



OFFICE OF INSPECTOR GENERAL

Inspector General Selection and Retention Committee Meeting Minutes December 17, 2021, 9:30 AM

*Note: Below is a summary of the meeting as required by Florida's Sunshine Law; See AGO-82-47.
For more detailed information, please refer to the audio file on the Office of Inspector General's
website, <http://www.coj.net/departments/inspector-general/inspector-general-committee>*

Location: City Hall, St. James Building, 117 West Duval Street, Lynwood Roberts Room

Call to Order: Chair L. E. Hutton called the meeting to order at 9:37 AM.

Pledge of Allegiance: Chair L. E. Hutton opened with the Pledge of Allegiance.

Roll Call - Committee Members Present:

- Ellen Schmitt, Chair, Ethics Commission
- Honorable Charlie Cofer, Public Defender for the Fourth Judicial Circuit
- Brian Hughes, Chief Administrative Officer (CAO), designee for Honorable Lenny Curry, Mayor
- Honorable Julie Taylor, designee for Honorable Mark Mahon, Chief Judge
- Honorable Samuel Newby, City Council President
- L.E. Hutton, Chief Assistant State Attorney, designee for the Honorable Melissa Nelson, State Attorney for the Fourth Judicial Circuit and Chair of the Inspector General Selection and Retention Committee
- Daniel Henry, Chair, TRUE Commission

A quorum was met with all seven members present.

Office of Inspector General (OIG) Staff Present:

- Sheryl D. Goodman, Interim Inspector General, OIG
- Christina Gatto, Senior Program Coordinator, OIG

Office of General Counsel (OGC) Staff Present:

- Jason Teal, General Counsel, OGC
- Sean Granat, Deputy General Counsel, OGC
- Mary Staffopoulos, Attorney III, OGC
- Ariel Cook, Attorney II, OGC

I. Old Business

A. Approval of November 22, 2021 and November 30, 2021 Meeting Minutes

Chair L.E. Hutton asked the Inspector General Selection and Retention Committee (Committee) if there were any questions or corrections to the November 22, 2021 and November 30, 2021 meeting minutes.

Hughes motioned to approve the November 22, 2021 and November 30, 2021 meeting minutes as circulated. Newby seconded the motion. **Motion passed unanimously.**

II. New Business

A. Presentation of the findings of the Office of General Counsel's investigation

Teal stated that the Committee received a copy of the report of the findings of the OGC investigation the prior evening. Teal explained that the report is a joint report as it is signed by Wendy Byndloss, Executive Director of the Jacksonville Human Rights Commission (JHRC), and OGC's Ariel Cook. Teal added that the report is joint because it was most expedient and efficient for both agencies to jointly conduct the investigation. The JHRC did not weigh in on all the findings because some of the allegations were outside of their jurisdiction.

Teal reiterated that the OGC is charged, pursuant to 602.305 in the *Ordinance Code*, to conduct an investigation to present reasons for possible removal of the Inspector General for the City of Jacksonville. The basis for removal pursuant to section 305 sub-paragraph D are the following elements:

- neglect of duty
- abuse of power or authority
- discrimination
- ethical misconduct

This was the focus for the OGC's investigation based off the complaints that were made. OGC had received four complaints where all four had requested and been granted whistle-blower status. One complainant had previously waived his rights of confidentiality under the protections by both the *Ordinance Code* and Florida Statutes.

Teal explained if the Committee does decide that any of the allegations are substantiated and provide recommendations to proceed with removal of the IG position, then the next step would be for the Committee to issue a charging document which would be a simple letter that references the reasons in the report. This written notification will be provided to Green and she will have an opportunity to present evidence to the Committee that she feels can discount and disprove any of the findings against her from the OGC investigation. Teal stated for clarity that this presentation would not be a trial or prosecution against Green; she will be able to provide evidence to the Committee,

including witnesses if she elects to. After the meeting where Green presents her evidence, the Committee will decide if there should be a hearing in front of the City Council.

Henry initiated conversation regarding how much the Committee can discuss the complaints since some are still protected. Teal explained that the whistle-blower complaints are still protected but can be discussed in detail if they are kept generic.

Cofer inquired if there is an established standard they have to follow since they are dealing with levels of proof and need to make a decision. Teal explained that it is a civil standard: the greater weight of the evidence. This is the standard OGC used when evaluating and making their recommendations, whether or not the greater weight of the evidence supported the finding and conclusion. Teal stated that there are a total of nine allegations that are in the report.

Hughes initiated conversation regarding the fact that Green and her counsel have yet to see the complaints and the Committee will be discussing the complaints in a public forum. This information will go out into the public without Green and her counsel being able to see it. Teal stated that once the charging document goes out to Green then the report will go with it and everything will become public record; OGC did not find an issue with everything being able to be released at the end of the day.

Hutton stated that they should go through each allegation one by one, discuss it, take a vote, and move onto the next. Taylor agreed that a general highlight of each allegation should be presented and then the Committee can ask questions to OGC if needed.

Teal explained that the layout in the report is as followed:

- allegation
- summary of what the allegation is about
- numeric paragraphs with specific assertions that were made
- evidence supporting the allegation
- evidence contradicting the allegation
- conclusion of the allegation

Allegation 1: Hostile work environment

- It was alleged that Green would make inappropriate and unwelcomed sexual comments in the workplace or to other OIG employees she supervised.
- JRHC and OGC found that Allegation 1 is substantiated.

Hutton asked for questions toward OGC regarding this allegation. Henry inquired if City employees at Green's level are provided any documents or training regarding how they should be interacting with subordinates on a regular basis so that the standard is upheld. Granat stated that the OIG, including Green, have taken City provided sexual harassment training; it was confirmed Green has taken the training prior to this meeting.

- ✓ Hutton asked if there is a motion that Allegation 1 is substantiated. Hughes motioned to move Allegation 1 to Charge 1. Henry seconded. Hutton asked for public comments; there were no comments. **Motion passed unanimously.**

Allegation 2: Discrimination

- It was alleged that Green discriminated against black employees or treated them less favorably than white employees and discriminated on a basis of disability status.
- JRHC and OGC found that Allegation 2 is substantiated.
- ✓ Hutton asked if there is a motion related to Allegation 2. Hughes motioned to move Allegation 2 to Charge 2. Schmitt seconded. Hutton asked for public comments; there were no comments. **Motion passed unanimously.**

Allegation 3: Retaliation

- It was alleged that Green attempted to terminate an employee, whistle-blower (WB) 1, for filing a WB complaint against her.
- JRHC and OGC found that Allegation 3 is substantiated.
- ✓ Hughes motioned to move Allegation 3 to Charge 3. Newby seconded. Hutton asked for public comments; there were no comments. **Motion passed unanimously.**

Allegation 4: Toxic work environment

- It was alleged that Green conducted herself in a manner that created a toxic work environment for OIG employees.
- OGC found that Allegation 4 is substantiated; allegation 4 did not fall within the JHRC's jurisdiction thus it rendered no conclusion.

Hughes requested for clarification if the term “toxic work environment” has any legal claim tied to it. Cook explained that allegation 1 – hostile work environment is a legally recognized cause of action and allegation 4 is not; toxic work environment goes beyond that and larger toxic issues.

- ✓ Hughes motioned to move Allegation 4 to Charge 4. Newby seconded. Hutton asked for public comments; there were no comments. **Motion passed unanimously.**

Allegation 5: Objectivity

- It was alleged that Green did not maintain the objectivity and impartiality required for her position.
- OGC found that Allegation 5 is substantiated; allegation 5 did not fall within the JHRC's jurisdiction thus it rendered no conclusion.

Henry asked Goodman if she or a future IG will review the reports that Green has issued that may have involved these circumstances. Goodman stated that what is currently being reviewed are open cases and determining if they should remain open requiring continuation or be closed. Cook wanted to clarify that OGC did not hear any allegations that any findings of IG reports were incorrect. Henry stated that he just wanted to make sure that some level of oversight was going to review the reports; Goodman relayed that she is happy to review the reports.

Hughes asked Goodman if there are circumstances that would warrant the IG suggesting that action be taken related to an employee in order to prevent further issues.

Goodman stated that traditionally an IG should not get involved in a recommendation of what the corrective action or disciplinary action should be and should be left to management. The only exception to this rule is if there is an urgent circumstance such as a serious threat.

- ✓ Hutton asked if there is a motion related to Allegation 5. Henry motioned to move Allegation 5 to Charge 5. Taylor seconded. Hutton asked for public comments; there were no comments. **Motion passed unanimously.**

Allegation 6: Inappropriate relationship with a subordinate

- It was alleged that Green had an inappropriate relationship with a former subordinate employee (Director of Investigations) while that person was still employed.
 - JRHC and OGC found that Allegation 6 is substantiated.
- ✓ Hutton asked if there is a motion related to Allegation 6. Hughes motioned to move Allegation 6 to Charge 6. Cofer seconded. Hutton asked for public comments; there were no comments. **Motion passed unanimously.**

Allegation 7: Mismanagement/violation of city policy and state law

- It was alleged that Green exhibited poor judgment and neglect in managing the OIG, including participating in or sanctioning behavior that violated city policy and state law. At a minimum, Green's procedures circumvented public records requirements created by Florida law.
 - OGC found that Allegation 7 is substantiated; allegation 7 did not fall within the JHRC's jurisdiction thus it rendered no conclusion.
- ✓ Hutton asked if there is a motion related to Allegation 7. Hughes motioned to move Allegation 7 to Charge 7. Newby seconded. Hutton asked for public comments; there were no comments. **Motion passed unanimously.**

Allegation 8: Attempt to influence testimony of investigation purposes

- It was alleged that Green attempted to manipulate an OIG employee into making particular statements to OGC as part of its investigation and that Green's boyfriend made threatening comments to the same employee via text message.
 - OGC found that Allegation 8 is substantiated; allegation 8 did not fall within the JHRC's jurisdiction thus it rendered no conclusion.
- ✓ Hutton asked if there is a motion related to Allegation 8. Hughes motioned to move Allegation 8 to Charge 8. Newby seconded. Hutton asked for public comments; there were no comments. **Motion passed unanimously.**

Allegation 9: Credibility

- It was alleged that Green was not fully credible or forthcoming during the course of the investigation.
 - OGC found that Allegation 9 is substantiated; allegation 9 did not fall within the JHRC's jurisdiction thus it rendered no conclusion.
- ✓ Hutton asked if there is a motion related to Allegation 9. Hughes motioned to move Allegation 9 to Charge 9. Newby seconded. Hutton asked for public comments; there were no comments. **Motion passed unanimously.**

B. Determination of whether or not to initiate charges for removal

Hutton requested clarification from Teal regarding how the Committee should vote on each allegation and which element (of the four) the allegation violated. Teal explained that it may be challenging to label each one specifically and reminded the Committee that their role is to decide if there are grounds for removal as a whole. When it comes to actual removal then that more in depth discussion will occur with the City Council. Teal recommended that the Committee should take one final motion that the counts that were approved by the Committee should be forwarded and be part of the official charging document, sign it, and that will procedurally tie up all the loose ends.

Hughes motioned that in totality of the nine allegations, all were advanced to charges that are grounds for removal. Teal requested clarification regarding if each of the four elements have been demonstrated through the nine charges. Hughes agreed. Cofer seconded the motion. Hutton asked for public comments; there were no comments. **Motion passed unanimously.**

C. If charges for removal are initiated, the process of removal will be discussed

Hutton stated that this topic has already been covered.

III. Any Other Business

Hutton deferred to Goodman to discuss the report she submitted to the Committee. Goodman offered highlights from the report and commended the OIG staff for being energetic and working very hard the last few weeks.

Cofer asked for clarification regarding when the OGC report becomes public record. Teal explained that Chapter 119 states that once the individual [Green] has been notified in writing the report will be made public.

Newby inquired as to the next step in this process. Teal explained that after Green is notified via a letter, OGC will convene the Committee to hear Green and then the Committee will make a decision on whether they will make a recommendation to City Council for removal.

The next IGSRM meeting is scheduled for Thursday, January 6, 2022, at 3:00 PM and Green will have her opportunity to present in front of the Committee.

IV. Comments from the Public

Public comments were made by John Nooney regarding the Jacksonville Legislation Committee. Nooney also stated that he was grateful that he was able to make public comment at this meeting as he feels that public comment is not usually recognized in Jacksonville.

V. Adjournment

Chair L. E. Hutton adjourned the meeting at 11:15 AM.