

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA
CIVIL DIVISION

CASE NO.: 08 CA 11315

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,)
JOHN VANDERMOLEN, an individual,)
JOSEPH SALERNO, an individual, and)
MARY LOU MCNULTY, an individual,)

Defendants.)

WORKING COPY

ORIGINAL

DEPOSITION OF THELMA-JO MILLER

TAKEN BY: Plaintiffs Herein
DATE: Friday, April 17, 2009
TIME: Commencing at 1:19 p.m.
PLACE: Kirk Pinkerton, P.A.
1301 Sixth Avenue West, Suite 401
Bradenton, Florida 34205
REPORTED BY: Laura S. Eder, RMR
Notary Public
State of Florida at Large

1 document --

2 A. Yes.

3 Q. -- marked as Exhibit 2? Okay. This is a memo
4 signed by Mr. Vander Molen, and in this, it explains
5 that there was a public record that has been put in
6 safekeeping, and anyone who wants this can get a copy
7 redacted.

8 Have you seen this before, this memo
9 before?

10 A. Yes.

11 Q. Okay. Did Mr. Vander Molen provide you this
12 memo?

13 A. Yes.

14 Q. Okay. Can you explain to me -- it refers to
15 public record 137 of office book -- office memo book 1.
16 Can you explain to me what that record is?

17 A. The 137?

18 Q. The record he's referring to, yes.

19 A. That's -- this is from the memo book before I
20 changed over my filing system, and this was number --
21 document number 137 in that book.

22 Q. The document that he's speaking about to be
23 redacted --

24 A. Oh, no. I'm sorry, I misunderstood the
25 question. What was the question again?

1 Q. The document that he's talking about that
2 contains the cell phone numbers that he would like
3 redacted --

4 A. Right.

5 Q. -- can you tell me what that document is? Can
6 you tell me more about that document?

7 A. It's a memo with all of the employees' and the
8 trustees' personal phone numbers and cell phone numbers.

9 Q. And is that all that's contained in the
10 memo -- or, I mean, in the document?

11 A. I don't remember.

12 Q. Okay. Is -- there's a note on here. Is that
13 your note?

14 A. Yes.

15 Q. And that's your handwriting?

16 A. Yes.

17 Q. And is this -- the document with all the
18 trustees' phone numbers, personal phone numbers and
19 mobile numbers, is it located in that filing cabinet
20 drawer with blank checks and --

21 A. Yes.

22 Q. Have you ever had to provide that document to
23 anyone?

24 A. No.

25 Q. Has Mr. Vander Molen ever instructed you on

1 redacting any other records?

2 A. No.

3 Q. Okay. Has any other trustee?

4 A. No.

5 Q. Have you ever had to claim an exemption for a
6 public record, claiming that a record is exempt from
7 production?

8 A. Once.

9 Q. And what was the exemption?

10 A. It was the lawsuit issue.

11 Q. Okay. How did you know to claim that
12 exemption?

13 A. Legal counsel. I had to ask on that one.

14 Q. And did you contact a trustee about that?

15 A. No.

16 Q. You contacted legal counsel directly?

17 A. I don't remember.

18 Q. Is that the only document you've ever claimed
19 an exemption for?

20 A. Yes.

21 Q. Have you ever claimed a record is not a public
22 record?

23 MR. CARROLL: Form.

24 A. I don't remember.

25

1 those board meetings forwarded to him?

2 A. I don't remember.

3 Q. Was there ever an issue with Mr. Featheringill
4 receiving documents that the rest of the board did?

5 A. I don't remember.

6 Q. As part of your duties, do you work on "The
7 Tribune"?

8 A. Yes.

9 Q. What do you do for it?

10 A. Clubs and organizations will bring in
11 documents that they want put in "The Tribune." I'll
12 type it up, have it proofread, and then put it on a
13 disk, and we send it to publication.

14 Q. Do you type up everything that comes in the
15 door, every request that the club gives you?

16 A. No.

17 Q. How do you determine which ones to type up and
18 which ones to not type up?

19 A. If I -- if I have a question about something,
20 I will turn it over to a trustee.

21 Q. Which trustee?

22 A. Normally, it's the secretary if she's
23 available. If she's not available, I would just -- any
24 trustee, you know. But usually it's the secretary --

25 Q. And that --

1 A. -- if she's in town.

2 Q. And that trustee tells you yes, type it, or
3 no, don't?

4 A. Right.

5 Q. Right at that moment?

6 A. Yes.

7 Q. Are there guidelines for what goes in "The
8 Tribune"?

9 A. No.

10 Q. Restrictions as to content?

11 A. No.

12 Q. Are you familiar with the Trailer Estates Web
13 site?

14 A. Yes.

15 Q. The current Web site that is available, has
16 that always been the Web site that was available?

17 A. No.

18 Q. When did the new Web site become available?

19 A. I don't remember without looking at my
20 documentation.

21 Q. Within the last two months?

22 A. I don't remember.

23 Q. Within the last year?

24 A. Yes.

25 Q. Since the board has changed, since the board

1 of trustees membership --

2 A. I don't remember.

3 Q. Let me finish. Since the board of trustees
4 membership has changed?

5 A. I don't remember.

6 Q. Do you recall how that Web site was created?

7 A. I don't remember.

8 Q. Were you involved in that process?

9 A. No.

10 Q. Did you provide any information that was going
11 to be put up on that Web site?

12 A. Yes.

13 Q. Who did you provide that information to?

14 A. We had a Web site committee.

15 Q. Who was on that committee?

16 A. I don't remember without looking at my
17 paperwork.

18 Q. Was a trustee on that committee?

19 A. I don't remember without going back through my
20 paperwork.

21 Q. Did anyone ever request any information from
22 you to put up on that Web site?

23 A. Yes.

24 Q. Who?

25 A. The Web site committee, I know Shirley Klotz

1 was part of the Web site, and she -- her and I usually
2 corresponded. She'd leave me a note of all the minutes
3 and things that she wanted in. I would give that to
4 her.

5 Q. And this is for the current Web site?

6 A. No, this was the other Web site.

7 Q. Okay. So that I'm -- so that I'm very
8 clear --

9 A. Okay.

10 Q. -- let's talk about the current Web site.

11 A. Okay.

12 Q. Did you provide any information that was put
13 up on that current Web site?

14 A. Not that I remember.

15 Q. Did anyone ever ask you for any information
16 with regard to that current Web site?

17 A. I don't remember.

18 Q. Did you participate at all in the development
19 of that current Web site?

20 A. No.

21 Q. Was there a Web site committee to develop the
22 current Web site?

23 A. Yes.

24 Q. Who was on that Web site committee?

25 A. I know Martha Brauer, and I -- I can't

1 remember who it was.

2 Q. Were there any other trustees on that Web site
3 committee?

4 A. Not that I know of.

5 Q. Were minutes taken at that Web site
6 committee's meeting?

7 A. Yes.

8 Q. How do you know that?

9 A. Because they're public record and I have them
10 in my office.

11 Q. Were those Web site committee meetings -- and
12 this is for the current Web site -- were those Web site
13 committee meetings noticed?

14 A. Yes.

15 Q. Did you provide the -- did you provide those
16 notices?

17 A. No.

18 Q. Who provided those notices?

19 A. They were -- it was brought in to me as public
20 record by Martha through e-mails.

21 Q. When a notice is submitted to you, do you post
22 it?

23 A. Yes.

24 Q. Where do you post it?

25 A. We have bulletin boards outside of our office.

1 Q. When do you post it?

2 A. When I receive it.

3 Q. How long do those postings stay up on the
4 bulletin board?

5 A. I don't know.

6 Q. Do you take the postings down from the
7 bulletin board?

8 A. No.

9 Q. Who takes the postings down from the bulletin
10 board?

11 A. I don't know.

12 Q. Are copies of the minutes that are provided
13 maintained as a public record?

14 A. Yes.

15 Q. Are copies of the notices that are provided
16 maintained as a public record?

17 A. Yes.

18 Q. In 2008 a router was installed in your office.
19 Do you remember that?

20 A. Yes.

21 Q. Do you remember who installed that router?

22 A. MRK Technology.

23 Q. Do you remember why they installed that
24 router?

25 A. I don't remember.

JVM

137

March 18, 2008

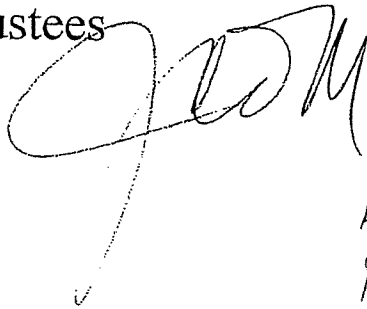
RE: Trustees & Employee cell phone numbers in
case of emergency

Public Record Number 137 Office Memo Book 1

DATED: March 14, 2008

Trustees and Employees have stated concern about personal cell phone numbers being confidential and given out to the residents. This Public Record has been put in safekeeping and anyone wanting a copy of this will get a copy with the cell phone numbers redacted.

John Vander Molen – 1st Vice Chairman
Board of Trustees



Note: The Document
is in the Site Cabinet
drawer with the
blank checks & money
Box in a folder.

EX 2