

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR MARION COUNTY, FLORIDA

**STATE OF FLORIDA,**  
Plaintiff,

CASE NO. 42-2021-CF-4602-B

vs.

**GARY R. SEARCH,**  
Defendant.

**MOTION TO DISMISS BASED UPON LACK OF MATERIALITY**

COMES NOW the Defendant, Gary R. Search, by and through the undersigned attorney, pursuant to Florida Rule of Criminal Procedure 3.190(b) and Section 837.011(3), Florida Statutes, and moves the Court to enter an order dismissing the Information filed in this case due to lack of materiality of the alleged false statements.

**BACKGROUND**

In November 2020, Mr. Search, Craig Estep, and Oren Miller were elected to the Sumter County Board of County Commissioners (BOCC). In March 2021, the Office of the State Attorney of the Fifth Judicial Circuit received approximately three citizen complaints alleging Angela Fox, the wife of Oren Miller, was acting as a conduit in violation of Florida's Sunshine Law by relaying information between the newly elected commissioners outside of

regularly conducted meetings.

The State Attorney's Office subsequently opened an investigation into these complaints. As part of this investigation, Mr. Search participated in a voluntary investigative interview at the State Attorney's Office on August 17, 2021. As a result of the investigative interview, the State filed an Information charging Mr. Search with committing Perjury in an Official Proceeding because "to wit: he denied having telephone contact with Sumter County Commissioner Oren Miller and he stated that his contact with Angela Fox was on his home phone." (Inf., Dec. 14, 2021.)

A transcript of the investigative interview is attached as "Exhibit A."<sup>1</sup> The transcript reveals Mr. Search was never asked the specific question of whether he had "telephone contact with Sumter County Commission Oren Miller" but was asked and responded to a much different exchange with the interviewer. Likewise, Mr. Search never specifically stated "his contact with Angela Fox was on his home phone." Regardless, his responses to the relevant questions regarding his contact with both Mr. Miller and Ms. Fox were not material to the State's investigation and the Information must be dismissed due to a lack of materiality as a matter of law.

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<sup>1</sup> An audio recording will be presented when this matter is called up for a hearing. The relevant exchanges are located as follows: (Angela Fox Home Phone Exchange, Aud. Rec. 31:40-35:09) and (Oren Miller Telephone Contact, Aud. Rec. 57:00-1:03:10).

## MEMORANDUM OF LAW

Perjury in an Official Proceeding is defined as making “a false statement, which he or she does not believe to be true, under oath in an official proceeding in regard to any material matter.” § 837.02, Fla. Stat. (2021). “Whether a matter is material in a given factual situation is a question of law.” § 837.011(3), Fla. Stat. (2021). Consequently, “materiality” is a threshold issue that must be decided solely by the trial court as a matter of law prior to trial. State v. Ellis, 723 So. 2d 187, 189 (Fla. 1994). To be material, statements must be germane to the inquiry, and have a bearing on a determination in the underlying case. State v. Diaz, 785 So. 2d 744, 746 (Fla. 3d DCA 2001). It is insufficient that the statements are untrue or incorrect. Id.

“Unless the alleged [false] testimony given under oath is germane or material to the inquiry or charge, then its truthfulness is not the vital issue because the purpose to be guarded against and the reasons to be punished for perjury are to deter persons from testifying under oath to false statements in order to mislead the trier of the facts such as the court or the jury or both and thereby to thwart and pervert justice.” Wolfe v. State, 271 So. 2d 132, 134 (Fla. 1972); Soller v. State, 666 So. 2d 992 (Fla. 5th DCA 1996).

Further, when making a materiality determination, the analysis “must begin with an appreciation of the context in which the statement was offered

[and the court] must look to the context of the defendant's statement to determine whether the defendant and his questioner joined issue on a matter of material fact to which the defendant knowingly uttered a false declaration." United States v. Sainz, 772 F.2d 559, 562 (9th Cir. 1985).

Finally, "statements cannot be taken out of context to support a conviction of perjury" Wolfe v. State, 271 So. 2d 132, 135 (Fla. 1972). Meaning, "A charge of perjury may not be sustained by the device of lifting a statement of the accused out of its immediate context and thus giving it a meaning wholly different than that which its context clearly shows." Id.; citing Van Liew v. United States, 321 F.2d 674 (5th Cir. 1963).

**A. "He states that his contact with Angela Fox was on his home phone."**

Whether Ms. Fox called Mr. Search on his cell phone, work phone, or home phone is immaterial to the matter of inquiry, which was whether she acted as a conduit to violate the Sunshine Law. The material issue is whether she called him. And on this question, the State's theory collapses under the most cursory review of the transcript.

The segment of the interview where this issue arose started with the interviewer asking whether Ms. Fox emailed Mr. Search after a January 12,

2021, board meeting where the BOCC declined to vote on an animal tethering ordinance. (Tr. 35:18-22). Mr. Search answered that he believed he “either received an email or a phone call, a real scathing one” from Ms. Fox the following Saturday. (Tr. 35:18-22). The interviewer then deflects from Mr. Search’s response, saying “whether it was an email or a phone call, what was the content”, (Tr. 35:23-24), and Mr. Search replies, “I don’t remember an email. I do remember a Saturday morning shortly after that meeting receiving a phone call.” (Tr. 36:1-3).

Mr. Search goes on to explain that during the phone call, he informed her he shouldn’t be talking to her since she’s “Commissioner Miller’s wife”, (Tr. 36:4-5), but when she responded she’s “calling as the President of the Lost Pets of The Villages [...], as a constituent”, (Tr. 36:6-9), he let her talk, (Tr. 36:11), and “she just ranted for a while about tethering and things like that.” (Tr. 36:18-19). At the end of that explanation, the interviewer asks, “Did she call your cell phone, your work phone, do you recall?” and Mr. Search answers, “She called my home phone.” (Tr. 36:23-25).

Without any follow up on which phone she called or why it might be important, the interviewer briefly turns to a No Kill ordinance email before returning to the phone call with Ms. Fox and asks, “[S]o after that phone call or email, we’ll say it’s a phone call now, after she calls you [] how long do you

think that phone call was; was it just a short thing where she just vented and then you guys were done, or did it go on for a while?” (Tr. 37:18-25). Mr. Search responds, “Ms. Fox does not talk for a short period of time. I can’t tell you how long it went,” “I would say it lasted probably 10 or 15 minutes.” (Tr. 38: 1-6).

The interviewer asks whether Mr. Search ever “talk[ed] with Mr. Miller” about Ms. Fox’s call or whether he “ever mention[ed] it to either the County Administrator Bradley Arnold or [County Attorney Jennifer Rey].” (Tr. 38:7-16). Mr. Search responded he did not speak about the phone call with Mr. Miller but he did report the phone call separately to both County Administrator Bradley Arnold and County Attorney Jennifer Rey. (Tr. 38:17-21). This surprised the interviewer, who responded “Oh, you did? Okay.”, (Tr. 38:18), and asked Mr. Search if he reported the phone call “looking for advice as to how to handle it...” (Tr. 38:22-24).

Mr. Search went on to explain he reported the phone call because he was “a new Commissioner looking at the Ethics and Sunshine Law Violations saying, ‘Look it, [] I just want to know where to head with this. You know a phone call comes in, yes you have the right to listen to a private citizen [but] it’s not a private citizen when it’s a wife of a commissioner.’ I understand the whole conduit stuff here.” (Tr. 39:2-9). Finally, the Interviewer asks if Mr. Search had “anymore contact from [Ms. Fox]?”, (Tr. 39:15-16), to which Mr.

Search responds, “emails [...] of which I would copy them, give them to Ms. Rey and to Mr. Arnold.” (Tr. 39. 17-20).

If the inquiry is whether Ms. Fox acted as a conduit to circumvent the Sunshine Law, the material matter under inquiry is whether they communicated by phone (or any other means); not which phone she called him on. State v. Diaz, 785 So .2d 744, 746 (Fla. 3d DCA 2001) (“To be material, statements must be germane to the inquiry, and have a bearing on a determination in the underlying case.) It is completely immaterial and irrelevant whether she called him on his “cell phone,” “work phone,” “home phone,” or the Batphone given he already testified she called him, they had a 10–15-minute phone call, and he detailed the contents of the call. Id. (“It is insufficient that the statements are untrue or incorrect: the statements must have a bearing on a determination in the underlying case.)

In Wolfe v. State, 271 So. 2d 132 (Fla. 1972), the defendant was charged with perjury after he testified on behalf of the Mayor of Hialeah, who was charged in a separate case with conspiracy and larceny for giving checks from the City of Hialeah to the defendant. Id. at 133-134. At the mayor’s trial, the defendant testified that while he did receive checks from the City of Hialeah, he did not derive any money from the city as they were kept in his trust account. Wolfe v. State, 256 So. 2d 533 (Fla. 3d DCA 1972). A bank president

testified the money was not deposited into the defendant's trust account and the defendant was subsequently convicted of perjury. Id. at 535-537. On appeal, the Florida Supreme Court reversed finding that for purposes of the underlying conspiracy and grand larceny prosecution, it was immaterial what Wolfe did with the funds after he received them. Id. at 134. ("The manner of the use of the funds by Wolfe, once received by him, was immaterial to the guilt or innocence of [the Mayor of Hialeah].") The only material issue was that he received the funds. Id.

Likewise, in Soller v. State, 666 So. 2d 992 (Fla. 5th DCA 1996), the Fifth DCA concluded untruthful sworn testimony by the State's witness that he had never been arrested was not material regarding his report of a home invasion at his sister's home. The court found the witness' false testimony was neither collaterally nor corroboratively material to the ultimate material fact of whether his sister's home was the site of a home invasion. Soller v. State, 666 So.2d at 994-95.

Here, as in Wolfe and Soller, Mr. Search's incorrect statement about which of his phone's Ms. Fox called was irrelevant and immaterial to the ultimate question at issue: did she call him? Consequently, as a matter of law, Mr. Search's statement, "She called my home phone" was not material to the inquiry, because he had admitted she called him. See Wolfe v. State, 271 So.



2d at 134 (Fla. 1972) (“[W]hatever it was that Wolfe testified regarding disposition of the money was immaterial as a matter of law, for which there could be no conviction for perjury.”)

**B. “He denied having telephone contact with Sumter County Commissioner Oren Miller”**

As a threshold matter, Mr. Search was never asked whether “he had telephone contact with Sumter County Commissioner Oren Miller.” Nor did he ever specifically deny “having telephone contact with Sumter County Commissioner Oren Miller.” The closest this question came to being asked was during an exchange regarding whether Mr. Search and Mr. Miller were friends outside of work followed by a compound and vague question about whether they “call each other back and forth or anything like that,” (Tr. 67:21-25, 68:1), to which Mr. Search responds “No.” (Tr. 68:2).

The full exchange is as follows:

**Q:** How often over the last six months did you talk with, um, Commissioner Miller -- I mean, are you guys friends like outside of work? (Tr. 61:15-18.)

**A:** No. (Tr. 61:19.)

**Q:** Um, so you don't like go to football games, or golf together, or chat about – (Tr. 61:20-21.)

**A:** We went to one. There was a Sheriff-Farmer Golf

Tournament that we were in a foursome together, placed in a foursome by a constituent who wanted us to golf. So that was the only time socially I had a connection with Commissioner Miller, at the Sheriff-Farmer Golf Tournament for their benefit. (Tr. 61:22-25, 62:1-2.)

**Q:** Okay. And I assume -- I didn't ask you this -- but you're married, so your wife hasn't -- she doesn't have any reason to talk to Angie Fox or -- (Tr. 62:3-6.)

**A:** Absolutely not. (Tr. 62:7.)

**Q:** -- Commission Miller or any of the others? (Tr. 62:8-9.)

**A:** She will have nothing to do with it. (Tr. 62:10.)

**Q:** What did she do before you guys retired and came to Florida? (Tr. 62:11-12.)

**A:** Well, and she's still working, for the hospital system. (Tr. 62:13-14.)

**Q:** Yeah? (Tr. 62:15.)

**A:** She's a nurse. (Tr. 62:16.)

**Q:** Wow. Um, so you don't talk to him on his -- you don't talk to him about -- (Tr. 62:17-19.)

**A:** No. (Tr. 62:20.)

**Q:** -- stuff. All right, um, if you give me a second I want to ask these guys outside of hearing real quick if they've got anything else they want to cover. (Tr. 62:21-24.)

(Exits the room.) (Tr. 63:20.)

(Entering room.) (Tr. 66:2.)

INTERVIEW RESUMES (Tr. 67:9.)

**Q:** Um, what is your personal phone number, your cell phone number? (Tr. 67:11-12)

**A:** 610 -- (Tr. 67:13.)

**Q:** Okay. (Tr. 67:14.)

**A:** -- 462-3767. (Tr. 67:15.)

**Q:** Okay. Um, if -- and you had said before that you don't really have any contact with Commissioner Miller, and you guys don't do anything personal together or nothing... (Tr. 67:16-21)

**A:** No. (Tr. 67:20.)

**Q:** So, um, one of the things that I was going to ask you about was, do you ever have contact with him via cell phone, it doesn't sound like you guys do, you don't call each other back and forth or anything like that. (Tr. 67:21-25, 68:1)

**A:** No. (Tr. 68:2.)

Additionally, while the transcript appears to reflect a compound question, the best evidence of the exchange is the audio recording. § 90.952, Fla. Stat. (2021), which reflects there was not a continuous and compound question. (Aud. Rec. 1:02:40-1:03:10.) Rather the interviewer begins by telling Mr. Search what question he was going to ask, "So, um, one of the things that

I was going to ask you about was, do you ever have contact with him via cell phone,” hesitates and appears to answers his own question, saying, “it doesn’t sound like you guys do,” and instead asks the separate question, “you don’t call each other back and forth or anything like that?”

Regardless of how one interprets the exchange, a perjury prosecution based on Mr. Search’s answer cannot survive judicial review for four reasons:

(1) Responses to fundamentally ambiguous questions cannot be used to support a perjury conviction. United States v. Strohm, 671 F.3d 1173, 1179 (10th Cir. 2011) (If a question is fundamentally ambiguous, a response to it cannot be the basis for false statement liability.)

(2) Responses taken out of context cannot be used to support a perjury conviction. See Wolfe v. State, 271 So. 2d 132, 135 (Fla. 1972) (“Statements cannot be taken out of context to support a conviction of perjury.”)

(3) Responses to imprecise questions cannot be used to support a perjury conviction. United States v. Sainz, 772 F.2d 559, 564 (9th Cir. 1985). (“A witness cannot be forced to guess at the meaning of the question to which he must respond upon peril of perjury.”); and

(4) Responses of opinion cannot be used to support a perjury conviction. Vargas v. State, 795 So. 2d 270, 272 (Fla. 3d DCA 2001) (“Statement alleged to be perjury must be one of fact, and not of opinion or belief.”)

**1. Responses to fundamentally ambiguous questions cannot be used to support a perjury conviction.**

A question is fundamentally ambiguous when the question lacks “a meaning about which men of ordinary intellect could agree, nor one which could be used with mutual understanding by a questioner and answerer unless it were defined at the time it were sought and offered as testimony.” United States v. Strohm, 671 F.3d 1173, 1179 (10th Cir. 2011). If a question is fundamentally ambiguous, a response to it cannot be the basis for false statement liability. Id. Whether a question is fundamentally ambiguous is decided by the court as a matter of law. Id.; See also United States v. Lighte, 782 F.2d 367 (2d Cir. 1986).

Courts have identified several factors to “consider when assessing fundamental ambiguity, including: (1) the inherent vagueness — or, conversely, the inherent clarity — of certain words and phrases, (2) the compound character of a question, (3) the existence of defects in syntax or grammar in a question, (4) the context of the question and answer, and (5) the defendant’s own responses to allegedly ambiguous questions.” United States v. Strohm, 671 F.3d 1173, 1179 (10th Cir. 2011).

Relying on this analysis, multiple federal courts have dismissed Indictments based on the fundamental ambiguity of the questions asked to the

defendant. For example:

- United States v. Manapat, 928 F.2d 1097 (11th Cir. 1991): The defendant was convicted of making false statements to any department or agency of the United States after filling out a 24-question medical history form and answering “No” to the 22<sup>nd</sup> and 23<sup>rd</sup> questions, which asked about prior criminal and traffic history. The court reversed, finding the questions fundamentally ambiguous because they were unrelated to medical history and buried in a form concerned with medical conditions. Id. at 1101.
- United States v. Ryan, 828 F.2d 1010 (3rd Cir. 1987): The defendant was charged with making a false statement to a federally insured bank by not listing his previous address on a loan application. The Court reversed the conviction, finding the loan application question, “PREVIOUS ADDRESS (last 5 years),” to be fundamentally ambiguous because the question did not differentiate between the concept of domicile or residence. Id. at 1015-16.
- United States v. Lighte, 782 F.2d 367 (2d Cir. 1986): The defendant was convicted of making a material declaration while testifying under oath before a federal grand jury. The court reversed, finding two of the questions relied upon to be fundamentally ambiguous because of the imprecise use of the pronoun “you”, which failed to distinguish whether the questions

were referring to the defendant in his personal capacity or in his capacity as a trustee. The Court found the question should have “contained language such as ‘you in your personal capacity’ which would particularize the inquiry and clearly inform the [defendant] as to what was being asked.” Id. at 375.

- United States v. Lattimore, 127 F.Supp. 405 (D.C. D.C. 1955) (aff’d per curiam.). The defendant moved to dismiss an Indictment charging two counts of perjury based on the defendant denying her was a “promoter of Communists interests” and a “follower of the Communist line.” The court dismissed the Indictment, finding “‘follower of the Communist line’ is not a phrase with a meaning about which men of ordinary intellect could agree, nor one which could be used with mutual understanding by a questioner and answerer unless it were defined at the time it were sought and offered as testimony.” Id. at 410.

When applying these principles to the exchange with Mr. Search, it is clear the question suffered from fundamental ambiguity. First, the concluding portion of the question, “back and forth or anything like that,” is inherently vague and without clear meaning as to what the question was asking about. Second, the compound character of the question made it unclear whether Mr. Search was being asked about cell phone calls, all calls, friendly calls, or work calls. Third, the syntax of the exchange makes it unclear whether he was being

asked one combined question, two distinct questions, or just the last question. Fourth, the context of the question and answer in relation to the preceding question reflects the exchange was asking about telephone calls in a personal or friendly capacity, not all telephone calls or work calls. Consequently, Mr. Search's response to a fundamentally ambiguous question is not material as a matter of law.

**2. Responses cannot be taken out of context to support a perjury conviction.**

A review of the transcript shows Mr. Search's negative answer is being taken out of context from the nature of the questioning. The transcript chronology shows the interviewer was asking whether Mr. Search was friends with Mr. Miller outside of work, (Tr. pp. 62-63.), left the room to see if there were any more questions he should ask (Tr. 63:20.), returned and resumed the interview (Tr. 67:9.), and reestablished he was continuing the same line of questioning surrounding whether Mr. Search had a personal or friendly relationship with Mr. Miller. (Tr. 67:16-21).

Once the entirety of the line of questioning is brought into focus, it is clear the interviewer's questioning was a continuation of what Mr. Search "had said before" regarding whether he did "anything personal or nothing" with Mr.



Miller. (Tr. 67:16-21.) As such, the question, “do you ever have contact with him via cell phone, it doesn’t sound like you guys do, you don’t call each other back and forth or anything like that?”, (Tr. 67:21-25, 68:1), is nothing more than an inquiry into whether Mr. Search communicates with Mr. Miller on a personal level or as close friends who literally, call each other back and forth.

Any “inquiry into the defendant’s allegedly perjurious statement must begin with an appreciation of the context in which the statement was offered.” United States v. Sainz, 772 F.2d 559, 562 (9th Cir. 1985). Otherwise, “permitting a perjury conviction to be drawn from statements dislodged from their normal context will chill the willingness of witnesses to engage in discourse under oath.” Id. The Court must “look to the context of the defendant’s statement to determine whether the defendant and his questioner joined issue on a matter of material fact to which the defendant knowingly uttered a false declaration.” Id. Consequently, a person’s alleged false statement must be considered within the overall context of the testimony to constitute perjurious testimony. Wolfe v. State, 271 So. 2d 132, 135 (Fla. 1972) (“It cannot be said with any degree of certainty by a fair reading of all of Wolfe’s testimony, that the two challenged answers can be considered perjurious in the full context of his testimony.”)

Interpreting Mr. Search's response any other way "not only fails to advance the cause of truth in our judicial system, it undermines the primary policy consideration which has governed the contours of the perjury offense from its inception." United States v. Sainz, 772 F.2d 559, 562 (9th Cir. 1985). ("The practice of lifting statements uttered by a witness out of context can serve no useful purpose in advancing the truth-seeking role of the perjury statutes.") Here, it is unclear what portion of the question Mr. Search was responding to – and therefore joining issue on a matter of material fact with.

Was it whether Mr. Search has "ever have [had] contact with him via cell phone", was it whether they "call each other back and forth or anything like that", did it only apply to social calls or work-related call, or was it a combination of all the interpretations? Regardless, if the question was intended to cover a material matter, it was for the interviewer, not Mr. Search to follow up with more precise questioning. Otherwise, an answer taken out of context is not material. Wolfe v. State, 271 So. 2d at 135 (Fla. 1972).

**3. Responses to imprecise questions cannot be used to support a perjury conviction.**

"Precise questioning is imperative as a predicate for the offense of perjury." Bronston v. United States, 409 U.S. 352, 362 (1973). A response to a

question asked without “the appropriate specificity necessary to result in an equally specific statement of fact” cannot be used to charge a person with perjury. Cohen v. State, 985 So. 2d 1207, 1209 (Fla. 3<sup>rd</sup> DCA 2008). Rather, the interviewer must “follow up with a specific and affirmatively fashioned question designed to elicit an equally specific answer.” Vargas v. State, 795 So. 2d 270, 274 (Fla. 3<sup>rd</sup> DCA 2001); citing Argyros v. State, 718 So. 2d 222 (Fla. 2d DCA 1998). Consequently, when Mr. Search answers “No” to the exchange, it was the interviewer’s responsibility to follow up with more precise questioning to clear up any confusion as to what part of his question the “No” was responsive to. See Bronston v. United States, 409 U.S. 352, 362 (1973). (“Any special problems arising from the literally true but unresponsive answer are to be remedied through the ‘questioner’s acuity’ and not by a federal perjury prosecution.”)

The consequences of imprecision in the language used to question a witness by the examiner “must be laid at the table of the questioner, not the questioned.” United States v. Sainz, 772 F.2d 559, 564 (9th Cir. 1985). As “[a] witness cannot be forced to guess at the meaning of the question to which he must respond upon peril of perjury.” Id. If an answer is literally true, it cannot constitute perjury, even if the defendant intended to mislead the questioner at the time defendant made the statement. Bronston v. United States, 409 U.S.

352, 362 (1973). (“Any special problems arising from the literally true but unresponsive answer are to be remedied through the ‘questioner’s acuity’ and not by a federal perjury prosecution.”)

But rather than clarify whether Mr. Search’s answer was in response to – personal versus professional phone calls – the interviewer produces “phone records” (68:5) and proceeds to ask about eight phone calls between February and May. (Tr. 68:7-14, 70:25, 71:16-22, 74:21-24, 75:21-25, 76:1-4, and 81:17-21.) When asked these specific questions, Mr. Search explains that while he has occasional phone calls with Mr. Miller, they are primarily related to BOCC with a few calls asking him to have his wife cease admonishing him at the BOCC meetings or posting about him on Facebook.

- February 17, 2021, call; “To tell him to tell his wife to not be in contact with me and to not admonish me for what I do on the County Commission.” (Tr. 68:7-14, 18-20.)
- March 12, 2021, call: “I think that was because one of the, um, people at the meeting, Hilda Windsor who was organizing the Sheriff-Farmer Golf Tournament and wanted to know if it would be okay. And I called and said, ‘Look it, we would be in the same foursome, is that’ – ‘are you going to be okay with that?’” (70:25, 71:1-8.)

- March 14, 2021, “He asked me to call him. Because I was actually writing a new Ordinance -- or not writing it -- revamping things on the Tethering Ordinance.” (Tr. 71:16-22, 72:16-19).
- March 17, 2021, (Tr. 74:21-24.) April 14, 2021, (Tr. 75:21-25), and April 19, 2021, (76:1-4) short calls: “Many times we were duplicating our efforts [to get treats for the staff] at DoughJ’s” “A lot of the short calls were about that.” (Tr. 78:8-25, 79:1-13)
- Long calls: And every long call I made is when “things get posted and my wife would come to me, it would just be, you know, ‘You’re doing it again’ – ‘she’s doing it again’ -- or not you – ‘she’s doing it again. Is there any way you can get this crap to stop because this is not going down a good path.” (Tr. 79:20-21, 80:3-9, 81:12-14, 82:5-10).

Regardless of whether the initial exchange related to personal or work phone calls, the interviewer’s follow up statements and Mr. Search’s answers erased any claim of perjury, as “an initially false statement, can be further explained so that the statement taken as a whole is not perjury.” See Doyle v. Dep’t of Bus. & Prof’l Regulation, 713 So. 2d 1040, 1045 (Fla. 1st DCA 1998). Consequently, once he answered the follow up questions and provided an explanation of the nature of the phone calls he had with Mr. Miller, his initial response of “No” was not a materially false statement. Id.

**4. Responses of opinion cannot be used to support a perjury conviction.**

The final problem with the exchange is the interviewer never defined what “back and forth or anything like that” means. In the context of the immediate discussion, does it mean frequent and reoccurring phone calls between friends or people in a relationship; does it include infrequent calls to each other; how many calls must parties exchange to be considered “back and forth or anything like that.” Presumably, “back and forth or anything like that” doesn’t mean infrequent calls or calls initiated by one party or the other. Given the ambiguity and undefined nature of “back and forth or anything like that”, it is impossible to provide a precise factual answer to an undefined question and any response is nothing more than the person’s opinion based on what the person considers “back and forth or anything like that.”

This is important, because any “statement alleged to be perjury must be one of fact, and not of opinion or belief.” Vargas v. State, 795 So. 2d 270, 272 (Fla. 3d DCA 2001). “It cannot be based on interpretations of alleged agreements, either oral or written, on opinions calling for the exercise of judgment, or on statements as to the legal effect of certain facts . . .” Doyle v. Dep’t of Business and Professional Regulation, 713 So. 2d 1040, 1045 (Fla. 1st DCA 1998) (citing Am.Jur.2d Perjury § 22 (1988)).

To find Mr. Search's response to be false, he would have to know what the interviewer meant by "back and forth or anything like that." Given the proceeding questions centered on whether Mr. Search had a personal friendship or socialized with Mr. Miller outside of work, the exchange can only be interpreted to confirm they don't communicate by telephone as good friends would either. And without a mutually agreed upon definition of what "back and forth or anything like that" meant, Mr. Search's response could never be a statement of fact. Rather, it was a statement of opinion regarding the nature of his phone communication with Mr. Miller. And since there was more than one way of interpreting or understanding the question, there is, as a matter of law, no materially false statement of fact. United States v. Manapat, 928 F.2d 1097, 1100 (11<sup>th</sup> Cir. 1991) ("[A] question or phrase is ambiguous as a matter of law when it is not a phrase [...] which could be used with mutual understanding by a questioner and answerer unless it were defined at the time it were sought and offered as testimony.")

WHEREFORE, Mr. Search respectfully moves the Court to enter an order dismissing the Information in this case due to lack of materiality of the alleged false statements.

**CERTIFICATE OF SERVICE**

I CERTIFY that the foregoing document has been furnished to ASA Chris Small, Office of the State Attorney, 110 NW First Avenue, Ocala, FL 34475 by electronic transmission on January 30, 2022.

/s/ Richard E. Hornsby  
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IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA, IN AND FOR HERNANDO COUNTY

INTERVIEW OF: GARY SEARCH

DATE: August 17, 2021

PLACE: Ocala State Attorney's Office  
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Ocala, Florida

TRANSCRIBED BY: Lisa M. Fackender  
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State of Florida at Large

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APPEARANCES:

Conrad Juergensmeyer  
Office of the State Attorney  
Brooksville, FL 34601  
Appearing on behalf of  
the State of Florida

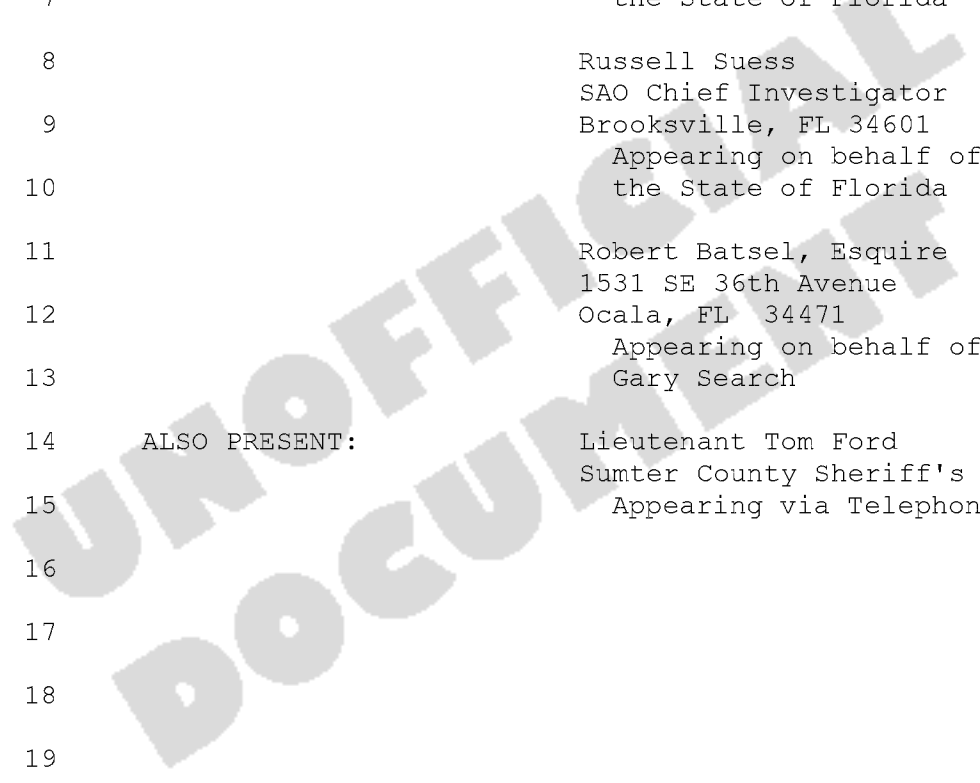
William Gladson  
Office of the State Attorney  
Brooksville, FL 34601  
Appearing on behalf of  
the State of Florida

Russell Suess  
SAO Chief Investigator  
Brooksville, FL 34601  
Appearing on behalf of  
the State of Florida

Robert Batsel, Esquire  
1531 SE 36th Avenue  
Ocala, FL 34471  
Appearing on behalf of  
Gary Search

ALSO PRESENT:

Lieutenant Tom Ford  
Sumter County Sheriff's Office  
Appearing via Telephone



1 MR. SUESS: Okay. For the record today's  
2 date is August 17th, 2021, and we're here in the  
3 State Attorney's Office in Ocala.

4 Uh, present is Mr. Gary Search.

5 I'm sorry, Rob?

6 MR. BATSEL: Batsel.

7 MR. SUESS: Batsel?

8 MR. BATSEL: Yes.

9 MR. SUESS: Um, Russ Suess, the Chief  
10 Investigator. Mr. Bill Gladson. Conrad  
11 Juergensmeyer. And on the phone is Lieutenant  
12 Tom Ford from the Sumter Sheriff's Office.

13 Mr. Search, do you understand that I'm an  
14 Investigator from the State Attorney's Office and  
15 I am a Law Enforcement Officer in the State of  
16 Florida?

17 MR. SEARCH: Yes, I do.

18 MR. SUESS: Okay. And being such I can  
19 swear you in under oath.

20 Would you raise your right hand, please.

21 THEREUPON,

22 GARY SEARCH,

23 the witness herein, being first duly sworn, was

24 examined and testified as follows:

25 MR. SUESS: Okay, very good.

1 MR. SEARCH: Yes. I guess the correct word  
2 is yes.

3 Um, okay, sorry.

4 INTERVIEW OF: GARY SEARCH

5 BY MR. SUESS:

6 Q And just to start things off and just to  
7 identify.

8 Please identify yourself with your full  
9 name, and spell your last name for me.

10 A My first name is Gary, last name is Search,  
11 S-E-A-R-C-H.

12 Q Okay. And also just for the record, if  
13 you could, your date of birth so I can verify you?

14 A 8/5/50.

15 Q Okay. And your home address?

16 A 577 Inner Circle, The Villages, Florida,  
17 32162.

18 Q Okay. And basically just some of the  
19 questions I want to start off with is, we want to  
20 just get to know you personally, kind of figure  
21 out who you are, and this is going to obviously  
22 lead to other stuff down the road. But it's  
23 always just good to know who people are, and I  
24 think that helps a lot for us in determining  
25 things down the road. So just bear with me a

1 little bit.

2 Um, where were you born?

3 A Allentown, Pennsylvania.

4 Q Wow.

5 A About an hour north of Philly.

6 Q And how long have you been in Florida

7 now?

8 A Almost 14 years.

9 Q Fourteen years?

10 What kind of work did you do up there?

11 A Education. I was a teacher, counselor,  
12 psychologist, administrator, and coached three high  
13 school sports.

14 Q Which ones?

15 A Wrestling, baseball. Um, and ended up  
16 coaching girls softball.

17 Q Oh, wow, good for you. Good for you.

18 Um, obviously you went to college; where did  
19 you go to school at?

20 A Cooks -- excuse me -- Cookstown University,  
21 which is located in Cookstown, Pennsylvania. Which is,  
22 uh, Pennsylvania Dutch farm country.

23 Q Um, obviously you have family, I'm  
24 assuming, you have children?

25 A Yes.

1 Q Okay, good. And everybody is well with  
2 what's going on in this world today?

3 A They're all -- they're all gainfully  
4 employed --

5 Q That's good.

6 A -- and they don't live with me.

7 MR. GLADSON: Probably have technology  
8 issues in common with the rest of us then.

9 MR. BATSEL: Forget health, they're  
10 gainfully employed.

11 Q (By Mr. Suess) And outside of your work  
12 and stuff do you have -- I mean, do you have any  
13 hobbies that you specialize in?

14 I mean, I'm an avid fisherman myself so, and  
15 I love RV'ing and camping, but I don't know about you.

16 A Golfing, boating, um, construction projects.  
17 I chaired a Ministry for many years, uh, that built --  
18 we've built 31 homes for disadvantaged people in the  
19 Wildwood area.

20 Q That's good.

21 A So, uh, I like to do construction work.

22 Q Is that what brought you to this part of  
23 town, The Villages itself? I mean a lot of people  
24 I know wound up here, because you came from a  
25 Pennsylvania area.

1           A     Well, we had back-to-back 30-plus-inch snow  
2 storms. And I was clearing my driveway and many others  
3 and walked into the house and finally warmed up by the  
4 fireplace and watched this goofy commercial on the Golf  
5 Channel, which was the Arnold Palmer Golf Tournament  
6 going on, and you know here goes the friendliest  
7 villages in the -- or the friendliest town in Florida.  
8 And I sent away for the information. My wife thought I  
9 was buying a time share, um --

10           MR. GLADSON: A 365-day a year time share.

11           A     Yeah.

12                     So in 2003 we came down to visit. In 2007  
13 we bought a house. We were going to move into it in  
14 2014, use it for a rental property. But my wife made  
15 an ultimatum, we move in three months or seven years,  
16 but don't ever complain about snow and ice again. So  
17 we moved in three months.

18           Q     There you go.

19           A     So we've been here since June of '08,  
20 actually.

21           Q     Okay, good.

22                     Um, and if you don't mind me asking, how did  
23 you get into politics?

24           A     Well, I was a Commissioner in Pennsylvania --

25           Q     Okay.

1           A     -- um, for 12-plus years. Um, because there  
2 was some issues going on in our community and people  
3 said, "You enjoy talking to people." And I was  
4 well-known as a coach, as a counselor, I worked with so  
5 many people. I did what's called CPI training, Crisis  
6 Prevention Intervention, which is to defuse potentially  
7 dangerous situations.

8                     And people said, "You know we need somebody  
9 like you on the Board."

10                    My brother was an Assistant Fire Chief, my  
11 dad was with the Fire Department.

12                    And I said, "Look it, you can put my name  
13 in, I'll run, but I don't have the time."

14                    Lo and behold I won.

15           Q     Yeah.

16           A     And so I was in three terms there. And I was  
17 elected to a fourth term, but I resigned to move to  
18 Florida.

19                    So it was through that experience. And  
20 things had started happening that people were upset  
21 with in The Villages. A number of people knew I was  
22 in public service before, they unfortunately convinced  
23 me to run, which I'm not sure was the smartest thing  
24 I've ever done in my life at this age, but that's why.

25           Q     Well, that's what I was going to ask



1 you, what was -- what brought you into the arena  
2 in this area, but obviously you just answered that  
3 question there.

4 Um, when you entered the arena here, um,  
5 obviously you had a little campaign and a platform you  
6 ran on, correct?

7 A To a -- yeah. Yes. Yeah.

8 Q Okay.

9 A What happened, uh, is when The Villages  
10 development decided to move south of what was called  
11 Route 44, or is Route 44, instead of paying for the  
12 regional road agreements, which they paid for before,  
13 and then -- through the impact fees, they made an  
14 agreement with the Commissioners to, um -- they needed  
15 an extra 20-plus million dollars in order to build  
16 those roads. So they convinced the Commissioners at  
17 that point to increase taxes 25-and-a-half percent on  
18 the milage rate in order to pay for the roads to build  
19 the new development. Well that upset the public  
20 tremendously, and that's what started the political  
21 firestorm.

22 Q And that's what got your interest in  
23 joining?

24 A That's what got my interest and got people  
25 saying, you know, "Hey, Search, we need somebody in

1 your district to run, we would like you to run."

2 Q Okay. And we've seen, and I've seen the  
3 term a lot and people have referred to it in some  
4 of the things, I guess during your election  
5 process it was referred to as "EMS"?

6 A Right.

7 Q How did that come about?

8 A One of the wives, and it wasn't my wife, uh,  
9 I can't remember if it was Mr. Estep's wife or whether  
10 it was Mr. Miller's wife, um, looked at our letters and  
11 just for some reason came up with EMS, you know, and  
12 thought it was a catchy phrase to use.

13 Q Okay. And prior to the actual election  
14 and getting involved in the process, had you met  
15 the other candidates, Mr. Estep and Mr. Miller,  
16 prior to that?

17 A Prior to the election?

18 Q Yeah, prior to actually joining or  
19 signing up and then running for the --

20 A Prior to that, no, I never knew either one of  
21 them. Um, I met them for the first time at a meeting,  
22 um, that was held by a person who started what was  
23 called "Fair Government for Sumter County." He was  
24 starting an organization or a political action group.  
25 And actually there were more than Estep, Miller and

1 Search who attended that, there were a couple of other  
2 candidates that were proposing. And he was making a  
3 greet and meet kind of session to see who they might  
4 support as a political action committee.

5 Q So they got you all together in one  
6 place?

7 A Yeah. That's the first time I met either one  
8 of them.

9 Q Okay. All right.

10 Um, obviously you went through your campaign  
11 process and you prevailed, um, and you go from there.  
12 When you first -- after the election is over you're  
13 contacted then I assume by the County, um, regarding I  
14 guess procedures and policies and training and so on  
15 and so forth; um, you remember that process obviously?

16 A Yes.

17 Q Okay. Um, do you remember what kind of  
18 training you were initially told that it was  
19 mandatory, that you must attend it in order to  
20 fulfill your obligation?

21 A Well, it was taking the course on ethics,  
22 Sunshine Law and Ethics Violations or Procedures, and  
23 then verifying that you took those and answered the  
24 questions and that you understood that. Along with,  
25 uh, working with the County Attorney and working with

1 the County Administrator on policies, procedures.

2 Q Was a lot of that new to you, or was it  
3 similar to what you were used to in Pennsylvania?

4 A Um, the Ethics and Sunshine Laws are  
5 tremendously different down here, um, as compared to  
6 Pennsylvania. Um, if the five of us are sitting  
7 Commissioners, we could go out to eat together, we  
8 could discuss what was on the agenda. Um, we  
9 necessarily didn't talk about the -- the reason I was  
10 elected as President of the Commission for 12 years in  
11 a row is because I had two people on one side of the  
12 aisle and two people on the other side of the aisle and  
13 they only -- they never trusted each other and I never  
14 showed my hand.

15 And I said, "I'm here to listen to the  
16 people, some days I'll vote your way, your way,  
17 depending on what I think is best."

18 And so, um, so it was different in terms of  
19 that, the Sunshine Laws or Ethics Violations weren't  
20 nearly as stringent.

21 Q So you would say they're more stringent  
22 here --

23 A Yes.

24 Q -- than what you were used to there?

25 A Yeah.

1 Q Okay. Um, does that upset you at all,  
2 does it make you feel any different, or it's  
3 just --

4 A Well, it doesn't upset me. I just feel, um,  
5 that personally when State Legislators or Senators make  
6 laws that affect other people and not themselves, um,  
7 that law should be made for everybody. Um, and that's  
8 my personal biases.

9 Q Okay.

10 A I don't mind following it, but it's -- you  
11 know as a Law Enforcement if I have to stop at a red  
12 light, so should you. You know, it's just that.

13 Q Okay.

14 A But I understand the rules, I understand the  
15 obligations that I'm required to --

16 Q Okay.

17 A -- adhere to.

18 Q So you attended all the training that  
19 was provided to you --

20 A Correct.

21 Q -- by the County.

22 Um, did the County issue you any equipment  
23 when you became a Commissioner?

24 A Um, a personal cell phone. Uh, personal  
25 iPad/Tablet, and a computer at the office.

1 Q Okay. And it's --

2 A With a phone, like this.

3 Q Okay. And it's your understanding that  
4 the use of that equipment is for --

5 A County purposes.

6 Q County purposes, right.

7 So then any time you would do anything  
8 that's related to County business or County purpose  
9 you used that equipment for that?

10 A Correct.

11 Q Okay. So, um, it's also my  
12 understanding like I guess on the phones you can't  
13 text with them or something like that?

14 A Correct.

15 Q But you get voice mails?

16 A You can get -- you can make calls, receive  
17 calls, um, but you can't text.

18 Q Okay.

19 A Or receive texts.

20 Q Okay. And do you use your phone quite  
21 often for that kind of work?

22 A No.

23 Q What do you use it for?

24 A The cell phone very little, I use the office  
25 phone and the computer --

1 Q Okay.

2 A -- 99 percent of the time.

3 Q And obviously the computer is probably  
4 mostly like emails and doing research and stuff  
5 like that?

6 A Correct.

7 Q Okay.

8 MR. GLADSON: Let me follow-up on something,  
9 if you don't mind.

10 BY MR. GLADSON:

11 Q So you said in Pennsylvania it was very  
12 different, you could go to dinner or lunch or  
13 whatever with all the Commissioners and you could  
14 talk about things on the agenda?

15 A Correct.

16 Q Um, did you find that that's a more  
17 effective way of -- and that must have been a big  
18 shock, because I mean of course that's the  
19 opposite here, you can't do anything like that  
20 here.

21 A Right.

22 Q So how did you --

23 A I really didn't do that, though. I mean, you  
24 could. Um, you know, I would get calls from a  
25 Commissioner prior to a meeting saying, "Hey, Search,

1 you know I'm going to be pushing this on the agenda,  
2 would you vote that way for me?"

3 Q Uh-huh.

4 A And I would go, "It's a public hearing, I'm  
5 going to wait to hear from the public. I've already  
6 done my homework, we'll see when I get to the meeting."

7 I always played my cards close like that.

8 Q Right. Okay. Perhaps that's a smart  
9 way to go if you had two people that were on one  
10 side and two people on the other.

11 A Oh, yeah.

12 Q But it sounds like it's kind of a common  
13 thing, though, that people would be able to try to  
14 find out what your vote is going to be --

15 A Correct.

16 Q -- on a particular issue before a  
17 hearing.

18 A Correct.

19 Q Um, so that's completely foreign to me,  
20 because I've been here my whole life and I --  
21 looking at it as the public I could see why that  
22 would be concerning.

23 A Uh-huh.

24 Q Because they would think that, you know,  
25 why bother go and speak at whatever meeting when I



1 know that --

2 A Right.

3 Q -- three of these guys are already going  
4 to vote whatever way it is. So I think that's why  
5 we have it the way we do.

6 A Sure.

7 Q Probably makes --

8 A And that's why I can appreciate it.

9 Q Yeah. Um, that's interesting. You  
10 know, I know that we're different, particularly  
11 with Sunshine and Public Records we're very  
12 different than other states, but I didn't know it  
13 was that much.

14 Um, back to what Russ asked you about. So  
15 when you get here -- you know, you get elected  
16 sometime in November -- I don't know what date it was,  
17 the actual election -- but does the County give you  
18 Public Records and Sunshine training right away before  
19 you take office, or do they wait until you take  
20 office?

21 A Well, the interesting thing here is, because  
22 I was in -- the two Commissioners who were in the  
23 primary and one had no opponent in the General Election  
24 got that training prior to me. Since I also had an  
25 Independent opponent until November --

1 Q Got it.

2 A -- I wasn't technically elected until the  
3 General Election in November, and then the next week I  
4 received training.

5 Q Okay. Who was it that did the training,  
6 do you remember, was it -- for you?

7 A Well, it was both Bradley Arnold and Jennifer  
8 Ray (Phonetic.)

9 Q Okay.

10 A And of course the online ethics courses you  
11 have to take.

12 Q Got it. That's what I figured I just  
13 want to make sure.

14 Did they do it together, or did they do  
15 separate components of --

16 A No, separately. Everything was separately.

17 Q Was it the same stuff, they  
18 overlooked -- or did they overlapped, or they each  
19 had different, if you recall?

20 A There was a lot of different, but there was  
21 some overlap. I mean, call it like an education  
22 repetition is where you learn.

23 Q Yeah. Juries, too, same thing over and  
24 over sometimes.

25 Um, prior to that had you ever talked to

1 Jennifer Ray about anything, prior to be elected?

2 A No.

3 Q Did you know who she was?

4 A No. Except to see her at meetings.

5 Q Got it.

6 A I mean, I did attend meetings before I knew  
7 she was the County Attorney.

8 Q All right. During the campaign and,  
9 um -- when I say "campaign," once you decided that  
10 you were going to run and you kind of got  
11 connected with Estep and Miller, and you mentioned  
12 earlier that one of the wives came up with the EMS  
13 acronym, did you guys become friendly?

14 A (No response.)

15 Q Or was it personal and professional, or  
16 was it mostly professional, mostly personal?

17 A Um, didn't have a real good liking and  
18 connection with Commissioner Miller.

19 Um, I found a connection with Commissioner  
20 Estep because of our religious beliefs.

21 Q Okay.

22 A We talked mostly about church activities and  
23 the Ministries I was involved in and the Ministry  
24 leadership I was doing. Um, so that connection was  
25 based on, um, church activities.

1 Q Okay. But not too much personal  
2 connection with Commissioner Miller?

3 A No, because he would campaign where he would  
4 campaign, and I would campaign where I campaigned.

5 Q Right.

6 A And we might just say, you know, "If you're  
7 going to this mailbox station, okay I'm going to go to  
8 this one," so that we wouldn't be standing at the same  
9 places.

10 Q Got it. Okay.

11 Um, when did you first meet Commissioner  
12 Miller's wife Ms. Fox, Angie Fox?

13 A Well, that's a good question and I don't  
14 totally recollect, it was probably sometime in the  
15 Spring before the election.

16 Q Okay. Um, during the campaign did she  
17 ever communicate with you directly, or if you guys  
18 would talk about things like you just said like,  
19 "Hey, I'm going to here over here, you be over  
20 there," would that be done between the three  
21 County Commissioners?

22 A No, we -- I disoriented myself, disjointed  
23 myself from that connection because they were posting  
24 things on Facebook and using social media using my  
25 name, and I think Commissioner Estep's name.

1           And I said, "Take my name off I don't want  
2 to be connected with this, that's not where I'm coming  
3 from."

4           Q     Okay.

5           A     And so I said, "I need to be off of it."

6           Q     Okay. What social media are you talking  
7 about?

8           A     Usually Facebook.

9           Q     Okay. What was name of that, was it  
10 "The Truth About Sumter County," is that the name  
11 of it?

12          A     No, I think -- the best of my recollection  
13 back then I think it was "Sumter County Politics" --

14          Q     Okay.

15          A     -- was the title, I believe.

16          Q     And that's before the actual election  
17 you said she started posting your name and  
18 attributing things to you on Facebook?

19          A     Right.

20          Q     So when you --

21          A     About the three new Commissioners, or  
22 something to that effect.

23          Q     Okay.

24          A     You got to understand, I stay off of social  
25 media, my wife was giving me the information. And when

1 she mentioned certain things, I said, "Off" -- I called  
2 and said, "I want my name. I do not want to be  
3 connected with it."

4 Q Okay. Who did you call, did you call  
5 Mr -- Commissioner Miller, or did you call --

6 A No, she was Administrator.

7 Q Okay.

8 A I called, uh, the home phone --

9 Q Okay.

10 A -- of which she answered.

11 And I said, "I need my name taken off."

12 Q Okay. So you called her, or you  
13 called --

14 A I called the home.

15 Q But you spoke to her?

16 A Yes, I spoke to her.

17 Q Got it.

18 A If Oren would have answered, I would have  
19 told him.

20 Q Okay. What kinds of things was she  
21 attributing to you?

22 A Promises -- now this is prior to the  
23 election -- promises of where the three new  
24 Commissioners were, what they were going to do and what  
25 they were going to change.

1 Q What do you think made her think that  
2 she could make those promises, what would cause  
3 her to --

4 A Uh, I have no clue.

5 Q Okay.

6 A Um, she's a very independent, um, vocal  
7 person. And, um, I had to disjoint myself from that  
8 whole scenario.

9 Q Okay, so promises about what the three  
10 of you might accomplish. I'm going to speculate  
11 here that that might be rolling back some things  
12 that the County Commissioner had done in years  
13 past?

14 A Right.

15 Q For example, One Sumter?

16 A One Sumter, 25 percent tax increase, and  
17 changing the Animal Shelter.

18 Q So those are the three primary things  
19 that she was talking about on social media early  
20 on in the case?

21 A To the best of my knowledge, yes.

22 Q Okay. Um, and so we're clear, you said  
23 25 percent tax increase, is it a 25 percent tax  
24 increase, or is it increased in the milage rate of  
25 25 percent; or is there a difference?

1           A     Okay, you're correct with your last  
2 statement.

3           Q     Okay.

4           A     It was 25.5 percent increase in the milage  
5 rate.

6           Q     Okay. Okay. So it's not like one day I  
7 get a bill that's 25 percent higher than it was  
8 the year before, my milage rate goes up --

9           A     Twenty-five percent.

10          Q     All right. Got it.

11                   Um, that time that you had to call and ask  
12 her to, you know, stop posting those things, don't put  
13 them on her Facebook and don't attribute that to me,  
14 was that the first time you've ever had to reach  
15 out -- that one you're talking about now, is that the  
16 first time you ever had to reach out and tell her?

17          A     During the campaign?

18          Q     Uh-huh.

19          A     That's the first I found out about it, and  
20 that was the last I wanted to hear about it.

21          Q     Okay. Had you ever had to talk with her  
22 since that time about social media in any way that  
23 impacted you, or impacted the Commission?

24          A     While I'm elected?

25          Q     Yeah, any time.



1           A     Um, no my understanding from people is  
2 there's stuff being posted again. I don't follow  
3 Facebook and social media except to say hi to my kids  
4 and grandkids.

5           Q     Got it.

6                     So the things that caused you to make that  
7 call your wife was kind of relaying them to you --

8           A     Yeah.

9           Q     -- and you're like, "Okay, that's it,  
10 I've had enough"?

11          A     Yeah. Yeah.

12          Q     Did you ever actually see any of those  
13 posts yourself, or did your wife just tell you  
14 about them?

15          A     (No audible response.)

16          Q     You never actually looked at them?

17          A     She showed me one and said, "This is probably  
18 hurting the election."

19                     And I went, "I can't take that."

20                     That's when the call came.

21          Q     Okay, which one, which issue was that,  
22 if you know?

23          A     Oh, gosh, I don't remember.

24          Q     Okay. So now let's fast-forward to the  
25 election. Um, we'll fast-forward to you've now

1 been elected.

2 Um, there's five Commissioners, three of you  
3 are new. Some of these you mentioned before, but  
4 there's issues with Tethering and changing the -- or  
5 creating an Anti-Tethering Ordinance; that's one big  
6 topic, correct?

7 A Correct.

8 Q And then there's One Sumter is a topic,  
9 Impact Fees; are those separate topics, or are  
10 those the same?

11 A No, they are all different.

12 Q They're all different?

13 And then there's this issue about creating  
14 some sort of, um -- I don't know how you call it --  
15 some sort of liaison between the Animal Control people  
16 with the County and then the Animal Activist groups in  
17 Sumter County that at some point came up, as well; do  
18 you know what I'm talking about?

19 A Yes, I do.

20 Q What were -- before we talk about  
21 those -- what were your campaign issues, your  
22 personal ones, not necessarily EMS, but what were  
23 the things that you were hoping to, um, either  
24 accomplish as a County Commissioner as you guys  
25 moved forward, or were those things that I just

1 mentioned some of the things that you wanted to  
2 address?

3 A Exactly. The two issues -- the Tethering  
4 issue was not an issue of mine at all.

5 Q Okay.

6 A Um, what was an issue of mine was holding a  
7 public hearing, listening to the people and listening  
8 at alternatives. And my point was not rolling back the  
9 taxes, the 25.5 percent in the milage rate, but that I  
10 would never agree to that kind of increase without  
11 listening to the public input.

12 Q Okay.

13 A The other was impact fees. Where I came  
14 from, understanding that every developer, um, that  
15 have -- a good old farm road that was doing well and  
16 serving the community well, and now a developer wanted  
17 to put a couple of thousand homes on it that required  
18 moving it to a four-lane highway, the developer paid  
19 for that roadway system by paying the impact fees. And  
20 if the impact fees didn't cover that -- well where I  
21 came from the impact fees always covered it -- but if  
22 the impact fees like down here didn't cover it, the  
23 impact fees needed to be investigated and looked at so  
24 that a developer was not impacting the taxpayer to pay  
25 for the roads that a developer should pay for.

1 Q So that was one of the things that you  
2 were interested in looking at?

3 A Yeah.

4 Q Um, so what we've got -- and I will just  
5 jump right into this, um, these complaints.

6 Our office got a couple of complaints,  
7 actually I think three total complaints. And the  
8 complaints are essentially that Ms. Fox is being a --  
9 acting as a conduit between you and the other County  
10 Commissioners, her husband and the other County  
11 Commissioners really; are you aware of that general  
12 concern or complaint?

13 A I have been made aware of it, yes.

14 Q Okay. When did you first become aware  
15 that someone was worried about that, someone was  
16 talking about that or someone had made a complaint  
17 about that?

18 A To the best of my recollection it is when  
19 another Commissioner brought it up at a public meeting.

20 Q Okay.

21 A Where he felt that Commissioner Miller was  
22 out of line and was, um, violating Sunshine Laws.

23 Q Um, do you either remember which  
24 Commissioner that was, or which meeting it was?

25 A I can't remember what meeting it was, but it

1 was said by Commissioner Gilpin.

2 Q Okay. So there was a meeting in  
3 January, it was January 12th. Um, on that agenda  
4 at least at the time -- there were a bunch of  
5 things -- but one of the things was either a No  
6 Kill Shelter, or Tethering, or perhaps both; do  
7 you remember if those issues were combined?

8 A No, they weren't combined, they were two  
9 separate issues.

10 Q Okay. So I know on this -- in January  
11 at least there was a Tethering Ordinance  
12 discussion that I think was actually a vote that  
13 you guys voted on, so that was January 12th; do  
14 you remember that meeting?

15 A Vaguely.

16 Q Okay.

17 A You're dealing with a 70-plus-year-old person  
18 here.

19 Q I got it. Fair.

20 MR. GLADSON: I've got a great memory.

21 A I usually do, but...

22 Q Yeah. No, if you don't know  
23 something -- seriously, if you don't know  
24 something just tell the -- (Unintelligible.)

25 A Yeah, sure.

1 Q I don't expect you to remember details.

2 A I mean, I remember the meeting, I couldn't  
3 tell you the exact date.

4 Q Yeah.

5 A But I do remember the Tethering Ordinance  
6 coming up, and I remember the No Kill Shelter coming  
7 up.

8 Q Well, the reason I brought that up is  
9 that's -- I think that's the earliest that I've  
10 got of a meeting where there might have been an  
11 issue, or one of the Commissioners brought  
12 something up and said, "Hey, I think we might have  
13 a Sun" -- you know, "a conduit problem with  
14 Ms. Fox."

15 That's why I went to that meeting.

16 A Okay.

17 Q I think it was as a result of this  
18 meeting. But that's why I've got you, I don't  
19 know.

20 So there was a, um, Ordinance regarding  
21 Tethering. And I think, if I recall, you voted -- you  
22 were one of the ones that voted against it?

23 A Correct.

24 Q Um, and then the other four voted in  
25 favor of it; do I have that right?

1 A No.

2 Q The other way around?

3 A Four voted against it.

4 Q One for it?

5 A One -- no, it's actually, there was no vote.

6 One brought it up as a motion, it was never seconded,

7 so therefore it died without a vote.

8 Q Got it. And that's the Tethering, so

9 we're clear?

10 A That was the Tethering.

11 Q All right.

12 MR. JUERGENSMEYER: Can I inter --

13 MR. GLADSON: Sorry. Go ahead.

14 MR. JUERGENSMEYER: It's going to be -- it's

15 going to be a little off.

16 MR. GLADSON: Yeah, go for it.

17 BY JUERGENSMEYER:

18 Q So when we were listening to all of

19 these, and at one point you guys are having this

20 odd conversation that you don't follow Robert's

21 Rules of Order, but then you sort of seemed to

22 follow them sometimes and not other times?

23 A (No audible response.)

24 Q Or was somebody making a sarcastic

25 comment that, "Hey we're not really following

1 Robert's Rules of Order here"?

2 A (No audible response.)

3 Q Did you guys follow them -- let me just  
4 ask you that way -- is that something that you  
5 guys followed -- I assume you're familiar with  
6 them for all your years of public service.

7 A Oh, yeah. Yeah.

8 Q Did you guys follow them on the  
9 Commission, did you not follow them?

10 A Well, yeah, I would. I never -- I'm confused  
11 in terms of --

12 MR. GLADSON: We were listening to some  
13 meetings.

14 Q (By Mr. Juergensmeyer) We were listening  
15 to some of the meetings and there was something  
16 that came up, and I don't remember if at some  
17 point, um, somebody had made a motion but it  
18 hadn't been seconded and somebody wanted to  
19 comment on it.

20 And then someone started arguing, "Well,  
21 wait a minute it hasn't been seconded, you can't  
22 comment."

23 A Right.

24 Q And then somebody else was like, "Well  
25 we don't really follow Robert's Rules of Order."



1           But then whoever the Chair was allowed the  
2 person to comment before the second any way. And I'm  
3 not --

4           A     And I think it was me who said, "We're not  
5 following Robert's Rules of Order," because I was a  
6 Parliamentarian for years.

7           Q     Right. Okay, so you were saying --

8           A     Yeah.

9           Q     -- we're not following them and we  
10 should be, versus we don't follow them as an  
11 order?

12          A     If there's no second on a motion there's no  
13 discussion on a motion --

14          MR. GLADSON: Got it.

15          A     -- okay? Um, and it was allowed.

16          A     And I said, "Are we going to follow Robert's  
17 Rules of Order?"

18          MR. BATSEL: Welcome to my nightmare as a  
19 Government lawyer, this happens all the time.

20          A     This happens all the time.

21          Q     (By Mr. Juergensmeyer) Okay, so I guess  
22 ultimately -- maybe my better question is -- so it  
23 was your intent as a Board to follow them, you  
24 should have been following them?

25          A     Yes.

1 Q So you had made the observation that --  
2 you weren't saying "We don't follow them," you  
3 were basically saying, "We're not following them"?

4 A Right.

5 MR. SUESS: So it was basically a sarcastic  
6 remark.

7 Q Okay. Okay.

8 A But it's like, you know as a new Board Member  
9 we've got to follow Robert's Rules of Order here  
10 because that's what keeps order in place.

11 MR. SUESS: Listening to it without being  
12 there --

13 MR. JUERGENSMEYER: Yes.

14 MR. SUESS: -- and seeing it on video it's  
15 almost like he's saying, is like somebody ment --  
16 it's like somebody mentioned the fact that we  
17 don't follow Robert's Rules of Order. It was  
18 like, wow.

19 A Okay.

20 MR. SUESS: And we all looked at each other  
21 like, "Really?"

22 MR. JUERGENSMEYER: So when you had gotten  
23 to that part, I'm sorry I just had to know the  
24 answer to that.

25 MR. GLADSON: Okay. That's okay, you did go

1 off.

2 MR. JUERGENSMEYER: I told you I was going  
3 to.

4 MR. GLADSON: Now I got to find out where I  
5 was at.

6 MR. JUERGENSMEYER: You were at the January  
7 12th, you had said that whether or not it was a  
8 vote. And he had said actually it wasn't a vote  
9 because it was a motion without a second --

10 MR. GLADSON: Okay.

11 MR. JUERGENSMEYER: -- and so it died. And  
12 that's what sparked my interest.

13 MR. GLADSON: Yeah.

14 MR. SEARCH: I appreciate you listening that  
15 closely.

16 MR. GLADSON: Give me a second here.

17 BY MR. GLADSON:

18 Q So there was no vote on the Tethering  
19 issue. Did you receive an email from Ms. Fox  
20 after that?

21 A Yeah, I believe I either received an email or  
22 a phone call, a real scathing one.

23 Q Okay. Um, well whether it was an email  
24 or a phone call, what was the content, what was  
25 scathing about it?

1           A     I don't remember an email. I do remember a  
2 Saturday morning shortly after that meeting receiving a  
3 phone call.

4                     And my first response was, "Ms. Fox, you're  
5 Commissioner Miller's wife, we should not be talking."

6                     And she said, "I'm not calling you about  
7 Commissioner Miller as a wife, I'm calling you as the  
8 President of the, um, the Lost Pets of The Villages  
9 and I'm calling you as a constituent."

10           Q     Okay.

11           A     And I said, "Okay, I'll listen."

12           Q     Okay.

13           A     And she went on about her disappointment with  
14 me and the Tethering Ordinance and not seconding her  
15 husband.

16                     I went, "Time out, we're not here to discuss  
17 that."

18                     Um, and she just ranted for a while about  
19 tethering and things like that.

20                     And, um, I said, "Well, thank you for the  
21 phone call."

22                     And that was it.

23           Q     Did she call your cell phone, your work  
24 phone, do you recall?

25           A     She called my home phone.

1 Q Home phone. All right.

2 So I've got an email that's titled -- it  
3 says, "Gentlemen" -- and the subject says No Kill,  
4 it's January 28th, and I believe it was to all the  
5 County Commissioners, um, and it talks about No Kill.

6 You know I tend to conflate those two  
7 things, the No Kill and the Tethering, I don't know  
8 that they are necessarily -- you're telling me they're  
9 not necessarily the same thing.

10 A No, they're not.

11 Q Um --

12 A The No Kill has to do with the Animal  
13 Shelter. The Tethering just has -- I shouldn't say  
14 just -- deals with every private resident being able  
15 to -- how they tie their dog up outside --

16 Q Got it.

17 A -- and control their animal.

18 Q Did -- so after that phone call or  
19 email, we'll say it's a phone call now, after she  
20 calls you and you tell her, "We're not talking  
21 about County" -- anything that's gender-related  
22 and "I'll just listen to you," how long do you  
23 think that phone call was; was it just a short  
24 thing where she just vented and then you guys were  
25 done, or did it go on for a while?

1           A     Ms. Fox does not talk for a short period of  
2 time. I can't tell you how long it went.

3           Q     Okay.

4           A     But, um, whatever she needed to get off her  
5 chest, uh, I would say it lasted probably 10 or 15  
6 minutes.

7           Q     Did you, after that, talk with  
8 Mr. Miller and say, "Hey, look, like we can't have  
9 these kinds of" --

10          A     No.

11          Q     Did you ever talk to him about it at  
12 all?

13          A     No.

14          Q     Did you ever mention it to either, um,  
15 the County Administrator Bradley Arnold or  
16 Ms. Ray?

17          A     Yes.

18          Q     Oh, you did? Okay.

19          A     Yeah.

20          Q     Which one, or both?

21          A     Both, privately, separately.

22          Q     Okay. Did you ask -- did you tell them  
23 because you were looking for advice as to how to  
24 handle it, or --

25          A     Yeah.

1 Q Okay, what were you --

2 A Because I'm a new Commissioner looking at the  
3 Ethics and Sunshine Law Violations saying, "Look it,"  
4 um, like, you know, "I just want to know where to head  
5 with this. You know a phone call comes in, yes you  
6 have the right to listen to a private citizen," but I  
7 said, "it's not a private citizen when it's a wife of a  
8 Commissioner."

9 I understand the whole conduit stuff here.

10 Q Right.

11 A Um, and so I talked to them about that.

12 And I said, "If there's anymore contact that  
13 she has with me I will report that, each one, to both  
14 of you."

15 Q Okay. And did you get anymore contact  
16 from her?

17 A Emails.

18 Q Okay.

19 A Of which I would copy them, give them to  
20 Ms. Ray and to Mr. Arnold.

21 Q Got it.

22 And the advice that they gave you was to  
23 listen and then -- or that you can at least listen --  
24 or what did they tell you about -- it's back to the  
25 phone call -- what did they tell you?

1           A     Well, the whole point is obviously don't  
2 discuss County business or anything that's coming up on  
3 an agenda. You know the whole nine yards of being very  
4 careful.

5           Q     Did you ever ask Jennifer Ray or Bradley  
6 Arnold to convey to Ms. Fox or to Commissioner  
7 Miller to stop with the emails?

8           A     I don't know if I asked that specifically, I  
9 just said I'm uncomfortable with them.

10          Q     Uh-huh.

11          A     And, um, what they did in terms of talking to  
12 Commissioner Miller, I'm not sure.

13          Q     Got it.

14          A     Can you see -- because you're aware of this,  
15 some people made some complaints that she was acting  
16 as a conduit between the Commissioners.

17          A     Sure.

18          Q     Can you see why it appears that that --

19          A     Oh, absolutely.

20          Q     Um, did you recognize that whether  
21 you're doing it or not it certainly could look  
22 like she is speaking to different Commissioners  
23 about issues that are on the agenda and  
24 creating --

25          A     Yeah.



1 Q -- this very problem that we're dealing  
2 with now?

3 A Absolutely.

4 Q Okay.

5 A And that's why I went to both of them and  
6 said, "Everything I get from her you're getting a copy  
7 of where you're aware that she's making this kind of  
8 contact."

9 Q When she would email you, it would be at  
10 your County --

11 A Correct.

12 Q -- email address?

13 A Correct.

14 Q Was there any -- ever any kind of other  
15 email address or other way that you guys --

16 A No.

17 Q -- that she would try to communicate  
18 with you?

19 A No.

20 Q So January 28th, which is you know  
21 however many days after the first January 12th  
22 meeting, there was an email that dealt with No  
23 Kill that went to it looks like all of you from  
24 Ms. Fox. And I've got a copy of that here. It's  
25 kind of unremarkable as it relates to the topic

1 we're talking about right now, but do you remember  
2 that?

3 A (No audible response.)

4 Q The reason I bring it up is it caused  
5 the County Attorney, or at least one of the County  
6 Commissioners to ask the County Attorney to get a  
7 legal opinion as to what a conduit is and when a  
8 conduit can be a problem.

9 A Uh-huh.

10 Q So I've got that email and I've got the  
11 legal opinion generated by either it was Ms. Ray  
12 or it was -- it's actually Ms. Ray in conjunction  
13 with the Attorney General's Office --

14 A Right.

15 Q -- Ethics people.

16 Have you seen that?

17 A Yes. And that was Commissioner Gilpin  
18 (Phonetic) questioning our Jennifer Ray.

19 Q Okay. So that's -- that email comes out  
20 from Ms. Fox in like January 28th or so and then  
21 there's this opinion that Ms. Ray has.

22 Does she share -- I assume shares it with  
23 all the Commissioners --

24 A Correct.

25 Q -- that this is the answer to the

1 question Commissioner Gilpin had.

2           Was it done at a County Commission meeting,  
3 or was it that -- her sharing that, or did you guys  
4 have another training session?

5           A     We received it before, but under her privy of  
6 the agenda of the Attorney -- excuse me -- the Attorney  
7 Report, she made it public.

8           Q     Okay. All right, um -- so clearly in  
9 January you're aware that there's issues, or at  
10 least allegations or concerns that she's acting as  
11 a conduit.

12           Now I recognize that that doesn't mean that  
13 she's acting as a conduit at the direction of any  
14 particular County Commissioner, but her actions could  
15 be sharing information.

16           A     Absolutely, yeah.

17           Q     Let's say she finds out how you're going  
18 to vote on something and then she shares it with  
19 another County Commissioner, essentially kind of  
20 putting that issue -- telling another County  
21 Commissioner what your vote might be would  
22 essentially defeat that Sunshine purpose, like a  
23 fair debate in front of the public.

24           So you're aware in January that that's going  
25 on?

1 A (No audible response.)

2 Q I mean, this --

3 A Oh, based on that, yes.

4 Q Yeah.

5 A Yeah, I was aware this was going to go on the  
6 day I was elected by The Villages.

7 Q Okay.

8 Um, so the next big meeting is February  
9 16th -- and I say "big meeting" because that's the  
10 meeting, um, that's really a subject of these  
11 complaints.

12 And I'll just tell you the -- I'm going to  
13 read you a portion of this.

14 A Is that from Marilyn Escra (Phonetic)?

15 Q Uh, I've got a couple of them.

16 A Okay, because she and Angie Fox are  
17 tremendous adversaries.

18 Q Got it.

19 MR. JUERGENSMEYER: May I?

20 MR. GLADSON: Go ahead.

21 MR. JUERGENSMEYER: I'll be a little bit  
22 more relevant this time.

23 BY MR. JUERGENSMEYER:

24 Q So do they both come to these meetings  
25 that you just mentioned, Marilyn and Ms. Fox, were

1 they -- did they -- so I --

2 A Yeah. And one would speak on --

3 Q Listen I'm not going to lie to you I  
4 avoid County Commission meetings as much as  
5 possible, please don't be offended, um, but I do.

6 A I wish I did now.

7 Q But, uh, so -- and I always talk to Russ  
8 about the one I went and sat and listened to an  
9 hour-and-a-half about a left turn. And, um, I was  
10 like, "Oh, my gosh."

11 But I've noticed -- and I do go more than  
12 I'm letting on but I do go -- but I've noticed that  
13 there are a group of regulars.

14 A Uh-huh. Always.

15 Q And that they never miss a meeting.

16 A Right.

17 Q And I look forward to seeing them on  
18 Tuesday's in the Courthouse and, you know, we're  
19 getting to know about each other's kids. But  
20 there seems to be a group that is always at every  
21 meeting.

22 A Uh-huh.

23 Q And there seems to be a couple of people  
24 that speak at every meeting.

25 A Uh-huh.

1 Q No matter what the topic, it could be on  
2 butterflies --

3 A Right.

4 Q -- and they would feel compelled to get  
5 up and talk about the butterflies.

6 And so are these people -- you said they're  
7 adversaries, were they at pretty much every meeting,  
8 were they always there?

9 A If there was an animal issue on the agenda,  
10 they were always there.

11 Q So they wouldn't come for the milage and  
12 for the impact fees?

13 A No, not really. Um, the Hospital or the Fire  
14 Rescue issues, they're coming to. But any animal issue  
15 the two of them would come and they would speak against  
16 each other; when one would get up and speak about an  
17 issue, the other one would speak about --

18 Q Every time?

19 A Yeah, every time.

20 Q Where are the meetings held now? It's  
21 been a long time since I've been to Sumter County.

22 A It's, uh, at the Everglades Recreation Center  
23 in the -- south of 44, until the new building is built  
24 that we have proposed.

25 Q Okay. And your capacity, not including

1 Commissioners, is 74, 74-75?

2 A Actually it's more than that.

3 Q Is it?

4 A Obviously it's changed with Covid. Uh, but  
5 at the last meeting I think we had about 140 or 50, uh,  
6 people there.

7 Q Because I thought on one of the things  
8 we were listening to that someone was commenting  
9 the room capacity was 74, 75 people and it wasn't  
10 full.

11 A That was based on the seats being separated.

12 Q Okay, is that how, they were separated?

13 A Yeah.

14 MR. SUESS: That was in the height of the  
15 Covid, yeah.

16 Q Okay. And was just trying to indicate  
17 who was there and who was present.

18 So are you able -- and now I know how the  
19 setup is in Hernando, and I imagine the setup is very  
20 similar in I know the old Sumter, are you pretty much  
21 able to see everybody that's out there?

22 A Yes.

23 Q And you're able -- and the lighting is  
24 such you can watch people as they react --

25 A Correct.

1 Q -- and see their non-verbal things and  
2 facial expressions and stuff like that?

3 A Yes. Yes.

4 BY MR. GLADSON:

5 Q So at this meeting I guess Commissioner  
6 Miller started a discussion about an Animal  
7 Advocacy Group that he wanted to put together to,  
8 um, deal with the animosity between Animal  
9 Services and Animal Advocates.

10 And I've listened to that. I've got it here  
11 if you want to listen to it queued up at the end of  
12 the -- it was at the end of the meeting.

13 Um, Commissioner Miller suggested the names  
14 of a bunch of people, including Ms. Fox. And I've got  
15 the names of those people, you probably recognize  
16 them, as well, to be part of this, of this group.

17 A And then the trump card.

18 Q And then he suggested that you would  
19 Chair the meeting or essentially be the --

20 A The moderator.

21 Q The moderator.

22 A Because of my psychology background of school  
23 psychologist, I guess. And he said -- and if you heard  
24 the meeting correctly, because I remember those words,  
25 "I'm going to catch Commissioner Search by surprise



1 with this."

2           And I turned my chair as fast as I could and  
3 said, "You sure as hell are." I don't think I said  
4 hell.

5           Q     Yeah, you did, you said, "Sure" -- "You  
6 sure are," or something like that.

7           A     "Yeah, you sure are."

8           And I'm going automatically, "Where are  
9 you" -- "What are you doing and where are you coming  
10 up with this?"

11          Q     Okay. So which part were you surprised  
12 about; was it the moderator part, or the fact  
13 that --

14          A     The whole thing.

15          Q     -- that there was going to be --

16          A     The whole process of putting together this  
17 advocacy conglomerate group.

18          Q     Okay.

19          A     And then mentioning my name as the Chair or  
20 moderator or whatever you want to call it.

21                Uh, I was like, "Oh boy, what are you  
22 doing?"

23          Q     Because I was under the impression, and  
24 perhaps incorrectly, that you had had a meeting  
25 with Mr. Arnold already, not about you being the

1 moderator, but that Ms. Fox had come to you and  
2 talked with you about setting up just that.

3 A That was part of the conversation on the  
4 phone, that she wanted to see this group.

5 And I just said to Bradley, "Just so you" --  
6 "You may hear from her, this is her intent."

7 Q Okay.

8 A "To hear from her, that she might be calling  
9 you."

10 Because that was part of the conversation  
11 that she had with me, that she thinks it should be an  
12 advocacy group.

13 Q Okay.

14 A And I said, "That is not a discussion you  
15 have with me."

16 Q Are we talking about the phone call  
17 where she called --

18 A Yes.

19 Q -- and you listened?

20 A Correct.

21 Q So that's going back a little ways.

22 A Yes. Yeah.

23 Q So I guess I'm confused, were you  
24 shocked or were you not shocked? Since you  
25 already kind of knew -- at that meeting you

1 already knew that she was going to -- she had had  
2 that idea because she had already mentioned it to  
3 you on a phone call.

4 A She had that idea. Why I was shocked is that  
5 Commissioner Miller is now bringing it up at a meeting.

6 Q Okay.

7 A And then implicating me as the moderator.  
8 And that's why prior to that I had gone to Bradley, and  
9 Bradley had already talked to Jennifer and saying,  
10 "Hey, if this comes up in a meeting we need to" --

11 Q Okay. So that's why he was prepared --

12 A Yes.

13 Q -- at that meeting to go on the record  
14 and --

15 A Right, and squash it.

16 Q All right.

17 MR. GLADSON: Do you have anything, anything  
18 on this?

19 MR. SUESS: Not in regard to that, no.

20 MR. GLADSON: All right.

21 Let me look at my notes here.

22 Q (By Mr. Gladson) So what happens next  
23 after that, after that meeting? I know there was  
24 a discussion about whether or not to put it off to  
25 like a May 4th agenda, because they had said --

1 A It was --

2 Q Sorry.

3 A It was May 18th Bradley was going to bring  
4 back to the Commissioners, um, some items of the Animal  
5 Shelter and, uh, some possible proposals.

6 Q Okay.

7 So at some point after that February 16th  
8 meeting she posts something on Facebook that, um, that  
9 she had had a conversation with you. Now I know you  
10 don't look at her Facebook --

11 A Okay.

12 Q -- pages for, you know, stuff.

13 MR. GLADSON: Um, if I can find it here.

14 Well let me back up, before we get to that.

15 Q (By Mr. Gladson) So you thought that  
16 Commissioner -- that she might bring up that topic  
17 not Commissioner Miller, that's what shocked you  
18 at the meeting and that's something that -- since  
19 she already brought it up to you, you figured she  
20 might bring it up again, but now he's doing it?

21 A Yeah.

22 Q Did you have the same concern at that  
23 moment that Mr. Arnold had like, you know, "Oh,  
24 crap, this is" --

25 A Well, that's why I went to Bradley before

1 that and said, "Look it, I had this phone conversation,  
2 this may come up at a meeting, you know just an FYI."

3 And when --

4 Q Okay.

5 A -- Commissioner Miller brought it up he  
6 wanted to -- he and Jennifer were prepared for it.

7 Q When -- so around February 11th -- or on  
8 February 11th there was an email from Commissioner  
9 Miller to Mr. Arnold -- so this is before the  
10 meeting, five days, six days before the meeting,  
11 however many days -- suggesting that this very  
12 type of group be put together.

13 So when you sat down -- are you following  
14 me?

15 A Uh-huh.

16 Q So when you sat down with Mr. Arnold, do  
17 you know if he already had that email from, um,  
18 Commissioner Miller or not?

19 A Um, I don't. I don't.

20 Q So he says in his email to  
21 Commissioner -- I'm sorry -- from Mr. Arnold:

22 "I'm suggesting a meeting with Steve  
23 Kennedy, Monica, Angie Fox, Karen Taylor and Kim  
24 Pruitt. I would like Steve to set this up. I also  
25 would like Commissioner Search to moderate this

1 meeting."

2                   So this is from Commissioner Miller on  
3 February 11th to --

4           A     Prior to the meeting?

5           Q     Uh-huh.

6           A     Okay, I'm not aware of that one.

7           Q     Okay.

8           MR. BATSEL: Is it appropriate for me to ask  
9 something to clarify?

10          MR. GLADSON: Sure.

11          MR. BATSEL: Okay, so my -- and I'm just --  
12 most of this -- as you know I'm not well-prepared  
13 for this.

14          MR. GLADSON: That's okay.

15          MR. BATSEL: Okay, so my understanding from  
16 a timeline perspective was during that January  
17 12th meeting regarding Tethering that died for  
18 lack of a second. Immediately thereafter, like  
19 on the next Saturday morning, he gets the call  
20 that we've been referring to.

21          MR. GLADSON: Yeah -- (Inaudible.)

22          MR. BATSEL: And then shortly thereafter he  
23 goes to Brad and Jennifer and says, "Hey look  
24 this happened," you know, "I'm going to send you  
25 everything from now on just so you're aware."

1           And so now we're talking about in February,  
2           February 11th?

3           MR. GLADSON: You got to fast-forward,  
4           correct.

5           MR. BATSEL: I'm making sure I'm  
6           understanding the timeline correctly.

7           MR. GLADSON: I think you've got to move  
8           fast-forward, yeah.

9           MR. BATSEL: Okay. Thank you.

10          Q        (By Mr. Gladson) So this February 16th  
11       meeting is, you know, kind of the big one for  
12       purposes of this complaint.

13                But on February 11th Commissioner Miller  
14       emailed Mr. Arnold -- well let me just make sure I've  
15       got the date right here since we keep talking about  
16       it.

17                "February 11th, Oren Miller to Bradley  
18       Arnold, titled, Subject Animal Control of Sumter  
19       County, Animal Advocates."

20                And this is:

21                "I would like Commissioner Miller to" --  
22       "Commissioner Search to moderate this meeting. There  
23       are things that AC" -- which I assume is Animal  
24       Control -- "can do that advocates cannot do."

25                So February 11th he's asking Bradley Arnold

1 to help facilitate this thing, and then on the 16th he  
2 springs it at the meeting. Somewhere in --

3 A So obviously Bradley was aware of it.

4 Q Well, I don't know because I don't know  
5 when your meeting with him was. It might have  
6 been --

7 A I don't know.

8 Q Right.

9 A You know, I can't specify a date. I just  
10 went to him and said, "Look it, I'm hearing this.  
11 Anything I get from her is coming to you" --

12 Q Got it.

13 A -- "and to Jennifer."

14 MR. GLADSON: Oh, I was going to look for --

15 MR. SUESS: This?

16 MR. GLADSON: That. Thank you.

17 MR. SUESS: Yes, we've worked together  
18 before.

19 UNKNOWN SPEAKER: Do you have Russ's meeting  
20 agendas that you printed yesterday?

21 MR. GLADSON: I've got them over here, if  
22 you don't.

23 MR. SUESS: Those two -- there's two  
24 agendas, yeah.

25 MR. GLADSON: I've got that.



1 MR. SUESS: Get that, yeah.

2 Q (By Mr. Gladson) Um, let me show you  
3 that, show you that email, take a look at that --  
4 or I think it's actually a post, it's not really  
5 an email it's a post on Facebook.

6 MR. BATSEL: Is there a date on that?

7 MR. GLADSON: Um, I have a date, I don't  
8 think it's on that.

9 MR. SUESS: No, I don't either.

10 MR. GLADSON: Let me see if I can find it  
11 for you.

12 I can find the date, but I just don't --

13 MR. SUESS: It said -- I think according to  
14 the notes it's February 11th.

15 MR. GLADSON: Okay.

16 MR. SUESS: That was on The Truth About  
17 Sumter County page, correct?

18 MR. GLADSON: Correct.

19 MR. SUESS: Yeah, February 11th, by Angie  
20 Fox, yes.

21 Q (By Mr. Gladson) So the same day that  
22 that email went from Miller to Bradley Arnold this  
23 gets posted on that Truth About Sumter County.

24 And it says:

25 "I reached out to Commissioner Search this

1 morning and we had a nice talk. And listen, he  
2 listened to me, he let me speak and he told me  
3 where" -- and it's cut off -- but I think "where he is  
4 with some situations that we discussed. I hope" --  
5 and it's cut off again -- "knows I listened to him."

6 So this is the page, Sumter -- Truth About  
7 Sumter page that you said that she's the Administrator  
8 of.

9 A Correct.

10 Q So have you ever seen that posting  
11 before?

12 A I have not seen that posting. But it's based  
13 on that same conversation we were talking about after  
14 the Tethering where she reprimanded me for not  
15 supporting the motion.

16 And I said, "Just because you don't support  
17 a motion doesn't mean it's dead."

18 I said, "In fact, by not supporting the  
19 motion it's still alive and can be looked at down the  
20 road."

21 Because there's a lot of issues that I can't  
22 agree with on the Tethering Ordinance and that's why I  
23 couldn't vote for it.

24 Q Okay. So you did a little more than  
25 just listen then if you had to kind of explain

1 that to her. Because before you said you kind of  
2 just let her get things off her chest.

3 A Well for the most part, yeah, after the rant  
4 was done.

5 Q At that time though that Tethering  
6 Ordinance, now it hadn't been defeated because it  
7 was never really voted on, correct?

8 A Right.

9 Q Was it coming up on another agenda?

10 A No, it wasn't listed on another agenda at  
11 this point in time.

12 Q Okay. All right, so that's all based  
13 off that original one conversation we were talking  
14 about on the phone?

15 A Correct.

16 MR. GLADSON: Is that what you're looking  
17 for, or a different date?

18 MR. SUESS: No, a different date.

19 MR. GLADSON: Hang on a second I've got the  
20 other ones.

21 MR. JUERGENSMEYER: Okay, thank you.

22 Q (By Mr. Gladson) Conrad had touched on  
23 this a little bit, but what's the beef between  
24 Ms. Escra (Phonetic) and, um, Ms. Fox, if you  
25 know?

1           A     Based on the meetings where I've seen them go  
2 after each, it's one believes on what's called a  
3 social -- socially conscious Animal Shelter.

4           Q     Okay.

5           A     The other one believes on a No Kill Animal  
6 Shelter. And if you really read all the details,  
7 they're not that far apart.

8                     It's like we -- you know, we can all sit  
9 around here and you say you're a Democrat, I say I'm a  
10 Republican, but we agree on all the issues, but  
11 because you said you're a Democrat I don't like you.

12          Q     Right. So actually when it boils down  
13 to listening to both of them they're not that far  
14 apart, at least your observations?

15          A     My observation is they both love animals. So  
16 let's start with, what's the good part? You know I  
17 always look for, what's the common ground?

18          Q     Yeah.

19                   MR. GLADSON: Lieutenant Ford, are you still  
20 on?

21                   LIEUTENANT FORD: Yep. Sorry.

22                   MR. SEARCH: You didn't fall asleep, did  
23 you?

24                   MR. GLADSON: Yeah, I'm just checking on  
25 you. Do you have any questions so far?

1           LIEUTENANT FORD: Uh, nope, I'm good.

2           MR. GLADSON: Are you tracking all right,  
3 you can hear me okay?

4           LIEUTENANT FORD: Yeah, yeah, yeah. No, I'm  
5 trying to keep up with the timeline, but I think  
6 I got it.

7           MR. GLADSON: All right. Well, if we get  
8 something wrong on the timeline, we tend to  
9 forget about people on the phone, so you just let  
10 us know.

11          LIEUTENANT FORD: No, we're good, we're  
12 good.

13          MR. GLADSON: All right.  
14 I'm not so sure I have too much more.

15          Q    (By Mr. Gladson) How often over the last  
16 six months did you talk with, um, Commissioner  
17 Miller -- I mean, are you guys friends like  
18 outside of work?

19          A    No.

20          Q    Um, so you don't like go to football  
21 games, or golf together, or chat about --

22          A    We went to one. There was a Sheriff-Farmer  
23 Golf Tournament that we were in a foursome together,  
24 placed in a foursome by a constituent who wanted us to  
25 golf. So that was the only time socially I had a

1 connection with Commissioner Miller, at the  
2 Sheriff-Farmer Golf Tournament for their benefit.

3 Q Okay.

4 And I assume -- I didn't ask you this -- but  
5 you're married, so your wife hasn't -- she doesn't  
6 have any reason to talk to Angie Fox or --

7 A Absolutely not.

8 Q -- Commission Miller or any of the  
9 others?

10 A She will have nothing to do with it.

11 Q What did she do before you guys retired  
12 and came to Florida?

13 A Well, and she's still working, for the  
14 hospital system.

15 Q Yeah?

16 A She's a nurse.

17 Q Wow.

18 Um, so you don't talk to him on his -- you  
19 don't talk to him about --

20 A No.

21 Q -- stuff.

22 All right, um, if you give me a second I  
23 want to ask these guys outside of hearing real quick  
24 if they've got anything else they want to cover.

25 A Do you want me to leave?

1 Q No, no, it's easier, we'll just --

2 A Okay.

3 MR. GLADSON: Russ?

4 MR. SUESS: Uh, no.

5 MR. GLADSON: You don't have anything else?

6 MR. SUESS: No.

7 MR. GLADSON: All right, we'll step out real  
8 quick for a minute.

9 That will be on, so...

10 MR. BATSEL: Okay, yeah. Yeah, I don't know  
11 how to turn it off.

12 MR. SEARCH: So we can't do any private  
13 talking while you're out?

14 MR. GLADSON: Seriously if you would like,  
15 you can.

16 MR. SEARCH: You'll listen to it.

17 MR. GLADSON: No, I'm saying we'll take  
18 that. I just wanted to remind you guys it was  
19 on.

20 (Exits the room.)

21 MR. SEARCH: He should have taken that with  
22 him.

23 MR. BATSEL: Oh, yeah.

24 MR. SEARCH: Detective, did you step out in  
25 the hall with them?

1           LIEUTENANT FORD: No, I'm still here.

2           MR. SEARCH: I didn't know if we should drag  
3 the phone out in the hall with them.

4           LIEUTENANT FORD: No, I'm good.

5           MR. BATSEL: It's interesting.

6           So in the City of Ocala -- I was thinking  
7 for a minute when, um, Conrad was bringing up the  
8 whole issue about Robert's Rules?

9           MR. SEARCH: Yeah.

10          MR. BATSEL: You know most cities and  
11 counties they can either adopt Robert's Rules, or  
12 like our Code in the City of Ocala says that  
13 we'll try to follow it for the most part but  
14 Counsel can deviate from it, is basically what it  
15 says.

16          MR. SEARCH: Okay.

17          MR. BATSEL: So the other night -- and it  
18 was in the paper, and for a minute when Conrad  
19 brought this up I thought he was maybe crossing  
20 this investigation with what he read in the  
21 paper. Because my partner was covering the City  
22 of Ocala, which you know we often -- one of us  
23 covers, so does the other.

24          MR. SEARCH: Yeah.

25          MR. BATSEL: And, uh, there was an issue



1           where the Chair -- or Counsel President made a  
2           motion. And one of the other Counsel members  
3           thought it was inappropriate because under  
4           Robert's Rules you've got to pass the gavel --  
5           you must pass the gavel if you want to make a  
6           motion as the President -- as the Chair.

7           MR. SEARCH: Right.

8           MR. BATSEL: And so this became this big  
9           issue where, you know, they were arguing over --  
10          not they were arguing, but they were -- they  
11          obviously disagreed with one another on the  
12          motion in the first place since this was the  
13          procedural way to -- (Unintelligible) -- way  
14          of --

15          MR. SEARCH: Technically, yes.

16          MR. BATSEL: And so it was, um, we had a  
17          whole -- my partner, you know Counselor, had a  
18          whole 10-minute discussion about the application  
19          of Robert's Rules as modified by the Counsel and  
20          how the Counsel can deviate if they choose and  
21          all this stuff.

22          Anyway it became a -- it was actually part  
23          of the story that was written about a much larger  
24          more controversial issue, but the whole Robert's  
25          Rules issue became the thing that everybody was

1 talking about.

2 (Entering room.)

3 MR. SUESS: Oops, sorry.

4 MR. SEARCH: Yeah, and back in Pennsylvania  
5 the Chair only votes to break a tie.

6 MR. BATSEL: To break a tie, yeah.

7 MR. SEARCH: Yeah. Here everyone must vote.

8 MR. BATSEL: Yeah.

9 MR. GLADSON: Oh, you can't abstain?

10 MR. BATSEL: No, legally --

11 MR. SEARCH: Well you have to fill out the  
12 paperwork here.

13 MR. BATSEL: You cannot -- you must vote --  
14 your legal obligation is to vote, you cannot  
15 abstain unless you have a voting conflict.

16 MR. GLADSON: Got it. Which you've had to  
17 have disclosed?

18 MR. BATSEL: Yeah. And then once you  
19 declare that conflict then the Clerk passes --  
20 issues you a paper and you've got to fill out the  
21 conflict.

22 MR. SEARCH: You got to fill out all the  
23 proper paperwork.

24 MR. BATSEL: But you can't abstain on it  
25 politically.

1 MR. SUESS: Oh, just say ---

2 MR. BATSEL: Because you don't want to tick  
3 people off.

4 MR. SEARCH: We did talk with the Detective  
5 on whether we should have put the phone out  
6 there.

7 MR. GLADSON: We just mentioned that.

8 MR. JUERGENSMEYER: Yeah, sorry Lieutenant.

9 INTERVIEW RESUMES

10 BY MR. GLADSON:

11 Q Um, what is your personal phone number,  
12 your cell phone number?

13 A 610 --

14 Q Okay.

15 A -- 462-3767.

16 Q Okay. Um, if -- and you had said before  
17 that you don't really have any contact with  
18 Commissioner Miller, and you guys don't do  
19 anything personal together or nothing --

20 A No.

21 Q -- nothing like that.

22 So, um, one of the things that I was going  
23 to ask you about was, do you ever have contact with  
24 him via cell phone, it doesn't sound like you guys do,  
25 you don't call each other back and forth or anything

1 like that?

2 A No.

3 Q Okay. So I've got a question for you  
4 then.

5 Um, I've got some phone records.

6 A Okay.

7 Q So following the February 16th meeting,  
8 the big meeting we've been talking about here, the  
9 one that's been the subject of the complaint,  
10 um -- I'm going to look at this.

11 It looks like you had a 16-minute phone call  
12 with his cell phone, his personal phone with him --

13 A Okay.

14 Q -- the day after that meeting.

15 A Okay.

16 Q So help me understand how that can be if  
17 we just covered what we covered?

18 A Okay. To tell him to tell his wife to not be  
19 in contact with me and to not admonish me for what I do  
20 on the County Commission.

21 Q Okay.

22 A And to stay off that kind of stuff because  
23 it's inappropriate.

24 Q Okay. What did he say to that?

25 A He says, "I have no control over my wife" --

1 Q Okay.

2 A -- "she's an independant person, she does  
3 what she wants."

4 And I said, "Well, this is no longer an  
5 independent issue, this becomes a legal issue and this  
6 becomes an issue of which you need not to" -- "it's  
7 not about controlling, it's about doing the right  
8 thing."

9 Q Okay. So you called him to tell him all  
10 of those things, that's what you -- you recall  
11 that conversation?

12 A Basically, yes.

13 Q Okay.

14 A Yeah.

15 Q Were there any other times that you've  
16 called him after or before meetings -- or let me  
17 ask you this before you answer that, did she stop  
18 after that?

19 A I don't totally recollect. I do believe  
20 there was a time where she was again admonishing me for  
21 telling her husband what to do or how to -- how to  
22 respond, and that she's her own person and I shouldn't  
23 be telling him how to control her.

24 Q Okay.

25 A And it was not about control it was about,

1 "Let's just do the right thing."

2 Q Respect for the process kind of thing?

3 A Yeah. Yeah. I mean, that's what's it's all  
4 been about.

5 Q So there was a meeting on March 9th --

6 MR. GLADSON: I think that's the agenda that  
7 we looked at? Conrad was looking at it earlier I  
8 think you've got it, the No Kill, it was on the  
9 agenda that day.

10 MR. JUERGENSMEYER: This is October 6th, is  
11 what Russ gave me.

12 MR. GLADSON: Russ, do you have the March?

13 MR. SUESS: (Inaudible) -- took it  
14 yesterday, wasn't it?

15 MR. GLADSON: See, and then wants to go  
16 paperless.

17 Q (By Mr. Gladson) Well there was a  
18 meeting on March 9th -- while they look for the  
19 agenda topic -- um, it looks like you made an  
20 incoming phone call to him -- and I'm going to  
21 ask -- about three-minutes long; do you recall why  
22 you would have called him after the March 9th  
23 meeting for three minutes?

24 A After the March 9th meeting?

25 MR. SUESS: The phone call was actually on

1 March 12th, so it would be --

2 MR. GLADSON: Sorry.

3 MR. SUESS: -- it would be four days after  
4 the March 9th meeting.

5 A I think that was because one of the, um,  
6 people at the meeting, Hilda Windsor who was organizing  
7 the Sheriff-Farmer Golf Tournament and wanted to know  
8 if it would be okay.

9 And I called and said, "Look it, we would be  
10 in the same foursome, is that" -- "are you going to be  
11 okay with that?"

12 Q Got it.

13 MR. GLADSON: All right, what was the next  
14 one, want to go through those?

15 BY MR. SUESS:

16 Q The next -- the next one would have been  
17 on March 14th, which would be two days later, um,  
18 you called him and the phone call was 32 minutes  
19 long.

20 A What was the date of that one again?

21 Q March 14th.

22 A March 14th.

23 Q And that was -- because I guess you had  
24 a regular meeting scheduled March 16th, so...

25 MR. GLADSON: Thirty-two minutes is pretty

1 long. It's a pretty long phone call.

2 MR. SEARCH: Yeah, that is a long phone  
3 call. I don't spend that much time over the  
4 phone.

5 Q (By Mr. Suess) And that would have been  
6 a Sunday.

7 A On my best recollection of that is if -- go  
8 back to March.

9 Q Would it help if I pulled up the agenda?

10 A No, because I know it wasn't an agenda item.  
11 Um, I've never discussed an agenda item with him. I  
12 think what he had inquired with me about is on the  
13 teth -- March 18th, I think that's when Bradley was  
14 going to be bringing up the Animal Shelter issues --

15 Q Okay.

16 A -- and, um, he asked me to call him. Because  
17 I was actually writing a new Ordinance -- or not  
18 writing it -- revamping things on the Tethering  
19 Ordinance.

20 And I just said, "I have a lot of issues,  
21 I'm working on things." Um --

22 BY MR. GLADSON:

23 Q All right, so let me get this.

24 So revamping or dealing with --

25 A No.



1 Q -- the Tethering Ordinance is coming up  
2 March 18th or so?

3 A Well that wasn't coming up, the Animal  
4 Shelter issue was coming up March 18th.

5 Q Okay, so what were you guys talking  
6 about, was it Tethering then you were talking --  
7 what were you talking about in this 32-minute  
8 phone call, maybe I got confused, because it  
9 sounds like you just told me you were talking  
10 about something that was coming up on the --

11 A No, not coming up on the agenda.

12 Q Okay.

13 A The Tethering issue was a previous one.

14 Q Okay.

15 A What I had said at a meeting is that I had  
16 issues with some of the stipulations of the Tethering,  
17 which became very restricted.

18 Q Got it. Okay.

19 A And he wanted to know when I was reorganizing  
20 this and going to be bringing it back up.

21 I said, "I'm still working on it. But based  
22 on everything else that's happening right now and  
23 everything else that's going down it's not appropriate  
24 for me to be bringing these issues up right now."

25 I said, "Your wife is doing this, this is

1 being posted I'm hearing, this is happening, and I'm  
2 not going there right now because it just makes it  
3 convoluted."

4 Q But you called him, according to the  
5 records.

6 A Yes, I did.

7 Q So how did you know he wanted you to  
8 call, he must have said --

9 A He said something at the end of the meeting  
10 prior to that, "Hey when you get a chance give me a  
11 call."

12 Q Okay.

13 MR. GLADSON: I don't have your spreadsheet.  
14 You made the spreadsheet, so...

15 MR. SUESS: You want to go to the next one?

16 MR. GLADSON: Go to the next one.

17 BY MR. SUESS:

18 Q Quite honestly there's quite a few of  
19 them, but we go -- um, we're looking at lengthy  
20 ones here per se.

21 Um, now there was a -- well, it's not too  
22 lengthy, it's 101 seconds, so it's a minute-and-a-half  
23 on March 16th -- this is on March 17th, but there was  
24 a meeting on March 16th.

25 Now, was March 16th the meeting you're

1 thinking of? Because you said March 18th, that would  
2 have been a Thursday, would that have been a work day?

3 A Oh, I'm sorry. Yeah. No, no, no, they're  
4 always on a Tuesday.

5 Q Yeah, typically on Tuesday's.

6 A Okay.

7 Q And I understand you get a day off,  
8 that's nothing.

9 A I think the meeting I was referring to was  
10 May 18th.

11 Q May 18th.

12 A I'm sorry if I said March. Yeah, you're  
13 right. You're correct.

14 Q Yeah, okay.

15 Um, now the May -- going back to that, May  
16 18th was actually the meeting about the Shelter --

17 A Correct.

18 Q -- correct?

19 A Right.

20 Q Okay.

21 Um, and we have on April 14th -- now you had  
22 a meeting on April 13th, because that would have been  
23 a regular Tuesday meeting, on April 14th the following  
24 day is another 137 seconds, so it's just a couple of  
25 minutes on the phone.

1           But then on April 19th, five days later,  
2 there's 500 -- there's a 9-minute phone call on April  
3 19th. Again this would be following probably six days  
4 after the April 13th meeting.

5           A     (No response.)

6           MR. BATSEL:  Guys I don't know how this  
7 works, but can I have a moment with him?

8           MR. GLADSON:  Absolutely.

9           MR. BATSEL:  Just to step out in --

10          MR. SUESS:  You're probably going to have  
11 to.

12          MR. GLADSON:  You should go somewhere else  
13 because the phone.

14          MR. BATSEL:  Okay, yeah.

15          MR. SEARCH:  Where do you want me -- you  
16 want to --

17          MR. BATSEL:  We'll step out, let me know  
18 where to go.

19          MR. SEARCH:  I actually have great answers  
20 for those.

21          MR. BATSEL:  That's fine, I just want --

22          MR. GLADSON:  Yeah.

23                 (Exits room.)

24          MR. JUERGENSMEYER:  Where do you want me to  
25 put them at?

1 MR. GLADSON: Anywhere you want, just find  
2 a --

3 MR. JUERGENSMEYER: Anywhere you guys want.  
4 You guys want a little bit of privacy. That's a  
5 private place.

6 MR. GLADSON: Hey, Lieutenant Ford, they  
7 just, um, took him out, so if you can hear.

8 LIEUTENANT FORD: Yeah, I can hear you. No,  
9 that's fine.

10 MR. GLADSON: Okay.

11 LIEUTENANT FORD: Now is that his Attorney?

12 MR. GLADSON: Yep.

13 LIEUTENANT FORD: Okay.

14 MR. GLADSON: And we did not -- the recorder  
15 is still on, so...

16 LIEUTENANT FORD: All right.

17 MR. GLADSON: They stepped out to go to  
18 another place.

19 LIEUTENANT FORD: I just wasn't sure who the  
20 other name was.

21 MR. GLADSON: Got it.

22 MR. SUESS: Was Brent copying this stuff to  
23 the -- (Inaudible.)

24 MR. GLADSON: He was, he was supposed to  
25 have done it already.

1 (Enters room.)

2 MR. BATSEL: Your storage closet is more  
3 organized than ours at the office.

4 MR. JUERGENSMEYER: Yeah, but it's full of a  
5 bunch of staplers we don't know what to do with  
6 anymore, hole punches.

7 MR. SUESS: Because there's no paper, yeah.

8 MR. SEARCH: Gentlemen before I left, and as  
9 I explained to him, there are a lot of short  
10 calls in there. You guys, do you know where  
11 DoughJ's is in Webster, any of you been there?

12 (No audible response.)

13 MR. SEARCH: Okay, then you've been there.  
14 Rob, you know where DoughJ's is?

15 MR. BATSEL: I know where the original is,  
16 and they just opened one up in Brooksville.

17 MR. SEARCH: Okay.

18 Well, when in Webster if you ever want the  
19 best Apple Fritters in the State of Florida you  
20 go there, they're the best donuts.

21 MR. BATSEL: They call them Cow Patties.

22 MR. SEARCH: Well...

23 MR. BATSEL: Wait until you've seen one.

24 MR. GLADSON: Okay, got it.

25 All right.

1           MR. SEARCH: Many times we were duplicating  
2           our efforts. And, uh, the short calls were  
3           always, okay instead of going in and pigging the  
4           staff out and taking it in for the girls, we  
5           found out that it's better to double-check with  
6           each other.

7           And then when I saw -- heard all these short  
8           calls it's like, "Yeah, are you picking up at  
9           DoughJ's, because I know you were thinking of  
10          going to DoughJ's, I was going to DoughJ's."

11          MR. GLADSON: Yeah.

12          MR. SEARCH: A lot of those short calls were  
13          about that.

14          MR. GLADSON: Okay.

15          MR. SEARCH: Because I'm one of these, and I  
16          found out Oren is too, you take a lot of sweets  
17          in for staff you got a lot of benefits.

18          UNKNOWN SPEAKER: Yep.

19          MR. GLADSON: Yeah. No, I get it.

20          MR. SEARCH: And every long call I made is  
21          my total frustration of my -- my wife is my, um,  
22          unfortunate person who will look at social media  
23          and she'll get very upset and very angry at  
24          things, and then she's totally frustrated.

25          And I've told her, "Stay off this stuff.

1 Stay off this stuff." But she doesn't post, but  
2 she reads.

3 And I would call and say, "Will you  
4 constantly get your wife" -- you know, "If she  
5 wants to say you're the greatest thing in the  
6 world, you're the most wonderful Commissioner  
7 that ever existed, fine. But why do you have" --  
8 "your wife have to constantly admonish me or any  
9 other Commissioner?"

10 Because what's the gain benefit of doing  
11 that on social media? This kind of thing  
12 frustrated the bejeebies out of me.

13 INTERVIEW RESUMED

14 BY MR. GLADSON:

15 Q What got Ms. Fox kind of, um, opposed to  
16 you, was it that initial kind of tabling of that  
17 very first issue in the January meeting?

18 A Probably. Probably. I think she felt when  
19 we were elected -- you alluded to it in the beginning,  
20 EMS team -- that no matter what -- because I think one  
21 comment I heard her make at one point in time was, "No  
22 matter what one of the Commissioners of the three  
23 brings up, the other need to follow suit."

24 And I don't, I don't roll that way.

25 Q Got it.



1           A     I roll the way listening to the people and  
2 doing the right thing, at least from my viewpoint.

3           Q     So the short calls that he's got there  
4 are --

5           A     Most of them are --

6           Q     -- related to bringing in stuff from --

7           A     Stuff to the office.

8           Q     -- DoughJ's to the staff?

9           A     Most of them, yeah.

10          Q     And the longer calls are either what you  
11 said --

12          A     I'm just frustrated. When my wife gets  
13 frustrated about things I would call Oren and just  
14 say -- excuse my terminology -- "Quit the shit."

15          MR. GLADSON: Do you have any other ones you  
16 want?

17          MR. SUESS: There was two more in May, and  
18 they were actually on May 3rd; there was one at  
19 like 1:00 in the afternoon, the other at 3:30 in  
20 the afternoon, and they were both 10 minutes each  
21 long.

22          MR. GLADSON: Were they in relation to any  
23 particular -- (Unintelligible)?

24          MR. SUESS: They were -- May 11th was a  
25 meeting date, um, and it was just prior to that

1 meeting date. I don't know if had any relation  
2 to it or not.

3 Q (By Mr. Gladson) Do you recall what  
4 those were about?

5 A No, I really don't. I just know that when  
6 things get posted and my wife would come to me, it  
7 would just be, you know, "You're doing it again" --  
8 "she's doing it again" -- or not you -- "she's doing it  
9 again. Is there any way you can get this crap to stop  
10 because this is not going down a good path."

11 Q So let me ask, so let's say you're  
12 having that conversation, is there really any way  
13 to separate the political nature of that  
14 conversation with what she's doing?

15 I mean you can you tell him, "Please tell  
16 her to stop posting," but there's really no way to do  
17 that without talking about whether it's Tethering or  
18 No Kill or --

19 A Well, there is a way. Because I say to  
20 you -- you know, if I can be more direct?

21 Q Yeah.

22 A You can say, "Bill, you know" --

23 Q People call me all kinds of things.

24 A "You know what she's posting and you know  
25 what's going on, and you know this shouldn't be

1 happening and it needs to stop."

2           And, you know, we said that -- I could have  
3 said that and I -- you know I said earlier about  
4 repetition, during the election we said many times,  
5 "Don't post things with my name on it."

6           It finally got to the point of, "If you  
7 continue to do this I need to do something, uh, you  
8 got to get my name off this. And so it's constant,  
9 and so I don't bring up the agenda items more than you  
10 promised, you said this is not going to happen."

11           "Well, I have no control over her."

12       Q     Okay.

13       A     I said, "It's not about control, it's about  
14 respect."

15       Q     Right.

16           Is -- from your seat and from your  
17 perspective, is he asking her/telling her to knock it  
18 off, or is he using her as a conduit?

19           Because I guess really only you guys -- or  
20 perhaps, you know, really only you guys are going to  
21 know that. I mean I know what it looks like, what we  
22 talked about in the beginning.

23       A     In my speculation, and it's pure speculation  
24 of watching this the last I'll say year before the  
25 election until now, is that Angie is a tremendously

1 free spirit who no male is going to tell her, including  
2 a husband, what to say, how to say it, when to say it  
3 and what to say.

4 Q Okay.

5 A And a husband who is not going to go down  
6 that path.

7 Q Okay.

8 A And I've been just done with it now.

9 Q Yeah, I get it.

10 A No you wouldn't get it unless you really met  
11 her.

12 Q So let -- and I just have to say it so  
13 you can kind of see it from my perspective.

14 A I might.

15 Q I've got a couple longer phone calls.

16 A Uh-huh.

17 Q Um, some that aren't that long, you know  
18 three, four, five, six minutes, but they're  
19 bunched up around, to some extent not entirely --

20 A Uh-huh.

21 Q -- some meeting dates.

22 A I understand.

23 Q And they happen on your personal phone,  
24 not your work phone.

25 A Right.

1 Q Um, which could give one the appearance  
2 that they're off the radar or off the -- you know,  
3 just saying that's kind of --

4 A No, I --

5 Q -- when you have all have work phones  
6 available, um, and then you get this allegation  
7 that there's a conduit and she's in the middle of  
8 all of this. So, yeah, it looks --

9 A I understand.

10 Q -- it looks exactly the way it kind of  
11 smells right now. So that's kind of why we're  
12 trying to get to the bottom of it.

13 A I get it.

14 MR. GLADSON: Sorry, did I cut you off?

15 BY MR. SUESS:

16 Q What you -- you were kind of leading in  
17 to exactly where I was going to go with it in the  
18 fact that you have a county phone issued to you  
19 and he has a county phone issued to him, and I  
20 guess in hindsight why were you using your  
21 personal cell phone to call him?

22 A Because the county phone has been sitting in  
23 my office at home since the day I got it, I don't use  
24 it. The reason is, I'm involved in so many church  
25 ministries where I get so many calls during the day --

1 in fact I have one in an hour, um, on the strategic  
2 planning of a Mega Church -- and I don't need two cell  
3 phones ringing and me there, uh, somebody might get  
4 that. Um, and I just don't use it because any other  
5 time I'm not doing church business I'm sitting in the  
6 office and I have a phone there returning phone calls  
7 on that phone. And if I get messages I get them on  
8 both --

9 Q Right.

10 A -- and I return them on the, uh, desk phone.

11 Q You kind of see where it leads to right  
12 now?

13 A Oh, I get it. I get it. And I'm --

14 Q I know. And I -- (Unintelligible.)

15 A It just makes me angrier and angrier inside  
16 this whole process because of somebody doing this. And  
17 I've always felt that I could, in my past educational  
18 experience and psychology experience, be able to sit  
19 down and explain to you, "This is not the right path to  
20 go down, this is not the right" -- and in my public  
21 service during that time -- saying, you know, "we need  
22 to do the right thing."

23 And, um, and that's why I've gone to  
24 Jennifer and Bradley right away and said, "Anything I  
25 get from this point on is coming to you, you need to

1 know what's going on, and I'm not going to respond."

2           And you know -- but I do at times just go,  
3 you know, "Quit the crap."

4           Um, and I just feel like I've been shoved in  
5 the middle of this. And I can understand your  
6 perspective because you don't know me, you're out  
7 there looking at this information and I respect that.

8           Q     Just like when you want to listen to  
9 your public before you make any decisions.

10          A     Absolutely.

11          Q     It's the same theory here.

12                Um, yeah, no I understand what you're saying  
13 about the phones.

14          A     And that's why I voluntarily wanted to come  
15 in and --

16                MR. GLADSON: And I appreciate you coming  
17 in.

18          A     -- and doing that.

19                MR. GLADSON: Yeah.

20          A     Because I -- my wife said, "You feel good  
21 about this?"

22                I have nothing to hide. I've got, you  
23 know -- and I respect your positions.

24                MR. GLADSON: Lieutenant Ford, do you have  
25 any questions?

1           LIEUTENANT FORD: Uh, no I think everything  
2 I had jotted down you guys have already covered.

3           MR. SUESS: I'm done.

4           Rob?

5           MR. BATSEL: No. I may editorialize, I  
6 guess, if -- is that appropriate?

7           MR. GLADSON: Uh, sure.

8           MR. BATSEL: I mean, I don't -- so I pulled  
9 him in the closet and said, uh, I'm not a  
10 criminal defense attorney, I'm a-- but I'm very  
11 experienced when it comes to Sunshine -- I get  
12 questions about Sunshine and --

13          MR. GLADSON: Do you want -- do you want --

14          MR. BATSEL: It's not part of the  
15 substantive interview I was going to offer an  
16 opinion, so we can shut that off if you don't  
17 mind.

18          MR. GLADSON: We can shut that off.

19          MR. SUESS: Okay we're going to conclude  
20 this.

21                 (Interview concluded.)

22

23

24

25



1 STATE OF FLORIDA )  
 )  
2 COUNTY OF HERNANDO )

3 I, LISA M. FACKENDER, Court Reporter in and  
4 for the Fifth and Sixth Judicial Circuit of the State  
5 of Florida,

6 DO HEREBY CERTIFY that I was authorized to  
7 and did transcribe the foregoing deposition; and that  
8 the transcript is to the best of my ability a true and  
9 correct record of the testimony given by the witness.

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

15 Dated this 22nd day of August 2021.

16 Lisa M. Fackender  
17 LISA M. FACKENDER  
18 Court Reporter  
19 Fifth and Sixth Judicial Circuits  
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