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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: ROBIN HAYES
AT THE INSTANCE OF: Plaintiff
DATE: February 17, 2021
TIME: Commenced: 9:00 a.m.
Concluded: 12:56 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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1 APPEARANCES :

2 REPRESENTING THE PLAINTIFF :

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7 REPRESENTING THE DEFENDANT :

8 MICHAEL H. BOWLING
9 Bell and Roper, P.A.
10 2707 East Jefferson Street
11 Orlando, FL 32803

12 ALSO PRESENT :

13 MICHAEL FEWLESS
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*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,

ROBIN HAYES

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 morning, Ms. Hayes. How are you doing?

A Good morning.

Q I'd feel bad taking up your time if you were a city manager in Texas right now.

A I would agree -- or any state midwest.

Q Yeah, no, indeed.

Have you ever had your deposition taken before?

A Not in this format, but a different format, yes, sir.

Q What was the different format?

A So, it was just a -- obviously, it was not Zoom. It was personal. And they didn't actually the have a reporter there, a record- -- a reporting person or recorder, but I did have the attorneys there. It was an agreed-upon process.

Q Was it like an arbitration?

1 A They didn't -- they called it ba- -- basically
2 a deposition, but that was how the two attorneys agreed
3 to proceed.

4 **Q Was it for a legal case?**

5 A Yes. It was another city.

6 **Q Sorry?**

7 A It was another city.

8 **Q What city was that?**

9 A The City of Titusville.

10 **Q Titusville. Were you the city manager there**
11 **before?**

12 A No, sir.

13 **Q When -- let's start with this: How long have**
14 **you worked as the city manager for Mount Dora?**

15 A September the 26th, 2016.

16 **Q Until the present?**

17 A Yes, sir.

18 **Q Okay. Before then, where did you work?**

19 A City of Oviedo, 2012 to 2016, when I started
20 here.

21 **Q What position did you hold there?**

22 A OMB. So, it was a -- a budget -- budget
23 director. I'll simplify it that way. It was the budget
24 director.

25 **Q That was for the entire four-year period?**

1 A That was the -- different titles, but that is
2 what it represented, budget -- budget and strategic
3 planning, and then I was the acting city manager when
4 the city manager was not available.

5 **Q Unavailable as in, like, out of the office or,**
6 **like, on leave?**

7 A Out of the office or on vacation, at a -- at a
8 seminar, that type thing.

9 **Q Okay.**

10 A Someone that was there, present.

11 **Q Okay. So, before you worked at the City of**
12 **Oviedo, where did you work?**

13 A City of Winter Garden.

14 **Q Okay. And what was your role -- position**
15 **there?**

16 A Finance director.

17 **Q Was that, like, a lower position than an**
18 **ombudsmen?**

19 A No. Just finance director is over all the
20 process. And, in Oviedo, they had budget and strategic
21 planning basically pulled out of finance and directly
22 with the city manager. So, it was a choice of city
23 directors or city managers.

24 **Q Okay. Where -- how long did you work in the**
25 **City of Winter Garden?**

1 A 2008 to 2012.

2 Q Where did you work before then?

3 A City of Titusville.

4 Q And how long did you work there?

5 A 2002 to 2008.

6 Q And what -- I'm guessing, there, you probably

7 had a change in positions a few times.

8 A Right. I was a budget officer, a finance
9 manager; again, all in the finance division. So, it was
10 various positions, whether it was budget or finance.

11 Q What's your educational background?

12 A I have a Bachelor's Degree in business
13 administration from UCF.

14 Q Did --

15 A And I have not completed the fifth year -- two
16 years, excuse me. I worked toward the fifth year, but
17 did not complete the two-year of a Master's program.

18 Q Oh, okay.

19 A In finance, you complete your fifth year.

20 Q Yeah. Are you still working on your Master's?

21 A I haven't since I've been over here. It's
22 been a few years since I've taken a class --

23 Q When you say "over here," you mean for the
24 City of Mount Dora.

25 A That's correct.

1 **Q All right. Let me ask you a few questions.**
2 **One of your -- as the city manager, you establish and**
3 **implement the management practices for the employees of**
4 **the city, correct?**

5 A I do administer the policies once approved by
6 the City Council.

7 **Q You --**

8 A And those policies -- I'm sorry.

9 **Q Go ahead.**

10 A Those policies are implemented by myself and
11 my directors.

12 **Q Yeah, so, that -- so, that's a yes.**

13 A That's a yes. Again, policies -- policy is
14 set by council. We pull -- we actually follow through
15 with that policy. I don't set policy; council sets
16 policy.

17 **Q Right, but you --**

18 A I implement the policy they set.

19 **Q And you implement the management practices of**
20 **employees as well, correct?**

21 A Yes.

22 **Q Okay. You also provide leadership and support**
23 **to department heads and other city staff, including the**
24 **chief of police, at the City of Mount Dora, correct?**

25 A Yes.

1 **Q Did you interview Mike Fewless when he first**
2 **applied for a job with the City of Mount Dora?**

3 A I had a conversation with him and the chief of
4 police when he was considering Mount Dora. He came over
5 with the chief and there was a conversation in the -- I
6 believe in my conference room, but it might have been my
7 office. It was one of the two. They're next -- an open
8 door between the two. So, we had a conversation. I
9 would not call it an interview. I did not have
10 questions in front of me to ask questions of him.

11 **Q Is your testimony under oath today that you**
12 **answered no ques- -- or you asked no questions during**
13 **this informal conversation with Mr. Fewless?**

14 MR. BOWLING: Objection.
15 Go ahead.

16 A Yeah, that's -- no, that's not what I said.
17 What I said is I didn't have a piece of paper in front
18 of me asking questions and writing them down. I asked
19 questions, yes; had a conversation, yes; but I didn't
20 take it like a formal interview.

21 **Q Let me rephrase. So, it's your testimony**
22 **under oath today that you did not show up with a piece**
23 **of paper with questions that were written down that you**
24 **wanted to ask Mike Fewless when you first met him with**
25 **the former Chief Bell?**

1 A That's my recollection at this time, yes.

2 **Q If -- if Chief Bell testified that you did**
3 **have questions that were written down that you intended**
4 **to and did ask Mr. Fewless the first time you met him,**
5 **would you have any reason to dispute that?**

6 A I'd have to look at it. I don't recall that.
7 So, yes, I'd have to look at that. I don't -- I just
8 don't recall that happening.

9 **Q If you had written down questions, would you**
10 **have saved them?**

11 A They have to go as part of records to our HR
12 director. So, yes, sir.

13 **Q So, HR would have those, if they were created.**

14 A That's correct.

15 **Q Okay. Do you recall when or about that**
16 **meeting was with you, Chief Bell, and Mr. Fewless?**

17 A I don't recall the date. I can tell you it
18 was most likely in the summer before he was hired, in
19 August, September of 2019. I don't recall how close to
20 his date of hire, but it was sometime, obviously, prior
21 to that.

22 **Q Okay. When was Mr. Fewless hired by the City**
23 **of Mount Dora?**

24 A I -- I don't have the exact date.

25 **Q Well, what documents did you review before**

1 **your deposition today?**

2 A I reviewed the documents in reference to the
3 incident that was being questioned. I did not look in
4 his application. The application that was pro- --
5 was -- is basically -- it's on file with the HR
6 director. So, I did not look at the date of that hire.

7 I -- I can't hear you.

8 **Q Yeah, no, I understand.**

9 A I'm sorry.

10 **Q I was muted.**

11 A Sorry. I -- I thought you were asking me
12 something.

13 **Q No, that's okay.**

14 You said you reviewed documents related to an
15 incident. We're going to jump around a little bit. Did
16 you authorize the termination letter that was given to
17 **Mr. Fewless by Sharon Kraynik?**

18 A Yes.

19 **Q Okay. You authorized it, right? So, you --**
20 **in implementing the management practices of the City of**
21 **Mount Dora, you determined that Mr. Fewless had violated**
22 **Policy 3.09(c); is that correct?**

23 A I would have to look at the letter to tell you
24 the exact number, but yes, he violated city policy.

25 MR. ANDREWS: Okay. Well, let's do that.

1 Give me a second.

2 I'll mark this as Exhibit 1.

3 (Exhibit No. 1 marked for identification.)

4 BY MR. ANDREWS:

5 Q Can you see this termination letter on your
6 screen?

7 A We do.

8 Q Okay. Let me know when you've had a chance to
9 read it.

10 A Yes.

11 Q Okay. Is this the letter that -- the
12 termination letter that was given to Mr. Fewless on
13 July 21st, 2020?

14 A Yes, sir.

15 Q And what is the policy that you stated,
16 through your HR director, that Mr. Fewless violated?

17 A It says violation of Policy 3.09, public
18 relations: No employee shall publish a news release or
19 represent the position of the city to the news media
20 unless authorized to do so by the mayor or the mayor's
21 designee.

22 Q I'm going to jump around a little bit, but let
23 me ask you bluntly: What news release did Mike Fewless
24 publish to warrant his termination?

25 A So, it says, "... city to the news media," and

1 that he met with the news media without the permission
2 of the mayor or mayor's designee.

3 Q That's not my question. My question is
4 simple. It says, "... shall publish a news release."
5 What news release did Mr. Fewless publish to warrant his
6 termination?

7 A There was no news release that I'm aware of.

8 Q Okay. So, he was not terminated for
9 publishing a news release, correct?

10 A That is correct.

11 Q Okay. Now, the next part of this policy says:
12 Represent the city of the police [sic] to the news
13 media.

14 Okay. Turns out employees aren't allowed to
15 do that unless they're authorized to do so by the mayor
16 or the mayor's designee.

17 Is the chief of police considered the mayor's
18 designee?

19 A No.

20 Q No.

21 At times, can the chief of police be
22 considered the mayor's designee.

23 A If she so desires to do so, yes.

24 Q Does that happen on an ad hoc basis?

25 A It happens based on the requests coming in,

1 yes.

2 Q Okay. So, let me give you an example. If
3 there's a murder scene and the chief of police is there
4 and the news shows up, is the chief of police allowed to
5 speak to the news or does he have to call the mayor
6 first to ask if he can speak to the news at the murder
7 scene?

8 A So, he does have to call me and then I
9 actually will call the mayor. He does not directly call
10 the mayor. And we get permission to speak; otherwise,
11 we do not speak.

12 Q Do you know if that policy is followed each
13 and every time there is -- police arrive at a scene and
14 the news media shows up to the scene?

15 A Yes.

16 Q You're saying in every -- every example, that
17 happens.

18 A Every example that I am made aware of, yes, it
19 happens. I cannot tell you an example that it does --
20 has not happened since I've been there.

21 Q Okay. So, we focused in on "... represent the
22 position of the city to the news media."

23 Who did Mr. Fewless meet with from the news
24 media that warranted his termination from the city?

25 A He met with an agent of a legal blog, Nancy --

1 and I'm sorry, but I'm pronouncing the last name as -- I
2 just forgot it, when you asked that. So, I -- I
3 apologize.

4 Q Nan- -- Nancy. Are you sure -- well, how
5 would you pronounce the name that you think it is?

6 A I just can't recall it, so I apologize. I
7 don't recall the last name. I can remember her first
8 name, but that's all I can recall right now.

9 Q Huh. Okay. Well, what -- he met with this
10 lady named Nancy. That's your testimony, right?

11 A The -- I didn't hear you. I'm sorry?

12 Q He met with this lady named Nancy; that's your
13 testimony, correct?

14 A That's my understanding, yes.

15 Q Your understanding. You didn't see
16 Mr. Fewless meet with Nancy from the news media, did
17 you?

18 A No.

19 Q Okay. Well, who told you that Mr. Fewless met
20 with Nancy from the news media?

21 A Again, if I have her name correct, I believe
22 it is Nancy. Mr. Fewless told me that.

23 Q Mr. Fewless told you that. When did
24 Mr. Fewless tell you that?

25 A On July 21st.

1 **Q He told you on July 21st, I met with Nancy**
2 **from the news media.**

3 MR. BOWLING: Objection.

4 A He did. He told us of the encounter of
5 bringing her into -- a meeting with her.

6 **Q And what did he tell you about -- you said --**
7 **did you use the word "encounter"?**

8 A I don't -- I don't recall.

9 **Q Oh.**

10 A The -- the meeting -- encounter, meeting. I
11 apologize.

12 **Q No, I just wanted to make sure I under- -- I**
13 **heard you clearly. I think you said "encounter."**

14 **What did Mr. Fewless tell you about the**
15 **encounter he had with Nancy from the news media on**
16 **July 21st?**

17 A He stated that he reached out to this
18 particular person. He had noticed they were at one of
19 the scenes that was an open investigation, and that she
20 was looking for information. She was not provided
21 information at the scene, and that he felt like that
22 she -- that he needed to improve the relations of the PD
23 with the media and provide her an update.

24 **Q Why would Nancy from the news media testify**
25 **that she came in to make a complaint that the city**

1 **didn't have a good relationship with the news media if**
2 **that wasn't true?**

3 MR. BOWLING: Objection.

4 **Q Go ahead.**

5 A I have no knowledge of that.

6 **Q I'm sorry?**

7 A I have no knowledge of that.

8 **Q Okay. Hmm. Let me go back. Nancy from the**
9 **news media comes to the police station, correct?**

10 A Yes.

11 **Q This is on July 21st, 2020, correct?**

12 A No, I don't know what day she came in to -- to
13 the station. That's not the date I gave you. You asked
14 me what day Mike gave me the information.

15 **Q Okay. So, he told you on July 21st. And I**
16 **want to make sure I understand clearly what Mr. Fewless**
17 **told you.**

18 **Did you type a memo or any other document or**
19 **create notes about what Mr. Fewless told you on that**
20 **day?**

21 A No.

22 **Q No.**

23 **Was anyone else present during this**
24 **conversation between you and Mr. Fewless?**

25 A Yes.

1 **Q Who?**

2 A Sharon Kraynik, the HR director, Sherry
3 Sutphen, the city attorney.

4 **Q Did you ask that these people come to this**
5 **meeting?**

6 A I did.

7 **Q Who requested the meeting?**

8 A I did.

9 **Q Why did you request a meeting with Mr. -- with**
10 **Mr. Fewless for July 21st, 2020?**

11 A It had been reported that he had in- --
12 contact with the news media.

13 **Q Who -- who made the report?**

14 A Sharon Kraynik, HR director.

15 **Q Did Sharon Kraynik see Mr. Fewless have a**
16 **meeting with Nancy from the news media?**

17 A No, not that I'm aware of.

18 **Q So, let me get this straight. The HR director**
19 **made a complaint about Mr. Fewless, for which she had no**
20 **personal knowledge; is that correct?**

21 MR. BOWLING: Objection.

22 Go ahead.

23 A Again, not a complaint; she informed me that a
24 meeting had taken place. She had been informed.

25 **Q She had been informed.**

1 A She had.

2 Q Okay. Who -- who -- who did she tell you
3 informed her of that meeting?

4 A The chief of police.

5 Q And that was, at the time --

6 A Robert Bell.

7 Q At that time, isn't it true that there were
8 pending complaints against Mr. Bell by Mr. Fewless and
9 other police officers?

10 A Yes.

11 Q Okay. And isn't it true that in -- Mr. Bell
12 relaying information to Ms. Kraynik, which was related
13 to you, that you gave no consideration to the potential
14 bias of that complaint by Chief Bell?

15 MR. BOWLING: Objection.

16 A No, because the information was simply that he
17 violated a charter and policy and brought the media in
18 and I needed to be aware of that, to be told, as well as
19 the mayor.

20 We have an obligation to let the mayor know
21 that someone had spoken that should not have or had not
22 been given permission to speak or meet.

23 Q Were one of the complaints in -- by
24 Mr. Fewless and others that Chief Bell was involved in a
25 romantic relationship with someone that worked for the

1 **City of Mount Dora?**

2 A It was written in several of the comment
3 pages. I would not -- it was not part of the complaint,
4 in my -- my perspective. It was part of their
5 documentation they turned in.

6 **Q And when that documentation was --**
7 **documentation was turned in, did you open an**
8 **investigation into that allegation?**

9 A I did.

10 **Q What did you learn?**

11 A Well, that there was some challenges. We did
12 not actually get through the entire investigation
13 because the chief retired, volunteered his retirement,
14 which was the desired outcome of the members who filed
15 the complaint.

16 **Q Well, who was the individual that Chief Bell**
17 **was alleged to have had a romantic relationship with?**

18 A One of the documents stated -- stated Ivy
19 Severance, one of our officers. There were accusations
20 in a couple of the other documents that there were other
21 individuals involved, but they did not mention names.

22 **Q Did you ever ask Chief Bell, point-blank --**

23 A I did.

24 **Q -- were you involved in a physical**
25 **relationship with Ivy Severance?**

1 A I did.

2 **Q And what was his response?**

3 A No.

4 **Q No.**

5 **Did you ask Ivy Severance, were you involved**
6 **in a physical relationship with Chief Bell?**

7 A I did not interview Ivy Severance other than
8 to -- with the HR director present. And the FOP would
9 have had to be present, but we had not had a chance to
10 have that meeting at that point in time.

11 **Q For your own internal investigation, you're**
12 **saying that there needs -- well, why does there have to**
13 **be a union member present to ask those questions?**

14 A Again, the officer is represented. So, the
15 process would have been to go through the requirements
16 of asking HR to the union to see if there was any
17 objection to a conversation with that individual.

18 **Q Does that usually happen in writing or over a**
19 **telephone?**

20 A I would say it would be up to the person
21 holding the investigation. Since I have not had to do
22 that, I had -- I cannot tell you which way would be the
23 preference.

24 **Q Who was -- who made the call to the union to**
25 **determine whether someone would be at the meeting with**

1 **Mr. Fewless that you held on July 21st?**

2 A Mr. Fewless is not represented. He is an
3 exempt employee and not represented by the union the
4 same as the officer is represented by the union.

5 Q Okay. Did you advise him he could have a
6 lawyer present?

7 A During our meeting with him on the 21st?

8 Q Yes.

9 A No.

10 Q Was Mr. Fewless being groomed to be the chief
11 of police prior to this incident that you've been
12 testifying about today?

13 A No.

14 Q No?

15 A He was the deputy chief.

16 Q When he was hired, was he hired with the i- --
17 understanding that he may succeed to the chief-of-
18 police position?

19 A He had to be hired with the assumption that he
20 would be the acting chief when the chief was not there.

21 Q Right.

22 A So, you have to be able to assume that
23 position when needed.

24 Q Right, and if and when the -- Chief Bell would
25 retire, quit, be fired, or forced out, that the idea

1 was, is you would want to have a deputy chief that could
2 fill that role; is that correct?

3 A I have not traditionally made that assumption.
4 I prefer to consider posting a position, but he would --
5 he would fill the position temporarily.

6 Q Okay. Part of the police department of the
7 City of Mount Dora -- one of their functions is to
8 receive complaints from citizens, correct?

9 A Yes. We have a communications division.

10 Q Sure. Sometimes, friends of police officers,
11 or acquaintances, will come in and say, I have a
12 complaint, right?

13 A I -- I don't know about that.

14 Q You don't have any reason to doubt that, if
15 someone knows a police officer and they want to make a
16 complaint, they might come in to meet with the police
17 officer in your department that they know, correct?

18 A Again, I have no idea. I'm not sitting there,
19 so I don't know that.

20 Q So, you don't know whether it's common or
21 uncommon, for example, for someone to come to the police
22 department, speak to someone they know and say, I'm
23 having a problem with your department.

24 A No, I don't know if that's common or not. If
25 they speak to somebody, they file a report, then we can

1 look at the report. It's on the record.

2 Q They don't always file a report, though, when
3 people come into the police department, do they?

4 A They should. That's part of the protocol.

5 Q You're saying the citizens have a duty to
6 come to the -- if they come to the police department,
7 they're required to file a report?

8 A The police officer -- officer or the person
9 taking the report has a duty to make a record of it.

10 Q Well --

11 (Simultaneous speakers.)

12 Q Sometimes people come to the police
13 department, though, thinking that they want to file a
14 report, but when they talk to a police officer, they
15 decline to file a report at that time; is that correct?

16 A I'm sure.

17 Q Okay. So, it's not that, any time someone
18 comes into the police department, a report always gets
19 filed, correct?

20 A Again, on -- on -- if you're asking me if the
21 citizen files a report, I would -- I don't know. I'm
22 assuming what you're saying could be true. The police
23 officer still has an obligation to report his time, so
24 he has still made a note of that.

25 Q So, you're saying, any person that comes into

1 **the police department, no matter how small the**
2 **conversation, that a po- -- the police officer has to**
3 **write a report about any interaction they have with a**
4 **citizen within the police department?**

5 MR. BOWLING: Objection.

6 A Not a full report. Again, they have to make
7 note of what they've done that day. So, there is a --
8 if somebody has come in to file a report or not file the
9 report and had a conversation, that officer still has to
10 record his time. So, that recording of time may be just
11 simply that he had a meeting, and it may not be. I
12 don't know. We'd have to look at each individual
13 officer's time sheet and/or logs. So, they do have
14 logs.

15 Q Did -- did you check to see what Mr. Fewless'
16 logs were on the day that he was alleged to have met
17 with Nancy from the news media?

18 A No.

19 Q Why not?

20 A Again, Mr. Fewless is the one who told us of
21 the encounter or the meeting or whatever it is you wish
22 to call it.

23 Q Sorry. Can you say that again? I couldn't
24 hear you.

25 A Mr. Fewless actually told us of the meeting

1 with the news person.

2 Q No, you -- you just testified earlier that
3 Ms. Kraynik told you that Chief Bell told you about the
4 meeting.

5 A She is the one who first notified me of that
6 meeting and that is what I told you. Then we called
7 Mr. Fewless in to have the conversation. He told us of
8 the meeting in detail.

9 Q Well, that wasn't my question, though, ma'am.
10 My question is this: What day did you find out from
11 Ms. Kraynik that Chief -- or excuse me -- that
12 Mr. Fewless may have met with Nancy from the news media?

13 A On July 21st.

14 Q You found out on July 21st for the first time.

15 A I did.

16 Q And then, how much time elapsed from the
17 moment you found out that Mr. Fewless was alleged to
18 have met with Nancy from the news media to when you held
19 the meeting with Mr. Fewless?

20 A Approximately three or four hours.

21 Q Three or four hours.

22 Do you know what time of the day it was that
23 you held this meeting?

24 A I believe it was -- not exact, but I believe
25 it was somewhere around 2:00 p.m.

1 Q Around 2:00 p.m.

2 You said Sherry Stoo-fen was there.

3 A Stuff-in.

4 Q Stuff-in. I'm sorry.

5 A Stuff-in.

6 Q I -- I knew when I was looking through my
7 notes yesterday that I wasn't going to be -- pronounce
8 it right the first time I tried.

9 So, she would have driven over from Orlando,
10 correct?

11 A From wherever she might have been, yes.

12 Q Well, what office are you in right now?

13 A The city manager's conference room.

14 Q Okay. You're in Mount Dora.

15 A Uh-huh.

16 Q And -- and your attorney that's with you
17 today -- who is that?

18 A Mike Bowling.

19 Q Okay. And Ms. Sutphen works with Mr. Bowling;
20 is that correct?

21 A Yes.

22 Q And their office is in Orlando, correct?

23 A Yes.

24 Q How far is it, if you know, from their Orlando
25 office to Mount Dora?

1 A I don't know. I have no idea.

2 **Q Have you ever driven from Mount Dora to**
3 **downtown Orlando?**

4 A I'm sure I have. I don't recall right now,
5 but, yes, I'm sure I have.

6 **Q It's about an hour, right?**

7 A I would say less than that, but yes, probably
8 45 minutes.

9 **Q Did you e-mail Ms. Sutphen to come to this**
10 **meeting or did you call her?**

11 A I'm sure I probably spoke with her over the
12 phone, but she was scheduled to be in the -- in the
13 office that -- later in the afternoon anyway.

14 **Q Do you know what for?**

15 A Sure. We had a council meeting that evening.
16 She's our representation.

17 **Q Okay. So, she came. Ms. Kraynik came. You**
18 **were there. Mr. Fewless was there. And that was it?**

19 A That was all that was in the meeting.

20 **Q Okay. I want to go back for a second. Do you**
21 **know who Ms. Lily is from the northeast community?**

22 A Yes.

23 **Q Has -- has Ms. Lily ever come to the police**
24 **station to meet with Chief Bell?**

25 A You'd have to ask Chief Bell that. I'm sure,

1 but she's been around the entire city.

2 Q Would you expect Chief Bell to write any notes
3 or document any interactions he had with her when she
4 came to the city?

5 A Definitely could have, yes.

6 Q Okay. And you said you didn't check to see
7 what notes Mr. Fewless had from his alleged meeting with
8 Nancy from the news media, correct?

9 A No.

10 Q Why not?

11 A Again, Mr. Fewless reported, from him to the
12 three of us, that he had had the meeting.

13 Q Yeah. You had four hours in between when
14 Ms. Kraynik first came to -- I guess, frantically, to
15 come to tell you that Mr. Fewless was alleged to have
16 met with Nancy from the news media. And, in that four
17 hours, you did not attempt to look at Mr. Fewless' notes
18 from the day that he was alleged to have met with Nancy
19 from the news media, correct?

20 MR. BOWLING: Objection.

21 Go ahead.

22 A No.

23 Q And again, why did you not pull those
24 documents prior to your 2:00 p.m. meeting with
25 Mr. Fewless?

1 A Again, we reached out to Mr. Fewless to hear
2 from him.

3 Q No. No, I understand that. And you reached
4 out and you spoke with him at approximately 2:00 p.m. in
5 that meeting we've been discussing, correct?

6 A That is correct.

7 Q Right, but before then, in the approximately
8 four hours before then, why didn't you check the notes
9 to see if Mr. Fewless had reported that he had met with
10 Nancy from the news media?

11 A Again, I didn't see a need. He was coming in
12 to meet with us.

13 Q Well, you -- your -- Mr. Fewless was
14 terminated because it was believed that he met with the
15 news media and he didn't tell anybody about it, correct?

16 A No, he told us. He told the three of us in
17 the room.

18 Q Okay. Prior to then, right -- prior to when
19 you say that Mr. Fewless told you in the room that he
20 met with Nancy from the news media, right, were you
21 under the belief that he had concealed it from the city,
22 from you or Chief Bell?

23 A I understand that he -- can you clarify your
24 question just so that I answer it correctly?

25 Q Yeah, so -- sure. When you first learned of

1 **this allegation by Ms. Kraynik, were you under the**
2 **impression that Mr. Fewless had concealed his alleged**
3 **meeting with Nancy from the news media?**

4 A The impression I was under was that he met
5 with her and -- at the police station where he was
6 saw -- where it was seen by the members of the staff.
7 And he quick- -- and he took her among all the other
8 direct leadership of that station. He did not stay in
9 one location. That's the best I can tell you. He gave
10 us that information.

11 Q **Do you know if Nancy from the news media was**
12 **actually there at the police station to report a**
13 **complaint or a -- you know, air out a grievance about**
14 **the police department?**

15 A Again, Mr. Fewless told us he reached out to
16 her, invited her there trying to improve media, as well
17 as give her an update on the investigation in which she
18 was at. So, he did not rep- -- did not give me any
19 indication that she was there on her own accord; she was
20 there to respond to him.

21 Q **Would you be surprised to learn that Nancy**
22 **from the news media is intended to testify that she**
23 **actually called Mr. Fewless and that she had a complaint**
24 **about the relationship between the city's police**
25 **department and the news media, not the other way around?**

1 A Okay. That's not what he told us. So, I can
2 only tell you what I was told during the meeting.

3 **Q That would be weird for him to tell you**
4 **something that the -- that Nancy from the news media is**
5 **saying the opposite of, isn't it?**

6 MR. BOWLING: Objection.

7 A No.

8 **Q No, that wouldn't be odd? Nancy from the news**
9 **media would be lying?**

10 A I have no idea that she would be or would not
11 be. All I can tell you is what I was told by
12 Mr. Fewless. That is not what Mr. Fewless told us.

13 **Q Did you have a recording of that interview**
14 **with Mr. Fewless?**

15 A No.

16 **Q Why not?**

17 A I didn't feel there was a need for it. He
18 didn't request it. I didn't feel a need for it from the
19 city. There were other people in the room, and
20 conversation was freely provided by Mr. Fewless as well
21 as staff.

22 **Q Is -- does Mr. Fewless have rights under the**
23 **Police Officers' Bill of Rights when he's being**
24 **questioned in that capacity?**

25 A This was a violation of a city charter and a

1 violation of a city policy.

2 Q Okay.

3 A So, my understanding, it does not fall under
4 the same -- as well as his current position does not
5 fall under the bill of rights for the police officer.

6 Q Did somebody tell you that he was not entitled
7 to the Police Officers' Bill of Rights under Florida
8 Statute 112?

9 A I don't recall how I was under that
10 understanding.

11 Q Did you give it any consideration -- did you
12 give Mr. Fewless' rights under the Police Officers' Bill
13 of Rights any consideration prior to meeting him on
14 July 21st?

15 MR. BOWLING: Objection.

16 Go ahead.

17 MR. ANDREWS: Sorry? What was the objection?
18 I couldn't hear.

19 MR. BOWLING: Objection. I was objecting to
20 the form. If you want details, I'll give it to
21 you.

22 MR. ANDREWS: So --

23 (Simultaneous speakers.)

24 MR. ANDREWS: I didn't know -- it sounded like
25 you -- you said what the objection was after.

1 That's what I was asking.

2 What is the basis of the objection, though?

3 MR. BOWLING: You're assuming that he had
4 rights under the Police Officers' Bill of Rights.

5 MR. ANDREWS: Okay. Understood.

6 BY MR. ANDREWS:

7 **Q Go ahead, ma'am.**

8 A Again, I had the city attorney with us and the
9 HR director. So, they were aware of the conversation --
10 or the questions that would be asked of Mr. Fewless.
11 There was no -- at that point in time, there was no, I
12 guess, perceived thought of a violation of any time and
13 that -- of any type, and they had reviewed policy,
14 procedure that would govern his protection or non-
15 protection.

16 **Q So, your testimony today is that, if**
17 **Mr. Fewless had rights under the Police Officers' Bill**
18 **of Rights, and they weren't considered, it was the HR**
19 **director and your -- the city's general counsel's fault**
20 **that they weren't given consideration prior to the**
21 **meeting on July 21st?**

22 A No, that's not what I'm saying.

23 **Q Well --**

24 A My point is that we had -- that -- that my
25 understanding from them is that we were -- in their

1 looking at the documents or the issues at hand, that it
2 would not be in violation of anything -- information
3 provided.

4 **Q You understand there is a Police Officers'**
5 **Bill of Rights under Florida --**

6 A Oh, I understand.

7 **Q -- statutes, correct?**

8 A Yeah, I understand there is a one -- there is
9 one.

10 **Q Okay. And you at least understand that it**
11 **applies to, for example, an entry-level police officer,**
12 **if you were to question them about the violations of**
13 **city policies, correct?**

14 MR. BOWLING: Objection.

15 A I understand that they have -- it has to be
16 considered, yes, that there is a -- a bill of rights in
17 which police officers are protected. I would not have a
18 question -- with -- sit down with them and ask questions
19 without representation properly.

20 **Q And when you say without representation**
21 **properly, you mean without representation properly for**
22 **the officer; is that correct?**

23 A That is correct.

24 **Q Okay. Has anyone ever told you previously**
25 **that the Police Officers' Bill of Rights only applies to**

1 **some police officers and not others?**

2 A I would not say that, no.

3 **Q So, when you just testified a moment ago that**
4 **he was exempt, you don't know one way or the other**
5 **whether he was exempt from rights under Florida Statute**
6 **112.532, correct?**

7 A Again, I didn't use the word "exempt;" you
8 did.

9 **Q I thought you did, ma'am.**

10 A I did not use the word "exempt."

11 **Q Okay. So, your -- it's not your testimony**
12 **today that Mr. Fewless was exempt from those rights**
13 **under Florida Statutes 112.532, correct?**

14 A Again, I said -- as I said, I did not use the
15 word "exempt." My understanding, it did not apply at
16 that point in time with the data that we were being --
17 we were presenting him with in his current position with
18 the situation, as that it was a policy, city policy and
19 a city charter. It had nothing to do with other items
20 of the police policy. It was city policy, city charter.

21 **Q So, you're saying the only way a police**
22 **officer is entitled to rights under the Policeman's Bill**
23 **of Rights is if he's violating a police policy and not a**
24 **city policy?**

25 A So -- no, now you're back to a police officer;

1 so, no, I don't agree with what you're saying.

2 Q So, it matters the fact whether you're a
3 police officer or whether you're, for example, deputy
4 chief; that's what you're saying?

5 A Yes, that is what I'm saying.

6 Q Okay. And what -- that's what I'm getting at,
7 ma'am. And you're saying if you're the deputy chief --
8 I -- you used the word "exempt;" I used the word
9 "exempt." Are you saying the Police Officers' Bill of
10 Rights does not apply to the deputy-chief position with
11 the City of Mount Dora?

12 MR. BOWLING: Objection.

13 A I'm saying, my understanding, based on the
14 situation provided to us for these -- for the questions
15 that were asked for the media -- I was under the
16 understanding that it did not apply, that is correct.

17 Q So, I'm trying to understand, are you saying
18 that it didn't imply because of the nature of the
19 alleged violation or because of the position or both?

20 A Sorry. It would be both.

21 Q Okay. Thank you. So --

22 A Sorry.

23 Q So, what was the -- your basis for believing
24 that the Police Officers' Bill of Rights didn't apply to
25 this position? Setting aside the allegations and what

1 was alleged to have been violated, what is your basis
2 for why the statute did not apply to the deputy-chief
3 position?

4 A So, again, as I stated earlier, the
5 conversation I had with our HR director and our city
6 attorney -- we went through the requirements of the bill
7 of rights. We discussed that -- sorry. So, I think I
8 said that earlier, but I'll say it again: We discussed
9 it.

10 Q Okay. So, you did discuss it with Ms. Sutphen
11 and Ms. Kraynik prior to Mr. Fewless arriving at this
12 2:00 p.m. meeting.

13 A Yes.

14 Q And it was decided amongst the three of you
15 that the Police Officers' Bill of Rights did not apply
16 to Mr. Fewless, correct?

17 A Yes.

18 Q Who told you in that meeting that they did not
19 believe that the Police Officers' Bill of Rights applied
20 to Chief Few- -- or Mr. Fewless?

21 MR. BOWLING: Objection.

22 Don't answer that question.

23 MR. ANDREWS: Are you asserting attorney-
24 client privilege?

25 MR. BOWLING: I'm asserting the attorney-

1 client privilege.

2 MR. ANDREWS: Okay.

3 BY MR. ANDREWS:

4 Q Ma'am, have you ever read Florida Statute
5 112.532?

6 A Yes -- 112 -- I couldn't tell you every
7 section of it, but I -- I've read through 112, 119 --
8 most of the statutes that has to do with municipalities.

9 Q Oh, okay. Hold on one second, ma'am. I'll
10 pull up another screen for you.

11 You understand 112 -- Chapter 112 of Florida
12 Statutes is where the Police Officers' Bill of Rights is
13 codified, right?

14 A I'm sure it is. I have not looked at it
15 recently, but I'm sure, if that's what you're stating --
16 I would have to look and see.

17 Again, I have a lot of statutes that I have to
18 look at and reference, so --

19 Q Indeed.

20 A -- the numbers sometimes, for me, are not --
21 you have to look at them individually.

22 Q Sure. I'm going to show you Florida Statute
23 112.531, Section No. 2. Can we agree that, when Chief
24 Few- -- when Mr. Fewless was employed by the City of
25 Mount Dora, he was em- -- he was employed not as, like,

1 **a civilian employee, but in law enforcement?**

2 A Yes.

3 **Q Okay. Can you please read the definition on**
4 **No. 2, law enforcement officer, under Chapter 112,**
5 **please? Out loud.**

6 MR. BOWLING: Objection. Why does she have to
7 read it out loud?

8 MR. ANDREWS: To make sure that I -- we are
9 both reading the same thing and she has an
10 understanding of it.

11 Go ahead.

12 MR. BOWLING: Wait. Can you read it?

13 THE WITNESS: I can.

14 MR. BOWLING: Read it.

15 THE WITNESS: Out loud?

16 MR. BOWLING: Out loud.

17 THE WITNESS: "Law enforcement officer," in
18 quotes, means any person, other than the chief of
19 police, who is employed full-time or part-time by
20 any municipality or the state or any political
21 subdivision thereof and whose primary
22 responsibility is the pres- -- prevention and
23 detection of crime or the enforcement of the penal,
24 traffic -- looks like comma -- traffic, or highway
25 laws of this state, and includes any person who is

1 appointed by the sheriff as a deputy sheriff.

2 And it does not finish, under Section 30.07.

3 I don't know if there's additional information

4 because you don't have it on the screen.

5 BY MR. ANDREWS:

6 Q Okay. Thank you.

7 The definition of law enforcement officer,

8 under 1- -- Florida Statutes Chapter 112 does not

9 exclude the deputy chief of police, does it ma'am?

10 A Not in Section 2.

11 Q Okay. So, when it was decided amongst you,

12 Ms. Kraynik, and Ms. Sutphen that the Police Officers'

13 Bill of Rights didn't apply to Mr. Fewless, that wasn't

14 accurate, was it?

15 MR. BOWLING: Objection.

16 Go ahead.

17 A Again, based on the information that we -- I

18 had at the time -- that's what I will say, again.

19 Q Right. That was -- that was incorrect

20 information, correct?

21 A I --

22 MR. BOWLING: Objection. Now, you're arguing

23 with her.

24 MR. ANDREWS: No, I'm trying to get her to

25 answer the question.

1 Go ahead, ma'am.

2 MR. BOWLING: She's answered the question.

3 You don't like the answer.

4 MR. ANDREWS: No --

5 THE WITNESS: I don't agree with you, so, no.

6 BY MR. ANDREWS:

7 **Q Oh, so, it's still your testimony that he's**
8 **excluded, correct?**

9 A That is my understanding.

10 **Q Okay. And you're saying, factually, right,**
11 **that that deals with his -- the actual title of his**
12 **position. You're saying, factually, though, because of**
13 **the nature of the complaint against Mr. Fewless, setting**
14 **aside the fact of whether he was or was not excluded**
15 **under the definition of a law enforcement officer for**
16 **purposes of the Policeman's Bill of Rights, that this**
17 **complaint was so serious that, even if he was included**
18 **under the Policeman's Bill of Rights, he wasn't entitled**
19 **to those rights because it wasn't violation of a police**
20 **policy, but it was alleged to have violated a city**
21 **policy; is that correct?**

22 MR. BOWLING: Objection.

23 A He violated a city charter and a city policy,
24 period.

25 **Q If a police officer gets a DUI, does that mean**

1 **it -- does the city investigate those types of incidents**
2 **related to its law enforcement staff?**

3 A There should be an internal investigation of
4 any activity an officer is found in a situation where
5 they have been arrested or they've been charged with
6 anything. So, there would be an IA opened and an
7 investigation would be conducted.

8 Q **Even though they didn't violate a rule or**
9 **policy of the city, they would -- there would still be**
10 **an investigation, correct?**

11 A There would be an investigation.

12 Q **And, in that investigation, they would be**
13 **entitled to their rights under the Law Enforcement**
14 **Officers' Bill of Rights, correct?**

15 A My assumption, yes, that they would.

16 Q **Okay. But it's your testimony that, if it**
17 **just violates a city policy or the charter, the**
18 **individual is not entitled to the Policeman's Bill of**
19 **Rights.**

20 A Again, as I've stated, the policy and -- the
21 city policy and the city charter and the position of
22 leadership that this person was in changed the -- or
23 directed the way that the discussion was initially
24 handled. His admitting of the violation of those
25 policies, city policies and city charter, was the next

1 phase of that process.

2 Q In his termination letter, it didn't state
3 that he admitted to a violation of the policy, did it?

4 A No.

5 Q And if he had -- had admitted to a violation
6 of a policy, isn't that something that would normally be
7 included in a termination letter from the City of Mount
8 Dora?

9 MR. BOWLING: Objection.

10 A No, because he admitted -- that -- that
11 conversation was with three people in the room. So,
12 again, I do not -- could not tell you that the normal
13 way that we would put something of that in a -- a letter
14 of termination would have stated that.

15 We do not have a -- so many of those types of
16 terminations that that would have been a process or
17 procedure we would have handled.

18 Q If someone is terminated, for example, for
19 sexual harassment at the City of Mount Dora -- well, let
20 me go back. Has -- since you've been the city manager
21 of the City of Mount Dora, has anybody been terminated
22 for sexual harassment?

23 A Not that I recall. I'd have to go through all
24 the records, but not that I recall.

25 Q Okay. Fair enough.

1 **If someone -- has someone been terminated from**
2 **the City of Mount Dora for absenteeism?**

3 A Again, I don't see every one of the -- the
4 terminations. So, not that I recall, but I'm sure there
5 have been, but I don't know that. I cannot confirm
6 that.

7 **Q Okay. So, you don't know whether it's**
8 **customary for the City of Mount Dora to state why -- or**
9 **the basis for the termination in the termination letter,**
10 **the factual basis?**

11 A I'd have to go and look at each one of the
12 terminations and see if there's a letter in there or a
13 form in there.

14 **Q No, I understand you'd have to look at all of**
15 **them. You're responsible for implementing the policy of**
16 **the city, though.**

17 **Is it the policy of the city to, when someone**
18 **is terminated, state the -- not just whatever they**
19 **violated, but the factual basis surrounding the**
20 **termination?**

21 A Again, we have -- we have SOPs in place. We
22 have policies in place. There's forms in place.
23 Those -- those must be followed -- those processes must
24 be followed and they are checked off.

25 So, in the situation that -- that Fewless was

1 in, it was a different type of violation than a standard
2 violation would have been, so --

3 **Q What's a standard violation, in your mind?**

4 A I think a standard would be -- standard
5 violation might be against -- some of the other
6 policies. We have an IT policy. We do have a time-
7 sheet or a -- sick-leave policy and/or a -- as you
8 mentioned, absentee, but I'd have to see how that's
9 written up.

10 **Q You've seen Jessica Howell's termination**
11 **letter, correct?**

12 MR. BOWLING: Objection.

13 A No.

14 **Q You never have?**

15 A I -- I don't recall that I have. I -- I may
16 have, but I don't recall.

17 **Q Okay. Do you recall whether it had more**
18 **information contained in her termination letter relative**
19 **to what she was alleged to have done compared to**
20 **Mr. Fewless' termination letter?**

21 MR. BOWLING: Objection.

22 A Again, I don't recall seeing anything on
23 Jessica Howell.

24 **Q How much time elapsed between Mr. Fewless'**
25 **complaint about Chief Bell and his termination from the**

1 **City of Mount Dora?**

2 A His complaint to me -- Chief Bell -- was
3 documented June 26th; his release date was July 21st.

4 **Q In less than 30 days; is that correct?**

5 A Yes.

6 **Q Let me ask you: One of the allegations was**
7 **that Chief Bell had a romantic relationship with Ivy**
8 **Severance. We talked about that earlier.**

9 **When you first received the complaint from**
10 **Mr. Fewless that contained that allegation, did you**
11 **direct an investigation to be opened?**

12 A Again, any investigation would have been
13 opened by myself. I do not direct the investigation of
14 a director or a chief to other members of the staff.
15 So, that would be a peer of theirs. So, I did the
16 investigation, if you wish to call it that, or the
17 inquiry that started at that point in time after I had
18 several different conversations with the other members
19 that were on the letter.

20 **Q So, you opened the investigation yourself.**

21 A That is correct.

22 **Q From the moment you received that complaint --**
23 **how much time passed between receiving the complaint and**
24 **interviewing Chief Bell?**

25 A Let's see. I received the complaint on a

1 Friday and -- which was a closed day for the city. We
2 are not open on Fridays.

3 I met with the three officers. I spoke with
4 our city attorney after that meeting. And then I -- not
5 sure if it was Monday, but I think it may have been
6 Tuesday or Wednesday of the next week, I met with Chief
7 Bell.

8 In the meantime, I went through the general
9 requirements and questions that needed to be asked of
10 him with the city attorney, making sure that I had
11 the -- the type of questions that could legally be
12 asked.

13 **Q Okay. And that -- that -- it was longer than**
14 **four hours, correct, in between the two times?**

15 **A Yes.**

16 **Q Okay. At the meeting with Chief Bell, who was**
17 **present?**

18 **A Sharon Kraynik was present. I don't recall**
19 **if, the first meeting, the city attorney was present,**
20 **but she was present, if not the first meeting, the**
21 **second meeting.**

22 **Q So, for the first meeting, it was just you and**
23 **Sharon Kraynik.**

24 **MR. BOWLING: Objection.**

25 **A Again, I don't recall exactly which meeting.**

1 They were a day apart, so I don't recall that.

2 **Q Is that investigation still open?**

3 A No. Chief Bell has retired.

4 **Q Was it, like, a constructive retirement; like,**
5 **he -- he was -- he didn't intend on retiring, but**
6 **because of the investigation, he went ahead and retired?**

7 A So, I would say that he did retire with all
8 that was happening. The -- I would quantify [sic] that
9 by saying, the year before, he had planned on retiring
10 when he was asked to temporarily step in the position of
11 police chief. So, the conversation had been open the
12 year before.

13 **Q Okay. Is it the policy of the City of Mount**
14 **Dora that, if there's an investigation into an employee,**
15 **if that employee resigns or retires or quits, that the**
16 **investigation be (unintelligible) at that time, and**
17 **closed?**

18 A Policy? No.

19 **Q Why was that done here for Chief Bell in June**
20 **of 2020?**

21 A The -- the request of the members who filed
22 the complaint was to see the chief removed from
23 position. He did that by retiring and removing himself
24 from the position. That was the outcome requested of
25 the members who filed the complaint.

1 The investigation did continue, from the
2 perspective of the current employees. Once he was no
3 longer an employee, he was not questioned, but he was
4 questioned several times during the time he was still
5 here.

6 **Q Ms. Severance was never questioned, though,**
7 **right?**

8 A Ms. Severance was not questioned with me, no.

9 **Q Was she questioned with anybody else?**

10 A No, not that I know of.

11 **Q Okay. Did you make the decision of whether or**
12 **not to question Ms. Severance?**

13 A Again, as I mentioned earlier, taken into
14 account the representation or the need thereof, it was
15 planned to do something in the future. And then, when
16 the chief retired and gave his official letter July 1st
17 and then the week of the 6th of July, the demand of the
18 members, including Mr. Fewless, that he be removed from
19 office on the initial complaint had been met.

20 **Q Well --**

21 A Continued -- continued through the month of
22 July of looking into all accusations, though -- I did.

23 **Q Wouldn't the city have an interest, just**
24 **beyond Chief Bell being no longer in the position, to**
25 **know if the chief was having romantic relationships with**

1 **his subordinates and his command staff?**

2 A I had no other reports of any situations.

3 **Q Sorry?**

4 A I had no reports of any situations. I had no
5 reports of such, other than the one between Ivy
6 Severance, as mentioned, and the chief.

7 MR. ANDREWS: Hold on one second. I'm
8 changing my internet Wi-Fi.

9 (Discussion off the record.)

10 BY MR. ANDREWS:

11 **Q I don't know that I heard the response to**
12 **your -- to my question. My question is: Does the**
13 **city -- beyond having Chief Bell resign or however he**
14 **left, wouldn't the city have an interest in knowing**
15 **whether its chief of police was engaged in a romantic**
16 **relationship with one of his subordinates, aside from**
17 **just his removal or departure from the Department?**

18 A Again, as I -- I stated, I had had no reports
19 or allegations, no -- no other comments had been made.

20 **Q I don't understand. You had a complaint that**
21 **said that he was engaged in a romantic relationship with**
22 **Ms. Severance, correct? You had one complaint.**

23 A I had a -- a le- -- a report that he was
24 allegedly involved. I had no confirmation from him. I
25 had no confirmation from anyone else.

1 Q Well, we -- except for the people that signed
2 the letter, correct, which was more than one person,
3 right?

4 A They did sign a letter that they believed or
5 they had seen activity in the sense of -- they had a
6 feeling, I think, was one of the words. There was no
7 actual data in the letters; it was commentary.

8 Q Okay. So, that -- that didn't warrant the
9 need to ask Ms. Severance because Chief Bell was already
10 gone, is your testimony, correct?

11 A That is correct.

12 Q As the city manager, would you want to know --
13 irrespective of whether one person was no longer with
14 the department, would you want to know whether your
15 chief of police was having a physical or romantic
16 relationship with a subordinate?

17 A I would want to know that there -- yes, that
18 there was no -- that there was not a chief and an
19 officer, as you stated, in any relationship. I would
20 want to know.

21 Q That would violate the city rules or charter,
22 correct?

23 A It would violate the -- I would not say --
24 that's not part of charter nor is it part of a policy.
25 I think there would be probably police policies that we

1 would, then, have to look at, not city policies.

2 Q Are HR policies for the police department
3 different for -- than for the rest of the City of Mount
4 Dora?

5 A Police policy is different than the rest of
6 the City of Mount Dora.

7 Q Okay. So, as we sit here today, you don't
8 know whether Ms. Severance, if interviewed, would say,
9 yes, I was having a physical relationship with Chief
10 Bell?

11 A That -- that would be up to Ms. Severance to
12 answer.

13 Q So, is that a, yes, I don't know what she
14 would say?

15 A That's -- that's up to Ms. Severance. That's
16 correct. I do not know what she would say.
17 Ms. Severance would have to be asked.

18 Q At the top -- on July 21st, Mr. Fewless' June
19 complaint had not been dismissed yet, had it?

20 A I'm sorry?

21 Q As of July 21st, 2020, you had not closed the
22 investigation into Mr. Fewless' June complaint; is that
23 correct?

24 A I had not closed the investigation. No, I had
25 not closed it.

1 **Q Okay. Did you ever see the news article**
2 **written by news med- -- Nancy in the news media that**
3 **said that she, in fact, had reached out to Mr. Fewless**
4 **to make a complaint?**

5 **A I -- I don't recall reading it. I did read**
6 **through the articles that came out, but I don't recall**
7 **reading -- I don't recall reading that piece of it, no.**

8 **Q Okay. Prior to this alleged incident in July**
9 **of 2020, did Mr. Fewless have any other complaints or**
10 **controversies associated with his employment at the City**
11 **of Mount Dora?**

12 **A Can you be more specific as to what I'm trying**
13 **to answer a question to?**

14 **Q Yeah. Had you received any complaints about**
15 **Mr. Fewless prior to July 2020?**

16 **A I -- I don't recall seeing a -- any documents.**
17 **I do know there were -- I don't recall seeing any**
18 **documents.**

19 **Q That's a, no, you're not aware of any prior**
20 **complaints against Mr. Fewless, prior to July of 2020,**
21 **with the City of Mount Dora?**

22 **A I -- I just don't recall right now.**

23 **Q So, there may have been complaints; you just**
24 **don't know if there were any?**

25 **A Again, I don't recall right now.**

1 **Q Okay. Specifically, what documents did you**
2 **review to prepare for your deposition today?**

3 A I went through 25 to -- 25 pages, I believe,
4 of written documentation from -- from Coy -- Officer Coy
5 or -- or Captain Coy, Captain Gibson, and Deputy Chief
6 Fewless, accusations.

7 I went through e-mails -- several hundred of
8 them, if I'm not mistaken. I -- at least seemed like
9 that many. I don't know how many. I didn't actually
10 count them -- in which Mr. Fewless may have written an
11 e-mail just simply on a training, but I still went
12 through the e-mails that Mr. Fewless may have written.

13 I went through the documentation in reference
14 to the letter of no confidence, the re- -- the -- the
15 redaction of that letter, and each of their comments, to
16 the meetings held between the five members who signed
17 the no-confidence, and the documentation that resulted
18 in those meetings, which happened to be a couple of
19 e-mails from Mr. Fewless in reference to Ms. Severance
20 and his -- his, I guess, impression or his im- -- his
21 impression of what she was violating or not violating,
22 in the office.

23 I went through the records requests from each
24 of the media agencies. I think there were probably
25 somewheres around seven to ten agencies that had

1 requested media documentation.

2 I went through each of the press releases from
3 that -- from the police chief, as well as the city; the
4 e-mails sent from my office, myself, and specifically to
5 each of the council members as well as to the department
6 directors and to the police station; the anonymous
7 letters -- my goodness. I'm probably forgetting
8 something, but that's what I can think of right now.

9 **Q In those e-mails, you don't recall seeing**
10 **anything inappropriate as it relates to the performance**
11 **of Mr. Fewless' job duties, did you?**

12 A They were from Mr. Fewless to myself. So, no,
13 I did not see anything from him to me that said he had
14 been -- that he had violated any policy.

15 The other e-mails, I saw texts in reference to
16 the open investigation that we had that was ongoing,
17 which he spoke to the media about, that was still open
18 and he should not have. So, I did see that in the text
19 and in e-mail, which -- which is a violation and he
20 should not have.

21 **Q I'm sorry. What was the violation?**

22 A He spoke about an open investigation to the
23 media, to Ms. Nancy from the media. That was one of the
24 conversations that he was going to have with her that
25 day, was giving her an update on that open

1 investigation.

2 Q You're talking about that July -- that July
3 meeting when she came to -- Ms. Nancy came to the police
4 department. That -- you're talk- -- this wasn't a
5 separate incident; you're still talk- -- you're talking
6 about that incident, correct?

7 THE WITNESS: Yes, sir, that's -- yes.

8 Can we take a break?

9 MR. ANDREWS: Sure. How long do you need?

10 THE WITNESS: Five minutes.

11 MR. ANDREWS: Okay. Yeah, no problem.

12 (Brief recess.)

13 BY MR. ANDREWS:

14 Q Ms. Hayes, you said that the complaint against
15 Chief Bell had been closed because he had separated from
16 the department, correct?

17 A The -- yes, the initial complaint that was
18 filed had met the requirement of the expectation -- let
19 me rephrase that -- of the -- those who filed the
20 complaint.

21 Q What is the -- okay. Did you write a
22 concluding report or a closing case report for that
23 investigation?

24 A No.

25 Q You didn't.

1 **Is there a policy that states, when you close**
2 **an investigation, that you write, like, a final report**
3 **as to why it's being closed or not -- no longer pursued?**

4 A We have no such policy.

5 **Q How many other times have you closed an**
6 **investigation and not written a concluding report for**
7 **that investigation?**

8 A Again, I haven't had a lot of investigations
9 of this type. So, I couldn't tell you of another time.
10 So, we did have a -- again, just no -- no requirement to
11 rec- -- record such, through a policy.

12 **Q So, I guess -- so, this was the only time you**
13 **had closed an investigation and not issued, like, a**
14 **final report or concluding report explaining the**
15 **circumstances of closing the investigation?**

16 A No, that's not what I said. I just don't have
17 a policy that requires that I file a report. This is
18 one of the only investigations I've had to open since
19 I've been here.

20 **Q No, I -- yeah, so, that -- that was two**
21 **questions ago I said, was there a policy. You said, no,**
22 **you weren't aware of one.**

23 **My follow-up question was -- is: Well, how**
24 **many times had you closed an investigation where you**
25 **didn't enter a final report. I understand there's not a**

1 policy, but again, my question is a little different.

2 A Sorry. I had -- I did not follow -- or did
3 not file a report.

4 Q Okay. And so, my follow-up question to that
5 is: How many other investigations have you opened that
6 you closed and didn't issue a final report, didn't --

7 A I have never issued a final report.

8 Q Okay. We'll note -- whatever the number, the
9 amount of investigations you've opened and conducted,
10 whether it's one or 50, you don't issue final -- you
11 don't recall issuing a final report for any of those.

12 A I have not personally issued a final report to
13 any of those. That is correct.

14 Q Do you -- for those, do you dictate that
15 someone below you issue a final report or would that
16 fall under your purview and you just don't issue one?

17 A I don't issue one. There's no policy from the
18 council that directs me to do so.

19 Q Do you have any final or concluding reports as
20 it relates to the investigation -- July investigation
21 into Mr. Fewless?

22 A Again, Mr. Fewless violated the policy, city
23 policy, city charter, he was released from ser- -- from
24 duties. And you have the letter that you presented
25 earlier of that violation. That was -- that would be my

1 final report to the city council, if asked.

2 Q Is just the termination letter -- that's your
3 final report as it relates to the Fewless investigation?

4 A Yes, sir.

5 Q Okay. So, you don't -- just so I round this
6 out, you don't have any document that summarizes the
7 allegations against Mr. Fewless that explains the
8 investigation, the findings, and that he -- and
9 concludes that he was ultimately terminated; is that
10 correct?

11 A I have no other final report, other than what
12 you have before you.

13 Q That's a -- that's a yes?

14 A I -- I do not have any other report, that is
15 correct.

16 Q Okay. Did you give any concern or
17 consideration to terminating Mr. Fewless, given that he
18 had made a complaint less than a month prior, concerning
19 violations of policies, procedure, and the like to the
20 City of Mount Dora?

21 A I'm sorry. What is that? Say that again? I
22 apologize.

23 Q In -- on July 21st, when you became aware of
24 this meeting that Mr. Fewless had with Nancy from the
25 news media, did you have any -- did you give any

1 **consideration to the fact that Mr. Fewless, less than 30**
2 **days prior, had made a complaint about Rob Bell**
3 **violating policies and procedures?**

4 A So, his complaint was not city policy or the
5 charter. His complaint was about -- if you read through
6 the 25 pages -- about basically his leadership. So,
7 there was no set policy, city policy, or charter
8 mentioned in their complaint.

9 MR. BOWLING: I think you've misunderstood his
10 question.

11 THE WITNESS: Oh, okay.

12 MR. BOWLING: Am I right, Ryan, that you're
13 asking her, did she -- did she consider the fact
14 that Fewless had filed the complaint when she was
15 ruling -- when she was determining to terminate
16 him?

17 MR. ANDREWS: That -- that's, in essence, it,
18 yes, but you cut out when you fir- -- when you
19 first started talking, I lost you, but I think that
20 that's -- I think, hearing the rest of it, that's
21 correct.

22 THE WITNESS: So, I did not take into
23 consideration that -- I mean, that had no play into
24 what -- the violation of the policy or the charter,
25 if that's what you're asking me. Had nothing to

1 do -- is that what you're asking? I apologize.

2 MR. ANDREWS: Sure.

3 MR. BOWLING: I -- go ahead. I won't ask your
4 questions. I'm sorry, Ryan.

5 Go ahead.

6 MR. ANDREWS: That's okay.

7 I just -- the issue is I couldn't hear.

8 Give me one second.

9 BY MR. ANDREWS:

10 Q All right. Do you understand what a
11 whistleblower is? Or what is your understanding of what
12 a whistleblower means?

13 A Well, I understand that if a -- an employee
14 reports something -- or if an employee sees something
15 and they reported it, that they have that protection
16 from their employer that they will not be released for
17 reporting something that they've come forward to -- to
18 state. I know that's kind of here -- here and there,
19 but I do understand the purpose behind it.

20 Q In Mr. Fewless' June 26th letter, did he
21 report something that he had seen or heard that he
22 believed to be a violation of policy, procedure, or a
23 law?

24 A No. I mean, it states in there, there -- so,
25 I'm going to go back to -- his statement said that they

1 had no confidence in the chief and they were enacting
2 the whistleblower, but there was no accusation of a
3 policy and procedure. So, I just want to make sure
4 that's what you're referring to.

5 Q Well, that's one of the things I'm referring
6 to.

7 Give me a second. I'll pull it up.

8 Ma'am, isn't it true that, in the 25 or so
9 pages that Mr. Fewless submitted to you, that he
10 indicated that he believed that Chief Bell had -- did
11 something illegal, immoral, or unethical?

12 A That may have been his belief. He gave me
13 situations which he questioned and that the three of
14 them questioned, accusations. So, that's in the 25
15 pages.

16 Q Okay. And at the beginning of it, he states
17 that -- well, let me ask you: The City of Mount Dora
18 doesn't tolerate a hostile work environment, does it?

19 A No, we do not.

20 Q And that would include the police department
21 as well, correct?

22 A They are part of the City of Mount Dora, that
23 is correct.

24 Q Okay. So, when Mr. Fewless complained that
25 Chief Bell had created a hostile work environment as it

1 relates to Jessica Howell, would that be something that
2 someone -- that would be considered blowing the whistle
3 on, in your mind -- in your understanding of what a
4 whistleblower is?

5 MR. BOWLING: Objection.
6 Go ahead.

7 A So, that's actually under investigation still.
8 So, I'm not comfortable to state anything in reference
9 to that. I have nothing more on Jessica Howell at this
10 point in time.

11 Q So, you're saying that the allegations that
12 Mr. Fewless brought forward against Je- -- relating to
13 Rob Bell and Jessica Howell, approximately eight months
14 later, are still under investigation by the City of
15 Mount Dora?

16 A They are -- they are still, I believe -- due
17 to a legal situation, I -- I don't believe I'm
18 comfortable answering those questions at this point.

19 Q Ma'am, I'm not asking you about the lawsuit;
20 I'm asking you about Mr. Fewless' complaint.

21 A And I relate the -- I see that it all relates
22 together. So, that's how I'm going to stick with that
23 one at this point in time.

24 MR. ANDREWS: Mike, I -- I don't believe
25 Ms. Hayes gets to say that she can't answer

1 questions about things that are considered in
2 Mike's June complaint just because she thinks they
3 relate to another lawsuit. I'm not asking anything
4 that would be privileged, either work product or
5 attorney-client privilege.

6 MR. BOWLING: If your question is, is there
7 mention of a hostile work environment and Jessica
8 Howell in the 25 pages, please answer that.

9 THE WITNESS: Yes, it may be mentioned in
10 there. That is true.

11 BY MR. ANDREWS:

12 Q In fact, it is mentioned in there, correct?

13 A Yes. Yes.

14 Q Right. And again, that complaint made by
15 Mr. Fewless is still under investigation by the City of
16 Mount Dora, correct?

17 A Again, so, I would say it is under
18 investigation because, again, there is further legal
19 action that's required for the outcome of that. That's
20 kind of where I'm going on that.

21 Q So, let --

22 A Okay?

23 Q Let me ask it differently: You have not
24 closed that investigation and made a determination that
25 his complaint regarding bullying and Jessica Howell was

1 **unfounded, correct?**

2 A So, I would say that the city had it -- had an
3 open IA -- those IAs were closed on Jessica Howell. I
4 will tell you -- I will say that.

5 **Q Okay. Was it --**

6 A Okay?

7 **Q Did those IAs find that Jessica Howell was**
8 **subject to a hostile work environment or not?**

9 A No, they were not.

10 **Q They -- there was no find- -- sorry. This is**
11 **us not being in the same room and using vague words.**
12 **Are you saying that those IAs -- the findings were that**
13 **she was not subjected to a hostile work environment?**

14 A That is my understanding --

15 **Q Okay.**

16 A -- that they were not -- that she was not
17 subject -- I'm not sure that the language states in the
18 IA or the suits that that was the tar- -- the direction
19 of the IAs, but I believe it was discussed in the IAs.
20 So, I qualify that -- not reading the IAs, I'm not privy
21 to those, so -- those are a police-department document.

22 **Q Had you made a determination one way or the**
23 **other whether Chief Bell was creating a hostile work**
24 **environment as it related to which side officers were**
25 **taking as it rel- -- between Ms. Howell and the**

1 **department?**

2 A I saw no evidence of a hostile work
3 environment other than there were factions in the
4 department. We stated that there were factions
5 supporting one person over another person.

6 **Q Let me (unintelligible).**

7 **Give me one second here.**

8 **Okay. Was this the attachment that was part**
9 **of the no-confidence vote that Mr. Fewless submitted?**

10 A It doesn't look like you have all of it. I
11 see it says Page 1 of 12, and I want to say there was
12 somewheres around 25 pages, but that does appear to be
13 some of the documentation I've read.

14 MR. ANDREWS: All right. Well, let's start
15 with this. I'm going to mark this as Exhibit 2.
16 It's Mike Fewless' notes. It's Bates 121
17 through -- excuse me -- 132.

18 (Exhibit No. 2 marked for identification.)

19 BY MR. ANDREWS:

20 **Q Had you ever received a vote of no-confidence**
21 **from the police department before relating to the chief?**

22 A No.

23 **Q What did -- when you first got this, did you**
24 **know what a vote of no-confidence was?**

25 A Yes.

1 **Q What did it mean, to you?**

2 A Typically, a no-confidence vote comes from a
3 union-representative organization in which they have no
4 confidence in their leadership. I would say that it's
5 not the common among a -- a leadership group to -- to
6 present a no- -- vote of no-confidence directly to a
7 city manager in reference to the chief.

8 And, in fact, I believe, at the time this was
9 being presented, there were several no-confidence
10 conversations in the City of Orlando and the county --
11 Orange County in reference to the sheriff and the city
12 chief of police at that point in time.

13 And again, those came from various folks, but
14 it does not mean that it's been taken or presented and
15 finalized.

16 **Q What -- what were you -- was this alarming,**
17 **when you received this?**

18 A Yes.

19 **Q When you open an investigation, do you create**
20 **a memo that says, I'm opening an investigation into, you**
21 **know, X, Y, and Z?**

22 A No.

23 **Q Are there any procedures or policies related**
24 **to how investigations are opened and what must be done**
25 **by the City of Mount Dora?**

1 A Again, there are, for individual policies
2 within the police department, within the fire
3 department --

4 Q But --

5 A -- and for --

6 Q But --

7 A -- employees.

8 Q **Sorry. But not administratively within the**
9 **City of Mount Dora.**

10 A Not for the administrative team. That is
11 correct.

12 Q **So, those investigations could be completed**
13 **however the city manager desires?**

14 A That is correct.

15 Q **Do you know if -- do you personally know**
16 **whether Chief Bell had a physical, romantic relationship**
17 **with any other individual within the City of Mount Dora?**
18 **And not just limited to the police department.**

19 A Not that I'm aware of, no.

20 Q **Has anyone ever told you that Chief Bell may**
21 **have been in a physical or romantic relationship with**
22 **any other individual employed by the City of Mount Dora**
23 **or the police department, other than Officer Severance?**

24 A No one has told me that they believe that to
25 be happening.

1 **Q Who is Karen Dancel?**

2 A She was one of the officers for the city.

3 **Q Does she still work for the city?**

4 A No.

5 **Q When did she cease working for the city?**

6 A We'd have to go back and look at her -- her
7 files. I believe it's approximately -- possibly a year
8 ago. Prior to COVID-19.

9 **Q So, prior to --**

10 A -- the exact dates. I don't know, exactly.

11 **Q So, prior to the incident we've been talking**
12 **about today in June and July of 2020.**

13 A That is correct, I believe. I -- I believe we
14 brought her payouts and so forth to the council in March
15 of '19. So, that's the reason I'm saying it's in that
16 prior time frame, but I don't know the exact.

17 **Q For this investigation that you conducted into**
18 **this complaint that we're looking at by Mr. Fewless and**
19 **others, did you ever interview Karen Dancel?**

20 A No.

21 **Q Why not?**

22 A Again, at this time, Karen was not an employee
23 of the city.

24 **Q And that was -- that was what guided your**
25 **decision not to interview her?**

1 A On that particular one, yes.

2 Q On that -- I'm sorry --

3 A I don't think there was anything else there,
4 that is true -- for her, you asked me.

5 Q Yeah, correct. That -- that's what guided
6 your decision to not to interview her; the fact that she
7 was no longer an employee, correct?

8 A That is correct.

9 Q Let me go back. You said that Chief Bell did
10 not make the complaint about Mr. Fewless directly to
11 you; is that correct?

12 A That is correct.

13 Q He asked -- what is her name again,
14 Ms. Kray- -- Krays -- Kray-kin? Kray-nick?

15 A Ms. Kray-nick.

16 Q Yeah, Ms. Kraynik -- that he told
17 Ms. Kraynik -- did he file a formal complaint with
18 Ms. Kraynik?

19 A No. My understanding, a conversation.

20 Q Okay. And do you know when that conversation
21 took place?

22 A I do not know.

23 Q If Chief Bell made that complaint to
24 Ms. Kraynik on July 17th, the day that Nancy from the
25 news media was alleged to have come to the police

1 **department, would you have expected Ms. Kraynik to come**
2 **to you that same day?**

3 MR. BOWLING: Objection.

4 A Again, I don't know what day he had a
5 conversation with her. I -- I don't -- as far as I
6 know, there was not a complaint filed. So, I can't
7 speak to a complaint, as you refer to it.

8 He had a conversation with her. He notified
9 her of the -- of what he witnessed.

10 Q So --

11 A Beyond that --

12 Q So, you're saying that Chief Bell didn't even
13 make a complaint about Ms. -- this meeting with --

14 A I don't know that it was a complaint. Again,
15 I'll qualify that. We'd have to ask the HR director. I
16 don't know that.

17 Q As the person who opened the investigation
18 into Mr. Fewless, you don't know whether Chief Bell was,
19 in fact, making a complaint or just, like, water-cooler
20 talk?

21 A So, again, she did not file any paperwork,
22 that I'm aware of, for me to consider that was an
23 official complaint; it was a conversation he had with
24 her.

25 Q Okay. So, Chief Bell did not file a

1 **complaint, correct?**

2 A As far as I know, I don't have a piece -- a
3 complaint in front of me to look at. Again...

4 Q Well, you open investigations in response to
5 **complaints, right?**

6 A Yes.

7 Q Okay. And Chief Bell did not make a complaint
8 **to you, correct?**

9 A Again, not to me directly. He had a
10 conversation.

11 Q Well -- well, hold -- hold on. So, there's --
12 **can someone submit an oral complaint to you?**

13 A They could.

14 Q When they submit an oral complaint, do you ask
15 **them to put it in writing as well for documentation**
16 **purposes?**

17 A No.

18 Q Okay. So, an oral complaint suffices for you
19 **to open an investigation.**

20 A For me to look into it, that is correct.

21 Q Okay. And when you open an investigation,
22 **you're not required to create any note or memoranda to**
23 **state that you're opening an investigation or why you're**
24 **opening an investigation; is that correct?**

25 A That is correct.

1 **Q And, in fact, when you do open investigations,**
2 **it's your practice not to create those types of**
3 **memorandums, correct?**

4 A Again, I haven't had a need to. This is
5 really the first one. So, that is correct. I have not
6 created the paperwork for that.

7 **Q Are -- are you saying the first investigation**
8 **that you ever opened at the City of Mount Dora was in**
9 **response to Mr. Fewless' complaint in June?**

10 A So, his complaint in June to a director --
11 that is the first complaint I have had to me, yes, to
12 open an investigation.

13 I had a -- the way I viewed it, let me put it
14 that way, he came to me directly and presented the
15 no-confidence. So, I took it from that perspective.

16 **Q But you've opened other investigations where**
17 **the person didn't complain to you directly, correct?**

18 A Yes, if it's gone through pol- -- if it's a
19 policy violation and went through HR, that is correct.
20 Sorry.

21 **Q And again, in those -- in those**
22 **investigations, you don't -- it is your practice not to**
23 **create a memorandum stating that you're opening an**
24 **investigation and why, correct?**

25 A That is correct.

1 Q Okay. Thank you.

2 And, in fact -- and, in fact, for both the
3 Chief Fewless complaint and this July complaint we've
4 been discussing, you did not create one of those
5 documents either, correct?

6 A That is correct.

7 Q Okay. Now, I understand that there was a
8 point in time where you met with Ms. Kraynik, related to
9 Mr. Fewless, in July and who he may or may not have met
10 with from the news media.

11 When you first learned or -- or received an
12 allegation that Mr. Fewless met with Nancy from the news
13 media, who was present?

14 A Again, Sharon Kraynik, the HR director, is the
15 one who provided that information.

16 Q Only Ms. Kraynik, correct?

17 A Yes.

18 Q Like, for example, Mr. Bell or somebody else
19 wasn't in the room, too --

20 A Oh, no, just Sharon.

21 Q Okay. And Sharon wasn't making a complaint,
22 was she, an official complaint?

23 A Sharon was letting me know the violation had
24 happened against the city policy and this charter. So,
25 she was com- -- filing the complaint that we had a

1 violation.

2 Q Do you have any documentation or notes
3 indicating that she made a complaint to you about Mike
4 Fewless?

5 A I have no documentation.

6 Q So, I have to take your word for it that
7 Ms. Kraynik came to you at that time and made an oral
8 complaint about Mr. Fewless?

9 MR. BOWLING: Objection.

10 A That is what happened, sir. Yes, that is
11 true.

12 Q Chief Bell never came to you and said, I want
13 to make a complaint against Chief Fewless, correct?

14 A No, he did not.

15 Q Is there a policy and procedure that -- if
16 Chief Bell believes there's a violation of city policy
17 or charter, who would be the specific person he would
18 report that to?

19 A So, policy, city policy, HR director is in
20 place to administer the city policy from the perspective
21 of writing it or submitting it to council. It can be
22 presented to the city HR director or can be presented
23 directly to myself, the city manager.

24 Q When -- when you met with Chief Bell after
25 receiving Mr. Fewless' complaint in June, did you

1 **provide him with a copy of the complaint?**

2 A In June, no, I did not.

3 **Q Did he know who had complained about him in**
4 **that meeting?**

5 A No, not the initial meeting, he did not know.

6 **Q Well, you said you met with him two**
7 **consecutive days, correct?**

8 A He did -- I did.

9 **Q In the second meeting, did you inform him of**
10 **the individuals who complained?**

11 A Stating it was leadership. So, I do not
12 recall that I mentioned each individual member, but I
13 did mention that leadership had filed a no-confidence
14 and that he would be under investigation for that
15 no-confidence.

16 **Q Did Mr. Bell ask whether Mr. Fewless was part**
17 **of that leadership, at the meeting?**

18 A Not that I recall.

19 **Q Do you know if anyone else told him who made**
20 **the complaint?**

21 A Not that I know of, no.

22 **Q And -- and those first two meetings, you did**
23 **not provide Chief Bell with the copy of any of the**
24 **documents in the complaint.**

25 A No. No.

1 **Q Do you know whether -- on the day that**
2 **Ms. Kraynik came to you and made this oral complaint**
3 **about Mr. Fewless, do you know whether Chief Bell knew**
4 **at that time that Mr. Fewless was one of the**
5 **complainants?**

6 A The media request came out in the -- maybe
7 around the 7th and 9th of July, I believe were the
8 dates, if I'm not mistaken -- somewhere in that time
9 range. So, I believe, at that point in time, the names
10 would have been on the documentation. So, he could have
11 seen that from any of the media outlets.

12 So, he could have known it at that point in
13 time. I know, again, looking at the documentation
14 before this meeting, seven to ten outlets that had
15 requested that. So, I'm not sure -- several of them had
16 put that vote-of-confidence letter on their web page.
17 Several -- several of them have put it out there. So,
18 he could have well have seen it, but his name was not
19 brought up from the -- during the conversation -- it was
20 not mentioned in -- in any formal way that his name was
21 on that letter, if that's --

22 **Q Right. You -- you didn't mention it, but it's**
23 **possible or likely that he learned it from news media**
24 **reports.**

25 A That is correct.

1 Q Right. Okay. I understand what you're
2 saying.

3 A Yeah.

4 Q Okay. And you were told that Chief Bell saw
5 Nancy from the news media go in Mr. Fewless' office. Do
6 you know whether at that time Mr. -- Chief Bell went up
7 to Mr. Fewless and said, hey, what the heck were you
8 doing meeting with this lady from the news media; you're
9 not allowed to do that?

10 A When -- when I -- I did ask the chief, in
11 reference to the meeting. I don't recall him stating
12 that he made any comment to Deputy Chief Fewless or to
13 the reporter at that time. So, I don't recall any
14 conversation between the three of them.

15 Q When you say you don't recall -- I just want
16 to make sure I understand -- is it that he may -- that
17 Chief Bell may have told you that he went up and talked
18 to Fewless at that time, but you don't recall, or you
19 don't know one way or the other?

20 A I don't recall him mentioning to me, in my
21 conversation. When I asked him about this, toward the
22 28th or so of July, I believe it was, he did not mention
23 that he had had any contact or conversation with deputy
24 chief and Nancy during that meeting, during that -- when
25 he saw her at the station.

1 He was -- I -- I actually believe the only
2 thing that was said was that Chief -- Deputy Chief
3 Fewless was introducing her around. I believe there was
4 an acknowledgment that the chief was there, but that's
5 all I can recall the chief making a comment to me. And
6 if -- the deputy chief, when he made his comment to
7 Sherry and Sharon during our July 21st meeting, stated
8 the chief was in the area, was in the office area.

9 **Q Let me ask you: Is there a policy or**
10 **procedure that requires, like a co- -- like, if an**
11 **employee knows of a violation of policy or charter, that**
12 **they report it in a specific amount of time?**

13 A Not that I'm aware of, no.

14 **Q That would be something you're aware of, as**
15 **the person --**

16 A I would be.

17 **Q -- procedures and polices.**

18 And you're not aware of there being any
19 requirement that, for example, if an employee saw -- and
20 I'm not saying this is the case, but as an example, if
21 someone saw the chief of police walk out of the police
22 station with a million dollars cash, they wouldn't be
23 required to report it the next day; they could report it
24 a year later and not be in violation of any policy or
25 procedure, correct?

1 A Again, there is no policy that states a
2 requirement to note -- I guess there's an ethical
3 policy, yes, in the sense that you should note anything
4 that is a rule, regulation -- I'm wearing a face mask.
5 City of Mount Dora requires a face mask.

6 So, I -- I don't have a policy that states
7 that. There could be policy under the union policies
8 that state it. So, those are -- so, there are some
9 policies in the general employees, the police and the
10 fire, that would require you to note a violation of
11 their policies.

12 Q Does -- does the police department have a
13 separate building than the building you work in?

14 A Yes.

15 Q I guess stated differently -- I know I gave
16 you a specific example, but if someone that works at the
17 front desk in your building happened to see Chief Bell
18 do this, they would have not a requirement to report it
19 within certain -- any period of time or suffer some
20 adverse personnel action --

21 A Correct.

22 Q -- for not (unintelligible).

23 A There's not a policy that states they have to
24 report it in a certain period of time.

25 Q In -- for the complaint against Mr. Fewless, I

1 **just want to make sure I have this right because I**
2 **have -- my notes were unclear here. You testified the**
3 **first time you learned about this was on July 21st,**
4 **correct?**

5 A That is correct.

6 Q **It was earlier in the day, I suspect, right?**

7 A It was.

8 Q **And you believe that your meeting was about --**
9 **approximately -- with Mr. Fewless was approximately**
10 **around 2:00 p.m.; is that correct?**

11 A Sometime in the afternoon. I don't recall the
12 exact time, but yes, like I said, I think it was around
13 2:00.

14 Q **It wouldn't have been after 4:00 p.m., would**
15 **it?**

16 A I had a council meeting that evening. I don't
17 know. It could have been, but like I said, I don't
18 know. Approximately. I had several work sessions and
19 council meetings. It wasn't something I put on my
20 calendar, so -- that I -- that I recall, anyway. I
21 looked at my calendar. So, I don't recall. 2:00 --
22 2:00 to 5:00 -- I had a council meeting at 5:30.

23 Q **Sorry?**

24 A Council meeting was at 5:30.

25 Q **And you would have terminated Mr. Fewless**

1 prior to that meeting, correct?

2 A Yes.

3 Q Did you receive -- and -- and I'm going to --
4 I want to give you a time (unintelligible) because I --
5 I don't believe these questions invade the work-product
6 or attorney-client privilege, but I want to make sure
7 Mike has a chance to object and instruct you. So,
8 please give a second for him to object.

9 Do you -- well, does Ms. Sutphen -- she's not
10 employed by the city directly; is that correct?

11 MR. BOWLING: She's not a city employee.

12 MR. ANDREWS: Yes, that -- that's my question:
13 She's not a city employee, correct?

14 MR. BOWLING: She is not.

15 MR. ANDREWS: Okay. Thank you, Ms. Hayes.

16 MR. BOWLING: Sorry.

17 MR. ANDREWS: No, I --

18 THE WITNESS: I was asked to wait. So, I
19 waited.

20 MR. ANDREWS: Oh, no. No. No.

21 (Simultaneous speakers.)

22 THE WITNESS: She's not a city employee.

23 BY MR. ANDREWS:

24 Q Yes, ma'am. So, the reason I just wanted you
25 to wait is sometimes we get going so quick that Mike

1 will have an objection to be, like, wait. Wait. Don't
2 answer that. And I just want to give him the ability to
3 do that and not -- you not answer. That's all. It's
4 out of respect for you and Mr. Bowling.

5 A Okay. Thank you.

6 Q So --

7 A She is not a city employee, so, no.

8 Q And -- and she's in the same firm as
9 Mr. Bowling, correct?

10 A Yes.

11 Q And they submit invoices to the city, correct,
12 for the legal work that they provide?

13 A Yes.

14 Q Okay. And so, if she was there on that day
15 for that meeting to meet with Mr. Fewless, in the legal
16 bills she submitted, it would most likely include
17 whatever time she was there for the meeting or the
18 council meeting. You would expect that, correct?

19 A I would expect to see a total time period for
20 that day.

21 Q Okay. And it's your recollection that you
22 made a phone call to her to come to the City of Mount
23 Dora earlier than necessary that -- or earlier than
24 previously planned, on July 21st, 2020, correct?

25 A From what I can recall, uh-huh. I -- that's

1 my way of getting in touch with her would have been a
2 phone call.

3 Q Okay. Do you recall eating lunch or dinner
4 with Ms. Kraynik, Chief Bell, and yourself, on
5 July 18th, 2020?

6 A I do not.

7 Q Is it that you may have, you just don't
8 remember; or you did not eat lunch or dinner with them
9 on that day?

10 A I don't remember.

11 Q So, you may have, is what your testimony is.

12 A I don't know, so -- you said lunch or dinner?
13 I don't know what you just said, lunch or dinner.

14 Q Lunch.

15 A I -- I don't know. Typically -- I don't know.
16 Typically, I eat lunch in my office. So, I don't know.

17 Q Well, that's a Saturday.

18 A Okay.

19 Q The 18th.

20 Have you ever had lunch with Chief Bell and
21 Sherry Kray- -- is it Sherry Kraynik or Sharon --

22 A Sharon. Sharon.

23 Q -- Sharon Kraynik on a non-weekday?

24 A On a non-weekday -- not that I recall at all.
25 No. It -- no. I may have during a festival, but other

1 than the festival, I don't recall.

2 Q The city doesn't have any festivals on -- in
3 July, that you would have met with them over lunch, on a
4 weekend, does it?

5 A We were still in COVID-19. I don't recall --
6 I don't recall anything, no.

7 Q Okay. For any of the allegations contained in
8 Mr. Fewless' June complaint about Chief Bell and others,
9 are any of those allegations still under investigation
10 by the City of Mount Dora or its police department?

11 A The accusations made were part of --
12 considered as part of the police assessment that we've
13 recently gone through. So, the assessment was delivered
14 in a draft form. So, the assessment may cover some of
15 those allegations. It does talk about the factions in
16 the police department. It talks about the
17 personalities, about some of the -- I don't recall it
18 stating anything about relationships, but there are some
19 pieces of that.

20 So, that assessment will be the final piece
21 that will definitely not be a final report in the sense
22 of an investigative report, but it is an assessment of
23 the police station -- the police department, that began
24 in August when De- -- Interim Chief Meade started with
25 the city to -- to validate or provide insight as to

1 what -- to the culture of the police department.

2 Q Who ordered that assessment be done?

3 A I did. I did.

4 Q You did.

5 A Uh-huh.

6 Q That -- sorry. You said, uh-huh. That's a
7 yes, right?

8 A Yes, I did. I'm sorry. I said I did, yes,
9 sir.

10 Q No, it's just for the court reporter's
11 benefit, ma'am. I -- I know what you mean, but
12 sometimes, for her benefit, it doesn't come out that
13 way.

14 A Right.

15 Q And you ordered that assessment in response to
16 Mr. Fewless' complaint, correct?

17 A And to -- so, I ordered the assessment and --
18 an interim police chief and/or in response to the
19 complaint filed by the leadership.

20 Q So, that's a yes?

21 A That's a yes, but it was in the entire
22 leadership, not just Mr. Fewless.

23 Q Yes, ma'am, and I refer to it as Mr. Fewless'
24 complaint, but when we talk about that, we are talking
25 about the June leadership complaint, correct?

1 A That is correct. That is correct.

2 Q And so you understand, when I refer to it as
3 Mr. Fewless' complaint, I -- we can refer -- I refer it
4 to it as that. We can refer to it as the leadership
5 complaint, but that way we're on the same page.

6 A Okay.

7 Q Thank you.

8 At the time that -- have you ever had to --
9 prior to the -- the command staff's complaint, had you
10 ever reviewed a complaint that may have -- may or may
11 not have qualified for whistleblower protection?

12 A We've had -- we've had several come through in
13 the water or sewer department. I think we had one early
14 on.

15 Q Please don't tell me the name of the person --

16 A I'm -- I'm not. I not.

17 Q I realize that you started to explain it. I
18 was like, oh, my goodness. Yeah.

19 A No. No. I may have -- I may have seen
20 another one in the police department, and I qualify that
21 saying maybe because, again, if it was part of an IA --
22 I do not get involved in IAs. I don't review them.

23 I -- I -- that's all I can recall right now.
24 If there's another one, I -- I don't recall.

25 Q Well, there have been some.

1 A Yes.

2 Q Not a lot, but you're aware of some.

3 A Yes.

4 Q And you're not aware of any that may have just
5 been handled by the police department, itself, through
6 internal investigations.

7 A That -- that's right. I would not be aware of
8 that.

9 Q Okay. Does the -- does the city have any
10 policies or procedures concerning the processing of
11 whistleblower complaints?

12 A To -- so, yes, to -- to go into detail, again,
13 it's part of the collective bargaining agreement, if I'm
14 not mistaken. I have to go back and look at that.
15 It -- there is -- police and fire, especially, I believe
16 there is a statement or a segment of part of their
17 collective bargaining agreement that discusses
18 whistleblowing and how it would be handled. General
19 employees would be the same because, again, they are
20 covered under that contract.

21 I don't recall a separate city policy that
22 states -- other than that, if there's a federal or state
23 law, that we have to abide by it.

24 Q At what point -- and for the whistleblower
25 complaint you received previously, did you conduct the

1 **investigation?**

2 A No.

3 **Q Who conducted that investigation?**

4 A That was conducted -- it would have been
5 conducted by either the HR or the leadership team at the
6 particular division. Again, if it was the police
7 department, it would have been the internal
8 investigator. HR would have gone through with a
9 director or another director from that -- another
10 department because it --

11 **Q So, for -- for water management and septic, if**
12 **it -- when it was -- when you found out about it, either**
13 **you would have directed that someone below you to handle**
14 **that investigation.**

15 A That is correct.

16 **Q And for purposes of the City of Mount Dora,**
17 **does the determination, whether someone was a**
18 **whistleblower, made at the time of complaint or at the**
19 **conclusion of the investigation?**

20 A So, for the City of Mount Dora -- state that
21 one more time just so I don't misread it.

22 **Q Sure. For the City of Mount Dora -- at some**
23 **point, the City of Mount Dora --**

24 THE COURT REPORTER: I'm sorry. Wait.

25 (Discussion off the record.)

1 BY MR. ANDREWS:

2 Q Does the City of Mount Dora have a policy or
3 procedure that dictates when -- after receiving a
4 complaint about violations of rules, statutes,
5 procedures, et cetera -- does the city have a policy as
6 to when the determination would be made as to whether
7 that individual is a whistleblower or not?

8 A Again, I'd have to look at the policy and --
9 whatever policy is in place. So, I can't really answer
10 that without going through and looking at that. I -- I
11 don't -- honestly don't know.

12 Q Let me ask you: You've had training on what a
13 whistleblower is and --

14 A Yes.

15 Q -- correct?

16 Isn't it true that an employee can file a
17 complaint about, you know, a violation of policy,
18 procedure, statute, misfeasance, or malfeasance, and be
19 wrong, but still be considered a whistleblower?

20 A I would imagine that that is true, yes. Based
21 on what I've seen in some of the webinars I've been
22 involved in, yes, I would agree.

23 Q Okay. So, then it would not be inappropriate
24 to, when receiving a complaint, make a determination at
25 that time whether someone was engaging in a

1 **whistleblowing activity.**

2 A It would be something that would be reviewed
3 and considered, yes.

4 Q Right. So, at that time -- at that time, you
5 could -- you could look at a complaint and say, this
6 person may be a whistleblower.

7 A Conceivably, I guess you could, yes.

8 Q And since they don't have to be correct in
9 their -- what they complain about, so long as they make
10 a complaint that, if true, violates a, you know,
11 procedure or statute or law, they -- they are a
12 whistleblower.

13 MR. BOWLING: Objection.

14 Go ahead.

15 Q Irrespective of whether they're right or wrong
16 about the violat- -- alleged violations?

17 A Alleged, yes.

18 Q Okay. Is that a yes?

19 A That's -- would be a yes.

20 Q That's your understanding; is that correct?

21 A That would be the best I could come up with,
22 yes.

23 Q Sure. And that would have been your
24 understanding last summer, in June and July of 2020?

25 A When he enacted the fact that -- yes, that he

1 was putting forth that policy or that protection, yes.

2 Q Well, under- -- with your understanding of
3 what a whistleblower is, under Florida law, through your
4 seminars and webinars that you've attended, when
5 Mr. Fewless and the command staff submitted that
6 complaint in June of 2020, they would have been
7 whistleblowers as -- as -- with your understanding,
8 correct?

9 A They would have been looking for protection
10 from a whistleblower policy, from my understanding.

11 Q So, they -- when they submitted that
12 complaint, they had engaged in a whistleblowing
13 activity, correct?

14 A I didn't look at it as engaged in the
15 activity. They were filing the complaint and they
16 wanted protection. That's how I looked at that.

17 Q Yes, ma'am. And sometimes I say questions I
18 make it, like, way, too, formal, but what I'm
19 saying is -- basically what I'm getting at is, when they
20 made that complaint, your understanding is that, whether
21 they were right or wrong about their complaints, they
22 were whistleblowers when they submitted that complaint,
23 correct?

24 A Yes, it could be. Again, I looked at it as
25 they were looking for protection, not that they were

1 whistleblowers.

2 Q Well, but you say could be. It's your
3 understanding at that time that -- that they would be
4 whistleblowers, correct?

5 A Okay. I -- I don't really agree with the way
6 you're saying that, so -- but okay.

7 Q Well, ma'am, you said -- just a second ago,
8 you said that someone who makes a complaint about
9 violations of statutes and rules, when they do it,
10 doesn't have to be right, but when they make the
11 complaint, that is -- like, a whistleblower makes a
12 complaint --

13 A Yes.

14 Q -- about those violations, correct?

15 A That is correct, they do.

16 Q And that's your understanding, based on your
17 training, under what a whistleblower is, under Florida
18 law, in connection with your job as city manager and the
19 previous positions you've held at other cities, correct?

20 A That would be correct.

21 Q All right. So -- and again, just to round
22 this out, so, when -- I'm not saying that Mr. Fewless
23 and the command staff's complaints were, you know,
24 accurate, right, but when they submitted that complaint,
25 for purposes of the City of Mount Dora and your

1 understanding of whistleblower law in Florida, based on
2 your training, they were whistleblowers when they
3 reported that, correct?

4 A Yes.

5 Q Okay. Sorry. I'm not trying to trick you. I
6 under- -- and sometimes -- if you don't understand my
7 question -- you've done a great job of letting me know
8 so far, but there will probably be times where you're
9 just like, sir, I have no idea what you're talking
10 about. And it's -- it's -- you can do it politely or
11 rude.

12 I promise I won't be -- you've been very
13 polite, but you can say that however you want and I'll
14 make sure to restate it for you. I can tell you you're
15 not the first or the last witness that will say, sir, I
16 don't understand any part of your question. That's a me
17 problem.

18 Give me one moment.

19 Have you ever, yourself, personally met with
20 Nancy from the news media concerning questions or issues
21 relating to the City of Mount Dora?

22 A She came -- yes, she came in and met with the
23 mayor, myself, our city attorney one time.

24 Q That was for an interview after this --

25 A That's -- that's all I had is -- as far as

1 interview or meeting, that's the only time I've seen
2 her.

3 Q Was it recorded?

4 A I honestly don't recall that it was recorded.

5 Q Maybe it was; maybe it wasn't. You just
6 don't --

7 A I actually think Nancy may have recorded it.
8 So, yes, I do believe she did --

9 Q Did she --

10 A -- now that you ask --

11 Q Yes, ma'am. Is she the one from Lake Legal
12 News?

13 A Legal, yes.

14 Q That -- does that sound right?

15 A It does, Lake -- Legal -- yes, that sounds
16 correct.

17 Q It's -- excuse me. It's Lakelegalnews.com.

18 A Yes.

19 Q Okay. Okay. And when we've been talking
20 about Nancy from the news media, that's who we're
21 talking about, correct?

22 A Right. Again, I don't recall the name, so I
23 apologize.

24 Q No, that's okay.

25 What happened at that interview? What was

1 **discussed?**

2 A Again, varied -- varied questions of the
3 mayor. I think the mayor directed -- directed me to
4 answer a question. Mayor answered most of the questions
5 or the city attorney answered the questions.

6 And they were questions in reference to her
7 visit at the police department and her conversations
8 with Deputy Chief Fewless. And I believe she had a
9 couple of questions in reference to -- just in general,
10 to police. So, a lot of it was a question asked and
11 then no answer, no response.

12 So, it -- it was a fairly-quick interview in
13 the sense that -- a lot of responses from the city
14 attorney to her questions, more than any -- than us.

15 **Q Sure. And --**

16 A Mainly because there's an ongoing litigation,
17 the city attorney handled that.

18 **Q Sure. I think the -- Nancy from the news
19 media released the audio on her website. Does that --**

20 A I --

21 **Q Do you recall that?**

22 A That makes sense, yeah.

23 **Q Do you recall whether it was disclosed to
24 Nancy from the news media that Mr. Fewless was
25 terminated because he called her to come in and -- and**

1 gave her details about a criminal -- an active criminal
2 investigation?

3 A That was Mr. Fewless' comments. So, yes, I'm
4 sure it was disclosed to her. I don't recall if it was
5 part of that conversation. I -- I -- so...

6 Q You testified that Mr. Fewless told you that
7 he invited Nancy from the news media up to the police --
8 the Mount Dora Police Department and gave her an update
9 on the active criminal investigation. That was your
10 testimony earlier, correct?

11 A That's what he stated, yes. He wanted to --
12 to provide her an update and improve relationships with
13 the media.

14 Q And you would expect -- you would expect her,
15 if placed under oath, to say that same thing; that
16 Mr. Fewless reached out to her first and invited her to
17 the police department and gave her information about an
18 active criminal investigation, correct?

19 MR. BOWLING: Objection.

20 A Again, I on- -- I can only tell you what
21 Mr. Fewless told me, which is those two items; that he
22 reached out to her, ever how that conversation began.
23 He -- he made a point to let us know he had noticed her
24 at the incident that had happened a week or two prior to
25 that -- to that day that she came in. He wanted to

1 improve the media relationships and wanted to give her
2 an update on the investigation. Those were his comments
3 to us.

4 Q Would you agree that it's important for a
5 police department to have a re- -- a good relationship
6 with news media in the community?

7 A Under policy and procedure, yes, I would
8 agree.

9 Q Sure.

10 Did you take -- at the meeting you had with
11 Mike Fewless that you said was approximately 2:00 p.m.
12 on July 21st, 2020, did you take any notes at that
13 meeting from what Mr. Fewless said?

14 A No.

15 Q Did Ms. Kraynik take any notes from that
16 meeting as to what Mr. Fewless said?

17 A Not that I recall. I don't recall seeing a
18 notebook with her.

19 Q Did Ms. Sutphen take any notes that you
20 recall?

21 A I -- I don't know.

22 Q You don't know one way or the other?

23 A I don't recall seeing her take notes, but I
24 don't recall. I just don't know if she did or not.

25 Q Okay. At the -- at the July 21st, 2020,

1 meeting with Mr. Fewless, when you met with him and he
2 disclosed what you've testified that he disclosed to
3 you, did you -- you didn't have any reason to think
4 that, at that moment, that there would be litigation
5 over this, of Mr. Fewless, would you?

6 A No.

7 Q So, Ms. Sutphen was not at -- you didn't ask
8 Ms. Sutphen to be at the meeting on July 21st, 2020,
9 with yourself, Ms. Kraynik, and Mr. Fewless because you
10 were afraid of a lawsuit, were you?

11 A No.

12 Q Okay.

13 A She's our city attorney.

14 Q Sure.

15 The draft assessment that you stated was -- is
16 still in a draft form -- when was that draft submitted
17 to you?

18 A Well, it -- the interim chief of police
19 presented it last night to the council to review. So,
20 I've looked at it several times with the chief. So,
21 he's been finalizing it now since -- well, January and
22 February.

23 Q So, he conducted the assessment himself.

24 A He did. He is qualified for such.

25 Q Cer- -- and I'm not -- not to suggest that he

1 **isn't.**

2 **Have you -- from the -- from the initial draft**
3 **assessment that he gave you, have you directed that**
4 **anything be changed in it one way or the other?**

5 A No, but that was not my point to take
6 direction or to provide changes. All I did was look at
7 the validity of organizational charts, budgets, policy.

8 Other than that, the -- the data is basically
9 a survey. And his interpretation and the police
10 depart- -- the police -- National Police Foundation's
11 determination of how the survey is interpreted is
12 totally up to him and that organization.

13 Q And I -- and I -- and I understand that you
14 did all those other things, but to kind of short-circuit
15 that, you didn't look at any of his, like, conclusions
16 or interpretations and say, hey, change this around
17 or --

18 A No.

19 Q -- I don't -- I disagree with that?

20 A No.

21 Q Okay. Were there any interpretations or
22 conclusions that he made that validated any of the
23 complaints or concerns by the command staff at -- in the
24 June 2020 complaint -- whistleblower complaint?

25 A Again, so, there are comments in it about the

1 factions in the police department; about the police --
2 deputy chief retiring, about the management style not
3 conducive to -- to all leadership members.

4 I don't recall reading anything more than --
5 more than that, but there were survey questions that may
6 have asked specific questions in which there could be
7 more there.

8 **Q So, that is a yes, it substantiated some of**
9 **those concerns and complaints in the June 2020**
10 **whistleblower complaint?**

11 A I would say no. What it states is that there
12 are factions. So, those factions are not necessarily --
13 it was mentioned in their accusations, but it was --
14 mainly what I read in the document was in reference to
15 the factions within the police department and the unease
16 of bickering and stress. Those were the three things I
17 recall reading in his assessment that would also -- may
18 have been -- were also mentioned in the accusations.

19 So, limited items that were mentioned, if you
20 will, please.

21 **Q Oh, sure. It relates to factions as -- the**
22 **assessment discusses factions related to Jessica Howell**
23 **and people not to trust within the department, correct?**

24 A So, it -- factions related to leadership,
25 not -- Jessica Howell was not mentioned in there.

1 **Q** Well, can you be a little more specific about
2 what factions amongst leadership are discussed in the
3 assessment? I don't have a copy of it, so I don't have
4 the benefit of asking you questions directly from it.

5 **A** All it states is there are factions within the
6 leadership of the Department. I mean, it's very simply
7 stated. It says that some of the stresses of the
8 department is the fact that there are factions. There
9 are some that lean one direction and another direction.
10 He does not mention specific people or specific
11 positions.

12 **Q** So, the assessment does not mention Mike
13 Fewless.

14 **A** No, it does not.

15 **Q** The assessment does not mention Rob Bell.

16 **A** Specifically, by his name, no. It mentions
17 that they -- that the prior police chief retired --

18 **Q** Does it --

19 **A** -- and that there was turmoil when he retired.
20 That's all that's mentioned.

21 **Q** Does it mention Mike Fewless indirectly?

22 **A** No.

23 **Q** Not even by his title that was at the time?

24 **A** Not that I recall, no, nor any other member of
25 that team, again.

1 **Q** We talked earlier about the policy related to
2 **statements to the public. I believe you said that**
3 **was -- again, that was the city policy, correct, not a**
4 **police policy?**

5 A It was a --

6 MR. BOWLING: You said to the public or the
7 media?

8 MR. ANDREWS: Media. Sorry. Say -- yeah,
9 fair enough.

10 BY MR. ANDREWS:

11 **Q** **Statements related to the media that there was**
12 **a city policy for that and not a police department**
13 **policy.**

14 A There is a city policy on that as well as a
15 city charter. Again, the city charter is by -- what we
16 live by and the city charter is what stated it. So, the
17 policy has to follow.

18 **Q** **Do you know whether there is a police**
19 **department policy regarding statements to news media**
20 **that's separate and apart from the city's policy?**

21 A So, the only thing that -- only thing I can
22 find is a reference to following city policy. That's
23 all I could find.

24 **Q** **Does -- Mr. Fewless had a work cell phone when**
25 **he worked for the department, correct?**

1 A Yes.

2 Q When that -- when Mr. Fewless was terminated,
3 did the City of Mount Dora save the text messages he had
4 sent and received on that phone?

5 A Yes. They were provided to you as well as me.
6 That's some of the ones I went through last night.

7 Q Did you see any in there where Rob -- where
8 Chief -- Mr. Fewless is told that he could give a
9 statement related to an active investigation?

10 A There was none in there that I saw that I --
11 stated that.

12 Q You reviewed all the text messages that were
13 provided to me and you didn't see any text messages
14 where Mr. Fewless was told that he could give a comment
15 related to an active investigation?

16 A Not for the active investigation I looked at
17 for July --

18 Q That --

19 A -- 2019.

20 Q And that's not --

21 A Sorry. That's not your question?

22 Q I'm talking about generally.

23 A I -- I don't recall seeing a statement like
24 that, no. I went through it, though.

25 Q Okay. Sorry. I was on mute.

1 **Did you see the text-message exchange between**
2 **Marilyn Aciego and Mike Fewless where Mike Fewless tells**
3 **her, Lieutenant Wade is heading to the scene and should**
4 **be your point of contact?**

5 A I don't recall that one. I -- if that was
6 the -- was that the July of 2019- -- '20? I don't
7 recall that one. I'm sorry.

8 **Q Yeah, it was on the eve of the doub- -- double**
9 **shooting in Mount Dora.**

10 A I -- I looked through all of those and I don't
11 recall her name being on there, so -- but I may not have
12 been able see -- if I didn't know her number, I would
13 not know it was her. There was a list of numbers on
14 each one of those -- probably five phone numbers. I
15 believe command staff had referenced to the -- to the
16 shooting. That was a council-meeting night also, so...

17 **Q Okay. Hold on a second.**

18 MR. BOWLING: Do you want to take a short
19 break?

20 MR. ANDREWS: Yeah. I'm looking for the text
21 messages that I was told that I had been produced,
22 and I don't have any of those --

23 THE COURT REPORTER: Are we on the record or
24 do you want to go off the record?

25 MR. ANDREWS: We're on the record.

1 THE COURT REPORTER: On the record? Okay.

2 MR. ANDREWS: Yes.

3 I don't have any of those text messages that
4 she's referring to. So, I -- I don't -- is that
5 something that should have been produced? I mean,
6 I think it was responsive to my request, but we
7 don't have it, Mike.

8 MR. BOWLING: I can't tell you whether it's
9 been produced or not. I don't know whether she's
10 making -- the city manager is making reference to a
11 public-records request instead of a discovery
12 request.

13 MR. ANDREWS: Yeah.

14 MR. BOWLING: I don't know that I have -- I
15 don't re- -- remember reading text messages.

16 MR. ANDREWS: Same. Same.

17 MR. BOWLING: I'll be happy to provide them to
18 you.

19 MR. ANDREWS: Yeah, I appreciate that.

20 Let me just ask a few more questions of
21 follow-up so that it's clear for both of us.

22 BY MR. ANDREWS:

23 **Q Ms. Hayes, you saw text messages that were**
24 **saved that Mr. Fewless had sent and received on his City**
25 **of Mount Dora cell phone while he worked at the City of**

1 **Mount Dora, correct?**

2 A Yes, I did.

3 **Q And those were saved and you were able to**
4 **review them prior to this deposition today?**

5 A That was part of my review, yes.

6 **Q Okay. Can you provide those to your attorney**
7 **so that we can have a copy of those?**

8 A Yes.

9 MR. BOWLING: Yeah. Sure. I'll --

10 MR. ANDREWS: Okay. And, Mike --

11 MR. BOWLING: I'll get them. I'll get them to
12 you.

13 MR. ANDREWS: We may have a need for a limited
14 follow-up on that -- a depo on that and some other
15 issues. I can't imagine that would be an issue.

16 MR. BOWLING: Well, I mean, again, if it was
17 requested and it wasn't produced, you have every
18 right.

19 MR. ANDREWS: No, I understand. I'm -- I'm
20 not -- stuff happens. I get it.

21 MR. BOWLING: I understand.

22 MR. ANDREWS: I don't think it was done
23 intentionally.

24 BY MR. ANDREWS:

25 **Q All right. I'm going to show you a -- what is**

1 purported to be a text message -- the remnants of a text
2 message between Michael Fewless and Marilyn Aciego, from
3 Lake Legal News.

4 Give me a second.

5 Do you see this on my -- on the screen, ma'am?

6 A Yeah.

7 MR. ANDREWS: All right. I'm going to mark
8 this as Exhibit 3. It's Plaintiff's 118.

9 (Exhibit No. 3 marked for identification.)

10 BY MR. ANDREWS:

11 Q Have you seen this document before?

12 A No.

13 Q Can you take a look and read what's on the
14 screen and let me know -- not out loud, but read it and
15 let me know when you've finished reading it.

16 A Okay.

17 MR. BOWLING: Just before she -- you ask any
18 questions, I -- this doesn't look like any text
19 message I've ever seen, but --

20 MR. ANDREWS: Yeah.

21 MR. BOWLING: Just with -- with that noted.

22 MR. ANDREWS: We produced it. This is
23 definitely not what a text message normally looks
24 like. I think this was, like, saved during this
25 time period to preserve it, by the plaintiff, is

1 what I -- what I suspect his testimony would be.

2 Give me a second.

3 BY MR. ANDREWS:

4 Q Okay. You've read this, correct?

5 A I did.

6 Q All right. And this is talking about a double
7 homicide. When we were -- when you read this text
8 message, or what purports to be this text-message
9 thread -- when you review this Exhibit 3 -- when it
10 talks about a double homicide, do you know which double
11 homicide it's talking about?

12 A I do. If it -- well, I -- I may. We've only
13 had a few. So, I have to assume that it's the couple
14 that we've had.

15 Q Right. I mean, mount Dora is a pleasant
16 place. It doesn't -- it -- it's not used to having this
17 type of criminal activity, right?

18 A That is correct.

19 Q Right. So -- but this one, as it relates to
20 Mike Fewless, you understand to be the one from last
21 summer of 2020, correct?

22 A That's correct.

23 Q Okay. Now, is this double homicide the -- the
24 open investigation that Mr. Fewless is alleged to have
25 disclosed information to Ms. Aciego?

1 A So, it's a double shooting. There actually
2 was not a double homicide, so -- just to clarify.

3 **Q Okay.**

4 A But, yes, it is the only one that we had going
5 on at that time.

6 **Q Okay. And so, when -- when Mr. Fewless was**
7 **terminated for allegedly violating the policy he was**
8 **alleged to have violated, this is the open investigation**
9 **he was alleged to have disclosed confidential**
10 **information on, correct?**

11 MR. BOWLING: Objection.

12 A So, he mentioned this. We also had a Lowe's
13 investigation ongoing of a shooting. I -- in -- in his
14 conversation, he also mentioned the Lowe's, but he was
15 specifically talking about this one.

16 **Q Okay.**

17 A He said, we had two open investigations. She
18 was not privy to any of the information and they didn't
19 have an update on the Lowe's, but he was trying to put,
20 in good standing, with the current double shooting and,
21 to your other point, the rest of this case.

22 **Q Let me ask you: It was not inappropriate for**
23 **him to tell her there are two active investigations**
24 **regard- -- one involving the Lowe's shooting and another**
25 **involving the double shooting, correct?**

1 A So, I would say that's a technicality. You
2 can state that we know -- again, we know we have two
3 open cases because it's media. The news is aware of the
4 shootings, but to speak any further than that, there's
5 city policy and the police policy that governs them more
6 than the city policy on an active case. It did -- it
7 does stipulate that --

8 **Q Correct.**

9 (Simultaneous speakers.)

10 A -- that the policy is the violation of the
11 media. Sorry.

12 **Q All right. And I -- my apologies. I kept**
13 **thinking you were done.**

14 **And so I understand, and from your testimony,**
15 **it does not violate the policy for an officer in the**
16 **police department to say, we have an open investigation**
17 **into a shooting at Lowe's.**

18 A If he's speaking to the media, it does. He --
19 they -- they do not have permission to speak to the
20 media.

21 **Q Isn't -- isn't -- when there's a shooting,**
22 **isn't there a news release by the city that there was a**
23 **shooting? Right? Doesn't the -- like, for example --**
24 **let me give you an example. If there's a shooting at**
25 **the Lowe's, the same Lowe's, today and the police**

1 department responds, does the City of Mount Dora issue a
2 news release saying there was a shooting at the Lowe's
3 today?

4 A So, yes, we have a PIO. And the mayor has
5 authorized the -- the press release. Yes, we do have a
6 press release, through our PIO, city PIO.

7 Q Sure. And it's not -- so, when the city PIO
8 issues a press release, it's no longer a secret, right?
9 It's -- the public has now -- it's been authorized that
10 the public know that there was an open inv- -- that
11 there was a shooting and an open investigation.

12 A There is limited information put out there,
13 that is correct.

14 Q Right, and that -- but that limited
15 information is that there was an incident -- for
16 example, a shooting at Lowe's -- and there was an open
17 investigation, and further details will be provided when
18 available, right?

19 A Yes.

20 Q That's a summary, but that's generally what
21 those statements say, correct?

22 A Yes.

23 Q Okay. So, for -- if someone asked
24 Mr. Fewless, is there any new information regarding a
25 shooting, and he says, there's an active investigation,

1 **and doesn't give any information about the**
2 **investigation, that's not a violation of the policy, is**
3 **it?**

4 A Again, technically, the policy says that he
5 does not have any contact with the media; that that is
6 the mayor. So, any statements given to the media would
7 be considered a media release; could be potentially
8 something that is being released to the public.

9 **Q You --**

10 A Those --

11 **Q Sorry. You said any statement, correct?**

12 A Any statement to the media.

13 **Q Right. And do you know what statement -- I**
14 **understand you say Mr. Fewless told you about it. What**
15 **is your contention that Mr. Fewless told Ms. Aciego?**

16 A His statement was that he simply stated that
17 he provided her a -- an update. He did not go into any
18 details. So, his -- his language was only an update on
19 the ongoing investigation.

20 His goal was to, again, establish a -- a
21 relationship with the media, a positive relationship so
22 that there could be interaction in -- for future --
23 future cases or future issues. He did not specifically
24 state anything he stated to her.

25 **Q So, your position is that he said he gave her**

1 an update, but as we sit here today, and as you sat
2 there on July 21st, 2020, you have no idea what that
3 update was or meant, do you?

4 A What I know is that he met with the media, and
5 that is a city -- violation of a city policy and city
6 charter --

7 Q What if --

8 A -- period.

9 Q What if someone from the media came in and
10 wanted to make a complaint and they said, the only
11 person I'll talk to is Deputy Chief Fewless -- is he not
12 allowed to take that meeting?

13 A Again, I can tell you what the charter says
14 and I can tell you what the policy says. That's what I
15 can tell you. So, if the mayor would like to come up
16 and have that conversation with him, along with the
17 deputy chief or whoever it might be, I have no issue
18 with that.

19 But the charter is very clear and very plain
20 and the charter committee has already listened to that
21 and upheld that. That's what I -- that's what I have to
22 abide by. That is our code.

23 MR. BOWLING: Ryan, I need to take a break.

24 MR. ANDREWS: Oh, yeah, no problem.

25 (Brief recess.)

1 BY MR. ANDREWS:

2 Q Okay. Have you ever heard a rumor that Rob
3 Bell was having a physical or romantic relationship with
4 Karen Dancel?

5 A Not that I recall, no.

6 Q And not that you know -- I -- what I -- I just
7 want to make sure I'm clear on the question. It's not
8 that -- do you know whether they did or did not have
9 one; I'm asking you: Have you ever heard that rumor?

10 A I don't know that I've heard that rumor.
11 That's not what I -- I don't recall hearing that rumor.
12 So, no, I don't recall hearing that.

13 Q Have you ever heard a rumor that Rob Bell had
14 an inappropriate relationship with Sharon Kraynik?

15 A I've heard the rumor, yes. I've heard the
16 rumor.

17 Q And who did you hear the rumor from?

18 A I honestly couldn't tell you.

19 Q Isn't it true that you at least -- you heard
20 the rumor at least once from Mr. Fewless and the other
21 command staff when they came to you with their complaint
22 in June of 2020?

23 A So, that -- they have it written in there that
24 they've heard there are rumors. So, yes, I did read
25 that, but to have heard it before then, seems like I --

1 I have heard it from -- even Sharon may have been the
2 person who came over and said, there's a rumor going
3 around, but somebody did.

4 Q So, Sharon may have told you, like, hey,
5 there's this rumor going around about me and Rob Bell?

6 A Uh-huh.

7 Q And what did she say about it?

8 A Simply that: It wasn't true and there was a
9 rumor going around.

10 Q Was she filing -- did she file, like, a
11 hostile-work-environment complaint to say people are
12 making this rumor against me and it's not true and I
13 want it investigated?

14 A No.

15 Q So, she said it wasn't true, but she also
16 didn't ask -- she didn't ask you to open an
17 investigation and punish the people who were spreading
18 it about her within the City of Mount Dora?

19 A No.

20 Q Did you find that odd?

21 A No. I work in the city.

22 Q What --

23 A There's a lot -- lot of people go to lunch
24 together and they -- they assume, because you eat lunch
25 with people, there's something going on.

1 Q Okay.

2 A That's what happens in a small city.

3 Q You said that you believe it may have been the
4 first time that you learned that -- or the first time
5 that you heard of an allegation that Ms. Kraynik and
6 Ch- -- Mr. Bell had an inappropriate relationship, in --
7 was from the June complaint. Did that cause you to
8 interview Ms. Kraynik as a -- in that investigation of
9 that complaint?

10 MR. BOWLING: Objection. I'm not sure that's
11 what she testified to.

12 Did you testify that that was the first time
13 you learned?

14 THE WITNESS: No.

15 MR. BOWLING: Okay.

16 BY MR. ANDREWS:

17 Q Sorry. So -- so, you can -- so, you're saying
18 that's not the first time you learned, right?

19 A That is correct.

20 Q So, in response to this new allegation or in
21 response to the allegation, again, as brought forward by
22 the command staff, regarding Ms. Kraynik and Mr. Bell,
23 did you do anything to investigate that allegation,
24 after receiving that complaint?

25 A Again, I had -- had conversation with the HR

1 director, Sharon, prior. I had another -- I did ask her
2 again, as well as several of the other members that are
3 mentioned in that document that their names were thrown
4 in there, to have a -- whatever it would have been. So,
5 there were different adjectives describing what might
6 have been happening.

7 **Q And Ms. Kraynik denied that as well, in**
8 **response to you investigating the command-staff**
9 **complaint.**

10 A That is correct.

11 **Q Okay. When you conduct your investigations,**
12 **do you place witnesses under oath?**

13 A No.

14 **Q So, the statements you're given from witnesses**
15 **or individuals that you investigate are -- are -- in**
16 **interviewing for an investigation, the information**
17 **you -- or you were provided is informal and not under**
18 **penalty of perjury.**

19 A That is correct.

20 **Q And my understanding from your testimony is**
21 **you don't necessarily always take notes from those**
22 **interviews either, correct?**

23 A That's correct.

24 **Q Do you have any notes taken from any of the**
25 **individuals you interviewed in response to receiving the**

1 **June complaint from the command staff?**

2 A No notes. There are e-mail -- e-mail
3 responses and there are meeting invites, but there are
4 no notes.

5 **Q Right. No notes from any of those meetings or**
6 **interviews, we'll call them.**

7 A That's correct.

8 **Q Like, based on, like, a question you asked or**
9 **an answer they gave -- no notes, correct?**

10 A That's correct.

11 **Q Have you had any training as it relates to**
12 **best practices for internal investigations?**

13 A There are several requirements when we go
14 through FCCMA and ICMA on best practices. So, yes, some
15 of those investigations are -- are mentioned and
16 described, not in -- not in a lot of detail. So, I
17 would say very little in that respect.

18 **Q In those trainings that you have participated**
19 **in, do they tell you that, like, documenting an**
20 **investigation is critical to the integrity of the**
21 **investigation or anything like that?**

22 A Again, they discuss documentation and details
23 of notes to keep in mind what type of data will be
24 presented as a -- going forward, but again, at the
25 discretion of the individual.

1 Q Okay. And in your discretion as the city
2 manager of the City of Mount Dora, you don't -- you
3 don't create, like, inv- -- case-opening reports for
4 investigation. You don't --

5 A Sure.

6 Q You don't take notes in the interviews and you
7 don't issue, like, final-conclusion reports based on
8 whatever complaint you receive; is that correct?

9 A That's correct.

10 Q And that's your practice as the city manager.

11 A That is correct.

12 Q Okay. Now, in the meeting of July 21st, 2020,
13 with Mike Fewless -- do you recall about how long that
14 meeting lasted with Ms. Sutphen -- and I'm sorry if I'm
15 mispronouncing her name again -- but Ms. Sutphen,
16 Ms. Kraynik, and yourself, and Mr. Fewless?

17 A I would estimate it at less than an hour.

18 Q Less than an hour.

19 A An hour or less, yes.

20 Q Okay. And, in fact, in that meeting, before
21 Mr. Fewless first walked out of your off- -- was this in
22 your office or a conference room?

23 A In this conference room.

24 Q The one you're sitting in right now.

25 A Yes.

1 Q And when Mr. Fewless walked out of the
2 conference room, you, in fact, had not terminated him
3 before he first walked out of that con- -- conference
4 room, correct?

5 A No, that is not true.

6 Q You're saying, before he got up and left the
7 office, he --

8 A Before he left the conference-room door, he
9 was terminated. He stood up before that time, but he
10 had not left.

11 Q Ma'am, isn't it true, though, that he had left
12 and before -- isn't it true that you had no intention to
13 fire him, but after he left, Ms. Kraynik told you, wait,
14 I want to talk to you for five minutes; and, only after
15 that conversation, you called him back into the office
16 to tell him he was terminated?

17 A No, that's false.

18 Q That's false?

19 Are there any cameras in that part of your
20 building?

21 A Nope.

22 Q No security cameras that face that conference
23 room or your office or any of the other offices?

24 A Not that I'm aware of, no. They're in the
25 hallway.

1 **Q The hallway, right?**

2 A Out -- outside the double doors, the doors.

3 **Q What's your retention policy on those cameras?**

4 **Do you know?**

5 A If I recall, those -- maybe seven years, I
6 think, for those.

7 **Q Oh, okay.**

8 A I'd have to look at those, but it was quite
9 some time on those -- those cameras.

10 **Q That's a fantastic camera system you must**
11 **have.**

12 A We have to download it -- thank you -- to a
13 server.

14 **Q No, that's -- that's impressive. I'll tell**
15 **you, I deal with some places that keep them for, like,**
16 **24 hours. And it's aggravating, from my perspective.**

17 A We had to change that.

18 **Q Is that -- were they -- was there ever a**
19 **captain that was fired for watching the cameras?**

20 A There was a discipline for watching the
21 cameras.

22 **Q Why -- why was there a discipline for watching**
23 **the cameras? What was -- what would that violate?**

24 A He was targeting HR and watching peo- --
25 certain of the hallways while -- attempting to watch,

1 anyway, people who went in and outside of the offices of
2 the HR division and --

3 Q Like --

4 A -- that --

5 Q -- complaints or something?

6 A Exactly, or anybody could be in there doing
7 something. And that's not the intent of the camera
8 system.

9 Q Sure. Cameras --

10 (Background noise.)

11 Hold on a second. There's a siren. I don't
12 know if you can hear it through the speakers.

13 A We can.

14 Q Okay. Yeah, the camera system is supposed to
15 be there for the safety or in case something needs to be
16 cross-checked later on.

17 A That's correct.

18 Q So, there shouldn't be an issue providing the
19 cameras for the City of Mount Dora's administrative
20 office, where you are, the hallways that would encompass
21 people walking in and out of, for example, doors of say,
22 this conference room?

23 A That's correct -- not to this conference room,
24 to the entrance of this pod, not --

25 Q To the entrance --

1 A Yes.

2 Q Okay.

3 A To my offices.

4 Q So, your --

5 A It's in the hallway.

6 Q The pod where your offices are.

7 MR. BOWLING: There's an office suite.

8 MR. ANDREWS: Yeah.

9 MR. BOWLING: In the interior, there's a
10 conference room.

11 MR. ANDREWS: Okay.

12 BY MR. ANDREWS:

13 Q All right. Okay. Let me ask you: Did you
14 already have the termination letter drafted before
15 Mr. Fewless came in to meet with you at around
16 approximately 2:00 p.m. on July 21st, 2020?

17 A I had instructed the HR director to -- to
18 prepare -- if Mr. Fewless did, in fact, state that he
19 had violated the policy. We did not, that I recall, had
20 it -- we did not have it printed out, but it was
21 prepared, if he violated the policy, that that would be
22 the outcome of a city charter or city-policy violation.

23 Q She -- so, she had already created a draft
24 letter that terminated him -- the letter I showed you
25 earlier -- that was created prior to the meeting with

1 **Mr. Fewless.**

2 A I -- as far as I can recall.

3 **Q Okay. But it wasn't -- you saw that it was**
4 **hand-signed. It wasn't signed until after that meeting?**

5 A No, it definitely was not signed. Again, we
6 had no confirmation as to what the meeting -- what took
7 place during the meeting with Mr. Fewless and the media.
8 Again, he was the one who gave us that information.

9 All I had before that point, as I stated, was
10 that there was a meeting that took place, which was, in
11 fact, a violation.

12 **Q At any point in the meeting, prior to**
13 **Mr. Fewless being -- before you told him that he was**
14 **going to be terminated, did he try to walk out of the**
15 **meeting?**

16 A So, he was agitated. To walk out, no. He
17 stood up at one point in time, but that was during
18 the -- me giving him the information that he would be
19 released for violation of policy and the charter, city
20 policy and the city charter.

21 He stood up to turn around and I asked for
22 his -- his badge and his gun. That's the only time he
23 stood up during that meeting. He was twisting and
24 turning in the chair, agitated, and -- and rude.

25 **Q And this was after he was told he was going to**

1 **be terminated, correct?**

2 A No, that was actually throughout the
3 conversation in reference to why he would even speak to
4 the media and -- and understanding, when I asked him if
5 he had ever read the pol- -- the city policy or the city
6 charter -- and he was rude from that point on and
7 very -- just couldn't believe that -- that he would have
8 to read such a policy, and I could give it to him and he
9 could read it then if he -- if I wanted him to.

10 **Q Had you ever -- you're stating that**
11 **Mr. Fewless was -- is it your testimony that he was**
12 **acting unprofessional?**

13 A He was.

14 **Q Is this the first time you had ever seen**
15 **Mr. Fewless act like this?**

16 A It's the first time that -- I would say no.
17 He acted that way during two of the meetings in which he
18 and the leadership came in and met with the city
19 attorney and the HR director.

20 In one case, he was very condescending, very
21 rude in his comments in reference to another event in
22 which he did not keep the police chief informed, and my
23 specific directions was the chief was still the chief
24 and he was to be kept informed.

25 And so, I questioned the entire team on that

1 because they were not -- they did not have him on the
2 text messages initially during the -- the double
3 shooting. He is the chief and he should have been
4 involved in that.

5 So, he was very defensive during that meeting.

6 **Q Do you know whether it was Mr. Fewless'**
7 **decision to not have the chief on the text thread or**
8 **somebody else's, like Lieutenant Wade?**

9 A Again, it's -- it was the team. So, Deputy
10 Chief Fewless was part of that shooting. Deputy Chief
11 Wade was. Evidently, Captain Coy was called out during
12 the process sometime during the late hours to go to the
13 hospital.

14 Again, they all were instructed to keep the
15 chief of police involved in the process. So, to me,
16 it's -- that team should have kept him in the loop on
17 the shooting. He should have been involved in that --
18 those text messages.

19 I do believe Deputy Chief Fewless later added
20 him when I asked about it during -- or someone asked --
21 it may not have been me, but I believe it was. He added
22 him to the text.

23 **Q But you were never -- Mr. Fewless never told**
24 **you, hey, I left him off for a reason or anything,**
25 **right?**

1 A He stated something to the effect that it was
2 inadvert- or -- I don't recall his exact reason, but he
3 gave me a reason as to why he didn't look for his name
4 to be on the text.

5 **Q Was this an oral conversation you guys had or**
6 **was this through text message?**

7 A So, I asked that later during the conference
8 room, during the meeting I had here, I think around
9 the -- around the 9th -- I'm not sure what date. I'll
10 have to go look. I don't recall the exact date. I've
11 got too many dates running through my mind now.

12 But after the incident, after the Tuesday
13 night, I asked that all of them come in and -- that was
14 his comment at that point in time. It could have been
15 even -- there was a comment in the text about adding
16 the -- the chief also.

17 **Q Have you ever -- or prior to July 21st, 2020,**
18 **did you ever see anything in the news about the double**
19 **shooting that was not public knowledge?**

20 A Not that I recall. I can't -- I can't tell
21 you whether that would be the case or not.

22 **Q But --**

23 A I just don't recall. I don't recall.

24 **Q You haven't -- no one has told you -- well,**
25 **and you don't keep investigative notes, but no one has**

1 come to you and said, hey, information got out about
2 this double shooting that's confidential; we've got a
3 problem. No one has done that, have they?

4 A I have not a conversation to that effect.

5 Q And you've never read anything that made you
6 think, Great Scott, someone is leaking confidential
7 information about this investigation, have you?

8 A I have not.

9 Q Okay. As we sit here today, ma'am, isn't it
10 true that the only thing that Mike Fewless may have told
11 Marilyn Aciego at the Lake Legal News was that that
12 double shooting was still under an active investigation
13 and he couldn't provide any other comment to her?

14 MR. BOWLING: Objection.

15 A So, again, I will state, he does not have the
16 authority, by city policy or city charter, to have that
17 conversation with anyone in the news. It's that --
18 simply stated.

19 Q And again, I -- I'm -- I'm -- this is a
20 hypothetical. I'm not saying that that's what he said,
21 but you're saying he's not even allowed to say, this is
22 an active investigation; I can't talk to you about this?

23 A He is not authorized, wearing the uniform, to
24 have a conversation with the media, as per city policy
25 and city charter. That is the mayor's position.

1 Q What if someone in the media comes to the
2 police department with a complaint? Is he not allowed
3 to take their complaint?

4 A So, a complaint is a police activity.

5 Q So, he can do that, right?

6 A That's a -- if it's a police activity, that's
7 not the same as media.

8 Q What if -- what if the news media comes to
9 Mr. Fewless about a complaint about the relationship
10 with the City of Mount Dora and her news site?

11 MR. BOWLING: Objection.

12 Go ahead.

13 A That should have -- they should have been --
14 reached out to the PIO, who will actually reach out to
15 the city -- the mayor, and there will be a conversation.

16 Again, today, any requests go through the PIO
17 from all news outlets, and the mayor makes a
18 determination.

19 Q So, is it your position, as the city manager,
20 that the only conversation that Mr. Fewless could have
21 had with Marilyn Aciego could have been just receiving a
22 complaint by her, like a criminal complaint, submitted
23 to the department?

24 A As representative of herself and not the
25 media, that would be the case. Where you're

1 representing the media, that has to go through the
2 mayor -- the PIO, the mayor. The -- that is the
3 requirement. The mayor is the only one that can speak.

4 **Q What if her complaint was, I keep having**
5 **police officers sitting outside of my building where I**
6 **have, you know, my news company and they're trying to**
7 **identify, you know, anonymous sources of mine? Like, is**
8 **that not -- is that a news-media complaint, even though**
9 **she's complaining on behalf of her news-media site?**

10 MR. BOWLING: Objection.

11 Go ahead.

12 A Again, that, to me, should be through the
13 legal organization that governs her building. So, if
14 she's within the city limits, she should file with that
15 city that she's with a complaint against whoever is
16 sitting out there. That is a complaint based on a
17 citizen filing a -- you know, some type of allegation.
18 That is not media at that -- in that perspective unless
19 she's looking for a media type of response.

20 **Q Do you, as the city manager, have any -- have**
21 **a problem with Marilyn Aciego from the Lake Legal News?**

22 A I don't know her; so, no, I have no problem
23 with her.

24 **Q So, as we sit here today -- or, well,**
25 **actually, as you -- as of July 21st, 2020, you don't**

1 **have any issues with Marilyn Aciego at Lake Legal News,**
2 **do you?**

3 A I don't -- again, I don't know her. So, I
4 don't have any issues with her.

5 Q **You don't find her to be, like, a thorn in the**
6 **city's side, do you, based on, like, her reporting?**

7 A Again, she's a reporter. She has legal rights
8 to be able to make requests, if that's what you're
9 asking. So, no. Again, I don't know her, so I can't --

10 Q **No, I understand. I'm not asking you if she**
11 **has a First Amendment right to report on the city. What**
12 **I'm asking you is -- you've read her reporting**
13 **previously. Do you find her, like, to be a thorn in**
14 **reporting on -- or being very critical of the city in**
15 **her --**

16 A I -- I don't give opinions on that. Again, I
17 have to be neutral. And I respect the fact that they
18 have a job to do. So, no, I -- I would not make a
19 statement that I find her any other way.

20 Q **So, you don't take -- you don't take issue**
21 **with her personally or professionally with her reporting**
22 **about the City of Mount Dora, correct?**

23 A No. She's doing a job.

24 Q **You don't know her to be untruthful or a liar**
25 **in anything that she reports, do you?**

1 A I don't know her to be truthful or
2 untruthful.

3 **Q Either personally or professionally as a**
4 **writer for the Lake Legal News?**

5 A I do not know of any -- I do not know of any
6 articles in which she has portrayed either the truth or
7 the -- or the untruth, so I could not answer that.

8 **Q Like, and my point is, is -- just to make this**
9 **clear, you haven't read her articles and be like -- and**
10 **been like, oh, my God, she's always -- the -- none of**
11 **the stuff she writes about the city is true?**

12 A Sure, I could take her articles and tell you
13 what I know as to be the truth and the -- and an
14 untruth, but we don't put that information out there. I
15 don't form an opinion of her because I know details that
16 she's not privy to.

17 **Q Right. You have no -- again, to round this**
18 **out, you have no animus against her, right?**

19 A I do not.

20 **Q And you didn't in July of 2020?**

21 A I did not. I didn't even know she existed, to
22 be honest with you.

23 MR. ANDREWS: Okay. All right. Let's take a
24 brief break. I think I might be done or very close
25 to being done.

1 BY MR. ANDREWS:

2 Q Ms. Hayes, after you received the June
3 complaint from the command staff, did you instruct them
4 not to talk about it to anybody?

5 A So, I instructed them to treat it like an IA
6 in the fact that it's a -- only the folks in the room
7 need to be involved in it; the same as the chief would
8 not be -- we request him also not to discuss the case.
9 Again, no different than anything else they're
10 accustomed to dealing with in the police department.

11 Q And that's important because it's, like,
12 confidential information about, now, what would be an
13 open investigation, right?

14 A That's correct, so --

15 Q It was critically important that -- to you, as
16 the person who opened the investigation, that it not be
17 discussed and leaked to other people, correct?

18 A Yes.

19 Q Right. And you instructed -- after you met
20 with Chief Bell and told him there was a complaint and
21 then a vote of no-confidence, you, in fact, told him the
22 same thing: Don't tell anybody about it, right?

23 A That is correct.

24 Q And it really is -- like, it goes without
25 saying, certainly the chief of police should know not to

1 **disclose there's an open investigation, especially**
2 **something like that, a vote of no-confidence from the**
3 **command staff and the chief.**

4 A The -- the chief as well as the leaders, the
5 leadership.

6 **Q Right.**

7 A The captains and the deputy chief all know
8 that. They're the ones who usually run the
9 investigations, the IA. So, they all should know that
10 it's a respected, I guess, code in the sense that you
11 keep it in the room with whomever else has been involved
12 in it and only those people.

13 **Q Sure.**

14 **And isn't it true that you learned that Rob**
15 **Bell did not keep that confidential and, in fact, told**
16 **other people about it, correct?**

17 A Those were the allegations by some members,
18 yes. I did not hear that from him, nor did I hear it
19 from the other people that supposedly were told that
20 when I asked the question.

21 **Q Did you interview the people at the Clermont**
22 **police department and ask them, hey, did Rob Bell tell**
23 **you anything?**

24 A I spoke to a member of the staff; not the
25 direct member that was -- had conversation with another

1 member of our staff because he was not available when I
2 called.

3 **Q So, the person that Rob Bell was alleged to**
4 **have told about this investigation -- you never spoke to**
5 **that person.**

6 A Not at that point in time, I did not. I did
7 reach out to him.

8 **Q Did you -- okay. Not at that point in time.**
9 **Did you talk to him at a later point in time?**

10 A I did toward the -- I believe it was the
11 20- -- 25th, 28th, somewheres toward the end of the
12 month. I don't remember the exact date -- of July. I
13 spoke to him in reference to the conversation that he
14 had been -- mentioned that he had been involved in, and
15 he did not confirm that the data that I presented him
16 matched up with what his conversation was.

17 **Q So -- well, did he deny -- so -- that's a**
18 **little vague. Did you ask him, hey, did Rob Bell tell**
19 **you anything about an open investigation within our**
20 **police department?**

21 A I asked him if he had a conversation with
22 Chief Bell. He had had some limited conversation was
23 the word he gave me and that it was not something that
24 really could be discussed based on where it had been at
25 that process or where they were at in the process back

1 when he spoke with him, and he had had very little
2 conversation with him since that point in time.

3 **Q You testified earlier that because Chief Bell**
4 **had resigned and was no longer in that position, you**
5 **closed the investigation for the allegations against**
6 **him, correct?**

7 A Yeah. I just happened to run into his chief
8 and he said, I know I missed your call. So, he kind of
9 started that conversation with me -- or I -- I know that
10 you had reached out to me, actually, was what he said.
11 Sorry.

12 **Q Hold -- hold on. Hold -- hold on. And Chief**
13 **Bell resigned on July 21st, correct?**

14 A No, Chief gave his letter -- he was not gone
15 until August 7th.

16 **Q Okay. But for purposes of -- for purposes of**
17 **the investigations, when he submitted his resignation,**
18 **you --**

19 A On July 1st -- on July 1st, he gave his
20 resignation. And then the week of July 6th, 7th, he
21 gave a more-formal resignation. So, his resignation was
22 early on, but I did still continue that. So, that was
23 not the investigation. Again, he met the -- him leaving
24 met the qualification of the team, but I still continued
25 to kind of look into stuff.

1 Again, it was closed out, as far as I'm
2 concerned, when he left on August 7th, which he was here
3 with us the entire time. He did not leave before
4 August 7th.

5 **Q Why did you reach out to him even -- you said**
6 **that you didn't reach out to Jessica Howell because she**
7 **was no longer employed by the police department,**
8 **correct?**

9 A That's correct.

10 **Q And you didn't call her to ask her, hey, have**
11 **you been having an inappropriate relationship with Rob**
12 **Bell, but you were calling people from another police**
13 **department who didn't even work for the City of Mount**
14 **Dora, right?**

15 A I only -- I had one conversation with one
16 person, and that was reaching out to the chief in
17 Clermont.

18 **Q That's not really true because you had one**
19 **conversation where you called and reached out and then**
20 **you ran into somebody else --**

21 A Sorry -- no, the same person. Same person.
22 So, I reached out to him. He was not available. I was
23 told he was not available. So, when I ran into him, I
24 did have the conversation with him.

25 **Q Okay.**

1 A And it was a very limited conversation, as I
2 said. He even stated it was a limited conversation with
3 Bell.

4 Q You reached out to someone who was not a
5 current employee of the City of Mount Dora regarding
6 that investigation, correct?

7 A I did on that piece, uh-huh.

8 Q But on the piece regarding Jessica Howell, you
9 didn't follow up on that. And, again, your only reason
10 was because she was no longer an employee, correct?

11 A That is correct, plus there was litigation.
12 So, I did not reach out to her for those two reasons.

13 Q Did you contact her attorney to ask if you
14 could interview her --

15 A No.

16 Q -- regarding the allegation?

17 A No.

18 Q Did you make that decision yourself as the
19 person in charge of the investigation?

20 A To not reach out to her?

21 Q Yes.

22 A Yes.

23 Q Okay. Was Rob Bell told to work from home
24 after July 1st, 2020?

25 A Again, all the directors were still working

1 from home. Rob was no different -- Robert Bell was no
2 different than any other director. They were all
3 encouraged to work from home because of COVID, way back
4 in March.

5 The police department made choices to come in
6 as often as -- I believe their shifts were even two and
7 three days. So, yes, he was -- it was working from
8 home, but it wasn't anything different really than any
9 other director, if you looked at the e-mails that I sent
10 out to all the directors, please work from home two to
11 three days a week and attend the office the other days.

12 **Q So, are you telling me that Rob Bell was not**
13 **told work from home from July 1st forward -- forward,**
14 **unrelated to COVID?**

15 A He was told for COVID -- he was encouraged
16 to -- to not be in the office. So, I would not say work
17 from home was his only option. He was still in the
18 office in early mornings, but I did encourage him to
19 work from home as much as he could.

20 **Q As it relates to COVID.**

21 **What I'm asking is, though, is --**

22 A COVID as well as the situation. I did ask him
23 to work from home for the situation as well as COVID.
24 It was not one thing or the other thing. They were
25 both.

1 Q But you gave a directive, as a result of the
2 complaints against him, to work from home, correct?

3 MR. BOWLING: Objection.

4 A No, he didn't have to work from home only.

5 Q I -- I understand he didn't have to work from
6 home only, but I'm trying to understand -- and you kind
7 of loosely alluded to it a second ago, but you said he
8 was allowed to work from home or instructed to work from
9 home because of COVID, correct?

10 A Yes.

11 Q Okay. And then, on July 1st, you gave him a
12 different reason that he should continue to -- or
13 continue to work from home or not be in the office as
14 much, correct? Unrelated to COVID.

15 A He was encouraged to work from home as much as
16 he could. He came in in the mornings and worked in the
17 office in the mornings and would work from home later in
18 the day.

19 Q Why was he given a separate directive to work
20 from home unrelated to the COVID after July 1st, 2020?

21 A Again, he needed to take care of things. He
22 had already given his re- -- his retirement resignation.
23 He had paperwork to take care of. He needed to take
24 care of those things. He did not necessarily need to be
25 in the office.

1 He was told -- as well as command staff -- he
2 was still the chief and he still had to be for al- --
3 attend everything and everything. It was not a
4 directive to stay at home or work from home; it was a
5 directive to take care of your business and take care of
6 all the things that are needed to transition over to the
7 next police chief.

8 **Q Okay. So, having to work from home -- the**
9 **directive given to him on July 1st was unrelated to the**
10 **command-staff complaint.**

11 A Again, I would say that there was some -- that
12 he needed to work from home some. No, I would not say
13 that.

14 I will still say, COVID was the first part;
15 the second part was that he did need to work from home
16 and take care of business. So, yes, he was told that
17 after July 1st, which was your question to me.

18 **Q And at least it was some part based on the**
19 **fact of the complaint given by command staff on**
20 **June 20- -- in June, correct?**

21 A I would say it was more to just reduce himself
22 from being in the -- around the -- the leadership group.

23 **Q I understand that was -- it was more so for**
24 **that, but it was related to that complaint, correct?**

25 A Yes.

1 **Q** Okay. Do you recall, with your meeting with
2 the command staff -- that was about, like, a three-hour
3 meeting, that initial June meeting, correct?

4 A Yes.

5 **Q** Do you recall stating you never wanted Rob
6 Bell as the chief; that you wanted to do a national
7 search?

8 A I recall stating that my practice is to do a
9 national search and that I would not normally promote
10 somebody from within, which is what I stated to you
11 earlier today; that I usually typ- -- tend to go out to
12 bid or post positions, but Robert came to us in a
13 different situation with 27 years of service.

14 **Q** Isn't it true that you told the command staff
15 on that day that the information they had provided to
16 you was more than enough to terminate Rob Bell?

17 A No, I don't think I used the word "terminate"
18 because I would not have done that. I would have said
19 there was more than enough to do an investigation and
20 to have our -- definitely do an investigation, but I
21 wouldn't have used the word "terminate."

22 **Q** Who is John O'Grady?

23 A He was the prior chief of police.

24 **Q** In that meeting with the command staff, did
25 you say -- did you reference him as it relates to not

1 **wanting to make the same mistake that you -- the city**
2 **had with the John O'Grady problem?**

3 A John O'Grady was a -- Chief John O'Grady was a
4 reference to -- he made a statement in the public, and I
5 would not want to have the city go through an
6 investigation like they did. So, that would have been
7 the comment in reference to that because our employees
8 were affected by that investigation in the police
9 department.

10 **Q So, there was -- you're saying there was never**
11 **a John O'Grady problem?**

12 A The investigation -- I did not like the
13 investigation, that's true, but that was the -- the
14 extent of it.

15 **Q When you met with Rob Bell the first time**
16 **after receiving the command-staff complaint, did you**
17 **tell him at that meeting that he needed to resign or**
18 **retire?**

19 A I told him there were allegations against him
20 and, if the allegations were true, he would need to
21 consider retirement at that point in time.

22 **Q Is it because, if they were true, that he**
23 **would have to be terminated?**

24 A Well, they -- he would be -- if they were true
25 and he violated a policy, yes, there would be a

1 termination involved.

2 Q You're saying -- right, but you're saying you
3 told him, hey, because of this investigation, you may
4 want to consider retiring because it could -- otherwise,
5 it could result in your termination, correct?

6 A Yes, it could. Yes, that is true.

7 Q You told him that, correct?

8 A I told him he had an option, yes.

9 Q Why didn't you give Mr. Fewless that same
10 option?

11 A So, Mr. Fewless violated city policy and city
12 charter outright, very much so, with no disregard -- or
13 with total disregard to the mayor and to the position of
14 the city that he held. I -- I'm sorry. That's what he
15 did.

16 Q Yeah, but before he came in, you asked him,
17 did you meet with Marilyn Aciego, and what did you tell
18 her. Why didn't you give Mr. Fewless the same courtesy
19 to say, hey, I got this complaint and I'm conducting an
20 investigation and, if it's true, I'm going to have cause
21 to terminate you; you may want to consider resigning or
22 retiring?

23 A So, he was -- when we ex- -- when I explained
24 to him and we presented to him that he had violated a
25 policy, city policy and a city charter, he was very

1 flippant and rude about the fact that, basically, that
2 did not apply to him.

3 So, again, from a policy perspective and a
4 charter perspective, I don't recall any -- any
5 terminations that have been considered as an opportunity
6 to -- to make a different choice. I just don't recall
7 anything. I'm just trying to run through my mind right
8 now as to the options.

9 Q Yeah, but I'm trying to -- again, I'm trying
10 to understand, you told Mr. Bell that, if the
11 allegations proved true, that he could be terminated and
12 he should consider retiring or resigning.

13 Why didn't you give Mr. Fewless that same
14 opportunity before you questioned him about the
15 incident?

16 A Again, I felt like the egregiousness of
17 violating the city charter and the city policy was more
18 so than anything else I had seen.

19 Q Thank you. And that helps.

20 So, your position as the city manager of the
21 City of Mount Dora is that it's more important to you
22 whether a police officer, the deputy chief, talks to
23 news media than if there's a hostile work environment,
24 witness intimidation, and inappropriate sexual
25 relationships going on within the police department?

1 MR. BOWLING: Objection.

2 Go ahead.

3 A No, that's not what I said. I said, that
4 his -- him taking that on his own and feeling like that
5 he could control that and handle that -- he had not even
6 read the -- the policy that governed that or the city
7 charter, so -- he had not read the city policy or the
8 city charter that governed media and that he had -- he
9 felt like he could speak to them about an open
10 investigation, about the ongoings of anything happening
11 in the police department and there's no -- he did not
12 have that right to do so. That was the violation, very
13 apparent, very distinct.

14 Q Well, and just like the -- it was very
15 apparent and very distinct that, if the allegations that
16 the command staff gave you were true, that it would
17 warrant termination, correct?

18 A Again, his -- those were alleged from those --
19 leadership. I had no reference to a person that would
20 even agree to those things and no one who admitted to
21 that, where Mr. Fewless actually sat here and told us
22 exactly what he did.

23 Q You had an opportunity -- ma'am, isn't it true
24 that you had the opportunity to tell Mr. Fewless that,
25 I'm conducting an investigation into this and, if it's

1 true, that I'm -- it would warrant termination, but I'm
2 giving you the opportunity to resign or retire before we
3 terminate you -- isn't it true you had the opportunity
4 to tell him that before you questioned him?

5 A The opportunity was -- is always there for
6 any -- anything that you wish to do.

7 Q So, that's a yes, right?

8 A Sure.

9 Q Yes.

10 Did you have a -- a relationship with Rob Bell
11 where you would have given him better treatment than
12 Mr. Fewless; for example, giving him the opportunity to
13 retire or resign, but not give Mr. Fewless the
14 opportunity to retire or resign?

15 A I had no relationship with Chief Bell, or
16 Robert Bell, that would have defined anything
17 differently.

18 What I had is that I had accusations about
19 different behaviors and assumed relationships and we
20 don't like how someone reacts around someone, but I had
21 no -- no concrete -- nothing concrete to -- to affix
22 that I had -- again, a plethora of -- of comments. So,
23 you know, the outcome that the leadership asked for was
24 Rob Bell relieved. That was actually what they asked
25 for.

1 Q Isn't it true, though, that you didn't have a
2 plethora of comments in substantiation of their
3 complaints because, once you gave them the opportunity
4 to retire or resign and he retired or resigned, you --
5 you testified that you didn't need to go forward with
6 the investigation anymore because the command staff got
7 what they wanted, correct?

8 A They -- they did. They accomplished what they
9 wanted. There was still some questions that had been
10 put out there. So, I had to finalize those, but yes, I
11 mean, as you asked earlier, some of these were not
12 needed because of where we were in the process.

13 Q Right. So, what I'm saying is -- it's not --
14 it's kind of disingenuous to say, well, those complaints
15 by the command staff weren't substantiated because once
16 Rob Bell told you he was resigning, you didn't pursue
17 that investigation as you would have had he not
18 resigned, correct?

19 MR. BOWLING: I want -- I want to object to
20 the use of the term "disingenuous."

21 Go ahead and answer, if you can.

22 A Again, I -- I felt like the op- -- the
23 investigation was open the entire time until he left. I
24 felt that, when he left, it was over with. I felt like
25 that the -- the goal of the team that signed that no-

1 confidence was to see Chief Bell not as their chief.
2 That was really what they asked me -- that's what they
3 asked of me.

4 They put a list together of accusations.
5 Again, if you go through the list, you will not find
6 reference to a policy or reference to a city policy of
7 Mount Dora Police Department policy or charter that he
8 violated.

9 I don't even see -- there was a couple of
10 comments -- again, I think you mentioned hostile, but
11 there were no complaints filed on hostile. The few that
12 were -- if there were any complained, and they went
13 to -- through the IA, they were discharged. I'm -- so,
14 I don't have -- I did not have any policy, whether city
15 policy or city charter, in that information that
16 indicated that there was a -- a breach.

17 When Rob- -- when asked by Mr. Bell whether or
18 not there was a relationship, I was told no.

19 **Q You had the opportunity to -- well, let me go**
20 **back. You didn't close the investigation from the -- in**
21 **regards to the complaints of the command staff because**
22 **none of the allegations were substantiated; you closed**
23 **it on the day that Rob Bell left because he was no**
24 **longer with the agency, correct?**

25 **A He was no longer with the agency; again, yes.**

1 Q Right. Not because you disproved all the
2 allegations that were in the command staff's complaint,
3 correct?

4 A That would be correct.

5 Q And, in fact, that because he was resigning --
6 in the time between he submitted his resignation on
7 July -- was it 1st, you said?

8 A July 1st.

9 Q Between the time he submitted his resignation
10 on July 1st and his ultimate departure from the agency
11 in August -- because he indicated and submitted his
12 resignation, you did not pursue the investigation into
13 the command staff's complaint as you would have because
14 you knew he had be- -- he would be leaving and the
15 command staff got what they wanted, correct?

16 A Yes, but I did have conversations with some
17 other folks. So, I would say, yes. I would
18 quantify [sic]-- quantify [sic] it, but yes.

19 Q Okay. Do you recall receiving a public-
20 records request from Marilyn Aciego or Carla Ray
21 requesting a complaint -- the complaint from the command
22 staff?

23 A I recall seeing them through the office, yes.

24 Q And those, in fact, came through after the
25 investigations were closed in August, correct?

1 A They came -- they began in July. So, I'd have
2 to look at which ones you're specifically mentioning
3 because I do believe they started in July.

4 Q But in the ones that came after the
5 investigation was closed, the City of Mount Dora didn't
6 provide them with a signed copy of the command-staff
7 complaint, did it?

8 A I -- I don't recall. I'd have to go back and
9 look at the records request and what was apply- -- what
10 was provided.

11 Q Has anybody at the City of Mount Dora been
12 terminated for violating the policy Mr. Fewless was
13 alleged to have violated?

14 A I don't recall -- not since I've been here,
15 but I do believe, prior to my leadership, yes. I'd have
16 to go back and look in the files.

17 Q And again, it was your testimony that, even if
18 Chief Bell gave a statement to the news media about
19 police investigations or answering just the news media's
20 questions, that any statement the chief of police would
21 have given would have been -- the chief would have had
22 to have sought authorization from the mayor, either in
23 writing or orally via -- via a phone call, correct?

24 A So, we typically -- yes, we typically reach
25 out to the mayor through our PIO, request permission via

1 phone call. Occasionally, our PIO will ask via text
2 and, occasionally, she'll ask via e-mail, and the mayor
3 gives that authorization.

4 **Q You said typically, but it doesn't happen**
5 **always where the -- the mayor's approval is sought,**
6 **correct?**

7 A Mayor's approval is sought each time. I'm
8 just stating there's three different ways, and I could
9 not tell you which one way is the most prevalent.
10 Sorry.

11 **Q Okay. Sorry. That was my misunderstanding.**
12 **So, the chief of police can reach out to the**
13 **PIO for approval. That's one way, correct?**

14 A He can -- she -- he can reach out -- he or she
15 reach out to the PIO requesting approval. The PIO,
16 then, reaches out to the mayor.

17 **Q That's the first one -- way, correct?**

18 A One, uh-huh.

19 **Q The chief of police can reach out to the mayor**
20 **directly, correct?**

21 A Not encouraged. I'm usually the -- the
22 contact person between the mayor and any directors
23 because I work for the mayor, not the chief of police,
24 and he works for me.

25 **Q And so, then, the second way that the chief of**

1 police could seek approval is contacting you, who
2 would -- you, who would, then, contact the mayor to give
3 the chief of police approval, correct?

4 A That's correct.

5 Q And the third way was -- third way was what?

6 A Again, sometimes it comes through from the
7 media -- through an e-mail from the media sources to our
8 PIO.

9 Q And, so, then, the PIO may talk with the mayor
10 and then the PIO would tell the chief of police, we got
11 this request, please handle it.

12 (Technical interruption.)

13 (Discussion off the record.)

14 (Question read back.)

15 BY MR. ANDREWS:

16 Q And your -- and your answer was, Ms. Hayes,
17 that -- well, I don't want to testify for you. Go
18 ahead.

19 A So, I said that -- you stated those were the
20 three ways. And I stated there are multiple other ways
21 according to the -- how the requests come in, but at the
22 end of the day, the mayor must provide authority for
23 anyone, who- -- whomever it might be, chief of police,
24 the city manager, or the PIO to speak with the media.

25 Q Did the mayor approve the chief of police to

1 **give a statement on something and then the chief of**
2 **police delegated to a deputy chief?**

3 A What are you referring to? I'm sorry.

4 Q I'm not referring to anything. I'm asking, if
5 **the mayor approves the chief of police to give a**
6 **statement regarding something related to the police**
7 **department, can the chief of police delegate that to a**
8 **deputy chief to handle?**

9 A I mean, by designee, you could do that. If
10 the mayor has designated the chief of police, that's who
11 should actually be submitting out the request. I mean,
12 it should be based on a very specific question and then
13 an answer that she's comfortable for him to provide,
14 so --

15 Q **So, is, yes, the chief of police can delegate**
16 **it to a deputy chief?**

17 A They could, I guess, yes.

18 Q **And that wouldn't violate this rule that we've**
19 **been discussing today, would it?**

20 A It would if the mayor did not know that the
21 chief of police was actually designating it to the
22 deputy chief. He would have to disclose that to the
23 mayor. She would have to know that.

24 Q **Does it say that in the rule that, if the**
25 **chief of police delegates it to somebody else, that they**

1 **need to inform the mayor prior to delegating it?**

2 A So, it does not state designee. So, when she
3 gives him the authority, that's who she's giving the
4 authority to. So, if that authority is going to someone
5 else, that's actually not her telling that someone
6 else -- person that they're allowed to speak. So, yes,
7 I would expect anyone who is asking somebody else to
8 speak on their behalf to let her know that.

9 **Q Do you know if this policy was followed**
10 **loosely within the police department or whether it was**
11 **followed to the black letter of the policy and your**
12 **interpretation of it?**

13 A Okay. Media should -- is followed by -- I
14 mean, all -- the chief of police knew that these were
15 the rules. Each director knows these are the rules.
16 It's not a new charter. It's not a new city policy.
17 These have been in existence for many years.

18 **Q So, you don't know whether it was followed to**
19 **the black letter and your interpretation of it, during**
20 **the time you've been there?**

21 A Yes, it has been, that I've been -- that I'm
22 aware of, yes.

23 **Q As far as you're aware, it's been followed,**
24 **but you don't know otherwise.**

25 A Yes, I -- yes.

1 **Q Would you consider -- well, how long did you**
2 **work with Rob Bell?**

3 A Well, I've -- I've been here, again, since
4 September of 2016. He was here the entire time. The
5 prior chief was the -- the one I worked more directly
6 with until the deputy chief was put into an acting
7 position in April of 2000-and- -- it was 2018? 2019,
8 sorry -- in April 2019, I think, was the time that
9 the -- Robert Bell was placed as the acting chief when
10 Chief O'Grady was on leave; and then appointed chief in
11 August-September time frame of 2019.

12 So, I've been -- worked -- again, then, he's a
13 director at that point in time, or a chief. So, I
14 worked directly with him on police items from that point
15 on.

16 **Q Would you consider -- would you consider Rob**
17 **Bell to be a friend of yours during that time period?**

18 A Again, I don't make friends. They are -- they
19 work for me. I don't consider any of my directors
20 friends. They work for me and we have to get along on
21 a -- on a professional basis. So, it's -- I don't look
22 at that as friendship; it's a professional basis.

23 **Q For the investigations that you've conducted**
24 **where you've interviewed someone who, for allegations,**
25 **if they are true, could be terminated, how many times**

1 **have -- at the City of Mount Dora, how many times have**
2 **you given that individual the opportunity to retire or**
3 **resign before you started questioning them? Ex- -- set**
4 **aside you doing that with Mr. Bell, how many other times**
5 **have you done it?**

6 A The two chiefs' positions were the only two
7 that have been -- so -- let me rephrase that. The chief
8 of police -- Chief O'Grady, the fire department chief --
9 just a second.

10 **Q Are you listing people that have been**
11 **terminated?**

12 A No, I'm just trying to think, make
13 sure that -- yeah, that you said that the -- I had given
14 an opportunity to. I'm trying to think of who I had to
15 leave.

16 **Q Right.**

17 A Those were the two that -- and can you ask
18 your question, just to make sure I comply with it?

19 **Q Yes, ma'am. Who was the fire department chief**
20 **you're thinking of?**

21 A Skip -- isn't that terrible? You forget names
22 sometimes. I apologize.

23 **Q That's okay. Well, let's call him Skip.**

24 A That's fine. That is -- that's when he went
25 by, Chief.

1 Q Okay.

2 A And then O'Grady.

3 Q For Chief Skip, before you investigated or
4 questioned him, isn't it true you did not give him the
5 opportunity to retire or resign before you conducted
6 your investigation and terminated him?

7 A The investigation -- so, I -- I think the
8 exception for him has to be put out there. The
9 investigation was really under -- underway when I
10 started. So, I inherited, as the city manager. And so,
11 that investigation was actually underway.

12 So, I think that could -- that doesn't -- you
13 know, that's kind of difficult because you walk into it
14 and I had to continue that one, so --

15 Q Well, you --

16 A -- he was --

17 Q Hold on one second. You said you continued
18 that investigation from your predecessor when you got
19 there, correct?

20 A Yes. Yes, because it had begun.

21 Q And then, continuing it, one of your first
22 duties wasn't to meet with him and say, hey, look, I've
23 reviewed the complaint, I'm going to be finishing this
24 investigation, this -- if this is true, I may -- it
25 would warrant termination, I want to give you the

1 **opportunity to resign or retire. You did not do that,**
2 **correct?**

3 A So, his -- for his, because the investigation
4 had begun, we finished the investigation.

5 Q **So, that's a -- that's a correct, you did not**
6 **do that with him, correct?**

7 A Correct. That's correct.

8 Q **And for Chief O'Grady -- you also did not do**
9 **that for him either, correct?**

10 A No, sir. He was given an option right from
11 the beginning -- right after he made the ill-advised
12 statement that he should not have made in the public, he
13 was given an option to resign even before the
14 investigation.

15 Q **So, he was given -- even before the**
16 **investigation and after he made the ill-advised**
17 **statement to the public, you gave him the opportunity to**
18 **resign before the investigation moved forward, correct?**

19 A Right. That is correct.

20 Q **But for Mr. Fewless, you did not do that,**
21 **correct?**

22 A That's correct.

23 MR. ANDREWS: Okay. Ms. Hayes, at this
24 moment, I don't have any other further questions
25 for you.

1 I don't think -- I think it's clear that we
2 haven't received all the responsive documents yet.
3 So, I'm going to reserve the right to keep the
4 deposition open and finish questioning on those or
5 anything that reasonably flows out of those at that
6 time that I would have asked you today.

7 You know, Mike, I don't know if you want to
8 cross her now or wait and then we finish it -- I'm
9 indifferent -- if you have any cross.

10 MR. BOWLING: At this point -- first off, I
11 don't -- I don't acknowledge on the record that
12 document haven't been produced. If they have,
13 we'll obviously accommodate you.

14 MR. ANDREWS: Sure.

15 MR. BOWLING: I don't have any questions at
16 this time. If this transcript is -- is ordered,
17 she'll read, and I'll take a copy.

18 (Whereupon, the deposition was concluded at
19 12:56 p.m., and the witness did not waive reading and
20 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
163, 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

