

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
: HARRY FITZPATRICK
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: August 11, 2009
Commencing at 11:53 A.M.

PLACE: KIRK-PINKERTON, P.A.
1301 Sixth Avenue West
Suite 401
Bradenton, Florida 34205

1 that was untrue, saying things against the Board and
2 against us that were untrue and that's what -- when
3 that came about.

4 Q Okay. Well, were you referring to my clients,
5 Ms. Smith and Ms. Denson among your reference to,
6 "those people?"

7 A I don't believe so. I think it was another
8 person's letter, but I don't remember the name.

9 Q Did you meet with any Board members prior to
10 being reappointed to the Board?

11 A No.

12 Q Did you meet with any Board members prior to
13 tendering your resignation?

14 A Not other than Board meetings.

15 Q Okay.

16 A No.

17 Q So you don't recall any private meetings with
18 any Board members -- and by, "Board members," I mean
19 Trustees -- prior to your tendering your resignation
20 concerning --

21 A When I first --

22 Q -- concerning -- I'm sorry.

23 A When I first --

24 Q Yes, sir.

25 A When I first was appointed, then the -- and

1 sworn in, Margo come up who was handling the Bingo and
2 put the keys down in front of me, which there must have
3 been fifteen or twenty keys.

4 Q Uh-huh.

5 A Said, Here you are, and left.

6 I looked at those keys. I ran not only -- and
7 my job at that time was not only Bingo, but was the
8 Saturday night dance or making sure that they had the
9 bands lined up, it was what -- they have a -- they have
10 a once a month Saturday speaker that comes in, I was in
11 charge of lining that up, and I think there was
12 something else, I don't recall -- oh, the potlucks that
13 they have once a month. I knew none of those people,
14 they all have to have workers, and so I at -- very soon
15 after that, I don't remember how long, maybe a day or
16 two or three after that happened, I had asked Margo --
17 or I mean, pardon me, Martha what my duties were.

18 If you consider that a meeting then, yes, I
19 had that meeting.

20 Q Where did you have that meeting?

21 A In the office.

22 Q The office of Trailer Estates?

23 A Yes, in our Board office.

24 Q Okay. And by, "Martha," you mean Martha
25 Brauer?

1 A Yes, uh-huh.

2 Q Okay. Did you have this meeting in Martha
3 Brauer's office?

4 A Yes.

5 Q Okay. Did you discuss then what your duties
6 were?

7 A Yes, I did.

8 Q Okay. And what did she tell you?

9 A She went over them and she said I'll help you,
10 I'll be at the -- I'll come over to the -- for the
11 Bingo game and we'll -- there's a lot involved, you
12 have to keep a lot of records, and she said we'll --
13 we'll go -- we'll work out a system. My wife also
14 helped me and, you know, in a couple of weeks I had
15 that done. She didn't come with me that often, but she
16 helped me at the beginning -- at the beginning of it.

17 Q Okay. What was your title as Trustee, what
18 particular area were you in charge of?

19 A Just what I told you, I was in charge of those
20 four.

21 Q Okay. I understand that those were your
22 responsibilities. It's my understanding that there are
23 designated Trustees, like Seasonal Recreation or --

24 A Yeah.

25 Q -- Maintenance Trustee.

1 A No, it was -- I forget the exact designation
2 of it, but you're right, there is a designation for
3 that particular grouping.

4 Q Okay. So you had some titled position as a
5 Trustee when you were first elected, and you don't
6 recall exactly what that -- what that title is?

7 A Like we all did, yes.

8 Q Okay. Do you currently hold a title -- titled
9 Trustee position?

10 A Yes, Public Relations to the north section.

11 Q Okay. So the position you hold now is
12 different from the position you held when you were
13 Trustee and resigned?

14 A Yes.

15 Q Okay. About how long did your meeting with
16 Martha Brauer last when you were discussing what your
17 responsibilities would be?

18 A Maybe ten or fifteen minutes.

19 Q Now did there come a time when you
20 subsequently met with Ms. Brauer or another Trustee to
21 discuss changing your responsibilities?

22 A No, but -- no. When I -- when I come back
23 in --

24 Q I don't know what you mean by, "come back in."

25 A When I come back to the Board --

1 Q Okay.

2 A -- the position that was open was -- the only
3 position open was this Public Relations to the north
4 section.

5 Q Well, what I meant was I want to focus on the
6 time period that you were first a Board member.

7 A Uh-huh.

8 Q And I guess that that would have been
9 approximately a month?

10 A (Nods head up and down.)

11 Q "Yes?"

12 A Yeah, probably in there, yeah, uh-huh.

13 Q During that time period, you've mentioned the
14 one meeting you had with Martha in her office.

15 A Uh-huh.

16 Q And by the way, was it just you and Martha?

17 A Yes, uh-huh.

18 Q What I'm asking is after that meeting, did
19 there come a time when you had another meeting with
20 Martha Brauer or another Trustee about changing your
21 responsibilities?

22 A No.

23 Q Did there come a time when you had a meeting
24 with Martha Brauer or another Board member about
25 resigning from the Board?

1 A No.

2 Q Did any of them call you up or otherwise
3 contact you about resigning?

4 A No.

5 Q Now during that first month that you were a
6 Trustee, when you had been elected to be a Trustee,
7 were you aware of any communications among Trustees
8 concerning Board business outside of a public Board
9 meeting?

10 A No.

11 Q And you're certain about that?

12 A The best of my ability I don't remember
13 anything, no.

14 Q Well, do you recall any conversations among
15 Trustees outside of a public Board meeting that you are
16 aware of that you don't consider to be discussions of
17 Board business?

18 A Repeat that question, please?

19 Q Sure. Sure.

20 The first question I had talked to you about
21 was whether you were aware of conversations among
22 Trustees away from public Board meetings dealing with
23 public Board business.

24 A (Nods head up and down.)

25 Q What I'm asking you is are you aware of any

1 A Well, because it doesn't worry me as much now
2 because it's -- you know, it just -- I think maybe I --
3 in my understanding of what's happening a little bit
4 better.

5 **Q Okay. In your current responsibilities or**
6 **your prior responsibilities as a Board member, did you**
7 **take any -- or have any involvement with The Tribune?**

8 A I got a phone call from somebody, I don't
9 remember, a writer at The Tribune after something had
10 come up and it was -- he was asking information that --
11 about the mediation, I believe. And as our attorneys
12 had told us, we don't talk about such things that
13 happened in the mediation, so I told him I had no
14 comment.

15 **Q When I was referring to, "The Tribune," I was**
16 **referring to your District newsletter. I thought that**
17 **that was referred to as The Tribune.**

18 A I haven't written anything in there yet, no.

19 **Q Okay. But you're familiar with what I'm**
20 **talking about, the District --**

21 A Now. I thought you meant the newspaper where
22 the article -- is that the Bradenton Tribune or --
23 Bradenton Herald maybe, I don't know.

24 **Q Okay. But my question to you was have you had**
25 **any responsibility or involvement with managing the**

1 **District newsletter?**

2 A No, huh-uh.

3 Q **Okay. Do you know who on the Board does --**

4 A I have no idea.

5 Q **-- have that responsibility? Okay.**

6 **And you say I guess you've never tried to**
7 **submit anything?**

8 A No.

9 Q **Okay. What about Channel 95, the local cable**
10 **access, have you had any involvement as a Trustee with**
11 **regard to the management of that?**

12 A No, not at all.

13 Q **Okay. Do you know who from the Board does**
14 **have that responsibility?**

15 A I don't know who -- one of the -- one of the
16 Board members submit information on -- on our web --
17 web, but I don't know who it is.

18 Q **Okay. That was going to be my next question,**
19 **do you have any involvement with the District website?**

20 A No.

21 Q **Do you know which of the Trustees is involved**
22 **with the --**

23 A No, I don't.

24 Q **-- District website?**

25 **You need to let me finish my question before**

1 **you answer it.**

2 A I'm sorry.

3 **Q Oh, no problem.**

4 So you don't know how material gets printed,
5 **edited, approved with regard to The Tribune, Channel 95**
6 **or the District website?**

7 A You're referring only to the website that we
8 -- that we are --

9 **Q The Trailer Estates website.**

10 A No.

11 **Q Okay. Is there another website that you are**
12 **familiar with?**

13 A Well, I -- I look at -- I've looked at the
14 other one on occasion. It prints a lot of untrue
15 things.

16 **Q Which other one --**

17 A Without signatures.

18 **Q Which other one are you referring to?**

19 A The -- I think it's -- ours is dot org and the
20 other is dot com, same -- Trailer Estates, Florida, dot
21 org and -- or dot com.

22 **Q What are your current responsibilities as a**
23 **Trustee?**

24 A Well, mainly I'm a keeper of the grass. We
25 have -- we want to keep up the appearance of our -- of