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INTERVIEW OF:

DEBORAH DENYS

DATE TAKEN: FEBRUARY 12, 2014

TIME: 1:46 P.M. - 2:12 P.M.

PLACE: COUNTY ADMINISTRATION BUILDING  
123 WEST INDIANA AVENUE  
DeLAND, FLORIDA 32720

1 APPEARANCES:

2 JONATHAN KANEY, ESQUIRE

Kaney & Olivari, P.L.

3 55 Seton Trail

Ormond Beach, Florida 32176

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1 THEREUPON,

2 DEBORAH DENYS,

3 was called as a witness and, having first been  
4 duly sworn, testified as follows:

5 BY MR. KANEY:

6 Q. Ms. Denys, I'm Jon Kaney, and I am, as you know,  
7 designated by the county counsel as a special counsel to  
8 investigate this -- the matter we call the Waverly matter,  
9 which I'm sure you're familiar with that terminology.

10 A. Um-hum.

11 Q. And I just have a few questions along that line.  
12 It shouldn't take too long.

13 A. Okay.

14 Q. You're a member of the county council. When were  
15 you elected?

16 A. 2012. Election 2012.

17 Q. That was your first election to the council?

18 A. Yes.

19 Q. You were on the school board before?

20 A. Yes.

21 Q. Did you -- I don't have a script. Did you have --  
22 did you use bus bench -- advertisement on bus benches in  
23 your campaign?

24 A. No, never have.

25 Q. Did you ever considered that?

1 A. Yes.

2 Q. Why did you consider it?

3 A. Well, it was -- I don't know if it was  
4 consideration. I would call it inquiry, advertising  
5 inquiry. As with any campaign or business, I was looking at  
6 the cost and accessibility, so I made a call to the number  
7 on the bench as I drove by and asked about prices and  
8 availability of benches.

9 Q. Do you know who -- who you talked to?

10 A. I don't. I don't remember who I spoke to. I  
11 believe it was a lady. And I was quoted a price of 250 a  
12 month per bench, plus an additional 125 for artwork setup  
13 per bench. And then the question was asked of me, who are  
14 you again and who are you running against. When I informed  
15 her who I was running against, then the response was, they  
16 were all committed.

17 Q. And who was it that you were running against?

18 A. Justin Kennedy and Jim Hathaway.

19 Q. Did -- did Jim Hathaway have bus bench ads during  
20 the campaign?

21 A. He did. But when I inquired -- this was before  
22 any political advertising went up. So, in other words, my  
23 opposition, you know, hadn't advertised. This was early,  
24 early on in gathering information for my campaign.

25 Q. And as it happened, though, Jim Hathaway did

1 have --

2 A. He did.

3 Q. He did have benches.

4 A. I believe more so after the primary, because  
5 Justin lost in the primary, and then the focus moved over to  
6 Jim Hathaway.

7 Q. And in the first primary, did Justin Kennedy have  
8 bus bench ads?

9 A. Multiple.

10 Q. Do you think that he paid cash for his ads?

11 A. I don't know. I can't speak for another  
12 candidate. But I do know this. I was getting calls from  
13 supporters, especially in the Port Orange area this  
14 particular day, saying, Mrs. Denys, you have to do  
15 something, these benches are going up overnight. And,  
16 indeed, they were. It's like the concrete was poured in the  
17 evening and the bench just appeared all of a sudden with,  
18 you know, my opponents advertising on it. You have to do  
19 something. And my response was, well, I have no authority.  
20 There's nothing I can do, you know. What am I going to do?

21 So I kept getting concerns from constituents, so I  
22 got in my car and I drove the district. Not the entire  
23 district. But I said, okay, let me just drive around and  
24 see what's going on. And I counted, I know, more than 15  
25 benches at that time, at least, with Mr. Kennedy -- with

1 Justin Kennedy's name on it. And that's everything from Oak  
2 Hill, Edgewater, New Smyrna, into Port Orange, down Taylor  
3 Road, by the high school. I mean, they were very -- the  
4 benches were very targeted in their proximities to certain  
5 locations.

6 Q. Did you -- did you ever look at the campaign  
7 reports --

8 A. I did not.

9 Q. -- for Kennedy?

10 A. I did not. But I remember thinking, how can  
11 you -- you know, my mind is thinking, \$250 a bench per  
12 month. How in the world, you know -- how in the world can  
13 any campaign at this level sustain that kind of cost.

14 Q. And did you think of an answer?

15 A. I think it was pretty apparent at that stage, you  
16 know. It was evident that, number one, I wouldn't be given  
17 the opportunity to advertise because the decision had to be  
18 made what candidates they were going to support, and that's  
19 just the way it was. So I had to do better on my ground  
20 game.

21 Q. Well, and apparently you did.

22 A. I did.

23 Q. In fact, judging from the results there, those bus  
24 benches must not be all that powerful --

25 A. Well, that's a fact.

1 Q. -- as a pull.

2 A. Yeah.

3 Q. You're aware, obviously, of the -- of the issue  
4 concerning how those bus benches were paid for or not paid  
5 for in multiple raises. Have you talked to anybody that has  
6 insight into that, how that was happening?

7 A. How they were paid for?

8 Q. The whole process.

9 A. I'm not sure what the question is.

10 Q. Okay. One of -- one of the members has testified  
11 that it was an open secret during the campaign.

12 A. Oh, yes. I would say that's true.

13 Q. Okay. What did you hear as an open secret?

14 A. Well, it was known -- it was known that Josh was  
15 supporting Justin, my opponent, and that that was pretty  
16 much determining, you know, who got the benches. It was  
17 known that -- it was known that Josh was calling the shots  
18 on who would receive or not receive the benches and their  
19 support, which is why they had, you know, the media  
20 contract. That was clear.

21 Q. Can you think of any specific reason why -- why  
22 you think that was the case? Any indications? How did you  
23 come to think that Josh was pulling the -- calling the  
24 shots?

25 A. In political circles when you're in a campaign,

1 you know -- you know where the lineups are. You just do.  
2 For example -- and when we would do candidate forums, for  
3 example, you know, Justin was right there with Josh. I  
4 mean, it was -- it was -- it was evident. It was publicly  
5 evident. And I think the advertising was just a  
6 manifestation of the political posturing.

7 Q. What caused you to believe that Josh was in  
8 control, so to speak, of who could acquire those bus bench  
9 ads?

10 A. Specifically I can't point to one conversation or  
11 event, but I would say it's just a general knowledge. It's  
12 like knowing the sun comes up in the morning. You don't  
13 know who told you that, but everybody knows the sun's coming  
14 up in the morning.

15 Q. Yeah.

16 A. It's -- it was general knowledge, is probably the  
17 best term.

18 Q. In that campaign, common knowledge would be what  
19 the candidates were discussing, talking to each other about.

20 And was that the conversation, other candidates that you --

21 A. Oh, certainly. Well, and it was pretty clear, you  
22 know, it's -- well, first of all, everybody that had a bench  
23 was a democrat, that I'm aware of. So the lines were drawn.  
24 There were political lines drawn. And I understood that. I  
25 was -- I just had to change my ground game.



1 Q. Did you ever talk to any other candidate about  
2 having difficulty getting access to the signs?

3 A. No, because it was a -- it was a non-issue in  
4 that, first of all, it was cost prohibitive to most  
5 candidates at this level. It was just cost prohibitive.  
6 So -- and very genuinely, I focused on my campaign. I  
7 stayed very focused on the issues and getting my message  
8 out, and just -- just took that off my radar. It wasn't an  
9 option anymore. It became a non-issue for me.

10 Q. Did any of the other candidates tell you of  
11 difficulties they had in getting access to the signs?

12 A. Not necessarily, because it was really not -- it's  
13 one of those things, if you know it is the way it is, you  
14 know, why attempt it?

15 Q. Are you aware of the fact that -- I'm sure you  
16 are, but most -- much of the bus bench advertising was  
17 reported as in-kind contributions?

18 A. Yes.

19 Q. What do you understand that an in-kind  
20 contribution is?

21 A. Well, that -- my understanding of an in-kind  
22 contribution is a maximum of \$500 per election cycle, which  
23 is a total of a thousand dollars. And I'm not so sure in  
24 everything I've read that's not a violation right there for  
25 the individuals and the reporting entity. So in-kind

1 contributions is somebody donates a place or alcohol or food  
2 or an event, or putting up signs. I had a team that put my  
3 big signs -- my large format signs in the ground. He bought  
4 the lumber, he paid his guys off the job site to do it.  
5 That's in-kind contribution.

6 Q. Would the in-kind contributions include,  
7 theoretically, at least, paying Waverly to put a sign up for  
8 a candidate?

9 A. It could. It could.

10 Q. Have you heard of any contributions being reported  
11 like that?

12 A. No, but at the same time, I'm probably unique in  
13 that I don't focus on the opposition. I stay very focused  
14 on my message.

15 Q. Do you have an idea of the purpose of the campaign  
16 finance laws? Why do you think we have those?

17 A. Disclosure.

18 Q. Why would we have that disclosure?

19 A. So as not to show undue bias or -- I guess undue  
20 bias.

21 Q. Or maybe it would be to show the bias?

22 A. Or to show the bias, right.

23 Q. When you file your campaign finance reports, do  
24 you take care to make sure they're correct?

25 A. Yes.

1 Q. How do you do that?

2 A. I do them personally. I keep every receipt. I  
3 keep -- right now keep copies of checks. You just verify  
4 everything. Because in a campaign you have one -- you have  
5 one thing, and that's your name. So if you sign your name  
6 to something -- and as candidates, we all sign the same form  
7 with Supervisor of Elections verifying finance reports and  
8 what's required under the state law. We all do.

9 Q. If -- if someone who said he was a supporter of  
10 yours gave you something, a list, say, in an e-mail,  
11 enumerating that various people had made various  
12 contributions in-kind to someone else for your benefit,  
13 would you think it appropriate to just report that as you  
14 got it, or would you want to know if it was so?

15 A. Oh, I would want to know if it was so. I have  
16 actually turned contributions back or refused certain  
17 contributions if they couldn't be verified. You have to.

18 Q. Do you think that's a candidate's duty?

19 A. It is an obligation.

20 Q. And when you file that report, you're swearing  
21 it's true?

22 A. Absolutely.

23 Q. You shouldn't swear something's true if you don't  
24 know it's true, should you?

25 A. Right.

1 Q. Well, as you know, because of the -- what we call  
2 the Waverly matter, and the consideration of public  
3 discussion that's been going on, there is -- there is  
4 concern that Waverly, who had the bus bench contract, was  
5 supporting candidates, putting the benches out, and  
6 reporting that they were paid for by various people who have  
7 sworn that they never agreed to that. That's really what  
8 the Waverly matter is that the council is concerned with, as  
9 I know you know.

10 A. Yeah.

11 Q. Have you got any thoughts about where the council  
12 should go in addressing that problem?

13 A. I think ethics reform is a huge issue. I think a  
14 strong ethics policy, and probably review of purchasing  
15 contracts, you know, however we're going to handle that  
16 internally. Other than that, I would want to wait until the  
17 conclusions are out to see what direction to go. I'm not an  
18 attorney. I can't -- so my -- I'm --

19 Q. That makes you very well qualified to speak of  
20 ethics.

21 A. I don't -- you know, it's uncomfortable -- very  
22 genuinely, it's uncomfortable, because, like I said, I  
23 literally do focus, and still do, on my message and my  
24 position and not so much what others are doing. Because you  
25 can go on a lot of rabbit trails that way and be distracted.

1 It's just a distraction.

2 Q. You're aware of the e-mail that Josh wrote to Ken  
3 Fischer regarding the RFP that Votran was working on?

4 A. Yes.

5 Q. Have you ever addressed a department head on a  
6 matter like that?

7 A. Never.

8 Q. How would you think that should be done, if you  
9 had a concern about something?

10 A. I'm not sure that it's the council's  
11 responsibility to set perimeters for an RFP, especially as  
12 individual council members, and especially if you have a  
13 possible financial interest or gain in the outcome of a  
14 contract. Not just a financial gain, but a political gain.  
15 And I think that's the real issue.

16 Q. Do you believe that was the case --

17 A. I do.

18 Q. -- in the Josh --

19 A. I do.

20 Q. -- Josh --

21 Did you ever talk to Pat Northey about her issues  
22 with access to a bus bench sign?

23 A. No. I do know that she struggled to have access  
24 to bus benches, also. Specifically, I don't recall, but I  
25 do know that -- that she had attempted and could not.

1 Q. Is Pat a democrat? Or do we know?

2 A. Yes.

3 Q. She's a democrat. In terms of the Waverly matter,  
4 is there anything else that you feel should be considered by  
5 me in this investigation?

6 A. From a council perspective, is if staff was aware  
7 that one council member was using current council policy in  
8 contracts to influence an election.

9 Q. So that's a question I should look for an answer  
10 to?

11 A. Yes.

12 Q. Yes.

13 A. And I'm hoping that's not true.

14 Q. I'm afraid it might be. I'm afraid it might be.  
15 Of course, I'll spell all that out in my report, why I think  
16 it might be, and the council can decide. I mean, it's just  
17 a matter of what I think the facts are, and then the council  
18 can make its judgment. But I know the staff was aware of  
19 the process with Josh's e-mail. That's been testified to.  
20 And -- I'm not --

21 A. Listen, I don't know anything, so -- and it puts  
22 me in a good position. I guess I'm in the position that I  
23 knew -- I knew what was happening. Not that ignored it.  
24 There was nothing I could do about it. So you work around  
25 it as best you can. And that comes with politics. I

1 understand that. Which is why it's, like, okay, that's just  
2 part of it now. All right. And I'm okay with that. It  
3 became troubling, and it is troubling, not so much even with  
4 my opponents, that -- that's -- that doesn't trouble me, and  
5 that's why I've not gone back to look at reports, very  
6 honestly, because that's done. Going forward, though, is  
7 if, indeed, staff turned a blind eye and gave special  
8 treatment to one council member for the sake of how an  
9 election could or could not turn out, that's more serious,  
10 in my opinion, than anything from an ethical and policy  
11 standpoint. That needs to be changed without excuse.

12 Q. Okay. Well, I think I've asked all my questions.

13 A. I've got nothing else.

14 MR. KANEY: I thank you. I want the record to  
15 reflect that Ms. Denys has appeared, of course,  
16 voluntarily, without a subpoena, as all of the our  
17 counsel members are doing, with the possible exception  
18 of the chair.

19 (WHEREUPON, the interview was concluded.)  
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CERTIFICATE OF REPORTER OATH

STATE OF FLORIDA )

COUNTY OF VOLUSIA )

I, Shannon Green, Registered Professional  
Reporter, the undersigned authority certify that  
Deborah Denys named herein personally appeared  
before me and was duly sworn on the 12th day of  
February, 2014.

WITNESS my hand and official seal this  
23rd day of February, 2014.

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Shannon Green  
Registered Professional Reporter  
Notary Public - State of Florida  
My Commission No. EE852120  
My Commission Expires 1-8-2017



## 1 CERTIFICATE OF REPORTER

2  
3 STATE OF FLORIDA )4 COUNTY OF VOLUSIA )  
5

6 I, Shannon Green, Registered Professional  
7 Reporter, certify that I was authorized to and did  
8 stenographically report the foregoing proceedings;  
9 that a review of the transcript was requested, and  
10 that the transcript is a true and complete record of  
11 my stenographic notes.

12 I FURTHER CERTIFY that I am not a  
13 relative, employee, attorney or counsel of any of  
14 the parties, nor am I a relative or employee of any  
15 of the parties' attorney or counsel connected with  
16 the action, nor am I financially interested in this  
17 action.

18 Dated this 23rd day of February, 2014.  
19  
20  
21

22 \_\_\_\_\_  
23 Shannon Green  
24 Registered Professional Reporter  
25

## ERRATA SHEET

INTERVIEW OF: DEBORAH DENYS

## ERRATA

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Under penalties of perjury, I declare that I have  
read the foregoing document and that the facts  
in it are true.

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