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IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR LAKE COUNTY, FLORIDA

CASE NO.: 2020-CA-1268

MICHAEL FEWLESS,

Plaintiff,

-vs-

CITY OF MOUNT DORA,

Defendant.

\_\_\_\_\_ /

DEPOSITION OF MICHAEL FEWLESS

Tuesday, February 23, 2021  
10:09 a.m. - 2:40 p.m.

Stenographically Reported By:  
Susan Mullen

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APPEARANCES

On Behalf of the Plaintiff:  
ANDREWS LAW FIRM  
822 North Monroe Street  
Tallahassee, Florida 32303  
(850) 681-6416  
ryan@andrewslaw.com  
BY: RYAN ANDREWS, ESQUIRE

On Behalf of the Defendants:  
BELL & ROPER, P.A.  
2707 East Jefferson  
Orlando, Florida 32803  
(813) 769-6280  
mbowling@bellroperlaw.com  
BY: MICHAEL BOWLING ESQUIRE

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1 Deposition taken before Susan Mullen, Court Reporter  
2 and Notary Public in and for the State of Florida at  
3 Large in the above cause.

4 \*\*\*\*\*

5 THE COURT REPORTER: The attorneys  
6 participating in this deposition acknowledge that I  
7 am not physically present in the deposition room,  
8 and that I will be reporting the deposition  
9 remotely. They further acknowledge that in lieu of  
10 an oath administered in person I will administer the  
11 oath remotely. This arrangement is pursuant to the  
12 Florida Supreme Court Administrative Order. The  
13 parties and their counsel consent to this  
14 arrangement and waive any objections to this manner  
15 of reporting. Please indicate your agreement by  
16 stating your name and your agreement on the record.

17 MR. BOWLING: Michael Bowling on behalf of the  
18 defendant, yes, we agree.

19 MR. ANDREWS: Ryan Andrews on behalf of  
20 Fewless, that's fine.

21 THE COURT REPORTER: Can I get you to raise  
22 your right hand, sir?

23 Do you swear or affirm the testimony you're  
24 about to give in this cause will be the truth, the  
25 while truth and nothing but the truth?

1 THE WITNESS: I do.

2 THE COURT REPORTER: Thank you.

3 THEREUPON,

4 MICHAEL FEWLESS,

5 having been first duly sworn, was examined and  
6 testified as follows:

7 DIRECT EXAMINATION

8 BY MR. BOWLING:

9 Q Will you state your full name for the record,  
10 please?

11 A Michael A. Fewless.

12 Q Mr. Fewless, I introduced myself a minute ago.  
13 My name is Mike Bowling, I represent the City of Mt.  
14 Dora with regard to a lawsuit that you brought against  
15 them.

16 I'm going to be taking your deposition here  
17 today. I'm assuming you've given multiple depositions  
18 over your career.

19 A Yes, sir.

20 Q Have you ever given a deposition in a civil  
21 case?

22 A Yes, sir.

23 Q The quick rules, and I am sure your attorney,  
24 Ryan, saw it too, but the gist is, I'm a lawyer which  
25 by definition means I am unclear. If you don't

1 understand my question, please tell me, and we'll work  
2 on it until I'll get it, fair enough?

3 A Fair enough.

4 Q All answers need to be verbal, no head shakes,  
5 no huh-huhs, no uh-huhs. If you need to take a break  
6 for any reason at any time, just answer the question  
7 that's pending and off you go. There's going to be  
8 some documents that I'm going to be showing you  
9 throughout the deposition. I think you're familiar  
10 with most all of them, whatever you need to do in terms  
11 of taking your time, please do.

12 What's your age?

13 A I'm 61.

14 Q And your date of birth?

15 A [REDACTED]

16 Q Has your address changed since when you worked  
17 for the city?

18 A No, it has not.

19 Q What's your marital status?

20 A Married.

21 Q Wife's name?

22 A [REDACTED]

23 Q Is she employed?

24 A She is not.

25 Q Do you have any children?

1 A Yes, I do.

2 Q How many?

3 A Two.

4 Q Do they live with you?

5 A They do not.

6 Q Their ages?

7 A My daughter is 38, my son is 37.

8 Q Does anyone reside with you other than your  
9 wife?

10 A Not anymore. My mother did live with us.

11 Q Did she pass?

12 A She did.

13 Q Okay. My condolences. When was that?

14 A That was October 26th -- October 13th, I'm  
15 sorry. The funeral was October 26th.

16 Q Take me through your educational background  
17 starting with high school?

18 A I graduated from Rogers High School up in  
19 Wyoming or Grand Rapids, Michigan area, and I attended  
20 in Davenport University and received an associates  
21 degree in accounting, and I received my bachelor's  
22 degree from Liberty University in Lynchburg, Virginia  
23 in religion.

24 Q Any other degrees?

25 A No other degrees.

1 Q How did you come to get involved in police work?

2 A I always wanted to be in police work ever since  
3 I was a kid. When I finally became of age where I  
4 could become a police officer, my dad really did not  
5 want me to get into law enforcement basically because  
6 the danger of the job, and he said, hey, you've always  
7 been good in accounting, why don't you go into  
8 accounting. So out of respect for him, I did. And I  
9 got a job in accounting, and I was working for a  
10 company called Dale Baker Oldsmobile, a car dealer up  
11 in Michigan, and when that job went away, I asked my  
12 dad again -- by now I'm 25, asked him again if he would  
13 mind if I went into law enforcement, and he gave me his  
14 blessing, and I had a sister down in Orange County,  
15 Florida, and I called her and asked if they were  
16 hiring.

17 Q What's your sister's name?

18 A Right now it's [REDACTED].

19 Q Can you spell the last name for me?

20 A [REDACTED].

21 Q Say that again.

22 A [REDACTED].

23 Q Did she have anything to do with law enforcement  
24 or the Orange County Sheriff?

25 A She was a deputy at the time, yes.

1 Q She's still in law enforcement?

2 A No. She is retired and living out in Kansas.

3 Q She does understand that is the wrong way to go?

4 A I think she's understanding that right now, yes.

5 Q Okay. Okay. So where did you get your law  
6 enforcement certification?

7 A Mid-Florida Tech in Orlando, Florida.

8 Q Before I forget, when did you graduate from  
9 Liberty University:

10 A Liberty University was 2012.

11 Q When did you get your AS from Davenport?

12 A That would have been probably -- I'm guessing,  
13 but about 1983, probably, somewhere in that area.

14 Q Did you attend Liberty ever in person?

15 A No, I didn't.

16 Q All right. So you went to Mid-Florida Tech, and  
17 you received your law enforcement certification when?

18 A I went -- I started October 31st, 1984, and I  
19 graduated February 14, 1985.

20 Q Were you put through the program by Orange  
21 County?

22 A Yes, I was.

23 Q Who was the sheriff at that time?

24 A At that time it was Lawson Lamar.

25 Q Just because it's early, and I'm still in a good

1 mood. I'll tell you a story about Lawson Lamar. I  
2 worked with a law firm that used to represent the  
3 sheriff. And it was about 7:30 or 8:00 in the morning,  
4 I must have been 25 years old, a lawyer for about five  
5 minutes, and I get in the elevator to go up to the  
6 sixth floor, there's this guy in a green jacket next to  
7 me. I hit the button, and he just stands there. I go,  
8 who are you? That was my first introduction to Lawson  
9 Lamar.

10 A He was a lawyer too, if I remember correctly.

11 Q He was.

12 All right. So you go to work for the Orange  
13 County when -- Orange County Sheriff?

14 A February 15, 1985 -- technically, October 31,  
15 1984 because they paid for the academy.

16 Q Take me through your positions with the  
17 sheriff's department.

18 A I started out as a road deputy in sector 4,  
19 which I don't know if you're familiar with that area,  
20 but that's the Orange Blossom Trail area, and I worked  
21 there for about five years, maybe -- became a  
22 detective, and spent -- let me back up, I actually  
23 became road patrol -- I went from road patrol to  
24 detective. I spent a couple years in there. I got  
25 promoted to corporal, went back to the road. I was on

1 the road for maybe a year, year and a half, and I was  
2 moved to the gang enforcement unit. I spent two years  
3 in gang enforcement, was promoted to sergeant and sent  
4 back to the road. The normal thing is when you get  
5 promoted you always go back to the road. I spent ten  
6 months there, and they called and asked if I would come  
7 back to the gang unit as their sergeant. So I was  
8 their sergeant. Probably a few years into that, there  
9 was a specialty unit that was developed called the JAM  
10 units, Juvenile Arrested Minor Unit. It was a unit  
11 that focused on high-risk juveniles that were always in  
12 trouble with the law, and we set up nationwide program  
13 that was -- or a national program that was recognized,  
14 and they flew me out to California to speak on that.

15 From there, I became a lieutenant. I don't  
16 remember the exact time I became a lieutenant.

17 Q What year was that?

18 A I'm sorry?

19 Q What year?

20 A I think I became a lieutenant in the late '90s,  
21 maybe '97, '98, somewhere in that area, and I was a  
22 lieutenant for -- I was a lieutenant in governmental  
23 affairs. I was a lieutenant in criminal  
24 investigations. I was a lieutenant in special  
25 investigations. I was a lieutenant in professional

1 standards. Eventually I made it to captain, and that  
2 was probably right around -- I don't know about 2004,  
3 2005, I would guess. Without my resume here, I'm  
4 really guessing at those dates for you, but --

5 Q And just for the record, that's fine, if you're  
6 not certain, just qualify your answer for me.

7 A Yeah. Yeah.

8 Q I don't want you to guess.

9 A Right. I'm not certain on the dates on any of  
10 those. I'm really not a hundred percent sure, but the  
11 rank structure is definitely in the right direction for  
12 you.

13 As a captain, I was over professional standards,  
14 criminal intelligence, governmental affairs, and I  
15 think that might have been it. And then the sheriff  
16 also had the responsibility of being the director over  
17 see fix.

18 Q What's that?

19 A See fix -- after 9/11, President Bush realized  
20 that the federal government was not communicating well  
21 enough with the local agencies, so they fill up these  
22 things called fusion centers. There was 72 around the  
23 United States, one of them happened to be Orlando. And  
24 inside my office at the fusion center, I had members  
25 from the FBI, ATF, secret service, IRS, all of the nine

1 counties that are joined to the region in Central  
2 Florida, Walt Disney World was in there, all sorts of  
3 different agencies were in there, and I was the  
4 director over that.

5 My job was to deal with domestic and  
6 international terrorism threats.

7 Q After the captain's position, what did you do,  
8 what happened next?

9 A That ran me all the up -- I was in see fix right  
10 until the end of my career. You get appointed that,  
11 and you're sent there for four years. Well, you're  
12 number three -- I was approaching my retirement stage,  
13 so I started applying for chief jobs, and I was  
14 selected as the chief for the Fruitland Park Police  
15 Department, and I retired from the Orange County  
16 Sheriff's Office.

17 Q How many years total did you do with the Orange  
18 County Sheriff?

19 A I -- officially from February 2015 to August  
20 1st, 2015. I'd say 1985 to 2015, so 30 years.

21 Q Is that the number in terms of retirement for  
22 the police?

23 A Well, the number's really 25, but I was in DROP  
24 as well, and you can extend that by five years.

25 Q Okay. You became the chief of Fruitland Park

1 when?

2 A August 3rd, 2015.

3 Q How long did you work there?

4 A Exactly three years.

5 Q Why did you leave?

6 A There was a clerical error on the part of  
7 Fruitland Park with my paperwork when I was hired which  
8 caused a major problem with my FRS, my pension, and if  
9 I was going to stay at Fruitland Park, I was going to  
10 lose my Florida retirement system.

11 Q I'm far from the expert on the Florida  
12 Retirement system. I understand there was some  
13 litigation as a result of what went on between you and  
14 the City of Fruitland Park and this matter?

15 A Yes. Yes. Well, we actually -- the litigation  
16 was between us and the Department of Management  
17 Services up in Florida -- up in Tallahassee, and we  
18 won/settlement case with them, and that was litigation  
19 going on between the Department of Management Services  
20 and they are now suing the City of Fruitland Park.

21 Q My understanding is that there's some  
22 restriction on what an employee -- former employee  
23 could do once they retired and receive Florida  
24 retirement benefits; is there something about that?

25 A Yes.

1 Q Was Fruitland Park -- Fruitland Park was in the  
2 Florida Retirement system?

3 A Yes, they were.

4 Q Okay. I also in my vague recollection, there's  
5 certain deadlines, if you get hired before a certain  
6 day bad things happen, is that what happened to you?

7 A That is what happened, but there was more to it  
8 with the reason which we actually came out successful.

9 Q Did your litigation go anywhere other than the  
10 Florida Administrative Law Judge?

11 A No, it did not.

12 Q Okay. So you left Fruitland Park August 3,  
13 2018, was it a voluntary resignation?

14 A Yes, it was.

15 Q And I'm trying to figure how the terms, how did  
16 this issue come up when you were at Fruitland Park, the  
17 issue with your retirement benefits?

18 A The State of Florida didn't audit the City of  
19 Fruitland Park, and they seen I was working there,  
20 which would have put me in violation. I think you said  
21 August 3rd, 2018, I think it was August 31, 2018.

22 Q Once the Florida retirement system identified  
23 your employment as a problem regarding your retirement  
24 benefits resolved?

25 A That is correct, yes.

1 Q What did you do next from August 31, 2018?

2 A Well, first, let me make it -- because I know  
3 you mentioned something about we have a suit against  
4 Fruitland Park, we do, but that's just for my attorney  
5 fees for the situation with the --

6 MR. ANDREWS: Let me interject, the attorney  
7 fees and other things related to that case, but it  
8 is a different case.

9 MR. BOWLING: Okay. That's --

10 MR. ANDREWS: The reason I interjected, Mike,  
11 because you started talking about the damages. I  
12 didn't mean to interrupt.

13 MR. BOWLING: I'll take enough information from  
14 any source, don't worry about it. Okay. That's  
15 good enough.

16 Where is that attorney's fee litigation, is  
17 that still in the administrative process, or is it  
18 in a courtroom somewhere?

19 MR. ANDREWS: As far as I know, we're waiting  
20 for Fruitland Park to settle their thing, and then  
21 ours will go ahead and settle. I don't officially  
22 know where it's at.

23 MR. BOWLING: Okay. Thank you.

24 BY MR. BOWLING:

25 Q All right. So you're in Fruitland Park end of

1 August 2018, what do you do next?

2 A Well, for the next two months I'm working with  
3 Fruitland Park with their attorney and the attorney for  
4 the Department of Management Service because there is  
5 an agreement they can sign, it's called third-party  
6 contract, and Fruitland Park kept me there as their  
7 chief, but Fruitland Park wanted it in writing from the  
8 State and the State refused to give it to them in  
9 writing.

10 So in October at a commission meeting it became  
11 official that -- so if they weren't going to give them  
12 the consent letter that they were going to have to move  
13 on and get a new chief, and at that point I reached out  
14 to the Leesburg Police Department.

15 Q All right. So you're a contract employee for a  
16 couple of months after August 2018 doing the same job?

17 A Unemployed -- unemployed October -- did you say  
18 after October?

19 Q No. So after August. You worked for a couple  
20 of months on a contract --

21 A No. I didn't work at all there. I was  
22 unemployed. I was just working with the city trying to  
23 get them to get the letter.

24 Q You said you reached out to the City of  
25 Leesburg?

1           A    Yeah.  I became -- it's the city next to  
2 Fruitland Park, and I knew their chief very well, and  
3 we certainly had mutual respect for each other, and he  
4 was going to give me a temporary or holding position  
5 until I could find a better job.

6           Q    Did he?

7           A    He did.

8           Q    What was that position?

9           A    He gave me the position -- we called it the -- I  
10 developed the program of intelligence, I want to say we  
11 called the position intelligence manager, but I'm not a  
12 hundred percent if that's what it's -- it's close  
13 enough.

14          Q    What is the name of the chief?

15          A    Robin Hicks, H-i-c-k-s.

16          Q    Is he still the chief to your knowledge?

17          A    He is.

18          Q    How long did you work for the City of Leesburg?

19          A    I worked for Leesburg from -- officially, I  
20 think it was December -- right around the 1st up until  
21 March the -- I think it was March 9th when I first  
22 officially started with the Groveland Police  
23 Department.

24          Q    You were hired into what position at Groveland?

25          A    At Groveland they hired me as the commander, and

1 then that worked into commander/emergency management  
2 director.

3 Q What's the Commander in Groveland Lexicon?

4 A Number three in the agency.

5 Q How long did you work for Groveland?

6 A I worked for them for six months.

7 Q Just for clarity sake, you left Leesburg to go  
8 to Groveland?

9 A That is correct, yes.

10 Q Who was the chief of police when you were hired  
11 at Groveland?

12 A Sean Ramsey.

13 Q Is he still chief to your knowledge?

14 A He is.

15 Q Why did you leave Groveland?

16 A Because I received a telephone call from Rob  
17 Bell asking if I would become his deputy chief.

18 Q Did you know Mr. Bell prior to that phone call?

19 A Well when I was the chief at Groveland Park  
20 attending the chief's meetings, John O'Grady and Rob  
21 Bell would attend those meetings, and I would run into  
22 them -- I would say I didn't know him, other than just  
23 casual meetings.

24 Q Any understanding or explanation as to why he  
25 called you?

1           A    I'd like to say because I have a good  
2 reputation.

3           Q    Had he -- other than bumping into him or  
4 interacting with him at chief meetings, any other  
5 contact with Mr. Bell?

6           A    Not that I recall, no, I don't believe ever. I  
7 think it might have been at the police chiefs  
8 conference during a golfing tournament, other than  
9 that, no.

10          Q    No, you don't recall any interaction as far as  
11 the actual police work?

12          A    No. His city was always on the opposite side of  
13 mine.

14          Q    So how did you get hired by the city, I mean was  
15 there a interview process or -- the City of Mt. Dora?

16          A    Yes. With the City of Mt. Dora, yes, there was  
17 an interview that I went to, and I want to say they  
18 asked me probably about 15, 20 questions.

19          Q    Who was present?

20          A    At the meeting was Chief Rob Bell. The HR  
21 director, Sharon Kraynik and the city manager, Robin  
22 Hicks.

23          Q    With regard to Sharon Kraynik, do you have any  
24 knowledge of her -- ever meet her before that  
25 interview?

1 A Ever knowing her before that?

2 Q Yeah.

3 A Absolutely not.

4 Q How about the city manager, Robin Hicks?

5 A No.

6 Q Did you know anyone who was currently employed  
7 with the Mt. Dora Police Department prior to getting a  
8 call by Rob Bell?

9 A No, I don't believe I did.

10 Q Anybody with the city that you knew, the City of  
11 Mt. Dora prior to calling you?

12 A The only person I knew from the city was the  
13 deputy chief of the fire department, Steve Painter, and  
14 I knew him because he used to be a resident of Mt. Dora  
15 -- I'm sorry, Fruitland Park.

16 Q The former chief, O'Grady, what kind of  
17 relationship did you have with him, any different than  
18 what you had with Rob Bell?

19 A No. When John O'Grady and I -- although we  
20 worked together or worked side by side with the city  
21 because he used to be with the Orlando Police  
22 Department, and I used to be at the Orange County  
23 Sheriff's Office our paths never really crossed. I  
24 knew his name, but I really didn't have any, you know,  
25 have any contact with him.

1 Q Do you have an understanding of the  
2 circumstances by which Mr. O'Grady left employment with  
3 the City of Mt. Dora?

4 A Other than what was written in the newspaper, I  
5 really don't have a full understanding of that.

6 Q Did you inquire of the city manager, HR or  
7 anybody what happened with O'Grady when you were being  
8 interviewed?

9 A No, I do not. The city manager did ask me a  
10 question about that. She asked me, you know, if I felt  
11 the -- the way the media attention and if the O'Grady  
12 incident was handled properly.

13 Q Did you have a response?

14 A I didn't really have an opinion against  
15 anything.

16 Q So you were offered the position of deputy  
17 chief?

18 A Well, the interview concluded, and I would say  
19 within a couple days I received a telephone call saying  
20 the position was going to be mine. I can go into that  
21 -- I knew it was going to be mine walking into it.

22 Q Did you -- did you resign from Groveland at that  
23 time when you got the job offer?

24 A Well, yes, but actually the chief of Groveland  
25 knew about it prior to the -- because he received a

1 call from Chief Chuck Broadway. He's the chief over in  
2 Clermont, and Rob Bell and Chief Broadway were pretty  
3 good friends, and I believe that's probably where my  
4 name came up because Chief Broadway knows me and  
5 recommended me and they called Ramsey -- they called  
6 Chief Ramsey and asked him how I was doing over there,  
7 you know, a few questions, and if he would recommend  
8 me, and he highly recommended me as well. So Chuck  
9 Broadway, the chief in Clermont had spoken with --

10 Q Rob Bell?

11 A -- Rob Bell after consulting with Sean Ramsey,  
12 the chief at Groveland, if you're understanding any of  
13 it.

14 Q Yeah. It sounds like a little circle there.

15 A It is.

16 Q Very general terms, when you're hired on, give  
17 me the process, take me through what the -- the  
18 bringing onboard.

19 A You're saying once I already got the job, and  
20 now it's my first day at work.

21 Q Yeah. They've offered you the job, what do they  
22 do next?

23 A I accepted the position and began employment.

24 Q Were you given any documents to sign and process  
25 in terms of paperwork or anything like that?

1       A    Yeah.  There was some HR paperwork that you had  
2 to fill out.

3       Q    Do you recall what that was?

4       A    Not really.

5       Q    What are your job duties?

6       A    As deputy chief?

7       Q    Yes.

8       A    Well, the first thing is you got to be able to  
9 take over for the chief if he's on vacation or out of  
10 the area.  You would be considered the chief at that  
11 point in time.  So if you got a conference or whatever  
12 it may be.  You're second in command of the agency.  
13 You're over all of your command staff.  Everyone in  
14 divisions and bureaus fell directly under me, and it  
15 was my job to make sure they ran properly.

16       Q    If I were to put together an org chart  
17 everything would possibly have gone directly to you and  
18 then from you to Bell, is that how it would have worked  
19 or was there anything -- any department that would have  
20 reported directly to Bell?

21       A    The only one that would have reported directly  
22 to Bell -- I don't know was human relations, that would  
23 be the officer in there.  The other officers do not  
24 report directly to him.

25       Q    Do you know whether you were provided a

1 personnel manual when you were hired?

2 A I'm sure I probably was.

3 Q Now, what is the date of employment with the  
4 City of Mt. Dora?

5 A I believe it would be the September 9th until  
6 July 21st -- September 9th might not be the exact date,  
7 but I'm pretty sure it is.

8 Q About ten months give or take?

9 A Yes, sir.

10 Q When was Captain Gibson hired?

11 A He was hired September 11th, easy date to  
12 remember.

13 Q How did the Gibson -- did he have anything to do  
14 with when Gibson was hired?

15 A Well, no, I mean, Rob Bell knew him as well. I  
16 knew he was recruiting him.

17 Q Did Bell consult with you about hiring Gibson?

18 A He consulted with me and asked me if Mike would  
19 be a good fit for the agency?

20 Q Yes.

21 A No. Actually, Rob Bell and Mike Gibson had a  
22 much closer relationship than I did. They worked  
23 narcotics together when Mike was in Orange County and  
24 Rob was in Mt. Dora.

25 Q My understanding is that so you and Gibson --

1 sometimes I do this to speed things up, but don't ever  
2 let me put words in your mouth. You and Gibson worked  
3 for the same agency for 20 years, and aside from being  
4 his training officer, maybe 25 years together, your  
5 paths intersected only occasionally?

6 A Yes. The only time I could think our paths  
7 intersected were when I was at professional standards  
8 for internal affairs and some of his guys got in  
9 trouble and he came down and talked to me.

10 Q No social relationship with Gibson?

11 A No, sir.

12 Q Now, once you're hired by the city, do you have  
13 any contact with the city manager, and I'm just going  
14 to use the dates of the -- I believe the date of the  
15 accident was June 23rd?

16 A Yes.

17 Q Did you have any contact with the city manager  
18 between your hiring and that date?

19 A I sat in meetings with her and Rob Bell I'm  
20 sure.

21 Q Anything other than that with Bell?

22 A Yeah. I guess some of the parades we had, Bell  
23 would be somewhere around there, but if you're talking  
24 about going up and having private meetings with him,  
25 no.

1 Q And that was a terrible question and you  
2 answered it appropriately, let me try again.

3 How many times had you had contact with the city  
4 manager about job-related issues, police department  
5 issues without Bell prior to June 23rd?

6 A No.

7 Q Same question with regard to human resources,  
8 did you have any contact with Sharon Kraynik about any  
9 job-related issues prior to June 23, 2020?

10 A Yes.

11 Q Okay. What were those issues?

12 A Again, most of them Rob Bell were there. We  
13 would go over and talk to her, but as we approached  
14 towards the end of my time there, things were, you  
15 know, lining up a little bit differently. I spoke to  
16 her about my sergeant by the name of Barry Starkowsky  
17 and said that Captain Gibson would be getting with her  
18 in reference to a complaint he's filing or wants to  
19 file on Chief Bell.

20 We talked to her about issues with Ivy as well,  
21 and she had called me over to talk to me about Jessica  
22 Howell case.

23 Q You mentioned, "we" when you talked -- when you  
24 spoke about Ivy Severance?

25 A Yeah. I believe Mike Gibson and I were both

1 there.

2 Q Any idea what the date was -- approximate date  
3 was of that meeting?

4 A I do not. And when I say, there, I believe  
5 things were in person, I believe. I was speaking to  
6 her on the phone -- speakerphone in my office, so  
7 telephone call, it was not in person.

8 Q You spoke to her about the Jessica Howell case?

9 A A couple of different occasions she called me  
10 over to talk to me about that in her office, and it was  
11 mainly trying to decide exactly what was going to be  
12 handled by the police department, what was going to be  
13 held over for city hall to handle.

14 Q What do you mean by that?

15 A There were some hostile work environment --  
16 claims that Jessica had made against Rob Bell that  
17 would have been inappropriate for me to investigate.  
18 It was better handled by the HR department. So I was  
19 getting ready to interview Jessica, and I wanted to  
20 make a clear distinction between what I was going to be  
21 handling, and what was going to be my new  
22 responsibility.

23 Q And what was the particular reason you -- there  
24 must have been a particular investigation pending that  
25 you would -- caused you to interview Howell?

1           A    Jessica had filed a complaint against Ivy  
2 Severance, and Ivy Severance had filed a complaint  
3 against Jessica Howell.

4           Q    I take it you knew neither one of these people  
5 before you were hired by the city?

6           A    The complaint as I understand it by Howell  
7 against Severance involved a couple of different  
8 things, overtime is one thing, inappropriate  
9 photographs --

10          Q    The billings list?

11          A    Thank you. The billings list.

12          Q    Those were -- that was the investigation you did  
13 with regard to Howell and Ivy Severance?

14          A    Uh-huh.

15          Q    Were you involved at all in the Severance v.  
16 Howell investigation?

17          A    That was given to me to do the investigation if  
18 we're talking about the same one, but when I received  
19 the package from Officer Severance, I accepted the  
20 package. When I went through, I said, I can't work  
21 this, not right now. And the reason I couldn't work it  
22 is she had some, what I would say would be confidential  
23 information in there from the Jessica Howell case. And  
24 she shouldn't have been privileged to it at that point  
25 in time.

1 Q Okay. What's the confidential information, can  
2 you give me an idea?

3 A Sure. It was the complaint that Jessica had  
4 filed on her -- the entire complaint that Jessica  
5 filed, which was still under investigation, so she  
6 shouldn't have received that. So I told her that I  
7 could not work that investigation at this point in time  
8 -- told Officer Severance that. And then I got called  
9 into Rob Bell's office. He says, hey, can you open up  
10 that case, and I explained to him, no, I could not.  
11 And I explained to him why. I said this thing could  
12 have only come from one or two people which would have  
13 been Rob Bell or Sharon Kraynik, and I said, I don't  
14 know where she got it. I said I can't open the  
15 investigation until Jessica's done and she legitimately  
16 has a right to be in possession of that paper.

17 Q Okay. What did Bell tell you at that time,  
18 anything?

19 A He wasn't necessarily happy, but he said okay, I  
20 understand.

21 Q Did he tell you how, if he knew, Severance came  
22 into possession of the complaint?

23 A Well, I mean, between him and Sharon neither one  
24 of them really wanted to say it was them that did it.  
25 Rob says, you know, I may have left it on my desk, and

1 Ivy had a key to his office, and Sharon says she may  
2 have given it to him when she photocopied some public  
3 record, but either way, she wasn't supposed to be in  
4 possession of it.

5 Q Okay. The investigation did -- with regard to  
6 the complaint by Howell against Severance, I think it's  
7 been produced as Exhibit B, which just for the court  
8 reporter's benefit. I've given them letters because I  
9 had no idea what order they're going to be in. I'd  
10 liked them to be numbered in order, so B will now  
11 become 1, Defendant's 1.

12 (Exhibit No. 1 marked for identification.)

13 BY MR. BOWLING:

14 Q Mr. Fewless, I just want you to look through  
15 this, and I just want to know, is this the  
16 investigation?

17 A Yeah. I actually read it last night, and it is.

18 Q Okay. Anyone other than you involved in the  
19 drafting of the conduct of the investigation?

20 A No, sir.

21 Q The conclusions were yours?

22 A Yes, sir.

23 Q The decisions as to the one complaint that was  
24 founded to support it, I guess was an oral reprimand or  
25 whatever that was given, was that anything you had any

1 input into is that --

2 A No. I actually did the investigation of this.  
3 And when you do this investigation, you really  
4 shouldn't have any input on the amount of discipline  
5 that is given, so that is a decision Rob Bell made.

6 Q Did you ever do the investigation or commence  
7 investigation as it related to Severance on Howell?

8 A No, I have not.

9 Q With regard to Howell, did you ever have any  
10 meetings with her, any complaints she might have about  
11 Severance?

12 A I did.

13 Q What were her complaints about Severance?

14 A I actually had her put it in writing because it  
15 was very long, and I also have it tape recorded so Mt.  
16 Dora should have that, but it dealt with -- if I  
17 recall, like the overtime hours, her working whenever  
18 she wants to. I don't remember all the complaints off  
19 the top of my head, but...

20 Q Was your direction to her to put it in writing  
21 the impetus for an IA investigation?

22 A Correct.

23 Q Do you remember how many times approximately you  
24 met with her about her complaints about Severance?

25 A I'm sorry. Could you say it one more time? I'm

1     sorry.

2           Q     How many times did you meet with her about her  
3     complaints about Severance?

4           A     I want to say I just had two meetings with her,  
5     the first one was when she filed a complaint and the  
6     second one was when I taped the interview with her.

7           Q     All of the documents related to the  
8     investigation, all of the recordings, to your knowledge  
9     are within the City's possession?

10          A     That is correct, yes.  And as far as meetings, I  
11     don't have anything, but if there are more, it would  
12     still be documented.  I always put those meetings on my  
13     calendar.

14          Q     At some point in time -- particular point in  
15     time, there's a "No Confidence" document prepared and  
16     given to the city manager, it's marked as Q.  I'd like  
17     to mark it as Defendant's 2.

18                     (Exhibit No. 2 marked for identification.)

19     BY MR. BOWLING:

20          Q     Are you familiar with the document?

21          A     I am.

22          Q     Who typed it up?

23          A     I typed that up.

24          Q     My experience with "no confidence" go to that  
25     chief generally through unions.  What made you -- if

1 you could explain it to me, I want your thought process  
2 on doing "no confidence" with regard to Chief Bell?

3 A Well, there was a clear issue in the agency, and  
4 we had to get a message to the city manager. This was  
5 the easiest way for us to do it, to let her know that  
6 the entire staff was -- had absolutely zero confidence  
7 in his leadership.

8 Q Not -- another staff -- another member of  
9 command staff that was not included in this?

10 A Well, he would have been the first one to jump  
11 up and down to sign it because the reason we didn't  
12 bring him in was a decision I made out of respect for  
13 the city manager. And the reason I made that decision  
14 was the city manager and Rob Bell were talking about  
15 forcing Captain Uvalle out of the agency, and they were  
16 going to offer him either early retirement or a  
17 severance package. They were supposed to be doing  
18 those in February. So I did not want the city manager  
19 in an awkward position by having him included in all of  
20 these meetings.

21 Q Did he leave the city?

22 A No. He's still there.

23 Q Do you know whether he was ever offered any  
24 severance package or anything like that?

25 A I left in July, and I don't know if February

1 came, and they offered him something or not.

2 Q You said that Bell and the city manager  
3 discussing -- Uvalle, is that how it's pronounced?

4 A Yes.

5 Q Were you present at any of those meetings?

6 A I was.

7 Q Okay. What was the reason if you know, what was  
8 the reason for having Uvalle leave?

9 A Bell felt he could not trust Uvalle. He  
10 believed since Uvalle worked with O'Grady back in  
11 Orlando that he was part of the problems as far as  
12 spreading rumors, and he just didn't feel he could  
13 trust him.

14 Q What was Uvalle's position?

15 A Uvalle was a captain.

16 Q And he would have road patrol, what was he  
17 doing?

18 A When I got there here was the captain over  
19 special events and internal affairs.

20 Q Had you talked with the other signatures on this  
21 document before you prepared the document?

22 A Oh, a hundred percent.

23 Q Were you the initiator of the --

24 A I was the author of the memo, but the group as a  
25 whole wanted to go forward with the complaint. They

1 had been on me for, I'd say a month, month and a half  
2 bringing complaints to me about Chief Bell, and I would  
3 try to counsel Chief Bell, but it got to the point  
4 where the staff wanted something more done.

5 Q Again, there's some additional documents that  
6 kind of go along with this, and we'll talk about it,  
7 but if you can give me -- I'm good at generalizations,  
8 can you give me the general areas of complaints that  
9 you were hearing from the command staff about Bell?

10 A Oh, sure. Clearly the -- Officer Severance  
11 Chief Bell relationship was one of that was coming in,  
12 the favoritism towards her. How he would hold certain  
13 employees accountable and discipline, but he would let  
14 Officer Severance get away with it the same or worse  
15 type incident. The threats that were coming towards  
16 the command staff as far as the chief indicating he was  
17 going to sue each one of them if he heard any more  
18 rumors about Jessica Howell incident -- and that all  
19 referred back to the Ivory Severance affair situation.

20 People were tired of hearing him criticize the  
21 city manager. People were tired -- staff was -- I  
22 don't know, I didn't get too many officers, it all came  
23 up via the chain. The lowest level I heard from was  
24 sergeants that would come to me with complaints. But  
25 it was generally stuff like that.

1 Q Now you said you tried to counsel Bell, what do  
2 you mean by that?

3 A Well, when I was first hired with them, Rob Bell  
4 told me, he says, look, you've got a lot more  
5 experience than me, and I don't know everything in law  
6 enforcement. He says, please help me do the right  
7 thing, and I made an effort of doing that. And I  
8 talked to him numerous times, one on one private in his  
9 office telling him, you know, the relationship, whether  
10 it's true or not, I says, I don't know -- I said, but  
11 you need to cool it. You need to put separation  
12 between you guys. As far as the threats go, I told you  
13 you should not being doing the threats. I said you're  
14 creating a hostile work environment around here by the  
15 way you're treating people, and he would listen and  
16 then shortly thereafter he would have a -- he would  
17 backslide. And there was even times when Captain  
18 Gibson and I both had him in the office and we were  
19 talking to him about it.

20 Q Did Bell ever give you an answer or tell you  
21 what his relationship was with Severance?

22 A Oh, he flat out told me numerous times he just  
23 feels sorry for her because of the abuse she took over  
24 the John O'Grady thing. He was just trying to make it  
25 right with her, but he vehemently denied a sexual

1 relationship with her.

2 Q Now, Severance was in community relations and  
3 Howell was in community relations?

4 A When I was there Jessica Howell was on the road.  
5 From what I understand Jessica Howell used to be a  
6 corporal over Ivy Severance, and then she was  
7 transferred out. I don't know anything about.

8 Q You don't have any information as to the  
9 circumstances of her transfer?

10 A No. I was just told she was asked to be  
11 transferred. I don't know if that's factual or not. I  
12 don't know?

13 Q Who told you that?

14 A Chief Bell.

15 Q Was there a sergeant or a corporal, somebody  
16 above community relations?

17 A There was. When I got there it was Barry  
18 Starkowski that initially was over that area.

19 Q How long was Howell there after you started?

20 A I started in September and she quit sometime, I  
21 want to say in October. And to even shorten she was on  
22 FMLA when I first started there. So she didn't come  
23 back I want to say until probably the first part of  
24 August. I think she only worked a couple weeks when I  
25 was there.

1 Q Other than a couple of interviews you had  
2 regarding the complaint, did you have any other contact  
3 with her?

4 A While I was working there, no.

5 Q You typed this document up, it's dated the 23rd  
6 of June, Defendant's 2. Is that when you signed it,  
7 the same day, was it signed on the 23rd?

8 A The only one that did not sign it on the 23rd  
9 was Ken Hinman and unfortunately he leaves at 3:00, and  
10 I didn't get by his office before the 3:00 hour, so he  
11 signed it, I want to say, the next morning.

12 Q What day would that have been on?

13 A Well, I presented it to Robin on the 23rd, so I  
14 would say he's probably the one that signed it on the  
15 23rd.

16 Q Okay. And everyone else would have signed it on  
17 the 22nd?

18 A Yes.

19 Q And that was my next question, you actually  
20 handed it to Robin Hayes?

21 A No, I did not. I took a little road trip, and I  
22 made a phone call to her requested a meeting for the  
23 26th. I didn't request that date, I just requested the  
24 meeting about that. I explained to her in my  
25 possession I had a memo indicating a vote of "no

1 confidence" from the command staff.

2 Q Okay. You left the building. You made a phone  
3 call from where, your cell phone?

4 A I did. It was on her cell phone. It was in a  
5 subdivision that was just being developed, and I parked  
6 there and just made a phone call to Robin.

7 Q And what was the gist of that conversation?

8 A The gist of the conversation was that we're  
9 having issues at the police department, and I explained  
10 a couple of the issues to her, but I said you got a  
11 total of five command staff members at a time signing a  
12 vote of "no confidence" letter, and we would request a  
13 meeting with you, but we want it off property because,  
14 you know, it's a small city and things travel, and she  
15 agreed with that and Winter Garden was recommended, and  
16 so we went and met up at Winter Garden and told her I  
17 didn't want to overwhelm her with a lot of people  
18 coming. I said, how about I just bring Captain Coy  
19 Hunter and Captain Mike Gibson and myself and we'll  
20 meet you. And she said that's perfect.

21 Q And the meeting was held on the 26th?

22 A It was held on the 26th.

23 Q So it was Hunter, you and Gibson?

24 A That is correct.

25 Q Anybody with Hayes -- Robin Hayes --

1 A No.

2 Q How long did that meeting last?

3 A Three and a half hours.

4 Q At that time, you give her the documents that  
5 we've marked as Defendant's 2.

6 A At that time I went over the document. I went  
7 over my entire document with her, and then Mike Gibson  
8 went over his entire document -- document with her.

9 Q Now we know why it took three and a half hours?

10 A Yes. And Captain Hunter was going to speak as  
11 well, but he said at the end of that he said, I don't  
12 think you need any more information, but if you do,  
13 I'll be more than happy to share something. She says  
14 you're correct, I don't need any more information, so  
15 we joked around for a couple of minutes. I passed my  
16 paperwork over to her and Mike passed his paperwork  
17 over to her.

18 Q Let's talk about that paperwork.

19 MR. BOWLING: Ryan, if you can hand over to  
20 Mr. Fewless, N, J --

21 MR. ANDREWS: I'll pull them up on the computer  
22 for him.

23 MR. BOWLING: Okay.

24 MR. ANDREWS: Okay. He's got some. I'm going  
25 to pull them up on the computer as well.

1 MR. BOWLING: N, J, F, M, K.

2 We'll start with N.

3 MR. ANDREWS: We'll start with whichever  
4 numbers you say, but I have N on the screen,  
5 whichever works.

6 MR. BOWLING: N works. N is the one I'd like  
7 to start with.

8 We'll mark that as Defendant's 3.

9 (Exhibit 3 marked for identification.)

10 BY MR. BOWLING:

11 Q Is this, N, Defendant's 3, which reads the first  
12 sentence, this is not a coup, is that your document?

13 A Yes.

14 Q Throughout this document, some of the pages  
15 there are handwritten notes and underlinings and things  
16 of that nature, did you do that?

17 A I did.

18 Q Other than this document, N, Number 3 and Number  
19 2, did you give Robin Hayes any other documents at that  
20 time?

21 A I should have the vote of "no confidence" memo  
22 as well.

23 Q Now you discussed these matters, the vote of "no  
24 confidence", and you gave it to her at the end of the  
25 meeting?

1           A    Yes.  Can I make sure I understood that last  
2 question.  I know that after we gave her the copy of my  
3 notes and a copy of Gibson's notes and the vote of "no  
4 confidence".

5           Q    Okay.  So you are the author of 2 and 3, no  
6 confidence and your notes?

7           A    Correct.

8           Q    Now let's look at J and F.  J leads with  
9 presentation and summary of notes.  We'll mark that  
10 Defendant's 4.  And F we'll mark as Defendant's 5, that  
11 just says notes.

12                   (Exhibit Nos. 4 and 5 marked for  
13 identification.)

14 BY MR. BOWLING:

15           Q    Are these Captain Gibson's notes?

16           A    Yes, they are.  The one I'm looking at it.

17           Q    The presentation of summary of notes?

18           A    Yeah.  The presentation of summary of notes,  
19 that's Gibsons.

20           Q    Then S, take a look at that one.

21           A    Yes, sir.

22           Q    S, which is notes at the top, is also a product  
23 of Gibson?

24           A    That is correct.

25           Q    Did you direct Gibson -- Captain Gibson to

1 prepare any document for this meeting, any notes or  
2 memos?

3 A No, I did not. What I did do is once we started  
4 seeing issues with the agency I did indicate to Mike  
5 Gibson that I will serve, so I can recall them at a  
6 later date.

7 Q Do you keep those -- do you still have those  
8 documents?

9 A You have them, I think. I went in there and  
10 rearranged what some of the headings were, but those  
11 were my notes, yes.

12 MR. ANDREWS: Mike, when you reach a good  
13 point, I need a bathroom break.

14 MR. BOWLING: I'm ready too, and let's just  
15 finish the Gibson situation.

16 MR. ANDREWS: Sure.

17 BY MR. BOWLING:

18 Q So your -- Defendant's 3, your notes are --  
19 there's a running document that you kept over a period  
20 of time, and then at the meeting with Robin Hayes, you  
21 handed it over at the meeting?

22 A Yes. But it didn't have the categories. I mean  
23 I read the notes I had, and I created it from my notes.  
24 I used it all on that same paper through a Word  
25 document, so it was easy to create.

1 Q Are there any other documents that you still  
2 maintained -- I mean I tend to write notes down, and  
3 then I write a letter, sometimes I keep the notes,  
4 sometimes I throw them out. Do you have anything else  
5 that is the underlying source of number 3?

6 A I don't believe so, but I have thumb drives that  
7 I haven't gone through since I left Mt. Dora, so there  
8 may be something else.

9 Q All right. Quickly, the categories of your  
10 document, a hostile work environment, favoritism,  
11 truthfulness, comments about the city manager, and  
12 rumors about directors and staff.

13 The hostile work environment -- again, I've been  
14 accused of having a tendency to generalize everything,  
15 but is it fair to say that the vast majority, the  
16 problems in this document cited in this document are  
17 lended to Bell's relationship with Severance?

18 A Which one are you looking at?

19 Q I'm sorry. I'm sorry. 3, N, your document.

20 MR. ANDREWS: Before we get into this can we  
21 take a restroom break?

22 MR. BOWLING: That's fine.

23 (A recess was taken.)

24 (The proceedings resumed as follows:)

25 BY MR. BOWLING:

1 Q When I left off, I was asking you about your  
2 document notes number three, Defendant 3. My question  
3 was, the majority of the issues in this document is  
4 being attributed to the relationship or the perceived  
5 relationship of Chief Bell and Ivy Severance?

6 A It looks that way, but it also looks like it had  
7 to do with threatening the command staff over the  
8 Jessica Howell Stuff.

9 Q And, again, the Jessica Howell stuff are  
10 complaints she had around Severance?

11 A Correct.

12 Q Let's talk about -- I think would have been  
13 marked 4 and 5, J is presentation of summary of notes  
14 4, and 5 is the notes. Are these both documents  
15 authored by Captain Gibson?

16 A Yes, sir.

17 Q Is 4 an executive summary of 5?

18 A I couldn't answer that for you. I'm not real  
19 sure why you got two different documents.

20 Q All right. What's marked as K, which we'll mark  
21 as 6. Do you know what this document is?

22 A Hold on a second.

23 Q Sure.

24 A That looks like it might have been my first  
25 attempt at making notes, I'm thinking, one of my first

1 attempts. I don't know.

2 (Exhibit No. 6 marked for identification.)

3 BY MR. BOWLING:

4 Q But you believe this one of -- this is a  
5 document you authored or...

6 A I don't usually refer to them like, Vic, Wade,  
7 Dancel, Beasley, I don't usually refer to it that way.  
8 So I'm not real sure.

9 Q Okay. That's fine. Are you sure, however, that  
10 this document wasn't given to Robin Hayes at the  
11 meeting?

12 A I did not give that to her.

13 Q Okay. So the document's given to Robin Hayes at  
14 the meeting just for clarification are the 2 which is  
15 the "no confidence", 3, which are your notes authored,  
16 4 and 5, which are the notes and summary of notes by  
17 Gibson?

18 A I'm not a hundred percent sure if Gibson gave  
19 both of them or not, but if she has them then he must  
20 have.

21 Q Any other notes of any other source at that  
22 meeting?

23 A No, sir.

24 Q And if I understand your testimony correctly,  
25 what's the name of the third person, is it Coy Hunter?

1 A Captain Coy Hunter, yes.

2 Q He basically, when it was his turn said, it's  
3 been covered, if you need anything else ask me?

4 A Yeah. He was going to go down a whole 'nother  
5 road about 20 years of history at Mt. Dora Police  
6 department with Bell, and he felt he did not need to.

7 Q Okay. At the conclusion of the meeting, what,  
8 if anything, does Hayes say to you guys?

9 A As the meeting was concluding, we asked her if  
10 she needed any more information. There was individuals  
11 that really wanted to talk to her, but we didn't want  
12 to overwhelm her at this meeting, and she says, no,  
13 you've given me quite enough. She indicated that she  
14 did not want to hire Rob Bell in the first place, that  
15 she wanted to do a national search, and she said there  
16 was enough here to go ahead and terminate him. And  
17 that she said in doing that she looked over at me and  
18 she said, Mike, will you become our interim chief when  
19 we do this? And she indicated she wasn't going to make  
20 the same mistake she made with John O'Grady where she  
21 called him into the office and gave him 24 hours to  
22 think about it.

23 Q All right. Are you telling me -- it's your  
24 testimony that Robin Hayes indicated to you at that  
25 time that she made a decision to terminate?

1           A     Oh, yes. She said there was plenty there to  
2 terminate him. Now, what she was was, she had enough  
3 to terminate him, she's going to call him in, give him  
4 the option of resigning or termination, but he had to  
5 walk out of her office with one of those two.

6           Q     Do you have any information as to what she did  
7 with regard to that, did she, in fact, call him in?

8           MR. ANDREWS: Object to the form. Go ahead.

9           THE WITNESS: Yeah. I'm going to -- she called  
10 us back on July 2nd and the command staff explained  
11 what she had told him. So I'm going to assume she  
12 called him in. Rob did not tell me, you know,  
13 anything about the meeting with Robin. I knew he  
14 got called to Robin's office, but I don't know  
15 exactly what was what.

16 BY MR. BOWLING:

17           Q     Do you know when he was called to Robin's  
18 office, he being Bell?

19           A     I believe it was the day before we called in so  
20 it was probably July 1st.

21           Q     Between your meeting with Robin Hayes on the  
22 26th and July 1st, did you have any contact with Rob  
23 Bell about what had gone on with the "no confidence"  
24 vote?

25           MR. ANDREWS: Form. Go ahead.

1 THE WITNESS: No. Robin had told us not to  
2 discuss any of this with him.

3 BY MR. BOWLING:

4 Q To your knowledge was Bell unaware of the  
5 meeting with Robin Hayes?

6 A The meeting that we had with Robin Hayes?

7 Q Yes.

8 A Yes.

9 Q On July 1, you were contacted by Robin Hayes  
10 about another meeting?

11 A No. July 1, I believe is the day she met with  
12 Rob Bell. July 2nd is the day she met with us.

13 Q What's your -- why do you think she met on --  
14 with Bell on July 1?

15 A Well, Rob Bell and I had a meeting scheduled for  
16 that afternoon. We discussed something. He told me,  
17 we're going to delay the meeting. He said, I've got to  
18 run over to the city manager's office. He said it  
19 won't be long, and it was long, and I was going to run  
20 up to one of my favorite places in Mt. Dora, the  
21 beautiful RaceTrac gas station. They serve Diet  
22 Mountain Dew, and as I was going up there, Rob Bell was  
23 coming down the street a different direction, and he  
24 stopped right in the middle of the road, so I pulled up  
25 next to him. And he said, clearly we're not going to

1 meet this afternoon and then drove off.

2 Q How did you -- was the meeting with Robin Hayes  
3 the following day?

4 A Then she requested a meeting on July 2nd. I'm  
5 pretty sure Rob's must have been the 1st, it could have  
6 been the 30th -- but it could have been the 1st, one of  
7 those days in that area, but it was just our meeting  
8 with Robin.

9 Q How did she come to set this meeting up, did she  
10 call you, send an e-mail, what happened?

11 A She sent a calendar invite.

12 Q To all five members?

13 A Correct.

14 Q The meeting on July 2nd, where is it held?

15 A In the city manager's conference room.

16 Q Who was there? Who was present?

17 A Well, it would be myself, Captain Gibson,  
18 Captain Hunter, Lieutenant Wade and Lieutenant Hinman  
19 and then Robin Hayes and Sharon Kraynik.

20 Q What time of day was the meeting, do you  
21 remember?

22 A I don't off the top of my head. Most of the  
23 meetings are around 2:00 with her, but I don't know if  
24 that's factual.

25 Q How long did it last?

1 A I don't recall how long that lasted.

2 Q Give me the gist of the meeting, what went on?

3 A The gist of the meeting was she informed us that  
4 the chief had decided he's going to retire, and she was  
5 going to give him 30 days to leave the agency and  
6 during that time he would be the chief, and she would  
7 have an interim chief come in upon Chief Bell's  
8 departure.

9 Q Was there any discussion about your -- you  
10 becoming chief of police?

11 A No, there was not.

12 Q Was there ever any discussion about you becoming  
13 chief of police?

14 A The only discussion we had was she wanted to  
15 make me the interim chief of police. I was very happy  
16 being the deputy chief.

17 Q Anything else go on during that meeting?

18 A Yes. Sherry had typed up a letter or a note  
19 that she wanted each one of us to sign, and when we  
20 questioned her about the note, it had to do with us  
21 accepting the way they handled the investigation or  
22 complaint, and told us to sign it basically and that  
23 Rob Bell may not be leaving was basically how it was  
24 taken by me.

25 Q Was this -- for whatever reason I didn't send it

1 all to you, but was it a document essentially saying we  
2 revoke our "no confidence" we're happy with the  
3 results, something to that effect?

4 A Yeah. I don't think we ever said we revoke our  
5 "no confidence" I think she wanted us to say something  
6 about we were withdrawing our whistleblower complaint,  
7 and they were happy with the way the city resolved it.

8 Q Now, you made mention of the whistleblower  
9 complaint, what do you consider to be your  
10 whistleblower complaint?

11 A Well, that 12-page document, I believe it was  
12 that I typed up and shared with Robin Hayes and the one  
13 that Mike Gibson typed up and shared with Robin Hayes  
14 had some pretty serious allegations in there about the  
15 chief of police, and at that point in time know who to  
16 trust in the city, and we wanted protection.

17 Q As you said earlier, it's a pretty small city.  
18 The chief of police, as I understand correctly, reports  
19 to the city manager?

20 A That's correct.

21 Q Is there really any other alternative, did you  
22 consider going to Sharon Kraynik?

23 A We did not because of the relationship that Rob  
24 and Sharon have.

25 Q What was that, what's your understanding of what

1 that relationship was?

2 A They were very close. Sharon would share  
3 information with Rob that in my 30 years of experience  
4 with Orange County Sheriff's Office, I've never seen an  
5 HR director do before.

6 Q Can you give me an idea what you mean by that?

7 A Absolutely. Karen Dancel was a sergeant in our  
8 agency. She was actually the first sergeant I met at  
9 the agency when I came onboard, and she was one of the  
10 12 to 15 people that retired once Rob Bell became the  
11 chief, and she went down to HR to do her exit  
12 interview. During the exit interview, Karen went in  
13 there and said, yeah, everything's okay no problems.  
14 And then she stood up and walked out, and when she got  
15 to the door, she put her hand on the doorknob, turned  
16 around and looked at Sharon and said, if you ever want  
17 to know what's really going on, call me after I get  
18 with the Orlando Police Department, but she didn't want  
19 to say anything because she didn't want it to interfere  
20 with her potential of going over there, and the reason  
21 I know that is because as soon as Karen walked out the  
22 door, I was sitting in Rob's office and hearing when  
23 Sharon called Rob up and told him that exact story. So  
24 I knew we could not take a complaint to her.

25 Q Any other reason that you --

1           A     Just more situations like that where she called  
2 up and shared things that were going on around the  
3 city.

4           Q     No difficulty however in getting a meeting with  
5 the city manager?

6           A     No.

7           Q     All right. The meeting on July 2, you were  
8 advised that Bell was going to be retiring, you were  
9 asked -- directed or whatever, kind of consent to the  
10 process of his retirement. Anything else happen during  
11 that meeting?

12          A     Anything relevant?

13               MR. ANDREWS: Object to the form.

14 BY MR. BOWLING:

15          Q     Yeah. Anything else going on, any other subject  
16 areas that the city manager raised?

17               MR. ANDREWS: Object to the form. Go ahead.

18               THE WITNESS: I'm not sure if I remember  
19 anything specifically the city manager raised, but  
20 the tone of the meeting on June 26th was more like  
21 thank you guys for being strong enough to bring this  
22 complaint forward and letting us know what's going  
23 on to July 2nd we became the bad guys and the focus  
24 seemed to be more on us as far as us doing something  
25 wrong.

1 BY MR. BOWLING:

2 Q Can you explain that to me, why you felt that?

3 A Oh, I think part of it had to do with that  
4 letter that they had us sign in the manner in which  
5 they put it out. They were very cold during the  
6 meeting, and I don't know, it's just a feeling you get,  
7 I guess, when you've worked in law enforcement for so  
8 long you kind of read people.

9 Q Anything happen to you guys as a result of that  
10 meeting, any adverse employment action taken by the  
11 city as of -- after the July 2 meeting, prior to the  
12 report?

13 A Yeah.

14 Q What?

15 A Well, I don't know the date of it, but it was  
16 probably about a week after this meeting. It was right  
17 after our double shooting. Robin -- when we had the  
18 double shooting, Lieutenant Wade initiated a group  
19 texts to everybody, and I started giving out directions  
20 on what people should be doing.

21 I realized Rob wasn't having any input in it.  
22 So I clicked at the top to see who was invited in the  
23 group texts, and I realized Lieutenant Wade had  
24 inadvertently left off Robin Hayes and Rob Bell, so I  
25 told them stop communicating, and I'm going to bring

1 the other two in. So I brought Rob Bell and the city  
2 manager within about five minutes of the initial  
3 string.

4 The city manager called us in and was extremely  
5 upset with us for leaving Rob Bell off the string --  
6 her and Rob Bell off the string. I explained it to  
7 her, you were only off for about five minutes as soon  
8 as I realized you guys were not on it, I said we added  
9 you right back in, and she initially was going to issue  
10 discipline to the command staff for leaving them off,  
11 but after I went through the entire thing and explained  
12 it to them, she decided to withdraw that discipline.

13 Q At some point during the -- was it during the  
14 July 2 meeting, the city manager reminded the command  
15 staff that Bell was still the chief of police and  
16 should be treated as such?

17 A Absolutely.

18 Q I also understand and what it's about, she said  
19 to you and the command staff, we're going to continue  
20 to keep this matter confidential?

21 A That's correct. We weren't to talk about it to  
22 anybody and she said she gave the same direction to Rob  
23 Bell.

24 Q The meeting about the failure to include Rob  
25 Bell and her in the text, was that -- do you recall the

1 date -- the particular date?

2 A I don't. I just know it was between the 2nd and  
3 the 17th. It had to be right after the double  
4 shooting, probably a couple of days after that, I just  
5 don't know the date of the double shooting.

6 Q No discipline issued?

7 A No discipline issued.

8 Q During the meeting of July 2, was there any  
9 content -- did anybody get upset, was there any  
10 contention during that meeting?

11 A Not on the July 2nd meeting, no.

12 Q At the next meeting, let's just call it July 9,  
13 was there any -- is there any contention or contentious  
14 issues?

15 A Well, it was brought up by Captain Hunter that  
16 Chief Bell had violated his agreement of not speaking  
17 to individuals and shared it with Chief Broadway or  
18 staff members over there at least, that there was a  
19 vote of "no confidence", and he was kind of being  
20 forced out of the agency. And the reason Coy Hunter  
21 knows that is because he received a call from one of  
22 the captains over there and said, hey, what's going on  
23 with you guys and explained to Coy Hunter what was  
24 going on.

25 So we brought that up at the meeting, and it --

1 that was actually the reason for that meeting, and then  
2 she -- Robin brought up the -- you know, keeping the  
3 chief on, and the contention that came up was I told  
4 her, I said she was really upset that we had left her  
5 and Rob off the text message, and when it came to Rob  
6 Bell, talking to another agency about what's going on,  
7 that other agency, by the way, has a member on it that  
8 also has a sister that works for the Mt. Dora Police  
9 Department. Our concern was that it was going to start  
10 spreading through the city of Mt. Dora that Rob is --  
11 you know, what's going on with the "vote of no  
12 confidence" and stuff and wanted her to be aware of it.

13 She didn't really seem concerned about that, she  
14 said she's not going to do any follow-up. She said, I  
15 don't want to get another city involved in it, and she  
16 said, I'll make a note and put it in his file, and I  
17 said I would have liked to have seen the same type of  
18 energy coming out of you over the fact that we left you  
19 guys off the text message for five minutes as what Rob  
20 Bell got for violating your don't talk about this  
21 subject with anybody, and she didn't like that comment.

22 Q Did you understand why she might not like that  
23 comment?

24 A It might have hurt.

25 Q Well, was she superior in the chain of command

1 in the City of Mt. Dora?

2 A Absolutely.

3 Q And you were basically telling her you didn't  
4 think the way she was handling this matter was  
5 appropriate?

6 A Yeah. I think that's accurate.

7 Q Am I correct when you say the meeting -- we're  
8 calling on the 9th, but that meeting was initiated by  
9 you or command staff?

10 A I believe command staff initiated that meeting,  
11 yes.

12 Q And that was to bring up the issue of Bell  
13 allegedly talking to Clermont?

14 A That is correct.

15 Q And who was present at that meeting?

16 A It was the entire command staff again, the --  
17 myself, Gibson, Hunter, Wade --

18 Q We'll call it the gang of five. Go ahead.

19 A And then Robin was there, Sharon was there, I do  
20 not believe Sherry was at this meeting, but if someone  
21 else said she was there then she probably was.

22 Q How long did that meeting last approximately?

23 A Probably no more than 30 minutes.

24 Q The subject area covered was Bell speaking out  
25 of class and the matter of not being included on text

1 messages, any other areas?

2 A Not that I recall, no.

3 Q Any documents provided or received at that  
4 meeting that you're aware of?

5 A No. The only document that we would have  
6 received is the one that she was getting ready to  
7 discipline us on, and she took that back.

8 Q Okay. When is the next meeting you have with  
9 the city manager?

10 A I believe it's July 21st.

11 Q At some point you have a meeting with a  
12 reporter?

13 A July 17th.

14 Q How does that come to be?

15 A We had a homicide in the parking lot of Lowe's  
16 that this reporter showed up on the scene, and nobody  
17 from the agency acknowledged her, and she ended up  
18 calling me, and I didn't know this reporter, but she  
19 reached out to me and explained, you know, what was  
20 going on. Captain Hunter was going to be down there so  
21 I informed her that Captain Hunter would be on the  
22 scene, and he would be the person that she makes  
23 contact with. And then we had a double shooting that  
24 she sent me a text message on at the same time I was  
25 texting the guys and told them what needed to get done.

1 She sent me a text message and she indicated that she  
2 had heard that there was a double shooting, and she was  
3 heading down that way, and she asked if I was going to  
4 be there and I said no. But I said Lieutenant Wade  
5 would be your contact, he's responding to the scene.

6 Q Your communication with what's her name, Marilyn  
7 Aciego?

8 A That's correct.

9 Q Like you said, you had no knowledge of her  
10 before this incident?

11 MR. ANDREWS: Object to form.

12 THE WITNESS: If I did, I don't recall any  
13 contact with her. I didn't know her before I went  
14 to Mt. Dora, and I had very -- I don't believe I  
15 did.

16 BY MR. BOWLING:

17 Q With regard to the Lowe's incident, did she call  
18 you or text you?

19 A I want to say I received a telephone call in my  
20 office on that one.

21 Q Any idea why she chose you?

22 A Probably because I was over the police  
23 department.

24 Q How is that -- is that your job description, or  
25 is that part of your job title or something I can look

1 up?

2 A No. That would be Rob Bell when I went there  
3 asking me to be their spoke's person whenever there's a  
4 media thing, and we need to address the media.

5 Q And when was this?

6 A Shortly after I started there so probably,  
7 October, November -- I'm not sure if you're aware Rob  
8 has a terrible relationship with the City PIO, and he  
9 couldn't trust her and thought she looked  
10 unprofessional and said she was not going to be a  
11 representative for the police department.

12 Q Any idea if you were contacted by Ms. Aciego  
13 because of your appointment as PIO for the police  
14 depart, how she would know you were the PIO for the  
15 police department?

16 A I believe that's a question for her, I don't  
17 know.

18 Q If I looked at all of the documents related to  
19 the organization charts for the city, do you know if  
20 there's anything out there that's going to point to you  
21 as the PIO for the police department?

22 MR. ANDREWS: Object to the form. Go ahead.

23 THE WITNESS: I don't believe so.

24 BY MR. BOWLING:

25 Q Had you, previous to being contacted by the

1 reporter, ever functioned as the PIO for the police  
2 department?

3 A I have.

4 Q In what capacity?

5 A Rob Bell had Trish Morgan which is another  
6 reporter up in the Mt. Dora area, we had a 93 or  
7 95-year-old female that was carjacked, and I was home  
8 -- actually, I want to say it was on a weekend, but  
9 nonetheless I was home, and I received a call from Rob  
10 Bell, and he says, hey, in a few minutes you're going  
11 to receive a call from a reporter by the name of Trish  
12 Morgan, it's about the 95-year-old carjacking that's  
13 going on right now. He says go ahead and handle it, so  
14 I did.

15 Q How did you handle it?

16 A I answered questions for her.

17 Q Do you know whether your name was mentioned in  
18 the paper or any articles as a result of this?

19 A I believe it was.

20 Q Do you know how Bell called you and told you you  
21 would be contacted by the reporter?

22 MR. ANDREWS: Object to the form. Go ahead.

23 BY MR. BOWLING:

24 Q Do you have any idea -- do you know when the  
25 reporter contacted Bell first or somebody else first?

1 MR. ANDREWS: Object to the form. Don't guess.

2 Go ahead.

3 THE WITNESS: I have no idea.

4 BY MR. BOWLING:

5 Q When was this, do you recall?

6 A I really do not remember the date on it.

7 Q Other than this incident, any other incidents  
8 where you were functioning as the PIO for this  
9 department?

10 A Yeah. The one they show on TV frequently with  
11 Myrt Price with Channel 9.

12 Q Could you help me out which one was this?

13 A The interview with Myrt Price from WFTV.

14 Q And when was that?

15 A I don't recall the dates.

16 Q Before July 17th?

17 A Definitely.

18 Q Okay. And what was interview about?

19 A Where was it at?

20 Q What was it about?

21 A I really don't recall what this interview was  
22 about. It was probably early around in my time there.  
23 I don't recall the nature of that one.

24 Q But it was a television interview?

25 A That is correct.

1 Q And was someone on WFTV?

2 A That is correct.

3 Q Any other incidents or occasions where you're  
4 acting as PIO for the city -- Mt. Dora Police  
5 Department?

6 A There was a graduation for Mt. Dora High School  
7 that with COVID-19 they couldn't go in to the school to  
8 actually do graduation, so they had a drive up for  
9 diplomas, and I was out there along with Rob Bell, and  
10 he had called Trish Morgan and told her about the  
11 event, and he asked me if I would send her some  
12 pictures because I was out there taking pictures.

13 Q Did you speak with any reporter at that time?

14 A I didn't speak with her or nor did I send her  
15 the pictures.

16 Q The interview with WFTV, how did that come  
17 about, do you recall?

18 A Rob Bell asked me to do it.

19 Q But the subject area, you can't recall at this  
20 time?

21 A I really don't recall the subject.

22 Q Now, I'd like to --

23 MR. BOWLING: Ryan, if you can hand him  
24 document number C -- letter C. This will be No 7.

25 (Exhibit No. 7 marked for identification.)

1 MR. BOWLING: Do you have it?

2 MR. ANDREWS: Yes. It's pulled up.

3 BY MR. BOWLING:

4 Q All right. And this has been reported the day  
5 of the text message. There's not any text message I've  
6 ever seen.

7 A Well, let me explain this, on July 21st I was  
8 terminated, and I knew I was going to be terminated,  
9 and I wanted to protect this. I'm not an IT person, so  
10 I didn't know how to forward it any other way, so I  
11 forwarded it to my e-mail address, personal e-mail  
12 address.

13 Q Okay. So you forwarded the text message --  
14 well, this appears to be a dialogue. You're typing  
15 back and forth to one another on your phone?

16 A That's more than one date as well, yes.

17 Q Do you know what the first date was -- what the  
18 initial date was?

19 A The day of the double shooting.

20 Q Is this verbatim of what is reflected on the --

21 A Yeah. I did not type this. This is a forwarded  
22 message from my phone to my e-mail address and this is  
23 how it printed out.

24 Q And that's the magic of e-mail, this is what  
25 came out of it?

1 A Yes.

2 Q And the actual e-mail is still on your computer?

3 A Text message on my phone.

4 Q Okay. Do you know the date -- I mean apparently  
5 there's a meeting conducted on July 17th?

6 A Correct.

7 Q A Friday. Do you know when you set up the  
8 meeting, was it the day before, a week before?

9 A I done -- I don't have the dates on this, I'm  
10 not really sure, but it was relatively soon after that,  
11 but I want to say she was busy the first week and  
12 couldn't make it so she might have come.

13 Q Do you know whether there was any effort on her  
14 part to speak with Chief Bell?

15 A No, I don't.

16 Q Did you ever speak to Chief Bell about this  
17 upcoming meeting?

18 A No.

19 MR. ANDREWS: Object to form. Go ahead.

20 THE WITNESS: During this timeframe, Chief  
21 Bell, although was acting as chief was supposed to  
22 be working from home, and I've had meetings with all  
23 sorts of people in my office and never get approval  
24 on who was coming into my office.

25 BY MR. BOWLING:

1 Q What's the purpose of the meeting, do you know  
2 when it happens on the 17th?

3 A Yes. Absolutely.

4 Q What is the purpose?

5 A She responded to the homicide scene at Lowe's  
6 and the agency members were not acknowledging her as  
7 the media. I hooked her up with Captain Hunter on that  
8 evening. The next time we had a double shooting  
9 because I already told her after that first one, I said  
10 I'll mention it to -- so they'll know to at least  
11 approach you. They had the double shooting in October,  
12 Lieutenant Wade would be out there, and the same thing  
13 happened again where nobody would approach her so she  
14 called me up to let me know it occurred again. And I  
15 apologized, and I asked her -- her complaint was that  
16 she wants to just be recognized so she could -- not  
17 necessarily get information, but at least have someone  
18 knows she's out there. I said, you know, I had met her  
19 before, so I said, Marilyn, if you ever happen to be in  
20 the area of Mount Dora, I said stop by and come see me.  
21 I said I'd like to put a face with the name, and I said  
22 I'll introduce you to a couple key people that will be  
23 out on the scene.

24 I said if they recognize you, I'm sure they will  
25 acknowledge you.

1 Q Did you ever speak with Captain Hunter or  
2 Lieutenant Wade about her complaint of not being  
3 recognized?

4 A Yes.

5 Q What did they say?

6 A Captain Hunter went out and spoke to her at the  
7 homicide scene. So he addressed it that evening with  
8 her and Lieutenant Wade was the follow-up when I  
9 brought her to the office -- or when she was at the  
10 office is a better way to put that, and I took her down  
11 to introduce her to Captain Gibson and Captain Gibson  
12 made sure Lieutenant Wade was with her.

13 Q Was there a particular time, a specific time set  
14 for this meeting with the reporter?

15 A I believe her thing says around 10:00.

16 Q You invited her -- she had gotten back to you  
17 and said come around 10:00?

18 A No. She had asked -- if you read the text,  
19 about halfway down she had called me and said -- and I  
20 had responded back, thank you, no, I did not have your  
21 e-mail address, but I just -- I will get something  
22 about midafternoon. She was looking for an update on  
23 the -- I believe the homicide case. And I told her  
24 that I already spoke to Captain Gibson about it, and he  
25 said he would pass the information on to his officers

1 and she said thanks again.

2 Q And what was the direction you were giving your  
3 officers, or what were they to do?

4 A They were to go out there, if an officer sees  
5 press out there they need to notify their supervisor so  
6 we can have the appropriate person, whether it be me  
7 responding from the house, or we just assign a  
8 lieutenant or captain that may be on the scene to be  
9 the official spokesperson at that time.

10 Q Had this policy that you were -- I mean this was  
11 a policy that you were putting in place at this time?

12 A It was the direction our chief was giving us.  
13 He did not want our city PIO to be speaking on behalf  
14 of the police department. He said she looks  
15 unprofessional, and she just -- she's not a trusting  
16 person in his eyes, and he didn't want her representing  
17 our agency.

18 Q Okay. With regard to the conduct of a police  
19 officers on the scene, who came up with that direction?

20 A With the conduct?

21 Q My understanding is you're telling who else is  
22 on the scene to -- if you see a reporter, you know, you  
23 report the reporter to your supervisor?

24 A To acknowledge and stuff? We expect our  
25 officers to be polite to everybody. If there's

1 somebody at a gas station we expect them not to turn  
2 their back on somebody. We expect them to, you know,  
3 talk to them if they want information. If someone  
4 comes up to them and asks them for directions, I don't  
5 expect my officer to turn their back and walk in the  
6 store. I expect him to give them directions. So if we  
7 have a reporter on the scene, how do we expect our  
8 officer to acknowledge that a reporter's there. Okay.  
9 I'm not the one that's going to be talking to you, but  
10 I'll certainly make sure someone gets out here for you.

11 Q That process that you just testified to, did  
12 that exist before you told the staff to handle it that  
13 way?

14 MR. ANDREWS: Object to form.

15 THE WITNESS: That's a common sense policy, so  
16 I'm not sure if that was their standard practice. I  
17 don't know how Rob Bell ran the agency prior to me  
18 getting there.

19 BY MR. BOWLING:

20 Q The complaint of the reporter was that people  
21 weren't talking to her or weren't acknowledging her?

22 MR. ANDREWS: Object to the form. Go ahead.

23 THE WITNESS: Yes.

24 BY MR. BOWLING:

25 Q When the reporter came in -- and what was the

1 purpose of you meeting with this reporter, why would  
2 you do that?

3 A He called me.

4 Q I'll be frank with you, when reporters call me,  
5 I do everything in my power not to talk to them, but  
6 that's just me.

7 I assume there was a purpose -- you had a  
8 purpose for meeting with her, what was that purpose?

9 A Well, her reason for calling was she was filing  
10 a complaint about the agency. I'm the number two  
11 person in the agency, and I also happen to be over the  
12 professional standards area.

13 So I would be the obvious choice for her to come  
14 and speak to.

15 Q Did she file a complaint -- an official  
16 complaint?

17 MR. ANDREWS: Object to form. Go ahead.

18 MR. BOWLING: What's the objection to did she  
19 file a written complaint?

20 MR. ANDREWS: You asked multiple questions  
21 first of all, and you said, did she file an official  
22 complaint.

23 BY MR. BOWLING:

24 Q Did she file a written complaint?

25 A She did not.

1 Q Did she make an official complaint?

2 MR. ANDREWS: Object to the form. Go ahead.

3 THE WITNESS: Yes. She did file a complaint,  
4 but I handled it verbally with her.

5 BY MR. BOWLING:

6 Q It was a verbal complaint she made to you?

7 A Correct.

8 Q And how did you handle it?

9 A I introduced her to the key people. I  
10 introduced her to Coy Hunter. I introduced her to Mike  
11 Gibson. And I said at major scenes these are the two  
12 guys that are most likely going to be out there, and  
13 they would make sure that, you know, you are to handle  
14 it as a press person should be.

15 Q What does that, handle press person as should  
16 be, what do you intend by that?

17 A Well, I mean, you don't turn your back on them.  
18 You at least acknowledge their presence. I mean  
19 they're out there, they got a job to do, and they need  
20 to get information, so you release what information you  
21 can, and you don't release what you can't give.

22 Q Can you explain to me what the difference  
23 between you can release and what you can't release, is  
24 there some sort of line?

25 A Yeah.

1 Q Could you explain it to me?

2 A Well, yeah, there's certain things we don't want  
3 the media to know and there's certain things we do want  
4 the media to know, and I can draw a clear line right  
5 down the center, we're going to say sometimes we don't  
6 want the suspect, you know, for them to know we have  
7 suspect information. Sometime we don't want them to  
8 know what kind of crime occurred. So there's certain  
9 things that we just don't release, but as far as them  
10 showing up on the scene and saying, like the double  
11 shooting, what happened, oh, we had a double shooting.  
12 That's all perfectly fine, but when you start going  
13 into victims' names then you have a problem, so, yeah,  
14 there's lines and the guys know it.

15 Q You identified two people -- or you introduced  
16 her to two people who would have to be at the scene  
17 when events occurred?

18 A Correct.

19 Q And directed her to go to those people?

20 MR. ANDREWS: Object to form. Go ahead.

21 THE WITNESS: I said she could go to them or  
22 they could look for her. It's just so we would have  
23 the face with the names. That was the whole purpose  
24 of the meeting.

25 BY MR. BOWLING:

1 Q Who were they again, sorry?

2 A Captain Coy Hunter, Captain Mike Gibson.

3 Q And you introduced her to those two during the  
4 meeting on the 17th?

5 A That's correct.

6 Q Was Chief Bell in the office -- in the police  
7 department when you had the meeting with the reporter?

8 A He was.

9 Q Did you introduce the reporter to Chief Bell?

10 A Chief Bell has a long history with the reporter,  
11 and he seen her coming in the foyer to our office.

12 Q How did you know he had a long history with the  
13 reporter?

14 A She had told me when she called me up to make  
15 the complaint that she did not care for our chief.

16 Q Did she explain to you why?

17 A She didn't go into great detail other than she  
18 didn't think he was qualified for the job.

19 Q So how do we get to that to she had a long  
20 history with the chief, if you could explain that to  
21 me?

22 A I think she had been a reporter in that area for  
23 quite some time, and I believe she had -- I don't know,  
24 I mean those are questions for her to make. She didn't  
25 care for our chief.

1 Q That's fine, and I understand that. I just want  
2 to make sure that when you make -- when you said she  
3 had a long history with the chief, is there a factual  
4 basis for that statement, that she told you?

5 A I believe those were her words that she had a  
6 long history with the chief.

7 Q You didn't introduce her to the chief?

8 A No, I did not.

9 Q Did you, at any time, speak with the chief about  
10 the meeting you had with the reporter?

11 A After the meeting, the chief stuck his head in  
12 my office and said, what type of negative story is she  
13 doing? I said she's not doing a negative story. I  
14 said she was here because she had a complaint about how  
15 she was being treated on the scene.

16 Q Anything else, any other conversation between  
17 you and the chief after the meeting with the reporter?

18 MR. ANDREWS: Object to the form. Go ahead.

19 THE WITNESS: In reference to this topic?

20 BY MR. BOWLING:

21 Q Yes. Yes. I'm focusing on your conversation  
22 with the chief about your meeting with the reporter?

23 A Yeah. No, he just kind of rolled his eyes when  
24 I told him that she wasn't doing a negative story, you  
25 know, she was here so I could handle a complaint. He

1 rolled his eyes and walked back towards his office.

2 Q Did he ask you any questions about what the  
3 complaint was?

4 A No. I may have told him when I said she's  
5 handling a complaint. I may have said about our  
6 officers not -- because I know he's aware of that --  
7 the officers not acknowledging -- or the officers not  
8 acknowledging her while they're on the scene.

9 Q How would you know that Chief Bell was away --

10 A I know I told him that.

11 Q At that time?

12 A Yeah. Postmeeting.

13 Q Do you recall when you spoke to Chief Bell after  
14 the meeting, was it immediately after the meeting with  
15 the reporter?

16 A It was within a few minutes after I got back up  
17 to my office, yes.

18 Q You introduced her to Gibson and Hunter. Did  
19 you introduce her to anybody else?

20 A I want to say Sergeant Boyer was just outside  
21 the door, and she stuck her head in. I'm not 100  
22 percent sure if Lieutenant Wade stuck his head in or  
23 not, but definitely Gibson and Hunter. Those are the  
24 ones I introduced her to.

25 Q Anything else you recall about your conversation

1 with Chief Bell related to your meeting with the  
2 reporter?

3 A No, sir.

4 Q Did you ever speak with Chief Bell again about  
5 your meeting with the reporter?

6 A No, sir.

7 Q And I -- because of my age I tend to think in  
8 terms of verbal communication, did you have any other  
9 form of communication with the chief about the meeting  
10 with the reporter?

11 A No. I mean that was on the 17th, and I was  
12 terminated the following week, so...

13 MR. BOWLING: Why don't we take a quick break.

14 (A recess was taken.)

15 (The proceedings resumed as follows:)

16 BY MR. BOWLING:

17 Q Before this meeting with the reporter on the  
18 17th, had you had any communications with Chief Bell  
19 about the "no confidence" issues that you raised with  
20 the city manager?

21 A No. The city manager told us not to speak to  
22 him about that.

23 Q At any time prior to your termination, did you  
24 have any communication with Chief Bell about the  
25 complaints -- the "no confidence" filing of the city

1 manager?

2 A No. The city manager asked us not to speak to  
3 him about it.

4 Q Did the city manager ask you not to speak to him  
5 or not to speak to anyone about it other than the  
6 people that were in that room?

7 A We were not to communicate, so I could speak to  
8 Gibson and Hunter and that group.

9 Q After the meeting on the 17th with the  
10 reporter --

11 MR. BOWLING: Ryan, can you provide Mr. Fewless  
12 with number -- with letter L which we'll make No. 8.

13 (Exhibit No. 8 marked for identification.)

14 BY MR. BOWLING:

15 Q Have you had an opportunity to take a look at  
16 that document, do you know what it is?

17 A Sure.

18 Q This e-mail was written after the meeting with  
19 the reporter; is that correct?

20 A Yes.

21 Q What caused you to write this e-mail?

22 A We've had -- reported to him anything to do with  
23 the e-mail, but this -- we had all sorts of bad  
24 feelings going up to the state on how they're being  
25 treated by the staff that we just didn't have

1 confidence that things were going to go as what the  
2 city had directed us -- the city manager initially told  
3 us that she's not going to make the same mistake she  
4 made with John O'Grady. She's going to give him two  
5 options. He had to walk out of the office with one of  
6 those two -- whether it be termination or resigned on  
7 the spot. And if he's allowed to retire then he's  
8 allowed to run the agency for, you know, 35, 36 extra  
9 days, and the city staff seems to be turned more  
10 against us, more hostile towards us than anything else,  
11 and with this particular one, we were having rumors  
12 flying around the agency wondering why Rob Bell's not  
13 showing up at work, you know, what's going on. Rumors  
14 were starting to spread that he would be leaving, so we  
15 wanted to get a message to Robin letting her know that  
16 we weren't satisfied with the way the investigation was  
17 run because nobody had announced that Rob was leaving.  
18 Nobody had announced anything to the troops, and rumors  
19 are just flying around the agency, plus Ivy Severance  
20 had started spreading a bunch of rumors, and we just  
21 wanted to bring everything to her attention.

22 Q According to the letter -- according to the  
23 e-mail, you write that you believe that retaliation is  
24 immanent. Can you give a -- why you believe that was  
25 the case, why you wrote that?

1           A    I think it's more days later, I think it's  
2 pretty obvious. I was terminated on the 21st, and I  
3 wrote this on the evening of the 17th, and that is the  
4 feeling we had, just based on the way the staff was  
5 treating us. It was not a friendly environment for the  
6 police department's command staff at all.

7           Q    Well some might say you wrote this on the 17th  
8 when you found out that you had a meeting with a  
9 reporter, and that it wasn't permitted.

10          A    Well, first, let me correct you on that. I did  
11 not find out it was not permitted on the 17th. As a  
12 matter of fact, I still to this day do not believe I  
13 violated the city policy, so certainly I wouldn't have  
14 written a memorandum or an e-mail to my city manager on  
15 the evening of the 17th when I did not think I violated  
16 any city policies.

17          Q    What is the retaliation -- what is the  
18 retaliation other than your termination on the 21st,  
19 anybody else retaliated against, in your view, the  
20 command staff as a result of a complaint in this case?

21          A    Yeah. Coy Hunter.

22          Q    When was Coy Hunter terminated, do you know?

23          A    He wasn't terminated. He was going to be  
24 terminated, but he -- the day Rob Bell was being  
25 brought up to Robin's office, when she was supposed to

1 either terminate him or relieve him of duty -- I'm  
2 sorry, terminate him or he was going to resign, he was  
3 watching the cameras outside the city manager's doors  
4 because there was staff inside the building that were  
5 getting so paranoid of Rob that they would work with  
6 their office doors shut because they were afraid he was  
7 going to come back and do a workplace violence.

8           So Coy being the person that was in charge of  
9 cameras decided to see what Rob's actions were like  
10 when he left that building, so he could be more  
11 prepared if there was something wrong as he was coming  
12 back from the police department, and so the city  
13 manager apparently said that was a violation of the  
14 camera policy and terminated him -- or was going to  
15 terminate him.

16           Q    Were you ever part of any discussion with the  
17 city manager about the separation of Mr. Hunter?

18           A    No. I was already gone.

19           Q    The -- the camera violation -- the alleged  
20 camera violation would have happened on when, July 1st,  
21 June 30th?

22           A    One of those two days, yeah.

23           Q    Do you know how it came to the city manager's  
24 attention, this alleged issue?

25           A    No idea.

1 Q Any other reason that you're aware of why  
2 Mr. Hunter may have elected to retire or resign?

3 A Well, he did not want to leave the Mt. Dora  
4 Police Department. He wanted to stay there as an  
5 employee, but it was told to him what he did, the new  
6 chief coming in told him that what you've done is  
7 something you're going to get terminated on.

8 Coy Hunter needs employment, and he did not want  
9 the termination on his record and that to interfere  
10 with employment.

11 Q Do you know if Mr. Hunter's employed elsewhere  
12 at this time?

13 A He is.

14 Q Where, if you know?

15 A I don't know. I just know he's in California  
16 now.

17 Q Did he leave Mt. Dora and go to California, if  
18 you know?

19 A I believe Winter Garden, but, yeah, he left the  
20 Mt. Dora Police Department was unemployed for about a  
21 month or so, and then picked up a job in California.

22 Q Your information about the reason from Coy  
23 Hunter's separation, where did they come from?

24 A You mean how I know he got terminated because of  
25 the camera issue?

1 Q Yes.

2 A Coy Hunter called me and I believe Captain  
3 Gibson called me.

4 Q When were these conversations?

5 A I don't have dates for you.

6 Q Was it after --

7 A Clearly after Coy Hunter was terminated -- or  
8 clearly after the investigation -- alleged  
9 investigation was going to be going on.

10 Q This would have been some months after you left  
11 employment?

12 A No. They came after Coy shortly after I left,  
13 so I would say a matter of weeks.

14 Q When was the current chief hired, do you know?

15 A No. I can't give you a date.

16 Q Do you know whether he had been interviewed or  
17 talked to by the time --

18 A I really don't know.

19 Q Do you know had there been any steps taken  
20 towards finding a replacement for Mr. Bell prior to  
21 leaving employment?

22 A I can't verify any of that was actually  
23 happening, no, I don't know.

24 Q You testified that city staff -- the way you  
25 were being treated had changed since what -- there was

1 a particular date?

2 A June 26th is when we had our meeting with the  
3 city manager. She thanked us for bringing the  
4 information forward. She indicated she never wanted  
5 Rob Bell as the chief. She wanted to do a national  
6 search, and she needed no additional information in  
7 order to terminate him. She said we had given her  
8 quite enough. Something happened between June 26th and  
9 July 2nd because June 26th she asked me to be her  
10 interim chief. July 2nd when we went in there the tone  
11 completely changed from the city's perspective, and she  
12 indicated that Rob would be the chief, he could  
13 continue to be the chief until he leaves here on August  
14 7th, and we were supposed to treat him like the chief.

15 So I'm not a hundred percent sure what occurred  
16 between there but something did.

17 Q When you say your treatment by the city staff  
18 changed, who were you referring to, what positions are  
19 you referring?

20 A City manager, HR director, and the city  
21 attorney.

22 Q How often -- I'm pretty sure you didn't have a  
23 lot of contact with the city attorney?

24 A I spoke to her on the phone a few times. I  
25 spoke to her about this incident. And I asked her if

1 she needs any additional information and she says no,  
2 you guys have given us quite a bit. She says we don't  
3 need any more to get rid of him.

4 Q What was -- what incident are we talking about,  
5 June 26th?

6 A That's correct, yes.

7 Q Other than talking to her on June 26th, being  
8 present in meetings, July 2 meeting where she was  
9 present, any other contact with the city attorney  
10 between June 26th and your separation with them?

11 A Between June 26 and separation, no.

12 Q Any -- between June 26th --

13 A Sir, could you ask me that question one more  
14 time to make sure I heard you correctly?

15 Q She was present at the termination?

16 A She was.

17 Q But between those two dates, July 2 where she  
18 was present at a meeting and the termination have any  
19 contact between those two with the city attorney?

20 A I can't -- I'm not sure if she was at the July  
21 meeting or not, so I don't want to say.

22 Q So no contact that wasn't in these meetings?

23 A Correct.

24 Q How about Sharon Kraynik, any contact other than  
25 in these meetings 2nd, 9th, and 21st?

1           A    There may have been some communication in there  
2 via phone and stuff. I didn't go to her office or  
3 anything, but she was the HR director, and I was still  
4 functioning as a deputy chief of the police department,  
5 so...

6           Q    Do you recall having any contact with  
7 Ms. Kraynik regarding the complaints you had against --

8           A    No. The city manager asked us not to discuss it  
9 with anybody, so I would not discuss it with anybody.

10          Q    How about contact with the city manager other  
11 than during these meetings that we talked about?

12          A    I tried to have text message conversations with  
13 her right after the June 26 meeting, she was not  
14 responding. This would have been like the following  
15 Monday when she said she was going to do something  
16 Monday. And I had sent her a couple of text messages  
17 asking her for -- only because we were concerned about  
18 the police department itself. We wanted to know what  
19 to expect. She specifically told me avoid the morning  
20 on Monday -- the following Monday she said just avoid  
21 the office in the morning.

22          Q    Do you know whether she spoke to Bell?

23          A    Well, I'm going to assume she did not because  
24 Bell stayed there.

25          Q    So other than what we discussed so far, did you

1 have any other communication with the city manager  
2 prior to your termination?

3 A Between June 26th and my termination, no.

4 Q Now, on July 17th when you sent this e-mail, is  
5 it your testimony that the retirement of Chief Bell had  
6 not been made public?

7 A That is correct.

8 Q Do you know when it was made public?

9 A It was after I was terminated. As a matter of  
10 fact if you read the July 21st e-mail that I sent, the  
11 very last line in there indicates these are not the  
12 actions of a person -- I don't have it in front of me,  
13 but something about these are not the actions of a  
14 person that's planning on retiring.

15 Q Did you come to learn at what point she failed  
16 to disclose to the city that he was about to retire?

17 A To the city staff or like employees of the city?

18 Q City staff?

19 A Like the city manager and stuff?

20 Q Yeah.

21 A I'm going to have to go with what she said. She  
22 said on July 1st he came in and said he was going to  
23 retire.

24 Q You were aware as of July 2nd that the city  
25 manager -- the city manager told you on July 2nd Chief

1 Bell was retiring on August 7th; is that correct?

2 A She said 30 days, but it turned out to be August  
3 7th is what they ended up coming up with.

4 Q There's a reference in Defendant's A, you have  
5 never seen a complaint of such great importance handled  
6 in this matter.

7 A Is that the 21st?

8 Q No. That's the 17th, I'm sorry.

9 A Yeah. Yes, sir.

10 Q Have you ever, prior to this event, ever been  
11 involved in a similar situation involving the police  
12 chief?

13 MR. ANDREWS: Object to form. You can answer.

14 THE WITNESS: Police chief, no.

15 BY MR. BOWLING:

16 Q Other than getting Bell to retire or leave the  
17 employment of the City, was there something else you  
18 expect the city manager to do with regard to your  
19 complaints?

20 MR. ANDREWS: Object to the form.

21 THE WITNESS: Our goal was to fix the City of  
22 Mt. Dora Police Department. And with the weight the  
23 complaint was being investigated, they were allowing  
24 rumors to continue within the agency, and you can't  
25 fix the agency with the rumors still there. The

1 rumors were only able to come from one side. Rob  
2 Bell and Ivy Severance were still spreading rumors,  
3 and they were still -- I guess you could read the  
4 21st e-mail, there was two officers that went to  
5 Lieutenant Wade and told him that, you know, they  
6 said they came to a vote at keeping Rob Bell, and he  
7 couldn't say a thing about it. So, yeah, we  
8 expected her to do more.

9 We expected her to send out an e-mail to the  
10 police department indicating that Rob Bell was going  
11 to be retiring, and we're going to be transitioning,  
12 and if that's what they wanted to call it was a  
13 retirement and that's perfectly fine, but let the  
14 agency know that there was a change coming because  
15 everybody there was walking on pins and needles not  
16 knowing what's going on.

17 BY MR. BOWLING:

18 Q The idea -- I mean the goal of this -- your  
19 complaint was to have Rob Bell leave the agency; is  
20 that fair?

21 MR. ANDREWS: Object to form. Go ahead.

22 THE WITNESS: The -- yeah. I mean that  
23 ultimately would be it, they had a vote of "no  
24 confidence", they didn't have any confidence in his  
25 leadership, so, yes, I mean that would ultimately be

1       what we were seeking.

2       BY MR. BOWLING:

3       Q     Do you know whether the Mt. Dora Police  
4     Department had a history of problems with rumors before  
5     Rob Bell?

6       A     I wasn't there, so I could not tell you.

7       Q     Okay. And in that same memo, Defendant's A, you  
8     make reference to Chief Bell has violated the terms of  
9     the stipulations, am I correct at what you're saying  
10    here, Bell is talking about the terms of the agreements  
11    or the complaint in that you're not allowed to --

12      A     Yes. We were both given directions from the  
13    city manager to not say a thing.

14      Q     And that's what you believe he was violated?

15      A     That's what I know he violated, yes.

16      Q     Okay. Let's go to O which I believe is your  
17    21st -- July 21. Okay. That would be No. 9,  
18    Defendant's 9.

19            (Exhibit No. 9 marked for identification.)

20      BY MR. BOWLING:

21      Q     This is your e-mail, Tuesday, July 21 at 4:19  
22    p.m. to Robin Hayes.

23      A     That's correct, yes.

24      Q     Were you -- when did you have your meeting with  
25    Robin Hayes?

1           A     July 21st.  She called me about ten minutes  
2 after I hit the send on this e-mail.

3           Q     How long after you sent?

4           A     Ten minutes after I hit the send button she  
5 called me down.

6           Q     Was there any acknowledgment on her part that  
7 she had received this?

8           A     No.  I thought that's why I received a phone  
9 call from her -- from her staff, can you come to the  
10 city manager's office.  I thought I was going down  
11 there to address this e-mail with her.

12          Q     Did this e-mail -- was it ever raised on that  
13 meeting on the 21st?

14          A     It was.

15          Q     By you?

16          A     No.  Actually, Sharon brought it up to Robin and  
17 all three of them discussed it.

18          Q     How were you advised to come up and meet with  
19 Ms. Hayes on the --

20          A     I was actually on my way to meet with Mike  
21 Gibson, so I was in my car heading to meet with him,  
22 and I received a telephone call.

23          Q     From who?

24          A     It's her administrative assistant, I believe  
25 it's Mary.

1 Q What time is this when you got the call?

2 A 4:30.

3 Q Before you hit send?

4 A No. I hit send at 4:19.

5 Q And you were in your car going somewhere else  
6 and then you get called back to City Hall?

7 A That's correct, yes.

8 Q Okay. Any explanation of what the meeting was  
9 going to be about?

10 A I assumed it was going to be over the e-mail I  
11 just sent her. I assume she read it, and she wanted to  
12 talk about it.

13 Q Tell me -- my understanding is you're present,  
14 the city manager and city attorney, HR director.  
15 Anybody else in this meeting?

16 A No. Not to my knowledge.

17 Q Anybody reporting this meeting?

18 A No. Not to my knowledge.

19 Q Take me through the meeting beginning to end to  
20 the best of your recollection.

21 A The meeting started out with Robin bringing up  
22 the meeting that I had on the 17th with the reporter,  
23 and she asked me if I had a reporter in my office on  
24 Friday. I said, yes, I did. And she asked me -- she  
25 asked me if there were any reporters there to do a

1 story -- a negative story, and I said, no, I said  
2 actually the reporter had called me and I was handling  
3 a complaint from the reporter that at our last two  
4 major scenes our officers had turned their backs on the  
5 reporter. And I said that's just not acceptable for  
6 our guys to do that, and so I said I was meeting her,  
7 number one, so I could put a face with the name and  
8 number two, so I could introduce her to the key people  
9 so they could help her out if she's out on the scenes  
10 in the future.

11 Q What did the city manager say to you in response  
12 to your explanation?

13 A It turned into a firing round of questions  
14 coming from Robin and Sharon, so I don't know --  
15 remember who was asking what questions. I wish it  
16 would have been reported, but -- so I started answering  
17 each of their questions individually and letting them  
18 know with no uncertainty that the reason for the  
19 meeting was not to release anything to the media, the  
20 reason for the meeting was to simply try to build a  
21 better relationship with a reporter that had been  
22 stonewalled by our agency and not treated the way I  
23 would expect a reporter to be treated.

24 Q Was it your understanding that there was --  
25 strike that.

1           At some point, did someone mention to you the  
2 city policy regarding media contact?

3           MR. ANDREWS: Object to the form. Go ahead.

4           THE WITNESS: Yes. About the time they were  
5 going to serve me my termination papers they  
6 indicated that I had violated the city policy, and  
7 they said I had two options and they passed two  
8 pieces of paper in front of me, one of them being  
9 the termination paper, and one of them being a, you  
10 can resign and sign this piece of paper and you'll  
11 get a little bit of a payout.

12 BY MR. BOWLING

13         Q    So for clarity sake, you were given the option  
14 to resign?

15         A    That's correct.

16           MR. BOWLING: Ryan, if you'll pass along R,  
17 which I guess we'll mark as Defendant's 10.

18           (Exhibit No. 10 marked for identification.)

19 BY MR. BOWLING:

20         Q    If you'll take a look, it's just an excerpt of  
21 the personnel manual, if you'll take a look at 3.09.  
22 Are you familiar with it -- strike that.

23           Had you read that policy prior to the meeting  
24 with the city manager on July 21?

25         A    I don't believe so, but I may have. There's

1 nothing special about it that would jump out at me.

2 Q Do you know whether the City of Mt. Dora have  
3 ever previously disciplined an employee for violation  
4 of that -- reported violation of that 3.09 policy?

5 A Are you asking me if I have this knowledge  
6 sitting here today, or sitting there before I was  
7 terminated?

8 Q Well, before you were terminated?

9 A No.

10 MR. ANDREWS: Can you please restate the  
11 question, Mike?

12 BY MR. BOWLING:

13 Q Were you aware up to the point in time of this  
14 meeting on July 21 whether the city had ever  
15 disciplined an employee for violation of that policy  
16 3.09?

17 A No, I was not.

18 Q Have you learned subsequently that the city is  
19 disciplined people -- employees for violation for 3.09?

20 A I don't know about people or employees, but I  
21 know of a person. I heard that Sergeant Frank Smith, I  
22 believe his name is was disciplined.

23 Q Do you know what the discipline was?

24 A I do not. I know he was not terminated. I  
25 think he was given some hours off, but I don't remember

1 what it was. But his situation is totally different  
2 than my situation.

3 Q Do you know when the incident involving  
4 Mr. Smith occurred?

5 A I do not. Frank Smith was not an employee there  
6 when I was there.

7 Q Do you know him at all, have you ever met him,  
8 Mr. Smith?

9 A I have never met him.

10 Q Excluding of course any information you learned  
11 from an attorney, what is the source of any information  
12 you have about Mr. Smith being disciplined by the city?

13 A I believe it was Coy Hunter that knew that  
14 information. I believe that was the person who I spoke  
15 to.

16 Q That would have been, I presume after you were  
17 terminated?

18 A Correct.

19 Mr. BOWLING: Ryan, if you'll hand Mr. Fewless,  
20 P which we'll mark as Defendant's 11.

21 MR. RYAN: Okay.

22 MR. BOWLING: And why don't you hand him E also  
23 we'll mark as 12.

24 (Exhibit Nos. 11 and 12 marked for  
25 identification.)

1 BY MR. BOWLING

2 Q Mr. Fewless, you testified as to -- is 11 your  
3 -- Defendant's 11 your termination letter?

4 A It is.

5 Q Okay. And is 12 -- there may be an extra page  
6 in that, please check. It should be page 5 of 5, but  
7 my copy has an extra page.

8 MR. ANDREWS: Is that the Kraynik e-mail you're  
9 talking about?

10 MR. BOWLING: Yes.

11 MR. ANDREWS: So the Kraynik e-mail dated  
12 Wednesday, July 22, 11:43 -- excuse me, the Bell  
13 e-mail is not to be a part of Exhibit 12.

14 MR. BOWLING: Yes. Right.

15 BY MR. BOWLING:

16 Q Exhibit 12, in its current form was given to you  
17 at the meeting on the 21st?

18 A That I can't swear to because I did not read it.  
19 They pushed it over to me and said you can resign or  
20 you can be terminated, and I told them I didn't do  
21 anything to be terminated for, and I certainly would  
22 not resign from a position I love.

23 Q Okay. So you were handed two documents 11 --  
24 the termination letter, you took with you when you  
25 left?

1 A Yes.

2 Q You don't know whether 12 was given to you with  
3 some documents giving you an option to resign, get some  
4 payout handed to you and you rejected it?

5 A That's correct.

6 Q All right. How long did this meeting last,  
7 we'll call it your termination meeting?

8 A I think that was close to an hour.

9 Q Where was it conducted?

10 A In the conference room at city hall.

11 Q Was there any breaks, interruptions?

12 A The only break was towards the end of the  
13 meeting after I explained what I did with the reporter,  
14 and what I was trying to accomplish. It appeared that  
15 Robin Hayes was not going to terminate me, and she  
16 looked at me and she said, you know, for speaking to  
17 the media you could be terminated, but I'm going to  
18 think about it for a couple days, and I said so is the  
19 meeting over, and she said, yes, it is. So I stood up  
20 and started to turn around in my chair, when Sharon  
21 Kraynik said to the city manager, could you put him in  
22 your office a minute so we can talk. And so they put  
23 me in the city manager's office. I was there for about  
24 five minutes, and they called me back and they said  
25 we're going to go ahead and terminate you tonight.

1 That was the only break.

2 Q So to your knowledge the city manager, the  
3 attorney, and the HR person stayed in the conference  
4 room, and you went into the city manager's office?

5 A That's correct.

6 Q Was anybody in the city manager's office with  
7 you?

8 A No.

9 Q Was the city manager's office adjacent to the  
10 conference room?

11 A Right next door to it.

12 Q Did somebody walk through the city manager's  
13 office?

14 A The city manager.

15 Q When they brought you back -- who retrieved you  
16 from the city manager's office?

17 A The city manager.

18 Q The same three people in the room?

19 A That's correct.

20 Q You were advised that you were going to be  
21 terminated? Is that when you get the two documents?

22 A No. They gave them to me prior to that -- no, I  
23 take that back. I think that was when they gave me the  
24 two documents.

25 Q Any further conversation other than you're not

1 going to sign severance?

2 A I said I was not going to be accepting the  
3 severance. I was not going to resign from a job I  
4 loved.

5 Q When you were called back in, is it Ms. Hayes  
6 that tells you we're going to terminate your  
7 employment?

8 A That is correct.

9 Q Anybody else speak at this time?

10 A I don't recall anybody else speaking at that  
11 time.

12 Q They hand you the two documents, you say, no,  
13 essentially, and that's the end of the meeting?

14 A Sharon did say you might want to look at the  
15 other document. She said that might be interesting to  
16 you and I said it's not.

17 Q Anything else happen at that meeting?

18 A No, sir. Well, yeah, other than me giving my  
19 badge and my gun, followed me back to the police  
20 department, you know, waited for me to get a ride home.

21 Q Did somebody take you down to the police  
22 department and wait with you?

23 A They followed me down, it was the IT director  
24 and the HR director.

25 Q Was the IT director called up -- he wasn't --

1 I'm assuming it's a he, was he called up after you were  
2 terminated?

3 A I don't know how they got him over there.

4 Q Okay. Where is the police department relative  
5 to city hall?

6 A About a mile away.

7 Q How did you get to the police department, did  
8 you drive a patrol --

9 A Vehicle.

10 Q Have you had any contact with the city manager  
11 since the termination?

12 A No, sir. Other than the depo that you did with  
13 her -- we did with her, other than that, no.

14 Q Any contact with the city attorney since the  
15 termination?

16 A No, sir.

17 Q With regard to HR, I know that -- I understand  
18 there was some issues with regard to Cobra?

19 A Correct.

20 Q Did you deal with Ms. Kraynik with regard to  
21 that?

22 A I initially started out with Kim Helfant and  
23 then ended up with Sharon and the city manager.

24 Q Okay. Those communications were restricted to  
25 dealing with Cobra issues?

1 A Yes.

2 Q I just want to make sure you weren't talking  
3 about the termination?

4 A It was documented with e-mails as well.

5 Q Since then has the Cobra issue been resolved?

6 A It has, yes.

7 Q Any communication with city administration, I'll  
8 refer to that as city attorney, HR, city manager since  
9 the Cobra issue was resolved?

10 A Yes.

11 Q Who helped you with that?

12 A Kim Helfant, and I cashed in the retirement that  
13 I had with Mt. Dora.

14 Q Am I correct that Mount Dora is not part of the  
15 Florida retirement system?

16 A That is correct.

17 Q Is there a vesting process or program with  
18 regard to that, I know there is, but do you know what  
19 it is?

20 A Six years.

21 Q Six years. I suspect I know the answer, but do  
22 you have an anticipated retirement date?

23 A From Mt. Dora?

24 Q From work in general?

25 A Yeah. I wanted to make it a lot closer to 70.

1 I feel I'm in pretty good shape for my age, and I don't  
2 want that to deteriorate.

3 Q During the meeting where you were terminated,  
4 did you get angry?

5 A Angry, no, shocked, really shocked, but, angry,  
6 no.

7 Q Were you disrespectful to the city manager in  
8 any respect, in any regard?

9 A I don't believe I was disrespectful. I believe  
10 I was passionate in pointing out that I do not believe  
11 I violated a city policy. It was a real -- that I  
12 pointed those out to, those are real clear violations  
13 of the whistleblower protection that they were coming  
14 after me.

15 Q Had you ever been involved with whistleblower  
16 complaints?

17 MR. ANDREWS: Object to the form. Go ahead.

18 THE WITNESS: I mean they have it at the Orange  
19 County Sheriff's Office, and I was aware of them,  
20 but other than that, no.

21 BY MR. BOWLING:

22 Q To your knowledge with regard to protections of  
23 the whistleblower complaint -- the -- we'll call it the  
24 Whistleblower Act, where did that come from? And I'm  
25 talking about at the point in time at the meeting with

1 the city manager?

2 MR. ANDREWS: Object to the form.

3 THE WITNESS: Are you talking about on the  
4 26th?

5 BY MR. BOWLING:

6 Q No. When you were terminated on the 21st.

7 A When I was terminated on the 21st, why am I  
8 saying she violated my protection?

9 Q Yeah. I'm trying to figure out -- listen, I'm  
10 trying to figure out how you knew, and you stated that  
11 you believe it's a clear violation with the  
12 Whistleblower Protection Act. I'm trying to figure out  
13 where you got your information, how you learned about  
14 it.

15 MR. ANDREWS: Object to the form. And to the  
16 extent with discussions with your lawyers, those  
17 discussions with counsel, I'm instructing you not to  
18 answer. Go ahead.

19 THE WITNESS: Go ahead and answer?

20 MR. ANDREWS: Subject to not disclosing  
21 conversations that you had had with your counsel.

22 THE WITNESS: The reason why I thought it was a  
23 clear violation of the Whistleblower Protection Act  
24 is because we had filed legitimate complaints  
25 against an employee of the City of Mt. Dora. And

1 within 30 days -- less than 30 days of filing those  
2 complaints, one of the individuals has already been  
3 targeted by the Mt. Dora Police Department  
4 terminated, and I hadn't had any policy violations.  
5 Up until then, I had never received a policy  
6 violation at Fruitland Park, Leesburg, Groveland. I  
7 had one investigation done on me at Orange County  
8 Sheriff's Office for 30 years, and I was found to be  
9 not charged on that. It was a -- I was cleared on  
10 that. It was made by a motorcycle guy, and so I had  
11 an impeccable career.

12 So to get terminated in my opinion for doing  
13 what's right trying to build media relationships,  
14 you know, which is going to better the police  
15 department in the city, for them to say you're  
16 terminated over that was in my opinion a clear  
17 targeting.

18 I mean if they would have come in and they  
19 would have said, hey, I don't know if you're  
20 familiar with this policy, I would have read it, I  
21 would have said, I don't think I violated it, but if  
22 you say I did, I understand that. In the future  
23 we'll go on and we'll move forward and everything  
24 will go through the PIO. That's not what was done.

25 What I would say a minor violation for somebody

1       that's never had any discipline, yeah, it truly felt  
2       like I was targeted.

3       BY MR. BOWLING:

4       Q     To your knowledge of the whistleblower -- well,  
5       when you filed your -- the complaint, no comments on  
6       the 26th; is that the correct date?

7       A     23rd was the day of the memo. The 26th was the  
8       day of the meeting with Robin.

9       Q     On the 23rd, does that memo include a reference  
10      to whistleblower protection?

11      MR. ANDREWS: Object to the form. Go ahead.

12      THE WITNESS: It says in there we're claiming  
13      whistleblower protection, yes.

14      BY MR. BOWLING:

15      Q     Had you ever before made a claim for  
16      whistleblower protection?

17      MR. ANDREWS: Object to the form. Go ahead.

18      THE WITNESS: I have never in my 35 years of  
19      law enforcement had to complain on my superior  
20      before, so, the answer to your question would be no.

21      BY MR. BOWLING:

22      Q     Did you, at any time take any course regarding  
23      the Public Whistleblower Act?

24      A     No, I have not.

25      Q     Have you ever received any materials about the

1 Public Whistleblower Act?

2 MR. ANDREWS: Object to the form. You can  
3 answer.

4 THE WITNESS: I don't know.

5 BY MR. BOWLING:

6 Q I don't want to know the subject area of any  
7 discussions, but had there been -- had you consulted  
8 with an attorney prior to June 26th -- June 23rd, 2020  
9 about the issues you were having with the police  
10 department?

11 MR. ANDREWS: Object to the form. I'll also  
12 add -- can you repeat that question, before I  
13 instruct him not to answer, I want to make sure I  
14 hear it correctly.

15 MR. BOWLING: I'm just trying to find out  
16 whether he -- Mr. Fewless consulted with an attorney  
17 about issues he was having with the police  
18 department prior to June 23, 2020. I don't want to  
19 know anything about the subject -- the conversation.

20 MR. ANDREWS: Go ahead.

21 THE WITNESS: Absolutely not.

22 MR. BOWLING: Ryan, can you hand Mr. Fewless F,  
23 H, G and I. I'd like you to do that and then we'll  
24 mark it.

25 MR. ANDREWS: F, G, H and I?

1 MR. BOWLING: Yeah.

2 MR. ANDREWS: Do you want to mark it as one  
3 composite exhibit?

4 MR. BOWLING: It's fine -- no. It's probably  
5 easier because I'm going to ask him whether he's  
6 seen each one.

7 MR. ANDERSON: All right.

8 MR. BOWLING: Document F, we marked that as  
9 Defendant's 13.

10 (Exhibit No. 13 marked for identification.)

11 BY MR. BOWLING:

12 Q Do you have that in front of you?

13 A I do.

14 Q Have you ever seen this document before?

15 A I have.

16 Q Do you know who the author of this document is?

17 A I do not.

18 Q When did you first see this document, was it  
19 after you were terminated?

20 A After I was terminated.

21 Q Okay. Let's go on to G. Have you ever seen --  
22 well, we'll mark that as 14, I'm sorry.

23 (Exhibit No. 14 marked for identification.)

24 BY MR. BOWLING:

25 Q Have you ever seen this document before?

1 A I have.

2 Q When did you first see it?

3 A After I was terminated.

4 Q Do you know who the author is?

5 A I do not.

6 Q Let's go on to H, which we'll mark as 15.

7 (Exhibit No. 15 marked for examination.)

8 BY MR. BOWLING:

9 Q Have you ever seen this document before?

10 A I have.

11 Q When did you first see it?

12 A After I was terminated.

13 Q Do you know who the author is?

14 A I do not.

15 Q And the final document of this group, I. Have  
16 you ever seen this document before?

17 A I have.

18 Q We'll mark that as Defendant's 16. I'm sorry.

19 (Exhibit No. 16 marked for identification.)

20 BY MR. BOWLING:

21 Q When did you first see it?

22 A After I was terminated.

23 Q Any idea who the author is?

24 A If that's not a name, I don't know. I don't  
25 know.

1 Q Okay. After you were terminated, did you have  
2 any conversations -- any conversations with the media  
3 people about your termination?

4 A I have not had any conversations -- Marilyn  
5 called me once she found out her interview is what  
6 caused me to get fired, and she said I'm probably the  
7 last person in the world you want to talk to. But she  
8 was just basically calling up to say, I'm sorry. She  
9 didn't mean for anything to happen. It wasn't an  
10 interview at all. It was just her calling up and  
11 saying, I didn't realize me coming to your office would  
12 get you in trouble.

13 Q Do you remember when this conversation -- you  
14 had this conversation?

15 A I don't -- it was -- I don't want to guess.

16 Q Weeks?

17 A No. Not weeks. Probably days after. I'm not  
18 exactly sure how long it took her to get notified that  
19 -- I want to say actually one of the news articles that  
20 she wrote, she came to see me on Friday, and I think  
21 that following Thursday she found out, so it was  
22 probably less than a week.

23 Q Any other contact with the media personnel other  
24 than what you just told me?

25 A No, sir.

1 Q I sent along a copy of your interrogatory  
2 answers. I don't necessarily need to have these  
3 marked, but they're just easier for me to look through  
4 them if you have them in front of you.

5 MR. ANDREWS: These are the ones that were  
6 filed today, right?

7 MR. BOWING: These are not. These are prior  
8 admissions and they're marked A.

9 MR. ANDREWS: He's got them pulled up on the  
10 computer.

11 BY MR. BOWLING:

12 Q Okay. I'd like you to go to the persons with  
13 knowledge -- the first Gibson, Coy Hunter, William  
14 Wade, Ken Hinman, we talked directly as to the  
15 complaint in this case?

16 A Correct.

17 Q Their knowledge about this lawsuit restricted to  
18 that subject; is there anything else?

19 MR. ANDREWS: Object to the form.

20 THE WITNESS: I'm sorry. Would you mind saying  
21 that one more time for me?

22 BY MR. BOWLING:

23 Q I'm trying to figure out and I want to ask you,  
24 what did you learn from Mike Gibson? I'm trying to  
25 figure out is Mike Gibson information contained within

1 the subject area we --

2 MR. ANDREWS: Object to the form.

3 MR. BOWLING: -- anything else?

4 MR. ANDREWS: Object to the form. Go ahead.

5 THE WITNESS: Is his information, other than  
6 what he explained to Robin Hayes, you mean all of  
7 that information, everything on his notes and stuff  
8 is it contained in this little paragraph here?

9 BY MR. BOWLING:

10 Q No. I'm sorry. I'm trying to figure out if  
11 there's some other areas that Michael Gibson has  
12 information about your termination?

13 MR. ANDREWS: Object to the form. Go ahead.

14 THE WITNESS: No.

15 BY MR. BOWLING:

16 Q Same question with Coy Hunter. Anything -- any  
17 information that you're aware of that he had that was  
18 not covered in the subject areas in this deposition?

19 A I don't know. That should be my answer for  
20 Gibson as well. I don't know if there's --

21 Q You're not aware of any?

22 A I'm not.

23 Q Same question for Lieutenant Wade.

24 A Same answer. I don't know.

25 Q Same question for Ken Hinman?

1 A Same answer, I don't know.

2 Q Uvalle same answer?

3 A Yeah. He didn't even know about a lot of the  
4 stuff that was going on.

5 Q When was the last time you spoke with Robert  
6 Bell?

7 A I think when he stuck his head in my door on  
8 July 21st at 3:30 p.m. and had a smirk on this face and  
9 I said, hey, Rob, how are you? And he goes I've been  
10 busy working on a complaint all day, but I finally got  
11 it handled. Smirked again, and walked out of my  
12 office. And one hour later I was called down and  
13 terminated.

14 Q Working on a complaint?

15 A That's what he said.

16 Q Do you have -- I assume you -- what did you  
17 believe that complaint was?

18 A Well, at the time I didn't know. Fast-forward,  
19 I probably would assume the complaint was on me.

20 Q Do you -- is it your understanding that there  
21 was a written complaint by Bell about you?

22 A I can't assume anything. I just -- Rob Bell's  
23 the one that stuck his head in my office and said he'd  
24 been working on a complaint.

25 Q No further details other than that?

1 A No.

2 Q The mayor is listed as a potential witness --

3 A Yes.

4 Q -- as a person with knowledge. Do you remember  
5 how many conversations you had with the mayor about  
6 these issues in your lawsuit?

7 A The only thing I had with the mayor was I  
8 watched her on Channel 9 during an interview, and I  
9 listened to her on the Marilyn Aciego interview.

10 Q But you never had any communications with her?

11 A I did not.

12 Q At any time during your employment with the  
13 city?

14 A Oh, no. I had communications with her at --  
15 during my employment.

16 Q What about, just general?

17 A Was sat together at a Christmas party and small  
18 talk, and joking around with her at a restaurant one  
19 time when I seen her in there, small talk, nothing of  
20 value.

21 Q Nothing substantive related to this case?

22 A Absolutely not.

23 MR. ANDREWS: Object to the form.

24 BY MR. BOWLING:

25 Q Marilyn Aciego, have we covered your

1 conversations with her?

2 A Yes.

3 Q Trish Morgan, take me through -- remind me of  
4 your conversations or communications with her.

5 A Trish Morgan, I didn't know her before I started  
6 working in Mt. Dora, and we had a carjacking, a 93 or  
7 95-year-old lady, and I received a call from Rob Bell,  
8 and he said the reporter, Trish Morgan is going to be  
9 giving you a call, and you're going to answer the  
10 questions for her. And that's how I first met her, and  
11 then I seen her at the Christmas parade, and I've  
12 probably seen her a couple times just around town but  
13 nothing -- nothing major.

14 Q Did Trish Morgan call you about the carjacking?

15 A She did.

16 Q What do you recall telling her, if anything?

17 A I know she wrote an article on it. I want to  
18 say it occurred at a Dollar General. It was right  
19 around Christmastime area where an elderly lady was  
20 trying to put packages in her car and a black male -- I  
21 want to say hit her in the back of the head. And she  
22 fought back. She kicked him in the crotch, and he  
23 still got her keys and took off.

24 Q Okay. Have you sought employment since you  
25 separated from the city?

1 A I have.

2 Q With who?

3 A Leaving with a tarnished record like this, it  
4 makes it tough to apply to anywhere, so I reached out  
5 to the Ocoee Police Department where I have a good law  
6 enforcement acquaintance that I knew would be honest  
7 with me on whether or not he could hire me. So I also  
8 know their chief was getting ready to retire, so I knew  
9 they would have another deputy chief position available  
10 because they were going to promote one of them into the  
11 top position which would leave a deputy chief spot  
12 available.

13 So I reached out to him and asked him to look  
14 into it and see if he could possibly find a position  
15 over there for me.

16 Q Other than the Ocoee Police Department, have you  
17 applied sought employment with any other...

18 A I tired the Eustis Police Department and that is  
19 currently pending, but I think I got bad news on that  
20 yesterday because I already heard one person is being  
21 called back for an interview, so I don't think that's  
22 going to work either.

23 Q Eustis, Ocoee, any other police departments?

24 A No, sir.

25 Q Any other forms of employment, you decided you

1 want to become an astronaut, anything else?

2 A I'm contemplating becoming a real estate agent.  
3 I'm contemplating on -- my wife won't like to hear  
4 this, but starting a lawn care business, but I haven't  
5 done either one of them yet.

6 MR. BOWLING: Now, Ryan, if you'll hand him  
7 Exhibit M which we'll mark as 17, I guess.

8 (Exhibit No. 17 marked for identification.)

9 BY MR. BOWLING:

10 Q This appears to have been -- this appears to be  
11 an e-mail chain between you and Deputy Chief Chris  
12 McKinstry, is that how it's pronounced --

13 A That is correct.

14 Q -- of the Ocoee Police Department. Is this the  
15 employment inquiry you made reference to a minute ago?

16 A Yeah. I called about it on the phone, the Ocoee  
17 contact first, and I spoke to him, and I just wanted to  
18 know if I was wasting my time.

19 Q The e-mail from him -- or from you to him is  
20 dated October 23. When did you first contact Deputy  
21 Chief McKinstry?

22 A I'm pretty good about responding right back to  
23 e-mails.

24 Q Was it in late October is that the time?

25 A Yeah. October 23rdish.

1 Q You were terminated July 21?

2 A Correct. And you're wondering why nothing in  
3 between there?

4 Q That's the question, why nothing between there?

5 A Thank you. This is where the COVID thing comes  
6 in. We didn't have the Cobra insurance. That's a  
7 whole hassle with the insurance with the City of Mount  
8 Dora to get me set up with. My wife and I both --  
9 actually my mother was living with me at the time, all  
10 of use came down with COVID. I passed out in the  
11 hospital -- I passed out at home on August 9th and was  
12 put into the hospital, and both my wife and I were long  
13 haulers of COVID, and we did not test negative until  
14 October 19th. So we had the virus for a little over  
15 two months.

16 Q Was the -- did the Cobra cover the relevant  
17 expenses from your --

18 A Yeah. Fortunately. We weren't able to see  
19 medical care right away because we didn't have -- we  
20 had nobody to go to. We didn't have the coverage, so  
21 we weren't a hundred percent sure where we could go.  
22 August 9th, I passed out at home. The emergency people  
23 came to the house and said you need to be transported  
24 in, and I didn't want to go with them. And so I ended  
25 up signing a little thing saying I'm not going, but I

1 had my wife take me in a couple of hours later, and the  
2 whole reasoning behind that was because we didn't know  
3 if we had insurance coverage. We didn't know if we  
4 could really afford the hospital.

5 Q When did you -- I know you had communications  
6 with the city about the Cobra issue, when did those  
7 communications begin?

8 A I thought I had coverage when they terminated me  
9 up until August 31st, but I wasn't sure. And I had  
10 shot Kim some e-mails right when I got back from the  
11 hospital, but I wasn't a hundred percent sure we had  
12 coverage.

13 Q Did you in fact have coverage?

14 A Well, it turned out we had coverage from the day  
15 you're terminated. I did not know that. But I didn't  
16 get confirmation from the city until later in August.

17 Q This e-mail from -- back to you from Chris  
18 McKinstry, I take it Mr. McKinstry is a friend of  
19 yours?

20 A He is.

21 Q The reference here is level of reliance here,  
22 when unqualified or unethical people are handed a  
23 position to control other people's lives bad things  
24 happen. Do you know who he's referring to?

25 A I'm not real sure what that means.

1 Q There's also a line down here -- another fact  
2 that may complicate matters is the current adversarial  
3 relationship with Mount Dora. Do you know what he's  
4 referring to?

5 A I think he's most likely seen the Channel 9  
6 report where he may have read some of the news  
7 articles, I don't know. I know Marilyn had released  
8 the audio taped conversation of her interview or  
9 conversation with the city manager, Sherry, whatever  
10 her last name is, and then Sharon Kraynik, so I mean if  
11 he had listened to that stuff, that might be where the  
12 adversarial part would come in, but any time an  
13 employee -- when they know someone's suing another  
14 city, cities are very touchy about that. So that in  
15 itself would be adversarial.

16 Q Maybe I'm misreading it. The current  
17 adversarial relationship that you believe he's  
18 referring is between you and the City of Mount Dora?

19 A That's correct.

20 Q Okay. Not Ocoee and the City of Mount Dora?

21 A No. I didn't take it that way.

22 Q There's a reference in interrogatory answer four  
23 to refinancing and lower interest rate. Anything ever  
24 come of that?

25 A We were fortunate enough to have my retirement

1 to be enough to support alone, so we did not have to --  
2 we did not lose our lower interest rate.

3 MR. BOWLING: Why don't you give me a couple of  
4 minutes. I may be almost done.

5 (A recess was taken.)

6 (The proceedings resumed as follows:)

7 BY MR. BOWLING:

8 Q The communication with Ocoee regarding potential  
9 employment, was it restricted to Chris McKinstry?

10 A Yes, it was, yes.

11 Q Was there a particular person in Eustis that you  
12 dealt with regard to applying for a position there?

13 A No. I found their job on the Florida Police  
14 Chief Associated website, and I applied for it there.  
15 I know it went to their human resources, that's who the  
16 link went to.

17 Q But it was a police chief job?

18 A That's correct.

19 Q With regard to your damages in this case, I  
20 understand there's lost wages, loss benefits that  
21 you're claiming, are you claiming any psychological or  
22 medical damages in this case?

23 A I haven't really sat down and decided what the  
24 damages are yet.

25 Q With respect to -- there's a reference -- I

1 think it's in your interrogatory answers that your  
2 reputation as a police officer in the law enforcement  
3 community has been destroyed. Do you consider that to  
4 be the case?

5 A I'm still unemployed. I've got an impeccable  
6 resume. There's no reason for me not to have a job  
7 right now.

8 Q Just for clarity sake, we got, you know, you  
9 applied at two places?

10 A That's correct. For clarity reasons, also don't  
11 forget I had COVID for the first portion of it.

12 MR. BOWLING: That's all I have. I assume Ryan  
13 wants to ask some questions. Thank you very much.

14 THE WITNESS: Thank you.

15 CROSS-EXAMINATION

16 BY MR. ANDERSON:

17 Q When you're talking about damages, you're  
18 speaking damages for emotional pain and suffering,  
19 correct?

20 A I am. I just don't know how you put a dollar  
21 amount to it.

22 Q You don't know what that amounts to do you?

23 A I have no idea.

24 Q That's not something you've really had to do  
25 before, is it, calculate your emotional pain and

1 suffering damages?

2 A I have not.

3 Q Okay. You were asked about your  
4 interrogatories, and you were shown your first answers  
5 to the defendant's first set of interrogatories, they  
6 were not marked as an exhibit to this depo, but in  
7 response to interrogatory number two, you were asked if  
8 this person has any more information; do you recall  
9 those questions?

10 A I do.

11 Q It's likely that each of these people have more  
12 information than both of us do, but this is a summary  
13 of what some of the information that they have,  
14 correct?

15 A That is correct.

16 Q In fact, as it relates to your employment at  
17 Mount Dora's personally or specific interaction alleged  
18 in the complaint, they may have information to all of  
19 it or some of it?

20 A That is correct.

21 Q And there could be more witnesses, correct?

22 A Yes.

23 Q For example, in your amended answers you added  
24 Sherry Sutphen, correct?

25 A That is correct.

1 Q Ms. Sutphen was there the day you were given the  
2 separation agreement and asked to sign the separation  
3 agreement, correct?

4 A That is correct.

5 Q So who all was in the room when you were asked  
6 to sign that illegal separation agreement?

7 MR. BOWLING: Wait. Wait. Wait. Illegal?

8 MR. ANDREWS: Yes.

9 MR. BOWLING: I want to object to that  
10 question.

11 THE WITNESS: In the room was city manager,  
12 Robin Hayes, HR director, Sharon Kraynik, and the  
13 city attorney, Sherry.

14 BY MR. ANDREWS:

15 Q Who's Ms. Sutphen again?

16 A She's the contracted attorney for Mount Dora.

17 Q Okay. So she has a law degree, right?

18 A Yes, she does.

19 Q She's an attorney?

20 A Yes.

21 Q And she is the general -- city attorney or the  
22 general counsel for the city; do you know?

23 A I don't know. I believe she's the city  
24 attorney.

25 Q Okay. And she was there when the separation

1 agreement was offered to you, correct?

2 A Yes.

3 Q And so she -- do you know if she was aware that  
4 the separation agreement offered to you included a  
5 confidentiality and nondisclosure clause?

6 A I am not sure she was aware, but I'm assuming  
7 she was aware.

8 Q Sure. Robin Hayes didn't have a law degree, did  
9 she?

10 A No, she does not.

11 Q Does a public entity or State of Florida or city  
12 within the State of Florida is not allowed to enter  
13 agreements -- nonconfidential required nondisclosure?

14 MR. BOWLING: Objection.

15 THE WITNESS: I heard that, yes.

16 MR. ANDREWS: What's your specific objection?

17 MR. BOWLING: Because there might be situations  
18 where confidentiality is permitted. The question is  
19 too broad.

20 MR. ANDREWS: Okay. That's fair.

21 BY MR. ANDREWS:

22 Q Did you know that employee separation agreements  
23 under Florida law are not allowed to be confidential  
24 and subject to nondisclosure?

25 MR. BOWLING: Objection.

1 MR. ANDREWS: Is that the same objection?

2 MR. BOWLING: The same objection because in the  
3 midst of litigation it might be confidential, but go  
4 ahead. I mean I see where you're going.

5 MR. ANDREWS: I don't think the city's going to  
6 argue that they have the ability to enter  
7 confidential separation agreements, I don't think.

8 MR. BOWLING: If you want my answer, the city's  
9 not going to argue that postlitigation, it can do --  
10 it can keep a confidential settlement agreement -- a  
11 settlement agreement confidential.

12 MR. ANDREWS: That's a little different from my  
13 question. I understand your position. Thanks for  
14 clarifying.

15 BY MR. ANDREWS:

16 Q Now to go back, we're talking about the  
17 separation agreement where they wanted you to withdraw  
18 all of your allegations, correct?

19 A Correct.

20 Q They want you to agree to confidentiality, and  
21 then you couldn't even disclose that you signed the  
22 separation agreement, correct?

23 A Correct.

24 Q And this happened approximately 19 days after  
25 the city manager that you withdraw your whistleblower

1 allegations.

2 MR. BOWLING: I want to put my objection on the  
3 record. Go ahead.

4 THE WITNESS: That is correct.

5 BY MR. ANDREWS:

6 Q Isn't it true that the city manager demanded  
7 that you withdraw your whistleblower allegations at the  
8 July 2nd meeting?

9 A It was either we sign that paper or Rob Bell may  
10 not agree to retire, so, yes.

11 Q So let me get this straight, the city manager  
12 said if you want Rob Bell fired, unless you agree to  
13 withdraw your allegation, he's not going to be fired or  
14 leaving the department?

15 MR. BOWLING: Objection.

16 THE WITNESS: He may not.

17 BY MR. ANDREWS:

18 Q Did you feel that was like a threat to withdraw  
19 your whistleblower allegations?

20 A Of course.

21 Q Did you feel like you were being intimidated by  
22 Ms. Hayes and Ms. Sutphen and Ms. Kraynik as a witness?

23 A Yes.

24 MR. BOWLING: Objection.

25 BY MR. ANDREWS:

1 Q Right. You reported whistleblower complaints,  
2 correct?

3 A Correct.

4 Q Those would be violations of rules, policies,  
5 procedures -- policies and procedures?

6 A That is correct.

7 Q Okay. Since -- not only did you have personal  
8 knowledge, but you were a witness as it relates to the  
9 other whistleblowers, correct?

10 A Correct.

11 Q And when -- when you were told that you would  
12 need to withdraw your whistleblower complaint, did you  
13 feel like you were being intimidated by Ms. Hayes,  
14 Ms. Kraynik, and Ms. Sutphen?

15 A I did.

16 Q Did you feel like you were being retaliated  
17 against by Ms. Hayes, Ms. Kraynik and Ms. Sutphen?

18 A Absolutely.

19 Q You're a police officer, right?

20 A I am.

21 Q In your mind's eye, as a police officer, did you  
22 believe that violating Florida law it relates to  
23 witness retaliation and intimidation?

24 A I did.

25 Q Was it uncomfortable for you to be sitting in a

1 room where your superiors could be violating the law as  
2 it relates to your whistleblower allegations?

3 MR. BOWLING: Objection.

4 THE WITNESS: It was not a great environment,  
5 yes.

6 BY MR. ANDREWS:

7 Q Well, was it especially concerning to you that  
8 you were being asked to keep confidential -- well,  
9 strike that.

10 Going back to July 21, had you ever heard of the  
11 city offering a confidential nondisclosure separation  
12 agreement to employees before that day?

13 A I want to say they offered it to John O'Grady,  
14 I'm not a hundred percent sure. I think that's what  
15 Robin was referring to on the 26th meeting when she  
16 said she's not going to make the same mistake and let  
17 him choose. He had 24 hours to choose which one he  
18 wants.

19 Q At the July 2nd meeting, where you were -- where  
20 it was demanded that you withdraw your whistleblower  
21 complaint --

22 A Definitely threatened. I mean it was just a  
23 very uncomfortable feeling that we felt a lot of  
24 pressure on signing that paper.

25 Q In your career in law enforcement, did you ever

1 receive whistleblower complaints from like subordinate  
2 officers or employees?

3 A We refer them right over to human resource  
4 department.

5 Q You never demanded that they withdraw the  
6 whistleblower complaints?

7 A Absolutely not.

8 MR. BOWLING: Objection.

9 BY MR. ANDREWS:

10 Q At the July 2, 2020 meeting with yourself,  
11 Captain Gibson, Coy Hunter and Ms. Kraynik,  
12 Ms. Sutphen, and Ms. Hayes, did you feel as though  
13 those three ladies were threatening you and the other  
14 whistleblowers?

15 A Yeah. We felt very intimidated when we walked  
16 out of that meeting.

17 Q You say you felt very intimidated. Let me break  
18 that down a little bit. Did it appear to you as though  
19 any of those three ladies were threatening Captain  
20 Gibson?

21 MR. BOWLING: Objection.

22 MR. ANDREWS: What's the objection?

23 MR. BOWLING: You're asking him to testify to  
24 what Captain Gibson thought.

25 MR. ANDREWS: No. I'm asking him what he

1 thought. Go ahead, Michael.

2 THE WITNESS: I felt when Sherry made that  
3 comment about we might be sued for including names  
4 in a document, but, yes, that was definitely a  
5 threat towards him, but then she defended that by  
6 looking at each one of us individually as she went  
7 down -- I'm talking to each one of you, but this was  
8 directed at Mike.

9 BY MR. ANDREWS:

10 Q What about Ms. Hayes that was threatening, were  
11 they engaging in any threatening conduct at that  
12 meeting as well?

13 MR. BOWLING: Objection.

14 THE WITNESS: Actually, all of them were  
15 engaged in hostile talk towards us during that  
16 meeting, yes.

17 BY MR. ANDREWS:

18 Q From the day before you provided the complaint  
19 to the July 2nd meeting, do you have any idea why you  
20 would have gone from having a good relationship with  
21 those three individuals to a threatening relationship  
22 on July 2nd?

23 A No. The only thing I can think of is the fact  
24 that he spoke to Robin on July -- on June 26th and  
25 everything was fine when we left that meeting. I spoke

1 to Sherry on Monday morning when she wanted us to bring  
2 down the paperwork, and she said everything we've given  
3 them is enough. And then the meeting between Robin  
4 Hayes and Rob Bell took place, and I am not sure who  
5 was in that meeting with them, but ever since that  
6 meeting, the attitude towards the command staff  
7 completely changed from being the people that are now  
8 the problem makers within the City of Mount Dora.

9 Q Did it feel like Ms. Kraynik and Ms. Sutphen and  
10 Ms. Hayes were out to get you from that point on?

11 A A hundred percent. And that is exactly why in  
12 that July 17th e-mail I put that phrase in there. I  
13 would have liked to have thought that if we weren't on  
14 the verge of being retaliated against, the city manager  
15 would have called me up and said, hey, Mike, I don't  
16 want you to have a bad weekend, don't worry. Things  
17 are going okay. Everything's fine. I didn't get that  
18 response from her. The only thing I got was a phone  
19 call later that following week that said come to my  
20 office.

21 Q The city manager is the person -- the city  
22 manager of Mount Dora, Ms. Hayes, is someone who can  
23 conduct investigations without creating any documents,  
24 right?

25 A Fair.

1 MR. BOWLING: Objection.

2 BY MR. ANDREWS:

3 Q Had you ever heard of one of your coemployees  
4 that any of the law enforcement -- the agency that you  
5 worked for had given a confidential nondisclosed  
6 settlement agreement to resolve employment disputes?

7 MR. BOWLING: Objection.

8 THE WITNESS: You mean other than Mount Dora?

9 BY MR. ANDREWS,

10 Q Meaning other than Mount Dora.

11 A Yeah. Other than Mount Dora, no, I have not  
12 heard that before.

13 Q You talked about someone, I think it was Kevin  
14 Smith or Richard Smith?

15 A Frank Smith.

16 Q Frank Smith. I'm sorry.

17 A And I might have had his name wrong, but I'm  
18 pretty sure it's Frank Smith.

19 Q That's someone you believed that was terminated  
20 for allegedly violating that same policy that you were  
21 alleged to have violated?

22 A I was told by Captain Hunter that Frank Smith  
23 was cited for that policy, but the facts that are  
24 different between that one and mine were Frank Smith  
25 went to the media complaining about Rob Bell directly,

1 so it was totally different than what I was being  
2 accused of. But as far as I know that's the only other  
3 person that's been cited for that policy.

4 Q But he was not terminated?

5 A He was not terminated for that. He ended up  
6 leaving the agency. I believe he resigned, and he may  
7 have been one that signed this agreement, I don't know.

8 Q He was just engaging in First Amendment Speech,  
9 right?

10 A I don't know the answer to that.

11 Q At the June meeting, is it Ms. Hayes that told  
12 you that you would be interim chief?

13 A Yes. She asked me if I would be the interim  
14 chief.

15 Q You didn't ask to be interim chief, did you?

16 A Absolutely not.

17 Q You didn't demand to be interim chief, did you?

18 A Absolutely not.

19 Q It's certainly not in any of the documents?

20 A I actually loved the deputy chief position.

21 Q How quickly after the June 26th meeting with  
22 Ms. Hayes, Ms. Kraynik, Ms. Sutphen, did you believe  
23 that those three ladies were not following or living up  
24 to the discussion that you had -- you and the other  
25 whistleblowers had on June 26th?

1 A July 2nd.

2 Q Okay. Were you concerned in the interim that  
3 like you hadn't heard anything?

4 A I was. Robin Hayes, when we left the June 26th  
5 meeting, she said that she was going to address this  
6 Monday, she was not going to let it extend, and I began  
7 to -- on Monday, she actually told me don't come into  
8 the office Monday morning just show up in the  
9 afternoon. And by then she had already addressed it,  
10 and part of addressing that was that she was telling  
11 Rob Bell that he was not to go to the police department  
12 other than to sign documents.

13 Q Did Ms. Hayes tell you why she was going to tell  
14 Rob Bell not to go to the police department?

15 A Because everything we laid out for her was clear  
16 enough for her to realize that it was an extremely  
17 hostile work environment down there for the betterment  
18 of the employees, it would be better if he was not  
19 actually in that area.

20 Q At any of these meetings that you had with  
21 Ms. Bell [sic] from June 26th to your determination --  
22 excuse me, Ms. Hayes, from any of the meetings that you  
23 had with Ms. Hayes from June 26th to July 21, did she  
24 ever tell you, well, I spoke with Rob Bell and he  
25 denied engaging in physical relationship with Ivy

1 Severance?

2 A No. She didn't address any of the complaints  
3 that we put in there. The only thing she said was on  
4 July 2nd, Rob Bell was going to be retiring, and we're  
5 going to give him 30 more days which turned out to be  
6 longer -- but we're going to give him 30 more days.  
7 But she never addressed the complaints with us again.

8 Q She demanded that you withdraw?

9 A She did.

10 Q Now, Rob Bell was your superior, correct?

11 A Correct.

12 Q Was he your direct report or you were his direct  
13 report?

14 A I was his direct report, correct.

15 Q And in the police department following what your  
16 boss does is a little different than doing it at say,  
17 like, just in the city administration building, right?

18 A It was like a military organization.

19 Q When is the only time that you cannot or are not  
20 required to follow your direct supervisors directive?

21 A If they gave us an illegal order, something  
22 immoral or unethical, stuff like that.

23 Q Illegal, that would be for you to commit a  
24 crime, right?

25 A Uh-huh.

1 Q Immoral, would that be like if Rob Bell directed  
2 you to have a physical romantic relationship with  
3 another employee, that would be immoral right?

4 A Correct.

5 Q So he didn't force you to do that?

6 A Correct.

7 Q So you testified there were several times that  
8 Rob Bell directed you to deal with the press; is that  
9 correct?

10 A That's correct.

11 Q And when Rob Bell told you to do that, did you  
12 view that to be unlawful, immoral or unethical?

13 A No, I did not.

14 Q Was it your testimony that Rob Bell referred to  
15 you as the PIO of the police department?

16 A Yes.

17 Q I think you testified that it's not like your  
18 description of duties, but even though it's not listed  
19 in your specific description of duties, that's what Rob  
20 Bell told you was your role, right?

21 A That's correct.

22 Q Do you recall when about that happened?

23 A It was before the carjacking of the 93-year-old.  
24 It was before that date, and that was right around  
25 December, so it was probably I would say, late October

1 early November somewhere around that timeframe.

2 Q Okay. And when you had spoken with the press at  
3 Mr. Bell's direction, did they run articles that you  
4 ever saw?

5 A They did.

6 Q So that I understand this correctly, prior to  
7 you filing whistleblower disclosures on June 26, 2020,  
8 you were never told that you had violated a policy  
9 speaking to the press, and it was only after June 26,  
10 2020 you provided whistleblower disclosures that you  
11 were told you violated the policy regarding speaking to  
12 the media; is that correct?

13 A That's a hundred percent right.

14 Q Did you feel like you were being treated  
15 differently by Ms. Hayes, Ms. Sutphen, and Ms. Kraynik  
16 after those whistleblower disclosures?

17 A Absolutely.

18 Q And not in a good way, right?

19 A No. It was very difficult.

20 Q Does the police department's relationship with  
21 news media matter?

22 A It absolutely does. The people have a job.  
23 They either take facts from the police department, or  
24 they create -- it's always better to have the media in  
25 your good graces. If you need something -- they may

1 have discovered something at a high-crime event they're  
2 hiding. They may have developed their own information,  
3 and they may come to you and verify it, and you might  
4 say, yeah, that's accurate, but we don't want that out  
5 yet. If you had a relationship with them, they won't  
6 put it in there. They will hold off on it. But if you  
7 don't have that relationship they could put it out  
8 there and it will hurt the investigation.

9 Q When an officer or members of law enforcement  
10 are at a crime scene, and there's some invisible  
11 reporter that's standing there, in your mind's eye, is  
12 going up to that reporter and getting their information  
13 to report back to the chain of command inappropriate  
14 contact with the media?

15 A I think it's the professional thing to do.

16 Q In your mind's eye, and during your employment  
17 and still today, does collecting that information  
18 violate the City of Mount Dora's policy?

19 A I don't know at this time.

20 MR. BOWLING: Objection.

21 BY MR. ANDREWS:

22 Q Well, were you given any training on this policy  
23 you were alleged to have violated?

24 A No, I was not.

25 Q And in the numerous times that you were directed

1 by Rob Bell to give statements to the press prior to  
2 your June 26, 2020 whistleblower disclosures, were you  
3 ever told, hey -- or asked, hey, who authorized you to  
4 give a statement to the press?

5 MR. BOWLING: Objection.

6 THE WITNESS: No, I was not.

7 BY MR. ANDREWS:

8 Q Had you ever received any communication of  
9 anyone at city hall and specifically Ms. Hayes, Ms.  
10 Sutphen, Ms. Kraynik or the mayor that told you that  
11 for all of the times that you were directed to give  
12 statements to the media prior to June 26, you were not  
13 permitted to do that and were in violation of city  
14 hall?

15 A No. No nobody said a thing.

16 Q I believe you said -- your testimony was that  
17 you may have talked to Ms. Aciego before the Lowe's  
18 shooting but you can't remember, but she reached out to  
19 you specifically that day or that night because she  
20 felt ignored and disrespected at the scene; is that  
21 correct?

22 A That is correct.

23 Q And I believe it was your testimony that you  
24 directed -- you sent Wade or Coy Hunter to go  
25 acknowledge her and obtain any information or questions

1 that she had, correct?

2 A Correct. Captain Hunter was on scene. I told  
3 him to go acknowledge her.

4 Q Okay. You didn't tell him that he should give  
5 her a statement, did you?

6 A No. We don't release -- especially in homicides  
7 you don't release stuff like that right away, so, no.

8 Q And the reason you don't release it right away  
9 is because you don't want it to interfere with the  
10 investigation, right?

11 A Exactly.

12 MR. BOWLING: Objection.

13 BY MR. ANDREWS:

14 Q And then again, there was a double shooting,  
15 right?

16 A Correct.

17 Q And, again, you receive this communication with  
18 Ms. Aciego, and she called and she told you that she  
19 wanted to make a complaint about the officers at that  
20 scene, right?

21 A That's correct.

22 Q Now, was this like, I want to make an official  
23 written complaint or I want to tell you what happened  
24 to me so that this wouldn't happen a third time, and we  
25 could have at least a cohesive work relationship of

1 acknowledgement?

2 A Yeah. She wasn't coming in to actually get an  
3 officer in trouble for not coming up to her, she just  
4 wanted to prevent that type of behavior in the future.  
5 I concur with her. I think that behavior should be  
6 prevented.

7 Q You didn't -- she hold out a microphone or  
8 interview you in your office that day, did she?

9 A Absolutely not.

10 Q Would it be fair to say you didn't think you  
11 were doing anything wrong by listening to her  
12 complaint, but putting her name on your calendar --  
13 your official calendar with her and inviting her to the  
14 police department?

15 A Not only did I not think I was doing anything  
16 wrong to put it on my calendar, but Rob has a shared  
17 calendar with me, and this is just something strange  
18 about me, but if I have a female in my office, I don't  
19 shut the door all the way unless I have someone else in  
20 there with me because I don't want anyone to ever say  
21 anything. So that door was opened enough for a person  
22 to, you know, see the door's open and walk in if they  
23 so desired. So I was so nonconcerned about having my  
24 meeting with her that the door was open.

25 Q I believe it was your testimony that when you

1 and the other officers went in to speak with Ms. Hayes  
2 and Ms. Kraynik about the text messages, you couldn't  
3 recall if Ms. Sutphen was there or was she there?

4 A You're talking on the July 9th meeting?

5 Q Whenever -- approximately that July 9th meeting?

6 A I do not recall. I'm not sure who was there.

7 Q And we're talking about, Ms. Sherry Sutphen?

8 A Correct.

9 Q Okay. Now, for that day, I believe you  
10 testified that Mr. Hayes already had some sort of  
11 discipline typed up and printed on documents when you  
12 walked in the room?

13 A Yeah. I did not see the physical typing on it,  
14 but she had her notebook -- black little notebook, and  
15 she lifted it up and she had the paperwork under there.  
16 She said I had paperwork ready to serve you guys today  
17 for not having her and Rob Bell on that communication  
18 because we were told to. And clearly it was me who  
19 realized we didn't have them on that text message that  
20 was started by Lieutenant Wade. I added them within  
21 five minutes. The reason I think Robin changed her  
22 mind and not doing the discipline is the town center,  
23 when we have a -- like the double shooting, we had a  
24 double shooting, well, they send out a text message to  
25 all command staff indicating that -- well, Scott Wade

1 was the first one to jump up and start the thread, so  
2 the thing is Wade started the thread but Rob Bell was  
3 given that same initial message from the town center  
4 indicating they had a double shooting out there. He  
5 started the thread. He was certainly notified of the  
6 incident.

7 Q But as it relates to this text message, you're  
8 not the one that initiated the text that shows the  
9 initial individuals that would be included on it, were  
10 you?

11 A No. I'm the one that drafted that.

12 Q Okay. And so let me get this straight, you  
13 walked into this meeting and Ms. Hayes told you that  
14 she had intended to discipline you for leaving her and  
15 chief off for however many minutes on a text about a  
16 shooting?

17 A That's correct.

18 MR. BOWLING: Objection.

19 BY ANDREWS:

20 Q Doesn't that seem kind of juvenile?

21 MR. BOWLING: Objection.

22 THE WITNESS: It was completely unprofessional.

23 BY MR. ANDREWS:

24 Q Did you feel like you were being threatened at  
25 this meeting even though she withdrew whatever

1 termination she had intended to give -- excuse me,  
2 whatever discipline she had said she intended to give  
3 you?

4 A Yeah. We all felt threatened ever since July  
5 2nd. We never had a comfortable feeling after that  
6 day.

7 Q After events like this, like meetings or other  
8 interactions with people, would you and Mr. Hunter and  
9 Mr. Gibson talk about like, oh, hey, I feel like I'm  
10 being retaliated against?

11 A Yes.

12 Q Would they say those things to you?

13 A Absolutely. And the e-mails that were sent over  
14 to Robin were a team effort from the command staff. I  
15 did not take an e-mail and say I'm going to send this  
16 off. We all sat in a room and discussed the verbiage  
17 that was going out there. Everybody on the command  
18 staff knew that I was sending it out before I sent it  
19 to city hall, so...

20 Q Did Ms. Hayes, Ms. Sutphen or Ms. Kraynik  
21 explain to you why they wanted you to withdraw your  
22 whistleblower complaint at the July 2nd meeting?

23 A The indication was if you don't sign that, Rob  
24 Bell may not voluntarily retire.

25 Q Did she say why he wouldn't retire if he didn't

1 withdraw it?

2 MR. BOWLING: Objection.

3 THE WITNESS: She didn't say why, but my  
4 assumption is is that he wanted that complaint to go  
5 away.

6 BY MR. ANDREWS:

7 Q Did you feel like Ms. Sutphen, Ms. Hayes or  
8 Ms. Kraynik were strongly encouraging you or coercing  
9 you to withdraw your whistleblower complaint?

10 A Wishing is the better word.

11 Q Was it just one of them or two of them or all  
12 three of them?

13 A It was all three of them.

14 Q Did you feel like Ms. Hayes, Ms. Kraynik or  
15 Ms. Sutphen themselves wanted the whistleblower  
16 complaints withdrawn?

17 MR. BOWLING: How's he going to know that?  
18 Objection.

19 THE WITNESS: Absolutely I don't.

20 BY MR. ANDREWS:

21 Q Based on the conversation and the demeanor of  
22 Ms. Hayes, Ms. Sutphen, or Ms. Kraynik at the June --  
23 July 2nd meeting, did you feel as though they  
24 themselves wanted the allegations of misconduct from  
25 Chief Bell withdrawn?

1           A     I do.

2           Q     You were asked some questions about -- well you  
3 were asked some questions about which documents that  
4 were submitted in the whistleblower complaint that you  
5 had drafted, do you recall those questions?

6           A     I do.

7           Q     For all of the ones that were submitted  
8 together, were saying that each of you drafted all of  
9 them?

10           MR. BOWLING:  Objection.

11           THE WITNESS:  The only one -- I drafted the  
12 vote of "no confidence" memo, and Mike Gibson  
13 drafted his.  I drafted mine, and I don't recall --  
14 I didn't look at his notes at all.  He told me that  
15 his notes were along the same lines as mine as far  
16 as what category.

17 BY MR. ANDREWS:

18           Q     For all of the additional documents that were  
19 submitted, for example, were those all submitted as  
20 part of the whistleblower complaint?

21           A     Yes.

22           MR. BOWLING:  Objection.

23           MR. ANDREWS:  What was that objection, Mike?

24           MR. BOWLING:  Well, who submitted what -- what  
25 documents?  That it's somehow going to come in as

1 part of the whistleblower complaint?

2 MR. ANDREWS: I understand your objection. Can  
3 I clarify it?

4 MR. BOWLING: Sure.

5 THE WITNESS: I didn't need to read his because  
6 I knew what was in it, so I didn't need to sit there  
7 and read his document.

8 BY MR. ANDREWS:

9 Q When it was presented at this three-hour  
10 meeting, you concurred with his presentation?

11 A Three-and-a-half-hour meeting.

12 Q I think the questions that you were asked  
13 earlier were that some, not all of the complaints were  
14 yours?

15 A Correct.

16 Q Is that the case?

17 A No. Absolutely not.

18 Q When Ms. Aciego was at the -- when she came in  
19 to complain about officers at crime scenes, did she ask  
20 you -- did she ask you to make a statement on behalf of  
21 the police department or city?

22 A No. That wasn't the nature of the meeting. The  
23 nature of the meeting was simply to address her  
24 concerns about how she was being treated.

25 Q Here's another thing I wanted to address today.

1 I know you sat in on Ms. Hayes's depo the other day.  
2 Did you -- on July 21 with Ms. Sutphen, Ms. Kraynik,  
3 and Ms. Hayes, did you admit that you gave a news  
4 update to Marilyn Aciego about police investigations?

5 A No. That would make absolutely no sense for me  
6 to say that.

7 Q Did you, at that July 21st meeting, did you say  
8 that you met with the news media in an official  
9 capacity and were representing the position of the  
10 city?

11 A No. I clearly said that she had a complaint  
12 about how she was being handled on the scene by the  
13 deputies -- by the officers, and I was trying to get a  
14 better working relationship with her.

15 Q You were the head of standards for the  
16 professional standards for the Mount Dora Police  
17 Department, correct?

18 A That's correct.

19 Q When there were complaints that came in about  
20 police officers for professional standards, were those  
21 handled by the police department?

22 A Yes, they were.

23 Q Okay. Those required to be forwarded over to  
24 city hall so -- and with all of the duties that  
25 Ms. Hayes has, she can also find out if someone felt

1     slighted at a crime scene by a first-year police  
2     officer, right?

3             A     Yes, sir.

4             MR. ANDREWS:   Let's take about a two-minute  
5     break.

6             (A recess was taken.)

7             (The proceedings resumed as follows:)

8     BY MR. ANDREWS:

9             Q     When did you submit the June 26 whistleblower  
10    complaints to Robin Hayes?

11            A     I've been in law enforcement a long time, and I  
12    always want to make it better than it was when I got  
13    there.   And when I first walked in the door in Mount  
14    Dora, you know, Rob Bell gave me some of his stories  
15    about certain individuals in the agency who I could  
16    trust who I couldn't trust, and so initially, the first  
17    three, four, five, six months, I was looking at the  
18    agency through that lens, and then as I started  
19    verifying some of the information or perceived  
20    information, I got to the point where I felt it was my  
21    duty to -- I didn't want anybody to think I was  
22    agreeing with what was going on.

23            If I go back to my initial interview I had for  
24    the position, when Robin Hayes asked me will you be  
25    loyal to the chief of police, my answer was, yes, I

1 will be loyal to the chief of police as long he doesn't  
2 do anything illegal, immoral, or unethical, and I  
3 believed at that time he had crossed that line.

4 MR. ANDREWS: I don't have any further  
5 questions for you at this time. I expect  
6 Mr. Bowling does.

7 MR. BOWLING: I've got a few.

8 REDIRECT EXAMINATION

9 BY MR. BOWLING:

10 Q Let's talk about the severance agreement. My  
11 recollection of your testimony, you never even read it?

12 A I glanced at the beginning pages because Sharon  
13 said it would be worth looking at. I seen -- if it  
14 would have had on there four million dollars, and you  
15 can leave our city, I would have probably accepted and  
16 signed that piece of paper, but this particular one had  
17 -- they had they were going to pay me my vacation time,  
18 pay me my sick time. It was nothing I didn't earn --  
19 maybe a couple of extra weeks or something. It wasn't  
20 anything big.

21 Q Let's be clear, you didn't read the  
22 confidentiality provision in the agreement on the day  
23 you were terminated?

24 MR. ANDREWS: Object to the form.

25 THE WITNESS: I did not read all five pages,

1 but I read -- I glanced at that first page.

2 BY MR. BOWLING:

3 Q Okay. If it's not on that first page, you  
4 didn't read it?

5 MR. ANDREWS: Object to the form.

6 BY MR. BOWLING:

7 Q If it's not on the first page of the separation  
8 agreement which is documented Defendant's 12, you  
9 didn't read it?

10 MR. ANDREWS: Object to the form. If it's a  
11 question, you can answer it.

12 THE WITNESS: I looked at the first page.

13 BY MR. BOWLING:

14 Q When did you become aware there was a  
15 confidentiality provision in the agreement?

16 A When I read the document last night, I guess.

17 Q The decision to reject the agreement was in no  
18 way based upon existence of the confidentiality  
19 provision in the agreement?

20 A No. The reason I rejected the agreement was  
21 because they had no basis to fire me, and I was not  
22 going to resign from a position I loved.

23 Q You testified that there was -- I'm not sure  
24 which day it was, but there was threats of lawsuits  
25 mentioned.

1 I want to be clear, was it a threat that the  
2 city was going to sue you or sue somebody?

3 A The threat was an open threat from Sherry  
4 Sutphen and I don't know who she was referring to as  
5 far as that goes, she just said that the way Mike  
6 Gibson had written up his notes had names in them -- I  
7 had names in mine as well -- you could be liable for a  
8 lawsuit.

9 Q Earlier you testified that after you sent, I  
10 think it was the July 17th e-mail to the city manager,  
11 you expected her to get back to you?

12 A I would have thought if she read that e-mail,  
13 which I'm sure she did, and seemed that her individuals  
14 file a complaint against a team of leads, has real  
15 concerns about retaliation that she would have reached  
16 out to that individual to at least calm him down over  
17 the weekend, but no attempts were made.

18 Q I just need to say again, Ms. Hayes was your  
19 superior in the city's chain of command, correct?

20 A Of course, yes.

21 Q Okay.

22 A Which is exactly why I would expect her to ease  
23 my mind, to let me know there's no problem.

24 Q All right. Okay. You guys -- the three of you  
25 meet with Robin Hayes on June 26th, she says she's

1 going to talk to Bell on Monday, that coming Monday?

2 A She was going to take care of it first of the  
3 week.

4 Q Okay. And that would have been -- okay. She  
5 didn't deal with it on Monday according to you; is that  
6 correct, she dealt with it on Tuesday?

7 MR. ANDREWS: Object to the form.

8 THE WITNESS: I'm not exactly sure what day she  
9 dealt with it. I don't have the dates down. I was  
10 just going to look at the calendar to see because I  
11 know we were called in on July 2nd, and I know on  
12 Monday she initially told me to stay away from the  
13 office the first part of the morning, and I'll have  
14 it handled. That's what she told us on June 26th.

15 When I came in at noon, Rob is still there, and  
16 everything is going as normal on that day, so I was  
17 assuming nothing happened. That's when I started  
18 sending Robin some text messages.

19 BY MR. BOWLING:

20 Q I'm trying to figure out how many days late do  
21 you think she was in her addressing the issue with Rob  
22 Bell?

23 A I mean if -- when was July 2nd?

24 Q July 2nd, 2020 is --

25 A Thursday.

1 Q -- Thursday.

2 A So she was three days late because that's  
3 Monday, Tuesday and Wednesday, so she would have talked  
4 to him on Wednesday.

5 Q Wednesday the 30th of June; is that what you --  
6 July 1?

7 A July 1st, right.

8 Q All right. Do you think there's anything wrong  
9 with the city managers speaking with the police chief  
10 about the complaints before terminating him?

11 A I'm sorry. Say it one more time, please.

12 Q Has the city manager spoke to the chief of  
13 police about your complaints before she took any  
14 action, correct, is that your understanding?

15 A Sure.

16 Q Is there anything inappropriate with that?

17 A No. I believe there was enough information for  
18 her to do her job.

19 Q Do you have any idea of what Rob Bell told her  
20 when he raised -- when she raised the issue?

21 A No. I haven't a clue what Rob Bell told her,  
22 but I do know that's -- whatever was said probably at  
23 that meeting is what changed the focus of how the  
24 command staff was treated.

25 Q The policy that we're talking about here, 3.09,

1 you heard the city manager's interpretation of it  
2 during her deposition; am I correct?

3 A I believe I did, yes.

4 Q A very strict policy. Basically, unless you  
5 have permission from the manager, you can't really talk  
6 to --

7 MR. ANDREWS: Object to the form. Go ahead.

8 THE WITNESS: Yeah. It was kind of crazy the  
9 way she was describing it because it would almost be  
10 if I've seen someone up by the RaceTrac gas station,  
11 that I can't even say hi to them because I would be  
12 talking to media. So that's taken a little too far.  
13 It's not the spirit of the policy the way she  
14 described it.

15 BY MR. BOWLING:

16 Q My question is really this, whether or not it's  
17 a good policy, it's not up to you to decide.

18 MR. ANDREWS: Object to the form.

19 THE WITNESS: No. But it's up to me to  
20 interpret the way that policy is written, and I  
21 certainly would not have interpreted that policy the  
22 way she's trying to explain it.

23 BY MR. BOWLING:

24 Q Now, do you know if there are any complaints or  
25 issues raised in Gibson's notes and summary of notes

1 that are different than what are raised in your note  
2 that you submitted to the city manager?

3 A After reviewing his notes, I think the only  
4 thing that is different is that when Rob Bell told us  
5 to go talk to Lieutenant Wade and Lisa Doyer because  
6 they weren't saying hi to Ivy in the hallway, Mike had  
7 it -- as she to, I believe, Lieutenant Wade and I had  
8 actually spoken to both Gibson and Wade, I said, this  
9 is what the Chief told me, he wanted me to talk to  
10 Doyer, and I'm not going to do that.

11 Q Okay. When you had the meeting with Marilyn  
12 Aciego you were in uniform?

13 A It was a Friday, so I was either dressed like  
14 you see me currently or wearing a training uniform. I  
15 don't know how I was dressed that day.

16 Q The meeting was held -- it was conducted in the  
17 police department office?

18 A That's correct.

19 Q Is there some way you get in there, you have to  
20 be waved in or buzzed in or something like that?

21 A Yes. She would have gone to our front lobby  
22 that goes to our record section and the records people  
23 would contact Olivia who was my administrative  
24 assistant. Olivia went downstairs, got her and brought  
25 her upstairs.

1 Q Do you have visitor badges or something like  
2 that?

3 A No.

4 Q Just for clarification, is it your belief that  
5 you were terminated -- the city's grounds for  
6 terminating you had something to do with the content of  
7 your conversations with the reporter?

8 A Absolutely.

9 Q Okay. What was the content of it?

10 A Well, if you listen to what Ms. Hayes said, she  
11 said, I called Marilyn and I was trying to give her an  
12 update on the -- I don't remember if it was the double  
13 shooting or the homicide, whichever one, but that's  
14 what she said I told them in my July 21st meeting with  
15 them, it's not factual. What I told them was in the  
16 text message from Marilyn explains that she contacted  
17 me because she was not treated right at the scene  
18 again, and I told Marilyn if she's ever by Mount Dora  
19 Police Department stop by so I could put a face with a  
20 name.

21 Q It's your understanding, your belief that you  
22 were terminated because you gave -- the city believed  
23 or the city manager would say that you provide updates  
24 to the reporter?

25 MR. ANDREWS: Object to the form.

1 THE WITNESS: I think the city -- I think what  
2 Robin is saying is that I provided an update on the  
3 shooting or the homicide during one of those cases  
4 and the fact that I was meeting with a reporter.

5 BY MR. BOWLING:

6 Q Meeting with a reporter and what you told the  
7 reporter?

8 A I believe Robin was jumping so far around on her  
9 depo, that I believe she covered both of those areas.  
10 But I would have to go back and actually listen to her  
11 depo to make sure I got that correct.

12 Q And it's your testimony, just for clarity sake,  
13 that you did not provide an update, you simply were  
14 doing PR work trying to improve relations between the  
15 department and media and you introduced her around?

16 MR. ANDREW: Object to the form. You can  
17 answer.

18 THE WITNESS: The question is, what was I  
19 trying to do?

20 BY MR. BOWLING:

21 Q Yeah. What did you do?

22 A What I did was I listened to Marilyn's complaint  
23 about our officers not coming up to her on the scene,  
24 and then I told her I said, so you -- since we don't  
25 have many major scenes, I wanted to make sure that she

1 knew who to look for if we ever had one, so I wanted to  
2 introduce her to a couple of key people. And I did  
3 that, and I also wanted Captain Gibson to instruct his  
4 personnel that if they see the media out there, even if  
5 they can't say anything to them, have them go up to the  
6 media and at least acknowledge their presence. That's  
7 the professional thing to do.

8 MR. BOWLING: That's all I have. Thank you  
9 very much.

10 MR. ANDREWS: I just have a few follow-ups.

11 RE CROSS EXAMINATION

12 BY MR. ANDREWS:

13 Q When you were at the meeting with Ms. Kraynik,  
14 Ms. Sutphen and Ms. Hayes where you were told that you  
15 were going to be terminated, in giving you that  
16 separation agreement, did they not also tell you that  
17 it had a confidentiality clause, a nondisclosure clause  
18 in there?

19 MR. BOWLING: Objection.

20 THE WITNESS: Nondisclosure was mentioned, yes.

21 BY MR. ANDREWS:

22 Q Was it mentioned verbally?

23 A Verbally.

24 Q Okay. So they didn't hide that from you?

25 A No.

1 Q You were asked do you know what Rob Bell said to  
2 Ms. Hayes on the July 1st meeting; do you recall that  
3 question?

4 A I do.

5 Q Is it fair to say that you don't know what  
6 Mr. Bell said to Ms. Hayes other than what Ms. Hayes  
7 said that she said at that meeting?

8 A That would be accurate.

9 Q Okay. You were asked questions earlier about  
10 the way Ms. Hayes interpreted the policy and said, you  
11 know, that it's extreme -- I think you said absurd  
12 because you wouldn't be able to say hello to someone in  
13 the media at the gas station. Would it be fair to say  
14 that Rob Bell your supervisor also did not interpret  
15 the policy that way that Ms. Hayes interpreted the  
16 policy?

17 A He did not think it was that serious.

18 Q Well, thinking it's not that serious is one  
19 thing, but isn't it true that he would regularly direct  
20 you to five statements to the press on behalf of the  
21 police department?

22 A Absolutely.

23 MR. BOWLING: Objection.

24 BY MR. ANDREWS:

25 Q Those were his directives?

1 A Correct.

2 Q Okay. Now let me ask you, as a deputy chief  
3 before you became chief, when you receive a directive  
4 from chief, are you required to also call the city  
5 manager, Robin Hayes, and say, hey, Rob Bell told me to  
6 do this, is it cool if I do this?

7 A Yes.

8 Q That's not actually part of your job duties?

9 A That would actually get me in trouble.

10 Q So if you were given a directive by Rob Bell,  
11 and then went to Ms. Hayes and said, hey, Chief wants  
12 me to do this, I just want to make sure that's cool,  
13 you would get in trouble with Mr. Bell for that,  
14 correct?

15 A As long as that it was not illegal, immoral or  
16 unethical, yes.

17 Q Okay. You asked, you were just doing PR with  
18 Ms. Aciego, you don't view receiving a complaint from  
19 Ms. Aciego doing PR work for the department, do you?

20 A No. That was not PR, I was addressing a  
21 complaint of a concern.

22 MR. ANDREWS: Okay. I have no further  
23 questions. Thanks.

24 REDIRECT EXAMINATION

25 BY MR. BOWLING:

1 Q How many times -- you keep being asked, you were  
2 regularly told by Bell to speak to the media. Exactly  
3 have you testified did Bell tell you to talk to the  
4 media?

5 A I can't tell you to be honest with you, I don't  
6 know. I mean there were several stories there for the  
7 media that I spoke to them about.

8 Q Okay. And what were the stories you spoke to  
9 the media about?

10 A I don't recall all of them. I remember the 93  
11 and 95-year-old carjacking one. We had a series of  
12 burglaries that one of our hotels that had some  
13 inquiries on. There were some inquiries about the  
14 individual we were trying to arrest at one of the high  
15 schools, clearly the homicide and the double homicide,  
16 I just can recall any more. I'm sure there's more, but  
17 I don't know.

18 Q On each one of the things were you told  
19 specifically by Bell to speak to the media?

20 A Yes.

21 Q Just for clarification sake, you didn't talk to  
22 Marilyn Aciego at the direction of Mr. Bell?

23 MR. ANDREWS: Object to the form. Go ahead.

24 THE WITNESS: No. But Marilyn was not doing a  
25 interview, she was doing a complaint, I'm over the

1 professional standards, so it would be something I  
2 would normally address.

3 MR. ANDREWS: I withdraw the objection.

4 MR. BOWLING: Okay. That's all I have. Thank  
5 you.

6 MR. ANDREWS: I don't have any more questions.  
7 He'll read and sign if it's ordered.

8 MR. BOWLING: It is. No rush. Electronic.

9 MR. ANDREWS: We'll get a copy. Just the  
10 electronic, no index, none of that extra stuff that  
11 US Legal does, just the electronic copy.

12 THE COURT REPORTER: All right. Thank you very  
13 much.

14 (Proceedings adjourned at 2:40 p.m.)  
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CERTIFICATE OF OATH

STATE OF FLORIDA  
COUNTY OF ORANGE

I, Susan Mullen, Court Reporter, Notary  
Public, State of Florida, certify that MICHAEL FEWLESS  
personally appeared before me on the 23rd day of  
February, 2021, and was duly sworn.

Signed this 19th day of March, 2021.



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Susan Mullen  
Notary Public, State of Florida  
Commission No.: GG 287846  
Commission Expires: January 21, 2023

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CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF ORANGE

I, Susan Mullen, Court Reporter, certify that I was authorized to and did stenographically report the deposition of MICHAEL FEWLESS, pages 1 through 166; that a review of the transcript was requested; and that the transcript is a true record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 19th day of March, 2021.



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Susan Mullen, Court Reporter

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WITNESS NOTIFICATION LETTER

3/19/2021

Michael Fewless  
c/o Ryan Andrews  
822 North Monroe Street  
Tallahassee, Florida 32303

In Re: Michael Fewless vs. City of Mount Dora  
February 23, 2021  
U.S. Legal Support Job No. 2359869

The transcript of the above-referenced proceeding has been prepared and is being provided to your office for review by the witness.

We respectfully request that the witness complete their review within 30 days and return the errata sheet to our  office.

Sincerely,

Susan Mullen  
Court Reporter  
Notary Public, State of Florida  
My Commission Expires  
January 21, 2023  
No. GG 287846  
U.S. Legal Support, Inc.  
20 N. Orange Avenue  
Suite 1209  
Orlando, Florida 32801  
(407) 649-9193  
CC via transcript:  
Michael Bowling, Esq.  
Ryan Andrews, Esq.



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