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

MICHAEL FEWLESS,
Plaintiff,

vs.

CASE NO.: 2020-CA-1268

CITY OF MOUNT DORA,
Defendant.

_____ /

DEPOSITION OF: ROBERT BELL
AT THE INSTANCE OF: Plaintiff
DATE: February 17, 2021
TIME: Commenced: 2:56 p.m.
Concluded: 4:42 p.m.
LOCATION: VIDEOCONFERENCE
REPORTED BY: ANDREA KOMARIDIS WRAY
Court Reporter and
Notary Public in and for the
State of Florida at Large

PREMIER REPORTING
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11 Orlando, FL 32803

12 REPRESENTING THE WITNESS :

13 LAURA HARGROVE
14 Gause & Hargrove, PLLC
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16 Tavares, FL 32778

17 ALSO PRESENT :

18 MICHAEL FEWLESS
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INDEX TO WITNESS

ROBERT BELL	PAGE
Examination by Mr. Andrews	5

INDEX TO EXHIBITS

NO.	DESCRIPTION	MARKED
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No exhibits were marked for identification.

*Huh-uh is a negative response
*Uh-huh is a positive response

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STIPULATIONS

The attorneys participating in this deposition acknowledge that I, the court reporter, am not present with the witness and that I will be reporting the proceedings and administering the oath remotely. This arrangement is pursuant to the Florida Supreme Court Administrative Order AOSC-20-16. The parties and their counsel consent to this arrangement and waive any objections to this manner of reporting.

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D E P O S I T I O N

Whereupon,

ROBERT BELL

was called as a witness, having been first duly sworn to speak the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

EXAMINATION

BY MR. ANDREWS:

Q Good afternoon, sir. Where do you currently work?

A I am not working anywhere.

Q Are you doing any consulting or receiving any sort of pay for services provided for in any way?

A Only my pension.

Q Only your pension. And --

A Yes, sir.

Q Is that a pension you gained from the City of Mount Dora?

A That's correct.

Q Where did you work prior to working for the City of Mount Dora?

A I was working down at -- in Homestead doing subcontracting work after Hurricane Andrew.

Q Is that like an out-of-high-school kind of job?

1 A I'd like to think so, but I was, like, 25, I
2 think.

3 **Q Oh, okay.**

4 A Yeah, but -- no, I -- I worked several jobs
5 prior to -- to that, but I was actually in Homestead
6 when I -- when I was paged -- because I had a pager --
7 paged by the police department and they -- that was back
8 in '92, '93.

9 **Q But -- so, you had, like, various odd jobs**
10 **from 18 to 25?**

11 A Yeah, construction.

12 **Q Construction jobs.**

13 THE COURT REPORTER: One -- one moment.

14 (Discussion off the record.)

15 BY MR. ANDREWS:

16 **Q During any of those jobs, were you ever**
17 **terminated for cause?**

18 A No.

19 **Q While you worked for the City of Mount Dora,**
20 **were you hired just as, like, a green, like, officer,**
21 **right at the bottom of the ladder, within the police**
22 **department?**

23 A Yes. Actually, I was hired with no pay, as a
24 reserve, in the beginning.

25 **Q Okay. How long did you work for no pay?**

1 A I'd have to guess, maybe six months, maybe a
2 little less. And then they made me a reserve -- a
3 reserve police officer.

4 **Q When you were reserve, were you deputized?**

5 A Yeah, I was -- I was -- yeah, I was a sworn
6 officer.

7 **Q Okay.**

8 A That was back in '93, so --

9 **Q Where did -- where did you get your law
10 enforcement training at?**

11 A Lake Technical, here in Eustis.

12 **Q Okay. And then you were hired as an officer.**

13 A Yes.

14 **Q Okay. What are the -- if you could just list
15 them by title, what are the various titles you had --
16 held all the way to chief?**

17 A Reserve, police officer, corporal, sergeant,
18 sergeant as -- in patrol, sergeant in criminal
19 investigations, sergeant in special investigations,
20 lieutenant over investigations, administrative services
21 and patrol, deputy chief, and then chief. I think I
22 covered them all.

23 **Q Okay. And, sir, I'm going to have to ask you
24 some questions today related to complaints filed with
25 the City of Mount Dora, things like that. I don't mean**

1 any offense by having to get into some of the topics,
2 but there's just certain questions I have to ask you
3 today. Okay? But I won't --

4 A Okay.

5 Q I don't mean any disrespect by them.

6 During your time as chief at the City of Mount
7 Dora, did you ever engage in a physical or romantic
8 relationship with another employee at the police
9 department?

10 A Yes.

11 Q Who?

12 A Ivy Severance.

13 Q Ivy Severance. Okay.

14 Was there anybody else that -- in -- within
15 the police department that you engaged in a physical
16 relationship with while you were chief?

17 A No.

18 Q Okay. While you were chief of police, is
19 there anyone within the administration at City Hall that
20 you engaged in a physical relationship with?

21 A No.

22 Q In Mount Dora.

23 A No.

24 Q Was there any time, while you were chief of
25 police, for the City of Mount Dora where you attempted

1 to engage in a physical relationship with someone and
2 they, you know -- you know, turned the other cheek or,
3 you know, rejected the advance?

4 A No.

5 Q Okay. Was there ever a point in time where
6 Robin Hayes asked you whether you had had a physical or
7 romantic relationship with Ivy Severance?

8 A I don't recall her asking me. I recall the
9 complaint being discussed and they said something about
10 the only issue would be if you were -- if you were
11 having -- and I believe I said, there's no evidence of
12 that.

13 Q Okay. Ms. Hayes testified earlier that she
14 asked you, did you have any sort of inappropriate
15 relationship with Ivy Severance, and her testimony was
16 that you said, no, I never had a relationship with her.

17 A I -- I don't recall that. Like I said, I --
18 I -- only thing I recall is the conversation being about
19 the complaint, itself, and -- and I said, there's no
20 evidence of a relationship.

21 Q Yes, sir. And -- and so -- and I appreciate
22 your just forthrightness and honesty when I asked you
23 the question, but you wouldn't -- if she asked you
24 point-blank, did you have a relationship with Ivy
25 Severance, you wouldn't have told her, no -- you

1 wouldn't have told her no, if it wasn't true, would you
2 have?

3 A I'm not und- -- I'm not sure I understand the
4 que- -- are you --

5 Q Sure.

6 A I don't recall her asking me that. That's
7 what I'm telling you.

8 Q So -- so, was it -- okay. So, in your
9 understanding, with your -- with your conversation with
10 Ms. Hayes, was she just kind of summarizing to you what
11 the allegations were from the command staff, and she
12 said, oh, by the way, this is one of the allegations?

13 A There were -- there were two other people in
14 the room, the HR director and the city attorney, Sherry
15 Sutphen, and they were discussing the contents of the
16 complaint. I didn't see the contents. And they said
17 the only -- sh- -- and I believe it was Sherry -- said,
18 the only issue would be if you had a relationship with
19 Ivy.

20 Q And your testimony, under oath today, is that
21 you said, there's no evidence of that?

22 A There's no evidence of that, that's my
23 recollection.

24 Q So, if Ms. Hayes' testimony was that you
25 categorically denied it, that would be not true, would

1 **it?**

2 MR. BOWLING: Objection.

3 A I -- I can't -- I can't speak for the city
4 manager, what -- what she's testifying to. I'm just
5 telling you that my recollection is what I just told
6 you.

7 **Q Okay. Well, her testimony, under oath, a few**
8 **hours ago was that she -- you were asked, did you have**
9 **an inappropriate relationship with Ivy Severance, and**
10 **she said -- not that you said there's no evidence of it;**
11 **she said, he denied it, right. And because you denied**
12 **it, she said she didn't go ask Ivy Severance because she**
13 **was no longer an employee and had a lawsuit.**

14 MR. BOWLING: Objection.

15 **Q So, I'm asking you -- I'm asking you, sir: Do**
16 **you recall whether you flatly denied it and didn't tell**
17 **her the truth or did you just say, there's no evidence**
18 **of it?**

19 MR. BOWLING: Objection.

20 **Q Go ahead, sir.**

21 A Are you talking me?

22 **Q Yes, sir. Go ahead.**

23 MS. HARGROVE: If you (unintelligible) the
24 question, you can --

25 THE WITNESS: So, what is -- what's your

1 question? I'm not sure of the question.

2 BY MR. ANDREWS:

3 Q I'm trying to understand why there's a
4 difference in the testimony between you and Ms. Hayes.
5 Like I said, when I asked you if you had a physical
6 relationship with someone in the police department, you
7 freely and immediately said yes. There was no
8 hesitation. There was no, you know, qualification. You
9 answered it honestly. As hard as it must have been, you
10 answered it honestly and truthfully.

11 Ms. Hayes, though, said when -- she said that
12 she asked you in that meeting, and she said that -- she
13 said that you said, no, it's not true; not that you
14 said -- not -- not that you said that there was no
15 evidence of it.

16 MS. HARGROVE: Objection. Asked and answered.

17 MR. BOWLING: Objection.

18 MR. ANDREWS: He -- thank you.

19 BY MR. ANDREWS:

20 Q Go ahead.

21 A Go ahead, what?

22 Q Can you answer the question, please?

23 A I --

24 Q I'm asking you what was said. Did you deny it
25 or did you tell her, there's no evidence? Because she

1 **said that you denied it.**

2 MR. BOWLING: Objection.

3 THE WITNESS: Okay. I can't speak for him --
4 for her -- I'm sorry. Did you say something, Mike?

5 MR. BOWLING: I -- my objections don't matter
6 to you. Just ignore me and go on. All right?

7 THE WITNESS: Okay. So, again, I -- I can
8 only say the same thing I just answered; that my
9 recollection is it was asked -- or it was said that
10 the only issue would be is if you had an
11 inappropriate relationship with -- with Ivy.

12 BY MR. ANDREWS:

13 Q Right.

14 A I said, there was no evidence of that.

15 Q So, you did not respond, no, I haven't had
16 a -- a relationship with Ivy?

17 A I -- I do not recall --

18 MR. BOWLING: Objection.

19 A -- responding directly that way.

20 Q If Ms. Hayes says that you did respond that
21 way, would you have any reason to dispute it?

22 A I can't speak for Ms. Hayes. I -- I don't --
23 I'm not sure how to answer that.

24 Q I'm not asking you to speak for Ms. Hayes,
25 sir. I -- I'm asking you that -- I'm telling you what

1 her testimony was. And I'm asking you if her testimony
2 is correct, as you remember it, or is it incorrect, as
3 you remember it?

4 A I -- I told you what I remember is the
5 conversation with three peop- -- three other people in
6 the room, including Ms. Hayes. That was the
7 conversation I recall. I don't recall a -- a direct
8 conversation with Ms. Hayes asking me directly.

9 Q And -- well, in that meeting that you do
10 recall, isn't it true that you don't recall saying
11 unequivocally, no, I've never had a relationship with
12 the Ivy Severance?

13 A In the meeting with the three, I said, there's
14 no evidence of that.

15 Q Right. You don't recall saying, no, I never
16 had the relationship, correct?

17 A No, I don't.

18 Q Okay.

19 THE COURT REPORTER: Real quickly, I'm going
20 to interrupt.

21 (Discussion off the record.)

22 BY MR. ANDREWS:

23 Q Can you think of a reason why Ms. Hayes would
24 testify under oath in this case that you denied having a
25 physical relationship with Ivy Severance if --

1 MR. BOWLING: Objection.

2 **Q If it wasn't true?**

3 A Can I think of a reason? No. Her
4 recollection is different than mine, I guess. I -- I
5 don't know. I can't speak for Ms. Hayes.

6 MR. ANDREWS: Mr. Bowling, did -- what was the
7 bas- -- the underlying form objection?

8 MR. BOWLING: You're asking him to speculate
9 on her motivations.

10 MR. ANDREWS: Yeah, correct. I'm asking her
11 if -- if he -- if he has a reason to believe she's
12 biased or has some sort of motive for telling
13 something that's not true.

14 MR. BOWLING: That may be what you wanted to
15 ask him; that's not what you asked him.

16 MR. ANDREWS: I understand, we disagree.

17 Can we take just a two-minute break, please?
18 I had an issue come up I need to address real quick
19 on another matter. Thanks, guys.

20 (Brief recess.)

21 BY MR. ANDREWS:

22 **Q Do you understand that there was a complaint**
23 **filed against you by the command staff at the police**
24 **department on or about June 26th, 2020?**

25 A What was the first part of that question?

1 **Q That there was a com- -- do you understand**
2 **that there was a complaint filed against you by your**
3 **command staff at the police department on or about**
4 **June 26th, 2020?**

5 A Yes.

6 **Q When did you first become aware of it?**

7 A A date -- I -- I don't remember the date. I
8 just know I was called over to the city manager's
9 office. I don't remember what day it was.

10 **Q So, let me ask, how were you made aware of it?**

11 A I believe the first time I was made aware of
12 it, I was at the city manager's office with the HR
13 director and the city attorney.

14 **Q And what were you told?**

15 A That they filed a -- I believe a no-confidence
16 and I think they -- I don't even know if they showed me
17 the -- the cover sheet. And they said there was a -- a
18 bunch of bullets, documents, unsigned, that were
19 attached or were with them at some point, and then --
20 but I -- I never saw the -- the bullets -- the bullet
21 points.

22 **Q Did they tell you who in the command staff**
23 **signed the complaint in that meeting?**

24 A They said five out of six and -- and so, I --
25 I -- let me correct something. I first learned of the

1 complaint -- and I didn't realize it was a complaint at
2 the time -- from Deputy Chief Fewless. I don't remember
3 the days between when it -- when he told me that -- we
4 had an occasion where he went over -- allegedly went
5 over to Leesburg Police Department to review an internal
6 investigation for their chief.

7 When he -- when I was trying to contact him, I
8 guess he was there -- well, I know he was there with
9 Captain Gibson. I was trying to contact them. Neither
10 would respond. They finally responded.

11 I think -- I -- I think, if I'm -- if I
12 recall, Deputy Chief Fewless -- I asked him if he was --
13 if Gibson was with him. He said -- he said, "Gibson?
14 No," I think. And then, I -- I text Gibson, I said, are
15 you with Fewless. And he said, yes, 25 feet away. And
16 I said, well, I need to -- I need to meet with you guys.

17 When they came back, I asked them what the IA
18 was about. Deputy Chief Fewless said that he -- he
19 couldn't tell me; that the -- the chief told him he
20 didn't want -- he didn't want anybody to know.

21 So, I said, well, Captain Gibson was in the
22 room with you. Why is it that he could know. And
23 Captain Gibson immediately said, oh, I wasn't there; I
24 was in the hallway and I was in the parking lot waiting
25 on him. And it was about two hours that they were gone

1 and I was a little suspicious of that. So, I was
2 calling the chief of Leesburg. He didn't respond to me,
3 which was a little odd, to me.

4 And then I think a day or so later Deputy
5 Chief Fewless came into my office, closed the door, and
6 said, hey, do you remember that -- that thing I told you
7 about going over to Leesburg for the internal
8 investigation. I said, yeah. He goes, well, I -- I
9 lied about that. I said, you lied about it. He goes,
10 yeah. I said, well, what -- what were you doing. And
11 he said, well, I was delivering some documents to an
12 attorney. And I said, documents for what. He said, for
13 protection. And I said, protection for what. And he
14 said, against you; you've been acting strange for the
15 last couple of months.

16 I'm sorry?

17 **Q Oh, no, go ahead.**

18 A Oh. So, that was -- that was, like -- I don't
19 remember. So, that was just before I found out about
20 the -- the entire thing. And I don't know how many days
21 passed from then to -- to that point, but that's --
22 that's when I first learned there were documents.

23 **Q While working in the Mount Dora Police**
24 **Department, did you ever have a reason or did you ever**
25 **make a complaint against a direct supervisor?**

1 A May- --

2 Q That you can recall.

3 A I'm sorry.

4 Q That you can recall.

5 A I don't think -- not -- not -- maybe verbally,
6 not documented.

7 Q You can understand the, like, complicated
8 nature, uncomfortable nature of having to make a
9 complaint against a direct supervisor that -- until that
10 supervisor finds out about it, it's awkward, right?

11 A Are you asking me that I understand why he
12 lied?

13 Q Like, you know, how -- like, if I said, do you
14 understand why, like, at funerals, people cry, right?
15 Because someone died, right? Do -- do you understand
16 the premise of that question? Like, there's, like, an
17 expected emotion at something like a funeral that people
18 would be crying, right?

19 A I -- I guess. I -- I'm not sure where --

20 Q Have you ever been to -- it's, like, have you
21 ever been to a funeral where people are happy and
22 laughing? You know what I mean? There's, like, an
23 expected emotion at a funeral. If you're going to a
24 funeral, people are going to be sad, right?

25 A Sure.

1 **Q** Right. Well, if someone makes a complaint
2 about their direct supervisor, you can understand that
3 it would be uncomfortable for them around their
4 supervisor during the time that the complaint is
5 pending, right? That's not, like, a -- that wouldn't
6 surprise you, would it?

7 **A** I was pretty surprised that he involved
8 another chief of police in -- in a -- in -- in what he
9 did, but --

10 **Q** You're saying -- you're saying, by saying that
11 he was with the other chief of police even though he
12 wasn't?

13 **A** Yeah, I mean, and -- and to continue that --
14 as I was texting them, continue that, and when I was
15 face-to-face with both of them -- I mean, they both
16 played it off like they were there. And it wasn't until
17 he -- he came in, I think, a day or so later and told me
18 that he lied about it and, you know, I -- I can tell
19 you, I'm sure that chief, who I haven't spoken to since,
20 was pretty upset, if he knew about it.

21 **Q** Do you know if Ms. Hayes told Mr. Fewless not
22 to discuss the complaint with you?

23 **A** Not -- do I know that? No, I don't know that.

24 **Q** So, when you went to the meeting with
25 Ms. Sutphen, Ms. Kraynik, and Ms. Hayes, you -- you

1 understood that it was Captain Gibson and Mr. Fewless
2 that had been two of the complainants, correct?

3 A Correct.

4 Q At that time, you ever heard of someone
5 getting, like, a five-and-five? You ever heard that
6 term?

7 A No.

8 Q Like, you get five minutes to decide if you
9 want -- if you're going to retire or get fired? Have
10 you ever heard that phrase?

11 A No.

12 Q At the meeting on -- with the individuals
13 we've just discussed, Ms. Sutphen, Ms. Kraynik, and
14 Ms. Hayes, were you told what would happ- -- what the
15 next steps were now that they have received that
16 complaint from the command staff?

17 A The next steps.

18 Q Yeah, what would happen next at -- at the
19 police department.

20 A As far as who would take over the police
21 department? Who -- what --

22 Q Well, let me ask you: Did they tell you they
23 were going to investigate or they were going to close
24 the investigation? Let's go there --

25 A I don't believe they -- they said anything

1 about an investigation. I -- I -- I know there was a --
2 a conversation about my retiring.

3 **Q You agreed to retire, in that meeting,**
4 **correct?**

5 A The first meeting, I don't -- I don't -- I
6 don't remember. I -- I know I agreed to retire. I
7 had -- I had -- I had talked to the city manager about
8 retiring, prior to this all happening, but I don't
9 remember if it was that first meeting that I -- that I
10 said I would retire. I -- I -- I don't remember that.
11 It's possible, yes.

12 **Q Did she tell you -- or is it -- do you have**
13 **any reason to dispute that, at that meeting, you agreed**
14 **to retire and then submitted a formal resignation or**
15 **retirement letter a few days later? Does that sound**
16 **familiar?**

17 A Well, you -- you're saying agreed to retire.
18 I said I was going to retire. I didn't -- I don't think
19 agree -- like, we didn't say -- you know, they said, you
20 need to retire and I -- I believe I said, well, I'll
21 just retire.

22 **Q Did you retire in lieu of -- so, they never**
23 **told you that you were under investigation, at that**
24 **meeting?**

25 A That I was under investigation? No.

1 Q When you were --

2 A They -- all they said was they -- they had the
3 documents.

4 Q But they never told you, like, hey, we have to
5 investigate this.

6 A No.

7 Q When you left that meeting, did you have any
8 belief or inclination that that complaint you were told
9 about was being investigated by the City of Mount Dora?

10 A After the first meeting?

11 Q Yes.

12 A No. No.

13 Q Did anybody tell you, like, we're not opening
14 a formal investigation into this --

15 A No.

16 Q -- at that -- so, it wasn't -- no one told you
17 one way or the other, like, hey, we're opening an
18 investigation or, no, we're not opening an
19 investigation; you weren't told one way or the other.

20 A No, the -- an investigation never came up with
21 me, that I -- that I recall, no.

22 Q Why did -- why, at that meeting, did you state
23 that you were going to retire?

24 A Well, for a couple of reasons. One, I was --
25 I was contemplating retiring already. I -- I wasn't --

1 I wasn't enjoying the job. It was a -- it was a mess.
2 It was a mess when I took it over. I -- I didn't want
3 to take the job in the beginning. I turned it down, but
4 I just had had enough.

5 Q Okay. Well, you had been thinking about
6 retirement for over, like, a year, right? Would that be
7 fair to say?

8 A I'm sorry. Say that again?

9 Q You had been considering retirement for, like,
10 over a year, right?

11 A Yeah, I mean -- yeah -- yeah, not as much
12 as -- you know, I think -- well, I can't -- I don't want
13 to say, but it -- it had been weighing on me, yes.

14 Q Was -- was learning that this complaint and
15 vote of no-confidence by the command staff, like, the
16 impetus for you to finally say, like, I need a break
17 from law enforcement for a while?

18 A I -- I guess that's fair to say. I mean, I --
19 I had a lot going on at the time, so -- yeah, I mean,
20 that was -- that -- that's fair to say.

21 Q Okay.

22 A If I could add, Mr. Andrews, at some point --
23 you had asked me about the retirement thing. At some
24 point, there was a discussion about if -- if I retired,
25 they would retract the -- the complaint. And I don't

1 remember if that was the first meeting or -- or a
2 subsequent meeting. I don't recall.

3 Q But it's your recollection that those three
4 ladies, Ms. Sutphen, Ms. Kraynik, and Ms. Hayes, told
5 you that, if you retired, they would withdraw the
6 complaint?

7 MR. BOWLING: Objection.

8 A I -- I don't recall who said it, but I know
9 there was a statement made that, if -- if I retired,
10 they would retract the complaint.

11 Q And that was from -- one of those three ladies
12 made that statement, but you don't recall who; is that
13 correct?

14 A Yeah, I'm just trying to think of who -- who
15 said it. I -- yeah, I -- I can't say absolute who said
16 it. I -- I want to say it was Sherry, but I can't -- I
17 can't say absolutely it was her.

18 Q Okay. And I -- what I'm trying -- that's
19 helpful, but what I -- that's what I was trying to
20 understand. It was one of those three women -- you
21 think it was Sherry, you're not a hundred percent
22 sure -- but it was someone else that we haven't
23 discussed (unintelligible).

24 A You -- you -- at the end of what you just said
25 kind of got -- got low.

1 Q Oh, yeah.

2 A I didn't hear the end of it.

3 Q I'm just trying to make sure that I understand
4 that there was only -- the four of you were in the room.

5 A Right.

6 Q And it was one of those three women that said
7 it, and you think it was Sherry Sutphen, but you're not
8 100 percent sure.

9 A I'm not a hundred percent sure. It may have
10 been Ms. Hayes. I don't -- it was one of the two, but
11 I -- I can't say absolutely which one.

12 Q But it was one of those two ladies. Okay.

13 A Yes.

14 Q Did they say why the complaint would be
15 withdrawn?

16 A No.

17 Q Just that, if you resigned, they would make
18 sure the complaint was withdrawn?

19 MR. BOWLING: Objection.

20 A That -- their -- their words were they would
21 retract the complaint.

22 Q Who -- when you you said "they," do you
23 know -- who they were referring to?

24 A I just assumed the -- I don't know who -- who
25 the spokesperson was for them, but I -- I suspect it was

1 the five of them. I don't -- I don't know.

2 Q So, we're talking about the command staff,
3 the -- that's the "they."

4 A Yes.

5 Q Okay. Sorry. That's what I meant when I --

6 A No, I -- I apologize. I -- I should have
7 specified that.

8 Q Did you ever state, while chief of police,
9 that you thought that the PIO for the city wasn't
10 competent?

11 A I -- I don't recall those words, no. I -- I
12 had -- I had my issues with the PIO at times, yes.

13 Q So, do you recall saying, at any point, as
14 chief of police, that you thought that the PIO was
15 incompetent, or something similar? Maybe didn't use the
16 word "incompetent."

17 A As I said, I -- I don't -- I don't recall
18 saying that. I don't -- I will say that I had some
19 issues -- we -- we collectively had some issues. Deputy
20 Chief Fewless and I both had issues.

21 Q When you say "we," you mean the police
22 department had issues with City Hall's PIO, right?

23 A Yeah, that's fair to say.

24 Q And, again, I'm not trying to put words in
25 your mouth; I'm just trying to keep it as --

1 A No, I -- no, I'll clarify it as best I can.

2 Q No, I appreciate it.

3 Did you ever, like -- was there ever a time
4 that you may have referred to Mike Fewless as, like, the
5 unofficial spokesperson for the police department?

6 A No. No. Not that I recall, no.

7 Q And when you say, not that you recall, is it
8 that -- I'm trying to understand what your definition of
9 "I don't recall" is. Are you saying that, no, I never
10 said it or, I can't -- I may have said it, but I can't
11 tell you one way or the other?

12 A No, I don't -- I don't recall saying it. I
13 don't know why I would say that, that he would be the
14 unofficial spokesperson for the -- because it was -- we
15 dealt with -- with media statements and things kind of
16 differently as we went, depending if I was -- if it was
17 better for the chief to speak about it or -- or, you
18 know, it was something small that we could have an
19 officer do or -- so -- so, I don't -- I don't recall
20 saying that he was the unofficial spokesperson, no.

21 Q Sure. Okay.

22 And when you say something small that an
23 officer could do -- can you give me an example?

24 A I -- I'm thinking of a -- of an incident where
25 we had something -- I can't remember what it was -- but

1 our PIO had contacted us and said the media wanted a --
2 wanted a statement. And I don't remember -- I don't
3 know if it was some kind of event we were doing or --
4 you know, like Click It or Ticket or whatever. I
5 don't -- I don't remember what it was, but I remember
6 having Lisa Dorrier, one of our officers, do it, you
7 know, letting -- letting the PIO know we were going to
8 let this officer do it. And she had done the -- the
9 release.

10 And I don't remember exactly what the -- what
11 the -- I want to say it was something about some kind of
12 event we were doing, whether it was Click It or Ticket
13 or something.

14 **Q And so, you're -- it's your testimony that you**
15 **told the PIO, hey, I'm going to let a junior officer do**
16 **this, make this statement?**

17 A Yeah, I mean, I don't know if I specifically
18 spoke to her or if -- or Deputy Chief Fewless or we both
19 did. I don't -- I don't, but I remember a time where we
20 had her -- because she was nervous about it. And that
21 just popped in my head when you asked me.

22 **Q Who was nervous about it?**

23 A The -- the -- the officer.

24 **Q Oh, okay.**

25 A Yeah.

1 Q But you didn't ask the PIO for permission to
2 have the junior -- the officer do it. You just -- when
3 it was relayed to you to by the PIO to address this
4 question from the news media, you got it and you and
5 Chief Fewless said, hey, let the officer be the one to
6 speak on it?

7 A So, the -- yes, the PIO was aware that the
8 officer was going to speak on it.

9 Q When you say the PIO was aware, was the PIO
10 aware because you requested permission or you informed
11 the PIO that that would happen?

12 A I believe either -- well, I could tell you one
13 of us spoke to her and said, hey, we're going to go
14 ahead and have the officer do it, and she was fine with
15 that. So, you know --

16 Q It wasn't like a -- I'm sorry. I'm sorry. Go
17 ahead.

18 A Just -- we -- just working together, you know,
19 it was determined we're going to let her do that for her
20 development and -- and it happened.

21 Q It wasn't like a requested permission; it was,
22 like, hey, we're going to do this, we wanted to let you
23 know kind of thing, to the PIO.

24 A Well, I -- so, the city manager's preference
25 was to go through the PIO for -- for everything that --

1 that we did. So, we -- we did that. We spoke to her.
2 You know, she was -- she was a go-getter and would go
3 after stories and kind of create more work for us,
4 but -- but, yes, we were to -- to work with the -- the
5 PIO to -- to make that happen.

6 **Q You said it was the city manager's preference.**
7 **That wasn't required by the rules; that was just the**
8 **preference of the city manager.**

9 A It was -- yeah, it is in the policy.

10 **Q What -- what is in the policy?**

11 A The city policy is you have to get
12 authorization to speak to the media.

13 **Q To give a statement, like, on behalf of the**
14 **department, right, to the news media?**

15 A My -- my understanding of the policy is to
16 speak to them.

17 **Q Well, to speak to them about what?**

18 A So, if the media con- -- so, if -- let's --
19 for instance, Channel 9 calls me up and says, hey, we
20 would like to talk to you about whatever, a shooting, I
21 would need to call the PIO and the city manager and say,
22 hey, Channel 9 is calling me and they want me to speak
23 on this.

24 **Q So, if they're calling for, like, an interview**
25 **or for an official response, that's -- the policy**

1 **requires you to notify the PO -- PIO and ask for**
2 **permission, right?**

3 A No. I mean, if -- if the media contacted me
4 at all, I would -- about anything, about whether it's --
5 I'm -- I'm to go and let them know that the media has
6 contacted me. Whether it's for a statement, whether
7 it's for -- to talk about Click It or Ticket, I -- I
8 need to let them know that that's going to happen first.

9 Q **What if they call you to ask if the sun is**
10 **out -- do you have ask the PIO to answer that question,**
11 **yes, the sun is out in Mount Dora today?**

12 A That's a hypothetical. I -- I don't know -- I
13 would -- I would -- I don't know. Maybe.

14 Q **Just so I understand, it's your testimony**
15 **that, if the news media called and asked if it was sunny**
16 **outside the police department, you would ask the PIO if**
17 **you could respond to that?**

18 A I -- I'm not -- I mean, that's kind of an odd
19 question, but if -- if the media called me and asked me
20 if it was sunny outside the window, I would tell them
21 yes, it's sunny outside the window, and I would call the
22 PIO and say, hey, just so you know, Channel 9 just
23 called me and asked if it was sunny outside the window.
24 I told them yes. Was that okay? Yes --

25 Q **Like, hey --**

1 A -- or no.

2 Q -- this is a weird question we got. They
3 asked if it was sunny. I told them yes -- you would
4 notify the PIO for that?

5 A I would notify the PIO that the media
6 contacted me, yes.

7 Q What if the news media called you and said,
8 hey, we had someone break into our office and we want it
9 to be investigated -- would you call the PIO and tell
10 them, hey, we have a complaint from news media that
11 they -- their offices were burglarized?

12 A No, I would call the -- I would call somebody
13 to get them -- get them down there to take a report.
14 That's -- that's different. They're not asking me for a
15 statement or they're not asking to meet with me.
16 They're asking -- they're saying they were -- there was
17 a crime committed and they need a report taken.

18 Q Well, what if they want to meet with you to
19 discuss that report? Do you have notify the PI- --

20 A I would notify -- I would notify the PIO, yes.

21 Q Even if they're come -- even if the news media
22 is coming in to report and discuss a complaint that they
23 want to make about a burglary at their office, you would
24 notify the PIO for that?

25 A No, that's what I'm -- I -- no, that's what

1 I'm saying.

2 **Q Go ahead.**

3 A I was -- I was pausing for Mike. I didn't
4 know if he --

5 MR. BOWLING: Objection.

6 Go ahead -- objection.

7 A Can you repeat the question?

8 **Q Yeah, I'm just trying to understand what is**
9 **the most menial reason why you would have to call the**
10 **PIO for the news media reaching out to you?**

11 A I -- I couldn't answer that. I don't know
12 what a menial reason would be. I mean, sunny outside
13 the window -- there's a menial one, and I already
14 answered that.

15 **Q Yeah.**

16 A Yeah, I -- I think -- well, I would -- yeah.

17 **Q Would you --**

18 A I mean, I would think it was odd that they
19 called and asked me if it was sunny. So, I would call
20 her and say, hey, I just had an odd call from wherever
21 and this is what I told them.

22 **Q So, you don't believe that that policy applied**
23 **only to, like, official positions from the police**
24 **department.**

25 A No, I think it applies to everybody. I mean,

1 I wouldn't want one of my officers going and talking to
2 the media either. It applies to everybody.

3 Q Talking to them about what, though? Right?
4 That's what I'm trying to focus in on.

5 In your -- in your mind, if an officer was
6 approached and someone in news media said, hey, is it
7 sunny out in your building today, and they said yes,
8 would you have expected your officer to report that to
9 you or up through the chain of command?

10 A Yeah, I guess. Yes. I mean, would they? I
11 don't know, but yes, I would expect them to.

12 Q Would they --

13 A And most -- I would say most officers,
14 especially young ones, are -- are pretty intimidated by
15 the media. So, they would definitely tell somebody.

16 Q You were chief of police for how long at Mount
17 Dora?

18 A About a year.

19 Q You have several years of law enforcement
20 experience, right, like 19?

21 A 27.

22 Q 27. My math is off.

23 A That's okay.

24 Q Is a good -- is a good working relationship
25 with news media beneficial to a police department?

1 A Yes.

2 Q And so, it's -- it's vital, isn't it?

3 A It's pretty critical, yes.

4 Q If there's a crime scene and a reporter shows
5 up and says, hey, I'm so-and-so with, you know, Fox News
6 on TV and I have a question about, you know, a burglary
7 at a candy store in Mount Dora, would you expect your
8 officers on scene to turn their back and pretend like
9 that person doesn't exist; or would you expect them to
10 get their name and number so that it could be forwarded
11 up to the PIO to say, hey, we have Fox News, Sean
12 Hannity, here asking questions about this candy store
13 burglary; we wanted to let you know?

14 A Yeah, I would expect my officer to go to the
15 supervisor and say, Fox News is over there and wants to
16 speak to somebody, and that -- that supervisor call the
17 commander, and the commander calls somebody or call the
18 PIO, and have the PIO respond.

19 Q Sure, but to do that, they would have to say,
20 okay, what is your name, what is your number, let me get
21 it, I'll have somebody reach back out to you, correct?

22 A Well, I mean, it -- it depends on the
23 circumstances. If they're -- if they're there on the
24 scene, I would just tell them, let me contact the PIO
25 and I'll let you know what the PIO -- if the PIO is

1 going to respond or -- or what -- what the circumstance
2 will be, whether they're going to respond or they'll
3 call or whatever, but it --

4 **Q You --**

5 A I would actually hope that the supervisor
6 would handle that at that point.

7 **Q But you wouldn't expect your supervisor to at
8 least go get the person's name and number -- the news
9 media person's name and number?**

10 A Well, I'm just going by -- so, my experience
11 as a -- as a police officer, if -- when I was out there
12 and I was holding a crime scene and a -- and a reporter
13 came up to me and said, hey, who can we talk to about
14 this incident -- give me just a second. Let me see
15 where the PI- -- if the PIO is responding.

16 And I would go to my supervisor or, if I was
17 the supervisor, I would -- we would go up the chain
18 and -- and find out if the PIO was going to respond. I
19 wouldn't get their name and number at that time because,
20 if she's responding, it didn't make sense to get her
21 name and number -- or their name and number.

22 **Q How else would they respond other than calling
23 the person?**

24 A If they were going to call them -- if she was
25 responding to the scene, she wouldn't have to call them.

1 I would just go back over and say, she's on her way.
2 She's 30 minutes out.

3 Q But -- so, long story is you wouldn't expect
4 the person to get the name and number of someone and
5 say, we'll let -- you know, we'll provide it to the PIO?

6 A Not necessarily.

7 Q That wouldn't be inappropriate to do that,
8 would it?

9 A It wouldn't be inappropriate, no.

10 Q It wouldn't violate the city's policy to say,
11 let me get the name and number and I'll forward it up,
12 would it?

13 A No, because they would -- they would be
14 contacting the PIO. So, yeah, that would be fine.

15 Q Right. They're not giving, like, a statement
16 on -- as to what's going on -- that type of contact
17 isn't a statement about what's going on at the crime
18 scene; it's simply taking the information and reporting
19 it up, correct?

20 A Correct.

21 Q Now, if you had been --

22 A -- making a statement to the -- to the media,
23 so, that's not a -- you know, or they're not -- they're
24 not meeting with the -- all they're doing, if they're a
25 conduit between them and the -- and the PIO.

1 **Q** **That policy is -- the purpose of that policy**
2 **is to make sure that the messaging about official**
3 **actions of the police department is -- there's an**
4 **understanding and agreement as to what official**
5 **responses will be and to -- for media requests, correct?**

6 A Yeah, essentially.

7 **Q** **That -- that's the spirit of the policy,**
8 **right?**

9 A I mean, I didn't write the policy, but
10 that's -- you know, that's my understanding is to ensure
11 that -- that the PIO and the -- you know, and sometimes
12 the city manager be aware that a media request has
13 been -- been -- has been brought to our attention and
14 that -- you know, how are we going to handle that --
15 that media request.

16 **Q** **If you were at a crime scene and you saw an**
17 **officer or sergeant speaking to someone that you knew to**
18 **be in the news media, would you open up an investigation**
19 **on that officer, without knowing what was said?**

20 A Well, no, I would call that officer over and
21 say, what are you -- ask them what they were doing. And
22 if they were -- if they were giving a -- a statement to
23 the media. I -- it's possible. I mean, it's kind of
24 hypothetical, but it's possible, yeah.

25 **Q** **What type of statement? Like, if -- what**

1 **would they have to tell you for you to say, hey, I'm**
2 **going to open up an investigation into this?**

3 A I -- I don't -- you're asking me to come up
4 with a scenario.

5 **Q Yes.**

6 A I -- I don't know. I mean, if they -- if they
7 started giving details about the -- what occurred or the
8 crime or -- I -- I -- you know, I don't know.

9 **Q No. No. If they start saying what's going on**
10 **at the crime scene and what happened, that would be --**
11 **that would be egregious, for you, correct?**

12 A Well, that would be egregious, but that
13 wouldn't be the only reason. I mean, I -- I wouldn't
14 want my officers talking to the media, period, without
15 authorization if -- if -- period.

16 **Q About -- about anything.**

17 A About anything that had to do with the crime
18 scene, any -- any issues that they may have had with --
19 with whatever. They -- if they thought that they should
20 be closer to the crime scene or if they thought, you
21 know, why -- you know, why do you have the tape over
22 here -- whatever it is, they have to notify the
23 supervisor and let them know.

24 **Q What if they said, hey, we're going to be**
25 **back. We need a cup of coffee. Where's a good coffee**

1 place -- would you expect them to notify the supervisor
2 and the PIO?

3 A Well, I would expect them to notify the
4 supervisor if the PIO is on the way and they're going to
5 get coffee, yes.

6 Q Yeah, if they come up there and they're just
7 waiting and they're showing their credentials and they
8 say, hey, we'll be back in 30 minutes, we're going to go
9 grab a cup of coffee, where can we grab a cup of
10 coffee -- in that scenario, what you would expect
11 them -- would you expect that to be reported up and told
12 to the PIO?

13 A No, I mean -- well, if the scenario is that
14 the PIO is on the way there or -- or -- if the scenario
15 is the PIO is on the way there, yes, I would expect them
16 to go to the supervisor and say, they're leaving to go
17 get coffee.

18 Q But, otherwise, in the scenario, if the PIO is
19 not on the way, you wouldn't expect that to be reported
20 up the chain of command to the PIO, would you?

21 A No.

22 Q Now, you know who Marilyn Aciego is?

23 A I do.

24 Q Did -- when you were chief of police, did you
25 find her to be a thorn in the police department or the

1 **city's side?**

2 A A -- say that again? A -- a what?

3 **Q When you were chief of police, did you find**
4 **her to be a thorn in the City of Mount Dora's side as it**
5 **relates to her reporting?**

6 A When I was chief of police, I didn't have any
7 contact whatsoever with Marilyn Aciego, except for the
8 one incident with Deputy Chief Fewless.

9 **Q Well, what incident was that?**

10 A Which -- which one? The one with Deputy Chief
11 Fewless?

12 **Q Yeah.**

13 A The -- when he met with Marilyn Aciego?

14 **Q Oh, I'm asking you. Is that what you're**
15 **talking about?**

16 A That's the only -- that's the only time I've
17 had any contact with Marilyn Aciego at all probably in
18 the last ten years --

19 **Q Did you --**

20 A -- or more.

21 **Q Did you ev- -- had you ever had an interaction**
22 **with Marilyn Aciego and any of her family members?**

23 A Any of her family members?

24 **Q That you knew were her family members.**

25 A No. I don't know any of her family members.

1 Q And -- fair enough. You -- I mean, if you
2 say, I have no idea who her family members are, so I
3 couldn't tell you -- I -- that's what I'm trying to
4 understand, but --

5 A Yeah, I don't know her family members.

6 Q You never, like, gave a DUI to a family member
7 of hers and she mentioned it to you or anything like
8 that. I'm not using that -- that's just an example.

9 A Oh. Oh. Not that I -- not that I recall.
10 Like I said, I -- I haven't -- I haven't spoken to
11 Marilyn Aciego -- I couldn't even tell you how long.

12 Q Do you know -- do you recall why, the last
13 time you spoke with her, or what it was about or, no, it
14 was too long ago?

15 A Not without guessing. I mean, it would --

16 Q I'll tell you the reason I ask --

17 (Simultaneous speakers.)

18 A I'm sorry. No, I remember her being a
19 reporter, I think, when I was in the drug unit, but that
20 was back in 2000 to 2005. I don't know if I -- if I had
21 any contact with her since then.

22 Q The only reason I ask is because the way you
23 said, I haven't talked to her in over ten years -- it
24 just -- I thought that you might have remembered the
25 last time that, you know, you had talked to her.

1 A No, I -- ten years is probably -- probably
2 inacc- -- I probably shouldn't have said ten years.

3 **Q Okay.**

4 A I don't remember the last time I talked --
5 talked to her or had an interaction with her.

6 **Q Understood.**

7 **When -- you said you saw her meet with Chief**
8 **Fewless.**

9 A Correct.

10 **Q How did you know who this person was when you**
11 **saw them walk --**

12 A I didn't, when she walked in. I didn't at
13 all. She didn't have any credentials on. She looked
14 familiar, but I didn't -- I didn't know who she was.
15 She was walking behind him. She made eye contact. I
16 was actually standing out by my assistant, talking about
17 the budget, and she came walking in and she looked over
18 at me. And I said, hey, how you doing. And she didn't
19 say anything, and then they walked into the office. I
20 didn't -- she looked familiar, but I -- I couldn't --
21 couldn't place her.

22 **Q When did you realize that she was Marilyn**
23 **Aciego, the news reporter?**

24 A I realized she was Marilyn Aciego when I asked
25 the deputy chief's assistant who she was. And I believe

1 the deputy chief's assistant got on the -- his calendar
2 and said, Marilyn Aciego, but I didn't, at that time,
3 know that Marilyn Aciego was still a reporter.

4 **Q Did the chief's -- did the chief's calendar**
5 **say why she was coming that day at that time?**

6 A I didn't see the cal- -- I saw her pull up the
7 calendar. I didn't see what was on there, except for
8 her name. I don't -- I don't know if there was anything
9 else on there.

10 **Q It was on his official calendar.**

11 A It -- whatever calendar she had access to,
12 yeah, her -- his police department calendar is my
13 assumption.

14 **Q Yeah.**

15 A I don't know if that's what it was on, but I
16 know it was on a calendar.

17 **Q It would be fair to say he wasn't hiding the**
18 **fact that she had an appointment with him, if it's on**
19 **his official police calendar, correct?**

20 A I can tell you I certainly didn't know he was
21 meeting with her. I --

22 **Q You --**

23 A I don't know if he was hiding it.

24 **Q You didn't know that he filed a 25-page**
25 **complaint against you either, but my -- my point is --**

1 if you're trying to conceal a meeting with someone,
2 putting them on your official calendar that other people
3 can see wouldn't be a good start to that, would it?

4 A I can't speak for him or -- I don't -- I don't
5 know. I mean --

6 Q Well, I'm not ask- --

7 A I didn't know he was meeting with her. So, I
8 don't --

9 Q Let me ask it in a different way. For the
10 times that you would go to dinner or have a drink with
11 Ivy Severance, did you put that on your official
12 calendar?

13 A No.

14 Q Right. And to put it on your official
15 calendar would disclose that you would have a meeting
16 like that, right? Other people could see --

17 A Or -- or -- or it was a reminder to him that
18 he had a meeting. I don't -- I don't know why he would
19 put it on there. I can't speak for why he would put it
20 on there.

21 Q Someone wouldn't want to put something on
22 their calendar if they didn't want others to know about
23 it, correct?

24 MR. BOWLING: Objection.

25 Q Go ahead.

1 A I -- I don't know. I mean, I don't know how
2 to answer that.

3 Q Okay. Someone wouldn't meet with somebody at
4 the police office if they didn't want other people -- or
5 if they had a problem with other people knowing that
6 they were meeting with that person; would you agree?

7 MR. BOWLING: Objection.

8 A I -- I suppose. I don't know. I mean, I
9 don't -- if you're asking me if he was -- if he
10 was going to hide it, would he meet somewhere else?
11 Possibly.

12 Q Right. Well, and the reason -- I'm getting at
13 is, for the times -- you testified earlier you had a
14 physical, romantic relationship with Ivy Severance. Did
15 you and Ivy Severance ever engage in a physical or
16 romantic relationship or acts at and inside the police
17 department?

18 A No.

19 Q Right. That would have been risky, wouldn't
20 it? Other people could have discovered it or learned
21 it, correct?

22 A Correct.

23 Q Right. So, if somebody was willing to do
24 something like that within the police department, it
25 would follow that they're probably not concerned about

1 **other people learning about it, right?**

2 MR. BOWLING: Objection.

3 A Again, I -- I suppose.

4 Q Okay. So, you looked at the calendar and you
5 **saw it was Marilyn Aciego. When you -- when -- when you**
6 **saw her name, you understood her to be someone who was**
7 **in news media, correct? At least previously.**

8 MR. BOWLING: Objection.

9 That's not what he testified to.

10 A I -- yeah, I -- I didn't know she was still in
11 the media at that time because I hadn't -- I hadn't
12 heard or seen her in years. So, I didn't know why she
13 was there or what capacity she was there.

14 Q Right. What -- but I'm saying is, when you
15 **saw her name, you recalled that, at least previously,**
16 **she had been a news reporter, correct?**

17 A That's correct.

18 Q **When did you learn that she was still a news**
19 **reporter?**

20 A When she left and I went in and asked Deputy
21 Chief Fewless why she was there.

22 Q **And that was the -- do you recall that day?**

23 A Same day.

24 Q **Would the -- would that have been June --**
25 **July 17th?**

1 A I don't -- I don't know.

2 **Q Okay.**

3 A I -- that's my -- that's my birthday, so I
4 probably would have remembered that, but I don't
5 remember the date.

6 **Q Okay. What did Chief Fewless tell you?**

7 A He told me that she had some issue with an
8 officer on a crime scene at -- at a shooting scene. The
9 officer either ignored her or didn't -- didn't speak to
10 her, and that she wanted to kind of -- kind of make a --
11 and I don't -- I'm -- I don't remember the exact
12 conversation -- but basically, ensure that our officers
13 were -- knew what to do and -- and to make sure the
14 relationship with the police department was -- was good
15 with the media.

16 And he also said that she -- he met with her
17 because she said she didn't want to meet with me because
18 she doesn't like me.

19 **Q So, she wasn't there for, like -- Mr. Fewless**
20 **didn't tell you that she was there for information about**
21 **a double shooting, did she -- did he?**

22 A He said she was there about a shooting, yes;
23 that she would -- apparently, she arrived on a crime
24 scene -- or at the shooting scene and tried to get the
25 officers' attention and they ignored her.

1 **Q** But not -- Mr. Fewless didn't tell you that
2 she wanted, like, information about the investigation,
3 did he?

4 A I don't recall. I don't recall.

5 **Q** Certainly, that would be something you would
6 have remembered if someone in the news media went to one
7 of your subordinates and said, tell me confidential
8 information from a shooting investigation, right?
9 That's something that --

10 A Well, I could -- I could say that she -- he
11 didn't tell me that she wanted confidential information
12 about a -- about the shooting. I know that didn't
13 happen.

14 **Q** Okay. Good.

15 A But that's --

16 **Q** All right. Now -- but he told -- would it be
17 fair to say that she wanted to complain to him about the
18 fact that she was ignored at a crime scene?

19 MR. BOWLING: Objection.

20 Go ahead.

21 A I -- that's what he told me.

22 **Q** Right. That would be a fair summary of what
23 he told you?

24 A Yeah, that -- that -- that nobody would --
25 would make contact with her at the crime scene and that

1 she wanted to better the relationship, in -- in essence,
2 that's what I recall him saying.

3 Q Okay. And you testified earlier that the
4 relationship with news media is very important, right?
5 I think you used the word "critical."

6 A Yeah, it's critical.

7 Q Is it inappropriate for a new reporter to tell
8 the police that, I'd like to be acknowledged when I go
9 to a crime scene and at least be not -- at least not be
10 ignored, as part of bettering that relationship?

11 A I'm trying to get your question right. Are
12 you asking me, is it fair for media to come and -- and
13 talk to us about that?

14 Q Come in and say, hey, I'd like to be
15 acknowledged when I'm at a crime scene, we want to have
16 a good relationship with the police department -- is
17 that inappropriate for the news media to come and tell
18 someone in command staff that?

19 A No. What's inappropriate is not bringing it
20 up the chain and letting people know that you're going
21 to meet with somebody from the media.

22 Q That presumes that he knew why she was coming,
23 correct?

24 A I -- I -- I suspect so, yeah. I --

25 Q Well --

1 A But I -- but I mean, he knew --

2 **Q For him to report it up to the PIO, prior to**
3 **the meeting, he would have had to have been told, I want**
4 **to come talk to you about this?**

5 A She's -- she's with the media. He's meeting
6 with her -- he shouldn't have met with her, knowing she
7 was with the media, without telling anybody, and -- and
8 getting authorization to talk to her is -- I mean,
9 that's -- that's what I --

10 **Q What if she was about to ask him out on a date**
11 **or for a drink? I mean, would he have had to tell the**
12 **PIO, like, hey, the news reporter invited me out for a**
13 **drink?**

14 A Well, I kind of -- I think it's probably the
15 same way that an officer would -- would -- would --
16 whether they got the phone number or not. I mean,
17 should they say, hey, I've got this person from the
18 media coming over or -- came over and -- and wanted to
19 talk to the PIO, yes.

20 Should he have told us that a reporter was
21 coming over to talk to him, whether he knew what she was
22 talking to him about -- I don't know whether he knew
23 prior to. I suspect he did, but I don't know. But he
24 should have notified somebody that -- that the media was
25 coming to talk to him.

1 Q We can agree there's a difference of a
2 reporter being at a crime scene and a reporter asking to
3 have a meeting with somebody and not telling what that's
4 about, correct? We can say there's, like, an obvious
5 objective difference in those two examples, correct?

6 A Well, besides they're on a crime scene, no,
7 there's not. I mean, because --

8 Q (Unintelligible.)

9 A You're still meeting with a -- with a
10 reporter.

11 Q Yeah. The devil is in the details, though.
12 The fact that she's standing outside a crime scene lends
13 a strong implication that she has a question about the
14 crime scene that's going on, right?

15 A Correct.

16 Q And the fact that she just asked for a meeting
17 with Mike Fewless -- if she asked for a meeting with
18 Mike Fewless, without any further information, would it
19 be a violation of -- of the specific policy for that
20 meeting to be put on his calendar, without knowing any
21 other information whatsoever?

22 A Well, I would first say that he clearly had
23 more information because she said she didn't want to
24 meet with me because she didn't like me. So, I -- he
25 inferred that -- the way I took it, he inferred that he

1 knew what she was coming over there for.

2 Q If it was a complaint -- if it was to file a
3 criminal complaint, against you, that wouldn't be an
4 inappropriate thing for her to say, would it? Like,
5 hey, I don't want to talk with the chief about it --
6 that wouldn't be inappropriate to ask to speak with
7 next-highest person, would it?

8 A If she was coming to make a complaint, I would
9 hope she would go to the city manager. That's who I
10 work for.

11 Q The city manager's --

12 A Worked for.

13 Q -- job, though, is not to receive
14 complaints -- criminal complaints, is it?

15 A Oh, I -- I thought you said about me.

16 Q No, a criminal complaint about --

17 A Oh, a criminal complaint?

18 Q Yeah.

19 A Well, again, if -- if she was coming over to
20 file a criminal complaint, I would -- I would hope he
21 would -- he should come to one of us and tell us -- he
22 should have come to me and said, hey, Marilyn Aciego is
23 coming over here to talk about a criminal complaint or
24 to talk about the relationship between the PD and the
25 media -- he should have come to me so I could bring it

1 up the chain. Or I would have been okay with him
2 calling the PIO --

3 Q Would that --

4 A -- and letting me know he called the PIO.

5 Q Would that have been in accordance with the
6 best policing practices to -- if someone said, I'm
7 coming to file a criminal complaint against the chief of
8 police, to notify the chief of police that a vic- -- a
9 purported victim is coming in to make a criminal
10 complaint against them?

11 A So, again, if you're asking me a criminal
12 complaint about the chief of police, I would hope, if he
13 got a phone call about that, that the first thing that
14 he would do would call -- be call the city manager, who
15 is my boss; not just take the complaint and -- and take
16 it upon himself to take the complaint. No, he should
17 have called the city manager, in your scenario.

18 Q He -- that -- that's what you would have
19 expected?

20 A That's -- yeah, that's what I would expect. I
21 guarantee that's what the city manager would expect.

22 Q But you wouldn't have expected him to call the
23 PIO and say, I'm having a meeting regarding this, in
24 that example.

25 MR. BOWLING: Objection.

1 A Not -- not if he's making a criminal complaint
2 on me, no. No. He should be calling the city manager.

3 Q So, you became aware that same day that
4 Ms. Aciego was at the police department. Does the
5 police department have any policies or procedures about,
6 if they see a violation of policy, how soon they have to
7 report it or file, like, an internal complaint?

8 A I mean, I -- I would -- I would hope
9 immediately. I mean, depending on the complaint, I'm
10 not -- I'm not following what you're asking.

11 Q I'll give you an example. The Department of
12 Corrections has a policy that, if they witness an
13 employee engage in a violation of policy or procedure,
14 they have to report it that same day; or, if it happens
15 at the end of the shift, the first thing they do the
16 next working day.

17 Does -- does the City of Mount Dora have a
18 similar policy?

19 A A similar policy, yes.

20 Q Yeah. And what is that policy? What does --
21 what does it require?

22 A I mean, off the top of my head -- I mean, it's
23 been a while.

24 Q Yeah.

25 A I -- I couldn't quote policy, to be honest

1 with you.

2 Q I'm not asking for a quote. I'm asking, what
3 is your understanding of the policy, as someone who
4 worked at the City of Mount Dora for, like, 29 years?

5 A So, if the --

6 MR. BOWLING: Objection.

7 A If some- -- if somebody witnessed or knew of a
8 policy violation, they should report it immediately or
9 within -- within the time they -- before they left
10 shift.

11 Q Okay. So, then, it's a similar policy to what
12 the Florida Department of Corrections has.

13 A Yes.

14 Q Okay. Thank you.

15 And that would have been the policy in July of
16 2020, correct?

17 A I -- I suppose so, yeah.

18 Q You don't have any reason to believe that that
19 policy was not in effect in July of 2020, do you?

20 A No.

21 Q Okay. Now, when you saw Ms. Aciego walk in
22 Mr. Fewless' office and you learned who she was, what's
23 the first thing you did?

24 A The first thing -- nothing, because I didn't
25 know what capacity she worked in at that time. I was

1 kind of puzzled why she was there. I -- I didn't know.

2 Q What -- when did you learn -- you said you
3 learned from Mike Fewless -- he told you that she was
4 still in news media, correct?

5 A Well, he walked -- he walked her out of the
6 office, and I don't know where he went -- I guess he
7 went downstairs. He went back into his office. And a
8 few minutes later -- he never came into my office, so I
9 walked into his office and asked him about the meeting.

10 Q Isn't it true when you walked in, you said:
11 What type of negative story is she doing now?

12 A No. I didn't know she was a reporter.

13 Q Okay. Well, when you found out that she was a
14 reporter, from Mr. Fewless, was your response: What
15 type of negative story is she doing now?

16 A No. My -- my question to Deputy Chief Fewless
17 was, hey, what was -- what was that meeting about with
18 Marilyn Aciego. And he proceeded to tell me exactly
19 what I just told you. So, I never made a statement --

20 Q What --

21 A -- negative -- I -- like I said, I didn't know
22 she was a reporter still.

23 Q What is --

24 A I knew nothing about the blog or whatever she
25 has now.

1 **Q What is the next thing that you did, after**
2 **that meeting with Mr. Fewless?**

3 A The next thing I did was go back into my
4 office. I received a phone call from Sharon Kraynik,
5 the HR director, about a -- I believe, like a -- either
6 a hiring or a recruiting question.

7 And then, when we finished talking about that,
8 I said, you're not going to believe what -- what Mike
9 just did, and I told her what happened.

10 **Q So, you didn't call Ms. Kraynik to make a**
11 **complaint?**

12 A Did I call her? No.

13 **Q When you told Ms. Kraynik, was this just,**
14 **like, a statement, like, oh, by the way, or were you --**
15 **did you consider yourself to be making a complaint**
16 **against Mike Fewless?**

17 A I was informing her -- I just said, you're not
18 going to believe this -- because Chief Fewless was --
19 was, if I'm -- I know I'm correct on this -- but he was
20 reprimanded along with a couple of other officers before
21 that -- I don't know how many days before that, but
22 before that -- because, when we had the shooting, they
23 were conversing about the shooting amongst themselves
24 and never contacted me.

25 And my understanding from the city manager is

1 she reprimanded, I think, three or four of those
2 commanders and said, the chief is still the chief and
3 you will keep him updated on everything up -- that's
4 going on until he's gone.

5 **Q Was this an oral reprimand or a written**
6 **reprimand? Do you know?**

7 A She just said she reprimanded them. I
8 don't -- I don't know.

9 **Q Well, didn't you learn that you only had**
10 **missed, like, one or two text messages in that text**
11 **thread?**

12 A I don't know how many I missed. I -- I
13 don't -- the -- the bottom line -- I didn't know -- I
14 know there was a text stream with the text messages. I
15 don't know how much I missed, but my understanding was
16 they -- they thought I was on the text stream, is what
17 they told me.

18 **Q Why is that -- why does that have anything to**
19 **do with Mike Fewless and Marilyn Aciego?**

20 A Because, once again, he didn't let me know
21 that he was meeting with -- with what I found out later
22 was a reporter.

23 **Q You're saying that those two alleged incidents**
24 **had something to do with each other?**

25 A I'm saying that they were told to keep me

1 apprized of what was going on in the police department.

2 Q Right.

3 A So, yes, it -- it's related.

4 Q Let me ask you, they -- she -- you -- they
5 were told to keep you in the loop on what was going in
6 ch- -- going on in the police department, correct?

7 A Correct.

8 Q How many minutes passed, from when Ms. Aciego
9 left Mike Fewless' office, did Mr. Fewless tell you
10 about the meeting he had just had with Marilyn Aciego?

11 A I don't know how many minutes passed, but he
12 didn't come in and tell me; I walked into his office and
13 I asked him.

14 Q Right, because, as soon as she left, you just
15 walked in, correct?

16 MR. BOWLING: Objection.

17 A I -- I don't -- I don't recall that because I
18 know he went downstairs and -- and I gue- -- I don't
19 know what he did. I think he brought her to Mike Gibson
20 or something.

21 Q Right.

22 A I don't know how many minutes passed between
23 the time he sat back down in his office and when I
24 walked in there -- is that what you're asking me?

25 Q Isn't it true that, within ten minutes of him

1 **leaving his office and coming back, you walked into his**
2 **office, immediately after he reentered his?**

3 A I -- I can't say within ten minutes. I -- I
4 don't remember, to be honest with you. I don't know how
5 many minutes went by.

6 Q **It was the same shift, though, wasn't it? We**
7 **can start there.**

8 A Oh, yeah. Yeah.

9 Q **It wasn't -- it wasn't, like, several hours**
10 **later, was it?**

11 A Wasn't several hours later.

12 Q **It was less than an hour later, right?**

13 A Probably.

14 Q **And when he told you what had happened, did**
15 **you tell him, hey, you violated the policy?**

16 A I didn't say anything to him because, at that
17 time, I was retiring and I wasn't dealing with it, you
18 know -- I wasn't going to deal with it; I was going to
19 let somebody else know.

20 Q **You -- it wasn't -- you -- is it your**
21 **testimony that you weren't concerned about it because**
22 **you were leaving?**

23 A I was concerned about it because he had
24 already been told he should keep me apprized of what was
25 going on, but I wasn't going to -- I wasn't going to

1 counsel him or do anything at that moment. I wanted
2 them to know that this is what happened, and I just
3 happened to talk to the HR director and -- and told her.

4 Q Right. You didn't call her to make a
5 complaint and you didn't call Robin Hayes to make a
6 complaint, correct?

7 A I -- no. As I -- I told you before, the HR
8 director contacted me -- it was either about a
9 recruiting thing or a new hire. We finished that
10 conversation and then I told her what happened.

11 Q Right. And, again, just to be clear, after
12 you left Mr. Fewless' office, you did not call Robin
13 Hayes for the purpose of reporting what Mr. Fewless had
14 just told you, correct?

15 A I did not talk to Robin Hayes, no.

16 Q Right. You did not call her to make a
17 complaint, correct?

18 A No, I -- I talked -- I told the HR director.

19 Q But isn't it true that, after you left
20 Mr. Fewless' office, you did not pick up the phone and
21 dial the HR director and tell her, I have a complaint to
22 make about Mike Fewless, correct?

23 A Correct.

24 Q Okay. You testified that Mr. Fewless had
25 taken her to Ms. Gibson's off- -- Mr. Gibson's office,

1 **correct?**

2 A I -- I believe he did. I think he said he
3 brought her -- brought her downstairs to Gibson's
4 office.

5 **Q Did you tell Ms. Kraynik that she had also met**
6 **with Captain Gibson?**

7 A I don't recall. I don't know.

8 **Q Why wouldn't you have disclosed that, too?**

9 A I --

10 MR. BOWLING: Objection.

11 A Like I said, I don't recall if I did or not.
12 And I -- and I don't -- I wasn't -- I'm trying to
13 think -- I don't know when I knew he brought -- I
14 believe I found out that he brought them down -- I don't
15 know. I don't know when he -- when he told me or when I
16 found out about him -- but I know he brought her down to
17 Gibson at some point.

18 **Q And if Mr. Gibson had a conversation with**
19 **Ms. Aciego about having a good relationship with the**
20 **police department and wanting to -- to, you know, be**
21 **acknowledged at crime scenes, would that have been a**
22 **violation of the policy by Mr. Gibson as well?**

23 A Technically, yes. I mean, it -- except for
24 his -- his immediate supervisor brought her down there.
25 I mean, he could have assumed that she -- he -- he had

1 already gotten the authorization. I don't know.

2 Q But your testimony is that that would have
3 been a violation of the policy, as you understood it, as
4 well?

5 MR. BOWLING: Objection.

6 A Yes.

7 Q And -- but you never made a complaint to HR or
8 Robin Hayes prior to your departure from the City of
9 Mount Dora that Captain Gibson also met with a reporter?

10 A No, I -- no, I didn't, but I didn't make a
11 complaint on Deputy Chief Fewless either. I just
12 informed the HR director.

13 Q So --

14 A That's what happened.

15 Q So, you didn't -- you didn't believe that what
16 you saw merited making a complaint?

17 MR. BOWLING: Objection.

18 A I'm not saying that. What I'm saying is I
19 didn't make a complaint. All I did was inform her, when
20 she called me, and told her, this is what happened. And
21 I believe she w- -- she contacted the city manager.

22 Q She's not your boss. You testified that Robin
23 Hayes is your boss. Why did you tell Ms. Kraynik?

24 A Because I -- because I -- she's a fellow
25 director and -- and I let her know because she's been in

1 the meetings with -- with everything that went on with
2 the complaint and with my retirement. And I just told
3 her.

4 Q Did --

5 (Simultaneous speakers.)

6 Q Go ahead.

7 A I'm sorry?

8 Q I apologize. I interrupted you. What was the
9 last part of what you said?

10 MS. HARGROVE: Because she happened to call.

11 A Because she happened to call.

12 Q I'm sorry. Who is the one that said, "because
13 she's happened to call," the female voice?

14 A That's -- what's that?

15 MS. HARGROVE: It's Attorney Hargrove.

16 MR. ANDREWS: Oh, okay. Sorry. I
17 just thought -- it was kind of like -- I felt like
18 I -- someone was on stage yelling a line. So, I
19 heard somebody else say what you said immediately
20 right after.

21 THE WITNESS: No, I'm -- I'm glad she did
22 because I almost forgot what I said at the end.

23 MR. ANDREWS: Okay.

24 THE WITNESS: But, yes.

25 MS. HARGROVE: Mr. Andrews, you are aware that

1 I represent Mr. Bell, correct?

2 MR. ANDREWS: Yes.

3 MS. HARGROVE: Okay. I just wanted to make
4 sure that that was clear, since I sent the e-mail
5 yesterday, since we had not received a subpoena
6 prior to that.

7 MR. ANDREWS: No, I -- I understand that you
8 represent him. It just caught me off guard when I
9 heard you give him the line. I just wasn't sure
10 what was going on. It threw me off.

11 All right.

12 MS. HARGROVE: And just for clarification, I
13 didn't give him a line; I just repeated what he
14 said.

15 MR. ANDREWS: I -- I understand. I don't mean
16 a negative attribution to it, just for the record.
17 I don't mean to imply that you did something
18 inappropriate. It's just the fact that it
19 happened. That was all.

20 MR. BOWLING: Thought there were ghosts, huh?

21 MR. ANDREWS: Well, no, I just -- I wasn't
22 sure -- I can't tell which screen it's coming from.
23 From here, I don't know if it's -- I don't think
24 it's -- I mean, it looks like you're by yourself,
25 Mike, and you definitely have a manly voice, so I

1 didn't think it was you. I just can't tell if
2 someone is off cam- -- I mean, you know, I don't
3 know what I can't see.

4 MS. HARGROVE: Just trying to social distance.

5 MR. ANDREWS: No, that's -- of course.
6 There's no problem.

7 BY MR. ANDREWS:

8 **Q In the year that you worked with Mike Fewless,**
9 **did he always tell you who he was meeting with?**

10 A I -- well, I don't know. I mean, I don't
11 know -- if he met with somebody that I didn't know, how
12 am I supposed to tell you, I don't -- I don't think he
13 told me everybody that he's ever met with, no.

14 **Q He wasn't required to tell you everybody he**
15 **ever met with.**

16 A No. No, unless it was a reporter.

17 **Q Did you share a calendar with him?**

18 A No.

19 **Q Did you share an assistant?**

20 A We had two assistants. I had one and he had
21 one, so -- but -- but they did things for both of us.

22 **Q So, your assistant had access to his calendar**
23 **and his assistant had access to your calendar.**

24 A I don't know if -- I don't know if my
25 assistant had access to his or -- or if his had access

1 to mine. I just know she had acc- -- or his assistant
2 had access to his.

3 Q Knowing that Marilyn Aciego was at least
4 previously -- that you knew she was at least previously
5 in the news media, why didn't you walk into Mr. Fewless'
6 office when you saw him walk her in?

7 A Well, one, that would be unprofessional. I --
8 I had no idea what she was there for because I didn't
9 know she was still a reporter. I hadn't heard f- -- or
10 seen her in years.

11 Q Well, if you recognize someone and then you
12 look at the calendar and see their name and recognize
13 that they used to be a news reporter, isn't that
14 something you would want to walk in and see what's going
15 on or --

16 A No --

17 Q -- ask Mike to step out for a moment?

18 A No.

19 Q So, at least up until that point, you had no
20 personal concerns that she had walked in his office,
21 correct?

22 A At that point, not knowing she was a reporter,
23 I did not have any concerns.

24 Q Well, you knew -- but you knew she was at
25 least a reporter previously, correct?

1 A 15, 20 --

2 MR. BOWLING: Objection. Asked and answered.

3 A Yeah, I mean, that was years ago. I don't --
4 I mean, she had been, yes.

5 Q Yeah. I'm not saying, at that date, you knew
6 she was still a reporter; I'm saying that, when you saw
7 her name, you know, at least in the past, she was a
8 reporter.

9 A Yeah.

10 Q Okay. And, knowing that, it wasn't -- it
11 didn't concern you enough to walk into the meeting and
12 ask Mike to step out.

13 A It didn't cross my mind, but if I'd have
14 walked in there and interrupted them and she -- it turns
15 outs she wasn't a reporter, then -- then I would -- and
16 she was in there making a complaint on an officer, I'd
17 feel pretty stupid. So, yeah, I didn't -- that didn't
18 even ever cross my mind.

19 Q So, you're saying that it would not have been
20 inappropriate for you to pop in and say, hey, Mike, can
21 I talk to you for one second, and say, hey, are you
22 meeting with a news reporter? That --

23 A No.

24 Q It never struck you that that might be
25 something that you could or should do?

1 A Never struck me to do that.

2 Q And, again, would that be fair to say that you
3 weren't concerned at that point that he was having a
4 meeting with Marilyn Aciego?

5 A Well, I knew -- I'm not sure of the question.

6 Q Well, at the point that you went to the
7 calendar and saw Marilyn Aciego's name and it jarred
8 your memory that, in the past, you knew, at least
9 several years ago, she was a reporter -- that didn't
10 concern you enough to go in there and see what was going
11 on, correct?

12 MR. BOWLING: Objection. Asked and answered.

13 A Correct. I've already -- yeah, I've already
14 said that.

15 Q Well, didn't --

16 A Yeah, I mean --

17 Q Yeah, but that -- just knowing that she was
18 meeting with him, that she used to be a reporter, that
19 wasn't enough to raise a concern that something -- that
20 a rules violation could be going on.

21 A No.

22 Q Okay. Are you familiar with the Officers'
23 Bill of Rights?

24 A Yes.

25 Q Do you understand that, in a law enforcement

1 agency, it applies to everyone but the sheriff or the
2 chief?

3 A Correct.

4 Q Okay. And that it would have also applied to
5 the deputy chief as well, Mr. Fewless, correct?

6 MR. BOWLING: Objection. Go ahead.

7 A That it applies to the -- to everybody below
8 the chief, yes.

9 Q Right. Did you oversee internal affairs
10 investigations on behalf of the police department?

11 A Actually, Deputy Chief Fewless was in charge
12 of internal investigations.

13 Q Okay. And for those investigations, would you
14 have expected the -- Deputy Chief Fewless and his
15 designees to follow the Police Officers' Bill of Rights?

16 A Yes.

17 Q And the same would apply for if -- if the city
18 manager opens an investigation of someone below the
19 chief of police, that could result in a termination,
20 that would also implicate the Policeman's Bill of
21 Rights, correct?

22 MR. BOWLING: Objection.

23 A I -- I -- yeah, I can't -- I can't -- I don't
24 know the answer to that, if -- if you're asking me,
25 could she open -- I know what you're asking me. I don't

1 know the le- -- legality of that.

2 **Q You don't know whether it implicates the**
3 **Police Officers' Bill of Rights one way or the other?**

4 A If the city manager did it for city policy or
5 city charter, no, I don't. I don't know if -- I don't
6 know one way or the other if that applies. Never --

7 **Q If -- sorry?**

8 A I -- I don't know if that applies at all.

9 **Q But if it did, you would expect the**
10 **interrogations to be recorded and the other parts of the**
11 **Policeman's Bill of Rights to be complied with, right?**

12 A Yeah.

13 **Q Because you wouldn't want a subordinate**
14 **officer of yours terminated in violation of the Police**
15 **Officers' Bill of Rights, correct?**

16 A No.

17 **Q Did M- -- during your phone call with**
18 **Ms. Kraynik, did she say what she was going to do after**
19 **learning about this?**

20 A I -- I don't remember. I do remember -- I
21 know she contacted the city manager. Whether she told
22 me she was contacting the city manager at that time -- I
23 don't think she did.

24 **Q Did she tell you, hey, I need to report this?**

25 A No, not in those words. No, that I -- I

1 recall.

2 Q Now, we talked about the policies of the
3 police department that require you, an officer, to file
4 a complaint if they believe they've witnessed a
5 violation of policy or rules by a co-worker, correct?
6 Do you recall those questions?

7 A Uh-huh.

8 Q And you testified --

9 A Yes.

10 Q -- about the policy, that it should -- it was
11 the -- the police department's policy that it should --
12 a complaint should be made during that shift or the very
13 next shift, correct?

14 A Correct.

15 Q Okay. By notifying the HR director, that did
16 not comply with the police officers' pol- -- the police
17 department's policies, did it?

18 MR. BOWLING: Objection.

19 A Are you asking if I followed the police
20 department's policy by notifying her?

21 Q No, my -- my question is different. My
22 question is, for you to have complied with the police
23 department's policies, you would have had to have made a
24 written complaint within the police department, correct?

25 A Yes -- well, or -- yeah.

1 Q Like, in other words, telling the HR director
2 over the phone what you just witnessed didn't also
3 comply with the police department's policies about
4 notifying -- about being required to make complaints of
5 violations of policies, correct?

6 A Yeah, I don't know how to answer that
7 question. Um -- hmm...

8 Q Well, let me give it by way of example. Did
9 you have a jail at the police department?

10 A We had holding cells, yes.

11 Q Holding cell. If you walked in and saw an
12 officer just beating up someone who's handcuffed, who's
13 not causing a disturbance, not fighting, not doing
14 anything wrong, making a complaint to the HR director
15 would not have been enough, would it? You would have
16 been required to file a written complaint within the
17 police department, correct?

18 A Yeah, I mean, somebody would have -- would
19 have written up a complaint, yes.

20 Q Correct.

21 A When it comes to police department policy,
22 yes.

23 Q Right. And so, what you saw of Mr. Fewless
24 that you believed was or may have been a violation of
25 the city -- you know, policies and procedures applicable

1 to city employees, you would have been required to do
2 the same thing and write up a complaint within the
3 police department, correct?

4 A When it comes to city policy?

5 Q Well, any policy or practice, right?

6 A Well, PD policy and city policy are two
7 different things. I'm not sure -- I don't remember what
8 the city policy says about, you know, how quickly you
9 have to report it or who you report it to.

10 Again, I -- all I did was let the HR director
11 know this is what happened. And I was more surprised
12 because he had -- they had told me they reprimanded
13 him -- or the city manager reprimanded him for not
14 keeping me apprized of the shooting.

15 Q Did -- as we sit here today, do you believe
16 you were required to report -- to file a written
17 complaint against Mr. Fewless with the police department
18 for violations of policies and procedures of the City of
19 Mount Dora?

20 A No.

21 Q Why is that?

22 A Because I -- I don't know. I just -- because
23 I don't -- I let -- I let the HR director know. I
24 didn't know what they were doing with it. I was -- I
25 wasn't in any meetings pertaining to what they were

1 going to do with it. I -- I didn't even know they were
2 going to do anything with it.

3 Q Well, but you wouldn't have needed that
4 knowledge to know whether you should have filed a
5 complaint or not, within the police department, a
6 written complaint.

7 So, my question is a little different. I
8 understand that you did not file a written complaint
9 within the police department. I understand you didn't
10 really make a formal complaint to the HR; you just kind
11 of told her what happened.

12 A Right.

13 Q What I want to understand is why didn't you
14 file -- if you see a violation of -- or, you know,
15 unethical conduct or -- or anything like that, why --
16 why would you -- why -- why didn't you feel you needed
17 to report what you -- Mr. Fewless said happened and what
18 you saw on a written complaint within the police
19 department?

20 MR. BOWLING: Objection. Asked and answered.

21 Q Go ahead.

22 A Okay. I just didn't. I don't know how to
23 answer that. You -- you keep asking me the same
24 question. I would say that I didn't make a formal
25 complaint because -- look, I was on my way out. I let

1 them know. I -- in my capacity, I wasn't -- I wasn't
2 looking to file a complaint on anybody. I was retiring.
3 I let them know and -- and, again, I didn't even
4 realize -- I didn't know that they were going to even
5 take it anywhere.

6 **Q If you weren't on your way out, would you have**
7 **filed a written complaint within the police department?**

8 A No. I -- I probably would have just let --
9 let the city manager know, this is what happened, and
10 I'm having -- I'm going to call Mike in and -- and
11 counsel him.

12 **Q So, from your perspective, what had**
13 **happened -- what you saw happened and what Mr. Fewless**
14 **told you happened -- you believe counseling would have**
15 **been appropriate remedial measure for Mr. Fewless.**

16 A If -- if I was -- if that happened and I was
17 the chief, not leaving, and we were just in that
18 capacity, I would counsel him and let the city manager
19 know, this is what happened and it won't happen again,
20 and -- and then go from there. And, hopefully, she
21 would understand that he was counseled and that was it.

22 **Q Sure. You wouldn't have expected -- if it**
23 **was -- you wouldn't have expect- -- if you were still**
24 **there and not leaving and you would have counseled**
25 **Mr. Fewless, you wouldn't have expected the city to**

1 terminate him for it, if you had handed out your own
2 punishment of counseling, would you?

3 A You're asking if I was staying there?

4 Q Yeah.

5 A Re- -- ask that question again. I'm sorry.
6 I'm -- I'm not tracking.

7 Q Yes, sir. You testified that if -- if you
8 had -- were still staying with the agency and not
9 leaving, that if this would happen, you would have
10 counseled with Mr. Fewless and then you would have
11 notified the HR, hey, this happened and I -- I counseled
12 him and it won't happen again.

13 You wouldn't have expected -- or you -- you
14 wouldn't have expected Mr. Fewless to be terminated
15 after that, would you have, since you had already
16 counseled with him?

17 MR. BOWLING: Objection.

18 A After that?

19 Q Yes, sir.

20 A I wouldn't think so. I mean, I -- I probably
21 would have -- if the city manager didn't agree with my
22 counseling, then I would probably -- I mean, I -- she'd
23 probably discipline me or counsel me if that's not what
24 she wanted.

25 Q Right, but from your perspective, as -- if you

1 had been staying with the agency, you wouldn't have,
2 yourself, considered that a terminable offense?

3 A No.

4 MS. HARGROVE: Mr. Andrews?

5 MR. ANDREWS: Yes, ma'am.

6 MS. HARGROVE: Is there a possibility we can
7 take about a five-minute break?

8 MR. ANDREWS: Absolutely.

9 (Brief recess.)

10 BY MR. ANDREWS:

11 Q Mr. Bell, if someone in the news media has a
12 complaint they were disrespected by police officers at a
13 crime scene, is that a police department complaint or is
14 that a City of Mount Dora complaint, in your mind's eye?

15 A The complaint, itself, is a police department
16 complaint.

17 Q And would you expect that that complaint be
18 handled within the police department?

19 A The complaint, itself, yes.

20 Q Prior -- other than Chief Few- -- Deputy Chief
21 Fewless, were -- are you aware of anyone else at the
22 City of Mount Dora Police Department that had been
23 terminated for -- under the same provision that
24 Mr. Fewless was?

25 A Under the same provision?

1 **Q Yes.**

2 A No. I'm trying to think. I don't -- I'm
3 trying to recall. There was an incident with an
4 officer -- he was the SRO at a high school -- at our
5 high school. I'm trying to think if -- if he was
6 actually terminated for that. That's what was trying
7 to -- that's what I was trying to think of, but he spoke
8 to a -- he did a -- an actual interview with a reporter
9 and -- that was when Chief O'Grady was -- was chief. He
10 handled most of it.

11 But I -- I don't remember if he was terminated
12 for that. He -- he's -- no longer works for us, but I
13 don't remember if he was terminated for that or -- or if
14 it was a mutual -- he resigned. I can't remember, but I
15 know there was an incident involving an SRO.

16 **Q Okay. Would it -- would you agree that not**
17 **every complaint that the police department receives is**
18 **also transmitted to the City of Mount Dora?**

19 A Any generic complaint?

20 **Q Isn't it true that not every complaint that**
21 **the police department receives is also transmitted to**
22 **the City of Mount Dora by the police department?**

23 A If I'm understanding, yeah, I -- I would say
24 no, it's not -- to City Hall? No.

25 **Q Give me one second. I'm just checking my**

1 notes.

2 Let me ask you: You testified today about
3 your relationship with Ivy Severance. Is this the first
4 time that you've testified under oath and been asked
5 that question?

6 A Yes.

7 MR. ANDREWS: Mr. Bell, I don't have any
8 further questions for you -- from -- for you at
9 this time.

10 THE WITNESS: Can you give us just one second?

11 MR. BOWLING: You don't need to. I -- I don't
12 have any questions.

13 THE WITNESS: Oh, okay.

14 (Whereupon, the deposition was concluded at
15 4:42 p.m., and the witness did not waive reading and
16 signing.)

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CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF LEON)

I, ANDREA KOMARIDIS WRAY, the undersigned authority, certify that the above-named witness appeared before me via videoconference pursuant to the Supreme Court's Order AOSC20-13 and was duly sworn.

WITNESS my hand and official seal this 22nd day of March, 2021.



ANDREA KOMARIDIS WRAY
NOTARY PUBLIC
COMMISSION #HH 089181
EXPIRES February 9, 2025

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, ANDREA KOMARIDIS WRAY, Court Reporter,
certify that the foregoing proceedings were taken before
me at the time and place therein designated; that my
shorthand notes were thereafter translated under my
supervision; and the foregoing pages, numbered 1 through
82, are a true and correct record of the aforesaid
proceedings.

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'
attorney or counsel connected with the action, nor am I
financially interested in the action.

DATED this 22nd day of March, 2021.



ANDREA KOMARIDIS WRAY
NOTARY PUBLIC
COMMISSION #HH 089181
EXPIRES February 9, 2025

