

INTERVIEW OF:

JAMES DINNEEN

DATE TAKEN: MARCH 17, 2014

TIME: 1:39 P.M. - 2:09 P.M.

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

1 APPEARANCES:

2 JONATHAN KANEY, ESQUIRE
3 Kaney & Olivari, P.L.
4 55 Seton Trail
5 Ormond Beach, Florida 32176
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1 THEREUPON,

2 JAMES DINNEEN

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

5 BY MR. KANEY:

6 Q. Okay. Well, let's see. This is an
7 interview with County Manager, James Dinneen,
8 regarding what we call The Waverly Affair.

9 A. Um-hum.

10 Q. There's just two or three subjects I want
11 to cover. One -- one is the question with Waverly of
12 the -- the extent -- the time extent of their
13 contract. A lot of people I'm talking to think it's
14 been too long in the process of -- of doing something
15 about renewing or replacing that contract has been
16 delayed.

17 Do you have any particular comments on
18 that, for the record?

19 A. Only in that it's taken a long time. I
20 have talked to people responsible for that after we
21 ended the one in 2009. You really need to talk to
22 the people in my organization that are responsible
23 for getting specifications out when we go out to bid,
24 and that would be the attorneys, and -- that's the
25 largest group. And then my purchasing division,

1 okay. Because when I've questioned it -- it still
2 ain't out right now. You know, we're in the process
3 of -- Lassiter's doing -- he's reviewing as we speak.
4 He's got about -- I guess he's got about half of it
5 done. They reviewed all of the locations, and then
6 they're doing the construction drawings to do -- to
7 bid it out. The thing that was brought to my
8 attention early on, because my frustration was -- and
9 they'll tell you, where are we at? And I don't have
10 the -- the specifics enough to go through with it
11 yet. It's just that every time we talked about it,
12 we had new things happen. And it's all -- almost all
13 of it around ADA.

14 And there's a fear about, you know, once we
15 start down that path, we've got to get it right so
16 that we don't -- which happens, unfortunately, we
17 don't become the victim of a bunch of lawsuits, which
18 tend to pay attorneys, okay, especially. Especially
19 on these kind of lawsuits because we didn't do
20 something, especially now if we do everything new.
21 There's a question about whether a lot of this stuff
22 is grandfathered anyway. But you've got two issues,
23 one is the benches need to be ADA compliant. And the
24 sites themselves, which is a little different than
25 where I came from. Most of the stuff I'm used to was

1 all in the urban area, and so you didn't have a lot
2 of the accessibility issues because they were built,
3 you know, where sidewalks are that already ramps, and
4 the sidewalk was large enough for the pads and things
5 like that.

6 So they have to explain to you why it took
7 so long to get to this point. They've given me
8 explanations over the last couple of years. And like
9 I said, we're still involved in trying to get that
10 finished right now. In fact, we still have a
11 question for the council to answer, and that is:
12 After I get the construction drawings done, then I
13 need to know whether they want to -- I can bid it two
14 ways. I can bid it out to whoever is going to
15 provide the benches if you want to go down that path,
16 and they can do all of the construction based on the
17 engineering designs. Or we can do the construction
18 ourselves and then bid it out if they want to bid it
19 out, you know. You know enough about what happened
20 here. I got shut down five to two when I tried to
21 get us out of doing advertising.

22 Q. Yeah, I saw that.

23 A. I bet some people wish they had voted the
24 other way now.

25 Q. That's a good guess.

1 A. Over the period of time -- this was not a
2 contract that was on the priority list. It wasn't on
3 the -- until this issue came up, it became these
4 issues which, for lack of a better term, had become
5 political. This contract was, you know, nobody
6 talked to me. You know, it was pretty insignificant.

7 Q. Did -- do you think that the incumbent
8 contractor, Waverly, had influence on prolonging that
9 process?

10 A. No. I have no reason to believe that at
11 all. I have never talked to them. I have never --
12 nothing -- nothing I've been told by purchasing, or
13 especially not the attorneys, there's been more than
14 one attorney working on it, that had ever given me
15 that indication. Oh, except for one time. Except
16 for one time. Only in the sense that when it came up
17 at council meeting some time in -- I want to say it
18 was the beginning of '13, or the end of '12,
19 beginning of '13. That was the first time the
20 council -- I think it was Pat Northey that mentioned,
21 you know, where are we at on this? And I had asked
22 before, and it had taken time, and taken time. And
23 in the beginning of '13, I talked to the staff about,
24 look, this is -- I understand all these issues we're
25 having, but, you know, this is taking forever. And

1 there was a frustration that -- this is when I sort
2 of got from the council there was some frustration on
3 how long it was taking. And so we met with the
4 staff. I do remember this. And I told them, look,
5 they gave me these problems we're running into. I
6 said, well, why don't we just at least go out for a
7 bid for a short period of time and just see what we
8 response we get. We went out, and when we did, they
9 said, look, you're going to get all of these
10 questions that we can't answer. And my understanding
11 is that's exactly what happened when they went out to
12 bid.

13 Okay. Well, who's going to be responsible
14 for this? You know, who's going to pay for this?
15 There was all kinds of questions about how you're
16 going to be ADA compliant, because for some of these,
17 you're going to have to really -- to make them
18 accessible is going to be bigger than people think
19 because a lot of these areas are not set up to be
20 very accessible for handicap people or -- especially
21 -- all of the ADA requirements, okay. Especially on
22 ramps and things likes that.

23 And they went out, and they reported back
24 to me that, yes, they ran into exactly what they
25 thought they would have, and that for us to really

1 answer this and be right, we're going to have to do
2 this engineering and get that part done. I do
3 believe that Waverly was one of the people that gave
4 them questions. So in that case, that's the only
5 time I've ever heard of them being involved with
6 anything. You could go to -- I mean, they'll be glad
7 to give you all of that information on what those
8 questions were and what they said.

9 Q. "They" being your staff?

10 A. Yeah.

11 Q. Because Waverly is not letting you?

12 A. No, I meant my staff. My staff will tell
13 you. So that's the only time, Jon, that I know of
14 any time when they were connected to anything, if you
15 want to call it that. That would have been in March
16 or so of -- of '13.

17 Q. Were -- to your knowledge, were any of your
18 council members involved in that process of
19 questioning the RFP, questioning what comes next?

20 A. No, except for what I've learned since, you
21 know. I mean, I've seen the correspondence where
22 Josh communicated with -- with Ken, but I wasn't
23 privy to any of that until this whole investigation
24 started. So, no, I had no knowledge of that.

25 Q. Well, you've seen, of course, the e-mail

1 that Josh wrote to Ken about --

2 A. Ken Fischer.

3 Q. Fisher. Yes. Thank you.

4 And is that -- is that a common ordinary
5 thing for a member to do, that level of input to a
6 RFP process?

7 A. I'm not -- how do I say this? It's not the
8 norm. In other words, the only time where council
9 members that I'm familiar with since I've been here,
10 okay, have gotten involved in -- and I don't know
11 whether I saw his comments -- I'm not going to read
12 into what those meant, or I'm not going to read
13 something into about how I'm, you know, involved.

14 Obviously that never came to me, okay. I
15 never saw it. Never came to me. Nothing was ever
16 said to me. If that -- in other words, if that
17 person had said something to me, or come to me --
18 I'll tell you -- let me -- because it's unusual, a
19 little bit unusual, because I haven't seen the --
20 that's not usually how we correspond. What I meant
21 was that when the council members get involved in
22 reviewing specifications, or have any -- any comment
23 on specifications, put it that way, they tend to be
24 the times where I have deliberately set that up at a
25 public meeting like a workshop.

1 I'll give you a perfect example. They were
2 all over the map on me with the vendors on the beach
3 because the history on that one in '88 when they
4 inherited that, the vendors were already there. The
5 concessionaires, I should say, were there. They
6 wrote in there that in '98 that they wanted -- in 10
7 years they'd go out to bid. They give them a 10 year
8 window. Well, in '98 they gave them another 10 year
9 window. Well, when it got to here in 2008, I was
10 here, and they expected another 10 year window and I
11 said, I'm not doing that. So I had real issues why
12 we were not opening that up to the public. I think
13 20 years was plenty of time to amortize it, so --

14 Q. I thought 10 was enough.

15 A. So did I, but they had already done 20. So
16 I said -- Dan and I said -- you know, Dan was -- I
17 was uncomfortable, Dan was uncomfortable, but because
18 of the nature of that, okay -- and you could --
19 there's nothing magical in that.

20 In other words, I could make
21 recommendations, but how we ran what concessions, and
22 how we went out to bid I thought was -- because it
23 was such a -- it had gone on for so long. It was
24 really more policy in this case than sort of routine
25 administration. So there was a perfect example where

1 I had a specific -- it's not the only time I did
2 this. I had a specific workshop where the council
3 members debated back. We might have given some
4 ideas, but they debated back things that ended up
5 being in the specification. And listened to the
6 concessionaire. That's the normal way, okay.

7 Now, if someone, like in Josh's case, if I
8 had known that that e-mail existed, okay, then what I
9 would have done, especially if -- you know, I can't
10 remember exactly what he said in that, but I think it
11 was some comments on -- I think it was comments on
12 the spec. I don't remember right offhand because it
13 was a while back I looked at it. Had I known that
14 Ken had done that, what I really would have done is I
15 probably would have -- in fact, I know what I would
16 have done. I would have asked him to contact all of
17 the council members and get equal comments so that
18 everybody had the same opportunity to comment if they
19 wanted because they had a right to comment if they
20 wanted. But generally that's how it happens is
21 through a workshop.

22 Q. So that -- would you say that particular
23 instance was out of the ordinary, unusual?

24 A. It was, yeah, unusual. Not the -- I don't
25 think I've had another one like that before. In

1 other words, if there is enough reason where I think
2 there's questions about what the spec would be like,
3 okay, and I've had it happen a couple times where
4 what we'll do is we'll have the workshop. I'm trying
5 to think of another one I would have done. I think I
6 did -- oh, right offhand, what was it? But I've had
7 a couple that I did workshops on.

8 Q. You -- let's see where I want to start with
9 this.

10 There was a lot, a vacant lot, in Virginia
11 Beach that you owned and sold.

12 A. Yeah. Yeah.

13 Q. How did you come to have that lot?

14 A. Oh, man, I bought that as an investment
15 back in 1985. Why?

16 Q. There have been questions asked. The
17 records in Virginia Beach show that there was no
18 consideration given for that deed. No stamps, no --

19 A. You lost me. I don't know what that means.
20 I mean, I paid for it. I bought it through a bank.

21 Q. Was it a gift?

22 A. I paid for it. I bought it.

23 Q. And then -- you have it now?

24 A. No, I sold it. I'm lost. What does this
25 have to do with this?

1 Q. I'll get to that.

2 A. Okay.

3 Q. When did you sell it?

4 A. 2000 -- I'd have to look. Probably 2013,
5 2012.

6 Q. Who did you sell it to?

7 A. I'd have to go back and look. I have no
8 idea. Through a real estate agent.

9 Q. Do you remember what you -- what you sold
10 it for, the purchase price, selling price?

11 A. Um-hum.

12 Q. What was that?

13 A. Around 400 grand.

14 Q. Have you disposed of the proceeds in any
15 way?

16 A. Have I disposed -- yeah, if you want to
17 call it that.

18 Q. Well, spent them. Whatever you --

19 How did you do that?

20 A. I put it against my mortgage on my current
21 house.

22 Q. Okay. If you'll bear with me, I'll come
23 back and tell you where this is coming from.

24 A. Yeah, I'd like to know.

25 Q. Oh, I'll explain it all.

1 A. Yeah.

2 Q. When you acquired the home in Ponce, your
3 financial statement did not show that you owned that
4 lot.

5 A. It should have. Which financial statement?

6 Q. The one that you gave to the mortgage
7 company.

8 A. Jon, I don't know whether I should get an
9 attorney or something. I don't know where this is
10 going. None of this is connected to anything. I
11 don't --

12 Q. Well, I can't comment on whether you should
13 get an attorney or not, but if you --

14 A. Go ahead. If you explain to me -- I have
15 no idea what you're talking about, how this connects
16 to anything. But I have nothing to hide. Everything
17 I have is straightforward.

18 Q. I had one witness, maybe more than one,
19 testify that he knew secondhand that -- that a person
20 told him that that person heard Jimmy Sotolongo say
21 that he had given you the money to pay off your
22 mortgage.

23 A. That's -- let's put it this way: That's
24 the nuttiest thing anyone's ever said. That is
25 absolutely nuts.

1 Q. Well, the question was --

2 A. First of all, I never even met that guy in
3 my life, only except to read about him in the paper.
4 And, boy, somebody is really stretching, all right.
5 I bought a piece of property in 1985 that
6 appreciated. I bought a piece of property here that
7 I lost my ass on, okay. Took the proceeds from that
8 property to buy down my frick'n mortgage. Simple as
9 that. I bought it, I think, in 1985.

10 Q. Well --

11 A. Decided to put it up for sale, put it up
12 for sale through my best friend's real estate
13 company. He's a broker. Through their real estate
14 company. He didn't handle it. He owns the agency.
15 He found a buyer, I sold it, took the proceeds from
16 it, and put it against my mortgage because I owed
17 more than that damn house is worth. That's it. I
18 mean, that's -- you can't imagine how much of a reach
19 that is.

20 Q. The record totally supports what you're
21 saying with one exception --

22 A. Um-hum.

23 Q. -- and that is that on your financial
24 statement that you gave the lender when you bought
25 the Ponce Inlet home, the lot in Virginia Beach

1 doesn't show.

2 A. I can't explain that. I've always listed
3 it.

4 Q. Yeah, I don't know why it's not there, but
5 that's what required me to do to find out where the
6 400 thousand dollars came from --

7 A. Oh, okay.

8 Q. -- because it didn't show up on that
9 financial.

10 A. I'm surprised, because I usually put
11 everything down.

12 Q. It is on your ethics --

13 A. Right.

14 Q. It's on that disclosure.

15 A. Right.

16 Q. And I'm confident in what you're -- that
17 this is it, but have I to make a record --

18 A. Oh, no problem.

19 Q. -- that I looked at it, and give you the
20 opportunity --

21 A. I'm less concerned now because this is --
22 that's so far into outer space. Yeah, that's
23 somebody really reaching. That's nuts.

24 Q. I want my record to show that it is nuts.

25 A. I'm surprised that I didn't put that down

1 myself, unless I didn't need it for the loan at the
2 time, and somehow it didn't get done. But I would
3 have given them all that stuff because it was an
4 asset.

5 Q. It's an asset, and you're borrowing money.

6 A. Yeah. I always show my asset --

7 Q. That's the --

8 A. Yeah.

9 Q. That's the only thing that puzzled me on
10 that whole --

11 A. No, what happened was I bought that back
12 in, like, '85 or so, and when we got here and I
13 bought this house, the market was -- I mean, I lost
14 so much on this house that I'm paying on -- I'm
15 paying a lot of money on a -- on a -- for a loan,
16 okay, at a higher interest rate, you know, because I
17 had never planned on staying at this house. We
18 bought it as an interim, okay.

19 It was complicated. My son, who didn't
20 really want to come, it was close to the ocean.
21 Things were hard to buy back then, especially in
22 Ponce Inlet. The market was tough. So we bought it.
23 It was really the only big financial mistake I ever
24 made. So we bought that house -- we were going to
25 keep the property in Virginia, you know, to sell some

1 day. We had friends, we might have moved there at
2 one time. But, no, I sold that property because it
3 had appreciated. I talked to my buddy who was a real
4 estate broker, and he said, you know, things are
5 getting better. He said, that property is still --
6 still worth money if I wanted to try t o sell it.
7 And I did some investigation, and decided it would be
8 in my best interest because what I was paying in
9 interest rate down here, I was better off paying off
10 a big chunk of my mortgage, take that burden away
11 from us. That's it. Which I lost on.

12 Q. Do you think you're still losing on that,
13 or is it coming back?

14 A. It will never come back to what I paid for
15 it. I just put some money into remodeling because
16 we're going to stay. No problem.

17 Q. That's my only question.

18 A. You could have asked me that any day of the
19 week. I could show you -- that -- I find that
20 strange that it wasn't on there. I don't know why it
21 wouldn't be. It's on every other document probably
22 that I've had never.

23 Q. If I could have found it here. I don't
24 have the right briefcase. I would have showed you
25 the thing. I'll send it over to you --

1 A. Yeah.

2 Q. -- so you can see what it looked like.

3 A. Right.

4 Q. But that's really my only three questions.

5 I just have to show that --

6 A. No, no, no. That's okay.

7 Q. -- you did it right.

8 A. Well, I just -- I'm really surprised that
9 somebody would go out of the way to tell you that.
10 That's different. That's scare scary that somebody
11 would make something like that up.

12 Q. It is. And you need to know that that's
13 being said, too. There's a strain of that rumor, and
14 it was easier to find than that triple seven that
15 disappeared.

16 A. That's like that goofy letter that somebody
17 sent out anonymous that I asked ISC (sic) to do some
18 remodeling on my house.

19 Q. ICI.

20 A. It's ICS (sic). It's a division that Dave
21 Haas runs. It's their consulting -- they do
22 remodeling, okay. Trying for me to find somebody
23 that I don't work with here is -- I have a number of
24 people I can't do work with because we work with
25 them, so they did work for me. I paid retail -- top

1 retail price. Oh, yeah, I have every receipt, okay.

2 Didn't want to do -- wanted to do a general
3 contractor so I didn't have to go into individual
4 contractors because then I'd really start having
5 issues, and I get attacked for that, you know what I
6 mean? That's the nature of this job. That's also
7 why nobody wants to do this job anymore. They don't
8 pay you enough for all this. That's a stretch.

9 Q. I can't point to where it's coming from --

10 A. Okay.

11 Q. -- but when I bring out these transcripts,
12 that allegation will be in there.

13 A. Okay.

14 Q. Which is why I want your story in the
15 record, too.

16 A. Okay. I appreciate that.

17 Q. It's going to come out. Okay. Well, thank
18 you very much. I'm sorry to make you so
19 uncomfortable.

20 A. Well, you did. I'm not as uncomfortable
21 now.

22 Q. I'm glad.

23 (WHEREUPON, the interview was concluded.)
24
25

CERTIFICATE OF REPORTER OATH

STATE OF FLORIDA)

COUNTY OF VOLUSIA)

I, Shannon Green, Registered Professional
Reporter, the undersigned authority certify that
James Dinneen named herein personally appeared
before me and was duly sworn on the 17th day of
March, 2014.

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

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 March, 2014.
19
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21 _____
22 Shannon Green
23 Registered Professional Reporter
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ERRATA SHEET

INTERVIEW OF: JAMES DINNEEN

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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