

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
:
FRED HOCH
:
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 18, 2009
Commencing at 9:35 A.M.

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

1 **elected in terms of campaigning?**

2 A No, sir.

3 Q **Okay.**

4 A No, sir.

5 Q **Just submitted your name and let the people**
6 **decide?**

7 A Yes.

8 Q **Okay. Had you held any other office with the**
9 **District prior to running for the Board of Trustees?**

10 A No. I was on several committees, but --

11 Q **Okay. What committees were you on?**

12 A ARC.

13 Q **Any others?**

14 A I can't recall of any, no.

15 Q **Okay. How long were you on the ARC? And what**
16 **does that stand for?**

17 A Architectural Review Committee.

18 Q **Okay. And how long were you on the ARC?**

19 A Probably six years.

20 Q **Do you know about when?**

21 A No. No, I wouldn't have any idea.

22 Q **Well, are you currently on the ARC?**

23 A No, sir.

24 Q **When did you step down from the ARC?**

25 A Shortly after I got elected as Trustee.

1 Q So February, March?

2 A I would say February.

3 Q Okay. And why did you step down, or how did
4 you step down?

5 A I think they thought it was a conflict of
6 interest, so I just stepped aside.

7 Q So you personally thought that you should not
8 be a Trustee and an ARC member?

9 A Yes, sir.

10 Q Okay. And so did you submit a letter of
11 resignation from the ARC, or did you just tell someone
12 that you wanted -- you didn't want to be on the ARC?

13 A I probably verbally told someone that --

14 Q Who do you think you would have spoken to?

15 A Probably Martha Brauer.

16 Q And do you believe then that the -- well, let
17 me strike that, start again.

18 The six years that you were on the ARC, were
19 they six continual years before you resigned?

20 A Yes, sir.

21 Q Okay. So basically say from around 2003 to
22 2009?

23 A That would be very close.

24 Q Okay.

25 A Yes, sir.

1 A I doubt that very much.

2 Q Now the way that you described handling
3 permits while you were on the ARC, is that the way it
4 was -- things were always handled while you were on the
5 ARC?

6 A No, sir, I don't believe so.

7 Q Describe how it may have differed over time.

8 A I think before you could almost -- it was more
9 of a one person, unless it was a new home going on a
10 lot, then we all got together for that.

11 Q Okay.

12 A But if somebody wanted to put down stones in
13 their yard or something like that, it was just an
14 automatic go ahead and do it, as long as it was within
15 your lot.

16 Q So there was a time period where one person
17 within the committee could field applications and
18 decide on them?

19 A Some of them, yes.

20 Q And how did -- how did those applications get
21 reviewed under that procedure; did you have a -- like
22 an office hour that you'd be open or that somebody
23 would -- an individual member would field applications
24 or what?

25 A No, I think we -- used to be when you had more

1 members, you took a week, you know, the first week of
2 the month was yours, you took care of applications.

3 Q And so when it was your turn, when it was your
4 week under that scenario, I mean, what would you do,
5 where would you be, how would you receive applications?

6 MR. DuBOSE: Form.

7 THE DEPONENT: Maybe once or twice a week
8 you'd go to the office and they had a bin where you
9 just pulled them out.

10 BY MR. HENNESSY:

11 Q And what would you do?

12 A Look at them.

13 Q Okay.

14 A And then if they wanted to do something, then
15 you personally had to check it out.

16 Q Okay.

17 A And made the judgment.

18 Q What if you pulled the application and you
19 felt like it wasn't something that you could handle
20 yourself, what did you do?

21 A Call someone else on the committee.

22 Q And then maybe the two of you would handle it?

23 A Yes, sir.

24 Q Okay. So there wasn't a time where you would
25 say look at an application and decide, well, we need to

1 meet as a full committee on this?

2 A If it was a new home; we'd never done anything
3 on a new home unless there's a group.

4 Q How long ago would you say that this was the
5 practice of individual committee people handling ARC
6 applications?

7 A At a guess, I'd say four or five years.

8 Q Four or five years ago?

9 A Yes.

10 Q Do you know why that practice stopped?

11 A Not really, no.

12 Q Okay.

13 A No.

14 Q Would you be surprised if that practice was
15 actually going on much more recently, like as recent as
16 two years ago?

17 A I don't think that happened.

18 Q Do you think it was much further in the
19 distance?

20 A Yes, I do.

21 Q Okay. During the six years that you were on
22 the committee, were there any Trustees that sat on the
23 committee? The ARC?

24 A I don't think so, no. No, not to my
25 knowledge. They were always liaison.

1 **the Sunshine Law?**

2 A No, sir.

3 Q **So you don't e-mail any of the Trustees?**

4 A No, sir, I don't e-mail.

5 Q **Okay. You don't e-mail anybody?**

6 A No, I really don't.

7 Q **You don't -- do you use the District**
8 **computers?**

9 A No, sir, I don't. I don't know how.

10 Q **Okay. Have you ever provided the District**
11 **with any documents in your possession for them to keep**
12 **as a public record?**

13 A Not that I recall, no.

14 Q **Okay.**

15 A No, I'm sure I haven't.

16 Q **Do you ever talk to any other Trustees about**
17 **the complaints that you receive in your responsibility**
18 **as Public Relations Trustee?**

19 A No, sir. No, sir.

20 Q **Do you have any involvement with The Tribune?**

21 A No, sir. No, sir.

22 Q **Do you know what The Tribune is?**

23 A Yes, sir, I do.

24 Q **What is it?**

25 A It's a paper the park puts out.

1 Q Okay.

2 A When they do it, I don't know.

3 Q Okay. Do you know who puts out The Tribune?

4 A The park does.

5 Q Do you know who at the park handles putting it
6 together?

7 A No, sir, I don't.

8 Q Have you had any involvement in putting it
9 together?

10 A Me?

11 Q Yes, sir.

12 A No, sir.

13 Q Okay.

14 A No. No.

15 Q Do you know if any other Trustees have been
16 involved in putting together The Tribune?

17 A Not that I know of, no.

18 Q Do you know if any District staff have been
19 involved in putting together The Tribune?

20 A I'm sure somebody on the staff has, but not I.

21 Q Okay. So it's fair to say that you don't know
22 who puts it together and how it's done?

23 A No, I really don't.

24 Q Okay. Are you familiar with Channel 95 shown
25 within the District?

1 A Yes, sir.

2 Q **Is that your public access channel?**

3 A Yes, sir.

4 Q **Okay. Have you had any involvement in public**
5 **-- in that public access channel?**

6 A I think I advertised a couple things on
7 Channel 95. I think you fill out a slip in the office
8 and turn it in.

9 Q **What is it that you've advertised?**

10 A We're trying to get rid of electric poles in
11 the park, and I think I run that for maybe three weeks.

12 Q **Asking people if they want the electric poles?**

13 A No. We're trying to get rid of them.

14 Q **Trying to get support for getting rid of them?**

15 A Yes, yes. Nothing to do with the Board of
16 Trustees or anything, this is a County issue.

17 Q **Okay. So what do your ads say about the**
18 **electrical poles?**

19 A Just that we're trying to get rid of them, you
20 know, and if you have a meter on them, please go ahead
21 and hook up your electric the right way so we can get
22 the pole out of here.

23 Q **And who is, "we," that's working on that?**

24 A I'm sorry, I.

25 Q **You're doing it all on your own?**

1 A Yes, sir.

2 Q Okay. Why?

3 A I can't talk to another Trustee.

4 Q Oh. No, why are you trying to get rid of the
5 poles?

6 A Storms. We don't like empty poles sitting
7 around. They're deteriorating.

8 Q Okay. Any other advertisements that you've
9 put in on Channel 95?

10 A Not that I can recall, no.

11 Q Have there been any attempts by you to
12 advertise that have been rejected?

13 A No, sir, I don't think anything gets rejected.

14 Q Who do you submit your advertisement to?

15 A Just fill out a form and give it to TJ.

16 Q Okay.

17 A Where it goes from there I don't know.

18 Q Do they charge you?

19 A No, sir.

20 Q So you're calling it an advertisement, but it
21 doesn't cost any money?

22 A No, sir.

23 Q Okay.

24 A It's more informing the people what's
25 happening. It's not advertisement, I couldn't --

1 Q Do you have any involvement with the District
2 website?

3 A We have one.

4 Q Okay. Have you been involved in the
5 committee?

6 A No, sir.

7 Q Do you know who's on the Website Committee?

8 A Stanley.

9 Q Stanley who?

10 A I think that's his last name.

11 Q Oh.

12 A I don't know his first name. I'm not really
13 that acquainted with him.

14 Q So you're not on the committee?

15 A No, sir.

16 Q And you haven't attended any Website Committee
17 meetings?

18 A No, sir.

19 Q Okay. Are you on any District committees
20 currently?

21 A No, sir, I don't think so.

22 Q Now we talked a lot about you being on the ARC
23 committee. Do you recall being on any other committees
24 other than ARC?

25 A No, sir, not that I can recall.

1 A We were probably talking about electric poles.

2 Q Okay, all right. Do you know about when this
3 conversation occurred?

4 A No, sir, I don't.

5 Q Do you recall ever having a conversation with
6 Mr. Durrin about appointments to committees?

7 A No, sir.

8 Q Okay.

9 A No, sir.

10 Q Do you recall talking to Mr. Durrin about
11 matters that were going to come up at the next Board
12 meeting?

13 A No, sir. No.

14 Q Okay. Do you recall in January of this year
15 having a conversation with Martha Brauer about Board
16 business at the District Offices?

17 A About Board business?

18 Q Yes, sir.

19 A I don't think so, sir.

20 Q Okay.

21 A No.

22 Q Well, do you recall having a conversation with
23 Martha Brauer in January of this year at the District
24 Offices when Sharon Denson and Mary Lou Smith were
25 present?

1 A No, sir, I don't.

2 Q Okay.

3 A I don't.

4 Q Do you recall ever having a conversation in
5 January of this year with John Vander Molen at the
6 District Offices discussing the ARC committee and
7 permits coming up before that committee?

8 A No, sir, I don't.

9 Q Do you recall ever having such a conversation
10 with Mr. Vander Molen outside of an ARC meeting?

11 A Not that I recall, no.

12 Q Okay.

13 A No.

14 Q Do you know who Bev Lew is?

15 A Yes, sir.

16 Q Are you aware that Bev Lew has indicated that
17 in December of 2008 and January of 2009, she observed
18 you and John Vander Molen talking about permitting
19 matters that were going to come before the Board of
20 Trustees for a vote?

21 A No, sir, I don't --

22 Q Do you --

23 A No.

24 Q Do you recall such conversations?

25 A No, sir, I don't.