

## Bill Bookout

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**From:** Bill Bookout [Pismobeachdiveshop@charter.net]  
**Sent:** Saturday, October 01, 2011 5:23 PM  
**To:** 'Ashker, Terrill K.'  
**Cc:** 'Mendoza, Carlos G.'; 'OIGHotline@sba.gov'; 'Hobby, Jill C.'; 'San Diego General Box'; 'Bob Johnston'; 'Bryant, James A.'; 'Ellinwood, Carrie R.'; 'Tavernia, Paul J.'; 'Gilchrist, Essie J.'; 'O'Neal, Jim'; 'Ingebretsen, Kristan L.'; 'crigley@newtimeslo.com'; 'rmiller@newtimeslo.com'; 'dvalley@co.slo.ca.us'; 'sbcountyda@co.santa-barbara.ca.us'; 'ctrimble@pismobeach.org'; 'Richard Rossi'; 'grady.hedgespeth@sba.gov'; 'christopher.mckeehan@sba.gov'; 'lisa.babcock@sba.gov'; 'david.fishman@sba.gov'; 'glenn.harris@sba.gov'; 'sadie.lowe@sba.gov'; 'martin.gold@sba.gov'; 'cynthia.pope@sba.gov'; 'eric.adams@sba.gov'; 'edwin.joe@sba.gov'; 'lorenzo.flores@sba.gov'; 'richard.taylor@sba.gov'; 'frank.pucci@sba.gov'; 'anthony.vigil@sba.gov'; 'rachel.baranick@sba.gov'; 'dace.pavlovskis@sba.gov'  
**Subject:** RE: 470 Price Street, Pismo Beach SBA Fraud and Environmental Phase 1

October 1, 2011

**OIG complaint ID # 20110484**

U. S. Small Business Administration  
SBA Legal Council  
Sacramento District Office  
6501 Sylvan Road, Suite 100  
Citrus Heights, Ca 95610

Dear Mr. Ashker Terrill and Jill Hobby

Thank you for U. S. Small Business Administration response September 30, 2011 ***“Also, your allegations of wrong doing committed by your lender have been duly noted, and you will be informed of SBA’s findings in due course.”***

Please answer the following questions of the U. S. Small Business Administration per the actions by Santa Barbara Bank & Trust. Please review the website [www.sbbtfraud.com](http://www.sbbtfraud.com) along with [www.sbaquestions.net](http://www.sbaquestions.net) for PDF files of Santa Barbara Bank & Trusts actions since 2003.

- 1) Does the SBA normally allow their SBA lenders to not properly amortize their SBA loans as Santa Barbara Bank & Trust has admitted to doing on May 6, 2011 and May 19, 2011?
- 2) Are SBA lenders, legally allowed on SBA business loans to overcharge their SBA borrowers by \$247.00 per month of business working capital against SBA Form 147 Note?
- 3) Is it normal for California, SBA lenders to obtain SBA approval on SBA loans and then change out the middle of the SBA Authorization as has been done with SBA loan # PLP # 664-196-4009-- Approved by the SBA on August 29, 2003?
- 4) **In the Oceano Nursery SBA Loan Deed of Trust dated October 6, 2003 on page four a provision to fight Inverse Condemnation and Eminent Domain, under (Condemnation). Is it normal for all SBA loans to have to fight Inverse Condemnation?** This requirement should make Santa Barbara Bank & Trust liable for any judgments by the County of San Luis Obispo, OCSD, Caltrans or Union Pacific Rail Road. Who is responsible for this requirement and now liens? The SBA or Santa Barbara Bank & Trust? Please view the website [www.governorjerrybrown.net](http://www.governorjerrybrown.net)
- 5) When the SBA Loan for Oceano Nursery was approved by the SBA on August 29, 2003. Did the SBA require a Phase 1 for the old Oceano Nursery Gas Station?
- 6) When did the SBA approve the 470 Price Street property for PLP # 664-196-4009?
- 7) Was any environmental investigation required by the SBA for the 470 Price Street property in 2003, if this was approved by the SBA?



- 8) Are SBA Lender responsible for Environmental investigations with the 470 Price Street Gas Station property?
- 9) Why did the SBA not pay off the Balloon payment on the 470 Price Street property, when they approved the changing of August 29, 2003 signed ( Authorization SBA Guaranteed Loan) ?
- 10) Can the SBA provide a copy of the August 28, 2003 (Lender Checklist for Submitting PLP Loan Requests) as signed by Clay Appleton on August 28, 2003? The copy that I have aquired does not show the Pismo Beach property business's listed!
- 11) In the August 27, 2003 signed (U.S. Small Business Administration Lender's Application For Guaranty Or Participation) When was SBA Form , Schedule A changed by Santa Barbara Bank & Trust adding the 470 Price Street property? I have two copies with different information! One signed August 28, 2003 by Clay Appleton, Steve Mathis and on the other (Copy) at the top with Casey Appell and Steve Mathis typed in. Which is the correct SBA Loan document?
- 12) How did Daniela Medrano and Casey Appell put SBA Loan # PLP 664-196-1009 at the top of the signed SBA Form 159 on August 27, 2003 as the SBA did not approve this SBA Loan until August 29, 2003?
- 13) In the SBA Form 413 dated August 27, 2003 typed by the Bank. Please explain as to how the 470 Price Street property was pledged as collateral?
- 14) In the SBA Form 413 dated August 27, 2003 (Schedule Of Real Estate). Please have the SBA explain as to why the SBA did not pay off the Balloon payment of \$300,000.00 on the 470 Price Pismo Beach, Property?
- 15) In the SBA Form 413 dated August 27, 2003 (Schedule Of Real Estate). Please explain as to why the SBA did not pay off the Balloon payment on the three lots next to 1921 Cienega property paid off in the 2003 SBA Loan? This property was supposed to be used for the Second Nursery Location In Oceano as noted by FBSLO.
- 16) Does the SBA allow all SBA Lenders to change out the middle of their (SBA Loan Analysis Presentations) as seen in two different August 20, 2003 SBBT presentations as seen at [www.sbbtfraud.com](http://www.sbbtfraud.com) ?
- 17) In the Second August 20, 2011 (SBA Loan Analysis Presentation) as seen at [www.sbbtfraud.com](http://www.sbbtfraud.com) stating: *"The working capital loan to be paid-off is secured by the commercial real estate used for the second business location at 470 Price Street, Pismo Beach Ca. This loan was obtained on 1/03 for inventory and business working capital purposes."* Why did the SBA not pay off the \$375,000.00 borrowed on this 470 Price Street property and 631 Lake Street property as disclosed to FBSLO?
- 18) In the FBSLO two (Loan Committee Presentation Reports dated 10/1/03 and 8/27/03. Was the SBA notified of the changes made on 10/1/03? If So was a Phase 1 Required for the 470 Price Street property?
- 19) **In 2007 Santa Barbara Bank & Trust Appraised the Oceano Nursery property at \$530,000.00.** Why would the SBA and SBBT need to have my personal residence at 631 Lake Street that was used to borrower money to make Mortgage payments to SBBT as additional Collateral in the 2007 Forbearance Agreement? It had been disclosed to FBSLO that \$75,000.00 was borrowed prior on the 631 Lake Street house for Oceano Nursery!
- 20) With the July 2, 2007 Appraisal of \$530,000.00 on the Oceano Nursery property. Why would the SBA and Santa Barbara Bank & Trust still need the 470 Price Street property as collateral?

- 21) Why was the Oceano Nursery appraisal completed after the signed 2007 Forbearance and Workout Agreement? The Appraiser Bruce Beaudoin, at this point Mentions the ODIC Environmental on the Oceano Nursery property and not the Pismo Beach Property!
- 22) Why was the 470 Price Street appraisal completed after the signed 2007 Forbearance and Workout Agreement?
- 23) **Why was the 470 Price Street, ODIC Environmental Phase 1 not available to Bruce Beaudoin, per his July 2, 2007 Appraisal of the 470 Price Street property Under (“Requirements And Conditions of Appraisal”)?** Mr. Beaudoin, stated: *“A Phase 1 Environmental Assessment was unavailable.” “For purposes of this appraisal, it is assumed that no hazardous-toxic contamination has occurred. Therefore, the cost of cleanup, abatement, encasement and/or remediation and its effects on value have not been considered.”*



- 24) Why was ODIC Environmental unable to find 470 Price street property records as seen in the appraisal by Bruce Beaudoin, dated July 2, 2007?
- 25) Why was Bruce Beaudoin, not provided a Phase 1 Environmental Report from Santa Barbara Bank & Trust, per his 470 Price Street July 2, 2007 Appraisal?
- 26) Is Santa Barbara Bank & Trust allowed to Falsify Lender documents in their ODIC Environmental Reports as seen in the June 20, 2007 Phase 1?

U. S. Small Business Administration, again thank you for your help in this matter that has put Oceano Nursery out of business in Oceano by Santa Barbara Bank & Trust.

I am hoping to once again Re-Open Oceano Nursery and the SBA's help is needed with the Fraud and Breach of Contract that has been committed by Santa Barbara Bank & Trust.

Please answer the above public questions of the U.S. Small Business Administration. Again, Terrill K. Ashker has stated September 30, 2011. ***“Also, your allegations of wrong doing committed by your lender have been duly noted, and you will be informed of SBA's findings in due course.”*** Please see that the SBA responds to all of the SBA questions asked above within 4 Days as this information will be needed October 12, 2011.

Sincerely

Bill Bookout

CC James Bryant, Carrie Ellinwood, Paul Tavernia, Essie Gilchrist, Jim Oneal, Carlos Mendoza, Kristan Ingebretsen and Terrill K. Ashker  
CC Richard Rossi

CC Grady Hedgespeth, Asso. Administrator for Financial Assistance, Shawn McKeehan, Special Assistant, Dave Fishman, Glenn P. Harris, Counsel to the Inspector General, Martin Gold, Deputy National Ombudsman, Eric Adams, Lorenzo J. Flores, Richard Taylor, Center Director, Anthony J. Vigil, Deputy District Director, Rachel Baranick, Deputy District Director

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**From:** Ashker, Terrill K. [mailto:terrill.ashker@sba.gov]

**Sent:** Friday, September 30, 2011 11:54 AM

**To:** Bill Bookout

**Cc:** Mendoza, Carlos G.; OIGHotline@sba.gov; Hobby, Jill C.; San Diego General Box; Bob Johnston; Bryant, James A.; Ellinwood, Carrie R.; Tavernia, Paul J.; Gilchrist, Essie J.; O'Neal, Jim; Ingebretsen, Kristan L.; crigley@newtimesslo.com; rmiller@newtimesslo.com; dvalley@co.slo.ca.us; sbcountyda@co.santa-barbara.ca.us; ctrimble@pismoeach.org; Richard Rossi; Robert Forouzandeh

**Subject:** RE: 470 Price Street, Pismo Beach SBA Fraud and Environmental Phase 1

**Mr. Bookout:**

**As I have informed you on numerous previous occasions, it is SBA's policy that all participating lenders must service and, when necessary, liquidate their SBA-guaranteed loans. This means that you must submit your request to have the 470 Price Street property removed as collateral for your loan to your lender. SBA will not have any involvement in such a servicing matter unless your lender tentatively decides to approve your request, but not unless its decision is approved by SBA. In this event, your lender will contact SBA directly.**

**Also, your allegations of wrong doing committed by your lender have been duly noted, and you will be informed of SBA's findings in due course. Please be reminded once again, however, that it is your responsibility to protect your rights & property interests. To that end, I believe that you have retained the professional legal services of Mr. Richard Rossi. It is best that any further inquiries directed to SBA originate with Mr. Rossi.**

*Terrill K. Ashker*  
*SBA Fresno District Counsel (Acting)*

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**From:** Bill Bookout [mailto:Pismoeachdiveshop@charter.net]

**Sent:** Friday, September 30, 2011 2:00 PM

**To:** 'Bob Johnston'

**Cc:** 'Carlos.Mendoza@sba.gov'; 'OIGHotline@sba.gov'; 'Hobby, Jill C.'; 'sandiego@sba.gov'; 'Bob Johnston'; 'james.bryant@sba.gov'; 'carrie.ellinwood@sba.gov'; 'paul.tavernia@sba.gov'; 'essie.gilchrist@sba.gov'; 'jim.oneal@sba.gov'; 'kristan.ingebretsen@sba.gov'; 'crigley@newtimesslo.com'; 'rmiller@newtimesslo.com'; 'dvalley@co.slo.ca.us'; 'sbcountyda@co.santa-barbara.ca.us'; 'ctrimble@pismoeach.org'; 'Richard Rossi'; 'pismoeachsurfshop@hotmail.com'; 'lol@rsmediate.com'; 'Ashker, Terrill K.'

**Subject:** RE: 470 Price Street, Pismo Beach SBA Fraud and Environmental Phase 1

September 30, 2011

**OIG complaint ID # 20110484**

Bob Johnston  
Asset Manager  
Westdale Capital, Ltd.  
3300 Commerce, Dallas, TX 75226  
Main Phone: 1-877-828-1823 x 26  
Direct Phone: 214-760-1669 x 26

Dear Mr. Johnson,

As Westdale Capital has the 1<sup>st</sup> on the 470 Price Street property. What is your opinion as to the email below from the SBA Terrill K. Ashker and ODIC Environmental? I have put on the website [www.sbbtfraud.com](http://www.sbbtfraud.com) both of the 2007 Phase 1 Reports done by ODIC Environmental. I have also posted the documents that Santa Barbara Bank & Trust switched out after receiving SBA approval on the Oceano Nursery SBA Loan on August 29, 2003.

Is it legal in Texas for a SBA lender to switch out the middle of SBA Authorization documents?

The SBA and the OIG complaint ID # 20110484 now have full knowledge that the Phase 1 Report for the 470 Price Street has not been done properly. The Gas Station is seen next to this 1949 Photo in the middle section of this property! Please review emails below

10/1/2011

Bike and Lock Shop around 1949 (across from Rosa's)



Terrill K. Ashker, Comment I believe is good as the SBA is now aware of problems with the Pismo Beach Property! Mr. Ashker States to ODIC Environmental: *“If it ever becomes necessary for the Small Business Administration (SBA) to contact ODIC Environmental concerning any environmental reports it performed which relate to Bill Bookout and his SBA loan, please rest assured that the Agency will contact you directly.”*

I have stopped all communication with ODIC Environmental and am letting the SBA attached above handle this Environmental problem on the 470 Price Street property.

To:	Marissa / Odic Environmental	From:	Sandra Sheffield
Fax:	(213) 380-0505	Date:	May 30, 2007
Phone:		Pages:	6, including cover page
Re:	1341 Paso Robles Street, Oceano, CA. CC:		

Per your request, attached is the Environmental Questionnaire that the borrower completed and executed at the inception of his loan with us in July 2003. I am unable to locate any previous environmental reports.

The above attachment is part of Page 166 of the 2007 Oceano Nursery ODIC Environmental report. This Report has an email from Sandra Sheffield showing the only Environmental done in 2003 was a questionnaire for Oceano Nursery and not the 470 Price Street Pismo Beach Property. This report can be seen at [www.sbbtfraud.com](http://www.sbbtfraud.com)

Sincerely

Bill Bookout

CC James Bryant, Carrie Ellinwood, Paul Tavernia, Essie Gilchrist, Jim Oneal, Carlos Mendoza, Kristan Ingebretsen and Terrill K. Ashker  
CC Richard Rossi



**From:** Bill Bookout [mailto:Pismobeachdiveshop@charter.net]

**Sent:** Friday, September 30, 2011 6:43 AM

**To:** 'Ashker, Terrill K.'

**Cc:** 'Carlos.Mendoza@sba.gov'; 'OIGHotline@sba.gov'; 'Hobby, Jill C.'; 'Ashker, Terrill K.'; 'sandiego@sba.gov'; 'Bob Johnston'; 'james.bryant@sba.gov'; 'carrie.ellinwood@sba.gov'; 'paul.tavernia@sba.gov'; 'essie.gilchrist@sba.gov'; 'jim.oneal@sba.gov'; 'kristan.ingebretsen@sba.gov'; 'crigley@newtimesslo.com'; 'rmiller@newtimesslo.com'; 'dvalley@co.slo.ca.us'; 'sbcountyda@co.santa-barbara.ca.us'; 'ctrimble@pismobeach.org'; 'Richard Rossi'

**Subject:** RE: 470 Price Street, Pismo Beach SBA Fraud and Environmental Phase 1

September 30, 2011

**OIG complaint ID # 20110484**

SBA Legal Council  
Sacramento District Office  
6501 Sylvan Road, Suite 100  
Citrus Heights, Ca 95610

Dear Mr. Ashker Terrill and Jill Hobby  
SBA Fresno District Legal Council

Thank you, for your response to ODIC Environmental on September 29, 2011 at 11:37 am. Attached is the June 20, 2007 Falsified Phase 1 Report by ODIC Environmental.

It is important that the SBA handle this June 20, 2007 Phase 1 Report on my Pismo Beach property that was falsified using my name. In 2003 Santa Barbara Bank & Trust/FBSLO falsified documents to the SBA attaching my Pismo Beach Property to this SBA Loan. The documents that SBBT/FBSLO changed after SBA approval PLP-664-196-4009 are seen at [www.sbbtfraud.com](http://www.sbbtfraud.com)

I am asking the SBA to immediately remove the 470 Price Street property from my SBA Loan.



PLP # 664-196-4009-- Approved by the SBA on August 29, 2003 without asking any Environmental Questions of the 470 Price Street, Pismo Beach Property. This SBA approval comes after the signed SBA documents are changed out by Santa Barbara Bank & Trust/First Bank of San Luis Obispo as known to the SBA and the **OIG complaint ID # 20110484**

Sincerely

Bill Bookout

CC James Bryant, Carrie Ellinwood, Paul Tavernia, Essie Gilchrist, Jim Oneal, Carlos Mendoza, Kristan Ingebretsen and Terrill K. Ashker

CC Richard Rossi

CC Chris Trimble PBPD

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**From:** Ashker, Terrill K. [mailto:terrill.ashker@sba.gov]

**Sent:** Thursday, September 29, 2011 11:37 AM

**To:** ericmiller@odicenv.com

**Cc:** hkim@odicenv.com; leecomer@odicenv.com; marissav@odicenv.com; melk@odicenv.com; klarson@odicenv.com; minac@odicenv.com; duncananderson@odicenv.com; jwinkler@odicenv.com; Mendoza, Carlos G.; OIGHotline@sba.gov; Hobby,

10/1/2011

Jill C.; San Diego General Box; Bob Johnston; Bryant, James A.; Ellinwood, Carrie R.; Tavernia, Paul J.; Gilchrist, Essie J.; O'Neal, Jim; Ingebretsen, Kristan L.; crigley@newtimesslo.com; rmiller@newtimesslo.com; Bill Bookout

**Subject:** RE: Price Street, Pismo Beach

**Good Morning, Mr. Miller:**

**If it ever becomes necessary for the Small Business Administration (SBA) to contact ODIC Environmental concerning any environmental reports it performed which relate to Bill Bookout and his SBA loan, please rest assured that the Agency will contact you directly.**

**If you have any questions, please contact me by return email.**

*Terrill K. Ashker*  
*SBA Fresno District Counsel (Acting)*

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**From:** Bill Bookout [mailto:Pismobeachdiveshop@charter.net]

**Sent:** Wednesday, September 28, 2011 1:26 PM

**To:** 'Hobby, Jill C.'

**Cc:** 'Carlos.Mendoza@sba.gov'; 'OIGHotline@sba.gov'; 'Hobby, Jill C.'; 'Ashker, Terrill K.'; 'sandiego@sba.gov'; 'Bob Johnston'; 'james.bryant@sba.gov'; 'carrie.ellinwood@sba.gov'; 'paul.tavernia@sba.gov'; 'essie.gilchrist@sba.gov'; 'jim.oneal@sba.gov'; 'kristan.ingebretsen@sba.gov'; 'crigley@newtimesslo.com'; 'rmiller@newtimesslo.com'; 'dvallely@co.slo.ca.us'; 'sbcountyda@co.santa-barbara.ca.us'; 'ctrimble@pismo-beach.org'

**Subject:** RE: Price Street, Pismo Beach

September 28, 2011

**OIG complaint ID # 20110484**

SBA Legal Council  
Sacramento District Office  
6501 Sylvan Road, Suite 100  
Citrus Heights, Ca 95610

Dear Mrs. Hobby and SBA Legal Counsel attached

I have received a threatening phone, calls from Mr. Eric Miller – President, ODIC Environmental for the questions asked below of ODIC Environmental. All future communication with ODIC Environmental and their Environmental Phase 1 of the 470 Price Street property will now have to be investigated by the SBA and the OIG per the August 29, 2003 PLP 664-196-4009 loan approved by the SBA.

**I am now asking the SBA and the OIG complaint ID # 20110484 for the answers to all of the questions asked below of ODIC Environmental per the 470 Price Street property June 20, 2007 PHASE I ENVIRONMENTAL SITE ASSESSMENT. And OIG complaint ID # 20110484**

Pismo Beach Police Department Corporal Chris Trimble at 1-805-596-5483 has taken a report Case # 11-1577. Mr. Trimble has viewed the numerous phone calls from Eric Miller – President, ODIC Environmental at Cell Phone: 213-999-1871

Sincerely

Bill Bookout

CC James Bryant, Carrie Ellinwood, Paul Tavernia, Essie Gilchrist, Jim Oneal, Carlos Mendoza, Kristan Ingebretsen and Terrill K. Ashker

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**From:** Bill Bookout [mailto:Pismobeachdiveshop@charter.net]

**Sent:** Wednesday, September 28, 2011 10:34 AM

**To:** 'ericmiller@odicenv.com'

**Cc:** 'hkim@odicenv.com'; 'leecomer@odicenv.com'; 'marissav@odicenv.com'; 'melk@odicenv.com'; 'klarson@odicenv.com';

10/1/2011

'minac@odicenv.com'; 'duncananderson@odicenv.com'; 'jwinkler@odicenv.com'; 'Carlos.Mendoza@sba.gov'; 'OIGHotline@sba.gov'; 'Hobby, Jill C.'; 'Ashker, Terrill K.'; 'sandiego@sba.gov'; 'Bob Johnston'; 'james.bryant@sba.gov'; 'carrie.ellinwood@sba.gov'; 'paul.tavernia@sba.gov'; 'essie.gilchrist@sba.gov'; 'jim.oneal@sba.gov'; 'kristan.ingebretsen@sba.gov'; 'crigley@newtimeslo.com'; 'rmiller@newtimeslo.com'; 'dvallely@co.slo.ca.us'; 'sbcountyda@co.santa-barbara.ca.us'

**Subject:** RE: Price Street, Pismo Beach

September 28, 2011

**OIG complaint ID # 20110484**

Eric Miller – President, ODIC Environmental  
ODIC Environmental  
3255 Wilshire BLVD. Suite 1510  
Los Angeles, Ca 90010  
Cell Phone: 213-999-1871

Dear Mr. Eric Miller – President, ODIC Environmental

All Communication form ODIC Environmental, needs to be done by email. **The phone calls from you yesterday and at 10:21 am today are very threatening**, I ask that you and ODIC immediately Stop all Phone Calls and threats! Again I am asking that the ODIC answer all questions asked of ODIC involving SBA Loan PLP 664-196-4009 and its June 20, 2007 PHASE I ENVIRONMENTAL SITE ASSESSMENT.

**Attached above is the San Luis Obispo District Attorney and the Santa Barbara District Attorney from you threatening phone call at 10:21 am today!**

Marissa Villarreal, of the ODIC has stated September 26, 2011 ***“Thank you for your email. I spoke with my director of operations, Lee Comer, in regards to this project. We are only authorized to release environmental reports to the parties who order them. If you like, I can contact Santa Barbara Bank & Trust to see if they will authorize the release of the reports. Please advise how you wish to proceed; thank you.”*** Again I am asking for the current (PHASE I ENVIRONMENTAL SITE ASSESSMENT) as the seen with the ODIC problems from the June 20, 2007 Phase 1 Report!

Attached above are a few more SBA Officials that need to understand the 2007 Phase 1 ODIC Environmental Report that has been done by your company for my 470 Price Street property. **Please copy your answers back to James Bryant, Carrie Ellinwood, Paul Tavernia, Essie Gilchrist, Jim Oneal, Carlos Mendoza, Kristan Ingebretsen and Jill Hobby, Terrill K. Ashker along with myself.**

Eric Miller – President, ODIC Environmental, in the ODIC 2007 Environmental Report Phase 1 attached! Appendix G is missing! (APPENDIX G – QUALIFICATION OF ENVIRONMENTAL PROFESSIONAL / LIABILITY INSURANCE ) Can you provide a copy of this appendix to (James Bryant, Carrie Ellinwood, Paul Tavernia, Essie Gilchrist, Jim Oneal, Carlos Mendoza, Kristan Ingebretsen and Jill Hobby along with myself)?

The ODIC statement below is false as the ODIC was shown a paved lot, where the Gas Station was once located!  
***“The subject property, addressed as 470 Price Street, Pismo Beach, CA 93449, is located northeast of Price Street northwest-southeast trending and Southeast of Stimson Ave. northeast-southwest trending.***

***The subject property is a nursery located on a irregular-shaped parcel of land on a corner lot. It is occupied by one rectangular-shaped two-story building at the northeastern most portion of the site with a single-story attached retail building at the western portion of the first floor Directly to the south of the main building is a small single-story building presently used as a nursery. The remaining portion of the subject property is unpaved land utilized for a nursery storage and is covered with pea gravel and other surface pavements.”***

Bike and Lock Shop around 1949 (across from Rosa's)



Eric Miller – President, ODIC Environmental, The photo above is about 1949, showing a Laundry mat and a Bicycle Shop attached to the Gas Station. Can you explain to the SBA attached above (**James Bryant, Carrie Ellinwood, Paul Tavernia, Essie Gilchrist, Jim Oneal, Carlos Mendoza, Kristan Ingebretsen and Jill Hobby, Terrill K. Ashker along with myself**) as to why ODIC would state that this property was vacant? *“The subject property was developed as early as 1927 according to property profile The aerial photograph depicts the subject site developed with what appears to be a residential dwelling at the northern central portion of the subject site lot. The immediate vicinity is depicted as residentially developed in aerial photo 1939. Subsequent aerial photographs show the property as vacant land in 1956 until, 1966 when the two buildings consistent with current layout are depicted at the subject site.”*



Please provide the SBA attached a copy of the Environmental Site Assessment Questionnaire mentioned by ODIC on Page 25 as stated by Mr. Ganzer! **“Mr. Ganzer was provided with an Environmental Site Assessment Questionnaire. A copy of the questionnaire is included in the appendices of this report”** Who filled out this Environmental Site Assessment Questionnaire?

Please explain this statement by Mr. Ganzer as the photos of the property where provided to ODIC! **“He is not aware of any underground tanks (other than the clarifier), structures, sumps, pits, subsurface formations or any other adverse environmental conditions associated with the subject site.”**

Again, Please inform the SBA attached above (**James Bryant, Carrie Ellinwood, Paul Tavernia, Essie Gilchrist, Jim Oneal, Carlos Mendoza, Kristan Ingebretsen and Jill Hobby along with myself**) as to who filled out the **“User/Customer Questionnaire”** for the Pismo Beach 470 Price Street property used by ODIC in the 2007 Phase 1 Report? I believe you had stated, that this information was provided by Sandra Sheffield? Is this Correct?

Sincerely

Bill Bookout

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**From:** Bill Bookout [mailto:Pismo Beach Diveshop@charter.net]

**Sent:** Tuesday, September 27, 2011 3:38 PM

**To:** ericmiller@odicenv.com

**Cc:** hkim@odicenv.com; leecomer@odicenv.com; marissav@odicenv.com; melk@odicenv.com; klarson@odicenv.com; minac@odicenv.com; duncananderson@odicenv.com; jwinkler@odicenv.com; Mendoza, Carlos G.; OIGHotline@sba.gov; Hobby,

10/1/2011

Jill C.; Ashker, Terrill K.; San Diego General Box; 'Bob Johnston'; Bryant, James A.; Ellinwood, Carrie R.; Tavernia, Paul J.; Gilchrist, Essie J.; O'Neal, Jim; Ingebretsen, Kristan L.; crigley@newtimeslo.com; rmiller@newtimeslo.com

**Subject:** RE: Price Street, Pismo Beach

September 27, 2011

**OIG complaint ID # 20110484**

Eric Miller – President, ODIC Environmental  
ODIC Environmental  
3255 Wilshire BLVD. Suite 1510  
Los Angeles, Ca 90010  
Cell Phone: 213-999-1871

Dear Mr. Eric Miller – President, ODIC Environmental

Attached above are a few more SBA Officials that need to understand the 2007 ODIC Environmental Report that has been done by your company for my 470 Price Street property. Please copy your answers back to James Bryant, Carrie Ellinwood, Paul Tavernia, Essie Gilchrist, Jim Oneal, Carlos Mendoza and Kristan Ingebretsen and Jill Hobby along with myself.

In reviewing the 2007 ODIC Environmental Report a little more. Please provide the SBA attached a copy of the Environmental Site Assessment Questionnaire mentioned by ODIC on Page 25 as stated by Mr. Ganzer! ***“Mr. Ganzer was provided with an Environmental Site Assessment Questionnaire. A copy of the questionnaire is included in the appendices of this report”*** Who filled out this Environmental Site Assessment Questionnaire?

Please explain this statement by Mr. Ganzer as the photos of the property were provided to ODIC! ***“He is not aware of any underground tanks (other than the clarifier), structures, sumps, pits, subsurface formations or any other adverse environmental conditions associated with the subject site.”***

This Photo in a larger version was provided to ODIC Environmental in 2007!



ODIC Page 25. Report as stated by ODIC.

#### ***“4.10 INTERVIEWS***

Mr. Bill Bookout at Subject site owner, accompanied ODIC's field inspector during site reconnaissance and filled out the environmental questionnaire. To his knowledge, no environmental concern is present in association with the subject property.

Listed below is a summary of the interview conducted with Mr. Bookout :  
Mr. Bookout has owned the property for approximately seven years

Mr. Ganzer indicated he does not currently, or has in the past, discard any hazardous materials into the sewer or upon any surface of the site.

Mr. Ganzer indicated that during the time he has owned the site he was not aware of any incidents of significant spills of hazardous materials or any documented response by the Fire Department or LA County Environmental Health. He is not aware of any underground tanks (other than the clarifier), structures, sumps, pits, subsurface formations or any other adverse environmental conditions associated with the subject site.

Mr. Ganzer was provided with an Environmental Site Assessment Questionnaire. A copy of the questionnaire is

included in the appendices of this report”

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**From:** Bill Bookout [mailto:Pismoeachdiveshop@charter.net]

**Sent:** Tuesday, September 27, 2011 10:16 AM

**To:** 'ericmiller@odicenv.com'

**Cc:** 'hkim@odicenv.com'; 'leecomer@odicenv.com'; 'marissav@odicenv.com'; 'melk@odicenv.com'; 'klarson@odicenv.com'; 'minac@odicenv.com'; 'duncananderson@odicenv.com'; 'jwinkler@odicenv.com'; 'Carlos.Mendoza@sba.gov'; 'OIGHotline@sba.gov'; 'Hobby, Jill C.'; 'Ashker, Terrill K.'; 'sandiego@sba.gov'; 'Bob Johnston'

**Subject:** RE: Price Street, Pismo Beach

September 27, 2011

**OIG complaint ID # 20110484**

Eric Miller – President, ODIC Environmental  
ODIC Environmental  
3255 Wilshire BLVD. Suite 1510  
Los Angeles, Ca 90010  
Cell Phone: 213-999-1871

Dear Mr. Eric Miller – President, ODIC Environmental

Please explain to the SBA attached above (**Carlos Mendoza, Jill Hobby, Terill K. Asher, the OIG**) and myself as to why ODIC would State: *“The subject property was developed as early as 1927 according to property profile The aerial photograph depicts the subject site developed with what appears to be a residential dwelling at the northern central portion of the subject site lot. The immediate vicinity is depicted as residentially developed in aerial photo 1939. Subsequent aerial photographs show the property as vacant land in 1956 until, 1966 when the two buildings consistent with current layout are depicted at the subject site.”*

Please explain to the SBA attached above (**Carlos Mendoza, Jill Hobby, Terill K. Asher, the OIG**) and myself as to why ODIC Environmental in 2007 would not show the 470 Price Street property in the Aerial photos in the June 20, 2007 ODIC **PHASE I ENVIRONMENTAL SITE ASSESSMENT** attached?

This Photo in a larger version was provided to ODIC Environmental in 2007!



PLP # 664-196-4009-- Approved by the SBA on August 29, 2003 without asking any Environmental Questions of the 470 Price Street, Pismo Beach Property. This SBA approval comes after the signed SBA documents are changed out by Santa Barbara Bank & Trust/First Bank of San Luis Obispo as known to the SBA and the **OIG complaint ID # 20110484**

Please inform the SBA attached above (**Carlos Mendoza, Jill Hobby, Terill K. Asher and the OIG**) as to who filled out the **“User/Customer Questionnaire” for the Pismo Beach 470 Price Street property used by ODIC in the 2007 Phase 1 Report?** I believe you had stated yesterday that this information was provided by Sandra Sheffield? Is this Correct?

Sincerely

Bill Bookout

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**From:** Bill Bookout [mailto:Pismoeachdiveshop@charter.net]

**Sent:** Monday, September 26, 2011 4:00 PM

**To:** 'ericmiller@odicenv.com'

10/1/2011

**Cc:** 'hkim@odicenv.com'; 'leecomer@odicenv.com'; 'marissav@odicenv.com'; 'melk@odicenv.com'; 'klarson@odicenv.com'; 'minac@odicenv.com'; 'duncananderson@odicenv.com'; 'jwinkler@odicenv.com'; 'Carlos.Mendoza@sba.gov'; 'OIGHotline@sba.gov'; 'Hobby, Jill C.'; 'Ashker, Terrill K.'; 'sandiego@sba.gov'; 'Bob Johnston'

**Subject:** RE: Price Street, Pismo Beach

September 26, 2011

**OIG complaint ID # 20110484**

Eric Miller – President, ODIC Environmental  
ODIC Environmental  
3255 Wilshire BLVD. Suite 1510  
Los Angeles, Ca 90010  
Cell Phone: 213-999-1871

Dear Mr. Eric Miller – President, ODIC Environmental

Thank you for taking my call today. Attached above is the California SBA and the OIG who need to have full knowledge of the 2007 ODIC Environmental report that shows the wrong property for the 470 Pismo Beach property.

*The ODIC Environmental States: “The subject property was developed as early as 1927 according to property profile The aerial photograph depicts the subject site developed with what appears to be a residential dwelling at the northern central portion of the subject site lot. The immediate vicinity is depicted as residentially developed in aerial photo 1939. Subsequent aerial photographs show the property as vacant land in 1956 until, 1966 when the two buildings consistent with current layout are depicted at the subject site.”*

Eric Miller, Again, I trust that your company would want to correct and clarify your 2007 ODIC Environmental reports as explained by Bob Johnson of Westdale Capital to myself. Please remember that I have paid \$3,800.00 for false ODIC Environmental reports with the wrong property shown in by ODIC in the 2007 environmental report as stated by ODIC. *“Subsequent aerial photographs show the property as vacant land in 1956 until, 1966 when the two buildings consistent with current layout are depicted at the subject site.”*

The **“User/Customer Questionnaire” for the Pismo Beach 470 Price Street property** on Page 9 and 10 have been falsified as they state they have been completed by myself! I am asking the ODIC for the document used by the ODIC in 2007 showing how the ODIC has come up with the answers to Page 9 and 10 of the ODIC 2007 environmental report? Is this document, the fax to the ODIC from Pacific Capital Bank on May 29, 2007 stating “Attn; Marissa”?

I realize that Santa Barbara Bank & Trust has falsified documents to the ODIC, however the ODIC, using the wrong photos does not look good to the SBA or the OIG, that will be reviewing Santa Barbara Bank & Trust actions since 2003; in how SBBT acquired the 470 Price Street property after obtaining SBA approval on only the Oceano Nursery property as seen at [www.sbbtfraud.com](http://www.sbbtfraud.com)

Sincerely

Bill Bookout

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**From:** Bill Bookout [mailto:Pismobeachdiveshop@charter.net]

**Sent:** Monday, September 26, 2011 11:51 AM

**To:** 'marissa villarreal'

**Cc:** 'leecomer@odicenv.com'; 'jwinkler@odicenv.com'; 'Hobby, Jill C.'; 'Carlos.Mendoza@sba.gov'; 'OIGHotline@sba.gov'; 'ombudsman@fdic.gov'; 'ombudsman@sba.gov'; 'legal@fdic.gov'; 'rmiller@newtimeslo.com'; 'Bob Johnston'; 'Richard Rossi'

**Subject:** RE: Price Street, Pismo Beach

September 26, 2011

ODIC Environmental  
3255 Wilshire BLVD. Suite 1510  
Los Angeles, Ca 90010

Marissa Villarreal, Lee Comer and John Winkler

I have attached my most recent correspondence below to ODIC Environmental and have talked with Lee Comer regarding the Santa Barbara Bank & Trust Fraud in the information that they had provided to ODIC Environmental in 2007.

**Bob Johnson, of Westdale Capital who has the first position loan on the 470 Price Street property has responded today stating:**

10/1/2011

*"I have received what you sent this morning, including the 2007 Report. And, yes we had at least portions of the report in the files obtained from Heritage Oaks Bank. I haven't yet had time to review the contents of the Reports but will do so as time permits.*

*I'm uncertain how or for what purpose this 2007 Report is currently being used so I have little advise to offer. From your correspondence, it appears that you or someone may have also engaged a 2011 Report that, I'm assuming, must be in conflict with the 2007 Report. That being the situation, I would assume that the latest report should be treated as the most factual yet, if these two reports were promulgated from the same environmental company, they should be asked to clarify the differing findings with explanations on why these differences occurred and with substantiation of why the latest is the correct representations."*

Marissa Villarreal, Lee Comer and John Winkler at this time I am asking ODIC Environmental for a refund of the \$3,800.00 charged me for the incorrect ODIC Environmental 2007 reports and ask that the ODIC Environmental voluntarily provide the corrected and most recent ODIC Environmental Reports to myself and Westdale Capital along with the SBA and OIG attached!

I trust that your company would want to correct and clarify your 2007 ODIC Environmental reports as explained above by Bob Johnson of Westdale Capital to myself the SBA and the OIG attached. Please remember that I have paid \$3,800.00 for false ODIC reports with the wrong property shown in the ODIC 2007 environmental report as stated by ODIC. "Subsequent aerial photographs show the property as vacant land in 1956 until, 1966 when the two buildings consistent with current layout are depicted at the subject site."

Sincerely

Bill Bookout

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**From:** Marissa Villarreal [mailto:marissav@odicenv.com]

**Sent:** Monday, September 26, 2011 10:22 AM

**To:** 'Bill Bookout'; 'Lee Comer'

**Cc:** 'Hobby, Jill C.'; Carlos.Mendoza@sba.gov; OIGHotline@sba.gov; ombudsman@sba.gov; ombudsman@fdic.gov; legal@fdic.gov; rmiller@newtimeslo.com

**Subject:** RE: Price Street, Pismo Beach

Good Morning Mr. Bookout,

Thank you for your email. I spoke with my director of operations, Lee Comer, in regards to this project. We are only authorized to release environmental reports to the parties who order them. If you like, I can contact Santa Barbara Bank & Trust to see if they will authorize the release of the reports. Please advise how you wish to proceed; thank you.

**Marissa Villarreal**

Customer Service

**Odic Environmental & Energy**

**DVBE, SBE, SDVOSB**

t: 213.380.0090

f: 213.380.0505

**Odic Environmental & Energy** – "the force in environmental & energy consulting."



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**From:** Bill Bookout [mailto:Pismobeachdiveshop@charter.net]

**Sent:** Monday, September 26, 2011 8:20 AM

**To:** 'marissa villarreal'

**Cc:** 'Bob Johnston'; 'Hobby, Jill C.'; 'Carlos.Mendoza@sba.gov'; 'OIGHotline@sba.gov'; 'ombudsman@fdic.gov'; 'ombudsman@sba.gov'; 'legal@fdic.gov'; 'rmiller@newtimeslo.com'; 'jwinkler@odicenv.com'

**Subject:** RE: Price Street, Pismo Beach

September 26, 2011

ODIC Environmental  
3255 Wilshire BLVD. Suite 1510

10/1/2011

Los Angeles, Ca 90010

Marissa Villarreal and John Winkler CA REA, California Professional Geologist No. 7456

Re: Santa Barbara Bank & Trust Fraud committed to ODIC per the 470 Pismo Beach, Price Street property, June 20, 2007  
Environmental Report paid for from Expense Holding Account # 101591626 June 22, 2007.

Marissa Villarreal and John Winkler, Can you send me and the **SBA (OIG) (Jill C. Hobby, Carlos Mendoza and Westdale Capital)** attached above, a copy of the 2011 ODIC Report on the 470 Pismo Beach Property? In the 2007 ODIC Report Santa Barbara Bank & Trust falsified information to the ODIC per the known Gas Station on this property. Please review the fax dated 5/25/2007 from Pacific Capital Bank in the ODIC 2007 report attached. ODIC was paid \$1900.00 on June 22, 2007 for the 2007 ODIC report from Oceano Nursery business working capital and this report should have been correct and accurate at this time.

**Please provide Westdale Capital attached above all ODIC reports as they hold the First on this property with a (Balloon Payment) that matures on March 15, 2017 at 8.75%.** Santa Barbara Bank & Trust did not take this loan Balloon payment into account when they falsified information to the SBA in 2003 and when they falsified information to ODIC in 2007!

Please note that the photos used by ODIC in 2007 are not of the 470 Price Street property in 1949, 1956, and 1939. 1940 Sanborn chart shows the Gas Station not mentioned in the 2007 ODIC Report. **This mistake made could be because of the "User/Customer Questionnaire" Falsified by Santa Barbara Bank & Trust" faxed to "Marissa" on May 29, 2007.** Please note that this property has been in use since 1927! The Statement by ODIC below is false!

*"The subject property was developed as early as 1927 according to property profile The aerial photograph depicts the subject site developed with what appears to be a residential dwelling at the northern central portion of the subject site lot. The immediate vicinity is depicted as residentially developed in aerial photo 1939. Subsequent aerial photographs show the property as vacant land in 1956 until, 1966 when the two buildings consistent with current layout are depicted at the subject site."*

The **"User/Customer Questionnaire" for the Pismo Beach 470 Price Street property** on Page 9 and 10 have been falsified as they state they have been completed by myself! I am asking the ODIC for the document used by the ODIC in 2007 showing how the ODIC has come up with the answers to Page 9 and 10 of the ODIC 2007 environmental report? Is this document, the fax to the ODIC from Pacific Capital Bank on May 29, 2007 stating "Attn; Marissa"?

Marissa Villarreal and John Winkler, Thank you for your help in this unfortunate matter that now involves this **OIG Complaint ID: 20110484** and the SBA with the Fraud that has been committed by Santa Barbara Bank & Trust. Attached below is part of the 2007 ODIC report for the 470 Price Street, Pismo Beach Property that has been falsified by Santa Barbara Bank & Trust. Please explain to myself, Westdale Capital the SBA and the **OIG complaint ID # 20110484** attached as to who provided the ODIC with this information on the 470 Price Street property as this information was not provided by myself as stated below by the ODIC?

Sincerely

Bill Bookout

#### **CLIENT-PROVIDED INFORMATION**

According to ASTM Standards E-1527-05 and the USEAP AAls, in order to qualify for the Land-owner Liability Protection (LLPs) offered by the Small Business Liability Relief and Brownfield's Revitalizations Act of 2001, User must provide the following information (if available) to the environmental professional. Failure to provide this information could result in a determination that "all appropriate inquiry" is not complete.

#### **USER QUESTIONNAIRE for AUL**

In order to qualify for one of the *Landowner Liability Protections (Landowner Liability Protections, or LLPs*, is the term used to describe the three types of potential defenses to Superfund liability in EPA's *Interim Guidance Regarding Criteria Landowners Must Meet in Order to Qualify for Bona Fide Prospective Purchaser, Contiguous Property Owner, or Innocent Landowner Limitations on CERCLA Liability ("Common Elements" Guide)* issued on March 6, 2003.) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the *"Brownfields Amendments"*), the *user* must provide the following information (if available) to the *environmental professional*. Failure to provide this information could result in a determination that *"all appropriate inquiry"* is not complete.- 9 –

#### ***O d i c E n v i r o n m e n t a l***

#### **USER/CUSTOMER QUESTIONNAIRE QUESTION CUSTOMER TO ANSWER**

**(1.) Environmental cleanup liens that are filed or recorded against the**

**site (40 CFR 312.25).**

Are you aware of any environmental cleanup liens against the *property* that are filed or recorded under federal, tribal, state or local law?

No

**(2.) Activity and land use limitations that are in place on the site or that have been filed or recorded in a registry (40 CFR 312.26).**

Are you aware of any AULs, such as *engineering controls*, land use restrictions or *institutional controls* that are in place at the site and/or have been filed or recorded in a registry under federal, tribal, state or local law?

No

**(3.) Specialized knowledge or experience of the person seeking to qualify for the LLP (40 CFR 312.28).**

As the *user* of this *ESA* do you have any specialized knowledge or experience related to the *property* or nearby properties? For example, are you involved in the same line of business as the current or former *occupants* of the *property* or an adjoining *property* so that you would have specialized knowledge of the chemicals and processes used by this type of business?

N/A

**(4.) Relationship of the purchase price to the fair market value of the property if it were not contaminated (40 CFR 312.29).**

Does the purchase price being paid for this *property* reasonably reflect the fair market value of the *property*? If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the *property*?

N/A

**(5.) Commonly known or reasonably ascertainable information about the property (40 CFR 312.30).**

Are you aware of commonly known or *reasonably ascertainable* information about the *property* that would help the *environmental professional* to identify conditions indicative of releases or threatened releases? For example, as *user*,

(a.) Do you know the past uses of the *property*?

(b.) Do you know of specific chemicals that are present or once were present at the *property*?

(c.) Do you know of spills or other chemical releases that have taken place at the *property*?

(d.) Do you know of any environmental cleanups that have taken place at the *property*?

N/A

**(6.) The degree of obviousness of the presence of likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation (40 CFR 312.31).**

As the *user* of this *ESA*, based on your knowledge and experience related to the *property* are there any *obvious* indicators that point to the presence or likely presence of contamination at the *property*?

N/A

Completed by: Mr. William Bookout

Lack of information as to environmental lien recorded for the subject property is treated as data gap according to ASTM E1527-05, and consultant is obligated to make a necessary recommendation for further action. Absence of research into an existing environmental lien recorded for the subject property may not qualify the user for CERCLA landowner liability protection.

User does not have any information for item 3 and 6, but such absence of information is not considered to warrant further investigation based on the findings and results of our investigation as stated in this report.

*Environmental Site Assessment Report*

*textDLfinal-rev*

- 10 -

**O d i c E n v i r o n m e n t a l**

**ADDITIONAL USER QUESTIONNAIRE**

In addition, certain information should be collected by the User, if available, and provided to the *environmental professional* selected to conduct the Phase I. This information is intended to assist the *environmental professional* but is not necessarily required to qualify for one of the *LLPs*. The information includes:

**USER QUESTIONNAIRE**

**QUESTION ANSWER**

(a) the reason why the Phase I is required

Pre-acquisition or pre-financing environmental due diligence for User's underwriting of a proposed mortgage loan on the subject real property. This Phase I is not conducted for a recipient of an EPA Brownsfields Grant.

(b) the type of *property* and type of *property* transaction See section 2.1

(c) the complete and correct address for the *property* (a map or other documentation showing *property* location and boundaries is helpful)

See section 2.1

(d) the scope of services desired for the Phase I (including whether any parties to the *property* transaction may have a required standard scope of services on whether any considerations beyond the requirements of Practice E 1527 are to be considered)

ASTM E1527-05

(e) identification of all parties who will rely on the Phase I *report* Client for whom this report is prepared for

(f) identification of the site contact and how the contact can be reached Included in the project order sheet

(g) any special terms and conditions which must be agreed upon by the *environmental professional*

None other than ASTM E1527-05/AAI

Guideline

(h) any other knowledge or experience with the *property* that may be pertinent to the *environmental professional* (for example, copies of any available prior *environmental site assessment reports*, documents, correspondence, etc., concerning the *property* and its environmental condition)

None

Completed by: William Book Out

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**From:** marissa villarreal [mailto:marissav@odicenv.com]

**Sent:** Tuesday, August 21, 2007 11:16 AM

**To:** pismobeachdiveshop@charter.net

**Subject:** Price Street, Pismo Beach

**Importance:** High

Bill,

Please see the attached report and confirm receipt of delivery. Thank you!

**Marissa Villarreal**

Customer Service Manager

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Odic Environmental

3255 Wilshire Blvd. Suite 1510

Los Angeles, CA 90010

t: 213.380.6072

f: 213.380.0505

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Odic Environmental - 'the force in environmental due diligence'

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Version: 7.5.484 / Virus Database: 269.12.1/963 - Release Date: 8/20/2007 5:44 PM

10/1/2011