

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 10-CV-22236-ASG

HOWARD ADELMAN AND JUDITH.
SCLAWY-ADELMAN, AS CO-PERSONAL
REPRESENTATIVES OF THE ESTATE
OF MICHAEL SCLAWY-ADELMAN,

Plaintiffs,

vs.

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.

/

2800 Ponce de Leon Blvd.
Suite 800
Coral Gables, Florida
Tuesday, 10:35 a.m.
March 8, 2011

V I D E O T A P E D
D E P O S I T I O N

of

HOWARD CROMPTON

taken on behalf of the plaintiffs
pursuant to a notice of taking deposition

FRIEDMAN, LOMBARDI & OLSON
C O U R T R E P O R T E R S

1 THE VIDEOGRAPHER: In the case styled
2 Howard Adelman and Judith Sclawy-Adelman at
3 co-personal representatives of the Estate of Michael
4 Sclawy-Adelman versus Boy Scouts of America, et al,
5 case Number 10-CV-22236-ASG, this is the videotaped
6 deposition of Howard Crompton.

7 This deposition is taking place at 2800
8 Ponce de Leon Boulevard, Coral Gables, Florida on
9 March 8, 2011. The time is now 10:34 a.m.

10 Would counsel please state their appearance
11 for the record.

12 MR. PELTZ: Good morning. My name is Bob
13 Peltz. I represent the plaintiffs.

14 MR. SUMMERS: Good morning. My name is
15 Bill Summers and I represent Boy Scouts of America
16 and the South Florida Council.

17 MR. GAEBE: Greg Gaebe on behalf of the
18 Plantation United Methodist Church.

19 MR. HASTY: Good morning. Rick Hasty on
20 behalf of Howard Crompton and Andy Schmidt.
21
22
23
24
25

1 Thereupon:

2 HOWARD CROMPTON

3 was called as a witness and, having been duly sworn,
4 was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. PELTZ:

7 Q. Could you state your name and home address,
8 please?

9 A. Howard Crompton. Howard Ken Crompton.

10 My home address is 10349 Northwest Second
11 Court, Plantation, Florida, 33324.

12 Q. Are you presently employed?

13 A. Yes.

14 Q. What do you do?

15 A. Printing.

16 Q. And what do you do in printing?

17 A. We have a printing company.

18 Q. How long have you had your own printing
19 company?

20 A. We purchased an existing company in '87.

21 Q. What's the name of it?

22 A. The company name is Crompco, Incorporated
23 d/b/a Park Row Printing.

24 Q. Can you tell me about your educational
25 background?

1 A. Graduated high school in 1983, and not too
2 much after that other than classes here and there for
3 various things.

4 Q. Did you -- what type of work did you do
5 between 1983 and the time you purchased the printing
6 company?

7 A. We had a liquor store business.

8 Q. Are you the owner of Crompco?

9 A. I'm one of the owners of Crompco.

10 Q. Is that your full-time employment?

11 A. Yes, it is.

12 Q. When did you first become involved in Boy
3 Scouts?

14 A. Probably as a Cub Scout -- I don't remember
15 my exact age, but I was a Cub Scout. Went up through
16 that. Went into Boy Scouts until I was 18, and then
17 recently with Troop 111. I believe that was 2007 I
18 started there.

19 Q. How far did you go in Boy Scouts yourself?

20 A. I made it to Life Scout.

21 Q. And you started you said in Troop 111 --
22 2007, did you say?

23 A. I believe it was 2007. I think my son
4 joined and possibly about a year after he joined I
25 started getting involved.

1 Q. Did you have any involvement in the Boy
2 Scouts between the time that you had reached age 18
3 until the time that you -- your son joined Troop 111?

4 A. Only as a parent when he was in Cub Scouts
5 going on a couple of camp outs and things like that,
6 but not much involvement.

7 Q. Have you engaged in any camping outside of
8 Boy Scouts?

9 A. Yes.

10 Q. And what is your camping experience outside
11 of Boy Scouts?

12 A. Just -- just a few camp outs with friends.
13 Stuff like that. Not really -- not really much
14 camping.

15 Q. Do you have your own tent and sleeping
16 bags?

17 A. I have my own tent, sleeping bags, yes.

18 Q. Did you have your own tent and sleeping
19 bags before you joined Troop 111?

20 A. No. I purchased my tent and sleeping bags
21 after I joined the troop.

22 Q. Where are some of the places that you've
23 gone camping outside of the Boy Scouts?

24 A. Just a few camps down in the Keys.

25 Nothing -- I've camped, I think, at Long Key and a

1 couple other places like that.

2 Q. Have you been involved in any hiking
3 outside of Boy Scouts?

4 A. No. No hiking outside of Boy Scouts.

5 Well, you know what? I'm sorry. I do
6 hike. We have a home in North Carolina and --
7 actually the Appalachian Trail runs really close to
8 that, so there's a little five-mile hike we like to
9 do when my family goes up there, so we do do that.

10 Q. Whereabouts do you live in North Carolina?

11 A. It's a town called Tipton.

12 Q. Other than that, do you have any other
3 hiking experience outside of Boy Scouts?

14 A. No. I think that's it.

15 Q. What training did you undergo for Boy
16 Scouts?

17 Once you joined the Boy Scouts of America
18 what training -- Boy Scout of America training did
19 you undergo?

20 A. Well, I believe they -- they like you to do
21 the youth protection training, so I did that on line.
22 I think I did the fast start training -- well, I did
23 the fast start training, and then there's a
4 scoutmaster specific training and, you know, you do a
25 weekend, basically a camp out with them, and they run

1 particular subject matter to be approved?

2 A. Does that -- it says that here? To apply?

3 Q. Can you read back -- if you don't
4 understand the question, tell me what you don't
5 understand about it.

6 A. You said page 6.

7 Are you saying on page 6 it tells -- it
8 says that they're supposed to apply?

9 Q. It says scoutmasters and assistant
10 scoutmasters are not automatically approved as merit
11 badge counselors.

12 Do you see that?

13 A. Yeah, I see that.

14 Q. So my question to you is: Under Troop 111
15 were scoutmasters and assistant scoutmasters
16 automatically approved as merit badge counselors or
17 did they have to go through a process in which they
18 sought approval and a determination was made that
19 they were qualified to be merit badge instructors in
20 that particular subject?

21 A. Well, I thought I said earlier that Pat
22 Quinn was the merit badge person. He would take
23 their names down in whatever subject they felt
24 comfortable in, and he would review it and make them
25 or apply for their merit badge counselor -- add them

1 to the list to be a counselor for that merit badge.

2 Q. And that applied to both the assistant
3 scoutmasters and the scoutmasters as well?

4 A. It would apply to anybody that wanted to be
5 a merit badge counselor.

6 Q. Okay. I'd like to direct your attention to
7 page 3 in the bottom paragraph.

8 Do you see where it says that: A potential
9 merit badge counselor must complete the BSA adult
10 application and submit it along with the BSA merit
11 badge counselor information form to the BSA local
12 counsel office and renewal of this registration
13 annually as necessary to continue as a merit badge
14 counselor?

15 A. I see that.

16 Q. Is that your understanding of the process
17 that was followed in Troop 111?

18 A. I thought -- yeah. I mean, you have to --

19 Q. So would you have filled out the merit
20 badge counselor information form and the adult
21 application form to be a merit badge counselor in
22 camping and photographic arts?

23 A. Well, I know I filled out the adult
24 application and then I guess it would have been
25 something I signed for: Yes, I'll do graphic arts

1 and camping.

2 Q. So somewhere there should exist on file
3 your adult application form and your merit badge
4 counselor information form?

5 A. I don't know if they keep those sort of
6 things.

7 Q. But your testimony is that you have filled
8 those forms out and submitted them to the appropriate
9 individuals in the troop?

10 A. Well, I know I filled out the adult
11 application to be registered in the troop.

12 Q. And how about the merit badge information
13 form referred to?

14 A. I assume I filled that out. I don't
15 actually recall filling that out, so -- but if it
16 was required I guess I did it.

17 Q. You have no specific recollection of it?

18 A. No, I do not.

19 Q. Let me show you another document which
20 we'll mark as the next exhibit after that one, which
21 is identified as the guide for merit badge
22 counselors.

23 MR. HASTY: Just note my objection. The
4 document is not authenticated. It may have been
25 published after the fact.

1 Go ahead.

2 Q. Have you ever seen that document before?

3 A. This looks like a printout from a website.

4 MR. HASTY: That's not his question.

5 The question is: Have you seen the
6 document before. That's what he wants to know.

7 Q. Either this document or some other form of
8 this document.

9 A. I can't say that I've seen it or haven't
10 seen it.

11 Q. Okay. In this document it talks about the
12 merit badge counselor meeting with the scout to start
13 working on the requirements and then it goes on to
14 say there, referring to page 2: As the merit badge
15 counselor you and the scout work out a tentative
16 schedule for completing the requirements. You should
17 consider both long-term and short-term goals, keeping
18 other obligations such as school, scouting, sports
19 and so on in mind, and set dates, times and a
20 location for future meetings. The number of meetings
21 will depend on the difficulty of the requirements and
22 the preparation and ability of the scout.

23 Is that the format that you followed in
24 your role as a merit badge counselor?

25 A. I believe I would have followed that

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C O U R T R E P O R T E R S

1 format.

2 Q. Was that the format that was followed by
3 the other merit badge counselors of Troop 111 to the
4 extent that you're aware?

5 A. To the extent that I'm aware.

6 Q. Now -- so for purposes of complying with
7 merit badge requirements scouts wouldn't just merely
8 show up at an event, but they would instead -- the
9 event would be part of a process in which they would
10 have first met with their merit badge counselor to
11 discuss the merit badge requirements and discuss the
12 strategy for completing them?

13 A. Yes.

14 Q. Now, can you tell me what hikes you've been
15 on in connection with the Boy Scouts --

16 MR. SUMMERS: Objection to form.

17 Q. -- of America?

18 Can you tell me what Boy Scout of America
19 hikes you've been on?

20 A. I can tell you some of them.

21 We have -- did we have an exhibit with the
22 hiking list on it?

23 Q. Uh-huh.

24 A. Okay. If I could refer --

25 Q. Your attorney is copying it.

1 A. I don't remember.

2 Q. Did you do anything at the church or was
3 that just a meeting place?

4 That morning I'm talking about.

5 A. We pretty much just probably met outside
6 the fellowship hall.

7 Q. Was there any equipment you needed to get
8 or any supplies or anything of that nature?

9 A. No. I don't believe there was anything we
10 had to go into the church for or go into our scout
11 shed for.

12 Q. You have a scout shed there?

13 A. We do have a scout shed.

14 Q. Is that locked?

15 A. Yes.

16 Q. Do you have the keys for that?

17 A. At that time I did.

18 Q. So if you needed any equipment it was
19 available to you at that time?

20 A. Yes.

21 Q. You all drove in one car to the -- from the
22 church to the park?

23 A. Yes.

24 Q. Did you notice anything unusual about

25 Michael during that drive?

1 A. No.

2 Q. Did he seem to be normal?

3 A. He seemed to be normal.

4 Q. Who was the charter organization
5 representative at the time of this hike?

6 A. I believe that was Linda Vested.

7 Q. And what was her role as the charter
8 organization representative?

9 A. Basically she's a liaison between the troop
10 and the church.

11 Q. And what does that involve?

12 A. I'm not really sure what the exact job
13 description is for that charter organizational rep.

14 Q. Did the -- in her capacity as charter
15 organizational rep did she supervise any of the
16 actual activities that the -- your troop was
17 performing?

18 MR. SCHEVIS: Object to form.

19 A. As far as supervising, you mean like going
20 out on the hikes or what -- coming to meetings or --

21 Q. Any or all of the above.

22 I'm trying to find out what she did.

23 MR. SCHEVIS: Form.

4 A. She would occasionally make the committee
25 meetings. She would attend our spaghetti dinner.

1 I mean, I show she's very involved with the
2 church, so I guess she would keep them informed about
3 what we did. She was probably copied on all
4 correspondence, minutes of the troop. I'm not sure
5 what else.

6 Q. Did she have any input into the creation of
7 the hiking schedule?

8 A. I don't believe she did.

9 Q. Did she have any input into the creation of
10 the annual calendar?

11 A. I don't believe she did, unless she was at
12 the committee meeting that we went over the calendar.

13 Q. Did she have any boys who were in the troop
14 at that time?

15 A. No.

16 Q. Had she at any point?

17 A. Yes. Her boy was an Eagle Scout but
18 he's -- I mean, he's older now.

19 Q. When did he leave the troop?

20 A. I don't know.

21 Q. Before you got involved?

22 A. Before I was involved, yes.

23 Q. Would she be involved in determining who
4 the scoutmasters would be?

25 A. Yes.

1 Q. Would that be the decision of the church
2 and/or its charter organization representative?

3 MR. SCHEVIS: Object to the form.

4 A. Like I say, I think she had a say in it and
5 she's the charter organizational rep. She was the
6 one that, you know, got me to be committee chair so
7 she was familiar with me before I took over as
8 scoutmaster.

9 You know, then I guess she would let the
10 church know -- when I became scoutmaster she would
11 tell them.

12 Q. Was she responsible -- well, strike that.

13 Did she approve you becoming scoutmaster?

14 A. Did she -- I believe she approved of me
15 being scoutmaster. I don't know if she actually was
16 at the meeting and voted on me being scoutmaster.

17 Q. I'm sorry. What I'm talking about: As the
18 charter organizational representative did she approve
19 on behalf of the charter organization, which was the
20 church, you being named scoutmaster?

21 A. I don't know.

22 Q. The committee you were referring to is
23 the -- which committee?

24 A. The troop committee.

25 Q. And that consists of a number of the

1 parents and other people that are involved with the
2 troop?

3 A. Yes. The volunteers of the troop.

4 Q. Now, do most of the boys particularly --
5 strike that.

6 Does the church get involved -- strike
7 that.

8 Did you say earlier that the funding for
9 the troop came through the spaghetti dinner?

10 A. I don't believe I said that.

11 Q. Well, maybe it was Mr. Schmidt.

12 Let me ask you: Did the funding for the
13 troop largely come from the spaghetti dinner?

14 A. The spaghetti dinner has been, I believe,
15 our biggest fundraiser.

16 Q. Is the church involved with that in any way
17 other than allowing you to use their facilities?

18 A. With the spaghetti dinner?

19 Q. Yes, sir.

20 A. I don't believe they're involved with it
21 other than allowing us to put it on.

22 Q. Does the church fund the troop in any way?

23 A. Not to my knowledge, no.

24 Q. Was Mr. Schmidt the leader of this
25 particular hike as the hiking merit badge instructor

1 and the one who had more experience in hiking?

2 MR. HASTY: Objection to form.

3 A. Well, Mr. Schmidt has more experience
4 hiking. Mr. Schmidt was the hiking merit badge
5 counselor. I was scoutmaster. I would say it was
6 a shared leadership thing, but if you want you can
7 be -- we can call him the leader.

8 Q. I don't want -- I'm asking you.

9 A. I believe it was shared leadership for the
10 day.

11 Q. Did you generally look to him to make the
12 decisions as being the individual who was more
13 experienced in the activity?

14 Let me ask you this: Did you look to him
15 to have more input into the decisions as the
16 individual who had more experience?

17 A. I definitely trusted his knowledge and
18 experience.

19 Q. Are you provided insurance coverage for
20 this incident by the Boy Scouts of America?

21 A. I actually don't know how I'm covered by
22 the Boy Scouts of America. I assume they have some
23 sort of insurance.

24 Q. You have no specific understanding of
25 whether you're covered and, if so, the extent of the

1 coverage?

2 A. I haven't seen the policy. I don't know.

3 Q. Well, have you received any documentation
4 from the Boy Scouts of America indicating whether or
5 not you have coverage?

6 A. I don't believe I have any documentation.

7 Q. Did you have homeowners coverage at the
8 time?

9 A. Yes.

10 Q. And what company was that with?

11 A. State Farm.

12 Q. Do you know what your policy limits were?

13 A. I do not.

14 Q. Have you made a claim -- strike that.

15 Have you advised State Farm of this claim
16 and asked them to provide coverage?

17 A. I have called -- I have called the
18 insurance company or the agent and mentioned the
19 incident to them.

20 Q. So they're aware of the fact that the claim
21 exists?

22 A. They are aware that this is going on and,
23 you know --

24 Q. Has the agent or anyone from State Farm
25 told you whether or not there is coverage under your

ADULT APPLICATION

The information obtained in this form
is for the internal use of the BSA only.

UNIT SCOUTERS

Check one

☐ Pack No.☒ Troop No.☐ Team No.☐ Crew No.☐ Ship No.

COUNCIL/DISTRICT/DIVISION SCOUTERS

Council/District/Division position

District name

EXPIRE DATE 12/31/08 TERM 12 MONTHSNew leader ☒Former leader ☐

☐ If applicant has an unexpired membership certificate, registration may be accomplished in this unit by paying \$1 for processing the transfer. Check the box and attach certificate. It will be returned by the council.

TRANSFER FROM:

COUNCIL NO. UNIT TYPE: UNIT NO.

Please print one letter in each space—press hard—you are making two copies.

First name (No initials or nicknames)

Middle name

Last name

Suffix

HowardKingCromptonState (required) SC 88Country USA

Have you completed:

☒

Youth Protection training

☒

First Aid training

All zip codes

City

State

Zip code

10349MA2ndCTP197471965MA33324

Home phone

Business phone

Date of birth

Month

Day

754401333875458484881965

Please mark the appropriate box:

☐ American☐ American Indian☐ Asian☐ Black☐ Hispanic☐ Other

Occupation

Employer

Yes

No

Date earned

Month

Day

PrintingCromco Inc☒☐12/1/07MA33311

Home phone

Business phone

Date of birth

Month

Day

CSB1MA13thCTP197471965MA33311

Home phone

Business phone

Date of birth

Month

Day

Boy ScoutCCCommittee Chairman

Scouting background.

Position

Council

Year

LifeValley Forge1980

Experience working with youth in other organizations.

Previous residences (for last five years).

City

State

6. Additional information. (circle each answer)

- a. Do you use illegal drugs? Yes ☐ No ☒
- b. Have you ever been convicted of a criminal offense? (If yes, explain below.) Yes ☐ No ☒
- c. Have you ever been charged with child neglect or abuse? Yes ☐ No ☒
- d. Has your driver's license ever been suspended or revoked? (If yes, explain below.) Yes ☐ No ☒
- e. Other than the above, is there any fact or circumstance involving you or your background that would call into question your being entrusted with the supervision, guidance, and care of young people? (If yes, explain below.) Yes ☐ No ☒

I understand that:

- a. The information that I have provided may be verified, if necessary, by contacting persons or organizations named in this application, or by contacting any person or organization that may have information concerning me, or by conducting a criminal background check. I hereby release and agree to hold harmless from liability any person or organization that provides information. I also agree to hold harmless the chartered organization, local council, Boy Scouts of America, and the officers, employees, and volunteers thereof.
- b. In signing this application, I have read the attached information and apply for registration with the Boy Scouts of America. I agree to comply with the Charter and Bylaws, and the Rules and Regulations of the Boy Scouts of America and the local council. I affirm that the information I have given on this form is true and correct. I will follow the Youth Protection guidelines.

Signature of applicant

Date 12/30/07

APPROVALS FOR UNIT SCOUTERS

We are unaware of anything contrary to the information stated in this application. This application has been reviewed according to BSA procedures and this applicant meets the leadership qualifications of the Boy Scouts of America.

Signature of unit committee chairman

Date 12/30/07

Signature of chartered organization head or chartered organization representative

Date

Signature of Scout executive or designee

Date

ACCEPTED

Signature of Scout executive or designee

Date

APPROVAL FOR COUNCIL, DISTRICT, AND DIVISION SCOUTERS

We are unaware of anything contrary to the information stated in this application. This application has been reviewed according to BSA procedures and this applicant meets the leadership qualifications of the Boy Scouts of America.

Signature of Scout executive or designee

Date

EXHIBIT

31

PENGAD 800-631-0888

50K 3R-11