

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-

VOLUME III

6 ANDREW F. SCHALLER,

7 Defendant.



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11
12 CONTINUED DEPOSITION OF JESS R. SANTAMARIA
13

Thursday, March 29, 2012

14 1:10 p.m. - 7:09 p.m.

15 525 Okeechobee Boulevard

Suite 1100

16 West Palm Beach, Florida 33401
17
18

19 Reported By:

Pamela J. Sullivan, RPR, FPR, CLR

20 Signature Court Reporting, Inc.
21 - - -
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2

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15 Present:

16 ANDREW F. SCHALLER

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- - -
I N D E X
- - -

WITNESS: CONTINUED DIRECT EXAMINATION

JESS R. SANTAMARIA

BY MS. KITTERMAN 274

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- - -

(Proceedings continued from Volume II of
March 25, 2012.)

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,

JESS R. SANTAMARIA,
having been first duly sworn or affirmed, was examined
and testified as follows:

THE WITNESS: Yes.

CONTINUED DIRECT EXAMINATION

BY MS. KITTERMAN:

Q. Good afternoon, Mr. Santamaria.

A. Good afternoon.

Q. Nice to see you again.

A. Same.

Q. I believe when we left off on Sunday, we had
just started talking about when you first met
Andy Schaller, and the Fargo Avenue project and the
request for inquiry. So I'm just going to direct us
back a little bit to the beginning of the Fargo Avenue

1 project. Well, actually, I think we already went
2 through a little bit in the beginning.

3 In June of 2009, did you make a motion to
4 approve the Fargo Avenue paving?

5 A. Yeah. On the original application and the
6 original deliberations, yes, I was in the forefront of
7 getting that road approved for paving.

8 Q. Why?

9 A. Why?

10 Q. Yes.

11 A. Because I felt -- I felt there was a
12 constituent who asked for my assistance and I felt that
13 assistance had been given to others and he deserved
14 equal treatment that others had received in the past.
15 So I made sure that he was given proper attention. And
16 I got all of the parties that have always been involved
17 in that type of application; specifically, the
18 engineering department.

19 That's one of the very first things I did was
20 call the head of the department, George Webb, and
21 arrange a meeting in my office. So I was fully
22 supportive of the request.

23 Q. Okay. And back when you began having the
24 meetings with Mr. Schaller and Mr. Webb, we've talked
25 about the assessments of how the Fargo Avenue project

1 would be funded. Do you recall that?

2 MR. MARIANI: Objection, form.

3 THE WITNESS: I recall in general. When you
4 say do you recall that...

5 BY MS. KITTERMAN:

6 Q. Okay.

7 A. I don't know what that is. I recall the
8 entire concept.

9 Q. Okay. What was your understanding of how the
10 Fargo Avenue project would have been funded?

11 MR. MARIANI: Time frame, please?

12 BY MS. KITTERMAN:

13 Q. Before June of 2009.

14 A. Well, I was explained by Mr. Webb that,
15 typically, the funding was 50 percent by the people on
16 the -- the property owners on the street and 50 percent
17 would be contributed by the County, not as an
18 obligation, but as a kind of -- in the past.

19 In other words, it's not an automatic thing,
20 but my understanding was that, historically, the
21 County Commission would approve the contribution of
22 50 percent of the cost. And Mr. Webb explained later on
23 that there was no funding available at the moment for
24 the 50 percent of the County.

25 And my recollection is that Mr. Schaller

1 said, you know, that they would consider paying for the
2 whole amount, meaning all of the property owners would
3 pay for the whole amount, but we would advance the
4 funding. You know, the County would advance the funding
5 and the property owner would pay 100 percent of the
6 amount spread over a 20-year period.

7 Q. When -- and you say that Mr. Schaller
8 suggested that the property owners --

9 A. My recollection is that -- I don't know if he
10 suggested it, somebody did, that that was the only way
11 to move forward because the County didn't have any funds
12 for them to contribute.

13 Q. Okay.

14 A. And, therefore, during the discussions with
15 the Palm Beach County Commission, the commissioners were
16 just not willing to contribute the normal 50 percent
17 that was expected in the past because there was no funds
18 available for that purpose.

19 So my recollection is the issue -- I don't
20 know where it came from. It's public record. So
21 whatever the public record said who -- who was the one
22 who brought it up, I don't recall who brought it up.
23 Somebody brought it up. And that was the way to proceed
24 is to agree that the property owners would contribute
25 the full amount.

1 Q. Okay. And when you say the property owners,
2 who would the property owners be? Do you know what
3 properties would have been assessed?

4 A. Initially, I thought it was going to be just
5 the Fargo Street. Initially, I thought. And I found
6 out later on that part of it was going to be funded by
7 other property owners.

8 Q. When did you find out later on?

9 A. I don't know when. Sometime after that. I
10 don't know exactly.

11 At this point in time, I don't recall what
12 happened when. It happened when it happened. It's
13 irrelevant that my memory is -- doesn't know the exact
14 date and time, but it happened.

15 Q. Okay. Do you think that you discovered that
16 it was not just the Fargo Avenue owners paying for the
17 hundred percent before the June 2nd, 2009?

18 A. I don't remember. I don't remember exactly
19 when.

20 Q. Okay.

21 A. Sometime later on, I realized that other
22 people were going to contribute to it. So I don't know
23 the timing.

24 Q. Okay. So you don't know --

25 A. But I don't think it's relevant. I really

1 don't know if it's relevant. The fact remains that I
2 was fully supportive of paving Fargo and I had nothing
3 to do with the rules of the game. I was merely going to
4 go along with whatever the code provided, whatever the
5 MSTU -- I was not very familiar with the MSTU program.

6 And, therefore, I -- that's why you have
7 George Webb and the engineering department. They're the
8 ones who know what the rules are, they're the ones who
9 implement it, they're the ones who present it to the
10 commissioners and make the necessary recommendations.
11 So that's not my job. My job is to help constituents
12 when I'm able to help them.

13 So I did what all I thought I could to move
14 the project along. And it was my understanding, in
15 fact -- in fact, the reason after we approved it, we did
16 approve it.

17 I received an e-mail from Mr. Schaller
18 thanking me profusely, what a great job we did.
19 Thanking me and everybody else, that we were wonderful,
20 super duper, great people to assist him. He confirmed
21 that he was happy with the progress. And I was happy,
22 we got it approved unanimously by all commissioners. I
23 felt I accomplished my goal. And, unfortunately
24 something happened after that.

25 Q. Do you know what happened after that?

1 A. What happened after that is that
2 Burt Aaronson or one of the commissioners said, have you
3 notified the residents? And my recollection is that
4 George Webb had not notified the residents. And he
5 said, well, you need to notify the residents. So the
6 residents were notified in writing that they were going
7 to contribute to this. And that's when the problem came
8 up --

9 Q. That was going to be my question.

10 A. -- unfortunately.

11 Q. When you say that Burt Aaronson was asking
12 whether you notified the residents.

13 A. Asked George Webb.

14 Q. What were you notifying the residents of?

15 MR. MARIANI: Objection, form.

16 THE WITNESS: Notifying them that they were
17 going to contribute to the paving of Fargo.

18 BY MS. KITTERMAN:

19 Q. Okay. Do you know what residents those were
20 that you had to notify or the County had to notify?

21 MR. MARIANI: Objection.

22 THE WITNESS: Whoever -- again, it's out of
23 my jurisdiction. I don't decide who gets notified,
24 that's the engineering department. They're the
25 ones who know what needs to be done. I rely on

1 them to do what needs to be done. That's what
2 they're paid for.

3 I am merely -- my job is to help as many
4 constituents as I can, when I can, within the
5 parameters provided by the organizing and the rules
6 of proper order. I want to make sure that
7 everybody gets a fair due, what is due them.
8 That's all I'm interesting in. But as far as the
9 mechanics, I don't get involved with the mechanics.

10 BY MS. KITTERMAN:

11 Q. Okay. You stated the MSTU program. What is
12 that to your knowledge?

13 A. It's -- MSTU program is to do -- doing road
14 improvements.

15 Q. And what does it stand for?

16 A. I don't remember. I don't remember what it
17 stands for. It's irrelevant to me what it stands for.

18 Q. And the MSTU program, is that what you were
19 discussing that the County would pay 50 percent and the
20 residents whose property was affected by that road would
21 pay 50 percent?

22 MR. MARIANI: Objection, form.

23 BY MS. KITTERMAN:

24 Q. How does the MSTU program work?

25 A. Historically, how does it work?

1 Historically, it's 50/50 historically.

2 Q. Fifty --

3 A. And I just said that earlier in the questions
4 you had. You're asking me to repeat the same thing I
5 already stated. My understanding of the MSTU program
6 for road improvements is that the people on that road
7 have to request it and more than 50 percent have to
8 consent to it and request it. And then it's up to the
9 commissioners to approve or disapprove.

10 There is no obligation on the part of the
11 commissioners. But from what I had seen, based on my
12 knowledge of past events, similar projects were approved
13 on a 50/50 basis. But it's not obligatory on the
14 County's part. The commissioners have every right to
15 deny a request for any reason.

16 Q. I'm just trying to understand when you say
17 50/50, 50 percent of the funds for whatever road project
18 comes from the County --

19 A. Uh-huh.

20 Q. -- and then 50 percent comes from whom?

21 MR. MARIANI: Objection, form.

22 THE WITNESS: From the property owners.

23 BY MS. KITTERMAN:

24 Q. From the property owners who would benefit
25 from the road?

1 MR. MARIANI: Objection, form.

2 BY MS. KITTERMAN:

3 Q. Whatever road it is.

4 A. Let me -- you know, sometimes I feel I'm --
5 you're asking the same question in a different angle.
6 So I'm going to have to say it one more time, but I'm
7 going to tell you, I'm not going to keep on answering
8 the same question just with different words.

9 My understanding based on what I have seen in
10 the past is that when property owners requested for a
11 road to be paved by the County, the County would
12 consider paving a road if more than 50 percent of the
13 owners who have homes on that road -- in the case of
14 Fargo, there were 13 owners. And so out of the 13, at
15 least seven had to request it and say we're willing to
16 pay 50 percent.

17 So if the cost of the project is 100,000, the
18 100,000 would be advanced by the County. And in the
19 future, the property owners of that road would
20 contribute 50,000 over a 20-year period with interest.
21 That's all I know --

22 Q. Okay.

23 A. -- at that time. Then -- that's all I know
24 at the time. Then came the issue of that there were no
25 funds. I mean, I'm repeating this. I already said this

1 thing, I'm repeating it again. There were no funds. So
2 it would have stopped there. Fargo and Andy Schaller
3 would have not been able to proceed with the request.

4 When the issue of funding came up and when
5 the proposition came up to fund it wholly by the
6 property owners, wholly by the property owners, that's
7 how it moved on forward thereafter because the property
8 owners were going to contribute the 100 percent.

9 Initially, I thought -- initially, I thought
10 it was only the 13 owners, but I found out later on,
11 sometime later on, that other property owners in
12 addition to the 13 were going to pay the other
13 50 percent. And then we approved it, all of the
14 commissioners present at the time. I don't know if it
15 was six or seven, unanimously, without exception said,
16 yes, move forward. We'll pave the road, we'll advance
17 the money, whatever it costs, and the property owners
18 will be assessed and paid over a 20-year period. I
19 eventually found out that other property owners besides
20 the Fargo were going to contribute.

21 Then there was the issue -- then when -- when
22 Aaronson asked George Webb to send the notices and the
23 other property owners were informed they had to
24 contribute to Fargo, all hell broke loose because those
25 other owners did not want to contribute.

1 Q. Okay. Do you know what the County considers
2 as a benefiting property -- or benefiting property, I'm
3 sorry.

4 MR. MARIANI: Objection, form.

5 THE WITNESS: That's -- I don't know the
6 exact. I don't know. I don't know how they decide
7 what. I don't know who -- how it's determined who
8 benefits. That's up to the engineering department.
9 That's not my area of responsibility. That's
10 somebody else's responsibility.

11 BY MS. KITTERMAN:

12 Q. Would it be the responsibility of a citizen
13 to determine who would be the benefiting property?

14 MR. MARIANI: Objection, form.

15 THE WITNESS: I don't know.

16 BY MS. KITTERMAN:

17 Q. Does the MSTU program require that 50 percent
18 plus one people on the road have to approve the project
19 in order for it to be implicated -- I mean implemented?

20 MR. MARIANI: Objection to the form.

21 Objection to the form.

22 THE WITNESS: I already answered the question
23 earlier twice. I already answered the question
24 twice. For it to be moving forward -- for it to be
25 moving forward, you have to have more than

1 50 percent of the property owners on the road
2 request it and willing to pay for it.

3 I answered the question. It's the same
4 question and the same answer. I don't know how
5 many times -- you have a tendency to ask the same
6 question three or four or five times.

7 BY MS. KITTERMAN:

8 Q. I think you answer my different questions in
9 the same way three or four or five different times.

10 A. Well, you have to think of a better way of
11 questioning me then.

12 Q. Okay. If a resident wanted their road paved,
13 would they have to go through the MSTU program?

14 A. I don't know. You'll have to ask that to
15 George Webb. See, I don't get involved in the
16 mechanics. I don't know how many times I have to tell
17 you.

18 Again, anything to do with mechanics on what
19 needs to be done for what program, I leave it up to my
20 staff to do that for me, to do that. I don't get
21 involved in trying to determine what's -- what fits into
22 the MSTU program or doesn't fit in. I don't believe
23 that is my responsibility as a commissioner.

24 Q. Do you know why Fargo Avenue wasn't added
25 into the Ranchettes program?

1 A. No, I don't know.

2 Q. You don't know why?

3 A. I don't know why. Again, I rely on my staff
4 to know why. They're the ones who know why, I don't.

5 Q. And when you say your staff, you're referring
6 to --

7 A. The engineering staff.

8 Q. Oh, the engineering staff. Okay.

9 There was a meeting on I believe July 7th,
10 2009, wherein the County Commission decided to table the
11 Fargo Avenue issue. Do you recall that?

12 A. No, I don't.

13 Q. Okay. Do you recall a point in time where
14 you changed your mind with regard to the Fargo Avenue
15 issue?

16 A. I never changed my mind. I never changed my
17 mind with respect to the Fargo issue. I was always
18 supportive to pave Fargo. I never changed my mind. I
19 don't know why you're saying -- how did -- you tell me
20 how do you -- where do you base your statement that I
21 changed my mind? I never changed my mind.

22 Q. On July 7th, 2009, there was a vote by the
23 Palm Beach County Commission wherein they decided that
24 they would just table the Fargo Avenue issue
25 indefinitely. And you voted in favor of that because it

1 was a unanimous decision. Do you recall that?

2 A. No, I don't. No, I really don't. All I can
3 recall is we unanimously approved it. That's all I
4 can -- we unanimously approved. My recollection is very
5 simple, that those are the only things that I think are
6 relevant, that we -- we unanimously approved Fargo for
7 paving with the owners paying 100 percent of the cost
8 over a 20-year period. That's what I recall.

9 And I recall that after the notices were sent
10 to the people who were going to contribute to the cost,
11 they showed up at the meeting and said, we don't want to
12 pay into the -- into Fargo. And that's when the -- all
13 the commissioners, again starting with, again with, I
14 believe, again, it was Commissioner Aaronson who
15 initiated a motion to rescind the original approval. So
16 the approval was rescinded and that's where the problem
17 arose, and so Fargo was not paved.

18 Q. Did you vote for the rescinding of that?

19 A. Yes, I joined the others. I was not the one
20 who -- I actually, with the opposition and the property
21 owners strongly opposing contributing, and I felt they
22 should have been notified before the first vote. And
23 that's why I felt sorry for Mr. Schaller because -- and
24 that's when I offered to pay for his 4,000 supposed
25 expenses. I felt sorry for him.

1 And I already explained that. I don't know
2 why I have to keep on explaining the same thing.

3 I really felt -- I felt the mistake of the
4 County was not sending the notice before the first vote.
5 By sending it after the vote, that's when all hell broke
6 loose and we had to -- the commissioners were faced
7 with, I don't know how many, 40, 50, 60 people showed up
8 representing several hundred others and said we're not
9 going to pay.

10 But I was always supportive of paying it, but
11 it was the opposition of the people who showed up at the
12 meeting claiming that they represented everybody else
13 who did not want to contribute.

14 I really felt bad for Mr. Schaller, and
15 that's why when he said he spent 4,000, I -- you might
16 say in a way now, I wish I hadn't offered the 4,000
17 because then he decided he was going to use the money to
18 run against me. So that's the reward I get for trying
19 to feel sorry for someone.

20 (Defendant's Exhibit 8 was marked for
21 identification.)

22 BY MS. KITTERMAN:

23 Q. Mr. Santamaria, if you would take a look at
24 what I have shown you, which has been marked as
25 Defendant's Exhibit 8. And let me know if you recognize

1 that document.

2 MR. MARIANI: The question is do you
3 recognize that document.

4 THE WITNESS: Sure, I recognize this. I
5 wrote it.

6 MR. MARIANI: Then wait for a question.

7 BY MS. KITTERMAN:

8 Q. What is it?

9 A. It's exactly what I said. It's exactly what
10 I said. It was the --

11 MR. MARIANI: No, what is the document?

12 BY MS. KITTERMAN:

13 Q. What's the document? What is this document?

14 A. I wrote this. I wrote this. And that's
15 exactly what I've been saying all along is that I
16 supported the paving.

17 MR. MARIANI: It's a document -- just
18 identify it. It's a memorandum?

19 THE WITNESS: It's a memorandum.

20 BY MS. KITTERMAN:

21 Q. Thank you.

22 A. It's a memorandum I wrote.

23 Q. What's the date on it?

24 A. July the 8th, 2009, to Bob Weisman.

25 Q. Okay. And is this a document that you keep

1 in accordance with your other business records?

2 A. Yes.

3 Q. Okay. In this document, you're saying that
4 this is exactly what you've been saying.

5 A. I've been saying all along.

6 Q. Okay. The first paragraph of your memo --

7 A. Yes.

8 Q. -- states that you were contacted by
9 George Webb and attorney Marlene Everett to inform you
10 that they did further research and it was their opinion
11 that you should listen to the citizens of the Ranchettes
12 program, but take no action. Am I correct in my
13 understanding?

14 MR. MARIANI: Objection, form.

15 THE WITNESS: If that's what it says, that's
16 what it says.

17 BY MS. KITTERMAN:

18 Q. Okay. Do you recall the conversation that
19 you had with Mr. Webb and Ms. Everett on --

20 A. No, I don't recall what conversation I had.

21 Q. Based on that conversation, did you take no
22 action at a matter of the public meeting?

23 A. Again, whatever I did, I did. I don't know
24 what else. Whatever I said here, I still feel the same
25 way about it. You can twist it any which way you want,

1 but it's simple English as far as I'm concerned. It's
2 simple English. And I'm just basically saying for the
3 11th time that I fully supported the paving. I got it
4 approved until the people showed up after the notices
5 got there.

6 I'm going to keep on saying the same thing no
7 matter how -- in a trial, I'm going to say the same
8 thing no matter how many times you ask it. I have -- I
9 have been fully supportive of Mr. Schaller in paving the
10 Fargo Road. I have no problem. The problem was who was
11 going to pay the other 50 percent and the people did not
12 want to contribute to his road. And then all of the
13 commissioners decided to hold off with -- to hold off on
14 the paving.

15 And I expect that sometime in the near
16 future, it will eventually be paved. But what happened,
17 happened and that's the way it happened. It was the
18 opposition of residents that convinced all commissioners
19 to hold off the paving, whatever you want to call it.

20 So whatever I said here, I still say now and
21 that's it.

22 BY MS. KITTERMAN:

23 Q. Okay. Was it the opposition of the public
24 that made you change your mind?

25 MR. MARIANI: Objection to the form.

1 THE WITNESS: Yes. But more -- what made me
2 change my mind was -- the consensus was these
3 people were not given an opportunity, that was not
4 right. That the normal procedure is anybody
5 affected, even just not financially -- even not
6 financially, when there is a new development on
7 land and rezoning, the people around the immediate
8 vicinity are notified ahead of time so that they
9 can show up at the meeting and express themselves.

10 It is my opinion that the County failed to do
11 the normal notification. And because the County
12 failed, people showed up and strongly -- I am a --
13 I am a -- I consider myself a people's
14 representative. I always listen to the people.
15 And my decision is 99 percent of the time to
16 follow -- or the feeling of the people who are
17 impacted. So most of the time, I would go along
18 with what the people want.

19 The people were unfairly prevented from
20 speaking and, therefore, yes, it was their showing
21 up at the meeting strongly objecting to the -- for
22 their contribution. They did not want to
23 contribute. And I -- based on that information,
24 all commissioners felt the same way.

25 And I felt terribly bad for Mr. Schaller.

1 And I -- I said -- I said -- I feel that the action
2 taken by BCC was a big injustice. I said it, it's
3 simple English.

4 BY MS. KITTERMAN:

5 Q. I understand.

6 A. I felt sorry for him, and that's the end of
7 that.

8 Q. Okay. At that meeting where you decided to
9 go along with the other commissioners based on the --

10 A. On the outcry.

11 Q. -- opposition.

12 A. Public outcry.

13 Q. Let me finish. Based on the public
14 opposition, did you at that meeting suggest that let's
15 move forward with the MSTU program, let's give everybody
16 a proper petition or notice this time so that we can
17 work towards properly addressing this Fargo Avenue
18 issue?

19 A. I said nothing.

20 Q. Why did you say nothing?

21 A. I said nothing. I had nothing to say.

22 Q. Why did you have nothing to say?

23 A. I had nothing to say because I had nothing to
24 say. That was the end of my -- I had nothing to say.
25 The opposition -- the dye was cast, we were going to

1 hold off everything. I did not have any -- I really
2 felt bad. That's why I did not -- I felt bad about it
3 and I had nothing to say, period, period, period.

4 Q. So even though your opponents -- you were in
5 favor of the Fargo Avenue project, all of the sudden you
6 had nothing to say?

7 A. At that point.

8 Q. Okay.

9 A. And your repeating it ten times won't change
10 my mind.

11 Q. No, I just want to be clear.

12 Did you ever tell Mr. Schaller that you have
13 to choose your battles and Fargo Avenue wasn't a battle
14 you wanted to pursue after that July meeting?

15 A. No, I did not.

16 Q. You never said that?

17 A. I don't recall saying that, no.

18 Q. Okay. And you believe that Mr. Schaller was
19 a sincere and well-intentioned constituent at that time?

20 A. Now I have changed my mind about him.

21 Q. I can understand that. But at that time?

22 A. I don't know what I thought at that time. I
23 don't remember what I thought at that time.

24 Q. Okay. Well, if you look at the last page of
25 Exhibit 8.

1 A. Let me see. Where is the last page?

2 Q. Right there (indicating).

3 A. Okay. Where are we?

4 Q. Can you start with, "We owe Mr. Andy Schaller

5 an apology --"

6 A. Okay.

7 Q. "-- for encouraging him to proceed and

8 costing him thousands of dollars of expense and hundreds

9 of hours of wasted time."

10 A. Which I said and I agree.

11 Q. Okay. And then your final paragraph says,

12 "What are we going to do to prevent a recurrence of this

13 unfair treatment and injustice to other sincere and

14 well-intentioned constituents?"

15 A. Okay. Okay. Maybe up to the time I wrote

16 the letter, I might have thought then he was sincere and

17 well-intentioned. I have second thoughts now.

18 Q. Why do you have second thoughts about whether

19 he's a sincere and well-intentioned constituent now?

20 A. All of his action.

21 Q. Such as?

22 A. All of his actions.

23 Q. What actions?

24 A. All of his actions.

25 Q. What actions?

1 A. All of his actions. It would take us five
2 days to put me through -- to summarize all of his
3 actions. All his actions thereafter were insincere,
4 malicious.

5 Q. I need an example, please.

6 A. I have no examples at the moment.

7 Q. You have no examples?

8 A. At the moment, I don't.

9 Q. Okay.

10 MS. KITTERMAN: I'm going to mark this as
11 Defendant's Exhibit 9.

12 (Defendant's Exhibit 9 was marked for
13 identification.)

14 BY MS. KITTERMAN:

15 Q. If you can take a moment to look that over.
16 Do you recognize that document?

17 A. I recognize the document.

18 Q. Yes? What is it?

19 A. It's a memo by Mr. Weisman to me.

20 Q. And what's it regarding?

21 A. He said he disagreed with the basis and
22 conclusion that they were -- what I had basically said
23 that we owe Mr. Schaller an apology. So he disagreed
24 and he felt -- I guess -- I'm presuming he felt we owed
25 him no apology, although I felt we did.

1 So that's -- he has a different opinion. He
2 actually -- I felt he didn't seem to feel that they did
3 anything wrong with respect to Mr. Schaller.

4 Q. How do you recognize this document?

5 A. How do I recognize it?

6 Q. Yes. You've read it before?

7 A. I read it once before.

8 Q. Is this a document that would be kept within
9 your files?

10 A. It would be filed by my office -- it would be
11 kept by my office.

12 Q. And the third paragraph down on the July 10th
13 memo.

14 A. Uh-huh.

15 Q. It states that the board's original
16 recommendation on June 2nd was to put Fargo through a
17 future regular MSTU project or process. And it states
18 that you chose to favor more immediate and were willing
19 to charge other Ranchette residents for a share of the
20 cost.

21 Do you recall that being your position on
22 June 2nd?

23 A. No, I don't recall that being my position.
24 And I don't quite agree with his -- in other words, this
25 would not be my individual specific feeling. This must

1 be several people's feeling.

2 I don't -- I would not -- number one, I don't
3 remember; number two, this would not have been my sole,
4 because I've always claimed that I was not really well
5 versed in the MSTU program. So I relied on others. I
6 relied on others to know what the rules of the MSTU
7 program was.

8 So I was not the one directing action. I was
9 merely directing whatever it took to get his road paved,
10 whatever it was. But I was not very knowledgeable of
11 what needed to be done. And, therefore, I relied on the
12 engineering department and others who might have been
13 more knowledgeable.

14 And all I was -- I only was interested in one
15 thing, helping Andy Schaller get the road paved. That's
16 all I was interested in, not in the mechanics.

17 Q. Okay. And when you say that you were willing
18 to do whatever it takes to get the Fargo Avenue project
19 done, would that have included sending out a petition to
20 the Ranchette residents to have them assess or
21 approve --

22 A. Whatever was the standard norm is what I
23 would have wanted to be done.

24 Q. Okay.

25 A. And when I found out that the standard norm

1 was not done is when I was disappointed.

2 Q. Who were you disappointed with?

3 A. I guess whoever is supposed to send out
4 notices. I presume it's the engineering department.

5 Q. Okay.

6 A. And the buck stops with the head man. And
7 the head man, of course, is the administrator who is
8 Bob Weisman. So eventually -- and that's the reason he
9 answered my letter, because although I was critical of
10 the engineering department for not sending the notices,
11 ultimately, the buck stops with the top person. And the
12 top person happens to be Bob Weisman.

13 So was -- he felt he was the one. And that
14 happens all the time. He responds -- when a
15 commissioner criticizes a department, it's Bob Weisman
16 who responds for them. And that is the proper procedure
17 because our direct contact is really Bob Weisman.

18 MS. KITTERMAN: I'll mark this as Number 10.

19 (Defendant's Exhibit 10 was marked for
20 identification.)

21 BY MS. KITTERMAN:

22 Q. Would you take a look at that document,
23 please.

24 MR. MARIANI: What number is that?

25 MS. KITTERMAN: I actually have copies for

1 you, John, of all of these exhibits.

2 MR. MARIANI: I appreciate that.

3 THE WITNESS: This is exactly what I have
4 been saying. It is exactly what I have been saying
5 and it's exactly what I just said now.

6 BY MS. KITTERMAN:

7 Q. Okay. First I just want to know if you
8 recognize that document?

9 A. Sure, I recognize it.

10 Q. Can you tell me what it is?

11 A. It's a memo from me responding to the
12 response of Mr. Weisman.

13 Q. From you to Mr. Weisman?

14 A. Yes.

15 Q. And what is the date?

16 A. The following date, the date on the 10th.

17 Q. Okay.

18 A. Actually, the same day.

19 Q. And you were just stating that everything in
20 this memo is what you have just been testifying to?

21 A. Yes.

22 Q. Okay. And what is the -- on the last line,
23 you have a PS. What were you requesting at that time?

24 A. Well, I felt that there should be a workshop
25 further clarifying the rules of an MSTU program, to

1 improve the MSTU process and continue educating the four
2 new commissioners, which included me.

3 Q. Uh-huh.

4 A. This is everything I've been saying all
5 along. There is nothing new there.

6 Q. I understand.

7 You were never educated on the MSTU project
8 or projects when you became a commissioner in 2006?

9 A. No.

10 Q. And when you started working with
11 Mr. Schaller in 2008, you were not familiar with the
12 MSTU project at that time, either?

13 A. No. Just the -- everything I know I
14 explained for the 11th time or the 12th time now, is
15 that somebody applies, more than 50 percent have to
16 request it. If it's approved, half the people who live
17 there pay for half, half is paid by the County, it's
18 paid over a 20-year period. That's the way it's --
19 that's what I understand about the MSTU program.

20 Q. Okay. At no time prior to the July 7th -- or
21 at any time prior to the July 7th, 2009 meeting, did you
22 realize that the Ranchettes would oppose paying
23 100 percent assessment for the Fargo Avenue project?

24 A. Did I know what?

25 Q. Did you know prior to the 7/7/2009 meeting,

1 that the Ranchettes' homeowners would oppose a
2 100 percent assessment for the Fargo Avenue project?

3 A. No, I did not. No, I did not.

4 Q. Did you suggest to Mr. Schaller to raise the
5 100 percent assessment to hurry the project up so that
6 it could be included within the current Ranchette
7 projects?

8 A. I don't know exactly three years later what I
9 said or didn't tell him. But whatever would have
10 expedited -- if he was willing to front, he and whoever
11 was supposed to pay for the 100 percent, that that was
12 the obstacle. It had to be fully -- that was what I
13 understood was the only way to move it along was that
14 the County would not contribute financially, but all of
15 the homeowners would.

16 So if that was the way to go and he felt he
17 could get the 100 percent contribution from the
18 homeowners, then that would have been what I would have
19 told him. If you want to move it along and that's the
20 only way to move it along, of course I would have told
21 him, if you can handle the 100 percent, do it.

22 Q. Okay. Did you ever tell Mr. Schaller that
23 the County Administrator Bob Weisman and the contract
24 dealing with the Fargo Avenue was not enough money for
25 you to make a stand on it?

1 A. I don't understand the question.

2 Q. Did you ever say that the Fargo Avenue
3 project didn't involve enough money for the County to
4 take a stand?

5 A. I don't understand.

6 Q. What don't you understand?

7 A. The whole question, I don't understand it.

8 MR. MARIANI: Objection to form.

9 BY MS. KITTERMAN:

10 Q. Okay. Did you ever say to Mr. Schaller that
11 the Fargo Avenue project wasn't enough money or wasn't
12 big enough for you to make a stand on that issue?

13 A. No, I don't remember that at all.

14 Q. Did you ever say to Mr. Schaller that you
15 weren't going to make a stand because he was the only
16 one bringing attention to the Fargo Avenue project?

17 A. I don't remember that either.

18 Q. Okay.

19 (Defendant's Exhibit 11 was marked for
20 identification.)

21 MS. KITTERMAN: And here's a copy for you,
22 John.

23 BY MS. KITTERMAN:

24 Q. Mr. Santamaria, what I've handed you is
25 Defendant's Composite Exhibit 11. It appears to be an

1 e-mail string. So I'm going to direct you to the back
2 page first because e-mail strings tend to start on the
3 back and then most recent is at the front.

4 So if you could just glance through that and
5 let me know if you recognize this document.

6 A. Okay. Okay. That's exactly what I wrote to
7 him. And I had no idea that there was going to be that
8 kind of opposition, I guess. If I had known that there
9 was that kind of opposition, I would have known then it
10 was a waste of time because I am the type of person who
11 looks at the -- everybody impacted.

12 For me to support a project, I must have a
13 strong support from those people impacted. If I had
14 known that a large number, I use 98 percent, I don't
15 know what the exact percentage is.

16 Q. Okay.

17 A. But I eventually, I came to -- when I wrote
18 this e-mail --

19 Q. Can you tell me what date the e-mail is?

20 A. August the 18th, 2009.

21 Q. And who did you write it to?

22 A. To Andy Schaller.

23 Q. Okay.

24 A. Because that's exactly how I felt, and I
25 still feel the same way.

1 Q. The e-mail above that, can you tell me if you
2 recognize it? I believe its heading is on the second to
3 the last page and then it continues on the last page.

4 A. Yeah, that's when he began his attack on me.
5 So, obviously, there would be plenty more after this,
6 his attack.

7 Q. Okay. I want you to let me know if you
8 recognize that e-mail.

9 A. Yes, I recognize the e-mail.

10 Q. Okay.

11 A. And there's plenty more that follow that one.

12 Q. We're going to get to those.

13 A. And he provided the entire world, all of the
14 newspapers, he wanted to get sympathy from the entire
15 world, all media. And that's when he began his attack
16 on me.

17 Q. He wanted to get the attention of the entire
18 world --

19 A. Yeah, sure.

20 Q. -- because of Fargo Avenue?

21 A. What's that?

22 Q. Because of Fargo Avenue?

23 A. If you look at the CC to everybody on this
24 one, it has the newspapers.

25 Q. Okay.

1 A. So that was when he wanted to start attacking
2 me and notifying the entire world, meaning the media.

3 Q. What is he saying to you in this e-mail?

4 MR. MARIANI: Objection, form.

5 THE WITNESS: It said it is time for you to
6 step aside and let someone who understands the
7 motions take over. Basically, he was telling me to
8 resign from the County Commission.

9 BY MS. KITTERMAN:

10 Q. Okay. In the first paragraph, he states that
11 during the BCC meeting in July of '08, asking
12 George Webb how much each property owner would have to
13 pay for Fargo Avenue to be paved, George Webb gave you
14 an estimate between 1500 and \$2,000 per owner and the
15 assessment would be borne by 100 to 200 property owners.
16 That's what the e-mail says.

17 MR. MARIANI: Objection, form.

18 THE WITNESS: That what he had -- I don't
19 know if it's true.

20 BY MS. KITTERMAN:

21 Q. Okay. You don't know if it's true?

22 A. I don't know if it's true.

23 Q. Okay.

24 A. That's something that George Webb should
25 verify --

1 Q. Would it --

2 A. -- because I don't know if it's true.

3 Q. Would it refresh your recollection if you saw
4 the taping of the BCC meeting from July of 2008?

5 MR. MARIANI: Objection, form.

6 THE WITNESS: It's -- all of this to me is
7 irrelevant. All of this is irrelevant.

8 BY MS. KITTERMAN:

9 Q. What is irrelevant?

10 A. Everything is irrelevant. The only thing
11 that is relevant is that I did do everything I possibly
12 could to help Andy Schaller get his road paved. I have
13 every intention and I -- there is no constituent that I
14 have spent as much time as I did with him to assist him
15 in that project. No other -- he has gotten more time
16 than anybody in my 5 1/2 years as a County Commissioner.

17 So I gave him everything I possibly -- my
18 time, which is very valuable, I gave him. I listened to
19 him, I set him up with the right people, I told you, in
20 the County Commission. The only thing that matters to
21 me is I did everything I could.

22 My knowledge of the -- my knowledge of the
23 dollars and cents is irrelevant to me because all I
24 cared about was getting it approved in a proper legal
25 manner. That's all I cared. And I did get it approved.

1 And I did get it approved and he thanked me profusely
2 for getting it approved until the residents objected.
3 That's the only thing that matters to me. Everything
4 that happened 100 percent from here is irrelevant
5 because I really did everything I could.

6 Q. I appreciate that you think --

7 A. That's it.

8 Q. -- what I'm saying is irrelevant.

9 A. Yes.

10 Q. But I'm going to decide what is relevant or
11 not relevant.

12 A. Yes.

13 Q. And the Judge at trial will decide whether or
14 not it's relevant or it's irrelevant; okay?

15 A. Absolutely. Absolutely.

16 Q. So this is just -- I'm just trying to find
17 out information, that's all.

18 A. Yep.

19 Q. We're not in front of a jury. I'm not
20 adversarial right now. I just want to know information.

21 A. All of this is the beginning of his assault
22 on me.

23 Q. Okay. What I asked you was if you saw a
24 video of the July 22nd, 2008, BCC meeting wherein you
25 were informed by Mr. Webb that they would send out

1 petitions to 100 to 200 residents, would that have meant
2 that -- in your mind, did you think that 100 or
3 200 people lived on Fargo Avenue?

4 A. No, I knew there were 13.

5 Q. Okay.

6 A. I knew there were 13 because he told me there
7 were 13.

8 Q. Okay. So was it possible in 2008 that you
9 were made aware that the 100 to 200 Ranchettes residents
10 were going to be assessed the 100 percent?

11 A. Yes. So then they were going to be assessed
12 and they didn't want to be assessed. That's -- that's
13 it. Whatever, who was supposed to pay what is
14 irrelevant to me because all I wanted to do was help him
15 get approved. I -- the number of dollars was irrelevant
16 to me. Whether it was 1500, 2,000, 1600, 26, whatever.
17 Those numbers were is irrelevant. Whether it was 100,
18 150, 200 residents is also irrelevant because the only
19 thing on my mind, let's get Andy Schaller's
20 Fargo Road approved.

21 Q. Okay.

22 A. That's the only thing I was focused on. And
23 we accomplished it.

24 Q. Okay. The only reason I'm asking about this
25 is because when we just looked at your memo, you stated

1 in your memo to Mr. Weisman that you always were of the
2 belief that only the Fargo Avenue residents were going
3 to be assessed.

4 A. For the time. For the time, that was the
5 belief. For a time.

6 Q. So after --

7 A. But after --

8 Q. So sometime after --

9 A. Sometime afterwards, I realized others were
10 going to contribute.

11 Q. Okay. And then the e-mail that you wrote in
12 response, it's on the -- it's on the fourth page. If
13 you go to the fourth page of that document, sir.

14 A. Okay. I'm on the fourth page.

15 Q. Okay. This appears to be an e-mail from you
16 to Andy in response to his e-mail and it's dated
17 August 21st, 2009; is that correct?

18 A. I see the date.

19 Q. Okay. So if you take a quick glance at that
20 e-mail, it's on two pages. Let me know if you recognize
21 or remember this e-mail.

22 A. So what's the question?

23 Q. Let me know if you recognize the e-mail
24 first.

25 A. It's one of the e-mails that followed, one

1 after the other --

2 Q. Okay.

3 A. -- with the usual attack. So what's the
4 question?

5 Q. You recognize it?

6 A. (Witness shrugs.)

7 Q. Okay. It appears that the two of you are
8 going back and forth arguing over what the facts are; is
9 that correct?

10 A. (The witness nods.)

11 Q. Is that correct?

12 A. Whatever facts are in his head, the only
13 thing I focused on is the only thing that I wanted to
14 accomplish is -- see, the facts -- the facts, the real
15 fact is I wanted to get him approved, again for the 11th
16 time. I wanted to get him approved. And I spent a lot
17 of time to work toward that goal and I did accomplish
18 the goal until the people showed up opposing to
19 contribute to the payment.

20 So whatever those facts are, the fact -- the
21 real fact in my mind is I was on his side 100 percent of
22 the way in everything. I just wanted to get him
23 approved, and I succeeded in getting him approved.

24 So all of this miscellaneous information,
25 again, does not affect my full intent. And for a long

1 period of time, for almost a year, I was his strongest
2 supporter to get him approved.

3 Q. I appreciate that. I do.

4 A. Well, he doesn't.

5 Q. He does. And nobody is taking away that
6 you --

7 A. Until the crowd showed up and changed the
8 minds of the commissioners.

9 Q. Let me finish.

10 Nobody is taking away from you that you
11 didn't spend -- that you spent a lot of time with
12 Mr. Schaller. I think the issue that is going on
13 between these e-mails, and maybe I'm reading it wrong,
14 is that you guys worked together for a long time on this
15 project.

16 A. Yeah, absolutely.

17 Q. Right?

18 A. Yes.

19 Q. And he's saying that you knew way back in
20 2008, that we were going to be asking to assess 100 to
21 200 different property owners. He's saying that none of
22 these Ranchettes ever came, nobody was ever objecting,
23 nobody was ever for it. He was the one that was --

24 A. Because they were notified. Precisely,
25 because they were not notified.

1 Q. Okay.

2 A. So that was the problem, they were not
3 notified.

4 Q. Okay. So after they were notified --

5 A. All hell broke loose.

6 Q. Right. And that's when you agreed to stay
7 with the Commission and table the decision indefinitely?

8 A. Uh-huh.

9 Q. Is that correct?

10 A. That's correct.

11 Q. Okay.

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

14 BY MS. KITTERMAN:

15 Q. If you will take a second and let me know if
16 you recognize this document.

17 A. Okay.

18 Q. Do you recognize this?

19 A. Yes, I do.

20 Q. What is it?

21 A. It's a memo I wrote with a \$5,000 (sic)
22 check.

23 Q. A how many?

24 A. A memo I wrote with a \$4,000 check.

25 Q. Who did you write the memo to?

1 A. Andrew Schaller.

2 Q. And what's the date?

3 A. November 4th, 2009.

4 Q. Why were you giving Mr. Schaller a \$4,000
5 check?

6 A. Because I told him I would give it to him out
7 of compassion for his efforts that failed. I felt sorry
8 for him as I have told you a few times before. And when
9 I give my word, I live up to my word. Even if I no
10 longer believed anything he was saying, I now felt
11 that -- that I told him I would reimburse him the 4,000
12 and I was going to give him the 4,000 for the expenses.
13 And, of course, I never got receipts for his real
14 expenses, so I don't even know that he spent 4,000. But
15 since I gave my word I would give him, so I did give it
16 to him.

17 Q. Okay. But all you wanted to really do was
18 help him?

19 A. Yeah, I felt sorry for him.

20 Q. Okay.

21 A. But, of course, I shouldn't have felt sorry
22 for him knowing what I know now. He's got plenty of his
23 own money, he doesn't need mine.

24 Q. And on July 7th when you remained silent, you
25 weren't helping him, were you?

1 A. No, I wasn't helping him on July 7th because
2 even if I attempted to go against the crowd, it would
3 have been a 6-1 vote. And that wouldn't have -- one
4 vote would not have helped him one bit.

5 Q. Would it have helped Mr. Schaller at least
6 feel like you were still on his side?

7 MR. MARIANI: Objection, form.

8 THE WITNESS: Maybe. Maybe it might, but
9 knowing him now, I doubt if even that would be
10 true.

11 BY MS. KITTERMAN:

12 Q. Knowing him back then --

13 MR. MARIANI: Objection, form.

14 BY MS. KITTERMAN:

15 Q. You said knowing him now, you doubt that
16 would be true. Knowing him back then.

17 MR. MARIANI: Objection, form.

18 THE WITNESS: The answer is still the same.
19 The answer is still the same.

20 BY MS. KITTERMAN:

21 Q. What was he saying? What was the answer, I'm
22 sorry?

23 A. The same, he actually does not deserve the
24 4,000. And he does not have -- he does not deserve my
25 compassion for him now.

1 Q. Okay. Was the Fargo Avenue project
2 ultimately approved to move forward and go through the
3 MSTU program?

4 MR. MARIANI: Time frame, please.

5 THE WITNESS: I don't know what your question
6 is.

7 BY MS. KITTERMAN:

8 Q. Any time after July 7th, 2009, did the
9 County Commissioners approve the Fargo Avenue project to
10 be added to the MSTU program?

11 A. I believe now it's in -- at right now, it's
12 in process.

13 Q. Do you recall when it was approved?

14 A. No, I don't recall. No, I don't recall?

15 MS. KITTERMAN: You can mark this as
16 Defendant's 13.

17 (Defendant's Exhibit 13 was marked for
18 identification.)

19 THE WITNESS: My intent to get the -- my
20 intent to approve Fargo paving is permanent.
21 Whenever the proper items are accomplished, I will
22 vote to pave Fargo. So that's -- that's -- my
23 feeling about paving Fargo stays firm. That will
24 not change. Regardless of what Andy Schaller has
25 done to me, I will support the paving of Fargo

1 whenever everything necessary is done.

2 BY MS. KITTERMAN:

3 Q. If you can take a second to look at this
4 document and let me know if you recognize it.

5 A (Witness complies.)

6 Q. Do you recognize this document?

7 A. I don't recognize it. I don't recall seeing
8 it before, but I agree with the contents.

9 Q. Okay. Does it refresh your recollection of
10 what happened on September 13th, 2011, at the County
11 Commission meeting?

12 A. Yes, I supported -- I was one of those who
13 voted to include Fargo.

14 Q. Okay. Can you tell me what happened at that
15 meeting?

16 A. No, I can't tell you. I don't remember what
17 happened at that meeting other than there was a meeting.
18 There was a move to move -- to include Fargo under the
19 MSTU program and I supported it.

20 Q. Okay. Why was Fargo Avenue -- why did
21 somebody make a motion to add Fargo Avenue to the MSTU
22 program, if you know?

23 A. I don't know. All I -- again, no matter how
24 you twist and turn things, I'm going to tell you very
25 bluntly and very straight, I support Fargo's paving. So

1 any time the engineering department and the people who
2 know about the program and know that we can include
3 Fargo, I would support it.

4 That's all I can -- that's all I need to tell
5 you is I'm fully supportive of the paving of Fargo.
6 That's it. That's it. I have no problem with moving
7 Fargo and getting it paid under the MSTU program. So I
8 didn't need to know the mechanics of the approval. As
9 long as something is presented, I am in favor of it.

10 Q. Okay. I appreciate that, but that wasn't my
11 question.

12 MS. KITTERMAN: So if you would read back the
13 question, please.

14 (Whereupon, the requested portion of the
15 record was read aloud by the Court Reporter.)

16 THE WITNESS: I don't. All I can -- I don't
17 know why, but I don't care why because I am fully
18 supportive of paving Fargo. It does not matter to
19 me why or who. All that matters to me is whenever
20 the Fargo issue comes up, I support it like I
21 always did from the very beginning.

22 BY MS. KITTERMAN:

23 Q. Okay. But on July 7th, 2009, you were in
24 support of tabling it indefinitely?

25 A. What I did, I did. It's on record and that's

1 it.

2 Q. Is that a yes?

3 A. That's it.

4 Q. Okay. After the September 13th, 2011 vote,
5 did you ask Mr. Webb if that meant that Mr. Schaller
6 won?

7 A. No, I don't remember anything said like that.
8 I don't remember such a thing.

9 Q. Okay. Did you have any conversation with
10 Mr. Webb after the --

11 A. I have no recollection of any conversation
12 with anyone.

13 Q. With regard to Fargo?

14 A. With regards to Fargo.

15 Q. Okay. Have you ever said anything that would
16 negatively impact the Fargo Avenue project?

17 A. No.

18 Q. Did you ever take any action that would
19 negatively impact the Fargo Avenue project?

20 A. Not that I'm aware of.

21 Q. And did you do everything in your power to
22 help Fargo Avenue come to a fair resolution to everyone?

23 A. I felt -- I felt after his attack on me that
24 I would merely let other people take the lead. I was no
25 longer going to take the lead. Others would take the

1 lead. And I would -- I would support anybody who would
2 take the lead to pave Fargo, so -- but I was no longer
3 going to take the lead since my taking a leadership role
4 was boomeranged on me, boomeranged on me.

5 So, obviously, I was discouraged from taking
6 any action in any shape or form. But if others took the
7 lead, I would support Fargo as I'm supporting it now.

8 Q. You keep saying that you were attacked. Did
9 you feel that Mr. Jess Santamaria personally was
10 attacked by Mr. Schaller?

11 A. Yes. Yes.

12 Q. Did you feel like Mr. Jess Santamaria as a
13 commissioner was attacked by Mr. Schaller?

14 A. Yes.

15 Q. You don't see a difference between the two?

16 A. No, I don't see a difference between the two.

17 Q. Okay. Did he ever attack your personal life?

18 A. Again, I am no longer going to answer that
19 question. The evidence in the 119 pages is
20 self-evident.

21 Q. That wasn't my question.

22 A. I don't -- that's still my same answer. My
23 answer is still the same. The personal attack is
24 clearly defined in 119 pages.

25 Q. Did the 119 pages that you're referring to

1 address anything in your personal life?

2 A. It affected anything -- the answer is
3 whatever is there is there. I don't have to explain it.

4 Q. Well, I'm asking you if you felt that it
5 attacked your personal life. If there is anything that
6 was raised in that request for inquiry --

7 A. Yes.

8 Q. -- that related to Mr. Santamaria as a
9 person?

10 A. Yes.

11 Q. What?

12 A. The felony charge.

13 Q. Does that relate to you as a person --

14 A. Yes.

15 Q. -- or as -- let me finish.

16 A. Yes.

17 Q. Or as your fitness for office as a
18 County Commissioner?

19 MR. MARIANI: Objection, asked and answered.

20 THE WITNESS: The courts will rule on that.

21 BY MS. KITTERMAN:

22 Q. No, I'm asking your opinion.

23 A. That was a personal attack on me as a person.

24 Q. Okay.

25 A. That I committed a crime which, of course, I

1 did not.

2 Q. Okay. If a County Commissioner -- you found
3 out a County Commissioner had committed a felony, do you
4 think that County Commissioner should sit in office?

5 MR. MARIANI: Objection to the form.

6 THE WITNESS: That's not for me to answer.

7 BY MS. KITTERMAN:

8 Q. It's not?

9 A. No, it's not -- I'm not here in this
10 deposition to answer what other commissioners do or
11 don't do. I'm not here to judge other commissioners.

12 Q. No, I'm asking you what you would feel.

13 A. I'm not here to judge other commissioners.

14 Q. Okay. I mean, you yourself --

15 A. I'm not here to judge other commissioners.

16 Q. You can keep saying that if you want, but I'm
17 going to keep asking you --

18 A. I'm not going to judge other commissioners.

19 Q. You hold yourself out as a government
20 watchdog, do you not?

21 A. Whatever, whatever -- I don't try to describe
22 what other people think of me.

23 Q. No, you described yourself as that. Do you
24 recall that? Do you?

25 A. I am a watch -- I am a watchdog.

1 Q. Okay. So as a government watchdog, if you
2 found out that an elected official had a felony record,
3 would that concern you?

4 A. Yes, it would.

5 Q. Okay. If you thought one of the elected
6 officials had a felony record would that concern you?

7 A. Yes.

8 Q. Would you do research to find out whether or
9 not that was true, the felony record?

10 A. Yes.

11 Q. What would you do?

12 A. I don't know. I have to put myself -- I
13 don't know at this point in time what I would do.

14 Q. Okay. Did you ever tell Mr. Schaller that
15 you would support him for County Commissioner if you
16 didn't seek reelection?

17 A. No, I don't recall me telling him that. I
18 don't imagine me telling him.

19 Q. You don't recall?

20 A. No.

21 Q. Okay. When did you decide to run for
22 reelection for County Commission of District 6, do you
23 know?

24 A. The first time or the second time?

25 Q. The second time for reelection.

1 A. When the Inspector General was being -- when
2 there was opposition from certain people to obstruct the
3 work of the Inspector General.

4 Q. Can you tell me more about that?

5 A. That's it. There were certain -- there were
6 certain people in Palm Beach County who felt they did
7 not want an Inspector General watching over them. And I
8 said that disturbed me, that the Inspector General was
9 going to be prevented from doing the work because I
10 think it was extremely important to correct the public
11 corruption county title given Palm Beach in 2006.

12 Q. So because you heard that people were going
13 to object to the creation of an office of an
14 Inspector General, that's what made your decision to run
15 for reelection?

16 A. Yes, to make sure that that did not happen.

17 Q. Okay. So do you recall around about what
18 time -- what day, I don't mean time. I apologize. A
19 month and year that was when you decided?

20 A. No.

21 Q. Okay. Do you remember when you submitted
22 your petition for reelection?

23 A. Do I recall, no.

24 Q. Okay. Would it have been around April 2010?

25 A. Sometime. Sometime.

1 Q. Okay. Have you supported any candidates that
2 have run in opposition to anyone who supported
3 Mr. Schaller?

4 MR. MARIANI: Objection, form.

5 THE WITNESS: Say that again slowly.

6 BY MS. KITTERMAN:

7 Q. Okay. If anybody supported Mr. Schaller in
8 his run against you, have you subsequently supported the
9 opposition in any elections?

10 A. Yes, but for a different reason. Not because
11 they supported -- not merely because they supported
12 Mr. Schaller. There were other reasons that I felt that
13 that person should not be in office.

14 Q. Okay. Who did you support?

15 MR. MARIANI: Objection.

16 THE WITNESS: Well, you have to name me --
17 you have to give me the name of the person. It's
18 been more than one.

19 BY MS. KITTERMAN:

20 Q. If you remember.

21 A. It's been more than one. So you'll have to
22 name me -- give me the name. Who are you referring to?

23 Q. I'm just asking you if you remember --

24 A. What?

25 Q. -- supporting somebody who was running in

1 opposition to somebody that supported Mr. Schaller?

2 MR. MARIANI: Objection, form.

3 THE WITNESS: Are you thinking of

4 Darrell Bowen?

5 BY MS. KITTERMAN:

6 Q. That would be one.

7 A. Okay. Darrell Bowen has other things that
8 he's done that I feel he does not deserve to be mayor of
9 Wellington. And, therefore, I have supported another
10 person who I feel is better qualified for that seat.

11 Q. Okay. Was the main reason because he
12 supported Mr. Schaller?

13 A. No, that was a secondary reason. That's
14 definitely not the reason. That's a lower, much lower
15 reason.

16 Q. Okay.

17 A. He's failed as mayor of Wellington regardless
18 of Andy Schaller. The main reason is -- the main
19 reason, if you want to know what the main reason is he's
20 obstructing the work of the Inspector General. That is
21 the main reason.

22 Q. What do you mean?

23 A. Well, he --

24 Q. How is he obstructing the work?

25 A. Well, I already have -- I have written

1 communication to the newspapers that explained why I
2 oppose him and his -- and I -- and I specifically
3 identified him as against the Office of
4 Inspector General. So it's in the local papers. So
5 that is the reason.

6 Q. When you say you wrote to the local papers,
7 are you referring to an advertisement that you placed?

8 A. A letter to the editor. I wrote a letter to
9 the editor explaining his opposition to the
10 Inspector General and suing the County and regarding the
11 Inspector General.

12 Q. Okay.

13 (Defendant's Exhibit 14 was marked for
14 identification.)

15 BY MS. KITTERMAN:

16 Q. Can you take a look at that and --

17 A. Oh, I know that very well. I prepared that.
18 I'm the author of every word in that.

19 Q. Okay. Can you tell me what it is?

20 A. It's a -- I put this out. An ad, a statement
21 I made and publicized in the Town-Crier.

22 Q. Do you know when you publicized this in the
23 Town-Crier?

24 A. Sure. Before the election. Before the
25 election in Wellington.

1 Q. Do you know an approximate date?

2 A. Whatever you -- you know what the approximate
3 date is. For you to --

4 Q. It doesn't matter what I know.

5 A. I don't think you need to test my memory. I
6 don't remember the date.

7 Q. That's all you have to say. That's all you
8 have to say.

9 A. Yeah.

10 Q. If you don't remember, that's okay. You
11 don't have to remember. Just tell me you don't
12 remember, that's okay.

13 Okay. In this advertisement, you say birds
14 of a feather flock together. What do you mean by that?

15 A. They both opposed me.

16 Q. They both opposed you?

17 A. Yeah.

18 Q. Okay. Anything else?

19 MR. MARIANI: Objection, form.

20 BY MS. KITTERMAN:

21 Q. Do you mean anything else by that, or just
22 because they both opposed you?

23 A. You might say they both opposed me and -- and
24 that would be the main, the main -- that would be the
25 main reason that I put this out. Their main similarity

1 is, of course, their opposition to me.

2 Q. Okay.

3 A. And so they -- they're buddies. He supported
4 Schaller, Andy Schaller. Darrell Bowen supported
5 Andy Schaller in the last election.

6 Q. Is there anybody else that you created an
7 advertisement in opposition to because of them
8 supporting Andy Schaller?

9 A. No.

10 Q. Okay. And you said this went into the
11 Town-Crier; right?

12 A. Yes.

13 Q. Do you have a business relationship or a
14 contract with the Town-Crier?

15 A. They are my tenants.

16 Q. They are your tenants?

17 A. They rent office space.

18 Q. Anything else?

19 A. That's it.

20 Q. Have you reserved advertising space in the
21 Town-Crier?

22 A. Yes, sure.

23 Q. How often?

24 A. Almost every week.

25 Q. Do you have advertisement space reserved for

1 the future?

2 A. I have ongoing advertising space in the
3 Town-Crier indefinitely.

4 Q. Is there a specific place in the paper that
5 you have the advertisement space reserved?

6 A. Either Page 2 or 3.

7 Q. Okay. What is the purpose that you have that
8 space reserved indefinitely?

9 A. Oh, I have multiple businesses. So it could
10 be one thing one day and one thing another day. It's --
11 I have so many businesses and activities that it could
12 be anything and everything.

13 Q. Okay. And in this advertisement that I've
14 marked as Defendant's Exhibit 15 -- 14, sorry, where did
15 you get this photo of Mr. -- or Mayor Darrell Bowen and
16 Andy Schaller?

17 A. In one of his campaign photos.

18 Q. In one of whose campaign photos?

19 A. Andy Schaller's.

20 Q. Andy Schaller's? And did you get --

21 A. It's in his website.

22 Q. On his website?

23 A. Yes.

24 Q. Did you get permission to use the photo?

25 A. I don't believe I needed to.

1 Q. Oh, okay. Do you believe Darrell Bowen is a
2 crook?

3 A. No.

4 Q. Do you think that he's done anything illegal?

5 A. He's broken rules of the Wellington charter.

6 Q. What rules has he broken?

7 A. It had to do with rules of the charter.

8 Q. Which ones?

9 A. I -- I don't believe I need to tell you
10 today. They're in the charter.

11 Q. I'm asking which rules you think he broke.

12 A. Well, you would have to bring me the charter
13 and I might be able to point out. Bring me the charter.
14 Do you have the charter with you?

15 Q. No, I don't. But you told me that he broke
16 the rules.

17 A. There are -- there are rules in the charter.

18 Q. If you can recall.

19 A. No, I don't see why I have to tell you why I
20 vote against a particular candidate.

21 Q. That's not what I asked you.

22 A. What's that?

23 Q. That's not what I asked you.

24 A. Well, the answer is still the same.

25 Q. What illegal acts do you think that Mr. Bowen

1 committed?

2 MR. MARIANI: Objection, form. The witness
3 never said he performed any illegal acts.

4 MS. KITTERMAN: He just said that he --

5 THE WITNESS: I didn't say illegal acts. I
6 said there are rules --

7 BY MS. KITTERMAN:

8 Q. Broke rules.

9 A. -- in the Village charter that he has not
10 followed.

11 Q. Okay. Can you give me an idea of something
12 he's done that didn't follow a rule?

13 A. Not at this time.

14 I thought the topic today was Andy Schaller?

15 Q. Well, it is Andy Schaller because he's in
16 this advertisement as well, so --

17 A. Not Darrell Bowen.

18 Q. And in this advertisement, you state that
19 Andy Schaller has done nothing for the Wellington or the
20 western communities; is that correct?

21 A. That's what it says, what has he done. I
22 don't know -- I don't know of anything he's done for
23 Wellington.

24 Q. You don't know of anything?

25 A. No.

1 Q. So if you don't know of anything, does that
2 mean he's done nothing?

3 A. That's my opinion.

4 Q. Okay. Is that the first time you've ever
5 publicly said that Mr. Schaller has never done anything
6 for the western communities?

7 A. I don't know if I said it in our campaign.

8 Q. Okay. During your campaign against -- for
9 your reelection against Mr. Schaller, do you know of
10 anybody who would have remanufactured or caused to have
11 removed any of Mr. Schaller's signs?

12 A. No.

13 Q. Have you made any disparaging comments about
14 Mr. Schaller to anyone?

15 A. I don't know what you mean by disparaging. I
16 don't remember any discharging statements.

17 Q. Okay. Have you ever made any disparaging
18 statements about Mr. Schaller to anybody on the County
19 staff?

20 MR. MARIANI: Objection, form.

21 THE WITNESS: Not that I can remember.

22 BY MS. KITTERMAN:

23 Q. Okay. Have you ever published any other
24 advertisement or editorial that put Mr. Schaller in a
25 negative light?

1 A. I don't remember.

2 MS. KITTERMAN: Okay. I'm going to mark this
3 as 15.

4 (Defendant's Exhibit 15 was marked for
5 identification.)

6 BY MS. KITTERMAN:

7 Q. Can you take a look at that document,
8 Mr. Santamaria, and let me know if you recognize it.

9 A. Okay.

10 Q. Do you recognize it?

11 A. Of course I do.

12 Q. What is it?

13 A. It's something I wrote and put in the papers.

14 Q. Which paper did you put that in?

15 A. The Town-Crier.

16 Q. Town-Crier?

17 A. Yeah.

18 Q. And what was the purpose for that?

19 A. Well, letting the public know that all of his
20 allegations were false and had no merit.

21 Q. Did somebody tell you that all of his
22 statements were false?

23 A. No, I concluded it based on the three
24 agencies. The Florida Ethics Commission found zero
25 merit to his allegations. The same thing with the

1 Inspector General and the Palm Beach County Ethics
2 Commission, other than the supposed not posting the
3 couple of entries in my calendar, my private personal
4 calendar and my official office calendar. There were
5 two items that I might have forgotten. That was
6 absolutely nothing, a nothing item.

7 Q. Okay.

8 A. So there was no merit in any of his
9 allegations.

10 Q. And in this advertisement, at the bottom you
11 say, "As I stated from the beginning, Mr. Schaller's 118
12 pages of allegations was replete with falsehoods,
13 distortions, and misleading statements."

14 A. Exactly.

15 Q. The reason I'm bringing your attention to
16 that quotation is because we've gone back and forth with
17 the request for inquiry, whether it's 118 pages or
18 119 pages. So I just wanted to get some type of
19 clarification. That way, we know which document we're
20 talking about. Do you know it to be 118 pages or 119
21 pages?

22 A. I guess it depends how you count them, if you
23 can count the first page or you can discount the first
24 page. So it depends on who counts.

25 Q. Okay.

1 A. It's either 118 or 119 depending on who is
2 counting and what -- and when you count it. But it's
3 irrelevant because it's 118 or 119 pages of distortions.

4 Q. Okay. The first page that you're talking
5 about, is that a page -- what does that page say?

6 MR. MARIANI: Objection, form.

7 THE WITNESS: I don't know. If you want to
8 recount them again here in front of -- we can go
9 ahead and count it.

10 BY MS. KITTERMAN:

11 Q. I'm not asking you to count it. I'm just
12 asking if you recollect what that first page says.

13 A. I think it's like an introduction summarizing
14 what's to follow.

15 Q. Okay.

16 MS. KITTERMAN: I'm going mark this as --

17 THE WITNESS: So I guess if you count that
18 introduction, it will be 119. If you don't count
19 the introduction, it's 118.

20 MS. KITTERMAN: Okay. We'll mark this
21 document as 16.

22 (Defendant's Exhibit 16 was marked for
23 identification.)

24 BY MS. KITTERMAN:

25 Q. If you would take a look at this,

1 Mr. Santamaria, and let me know if you --

2 MR. MARIANI: Which numbered exhibit is it?

3 MS. KITTERMAN: Sixteen.

4 THE WITNESS: Okay.

5 BY MS. KITTERMAN:

6 Q. Do you recognize it?

7 A. Yes, I do.

8 Q. What is it?

9 A. It's Jess Santamaria's response to the Office
10 of Inspector General.

11 Q. Is this an advertisement?

12 A. No, I believe -- I don't think it is. This
13 might have been an advertising of the whole thing. But
14 the letter itself is my response, which I then
15 publicized together with a article of Jennifer Sorentrue
16 with the Palm Beach Post.

17 Q. Okay.

18 A. So if you're referring to the letter, then
19 it's my letter. If you're referring to the advertising,
20 then the whole thing is an advertising.

21 Q. The whole document?

22 A. The whole document.

23 Q. Yes, that's what I'm referring to.

24 A. Okay.

25 Q. Okay. The second to last paragraph,

1 actually, in your letter --

2 A. Yeah.

3 Q. -- you basically are saying that, again,
4 Mr. Schaller's document is replete with falsehood and
5 misleading information. It's caused substantial amounts
6 of taxpayer's money to be spent on the work of your
7 investigation and for the efforts of the ethics
8 commission and other County expenses.

9 The Andrew Schaller's -- this is the last
10 sentence. "The Andrew Schaller's of this world should
11 not be allowed to get away with these types of
12 self-serving and malicious actions."

13 That's what you wrote?

14 A. Yes.

15 Q. Okay. Mr. Schaller basically submitted his
16 concerns to the Inspector General; is that correct?

17 MR. MARIANI: Objection, form.

18 BY MS. KITTERMAN:

19 Q. Did Mr. Schaller submit the request for
20 inquiry to the Inspector General?

21 A. I suppose he knows who he submitted it to.

22 Q. No, I'm asking you.

23 A. I presume he submitted it to the whole world.

24 Q. Okay. And that Inspector General is the same
25 Inspector General that you encourage everybody to go to;

1 correct?

2 A. Yes.

3 Q. Okay.

4 MS. KITTERMAN: I don't have a big copy of
5 this. I'm going to attach this as an exhibit. We
6 can go off the record.

7 (Discussion held off the record.)

8 MS. KITTERMAN: I don't know. I'm referring
9 to Page 13 of the paper.

10 (Defendant's Exhibit 17 was marked for
11 identification.)

12 BY MS. KITTERMAN:

13 Q. Back on the record. Mr. Santamaria, if you
14 would take a look that document and let me know if you
15 recognize it?

16 A. Yes, I do.

17 Q. What is it?

18 A. It's another one of those ads that I put out
19 in the Town-Crier, where I took out of his website
20 certain -- what he talked -- the way he described
21 himself. So this is Andy Schaller's description of
22 himself in his website, which I pulled out
23 word-for-word.

24 Q. Okay. And there's a text box in the middle
25 of that document, isn't there?

1 A. Yes.

2 Q. Did you write that?

3 A. Yes.

4 Q. The wording in that text box?

5 A. Yes, I did.

6 Q. Okay. And what are you saying in that text
7 box?

8 A. That a lot of money was spent in engineering
9 time and all the time that's really taxpayer's money on
10 the issue of paving the road, of this road.

11 Q. Did Mr. Schaller have the authority to direct
12 the engineering staff to spend \$250,000?

13 A. He didn't have the authority, but it was his
14 activities and his complaints and persistence. He
15 actually asked -- my recollection is that with his -- he
16 criticized the engineering department for their work
17 and, therefore, the engineering department had to do
18 plenty of work to do -- to take care of his areas of
19 interest and concern. And then he went to the -- he
20 requested that the audit department audit the MSTU
21 program. And they spent over a thousand hours and this
22 was all -- this was all discussed in a public hearing.

23 So all of this was expressed by both the
24 auditing department and the engineering department of
25 all the work they had to do with it. Whether --

1 obviously, he has no authority as just a citizen to
2 direct them to do anything. But through his Fargo
3 project, all of this excessive work that I have never
4 seen done for anybody else was done for him because of
5 his persistence and complaints and criticism of the
6 different County departments and personnel that all of
7 this huge amount of work was done. That cost a lot of
8 money.

9 Q. Did he direct the audit staff to spend over a
10 thousand hours on it?

11 A. He has no authority to direct anybody.

12 Q. Did you believe that the reason he was
13 pursuing the Fargo Avenue project was to increase the
14 value of his home?

15 A. That could be a reason. That could, because
16 obviously paved roads have more value to a prospective
17 buyer. Any appraiser would be able to tell you, give
18 you that answer. It's an expectation that when the road
19 is paved, it's more valuable than a dirt road to most
20 buyers. Maybe some buyers may not care, but some people
21 would have higher value for a home that is paved.

22 Now, whether that was his intention or not,
23 intended or not, the fact remains that that would be the
24 more probable result of paving a road.

25 Q. Okay. Well, you met with him a lot. Did he

1 ever say to you, I need to get this road paved so that I
2 can improve the value of my home?

3 A. No.

4 MR. MARIANI: Objection, form.

5 THE WITNESS: No. Neither him nor anybody
6 else would have said that.

7 BY MS. KITTERMAN:

8 Q. Okay. And you said over and over again that
9 you were in support of the Fargo Avenue project;
10 correct?

11 A. Absolutely.

12 Q. Okay.

13 (Discussion held off the record.)

14 BY MS. KITTERMAN:

15 Q. Would you like a break, Mr. Santamaria?

16 A. No, I am reserved until midnight for you.

17 Q. Oh, nice. Thank you.

18 A. Whatever you say.

19 (Discussion held off the record.)

20 BY MS. KITTERMAN:

21 Q. Okay. Other than the exhibits that I just
22 showed you, Exhibits 14, 15, 16 and 17, do you recall
23 any other thing that you've written about Mr. Schaller
24 in a paper?

25 A. No, I don't recall.

1 Q. What is your current opinion of Mr. Schaller?

2 A. I wouldn't know how to describe him. He's a
3 very complex person. He's a -- other than being a very
4 complex -- my opinion of him is a very complex person.
5 I would say it would be very difficult to describe him,
6 very difficult.

7 He's kind of a Dr. Jekyll and Hyde. He can
8 be super suave and super gracious and nice. But on the
9 flip side, a lot of questions.

10 Q. Do you think he's a crook?

11 MR. MARIANI: Objection, form.

12 THE WITNESS: I have no idea about that.

13 That's a different -- I've never accused him of
14 being crooked. I've been -- I've accused him of
15 distorting and misleading facts to accomplish his
16 goal. I don't think that's a crime as long as you
17 stay within certain parameters.

18 But I think -- I think calling somebody a
19 felon when you know he's not a felon is not good.

20 BY MS. KITTERMAN:

21 Q. I'm going to get to that in a little bit.

22 A. So I -- that's the answer to your question.

23 Q. Okay.

24 A. He's a very complex man and a Jekyll and Hyde
25 type.

1 Q. Do you believe that he's ever done anything
2 illegal?

3 MR. MARIANI: Objection to the form.

4 THE WITNESS: I don't know. I don't know.

5 BY MS. KITTERMAN:

6 Q. Okay. Have you ever claimed that
7 Mr. Schaller has committed any illegal acts?

8 A. I believe it is illegal to call somebody a
9 felon, meaning he's committed a crime, knowing that that
10 person has not committed a crime and he's not a felon.
11 That is a violation of law.

12 Q. So you think it's illegal?

13 A. It is illegal, positively.

14 Q. Did he call you a felon?

15 A. He did.

16 Q. How did he call you a felon?

17 A. It's there. It's there. It's in the
18 118 pages.

19 Q. How did he call you a felon?

20 MR. MARIANI: Objection, asked and answered.

21 THE WITNESS: He called me a felon by his
22 publication.

23 BY MS. KITTERMAN:

24 Q. Okay. We'll get back to that.

25 Other than the felony record, do you believe

1 that Mr. Schaller committed any other illegal acts?

2 MR. MARIANI: Objection, form.

3 THE WITNESS: I believe that much of the
4 distorted information is illegal.

5 BY MS. KITTERMAN:

6 Q. What distorted information?

7 A. Just about everything that is in the
8 118 pages was misleading and distorted. The whole --
9 the whole package of 118 pages was a distortion of
10 something that was true, but twisted and twisted and
11 redirected to make it appear that something wrong was
12 committed.

13 So that -- I said it and it's
14 self-explanatory. He misled the reader by distorting
15 the facts. He is a master at distorting and misleading
16 the facts.

17 Q. He's a master?

18 A. Yes.

19 Q. How is he a master?

20 A. Oh, he's, he's a -- you've read it. You can
21 tell. You're pretty smart yourself. For somebody to
22 twist and turn a small truth and twist it around and
23 turn it around, that requires diligence and a mastery of
24 manipulation and distortion.

25 Q. Let's talk a little bit about that request

1 for inquiry. Now, I think we marked one of the request
2 for inquiries as Exhibit 1 to your deposition.

3 MS. KITTERMAN: I'm going to mark this as
4 Exhibit 18 because this is a request for inquiry
5 that I actually printed off of Mr. Schaller's
6 website.

7 MR. MARIANI: When did you print it off the
8 website?

9 MS. KITTERMAN: After the deposition.

10 MR. MARIANI: Oh, so that's not timely
11 accurate from --

12 MS. KITTERMAN: It's never changed.

13 MR. MARIANI: Are you representing it's never
14 changed?

15 MS. KITTERMAN: Yes, I am.

16 MR. MARIANI: Is that on the record?

17 THE COURT REPORTER: It's on the record.

18 MR. MARIANI: What exhibit is it?

19 THE COURT REPORTER: Eighteen.

20 (Defendant's Exhibit 18 was marked for
21 identification.)

22 BY MS. KITTERMAN:

23 Q. You can flip through that. Take your time.

24 MR. MARIANI: I'm not going to flip through
25 it.

1 MS. KITTERMAN: Not you.

2 MR. MARIANI: Your representation, we'll rely
3 on that.

4 MS. KITTERMAN: That's fine. I'm asking
5 Mr. Santamaria.

6 MR. MARIANI: So the record is clear, you're
7 stating that this is exactly like it was when it
8 was first published?

9 MS. KITTERMAN: Yes.

10 MR. MARIANI: Okay. Thank you.

11 MS. KITTERMAN: Uh-huh. Off of the website.
12 So I don't have the original spiral bound notebook.
13 This is -- exactly was published off of his,
14 Andrew Schaller's website.

15 MR. MARIANI: Are you representing it's
16 exactly like the spiral notebook except for the
17 spirals?

18 MS. KITTERMAN: Right.

19 MR. MARIANI: You're making that
20 representation.

21 MS. KITTERMAN: The same pages, yes.

22 MR. MARIANI: That every word is the same?

23 MS. KITTERMAN: Correct, yes.

24 THE WITNESS: Is there a date here? Is there
25 a date?

1 MR. MARIANI: We'll rely on counsel's
2 statement.

3 MS. KITTERMAN: The only thing that's not
4 included was the cover page that was on the spiral
5 notebook, which he's holding.

6 MR. MARIANI: Well, why don't we make it --
7 why don't you mark that one?

8 MS. KITTERMAN: Does that have --

9 MR. MARIANI: Is that blank?

10 MS. KITTERMAN: Oh, it's your original?

11 MR. SCHALLER: It's the only one I have in
12 the world.

13 MS. KITTERMAN: Okay. No, I just printed
14 that off of his website, so --

15 THE WITNESS: So we are going to --

16 MR. MARIANI: No, don't -- you don't have to
17 say anything.

18 So can I see that first page?

19 MR. SCHALLER: (Complies.)

20 THE WITNESS: Is there a date?

21 MR. MARIANI: Yeah, that date is September --
22 I'm sorry, my eyes don't work as well anymore.

23 MR. SCHALLER: I have never changed it on the
24 website.

25 MR. MARIANI: September 13th, 2010. That's

1 all. I'm just trying to get the date.

2 MR. SCHALLER: I've never changed it, John.

3 MS. KITTERMAN: Okay.

4 MR. MARIANI: Thank you.

5 MS. KITTERMAN: Do you want to take a look at
6 the request for inquiry?

7 MR. MARIANI: Well, you know, it's 100 and
8 whatever pages it is. We're going to rely on your
9 representation that it's exactly what was published
10 on September 13th, 2010.

11 MS. KITTERMAN: Okay. Okay, that's fine.

12 MR. MARIANI: We'll just work on that
13 premise.

14 MS. KITTERMAN: Okay.

15 BY MS. KITTERMAN:

16 Q. When is the first time that you read the
17 request for inquiry?

18 A. On September 13th, 2010, there was a press
19 conference called by Mr. Schaller. I did not attend the
20 press conference, but he provided multiple copies to
21 people who attended that press conference where media
22 were involved and others.

23 Assuming that this represents the same copy
24 that was passed around that day, I was able to get one
25 of those copies and, of course, made multiple copies and

1 gave it to some people that I knew as well.

2 Q. Okay.

3 A. So I'm going to rely that this is the same
4 contents as that you just passed around on
5 September 13th during that press conference.

6 Q. Do you recall --

7 A. And the first time -- I got shortly after the
8 press conference, I did get calls from the media. And
9 one of them in particular actually came to my office and
10 interviewed me.

11 Q. Okay. Do you -- first, do you recall who
12 gave you the request for inquiry?

13 A. No, I don't recall who -- exactly who. But I
14 know that there's plenty of copies around. And once I
15 got a hold of one copy, I multiplied that copy. I think
16 I got myself a dozen copies after that on the same day.

17 Q. You made the copies yourself?

18 A. No, I had a printing company.

19 Q. Do you know who?

20 A. No, I don't know who. I had somebody run to
21 a printing press -- to a printing company and make a
22 dozen copies.

23 Q. Do you know who you asked to run --

24 A. No, I don't remember. It didn't matter.

25 Whoever I could get a hold of, I said, here's a -- I

1 forget, I gave them \$40, \$50 or \$100. I said just get
2 me 12 copies.

3 Q. When did you read the request for inquiry?

4 A. Same day.

5 Q. Same day?

6 A. Same day.

7 Q. Did you read the entire document?

8 A. Uh-huh.

9 Q. And you said you got some phone calls from
10 the media?

11 A. Yes.

12 Q. Do you recall who you spoke to?

13 A. Andy Reid and Jennifer -- Andy Reid of the
14 Sun Sentinel and Jennifer Sorentrue of The Palm Beach
15 Post.

16 Q. Did they interview you over the phone?

17 A. One personally came to my office. Andy Reid
18 did. And one -- my recollection is Andy Reid of the
19 Sun Sentinel came to my office and Jennifer Sorentrue
20 over the phone.

21 Q. Anybody else?

22 MR. MARIANI: Objection, form.

23 THE WITNESS: There might have been others,
24 but I don't remember right now.

25

1 BY MS. KITTERMAN:

2 Q. Did a TV news crew come up to your office?

3 A. There might have been one TV that might have
4 come in for a few minutes. There might have been one.
5 I don't remember who.

6 Q. Okay. Did any of those media peoples that
7 you spoke to or that you remember that you spoke to,
8 what -- did they say, let's start with Andy Reid, do you
9 recall what he asked you about the request for inquiry?

10 A. He was very concerned about the felony.

11 Q. He was?

12 A. He was very concerned about it.

13 Q. What did he say?

14 A. He said, is that you?

15 Q. And what did you say?

16 A. I said absolutely not.

17 Q. And then what did he say?

18 A. I don't remember what else was said after
19 that.

20 Q. Did he print that you had a felony?

21 MR. MARIANI: Objection to the form.

22 THE WITNESS: I don't remember what he
23 printed or didn't print. I don't remember. You're
24 so good at finding things, I'm sure you have a copy
25 of that one.

1 BY MS. KITTERMAN:

2 Q. No, I'm just wanting to know if you remember.

3 A. I don't remember.

4 Q. What about The Palm Beach Post, did they ask
5 you about -- what did they ask you about with regard to
6 the request for inquiry?

7 A. Oh, lots of things, but I don't remember
8 exactly.

9 Q. Okay. Did The Palm Beach Post print anything
10 about the felony?

11 A. I don't remember. It might -- I don't
12 remember what they did, actually.

13 Q. Okay. Do you recall any other news outlet
14 that printed or published or aired anything about the
15 felony record contained in the request for inquiry?

16 A. I don't remember.

17 Q. Is there anything that could refresh your
18 recollection --

19 MR. MARIANI: Objection, form.

20 BY MS. KITTERMAN:

21 Q. -- as to whether or not any of the news
22 outlets published or aired anything about the felony
23 record?

24 MR. MARIANI: Objection, form.

25 THE WITNESS: I don't remember at the moment.

1 BY MS. KITTERMAN:

2 Q. Okay. What was your reaction the first time
3 you read the request for inquiry?

4 A. Outrage.

5 Q. Why?

6 A. Just because I knew everything was false and
7 distorted and misleading.

8 Q. Okay.

9 A. So right from the get-go, I knew this was
10 complete distortion of facts.

11 Q. So you didn't agree with anything that was
12 contained in there?

13 A. Absolutely not.

14 Q. Okay. What portions of the request for
15 inquiry do you claim are false?

16 A. Everything.

17 Q. Okay. Let's --

18 A. Everything.

19 Q. -- go through it. Take a look at it. Page 1
20 of the exhibit says, "Santamaria using County staff or
21 campaign work during County hours." Did I read that
22 correctly?

23 A. Let me read.

24 Q. In Number 1.

25 A. Yes.

1 Q. Did I read that correctly?

2 A. Yes.

3 Q. Okay. Can you tell me what part of this
4 actual request for inquiry that is titled Exhibit 1 was
5 false?

6 A. Everything. I did not use office staff for
7 campaign work.

8 Q. Okay.

9 A. I didn't. I didn't need to. I had plenty of
10 workers working for me. I had an entire -- I had entire
11 con -- Patriot Games is a consulting comp -- elections
12 firm. So I had the best in the business. I did not
13 need to use anybody in my staff.

14 Q. Okay. Who created the Glades area funding
15 document?

16 A. That was -- the Glades area document was a --
17 created by the economics department. I wanted to know
18 if -- how I could counteract some people in the Glades
19 who said the County had not done anything. There
20 were -- there were rumors that the County had done
21 nothing for the Glades. And I called up our economics
22 department and I said what have -- what has been done in
23 the Glades during the past four years? And that's when
24 I got the list of things.

25 Q. Okay. Did you direct your staff member

1 Johnnie Easton to send the Glades area funding document
2 to your campaign advisor, Francine Nelson?

3 A. Yeah, during a -- during a break.

4 Q. During a break?

5 A. Yes.

6 Q. Okay.

7 A. It was a -- it would have taken five seconds
8 of her time to send it to them during a break.

9 Q. And you said, send it --

10 A. Send it during your break.

11 Q. During your break?

12 A. Uh-huh.

13 Q. Did you ask her to send it to Jermaine Webb?

14 A. Yes, because he was one of those who was
15 questioning what have we done for the Glades. So he was
16 the first one that needed to know that we have done
17 something for the Glades.

18 Q. Is he also -- was he also your campaign
19 representative in Belle Glade?

20 A. No.

21 Q. He was not?

22 A. No. He was a citizen. He was not.

23 Q. Okay. Did you use the Glades area funding in
24 an advertisement in the Belle Glade Sun newspaper on
25 August 12th?

1 A. Yes. Yes, to counteract the fact that the
2 County had done nothing for the Glades.

3 Q. Okay. Okay. And who is Richard Giorgio?

4 A. He's the Patriot Games who I hired during my
5 campaign. He's a paid campaign consultant.

6 Q. Okay. Did Johnnie Easton send the summary of
7 the Glades area project to Richard Giorgio?

8 A. Yes, during a time off.

9 Q. During a time off?

10 A. During a break.

11 Q. During a break?

12 A. Same thing. It takes five seconds to send
13 it. And they, in turn, got it to -- for publication in
14 the Glades.

15 Q. Did you use the Glades area numbers to tell
16 your constituents that you've kept your promises and to
17 follow up and vote on Tuesday, August 24th?

18 A. No. No, this was primarily to set the record
19 straight that the County had done a lot for the Glades
20 area. That was the purpose. Those people who might
21 have been supporters of Andy Schaller were just saying
22 that the County had done nothing. And he must have
23 been -- Andy Schaller must have been wanting to tell the
24 people, I'm going to do a lot for you if I get -- if you
25 elect me.

1 So those are the same people who were passing
2 rumors that the County was doing nothing, had to be
3 corrected by saying, no, there has been some 400 million
4 invested in the Glades through the County. A correction
5 had to be made.

6 Q. Okay. If you turn to Page 13 of the request
7 for inquiry.

8 A. (Witness complies.)

9 Q. At the top of the page. Yep, Page 13. What
10 is that?

11 A. That's what you were just talking about.

12 Q. The Glades area funding?

13 A. That's exactly what you're -- you're the one
14 who brought this up. So you're asking me what you
15 brought up.

16 Q. Yes, I'm asking you what it is.

17 A. It's the ad -- not the ad, but the summary I
18 received from the economics department of the County.
19 This is what they gave me which I, in turn, publicized
20 to correct the bad rumors that were spreading in the
21 Glades that the County had done nothing.

22 Q. Okay. So is the top -- the top portion, was
23 that an advertisement?

24 A. This is part of an ad.

25 Q. Okay. And what about the bottom portion?

1 A. The bottom part is a copy of -- a duplicate
2 copy of The Palm Beach Post endorsement of me.

3 Q. That's not an advertisement?

4 A. It is.

5 Q. Okay. Were those two run together?

6 A. I don't remember if they were run together.

7 Q. Okay. And the middle Number 4 under
8 Exhibit 1 on the first page, it claimed that --

9 A. Where are we now?

10 Q. Under Exhibit 1 (indicating).

11 A. Exhibit 1.

12 Q. Little Roman numeral 4 claims that you had
13 your county staff, Dennis Lipp, sending a note to
14 Doreen. Who is Doreen?

15 A. Doreen is his wife.

16 Q. Okay. Did she work in your office?

17 A. No.

18 Q. And he was directing his wife to print out
19 Jess's petitions. What are the petitions?

20 A. I don't know what these petitions are. I
21 don't know.

22 Q. Did you direct him to print out petitions for
23 your election?

24 A. No.

25 MR. MARIANI: Objection, form.

1 THE WITNESS: No, I did not. I did not
2 direct him to do anything for me during my
3 campaign, zero, period. He -- I wanted him nothing
4 to do with my campaign.

5 BY MS. KITTERMAN:

6 Q. Dennis Lipp had nothing to do with your
7 campaign?

8 MR. MARIANI: Objection, form.

9 THE WITNESS: Nothing to do with it.

10 BY MS. KITTERMAN:

11 Q. Okay. Exhibit 2 under Number 2.

12 A. Uh-huh.

13 Q. Misuse of public position. And it says, "Did
14 Santamaria misuse his elected position in his attempt to
15 prevent a political opponent from attending an
16 advertised County event."

17 Did you attempt to have Mr. Schaller removed
18 from a County event?

19 A. I asked him to leave because he was
20 disrupting my meeting. The meeting had to do with a
21 specific topic and he insisted on disrupting my meeting.
22 I had an agenda, and he wanted to introduce his agenda
23 on Fargo. Fargo was not the topic of my meeting.

24 As the chairman of my own meetings, I have
25 every right to demand decorum in my meetings and to only

1 have my topics. And he completely, completely resisted
2 following my instructions to cease and desist from
3 bringing up Fargo. And, therefore, at that time, I just
4 said, if you don't leave on your own initiative, I'm
5 going to have you -- ask somebody to help you out.

6 Q. Okay. Was that a County meeting?

7 A. Yes.

8 Q. It was County advertised?

9 A. Yes, but he disrupted my County meeting.

10 MR. MARIANI: Wait, let's go back a minute.

11 The question was is it a County meeting --

12 MS. KITTERMAN: It was a County meeting.

13 MR. MARIANI: -- or it was a meeting in the
14 County?

15 MS. KITTERMAN: No, advertised.

16 THE WITNESS: No, it was not a County, it was
17 my meeting. It was my meeting.

18 MR. MARIANI: That's what I'm saying. The
19 record doesn't --

20 THE WITNESS: It was Jess Santamaria's
21 monthly meeting.

22 BY MS. KITTERMAN:

23 Q. Was it advertised --

24 A. And the other point is this was all
25 investigated by three government entities and this was

1 already proven to be useless. There was no -- there was
2 no misuse of public position. So I have been cleared by
3 three agencies who investigated me, that's it.

4 Q. I'm going to get to those agencies.

5 A. That's it.

6 Q. I'm going to get to them.

7 A. That's it.

8 Q. I'm just going through this right now.

9 So you did ask Mr. Schaller to leave an
10 event?

11 A. For distorting -- for disrupting my meeting.

12 Q. Okay. Was he talking about Fargo at that
13 time?

14 A. Yes.

15 Q. He was?

16 A. Yes.

17 Q. Is there anything that you could listen to or
18 look at to know that he wasn't asking you about
19 Fargo Avenue?

20 A. All I can tell you is this has already been
21 investigated and -- by three agencies.

22 Q. That's not my question, sir.

23 A. I don't care what your question is because
24 I'm answering you that I have already answered all of
25 the questions from the people who have the right to

1 investigate this. And I have already been investigated
2 by three different agencies on all of these items.

3 Q. Sir, you respectfully are suing my client for
4 defamation.

5 A. Uh-huh.

6 Q. And throughout your advertisements, your
7 editorials, this case, you have said over and over that
8 these statements are incorrect, they're false.

9 A. Yes.

10 Q. Okay?

11 A. Yes.

12 Q. I am going through these to determine which
13 ones are false.

14 A. They are all false.

15 Q. I understand that that's what you're telling
16 me. I'm going through them individually. And I'm going
17 to get to all of the agencies that investigated you and
18 what they investigated and what they found.

19 A. Uh-huh.

20 Q. But right now, I am going to go through this
21 request for inquiry; okay?

22 (A brief recess was taken.)

23 MR. MARIANI: Shall we start?

24 MS. KITTERMAN: Yes.

25

1 BY MS. KITTERMAN:

2 Q. All right. So we were on Number 2, the
3 Exhibit 2. If you turn to Page 16 of the request for
4 inquiry, please.

5 A (Witness complies.)

6 Q. It states that the public forum that you were
7 holding was a -- advertised as a County meeting. Do you
8 recall that?

9 MR. MARIANI: Objection, form.

10 THE WITNESS: Whatever you want to call it.
11 It was my monthly meeting in my building. And I
12 did -- I did have the County provide some
13 assistance. And I did have -- I normally would
14 have one or two and sometimes three assistants
15 attending the meetings. So you can call it
16 anything you want, but it is what it is.

17 BY MS. KITTERMAN:

18 Q. Okay. Do you advertise your monthly meetings
19 on the County's website?

20 A. I don't. Some -- I don't advertise it in the
21 County website. Somebody might. I do my own
22 advertising through the Town-Crier.

23 Q. Do you know if anybody puts the monthly
24 forums on the County website?

25 A. I'm not aware of it because it's not at my

1 direction.

2 Q. Have you ever directed them not to put it on
3 the County website?

4 A. No. No, I don't get involved in directing or
5 not directing them. I just -- I don't need -- I don't
6 need it to be on the County website because I do -- it's
7 really most primarily for my constituents in District 6.
8 So that's the reason that it suffices for my purposes to
9 do it through the Town-Crier, and people already are
10 used to that. They know I'm used to having my own
11 Jess Santamaria meetings 20 years ago, long before I was
12 a County Commissioner.

13 So it has -- it is kind of -- the people who
14 have lived there for a long time have attended my
15 Jess Santamaria meetings periodically on different
16 topics of interest in the community.

17 Q. Okay. Do you know if anybody sends out
18 e-mails from your staff to a list of --

19 A. Yeah. I tell people who attend the meetings
20 if you want to be notified, give your e-mail address and
21 we will send you a notification. So that I do.

22 Q. Who sends the notifications?

23 A. Usually, it's Johnnie Easton.

24 Q. And you said it's for your constituents. Is
25 Mr. Schaller one of your constituents?

1 MR. MARIANI: Objection to the form.

2 THE WITNESS: I think he is. I think he
3 lives in my district.

4 BY MS. KITTERMAN:

5 Q. You think?

6 A. I would expect. He would not have been able
7 to run for that seat if he wasn't.

8 Q. Okay. Now, Exhibit 3 or Number 3 on the
9 first page of the request for inquiry.

10 A. Exhibit 3, where do I go now?

11 Q. It says destruction of --

12 MR. MARIANI: No, you have to go back to the
13 first page.

14 MS. KITTERMAN: Yeah, back to the first page.

15 THE WITNESS: Back to Page 3 (sic). Okay.

16 BY MS. KITTERMAN:

17 Q. It says destruction of public records. "Did
18 Santamaria withhold and/or destroy public records
19 improperly?"

20 A. Where is this?

21 Q. On the first page, Exhibit 3, the bottom.

22 A. Okay. Got it.

23 Q. Okay. Do you know what this is relating to?

24 MR. MARIANI: Objection, form.

25 THE WITNESS: I'm assuming it's my pocket

1 calendar, which we have discussed a few times
2 already.

3 BY MS. KITTERMAN:

4 Q. Yes.

5 A. I have a pocket calendar, which I put
6 anything and everything that has to do with my personal
7 appointments. And then it has -- then there's what I
8 consider the official County appointment calendar, which
9 is kept by electronic computer through my assistants.

10 Q. Okay. And I think we discussed that the
11 County may have bought your monthly pocket calendars a
12 couple of times.

13 MR. MARIANI: Objection, form.

14 THE WITNESS: They might have done -- they
15 might have without my realizing it, they might
16 have. But it's always been my intent to take care
17 of my own stationery. I buy my own pens, my own
18 type paper, my own folders. So as a general rule,
19 I buy my own. But it's possible that on some year
20 that could have been paid by my assistant.

21 BY MS. KITTERMAN:

22 Q. Okay. And did you keep the pocket calendars?

23 MR. MARIANI: What time frame?

24 THE WITNESS: I keep them for the month --

25 MR. MARIANI: Wait, wait. I want a time

1 frame.

2 BY MS. KITTERMAN:

3 Q. Prior to 2011, were you keeping your pocket
4 calendars?

5 A. Prior to these -- prior to the
6 Inspector General meeting with -- meeting with me in my
7 office regarding this request for inquiry, I would only
8 keep it for the month, for the current month. So I
9 would have my pocket calendar for the current month.
10 And at the end of the month, I would transfer any, any
11 appointments that were carried over to the next month,
12 and I would discard the month that just passed.

13 Q. Okay.

14 A. But after that, I was instructed by
15 Sheryl Steckler, the Inspector General, that I should
16 keep it for a year. So now I follow my -- although I
17 disagree and my lawyers disagree, but it's -- as long as
18 I have an official calendar, that's all we need to do
19 according to our interpretation of the law. Although I
20 disagree with her, I don't want to argue with her. So I
21 follow instructions and now I keep it.

22 Q. Okay. So according to the Inspector General,
23 Exhibit Number 3 was true?

24 A. No.

25 MR. MARIANI: Objection.

1 THE WITNESS: No.

2 BY MS. KITTERMAN:

3 Q. No?

4 A. Well, it's not exactly true. Not the way
5 it's written here, it's not true. The way it's written
6 here, it's not true.

7 Q. That you didn't destroy your pocket
8 calendars?

9 MR. MARIANI: Objection, form.

10 THE WITNESS: The way it's written here, I
11 don't agree. Number one, I did not violate -- as
12 far as I'm concerned, I never violated anything.

13 BY MS. KITTERMAN:

14 Q. Okay.

15 A. The Inspector General thinks I should have
16 kept it for a year, and I did get rid of the calendars
17 after I used them. But I'm now keeping them because I
18 just don't want to argue with her. So I'm following her
19 instructions.

20 Q. Okay. If you go to Page 2, at the top is
21 Number 4, Exhibit 4. It states, "Wellington Mall
22 signage has no disclaimer." Do you know what that's
23 relating to?

24 A. I have some idea of what it's relating to, to
25 some sign. Some sign that the sign company put up

1 that -- for that to put the disclaimer.

2 Q. Did you order the sign?

3 A. I ordered the sign.

4 Q. Who put it up?

5 A. The sign -- the sign company.

6 Q. Did you look at it before the sign company

7 did --

8 A. No, I did not look at it.

9 Q. -- put it up?

10 But did it have the disclaimer that was

11 required as a political advertisement?

12 A. I found out afterwards and then I had it

13 removed.

14 Q. Okay. So it did not have the disclaimer?

15 A. It did not have the disclaimer.

16 Q. Okay. And that's the advertisement on

17 Page 63. Let me know if that's the same one that we're

18 talking about.

19 A. I don't know if it is --

20 Q. On Page 63.

21 A. -- because we don't have a copy of it here.

22 Q. Page 63.

23 A. Page 63?

24 Q. Yes.

25 A. Okay.

1 Q. Does that look like the same sign that you
2 were just talking to me about?

3 A. Probably, it looks like.

4 Q. With no disclaimer?

5 A. With no disclaimer, yeah.

6 Q. Okay. How long before you -- did you take it
7 down?

8 A. Yes.

9 Q. How long after it was put up did you take it
10 down?

11 A. As soon as I found out it was -- did not have
12 a disclaimer.

13 Q. Okay. And where was it hung, do you know?

14 A. Somewhere in the mall.

15 Q. Okay. Do you know whether it was hung during
16 one of your -- or was viewable during one of your County
17 forums?

18 A. No, I don't know.

19 Q. All right. If you go back to the second
20 page.

21 A. I don't see. I don't see. I know there is
22 something marked Page 2.

23 Q. Right.

24 A. But it's --

25 Q. The Number 5. It says Number 5, Exhibit 5,

1 Callery Judge vote.

2 A. Okay.

3 Q. Do you see that?

4 A. Yep.

5 Q. It says, "Did Santamaria predetermine his
6 vote to deny prior to hearing testimony in the
7 quasi-judicial zoning hearing on May 7th, 2007?"
8 Correct?

9 MR. MARIANI: Objection, form.

10 BY MS. KITTERMAN:

11 Q. Is that what that says?

12 A. That's what it says.

13 Q. Okay. I know we talked a little bit about
14 the Callery Judge quasi-judicial hearing --

15 A. Uh-huh.

16 Q. -- with regard to the 10,000 homes.

17 A. Uh-huh.

18 Q. Were you opposed to that before you went to
19 the meeting or the hearing on May 7th, 2007?

20 A. Was I opposed to what?

21 Q. The Callery Judge Grove.

22 A. Yes.

23 Q. Did you give Dennis Lipp money to pay for a
24 bus to have opponents come to the hearing?

25 A. No, I did not. The distance was -- the

1 opposition to Callery Judge was extensive by hundreds
2 and hundreds of people and sometimes in the thousands of
3 people. And all of this thing about buses and attending
4 these meetings, that was just a mass effort by multiple
5 groups who were opposed to it from Wellington, from
6 Royal Palm Beach, the Acreage, et cetera, et cetera,
7 et cetera.

8 And I might have as I always do, I might have
9 agreed when I found that there was a bus that's going to
10 take people from point A to point B, I may have agreed
11 to reimburse somebody who advanced the money.

12 You used the word Dennis Lipp. Dennis Lipp
13 was not employed by me. So he might have paid it. And
14 I -- when I found out he paid it, I might have agreed to
15 reimburse him.

16 Q. Why would you have agreed to reimburse him?

17 A. Oh, I do it all the time. I pay for a lot of
18 things. It's who I am.

19 Q. Okay.

20 A. I am just -- I am just -- I pay for dinners,
21 I pay for anything. It's -- I don't like anybody to pay
22 for my -- for my food or my drinks. So whenever we are
23 anywhere, I am the first one who hands out my credit
24 card to pay for anything. So it's standard operating
25 procedure on my part to take care of bills.

1 Q. Okay. And did you pay for the T-shirts
2 that --

3 A. No, I don't remember -- I don't remember
4 paying. I think I was asked that question. I don't
5 remember anything -- I don't -- I don't remember
6 anything to do with T-shirts. Somebody might have done
7 the T-shirt stuff without my knowledge. And who paid
8 for it, I don't know who paid for it. I really don't.

9 Q. Okay.

10 A. But, again, I have no problem in paying for
11 things. I pay for several bus loads of people from the
12 Glades before Christmas. And when they arrive at the
13 Wal-Mart, I hand them \$200 checks. So it's -- it's just
14 the way I am. So paying for things is just the norm.

15 Q. When Dennis Lipp testified and you were
16 there, he said that you reimbursed him for the T-shirts
17 that said, "Say No to 10,000 Homes."

18 A. Yeah, like I said, I already answered -- I
19 already told you, I had nothing to do with T-shirts.
20 Somebody might have had something to do with T-shirts.
21 If I did, if somebody asked me to pay for something, I
22 have no problem. If I did, I did. If he says I
23 reimbursed him, I did. But I had nothing to do with
24 organizing anything.

25 Q. Okay. Would you have paid for the bus if the

1 people were coming to support the Callery Groves?

2 A. No. No, I wouldn't pay for it for somebody
3 to support something I'm against.

4 Q. Okay. If you turn to Page 3.

5 A. (Witness complies.)

6 Q. At the top of the page is Number 6,
7 Exhibit 6. And it says procurement. Do you see that?

8 A. Uh-huh. Yes.

9 Q. And it asks whether you followed the Palm
10 Beach County procurement procedures in ordering business
11 cards from Print-It Plus.

12 A. There's no such thing as -- there's no
13 such -- I am not aware of an ordering procedure for
14 ordering business cards because I paid for it. I paid
15 for those cards with my personal money.

16 Q. Okay.

17 A. I don't need permission or any procedure from
18 anybody for ordering a business card.

19 Q. Okay. If you turn to Page 71, it appears a
20 copy of a business card for Mr. Dennis C. Lipp.

21 A. Okay.

22 Q. Is that the business card that we're talking
23 about?

24 MR. MARIANI: Objection, form.

25 THE WITNESS: Probably. Probably. I don't

1 know for sure. I don't know where you got this
2 from. But if it is -- if it is, it is.

3 BY MS. KITTERMAN:

4 Q. Okay. Did you approve Mr. Lipp to order
5 these business cards?

6 A. If this is the card that you say you got from
7 him, I don't know where you got it from. But --

8 Q. Okay.

9 A. -- then I would have obviously approved the
10 contents of the card if that's what you're going to
11 drive at. I approved the contents of the card.

12 Q. Okay. To me, and you can read it for
13 yourself, the top of the exhibit, it appears to be an
14 e-mail to Dennis Lipp from a Mary Miller at
15 Print-It Plus.

16 A. Yes.

17 Q. Do you know Mary Miller?

18 A. No, I don't.

19 Q. Okay. Do you know a printing company called
20 Print-It Plus?

21 A. Yes.

22 Q. How do you know them?

23 A. I use them myself.

24 Q. Do you? Okay. Do you know whether Dennis
25 Lipman -- I'm sorry, Lipp, would have used Print-It Plus

1 for his cards as well?

2 A. I would have directed him to go there.

3 Q. Okay. Do you know if Mr. Lipp had permission
4 from the County to use the County logo?

5 A. Don't need permission. I gave him the
6 permission to use the County logo. He works for me and
7 I have -- I gave him the permission to use this.
8 There's absolutely no reason why he needs anybody's
9 permission to use the County logo when he's employed by
10 me doing County work.

11 Q. Okay. Did you give him the title executive
12 assistant?

13 A. Yes, I did because he is my executive
14 assistant. He is my senior -- he is the man I rely on
15 to do my senior, whenever I need, the more important
16 functions, Dennis Lipp is my man. His salary is the
17 salary of a secretary. Those are two different things.

18 I don't care what the title of the -- in the
19 County records show, the salary, because that's all I
20 had to offer him. I only had that amount. The budget I
21 had is equivalent to a secretary's salary. But I have
22 the authority to call him executive assistant, CEO
23 assistant. I could call him what I want. That has
24 nothing to do with the fact that he's only earning the
25 equivalent of salary of a secretary. I authorized and I

1 gave -- I was the one who said, I want -- you are my
2 executive assistant.

3 Q. Okay. And do you recall that you paid for
4 these cards?

5 A. Yes, I sure do.

6 Q. Okay. Out of your own pocket?

7 A. Exactly.

8 Q. Okay. You kept saying that he is your
9 executive assistant.

10 A. Yes. He is my -- to me, he was my most
11 valuable assistant among all.

12 Q. Okay. He's not currently working with you,
13 is he?

14 A. No, he's not currently working.

15 Q. Okay. So when you're saying he is your
16 executive assistant --

17 A. Well, he was. He was.

18 Q. Okay. I just wanted to clarify that. When
19 he was working for you at the County Commission --

20 A. While he was working.

21 Q. Okay.

22 A. So that title, I gave him. And I feel I have
23 the authority to give my assistants whatever title I
24 want.

25 Q. And the second question under Exhibit 6 is

1 whether or not you followed the procurement procedures
2 when you hired a contractor to repair the Belle Glade
3 courthouse locks. Do you see that?

4 A. Yes, I see that.

5 Q. Do you recall what happened here?

6 A. Absolutely.

7 Q. What happened?

8 MR. MARIANI: Objection, form.

9 THE WITNESS: What happened was -- what
10 happened was Judge Peter Blanc asked for my help in
11 getting more security -- to secure the building in
12 the Belle Glade courthouse. So I met with him
13 there and we looked at the -- he explained to me
14 why the employees and the judges felt insecure.

15 So I had asked our facilities department who
16 provides building improvements to do that. And
17 they said that they already knew about that and
18 that, no, because they were building a new building
19 for the courthouse, they were not going to spend
20 any money anymore.

21 So as a result, my usual -- in my usual
22 manner always wanting to do what I can for people,
23 I felt the one thing that I could afford to help
24 them out is to provide them locks, to provide them
25 proper locks in the different areas.

1 So I voluntarily offered them to pay for
2 locks. And I then asked the permission of
3 Bob Weisman what I needed to do to get the
4 locksmith approved by the County and inspected by
5 the County to make sure that everything was done
6 properly.

7 So I merely volunteered to pay for additional
8 safety measures to protect our judges and employees
9 for the judges. The same way I felt sorry for Andy
10 and offered him \$4,000 for his expenses, the same
11 thing -- nobody asked me, I voluntarily said I'll
12 take care.

13 And I -- since the County would not pay for
14 the locks, I voluntarily wanted to help the Judge,
15 wanted to help the employees. So I hired, but I
16 did go through all of the procedures through
17 Bob Weisman.

18 BY MS. KITTERMAN:

19 Q. Okay.

20 A. That's more distortion right there.

21 Q. So you followed the procurement procedures?

22 A. I followed all of the necessary procedures,
23 got all the approvals. They checked on the installer of
24 the locks. The locks were checked, everything was
25 checked. That's why I keep on saying there is so much

1 distortion and misleading information in this 118 pages,
2 it's outrageous.

3 Q. Okay. Do you know who Audrey Wolf is?

4 A. She is the head of facilities who does these
5 things.

6 Q. Okay. Did somebody coordinate with
7 Audrey Wolf the approval of your --

8 A. Yes.

9 Q. -- let me finish.

10 A. Through Bob Weisman.

11 Q. The approval of your independent contractor?

12 A. Yes, through Bob Weisman.

13 Q. Was that approved prior to the locks being
14 installed?

15 A. Yes.

16 Q. Did you have some type of --

17 A. Everything was done according to County
18 procedures through Bob Weisman.

19 Q. Did you have something in writing from
20 Bob Weisman saying that you were approved?

21 MR. MARIANI: Objection, form.

22 THE WITNESS: That is something you'll have
23 to go to Bob Weisman. I have whatever Bob --
24 what's required. That question should go to
25 Bob Weisman. I did everything I was told to do

1 through Bob Weisman.

2 BY MS. KITTERMAN:

3 Q. But do you recall if you had any document?

4 A. I recall I did everything according to the
5 rules.

6 Q. To the rules or to Bob Weisman?

7 A. To what I was told to do.

8 Q. Back on Page 3, I'm going to skip Number 7
9 for a minute because we have a lot to talk about with
10 regard to that. So let's go to Number 8; okay?
11 Exhibit 8, it says, "Santamaria soliciting signatures
12 for candidates and petitions at County forum."

13 Did I read that correctly?

14 A. I'm reading what you -- I presume you read it
15 correctly. You read as good as I do.

16 Q. Okay. Do you recall what this is referring
17 to?

18 A. Whatever it is referring to, I -- I did not
19 instruct anybody to do anything at that -- at that
20 forum.

21 Q. Okay.

22 A. Whoever did it, did it on his or her own
23 without my knowledge.

24 Q. Okay. Well, when you're saying at that
25 County forum, we're talking about the April 21st, 2010?

1 A. Whatever -- of course, I don't remember. But
2 whatever -- whatever occurred there that had to do with
3 campaign workers, I did not direct anybody to do
4 anything during that April 21st community forum.

5 Q. Okay. Were petitions handed out at your
6 community forum?

7 A. I don't know because I wasn't involved.

8 Q. Okay. Do you know whether --

9 A. I didn't know until this thing came up.

10 Q. Do you know whether petitions were at the
11 sign-in table?

12 A. No, I don't know.

13 Q. You don't know.

14 A. No.

15 Q. So that could be correct, you just don't
16 know?

17 MR. MARIANI: Objection, form, calls for
18 speculation.

19 THE WITNESS: I don't know because I don't --
20 I don't direct anybody to do anything during my
21 county forums unless it has to do with -- during
22 the community forum, community forum. All I'm
23 interested in is that the agenda of the forum is
24 followed. I set the agenda and I usually just
25 arrive before the meeting starts and I go straight

1 to the front and I get ready for the meeting to
2 start.

3 BY MS. KITTERMAN:

4 Q. Had you seen somebody passing out petitions,
5 would you ask them to stop?

6 MR. MARIANI: Objection, form.

7 THE WITNESS: If it was not proper, yes.

8 BY MS. KITTERMAN:

9 Q. Do you know whether it was proper?

10 MR. MARIANI: Objection, form.

11 THE WITNESS: I don't know.

12 BY MS. KITTERMAN:

13 Q. All right. Let's turn to Page 4. It's
14 Exhibit 4 -- I mean Exhibit 9. It states, "Staff
15 involvement in Santamaria reelection campaign."

16 Did I read that correctly?

17 A. I read it as well as you do.

18 Q. That's what it says?

19 A. It seems to be what it says.

20 Q. Okay. And the question is whether
21 Dennis Lipp was working on political campaign during his
22 employment hours and using the County's equipment. And
23 we're back to whether or not he asked his -- when I say
24 he, I mean Dennis Lipp -- asked his wife to print out
25 your petitions while he was working.

1 A. Uh-huh.

2 Q. Do you know whether he did that?

3 A. No, I don't.

4 Q. Okay. Would you have instructed him to print
5 out petitions?

6 A. No.

7 Q. Okay. Why would he have instructed somebody
8 to print out petitions for you?

9 A. I don't know. You'd have to ask him.

10 Q. And you said earlier he did not work on your
11 campaign; correct?

12 A. No, he did not.

13 Q. Okay. So if he wasn't working on your
14 campaign, why would he be, if you know, asking someone
15 to print out petitions for you?

16 A. Must have done it on his own.

17 Q. Okay.

18 A. I had all of the workers I need as volunteers
19 and my campaign manager, who was paid.

20 Q. Okay. And the second inquiry under Exhibit 9
21 asks whether Johnnie Easton was working on a political
22 campaign during her County employee hours and using the
23 County equipment. And that is related, again, to the
24 e-mail that she had sent to Richard Giorgio of the
25 Patriots Game and to Jermaine Webb with regard to that

1 funding project.

2 A. Okay.

3 Q. Right?

4 MR. MARIANI: Objection to form.

5 THE WITNESS: Okay. What is the question?

6 BY MS. KITTERMAN:

7 Q. The question is: Did she do that during her
8 employment hours?

9 A. No.

10 Q. When did she do that?

11 A. She was told to do it during her break --

12 Q. Okay.

13 A. -- because it would have taken five seconds
14 of her time.

15 Q. When is her break?

16 A. Usually from 12:00 to 1:00.

17 Q. Okay. What are her working hours?

18 A. Usually from 8:00 to 12:00 and then from 1:00
19 to 5:00.

20 Q. Does she have any other breaks?

21 A. But it could be anything. It doesn't have --
22 those are the typical working hours, but it could be
23 other working hours. They are allowed compensatory
24 time.

25 For example, when they attend my community

1 forums, they're allowed the following Friday to take the
2 same amount of time that they were in the forum to take
3 out after lunch. So if they had three hours at my
4 community forum, then they could take three hours in the
5 afternoon of the following Friday. So I had all of them
6 to switch time spent at the forum for time off the
7 following Friday.

8 Q. Okay. And Number 10, says Exhibit 10,
9 Dennis Lipp, Loxahatchee Groves involvement. And it
10 appears that this request is asking whether Mr. Lipp was
11 working on his duties for the Town of Loxahatchee Groves
12 during his County employment hours using County
13 equipment to do so. Do you know whether he was doing
14 that?

15 A. I did not know until -- until this came out
16 because I would have told him not to do so. I do not
17 want my employees to use equipment, time, company. But
18 supposedly -- supposedly, I found out later on that
19 they're allowed to use the equipment during off hours,
20 you know, their lunch time or after 5:00 or 7 o'clock if
21 they come early.

22 Q. Uh-huh.

23 A. They're supposedly allowed. I discouraged
24 that. I discouraged using any equipment even it's
25 before or after work or even if it's lunch time. I

1 discourage it. But, supposedly, it's allowed. But I
2 don't allow it in my private office.

3 Q. Okay. Do you know whether he did it during
4 his working hours?

5 A. I didn't -- no, it wasn't during his working
6 hours. As he explained, he had plenty of comp time. So
7 he used it during his comp time. That's what he says.

8 Q. Right.

9 A. But at the time that he did, I did not know.

10 Q. Because you would not have condoned it?

11 A. I would have encouraged him not to do it. I
12 would not have condoned it on regular work hours, but I
13 would have discouraged him to do it even at lunch breaks
14 or before 7:00 or after 5:00.

15 Q. Okay. But it was okay for Johnnie Easton to
16 send an e-mail using County equipment during her break
17 for your election?

18 A. Only because it would have taken no more than
19 five seconds to flick a button and get it out.

20 Q. Just getting back now quickly to the
21 petitions that were brought to your County forum.

22 MR. MARIANI: Objection, form.

23 BY MS. KITTERMAN:

24 Q. Did you ever ask your wife --

25 A. Where are we?

1 Q. Back on Page 3, Number 8.

2 A. Uh-huh. Back on Page 3. Okay.

3 Q. Did you ever ask your wife to hand out
4 petitions at one of your County forums?

5 A. No, I did not.

6 Q. Okay. Do you know that she testified that
7 you did ask her to do that?

8 A. No, I did not know that.

9 Q. Would you say that she was incorrect?

10 A. I don't remember that she would have been
11 incorrect, but I would not have wanted her to do it.
12 She might -- she may have herself forgotten if she had
13 gotten it, me to ask her or if she did it on her own.
14 The answer to that is she might have done it on her own,
15 her own recollection might not be accurate. But my
16 feeling is that I would not have wanted her to do it.

17 Q. Do you know whether she was doing it?

18 A. No, I don't.

19 Q. Okay. All right. Let's go to now Number 7,
20 Exhibit Number 7. And this is relating to does
21 Jess Santamaria have a felony record; right?

22 MR. MARIANI: Objection, form.

23 THE WITNESS: Uh-huh.

24 BY MS. KITTERMAN:

25 Q. That's what -- you said uh-huh. That's what

1 it says?

2 MR. MARIANI: Objection, form.

3 BY MS. KITTERMAN:

4 Q. Can you read Number 7 for me?

5 A. "Does Jess Santamaria have a felony record?"

6 Q. Okay.

7 A. Exhibit 7. Type JUD, date 5/17/1991,
8 08:55:34, CFN: 19910138144, Book Type: Zero. Page
9 6825/1434. Pages: One. Consideration, zero dollars.

10 Q. And if you turn to Page 76, what does it say
11 at the top?

12 A. "Defendant record for Jesus R. Santamaria."

13 Q. Okay. And the felony record, whose name is
14 on it?

15 A. Jesus R. Santamaria.

16 Q. Okay. And then underneath felony record for
17 Jesus R. Santamaria, what does it say?

18 A. "Does Jess Santamaria have a felony record?"

19 Q. Does Jess Santamaria have a felony record?

20 MR. MARIANI: Objection, form.

21 BY MS. KITTERMAN:

22 Q. Would you read that again?

23 A. Yeah, I'm reading it again. And anybody who
24 reads it would really -- would be either surprised,
25 shocked, or inquisitive to see something like that

1 because especially when it's embedded with other
2 documents that specifically relate to Jess R.
3 Santamaria, who was lived in Palm Beach County for
4 38 years, who lives in 255 Ponderosa Court, Royal Palm
5 Beach, somebody who would see this -- people who see
6 this for the first time, some would be shocked, some
7 would be wondering how could this be possible.

8 The conclusion would be that it's the same
9 person that's being accused of multiple abuse of
10 power --

11 Q. Okay.

12 A. Somebody who is being abused of power of
13 118 pages, and this is one of the 118 pages, most people
14 would say, boy, is Jess Santamaria -- Jess Santamaria a
15 felon? Son of a gun.

16 Q. Who is abusing power?

17 MR. MARIANI: Objection to the form.

18 THE WITNESS: The way -- who is abusing
19 power?

20 BY MS. KITTERMAN:

21 Q. Yes. You just said that you read through
22 this as abusing power.

23 A. These accusations are tantamount to
24 accusations that's I abused my power as a
25 County Commissioner. All of these 118 pages --

1 Q. Okay. I was confused that's what you're
2 referring to.

3 A. All of these 118 pages are making accusations
4 that Jess Santamaria, County Commissioner, is abusing
5 his power. All kinds of improprieties in government.

6 Q. Okay.

7 A. And then you read that he's a felon.

8 Q. We're going to get to that. We're going to
9 get to that.

10 You just said that this request for inquiry,
11 this 118 pages is referring to Jess Santamaria as
12 County Commissioner. Is that what you just said?

13 MR. MARIANI: Objection, form.

14 THE WITNESS: 118 pages pertain to improper
15 activities of Jess Santamaria as a
16 County Commissioner.

17 BY MS. KITTERMAN:

18 Q. Okay. And the felony record that is
19 contained on Page 76, is there anywhere on that document
20 that has any identifying information to let us know that
21 it is not related to you?

22 MR. MARIANI: Objection to form.

23 BY MS. KITTERMAN:

24 Q. On Page 76.

25 A. What's the question?

1 Q. Is there anything on that document that
2 indicates it's not related to you?

3 A. That it's not related?

4 Q. Yes. Is there a birth date on there?

5 A. Is there a birth date?

6 Q. Yes.

7 MR. MARIANI: Objection to form.

8 THE WITNESS: I don't know. Let me look.

9 BY MS. KITTERMAN:

10 Q. Go ahead and look at it.

11 A. You want me to read the rest of the document
12 now?

13 Q. Yes, I want you to look at the entire
14 document.

15 A. I don't see the date of birth.

16 Q. Okay.

17 A. I don't see the date of birth.

18 Q. Neither do I.

19 Do you see any driver's license number on
20 that record?

21 A. I couldn't -- I don't see it, nor would I
22 have looked for it. I wouldn't have looked for it with
23 looking at it the first time. Do I see a driver's
24 license? I don't see a driver's license.

25 Q. Okay.

1 A. I have --

2 Q. Do you see a Social Security number --

3 A. No.

4 Q. -- on that document?

5 A. I never attempted to look at the Social

6 Security number. And right now, I don't immediately see

7 it.

8 Q. Okay. So do you see anything on that

9 document that basically identifies that this is not

10 Jess Santamaria?

11 A. Again, I'm going to ask, basically, myself as

12 a reader and anybody who reads this that sees it as one

13 of the 118 pages will -- first impression is

14 Jess Santamaria was a convicted felon --

15 Q. No.

16 A. -- sometime in the past.

17 Q. That was not my question.

18 A. Well, that's still my answer.

19 Q. No, but it wasn't my question. My question

20 was on this actual felony record, this felony judgment.

21 A. Yeah.

22 Q. How do we know that it was not you?

23 MR. MARIANI: Objection, form.

24 THE WITNESS: How do we know -- how do we

25 know? I don't know how you'd know. All I can tell

1 you is how I react and I would expect most
2 everybody to react reading something like this.

3 BY MS. KITTERMAN:

4 Q. Well, that's not what I asked you.

5 A. Well, I don't know how else I can answer you
6 because that's the only answer I know.

7 Q. I'm asking you if there is anything on this
8 document that has any type of personal identification so
9 that when Mr. Schaller put it in here, he knew it wasn't
10 you. Is there anything on that document that indicates
11 that that is not you?

12 MR. MARIANI: Objection, form.

13 THE WITNESS: I have no idea what he was
14 thinking when he saw this.

15 BY MS. KITTERMAN:

16 Q. I understand that.

17 A. I have no idea.

18 Q. I'm asking you if there is anything on this
19 document that identifies that it is not you?

20 A. I have no answer for your question because I
21 don't really -- I don't know what you're trying to make
22 me say. But all I can say is what I get out of this
23 document.

24 Q. That's not what I'm asking you.

25 A. I don't see a Social Security number, I don't

1 see a date of birth. You're trying to make me say
2 something, but I don't know what it is you're trying to
3 make me say.

4 Q. I'm just trying to ask you if there is
5 anything that shows on that felony judgment that
6 identified that it is not you?

7 A. That it is not me?

8 Q. Yes.

9 A. I don't know. I don't know. I don't know.

10 Q. Okay.

11 A. All I know is it's shocking to insert it with
12 other things that refer to me. So this obviously refers
13 to me.

14 Q. Well, I think we're trying to find out if
15 that is you. Is there anything on there that identifies
16 that it's not you?

17 MR. MARIANI: Objection to the form.

18 THE WITNESS: If you -- you're trying to make
19 me say something and --

20 BY MS. KITTERMAN:

21 Q. I'm trying to ask you a question and I'm
22 trying to get you to answer.

23 A. I'm trying to give you an honest answer. The
24 honest answer is what I've already given you.

25 Q. That you don't know?

1 A. I don't know what you're driving at.

2 Q. Okay. I don't see anything on that felony
3 judgment that identifies whether or not that is related
4 to you; okay?

5 A. Okay.

6 MR. MARIANI: Objection, form.

7 BY MS. KITTERMAN:

8 Q. That's my question to you.

9 A. Then you'll have to tell it to the court of
10 law.

11 Q. That's my question to you, whether there is
12 something on there. That's all I'm asking.

13 A. I don't --

14 Q. Is there something on this judgment that
15 identifies that it is not you right here? That's all.

16 MR. MARIANI: Objection, form, asked and
17 answered.

18 THE WITNESS: I have nothing more to say.

19 BY MS. KITTERMAN:

20 Q. You don't know?

21 MR. MARIANI: Objection, form.

22 THE WITNESS: I don't know -- I don't know
23 any other way to answer you than what I've already
24 answered you.

25

1 BY MS. KITTERMAN:

2 Q. Okay. If you turn to Page 9 of the request
3 for -- uh-huh.

4 A. (Witness complies.)

5 Q. Do you know what that is, Page 9?

6 A. It's an invoice to Andy Schaller, public
7 records request, 8/31/10 for various records from
8 Commissioner Jess Santamaria, District 6.

9 Q. Okay. And what's the date of the invoice?

10 A. September 7th, 2010.

11 Q. Okay. Does the County provide the documents
12 at the time that the person pays for the invoice for the
13 public records request?

14 A. I don't know what the procedure is.

15 Q. Okay. And I think we stated earlier that
16 this request for inquiry was handed out on
17 September 13th --

18 A. Uh-huh.

19 Q. -- correct? Six days later?

20 A. Thirteen followed seven. Okay.

21 Q. Six days later?

22 A. Uh-huh.

23 Q. Yes?

24 MR. MARIANI: Objection, form.

25 THE WITNESS: Thirteen minus seven equals

1 six.

2 BY MS. KITTERMAN:

3 Q. Right. After September 13th, 2010, after
4 this request for inquiry was published, did you ever
5 talk to Mr. Schaller and tell him that the felony record
6 in here was not related to you?

7 A. No.

8 Q. Why not?

9 A. I have no interest in talking to him again.

10 Q. Did you ever ask anybody to tell him it
11 wasn't you?

12 A. No.

13 Q. Why not?

14 A. I have no interest in dealing with him at all
15 because all of my dealings with him were very
16 unfortunate. So I really wanted to be completely -- I
17 didn't want to have anything to do with Andy Schaller
18 from then on.

19 Q. Okay. Did you ever ask him to make a
20 retraction to say this felony judgment is not related to
21 Jess Santamaria?

22 A. No, I did not want to see him. Actually, I
23 didn't want to see him.

24 Q. Did you ever ask --

25 A. I didn't want to see him, I didn't want to

1 talk to him.

2 Q. Did you ever ask anybody --

3 A. Excuse me, because I was so outraged, I was
4 out outraged by this that I wanted nothing to do with
5 him except meeting him in a court of law.

6 Q. And when you say this, you were so outraged
7 by this, what are you referring to?

8 A. The 118 pages of distortions.

9 Q. The entire --

10 A. The entire, it was an outrage.

11 Q. Okay. Did you ever ask anybody to have
12 Mr. Schaller retract the felony judgment?

13 A. No.

14 Q. Okay. After September 13th, did you ever
15 tell anyone that Andy Schaller would get his payback
16 after the election was over?

17 A. No. I did tell people he was going to meet
18 me in court.

19 Q. What did you say?

20 A. He would have to meet me in court.

21 Q. Why?

22 A. For libel.

23 Q. For what?

24 A. For the felony charge.

25 Q. The one he was trying to ascertain whether it

1 related to you?

2 MR. MARIANI: Objection to form.

3 THE WITNESS: Yes.

4 BY MS. KITTERMAN:

5 Q. Have you ever called Mr. Schaller a scorned
6 lover?

7 A. I have used that expression. I've used that
8 expression. And the basis for that is he got so much
9 attention -- he got so much attention from me and from
10 everybody to get his road approved, that I think when
11 that approval was denied, he acted like somebody who was
12 scorned.

13 So that's one of the things I couldn't
14 understand. He got so much cooperation and attention --
15 actually, by all commissioners. All commissioners tried
16 to help him get that Fargo Road paved. So that was the
17 concept that I -- I did use that phrase. And that
18 phrase is connected to somebody who has been loved by
19 all of the commissioners trying to help him get what he
20 wanted, and then when he -- when that approval was later
21 denied, he must have felt that he was a scorned lover.

22 So that's the -- that's the concept that I
23 had in my mind. He must have been hurt because why was
24 I denied the paved road? Why -- they no longer love me?
25 So that's where the phrase -- the origin of the phrase

1 was based on that.

2 Q. Did you ever have a sexual relationship with
3 Mr. Schaller?

4 A. Of course not. It had nothing to do with
5 sex.

6 Q. Okay.

7 A. It had to do with attention, that he got so
8 much attention and then he -- that attention was denied,
9 or he interpreted it as a denial of the attention.

10 Q. Do you think that calling Mr. Schaller a
11 scorned lover cast him in a favorable light?

12 A. Again, it explained his disappointment at
13 getting what he wanted and then being taken away from
14 him.

15 Q. Who took it away from him?

16 A. I guess he assumed the commissioners took it
17 away because the commissioners gave it to him and then
18 took it back.

19 Q. Have you called Mr. --

20 A. That was it. That was it. That was
21 basically the concept, that he got something and then it
22 was taken away.

23 Q. Have you called Mr. Schaller any other names?

24 MR. MARIANI: Objection, form.

25 THE WITNESS: Have I called him any other

1 names. Like what?

2 BY MS. KITTERMAN:

3 Q. Have you ever called him a lunatic?

4 A. I did use that. I did use that because I --
5 I did use the word lunatic because somebody has to be
6 somewhat, somewhat mentally unstable because of -- he --
7 I already went through this exercise with you
8 yesterday -- or Sunday, and I'm going to say it again
9 today. I will never understand how he had all my
10 support and assistance in getting his project approved,
11 and then he turned against me the way that he did.

12 So the word lunatic is based on the fact that
13 it's unexplainable how somebody could get so much help
14 from someone, and I never did anything to harm him. And
15 then he -- he did a lot to harm me. So I could never
16 understand that. And it would be only somebody whose
17 mind was a Jekyll and Hyde mind.

18 And that's why I used the word Jekyll and
19 Hyde, that's why I used the word scorned lover, and
20 that's why I used the word lunatic because how on earth
21 can somebody give you so much help and assistance, give
22 you \$4,000 that I didn't -- I certainly had no
23 obligation to give him a penny -- and then turn against
24 me the way he did. It's just unexplainable unless, you
25 know, he needs a psychologist to help him out.

1 Q. So have you called him insane?

2 MR. MARIANI: Objection, form.

3 THE WITNESS: Again, I have used those words.

4 It has to be insane for him -- again, you're asking
5 me to repeat the same thing over and over again, I
6 will.

7 BY MS. KITTERMAN:

8 Q. You can just say yes or no.

9 A. I am saying that I have used those terms
10 because there is no explanation for what he did to me.

11 Q. Have you ever called him a manic?

12 A. What?

13 Q. Manic?

14 A. No, I never heard of that name.

15 Q. Have you ever said that he is hallucinating?

16 A. Yes.

17 Q. Have you ever called him an idiot?

18 A. I don't recall my using that word because
19 that's not the word that I have -- the word lunatic, the
20 word insane, the word scorned lover, all has to do with
21 somebody who got so much help from me and he repaid me
22 with viciousness, malice, that's unexplainable.

23 And I've said this already a few times to you
24 and if you want me to keep on repeating, I will keep on
25 repeating it. Yes, I've used those words and I am

1 explaining the background why I used those words.

2 There's no explanation for what he did to me.

3 Q. Okay.

4 A. Unless -- unless his mind is Jekyll and Hyde.

5 Q. And you keep saying there's no explanation
6 for what he did to you.

7 A. Right, malice.

8 Q. What are you talking about?

9 A. The 118 pages is just malice.

10 Q. This request for inquiry that we just briefly
11 went through?

12 A. Yes, all of that is just outrageous, an
13 outrage.

14 Q. Okay. I think we discussed earlier about you
15 holding yourself out as a government watchdog; right?

16 A. Yes. I cannot tolerate injustice or abuse of
17 power, people taking advantage of the little guy. I
18 feel I have to help out in rectifying the powerful
19 people that take advantage of the weaker people. So I
20 just cannot tolerate it.

21 Maybe -- maybe it's because my father was a
22 judge and he also tended to correct injustice. So maybe
23 I'm just following in my father's footsteps, who was a
24 judge. And he corrected a lot of wrongs.

25 Q. Have you said people are -- open the doors

1 and let the sun shine in?

2 A. Yes.

3 Q. Everybody can investigate me?

4 A. Yes.

5 Q. That nobody should be afraid of the ethics
6 inquiries, it's not a problem, it's painless?

7 A. It doesn't -- it's painless, yes, I said all
8 that.

9 Q. And when you -- in the past, we've talked
10 about seven different lawsuits that you had against the
11 government. When you weren't happy with the mayor or
12 somebody within the government, you sued them; right?

13 MR. MARIANI: Objection, form.

14 THE WITNESS: Yes.

15 BY MS. KITTERMAN:

16 Q. Okay. You didn't prepare a request for
17 inquiry, you weren't asking the government some
18 questions; right?

19 MR. MARIANI: Objection, form.

20 THE WITNESS: I already new the facts, they
21 were wrong.

22 BY MS. KITTERMAN:

23 Q. Right.

24 A. I already had the facts before. Before I
25 sued anybody, I had the facts. I did my research

1 already.

2 Q. Okay.

3 A. I already did my research. I knew that the
4 other party had committed the wrongful act.

5 Q. Okay. And how would you gather those facts?

6 A. By the evidence. I had evidence. I had
7 evidence. Each one was true facts and it was all proven
8 in a court of law. So I proved those in a court of law.

9 See, all of these 118 pages have already been
10 investigated and there's nothing.

11 Q. So if this were on your foot and you believed
12 these things that were raised in the request for
13 inquiry, would you have sued the government?

14 MR. MARIANI: Objection, form.

15 THE WITNESS: No, because these were all
16 false. These were all manipulated to make them
17 appear to be wrong. These were -- these were
18 actually intentional acts to distort the facts
19 or -- yeah, the way these were worked on, this was
20 distortion. That's why I use distortion.

21 BY MS. KITTERMAN:

22 Q. Okay. We just went through the request for
23 inquiry and I think that you admitted several of these
24 were actually true.

25 MR. MARIANI: Objection, form.

1 THE WITNESS: Yes. You start with something
2 that is somewhat true and then you twist it and you
3 turn it and you massage it to arrive at the wrong
4 conclusion. But the act -- the act itself, there
5 wasn't wrong with the -- there was nothing wrong
6 with the calling card of Dennis Lipp. The logo was
7 right and proper, the executive assistant was right
8 and proper.

9 It was made to appear as if there was a wrong
10 done, but it was right. It was paid by me. The
11 same thing with the judge's locks in Belle Glade.
12 There was nothing wrong with it, but it was twisted
13 and turned to make it appear that there was
14 something wrong.

15 BY MS. KITTERMAN:

16 Q. In your opinion there was nothing wrong.

17 MR. MARIANI: Objection, form.

18 THE WITNESS: There really was nothing wrong.

19 BY MS. KITTERMAN:

20 Q. Excuse me?

21 A. There really -- the three agencies confirmed
22 there was nothing wrong.

23 Q. Okay. I'm going to get to that in one
24 second.

25 After you got this request for inquiry, did

1 you have breakfast with Michael McAuliffe to discuss it?

2 A. No.

3 Q. You never did?

4 A. No. I had breakfast with Michael McAuliffe
5 right after he got elected. He was elected in November,
6 he took office in January. And I -- it was nothing to
7 do with this at all. The breakfast I had with
8 Michael McAuliffe had to do with the Grand Jury.

9 He took me to breakfast. He took me to
10 breakfast to ask me to volunteer to the Grand Jury that
11 eventually led to the Inspector General. I don't know
12 how you're connecting that. I never had any other
13 breakfast with him. So I don't know where you get your
14 information.

15 Q. Just one breakfast?

16 A. That's it.

17 Q. Okay.

18 A. That's it. So your source of information is
19 also distorted and misleading. Somebody is misleading
20 you.

21 Q. Maybe. But I'm asking you questions.

22 A. But Michael McAuliffe had nothing to do with
23 these 118 pages at all.

24 Q. Well, I know he didn't have anything to do
25 with it. But I'm asking you --

1 A. No, the breakfast you're talking about had
2 nothing to do with this 100 -- this was done after his
3 election. He invited me to breakfast. He paid for the
4 breakfast to tell me, please volunteer to testify before
5 a Grand Jury to investigate corruption county.

6 Q. Okay.

7 A. So you're -- you're the one whose really --

8 Q. I'm asking you a question.

9 A. Yes.

10 Q. Did you ever speak to Mr. McAuliffe about the
11 request for inquiry?

12 A. No.

13 Q. Okay. Who is the Inspector General?

14 A. Sheryl Steckler.

15 Q. Did you know her prior to her becoming the
16 Inspector General?

17 A. No.

18 Q. How did you first come to meet her?

19 A. When she came to my office to investigate me.
20 Actually, her investigator came to my office and
21 investigated all of my assistants and then investigated
22 me. And then she followed after -- after -- I don't
23 know how many times the investigator had -- the
24 investigator had gotten testimony from all of my three
25 assistants and maybe other people as well.

1 So after she got all of this information, she
2 then came to go over it in my office.

3 Q. Okay. Who did you originally meet with?

4 A. I forget his name. But he was an -- one of
5 the original investigators. I don't remember his name
6 at the moment. But there was a male investigator. I
7 don't remember. I can probably get it from my records
8 in the office.

9 Q. Okay. So the first investigator that you met
10 with was a male person?

11 A. Yes.

12 Q. Okay. Do you recall what you discussed at
13 that first meeting?

14 A. Everything. Everything. Everything. I
15 don't even know. I don't recall. There was so much.
16 He checked on me on just about everything.

17 Q. Okay. When you say just about everything --

18 A. A lot of stuff. A lot of stuff.

19 Q. Anything in specific?

20 A. A lot of stuff. He spent a lot of time with
21 Dennis Lipp, with Chuck, with Smiley, with everybody in
22 my office that he -- so he spent a lot of time. And
23 then he spent time with me.

24 Q. Who is Smiley?

25 A. Smiley is Johnnie.

1 Q. Okay.

2 A. Her nickname is Smiley, but she's Johnnie.
3 Her legal name is Johnnie.

4 Q. Okay. I wasn't sure who that was.

5 Okay. So you have the first meeting with the
6 male investigator. You talked about a lot of stuff, but
7 you're not familiar with what specifically.

8 A. I can't do that. All of this (indicating).

9 Q. Okay. What happened after you had a
10 discussion with that male investigator?

11 A. They must have prepared a report after that.
12 I don't know what happened after that.

13 Q. Okay. You had a follow-up meeting with a
14 male investigator, did you?

15 A. I don't know if I had more than one. I'm not
16 sure -- I probably did, but I don't remember. Any time
17 they wanted to meet with me, I was happy to meet with
18 them as long as they wanted to meet with me. Those are
19 things that I openly encourage. I encourage it. I tell
20 all my employees, all my assistants to cooperate fully.
21 And that's something that I fully...

22 Q. Okay. And you said that you did eventually
23 meet with Miss Sheryl Steckler?

24 A. Yes.

25 Q. When did you meet with her?

1 A. After I -- afterwards. Afterwards, I met
2 with her.

3 Q. After the report was printed or prior?

4 A. Prior.

5 Q. Okay. So what did you and Miss Steckler
6 discuss?

7 A. I guess the same thing, the same thing over
8 again.

9 Q. When you say the same thing, what are you
10 talking about?

11 A. Everything. I don't know exactly what, but a
12 lot of stuff throughout my testimony -- I mean
13 throughout his allegations.

14 Q. The request for inquiry?

15 A. Yeah.

16 Q. Okay. Did any of the investigation by the
17 Inspector General involve the felony judgment?

18 A. I believe that came up. That came up, yeah.

19 Q. They were investigating the felony judgment?

20 A. It was -- I don't know. I don't know what
21 they did. Usually, she -- only she knew that it wasn't
22 me. I don't know. We spoke about it. And, of course,
23 she was probably equally shocked about the -- that being
24 part of the 118 pages, I'm presuming. I'm presuming.

25 But we did discuss it. To what extent, I

1 don't recall. To what extent she investigated it
2 outside, you would have to ask her yourself.

3 Q. Okay. What did you discuss specifically
4 regarding the felony judgment?

5 A. I have -- I don't recall. All I know is it
6 came up.

7 Q. Okay.

8 A. I don't remember. I don't remember anything
9 other than we discussed a lot of things. We were very
10 open, we spent a lot of time. And I welcomed everybody
11 that wanted to investigate me.

12 Q. Okay. And what was the outcome?

13 A. Because that's the only way you can -- that's
14 the only way you can correct things is by investigation.
15 So I strongly encourage it. I strongly support it.
16 Investigations are good because, eventually, the truth
17 will come out.

18 Q. Okay. What was the outcome of the
19 investigation by the Inspector General?

20 A. That I was cleared of everything except those
21 two things that I might have forgotten to -- I don't
22 remember now. I forgot to put -- or I intentionally
23 didn't put because I didn't feel I had to in my
24 pocketbook and in my calendar because I never thought
25 there was a need correlate the two pieces.

1 Q. Okay.

2 MS. KITTERMAN: I'm going to mark this as --

3 THE WITNESS: So I was cleared of everything
4 by everybody.

5 MS. KITTERMAN: I'm going to mark this as 19.

6 (Defendant's Exhibit 19 was marked for
7 identification.)

8 THE WITNESS: So I don't know. I would be
9 very embarrassed if I -- sorry.

10 MS. KITTERMAN: Hold on. Hold on.

11 BY MS. KITTERMAN:

12 Q. Okay. Take a look at this and let me know if
13 you recognize it, this document.

14 A. I presume it's the report of Miss Steckler.

15 Q. How do you presume that it is?

16 A. It says so.

17 Q. Okay.

18 A. Palm Beach County, Office of the
19 Inspector General, Report of Investigation, Case Number
20 2010-0009. Sheryl Steckler, Inspector General.
21 Political candidate, Andrew Schaller.

22 Q. You don't have to read it.

23 Do you recognize this document?

24 A. I presume it's the same document I read
25 sometime back.

1 Q. Okay. Did you have an opportunity to review
2 this document prior to it being published?

3 A. Yes. Yes. She did want me to review it and
4 give my comments.

5 Q. And what were your comments?

6 A. I disagreed with the, with the need to
7 correlate the pocketbook with the -- with the electronic
8 calendar.

9 Q. Anything else?

10 A. I don't know. I don't remember. I don't
11 know what else there might have been.

12 Q. Did you have any input in the drafting of the
13 report?

14 A. No.

15 Q. Did she send you a rough draft before?

16 A. No. There is no such thing as a rough draft.
17 There was a report and then she wanted to make comments
18 before it was finalized and I gave her my comments. So
19 you -- you should get that -- you should contact her
20 office and let her give you. I presume you already have
21 it.

22 So I have a response to her original draft,
23 which I got and gave her response because that's
24 supposed to be the procedure. You get the copy of what
25 is going to be formalized, but before it's formalized,

1 it's given to you, the accused party, a chance to
2 respond. And I did respond in writing. She has it and
3 you probably have it. And I gave my comments on it.

4 I thought she did a very good job, and I
5 argued against the correlation of the pocket calendar,
6 but I didn't want to oppose it. She gave me suggestions
7 and I followed her suggestions.

8 Q. Okay. Is the final report of investigation
9 substantially the same as the draft that she originally
10 sent to you?

11 A. Yes.

12 MR. MARIANI: Object.

13 BY MS. KITTERMAN:

14 Q. At the bottom underneath the background
15 title, it appears that -- it's stating that a review of
16 the exhibits revealed the following allegations under
17 the jurisdiction of the Inspector General. Do you see
18 that?

19 A. Yeah, I see that.

20 Q. Okay. So what were the exhibits that were
21 under the jurisdiction of the Inspector General?

22 MR. MARIANI: Objection, form.

23 THE WITNESS: What were the exhibits under?

24 BY MS. KITTERMAN:

25 Q. Under the jurisdiction of the

1 Inspector General?

2 A. I don't know. What do you mean? I don't
3 know.

4 Q. Pursuant to this report.

5 MR. MARIANI: Objection, form.

6 THE WITNESS: Again, what were the --

7 BY MS. KITTERMAN:

8 Q. Well, you said you can read it. You said we
9 can read the same, so...

10 MR. MARIANI: Objection, form.

11 BY MS. KITTERMAN:

12 Q. The last sentence says, "A review of the
13 exhibits revealed the following allegations under the
14 jurisdiction of the Inspector General."

15 MR. MARIANI: Objection, form.

16 BY MS. KITTERMAN:

17 Q. Do you see that?

18 A. No, I don't see that. Are you looking at the
19 last sentence?

20 Q. Right there (indicating). I can start at the
21 top if that's easier. "On September 23rd, 2010,
22 political candidate Andrew Schaller presented the Office
23 of Inspector General with a 118 page spiral bound
24 complaint which outlined ten exhibits illustrating or
25 questioning potential violations allegedly committed by

1 Commissioner Jess Santamaria and his staff. A review of
2 the exhibits revealed the following allegations under
3 the jurisdiction of the Inspector General."

4 Do you see that?

5 A. Yes. Okay.

6 Q. Okay. So what were those exhibits that were
7 under the Inspector General's jurisdiction pursuant to
8 this report?

9 MR. MARIANI: Objection, form.

10 THE WITNESS: Exhibit 3, destruction of
11 public records by Commissioner Santamaria.

12 BY MS. KITTERMAN:

13 Q. What else?

14 A. Exhibit 6, Commissioner Santamaria did not
15 follow the County procurement rules, using personal
16 funds and a noncertified locksmith to place locks on the
17 inside doors of the Belle Glade courtroom.

18 Exhibit 9, Commissioner Santamaria conducted
19 political activities utilizing County equipment during
20 County work hours. And Exhibit 10, misuse of the County
21 e-mail system by assistant Dennis Lipp. Okay.

22 Q. Were there any other exhibits that the
23 Inspector General was investigating?

24 MR. MARIANI: Objection, form.

25

1 BY MS. KITTERMAN:

2 Q. If you know.

3 A. I don't see it. No, I don't know. I
4 don't -- I don't know.

5 Q. Okay.

6 A. This is what she's outlining, one, two, three
7 and four.

8 Q. Okay. And on Page 2, it appears the matters
9 investigated. The first one is regarding your pocket
10 calendars.

11 A. Right.

12 Q. Correct?

13 A. Okay.

14 Q. Okay. And what was the finding of the
15 Inspector General?

16 A. It supported it would be a violation of
17 general records schedule GS1 SL Item Number 1890.

18 Q. Okay.

19 A. So this one just says the information
20 obtained supports the allegation.

21 Q. Okay. And then on Page 3, the next
22 investigation was with regard to the procurement process
23 procedure.

24 A. Yes.

25 Q. Is that correct?

1 A. Yep.

2 Q. And it states that the Inspector General
3 found that the information obtained did not support that
4 allegation. Is that your recollection?

5 A. My recollection. I don't remember if my
6 recollection -- am I supposed to look at the specific
7 item here? What are we referring to now?

8 Q. The matter investigated, Number 2.

9 A. Yeah. What am I supposed to read to tell you
10 whether I agree or not?

11 MR. MARIANI: Objection, form.

12 MS. KITTERMAN: You're objecting to his
13 statement?

14 MR. MARIANI: No, I'm objecting to your
15 question.

16 MS. KITTERMAN: What was my question that
17 you're objecting to?

18 MR. MARIANI: Because there is no foundation
19 for any of these questions.

20 MS. KITTERMAN: I didn't ask a question. You
21 just objected to his statement.

22 MR. MARIANI: No, I objected to your
23 question.

24 MS. KITTERMAN: Okay.

25

1 BY MS. KITTERMAN:

2 Q. Matter investigated, Number 2 on Page 3.

3 A. Page 3, Number 2.

4 Q. Yes.

5 A. I don't even see a Number 2. Oh, further
6 down, further down.

7 Q. Yes, at the bottom.

8 A. Okay. What about it? Commissioner
9 Santamaria did not follow --

10 MR. MARIANI: You don't have to read it,
11 Jess. Just wait for a question.

12 BY MS. KITTERMAN:

13 Q. Do you recall that?

14 MR. MARIANI: Objection, form.

15 BY MS. KITTERMAN:

16 A. Yes.

17 Q. Okay. And the Inspector General, what did
18 she find with regard to whether or not you followed the
19 County's procurement procedure?

20 A. That it does not support the allegation.

21 Q. Okay. And then on Page 5. The matter
22 investigated, Number 3, the third investigation. Did
23 the Inspector General look into whether or not your
24 County staff was conducting political activities using
25 County equipment?

1 MR. MARIANI: Objection, form.

2 THE WITNESS: Okay.

3 BY MS. KITTERMAN:

4 Q. Did they?

5 MR. MARIANI: Objection, form.

6 THE WITNESS: They did not.

7 BY MS. KITTERMAN:

8 Q. No, no, I'm sorry.

9 MS. KITTERMAN: Read back my question,
10 please.

11 (Whereupon, the requested portion of the
12 record was read aloud by the Court Reporter.)

13 THE WITNESS: They did not.

14 MR. MARIANI: Object to the form.

15 THE WITNESS: The information obtained does
16 not support the allegation.

17 BY MS. KITTERMAN:

18 Q. And on Page 7, the report states matter
19 investigated in Number 4. And it appears that the
20 Inspector General in this investigation was looking into
21 whether or not Mr. Lipp was working on his duties as --
22 for the Town of Loxahatchee Groves during his County
23 time. Is that what was going on?

24 MR. MARIANI: Objection, form.

25 THE WITNESS: No, it was not going on.

1 BY MS. KITTERMAN:

2 Q. Is that what the Inspector General
3 investigated?

4 MR. MARIANI: Objection, form.

5 THE WITNESS: Yes, they investigated.

6 BY MS. KITTERMAN:

7 Q. And what was the finding?

8 A. The finding was it did not support the
9 allegation.

10 Q. Okay. Did you read the finding for Number 4?

11 A. Did I read it now?

12 Q. No, have you -- did you read it when you
13 first got it?

14 A. Oh, I'm sure I read it when I first saw it.
15 I read everything when I first see it that pertains --
16 obviously, this is a serious matter that pertains to me.
17 Of course I read it.

18 Q. Okay. And on Page 8, the first real
19 paragraph, what does it say?

20 MR. MARIANI: Objection, form.

21 THE WITNESS: Page 8 what?

22 BY MS. KITTERMAN:

23 Q. The first paragraph, first sentence.

24 A. You want me to read it? What do you want me
25 to do?

1 Q. Does it say that the personal use of
2 accounting e-mail system is murky?

3 MR. MARIANI: Objection, form.

4 BY MS. KITTERMAN:

5 Q. Did I read that correctly?

6 A. Yeah.

7 Q. Okay.

8 A. It's murky.

9 Q. Is it your opinion that the system is murky?

10 A. Yeah, it allows -- it's murky because it
11 allows the employees to use the computer system during
12 personal time.

13 Q. Does it allow it during work time?

14 A. No, it's -- no, it doesn't allow it during
15 work time.

16 Q. Do you allow it during work time?

17 A. I don't. I would want to disallow it at any
18 time. If it were my rule to be followed, I don't want
19 it to be -- no equipment would be used for personal use.
20 I don't use anything for personal use. I have my own
21 cell phone, which I pay myself. So I use my own phone.
22 Whenever I need to call people long distance, I use my
23 own phone.

24 Q. Okay. And can you go to the next page.

25 A (Witness complies.)

1 Q. Do you recognize this document?

2 A. This is what you were talking about earlier.
3 You should have told me it was the back page. This is
4 my letter commenting on her report. So this is
5 exactly -- yeah.

6 Q. So this is your letter?

7 A. Yes. This is my letter to the Office of
8 Inspector General.

9 Q. Okay. And what is the date of it?

10 A. December 21, 2010.

11 Q. And the last page of your letter, second
12 paragraph from the bottom.

13 A. Uh-huh.

14 Q. You stated that the investigation was
15 triggered by the libelous 118-page document
16 Andrew Schaller wrote to malign you in his attempt to
17 run for the commission seat.

18 Is it your position that the reason he
19 produced this was to run against you and take your
20 position seat?

21 A. Yes.

22 Q. So the only reason he printed this was
23 because of the election?

24 MR. MARIANI: Objection, form.

25 THE WITNESS: I don't know what the real

1 reason was.

2 BY MS. KITTERMAN:

3 Q. In your opinion.

4 A. But in my opinion this was --

5 MR. MARIANI: Objection, form.

6 THE WITNESS: In my opinion, this was his way
7 of attempting to unseat me. He may have had other
8 reasons which I don't know. But this -- this was
9 done in preparation for his campaign to run against
10 me.

11 So he figured -- he figured he would use this
12 distortion of facts to get support. And he did get
13 support. In fact, I think this -- this 118 pages
14 was, in fact, the reason he was able to get support
15 from several prominent individuals in District 6.

16 It was probably because of this, because he
17 did such a good job at this 118 pages distorting
18 and misleading the information that he succeeded in
19 getting support from well-known people in the
20 community.

21 BY MS. KITTERMAN:

22 Q. Well, as far as the Inspector General is
23 concerned, she found that at least one of his
24 allegations was supported, didn't she?

25 A. Which one?

1 MR. MARIANI: Objection to form.

2 BY MS. KITTERMAN:

3 Q. Destruction of public records.

4 MR. MARIANI: Objection to form.

5 THE WITNESS: We've gone through that, but

6 I'd be happy to go through it one more time.

7 BY MS. KITTERMAN:

8 Q. It was just a simple question.

9 A. No. In my heart and in my mind --

10 Q. I didn't ask what you felt in your heart and

11 your mind.

12 A. No, this -- we disagreed. We disagreed with

13 her conclusion that there was need to correlate the two

14 calendars.

15 Q. Okay.

16 A. But she felt I should have kept them for

17 12 months.

18 Q. Okay.

19 A. And once I realized that that was what she

20 would like me to do, I have obediently followed her

21 instructions --

22 Q. Right.

23 A. -- to not get rid of them for 12 months.

24 Q. So she felt that Mr. Schaller's allegation

25 was supported. Is that what this investigation is?

1 A. One of the most -- one of the least --

2 Q. It's a simple yes or a no.

3 A. The simple answer is I disagree with that
4 conclusion.

5 MS. KITTERMAN: Okay. I'll let you take a
6 break now.

7 (A brief recess was taken.)

8 (Continued in Volume IV of the same day.)

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CERTIFICATE OF OATH

THE STATE OF FLORIDA
COUNTY OF PALM BEACH

I, the undersigned authority, certify that
JESS R. SANTAMARIA personally appeared before me and was
duly sworn.

Dated this 30th 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

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 Court 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 30th day of March, 2012.

Pamela J. Sullivan, RPR, FPR, CLR

1 March 30, 2012
2 JESS R. SANTAMARIA
C/o JOHN F. MARIANI, ESQUIRE
3 SHUTTS & BOWEN, LLP
525 Okeechobee Blvd., Ste 1100
4 West Palm Beach, FL 33401
5 IN RE: SANTAMARIA V. SCHALLER
CASE NO.: 50-2011-000246 XXXX MB

6 Dear Mr. Santamaria:

7
8 Please take notice that on Thursday, the 29th of
March, 2012, you gave your deposition in the
above-referred matter. At that time, you did not waive
9 signature. It is now necessary that you sign your
deposition.

10 As previously agreed to, the transcript will be
furnished to you through your counsel or counsel for
11 Plaintiff. Please read the following instructions
carefully:

12 At the end of the transcript you will find an
errata sheet. As you read your deposition, any changes
13 or corrections that you wish to make should be noted on
the errata sheet, citing page and line number of said
14 change. DO NOT write on the transcript itself. Once
you have read the transcript and noted any changes, be
15 sure to sign and date the errata sheet and return these
pages to me.

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

19
20 Very truly yours,

21 _____
Pamela J. Sullivan, RPR, FPR, CLR
Signature Court Reporting, Inc.
22 105 South Narcissus Avenue
Suite 400
23 West Palm Beach, Florida 33401
561.659.2120

24 I do hereby waive my signature.

25 _____ JESS R. SANTAMARIA

JESS R.

26 SANTAMARIA

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.

JESS R. SANTAMARIA

