

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, :
: DEPOSITION OF
vs. :
: BEVERLY LEW
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 DEFENDANT, TRAILER ESTATES PARK
AND RECREATION DISTRICT, HEREIN

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

DATE: May 26, 2009
Commencing at 9:30 A.M.

PLACE: LEWIS, LONGMAN & WALKER, P.A.
1001 Third Avenue West
Suite 670
Bradenton, Florida 34205

1 A Do your question again for me.

2 **Q Can you tell me of a specific Board vote --**

3 A Uh-huh.

4 **Q -- that was taken --**

5 A Uh-huh.

6 **Q -- that you witnessed that you know two**
7 **Trustees met before that meeting and discussed about**
8 **the matter -- discussed the matter privately?**

9 A I know -- that's a very tricky question. Let
10 me explain this to you.

11 If I hear Martha and Harry talking about
12 Bingo, they're going to come up and okay the
13 expenditures for the month and they're going to buy
14 materials for Bingo and they're going to vote on that
15 on the Board, so that's how far it could go down to the
16 bottom of the pile all the way up to the top of the
17 pile when you're talking about usage of space.

18 **Q I'm asking you to tell me about a specific**
19 **instance where the Board voted on something that had**
20 **been previously discussed by two or more Trustees in**
21 **violation of the Sunshine Law.**

22 A Let me choose my exact --

23 I firmly believe the discussion between Harry
24 and Martha was not okay. I firmly believe that the
25 five Trustees that sit at the Future Planning Committee

1 meeting talking among themselves and joining in a
2 discussion of the Board of Future Planning which was
3 then voted on within the same month is a violation.
4 That's the best violation you've got that's current.

5 **Q That one vote regarding the Future Planning**
6 **issue?**

7 A That would be your best example --

8 **Q No, I want to --**

9 A -- that's current.

10 **Q Okay. So that's the only one though that**
11 **you're able to tell me about that you felt an**
12 **inappropriate meeting took place by two or more**
13 **Trustees before the vote?**

14 A No.

15 MS. COWAN: Objection to form.

16 THE DEPONENT: Okay.

17 BY MR. SHULTS:

18 **Q All right. We've talked about the one --**

19 A Every one that's in my deposition. I think
20 that McNulty and John refusing to allow me a copy or a
21 visual inspection of any record and discussing among
22 themselves whether to or not is a violation.

23 **Q No. What I'm talking about here, ma'am, is**
24 **the meeting law, not the public records law; okay?**

25 A Okay.