

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

CIRCUIT CIVIL CASE NO. 2008-CA-11315

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:
MARY LOU SMITH, an individual, and :
SHARON DENSON, an individual, :
:
Plaintiffs, :
:
vs. : DEPOSITION OF
: PAMELA COLE
:
TRAILER ESTATES PARK AND :
RECREATION DISTRICT, an :
independent special taxing district, :
JANET JONES, an individual, :
JOHN VANDER MOLEN, an individual, :
JOSEPH SALERNO, an individual, and :
MARY LOU McNULTY, an individual, :
:
Defendants. :
:
-----X

TAKEN BY: THE PLAINTIFFS HEREIN

BEFORE: JOANN L. ZECK
Court Reporter
Notary Public
State of Florida at Large

DATE: May 19, 2009
Commencing at 2:02 P.M.

PLACE: LUCENTE & ASSOCIATES, INC.
526 Twelfth Street West
Bradenton, Florida 34205

1 A I kept trying -- TJ and I together tried to --
2 well, I believe that TJ more than I did. I didn't say
3 anything to anybody.

4 Q Uh-huh.

5 A I just kept bringing the, We have to do this
6 and we have to do that and -- and let it go.

7 Q **You brought that up at Board meetings?**

8 A When individuals would -- would be talking
9 about the Sunshine Law or whatever, I would never say
10 anything about, yes, they should or whatever. I did
11 this (indicating) to cover myself --

12 Q Okay.

13 A -- because of the -- the -- the park paid for
14 us to go to that seminar and I wanted to make sure that
15 they knew that it was imperative that we start looking
16 at things.

17 Q Okay. Then subsequent to this time when you
18 did this memo in September of 2007, have you observed
19 any violations of the Sunshine Law at the Trailer
20 Estates District?

21 A When I walk into the office, everybody shuts
22 up. So I would say no, that I have not actually
23 observed anybody doing -- talking.

24 Q And when you say everyone shuts up, who are
25 you referring to?

1 A The Trustees, TJ, Jane -- well, Jane doesn't,
2 but -- it depends on I guess what they're talking
3 about. I don't know -- I don't know what they're
4 talking about because if I walk in the room, it's
5 like --

6 Q It goes quiet?

7 A Yes, it goes very quiet.

8 Q Okay. Have you observed then situations where
9 it appears to you that there are multiple Trustees
10 present in the office talking and that the talking by
11 those Trustees stops when you enters the -- enter the
12 room?

13 MR. SHULTS: I'll object to form.

14 THE DEPONENT: No.

15 MR. CARROLL: Join.

16 THE DEPONENT: I -- I -- I know that when I
17 walk into the room -- and it's not very often
18 because when I go in, I go in, I do my job, and
19 then I leave.

20 BY MR. HENNESSY:

21 Q Okay.

22 A Because it's not -- I don't consider it a
23 friendly environment when I have to worry about whether
24 I'm going to step on somebody's toes. So I just leave.

25 Q Okay. What do you mean by it not being a

1 **friendly environment?**

2 A Well, just if you walked in -- if you walk
3 into a room and it goes quiet and nobody talks to you,
4 that doesn't seem very friendly to me.

5 Now, I can initiate a conversation and have no
6 problem whatsoever. Everybody -- I consider everybody
7 on the Board my friend.

8 **Q Uh-huh.**

9 A Okay? I just don't want to get in the
10 middle --

11 **Q Okay.**

12 A -- of all of the controversy.

13 **Q Do you main -- as Secretary, do you maintain**
14 **an office at the District?**

15 A Treasurer.

16 **Q I'm sorry, as Treasurer?**

17 A There is an office that is shared by the
18 Secretary and myself.

19 **Q Okay. Who's the Secretary currently?**

20 A Gail Opper.

21 **Q All right. And how long has she been**
22 **Secretary?**

23 A Since January.

24 **Q So you've shared an office since January?**

25 A Correct.

1 Q During the time that you've shared an office
2 with Ms. Opper, has she ever attempted to discuss Board
3 business with you?

4 A Never.

5 Q Okay. Is it necessary for some of the Board
6 members to go through your office to get to their
7 office?

8 A Only the Chairman.

9 Q Okay. And who is the Chairman?

10 A Martha Brauer.

11 Q Have you ever observed Martha Brauer and other
12 Trustees meeting in Martha Brauer's office behind
13 closed doors?

14 A No.

15 Q Have you ever observed other Trustees in the
16 District Office meeting -- having meetings in the
17 office?

18 A No.

19 Q Okay. Can you give me an example of exactly
20 where and when you've experienced the situation of
21 Trustees going quiet when you enter a room?

22 A Well, I will be sitting in my office, and out
23 in the outer -- or the office itself where the people
24 come in, there have been times when people have been
25 discussing things and when I walk out -- and by that I

1 mean two Trustees, not naming anybody in particular,
2 but two Trustees or TJ and a Trustee and -- and as soon
3 as I walk out the door, then they either stop talking
4 in the low tones that they were talking in, because I
5 can hear in the office --

6 Q Uh-huh.

7 A -- or they start talking in a normal tone of
8 voice about something mundane.

9 Q Okay.

10 A So -- and they could have been discussing that
11 in low tones. I have no idea what's being discussed.

12 Q Do you have concerns or suspicions that
13 they're engaging in conversations that they shouldn't?

14 A Well, it makes you feel like something's
15 happening when you walk in and everybody shuts up, so
16 it's -- that makes me feel that way, but do I know that
17 they're doing it? No.

18 Q Okay. Have you ever had a Trustee or employee
19 of the park or just resident of the park criticize you
20 for your views on the Sunshine Law or the Public
21 Records Act?

22 MR. SHULTS: Object to form.

23 THE DEPONENT: Anybody did you say?

24 BY MR. HENNESSY:

25 Q Yes, ma'am.

1 MR. SHULTS: Same objection.

2 THE DEPONENT: I honestly cannot.

3 BY MR. HENNESSY:

4 Q Okay. Do you know when this going quiet
5 phenomenon when you walk into a room first began?

6 MR. SHULTS: Object to form.

7 THE DEPONENT: No, honest -- when I was in the
8 back room where all the Trustees are, most of them
9 are, when I was back there, everything was fine.
10 It was when I moved to the Treasurer's office, went
11 to the seminar and -- and refused to talk about
12 people in the park that --

13 BY MR. HENNESSY:

14 Q Okay.

15 A -- that it happened. I don't know a time
16 frame, I don't know --

17 Q When you say refused to talk to people in the
18 park, what do you mean by that?

19 A Well, my belief is that we've always -- that
20 we all have to live together. It's a small community.
21 There are a lot of things that -- that people do that
22 you interact with everybody else in the park. And I
23 have been I think discriminated against because I
24 refuse to join in the conversations about Mrs. Lew,
25 Mrs. Denson, Mrs. Smith, Mr. Smith, and anybody else,

1 **discussions of entering into leases or lease renewals**
2 **outside of public meetings between Trustees?**

3 A To my knowledge?

4 Q **Yes, ma'am.**

5 A No.

6 Q **Okay. Have you been involved in negotiating**
7 **any of the leases you've identified?**

8 A The -- the TV, the Bright House.

9 Q **And that's between the District and Bright**
10 **House?**

11 A Yes.

12 Q **To provide for the --**

13 A The cable service.

14 Q **And what's that channel?**

15 A Well, we have the basic cable.

16 Q **Oh, okay.**

17 A The whole basic cable, and then we have a
18 Channel 95 which is the one that we use to broadcast
19 the Board meetings and the information that the people
20 need for the various activities that are going on.

21 Q **Okay. And is the Channel 95 part of the basic**
22 **cable, it's all part of the same lease?**

23 A It -- yes, it is.

24 Q **Okay. And you negotiated that?**

25 A No.

1 Q Okay.

2 A That was done prior to me coming here. It's
3 for re -- it's coming up for renewal this year.

4 Q Okay. Have you been involved in --

5 A Yes.

6 Q -- renewal discussions?

7 A Yes.

8 Q Have you been the only Trustee handling that?

9 A Yes.

10 Q Do you believe then that the Channel 95 is a
11 District service?

12 A Yes, I do.

13 Q To your knowledge, is its service a matter
14 that's controlled by the District?

15 A Yes.

16 Q Do you know how it's controlled by the
17 District?

18 A Well, at this -- the way it is right now,
19 everything that goes on there goes through the web
20 administrator to the webmaster, and it's put on and
21 it's all -- all goes through the Chairman.

22 Q That would be for -- with regard to the
23 television or with regard to the web?

24 A Well --

25 Q District website?

1 A Well, the -- the -- I believe that -- that
2 Martha said in one of our meetings that she does the
3 bullet points on the -- on Channel 95 and -- and helps
4 enter the information that people bring. They fill out
5 a form and then -- and I -- but I don't think that she
6 does very much entering; I think that she does the web.

7 **Q Okay.**

8 A More of the website.

9 **Q Okay. Is the website then part of the**
10 **contract with Bright House as well?**

11 A No.

12 **Q Have you been involved in making any decisions**
13 **on the content that can go on the -- the cable channel?**

14 A No. I haven't been, no.

15 **Q Do you know who does?**

16 A Well, right now, no, I don't know who does it,
17 but before it was John Vander Molen, before the
18 beginning of this year.

19 **Q And why was John Vander Molen in charge of**
20 **that?**

21 A He was the -- well, I believe that he was the
22 -- at one time he was President of the Computer Club,
23 Video/Computer Club and it was -- it was one of those
24 things where, you know, nobody wants to do it or he
25 wanted to do it or whatever; I mean, he -- it was that

1 way when I came to the park, so it was -- you just -- I
2 don't know why he got it.

3 **Q Have questions about what content can be put**
4 **on the cable channel been brought to the Board?**

5 A What goes on the cable channel.

6 There's been discussion about --

7 Not that I remember about the cable channel,
8 the cable channel itself. I know that -- that there
9 have been some people that have asked for things to be
10 put on that didn't get put on, but there's not been
11 discussion at a Board meeting as to what we can put on
12 and what we can't put on.

13 **Q Well, when people have had matters refused**
14 **placement on the channel, have those matters come**
15 **before the Board?**

16 A No.

17 **Q Have you been involved in -- or to your**
18 **knowledge, has discussions of what content that can be**
19 **put on the website come before the Board?**

20 A Yes. There was -- we have a procedure for it
21 and --

22 MR. CARROLL: Excuse me.

23 (Whereupon, Mr. Carroll exits the deposition
24 room.)

25 THE DEPONENT: It was a long, drawn out

1 process.

2 BY MR. HENNESSY:

3 **Q What's the --**

4 A Where they had to -- they had to write it on
5 the -- and then had to come -- had to write it on a
6 piece of paper, a form that we had; it was supposed to
7 be brought before the Board, the Board was supposed to
8 approve it or not approve it and then go back to the
9 Web Committee, but we no longer have a Web Committee.

10 **Q Okay. So what's the process now?**

11 A Well, we just adopted the -- a webmaster and a
12 web administrator, and it gave their duties, and I
13 believe that it all goes to the web administrator.

14 I'm just -- I read the -- I just read the
15 policy yesterday.

16 **Q Do you still receive form requests --**

17 A No.

18 **Q -- that people -- of information people want
19 to put on the web?**

20 A No, we do not.

21 **Q Okay. When did you stop doing that?**

22 A The beginning of this year.

23 **Q Okay.**

24 A But I have to say that I don't remember ever
25 discussing the form with any -- at any Board meetings.

1 **Q** **So do you recall receiving the forms, voting**
2 **on the content and just --**

3 A (Shakes head from side to side.)

4 **Q** **-- submitting it back to the District?**

5 A I don't recall doing that at all. I don't
6 recall anyone bringing something to the Board or to the
7 Web Committee to put on the website and have us vote on
8 it. I don't remember ever voting.

9 **Q** **How about outside of the Board meeting, do you**
10 **recall just voting on a paper form that you received?**

11 A No.

12 **Q** **Okay.**

13 A Oh, wait a minute. There was a -- yes. There
14 was a form, now that you say that.

15 **Q** **Uh-huh.**

16 A There was a form that I didn't pick up before
17 it was time for me to vote on it. It was about putting
18 something on, and -- and there was a vote Yes or No
19 because they couldn't get it in before the Board
20 meeting. Yes, it was on paper.

21 (Whereupon, Mr. Carroll re-enters the
22 deposition room.)

23 BY MR. HENNESSY:

24 **Q** **Okay.**

25 A Yes.

1 Q And did you vote on that?

2 A No, because I already -- by the time I got it,
3 got the form, it was past time --

4 Q To vote?

5 A -- to vote.

6 Q Okay.

7 A So I didn't.

8 Q Do you know when that occurred?

9 A It's been fairly recently, like in the last
10 three months.

11 Q Uh-huh.

12 You indicated that the Administrative
13 Committee no longer functions.

14 A Correct.

15 Q Has there -- have the Bylaws been changed to
16 eliminate the Administrative Committee?

17 A No, not yet.

18 Q Have the functions of the officials of the
19 Board, District Board been changed to reflect that the
20 Administrative Committee no longer exists?

21 A Yes, there's an organizational chart and it's
22 not on there.

23 Q Okay. Do your duties include -- as Treasurer
24 include supervising elections and referendums?

25 A That's what it says.

1 the -- from the park, but --

2 Q Are you aware that the District has a public
3 records policy?

4 A Yes.

5 Q Have you seen that public records policy?

6 A Yes.

7 Q To your knowledge, that -- does that policy
8 include a fee provision?

9 A That was recently removed in January, I
10 believe, but there was.

11 Q Removed or added?

12 A It was removed because they just said for a
13 fee, and now we have the fee schedule on a separate
14 paper.

15 Q Okay.

16 A And it says, Refer to fee schedule.

17 Q All right. And that fee schedule, do you know
18 when it was adopted by the Board?

19 A I believe it was January or February.

20 Q So was that the first time that you saw the
21 fee schedule, in January or February of this year?

22 A No, it was -- the fee schedule was attached to
23 the policy prior to that.

24 Q Okay.

25 A We removed it so that whenever we changed any

1 of our fees, we don't have to go in and change every
2 policy.

3 Q Okay. But now you attached it again?

4 A No.

5 Q Oh.

6 A It's a separate -- the fee schedule is
7 separate.

8 Q Is a separate policy now?

9 A Is a separate policy, yes.

10 Q Before January, do you recall -- January of
11 this year --

12 A Uh-huh.

13 Q -- do you recall ever voting on a fee
14 schedule?

15 A No, I don't recall, because it wasn't part of
16 the original policy when it was -- when it was
17 presented.

18 Q Uh-huh.

19 A And then Mr. Vander Molen put it on all of our
20 desks and said, this is part of the policy; I think
21 that's how it went. I don't remember that it was
22 attached at the time that we voted on it.

23 Q Okay. So it's your recollection that
24 Mr. Vander Molen took it upon himself to add it to the
25 policy?

1 MR. SHULTS: Object to the form.

2 THE DEPONENT: I -- I don't know. I don't
3 know if he took it upon himself. I know that he's
4 the one who passed it out.

5 BY MR. HENNESSY:

6 Q Okay.

7 A And I don't know if someone helped him do it
8 or if he did it on his own, but --

9 Q Did you participate in it?

10 A Nope.

11 Q Do you recall voting on that, adding that
12 fourth page?

13 A No, I don't.

14 Q Okay.

15 I'm sorry, there were so many different media
16 questions. Did -- I don't think I asked you though did
17 you have any involvement in the content of The Tribune?

18 A Only if I submitted an article.

19 I would proofread it.

20 Q Okay.

21 A But I -- other than that, no.

22 Q Do you know who is in charge of the content of
23 The Tribune?

24 A At this point I'm not sure anybody is, unless
25 it's Martha, because there's not a committee, there --

1 we talked about the content and -- and there was a lot
2 of discussion about whether it was -- I can't think of
3 the word.

4 Whether we were taking the rights away from
5 people of -- because certain things were getting
6 rewritten or condensed or some things left out, and
7 then -- and something wasn't going to get put in, and
8 so there was discussion at the Board meeting about
9 having a policy for what could be put in The Tribune,
10 and we've not ever done anything up to this point.

11 **Q Huh.**

12 A And there was discussion also about bringing
13 the stuff before -- you know, bringing the stuff before
14 the Board to put it -- and that takes too long, because
15 you have a certain amount of time that you have to get
16 it done, so it -- then it was just kind of dropped so
17 I'm not sure.

18 **Q Is there anybody -- any employee of the**
19 **District that has responsibility for The Tribune?**

20 A TJ types it.

21 **Q Okay. Because I noticed that there doesn't**
22 **seem to be any attributions or listed editor or --**

23 A No.

24 **Q -- anything like that.**

25 A Basically people just come in with an article

1 typed up and TJ puts it on the computer, and then she
2 e-mails it to the people who print it for us.

3 Q Have you ever seen or witnessed TJ refuse to
4 take someone's article?

5 A I haven't seen TJ refuse to take an article,
6 but I have seen articles be refused by Janet Jones.

7 Q Any other Trustee you've observed refuse to
8 accept an article?

9 A No.

10 Q What article was it that Janet Jones refused
11 to your recollection?

12 A I believe it was an article for the Let's Talk
13 Club.

14 Q Was it being submitted by Mrs. Smith or
15 Mrs. Denson?

16 A Yes.

17 Q Do you know why she refused it?

18 A I honestly can't remember.

19 Q Okay. Have you ever been asked to edit or in
20 fact censor an article that was being proposed for
21 The Tribune?

22 A No.

23 Q The time you observed Janet refuse to print
24 the Let's Talk article, was that a request that you
25 observed at the District Office? Or where -- where did

1 **it happen?**

2 A The conversation was at -- they -- the
3 conversation was between Janet and TJ, and I was in the
4 office.

5 **Q Okay. So what do you specifically recall of**
6 **the conversation?**

7 A I don't know what was in it. There was
8 something in it that they -- that they thought was
9 controversial in some way, and -- and she told TJ to
10 call Mrs. Denson and tell her that we weren't
11 publishing it or we weren't putting it in The Tribune,
12 and I'm not sure -- I know that -- I know that TJ
13 called her, but I don't know what was controversial, I
14 don't know -- I don't know what.

15 **Q Oh. Okay. Going back to the budget**
16 **questionnaire.**

17 A Yeah.

18 **Q Did you draft the budget questionnaire?**

19 A No.

20 **Q Do you know who did?**

21 A You're talking about the thing that's in
22 there, yes.

23 **Q In your -- yeah.**

24 A Martha did -- the survey?

25 **Q Right.**