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TOMORROW'S TECHNOLOGY TODAY



1 IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
2 IN AND FOR ORANGE COUNTY, FLORIDA
3 CASE NO.: 2019-CA-013714-O
4
5 NORTH SHORE AT LAKE HART
6 HOMEOWNERS' ASSOCIATION, INC.,
7 PLAINTIFF,
8
9 VS.
10
11 LISA MASON AND LYNN SANDFORD,
12 DEFENDANTS.
13 _____/
14 VIDEOCONFERENCE DEPOSITION OF LYNN SANDFORD - VOLUME I 15
DATE: JANUARY 20, 2022
16 REPORTER: MICHELLE VASQUEZ
17 PLACE: ALL PARTIES APPEARED VIA VIDEOCONFERENCE 18
19
20
21
22
23
24
25

1 APPEARANCES

2

3 ON BEHALF OF THE PLAINTIFF, NORTH SHORE AT LAKE HART 4
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13 (Appeared via videoconference)

14

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ENGLERT 6 5

6 EXHIBITS

7 (None marked in Volume I.)

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1 STIPULATION

2

3

4 The videoconference deposition of Lynn Sandford taken 5
remotely on Wednesday the 19th day of January 2022 at 6
approximately 9:59 a.m.; said deposition was taken 7
pursuant to the Florida Rules of Civil Procedure. It is 8
agreed that Michelle Vasquez, being a Notary Public and 9
Court Reporter for the State of Florida, may swear the
10 witness and that the reading and signing of the 11
completed transcript by the witness is not waived. 12

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1 PROCEEDINGS

2 COURT REPORTER: All right. On record. Will 3 all parties
except for the witness please state your 4 appearance, how
you're attending, and your location? 5 MS. ENGLERT: Jennifer
Englert for the

6 plaintiff. I am attending by Zoom and my office in 7
Waterford Lakes in East Orlando.

8 MR. BERNSTEIN: This is Matt Bernstein on 9 behalf of
defendant, Lynn Sandford. I'm appearing 10 via Zoom from
DeLand, Florida.

11 COURT REPORTER: All right. And Ms. Sandford, 12 would you
please state your full name for the 13 record?

14 THE WITNESS: Lynn Sandford.

15 COURT REPORTER: And Ms. Sandford, would you 16 please
hold your ID up to the camera? A little 17 further back.
Just a tiny bit. Thank you so much. 18 Do all parties agree
that the witnesses, in fact, 19 Ms. Lisa Sandford?

20 MS. ENGLERT: Lynn Sandford. Yes.

21 COURT REPORTER: Lynn Sandford. Sorry. Okay. 22 MR.
BERNSTEIN: Agreed.

23 COURT REPORTER: Ms. Sandford, would you please 24 raise
your right hand? Do you solemnly swear or 25 affirm that the
testimony you're about to give will



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1 be the truth, the whole truth, and nothing but the 2
truth?

3 THE WITNESS: I do.

4 COURT REPORTER: All right. You may begin. 5 DIRECT
EXAMINATION

6 BY MS. ENGLERT:

7 Q Okay. Thank you. Have you ever had your 8
deposition taken before, Ms. Sandford?

9 A No.

10 Q All right, I'll go over a couple ground rules. 11 If you
need to take a break at any time, please let us 12 know. You
just can't take a break while a question is 13 pending. If
you do not understand my question, please 14 ask me to repeat
it or rephrase it. Otherwise, I'm 15 going to assume you
understand it. Is that okay? 16 A Yes.

17 Q And then if you want to answer yes or no to a 18
question, please say yes or no, as opposed to nod your 19
head or do something else. I'll be asking you to 20 clarify
if necessary. It's for the court reporter, and 21 it's even
more challenging by Zoom. So, won't be 22 picking on you, but
we need to have a clear record. Have 23 you taken any
medications today that would potentially 24 impair your
ability to answer my questions?

25 A No.



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1 Q Okay. Where do you currently reside?

2 A 9621 Pacific Pines Court, Orlando, Florida, 3 32832.

4 Q How have you lived there?

5 A Since November 20, 2003. 18, almost 19 years. 6 Q Okay.
And you are the deeded homeowner? 7 A I'm one of them. Yes.

8 Q Who's the other?

9 A Edwin Smith.

10 Q Can you briefly tell me your educational 11

background?

12 A High school, some college.

13 Q What was your college major?

14 A Interior design.

15 Q Okay. Do you currently have any professional 16
licenses?

17 A Yes.

18 Q What are they?

19 A I'm a Florida notary public and I'm a licensed 20
insurance agent.

21 Q What type of insurance?

22 A Health and life.

23 Q So, that's two different licenses?

24 A No, it's one license for health/life and fixed 25
annuities.



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1 Q Okay.

2 A It's a Florida 215.

3 Q And how long have you had that?

4 A Since 2015.

5 Q What do you currently do for work?

6 A Insurance agent.

7 Q And have you done that since 2015?

8 A Yes, ma'am.

9 Q Are you self-employed?

10 A Yes, ma'am.

11 Q And do you have a company that you operate or 12 are you sole
proprietor?

13 A I'm not clear on the question.

14 Q Do you own a company or -- do you own a 15 company?

16 A I have registered -- well, are you talking 17 about just for insurance?

18 Q Yes.

19 A Okay. So, I registered a company in case I 20 ever needed or wanted to go and become a broker, but 21 it's not active. I do have my license parked with 22 Florida Retirement Group.

23 Q Okay. And has that been since 2015?

24 A Has what been since 2015?

25 Q That your license was with Florida Retirement



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1 Group as your broker.

2 A No. I've had several -- I've been with 3 several different brokers.

4 Q What did you do before you sold insurance? 5 A I was an office administrator, executive 6 assistant.

7 Q Any other types of work?

8 A Not that I can think of off the top of my 9 head.

10 Q Have you ever worked in a law firm?

11 A No.

12 Q Okay. As part of your deposition today, you 13 were asked to gather some documents. How did you gather 14 the documents that were provided to us?

15 A I have to see what was provided. Matt e 16 mailed that to me. Hold on.

17 Q All right. Yeah. Take your time and look at 18 it. We

can screen share if you wish, but if that's 19 easier, if
you want to print them -- take a minute to 20 print them
out, that's fine, too. You tell me what 21 works the best.
22 A Nope. I can just look at them here on my 23 screen.
24 Q All right. Yeah, if you've got two screens, 25 that's
usually the easiest. So, take a minute to look



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1 at them and then you can answer.
2 A Okay. I recall. And what was your question 3 again on
this?
4 Q How did you compile these documents?
5 A I followed the instructions you sent. I don't 6 honestly
recall how it's done, but you sent me
7 instructions. I followed those instructions.
8 Q Okay. Were you instructed to do this
9 previously pursuant to a court order when we did a
10 discovery request?
11 A I'm not sure. I don't under -- I'm not -- 12 Q Did you
compile these another time for us when 13 we asked for
documents, not as part of your deposition? 14 A Yes.
15 Q Okay. Did you do it in the exact same way? 16 A Yes.
17 Q Okay. Did the documents that you produced the 18 first
time match the second set of documents?
19 A I'm very confused by that. First set of 20
documents --
21 MR. BERNSTEIN: Let me interject.
22 MS. ENGLERT: Yeah.

23 MR. BERNSTEIN: I'm sorry. I'll -- and if you 24 want her
to testify to this, obviously, because I'm 25 not testifying,
that's fine, but to clear it up, so



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1 what we did was I -- Lynn went through any new 2
Facebook documents since that production, provided 3 those
to me. I then combined those with the
4 previously produced Facebook documents. So, it is a 5
combination. It is not the same, in other words,. 6 There's
a few additional documents along with some 7 of the same
documents.

8 MS. ENGLERT: Well, I mean just, they don't, 9 and it's not
since the production, there's some 10 other stuff that should
have been in the production. 11 We could take that up later,
but --

12 BY MS. ENGLERT:

13 Q So, did you provide -- so, you used this 14 Facebook
download tool and you downloaded everything. 15 You did
that yourself physically as opposed to having 16 someone
in your attorney's office do it?

17 A Yes.

18 Q And then did you go through it and take out 19
documents, or did your attorney do that for you? 20 A I
redacted it.

21 Q Okay. So, do you have all the documents that 22 you did
not send to your attorney?

23 A Yes.

24 Q Okay. Do you remember doing this another time 25

previous to the -- for this deposition?



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1 A Yes.

2 Q Okay. Did you keep the documents that you 3 redacted
that time, as well?

4 A Yes.

5 Q And you did it the exact same way as you did 6 it just
recently?

7 A Yes.

8 Q Do you remember when you did the download for 9 this
deposition?

10 A I do not.

11 Q Okay. Is there any record you would have to 12 show
when you did that?

13 A Probably. Hold on. December 21, 2020. 14 Q 2020?

15 A That's what it says.

16 Q Okay. So, is that when you would've done it 17 for the
request for production?

18 A That was the first time I did the download. 19 Yes.

20 Q Okay. So, the first time you did the 21 download, we did
a request for production on July 17, 22 2020, so you did that
download December 21st, 2020. Did 23 you keep on your
computer, all the documents that you 24 did not provide to
your attorney?

25 A Yes.



1 Q Okay. And they're still in electronic form on 2 your computer?

3 A I believe I put them on a flash drive. 4 Q Okay. But is the
flash drive in your

5 possession?

6 A Yes.

7 Q Okay. When did you do the second download for 8 the subpoena
for this deposition?

9 A December 22, 2021.

10 Q Okay. And are those documents that you culled 11 out also on a
flash drive?

12 A Yes.

13 Q Okay. All right. We'll talk about the 14 documents a little
bit later on. How many lawsuits are 15 you currently involved in?

16 A Define lawsuit for me.

17 Q A case that has been filed in Orange County 18 Circuit Court
where you are either a plaintiff or a 19 defendant.

20 A Two.

21 Q And what are they?

22 A This case and the -- oh, I'm sorry, three. 23 This case, the
election arbitration case, and the case 24 handled by Bruce
Burtoff.

25 Q Okay. Have you ever been a plaintiff or a



1 defendant in a lawsuit prior to those three cases? 2 A There was a traffic incident a long time ago. 3 Would that count? I don't know that that counts. 4 Q Like a personal injury case or just like a 5 civil traffic thing?

6 A No, it was a personal injury case.

7 Q Okay. And you were the plaintiff?

8 A No, I was the defendant.

9 Q Okay. Yeah, technically that would count. Any 10 other ones besides that?

11 A Not that I'm aware of.

12 Q Okay. Were you a board member of the North 13 Shore at Lake Hart Homeowners Association?

14 A Yes.

15 Q For what years?

16 A March of '17 through '19 sometime.

17 Q Besides being a board member, did you hold any 18 other volunteer positions at North Shore in the entire 19 time that you lived there?

20 A Yes. I served on the ARB. I served on this 21 social committee. I served on the communications 22 committee.

23 Q Were you ever a chair of any of those? 24 A I was -- was I the chair? No.

25 Q Okay. What years were you on the ARB



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1 committee?

2 A I don't recall specifically. It was off and 3 on. I know that I initiated -- was initially on the ARB 4 in 2004. I

don't remember what year I came off the ARB 5 for a period of time. And then I became the ARB liaison 6 once I was on the board in 2017.

7 Q Okay. And were you the ARB liaison from 2017 8 to 2019 when you came off the board?

9 A To the best of my knowledge, yes.

10 Q Did you have a vote on the ARB committee at 11 that point?

12 A No.

13 Q Did you go and inspect properties as the ARB 14 liaison?

15 A Inspect properties? For what purpose? I'm 16 not understanding.

17 Q For ARB compliance.

18 A For compliance. Not -- no.

19 Q Did you go inspect properties for any reason 20 while you were the ARB liaison from the board?

21 A Yes. At the direction of Mr. Gordon. 22 Q Did you go inspect properties when you were on 23 the ARB committee and you were not a board member? 24 A We did do ARB follow-up inspections in the 25 early days. Yes.

1 Q Who took that over after the early days? 2 A I don't recall.

3 Q Was it somebody from the management company? 4 A I don't recall.

5 Q Okay. As a board member, did you always 6 follow

your fiduciary duty?

7 A To the best of my ability.

8 Q Are there times you think you were not able to 9 follow
your fiduciary duty?

10 A I don't know how to answer that. No. 11 Q Okay.

So, you believe you followed your 12 fiduciary duty as
a board member?

13 A As I understood it, yes.

14 Q The lawsuit that you are the plaintiff in that 15 is
handled by Mr. Bruce Burtoff, who compiled the 16 information
that's in the lawsuit? And we'll start with 17 the first
complaint and then we'll talk about the second 18 complaint
because they do differ.

19 A I'm sorry, can you repeat that?

20 Q Sure. You know the lawsuit that you filed 21 where
you're the plaintiff, where Bruce Burtoff's your 22
attorney, right?

23 A Yes.

24 Q Okay. There's two different complaints. There 25 was a
complaint that got dismissed and then there was a

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1 second complaint. I only want to talk about the first 2
one, later we'll talk about the second one. There is -- 3 I
think this complaint is about 40 pages long. Who 4 compiled
the information in this complaint?

5 A You mean who wrote it? Who wrote the
6 complaint?

7 Q No. Who compiled the information? There are 8 40 pages

of allegations against various individuals, a 9 lot of facts
or purported facts. Where did they come 10 from?

11 A The facts, I provided some, and other people 12
provided others.

13 Q Who helped you provide facts for this 14
complaint?

15 A No one.

16 Q You just said other people helped you. Who 17 were
they?

18 A I do not know.

19 Q How do you not know?

20 A Because they were anonymous plaintiffs. Mr. 21 Burtoff
did not tell me who they are. I don't know who 22 they are,
what they got, or what they gave him other 23 than what's in
the complaint.

24 Q So, you allowed your name to be on a complaint 25 from -
- with facts on it that came from people who you

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1 didn't know who they were or whether they were verified? 2

A Yes.

3 MR. BERNSTEIN: Objection to form. You can 4 answer.

5 Q So, you don't know who the John -- the Jane, 6 and Joe
Doe are?

7 A No.

8 Q You had no concern being plaintiffs in a case 9 when
you had no idea who the people were?

10 A No.

11 Q Why are they not plaintiffs anymore?

12 A I don't know.

13 MR. BERNSTEIN: Objection.

14 Q Okay. Besides the Jane and Joe Doe and 15
yourself, who else provided information for this 16
complaint?

17 A I do not know.

18 Q Okay. Do you know what information you 19
provided? Do you recall that?

20 A I do not. I'd have to go back. I wasn't 21 prepared
for questions about a different case today. 22 Q All
right. Well, we'll be going over it at 23 length so -- the
-- do you have --

24 A May I ask why that case has anything to do 25 with
this case?

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1 Q No, you cannot. You don't get to ask the 2
questions.

3 A Okay. Okay.

4 Q Do you have a file of information that you use 5 to put
this case together?

6 A This case that we're on right now or the 7 Burtoff
case?

8 Q We're talking about the Burtoff complaint, the 9 first
complaint. When we move to something else, I 10 promise I'll
tell you. But assume and know all we're 11 talking about is
the first complaint in the -- the case 12 that Bruce Burtoff
represents you in.

13 A Okay. Okay.

14 Q So, do you have a file of information that you 15 used
to compile this case, the part that you provided? 16 A Yes.

17 Q Okay, perfect. And is -- where is that kept? 18 A On a
flash drive.

19 Q Okay. Are these all different flash drives 20 that
we're talking about, or do you just kind of have 21 one
master one for everything about North Shore? 22 A No, I
have them on different -- well -- 23 Q Okay.

24 A -- back up. The Facebook downloads are on one 25 because
it's this case. The Burtoff case is a different

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1 flash drive.

2 Q Okay. Did anyone help you compile the 3 information that you
provided that you are aware of? 4 A No.

5 Q Okay. Okay. In this case you made a variety 6 of allegations
and we're going to talk about it. How 7 did you decide which
members of the board you are going 8 to have as defendants in this
matter?

9 A I did not decide.

10 Q Who decided?

11 A Mr. Burtoff.

12 MR. BERNSTEIN: And I'm going --

13 MS. ENGLERT: I don't want you to -- that's 14 okay. I won't ask
anything for --

15 MR. BERNSTEIN: -- to object --

16 MS. ENGLERT: I know. I know. I don't want to 17 attorney/client
-- anything that you talked to your 18 attorney about, but I have

to ask. And then if it's 19 something that Mr. Burtoff said, we'll stop right 20 there.

21 BY MS. ENGLERT:

22 Q Do you have a personal opinion of what David 23 Bauer did in order to be sued in this lawsuit?

24 A No.

25 Q Do you believe that Dave Bauer did anything

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1 that rose to the level that he should be sued in this 2 lawsuit?

3 A Yes.

4 Q What? What did he do? I wasn't sure that you 5 heard me.

6 A I do.

7 Q Yes.

8 A Can I verbalize why? No.

9 Q So, you believe he should be sued but you 10 can't say why?

11 A I would have to go back and refer to notes to 12 give you an answer.

13 Q Did you decide to dismiss him as a person who 14 was in this lawsuit, a defendant in the second? 15 A No.

16 Q Do you agree that he should have been 17 dismissed?

18 A No.

19 Q Did you talk to the Jane and -- or the Jane 20 and Joe Doe about that?

21 A No. Don't know who they are.

22 Q Okay. Who's the Joe Doe that's a defendant, 23
individual and officers? Why was there a Joe Doe 24
included?

25 A I don't know.

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1 Q Not as a plaintiff, as a defendant?

2 MR. BERNSTEIN: Objection to form.

3 A I don't know.

4 Q Okay. Are there some individuals that you're 5 aware of
that you believe should have been defendants in 6 this
lawsuit that were not included?

7 A I'm sorry, ask that again.

8 Q Sure. Are there some -- you know who the 9 defendants
were, Dave Gordon, John Dick, Steve Smith, 10 Mike McCauley,
Randolph Pinna, Rob Taub, Burt Pearsall, 11 Dave Bauer. Who
was not included that you believe 12 should have been?

13 A I don't have an opinion on that.

14 Q Okay. What did Burt Pearsall do that you 15 believe
was wrong that had him be included in this 16 lawsuit?

17 A I do not know.

18 Q Okay. So, for him, you don't know?

19 A Correct.

20 Q Okay. How about Rob Taub?

21 A I do not know.

22 Q How about Randolph Pinna?

23 A I do not know.

24 Q How about Mike McCauley?

25 A I do not know.

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1 Q How about Steve Smith?

2 A I'm not sure how you want me -- you want me to 3 say
what he did?

4 Q Yes. What do you believe -- I mean, this 5 complaint
goes on for 40 pages about breaches. I mean, 6 there's
multiple complaints, breach of fiduciary duty, 7 financial
misfeasance, misrepresentation. What wrongful 8 acts do you
believe Steve Smith engaged in which caused 9 him to be a
defendant in the suit?

10 MR. BERNSTEIN: Objection to form. You can 11 answer to
the extent that you know.

12 A Do I have to disclose my evidence in answering 13 this
question?

14 Q You have to answer the question.

15 MR. BERNSTEIN: You have to -- to the extent 16 that you
understand it. Yes.

17 A Okay. Could you re-ask the question, please, 18
Jennifer.

19 BY MS. ENGLERT:

20 Q Sure. You filed a lawsuit against several 21 people and
you are the plaintiff. You understand that, 22 right?

23 A Yes, ma'am.

24 Q Okay. So, I want to know why you filed a 25 lawsuit
against Steve Smith. What did he do wrong?

1 A Fiduciary breach. Financial malfeasance. 2 Q How
so? How so?

3 A Mr. Smith was the treasurer board member. And 4 I asked
some questions, I obtained some documentation, 5 and Mr.
Smith was not having -- he was instructing 6 people to
miscode invoices.

7 Q Who was he instructing to do that?

8 A Staff --

9 Q Who's staff?

10 A -- that had to with accounting.

11 Q Who would that be?

12 A Lisa Mason, for one.

13 Q Who else?

14 A I don't know the name of the accounting person 15 with
the management company that Steve talked about a 16 lot.

17 Q Are you a CPA?

18 A No, ma'am.

19 Q Anything else he did besides miscode invoices? 20 A
Regarding his fiduciary breach?

21 Q Yeah. I'm trying to get everything that you 22 think
he did.

23 A I would have to refer to notes again. That's 24 -- I did
not refamiliarize myself with the Burtoff case. 25 I'm sorry.

1 MS. ENGLERT: Well, Matthew, this is all 2 related and
it's related to our case, so it's fine 3 that she wants to
answer this way, but we won't be 4 able to conclude the
deposition today. So, it's 5 fine. I mean, I'm going to
keep going forward, but 6 it goes right to -- what they did
wrong --

7 MR. BERNSTEIN: Well, I would say --

8 MS. ENGLERT: -- goes right to our case. It 9 does. So,
that's, like I said, we'll keep going. 10 MR. BERNSTEIN: I
disagree that it has anything 11 to do with this case. Your
complaint in this case 12 is specific and narrow enough so
that it doesn't 13 seem to relate to that case. At the very
least, you 14 didn't include that in any topics or areas of
15 inquiry or notice to deposition to be able to 16 discuss
today. So, to the extent that she's going 17 to answer that
she doesn't know or is not prepared 18 for that -- if you
want to abate the deposition so 19 that we could -- she could
be familiarized with 20 that, or you could take it up to the
court, we could 21 do so, but it seems to be a waste of time
now to 22 have her answer, "I don't know," or, "I'm not 23
prepared," go through it all, then have us do it 24 again
later. So, if you're going -- if you want to 25 do it again,
you should probably short circuit it

1 today so we don't waste that time.

2 MS. ENGLERT: That is not happening. I don't 3 have to give
a designation of what I'm asking her. 4 This is not a
corporate rep. She's a party. And it 5 does go right to the

heart of the case. She -- we 6 did an injunction for her
against her as one of the 7 counts for false and defamatory.
One of your 8 affirmative defenses is truth plus unclean
hands. 9 So, everything she thinks that every one of these
10 people did is part of this case. So, I'm going to go 11
forward, you're not going to get to get out of this 12 depo
today, but I am not going to be finished. 13 Every time she
says she's got to look back at notes, 14 that's fine, but
we're going forward because there's 15 a lot to cover and
we'll just have to come back. So, 16 it's definitely related.
There's no way you can say 17 it isn't.

18 BY MS. ENGLERT:

19 Q Okay. What else did Steve Smith do?

20 MR. BERNSTEIN: I'm just going to put on the 21 record
that we do disagree with that. That's all. 22 MS. ENGLERT:
That's fine. That's what I'm 23 saying. I mean, it does go
right to the heart of 24 it. We can agree to disagree.

25 BY MS. ENGLERT:

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1 Q What else do you think that Steve Smith did 2 wrong?

3 A Acting as part of an executive committee that 4 was not
authorized by the board, making decisions, and 5 preparing actions
without board discussion. He also 6 provided multiple e-mails for
closed meeting -- closed 7 board meeting agendas that included
items that cannot be 8 discussed in a closed meeting, to which I
objected each 9 time.

10 Q How did you object each time?

11 A In e-mail to you and the other board members. 12 Q Okay. And

you have all those e-mails? 13 A I would think so. I don't know.

14 Q Okay. What else?

15 A That's all I can think of off the top of my 16 head.

17 Q Okay. Is Lisa Mason an accountant?

18 A I do not know.

19 Q What is the documentation that you saw that 20 showed that Mr. Smith was miscoding invoices?

21 A An invoice from the management company with 22 instructions from Steve to move a management company 23 charge to an unrelated GL code.

24 Q And what was the charge?

25 A What do you mean, what was the charge?

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1 Q You said an -- it was not related to
2 management, so what was it related to?

3 A No, it was a management labor charge on an 4 invoice, and Mr. Smith had instructions on that invoice. 5 Apparently there was probably a back and forth exchange 6 of the invoice. But his instructions on that invoice 7 were to move that management labor charge to a website 8 GL code.

9 Q And how did you get that information?

10 A I asked Lisa for a copy of the invoice. 11 Q How did you know to ask for it?

12 A I don't remember.

13 Q What other information did Lisa provide to you 14 besides a copy of an invoice while you were

15 investigating your allegations in this case?

16 A The GL codes list that I asked for.

17 Q What else?

18 A I can't remember anything else.

19 Q Did she provide you that electronically? 20 A No.

21 Q How did she provide it to you?

22 A Hard copy.

23 Q Do you remember when that happened?

24 A No.

25 Q Was -- were you still a board member?

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1 A Yes, ma'am.

2 Q What other hard copies of documentation did 3 she
provide you?

4 A Regarding Mr. Smith? I cannot think of 5 anything
else.

6 Q Anything else regarding accounting?

7 A Other than the financial statements she 8 distributed
to the board on a regular basis, no. 9 Q Why was John Dick
included as a defendant in 10 this lawsuit?

11 A I do not know.

12 Q How about David Gordon?

13 A Multiple and various acts.

14 Q Okay. We're going to go into that in a 15 second. Why
did you put your name on a lawsuit where 16 there were
multiple individuals that you don't know why 17 they were
included?

18 MR. BERNSTEIN: Objection to form. You can 19 answer.

20 A I don't know how to answer that. Why? 21 Originally, I

believe I was going to be a defendant on 22 that case, and I cannot remember who I spoke with, but 23 eventually got connected to Mr. Burtoff directly. We 24 discussed it. I believe Mr. Burtoff discussed it with 25 Matt. It was decided that it would be better for the

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1 community if I were a plaintiff on that case rather than 2 a defendant.

3 Q Okay. That wasn't my question, though. Why 4 did you become the plaintiff and sue people when you are 5 sitting here today and you cannot tell me why they were 6 sued?

7 MR. BERNSTEIN: Objection to form. You can 8 answer to the extent that you understood the 9 question. I would just caution you to not divulge 10 any attorney/client communication.

11 MS. ENGLERT: You got to just object. Keep it 12 to form, please. But yes, I do not want you to tell 13 me any attorney/client, and I will stop her if I 14 think she's doing that. But please keep your 15 objections to form.

16 A So, please re-ask the question.

17 BY MS. ENGLERT:

18 Q Sure. Why did you sue people and you, as you 19 sit here today, can't tell me why they were sued? 20 A Well, number one, I was not the only plaintiff 21 so I can only answer to those for which I had documented 22 evidence that I believed they needed to be held 23 accountable for.

24 Q Okay. So, who were those people again? 25 A Steve Smith and Dave Gordon.

1 Q How about David Bauer?

2 A I didn't have anything to do with that. 3 Q Okay. You
did tell me earlier, though, you 4 thought he should have
been sued.

5 A Yes.

6 Q The documented -- go ahead.

7 A That's opinion.

8 Q The documented evidence is all on the flash 9 drive
you told me about?

10 A Yes.

11 Q Okay. And where did the documented evidence 12 come
from? I know you told me about Lisa Mason giving 13 you
some GL codes. Where else did the evidence come 14 from?

15 A From e-mail exchanges as a board member, board 16 e-
mails. Upon inquiry, Ms. Mason shared with me some 17 text
messages.

18 Q Okay. Do you have copies of those?

19 A Yes.

20 Q And how did you get copies of those?

21 A I requested them from Ms. Mason.

22 Q Did she give you screenshot pictures or -- 23 A Yes.

24 Q And those are all on your flash drive? 25 A Yes.

1 Q Okay. What other evidence do you have? 2 A Again, my
conclusion that Mr. Gordon and Mr. 3 Smith were acting as
an unauthorized executive

4 committee, making decisions, taking actions that were 5
not discussed in board meetings.

6 Q When did you come to this conclusion?

7 A I don't remember.

8 Q Was it a year before you were no longer on the 9 board?
Six months?

10 A I know it was prior to the meeting at which I 11 asked
them to resign from the board.

12 Q How much prior?

13 A A few -- well, six months maybe.

14 Q And then what did you do to investigate before 15 the
meeting where you asked them to resign?

16 A Collected -- I went back through e-mails, 17 board,
shared e-mails. I requested the GL codes list 18 from Ms.
Mason. I requested the invoice copy from Ms. 19 Mason. That
was pretty much it. Just pretty much going 20 back through
communications I had received as a board 21 member.

22 Q Okay. Do you think that Lisa Mason breached 23 any duty
that she had to the community or as a licensed 24 community
association manager?

25 A No.

1 Q How about anyone at any of the management 2 companies or any of
your community managers?

3 A Do -- I'm sorry. Do I think what of any of 4 them?

5 Q Did any of them breach their fiduciary duty to 6 the community or their duty as a CAM?

7 A I do.

8 Q Who?

9 A Mr. Lasseter.

10 Q Michael Lasseter?

11 A Yeah. Is it Lasseter? I thought it was 12 Laster.

13 Q No, I'm pretty sure it's Lasseter. I'll get 14 it for you, Michelle. How did he breach his duty? 15 A In e-mails, concurring that certain items 16 should be discussed in a closed meeting. Because there 17 were things that -- and I don't remember his exact 18 language. I know I have the e-mail, but he believed 19 that there were things that needed to be discussed 20 without community involvement, that were not related to 21 pending litigation or personnel matters.

22 Q Okay. And that's in your opinion, correct? 23 A Yes, ma'am. And I stated so in reply e-mail 24 to all. I objected.

25 Q Any other breaches by any other -- well, first

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1 Michael Lasseter or anything else?

2 A Not that I can recall at this point.

3 Q Okay. Any other breaches of -- from any other 4 community association manager who was working at North 5 Shore?

6 A Not that I can think of at this point. 7 Q Okay. What do you think that Dave Gordon did 8 wrong that made him a defendant in the suit?

9 A He breached his own conflict of interest 10 policy. He breached the vendor policy. He acted as an 11 unauthorized executive committee. He -- I can't think 12 of the specifics at the moment.

13 Q Okay. Well, we'll be going through that 14 complaint. How was the community damaged by a GL code 15 being miscoded, according to you?

16 A It's, to the best of my understanding, it is 17 an accounting practice that could cost a CPA their 18 license, to intentionally miscode labor charges to a -- 19 another item.

20 Q My question was, how did that damage the 21 community?

22 A It's bad acts of the person in control of the 23 money.

24 Q How did it damage the community?

25 A I don't know how to answer that.

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1 Q Okay. All right. You allege in this 2 complaint that the board failed to abide by an orderly 3 budget process. What years did that occur?

4 A At least 2018, 2019.

5 Q How -- okay. Let's start with 2018. How did 6 they fail to -- how did the board fail to abide by an 7 orderly budget process?

8 A In multiple meetings, Mr. Smith provided 9 excuses why financials were not current, why financials 10 were not being available to the community. He, again, 11 on multiple occasions in open board meetings, when Mr. 12 Smith was asked about the budget or the financials, he 13 did not have answers.

14 Q Was it his job to prepare the financials for 15 the community?
16 A I know that he oversaw the preparation of the 17 financials,
and he was the one who decided when they 18 would be distributed.
19 Q Why do you think that he is the one who 20 decided when they
would be distributed?
21 A Because he told us so.
22 Q Wasn't it the job of the community association 23 company, the
manager on-site and the people in corporate 24 to put the
financials together?
25 A I do not know. I know that Mr. Smith, at

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1 every board meeting, closed and otherwise, gave reasons 2
why he was working on things with the accounting team. 3
And he was deciding when things would be available to 4 the
membership.

5 Q Didn't the financials come to you as a board 6 member
from the management company?

7 A I -- we did not always get financials. And 8 when we
did, it was in preparation of a board meeting. 9 To the
best of my knowledge, yes. We got them in an e
10 mail from Ms. Mason, who got them at the instruction of
11 Mr. Smith.

12 Q Okay. That's what you believe to be true? 13 A Yes.

14 Q Okay. How about in 2019? Is your answer the 15 same? Is
that why you -- there was not an orderly 16 budget process
because of the financials not being 17 current?

18 A There had not been finance committee meetings. 19 There

had not been a budget process that had been done 20 for the history of the community. When questioned at 21 the town hall meeting, Mr. Smith didn't even know who 22 was on the budget or finance committee.

23 Q Is it your testimony that the budget -- the 24 finance committee didn't meet in 2019?

25 A No.

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1 Q You don't believe they met in 2019?

2 A That's not my answer.

3 Q Okay. Well, that's what I'm trying to 4 understand.

5 A Okay. Mr. Smith at the town hall meeting, if 6 I recall correctly, said that the finance committee had 7 not met since April. So that was 2019. I don't know 8 that they did. I don't know that they didn't. That was 9 Mr. Smith's words. When asked who was on the committee,

10 Mr. Smith told the membership present he did not know 11 who was on the committee.

12 Q Any other reason to say that there wasn't a 13 budget or a finance committee besides that?

14 A There were no -- there's no history of 15 announcements of budget committee meetings.

16 Q For 2019.

17 A That I can recall.

18 Q How about for 2018?

19 A That I can recall.

20 Q Okay. There's also allegations that the 21 defendants engaged in self-dealing and misappropriation. 22 Can you tell me how each

one of these defendants engaged 23 in self-dealing or
misappropriation?

24 A No.

25 Q Do you know how any of them engaged in self-

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1 dealing and misappropriation?

2 A No.

3 Q Okay. So as far as you're concerned, there's 4 -- was
no self-dealing or misappropriation from the 5 defendants
in the lawsuit?

6 A I don't -- I'm not the one who has the 7
evidence for that.

8 Q So do you believe -- okay, so you put your 9 name on a
lawsuit where you accused all of those 10 individuals of
self-dealing and misappropriation. As 11 you sit here today,
do you have any evidence that any of 12 them engaged in self-
dealing or misappropriation? 13 A Self-dealing.

14 Q All right. How about Dave Gordon? Because 15 you just
told me earlier that he did.

16 A Yes.

17 Q So how did he engage in self-dealing or 18
misappropriation?

19 A I'm sorry. I'm not prepared to answer that 20 today.

21 Q Okay. We'll get to that another day, then. 22 The
misappropriation about facts relating to the South 23
Florida Water Management District. How did the 24
defendants misrepresent that?

25 A I don't have that.

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1 Q Do you have any recollection of it whatsoever? 2 A I
recollect discussions about it. I don't 3 recollect -- I
don't have the documented facts on that. 4 Q Well, I'm not
asking for documents. What do 5 you recall? Why did you sue
people for misrepresenting 6 material facts regarding
compliance to the South Florida 7 Water Management District?
What do you remember as you 8 sit here today?

9 A I don't recall specifics. I recall
10 discussions. I recall Mr. Gordon's name, being that 11
which signed off on things related to that. I don't -- 12 I'm
not prepared to answer that. Other than when you 13 say I
sued, I sued, I sued. I was one of number of -- 14 whoever
the Jane and Joe Does are, I'm one of who 15 provided --
apparently provided evidence to Mr. Burtoff. 16 Q Right. But
you're the only plaintiff now, 17 correct?

18 A To the best of my knowledge, yes.

19 Q Okay. So are there some things in this 20 lawsuit that
probably -- well, strike that. We'll get 21 to it later.
Okay. You -- in this suit, it says the 22 defendants
engaged in misrepresentation to the
23 directors' and officers' insurance carrier. How did 24
that happen?

25 A I'm sorry, ask that again.

1 Q Sure. It says that the defendants engaged in 2
misrepresentation of material facts, pertinent to the 3 directors'
and officers' insurance carrier. What do you 4 know about that?

5 A I'm not prepared to answer that today. I -- 6 again, I'd have
to go back and look at notes on that 7 case.

8 Q So you have to go back and look at all of your 9 notes on that
flash drive, right?

10 A To find -- to look for the insurance, the 11 reason for the
insurance. I do remember that I had an 12 opinion, when the board
announced this new legal gap 13 fund policy that they had
purchased, I remember 14 commenting that I wanted to find out from
the insurance 15 company if there were any misrepresentations on
the 16 application. I wanted to know what the questions were 17 on
the application. I have not ever received that 18 information.

19 Q So you don't know whether there were
20 misrepresentations or not?

21 A Not factually yet, no.

22 Q Okay. There's a claim that the defendants 23 were negligent
and reckless in the maintenance and 24 repair of association
property. How so?

25 A I believe that that refers to the sidewalks

1 repair situation that came up.

2 Q What else?

3 A I believe that part of that was that the 4
replacement of the dock was unnecessary, had the dock 5
been maintained properly along the way.

6 Q What did you do to make sure that the dock got 7
maintained as a board member?

8 A What did I do?

9 Q Yeah.

10 A I don't recall it ever becoming a subject 11 while
I was a board member.

12 Q Were you concerned about the maintenance of 13 the
dock while you were a board member?

14 A Specifically, no.

15 Q So do you feel that you did something wrong by 16 not
making sure that the dock got maintained as -- when 17 you
were a board member?

18 A It's a possibility.

19 Q Okay. What conflict of interests were failed 20 to be
disclosed by any of the board members?

21 A The first and foremost is that Mr. Gordon had 22 two
separate contracts with Orlando Law Group, one 23 personally,
to represent him in all matters related to 24 the
association. And the second was with Orlando Law 25 Group
representing the association. The second conflict

1 was Mr. Gordon's personal assistant, Deborah Lapin was 2 also
apparently handling the invoicing for a vendor for 3 the HOA. GL
Brothers Outdoor, I believe, is the name of 4 that group. Those are

the two I can think of off the 5 top of my head, without going and looking at notes. But 6 it was Mr. Gordon who insisted on a conflict of interest 7 policy and disclosure. And when we had the meeting 8 about the conflict of interest, Mr. Gordon did not 9 disclose that. And over the years that he has been on 10 the board and has been asked specifically about his 11 history with Orlando Law Group, his response has always 12 been that Jennifer Englert handled some estate work for 13 him prior to his being on the board.

14 Q What -- you said there's two contracts, that 15 Dave Gordon has a contract with the Orlando Law Group 16 for what?

17 A For representation in all matters regarding 18 the association.

19 Q With him and the Orlando Law Group only? 20 A Yes. Yes.

21 Q Have you seen this contract?

22 A Yes.

23 Q When have you seen it?

24 A I have a copy of it.

25 Q So are you talking about the HOA contract?

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1 A No, that's a separate contract.

2 Q Okay. I'll be asking you for that because 3 I've never seen it. Now Deb Lapin invoicing for a 4 vendor. How is -- first of all, how is that a conflict 5 of interest?

6 A Mr. Gordon's personal assistant was providing 7 invoices to the HOA on behalf of an HOA vendor who was 8 not registered with the HOA at the time, who did not 9 produce a business license under Mr.

Gordon's own vendor

10 policy, produced an insurance policy under a name 11 different
from the tax document provided.

12 Q Did they actually do the work that they were 13 paid for?

14 A I have no idea.

15 Q How is that a conflict of interest, what 16 you're telling me?

17 A A board member's personal assistant, being the 18 invoicing
person for an HOA vendor, where the vendor has 19 violated the
Association's vendor policy and the board 20 member did not
disclose to the membership that his 21 assistant was also the
invoicing person for this vendor. 22 Plus he used that vendor
personally. I'm sure he paid 23 them separately, but you know, I'd
don't know. That's 24 all -- that is all unseemly.

25 Q All right. You have no evidence that they

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1 were paid for work they didn't do, correct?

2 A I'm sorry, ask that again.

3 Q You have no evidence that this vendor got paid 4 for --
wrongfully paid -- paid for something they didn't 5 do, or
overpaid or anything like that, right?

6 A Correct. I do not know.

7 Q OK. The unknown person, the John Doe who's a 8
defendant, did you try to find out who they were? 9 A No.

10 Q Do you have any idea why there's an unknown 11
defendant at this point?

12 A No.

13 Q There were other board members during this 14 time

period that are not defendants in the case, right? 15 A
There were other board members during this 16 time that were
not defendants. I believe so. Yes. 17 Q Why were they not
sued?

18 A I don't know.

19 Q Did you have any say on who was sued in this 20 case?

21 A No. I expressed objections to a couple of 22 people
that were originally named, and Mr. Burtoff 23 removed
those.

24 Q Who were they?

25 A Bob Schoneman. And Mike McCauley.

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1 Q Mike McCauley is a defendant -- in the first 2 case.
You are aware of that, right?

3 A I thought he was taken off.

4 Q Okay. Anyone else you expressed an objection 5 to?

6 A Not that I can recall at this moment.

7 Q Why did you have an objection to Mike McCauley 8 being
included?

9 A I did not feel that he had been on the board 10 long
enough to have done any wrongdoing at the time. 11 Q Okay.
Would you agree that somebody would 12 actually need to
participate in board meetings in order 13 to be sued by
yourself?

14 A Yes.

15 Q Okay. Anybody else that you recall being 16
mentioned that you specifically vetoed?

17 A I do not recall at this time.

18 Q Okay. There -- was Jim Timko mentioned? 19 A I don't remember.

20 Q Okay. How about Sarah Crawford?

21 A I don't remember.

22 Q How far back does this lawsuit, like from what 23 years does this lawsuit cover, the allegations in here? 24 How far back do we go?

25 A I'm not sure. I don't know.

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1 Q Well, in your mind, when do the problems 2 begin, that made you want to file this case?

3 A Probably 2016.

4 Q The annual meeting that was held on October 5 22, 2019, you believe that there were -- how many people 6 do you think that were at that meeting?

7 A Oh gosh, 100 plus. I don't know.

8 Q Do you think there were over 200?

9 A Inclusive of proxies or in person?

10 Q Your complaint says that there were over 200 11 voting members at the meeting attending.

12 A That would have included proxies.

13 Q Do know if the Jane and Joe Doe were at the 14 meeting?

15 A I do not know.

16 Q Okay, Mr. Burtoff wasn't at the meeting, 17 right?

18 A I don't know.

19 Q You don't remember if he was there or not? 20 A I don't remember.

21 Q Okay. You believe that the HOA board members 22 were holdovers in the years that there were not an 23 election, correct?

24 A Correct.

25 Q Did you, since the DBR -- DBPR ruled that an

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1 election was not necessary, if there were -- as long as 2 you had the exact number of people running, that there 3 were the number of open seats. Did you agree with that? 4 A I don't think that's what they ruled.

5 MR. BERNSTEIN: Form.

6 Q What do you think they ruled?

7 A That if there were the same number of seats 8 available that there were candidates, you still had to 9 hold an election meeting and take nominations from the 10 floor.

11 Q Your initial belief was that if -- that 12 everybody was a holdover, if they weren't elected in an 13 official meeting with a quorum, correct?

14 A If they had served out their elected term, if 15 they had served out the three years in which they were 16 duly elected and there was not another election, then 17 yes, they would become holdover board members.

18 Q Okay. You will -- you -- in this complaint, 19 it says that they -- that the board members included at 20 least -- breached their fiduciary duty by a variety of 21 different things. The first one is an unapproved dock 22 project. So let's talk about the dock. Do you believe 23 that the HOA did not have to maintain the dock?

24 A No.

25 Q All right. Do you agree the dock had to be --

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1 go ahead.

2 A The HOA needed to be maintaining the dock. 3 Q Okay. Do you agree that the dock project was 4 delayed because of people, including Bruce Burtoff, 5 making complaints regarding it to different agencies 6 that were going to allow the permit to go through? 7 A I'm sorry. I don't understand the question. 8 Q Sure. Do you have any idea how long the dock 9 project was in process?

10 A No, I do not.

11 Q Okay. Do you have any knowledge regarding how 12 or why it might have been delayed?

13 A No, I do not.

14 Q Okay. Do you have any knowledge about the 15 price of lumber going up during the pandemic?

16 A Only what I've read in news stories.

17 Q Okay. So you have no idea regarding why the 18 dock project took as long as it did?

19 A Correct.

20 Q And you have no idea regarding why the price 21 of that might have gone up?

22 A Correct.

23 Q Have you seen the bids for the dock project? 24 A No.

25 Q Okay. Have -- you haven't taken the chance to

1 review them?

2 A I have not received them.

3 Q Is it your testimony that nobody has received 4 those
bids?

5 A That is not my testimony. I have not received 6 those
bids. I have not seen it.

7 Q You said that the board also allowed

8 unapproved management contracts. Tell me about that. 9
A Access management was hired without board 10 discussion,
without open discussion. And all of a 11 sudden, we were
just informed by Mr. Smith and Mr. 12 Gordon that we were
hiring this Access Management 13 Company to replace, I
believe it was Artemis at the 14 time.

15 Q Okay. You don't recall seeing the contract 16 before it
was signed, or any discussion about a 17 potential change in
management company when you were on 18 the board?

19 A There was a discussion in a closed board 20 meeting
that they were going to hire Access Management. 21 They
being Steve and Dave.

22 Q Do you remember John Dick being involved? 23 A I
remember a conversation with John Dick when 24 I said we had
to go out for bids. And John Dick said 25 that he had taken
the quote that they had from Access

1 Management, put it on an old RFP form. And if anybody 2
asked, they were just going to use that. But I don't 3
believe he was involved in the -- in interviewing or 4

investigation or search for, I don't know.

5 Q Okay. Do you know where Access Management 6 came from?

7 A I do not.

8 Q Now the landscaping project, do you take issue 9 with the landscaping that was redone at North Shore? 10 A What landscaping project?

11 Q It's in the lawsuit.

12 A I don't know.

13 Q What landscaping project do you take issue 14 with as a breach of fiduciary duty?

15 A I did not. That would not have been one of 16 the things I provided to Mr. Burtoff.

17 Q Okay. So do you have any issue with how the 18 board handled landscaping?

19 A I have not looked into it, so I can't tell you 20 whether I do or don't.

21 Q Okay. How about the dog park project? 22 A What about the dog park project?

23 Q That's also in the lawsuit as a reason why you 24 believe the board breached its fiduciary duty. So you 25 tell me.

1 A Again, I was not involved in that part of the 2 complaint.

3 Q Okay. Did you read this complaint before it 4 got filed?

5 A The first complaint? Yes.

6 Q Yeah. Did you agree with everything in here? 7 A I
agreed with the parts that I provided to Mr. 8 Burtoff.

9 Q Okay. And the only way we're going to be able 10 to see
that is by looking at the documents that you have 11 gathered
together, correct?

12 A Yes.

13 Q Okay. What issue do you take with how the 14 board
handled gate violations?

15 A What issue do I take?

16 Q Yeah.

17 A That they were putting up the same arms that 18 had been
knocked down, but charging people for a new 19 arm. That the
gates have malfunctioned frequently, that 20 there has -- I
just take a lot of issues with the gate 21 issues.

22 Q Did you watch any of the videos of people who 23 had
gate violations to see why they were being violated? 24 A
Yes.

25 Q How many?

1 A Five or six, probably.

2 Q Which ones?

3 A I don't remember.

4 Q When did you see them?

5 A I don't remember when. I went -- would go 6 down to the
office and ask to look at a particular one 7 that nobody knew
was mine. But when I saw it, I went 8 down to the office to
look, it was my guest. And I paid 9 for the damage to the car

that came in behind my guest 10 privately.

11 Q And who did you watch the videos with? 12 A Amber -- I
can't remember her last name. 13 Q Okay. Do you have any idea
what percentage of 14 the gate violations are commercial
vehicles as opposed 15 to people, either residents or guests
of residents? 16 A I do not.

17 Q Do you not recall having a discussion in board 18
meetings regarding how much the fines would be for 19 hitting
a gate arm?

20 A I do.

21 Q Do you remember them being being prorated? 22 A I do
not recall.

23 Q Okay. Do you remember the discussion where it 24 was
discussed that hits would weaken the hardware and 25 after a
hit or two, everything would need to be

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1 replaced?

2 A I do not recall that.

3 Q Okay. So do you believe that the association 4 should
not have been fining people who hit gates? 5 A That is not
what I believe.

6 Q Okay. Do you believe that doing -- fining 7 people for
hitting the gates would have been a breach of 8 the
fiduciary duty of the board members?

9 A It depends on the amount and whether a 10 replacement
had to be done or whether they put up the 11 old arm and
how much it was.

12 Q Okay. So how much do you think was

13 appropriate?

14 A I don't have a dollar amount, but if you put 15 up the same arm that just was knocked off, and you 16 charged somebody for a full new arm, I don't believe 17 that that is fair.

18 Q Okay. How did that damage the association? 19 A I don't have an answer for that question. 20 Q Okay. When did the association engage in 21 selective and basically retribution for over-citation of 22 members' homes for petty yard infractions?

23 A Ask that again, please?

24 Q Yes. Do you believe that the compliance 25 committee basically committed retribution on certain

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1 people for petty yard infractions?

2 A I don't think the word retribution fits in 3 there. Do I think that the compliance committee issued 4 petty infractions? Yes.

5 Q Okay. When you were on the ARB, did you think 6 that anything the ARB committee did was petty?

7 A Not in its decisions, no.

8 Q Okay. So do you believe that anything that 9 the ARB committee did while at least you were on it and 10 were able to go to all the hearings had any issue 11 whatsoever?

12 A I believe there were some things that the ARB 13 members discussed that may have been at odds, but they 14 always resolved the issues, but not in final policy or 15 determinations.

16 Q Okay. So did you take issue with the 17 compliance committee fines? Not any specific fines, 18 just the chart of fines that the community had. 19 A I'm sorry. Will you please ask that again? 20 Q Sure. You said you agreed that there were 21 some petty yard infractions in the community.

22 A Yeah.

23 Q So my question is is do you believe that a 24 chart of fines which were applied to the community, that 25 there was anything on there that was a petty yard

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1 infraction?

2 A Well, I would have to see what the infractions 3 were to remember whether I thought they were petty or 4 not.

5 Q Okay. So then off the top of your head as you 6 sit here today, what petty yard infractions did you not 7 agree with?

8 A I don't recall.

9 Q Okay. So when you -- when that was included 10 in the lawsuit, was that something that you wanted 11 included or was that something that was related to the 12 Jane and Joe Doe?

13 A I don't recall making that an issue, so I 14 don't believe it was me.

15 Q Okay. And as you sit here today, do you 16 remember any of your friends or neighbors, do you 17 believe had a petty yard infraction that they were fined 18 for?

19 A Yes. Oh, that they were fined for? No. 20 Q Okay. Who were -- when you said yes, who were 21 you thinking of?

Apparently they didn't have a fine, 22 but who were the individuals you were thinking of? 23 A My neighbors had moved in, and the first week 24 they lived here, they received a violation for their 25 grass. They were from overseas, and they didn't know

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1 how to deal with it. So they paid a lot of money to 2 have their entire yard resodded.

3 Q And who was that?

4 A That was Bruce and Shelly Zimmerman. And I 5 think violating someone the first week they live here 6 rather than a nice conversation about how to manage it 7 was pretty petty.

8 Q Okay. Was that worth filing a lawsuit over? 9 A Oh, no. That was way, way before. That was 10 in like 2006.

11 Q Oh, okay. So these people weren't even on the 12 board then?

13 A No.

14 Q Okay. So do you think that -- so basically 15 you're going way back -- strike that.

16 A You asked me a question. I answered it. 17 Q Yeah, yeah. No. I appreciate it. I 18 appreciate it. I appreciate the completeness. Do you 19 believe that the board failed to maintain the entryway 20 monuments?

21 A Entryway monuments? No. I don't know. That's 22 not part of what I provided.

23 Q Okay. How about the sprinkler system? 24 A I don't recall providing anything about the 25 sprinkler system.

1 Q Okay. Did you provide anything about the 2 dock?

3 A Did I provide anything what?

4 Q Well, I mean, there's many allegations in here 5
regarding the dock. Was that something that was a 6 concern
to you? Or was that something that was a 7 concern to the
Jane and Joe Doe plaintiffs?

8 A Oh, it was a concern to me because in the 9 board
meetings when they talked about the cost and then 10 they
talked about the cost going up again, and then it 11 went up
to like \$240,000 in one of the meetings that Mr. 12 Gordon
specifically stated, that put it at a dollar 13 amount that
required a membership vote.

14 Q Do you know how much the price ended up being? 15 A I do
not know.

16 Q Okay. Do you -- and you've already testified, 17 you
don't recall or you have no knowledge about why the 18 price
went up?

19 A Correct.

20 Q Okay. It says that the landscaping is in need 21 of up to
\$500,000 in repairs. Did that number come from 22 you?

23 A No.

24 Q In this lawsuit, the first one, how much money 25 were
you seeking for the association?

1 A I think it was around \$500,000.

2 Q How were those damages calculated?

3 A I'd have to look at my notes and go back and 4 look at
the lawsuit. I don't recall.

5 Q Okay. I mean, you already told me about the 6 self-
dealing contracts that you believe Dave Gordon had, 7 right,
just the two, right?

8 A I didn't call those self-dealing. I call them 9 conflict
of interest.

10 Q Okay. Well, in the complaint, it says that he 11
repeatedly engaged in clandestine and self-dealing 12
contracts with contractors and consultants. Did that 13 come
from you?

14 A That came from someone else. No.

15 Q Okay. What non-compliance of regulatory 16
requirements did the board engage in?

17 A Can you define that for me, please?

18 Q It's right in your complaint. So non 19
compliance of regulatory requirements.

20 A So off the top of my head, I can't think of 21 what that
would be. Again, I'd have to go back and look 22 at my notes.
I'm sorry. I'm going to turn the sound 23 off on my phone,
because it keeps beeping.

24 Q Okay.

25 A Okay.

1 Q Okay. The complaint also says that the budget 2
increased 35 percent year over year. What years did it 3

increase by 35 percent?

4 A That was not part of my input, so I don't 5 know.

6 Q Okay. Did you have any concern about budget 7
increases?

8 A Yes. I didn't --

9 Q But not enough to -- go ahead.

10 A I didn't provide any evidence to the budget. 11 Just
that the increases were bothersome to me.

12 Q Do you know how much the increases actually 13 were?

14 A I do not know. I know that for this year it 15 was
more than the statutorily allowed 15 percent. I 16 think it
was like 15.3 or 15 point something.

17 Q Okay. Do you have any knowledge about the 18 reserve
study that was done?

19 A Only the copy I received as a board member. 20 Q
Well, you weren't a board member when the 21 reserve study
was done? Correct?

22 A I was. There was a reserve study done while I 23 was a
board member, yes.

24 Q Okay. That's something -- in 2018, you 25 believe
there was a reserve study done?

1 A I don't know what year it was. I don't 2
remember.

3 Q Who --

4 A But I know that I was a board member when we 5
reviewed the last reserve study. Now what year that 6 was,

I don't know, but I got it when I was a board member for discussion by the board.

8 Q Okay. Is it your memory that that was a full reserve study or just basically an audit at the time?

11 A I believe it was the full reserve study. 12 Q Okay.

So that's just your recollection? 13 A Yes.

14 Q Okay. Did North Shore get audited every year? 15 A Every year?

16 Q Yeah.

17 A I do not know. I don't know.

18 Q Okay. So you don't recall that North Shore got audited, a full audit every year?

20 A I don't recall.

21 Q Okay. So in here, in this complaint where it says there was no oversight of the homeowner's million dollar budget, do you believe that's true?

24 A I don't know. Those are not my words. 25 Q Okay. Do you believe that the board diverted

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1 hundreds of thousands of dollars on wasteful projects? 2

A My personal opinion, yes.

3 Q Which ones?

4 A Well, the dock, for one. That would be the most recent that I can think of. I can't think of specifics for other projects.

7 Q What was wasteful about the dock?

8 A I believe that the stained glass gate was 9

wasteful and unnecessary.

10 Q Stained glass, did you say?

11 A Whatever that Heron design, fancy gate that 12 they put on the dock is.

13 Q Okay.

14 A I've only seen pictures of it. I was not part 15 of the group that investigated that. So the big deal to 16 me on -- the big waste to me on that was the gate. 17 Q Okay. Do you have any idea what that gate 18 cost?

19 A Nope.

20 Q Okay. And you haven't even gone down to look 21 at at the dock that you've made these allegations about? 22 A I went to the dock one time in 18 years. 23 Q Okay. Do you believe that the sprinklers in 24 the association needed to be repaired?

25 A I have no idea.

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1 Q Okay. So nothing about the sprinklers would 2 be something that came from you?

3 A Correct.

4 Q How about remedial COVID protections for the 5 pool and gym? Do you believe that that was wasteful? 6 A I don't even know what those are.

7 Q Okay. So you don't have any evidence that the 8 board spent 100,000 to 300,000 on COVID protections? 9 A Correct. I don't.

10 Q Okay. Do you have any evidence that they 11 spent over \$40,000 on pillar repairs?

12 A I do not.

13 Q Okay. Do you have any recollection of how 14 much the
landscaping contract was for the board each 15 year?

16 A I do not. I'd have to look at the old 17
budgets.

18 Q Okay. Do you agree that -- okay, strike that. 19
Whatever year there was, what you believe was a reserves 20
study, do you agree that more money needed to be put in 21
reserves?

22 A I don't recall.

23 Q Okay. Would you agree that expenses are going 24 up for
things?

25 A I have no idea.

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1 Q Okay. We touched on this, but I just want to 2 make sure. Do
you have any specific thing that you can 3 say now regarding the
South Florida Water Management 4 District and the board mishandling
anything?

5 A No.

6 Q Is there anything in your notes about that, 7 and you just
might not recall it? Or is that just a 8 non-issue for you?

9 A Oh, it's not a non-issue for me, but I wasn't 10 involved in
any of that. So other than my listening to 11 Mr. Gordon talk about
it, the board talk about it, 12 people in the community talking
about it, I don't have 13 any firsthand knowledge.

14 Q Okay. And who was involved in getting 15 information regarding
that or anything else that you 16 weren't involved? You just told
me a bunch of stuff you 17 weren't involved in. Who was?

18 A Regarding what, the South Florida Water 19 Management District thing?

20 Q Yeah. Let's start with that one.

21 A Well, I know Mr. Gordon was.

22 Q No, people who helped compile information for 23 this lawsuit.

24 A Oh, I don't know.

25 Q Did you have any discomfort putting your name

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1 on a lawsuit you don't know where all the information 2 came from?

3 A Apparently not.

4 Q Okay. The CAM who worked and oversaw some 5 projects from Executive Management, an advisory service, 6 LLC, do you know who that is?

7 A I'm sorry. What?

8 Q All right, in your complaint, there's

9 somebody, an executive management and advisory service 10 who was paid by the association for about six months. Do 11 you remember?

Do you know anything about that? 12 A Only that it was announced that the board had 13 hired an executive manager, and I thought that was a 14 waste of money.

15 Q Okay. Did you realize that she was a 16 community association manager?

17 A She? I thought it was a guy. Wait, are you 18 -- clearly I'm not understanding who you're talking 19 about.

20 Q Yeah. I mean, I think it's misnamed in the 21 lawsuit. I think that's the problem. There's a name, 22 John Daley, in here. Is that

the person that you're 23 thinking of?

24 A Yes.

25 Q Okay. That's not actually the person who was

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1 hired. Carla Daley, do you remember her?

2 A Nope. Never met her. I remember Mr. Gordon 3 announcing
hiring John Daley as an executive manager. 4 Q Do you not
recall Carla Daley participating in 5 board meetings and
talking about the landscaping project 6 and other things
which she did in open board meetings? 7 A Not when I was on
the board.

8 Q That you would've attended as an attendee 9 after
you were on the board.

10 A I do not recall that.

11 Q Okay. Do you recall attending the budget 12 meeting
where she also spoke?

13 A I have not attended a budget meeting. 14 Q Okay. How
about -- and I'm talking about the 15 open --

16 A I'm sorry. I have not attended a budget 17 meeting
since I was on the board.

18 Q So the open meetings that were open to 19
homeowners, you did not attend regarding the budget? 20 A
Correct.

21 Q Okay. Do you have any evidence of actually 22
commingling of expenses for board members between the 23
board and member individually in the HOA?

24 A I'm not sure I understand the question. 25 Q

Okay. In the suit it says there was

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1 commingling of expenses between board members and the 2
HOA. What evidence do you have of that?

3 A I don't believe I provided that information. 4 Q Okay.
So do you personally have any
5 information regarding that?

6 A No.

7 Q Where did Mr. Gordon on at least one occasion 8
instruct an ARB request to be squashed?

9 A I am not aware of that.

10 Q Okay. And you already testified that while 11 you
were the ARB liaison, nothing untoward happened, 12 right?

13 A Not that I can recall.

14 Q Do you have any problem with board members 15 being
involved in the compliance process?

16 A Yes.

17 Q How so?

18 A I'd have to look it up, but I believe that the 19
statute says that board members nor their families nor 20
any, you know, household person is allowed to conduct 21
compliance inspections, but I'd have to look that up 22
again.

23 Q So you took issue with a board member being 24
involved in any inspection, even if it was done by the 25
CAM?

1 A Again, I have to look up the wording, but 2
specifically board member.

3 Q Are you aware of any board member who went out 4 without
either a compliance committee member or a member 5 of the
management company to do inspections?

6 A Yeah. Prior to my knowledge or understanding 7 of the
statute at Mr. Gordon's instruction, I did. 8 Q When?

9 A I don't remember. It had to been in '17, '18 10 or
early '19 of the Galeno property on Hart Branch 11 Circle.

12 Q Were there times when the board went out to 13
investigate a potential variance that they were going to 14
be asked to make?

15 A Not that I'm aware of.

16 Q You don't remember ever being asked to 17
potentially give a variance?

18 A I don't recall. It's possible. I don't 19 recall.

20 Q Okay. Why did you say that Dave Bauer was 21
beholden to Dave Gordon?

22 A I don't believe I said that.

23 Q Okay. So it says that in this complaint, but 24 that
didn't come from you?

25 A No.

1 Q Do you believe that Dave Bauer got some sort 2 of
benefit from being the chair of the compliance 3 committee
and volunteering so many hours of his time 4 while he and
his wife had cancer?

5 MR. BERNSTEIN: Object to the form.

6 A No.

7 Q Do you think Mr. Bauer benefited from being 8 the
chair of the compliance committee?

9 A I'm sorry. I said no.

10 Q Okay. Thanks. Did you think the gate 11
violations themselves were harassment?

12 A No.

13 Q Okay. Do you believe that the value of 14 properties
in North Shore have been diminished as a 15 result of the
issues that we've talked about so far in 16 your
deposition?

17 A The values? No.

18 Q Okay. So in this complaint, it says that the 19 real
property values have been diminished in excess of 20 \$5
million. Do you have any idea where that number came 21 from?

22 A No.

23 Q Have property values in North Shore been going 24 up the
past couple years?

25 A I do not know.

1 Q So the -- the damage figuring in here of \$6.2 2 million in this
lawsuit, do you have any idea where that 3 came from?

4 A It's not that total amount. No.

5 Q Okay. You told me you thought about half a 6 million?

7 A I believe that what I provided toward the 8 lawsuit came to
about 500,000, yes.

9 Q Okay. And how was the breakdown of that 10 500,000?

11 A I'd have to go back and look at my notes. I 12 don't recall.

13 Q Do you recall any of the things that even went 14 into the
budget?

15 A I do not. I'm sorry. I'd have to look at 16 notes.

17 Q Okay. So the people who were sued, the 18 defendants in this
lawsuit, including John Dick, Steve 19 Smith, and Dave Gordon, do
you believe that they 20 violated their duties the entirety of the
time they were 21 on the board?

22 A The entirety of the time they were on the 23 board?

24 Q Yes.

25 A I don't know how to answer that. I don't

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1 believe that every single thing they did was a
2 violation. I believe that -- I believe that the -- I 3
don't know how to answer that.

4 Q Okay. Well, what is --

5 A Not every single thing they did was a
6 violation, no.

7 Q What time period does this complaint cover? 8 Maybe
that's -- that's probably a better question. 9 A I guess my
personal suspicions and starting to 10 ask questions started
probably in early 2019.

11 Q Okay. Do you have any issue regarding -- 12 strike that.

There's allegations in here that people 13 were fined for compliance value violations so that they 14 could not vote. Do you have any person that you can say 15 received a compliance violation and then was not able to 16 vote?

17 A Compliance violation? No.

18 Q Okay. Okay. And so for the year of 2020, 19 basically 2019, 2020, do you have any evidence that tens 20 or scores of homeowners had their voting rights 21 impaired?

22 A I'm sorry. Ask that one more time.

23 Q Okay. And I'm just reading it verbatim. I 24 wouldn't have probably written it like this.

25 A Okay.

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1 Q Tens or scores of homeowners have had their 2 voting rights impaired.

3 A I believe that's true.

4 Q How so?

5 A Well, I know, for example, that bylaws that 6 were passed improperly preclude me from running for the 7 board. I know that under -- I know that it appeared 8 that a lot of fines were issued in a very short period 9 of time from what I saw on social media, that people 10 were receiving fines right and left just before the 11 election. And if you have an outstanding fine, you 12 can't vote. It just seemed -- again, it appeared that 13 there was a lot of activity at a time right before an 14 election that would've precluded people from voting. 15 Q Do you know any person -- actually the name of 16 anyone who was precluded

from voting because of a fine? 17 A Fine. I personally do not.

18 Q Okay. And then you said that the bylaws were 19 passed improperly so that you're not able to run that. 20 Isn't really part of the question, but I do want to talk 21 about it. Why were the bylaws done improperly, in your 22 opinion?

23 A The bylaws were changed without proper 24 notification, dissemination to the membership, open 25 meetings for discussion. All of a sudden, we just were

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1 informed the bylaws had been changed and recorded. 2 Q You don't recall that the bylaws of North 3 Shore allowed the board to change the bylaws in that 4 manner?

5 A I know that the bylaws are allowed to be 6 changed by the board, but under Florida statute, there's 7 a certain process that they had to follow that they did 8 not. And do I know it off the top of my head? No. I 9 would have to go back and look at the statutes.

10 Q Okay. Are you aware that the bylaws also 11 allowed the board members to replace a board member when 12 they resign or leave, for whatever reason?

13 A I, under legal counsel, would disagree with 14 that.

15 Q Okay. Are you paying Mr. Bertholf by the 16 hour?

17 A No.

18 Q Is it a contingency fee matter?

19 A No.

20 Q How is he being compensated?

21 A Retainer? I don't know. I don't know how it 22 is

dwindling down at this point.

23 Q Are you solely responsible now that the other 24 two
plaintiffs are not plaintiffs any longer?

25 A I presume so.

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1 Q Okay. But is he billing by the hour then? 2 A I have
not received any other bills.

3 Q But that's your understanding of what's 4
happening?

5 A Yes.

6 Q Okay. Now we're going to talk about the 7 amended
complaint where you are the only plaintiff, 8 okay?

9 A Okay.

10 Q Why was Steve Smith dropped?

11 A He should not have been. I have to look. 12 Q So do you
know who the defendants are anymore 13 on this lawsuit?

14 A I would be the only -- oh, wait the defendant. 15 I have
not --- I'm sorry. I have not read the amended 16 complaint,
so no, I do not know.

17 Q So you allowed your name to be on a complaint 18 and
you didn't read it?

19 A It's an amended complaint, correct?

20 Q Yeah. Uh-huh.

21 A No, I have not read it yet.

22 Q Okay. The defendants now, the only board 23 members that
are left are Dave Gordon and John Dick. Why 24 is only Dave
Gordon and John Dick the defendants for 25 board members?

1 A I have not had a chance to discuss any of this 2 with
Mr. Burtoff. I don't know.

3 Q So was this done without your consent? 4 A No.

5 Q Okay. So you either would know about it, or 6 you
wouldn't know about it. So did you know that 7 everybody
was being dropped except for Dave Gordon and 8 John Dick?

9 A No.

10 Q Okay. So then it was done without your 11
consent?

12 A No.

13 Q How could it be done with your consent, yet 14 you
say say you don't know about it?

15 A Mr. Burtoff called me, said he needed to file 16 an
amended complaint and was I

17 MR. BERNSTEIN: I don't want you to di --- 18 Lynn, do
not disclose any conversations --

19 MS. ENGLERT: Yeah, Billy, I mean, I know we're 20 -- you
don't have to tell me what he said to you, 21 and I really
don't want to know that. So I just -- 22 suffice it to say
that.

23 BY MS. ENGLERT:

24 Q Well, is today the first time you're finding 25 out
that the only board members who are defendants are

1 Dave Gordon and John Dick?

2 A Yes.

3 Q Okay. So did you agree -- so sitting here 4 today, do
you agree that Steve Smith should have been 5 dropped?

6 A No.

7 Q How about Mike McCauley?

8 A Yes.

9 Q How about Randolph Pinna?

10 A Yes.

11 Q How about Rob Taub?

12 A I don't know.

13 Q Why don't you know?

14 A Mr. Taub has been on the board long enough now 15 to
have taken actions or prevented actions. So I -- 16 until I
know what he has or has not done, I don't know 17 that he
should or should not have been dropped. 18 Q Okay. So it was
kind of -- it's your opinion 19 that you're kind of guilty
until proven innocent? 20 A No.

21 Q But you, as you sit here today, do you know 22 that
Rob Taub did anything that is a violation of any 23
fiduciary duty or anything that should have him be a 24
defendant in this lawsuit?

25 A Yes.

1 Q And what would that be?

2 A I don't know how to put it into words. 3 Behaviors and actions
that he has taken as a board 4 member, of which I am aware? That I
can't specify 5 without going back to notes and looking. But if he

was 6 dropped, I was not aware of that. Should he have been? 7

Again, I don't know. I'd have to go look.

8 Q Okay. How about Burt Pearsall? Do you agree 9 that he should have been dropped?

10 A Yes.

11 Q How about Dave Bauer?

12 A Yes.

13 Q There's no more --

14 A I'm sorry. I'm sorry. Back up. No, Dave 15 Bauer should not have been dropped.

16 Q Okay. But you've already told me everything 17 that you could think of that you believe that he might 18 have done wrong, that would require him to be included 19 in this lawsuit, right?

20 A Yes.

21 Q Okay. How about John Doe? That first, that 22 got dropped. So do you feel that everybody -- or are 23 there some other people that you think still should be 24 included in this lawsuit?

25 A Other than Steve Smith, not with certainty.

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1 Q Okay. So in regards to any of the allegations 2 that are in this new complaint, since you haven't read 3 it, you don't know whether they're valid or not, right? 4 A I don't know that, correct.

5 Q Is there a reason you didn't read it before 6 you allowed it to be filed?

7 A I did not have time.

8 Q Why haven't you read it since it was filed? 9 A I

have not had time.

10 Q Have you told me all of the knowledge that you 11 have regarding any improper personal benefit that any of 12 the board members have received?

13 A I don't believe I've talked about any personal 14 benefit. I don't -- I don't have evidence to personal 15 benefit.

16 Q Okay. So you do not have any evidence of any 17 personal benefit that a board member has received? 18 A By my definition of personal benefit, no. 19 Q Have you -- how do you define personal 20 benefit?

21 A Receiving favors or compensation in exchange 22 for something.

23 Q Okay. How -- do you recall from your time on 24 the board how checks were signed for expenses of the 25 association?

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1 A I do not.

2 Q Do you believe that checks were signed by 3 board members?

4 A I believe it's possible. Yes.

5 Q Was it your recollection that the community 6 association management company paid all the bills of the 7 association?

8 A I'm sorry, ask that again, please.

9 Q Yeah. Was it your recollection that the 10 community association management company provided -- 11 that they paid all the bills, basically?

12 A I would say the great majority, yes. I 13 believe that there were some checks that were, or could 14 be, signed separately by one of the board members or 15 however it was set up, separately from the association 16 management company. But I believe the management 17 company paid the lion's share of the bills. Yes. 18 Q Okay. So can you say, as you sit here today, 19 for sure that checks could be signed separately by board 20 members, not through the association management company, 21 or you just think that that's possible?

22 A No, I can say that with certainty.

23 Q Okay. So how many times did that happen while 24 you were on the board?

25 A Oh, I don't know.

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1 Q Do you have any instance that you can say for 2 sure where that occurred?

3 A I can't. I recall Mr. Gordon or Mr. Smith, 4 and I don't recall who, talking about they could sign a 5 check or Lisa could bring a check down for them to sign. 6 And I don't remember what it was for or why, but I do 7 remember that I was kind of surprised that, you know, 8 that we could in fact sign checks to pay for stuff. 9 Q Okay. But still, the check had to come from 10 the manager, correct?

11 A From what?

12 Q From the community association manager. 13 A I don't know. I presume.

14 Q How many years did the association negligently 15 fail to

oversee and properly conduct annual meetings and 16 elections?

17 A Well, at least since 2016, that I can think 18 of.

19 Q How about -- how many years did the

20 association negligently fail to oversee and properly

21 conduct budgeting?

22 A I don't recall.

23 Q How about -- how many years did they fail to 24

oversee and properly conduct daily operations and 25

maintenance?

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1 A Not sure I understand that question. How many 2 years? I
don't think it's a matter of years. I think 3 it's a matter
of incidents.

4 Q Okay. What incidents can you recall where the 5
association negligently failed to oversee and conduct 6 the
daily operations and maintenance of the association? 7 A
With maintenance, the sidewalks and the dock 8 are the two
issues that come to mind.

9 Q Do you believe that the community association 10
management company had any responsibility for that? 11 A I'm
sorry. Will you ask that again?

12 Q Sure.

13 A Do I believe --

14 Q That the community association management 15 company
had any responsibility for overseeing the daily 16
operations and maintenance of the association?

17 A Yes.

18 Q So what part did the community association 19

manager have in problems relating to the daily

20 operations or maintenance of the association?

21 A Well, daily operations would be just what 22 daily
operations are. Addressing members who come in to 23 ask
questions or need something. You know, daily 24 operations is
daily operations. Maintenance -- I know 25 that the
association manager -- I wouldn't call them

1 IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT

2 IN AND FOR ORANGE COUNTY, FLORIDA

3 CASE NO.: 2019-CA-013714-O

4

5 NORTH SHORE AT LAKE HART

6 HOMEOWNERS' ASSOCIATION, INC.,

7 PLAINTIFF,

8

9 VS.

10

11 LISA MASON AND LYNN SANDFORD,

12 DEFENDANTS.

13 _____/

14 VIDEOCONFERENCE DEPOSITION OF LYNN SANDFORD - VOLUME II 15

DATE: JANUARY 20, 2022

16 REPORTER: MICHELLE VASQUEZ

17 PLACE: ALL PARTIES APPEARED VIA VIDEOCONFERENCE 18

19

20

21

22

23

24

25



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2

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10 1 - Facebook post and comments 223 11 2 - Copy of
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1 (Proceedings continued from Volume I.)

2 COURT REPORTER: All right, back on the record. 3 BY MS.

ENGLERT:

4 Q Okay, this first page, it's up on the screen 5 but I believe you have it as well. It's

6 electnewhoaboardagain@gmail.com. We talked about it a 7 little bit earlier. Does this help refresh your 8 recollection regarding this e-mail address?

9 A It does not, I'm sorry. I don't recall that 10 address.

11 Q Okay, do you have -- do you recognize this e 12 mail at all?

13 A Yes.

14 Q Okay. Who put this e-mail together?

15 A The core team discussed it and came up with 16 this collaborative effort.

17 Q And again, just for clarity, that core team is 18 the people that we've already talked about a couple 19 different times?

20 A Yes, Dr. Mathison, Kurt Kuhl --

21 Q Kurt Kuhl.

22 A Kelly Clavijo, Tom Garland, and myself. 23 Q Okay.

The document that is attached, that 24 starts, "Dear neighbor" --

25 A Okay.



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1 Q Do you want to take a look at that? Because 2 I'm going to ask you some questions about it.

3 A Yeah, so let me read it. Hold on.

4 Q Sure. It's pretty long. You do not have to 5 read it all, but I can -- if that's what you would like 6 to do.

7 A Yeah, I would only because I need to refresh 8 my memory with it, so please.

9 Q Okay.

10 A Can you scroll a little bit for me? I don't 11 have one.

12 Q Oh, I -- oh, I -- you don't have it in front 13 of you?

14 A No. You sent it to Matt, right?

15 MS. ENGLERT: Yeah, could you send it to her, 16 it's six pages --

17 MR. BERNSTEIN: Yes, and I'm just --

18 MS. ENGLERT: -- long.

19 MR. BERNSTEIN: I -- you actually just sent me 20 back what I published to you before. You didn't 21 send me that.

22 MS. ENGLERT: No, it's -- if you click on the 23 link, it's two different things.

24 MR. BERNSTEIN: Oh, maybe I'm -- hold on. 25 MS. ENGLERT: Yeah, if you click on the link,



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1 there's two. One is --

2 MR. BERNSTEIN: I -- yeah. Okay. That was my 3 bad. I just --

4 MS. ENGLERT: Yeah, no problem.

5 MR. BERNSTEIN: -- opened the attachment in 6 time. Yeah.

7 MS. ENGLERT: Yeah. It's six pages long, so 8 scrolling is not -- I mean, we could do it that way, 9 but it would probably be much easier.

10 THE WITNESS: Okay. Hold on for me. Let me 11 know when you've sent it, Matt.

12 MR. BERNSTEIN: Yeah, will do.

13 COURT REPORTER: Would you like me to go off 14 record momentarily?

15 MR. BERNSTEIN: No, it's okay. I just sent 16 those to her, so Lynn, you should have those. 17 THE WITNESS: Okay. Hold on. Let me go do a 18 refresh and see if I can make it come in sooner. 19 There we go. It just came in. Hold on. Ooh, 20 that's teeny tiny. Okay. I have it now.

21 BY MS. ENGLERT:

22 Q Okay. Do you want to scroll through it and 23 read it or you want me to just start asking questions? 24 A Hold on, give me just a second. I'm on the 25 one that was apparently the attachment.



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1 Q Yes.

2 A All right. Hold on just a second.

3 Q Yeah, no problem.

4 A Okay.

5 Q All right. I can start asking questions about 6 it?

7 A Yes, ma'am.

8 Q Okay. Is this the fact sheet that you 9 referred to?

10 A No.

11 Q Okay. How did this document get put together? 12 A I know we

discussed it with the core team. I 13 believe I drafted the body,
and I believe other -- and I 14 don't know who, but I believe the
other core team 15 members put the bullets together. I'm just
looking 16 through the bullets. Hold on. Yeah, I did not -- I beg
17 your pardon. I did not put the bullets together. I'm 18 sorry.
All of a sudden I have hiccups.

19 Q Whose computer was this typed on?

20 A I don't know. Well, the base letter from the 21 "Dear
neighbor" down to the starting of the list, I know 22 that I
drafted the initial draft and sent it to the core 23 team.

24 Q Okay.

25 A I don't know who did the rest of it. And I



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1 don't know if it was one person or if it was a
2 collaboration of the other core team members. Yeah. 3
That's lengthy.

4 Q And you have no idea who sent out the e-mail? 5 A I
don't know who's in control of that e-mail 6 address.

7 Q Who would know?

8 A I guess the person who owns it. I don't know. 9 Q What
e-mail addresses was this e-mail sent to? 10 A I don't know.

11 Q Did you compile a list of e-mail addresses 12 that
you were using?

13 A The only e-mail address -- the only e-mail 14 addresses
I had were from the directory in the North 15 Shore website,
and then any that I had just because they 16 live here and
they're friends.

17 Q Did you share that list with other people? 18 A I don't recall.

19 Q Did you share the text message -- the text 20 numbers that you got together with other people? 21 A Did I share the phone numbers?

22 Q Yeah. The 30 to 50 phone numbers you put 23 together?

24 A No. No, I would not have shared that. 25 Q Okay. How about the addresses? Did you share



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1 the list of addresses with anyone besides MBI?

2 A Yes. When I -- when we were preparing the 3 tracking sheet for who had signed recalls, I shared that 4 with the other core team and I believe they probably 5 shared it with street captains, but I don't know that. 6 Q Okay. So there was a check off sheet that you 7 had somewhere?

8 A Yes, so that we could keep count.

9 Q Do you have those?

10 A Yes.

11 Q Okay. Is that on the thumb drive or you have 12 the actual hard copies?

13 A There's no hard copy of the tracking sheet. I 14 have all of the original recall petitions. And then the 15 tracking is on the thumb drive for the recall.

16 Q You have the original -- you have copies of 17 the originals?

18 A No, I have the original recall ballot. 19 Q You mean from the first one that was done 20 improperly?

21 A Yes. I'm pretty sure I have those as well. 22 Q Okay.

The original ones didn't get sent on as 23 part of the package?

24 A Correct. They -- I just -- I have not 25 destroyed them. I don't know if you're allowed to or



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1 not, so I didn't, but they're in a separate folder from 2 the recall ballots that were used for the petition 3 submission.

4 Q Okay. So do you have checkoff sheets that are 5 physically on pieces of paper for the recall?

6 A No, it's electronic only. It's an Excel 7 spreadsheet.

8 Q Okay. And it's on your thumb drive?

9 A Yes, ma'am.

10 Q Okay. Did Lisa Mason or any CAM provide any 11 information for this letter with your neighbor? 12 A Not to me.

13 Q You said something earlier about Tracy Durham 14 providing you some information that helped you kind of 15 compile your thoughts about what went on in the 16 association. What information did she provide to you? 17 A It was just a conversation that she felt that 18 they were being micromanaged.

19 Q Okay. So it was about micromanaging, nothing 20 else?

21 A Correct.

22 Q Was John Baker ever part of the core team? 23 A Yes. Yes. Before he moved out of the 24 community, yes.

25 Q Okay. So what part of all of this helped you?



1 A I'm sorry?

2 Q What part did John Baker help you with, of all 3 the
stuff we've gone through?

4 A I don't recall. Nothing jumps out that's 5 specific.
Different people had different pieces. We 6 all just kind of
shared them together. John was really 7 more instrumental in
providing initial guidance, 8 procedural guidance,
historical guidance. John and I 9 really had lived here the
longest, so from an historical

10 perspective, you know, just verbally sharing with the 11
group how things had been through the history of the 12
community and that kind of thing. John helped me a lot 13
with the history of the board seats. He and I reviewed 14
that document a lot, that I had put together.

15 Q All right. So this letter, is there anything 16 -- well,
do you need to take a look at it to say whether 17 there's
anything in here that you do not agree with? 18 A I'm sorry.
Is that a question? What did you 19 just say?

20 Q Is there anything in this letter that you do 21 not
agree with?

22 A I would have to really go at it line by line. 23 I'm
sorry.

24 Q All right. Well, I'm going to ask you a bunch 25 of
questions about it, so we'll have our chance. The



1 meeting -- the town hall meeting that took place that's 2
mentioned here. How do you know the questions weren't 3 addressed
that were asked?

4 A Because you said so at the end of the meeting, 5 that we
couldn't get to all of the questions.

6 Q Were there some that needed some additional 7 looking into?

8 A My understanding from comments on social media 9 were that
people had submitted questions that did not 10 get answered.

11 Q So you believe everything that's on social 12 media?

13 A Not everything. I believe that.

14 Q Okay. How do you know what to believe and 15 what not to
believe?

16 A When someone says, "I asked a question that 17 did not get
answered," I believe them. If somebody is 18 speculating, then it's
speculation.

19 Q The fifth paragraph says your fellow residents 20 have been
researching and documentation is in hand. 21 Which fellow
residents?

22 A The core team.

23 Q Okay. And then -- well, was John Baker part 24 of that core
team?

25 A I don't remember when John moved out. I



1 really don't remember when he moved out, so I don't 2
remember if he was part of this or -- well, wait a 3
second. Let's think it through. So this October 7th, 4 was
that 2019?

5 Q Yes.

6 A So the town hall was before the October 22nd 7
meeting, correct?

8 Q We're talking -- the town hall meeting was 9 October
7th.

10 A Right, which was before the October 22nd 11
election meeting. Am I correct?

12 Q Yes.

13 A Okay. So John Baker was a part of the core 14 team at
that time.

15 Q Okay. And he continued -- didn't he continue 16 to comment
on social media and make his own posts, even 17 after he moved
out of that community?

18 A Yes.

19 Q What's the documentation that was in hand? 20 A I
believe that that's referring to the 21 financial reports
that had been requested, like I know 22 that a couple of
people on the core team had made formal 23 records requests.
I made a formal records request for 24 financial statements.
And since I'm not remembering 25 what questions were not
answered, I know that in that



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1 discussion, in preparing this, different people had 2
different documentation.

3 Q Okay. Let's go under management companies. 4 The first
bullet point says, "Mr. Gordon made a comment 5 at a public
board meeting that the prior management 6 company was going
down the tubes." So was it discussed 7 or was it not
discussed in board meetings, the problems 8 with Artemis
and Aegis?

9 A I don't -- I don't have a specific
10 recollection of a board meeting where we discussed 11
specific issues. And I didn't write this sentence, so I 12
don't know who made this code or what it was about. 13 Q
Okay. And you already testified that you 14 didn't remember
when either Dave Berman or Domingo 15 Sanchez came in and
talked about the problems with 16 Access and Artemis, right?

17 A See, you're using the word problems. I 18 remember
them coming in and discussing the merger and 19 the
growing pains of a merger. I don't remember the 20 word
problems.

21 Q Was -- for bullet point number 4, was the 22 second CAM
-- it's -- I don't really understand what 23 this is
referring to, but was a second cam ever hired at 24 North
Shore?

25 A I believe that refers to Tracy.



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1 Q Do you believe that she was hired as a full 2 time
person with full benefits?

3 A Do I believe she was hired -- do I believe 4 Tracy
was hired as a full-time employee with full 5 benefits?
Yes.

6 Q How long did she work there?

7 A I don't recall.

8 Q Was she replaced?

9 A Was Tracy replaced? I don't recall. I was 10 not on the board when she left.

11 Q All right. Do you remember there being two 12 CAMs after Tracy didn't work there any longer?

13 A I do not recall.

14 Q Okay.

15 A I have not been to the office since before 16 Tracy left.

17 Q Okay. If you'll -- the second page, five 18 bullet points down.

19 A Which one?

20 Q It's -- so the second page of this letter, 21 five bullet points down, it says the board has 22 disparaged former CAM.

23 A Yes.

24 Q It says that all the meeting minutes were 25 available, right.

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1 A That's what it says.

2 Q Is that your recollection or was that not your 3 recollection?

4 A That's not my writing. I don't know.

5 Q I'm asking what your recollection was. 6 A Oh. Says, "minutes of the ARB and other 7 committees were available on community website and/or 8 available to members who requested them." But that's 9 only referring to ARB and other committees, not to board

10 meetings.

11 Q Well, the first line is about meeting minutes. 12 A Right. But then the second sentence only 13 refers to minutes of ARB and other committees.

14 Q Do you have any idea where any of these people 15 got any of the information in this letter?

16 A No.

17 Q Did anybody make sure that what's in this 18 letter was correct?

19 A I don't know how to answer that. I did not. 20 Q Was it anyone's job that you were aware of, to 21 make sure that everything in this letter was correct? 22 A I am not aware.

23 Q Do you think that's a problem?

24 A I don't know.

25 Q Do you believe that the 2019 budget was not

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1 put together by the budget committee?

2 A Do I believe that? Yes. I believe that. 3 Q Based upon what?

4 A Mr. Smith didn't even know who was on the 5 finance committee, which he admitted at the town hall to 6 the community at large.

7 Q Was that said in the context, because there 8 hadn't been a new -- a recent meeting. Anybody could or 9 could not be on it anymore?

10 A I have no idea why he said it.

11 Q Do you -- but that's enough of a basis for you 12 to

believe that the budget was completely put together 13 by him?

14 A Yes.

15 Q Did you -- do you know the people who have 16 been historically on the finance committee?

17 A I know some. I don't know all.

18 Q Did you ask any of the ones that you knew 19 whether there had been -- whether they helped put 20 together the budget for 2019?

21 A I did not.

22 Q Why not?

23 A I wasn't involved in that part of this. 24 Q But you've testified a lot today about how you 25 had problems with the financial documents. So based

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1 upon that, you didn't make an effort to find out how 2 budgeting was done and whether Steve Smith did this all 3 on his own?

4 A I didn't get that far in my investigation 5 before everything started -- I don't know what the right 6 word for it is. Become challenging or I was removed 7 from the board, or you know, so, no.

8 Q The landscape contract that was redone. Do 9 you have any personal evidence that bids were not taken 10 for it?

11 A Well, it'd be more of a lack of evidence, is I 12 never received any document that showed bids were 13 received from X, Y, and Z or -- I don't recall bids 14 being discussed in a board meeting.

15 Q Just because you don't recall it doesn't mean 16 it didn't happen, right?

17 A I don't have an answer for that.

18 Q Okay. And you said you had no recollection of 19 Carla Daley ever discussing the landscaping project or 20 the people who came out and bid, or them going around 21 the community on golf carts looking or any of that, 22 right?

23 A I have no recollection of ever being in the 24 presence or in a meeting with Carla Daley.

25 Q Okay. Does that mean it didn't happen?

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1 A To the best of my recollection, it did not 2 happen.

3 Q But just because you can't remember it doesn't 4 mean it didn't happen, correct?

5 A I don't believe she was a whatever she was 6 while I was a board member. And I did not attend any 7 board meetings after I was not a board member.

8 Q Why didn't you?

9 A I don't know.

10 Q Why haven't you attended board meetings since 11 you were no longer on the board?

12 A I just have not. I don't have a reason. 13 Q Do people from the core team attend and then 14 share notes about what occurred?

15 A Sometimes. Not every time.

16 Q Did any lawyer help prepare this letter? 17 A Not that I'm aware of.

18 Q Okay. There's some discussion in there about 19 SLAPP suits and Florida statute 720.304. Do you know 20 who put

together all of the information regarding laws 21 and whether laws were violated?

22 A I'm sorry, can you point to that in here for 23 me?

24 Q It's on -- I think it's the fourth page of the 25 letter, toward the bottom. It talks about SLAPP actions

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1 and Florida statute 720.304.

2 A Hold on, please. Oh, legal services. Legal 3 services? No.

4 Q Sorry. No, the next page, all the way at the 5 bottom.

6 A The next page after legal services?

7 Q Correct.

8 A Okay. Hold on. Amenities --

9 Q It's before amenities, the paragraph before. 10 A Okay, hold on. Ah, there, I see it. Okay. 11 "These cases were filed by Ms. Ingram on behalf of the 12 HOA." I did not have anything to do with this.

13 Q Do you know who -- do you know who makes the 14 comments, the legal comments, on behalf of the core 15 group?

16 A I do not. I don't know who did that. 17 Q Okay. Now let's go into amenities. There's 18 -- did you think there was a problem that the buildings 19 got removed from the buildings and ground committee? 20 A The buildings got removed? What building? 21 Q Yeah. It's this letter. Look at the first 22 bullet point. It starts, "The community has a buildings 23 and grounds committee."

24 A Oh, wait. That's not the first bullet. Okay. 25 First

bullet on the next page. Okay.

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1 Q Yeah. Yeah.

2 A "That has researched in many programs and 3 policies to
promote a better community, yet Mr. Gordon 4 announced at
the town hall meeting that there is only a 5 grounds
committee now." Okay. I didn't prepare this. I 6 don't know.

7 Q Do you have a problem with them removing the 8 word
"buildings" from the buildings and ground
9 committee?

10 A I don't know that the word problem is 11
appropriate. I don't know why there would be a 12
necessity to remove the word buildings when we have 13
buildings.

14 Q What buildings do the HOA own?

15 A The rec center. Do we not own that? I'm 16 sorry.
I'm not allowed to ask questions.

17 Q Well, the letter says that it's not, so it's 18 --
well, the letter is kind of all over the place as to 19 what
the problems were. It's hard to determine what 20 problem
was being discussed here that would be
21 malfeasance by the board. But is there anything in this 22
section that you believe the board did wrong from your 23
standpoint?

24 A Okay. Hold on. Former management -- "Former 25
management employees have informed members that

1 consultants have been contacted to examine those" -- 2 This is
all unknown to me, Jennifer. I'm sorry. 3 Q Okay. No, that's fine.
I don't understand it 4 either, so I wanted to know if you
understood. Under 5 elections, there's some mention about what
Michael 6 Laster said regarding the meeting and when it would be. 7
Is it your position that the HOA board decides when the 8 meeting
is, or that Access decides when the meeting is? 9 A Okay. I'm
sorry. I was reading. Ask me 10 again, please.

11 Q Sure. Under elections, there's mention that 12 Michael Laster
-- well, I think that's wrong, but said 13 that the meeting was
being moved. Is it your position 14 that it is up to the HOA when
the meeting is, or it's up
15 to Access?

16 A No, it's up to the board. I believe this is 17 referring to
Mr. Lassiter or Laster, whatever his name 18 is, announcing
something that he had been told by the 19 board, I would presume.

20 Q Do you understand that Access has to make sure 21 they have
adequate staff and that they have time to send 22 out the mailers,
and that's all stuff that they do, not 23 what the board does?

24 A Yeah.

25 Q Do you understand that they have a say in when

1 the election happens, and in fact it has to happen when 2

they say?

3 A No, I did not know.

4 Q Have you ever been part of discussions as a 5 board member about the Access needing to have specific 6 people present to help work the election and also have 7 enough time to send out the mailers?

8 A Yes. I recall that.

9 Q Okay. The last bullet point is regarding an 10 error, regarding how many people were put on the ballot 11 in 2018. Do you remember that?

12 A Hold on. The last bullet?

13 Q On the same page.

14 A Okay. I'm sorry. So ask your question again? 15 Q Look at that -- okay, so there was an error 16 and only one person was put on for 2018 instead of two. 17 Do you recall that?

18 A Yes.

19 Q And who was the person who told the board and 20 set up the election package?

21 A Who was the person that told the board what? 22 Q Who was the person who let the board know how 23 many people were up for election?

24 A In 2018 or 2019?

25 Q This is 2019. It says right there.

1 A I -- okay. I believe I'm the one who pointed 2 out to the board the error.

3 Q Do you recall it being Lisa Mason's error? 4 A No, I

do not.

5 Q Whose error was it?

6 A Whoever the management company prior to Lisa 7 was initiated the wrong error. Lisa inherited it 8 incorrectly. It never got corrected until I caught it 9 in 2019.

10 Q So you believe she was not the CAM in 2018? 11 A Yes. But again, the history of the board 12 stems back to before - - the errors on the history of the 13 board stem back to before Lisa was CAM. When Sarah 14 Crawford in 2018 announced that her term was up, Lisa 15 didn't have a correct history, so Sarah was incorrect 16 that her term was up. It wasn't. It was up -- it was 17 still to go for another year, but nobody caught that in 18 '18. That's when Mr. Smith came on the board, and it 19 was in '19 that things had just been in my head, so 20 confusing, and so -- just -- I knew something was wrong, 21 I just didn't know what. And that's when I went back 22 and looked at each of the years since the 2014 reset 23 election, so that I could know in my own head what was 24 correct and what was not. I brought that to your 25 attention. You found a couple of things I had made a

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1 mistake on and we got that straightened out. And then I 2 thought we had what was a clear history of the board. 3 Q Did the CAM in 2018 who ran the 2018 election 4 make the error?

5 A No.

6 Q Who made the error?

7 A Whoever the CAM -- and I don't remember who we 8 had
before 2014. Do you -- I don't remember who the -- 9 Q You
think the 2017 CAM made the error?

10 A No, I think the 2013 CAM made the error and it 11 just
carried forward, and nobody ever caught it and 12 nobody ever
corrected it.

13 Q Okay. That's your recollection?

14 A That is my recollection. And then when the 15 2014 reset
election occurred, it carried that error 16 over, and it
shouldn't have, from 2014. Whoever was the 17 CAM in 2014, I
believe had the responsibility 18 because we had a reset. We
had five new board members: 19 two at three years, two at two
years and one at one 20 year. That CAM in 2014 should have
initiated an 21 accurate and correct board history log.

22 Q Okay. The next page should be a postcard, an 23 address
on a postcard.

24 A Hold on. No, that's way down. That's page 25 11.
Okay. I've got it.

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1 Q All right. Yeah. So it's for North Shore 2 Home
Owners at the top?

3 A No.

4 Q All right. I'm looking at this. Find this. 5 A Oh,
hold on. Hold on.

6 Q It should -- I think you might be on the wrong 7
package, but -- okay, perfect. So these are -- this is 8
what you sent to MBI to be sent out?

9 A Yes, ma'am.

10 Q Okay. So every one of these addresses, you 11 pulled off the property appraiser?

12 A Yes, ma'am.

13 Q So every one of these addresses should match 14 exactly with what's on the property appraiser?

15 A No.

16 Q Why would they not?

17 A So it -- so I'm not sure how MBI does it, but 18 they sent back to me -- so they took my list, they put 19 it into their system. Their system will shorten things. 20 It will abbreviate things. It'll do stuff for their 21 labeling system. So no, it's not going to match exactly 22 what I downloaded from the property appraiser's office. 23 So I have the list that I downloaded, that I sent to 24 MBI, but I do not have the list as it ended up with what 25 MBI used to send out the postcards.

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1 Q Okay. Do you know if MBI changes the name of 2 the addressee?

3 A I don't believe they -- I don't know. I don't 4 believe they should or could, because I provided them 5 the name from the property appraisers. Well, I'm trying 6 to think. If they were -- huh?

7 Q Who did you speak to at MBI about this to know 8 this information?

9 A I'd have to look up the guy's name. I don't 10 recall.

11 Q Okay. Let's go to the postcard itself. Who 12 put that together?

13 A I did.

14 Q Okay. On that, there says e-mail N, that e 15 mail address, NSLH2019election@gmail.com. I asked you 16 earlier if you knew what that e-mail was and you told me 17 no. What is that e-mail?

18 A That's a good question. I mean, clearly I 19 used it, so somebody set it up. I'd have to go back to 20 that time and -- I don't know. And if -- and honestly, 21 if I'm the one who at that up, which I don't recall, but 22 if I did, I took it down after this was all done because 23 it's not something that I would've kept. I don't use 24 that. It's certainly not current, but I'd have to go 25 back and look. I don't recall doing this.

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1 Q So you're not sure if you put it up, but if 2 you did, you would've taken it down?

3 A After this was all over, I wouldn't have 4 needed that e-mail address anymore. Correct.

5 Q What does this being all over mean to you? 6 A After I sent the postcard out, I would've been 7 done with it because I would've put the message out it 8 wasn't -- oh wait, wait, wait, wait, wait. I'm sorry. 9 That's after I put the postcard out. I don't know. I

10 can go look and see if there's an e-mail address for 11 that that I have access to. I don't recall it. I'm 12 sorry.

13 Q Okay.

14 A I can --

15 Q If it wasn't you, would it be the members of 16 the

core team?

17 A -- I would believe, yes. I would think it 18 would
be one of them.

19 Q Okay. Are these thumb drives that you put 20
together? You did them for yourself, right?

21 A Yes, ma'am. Or for my attorneys. I didn't do 22 it on
thumb drives until my attorneys on the different 23 cases
asked for the records.

24 Q Okay. So it's all stuff that's still on your 25
computer?

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1 A No. It's all off my computer and on thumb 2 drives.

3 Q Okay. So you erased everything on your 4 computer and put it on
a thumb drive?

5 A I didn't use the word -- I didn't use the term 6 erase. I moved
it from the computer to the thumb drive 7 so it's no longer on the
computer. It's on thumb 8 drives.

9 Q Do you have duplicate thumb drives in case 10 something happens
to one?

11 A No.

12 Q Are the thumb drives in the possession of your 13 attorney?

14 A No. I have them.

15 Q Okay. Failed parking and towing policies. Did 16 you have
anything to do with the parking and towing 17 policies being
developed?

18 A I believe I voted on them, yes.

19 Q Did you have people's vehicles towed as a 20 board member?

21 A Yes, I did.

22 Q Was John Baker's daughter one of them? 23 A No.

24 Q You don't recall that happening?

25 A I recall it happening. I was not the board

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1 member who had it done.

2 Q Who was it?

3 A I don't know.

4 Q Then how do you know -- then how do you even 5 know it happened?

6 A Because John Baker called me and said, "My 7 daughter's car was towed. Who's the towing company?" 8 And I told him.

9 Q Okay. What are the ridiculous violations and 10 fines?

11 A I have always believed that if the HOA is not 12 going to power wash the common area sidewalks and keep 13 the mold off the sidewalks, it's hard for the HOA to 14 violate a homeowner for the same thing. So I find that 15 ridiculous. The fines, which I was verbal with the 16 board about, we were violating our own governing 17 documents with the amount of the fines and that you 18 can't do immediate fines. You have to do the notices, 19 14 day notice, 14 day second notice before you can issue 20 a fine, and I objected to the immediate fines.

21 Q Wasn't it the CAM's job to make sure that 22 common area sidewalks got power washed?

23 A No. I specifically remember conversations 24 about how we could accomplish it and the board never 25 approved it.

1 Q So you remember actual Lisa Mason coming to 2 the board
with bids for power washing and the board said 3 no?

4 A No. I remember the board discussing solutions 5 and we
never resolved it, so there were no motions that 6 ever --
solutions were offered. The board never voted 7 on them that
I recall.

8 Q I'm talking about power washing the sidewalk. 9 The
solution to power wash the sidewalk is to power wash 10 the
sidewalk. So is it your testimony that the board 11 was
brought for -- and the common area -- so you said 12 that you
believe the board was in -- that because the 13 common area
sidewalks were not being power washed, that 14 nobody could
violate anybody for not power washing their 15 sidewalk.
Right?

16 A I -- correct. That's my belief.

17 Q So who -- you remember Lisa Mason coming to 18 the
board with bids to power wash the sidewalk of the 19 common
areas and they said no?

20 A I do not recall that.

21 Q So is it the CAM's responsibility under the 22 contract
to make sure that the power -- that the common 23 areas get
taken care of?

24 A Again, not the CAM. The CAM brings the issue 25 to the
board. The board decides or requests bids. We

1 never did.

2 Q Okay. The next page -- I'm not sure what this 3 is exactly. It's like a half page flyer kind of thing. 4 A I did not do this.

5 Q Okay. Was it attached to the front of the 6 recall ballots?

7 A None of the ones -- I did it. I attached 8 nothing to any of the recall ballots.

9 Q Okay. Did some -- some people received this 10 attached to recall ballots. Do you know how that 11 would've happened?

12 A I do not.

13 Q Do you know where any of this information came 14 from?

15 A I do not.

16 Q Was this December 5th, was that for the picnic 17 that you talked about?

18 A Yes.

19 Q Okay. So this was basically the invitation to 20 the picnic?

21 A I had nothing to do with this. I'm -- this is 22 -- I'm trying to think if I've ever even seen it before. 23 I know we were going -- what I thought it was just -- 24 no, it was December 5th. But I didn't do any -- the 25 only thing we did was the Facebook invitation was the

1 only thing I knew about.

2 Q Okay. Do you think that the people in the HOA 3 get to
vote on whether the dock was going to be
4 maintained or not?

5 A The membership get to vote on whether the dock 6 is
maintained or not? No,

7 Q Yeah. It says the board was spending your 8 money
without asking your opinion.

9 A -- that was on replacing the dock, not 10
maintaining the dock. And --

11 Q What do you think replacing is?

12 A Replacing is taking up the existing boards and 13
putting down new docks and new railings and everything 14
that they did. And maintaining would have been an 15 annual
or bi-annual inspection and if a board or two 16 here or
there needed to be replaced, that's maintenance 17 and that
would've been an ongoing thing. But when -- 18 Q According to
you.

19 A -- okay.

20 Q Do you understand that the community documents 21
require the dock to be there as an amenity?

22 A Yes.

23 Q Okay. It says, "That's just the tip of the 24
iceberg." What was the rest of the iceberg that was 25
discussed at that picnic?

1 A I -- again, I was sitting at a table talking 2 with
individuals coming up asking for a recall ballot. I 3 was
not out amongst the people conversing.

4 Q Did any of them come up to you and say, "Well, 5 what --
you were on the board, Lynn. Can you tell me 6 about the
transparency?"

7 A No.

8 Q Did any of them --

9 A Nobody asked me anything like that.

10 Q -- okay. How about them asking you about the 11 dock?
Did they ask you about the dock?

12 A Nobody asked me anything except about a recall 13
ballot.

14 Q Do you believe that Lisa Mason's an honest and 15
credible person?

16 A I do.

17 Q Why do you believe that GL Brothers, that was 18 the
vendor that you said Deb Lapin was doing invoices 19 for,
had no certificate of insurance or 1099 or 20 anything?

21 A No, I didn't say he didn't have any 1099 or 22
certificate of insurance. The certificate of insurance 23 was
in a name different from the 10 -- from the W-9. And 24 when
I was inquiring about the invoicing and why was 25 Dave's
assistant doing the invoicing and -- I said --

1 and I specifically asked if they were registered per the 2
vendor policy. And both -- that was one of the things I 3
asked Amber. And she said no. And then I asked Lisa. 4 And
then I asked Amber if they had submitted anything 5 like
their business license or anything else, because 6 one of
Ms. Lapin's e-mails said that they were getting 7 paid under
the guy's name and not under the business 8 name. And Deb
said, "Well, I'll send you this." And 9 then Amber said she
never got the business license or
10 the business -- the only thing she got was the business
11 insurance certificate.

12 Q Were you -- you talked about going to Mr. 13 Gulino's
house to review some things for ARB. Wasn't 14 that because
you were the liaison between the board and 15 the ARB?

16 A I was the liaison between the board and the 17 ARB. And
it was at Mr. Gordon's direction that I was 18 inspecting
his house.

19 Q Didn't the board liaison for both the ARB and 20
compliance at times go and inspect because things were 21
going to come before the board?

22 A I never did, other than at Mr. Gordon's 23
request.

24 Q Right. Because he's the president of the 25 board and
sometimes things are going to come before the

1 board, right?

2 A I have no idea.

3 Q You don't remember Mr. Gulino's house being 4
discussed before the board?

5 A Yes.

6 Q Do you have a problem with going to inspect it 7 so you
can say what you observed and tell the board 8 about it?

9 A No.

10 Q So you're saying you've never met either Jane 11 or Joe
Doe?

12 A No. Not that I'm aware of. I may have, I 13 don't
know who Jane or Joe Doe are, so I presume that 14 they
are residents, which means I could possibly know 15 them.

16 Q And you've never discussed the lawsuit with 17 them
and Mr. Burtoff?

18 A No.

19 Q Did you -- did Mr. Burtoff consult with you 20 before
he filed the amended complaint?

21 A Only that he was going to have to file an 22 amended
complaint and was I still good with my name on 23 it?

24 Q Okay. And you didn't ask to see it
25 beforehand?

1 A No, ma'am.

2 Q Knowing that it was -- some of the things were 3 file --
I mean, I talked to you about what was in it. 4 You agreed

with everything that was in it?

5 A I haven't read the amended complaint.

6 Q Okay. Do you have any problem with Mr. 7 Burtoff
not consulting with you before he filed the 8
complaint?

9 A I think that's my fault, not his.

10 Q Do you think he had an obligation to do so? 11 MR.

BERNSTEIN: Objection, form.

12 A I think he probably did.

13 Q Okay.

14 A I think he did consult with me and I didn't 15 ask
the right questions.

16 Q Okay. Do you believe that the lawsuit still 17 has
merit?

18 A Yes.

19 Q Can you tell me why the damages sought went 20 down so
much between the first lawsuit and the second -- 21 the
second, the amended complaint?

22 A I don't know what the new amended complaint 23 amount
is.

24 Q So you filed the lawsuit and you don't know 25 what
the actual damage amount should be?

1 A Correct.

2 Q Do you think that's appropriate?

3 A In this particular situation, yes.

4 Q How so?

5 A I'm not the one who sought to file a

6 complaint.

7 Q So who did?

8 A Mr. Burtoff. He needed plaintiffs. He sought 9
plaintiffs. He asked if anybody had any records. 10 Q So he
solicited you to file to be a plaintiff 11 in this lawsuit?
12 A No. He was talking apparently with someone 13 else who
said to me that I was going to be a defendant 14 in the
lawsuit. I don't remember the chronology of 15 events, but I
remember talking to Matt about it, and I 16 remember
eventually getting to talk to Mr. Burtoff. And 17 then I
asked Mr. Burtoff and Matt to confer and the 18 answer came
back that it would be in the better interest 19 of the
membership if I were a plaintiff than if I were a 20
defendant.

21 Q Did you look for -- did you solicit Mr. 22
Burtoff or did he come to you?

23 A I solicited Mr. Burtoff.

24 Q But you knew he was looking for plaintiffs for 25 the
lawsuit?

1 A I know that there had been discussion among 2 community
members. I don't know if somebody approached 3 him first or
if he was just part of a bigger discussion 4 and it ended
up being that he was going to be the 5 attorney to file the
complaint. I don't know.

6 Q Who told you -- who told you that you were 7 going
to be a defendant in the lawsuit?

8 A I'm trying to remember who called me. It 9 might
have been Dr. Mathison, but I don't recall 10
specifically. I'm sorry.

11 Q Okay. But somebody called and told you you 12 were going
to be a defendant in a lawsuit filed by Bruce 13 Burtoff?

14 A Again, I don't know that it was Dr. Mathison. 15 I
believe --

16 Q Yeah. I just said someone.

17 A -- that he -- whoever called me said a bunch 18 of us
are talking about suing the board. Because you 19 were a
board member, your name came up to be one of the 20 board
members named in the lawsuit. And I said, "Okay." 21 And then
after I thought about it and you guys had 22 kicked me off
the board, I realized that I was going to 23 be a better
plaintiff than I was a defendant. And I 24 reached back out
and said, "Who can put me in contact 25 with Mr. Burtoff?"
And somehow I got --

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1 Q And you were told --

2 A -- and somehow I got his contact information 3 and I called him
and said, "How about if I'm a plaintiff 4 instead of a defendant?"
And we talked, and then again, 5 I connected him to Matt. He and
Matt conferred and then 6 at the end of the day, I'm the plaintiff.
And then 7 whoever the other plaintiffs were all of a sudden became
8 anonymous.

9 Q Were they anonymous before you got involved? 10 A Oh yeah.
Well, I don't know. Before I was 11 involved, I don't know who all
Mr. Burtoff spoke with. 12 Q All right. You were told he was

looking, 13 though, for plaintiffs for this lawsuit?

14 A Yeah. Well, no. I'm sorry. Let's back that 15 up and get it correct. Apparently a number of members 16 of the community were looking for a way to sue the 17 board, engaged Mr. Burtoff in that discussion, and then 18 because he's an attorney, he said he would take it on. 19 That was my understanding.

20 Q And you decided because you were going to be a 21 defendant, to just be a plaintiff instead?

22 A Not decided. I thought it would be better for 23 the membership since I was no longer a board member, to 24 be part of the membership.

25 Q The meeting that we talked about after your

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1 statement in August of 2019, where you said that there 2 was a settlement discussion, do you remember saying -- 3 asking what would it take to not sue you?

4 A Yeah.

5 Q Do you remember being the one who actually 6 brought up the lawsuit issue?

7 A Yes.

8 Q Okay. You had testified that everybody was 9 threatening you, but in fact, aren't you the one who 10 said, "What will it take not to sue me bringing that 11 up?"

12 A I brought that up because the tone and the 13 insinuations were that -- and based on the history of 14 suing members of this community, I knew that that's what 15

was coming so I decided to head it off at the pass and 16
just boil the water out of the pot and ask.

17 Q So you --

18 A Clearly in my head, it was their intention to 19 sue me
if I didn't do what they wanted me to do, so I 20 said,
"What's it going to take for you not to sue me?" 21 Q -- and
then --

22 A And without --

23 Q -- a letter was done with some things that the 24 board
would require since you asked, "What would it take 25 to not
have a lawsuit?"

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1 A -- they verbalized it in that meeting without 2 hesitation,
clearly pre-prepared and it's the same thing 3 that they've done
before.

4 Q Okay. So all of these are assumptions on your 5 part? You --
and you say you did not --

6 A All of what are assumptions? All of what are 7 assumptions? I
don't -- clarify, please.

8 Q You would not make us -- you deny saying that 9 you would make
a simple apology?

10 A I'm sorry, say that again.

11 Q Do you admit that you said maybe you misspoke 12 or said some
wrong things when you made your statement 13 in front of the whole
community at that board meeting in 14 August of 2019?

15 A I don't recall that. I may have.

16 Q Okay. Do you believe as you sit here today 17 that maybe you
misspoke or said a few wrong things? 18 A It's possible.

19 Q You're -- you're not sure one way or the 20 other?

21 A I'm not sure.

22 Q Okay. Do -- and you don't remember saying 23 that you would apologize for what you said wrong? 24 A I absolutely did not say that.

25 Q Okay. You don't believe that you said that

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1 maybe you misspoke?

2 A It's possible.

3 Q Okay. Had you misspoke with anything that you 4 said, do you think that anybody was owed an apology? 5 A No.

6 Q Okay. So it was okay to do that and not 7 apologize or set the record straight in any way? 8 A I think setting the record straight is 9 different from apologizing.

10 Q How would you set -- well, then, do you think 11 that anything should be -- that the record should be set 12 straight regarding anything that you said on that board 13 meeting in August of 2019?

14 A Okay. So even though I typed up my thoughts, 15 it was -- I did not read specifically from my notes. The 16 notes no longer exist. There's, to the best of my 17 knowledge, no recording of that meeting. I thought that 18 what Tracy's minutes captured were accurate and fair. So 19 if in that September 24th meeting, I said that I may 20 have misspoke, I was nervous that night. I wasn't going 21 strictly by what I had typed up. So is it possible I 22 misspoke? Yes. If I did, should I set the record 23 straight? Yes. Does that involve an apology? Not 24 necessarily.

25 Q So is it your testimony that you don't know

1 what you said so you don't know whether you could set 2
the record straight or not?

3 A Correct.

4 MS. ENGLERT: All right. I -- that's all I 5 have, I
believe. Give me one -- I have one other 6 question, a
quick clarification.

7 BY MS. ENGLERT:

8 Q I know you said John Baker has kind of been in 9 the
core group and not been in the core group. When's 10 the last
time you spoke with him?

11 A Oh, John?

12 Q Yeah.

13 A I spoke with him this week. We're still 14
friends.

15 Q Okay. When's the last time that he assisted 16 you with
anything regarding any of the lawsuits or any 17 of the stuff
that you post on social media?

18 A That would've been back when we filed the 19 election
arbitration. Up until John was removed from 20 the case,
we were conferring with John.

21 MS. ENGLERT: Okay. That's all I have. 22 CROSS
EXAMINATION

23 BY MR. BERNSTEIN:

24 Q Okay. I have some follow up questions for 25 you.
When -- the case that you're the plaintiff in

1 against the several directors that you were asked 2
extensively about, that's a separate case from this one 3
in which you're being sued by the association, correct? 4 A
Correct.

5 Q All right. Is it your understanding as a 6 plaintiff in
that case that that case pertains to a lot 7 more issues
than this lawsuit against you?

8 A Yes, sir.

9 Q Okay. Are you represented by counsel in that 10 other
case?

11 A Yes.

12 Q Who is your counsel in that other case? 13 A
Bruce Burtoff.

14 Q Am I your counsel in that case?

15 A No.

16 Q Is Bruce Burtoff present today for this 17
deposition?

18 A No.

19 Q Okay. You talked or you were asked a lot 20 about
that October 27th -- actually, let me just make 21 sure I
get the date right here.

22 A October 22nd?

23 Q Yeah. October 27 -- no, I'm talking about -- 24 never
mind. The August 27, 2019 board meeting. 25 A August 27th?
Yep.

1 Q 2019. Okay.

2 A Yes. Yes.

3 Q All right. You said that you don't exactly 4 recall
what you said at that meeting, is that true? 5 A Correct.
That's true.

6 Q All right. But you indicated previously that 7 the --
during today's deposition, that the meeting 8 minutes, you
believe, accurately reflected what you 9 said?

10 A Yes.

11 Q All right. Do you think if I showed you those 12 meeting
minutes, that it would refresh your recollection 13 then as to
what you said?

14 A Not beyond what's in the minutes.

15 Q All right. But the --

16 A I remember- -

17 Q -- but you would be able to --

18 A -- I'm sorry?

19 Q -- but you would be able to -- would you 20 recognize
the meeting minutes if I showed them to you of 21 that
meeting?

22 A Yes. Yes.

23 Q All right. I'm going to share my screen here. 24 All
right. Can you see what I put up on the screen? 25 A No.

1 Q All right.

2 A It's blank.

3 Q North -- you don't see the board of directors 4 meeting minutes here?

5 A No. My screen isn't --

6 MS. ENGLERT: I don't see it either.

7 THE WITNESS: There it is.

8 MS. ENGLERT: There it is.

9 THE WITNESS: Okay.

10 MR. BERNSTEIN: Isn't technology great? 11 THE WITNESS: Got it.

12 BY MR. BERNSTEIN:

13 Q Okay. All right. It's a four-page document. 14 States board of directors meeting at the top, and it -- 15 again, it goes on for four pages.

16 A Right there.

17 Q And it ends -- correct. All right. Do you 18 recognize these as the meeting minutes of that meeting? 19 A I do.

20 Q All right. This second to last paragraph here 21 states, "Ms. Lynn Stanford made a statement expressing 22 her feelings regarding the actions of both Mr. Dave 23 Gordon and Mr. Steve Smith, contending that both board 24 members have conducted association business outside of a 25 board meeting, acted as an unauthorized executive

1 committee, micromanaged the management staff, and asked 2 for the resignation of both members' seats. Both Mr. 3 Dave Gordon and Mr. Steve Smith rejected the request." 4 Did I

read that correctly?

5 A Yes.

6 Q And to your recollection, is this an accurate 7
reflection of the statements that you made at that board 8
meeting?

9 A I believe it is.

10 Q Okay. Now, according to this statement, you 11 did not
make any statements about anybody else other 12 than Mr.
Dave Gordon and Mr. Steve Smith. Is that true 13 to your
recollection?

14 A That is my recollection.

15 Q All right. And to your recollection, did you 16 make
any statements about the association itself as 17 having
performed any misconduct?

18 A I don't recall saying anything about the 19
association.

20 Q All right. But then according to this 21 paragraph,
there's nothing about you saying anything 22 about the
association itself. Is that true?

23 A Correct.

24 Q All right. And now this, the framework of 25 this
statement here says that you made a statement

1 expressing your feelings. Do you agree that the 2
statements you made about Mr. Gordon and Mr. Smith were 3
your feelings?

4 A Yes.

5 Q All right. Were you expressing them as your 6 own

opinions or as facts?

7 A They were my opinions based on information I 8 had --
facts that I had.

9 Q Okay. Regarding those statements of opinions 10 that you
believe were based on fact, did you make those 11 statements
in good faith?

12 A Yes, sir.

13 MS. ENGLERT: Object to the form.

14 Q Sorry. Did you say yes?

15 A Yes, sir.

16 Q Okay. Were you a board member at the time 17 that
you made these statements?

18 A I was.

19 Q Was this at a general membership meeting or at 20 a
meeting of the board of directors?

21 A It was an open board meeting. Members were 22
present.

23 Q Okay. All right. Now, Mr. Gordon and Mr. 24 Smith were
board members at the time as well, correct? 25 A Correct.

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1 Q Okay. And all these statements that you made 2 about
Mr. Gordon and Mr. Smith in this regard were 3 during that
open board meeting, correct?

4 A Correct.

5 Q In other words, none of those statements were 6 given
after the meeting had been adjourned?

7 A Correct.

8 Q Or before the meeting was even opened? 9 A

Correct.

10 Q Okay. To your knowledge, did you -- were you 11 given
an opportunity to speak at that meeting to make 12 these
statements?

13 A Yes.

14 Q Okay. In other words, it's not like you 15
interrupted something and demanded to be heard. You 16
were allowed to have an opportunity to speak at that 17
meeting, correct?

18 A Yes. Correct.

19 Q Okay. Do you believe that you did your due 20 diligence
in researching the bases of these statements? 21 A I do.

22 Q Okay. Specifically as to the conduction of 23
association business outside of a board meeting, what 24 due
diligence did you do in making that statement? 25 A That
statement came about from the subsequent

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1 information surrounding the hiring of Access Management 2
and Tracy Durham.

3 Q All right. Although you may have said it 4 earlier, can
you clarify for me what exactly you mean by 5 that? What did
you find?

6 A So Mr. Dick and I were both very surprised 7 when Mr.
Smith and Mr. Gordon announced that they were 8 going to be
hiring Tracy Durham. And we both said, "We 9 weren't aware
of this." I put up a bigger stink than

10 John did. And Steve and Dave said, "Well, we can send 11

you her resume and you can talk to her and you can this, 12
and you can that." And I asked to see her resume. I'm 13 not
going to say that I didn't make some mistakes. I 14 should
have put a stop to it right then and there, but I 15 didn't.
We moved forward and then we hired Tracy as a 16 project
manager. My understanding was as a project 17 manager. So the
fact that there was this person who had 18 been allegedly
vetted prior to our even knowing that she 19 was being
considered was an indication that Mr. Gordon 20 and Mr. Smith
were taking actions outside of board 21 discussion or need or
approval. Same thing with Access 22 Management.

23 Q Okay. Anything else?

24 A Not that I can think of at this moment. 25 Q
Okay. Now, then the next part of that

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1 statement is that they acted as an unauthorized
2 executive committee. What was the due diligence that 3
you performed in that or that you found?
4 A That was surrounding -- I'm sorry. That's 5 what I was
answering was the unauthorized executive 6 committee of
making decisions and bringing it -- oh, 7 well, prior to
that, Mr. Smith would come to meetings 8 with pre-prepared
motions that clearly would have taken 9 discussion and
things that I was not aware were even
10 going to be business discussions and there was no 11
discussion. It was basically a Steve looked into this 12 or
Dave looked into that, and here's the motion, and 13 let's
vote on it.

14 Q Okay. And then the micromanaging of the 15 management staff, what due diligence did you do before 16 you made that statement?

17 A That came from different staff that, you know, 18 Steve would spend four, five, six hours a day looking 19 over every single thing that they were doing, telling 20 them to change the way that they were doing things. In 21 Tracy's case, it was more specific to Mr. Gordon and Mr. 22 Smith telling her what their expectations were and, you 23 know, kind of -- the words were micromanaging her to do 24 what they wanted and not the freedom to do her job. 25 Q Okay. Have you actually spoke with management

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1 staff yourself?

2 A I'm sorry.

3 Q Have you actually spoke with management staff 4 yourself?

5 A Yes.

6 Q Okay. So it's not like you just thought that 7 you were observing something and then made that

8 statement without confirming it with the people

9 themselves, correct?

10 A Correct.

11 Q All right. Now, there was a discussion 12 earlier regarding this accounting issue where I think it 13 was Mr. Gordon asked that some accounting entry be coded 14 as something else. Is that accurate?

15 A Mr. Smith. That was Mr. Smith.

16 Q Mr. Smith. Okay. My apologies. And you said 17 that you

actually spoke with two accountants to confirm 18 or to verify whether your concern was valid. Is that 19 correct?

20 A Correct. Yes.

21 MR. BERNSTEIN: Okay. All right. This would 22 be exhibit -- well, what exhibit number are we on? 23 COURT REPORTER: There hasn't been any exhibits 24 attached.

25 MR. BERNSTEIN: Oh, okay. Well, then this will

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1 be --

2 MS. ENGLERT: We'll just do 1 for the first 3 package, 2 for the second package, so this could be 4 3. I think it makes more sense if you're fine with 5 that.

6 MR. BERNSTEIN: All right. That's fine. This 7 will be -- yeah, that's fine with me. This will be 8 3 then.

9 (PLAINTIFF'S EXHIBIT 1 MARKED FOR
10 IDENTIFICATION)

11 (PLAINTIFF'S EXHIBIT 2 MARKED FOR
12 IDENTIFICATION)

13 (DEFENSE EXHIBIT 3 MARKED FOR IDENTIFICATION) 14 BY MR.
BERNSTEIN:

15 Q Okay. All right. Ms. Sandford, do you recall 16 receiving and reviewing a copy of the complaint that was 17 filed against you in this case by the association? 18 A Yes.

19 Q If I showed you a copy of that complaint, 20 would you recognize it?

21 A Probably.

22 Q Okay. All right. Let me know when you can 23 see the complaint

up on the screen.

24 A I can see it.

25 Q All right. Perfect. All right. Okay. So I

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1 want to go down to -- all right. So now earlier today, 2
you testified about where you got the contact
3 information for the members of the association. Do you 4
remember that?

5 A Yes.

6 Q All right. And according to the complaint 7
specifically, allegation number five here, after Mason's 8
termination as CAM for North Shore, you in conjunction 9 and
coordination with Mason unlawfully obtained
10 protected information maintained in the course of North
11 Shore's business, that was located on a protected 12
computer owned by North Shore. And then you used that 13
information allegedly to contact the members of North 14
Shore to organize a recall. Is that allegation 15 incorrect?

16 A That allegation --

17 MS. ENGLERT: Object to the form.

18 Q Okay. In what way is that allegation 19
incorrect?

20 A Well, I didn't get anything from Lisa Mason. I 21 didn't
access or nor did she give me access, nor did she 22 get me
copies of anything from any computer. I don't 23 know what
protected information is. The only

24 information I have is information I'm allowed to have as

1 Q Which is what?

2 A I'm sorry?

3 Q What type -- what information are you entitled 4 to have
as a board member?

5 A Draft minutes, closed meeting minutes, the 6 financial
documents without going through a formal 7 records request,
copies of invoices if I am looking for 8 something. Copies
of, you know, anything that a board 9 member would need to
perform duties as a board member is 10 my understanding.

11 Q All right. Now, with regards to the contact 12
information for the board -- or for, excuse me, the 13
members at large, where did you get that information? 14 A
So --

15 MS. ENGLERT: That's been asked and answered. 16 Q You
can answer.

17 A So the North Shore had a website and it was 18 when we
were under, you know, Aegis, Artemis, whatever 19 it was.
Whatever it was before the current management 20 company. And
in there, there was a directory of 21 members. And in that
directory, if people wanted to 22 include their phone number
and their e-mail, they could. 23 If they didn't want to -- it
was not a required format. 24 It was, you know, but it was an
open directory for 25 members.

1 Q Okay. So any member of the association could 2 access that list?

3 A Yes.

4 Q Okay. So it was public information limited to 5 the members of the association?

6 A That's correct, to the best of my knowledge. 7 Q All right. Could you obtain the contact 8 information from any other source?

9 A No.

10 Q All right. What about the property appraiser 11 website?

12 A Well, that's where I downloaded the addresses. 13 From the directory on the North Shore website, I only 14 got e-mail addresses and phone numbers. From the 15 property appraiser, I downloaded the names and 16 addresses.

17 Q Okay. And is it your understanding that the 18 information you obtained from the property appraiser's 19 website is public information?

20 A Yeah. Yes. I don't have any special access. 21 Q All right. And then you also had previously 22 obtained contact information that you had on your phone 23 as given to you by members?

24 A Yes.

25 Q Okay. So those were -- that information was

1 voluntarily given to you by those members, correct? 2

A Correct.

3 Q So you don't know anything about another 4 purported
computer owned by North Shore that Lisa Mason 5 supposedly
took?

6 A I do not.

7 Q Okay. All right. As to allegation number 15, 8 it states
that at that August 27, 2019 meeting, that you 9 said that the
current board of directors was not

10 following the law, specifically Florida Statute 720, 11
that members Steven Smith and David Gordon were making 12
unlawful unilateral decisions without input from the 13
membership or the board members. Do you specifically 14
recall referencing Florida Statute 720?

15 A I believe I did as it relates to executive 16
committees. So it's possible I referenced it.

17 Q Okay. But your statements as to who was 18 potentially
violating that statute was limited to David 19 Gordon and
Steve Smith, correct?

20 A Correct.

21 Q All right. So not the entire board of 22
directors?

23 A No.

24 Q Okay. Now, allegation 16 states that you 25 indicated
to the board that you would apologize to the

1 membership, step down voluntarily as director, and 2 assist the
board in any further action needed of her. Is 3 that a correct

allegation?

4 A That is false. No, that is incorrect. 5 Q All right. And what actually happened? 6 A In that meeting, they were hostile and not 7 happy with me for making that statement. And it became 8 clear to me that they were -- I needed an attorney 9 present. And I said do I need an attorney present? I

10 think I said that. And then knowing the history of 11 suing former or suing residents, I just said, "What's it 12 going to take for you not to sue me?" And Mr. Gordon 13 did not hesitate and started reading down his litany of 14 what it would take. And then Ms. Englert interjected a 15 few things. And at the end, I said I will certainly 16 ponder your request. And I walked out of the meeting. 17 Q Okay. All right. So at no point during that 18 meeting did you promise that you would apologize to the 19 membership, step down, and assist the board in any 20 further actions?

21 A Not that I recall at all.

22 Q Did you make those promises any time after 23 that meeting to date?

24 A No.

25 Q Okay. At the August 27th meeting where you

1 made the statements that we discussed, did you have any 2 reason to believe that those statements were false at 3 that time?

4 A No.

5 Q And did you make those statements for the sole 6 purpose

of ill will towards Mr. Gordon or Mr. Smith? 7 A No.

8 Q Is it your opinion that the statements that 9 you
made at that time were true?

10 A Yes.

11 MR. BERNSTEIN: All right. This complaint will 12 be
attached as Exhibit 4.

13 (DEFENSE EXHIBIT 4 MARKED FOR IDENTIFICATION) 14 BY MR.
BERNSTEIN:

15 Q Ms. Stanford, are you a lawyer?

16 A No.

17 Q Have you ever been a lawyer?

18 A No.

19 Q Did you go to law school?

20 A No.

21 Q Regarding the lawsuit that you are a plaintiff 22 to,
for which Bruce Burtoff represents you, do you rely 23 and
defer to Mr. Burtoff with regards to any of the 24 legal
claims asserted in that lawsuit?

25 A I'm sorry. Do I what and defer?

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1 Q Yeah, do you rely on and defer to him with 2 regards to that
lawsuit?

3 A Yes, I do.

4 Q Were you prepared to testify regarding the 5 nature of that
lawsuit today for this deposition in this 6 different case?

7 A No.

8 MR. BERNSTEIN: Okay. I've got nothing further 9 for you. Any
follow ups, Jennifer?

10 REDIRECT EXAMINATION

11 BY MS. ENGLERT:

12 Q 100 percent, yes. Okay. The summary of what 13 you said in the
August 2019 board meeting in front of 14 the community was two
sentences, correct?

15 A I'm sorry, say that -- ask it again.

16 Q Sure. The summary from the board meeting 17 minutes that you
just looked at was two sentences long, 18 correct?

19 A It looked about two sentences, yes. It might 20 have been
three.

21 Q How long did you speak during that meeting? 22 A I don't know.

23 Q Was it more than two minutes?

24 A I don't know.

25 Q How long was your page of the notes that you

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1 made? How long was your page of notes?

2 A Maybe ten lines.

3 Q Really?

4 A Really.

5 Q Okay. Is everything you said in those meeting 6 minutes?

7 A No.

8 Q Do you remember everything that you said? 9 A No.

10 Q Is it fair to say you cannot recall everything 11 that
you said?

12 A That's what I just answered. I cannot recall 13
everything I just said or everything I said at that 14
meeting.

15 Q Do you recall saying that Steve Smith and Dave 16 Gordon
violated the law?

17 A I don't recall those words, but it's possible. 18 Q You
don't recall saying that they violated 19 chapter 720? I
thought you just admitted that to your 20 lawyer.

21 A I believe I referenced 720 when it referred to 22 the
unauthorized executive committee. I don't know that 23 I used
the word violated. I may have, but I don't 24 recall
specifically saying violated. They could have -- 25 I could
have. I don't recall.

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1 Q Did you publish these feelings that you gave 2 in the board
meeting multiple other times in multiple 3 other ways, including on
social media and some of the 4 letters we looked at today and some
of the posts we 5 looked at today?

6 A I'm sorry. Can you break that down for me? 7 Q Sure. Do you
think it's a fact that Steve 8 Smith and Dave Gordon were an
executive committee that 9 was unauthorized by the board?

10 A I believe they were acting as such, yes. 11 Q Do you think
it's a fact that they
12 micromanaged?

13 A I believe the staff that told me they were, 14 yes.

15 Q Okay. Let's start with that one. Did you -- 16 have you let
people know in many other scenarios, on 17 social media, in
letters, in verbal conversations, that 18 you believe that Steve
Smith and Dave Gordon

19 micromanaged staff after the meeting?

20 A I don't believe so. I don't believe so. 21 Q You don't think

you -- okay. How about that 22 they were an unauthorized executive committee, have you 23 ever said that any other time in any other venue or any 24 other way besides that meeting?

25 A It's possible, I don't recall. I can't think

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1 of a specific incident where I did, but it doesn't mean 2 I didn't.

3 Q Okay. What other bad acts did you say that 4 you can recall at least that you said in that board 5 meeting?

6 A The financial statements. I was -- I do 7 remember not being specific in my comments at that 8 meeting. And I remember that my reason for not being 9 specific was my understanding of the statute surrounding 10 the information that I had found out. Like, I believe 11 the statute specifically states that I can't 12 specifically identify the bad acts in an open meeting. I 13 don't know. You know, that was how many years ago. But 14 I recall that I had to take the action I took publicly, 15 but I could not be specific, the way the statute read at 16 the time. Again, you know, I'm not prepared for that. 17 Q All right. Did you think it was a fact that 18 Steve Smith and Dave Gordon were doing business outside 19 -- board business outside of board meetings?

20 A I believe so, yes.

21 Q And have you published that either on social 22 media, a letter to the community, an e-mail, a text, or 23 anything else after the meeting on August of 2019? 24 A After that

meeting?

25 Q Yeah.

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1 A Again, it's possible. I can't think of a 2 specific incident where I did that exactly, but it's 3 possible.

4 Q Okay. You said you didn't demand to be heard, 5 but were you on the agenda for that meeting to make the 6 comments that you made or any comments?

7 A No. At the end of the meeting, Mr. Gordon 8 said, is there anything else, and I said, I have a 9 statement, and he said, okay, go ahead.

10 Q Do you have any idea how your texts that you 11 sent out went to unpublished numbers of people who lived 12 in the community?

13 A Well, clearly either I already had them from 14 previous communications or they had their number in the 15 directory.

16 Q Would you defer to their testimony regarding 17 whether they had their number in the directory and 18 whether they had -- you had had their number before? 19 A No, I would testify to the information I got 20 out of the directory.

21 Q Okay. But you have all that on your thumb 22 drive, right?

23 A Yes, ma'am.

24 Q Okay. Are you aware of Lisa Mason downloading 25 lists of information regarding contact for North Shore

1 residents?

2 A No, ma'am.

3 Q Okay. So that would be news to you?

4 A That's news to me.

5 Q Do you have ill will toward Dave Gordon? 6 A Define ill will,
please.

7 Q It was used by your attorney previously. What 8 does it mean to
you?

9 A Ill will, to me, is where you don't like 10 someone, for lack
of a better word, or that you would 11 intentionally set out to
harm them. And no, I do not 12 have ill will toward Mr. Gordon or
Mr. Smith.

13 Q When is the last time that you spoke with 14 Bruce Burtoff?

15 A A week ago.

16 Q Was it in person or by phone?

17 A By phone.

18 Q Are you aware of what Tracy Durham's

19 background was? Do you remember?

20 A I don't remember.

21 Q Okay. Do you believe that hiring her was a 22 mistake?

23 A No, I believe the way in which she was hired 24 was a mistake.

25 Q You in this lawsuit, the one that we're here

1 about, you have an affirmative defense saying that the 2 board

cannot bring this lawsuit against you because they 3 have unclean hands basically for bad acts that they were 4 involved in. So what bad acts were they involved in 5 that is not included in your Bruce Burtoff suit? 6 A Well, again, since I haven't read the amended 7 complaint in the Burtoff suit, and since we have 8 exhausted the issues today on these unauthorized 9 executive committee, the financial reports, the changing

10 of coding from a management labor to an unrelated GL 11 code, for the nondisclosure of different contracts for 12 different purposes, for personal use versus for HOA use, 13 nondisclosure of Mr. Gordon's personal assistant being 14 the invoicing clerk for a vendor that was used both 15 personally by Mr. Gordon and professionally by the HOA. 16 I can't think of everything, right off the top of my 17 head, but I think that captures most of it.

18 Q So are you going to tell Bruce Burtoff to 19 reduce the counts in the lawsuits and just focus on 20 those few things?

21 A No.

22 Q Why not?

23 A What do you mean why not? I don't know what 24 -- how --

25 Q I've asked you all the things that you think

1 that the board members did wrong in this deposition, and 2 you just gave me a list. However, in your affirmative 3 defenses in this case, you say that this cannot be 4 brought, the suit cannot be brought because a variety of 5 things that the board did wrong. So you have put your 6 name on a lawsuit where the board -- you say the board 7 did many

things wrong. And that is the first complaint. 8 I realize
you didn't release the amended one. You put 9 your name on
it, though, and you've also testified to
10 some things today. So I'm trying to get all the things 11
that you think the board did wrong. Some of them you 12 did
not testify to today that are in the lawsuit. So 13 I'm
wondering why you wouldn't reduce the number of 14 things in
the Bruce Burtoff lawsuit to just the things 15 you
testified to today.

16 A I don't have an answer for that today. 17 Q Okay. We've
gone through some -- actually, 18 strike that. Is it fair to
say that you've alleged the 19 board conducted some
malfeasance in the letters that we 20 looked at today?

21 A Is it fair to say what?

22 Q That in the letters we looked at today, the 23 post
that you made on social media and the dear 24 homeowner's
letter that we looked at, that you accused 25 the board of
a variety of acts that you consider to be

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1 bad acts.

2 MR. BERNSTEIN: Objection, form.

3 A I believe this board has not acted in the best 4
interest of this community.

5 Q And is that why you brought the lawsuit with 6 Mr.
Burtoff?

7 A Yes.

8 Q And is that some of the things that you're 9 going to
use as your defense in this lawsuit that you're 10 being

deposed here for today?

11 MR. BERNSTEIN: Objection, form.

12 A I'm sorry. Re-ask.

13 Q Yeah. Is that going to be part of your 14 defense
in this lawsuit?

15 A Is what going to be part of my defense? 16 Q The
actions that the board took that you 17 believe were not in
the best interest of the community? 18 A Yes.

19 MS. ENGLERT: Okay. That's all I have. Do you 20 want her
to read or wave?

21 MR. BERNSTEIN: We will read.

22 MS. ENGLERT: Okay. And we will order the 23
transcript, please, Michelle.

24 COURT REPORTER: All right. And would you like 25 a copy,
Mr. Bernstein?

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1 MR. BERNSTEIN: Yes, please.

2 COURT REPORTER: All right. I'm going to get 3 you guys
off record.

4 (DEPOSITION CONCLUDED AT 3:45 P.M.)

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1 CERTIFICATE OF OATH

2

3 STATE OF FLORIDA

4 COUNTY OF ORANGE

5

6 I, the undersigned, certify that the witness in the 7
foregoing transcript personally appeared before me and 8 was
duly sworn.

9

10 Identification: Produced Identification

11

12

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14

15

16 MICHELLE VASQUEZ

17 Court Reporter, Notary Public

18 State of Florida

19 Commission Expires: 11/1/2025

20 Commission Number: HH 193257

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22

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24

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1 C E R T I F I C A T E

2

3 STATE OF FLORIDA)

4 COUNTY OF ORANGE)

5

6 I, MICHELLE VASQUEZ, Court Reporter and Notary 7 Public
for the State of Florida at Large, do hereby 8 certify that I
was authorized to and did report the 9 foregoing proceeding,
and that said transcript is a true 10 record of the said
proceeding.

11

12 I FURTHER CERTIFY that I am not of counsel for, 13

related to, or employed by any of the parties or 14
attorneys involved herein, nor am I financially 15
interested in said action.

16

17 Submitted on: February 2, 2022.

18

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22

23 MICHELLE VASQUEZ

24 Court Reporter, Notary Public

25

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1 ERRATA

2

3 PAGE LINE CHANGE REASON 4

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15

16 I have read the entire transcript of my deposition taken
17 in the captioned matter or the same has been read to 18
me. I request that the following changes be entered upon 19
the record for the reasons indicated. I have signed my 20
name to the Errata Sheet and authorize you to attach the 21
changes to the original transcript.

22

23

24 _____ 25

Date NAME

407.423.9900
Fax 407.841.2779
Toll Free 855-MYDEPOS

February 02, 2022

Matthew Bernstein, Esquire
Vernis & Bowling of Central Florida, P.A.
1450 South Woodland Boulevard
4th Floor
Deland, FL 32720

RE: Deposition of **Lynn Sandford** taken on **1/19/2022**
North Shore vs Lisa Mason & Lynn Sandford

Dear Mr. **Bernstein**,

IMPORTANT NOTICE FOR DEPOSITION TRANSCRIPT READ AND SIGN

It is suggested that the review of this transcript be completed within 30 days of your receipt of this

letter, as considered reasonable under Federal Rules*.

X Attorney - Copy of Transcript Enclosed: Signature of the Deponent is required. Please have the deponent make any corrections/changes necessary on the Errata Sheet ONLY, sign name on the form where indicated. Please return ONLY the original signed Errata Sheet to our offices within 30 days from the date of this memorandum. If you have any questions, please call our offices.

Attorney - No Copy Ordered: Since you did not request a copy of the transcript, it will be necessary for the Deponent to call our offices to arrange for an appointment to read and sign the transcript of the Deposition within 30 days of this memorandum.

Deponent: At the time of your deposition, you did not waive your right to read and sign the transcript of your testimony, therefore, attached please find a copy of the transcript and Errata Sheet. Please read the transcript, make any corrections necessary on the Errata Sheet ONLY, sign the bottom of the Errata Sheet, and return it within 30 days from the date of this memorandum. Please call our offices if you have any questions.

Deponent: At the time of your deposition, you did not waive your right to read and sign the transcript of your testimony, therefore, it is necessary for you to come to our offices to read and sign same. Please call Milestone Reporting Company to arrange for an appointment at your earliest convenience.

The attached executed copies of the Errata Sheet(s) are sent to you for your files. If you have any questions, please call our offices.

Thank you for your attention to this matter.

No. 200406

cc:

Waiver:

I, Lynn Sandford, hereby waive the reading and signing of my deposition transcript.

_____ Deponent Signature Date

*Federal Civil Procedure Rule 30 (e) / Florida Civil Procedure Rule 1.310 (e)

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1 IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
2 IN AND FOR ORANGE COUNTY, FLORIDA
3 CASE NO.: 2019-CA-013714-O

ORIGINAL

4
5 NORTH SHORE AT LAKE HART
6 HOMEOWNERS' ASSOCIATION, INC.,
7 PLAINTIFF,

8
9 VS.

10
11 LISA MASON AND LYNN SANDFORD,
12 DEFENDANTS.

13 _____ /
14 VIDEOCONFERENCE DEPOSITION OF LYNN SANDFORD - VOLUME I

15 DATE: JANUARY 20, 2022

16 REPORTER: MICHELLE VASQUEZ

17 PLACE: ALL PARTIES APPEARED VIA VIDEOCONFERENCE

18

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21

22

23

24

25

1 APPEARANCES

2
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PROCEEDINGS

5

DIRECT EXAMINATION BY MS. ENGLERT

6

EXHIBITS

(None marked in Volume I.)



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STIPULATION

The videoconference deposition of Lynn Sandford taken remotely on Wednesday the 19th day of January 2022 at approximately 9:59 a.m.; said deposition was taken pursuant to the Florida Rules of Civil Procedure. It is agreed that Michelle Vasquez, being a Notary Public and Court Reporter for the State of Florida, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.



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1 PROCEEDINGS

2 COURT REPORTER: All right. On record. Will
3 all parties except for the witness please state your
4 appearance, how you're attending, and your location?

5 MS. ENGLERT: Jennifer Englert for the
6 plaintiff. I am attending by Zoom and my office in
7 Waterford Lakes in East Orlando.

8 MR. BERNSTEIN: This is Matt Bernstein on
9 behalf of defendant, Lynn Sandford. I'm appearing
10 via Zoom from DeLand, Florida.

11 COURT REPORTER: All right. And Ms. Sandford,
12 would you please state your full name for the
13 record?

14 THE WITNESS: Lynn Sandford.

15 COURT REPORTER: And Ms. Sandford, would you
16 please hold your ID up to the camera? A little
17 further back. Just a tiny bit. Thank you so much.
18 Do all parties agree that the witnesses, in fact,
19 Ms. Lisa Sandford?

20 MS. ENGLERT: Lynn Sandford. Yes.

21 COURT REPORTER: Lynn Sandford. Sorry. Okay.

22 MR. BERNSTEIN: Agreed.

23 COURT REPORTER: Ms. Sandford, would you please
24 raise your right hand? Do you solemnly swear or
25 affirm that the testimony you're about to give will



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1 be the truth, the whole truth, and nothing but the
2 truth?

3 THE WITNESS: I do.

4 COURT REPORTER: All right. You may begin.

5 DIRECT EXAMINATION

6 BY MS. ENGLERT:

7 Q Okay. Thank you. Have you ever had your
8 deposition taken before, Ms. Sandford?

9 A No.

10 Q All right, I'll go over a couple ground rules.
11 If you need to take a break at any time, please let us
12 know. You just can't take a break while a question is
13 pending. If you do not understand my question, please
14 ask me to repeat it or rephrase it. Otherwise, I'm
15 going to assume you understand it. Is that okay?

16 A Yes.

17 Q And then if you want to answer yes or no to a
18 question, please say yes or no, as opposed to nod your
19 head or do something else. I'll be asking you to
20 clarify if necessary. It's for the court reporter, and
21 it's even more challenging by Zoom. So, won't be
22 picking on you, but we need to have a clear record. Have
23 you taken any medications today that would potentially
24 impair your ability to answer my questions?

25 A No.



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1 Q Okay. Where do you currently reside?

2 A 9621 Pacific Pines Court, Orlando, Florida,
3 32832.

4 Q How have you lived there?

5 A Since November 20, 2003. 18, almost 19 years.

6 Q Okay. And you are the deeded homeowner?

7 A I'm one of them. Yes.

8 Q Who's the other?

9 A Edwin Smith.

10 Q Can you briefly tell me your educational
11 background?

12 A High school, some college.

13 Q What was your college major?

14 A Interior design.

15 Q Okay. Do you currently have any professional
16 licenses?

17 A Yes.

18 Q What are they?

19 A I'm a Florida notary public and I'm a licensed
20 insurance agent.

21 Q What type of insurance?

22 A Health and life.

23 Q So, that's two different licenses?

24 A No, it's one license for health/life and fixed
25 annuities.



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1 Q Okay.

2 A It's a Florida 215.

3 Q And how long have you had that?

4 A Since 2015.

5 Q What do you currently do for work?

6 A Insurance agent.

7 Q And have you done that since 2015?

8 A Yes, ma'am.

9 Q Are you self-employed?

10 A Yes, ma'am.

11 Q And do you have a company that you operate or
12 are you sole proprietor?

13 A I'm not clear on the question.

14 Q Do you own a company or -- do you own a
15 company?

16 A I have registered -- well, are you talking
17 about just for insurance?

18 Q Yes.

19 A Okay. So, I registered a company in case I
20 ever needed or wanted to go and become a broker, but
21 it's not active. I do have my license parked with
22 Florida Retirement Group.

23 Q Okay. And has that been since 2015?

24 A Has what been since 2015?

25 Q That your license was with Florida Retirement



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1 Group as your broker.

2 A No. I've had several -- I've been with
3 several different brokers.

4 Q What did you do before you sold insurance?

5 A I was an office administrator, executive
6 assistant.

7 Q Any other types of work?

8 A Not that I can think of off the top of my
9 head.

10 Q Have you ever worked in a law firm?

11 A No.

12 Q Okay. As part of your deposition today, you
13 were asked to gather some documents. How did you gather
14 the documents that were provided to us?

15 A I have to see what was provided. Matt e-
16 mailed that to me. Hold on.

17 Q All right. Yeah. Take your time and look at
18 it. We can screen share if you wish, but if that's
19 easier, if you want to print them -- take a minute to
20 print them out, that's fine, too. You tell me what
21 works the best.

22 A Nope. I can just look at them here on my
23 screen.

24 Q All right. Yeah, if you've got two screens,
25 that's usually the easiest. So, take a minute to look



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1 at them and then you can answer.

2 A Okay. I recall. And what was your question
3 again on this?

4 Q How did you compile these documents?

5 A I followed the instructions you sent. I don't
6 honestly recall how it's done, but you sent me
7 instructions. I followed those instructions.

8 Q Okay. Were you instructed to do this
9 previously pursuant to a court order when we did a
10 discovery request?

11 A I'm not sure. I don't under -- I'm not --

12 Q Did you compile these another time for us when
13 we asked for documents, not as part of your deposition?

14 A Yes.

15 Q Okay. Did you do it in the exact same way?

16 A Yes.

17 Q Okay. Did the documents that you produced the
18 first time match the second set of documents?

19 A I'm very confused by that. First set of
20 documents --

21 MR. BERNSTEIN: Let me interject.

22 MS. ENGLERT: Yeah.

23 MR. BERNSTEIN: I'm sorry. I'll -- and if you
24 want her to testify to this, obviously, because I'm
25 not testifying, that's fine, but to clear it up, so



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1 what we did was I -- Lynn went through any new
2 Facebook documents since that production, provided
3 those to me. I then combined those with the
4 previously produced Facebook documents. So, it is a
5 combination. It is not the same, in other words,.
6 There's a few additional documents along with some
7 of the same documents.

8 MS. ENGLERT: Well, I mean just, they don't,
9 and it's not since the production, there's some
10 other stuff that should have been in the production.
11 We could take that up later, but --

12 BY MS. ENGLERT:

13 Q So, did you provide -- so, you used this
14 Facebook download tool and you downloaded everything.
15 You did that yourself physically as opposed to having
16 someone in your attorney's office do it?

17 A Yes.

18 Q And then did you go through it and take out
19 documents, or did your attorney do that for you?

20 A I redacted it.

21 Q Okay. So, do you have all the documents that
22 you did not send to your attorney?

23 A Yes.

24 Q Okay. Do you remember doing this another time
25 previous to the -- for this deposition?



1 A Yes.

2 Q Okay. Did you keep the documents that you
3 redacted that time, as well?

4 A Yes.

5 Q And you did it the exact same way as you did
6 it just recently?

7 A Yes.

8 Q Do you remember when you did the download for
9 this deposition?

10 A I do not.

11 Q Okay. Is there any record you would have to
12 show when you did that?

13 A Probably. Hold on. December 21, 2020.

14 Q 2020?

15 A That's what it says.

16 Q Okay. So, is that when you would've done it
17 for the request for production?

18 A That was the first time I did the download.
19 Yes.

20 Q Okay. So, the first time you did the
21 download, we did a request for production on July 17,
22 2020, so you did that download December 21st, 2020. Did
23 you keep on your computer, all the documents that you
24 did not provide to your attorney?

25 A Yes.



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1 Q Okay. And they're still in electronic form on
2 your computer?

3 A I believe I put them on a flash drive.

4 Q Okay. But is the flash drive in your
5 possession?

6 A Yes.

7 Q Okay. When did you do the second download for
8 the subpoena for this deposition?

9 A December 22, 2021.

10 Q Okay. And are those documents that you culled
11 out also on a flash drive?

12 A Yes.

13 Q Okay. All right. We'll talk about the
14 documents a little bit later on. How many lawsuits are
15 you currently involved in?

16 A Define lawsuit for me.

17 Q A case that has been filed in Orange County
18 Circuit Court where you are either a plaintiff or a
19 defendant.

20 A Two.

21 Q And what are they?

22 A This case and the -- oh, I'm sorry, three.
23 This case, the election arbitration case, and the case
24 handled by Bruce Burtoff.

25 Q Okay. Have you ever been a plaintiff or a



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1 defendant in a lawsuit prior to those three cases?

2 A There was a traffic incident a long time ago.
3 Would that count? I don't know that that counts.

4 Q Like a personal injury case or just like a
5 civil traffic thing?

6 A No, it was a personal injury case.

7 Q Okay. And you were the plaintiff?

8 A No, I was the defendant.

9 Q Okay. Yeah, technically that would count. Any
10 other ones besides that?

11 A Not that I'm aware of.

12 Q Okay. Were you a board member of the North
13 Shore at Lake Hart Homeowners Association?

14 A Yes.

15 Q For what years?

16 A March of '17 through '19 sometime.

17 Q Besides being a board member, did you hold any
18 other volunteer positions at North Shore in the entire
19 time that you lived there?

20 A Yes. I served on the ARB. I served on this
21 social committee. I served on the communications
22 committee.

23 Q Were you ever a chair of any of those?

24 A I was -- was I the chair? No.

25 Q Okay. What years were you on the ARB



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1 committee?

2 A I don't recall specifically. It was off and
3 on. I know that I initiated -- was initially on the ARB
4 in 2004. I don't remember what year I came off the ARB
5 for a period of time. And then I became the ARB liaison
6 once I was on the board in 2017.

7 Q Okay. And were you the ARB liaison from 2017
8 to 2019 when you came off the board?

9 A To the best of my knowledge, yes.

10 Q Did you have a vote on the ARB committee at
11 that point?

12 A No.

13 Q Did you go and inspect properties as the ARB
14 liaison?

15 A Inspect properties? For what purpose? I'm
16 not understanding.

17 Q For ARB compliance.

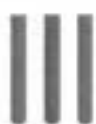
18 A For compliance. Not -- no.

19 Q Did you go inspect properties for any reason
20 while you were the ARB liaison from the board?

21 A Yes. At the direction of Mr. Gordon.

22 Q Did you go inspect properties when you were on
23 the ARB committee and you were not a board member?

24 A We did do ARB follow-up inspections in the
25 early days. Yes.



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1 Q Who took that over after the early days?

2 A I don't recall.

3 Q Was it somebody from the management company?

4 A I don't recall.

5 Q Okay. As a board member, did you always
6 follow your fiduciary duty?

7 A To the best of my ability.

8 Q Are there times you think you were not able to
9 follow your fiduciary duty?

10 A I don't know how to answer that. No.

11 Q Okay. So, you believe you followed your
12 fiduciary duty as a board member?

13 A As I understood it, yes.

14 Q The lawsuit that you are the plaintiff in that
15 is handled by Mr. Bruce Burtoff, who compiled the
16 information that's in the lawsuit? And we'll start with
17 the first complaint and then we'll talk about the second
18 complaint because they do differ.

19 A I'm sorry, can you repeat that?

20 Q Sure. You know the lawsuit that you filed
21 where you're the plaintiff, where Bruce Burtoff's your
22 attorney, right?

23 A Yes.

24 Q Okay. There's two different complaints. There
25 was a complaint that got dismissed and then there was a



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1 second complaint. I only want to talk about the first
2 one, later we'll talk about the second one. There is --
3 I think this complaint is about 40 pages long. Who
4 compiled the information in this complaint?

5 A You mean who wrote it? Who wrote the
6 complaint?

7 Q No. Who compiled the information? There are
8 40 pages of allegations against various individuals, a
9 lot of facts or purported facts. Where did they come
10 from?

11 A The facts, I provided some, and other people
12 provided others.

13 Q Who helped you provide facts for this
14 complaint?

15 A No one.

16 Q You just said other people helped you. Who
17 were they?

18 A I do not know.

19 Q How do you not know?

20 A Because they were anonymous plaintiffs. Mr.
21 Burtoff did not tell me who they are. I don't know who
22 they are, what they got, or what they gave him other
23 than what's in the complaint.

24 Q So, you allowed your name to be on a complaint
25 from -- with facts on it that came from people who you



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1 didn't know who they were or whether they were verified?

2 A Yes.

3 MR. BERNSTEIN: Objection to form. You can
4 answer.

5 Q So, you don't know who the John -- the Jane,
6 and Joe Doe are?

7 A No.

8 Q You had no concern being plaintiffs in a case
9 when you had no idea who the people were?

10 A No.

11 Q Why are they not plaintiffs anymore?

12 A I don't know.

13 MR. BERNSTEIN: Objection.

14 Q Okay. Besides the Jane and Joe Doe and
15 yourself, who else provided information for this
16 complaint?

17 A I do not know.

18 Q Okay. Do you know what information you
19 provided? Do you recall that?

20 A I do not. I'd have to go back. I wasn't
21 prepared for questions about a different case today.

22 Q All right. Well, we'll be going over it at
23 length so -- the -- do you have --

24 A May I ask why that case has anything to do
25 with this case?



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1 Q No, you cannot. You don't get to ask the
2 questions.

3 A Okay. Okay.

4 Q Do you have a file of information that you use
5 to put this case together?

6 A This case that we're on right now or the
7 Burtoff case?

8 Q We're talking about the Burtoff complaint, the
9 first complaint. When we move to something else, I
10 promise I'll tell you. But assume and know all we're
11 talking about is the first complaint in the -- the case
12 that Bruce Burtoff represents you in.

13 A Okay. Okay.

14 Q So, do you have a file of information that you
15 used to compile this case, the part that you provided?

16 A Yes.

17 Q Okay, perfect. And is -- where is that kept?

18 A On a flash drive.

19 Q Okay. Are these all different flash drives
20 that we're talking about, or do you just kind of have
21 one master one for everything about North Shore?

22 A No, I have them on different -- well --

23 Q Okay.

24 A -- back up. The Facebook downloads are on one
25 because it's this case. The Burtoff case is a different



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1 flash drive.

2 Q Okay. Did anyone help you compile the
3 information that you provided that you are aware of?

4 A No.

5 Q Okay. Okay. In this case you made a variety
6 of allegations and we're going to talk about it. How
7 did you decide which members of the board you are going
8 to have as defendants in this matter?

9 A I did not decide.

10 Q Who decided?

11 A Mr. Burtoff.

12 MR. BERNSTEIN: And I'm going --

13 MS. ENGLERT: I don't want you to -- that's
14 okay. I won't ask anything for --

15 MR. BERNSTEIN: -- to object --

16 MS. ENGLERT: I know. I know. I don't want to
17 attorney/client -- anything that you talked to your
18 attorney about, but I have to ask. And then if it's
19 something that Mr. Burtoff said, we'll stop right
20 there.

21 BY MS. ENGLERT:

22 Q Do you have a personal opinion of what David
23 Bauer did in order to be sued in this lawsuit?

24 A No.

25 Q Do you believe that Dave Bauer did anything



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1 that rose to the level that he should be sued in this
2 lawsuit?

3 A Yes.

4 Q What? What did he do? I wasn't sure that you
5 heard me.

6 A I do.

7 Q Yes.

8 A Can I verbalize why? No.

9 Q So, you believe he should be sued but you
10 can't say why?

11 A I would have to go back and refer to notes to
12 give you an answer.

13 Q Did you decide to dismiss him as a person who
14 was in this lawsuit, a defendant in the second?

15 A No.

16 Q Do you agree that he should have been
17 dismissed?

18 A No.

19 Q Did you talk to the Jane and -- or the Jane
20 and Joe Doe about that?

21 A No. Don't know who they are.

22 Q Okay. Who's the Joe Doe that's a defendant,
23 individual and officers? Why was there a Joe Doe
24 included?

25 A I don't know.



1 Q Not as a plaintiff, as a defendant?

2 MR. BERNSTEIN: Objection to form.

3 A I don't know.

4 Q Okay. Are there some individuals that you're
5 aware of that you believe should have been defendants in
6 this lawsuit that were not included?

7 A I'm sorry, ask that again.

8 Q Sure. Are there some -- you know who the
9 defendants were, Dave Gordon, John Dick, Steve Smith,
10 Mike McCauley, Randolph Pinna, Rob Taub, Burt Pearsall,
11 Dave Bauer. Who was not included that you believe
12 should have been?

13 A I don't have an opinion on that.

14 Q Okay. What did Burt Pearsall do that you
15 believe was wrong that had him be included in this
16 lawsuit?

17 A I do not know.

18 Q Okay. So, for him, you don't know?

19 A Correct.

20 Q Okay. How about Rob Taub?

21 A I do not know.

22 Q How about Randolph Pinna?

23 A I do not know.

24 Q How about Mike McCauley?

25 A I do not know.



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1 Q How about Steve Smith?

2 A I'm not sure how you want me -- you want me to
3 say what he did?

4 Q Yes. What do you believe -- I mean, this
5 complaint goes on for 40 pages about breaches. I mean,
6 there's multiple complaints, breach of fiduciary duty,
7 financial misfeasance, misrepresentation. What wrongful
8 acts do you believe Steve Smith engaged in which caused
9 him to be a defendant in the suit?

10 MR. BERNSTEIN: Objection to form. You can
11 answer to the extent that you know.

12 A Do I have to disclose my evidence in answering
13 this question?

14 Q You have to answer the question.

15 MR. BERNSTEIN: You have to -- to the extent
16 that you understand it. Yes.

17 A Okay. Could you re-ask the question, please,
18 Jennifer.

19 BY MS. ENGLERT:

20 Q Sure. You filed a lawsuit against several
21 people and you are the plaintiff. You understand that,
22 right?

23 A Yes, ma'am.

24 Q Okay. So, I want to know why you filed a
25 lawsuit against Steve Smith. What did he do wrong?



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1 A Fiduciary breach. Financial malfeasance.

2 Q How so? How so?

3 A Mr. Smith was the treasurer board member. And
4 I asked some questions, I obtained some documentation,
5 and Mr. Smith was not having -- he was instructing
6 people to miscode invoices.

7 Q Who was he instructing to do that?

8 A Staff --

9 Q Who's staff?

10 A -- that had to with accounting.

11 Q Who would that be?

12 A Lisa Mason, for one.

13 Q Who else?

14 A I don't know the name of the accounting person
15 with the management company that Steve talked about a
16 lot.

17 Q Are you a CPA?

18 A No, ma'am.

19 Q Anything else he did besides miscode invoices?

20 A Regarding his fiduciary breach?

21 Q Yeah. I'm trying to get everything that you
22 think he did.

23 A I would have to refer to notes again. That's
24 -- I did not refamiliarize myself with the Burtoff case.
25 I'm sorry.



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1 MS. ENGLERT: Well, Matthew, this is all
2 related and it's related to our case, so it's fine
3 that she wants to answer this way, but we won't be
4 able to conclude the deposition today. So, it's
5 fine. I mean, I'm going to keep going forward, but
6 it goes right to -- what they did wrong --

7 MR. BERNSTEIN: Well, I would say --

8 MS. ENGLERT: -- goes right to our case. It
9 does. So, that's, like I said, we'll keep going.

10 MR. BERNSTEIN: I disagree that it has anything
11 to do with this case. Your complaint in this case
12 is specific and narrow enough so that it doesn't
13 seem to relate to that case. At the very least, you
14 didn't include that in any topics or areas of
15 inquiry or notice to deposition to be able to
16 discuss today. So, to the extent that she's going
17 to answer that she doesn't know or is not prepared
18 for that -- if you want to abate the deposition so
19 that we could -- she could be familiarized with
20 that, or you could take it up to the court, we could
21 do so, but it seems to be a waste of time now to
22 have her answer, "I don't know," or, "I'm not
23 prepared," go through it all, then have us do it
24 again later. So, if you're going -- if you want to
25 do it again, you should probably short circuit it



1 today so we don't waste that time.

2 MS. ENGLERT: That is not happening. I don't
3 have to give a designation of what I'm asking her.
4 This is not a corporate rep. She's a party. And it
5 does go right to the heart of the case. She -- we
6 did an injunction for her against her as one of the
7 counts for false and defamatory. One of your
8 affirmative defenses is truth plus unclean hands.
9 So, everything she thinks that every one of these
10 people did is part of this case. So, I'm going to go
11 forward, you're not going to get to get out of this
12 depo today, but I am not going to be finished.
13 Every time she says she's got to look back at notes,
14 that's fine, but we're going forward because there's
15 a lot to cover and we'll just have to come back. So,
16 it's definitely related. There's no way you can say
17 it isn't.

18 BY MS. ENGLERT:

19 Q Okay. What else did Steve Smith do?

20 MR. BERNSTEIN: I'm just going to put on the
21 record that we do disagree with that. That's all.

22 MS. ENGLERT: That's fine. That's what I'm
23 saying. I mean, it does go right to the heart of
24 it. We can agree to disagree.

25 BY MS. ENGLERT:



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1 Q What else do you think that Steve Smith did
2 wrong?

3 A Acting as part of an executive committee that
4 was not authorized by the board, making decisions, and
5 preparing actions without board discussion. He also
6 provided multiple e-mails for closed meeting -- closed
7 board meeting agendas that included items that cannot be
8 discussed in a closed meeting, to which I objected each
9 time.

10 Q How did you object each time?

11 A In e-mail to you and the other board members.

12 Q Okay. And you have all those e-mails?

13 A I would think so. I don't know.

14 Q Okay. What else?

15 A That's all I can think of off the top of my
16 head.

17 Q Okay. Is Lisa Mason an accountant?

18 A I do not know.

19 Q What is the documentation that you saw that
20 showed that Mr. Smith was miscoding invoices?

21 A An invoice from the management company with
22 instructions from Steve to move a management company
23 charge to an unrelated GL code.

24 Q And what was the charge?

25 A What do you mean, what was the charge?



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1 Q You said an -- it was not related to
2 management, so what was it related to?

3 A No, it was a management labor charge on an
4 invoice, and Mr. Smith had instructions on that invoice.
5 Apparently there was probably a back and forth exchange
6 of the invoice. But his instructions on that invoice
7 were to move that management labor charge to a website
8 GL code.

9 Q And how did you get that information?

10 A I asked Lisa for a copy of the invoice.

11 Q How did you know to ask for it?

12 A I don't remember.

13 Q What other information did Lisa provide to you
14 besides a copy of an invoice while you were
15 investigating your allegations in this case?

16 A The GL codes list that I asked for.

17 Q What else?

18 A I can't remember anything else.

19 Q Did she provide you that electronically?

20 A No.

21 Q How did she provide it to you?

22 A Hard copy.

23 Q Do you remember when that happened?

24 A No.

25 Q Was -- were you still a board member?



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1 A Yes, ma'am.

2 Q What other hard copies of documentation did
3 she provide you?

4 A Regarding Mr. Smith? I cannot think of
5 anything else.

6 Q Anything else regarding accounting?

7 A Other than the financial statements she
8 distributed to the board on a regular basis, no.

9 Q Why was John Dick included as a defendant in
10 this lawsuit?

11 A I do not know.

12 Q How about David Gordon?

13 A Multiple and various acts.

14 Q Okay. We're going to go into that in a
15 second. Why did you put your name on a lawsuit where
16 there were multiple individuals that you don't know why
17 they were included?

18 MR. BERNSTEIN: Objection to form. You can
19 answer.

20 A I don't know how to answer that. Why?
21 Originally, I believe I was going to be a defendant on
22 that case, and I cannot remember who I spoke with, but
23 eventually got connected to Mr. Burtoff directly. We
24 discussed it. I believe Mr. Burtoff discussed it with
25 Matt. It was decided that it would be better for the



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1 community if I were a plaintiff on that case rather than
2 a defendant.

3 Q Okay. That wasn't my question, though. Why
4 did you become the plaintiff and sue people when you are
5 sitting here today and you cannot tell me why they were
6 sued?

7 MR. BERNSTEIN: Objection to form. You can
8 answer to the extent that you understood the
9 question. I would just caution you to not divulge
10 any attorney/client communication.

11 MS. ENGLERT: You got to just object. Keep it
12 to form, please. But yes, I do not want you to tell
13 me any attorney/client, and I will stop her if I
14 think she's doing that. But please keep your
15 objections to form.

16 A So, please re-ask the question.

17 BY MS. ENGLERT:

18 Q Sure. Why did you sue people and you, as you
19 sit here today, can't tell me why they were sued?

20 A Well, number one, I was not the only plaintiff
21 so I can only answer to those for which I had documented
22 evidence that I believed they needed to be held
23 accountable for.

24 Q Okay. So, who were those people again?

25 A Steve Smith and Dave Gordon.



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1 Q How about David Bauer?

2 A I didn't have anything to do with that.

3 Q Okay. You did tell me earlier, though, you
4 thought he should have been sued.

5 A Yes.

6 Q The documented -- go ahead.

7 A That's opinion.

8 Q The documented evidence is all on the flash
9 drive you told me about?

10 A Yes.

11 Q Okay. And where did the documented evidence
12 come from? I know you told me about Lisa Mason giving
13 you some GL codes. Where else did the evidence come
14 from?

15 A From e-mail exchanges as a board member, board
16 e-mails. Upon inquiry, Ms. Mason shared with me some
17 text messages.

18 Q Okay. Do you have copies of those?

19 A Yes.

20 Q And how did you get copies of those?

21 A I requested them from Ms. Mason.

22 Q Did she give you screenshot pictures or --

23 A Yes.

24 Q And those are all on your flash drive?

25 A Yes.



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1 Q Okay. What other evidence do you have?

2 A Again, my conclusion that Mr. Gordon and Mr.
3 Smith were acting as an unauthorized executive
4 committee, making decisions, taking actions that were
5 not discussed in board meetings.

6 Q When did you come to this conclusion?

7 A I don't remember.

8 Q Was it a year before you were no longer on the
9 board? Six months?

10 A I know it was prior to the meeting at which I
11 asked them to resign from the board.

12 Q How much prior?

13 A A few -- well, six months maybe.

14 Q And then what did you do to investigate before
15 the meeting where you asked them to resign?

16 A Collected -- I went back through e-mails,
17 board, shared e-mails. I requested the GL codes list
18 from Ms. Mason. I requested the invoice copy from Ms.
19 Mason. That was pretty much it. Just pretty much going
20 back through communications I had received as a board
21 member.

22 Q Okay. Do you think that Lisa Mason breached
23 any duty that she had to the community or as a licensed
24 community association manager?

25 A No.



1 Q How about anyone at any of the management
2 companies or any of your community managers?

3 A Do -- I'm sorry. Do I think what of any of
4 them?

5 Q Did any of them breach their fiduciary duty to
6 the community or their duty as a CAM?

7 A I do.

8 Q Who?

9 A Mr. Lasseter.

10 Q Michael Lasseter?

11 A Yeah. Is it Lasseter? I thought it was
12 Laster.

13 Q No, I'm pretty sure it's Lasseter. I'll get
14 it for you, Michelle. How did he breach his duty?

15 A In e-mails, concurring that certain items
16 should be discussed in a closed meeting. Because there
17 were things that -- and I don't remember his exact
18 language. I know I have the e-mail, but he believed
19 that there were things that needed to be discussed
20 without community involvement, that were not related to
21 pending litigation or personnel matters.

22 Q Okay. And that's in your opinion, correct?

23 A Yes, ma'am. And I stated so in reply e-mail
24 to all. I objected.

25 Q Any other breaches by any other -- well, first



1 Michael Lasseter or anything else?

2 A Not that I can recall at this point.

3 Q Okay. Any other breaches of -- from any other
4 community association manager who was working at North
5 Shore?

6 A Not that I can think of at this point.

7 Q Okay. What do you think that Dave Gordon did
8 wrong that made him a defendant in the suit?

9 A He breached his own conflict of interest
10 policy. He breached the vendor policy. He acted as an
11 unauthorized executive committee. He -- I can't think
12 of the specifics at the moment.

13 Q Okay. Well, we'll be going through that
14 complaint. How was the community damaged by a GL code
15 being miscoded, according to you?

16 A It's, to the best of my understanding, it is
17 an accounting practice that could cost a CPA their
18 license, to intentionally miscode labor charges to a --
19 another item.

20 Q My question was, how did that damage the
21 community?

22 A It's bad acts of the person in control of the
23 money.

24 Q How did it damage the community?

25 A I don't know how to answer that.



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1 Q Okay. All right. You allege in this
2 complaint that the board failed to abide by an orderly
3 budget process. What years did that occur?

4 A At least 2018, 2019.

5 Q How -- okay. Let's start with 2018. How did
6 they fail to -- how did the board fail to abide by an
7 orderly budget process?

8 A In multiple meetings, Mr. Smith provided
9 excuses why financials were not current, why financials
10 were not being available to the community. He, again,
11 on multiple occasions in open board meetings, when Mr.
12 Smith was asked about the budget or the financials, he
13 did not have answers.

14 Q Was it his job to prepare the financials for
15 the community?

16 A I know that he oversaw the preparation of the
17 financials, and he was the one who decided when they
18 would be distributed.

19 Q Why do you think that he is the one who
20 decided when they would be distributed?

21 A Because he told us so.

22 Q Wasn't it the job of the community association
23 company, the manager on-site and the people in corporate
24 to put the financials together?

25 A I do not know. I know that Mr. Smith, at



1 every board meeting, closed and otherwise, gave reasons
2 why he was working on things with the accounting team.
3 And he was deciding when things would be available to
4 the membership.

5 Q Didn't the financials come to you as a board
6 member from the management company?

7 A I -- we did not always get financials. And
8 when we did, it was in preparation of a board meeting.
9 To the best of my knowledge, yes. We got them in an e-
10 mail from Ms. Mason, who got them at the instruction of
11 Mr. Smith.

12 Q Okay. That's what you believe to be true?

13 A Yes.

14 Q Okay. How about in 2019? Is your answer the
15 same? Is that why you -- there was not an orderly
16 budget process because of the financials not being
17 current?

18 A There had not been finance committee meetings.
19 There had not been a budget process that had been done
20 for the history of the community. When questioned at
21 the town hall meeting, Mr. Smith didn't even know who
22 was on the budget or finance committee.

23 Q Is it your testimony that the budget -- the
24 finance committee didn't meet in 2019?

25 A No.



1 Q You don't believe they met in 2019?

2 A That's not my answer.

3 Q Okay. Well, that's what I'm trying to
4 understand.

5 A Okay. Mr. Smith at the town hall meeting, if
6 I recall correctly, said that the finance committee had
7 not met since April. So that was 2019. I don't know
8 that they did. I don't know that they didn't. That was
9 Mr. Smith's words. When asked who was on the committee,
10 Mr. Smith told the membership present he did not know
11 who was on the committee.

12 Q Any other reason to say that there wasn't a
13 budget or a finance committee besides that?

14 A There were no -- there's no history of
15 announcements of budget committee meetings.

16 Q For 2019.

17 A That I can recall.

18 Q How about for 2018?

19 A That I can recall.

20 Q Okay. There's also allegations that the
21 defendants engaged in self-dealing and misappropriation.
22 Can you tell me how each one of these defendants engaged
23 in self-dealing or misappropriation?

24 A No.

25 Q Do you know how any of them engaged in self-



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1 dealing and misappropriation?

2 A No.

3 Q Okay. So as far as you're concerned, there's
4 -- was no self-dealing or misappropriation from the
5 defendants in the lawsuit?

6 A I don't -- I'm not the one who has the
7 evidence for that.

8 Q So do you believe -- okay, so you put your
9 name on a lawsuit where you accused all of those
10 individuals of self-dealing and misappropriation. As
11 you sit here today, do you have any evidence that any of
12 them engaged in self-dealing or misappropriation?

13 A Self-dealing.

14 Q All right. How about Dave Gordon? Because
15 you just told me earlier that he did.

16 A Yes.

17 Q So how did he engage in self-dealing or
18 misappropriation?

19 A I'm sorry. I'm not prepared to answer that
20 today.

21 Q Okay. We'll get to that another day, then.
22 The misappropriation about facts relating to the South
23 Florida Water Management District. How did the
24 defendants misrepresent that?

25 A I don't have that.



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1 Q Do you have any recollection of it whatsoever?

2 A I recollect discussions about it. I don't
3 recollect -- I don't have the documented facts on that.

4 Q Well, I'm not asking for documents. What do
5 you recall? Why did you sue people for misrepresenting
6 material facts regarding compliance to the South Florida
7 Water Management District? What do you remember as you
8 sit here today?

9 A I don't recall specifics. I recall
10 discussions. I recall Mr. Gordon's name, being that
11 which signed off on things related to that. I don't --
12 I'm not prepared to answer that. Other than when you
13 say I sued, I sued, I sued. I was one of number of --
14 whoever the Jane and Joe Does are, I'm one of who
15 provided -- apparently provided evidence to Mr. Burtoff.

16 Q Right. But you're the only plaintiff now,
17 correct?

18 A To the best of my knowledge, yes.

19 Q Okay. So are there some things in this
20 lawsuit that probably -- well, strike that. We'll get
21 to it later. Okay. You -- in this suit, it says the
22 defendants engaged in misrepresentation to the
23 directors' and officers' insurance carrier. How did
24 that happen?

25 A I'm sorry, ask that again.



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1 Q Sure. It says that the defendants engaged in
2 misrepresentation of material facts, pertinent to the
3 directors' and officers' insurance carrier. What do you
4 know about that?

5 A I'm not prepared to answer that today. I --
6 again, I'd have to go back and look at notes on that
7 case.

8 Q So you have to go back and look at all of your
9 notes on that flash drive, right?

10 A To find -- to look for the insurance, the
11 reason for the insurance. I do remember that I had an
12 opinion, when the board announced this new legal gap
13 fund policy that they had purchased, I remember
14 commenting that I wanted to find out from the insurance
15 company if there were any misrepresentations on the
16 application. I wanted to know what the questions were
17 on the application. I have not ever received that
18 information.

19 Q So you don't know whether there were
20 misrepresentations or not?

21 A Not factually yet, no.

22 Q Okay. There's a claim that the defendants
23 were negligent and reckless in the maintenance and
24 repair of association property. How so?

25 A I believe that that refers to the sidewalks



1 repair situation that came up.

2 Q What else?

3 A I believe that part of that was that the
4 replacement of the dock was unnecessary, had the dock
5 been maintained properly along the way.

6 Q What did you do to make sure that the dock got
7 maintained as a board member?

8 A What did I do?

9 Q Yeah.

10 A I don't recall it ever becoming a subject
11 while I was a board member.

12 Q Were you concerned about the maintenance of
13 the dock while you were a board member?

14 A Specifically, no.

15 Q So do you feel that you did something wrong by
16 not making sure that the dock got maintained as -- when
17 you were a board member?

18 A It's a possibility.

19 Q Okay. What conflict of interests were failed
20 to be disclosed by any of the board members?

21 A The first and foremost is that Mr. Gordon had
22 two separate contracts with Orlando Law Group, one
23 personally, to represent him in all matters related to
24 the association. And the second was with Orlando Law
25 Group representing the association. The second conflict



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1 was Mr. Gordon's personal assistant, Deborah Lapin was
2 also apparently handling the invoicing for a vendor for
3 the HOA. GL Brothers Outdoor, I believe, is the name of
4 that group. Those are the two I can think of off the
5 top of my head, without going and looking at notes. But
6 it was Mr. Gordon who insisted on a conflict of interest
7 policy and disclosure. And when we had the meeting
8 about the conflict of interest, Mr. Gordon did not
9 disclose that. And over the years that he has been on
10 the board and has been asked specifically about his
11 history with Orlando Law Group, his response has always
12 been that Jennifer Englert handled some estate work for
13 him prior to his being on the board.

14 Q What -- you said there's two contracts, that
15 Dave Gordon has a contract with the Orlando Law Group
16 for what?

17 A For representation in all matters regarding
18 the association.

19 Q With him and the Orlando Law Group only?

20 A Yes. Yes.

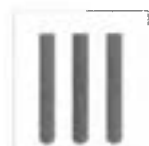
21 Q Have you seen this contract?

22 A Yes.

23 Q When have you seen it?

24 A I have a copy of it.

25 Q So are you talking about the HOA contract?



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1 A No, that's a separate contract.

2 Q Okay. I'll be asking you for that because
3 I've never seen it. Now Deb Lapin invoicing for a
4 vendor. How is -- first of all, how is that a conflict
5 of interest?

6 A Mr. Gordon's personal assistant was providing
7 invoices to the HOA on behalf of an HOA vendor who was
8 not registered with the HOA at the time, who did not
9 produce a business license under Mr. Gordon's own vendor
10 policy, produced an insurance policy under a name
11 different from the tax document provided.

12 Q Did they actually do the work that they were
13 paid for?

14 A I have no idea.

15 Q How is that a conflict of interest, what
16 you're telling me?

17 A A board member's personal assistant, being the
18 invoicing person for an HOA vendor, where the vendor has
19 violated the Association's vendor policy and the board
20 member did not disclose to the membership that his
21 assistant was also the invoicing person for this vendor.
22 Plus he used that vendor personally. I'm sure he paid
23 them separately, but you know, I'd don't know. That's
24 all -- that is all unseemly.

25 Q All right. You have no evidence that they



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1 were paid for work they didn't do, correct?

2 A I'm sorry, ask that again.

3 Q You have no evidence that this vendor got paid
4 for -- wrongfully paid -- paid for something they didn't
5 do, or overpaid or anything like that, right?

6 A Correct. I do not know.

7 Q OK. The unknown person, the John Doe who's a
8 defendant, did you try to find out who they were?

9 A No.

10 Q Do you have any idea why there's an unknown
11 defendant at this point?

12 A No.

13 Q There were other board members during this
14 time period that are not defendants in the case, right?

15 A There were other board members during this
16 time that were not defendants. I believe so. Yes.

17 Q Why were they not sued?

18 A I don't know.

19 Q Did you have any say on who was sued in this
20 case?

21 A No. I expressed objections to a couple of
22 people that were originally named, and Mr. Burtoff
23 removed those.

24 Q Who were they?

25 A Bob Schoneman. And Mike McCauley.



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1 Q Mike McCauley is a defendant -- in the first
2 case. You are aware of that, right?

3 A I thought he was taken off.

4 Q Okay. Anyone else you expressed an objection
5 to?

6 A Not that I can recall at this moment.

7 Q Why did you have an objection to Mike McCauley
8 being included?

9 A I did not feel that he had been on the board
10 long enough to have done any wrongdoing at the time.

11 Q Okay. Would you agree that somebody would
12 actually need to participate in board meetings in order
13 to be sued by yourself?

14 A Yes.

15 Q Okay. Anybody else that you recall being
16 mentioned that you specifically vetoed?

17 A I do not recall at this time.

18 Q Okay. There -- was Jim Timko mentioned?

19 A I don't remember.

20 Q Okay. How about Sarah Crawford?

21 A I don't remember.

22 Q How far back does this lawsuit, like from what
23 years does this lawsuit cover, the allegations in here?
24 How far back do we go?

25 A I'm not sure. I don't know.



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1 Q Well, in your mind, when do the problems
2 begin, that made you want to file this case?

3 A Probably 2016.

4 Q The annual meeting that was held on October
5 22, 2019, you believe that there were -- how many people
6 do you think that were at that meeting?

7 A Oh gosh, 100 plus. I don't know.

8 Q Do you think there were over 200?

9 A Inclusive of proxies or in person?

10 Q Your complaint says that there were over 200
11 voting members at the meeting attending.

12 A That would have included proxies.

13 Q Do know if the Jane and Joe Doe were at the
14 meeting?

15 A I do not know.

16 Q Okay, Mr. Burtoff wasn't at the meeting,
17 right?

18 A I don't know.

19 Q You don't remember if he was there or not?

20 A I don't remember.

21 Q Okay. You believe that the HOA board members
22 were holdovers in the years that there were not an
23 election, correct?

24 A Correct.

25 Q Did you, since the DBR -- DBPR ruled that an



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1 election was not necessary, if there were -- as long as
2 you had the exact number of people running, that there
3 were the number of open seats. Did you agree with that?

4 A I don't think that's what they ruled.

5 MR. BERNSTEIN: Form.

6 Q What do you think they ruled?

7 A That if there were the same number of seats
8 available that there were candidates, you still had to
9 hold an election meeting and take nominations from the
10 floor.

11 Q Your initial belief was that if -- that
12 everybody was a holdover, if they weren't elected in an
13 official meeting with a quorum, correct?

14 A If they had served out their elected term, if
15 they had served out the three years in which they were
16 duly elected and there was not another election, then
17 yes, they would become holdover board members.

18 Q Okay. You will -- you -- in this complaint,
19 it says that they -- that the board members included at
20 least -- breached their fiduciary duty by a variety of
21 different things. The first one is an unapproved dock
22 project. So let's talk about the dock. Do you believe
23 that the HOA did not have to maintain the dock?

24 A No.

25 Q All right. Do you agree the dock had to be --



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1 go ahead.

2 A The HOA needed to be maintaining the dock.

3 Q Okay. Do you agree that the dock project was
4 delayed because of people, including Bruce Burtoff,
5 making complaints regarding it to different agencies
6 that were going to allow the permit to go through?

7 A I'm sorry. I don't understand the question.

8 Q Sure. Do you have any idea how long the dock
9 project was in process?

10 A No, I do not.

11 Q Okay. Do you have any knowledge regarding how
12 or why it might have been delayed?

13 A No, I do not.

14 Q Okay. Do you have any knowledge about the
15 price of lumber going up during the pandemic?

16 A Only what I've read in news stories.

17 Q Okay. So you have no idea regarding why the
18 dock project took as long as it did?

19 A Correct.

20 Q And you have no idea regarding why the price
21 of that might have gone up?

22 A Correct.

23 Q Have you seen the bids for the dock project?

24 A No.

25 Q Okay. Have -- you haven't taken the chance to



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1 review them?

2 A I have not received them.

3 Q Is it your testimony that nobody has received
4 those bids?

5 A That is not my testimony. I have not received
6 those bids. I have not seen it.

7 Q You said that the board also allowed
8 unapproved management contracts. Tell me about that.

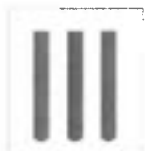
9 A Access management was hired without board
10 discussion, without open discussion. And all of a
11 sudden, we were just informed by Mr. Smith and Mr.
12 Gordon that we were hiring this Access Management
13 Company to replace, I believe it was Artemis at the
14 time.

15 Q Okay. You don't recall seeing the contract
16 before it was signed, or any discussion about a
17 potential change in management company when you were on
18 the board?

19 A There was a discussion in a closed board
20 meeting that they were going to hire Access Management.
21 They being Steve and Dave.

22 Q Do you remember John Dick being involved?

23 A I remember a conversation with John Dick when
24 I said we had to go out for bids. And John Dick said
25 that he had taken the quote that they had from Access



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1 Management, put it on an old RFP form. And if anybody
2 asked, they were just going to use that. But I don't
3 believe he was involved in the -- in interviewing or
4 investigation or search for, I don't know.

5 Q Okay. Do you know where Access Management
6 came from?

7 A I do not.

8 Q Now the landscaping project, do you take issue
9 with the landscaping that was redone at North Shore?

10 A What landscaping project?

11 Q It's in the lawsuit.

12 A I don't know.

13 Q What landscaping project do you take issue
14 with as a breach of fiduciary duty?

15 A I did not. That would not have been one of
16 the things I provided to Mr. Burtoff.

17 Q Okay. So do you have any issue with how the
18 board handled landscaping?

19 A I have not looked into it, so I can't tell you
20 whether I do or don't.

21 Q Okay. How about the dog park project?

22 A What about the dog park project?

23 Q That's also in the lawsuit as a reason why you
24 believe the board breached its fiduciary duty. So you
25 tell me.

Why we
need
Joe +
Jane
Doe



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1 A Again, I was not involved in that part of the
2 complaint.

3 Q Okay. Did you read this complaint before it
4 got filed?

5 A The first complaint? Yes.

6 Q Yeah. Did you agree with everything in here?

7 A I agreed with the parts that I provided to Mr.
8 Burtoff.

9 Q Okay. And the only way we're going to be able
10 to see that is by looking at the documents that you have
11 gathered together, correct?

12 A Yes.

13 Q Okay. What issue do you take with how the
14 board handled gate violations?

15 A What issue do I take?

16 Q Yeah.

17 A That they were putting up the same arms that
18 had been knocked down, but charging people for a new
19 arm. That the gates have malfunctioned frequently, that
20 there has -- I just take a lot of issues with the gate
21 issues.

22 Q Did you watch any of the videos of people who
23 had gate violations to see why they were being violated?

24 A Yes.

25 Q How many?



1 A Five or six, probably.

2 Q Which ones?

3 A I don't remember.

4 Q When did you see them?

5 A I don't remember when. I went -- would go
6 down to the office and ask to look at a particular one
7 that nobody knew was mine. But when I saw it, I went
8 down to the office to look, it was my guest. And I paid
9 for the damage to the car that came in behind my guest
10 privately.

11 Q And who did you watch the videos with?

12 A Amber -- I can't remember her last name.

13 Q Okay. Do you have any idea what percentage of
14 the gate violations are commercial vehicles as opposed
15 to people, either residents or guests of residents?

16 A I do not.

17 Q Do you not recall having a discussion in board
18 meetings regarding how much the fines would be for
19 hitting a gate arm?

20 A I do.

21 Q Do you remember them being being prorated?

22 A I do not recall.

23 Q Okay. Do you remember the discussion where it
24 was discussed that hits would weaken the hardware and
25 after a hit or two, everything would need to be



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1 replaced?

2 A I do not recall that.

3 Q Okay. So do you believe that the association
4 should not have been fining people who hit gates?

5 A That is not what I believe.

6 Q Okay. Do you believe that doing -- fining
7 people for hitting the gates would have been a breach of
8 the fiduciary duty of the board members?

9 A It depends on the amount and whether a
10 replacement had to be done or whether they put up the
11 old arm and how much it was.

12 Q Okay. So how much do you think was
13 appropriate?

14 A I don't have a dollar amount, but if you put
15 up the same arm that just was knocked off, and you
16 charged somebody for a full new arm, I don't believe
17 that that is fair.

18 Q Okay. How did that damage the association?

19 A I don't have an answer for that question.

20 Q Okay. When did the association engage in
21 selective and basically retribution for over-citation of
22 members' homes for petty yard infractions?

23 A Ask that again, please?

24 Q Yes. Do you believe that the compliance
25 committee basically committed retribution on certain



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1 people for petty yard infractions?

2 A I don't think the word retribution fits in
3 there. Do I think that the compliance committee issued
4 petty infractions? Yes.

5 Q Okay. When you were on the ARB, did you think
6 that anything the ARB committee did was petty?

7 A Not in its decisions, no.

8 Q Okay. So do you believe that anything that
9 the ARB committee did while at least you were on it and
10 were able to go to all the hearings had any issue
11 whatsoever?

12 A I believe there were some things that the ARB
13 members discussed that may have been at odds, but they
14 always resolved the issues, but not in final policy or
15 determinations.

16 Q Okay. So did you take issue with the
17 compliance committee fines? Not any specific fines,
18 just the chart of fines that the community had.

19 A I'm sorry. Will you please ask that again?

20 Q Sure. You said you agreed that there were
21 some petty yard infractions in the community.

22 A Yeah.

23 Q So my question is is do you believe that a
24 chart of fines which were applied to the community, that
25 there was anything on there that was a petty yard



1 infraction?

2 A Well, I would have to see what the infractions
3 were to remember whether I thought they were petty or
4 not.

5 Q Okay. So then off the top of your head as you
6 sit here today, what petty yard infractions did you not
7 agree with?

8 A I don't recall.

9 Q Okay. So when you -- when that was included
10 in the lawsuit, was that something that you wanted
11 included or was that something that was related to the
12 Jane and Joe Doe?

13 A I don't recall making that an issue, so I
14 don't believe it was me.

15 Q Okay. And as you sit here today, do you
16 remember any of your friends or neighbors, do you
17 believe had a petty yard infraction that they were fined
18 for?

19 A Yes. Oh, that they were fined for? No.

20 Q Okay. Who were -- when you said yes, who were
21 you thinking of? Apparently they didn't have a fine,
22 but who were the individuals you were thinking of?

23 A My neighbors had moved in, and the first week
24 they lived here, they received a violation for their
25 grass. They were from overseas, and they didn't know



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1 how to deal with it. So they paid a lot of money to
2 have their entire yard resodded.

3 Q And who was that?

4 A That was Bruce and Shelly Zimmerman. And I
5 think violating someone the first week they live here
6 rather than a nice conversation about how to manage it
7 was pretty petty.

8 Q Okay. Was that worth filing a lawsuit over?

9 A Oh, no. That was way, way before. That was
10 in like 2006.

11 Q Oh, okay. So these people weren't even on the
12 board then?

13 A No.

14 Q Okay. So do you think that -- so basically
15 you're going way back -- strike that.

16 A You asked me a question. I answered it.

17 Q Yeah, yeah. No. I appreciate it. I
18 appreciate it. I appreciate the completeness. Do you
19 believe that the board failed to maintain the entryway
20 monuments?

21 A Entryway monuments? No. I don't know. That's
22 not part of what I provided.

23 Q Okay. How about the sprinkler system?

24 A I don't recall providing anything about the
25 sprinkler system.



1 Q Okay. Did you provide anything about the
2 dock?

3 A Did I provide anything what?

4 Q Well, I mean, there's many allegations in here
5 regarding the dock. Was that something that was a
6 concern to you? Or was that something that was a
7 concern to the Jane and Joe Doe plaintiffs?

8 A Oh, it was a concern to me because in the
9 board meetings when they talked about the cost and then
10 they talked about the cost going up again, and then it
11 went up to like \$240,000 in one of the meetings that Mr.
12 Gordon specifically stated, that put it at a dollar
13 amount that required a membership vote.

14 Q Do you know how much the price ended up being?

15 A I do not know.

16 Q Okay. Do you -- and you've already testified,
17 you don't recall or you have no knowledge about why the
18 price went up?

19 A Correct.

20 Q Okay. It says that the landscaping is in need
21 of up to \$500,000 in repairs. Did that number come from
22 you?

23 A No.

24 Q In this lawsuit, the first one, how much money
25 were you seeking for the association?



1 A I think it was around \$500,000.

2 Q How were those damages calculated?

3 A I'd have to look at my notes and go back and
4 look at the lawsuit. I don't recall.

5 Q Okay. I mean, you already told me about the
6 self-dealing contracts that you believe Dave Gordon had,
7 right, just the two, right?

8 A I didn't call those self-dealing. I call them
9 conflict of interest.

10 Q Okay. Well, in the complaint, it says that he
11 repeatedly engaged in clandestine and self-dealing
12 contracts with contractors and consultants. Did that
13 come from you?

14 A That came from someone else. No.

15 Q Okay. What non-compliance of regulatory
16 requirements did the board engage in?

17 A Can you define that for me, please?

18 Q It's right in your complaint. So non-
19 compliance of regulatory requirements.

20 A So off the top of my head, I can't think of
21 what that would be. Again, I'd have to go back and look
22 at my notes. I'm sorry. I'm going to turn the sound
23 off on my phone, because it keeps beeping.

24 Q Okay.

25 A Okay.



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1 Q Okay. The complaint also says that the budget
2 increased 35 percent year over year. What years did it
3 increase by 35 percent?

4 A That was not part of my input, so I don't
5 know.

6 Q Okay. Did you have any concern about budget
7 increases?

8 A Yes. I didn't --

9 Q But not enough to -- go ahead.

10 A I didn't provide any evidence to the budget.
11 Just that the increases were bothersome to me.

12 Q Do you know how much the increases actually
13 were?

14 A I do not know. I know that for this year it
15 was more than the statutorily allowed 15 percent. I
16 think it was like 15.3 or 15 point something.

17 Q Okay. Do you have any knowledge about the
18 reserve study that was done?

19 A Only the copy I received as a board member.

20 Q Well, you weren't a board member when the
21 reserve study was done? Correct?

22 A I was. There was a reserve study done while I
23 was a board member, yes.

24 Q Okay. That's something -- in 2018, you
25 believe there was a reserve study done?



1 A I don't know what year it was. I don't
2 remember.

3 Q Who --

4 A But I know that I was a board member when we
5 reviewed the last reserve study. Now what year that
6 was, I don't know, but I got it when I was a board
7 member for discussion by the board.

8 Q Okay. Is it your memory that that was a full
9 out reserve study or just basically an audit at the
10 time?

11 A I believe it was the full reserve study.

12 Q Okay. So that's just your recollection?

13 A Yes.

14 Q Okay. Did North Shore get audited every year?

15 A Every year?

16 Q Yeah.

17 A I do not know. I don't know.

18 Q Okay. So you don't recall that North Shore
19 got audited, a full audit every year?

20 A I don't recall.

21 Q Okay. So in here, in this complaint where it
22 says there was no oversight of the homeowner's million
23 dollar budget, do you believe that's true?

24 A I don't know. Those are not my words.

25 Q Okay. Do you believe that the board diverted



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1 hundreds of thousands of dollars on wasteful projects?

2 A My personal opinion, yes.

3 Q Which ones?

4 A Well, the dock, for one. That would be the
5 most recent that I can think of. I can't think of
6 specifics for other projects.

7 Q What was wasteful about the dock?

8 A I believe that the stained glass gate was
9 wasteful and unnecessary.

10 Q Stained glass, did you say?

11 A Whatever that Heron design, fancy gate that
12 they put on the dock is.

13 Q Okay.

14 A I've only seen pictures of it. I was not part
15 of the group that investigated that. So the big deal to
16 me on -- the big waste to me on that was the gate.

17 Q Okay. Do you have any idea what that gate
18 cost?

19 A Nope.

20 Q Okay. And you haven't even gone down to look
21 at at the dock that you've made these allegations about?

22 A I went to the dock one time in 18 years.

23 Q Okay. Do you believe that the sprinklers in
24 the association needed to be repaired?

25 A I have no idea.



1 Q Okay. So nothing about the sprinklers would
2 be something that came from you?

3 A Correct.

4 Q How about remedial COVID protections for the
5 pool and gym? Do you believe that that was wasteful?

6 A I don't even know what those are.

7 Q Okay. So you don't have any evidence that the
8 board spent 100,000 to 300,000 on COVID protections?

9 A Correct. I don't.

10 Q Okay. Do you have any evidence that they
11 spent over \$40,000 on pillar repairs?

12 A I do not.

13 Q Okay. Do you have any recollection of how
14 much the landscaping contract was for the board each
15 year?

16 A I do not. I'd have to look at the old
17 budgets.

18 Q Okay. Do you agree that -- okay, strike that.
19 Whatever year there was, what you believe was a reserves
20 study, do you agree that more money needed to be put in
21 reserves?

22 A I don't recall.

23 Q Okay. Would you agree that expenses are going
24 up for things?

25 A I have no idea.



1 Q Okay. We touched on this, but I just want to
2 make sure. Do you have any specific thing that you can
3 say now regarding the South Florida Water Management
4 District and the board mishandling anything?

5 A No.

6 Q Is there anything in your notes about that,
7 and you just might not recall it? Or is that just a
8 non-issue for you?

9 A Oh, it's not a non-issue for me, but I wasn't
10 involved in any of that. So other than my listening to
11 Mr. Gordon talk about it, the board talk about it,
12 people in the community talking about it, I don't have
13 any firsthand knowledge.

14 Q Okay. And who was involved in getting
15 information regarding that or anything else that you
16 weren't involved? You just told me a bunch of stuff you
17 weren't involved in. Who was?

18 A Regarding what, the South Florida Water
19 Management District thing?

20 Q Yeah. Let's start with that one.

21 A Well, I know Mr. Gordon was.

22 Q No, people who helped compile information for
23 this lawsuit.

24 A Oh, I don't know.

25 Q Did you have any discomfort putting your name



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1 on a lawsuit you don't know where all the information
2 came from?

3 A Apparently not.

4 Q Okay. The CAM who worked and oversaw some
5 projects from Executive Management, an advisory service,
6 LLC, do you know who that is?

7 A I'm sorry. What?

8 Q All right, in your complaint, there's
9 somebody, an executive management and advisory service
10 who was paid by the association for about six months. Do
11 you remember? Do you know anything about that?

12 A Only that it was announced that the board had
13 hired an executive manager, and I thought that was a
14 waste of money.

15 Q Okay. Did you realize that she was a
16 community association manager?

17 A She? I thought it was a guy. Wait, are you
18 -- clearly I'm not understanding who you're talking
19 about.

20 Q Yeah. I mean, I think it's misnamed in the
21 lawsuit. I think that's the problem. There's a name,
22 John Daley, in here. Is that the person that you're
23 thinking of?

24 A Yes.

25 Q Okay. That's not actually the person who was



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1 hired. Carla Daley, do you remember her?

2 A Nope. Never met her. I remember Mr. Gordon
3 announcing hiring John Daley as an executive manager.

4 Q Do you not recall Carla Daley participating in
5 board meetings and talking about the landscaping project
6 and other things which she did in open board meetings?

7 A Not when I was on the board.

8 Q That you would've attended as an attendee
9 after you were on the board.

10 A I do not recall that.

11 Q Okay. Do you recall attending the budget
12 meeting where she also spoke?

13 A I have not attended a budget meeting.

14 Q Okay. How about -- and I'm talking about the
15 open --

16 A I'm sorry. I have not attended a budget
17 meeting since I was on the board.

18 Q So the open meetings that were open to
19 homeowners, you did not attend regarding the budget?

20 A Correct.

21 Q Okay. Do you have any evidence of actually
22 commingling of expenses for board members between the
23 board and member individually in the HOA?

24 A I'm not sure I understand the question.

25 Q Okay. In the suit it says there was



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1 commingling of expenses between board members and the
2 HOA. What evidence do you have of that?

3 A I don't believe I provided that information.

4 Q Okay. So do you personally have any
5 information regarding that?

6 A No.

7 Q Where did Mr. Gordon on at least one occasion
8 instruct an ARB request to be squashed?

9 A I am not aware of that.

10 Q Okay. And you already testified that while
11 you were the ARB liaison, nothing untoward happened,
12 right?

13 A Not that I can recall.

14 Q Do you have any problem with board members
15 being involved in the compliance process?

16 A Yes.

17 Q How so?

18 A I'd have to look it up, but I believe that the
19 statute says that board members nor their families nor
20 any, you know, household person is allowed to conduct
21 compliance inspections, but I'd have to look that up
22 again.

23 Q So you took issue with a board member being
24 involved in any inspection, even if it was done by the
25 CAM?



1 A Again, I have to look up the wording, but
2 specifically board member.

3 Q Are you aware of any board member who went out
4 without either a compliance committee member or a member
5 of the management company to do inspections?

6 A Yeah. Prior to my knowledge or understanding
7 of the statute at Mr. Gordon's instruction, I did.

8 Q When?

9 A I don't remember. It had to been in '17, '18
10 or early '19 of the Galeno property on Hart Branch
11 Circle.

12 Q Were there times when the board went out to
13 investigate a potential variance that they were going to
14 be asked to make?

15 A Not that I'm aware of.

16 Q You don't remember ever being asked to
17 potentially give a variance?

18 A I don't recall. It's possible. I don't
19 recall.

20 Q Okay. Why did you say that Dave Bauer was
21 beholden to Dave Gordon?

22 A I don't believe I said that.

23 Q Okay. So it says that in this complaint, but
24 that didn't come from you?

25 A No.



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1 Q Do you believe that Dave Bauer got some sort
2 of benefit from being the chair of the compliance
3 committee and volunteering so many hours of his time
4 while he and his wife had cancer?

5 MR. BERNSTEIN: Object to the form.

6 A No.

7 Q Do you think Mr. Bauer benefited from being
8 the chair of the compliance committee?

9 A I'm sorry. I said no.

10 Q Okay. Thanks. Did you think the gate
11 violations themselves were harassment?

12 A No.

13 Q Okay. Do you believe that the value of
14 properties in North Shore have been diminished as a
15 result of the issues that we've talked about so far in
16 your deposition?

17 A The values? No.

18 Q Okay. So in this complaint, it says that the
19 real property values have been diminished in excess of
20 \$5 million. Do you have any idea where that number came
21 from?

22 A No.

23 Q Have property values in North Shore been going
24 up the past couple years?

25 A I do not know.



1 Q So the -- the damage figuring in here of \$6.2
2 million in this lawsuit, do you have any idea where that
3 came from?

4 A It's not that total amount. No.

5 Q Okay. You told me you thought about half a
6 million?

7 A I believe that what I provided toward the
8 lawsuit came to about 500,000, yes.

9 Q Okay. And how was the breakdown of that
10 500,000?

11 A I'd have to go back and look at my notes. I
12 don't recall.

13 Q Do you recall any of the things that even went
14 into the budget?

15 A I do not. I'm sorry. I'd have to look at
16 notes.

17 Q Okay. So the people who were sued, the
18 defendants in this lawsuit, including John Dick, Steve
19 Smith, and Dave Gordon, do you believe that they
20 violated their duties the entirety of the time they were
21 on the board?

22 A The entirety of the time they were on the
23 board?

24 Q Yes.

25 A I don't know how to answer that. I don't



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1 believe that every single thing they did was a
2 violation. I believe that -- I believe that the -- I
3 don't know how to answer that.

4 Q Okay. Well, what is --

5 A Not every single thing they did was a
6 violation, no.

7 Q What time period does this complaint cover?
8 Maybe that's -- that's probably a better question.

9 A I guess my personal suspicions and starting to
10 ask questions started probably in early 2019.

11 Q Okay. Do you have any issue regarding --
12 strike that. There's allegations in here that people
13 were fined for compliance value violations so that they
14 could not vote. Do you have any person that you can say
15 received a compliance violation and then was not able to
16 vote?

17 A Compliance violation? No.

18 Q Okay. Okay. And so for the year of 2020,
19 basically 2019, 2020, do you have any evidence that tens
20 or scores of homeowners had their voting rights
21 impaired?

22 A I'm sorry. Ask that one more time.

23 Q Okay. And I'm just reading it verbatim. I
24 wouldn't have probably written it like this.

25 A Okay.



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1 Q Tens or scores of homeowners have had their
2 voting rights impaired.

3 A I believe that's true.

4 Q How so?

5 A Well, I know, for example, that bylaws that
6 were passed improperly preclude me from running for the
7 board. I know that under -- I know that it appeared
8 that a lot of fines were issued in a very short period
9 of time from what I saw on social media, that people
10 were receiving fines right and left just before the
11 election. And if you have an outstanding fine, you
12 can't vote. It just seemed -- again, it appeared that
13 there was a lot of activity at a time right before an
14 election that would've precluded people from voting.

15 Q Do you know any person -- actually the name of
16 anyone who was precluded from voting because of a fine?

17 A Fine. I personally do not.

18 Q Okay. And then you said that the bylaws were
19 passed improperly so that you're not able to run that.
20 Isn't really part of the question, but I do want to talk
21 about it. Why were the bylaws done improperly, in your
22 opinion?

23 A The bylaws were changed without proper
24 notification, dissemination to the membership, open
25 meetings for discussion. All of a sudden, we just were



1 informed the bylaws had been changed and recorded.

2 Q You don't recall that the bylaws of North
3 Shore allowed the board to change the bylaws in that
4 manner?

5 A I know that the bylaws are allowed to be
6 changed by the board, but under Florida statute, there's
7 a certain process that they had to follow that they did
8 not. And do I know it off the top of my head? No. I
9 would have to go back and look at the statutes.

10 Q Okay. Are you aware that the bylaws also
11 allowed the board members to replace a board member when
12 they resign or leave, for whatever reason?

13 A I, under legal counsel, would disagree with
14 that.

15 Q Okay. Are you paying Mr. Bertholf by the
16 hour?

17 A No.

18 Q Is it a contingency fee matter?

19 A No.

20 Q How is he being compensated?

21 A Retainer? I don't know. I don't know how it
22 is dwindling down at this point.

23 Q Are you solely responsible now that the other
24 two plaintiffs are not plaintiffs any longer?

25 A I presume so.



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1 Q Okay. But is he billing by the hour then?

2 A I have not received any other bills.

3 Q But that's your understanding of what's
4 happening?

5 A Yes.

6 Q Okay. Now we're going to talk about the
7 amended complaint where you are the only plaintiff,
8 okay?

9 A Okay.

10 Q Why was Steve Smith dropped?

11 A He should not have been. I have to look.

12 Q So do you know who the defendants are anymore
13 on this lawsuit?

14 A I would be the only -- oh, wait the defendant.
15 I have not --- I'm sorry. I have not read the amended
16 complaint, so no, I do not know.

17 Q So you allowed your name to be on a complaint
18 and you didn't read it?

19 A It's an amended complaint, correct?

20 Q Yeah. Uh-huh.

21 A No, I have not read it yet.

22 Q Okay. The defendants now, the only board
23 members that are left are Dave Gordon and John Dick. Why
24 is only Dave Gordon and John Dick the defendants for
25 board members?



1 A I have not had a chance to discuss any of this
2 with Mr. Burtoff. I don't know.

3 Q So was this done without your consent?

4 A No.

5 Q Okay. So you either would know about it, or
6 you wouldn't know about it. So did you know that
7 everybody was being dropped except for Dave Gordon and
8 John Dick?

9 A No.

10 Q Okay. So then it was done without your
11 consent?

12 A No.

13 Q How could it be done with your consent, yet
14 you say say you don't know about it?

15 A Mr. Burtoff called me, said he needed to file
16 an amended complaint and was I

17 MR. BERNSTEIN: I don't want you to di ---
18 Lynn, do not disclose any conversations --

19 MS. ENGLERT: Yeah, Billy, I mean, I know we're
20 -- you don't have to tell me what he said to you,
21 and I really don't want to know that. So I just --
22 suffice it to say that.

23 BY MS. ENGLERT:

24 Q Well, is today the first time you're finding
25 out that the only board members who are defendants are



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1 Dave Gordon and John Dick?

2 A Yes.

3 Q Okay. So did you agree -- so sitting here
4 today, do you agree that Steve Smith should have been
5 dropped?

6 A No.

7 Q How about Mike McCauley?

8 A Yes.

9 Q How about Randolph Pinna?

10 A Yes.

11 Q How about Rob Taub?

12 A I don't know.

13 Q Why don't you know?

14 A Mr. Taub has been on the board long enough now
15 to have taken actions or prevented actions. So I --
16 until I know what he has or has not done, I don't know
17 that he should or should not have been dropped.

18 Q Okay. So it was kind of -- it's your opinion
19 that you're kind of guilty until proven innocent?

20 A No.

21 Q But you, as you sit here today, do you know
22 that Rob Taub did anything that is a violation of any
23 fiduciary duty or anything that should have him be a
24 defendant in this lawsuit?

25 A Yes.



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1 Q And what would that be?

2 A I don't know how to put it into words.

3 Behaviors and actions that he has taken as a board
4 member, of which I am aware? That I can't specify
5 without going back to notes and looking. But if he was
6 dropped, I was not aware of that. Should he have been?
7 Again, I don't know. I'd have to go look.

8 Q Okay. How about Burt Pearsall? Do you agree
9 that he should have been dropped?

10 A Yes.

11 Q How about Dave Bauer?

12 A Yes.

13 Q There's no more --

14 A I'm sorry. I'm sorry. Back up. No, Dave
15 Bauer should not have been dropped.

16 Q Okay. But you've already told me everything
17 that you could think of that you believe that he might
18 have done wrong, that would require him to be included
19 in this lawsuit, right?

20 A Yes.

21 Q Okay. How about John Doe? That first, that
22 got dropped. So do you feel that everybody -- or are
23 there some other people that you think still should be
24 included in this lawsuit?

25 A Other than Steve Smith, not with certainty.



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1 Q Okay. So in regards to any of the allegations
2 that are in this new complaint, since you haven't read
3 it, you don't know whether they're valid or not, right?

4 A I don't know that, correct.

5 Q Is there a reason you didn't read it before
6 you allowed it to be filed?

7 A I did not have time.

8 Q Why haven't you read it since it was filed?

9 A I have not had time.

10 Q Have you told me all of the knowledge that you
11 have regarding any improper personal benefit that any of
12 the board members have received?

13 A I don't believe I've talked about any personal
14 benefit. I don't -- I don't have evidence to personal
15 benefit.

16 Q Okay. So you do not have any evidence of any
17 personal benefit that a board member has received?

18 A By my definition of personal benefit, no.

19 Q Have you -- how do you define personal
20 benefit?

21 A Receiving favors or compensation in exchange
22 for something.

23 Q Okay. How -- do you recall from your time on
24 the board how checks were signed for expenses of the
25 association?



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1 A I do not.

2 Q Do you believe that checks were signed by
3 board members?

4 A I believe it's possible. Yes.

5 Q Was it your recollection that the community
6 association management company paid all the bills of the
7 association?

8 A I'm sorry, ask that again, please.

9 Q Yeah. Was it your recollection that the
10 community association management company provided --
11 that they paid all the bills, basically?

12 A I would say the great majority, yes. I
13 believe that there were some checks that were, or could
14 be, signed separately by one of the board members or
15 however it was set up, separately from the association
16 management company. But I believe the management
17 company paid the lion's share of the bills. Yes.

18 Q Okay. So can you say, as you sit here today,
19 for sure that checks could be signed separately by board
20 members, not through the association management company,
21 or you just think that that's possible?

22 A No, I can say that with certainty.

23 Q Okay. So how many times did that happen while
24 you were on the board?

25 A Oh, I don't know.



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1 Q Do you have any instance that you can say for
2 sure where that occurred?

3 A I can't. I recall Mr. Gordon or Mr. Smith,
4 and I don't recall who, talking about they could sign a
5 check or Lisa could bring a check down for them to sign.
6 And I don't remember what it was for or why, but I do
7 remember that I was kind of surprised that, you know,
8 that we could in fact sign checks to pay for stuff.

9 Q Okay. But still, the check had to come from
10 the manager, correct?

11 A From what?

12 Q From the community association manager.

13 A I don't know. I presume.

14 Q How many years did the association negligently
15 fail to oversee and properly conduct annual meetings and
16 elections?

17 A Well, at least since 2016, that I can think
18 of.

19 Q How about -- how many years did the
20 association negligently fail to oversee and properly
21 conduct budgeting?

22 A I don't recall.

23 Q How about -- how many years did they fail to
24 oversee and properly conduct daily operations and
25 maintenance?



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1 A Not sure I understand that question. How many
2 years? I don't think it's a matter of years. I think
3 it's a matter of incidents.

4 Q Okay. What incidents can you recall where the
5 association negligently failed to oversee and conduct
6 the daily operations and maintenance of the association?

7 A With maintenance, the sidewalks and the dock
8 are the two issues that come to mind.

9 Q Do you believe that the community association
10 management company had any responsibility for that?

11 A I'm sorry. Will you ask that again?

12 Q Sure.

13 A Do I believe --

14 Q That the community association management
15 company had any responsibility for overseeing the daily
16 operations and maintenance of the association?

17 A Yes.

18 Q So what part did the community association
19 manager have in problems relating to the daily
20 operations or maintenance of the association?

21 A Well, daily operations would be just what
22 daily operations are. Addressing members who come in to
23 ask questions or need something. You know, daily
24 operations is daily operations. Maintenance -- I know
25 that the association manager -- I wouldn't call them



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1 inspections, but is just observant of what is going on
2 in the community, brings it to the attention of the
3 maintenance contracted person, or you know, whoever was
4 supposed to be handling things, or the board.

5 Q Do you believe that it was the responsibility
6 of the community association manager to inspect the dock
7 and the sidewalks?

8 A I don't know.

9 Q Do you remember ever --

10 A We had contracts for landscaping and
11 maintenance and all kinds of things. So was it the
12 association manager's duty? No. It would've been the
13 people who were under the contract.

14 Q The people who what?

15 A Like the landscaping company, they should have
16 been the ones who were inspecting landscaping and making
17 reports to the association manager or the board. Whoever
18 the maintenance contract was with for common areas, that
19 would be the organization that should have been looking
20 at and relaying information to the manager.

21 Q Do you recall the -- well, who was the company
22 that had maintenance -- who was the maintenance company
23 that did maintenance throughout the community?

24 A I don't recall.

25 Q Do you recall there being one ever?



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1 A I thought that there was for a very long time.
2 I don't know that -- I don't know if it stopped. I
3 don't know, you know. In the early days, yes.

4 Q Okay. Do you recall that the community
5 association contract with the HOA required them to do
6 inspections of the property?

7 A I do not recall.

8 Q Okay. Can you say for sure that that's what
9 it says or what it doesn't say?

10 A I cannot say. I don't know.

11 Q Okay. In regards to the sidewalks, do you
12 remember there being many discussions regarding the
13 sidewalks in board meetings?

14 A Yes.

15 Q Do you remember there being multiple attempts
16 to find a vendor who would even come out and inspect
17 them?

18 A I do not.

19 Q Do you remember there being issues with
20 finding anyone to do the work?

21 A I do not.

22 Q Do you know who finally oversaw the sidewalk
23 project?

24 A I do not.

25 Q So you just don't recall any of that ever



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1 being discussed in a meeting?

2 A I recall the sidewalks discussion and whose
3 responsibility it was to maintain them. I believe I was
4 probably off the board by the time it got further than
5 that.

6 Q Okay. The complaint says that Dave Gordon and
7 John Dick were improperly directors since at least 2017
8 and directly controlled the entirety of the association.
9 Do you agree with that?

10 A I would replace Mr. Dick's name with Mr.
11 Smith's name, and the years would be different.

12 Q Yeah, because Steve Smith had nothing to do
13 with the board in 2017 or 2018, correct?

14 A Correct. He was brought on in December of
15 '18, I believe.

16 Q And we already talked about whether you had
17 any evidence of self-dealing or unjust enrichment, and
18 you told me about that. What debts did the association
19 pay that were not actual debts of the association?

20 A I don't have anything to do with that.

21 Q Is there some stuff in this amended complaint
22 that might have come from a different person, since the
23 Jane and Joe Doe aren't plaintiffs anymore?

24 A I do not know.

25 Q Okay. Is the association on the brink of



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1 insolvency?

2 A I don't know.

3 Q Okay. So it says it in here. Do you have any
4 evidence that the association is on the brink of
5 insolvency?

6 A I do not.

7 Q Okay. Do you believe that the association is
8 on the brink of insolvency?

9 A I don't know.

10 Q Have you looked at the budget? The last one?

11 A Yes.

12 Q Okay. Do you recall how much was left over in
13 surplus?

14 A I do not.

15 Q Okay. Do you have any evidence that there's
16 going to be a special assessment?

17 A No.

18 Q Okay. Has the association canceled every
19 annual election for the last five years?

20 A No.

21 Q Do you know why the other allegations were
22 dropped out of this complaint?

23 A I'd have to read the complaint to know what
24 was kept and what was not.

25 MS. ENGLERT: Okay. All right. I have some



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1 documents to screen share now. Matthew, I could --
2 do you want to do it by screen share or I could e-
3 mail them over and you could scroll through them
4 yourself if you want, if you've got -- it looks like
5 that's working pretty well, but I'll do it however
6 you guys wish.

7 MR. BERNSTEIN: I'm fine via you sharing it at
8 this point. Depends on Lynn's preference.

9 THE WITNESS: I don't know. I don't care.

10 MS. ENGLERT: Yeah, it's either we would look
11 at it on the screen together or I would just send it
12 over to you and you would take a look, scrolling the
13 way you've done, the way that you did the first set
14 that we looked at. I will --

15 MR. BERNSTEIN: That's fine with me. We'll try
16 that.

17 MS. ENGLERT: All right. Yeah. To me, that's
18 usually easier. I'm going start with the documents
19 that you sent over as part of the duces tecum, which
20 I think she has already.

21 THE WITNESS: This is what Matt sent to me this
22 morning?

23 MS. ENGLERT: I assume so. Is that right,
24 Matt?

25 MR. BERNSTEIN: Correct.



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1 MS. ENGLERT: Okay.

2 MR. BERNSTEIN: Yes.

3 MS. ENGLERT: Okay. Let me know when you've
4 got it up.

5 THE WITNESS: Can you give me a minute to make
6 it searchable?

7 MS. ENGLERT: Oh, well, yeah, take your time. I
8 mean, we're going to scroll through them, but you do
9 whatever you need to do to be comfortable.

10 THE WITNESS: Is it possible we could take a
11 short break? I would like to get something -- some
12 water.

13 MS. ENGLERT: Sure.

14 COURT REPORTER: All right. Let me get you
15 guys off record.

16 (OFF RECORD)

17 COURT REPORTER: All right. Back on record.

18 BY MS. ENGLERT:

19 Q Okay. So do you have the documents up now
20 that are part of your duces tecum --

21 A I do.

22 Q -- response? Okay. We're going to start with
23 the first page, which says at the top, Lynn Sandford
24 posted to North Shore at Lake Hart Neighbors. What is
25 North Shore at Lake Hart Neighbors?



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1 A It's a Facebook group page.

2 Q How many different Facebook groups do you post
3 to regarding North Shore?

4 A Just this one.

5 Q Okay. And who is the person who started this
6 Facebook group?

7 A I'm not sure. I know the two administrators
8 are Angie Detwiler and Kelly Clavijo.

9 Q Okay. Have there been any other
10 administrators for this Facebook page besides those two
11 that you were aware of?

12 A I don't know.

13 Q Okay. Do you know when it started?

14 A I don't know.

15 Q Why do you only post to this one?

16 A There are no other community social media
17 pages of which I'm aware.

18 Q Okay. So you're not aware, you're not aware
19 of the one that one that belongs to the HOA that's been
20 in use for probably like ten years.

21 A I'm aware of it, but you can't post to that.
22 You can read what the community posts, but you can't --
23 there's no, to the best of my understanding, there's no
24 open dialogue. I don't know what the right wording is.

25 Q Okay. When was North Shore at Lake Hart



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1 Neighbors started?

2 A I don't know.

3 Q Okay. Did you request that Kelly Clavijo and
4 Angie Detwiler start this page?

5 A No.

6 Q Do you know why this page was started?

7 A I do not. I know there was a previous page, I
8 believe, run by another resident. I can't think of his
9 name. And I know he shut it down, and the next thing I
10 know is I got an invitation to this.

11 Q Okay. Did you ever post on one that was
12 moderated by Joann Smith or Janice Cherenzia?

13 A No.

14 Q Did they help you -- did they provide you with
15 any documents that you used to be the basis for the
16 lawsuit that Mr. Burtoff is representing you in?

17 A No.

18 Q How about Rose Meister? Did she provide you
19 with any documentation?

20 A No.

21 Q Do you know if Rose Meister provided anybody
22 documentation that helped form the basis for the
23 lawsuit?

24 A I do not know.

25 Q Okay. How about Janice Cherenzia or or Joanne



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1 Smith?

2 A I do not know.

3 Q Okay. All right. I want to go to the fourth
4 paragraph.

5 A One, two, three, four. Okay.

6 Q Okay. It says you were a whistleblower at a
7 public board meeting. Which one was that?

8 A The August 27, 2019 meeting.

9 Q Okay. What did you do to initiate the recall
10 procedure?

11 A What do you mean, what did I do?

12 Q In your own words, you said you initiated the
13 recall procedure. How did you do that?

14 A I spoke with the attorney who's helping us
15 with the recall. She gave us instructions on what to
16 do. I talked with community neighbors and asked if they
17 would help. And then started -- I got the recall
18 petition form from the state. I don't remember exact
19 chronology, but that was pretty much it. I sent out a
20 postcard to the community, saying that we were going to
21 be doing a recall, please join us. I don't recall
22 exactly what the postcard said at this point.

23 Q What else did you do?

24 A Went door to door, getting signatures for the
25 recall. When we had enough signatures, we filed the



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1 petition on the HOA.

2 Q Did you do it twice?

3 A Yes.

4 Q Okay. Why did you do it twice?

5 A The first petition, we had all of the current
6 board members and all of the proposed replacement
7 members on one form. And then I believe, I don't
8 remember who, but somebody resigned and that was going
9 to pretty much negate the whole petition for everybody
10 to be on one page. So it was suggested that we have one
11 board member per form, so that if anybody else resigned,
12 it didn't negate the rest of the forms. And we went
13 back and got those who had already signed to re-sign and
14 continued moving forward to get new signatures on the
15 new format.

16 Q Okay. Who was on the leadership team who
17 assisted with the strategy for the recall, beside
18 yourself?

19 A I'm sorry. The leadership team, what's that?

20 Q Who was the leadership team of the recall
21 effort?

22 A The members that were listed for the recall?
23 Who was that? Dr. Mathison, Kurt Kuhl, Kelly Clavijo,
24 Will -- Will. Oh my gosh. What's Will's last name? I
25 can't even think of his last name at the moment. And



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1 Tom Garland.

2 Q Were they the block captains?

3 A No.

4 Q Who were the block captains?

5 A I honestly don't know. I didn't coordinate
6 the block captains.

7 Q Who was in charge of coordinating them?

8 A I don't remember. I don't know.

9 Q Okay. You -- it says after you initiated the
10 recall effort, other members of the community assisted.
11 Who were those? Is there anybody different than what --
12 who you've told me?

13 A Yeah. Gosh, probably -- well, whoever the
14 block captains were, and I don't know who they were.
15 There were probably 30 or 50 block captains. I mean,
16 there were some, I believe, that handled two or three
17 streets. Some only handled one street. Yeah. I don't
18 know.

19 Q Did you collect any recall ballots at your
20 house?

21 A Yes.

22 Q Do you remember how many different people did
23 that?

24 A I do not.

25 Q Did you compile the package? Were you the one



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1 who sent it in?

2 A Yes. Well, no. The attorney sent it in, but
3 I compiled it. Yes.

4 Q Okay. Did you recruit any of the people to go
5 door to door to solicit the homeowners?

6 A I'm sorry, ask that again?

7 Q Sure. Did you recruit any of the people who
8 went door to door?

9 A I think I recruited all of them. Well, no. So
10 I recruited the core team, and then they recruited
11 people. So yes I did, because all of the core team did
12 go door to door.

13 Q Okay. How did the people who went door to
14 door get the information that they said to people
15 regarding the board?

16 A I don't think we said anything really
17 regarding the board, other than we're here, we are
18 performing a recall. If you are of a mind, please sign
19 the petition so that we can recall the board.

20 Q Would they go back to homes over and over and
21 over again if the person didn't sign the first couple of
22 times?

23 A No.

24 Q Did they harass anyone in the neighborhood to
25 sign?



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1 A Not that I'm aware of.

2 Q Did -- are you aware of any of them saying
3 things that were not true to homeowners?

4 A I'm not aware. I wasn't with people when they
5 talked to homeowners, so I don't know.

6 Q Did you ensure that everybody got correct
7 information when they went out and said things to
8 members of the community to get them to sign the recall
9 ballot?

10 A I believe I did, yes.

11 Q Okay. So was it written down anywhere?

12 A No, I don't believe so.

13 Q So did you all have a meeting where you
14 verbally conveyed this information to people who were
15 going to go door to door?

16 A I did not. Well, the core team did. We had a
17 meeting. I know we discussed very carefully that this
18 was strictly an invitation to recall the board. I don't
19 -- I know that we were not -- I know that intentionally
20 we made sure that we were not going to say anything
21 disparaging, other than facts, you know, like you can
22 look at the budget. You can look at how they raised the
23 dues. You can look at, you know, whatever. I don't
24 recall the specific conversation, but it was an
25 invitation to participate.



1 Q Did you train them to say that there wouldn't
2 be an election unless this recall ballot got done?

3 A No.

4 Q So you say that you trained them to make sure
5 that nothing disparaging was said about any of the board
6 members?

7 A I wouldn't say trained. I would say we all
8 had a conversation and we all concurred that we were not
9 going to say anything about any individual board
10 members.

11 Q Who is we all?

12 A That would be the people on the core team. Dr.
13 Mathison, Kuhl Cole, Kelly Clavijo, Will Arwood. His
14 last name is Arwood.

15 Q I was going to say, I knew who you were
16 talking about, but I couldn't think of his last name
17 either.

18 A And Tom Garland and me.

19 Q Okay. So after -- so you recall having a
20 meeting with those individuals and then they had
21 whatever meetings they had with other people?

22 A Yes.

23 Q Okay. So you really don't have any idea what
24 was said, beyond what you said to those individuals in
25 that meeting?



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1 A I believe we were all in agreement. I don't
2 believe any of them would have deviated from that in
3 their other conversations.

4 Q So if some --

5 A But that's just what I believe.

6 Q Okay. So if somebody did go out and deviate
7 from that, you wouldn't be aware of who they were or
8 what they said?

9 A Correct.

10 Q Okay. Do you think -- why did you make a
11 conscious decision to not say anything disparaging, in
12 the core group at least?

13 A Well, this all occurred after the September
14 24th meeting in which you and Steve and Dave basically
15 threatened me. And I said -- I asked what it would take
16 not to sue me. And here we are. So I have been
17 extremely careful not to say anything disparaging to
18 anyone.

19 Q Okay. Did -- was it decided that it would be
20 said that the recall was official HOA business when you
21 went door to door?

22 A I'm sorry, ask that again.

23 Q Sure. Was it -- did you guys determine that
24 you would say it was official HOA business when you went
25 door to door for the recall ballots?



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1 A Did we say that? No.

2 Q Okay. Do you believe it was official HOA
3 business?

4 A I'm not sure I --

5 MR. BERNSTEIN: Object to form.

6 A Yeah. I'm not sure I understand what you mean
7 by official HOA business. I mean, it was not -- so the
8 HOA, and I'd have to get counsel on this. Some people
9 believe the HOA is the board and some people believe the
10 HOA is the membership.

11 Q Were gift cards offered to people for
12 participating in the recall?

13 A No.

14 Q Were gift cards offered to people for any
15 activity that you were in charge of, at least?

16 A No.

17 Q How about raffles?

18 A Yes.

19 Q Tell me about that.

20 A We held a -- I don't know what the right word
21 for it is. We set up a cookout, and because of the
22 pandemic, we thought it would be cute to offer toilet
23 paper and -- what else was in the there? I can't
24 remember what else was in there, but you know, the great
25 toilet paper hoarding of the pandemic. So we thought



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1 it'd be cute. And if you came down, we gave you a
2 ticket. Whether you signed the recall or not, if you
3 just showed up, you got to have hamburgers and hot dogs
4 and you got raffle tickets. And then we drew numbers.
5 It had nothing to do with whether anyone signed or not.

6 Q Okay. At any point, did you offer to either
7 discount or allow people who assisted to not pay their
8 HOA dues?

9 A When I did a GoFundMe request to help pay for
10 the attorney, at the time it was to respond to your
11 filing with the Fifth District Court of Appeals, so we
12 needed a different kind of an attorney. We had all
13 pretty much run out of our own personal funding for
14 that. So I did do a GoFundMe page, and I did offer that
15 -- mistakenly, I admit it was a mistake -- that I
16 offered that anybody who contributed, that we would be
17 able to -- that the new board would be able to pretty
18 much give it back to them in their dues. I wasn't aware
19 at the time that I could not do that.

20 Q Have you retracted that in any way?

21 A Have I retracted that? No. I have made a
22 personal commitment, but I have not announced that nor
23 done anything about it yet.

24 Q What's the personal commitment?

25 A I will be paying everybody back out of my own



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1 personal funds.

2 Q Is there a reason why you haven't at least
3 gone on record saying that you were mistaken in
4 promising people a break from their dues for giving to
5 your GoFundMe?

6 A No, there is not a reason.

7 Q Why was it a mistake to do that?

8 A I was not aware when I did that that the HOA
9 could not do that. And I have since learned that the
10 HOA really can't do that, which means that I need to pay
11 these people back personally.

12 Q Did you use your personal funding to pay Bruce
13 Burtoff?

14 A No.

15 Q Okay. Did you use the GoFundMe proceeds to
16 pay him?

17 A No. Oh, I'm sorry. Ask the first question
18 again?

19 Q Yeah. Did you use your personal funds to pay
20 Bruce Burtoff?

21 A Yes.

22 Q Okay.

23 A I thought you were asking about the GoFundMe
24 funds.

25 Q Okay. Yeah. Has any GoFundMe funds paid



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1 Bruce Burtoff?

2 A No.

3 Q And you put down a retainer for him?

4 A Yes.

5 Q Do you know if Jane and Joe Doe did?

6 A I do not know.

7 Q Do you have any idea how he found Jane and Joe
8 Doe?

9 A I do not.

10 Q Did you refer him any people to talk to, to
11 potentially be plaintiffs in the lawsuit?

12 A I don't recall, but it's possible. I mean, we
13 talked about a lot of people in the community, but I
14 wouldn't call it a referral for him to talk to them.

15 Q Why didn't you want to find out who they were?

16 A They wanted to be anonymous. He told me that
17 there were going to be other people on. I said fine.
18 And then he told that they were willing, but they wanted
19 to remain anonymous, and I figured it was none of my
20 business who they were.

21 Q Okay. Would you be surprised to know that
22 some of the people who went door to door said things
23 that were not true about the board and the finances of
24 North Shore?

25 A I would be very surprised.



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1 Q Okay. Would it upset you if that occurred?

2 A Yes.

3 Q Do you have -- did you direct them to go
4 anywhere specific for information, whether it be the
5 website of the community, the website
6 takebacknorthshore.com, the Facebook page North Shore at
7 Lake Hart Neighbors?

8 A North Shore at Lake Hart, that's the -- that's
9 the one that we use right now, right? Yeah. I'm sorry.
10 So start over. I'm sorry. Ask it again.

11 Q Yeah. So there were many people out in the
12 neighborhood saying things about the association to get
13 recall ballots. Was there a place that you directed
14 them to get their information regarding the association
15 from?

16 A I did not. I mean, I know that when documents
17 became public, that the -- we would direct people to the
18 takebacknorthshore.com website to go read the documents
19 for themselves. Yes.

20 Q Okay.

21 A But I did not -- but when you asked me about
22 going door to door? No, I did not do that.

23 Q Are you aware of takebacknorthshore.com?

24 A I'm aware of the website, yes.

25 Q Do you know who made the website?



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1 A I do not.

2 Q Did you provide any content for the website?

3 A Yes, I have.

4 Q What content did you provide?

5 A The public documents from the court.

6 Q Who did you provide it to?

7 A I'm sorry. From the court and DBPR.

8 Q Who did you provide it to?

9 A The court team. I would send it -- I'd send
10 an e-mail to Dr. Mathison, Kelly, Will, Kurt, and Tom.

11 Q Okay. So which one of them is the one that's
12 coding the website?

13 A I don't know.

14 Q You never talked about where that website came
15 from with anyone?

16 A No.

17 Q Do you know who owns the domain?

18 A I do not.

19 Q Do you know where the idea came from?

20 A The core team discussed it. I don't recall
21 who brought it up. I don't recall who -- I don't -- no.

22 Q So while you were discussing it, you didn't
23 discuss who was actually physically going to make the
24 website?

25 A No.



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1 Q And you didn't discuss who was going to buy
2 the domain name?

3 A No.

4 Q Did somebody use their own money to pay for
5 that?

6 A Well, it wasn't mine. I don't know. I
7 presume they used their own money.

8 Q Okay. Have you read everything on that
9 website?

10 A Well, I haven't been on there recently, so I
11 don't know if anything has been uploaded that I did not
12 provide. So, no. I don't know.

13 Q When was the last time you were on there?

14 A Probably after -- after DBPR abated the
15 recalls. So, what was that? That would've been --
16 gosh, I don't even remember. It was in 2021.

17 Q Do you think the DBPR made a mistake when they
18 abated the recalls?

19 A Yes.

20 Q Any other mistakes that you think they made?

21 A Yes.

22 Q What would those be?

23 A I think the wording of the original order was
24 poor, but not inaccurate, just poor. I don't think the
25 recall should have been abated under the rules of



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1 recall.

2 Q Anything else?

3 A Not that I can think of.

4 Q So you agree that sometimes they make
5 mistakes?

6 A Everybody does, yes.

7 Q Okay. You just don't agree that they made a
8 mistake in the original ruling, just in the rulings that
9 went against your position?

10 A No. The original ruling was in favor of the
11 residents, but I think the arbitrator worded it poorly.

12 Q So -- no, my point is, is you think that that
13 was correct. You just think that the things against
14 your position were incorrect.

15 A What was against my position? I don't know
16 it. I don't understand the question.

17 Q The abatement of the recall.

18 A It's not because it was against my position.
19 It's because the rules of recall read very clearly. DBPR
20 has only two things to consider in a recall. Did we get
21 the numbers, and -- and I don't remember the second
22 thing, but there's only two things they're supposed to
23 look at, and both things were successful. So abating
24 that case, trying to tie that case to the election
25 arbitration, they're -- they are not dispositive of each



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1 other.

2 Q Are you aware of any false information on
3 takebacknorthshore.com that you saw at any of the times
4 you were on it?

5 A I am not aware.

6 Q Okay. Do you have -- if the information that
7 you provided to the team to be posted on
8 takebacknorthshore.com, did that get done through e-
9 mails or how did you provide it?

10 A I want to -- nope. Because it's all official
11 records, whoever's doing it went to the court website or
12 DBPR or however they got it, and uploaded it themselves.

13 Q Well, you said that you provided --

14 A I provided -- so I provided the information
15 that the documents were now public to the core team.

16 Q And did that happen by e-mail, by texting,
17 how?

18 A I'm sure it was both. I'm sure it was text
19 and e-mail.

20 Q Who receives the e-mail
21 team@takebacknorthshore.com?

22 A I don't know.

23 Q Do you receive any of those e-mails?

24 A No.

25 Q Are you aware of any false information that's



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1 on the website?

2 A No.

3 Q Okay. Did you proofread any of the -- any of
4 it?

5 A Proofread any of what?

6 Q Any of the information that's on there? Like
7 there's a lot of words, there's a lot of narrative. It's
8 not just all legal documents.

9 A No. Because I don't have anything to do with
10 that other than, "Hey, documents are available."

11 Q And you just tell the whole team, and somehow
12 it happens, it gets up on there, but you don't know how
13 that happens?

14 A Right. Correct.

15 Q The postcard that you sent out, where did you
16 get the addresses from?

17 A The property appraiser's website. I
18 downloaded it.

19 Q How did you do that?

20 A So you go onto the property -- it's been so
21 long. You go onto the property appraiser's website. You
22 can put in the North Shore at Lake Hart. It came up
23 with, like, five, or six, or seven, because it divvies
24 it up by, like, the parcel sections or whatever. And
25 when you go into phase one, it gives you all the



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1 addresses that were built in phase one, and phase two,
2 and phase three. So I downloaded all of that into an
3 Excel spreadsheet.

4 Q Okay. And do you still have that Excel
5 spreadsheet?

6 A Yes.

7 Q Is that on -- on what -- is it on a thumb
8 drive?

9 A Flash drive, yes.

10 Q And is it on the one that you -- where you
11 have all the evidence for the Burtoff case? Or is it in
12 some -- on another one?

13 A It's on the -- it's on the recall flash drive.

14 Q Okay. So you have a recall flash drive, also?

15 A Yes.

16 Q Okay. How many flash drives do you have
17 regarding North Shore?

18 A Three, election arbitration, Burtoff, recall.

19 Q Okay. Do you have another one regarding this
20 lawsuit?

21 A I'm sorry. Yes, it's in -- yeah, it's in
22 there now because I was referring to the documents. So
23 that's four. I'm sorry. Yes.

24 Q Okay. Yeah, no problem. Just trying to make
25 sure we're clear. Okay. Did texts get sent out to



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1 people about the recall as well?

2 A Yes.

3 Q Where did those telephone numbers come from?

4 A Either I already had them or the directory
5 from the North Shore website that was in -- that was up
6 at the time. It was an open directory.

7 Q So who physically went in and got those
8 telephone numbers?

9 A I did.

10 Q Okay. Do you have a download or something of
11 those, also?

12 A No, unfortunately, that couldn't be
13 downloaded, so I had to go through manually one by one,
14 and capture the information.

15 Q So those texts came from your phone?

16 A I believe, yes.

17 Q Who's your cell phone provider?

18 A AT&T.

19 Q How long has AT&T been your cell phone
20 provider?

21 A Well over 20 years.

22 Q Okay. And what's the current -- the phone
23 number that you would've used to text?

24 A (407) 557-6616.

25 Q Do you have any explanation how people were



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1 texted at telephone numbers that were not public?

2 A No.

3 Q Okay. Are you aware of police officers and
4 people in the military who have private telephone
5 numbers who had their telephone number texted?

6 A Well, I'm the only one who did it and -- that
7 I'm aware of. And I know that I have had other
8 conversations with police officers and military
9 personnel who had given me their numbers previously. So
10 they were already in my phone.

11 Q Who were those?

12 A Mike Johnson is one. I can't think of other
13 names at the moment. That's the police officer that
14 jumps to mind.

15 Q So you still have a group text of all of the
16 telephone numbers that you were able to gather from the
17 membership of North Shore?

18 A Wait, a what?

19 Q A group text.

20 A I never did a group text.

21 Q So you did them one, by one, by one?

22 A Yes, ma'am.

23 Q How many different times?

24 A I don't know. I'd have to go back and look. I
25 would say less than -- I would say less than 50. And,



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1 you know, some of the -- some of the texts that I sent
2 were through Facebook Messenger because I did not have
3 phone numbers, but I had had conversations with people.
4 And so I may have used Facebook Messenger for those,
5 too. But I would say, in total, less than 50, probably
6 less than 30. But I don't know without looking.

7 Q Okay. And I -- we -- I want to make sure that
8 I understand what you're saying. You -- are you saying
9 you texted less than -- somewhere between 30 to 50
10 numbers?

11 A Probably.

12 Q Okay. How many times did you send texts?

13 A If they did not respond, only the one time. If
14 they responded, we may have had some kind of
15 conversation. I don't recall.

16 Q So when somebody did not respond to you, you
17 dropped them off?

18 A Yes. But, again, it wasn't a group. It was
19 individual. I simply would not have gone to them a
20 second time.

21 Q Okay. And then Facebook Messenger, did you do
22 that through your private personal Facebook page?

23 A Yes.

24 Q Did anybody else do it through their Facebook
25 page?



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1 A I have no idea.

2 Q Or is any Facebook Messengers sent out through
3 North Shore at Lake Hart Neighbors?

4 A Not that I'm aware of, and not by me.

5 Q Okay. So the messages that you sent out
6 through Facebook Messenger were about the association
7 and the recall effort?

8 A About the recall.

9 Q Did you put information in there about the
10 association? For example, that we over -- the HOA
11 overspent on the dock, or any of the allegations that
12 have been made against the board members?

13 A I don't know. I recall -- when I was putting
14 out e-mails about the recall, all it said is, "We're
15 conducting a recall. Please consider participating."
16 And gave them the link to the website to go get the
17 form.

18 Q Okay. The addresses that you pulled off the
19 property appraiser, did those go directly from your
20 spreadsheet onto the postcards?

21 A No. I hired a mailing service.

22 Q Okay. But you gave them the addresses?

23 A Yes.

24 Q Okay. Do you have any explanation why some of
25 the addresses on the postcards didn't match with the



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1 property appraiser?

2 A I didn't know they didn't.

3 Q Did you ever get any rosters from the
4 association, from the management company?

5 A No.

6 Q And how many telephone numbers? So when you
7 went to the directory, where did the directory come from
8 that you got the telephone numbers from?

9 A On the North Shore website.

10 Q Okay. And which one was that?

11 A Whichever website we had under Artemis.

12 Q Okay. And so there was just, like, 30 to 50
13 numbers on there? That was it?

14 A To the best of my recollection, yes. I know
15 that there were more e-mail addresses on there than
16 there were phone numbers, but I don't remember all the
17 specifics at the -- right now, but I captured the
18 information that I could from that directory.

19 Q Did you send out e-mails, also?

20 A I don't recall, but I probably did.

21 Q And what e-mail address would that have come
22 from?

23 A Lsanford58@outlook.com.

24 Q Is that the only e-mail address that you use?

25 A No, I have my insurance e-mail address. I



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1 actually have two insurance e-mail addresses, which are
2 used solely for insurance. I know I have made mistakes
3 with you in the past, and accidentally sent e-mails from
4 my insurance e-mail address, but I always move them into
5 my personal e-mail address box because I can't -- you
6 know, my -- my professional e-mail insurance is
7 protected, so anything that accidentally comes from
8 there, I have to move it into my personal box. And then
9 I have -- I won't say it's defunct, but I have an old e-
10 mail address for an invention that I did. I haven't
11 used that e-mail address in years, and when I did, or
12 when I do, it is strictly for that invention.

13 Q Okay. The e-mail address
14 nslh2019election@gmail.com, do you receive those e-
15 mails?

16 A No.

17 Q Who receives those e-mails?

18 A I don't know. That's new to me.

19 Q Okay. The postcard that you had sent out --

20 A Yes.

21 Q Who created the content of that?

22 A I did.

23 Q Okay. And then you provided it to a printing
24 and mailing company?

25 A Yes.



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1 Q Who was that company?

2 A MDI.

3 Q In DeLand?

4 A I don't -- honestly, I don't know where
5 they're located. It was all done via e-mail.

6 Q Okay. Did you recruit people to stand at the
7 entrances of the gates of the neighborhoods and also
8 solicit people for recall ballots?

9 A I wouldn't use the word recruit. We discussed
10 that it was something to do, and some of the street
11 captains, and some of the core team all said, "That's a
12 good idea. Let's do it."

13 Q Okay. And all the information that was
14 provided to the volunteers, was it vetted?

15 A What information was provided to the
16 volunteers?

17 Q I'm asking you.

18 A I remember handing out the recall ballot and a
19 fact sheet.

20 Q A fact sheet?

21 A I think. I don't know. I'd have to go back
22 and look.

23 Q Okay.

24 A I know that we had a list of reasons why we
25 were doing the recall. I don't remember that right now



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1 off the top of my head. I'm sure I still have it.

2 Q The fact sheet, was that something that you
3 put together?

4 A I don't remember. I'm sure I had some hand in
5 it. I don't remember if I did it or it was a
6 coordinated effort with the core team.

7 Q Okay. And would that be something that you
8 still had a copy of?

9 A I'm sure I do.

10 Q Okay. Did anyone tell the volunteers to tell
11 homeowners that the annual budgets had to be voted on by
12 the homeowners?

13 A I don't recall that.

14 Q Okay. Besides promising people that they
15 would not have to pay dues, or that they get a -- that
16 they get a discount on their dues, if they helped with
17 the GoFundMe, did volunteers tell homeowners that the
18 dues would be rolled back to the 2020 amount if they
19 voted for the recall?

20 A Not that I -- I mean, not -- I think it's -- I
21 think it was always an -- I think it was a discussion
22 that a new board could look at the budget and possibly
23 roll back the dues. I don't believe it was a factual
24 statement. I don't -- I don't recall that.

25 Q So do you or do you not recall there being



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1 discussions within the community that dues would be
2 rolled back if the board was recalled?

3 A There were discussions that that was a
4 possibility.

5 Q Were homeowners told that the board should be
6 recalled because there were contracts issued without
7 obtaining bids?

8 A I don't recall that.

9 Q Okay. How about that the dock was rebuilt
10 without obtaining bids?

11 A I don't recall that.

12 Q Are you aware of whether there were bids for
13 the dock?

14 A I do -- I am not aware.

15 Q So you don't know one way or the other? I'm
16 sorry, that's a no?

17 A I'm sorry. Yes, that's a no.

18 Q It's all right. You've been doing great,
19 really.

20 A I finally -- I finally did it wrong.

21 Q Were there -- was there a list of homeowners
22 that volunteers were told not to go to to solicit recall
23 ballots?

24 A Was there a list of homeowners? I wouldn't
25 say there was a list. I know we had a discussion, and I



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1 know that there -- if, like, there was not going to be
2 any reason to knock on the doors of Dave Gordon, or
3 Steve Smith, or John Dick, or whoever the other board
4 members were.

5 Q Are you aware that recall people actually went
6 to some of those board members?

7 A No. I was not aware.

8 Q Okay. The cookout that you talked about, who
9 spoke at that on behalf of the core team?

10 A I don't believe there was any speech. I
11 believe that everybody was just having conversations and
12 discussing things, but I know I didn't because I was
13 very busy sitting at a table, taking recalls.

14 Q Okay. Was the fact sheet circulated at that
15 meeting?

16 A I don't know. I don't recall. It may have
17 been there available. I was not handing it out to
18 anyone, no, but it may have been just there on the
19 table. I don't recall.

20 Q Okay. This letter, which is the first page --
21 I think it's the first two pages of the production, why
22 did you include that?

23 A I'm sorry. Let's go back. What?

24 Q Okay. Yeah. So we're looking at this
25 document. We're looking at the documents that were



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1 provided by your counsel to me today.

2 A Okay.

3 Q And you have them up on your computer.

4 A Yes.

5 Q Why did you include this one in the
6 production?

7 A Which one?

8 Q The first -- this letter that we're talking
9 about.

10 A Because my instruction were that anytime I
11 talked about the HOA or any board members, I was to
12 include it.

13 Q Okay. Are there some -- are there documents
14 that you left out of the production that you -- where
15 you discussed the board or the HOA?

16 A No.

17 Q Okay.

18 A Not that I'm aware of.

19 Q Let's go to the third page, please. Were
20 there some replies?

21 A Okay.

22 Q Did you cut and paste these?

23 A No. When I -- when I -- so when you download
24 from Facebook, it does it as an HTML web page. And so
25 all I did was file, print, and save it as a PDF.



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1 Q Okay. But you cut out all of the discussions.
2 You just put your comment?

3 A I think when I did the download, I asked for
4 -- I think it -- I think one of the subcategories, when
5 it gives you everything that it downloaded, it says Your
6 Comments. And since the instructions were for anything
7 that I had said, I went to that subset of Your Comments,
8 and this is what it gave me.

9 Q So was -- where were these comments made?

10 A Honestly, I couldn't tell you. It says
11 Stephanie Redmond. It says Michael Shea. I don't know
12 those people, like, in a Facebook friends kind of way,
13 so it would have to have been on the North Shore
14 Neighbors page, I believe.

15 Q Okay. So -- and everyone is just kind of on
16 its own. I guess there are a few that are in a string.
17 So basically you didn't download what you were
18 commenting on, you just downloaded some comments that
19 you made.

20 A That was my understanding of what I had to do,
21 yes.

22 Q Okay. And the only comments you made in all
23 that time were just these few?

24 A To the best of my knowledge. This is what
25 came up when I did the Facebook download.



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1 Q Okay. Let's go to the fourth page.

2 A Fourth page. Oops.

3 Q It's from September 27th of 2020.

4 A Hold on. Okay.

5 Q What is this? Oh, sorry. It's the fifth
6 page, it looks like.

7 A So somebody, and I don't recall who because
8 they deleted it, but I had actually captured this, file
9 Sandford v Dave Gordon, et al case. So I don't know
10 where this came from, but I remember seeing it and
11 thinking, "Wow, somebody captured it properly." So I
12 kept it. Then it got taken down. So I put this back up
13 just because I thought it was accurate.

14 Q So when you write --

15 A And it answered a lot of questions that people
16 were asking.

17 Q When it write -- when you wrote that it was
18 taken down by the author for personal reasons, did you
19 know that, or did you not know that?

20 A I did know that. I don't know why I knew
21 that. I reached out either to the admins to say, "Why
22 was this taken down?" And their response was, "It -- the
23 author took it down for personal reasons." Or it may be
24 that I knew who it was. And I can't think of who it was
25 right now, but it's possible I knew that person, and



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1 sent them a message, and they said they took it down for
2 personal reasons. I don't remember.

3 Q Okay. Do you believe that board members had
4 to be named because that was the only way to have them
5 testify under oath?

6 A I'm sorry. Show me where that is in here.

7 Q It's the second bullet point.

8 A Second bullet point.

9 MR. BERNSTEIN: What page are you on?

10 MS. ENGLERT: It's the fifth page of your
11 production. It's at the top. It says Lynn Sanford
12 uploaded a file in the group, and it's dated
13 September 27, 2020.

14 MR. BERNSTEIN: Thank you.

15 MS. ENGLERT: Yeah, no problem.

16 A Okay, so now ask me your question again,
17 please.

18 Q Sure. Did you believe that the board members
19 had to be named because that was the only way that they
20 would testify under oath?

21 A I believe, yes.

22 Q So you don't think anybody could testify under
23 oath unless they're a party in a lawsuit?

24 A No, because you can subpoena people.

25 Q Right, so then why does this say the only way



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1 they would testify under oath is if they were parties to
2 the lawsuit.

3 A That's a good question. I don't know.

4 Q And why --

5 A And I captured this from somebody else.

6 Q But you posted it?

7 A Yes.

8 Q The -- it says current and previous board
9 members had to be named. Why did you not specify who
10 was named and who wasn't named?

11 A Because it's in the filing itself.

12 Q But the people who weren't named who were
13 board members during that time, why did you not explain
14 the -- why people were left out?

15 A I didn't embellish on what the person had
16 previously posted. So again, you know, I took what
17 somebody else had done, and I reposted it. I didn't
18 rewrite it, or correct it, or edit it.

19 Q Okay. So, and this post was about the lawsuit
20 that Bruce Burtoff filed, right?

21 A Yes.

22 Q Okay. And that's the first complaint, not the
23 second one, right?

24 A Yes.

25 Q Okay. So basically, this person is lauding



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1 the lawsuit, saying that it was well done and well
2 written. Correct?

3 A I don't know if I would characterize it that
4 way.

5 Q Was there anything that you think should have
6 been added to this e-mail? I understand you posted
7 somebody else's, but if you were going to add onto it,
8 what would you add?

9 A I don't think I would add anything. I
10 probably would've taken stuff out, and I probably should
11 have.

12 Q And what would --

13 A I should have probably -- I should have
14 probably ended at the second paragraph.

15 Q Where it says, "Here are the facts."

16 A No. Where it says, "Looks like some folks are
17 still fighting for us. The Orange County case number,
18 perhaps directly, and perhaps indirectly, someone
19 recently spoke with one of the plaintiffs in the case."
20 That should have -- I probably should have only reposted
21 that.

22 Q Okay. Why the parties were named as they
23 were?

24 A I probably -- yeah, I probably would've taken
25 the rest of it out if I was editing.



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1 Q Okay. Why would you say that now?

2 A Well, because when you bring up things that
3 are in here, it's not my words. It's somebody else's
4 words. And, you know, hindsight being 20/20, I think
5 those first two sentences say all that needs to be said.
6 People can go look at the case, and read it for
7 themselves.

8 Q Okay. Page 6, which is the -- should be the
9 next page.

10 A Yes.

11 Q There's a bunch of small thumbnails on it. Do
12 you know -- do you know what those are?

13 A Yeah. Those are the -- that's simply the
14 filing. This was the recall petition filing.

15 Q Okay. The text below, did you -- the actual
16 text, is that something that you wrote?

17 A Let's see. Yes.

18 Q Okay. And you already testified, but I just
19 want to make sure that we're on the same page. The
20 street captains that you mentioned here, you don't know
21 who those are, actually?

22 A I don't.

23 Q Okay. Did you ever -- so you never had a
24 meeting with all the street captains?

25 A I never did.



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1 Q Okay. I'm numbering the pages as I go to make
2 it easier. Okay. So then let's go to page 8.

3 A Is that my electronic page 8 or --

4 Q It says -- it's Lynn Sanford posting on North
5 Shore Neighbors again.

6 A Okay.

7 Q Did you download those the same as you had
8 done the other ones that look like this?

9 A Yes.

10 Q Okay. And it doesn't -- are these posts that
11 you made on the wall?

12 A On the wall?

13 Q They're not comments. They're not comments to
14 somebody else, it's something you posted directly on the
15 page?

16 A Correct.

17 Q Okay. Were there comments made to them?

18 A Oh, I don't recall. It's possible. I don't
19 believe these have been removed, so they're probably
20 still on that page.

21 Q Would you go back and forth with comments on
22 these or you didn't comment anymore after you posted?

23 A No. I would not comment anymore.

24 Q Okay. And the core team, is that --

25 A If I did, it would've shown up here as like



1 another comment.

2 Q Okay. The core team is that Mathison, Kelly
3 Clavijo, Kurt Kuhl, Will Arwood, and Tom Garland?

4 A And me.

5 Q Okay. Did anybody join or leave that core
6 team at any point?

7 A Well, I mean, people got busy and dropped off
8 and weren't responding to communications, then they'd
9 come back and respond to communications, so back and
10 forth, yeah, but just like permanently leave? Not
11 really until after the recall got abated and everything
12 came pretty much down to the election arbitration case.
13 There hasn't been any core team activity that I'm aware
14 of.

15 Q Okay. Anyone who was on the team that you
16 haven't mentioned?

17 A Not that I can think of.

18 Q Is there anyone that you know who went door to
19 door that you're aware of that is not on the core team?

20 A Well, the team -- the street captains.

21 Q Yeah. Do you know of any that maybe there --
22 do you know of any just off the top of your head that
23 aren't people you've mentioned?

24 A I don't.

25 Q Okay. So nobody shared any of that



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1 information and nobody came up and talked to you that
2 was a street captain or any of that?

3 A They may have, but I didn't know they were a
4 street captain when they talked to me.

5 Q Okay. So you have no idea really what people
6 were out there saying when they were trying to get these
7 recall ballots signed, correct?

8 A Correct.

9 Q Okay. Let's go to the 12th page. It's a
10 pretty long one from March 25, 2021, and you posted it
11 in North Shore Community Neighbors.

12 A North Shore Community Neighbors? Isn't that
13 the same --

14 Q Yeah, no, I'm just trying to help you find the
15 page, but it's the 12th page in here. They're just not
16 numbered. I'm trying to help you get to it.

17 A Okay. Oh, 12. The 12th page.

18 Q Yeah, if they were numbered pages.

19 A There has been a lot of activity regarding?

20 Q Yes.

21 A Okay.

22 Q Toward the bottom it says, "We do not believe
23 the arbitrator is following the statute or
24 administrative rules for recall."

25 A Yes.



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1 Q We talked about that already a little bit. Is
2 there anything you want to add about how you believe the
3 arbitrator made errors?

4 A No.

5 Q Okay. Okay. The last, and then I just get to
6 the end, the last two pages. It's a long -- it's a
7 post, again, from you on September 17, 2021.

8 A Okay.

9 Q About halfway down the first page, it's the
10 second bullet point, it says, "The damages recovered
11 from the true defendants." Who are the true defendants
12 that you're talking about?

13 A The HOA membership.

14 Q The defendants, not the plaintiffs.

15 A Correct. I believe that the membership are
16 the true defendants in this case, even though I'm only
17 -- the only one named, I'm fighting for the membership.
18 I'm fighting for the residents.

19 Q Well, it says the true defendants in
20 parentheses "The individual board members."

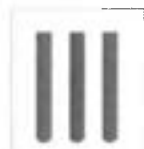
21 A I'm sorry. I'm sorry.

22 Q Yeah, I know --

23 A I got the plaintiff mixed up.

24 Q Yeah.

25 A Okay. The individual board members, not the



1 HOA.

2 Q Correct. So who are the true, which you put
3 in quotes, defendants?

4 A This was based on the first complaint. The
5 true defendants being Dave Gordon, Steve Smith, John
6 Dick, Dave Bauer, whoever was named in the first filing.

7 Q Okay. Do you have any plans to add back the
8 people who were dismissed?

9 A Well, I would like to add back Steve Smith.
10 I'll have to ask Bruce why he was taken off.

11 Q Do you think Paul Snyder should have been a
12 defendant?

13 A I doubt -- I don't believe so, no.

14 Q How about Lisa Solick?

15 A Yes.

16 Q Why her?

17 A She's not a valid board member. She is not a
18 deeded homeowner.

19 Q So how did that cause damage to the
20 association?

21 A Having someone who should not have a vote
22 voting, I believe causes damage to the membership.

23 Q How?

24 A I don't know how to put it into words. I
25 don't know how to put that into words. I'm sorry. I



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1 don't know how to put that into words.

2 Q Was she involved in any of the things
3 discussed in the first complaint?

4 A I don't believe so, because she was not a
5 board member in the first complaint.

6 Q Okay. When the second complaint was done, I
7 guess you haven't read that one yet, so you don't know,
8 you can't say whether she was involved. Why do you
9 think Paul Snyder should not be a defendant in the
10 lawsuit?

11 A Again, I know he is a deeded owner. He's a
12 valid board member to a certain extent. I, again, like
13 Rob Taub, I don't know what he has or has not done or
14 how he has or has not voted on specific items. Therefore
15 I don't know whether he should or not. But, you know,
16 benefit of the doubt, I'd say probably not.

17 Q Okay.

18 A He's probably -- again, I don't have the words
19 for why. I don't know how to express why.

20 Q He's fairly new on the board. Is that fair?

21 A Yes.

22 Q Okay. Are you aware --

23 A He is fairly new to participating in the
24 community at all. I've never heard his name before on a
25 committee. I've never seen him active in the past.



1 Q So you weren't aware that he was on the
2 compliance committee?

3 A No, I was not aware.

4 Q Okay. Are you aware that he received a letter
5 from Mr. Burtoff saying that he was going to be included
6 in the lawsuit?

7 A No, I was not aware.

8 Q Okay. How about Lisa Solick? Were you aware
9 of that?

10 A No.

11 Q Was that something that was -- well, no,
12 strike that. Do you believe that any homeowners of the
13 association ever defamed any of the board members?

14 A Any member of the association?

15 Q Yeah.

16 MR. BERNSTEIN: Objection, form.

17 A I don't know how to answer that.

18 Q Do you think it's defamatory to say that board
19 members stole money from the association?

20 MR. BERNSTEIN: Objection, form.

21 Q You can answer.

22 A Yeah, I know. I don't know. Is it defamatory
23 to say -- well, that all depends on whether it's true or
24 not. It's defamatory if you make an accusation that's
25 not true.



1 Q Do you believe it's defamatory to say that
2 board members stole golf from the golf course?

3 A Again, that would have to --

4 Q Assuming it's not true.

5 A If it's not true, then it's defamatory.

6 Q How about saying that they stole merchandise
7 from the golf course, assuming it's not true?

8 A If it's not true, it's defamatory.

9 Q Does saying things like that about board
10 members damage the association when it's not true?

11 A No.

12 Q Why don't you think so?

13 A Because the association is an entity, not a
14 person. You can damage a person.

15 Q You don't think that a corporation can be
16 damaged by things said about it?

17 A About the corporation, not about the
18 individuals.

19 Q Okay. Who gets e-mails at
20 electnewhoaboardagain@gmail.com.

21 A No clue. Never --

22 Q Have you ever heard of that e-mail address?

23 A Wasn't that Dave Gordon's e-mail address when
24 they were suing the former board back in 2013, 2014?

25 Q I'll show you some exhibits where it appears



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1 in a minute. So, no. So you don't have any knowledge
2 of this e-mail address?

3 A It sounds familiar. I can't place it. I
4 can't -- it's not mine, so I don't know.

5 Q Okay. Have you participated in helping
6 prepare any e-mails from that e-mail address?

7 A Again, it sounds familiar. But see, I'm
8 placing it -- you said no. I'm placing it with the e-
9 mail address Mr. Gordon used back in 2013, 2014. So I
10 don't know. I don't know.

11 Q Okay. And for stuff that you've sent out to
12 the community personally, have you only used your
13 personal e-mail address, the one you just gave me a few
14 minutes ago?

15 A I believe, yes.

16 Q Okay. Have other people on the team prepared
17 e-mails to send out to the community?

18 A I don't know.

19 Q Could that be done without you seeing them?

20 A Yes.

21 Q I asked you whether Lisa Mason had ever
22 provided you a list of any of the homeowners, whether
23 their addresses, their e-mails, or their telephone
24 numbers. Did anyone else at any of the management
25 companies who were at North Shore ever provide that?



1 A No.

2 Q Did -- you talked about how Lisa provided the
3 GL codes. Did she provide you any other information at
4 any point that helped you compile stuff for the lawsuit
5 that Mr. Burtoff represents you in?

6 A Yes. Upon request, I asked her for a copy of
7 the invoice with Mr. Smith's instructions to code it --
8 labor to a different GL code. I asked her for the
9 screenshots of the texts that she had. And I asked her
10 for copies of the e-mails -- of the invoices that Mr.
11 Gordon's personal assistant was submitting for payment
12 to the HOA.

13 Q Okay. Did you ask anyone else who worked for
14 any of the management companies for any information to
15 help you compile information for the lawsuit?

16 A I may have asked Amber, who was here at the
17 time. I don't recall specifically what I asked for, but
18 I may have asked her for something. I may have asked
19 Tracy -- I can't remember Tracy's last name -- for
20 something. I don't recall asking anybody else.

21 Q What did you ask Amber for?

22 A I don't recall.

23 Q Are you sure you asked her for some documents?

24 A No, it just would make sense because I would
25 usually go to Amber first.



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1 Q Okay.

2 A But I'm not --

3 Q Did you ever have any access to any laptops
4 that belonged to a management company, whether it be
5 Aegis, Artemis, any of those?

6 A No.

7 Q Okay. Did you have any conversations with
8 Lisa Mason after she was no longer the CAM of North
9 Shore?

10 A Yes.

11 Q How many times?

12 A Oh, I don't know.

13 Q And when's the last time you spoke with her?

14 A Last week.

15 Q What'd you guys talk about?

16 A Her mother.

17 Q Have you spoken about the HOA at all since
18 she's left?

19 A Yes.

20 Q What have you spoken about?

21 A Mostly giving her an update on the status of
22 the recall and the status of the election arbitration.

23 Q Why?

24 A Because it's interesting because she knows the
25 community and I know her, and you know, she's -- you



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1 know, general conversation. How's the arbitration
2 going? How's the recall going?

3 Q Have you talked to her about coming back to be
4 the CAM of North Shore at some point in the future?

5 A I've told her I would love for that to be the
6 case.

7 Q Why would you love that?

8 A Because I think she was an excellent CAM.

9 Q But you don't believe she had any
10 responsibility for any of the problems that were listed
11 in the complaint that you filed with Mr. Burtoff,
12 correct?

13 A Correct.

14 Q How is it that you don't think that she had
15 any responsibility for anything that happened at North
16 Shore?

17 A I don't know how to answer that.

18 Q Okay. Would you say that you're personal
19 friends with Lisa?

20 A Yes.

21 Q Did you try to sell her insurance while she
22 was still employed as the CAM of North Shore?

23 A She inquired of me about insurance for her and
24 her significant other.

25 Q Did you actually sell her some?



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1 A No.

2 Q Okay. Did you disclose that to the board or
3 the membership?

4 A I don't recall. I don't recall if it was -- I
5 don't recall when it was. Whether I was still a board
6 member or if it was right at the end. I don't recall.

7 Q Okay. Would you have records to show that?

8 A Records to show what?

9 Q When you guys discussed insurance for her and
10 her partner?

11 A No. It was all verbal.

12 Q Okay. How often would you say you speak with
13 her?

14 A Once a month, maybe.

15 Q Did you take a look at the laptop that she
16 took from North Shore instead of returning it after she
17 no longer worked there?

18 A No.

19 Q Were you aware that that happened?

20 A No.

21 Q The board meeting at August 27, 2019, you made
22 a statement at that meeting. Was it in writing?

23 A I had it -- I had notes in writing, yes.

24 Q Okay. Do you still have them?

25 A No.



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1 Q Why did you get rid of them?

2 A I never had them after I typed them up. I
3 never saved it. I typed it up, I printed it, and I
4 closed and I did not save. And I got rid of the -- what
5 I had in my hand right after that meeting. I just
6 didn't need it anymore.

7 Q So you printed it out and had it at the
8 meeting and then you immediately threw it away?

9 A Yeah. It's out in the landfill somewhere.

10 Q And you erased it off your computer?

11 A I never erased it. I never saved it. I just
12 typed it up, printed it. You know how when you hit
13 close and you say, do you want to save this document? I
14 said no.

15 Q Why didn't you save it?

16 A I didn't -- I don't know. There's a lot of
17 stuff I type up that I don't save.

18 Q How did you compile the statement?

19 A I don't remember the statement exactly. I
20 know that the minutes from that meeting, I thought Tracy
21 captured it very well. I know that within a matter of
22 days prior to that meeting, I had a conversation with
23 some landscapers that led me to part of my statement. I
24 had discovered the situation with Mr. Smith directing
25 the CAM to miscode the invoice. Before that meeting,



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1 there were just several things over the past probably
2 four, five, six months that led up to my being very
3 frustrated. Having tried to talk to Mr. Gordon about a
4 couple of things, having tried to talk to Mr. Smith
5 about a couple of things, and basically being dismissed,
6 led to whatever my thoughts were at that point that
7 morning that was what I thought I'm going to the board
8 tonight with this.

9 Q Okay. So you wrote it that day?

10 A That morning, yes.

11 Q Okay. I want to make sure that we get all the
12 reasons why that you can recall. I know the miscoding,
13 conversation with landscaper, anything else?

14 A Are you able to remind me of what I
15 specifically said?

16 Q Oh, executive -- acting as an unauthorized
17 executive committee.

18 A Over the past several months, every single
19 closed board meeting it was Mr. Smith and Mr. Gordon --
20 Mr. Smith and Mr. Gordon, they had decided this -- they
21 had decided that, and they just needed us to vote on it.
22 There was -- and when I started asking questions and I
23 wanted to look into things, I was told that I didn't
24 need to worry about it.

25 Q What questions were you trying to look into?



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1 A The hiring of Tracy. The hiring of Access
2 Management. I actually tried to understand what was
3 going on with the Burman swale issue. There were things
4 that I had been asking questions about on, you know,
5 what was going on that we couldn't get current financial
6 statements. And I don't speak this way. I am quoting
7 Mr. Gordon when he said to me, "We need to stay out of
8 each other's shit." In other words, don't ask questions
9 except if it's about ARB and communications.

10 Q Anything else?

11 A That's all I can think of at the moment.

12 Q Okay. So in regards to the one time that you
13 believe something was miscoded on a ledger, is that your
14 opinion as a lay person?

15 A No. I reached out to a couple of CPAs,
16 without identifying the specifics or Mr. Smith, and I
17 said, "In what situation would you code a labor charge
18 to a website GL code?" And, independent of each other,
19 they said, "You would not."

20 Q So that's what you're basing all of this on?

21 A That one, yes.

22 MR. BERNSTEIN: Objection.

23 Q Okay. What conversation with the landscaper
24 created an issue for you?

25 A I was walking, a crew of landscapers were



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1 there. The board had recently discussed the maintenance
2 of the pond behind marsh -- Shallow Marsh, I think it is
3 or marsh -- I don't know. One of those streets in Marsh
4 Pines. And there was a crew at the corner of North
5 Shore Golf Club Boulevard and the Autumn Creek entrance,
6 and I just stopped and said, "Hey, I'm Lynn Sanford,
7 I'm a board member. Have you guys gone over to the pond
8 in Marsh Pine?" One of the guys spoke fairly decent
9 English, understood me, I understood him, and we talked
10 about the pond for a minute. And then he said, "Hey, is
11 there any way you can help get us paid for some work we
12 did on Mr. Gordon's property?" I said, "What work?" And
13 they said they had moved a tree and they hadn't been
14 paid. I then went to the office after, that same day,
15 and I asked Lisa what that was about, and she said,
16 "Yeah, the guys did some work for Dave and it was on his
17 property so he has to pay them. We're not going to pay
18 them." And I said, "Oh, okay."

19 Q What's the problem with that?

20 A The problem is they were looking for the HOA
21 to pay them for work that had been done on Mr. Gordon's
22 property.

23 Q How can you take that -- did they say, "I want
24 the HOA to pay me," or did they say, "Do you know when
25 we are going to get paid?"



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1 A They asked if I could help them get paid.

2 Q Do you have any idea what -- whether this
3 person was in management or knew anything about it
4 besides what they asked you?

5 A No.

6 Q Okay. These were the maintenance people that
7 worked for the golf course, right?

8 A I don't know. They were the landscaping crew
9 that was working for the HOA. Now, if that's the same
10 crew that works for the golf course, I don't know.

11 Q You don't recall how landscaping was done at
12 North Shore while you were a board member?

13 A Yeah, I know that there was a contract done
14 with the golf course. I know that at some point, and I
15 don't remember when, that that contract kind of fell
16 apart and we were going away from the golf course, so I
17 don't know if the guys that I spoke with at the time
18 that I spoke with them, if it was the golf course crew
19 working for the HOA or whether it was -- I don't
20 remember. I'm sorry.

21 Q Okay. Do you have anything more concrete than
22 what you're telling me for making the statement that you
23 made at the HOA meeting on August 27, 2019?

24 A Such as? I don't understand. Be more --

25 Q Anything more than conjecture?



1 MR. BERNSTEIN: Object to the form.

2 A I don't think having -- I'm sorry?

3 Q He objected to the form. You can answer.

4 A I don't believe it's conjecture. I have the
5 -- I have at least one invoice with instructions to
6 miscode it. I have --

7 Q According to an accountant who had not all the
8 facts, correct?

9 A I beg your pardon?

10 Q According to an accountant who you said some
11 generalities to, correct?

12 A No.

13 Q Who were the accountants?

14 A I don't recall her name and I didn't speak
15 with her. I spoke with Lisa and I requested a copy of
16 the invoice from Lisa.

17 Q You said you went to some accountants and
18 asked about in generalities.

19 A Oh, okay. All right.

20 Q Who were they?

21 A Do I have to answer that?

22 Q Yeah.

23 A So Brian Friedel was one.

24 Q Who was the other?

25 A It was -- I called H&R Block. I don't



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1 remember who --

2 Q Just like a random H&R Block?

3 A I called H&R Block and asked to speak with a
4 CPA and they gave me whoever they had.

5 Q Okay. And Brian Friedel is one of the
6 plaintiffs with you in another lawsuit against the
7 association, right?

8 A Yes.

9 Q Okay. Do you recall there being discussions
10 regarding the hiring of Tracy where you got to give your
11 input?

12 A The decision to hire Tracy was made before I
13 complained that it had not been discussed openly with
14 the board, and Dave and Steve backtracked very quickly
15 and said, "Well, we'll send you her resume. You can
16 talk to her. You can do this, you can do that." The
17 decision had already been made.

18 Q You don't recall voting on what her salary and
19 what her contract would be, and there was back and forth
20 about how that would happen?

21 A Yes. That was all after the decision had been
22 made. It was being shoved down our throats.

23 Q How can a decision be made without you when
24 you just admit that you voted on her salary and
25 contract?



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1 A After they -- after the back and forth on --
2 they announced that they were hiring Tracy. I said,
3 "Wait a second. When did we discuss this? When did we
4 discuss the need? When did we this? When did we that?"
5 So all of that you are now talking about happened after
6 the decision to hire her had been made. At that point,
7 it was a done deal and we discussed salary position. She
8 was also to be hired, and I quote, as a project manager.

9 Q What's the problem with that?

10 A She is a CAM and it became clear that she was
11 there to be a CAM.

12 Q Are you aware that CAMs do project management
13 at HOAs all the time?

14 A Is there a reason why an HOA like ours needs
15 two CAMs or a project manager when we have a management
16 company that's supposed to be doing project management?

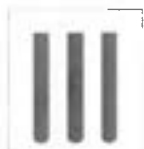
17 Q Are you aware that that happens sometimes,
18 too, when Access had personnel?

19 A She wasn't a personnel member of Access until
20 we hired her.

21 Q So you're okay if a management company CAM
22 does project management at North Shore, is that fair?

23 A If it is part of the contract for the
24 management company to provide a project manager.

25 Q This swale, when is the last time that



1 actually was an issue that you can recall?

2 A Had to have been 2018. Had to have been. I
3 don't recall.

4 Q Okay. So you just said that that was part of
5 your problem in August of 2019. Is it fair to say that
6 that had not even been an issue for at least a year-and-
7 a-half, probably?

8 A No, that's not fair. I think that it was
9 still an issue, an ongoing issue.

10 Q Do you still think it's an ongoing issue?

11 A I don't know. I know that in 2019 it was
12 still something that we were discussing in board
13 meetings.

14 Q Okay. And you said that you -- I mean, we've
15 talked a little bit about your problems with the
16 financials, but you admit you don't even know if North
17 Shore was audited every year.

18 A I'd have to go back and look and see if I have
19 audit reports from each year. I mean, I presume yes,
20 because you're supposed to, but I don't know for a fact.

21 Q Well, assuming that North Shore was audited
22 every year as it's supposed to be, would that make you
23 feel better about the financials?

24 A No.

25 Q Why?



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1 A Because historically North Shore has provided
2 an updated financial report on a monthly basis and there
3 were six, seven months that would go by with no updated
4 financials and nothing but excuses from Mr. Smith that
5 things had gotten messed up, that things were not ready,
6 that things were not updated. It was just repeated
7 excuses why updated financials were not available.

8 Q Do you recall there being problems with the
9 management company Aegis slash that changed to Artemis
10 during the time that they merged?

11 A I recall there were claims of problems.

12 Q Did you investigate any of them?

13 A I never got to see any of the actual problems,
14 no.

15 Q Okay. So you don't remember there being
16 problems with the compliance system or the ARB system or
17 the financials or getting the bank accounts moved over
18 or any of that?

19 A Not under Artemis. I remember that under
20 Access coming in. Wasn't Penny Sexton under Access?
21 Because that's when there were problems with the
22 compliance and the ARB systems.

23 Q You don't remember there being problems with
24 getting the bank accounts moved over from all the way to
25 First Service times?



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1 A I wasn't on the board at that time. I don't
2 -- so, no, I don't know.

3 Q Okay. Is it fair to say that the board
4 meeting minutes are probably better records of what
5 happened while you were a board member than your memory?

6 A Probably.

7 Q You've had a chance to review board meeting
8 minutes and approve them or disapprove them at -- when
9 they were brought up before the board, correct?

10 A Yes.

11 Q Do you remember the board meeting minutes
12 being behind for a time?

13 A Yes.

14 Q Was that Lisa Mason's fault, or was that board
15 members' faults?

16 A No, that was your fault.

17 Q Oh, how is it my fault?

18 A My understanding was that you were telling
19 Lisa not to produce minutes. I specifically asked.

20 Q Okay. So Lisa Mason said that to you?

21 A I believe that, yes.

22 Q And why would that be happening?

23 A I can't recall the reason why, but there was a
24 reason why.

25 Q Okay. All right. In your statement -- Okay.



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1 Is there anything else that caused you to make the
2 statement that you made on August 27, 2019?

3 A Executive committee, financials -- nope, I
4 can't recall at this time. I believe that's it. That's
5 all I can recall today.

6 Q Okay. What -- what business did you believe
7 that Steve Smith and Dave Gordon conducted outside of
8 board meetings?

9 A Well, the most prominent things were the
10 hiring of Tracy, and the hiring of Access Management,
11 and the firing of Lisa Mason.

12 Q Okay, so we talked about Tracy already. Is it
13 not your understanding that Lisa Mason declined to sign
14 her contract with Access, the new management company?

15 A That is partially my understanding.

16 Q What's the rest of your understanding?

17 A That they were offering a contract that we had
18 not agreed for her to be offered.

19 Q How is that firing her? That seems like
20 hiring her.

21 A No, that's separate. That's separate.

22 Q So is it your opinion that Access wanted to
23 hire her, or not?

24 A No, it is my opinion that -- or it is my
25 knowledge that when Access was being shoved down our



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1 throats, I expressed concern and said as long as it
2 includes Lisa Mason, and very happily Steve and Dave
3 agreed, "Yes, it has to include Lisa Mason," and it has
4 -- it is my belief and my opinion, happens when the
5 subsequent month went by and it was -- became very clear
6 to me that Steve and Dave did not want Lisa there.

7 Q Did Access offer her a contract or not?

8 A Yes, they offered a contract. No, it was not
9 what we agreed, as a board, would be the content. One
10 of which was a nondisclosure agreement, we all agreed
11 that that would not be part of the contract.

12 Q But you understand that she was going to be an
13 employee at the management company, correct?

14 A Correct.

15 Q And that some things a management company
16 might not want to budge on because that's just how they
17 do things, correct?

18 A That's correct, and that was going to be a
19 deal breaker for hiring Access.

20 Q The -- when did Lisa bring to the board that
21 she wanted to sign the contract, but she couldn't
22 because she didn't want that one provision in it -- in
23 there?

24 A I don't recall the date.

25 Q Do you recall it happening?



1 A Vaguely.

2 Q Who was present?

3 A I don't recall.

4 Q Okay. The problems with Access, we talked
5 about them a little bit. I asked you if you were -- oh,
6 no, sorry, strike that. With Artemis and Aegis when it
7 moved over, do you recall any of the problems that the
8 association was having with Artemis/Aegis, as they
9 merged together and started to provide services?

10 A Not specifically. I remember some grumblings.
11 I don't remember specifics today.

12 Q Okay. Do you remember the principal of either
13 company coming to a board meeting and discussing the
14 problems?

15 A I recall the principals coming to meetings. I
16 don't recall them discussing the problems. I remember
17 vaguely, again, the growing pains of a merger,
18 discussing that, but nothing seemed to not be able to be
19 overcome. It was just a, you know, standard thing that
20 happens when you merge companies, is how it was
21 presented.

22 Q Do you remember Dave Berman coming way before
23 anyone knew there was going to be a merger, and
24 apologizing, and discussing the issues of the company
25 with the board?



1 A Vaguely. I remember him coming. Was I at
2 that meeting that you're discussing, that you're
3 describing? Because I know I missed a meeting that Dave
4 Berman came to, but I was at another meeting that he did
5 come to, and I'm not recalling specifics of that
6 meeting.

7 Q Can you say with 100 percent certainty as you
8 sit here today, that Access and Artemis were providing
9 good service pursuant to the contract, to the HOA?

10 A Artemis and Aegis?

11 Q Aegis, yeah, sorry.

12 A I can't say either way with 100 percent
13 certainty, no.

14 Q Okay. Do you think it was prudent to base
15 that -- have one of the bases be the change in
16 management companies, when you stand up in front of the
17 entire HOA community and say that individuals violated
18 their fiduciary duty?

19 A I'm sorry, clarify that. What are you asking
20 me?

21 Q Do you think it's prudent to stand up in front
22 of the HOA and say that members of the board violated
23 their fiduciary duty, based upon stuff that you barely
24 even can recall?

25 A Well, I'm sure I could --



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1 MR. BERNSTEIN: Objection, form.

2 A -- I knew it at the time.

3 Q So you think you knew it at the time, you just
4 don't know it now?

5 A I'm not recalling it right now.

6 Q Okay.

7 A I'm not recalling specifics right now.

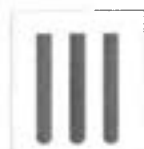
8 Q Okay. Any other specific business that you
9 believe that Steve Smith and Dave Gordon conducted
10 outside the board meeting, that you have not yet told
11 me?

12 A Not that I can recall at this moment.

13 Q What is an unauthorized executive committee
14 mean?

15 A It means the two of them were discussing and
16 making decisions that were basically done deals before
17 they brought it to the board. There was very little
18 discussion, other than, "Well, Steve and I have already
19 threshed this out, or Steve has already this, or Dave
20 has already that, just vote on it." And I'll openly
21 admit, I was a good little sheep, and did my good little
22 just vote for it duty until I stated getting
23 uncomfortable, which is when I started asking questions.

24 Q And as far as actions that actually occurred,
25 that you might be uncomfortable with, besides the hiring



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1 of Access and the hiring of Tracy, like actual things
2 that happened, is there anything else?

3 A Steve came to several meetings with proposed
4 motions, closed meetings, mind you, with proposed
5 motions, so that we would all just rubber stamp whatever
6 he and Dave had discussed and decided we needed to make
7 motions on. Again, no open discussion, no debate.

8 Q Well, I'm confused because you just testified
9 a little while ago that you had many -- that you had
10 many questions about Tracy, you brought it up, and you
11 talked about it. And so were there discussions or
12 weren't there?

13 A So there was discussion, it was -- the way
14 it's sounding at this moment is not proper
15 characterization. It was I was objecting to them just
16 deciding who we were going to hire, and then the
17 discussion ensued. I objected to they decided we were
18 going to hire Access, and then it followed with
19 discussion. By then, it was a done deal. It was a done
20 deal, they just needed the rest of us to vote.

21 Q Is micromanaging the staff a breach of
22 fiduciary duty?

23 A No, I think that's separate.

24 Q Well, you mentioned it in the speech that you
25 gave. Why did you mention that?



1 A Because I don't think it's appropriate for any
2 board member to spend six to eight hours a day in the
3 office, overseeing what the management staff is doing.
4 They're trained, they're -- or they're licensed to do
5 their job.

6 Q Do you believe that there was adequate staff
7 when Lisa Mason was the CAM?

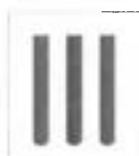
8 A I believe this community functioned very well
9 with a single CAM and an assistant for a very long time.
10 Do I think certain things happened in communities where
11 you do need to add, such as when they added on the
12 gates? Do I think we needed somebody who'd go around
13 repeatedly fixing the gates that kept breaking?
14 Probably. Not full time. So yes, I believe we were
15 staffed adequately.

16 Q Even though the -- you also alleged that the
17 dock wasn't being maintained appropriately, that the
18 landscaping wasn't maintained appropriately, that
19 compliance wasn't being done appropriately, you felt
20 that there still was adequate staff?

21 A Yes.

22 Q Okay. What actions do you believe were taken
23 by -- well, we'll take them one by one. What did Steve
24 Smith do to micromanage the staff?

25 A By his own words, he would tell us how he was



1 managing, and I can't remember the girl's name, the
2 accounting person that he was working with at Aegis.
3 She's an accountant, she should be able to receive
4 documents, put them in the system, spit out, do whatever
5 accountants do, or accounting clerks, whatever she was,
6 and do her job.

7 Q Do you recall the accounting person who was
8 dealing with North Shore -- would you recall her being
9 fired for not doing her job appropriately?

10 A Vaguely, now that you mention it. And then I
11 remember Steve saying we can get her back through
12 Access. He wanted to work with that person.

13 Q Yeah, I believe you might be thinking about
14 Michelle Sapienza?

15 A It might have been, I don't recall the name.

16 Q Okay. Yeah, she quit Access to leave because
17 of being unhappy, I believe, but -- how did Dave Gordon
18 micromanage --

19 MR. BERNSTEIN: Somebody else? Is there
20 somebody else on the phone?

21 BY MS. ENGLERT:

22 Q Dave Gordon's here, yes, as a board member --
23 as a representative. How did Dave Gordon micromanage?

24 A You would have to ask the staff that question.

25 Q Well, you said it to everyone, so what made



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1 you say it?

2 A Conversations with staff, where they felt that
3 they were being micromanaged by Steve and Dave.

4 Q Okay. And was that with your friend, Lisa?

5 A No.

6 Q With who?

7 A That was with Carlos, that was with Tanya,
8 that was with who -- somebody we had for an extremely
9 short period of time. I can't remember her name.

10 Q Okay.

11 A That was with Tracy, Tracy Durham told me
12 that. Oh, there's her name, that popped up. Tracy
13 Durham.

14 Q Okay. Why did you ask Dave and Steve to
15 resign?

16 A If I recall correctly, it was because they had
17 been acting as an unauthorized executive committee,
18 because of Steve -- I mean, yes, do you have the one
19 invoice as my evidence? Yes. Do I suspect that if he
20 did it once, he did it other times? Yes. So that was
21 the reason for that. Dave, not disclosing that you were
22 both his personal attorney and his -- and the HOA
23 attorney, when in fact, over many years of people
24 specifically asking him and him saying that you were not
25 his attorney except prior to his being a board member,



1 when clearly you were, it's on a bunch of court
2 documents that you are representing him as an individual
3 on different cases. The fact that he didn't disclose to
4 the community that his personal assistant is also the
5 assistant for an HOA vendor, for their billing purposes.
6 I mean, is any of it technically illegal? No. Is it
7 unseemly, is it -- does it violate the policies that
8 Dave and Steve wanted us to have for vendor policies and
9 conflict of interest policies? Absolutely.

10 Q But you don't think it was a conflict to talk
11 to personnel who worked for the HOA regarding selling
12 them your services?

13 A Not when they approached me, no.

14 Q Okay. Let's talk about the meeting that
15 occurred after that to close --

16 A Maybe if I -- let me back up. Had I sold Lisa
17 a policy of any kind, I probably would have disclosed
18 that. However, you're also talking about certain HIPAA
19 laws on medical and life, that not only don't have to be
20 disclosed, but cannot be disclosed. Now had I sold her
21 a policy, I probably would have disclosed that I had
22 sold a policy. I wouldn't have been able to say whether
23 it was medical or whether it was life, but that, you
24 know, yes.

25 Q Have you kept all of the confidential



1 information that you learned as a board member
2 confidential, or have you shared some of it?

3 A May I have an example?

4 Q No. I ask the questions.

5 A I can't -- well, that's fine. I just -- I
6 can't think of anything that I've disclosed that was
7 confidential board information.

8 Q Would you have made commission if you sold
9 that insurance policy to Lisa?

10 A Yes.

11 Q Were you aware that Lisa was being paid
12 directly to manage The Verandas, the condo association
13 that's next to North Shore, the HOA?

14 A I can't state with specificity what I did or
15 didn't know. I know that we all knew, and had discussed
16 on a number of occasions, that Lisa was going to be
17 performing CAM duties for The Verandas, that there was
18 compensation involved in that, but whether Verandas paid
19 the HOA and the HOA paid Lisa, or whether The Verandas
20 paid her directly, I don't know any of that.

21 Q Okay. Are you aware of her losing any
22 professional licenses before she came to work at North
23 Shore?

24 A I am not aware.

25 Q Are there any parties you believe should be



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1 part of this lawsuit that I'm -- that are not parties?

2 A Well, again, I haven't looked at that one, the
3 amended one --

4 Q Okay, wait, let me -- I'm going to stop you,
5 not to be rude but just to make sure we're not on the
6 wrong track. Okay, so we're -- the lawsuit that we're
7 here for, North Shore versus Lisa Mason and Lynn
8 Sanford, is there any --

9 A Oh.

10 Q -- indispensable parties that you believe
11 should be added to this lawsuit?

12 A Indispensable parties?

13 Q Is there somebody that you believe should be
14 in this lawsuit who isn't?

15 A As a plaintiff or as a defendant?

16 Q Period, anyone.

17 A No.

18 Q Okay. The damages that are being alleged
19 against you and Lisa, do you think that anybody else
20 created any wrongful acts besides those two?

21 A Well, we didn't create any wrongful acts
22 either, so no.

23 Q Okay. Do you believe how -- that your removal
24 from the North Shore board of directors was done
25 incorrectly or wrongfully?



1 A Yes.

2 Q Why?

3 A Because under statute, you could -- the board
4 can remove an officer. Only the membership can remove a
5 director.

6 Q Is that what the bylaws of North Shore say?

7 A No. That's what the statutes say.

8 Q So you believe that the bylaws, as drafted
9 many years ago, are incorrect?

10 A I don't know what the Florida statute was in
11 2003, when those bylaws were drafted, so I couldn't tell
12 you whether they were incorrect or not. I know that
13 Florida statute, that over the years, many times when
14 Florida statute changes, HOAs have to -- I don't know
15 what the right word is -- allow for or whatever, that if
16 their governing documents are in conflict with the
17 statute, they have to allow for one or the other. For
18 example, if the statute says, "Unless the governing
19 documents state otherwise, then your governing documents
20 stand." But if the statute doesn't say that, then the
21 statute is the one you have to go by.

22 Q And do you have any legal experience?

23 A No. What kind of legal experience?

24 Q Any.

25 A I'm not an attorney, no.



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1 Q Okay. Now the -- there was a board meeting
2 after your statement that you gave, and you told me now
3 everything that you have, that you say backs up the
4 statements that you made, right? We didn't miss
5 anything?

6 A That I can recall today, yes.

7 Q You realize it would be important to know that
8 today, right?

9 A It's important -- I don't understand the
10 question.

11 Q Today is the day where you're supposed to
12 answer that question.

13 A Okay.

14 Q You understand that, right?

15 A To the best of my ability, I have answered
16 that question.

17 Q Okay. Did you agree, at that meeting, to make
18 an apology and step down from the board?

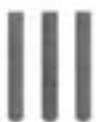
19 A I did not.

20 Q Okay. So you don't -- you did not say that.
21 What do you recall saying at that meeting?

22 A I recall saying, "I would certainly ponder
23 your request," and I needed to see it in writing.

24 Q Okay.

25 A And the reason I remember that is because when



1 I approached an attorney immediately after, I reiterated
2 the entire conversation to that attorney, so I've been
3 able to refer back to that. My exact words were, "I
4 will certainly ponder your request. I need to see it in
5 writing."

6 Q So how -- did you, like, write down what
7 happened afterward, or you just remember calling
8 somebody right away and they wrote down what happened?

9 A Called her in my car on my way home.

10 Q And how do you know that that person wrote
11 down everything that you said?

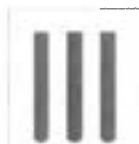
12 A I don't.

13 Q Okay. Do you believe you were threatened in
14 that meeting?

15 A Yes.

16 Q How so?

17 A In order to avoid this lawsuit, I had to agree
18 to publicly apologize. I had to agree to step down from
19 the board. I had to agree to never speak badly of any
20 board member past, present, or future again. I had to
21 agree to not run for the board. I had to -- I had to
22 agree to a bunch of things that I can't recall
23 specifically at this moment. I can pull up that
24 agreement that you did eventually send to me, but that
25 wasn't going to happen, so here we are.



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1 Q Do you --

2 A And it was a threat because if I didn't do all
3 of that, you were going to sue me. And here we are,
4 you're suing me, so you carried out on the threat.

5 Q You don't think a settlement agreement to
6 avoid a law -- so do you think every lawsuit's a threat
7 then, basically?

8 A No. I think extorting someone to bring about
9 your desired result is a threat, yes.

10 Q So you think every settlement of a lawsuit is
11 extortion?

12 A No.

13 Q Okay. How did you participate in the annual
14 meeting that followed, in October of 2020 -- 2019.

15 A What do you mean how did I participate?

16 Q How did you participate? Did you go to it?

17 A Showed up, yes.

18 Q Did you --

19 A I sat at the board table.

20 Q Did you collect proxies?

21 A Yes.

22 Q Did other people assist you in collecting
23 proxies?

24 A No.

25 Q Do you know if there were other people



1 collecting proxies?

2 A Yes.

3 Q Who was collecting proxies?

4 A I don't know, a whole bunch of people.

5 Q Okay. Did you hire Alan Taylor to attend that
6 meeting?

7 A I did not.

8 Q How about the parliamentarian?

9 A I did.

10 Q Okay. How did you find him?

11 A I sent e-mails to a number of
12 parliamentarians, inquiring as to their services. I got
13 responses from four, I discussed the situation, I got
14 quotes from three, and I settled on Mr. Alman.

15 Q Okay. Who hired Alan Taylor?

16 A I don't know.

17 Q Did you ever find out?

18 A No.

19 Q Do you agree that the ballots were never
20 opened at that meeting?

21 A They were not opened at that meeting.

22 Q Do you think that they were --

23 A The ballot --

24 Q -- opened another time?

25 A I'm sorry, back up. Would you re-ask the



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1 question please?

2 Q Sure, the ballots for the ballots that got put
3 in the ballot box --

4 A Yes.

5 Q -- would you agree they were not opened at
6 that meeting?

7 A No, my understanding was that you had people,
8 ballot counters, that were opening them and counting
9 them in another room. Is that not correct? Am I
10 recalling incorrectly?

11 Q So you believe that the ballots were opened
12 without anyone seeing?

13 A No, I just believe that -- I -- I don't know.

14 Q Okay.

15 A My understanding is that there were ballot
16 counters in another room that were opening and counting
17 ballots. That was my understanding at that time. Did I
18 see it? No.

19 Q How about now? Do you think those ballots
20 were actually opened?

21 A I still believe, yes, that they were being
22 counted.

23 Q Do you remember that there was another attempt
24 at an annual meeting, with all the ballots brought, and
25 there was no quorum?



1 A No, because I did not attend the second
2 attempt at an annual meeting.

3 Q Okay. Why not?

4 A I was protesting the second attempt.

5 Q Okay. How about the next -- the annual
6 meeting for the next year, when there wasn't a quorum?
7 Did you have anything to do with telling people not to
8 come and have a quorum?

9 A I encouraged -- was this before -- I don't
10 remember, was this before or after the arbitration order
11 of May 15th?

12 Q The last election that was had at North Shore.

13 A What date was that?

14 Q It would have been in 2021, in March.

15 A Okay. Okay. So yes, I would have encouraged
16 people not to participate in any election that was not
17 in full compliance with the DBPR order.

18 Q Why did you do that?

19 A Because the elections were for two seats, and
20 not in compliance with the DBPR order.

21 Q How many other people encouraged people not to
22 participate?

23 A I do not know.

24 Q Did you encourage people not to participate on
25 social media?



1 A Did I encourage -- I don't understand the
2 question.

3 Q Okay, you said you encouraged people not to
4 participate. How did you do that?

5 A Oh, you mean how did I accomplish that?

6 Q Yeah.

7 A I believe I said -- I may have had one post on
8 social media, I don't recall. I know that people were
9 calling me and asking me, and I know that -- I'm trying
10 to think. I don't think I -- I may have sent an e-mail.
11 I don't recall, I'd have to look.

12 Q Okay, and where would you have to look for
13 that?

14 A On my flash drive.

15 Q Okay. Who else was encouraging people not to
16 participate in the HOA election?

17 A I don't recall. I don't know.

18 Q Okay. So it's your position that unless the
19 election is for all five seats, that there shouldn't be
20 one?

21 A Correct.

22 Q Did you tell Maria O'Donnell, or Rose Meister,
23 or anyone else involved in a lawsuit with the HOA, that
24 if your board took over, that you'd drop the lawsuit?

25 A Well, I haven't spoken to Rose Meister since



1 2009, so definitely not Rose. I have spoken with Maria,
2 but no, I couldn't have. I know that there was a
3 conversation, and I said, "Unfortunately the HOA is not
4 a party to your lawsuit, so the HOA can't do anything
5 about your lawsuit."

6 Q Okay. Maria O'Donnell has gone -- or sorry,
7 Rose Meister put on social media that she helped your
8 group get information together for the lawsuit. Do you
9 have any idea what she's talking about?

10 A Nope.

11 MS. ENGLERT: Okay. I have a -- some documents
12 that I'm going to show you, that are not the ones
13 that your attorney prepared. Matt, do you want me
14 to e-mail them to you, and then you can e-mail them
15 to her, and then she could just look at them the way
16 we did the other ones?

17 MR. BERNSTEIN: Sure.

18 MS. ENGLERT: Okay, we could take like maybe a
19 five-minute break, that way you'll have time to get
20 them, and we can have a restroom break. I don't
21 have terribly much more.

22 THE WITNESS: Okay.

23 MS. ENGLERT: Is that good?

24 MR. BERNSTEIN: Sounds good.

25 COURT REPORTER: All right, let me get you guys



1 off record.

2 (OFF THE RECORD)

3 (Proceedings continued on Volume II.)

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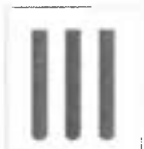
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1 IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
2 IN AND FOR ORANGE COUNTY, FLORIDA

ORIGINAL

3 CASE NO.: 2019-CA-013714-O
4

5 NORTH SHORE AT LAKE HART

6 HOMEOWNERS' ASSOCIATION, INC.,

7 PLAINTIFF,
8

9 VS.
10

11 LISA MASON AND LYNN SANDFORD,

12 DEFENDANTS.
13

_____/

14 VIDEOCONFERENCE DEPOSITION OF LYNN SANDFORD - VOLUME II

15 DATE: JANUARY 20, 2022

16 REPORTER: MICHELLE VASQUEZ

17 PLACE: ALL PARTIES APPEARED VIA VIDEOCONFERENCE
18
19
20
21
22
23
24
25

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1 (Proceedings continued from Volume I.)

2 COURT REPORTER: All right, back on the record.

3 BY MS. ENGLERT:

4 Q Okay, this first page, it's up on the screen
5 but I believe you have it as well. It's
6 electnewhoaboardagain@gmail.com. We talked about it a
7 little bit earlier. Does this help refresh your
8 recollection regarding this e-mail address?

9 A It does not, I'm sorry. I don't recall that
10 address.

11 Q Okay, do you have -- do you recognize this e-
12 mail at all?

13 A Yes.

14 Q Okay. Who put this e-mail together?

15 A The core team discussed it and came up with
16 this collaborative effort.

17 Q And again, just for clarity, that core team is
18 the people that we've already talked about a couple
19 different times?

20 A Yes, Dr. Mathison, Kurt Kuhl --

21 Q Kurt Kuhl.

22 A Kelly Clavijo, Tom Garland, and myself.

23 Q Okay. The document that is attached, that
24 starts, "Dear neighbor" --

25 A Okay.



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1 Q Do you want to take a look at that? Because
2 I'm going to ask you some questions about it.

3 A Yeah, so let me read it. Hold on.

4 Q Sure. It's pretty long. You do not have to
5 read it all, but I can -- if that's what you would like
6 to do.

7 A Yeah, I would only because I need to refresh
8 my memory with it, so please.

9 Q Okay.

10 A Can you scroll a little bit for me? I don't
11 have one.

12 Q Oh, I -- oh, I -- you don't have it in front
13 of you?

14 A No. You sent it to Matt, right?

15 MS. ENGLERT: Yeah, could you send it to her,
16 it's six pages --

17 MR. BERNSTEIN: Yes, and I'm just --

18 MS. ENGLERT: -- long.

19 MR. BERNSTEIN: I -- you actually just sent me
20 back what I published to you before. You didn't
21 send me that.

22 MS. ENGLERT: No, it's -- if you click on the
23 link, it's two different things.

24 MR. BERNSTEIN: Oh, maybe I'm -- hold on.

25 MS. ENGLERT: Yeah, if you click on the link,



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1 there's two. One is --

2 MR. BERNSTEIN: I -- yeah. Okay. That was my
3 bad. I just --

4 MS. ENGLERT: Yeah, no problem.

5 MR. BERNSTEIN: -- opened the attachment in
6 time. Yeah.

7 MS. ENGLERT: Yeah. It's six pages long, so
8 scrolling is not -- I mean, we could do it that way,
9 but it would probably be much easier.

10 THE WITNESS: Okay. Hold on for me. Let me
11 know when you've sent it, Matt.

12 MR. BERNSTEIN: Yeah, will do.

13 COURT REPORTER: Would you like me to go off
14 record momentarily?

15 MR. BERNSTEIN: No, it's okay. I just sent
16 those to her, so Lynn, you should have those.

17 THE WITNESS: Okay. Hold on. Let me go do a
18 refresh and see if I can make it come in sooner.
19 There we go. It just came in. Hold on. Ooh,
20 that's teeny tiny. Okay. I have it now.

21 BY MS. ENGLERT:

22 Q Okay. Do you want to scroll through it and
23 read it or you want me to just start asking questions?

24 A Hold on, give me just a second. I'm on the
25 one that was apparently the attachment.



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1 Q Yes.

2 A All right. Hold on just a second.

3 Q Yeah, no problem.

4 A Okay.

5 Q All right. I can start asking questions about
6 it?

7 A Yes, ma'am.

8 Q Okay. Is this the fact sheet that you
9 referred to?

10 A No.

11 Q Okay. How did this document get put together?

12 A I know we discussed it with the core team. I
13 believe I drafted the body, and I believe other -- and I
14 don't know who, but I believe the other core team
15 members put the bullets together. I'm just looking
16 through the bullets. Hold on. Yeah, I did not -- I beg
17 your pardon. I did not put the bullets together. I'm
18 sorry. All of a sudden I have hiccups.

19 Q Whose computer was this typed on?

20 A I don't know. Well, the base letter from the
21 "Dear neighbor" down to the starting of the list, I know
22 that I drafted the initial draft and sent it to the core
23 team.

24 Q Okay.

25 A I don't know who did the rest of it. And I



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1 don't know if it was one person or if it was a
2 collaboration of the other core team members. Yeah.
3 That's lengthy.

4 Q And you have no idea who sent out the e-mail?

5 A I don't know who's in control of that e-mail
6 address.

7 Q Who would know?

8 A I guess the person who owns it. I don't know.

9 Q What e-mail addresses was this e-mail sent to?

10 A I don't know.

11 Q Did you compile a list of e-mail addresses
12 that you were using?

13 A The only e-mail address -- the only e-mail
14 addresses I had were from the directory in the North
15 Shore website, and then any that I had just because they
16 live here and they're friends.

17 Q Did you share that list with other people?

18 A I don't recall.

19 Q Did you share the text message -- the text
20 numbers that you got together with other people?

21 A Did I share the phone numbers?

22 Q Yeah. The 30 to 50 phone numbers you put
23 together?

24 A No. No, I would not have shared that.

25 Q Okay. How about the addresses? Did you share



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1 the list of addresses with anyone besides MBI?

2 A Yes. When I -- when we were preparing the
3 tracking sheet for who had signed recalls, I shared that
4 with the other core team and I believe they probably
5 shared it with street captains, but I don't know that.

6 Q Okay. So there was a check off sheet that you
7 had somewhere?

8 A Yes, so that we could keep count.

9 Q Do you have those?

10 A Yes.

11 Q Okay. Is that on the thumb drive or you have
12 the actual hard copies?

13 A There's no hard copy of the tracking sheet. I
14 have all of the original recall petitions. And then the
15 tracking is on the thumb drive for the recall.

16 Q You have the original -- you have copies of
17 the originals?

18 A No, I have the original recall ballot.

19 Q You mean from the first one that was done
20 improperly?

21 A Yes. I'm pretty sure I have those as well.

22 Q Okay. The original ones didn't get sent on as
23 part of the package?

24 A Correct. They -- I just -- I have not
25 destroyed them. I don't know if you're allowed to or



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1 not, so I didn't, but they're in a separate folder from
2 the recall ballots that were used for the petition
3 submission.

4 Q Okay. So do you have checkoff sheets that are
5 physically on pieces of paper for the recall?

6 A No, it's electronic only. It's an Excel
7 spreadsheet.

8 Q Okay. And it's on your thumb drive?

9 A Yes, ma'am.

10 Q Okay. Did Lisa Mason or any CAM provide any
11 information for this letter with your neighbor?

12 A Not to me.

13 Q You said something earlier about Tracy Durham
14 providing you some information that helped you kind of
15 compile your thoughts about what went on in the
16 association. What information did she provide to you?

17 A It was just a conversation that she felt that
18 they were being micromanaged.

19 Q Okay. So it was about micromanaging, nothing
20 else?

21 A Correct.

22 Q Was John Baker ever part of the core team?

23 A Yes. Yes. Before he moved out of the
24 community, yes.

25 Q Okay. So what part of all of this helped you?



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1 A I'm sorry?

2 Q What part did John Baker help you with, of all
3 the stuff we've gone through?

4 A I don't recall. Nothing jumps out that's
5 specific. Different people had different pieces. We
6 all just kind of shared them together. John was really
7 more instrumental in providing initial guidance,
8 procedural guidance, historical guidance. John and I
9 really had lived here the longest, so from an historical
10 perspective, you know, just verbally sharing with the
11 group how things had been through the history of the
12 community and that kind of thing. John helped me a lot
13 with the history of the board seats. He and I reviewed
14 that document a lot, that I had put together.

15 Q All right. So this letter, is there anything
16 -- well, do you need to take a look at it to say whether
17 there's anything in here that you do not agree with?

18 A I'm sorry. Is that a question? What did you
19 just say?

20 Q Is there anything in this letter that you do
21 not agree with?

22 A I would have to really go at it line by line.
23 I'm sorry.

24 Q All right. Well, I'm going to ask you a bunch
25 of questions about it, so we'll have our chance. The



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1 meeting -- the town hall meeting that took place that's
2 mentioned here. How do you know the questions weren't
3 addressed that were asked?

4 A Because you said so at the end of the meeting,
5 that we couldn't get to all of the questions.

6 Q Were there some that needed some additional
7 looking into?

8 A My understanding from comments on social media
9 were that people had submitted questions that did not
10 get answered.

11 Q So you believe everything that's on social
12 media?

13 A Not everything. I believe that.

14 Q Okay. How do you know what to believe and
15 what not to believe?

16 A When someone says, "I asked a question that
17 did not get answered," I believe them. If somebody is
18 speculating, then it's speculation.

19 Q The fifth paragraph says your fellow residents
20 have been researching and documentation is in hand.
21 Which fellow residents?

22 A The core team.

23 Q Okay. And then -- well, was John Baker part
24 of that core team?

25 A I don't remember when John moved out. I



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1 really don't remember when he moved out, so I don't
2 remember if he was part of this or -- well, wait a
3 second. Let's think it through. So this October 7th,
4 was that 2019?

5 Q Yes.

6 A So the town hall was before the October 22nd
7 meeting, correct?

8 Q We're talking -- the town hall meeting was
9 October 7th.

10 A Right, which was before the October 22nd
11 election meeting. Am I correct?

12 Q Yes.

13 A Okay. So John Baker was a part of the core
14 team at that time.

15 Q Okay. And he continued -- didn't he continue
16 to comment on social media and make his own posts, even
17 after he moved out of that community?

18 A Yes.

19 Q What's the documentation that was in hand?

20 A I believe that that's referring to the
21 financial reports that had been requested, like I know
22 that a couple of people on the core team had made formal
23 records requests. I made a formal records request for
24 financial statements. And since I'm not remembering
25 what questions were not answered, I know that in that



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1 discussion, in preparing this, different people had
2 different documentation.

3 Q Okay. Let's go under management companies.
4 The first bullet point says, "Mr. Gordon made a comment
5 at a public board meeting that the prior management
6 company was going down the tubes." So was it discussed
7 or was it not discussed in board meetings, the problems
8 with Artemis and Aegis?

9 A I don't -- I don't have a specific
10 recollection of a board meeting where we discussed
11 specific issues. And I didn't write this sentence, so I
12 don't know who made this code or what it was about.

13 Q Okay. And you already testified that you
14 didn't remember when either Dave Berman or Domingo
15 Sanchez came in and talked about the problems with
16 Access and Artemis, right?

17 A See, you're using the word problems. I
18 remember them coming in and discussing the merger and
19 the growing pains of a merger. I don't remember the
20 word problems.

21 Q Was -- for bullet point number 4, was the
22 second CAM -- it's -- I don't really understand what
23 this is referring to, but was a second cam ever hired at
24 North Shore?

25 A I believe that refers to Tracy.



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1 Q Do you believe that she was hired as a full-
2 time person with full benefits?

3 A Do I believe she was hired -- do I believe
4 Tracy was hired as a full-time employee with full
5 benefits? Yes.

6 Q How long did she work there?

7 A I don't recall.

8 Q Was she replaced?

9 A Was Tracy replaced? I don't recall. I was
10 not on the board when she left.

11 Q All right. Do you remember there being two
12 CAMs after Tracy didn't work there any longer?

13 A I do not recall.

14 Q Okay.

15 A I have not been to the office since before
16 Tracy left.

17 Q Okay. If you'll -- the second page, five
18 bullet points down.

19 A Which one?

20 Q It's -- so the second page of this letter,
21 five bullet points down, it says the board has
22 disparaged former CAM.

23 A Yes.

24 Q It says that all the meeting minutes were
25 available, right.



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1 A That's what it says.

2 Q Is that your recollection or was that not your
3 recollection?

4 A That's not my writing. I don't know.

5 Q I'm asking what your recollection was.

6 A Oh. Says, "minutes of the ARB and other
7 committees were available on community website and/or
8 available to members who requested them." But that's
9 only referring to ARB and other committees, not to board
10 meetings.

11 Q Well, the first line is about meeting minutes.

12 A Right. But then the second sentence only
13 refers to minutes of ARB and other committees.

14 Q Do you have any idea where any of these people
15 got any of the information in this letter?

16 A No.

17 Q Did anybody make sure that what's in this
18 letter was correct?

19 A I don't know how to answer that. I did not.

20 Q Was it anyone's job that you were aware of, to
21 make sure that everything in this letter was correct?

22 A I am not aware.

23 Q Do you think that's a problem?

24 A I don't know.

25 Q Do you believe that the 2019 budget was not



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1 put together by the budget committee?

2 A Do I believe that? Yes. I believe that.

3 Q Based upon what?

4 A Mr. Smith didn't even know who was on the
5 finance committee, which he admitted at the town hall to
6 the community at large.

7 Q Was that said in the context, because there
8 hadn't been a new -- a recent meeting. Anybody could or
9 could not be on it anymore?

10 A I have no idea why he said it.

11 Q Do you -- but that's enough of a basis for you
12 to believe that the budget was completely put together
13 by him?

14 A Yes.

15 Q Did you -- do you know the people who have
16 been historically on the finance committee?

17 A I know some. I don't know all.

18 Q Did you ask any of the ones that you knew
19 whether there had been -- whether they helped put
20 together the budget for 2019?

21 A I did not.

22 Q Why not?

23 A I wasn't involved in that part of this.

24 Q But you've testified a lot today about how you
25 had problems with the financial documents. So based



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1 upon that, you didn't make an effort to find out how
2 budgeting was done and whether Steve Smith did this all
3 on his own?

4 A I didn't get that far in my investigation
5 before everything started -- I don't know what the right
6 word for it is. Become challenging or I was removed
7 from the board, or you know, so, no.

8 Q The landscape contract that was redone. Do
9 you have any personal evidence that bids were not taken
10 for it?

11 A Well, it'd be more of a lack of evidence, is I
12 never received any document that showed bids were
13 received from X, Y, and Z or -- I don't recall bids
14 being discussed in a board meeting.

15 Q Just because you don't recall it doesn't mean
16 it didn't happen, right?

17 A I don't have an answer for that.

18 Q Okay. And you said you had no recollection of
19 Carla Daley ever discussing the landscaping project or
20 the people who came out and bid, or them going around
21 the community on golf carts looking or any of that,
22 right?

23 A I have no recollection of ever being in the
24 presence or in a meeting with Carla Daley.

25 Q Okay. Does that mean it didn't happen?



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1 A To the best of my recollection, it did not
2 happen.

3 Q But just because you can't remember it doesn't
4 mean it didn't happen, correct?

5 A I don't believe she was a whatever she was
6 while I was a board member. And I did not attend any
7 board meetings after I was not a board member.

8 Q Why didn't you?

9 A I don't know.

10 Q Why haven't you attended board meetings since
11 you were no longer on the board?

12 A I just have not. I don't have a reason.

13 Q Do people from the core team attend and then
14 share notes about what occurred?

15 A Sometimes. Not every time.

16 Q Did any lawyer help prepare this letter?

17 A Not that I'm aware of.

18 Q Okay. There's some discussion in there about
19 SLAPP suits and Florida statute 720.304. Do you know
20 who put together all of the information regarding laws
21 and whether laws were violated?

22 A I'm sorry, can you point to that in here for
23 me?

24 Q It's on -- I think it's the fourth page of the
25 letter, toward the bottom. It talks about SLAPP actions



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1 and Florida statute 720.304.

2 A Hold on, please. Oh, legal services. Legal
3 services? No.

4 Q Sorry. No, the next page, all the way at the
5 bottom.

6 A The next page after legal services?

7 Q Correct.

8 A Okay. Hold on. Amenities --

9 Q It's before amenities, the paragraph before.

10 A Okay, hold on. Ah, there, I see it. Okay.
11 "These cases were filed by Ms. Ingram on behalf of the
12 HOA." I did not have anything to do with this.

13 Q Do you know who -- do you know who makes the
14 comments, the legal comments, on behalf of the core
15 group?

16 A I do not. I don't know who did that.

17 Q Okay. Now let's go into amenities. There's
18 -- did you think there was a problem that the buildings
19 got removed from the buildings and ground committee?

20 A The buildings got removed? What building?

21 Q Yeah. It's this letter. Look at the first
22 bullet point. It starts, "The community has a buildings
23 and grounds committee."

24 A Oh, wait. That's not the first bullet. Okay.
25 First bullet on the next page. Okay.



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1 Q Yeah. Yeah.

2 A "That has researched in many programs and
3 policies to promote a better community, yet Mr. Gordon
4 announced at the town hall meeting that there is only a
5 grounds committee now." Okay. I didn't prepare this. I
6 don't know.

7 Q Do you have a problem with them removing the
8 word "buildings" from the buildings and ground
9 committee?

10 A I don't know that the word problem is
11 appropriate. I don't know why there would be a
12 necessity to remove the word buildings when we have
13 buildings.

14 Q What buildings do the HOA own?

15 A The rec center. Do we not own that? I'm
16 sorry. I'm not allowed to ask questions.

17 Q Well, the letter says that it's not, so it's
18 -- well, the letter is kind of all over the place as to
19 what the problems were. It's hard to determine what
20 problem was being discussed here that would be
21 malfeasance by the board. But is there anything in this
22 section that you believe the board did wrong from your
23 standpoint?

24 A Okay. Hold on. Former management -- "Former
25 management employees have informed members that



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1 consultants have been contacted to examine those" --

2 This is all unknown to me, Jennifer. I'm sorry.

3 Q Okay. No, that's fine. I don't understand it
4 either, so I wanted to know if you understood. Under
5 elections, there's some mention about what Michael
6 Laster said regarding the meeting and when it would be.
7 Is it your position that the HOA board decides when the
8 meeting is, or that Access decides when the meeting is?

9 A Okay. I'm sorry. I was reading. Ask me
10 again, please.

11 Q Sure. Under elections, there's mention that
12 Michael Laster -- well, I think that's wrong, but said
13 that the meeting was being moved. Is it your position
14 that it is up to the HOA when the meeting is, or it's up
15 to Access?

16 A No, it's up to the board. I believe this is
17 referring to Mr. Lassiter or Laster, whatever his name
18 is, announcing something that he had been told by the
19 board, I would presume.

20 Q Do you understand that Access has to make sure
21 they have adequate staff and that they have time to send
22 out the mailers, and that's all stuff that they do, not
23 what the board does?

24 A Yeah.

25 Q Do you understand that they have a say in when



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1 the election happens, and in fact it has to happen when
2 they say?

3 A No, I did not know.

4 Q Have you ever been part of discussions as a
5 board member about the Access needing to have specific
6 people present to help work the election and also have
7 enough time to send out the mailers?

8 A Yes. I recall that.

9 Q Okay. The last bullet point is regarding an
10 error, regarding how many people were put on the ballot
11 in 2018. Do you remember that?

12 A Hold on. The last bullet?

13 Q On the same page.

14 A Okay. I'm sorry. So ask your question again?

15 Q Look at that -- okay, so there was an error
16 and only one person was put on for 2018 instead of two.
17 Do you recall that?

18 A Yes.

19 Q And who was the person who told the board and
20 set up the election package?

21 A Who was the person that told the board what?

22 Q Who was the person who let the board know how
23 many people were up for election?

24 A In 2018 or 2019?

25 Q This is 2019. It says right there.



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1 A I -- okay. I believe I'm the one who pointed
2 out to the board the error.

3 Q Do you recall it being Lisa Mason's error?

4 A No, I do not.

5 Q Whose error was it?

6 A Whoever the management company prior to Lisa
7 was initiated the wrong error. Lisa inherited it
8 incorrectly. It never got corrected until I caught it
9 in 2019.

10 Q So you believe she was not the CAM in 2018?

11 A Yes. But again, the history of the board
12 stems back to before -- the errors on the history of the
13 board stem back to before Lisa was CAM. When Sarah
14 Crawford in 2018 announced that her term was up, Lisa
15 didn't have a correct history, so Sarah was incorrect
16 that her term was up. It wasn't. It was up -- it was
17 still to go for another year, but nobody caught that in
18 '18. That's when Mr. Smith came on the board, and it
19 was in '19 that things had just been in my head, so
20 confusing, and so -- just -- I knew something was wrong,
21 I just didn't know what. And that's when I went back
22 and looked at each of the years since the 2014 reset
23 election, so that I could know in my own head what was
24 correct and what was not. I brought that to your
25 attention. You found a couple of things I had made a



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1 mistake on and we got that straightened out. And then I
2 thought we had what was a clear history of the board.

3 Q Did the CAM in 2018 who ran the 2018 election
4 make the error?

5 A No.

6 Q Who made the error?

7 A Whoever the CAM -- and I don't remember who we
8 had before 2014. Do you -- I don't remember who the --

9 Q You think the 2017 CAM made the error?

10 A No, I think the 2013 CAM made the error and it
11 just carried forward, and nobody ever caught it and
12 nobody ever corrected it.

13 Q Okay. That's your recollection?

14 A That is my recollection. And then when the
15 2014 reset election occurred, it carried that error
16 over, and it shouldn't have, from 2014. Whoever was the
17 CAM in 2014, I believe had the responsibility
18 because we had a reset. We had five new board members:
19 two at three years, two at two years and one at one
20 year. That CAM in 2014 should have initiated an
21 accurate and correct board history log.

22 Q Okay. The next page should be a postcard, an
23 address on a postcard.

24 A Hold on. No, that's way down. That's page
25 11. Okay. I've got it.



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1 Q All right. Yeah. So it's for North Shore
2 Home Owners at the top?

3 A No.

4 Q All right. I'm looking at this. Find this.

5 A Oh, hold on. Hold on.

6 Q It should -- I think you might be on the wrong
7 package, but -- okay, perfect. So these are -- this is
8 what you sent to MBI to be sent out?

9 A Yes, ma'am.

10 Q Okay. So every one of these addresses, you
11 pulled off the property appraiser?

12 A Yes, ma'am.

13 Q So every one of these addresses should match
14 exactly with what's on the property appraiser?

15 A No.

16 Q Why would they not?

17 A So it -- so I'm not sure how MBI does it, but
18 they sent back to me -- so they took my list, they put
19 it into their system. Their system will shorten things.
20 It will abbreviate things. It'll do stuff for their
21 labeling system. So no, it's not going to match exactly
22 what I downloaded from the property appraiser's office.
23 So I have the list that I downloaded, that I sent to
24 MBI, but I do not have the list as it ended up with what
25 MBI used to send out the postcards.



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1 Q Okay. Do you know if MBI changes the name of
2 the addressee?

3 A I don't believe they -- I don't know. I don't
4 believe they should or could, because I provided them
5 the name from the property appraisers. Well, I'm trying
6 to think. If they were -- huh?

7 Q Who did you speak to at MBI about this to know
8 this information?

9 A I'd have to look up the guy's name. I don't
10 recall.

11 Q Okay. Let's go to the postcard itself. Who
12 put that together?

13 A I did.

14 Q Okay. On that, there says e-mail N, that e-
15 mail address, NSLH2019election@gmail.com. I asked you
16 earlier if you knew what that e-mail was and you told me
17 no. What is that e-mail?

18 A That's a good question. I mean, clearly I
19 used it, so somebody set it up. I'd have to go back to
20 that time and -- I don't know. And if -- and honestly,
21 if I'm the one who at that up, which I don't recall, but
22 if I did, I took it down after this was all done because
23 it's not something that I would've kept. I don't use
24 that. It's certainly not current, but I'd have to go
25 back and look. I don't recall doing this.



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1 Q So you're not sure if you put it up, but if
2 you did, you would've taken it down?

3 A After this was all over, I wouldn't have
4 needed that e-mail address anymore. Correct.

5 Q What does this being all over mean to you?

6 A After I sent the postcard out, I would've been
7 done with it because I would've put the message out it
8 wasn't -- oh wait, wait, wait, wait, wait. I'm sorry.
9 That's after I put the postcard out. I don't know. I
10 can go look and see if there's an e-mail address for
11 that that I have access to. I don't recall it. I'm
12 sorry.

13 Q Okay.

14 A I can --

15 Q If it wasn't you, would it be the members of
16 the core team?

17 A -- I would believe, yes. I would think it
18 would be one of them.

19 Q Okay. Are these thumb drives that you put
20 together? You did them for yourself, right?

21 A Yes, ma'am. Or for my attorneys. I didn't do
22 it on thumb drives until my attorneys on the different
23 cases asked for the records.

24 Q Okay. So it's all stuff that's still on your
25 computer?



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1 A No. It's all off my computer and on thumb
2 drives.

3 Q Okay. So you erased everything on your
4 computer and put it on a thumb drive?

5 A I didn't use the word -- I didn't use the term
6 erase. I moved it from the computer to the thumb drive
7 so it's no longer on the computer. It's on thumb
8 drives.

9 Q Do you have duplicate thumb drives in case
10 something happens to one?

11 A No.

12 Q Are the thumb drives in the possession of your
13 attorney?

14 A No. I have them.

15 Q Okay. Failed parking and towing policies. Did
16 you have anything to do with the parking and towing
17 policies being developed?

18 A I believe I voted on them, yes.

19 Q Did you have people's vehicles towed as a
20 board member?

21 A Yes, I did.

22 Q Was John Baker's daughter one of them?

23 A No.

24 Q You don't recall that happening?

25 A I recall it happening. I was not the board



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1 member who had it done.

2 Q Who was it?

3 A I don't know.

4 Q Then how do you know -- then how do you even
5 know it happened?

6 A Because John Baker called me and said, "My
7 daughter's car was towed. Who's the towing company?"
8 And I told him.

9 Q Okay. What are the ridiculous violations and
10 fines?

11 A I have always believed that if the HOA is not
12 going to power wash the common area sidewalks and keep
13 the mold off the sidewalks, it's hard for the HOA to
14 violate a homeowner for the same thing. So I find that
15 ridiculous. The fines, which I was verbal with the
16 board about, we were violating our own governing
17 documents with the amount of the fines and that you
18 can't do immediate fines. You have to do the notices,
19 14 day notice, 14 day second notice before you can issue
20 a fine, and I objected to the immediate fines.

21 Q Wasn't it the CAM's job to make sure that
22 common area sidewalks got power washed?

23 A No. I specifically remember conversations
24 about how we could accomplish it and the board never
25 approved it.



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1 Q So you remember actual Lisa Mason coming to
2 the board with bids for power washing and the board said
3 no?

4 A No. I remember the board discussing solutions
5 and we never resolved it, so there were no motions that
6 ever -- solutions were offered. The board never voted
7 on them that I recall.

8 Q I'm talking about power washing the sidewalk.
9 The solution to power wash the sidewalk is to power wash
10 the sidewalk. So is it your testimony that the board
11 was brought for -- and the common area -- so you said
12 that you believe the board was in -- that because the
13 common area sidewalks were not being power washed, that
14 nobody could violate anybody for not power washing their
15 sidewalk. Right?

16 A I -- correct. That's my belief.

17 Q So who -- you remember Lisa Mason coming to
18 the board with bids to power wash the sidewalk of the
19 common areas and they said no?

20 A I do not recall that.

21 Q So is it the CAM's responsibility under the
22 contract to make sure that the power -- that the common
23 areas get taken care of?

24 A Again, not the CAM. The CAM brings the issue
25 to the board. The board decides or requests bids. We



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1 never did.

2 Q Okay. The next page -- I'm not sure what this
3 is exactly. It's like a half page flyer kind of thing.

4 A I did not do this.

5 Q Okay. Was it attached to the front of the
6 recall ballots?

7 A None of the ones -- I did it. I attached
8 nothing to any of the recall ballots.

9 Q Okay. Did some -- some people received this
10 attached to recall ballots. Do you know how that
11 would've happened?

12 A I do not.

13 Q Do you know where any of this information came
14 from?

15 A I do not.

16 Q Was this December 5th, was that for the picnic
17 that you talked about?

18 A Yes.

19 Q Okay. So this was basically the invitation to
20 the picnic?

21 A I had nothing to do with this. I'm -- this is
22 -- I'm trying to think if I've ever even seen it before.
23 I know we were going -- what I thought it was just --
24 no, it was December 5th. But I didn't do any -- the
25 only thing we did was the Facebook invitation was the



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1 only thing I knew about.

2 Q Okay. Do you think that the people in the HOA
3 get to vote on whether the dock was going to be
4 maintained or not?

5 A The membership get to vote on whether the dock
6 is maintained or not? No,

7 Q Yeah. It says the board was spending your
8 money without asking your opinion.

9 A -- that was on replacing the dock, not
10 maintaining the dock. And --

11 Q What do you think replacing is?

12 A Replacing is taking up the existing boards and
13 putting down new docks and new railings and everything
14 that they did. And maintaining would have been an
15 annual or bi-annual inspection and if a board or two
16 here or there needed to be replaced, that's maintenance
17 and that would've been an ongoing thing. But when --

18 Q According to you.

19 A -- okay.

20 Q Do you understand that the community documents
21 require the dock to be there as an amenity?

22 A Yes.

23 Q Okay. It says, "That's just the tip of the
24 iceberg." What was the rest of the iceberg that was
25 discussed at that picnic?



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1 A I -- again, I was sitting at a table talking
2 with individuals coming up asking for a recall ballot. I
3 was not out amongst the people conversing.

4 Q Did any of them come up to you and say, "Well,
5 what -- you were on the board, Lynn. Can you tell me
6 about the transparency?"

7 A No.

8 Q Did any of them --

9 A Nobody asked me anything like that.

10 Q -- okay. How about them asking you about the
11 dock? Did they ask you about the dock?

12 A Nobody asked me anything except about a recall
13 ballot.

14 Q Do you believe that Lisa Mason's an honest and
15 credible person?

16 A I do.

17 Q Why do you believe that GL Brothers, that was
18 the vendor that you said Deb Lapin was doing invoices
19 for, had no certificate of insurance or 1099 or
20 anything?

21 A No, I didn't say he didn't have any 1099 or
22 certificate of insurance. The certificate of insurance
23 was in a name different from the 10 -- from the W-9. And
24 when I was inquiring about the invoicing and why was
25 Dave's assistant doing the invoicing and -- I said --



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1 and I specifically asked if they were registered per the
2 vendor policy. And both -- that was one of the things I
3 asked Amber. And she said no. And then I asked Lisa.
4 And then I asked Amber if they had submitted anything
5 like their business license or anything else, because
6 one of Ms. Lapin's e-mails said that they were getting
7 paid under the guy's name and not under the business
8 name. And Deb said, "Well, I'll send you this." And
9 then Amber said she never got the business license or
10 the business -- the only thing she got was the business
11 insurance certificate.

12 Q Were you -- you talked about going to Mr.
13 Gulino's house to review some things for ARB. Wasn't
14 that because you were the liaison between the board and
15 the ARB?

16 A I was the liaison between the board and the
17 ARB. And it was at Mr. Gordon's direction that I was
18 inspecting his house.

19 Q Didn't the board liaison for both the ARB and
20 compliance at times go and inspect because things were
21 going to come before the board?

22 A I never did, other than at Mr. Gordon's
23 request.

24 Q Right. Because he's the president of the
25 board and sometimes things are going to come before the



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1 board, right?

2 A I have no idea.

3 Q You don't remember Mr. Gulino's house being
4 discussed before the board?

5 A Yes.

6 Q Do you have a problem with going to inspect it
7 so you can say what you observed and tell the board
8 about it?

9 A No.

10 Q So you're saying you've never met either Jane
11 or Joe Doe?

12 A No. Not that I'm aware of. I may have, I
13 don't know who Jane or Joe Doe are, so I presume that
14 they are residents, which means I could possibly know
15 them.

16 Q And you've never discussed the lawsuit with
17 them and Mr. Burtoff?

18 A No.

19 Q Did you -- did Mr. Burtoff consult with you
20 before he filed the amended complaint?

21 A Only that he was going to have to file an
22 amended complaint and was I still good with my name on
23 it?

24 Q Okay. And you didn't ask to see it
25 beforehand?



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1 A No, ma'am.

2 Q Knowing that it was -- some of the things were
3 file -- I mean, I talked to you about what was in it.
4 You agreed with everything that was in it?

5 A I haven't read the amended complaint.

6 Q Okay. Do you have any problem with Mr.
7 Burtoff not consulting with you before he filed the
8 complaint?

9 A I think that's my fault, not his.

10 Q Do you think he had an obligation to do so?

11 MR. BERNSTEIN: Objection, form.

12 A I think he probably did.

13 Q Okay.

14 A I think he did consult with me and I didn't
15 ask the right questions.

16 Q Okay. Do you believe that the lawsuit still
17 has merit?

18 A Yes.

19 Q Can you tell me why the damages sought went
20 down so much between the first lawsuit and the second --
21 the second, the amended complaint?

22 A I don't know what the new amended complaint
23 amount is.

24 Q So you filed the lawsuit and you don't know
25 what the actual damage amount should be?



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1 A Correct.

2 Q Do you think that's appropriate?

3 A In this particular situation, yes.

4 Q How so?

5 A I'm not the one who sought to file a
6 complaint.

7 Q So who did?

8 A Mr. Burtoff. He needed plaintiffs. He sought
9 plaintiffs. He asked if anybody had any records.

10 Q So he solicited you to file to be a plaintiff
11 in this lawsuit?

12 A No. He was talking apparently with someone
13 else who said to me that I was going to be a defendant
14 in the lawsuit. I don't remember the chronology of
15 events, but I remember talking to Matt about it, and I
16 remember eventually getting to talk to Mr. Burtoff. And
17 then I asked Mr. Burtoff and Matt to confer and the
18 answer came back that it would be in the better interest
19 of the membership if I were a plaintiff than if I were a
20 defendant.

21 Q Did you look for -- did you solicit Mr.
22 Burtoff or did he come to you?

23 A I solicited Mr. Burtoff.

24 Q But you knew he was looking for plaintiffs for
25 the lawsuit?



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1 A I know that there had been discussion among
2 community members. I don't know if somebody approached
3 him first or if he was just part of a bigger discussion
4 and it ended up being that he was going to be the
5 attorney to file the complaint. I don't know.

6 Q Who told you -- who told you that you were
7 going to be a defendant in the lawsuit?

8 A I'm trying to remember who called me. It
9 might have been Dr. Mathison, but I don't recall
10 specifically. I'm sorry.

11 Q Okay. But somebody called and told you you
12 were going to be a defendant in a lawsuit filed by Bruce
13 Burtoff?

14 A Again, I don't know that it was Dr. Mathison.
15 I believe --

16 Q Yeah. I just said someone.

17 A -- that he -- whoever called me said a bunch
18 of us are talking about suing the board. Because you
19 were a board member, your name came up to be one of the
20 board members named in the lawsuit. And I said, "Okay."
21 And then after I thought about it and you guys had
22 kicked me off the board, I realized that I was going to
23 be a better plaintiff than I was a defendant. And I
24 reached back out and said, "Who can put me in contact
25 with Mr. Burtoff?" And somehow I got --



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1 Q And you were told --

2 A -- and somehow I got his contact information
3 and I called him and said, "How about if I'm a plaintiff
4 instead of a defendant?" And we talked, and then again,
5 I connected him to Matt. He and Matt conferred and then
6 at the end of the day, I'm the plaintiff. And then
7 whoever the other plaintiffs were all of a sudden became
8 anonymous.

9 Q Were they anonymous before you got involved?

10 A Oh yeah. Well, I don't know. Before I was
11 involved, I don't know who all Mr. Burtoff spoke with.

12 Q All right. You were told he was looking,
13 though, for plaintiffs for this lawsuit?

14 A Yeah. Well, no. I'm sorry. Let's back that
15 up and get it correct. Apparently a number of members
16 of the community were looking for a way to sue the
17 board, engaged Mr. Burtoff in that discussion, and then
18 because he's an attorney, he said he would take it on.
19 That was my understanding.

20 Q And you decided because you were going to be a
21 defendant, to just be a plaintiff instead?

22 A Not decided. I thought it would be better for
23 the membership since I was no longer a board member, to
24 be part of the membership.

25 Q The meeting that we talked about after your



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1 statement in August of 2019, where you said that there
2 was a settlement discussion, do you remember saying --
3 asking what would it take to not sue you?

4 A Yeah.

5 Q Do you remember being the one who actually
6 brought up the lawsuit issue?

7 A Yes.

8 Q Okay. You had testified that everybody was
9 threatening you, but in fact, aren't you the one who
10 said, "What will it take not to sue me bringing that
11 up?"

12 A I brought that up because the tone and the
13 insinuations were that -- and based on the history of
14 suing members of this community, I knew that that's what
15 was coming so I decided to head it off at the pass and
16 just boil the water out of the pot and ask.

17 Q So you --

18 A Clearly in my head, it was their intention to
19 sue me if I didn't do what they wanted me to do, so I
20 said, "What's it going to take for you not to sue me?"

21 Q -- and then --

22 A And without --

23 Q -- a letter was done with some things that the
24 board would require since you asked, "What would it take
25 to not have a lawsuit?"



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1 A -- they verbalized it in that meeting without
2 hesitation, clearly pre-prepared and it's the same thing
3 that they've done before.

4 Q Okay. So all of these are assumptions on your
5 part? You -- and you say you did not --

6 A All of what are assumptions? All of what are
7 assumptions? I don't -- clarify, please.

8 Q You would not make us -- you deny saying that
9 you would make a simple apology?

10 A I'm sorry, say that again.

11 Q Do you admit that you said maybe you misspoke
12 or said some wrong things when you made your statement
13 in front of the whole community at that board meeting in
14 August of 2019?

15 A I don't recall that. I may have.

16 Q Okay. Do you believe as you sit here today
17 that maybe you misspoke or said a few wrong things?

18 A It's possible.

19 Q You're -- you're not sure one way or the
20 other?

21 A I'm not sure.

22 Q Okay. Do -- and you don't remember saying
23 that you would apologize for what you said wrong?

24 A I absolutely did not say that.

25 Q Okay. You don't believe that you said that



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1 maybe you misspoke?

2 A It's possible.

3 Q Okay. Had you misspoke with anything that you
4 said, do you think that anybody was owed an apology?

5 A No.

6 Q Okay. So it was okay to do that and not
7 apologize or set the record straight in any way?

8 A I think setting the record straight is
9 different from apologizing.

10 Q How would you set -- well, then, do you think
11 that anything should be -- that the record should be set
12 straight regarding anything that you said on that board
13 meeting in August of 2019?

14 A Okay. So even though I typed up my thoughts,
15 it was -- I did not read specifically from my notes. The
16 notes no longer exist. There's, to the best of my
17 knowledge, no recording of that meeting. I thought that
18 what Tracy's minutes captured were accurate and fair. So
19 if in that September 24th meeting, I said that I may
20 have misspoke, I was nervous that night. I wasn't going
21 strictly by what I had typed up. So is it possible I
22 misspoke? Yes. If I did, should I set the record
23 straight? Yes. Does that involve an apology? Not
24 necessarily.

25 Q So is it your testimony that you don't know



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1 what you said so you don't know whether you could set
2 the record straight or not?

3 A Correct.

4 MS. ENGLERT: All right. I -- that's all I
5 have, I believe. Give me one -- I have one other
6 question, a quick clarification.

7 BY MS. ENGLERT:

8 Q I know you said John Baker has kind of been in
9 the core group and not been in the core group. When's
10 the last time you spoke with him?

11 A Oh, John?

12 Q Yeah.

13 A I spoke with him this week. We're still
14 friends.

15 Q Okay. When's the last time that he assisted
16 you with anything regarding any of the lawsuits or any
17 of the stuff that you post on social media?

18 A That would've been back when we filed the
19 election arbitration. Up until John was removed from
20 the case, we were conferring with John.

21 MS. ENGLERT: Okay. That's all I have.

22 CROSS EXAMINATION

23 BY MR. BERNSTEIN:

24 Q Okay. I have some follow up questions for
25 you. When -- the case that you're the plaintiff in



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1 against the several directors that you were asked
2 extensively about, that's a separate case from this one
3 in which you're being sued by the association, correct?

4 A Correct.

5 Q All right. Is it your understanding as a
6 plaintiff in that case that that case pertains to a lot
7 more issues than this lawsuit against you?

8 A Yes, sir.

9 Q Okay. Are you represented by counsel in that
10 other case?

11 A Yes.

12 Q Who is your counsel in that other case?

13 A Bruce Burtoff.

14 Q Am I your counsel in that case?

15 A No.

16 Q Is Bruce Burtoff present today for this
17 deposition?

18 A No.

19 Q Okay. You talked or you were asked a lot
20 about that October 27th -- actually, let me just make
21 sure I get the date right here.

22 A October 22nd?

23 Q Yeah. October 27 -- no, I'm talking about --
24 never mind. The August 27, 2019 board meeting.

25 A August 27th? Yep.



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1 Q 2019. Okay.

2 A Yes. Yes.

3 Q All right. You said that you don't exactly
4 recall what you said at that meeting, is that true?

5 A Correct. That's true.

6 Q All right. But you indicated previously that
7 the -- during today's deposition, that the meeting
8 minutes, you believe, accurately reflected what you
9 said?

10 A Yes.

11 Q All right. Do you think if I showed you those
12 meeting minutes, that it would refresh your recollection
13 then as to what you said?

14 A Not beyond what's in the minutes.

15 Q All right. But the --

16 A I remember- -

17 Q -- but you would be able to --

18 A -- I'm sorry?

19 Q -- but you would be able to -- would you
20 recognize the meeting minutes if I showed them to you of
21 that meeting?

22 A Yes. Yes.

23 Q All right. I'm going to share my screen here.

24 All right. Can you see what I put up on the screen?

25 A No.



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1 Q All right.

2 A It's blank.

3 Q North -- you don't see the board of directors
4 meeting minutes here?

5 A No. My screen isn't --

6 MS. ENGLERT: I don't see it either.

7 THE WITNESS: There it is.

8 MS. ENGLERT: There it is.

9 THE WITNESS: Okay.

10 MR. BERNSTEIN: Isn't technology great?

11 THE WITNESS: Got it.

12 BY MR. BERNSTEIN:

13 Q Okay. All right. It's a four-page document.
14 States board of directors meeting at the top, and it --
15 again, it goes on for four pages.

16 A Right there.

17 Q And it ends -- correct. All right. Do you
18 recognize these as the meeting minutes of that meeting?

19 A I do.

20 Q All right. This second to last paragraph here
21 states, "Ms. Lynn Stanford made a statement expressing
22 her feelings regarding the actions of both Mr. Dave
23 Gordon and Mr. Steve Smith, contending that both board
24 members have conducted association business outside of a
25 board meeting, acted as an unauthorized executive



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1 committee, micromanaged the management staff, and asked
2 for the resignation of both members' seats. Both Mr.
3 Dave Gordon and Mr. Steve Smith rejected the request."
4 Did I read that correctly?

5 A Yes.

6 Q And to your recollection, is this an accurate
7 reflection of the statements that you made at that board
8 meeting?

9 A I believe it is.

10 Q Okay. Now, according to this statement, you
11 did not make any statements about anybody else other
12 than Mr. Dave Gordon and Mr. Steve Smith. Is that true
13 to your recollection?

14 A That is my recollection.

15 Q All right. And to your recollection, did you
16 make any statements about the association itself as
17 having performed any misconduct?

18 A I don't recall saying anything about the
19 association.

20 Q All right. But then according to this
21 paragraph, there's nothing about you saying anything
22 about the association itself. Is that true?

23 A Correct.

24 Q All right. And now this, the framework of
25 this statement here says that you made a statement



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1 expressing your feelings. Do you agree that the
2 statements you made about Mr. Gordon and Mr. Smith were
3 your feelings?

4 A Yes.

5 Q All right. Were you expressing them as your
6 own opinions or as facts?

7 A They were my opinions based on information I
8 had -- facts that I had.

9 Q Okay. Regarding those statements of opinions
10 that you believe were based on fact, did you make those
11 statements in good faith?

12 A Yes, sir.

13 MS. ENGLERT: Object to the form.

14 Q Sorry. Did you say yes?

15 A Yes, sir.

16 Q Okay. Were you a board member at the time
17 that you made these statements?

18 A I was.

19 Q Was this at a general membership meeting or at
20 a meeting of the board of directors?

21 A It was an open board meeting. Members were
22 present.

23 Q Okay. All right. Now, Mr. Gordon and Mr.
24 Smith were board members at the time as well, correct?

25 A Correct.



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1 Q Okay. And all these statements that you made
2 about Mr. Gordon and Mr. Smith in this regard were
3 during that open board meeting, correct?

4 A Correct.

5 Q In other words, none of those statements were
6 given after the meeting had been adjourned?

7 A Correct.

8 Q Or before the meeting was even opened?

9 A Correct.

10 Q Okay. To your knowledge, did you -- were you
11 given an opportunity to speak at that meeting to make
12 these statements?

13 A Yes.

14 Q Okay. In other words, it's not like you
15 interrupted something and demanded to be heard. You
16 were allowed to have an opportunity to speak at that
17 meeting, correct?

18 A Yes. Correct.

19 Q Okay. Do you believe that you did your due
20 diligence in researching the bases of these statements?

21 A I do.

22 Q Okay. Specifically as to the conduction of
23 association business outside of a board meeting, what
24 due diligence did you do in making that statement?

25 A That statement came about from the subsequent



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1 information surrounding the hiring of Access Management
2 and Tracy Durham.

3 Q All right. Although you may have said it
4 earlier, can you clarify for me what exactly you mean by
5 that? What did you find?

6 A So Mr. Dick and I were both very surprised
7 when Mr. Smith and Mr. Gordon announced that they were
8 going to be hiring Tracy Durham. And we both said, "We
9 weren't aware of this." I put up a bigger stink than
10 John did. And Steve and Dave said, "Well, we can send
11 you her resume and you can talk to her and you can this,
12 and you can that." And I asked to see her resume. I'm
13 not going to say that I didn't make some mistakes. I
14 should have put a stop to it right then and there, but I
15 didn't. We moved forward and then we hired Tracy as a
16 project manager. My understanding was as a project
17 manager. So the fact that there was this person who had
18 been allegedly vetted prior to our even knowing that she
19 was being considered was an indication that Mr. Gordon
20 and Mr. Smith were taking actions outside of board
21 discussion or need or approval. Same thing with Access
22 Management.

23 Q Okay. Anything else?

24 A Not that I can think of at this moment.

25 Q Okay. Now, then the next part of that



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1 statement is that they acted as an unauthorized
2 executive committee. What was the due diligence that
3 you performed in that or that you found?

4 A That was surrounding -- I'm sorry. That's
5 what I was answering was the unauthorized executive
6 committee of making decisions and bringing it -- oh,
7 well, prior to that, Mr. Smith would come to meetings
8 with pre-prepared motions that clearly would have taken
9 discussion and things that I was not aware were even
10 going to be business discussions and there was no
11 discussion. It was basically a Steve looked into this
12 or Dave looked into that, and here's the motion, and
13 let's vote on it.

14 Q Okay. And then the micromanaging of the
15 management staff, what due diligence did you do before
16 you made that statement?

17 A That came from different staff that, you know,
18 Steve would spend four, five, six hours a day looking
19 over every single thing that they were doing, telling
20 them to change the way that they were doing things. In
21 Tracy's case, it was more specific to Mr. Gordon and Mr.
22 Smith telling her what their expectations were and, you
23 know, kind of -- the words were micromanaging her to do
24 what they wanted and not the freedom to do her job.

25 Q Okay. Have you actually spoke with management



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1 staff yourself?

2 A I'm sorry.

3 Q Have you actually spoke with management staff
4 yourself?

5 A Yes.

6 Q Okay. So it's not like you just thought that
7 you were observing something and then made that
8 statement without confirming it with the people
9 themselves, correct?

10 A Correct.

11 Q All right. Now, there was a discussion
12 earlier regarding this accounting issue where I think it
13 was Mr. Gordon asked that some accounting entry be coded
14 as something else. Is that accurate?

15 A Mr. Smith. That was Mr. Smith.

16 Q Mr. Smith. Okay. My apologies. And you said
17 that you actually spoke with two accountants to confirm
18 or to verify whether your concern was valid. Is that
19 correct?

20 A Correct. Yes.

21 MR. BERNSTEIN: Okay. All right. This would
22 be exhibit -- well, what exhibit number are we on?

23 COURT REPORTER: There hasn't been any exhibits
24 attached.

25 MR. BERNSTEIN: Oh, okay. Well, then this will



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1 be --

2 MS. ENGLERT: We'll just do 1 for the first
3 package, 2 for the second package, so this could be
4 3. I think it makes more sense if you're fine with
5 that.

6 MR. BERNSTEIN: All right. That's fine. This
7 will be -- yeah, that's fine with me. This will be
8 3 then.

9 (PLAINTIFF'S EXHIBIT 1 MARKED FOR
10 IDENTIFICATION)

11 (PLAINTIFF'S EXHIBIT 2 MARKED FOR
12 IDENTIFICATION)

13 (DEFENSE EXHIBIT 3 MARKED FOR IDENTIFICATION)

14 BY MR. BERNSTEIN:

15 Q Okay. All right. Ms. Sandford, do you recall
16 receiving and reviewing a copy of the complaint that was
17 filed against you in this case by the association?

18 A Yes.

19 Q If I showed you a copy of that complaint,
20 would you recognize it?

21 A Probably.

22 Q Okay. All right. Let me know when you can
23 see the complaint up on the screen.

24 A I can see it.

25 Q All right. Perfect. All right. Okay. So I



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1 want to go down to -- all right. So now earlier today,
2 you testified about where you got the contact
3 information for the members of the association. Do you
4 remember that?

5 A Yes.

6 Q All right. And according to the complaint
7 specifically, allegation number five here, after Mason's
8 termination as CAM for North Shore, you in conjunction
9 and coordination with Mason unlawfully obtained
10 protected information maintained in the course of North
11 Shore's business, that was located on a protected
12 computer owned by North Shore. And then you used that
13 information allegedly to contact the members of North
14 Shore to organize a recall. Is that allegation
15 incorrect?

16 A That allegation --

17 MS. ENGLERT: Object to the form.

18 Q Okay. In what way is that allegation
19 incorrect?

20 A Well, I didn't get anything from Lisa Mason. I
21 didn't access or nor did she give me access, nor did she
22 get me copies of anything from any computer. I don't
23 know what protected information is. The only
24 information I have is information I'm allowed to have as
25 a board member.



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1 Q Which is what?

2 A I'm sorry?

3 Q What type -- what information are you entitled
4 to have as a board member?

5 A Draft minutes, closed meeting minutes, the
6 financial documents without going through a formal
7 records request, copies of invoices if I am looking for
8 something. Copies of, you know, anything that a board
9 member would need to perform duties as a board member is
10 my understanding.

11 Q All right. Now, with regards to the contact
12 information for the board -- or for, excuse me, the
13 members at large, where did you get that information?

14 A So --

15 MS. ENGLERT: That's been asked and answered.

16 Q You can answer.

17 A So the North Shore had a website and it was
18 when we were under, you know, Aegis, Artemis, whatever
19 it was. Whatever it was before the current management
20 company. And in there, there was a directory of
21 members. And in that directory, if people wanted to
22 include their phone number and their e-mail, they could.
23 If they didn't want to -- it was not a required format.
24 It was, you know, but it was an open directory for
25 members.



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1 Q Okay. So any member of the association could
2 access that list?

3 A Yes.

4 Q Okay. So it was public information limited to
5 the members of the association?

6 A That's correct, to the best of my knowledge.

7 Q All right. Could you obtain the contact
8 information from any other source?

9 A No.

10 Q All right. What about the property appraiser
11 website?

12 A Well, that's where I downloaded the addresses.
13 From the directory on the North Shore website, I only
14 got e-mail addresses and phone numbers. From the
15 property appraiser, I downloaded the names and
16 addresses.

17 Q Okay. And is it your understanding that the
18 information you obtained from the property appraiser's
19 website is public information?

20 A Yeah. Yes. I don't have any special access.

21 Q All right. And then you also had previously
22 obtained contact information that you had on your phone
23 as given to you by members?

24 A Yes.

25 Q Okay. So those were -- that information was



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1 voluntarily given to you by those members, correct?

2 A Correct.

3 Q So you don't know anything about another
4 purported computer owned by North Shore that Lisa Mason
5 supposedly took?

6 A I do not.

7 Q Okay. All right. As to allegation number 15,
8 it states that at that August 27, 2019 meeting, that you
9 said that the current board of directors was not
10 following the law, specifically Florida Statute 720,
11 that members Steven Smith and David Gordon were making
12 unlawful unilateral decisions without input from the
13 membership or the board members. Do you specifically
14 recall referencing Florida Statute 720?

15 A I believe I did as it relates to executive
16 committees. So it's possible I referenced it.

17 Q Okay. But your statements as to who was
18 potentially violating that statute was limited to David
19 Gordon and Steve Smith, correct?

20 A Correct.

21 Q All right. So not the entire board of
22 directors?

23 A No.

24 Q Okay. Now, allegation 16 states that you
25 indicated to the board that you would apologize to the



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1 membership, step down voluntarily as director, and
2 assist the board in any further action needed of her. Is
3 that a correct allegation?

4 A That is false. No, that is incorrect.

5 Q All right. And what actually happened?

6 A In that meeting, they were hostile and not
7 happy with me for making that statement. And it became
8 clear to me that they were -- I needed an attorney
9 present. And I said do I need an attorney present? I
10 think I said that. And then knowing the history of
11 suing former or suing residents, I just said, "What's it
12 going to take for you not to sue me?" And Mr. Gordon
13 did not hesitate and started reading down his litany of
14 what it would take. And then Ms. Englert interjected a
15 few things. And at the end, I said I will certainly
16 ponder your request. And I walked out of the meeting.

17 Q Okay. All right. So at no point during that
18 meeting did you promise that you would apologize to the
19 membership, step down, and assist the board in any
20 further actions?

21 A Not that I recall at all.

22 Q Did you make those promises any time after
23 that meeting to date?

24 A No.

25 Q Okay. At the August 27th meeting where you



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1 made the statements that we discussed, did you have any
2 reason to believe that those statements were false at
3 that time?

4 A No.

5 Q And did you make those statements for the sole
6 purpose of ill will towards Mr. Gordon or Mr. Smith?

7 A No.

8 Q Is it your opinion that the statements that
9 you made at that time were true?

10 A Yes.

11 MR. BERNSTEIN: All right. This complaint will
12 be attached as Exhibit 4.

13 (DEFENSE EXHIBIT 4 MARKED FOR IDENTIFICATION)

14 BY MR. BERNSTEIN:

15 Q Ms. Stanford, are you a lawyer?

16 A No.

17 Q Have you ever been a lawyer?

18 A No.

19 Q Did you go to law school?

20 A No.

21 Q Regarding the lawsuit that you are a plaintiff
22 to, for which Bruce Burtoff represents you, do you rely
23 and defer to Mr. Burtoff with regards to any of the
24 legal claims asserted in that lawsuit?

25 A I'm sorry. Do I what and defer?



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1 Q Yeah, do you rely on and defer to him with
2 regards to that lawsuit?

3 A Yes, I do.

4 Q Were you prepared to testify regarding the
5 nature of that lawsuit today for this deposition in this
6 different case?

7 A No.

8 MR. BERNSTEIN: Okay. I've got nothing further
9 for you. Any follow ups, Jennifer?

10 REDIRECT EXAMINATION

11 BY MS. ENGLERT:

12 Q 100 percent, yes. Okay. The summary of what
13 you said in the August 2019 board meeting in front of
14 the community was two sentences, correct?

15 A I'm sorry, say that -- ask it again.

16 Q Sure. The summary from the board meeting
17 minutes that you just looked at was two sentences long,
18 correct?

19 A It looked about two sentences, yes. It might
20 have been three.

21 Q How long did you speak during that meeting?

22 A I don't know.

23 Q Was it more than two minutes?

24 A I don't know.

25 Q How long was your page of the notes that you



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1 made? How long was your page of notes?

2 A Maybe ten lines.

3 Q Really?

4 A Really.

5 Q Okay. Is everything you said in those meeting
6 minutes?

7 A No.

8 Q Do you remember everything that you said?

9 A No.

10 Q Is it fair to say you cannot recall everything
11 that you said?

12 A That's what I just answered. I cannot recall
13 everything I just said or everything I said at that
14 meeting.

15 Q Do you recall saying that Steve Smith and Dave
16 Gordon violated the law?

17 A I don't recall those words, but it's possible.

18 Q You don't recall saying that they violated
19 chapter 720? I thought you just admitted that to your
20 lawyer.

21 A I believe I referenced 720 when it referred to
22 the unauthorized executive committee. I don't know that
23 I used the word violated. I may have, but I don't
24 recall specifically saying violated. They could have --
25 I could have. I don't recall.



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1 Q Did you publish these feelings that you gave
2 in the board meeting multiple other times in multiple
3 other ways, including on social media and some of the
4 letters we looked at today and some of the posts we
5 looked at today?

6 A I'm sorry. Can you break that down for me?

7 Q Sure. Do you think it's a fact that Steve
8 Smith and Dave Gordon were an executive committee that
9 was unauthorized by the board?

10 A I believe they were acting as such, yes.

11 Q Do you think it's a fact that they
12 micromanaged?

13 A I believe the staff that told me they were,
14 yes.

15 Q Okay. Let's start with that one. Did you --
16 have you let people know in many other scenarios, on
17 social media, in letters, in verbal conversations, that
18 you believe that Steve Smith and Dave Gordon
19 micromanaged staff after the meeting?

20 A I don't believe so. I don't believe so.

21 Q You don't think you -- okay. How about that
22 they were an unauthorized executive committee, have you
23 ever said that any other time in any other venue or any
24 other way besides that meeting?

25 A It's possible, I don't recall. I can't think



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1 of a specific incident where I did, but it doesn't mean
2 I didn't.

3 Q Okay. What other bad acts did you say that
4 you can recall at least that you said in that board
5 meeting?

6 A The financial statements. I was -- I do
7 remember not being specific in my comments at that
8 meeting. And I remember that my reason for not being
9 specific was my understanding of the statute surrounding
10 the information that I had found out. Like, I believe
11 the statute specifically states that I can't
12 specifically identify the bad acts in an open meeting. I
13 don't know. You know, that was how many years ago. But
14 I recall that I had to take the action I took publicly,
15 but I could not be specific, the way the statute read at
16 the time. Again, you know, I'm not prepared for that.

17 Q All right. Did you think it was a fact that
18 Steve Smith and Dave Gordon were doing business outside
19 -- board business outside of board meetings?

20 A I believe so, yes.

21 Q And have you published that either on social
22 media, a letter to the community, an e-mail, a text, or
23 anything else after the meeting on August of 2019?

24 A After that meeting?

25 Q Yeah.



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1 A Again, it's possible. I can't think of a
2 specific incident where I did that exactly, but it's
3 possible.

4 Q Okay. You said you didn't demand to be heard,
5 but were you on the agenda for that meeting to make the
6 comments that you made or any comments?

7 A No. At the end of the meeting, Mr. Gordon
8 said, is there anything else, and I said, I have a
9 statement, and he said, okay, go ahead.

10 Q Do you have any idea how your texts that you
11 sent out went to unpublished numbers of people who lived
12 in the community?

13 A Well, clearly either I already had them from
14 previous communications or they had their number in the
15 directory.

16 Q Would you defer to their testimony regarding
17 whether they had their number in the directory and
18 whether they had -- you had had their number before?

19 A No, I would testify to the information I got
20 out of the directory.

21 Q Okay. But you have all that on your thumb
22 drive, right?

23 A Yes, ma'am.

24 Q Okay. Are you aware of Lisa Mason downloading
25 lists of information regarding contact for North Shore



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1 residents?

2 A No, ma'am.

3 Q Okay. So that would be news to you?

4 A That's news to me.

5 Q Do you have ill will toward Dave Gordon?

6 A Define ill will, please.

7 Q It was used by your attorney previously. What
8 does it mean to you?

9 A Ill will, to me, is where you don't like
10 someone, for lack of a better word, or that you would
11 intentionally set out to harm them. And no, I do not
12 have ill will toward Mr. Gordon or Mr. Smith.

13 Q When is the last time that you spoke with
14 Bruce Burtoff?

15 A A week ago.

16 Q Was it in person or by phone?

17 A By phone.

18 Q Are you aware of what Tracy Durham's
19 background was? Do you remember?

20 A I don't remember.

21 Q Okay. Do you believe that hiring her was a
22 mistake?

23 A No, I believe the way in which she was hired
24 was a mistake.

25 Q You in this lawsuit, the one that we're here



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1 about, you have an affirmative defense saying that the
2 board cannot bring this lawsuit against you because they
3 have unclean hands basically for bad acts that they were
4 involved in. So what bad acts were they involved in
5 that is not included in your Bruce Burtoff suit?

6 A Well, again, since I haven't read the amended
7 complaint in the Burtoff suit, and since we have
8 exhausted the issues today on these unauthorized
9 executive committee, the financial reports, the changing
10 of coding from a management labor to an unrelated GL
11 code, for the nondisclosure of different contracts for
12 different purposes, for personal use versus for HOA use,
13 nondisclosure of Mr. Gordon's personal assistant being
14 the invoicing clerk for a vendor that was used both
15 personally by Mr. Gordon and professionally by the HOA.
16 I can't think of everything, right off the top of my
17 head, but I think that captures most of it.

18 Q So are you going to tell Bruce Burtoff to
19 reduce the counts in the lawsuits and just focus on
20 those few things?

21 A No.

22 Q Why not?

23 A What do you mean why not? I don't know what
24 -- how --

25 Q I've asked you all the things that you think



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1 that the board members did wrong in this deposition, and
2 you just gave me a list. However, in your affirmative
3 defenses in this case, you say that this cannot be
4 brought, the suit cannot be brought because a variety of
5 things that the board did wrong. So you have put your
6 name on a lawsuit where the board -- you say the board
7 did many things wrong. And that is the first complaint.
8 I realize you didn't release the amended one. You put
9 your name on it, though, and you've also testified to
10 some things today. So I'm trying to get all the things
11 that you think the board did wrong. Some of them you
12 did not testify to today that are in the lawsuit. So
13 I'm wondering why you wouldn't reduce the number of
14 things in the Bruce Burtoff lawsuit to just the things
15 you testified to today.

16 A I don't have an answer for that today.

17 Q Okay. We've gone through some -- actually,
18 strike that. Is it fair to say that you've alleged the
19 board conducted some malfeasance in the letters that we
20 looked at today?

21 A Is it fair to say what?

22 Q That in the letters we looked at today, the
23 post that you made on social media and the dear
24 homeowner's letter that we looked at, that you accused
25 the board of a variety of acts that you consider to be



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1 bad acts.

2 MR. BERNSTEIN: Objection, form.

3 A I believe this board has not acted in the best
4 interest of this community.

5 Q And is that why you brought the lawsuit with
6 Mr. Burtoff?

7 A Yes.

8 Q And is that some of the things that you're
9 going to use as your defense in this lawsuit that you're
10 being deposed here for today?

11 MR. BERNSTEIN: Objection, form.

12 A I'm sorry. Re-ask.

13 Q Yeah. Is that going to be part of your
14 defense in this lawsuit?

15 A Is what going to be part of my defense?

16 Q The actions that the board took that you
17 believe were not in the best interest of the community?

18 A Yes.

19 MS. ENGLERT: Okay. That's all I have. Do you
20 want her to read or wave?

21 MR. BERNSTEIN: We will read.

22 MS. ENGLERT: Okay. And we will order the
23 transcript, please, Michelle.

24 COURT REPORTER: All right. And would you like
25 a copy, Mr. Bernstein?



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1 MR. BERNSTEIN: Yes, please.

2 COURT REPORTER: All right. I'm going to get
3 you guys off record.

4 (DEPOSITION CONCLUDED AT 3:45 P.M.)
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1 CERTIFICATE OF OATH
2

3 STATE OF FLORIDA

4 COUNTY OF ORANGE
5

6 I, the undersigned, certify that the witness in the
7 foregoing transcript personally appeared before me and
8 was duly sworn.
9

10 Identification: Produced Identification
1112
13 
14
15

16 MICHELLE VASQUEZ

17 Court Reporter, Notary Public

18 State of Florida

19 Commission Expires: 11/1/2025

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C E R T I F I C A T E

STATE OF FLORIDA)

COUNTY OF ORANGE)

I, MICHELLE VASQUEZ, Court Reporter and Notary
Public for the State of Florida at Large, do hereby
certify that I was authorized to and did report the
foregoing proceeding, and that said transcript is a true
record of the said proceeding.

I FURTHER CERTIFY that I am not of counsel for,
related to, or employed by any of the parties or
attorneys involved herein, nor am I financially
interested in said action.

Submitted on: February 2, 2022.



MICHELLE VASQUEZ

Court Reporter, Notary Public



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ERRATA

PAGE	LINE	CHANGE	REASON
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I have read the entire transcript of my deposition taken in the captioned matter or the same has been read to me. I request that the following changes be entered upon the record for the reasons indicated. I have signed my name to the Errata Sheet and authorize you to attach the changes to the original transcript.

Date

NAME



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