

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

HOWARD ADELMAN and  
JUDITH SCLAWY-ADELMAN,  
as Co-Personal Representatives  
of the ESTATE OF  
MICHAEL SCLAWY-ADELMAN,

COPY

Plaintiffs,

vs.

No. 10-CV-22236-ASG

BOY SCOUTS OF AMERICA,  
THE SOUTH FLORIDA COUNCIL,  
INC., BOY SCOUTS OF AMERICA;  
PLANTATION UNITED METHODIST  
CHURCH; HOWARD K. CROMPTON,  
Individually; and ANDREW L.  
SCHMIDT, Individually,

Defendants.

Gaebe, Mullen, Antonelli  
Esco & DiMatteo,  
Coral Gables, Florida,  
Thursday, 3:10 p.m.,  
March 10, 2011.

VIDEOTAPED DEPOSITION

Of

TIM SMILEY

taken on behalf of the Plaintiffs  
pursuant to a Notice of Taking Deposition

- - -

1 A. Our understanding is that with the Boy  
2 Scouts policies and procedures, that those would be  
3 followed.

4 Q. Okay. Did you also recognize that, as  
5 reflected by Exhibit 2, that ultimately, the charter  
6 that you were receiving for Troop 111 was coming from  
7 the Boy Scouts of America?

8 A. Not having seen this document before, I  
9 really couldn't say.

10 Q. But where did you think the charter was  
11 coming from, then?

12 A. It's a charter agreement between the  
13 church, as the charter organization, and the Council.

14 I always received the charter agreement  
15 from either someone in the troop or charter rep.

16 Q. Okay. From someone in the troop or the  
17 chartered rep?

18 A. Chartered rep.

19 Q. That would be the chartered organization  
20 rep?

21 A. That's correct.

22 MR. PELTZ: Let me show you a document  
23 which we will mark as Exhibit Number 4, and if you  
24 all want, later on -- this has some underlining -- we  
25 can substitute one that doesn't have underlining.

1 MR. GAEBE: I don't get one?

2 MR. PELTZ: Oh, I'm sorry. Here.

3 You didn't want one, did you?

4 MR. GAEBE: I've seen it before.

5 MR. PELTZ: It's been marked before.

6 [The document referred to was marked for  
7 identification as Plaintiffs' Exhibit No. 4.]

8 Q. Okay. This is a document from the -- as  
9 reflected on the cover, on the -- it's actually on  
10 the second page, called "Scouting and the community.  
11 The chartered organization."

12 You see there's the Boy Scouts of America  
13 logo there. Have you seen this document before?

14 A. No, sir.

15 Q. If you could turn to the second page --  
16 actually, if you would turn to the first page.

17 Excuse me.

18 A. Could you just show me which page you're  
19 referring to?

20 Q. The first page.

21 A. The first page. All right. Thank you.

22 Q. This document refers to the role of the  
23 chartered organization representative.

24 Who would have been the chartered  
25 organization representative, say, from 2005 through

1 the time that you left in 2009?

2 A. I can't say for certain who was the charter  
3 rep each year. I know for many of those years it was  
4 Linda Vedstedt; off and on, or perhaps over a number  
5 of years.

6 Q. And what was Linda Vedstedt's function when  
7 she served as the chartered organization  
8 representative?

9 A. My understanding would be that, together  
10 with the troop leaders and the troop committee, they  
11 really were responsible for the operation of the  
12 troop.

13 Q. Was the chartered organization  
14 representative appointed by the church?

15 A. I don't remember a specific time when that  
16 person was appointed. I think the troop handled  
17 that.

18 Q. Okay. Well, you see, if you refer to the  
19 document in front of you -- actually, on the --  
20 beginning of the document, where it says, "The  
21 chartered organization representative (COR) is  
22 appointed by the head of the chartered organization."

23 So is that -- does that refresh your  
24 recollection as to who would actually appoint the  
25 chartered organization representative?

1 MR. GAEBE: Object to the form.

2 THE WITNESS: No, sir. Not having seen  
3 this before.

4 Q. So it was your understanding that the  
5 Plantation United Methodist Church did not select the  
6 chartered organization representative?

7 A. What I mean to say is that the Scouting  
8 program at the church was a long-tenured program, and  
9 in many ways, the troop kind of operated, making sure  
10 there was a functioning committee, a charter rep,  
11 leadership, and as a senior pastor, I delegated a lot  
12 of that, especially when it came to the troop.

13 Q. And who did you delegate that to?

14 A. Mostly, what that would be delegated to is  
15 to make sure there was a functional committee, and a  
16 lot of times, I simply relied on conversations,  
17 usually with Linda.

18 Q. Okay. What I would like to find out,  
19 though, is who appointed Linda or the other  
20 individuals who served as the chartered organization  
21 representative?

22 MR. GAEBE: Object to the form.

23 A. I do not know.

24 Q. As the senior pastor, would you have been  
25 the head of the chartered organization during that

1 time period?

2 A. I usually signed the charter agreement  
3 because it was put before me to sign, and I've done  
4 that over the years.

5 Q. Were there any other employees of the  
6 church who you delegated responsibility to as far as  
7 the operation and function of Troop 111?

8 A. No, sir.

9 Q. Did Linda hold -- strike that.  
10 Was Linda Vedstedt an employee of the  
11 church?

12 A. No.

13 Q. She was a member of the congregation?

14 A. A member of the congregation.

15 Q. Would there be someone at the church who  
16 she would report to on an ongoing basis as far as Boy  
17 Scouts of America activities?

18 MR. LEVIN: Form.

19 A. For the first two years that I was at the  
20 church, we had a council on ministries, but that was  
21 where various church ministries and groups like the  
22 Boy Scouts, with long-standing tenure, might come and  
23 share their activities and plan a calendar of events.

24 We did away with that, and after that,  
25 there was no specific person or group to which she

1 reported.

2 Q. Would she report to you periodically?

3 A. She and I would have conversations.

4 Oftentimes, I was at the church on Wednesday nights  
5 teaching, and afterwards, I would go through the  
6 fellowship hall and greet parents; greet the Scout  
7 leaders.

8 Occasionally, Linda and I would stop. I'd  
9 say, "How are things going?" That was basically --

10 Q. So she didn't -- Linda Vedstedt did not  
11 provide any further reporting to you as to what was  
12 going on with the troop other than in response to  
13 these conversations about, "How are things going?"

14 A. That's correct.

15 Q. Were you or anyone else at the church aware  
16 of the different activities that Troop 111 would be  
17 engaging in on an ongoing basis?

18 A. I would be aware that they had a regular  
19 meeting on Wednesday nights, and they participated in  
20 camping and other Scout activities.

21 Q. Were you or someone else under your  
22 authority advised of these activities in advance?

23 For example, did you know there was going  
24 to be a hike on this day or camp-out on that day or  
25 spaghetti -- well, forget the spaghetti dinner,

1 because that, you probably would know about, but were  
2 you advised or was anyone else under your authority  
3 advised on an ongoing basis of the Troop 111  
4 activities?

5 A. In-facility activities, yes, because we had  
6 to manage the calendar for the facility.

7 Any outside activities, no, not on any  
8 formal basis at all.

9 Q. So would -- for example, if a camping trip  
10 was planned, would that be discussed with you or  
11 anyone else at the church in advance?

12 A. No, sir.

13 Q. The same thing for hiking?

14 A. Correct.

15 MR. LEVIN: Form.

16 Q. Would you be involved in any  
17 communications -- well, strike that.

18 Did you regularly engage in any  
19 communications with the South Florida Council?

20 A. No, sir.

21 Q. Did anyone at the church do that?

22 A. Not to my knowledge.

23 Q. Do you know whether either you or anyone on  
24 your behalf ever went to the Boy Scouts of America  
25 and asked for assistance either in training, planning



1 programs, supervision or anything at all?

2 MR. GAEBE: You're talking about church  
3 employees, right?

4 MR. PELTZ: Yes, sir.

5 MR. GAEBE: I'm sorry.

6 A. No, sir.

7 MR. PELTZ: I would like to show you a  
8 document which we'll mark as Exhibit 5, which is a  
9 Boy Scouts of America document entitled, "Training  
10 the Chartered Organization Representative."

11 [The document referred to was marked for  
12 identification as Plaintiffs' Exhibit No. 5.]

13 Q. Have you ever seen that document or some  
14 form of that document before?

15 A. No, sir.

16 Q. If you would go to Page 5, you see there's  
17 a pyramid picture, and to the right of the pyramid,  
18 do you see where it says, "Organizations are granted  
19 a charter by the BSA"?

20 A. Yes.

21 Q. Okay. And then a little further down in  
22 that paragraph, it says, "The chartered organization  
23 is the 'franchisee,' and as such, is the  
24 'owner-operator' of the Scouting program?

25 A. I see that.

1 Q. Is that your understanding, that the  
2 Plantation United Methodist Church was owner-operator  
3 of Troop 111?

4 A. No, sir.

5 Q. And what is your understanding, then, with  
6 regard to their precise role?

7 A. My understanding has been that the church  
8 sponsors the Boy Scout, in the sense of providing a  
9 facility, a space, to support the Boy Scouts and the  
10 operation of their program.

11 Q. Okay. So you would disagree with the  
12 statement contained in this document, that the  
13 Plantation United Methodist Church was owner-operator  
14 of Troop 111?

15 MR. GAEBE: Object to the form.

16 A. No, sir. I'm just saying that was not my  
17 understanding.

18 Q. And since it was it was not your  
19 understanding that -- well, strike that.

20 If you would go to Page 6, where it says,  
21 "Chartered organization responsibilities"?

22 A. Yes.

23 Q. Okay. And it says, "By receiving a charter  
24 from the Boy Scouts of America, the chartered  
25 organization," which would be the church, "agrees

1 had a love for Scouting, like Linda. That was the  
2 composition of the committee.

3 Q. Well, what I'm getting at is I think--  
4 there should be -- well, strike that.

5 What I'm trying to find out is if there's  
6 more than one committee.

7 We know from prior depositions there was  
8 something called the troop committee, which was  
9 composed of, at least in part, of parents; some  
10 parents of the Scouts.

11 A. Uh-huh.

12 Q. This document, however, refers to a unit  
13 committee of parents and members, and what I'm trying  
14 to find out is if the chartered organization, meaning  
15 the church, had its own unit committee of parents and  
16 members to -- who acted to screen and select the  
17 troop leaders to meet the various standards that they  
18 were -- for the troop.

19 MR. GAEBE: Form.

20 A. No.

21 Q. That was a bad question. Let me just --

22 MR. GAEBE: No. He answered it.

23 MR. PELTZ: I'm sorry?

24 MR. GAEBE: He understood it and then he  
25 answered it.

1 Q. Oh, I'm sorry. Did you answer it?

2 A. Yes. Not to my knowledge.

3 Q. Okay. So the only committee that you were  
4 aware of was the troop committee?

5 A. Yes, sir.

6 Q. And how was the troop committee formed or  
7 appointed or selected?

8 A. I honestly don't know, other than  
9 conversations with Linda Vedstedt; that there was  
10 always a combination of parents and persons -- either  
11 parents -- members of the church, parents of boys in  
12 the troop or persons who were committed to Scouting.

13 Q. Did the Plantation United Methodist Church  
14 or its employees select the unit committee?

15 A. If you mean the troop committee, yes, but  
16 no employees selected.

17 Q. Okay. So who was it who selected the troop  
18 committee?

19 A. My understanding is it would have been the  
20 troop committee.

21 Q. My question was: Who selected the troop  
22 committee?

23 A. And my answer is, my understanding is it  
24 would be the troop committee.

25

1 Q. So the troop committee selected itself?

2 A. They would continually replenish the  
3 members. Now, that's my best understanding.

4 Q. Do you know who selected the troop  
5 committee initially?

6 A. No, sir.

7 Q. Do you know whether Linda Vedstedt or any  
8 of the other chartered organization representatives  
9 selected the troop committee?

10 MR. SUMMERS: Objection to form. When?

11 A. I do not know.

12 Q. Was the Plantation United Methodist Church  
13 involved at all in the selection of the Scoutmasters  
14 or assistant Scoutmasters?

15 A. No, sir.

16 Q. Was the Plantation United Methodist Church  
17 involved in the approval or authorization of the  
18 Scoutmasters or assistant Scoutmasters?

19 A. No, sir.

20 Q. What is your understanding of how the  
21 Scoutmasters and assistant Scoutmasters were  
22 selected, authorized and/or approved?

23 MR. LEVIN: Form.

24 A. I do not know.

25 Q. Okay. So is it your understanding that the

1 Plantation United Methodist Church had no role  
2 whatsoever in the selection or recruitment or  
3 approval of the Scoutmasters?

4 A. If the troop committee was involved with  
5 that, or the charter representative, then obviously  
6 the church would have some role in that.

7 Q. Would the church's role have been limited  
8 to whatever involvement the chartered organization  
9 representative had?

10 A. That, and any members of the church who  
11 were on the troop committee at the time that a  
12 Scoutmaster was selected.

13 Q. Were members of the church congregation who  
14 were on the troop committee considered to be  
15 representatives of the church in that capacity, or  
16 were they simply people who were serving on the  
17 committee who happened to be members of the church?

18 MR. GAEBE: Object to the form.

19 A. Most of the time, to my awareness -- if it  
20 was a member of the church who was on the troop  
21 committee, it was probably because they had a boy in  
22 Boy Scouting.

23 Q. You were not relying on them to be  
24 representatives of the church in that capacity, were  
25 you?

1 A. No, sir.

2 Q. Was the church involved in financing  
3 Troop 111 in any way?

4 A. No, sir.

5 Q. Other than providing a meeting space, did  
6 the troop -- I'm sorry. Strike that.

7 Other than providing a meeting space, did  
8 the church provide any other support to the troop?

9 A. Opportunities to fund-raise, like the  
10 spaghetti dinner.

11 Q. Anything else?

12 A. And opportunities to give back service to  
13 the church.

14 Q. So when you say opportunities for  
15 fund-raising, you would allow the Scouts to have  
16 their spaghetti dinner at the church?

17 A. That's correct.

18 Q. As far as opportunities to provide service  
19 to the church, you would be referring to, for  
20 example, an Eagle Scout project that might benefit  
21 the church?

22 A. Correct.

23 Q. Was there any other support that the church  
24 offered to Troop 111 that you're aware of?

25 A. Providing the Scout shed.

1 Q. Okay. Was there any other support that  
2 you're aware of that the church provided to  
3 Troop 111, other than providing a meeting place, the  
4 Scout shed, the opportunity for providing services  
5 and the opportunity for fund-raising?

6 A. No, sir.

7 MR. PELTZ: Let me show you a document  
8 which we'll mark as Exhibit Number 6, which is  
9 entitled "New Unit Application," another Boy Scouts  
10 of America form.

11 MR. SUMMERS: Thank you.

12 MR. PELTZ: You're welcome.

13 [The document referred to was marked for  
14 identification as Plaintiffs' Exhibit No. 6.]

15 Q. Let me ask you if you have ever seen that  
16 document or some version of it or executed one.

17 A. No, sir.

18 Q. Okay. On the bottom of the second page, in  
19 the left-most column, do you see where it says that  
20 "The chartered organization certifies that all  
21 registered adults agree to abide by the Scout Oath  
22 and the Scout Law, the Declaration of Religious  
23 Principle, the policy of nondiscrimination and the  
24 charter and bylaws and the rules and regulations of  
25 the Boy Scouts of America"?



1           Is it your understanding that that is an  
2 accurate description?

3           A.    I see it written on the document.

4           That's honestly what I can say. I see it  
5 written on the document.

6           Q.    Did the Plantation United Methodist Church  
7 take any steps to ensure that Troop 111 abided by and  
8 complied with the charter and bylaws and the rules  
9 and regulations of the Boy Scouts of America?

10          A.    My best understanding is, again, that, with  
11 the active and functioning troop committee and troop  
12 leaders, that these things were being handled.

13          Q.    But as far as the church itself, is it your  
14 understanding that the church was taking any steps  
15 itself to ensure that the charter and bylaws and the  
16 rules and regulations of the Boy Scouts of America  
17 were being complied with by Troop 111?

18          A.    I had no direct involvement in that.

19          Q.    Did anyone at the church, to your  
20 knowledge?

21          A.    No staff person did.

22          MR. PELTZ: Let me show you a document  
23 which we will mark as Exhibit Number 7, which is  
24 labeled "Memorandum of Understanding."

1 identification as Plaintiffs' Exhibit No. 7.]

2 MR. LEVIN: Thank you.

3 MR. PELTZ: You're welcome.

4 MR. LEVIN: Is this Exhibit 7?

5 MR. PELTZ: Yes, sir.

6 Q. Have you seen that before?

7 A. No, sir.

8 Q. Reverend Adams, what is his position?

9 A. The denomination of the United Methodist  
10 Church has various boards and agencies, and I think  
11 the Board of discipleship houses the denominational  
12 representative, Free Nine Methodist Men, and so David  
13 Adams would be responsible for the denominational  
14 focus on men, called United Methodist Men.

15 MR. PELTZ: Sorry, guys. I don't have  
16 extra copies of this one. You've seen it before,  
17 though.

18 MR. LEVIN: Okay.

19 Q. Let me show you a document which we will  
20 mark as Exhibit 8, which says, "Selecting qualified  
21 leaders."

22 Have you seen that before? It's another  
23 Boy Scouts of America form document.

24 A. No, sir.

25 [The document referred to was marked for  
FRIEDMAN, LOMBARDI & OLSON  
C O U R T R E P O R T E R S

# THE ANNUAL CHARTER AGREEMENT BETWEEN:

Plantation United Methodist Church and the \_\_\_\_\_ Council, BSA  
Name of organization

Pack  Troop  Team  Crew  Ship Number 0111

The Boy Scouts of America is an educational resource program. It charters community or religious organizations or groups to use Scouting as part of their service to their own members, as well as the community at large.

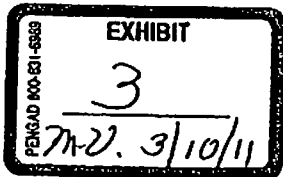
The BSA local council provides the support service necessary to help the chartered organization succeed in their use of the program. The responsibilities of both the BSA local council and the chartered group are described below.

### The chartered organization agrees to

- Conduct the Scouting program according to its own policies and guidelines as well as those of the Boy Scouts of America.
- Include Scouting as part of its overall program for youth and families.
- Appoint a chartered organization representative who is a member of the organization and will coordinate all unit operations within it. He or she will represent the organization to the Scouting district and serve as a voting member of the local council. (The chartered organization head or chartered organization representative must approve all leader applications before submitting them to the local council.)
- Select a unit committee of parents and members of the chartered organization (minimum of three) who will screen and select unit leaders who meet the organization's standards as well as the leadership standards of the BSA. (The committee chairman must sign all leadership applications before submitting them to the chartered organization for approval.)
- Provide adequate facilities for the Scouting unit(s) to meet on a regular schedule with time and place reserved.
- Encourage the unit to participate in outdoor experiences, which are vital elements of Scouting.

### The council agrees to

- Respect the aims and objectives of the organization and offer the resources of Scouting to help in meeting those objectives.
- Provide year-round training, service, and program resources to the organization and its unit(s).
- Provide training and support for the chartered organization representative as the primary communication link between the organization and the BSA.
- Provide techniques and methods for selecting quality unit leaders and then share in the approval process of those leaders. (The Scout executive or designee must approve all leader applications.)
- Provide primary general liability insurance to cover the chartered organization, its board, officers, chartered organization representative, employees and volunteers currently registered with Boy Scouts of America. Coverage is provided with respect to claims arising out of an official Scouting activity with the exception that the coverage is excess over any insurance which may be available to the volunteer for loss arising from the ownership, maintenance, or use of a motor vehicle or watercraft. This insurance is only available while the vehicle or watercraft is in the actual use of a Scouting unit and being used for a Scouting purpose.  
  
The insurance provided unregistered Scouting volunteers through the BSA general liability insurance program is excess over any other insurance the volunteer might have to his or her benefit, usually a homeowner's, personal liability, or auto liability policy.
- Provide camping facilities, a service center, and a full-time professional staff to assist the organization in every way possible.



Signed [Signature]  
For the chartered organization

Signed \_\_\_\_\_  
For the BSA local council

Date December 1, 2008