget \$65000. The property is not worth putting any more capital into the property above the original \$65000.

You understand the implications of cost over runs on a project, and in this case we do not have the capital to go over the budgeted amount

We will send the payment due this week, and a small deposit to cover costs.

I would like to know ahead of time costs so I can figure out whether or not it is worth the cost to continue.

On Monday, November 30, 2015 I sent another email on cost overruns.

Steve

This puts us at a total of

Date	Invoice No.	Amount
8/30/2015	140	2310.9
9/27/2015	143	10567.02
10/17/2015	145	10797.77
11/1/2015	146	15791.36
11/8/2015	147	1991.25
11/15/2015	148	4641.65
11/18/2015	149	5405.7
TOTAL		51505.65

pg 3 of 12

*That only leaves \$14000 left in the budget of \$65000.
This was a number we had looked at from the beginning.
I still have to order the windows, doors and garage door which will be about \$8500.*

I need to know what amount you think you are going to spend now to finish the second and third floor and the roof.

We will be hard pressed to go over the \$65000 budget.

So, we need to have a conversation on hard figures and what it will cost us to finish.

Give me a call this week so we can discuss.

Radonis never called. Never answered and just ignored my requests for an explanation or to make a phone call.

On December 6, I finally received a reply in response to another request for costs:

Steve

We are now at \$53391.00

Factoring in another approx. \$10,000 for materials puts us at \$63391.00.

Labor will be an additional cost of approx. \$7500, which would put us at almost \$70K.

I still have yet to order the windows at another \$7500.

That is going to put us way over budget.

I will be there this week to go over the numbers

We have been saying that a budget of \$65000 was what we agreed upon.

We will not recover this investment and that was my concern from the start of the project.

If we had known at the start that we would be above the budget, we would delayed the project and sold the house.

What is the big question you are referring to?

From: I R [mailto:vt Yankee1@msn.com]

Sent: Sunday, December 6, 2015 4:39 PM

To: rick

Subject:

Rick,

We are just about finished framing the main floor tying in the rear wall (tying it into the existing structure tomorrow and cutting away roof section) then we will install the Joist we have (6) to support the master BR.

we will need to order 18 more TJI to complete that with Band joist / 26 sheets 3/4 subfloor /about 150 2x 6 /Header material/ approximately 80 1/2" OSB (remaining sheathing for upper floor gable end and roof)/ 2x12 rafter material an stair material / Adhesives/ Flashing and fasteners etc./ 2 rolls Typar/ and roof membrane/ //./ this is the major components to complete the main additional structure /

You have a balance of \$208.55 remaining. Since we need to order some materials, I will need an additional deposit to keep things moving forward. Please let me know? The remaining aforementioned materials will be approximately \$ 10,000.00 and 5 or six weeks labor/ excluding weather and holidays..

I hope this helps.

Pg 4 of 12

Ahhhhh the big question YES you can.
Best,
Steve

Radonis kept asking for funds up front, which is against all standard construction practices. Work is to be paid only after work is done. At this time, there was still no roof and there was significant water damage to the garage floor and new wood. Radonis stated he would have this done in 5-6 weeks, which would be mid January 2016. This did not happen

As Radonis still refused to give stick to the budget and communicate any costs to me before he made them, I sent another email on December 15, 2015 making a proposal to help with the budget overruns. This is Radonis' reply:

From: I R [<mailto:vtyankee1@msn.com>]
Sent: Wednesday, December 16, 2015 9:55 AM
To: rick
Subject: RE: Going forward

Rick,

Going forward? First your handling of ordering the windows was completely (and almost very costly) unprofessionally expedited. (Typical of a DIY) You transposed inaccurate rough openings/ omitted stud pockets/ not to mention the five or six trips to Home Depot you made, along with many time consuming conversations, site visits, and emails between us. That time was not billed, However it was included in the Standard operating cost and procedures you call a surcharge.

I have priced those windows and sizes and certainly, I would have saved you Money, and that would have included delivery, Partly Because I Enjoy trade courtesies not available to you.

Additionally, I certainly would have spent far less time ordering them.

Going forward, I receive a courtesy trade discount, it is only after that discount that I add any contractor fee.

Going forward / If you would like to pay directly for your product you are entitled.

However then My requirements will change.

1) You can supply any and all tools / compressors/ nail guns/ transit/ table saws/ bevel miter saw/ all drills and bits / all miscellaneous materials no matter how small/ Ladders/ skill saws / sawzalls / staging/ extension cords / air lines ram sets/ TRUCK / all this should be professional grade and OSHA approved.

Insurances:

workmen's comp / auto/ liabilities etc.

Taxes:

all Tax Liabilities.

Fuel for truck

All time spent in conversations and specking out product will be billed accordingly.

pg 5 10/12

I have spent approximately an additional \$1000.00 on tools that were job specific IE: a trash pump to keep the water out of the after excavating in order to continue working in a safe dry area/ this is just one example of equipment needed move forward with your project.

Going forward: option . I will charge you a fee for limited use of my equipment. \$ 120.00 per day .All Blades drill bits etc will be additionally charged. Time will be billed from the time we leave the shop until the time we return to the shop
All mileage \$1.00 per mile plus Hourly labor for driving.

Going forward option: Continue as we have until this point>
Please Let me know what you would like to do?
If you can not continue I will bring an invoice up to date and reimburse any unused Balance to you.

I will wait for your response,
Steve

From: kenji.rick@verizon.net
To: vtyankee1@msn.com
Subject: RE:
Date: Tue, 15 Dec 2015 07:39:22 -0500

Sent you a text message about ordering materials going forward.
You quoted an amount of approx. \$10000 for materials to finish, but that did not include windows, doors or other materials that we have ordered.
So, if we can realize savings by paying for the materials ourselves, then I would like to do that now. If the \$100000 includes the %15 surcharge, we would save \$1500.
Unfortunately, because of the decisions made on the height of the garage and the time spent with excavation, we will need to implement cost savings now.
Going forward I will need to approve all material costs or we will not have the capital to continue.

Above, Radonis threatened to walk off the job and make substantial changes to the contract. We were in a panic. This was extortion. We had no roof, Radonis had taken \$53000 of our capital to date and we had only half a shell of a building to show for all of our money.

At this time, we started to question the ethical practices of Radonis, where all of the money had gone and why he was nowhere near having the roof on, which he committed to do by December 2015.

Work was sporadic over the next two months and costs continued to escalate. Radonis was spending far more than the \$1000 he had committed to December 6, 2015 and we were into March and had significant water damage all over the new building as well as the existing house.

On April 3, 2016 I received the following email from Radonis:

pg 6 of 12

From: I R [mailto:vtyankee1@msn.com]
Sent: Sunday, April 3, 2016 8:03 PM
To: rick
Subject:

Rick,

I want to just re confirm the decision on the finished roof Material.
as I want to get it ordered in the next few days.

Metal roofing panels 36" panel 9" o.c to measure length
roof valley flashing
side wall flashing for chimney
rake edge trim
ridge trim
screws
factory paint color to match as close as to existing standing seam roof
let me know if this is ok
best,
Steve

I asked for a cost of materials and I told Radonis I would not authorize any more spending until I had the exact cost of the roofing materials.

On Wednesday, April 6, 2016, I received the following email:

From: I R [mailto:vtyankee1@msn.com]
Sent: Wednesday, April 6, 2016 11:53 AM
To: rick
Subject: RE: Debit and credit history for your review

Rick,
Please review History
Thanks,
Steve

P.S.

I will touch base with you soon in regards to your other concerns.

I never heard from Radonis about my concerns.
On Thursday, April 7, 2016, the following email was sent :

This is where we stand on the budget with your initial estimate of \$65000.
There were several days when you said there was no work done on March, so I am confused about the work hours?
AS I stated before, I am waiting for estimates on materials and labor for the roof, the back deck, the front entry way and the install for the doors and windows.
Also would like t timeframes for completion of these tasks as well.

pg 7 of 12

We are at \$95,523 so you can understand my grave concern on why you are so far over the budget.

Date	Invoice No.		Amount		Checks Issued
8/30/2015	140	\$ 20,000.00	\$ 2,310.90	\$ 17,689.10	\$ 20,000.00
9/27/2015	143		\$ 10,567.02	\$ 7,122.08	
10/17/2015	145	\$ 18,000.00	\$ 10,797.77	\$ 14,324.31	\$ 18,000.00
11/1/2015	146	\$ 5,000.00	\$ 15,791.36	\$ 3,532.95	\$ 5,000.00
11/8/2015	147		\$ 1,991.25	\$ 1,541.70	
11/15/2015	148		\$ 4,641.65	\$ (3,099.95)	
11/18/2015	149	\$ 10,600.00	\$ 5,405.70	\$ 2,094.35	\$ 10,600.00
12/6/2015	150		\$ 1,885.80	\$ 208.55	
12/9/2015	151	\$ 7,500.00	\$ 2,250.22	\$ 5,458.33	\$ 7,500.00
12/20/2015	152		\$ 3,850.15	\$ 1,608.18	
1/3/2016	153		\$ 1,422.50	\$ 185.68	
1/4/2016		\$ 7,500.00		\$ 7,685.68	\$ 7,500.00
1/9/2016	154		\$ 3,769.27	\$ 3,916.41	
1/16/2016	155		\$ 373.75	\$ 3,542.66	
1/23/2016	156		\$ 1,366.25	\$ 2,176.41	
1/31/2016	157		\$ 1,708.51	\$ 7,967.90	\$ 7,500.00
2/6/2016	158		\$ 1,886.77	\$ 6,081.13	
2/15/201	159		\$ 1,688.40	\$ 4,392.73	
2/21/2016	160		\$ 2,657.48	\$ 1,735.25	
2/28/2016	161		\$ 1,680.49	\$ 54.76	
3/6/2015	163		\$ 1,765.35	\$ 4,289.41	\$ 6,000.00
3/13/2015	165		\$ 958.75	\$ 3,330.66	
3/19/2016	166		\$ 1,245.87	\$ 2,084.79	
3/26/2016	167		\$ 832.50	\$ 1,252.29	
4/1/2016	168		\$ 2,004.48	\$ (752.19)	
TOTAL			\$ 82,852.19		\$ 82,100.00

From: I R [mailto:vtyankee1@msn.com]
 Sent: Thursday, April 7, 2016 10:45 AM
 To: rick
 Subject: RE: Debit and credit history for your review

Rick,
 I apologize for the confusion.

PT 8 16 12

Steve

From: kenji.rick@verizon.net
To: vtyankee1@msn.com
Subject: RE: Debit and credit history for your review
Date: Wed, 6 Apr 2016 17:41:13 -0400

I am missing Invoice 167
You sent 166 twice

From: I R [<mailto:vtyankee1@msn.com>]
Sent: Wednesday, April 6, 2016 11:53 AM
To: rick
Subject: RE: Debit and credit history for your review

Rick,
Please review History
Thanks,
Steve

P.S.

I will touch base with you soon in regards to your other concerns.

From: kenji.rick@verizon.net
To: vtyankee1@msn.com
Subject: RE:
Date: Sun, 3 Apr 2016 21:55:55 -0400

Invoice 166 has a credit balance of \$2084.79
Invoice 168 has a charge of \$2004.48 which leaves a credit balance of \$80.31

Rick

On Friday, April 8, Radonis sent the following response:

Steve

WE need to talk about this
I am asking for an accounting of how much more we can expect to spend on the project before moving forward, that is all.
This not a demand, bit a request for an estimate
We do have extra funds, but I need to know what you expect to spend.
I can authorize the cost only if you can give me an estimate, of which has not been provided.
Are you able to talk about this now?

JK 9/12

From: I R [mailto:vtyankee1@msn.com]
Sent: Friday, April 8, 2016 10:02 AM
To: rick
Subject: RE: Debit and credit history for your review

From: vtyankee1@msn.com
To: kenji.rick@verizon.net
Subject: RE: Debit and credit history for your review
Date: Thu, 7 Apr 2016 19:25:02 -0400

Rick,

To let you know I have de-mobilized from the project. This decision was made in reference to your demand, to not to order any more materials and to stop all work unless it was to install windows and doors. (This would be like putting the cart before the horse).

It also was prompted by your admission of not having any more funds for this project. I need ready access to materials to keep things moving forward. I wanted to order the custom roofing that you requested as there is a lead time for this. I was unable to do that, creating a gap in the flow and continuation of work

At this time I have De-Mobilized and have committed to other projects probably for about a month and a half.

Hopefully, if you choose to, we can, in time, resume. This will give you the opportunity to reorganize and find resources.

*Best,
Steve*

I tried multiple times to call Radonis, text him but he never answered. On Thursday, April 7, 2016, Radonis said he was having problems with his cell phone and could not reach me.

*I am also having some major problems with my phone.
I am not a techy person but trying to work thru the problems.
Steve*

This was a blatant attempt to avoid answering my concerns.

On Friday, April 8, 2016, Radonis sent another email:

Rick,

I have ordered a new phone and it is being shipped. So my line of communication via phone will not be available until I get the new phone upon my return. I have also made arrangements to travel for a couple weeks out of the country and will be unavailable.

Roof materials : We had a conversation involving Time and price a couple weeks ago. after presenting several options you chose the ribbed metal roofing 9" O.C. with a color at \$1.10 per sq. ft. Also needed addition side wall flashing, valley flashing, ridge cap, rake trim, drip

ps 10/12

edge, and screws to match, also discussed. I told you the roof was a little over 10 sq. or 1000 + sq ft. + waste, with two valleys and a cricket.

We also discussed what we needed to prep for the final roof. Membrane underlayment, trim and strap roof to afford a cold roof application to enable the best insulation r value and functionality.

From: vtyankee1@msn.com

To: kenji.rick@verizon.net

Subject:

Date: Thu, 7 Apr 2016 10:46:52 -0400

I am also having some major problems with my phone.

I am not a techy person but trying to work thru the problems.

Steve

Here Radonis is contraindicating his first statement about leaving to work on other projects, now he was leaving the country and had no way to communicate with me.

Radonis had obviously started to leave the project earlier in the week and had no intention of finishing the job. Radonis had planned this all along.

On Friday, April 8, 2016 I got in the car and drove to Vermont in a panic. Upon arrival, I found our house in a state of disrepair:

- Radonis had torn off the siding to the side of the existing attic space and left our house open to the elements. There were birds nesting in the attic above the existing bedrooms. There was water damage to the internal structure of the existing house.
- Radonis had left multiple electrical wires exposed creating a real and immediate fire threat. He left an extension cord attached to an outlet which had scorch marks from water exposure. One of the outlets was broken.
- He burned a pile of lumber on our new driveway, about ten feet from the new structure. He had no authorization to burn this material.
- The garage floor was pitted beyond repair and was cracking all throughout the space.
- I went in the main house and what I saw upstairs shocked me. Radonis had gone through the house and removed an existing window from one of the bedrooms. Radonis put piece plywood over the opening with no insulation or support. The room was freezing. This was never authorized and created not only a safety hazard but if there was a fire, we could not get escape on the side.
- There is severe erosion damage where Radonis had excavated in the back of the house. With no retaining wall, dirt was being carried from the back into the new garage.
- Roof was still not water tight. I had to push water out of the garage.
- Radonis did not install sheathing on the two new gables causing water damage to the new structure and to the existing house.

ps 11 of 12

- First and second floor joists have been shimmed and are uneven. This is not to code. Additional work will have to be performed in order to install ceilings.

I called the Vermont State Police and Trooper Gary Salvatore arrived to take a complaint.

I showed Trooper Salvatore all of the damage, the contract with Radonis and other evidence of Radonis' efforts to cause damage to the new structure and vandalism he caused to the property.

At this point, I have called several contractors to fix the immediate dangers.

Radonis owes us for funds spent over the budget, and for 50% of \$65000 as he did not finish the job according to the contract.