

KWAME KILPATRICK

Inside court: Kilpatrick trial day 57

Testimony continues in trial against former Detroit mayor Kwame Kilpatrick

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DETROIT - We are about to start Friday morning for an abbreviated session that ends at noon.

On Thursday night, the news involved Kwame Kilpatrick's wife, Carilita Kilpatrick, had sent letters out requesting \$20,000 toward the schooling of her twin boys (<http://www.clickondetroit.com/news/Carlita-Kilpatrick-asks-for-help-funding-sons-private-education/18179226>). It's not illegal for her to do so but it has to be reported to the Department of Corrections per Kwame's restitution payment agreement.

Read more: Carlita Kilpatrick asks for help funding sons' private education
(<http://www.clickondetroit.com/news/kilpatrick-on-trial/16502360>)

Friday morning continues with the testimony of former Synagro Technologies executive James Rosendall who testified Thursday to paying bribes in order to secure a \$1.1 billion contract with the city of Detroit.

9:06 a.m. US Attorney Michael Bullotta questioning witness James Rosendall.

Talking about the video yesterday outside Kwames complex. Rosendall says after leaving Bernard Kilpatrick, he went to his bank and got \$2,500 out of his account. Didn't go through FBI because it would have taken too long. Then called Bernard that same day, March 5th, 2008, to meet with him again.

More video that day when Rosendall went back to meet Bernard. Rosendall says he thinks at this point he was coming back from the bank.

Rosendall can be heard asking about cameras though he himself is wired with one. Very blurry upwards shot of Bernard. Rosendall saying that he has done everything "you guys" have asked from him.

Rosendall can be heard telling Bernard that he has "25" for him that came from his own account. Don't see the actual, physical cash.

Bernard talking about Adolph, Hunt. all those guys. "The one guy that made this thing happen," says Bernard. Saying he made the contract happen.

Rosendall says Adolph is a consultant but doesn't know his last name. Hunt is Jeff Hunt also a consultant. Bernard also mentions "Victor", Victor Mercado former director of DWSD.

They also talk about working with "Ray", Rayford Jackson. Rosendall refers back to the Manoogian party.

"That's for being there You scared the shit out of me that one day at the restaurant ..." says Rosendall. Rosendall says he was referring to conversation at Southern Fires about blowing up the house, aka the Synagro contract.

"I was pissed," says Bernard. "Cool as me and this guy is. I could have him not blow it up ... but you know, stop it for a year, stop it for 2 years"

"Him" in the conversation is Kwame, testifies Rosendall. And the witness further says that is Bernard was talking about stalling the deal.

Defense attorney Jim Thomas objects. Bullotta asks for sidebar.

Rosendall says Bernard was talking about stopping the permits for the deal. The witness says that delays in the project would cause substantial financial loss.

April 14, 2008, Bernard and Rosendall met at a different pancake restaurant in Southfield. Rosendall believes he gave Bernard \$2,500 that came from the FBI. The FBI also reimbursed the witness for the earlier amount.

Rosendall pleaded guilty to conspiracy to commit bribery. His sentence was capped at 11 months. He served 11 months and paid a \$250,000 fine. Rosendall still has another year on supervised release. Bribery was money he paid Bernard and Monica Conyers. Rosendall says he has cooperated on other investigations besides this one.

Judge says jury should be aware that she was not sentencing judge for Rosendall.

9:24 a.m. John Shea, Bernard's lawyer, cross examines.

Asking about 2001 when Rosendall worked for Synagro and was interested in taking over the Minergy contract. Rosendall confirms it was a complicated deal. Rosendall says the city of Detroit was landfilling material as waste management at the time and incinerating some of it. Part of waste management was done "in house."

Shea says it is an expensive process to undertake waste management for a city. Rosendall agrees.

Shea says part of the idea of privatizing was to save the city some money. Rosendall agrees.

Shea says it could be win win for the city and the company contracted. Correct says Rosendall.

Shea says it's a big deal for Synagro but Rosendall as well who had a big compensation package tied in. Rosendall says he would have made a couple of million dollars over 25 years. Rosendall owned some of the land that the facility would have been built on. Rosendall would have made

around \$1 million from the sale of that piece of property.

Rosendall agrees that the deal was very important to me.

The process took years for the deal from inception to processing says Shea, about 6 1/2 years. Rosendall agrees.

Synagro announced the purchase of the Minergy contract in November 2003 but didn't close it until 2007. Rosendall proposed the idea to state rep Kwame in 2001.

Shea talking about how Synagro wanted to change the Minergy contract because it wasn't cost-effective as it was written. Correct says Rosendall.

Contract had to be reviewed by DWSD, water board, City Council. Rosendall says if it had happened before 2005 the mayor would have had the power to authorize it and it wouldn't have had to go through all those steps.

Rosendall agrees that was the regulatory process.

Rosendall again agrees that he though this project had real value.

Shea says and the administration feedback was that they thought it was going to be a good deal. Win-win.

But says Shea no one thought it would have been easy to go though.

"If the mayor still had his special powers it would have been much easier," says Rosendall about the Special Administrator powers over water contracts.

Rosendall agrees there were concerns with unions. Rosendall also agrees that there was some concern that community members weren't going to like the project. Rosendall agrees that they anticipated some neighborhood opposition. Synagro also expected some opposition due to political issues- city government's take on unions, neighborhoods' concerns.

Shea says so Synagro and the administration had an eye on addressing community concerns.

In 2002, Kwame told Rosendall that Derrick miller would be his primary contact on the contract. Shea says that Rosendall talked to Miller about the community piece. Rosendall doesn't recall that but recalls discussing minority representation.

Shea asks if Rosendall recalls Miller recommending he use Bernard for community outreach. Rosendall says he recalls talking to miller about community outreach and minority representation but doesn't recall him recommending taking on Bernard as a consultant.

Shea asking about the Lansing consulting firm Synagro had. They liaised between governmental departments and private companies. Rosendall doesn't know if they had a Detroit office.

Shea says so wouldn't it be helpful to have local people assisting them. Rosendall says they had local people helping them.

But says Shea people who were familiar with the local political landscapes. Rosendall agrees that would have been helpful.

Shea asks is Bernard was experienced with political landscape of Wayne County and Detroit.

"I don't know about experience but I know he was connected," says Rosendall.

Rosendall saying he didn't know Bernard was involved in Carolyn Cheeks Kilpatrick's political campaigns.

Shea says wouldn't you agree someone with that experience would be valuable with community outreach. Yes says Rosendall.

Shea says so you are introduced to Bernard in late 2003, early 2004 at the Manoogian Mansion but within a week he turned you over to Rayford Jackson.

"I think I said a week or two," says Rosendall.

Isn't it true you worked with Bernard for 5 or 7 months before he turned you to Jackson. I don't recall says Rosendall.

Rosendall agrees he started working with FBI very shortly after the pulled him over on Jan. 22, 2008.

Shea says you met with feds at least weekly. "On a weekly basis," says Rosendall. Rosendall agrees he had quite a few meetings.

Shea hands Rosendall a document to read. Report for August 2nd 2008. Shea asks if that refreshes his recollection as to when he was referred by Bernard to Rayford. Rosendall says it does not.

Rosendall does agree that he may be wrong about it only being a week or two after meeting Bernard that he was referred to Rayford.

Shea asks if Rosendall asked Bernard to set up meeting with Mercado in early 2004.

"I may have, yes," says Rosendall. But he doesn't recall exactly.

Shea hands Rosendall another document. Shea asks if that refreshes his memory about meeting request.

"I did request a meeting, yes" says Rosendall after reading the report.

Looking at a text exchange between Mike Tardiff, mayoral aide, and Bernard on February 18th 2004.

Tardiff: Cool hey jr was wondering if you could set up a meeting with victor early next week.

Bernard: I am working on that now.

Tardiff: Let me know if I can help.

Bernard: will do.

Feb. 19, 2004 between Rosendall and Tardiff.

Rosendall: Anything from Victor or BK yet?

Tardiff: Victor is setting something up for next week. His people are working on it.

Synagro had an issue with "BK" being too close to the mayor, agrees Rosendall. Synagro was concerned that from a PR standpoint it wasn't a good idea. And that's the reason why says Shea about taking on Jackson.

"That and BK," says Rosendall.

Rosendall says he discussed it with Bernard and he understood.

Shea says even when Rosendall was referred to Jackson, Bernard maintained a financial agreement with the deal. There was an arrangement between Jackson and Bernard. Shea says so witness came to understand it was a 50/50 agreement. Yes says Rosendall.

Shea says that even when Jackson came on board, Bernard remained in a background sense. Rosendall agrees.

Shea mentions that in the Southern Fires recording, Bernard can be heard saying that Jackson didn't have the contacts with the DWSD and administration that he did.

Shea says that Bernard was doing what he could to move the deal forward.

Shea says at the time you lived in Grand Rapids.

"The suburbs," says Rosendall.

Rosendall agrees that he would come to Detroit on a weekly basis and frequently scheduled business lunch meetings.

Shea says they included Bernard.

"Some of them, yes," says Rosendall.

Many of them asks Shea included both Jackson and Bernard? "I wouldn't say that," answers Rosendall.

Shea approaches the witness with more documents. Rosendall looking at expense receipts for meals that were submitted on the Synagro expense account. On each receipt, it lists who Rosendall had a meal with.

Looking at a receipt for Sinbads on St. Clair for \$10.23 at 1:39 p.m. June 8, 2005. Had cranberry juice, lemonade, diet coke and a cup of clam chowder. Lists with Bernard.

July 5, 2005 at Sinbads with Bernard for \$21.15.

Another receipt on August 23rd 2005 for \$54.21 with tip. Looks like he only paid a \$2 tip! Both Jackson and Bernard.

October 2005 at Fishbones. Bernard and Rosendall.

November 2005 at Sinbads. Tardif Syope, Bernard, Rayford Jackson for \$137.79.

January 31, 2006 Southern Fires with Bernard, Tardiff, John Francis and John Ronco for \$138.83.

April 17, 2006 at Sinbads with Bernard, Jackson for \$112.

April 2006 Sinbads again Bernard, Tardiff, Jackson.

May 9, 2006 at Sinbads \$96 with Bernard, Tardiff and Jackson.

10:10 a.m. Shea says you had a lot of meetings with Bernard and Jackson. "I had a lot of meetings with Jackson," says Rosendall but then acknowledges that Bernard was often there.

At some point in the summer of 2007, Jackson, Bernard and Rosendall started discussing modifying agreement to include Akunna Olumba. Yes says Rosendall.

Shea says one reason was to have her participate in minority solicitation. "I believe that was the case, yes," says Rosendall.

The other says Shea to protect Bernard's interest with Jackson to have it flow through Olumba. "That was the prime reason," says Rosendall.

Shea says you told Bernard and Olumba you were working on that as of August 2007? Yes says Rosendall.

Shea says Jackson did not want to modify his agreement? I believe that's correct says Rosendall.

Shea says so you didn't advance the idea with Synagro. "That's correct," says Rosendall.

Rosendall says he had discussions with Pam Racey, a Synagro executive, about it. Totally contradicting himself.

Shea says you were telling Bernard you were working on it but you were not advancing it. Yes says Rosendall.

Shea says Rosendall told Jackson he was stringing Bernard along. "I believe I had that conversation," says Rosendall.

Shea wants to play a series of recordings. First, Oct. 4, 2007 at 6:20 p.m.

Jackson saying he doesn't want Olumba and Bernard agreement modifications.

"I'll play that thing out and string him along," says Rosendall to Jackson on the recording.

"He's not going to be able to stop that man from signing the deal," says Jackson. Talking about Bernard not being able to stop Kwame. Rosendall agrees that is what is being said.

Next, Dec. 10, 2007 recording.

"BK hasn't called you?" asks Jackson.

"Don't bring that up! I'm knocking on wood," replies Rosendall

"Last time he talked to you, he didn't bring me up?"

Rosendall talks about "playing it out."

Jackson says, "And what did you say? He's been under so much stress?" Shea says that Rosendall may have suggested Jackson was under so much stress to Bernard.

"I just downplay it," says Rosendall. Rosendall agrees this is about amending the agreement.

Shea brings up a possible trucking contract with Bernard if the Synagro facility went operational.

"We talked about the sub-contract. Really, I tried to keep the conversation on the sub-contract," says Rosendall.

"Right, right," says Jackson.

Dec. 20, 2007, talking about voicemail from Bernard. Shea says you call Jackson about that voicemail. Here is a recording of that conversation.

"BK just left me a message," says Rosendall.

Talks about how he said he was on vacation until Jan. 7.

"Vacation or no vacation, motherfucker call me or something like that," says Rosendall.

"Really, really?" asks Jackson repeatedly.

Rosendall says what he told him last he was meeting with CEO. Shea says so you were going to lie to Bernard and tell him you met the CEO on Dec. 19 in Philly

"Alvin brought agreement with Ray and before any changes are made Ray has to sign off on it...."
Rosendall discussing what he will tell Bernard.

Jackson suggests he tell Bernard that one of the reasons he can't do anything is because Jackson is under investigation and that the General Counsel was handling all Jackson matters.

"That was a lie," says Shea. Rosendall agrees.

Shea says so you and Jackson scheme about how to put Bernard off modifying the agreement. Rosendall agrees.

10:33 a.m. Time for a 20 minute break.

10:52AM Judge Nancy Edmunds reenters the courtroom.

Shea plays a new recording from December 20th 2007, later the same day as the last one.

Sounds like Bernard is huffing and puffing. "I'm on the treadmill," says Bernard. "Trying to get some of this off."

Rosendall can be heard telling Bernard that he met the CEO in Philadelphia which he did not. This conversation is shortly after conversation with Jackson. Rosendall says the agreement has been taken out of his hands. Rosendall saying that Synagro paid Jackson more than \$230,000 over the last 6 months. Rosendall also says they have made some sort of agreement. Rosendall says that General Counsel has asked him not to get involved in the agreement. "That signing thing was supposed to be applied towards that," says Rosendall. Shea says that Synagro wasn't holding up signing fees because of the \$230,000 already paid that was an excuse. Rosendall agrees. "So Akunna's thing is out there?" says Bernard. "I'm afraid they're going to ask a lot of questions....cuz you can't have 2 agreements out there..." says Rosendall. Shea says so you are giving more lies about why the agreement isn't going forward. Alvin Thomas is mentioned, counsel for Synagro. "So that leaves Akunna and me out for Christmas," says Bernard. Bernard says he had heard that Jackson was already paid and that is why he left "the terse message." Bernard says he heard that Jackson is negotiating with Jenkins.

Bernard saying they want it all their way- "Ray has outlicked everyone it looks like." "in that kind of deal he outlicked you," says Bernard. Shea says that Bernard is postulating that Jackson has manipulated the process and put him out in the cold financially. Rosendall agrees with Bernard. But Shea says that just previous to this conversation Rosendall and Jackson discussed the issue. "I did not tell him that," says Rosendall. Rosendall overheard telling Bernard that he wants to meet him for 5 minutes. Bernard says he'll be at the Milinder Center and will be done at 1pm. They decide to meet in the parking lot outside his office at 1pm. Shea says Rosendall testified yesterday that they met in the parking lot because Bernard was worried about the office being bugged. But in fact it was your suggestion. Rosendall agrees it was his suggestion to meet in the lot for 5 minutes. That may be true but in the recording Bernard can also be overheard saying there are things he doesn't want to talk about on the phone. Recording. Rosendall again talking to Jackson. Relays the conversation he just had with Bernard. Shea says that in this conversation he is reporting back to Jackson to say that he has carried out the plan discussed. Yes says Rosendall. Going back to the December 4th 2007 recording at the Original House of Pancakes. Rosendall met with Bernard and Olumba at that meeting and discussed the split and the "success fee". Signing bonus which was supposed to occur pretty soon after city contract was approved on November 20th 2007. Shea says at this time Bernard was broke and needed this money. Rosendall says yes. Rosendall agrees that he encouraged Bernard's belief that he would get his half of the signing bonus by Christmas. Now going to parking lot meeting. Saying that Bernard is upset because the agreement is not getting reworked and he isn't getting paid. Shea says Bernard said that comment about "blowing up the house" in the parking lot. Rosendall agrees. I think that comment was made at the Southern Fires restaurant.

11:15AM Phone call from December 20th 2007. Same date as previous 2 recordings. Sounds like Rosendall is talking to Pam Racey, Synagro executive based in Baltimore who oversaw Detroit. Racey asks about how things are going down there. Rosendall says there is an agreement he wasn't aware of that was supposed to take place between Jackson, Olumba and Bernard. Also

says that Jackson is cutting them out financially. "There's a little pissing contest going on between them," says Rosendall. "She's pissed," says Rosendall about Olumba when he met her. Shea says there are a number of things that you told Racey that are untrue. Correct says Rosendall. Lists them: that you met Olumba that day, that you knew nothing about Olumba and Bernard agreement, that it was the first you knew about Jackson cutting them out. "As far as I'm concerned, you didn't have a deal with BK," says Rosendall that he told Jackson. Racey asking Rosendall how Bernard got hooked up in this. Rosendall says he will call Alvin and get on this. "It sounds like they all have had a little bit of a falling out," says Rosendall claiming he didn't know anything about it. "It's been, shit, 8 or 9 months since we were all out together," says Rosendall about Jackson and Bernard. Shea says the "falling out" is between Jackson, Olumba and Bernard. "And the mayor," says Rosendall. Shea says Jackson's job was to deal with City Council. Yes says Rosendall. Shea says there were a number of interviews with police and that Rosendall never mentioned in any of them Jackson and Kwame's relationship going south. "I don't know if this is something worth getting our underwear in a knot. What is the worst that can happen to us," says Rosendall. Racey says that Rosendall has to remember how they got to this place with the contract. If Jackson wants to deal with them in the future, says Racey, he has to honor his obligations. "Morally it's not right," agrees Rosendall with Racey. Conversation from January 2nd 2008. 2 weeks after December 20th conversation.

Talking to Racey to see if she had talked to Jackson yet. Racey says she is set for conversation at 2pm.

Rosendall asks if she is set. Racey says she is going to tell him that "these folks brought you to the table" and there are important things coming up like permits.

Racey says that Jackson will have to take care of them. She means Bernard.

Shea says so it is a discussion that Jackson has an obligation to Bernard. Rosendall agrees.

Another recording from January 9th 2008 at 6:55pm.

"I'm at a total loss with this thing," Rosendall can be overheard saying.

Racey saying that she thinks it's going to be done by the end of February. Racey says that if Jackson doesn't take care of things like he should, just give him a deadline.

Shea so it sounds like Racey and Rosendall are on the same page about getting Bernard on the deal and Jackson is resisting.

"Pigs get fat and have to be slaughtered," Rosendall can be overheard telling Racey.

Racey says she doesn't know how he even has the cajunas (thinks she means cojones) to do this. She is talking about Jackson.

Racey musing why Kwame doesn't have something to do with conversation. Rosendall tells her he is not involved in it.

"Alvin's on board... He'll play hardball...," says Rosendall. Alvin is Synagro's counsel. Talking about playing hardball with Jackson.

Shea says that Jackson is never brought around to honor the agreement with Bernard. "No, it never materialized," says Rosendall.

11:35AM Shea talking about \$5,000 in cash that Rosendall gave Bernard.

December 20th 2007 5:26PM phone conversation.

Rosendall talking to Bernard about a call to Jackson going out tomorrow. Says CEO is calling Jackson.

"Everybody is on board to resolve it," says Rosendall.

Shea says that 45 minutes earlier you had talked to Racey and she was on board but not true that CEO was going to call Jackson. Rosendall agrees.

"I wanted to let you know that things are moving along," says Rosendall.

"Did folks send you anything?" asks Bernard.

"I think they are supposed to take care of that tomorrow," says Rosendall.

"Did they have her stuff?" asks Bernard.

Oh my I think we just heard the toilet flushing.

Shea says that Bernard was awaiting payment into Olumba's account, the success fee. Again Shea says you are not really working on it.

Rosendall says that Racey is involved in trying to resolve things.

"At the end of the day he never would have been involved without you," says Rosendall.

Shea says at the end of the conversation Bernard thinks that "they", I'm assuming that's Bernard and Olumba, are going to get some money. Rosendall agrees.

Another recording.

Rosendall is in Florida vacation on December 21st 2007.

"I landed about 20 minutes ago and my phone has been busing up," says Rosendall

Rosendall says that he has just spoken with Olumba and she is going to mail him an invoice.

Rosendall says he has to get it from her and they are going to send it.

Rosendall tells Bernard that Alvin is finishing up the documents" to get the payment processed

"So you guys are all straight," says Rosendall.

Now Shea is showing yesterday's government exhibit of the Black Onyx, Olumba's company, dated December 21st 2007 to the amount of \$5,000. Shea says this is the invoice she submitted in response to the telephone conversation just listened to.

She says this is a far cry from half of the \$150,000 discussed on December 4th.

Looking at email from December 21st 2007 from Olumba to Rosendall.

Shea says that \$5,000 did not get paid before Christmas or after Christmas either. No says Rosendall.

Shea says you told Bernard to Southern Fires meeting on January 29th 2008 that you were bringing money to apply to invoice. Rosendall says that he said that he was bringing money but not necessarily to apply towards the invoice.

Looking at portion of transcript of the Southern Fires meeting.

"I thought you told me you were gonna, you told me you had a check for me today," says Bernard about the expectation for money.

Bernard says he wants a check,

"Yeah i thought that you was bringing a check. that we talked about in December..." says Bernard.

Shea says so they turned away the cash so the \$5,000 invoice is still outstanding. Shea says that Olumba put in an invoice on December 21st 2007 and it wasn't paid at the Southern fires meeting on January 29th 2008. No says Rosendall.

And at the March 5th 2008 meeting it hadn't been paid. "I don't believe so," says Rosendall.

Shea says that Rosendall had 2 personal encounters with Bernard on March 5th. Yes says Rosendall.

Rosendall says he will be gone for a few weeks but that he can swing back through. Shea says that the same \$5,000 that had been requested and not paid between December 21st and March 5th. Yes says Rosendall.

Shea says it's the same \$5,000 you finished paying on April 17th 2008. Yes says Rosendall.

11:59AM Shea says he has about 20 minutes left so it's a good stopping point.

Judge Edmunds dismisses the jurors and wishes them a good long weekend.

No court Monday for Martin Luther King Day. Cort resumes Tuesday, January 22nd at 9AM.

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