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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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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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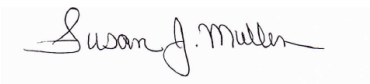
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CERTIFICATE OF OATH

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.



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.



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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ERRATA SHEET

DO NOT WRITE ON THE TRANSCRIPT - ENTER CHANGES ON THIS PAGE

IN RE: Michael Few less vs. City of Mount
Dora
Michael Fewless
February 23, 2021

Page No.	Line No.	Change	Reason

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

_____ Michael Fewless
Date

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