

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 DENNIS C. LIPP

13

Wednesday, March 28, 2012

14

1:00 p.m. - 1:43 p.m.

15

105 S. Narcissus Avenue

Suite 400

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West Palm Beach, Florida 33401

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Reported By:

Pamela J. Sullivan, RPR, FPR, CLR

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Signature Court Reporting, Inc.

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APPEARANCES:

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I N D E X
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WITNESS:	DIRECT	CROSS	REDIRECT	RE CROSS
DENNIS C. LIPP				
BY MS. KITTERMAN	4		40	
BY MR. BARSKY		36		41

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

DESCRIPTION	PAGE
Defendant's Exhibit No. 1 (Felony Record Document)	13
Defendant's Exhibit No. 2 (Email from Schaller 7/6/2011)	22
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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,

DENNIS C. LIPP,

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

THE WITNESS: I do.

DIRECT EXAMINATION

BY MS. KITTERMAN:

Q. Good afternoon, Mr. Lipp. My name is
Christina Kitterman. I'm the attorney for
Andrew Schaller who is the defendant in this case that
you've been called in to testify. The reason that
you're here today is because Mr. Jess Santamaria has
listed you as a potential witness in this case.

Have you ever had your deposition taken
before?

A. Yes.

Q. Okay. So you know the rules. If you don't
understand one of my questions, just please let me know

1 and I will rephrase it or try and help you understand.

2 Can you please state your full name for the
3 record.

4 A. Dennis, middle initial C, last name Lipp,
5 L-i-p-p.

6 Q. Okay. Do you know Mr. Jess Santamaria?

7 A. Yes, I do.

8 Q. How do you know him?

9 A. Jess and I have been acquaintances for
10 probably ten years.

11 Q. And how did you become acquaintances, where
12 did you first meet?

13 A. I met with Jess when our little town was
14 becoming incorporated and he was instrumental in setting
15 up a meeting between our incorporation committee and
16 then-Commissioner Masilotti.

17 Q. And which town was that?

18 A. Which town?

19 Q. Yes. You said your little town.

20 A. That was in Royal Palm Beach.

21 Q. Okay. Was there a time that you worked for
22 Mr. Santamaria?

23 A. Yes.

24 Q. When was that?

25 A. That was, gee, it was last year from I guess

1 2010 through -- halfway through 2011, about 18 months.

2 Q. Okay. Why did you stop working with
3 Mr. Santamaria?

4 A. Another opportunity to get back into
5 financial services.

6 Q. Okay. Did you work on Mr. Santamaria's last
7 campaign, his 2010 campaign?

8 A. No.

9 Q. Were you working for Mr. Santamaria at the
10 time within the commission?

11 A. With -- as an employee of the County, yes.

12 Q. Okay. Did Mr. Santamaria ever -- well, let
13 me back up.

14 Do you know Andy Schaller?

15 A. Yes.

16 Q. How do you know him?

17 A. Well, through this, this action. And, you
18 know, through his being a candidate for Commission
19 District 6.

20 Q. Okay.

21 A. And since then, we've both had -- are
22 serving --

23 THE WITNESS: I think you're on the REC,
24 aren't you?

25 Anyway, we --

1 BY MS. KITTERMAN:

2 Q. He can't answer your questions, that's why.

3 A. Oh, yeah.

4 The REC, Republican Executive Committee.

5 Q. Okay. Yeah, he's not trying to ignore you,
6 he's just not supposed to answer you during a
7 deposition.

8 A. I see. I'm glad he went like that.

9 THE WITNESS: Sorry, Andy.

10 BY MS. KITTERMAN:

11 Q. While you were working for Mr. Santamaria,
12 did he ever ask you to do any research on Andy Schaller?

13 A. Research on Andy Schaller, no.

14 Q. Okay.

15 A. Not that I recall.

16 Q. Did you ask anyone else to do research on
17 Andy Schaller?

18 A. Not that I recall, no.

19 Q. Do you know if anybody did any research on
20 Andy Schaller while you were employed at the commission?

21 A. Not personally, no.

22 Q. Have you ever written any comments to or on a
23 Palm Beach Post or Sun Sentinel article online?

24 A. I don't recall.

25 Q. Okay. Have you ever written a letter to the

1 editor for Mr. Santamaria?

2 A. I've written a letter to the editor.
3 Specifically for Commissioner Santamaria, I would say
4 no. They may have been related to things in District 6,
5 but they were my own thoughts.

6 Q. Okay. So you've written letters to the
7 editor, just not on behalf of Mr. Santamaria's name?

8 A. Correct.

9 Q. Okay. What were the letters about?

10 A. I forget.

11 Q. Okay. Have you done them often?

12 A. Two or three. You know, mostly to the
13 Town-Crier. I had one published by the Post, but that
14 was about it.

15 Q. Okay. While you were working for
16 Mr. Santamaria, did he ever ask you to coordinate a bus
17 for any public that wanted to come to a meeting or had
18 to come to a County Commission meeting?

19 A. No.

20 Q. Okay. Did he ever give you any money or
21 reimburse you for coordinating a bus for people going to
22 a County Commission meeting?

23 A. Once upon a time.

24 Q. What was that situation?

25 A. That was the 10,000 homes on Callery Judge

1 Groves.

2 Q. Okay. Tell me the circumstances.

3 A. Getting folks together and it became evident
4 that we would be -- we'd be sure to get more people
5 there if we had a means of transportation. And I
6 suggested maybe we can get a bus. And Jess volunteered
7 to cover the cost.

8 Q. Okay. Did you buy T-shirts for those people
9 that rode on that bus?

10 A. Uh-huh.

11 Q. Yes?

12 A. Yes.

13 Q. Did you pay for those T-shirts, or did
14 Mr. Santamaria give you the money for those T-shirts?

15 A. I paid for them and Mr. Santamaria reimbursed
16 me.

17 Q. Okay. What did those T-shirts, did they say
18 anything?

19 A. "Say No to 10,000 Homes" or something like
20 that. In a horrible color of green.

21 Q. Who decided on the wording for the T-shirt?

22 A. I did.

23 Q. Are you aware of this lawsuit that
24 Mr. Santamaria filed against Andy Schaller?

25 A. Not the details of it, but I am aware of it,

1 yes.

2 Q. What is your understanding of what it is?

3 A. My understanding was that there was a
4 reference to a -- another either Jose or some other
5 Jess Santamaria that was really not him. It wasn't the
6 commissioner, it was, you know, another person who just
7 happened to have the same name and it might have been a
8 felon or something like that.

9 Q. Have you ever seen a request for inquiry that
10 was created by Andy Schaller?

11 A. If you can explain that for me, if you could,
12 please.

13 Q. Sure. The request for inquiry was a document
14 that was created by Andy Schaller with regard to various
15 actions --

16 A. Oh, that's the big, thick document?

17 Q. Yes.

18 A. Yeah, I've seen that, yes.

19 Q. Okay. How did you see that? Who showed it
20 to you?

21 A. It came to me via -- how did that get to me.
22 It came to me while I was working for the County via
23 e-mail. It might have come from whoever it was filed
24 with, I forget, to tell you the truth.

25 Q. Okay. So by e-mail, so were you ever given a

1 hard copy of the request for inquiry?

2 A. Eventually.

3 Q. By whom?

4 A. I think the commissioner had a hard copy for
5 me.

6 Q. Okay. Mr. Santamaria?

7 A. Yes.

8 Q. Did you read the entire request for inquiry?

9 A. Yes.

10 Q. Okay. So in that request for inquiry, did
11 you see there was an Exhibit Number 7 regarding a felony
12 judgment for a Jesus R. Santamaria?

13 A. Yes.

14 Q. Did you see that?

15 A. Yes.

16 Q. Okay. Do you know who Jesus R. Santamaria
17 is?

18 A. Not a clue.

19 Q. Okay. Have you ever known Mr. Santamaria's
20 name to be Jesus R. Santamaria?

21 A. Nope.

22 Q. Earlier you stated that you thought that the
23 felony record or something within the request for
24 inquiry had the same name as Mr. Santamaria.

25 MR. BARSKY: Object to the form.

1 THE WITNESS: Uh-huh.

2 BY MS. KITTERMAN:

3 Q. Yes?

4 A. Yes. Yes.

5 Q. Why did you believe that?

6 A. I had asked -- I had asked the commissioner
7 if his name was the same and he said that he had changed
8 his name decades ago from Jesus to Jess.

9 Q. When did you ask him that?

10 A. Oh, gee, it was probably within days of
11 reading it.

12 Q. Okay. Did he at that time tell you that the
13 felony record did not belong to him?

14 A. Yeah, it was a joke.

15 Q. That it was a joke?

16 A. Yeah.

17 Q. Okay.

18 A. I mean it was, you know, an internal, not
19 that it was something we would go out and tell a joke.

20 Q. Right.

21 A. It was just strange.

22 Q. It was strange?

23 A. Just strange, you know, that someone would,
24 you know, put a document like this together and then
25 have a shot of a unknown Jesus R. Santamaria.

1 Q. Strange that somebody had almost the same
2 name?

3 MR. BARSKY: Object to the form.

4 THE WITNESS: No, just to put something in a
5 document like this that was just really blatantly
6 over the top.

7 BY MS. KITTERMAN:

8 Q. When you looked at the felony record, what
9 was blatantly over the top about it?

10 A. Well, it was -- the man that I have known for
11 a number of years would -- does not seem to be someone
12 who would match that sort of a crime spree. Like I
13 can't remember the details of it right now, but it
14 seemed like there was something in Delray with a stolen
15 car or, you know, something like that.

16 Q. Okay.

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

19 (Discussion held off the record.)

20 BY MS. KITTERMAN:

21 Q. I'm showing you what has been marked as
22 Defendant's Exhibit 1 to your deposition. Do you
23 recognize this document?

24 A. No.

25 Q. Okay.

1 A. I mean, you know, there's a lot of pages. It
2 was -- nothing jumped off the page at me.

3 Q. Okay. Do you recognize -- you stated that
4 there was something that -- I'm sorry, I'm going to
5 probably mischaracterize what you stated, but generally
6 that something on the document was blatantly obvious
7 that it wasn't Mr. Santamaria.

8 MR. BARSKY: Object to the form.

9 THE WITNESS: I didn't say blatantly obvious.

10 BY MS. KITTERMAN:

11 Q. Okay.

12 A. I said that it was laughable because for the
13 crimes that -- as far as the thing that I recall seeing
14 the dates of the crimes and the nature of the crimes
15 were -- were just not, you know, this is a guy who is
16 out building thousands of homes, and to be showing up
17 someplace with a felony arrest just didn't connect.

18 Q. Okay. Do you think you saw a document other
19 than that?

20 A. I recall seeing a picture, but that may have
21 been just after somebody in the office did -- you know,
22 drilled down through this to, you know, see who this guy
23 was, or is.

24 Q. Okay. Is there anything on that record,
25 Defendant's Exhibit 1, that has any identifying

1 information that would lead you to believe other than
2 your opinion that Mr. Santamaria would not commit this
3 offense, but that would lead you to believe that this
4 record was not related to Mr. Santamaria?

5 MR. BARSKY: Object to the form.

6 THE WITNESS: Probably the Jesus R. I mean,
7 the Jesus is not how I know Commissioner
8 Santamaria.

9 BY MS. KITTERMAN:

10 Q. Okay. Anything else?

11 A. Do you have a magnifying glass?

12 Q. I know, it's very small. I apologize.

13 A. Yeah. Probably the Jesus thing is about the
14 only thing that I can see on here. Burglary, that's it.

15 Q. Okay. What is your opinion of
16 Mr. Santamaria?

17 MR. BARSKY: Object to the form.

18 THE WITNESS: My opinion of Mr. Santamaria?

19 BY MS. KITTERMAN:

20 Q. Yes.

21 A. Commissioner Santamaria is a hardworking man.
22 He is very focused on what he wants to accomplish for
23 himself and the -- and for his constituents.

24 Q. Okay.

25 A. And uses a great deal of his energy to get

1 this work done.

2 Q. After reviewing the request for inquiry
3 and/or this felony record, did your opinion of
4 Mr. Santamaria change?

5 A. No.

6 Q. Have you ever conducted a background search
7 on Mr. Santamaria?

8 A. No.

9 Q. Have you ever conducted a background search
10 on any of the county commissioners?

11 A. No.

12 Q. Are you --

13 A. I'll Google from time to time, but not as
14 a -- what I would call a background search.

15 Q. When you Google them, what are you looking
16 for?

17 A. You know, political party affiliation. You
18 know, what they've -- who they've supported in the past,
19 things like that.

20 Q. Okay. Are you aware of anyone who conducts
21 background searches on the commissioners or individuals
22 running for commissioner?

23 MR. BARSKY: Object to the form.

24 THE WITNESS: The Palm Beach Post,
25 George Bennett.

1 BY MS. KITTERMAN:

2 Q. Who is George Bennett?

3 A. A reporter for the Post.

4 Q. Anybody else?

5 A. Go down the list of, you know, Mitra Malek,
6 you know --

7 Q. The reporters?

8 A. Yes.

9 Q. Anybody other than reporters?

10 A. No, not that I know of.

11 Q. Okay.

12 A. Oh, besides Mr. Schaller.

13 Q. Mr. Schaller was a political opponent of
14 Mr. Santamaria's; correct?

15 A. That would be correct, yeah.

16 Q. And you stated that you heard that the felony
17 record related to a Delray crime spree about a car?

18 A. It was just --

19 MR. BARSKY: Object to the form.

20 THE WITNESS: It was just in my reading, you
21 know, if it -- this is how long ago now, you know.
22 And, believe me, I've not spent a lot of time
23 studying this.

24 BY MS. KITTERMAN:

25 Q. Okay. Do you recall where you may have read

1 something like that?

2 A. It may have been, you know, in the documents
3 that one of the people in the office dug up with this
4 person's, you know, crime record.

5 Q. Oh, with the Jesus R. Santamaria crime
6 record?

7 A. Yeah, this other Jesus guy.

8 Q. Okay. Do you have any facts that prove that
9 Mr. Schaller knew that that felony judgment belonging to
10 Jesus R. Santamaria was not Mr. Santamaria?

11 MR. BARSKY: Object to the form.

12 THE WITNESS: I wouldn't know where I would
13 have that information.

14 BY MS. KITTERMAN:

15 Q. So you don't have any?

16 A. No.

17 Q. Okay. Do you have any facts or knowledge
18 that Mr. Andy Schaller had serious doubts as to whether
19 the felony record related to Mr. Santamaria?

20 A. I have no idea on that.

21 Q. Okay. Do you have any evidence or facts or
22 know anybody that can say that Andy Schaller knew that
23 when he published the felony record, that it was not
24 related to Mr. Santamaria?

25 MR. BARSKY: Object to the form.

1 THE WITNESS: Well, the only way I can answer
2 that, you know, in all candor, personally me, you
3 know, but when someone, not myself because I'm not
4 that skilled at looking up records, you know, can
5 punch two or three buttons on a computer and come
6 up with a picture of Jesus R. Santamaria and it's
7 not a picture of Commissioner Jess Santamaria, I
8 think that it was, you know, maybe a minute.

9 BY MS. KITTERMAN:

10 Q. Who did a search of Jesus R. Santamaria and
11 found a picture?

12 A. It might have been Johnnie Easton.

13 Q. When was this?

14 A. You know, at the same time that this all
15 popped up.

16 Q. Really?

17 A. Or it might have been his daughter, you know,
18 one of the two, Michelle.

19 Q. Michelle Santamaria?

20 A. Yes.

21 Q. Did she talk to you about the research?

22 A. No, it just came up. You know, not
23 one-to-one, it was just have you seen this, and it was,
24 wow, that's certainly not Jess.

25 Q. Did you see the research done, the couple of

1 punches through the computer --

2 A. No.

3 Q. -- like you described?

4 A. No.

5 Q. Okay. Have you talked to Mr. Santamaria

6 about you coming to testify today?

7 A. No.

8 Q. Have you talked to Mr. Santamaria's counsel

9 about testifying today?

10 A. No.

11 Q. Have you talked to anybody about testifying

12 today?

13 A. No. I got a text.

14 Q. From?

15 A. Did you get subpoenaed, from Johnnie Easton.

16 And I text her back, no.

17 Q. Okay.

18 A. Because I hadn't been.

19 Q. Anybody else?

20 A. No.

21 Q. Did you ever do the -- a computer search for

22 Jesus R. Santamaria?

23 A. No.

24 Q. Have you ever done a computer search for

25 Jess R. Santamaria?

1 A. No.

2 Q. Okay. Do you have any facts to show that
3 Mr. Schaller purposely did not do further research to
4 find out whether the felony judgment did not relate to
5 Mr. Santamaria?

6 A. No.

7 Q. Have you ever heard that Mr. Schaller knew or
8 should have known that the felony judgment did not
9 belong to Jess Santamaria?

10 A. Did you say should have known?

11 Q. Yes.

12 A. Yeah.

13 Q. Who?

14 A. Commissioner Santamaria, you know, folks in
15 the office.

16 Q. What did they say? What did Mr. Santamaria
17 say that he should have known?

18 A. He should have known just by doing the simple
19 search that that wasn't Jess R. Santamaria.

20 Q. How should he have known by doing a simple
21 search?

22 MR. BARSKY: Object to the form.

23 THE WITNESS: I don't know. It would seem to
24 me to be -- if it's in PBSO, where he was arrested,
25 as you can go online right now and do a search and

1 find people.

2 BY MS. KITTERMAN:

3 Q. Okay. Did anybody do that search?

4 A. Yeah.

5 Q. Who?

6 MR. BARSKY: Objection to the form.

7 THE WITNESS: Michelle Santamaria and

8 Johnnie Easton.

9 BY MS. KITTERMAN:

10 Q. Did Mr. Santamaria do that search?

11 A. I don't know that Jess knows how to turn on a
12 computer.

13 Q. Okay. Fair enough.

14 A. Nope.

15 Q. Did anyone ask you to write an e-mail to
16 Mr. Schaller on July 6th, 2011?

17 A. I don't recall. I'm not asked to write
18 e-mails on behalf of people very often, so -- but
19 specifically on that, I don't recall.

20 Q. Okay.

21 MS. KITTERMAN: We'll mark this as
22 Defendant's Exhibit 2.

23 (Defendant's Exhibit 2 was marked for
24 identification.)

25

1 BY MS. KITTERMAN:

2 Q. Mr. Lipp, if you would turn to the back page,
3 it's actually your e-mail to Mr. Santamaria -- I mean
4 Mr. Schaller. If you would take a second to glance at
5 that and let me know when you're done.

6 MR. BARSKY: I'll object to the relevance of
7 the document.

8 MS. KITTERMAN: You can object to the form.

9 MR. BARSKY: No, I can object to relevancy.

10 MS. KITTERMAN: You can object to the form.

11 MR. BARSKY: If this deposition transcript
12 gets used at trial --

13 MS. KITTERMAN: You can object to the form.

14 MR. BARSKY: No, if he dies today...

15 MS. KITTERMAN: You can object to the form.

16 THE WITNESS: Who is dying today?

17 MR. BARSKY: I hope not you.

18 But please note relevancy objection. Thanks.

19 THE WITNESS: Okay. Yeah, I wrote this,
20 right.

21 BY MS. KITTERMAN:

22 Q. You wrote this?

23 A. Uh-huh.

24 Q. Did anybody direct you to write this e-mail?

25 (Discussion held off the record.)

1 THE WITNESS: That's correct, that answer was
2 yes.

3 Well, I think the e-mail was prompted from
4 the e-mail that I received from Mr. Schaller and
5 it's just a reply to the e-mail. It's a reply to
6 an e-mail.

7 BY MS. KITTERMAN:

8 Q. Did anyone ask you to write that e-mail?

9 A. No.

10 Q. Did anyone help you write that e-mail?

11 A. Did anyone help me write the e-mail. Tell me
12 what you mean by help.

13 Q. Helped you write the e-mail.

14 MR. BARSKY: Object to the form.

15 THE WITNESS: No one helped me write the
16 e-mail.

17 BY MS. KITTERMAN:

18 Q. Did anybody help you edit the e-mail?

19 A. I would say yes.

20 Q. Who?

21 A. Commissioner Santamaria.

22 Q. Okay. What did he help you edit?

23 A. I don't recall. But usually things that I
24 sent out as a matter of course on all messages out --
25 going outside of the office, Commissioner Santamaria as

1 a matter of course, you know, unless it was personal
2 relating to me, but if it was something related to the
3 office or him, he liked to look it over.

4 Q. Okay. So Mr. Santamaria reviewed all of your
5 e-mails before you sent them out that related to his
6 office?

7 A. Well, after I was told that he needed to do
8 that, you know. But, you know, on this particular case,
9 you know, in response, I gave it to the commissioner to
10 see if it met with his approval.

11 Q. Okay. What was your last day at the
12 commission?

13 A. Oh, gee whiz. End of July 2011.

14 Q. Would it have been --

15 THE WITNESS: Was it end of July or end of
16 June?

17 BY MS. KITTERMAN:

18 Q. He can't answer you either.

19 A. End of June, end of July, something like
20 that.

21 Q. Would it have been July 6th, 2011?

22 A. It could have been.

23 Q. Has your wife ever written a letter to the
24 editor about Mr. Schaller?

25 MR. BARSKY: Object to the form.

1 THE WITNESS: I don't believe so. I mean,
2 she may have. I don't know. We're -- she's quite
3 an independent person. I wouldn't change my name,
4 she wouldn't change hers. So she's Doreen Baxter.

5 BY MS. KITTERMAN:

6 Q. Okay. Have you ever helped her write any
7 letter to the editor about Mr. Schaller?

8 A. No. No.

9 Q. Do you recall having business cards printed
10 with your name on it at Print-It Plus?

11 A. Uh-huh.

12 Q. Was that a yes?

13 A. That was a yes. That was a yes, I'm sorry.

14 Q. Thank you.

15 MS. KITTERMAN: I'll mark this as Exhibit 3.

16 (Defendant's Exhibit 3 was marked for
17 identification.)

18 BY MS. KITTERMAN:

19 Q. If you would take a look at that and let me
20 know if you recognize it.

21 A. Uh-huh.

22 Q. Yes?

23 A. Yes, that's correct.

24 Q. Okay. Did you have any permission from the
25 county administrator to use the county logo on this

1 business card?

2 A. No.

3 Q. Did you need the permission of the county
4 administrator?

5 A. I don't know.

6 Q. And how did you get the title of executive
7 assistant?

8 A. Commissioner Santamaria gave that title to
9 me.

10 Q. When did he give you that title?

11 A. When he hired me.

12 Q. Did the county administrator approve that
13 title?

14 A. I have no idea.

15 Q. Do you know what the different job titles are
16 for Mr. Santamaria's aides?

17 A. No, not really. I forget. I know that
18 there's a secretary, there's an administrative and maybe
19 one or two administrative assistants.

20 Q. Okay.

21 A. These are slots that the County has for job
22 titles and pay grades.

23 Q. Are you familiar with the hierarchy of what a
24 secretary or administrative assistant and an executive
25 assistant --

1 A. I wasn't at the time. I am -- I have
2 forgotten it.

3 Q. Okay. Did you happen to -- well, let me back
4 up.

5 Are you aware that Mr. Santamaria went
6 through ethics inquiries based on the issues raised in
7 the request for inquiry?

8 A. Uh-huh. Yes, I am.

9 Q. Okay. What agencies investigated
10 Mr. Santamaria?

11 A. I am not sure of all of the agencies that --
12 I know that the Palm Beach County Commission on Ethics
13 and the State Ethics Commission did. That's the only
14 ones I'm aware of.

15 Q. Okay. What issues do you know that the Palm
16 Beach Ethics Commission looked into, if you know?

17 A. I didn't follow it that closely.

18 Q. Okay. Are you aware that the Inspector
19 General did an investigation of Mr. Santamaria?

20 A. Uh-huh. I am, yes. I'm sorry.

21 Q. Do you know whether the issue that the
22 Inspector General addressed -- or do you know the issues
23 were that they addressed?

24 A. I only know what they addressed when it came
25 down to me and the allegations that were leveled against

1 me, and that's it.

2 Q. Okay. Do you know whether the
3 Inspector General inquiry included whether or not the
4 felony record related to Mr. Santamaria?

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

6 Q. Okay. Do you know whether the Palm Beach
7 Ethics Commission inquiry included whether that felony
8 record related to Mr. Santamaria?

9 A. I would be -- it would be an assumption, but
10 I don't know personally for a fact.

11 Q. And what about the State, do you know if the
12 State was looking into whether or not that felony record
13 related to Mr. Santamaria?

14 A. I do not know.

15 Q. Okay. Have you talked to anyone else about
16 this lawsuit?

17 A. No.

18 Q. And you said that you talked to
19 Mr. Santamaria about this lawsuit?

20 A. Let me see the best way to phrase that. It
21 was more or less, what are you going to do? And Jess
22 replied, well, I'm going to sue Mr. Schaller. I said,
23 fine. That was about it.

24 Q. When was this conversation?

25 A. A couple of -- you know, it was just after,

1 you know, a few months after probably. Probably after
2 the election.

3 Q. After the election you asked him what he was
4 going to do about --

5 A. No, I asked him beforehand. And he said, you
6 know, probably a lawsuit. It wasn't -- I wasn't
7 involved in it, period.

8 Q. Okay. I just was wondering what he said to
9 you.

10 A. Yeah.

11 MS. KITTERMAN: Let me mark this Exhibit 4.

12 (Defendant's Exhibit 4 was marked for
13 identification.)

14 BY MS. KITTERMAN:

15 Q. If you can take a second and look at what
16 I've just handed you as Exhibit 4 and let me know if you
17 have seen this document.

18 MR. BARSKY: Is this two documents?

19 MS. KITTERMAN: Did I staple two together?

20 MR. BARSKY: You might have.

21 MS. KITTERMAN: Oh, no, no, Mr. Santamaria's
22 letter to the Inspector General was attached to the
23 report.

24 MR. BARSKY: I just wanted to make sure.

25 MS. KITTERMAN: Yeah, no problem.

1 THE WITNESS: Okay. Yeah.

2 BY MS. KITTERMAN:

3 Q. Did you read this at the time that it came
4 out?

5 A. Uh-huh. Yes, I did.

6 Q. And you had stated that the Inspector General
7 did a request for inquiry into some of your activities?

8 A. Uh-huh, correct.

9 Q. Okay. If you turn to Page 8 of the
10 Inspector General's findings.

11 A. Okay.

12 Q. I believe the last paragraph above the
13 subject's response is dealing with your e-mailing during
14 work and comp time; is that correct?

15 A. Yeah, that's correct.

16 MR. BARSKY: Object to the form.

17 BY MS. KITTERMAN:

18 Q. And you stated that you kept track of your
19 comp time on the County Microsoft Outlook program?

20 A. That's correct.

21 Q. Okay.

22 A. Kept track of it. I guess, yeah. I kept
23 actual records on the spreadsheet. But, you know, that
24 was...

25 Okay. Yes.

1 Q. When did you enter the time into the
2 Microsoft Outlook program?

3 A. It was just more or less the -- you know, the
4 appointment side of Micro -- of Outlook.

5 Q. Okay.

6 A. You know, the appointments and when I was --
7 how long the appointments were.

8 Q. So when did you actually enter that time?

9 A. Now, when you say the time I entered it. In
10 other words, I have an appointment tomorrow at, you
11 know, from 2:00 to 3:00 taking care of it. You know, as
12 that as an example, that's usually the way I entered in
13 the time.

14 Q. You enter it in at the time that it accrues
15 or the time that you're using it?

16 MR. BARSKY: Object to the form.

17 THE WITNESS: In other words, if I had set up
18 a meeting in Belle Glade and I determined that it
19 was going to be probably three hours. And if I --
20 if it ended up being four hours, I wouldn't change,
21 you know, the Outlook thing or I knew I was gone
22 for three hours or if I knew I was gone for 2 1/2
23 hours, I wouldn't change it.

24 So it was more or less a look forward, if you
25 will, on the appointments. Now, if an appointment

1 was canceled, I would then, you know, cancel that
2 appointment and it would show it was a canceled
3 appointment.

4 BY MS. KITTERMAN:

5 Q. Okay. Well, in this report that the
6 Inspector General created, it's stated that you had
7 accumulated 116 hours of comp time based on your
8 MS Outlook program; is that correct?

9 MR. BARSKY: Object to the form.

10 THE WITNESS: I guess, yes.

11 BY MS. KITTERMAN:

12 Q. You guess that's correct --

13 A. That's --

14 Q. -- or did you actually say that you
15 accumulated 116 hours?

16 A. It was about 116 hours, yes.

17 Q. Okay. Was that accurately reflected in your
18 Microsoft Outlook program at the time of reporting to
19 this --

20 A. Yes.

21 Q. It was. You didn't enter it after you
22 reported to the Inspector General?

23 MR. BARSKY: Object to the form.

24 THE WITNESS: I appreciate you asking me
25 these questions. I would like to know what your

1 point is. I can't ask you that, can I?

2 BY MS. KITTERMAN:

3 Q. No.

4 A. To the best of my recollection.

5 Q. To the best of your recollection you entered
6 it before the Inspector General report?

7 MR. BARSKY: Object to the form.

8 THE WITNESS: This was, you know, an ongoing
9 process.

10 BY MS. KITTERMAN:

11 Q. All right. Did you voluntarily leave the
12 County, or were you asked to resign?

13 A. I voluntarily left.

14 Q. When you say that you had a conversation --
15 I'm done with that page -- with Mr. Santamaria about the
16 felony judgment that was included in the request for
17 inquiry, did he tell you at that time that it wasn't
18 him?

19 A. Yes.

20 Q. Okay. Do you know if he ever told
21 Mr. Schaller that it was not him?

22 A. I have no clue.

23 Q. Do you know whether Mr. Schaller ever
24 retracted the felony judgment in the request for
25 inquiry?

1 A. No.

2 Q. You don't know or he did not --

3 A. I don't know.

4 Q. Okay. Do you listen to the Dick Farrel show?

5 A. No.

6 Q. Have you ever heard anyone talking about the
7 felony judgment in connection with Mr. Santamaria?

8 A. No.

9 Q. Do you know of anybody who believed that the
10 felony judgment was Mr. Santamaria?

11 A. No.

12 Q. Okay. Do you know anybody's opinions who
13 have changed because of the felony judgment included in
14 the request for inquiry?

15 A. No.

16 Q. Okay. Do you know anyone else that may have
17 any more information about the issues that are in the
18 request for inquiry?

19 A. No.

20 Q. Do you know anybody else that might have
21 information about the issues raised in this lawsuit?

22 A. No.

23 Q. Okay.

24 MS. KITTERMAN: I believe that's all I have.

25 MR. BARSKY: All right.

CROSS EXAMINATION

1
2 BY MR. BARSKY:

3 Q. Sir, you said you were a member of some kind
4 of a Republican Executive Committee?

5 A. What's your name?

6 Q. Dan?

7 A. Dan. Yes, the Republican Executive Committee
8 for Palm Beach County.

9 Q. So you're a Republican?

10 A. I am.

11 Q. Jess is a Democrat?

12 A. Yes.

13 Q. You two are from opposite political parties?

14 A. So?

15 Q. I'm just asking if you are.

16 A. Yes, that would be a fair statement.

17 Q. You don't see eye-to-eye with Jess on all of
18 his political ideology?

19 A. I don't, no.

20 Q. You were asked questions a couple of minutes
21 ago about whether or not you knew if anyone believed
22 that the felony judgment related to Jess. Do you
23 remember that?

24 A. Yes.

25 Q. And you said no. Do you know whether or not

1 Andy Schaller believed that that felony judgment related
2 to Jess?

3 A. I have no idea.

4 Q. You have no idea what he thought?

5 A. No.

6 Q. Do you live in Palm Beach County?

7 A. I do.

8 Q. How long have you lived here?

9 A. Oh, gee whiz, since '84.

10 Q. Continuously in Palm Beach County since 1984?

11 A. Uh-huh. Yes. Yes, I have. I'm sorry.

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

14 MS. KITTERMAN: Object to the form.

15 THE WITNESS: I am.

16 BY MR. BARSKY:

17 Q. And how are you -- what is the basis of that
18 knowledge?

19 A. Basis of the knowledge is my personal
20 knowledge of working with the man for several years and
21 seeing the good works that he's done through charity and
22 through his employing a number of people in the
23 enterprises that he's worked with.

24 Q. And have you heard from others in the
25 community about Jess Santamaria's reputation?

1 MS. KITTERMAN: Object to the form.

2 THE WITNESS: It's not a topic of
3 conversation that we go around saying, you know,
4 tell me what you think about Jess. It's just
5 not -- you know, it's just that conversation really
6 doesn't come up.

7 BY MR. BARSKY:

8 Q. What is Jess Santamaria's reputation in the
9 Palm Beach County community?

10 MS. KITTERMAN: Object to form.

11 THE WITNESS: Jess Santamaria's reputation is
12 good.

13 BY MR. BARSKY:

14 Q. Are there any specific instances of conduct
15 by Jess Santamaria that demonstrate his character?

16 A. Specific instances of giving thousands of
17 dollars for the poor and helping out the kids in the
18 Glades with Christmas presents, things like that. You
19 know, that's the character of the man.

20 Q. Anything else?

21 A. Well, let's see. He runs a couple of
22 charities, you know, that I'm not part of. But I've,
23 you know, been involved with some meetings where the
24 folks are getting together to plan events and it was
25 good to see a cadre of committed people that are out to

1 help folks.

2 Q. Does Jess Santamaria have a reputation in the
3 community as an honest man?

4 MS. KITTERMAN: Object to the form.

5 THE WITNESS: Yes.

6 BY MR. BARSKY:

7 Q. Does he have a reputation in the community as
8 an honorable man?

9 MS. KITTERMAN: Object to form.

10 THE WITNESS: Yes.

11 BY MR. BARSKY:

12 Q. Does he have a reputation in the community as
13 a charitable man?

14 A. Yes.

15 MS. KITTERMAN: Object to the form.

16 BY MR. BARSKY:

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

19 A. Yes.

20 MS. KITTERMAN: Object to the form.

21 BY MR. BARSKY:

22 Q. Does he have a reputation in the community as
23 a law abiding citizen?

24 A. Yes.

25 MS. KITTERMAN: Object to form.

1 BY MR. BARSKY:

2 Q. If I were to ask you on a scale of one to
3 ten, with one being a poor reputation and ten being the
4 highest, where would you rate Jess Santamaria?

5 A. Very close to the top.

6 Q. So close to a ten?

7 A. Yes because there are no tens.

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

9 THE WITNESS: All right. Thank you.

10 MS. KITTERMAN: I just have one follow up.

11 REDIRECT EXAMINATION

12 BY MS. KITTERMAN:

13 Q. Do you know when you were working at the
14 County Commission, what your title was on the County
15 website?

16 A. Secretary.

17 Q. Why didn't it say executive assistant, do you
18 know?

19 A. Because I was in a job slot that paid me as a
20 secretary.

21 Q. But you were titled as an executive
22 assistant?

23 A. Yes.

24 MS. KITTERMAN: No further questions.

25 MR. BARSKY: I have one I forgot.

RECROSS EXAMINATION

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BY MR. BARSKY:

Q. You asked if you had ever listened to the Dick Farrel radio show. Do you know who Dick Farrel is?

A. I met him once when he was on the ballot for commission, I think back in what, 2000 maybe, 2006.

Q. That's the only time you --

A. That's the only time, yes.

Q. That's all you know about him?

A. That's about it, yep. I'm not a big fan.

MR. BARSKY: Nothing further.

(Discussion held off the record.)

(Deposition concluded at 1:45 p.m.)

- - -

CERTIFICATE OF OATH

THE STATE OF FLORIDA
COUNTY OF PALM BEACH

I, the undersigned authority, certify that
DENNIS C. LIPP personally appeared before me and was
duly sworn.

Dated this 28th day of March, 2012.

Pamela J. Sullivan, RPR, FPR, CLR
Notary Public - State of Florida
My Commission Expires: June 5, 2014
My Commission No.: DD 993731

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C E R T I F I C A T E

THE STATE OF FLORIDA
COUNTY OF PALM BEACH

I, Pamela J. Sullivan, Registered Professional Reporter and Notary Public in and for the State of Florida at large, do hereby certify 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 28th day of March, 2012.

Pamela J. Sullivan, RPR, FPR, CLR

1 March 28, 2012
2 DENNIS C. LIPP
13402 North Road
3 Loxahatchee Groves, FL 33470
4 IN RE: SANTAMARIA V. SCHALLER
5 CASE NO.: 50-2011-000246 XXXX MB

6 Dear Mr. Lipp:

7 Please take notice that on Wednesday, the 28th of
8 March, 2012, you gave your deposition in the
9 above-referred matter. At that time, you did not waive
signature. It is now necessary that you sign your
deposition.

10 Please call our office at the below-listed number
11 to schedule an appointment between the hours of 9:00
a.m. and 4:30 p.m., Monday through Friday, at our
office.

12 If you do not read and sign the deposition within a
13 reasonable time, the original, which has already been
14 forwarded to the ordering attorney, may be filed with
the Clerk of the Court. If you wish to waive your
signature, sign your name in the blank at the bottom of
this letter and return it to us.

15 Very truly yours,
16

17 _____
Pamela J. Sullivan, RPR, FPR, CLR
18 SIGNATURE COURT REPORTING, INC.
105 S. Narcissus Avenue, Suite 400
West Palm Beach, Florida 33401
19 561.659.2120
20

21 I do hereby waive my signature.
22

23 _____
DENNIS C. LIPP

24 cc via transcript:
CHRISTINA M. KITTERMAN, ESQUIRE
DANIEL J. BARSKY, ESQUIRE
25

C E R T I F I C A T E

- - -

THE STATE OF FLORIDA

COUNTY OF PALM BEACH

I hereby certify that I have read the foregoing deposition by me given, and that the statements contained herein are true and correct to the best of my knowledge and belief, with the exception of any corrections or notations made on the errata sheet, if one was executed.

Dated this ____ day of _____, 2012.

DENNIS C. LIPP

