1 REAGAN: Hello Bill.

2 FISHER: Hey, you didn't call me.

3 REAGAN: Well, I faxed you something. Get your fax.

4 FISHER: I've got it.

5 REAGAN: Okay, that's, so I, I just thought it'd be

6 helpful to structure our talk, and make use of,

7 very good use of our time.

8 FISHER: Well, I mean, the, the, let's just, I'm walking

9 through the agreement. Fifty percent of the

10 developer's fee is a million four. I, I can't do

11 that. Ahh, it's a deal killer, I, it's a transaction

12 that's already closed, adding you in for half of the

13 developer fee, I can't do. It isn't permitted...

14 REAGAN: What is the developer fee Bill?

15 FISHER: What?

16 REAGAN: What, what is it that, now, now I'm looking

17 at the...

18 FISHER: It's 2.7 million dollars.

19 REAGAN: ...okay 2.7 million dollars.

20 FISHER: Right.

21 REAGAN: Okay.

22 FISHER: Of, of which about 8 or 9 hundred'll be

23 paid, at stabilized occupancy and the balanced will be

24 paid (UI).

25 REAGAN: Okay, well, well that's, well you, you need

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1 to come back to me with as my, as my note, said let's,
2 let's talk about something more equitable.
3 FISHER: The, ahh, I can't do that, the deal is closed,
4 I'm the developer....
5 REAGAN: No, no, no, no don't tell me...
6 FISHER: ....in there, I'm the general contractor...
7 REAGAN: ....what you can't do.
8 FISHER: .... I have investors and lenders that have
9 approved anyone and everybody in this UI.
10 REAGAN: We ain't gonna get nowhere, we're not gonna
11 get nowhere, first of all, by you trying to fast talk
12 me; secondly,...
13 FISHER: I'm, I'm not.
14 REAGAN: ....right, well listen, listen, listen I'm
15 trying to, I'm, that's why I took my time and put it in
16 writing, Bill, so that we don't, we don't spend our time
17 with you trying to talk past me, talk over me or vice
18 versa. So here's the, here's the deal, ahh, ahh, what,
19 what you do, you look at, and let's, let's be
20 equitable. Ahh, telling me you can't do it ain't the
21 solution.
22 FISHER: I can't, I can't make it...
23 REAGAN: UI, well listen, listen, listen, that's not
24 the, that's not the solution for me or anybody else.
25 Let's put it like that. That's not the solution for

1 me or anybody else, telling me that you can't do it is
2 not the solution. So, what you need to do is look at,
3 coming back with something in an equitable manner,
4 Bill. And, and, you know, you, you take a night or so
5 and think about it and then come back to me. Or you make
6 a note on it and send it back to me.
7 FISHER: The (cleared his throat), this contractor
8 provision, these guys aren't bidding, there's no
9 contracts, no amounts...
10 REAGAN: Who you talking about?
11 FISHER: You have Section B in this provision of the
12 agreement.
13 REAGAN: Okay.
14 FISHER: You want irrevocable commitments from two...
15 REAGAN: Okay...
16 FISHER: ...for the GCM...
17 REAGAN: ....they're gonna do, they're gonna
18 negotiate, they're negotiate, Bill. They're going to
19 negotiate the, ahh, contract just like you negotiated
20 the contract with, ahh, Printice Gary.
21 FISHER: And the negotiations begin with an
22 Irrevocable Letter of Commitment?
23 REAGAN: Yeah to negotiate, to negotiate the, ahh,
24 contract. UI, you negotiate...
25 FISHER: (Stuttering) That's just not something that

1 you do, you pick a vendor and you negotiate with him;
2 but they don't have an irrevocable lock on the deal.
3 There's no grounds to negotiate.
4 REAGAN: Well you did, well you did, you, you, no that
5 is to, that is a good faith effort to negotiate a good
6 deal. That's all that is. And you guys negotiated a
7 deal with, with Printice. And you've negotiated deals
8 before, so that's what you do, negotiate a deal, that's
9 nothing hard.
10 FISHER: Well, you know, the first paragraph talks
11 about negotiating, the second sentence in that
12 paragraph says an Irrevocable Letter of Commitment.
13 REAGAN: That, that, hey, Bill, Bill...
14 FISHER: Do these contractors, I don't even, I don't
15 know these people, I don't know if they can get the
16 work, they...
17 REAGAN: Well you have to, that's where you, you
18 have to trust us, Bill. I mean, because our names are
19 on the project, we're not gonna send you somebody,
20 we're not gonna send Printice anybody who don't, who,
21 who don't cut the mustard. That's just it. So and
22 that's, that's our role in this thing. Is to, to, to
23 help, help spread the wealth. Help, ahh, ahh, provide
24 capacity building, as you say. And these are, these,
25 these here are very reputable firms. So that

1 shouldn't be no, that shouldn't be no, no, you know, no
2 heart, heartache there.
3 FISHER: That's, that's not the way business is done.
4 Nobody gets an Irrevocable Commitment...
5 REAGAN: UI is, it's done every day. I mean some
6 folks, some, look, okay, well, let me give you an idea.
7 You, you guys, you guys locked in with people on the
8 professional services end that didn't have to bid.
9 Those financial consultants, those lawyers, those law
10 firms, those, all those guys didn't have to bid. They
11 got paid. So that's...
12 FISHER: I'm not sure where you get that. I, that
13 these don't, that there isn't a budget, that we don't
14 agree to something in advance.
15 REAGAN: No, no, no, no, we not, we're not talking about,
16 we're not talking about (stuttering), but what you do,
17 you go in, you didn't bid that did you? You didn't
18 bid that did you?
19 FISHER: Well, let's walk through the bid process...
20 REAGAN: No, no I'm asking you, I'm asking you...
21 FISHER: Vincent and Elkins works for somebody else
22 in the deal...
23 REAGAN: I'm not talking about that...
24 FISHER:...they bid...
25 REAGAN:...I'm not talking, I'm talking about on these

1 deals, those firms...

2 FISHER: That's what I'm talking about you...

3 REAGAN:...those, those, the engineering firms that you

4 guys use, the architectural firm, the financial

5 consultants, all those guys didn't bid.

6 FISHER: Well, again, you, you don't want me to answer

7 It, I won't.

8 REAGAN: Okay, well, you can answer it...

9 FISHER: Engineers don't bid you, except on the

10 hourly rate.

11 REAGAN: Mm-hmmm.

12 FISHER: And then there's, then there...

13 REAGAN: So, so what you do, what you do, what you

14 do, that's a professional, look, Bill, I understand that

15 man. I, I mean I...

16 FISHER: But quite a few of the other people did bid.

17 Vincent and Elkins did an R, RFP response to the state

18 agency...

19 REAGAN: Yeah, but I'm talking about from you all,

20 who do, do,

21 FISHER:...who did a pricing UI...

22 REAGAN:...I'm talking about with you all. With you

23 all, with Odyssey no. They didn't do that with Odyssey.

24 (A long pause)

25 REAGAN: I'm listening.

1 FISHER: (Cleared throat) I mean, basically, you're
2 this, this addendum turns my project over to you, which
3 cannot be done. I, I, the investors and lenders in this
4 deal approve who the team members are, who has
5 authority to act for these deals, who's accountable for...
6 REAGAN: That, that's your, I think, I think that, that
7 all
8 of this, all of this came, didn't necessarily come
9 from me, it came from several sources. And, and so, if
10 you tell me no, you tell, I mean that's your call. I
11 mean, you can say no to it. I, I mean that's, I can't
12 make you do nothing I won't make you.
13 FISHER: Well, but you're telling me it's...
14 REAGAN: But I, I put forward, I put...
15 FISHER: ...you're telling me it's a requirement
16 though to move forward on.
17 REAGAN: I put, I, I put forward, I put forward some,
18 ahh, some items, we put forward some items in there,
19 Bill, that are certainly reasonable. You, you guys, I
20 mean, you, what, what you do, you say you don't, you
21 can't, if you, if you don't feel it's right to give 1.4
22 million of it, I mean, we need, we need to talk
23 about it. I need to, I need to, I need to hear
24 something more equitable than $50,000.00 of the
25 developer fee.

1 FISHER: On Pecan Grove you, you...

2 REAGAN: UI, wait a minute, wait a minute, wait a

3 Minute, listen, fifty, fifty thousand of a, of a, ahh,

4 what we know as a 2.7 million developer fee, is not

5 equitable, on a deal that was dead. Ahh, ahh, not

6 including, not including, not including the other cost

7 savings and financial, ahh, savings that you guys, ahh,

8 very well may, very well may, ahh, ahh, realize. So you,

9 we need to talk about equity here, Bill, that's all

10 we're talking about equity.

11 FISHER: Pecan...

12 REAGAN: I'm not...

13 FISHER: ...Grove is closed. I paid you on Pecan

14 Grove, and, you know, I'm not sure why this is an issue

15 other than you're telling me it's a requirement for

16 the next step on ahh the other deal in District 5.

17 REAGAN: I, I mean I, I, I don't have any problem

18 putting in writing what, what, ahh, what was shared

19 with me from ahh, ahh, several sources. I, I and I did

20 just that. And I, I, you have it.

21 FISHER: So, Don and D'Angelo have had their input

22 here and this is something that they're requiring me

23 to do.

24 REAGAN: (Stuttering) I've, what I've said is that

25 I've listened to, ahh, several sources, ahh, that have

1 played integral parts in this process and that
2 represents what you have in front of 'em, in front of
3 you represents, ahh, a collection of those interests.
4 FISHER: I, I've tried to, what I did with the
5 community in District 8, which is where this project
6 is, is agreed to build town houses with garages and I
7 cannot, I cannot turn over my project in District 8,
8 nor give up half my money in a project they've already
9 made 24 million dollars worth of guarantees on and
10 closed, ahh, to get something else done in District 5.
11 (Phone ringing)
12 FISHER: I can't do business in District 5, if that is
13 the price of ahem doing transactions there. Surely,
14 you see that.
15 REAGAN: Ahh, what, what...
16 FISHER: I mean if this is the requirement, which is
17 what you're telling me, I cannot do that.
18 REAGAN: Okay. Alright, well, that's your call, Bill.
19 I mean, ahh, that's your call. That's your call. I'll
20 just do what, ahh, I have to do. And I....
21 FISHER: It's just too costly to do business in, in
22 District 5 if this is the cost, if this is the cost of,
23 ahh...
24 REAGAN: (Stuttering) If you feel like that, that's
25 not a, an equitable deal, Bill on projects that were

1 dead, then that's your call.

2 FISHER: You keep saying projects that were dead.

3 Pecan Grove has been approved, it passed City

4 Council...

5 REAGAN: It did not pass.

6 FISHER: ....it's closed and funded and I paid you

7 what...

8 REAGAN: Well it is now, but, but you can't,

9 you, wait a minute, but you cannot jump past the fact

10 of what occurred to make it pass. And that's what,

11 that's what you keep doing. You keep jumping past

12 that, Bill. It didn't just, didn't just sail through

13 there. It didn't sail through there. That thing was

14 dead, D-E-A-D. All caps. You know, you can't just jump,

15 you can't just roll past me now, good, nah, we, that, that

16 ain't gonna work. I'm gonna just tell you, and if you

17 decide that it ain't gonna, it, that that's the cost,

18 then that's your call.

19 FISHER: Darren, I already paid you on Pecan Grove.

20 REAGAN: Bill, Bill, Bill, we're talking about equity

21 here. We're talking about equity. You guys, you

22 didn't tell me and you didn't show me where you, where

23 you had a deal that was, ahh, a dev, where you had a

24 developer fee in at 2.7 million. As a matter of fact, I

25 didn't see that until after the fact, and that's not right.

1 FISHER: Darren...

2 REAGAN: You had, wait a minute, you...

3 FISHER: ...that's, that's publicly available

4 information.

5 REAGAN: Listen, listen, wait a minute, wait a minute,

6 but, you did not, ahh, you did not come to me in honesty

7 and in sincerity and say, hey, look, this is our deal.

8 Had you came to us and stacked that down on the table,

9 flopped it down and said this is our deal. This is

10 where we are, we've already gotten these, these

11 professional guys in. This is our budget, we, we're

12 looking at, ahh, ahh, uhm, ahh, 2.7 million dollar, ahh,

13 developer fee. But you came to us and said, look, we'll

14 give you 1% of that developer fee. Instead of saying,

15 ahh, look guys we're, listen, listen, listen, listen,

16 let, listen, we have a 2 point, nearly 3 million dollar

17 developer fee here, that's ours. Now what, what would

18 it, what would you guys consider, ahh, equitable

19 compensation out of this 2 points, out of this nearly 3

20 million dollar developer fee. That's how you should

21 come, Bill. But you hide the ball, man. Y'all got, you

22 guys got down, instead, that you can't hide the ball and

23 then come back to us and say hey, look that deal done

24 sailed through, so we past that. No, we not past that,

25 because you didn't come to us in the right way in the

first place. And that's how, that's how, that's how, that's how, ahh, folks feel about how this deal, how both these deals went down. There's some strong sentiments about that. And...

FISHER: I have one project in Dallas.

REAGAN: Listen, listen, listen, listen, listen, listen, listen and, and maybe you do and maybe you don't want to do other deals in Dallas. But I can tell you now that, that they are, you know, it, it's not like that no more, man. I mean, I sit and I listen to D'Angelo this morning tell me about deals he's turned down because of this same kind of basic attitude you guys have man, and you told me, you sold me on how different you was from, from, ahh, Brian. You said we ain't coming in here trying to make, take up all the money; we're trying to help build and make other, you know, folk in the, in the community, ahh, share the wealth. That's what you said to me. Now you don't, you don't help me in that, in that, ahh, thinking process, Bill, by hiding nearly a 3 million dollar developer fee and, look, we'll give y'all fifty grand of that.

FISHER: Darren, you signed an agreement, that's a complete exaggeration...

REAGAN: Okay, okay then...

FISHER: ....of the facts. You know, I've been through

1 this, we went over the numbers there the state says
2 I'll collect a,...
3 REAGAN: When did you show me, when did you show me...
4 FISHER: ....I'll collect a cash developer fee of
5 about $700,000.00. The rest is paid out of cash flow
6 over the life of the project. In, in these
7 developments, the cash flow belongs to the developer.
8 I'm just paying myself. The only cash fee that, the
9 only fee that anybody collects, is the cash fee for
10 taking the risk of the project and making 24 million
11 dollars worth of guarantees and doing, going through
12 what has been a two year process to get to this point.
13 And you're looking to pick up half the UI of a project
14 that you, you got involved in 10 days before because Don
15 Hill told me to go over there and do something with you.
16 REAGAN: (Talking while Fisher is talking)
17 here's the thing, here's the thing, here's the
18 thing, ahh, your deal, that deal was dead, so you talking
19 about what all of the, the, UI, you having to share
20 some of those benefits, what the cost is of you having
21 to share some of those benefits. Well, you were
22 looking at a dead deal. Both Dallas West and, and
23 Pecan Grove. Both of 'em were dead.
24 FISHER: Darren, have much time have you spent on
25 Pecan Grove?

1 REAGAN: Too much time. Too much time. I've spent
2 more time on your, on these UI projects than I've
3 spent on, on any project that I have going right now,
4 because it don't require me having to look over my
5 shoulder. When I do my, when I work my own thing then,
6 I know that it's being worked, right, and I know that
7 I don't have to look over my shoulder, or try to think
8 of, of what you guys may come up with next. You know.
9 So...
10 FISHER: You signed an agreement, we paid on the
11 agreement, you made 150,000 bucks, you got a
12 $30,000.00 invoice...
13 REAGAN: (Talking while Fisher is talking) Well I
14 don't know, I don't where you got, listen, listen here
15 Bill, listen here Bill that's, that's, that's the,
16 that's, those are the amendments. That's it and if you
17 don't have, if you wanta, if you, if you wanta talk
18 about how to, to make the developer piece more
19 equitable, I'm, I'm willing to consider that and take
20 that back. I'm willing to consider that and take that
21 back, but there is no way you gonna, you, I'm, I, I'm
22 gonna even consider taking back what Bill, ahh, says
23 50,000 of the three million is all you guys can
24 expect. And I'm not gonna do that. And if it means
25 the deal is off, that, that's fine. I don't, I don't

1 have no problem with it.

2 FISHER: I cannot, you all are driving me out of south

3 Dallas, my, I build a high quality affordable housing...

4 REAGAN: Listen, listen, I'm gonna tell you this, I'm

5 gonna tell you this, I'm gonna tell you this, I'm

6 gonna tell you this and I, I, I promise, I promise....

7 FISHER: ....and you're making it to a point that I

8 cannot develop in south Dallas...

9 REAGAN: ...no, no,...

10 FISHER: ...because of it.

11 REAGAN: ...not, not only you, not only you, Bill, but

12 anybody that think like you do that, that think that

13 they're gonna come in here and get, get all of the,

14 the work and, I mean, you talk about, man, black people

15 living in those town houses. There ain't no white

16 folk gonna live in those town houses. And this, this

17 project's gonna be sell off the backs of black folk,

18 who gonna live in there and then the ones who

19 hopefully will work out there, may be able to afford

20 to live in those things. So, you know, you, don't,

21 don't, if, if you come in with that kind of thinking,

22 you and some, and, and some other folk won't be

23 developing, y'all, y'all gonna let Brian, 'cause

24 Brian signed off on deals. I know that. And much,

25 much, much more difficult than this. Three deals.

1 And so, all of that that you were talking about how
2 Brian was, Brian has signed off on three deals. Sure
3 he was reluctant to, but he didn't say I ain't gonna
4 do it (laugh), because it don't make no damn sense,
5 but you can give it up if you want to. That, that's
6 UI, that's...
7 [redacted]
8
9
10
11
12
13 REAGAN: ...no, no, no he, what he, what, what, what
14 he's, what he's learning is that he have to really
15 share the wealth and not, and, and, and that's, that's
16 the difference, Bill. I mean it's, it's, it's a
17 difference.
18 FISHER: So you're the, you're the co-developer with
19 him on the three projects?
20 REAGAN: No, I'm not, but I,...
21 FISHER: He's giving you half the fee.
22 REAGAN: Wait a minute, wait a minute, wait a minute,
23 listen, I'm not, I'm not in on the deal with Brian.
24 FISHER: Okay.
25 REAGAN: I'm not in on the, but I can, I can tell...

1 FISHER: Well then how are you, how do you even know
2 what,...
3 REAGAN: Bill, let me tell you something.
4 FISHER: Okay go ahead.
5 REAGAN: How do I know? Why you, why would you ask
6 me something like that? Why would ask me something
7 like, why would I, how do I know? I know. (Laugh) I
8 know of three deal, and if you wanta, if, if you wanta
9 let, if you don't wanta develop another deal, that's
10 your call. I mean, hell, man, do you know how much
11 trouble it was to get Don and them to sign off to
12 consider letting you...
13 (Phone ringing)
14 REAGAN: ...do the deal in, in Dallas West Village,
15 man? When you said I'm not going do it. He told me
16 that. D'Angelo told me that. He told you that.
17 FISHER: You're, talking, ahh, what time frame?
18 REAGAN: I'm talking about Dallas West Village.
19 FISHER: I met with Don and D'Angelo, we had this
20 discussion over at Starbucks Coffee in the Vendome,
21 ahh, Paris Restaurant about, ahh, 60 days ago and Don
22 said my case would pass with no problem.
23 REAGAN: Ahh, ahh, well I UI....
24 FISHER: Loved the land use. I could use a white
25 contractor was exactly what he told me.

1 REAGAN: Well, ahh, I don't, I wasn't privy to those
2 conversations, but I do know, ahh, what D'Angelo said to,
3 ahh, ahh, Kathy Neely and I and Allen there, there at
4 Pappadeaux. I know what he said. I know what
5 D'Angelo said. And then I know what he, what Don and
6 D'Angelo said when we met up again there at
7 Pappadeaux. So I don't, you know. I don't know what
8 you, what, ahh, what you think that meant, but I do know
9 that, there was, there was no interest whatsoever in
10 allowing you to put up a, a, a, a housing project a
11 mile, or mile and a half from, ahh, from Brian
12 Potashnik's deal.
13 FISHER: Yeah, 'cause he'd already signed off on some
14 other deal.
15 REAGAN: Okay, but anyway, we, we, we don't, we don't
16 have to waste our time going through this. I, what I
17 did, Bill, is, ahh, is I took the collection, we had a
18 collection of those inputs put down and that's what
19 you have. If you decide,...
20 FISHER: So these are the requirements and...
21 REAGAN: These, that's, that's, that's the deal.
22 FISHER: And if I, if I don't do it?
23 REAGAN: I mean that's, that's your call.
24 FISHER: If I can't do it.
25 REAGAN: Well, I don't know that you can't, but you

1 can. I mean, I don't know that you can't, or what would
2 prevent you from, ahh, but, you know, if you don't, that's
3 your call. I'm, I'm gonna report back, I'm gonna
4 report back whatever you, whatever you say, and you
5 can hand write it on there, say hey, look, we're not
6 gonna do it.
7 FISHER: Darren, I can't do it. This project is
8 closed, my investors are already in. The, this
9 transaction has been set up, the project's been
10 designed, construction's ready to commence, you've
11 been paid your fee, and now, you guys are coming back
12 and saying, no, I gotta get a whole bunch more on Pecan
13 Grove to pursue a project which is in District 8. To
14 pur, now, this is all in order to pursue a project in
15 District 5? I mean I, you know, it's too expensive.
16 I can't develop in District 5 if that's, if that's the
17 price of poker.
18 REAGAN: Okay. Alright. Alright. Well, we'll just,
19 let's go like that.
20 FISHER: So, I should consider our West Village UI,
21 should I spend time on this West Village Agreement, I was
22 working to get money up for the West Village Agreement
23 between now and Tuesday?
24 REAGAN: Well, I don't, you know, like, I don't know
25 what to tell you, Bill. I really don't. I really don't.

1 (Pause)

2 REAGAN: I done the best I could with it, man, and

3 that's, that's, that's all I can do.

4 FISHER: Well, so I shouldn't hold out much hope then

5 for next Wednesday. I mean, again, we, we've got, you

6 know, however many days in the interim if we're gonna

7 spend our time.

8 REAGAN: Well, we got it, we got it, we, all I can tell

9 you that, that we have to, ahh, ahh, have a if, if you

10 say you not gonna do it, then you just need to write on

11 there I ain't gonna do it. (Laugh)

12 FISHER: You know Darren I can't do it, it's not....

13 REAGAN: It's not, I cannot...

14 FISHER: ...the least bit reasonable.

15 REAGAN: Okay.

16 FISHER: It takes control. You're taking over my

17 project.

18 REAGAN: Well, you're not...

19 FISHER: I got 24 million dollar guaran...

20 REAGAN: Listen.

21 FISHER: ...my family, Seleem's family, we've got 24

22 million dollars, we have investors we've done business

23 with for 10 years and this...

24 REAGAN: Well, I mean, I don't, I don't understand...

25 FISHER: ...project there's no coming in after the fact.

1 REAGAN: ...I don't know, what's the heartache, what,
2 what's the heartache Bill? I'm, I'm, I'm really, I'm
3 really, I'm really trying to figure out what is the
4 heartache here. What is, what's, what's, what's the
5 heartache, what, I mean, really? I'm, I'm looking at
6 the, looking at the proposal now. I mean, looking at
7 the amendment now. What is the, what is the heartache?
8 FISHER: We just went through it.
9 REAGAN: Nah, I'm, I'm...
10 FISHER: Irrevocable commitments. Half, half of my
11 developer fee.
12 REAGAN: Okay. Well, we UI here, Bill, we not UI....
13 FISHER: Control of all the contracts and approval.
14 You're in between me and the sub contractor. I mean,
15 I, I, you know, I (stuttering) it's, it's a complete re-
16 structuring of my transaction after it's closed.
17 REAGAN: Well that's Bill, Bill, Bill all I, all I,
18 all I know to tell you....
19 FISHER: And it's a re-do of an agreement you've
20 already been paid on.
21 REAGAN: ...okay, let me tell you, let me tell you one
22 other thing. Let me tell you one other thing, and we can,
23 you linked up both projects. You did that.
24 FISHER: With who?
25 REAGAN: Listen, listen, listen it's all in writing.

1 FISHER: With who?

2 REAGAN: Listen at, it's already in writing. It's in

3 writing. You linked those projects together. Ahh,

4 both projects were dead. You guys wasn't gonna get no

5 money. Ahh, the, ahh, let me get back to my amendment.

6 (A long pause)

7 REAGAN: Just a minute Bill. (Cleared throat) Okay.

8 Ahh, you (cleared throat), you said, okay, we have a

9 selected preferred group of subs that we have listed

10 there. Ahh, ...

11 FISHER: None of who I know.

12 REAGAN: Listen, listen it don't have nothing to do

13 with none of you know because you didn't UI, you, that

14 wasn't part of the arrangement for you to know 'em.

15 Ahh, these are, these are African American's firms that

16 have long standing history of performing here, so.

17 Whether you knew it, or know them or not has never

18 been a, a, ahh, factor here. So...

19 FISHER: Factor with who?

20 REAGAN: ... factor period. You ain't never said to

21 me and it's not in writing no where, look, I got to

22 know these guys.

23 FISHER: No, it's not knowing them.

24 REAGAN: Okay.

25 FISHER: I have to qualify them. We have people

1 come in...

2 REAGAN: Okay, okay. We gonna, we gonna, okay.

3 FISHER: ...that did our work all the time. There's

4 a standard qualification...

5 REAGAN: Well, we gonna, we gonna, we gonna qualify

6 'em, so that's, that's, that's it, we're gonna qualify

7 'em. We're gonna qualify 'em. Let, let don't, I mean,

8 don't pull that kinda stuff on me, man, because I, we

9 fight that, ahh, anti-African American participation on,

10 on too many fronts and we're, we definitely not gonna

11 fight it on building, ahh, building homes in African

12 American neighborhoods.

13 FISHER: That's never been an issue. I've got the

14 best track record in that area in the city.

15 REAGAN: Okay, then, so when you tell me, so you tell

16 me you don't know them, I don't, I can tell you I

17 don't know none of them people that you use. And I

18 don't know 'em.

19 FISHER: But I don't give them Irrevocable Letters

20 before I qualify them.

21 REAGAN: Okay we, well we gonna qualify 'em...

22 FISHER: I mean, I'm looking at this addendum. I'm

23 not pulling this out of the air.

24 REAGAN: Okay, I, I know what it is...

25 FISHER: It says Irrevocable Letters of Commitment

1 REAGAN: ... I know what it is because, because what
2 you will do Bill...
3 FISHER: ...to a list of people I don't know.
4 REAGAN: ...what you will do Bill is that you will,
5 you will...
6 FISHER: I wouldn't give an Irrevocable Letter to
7 somebody I knew.
8 REAGAN: Listen, listen, listen, listen. Well, you
9 don't even give 'em a letter, you just give 'em the
10 job. (Laugh)
11 FISHER: Actually, that's not the way...
12 REAGAN: That you tell me, that you tell me...
13 FISHER: I'm sorry, that's not the way it works.
14 REAGAN: ...that you tell me, look, we give them the job.
15 We give them the job. Some of 'em we don't even bid
16 out. We just give them the job. You said that to me
17 I got my notes right here. You said we gave it to
18 Printice even though he was $300,000.00 higher than
19 the lowest bidder.
20 FISHER: Because he was a local Dallas African
21 American owned firm.
22 REAGAN: There you go, now you got it. And these are too.
23 FISHER: But he bid.
24 REAGAN: And these are too.
25 FISHER: How did I know he was 350 higher than the

1 next guy?

2 REAGAN: And, and what you do here, and what you do, you

3 negotiate.

4 FISHER: Because somebody bid.

5 REAGAN: And what you do you negotiate. You

6 negotiate the bid with these guys. Okay, I'm not gonna

7 spend any more time...

8 FISHER: Darren that's not what you're

9 (stuttering)...

10 REAGAN: ...on that one.

11 FISHER: ...that's not what your amendment says, so

12 we're talking about this amendment. Half the

13 developer fee, irrevocable commitments.

14 REAGAN: Okay, talk on one point at a time.

15 FISHER: These are things I can't do.

16 REAGAN: Don't mix 'em up. Don't mix 'em up...

17 FISHER: (Stuttering) That's what I was trying to do.

18 You didn't wanta do that.

19 REAGAN: And so we on the, we on the, we on the

20 vendors. What is it about the vendors?

21 FISHER: They're going to have, (stuttering) no one

22 gets an irrevocable commitment. You've gotta qualify...

23 REAGAN: Hmmm.

24 FISHER: ...for the work and have the opportunity to

25 bid it if they're in the pack and they're capable of

1 doing the work.

2 REAGAN: No, we're not gonna bid 'em. We're not

3 gonna bid 'em. We're gonna negotiate bid 'em. We're

4 gonna negotiate the, we're gonna negotiate the contract.

5 FISHER: Well, that's what you're saying. I don't

6 need your, your counter, I guess, and you're suggesting

7 here that you're you would drop the requirement for

8 Irrevocable Letters as long as we, you went back to

9 the first sentence, which is to consider negotiating a

10 mutually acceptable contract, to give them preference

11 and priority consideration.

12 REAGAN: That they, that they, that they, ahh, that

13 they, that you guys, that we negotiate the, ahh,

14 contract with 'em, let me find that.

15 FISHER: You know, it's a budget issue Darren, these,

16 these jobs are done, they're financed.

17 REAGAN: Hold on let me finish it, shall receive

18 preferred and priority consideration and will

19 negotiate a mutually acceptable contract award. Okay.

20 Okay. We, so we'll negotiate a mutual acceptable

21 contract.

22 (Phone ringing)

23 REAGAN: Okay, I don't have a problem with that.

24 FISHER: Ahem.

25 REAGAN: And so where everybody know what, the way

1 you negotiate the contract everybody know where you
2 need to fall within the budget.
3 FISHER: The Section E, I mean, I'm in, you're, in
4 Section E, you're asking me to turn my project over to
5 you. It's really as simple as that.
6 REAGAN: Okay, let's, let's see, let's see, what UI,
7 we gonna, well that's, that's a clarification statement
8 there. Ahh, what, what about this give you some
9 heart, some, some heartache because, let me tell you
10 how, let me tell you how a developer do. We, you know,
11 I hired a Project Manager.
12 (Phone ringing)
13 FISHER: Ahh, Darren, hold on...
14 REAGAN: And I had...
15 FISHER: Hold, hold on real quick, my daughter's
16 calling me, let me just, let me just get her off the
17 phone here,...
18 REAGAN: Okay.
19 FISHER: ...hold on. Yeah honey. UI
20 (Pause)
21 REAGAN: (Cleared throat)
22 FISHER: Sorry.
23 REAGAN: Okay.
24 FISHER: Yeah.
25 REAGAN: Well let's, let's, let's UI....

1 FISHER: You know, I don't want, I don't wanta get in...

2 REAGAN: ...hold on for a minute.

3 FISHER: Okay.

4 REAGAN: Let's, let's, let's lock down one thing.

5 One item at a time.

6 FISHER: Well, now let's just not do; I cannot do

7 this. This transaction is over, it's closed, I've...

8 REAGAN: Okay.

9 FISHER: ...paid on it, there's nothing to negotiate

10 here.

11 REAGAN: Okay, okay. Well that's...

12 FISHER: If you're telling me this is a requirement

13 for the other deal in District 5 with something in

14 District 8 then I, it's too expensive. I can't do it.

15 You're putting me out of business. I can't build

16 affordable housing in south Dallas, ...

17 REAGAN: Okay.

18 FISHER: ...certainly in District 5.

19 REAGAN: Well, I'm gonna have to go get my grand boy

20 and, and, ahh, you know, I, I'll...

21 FISHER: If you wanta talk about West Village going

22 forward....

23 REAGAN: Nah, I'm not gonna talk about West Village

24 I, you got what...

25 FISHER: Okay.

REAGAN: ...you, you, you got both of 'em that you need to talk about right there.

FISHER: Well, there's nothing to talk about on Pecan Grove. I mean, you guys want half of the developer fee, this can't be done, it can't be re-structured like this. I've already paid for it, ahem, if this is the requirement for the next deal or any other deals, which is what you're telling me. You're driving me out of south Dallas. I cannot, I cannot develop in District 5.

REAGAN: Okay.

FISHER: It's...

REAGAN: Al, alright then.

FISHER: Okay. Alright.

REAGAN: Have a good night.

FISHER: Bye'.

Target:	Darren Reagan
Line:	214-207-0850
Session:	387
Date:	02/16/2005
Start Time:	17:47:30 CST
Duration:	00:30:15
Direction:	Incoming

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