

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
FLAGLER COUNTY, FLORIDA

CASE NO.: 2013-CA-000809

Shane Steven Wood and
Jacob Daniel Bissonnette,

Plaintiffs,

vs.

City of Flagler Beach, a municipality
organized and existing under Florida
law,

Defendant.

NOTICE OF FILING ORIGINAL DEPOSITION TRANSCRIPT

COMES NOW Plaintiffs, Shane Steven Wood and Jacob Daniel Bissonnette, by and through their undersigned counsel and hereby notify all parties of the filing of the attached Original Transcript of the deposition of Robert Pace.

NOWELL, BAYER & MAGUIRE

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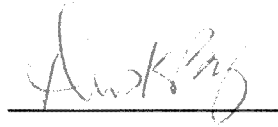
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via email transmission to Cindy A. Thompson, Esq., Bell & Roper, P.A. at ctownsend@bellroperlaw.com and hcavallo@bellroperlaw.com on this 3 day of June, 2014.

A handwritten signature in black ink, appearing to read "A. K. [unclear]", is written above a solid horizontal line.

Attorney

1 IN THE CIRCUIT COURT, SEVENTH
2 JUDICIAL CIRCUIT, IN AND FOR
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5 SHANE STEVEN WOOD and
6 JACOB DANIEL BISSONNETTE,

7 Plaintiffs,

8 vs.

9 CITY OF FLAGLER BEACH, a municipality
10 organized and existing under Florida
11 law,

12 Defendant.

13

14 * * * * *

15 DEPOSITION OF: ROBERT D. PACE

16 DATE TAKEN: MAY 20, 2014

17 TIME: COMMENCED AT 12:03 P.M.
18 CONCLUDED AT 1:09 P.M.

19 PLACE: FLAGLER BEACH CITY HALL
20 105 SOUTH 2ND STREET
21 FLAGLER BEACH, FLORIDA

22 STENOGRAPHICALLY
23 REPORTED BY: SHARON K. DUNLAP
24 REGISTERED PROFESSIONAL REPORTER
25 AND FLORIDA PROFESSIONAL REPORTER

26 * * * * *

27

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16 ALSO PRESENT:

17 Shane S. Wood, Plaintiff
18 Jacob D. Bissonnette, Plaintiff

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1 C O N T E N T S

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17

18

19 S T I P U L A T I O N S

20

21

22 It is hereby agreed and so stipulated by and
23 between the parties hereto, through their respective
24 counsel, that the reading and signing of the
25 transcript are expressly reserved by the Deponent.

25

1 P R O C E E D I N G S

2 THE COURT REPORTER: Would you please raise
3 your right hand to be sworn.

4 Do you solemnly swear or affirm the testimony
5 you will give will be the truth, the whole truth,
6 and nothing but the truth, so help you God?

7 THE WITNESS: I do.

8 THEREUPON,

9 ROBERT D. PACE,
10 having been first duly sworn by the court reporter, was
11 examined and testified upon his oath as follows:

12 DIRECT EXAMINATION

13 BY MR. BAYER:

14 Q Sir, can you please give us your full name.

15 A Robert David Pace.

16 Q Mr. Pace, have you ever had your deposition
17 taken before?

18 A No.

19 Q A couple ground rules real quick. We need a
20 yes or no, a verbal response, as a opposed to an
21 "huh-uh" or "huh-uh." It's very difficult for the court
22 reporter to take that down. Also, if you would let me
23 finish asking one of my questions before you respond,
24 then it would make for a much clearer transcript should
25 this be typed up at some future date.

1 And the final point is that if you do not
2 understand one of my questions - if I don't ask it
3 clearly enough or you're just uncertain as to what I'm
4 asking - please ask me to repeat myself so that you and
5 I are on the same page as far as what we're trying to
6 get across. Understand?

7 A Yes.

8 Q Okay. Sir, what have you done to prepare for
9 today's deposition?

10 A Um, I talked with counsel here. I read my
11 past report. Other than that, that's it.

12 Q Did you talk with either Mr. Snyder or Mr. Cox
13 about the substance of their depositions that were taken
14 recently?

15 A I have not.

16 Q Okay. Not at all?

17 A They advised me that they had come through
18 depositions. As far as what they to talked about in
19 their depositions, I have not discussed it with them,
20 no.

21 Q How about Marshall Shupe? Have you ever
22 discussed the content of his deposition with him?

23 A Again, he told -- I'm aware of the fact that
24 he had been deposed but not the content, no.

25 Q When is the last time that you've talked to

1 Commissioner Shupe?

2 A It would have been just a couple days ago,
3 maybe Friday.

4 Q And what did you discuss with him?

5 A Um, let's see, he was going out of town and he
6 asked me could his wife get her medical card laminated
7 at the station.

8 Q Is that a typical request that you get at the
9 fire department?

10 A I mean, anybody that needs stuff laminated,
11 you know, sure.

12 Q Okay. Have you read any transcripts of
13 anyone's statement or depositions other than your own
14 prior statement?

15 A No.

16 Q Okay. Can you please summarize your
17 educational background.

18 A I have an Associate's of Science in business
19 administration. I am certified as a firefighter -- or
20 Fire Officer 1, state certified as a Firefighter 1 and
21 2, state certified instructor, state certified driver
22 engineer. I think that's pretty much everything.

23 Q Okay. And I understand you first became
24 employed by the City of Flagler Beach back in 2005.

25 A 2005. Yes, sir.

1 Q Prior to 2005, did you have any firefighting
2 experience with any other agencies?

3 A No.

4 Q And did you start in Flagler Beach as a
5 volunteer?

6 A I was brought in as a part-timer. I was hired
7 pretty much off the bat as a part-timer.

8 Q Okay. And prior to 2005, did you have any
9 other employment in any other field other than
10 firefighting?

11 A I mean -- Let's see, at that time I was -- I
12 was going to school I think. I helped out a little bit
13 in the family business, that was it.

14 Q Do you have military experience?

15 A I do have military experience.

16 Q When did you enlist in the military?

17 A '96 to 2000 I served in the United States
18 Navy.

19 Q Any firefighting experience in the United
20 States Navy?

21 A Shipboard firefighting.

22 Q Just standard training or was that your
23 specialty?

24 A No, that's standard training.

25 Q Now, when you were first hired --

1 First off, why did you pick the Flagler Beach
2 Fire Department?

3 A I had been through several fire departments.
4 I came through this area and I was going into multiple
5 fire departments just putting in applications. This was
6 on a path back home one day, and I came into the
7 department and put in an application.

8 Q Okay. Who was the chief at that time?

9 A Chief Roberts was hired just a few months
10 before that.

11 Q Okay. What was your relationship like with
12 Chief Roberts when you were first hired?

13 A Very good relationship.

14 Q And was he the chief the entire time up until
15 December of 2012?

16 A Yes.

17 Q And who of your partners have been at the
18 Flagler Beach Fire Department?

19 A I've been partners with Scott Jackson,
20 partners with Dennis Moore, partners with Jake
21 Bissonnette, partners a short time with Shane Wood,
22 partners with David Kennedy, partners with Dusty Snyder.
23 And I think that's it.

24 Q Okay. Now, just so I can get a better
25 understanding, when you're a partner with another

1 firefighter you basically work the same shifts?

2 A Yes, sir.

3 Q And during those shifts do you perform the
4 same functions?

5 A Primarily. I mean, there's -- I mean, there's
6 a driver engineer and then there's somebody sitting in
7 the officer seat. So, I mean, they're -- But as a
8 two-man crew, if you're going out to do something you're
9 pretty much sharing the duties.

10 Q Okay. And when you're around the station are
11 you both in communication during the course of the
12 shift?

13 A Yes.

14 Q If somebody runs to the store, do you both go
15 to the store?

16 A Typically, yes.

17 Q Okay. Same thing for responding to calls, do
18 you respond with your partner?

19 A Yes.

20 Q When you were hired, did you review the drug
21 and alcohol policies that the City had in place?

22 A I probably did. I can't remember at this
23 time.

24 Q Do you ever remember signing a form about the
25 City's drug and alcohol policies?

1 A Yeah. I don't remember signing the form, but
2 I'm sure I probably did.

3 Q Okay. Were you ever tested for drugs or
4 alcohol -- Have you ever been tested for drugs or
5 alcohol while you've been employed at the City of
6 Flagler Beach Fire Department?

7 A For driving incidents, yes.

8 Q Okay. And when were those?

9 A Early on I had a couple fender-benders in the
10 attack and was -- I was still early on in probation.

11 Q Okay. And did the test come back positive or
12 negative?

13 A Negative.

14 Q Okay. And how many fender-benders did you
15 have while on probation?

16 A Three of them I think.

17 Q And other than those three more or less
18 fender-benders, have you ever been drug or alcohol
19 tested since you've been employed by the City of Flagler
20 Beach?

21 A No.

22 Q Okay. Do you consume alcohol?

23 A Yes.

24 Q And how long do you separate between drinking
25 alcoholic beverages and actually going on duty?

1 A Well, I would say that I would give it
2 12 hours on the days that I can -- you know, the week.
3 I only can have alcoholic drinks anymore on the
4 weekends. But I'm not drinking past 8:00 on Sunday
5 evening.

6 Q What shift are you on now?

7 A I'm business hours, Monday through Friday.

8 Q Since you're the captain?

9 A Yes, sir.

10 Q Is your position still called captain or has
11 it been changed back to chief?

12 A It's captain.

13 Q So you're basically a 9:00 to 5:00?

14 A Yes, sir.

15 Q And then during weekends you get calls if
16 there's an emergency?

17 A Yes. If there's an emergency, yes.

18 Q Are you also responsible now in your position
19 as captain as for hiring and firing decisions?

20 A Well, firing I would have to go through city
21 administration before a move was made like that. But I
22 will definitely give my opinion. Hiring I would say I
23 pretty much would give them this is my choice. And; if
24 they don't have too much recourse with that, that's
25 going to be the person.

1 Q How long have you been in the position of
2 captain with the City of Flagler Beach?

3 A Captain, I was put in this position -- I came
4 back to work November 25th.

5 Q Of what year?

6 A Or it would have been of '13. Excuse me.

7 Q Was there a prior time when you were
8 designated as the chief of the fire department?

9 A A couple times, yes, sir.

10 Q And when were those times?

11 A It would have been January '13 to July of '13
12 I was acting chief; and then there was a time before
13 that in the summer of '12 that I was put in as acting
14 chief for a couple weeks. And I'm not certain if it was
15 June or July of that year.

16 Q Was that the time that Martin Roberts was put
17 on suspension over the fire truck visit?

18 A That's correct. Yes, sir.

19 Q Any other times that you've served in the role
20 of acting chief?

21 A There's been a couple of times either Shane
22 was out or the chief was out that I was asked to oversee
23 for a short time period maybe a week at a time, you
24 know, maybe here or there if they were both on vacation.
25 I think one time Shane was hurt and Chief Roberts made a

1 couple trips and I was put in that role. But it was
2 minimal, you know, maybe a week at the most, two weeks
3 maybe. I can't really recall the exact amount of time.

4 Q So what happened in July of 2013 where you
5 stopped being the acting chief?

6 A I was put on administrative leave.

7 Q Okay. For what purposes? Or for what
8 reasons?

9 A Um, on advice of counsel, I'm going to
10 plead -- I'm going to invoke my right to the Fifth
11 Amendment on any questions along those lines.

12 Q On advice of which counsel?

13 A My criminal counsel.

14 MR. BAYER: Are you serious?

15 MS. TOWNSEND: Yeah. He's spoken with him.

16 MR. BAYER: Well, we'll just get a court
17 order. I'm not going to play this game.

18 BY MR. BAYER:

19 Q I do have a couple background questions. Who
20 is your criminal counsel?

21 A Aaron Delgado.

22 (Plaintiff's Exhibit No. 1 marked for
23 Identification.)

24 BY MR. BAYER:

25 Q Sir, I am going to show you what's been marked

1 as Plaintiff's Exhibit 1. You can show it to counsel
2 first.

3 A (Perusing document.) I mean, I've got the
4 gist of it.

5 Q Are those portions of your employment file,
6 sir?

7 A Yeah, it looks to be.

8 Q And the first page is the actual job
9 application with the City of Flagler Beach?

10 A Uh-huh. Yes, sir.

11 Q That's a "yes"?

12 A Yes.

13 Q And isn't it true when you first submitted
14 this application, you did not report your 1993 DUI with
15 the City of Port Orange?

16 A That is correct, yes.

17 Q And then you, I guess -- So it looks like you
18 just basically took the same form, crossed out "no,"
19 initialed it, and then put "yes," that you had, in fact,
20 been found guilty or adjudicated of a violation of law.

21 A What happened here was that I was informed by
22 the attorney way back that I was a young man, and that
23 this was going to be withheld from my record, or
24 expunged, what have you. I had been through several
25 background checks since that time period. When I had

1 filled out this application, I explained the fact that I
2 did not think it was actively on my record. After the
3 fact, they asked me to change it, which I did.

4 Q Okay. And you actually got a letter from your
5 attorney, who I think was Flem Whited?

6 A That's correct.

7 Q And that's part of this file back on June 20,
8 2006?

9 A That's correct.

10 Q Okay. And, also, were you aware -- If you
11 look at about - one, two, three, four - the sixth page
12 back there is a memorandum. And it says, "Confidential.
13 Detective L.L. Williams."

14 A (Perusing document.) Okay.

15 Q So were you aware that Detective Liz Williams
16 was tasked with determining whether, in fact, you had
17 made a truthful application with the City of Flagler
18 Beach?

19 A I did not know that, no.

20 Q Okay. And you also had a prior charge for
21 open container.

22 A I may have. I can't really recall, to be
23 honest with you.

24 Q Okay. Were you punished at all for not making
25 a truthful application when you were hired in 2005?

1 A No, I was not punished. I was asked to get
2 the letter that clarified it, which I did.

3 Q Okay. How would you describe your
4 relationship with Marshall Shupe?

5 A He's my friend.

6 Q Okay. Is he also a mentor?

7 A I would consider him a mentor, yes.

8 Q Okay. How frequently is he -- Currently, how
9 frequently is he at the station?

10 A I may see him once or twice a week.

11 Q Okay. How about on a social basis? Do you
12 ever see him away from the station?

13 A Not any longer. We had at a point back -- we
14 used to see each other a little bit more than we do now.

15 Q Okay. Any reason for the change?

16 A I don't see anything really different except
17 that our schedules -- I mean, I'm busy. He's busy. And
18 it just really doesn't, you know, allow itself.

19 Q Okay. Back in the -- around the Christmas
20 2012 time frame, did Commissioner -- When I say
21 "commissioner," he's actually an elected city
22 commissioner.

23 A Yes.

24 Q He's also a volunteer at the fire department.

25 A That's correct.

1 Q Back in the Christmas 2012 time frame, was he
2 spending more time around the fire station?

3 A That -- More time than he's spending now?

4 Q Yeah.

5 A Yes.

6 Q How frequently would you say he was there in
7 the Christmas 2012 time frame?

8 A I would see him maybe, you know, three or four
9 times a week.

10 Q Would you actually have close-door meetings
11 with him in one of the offices there in the fire
12 station?

13 A I can't recall that, no.

14 Q Do you know anything about the -- any issues
15 between Commissioner Shupe and Martin Roberts that
16 happened around June of 2012 with this fire truck visit?

17 A Somewhat. I think that Marshall's side of it
18 was that he felt like that he was in the loop a little
19 bit more with the specs of that truck than Chief Roberts
20 was putting out, that he felt like he actually was
21 involved with it.

22 Q So you think that Shupe -- Commissioner Shupe
23 felt that Roberts was exaggerating Shupe's involvement
24 with the fire truck incident?

25 A Yeah. Yeah. Yes.

1 Q Okay. I mean, were you aware that they were
2 going to go on this visit to look at fire trucks?

3 A At the time I think, yeah, maybe I was
4 somewhat in the loop. That was a while back. I think I
5 may have been advised of it, yes.

6 Q I mean, were there -- I understand, I mean,
7 with firefighters there's discussion about new
8 equipment, what the department needs, and things of that
9 sort. There's just kind of a general discussion around
10 the station?

11 A I think it was more along the lines of
12 coverage when they were gone, as far as I can remember.
13 But, like I said, that's a long time ago. I don't -- I
14 can't be certain on that one.

15 Q Okay.

16 A I was aware that they were going.

17 Q And so Martin Roberts was suspended as a
18 result of his role in the fire truck visit?

19 A Again, you know, I don't have firsthand.
20 Yeah, he was suspended. But I don't -- I didn't ever
21 get -- somebody didn't ever come to me and say --
22 directly said that's why he's being suspended.

23 Q Okay. But you were actually put in
24 his place --

25 A After the fact, then I was advised of what

1 happened.

2 Q -- even though Shane Wood at that time was
3 technically your superior.

4 A Shane at the time was in California I think,
5 or away. But, yes, he was my superior at that time.

6 Q So it was your recollection at the time that
7 Chief Roberts was put on suspension that Shane Wood was
8 actually out of town?

9 A I think he was in California. I think he was
10 heading to California at that time.

11 Q Okay. After this suspension and things of
12 this sort, was there increased tension between
13 Commissioner Shupe and Chief Roberts?

14 A I don't think there was increased tension. I
15 just think that Marshall boycotted coming to the
16 department.

17 Q Does Commissioner Shupe give you advice on how
18 to operate the fire department?

19 A No.

20 Q Did you ever go to him with questions you may
21 have, management questions?

22 A We don't really discuss that now that I'm in
23 the role that I'm in, no.

24 Q Prior to your being put in the role that
25 you're in currently, did you have those types of

1 discussions with him?

2 A I would ask him, you know, on his past -- on
3 his history with fire departments, you know, what his
4 opinion on certain things was, or were. But I didn't
5 feel like, you know, at this point he's somebody
6 that I -- I just thought there may be a conflict. So,
7 no, I don't pick his brain on day-to-days.

8 Q Okay. Have you ever done any work outside the
9 fire department for Commissioner Shupe?

10 A Yes.

11 Q What was it? Can you describe that?

12 A One of his years early on as a volunteer he
13 was back in New York for the summer, I took care of his
14 property, just the landscape, basic upkeep. We've also
15 done some things in the past where Marshall's helped me
16 with -- He put -- He cut an access point in for my attic
17 in my house. He's helped me put in a couple toilets at
18 my house. I've done -- laid some sod for him. And a
19 lot of those -- and some -- Other than that summer, a
20 lot of those things what we would do is we would barter
21 work - he would help me out with things that were a
22 little bit out of my realm and I maybe would pay him
23 back with some landscape, something like that.

24 Q Did he ever give you any used appliances or
25 furniture or anything like that?

1 A Yes, he has.

2 Q Okay. When you were put in the position of
3 captain -- Actually, I guess you were in as acting chief
4 first. That was back in January of 2013, correct?

5 A Correct. Yes, sir.

6 Q Okay. And you remained in that position until
7 July of 2013.

8 A Yes, sir.

9 Q And then in November of 2013, you were put in
10 the role of captain for the first time.

11 A (Witness nods head.)

12 Q When you were --

13 That's a "yes"?

14 A Yes. Sorry.

15 Q That's okay. I'll remind you. Again, it's
16 just for the benefit of the record.

17 When you were put in the role of captain, was
18 that position posted or advertised?

19 A It was posted.

20 Q Where was it posted?

21 A I don't know if it was just internally posted.
22 But it was posted because -- I had heard that there was,
23 you know, outside applicants. And it may have been in
24 the journal. Because I was -- I don't really know
25 exactly where it was posted. I know it had to have been

1 posted internally. But there was a few outside
2 applicants, so it makes me wonder where else it may have
3 been posted.

4 Q How would you describe your working
5 relationship with Shane Woods prior to December of 2012?

6 A I always got along with Shane. I felt like we
7 worked well together. I didn't really have much issue
8 with Shane.

9 Q How about Jake Bissonnette?

10 A Not a whole lot of issue with Jake. We were
11 friendly. I questioned his work ethic on occasion and
12 some of his decision-making - just with tardiness, you
13 know, simple things. But it wasn't a bad relationship.
14 I considered these guys friends of mine.

15 Q Did you ever report either of them for
16 violations of city policy, other than this what we'll
17 come to about the December 20 -- Christmas issue in
18 2012?

19 A Maybe I've gone to Shane about Jake, or Chief
20 Roberts, about being late. I had an issue with Jake
21 leaving a fire call I went to the chief about.

22 Q When was that?

23 A Several years ago, he was -- he left -- The
24 room I was working. And I was working with County
25 workers to fix a mask malfunction, and he was out for a

1 good -- In my opinion, an allotted amount of time, to
2 where it came out through helmet cam that he had that he
3 was out there kind of having conversations with people,
4 getting a drink of water. And I was irritated about it
5 and I felt like it broke our two-man routine that -- We
6 usually work in two-man crews, and the only exception
7 that we had in that case was that there were County fire
8 crews working the same fire.

9 Q What kind of malfunction was it?

10 A He had a mask malfunction. He didn't have a
11 proper seal.

12 Q Okay. Did --

13 A Other than -- I didn't mean to cut you off. I
14 was going to say, Other than that, I don't remember any
15 other time I would have said anything.

16 Q Were there any times when Shane was in a
17 position superior to yours that you reported violations
18 to Shane as -- about any other firefighters as part of
19 the chain of command?

20 A I know on one occasion -- And I may have done
21 it multiple times. One that sticks out in my mind, I
22 called Shane on a weekend -- I called Shane on another
23 incident with Jake. Jake had left the station when his
24 wife had been in a vehicle accident before he had proper
25 coverage, and I called Shane and Shane came into the

1 department until Jake was -- until Jake returned.

2 Q Okay.

3 A Another time I had called Shane when
4 Firefighter Cox was habitually tardy, and he was late
5 again and had been several shifts. And I think either
6 Shane came in or gave me counsel on how to handle the
7 situation. So, yeah, I had reached out to him on a few
8 occasions. Probably more than that.

9 Q Okay.

10 A Those are the couple I can remember.

11 Q So this issue that happened with my clients on
12 December 25th, 2012, what do you remember about that?

13 A It was a standard day. It was Christmas
14 morning. We had come in for shift change, being
15 Firefighter Snyder and myself. We go through our
16 typical pass down like we do most days. Past down
17 carried us down to the kitchen. Conversation still
18 continues about the day's events before. These guys get
19 a couple mason jars out of the refrigerator, their
20 refrigerator. We pick up through their conversation
21 that it's moonshine or some hooch they've got in there.
22 They take a couple swigs. That's about what I remember.

23 Q So did they -- When you say, "they took," each
24 of them took more than one?

25 A They both opened a jar and they both took a

1 drink out of each -- They both had their own individual
2 mason jar, and they both took a drink from the mason
3 jar.

4 Q Did you say anything to them about it at the
5 time?

6 A I did not say anything at the time, no, sir.

7 Q Were you surprised?

8 A I was surprised. Yes, I was.

9 Q Why is that?

10 A Because, to me, that's just a mockery. I
11 mean, in-house, in uniform, it should be implied that
12 that should never happen. So, yeah. Was I shocked?
13 Yeah, I was shocked.

14 Q Okay. And then you didn't report it up the
15 chain of command, correct?

16 A It was not possible to report it up the chain
17 of command at that time.

18 That -- At that time -- Let me think if
19 Chief -- Let me see, I did not report it up the chain of
20 command at that time because of another incident that
21 had happened previous, in that I had talked to other
22 firefighters that went to Chief Roberts which he was
23 involved with. So my feelings at that time was Chief
24 Roberts had his own incident going on. These guys were
25 involved on an -- in an incident on Christmas Day. So

1 there was nowhere for me to take my complaint, seeing
2 that my assistant chief and my chief were both involved
3 in separate alcohol incidents.

4 Q But you didn't take it to any city
5 administrator or anyone else? You took it straight to
6 Marshall Shupe?

7 A I took it to city administration when that
8 allowed. For all intents and purposes, the City was
9 closed down. Mr. Kimball was not here. Everybody -- it
10 was a ghost town in here. Did I talk to Marshall after
11 that happened? Absolutely.

12 Q You talked to him for about 45 minute, didn't
13 you?

14 A Sure. Sure.

15 Q So there was no connection between the
16 December 14th incident and the December 25th incident,
17 was there?

18 A Not except for the fact it's alcohol incidents
19 with my firefighter department. So that's the only
20 connection in my mind.

21 Q Alcohol and firefighters, right?

22 A Yes, sir.

23 Q Have you ever seen any firefighters fill up
24 coolers of beer at the fire station before?

25 A I've-- I saw Steve Wood on the same day come

1 in with a cooler of beer and ice it down. I didn't know
2 about filling it up there.

3 Q You saw him bring in a full cooler?

4 A Yeah, cooler of beer.

5 Q What kind of beer was it?

6 A I can't remember. It's -- I remember he was
7 in the custodial room and he had -- He told me that he
8 was going over to Shane's to drink beer, and there was
9 beer in there and he was going to ice it down. I can't
10 remember what it was.

11 Q Other than him saying it, you didn't really
12 see any beer?

13 A I may have glanced in there and seen some --
14 saw some cans. I couldn't tell you, you know...

15 Q You don't really remember?

16 A No.

17 Q Okay. Other than that, did you ever see --
18 Well, let me backtrack.

19 Did you ever see any other firefighters fill
20 coolers at the fire station?

21 A No, I haven't witnessed that.

22 Q Other than Steve Wood, you never seen anybody
23 do it?

24 A No.

25 Q How about any police officers? Did you ever

1 see any police officers come up and fill coolers?

2 A Not to my -- No.

3 Q You're positive about that?

4 A As far as I can remember, yes, I am.

5 Q Okay. Have you ever filled up a cooler with
6 ice at the fire station?

7 A I fill up coolers with ice all the time at the
8 fire station.

9 Q Okay. My question was not with beer in the
10 cooler. I asked other than you filling up coolers all
11 the time, I said, Did you ever see anybody else fill up
12 coolers with ice at the fire station?

13 A Yes.

14 Q Have you ever seen any other firefighters do
15 that with just ice?

16 A Yes.

17 Q Okay. Have you ever seen police officers do
18 that?

19 A Yes. Well, I know -- I know city workers have
20 come through. I can't specifically think of a police
21 officer in my mind that's been in there to do that.
22 Have they done it? I'm sure they have. I can't
23 remember seeing them. I've seen other -- I've filled
24 them up for other city workers. But...

25 Q Okay. So you talked to Marshall Shupe, what,

1 the day after Christmas --

2 A Yes.

3 Q -- about my clients?

4 A Yes, sir.

5 Q You didn't make any reports the day of
6 December 25th, right?

7 A No reports that day, no; not until the next
8 day. I went home and put it together.

9 Q Okay. How about Mr. Snyder? Did he prepare
10 any reports that day?

11 A I couldn't be certain. It was around that
12 same time. I don't know if he did something that day or
13 a couple days thereafter.

14 Q Did you ever review his report before he
15 submitted it to the City?

16 A I believe I read it, yes, sir.

17 Q Did you ever make any corrections, any changes
18 to it?

19 A No.

20 Q Okay. So, as I understand, there was the
21 incident at the Christmas party on December 14th,
22 correct?

23 A Yes.

24 Q And you were at the Christmas party.

25 A For a time.

1 Q All right. And you had been drinking so you
2 didn't respond to the fire on that day, correct?

3 A I drank. I ate. I left before any of that
4 stuff -- But, yes, no, I didn't respond.

5 Q Okay. Did you hear about the fire on the
6 14th?

7 A I did.

8 Q Okay. Who did you hear about it from? Who
9 did you first hear about it from?

10 A I heard about it from multiple people.
11 Probably would have been David Kennedy and Steven Cox
12 the first ones. They were on Engine -- they were part
13 of the Engine Company that night. I also talked with
14 Ray Turish, Dusty Snyder. Corey Butts was also part of
15 Engine Company that night I think.

16 Q Did you-all get together and discuss what had
17 happened?

18 A We did.

19 Q When was that?

20 A I can't be certain. It would have been
21 somewhere in between December 14th and December 25th we
22 had met and discussed what had happen.

23 Q Where did you meet?

24 A We met after Christmas morning after the
25 other -- The other we may have all met at the fire

1 department. I can't really be certain. But I know we
2 got together. I know one time -- We had a couple
3 different get-togethers. I can't be certain on the
4 first. But I know it had to have been before the 14th
5 and the 25th. The one on the 26th we met the majority
6 of us I think at friends.

7 Q And why did you meet on the 26th? What was
8 the purpose of the meeting?

9 A Well, initially I had received the news from
10 these guys - that I had mentioned previous - that this
11 had happened. They wanted to see some consequences for
12 the volunteer captain. They wanted the chief to answer
13 if he had been drinking. They wanted me to submit a
14 letter of complaint, and I told them that I was not
15 comfortable being that I was not at the call and I was
16 not at the party. So I was not going to be submitting a
17 letter of complaint, but that I was in agreement.

18 I did speak to Turish and Snyder after that
19 somewhere in between, and they said that they really
20 wanted to talk to Chief Roberts about the incident and
21 felt unsafe. I directed them to his office. And,
22 basically, he told them that he had talked to Steve
23 Wood, and that that would not happen again.

24 After -- On the 26th, that meeting was more
25 along the lines of I wasn't going to get involved

1 before. But after what I witnessed yesterday morning on
2 Christmas, I will submit a letter with you guys, which I
3 did. And I drafted it that day.

4 Q So why did you guys not go up the chain of
5 command between the 14th and the 25th? So you basically
6 had a bunch of --

7 A They attempted to speak to the chief - a
8 couple of them did that were involved with that call
9 specifically - and they basically felt there that they
10 were shrugged off. Why they didn't go to Shane? Maybe
11 they didn't go to Shane because it was his dad they were
12 specifically complaining about.

13 So there were some -- In the attempt to go to
14 our chain -- with our chain, the way it is, basically a
15 lot of times it's open-door policy - you can go directly
16 in to the chief. When I went to the chief, he didn't do
17 anything about it.

18 Q Okay. Were there times that firefighters
19 actually would go to Bruce Campbell and not go to the
20 chief about issues?

21 A Not to my knowledge.

22 Q Now, did -- And this is one of the questions
23 I've had since the beginning. Why didn't Turish or
24 Snyder report to the police officers that were actually
25 at the scene of the fire that they thought that these

1 others had responded to the fire while they were under
2 the influence?

3 A Well, I mean, that question is not a new
4 question. It's been around since all this has been
5 going on. But I will answer it the way that I would
6 imagine it. If I'm working a fire, even if I have these
7 suspicions, I'm not -- I've got a fire in front of me.

8 And that particular fire had vented itself
9 through the roof. So there was significance there. The
10 flooring had caved. Even if there's a worry on that
11 end, I'm worried about the call in front of me rather
12 than going to a police officer at that time.

13 Q Did you ever discuss with Turish and Snyder --
14 Did they ever give you an explanation of why they didn't
15 report it at the time?

16 A I can only speak to you from my viewpoint.

17 Q That's not my question. My question is --

18 A No.

19 Q -- did they say anything -- Did you ever ask
20 them that question?

21 A No, I did not.

22 Q Did you ever hear them discuss it?

23 A Why they didn't go to a police officer?

24 Q Yeah.

25 A No, I didn't hear them discuss it.

1 Q I mean, there were police officers -- From
2 what you heard, there were police officers at the scene,
3 correct?

4 A Yes.

5 Q Okay. Or sheriff deputies, as the case may
6 be.

7 Did you ever discuss directly with Bruce
8 Campbell your allegations against my clients about what
9 happened on December 25th?

10 A Yes.

11 Q When was that conversation?

12 A Well, I mean, I couldn't be certain. I
13 probably had a couple of them with him as far as those.

14 Q Who else was present when you discussed it
15 with him?

16 A I can't remember. I don't know if anybody
17 else was. I've had -- You know, I see him every week.
18 So I'm sure - especially going through that time - that
19 it came up once or twice at least.

20 Q Okay. Did you ever submit -- You only
21 submitted the one written statement to him?

22 A No. I had give him another report when I was
23 going through -- when I was the acting chief and there
24 was -- Some of this was coming back to me, as far as
25 another incident, I had submitted a report to him.

1 Q Do you recall when that was done?

2 A I don't.

3 Q Do you remember what the contents of the
4 report were?

5 A Basically it was -- it was, in my mind, a
6 clarification, a full explanation of all the events
7 involved - myself, Jake, and Shane.

8 Q How many pages was it?

9 A A couple pages maybe.

10 Q You still have a copy of it?

11 A It's in Mr. Campbell's file.

12 Q How do you know that?

13 A Because I was made aware of it by counsel
14 before these proceedings.

15 Q Do you still have a copy of it?

16 A No, I don't have a copy of it.

17 Q Okay. When you had this conversation with
18 Marshall Shupe on December 26th, did the topic of the
19 conversation ever come around to, So what happens if
20 Shane Wood, Jake Bissonnette, and Chief Roberts all lose
21 their job?

22 A It probably did. I can't remember exactly.
23 I'm sure that had to have been the thought process
24 there, if this was a zero tolerance thing, in my mind.

25 Q Sure. But you discussed zero tolerance with

1 Shupe on the 26th?

2 A Yes.

3 Q And you discussed kind of the chain of
4 command; if these three go, then I'm top dog at that
5 point?

6 A That did not come into the conversation. The
7 conversation was that we felt -- Not just myself, but
8 the ones that were included in the letters, the
9 complaint letters, that there had to be some
10 consequences now on two fronts - not just for the 14th
11 but for the 25th.

12 Q And, in your mind, the only consequence that
13 was appropriate for Shane and Jake was termination?

14 A That's not what I said. I said -- You asked
15 me if that had been discussed. And I said that
16 possibly, yeah, that was discussed. But I had not --
17 All I wanted to see was that there was a consequence for
18 these acts. That's all that I was ever in favor for.

19 Q So do you think termination was too harsh of a
20 consequence?

21 A No.

22 Q You think it was appropriate?

23 A Yes.

24 Q Okay. How about lying on an application form?
25 Is that appropriate -- Is dismissal an appropriate

1 sanction for that?

2 MS. TOWNSEND: Object to the form.

3 You can still answer.

4 THE WITNESS: In my mind, that wasn't a lie
5 that was going through on that application form.

6 BY MR. BAYER:

7 Q How about rounding up community service hours
8 by several hours on a pop?

9 A Well, as previously mentioned, I'm going to
10 invoke the Fifth on that.

11 Q Okay. Did you know Vitaly Tsabak outside of
12 the fire department?

13 A I did not.

14 Q Okay. Did he ever pay you money to round up
15 his hours on his report, on his Community Service Hours
16 report?

17 A I'm going to invoke the Fifth on that.

18 (Plaintiff's Exhibit No. 2 marked for
19 Identification.)

20 BY MR. BAYER:

21 Q I'm showing you what's been marked Plaintiff's
22 Exhibit Number 2. Do you recognize that document?

23 A I've never seen that document before.

24 Q Do you know whose handwriting that is?

25 A Well, it says Libby Kania at the top. So I'm

1 assuming it's her.

2 Q Okay. Do you recall giving a statement to
3 Libby back in January of 2013?

4 A Yes.

5 Q Okay. Does this appear to be more or less a
6 transcript of what you would have reported to her back
7 in January of 2014?

8 A I'm going to invoke the Fifth on that one as
9 well.

10 Q So do you understand how that Jake Bissonnette
11 got started with an investigation about hours being
12 rounded up for Mr. Tsabak?

13 A I'm assuming that the -- Yeah, Chief Roberts I
14 guess asked him to look into it.

15 Q After there was a call from the woman involved
16 with the probation department, Ms. Davis?

17 A Yes.

18 Q Okay. And at the time that the call came in,
19 they were checking to see if these hours were actually
20 worked or not for this probationer?

21 A I'm going to invoke the Fifth on that one as
22 well.

23 Q Okay. Were you aware that Jake Bissonnette,
24 in order to -- and Shane Wood, in order to comply with
25 the order from the chief, reviewed tapes at the station

1 to determine if this guy's hours were accurate?

2 A I'm invoking the Fifth on that one as well.

3 Q Did you erase those tapes?

4 A I'm going to invoke the Fifth on that as well.

5 Q Okay. Since you've been the acting fire chief
6 in January of 2013, are you aware of the City ever doing
7 an investigation to determine how those tapes became
8 erased?

9 A I'm going to invoke the Fifth on that one as
10 well.

11 Q Are you aware of any of the probationers that
12 were performing community service hours at the fire
13 department being left alone while the firefighters were
14 out on a call?

15 A I'm going to invoke the Fifth on that one as
16 well.

17 Q Do you ever remember Jake Bissonnette giving
18 you a heads up that, Hey, I was asked to take a look at
19 this issue and I have to report it to the chief?

20 A Yes.

21 Q When did that happen?

22 A It would have been January 3rd.

23 Q Okay. And where did that happen?

24 A In the fire station.

25 Q And what was your reaction to being advised of

1 that by Mr. Bissonnette?

2 A I can't be certain what my reaction was at
3 that time.

4 Q Do you remember being upset?

5 A Um, I might have questioned why Jake was
6 looking into something for me at equal rank.

7 Q Okay. Well, do you know if the assignment was
8 given to Jake and to Shane?

9 A That was never told to me.

10 Q Okay. And so that confrontation you said
11 occurred on January 3rd?

12 A Yes.

13 Q Okay. And did you report that to Marshall
14 Shupe?

15 A I don't know. I don't think so. It really
16 wasn't something I gave much of a second thought to, to
17 be honest with you.

18 Q After this situation happened on
19 December 25th, have you ever posted any online comments
20 at Flagler Live?

21 A I don't get on Flagler Live, and I certainly
22 don't post things.

23 Q Okay. Have you ever given any statements to
24 the press about what you observed on December 25th?

25 A I don't think so. Not to the press, no.

1 Q Did you give statements to any other
2 organizations, other than Investigator Langley?

3 A Yeah. No. That's what I was going to say,
4 no, not besides the investigator.

5 Q Were you ever involved with reporting Shane
6 Wood and Jake Bissonnette to any of the state licensing
7 agencies?

8 A No.

9 Q Have you ever given a statement to any of the
10 investigators for any of the state licensing agencies?

11 A No.

12 Q Okay. Does Flagler Beach Fire Department
13 engage in the hazing of volunteers?

14 A No.

15 Q Are you upset with Liz Williams, Detective Liz
16 Williams, with the Flagler Beach Police Department for
17 pressing charges against you?

18 MS. TOWNSEND: Object to the form.

19 You can answer.

20 BY MR. BAYER:

21 Q You can answer.

22 A Well, I wasn't thrilled about it. But, you
23 know, I mean, it's -- a lot of things have gone on since
24 then. You know, I'm big enough to move on. But I
25 wasn't happy about it.

1 Q How about Dan Cody?

2 A Was not happy with that either, no.

3 Q Have you talked to the current chief of police
4 to complain about any officers not having proper respect
5 for your position?

6 A No.

7 Q Do you remember -- Well, first, you did give a
8 statement to this guy Dan Langley that the City hired,
9 right?

10 A Yeah. Yes.

11 Q Did you ever read his report?

12 A Yeah. Yeah, I read it.

13 Q Do you remember his report when he talked
14 about there being two factions within the city fire
15 department?

16 A Yes.

17 Q Was that accurate?

18 A I don't think it was completely accurate, not
19 on all fronts, no.

20 Q Why not?

21 A Because I didn't -- myself personally and a
22 couple of the other guys, I don't think they had issues
23 getting along with everybody. I think for the majority
24 of time that I've spent there, that you would be hard
25 pressed to find somebody to say they didn't get along

1 with me. And there was a couple other guys that were
2 that way as well. I mean, what came out of that looked
3 like it was two factions. But I don't think actively
4 day-to-day there were two factions. Was there some
5 disagreements between people there? Yeah.

6 Q I mean, did the disagreements or did the
7 tension between what they referred to as the two
8 factions increase over the last six months before this
9 December issue?

10 A I think between Dave and Jake, they couldn't
11 stand each other. But I think that the rest of us --

12 Q And that's Dave Kennedy?

13 A Yes. They didn't have any love loss for each
14 other. I think the rest of us we all knew how to
15 coexist, we all -- I mean, we may not have been spending
16 all our off time together. But we had a work
17 relationship. We all coexisted.

18 Q Okay. Talking about Jake, was there a time
19 that you talked to Jake about helping you download some
20 materials for alcohol counseling or alcohol issues?

21 A I asked Jake to download some meditation
22 self-help inner peace DV -- or CDs. At the time I had
23 been going through some troubles with my wife and had,
24 you know, maybe been drinking a little bit more than I
25 thought was my norm at that point. But there were 30

1 CDs there that worked on everything from mind, spirit,
2 and soul to inner peace. So it was not specifically for
3 drinking.

4 Q Okay.

5 A It was a lot of different things.

6 Q Around what time was that? Do you remember?

7 A It was years ago. I mean, I can't be certain.

8 (Plaintiff's Exhibit No. 3 marked for
9 Identification.)

10 BY MR. BAYER:

11 Q Okay. Sir, I'm showing you what's been marked
12 as Plaintiff's Exhibit Number 3. Do you recognize that
13 document?

14 A Yes, sir.

15 Q Are you going to answer that or are you going
16 to invoke the Fifth?

17 A I'm going to invoke the Fifth.

18 Q Okay. And this is basically the document that
19 states "Pre-disciplinary hearing," dated February 15,
20 2013, correct?

21 A Uh-huh.

22 Q That's a "yes"?

23 A Yes. Sorry.

24 Q So you think that answering questions about
25 your pre-disciplinary hearing give you the right to

1 invoke your Fifth Amendment?

2 A Yes.

3 Q That's a "yes"?

4 A Yes.

5 Q Okay. And it states that you declined a
6 hearing and were suspended without pay February 15, 2013
7 through February 19, 2013, correct?

8 A Yes.

9 Q And you were allowed to take your truck home
10 while you were on suspension?

11 A That's correct, yes.

12 Q Okay. Were you banned from the fire
13 department?

14 A Well, if I was suspended I would assume I
15 would be banned from the fire department.

16 Q Okay. Well, when you were given that
17 suspension I'm assuming that was in Bruce Campbell's
18 office?

19 A Yes.

20 Q And was there a police officer present to
21 escort you out off the premises?

22 A I can't remember. There may have been.

23 (Plaintiff's Exhibit No. 4 marked for
24 Identification.)

25 BY MR. BAYER:

1 Q I'm showing you what's been marked Plaintiff's
2 Exhibit No. 4.

3 A Yeah, I have seen this before.

4 Q Okay. And is that a letter that you had Paul
5 Kwilecki send to Chief Cody and to Bruce Campbell back
6 on April 3, 2013?

7 A Yes.

8 Q Okay. And in this you were complaining that
9 Liz Williams was conducting an investigation against
10 you.

11 A I'm going to plead the Fifth on that one.

12 Q Okay. After you submitted this letter on or
13 about April 3, 2013, did the City ever contact you about
14 what's called a whistleblower hearing?

15 MS. TOWNSEND: Object to the form.

16 You can answer.

17 THE WITNESS: I don't -- I have never heard
18 anything about that. I mean...

19 BY MR. BAYER:

20 Q Have you ever heard at any time the City
21 having an actual process for whistleblowing?

22 A They asked me to be involved with?

23 Q Yeah.

24 A No, I can't recall that.

25 Q But, I mean, you were alleging in this letter

1 that you were basically being retaliated against by the
2 City for having reported my clients for drinking on
3 Christmas Day.

4 MS. TOWNSEND: Object to the form. You can
5 answer.

6 THE WITNESS: I'm going to invoke the Fifth on
7 that one. That, to me, was --

8 Can I answer that now or...

9 BY MR. BAYER:

10 Q Well, if you're going to invoke the Fifth and
11 you're going to start answering, I'm going to argue that
12 you're waiving your Fifth Amendment. I'm already going
13 to do that, because you're answering the questions you
14 want to answer and some you're not answering.

15 A Okay.

16 Q So you're going to stand on your Fifth
17 Amendment rights?

18 A Yeah, I am.

19 Q Were you involved with the decision to hire
20 Quint Dixon?

21 A Yes.

22 Q And he was an outside hire, right?

23 A Yes.

24 Q And I think there were four people that
25 applied at the same time that actually had higher test

1 scores than Mr. Dixon.

2 A I wasn't involved with the testing process.

3 Q Did you review the test results to determine
4 who was the best candidate?

5 A I reviewed his qualifications, as far as state
6 certifications and his on-job performance on my return.
7 I didn't review test results, no.

8 Q Why not?

9 A I felt like it was -- he was in the job, and I
10 was going to have some time to evaluate him, which I
11 took that time. And I put a lot of in what he had
12 gained in state certifications.

13 Q Did you ever examine the circumstances about
14 how he left his prior employment?

15 A I have.

16 Q And what happened there?

17 A He had some incidents where he was, I guess, a
18 little bit too mouthy for a probationary firefighter.
19 There was a standby situation where -- I don't know if
20 he had -- it was dereliction of duty or whatever there.
21 But the way it was described to me by his prior chief,
22 it was all just ticky-tack stuff.

23 Q Any sexual harassment claims that you're aware
24 of?

25 A Never came from that chief. I asked him

1 specifically what I needed to know.

2 Q Did you ever ask him about sexual harassment?

3 A No, I did not.

4 Q Did you ever talk to Bruce Campbell and ask
5 him to go talk to the State Attorney's Office to have
6 them not press charges against you?

7 A I did not have that conversation, no.

8 Q Did you ever have that conversation with Libby
9 Kania?

10 A No.

11 (Plaintiff's Exhibit No. 5 marked for
12 Identification.)

13 BY MR. BAYER:

14 Q I'm showing you what's been marked Plaintiff's
15 Exhibit Number 5. Do you recognize that document?

16 A Yes.

17 Q Are those your initials B.P. on the bottom
18 and --

19 A I will invoke the Fifth on that one.

20 Q Okay. And are you aware as a result of the
21 falsification of community service hours that Mr. Tsabak
22 is currently in state prison?

23 MS. TOWNSEND: Object to the form.

24 THE WITNESS: I invoke the Fifth on that one.

25 BY MR. BAYER:

1 Q You understand Mr. Tsabak was not simply on
2 probation but he was on community control?

3 A I didn't, no.

4 Q Okay. Do you know what the difference is
5 between community control and probation?

6 A No.

7 MR. BAYER: I need a moment to talk to my
8 clients. I will be right back.

9 (Recess at 12:58 p.m.)

10 (Reconvene at 1:01 p.m.)

11 MR. BAYER: Back on the record.

12 BY MR. BAYER:

13 Q Sir, a couple more questions about Quint
14 Dixon. Now, his position -- the position that he took
15 was opened up after Mr. DeSantoli was terminated, right?

16 A DeSantoli was not terminated.

17 Q Okay. How did he leave employment of the City
18 of Flagler Beach?

19 A Well, I -- As far as I know, he did not apply
20 when full-time positions opened up and he left of his
21 own regard.

22 Q Was he asked to leave by Bruce Campbell?

23 A I don't -- I cannot be certain of that. I was
24 not aware of that.

25 Q Did either you or any other firefighters tell

1 Bruce Campbell that you didn't want DeSantoli around
2 because you just didn't like him?

3 A I did not tell Mr. Campbell that. However, I
4 did give DeSantoli a verbal and report that to HR when
5 he was in a temporary full-time position.

6 Q For what?

7 A Just did not -- he did not perform his duties.
8 He had to -- his hand had to be held on minimal tasks
9 around the station. I felt like things were being
10 overlooked, and there was no attention to detail. And
11 he had been warned on these types of things several
12 times.

13 Q Can you give me any specifics? You gave me a
14 lot of generalities.

15 A You know, a lot of the stuff I remember that
16 was going kind of ticky-tack that really kind of bugged
17 me is, he would constantly come to the office and say,
18 you know, I'm doing this painting project but I can't
19 find any paint and rollers. So I would walk around and
20 find a clean station out back and I would say, you know,
21 Anthony, if I have to show you every time.

22 He was given painting projects and he would --
23 he left stuff on the wall and painted around it. Just
24 ridiculous stuff. And I'm saying, you know, these are
25 common sense things. I need you to -- Logs that I asked

1 him to keep up he wasn't keeping up, just basic stuff.
2 And I felt like it had got to be a habitual to the point
3 where I needed to at least give him a verbal, which I
4 did.

5 Q Were there personnel files in the fire
6 department at the time you became the acting chief back
7 in January 2013?

8 A Not personnel files. There were -- Well,
9 there were files -- I call them a service jacket - they
10 have certifications - and they're still in the office.
11 But they're not -- To me, it's not like write-ups or
12 disciplinary stuff.

13 Q There's no disciplinary --

14 A No, just certifications.

15 Q Okay. So there's no disciplinary records in
16 those files at all?

17 A No, sir.

18 Q Back around the time that my clients were put
19 on administrative leave in January of 2013, did you tell
20 Bruce Campbell that you felt they were a threat to any
21 other employees?

22 A No.

23 Q Okay. Did you ever tell Marshall Shupe or
24 anyone else in the City that you felt that my clients
25 were a threat to anyone?

1 A No.

2 Q Do you know why the locks were changed after
3 they were put on -- my clients were put on
4 administrative leave in January 2013?

5 A Well, I just didn't have them out on
6 administrative leave. There was -- there were several
7 people out on administrative leaves. And when the
8 department can be vacated pretty quickly sometimes.
9 Until that was all rectified, I felt the best course of
10 action at that time was to change the locks, which I
11 did.

12 Q Okay. You also changed the security codes.

13 A I did not personally change the security
14 codes. The security codes were changed. I was advised
15 of that.

16 Q Okay. And Barb Haspiel was one of those
17 people that was put on leave from her position as a
18 volunteer at that time, correct?

19 A Yeah. In around that same time, yes, she was.

20 Q And she's -- Is she back in a volunteer
21 capacity now?

22 A She is not.

23 Q Does she do any work for the City at all that
24 you're aware of?

25 A She does not.

1 Q Did you ever recall there being a conversation
2 around the station back in the January/February 2013
3 time frame that if Jake Bissonnette and Shane Wood came
4 back to the department that the -- some of the
5 firefighters would quit?

6 A I don't recall that conversation, no.

7 Q Okay. Does Robbie Creal still serve as a
8 volunteer with the fire department?

9 A Yes.

10 Q What's his capacity?

11 A He's -- He's very active in the association.
12 He's the treasurer of the association. He does a lot of
13 repair work for radios. He's one of our drivers. He
14 just, like, took an engine over to the potato festival
15 in Bunnell. There's a lot of things that Robbie helps
16 out with.

17 Q Did you ever have him drug tested?

18 A I have not, no.

19 Q As a volunteer, you're -- Since he is a
20 volunteer, you are able to order him to be drug tested,
21 correct?

22 A Yes, I could. Well, I'm assuming. I mean,
23 typically the way that it's always run in the past, if
24 there's an incident - like a traffic incident - that's
25 when these types of things come about. Me just randomly

1 ordering somebody to be drug tested I haven't. And
2 what's involved with that, I don't know if I need to go
3 through HR to make that request or what have you. But
4 I'm not -- I don't honestly know.

5 Q So you don't know what steps you would have to
6 take if you felt that one of your employees were --

7 A Well, I mean, if I had a question I think that
8 it would be that I -- You know, what I would do on my
9 own would be to go through HR and City administration
10 and say I have this concern. But I don't -- I haven't
11 had any red flags or seen somebody come through there
12 where I had to have that question come about.

13 Q Well, you know that Robbie Creal used to be
14 the fire chief here, right?

15 A Yes.

16 Q Do you know what led to his termination as
17 fire chief?

18 A I do not.

19 MR. BAYER: At this time I have no further
20 questions. But at some of the express reservation
21 that this individual has invoked the Fifth
22 Amendment on numerous occasions, it's really
23 disrupted my ability to ask questions. We will be
24 filing a Motion to Compel and appropriate sanctions
25 for attorney's fees and court costs.

1 And we are ordering the transcript.

2 MS. TOWNSEND: We will read.

3 (End of proceedings.)

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1 CERTIFICATE OF REPORTER

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3 STATE OF FLORIDA)

4 COUNTY OF FLAGLER)

5

6 I, Sharon K. Dunlap, Registered Professional
7 Reporter and Florida Professional Reporter, certify
8 that I was authorized to and did stenographically
9 report the foregoing deposition of ROBERT D. PACE;
10 that a review of the transcript was expressly
11 reserved; and that the transcript is a true and
12 complete record of my stenographic notes.

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

19 DATED this 16th day of June, 2014.

20

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22 Sharon K. Dunlap, Registered Professional Reporter
23 Florida Professional Reporter

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CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF FLAGLER)

I, Sharon K. Dunlap, Registered Professional
Reporter and Florida Professional Reporter, Notary
Public, State of Florida, certify that ROBERT D. PACE
personally appeared before me on this 20th day of May,
2014 and was duly sworn.

WITNESS my hand and official seal this 16th day of
June, 2014.

Sharon K. Dunlap, Registered Professional Reporter
Florida Professional Reporter
Notary Public - State of Florida
My Commission No.: FF006819
Expires: May 18, 2017

Personally Known _____
or Produced Identification X _____
Type of Identification Produced Florida Driver's License

1 June 16, 2014

2 Volusia Reporting Company
3 432 South Beach Street
4 Daytona Beach, Florida 32114
Telephone (386)255-2150
Facsimile (386)258-1171

5 Cindy A. Townsend, Esquire
6 Bell & Roper, P.A.
7 2707 East Jefferson Street
Orlando, Florida 32803

8 Re: Shane Wood and Jacob Bissonnette v. City of Flagler
CASE NO.: 2013-CA-000809

9 Dear Ms. Townsend:

10 Attached please find your "copy" of the deposition of
11 ROBERT D. PACE, which was taken in the above-styled
12 cause on May 20, 2014. Also attached is the Deponent's
13 Errata Sheet to be completed by the Deponent when
14 reading your copy of the deposition. This form is
15 self-explanatory.

16 After the Deponent has completed reading and signing,
17 please return to our office for inclusion in the
18 original transcript.

19 If the reading and signing has not been completed within
20 30 working days of receipt of this letter, we shall
21 conclude that the Deponent has failed to exercise
22 his/her right to read and sign the transcript.

23 Thank you for your cooperation.

24 Sincerely,

25

26 Sharon K. Dunlap
27 Registered Professional Reporter
28 and Florida Professional Reporter

29

30 cc: Dennis K. Bayer, Esquire
31 Cindy A. Townsend, Esquire

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ERRATA SHEET

DEPOSITION OF: ROBERT D. PACE; 5/20/2014
RE: SHANE WOOD and JACOB BISSONNETTE v. CITY OF FLAGLER
CASE NO.: 2013-CA-000809

PAGE & LINE NUMBER	CORRECTION AND REASON THEREFORE
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Under penalties of perjury, I declare that I have read my deposition and that it is true and correct subject to any changes in form or substance entered above.

DATED: _____

SIGNED: _____
(ROBERT D. PACE)

cc: Dennis K. Bayer, Esquire
Cindy A. Townsend, Esquire

