

Here's a polished, court-ready framing of that question directed at Mr. David Beard, Chief Legal Counsel (Berkshire Hathaway HomeServices franchise side). It forces him to confront knowledge, responsibility, and omission:

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Draft Question – Handling of Certified Mail & Diverted Payment

Q:

Mr. Beard, when your president Martha Mosher and you were provided with a copy of the full lease contract—prepared on your company's proprietary software—and what appear to be your company's franchisees' lawful credit applications, and you were further notified that the tenant's payment had been diverted, did you review the certified U.S. mail delivery record showing that an individual identified as "HH" had signed for and received that package at the Huntington Beach office of Berkshire Hathaway California Homes?

What actions did you personally take in response to that information?

What actions should have been taken under your company's compliance protocols to investigate a diverted tenant payment and potential fraud within your franchise system?

Can you explain why no investigation, acknowledgment, or corrective steps were communicated back to the reporting tenant after this certified mail was received?

Why It Works

Pins Responsibility: Names Beard directly in his capacity as legal counsel.

Evidence-Anchored: References the certified mail and "HH" signature, which you have in your exhibits.

Compliance Standard: Forces him to admit either (1) there was a protocol that was ignored, or (2) there was no protocol—which is worse.

Enterprise Knowledge: Locks in that the corporate apparatus had documented notice of misconduct, making later denial implausible.

🔗 Next Step Suggestion: We can expand this into a series of linked questions—first about receipt of the certified package, then about internal escalation procedures, and finally about corporate duty to protect tenants when franchisees are implicated in fraud.

Do you want me to draft those as a structured deposition outline for Beard (so you can walk him step by step and leave no escape route)?

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