

CITY OF DELRAY BEACH


CITY ATTORNEY'S OFFICE

200 NW 1st AVENUE • DELRAY BEACH, FLORIDA 33444
TELEPHONE: 561/243-7090 • FACSIMILE: 561/278-4755



MEMORANDUM

To: Donald B. Cooper, City Manager

From: Noel M. Pfeffer, City Attorney 

Re: Employee Investigation: Suzanne Fisher, Director Parks and Recreation Department

Date: April 25, 2016

Background:

At the request of the City Manager, I attended a meeting on April 14, 2016 between Mr. Cooper and Suzanne Fisher, Director of Parks and Recreation. The meeting was scheduled for the purpose of providing Ms. Fisher an opportunity to discuss her position following her change of employment status to administrative leave with pay.

At the meeting, Ms. Fisher stated that she believed she has been subjected to retaliation in connection with her employment, that her HIPAA rights had been violated, and that her department had been assigned additional work without adequate staff. She stated she believed the retaliation was a result of her disclosing to her immediate supervisor, Assistant City Manager David Scott, certain events and actions regarding City employees and Delray Beach operations. Ms. Fisher alleges, among other things, that the Human Resources Director, Tennille DeCoste improperly utilized the Pompey Park Recreation Center for a personal event for a family Thanksgiving dinner, Human Resources staff improperly disclosed confidential medical information regarding Ms. Fisher, and that the parks department was assigned additional work responsibilities regarding the City's Golf and Tennis Facilities, Special Events, and the City Cemetery without additional staff. As a result of Ms. Fisher disclosing the allegations regarding Ms. DeCoste and her office, Ms. Fisher believes that Ms. DeCoste's recommendation to the City Manager for disciplinary action is retaliatory.

The City Manager thereafter requested (see email attached) that the City Attorney's office investigate the allegations made by Ms. Fisher regarding the improper use of City facilities and the improper disclosure of Ms. Fisher's medical information. The manager authorized this office to interview City employees as necessary.

Suzanne Fisher Interview

On Monday April 18, 2016 the City Attorney and Assistant City Attorney Michael Dutko met with Ms. Fisher and her attorney Laurie Thompson. The purpose of the meeting was to invite Ms. Fisher and her legal counsel to provide additional detail regarding the allegations made at the meeting with the City Manager. Below is a summary of the Ms. Fisher's grievances:

Thanksgiving Dinner - Ms. Fisher stated that she learned for the first time during the recent Delray Open Tennis Tournament held this past February that Ms. Decoste arranged to have Thanksgiving dinner for her family at the Pompey Park Recreation Center. Ms. Fisher said she learned of the Thanksgiving event from Teresa Johnson, a Pompey Park employee who was volunteering at the Tennis Event. Ms. Fisher said it was her understanding that Pompey Park Recreational Supervisor Rashad Smith granted Ms. DeCoste authorization to use the closed facility, provided keys, the alarm code, and assigned a city maintenance employee (Azim Hosein) to clean up the event. Ms. Fisher said she was unaware of the event until told by Ms. Johnson, but did recall a telephone conversation with Ms. DeCoste prior to Thanksgiving inquiring about city facilities for an event. Ms. Fisher recalls suggesting one of the City's golf course facilities.

Ms. Fisher thereafter discussed the matter with Mr. Smith's supervisor Alberta Guam, Recreation Superintendent. Ms. Guam investigated the matter and prepared a memorandum addressed to Ms. Fisher recommending disciplinary action regarding Mr. Smith's actions (see memorandum from Ms. Guam dated February 26, 2016 attached). Ms. Fisher said she discussed the memorandum with David Scott who said she needed to provide additional evidence of the event before he would look into the matter. Ms. Fisher attempted to obtain a copy of the video by making inquiry to Jennifer Reynolds in the City's IT department and Police Officer Mike Mochetti but was unable to obtain a copy, and told it was either unavailable or missing.

HIPAA Violation - Ms. Fisher says she complained to Mr. Scott that she was concerned her allergies were affected by her workplace and that the Community Center building may be "sick". Mr. Scott requested environmental testing of the building and Ms. Fisher's office and found evidence of allergens which may affect Ms. Fisher. Ms. Fisher was offered an alternative work site in another building which she declined. Some time after these events, Ms. Fisher believes Shona from the Human Resources Department contacted Gail Vanhove in parks and

disclosed Ms. Fisher's medical conditions in connection with her complaint about the environmental conditions in her workplace.

Improper Accounting of City Funds – Ms. Fisher stated that she believes the City improperly accounts for approximately \$2.5 Million of funds maintained by the City's financial department within subaccounts commonly referred to as "115 rotary accounts". Ms. Fisher stated she believes these accounts are used to track certain grant funds and other accounts dedicated or limited for specific uses. Ms. Fisher believes these accounts are maintained "off the books" with improper oversight. Ms. Fisher also believes that the funds pledged by SWS/Waste Management to the City for special/optional services in connection with the recent solid waste disposal agreement are not being properly spent or accounted for by Michael Coleman, the Director of Community Improvement.

Inadequate Staffing of Parks Department – Ms. Fisher says she complained to Mr. Scott about having inadequate staff to perform the required work of her department. Specifically, Ms. Fisher stated that upon the retirement of Assistant City Manager Robert Barcinski her department was assigned duties and responsibilities formally assigned to Mr. Barcinski, such as responsibility for the oversight of the operations of the City's Golf and Tennis facilities, City Cemetery and Special events. Despite her request for additional staffing she had not been provided any additional assistance.

Employment for Ms. DeCoste's Daughter – Ms. Fisher states she received a telephone call from Ms. DeCoste requesting that Ms. Fisher hire her daughter. During the call, Ms. Fisher said Ms. Decoste reviewed the Parks budget and observed an unfilled position for a billing clerk in the parks department. Ms. Fisher stated that Ms. Decoste requested she hire her daughter for the position.

Interviews of City Employees:

Rashad Smith, Recreational Supervisor III

Mr. Smith said he was contacted by Ms. DeCoste prior to Thanksgiving and that she asked whether she could use the Pompey Park facility for a private event on Thanksgiving. Mr. Smith said at first he was reluctant to agree, he also said he knew if she completed a Facility Rental Application (copy attached) it would be declined because a City parks employee must be present during all private events and that there was no staff available to work that evening. Ultimately, Mr. Smith agreed to allow Ms. DeCoste to use the facility, he provided Ms. DeCoste

the keys, alarm code, and requested she clean up and lock the building when she left. Mr. Smith said no City employee was assigned to the event and that maintenance employee Azim Hosein left work that day at 4:30PM, well before Ms. Decoste arrived. Mr. Smith said Mr. Husain worked earlier that day for the annual Keith Straghn Thanksgiving event, cleaned up after that event, and left the table set-up in place before he left.

Mr. Smith also stated Ms. DeCoste offered to pay for the use for the facility. He said he told her it was not necessary as the City waives fees from time to time. Mr. Smith said he did not feel pressured or coerced into granting permission but agreed because the facility was not being used and would be vacant at that time. Mr. Smith said he is unaware of any formal policies or guidelines with respect to waiver of fees for the use of the park facilities, however, he also stated the decision to waive park rental fees is usually made by parks employees more senior than him.

Tennille DeCoste, Human Resources Director

Ms. DeCoste was advised by the City Manager in advance of my interview that I would be asking her about her use of Pompey Park and she was prepared for the meeting. Ms. DeCoste said she did not believe she did anything wrong, that she attempted to first ask Ms. Fisher about the possible use of city park facilities and that they were exchanging phone calls. Ms. DeCoste recalls a telephone call with Ms. Fisher prior to Thanksgiving regarding Pompey Park. She recalls Ms. Fisher saying that Pompey Park already has the Keith Straghn event scheduled in the morning and was unsure if the park would be available later that day. Ms. Decoste recalls Ms. Fisher said she would get back to her, when she didn't hear further she contacted Mr. Smith. She does not recall any telephone conversation regarding the use of the golf course facilities. Ms. DeCoste said that when she spoke with Mr. Smith he willingly offered her the use of the facilities and he said she would not need to pay as the City waives fees from time to time. He provided her keys, the alarm code and asked her to lock the building when leaving. She provided her own food and dishes for her event. There was no City employee present during her event, and no City staff assisted her in connection with the event other than as described by Mr. Smith. She also said she found several examples where fees were waived for other events for the use of city park facilities and that she thought the fee waiver was within the discretion of the parks employees. She said she believed she disclosed the matter to Mr. Scott in February.

She also said she felt Ms. Fisher raising this issue now is retaliatory because Ms. DeCoste learned that Ms. Fisher requested a city intern and Teresa Johnson to pick up her daughter from school during City work hours.

Ms. DeCoste denies ever having a telephone call or otherwise requesting Ms. Fisher to hire or provide favorable consideration for the employment of her daughter.

Ms. DeCoste has no knowledge reading any HIPAA violation or disclosure of any medical information regarding Ms. Fisher.

Ms. DeCoste said she believes the reason Ms. Fisher has issues with her is as a result of their disagreement regarding outside employment disciplinary issues with parks employee Michelle Seabrook.

David Scott, Assistant City Manager

Mr. Scott is the immediate supervisor of Ms. Fisher, he recalls a meeting with Ms. Fisher during late February/March to hear her list of grievances. He said she complained about mold and was worried about other environmental conditions in her workplace, complained about the performance of Parks employee Tim Simmons and the lack of any action by the Human Resources department, raised the issue of needing more staff, and in connection with these complaints brought to his attention that she also believed Ms. DeCoste had a private Thanksgiving dinner at Pompey Park. In response, Mr. Scott immediately ordered environmental testing of the building where Ms. Fisher works and requested additional information regarding the need for additional staff. Mr. Scott said he needed further evidence regarding the Thanksgiving dinner before he would look into the matter. He said Ms. Fisher was not able to locate the video from that evening. Mr. Scott said he did not investigate further as he did not receive any additional information from Ms. Fisher. He never asked or spoke to Ms. DeCoste or Mr. Cooper about the event and only when I told him during our interview that Ms. DeCoste acknowledged the Thanksgiving dinner did he learn for the first time confirmation of the event.

Mr. Scott said he believed the friction between Ms. DeCoste and Ms. Fisher is as a result of their disagreement regarding outside employment issues with parks employee Michelle Seabrook.

Alberta Guam, Recreation Superintendent

Ms. Guam learned of the Thanksgiving event from Ms. Fisher. Since Ms. Guam is the supervisor for Mr. Smith she was assigned to investigate the matter. She spoke with Mr. Smith, she said he acknowledged the event, gave Ms. Decoste permission for the event, and the keys and the alarm code for the building. He also said he made the decision not to charge any fee. He told Ms. Guam he knew it was wrong and felt pressured. Finally, he said Mr. Hosein left at 4:30 and was not present for the event.

Ms. Guam prepared her memorandum dated February 26, 2015 based on this interview and delivered a copy to Ms. Fisher (copy attached).

Azim Hosein, Parks Maintenance Worker

Mr. Hosein recalls specifically working Thanksgiving until 4:30PM. This statement is supported by his time records (see copy attached). Mr. Hosein said he was not asked to work that evening, that he was aware there another event in the evening, but did not know anything about the event. He cleaned up after the Keith Straghn event and left the tables set up which is standard practice so they have an opportunity to air out.

Teresa Johnson, Recreational Supervisor I

Ms. Johnson confirmed that she volunteered at the Tennis Event, she recalled seeing and speaking with Ms. Fisher but did not specifically recall disclosing her knowledge of the Thanksgiving event to Ms. Fisher, although she said it was possible she may have told Ms. Fisher. She was aware of the private event held by Ms. DeCoste on Thanksgiving and said it was common knowledge among Pompey Park employees. Ms. Johnson also said the event was not entered onto the calendar of listed Pompey Park events maintained by Parks on the Outlook schedule. Ms. Johnson acknowledged she picked up Ms. Fishers daughter one time, but said she did so voluntarily and during her lunch break.

Gail Vanhove, Executive Assistant, Park and Recreation Department

Ms. Vanhove has no knowledge or recall of ever having been told by anyone about any medical information or conditions regarding Ms. Fisher. Her only knowledge are the two letters (copies attached) received from Human Relations regarding Ms. Fishers request for FMLA leave.

Analysis:

The review conducted by this office is limited to the allegations regarding the private event held by Ms. DeCoste at Pompey Park on Thanksgiving and the allegations regarding possible HIPAA violations. This office has not undertaken a review and offers no analysis or position with respect to the reasoning or factual events regarding the decision to place Ms. Fisher on administrative leave or any other events.

As a result of the above interviews, ethical and personnel issues have been raised on matters beyond the scope of this report, e.g., accounting practices for "115 rotary accounts", accounting for special/optional services in connection with the waste disposal agreement, employees performing personal services for the Parks Director, and a request to hire a family member. Such allegations require further investigation and inquiry.

With respect to the allegations described above, including but not limited to the private event held by Ms. DeCoste on Thanksgiving, City employees performing personal services for Ms. Fisher, and the use and accounting of City funds, these matters should be evaluated, in part, based on the relevant sections of the Palm Beach County Ethics Code provisions cited below, Administrative Policy of Delray Beach GA-5 (copy attached), and the Florida Statute cited below. Additional violations of City personnel policies, practices, and rules of conduct should also be considered.

The Palm Beach Ethics Code and Florida Statutes contain the following standards for employee conduct.

Section 2-443 (a) prohibits an employee from using his or her position in a manner which he or she knows with the exercise of reasonable care will result in a special financial benefit to the employee or his or her family, not shared with similarly situated members of the general public.

Section 2-443(b) and Section 112.313 (6) provide that that an employee shall not use his or her official position or office, to corruptly secure a special privilege or

Section 2-356 of the Palm Beach Code of Ordinances provides that if the City Manager becomes aware of any person who may have failed to comply with the ethics code of Palm Beach County, the Manager shall conduct a preliminary investigation, and if he determines a violation may have occurred, the Manager shall forward the matter to the Palm Beach County Commission on Ethics.

Donald B. Cooper, City Manager
April 25, 2016
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Based on the forgoing section of the County ordinance the Manger is obligated to conduct a preliminary investigation and, consistent with past City practice, refer the matter to the Ethics Commission for further review as circumstances may require.

Pfeffer, Noel

From: Cooper, Donald
Sent: Thursday, April 14, 2016 2:05 PM
To: Pfeffer, Noel
Subject: Investigation personnel matter

Pursuant to our discussion and due to my office having to make a decision which may or may not employee discipline I would request that your office investigate the allegation made by the Parks & Recreation Director involving the potential improper use of city facilities. As this may involve senior staff which may require action on my part and there is the need to conclude this matter as quickly and as fairly as possible I feel your office is best suited to undertake this matter. The matters to be investigated are the possible misuse of city facilities, possible improper release of medical information and other matter which may arise. You are hereby authorized to interview whomever on staff necessary to complete the investigation. I would request that you expedite this matter as there are personnel issues that need to be decide as quickly as possible.

D. Cooper
City Manager



MEMORANDUM



TO: Suzanne Fisher, Director of Parks and Recreation

FROM: Alberta Gaum, Recreation Superintendent

SUBJECT: Recommendation for Disciplinary Action
Rashod Smith, Recreation Supervisor III

DATE: February 26, 2016

This letter is a recommendation to suspend or terminate Mr. Rashod Smith for placing the City of Delray Beach in a situation of concern. Recently, I became aware of a situation which happened on Thanksgiving Day. On November 26, 2015, Rashod Smith, Recreation Site Supervisor gave his keys and Pompey Park site passcode to the Human Resource Director for personal use. Not only was this a problem but because the Keith Straghn Thanksgiving Turkey giveaway happened that morning, Rashod proceeded to pay additional overtime for the maintenance man to clean and set up for the evening Thanksgiving Dinner held by the Human Resource Director. No application or rental agreement was processed or approved by me. This was kept quiet until recently at which time I asked Rashod if this happened and if he was aware of the situation. Several incidents of gross neglect for his site and staff concerns me such as not making sure his site has a supervisor present at all times during his absence. In light of the information determined through my investigation, I have found that Rashod Smith has been in gross neglect of his assigned duties.

SECTION 114; SUBSECTION 2; GROUP II OFFENSES:

ITEM 11: Willful or gross neglect in the performance of assigned duties.

ITEM 12: Deliberately misusing, destroying or damaging any City Property or property of any employee.

ITEM 16: Demonstrated repeated incompetence or inefficiency in the performance of assigned duties.

Due to the severity of Mr. Smith's actions, I recommend a two day suspension without pay and /or termination.

CITY OF DELRAY BEACH PARKS AND RECREATION DEPARTMENT
FULL-TIME BIWEEKLY TIME CARD

NAME: AZIM HOSEIN			PAY DATE: December 4, 2015								DIVISION: 4127	
EMPLOYEE# 187300			1st WEEK END: 11/20/15								2nd-WEEK END 11/27/15	
DAY AND DATE	TIME IN	TIME OUT	REG HRS	SICK HRS	VAC HRS	HOLI DAY	OT HRS	COMP USED	COMP EARN	Other HRS	REASON FOR HOURS OTHER THAN REGULAR	
SAT. 11/14/15												
SUN. 11/15/15												
MON. 11/16/15	6:30	11:30										
	12:00	3:00	8									
TUES. 11/17/15	6:30	11:30										
	12:00	3:00	8									
WED. 11/18/15	6:30	11:30										
	12:00	3:00	8									
THURS. 11/19/15	6:30	11:30										
	12:00	3:00	8									
FRI. 11/20/15	6:30	11:30										
	12:00	3:00	8									
TIME ADJUST. (DATE/DAY):												
TOTALS FOR 1ST WEEK:			40	-	-	-	-	-	-	-		
DAY AND DATE	TIME IN	TIME OUT	REG HRS	SICK HRS	VAC HRS	HOLI DAY	OT HRS	COMP USED	COMP EARN	Other HRS	REASON FOR HOURS OTHER THAN REGULAR	
SAT. 11/21/15												
SUN. 11/22/15												
MON. 11/23/15	6:30	11:30										
	12:00	3:00	8									
TUES. 11/24/15	6:30	11:30										
	12:00	3:00	8									
WED. 11/25/15	6:30	11:30										
	12:00	3:00	8									
THURS. 11/26/15	7:00	12:00				8	9				Keith straighten luncheon	
	12:30	4:30									Thanksgiving Holiday	
FRI. 11/27/15						8					Thanksgiving Friday	
TIME ADJUST. (DATE/DAY):												
TOTALS FOR 2ND WEEK:			24	-	-	16.00	9	-	-	-		
TOTAL			64	-	-	16.00	9	-	-	-		


I CERTIFY THAT THE HOURS RECORDED ABOVE ARE TRUE AND ACCURATE:

Azim Hosein
EMPLOYEE SIGNATURE

11/20/15
Date:

APPROVED BY: [Signature] 11/24/15

Date: 11/23/15

City of Delray Beach 	ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL		SUBJECT: EMPLOYEE GIFT AND DEPARTMENTAL FUND	
	NUMBER GA - 5	REVISIONS 1	EFFECTIVE DATE: August 17, 2015	PAGE 1 OF 2
	SUPERSEDES GA - 5 Rev. 0	APPROVED BY: <i>Donald B Cooper</i> Donald Cooper, City Manager		

GA 5.0 Purpose

The integrity and reputation of the City must be kept above reproach at all times. Public employees must always be cognizant that their actions and/ or performance reflect not only on themselves but also on the City. The mere hint of impropriety can be harmful to the ongoing operations of a city. Very often the question of gifts and acceptance thereof can do much damage. Public employees must subscribe to and follow a uniform ethical code regarding this matter. Therefore the purpose of this directive is to establish a basic policy regarding acceptance of gifts and favors by City employees and the maintenance of employee funds.

GA - 5.1 Policy

Florida Statute 112.313, the Palm Beach County Code of Ethics and the Human Resources Policy Manual, Section 601 clearly set forth standards of conduct with regard to the solicitation or acceptance of gifts by City employees. This policy statement incorporates by reference both standards and shall read as follows:

A. Acceptance or Solicitation of Gifts

No employee of the City of Delray Beach shall solicit or accept anything of value, including a gift, loan, reward, money, promise of favor, or service based on the understanding that his/ her actions or judgment would be influenced, thereby, wrongfully or unethically affecting the discharge of his/ her duties, or his/ her granting any improper favor, service or thing of value not customarily accorded the general public.

B. Department Employee Funds

No City Department, Division, Agency, or other subgroup, (this shall not include incorporated private organizations such as the PBA, IAFF, etc.), or individual shall solicit, accept, maintain, or administer any funds or special accounts which are composed in whole or in part from contributions from citizen groups.

Any funds or gifts received by a Department, Division, etc., shall be immediately transmitted to the City's Finance Department for crediting to an appropriate account.

EMPLOYEE GIFT AND DEPARTMENTAL FUND

GA-5, Rev.1

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C. Gifts to the City

Gifts to the City are authorized and encouraged provided that such gifts shall not confer a private benefit to an individual employee or to a group of employees. Every gift donated to the City shall be recorded and maintained by the Finance Department even if the gift is specifically made to benefit one particular City Department. All gifts of money shall be maintained in a Special Projects Fund separate account. The records shall indicate the name, address and principal business activity of the donor, the value of the gift, the date received, and the particular purpose, if any, for which the gift is to be used. In addition, the records shall indicate all disbursements made from the Special Fund Accounts, including the amount and date of disbursement and the recipient and purpose of the disbursement.

D. Violation of Policy

In addition to any penalties under Florida Statute, a violation of this policy may subject the violator to disciplinary action up to and including termination.



City of Delray Beach
Parks and Recreation Department
Facility Rental Application

Approval Date _____

Staff taking application _____ Application Date _____

Facility Information

Facility Requested: Community Center _____ Pompey Park _____ Pompey Pool _____ Teen Center _____
Veterans Park _____ Catherine Strong Park _____ Delray Swim Club _____

Name of Event: _____ Room Requested _____

Event Dates: _____ Time: From: _____ am/pm To: _____ am/pm

Includes set up and clean up

Contact Information

Name _____ Organization/Program Name _____

Address _____

Street Address

City, Zip, State

Phone (Home) _____ (Cell) _____ E-Mail _____

Will you be attending? Yes _____ No _____ If no, name and contact info of person in charge:

Event Information

Please check which best describes the purpose of your event:

Meeting _____ Church _____ Banquet _____ Wedding _____ Concert _____ Baby Shower _____

Other _____

Estimated Attendance _____ # of Youth -18 and Under _____

(Security may be required) 1 chaperone (21 years or older) required per 10 youth. Must provide names of chaperones

Additional Info

Is organization non-profit/ tax exempt? Yes _____ No _____

If yes, must attach copy of 501(c) (3) status/ tax exempt certificate

Will you need the kitchen for prep and warming food? Yes _____ No _____

No cooking is permitted in the kitchen

Will your event have decorations? Yes _____ No _____

If yes, please describe:

Will admission be charged? If yes, how much? Yes _____ No _____

Must have prior approval from Director

Room Set Up

Long Tables _____ Chairs _____ Round Tables (Pompey Park only) _____ Other _____
Quantity Quantity Quantity

Additional Items: May be available upon request. Additional \$100 deposit applies. Not all items at all facilities

PA System _____ Microphone _____ Pool Table _____ Podium _____ TV/VCR/DVD _____ Screen _____

Schedule of Fees and Charges**DATE PAID** _____**ROOM RENTALS**

Single Room	\$30.00 (3 hour minimum)	50% non-profit	_____
2 – Way Room	\$60.00 (3 hour minimum)	50% non-profit	_____
3 – Way Room or Teen Center	\$90.00 (3 hour minimum)	50% non-profit	_____
Kitchen (Prep & Warming Only)	\$30.00 (2 hour minimum)	50% non-profit	_____
Additional Hours	\$20.00 (per hour)	\$20 x _____ hours	_____
Home Owners/ Civic/Clubs/ Community Groups/Orgs	\$10.00 (per meeting) per room (2 hour max)		_____

GYMNASIUM

Gym – No admission fee	\$100.00/ hour	\$100 x _____ hours	_____
Gym – With admission fee	\$1,000 flat rate	50% non-profit	_____

SKATE PARK

Skate Park – No admission fee	\$45.00/hour	\$45 x _____ hours	_____
Skate Park – With admission fee	\$300.00 flat rate	50% non-profit	_____

POOL RENTAL

Pool - includes 2 guards Up to 50 guests	\$100.00 (2 hour minimum)	50% non-profit	_____
Additional Hours	\$35.00/hour	\$35 x _____ hours	_____
Additional Lifeguard	\$25.00/hour	\$25 x _____ hours	_____

GYMNASIUM/MULTI-DAY EVENT

Half Day Event (6 or less hours)	\$500/ day	x _____ days	50% non-profit	_____
Full Day Event (Over 6 hours)	\$1,000/ day	x _____ days	50% non-profit	_____

<u>AFTER HOURS SUPERVISOR FEE</u>	\$30.00/ hour	\$30 x _____ hours	_____
(When facility would normally be closed)			

Sub-Total _____**6% Tax** _____**Security Deposit** Rooms • Pool • Equip - \$100 • Gym • Skate Park - \$200 **Deposit** _____**TOTAL** _____*Non-Profits/Tax Exempt must provide 501 (c)(3) form & tax exempt certificate **BEFORE** receiving discount*

City of Delray Beach Parks and Recreation Facility Rental

Rules and Regulations

1. All rental fees and security deposit must be paid in full within 5 business days of receipt of application approval. Reservation is not confirmed until payment is received.
2. In order to receive security deposit back, applicant is responsible for cleaning up after the event and no damage has been incurred to City facilities or property.
3. Security costs will be borne by applicant and they must make their own arrangements with the Police Department. Security needs will be determined by the City of Delray Beach staff and police. Delray Beach Special Detail Phone # 243-7800.
4. A certificate of insurance may be required for some programs or events.
5. Non-Profit 501 (c) (3) and/or Tax Exempt Organizations must provide written proof of status at time of application to qualify for non-profit rates. Copy of organization's tax exempt certificate must be provided and checks or credit card must be in the name of said organization in order to qualify as tax exempt.
6. Any misrepresentation, regardless of whether it was unintentional, on the application, shall result in cancellation of the event, with no refunds given.
7. All decorations or products brought in for the event, must be pre-approved by Site Supervisor. All items brought on the premises must be completely removed by applicant from the premises in order to be eligible to receive the return of the security deposit.
8. Event must end and all patrons of the event must be off the premises at the time listed on application or extra rental fees may apply.
9. No alcohol, pets, or smoking are allowed on the premises as well as prohibited or illegal items.
10. Any charges incurred by the City because of neglect, damage, or failing to adhere to all rules and regulations by the applicant or their guests, will be charged to the applicant, in addition to forfeiting security deposit.
11. The City of Delray Beach, at its discretion, may cancel the use requested by applicant. Such notice of cancellation, whether written or oral, shall be given to the contact person no later than 48 hours prior to the scheduled event. There may be however, unforeseen circumstances that necessitate the need to cancel the event within the 48 hours prior to the event. In those instances, the City will refund any money paid prior to cancellation. Cancellation by applicant with less than 48 hours notice will result in loss of security deposit.
12. The City of Delray Beach will not be responsible for lost or stolen items or any items left by the applicant or anyone attending the event. City staff will not sign for any items that have been rented by applicant or delivered for the event.

I have read each of the above stated rules and agree to abide by all rules and regulations as set forth by the City of Delray Beach Parks and Recreation Department, as well as the Ordinances of the City of Delray Beach.

Applicant Signature

Date

Authorized By:

Title

City of Delray Beach Parks and Recreation Facility Rental Application

Release Waiver

I, the undersigned, intending to be legally bound, do hereby for myself, family, guardians, charge/charges, heirs, executors and administrators, waive and release any and all rights and claims for damages, which I/we may have against the City of Delray Beach, their representatives, successors and employees for any injuries which I/we may suffer in connection with my/our use of this facility. At various times the City of Delray Beach videotapes and photographs events to be submitted to the local media. By using this facility, I/we hereby authorize the City of Delray Beach to reproduce, copy, exhibit, publish, broadcast, or distribute any and all such tapes or photographs. I have read the above and understand the rules and regulations of the City of Delray Beach that have been made available to me.

Refund Policy

An applicant can request a refund 48 hours prior to scheduled event date. The request must be made in writing. If a cancellation occurs within 48 hours of a scheduled rental, you forfeit the rental fees and deposit. All refunds will take at least two weeks and will be in the form of a check from the City of Delray Beach. If a security deposit is paid by check, refunds will only be sent after your check has cleared the bank.

Signature

I have read the above and understand the rules and regulations of the City of Delray Beach Facility Rental Application that have been made available to me.

Applicant Signature _____

Date _____

Facility Contact Information

Community Center
50 NW 1st Avenue
(561) 243-7250

Pompey Park Pool
1101 NW 2nd Street
(561) 243-7358

Delray Swim Club
2350 Jaeger Drive
(561) 243-7358
**505 Teen Center and
Hobbit Skate Park**
505 SE 5th Avenue
(561) 243-7158

Pompey Park
1101 NW 2nd Street
(561) 243-7356
Veterans Park
802 NE 1st Street
(561) 243-7350

Please contact facility for their operating hours.

OFFICE USE ONLY: Approved _____ Rejected _____ (reason) _____

Insurance required: ☐yes ☐no

☐General liability insurance @ \$1 million/occurrence, combined single limit

☐City named as additionally insured

☐Copy of certificate of insurance

Rec Trac #: _____ Date Paid: _____ Deposit Refund Requested on: _____

Authorized by: _____ Date: _____

(Recreation Supervisor)

☐General liability insurance @ \$1 million/occurrence, combined single limit

☐City named as additionally insured

☐Copy of certificate of insurance

Rec Trac #: _____ Date Paid: _____ Deposit Refund Requested on: _____

Authorized by: _____ Date: _____

(Recreation Supervisor)

CITY OF DELRAY BEACH

DELRAY BEACH, FLORIDA February 24, 2016

Ms. Suzanne (Fisher) Davis
3335-B South Federal Highway
Boynton Beach, FL 33435-8815

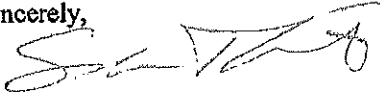
Dear Suzanne,

You have notified your supervisor and department of your need to take a leave of absence covered under the Family and Medical Leave Act of 1993 (FMLA). Unfortunately, after careful review of your request, I regret to inform you that you are not eligible for a leave of absence under the provisions of FMLA for the following reason:

- ☐ You have not been employed with the City of Delray Beach for 12 months.
- ☐ You have not worked 1,250 hours for the City of Delray Beach during the past 12 month.
- X The FMLA leave requested does not meet any of the following criteria:**
 - The birth or the placement of your child for adoption or foster care.
 - To care for a spouse, child (under the age of 18, or if older than the age of 18, is incapable of self-care), or parent who has a serious health condition.
 - **An employee's own serious health condition.**
 - A spouse, child, or parent who has been called to, or is on active duty in the armed forces.
 - A spouse, child, parent or next of kin in the armed forces who is recovering from a serious illness or injury sustained in the line of duty on active duty. (Employee is entitled to 26-weeks of leave to care for a service member's serious injury or illness).
 - Any qualifying exigency arising out of the fact that an employee who is the spouse, child, or parent of a covered service member on active duty or called to active duty status in support of a contingency operation, the employee is entitled to 12-weeks of leave in a single 12-month period.

Please do not hesitate to contact me at (561) 243-7084, or Gail Vanhove at (561) 243-7252, if you have any questions.

Sincerely,



Sandra Thevenot
Human Resources Analyst

CC: Gail Vanhove, Executive Assistant
Glenda Rivera, Interim Payroll Administrator

Attachment: -City's Administrative Policies and Procedures, Family and Medical Leave Act (FMLA) of 1993, EB-16

CITY OF DELRAY BEACH

February 5, 2016

DELRAY BEACH

Ms. Suzanne Davis
All-America 1015-B S. Federal Highway
Boynton Beach, FL 33435-8815

Re: FMLA Provisional Approval

Dear Suzanne,

1993
200 According to the Family and Medical Leave Act (FMLA) of 1993, eligible employees are entitled to up to 12-weeks of un-paid leave during a rolling 12-month period for either, their own serious illness, or to care for a seriously ill spouse or domestic partner, child, parent, or for the birth, adoption, or foster placement of a child.

You notified us of your need to take intermittent family and medical leave for your own serious health condition. Your request for FMLA leave is provisionally approved effective February 19, 2016, pending receipt of the fully completed Health Care Provider Certification within 15 calendar days after you have received this letter. The leave time requested will be counted towards your FMLA leave entitlement as outlined in City Administrative Policies and Procedure Manual, EB-16.

Under the Family and Medical Leave Act, an employee who completes a period of leave is to be returned to the same position he/she had before the leave, or to a position equivalent in pay, benefits, and other terms and conditions of employment. Also, your health care benefits will continue through your approved leave. If you are on an unpaid FMLA leave, you will be required to pay for any voluntary benefits, including dental and vision, as well as dependent premiums. Payment will be due on the first day of the month and a 30-day grace period is permissible. If you do not return to work following the FMLA leave for a reason other than (1) the continuation, recurrence, or onset of a serious health condition which entitled you to FMLA leave; or (2) other circumstances beyond your control, you may be required to reimburse the City of Delray Beach for the employer's share of health insurance premiums paid on your behalf during your FMLA leave.

If you should have any questions or concerns regarding the Family and Medical Leave, please do not hesitate to contact me at (561) 243-7084, or Gail Vanhove (561) 243-7252.

Sincerely,


Sandra Thevenot
Human Resources Analyst

Cc: Gail Vanhove, Executive Assistant
Glenda Rivera, Interim Payroll Administrator

Attachments: -City's Administrative Policies and Procedures, Family and Medical Leave Act (FMLA) of 1993, EB-16, and Health Care Provider Certification Form

Cooper, Donald

From: Cooper, Donald
Sent: Thursday, April 14, 2016 2:05 PM
To: Pfeffer, Noel
Subject: Investigation personnel matter

Pursuant to our discussion and due to my office having to make a decision which may or may not employee discipline I would request that your office investigate the allegation made by the Parks & Recreation Director involving the potential improper use of city facilities. As this may involve senior staff which may require action on my part and there is the need to conclude this matter as quickly and as fairly as possible I feel your office is best suited to undertake this matter. The matters to be investigated are the possible misuse of city facilities, possible improper release of medical information and other matter which may arise. You are hereby authorized to interview whomever on staff necessary to complete the investigation. I would request that you expedite this matter as there are personnel issues that need to be decide as quickly as possible.

D. Cooper
City Manager

May 3, 2016

Rebuttal for Employee Discipline – One (1) Day Suspension Without Pay

Tennille Decoste

I am writing this rebuttal to explain the Thanksgiving Event at Pompey Park.

As the Director of Human Resources I did offer the Pompey Park supervisor, Rashod Smith, money to pay for the rental. Even though he advised I did not need to pay since the City does not have policies in place and the City waives fees at times; I should have used better judgment and gave Mr. Smith the money anyway.

I did not persuade, use my title or force Mr. Smith to offer Pompey Park for free to me. The investigation is very clear he did not feel reluctant or forced to offer Pompey Park to me.

My apologies for the bad judgment with Pompey Park and it will not happen again. It was a silly mistake.

Thanks. 😊

Smith, Shona

From: Gina A. Levesque <Glevesque@palmbeachcountyethics.com>
Sent: Friday, April 29, 2016 11:23 AM
To: Smith, Shona
Cc: Cooper, Donald; Pfeffer, Noel; Ramaglia, Francine; Decoste, Tennille; Anthony Bennett; Christie Kelley E.; Mark Bannon E.; Abigail Irizarry
Subject: FW: Correspondence - Pursuant to Section 2-356 - Palm Beach Code of Ordinance
Attachments: 04282016 - Letter to Mr. Bennett PBC Ethics Commission (Palm Beach Code of Ordinance Section 2-356).pdf

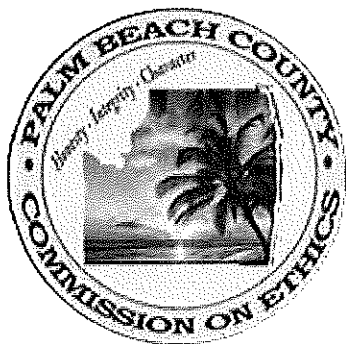
Good morning,

Thank you for sending the letter and report to our office. After reviewing the first few pages, it is apparent several individuals are involved with this case. Therefore, please forward contact information for everyone involved, and if any statements that were taken were recorded, please forward the recordings as well. Additionally, please include any other relevant documents, such as a blank rental agreement, employee policies, etc.

Thank you,

Gina A. Levesque,
Intake and Compliance Manager

www.palmbeachcountyethics.com



From: Anthony Bennett
Sent: Friday, April 29, 2016 10:57 AM
To: Gina A. Levesque
Subject: Fwd: Correspondence - Pursuant to Section 2-356 - Palm Beach Code of Ordinance

FYI....Thx

Sent from my iPhone

Begin forwarded message:

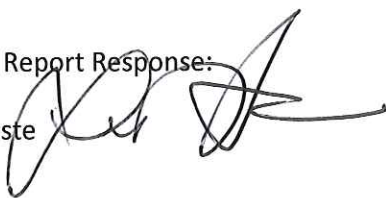
From: "Smith, Shona" <smithsh@mydelraybeach.com>
Date: April 28, 2016 at 4:28:04 PM EDT
To: "'abennett@palmbeachcountyethics.com'" <abennett@palmbeachcountyethics.com>

& should have been added to final report.

May 2, 2016

City Attorney Report Response:

Tennille Decoste



RECEIVED
MAY 02 2016
CITY MANAGER

I am writing this rebuttal to show Ms. Fisher's allegations against me are unfounded.

First the allegation from Suzanne Fisher absolutely misrepresents my character, credibility, and work ethics. It was found based on the testimony that Ms. Fisher is not being honest and her credibility should be questioned. Here are some examples:

- Ms. Fisher states she learned about the Thanksgiving party during the Delray Open Tennis Tournament. Not factual she had a conversation with Antonio Hosey and other staff members in December about the party. It was also brought to Ms. Fisher's attention on Monday, November 30, 2016 (this was not mentioned in the report but was mentioned during the interview)
- Asim Hosein was assigned to clean up after the Thanksgiving Event. Not factual as well, I took pictures of me cleaning the facility and Mr. Hosein mentioned in his testimony he was aware of my event but left prior to my event starting.
- I used my title/position to have a Thanksgiving party at a City Facility. Not factual, I tried to pay for the rental but the supervisor who is in charge of the facility gave me permission to use the facility without paying since staff is not going to be present.
- Ms. Fisher stated I called her and asked her to give my child a job. Not factual, I will not get involved with hiring any employee unless it is done properly.

Judgment/Employee & Community Complaints and Insubordination:

- Ms. Fisher recommending disciplinary action regarding Mr. Smith's actions Mr. Scott did nothing about it. Ms. Fisher is aware that all discipline needs to come through Human Resources for approval through to Mr. Cooper for final decision. This step was put in place to protect the City in September 2015. It was also mentioned at the Senior Management Meeting with Mr. Cooper. Albertha allegedly recommended discipline for Mr. Rashod Smith. Suzanne never brought it Human Resources attention or Mr. Scott's attention.
- In March 2016 it was suggested that Ms. Fisher take two weeks' vacation to clear her head and return to work ready to work with a different attitude (Mr. Scott is aware of why she was given this extension).
- Complaints from the Elders in the community began in October about Suzanne.
 - Disrespectful
 - Does not work with a certain minority group
- In January 2016 employees started to complain about how Ms. Fisher treats employees. The following employees have complained and were mentioned by other employees to speak to:
 - Verna Harris

- Deirdra Thomas
- Rashod Smith
- Tanya Smith
- Lawanda Jackson
- Priscilla Patrick
- Alonka Weistien
- Gail Vanhove
- Some of the complaints were Deirdra felt she can't go to Suzanne for any reason because she does not trust her. Theresa Johnson and Suzanne are best friends. Suzanne is trying to promote her just because of friendship not skill set. (The Human Resources department remembers receiving a reclassification for Theresa's position which was denied due to what was brought to Human Resources)
 - Theresa was being placed in a higher position
 - Theresa was already working in the new classification
 - Theresa's hours were changed to accommodate the new position (when HR asked Rashod Smith why did he change Theresa's hours he stated Suzanne told him to do it via email.
 - Deirdra and Verna feel like Theresa gets better treatment because the relationship with Suzanne
 - Theresa Johnson would leave for hours and leave early because she knows Suzanne has her back.
 - Suzanne is not a good leader. She plays favoritism and she doesn't motivate her employees.
- Suzanne allows Theresa Johnson and her intern Tyler to pick up her child on City Time. Tyler usually drives Suzanne's car and Theresa drives her own car.
- Suzanne allows her child to run around the center doing whatever she wants

The next complaint came from Tanya Smith (please see attached letter of complaints). She brought to her complaints to HR January 25, 2016.

- Human Resources advised Ms. Fisher to discipline an employee since the end of January. Ms. Fisher did not want to discipline the employee and advised she will not. Duane Dandre worked close with Ms. Fisher to help her understand what she needs to do. Ms. Fisher never disciplined the employee even though I advised her to and her supervisor Mr. David Scott.
- In February 2016 Human Resources and Mr. Scott met with Ms. Fisher I advised her that I am here to help and I am receiving a lot of complaints from employees about favoritism, allowing City employees and Interns to steal City time and the discipline that was never completed.
- Mr. Scott advised Ms. Fisher to have a teambuilding with staff and include Human Resources because of the complaints from the employees.
- On March 9, 2016 Human Resources were receiving complaints from vendors as well. Nancy (Special Events) met with Human Resources and sent an email to the City Manager about how Suzanne treats vendors in an unprofessional way.

- Ms. Fisher wanted me to reclass and place her friend Theresa Johnson in a position that was not created yet. I advised her we can't do that we have to post the position to be fair. This occurred in February as well.
- Finally another complaint came from the WARC Board advising Ms. Fisher does not work well with them and they do not want to meet with her anymore (see email about numerous concerns)

In conclusion, Ms. Fisher's allegations are personal against me. She knew about the Thanksgiving event since November 30 and spoke to other employees about it in December. She only brought it up in February because Human Resources confronted her about the complaints, not placing her best friend Theresa Johnson in a position and allowing employees to steal city time. Based on the complaints she does not want to work with a specific minority group in the community and her allegations in the report are towards a specific minority group as well.

My direction was very clear when I was hired. I was hired to change the culture. If we have numerous complaints from the community, staff, vendors and we have an employee not following directives it is my job to make recommendations that would better the City. In no way shape or form did I retaliate against Ms. Fisher. I did not use my title or position to have a Thanksgiving party. I offered to pay for the rental and was advised do not worry about it because it is the practice we waive. Further, we do not have any written policies about City employees using any facility.

Human Resources Records

Staff Complaints about Suzanne Davis (Fisher)

Complaints began in January 21, 2016 at 2pm. Verna Harris and Deirdra Thomas brought to Human Resources that Suzanne is playing favoritism. The following were discussed:

- Deirdra felt she can't go to Suzanne for any reason because she does not trust her. Theresa Johnson and Suzanne are best friends. Suzanne is trying to promote her just because of friendship not skill set. (The Human Resources department remembers receiving a reclassification for Theresa's position which was denied due to what was brought to Human Resources)
 - Theresa was being placed in a higher position
 - Theresa was already working in the new classification
 - Theresa's hours were changed to accommodate the new position (when HR asked Rashod Smith why did he change Theresa's hours he stated Suzanne told him to do it via email.
 - Deirdra and Verna feel like Theresa gets better treatment because the relationship with Suzanne
 - Theresa Johnson would leave for hours and leave early because she knows Suzanne has her back.
 - Suzanne is not a good leader. She plays favoritism and she doesn't motivate her employees.
- Suzanne allows Theresa Johnson and her intern Tyler to pick up her child on City Time. Tyler usually drives Suzanne's car and Theresa drives her own car.
- Suzanne allows her child to run around the center doing whatever she wants

The next complaint came from Tanya Smith (please see attached letter of complaints). She brought to her complaints to HR January 25, 2016.

HR brought the complaints to Assistant City Manager David Scott. Mr. Scott then had a meeting with Suzanne about the complaints.

Mr. Scott and Suzanne thought it would be good to have a team building meeting and included Human Resources.

The next complaint was from the WARC board. They complained that Suzanne was very disrespectful and is not willing to work with the Community.

I was not added to final Report

Ⓟ was not asked to find report

Letter of Statement

Reference: Suzanne Fisher, Director of Parks & Recreation

In my twenty four years working in the Parks & Recreation Out of School Program. I have enjoyed mostly all of my experiences and build up the Out of School program with the support of past directors and superintendent of Parks and Recreation.

However, in the last two years, I've been struggling with the Parks & Director favoritism and poor communication.

I have listed below some of the concern areas:

Favoritism:

Date: Tuesday, January 26, 2016

Time: 4:15pm – 4:30pm

Incident: Suzanne's daughter was running around in the lobby of the Community Center (50 N.W. 1st Avenue, Delray Beach) playing with Tyler Peters (Interm-Part-time employee).

Date: Tuesday, January 26, 2016

Time: 4:32pm – 4:45pm

Incident: Suzanne's daughter was sitting at Tyler Peters's(In term-Part-time employee) work station with him on her lap at the Community Center (50 N.W. 1st Avenue, Delray Beach) in the mail room next to Ilonka Weinstein's office.

Date: Monday, March 7, 2016

Time: 2:30pm

Incident: According to Alberta Gaum (Recreation Superintendent) informed me that Suzanne told her to informed me "Quoted", not to allow Priscilla Patrick (ex-staff assistant) to do my work.

What Happen? I prepared three check requests on Thursday, March 3, 2016 and submitted to Rick Wagner (Finance Advisor). When Rick received them, he checked and signs off on check requests and then gives it to Alberta for approval. Friday, March 4, 2016, I spent my whole day setting up and preparing for the Out of School Black History program celebration that started at 3:00pm til 5:30pm. I asked Priscilla would she do me a favor to pick up the checks from Alberta and get Suzanne to sign them for final approval.

I said after Suzanne sign them would you please walk them over to finance, because I know I would be busy with the children Soul Food Feast in the Out of School Black History celebration. She said Okay. When I arrive to work this morning (3/7/2016), I asked Priscilla, whats the status on the check requests ? She said, she forgot to ask Alberta about them on Friday, March 4, 2016. I went to Alberta to inquire about the check requests. She stated that she gave it to me. I replied and said. "no you did not gave me the check requests. Priscilla and I asked Rick about it. He stated that he gave the check requests to Alberta. No one see the check requests. So I went to Gail Vanhove (Suzanne's Executive Administrative) office and stood in front of her desk and asked her did she see the check requests. Gail totally ignore me, so I walked out of the office. I went back to my office and send an email to Suzanne asking her did she see the check requests.

Suzanne did not respond back to me. While I was preparing to replace the three missing check requests. Priscilla came back to my office and said that Gail had the check requests. Priscilla informed that Gail refuses to give up the check requests until Suzanne intervene and told Gail to give the check requests to Priscilla. Gail throw the check request at Priscilla. The paper fell and dropped on Suzanne shoes. Tyler Peters witness this incident. When Priscilla brought the three missing check requests, Priscilla explained that Gail had them. I immediately went to Gail and asked her why she fail to let me know that she had the check requests. Her respond was, I walked out her office. Everyone knows at the Community Center, over the year that Gail will see you standing at the front of her desk and will not acknowledge you at first. She make you wait intentionally. When I learned that Gail had the check requests, I immediately went to Gail and ask her, why did she failed to let me know that She had the check requests. Gail became very loud using profanity. She yelled out and said I'm going to tell Suzanne. I said go ahead.

Afterward, I went back to my office and requested to have a meeting with Suzanne regarding Gail Vandhove's actions. She did not responded. So I sent her another email. Still respons from Suzanne.

I was informed that Gail told Suzanne her side of story. Suzanne fail to respond to me or even acknowledge that she receive my email regarding this matter.

Overall, I did asked Priscilla to help me out with this situation, because I know Priscilla could walk pass Gail and enter Suzanne office without being announce by Gail that Priscilla need to see her,(One of her favorite employee) It's **unfair** and its **favoritism** for Suzanne to tell Alberta Gaum to tell me that she doesn't want Priscilla helping out the Out of School program, but Priscilla Patrick is helping out Verna Harris (Supervisor at Pompey Park) with the senior's field trip program (weekend trip- April 15, 2016) which was approved by Alberta Gaum and Suzanne Fisher. Priscilla helps out Danielle Beardsley with some of her special events.

Comments: As a Director of Parks and Recreation, I thought you suppose to support encourage your employees to work together as a team and help one another.

Favoritism:

Date: Wednesday, October 1, 2014

Time: 2:30pm

Meeting: I met with Suzanne and informed her that I notice her conduct toward me is cold. I said you do not speak to me unless I speak to you first. I also informed her that I notice, that if I need to see you in your office, you have Gail to announce to you out loud before I walk toward the front of your office door that I need to see you. I also let Suzanne know that I have observed her favorite employees walk pass Gail Vanhove (Tyler Peters, Priscilla Patrick, Donna, and other many males) have enter your office without being announced that they need to see you. I also observed Suzanne office door will be closed and Tyler Peter (Intern-Part time) will walked pass Gail Vanhove and walk in her office without being announce.

Poor Communication directly with Out of School Supervisor:

Date: Friday, April 24, 2015

Time: 8:30am

Meeting: I had a meeting with the City Manager, Donald Cooper

regarding Suzanne (Davis) Fisher conduct and her demeanor toward me. I explained to the City manager that she doesn't communicate or speaks to me. She only communicate with her favorite employees.

Date: Monday, April 27, 2015

Time: 8:30am

Incident: The Out of School program had a law suit case pending with Mrs. Bonner regarding her son, LeMarcus Bonner. Suzanne knew that my staff and I was waiting for the results of the case. I went to the City of Delray Beach Attorney's office to find out what was the result of the case. The City's attorney office stated that he had already inform Suzanne the result of the case. Suzanne fail to inform me the result of the case as the Out of School Supervisor.

Comments: I observed her very flirtatious conduct toward black men. I heard some of the men brag about how they could have their way with her.

Rumors at the Community Center:

Suzanne allows Tyler Peters (Intern-Part time) to take her car and pick up her daughter from school.

Suzanne plans to move Theresa Johnson from Pompey Park over to the Community Center, give her a window office, and upgrade her position.

Suzanne and Theresa are very close friends.

Suzanne is very crazy about Tyler Peters and he knows it.

Comments: Suzanne does not support or show her face to see what the Out of School program is doing. She never take a few minute to walk around to see what the children are working on. Majority of the Out of School staff do not know she is.

Favoritism, special treatment to individual, and poor leadership can decrease work productivity, morale, motivation.

Decoste, Tennille

From: Ramaglia, Francine
Sent: Wednesday, April 13, 2016 7:56 PM
To: Decoste, Tennille; Scott, David
Subject: Fwd: Event Feedback
Attachments: image006.jpg

FYI

Sent from my iPhone

Begin forwarded message:

From: Nancy Stewart <nancy@festivalmanagementgroup.com>
Date: April 13, 2016 at 7:14:09 PM EDT
To: Don Cooper <cooperd@mydelraybeach.com>
Cc: "Francine Ramaglia (ramaglia@mydelraybeach.com)" <ramaglia@mydelraybeach.com>
Subject: Event Feedback

Mr. Cooper,

I would first like to begin my email regarding the special events that my company produces by acknowledging a few folks. People are very quick to complain and report things people do wrong, but in most cases never take the time to share the great things they do. With the Delray Affair so fresh in my mind I would like to provide the following acknowledgements:

The Delray Affair is the largest event produced in Delray Beach and attracts the most attendees. It is a major undertaking for all involved. For my staff, volunteers, our participants, suppliers AND city staff. During our planning meetings we spent a great deal of time discussing traffic routes, parking, signage, safety and security, offsite parking and trolley transit, tear down and clean up. I hope I do not exclude anyone, but I want to acknowledge a few individuals who stood out / went above and beyond:

Mark Stivers and team: They were key in creating a traffic and signage plan for the event.

Something we never had before. It was professional, detailed and a crucial tool for setup.

Larry Adderly: Larry was always in communication with me. He contacted me prior to the event

to review my outline and requests for signage, barricades, street banners, etc. He remained in contact with me to confirm all was completed properly and made himself available for any questions that came up.

Francine Ramaglia: Francine was the glue and the mediator in our meetings! She was key in helping to coordinate and connect appropriate staff persons regarding our OSS site plan changes, open container request, offsite parking, trolley routes, etc.

Mike Moschette: Mike worked closely with our staff and chamber staff to coordinate our traffic assist and our teardown process. Adding additional police to assist with prohibiting traffic onto Atlantic at the close of the event and traffic assist during our rolling open was a huge help. As a result, we had the smoothest closeout of this event that I've experienced.

Jamael Stewart: Jamael was new to our event process this year but a very welcome addition. He is the epitome of cooperation! He met with us to ensure we had our trash removal system in place, adequate security for our beer garden, met with our pressure cleaning company to instruct on areas to clean, gave us a heads up on items he felt were of importance, was onsite the entire weekend and kept us informed of areas to address.

Now for my areas of concern...For the past 9 months I have felt like I've been a target of the Parks & Recreation Department Director, Suzanne Fisher. Although I hesitate to put this in writing, I feel that I must share my feelings and concerns as a 25 year resident and business owner in Delray Beach. For reasons I cannot confidently define, I feel there is unnecessary and inappropriate scrutiny of my events. The past 4 or 5 event pre/post city planning meetings Ms. Fisher has not even been in attendance. The cycle really started with Garlic Fest, so to be safe, we decided to rent the park for additional ½ day after Garlic Fest to provide us extra time to tear down clean-up. We also made sure to take before and after pictures of the event grounds, but never thought that we needed to photograph the trees. (In the 18 years I have been producing events in Delray Beach, we have never been charged for the additional time.) On the day after Garlic Fest, after five exhausting 18 hour days, working through tornado warnings and torrential rains, I started receiving emails of photos that were taken by Lori Nolan and Jim Chard which had been forwarded to Suzanne Fisher, several other city department heads and commissioners to "tattle" on us. They consisted of one piece of duct tape left on the sidewalk, a piece of rope left in the park, grass that was brown, a damaged shrub, lights left in trees and a tree that had limbs cut from it. Suzanne's reply to Lori was "keep the pictures coming"!

Keep in mind this is while we were still in the process of tear down! Inspections are being done prematurely. I feel that Suzanne should have given us the time to complete our cleanup before citing us with these items. Many emails went back and forth, we agreed that we had damaged the shrub but that we had not cut the tree. They didn't believe us. Long story short, at the city recap meeting, Suzanne did not attend but had Donna Beldowicz pass around photos again and reprimand us for these items (she said "she's just the messenger"). The city staff we spoke to and Marc Stevens from Old School Square said that the city had cut limbs from the tree, and Peggy Murphy informed them that the lights have been in the tree for two years! We got billed \$85 for the tree trimming and \$85 to replace the bush. To date, the bush has NOT been replaced and is actually growing back.

Next comes Bacon & Bourbon Fest. This time we arranged a pre-event walkthrough with city staff. Ms. Fisher once again was not in attendance. We did not have as much time to do tear down on Sunday post event because Parks & Recreation had approved another event to happen in the park that day! As you know, we had a large tent that covered the entire park. We scrambled to get everything moved off of the park grounds to under the clear span tent at Old School Square (which we arranged prior permission to do). We had one other tent that was on the paved area on east side of park which we

couldn't have removed until Monday. I contacted Donna Beldowicz to get approval to leave it there and she replied that we would have to pay an extra day park rental. We then contacted the person who was doing the event and offered use of the tent for their event – which they were very happy about. Not sure what I'm being charged for yet as we have yet to receive our city bill but photos were taken showing the tents left at OSS.

Delray Affair – the icing on the cake! As you know, my business partner went in for an emergency triple bypass the week prior to Delray Affair. This put a tremendous amount of additional tasks, responsibilities and stress on me. Everything regarding operations went perfect during setup. All of our contracted suppliers were on time OR early in most cases☺ On opening day we all arrived at 2:00 am. By 8:30 – 9:00 am, I started getting texts, emails, phone calls, etc. from Donna Beldowicz and Jamael on behalf of Suzanne. I was informed that we needed a trash box by a port-a-let, that Suzanne was upset about the reorientation of the Geico bus (which I made sure was approved by fire department, not a fire access street and wasn't blocking access to the parking lot behind Cabana elRey). When I was informed of this I sent an email stating just that and Suzanne replied "it's a site plan modification and I'll talk to you about this Monday".

Next thing to happen was with our largest cash sponsor, Delray Medical Center. The Marketing Director was approached by Donna Beldowicz asking her to move her boxes from the street, tear them down, etc. She was upset by how she was spoken to/treated. I am not sure if she was mistreated as we were all exhausted and trying to get the event open. I'm not so concerned about that as I am about it being inappropriate and overstepping of boundaries by city staff to instruct my sponsors OR vendors to do something. City staff should contact the event directors for any issues and concerns for them to handle. Fire, Police and Code Enforcement contact us first when they see something that should be addressed. This could potentially jeopardize our relationships with our sponsors. What Donna was unaware of was that we instructed Delray Medical Center to do that and our operations staff was within steps from them to pick-up the boxes and tear them down. The event was not yet open. I think that cooperation and consideration be given to event producers to allow them the time to open the event before doing such a rigid inspection. The event is 12 city blocks and it is impossible to have garbage boxes in place at all locations at the same time or to pick up debris all at the same time. We have detailed plans and processes. Our trash management crew must first assemble the boxes, place liners in them and distribute to all locations along the Avenue. They then do a sweep to pick up any debris vendors left on the sidewalks, then they empty the trash from the city cans on sidewalk. Once that's done it is a constant rotation the entire weekend.

I have felt like the events we produce have been under unnecessary scrutiny and have been a target. So much so, I requested a meeting with Suzanne prior to Garlic Fest to see if she had any concerns, wanted us to incorporate any changes, etc. I told her she has my permission to call me any time when questions or discussions arise to get accurate information. I have expressed my feelings with Francine that I do not feel comfortable with her having the power to approve or deny event permits. I do not believe she has an unbiased opinion.

In closing, I have to ask if other events undergo this treatment by Ms. Fisher. In my 25 years of doing business in our town, I have never experienced this type of treatment from a city employee. I don't believe they do as I have been photographing and documenting events every weekend in Delray Beach. Large vehicles driving on the grounds, garbage overflowing, illegal signage in the downtown, garbage piled on the curb after each Green Market weekend (actually this has been corrected), duct tape noting restaurant locations for Savor the Avenue for 2 city blocks left on the curb (3 weeks post event), an event every weekend on the front lawn of Old School Square, etc. Does this department also walk the site immediately following their event??? The city has always been an amazing partner and everyone worked as a team. I miss that.

Decoste, Tennille

From: Joycelyn Patrick <joycelyn.patrick@gmail.com>
Sent: Wednesday, April 13, 2016 2:45 PM
To: Decoste, Tennille
Subject: Tennis Wall Mural

Good Afternoon Ms. DeCoste,

In order to expedite your request for information concerning an ongoing incident involving Ms. Suzanne Fisher and the WARC Board, here is a summary of what unfolded during our WARC Board meeting on last Thursday, April 7, 2016.

At the end of the regular agenda items during my comments, I shared with the Board that I had spoken with Ms. Alberta Guam on Wednesday, April 6, 2016 regarding the artwork named "Bird in Flight" which had been brought before the WARC Board at our February meeting. At that time, by a majority vote and discussion, the Board decided that the artwork was beautiful but not for the west wall of the Tennis Center. Jennifer Buce made the presentation of the artwork to the Board. We explained to Ms. Buce that it was indicated early in the artist selection that a WARC Board member would be invited to be a part of the process. We were rather surprised to learn that the selection process had moved on without us.

I am sending under separate cover, along with a few others, an email dated October 12, 2015 where Suzanne states that WARC will be included in the artist selection process. A meeting was not attempted to be arranged with us until after the contract had been executed. In my conversation with Alberta Guam on April 6, 2015, she confirmed that the contact between the artist and the Public Arts Advisory Board had been executed on January 19, 2016.

Even prior to this incident, I feel that Suzanne has had total disregard for working with our community. To attempt to arrange a meeting with WARC after the fact is offensive and disrespectful. To add insult to injury, Suzanne ceased communication and passed the matter over to Alberta Guam to handle. Suzanne has been invited to meet with us on several occasions but was not receptive. It is of the utmost importance to get to know your community and its needs in order to garner positive relationships. Thank you for your attention to this matter.

Sincerely,

Joycelyn B. Patrick

To: Donald B. Cooper, City Manager

From: David E. Scott, Assistant City Manager

Re: Employee Investigation: Suzanne Fisher, Director Parks and Recreation Department

Date: May 2, 2016

RECEIVED
MAY 02 2016
CITY MANAGER

Background:

Ms. Fisher stated that she believes she has been subjected to retaliation in connectin with her employment, that her HIPAA rights had been violated, and that her department had been assigned additional work without adequate staff. She states she believed the retaliation was a result of her disclosing to her immediate supervisor, Assistant City Manager David Scott, certain events and actions regarding City employees and Delray Beach operations. Ms. Fisher alleges, among other things, that the Human Resources staff improperly disclosed confidential medical information regarding Ms. Fisher, and that the parks department was assigned additional work responsibilties regarding the City's Golf and Tennis Facilities, Special Events, and the City Cemetary without additional staff. As a result of Ms. Fisher disclosing the allegations regarding Ms. DeCoste and her office, Ms. Fisher believes that Ms. DeCoste's recommendation to the City Manager for disciplinary action is retaliory.

Thanksgiving Dinner

Ms Fisher states that she discussed the matter of the Thanksgiving event and Mr. Smith's disciplinary action (memorandum dated February 26, 2016) with David Scott who said she needed to provide additional evidence of the event before he would look into the matter. Ms. Fisher attempted to obtain a copy of the video and told it was either unabalible or missing.

Response

Ms. Fisher brought this matter to my attention in an email on February 22, 2016. She copied me on an email that she sent to Alberta Gaum, Recreation Superintendent, about a complaint. Ms. Fisher was requesting additional information (video of the building on the date in question.) Ms. Fisher states that after she told Tennille Decoste that we did not rent Pompey Park community rooms on Thanksgiving, that Tennille proceeded to call staff at Pompey Park and use her power and position to persuade a specific staff member to give her their key and security code and allow her to use the building without charge and without supervision. She reports that she had no knowledge of this incident until she was told about it by an individual. She stated that she was concerned that there is a pattern. Ms. Fisher states that Tennille called her and asked if she had any jobs open for her daughter. Ms. Fisher also states that Ms. DeCoste also pushed an "apprentice" on her to place at Pompey that Mr. Cooper funded. Ms. Fisher stated that she wanted to share these concerns because she felt like there is an abuse of power and position here that is unethical. She stated that she would like to talk with me about this before she brought her concerns to the next level. She states that if the complaint is found to be true, she would like to immediately recommend termination of the staff who did not follow the rental procedures and exposed the building to possible exposure to unsafe conditions.

Employee Investigation

Suzanne Fisher

Page 2

I asked Ms. Fisher to let me know her findings and that I will address with Tennille once she gets the complete picture.

On February 25, 2016, Ms. Fisher provided an update. She stated that she was still waiting to receive the copy of the site video from the day in question from IT. Rashod Smith was the individual whom Tennille was referring to in our meeting when she questioned discipline. According to Ms. Fisher, Alberta told her that she did mention to Rashod, after he admitted to the infraction, that he had violated policy and may be subject to disciplinary action. Alberta was to write up her findings of this issue and submit them. Ms. Fisher stated that she will send her findings, as well as a memo to me and await my direction. She stated that as soon as she receives the video requested from IT, she will forward that as well.

Ms. Fisher thanked me for my assistance with this matter. She further stated that she understood that this is a sensitive matter and hoped that neither Alberta, nor she, will experience any retaliation based on the information provided or in the forthcoming memo and findings.

On February 26, 2016, I directed Ms. Fisher to proceed with all authority to the reasonable conclusion. I also asked her to provide me with the results of her findings.

I did not receive any additional information from Ms. Fisher of her findings.

It was my understanding that her investigation was not complete.

Attachement

Scott, David

From: Scott, David
Sent: Friday, February 26, 2016 7:55 AM
To: Fisher, Suzanne
Subject: RE: Major ethical concern

You have all authority to proceed to the reasonable conclusion. Let me know the results of your findings.

-----Original Message-----

From: Fisher, Suzanne
Sent: Thursday, February 25, 2016 10:39 PM
To: Scott, David
Subject: Re: Major ethical concern

David -

Alberta Gaum, Recreation Superintendent, asked Pompey supervisor Rashod Smith, in a meeting earlier today (before we met at 11am) about this concern and he admitted to getting a call from Tennille and giving her his key to Pompey Park Community Center for her family Thanksgiving dinner. I distinctly remember Tennille calling me, prior to my leaving for vacation, and asking about a facility that she could use for Thanksgiving. I know that I told her all P&R facilities were not available, as they were closed for the holiday, but that she could call the golf course to check on their rental availability. I am still waiting to receive the copy of the site video from the day in question from IT. Rashod Smith was the individual whom Tennille was referring to in our meeting today when she questioned discipline. When I spoke with Alberta this afternoon, she told me that she did mention to Rashod, after he admitted to the infraction, that he had violated policy and may be subject to disciplinary action. Alberta is going to write up her findings of this issue and submit them to me. She is very upset about this issue. I will send her findings, as well as a memo to you and await your direction. As soon as I receive the video requested from IT, I will forward that to you as well.

Thank you for your assistance with this matter. I understand that this is a sensitive matter and I hope that neither Alberta, nor I, will experience any retaliation based on the information provided herein or in the forthcoming memo and findings.

Suzanne Fisher

> On Feb 22, 2016, at 8:24 AM, Scott, David <scottd@mydelraybeach.com> wrote:

>

> Let me know your findings. I will address with Tennille once you get the complete picture.

>

> -----Original Message-----

> From: Fisher, Suzanne

> Sent: Monday, February 22, 2016 7:43 AM

> To: Scott, David

> Subject: Major ethical concern

>

> David -

> I copied you on an email this morning that I sent to Alberta, Recreation Superintendent, about a complaint that I received over the weekend. I am requesting additional information (video of the building on the date in question.) The complaint was that after I told Tennille Decoste that we did not rent Pompey Park community rooms on Thanksgiving, that she proceeded to call staff at Pompey Park and use her power and position to persuade a specific staff member to give her their key and security code and allow her to use the building without charge and without supervision. I had no knowledge of this incident until I was told about it by an individual yesterday. I was out of town for Thanksgiving and

returned the following Sunday to meet with the NAIA before their tournament began on Monday. I am a bit concerned that there is a pattern here. Tennille called me a few weeks ago and asked if I had any jobs open for her daughter. She also pushed an "apprentice" on me to place at Pompey that Mr. Cooper funded. I want to share these concerns with you because I feel like there is an abuse of power and position here that is unethical. I'd like to talk with you about this before I bring my concerns to the next level. If the complaint is found to be true, I would like to immediately recommend termination of the staff who did not follow the rental procedures and exposed the building to possible exposure to unsafe conditions.

> Thanks

>

> Suzanne Fisher

FILE COPY

CITY OF DELRAY BEACH

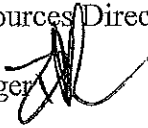


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MEMORANDUM

TO: Tennille Decoste, Human Resources Director

FROM: Donald B. Cooper, City Manager 

DATE: April 28, 2016

SUBJECT: Employee Discipline – One (1) Day Suspension Without Pay

As a result of the investigation into allegations made by Suzanne Fisher, Parks and Recreation Director, concerning the use of City facilities by yourself at Pompey Park during a personal event for your family Thanksgiving dinner. It is clear that you utilize inappropriate bad judgement in requesting such a use which constituted a special favor and a special benefit to you. Although the Parks and Recreation procedures as it applies to this type of utilization are unclear and certainly not adequately defined. This still reflects poorly on the City and yourself in making such a request and should have not occurred.

Therefore, pursuant to section 114 of sub section 2 group 1 of the Civil Service Code, I found that the only applicable disciplinary item as identified in the Civil Service Code is number 5, "productivity workmanship not up to required standards". Since this is a singular event that has occurred, it is a group 1 offence which would normally be associated with a written warning or a verbal warning. However, given the importance of your position and the seniority of such position a higher level of discipline should be applied and quite frankly is reflective in the lack of judgement exercised by you in making such a request. It should be noted that any such request particularly from a senior employee when being made of subordinate employees is going to produce a situation where the subordinate employee feels compelled to respond in an affirmative manner even though it may be inappropriate, against policy, or just not correct. I believe this to have been the case.

Employee Discipline -- One (1) Day Suspension Without Pay
April 29, 2016
Page 2 of 2

It would have been more appropriate had you paid for said facility, pursuant to the normal rules and regulations as it applies to the utilization of City facilities or used a private facility for your family event. I realize that you have been advised by a number of people that such utilization was okay and commonplace, but again better judgement should have been exercise on your part. As a result of your seniority, you are hereby suspended without pay for one (1) day.

You have the right to appeal, pursuant to the City Service Code and Personnel Rules and Regulations. I would expect you to arrange the date of suspension at the convenience of your department so it will not impact the work load of your department.

If you have any questions or need any additional information, please feel free to contact this office.

DC/ss

cc: Francine Ramaglia, Assistant City Manager

CITY OF DELRAY BEACH



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April 28, 2016

100 N.W. 1st AVENUE • DELRAY BEACH, FLORIDA 33444 • 561/243-7000

Anthony Bennett, Chief Investigator
Palm Beach County Ethics Commission
1916 Historic Courthouse
300 N. Dixie Hwy, Suite 450
West Palm Beach, Florida 33401
abennett@palmbeachcountyethics.com

Dear Mr. Bennett,

Pursuant to section 2-356 the Palm Beach Code of Ordinance which provides that whenever the City Manager becomes aware that a person may have failed to comply with the ethics code of Palm Beach County, shall conduct a preliminary investigation and forward the matter to the Palm Beach County Ethics Commission. Pursuant to that requirement I am forwarding this report concerning an investigation involving the Parks and Recreation Director and the Human Resources Director which may involve a possible ethics violation by the Human Resources Director. The facts of the case are stated in the report; essentially that Ms. Tennille Decoste improperly utilized a City facility, which may have been benefitted inappropriately.

There are a number of circumstances involving this matter which examine as part of the report, which was conducted by the City Attorney at the request of the City Manager, in order to ensure impartiality on the part of the investigator.

Enclosed is a complete copy of the investigation for your examination. If you have questions or need additional information, please feel free to contact this office and it will be provided immediately.

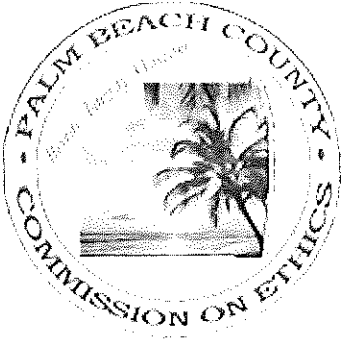
Sincerely,

A handwritten signature in cursive script, appearing to read "Donald B. Cooper".
Donald B. Cooper
City Manager of Delray Beach

DC/ss

(See Attachment)

cc: Noel Pfeffer, City Attorney
Francine Ramaglia, Assistant City Manager
Tennille Decoste, Human Resources Director



From: Anthony Bennett
Sent: Friday, April 29, 2016 10:57 AM
To: Gina A. Levesque
Subject: Fwd: Correspondence - Pursuant to Section 2-356 - Palm Beach Code of Ordinance

FYI....Thx

Sent from my iPhone

Begin forwarded message:

From: "Smith, Shona" <smithsh@mydelraybeach.com>
Date: April 28, 2016 at 4:28:04 PM EDT
To: "'abennett@palmbeachcountyethics.com'" <abennett@palmbeachcountyethics.com>
Cc: "Cooper, Donald" <cooperd@mydelraybeach.com>, "Pfeffer, Noel" <pfeffer@mydelraybeach.com>, "Ramaglia, Francine" <ramaglia@mydelraybeach.com>, "Decoste, Tennille" <DecosteT@mydelraybeach.com>
Subject: Correspondence - Pursuant to Section 2-356 - Palm Beach Code of Ordinance

Good Afternoon Mr. Bennett,

On behalf of Donald B. Cooper, City Manager Delray Beach, please see the attached document pursuant to section 2-356 Palm Beach Code of Ordinance.

The original document will be forwarded via U.S. Mail.

Thank you.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Cooper, Donald

From: Pfeffer, Noel
Sent: Monday, May 02, 2016 9:31 AM
To: Smith, Shona
Cc: Inglese, Cathy; Cooper, Donald
Subject: RE: Correspondence - Pursuant to Section 2-356 - Palm Beach Code of Ordinance

There are no recorded or written statements. All documents referenced in the memorandum are attached.

From: Smith, Shona
Sent: Friday, April 29, 2016 1:58 PM
To: Pfeffer, Noel
Cc: Inglese, Cathy; Cooper, Donald
Subject: FW: Correspondence - Pursuant to Section 2-356 - Palm Beach Code of Ordinance

Good Afternoon Mr. Pfeffer,

Where any statements taken recorded?

From: Gina A. Levesque [<mailto:Glevesque@palmbeachcountyethics.com>]
Sent: Friday, April 29, 2016 11:23 AM
To: Smith, Shona
Cc: Cooper, Donald; Pfeffer, Noel; Ramaglia, Francine; Decoste, Tennille; Anthony Bennett; Christie Kelley E.; Mark Bannon E.; Abigail Irizarry
Subject: FW: Correspondence - Pursuant to Section 2-356 - Palm Beach Code of Ordinance

Good morning,

Thank you for sending the letter and report to our office. After reviewing the first few pages, it is apparent several individuals are involved with this case. Therefore, please forward contact information for everyone involved, and if any statements that were taken were recorded, please forward the recordings as well. Additionally, please include any other relevant documents, such as a blank rental agreement, employee policies, etc.

Thank you,

Gina A. Levesque,
Intake and Compliance Manager

www.palmbeachcountyethics.com

Cooper, Donald

From: Pfeffer, Noel
Sent: Wednesday, May 04, 2016 12:42 PM
To: Cooper, Donald
Subject: FW: Suzanne Fisher

Don,

Call me to discuss after you review.

Noel

From: Inglese, Cathy
Sent: Wednesday, May 04, 2016 12:40 PM
To: Pfeffer, Noel
Subject: FW: Suzanne Fisher

From: Laurie Thompson [<mailto:lthompson@zonelaw.com>]
Sent: Wednesday, May 04, 2016 12:17 PM
To: CityAttorney@MyDelrayBeach.com
Subject: Suzanne Fisher

Noel:

Suzanne has asked me to inform you that she declines Mr. Cooper's offer to give her job back. This decision was not made lightly but based upon the events of the last few weeks and Suzanne's conversation with Mr. Cooper this morning she believes that the steps necessary to safeguard against a hostile work environment for her will not be taken.

However, as a show of good faith Suzanne is willing to work for a limited time on a contractual basis if it will assist the City to get through the budget process. Specifically, Suzanne understands that the absence of someone in her position may present a problem for the City with regard to developing the annual budget. Therefore, she is offering to commit to work for no more than 10 hours a week to assist the City in getting through the budget season. If the City does not need her assistance she would prefer to part ways immediately with the severance package we spoke about previously with a complete release given by Suzanne to the City for any claims she has or may have against the City. If, on the other hand, the City wants to accept her assistance we would suggest that a contract be entered setting forth her job duties during the temporary assignment, her rate of pay and the expected duration of the temporary work. Prior to entering into the new employment Suzanne would like to formally terminate the prior employment along the lines we previously discussed with a severance package.

Suzanne regrets that she cannot accept Mr. Cooper's offer; however, as previously stated she is extremely concerned about subjecting herself to the gossip and intrigue which several

individuals perpetrate generally and against her in particular. Please let me know if the City would like to accept Suzanne's offer to work temporarily through the budget season or if not whether the City will agree to the previous severance we discussed.

Laurie

Laurie A. Thompson, Esquire
Weiner & Thompson, P.A.
10 S.E. 1st Avenue, Suite C | Delray Beach, Florida 33444
Tel (561) 265-2666 | Direct (561) 900-0721 | Cell (561) 212-1557
Fax (561) 272-6831 | National (877) 901-2666

E-mails: lthompson@zonelaw.com
Website: www.zonelaw.com

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CITY OF DELRAY BEACH



100 N.W. 1st AVENUE

• DELRAY BEACH, FLORIDA 33444

• 561/243-7000

May 5, 2016

Dear Ms. Fisher:

Please be advised that I am changing your current employment status, removing you from administrative leave with pay, and directing that you to return to work effective Monday, May 9, 2016. Please report to work on May 9, 2016.

In an effort to address the concerns you expressed to me at our meeting on Wednesday, May 4, 2016, upon your return to work you shall now report directly to me so that I can supervise your work and insure an appropriate, professional, and supportive work environment. I have also counseled my senior staff advising them of your return and am confident you will be treated in a fair and professional manner. If, upon your return, you become aware of any activity or event in the work place that gives you concern, please bring the matter to my attention immediately.

I look forward to your return Monday.

Sincerely,

Donald Cooper
City Manager