

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL  
CIRCUIT OF THE STATE OF FLORIDA  
IN AND FOR MANATEE COUNTY

CIRCUIT CIVIL CASE NO. 08-CA-11315

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MARY LOU SMITH, an individual, )
and SHARON DENSON, an individual, )
                                     )
          Plaintiffs, )
                                     )
Vs. )
                                     )
TRAILER ESTATES PARK AND RECREATION )
DISTRICT, an independent special )
taxing district, JANET JONES, an )
individual, JOSEPH SALERNO, an )
individual, and MARY LOU MCNULTY, )
an individual, )
                                     )
          Defendants. )
----- X

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DEPOSITION OF JOHN VANDER MOLEN

TAKEN BY: THE PLAINTIFFS HEREIN

BEFORE: DIANE GULDIN-TEMPLETON  
Court Reporter  
Notary Public  
State of Florida at Large

DATE: April 16, 2009  
Commencing at 1:03 P.M.

PLACE: Vincent M. Lucente & Associates  
526 Twelfth Street West  
Bradenton, Florida

1           Q     Mr. Vander Molen, I'm giving you a Composite  
2 Exhibit 16, which is a group of E-Mails, and it  
3 indicates that the E-Mail is to Vander Molen, John,  
4 from John Vander Molen, and it has been printed out,  
5 and it would indicate by T. J. Miller. My question  
6 is, are you aware of an E-Mail group that exists  
7 under your name, John Vander Molen at --

8           A     An E-Mail group, I'm not sure what --

9           Q     It means location where multiple E-Mails  
10 exist under a single heading, and in this case it  
11 would be -- the heading would be John Vander Molen?

12          A     I'm still not clear what you're --

13          Q     All right. Well, let me ask you a different  
14 question. Do you have -- in addition to your  
15 personal E-Mail, do you have an office E-Mail  
16 address?

17          A     No.

18          Q     Okay. So, the district doesn't maintain a  
19 separate E-Mail address for you?

20          A     No.

21          Q     Okay. Then if this document was produced by  
22 T. J. Miller, printed out by T. J. Miller, do you  
23 know how she would have received it?

24          A     No.

25          Q     Okay. Do you make a practice of sending

1       **yourself E-Mails?**

2           A     Of sending myself E-Mails?

3           **Q     Yes, sir.**

4           A     On my computer that happens --

5           **Q     Okay.**

6           A     -- because my wife does probably more  
7     computing than I can.

8           **Q     Well, the first E-Mail says it's a draft of**  
9     **Trailer Estates Park and Recreation District Board of**  
10    **Trustees regular meeting, do you know why you would**  
11    **be receiving draft meeting minutes, and who you would**  
12    **be receiving them from?**

13          A     Oh, May 5th, 2008. Oh.

14          **Q     Yes.**

15          A     Okay. This recollects now what I think this  
16    is doing --

17          **Q     Okay.**

18          A     -- or was doing. Up until, and I'm not sure  
19    of the exact date I stopped, as a service to the  
20    community I was taking board minutes -- minutes home,  
21    scanning them into my computer, and sending them out  
22    to a list of names that my wife maintains when she  
23    does the summer newsletter, it was simply a service  
24    of -- to the community. And I believe that Trailer  
25    Estates, although this to and from confuses me, in

1 fact, I'm not sure I've seen an E-Mail that has the  
2 E-Mail address in parens, that -- maybe that -- is  
3 that how they come through? I guess I don't -- but  
4 as a service to the community we were sending -- and  
5 that's quite a massive list that she maintains, and  
6 allows me to use, and --

7 **Q So, you're sending draft minutes out to a**  
8 **select group of residents in Trailer Estates?**

9 A Those that asked for it, yes, that are on  
10 her list. I just do her address book, I don't --

11 **Q Okay.**

12 A These look like board minutes --

13 **Q Yes.**

14 A -- available as public records in the  
15 office.

16 **Q Okay. Mr. Vander Molen, do you recall**  
17 **public records requests being made for a data base**  
18 **that was in the possession of the district, initially**  
19 **made by my client as -- in her services on one of the**  
20 **Trailer Estates committees?**

21 A I remember at a board meeting a discussion  
22 about -- I thought it was from John Wight who was --  
23 if that's the future planning committee she is  
24 talking about -- that you are referring to, asked  
25 that at a board meeting.

**TJ Miller**

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**From:** John Vander Molen (jvan@tampabay.rr.com)  
**Sent:** Monday, May 05, 2008 9:42 PM  
**To:** Vander Molen, John  
**Subject:** Board of Trustee Meeting May 5, 2008 6

**DRAFT  
TRAILER ESTATES PARK AND RECREATION DISTRICT  
BOARD OF TRUSTEES  
REGULAR MEETING**

May 5, 2008

John Vander Molen addressed the audience both in the room and on television at 9:30 a.m.

He stated that according to the Roberts Rules of Order no meeting may be held without a quorum, but the next meeting may be set. There were only 4 members, Joe Bigley, Pam Cole, Mary Lou McNulty and John Vander Molen, present. Mr. Vander Molen set the next meeting, a workshop, for May 12, 2008 at 9:30 a.m. in the small hall. The agenda will include a discussion of the three bids for documentation management and, at 10:30 a.m., Mr. Barnebey will be here to discuss the Sunshine Law. He requested that all committee chairmen be present, if possible.

The next regular meeting will be the 19<sup>th</sup> at 9:30 a.m. in the small hall.

Mr. Vander Molen closed the meeting at 9:33 a.m.

Respectfully submitted,

Pam Cole, Acting Secretary

**EXHIBIT**

16

**TJ Miller**

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**From:** John Vander Molen [jvan@tampabay.rr.com]  
**Sent:** Friday, May 02, 2008 8:31 PM  
**To:** Vander Molen, John  
**Subject:** Board Meeting April 21, 2008 6

DRAFT

TRAILER ESTATES PARK AND RECREATION DISTRICT BOARD OF TRUSTEES REGULAR  
MEETING  
APRIL 21, 2008

9:30AM

John Vander Molen asked the Trustees and residents to rise and recite the Pledge of Allegiance. John Vander Molen, First Vice-Chairman, called the meeting to order. Trustees present were Joe Bigley, Pam Cole, Peg Durham, Mary Lou McNulty, Joe Salerno, Bruce Smith and John Vander Molen. Absent Janet Jones and Margo Cushman.

John Vander Molen asked for a motion to approve the minutes of April 7, 2008 Board of Trustees meeting as posted. John Vander Molen said he misspoke. On page 2, the number of applications received should have been three, not four.

Pam Cole cited additional corrections to be made on page 2 (1) should be Coffee Break instead of Coffee; (2) correct spelling of Herb MacFarlane's (3) Gail Opper did not make the comment about the reporter coming to Trailer Estates at the meeting. (4) answer to Richard Moray's question by John Vander Molen should be no. When questioned later, John Vander Molen said the Park had purchased a wireless router but it was not available for use at this time Pam Cole made a motion to accept the minutes as corrected. Seconded by Mary Lou McNulty. Motion carried 7-0.

John Vander Molen asked for a motion to approve the minutes of April 14, 2008 District Workshop. Mary Lou McNulty made a motion to accept the minutes. Seconded by Joe Salerno. Motion passed 7-0.

**CORRESPONDENCE:**

Plaque from Florida Blood Service thanking Trailer Estates residents for their donations of blood.  
Letter dated 4/4/08 to John Vander Molen from Gail Opper, concerning the Tribune and an article by the Let's Talk Club.

**REPORT OF TREASURER:**

Received a check for \$656.75 from WashCo. First check this fiscal year. After discussion, Pam to contact about collections and report to Trustees at next meeting.

**APPROVAL OF BILLS**



John Clark, 6611 California: (1) Park needs security cameras and additional lighting. Crime is on the rise.

George Sipich, 6517 Nebraska: (1) Complaint about Deed Restriction violation, underage occupant at 6515 Nebraska.

John Vander Molen said the complaint was on the agenda for today.

Beverly Lew 2008 Illinois: Board should fix the problems in park, i.e. Bingo, listen to resident complaints, follow the Sunshine Law, enforce rules equally and fairly.

Jim McIlveen, 1708 Illinois: Described incident of man taking pictures of boats and homes in park. Reiterated need for residents to call 911 about any suspicious behavior.

Gail Opper, 1915 Minnesota: Talked about adult bullying.

Bill Denson, 1613 Illinois: Presented copies of invoices dated 1/24/06 and 1/28/07 from Kirk-Pinkerton showing charges for reviewing correspondence and telephone calls from Mary Lou McNulty concerning possible changes to Charter and By-laws.

#### OLD BUSINESS:

##### Router

Mary Lou McNulty: Question brought up about the router. We have a router. Fred, our computer man, advised TJ it did not go on our computer. He said it would interfere with our space and need a separate phone line. It was suggested that the router be put in the Video Club room. The question was why don't we put it in the Video Club room and let them take care of it.

Joe Salerno asked what was the harm.

Bruce Smith said there was no harm. He also said the computer man was misinformed. The office would not see any difference regardless of where the router was placed and security was not an issue.

Joe Salerno asked what would be the cost.

Bruce Smith replied we would need another Bright House service.

John Vander Molen said we do not need or have wireless in the office. All computers are hardwired into server. Because it was not needed by the office, he and Janet Jones removed the router and it is now in the possession of Mr. Jones of MRK, our computer service company. He also said it was for the Board to decide if free internet service should be offered. He thinks the matter should be brought to a workshop along with the facts, figures and data. If necessary, bring in a computer expert to explain effect on our service. Then the Board could decide. Most people with computers are paying for their internet service. He said he occasionally is asked if we have wireless, but is usually needed by a visitor.

Joe Salerno said he viewed this as another amenity much like the kiln or the hiring of instructors.

John Vander Molen said it still should be up to the Board to decide who sets it up and who gets to use it.

Bruce Smith agrees with Joe that it should be viewed as another service to the people in the park.

John Vander Molen said it is still an item that should be brought to a workshop.

#### Data Base Future Planning

Mary Lou McNulty: Read letter from Future Planning Committee requesting the return of disaster materials which were given to Martha Brauer and Janet Jones. Mary Lou said she believed this had been done.

Mary Lou McNulty: Read a letter from Future Planning committee requesting a copy of database be converted to Excel and delivered to Future Planning to use in preparation of the Board of Trustees directed survey. Read a follow-up letter from John White, President of Future Planning Committee, clarifying request for copy of database in Excel format. The letter also included two survey forms.

Sharon Denson said the handwritten form was from Doris because they were fields she could not get to print.

John Vander Molen apologized to the Trustees who did not receive a copy of the letter and the forms. He said he counted 50 items being requested on the survey forms. He asked for comments and questions from the trustees.

Mary Lou McNulty said several people had contacted her about not wanting their age revealed in a survey.

Joe Salerno said do not give it out.

Mary Lou McNulty said the survey wants the resident's age. Also a problem with the survey wanting someone's emergency information. Resident's should be able to say yes or no to it.

Sharon Denson for Future Planning said the committee has excluded the emergency information. They do not want it and birth dates are a matter of public record. Information will be used to categorize into age groups.

Bruce Smith said he thought the committee was after age groups and did not intend to give out individual names.

Joe Salerno asked how the 2005 survey came up with the age groups i.e. 55-60, etc.

Sharon Denson said the people filled out the survey.

John Vander Molen said Future Planning was asking for the database not public information records.

Sharon Denson said the Park needed the survey so the Board could make good decisions.

John Vander Molen said he wanted to see the survey so the Board could help Future Planning with what the end result would be. He thinks this is an issue for a workshop

John White said the committee only needs the ages in groups.

John Vander Molen said maybe there is a way that could be done and given to Future Planning. He 1

there are many questions to be asked before the Board can give out carte blanche the database.

Bruce Smith said he didn't think the survey committee was trying to publish individual information. trying to do is to get the data. Mary Lou McNulty said Bruce had made a motion in Feb., seconded by Salerno, for Future Planning to develop a survey for Board review. The motion passed 8-0. She asked Board had received the survey. John Vander Molen said no, none had been received. He would like outline. He thought there were too many unanswered questions. Mary Lou McNulty said the issue was workshopped.

Lonnie Stanley, 6620 New Jersey said he was sensitive to information. He does not like personal information given out. When he gives it to governmental entities he does not expect it to be given out to anyone without his permission.

John Vander Molen said he hoped to have an answer in the fall for the committee.

**NEW BUSINESS**

Motion: John Vander Molen, seconded by Bruce Smith. Sign up for 30 days free trial with Backup Solutions.

Comments by John Vander Molen. Motion carried 7-0.

Motion: John Vander Molen, seconded by Bruce Smith. Purchase Toshiba A210 Laptop computer \$963.00 from MRK Technology. Comments and questions by Bruce Smith, Joe Salerno, Mary Lou McNulty, and John Vander Molen. Motion carried 7-0

Motion: Joe Bigley, seconded by Joe Salerno. Refer the property at 6515 Nebraska-Underage occupant-to our attorney. John Vander Molen read letter from Linda Brush stating her grandson is living with his sister in Bayshore and will only be at her home after school. Comment and questions by Mary Lou McNulty, Peg Durham, Joe Salerno and John Vander Molen. Motion failed 1-6.

- Joe Bigley - Yes
- B. Smith-No No
- M.L. McNulty-No
- J. Vander Molen- No
- P. Cole-No
- P. Durham-No
- J. Salerno-No

**REPORTS OF CLUBS AND ORGANIZATIONS**

Sharon Denson: Let's Talk Club will resume meeting in October. Eight residents are certified as Certified Emergency Response Team (CERT) members She explained their duties in the event of an emergency or a disaster. Comments and questions by Mary Lou McNulty and John Vander Molen.

Kay Hislop: Pottery Club meets in the summer on Tuesday 6:30 P.M. 8:30 P.M.

Mary Huston: Fire Auxiliary will only be open on Saturday during the summer. She thanked residents for their support. She also said CERT gives classes.

Pam Cole said special needs residents can pick up forms at her home or in the office.  
Mary Lou McNulty said no one who filled out a request last year needs to fill out another one.

Motion to adjourn the meeting made by Bruce Smith, seconded by Joe Salerno.  
Meeting adjourned.

Respectfully Submitted,

Peg Durham, Secretary

**TJ Miller**

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**From:** John Vander Molen [jivan@tampabay.rr.com]  
**Sent:** Wednesday, April 16, 2008 12:28 PM  
**To:** Vander Molen, John  
**Subject:** Board Workshop April 14, 2008 6

**DRAFT**  
**TRAILER ESTATES PARK & RECREATION DISTRICT WORKSHOP-SMALL  
HALL**

April 14, 2008

John Vander Molen 1 st Vice Chairman called the Workshop to order at 9:31 a.m.

John said our next meeting will be April 21, 2008 and we will vote on (1) computer back up and (2) purchase of a laptop computer.

John also said he had talked to our attorney and there will be workshop a workshop on the Sunshine Law on May 12, 2008.

John presented a list of offsite computer back up sites - one in Bradenton and one in California. After discussion John said he would like to take care of this at next Mondays meeting because we are approaching Hurricane season.

**Purchase Laptop Computer:**

John presented a proposal for a new laptop computer to be used as an extra back up system. There were several questions asked about the capabilities of this laptop. John answered all of these questions.

**Document Management:**

There were three gentlemen here, Dustin Baker, Rich Riley and Kevin Simons. Each gave a very detailed summary of what their system could do for our park. They gave the cost of purchasing and leasing.

Meeting adjourned.

Respectfully submitted:

Peg Durham Secretary