

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
2 CASE No. 50-2011-000246 XXXX MB
3

JESS R. SANTAMARIA,

4
Plaintiff,

5 -vs-

6 ANDREW F. SCHALLER,
7 Defendant.



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DEPOSITION OF JOHN E. CARROLL

Wednesday, March 28, 2012

10:03 a.m. - 10:36 a.m.

105 S. Narcissus Avenue

Suite 400

West Palm Beach, Florida 33401

Reported By:

Pamela J. Sullivan, RPR, FPR, CLR

Signature Court Reporting, Inc.

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APPEARANCES:

On behalf of the Plaintiff:

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On behalf of the Defendant:

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I N D E X

WITNESS:	DIRECT	CROSS	REDIRECT	RE CROSS
JOHN E. CARROLL				
BY MS. KITTERMAN	4		31, 33	
BY MR. BARSKY		23		32

- - -
E X H I B I T S M A R K E D

DESCRIPTION	PAGE
Defendant's Exhibit No. 1	17
(Sun-Sentinel Article)	

P R O C E E D I N G S

- - -

Deposition taken before Pamela J. Sullivan,
Registered Professional Court Reporter and Notary Public
in and for the State of Florida at Large, in the above
cause.

- - -

Thereupon,

JOHN E. CARROLL,

having been first duly sworn or affirmed, was examined
and testified as follows:

THE WITNESS: I do.

DIRECT EXAMINATION

BY MS. KITTERMAN:

Q. Good morning, Mr. Carroll. My name is
Christina Kitterman, and I'm the attorney for
Andrew Schaller in this case. This case is called
Jess Santamaria versus Andrew Schaller. You have been
called to testify here today because Mr. Santamaria has
listed you on his witness list for trial. So I just
need to basically talk with you a little bit to see what
you know about this case, in case I need to know if I
need to call you to trial.

A. Okay.

Q. Okay. Have you ever given your deposition

1 before?

2 A. Probably two or 3,000 times.

3 Q. Okay. So you know how the process works?

4 A. Uh-huh.

5 Q. Great. Would you please state your full name
6 for the record.

7 A. John Edward Carroll.

8 Q. And will you spell Carroll.

9 A. Carroll.

10 Q. Do you know Mr. Santamaria?

11 A. I do.

12 Q. How do you know him?

13 A. We met in '06 when I ran for
14 County Commissioner, and I ran against Jess in '06.

15 Q. What was the result of that election?

16 A. I won the primary and Jess won the general
17 election.

18 Q. Do you know Mr. Schaller?

19 A. I do. I met Mr. Schaller in 2010 when he ran
20 against myself and Mr. Santamaria.

21 Q. Are you aware of the lawsuit that
22 Mr. Santamaria filed against Mr. Schaller?

23 A. From what I read in the paper, yes.

24 Q. Okay. What is your understanding of what the
25 lawsuit is about?

1 A. That Mr. Schaller made some statements in
2 some articles that accused Mr. Santamaria of some
3 things.

4 Q. Okay. Do you know what those things are
5 specifically?

6 A. Not off the top of my head, no.

7 Q. Okay. Have you ever seen the request for
8 inquiry that was created by Mr. Andrew Schaller?

9 A. No.

10 Q. Okay. Do you -- are you familiar with the
11 request for inquiry that Andrew Schaller produced in
12 relation to Mr. Santamaria?

13 A. Are you --

14 MR. BARSKY: Object to the form.

15 BY MS. KITTERMAN:

16 Q. You can keep answering.

17 A. Are you talking about what the articles that
18 were -- what are you referring to?

19 Q. I'm referring to an actual document that was
20 called a request for inquiry that Mr. Schaller produced
21 to find out information whether Jess Santamaria or any
22 of his County staff were violating any of the laws while
23 in office.

24 MR. BARSKY: Object to the form.

25

1 BY MS. KITTERMAN:

2 Q. I don't know if you had ever seen that,
3 that's what I was asking.

4 A. No.

5 Q. Okay. Are you familiar with a felony
6 judgment that Mr. Schaller asked whether it was
7 involving Mr. Santamaria?

8 MR. BARSKY: Object to the form.

9 MS. KITTERMAN: What is wrong with the form?

10 MR. BARSKY: Characterization of the
11 document.

12 MS. KITTERMAN: How did I characterize the
13 document?

14 MR. BARSKY: Your characterization of the
15 document is wrong. He's not seen the document.
16 You're asking him questions about it. We disagree
17 with your characterization of how you reference
18 that page of the document.

19 BY MS. KITTERMAN:

20 Q. Okay. Are you familiar with the felony
21 record that -- or felony judgment that Mr. Andrew
22 Schaller was asking whether or not it involved
23 Jess Santamaria?

24 MR. BARSKY: Same objection.

25 THE WITNESS: From what I read in the paper.

1 BY MS. KITTERMAN:

2 Q. Okay. What did you read in the paper?

3 A. There were several pages of accusations. And
4 one of them had to do with a -- again, I'm referring
5 from the paper, so...

6 Q. Right. I understand.

7 A. One of them had to do with an arrest of
8 someone with the last name -- the first name of Jess and
9 the last name of Santamaria for armed robbery or
10 something of that sort many years ago.

11 Q. Okay. Did you ever have a chance to see that
12 felony judgment?

13 A. No.

14 Q. Okay. Do you know who Jesus R. Santamaria
15 is?

16 A. No.

17 Q. Have you ever known Mr. Santamaria's name to
18 be Jesus?

19 A. No.

20 Q. What is your opinion of Mr. Santamaria?

21 A. I think it goes to two phases. In the first
22 election, we didn't like each other very much, but I
23 grew to respect him in the second election.

24 Q. Okay. When you read about the request for
25 inquiry or the allegations that Mr. Schaller was asking

1 for information about Mr. Santamaria, did that change
2 your opinion of Mr. Santamaria?

3 A. No.

4 Q. Okay. Have you ever conducted a background
5 search on Mr. Santamaria?

6 A. I'm trying to remember because it wouldn't be
7 in the last election, it would have been in '06 and
8 we're talking about seven years ago. We did a lot of
9 research. I don't know how in-depth it was, but we did
10 do some research back then.

11 Q. Okay. Have you ever conducted a background
12 search on any other County Commissioner?

13 A. No.

14 Q. Okay. What was the purpose of you doing a
15 background search in 2006?

16 A. And Mr. Santamaria wasn't a
17 County Commissioner, we were running against each other.
18 We were -- I'm sure both trying to find out things about
19 our past. And I don't recall the exact circumstances,
20 but we were just looking to see if there was anything in
21 his past --

22 Q. Okay.

23 A. -- that would help us in our election.

24 Q. Okay. So in your experience, it's a common
25 practice that you would do research on the background of

1 your opposing candidate --

2 MR. BARSKY: Object to the form.

3 MS. KITTERMAN: -- or opposing person who is
4 running against you for the election?

5 MR. BARSKY: Object to the form.

6 THE WITNESS: Again, this was my first
7 election.

8 BY MS. KITTERMAN:

9 Q. Uh-huh.

10 A. So, you know, I don't know what occurs --
11 what has been done in previous elections or with
12 different people. But -- and I don't know if a
13 background check is the right phraseology. It was more
14 like, you know, just looking, trying to find things,
15 looking at things, looking at old articles in the
16 newspaper and, you know, things that we might think
17 would help us in our election.

18 Q. What did you discover through your research,
19 if you can remember, from 2006 about Mr. Santamaria?

20 A. Again, we're talking about seven years ago.

21 Q. I understand. To the best of your
22 recollection?

23 A. Sometimes I have a hard time about yesterday,
24 so -- we didn't find anything bad. And there was a lot
25 of rumors and supposition out there and we couldn't --

1 we couldn't qualify anything that was bad.

2 Q. Okay. Are you aware of anyone who conducts
3 background searches on any individual running for
4 County Commissioner?

5 A. No.

6 Q. Okay. Do you know any facts that show that
7 Mr. Schaller knew that the felony judgment was not
8 related to Mr. Santamaria?

9 A. Facts?

10 Q. Yes.

11 A. No.

12 Q. Do you know of any facts to show that
13 Mr. Schaller purposely did not do any further research
14 to determine whether the felony judgment did not belong
15 to Mr. Santamaria?

16 A. No facts.

17 Q. Have you ever heard that Mr. Schaller knew or
18 should have known from any other individual that the
19 felony judgment did not belong to Mr. Santamaria?

20 A. Read that again for me, please.

21 Q. Sure. Have you ever heard that Mr. Schaller
22 knew or should have known from any other individual that
23 the felony judgment did not belong to Mr. Santamaria?

24 A. No.

25 Q. Are you aware that Mr. Santamaria went

1 through ethics inquiries based on the subjects that were
2 raised in the request for inquiry?

3 A. Again, from the newspaper, yes.

4 Q. Okay. Do you know what agencies investigated
5 Mr. Santamaria?

6 A. I believe our new Inspector General.

7 Q. Any others?

8 A. No.

9 Q. Okay. Do you know what issues the
10 Inspector General addressed and ruled on with regard to
11 Mr. Santamaria?

12 A. Again, from the newspapers, I recall that
13 there was no merit in it.

14 Q. No merit in what?

15 A. Any allegations against him. And, again, I'm
16 just going by memory and what was in the newspaper.

17 Q. Okay. Do you know what -- whether the no
18 merit dealt with every inquiry within the request for
19 inquiry?

20 A. I do not.

21 Q. Do you know if Mr. Santamaria went through an
22 inquiry with the Palm Beach Ethics Commission?

23 A. Personally, no.

24 Q. Okay. Do you know whether any of the
25 agencies that investigated Mr. Santamaria were

1 specifically related to the felony judgment?

2 A. I do not know.

3 Q. Okay. Have you talked to anybody about this
4 lawsuit?

5 A. Yes. I talked to Andy about it and I think I
6 talked to Jess about it.

7 Q. What was the basis of your conversations?

8 A. I talked to Andy about it when he talked
9 about wanting me to write a document. And I said I
10 wasn't willing to do that and I didn't think I had
11 anything pertinent and I didn't want to be deposed. And
12 we had that conversation over the phone.

13 Q. Okay. And what did you talk to
14 Mr. Santamaria about?

15 A. We've met a couple of times for breakfast,
16 and we've had casual conversation. I don't think that
17 we've talked about any specifics about this case.

18 Q. Okay. Can you recall anything specifically
19 that you did talk about?

20 A. Politics in general.

21 Q. What do you mean by that?

22 A. We talked about the Wellington political
23 situation and whether or not I may or may not have
24 gotten involved in that. And we had some conversation
25 about that. And in retrospect, I did not.

1 Q. What do you mean the Wellington situation?

2 A. Well, the election in Wellington. There was
3 going to be a new mayor, there was going to be some
4 councilmen, and we at one time after the second election
5 had a brief conversation about that.

6 Q. About whether you would run?

7 A. Yes.

8 Q. And you're talking about the election that
9 just happened --

10 A. Yes.

11 Q. -- in 2012?

12 A. Uh-huh.

13 Q. Okay. Anything else that you can recall?

14 A. No.

15 Q. Did Mr. Santamaria ever tell you that he was
16 not a convicted felon?

17 A. I don't think it ever came up.

18 Q. Okay. Did anyone else tell you that
19 Mr. Santamaria was not a convicted felon?

20 A. Was not a convicted? You mean did anybody
21 ever tell me that he was not?

22 Q. Yes.

23 A. Worded that -- no one has ever told me that
24 he was a convicted felon, how about if I answer it like
25 that?

1 Q. Okay.

2 A. Okay.

3 Q. Did Mr. Santamaria ever tell you that he told
4 Mr. Schaller that he was not a convicted felon?

5 A. I would have no knowledge of that.

6 Q. Do you know whether Mr. Schaller ever
7 retracted the portion of the request for inquiry and
8 stated that the felony judgment did not belong to
9 Mr. Santamaria?

10 A. I don't know.

11 Q. Do you listen to the Dick Farrel show?

12 A. I hate to admit this, but I do.

13 Q. Did you hear the show when Andy was on there
14 talking about the request for inquiry?

15 A. I think so. And I think Andy and I were on
16 the show together jousting. And I don't know if that
17 was part of the same part of the conversation or if he
18 had that before we went on together.

19 Q. Okay. So are you familiar with the fact that
20 Andy, or Mr. Schaller, stated on the Dick Farrel show
21 that he had to be fair to the commissioner, that that
22 felony judgment did not relate to --

23 A. No, I don't recall that.

24 MR. BARSKY: Object to the form.

25

1 BY MS. KITTERMAN:

2 Q. Have you heard of anybody talking about the
3 felony judgment in connection with Mr. Santamaria?

4 A. No.

5 Q. Okay. Do you know anyone else that may have
6 more information about the issues raised in the request
7 for inquiry or this lawsuit?

8 MR. BARSKY: Object to the form.

9 THE WITNESS: No.

10 BY MS. KITTERMAN:

11 Q. During your 2006 election, how would you
12 describe your interactions with Mr. Santamaria during
13 the race?

14 A. It was stressed.

15 Q. What do you mean by stressed?

16 A. Well, we both felt that we wanted to be
17 County Commissioner and we both felt that we were the
18 best candidate and we had a very heated campaign.

19 Q. Did you ever say that he doesn't get along
20 well with others, he doesn't compromise, and he doesn't
21 play well with others in the sandbox?

22 MR. BARSKY: Object to the form.

23 THE WITNESS: Yes, on a Channel 12 interview
24 I said that.

25

1 BY MS. KITTERMAN:

2 Q. Okay. Did Santamaria ever threaten to sue
3 you during the campaign race?

4 MR. BARSKY: Object to the form.

5 THE WITNESS: Not personally, but there was
6 an article in one of the papers where he made an
7 inference that something to the effect if I didn't
8 watch what I was saying, that he may sue me. It
9 was in either the Sun Sentinel or the Post and they
10 would be the best place to get what was exactly
11 said.

12 BY MS. KITTERMAN:

13 Q. Okay.

14 A. Again, that was seven years ago so I don't
15 remember the exact wording.

16 MS. KITTERMAN: I'll mark this as Defendant's
17 Exhibit 1.

18 (Defendant's Exhibit 1 was marked for
19 identification.)

20 BY MS. KITTERMAN:

21 Q. All right. So what I have just given to you
22 as Defendant's Exhibit 1 is the Sun Sentinel article
23 that was written on October 22nd, 2006.

24 A. Uh-huh.

25 Q. Is this the article that you may have been

1 referring to?

2 A. I believe so, yes.

3 Q. So just to refresh your recollection with
4 regard to what Santamaria may have said about suing you
5 during the campaign race (indicating).

6 A. Do you want me to read one or two or both
7 or --

8 Q. I just want you to read it to yourself and
9 let me know if this refreshes your recollection.

10 A. Okay. That's what I was referring to,
11 Number 2 as far as what...

12 Q. Okay. So when you refer to Number 2, you're
13 stating that -- you're referring to the line that says,
14 quote, from Santamaria, "The man now knows that he's far
15 behind me, said Santamaria, 68. I don't have any real
16 blemish on my record, and I will not allow him to stain
17 my record in any shape or form. Once he crosses the
18 line, he will have to answer to me in a court of law."

19 A. Correct.

20 Q. Did he ever sue you?

21 A. Did he ever see me?

22 Q. Sue you.

23 A. No.

24 Q. Okay. Do you know approximately how many
25 lawsuits Mr. Santamaria has been involved in?

1 MR. BARSKY: Object to the form.

2 THE WITNESS: Again, that's public record,
3 but I brought it out, I think on that same
4 interview on Channel 12. I don't remember the
5 exact number, but there was a lot.

6 BY MS. KITTERMAN:

7 Q. If you turn to Page 2 of your document, it
8 may refresh your recollection.

9 A. Okay. Seventy-five.

10 MR. BARSKY: I'm objecting to the refreshing.

11 BY MS. KITTERMAN:

12 Q. Okay. And during the campaign, did you ever
13 say that the number of lawsuits Mr. Santamaria has been
14 involved in shows that when he doesn't get his way, he
15 sues?

16 A. Yes.

17 Q. Okay. What made you form that statement?

18 A. Some of it had to do with political verbiage.
19 There was 75 lawsuits. We took the opinion that if he
20 didn't get his way, he would sue. And it was probably
21 more of a political statement than anything else.

22 Q. Okay. And during the 2010 elections, did you
23 ever have a conversation with Mr. Schaller at the White
24 Horse Tavern after a political gathering?

25 A. I believe so.

1 Q. What was the conversation?

2 A. I don't recall.

3 Q. Okay. Was anyone associated with your
4 campaign during that conversation?

5 A. Yeah, it was a political speaking event and
6 there were five or six people in my -- with my group
7 that was there.

8 Q. Overhearing your conversation with
9 Mr. Schaller?

10 MR. BARSKY: Object to the form.

11 THE WITNESS: I don't know.

12 BY MS. KITTERMAN:

13 Q. Do you recall if that conversation involved
14 telling Mr. Schaller that you were doing some background
15 research on Mr. Santamaria that pertained to ties to the
16 Philippines?

17 A. I don't recall.

18 Q. Okay. Did you or any other person associated
19 with your campaign, to your knowledge, discuss the
20 possible involvement of Mr. Santamaria with a gang or
21 mafia type organization with ties to the Philippines
22 called the Monkeys?

23 A. I remember the phrase and I remember reading
24 some stuff about it. We may have tried to do some
25 research, but we did not confirm that Mr. Santamaria was

1 involved.

2 Q. Okay. When you told -- do you recall telling
3 Mr. Schaller that you were trying to piece together
4 something in the 2006 election that would be very
5 damaging to Mr. Santamaria in a 2010 election?

6 A. That would be the same thing. We had
7 information from -- unverified information that there
8 was a group from the Philippines that Mr. Santamaria
9 might have been involved, and we were never able to
10 confirm any of that.

11 Q. Okay. As part of that, you were trying to
12 find a connection between Mr. Santamaria, the Filipino
13 Monkeys, and the death of Ninoy Aquino? Was that part
14 of the conversation?

15 MR. BARSKY: Object to the form.

16 THE WITNESS: I don't know that name.

17 BY MS. KITTERMAN:

18 Q. Okay. During the 2006 election, did
19 Mr. Santamaria say that he never asked for zoning
20 variances?

21 A. Yes.

22 Q. After Mr. Santamaria became a
23 County Commissioner in 2006, did he ask for a land use
24 change, if you know?

25 A. Yes.

1 MR. BARSKY: Object to the form.

2 BY MS. KITTERMAN:

3 Q. What was that involving?

4 A. It had to do with Royal Palm Beach and it was
5 something that they voted on.

6 Q. Who voted on?

7 A. The City of Royal Palm Beach.

8 Q. Okay. What was it dealing with?

9 A. It just had to do with a variance in Royal
10 Palm Beach.

11 Q. That Mr. Santamaria had requested?

12 A. Yes.

13 Q. Okay. Have you since the 2010 election met
14 with Mr. Santamaria other than the one conversation
15 about running for mayor?

16 MR. BARSKY: Object to the form.

17 THE WITNESS: Well, it wasn't generally about
18 running for mayor, it was just generally about
19 politics in Wellington. And I think that's the
20 only time that we had breakfast together that
21 morning that we actually met.

22 BY MS. KITTERMAN:

23 Q. Okay. And you stated earlier that you
24 discussed generally this lawsuit with Mr. Santamaria.
25 Is there anything else that you can recall at this time

1 that would relate or refer to this lawsuit of why you
2 would be called as a witness for Mr. Santamaria?

3 A. No.

4 Q. Okay. And you said that you heard rumors
5 about Santamaria in 2006 where there -- what were the
6 other rumors?

7 MR. BARSKY: Object to the --
8 mischaracterizes the witness's prior testimony.

9 THE WITNESS: I don't recall.

10 MS. KITTERMAN: Okay. That's all the
11 questions I have for you today.

12 MR. BARSKY: I have a couple questions.

13 CROSS EXAMINATION

14 BY MR. BARSKY:

15 Q. Mr. Carroll, you said that you did some
16 background searching on Jess Santamaria for the 2006
17 election for District 6 County Commissioner. Did you
18 ever find a felony judgment that relates to
19 Jess Santamaria?

20 A. No.

21 Q. We've heard a lot of questions about
22 allegations of connections to the Philippines and some
23 kind of a gang and an individual you've never heard of.
24 Did you ever manage to get any kind of verification of
25 any kind of links whatsoever between Jess Santamaria and

1 any of those groups?

2 A. No. I'd like to tell you what our background
3 was, was that we were going through prior archives of
4 records from The Palm Beach Post. That was the extent
5 of our background searches. And we tried to go back as
6 many years as possible and we never could confirm any of
7 that.

8 Q. What was your job at the time of the 2006
9 election when you were doing these searches?

10 A. I was a captain with the Palm Beach County
11 Sheriff's office.

12 Q. You mentioned that Andy Schaller had
13 contacted you and asked you to write some kind of
14 document for him. What did Andy Schaller ask you to
15 write for him?

16 A. It was a document of the facts that we talked
17 about here, I think. And -- and I -- he had asked me to
18 do that and I told him I would get back to him. And a
19 couple days later, I told him I would not be willing to
20 do that.

21 Q. Why were you not willing to do that?

22 A. Because a lot of what we talked about here
23 was rumor, and there weren't any hard facts, you know.
24 And there was nothing that I thought that I could bring
25 to the table that had real credence.

1 Q. Were there specific rumors that Andy Schaller
2 wanted you to write down for him?

3 A. No. No, no. He didn't suggest anything.

4 Q. Okay. You mentioned you couldn't confirm any
5 of these rumors. You didn't then turn around and
6 publish a document including the rumors, did you?

7 A. No.

8 Q. Why not?

9 A. Well, I think it goes back to my job as a
10 deputy and a captain for 40 years, that rumors are just
11 what they are, rumors. And, you know, we used them as a
12 base to see if we could find if there was any truth in
13 it. And when we found that we couldn't confirm any
14 truth, we went on.

15 Q. There were a lot of questions about if
16 anybody told you that Jess Santamaria is not a convicted
17 felon or you've ever heard that he's not a convicted
18 felon. Do you know whether or not Jess Santamaria is a
19 convicted felon?

20 A. No.

21 Q. No, you don't know or, no, he is not?

22 A. No, he's not a convicted felon.

23 Q. You stated that you didn't want to admit that
24 you listen to the Dick Farrel radio show.

25 A. Uh-huh.

1 Q. Why is that?

2 A. Well, Dick is a very conservative announcer
3 for the Republican party, something like Rush. And I am
4 a Republican, I'm a little bit on the conservative side,
5 but he goes over that line in my opinion.

6 Q. Do you know how large his listenership is?

7 A. It's not large at all.

8 Q. When you say not large, do you have an idea?

9 A. No, I don't -- again, I have no facts basing
10 that subject. So I really shouldn't have said that.

11 Q. Is he a local radio DJ?

12 A. Yes. Yes.

13 Q. Do you know whether he's broadcast anywhere
14 other than Palm Beach County?

15 A. Just Palm Beach County.

16 Q. Since you were running for District 6
17 County Commissioner, are you a resident of Palm Beach
18 County's District 6?

19 A. Yes, I am.

20 Q. How long have you been a resident in that
21 community?

22 A. Of District 6, since 2000.

23 Q. How long have you been a resident of Palm
24 Beach County?

25 A. Since 1974.

1 Q. Prior to District 6, where were you living in
2 Palm Beach County?

3 A. I lived in Lake Clarke Shores, I lived in
4 Greenacres and Lake Worth. Over 40 years, I've lived in
5 three or four places.

6 Q. Are you aware of the general reputation of
7 Jess Santamaria in the Palm Beach County community?

8 A. I don't know how -- in what reference are you
9 talking about?

10 Q. Well, have you ever heard anything about what
11 Jess Santamaria's reputation is in the Palm Beach County
12 community?

13 MS. KITTERMAN: Object to form.

14 THE WITNESS: I have to answer that in two
15 phases. I think I had a different opinion of Jess
16 in 2006. And I think in 2010 and what I've seen --
17 again, what was the question?

18 BY MR. BARSKY:

19 Q. Well, the question was whether or not you
20 were aware of Mr. Santamaria's general -- the general
21 reputation of Jess Santamaria in the Palm Beach County
22 community.

23 A. I think he has a reputation of being honest.

24 Q. And what is the basis for that belief?

25 A. He -- he was a supporter of the Inspector

1 General, the basic decisions that he makes. And I
2 changed my opinion because I thought he would make
3 decisions based on being a developer in '06, and I
4 realized that he made decisions that were not based on
5 that at all.

6 Q. Have you heard other people discussing
7 Jess Santamaria's reputation in the Palm Beach County
8 community?

9 A. No.

10 Q. Your basis of your opinion of
11 Mr. Santamaria's reputation in the Palm Beach County
12 community is based on your experience as a resident here
13 in Palm Beach County?

14 A. Yes.

15 Q. Are you aware of any specific instances of
16 conduct by Jess Santamaria that demonstrate his
17 character?

18 A. No.

19 Q. I just want to ask you, you mentioned that in
20 2006, you believed that Jess Santamaria would act in a
21 commissioner's role as a developer. And since that time
22 now, your opinion has changed and you've found that he
23 didn't actually act that way; correct?

24 A. Yes.

25 Q. Was there something specifically that

1 occurred that made you change your opinion?

2 A. Well, he was a developer and part of our
3 campaign persona had to do that we were the better
4 candidate because we were running against a developer
5 and we didn't want to put a developer on the Palm Beach
6 County commission. And I realize after he became
7 commissioner, he was more interested in green space and
8 doing things based on totally -- things that had nothing
9 do with development, but had more to do with keeping the
10 County environmentally protected.

11 Q. Does Jess Santamaria have a reputation in the
12 community as an on honest man?

13 A. I believe so.

14 Q. Does he have a reputation in the community as
15 an honorable man?

16 A. I believe so.

17 Q. Does he have a reputation in the community as
18 a charitable man?

19 A. Yes.

20 Q. You kind of gave me a look. Why do you --

21 A. He's very -- he's very charitable.

22 Q. Could you describe?

23 A. He gives money to anybody that asks for a
24 cause. When I was with the Sheriff's Office, he did a
25 lot for the Sheriff's Office to help a lot of the needy

1 children in the Glades and other areas. And he just has
2 a reputation of giving a lot of money.

3 Q. Does he have a reputation in the community as
4 a man of integrity?

5 A. Yes.

6 Q. Does he have a reputation in the community as
7 a law-abiding man?

8 A. Yes.

9 Q. And just to be clear, we kind of skipped over
10 this, it's been referenced a little bit, but you are a
11 Republican?

12 A. I am.

13 Q. And Jess Santamaria is a Democrat?

14 A. He is.

15 Q. And Andrew Schaller is an Independent?

16 A. Yes, or he was an Independent in 2010.

17 Q. You don't know what his current --

18 A. I think he's a Republican now.

19 Q. On a scale of one to ten, where would you
20 rate Jess Santamaria's reputation in the community, one
21 being low and ten being high?

22 MS. KITTERMAN: Object to the form.

23 THE WITNESS: Eight.

24 MR. BARSKY: I don't have anything further.

25 MS. KITTERMAN: I just have a couple of

1 follow-up questions.

2 REDIRECT EXAMINATION

3 BY MS. KITTERMAN:

4 Q. In 2006, you stated that with regard to
5 Mr. Santamaria, that we need someone with honesty and
6 integrity, not someone with secret land deals. What
7 were you referring to at that point?

8 A. Again, I -- our campaign strategy was that we
9 were running against a developer, and that his
10 intentions to become County Commissioner had to do with
11 his own companies. And that's what we felt was the
12 truth at the time and that's -- that was our strategy.

13 Q. Okay. So at that time, did you think that he
14 did not -- he was not honest and he did not have
15 integrity?

16 A. I can't answer it that way. I can tell you
17 that I felt that it had to do with his own companies and
18 his own building and his own development. And as you've
19 already heard, I've changed my opinion of that.

20 Q. Right. When you said you were doing your
21 background research, you were looking through old
22 articles of The Palm Beach Post?

23 A. Correct.

24 Q. Did you look anywhere else for any
25 information on Mr. Santamaria?

1 A. We Googled, we used the Internet. We did,
2 you know, things like that. I didn't use any
3 professional people, no private detectives, no attorneys
4 to do searches. We had a very low class budget so we
5 had to work really hard to do everything we did. And we
6 spent many, many hours going through archives of The
7 Palm Beach Post going back 20 or 30 years.

8 Q. Okay. Did you do a public records request
9 about anything --

10 A. A public records, no.

11 Q. -- to do with Mr. Santamaria?

12 Did you do a search of the Palm Beach County
13 clerk's office?

14 A. We may have, I don't recall.

15 Q. So you don't recall whether you found
16 something or not?

17 A. No. If I found something, you would have
18 been reading about it right there.

19 MS. KITTERMAN: All right.

20 MR. BARSKY: I'm sorry. I just want to
21 follow up on a couple of things very quickly.

22 RE CROSS EXAMINATION

23 BY MR. BARSKY:

24 Q. There's been a lot of talk about Exhibit 1 to
25 your deposition, this article and the language that is

1 used in this from 2006. And you've testified that this
2 is basically political posturing?

3 A. Yes.

4 Q. Did Jess Santamaria ever sue you for your
5 political posturing?

6 A. No.

7 MR. BARSKY: That's all I have.

8 MS. KITTERMAN: Then just one more follow-up
9 question.

10 REDIRECT EXAMINATION

11 BY MS. KITTERMAN:

12 Q. If your opinion changed of Mr. Santamaria
13 after the 2006, why did you run against him in 2010?

14 A. Well, originally, Mr. Santamaria announced
15 that he wasn't running. So when he announced he wasn't
16 running, we did very well in our first campaign, we got
17 over 18,000 votes. And with Mr. Santamaria not running,
18 I thought we had an excellent chance to win that
19 election. I thought I was the most qualified candidate
20 or would be the most qualified candidate.

21 So we -- I got a team together, we started
22 fundraising, we were ready to go. And then
23 Mr. Santamaria changed his mind. At that point, I had
24 already filed with the clerk's office. And so I chose,
25 I chose not to get out at that point.

1 Q. Okay. If you would have known that
2 Mr. Santamaria was running for the 2010 election, would
3 you not have ran?

4 A. I would not have ran.

5 MS. KITTERMAN: Okay. I think that's all.

6 MR. BARSKY: Thank you.

7 THE WITNESS: You're welcome. I will waive.

8 (Discussion held off the record.)

9 MS. KITTERMAN: Yes, I need the transcript by
10 Friday is fine.

11 (Deposition concluded at 10:36 a.m.)

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CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, the undersigned authority, certify that JOHN E. CARROLL personally appeared before me and was duly sworn.

Dated this 29th day of March, 2012.

Pamela J. Sullivan, RPR, FPR, CLR
Notary Public - State of Florida
My Commission Expires: June 10, 2014
My Commission No.: DD 993731

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C E R T I F I C A T E

STATE OF FLORIDA
COUNTY OF PALM BEACH

I, Pamela J. Sullivan, Registered Professional Court Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that the aforementioned witness was by me first duly sworn to testify the whole truth; that I was authorized to and did report said deposition in stenotype; and that the foregoing pages are a true and correct transcription of my shorthand notes of said deposition.

I further certify that said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and completed as hereinabove set out.

I further certify that I am not attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel of party connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

Dated this 29th day of March, 2012.

Pamela J. Sullivan, RPR, FPR, CLR