

1 Q. Okay. Did you have a prior
2 conversation with Mr. Vandermolen about the
3 merits of Pickle Ball before you brought it to
4 the attention to the Board --

5 A. No.

6 Q. -- as a whole?

7 A. No.

8 Q. Okay. Well do you think discussing,
9 uhm, the Annual Distribution of Financial
10 Reports and the District Budget would be a
11 matter of Board business?

12 MR. TURFFS: Object to form.

13 MR. ROSS: Joined, Zach Ross.

14 Examination by Mr. Hennessy:

15 Q. Well let me ask you a different
16 question, Mr. Salerno.

17 Do you think that discussing
18 with another Trustee, uhm, the Annual
19 Distribution of Financial Reports would be a
20 discussion of Board business?

21 MR. TURFFS: Object to form.

22 MR. CARROLL: Hunter Carroll,
23 joined.

24 MR. ROSS: Joined, Zach Ross.

1 MR. SCOTT: Dan Scott, joined.

2 MR. DYE: Joined, Jim Dye.

3 MR. HENNESSY: Don't want to be
4 left out there, Mr. Dye. Uhm, you get to
5 answer the question Mr. Salerno.

6 A. If it's a budget and it's at a Board
7 meeting, that's fine; and that what I would
8 do.

9 Examination by Mr. Hennessy:

10 Q. Okay. So the discussion of the
11 Annual Distribution of Financial Reports would
12 be a matter that should be discussed in a
13 public meeting?

14 A. Yes.

15 Q. Okay. Do you believe that the
16 discussion of the District Budget is a matter
17 that should be discussed in a public meeting?

18 A. Yes.

19 Q. Okay. And so then a discussion
20 concerning the Distribution of Financial
21 Reports is not a discussion Trustees should
22 have outside of a public meeting?

23 A. Yes.

24 Q. Okay. And a discussion of the

1 District Budget is not a matter that District
2 Trustees should have outside of a public
3 meeting?

4 A. Yes.

5 Q. Okay. Do you think that discussing,
6 uhm, a questionnaire to go to the residents
7 about how the District should formulate its
8 budget is a matter that a should be discussed
9 by the Board in a public meeting?

10 A. Yes.

11 MR. TURFFS: Object to form.

12 Examination by Mr. Hennessy:

13 Q. Okay. If two Trustees or more had a
14 conversation about a questionnaire that would
15 go to the residents concerning budget
16 priorities outside of a public meeting, do you
17 think that that would be proper or improper?

18 A. Improper.

19 MR. TURFFS: Bob Turffs, object
20 to form again.

21 MR. ROSS: Zach Ross, joined.

22 MR. DYE: Joined, Jim Dye.

23 MR. CARROLL: Joined, Hunter

24 Carroll.

1 MR. SCOTT: Joined, Dan Scott.

2 Examination by Mr. Hennessy:

3 Q. And, Mr. Salerno, I believe you
4 answered the question that it would be
5 improper?

6 A. Yes, improper.

7 Q. Okay. Do you know if the District
8 has ever developed such a Budget
9 Questionnaire?

10 A. Yes.

11 Q. Okay. Did you assist in the
12 development of that Budget Questionnaire?

13 A. No, I didn't.

14 MR. TURFFS: Did you answer
15 that question?

16 THE WITNESS: Yes. I said,
17 "No, I didn't."

18 Examination by Mr. Hennessy:

19 Q. Okay. Do you know who -- who on
20 behalf of the District prepared that Budget
21 Questionnaire?

22 A. My understanding it was Martha
23 Brauer.

24 Q. Do you recall if she had any

1 assistance from any other Board members?

2 A. I don't know that.

3 Q. Okay. Do you recall discussing that
4 questionnaire at the District Offices with
5 another Board member?

6 A. Not a Board member, no.

7 Q. Do you recall discussing it with
8 someone who was not a Board member?

9 A. Yes.

10 Q. Can you tell me about that
11 discussion?

12 A. It was Marcia Brauer prior to her
13 being elected as a Trustee. She just asked me
14 a question on it and I said, "The Future
15 Planning is doing something very similar to
16 this."

17 Q. Do you know when that conversation
18 occurred?

19 A. Uhm, no, I don't. All I know is she
20 wasn't an elected Trustee --

21 Q. Okay.

22 A. -- or I would not have talked to her.

23 Q. Do you know if she was running to be
24 a Trustee?

1 A. Yes, she was running.

2 Q. Okay. She was a candidate?

3 A. Yes, she was.

4 Q. Okay. Uhm, so you believe that was
5 sometime in 2008?

6 A. Uhm, yes.

7 Q. Okay. Do you recall having a
8 conversation in January of 2009, at the
9 District Office, with John Vandermolen, uhm,
10 concerning the, uhm, the District Budget
11 Questionnaire?

12 A. I don't recall that.

13 Q. Okay. Do you recall having a
14 conversation in January of 2009 with John
15 Vandermolen at the District Office where you
16 discussed the results of the questionnaire,
17 uhm, regarding the budget?

18 A. No.

19 Q. Okay. Do you recall in January of
20 2009 having a conversation at the District
21 Offices with John Vandermolen where you were
22 discussing Martha Brauer's performance in
23 handling that Budget Survey and Questionnaire?

24 A. No.

1 Q. Okay. Have you ever seen Mary Lou
2 Smith in the District Offices?

3 A. Yes.

4 Q. Do you recall seeing her in the
5 District Offices sometime in January of 2009?

6 A. I can't tell you the date. I'm not
7 sure.

8 Q. Okay. Do you recall seeing Mary Lou
9 Smith in the District Offices, uhm, at a time
10 when you were speaking to John Vandermolen?

11 A. No.

12 Q. Have you been told that Mary Lou
13 Smith has indicated that she witnessed you and
14 John Vandermolen speaking, uhm, and heard you
15 speaking concerning the District
16 Questionnaire, Budget Questionnaire and
17 Survey?

18 A. No.

19 Q. You haven't been previously told
20 that?

21 A. I don't -- I don't -- no, I don't
22 think so.

23 Q. Okay. Do you have any reason to
24 believe that Mary Lou Smith was incorrect in

1 of '08 would reflect further information that gives you
2 a basis for the allegations you made in Paragraph (p)?

3 A No, that's not what I said. The Board of
4 Trustees Minutes would reflect that.

5 Q Of December of '08?

6 A Yes. And it goes into January of '09.

7 Q And the -- now Martha Brauer was elected to
8 the Board in December of 2008; correct?

9 A That is correct.

10 Q Prior to December -- when was the election, do
11 you remember the day?

12 A I want to say it was December 2nd, but I
13 could --

14 Q All right.

15 A -- be wrong, but I believe that was the date.

16 Q But prior to December 2nd, 2008 -- well, let
17 me reword the question.

18 Prior to her actually winning the election to
19 the Board in December of 2008, she was not a Board
20 member; was she?

21 A No.

22 Q So there wouldn't have been anything
23 inappropriate in terms of a discussion between Brauer
24 and Jones, would there, prior to her being on the
25 Board?

1 A I -- prior to her being on the Board, if a
2 committee -- I don't -- it appeared to be a committee,
3 I don't know; the discussion took place at some time
4 and it could have been after -- there was -- December
5 1st at the Board meeting there was no discussion, nor
6 had there been about a budget questionnaire.

7 Q My question is prior to Brauer being a member
8 -- being elected to the Board, there wouldn't be
9 anything inappropriate about her having a discussion
10 with Jones regarding Trailer Estate matters.

11 MR. HENNESSY: Objection, form.

12 BY MR. SHULTS:

13 Q Would there?

14 A Yes, there could be, if she was use -- being
15 -- if she was going, and it appeared she was, between
16 Mrs. Jones, John and Joe Salerno, that would be
17 inappropriate.

18 Q Okay, you --

19 A But I don't know if the actions occurred
20 before she was elected or after because it was not made
21 public.

22 Q Well, you don't even know if that occurred.

23 A I -- it's in the Minutes of the meeting.

24 Q Of the Board meeting you're --

25 A Of the Board of Trustee meeting, yes.

1 It's in the Minutes of the meeting.

2 Q All right. So the Minutes indicate that the
3 discussion that Brauer had with Salerno occurred after
4 she was elected?

5 A My -- the basis of what I'm telling you and
6 what I'm -- what I'm -- what we're doing here, up until
7 December 1st at a Board meeting this budget
8 questionnaire had never been mentioned. Future
9 Planning was working very hard on a survey to get it
10 turned in to the Board. And all of a sudden out of
11 nowhere comes a budget questionnaire or survey -- and
12 again it's interchanged in the Minutes of the meetings,
13 it's kind of hard sometimes to follow which thing we're
14 talking about -- appeared a -- a document that was
15 going to be sent out to all the owners in the park.
16 Martha -- when she made her presentation to the Board,
17 Martha said that this is how it was going to be used
18 and it was to get a snapshot so that the new Trustees
19 would -- would know what the people wanted; that was
20 kind of the verbiage in the Minutes of the meeting.
21 You'll have to read them, I -- I can't recite them
22 verbatim. And based on what I heard in the meetings
23 and the lack of any information prior to -- no -- the
24 Board didn't say, okay, I think we need to get a
25 certain -- we need to get a little more information,