

Cairns City Council's

Dust File

By Northern Belle Pty Ltd

Copies of this file forwarded to

The Cairns Post
Val Schier - Mayoral Candidate
Steven Smith - Senior EPA Officer
Cairns City Council

Cairns City Council PO Box 359 Cairns Qld 4870

04 February 2008

To whom it may concern

Northern Belle Pty Ltd <u>will not</u> be paying its upcoming Cairns City Council rates bill, for 11 Cava Close Bungalow Cairns, until the Council's quarry-like activity stops and goes back to an activity for which it is 'zoned'.

The quarry-like activity has dumped such considerable dust, of questionable content, onto the premises that Northern Belle Pty Ltd will also be presenting Council with a cleaning bill of \$33,498 (20 hrs/wk @ \$32.21/hr) for the past year.

Northern Belle Pty Ltd will also be seeking a refund of its Council rates for the first half of the year, as council has consistently failed to keep up with its services obligations.

The drain reserve on two sides of our property <u>have not</u> been cleared of debris since Cyclone Larry and there is now sugar cane growing 8 feet high along our boundary. Subsequently, our business is at high risk of having snakes and vermin entering the property. Any injury to staff or client will therefore be the sole responsibility and liability of the Cairns City Council.

Regards

Aart Brons Licensee & Owner Northern Belle Pty Ltd Cairns City Council PO Box 359 Cairns Qld 4870

Account for

LOT: 7 SP: 101286

11 Cava Close BUNGALOW

Fhold-Commercial

1000.0000SQUARE METRES

Date of issue 04 February 2008

Commercial cleaning of the above premises

Dates	osting	Total
17 Jan 2007 to 17 Jan 2008	20 hrs/wk @ \$32.21/hr	\$33,498
	total	\$33,498

Accounts payable by within 30 days of date of issue. Cheques or money orders to be made payable to Northern Belle Pty Ltd. Post to 11 Cava Close Bungalow CAIRNS 4870 Qld Northern Belle 11 Cava Close Bungalow Cairns 4870

Media Release to Cairns Post

Attention Kevin King

Aart Brons Brothel Licensee and Owner states:

Cairns City Council

"POOR LOSERS"

First screwed then rolled now "DUSTED"

This is what they do to you when you embarrass Council.

See photo display enclosed.

Read about council's own prospective and sensitivity of the area concerned through the lobbied up objections by Jason O Brien, and <u>WHY</u> the brothel application was refused as per council meeting held on the **1 February 2001** as per attachment concerning <u>S64</u> of the prostitution act.

Why in your right mind would you have a heavy industrial **quarry type** (recycled concrete crushing and second hand soil sifting) plant there, where it is "<u>LIGHT INDUSTRIAL</u>" and only 20 Metres from **our** back fence (with a predominantly south easterly wind blowing through cairns for most of the year) and dumping that dust straight into our back yard and 'staff only' entertainment area?????????

If not but to sift us full of contaminated dust intentionally!!!!!!

We repeat "Northern Belle PTY LTD" Brothel and Quarry cannot co-exist.

Quarry must stop its activity immediately

Headlines must read

Cairns City Council Poor Losers Brothel, Screwed, Rolled, and now 'Dusted'

Kind regards

Aart Brons brothel licensee and owner.



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> How to Contact Us

Email Feedback

- > General Complaint
- > Contact by Email
- Request for Freedom of Information
- > Request for Service
- > Site Feedback

Thank you - your complaint has been forwarded to the Executive Office and a confirmation email has been sent to your email address.

General Complaint

Name:

david lang

Address:

11 cava close

Suburb/Town:

bungalow

Phone:

07-40335955

Email Address:

northerhbelle@bigpond.com.au

Subject Site Address:

cairns council cleansing depo end of Mc

Coombe st

Subject Site Suburb:

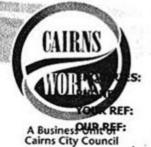
bungalow

Other Information:

dust and dirt through out property staff and clients subject to health problems from constant dust etc, spa and aircons filling up with dust and dirt also other particals from council site..

Complaint Details:

on the 18th of January 2007 at 1120am I was taking photos to document the problem we are having with council's site to the rear of our property As I took the first photo in plain view the driver of a front end loader a council employee saw me and gave me the finger with both hands as he was about to dump his load of dirt and rubble through the sifter he saw i was photographing this and he stopped from dumping the load and lowered the bucket of the loader moved to the side of the smaller dirt pile and emptied the bucket and started to drive off while doing so he grabed his two way to contact who ever is incharge . This pile of dirt has never been watered down or have shown any signs of stopping this problem, and we are subject to a constant snowing of dust and other particalls from this site. This dust and dirt is filling our spa daily causing all sorts of health problems and clogging the filters also it is clogging up all our aircon units with dust from this council site. This dust is that bad that it is affecting all of our staffs health and resolting in breathing problems due to the amount of dust and dirt etc polluting the air we breathe. There are environment and council laws in place to prevent other people builders etc from doing this type of activity with out watering down to prevent dirt and dust from causing these kind of problems i would then expect council to abide to these conditions and do thier best to prevent this sort of problem from happening. Please inform me what will be done about this problem so we can sort it out to prevent leagal procedures.



Vince Spranklin 4044 3628

#1493945

Please address correspondence to:
Chief Executive Officer
Cairns City Council
PO Box 359
Cairns QLD 4870
www.cairns.qld.gov.au
ABN 21 543 571 965

24 May 2007

Mr Aart Brons Chief Executive Officer Northern Belle 11 Cava Close BUNGALOW QLD 4870

<u>Dust Complaint</u> Cairns City Council McCoombe St Depot

I refer to your correspondence received by Council on the 7th May, 2007 and logged complaint received on the 17th May, 2007 (ref:HET00262) in regard to activities occurring at McCoombe St Depot described as Lot 21 on C198396.

Our current operations at this site have been significantly modified after discussions with you. Cairns Works is currently not trucking materials to the site and will carry out wetting of the site with watercarts as necessary whilst removing materials from the site. No future crushing activity has been arranged at this time. This situation will remain in place until a complete review of the site and the appropriateness of activities has been investigated

Council will correspond further during and when the investigation has been completed.

If you require any further details or wish to discuss aspects related to this matter, please contact Vince Spranklin on 4044 3628.

Yours faithfully

Geoff Hatwell

MANAGER CAIRNS WORKS

961.00

cc Kerry O'Brien



To whom it may concern,

I am writing to inform you of our situation once again with pollutions and dust we are facing from council's cleansing station at the end of Mc Coombe st.

I refer to our correspondence on 24th May (ref: HET00262), the activity had ceased until just recently when in the last few weeks as we have once again we are experiencing heavy dust and pollution,

In your letter we were informed that any movement of material would only be done if the area had been wet down with water carts. I wish to advise that this is not happening and wish to bring this matter to your immediate attention as this is a health and environment issue that must be delt with a.s.a.p

I would also like to bring to your attention that a dirt mound has been built at the rear of our property, to which we had to build a 3 meter fence so no one could see in our court yard and staff area, it now looks like council are building a "viewing" platform as to peep over our fence, this is something that could be seen as pervert and breech of privacy .. I would not like to think that this was so, as it would be against the law to have a purposely built advantage point to pervert on our service providers and staff.

You could imagine how the press would read into this and the trouble it could cause.

Not to mention the health hazard caused by this second grade material of various substances, even the possibility of asbestos present amongst it all,

Our staff and clients are forced to breath in this pollution, even the E.P.A have concerns in regards to this kind of hazardous activity, especially when peoples health are at risk.!!

If you could please inform me of what is happening with this dirt mound, as we were led to believe that this type of activity was to cease all together.

I hope that we can find a suitable solution to this problem,

I look forward to hearing from you in regards to this matter,

Kind regards

David Lang

---- Original Message -----

From: Steve Smith

To: manager@northernbelle.com.au

Cc: Customer Service Centre

Sent: Friday, January 25, 2008 2:40 PM Subject: Re: Complaint 11 Cava Close

Hello David

I have received your complaint regarding dust emissions from the Cairns City Council depot site on McCoombe Street. I have brought the matter to the attention of the Council's Environmental Systems Officer who is responsible for ensuring environmental compliance of council's internal activities. Council has been constructing an earthen bund along the perimeter of the compound to reduce the likelihood of noise nuisance occurring.

The construction of the bund is the likely source of the increased dust emissions over the past couple of weeks. Council states that it intends to install sprinklers at the site to reduce future dust emissions. Council maintains that it has made daily use of a water truck to suppress dust generation at this site.

I trust that the measures already implemented and planned activities of the Council will reduce the likelihood of nuisance and I have received assurance from Council that dust suppression will occur daily on non-rainy days. Please do not hesitate in contacting me directly on Ph 4046 6754 if there are future reoccurrences of fugitive dust emissions from this location.

Regards

Steve Smith Senior Environmental Officer Cairns District Office Environmental Protection Agency From: manager@northernbelle.com.au [mailto:manager@northernbelle.com.au]

Sent: Saturday, 26 January 2008 11:19 PM

To: Steve Smith

Subject: Re: Complaint 11 Cava Close

Hi Steve.

thank you for your quick reply,

what my concern is, not only the contaminated dust, that we are forced to breath in which is full of pollutants, but the type of activity being carried out in this "light industrial" zone, this type of activity should only be done in a "Heavy industrial" or quary more suited for crushing of highly contaminated (possible asbestos!!!) material..as this cannot and should not exist in a highly sensitive and populated area.

Just imagine the health problems that this could cause, we have just had cases in the news of companies and departments being suied for simular practices, do we need to go that far or risk people and environment health, when all needs to be done is to move such activity to a more suited area. after all this zone has been devolped to improve the city we live in not to have pollution dumped apon us, our staff, and general public... this cannot be tolorated nor should it be, would you like to breath in this type of pollution?? I am sure you would not nor should we..

Part two: the concern of the so called "earthen bund" as you called it, this is seen to be a "peeping tom" platform from which one could peep within our private staff area, now knowing our bussiness this is seen to be a breech of privacy as we installed a 3 meter fence to keep our staff area private for obvious reasons, but now have a 5 meter peeping platform in our backyard from which council workers are able to sneek a peek at our private area and our staff...you could well imagine how the press would love to jump on that and the damage it could cause.

So you see my concerns and why this cannot happen in such a area, do you not agree.. will look forward to your reply

kind regards

David Lang Manager Northern Belle From: Steve Smith

To: manager@northernbelle.com.au

Sent: Tuesday, January 29, 2008 1:53 PM

Subject: RE: Complaint 11 Cava Close

Hello David.

Thanks for getting back to me on this. I understand your concern regarding the council's activities relating to this site. It looks like I need to come out and have a look around. I am booked out for the next week until Wednesday 6th of Feb. Does 2:00pm suit you? I can look around the council site at this time and let me know if you would like to catch up then as well.

Council have given their assurances that the dust issues at the site are being addressed. At the moment it seems to be your word against theirs that there is a dust problem. It would be good if we could establish a clear record of problem times relating to dust emissions. If I could get you to record a week of journal entries recording when, how much and for low long you notice the dust. The attached complaint form will provide you with some guidance on what to do. Does there seem to be a time of the day when dust is at its worst?

In relation to asbestos, there are strict guidelines regulating the disposal of this product. Council are not licensed to dispose of the waste at this site. Asbestos material should be taken to the Portsmith site for disposal so I would be surprised that they would be storing it at the site and they certainly should not be crushing the material. However an inspection of the site can take place to ensure that asbestos is not stored at the location.

I have been assured by council the earthen bund is there for your protection and the other noise sensitive neighbours. I haven't seen the structure myself but I can have a look at it next week. I'll see if it is not causing a dust nuisance of it own but otherwise I don't think I have any authority to tell council to remove it or have any other powers to stop them looking over the fence. If you find that council employees are hanging around the fence apparently looking into your staff quarters then I'm sure Council would be happy to deal with the complaint and reprimand workers for wasting public funds. There should be only one full time council employee at this site so can't imagine that this scenario would arise too often. I suggest the police might be an appropriate agency to ensure your privacy if you do not get any joy from council.

In the mean time if I could get you to fill in the attached form and to keep a record of dust events I will see you next week.

Regards

Steve Smith Senior Environmental Officer Environmental Protection Agency Ph 4046 6754 From: Evans Kerry [mailto:K.Evans@cairns.qld.gov.au]

Sent: Thursday, 7 February 2008 4:36 PM

To: Steve Smith

Subject: McCoombe St Depot

Hi Steve,

I will be out most of the day tomorrow so it will probably be best to contact me on my mobile - 0437 447 271.

I will await your response from today's site visit. Regards,

Kerry Evans Environmental Systems Officer Technical Support Services City Works & Services Cairns City Council PO Box 359 Cairns QLD 4870

☎ 07 4044 3461 № 07 4044 3812

From: manager@northernbelle.com.au [mailto:manager@northernbelle.com.au]

Sent: Friday, 8 February 2008 3:18 PM

To: Steve Smith Subject: Council land

Hi Steve

Aart was very pleased with his recent phone call with you. He would like written confirmation of the outcome from yourself for his records and a more detailed one from the Councils department of Works as to their intentions and the time span.

Kind Regards

Christina Manager Northern Belle From: Steve Smith

To: manager@northernbelle.com.au Sent: Friday, February 08, 2008 4:22 PM

Subject: RE: Council land

HI Christina I have proposed the following negotiated outcome with CCC and am currently awaiting a response. Please note that the following is a proposal and that council may require some time to consider their response.

Regards Steve Smith

Please note that I am undertaking extended field work in the Torres Strait from next week and will be out of the office until 10 March. If there are any issues that arise with this matter in that time please contact EPA operations Manager, Chris Buckingham on 40 46 6754 or chris.buckingham@epa.qld.gov.au

Regards Steve Smith

Attachment

I have spoken to the complainant and suggested a plan that allows council to undertake the planned activity while limiting its impacts on the Northern Belle establishment. I strongly suggest council agree to the following:

Council fence the perimeter of the McCoombe Street depot to prevent unauthorised access from the northern side of the property;

Council commence with the planned concrete crush of the existing 3000t stockpile and that this crush begin as soon as possible and be concluded by the end of the February 2008 (subject to availability of plant);

Council should also take all reasonable measures to lessen the impact of the crushing activity by undertaking works at the northern end of the stockpile in the morning and then in the afternoons shifting the crushing plant to the southern end of the pile;

That council undertake a noise assessment of the crushing plant and that all reasonable steps be undertaken to mitigate against noise and dust propagation;

That the council undertake negotiation with the proprietor of the Northern Belle regarding possible compensation for additional dust that may be generated by the crushing activity

That Council advise, in writing, all near neighbours of its intention to undertake the crushing activity stating the times and expected duration of the activity as well identifying a nominated contact person for the activity;

That Council plan to seal the McCoombe street depot to reduce the likelihood of further dust nuisance.

That at the end of the crush activity, Council scales down any screening and stockpiling operations at the site and maintain the site as a sealed hardstand storage area in keeping with the surrounding landuse.

That ceases any further stockpiling of concrete material for recycling and seek an alternative site (perhaps the Portsmith landfill site).

That after the existing stockpiles are reduced council shave back the height of the bund wall at the northern end of the depot to a maximum height of 3 meters.

Please advise the EPA if the above recommendations are suitable to council. Please contact Chris Buckingham in relation to this matter.

From: Steve Smith To: Evans Kerry

Cc: manager@northernbelle.com.au; Chris Buckingham

Sent: Friday, February 08, 2008 4:35 PM Subject: RE: McCoombe St Depot

Hello Kerry

I have spoken to the complainant and suggested a plan that allows council to undertake the planned activity while limiting its impacts on the Northern Belle establishment. I strongly suggest council agree to the following:

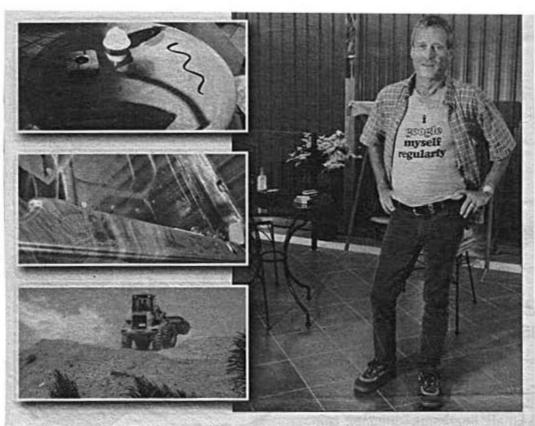
- Council fence the perimeter of the McCoombe Street depot to prevent unauthorised access from the northern side of the property;
- Council commence with the planned concrete crush of the existing 3000t stockpile and that this crush begin as soon as possible and be concluded by the end of the February 2008 (subject to availability of plant);
- Council should also take all reasonable measures to lessen the impact of the crushing activity by undertaking works at the northern end of the stockpile in the morning and then in the afternoons shifting the crushing plant to the southern end of the pile;
- That council undertake a noise assessment of the crushing plant and that all reasonable steps be undertaken to mitigate against noise and dust propagation;
- That Council advise, in writing, all near neighbours of its intention to undertake the crushing activity stating the times and expected duration of the activity as well identifying a nominated contact person for the activity;
- That Council plan to seal the McCoombe street depot to reduce the likelihood of further dust nuisance.
- That at the end of the crush activity, Council scales down any screening and stockpiling operations at the site and maintain the site as a sealed hardstand storage area in keeping with the surrounding landuse.
- That ceases any further stockpiling of concrete material for recycling and seek an alternative site (perhaps the Portsmith landfill site).
- That after the existing stockpiles are reduced council shave back the height of the bund wall at the northern end of the depot to a maximum height of 3 meters.

Please advise the EPA if the above recommendations are suitable to council. Please contact Chris Buckingham (4046 6754) in relation to this matter.

In relation to the possible compensation to Northern Belle for cleaning costs incurred by the operation of the crusher, I suggest that this is a matter that is best left negotiated between CCC and Northern Belle.

Regards Steve Smith Senior Environmental Officer Environmental Protection Agency

p.s. Please note that I will be out of the office until 10 March. Please liaise with Chris on this matter



Messy affair: The Northern Belle brothel owner Aart Brons is being swamped with dust as council operates a rubble recycling site nearby.

Picture: MICHAEL WATT

Our brothel is the filthiest

THE dust is showing no sign of settling in the battle between the Northern Belle brothel and a neighouring council rubble recycling site.

Aart Brons said the council operated works depot behind his Cava Close, Portsmith, business was causing a huge amount of dust swirling on to his back patio that was used as a staff recreation area.

And until the problem was fixed, Mr Brons said he would not pay his rates and had sent the council a \$33,000 cleaning bill.

"It cannot co-exist," Mr Brons told *The Weekend Post*.

"I will only pay my rates if I am given the service I deserve."

A Cairns City Council spokeswoman said the soil and rubble recycling operation was allowable in the area zoned for industrial use. **Bronwyn Cummings**

cummingsb@tcp.newsltd.com.au

A 10m high dirt barrier between the Northern Belle and the works project had been built and was yet to be landscaped.

Mr Brons feared people would climb the barrier and look down into the brothel, which was closed in by 2-3m tall fencing.

He also said the grass that was up to 4m high brushing against his fence was not acceptable because it caused a problem with vermin and snakes.

"I feel this is sour grapes because we wouldn't go to the quarry so they brought it to us," Mr Brons said.

The spokeswoman said the council was already considering moving the recycling operation to a Redden St site, away from the brothel and its neighbouring businesses.

"They have been operating a small recycling program which involves putting material such as soil, rubble and concrete there and recycling it so it can be re-used elsewhere," she said.

"This is to save costs as well as to prevent it from going into landfill."

An Evironmental Protection Agency spokesman said the dust complaint was being investigated.

Last month, Mr Brons met a lawyer to discuss suing the council for mishandling of his brothel's development application.

He wanted to recoup the \$200,000 of lost profit for each year during the five years the business took to be approved.

The brothel recently celebrated its first year of operation, and Mr Brons said patronage was starting to pick up. Cairns Post PO Box 126 Cairns QLD 4870

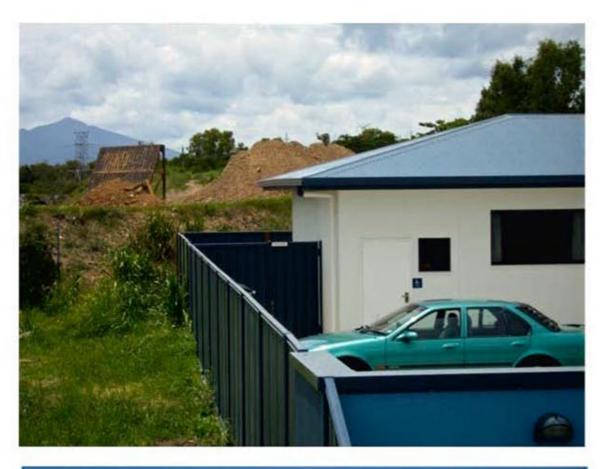
09 February 2008

Letter to the Editor

Re: 'Our brothel is the filthiest' Cairns Post (09-02-08) page 11.

- "Northern Belle" is NOT the filthiest, as we spent \$33,498 for extra cleaning of 'dust' to keep the premises in pristine condition (whispering white)
 "Northern Belle" is the First, Classiest, Cleanest and Best run bordello in Cairns (credited by the Queensland prostitution licensing authority)
- (2) Northern Belle is located in Cava Close Bungalow (zoned light industrial) and not Portsmith (zoned heavy industrial).
- (3) The spokeswoman for Cairns City Council should know that a <u>quarry type</u> recycling plant would not be allowed in a '<u>light industrial'</u> zone. It would be <u>illegal</u> to do so as per their own Cairns planning scheme.

Aart Brons Brothel Licensee Bungalow Cairns





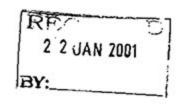












Our Ref: jo:kah:#256293

18 January, 2001



Councillor Jason O'Brien Division 5

Phone: (07) 4053 765 Email: Enterior calmination...

Australian Retirement Homes Ltd, Dr Charles MacDonald GPO Box 2447 Brisbane Qld 4001

Dear Dr MacDonald

Recently you lodged an objection to the proposed brothel at 12 Cava Close Bungalow.

At this stage, this matter should come to Council to the full Council meeting scheduled for 7.00 pm Thursday 1 February. Fifty-seven (57) letters of objection were received regarding the application.

I have arranged for copies of all the objections to be made available to the other Councillors for their perusal. Over the next couple of weeks I will make personal representations to each of them and seek their support in rejecting the application.

The principle argument against the proposed brothel is that it is situated within 200 metres of a residential area and a place regularly frequented by children (the creek).

If you have a relationship with any of the other Councillors now might be a good time to contact them and seek their support in rejecting the brothel.

I am doing everything within my power to ensure that this brothel does not go ahead. I have recently become a resident of Dalton Street (no. 3) and share the concerns that many people have raised in their objections to Council.

Thank you for taking the time to put in your objection. If you would like further information on this matter please do not hesitate to contact me at home on 4033 7414.

I will let you know the result of Council's decision after the 1st of February.

Yours sincerely

Cr Jason O'Brien Division 5

"Serving the Community"



CAIRNS CITY COUNCIL

ENQUIRIES: Mr Brendan Nelson

PHONE: (07) 4044 3546 Fax (07) 4044 3836

YOUR REFERENCE:

OUR REFERENCE: CLP (268261) 8/34/5-01

22 February 2001

DECISION NOTICE FOR DEVELOPMENT APPLICATION - 8/34/5

PROPOSAL:

Licensed Brothel

TYPE OF DEVELOPMENT:

Material Change of Use

REAL PROPERTY DESCRIPTION:

Lot 8 on SP101286, Parish of Cairns

REFERRAL AGENCIES:

None Applicable

DECISION DATE:

13 February 2001

DECISION:

Refused

REASONS FOR REFUSAL:

- S 64(1) of the Prostitution Act requires Council to refuse the application on the following grounds:
 - The proposal is within 200m of a residential area (40 metres to The Parks Retirement Village).
 - The proposal is located in an area which can easily be accessed by children. It is within 200m of areas frequented by children (less than 10 metres to Chinaman Creek, 25 metres to Earlville Pony Club)
- The proposed brothel will have an unacceptable adverse impact on the amenity, safety and security of the surrounding area:

The proposed brothel, comprising a relocated low set dwelling with open verandahs and outdoor swimming pool, screened by a 1.8 metre colorbond fence at the rear and sides of the allotment, provides opportunity for noise transference, loitering, concealment and other forms of anti social behaviour. The location of the proposed brothel site, immediately adjacent an unfenced drainage reserve (Chinaman Creek) further reinforces the opportunity for loitering, concealment and other anti social behaviours.

- The inclusion of an outdoor swimming pool is contrary to S 79 (1) of the Prostitution Act which provides that a licensed brothel must not operate other than in a building, where 'building' means a fixed structure that is wholly or partly enclosed by walls and is roofed.
- 4. The layout of the proposed brothel does not ensure the safety and security of staff. The design of the premises provides opportunity for prostitution to occur outside identified working rooms. The layout of the premises does not provide sufficient separation between staff and client areas.

PROPERLY MADE SUBMISSIONS MADE ABOUT THE APPLICATION:

Yes, fifty-seven (57) submissions were made

APPEAL RIGHTS:

See Attachment 1

/ DB Farmer

Chief Executive Officer

Att.

DECEIVE A - 9 APR 2001

Your ref:

Our ref:

JB/pmh #

BY:4 April 2001

Australian Retirement Homes Ltd, Dr Charles MacDonald GPO Box 2447 Brisbane Qld 4001



Conncillor Jason O'Brien Division 5

Plane: 107) 4053 7635

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i den né comsultige a

Dear Sir

As you are probably aware the proponents of a brothel in Cava Close have appealed Council's decision to refuse the application.

As a submitter to the original application you now have the right to become a respondent to the appeal.

This means that if you are prepared to go to the Courthouse and register as an appellant (a small fee of approximately \$30 applies), you will have the right to be informed on the legal process and have your views heard by the Planning and Environment Court.

If you want your views to be heard by the Court, it is important that you register as soon as possible.

You may wish to seek your own legal advice on this matter to ensure your interests are properly represented.

From my end I will try to ensure that Council vigorously defends its decision to refuse this application.

If enough people think that it is necessary, I am happy to organise a community meeting and invite Council officers along who are better equipped to explain the process and your rights under the Integrated Planning Act.

Please feel free to contact me on 4033 7414 or 0408 331 969 if you wish to discuss this matter further.

Yours sincerely

CR JASON O'BRIEN

CC Peter Skonn



