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INTERVIEW OF:

DANIEL ECKERT

DATE TAKEN: MARCH 7, 2014

TIME: 10:14 A.M. - 12:20 P.M.

PLACE: VOLUSIA 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 DANIEL ECKERT,

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

5 BY MR. KANEY:

6 Q. Good morning, Mr. Eckert. I will have to call you
7 Dan as we record this, because I can't think of it any other
8 way.

9 A. Very well.

10 Q. Dan, you're the county attorney, Volusia County?

11 A. I am.

12 Q. How long have you held that position?

13 A. Warren Tiller, my predecessor, retired on February
14 28th, 1989. I was appointed acting county attorney under
15 the former charter arrangement on March 1st, 1989, and have
16 served in one capacity or another as the county attorney
17 since that time.

18 Q. But who's counting.

19 A. Well, as you know, the charter was amended, so I
20 was the county attorney, and then briefly I became the
21 interim county attorney after the charter was adopted, and
22 then I was appointed by the county council as county
23 attorney in the first of 1997.

24 Q. '97. It's been that long.

25 Are you the attorney for -- who -- who is your

1 client as the county attorney?

2 A. The county, as a corporate entity, is the primary
3 client. I think that's consistent with the Bar, the rules
4 of professional conduct, my explanation of that. I advise
5 the county council and all its administrative officials,
6 with the exception of the property appraiser in -- in his
7 litigation. So the decision-maker can vary upon the
8 circumstance, the nature of the matter. And each of those
9 officials can be clients, depending upon the matter.

10 Q. And this is per the charter that you're in that
11 position?

12 A. The definition of who is the client is per the
13 charter?

14 Q. Yes. And the --

15 A. The charter -- the charter says that I am to
16 represent the county as -- as the body and to provide advice
17 to those officials. I represent -- and to represent those
18 officials. I'm paraphrasing what I recall to be the
19 provisions of the charter.

20 Q. And does the charter require your approval for any
21 of those officials to retain other counsel, except in some
22 cases?

23 A. The charter says that I am supposed to -- what it
24 says is that I'm to recommend special counsel in certain
25 matters as I see the need. The -- the question of the

1 property appraiser is one wherein the property appraiser's
2 view as to whether or not he has an independent right which
3 arises by state law. And -- well, there -- I also have not
4 represented the sheriff at times. And in this case I did
5 not recommend special counsel, but I think the council has
6 an independent right to -- to seek its advice when they see
7 the need.

8 Q. Are you talking about this case, the one we're
9 in --

10 A. In this case particular. And I recommended a
11 special counsel in this matter to the -- the utilization of
12 special counsel for the Supervisor of Elections in this
13 matter.

14 Q. Why -- why did you recommend that?

15 A. She -- the Supervisor was concerned as to the
16 performance of her duties and the conduct of this
17 investigation. And since my advice in the previous matter
18 had been -- had -- the question of whom is the client had
19 been called into question, I recommended that she receive
20 independent advice. There's an e-mail which records that --
21 essentially that reasoning in probably a more concise
22 fashion than what I just stated it.

23 Q. The -- two angles I wanted to pursue here. One is
24 the historic angle. You were around before the charter was
25 adopted. You were here, weren't you, in the county?

1 A. No, I was not.

2 Q. Well, this -- the charters mandate that the county
3 attorney advise the council and the department heads and
4 approve special counsel. Was -- was it not a reform
5 included in the original charter?

6 A. Yes, that the -- to your previous question, I
7 moved to the county and became assistant county attorney
8 in -- at the last of October, 1978, so I have no -- no
9 personal historical recollection of it. The charter
10 indicates, however, that the -- the -- the charter
11 annotations indicate that the county attorney was to avoid
12 conflicts between departments and to centralize the
13 provision of legal services. The charter indicates that as
14 many as 19 attorneys had represented different agencies of
15 the county government. So the charter, again, reflects that
16 the county is the corporate -- as a corporate entity, is --
17 I think the charter states that I represent them, and I
18 think that's consist with the -- again, with the Rules of
19 Professional Conduct.

20 Q. In the -- in the case of your recommendation to
21 the Supervisor in this case, did you feel that you were in a
22 conflict in terms of a conflict of interest?

23 A. No.

24 Q. And how would you explain that?

25 A. The Supervisor -- the advice given involved the

1 performance of her duties as the Supervisor of Elections, to
2 which the charter -- the charter transfers the duties of the
3 office of Supervisor of Elections to a Department of
4 Elections, headed by a director who retains the title
5 "supervisor" and "director of elections." She -- she is
6 charged with performance of the duties of the constitutional
7 office of Supervisor of Elections, and the -- from my
8 perspective, I was giving advice on the performance of
9 her -- of her duties. Those -- her performance of those
10 duties I don't think are subject to the administrative
11 supervision of the county council when she's carrying out
12 the duties of the -- of the Supervisor of Elections, as
13 mandated under state law. So she is the decision-maker --
14 was the decision-maker, and the -- and the administrative
15 official became the client in this case.

16 Q. If there was no conflict, why did you recommend
17 special counsel?

18 A. Maybe we're not speaking of the same time.

19 Q. Okay. Well, my -- I'll try to ask a better
20 question.

21 The question that I had is whether the charter
22 requirement that you advised the council and the department
23 heads would place you in a position of conflicting duties
24 between those two entities, if I can say --

25 A. Are you speaking of 2012 when I gave original

1 advice, or are you speaking in the fall of 2013 when I
2 recommended special counsel?

3 Q. Well, I'm speaking generically. One of the things
4 I'm going to make -- have to make a comment on is the set up
5 under the charter for the county attorney and whether that
6 should be considered -- reconsidered in any way. And so my
7 question is, generally, does that consolidation of the
8 county attorney's role, under the charter, leave you, as the
9 attorney, in a position where you have conflicting demands
10 or conflicting claims of loyalty?

11 A. I generally do not think so. I think you identify
12 the decision-maker as the highest competent authority with
13 the ability to make the decision, so I owe a duty of loyalty
14 to the -- ultimately to the -- to the county as an entity.
15 In the case of giving advice to -- to the Supervisor of
16 Elections in 2012 when she sought my advice on her concern
17 regarding in-kind contributions, I did not think it
18 necessary to bring that decision to the county council, or
19 appropriate, really.

20 Q. Explain your reasoning on that, if you would,
21 please.

22 A. Well, the supervise -- the supervisor is
23 responsible for the administration of election laws. She --
24 the -- that does not involve the policy-making authority of
25 the county council in most cases. I mean, there's some

1 intersection of the duty of the supervisor and the county
2 council, both under state law, for example, and under
3 approval of her budget. And there's a intersection of
4 authority in the personnel issues of -- of the -- and
5 budgetary issues with the county government. The
6 supervisor's not one of the constitutional officials who
7 otherwise would have the right of appeal of her budget.

8 But specifically in this case, she asked me for
9 advice on -- regarding what should be done concerning
10 referral to an appropriate agency, if anything, regarding
11 in-kind contributions, and I did not think that was a matter
12 which required action by the county council.

13 Q. Well, let's go back to that original discussion
14 that she came to you with on the in-kind contributions.
15 What did she bring up to you?

16 A. Well, I have no notes of the conversation, so I'm
17 relying upon my memory in 2012, somewhat refreshed with
18 conversation with her in October of 2013. And I -- I
19 reference it in time by my knowledge that she met with the
20 State Attorney on -- investigator first on July 17th. So
21 some time before -- before that. She had notes of -- of --
22 of that -- the date of that meeting. She expressed to me
23 that she had received -- that she had concerns on the basis
24 of a number of campaign contribution reports which had been
25 received, and on the basis of a report made to her

1 previously that -- that the -- that the -- there were
2 in-kind contributions that were not made by the parties to
3 whom they were attributed. There are two officials who have
4 the authority to deal with that -- two agencies have the
5 authority to deal with those election law issues, one being
6 the Florida Elections Commission, and the other being the
7 State Attorney. The supervisor himself does not have
8 investigator authority. A complaint to the Florida
9 Elections Commission requires a complaint based on -- I
10 think the election's opinion say information other than
11 hearsay.

12 However, she does not have the -- did not have the
13 ability to go behind the face of those reports. She didn't
14 have the ability to investigate. I didn't think she had
15 the -- I also did not think she had the information at that
16 time to lodge a complaint with the Elections Commission
17 against any person -- any particular person. So my
18 suggestion to her was that she refer it to the State
19 Attorney's office, who does have the ability to -- to
20 investigate. I don't know what she would have done without
21 that advice, but that's the advice I gave her, and she
22 followed that advice and met with the State Attorney's
23 office soon thereafter. From review of the -- the dates of
24 the campaign contribution reports, with the reporting period
25 having been July 6th, 2012, I believe that conversation

1 would have been between that date and the 17th when she met
2 with the State Attorney.

3 Q. What did she tell you had been reported to her?
4 What was that?

5 A. She had received a -- I'm not sure that I'm
6 remembering this entirely from the earlier conversation, or
7 also reinforced by a conversation with her later. She had
8 received information from a person, whose name I do not
9 recall at this moment, who said that -- that the campaign
10 contribution -- in-kind campaign contribution attributed to
11 him was not -- not his own. I -- I think what she said to
12 me that was he had been compelled to consent to the use of
13 his name. Whether or not that's what that person would say,
14 I don't know. She had filled out a complaint to the Florida
15 Elections Commission, a text which I have not read, and
16 invited that person to come in and file a complaint. This
17 is from the -- in the aftermath of the 2010 election. She
18 then said that she had received campaign contributions
19 having to do with Waverly Media with a number of similar
20 names, and -- and on different reports, and that she was --
21 had concerns as to the voracity of those reports. Voracity
22 may not -- whether or not those persons actually made the
23 in-kind contributions. So it was the -- the previous
24 contact, and the -- the recent filings from candidates where
25 there were a number of similar names, which she thought to

1 be related to Waverly Media.

2 Q. Would she have been authorized -- or would a
3 complaint by her, based on what she knew then, to the
4 Elections Commission, have been appropriate under their
5 rules?

6 A. If she had sufficient knowledge of her own, it
7 would have.

8 Q. Well, would the communication she had with the
9 person who reported to her whose name was --

10 A. Well, that gets into the question of other than
11 hearsay. And at the time I thought that she did not have
12 the basis to make a complaint on her own.

13 Q. Not to argue with you, but just to run this to the
14 ground, the direct statement to her by a person whose name
15 was on the campaign report that had attributed a
16 contribution to him that he did not make, that's his direct
17 comment, is it? Would that be hearsay?

18 A. It would be -- it would be an admission against
19 interest on his part and not hearsay as to -- I believe an
20 exception to hearsay rule as to him for the prior -- for the
21 prior report.

22 Q. Of course, there is suspicion of the ones that --
23 the other ones that had similar names would not be direct
24 evidence that she could report on.

25 A. Correct. Whether she talked to him telephonically

1 or in person, I don't know. I was not party to the earlier
2 conversations.

3 Q. You did not report your discussion with the
4 supervisor to the county council?

5 A. I did not.

6 Q. State again for us, please, why.

7 A. Well, the action to be taken, whether or not my
8 advice was correct, whether or not I correctly perceived
9 that complaint could be filed or not, was within the
10 competence, legal competence, of the Supervisor of
11 Elections, and I thought she was the decision-maker, not the
12 county council. I don't think the county council could have
13 directed her not to file a report.

14 Q. In the vernacular, does that translate into it's
15 not of their business?

16 A. The decision was not theirs to make. Just as
17 the -- the advice to the sheriff on whether there's probable
18 cause or what actions should be taken in law enforcement,
19 there -- there are decisions made of enforcement variety
20 from my client, the -- the sheriff, the director of public
21 safety, that are not reported to the -- to the county
22 council. In the case of the supervisor, I most often
23 directly provide advice, but not in every case. In the case
24 of the sheriff, I have an assistant county -- there's an
25 assistant county attorney whose office is next to mine who

1 serves to provide day-to-day legal advice to the sheriff and
2 to other agencies of county government.

3 Q. And that -- so in your view, there was no
4 requirement, no duty on your part to report this
5 conversation with the supervisor to the council?

6 A. Correct.

7 Q. Would you have been -- were you free to do so in
8 your discretion?

9 A. I did not think that under the circumstances at
10 that point, no.

11 Q. You did not think it was within your discretion to
12 report this to the council?

13 A. Well, under the facts of this case, perhaps --
14 there are -- whether or not I was free to, that's -- that's
15 an interesting question. I did not think it was appropriate
16 to do so.

17 Q. And on what basis would it be inappropriate?

18 A. Well, the -- to the extent that the --
19 the council, again, had no decision-making authority in this
20 instance. The -- to have reported -- in this instance, the
21 campaign contribution reports involved both candidates and
22 current -- then current members of the county council who
23 would be -- could have been the subject of -- of action. A
24 county council member who is a candidate for public office
25 is not -- is not my client in that capacity. I -- I did not

1 think it was appropriate to do so. I would also -- I know
2 that there's been the statement that my advice could have --
3 to the county council, could have changed the outcome of the
4 election. I don't --

5 Q. Go ahead.

6 A. Well, that -- the -- the -- the state -- that
7 was -- that was a concern that was raised. The -- the --
8 if -- if the advice had been given to -- if the road not
9 taken would have been pursued, advice to the supervisor to
10 file a complaint to the Florida Elections Commission is --
11 such a complaint is confidential and not subject to
12 disclosure until a finding of probable cause is made by the
13 Florida Elections Commission. And if a finding of probable
14 cause is made by the Elections Commission within 30 days of
15 the election, it's -- remains confidential until noon the
16 day following the election. So it seems to me, based upon
17 my reading of the statute, that the public policy here is
18 that -- that the -- as yet unsubstantiated allegations are
19 not to be injected into the election. And even when there's
20 a finding of probable cause close to the election, that it's
21 not to be disclosed until after the election. I guess
22 repeating myself a bit.

23 Q. You're referring there to policy?

24 A. I'm referring to the statute which reflects the
25 public policy. What states --

1 Q. Does that -- does that statute -- how does that
2 statute bear on how -- how you viewed the possibility of
3 your making a report to your council?

4 A. Well, if the supervisor had -- if my advice had
5 been to make -- to make -- to make the -- a report -- excuse
6 me, a complaint to the Florida Elections Commission against
7 any individual, the super -- only the complainant can
8 disclose that.

9 So, in other words, had supervisor McFall -- if I
10 had said, you have -- you have the basis to file a complaint
11 against a certain person, and she had done so, it's
12 confidential unless she chooses to -- to release that
13 report. I think that the recipient of the complaint, under
14 opinions, it also has the ability to do so, but not the
15 recipient, but the subject of the complaint. So advice to
16 the county council seemed inappropriate to me, under the
17 circumstances.

18 Q. Inappropriate? Did it seem that it would be
19 unlawful for you to do that?

20 A. Well, the -- I don't -- the advice that I gave was
21 to refer it to the State Attorney. That's -- that -- the
22 confidentiality of -- of the -- of a complaint to the State
23 Attorney is not -- not governed by the statute explicitly.

24 Q. Well, would it have been within your discretion to
25 advise the council, inform the council, of the fact that the

1 supervisor had -- that you had advised the supervisor to
2 file a complaint with the S.A.O?

3 A. I'm sorry. Restate your question, please.

4 Q. I don't remember it. I'll try another one.

5 THE COURT REPORTER: Do you want me to read it
6 back?

7 MR. KANEY: No.

8 BY MR. KANEY:

9 Q. Would -- did you consider it inappropriate for you
10 to tell the council that you had advised the supervisor to
11 complain to the State Attorney?

12 A. Did I consider it appropriate?

13 Q. Yes.

14 A. No.

15 Q. You did not consider it appropriate to pass that
16 word to the council?

17 A. Correct.

18 Q. And, now, what was your reasoning on that?

19 A. Again, they're not the decision-makers. I don't
20 advise them in the individual capacities. And some of them
21 -- well, one at the time I gave the advice had given the --
22 campaign contributions in question were not on a county
23 council member's report.

24 Q. Who was the council member?

25 A. Mr. Kelly.

1 Q. Was it -- was it your -- did your reasoning
2 include a desire to avoid injecting that allegation into
3 Andy Kelly's race because it might effect the outcome of the
4 race?

5 A. Well, the -- the concern had not been
6 substantiated, so injecting an unverified allegation into
7 the race involved Mr. Kelly, which was then -- then, again,
8 Supervisor McFall, seemed, to me, to be an inappropriate
9 thing to do. If advise been given to file an election -- a
10 complaint to the Florida Elections Commission involving Mr.
11 Kelly, that would have been confidential by statute.

12 Q. There's where I went back to the point of policy.
13 There was no confidential complaint filed with the Elections
14 Commission, ergo, the conversation was not confidential
15 under that statute in any respect. It didn't apply. The
16 statute didn't apply, as a matter of law, as opposed to the
17 policy --

18 A. It's true.

19 Q. Is there any statute that would make a complaint
20 to the State Attorney confidential?

21 A. No. Not -- well, there's a statute which would --
22 there are public records exemptions applicable to
23 investigations by the State Attorney. But a person can --
24 can announce -- people have announced they've filed
25 complaints with the State Attorney's office.

1 Q. In other words, the public record exemption is not
2 a restriction on the speech of any person?

3 A. Correct.

4 Q. You can talk about it. The exemption means the
5 attorney is not -- cannot be required, under the public
6 records law, to disclose records on it. All of these
7 complaints, everything we're talking about here in terms of
8 the in-kind contribution issue, what Ann McFall was
9 concerned about, all involved Waverly Media?

10 A. Yes.

11 Q. Did they involved Councilman Wagner?

12 A. Not at the time we spoke, unless you would -- she
13 didn't -- unless she would look back, perhaps, to his 2008
14 race. But the campaign contributions -- the in-kind
15 contributions regarding Mr. Wagner were reported later. So
16 the same concern might have applied to him as when they were
17 reported. But Mr. -- Mr. Wagner had not -- his campaign
18 report did not reflect such contributions. And his report
19 in 2008 had not been the subject of -- of discussion.

20 Q. Josh Wagner has -- had business relationships with
21 the principals of Waverly Media? Not in that corporation,
22 but with those people in other ventures. Was that known at
23 that time by you?

24 A. To at least some extent. I do not know the
25 individuals involved, so mostly what I do -- I can't say I

1 knew exactly with whom he did business -- with whom he had
2 business dealings. So I knew he had some business dealings
3 with them. The names are -- the names and the relationships
4 are better known to me now than they were then, but I had
5 some -- had some, yes.

6 Q. Would your concern with, using our phrase we used
7 earlier, injecting unverified allegations into the political
8 campaign, would that have any weight with the
9 relationship -- perceived relationship between Wagner and
10 Waverly?

11 A. I don't think I considered it at the time.

12 Q. That's -- that's the question I should have asked.
13 Thank you. Did you consider it?

14 A. Well, they -- it's still -- I think we may --
15 Supervisor McFall and I may have discussed it with some
16 individuals with whom he had business dealings with, but his
17 report was not present or had not been -- been filed yet.

18 Q. So in what context, then, did you discuss the
19 Wagner/Waverly connection?

20 A. I think she may have observed that these are some
21 of the same people with whom Mr. Wagner's had business
22 dealings. Or I may have known it. I can't recall the exact
23 conversation.

24 Q. Well, this would be a hypothetical, if you will.
25 Would your -- would your perception of your role as not

1 requiring, or even indicating, that you should participate
2 in bringing up embarrassing issues for incumbent county
3 council members that are on the ballot, would that extend to
4 not wanting to let this particular story out if it
5 indirectly --

6 A. No. From my perspective, consistent with what I
7 think of the Rules of Professional Conduct, I advised the
8 Supervisor of Elections to report -- her concerns, including
9 the county council. I was not concerned with -- with
10 whether or not there was embarrassment to the county
11 council -- county council members individually if they were
12 guilty of wrongdoing. I advised her to -- to report it to
13 the State Attorney, who had -- for investigation. Now, if I
14 were -- if -- it's difficult -- if I were to have -- you've
15 placed us in the context of -- and I think it's appropriate
16 to place it in the context of who -- who the client is. The
17 county council members, as I stated, when they're running
18 for office, are not my client. If they're guilty of
19 wrongdoing, then -- in such context, I don't have a duty to
20 report to them that they're -- or to warn them. If,
21 hypothetically -- you know, I can, by observing things, keep
22 them from -- individually from future conduct where there's
23 a concern, I don't -- I think that's -- that's appropriate.
24 But their -- but they're individual business, and whether or
25 not they comport themselves with the law, in that context

1 they are not my client.

2 Q. Okay.

3 A. So if you want to place it in this context, it
4 would be, don't hold back doing what you think is the right
5 thing to do because it involves county council members. And
6 to the supervisor, don't hold back doing what you think is
7 the right thing to do because it involves -- involves your
8 opponent, among others.

9 Q. I understand and appreciate the point you're
10 making there. And I'm still really not doing a good job of
11 focusing my question, although I appreciate that answer.
12 It's relevant and competent. The -- the question that I'm
13 trying to figure out how to ask goes to that policy issue of
14 appropriateness. In your decision not to share this
15 information with the council, we can make it public, were
16 you -- were you trying to avoid becoming a player in the
17 political race by what you said, by what you brought out?

18 A. Well, I seek not to avoid becoming a player in the
19 political race. And I say that to -- to -- to every
20 interviewee that seeks a job, at least that we're carefully
21 considering hiring.

22 Q. I think we had a double negative. You seek not to
23 become involved?

24 A. I don't -- I seek not to become a player in
25 political raises, particularly in county council raises.

1 Q. And this goes to kind of the nub of what our
2 client is concerned about, the conversation we're having
3 now, which is, why you didn't tell the council what you knew
4 if it was not unlawful for to you tell them and not
5 obviously off-the-wall improbable.

6 A. Well, what do you mean reporting it to the client?
7 In what manner?

8 Q. Well, I mean making the county council aware,
9 whether you regard them as your client for that purpose or
10 not.

11 A. In public or in private, for example?

12 Q. Let's take them one at a time. Why not make --
13 why not make a comment to them in the open meeting that this
14 question has arisen and it is being pursued in the way that
15 you recommended?

16 A. In the open meeting, I think that does make it a
17 subject -- inject the issue, unsubstantiated allegations --
18 it be does inject unsubstantiated allegations into the
19 election.

20 Q. And that -- and for that reason, you don't believe
21 that you should be doing that in your position?

22 A. No, I don't.

23 Q. Right. I agree.

24 Now, let's look at the non-public disclosure.
25 One-on-one conversations your members.

1 A. Well, if they were guilty of wrongdoing, I don't
2 think I have an attorney/client relationship with them. If
3 I were to go to a county council member and say, Listen, I
4 think you're guilty of illegal campaign contributions, or at
5 least that you -- that you may be. Such -- if they -- if
6 there was an admission of wrongdoing by a county council
7 member, I don't think there's any attorney/client privilege
8 that attaches to that. I'd have to tell them that you're
9 not -- if you make an admission to me, it's not -- it's not
10 protected. If -- if there -- this -- this involved both --
11 this -- the scope of the concern involved both county
12 council members and candidates. Do I have the -- should I
13 report also to the candidates? That's a rhetorical
14 question. I think not, to answer my own question. So would
15 it be -- if I could prevent harm, I think it's appropriate
16 to report concerns to the county council if -- if I'm -- if
17 they're the subject of the investigation, or the potential
18 subject of an investigation, I don't -- for conduct in their
19 private capacity -- or for that matter, if I thought they
20 were guilty of official wrongdoing, I don't think I -- if I
21 reported it to the State Attorney's office, I don't think
22 I'm accountable to report to them that I think they're
23 guilty of official wrongdoing.

24 The highest duty that I owe is to the -- to the
25 county as an entity. I take advice and direction from the

1 county council. They are the board of directors. They
2 hired me as the attorney for this corporation, and I have
3 the utmost loyalty and respect for them. Well, I can't say
4 utmost, because it's surpassed by my loyalty, which, as a
5 matter of law, I owe to the county as a corporate entity.
6 So I have the greatest of respect and loyalty, subject to
7 that responsibility.

8 Q. Changing the focus a little bit from --

9 A. I just want to -- if I knew a council member were
10 the subject of a law enforcement investigation of my client,
11 the sheriff, I don't think I'm responsible to -- to report
12 that to the county council member, for example. I think
13 that's an apt analogy. Not -- not -- not a complete one,
14 but apt.

15 Q. Looking at it from a different angle, not your --
16 not with propriety or duty, or whatever, of you to tell the
17 subject of the investigation, I think the concern that I've
18 heard expressed is the propriety or your responsibility to
19 tell the body that there is an investigation of wrongdoing
20 that goes to the integrity of that body as the elected
21 county council.

22 A. Well, that could be -- perhaps it could arise in
23 circumstance where I owe that duty, but I didn't see it in
24 this case.

25 Q. Do you think you would have the discretion to make

1 that disclosure as opposed to the duty?

2 A. Well, I never really -- in certain circumstances,
3 I think.

4 Q. But in this circumstance, you didn't see the
5 appropriateness of making that disclosure?

6 A. No.

7 Q. I think I know the answer, but why -- why did you
8 not? What would be the reasons for not making the
9 discretionary act, either individually to the members, not
10 the targets, but all the members, each of the members, or to
11 the body in a meeting? Why not tell them?

12 A. Again, the allegations were unsubstantiated at
13 that point, they hadn't been investigated. And, to me,
14 inappropriate -- I've use that had word several times, but
15 inappropriately would inject concerns, un-investigated
16 concerns of the Supervisor of Elections into a campaign
17 issue.

18 Q. I think you've covered that -- that answer, and it
19 goes to -- it goes to your sense of propriety of your office
20 becoming involved in a political controversy effecting your
21 client, the governing board.

22 A. Well, sometimes when we might -- might -- it might
23 be unavoidable. But in this case, what I had is the
24 supervisor saying I have these concerns over -- over -- over
25 the similarity of names. And all things considered, I

1 didn't think it was the right thing to do at the time.

2 Q. Okay. I thank you for that.

3 Did you ever discuss, with Pat Northey, Council
4 Woman Northey, anything related to this -- this issue while
5 it was brewing?

6 A. I think -- the elections campaign, no. Well, I
7 think she indicated to me that she had some awareness after
8 the election and after the first of the year. She had some
9 awareness that there was an investigation.

10 Q. How did that conversation go?

11 A. Well, as to that aspect of it, I -- she -- I can't
12 say how she -- how she knew that. And I said, okay, if you
13 know that, that's -- that's -- I don't think I confirmed the
14 existence of it.

15 Q. Do you recall her asking you if you thought it was
16 appropriate for her to bring that subject up in the council
17 meeting?

18 A. Well, it depends on what you mean by "that
19 subject." Yes, I do --

20 Q. What -- what subject are you thinking of there?

21 A. Well, I'm not sure what Council Member Northey
22 would think of -- was that subject. She -- she had
23 expressed concerns to me regarding our contracting
24 arrangement to -- with Waverly Media and had expressed
25 concerns whether or not we were owed money under the

1 contract. And she was concerned with the contractual
2 relationship with Waverly Media. So I think her concern was
3 not so much whether they were illegal in-kind contributions,
4 but whether the -- but the fact that there were in-kind
5 contributions at all, which the county should be deriving
6 income. And whether or not -- what our continuing nature of
7 our relationship with Waverly.

8 Q. Did she ask you for your advice on whether she
9 should bring that issue up in the council meeting?

10 A. Again, I'm -- I've -- I'm clear on the nature of
11 the issue at the time. I recall a comment such -- such --
12 such as that, and I think I -- this was a -- this was a
13 conversation in the staff room during the course of the
14 county council meeting. Not -- not an extended
15 conversation, as I recall. It occurred, I think, after the
16 State Attorney had subpoenaed documents. But her concern,
17 again, is the relationship with -- was the relationship with
18 Waverly and whether we should -- she'd have to speak for
19 herself, and I'm sure she has, but I took her comments to
20 mean more than the contractual relationship. I spoke with
21 her a couple different times, so I'm not -- and we had --
22 there was -- the timeline will reflect where we -- that's
23 been -- the timeline that's on the county website will
24 indicate we issued a request for proposal for -- which I
25 think was responsive to her concern. Counsel member Northey

1 would view, and it's actually -- was that to the extent
2 that -- this is actually a different conversation. To the
3 extent that they -- that Waverly was not paying for in-kind
4 contributions, that the county was not realizing the income
5 it should under the contract. Previously terminated under.

6 Q. Terminated?

7 A. Previously terminated.

8 Q. Right. Are you thinking or am I? Is it on me
9 now?

10 A. (Nods head.)

11 Q. Was there -- in either of those two or more
12 conversations that are relevant here that you're thinking
13 of, was there a time when she asked you for your thought on
14 whether she should bring up that subject in the meeting or
15 not?

16 A. Did she ask me?

17 Q. Yes.

18 A. Well, I think what she asked was that it be placed
19 upon the agenda. Eventually her request became that the
20 subject be placed upon the agenda, is my recollection. So
21 the conversation was I'm going to -- I'm going to bring it
22 up at staff time -- excuse me, council member's time for
23 matters not on the agenda, and I think I told her, I'd like
24 to wait and talk to you about that.

25 Q. Why did you tell her that?

1 A. More to brief her on -- to my view of the
2 conversation, more to brief her on her issues having to do
3 with the request for proposal. She may -- you know, she may
4 have had a different understanding of what she intended to
5 accomplish at that point.

6 Q. Was there any reason, in your mind, why she could
7 not bring up the subject during --

8 A. No.

9 Q. -- her member time?

10 A. No.

11 Q. Then why would you ask her to wait?

12 A. So that she was -- so she could be informed of
13 what we were doing on -- on the request for proposals, is
14 the way I recall it.

15 Q. I'm going to shift around and just ask you a few
16 questions on the request for proposals process.

17 The contract is terminated now as far as the
18 county is concerned. The county has notified Waverly that
19 the contract is terminated; is that correct?

20 A. The letter that we wrote Waverly that the managers
21 signed, as a result of the council direction, said that the
22 contract had been previously terminated or expired.

23 Q. Are you still -- is the county still receiving
24 payments from Waverly for --

25 A. The county recently received a payment for months

1 preceding that -- that letter.

2 Q. Of course, the benches are still there?

3 A. No, they're not. Not in the unincorporated area.

4 Q. There are -- okay. Well --

5 A. There may be one that's still at issue. Whether
6 or not it's -- it's in the City of Deltona or not. And --
7 and the City of Edgewater has annexed the right-of-way of
8 US-1. But all of the benches in the unincorporated area,
9 with perhaps isolated exception, have been removed. We
10 notified Waverly to remove -- to remove them as of December
11 20. They were not all done that day. Most were done. We
12 inventoried and notified them of the remainder, and I
13 believe all have been picked up. In recent conversation
14 about whether or not one in the Deltona area is -- is in the
15 unincorporated area or within the city. I don't know where
16 that stands at this point. But -- but we have taken steps
17 to -- to have all of them removed. When you drive -- if you
18 drive 92 back to Deltona -- excuse me, to Daytona later
19 today, you'll see concrete pads without -- without benches.

20 Q. I have to confess, I have not noticed that
21 distinction. There are benches out there, I just wasn't
22 paying attention to the --

23 A. There are benches closer in to 92 -- on 92 closer
24 to 17, which are under the City of DeLand's contract.

25 Q. Okay. That relationship with Waverly has been

1 pursuant to a contract that was annually renewable unless
2 notified?

3 A. It dates to a 1979 agreement with Associated
4 Marketing, and I'm not sure about the annually renewing part
5 right now as we speak.

6 Q. But it continued in effect until the letter you
7 mentioned that the manager had --

8 A. No. From my perspective, the contract was
9 terminated by a letter from Lois Bollenback, the then
10 general manager of Votran.

11 Q. When was that?

12 A. 2008, as I recall. The latter part of 2008. The
13 date of it -- again, it's on the timeline.

14 Q. And the letter that you mentioned just now from
15 the manager, when was that? I didn't write the date down.

16 A. October, 2013.

17 Q. One of the questions that I need to answer, if I
18 can, to report on is what accounts for that time span
19 between 2008 and 2013 when the contract was, by one view,
20 terminated, but, in fact, the relationship was continuing?

21 A. Well, it was terminated -- the significance -- the
22 council never gave direction to remove the benches until
23 October 2013, and I think the issue was addressed to them.
24 The October, 2008, letter was in anticipation of the county
25 issuing a request for proposals. And the contract, as I

1 recall, had a six-month notice period. So it was --
2 actually, the -- my -- there was a discussion at the time of
3 whether or not -- it was an item in front of the county
4 council having to do with bus stop amenities and who
5 would -- would provide the bus benches.

6 Q. Was -- was the process of preparing an RFP begun
7 some time in the neighborhood of the 2008 --

8 A. Subsequent to that, I believe.

9 Q. Subsequent to that. But not too long after that,
10 right?

11 A. Yes.

12 Q. And to this date, there is no RFP outstanding?

13 A. There's none outstanding now. There has -- there
14 had been. There was one in 2013, to which there -- for a
15 time there were -- it was withdrawn.

16 Q. Do you know why it was withdrawn?

17 A. There were concerns over the length and who
18 would -- the expense required of putting in the -- at the
19 prebid, over the expense of putting in ADA compliant bus
20 stops without the opportunity to -- to amortize those
21 improvements. I'm sorry. I didn't mean to -- not to finish
22 the sentence. But the county council -- I mean, today the
23 county council has not decided whether it -- there is to be
24 bus bench advertising or not.

25 Q. Was there a pre-bid conference regarding that RFP?

1 A. Yes. I was not a participant, but my
2 understanding is --

3 Q. Do you know what Waverly Media's reaction to the
4 RFP was, response?

5 A. Well, negative in the sense that -- that -- do I
6 personally know? I was not party to the RFP, but I think
7 they had the concerns that -- over the length of the
8 contract.

9 Q. Do you know who was speaking for Waverly in those
10 days? Who was dealing with the county?

11 A. I've never met the individual, but I believe that
12 Jim Brown was speaking for them.

13 Q. Do you know if he communicated in writing to the
14 council -- to the county on that subject?

15 A. I don't know right now.

16 Q. That then brings me to the e-mail that Josh Wagner
17 wrote to Ken Fischer. Do you recall that e-mail on that
18 subject, or do I need to predicate it more?

19 A. I know the e-mail that you're talking about. I
20 did not know about it at the time.

21 Q. When did you first learn about it?

22 A. October, 2013.

23 Q. The e-mail, I believe, was addressed to Ken
24 Fischer, who, at the time, was the manager of Waver -- of
25 Votran, which is a quasi public contractor with the county

1 running the bus system.

2 A. Yes.

3 Q. At this -- since then, have you learned whether
4 anyone in the county staff was aware of that e-mail prior to
5 October of 2013?

6 A. Where the e-mail -- no, I don't know.

7 Q. You don't know?

8 That was an e-mail --

9 A. And let me --

10 Q. Go ahead.

11 A. Mr. Fischer has told me, and I believe he would
12 have indicated this to you, that he -- that Mr. -- Mr. Byron
13 was aware that Mr. Wagner had asked to review the request
14 for proposal. But I -- that would have been -- I since have
15 learned that that would have been in a monthly meeting
16 between Mr. Fischer and Mr. Byron, and he would -- I'm
17 reporting a conversation with Mr. Fischer, so I think he
18 more accurately report it -- report that conversation.

19 Q. As you recall, the revelation of the e-mail led to
20 some conversation among council members in council meetings.

21 A. Yes.

22 Q. And Mr. Wagner said that it was a commonplace
23 thing for him, as a member of the council, to make that sort
24 of commentary to the staff. I believe that's what he said.
25 Do you remember him saying anything like that?

1 A. I'm pausing, because I don't know -- I'm not sure
2 I remember that comment being made in the county council
3 meeting or outside of it. But, yes, I recall him saying
4 something to that effect.

5 Q. Are you aware of any other instance where such a
6 communication from a member to a staff person had occurred?

7 A. Well, I would say it was unusual.

8 Q. Would you say it's unusual, at least since the
9 time that Big John left office?

10 A. I would say it's unusual.

11 Q. And do you know of any other instance where
12 Mr. Wagner himself had issued such a communication to a
13 staff member?

14 A. Do I know of any? No. Now, what Mr. Fischer told
15 me is -- what he reported, and what I may have -- I think it
16 was reported to me by Mr. Byron, he does not recall this,
17 was that Mr. Wagner had asked to review it. I did not see
18 the text of the e-mail itself at the time, nor the input
19 that he provided.

20 Q. What is the role of the council member with
21 respect -- with regard to -- in relation to members of the
22 county staff?

23 A. Well, the county council's a policy-making body.
24 The provision -- our charter is among a group which has a
25 non-interference provision in it. So it -- which indicates

1 that they cannot direct staff. But it's not uncommon for
2 county council members to seek -- to seek information from
3 the staff member who is -- has the most familiarity with the
4 subject. Not all -- it's not -- not every staff member who
5 does that would be involved in such a communication, but
6 there -- if -- if a county council member wanted to check on
7 the subject of construction, they might feel free to contact
8 Mr. Britton, who is in charge of that. Facilities, they
9 might feel free to contact Mr. Baker. It should be
10 Mr. Baker that reports back to the manager. But not -- not
11 every -- my observation has been that not every
12 communication is channeled through the county manager.

13 Q. Would you classify the e-mail from Josh that we're
14 talking about as seeking information?

15 A. Well, he said -- the e-mail speaks for itself, but
16 he asked -- he provided comment upon this. He says he's not
17 providing direction for Mr. Fischer's perspective, the
18 comment that he provided did not change the -- the
19 competitiveness of the proposal. I don't -- I -- I don't
20 think -- well, I didn't know, and I don't -- there's --
21 there's no communication coming from Mr. Fischer to -- I'm
22 sorry. To the question you previously asked. There's no
23 communication from Mr. Fischer to -- that I -- to Mr. Byron,
24 to whom he would have reported, or to anyone else, that
25 indicates that -- regarding the changes in the RFP.

1 Mr. Fischer reports that -- that there was a --
2 there was communication in 2011 from a firm in Jacksonville
3 that was interested in -- in proposing, and he, as I -- he
4 would have commented upon this, but as I recall, he --
5 e-mails don't indicate this, but Mr. Fischer indicated that
6 they were interested in having -- he has recollection of a
7 communication with a firm that wanted a 10-year contract,
8 which he thought was inappropriate.

9 Q. The 10 years --

10 A. Two -- 10 years was too long.

11 Q. Yeah. As a matter of following the charter, and
12 non interference clause, and looking at the e-mail from Josh
13 regarding that RFP, and looking at the relationship which
14 we've already mentioned between Josh and Waverly, the
15 principals of Waverly, do you regard that e-mail as clearly
16 contrary to the charter, or clearly embraced by the charter
17 whether the council members should be doing?

18 A. Well, neither.

19 Q. Not clearly good, not clearly bad?

20 A. It's not -- it's not direction. He was providing
21 input in the subject where -- so it's not -- as far as the
22 charter issue's concerned, it's not prohibited by charter.
23 It wasn't direction.

24 Q. How do you know it's not direction?

25 A. It's not -- by its terms, it's not direction.

1 Whether or not you could -- and Mr. Fischer felt free to
2 reject some of the suggestions, and did reject some of the
3 suggestions. And he thought -- I know you've spoken to
4 Mr. Fischer, that he -- I've not spoken to him after you've
5 spoken to him, but dating back to the questions I had of
6 Mr. Fischer at the time, he felt free to reject the
7 comments. He did not think they were of such significance
8 that he reported it.

9 Q. Do you think he felt free to ignore them?

10 A. I think if he thought they were a good idea, he
11 would -- he would incorporate the comments. If he didn't
12 think they were a good idea -- I think if he thought he was
13 being asked to do something that he didn't think was of any
14 interest to the county, I've known Mr. Fischer for a long
15 time, I believe he would have reported it. And the fact
16 that he didn't indicates to me that he didn't feel like he
17 was being directed. So that's why I answered as I did
18 earlier. Now --

19 Q. But -- but we know that he did not ignore the
20 e-mail. He responded to it, is that right, to your
21 knowledge?

22 A. I know that there was some changes made in the
23 RFP. I don't recall whether there was a response -- I guess
24 there was a response saying here's the RFP as we're sending
25 it to purchasing, but --

1 Q. If he had felt constrained to go down each point
2 in that e-mail, point-by-point, and respond yes or no and
3 explain his reasoning, would that have been some sort of
4 compulsion from the e-mail to him that caused him to do
5 that?

6 A. Well, the question you're asking is whether --
7 whether a county council member, because of their position,
8 if they are inquiring about a request for proposal, whether
9 it becomes, per se, compulsion. In this instance,
10 Mr. Fischer didn't, but could the county council establish a
11 policy that they're not going to solicit -- to allow such
12 input? That would be within their prerogative. It would be
13 an implement -- I think it would be within their power to do
14 so. Now -- I'm indicating now that I'm dealing with the
15 scope of the -- the -- preparing the scope of the request
16 for proposals.

17 Q. Do you remember that e-mail from Josh mentioning
18 the fact that he had these relationships with the principals
19 of Waverly, mentioning or disclosing?

20 A. I don't remember it being in the text.

21 Q. If the e-mail from Josh to Ken Fischer did not
22 disclose that he was speaking for a -- what he calls a
23 very -- has called a very close friend and a person with
24 whom -- an entity whose principals with whom he's had other
25 business dealings, would you think that would be less than

1 stellar candor from the member?

2 A. If Mr. Fischer didn't know. I don't know what
3 Mr. Fischer knew. Mr. Wagner, in voting on a -- and I can't
4 tell you on what matter -- called to my attention his
5 business relationships and asked me whether or not that
6 constituted a conflict of interest under the statute.

7 Q. Was that in the meeting?

8 A. He asked me prior to the meeting, and we -- I
9 researched it. But he called my attention to the
10 business -- business relationship.

11 Q. Do you know of any education, experience, or
12 training on Josh's part, Mr. Wagner's part, that would
13 qualify him to consult an RFP for a business of this sort?

14 A. Mr. Wagner has a degree in advertising, upon which
15 he's drawn in making comments to the county council, and
16 some advertising experience -- some limited advertising
17 experience, I believe. But I think that was really as an
18 intern -- as a legal intern for an advertising company. I
19 don't know what practical advertising experience he has.
20 Beyond that, I don't know.

21 Q. Do you know if Mr. Wagner was asked by Waverly,
22 the principals at Waverly, to become involved in the RFP?

23 A. I do not.

24 Q. If he had been, would you think that would have
25 been something he should have disclosed?

1 A. I think it would have been appropriate for him to
2 do so, yes.

3 Q. Of course, we are aware that the principals of
4 Waverly Media, Mr. Sotolongo, and Ms. Garrett, and
5 Ms. Musselwhite are involved in a federal trial accusing
6 them of wrongdoing in regard to mortgage fraud, fraud on
7 federal banks. There is some indication here, which I don't
8 know if you would agree with me or not, but that -- that the
9 Waverly principals, who I just named, or some of them, have
10 been interested in county government to the extent that they
11 have expended time and resources seeking to influence county
12 elections. Would you agree that that's a background fact?

13 A. Yes. By virtue of having made contributions, yes.

14 Q. And that -- the process they followed has not been
15 entirely legal, based on the revealed testimony of Jim Brown
16 and his -- which is summarized in the disclosures the State
17 Attorney has given us, regarding the use of straw parties
18 for these in-kind contributions and so forth. Would you
19 agree that's a background fact, a predicate for --

20 A. I'm not -- I don't recall exactly what Brown said
21 at this point. I think he said -- I'm unable to recall what
22 Mr. Brown's -- versus his comments made in the newspaper.
23 I'm unable to distinguish between the two at this point.

24 Q. Are you aware of any instance, other than what
25 we've discussed, and as you say, what's been reported in the

1 news, where the principals of Waverly have involved
2 themselves in seeking to obtain influence within county
3 government?

4 A. No. Not -- not except -- did -- obviously they
5 sought to retain this bus bench advertising, so I took your
6 question to exclude that.

7 Q. Yes. Beyond that.

8 A. Beyond that, no.

9 Q. You're not aware of any occasion where they've
10 given any money to any government official, county
11 government official, provided financing of any kind?

12 A. For -- no, I'm not. Well, let me -- I think you
13 just changed the nature from county government to
14 individuals, and, of course, they had a business
15 relationship, too, with Mr. Wagner.

16 Q. Yes. And I'm saying -- and that's been well
17 covered as far as I can tell in the newspaper. But beyond
18 that, are you aware of any business relationships, financial
19 relationships, between Waverly and any individuals with
20 influence in county government, with a role in county
21 government?

22 A. No. I think Mr. Wagner may have explored other
23 business interests and not gone forward with that, so I want
24 to include that within -- actually, he asked me if he -- if
25 by becoming a title agent, he would have a conflict with his

1 role in the county council member -- as a county council
2 member. And I believe that was -- would have -- with
3 subsequent knowledge, I believe that would have been what
4 those individuals -- after they were arrested, he commented
5 he didn't know about the underlying conduct -- conduct with
6 which they were charged, and that was a good thing that it
7 didn't come to pass. But -- but that -- I'm not aware of
8 any other business -- any other personal business
9 relationship with any -- any other person in county
10 government.

11 Q. Okay.

12 A. Whether or not they've, you know, bought a home --
13 I'm not aware of any such circumstance. And I can't think
14 of any circumstance where I would be -- have -- which would
15 put me -- which would cause further inquiry.

16 Q. Bearing in mind that this is not a deposition
17 for -- but a conversation, an interview, have you heard tell
18 of any such relationship?

19 A. No. I mean, I -- no.

20 Q. Okay.

21 A. I guess to finish the sentence so you're
22 wondering -- because you're probably wondering. It puzzles
23 me why Waverly would want to contribute to an election
24 involving the Supervisor of Elections, but I don't know that
25 that -- I don't know that relates to any other business

1 interests. I've never heard any -- any -- anything which
2 caused me to believe that anybody else had a business
3 relationship with Waverly.

4 Q. Well, so far in my rather extensive conversations,
5 I haven't seen the reason why they were interested in that
6 supervisor race either. In fact, it's a puzzle to me why
7 they're so interested in the county races if their only
8 stake in it is the bus bench. That doesn't seem like a big
9 bonanza.

10 A. It is -- no, it isn't.

11 Q. Okay. Do you have anything that you want to say
12 that we haven't cleared up?

13 A. Well, I think going back to your question
14 regarding Ms. -- Council Member Northey. The -- the
15 concern -- putting it on the -- saying we should put it on
16 the -- the agenda I think had -- well, I've covered this.
17 You know, we -- there are times when it looked like we could
18 have moved with more dispatch through this, and maybe it
19 was -- maybe it ultimately works out to be a good thing,
20 given the position of the State regarding the -- given the
21 issuance of the ADA guidelines. I don't -- I didn't
22 understand Ms. -- Council Member Northey's question to
23 pertain to the disclosure of the investigation itself.
24 Maybe that's what she meant, but that's not the way I took
25 it. She had concerns over the contractual relationship, and

1 what we were doing about this, and why it was moving at a
2 pace that she didn't think was appropriate. And ultimately
3 why didn't we -- why weren't we collecting from Waverly.
4 But I don't think hers was interest in discussing what the
5 State Attorney, himself, was doing about the in-kind
6 contributions. But she may have a different view of that.

7 Q. Another question I --

8 A. She just thought it was a mess, to put it --

9 Q. That's not the first time I've heard that word in
10 this conversation.

11 What -- one of the questions that I'm thinking
12 that they want me to answer, or delve into, is what it is
13 about the new ADA rules that -- that so effected the process
14 of getting the RFP out? Did they change?

15 A. Guidelines -- there are others who are better
16 versed on this than me. But the guidelines we issued
17 regarding this -- these -- well, I think they may have been
18 more broadly based to -- they included fixtures within
19 rights-of-way. So, I mean, this has always been -- whether
20 or not -- the issue of the ADA and roads and curbs has been
21 the subject of guidance, and -- and particularly -- well,
22 let me -- let me restate that.

23 The issue of the ADA for what we required to do
24 for buses themselves has been the subject of guidance for
25 quite some time. The -- the issue of guide -- how the

1 guidelines pertained to this -- to bus benches, and
2 particularly in the unincorporated area, we don't -- ours is
3 a system that if you drive down 92, I mean, you're -- the
4 bus benches are -- you're not assessing those benches from a
5 sidewalk. There's not a continuous sidewalk along 92. It
6 was the subject of later guidance and a state --
7 Tindale-Oliver, with whom we had a contract, was providing
8 -- was putting together that -- that guidance for the State.
9 And it doesn't say -- it doesn't say exactly how you shall
10 do it in every circumstance, because these bus benches
11 are -- are -- are in much different surroundings, in many
12 different surroundings. So the guidelines are good, better,
13 best, and require adaptation for -- to -- to the
14 surroundings. And so right now we have an engineering
15 contract with -- I forget Mr. Lassiter's corporate name.
16 Sans Lassiter -- to design the pads -- the facilities within
17 which the bus bench is to be located. And it's a -- it's a
18 bit of a challenge in -- in -- with a system that is rural,
19 in many respects. So -- and the State requires -- requires
20 us to have ADA accessible within their rights-of-way. And
21 our advice to municipalities is, I think, becoming -- they
22 need to do the same thing with us. And whether or not
23 it's -- to what portion of the -- whether or not it's
24 subject to a program, accessibility standard, or to a -- a
25 facility standard, has been not -- not that clear. And it's

1 been evolving during -- while this has been going on.

2 Q. Okay. I don't have any more questions.

3 A. Okay. Thank you.

4 Q. And I thank you very much for being here, even
5 though you think you're not required to.

6 (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
Daniel Eckert named herein personally appeared
before me and was duly sworn on the 7th day of
March, 2014.

WITNESS my hand and official seal this
14th day of February, 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 14th day of February, 2014.
19
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22 _____
23 Shannon Green
24 Registered Professional Reporter
25

ERRATA SHEET

INTERVIEW OF: DANIEL ECKERT

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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