

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
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JESS R. SANTAMARIA,

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Plaintiff,

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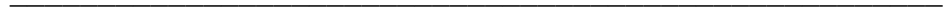
-vs-

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ANDREW F. SCHALLER,

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Defendant.



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DEPOSITION OF ROBERT WEISMAN

13

Wednesday, March 28, 2012

14

4:10 p.m. - 4:51 p.m.

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105 S. Narcissus Avenue

Suite 400

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West Palm Beach, Florida 33401

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Reported By:

Pamela J. Sullivan, RPR, FPR, CLR

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Signature Court Reporting, Inc.

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APPEARANCES:

On behalf of the Plaintiff:

DANIEL J. BARSKY, ESQUIRE
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On behalf of the Defendant:

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P R O C E E D I N G S

- - -

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

- - -

Thereupon,

ROBERT WEISMAN,

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

THE WITNESS: I do.

DIRECT EXAMINATION

BY MS. KITTERMAN:

Q. Good afternoon. My name is
Christina Kitterman. I'm the attorney for
Andrew Schaller in this case that was brought against
him by Mr. Jess Santamaria. I've called you today to
deposition because Mr. Santamaria has listed you as a
witness that potentially would be called at trial. So I
need to find out what you would be testifying to that's
relevant to this matter.

Will you state your full name for the record?

A. Robert Weisman, W-e-i-s-m-a-n.

Q. Have you had your deposition taken before?

1 A. Yes, I have.

2 Q. So you know the rules of deposition. If you
3 don't understand my question, please let me know, I will
4 restate it. Please answer audibly yes or no, instead of
5 doing head shakes or huh-uh, uh-huh; okay?

6 A. Understand.

7 Q. All right. Great. Do you know
8 Mr. Jess Santamaria?

9 A. Yes, I do.

10 Q. How do you know him?

11 A. He's been a County Commissioner for six years
12 now and I serve as his County Administrator. He's been
13 a County Commissioner and I serve as the County
14 Administrator.

15 Q. How long have you been the County
16 Administrator?

17 A. For 20 years.

18 Q. All right. And did you meet Mr. Santamaria
19 when he came on to the County Commission?

20 A. I think that's the first time I met him, yes.

21 Q. Okay. Do you know Mr. Andrew Schaller?

22 A. Yes, I do.

23 Q. How do you know him?

24 A. He came to County Commission meetings
25 starting about four or five years ago to complain about

1 the road situation in his area. And that's when I first
2 met him.

3 Q. What was he complaining about with regard to
4 the road situation in his area?

5 A. He lived on -- in a private road area that
6 was shell rocked, and he thought the road should have
7 been improved. There were problems with a County
8 project that was adjacent to his property on one side,
9 and he felt that the residents had not been treated
10 equally in regard to the road construction. And that's
11 been -- and the payment for it.

12 Q. Okay. Whatever happened with that issue?

13 A. It continues today, but in a different
14 circumstance. The County has taken over maintenance
15 responsibility for the road and -- Fargo is the name of
16 the road. And we are evaluating alternatives that might
17 lead to its paving in the future.

18 Q. Okay. And when you say you're maintaining or
19 the County is maintaining Fargo Avenue, what are they
20 doing?

21 A. Well, we periodically bring a grading truck
22 on to the shell rock road to keep it in a reasonably
23 smooth condition subject to weather and -- weather being
24 the main problem, and the use of it.

25 Q. Okay. Anything else?

1 A. That's it right now.

2 Q. Okay. Why did the County take over
3 maintaining Fargo Avenue?

4 A. I think the Commission ended up agreeing with
5 Mr. Schaller, and I supported this conclusion that there
6 were circumstances about that road, the fact that
7 neighbors were frequently using it even though they did
8 not reside on the road. And that if the County had
9 conducted itself differently, that it would have been
10 part of an assessment project earlier in the past. And
11 that something needed to be done to correct the
12 situation.

13 Q. And when you said that the County could have
14 conducted itself in a better way, what are you referring
15 to?

16 A. Going back years before Mr. Schaller even
17 appeared at the County Commission, we had done
18 assessment -- arranged for assessment projects which
19 hourly charge the residents along the road for doing
20 road improvements. The County partially subsidized that
21 construction by paying typically for half the cost. If
22 you spread those costs among many parties, you tend to
23 reduce the cost.

24 Decisions were made to limit the project to a
25 street at a time in some instances. There is one

1 argument to be made that Fargo should have been included
2 in the original assessment that affected the adjacent
3 properties. That's not an absolute answer, but there
4 are arguments that can be made for that.

5 Once the projects were done on the
6 neighboring streets, it could have been discerned that
7 there were drainage impacts on Fargo from the paving
8 that was done on those neighboring streets that I felt
9 was not properly handled by our engineering department.
10 So there is a net collection of events.

11 Q. Okay. Did Mr. Schaller as a citizen ever
12 have the authority or the power to direct the
13 engineering department to spend money to fix the road?

14 A. No, he did not.

15 Q. Okay. Is it your opinion that Mr. Schaller
16 is personally responsible for costing Palm Beach County
17 over a thousand hours of engineering time related to
18 Fargo Avenue?

19 A. Could you say that again, please?

20 MS. KITTERMAN: Could you read that back.

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

23 THE WITNESS: Because of Mr. Schaller's
24 complaints to the Board, the County has spent a
25 great deal of time, not just engineering time, but

1 also time spent by the county's internal auditor to
2 address this issue. So you could describe it that
3 way.

4 BY MS. KITTERMAN:

5 Q. Okay. Mr. Schaller's concerns were
6 ultimately shown true with the drainage issue at
7 Fargo Avenue; correct?

8 MR. BARSKY: Object to the form.

9 THE WITNESS: Drainage was one of the issues
10 that was addressed. There are conditions there
11 that are worse because of the way we did the
12 project. There were always drainage problems on
13 the street even before we did the project.

14 BY MS. KITTERMAN:

15 Q. Right. Okay. So it was Mr. Schaller's
16 concern, not his -- it wasn't his doing that caused the
17 engineering or the County to spend over a thousand
18 hours.

19 MR. BARSKY: Object to the form.

20 BY MS. KITTERMAN:

21 Q. It was actually the County's original plan
22 for the Fargo Avenue project or not including the
23 Fargo Avenue project?

24 MR. BARSKY: Object to the form.

25 THE WITNESS: I can't agree with that the way

1 you've said that.

2 BY MS. KITTERMAN:

3 Q. Okay.

4 A. If Mr. Schaller had not complained at all, we
5 wouldn't be spending any time out there.

6 Q. Okay.

7 A. It's my perception.

8 Q. Okay.

9 A. Since he complained, we -- the Board of
10 County Commissioners decided how we would spend time out
11 there. I can't say I even agreed with some of the
12 direction the Board gave us as to how we spent time out
13 there. But we were following up on the complaints he
14 made.

15 Q. Okay. Do you believe that Mr. Schaller's
16 motivation for the Fargo Road improvements was to
17 increase his property value?

18 A. I do not personally think that was a primary
19 motivation.

20 Q. Okay. Looking back on the Fargo situation,
21 were there any other mistakes by the County that were
22 made in how it could have been handled differently,
23 specifically?

24 MR. BARSKY: Object to the form.

25 THE WITNESS: The most significant mistake in

1 my mind was once the side streets were paved as
2 part of the assessment project, including the
3 street that is on one side of Mr. Schaller's
4 property, there were extra funds that were left
5 over in that assessment.

6 At the time that that situation with the
7 drainage was evaluated, our engineering staff
8 stated that the drainage on the side streets was
9 not contributing to a problem on Fargo. I believe
10 that was an inaccurate conclusion. So I think that
11 was a mistake we made in handling that.

12 If I could bring that back, I would have
13 taken the extra assessment money that was left over
14 and used that to help the Fargo Road situation. I
15 believe that was more than \$100,000.

16 BY MS. KITTERMAN:

17 Q. Okay. Has Mr. Schaller ever been hostile or
18 malicious to Mr. Santamaria in your presence?

19 THE WITNESS: Read that, please?

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

22 MR. BARSKY: Object to the form.

23 THE WITNESS: No.

24 BY MS. KITTERMAN:

25 Q. Has Mr. Schaller ever been hostile or

1 malicious to you?

2 MR. BARSKY: Object to the form.

3 THE WITNESS: No.

4 BY MS. KITTERMAN:

5 Q. Has Mr. Schaller followed the rules of
6 conduct at County Commission meetings?

7 MR. BARSKY: Object to the form. Which rules
8 of conduct?

9 MS. KITTERMAN: The rules of conduct for the
10 Commission meetings.

11 MR. BARSKY: You mean Robert's rules or --

12 MS. KITTERMAN: The rules of conduct.

13 MR. BARSKY: There are -- never mind. I'll
14 object to the question.

15 THE WITNESS: I can't recall that the chair
16 of the Commission has had to lecture Mr. Schaller
17 about the manner of his conduct at the meetings.

18 BY MS. KITTERMAN:

19 Q. Are you confused as to what rules of conduct
20 I'm talking about?

21 A. I have an understanding I think of what
22 rules -- the County Commission chair determines how the
23 meeting is conducted. We expect people to act in a
24 civil manner. I assume you're speaking about those
25 kinds of rules.

1 Q. Okay. What exactly, if you know, did
2 Mr. Schaller do to break decorum at Mr. Santamaria's
3 Wellington forum that justified Mr. Santamaria's demand
4 for Mr. Schaller to leave that building?

5 MR. BARSKY: Object to the form.

6 THE WITNESS: I don't believe I was at that
7 meeting when that occurred.

8 BY MS. KITTERMAN:

9 Q. Okay. Do you know whether Mr. Schaller has
10 ever asked for special treatment from the County?

11 A. Could you define what you mean by special
12 treatment?

13 Q. Has he gotten any preferential treatment as
14 opposed to any of the other residents?

15 A. Not as compared to other residents similarly
16 situated with his problem, with those problems.

17 Q. Do you think Mr. Schaller is a fair and
18 honest man?

19 MR. BARSKY: Object to the form.

20 THE WITNESS: I can't answer that question
21 yes, the way you've asked it.

22 BY MS. KITTERMAN:

23 Q. Okay. How can you answer the question?

24 MR. BARSKY: Object to the form.

25 THE WITNESS: There have been instances where

1 Mr. Schaller came to the County Commission meeting
2 and I think he characterized events of the past at
3 the Commission meetings that was different from the
4 way he characterized it. It may have been his
5 perspective, but it wasn't my perspective of how
6 things happened.

7 BY MS. KITTERMAN:

8 Q. So, in your opinion, he's maybe
9 mischaracterized things that you wouldn't agree with?

10 A. That's correct.

11 Q. Okay. Are you familiar with a lawsuit that
12 was filed by Mr. Santamaria against Mr. Schaller?

13 A. Only in the most general circumstances.

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

15 A. That Mr. Schaller produced some written
16 documentation that raised questions about
17 Mr. Santamaria's past as part of the election process
18 and that Mr. Santamaria took objection to those
19 comments.

20 Q. Do you know what those comments were?

21 A. I only can recall one of them. It was the --
22 it was a question that was -- a question that was Mr. --
23 a person named Jesus Santamaria, who he -- Mr. Schaller
24 showed had a criminal record was the same person as
25 Commissioner Santamaria as I know him.

1 Q. Okay. And how do you recall that?

2 A. Someone gave me a copy of it sometime in this
3 past process.

4 Q. Okay. Who gave you a copy of that document?

5 A. I cannot recall that.

6 Q. Have you seen a request for inquiry that
7 Mr. Schaller created that dealt with Mr. Santamaria?

8 A. I'm aware that we've received those in the
9 past. I can't recall a specific one.

10 Q. When you say we've received them, who are you
11 talking about?

12 A. The County has received a variety of public
13 information requests from Mr. Schaller.

14 Q. Are you familiar with the actual requests for
15 inquiry, though? It's a 118-page document that
16 Mr. Schaller created during the election with regard to
17 ten different questions into Mr. Santamaria's fitness
18 for office.

19 MR. BARSKY: Object to the form.

20 THE WITNESS: I am not personally conscious
21 of that.

22 BY MS. KITTERMAN:

23 Q. Okay. So how did you see the document
24 relating to a felony judgment for somebody with a
25 similar name as Mr. Santamaria?

1 A. If that's the same document we're talking
2 about, I saw it. But I don't -- can't relate those two
3 myself.

4 Q. You don't know how you saw that, how you came
5 to see it?

6 A. I can't recall how I saw it.

7 Q. Okay. Do you know who Jesus R. Santamaria
8 is?

9 A. No, I don't.

10 Q. Do you know or have you ever known
11 Mr. Santamaria's name to be Jesus?

12 A. No, I don't.

13 Q. Did you ever have copies made of a request
14 for inquiry?

15 A. I can't recall that.

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

17 MR. BARSKY: Object to the form.

18 THE WITNESS: Mr. Santamaria,
19 Commissioner Santamaria has been a welcome
20 replacement for his predecessor. And in my
21 dealings with him, he's been a good person to deal
22 with, an honest person to deal with. And I am
23 pleased that I've had an opportunity to serve as
24 his County Administrator with him as one of the
25 commissioners at this time.

1 BY MS. KITTERMAN:

2 Q. Okay. Did the felony record that we're
3 talking about included in the request for inquiry change
4 your opinion of Mr. Santamaria?

5 A. No, it did not.

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

8 A. No, I haven't.

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

11 A. No.

12 Q. Are you aware of anyone who does conduct
13 background searches on any individual running for
14 County Commission?

15 A. No, I don't.

16 Q. Do you know whether it's anybody's job to do
17 background searches on the commissioners?

18 A. A County person?

19 Q. Anybody.

20 A. No, I do not know.

21 Q. Okay. Do you know whether Mr. Schaller knew
22 that the felony record did not belong to Mr. Santamaria?

23 A. I do not know.

24 Q. Do you know whether Mr. Schaller purposely
25 did not do any further research to determine whether the

1 felony judgment did not belong to Mr. Santamaria?

2 A. I do not know.

3 Q. Have you heard from anyone that Mr. Schaller
4 knew or should have known that the felony judgment did
5 not belong to Mr. Santamaria?

6 A. No, I don't know.

7 Q. Are you aware that Mr. Santamaria went
8 through ethics inquiries based on the subjects raised in
9 the request for inquiry?

10 A. I'm aware that Mr. Santamaria, the
11 commissioner went through ethics inquiries. I don't
12 know if it was related to this or not.

13 Q. Okay. What ethics inquiries did he go
14 through that you know of?

15 A. I don't even recall what the subject was.
16 All I know is the Inspector General right after that
17 office was formed, did an investigation of something in
18 his office, but I can't recall what the subject matter
19 was.

20 Q. Okay. Have you seen the Inspector General's
21 report as a result of her investigation into
22 Mr. Santamaria?

23 A. Yes, I did see that report.

24 Q. And do you recall what the report addressed?

25 A. No, I can't recall that.

1 Q. Okay. Do you know whether the
2 Inspector General addressed the felony judgment that was
3 included in the request for inquiry?

4 A. No, I don't remember that.

5 Q. Okay. Do you know whether Mr. Santamaria was
6 investigated by the Palm Beach Ethics Commission?

7 A. I can't recall that.

8 Q. Okay. Do you know of any other agency that
9 investigated Mr. Santamaria?

10 A. I'm not aware of it.

11 Q. Okay. Have you talked to anybody about this
12 lawsuit?

13 A. Yes.

14 Q. Who?

15 A. It was a discussion among County employees
16 over time. But that's County employees.

17 Q. What were the discussions?

18 A. Whether we were going to have to give
19 testimony or not. How Fargo would fit into the
20 discussion. And just the last two days, we have a
21 County Commission meeting coming up next Tuesday and
22 we've been called to trial. And there was a brief
23 discussion about who was going to be around to run the
24 meetings if this trial took place next week.

25 Q. Uh-huh. And was there any discussion about

1 the actual substance of the case?

2 A. I have not partaken in such discussion.

3 Q. Okay. Have you heard anybody else having a
4 substantive discussion with --

5 A. No, I haven't.

6 Q. Have you talked to Mr. Santamaria about the
7 subject matter of this case?

8 A. Only if the subject matter is considered to
9 be Fargo, in which I've certainly had discussions with
10 him about Fargo. But actually since -- I guess I'll
11 stick with that. Yes, only about Fargo. And he told me
12 I think some time ago that I could be a witness in this
13 case. That would be the limit.

14 Q. Did he tell you why you could be a witness?

15 A. No.

16 Q. Do you know why you're a witness?

17 A. No.

18 Q. Have you had any conversations with
19 Mr. Santamaria's counsel?

20 A. No.

21 Q. Okay. Did Mr. Santamaria ever tell you that
22 he was not a convicted felon?

23 A. I don't think he ever did.

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

1 A. I don't know that.

2 Q. Do you know whether Mr. Santamaria asked
3 Mr. Schaller to remove a felony judgment from his
4 request for inquiry?

5 A. I don't know about that.

6 Q. Do you know whether Mr. Schaller retracted
7 the felony judgment from his request for inquiry?

8 A. I don't know about that.

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

10 A. I have listened to the Dick Farrel show once.

11 Q. Okay. Did that one time, was Mr. Schaller on
12 that broadcast?

13 A. No.

14 Q. Okay. Have you heard anybody else talking
15 about the felony judgment as it relates to
16 Mr. Santamaria?

17 A. No, I haven't.

18 Q. Have you heard of anybody's opinion changing
19 of Mr. Santamaria because of a felony judgment?

20 A. No, I haven't.

21 Q. Do you know anybody else that would have
22 information about the subject matter of this lawsuit?

23 A. Clarify the question, please.

24 Q. Do you know anybody else who has any
25 information about the subject matter of this lawsuit?

1 A. Well, a variety of County employees. Most of
2 them, I think have been called to -- George Webb being
3 at least on Fargo. I don't know if anyone has any
4 knowledge about this felony issue you're speaking about.

5 Q. Okay. If I represent to you that this
6 lawsuit is not involving Fargo Avenue, it is involving
7 this felony record and solely the felony record, would
8 you have any -- know anybody that has any information
9 about that?

10 A. No, I don't.

11 Q. Okay. Do you know anybody that has any
12 information about issues that were raised in a request
13 for inquiry?

14 A. No, I don't.

15 MS. KITTERMAN: Okay. That's all the
16 questions I have.

17 CROSS EXAMINATION

18 BY MR. BARSKY:

19 Q. Mr. Weisman, you've mentioned that you don't
20 agree with how the Board has directed the County to
21 spend time on Fargo Avenue in all respects. Could you
22 tell us what issues you disagree with that the
23 County Commissioners had you spend your time on Fargo?

24 A. Yeah. The most notable one was when the
25 Board asked the internal auditor to review the record.

1 I knew what the problems were on the project. The
2 internal auditor spent a lot of time reviewing it and
3 didn't reach any substantial conclusions. I thought the
4 time that was spent on that was a waste.

5 Q. Do you know how much time was spent on that?

6 A. It was claimed to be, I think, in excess of a
7 thousand hours.

8 Q. Do you know why the Board directed the
9 internal auditor to review the project? And by the way,
10 the project, are you talking about the MSTU project,
11 first?

12 A. Yes, this is the Fargo Avenue issue.

13 Q. Okay. And do you know why it is the Board
14 directed the auditor to review this?

15 MS. KITTERMAN: Object to form.

16 THE WITNESS: Mr. Schaller had complained
17 about the conduct of the County Engineer's office
18 and felt that the project had -- the adjacent
19 projects had been mishandled. And because of the
20 complaints, the Board felt that an audit was
21 appropriate.

22 BY MR. BARSKY:

23 Q. And so the audit was ordered because of
24 Mr. Schaller's complaints?

25 A. I think that's fair, yes.

1 Q. You didn't believe an audit was necessary?

2 A. That's correct.

3 Q. Why was that?

4 A. Because I personally felt I knew what the
5 County's shortcomings were in this situation already
6 and I didn't think the auditor would have anything to
7 add to my knowledge.

8 Q. What were those shortcomings?

9 A. The ones I expressed earlier in this
10 deposition. But the main one being that we did not at
11 first acknowledge that there were drainage impacts on
12 Fargo from the adjacent side streets. Also, that when
13 the project first started, there were some issues about
14 how -- when the project on the adjacent side streets had
15 first started, how far the pavement should go towards
16 the center of Fargo. Those were probably the two main.
17 And the third one being should the road have been
18 included originally -- or should Fargo have been
19 included in those projects originally.

20 Q. Were these issues going on while the -- in
21 the 2008, 2009 time frame or are they subsequent to
22 that?

23 MS. KITTERMAN: Object to the form.

24 THE WITNESS: Time is -- this would have been
25 before, during, and after 2008 as I recall.

1 BY MR. BARSKY:

2 Q. You said you've worked for the County as the
3 County Administrator for quite a while now.

4 A. Twenty years.

5 Q. How long have you lived in Palm Beach County
6 for?

7 A. Since 1980.

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

10 A. I have become aware of that since he got
11 elected.

12 Q. How have you become aware of his reputation?

13 A. By attending -- I think the primary way by
14 attending public meetings in the western communities and
15 seeing the -- a lot of the respect that people have for
16 him. And also in his charitable contributions and
17 things of that nature.

18 Q. What is Jess Santamaria's reputation in the
19 community?

20 MS. KITTERMAN: Object to the form.

21 THE WITNESS: I think it's very high in terms
22 of his character and the way he conducts himself.

23 BY MR. BARSKY:

24 Q. Are you aware of any specific instances of
25 conduct by Jess Santamaria that demonstrates his

1 character?

2 MS. KITTERMAN: Object to the form.

3 THE WITNESS: I would say just generally when
4 he does charitable good deeds and things of that
5 nature and encouraging open government. Things of
6 that nature.

7 BY MR. BARSKY:

8 Q. Does he have a reputation in the community as
9 being an honest man?

10 A. I think so.

11 Q. Does he have a reputation in the community of
12 being an honorable man?

13 MS. KITTERMAN: Object to the form.

14 THE WITNESS: I think so.

15 BY MR. BARSKY:

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

18 MS. KITTERMAN: Object to form.

19 THE WITNESS: I think so.

20 BY MR. BARSKY:

21 Q. Does he have a reputation in the community as
22 a man of integrity?

23 MS. KITTERMAN: Object to form.

24 THE WITNESS: I think so.

25

1 BY MR. BARSKY:

2 Q. Does he have a reputation in the community as
3 being a law-abiding citizen?

4 MR. BARSKY: Object to form.

5 THE WITNESS: I think so.

6 BY MR. BARSKY:

7 Q. If you were to rate Jess Santamaria's
8 reputation on a scale of one to ten, one being the
9 lowest and ten being the highest, where would you rate
10 it?

11 MS. KITTERMAN: Object to form.

12 THE WITNESS: Nine.

13 MR. BARSKY: I have nothing further.

14 MS. KITTERMAN: Me either.

15 (Deposition concluded at 4:51 p.m.)

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CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, the undersigned authority, certify that
ROBERT WEISMAN personally appeared before me and was
duly sworn.

Dated this 29th day of March, 2012.

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

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C E R T I F I C A T E

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

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

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

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

Dated this 29th day of March, 2012.

Pamela J. Sullivan, RPR, FPR, CLR