

1 IN THE CIRCUIT COURT OF CASS COUNTY, MISSOURI  
2 SEVENTEENTH JUDICIAL CIRCUIT

3

4 CITIZENS FOR )  
5 TRANSPARENCY and )  
6 ACCOUNTABILITY, )  
7 Plaintiffs, )  
8 v. ) Case No. 22CA-CC00219  
9 ) Division II  
10 WESTERN CASS FIRE )  
11 PROTECTION DISTRICT, )  
12 et al., )  
13 Defendants. )

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11

**BENCH TRIAL**  
**MARCH 2, 2023**

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14 A P P E A R A N C E S:

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**PLAINTIFFS' EXHIBIT**

| <b><u>Number</u></b> | <b><u>Description</u></b> | <b><u>Offered:</u></b> | <b><u>Received:</u></b> |
|----------------------|---------------------------|------------------------|-------------------------|
| 5                    | E-mails 8/10/22           | 93                     | 93                      |

1 THE COURT: 22CA-CC00219 and are we  
2 ready to proceed?

3 MR. LAYTON: Yes, Your Honor.

4 THE COURT: All right. You may  
5 call your next.

6 MR. LAYTON: Thank you. I would  
7 like to call the defendant John Webb, please.

8 THE COURT: Good morning, sir.  
9 Please face the clerk and raise your right hand  
10 to be sworn.

11 JOHN WEBB,  
12 being first duly sworn, testified under oath as  
13 follows:

14 DIRECT EXAMINATION

15 BY MR. LAYTON:

16 Q. Morning. State your name and address  
17 for the record, please.

18 A. John Webb, 23906 South State Route D.

19 Q. And are you a member of the board of  
20 Western Cass Fire Protection District?

21 A. I am.

22 Q. And when were you elected to the board?

23 A. The election was held on April --

24 Q. The month will be good enough.

25 A. 2022.

1 Q. And before you were elected to the  
2 board, did you attend meetings, look at records  
3 and other things to become familiar with the fire  
4 protection district?

5 A. I attended a couple of meetings.

6 Q. Did you look at board records?

7 A. I did not.

8 Q. Did you try to look at board records?

9 A. There were a couple of times where Kerri  
10 VanMeveren gave me information and I used -- I  
11 went with that information and asked the board  
12 for the permission to review their books by way  
13 of Sunshine requests.

14 Q. And you had some trouble in getting  
15 access to those books, didn't you?

16 A. They said they didn't have any.

17 Q. And you complained to the attorney  
18 general, filed a Sunshine Law complaint with the  
19 attorney general?

20 A. At that time I did.

21 Q. So I would like to talk about your  
22 position on the board. Are you the chairman of  
23 the board?

24 A. Yes, sir.

25 Q. Or the chair. When were you elected

1 chair?

2 A. I believe April 6th.

3 Q. And I would like to understand the role  
4 of the chair. Let's start with your role in  
5 scheduling meetings.

6 A. I am sorry. Repeat.

7 Q. As chair what is your role in scheduling  
8 meetings? Other than the established meetings,  
9 scheduled meetings, what is your role in  
10 scheduling those?

11 A. I help to establish what the agenda is.

12 Q. What is your role in deciding when the  
13 meeting will be held?

14 A. The monthly meeting?

15 Q. No, other meetings.

16 A. It would be to do whatever is required  
17 to call the meeting.

18 Q. And who decides that there is going to  
19 be a meeting other than the monthly meeting?

20 A. The -- I guess it would be me.

21 Q. And what is your role regarding the  
22 agenda for the meeting? There is an agenda  
23 posted for each meeting, isn't there?

24 A. I am sorry?

25 Q. There is an agenda posted for each

1 meeting --

2 MR. RACINE: Your Honor, I hate to  
3 interrupt. Just to make things easier just to  
4 advise the Court and counsel Mr. Webb does have a  
5 hearing impairment, so if we could keep that in  
6 mind.

7 MR. LAYTON: Something I am  
8 becoming more familiar with in my own life.

9 BY MR. LAYTON:

10 Q. So, Mr. Webb, does the district post an  
11 agenda before each meeting?

12 A. Yes, sir.

13 Q. So who prepares that agenda?

14 A. Generally it is the secretary that  
15 prepares the agenda.

16 Q. And who tells the secretary what to put  
17 on the agenda?

18 A. I believe it can come from several  
19 different sources. I probably have a major  
20 factor in that preparation.

21 Q. Do you see the agenda before it is  
22 posted?

23 A. Generally I believe I would.

24 Q. Now, minutes, who prepares the minutes  
25 for the board?

1           A.     The secretary is in charge of that.

2           Q.     And does the secretary give you a copy  
3 of the draft minutes?

4           A.     I think probably he does as a general  
5 rule.

6           Q.     Do you review those drafts?

7           A.     Yes, sir.

8           Q.     And when you get to the meeting where  
9 you are going to approve the draft, you've  
10 reviewed it and you believe it is correct?

11          A.     That's correct.

12          Q.     Okay. So what is your role when you  
13 conduct a meeting? When the meeting is being  
14 held of the board, what is your role as chair?

15          A.     To try to go through the meeting  
16 according to what is on the agenda to see it is  
17 handled in an orderly fashion.

18          Q.     I noticed that you adopt the agenda  
19 formally at the beginning of the meeting. Is  
20 that your usual practice?

21          A.     That's the practice, yes, sir.

22          Q.     And you often add things to the agenda  
23 at that time; isn't that true?

24          A.     I believe that is correct.

25          Q.     And as people speak on the board, what

1 is your role in moving the meeting along?

2 A. To try -- orderly fashion to try and  
3 make sure that people are given the opportunity  
4 and then to keep the moving -- the meeting moving  
5 according to the agenda.

6 Q. So before the meeting, is there a  
7 meeting packet of some kind that is available or  
8 given to the board members so they know what is  
9 coming up?

10 A. I think that there are attempts to have  
11 something put together, but it is a work in  
12 progress I guess to try to -- you know, two of us  
13 are new to the board and so we are kind of  
14 learning how these boards function having come  
15 out of a private sector. It is not something  
16 that I'm well rehearsed in.

17 Q. So you didn't have prior experience on a  
18 government board?

19 A. No.

20 Q. How about a nonprofit board?

21 A. No.

22 Q. And so, you know, when my wife was on a  
23 city council, a packet showed up at our house the  
24 day before every meeting. You aren't doing that  
25 kind of packet, are you?



1 A. No.

2 Q. Is there a place in Teams where it says  
3 board packets where things are placed for a  
4 particular meeting?

5 A. There is a location where we have this  
6 designated as packet and information can be  
7 submitted there for review by the board members.

8 Q. So that sounds like you are suggesting  
9 there is no systematic effort to put things  
10 there?

11 A. The -- I believe everybody has the  
12 information that the Teams is there and that  
13 information can be put there if they have it  
14 ahead of time. I believe that frequently there  
15 is information there.

16 Q. Had you used Teams before the Western  
17 Cass Fire Protection District started using it?

18 A. No, completely foreign.

19 Q. But computers aren't foreign to you, you  
20 have computer experience?

21 A. I have worked with some computers, but  
22 Office 365 I always avoided.

23 Q. In fact, before you were on the board  
24 when Bill Franse left being the chief, you came  
25 in and tried to solve a problem with a drive that

1       seemed to have been erased. Do you recall that?

2           A.     I did look at some of the stuff that was  
3       there and I did recover some stuff that was  
4       easily accessible, beyond that it was going to  
5       cost money and they had not engaged me to spend  
6       money.

7           Q.     Engage you, did you have a business  
8       doing things like that?

9           A.     I have a company that does that type of  
10       stuff.

11          Q.     So when you joined the board, you got  
12       the -- the board training required by the  
13       statutes, didn't you?

14          A.     I got -- we went to the class.

15          Q.     And that included the Sunshine Law  
16       training?

17          A.     We went to the class.

18          Q.     And so you know the board can't hold a  
19       meeting without 24 hours' notice unless giving  
20       that notice is impossible or impractical, don't  
21       you?

22          A.     We contacted an attorney and the  
23       attorney gave us the go-ahead on when it was  
24       acceptable to alter from that course.

25          Q.     Yeah, you got training generally from

1 the attorney or are you thinking about one  
2 instance?

3 A. I am thinking about one instance.

4 Q. We will come to that. You know that the  
5 board can't address any topic in closed session  
6 unless it fits within one of the exceptions  
7 that's in the Sunshine Law, right?

8 A. I believe that is correct.

9 Q. And that you can't discuss any business  
10 in closed session that doesn't directly relate to  
11 the reason that you announced you were going into  
12 closed session. You understand that, don't you?

13 A. I believe that is correct.

14 Q. You know that you can't -- by adding  
15 items to the agenda after it is posted deprives  
16 citizens of the knowledge of what topics will be  
17 taken up at a meeting, don't you?

18 A. No, sir.

19 Q. Oh, your view is you can add things to  
20 the agenda?

21 A. I believe the Missouri state statute  
22 says you must post a tentative agenda.

23 Q. Okay.

24 A. I guess I could be wrong, but I think  
25 that is what the state statute says.

1           Q.     All right.  Now, in front of you is a  
2 binder that has exhibits.  I've spent some time  
3 this morning to put tabs in to help us find some  
4 of them.  I don't promise I have tabbed them all.  
5 I will bring this one when we get to it.  So  
6 let's start with the 11/16 meeting.  Do you see a  
7 tab for 11/16/22.  It is a little unwieldy.  I  
8 apologize for that.

9           A.     I see a tab to answer your question.

10          Q.     Okay.  So I would like you to look at  
11 the minutes that's Exhibit 2 there behind that  
12 tab.  Do you see there where it says that the  
13 agenda was adopted with amendments added?

14          A.     Yes, sir.

15          Q.     And you notice that on the agenda one of  
16 the things -- so the agenda, that is Exhibit 1,  
17 so if you go back one page to Exhibit 1, the  
18 agenda has a note that there will be a chief's  
19 written report.  So where are these written  
20 reports stored?

21          A.     I think there's a section in Teams  
22 that -- I think there is a section in Teams.  I'm  
23 not -- it's really poorly organized.

24          Q.     Okay.  Now, during the web motion or --  
25 excuse me, during the report from the chief

1 according to the minutes, you voted on replacing  
2 the emergency back-up battery at station 2. Do  
3 you recall that or you are welcome to check the  
4 minutes if you would like. It is 7C in the  
5 minutes.

6 A. Yes, sir.

7 Q. So at that November 16th meeting you  
8 added things to the agenda and then when you got  
9 to the chief's written report, you took up and  
10 voted on spending money, didn't you?

11 A. I guess based on the chief's report we  
12 approved spending some money.

13 Q. So what is it in the agenda where it  
14 says chief's report that you think reasonably  
15 notified a citizen that you were going to spend  
16 money on emergency backup batteries?

17 A. It probably actually fell under the  
18 chief's regular budget items. The chief  
19 throughout the budget and the district manager  
20 have the ability -- this is my understanding. A  
21 lot of these processes were in place prior to my  
22 taking office. The chief -- and I think they  
23 consider it a matter of just regular business,  
24 the chief and the district manager have a  
25 dedicated place in the budget where they are

1 allowed to spend -- to pay certain -- buy certain  
2 things and take care of certain items as long as  
3 it is below a designated dollar value, so I  
4 suspect that from the perspective of actual  
5 business the chief would have -- the chief or the  
6 district manager technically has the ability to  
7 spend given funds during a month without  
8 permission. So this really would have been  
9 probably not a necessary vote because it was  
10 duplicative in nature in that the chief and the  
11 district manager are allowed to spend regular  
12 funds without previous permission.

13 Q. Okay. Let's look at some other things  
14 that were on that agenda.

15 A. Because it was under \$200.

16 Q. Yeah. So what does it say on the agenda  
17 under unfinished business? What does it list  
18 under unfinished business you were going to take  
19 up in that meeting?

20 A. It looks like there is bay lights --

21 Q. No, on the agenda, not the minutes. We  
22 will get to that in just a moment. What is on  
23 the agenda for unfinished business?

24 A. I guess I don't see anything under  
25 unfinished business designated.

1           Q.     Go back to the minutes where you just  
2 were.   What did you take up under unfinished  
3 business?

4           A.     It looks like bay lights, Dr. Cursor's  
5 medical director insurance rider.

6           Q.     Bay lights was a \$3,500 item, wasn't it?

7           A.     Yes, sir, it appears that that was.

8           Q.     Out of a total operating budget of just  
9 a little over \$200,000 for a year?

10          A.     Yes.

11          Q.     Now, look at the agenda and if you read  
12 for us what it says under new business?

13          A.     Okay.

14          Q.     So what does it say under new business?

15          A.     Auditor payment, chief reimbursement,  
16 sheriff '22 and elections.

17          Q.     Does it say anything there about a  
18 newsletter or a Christmas party?

19          A.     No, sir.

20          Q.     And yet you voted another \$2,000 out of  
21 your \$200,000 for those two things that day,  
22 didn't you?

23          A.     Could you repeat your question?

24          Q.     Between the newsletter and the Christmas  
25 party you voted to spend another \$2,000 on those

1 two at that meeting, didn't you?

2 A. It looks like we did, yes.

3 Q. Again things that are not on the agenda?

4 A. Yes, it doesn't appear they are on the  
5 agenda.

6 Q. So we are up to over \$5,000 out of your  
7 \$200,000 that were authorized to be spent that  
8 day with no mention on the agenda; isn't that  
9 right?

10 A. Yes, it would appear so.

11 Q. I want to turn to another topic that was  
12 on the agenda. That is the election. At that  
13 meeting did you approve the notice of the April  
14 2023 election and filing for the April 2023  
15 election?

16 A. Could you tell me where that is on the  
17 minutes?

18 Q. These aren't paginated the way the  
19 minutes are being done, but under new business:  
20 A, the auditor payment; B, reimbursement for  
21 gasoline; C, sheriff addendum; and D, elections.  
22 Do you see that?

23 A. Okay. Yes.

24 Q. Did you approve that notice and its  
25 being published?



1           A.    Yes, sir.

2           Q.    Now, I would like you to look at Exhibit  
3    7 there under that tab 11/16/22.  Go to Exhibit  
4    7.  It will be a newspaper.  Do you see that?

5           A.    Yes, sir.

6           Q.    So would you read to us -- would you  
7    read to us the first paragraph of the published  
8    notice that you approved?

9           A.    Notice is hereby given that the filing  
10   dates for election -- for electing two offices of  
11   directors of Western Cass Fire Protection  
12   District board of directors on April 4th, 2023,  
13   will be Monday through Friday beginning at 8 a.m.  
14   on December 6th, 2022, through 5 p.m. on December  
15   27 at 2022.

16          Q.    So there were two positions on the board  
17   that were going to be on the ballot; is that  
18   right?

19          A.    That is correct.

20          Q.    Read us the next paragraph.

21          A.    The candidate in each of the two  
22   elections receiving the highest number of votes  
23   shall hold the office of director for a term of  
24   six years from the date of the April 4th, 2022,  
25   election.

1 Q. All right. Thank you. Now, let's go up  
2 to the January 18th meeting. So you see a tab  
3 that says 1/18/23?

4 A. Yes, sir.

5 Q. Okay. You know we looked for the  
6 meeting packet for that meeting and it was empty.  
7 Do you know if there was any meeting packet,  
8 anything provided to the board members before  
9 that meeting?

10 A. I don't recall. It may have been there  
11 and moved to another packet.

12 Q. Okay. How would somebody like a board  
13 member know if something was moved to another  
14 packet?

15 A. It would appear in another packet.

16 Q. But how would they know that it is not  
17 in the board packet, but now it is someplace  
18 else, they should look someplace else?

19 A. I don't know.

20 Q. Doesn't Teams have a feature that  
21 provides for notification when things are changed  
22 or moved in Teams?

23 A. I don't know.

24 Q. You actually ordered the disabling of  
25 such a feature, didn't you?

1           A.     I believe that I did.

2           Q.     Okay.  Okay.  Let's look at the  
3 agenda -- the minutes.  That is Exhibit 12 behind  
4 that tab, so if you can go up to Exhibit 12.  
5 What does it say you did under item 4?

6           A.     I think you might be talking about it  
7 says President Webb made a motion to approve the  
8 Wednesday, January 18th, 2023, tentative agenda  
9 with designated filming area added to the agenda  
10 and it passed.

11          Q.     You see on the agenda where it shows  
12 call for elections?  That would be Exhibit 1, but  
13 keep your finger in that Exhibit 12 because we  
14 are going to go back to it.

15          A.     What are you saying?

16          Q.     You see where it says you are going to  
17 address the call for elections?

18          A.     Number 10?

19          Q.     Yes.

20          A.     Yes, sir.

21          Q.     And that's the same April 4th, 2023,  
22 elections that we read the notice that you  
23 published in the paper, right?

24          A.     I believe that is correct.

25          Q.     And at that notice it said there were

1 two elections for two board members, right?

2 A. I believe that is correct.

3 Q. Okay. So let's look at what happened  
4 this time. You go back to the minutes, that's  
5 Exhibit 12. Director Hardman and I move to  
6 approve the paperwork for the April 4, 2023,  
7 elections. And they were signed by you and  
8 treasurer Toliver. Do you see that entry?

9 A. I'm not sure where you are at.

10 Q. Okay.

11 A. I think you may be talking about No.  
12 10.

13 Q. I could be. I was thinking of docket  
14 No. 12, but I think No. 10 on the agenda could  
15 be. Yes.

16 A. Okay.

17 Q. So at that meeting you approved the  
18 paperwork for the April 4, 2023, election,  
19 correct?

20 A. It appears so, yes, sir.

21 Q. So if you then look at Exhibit 13, so  
22 the next one. So is that the resolution that you  
23 passed as part of that paperwork? If you would  
24 like to, you can look at 13, 14 and 15. They are  
25 all I think part of that paperwork, so if you

1 would prefer to tell me whether all three of them  
2 constituted the paperwork for that meeting, that  
3 is fine too.

4 A. I believe that they do.

5 Q. So on that first item that says 13, it  
6 says in the third whereas clause, it says,  
7 Pursuant to RSMo 115.1275 three nominees filed on  
8 or after filing opened. Do you see that  
9 language? Did I read that correctly?

10 A. Repeat your question.

11 Q. Did the resolution you adopted say,  
12 Pursuant to RSMo Section 115.127(5) three  
13 nominees filed on or after filing opened?

14 A. Yes, sir.

15 Q. And that was the resolution that you  
16 adopted on January 18th, correct?

17 A. Yes, sir.

18 Q. That statement is false though, isn't  
19 it?

20 A. That statement reflects what was  
21 actually filed.

22 Q. You filed declaration for candidacy,  
23 didn't you?

24 A. We were instructed by the election  
25 commission that there were only one vacancy after

1 I filed. There was a lot of confusion because  
2 Monte Olsen who informed the district on April --  
3 well, I don't know when he began to form. He  
4 must -- he must have provided the information  
5 prior to December that there were two positions  
6 and how those positions needed to function. On  
7 April 6th when we swore in, he told us there were  
8 only -- that one would go away after the first  
9 year and that the other would stay for five years  
10 I believe it was and he also prepared all of the  
11 election material -- he was the advisor for the  
12 board, he prepared all of the election material  
13 afterwards, before and afterwards I assume, to  
14 file with the county commission because the fire  
15 ward is the election authority with regards to  
16 Missouri state statutes apparently. So as the  
17 election authority, they had to file some  
18 information that established what the results of  
19 the election was.

20 Q. I'm confused. So let me start --

21 A. It's confusing.

22 Q. Who is Monte Olsen?

23 A. Monte Olsen is someone that the state  
24 has -- could I have some water?

25 Q. If you need a break at any time, let me

1 know.

2 A. I am finding it hard to move my --

3 MR. RACINE: (Indicating).

4 THE WITNESS: Thank you, sir.

5 A. Monte Olsen, my understanding, is an  
6 individual who the state of Missouri hired to  
7 write all of the procedures and policies  
8 regarding fire districts and emergency medical  
9 things to align the statutes and put the  
10 educational information together that is used all  
11 across the state of Missouri.

12 Q. So are you aware that we served document  
13 subpoenas on Mr. Olsen twice and deposition  
14 subpoena on Mr. Olsen once in the last few weeks  
15 and he ignored all of those?

16 A. I may have heard some rumors that he was  
17 not served, that is all I know.

18 Q. And so did the district hire Monte Olsen  
19 to advise it as to the April 2023 election?

20 A. Monte Olsen was hired for our district  
21 manager to have as advice.

22 Q. When was he hired?

23 A. He was rehired and I'm not -- the date,  
24 I don't know exactly which meeting it was, it  
25 could have been August of '23 -- '22, I am sorry,

1 or September or October. I don't recall.

2 Q. So has Mr. Olsen provided advice to the  
3 district with regard to the April 2023 election?

4 A. Well, he would only accept hiring if  
5 very few people had access to him just like so  
6 many of our vendors request is that we don't want  
7 to take calls from everybody, we only want calls  
8 from either the district manager or the president  
9 and that's all.

10 Q. Well, that is all well and good, but  
11 when you get advice from him, isn't that advice  
12 that belongs to the board?

13 A. I suspect it would depend if the board  
14 asks for it.

15 Q. Well, who hired Mr. Olsen, the board or  
16 you?

17 A. The board hired Mr. Olsen.

18 Q. So Mr. Olsen's obligation is to provide  
19 advice to the board, right?

20 A. We hired him -- the board hired him for  
21 the benefit primarily of our district manager,  
22 treasurer and ultimately the board.

23 Q. And so are you telling me that Mr. Olsen  
24 has provided advice to the board with regard to  
25 the April 2023 election?



1           A.     I believe that our district manager has  
2     communicated on occasions with Mr. Olsen for  
3     advice.

4           Q.     And was that advice shared with the  
5     board?

6           A.     I believe that from time to time some of  
7     it may have had reference to the board, but I  
8     think an awful lot of it was just how the  
9     district manager needed to do things.

10          Q.     But here we are talking about changing  
11     from two board seats, two elections that you  
12     officially announced in the fall to one board  
13     seat, one election.  Where is Mr. Olsen's  
14     analysis, his advice as to that?  Where do my  
15     clients find it?

16          A.     Okay.  I did not speak to Mr. Olsen.  I  
17     think that you are asking me to give you hearsay  
18     information and I can --

19          Q.     So your source is who?

20          A.     My source would have been the district  
21     manager if she provided me information about  
22     something.

23          Q.     So when did the district manager tell  
24     you that someone had told her that you could  
25     change from the election you announced in the

1 fall to a different election?

2 A. The district manager told me that -- I  
3 don't have the date.

4 Q. And you filed for office under the prior  
5 notice and yet now your name isn't going to be on  
6 the ballot?

7 A. That is correct.

8 Q. Did you withdraw your candidacy?

9 A. Yes, sir.

10 Q. And is there some document that shows  
11 you withdrew your candidacy?

12 A. The district manager notified me that  
13 there was only one position available according  
14 to the court.

15 Q. What court?

16 A. The circuit -- the clerk of Cass County.

17 Q. Now, wait a minute. You just told me  
18 the fire district is the election authority and  
19 now you are telling me that the clerk of the --  
20 the county clerk is the one who said there is  
21 only one office, that you were wrong last fall?

22 A. The county clerk advised that the  
23 election authority back in I think -- I think it  
24 has to be done by June that the election  
25 authority established what the terms were and

1 that only one seat was available to be filled.

2 Q. And yet in November you said there were  
3 two?

4 A. In November we -- I am not sure how they  
5 came up with two.

6 Q. Well, what was the basis for your vote  
7 on January 18th then when you voted to approve  
8 documents that went from two to one? What were  
9 you relying on?

10 A. Was relying on the district manager's  
11 assumption that there were two that was corrected  
12 when she talked to the county clerk finding out  
13 that the district had established that there was  
14 only one.

15 Q. So these other people who filed, the  
16 other three, I mean, there were four of you who  
17 filed, but the other three, who went to them and  
18 explained to them the basis for now there is only  
19 one seat?

20 A. I think I would probably have to answer  
21 in hearsay. I don't know that I have that  
22 knowledge.

23 Q. Do you know that someone did go to them  
24 and explain to them why there was only one seat?

25 A. Personal knowledge, no, only rumor.

1           Q.     So if a judge rules that the election  
2     that you noticed last fall, when the statute  
3     required that you notice the election, is for two  
4     seats, you are not now a candidate for either of  
5     them, right?

6           A.     That's correct.

7           Q.     And you voted for and signed the  
8     paperwork saying in effect that you don't have to  
9     run?

10          A.     I don't know -- which one are you  
11     talking about now?

12          Q.     You signed the paperwork that in effect  
13     said, I get to remain on the board without  
14     running?

15          A.     Which document are you talking about? I  
16     don't have it in front of me.

17          Q.     Never mind. While we are on January  
18     18th meeting let me turn to a different topic. I  
19     see a motion that you made there to accept Troutt  
20     Beeman & Company to do year-end reconciliation  
21     and pay \$2,500. What is a year-end  
22     reconciliation?

23          A.     It is something that Troutt Beeman I  
24     think -- my contact there is Butch and he made  
25     mention of that being available.

1           Q.     But you must have some understanding  
2     what it is, you made the motion for hiring him to  
3     do it.     What were you hiring him to do?

4           A.     To go over the records and to I guess  
5     justify at least the monetary component of our --  
6     you know, all the money that we received, all of  
7     the money that went out, that there is  
8     appropriate accounting of all of that -- all of  
9     those funds and transactions were, in fact, in  
10    place and justified.

11          Q.     You mean for \$2,500 they are going to go  
12    over all of the transactions for the whole year?

13          A.     He was going to justify -- I don't know  
14    if that's how he worked it.

15          Q.     Was he going to -- are they going to  
16    reconcile any differences that they see in  
17    numbers as of the end of the year in dollar  
18    amounts, I mean, reconcile the account so that  
19    everything lines up?

20          A.     I think that is what that means.

21          Q.     So here is an example where that may  
22    have prompted you, I don't know, but I am going  
23    to ask you that.     In the treasurer's report on 12  
24    /21/22 it said that the bank accounts for the  
25    district had \$247,249.43, but at the year-end

1 report given at the February 15th meeting it  
2 showed that there was \$672,044.80. Did you  
3 notice those two, the discrepancy between those  
4 two numbers.

5 A. I don't even know what you are talking  
6 about right now. I don't have it in front of me.

7 Q. Do you know how much the district has in  
8 the bank?

9 A. Right now today?

10 Q. Well, let's say as of December 31st if  
11 that is the Troutt Beeman number?

12 A. As of the end of December I believe it  
13 had \$320,000 cash.

14 Q. Okay. Well, if you would look up under  
15 the 2/15/23 exhibits, so that will be at the very  
16 bottom of that, 2/15/23. If you would look at  
17 Exhibit 9A. Do you recognize that exhibit? It  
18 may just say 9. Yeah, 9A. It looks like this  
19 (indicating). Do you see what I am looking at?

20 A. Okay.

21 Q. Okay. And where it says total bank  
22 accounts, what does that say that the district  
23 has in the bank? You see about halfway down the  
24 page?

25 A. Yes, sir.

1 Q. And what number does it give for the  
2 total bank accounts, total in bank accounts?

3 A. It says \$672,044.80.

4 Q. In 2022 was the district using two  
5 different accounting software packages?

6 A. Yes. We are trying to move away from  
7 the Kerri VanMeveren accounting method to  
8 something that we could handle in house.

9 Q. Well, let me ask about the two packages.  
10 Are those Xero, X-E-R-O, and QuickBooks, are  
11 those the two systems, the two accounting  
12 software packages?

13 A. They had a thing called Xero, yes, but  
14 the accountant he had something else that he did.

15 Q. So there was three, QuickBooks, Xero and  
16 the accountant had a third one?

17 A. I believe so.

18 Q. So that might be another reason for  
19 reconciliation?

20 A. I would say someone needs to take an  
21 overlook view of that.

22 Q. Are you aware that the numbers don't  
23 line up between Xero and QuickBooks for the end  
24 of the year?

25 A. It would not surprise me at all. I know

1 that I use the bank balances.

2 Q. That you see at the bank?

3 A. Yes, sir.

4 Q. And which banks does the district have  
5 money at?

6 A. They have money at Raymore Community  
7 Bank, it is Peculiar-Raymore.

8 Q. Community Bank, yeah.

9 A. Yeah. And Citizens Bank.

10 Q. Okay. There is no money at Commerce  
11 Bank?

12 A. No.

13 Q. Even though you passed a motion to move  
14 money to Commerce Bank?

15 A. Right, Ms. VanMeveren blocked that.

16 Q. And there is no money at MOSIP?

17 A. Ms. VanMeveren blocked that.

18 Q. But the answer is there any money at  
19 MOSIP?

20 A. She blocked that.

21 Q. I asked a question, is there any money  
22 in MOSIP?

23 A. No.

24 Q. It is all at Citizens Bank and Community  
25 Bank?



1 A. Say again.

2 Q. All of the district's funds are in  
3 Community Bank and Citizens Bank; is that  
4 correct?

5 A. As far as I know.

6 Q. Okay. Let's go back to that January  
7 18th meeting. So go back to Exhibit 12, that's  
8 the minutes.

9 A. Okay.

10 Q. Do you see under unfinished business 9A  
11 security systems?

12 A. Yes, sir.

13 Q. Can you read us what it says there under  
14 security systems?

15 A. President Webb made a motion to purchase  
16 security cameras for both stations at a cost not  
17 to exceed \$4,000 and to reimburse President Webb  
18 for the purchase of and it passed.

19 Q. You had already made that purchase  
20 before this vote, hadn't you?

21 A. I don't believe so.

22 Q. Excuse me?

23 A. I don't believe so.

24 Q. Do you recognize this document?

25 A. No, sir.

1 Q. Excuse me?

2 A. No.

3 Q. You don't?

4 A. No.

5 Q. So you are saying that this is not an  
6 order that you placed?

7 A. That is correct.

8 Q. Interesting. Is this the purchase that  
9 you were voting on on 1/18/23?

10 A. No, sir.

11 Q. No, sir?

12 A. No, sir.

13 Q. So there was -- there were actually two  
14 security camera purchases. This one that was  
15 earlier in January and you are saying that you  
16 voted to authorize a different one?

17 A. This never occurred.

18 Q. What do you mean it never occurred?

19 A. The secretary -- no. I believe that the  
20 district manager attempted to make this purchase  
21 and it didn't go through.

22 Q. I noticed that on this purchase there  
23 was a tax that was going to be collected. What  
24 is the district's policy about paying sales tax?

25 A. That they don't pay sales tax.

1           Q.     And yet the district often does pay  
2 sales tax, doesn't it?

3           A.     No.

4           Q.     Even on reimbursements to you?

5           A.     No.

6           Q.     How about buying gasoline, do you pay  
7 tax when you buy gasoline?

8           A.     I believe that there is a special  
9 program for purchasing gasoline W-E-X and I think  
10 that they are supposed to work some kind of  
11 either tax exempt ahead of time or tax exempt  
12 reimbursement after the fact.

13          Q.     So if the gas is purchased using a WEX  
14 card, then the district doesn't pay the tax, is  
15 that your understanding?

16          A.     They may pay a tax that is reimbursed by  
17 virtue of filing a reimbursement form.

18          Q.     When someone uses a different credit  
19 card, not the WEX card, and buys gas, then they  
20 pay the tax that you and I pay, don't they?

21          A.     I suspect that would be true.

22          Q.     And yet you approve reimbursements for  
23 people who use those cards and pay the tax, don't  
24 you?

25          A.     I am not sure.

1 Q. All right. Let's go back now to April  
2 of the year and let me ask you a couple of  
3 questions about what was going on in April. You  
4 were new to the board in April of 2022, right?

5 A. That is correct.

6 Q. And there was a meeting on April 13th.  
7 That is going to be at the very beginning of the  
8 binder so if you want to refer to that. Do you  
9 recall a meeting on April 13th?

10 A. Trying not to damage your book.

11 Q. The binders get caught at the top. See  
12 the minutes for the April 13th meeting there,  
13 Exhibit 2 behind the tab?

14 A. I think this is supposed to signify  
15 three.

16 Q. Do you remember a dispute at that  
17 meeting about authority for the signing of a  
18 contract for lawn mowing with Rhyno?

19 A. I am not sure that I heard your  
20 question.

21 Q. Do you recall a dispute or discussion at  
22 that meeting about whether you had been  
23 authorized to enter into a contract with Rhyno to  
24 mow the lawns?

25 A. Do you have a reference?

1 Q. Hold on a moment. I may have the wrong  
2 date. Let me check.

3 A. Okay.

4 Q. I am sorry, that wasn't at the April  
5 meeting, that -- it is actually 5/18. So that  
6 will be at the 5/18/22 tab, it will be Exhibit 2  
7 is the minutes. Have you found the minutes there  
8 for the 5/18 meeting, Mr. Webb? Did you find the  
9 minutes?

10 A. I am not sure what you are talking  
11 about.

12 Q. Did you find the minutes for the 5/18  
13 meeting, Exhibit 2, behind the --

14 A. There is something here that says 5/18.

15 Q. I am sorry, 5/18, Exhibit 2, yeah. Do  
16 you see the document that says minutes on the  
17 upper right-hand corner?

18 A. There is one right here.

19 Q. Okay. If you would look on the fourth  
20 page at the top.

21 A. Yes, sir.

22 Q. And does that refresh your recollection  
23 about a dispute about signing a lawn mowing  
24 contract?

25 A. Yes, sir.

1           Q.    It says there, Darwin and Kerri then  
2    harangued John for setting up the lawn service --  
3    both the lawn service and the inventory.  Did  
4    someone in the meeting use that word harangued?

5           A.    I don't have a recollection of it.

6           Q.    I see here that it says under A John.  
7    Would that be you, Mr. Webb?  After that  
8    harangued statement?

9           A.    I suspect that is true.

10          Q.    John pointed out that both the lawn  
11    mowing and inventory were approved by the board  
12    on March 16, 2022?

13          A.    Yes, sir.

14          Q.    And did you make that statement at that  
15    meeting?

16          A.    I believe I did.

17          Q.    And that wasn't true as to the lawn  
18    mowing contract, was it?

19          A.    It was true.

20          Q.    Well, the minutes are there.  So if you  
21    go -- this is before the April 13th meeting, you  
22    will see the tab.  This is like the second  
23    document here.  It has the March 16th meeting  
24    minutes.  I can't find that, maybe you can point  
25    me to it.

1 A. March 16th?

2 Q. Yes, it is right at the beginning. It  
3 is the second item in the binder.

4 A. I wouldn't have been at the March 16th I  
5 don't think.

6 Q. No, that's fine. Are you saying that  
7 you do not have knowledge or did not have  
8 knowledge about the approval on March 16th?

9 A. Tell me where you are at again.

10 Q. The March 16th minutes are right at the  
11 beginning. They are the second document in the  
12 binder even before the first tab, so way before  
13 that. You see there is a tab called newsletter  
14 that has your picture in it, that is first, and  
15 the next thing are the March 16th minutes. Have  
16 you ever reviewed those minutes, the March 16th  
17 minutes?

18 A. We are talking about May?

19 Q. No, March.

20 A. Originally you were talking about May.

21 Q. That is because the dispute was in May,  
22 but your statement was it was approved in March?

23 A. The minutes appeared to have been  
24 incorrect because the approval was given at an  
25 April -- there is an April meeting that the

1 district told me to hire -- to have our attorney  
2 write a contract and to go ahead and have it  
3 signed and to enact the contract. They said --  
4 they gave approval because we only had one vendor  
5 who would have anything to do with the district  
6 to do the mowing and Darwin had told me earlier  
7 in April that his number one priority was getting  
8 somebody to do the mowing.

9 Q. He had been doing it himself before  
10 that, hadn't he?

11 A. But his number one priority was to get  
12 somebody else to do it, so in April we posted to  
13 have competitive bids and nobody stepped forward.  
14 And I am pulling from my memory, I don't have the  
15 papers in front of me, so I am pulling from my  
16 memory. Like I said, we posted a notice, nobody  
17 responded and I believe Monte told our district  
18 manager to start calling people in the business  
19 around the area and see if you can find somebody  
20 that would take the job. My understanding is  
21 that she called many people and that only one  
22 company would have anything to do with mowing our  
23 property. She gave us his bid proposal and in  
24 that April meeting the board accepted the bid  
25 proposal pending that I have the lawyer write a



1 contract and that with the contract have the  
2 contractor sign the contract and hire him to do  
3 the work. So the lawyer wrote the contract, the  
4 district manager had him sign the contract and  
5 then I signed it per that board decision and he  
6 started the mowing.

7 Q. So your testimony is --

8 A. The minutes are incorrect as far as the  
9 particular date that that meeting gave me that  
10 permission or gave me that instruction.

11 Q. So you are saying that instruction came  
12 at an earlier April meeting? So you are saying  
13 the approval didn't come in March, it came  
14 earlier in April?

15 A. That is correct.

16 Q. So I can find that in the minutes of one  
17 of the April meetings?

18 A. You should be able to.

19 Q. Where do I find the contract? Is that  
20 in the well bound book you are required to keep  
21 contracts?

22 A. I would assume. I don't keep the book,  
23 the secretary does -- or the custodian of  
24 records.

25 Q. And if a citizen wants to see the book,

1 that has to be made available to them within a  
2 week of the request, right?

3 A. I don't believe that's true.

4 Q. I can pull out the statute if you would  
5 like, but you can give it to them some other  
6 time?

7 A. I thought the statute said that a  
8 response had to be given within so many business  
9 days.

10 Q. Well, the Sunshine Law requires a  
11 response within three days, but there is a  
12 separate statute that says the book has to be  
13 available between 8:00 and 4:00 at the fire  
14 station within seven days. You are not aware of  
15 that statute?

16 A. I don't recall it.

17 Q. So you are not aware that the request  
18 was made to see the well bound book last week and  
19 it was not made available within seven days?

20 A. I heard that there was a request made  
21 and that a reply was given.

22 Q. Okay. All right. Let's turn then to  
23 May. You might turn to the May 28th tab because  
24 we will refer to that, but what I have to ask is  
25 not really in the tab, but go ahead to the May

1 5/28 tab so we are ready for that. Okay. So you  
2 had planned a vacation starting on May 28, 2022;  
3 is that right?

4 A. Correct.

5 Q. Where were you going?

6 A. We were going to Colorado.

7 Q. And driving, flying, how were you going  
8 to get there?

9 A. Drive.

10 Q. What time did you need to leave?

11 A. We were supposed to leave in the  
12 afternoon.

13 Q. And what were your arrangements at the  
14 other end, did you have VRBO, Airbnb, condo, what  
15 were your arrangements in Colorado?

16 A. We were going to make a stop en route to  
17 my sister-in-law's place and then from there go  
18 to another place and then to another place.

19 Q. How long had you planned this trip?

20 A. Probably -- it was after when my wife  
21 was done with her tax season.

22 Q. When did you make the plans?

23 A. I don't know for sure, she did.

24 Q. When were you aware of the plans, when  
25 did she tell you?

1 A. Whenever I was told.

2 Q. And you don't remember when that was?

3 A. Not for certain.

4 Q. So we can't now tell at what point you  
5 knew you were going on vacation?

6 A. No.

7 Q. When were you going to get back?

8 A. We were hoping within two weeks.

9 Q. Now, Ms. VanMeveren was the treasurer  
10 prior to May 18th, 2022, for about a year, right?

11 A. I believe that's correct.

12 Q. And she told you a week or more before  
13 the May 18th meeting that if you continued to do  
14 the things that she said you were doing, she was  
15 going to resign as treasurer?

16 A. I don't think.

17 Q. So she made her resignation official at  
18 the May 18th board meeting, didn't she?

19 A. I believe that is when I first found out  
20 about it or heard any rumor of it even. It was a  
21 complete surprise.

22 Q. Prior to that, she had objected to  
23 having Stephanie Toliver enter into the contract  
24 with Rhyno for lawn mowing, hadn't she?

25 A. I think that is what the previous

1 conversation was about.

2 Q. Before May 18th she objected to making a  
3 payment to PStrax that she said had not been  
4 authorized by the board, didn't she?

5 A. I am sorry, what?

6 Q. Do you recall an entity called PStrax?

7 A. I know the words, I don't know the  
8 people.

9 Q. Do you recall someone being hired to  
10 assist with some kind of inventory project in May  
11 of 2022?

12 A. Monte Olsen.

13 Q. Okay. But PStrax, do you recall PStrax  
14 being a software package that could be used in  
15 that inventory project?

16 A. I think that was recommended by Dolan/  
17 West Dolan. I don't know much about them.

18 Q. And you asked Ms. VanMeveren to make a  
19 payment to PStrax so that Monte Olsen's inventory  
20 helpers could use that system, didn't you?

21 A. I don't know that that's true.

22 Q. Okay. All right. May 18th she resigns.  
23 So you could have elected a new treasurer on May  
24 18th, couldn't you?

25 A. No, sir.

1 Q. Why not?

2 A. Nobody wanted the job.

3 Q. Oh, okay. So what happened on May 19th  
4 or 20th or whatever day it was that that changed?

5 A. When -- well, first of all, May 18th the  
6 Kerri bomb was dropped on us that she resigned  
7 and that she cancelled everything with regards to  
8 banking and payments and there was absolutely no  
9 way for us to do business and she said, You guys  
10 try to figure it out.

11 Q. Now, wait a minute here. She cancelled  
12 everything as to banking. What do you say she  
13 did, what do you mean by that?

14 A. Well, that is essentially what she told  
15 us was that she had terminated all charge cards,  
16 debit cards. She said she terminated everything.  
17 We don't know what that meant.

18 Q. And she left you a transition document  
19 that detailed what she meant?

20 A. She left a detailed document that gave  
21 us the things that she insisted that we do that  
22 she blocked. She refused to cooperate with her  
23 transition document that she insisted that we do.

24 Q. So but I am back to this point here it  
25 is May 18th, you know you need a new director.

1 At some point it changed so you could get a new  
2 director, when was that?

3 A. Like I said after the Kerri bomb was  
4 dropped, we were scrambling trying to figure out  
5 what we could do, how to do it, who would do it.  
6 There were so many questions on the table that we  
7 had no answer for, so all we could -- you know, I  
8 used -- when I was talking to somebody about it,  
9 and I think it's an appropriate illustration, we  
10 were grabbing for ropes to pull us out of the  
11 water and, you know, grab this rope and there was  
12 nothing attached, grab this rope and nothing  
13 attached. We were trying to find someone to take  
14 the position and then enable that person to pay  
15 bills and we -- everywhere we turned, we ran into  
16 stumbling blocks. We tried to get control of the  
17 banking and the banking institutions that Kerri  
18 apparently set up refused to work with us on  
19 anything.

20 Q. So Marty Hardman already had signature  
21 authority at the bank, didn't she?

22 A. I don't know that answer.

23 Q. And on May 26th you filed a document  
24 with Community Bank to give you signature  
25 authority, didn't you?





1 get rid of John Martin because he wouldn't pay  
2 the bills, wouldn't do the accounting, was  
3 unresponsive, didn't prepare the reports. And  
4 once she resigned, Marty --

5 Q. I think you are way beyond the answer to  
6 my question.

7 A. Well, I thought I was trying to -- well,  
8 okay.

9 Q. You still haven't told me when?

10 A. Well, that is what I was trying to tell  
11 you, you know. Marty then took part of the  
12 treasurer stuff where she was trying to get  
13 things paid and probably about the 26th or 27th  
14 Marty called me and said, Kerri was right, John  
15 Martin isn't paying when we tell him to pay, he  
16 is not doing the books, he is not -- we got to  
17 get off of that system. So there was another  
18 crisis we had to resolve. What do we do with  
19 John Martin and all of the stuff he won't do.  
20 Then Stephanie told me the same thing that John  
21 Martin -- you know, so I had three people telling  
22 me that the accounting system we had and the  
23 accountant that we had were not functional.

24 Q. So I am still kind of baffled, so at the  
25 May 28th meeting --

1           A.     So I think the 26th or 27th we, you know  
2 things, were falling apart as Kerri planned it  
3 apparently, you know, try to figure it out. So  
4 we were in recovery mode, we were trying to  
5 figure it out and we were running into dead ends  
6 everywhere we went.

7           Q.     So you talked about John Martin, you  
8 didn't take any action about John Martin at the  
9 May 28th meeting, did you?

10          A.     Well, in that he is the only one that  
11 knew anything about Xero because Kerri was done  
12 with it and we couldn't get any accounting  
13 information out of them. We have some need to  
14 continue doing, you know, I guess you might call  
15 it a duple, you know, where you had two systems  
16 going for a time being while you are trying to  
17 transition to the recovery system.

18          Q.     Mr. Webb, John Martin is still doing  
19 work for the district, isn't he?

20          A.     We are trying to get him to wrap it up,  
21 yes.

22          Q.     And this is in March of 2023 that you  
23 are trying to get him to wrap it up. Are you  
24 still trying to get him to wrap it up today?

25          A.     Yes, sir.

1 Q. And Xero has an accounting system that  
2 had been in place before Kerri was treasurer,  
3 hadn't it?

4 A. You are asking me for your sake?

5 Q. If you know. You can tell me you don't  
6 know.

7 A. I am unsure.

8 Q. Okay. All right. So let's talk the  
9 other direction. Why couldn't the meeting that  
10 was held the morning of May 28th, why couldn't it  
11 have been held that night or the next day or the  
12 day after that? It was a holiday weekend, right?

13 A. We were planning on leaving town.

14 Q. We, who is we?

15 A. My wife and I and our family.

16 Q. But that doesn't answer my question.  
17 Why couldn't the meeting be held that evening or  
18 the next day or the next before the banks open on  
19 Tuesday?

20 A. Because we were planning on leaving  
21 town.

22 Q. I understand why you couldn't be at the  
23 meeting that night or the next day or the next.  
24 What I am asking is why couldn't the meeting be  
25 held? Why was it impossible or impractical to

1 hold the meeting with 24 hours' notice?

2 A. We felt it needed to be done right away  
3 while I was there, so that -- because I'm a  
4 component, if you will say a major component of  
5 holding the district together and conducting  
6 business.

7 Q. So you concluded that the meeting  
8 couldn't be held without you?

9 A. I guess I felt that I wanted to know  
10 that this was taken care of before I left.

11 Q. Now, in the affidavit that you submitted  
12 in response to our motion for partial summary  
13 judgment, you suggested -- you said you got  
14 advice from an attorney about holding the meeting  
15 without 24 hours' notice?

16 A. Yes, sir.

17 Q. And who is that attorney?

18 A. Frank Foster.

19 Q. And is Mr. Foster still alive?

20 A. No, sir.

21 Q. So what did you tell Mr. Foster in  
22 seeking that advice?

23 A. Well --

24 Q. Excuse me, let me phrase it this way.

25 Did you talk to him?

1           A.    Yes, sir.

2           Q.    Did anybody else talk to him from the  
3 board?

4           A.    I wouldn't think so.

5           Q.    So what did you tell him?

6           A.    Back up and start with probably May 19th  
7 after I found out that the Kerri bomb had  
8 dropped, I contacted him for, you know, what do  
9 we do, how do we do it, when do we do it, you  
10 know, help.

11          Q.    He provided you advice as to whether you  
12 could compel Kerri to remain as treasurer, didn't  
13 he?

14          A.    I don't believe so.

15          Q.    So you started having this discussion,  
16 but at some point you got down to Doug talking  
17 about -- you have something you want to say?

18          A.    In light of what you just said you made  
19 me remember something. I believe that Marty  
20 actually asked for permission to call Frank  
21 because Kerri wanted to force Marty to be the  
22 treasurer and Marty had refused and said, You  
23 can't make me do that and she said, Yes, you have  
24 to be the treasurer.

25          Q.    Is that the e-mail conversations that

1       were attached to the affidavits that were  
2       submitted?

3           A.     I have no idea.

4           Q.     Okay.  Back to your conversation with  
5       Mr. Foster.  So what did you tell him?  When you  
6       got down to the point that you say he gave you  
7       advice you could do it in less than 24 hours,  
8       what did you tell him in that conversation?

9           A.     From the 18th -- well, from the 19th to  
10       the 28th I was in pretty constant contact with  
11       our attorney advising him of things that were  
12       going on.  There were many, many conversations.  
13       I cannot here and now give you a detailed of  
14       every component of every conversation.

15          Q.     So you can't recall --

16          A.     If you ask me a particular question  
17       about a particular item, I might -- I might  
18       recall the particular circumstances around that,  
19       but, you know, just to say, Tell me every word  
20       that was said between the 19th to the 28th, no, I  
21       can't.

22          Q.     Let me put it this way, what did you  
23       tell him about the reason that you needed to hold  
24       the meeting on the morning of May 28th?

25          A.     I gave him -- I would have given him

1       whatever new things that I had found out in the  
2       past 24 hours.

3             Q.     No, you just said would have. Are you  
4       saying you don't remember what you gave him, you  
5       are suggesting what you would have?

6             A.     I don't remember all of the specifics.

7             Q.     Okay. So is there something specific  
8       that the new treasurer needed to do when the  
9       banks opened the next Tuesday?

10            A.     There would have been -- the 28th we  
11       would have hired a treasurer and given that  
12       treasurer authority to act on behalf of the  
13       district and with that authority then they could  
14       start paying bills and working with the bank. So  
15       I guess that's what you are asking about.

16            Q.     But there wasn't something specific that  
17       had to happen on Tuesday, was there?

18            A.     Having the authority to access the banks  
19       was really important, it was absolutely critical.

20            Q.     And if somebody else had that authority  
21       like Ms. Hardman, Ms. VanMeveren, yourself, then  
22       it wasn't critical that there be a decision by  
23       Tuesday, was there?

24                    MR. RACINE:  Objection, Your Honor,  
25       that assumes facts not in evidence.  There has

1       been no testimony about Mr. Webb's access.

2                       MR. LAYTON: I will pass on that.

3                       THE COURT: Thank you.

4       BY MR. LAYTON:

5               Q.     The agenda for that meeting said it was  
6     a closed session. That was the only thing on the  
7     agenda, right, a closed session?

8               A.     I believe that is correct.

9               Q.     It was for personnel and legal matters  
10    is what it said; is that right?

11              A.     That is correct.

12              Q.     Anyone who saw that notice if they  
13    happened to go to fire station late on 5/28 would  
14    assume you were going to discuss a lawsuit or  
15    some hiring or firing, some personnel action,  
16    right?

17              A.     I suspect that would be true.

18              Q.     And in the meeting you did move to go  
19    into closed session?

20              A.     Yes, sir.

21              Q.     And in that motion you cited Subsection  
22    1 and the motion said legal (contracts pending).  
23    Was that in your motion? You could look at the  
24    minutes, those are Exhibit 5 under 5/28/22. Go  
25    to the minutes 5/28/22, Exhibit 5, and read us



1 the motion?

2 A. Which motion?

3 Q. The motion to go into closed session.  
4 Can you read it out loud, please. Did you find  
5 the motion, Mr. Webb?

6 A. I am not sure where you are at.

7 Q. This would be item 4. Can you read to  
8 us item 4?

9 A. This says, President John Webb made a  
10 motion to enter -- to close meeting to the public  
11 pursuant to 610.021.1 RSMo legal contracts  
12 pending 610.021.3 and 13 personnel and financial  
13 systems 610.021(21) RSMo.

14 Q. Okay. So you made a motion saying that  
15 you were going to talk about matters relating to  
16 litigation. That is subsection 1. Is that  
17 right?

18 A. Okay.

19 Q. Was there any litigation to be discussed  
20 at that meeting?

21 A. Very likely contracts regarding hiring  
22 the treasurer and --

23 Q. I am sorry, you are suggesting that the  
24 fact you are talking about a contract is enough  
25 to fit under the subsection 1 exception?

1           A.     Yes.

2                   MR. RACINE:   Your Honor, I object  
3     to the question.  It is asking for a legal  
4     conclusion.

5                   MR. LAYTON:   I am asking for his  
6     understanding.

7                   THE COURT:   I will allow him to  
8     answer it if he can.

9     BY MR. LAYTON:

10           Q.     And then personnel, was there a  
11     personnel action to be taken a hiring, a firing,  
12     a discipline, something like that that was going  
13     to be discussed in that closed session?

14           A.     I think that probably the hiring of a  
15     treasurer might have fallen under that category.

16           Q.     Did you have any applicants for  
17     treasurer who would be hired?

18           A.     We had one person who said she would  
19     take on that job.

20           Q.     But she wasn't someone you were going to  
21     hire, was she?

22           A.     Yes, sir.

23           Q.     I thought -- who was that?

24           A.     Stephanie Toliver.

25           Q.     And she was already an employee, wasn't

1 she?

2 A. Only as the district manager.

3 Q. So you are saying that you could call it  
4 a personnel matter because you were going to  
5 change her job duties?

6 A. I think probably so.

7 Q. Then the third item is financial  
8 systems?

9 A. Yeah. Well, you know, you say change  
10 job duties, but there is a contract that we would  
11 have put forward that she would have accepted  
12 with new compensation that would have been added  
13 to whatever she was doing previously.

14 Q. Okay. So the selection of a  
15 treasurer -- this meeting was held to select a  
16 treasurer, right?

17 A. Yes, sir.

18 Q. And that didn't have to do with the  
19 configuration of components or the operation of a  
20 computer, computer system, computer network,  
21 telecommunications network, did it?

22 A. No. Well, yeah -- well. I believe what  
23 you said was incorrect.

24 Q. I asked whether hiring -- excuse me,  
25 appointing a new treasurer dealt with the

1 configuration of components or the operation of a  
2 computer, computer system, computer network or  
3 telecommunications network?

4 A. I believe that it did.

5 Q. Designating the treasurer had to do with  
6 the components of a computer network?

7 A. We were considering the new accounting  
8 system.

9 Q. Okay. You were going to consider a new  
10 accounting system, when did you fully implement  
11 QuickBooks?

12 A. We were considering getting the  
13 permission to engage that process.

14 Q. And why did you not give 24 hours'  
15 notice before going into a session and talking  
16 about procuring a new accounting system? What  
17 was impossible or impractical about waiting 24  
18 hours to have that discussion?

19 A. If I remember correctly, she wouldn't be  
20 available and I am thinking that maybe even Marty  
21 might -- there were problems, so -- and I was  
22 leaving town.

23 Q. Okay. But I'm still talking about  
24 closed session and I am still interested in these  
25 closed session topics. At that meeting you voted

1 to procure access to QuickBooks, right?

2 A. Yes, sir.

3 Q. And you are aware, aren't you, that  
4 procurement questions are expressly excluded?  
5 Procurement questions of computer systems are  
6 expressly excluded from closure under Section 21,  
7 aren't you?

8 A. No, sir.

9 Q. And you also discussed correcting the  
10 employee identification number on bank accounts?

11 A. Yes. We had just become aware that some  
12 payroll stuff had been submitted under the wrong  
13 number.

14 Q. And so why -- I am trying to figure out  
15 what exception to the Sunshine Law let you talk  
16 about that in closed session. So tell me what  
17 exception was in your mind when you had this  
18 discussion about the employee identification  
19 number?

20 A. It was a banking item that needed to be  
21 resolved.

22 Q. But there is no banking exception in the  
23 Sunshine Law, is there?

24 A. I am not familiar.

25 Q. And then there was a discussion of

1 hiring Twinc, T-W-I-N-C. Do you recall that  
2 discussion?

3 A. I was not part of it.

4 Q. You were not in the room?

5 A. No, sir.

6 Q. You left the room before that  
7 discussion?

8 A. Yes, sir.

9 Q. Who is or what is Twinc?

10 A. It is a corporation that my daughter is  
11 part of.

12 Q. And the hiring of that corporation, what  
13 Sunshine Law exception did that fit into?

14 A. It was contract negotiations.

15 Q. All right. Let's turn now to the July  
16 6th meeting. And you could go to the 7/26/22 tab  
17 and look at Exhibit 2, which is the minutes. Do  
18 you see there a place where it says President  
19 Webb reported he transferred some money? Do you  
20 see that entry in the minutes?

21 A. Do you have a number?

22 Q. This would be under reports 6 and then A  
23 1 B?

24 A. Okay.

25 Q. Would you read that B for us?

1           A.     President Webb reported that he  
2 transferred approximately \$313,000 to a new  
3 account to ensure that no unauthorized persons  
4 may access the funds.

5           Q.     And is that what you reported, are the  
6 minutes correct?

7           A.     Well, it wasn't a new account.

8           Q.     Oh, so are you saying the minutes aren't  
9 correct?

10          A.     I believe that is a -- I may have said a  
11 new account, but it was not a new account.

12          Q.     Because you didn't have authority to  
13 open a new account, did you?

14          A.     I transferred the funds to an existing  
15 account.

16          Q.     And where did the board authorize you to  
17 transfer 313,000 some odd dollars among accounts?

18          A.     We went to the bank.

19          Q.     We is who?

20          A.     Myself and Marty Hardman, the vice  
21 president, went to the bank -- we went to a  
22 couple of different banks trying to see what we  
23 needed to do in order to do this transition thing  
24 that Kerri dumped on us.

25          Q.     Wait a minute. This is July. What was

1 going on with this transition thing by July 6th?

2 A. Probably we were trying -- still trying  
3 to unravel giving Stephanie access to stuff.  
4 There had been documents that the bank wouldn't  
5 accept. They said, you know, I know one instance  
6 Kerri and I -- Marty and I were at the bank and  
7 the bank person was on the phone with Kerri,  
8 which was really kind of crazy, and we just had a  
9 lot of resistance from the bank to do anything  
10 that allowed us to do business, which seemed like  
11 Kerri was behind the scenes on everything.

12 Q. And yet you had -- you were able to go  
13 in and move \$313,000 among accounts?

14 A. Like I started to say, Marty and I went  
15 in and said, What do we need to do? How do we  
16 take and grab control of these things? It was at  
17 that point that I realized in talking to this  
18 person who is a responsible person at the bank, I  
19 think her name is Fallon, I became aware that the  
20 bulk of all of the money in the bank was  
21 connected to the Internet with easy access to --  
22 it is called ACH, the Internet. I mean, where  
23 hackers could get to it and make withdrawals and  
24 stuff like that. So I told the bank person that  
25 was there, I said, I really don't like that. I



1       said, I think the bulk of our money should be in  
2       a separate account not connected to the Internet  
3       and that the district should only fund the  
4       account with a small amount of money, just enough  
5       to do the month's business so that if a hacker  
6       was able to hack into it and extract money, that  
7       there would only be a small amount of money, not  
8       the entire sum that the district had would be  
9       subject to such hacking.

10                So that was a big concern of mine  
11       because you hear about so much theft being done  
12       and orchestrated through the Internet unlawfully.

13                Q.     But what you did here is you just moved  
14       money from one account to another at Community  
15       Bank?

16                A.     Sorry, I can't hear you.

17                Q.     What you did here was move money from  
18       one account to another at Community Bank?

19                A.     That is what the bank person said, Just  
20       move that money over to this account and that  
21       would take care of the problem.

22                Q.     Not because the other account couldn't  
23       be accessed through the Internet, but because you  
24       wouldn't be giving people the account routing  
25       number when you made electronic payments from

1 this other account?

2 A. I am not sure I understand what you are  
3 saying.

4 Q. Okay. So that \$313,000, that included  
5 funds that were overpayments by the taxpayers of  
6 a tax levy that was imposed to pay off bonds,  
7 right?

8 A. To my knowledge the money had been  
9 commingled for the past 15 years and that there  
10 was no division between the dollars. Now we  
11 tried -- we were trying to get authority to set  
12 something up somewhere where we could earn  
13 interest on the funds for the taxpayers, but  
14 Ms. VanMeveren blocked all of that.

15 Q. So at the moment the 80-something  
16 thousand dollars of overpayment is still not  
17 segregated, right?

18 A. Ms. VanMeveren blocked that.

19 Q. It is still not segregated, right?

20 A. Ms. VanMeveren blocked it so we couldn't  
21 separate it.

22 Q. It is still not separated?

23 A. That is correct.

24 Q. How about the dispatch tax, where is  
25 that levy in your bank accounts?

1           A.     Our attorney and Monte Olsen said that  
2 those funds were not dedicated funds and had no  
3 obligation to be separated.

4           Q.     So you have made a decision --

5           A.     And never had been.

6           Q.     You made a decision that you can use the  
7 dispatching levy for other purposes?

8           A.     According to -- I didn't make this  
9 decision, sir.

10          Q.     You are saying it was made by whom?

11          A.     The attorney advised me and Monte Olsen  
12 advised.

13          Q.     So that is Mr. Foster advised you?

14          A.     That is correct.

15          Q.     And Monte Olsen advised you?

16          A.     That is correct.

17          Q.     Was that in any form of a document from  
18 Mr. Olsen?

19          A.     I don't know that I had a document of  
20 such.

21          Q.     A document from Mr. Foster?

22          A.     I do not believe so. We conversed --

23          Q.     Did you share their advice with all of  
24 the members of the board?

25          A.     I have no recollection.

1           Q.     Now, also there in the 7/6 minutes it  
2     says, President Webb transferred \$500 from an old  
3     savings account to a new savings account and  
4     wants to close the original account. So did you  
5     open a new savings account?

6           A.     No.

7           Q.     So did you make that statement at that  
8     meeting?

9           A.     I believe I did. I must have been in  
10    error.

11          Q.     So where did the \$500 go?

12          A.     It didn't exist.

13          Q.     There was no \$500? I mean, you moved  
14    \$500 that didn't exist? I don't understand.

15          A.     Marty and I went to Citizens Bank and,  
16    again, like I told you, with Fallon we tried to  
17    give the bank manager the situation and we asked  
18    them what to do in our situation to gain control  
19    of accounts. I don't remember the exact amounts  
20    or anything like that that we were dealing with.  
21    And, in fact, I had forgotten we talked to this  
22    guy and he told us that because Kerri's signature  
23    was on the savings account and it only amounted  
24    to \$200 I think, two something, that we had to --  
25    the only thing we could do would be to create

1 another account and transfer the money from the  
2 account that Kerri's name was on to another  
3 account to effect gain control of those funds.  
4 Marty -- I think I had forgotten that Marty had  
5 -- I knew that there was disruption, I didn't  
6 know where the break was, but Marty at some point  
7 in that particular bank meeting said, I am not  
8 doing this and walked out. So anything that we  
9 talked about wasn't done.

10 Q. So at the next meeting, the July 20th  
11 meeting, you voted to instruct Community Bank of  
12 Raymore to remove Kerri VanMeveren and Darvin  
13 Schildknecht from every account at Community Bank  
14 of Raymore for Western Cass Fire Protection  
15 District, didn't you?

16 A. Say that again, sir.

17 Q. At the next meeting after you moved  
18 \$313,000 out of the debt service account, you  
19 voted to instruct Community Bank of Raymore to  
20 remove Kerri VanMeveren and Darvin Schildknecht  
21 from every account at Community Bank of Raymore  
22 for Western Cass Fire Protection District?

23 A. So that would have been July --

24 Q. July 20th?

25 A. You said the next meeting.

1 Q. Well, that is the next after July 6th,  
2 isn't it?

3 A. After July 6th?

4 Q. Yeah. Why don't you look at Exhibit 9  
5 under the 7/22 tab?

6 A. I don't see a 9.

7 Q. Okay.

8 A. It says 10.

9 Q. Okay. Let me check. I am sorry, 10.  
10 Is that the motion that was -- that is not 10.

11 A. It is marked 9. I see one marked 9, tab  
12 10.

13 Q. I may have put the sticker on the wrong  
14 one. So it is 9. So did you pass resolutions at  
15 that meeting to remove Kerri VanMeveren and  
16 Darvin Schildknecht from every account at  
17 Community Bank of Raymore for Western Cass Fire  
18 Protection District?

19 A. I don't think so.

20 Q. You don't think that was passed?

21 A. I don't think so.

22 Q. How about Citizens Bank?

23 A. I am sorry?

24 Q. How about the next exhibit, Citizens  
25 Bank?

1           A.     I don't think so.

2           Q.     So they continued to have the same  
3 access after the 7/20 meeting as they had before?

4           A.     Yes, sir, I think so.

5           Q.     So if they went into the bank and asked  
6 questions about the Western Cass accounts, they  
7 should have gotten answers, right?

8           A.     I think that's probably so. There were  
9 a lot of motions that people made that never  
10 passed. I mean, you know, we put forth a motion  
11 and, you know, it's a coin toss.

12          Q.     We look at the minutes to know what you  
13 passed, don't we?

14          A.     Yes. Do the minutes say it passed? I  
15 didn't review those. Did it say those two  
16 passed?

17          Q.     Well, that may be a harder question to  
18 answer than we would wish. If you look under  
19 banking. That is on the next to the last page of  
20 7/22, Exhibit 2?

21          A.     These aren't the minutes. These are  
22 Kerri's -- I didn't notice that these were not  
23 really the minutes.

24          Q.     Oh, in Exhibit 2, why do you say those  
25 are Kerri's markup of the minutes?

1           A.     Kerri is in the habit of trying to alter  
2     the minutes herself and so these are not the  
3     minutes. I am looking at -- you got four here  
4     that has Kerri's stuff. It's hard to determine  
5     which ones are minutes and which ones are Kerri's  
6     vision.

7           Q.     Why is it you are saying that Exhibit 2  
8     are not the minutes?

9           A.     I am at Exhibit 2 now. I wasn't looking  
10    at your numbering up here and I stumbled across  
11    it.

12          Q.     Let's ask what you were talking about  
13    there. Does Ms. VanMeveren regularly submit  
14    changes to minutes after she sees the draft  
15    minutes?

16          A.     Yes, she always has objections to the  
17    business that we conduct.

18          Q.     And how did the parliamentarian you  
19    hired say that you should deal with people's  
20    requests or suggestions for changes in the  
21    minutes?

22          A.     I have never spoken with the  
23    parliamentarian.

24          Q.     You got a letter from the  
25    parliamentarian, didn't you?



1 A. I believe there was one written.

2 Q. We will come back to that. We will show  
3 that to you. Anyway, let's go back to the  
4 minutes, Exhibit 2.

5 A. Okay.

6 Q. Under new business.

7 A. Hold on. I am trying to get back to  
8 where you had the other questions. I stand  
9 corrected, according to the minutes, that  
10 particular resolution was passed, number 720.1.

11 Q. Okay. Thank you.

12 A. And 722 was not.

13 Q. There was a proposal by Mr. Schildknecht  
14 at the July 6th meeting -- a motion to get a  
15 proposal from the city of Belton to provide  
16 service for a one-year period. Do you recall  
17 Mr. Schildknecht making that --

18 A. You want me to go back to the July 6th?

19 Q. Yeah, you can go back to the minutes if  
20 that would help you recall.

21 A. Just a moment. I didn't know you  
22 changed gears. I am not sure where you are at on  
23 here. This says July 6th.

24 Q. Look at the next to the last page of  
25 those minutes. The page that has the

1 adjournments, just look at the page before that.  
2 Under K.

3 A. K?

4 Q. Yeah, it is item K in the minutes.

5 A. Okay.

6 Q. Do you recall a motion being made to ask  
7 for a proposal from the city of Belton?

8 A. Yes. It appears that permission was  
9 given to Darwin to select -- to seek a proposal.

10 Q. And the district at that point had no  
11 trained or certified firefighters on staff; isn't  
12 that correct?

13 A. I believe that is correct. I am not  
14 sure.

15 Q. And the city of Belton made a proposal,  
16 didn't it?

17 A. The city of Belton did make a proposal.

18 Q. We will talk about that. In fact, we  
19 will get to that in just a moment. One other  
20 brief stop before we get to that. If you would  
21 look at the December '21 tab and look at the  
22 agenda. It will be item 1 under December '21.

23 A. I am looking at item 1.

24 Q. Would you read the last item on that  
25 agenda before adjournment.

1           A.     Removal of director -- I don't know how  
2 to pronounce his name -- pursuant to RSMo  
3 321.190.

4           Q.     Is that Darwin Schildknecht?

5           A.     I guess that is how you pronounce it.

6           Q.     All right. So let's compare that to  
7 August 3rd. If you would go to August 3rd tab to  
8 the agenda for August 3rd. That will be under  
9 August 3rd tab Exhibit 1. Did the board vote by  
10 the way to proceed with an action to remove  
11 Mr. Schildknecht?

12          A.     I think there was a vote maybe.

13          Q.     Did Ms. Hardman withdraw the motion?

14          A.     Okay. Probably so.

15          Q.     But back then to August 3rd. I am  
16 sorry, I shouldn't have asked you that question.

17          A.     Trying to navigate all of these pages.

18          Q.     I know.

19          A.     I don't know which --

20          Q.     August 3rd we are going to look at the  
21 agenda, the very first tab there.

22          A.     Okay.

23          Q.     Do you see that document? Is that the  
24 agenda for the August 3rd meeting?

25          A.     I am here. Go ahead.

1           Q.    What does it say as item No. 5 on the  
2 agenda?

3           A.    Special considerations.

4           Q.    So who put that on the agenda?

5           A.    Our attorney.

6           Q.    I am sorry, your attorney has authority  
7 to put things on the agenda?

8           A.    Well, he gave -- he told us what to put.  
9 We asked him how to proceed and he said on the  
10 agenda list special considerations.

11          Q.    Frank Foster told you that you could put  
12 special considerations on that agenda?

13          A.    Yes, sir.

14          Q.    You knew the topic to be taken up under  
15 special considerations was the removal of  
16 Ms. VanMeveren as a director, didn't you?

17          A.    We did what our attorney advised us to  
18 do.

19          Q.    Answer my question. You knew that the  
20 topic to be taken up under special considerations  
21 was the removal of Ms. VanMeveren as a director,  
22 didn't you?

23          A.    Yes, sir.

24          Q.    Who else knew?

25          A.    I believe Marty.

1 Q. How about Ms. Hosterman?

2 A. I have no knowledge of that.

3 Q. Okay. And did Mr. Foster tell you why  
4 you could put something as vague as special  
5 considerations on the agenda?

6 A. I don't know that he did.

7 Q. Because someone who saw special  
8 considerations, they wouldn't know seeing that  
9 that there was going to be an effort to remove  
10 Kerri VanMeveren from the board, would they?

11 A. Probably -- maybe not.

12 Q. So then you look at the minutes, this  
13 may help you, Exhibit 2. You presented that  
14 agenda for adoption and that is one of the things  
15 you do as the chair, isn't it, you present the  
16 agenda for adoption?

17 A. It's our practice.

18 Q. And in this instance you presented it  
19 for adoption and it included that label special  
20 considerations, didn't it?

21 A. I believe so.

22 Q. And during the discussion of the agenda  
23 Mr. Schildknecht asked you what special  
24 considerations meant, didn't he?

25 A. He may have.

1           Q.    And you didn't give him an answer, did  
2 you?

3           A.    I don't recall.  I don't know.

4           Q.    So let's get down to the minutes where  
5 it says special considerations.  So what was the  
6 first thing that happened?  This is item 5 in the  
7 minutes.  When you got to special considerations,  
8 what happened first?

9           A.    According to the minutes, Director  
10 Hardman requested formal resignation of Director  
11 VanMeveren and for cause on behalf of the board  
12 and Director VanMeveren refused to resign her  
13 position.

14          Q.    Is that an accurate statement there in  
15 the minutes?

16          A.    I believe that is probably correct.

17          Q.    And then we have a motion that is B.  So  
18 what was the motion that was made after  
19 Ms. VanMeveren refused to voluntarily resign?

20          A.    Director Hardman made a motion that the  
21 district file a petition for the removal of  
22 Director VanMeveren by the circuit court for good  
23 cause and that the board president be further  
24 authorized to retain the services of an attorney  
25 Frank Flaspohler on behalf of the district to

1 pursue this action and it passed.

2 Q. And is that an accurate statement of the  
3 motion that was made and passed?

4 A. I believe it is correct.

5 Q. And so later given that authorization  
6 did you retain the services of attorney Frank  
7 Flaspohler on behalf of the district to pursue  
8 that action?

9 A. Yes, sir.

10 Q. So then there was a third step. What  
11 was the next motion that was made and passed?

12 A. Director Hardman made a motion to  
13 establish a litigation subcommittee in regard to  
14 the petition for removal of Director VanMeveren  
15 in order to maintain attorney/client  
16 confidentiality and that the subcommittee should  
17 consist of President Webb, Director Hardman and  
18 Director Hosterman to fulfill that function and  
19 it passed.

20 Q. And is that a correct statement of the  
21 motion that was made and passed?

22 A. I believe so.

23 Q. So the authority of the subcommittee was  
24 to pursue a petition to remove Ms. VanMeveren  
25 from the board; is that right?

1           A.     That is correct.

2           Q.     And an action was filed to remove  
3 Ms. VanMeveren from the board, was it not?

4           A.     I missed your words. Say it again,  
5 please.

6           Q.     An action was filed to remove  
7 Ms. VanMeveren from the board?

8           A.     Yes, sir.

9           Q.     Okay. And there has never been a  
10 subsequent motion to expand the authority of that  
11 subcommittee, has there?

12          A.     I don't believe so.

13          Q.     And yet that subcommittee has taken up  
14 other topics beyond the scope of that authority,  
15 hasn't it? Yes or no, I mean, has it taken up  
16 other subjects?

17          A.     That's a convoluted situation. The  
18 subcommittee was sued by Ms. VanMeveren  
19 individually, but part and parcel all of the  
20 people that are part of the subcommittee were  
21 sued by Ms. VanMeveren. The subcommittee would  
22 call and has been called. We have had meetings  
23 that involved client/attorney communication.

24          Q.     With regard to the removal of  
25 Ms. VanMeveren?



1 A. Yes, sir.

2 Q. But also with regard to other topics?

3 A. Well, it's client/attorney privilege  
4 that I guess my understanding is that it's more  
5 than two board members meet, it has to be called  
6 up posted and so the subcommittee would meet and  
7 talk about that.

8 Q. What do you mean by that, the removal of  
9 Ms. VanMeveren?

10 A. Yes, sir.

11 Q. Then would the subcommittee go on and  
12 talk about other topics?

13 MR. RACINE: Judge, I am going to  
14 object to any line of questioning that might  
15 infringe on attorney/client privilege. If he can  
16 answer the question and stay away from that, it  
17 is appropriate, but counsel is asking him the  
18 very reason why the subcommittee was formed and  
19 what those discussions were.

20 MR. LAYTON: Your Honor, he already  
21 told us why the subcommittee was formed, that is  
22 in the motion. What I am testing is whether the  
23 subcommittee has remained within the scope of its  
24 authority or whether it has gone on to do other  
25 things.

1                   THE COURT: Well, obviously we  
2                   can't have what the conversations were with the  
3                   attorney, but I don't have a problem with that  
4                   particular question, but yeah, we do want to shy  
5                   away from anything that would be direct  
6                   conversations between him and his attorney.

7                   MR. LAYTON: I am not asking him to  
8                   disclose any attorney/client communications, but  
9                   the subject of the communication is not  
10                  privileged and I am asking him to tell us if they  
11                  talked about subjects other than the one they  
12                  were authorized to discuss, which is the removal  
13                  of Ms. VanMeveren.

14                  MR. RACINE: Judge, I am not aware  
15                  of any exception that the subject matter is not  
16                  privileged. Anything they talked about with  
17                  their lawyer falls under the exception.

18                  MR. LAYTON: So the position he is  
19                  taking is this subcommittee can do anything?

20                  MR. RACINE: Judge, the position we  
21                  take is just by Ms. VanMeveren suing these folks  
22                  it puts them in the trick bag of are they having  
23                  a meeting because they happen to be three  
24                  individuals who were sued in their individual  
25                  capacity as board members and they have to have

1       some ability to meet with counsel and the  
2       suggestion is that either the public or  
3       Ms. VanMeveren and Mr. Schildknecht should be a  
4       part of that conversation. It is ludicrous.

5                   MR. LAYTON: Your Honor, I am not  
6       making that suggestion. The motion that was made  
7       was a very limited delegation of authority to  
8       this subcommittee. What I am asking is have they  
9       taken up topics that don't fall within the scope  
10      of the subcommittee.

11                   THE COURT: I will allow that.

12      BY MR. LAYTON:

13           Q.     Have you taken up topics other than the  
14      removal of Ms. VanMeveren from the board?

15           A.     Part and parcel of the problem is that  
16      the subcommittee is named in the lawsuit.

17           Q.     But, Mr. Webb, I asked you a simple  
18      question. Have you taken up other questions  
19      other than the one that was in the motion?

20           A.     Which motion?

21           Q.     The motion that you just read to us  
22      where it says Director Hardman made a motion to  
23      establish a litigation subcommittee in regard to  
24      the petition of removal of Director VanMeveren?

25           A.     I think the lawsuit says that we are --

1 the subcommittee is a defendant, actually worded  
2 that way. Is that not true?

3 Q. That may be true, but that doesn't  
4 answer my question. Have you discussed matters  
5 other than the one that the subcommittee was  
6 authorized to take up?

7 A. I don't know if it violated that or not.

8 Q. So has the subcommittee taken up  
9 discussions of this lawsuit?

10 A. I am not sure that it has.

11 Q. You had an awful lot of meetings to  
12 discuss the removal of Ms. VanMeveren and yet  
13 nothing has happened in that case, right?

14 A. Much to our concern.

15 Q. Okay. In December Mr. Racine appeared  
16 and Mr. Flaspohler withdrew. Did the  
17 subcommittee vote to retain Mr. Racine for the  
18 case against Ms. VanMeveren?

19 A. I believe so.

20 Q. When?

21 MR. RACINE: Your Honor, again, I  
22 think that invades the attorney/client privilege.  
23 I have entered my appearance on the case. It is  
24 a matter of public record.

25 THE COURT: I am going to sustain

1 that objection.

2 BY MR. LAYTON:

3 Q. So after you voted to remove  
4 Ms. VanMeveren, this lawsuit was filed, right?

5 A. I am sorry.

6 Q. After you voted to remove Ms. VanMeveren  
7 from the board, this lawsuit was filed?

8 A. That is correct.

9 Q. And on August 24th, 2022, the board  
10 voted to hire Mr. Flaspohler to defend this  
11 lawsuit. Do you recall that? Why don't you  
12 look, it is under the 8/10/22 tab, Exhibit 2.  
13 Look at the minutes.

14 A. I got 8/10 of 2022. What am I looking  
15 at, sir?

16 Q. Sorry, maybe I have the wrong ones. Let  
17 me check here. I am sorry, that can't be right  
18 because that is too early. I apologize for  
19 misdirecting. It is under the 8/24 tab, the  
20 minutes of the 8/24 meeting.

21 A. What am I looking at?

22 Q. If you would look at the page that -- it  
23 is the next to the last page. At the bottom of  
24 that page.

25 A. Okay. What am I looking at?

1 Q. So can you read us the first under I 1  
2 what it says?

3 A. The district is being sued by Director  
4 Schildknecht and VanMeveren under the names  
5 Citizens for Accountability and Transparency.

6 Q. Okay. You were aware of the lawsuit by  
7 this time, correct?

8 A. Apparently.

9 Q. And that Director Schildknecht and  
10 VanMeveren were the ones bringing that lawsuit,  
11 you were aware of that, weren't you?

12 A. Apparently we had some suspicion of  
13 that.

14 Q. So the next item, read us what it says  
15 on two on the motion that you made?

16 A. President Webb made a motion to hire  
17 Frank Flaspohler to defend the district against  
18 litigation brought against the district by  
19 Citizens for Accountability and Transparency and  
20 it was passed.

21 Q. But you aren't being represented today  
22 by Mr. Flaspohler, are you?

23 A. No, sir.

24 Q. So when did the board vote to hire  
25 Mr. Racine?

1 MR. RACINE: Same objection, Your  
2 Honor.

3 THE COURT: I am going to sustain  
4 that objection.

5 BY MR. LAYTON:

6 Q. Did the board vote to hire Mr. Racine?

7 A. I believe so.

8 Q. Can you direct me to the minutes where  
9 it shows that Mr. Racine -- the board voted to  
10 hire Mr. Racine.

11 A. Based on your questioning, I assume that  
12 they are not in the minutes. There was some kind  
13 of record of it.

14 Q. So it is your recollection that the  
15 board voted to hire Mr. Racine?

16 A. I believe so.

17 Q. But it is not in the minutes?

18 A. I am going to assume that they are not  
19 because of your questioning.

20 Q. All right. Let's go back to August  
21 again. Go back to the August 10th, '22 tab. If  
22 you would look at Exhibit 5. You see Exhibit 5?

23 A. I think so.

24 Q. So is that an e-mail that has your name  
25 on it?

1 A. Okay.

2 Q. Is this an e-mail string of which you  
3 were part?

4 A. It looks like it.

5 Q. And who else is involved in this e-mail  
6 discussion?

7 A. It came from Stephanie Toliver.

8 Q. And it was directed to whom?

9 A. It appears that it was directed to  
10 myself, Marty and Sue.

11 Q. But not to Mr. Schildknecht or  
12 Ms. VanMeveren, right?

13 A. I never noticed it before.

14 Q. And in this e-mail string there is a  
15 discussion of hiring paid part-time volunteers,  
16 right?

17 A. There is a discussion apparently.

18 Q. Among three directors, right?

19 A. I was communicating with Stephanie  
20 Toliver.

21 Q. But you were copying two other directors  
22 in that communication with Stephanie?

23 A. I didn't notice that before.  
24 Apparently.

25 Q. And we can't know how often you did



1 blind carbons of e-mails to other directors  
2 because you didn't produce the electronic copies  
3 of your e-mails, did you?

4 A. No, I didn't produce electronic copies.

5 Q. And I can't ask you to tell us when the  
6 three of you have met other than in a noticed  
7 meeting because you said in your interrogatory  
8 responses that you couldn't remember, right?

9 A. You want to direct me to the location  
10 that you are talking about and I can perhaps  
11 answer your question.

12 Q. We will provide them later. Thanks.  
13 Let's go to the September 7th meeting. I  
14 mentioned the parliamentarian, so let's talk  
15 about her for a minute?

16 A. Where am I going?

17 Q. It happened at the September 7th  
18 meeting. Do you recall at the September 7th  
19 meeting that you made a motion to hire a  
20 parliamentarian to assist the board with  
21 parliamentary procedure with a cap of \$500  
22 maximum to be spent?

23 MR. RACINE: Your Honor, while the  
24 witness is looking, two things. I wonder if it  
25 might be time soon for a break and also one of

1 the defendants has notified me he is due to have  
2 a pain pill due to his shoulder and he needs to  
3 get that from home. He is planning on doing that  
4 over the lunch break, so just inquiring where we  
5 might be with today's order.

6 THE COURT: I think it would be a  
7 good idea, plaintiffs' counsel, if you could find  
8 a good place to break because we probably do need  
9 to take a lunch break and once again I do have  
10 several things I have got to take care of.

11 MR. LAYTON: Why don't we go ahead  
12 and I will come back to this parliamentary thing  
13 after lunch.

14 THE COURT: Okay. I will do my  
15 best to get as close to 1:30 as I can. I can't  
16 promise. I do have several things I have to take  
17 care of, but I will do my best. I apologize if  
18 anyone is waiting. We will break for lunch.

19 (Recess.)

20 THE COURT: Counsel, proceed.

21 MR. RACINE: Judge, I want to  
22 approach with counsel real briefly.

23 THE COURT: Certainly.

24 (Counsel approached the bench and  
25 the following proceedings were held:)

1                   MR. RACINE: I want to let counsel  
2 and the Court know Mr. Webb apparently was  
3 diagnosed with diabetes a couple months ago. It  
4 is not being medically treated with Insulin or  
5 anything. After being up there today and not  
6 eating, he reported that he was shaky. He did  
7 not drive himself back to the courthouse. He has  
8 had food and he has some nuts with him. However  
9 much longer he is going to be up there, I want to  
10 keep an eye on him if he looks like something is  
11 going to happen.

12                   THE COURT: Just so I am clear, you  
13 are not saying he can't testify or are you?

14                   MR. RACINE: I am not saying that.  
15 I think we leave that up to him. He was in some  
16 distress when we broke and he told me that after  
17 we left. I want to keep an eye on things. If  
18 that is what happens, we might have to break.

19                   MR. LAYTON: I am getting close to  
20 the end.

21                   THE COURT: Let me know if that is  
22 necessary and we will take whatever action we  
23 need to take.

24                   (The proceedings returned to open  
25 court.)

1 MR. LAYTON: Proceed with Mr. Webb.

2 THE COURT: I will remind you you  
3 are under oath.

4 MR. LAYTON: Witnesses have been  
5 excluded, right, Your Honor?

6 THE COURT: That was the rule so I  
7 am leaving it up to the attorneys to keep track  
8 of their witnesses.

9 BY MR. LAYTON:

10 Q. Mr. Webb, I am going to go back briefly  
11 to two things. I hate to do that, but two  
12 questions. One is the exhibit under 8/10/22,  
13 Exhibit 5, the e-mails that we looked at. Do you  
14 recall those. 8/10/22 tab and it will be the  
15 e-mails for Exhibit 5.

16 A. I think I know what you said.

17 Q. And those copies of e-mails were ones  
18 that you produced to us in discovery, are they  
19 not?

20 A. I don't know. I think maybe they are.

21 Q. Are they copies of e-mails that you  
22 received or were part of in the course of your  
23 work with Western Cass Fire Protection District?

24 A. I am trying to pull myself back  
25 together. My blood sugar has been apparently way

1 off control. I did not realize how bad it had  
2 gotten. I had to get somebody else to drive us  
3 back.

4 Q. We will go at whatever speed is  
5 comfortable to you or the least uncomfortable for  
6 you.

7 A. I am trying to pull myself back. It  
8 looks like these are possibly something that I  
9 submitted.

10 MR. LAYTON: Your Honor, I move the  
11 admission of 8/10/22, Exhibit 5.

12 THE COURT: Any objection?

13 MR. RACINE: None, Your Honor.

14 THE COURT: Thank you. We will  
15 call it Exhibit 5 will be received.

16 MR. LAYTON: I actually have a  
17 chart, Your Honor, with those and most of the  
18 exhibits are going to be admitted when  
19 Ms. VanMeveren is on the stand and I will give  
20 you a copy of the chart. It may make it simpler.

21 THE COURT: That is fine.

22 BY MR. LAYTON:

23 Q. One other thing, you remember the Amazon  
24 invoice that I showed you that you said had not  
25 been purchased?

1 A. Yes, sir.

2 Q. I am just curious, the motion that was  
3 made to pay that was to reimburse you for buying  
4 the cameras. Why would they be reimbursing you  
5 for the cameras if you hadn't bought them?

6 A. Because the Amazon order did not go  
7 through and so since the Amazon order did not go  
8 through, they needed somebody that had enough  
9 credit to secure the devices.

10 Q. Why weren't they purchased with your  
11 district credit card?

12 A. Because my district credit card has I  
13 think \$1,000 limit on it.

14 Q. Yours does?

15 A. I believe so.

16 Q. Okay. We were looking at September 7th  
17 again and so I am sorry. I actually put the  
18 binder on September 7th and then asked you that  
19 question. So if you could go back to September  
20 7th, the September 7th tab, is that still open,  
21 the September 7th tab?

22 A. No, sir, you told me to go to 8/10.

23 Q. I did. I apologize for that. So if you  
24 go to the September 7th tab and we are going to  
25 look at an event that happened in connection with

1 that meeting. Do you recall a vote at that  
2 meeting, a motion you made and a vote to hire a  
3 parliamentarian to assist the board in  
4 parliamentary procedure?

5 A. What number are you at, sir?

6 Q. Four. I meant four on the minutes.  
7 Under --

8 A. Do you --

9 Q. Do you recall that vote to hire a  
10 parliamentarian?

11 A. Okay. This says September 7th, '22.  
12 Exhibit 2 I guess. On here, No. 4 says, Adopt  
13 and approve Wednesday, September 7th agenda. And  
14 then down below there is a No. 4 that says Chief  
15 requests permission to send department personnel.

16 Q. So look at the bottom of the second page  
17 where it says parliamentary training at and then  
18 it has numbers 1, 2, 3, 4?

19 A. Okay.

20 Q. Do you remember the vote to hire a  
21 parliamentarian to assist the board with  
22 parliamentary procedure?

23 A. Okay. I've looked at it.

24 Q. Do you remember voting to retain a  
25 parliamentarian to assist the board?

1           A.     I think it was a one-time expense to  
2     have a parliamentarian look at things.

3           Q.     Did you send her a recording of the  
4     meeting?

5           A.     I did not.

6           Q.     Do you know whether the board -- someone  
7     for the board sent her a recording of the  
8     meeting?

9           A.     I do not. I don't know for sure, no.

10          Q.     Who actually contacted the  
11     parliamentarian?

12          A.     The district manager.

13          Q.     So I would like you to look at Exhibit  
14     10 in that same tab. Do you recognize that  
15     document?

16          A.     I think I probably saw it at one point  
17     in time.

18          Q.     Is that the report or recommendation  
19     that was obtained based on that motion to have a  
20     parliamentarian assist the board?

21          A.     Could you repeat?

22          Q.     Is that the recommendation that you  
23     received in response to the motion to have a  
24     parliamentarian assist the board?

25          A.     I suspect that it was.



1 Q. And yet you didn't give a copy of that  
2 to Mr. Schildknecht or Ms. VanMeveren, did you?

3 A. The copy -- I don't believe this -- I  
4 think that this was possibly given to me. I  
5 would have suspected that it would have been  
6 given to everybody. I have not the knowledge of  
7 what you are saying.

8 Q. Okay. There was a time when there was  
9 an offer letter sent by the board's attorney to  
10 Dolan to have some kind of an agreement with  
11 Dolan. Do you remember an offer letter being  
12 made by the Western Cass Fire Protection District  
13 to the Dolan West Dolan Fire Protection District?

14 A. I think I know what you are talking  
15 about.

16 Q. Do you recall how that offer was  
17 communicated, by whom it was communicated?

18 A. I think it was by the district attorney.

19 Q. And did you share that offer with Mr.  
20 Schildknecht and Ms. VanMeveren?

21 A. I have no recollection.

22 Q. Who installed the biometric locks at the  
23 two board stations, the two fire stations, when  
24 the board approved replacing the regular key  
25 locks?

1           A.    I installed it.

2           Q.    And the locks are controlled through an  
3 app on your phone, correct?

4           A.    That's the theory.  It doesn't work.

5           Q.    Who currently has access to those locks  
6 through that system that doesn't work?

7           A.    It is hard telling because it doesn't  
8 work.

9           Q.    Can you get access into the buildings  
10 using the biometric locks?

11          A.    Not at the current.

12          Q.    How long has it been since it hasn't  
13 worked?

14          A.    I am not exactly sure.  Well, it has  
15 been degraded over time.

16          Q.    And when Mr. Schildknecht asked you to  
17 enable him to use the biometric locks, what did  
18 you do in response?

19          A.    I think what I did was I told him to get  
20 ahold of Kerri because Kerri long ago had told us  
21 that Darwin was incompetent and that he needed  
22 her help on everything, so I think I told -- if  
23 my recollection serves me correctly, I told him  
24 to get a hold of Kerri and have her help him make  
25 it work because I think he said that the app was

1 completely gone from his phone. I don't know why  
2 it would have gone away from his phone entirely,  
3 but it seems like that was maybe what he had said  
4 and so I think Kerri had to help him originally  
5 get it on his phone and so I told him to have her  
6 do it because the app I believe at that time  
7 showed that he had full control and that it was  
8 working, so I had no -- I had no reason to  
9 justifiably know it didn't work. According to  
10 what the app said it said it did work.

11 Q. How about Ms. VanMeveren's access?

12 A. It said so also.

13 Q. Did you instruct fire personnel that  
14 some directors are not allowed to be in the  
15 building, didn't you?

16 A. I don't think that I did that.

17 Q. So I would like you to look at the  
18 September 21 meeting. So if you would go to the  
19 September 21 tab and look there at Exhibit 7?

20 A. I have got one that says 7B. Is that  
21 the same thing?

22 Q. That will work, 7B, yes. Do you  
23 recognize that document?

24 A. I haven't gotten there yet.

25 Q. Okay.

1 MR. RACINE: What date?

2 MR. LAYTON: 9/21/22.

3 MR. RACINE: I have 7 in my binder.

4 BY MR. LAYTON:

5 Q. 9/21/22. Do you see Exhibit 7? Well,  
6 look at the second page. I recognize you may not  
7 know the first page because that was an e-mail  
8 sent with it, so look at the second page.

9 A. Okay. I am on the second page now.

10 Q. And this is the item that came up during  
11 the meeting when you were talking about amending  
12 the 2022 budget, isn't it?

13 A. I would have to take your word for it.

14 Q. Okay. Did you amend the 2022 budget in  
15 about September of 2022?

16 A. I don't recall.

17 Q. So you don't recall that you adopted an  
18 amendment that would outspend operating revenue  
19 by \$73,000?

20 A. Ask your question again, please.

21 Q. So you don't recall adopting an  
22 amendment to the 2022 budget that would have  
23 expenses exceed operating income by \$73,601?

24 A. It wouldn't surprise me. Kerri's  
25 original budget was \$68,000 over our expected

1 income, so it kind of matched.

2 Q. Okay. I would like to then ask you a  
3 question about the October 3rd meeting.

4 Ms. VanMeveren attended that meeting remotely,  
5 didn't she?

6 A. This document says that she did.

7 Q. Do you recall that she attended  
8 remotely?

9 A. Well, she was attending a lot of them  
10 remotely because she didn't want to get served.

11 Q. Now, you commented a little bit ago  
12 about Ms. VanMeveren sends corrections to  
13 minutes. Do you recall seeing those submissions  
14 that she makes?

15 A. Yes, sir.

16 Q. So in this instance she suggested an  
17 addition, Marty Hardman made a motion to amend  
18 Chris Johnson's contract as secretary so he  
19 wouldn't have to submit monthly invoices. Do you  
20 remember such a motion, changing Chris Johnson's  
21 contract so that he wouldn't have to submit  
22 monthly invoices?

23 A. I don't remember.

24 Q. So the parliamentarian recommendation  
25 says, Approval of the minutes as handled by the

1 president asking if there are any corrections to  
2 a set of minutes. If members have any  
3 corrections, they state them. The corrections  
4 are automatically made by the secretary unless  
5 there is a disagreement among members as to  
6 whether the correction is valid. Is that the  
7 practice in the Western Cass Fire Protection  
8 District to make corrections when members point  
9 them out.

10 A. I don't know. Where is the document  
11 that you are --

12 Q. That is back to that Exhibit 10 in the  
13 9/7/22 meeting. That is the letter from the  
14 parliamentarian.

15 A. What part are you talking about, sir?

16 Q. That is 9/7/22, Exhibit 10. That is the  
17 letter from the parliamentarian that you don't  
18 recall specifically having seen?

19 A. What were you --

20 Q. There is a bullet point that says  
21 approval of the minutes. Do you see that?

22 A. Well, there are several places where it  
23 says approval of the minutes.

24 Q. One of them says, Approval of the  
25 minutes is handled by the president asking if

1 there are any corrections to a set of minutes.

2 A. Hold on, I am trying to find it.

3 Q. Do you follow that recommendation from  
4 the parliamentarian?

5 A. I don't know that we step by step do  
6 everything that is outlined in this  
7 recommendation.

8 Q. Can you recall any instance in which you  
9 have -- the minutes have been amended in response  
10 to one of Ms. VanMeveren's corrections?

11 A. I think the words that I used are to  
12 do -- does the board want to accept these minutes  
13 as approved or do they want to accept  
14 Ms. VanMeveren's rendition of the minutes and the  
15 board --

16 Q. You say the board votes for the other  
17 version, the non Ms. VanMeveren's version, is  
18 that what you are saying?

19 A. That the -- okay. That the minutes as  
20 provided by the secretary, do we accept the  
21 minutes as provided by the secretary or are there  
22 disagreements and what would those be?

23 Q. Thank you. So at the October 30th  
24 meeting you went into closed session, didn't you?  
25 Excuse me, October 3rd.

1 A. When?

2 Q. October 3rd. Back to October 3rd.

3 Sorry I diverted because of the reference to the  
4 minutes.

5 A. Okay. October 3rd.

6 Q. Did you go into closed session?

7 A. These documents say we went into closed  
8 session that day.

9 Q. At first before you went into closed  
10 session, you closed off the video feed for  
11 Ms. VanMeveren, didn't you?

12 A. I know that that occurred when it became  
13 a question of the legality of the -- since we  
14 could not verify the security because we had been  
15 told or I heard a rumor that Kerri had other  
16 people observing the closed sessions and so there  
17 was a question of the security that we could not  
18 afford, so she would have been -- the closed  
19 session would not have included remote  
20 connectivity that we couldn't verify was closed.

21 Q. Did you take a vote to exclude her from  
22 closed session?

23 A. I am not sure if we did or not.

24 Q. So I am curious about what happened in  
25 that closed session and that is in part because I



1 can't find the minutes. Were there minutes of  
2 that closed session?

3 A. It says -- this paper -- do you have the  
4 official minutes? I don't know. I don't see the  
5 closed minutes included here.

6 Q. Do you know if the board ever approved  
7 closed session minutes for October 3rd?

8 A. You know, I am having trouble  
9 determining which ones are the things Kerri put  
10 together or which ones are partial minutes  
11 because they are obviously not the official  
12 minutes. I don't know.

13 Q. Okay. In the closed session on October  
14 3rd, you discussed how to pay firefighters,  
15 didn't you?

16 A. I don't have the closed minutes in front  
17 of me, sir.

18 Q. So you don't recall what you addressed  
19 in the closed session?

20 A. This says that -- or you said that we  
21 did how to pay the firefighters. I don't know.

22 Q. Is that the kind of thing you would  
23 discuss in closed session?

24 A. I am not certain.

25 Q. Okay. I want to ask you a couple of

1 kind of more recent questions. February 15th  
2 meeting, you don't need to look in the binder  
3 because I don't know if it is there, but you  
4 recall there was a chief's report February 15th  
5 meeting, so just a couple weeks ago?

6 A. Did you say not to look in the binder?

7 Q. I don't know that there is anything in  
8 there for this. Do you recall the chief's report  
9 saying that they had responded to 60 calls in the  
10 last month?

11 A. I am sure that is not accurate.

12 Q. Okay. And do you recall them saying  
13 that they helped deliver a baby?

14 A. I heard something about a baby being  
15 delivered by the ambulance crew.

16 Q. How many firefighters are on the staff  
17 today?

18 A. We have eight.

19 Q. And how many of those are paid?

20 A. I guess maybe we have nine.

21 Q. What is the maybe?

22 A. The chief. We have eight regular  
23 firefighters, so count him and that would be  
24 nine. What is the question?

25 Q. And do you know what it is costing you

1 per month to have those firefighters on staff?

2 A. I believe around \$5,000.

3 Q. Well, the December payroll figure says  
4 that it was -- let me look. That is in the  
5 1/18/23. It will be Exhibit 17.

6 A. 1/18/23 and you got other numbers?

7 Q. So 1/18/23 and you are going to look for  
8 the last document, payroll report December of  
9 2022.

10 A. Does that have an exhibit number?

11 Q. 1/18/23, Exhibit 17. The very last one  
12 before the 2/8/23 tab.

13 A. Okay.

14 Q. Right. How much does that show was the  
15 payroll in December?

16 A. I think probably it indicates \$7,666.

17 Q. If you multiply that by 12, that would  
18 be almost \$92,000 for the year, right?

19 A. It would be a disordinate calculation.

20 Q. Why is that?

21 A. Because I think December had more weeks  
22 in it.

23 Q. Oh, than February?

24 A. Yes, sir.

25 Q. That is true.

1 A. Weeks all -- they vary.

2 Q. And then a couple of very recent things.  
3 The city of Belton made a fire services -- or the  
4 city of Belton made a fire services offer to the  
5 Western Cass Fire Protection District just  
6 recently, didn't it?

7 A. I have no idea.

8 Q. So if the city made such an offer, it  
9 wasn't communicated to you?

10 A. That is correct.

11 Q. And so when the city council was told it  
12 had been rejected, that wasn't you as the board  
13 chair who was involved in rejecting that?

14 A. Well, I think you made reference to two  
15 different or three different things. There  
16 were --

17 Q. Just recently there was a recent city of  
18 Belton -- within the last three weeks there was a  
19 city of Belton offer of a fire services contract  
20 with the Western Cass Fire Protection District,  
21 right?

22 A. I have no idea.

23 Q. So if it was rejected, you don't know  
24 anything about that rejection?

25 A. It was not rejected.

1 Q. Because it never came to the board?

2 A. It never came to the board.

3 Q. If the city actually made such an offer  
4 and it didn't come to the board, how would that  
5 happen?

6 A. The fire chief of Belton never provided  
7 it to anybody.

8 Q. Not to your fire chief?

9 A. I don't believe so.

10 Q. Okay. There was a meeting of the board  
11 just night before last, wasn't there?

12 A. Yes, sir, I think.

13 Q. And the agenda for that meeting, if I  
14 remember correctly, just said terms?

15 A. Yes, sir.

16 Q. That wasn't the only topic you took up  
17 though, was it?

18 A. No.

19 Q. You added to the agenda when you got to  
20 the meeting?

21 A. I didn't. Well, I guess I did. Marty  
22 said she had another issue.

23 Q. And so that was added to the agenda?

24 A. Yes.

25 Q. But as to terms, the board on Tuesday

1 night adopted what is described as ordinance No.  
2 202302281. Is that correct?

3 A. Yes, sir.

4 Q. And that's an ordinance that purports to  
5 set up terms for the members of the board?

6 A. Yes, sir.

7 Q. And who is the board's attorney? You  
8 retained an attorney for the board in the last  
9 few months, didn't you, who is that?

10 A. We overlapped about three of them.

11 Q. Okay.

12 A. Flaspohler didn't end until recently.

13 Q. So Flaspohler overlapped with?

14 A. And Racine, we had a contract with him  
15 also.

16 Q. Who has a contract with him?

17 A. The board.

18 Q. Except the board has never actually  
19 approved a contract with him, right?

20 A. I think they did.

21 Q. Okay. So who drafted this ordinance No.  
22 202302281?

23 A. Mr. Racine I guess. He provided it to  
24 me. I don't know that he did the work, but he  
25 provided it to me.

1 Q. All right. Give me just a moment.

2 MR. LAYTON: That is all the  
3 questions I have.

4 THE COURT: Cross-exam?

5 MR. RACINE: I would like to  
6 reserve my questioning for our case in chief.

7 THE COURT: Very well. Plaintiff,  
8 call your next.

9 MR. LAYTON: We will call  
10 Mr. Gerald Wisdom.

11 MR. RACINE: Judge, can we have a  
12 five-minute recess?

13 MR. LAYTON: That is fine.

14 THE COURT: We will take a short  
15 recess. Thank you.

16 (Recess.)

17 MR. LAYTON: Your Honor, I will  
18 call Gerald Wisdom.

19 GERALD WISDOM,  
20 being first duly sworn, testified under oath as  
21 follows:

22 THE COURT: Please have a seat in  
23 the witness chair. Counsel, you may proceed when  
24 everyone is ready.

25 MR. LAYTON: Thank you.

## DIRECT EXAMINATION

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BY MR. LAYTON:

Q. Would you state your full name and address for the record?

A. Gerald Wisdom 20200 South Stockman Road, Belton, Missouri, 64012.

Q. Could you move that microphone closer to you. I don't know about the reporter, but I had a little trouble hearing that. Mr. Wisdom, I understand that you have a position with a different fire district than the one at issue here. Which one is that?

A. Mount Pleasant township.

Q. What is your position with the Mount Pleasant township?

A. I am the president of the board.

Q. And is it a three-member board or five-member board?

A. It is three.

Q. And how long have you been the chair of that board?

A. Two years.

Q. How long have you been involved in firefighting?

A. Thirty years.



1 Q. And so what other kind of positions have  
2 you had over the years?

3 A. I was a firefighter EMT, a driver,  
4 lieutenant, captain, Hazmat, fire crash rescue,  
5 municipal, rural, residential.

6 Q. Do you have state certifications?

7 A. Yes, I do.

8 Q. Which ones?

9 A. Firefighter I through III, which there  
10 is no longer III. Fire Officer II. I have  
11 numerous other certificates. I have an  
12 associate's degree in fire science. I was an  
13 instructor for the University of Kansas and  
14 Missouri. EMT.

15 Q. That will be enough. So, Mr. Wisdom,  
16 give us a little geography here. Where is the  
17 Mount Pleasant district in relation to the  
18 Western Cass district?

19 A. We are north of Western Cass at 203rd  
20 east and west of State Line and east to the far  
21 east of our district, north to the city limits of  
22 Belton.

23 Q. And your district -- how does your  
24 district operate? Do you have a volunteer  
25 district like Western Cass or what is the nature

1 of the Mount Pleasant district?

2 A. No, sir. We contract all of our  
3 emergency services to the City of Belton on a  
4 yearly basis, 94 percent of our taxpayer base and  
5 they provide mutual aid or actually provide  
6 emergency response. EMS is forced to run the  
7 State, they take care of all of our emergency  
8 services.

9 Q. Do you recall attending a meeting in  
10 August at the Western Cass Fire Protection  
11 District board?

12 A. Yes, I did.

13 Q. Why were you there?

14 A. I was there to hear why the mutual aid  
15 was such a problem and why with John Sapp, which  
16 is the Chief of Belton and the mayor and they  
17 were discussing mutual aid with Western Cass at a  
18 fee and because it affected us when they respond  
19 to Western Cass on mutual aid with no people,  
20 then they are taking people away from my area.

21 Q. So were you there when Western -- when  
22 the city of Belton and Dolan West Dolan District  
23 made proposals?

24 A. Yes, I was.

25 Q. Were you there earlier in the meeting?

1           A.    Yes, I was there at the start of the  
2 meeting.

3           Q.    Do you recall an agenda item special  
4 considerations?

5           A.    No, sir.

6           Q.    Do you recall an agenda item that dealt  
7 with one director Kerri VanMeveren?

8           A.    Yes.

9           Q.    So what do you recall?

10          A.    Well, I was at that meeting and the  
11 president of the board spoke up and brought up  
12 the subject that if they did not, herself and her  
13 other member, leave as board members, they would  
14 legally sue them and that was in an open meeting  
15 and should have never been discussed.

16          Q.    So was there some discussion of that  
17 motion?

18          A.    Very little.  There was actually a  
19 motion -- not a motion, just made that comment in  
20 the public meeting and the vice chair made a  
21 single gesture to the television or the system  
22 that they were using to talk.

23          Q.    So was Ms. VanMeveren on video  
24 connection?

25          A.    Yes, sir.

1 Q. Other than in that moment -- well, hold  
2 on. How many people voted for that motion, do  
3 you recall?

4 A. I know for sure that the two didn't.

5 Q. Okay. So other than during that period  
6 in the meeting, how was Ms. VanMeveren treated by  
7 the members of the board during that meeting?

8 A. Very belittling.

9 Q. And what happened that you say it was  
10 very belittling?

11 A. They argued with every issue that was  
12 brought up. It was just unreal that they  
13 couldn't get together to discuss even the  
14 financial plans to help the fire district.

15 Q. Was Ms. VanMeveren giving as good as she  
16 got, was she arguing and belittling others?

17 A. No, she was not belittling anyone, but  
18 she did have some good points.

19 Q. So was there a time during that meeting  
20 when there was shouting?

21 A. Every meeting I have been to there it  
22 has been that way.

23 Q. You have been to other meetings at that  
24 board?

25 A. Yes.

1 Q. Do you recall anyone in particular  
2 shouting in the August meeting where Dolan and  
3 Belton were there?

4 A. I actually don't remember anyone in  
5 particular shouting, it was just an unusual  
6 situation.

7 Q. Were there times during the meeting that  
8 they couldn't hear Ms. VanMeveren?

9 A. Yes. They were turned off, she couldn't  
10 speak.

11 Q. What do you mean it was turned off?

12 A. The video was turned down or off.

13 Q. So that she couldn't be heard?

14 A. That is correct.

15 Q. So then did you go back to a meeting in  
16 October?

17 A. Yes.

18 Q. So what was the -- what was it like at  
19 the meeting in October?

20 A. It was about the same. It was a little  
21 more professional as it should have been, but  
22 then the other board member was called out  
23 wanting him to resign.

24 Q. Is that Mr. Schildknecht?

25 A. Yes.

1 Q. Did he resign?

2 A. No, he did not.

3 Q. So do you recall that there was someone  
4 from Commerce Bank at that October meeting?

5 A. There was someone there from the bank.  
6 I thought it was from Harrisonville, but I didn't  
7 really pay any attention.

8 Q. Did you hear the presentation from the  
9 bank?

10 A. Some of it. They were offered some  
11 other better deals for financing and some money  
12 and to take care of some issues.

13 Q. And did you then hear what the chair  
14 said after the bank representative left?

15 A. He said that they were going to stay  
16 with the financial institution where they were at  
17 present.

18 Q. So since the August and October  
19 meetings, have you been aware of any other offers  
20 by the city of Belton or discussion the city of  
21 Belton and the Western Cass Fire Protection  
22 District?

23 A. Yes. I have spoke with Chief Sapp a  
24 couple of times and I also saw the city council  
25 meeting with their offer and they turned them

1 down.

2 Q. Too many theys there.

3 A. Western Cass turned down their offers.

4 Q. Turned down the offers from city of  
5 Belton?

6 A. Yes.

7 Q. Do you know who from Western Cass turned  
8 down those offers?

9 A. No, I have no real idea who it was. I  
10 was assuming it was the president.

11 Q. Do you know whether the board was even  
12 presented with the offers?

13 A. Not the second offer. The first offer  
14 they were. The second offer I don't know. I  
15 just was told it was turned down by the board.

16 Q. So in terms of your experience at Mount  
17 Pleasant, what is your practice when the board  
18 president, when you get an offer or some kind of  
19 communication from another fire protection  
20 district?

21 A. We keep that record in our files and if  
22 there is no new business, I mean, or any business  
23 that we need of people, we put that out for bids.

24 Q. And you said we?

25 A. As a board.

1 Q. As a board?

2 A. Yes.

3 Q. So not you as the chair of the board?

4 A. No, sir.

5 Q. Have you had occasion to consult  
6 lawyers?

7 A. I believe we have in the past, not  
8 recently.

9 Q. As of today, you said you had concerns  
10 about Western Cass and Mount Pleasant back in  
11 August, as of today as you look at your neighbors  
12 to the south, what do you see as the impact of  
13 the current condition of Western Cass on the  
14 Mount Pleasant District?

15 A. At present it's not likely that we would  
16 receive mutual aid from them. It is always a  
17 possibility, but however I am aware that several  
18 are not qualified to even be on a truck.

19 Q. So I know we have asked this once  
20 before, but just to be sure. What is mutual aid?

21 A. Automatic aid given from another  
22 district for help; in other words, if I called  
23 Western Cass, I need help I have a house fire but  
24 don't have enough men, they would respond and  
25 this would be usually free-of-charge type.



1           Q.     You recall any instances in which the  
2 Western Cass District has been called upon for  
3 mutual aid to come and help Mount Pleasant?

4           A.     Never had a call for us.  That would be  
5 Belton.

6                     MR. LAYTON:  Okay.  That is all I  
7 have for Mr. Wisdom, Your Honor.

8                     THE COURT:  Thank you.  Cross-exam?

9                     MR. RACINE:  Thank you, Judge.

10                                 CROSS-EXAMINATION

11           BY MR. RACINE:

12           Q.     Good afternoon.  I want to start with  
13 one of your last answers there.  You said you had  
14 occasion or the district has had occasion in the  
15 past to consult with attorneys, but not recently?

16           A.     No, sir.

17           Q.     Were you aware I am one of those  
18 attorneys your district used to consult with?

19           A.     No, sir.

20           Q.     You and I have never met before today?

21           A.     No, sir.

22           Q.     Is Vic Bland still on the board there?

23           A.     No, sir, I took his place.

24           Q.     He was my high school gym coach and then  
25 found out later he worked on the board.  Sir, how

1 was it that you -- what meeting did you attend,  
2 you said the first Western Cass Fire District  
3 board meeting?

4 A. Actually I had attended one other many  
5 years before that, I don't know why it was, but  
6 this was in August.

7 Q. August of 2022?

8 A. Yes.

9 Q. And you don't recall the date?

10 A. It was one of their normal meetings.

11 Q. Would August 3rd have been the date?

12 A. I really don't know, sir.

13 Q. And it is your recollection that  
14 Ms. VanMeveren was participating in that meeting  
15 by video?

16 A. Yes.

17 Q. And if the minutes of that meeting  
18 indicated she was present in person, how would  
19 you explain that?

20 A. Somebody made a mistake. She was there  
21 by video.

22 Q. Could it have been a different date?

23 A. It may have been. I am not sure of the  
24 date. I would have to go back and look at my  
25 phone to see.

1           Q.     How was it you became aware of that  
2 meeting to attend it?

3           A.     John Sapp, the fire chief of Belton.

4           Q.     Did Chief Sapp invite you to attend the  
5 meeting?

6           A.     No, he just told me what was going on to  
7 go over their presentation and I wanted to go see  
8 what that presentation was.

9           Q.     Do you recall any kind of proposal being  
10 made by -- let me back up. Was the chief from  
11 Dolan West Dolan also in attendance at that  
12 meeting?

13          A.     Yes, he was.

14          Q.     Do you recall when you attended that  
15 meeting either of those agencies gave agreements  
16 or provided proposals to Western Cass?

17          A.     I believe they both did.

18          Q.     Did you see those agreements?

19          A.     No, I did not.

20          Q.     Have you talked to either Belton or  
21 Dolan West Dolan about the contents of those  
22 agreements?

23          A.     No.

24          Q.     Have you discussed the contents of those  
25 agreements with anyone on the Western Cass fire

1 board?

2 A. No.

3 Q. I believe you testified that you think  
4 that Western Cass rejected both of those  
5 proposals that were made when you were in  
6 attendance at that meeting?

7 A. I believe the first time was tabled and  
8 then the second month, which they denied it or  
9 they got it back and told me it was not of help.

10 Q. And are you -- were you in contact with  
11 any members of the board of Western Cass Fire  
12 after that first meeting?

13 A. Yes, I believe I got a call from Kerri  
14 and she was wanting to see a copy or what we did  
15 for our contract.

16 Q. So she asked you for a copy of your  
17 service agreement with Belton?

18 A. She asked me what we did and I gave her  
19 the copy.

20 Q. And did she express any opinion one way  
21 or the other or anything to you about her  
22 preference either for rebuilding their district  
23 or contracting it out for services?

24 A. No.

25 Q. Have you had any conversations with her

1 after that conversation?

2 A. Well, the court thing and just, you  
3 know, the summons and that kind of stuff.

4 Q. So when you say the court thing, what do  
5 you mean by that?

6 A. This.

7 Q. So did you talk to Ms. VanMeveren about  
8 testifying today?

9 A. I honestly don't remember if I did. It  
10 may have been in a conversation.

11 Q. So did you get served with a subpoena to  
12 appear today?

13 A. Yes, that is what I am saying, I got a  
14 subpoena.

15 Q. Did you -- once you got served a  
16 subpoena, have you talked to Ms. VanMeveren about  
17 your testimony today?

18 A. No.

19 Q. What about Mr. Schildknecht?

20 A. No.

21 Q. Have you had any conversations once you  
22 were subpoenaed to testify with any of the other  
23 board members?

24 A. No.

25 Q. I am curious I believe I heard you say

1 that you were asked about mutual aid from Western  
2 Cass to Mount Pleasant and I think I wrote down  
3 you saying you didn't think they had people  
4 qualified to be on a truck?

5 A. Yes, sir.

6 Q. What do you mean by that?

7 A. They have no firefighter training that I  
8 am aware of. I am not 100 percent sure of the  
9 individuals. I don't know who they are, I  
10 haven't asked.

11 Q. Let me break that down. Are you aware  
12 of who their fire chief is?

13 A. I believe it is Chief Johnson is the  
14 chief.

15 Q. Do you know him personally?

16 A. No, I do not.

17 Q. Do you know anything about his  
18 credentials?

19 A. No, I do not. I understand he come from  
20 Johnson Controls.

21 Q. Do you know how many full-time or  
22 part-time firefighters are currently employed at  
23 Western Cass?

24 A. I had heard five.

25 Q. Do you know anything about their shifts

1 or their staffing?

2 A. I do not.

3 Q. Do you know anything about those five  
4 firefighters' training or certification?

5 A. I actually do not know each one of those  
6 individual trainings. I have no idea. I don't  
7 know where they came from, I don't know anything  
8 about them. I haven't asked. It wasn't my  
9 business.

10 Q. Do you know if they engage any volunteer  
11 firefighters?

12 A. At one time they had some. I am not  
13 sure if they still do.

14 Q. I want to revisit your opinion that you  
15 offered that there is no one qualified to be on a  
16 truck. You just said you don't know much about  
17 the chief. You don't know anything about the  
18 training or certification or who the firefighters  
19 are. You don't know what their experience is.  
20 You don't know what their shifts are and how they  
21 are staffed, but you still can form an opinion  
22 they are not qualified to be on a truck?

23 A. I have heard that from some other fire  
24 chiefs and it was strictly a rumor and it was not  
25 an absolute knowing anything about them. I don't

1 know what their certifications are.

2 Q. So you are just repeating what other  
3 chiefs have told to you?

4 A. That is correct and they also said they  
5 didn't want to run down to other people who  
6 weren't experienced.

7 Q. But you don't know if that is even true?

8 A. No, sir.

9 Q. So your opinion is just based on?

10 A. I guess it would be hearsay, wouldn't  
11 it?

12 Q. What are the legal requirements to be a  
13 firefighter in the State of Missouri?

14 A. Well, I believe they would at least have  
15 minimum of firefighter I. I haven't been in the  
16 system in so long I don't know because I haven't  
17 looked it up, but firefighter I is the minimum.  
18 First responder, which would like an EMS first  
19 aider, those would be two qualifications that I  
20 would look for right off the bat. Age.

21 Q. Now, let's be clear, you are talking  
22 about your personal qualifications. I am asking  
23 what the State of Missouri requires. Are those  
24 two different things?

25 A. No, it is NFPA required. That is



1 National Fire Protection Association's  
2 requirements that they be a minimum of  
3 firefighter I.

4 Q. So your belief is the State of Missouri  
5 has adopted the NFPA requirements?

6 A. Yes, they have.

7 Q. How many employees and firefighters do  
8 you have in your district you oversee?

9 A. I cannot tell you. That is the city of  
10 Belton.

11 Q. You don't have any, do you?

12 A. No, we do not.

13 Q. So you have a board of directors?

14 A. That is correct.

15 Q. You have no fire chief?

16 A. No.

17 Q. You have no part-time employees?

18 A. I guess I am.

19 Q. Do you get paid to be on the board?

20 A. Yes, I do.

21 Q. Do you have any part-time firefighting  
22 staff?

23 A. No, we do not.

24 Q. Do you have any full-time firefighting  
25 staff?

1 A. No, we do not.

2 Q. Do you have any volunteers?

3 A. No, we do not.

4 Q. You don't do any training of your  
5 personnel because you don't have any?

6 A. That is correct.

7 Q. So you rely entirely on a different fire  
8 protection agency, the city of Belton, to provide  
9 firefighters, ambulance, apparatus, everything?

10 A. That is correct.

11 Q. And you don't own any assets in terms of  
12 fire apparatus or equipment or radios or anything  
13 like that either, do you?

14 A. I got two computers.

15 Q. So it would be fair to say as a board  
16 member you don't have any experience in  
17 overseeing an active fire protection district,  
18 correct, with employees?

19 A. I have had training.

20 Q. Have you had any experience as a board  
21 member overseeing a fire district with employees  
22 with apparatus that responds to your own fire  
23 calls?

24 A. Not in our district. I did as a fire  
25 officer.

1 Q. Where was that?

2 A. Over in Johnson County.

3 Q. Johnson County, Missouri?

4 A. Kansas.

5 Q. How many of these board meetings at  
6 Western Cass have you attended since the first  
7 one in August?

8 A. It is either three or four. I cannot  
9 remember. I know three for sure. Four I don't  
10 remember.

11 Q. You said they were contentious meaning  
12 the board members argued?

13 A. They were very dysfunctional.

14 Q. What do you mean by dysfunctional?

15 A. They didn't follow the rules of order,  
16 they didn't follow any agenda in front of them,  
17 they had no minutes read from their last meeting.  
18 You know, just sitting here bringing up stuff out  
19 of the clear blue sky.

20 Q. Did they discuss business items?

21 A. Yes, they did.

22 Q. Did they vote on business items?

23 A. The last one I think they did. I don't  
24 remember because I was so disappointed that I was  
25 ready to leave.

1 Q. So despite this dysfunction as you  
2 described it, they were able to discuss business  
3 and actually have votes?

4 A. I think they did on two items over a  
5 bill that was not sent correctly.

6 Q. Is shouting at a board meeting at a fire  
7 protection district illegal?

8 A. I don't know the law on that.

9 Q. You said that you were at a meeting  
10 where Ms. VanMeveren appeared by video. You  
11 recall that?

12 A. Yes. It was the first meeting.

13 Q. And do you know if that was her choice  
14 to participate by video or was she required to?

15 A. I do not know.

16 MR. RACINE: I have no further  
17 questions. Thank you.

18 THE COURT: Thank you. Redirect?

19 MR. LAYTON: No, Your Honor. Thank  
20 you, Mr. Wisdom.

21 THE COURT: Thank you, sir. You  
22 may step down. Is this witness excused?

23 MR. LAYTON: Yes.

24 THE COURT: Thank you, sir.

25 Plaintiff, you may call your next.

1 MR. LAYTON: We would call Dan  
2 Ackerman.

3 THE COURT: Good afternoon, sir.

4 Please face the clerk and raise your right hand  
5 to be sworn.

6 DAN ACKERMAN,  
7 being first duly sworn, testified under oath as  
8 follows:

9 THE COURT: Please have a seat in  
10 the witness chair, sir.

11 DIRECT EXAMINATION

12 BY MR. LAYTON:

13 Q. Mr. Ackerman, would you state your name  
14 and address for the record?

15 A. Daniel Ackerman 200 Skyview, Cleveland,  
16 Missouri.

17 Q. Are you a candidate for the Western Cass  
18 Fire Protection District board?

19 A. I am.

20 Q. Let's talk about that. When did you  
21 first -- how to phrase this? When did you first  
22 learn officially that there was going to be an  
23 election for board seats in April of 2023?

24 A. I don't -- I can't recall the exact  
25 date, but there was a notice made.

1 Q. What is your recollection of what the  
2 notice said was going to be on the ballot?

3 A. It said there was two open seats, one  
4 for Director Hardman and one for John Webb.

5 Q. And did you then file for board  
6 election?

7 A. Yes, I did.

8 Q. And at the time you filed, was it your  
9 understanding that there were two seats, two  
10 elections?

11 A. Yes.

12 Q. And did there come a time when you were  
13 told there weren't two seats or two elections?

14 A. Yes.

15 Q. So who told you that?

16 A. The treasurer.

17 Q. The treasurer?

18 A. Yes.

19 Q. And what -- do you know the name?

20 A. Stephanie.

21 Q. And what did Stephanie say?

22 A. She just said now there are one seat  
23 instead of two.

24 Q. Do you know how many people filed for  
25 the two seats?

1           A.     Three I believe.

2           Q.     So did Stephanie give you some kind of a  
3 reason that that had changed?

4           A.     There was some discrepancy in the term  
5 lengths.

6           Q.     And does that matter to you, I mean, if  
7 you had known there was one seat instead of two,  
8 might you have acted differently?

9           A.     Probably.

10          Q.     But you are still on the ballot?

11          A.     I am still on the ballot. I just voted  
12 for myself.

13          Q.     You just voted absentee?

14          A.     Yes.

15          Q.     How long have you lived in the district?

16          A.     Twenty years.

17          Q.     So what makes you interested enough in  
18 the district that you will run for the board?

19          A.     The district's just seem to have a lot  
20 of trouble over the years. And it was -- I kind  
21 of got involved earlier this year in April to do  
22 some volunteer work for the district.

23          Q.     So what kind of volunteer work were you  
24 looking at?

25          A.     Doing some data analysis. I think they

1 needed some help with some inventory.

2 Q. Did you provide that help?

3 A. No.

4 Q. Why not?

5 A. I looked at the data the team that Monte  
6 had put forth.

7 Q. Monte Olsen?

8 A. Yes. I looked at the data and it was so  
9 many discrepancies in it I and my wife did not  
10 want to be involved with it at that point. It  
11 was best to walk away.

12 Q. Did you attend a town hall meeting in  
13 the district in this same period, the same April  
14 period?

15 A. I did.

16 Q. What do you recall learning at that  
17 meeting?

18 A. So many things. That John Webb was  
19 going to be president and there was a lot of  
20 disgruntled people from the public voicing their  
21 opinions, so yeah, it was interesting.

22 Q. Are you aware of an audit that was done  
23 by the state auditor?

24 A. Yes.

25 Q. How did you become aware of there being



1 an audit of the district by the state auditor?

2 A. Through I believe it was a communication  
3 from the concerned citizens assistance of Western  
4 Cass, a group I believe Kerri is involved with.

5 Q. Were you one of the people who signed  
6 the petition to have the state auditor do an  
7 audit?

8 A. No.

9 Q. Do you know what, if anything, the  
10 district has done to change its practices since  
11 receiving the results of the audit?

12 A. I do not.

13 Q. So after that town hall meeting, did you  
14 attend any meetings of the board of the Western  
15 Cass Fire Protection District?

16 A. Yes, I did.

17 Q. Do you recall about when the first time  
18 was that you attended a meeting?

19 A. I believe it was July.

20 Q. And so tell me about that meeting, what  
21 was your perception of what happened at that  
22 meeting?

23 A. The meeting was very disorganized, not  
24 very professional. Kind of just not run like any  
25 meeting that I had ever been to of a board or

1 customer nature or anything. It was very poor.

2 Q. Did it seem like people were prepared to  
3 address the matters that were to be addressed at  
4 the meeting?

5 A. No, not at all.

6 Q. Why do you say that?

7 A. When things would come up for a vote,  
8 they would be -- a lot of the directors wouldn't  
9 have had access to the material until just before  
10 the meeting or during the meeting and then they  
11 would either abstain or, you know, push it to the  
12 next meeting.

13 Q. Did it seem like some directors had had  
14 access and some hadn't or what was your  
15 perception?

16 A. It is hard to say. The director putting  
17 forth the initiative, of course, would have had  
18 the information.

19 Q. So how did people treat Ms. VanMeveren,  
20 how did the board treat Ms. VanMeveren during  
21 that first meeting you attended?

22 A. I would say very poorly.

23 Q. What happened that leaves you to say  
24 that?

25 A. Not a lot of respect. No respect, no

1 professionalism, a lot of kind of rolling of eyes  
2 when there would be questions about a given  
3 issue.

4 Q. Did they answer the questions?

5 A. Sometimes, yes; other times, no.

6 Q. What did she do in return, how did she  
7 behave in return?

8 A. Would generally re-ask the question and  
9 demand an answer and sometimes get an answer and  
10 sometimes not.

11 Q. So did you attend the meeting on August  
12 3rd of last summer?

13 A. Yes.

14 Q. You recall the proposals for fire  
15 coverage from Belton and West Dolan that night?

16 A. Oh, very clearly.

17 Q. Why very clearly?

18 A. Because it was an embarrassment.

19 Q. What was an embarrassment?

20 A. To me as a citizen. Just that they --  
21 the board members were not very efficient with  
22 the time. They waited to interact with the West  
23 Dolan and Belton folks clear nearly at the end of  
24 the meeting after they had gone through so much  
25 dirty laundry from the district. I just felt it

1 was rude and not respectful of those other  
2 leaders.

3 Q. So was one of these things in this dirty  
4 laundry portion the item on the agenda titled  
5 special considerations?

6 A. It could have been.

7 Q. Do you recall there was a -- well, do  
8 you recall there was a vote to remove Kerri  
9 VanMeveren from the board?

10 A. I don't remember it being at that  
11 meeting.

12 Q. Okay. Was Ms. VanMeveren attending in  
13 person or virtually at that meeting?

14 A. I believe it was virtually.

15 Q. And could you hear her throughout the  
16 whole meeting?

17 A. No. At one point she was muted and then  
18 I think there was technical issues with the  
19 laptop running out of power and a few other minor  
20 stuff I guess.

21 Q. Who muted her, who was doing the  
22 controls?

23 A. I believe John had control of the PC.

24 Q. I wish you well the election. That is  
25 all the questions I have for you. Thank you,

1 sir.

2 THE WITNESS: Thank you.

3 THE COURT: Thank you. Cross-exam.

4 CROSS-EXAMINATION

5 BY MR. RACINE:

6 Q. What do you do for a living, sir?

7 A. I am a software sales engineer for Cisco  
8 Systems.

9 Q. Have you served on any public boards or  
10 bodies before your throwing your hat in the ring?

11 A. No, I haven't.

12 Q. So you testified under direct  
13 examination that you had some characterizations  
14 of these board meetings that you attended, but do  
15 you have anything to compare those to?

16 A. Thousands of conference calls.

17 Q. In business?

18 A. In business.

19 Q. But never at a public service  
20 environment?

21 A. No. I have been to some city council  
22 meetings in the past in Cleveland that are  
23 nowhere near like this.

24 Q. But not to a political fire protection  
25 district board meeting where people are having

1 discussions about things that they don't agree  
2 about?

3 A. No, only city council.

4 Q. Did anybody encourage you or recruit you  
5 to run for this position?

6 A. Yes.

7 Q. Who was that?

8 A. Darvin and Kerri.

9 Q. Darvin and Kerri approached you?

10 A. Yes.

11 Q. What did they say to you?

12 A. They thought I would make a good board  
13 member and there was going to be some openings.

14 Q. When did that happen?

15 A. Around the time it was advertised in the  
16 newspaper.

17 Q. And had you had any kind of personal  
18 relationship with Darvin or Mr. Schildknecht or  
19 Ms. VanMeveren prior to that?

20 A. Other than the meetings. I have known  
21 Darvin for 20 years. He has worked at my place  
22 and I have helped him on many projects.

23 Q. As part of that discussion about  
24 thinking you would be a good candidate to serve  
25 on the board, did they tell you they were being

1 outvoted at the meetings currently?

2 A. I witnessed those initiatives at those  
3 meetings.

4 Q. So were they recruiting you to run for  
5 this position so they would have an ally on the  
6 board in your opinion?

7 A. I don't know.

8 Q. Certainly nothing wrong with that, I am  
9 just asking if you had that feeling?

10 A. I think they were just looking for  
11 somebody that was maybe a little better qualified  
12 to deal with the problems at hand.

13 Q. How are you better qualified to deal  
14 with those problems?

15 A. I work on extremely complex problems in  
16 networks and data analysis and this shouldn't be  
17 that tough a deal.

18 Q. And do you have any firefighter  
19 experience?

20 A. I do not.

21 Q. Have you ever managed firefighters  
22 before?

23 A. No.

24 Q. Have you ever managed firefighting  
25 apparatus or equipment before?

1 A. No.

2 Q. Have you ever prepared budgets from  
3 taxpayer funds?

4 A. No.

5 Q. You mentioned that you were asked if you  
6 knew that there was only one seat available  
7 versus two when you originally filed your  
8 candidate paperwork. That that information  
9 probably would have affected your decision I  
10 think is what you said. Am I saying that  
11 accurately?

12 A. I would have given it some more thought.

13 Q. Why is that?

14 A. Just it changes the dynamics.

15 Q. Makes it harder to win?

16 A. No.

17 Q. Well, you got four people running for  
18 two seats and now you got three people running  
19 for one seat, so your chances of winning just  
20 went from 50 percent to 33 percent, right?

21 A. No. It was a one-to-one situation. We  
22 were requested that we pick which seat we wanted  
23 to go for.

24 Q. So then it wouldn't matter how many  
25 seats were open? I thought you just said it



1 would.

2 A. It just changed the dynamics of it.

3 Q. But not enough to make you want to back  
4 out of the race?

5 A. No.

6 Q. You still want to be a director?

7 A. Yes.

8 Q. I think if I wrote this down correctly  
9 when you were asked by the plaintiff's counsel,  
10 your assessment of the Western Cass Fire  
11 Protection District was there had been some  
12 trouble over the years; is that accurate?

13 A. Yes.

14 Q. What kind of trouble has there been over  
15 the years to your knowledge?

16 A. Oh, going back a few years there was --  
17 they had a chief that was, you know, trying to  
18 use a lot of fearmongering to really expand the  
19 budget. Had directed that there was a fire truck  
20 purchase that really wasn't needed by the  
21 district, kind of oversized for the need.

22 Q. Is that the current chief?

23 A. No, past chief.

24 Q. What else?

25 A. This is like over the years. This

1 department has had a lot of drama for a long  
2 time.

3 Q. What else can you tell us?

4 A. Just that the same chief with that same  
5 budget was trying to pass, you know, a large  
6 increase in taxation and then make his spot a  
7 full-time situation where he, you know, would  
8 have a full-time job for a volunteer fire  
9 department.

10 Q. Where you thought that wasn't necessary?

11 A. Yes.

12 Q. What other problems has the district had  
13 to your mind?

14 A. Kind of fiscal controls, fiscal  
15 responsibilities.

16 Q. How did you learn about those?

17 A. Through the mailer for one.

18 Q. I want to stop you there. The mailer  
19 you received from Ms. VanMeveren?

20 A. Yes, yes.

21 Q. So you didn't know about any of those  
22 problems until you got something in the mail in  
23 recent months from Ms. VanMeveren and  
24 Mr. Schildknecht?

25 A. Yeah, it was about a year ago. And

1 there has always been talk.

2 Q. Other than rumors around town,  
3 personally did you have any knowledge about  
4 financial affairs of the district?

5 A. No.

6 Q. And you didn't attend board meetings  
7 until August of 2022?

8 A. April.

9 Q. April of 2022?

10 A. Yeah, the town hall.

11 Q. Other problems that you know of?

12 A. Not that I recall.

13 Q. Now, I think you testified to this, but  
14 I will ask it again just to make sure. Do you  
15 know when Mr. John Webb was elected to serve on  
16 the board at Western Cass?

17 A. Yes, in April of last year I believe.

18 Q. Of 2022?

19 A. Uh-huh.

20 Q. And what about Ms. Marty Hardman, when  
21 did she get elected to serve?

22 A. I believe the same time.

23 Q. April of 2022?

24 A. Yes.

25 Q. So the problems you were aware of

1 happened before they were on the board; is that  
2 right?

3 A. Yes.

4 Q. And, in fact, the mailer you received  
5 talking about financial issues that concerned  
6 you, that is when Ms. VanMeveren and  
7 Mr. Schildknecht were on the board, correct?

8 A. Among others, yeah.

9 Q. But not Mr. Webb or Ms. Hardman?

10 A. No.

11 Q. And you were aware that Ms. VanMeveren  
12 was the board's treasurer for a period of time?

13 A. Yes.

14 Q. Strike you as odd that Ms. VanMeveren  
15 was complaining about the financial condition of  
16 the board when she was the board's treasurer?

17 A. No.

18 Q. You mentioned some volunteer work you  
19 were going to do for the district. Can you  
20 explain that a little better? I was unclear what  
21 you were purporting to do.

22 A. As part of the I believe state audit  
23 they requested a full inventory of all of the  
24 equipment in the station be performed.

25 Q. So?

1           A.     And then there was a data entry portion  
2 of that to take it from the sheets that the team  
3 from Monte Olsen had hired to put those into some  
4 kind of spreadsheet or database or something.

5           Q.     So have you seen the state audit report?

6           A.     No.

7           Q.     So you said you and your wife talked  
8 about this work you were going to do and then  
9 decided against it?

10          A.     Yes.

11          Q.     But you hadn't seen the report?

12          A.     I had seen the inventory. That was the  
13 point in question was the validity of the  
14 inventory data.

15          Q.     Did you walk in off the street and  
16 volunteer your services or did somebody approach  
17 you and ask you to do this for the district?

18          A.     No, I pretty much walked in off the  
19 street.

20          Q.     How did you find out about it in the  
21 first place if you hadn't seen a copy of the  
22 audit report?

23          A.     I had talked to Darwin I believe at one  
24 point and said, I am looking for some way to  
25 volunteer.

1 Q. So Mr. Schildknecht, oh, maybe here is  
2 an opportunity to help the district out?

3 A. Yeah.

4 Q. So what other documents were you  
5 provided to help you make this decision about  
6 whether you were going to get involved in the  
7 inventory?

8 A. Just the binder full of the inventory  
9 data.

10 Q. Did you come into one of the stations to  
11 look at that?

12 A. Yeah, Station 1.

13 Q. And you had access to look at everything  
14 you needed to look at?

15 A. To look at the binder.

16 Q. Did you ask for anything else?

17 A. No, that was enough.

18 Q. Did you ever appear at a board meeting  
19 and put forth a proposal or have the board  
20 approve you do this work or make an offer to you  
21 to do this work?

22 A. No.

23 Q. So it was just Mr. Schildknecht  
24 requesting it or suggesting it?

25 A. Uh-huh.

1 Q. I am sorry, we need a verbal answer?

2 A. Yes.

3 Q. But as far as you know the board never  
4 voted to engage you even as a volunteer?

5 A. No.

6 Q. Tell me about this town hall meeting, it  
7 was a meeting that occurred after the April 2022  
8 elections?

9 A. Yes.

10 Q. Where did that take place?

11 A. In station one.

12 Q. And how did you find out about the town  
13 hall meeting?

14 A. I think it was on social media.

15 Q. Facebook post or something?

16 A. Yeah.

17 Q. And what was the nature of that, was it  
18 an individual inviting people or the district  
19 itself inviting people?

20 A. I don't recall.

21 Q. And do you recall I think you used the  
22 word people were disgruntled at that meeting?

23 A. Yes.

24 Q. What were they disgruntled about?

25 A. The lack of fire protection for the

1 district.

2 Q. So was there a time where -- let me ask  
3 this, prior to October of 2022 do you know what  
4 the staffing was of the Western Cass Fire  
5 Protection District?

6 A. At what time prior to?

7 Q. Well, was there a period of time you are  
8 aware of there were no firefighters?

9 A. Yes, I was aware of that.

10 Q. Do you know how many firefighters there  
11 are today in the Western Cass Fire Protection  
12 District?

13 A. I believe roughly a dozen.

14 Q. So they have gone from zero to 12 as far  
15 as you know?

16 A. As far as I know.

17 Q. And has that occurred under the current  
18 board of directors?

19 A. Yes.

20 Q. Do you know anything about response  
21 times that the board has achieved since October  
22 7th, 2022?

23 A. I believe they were mentioned in one of  
24 the last meetings.

25 Q. If they were mentioned, do you recall



1 what they are or do you have independent  
2 knowledge of what they are?

3 A. No.

4 Q. So you don't know how many -- what  
5 percentage of the calls the district gets that  
6 get answered by district personnel?

7 A. I believe the statement was 100 percent  
8 of the calls are being answered.

9 Q. So that would be better than zero when  
10 there are no firefighters, wouldn't it?

11 A. It would, but can I add to that?

12 Q. Go ahead.

13 A. Are those firefighters qualified?

14 Q. Let's -- since you bring that up. In  
15 your mind what are firefighter qualifications?

16 A. That they pass the tests and stuff to  
17 become a firefighter I and firefighter II.

18 Q. Is that a state law requirement?

19 A. I think it is common practice and  
20 commonly accepted.

21 Q. Do you know if that is a state law  
22 requirement?

23 A. I do not know.

24 Q. Do you know if that is a Western Cass  
25 Fire Protection District's policy?

1           A.     I believe it is.

2           Q.     Where do you get that belief from?

3           A.     I heard it in a meeting, one of the  
4     early meetings when they decided what was  
5     required of the firefighters that they become  
6     firefighter I and firefighter II qualified.

7           Q.     Was that expressed as that is we are not  
8     going to hire anybody who doesn't have those  
9     qualifications or we are going to try to get  
10    people up to those qualifications?

11          A.     I just remember it being a requirement.

12          Q.     And do you have any experience with  
13    trying to attract personnel to a rural fire  
14    protection district like Western Cass Fire?

15          A.     No.

16          Q.     So do you have any experience with the  
17    credentials of people who typically are  
18    interested in that kind of position?

19          A.     No.

20          Q.     Do you know what the state of Missouri  
21    requires for a minimum requirement to be a  
22    firefighter?

23          A.     I do not at this time.

24          Q.     Were you present, did you attend the  
25    December 21st, 2022 board meeting?

1           A.    I don't believe so.

2           Q.    I believe you testified, and correct me  
3 if I am wrong, that you were present when the  
4 chiefs of Dolan West Dolan and Belton were at the  
5 meeting?

6           A.    They were there multiple times.

7           Q.    And you were there for all of those  
8 meetings?

9           A.    At least two of them.

10          Q.    And were you present at a meeting of the  
11 Western Cass Fire Protection District board of  
12 directors when the board voted to approve a  
13 service agreement with the city of Belton?

14          A.    I don't recall.

15          Q.    And have you ever seen the document that  
16 was signed on behalf of the district accepting  
17 the service agreement proposed by the city of  
18 Belton?

19          A.    I don't believe I picked that up at that  
20 meeting.

21          Q.    Do you attend the Belton city council  
22 meetings?

23          A.    No, I don't. I don't live in Belton.

24                   MR. RACINE: Nothing further,

25                   Judge.

1 THE COURT: Thank you. Any  
2 redirect?

3 REDIRECT EXAMINATION

4 BY MR. LAYTON:

5 Q. When you talk about attending city  
6 council meetings, is that Cleveland?

7 A. Yes.

8 Q. Cleveland, Missouri?

9 A. Yes. My wife was a board member.

10 Q. Okay. Just a couple of points. You  
11 were asked about response times and you heard 100  
12 percent of the calls were answered, right?

13 A. Yes.

14 Q. Did that statement that you heard, was  
15 there also any detail about how many people  
16 answered those responses?

17 A. No. It was kind of blanket statement at  
18 the end.

19 Q. So could have been one person in a  
20 pickup truck?

21 A. True.

22 Q. I am tempted to ask the reporter to go  
23 back to this question, but I am going to try and  
24 quote the question as much as I can from what  
25 Mr. Racine asked. He asked you does it strike

1 you odd that Ms. VanMeveren was complaining about  
2 the district's finances when she was the board  
3 treasurer or something close to that. Do you  
4 remember that question?

5 A. Yes, I do.

6 Q. And you gave a really quick no. Why did  
7 it not strike you odd?

8 A. Because it was -- a lot of things were  
9 happening prior to her taking the position from  
10 the previous treasurer. It is my understanding  
11 the records were basically kept in a shoe box.

12 Q. Thank you. One last area. You said  
13 that when you filed for office, you picked a  
14 seat?

15 A. Yes.

16 Q. Which seat?

17 A. John's seat.

18 Q. So you thought you were running against  
19 John Webb?

20 A. Yes.

21 Q. And now you find out that that changed?

22 A. Yes.

23 Q. Paid \$100. Did you pay \$100 when you  
24 filed?

25 A. I did pay \$100.

1                   MR. LAYTON: That is all the  
2 questions I have. Thank you very much.

3                   THE COURT: Recross?

4                   REXCROSS EXAMINATION

5 BY MR. RACINE:

6           Q.     In response to that last question I was  
7 unaware you got to choose which seat you run for  
8 when you register for a race?

9           A.     By the rules of this district that is  
10 exactly the way it was.

11          Q.     When you signed up, you knew you were  
12 going to be in a two-way race with Mr. Webb?

13          A.     Yes.

14          Q.     You knew which seat you were going to be  
15 running for?

16          A.     I put it on my paper.

17          Q.     You were asked just now a follow-up  
18 question and I am going to ask another one about  
19 this issue with Ms. VanMeveren being treasurer  
20 and complaining about the financial condition of  
21 the district. Do you know what period of time  
22 she served as the district's treasurer?

23          A.     I do not.

24          Q.     So when you say that there were problems  
25 that she inherited because basically you

1 understood the records to be kept in a shoe box,  
2 you are just speaking in general terms of some  
3 time in the past?

4 A. That was raised during the town hall  
5 meeting between Kerri and the previous treasurer.

6 Q. Who was the previous treasurer?

7 A. I don't have a name.

8 Q. Were they pointing fingers at each other  
9 saying whose fault it was, It is your fault, it  
10 is your fault?

11 A. No. I mean, she basically made the  
12 statement that the records were, you know, kept  
13 in a small box.

14 Q. So she was essentially saying, I can't  
15 do the job because of the mess you left me with?

16 A. I don't think she said that.

17 Q. Then why she was complaining about the  
18 state of the records?

19 A. I mean, it would be a problem for her,  
20 but it wasn't all the problem.

21 Q. Do you have any knowledge about the  
22 requirements of a fire protection district to  
23 file a financial statement with either the county  
24 clerk or the state of Missouri?

25 A. I have heard of that requirement, yes.

1 Q. Do you know what it is?

2 A. No, not the details, no.

3 Q. Do you know if the district has filed  
4 such a statement, financial statement for the  
5 year 2020?

6 A. I do not know for sure.

7 Q. Do you know if the district has filed  
8 such a financial statement for the year 2021?

9 A. I believe I heard in a meeting where  
10 they did.

11 Q. And do you know who was treasurer during  
12 the years 2020 and 2021?

13 A. I assume Kerri.

14 Q. You don't know for sure?

15 A. I don't know exactly when she was  
16 treasurer and when she wasn't.

17 Q. Was she treasurer at the town hall  
18 meeting in April of 2022?

19 A. Yes.

20 MR. RACINE: Nothing further,  
21 Judge.

22 MR. LAYTON: Nothing further.

23 THE COURT: Thank you, sir. You  
24 may step down. Is this witness excused?

25 MR. LAYTON: Yes. Our next one



1 would take a long time.

2 THE COURT: We will recess and,  
3 Counsel, I will have you get with Tera and pick  
4 some new dates and I would ask you be honest with  
5 yourselves and with the Court and try to come up  
6 with a plan of how many days you think this will  
7 take because the more we piecemeal this, the  
8 longer actually it will take, so it would be  
9 better to get as much as we can rather than come  
10 in several days and come back several months  
11 later and that type of thing. If you want to  
12 come up with how many days you think you need and  
13 get with Tera and pick those dates.

14 MR. RACINE: Judge, I will infer  
15 from your comments, but I want to ask  
16 specifically if there will be any anticipated  
17 action by the Court on any legal issues presented  
18 in our motion to dismiss/trial brief between now  
19 and then because that might impact the length of  
20 time.

21 THE COURT: No, I think it is  
22 important at this point that the Court hears all  
23 of the evidence before I make any decision.

24 MR. RACINE: Very well.

25 MR. LAYTON: Thank you, Your Honor.

1                   THE COURT: I will say this, leave  
2 is granted for withdrawal of any exhibits. I  
3 will let counsel be responsible for their own  
4 exhibits and bring them back when we come back.

5                   MR. RACINE: There has been some  
6 depositions we want to introduce. What is Your  
7 Honor's preferred practice?

8                   MR. LAYTON: In a case like this,  
9 bench trial, some depositions, what is your  
10 preferred practice for us to get those into the  
11 record most efficiently?

12                  THE COURT: I will leave it up to  
13 you. If you want to agree that they would be  
14 received into evidence, you can do that or read  
15 them into the record, it doesn't matter to me.

16                  MR. LAYTON: No.

17                  MR. RACINE: No. The other thing  
18 we don't want to do is presume to just dump them  
19 on you and say, Judge, read these seven  
20 depositions. They are not long, but we still  
21 don't want to do that. We can if that is the  
22 Court's preference.

23                  THE COURT: I would prefer the  
24 portions you feel are relevant we go through  
25 those together just so I don't miss something

1 that you think is important.

2 MR. LAYTON: Okay.

3 MR. RACINE: It was all relevant,  
4 right?

5 THE COURT: I am sure it is. There  
6 is no doubt in my mind, but I want to be fair to  
7 everybody and I want to make sure that I hear  
8 what you want me to hear.

9 MR. LAYTON: Thank you, Your Honor.

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1 C E R T I F I C A T E

2 I, Shelby L. Darby, a Certified Court  
3 Reporter of the State of Missouri, do hereby  
4 certify:

5 That I am the Official Court Reporter  
6 for Division No. II of the Circuit Court of Cass  
7 County, Missouri, 17th Judicial Circuit of  
8 Missouri;

9 That I was present on March 2, 2023, and  
10 reported all proceedings had in the matter of  
11 CITIZENS FOR TRANSPARENCY and ACCOUNTABILITY,  
12 Plaintiffs, vs. WESTERN CASS FIRE PROTECTION  
13 DISTRICT, et al., Defendants; Cass County,  
14 Missouri Case No. 22CA-CC00219;

15 That the foregoing pages contain a true  
16 and accurate reproduction of the requested  
17 portions of the proceedings.

18 Dated this 16th day of May, 2023.

19

20

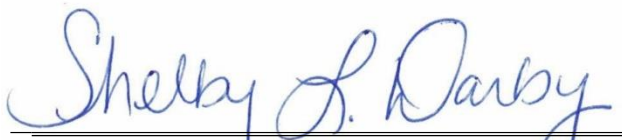
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Official Court Reporter, Division II