

From: alowe@HallEstill.com
To: Chapman, Austin
Subject: RE: [EXTERNAL]:BOA-23022
Date: Tuesday, November 10, 2020 9:18:21 AM
Attachments: [image001.png](#)
[image003.png](#)
[image6d459e.PNG](#)

Hi Austin—

We represent F5 Industries (“F5”). F5 is/has been actively negotiating a lease agreement with 5-D Property, LLC for 7309 S. Memorial. After reviewing the Affidavit, my clients reached out to Mr. Davis (the owner) and inquired about the Affidavit. Mr. Davis indicated that he had no knowledge of the Affidavit, nor did he authorize Mr. Lombardi to execute the Affidavit. Mr. Davis did have knowledge that F5 planned to use 7309 S. Memorial as a dispensary (as stated above, they have been negotiating a lease agreement for the property) and needed to obtain certain permits from the City in order to do so.

It is our understanding that Mr. Lombardi is the broker on the sale of 7315 S. Memorial, and that if he is unable to get the permit for this property, he will lose the deal. Therefore, aside from the fact that Mr. Lombardi did not have the authority to execute the Affidavit, there is also a conflict of interest in him acting as “an agent” for the property owner of 7309 S Memorial.

So, to answer your questions: No, we do not represent the owner of 7309 S. Memorial, but we do dispute the claims made in the Affidavit and believe that the owner does as well. We are working on obtaining an Affidavit or other statement from the owner to this effect.

Let me know if you have any further questions.

Thanks!
Amanda



HALL ESTILL COVID-19 UPDATE

Pursuant to CDC and applicable state and local guidelines, as of June 8, 2020, all Hall Estill offices are either fully or partially staffed and have resumed regular office hours. Clients and non-Hall Estill counsel wishing to visit our offices are asked to make an appointment to do so. In addition, at this time, social guests are still not allowed in our offices. We recommend clients and counsel continue to send all correspondence, pleadings, discovery or other communications electronically whenever possible for a timely receipt. If you need to send very large attachments, your Hall Estill contact can send a link for you to upload to our secure file sharing service.

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From: Chapman, Austin [mailto:AChapman@incog.org]
Sent: Tuesday, November 10, 2020 8:37 AM
To: Amanda Lowe <alowe@HallEstill.com>
Subject: [EXTERNAL]:BOA-23022

Amanda,

Per our conversation yesterday you indicated you are representing some interest in 7309 S. Memorial Dr. in relation to case BOA-23022. We did receive the attached affidavit signed by a Mr. Nick Lombardi who appears to be the agent that property. Are you representing the property owner and do you dispute the claims made in the affidavit?

Best,

Austin Chapman

Planner, City of Tulsa Board of Adjustment

Tulsa Planning Office

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9471

achapman@incog.org

Determining compliance to zoning or building code requirements is not a function of this office.

The Building Permits Division will address compliance upon application for a building permit or occupancy permit. {(918) 596-9456}