

• Special Reports

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over \$140,000. There's too many good ole boys sitting on this board and they gave him the keys to the store ... and someone's stealing from the store."

Curene Clark Ervin said the district claims there aren't enough teachers to limit class size, but there is plenty of money for the administration.

"I think it's a disgrace, in a city that has casinos and with a tax levy that we pay, that children should be treated this way," she said.

According to a recent audit, a large part of the budget deficit can be traced to about 40 unbudgeted, newly created staff positions in 2002-03.

Joe LaTorre, a former board member who oversaw personnel decisions in 2002-03, was told the new staff positions were warranted, that the money was available and that the jobs were each cleared by Nickles, he said.

"I think it's time to call for a forensic audit from the state commission of education's office," he said.

Lawsuits, legal fees, special-education costs, maintenance expenses and the absence of state-issued money contributed to the deficit, the audit said.

Board member Ra Shun Stewart said \$300,000 set aside by the board in 2002-03 for after-school programs was later transferred to some other account and has since disappeared.

"It was used for everything but what it was intended for and that's a fact," he said. "Now it's time to take care of the children and all we can say is, 'Sorry, we're broke.'"

The audit includes other instances where bonded money for school construction was transferred to the district's general account to pay bills. The transfers were made without board approval, the auditor has said.

The board unveiled its Corrective Action Plan, which addresses the issues raised in the audit, on Tuesday.

But whether the board approved the plan could not be ascertained at deadline because of the length of the meeting, which was extended by a small fire that broke out in a room at the administration building.

"We all know that Mr. Nickles has been guarding the money," Joyce Mollineaux said. "People that make a lot of money don't care about anybody else's money."

To e-mail John Brand at The Press:

JBrand@pressofac.com

BRAND IS NOT



Sat, Feb 7, 2004 10:56 AM

**Subject: PVBX and AC**

**Date: Sunday, February 2, 2003 11:41 AM**

**From: Rich Linkchorst <Rich@mtgroupe.com>**

**To: Martin Friedman martin@temple.edu, Martin Friedman friedman@libertynet.org**

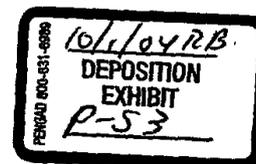
Martin,

You are correct, we are going with the PVBX.

Also, I'll be in AC on Monday with Steve Katsman.

Rich

\*\*\*\*\*  
Rich Linkchorst  
MICRO Technology Groupe, Inc.  
a division of HMC Technology Groupe, Inc.  
Office: 610-777-8650  
email: rich@mtgroupe.com      www.mtechdirect.com



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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - ATLANTIC COUNTY  
DOCKET NO. ATL-L-477-04

RELCOMM, INC.,  
Plaintiff,  
vs.  
ATLANTIC CITY BOARD OF EDUCATION;  
FREDERICK P. NICKELS; MICRO  
TECHNOLOGY GROUPE, INC.; DONNA  
HAYE; MARTIN FRIEDMAN; ALEMAR  
CONSULTING; and JOHN DOES 1-20,  
Defendants.

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Friday, October 1, 2004  
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COPY

Oral sworn deposition of MARTIN  
FRIEDMAN, taken at the law offices of Flaster  
Greenberg, 1810 Chapel Avenue West, Cherry Hill, New  
Jersey, before Robert J. Boccolini, Certified  
Shorthand Reporter and Notary Public of the State of  
New Jersey, on the above date, commencing at 10:10  
a.m., there being present:

FLASTER GREENBERG  
1810 Chapel Avenue West  
Cherry Hill, NJ 08002  
BY: J. PHILIP KIRCHNER, ESQ.  
Attorneys for Plaintiff

-----  
TATE & TATE  
The Lexington Building, Suite 5  
180 Tuckerton Road  
Medford, New Jersey 08055  
(856) 983-8484 - (800) 636-8283  
www.tate-tate.com

1 Year 6?  
 2 A. **MTG's contract would have covered that for**  
 3 **Year 6.**  
 4 Q. Do you have any idea why MTG is not bidding  
 5 on work it had already been awarded the contract for  
 6 in Year 6?  
 7 MS. WEINSTEIN: Objection.  
 8 THE WITNESS: I can't give you that  
 9 answer. You'd have to ask that of MTG.  
 10 Q. Okay. Is your answer that you have no  
 11 knowledge?  
 12 A. **I have no knowledge.**  
 13 MR. BLEE: Objection.  
 14 Q. Is MTG installing cabling right now in the  
 15 district?  
 16 A. **I do not manage any projects in Atlantic**  
 17 **City, so I have no answer for what MTG is doing in**  
 18 **Atlantic City.**  
 19 Q. Is your answer that you don't know?  
 20 A. **I do not know.**  
 21 Q. Okay. But you understand that MTG was given  
 22 the contract to do that work; is that right?  
 23 MR. BLEE: Objection.  
 24 THE WITNESS: If you are referring to  
 25 the Year 6 award, the answer is correct, MTG would

1 an award. I don't know specifically at this time  
 2 what that award is.  
 3 Q. Is your answer the same for the other items  
 4 I've indicated where MTG did not bid, you don't know  
 5 who got that award?  
 6 MS. WEINSTEIN: Objection.  
 7 THE WITNESS: I filed for them. I  
 8 don't have the document. I need to reference the  
 9 document in order to answer you truthfully.  
 10 Q. Do you have any knowledge firsthand or  
 11 otherwise as to why MTG did not bid in Year 7 on  
 12 contracts that it had been awarded in Year 6?  
 13 MR. BLEE: Objection.  
 14 THE WITNESS: I have no -- I can't  
 15 answer that question.  
 16 MS. WEINSTEIN: Objection.  
 17 MR. BLEE: It's about 10 of, Phil.  
 18 MR. KIRCHNER: Just got a couple more  
 19 here.  
 20 MR. BLEE: Sure.  
 21 (P-53, E-mail dated 2/2/03, marked.)  
 22 BY MR. KIRCHNER:  
 23 Q. Take a look at what's been marked as P-53 and  
 24 tell me if you recognize that document?  
 25 A. **Well, apparently looks like a document sent**

1 have won that contract to do that work.  
 2 BY MR. KIRCHNER:  
 3 Q. And do you understand by its decision not to  
 4 bid on cable maintenance for Year 7 that it is  
 5 indicating it does not desire to be awarded the  
 6 contract to maintain the cable that it was hired to  
 7 install in Year 6?  
 8 MR. BLEE: Object to the form of the  
 9 question.  
 10 THE WITNESS: I'm not sure what you're  
 11 asking me.  
 12 Q. Do you know who was awarded the contract in  
 13 Year 7 for wire and cable maintenance?  
 14 MS. WEINSTEIN: Objection.  
 15 THE WITNESS: Without the documents in  
 16 front of me, the answer is no.  
 17 Q. Okay. Do you know who was awarded the  
 18 contract in Year 7 under the 1953 bid proposal for  
 19 cabling?  
 20 A. **Again, without the documentation in front of**  
 21 **me, I just can't respond.**  
 22 Q. If I told you it was ComTec, would that ring  
 23 true to you?  
 24 MR. BLEE: Objection.  
 25 THE WITNESS: I know that ComTec has won

1 **to me from Rich Linkchorst, but as far as the**  
 2 **circumstances around this or what's going on, I just**  
 3 **don't recall.**  
 4 Q. You don't remember receiving this document?  
 5 A. **Well, I don't recall the document.**  
 6 Q. Okay. Let me just see if I can refresh your  
 7 recollection a little bit.  
 8 If you look at the first line under Martin,  
 9 it says: You are correct, we are going with the  
 10 PVBX.  
 11 Does that indicate to you that Mr. Linkchorst  
 12 is responding to an inquiry that you made?  
 13 A. **Again, it's speculation. I don't know what**  
 14 **prompted this and I don't recall the conversation, so**  
 15 **I really can't comment on this without knowing what's**  
 16 **around it.**  
 17 MR. KIRCHNER: Okay. For the record --  
 18 THE WITNESS: And I'm not even sure  
 19 that -- oh, it says PVBX and AC so...  
 20 MR. KIRCHNER: For the record, this is  
 21 Bates numbered 7030 and was produced by the School  
 22 Board in discovery in this matter.  
 23 Q. You see the date of the e-mail, Sunday,  
 24 February 2, 2003?  
 25 A. **Um-hum.**

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1 Q. That's a couple days after the bids were due;  
2 isn't that right?  
3 A. Yes, it is.  
4 Q. I think you testified the bids were due on  
5 January 31; is that right?  
6 A. Um-hum.  
7 Q. But you can't tell me what this means or why  
8 this was sent to you?  
9 A. No, I can't.  
10 Q. Okay. Have you ever spoken to Mr.  
11 Linkhorst about this subject?  
12 A. I've spoken with Mr. Linkhorst on many  
13 occasions, but I just don't know what this is about.  
14 Q. Is it your practice to communicate with  
15 vendors about their bids prior to them being opened?  
16 A. No, it is not, certainly not about their bid,  
17 so that's why I don't know what this is about.  
18 Q. Well, this is clearly referring to the  
19 content of MTG's bid, right?  
20 A. I don't know that from this document.  
21 Q. Well, it says: We are going with the PVBX.  
22 What does that mean to you?  
23 A. I don't know what you mean. I don't know  
24 what -- you are correct because I don't know what the  
25 question I posed was and I don't know what that

Page 203

1 means --  
2 Q. Doesn't it --  
3 A. -- so I don't know that it has anything to do  
4 with AC, even though it says AC up here, even though  
5 the next sentence says that somebody will be in AC  
6 tomorrow.  
7 It could have been with any of my other  
8 clients, so I really don't know what this is in  
9 context to what the questioning was.  
10 Q. Doesn't it mean that MTG is including a PVBX  
11 solution in its bid?  
12 A. That's speculation.  
13 Q. Was PVBX included in the information package  
14 for Year 6 bids?  
15 A. Yes, it was.  
16 Q. What was it listed as?  
17 A. In the information package? I believe it's  
18 listed as a PVBX.  
19 Q. We'll have to verify that. Who is Steve  
20 Katsman?  
21 A. He's an employee of MTG, I believe.  
22 Q. And the message says: I'll be in AC on  
23 Monday with Steve Katsman.  
24 Do you remember meeting with Mr. Linkhorst  
25 and Mr. Katsman?

Page 204

1 A. I believe that sentence refers to they will  
2 be present for the bid openings, which was that  
3 Monday.  
4 Q. Okay.  
5 A. Again, speculation on my part, but that's the  
6 only reason why I would see that there. And the bid  
7 openings were the next day.  
8 Q. Does that indicate to you that this e-mail  
9 message was related to the Atlantic City School Board  
10 bid?  
11 A. No, because again, it says: Also, I will be  
12 in AC, which means the sentence before could have  
13 been in relation to something else.  
14 I do not have conversations with bidders  
15 about their bid before they are opened, so I cannot  
16 confirm what that first sentence relates to.  
17 Q. Do you recall whether MTG in fact included a  
18 video PBX solution in its Year 6 bid?  
19 A. Yes, I believe they did.  
20 Q. Okay. Do you know if anyone else did?  
21 A. I think somebody else did, but I'm not quite  
22 certain about that.  
23 MR. KIRCHNER: Okay. Why don't we stop  
24 here.  
25 MS. TILGHMAN: I want to go back to when

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1 you were discussing the objections regarding the  
2 police investigation. I just want to put on the  
3 record that I also concur with counsel's objections.  
4 That's all.  
5 (The deposition adjourned at 3:55 p.m.)  
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1 SUPERIOR COURT OF NEW JERSEY  
2 LAW DIVISION-ATLANTIC COUNTY  
3 DOCKET NO. ATL-L-477-04

3 RELCOMM, INC.,  
4 Plaintiff,

4 vs.

5 ATLANTIC CITY BOARD OF EDUCATION;  
6 FREDRICK P. NICKELS; MICRO  
7 TECHNOLOGY GROUPE, INC.; DONNA  
8 HAYE; MARTIN FRIEDMAN; ALEMAR  
9 CONSULTING; and JOHN DOES 1-20,  
10 Defendants.

COPY

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9 -----  
10 Wednesday, September 22, 2004  
11 -----

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11 Oral sworn deposition of LESLEY MOTZ, taken  
12 at the law offices of Mairone, Biel, Zlotnick &  
13 Feinberg, P.A., 3201 Atlantic Avenue, Atlantic City,  
14 New Jersey, before Kathleen Tate, Certified  
15 Shorthand Reporter and Notary Public of the State  
16 of New Jersey, on the above date, commencing at  
17 11:21 a.m., there being present:

14

15 FLASTER GREENBERG  
16 1810 Chapel Avenue West  
17 Cherry Hill, New Jersey 08002  
18 BY: J. PHILIP KIRCHNER, ESQ.  
19 Attorneys for Plaintiff

17

18 ROVILLARD & BLEE, L.L.C.  
19 8025 Black Horse Pike  
20 Bayport One, Suite 455  
21 West Atlantic City, New Jersey 08232  
22 BY: MICHAEL J. BLEE, ESQ.  
23 Attorneys for Defendant  
24 Atlantic City Board of Education

21

22

23 TATE & TATE  
24 The Lexington Building, Suite 5  
25 180 Tuckerton Road  
Medford, New Jersey 08055  
(856) 983-8484 - (215) 735-9088

25

<p style="text-align: right;">Page 50</p> <p>1 Q. When you were the business administrator, 2 did you keep files by specific contract? 3 A. Yes. 4 Q. Rather than say chronologically? 5 A. Yes. 6 Q. So, there would have been a file for the 7 year six E-Rate application and all the bids would 8 be in there? 9 A. Yes. 10 Q. And the evaluation of those bids would be 11 there? 12 A. It should be, yes. 13 Q. Should be? 14 A. Yes. 15 Q. Do you have any recollection, assuming you 16 were at the -- how do I ask this? You believe you 17 were at a meeting at which time the bids were open 18 for year six, is that right? 19 A. I think I was. 20 Q. Do you have any recollection as to who else 21 was there? 22 A. I think the meeting was held on the third 23 floor in the superintendent's conference room and I 24 believe the superintendent was there. I believe Mr. 25 Friedman was there and I don't know who else would</p>	<p style="text-align: right;">Page 52</p> <p>1 you open the bid and you read the bidder and the 2 particulars of the bid, is that recorded either on 3 tape or -- 4 A. It's generally recorded in a subsequent 5 board meeting when the board acknowledges receipt of 6 bids for X from the following vendors in X sums and 7 then the board awards or does not. 8 Q. Do you create any kind of written log to 9 track which bids have been received? 10 A. I have done that. I don't know if it was 11 done for that or not. 12 Q. That was going to be my next question. Do 13 you recall doing that during your year six E-Rate 14 bids? 15 A. I do not recall that. 16 Q. You recall a meeting at which time those 17 bids received for the six year E-Rate applications 18 were opened and then was the evaluation; did the 19 evaluation occur after that? 20 A. The evaluation had to occur after that. 21 Q. So, after the bids were opened they were 22 turned over to Mr. Friedman for evaluation, is that 23 right? 24 A. To the best of my recollection, yes, sir. 25 Q. Do you recall how soon after the meeting at</p>
<p style="text-align: right;">Page 51</p> <p>1 have been there. I have a picture in my mind of 2 being in that office to receive those things. Now, 3 whether it was that particular year six E-Rate or 4 not, I am not sure. 5 Q. How do you actually record the bids that 6 are received? Whose responsibility is it to do 7 that? 8 A. Generally it's the business administrator's 9 to open them, read out the name of the vendor, the 10 town, what the bid is for -- sorry, let me go back a 11 moment. You call a close to the bid receipt, it's X 12 time of day and the bids are now closed, and these 13 are the things that we have received and we will 14 read off the name and the town and the state. We 15 will open up the bid. We will read it for its 16 particulars in aggregate or in a specific set of 17 contents and what those things are and, thereafter, 18 you advise all persons present that the bids will 19 now be evaluated and at some future time the award 20 will be made. 21 Q. Okay. Is that recorded in any way? 22 A. Other than receiving the items, sometimes 23 they have a date stamp on them and who received 24 them; not particularly, no. 25 Q. I am saying when you read for the record,</p>	<p style="text-align: right;">Page 53</p> <p>1 which time they were opened that you received back 2 the evaluation from Mr. Friedman? 3 A. I do not recall, but it could not have been 4 a significant period of time. 5 Q. Why is that? 6 A. Because if I know anything about funding at 7 the federal level, you have to be timely. So, there 8 would be a brief period, a window of opportunity 9 and, thereafter, there would have to be something on 10 the record and the procedure would proceed. 11 Q. Okay. So, you have some sense that there 12 was a deadline for filing the application? 13 A. There would have to be, sir. 14 Q. Do you recall who, which companies were 15 awarded contracts for the year six E-Rate? 16 A. No, sir, I do not recall. 17 Q. Do you recall any of those companies? 18 A. No, sir, I do not. 19 Q. Well, do you know who decided to recommend 20 to the School Board who should receive year six 21 awards? 22 A. I would assume that Mr. Friedman made a 23 recommendation and the board either accepted, 24 rejected or modified. 25 MR. KIRCHNER: Why don't we take a</p>

Page 22

1 **named to do the specifications that it would have**  
 2 **been — Mr. Holt's activities would have been at Mr.**  
 3 **Friedman's direction.**  
 4 Q. Why did Mr. Holt call you about questions  
 5 about the school district?  
 6 A. **Because I was there.**  
 7 Q. Well, had you been designated by the school  
 8 district as the point person for that activity?  
 9 A. **I hadn't been designated by anyone. I**  
 10 **happened to be on premises and Mr. Holt called the**  
 11 **office and I happened to be there and picked up the**  
 12 **telephone and he asked me some questions and I tried**  
 13 **to answer them.**  
 14 Q. Do you know, did he call you directly or  
 15 did he call just looking for someone to answer  
 16 questions?  
 17 A. **He called me directly.**  
 18 Q. He called you directly?  
 19 A. **Uh-huh.**  
 20 Q. And were you able to answer his questions?  
 21 A. **I believe I was.**  
 22 Q. Do you recall what questions he asked you?  
 23 A. **No, sir, I do not.**  
 24 Q. Do you recall whether they were technical  
 25 questions?

Page 23

1 A. **They would not have been technical**  
 2 **questions. They would have been questions involved**  
 3 **with numbers of students on roll, numbers of**  
 4 **buildings, that sort of thing and if there had**  
 5 **been — no, I believe that would have been the**  
 6 **extent of it.**  
 7 Q. Okay. Did he ask you questions about  
 8 students enrolled in the school lunch program?  
 9 A. **He may have. I don't particularly recall**  
 10 **that, but he may have done that.**  
 11 Q. Okay. What do you know about the  
 12 regulations regarding E-Rate applications?  
 13 A. **Not very much.**  
 14 Q. Do you know anything about the budgeting  
 15 requirements associated with an E-Rate application?  
 16 A. **No, sir, I do not.**  
 17 Q. Are you familiar with regulations that  
 18 require the school district to budget for its  
 19 portion of the E-Rate award?  
 20 A. **No, sir, I am not.**  
 21 Q. Do you know how E-Rate awards work?  
 22 A. **No, I do not.**  
 23 Q. Do you know that the Federal Government  
 24 contributes a percentage of the expense and the  
 25 school district is required to fund the rest?

Page 24

1 A. **I am not aware of those regulations.**  
 2 Q. Well, I am not asking about the regulation.  
 3 Are you generally aware of the requirement that the  
 4 school district is obligated to pay a portion of the  
 5 E-Rate expense?  
 6 A. **I am not particularly aware of it.**  
 7 Q. Okay. When was the 2002/2003 budget for  
 8 the school district created?  
 9 A. **Well, that period would have been from**  
 10 **September '02 through the election of '03, and if**  
 11 **there had been a defeated budget it would have gone**  
 12 **on as long as it needed to go on for all parties to**  
 13 **agree to a tax rate strike.**  
 14 Q. Okay. I am talking now about the '02/'03  
 15 budget.  
 16 A. **I am sorry.**  
 17 Q. Okay. So —  
 18 A. **Let's go back a year.**  
 19 Q. I think you were a year ahead.  
 20 A. **Yes, I was.**  
 21 Q. So, would it be fair to say that that would  
 22 have started in September of '01?  
 23 A. **If you are looking for an '02/'03 budget**  
 24 **then you are going to go back to '01/'02 to do the**  
 25 **formulation and all of the things that go to get you**

Page 25

1 **to a place where you have documents approved by the**  
 2 **county office and you to go a public vote.**  
 3 Q. Now, you were at the school district during  
 4 that time, is that right? You started in April of  
 5 '01?  
 6 A. **That's correct.**  
 7 Q. Who would have been responsible for making  
 8 sure that the school district had properly budgeted  
 9 for its portion of the E-Rate expenses?  
 10 A. **If it were to be included in the '02/'03**  
 11 **budget?**  
 12 Q. Right.  
 13 A. **Then that would have been from the**  
 14 **technology department submitting a budget to the**  
 15 **superintendent and having it placed in the budget.**  
 16 Q. And at that time would that have been Jon  
 17 Jones?  
 18 A. **Yes, sir.**  
 19 Q. And who would he have submitted his budget  
 20 request to?  
 21 A. **The superintendent.**  
 22 Q. Not to you?  
 23 A. **Not necessarily, no.**  
 24 Q. Well, when you say not necessarily, what do  
 25 you mean by that? Do you recall to whom he

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Page 18

1 Q. Okay. You had left the school district by  
2 October of 2003, is that right?  
3 A. **That's correct.**  
4 Q. Do you recall that this consultant was  
5 hired while you were still employed there?  
6 A. **While I was there, yes.**  
7 Q. So, your recollection is it was October of  
8 2002? Is that a yes?  
9 A. **I'm thinking.**  
10 Q. Okay. Sorry. I just wanted to make sure  
11 the reporter got your answer.  
12 A. **It was between July and October of 2002;**  
13 **that much I am pretty sure of.**  
14 Q. And is this Alemar you are talking about,  
15 is that the consultant?  
16 A. **That's correct, but I remember Mr. Friedman**  
17 **and I remember John Holt and if that was the**  
18 **company's name, that would be correct.**  
19 Q. Who is Mr. Friedman?  
20 A. **Martin Friedman was the consultant employed**  
21 **to direct those activities of receiving bids for**  
22 **year six E-Rate funding.**  
23 Q. And who is Mr. Holt?  
24 A. **Mr. Holt is one of his employees, I**  
25 **believe.**

Page 19

1 Q. Did you ever meet Mr. Holt?  
2 A. **Yes, I did.**  
3 Q. And did he describe himself to you as one  
4 of Mr. Friedman's employees?  
5 A. **Yes, he did.**  
6 Q. What about year five, who was responsible  
7 for soliciting bids for year five's E-Rate  
8 application?  
9 A. **I would like to say that it was Mr. Jones.**  
10 Q. Are you sure of that answer?  
11 A. **Reasonably so, yes.**  
12 Q. And do you know who was responsible for  
13 soliciting bids for year four's E-Rate application?  
14 A. **I would assume it was also Mr. Jones.**  
15 Q. Do you know that for a fact or are you  
16 assuming that?  
17 A. **I am assuming it since I wasn't there.**  
18 Q. Do you know who was responsible for  
19 evaluating and selecting the bid winners for year  
20 four?  
21 A. **Again, I am assuming Mr. Jones would have**  
22 **prepared an analysis and submitted it to the**  
23 **superintendent. Thereafter, it would have gone to**  
24 **the Board of Education for consideration and**  
25 **approval.**

Page 20

1 Q. Okay. And what about year five?  
2 A. **Same thing.**  
3 Q. Same process?  
4 A. **Yes, sir, should be.**  
5 Q. Okay. And were you still employed by the  
6 school district when year six contracts were  
7 awarded?  
8 A. **Yes, sir, I was.**  
9 Q. Okay. Who evaluated those bids and made  
10 recommendations to the board?  
11 A. **Those recommendations were made by Mr.**  
12 **Friedman to the board.**  
13 Q. Okay. Is it your understanding that Mr.  
14 Friedman was responsible for evaluating the bids  
15 that were received?  
16 A. **That's correct.**  
17 Q. Did you have any involvement in year four  
18 in putting together bid specifications for the  
19 E-Rate application?  
20 A. **I am trying to think back to what year four**  
21 **would be and I don't believe I was there then.**  
22 Q. It would have been 2001/2002. So, those —  
23 A. **I honestly do not remember.**  
24 Q. So, those bid specifications probably would  
25 have been created in late 2000 before you arrived?

Page 21

1 A. **Yeah.**  
2 Q. Okay. How about for year five?  
3 A. **I honestly do not remember seeing anything.**  
4 Q. Were you personally involved in that  
5 activity?  
6 A. **No, I was not.**  
7 Q. How about for year six, did you have any  
8 involvement in creating bid specifications for year  
9 six's application?  
10 A. **No, sir. I was on the telephone with Mr.**  
11 **Holt who had some questions concerning the district**  
12 **and that was over the Christmas recess of 2002. He**  
13 **had some questions about where things were placed**  
14 **and I don't remember the other things, but I do**  
15 **remember spending some time on the telephone with**  
16 **him.**  
17 Q. Was it your understanding that Mr. Holt was  
18 involved in creating the bid specifications for year  
19 six's application?  
20 A. **Yes, sir.**  
21 Q. How about Mr. Friedman?  
22 A. **I would imagine he was as well.**  
23 Q. Okay. Did Mr. Holt tell you that Mr.  
24 Friedman was involved or are you assuming that?  
25 A. **I am assuming since he was the consultant**



SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - ATLANTIC COUNTY  
DOCKET NO. ATL-L-477-04

----- : DEPOSITION OF:  
 RELCOMM, INC., : MARILYN M. COHEN  
 Plaintiff, :  
 vs. :  
 ATLANTIC CITY BOARD :  
 OF EDUCATION :  
 FREDRICK P. :  
 NICKELS; MICRO :  
 TECHNOLOGY GROUPE, :  
 INC., DONNA HAYE; :  
 MARTIN FRIEDMAN; :  
 ALEMAR CONSULTING; :  
 and JOHN DOES, :  
 1-20, :  
 Defendants. :

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WEDNESDAY, AUGUST 18, 2004  
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Transcript of testimony as taken at the  
law offices of Flaster/Greenberg, P.C., 2900 Fire  
Road, Suite 102A, Egg Harbor Township, New Jersey,  
before Karen Friedlander, Certified Shorthand  
Reporter and Notary Public of the State of New  
Jersey, on the above date, commencing at 10:10 a.m.

KAREN FRIEDLANDER, CSR, RMR  
23 Sycamore Drive  
Blenheim, NJ 08012  
(856) 228-5979

APPEARANCES:

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LENOX, SOCEY, WILGUS, FORMIDONI & CASEY  
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Lawrenceville, NJ 08648  
(609) 896-2000  
Attorneys for Defendant, Board of  
Education (Defamation count only)

ALSO PRESENT:  
Michael Shea  
Martin Friedman

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Q. Let me ask you my question again. Do you recall any questions, specific questions to Mr. Holt?

A. **Not specific questions.**

Q. Do you recall generally any topics or subject areas that were directed to Mr. Holt?

A. **There may have been questions about the projects and I think the term that he used was looking for best solution.**

Q. You recall him using that phrase during that walk-through?

A. **I believe he used that phrase, the strict is looking for best solution.**

Q. Do you recall questions about -- from vendors, questions about what was included or not included in the bid for year six?

A. **I do not recall specifically. If I was asked that, I would refer to Alemar.**

Q. Do you recall vendors expressing confusion or frustration due to their inability to determine what was in the year six bid?

A. **I'm not sure. I was -- again, I was not stationary in one place. I went ahead of the group, open doors or to find custodians or to alert the principals that we were entering the building. So I**

**don't remember specifically.**

Q. Going back to P-1, which is the first exhibit I showed you, is it possible that this sign-in sheet was not a sign-in sheet from a walk-through?

A. **I don't know. I don't recall if this was a sign-in sheet or where it came from.**

Q. Okay. After the walk-throughs were finished, for year six, did you have any further involvement in the year six E-rate bid?

A. **No, I did not.**

Q. Who from the school board was involved following the walk-throughs in the year six E-rate bid process?

A. **Could you rephrase that, please?**

Q. Sure. Well, let me ask you this. Could you describe for me what happened after the walk-throughs in the year six E-rate bid?

MR. BLEE: Object to the form of the question.

THE WITNESS: After the walk-throughs, my part of the year six bid was done. I had no further involvement with year six, so I don't recall what followed that. I was in and out going back and forth to Florida.

1 BY MR. KIRCHNE.

2 Q. So you had nothing to do with receiving  
3 the bids for year six?

4 A. **No, I did not.**

5 Q. And you had nothing to do with opening  
6 the bids for year six?

7 A. **No, I did not.**

8 Q. And you had nothing to do with  
9 evaluating the bids for year six?

10 A. **No, I did not.**

11 Q. And you had nothing to do with selecting  
12 the winning bids for year six?

13 A. **No, I did not.**

14 Q. Okay. And you had nothing to do with  
15 announcing the winning contract for year six?

16 A. **No, I did not.**

17 Q. Okay. Do you know who at the school  
18 district had any involvement in any of those  
19 activities?

20 A. **I know the superintendent was involved  
21 in some of the activities, but I don't know  
22 specifically. I was not there. I don't believe I  
23 was even in the district.**

24 Q. When you say you believe you weren't  
25 even in the district, you mean you were in Florida

1 at that time?

2 A. **That's correct.**

3 Q. You were still working at the district?

4 A. **Yes, I was. But I was not there to have  
5 any knowledge.**

6 Q. Do you know if Mr. Friedman was involved  
7 in receiving the bids?

8 A. **I do not know if the bids went to Alemar  
9 or they went to the business office of the school  
10 board for year six. For year seven, they were  
11 mailed -- sealed bids were mailed to Mr. Friedman.**

12 Q. For year six, though?

13 A. **I do not know.**

14 Q. Do you know if Mr. Friedman was involved  
15 in evaluating the bids?

16 A. **I do not know.**

17 Q. Do you know if Mr. Friedman was involved  
18 in selecting the winning contracts?

19 A. **I do not know.**

20 Q. Going back to the walk-throughs, do you  
21 know whether the school board was following state  
22 bidding procedures in conducting the walk-through?

23 MR. BLEE: Object to the form of the  
24 question.

25 THE WITNESS: From my knowledge, E-rate



**Servers**Item (qty) description**Web Server(26)****Intel Dual Xeon processor server****Dual 2.4GHz Intel Xeon Processors****4GB RAM REGISTER ECC****Dual XEON Intel Serverboard****Intel SC5200 Chassis 4u Rackmount****The Hot-Swap and Redundant Power chassis****Raid SCSI Controller - for RAID 5****3 - 36GB Seagate Cheetah Hard Drive Storage HOT-SWAPABLE****3.5" Floppy Drive****52X CD-ROM Drive****10/100 Fast Ethernet Server Adpator****Scalable and expandable Network Bandwidth and redundant link****160GB Internal LVD SCSI Tape Backup****3Year Warranty Service**

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**DHCP Servers (13)****Intel Dual Xeon processor server****Dual 2.4GHz Intel Xeon Processors****1GB RAM REGISTER ECC UPGRADABLE TO 4GB****Dual XEON Intel Serverboard****Intel SC5200 Chassis 4u Rackmount****The Hot-Swap and Redundant Power chassis****Raid SCSI Controller - for RAID 5****2 -18GB SCSI Hard Drive Storage Hot-Swappable Mirrored****3.5" Floppy Drive****52X CD-ROM Drive****10/100 Fast Ethernet Server Adapter****WINDOWS2000 SERVER****3Year Warranty Service**

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**DNS Servers (13)****Intel Dual Xeon processor server****Dual 2.4GHz Intel Xeon Processors****2GB RAM REGISTER ECC UPGRADABLE TO 4GB****Dual XEON Intel Serverboard****Intel SC5200 Chassis 4u Rackmount****The Hot-Swap and Redundant Power chassis**

**Raid SCSI Controller - for RAID 5  
2 -18GB SCSI Hard Drive Storage Hot-Swappable Mirrored  
3.5" Floppy Drive  
52X CD-ROM Drive  
10/100 Fast Ethernet Server Adapter  
WINDOWS2000 SERVER  
3Year Warranty Service**

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**RackMount Cabinet with Lock door  
42U full-size Rack- 19"**

**APC SMARTUPS 3000VA RM**

**KVM Switches 8port  
Cables for 3 servers**

**Rackmountable LCD MONITOR  
with Keyboard drawer  
Netshelter RM Keyboard/mouse**

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**24 Port Stackable/Managed Switch/Cisco 10/100/3 COM/or better**

**There should be integration compatible servers. The District currently has Intel compatible servers running Unix and Linux. The District will require a stable platform for servers and solution for Web and email.**

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**New Jersey Avenue will require 200 drops of CAT 5E or 6.  
Indiana Avenue will require 180 drops of CAT 5E or 6.**

**All other schools would have minimum of 50 drops with maintenance services**

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**Wireless Lan 16 areas to be designated ( at least one in the 11 schools)  
(802.11 a and 802.11b compatible)**

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**IMPORTANT**

**Vendors are required to participate in a walk-through of these premises in order to provide a "best solution" for the District for all internal connections, excluding the servers detailed above. No proposals will be considered from a vendor who has not participated in the official walk-through dates.**

**All proposals must include company information and references. Please include the SPIN on the proposal.**

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**All proposals should be addressed to:  
Atlantic City School District, eRate Y6  
c/o ALEMAR Consulting  
442 Lyndhurst Drive  
Broomall, PA 19008-4146**

**Bids must be received by January 31, 2003 at 4:00 pm.**

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**Additional Equipment EMMI (Enhanced Multimedia Interface), MCU (Master Control Unit), Multipoint Control Unit, enhancer, MPEG Video Encoder, Video amplifiers, VCM (Video Channel Modulator), and MptCU**

**Wiring requirements - 100 Drops will be designated and eligible within the facility**

**All wiring will be EIA/TIA Standard with certification of Warranty**

**CAT 5E or 6. we expect managed cabling system, industry certification with 25 year guarantee, testing results to be provided both digitally and in hard copy. Penalty for not completing job within agreed timeframe. All network electronics to be compatible with existing systems.**

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**75 Cell phones (accounts)**

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**Telephone service**

**A telecommunication bid spec package is available upon request.**

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**Internet service**

**An Internet service bid spec package is available upon request.**

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REL1275



471 Application Number	FRN	Applicant Name	BEN	SPIN	Service Provider Legal Name
183931	392277	IMHOTEP CHARTER SCHOOL	198934	143001192	AT&T Corp.
183931	392364	IMHOTEP CHARTER SCHOOL	198934	143008940	Mac Technology Groupe, Inc.
183931	392445	IMHOTEP CHARTER SCHOOL	198934	143004340	Dell Marketing LP
183931	392520	IMHOTEP CHARTER SCHOOL	198934	143020516	Geoffrey P. Deans
183931	392582	IMHOTEP CHARTER SCHOOL	198934	143004425	LIG Holdings dba EarthStation Internet
183931	394765	IMHOTEP CHARTER SCHOOL	198934	143007916	General Sound Telephone Corporation DBA GST Corp.
183931	394827	IMHOTEP CHARTER SCHOOL	198934	143008940	Mac Technology Groupe, Inc.
183931	379742	IMHOTEP CHARTER SCHOOL	198934	143001398	Bell Atlantic - Pennsylvania, Inc.

Year 3

471 Application Number	FRN	Applicant Name	BEN	SPIN	Service Provider Legal Name
234680	548893	World Communications Charter School	191163	143000904	Nextel Communications of Mid-Atlantic, Inc.
234680	548912	World Communications Charter School	191163	143000083	Peco Hyperion Telecommunications
234680	548924	World Communications Charter School	191163	143000083	Peco Hyperion Telecommunications
234680	548940	World Communications Charter School	191163	143008940	Mac Technology Groupe, Inc.
234680	548954	World Communications Charter School	191163	143008940	Mac Technology Groupe, Inc.
234680	548971	World Communications Charter School	191163	143008940	Mac Technology Groupe, Inc.
234680	548982	World Communications Charter School	191163	143008940	Mac Technology Groupe, Inc.

471 Application Number	FRN	Applicant Name	BEN	SPIN	Service Provider	Legal Name
234452	548268	Raising Horizons	Quest Charter School	220281	143000083	Peco Hyperion Telecommunications
234452	548284	Raising Horizons	Quest Charter School	220281	143000083	Peco Hyperion Telecommunications
234452	548315	Raising Horizons	Quest Charter School	220281	143008940	Mac Technology Groupe, Inc.
229665	546204	Raising Horizons	Quest Charter School	220281	143020516	Geoffrey P. Deans
229665	546311	Raising Horizons	Quest Charter School	220281	143008940	Mac Technology Groupe, Inc.
229665	546347	Raising Horizons	Quest Charter School	220281	143008940	Mac Technology Groupe, Inc.
229665	546714	Raising Horizons	Quest Charter School	220281	143008318	Adelphia Business Solutions Inc. fka Hyperior
229665	546719	Raising Horizons	Quest Charter School	220281	143008318	Adelphia Business Solutions Inc. fka Hyperior
229665	540243	Raising Horizons	Quest Charter School	220281	143000904	Nextel Communications of Mid-Atlantic, Inc.

471	Application Number	FRN	Applicant Name	BEN	SPIN	Service Provider Legal Name
234844	549428	IMHOTEP CHARTER SCHOOL	198934	143000904	Nextel Communications of Mid-Atlantic, Inc.	
234844	549507	IMHOTEP CHARTER SCHOOL	198934	143020516	Geoffrey P. Deans	
234844	549536	IMHOTEP CHARTER SCHOOL	198934	143020873	CompuWorld, Inc.	
234844	549601	IMHOTEP CHARTER SCHOOL	198934	143008940	Mac Technology Group, Inc.	
234844	549627	IMHOTEP CHARTER SCHOOL	198934	143000083	Peco Hyperion Telecommunications	

471 Application Number	FRN	Applicant Name	BEN	SPIN	Service Provider Legal Name
233840	550845	IMANI EDUCATION CIRCLE	221548	143000904	Nextel Communications of Mid-Atlantic, Inc.
233840	550863	IMANI EDUCATION CIRCLE	221548	143020516	Geoffrey P. Deans
233840	550890	IMANI EDUCATION CIRCLE	221548	143008940	Mac Technology Groupe, Inc.
233840	550906	IMANI EDUCATION CIRCLE	221548	143000083	Peco Hyperion Telecommunications

471 Application Number	FRN	Applicant Name	BEN	SPIN	Service Provider Legal Name
179546	385216	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385235	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385266	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385251	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385327	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385350	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385377	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385408	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385441	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	386053	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385651	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385549	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385519	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385497	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385485	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385476	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385466	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385450	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	386210	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	386198	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	386176	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	386161	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	386146	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	386129	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	386115	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	386095	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	386074	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	386242	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	386225	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385421	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385397	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385371	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385340	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385303	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
179546	385290	BETHLEHEM AREA SCHOOL DIST	125903	143008940	Mac Technology Groupe, Inc.
158317	306473	Glen Mills Schools 146773	143008940	Mac Technology Groupe, Inc.	
183931	392364	IMHOTEP CHARTER SCHOOL	198934	• 143008940	Mac Technology Groupe, Inc.
183931	394827	IMHOTEP CHARTER SCHOOL	198934	• 143008940	Mac Technology Groupe, Inc.
192435	410646	MANHEIM TOWNSHIP SCHOOL DIST	125814	143008940	Mac Technology Groupe, Inc.
164238	323064	NORTHEASTERN YORK CO SCH DIST	125770	143008940	Mac Technology Groupe, Inc.
164238	323069	NORTHEASTERN YORK CO SCH DIST	125770	143008940	Mac Technology Groupe, Inc.
164238	323075	NORTHEASTERN YORK CO SCH DIST	125770	143008940	Mac Technology Groupe, Inc.
164238	323082	NORTHEASTERN YORK CO SCH DIST	125770	143008940	Mac Technology Groupe, Inc.
164238	323091	NORTHEASTERN YORK CO SCH DIST	125770	143008940	Mac Technology Groupe, Inc.
164238	323095	NORTHEASTERN YORK CO SCH DIST	125770	143008940	Mac Technology Groupe, Inc.

Year 3