



MEMORANDUM
TOWN OF PONCE INLET – OFFICE OF THE TOWN MANAGER

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Dan Scales, Fire Chief
FROM: Jeaneen Witt, CMC, Town Manager *qw*
DATE: March 17, 2017
SUBJECT: Notice of Intent to Discipline

I am providing you with the completed internal affairs investigation, Case #FDIA 16-002, conducted by the Ponce Inlet Police Department.

I agree with the report's findings sustaining the allegations that you have violated Town Policy 6.1(E)(e). This memo will serve as notice of my intent to apply the following discipline based on the report's findings:

- You are hereby suspended without pay for a total of 120 hours;
- Your base pay will be reduced by 6%;
- You will be placed on probation for a period of one year and any unsatisfactory behavior or poor job performance will result in your immediate termination;
- You are required to seek Police Chief Fabrizio's review and approval all management decisions regarding all personnel under your command during this one-year probationary period;
- You are required to complete forty hours of fire management training to be approved in advance by me within three months.

You are hereby directed to appear in my office on Monday, March 20th at 9:00 a.m., at which time you will be given the opportunity to show cause why you should not be disciplined as provided above.

In addition, you are immediately directed to cease any type of behavior in violation of the hostile work environment policy of the Town. This includes but is not limited to unwanted foul language, name-calling, and any threat of job loss whether direct or indirect in nature.

PONCE INLET POLICE DEPARTMENT

INTERNAL AFFAIRS

INVESTIGATION SUMMARY SHEET

REPORT NUMBER: FDIA 16-002

PERIOD COVERED: December 8, 2016 – January 31, 2017
DATE REPORTED: December 5, 2016
SUBJECT(S) NAME: Dan Scales, Ponce Inlet Fire Chief
INVESTIGATING OFFICER: Mark Walker, Ponce Inlet Police Department

COMPLAINANTS:

Ponce Inlet Professional Firefighters, Local 4140
728 Herbert St.
Port Orange, Florida 32129
386-290-6001

The Ponce Inlet Firefighters Local 4140 consists of members of the Ponce Inlet Fire Department. The following members of the Ponce Inlet Fire Department have been interviewed and confirmed that the complaint was filed on their behalf.

Lieutenant Derek George, Ponce Inlet Fire Department
Lieutenant Mike Young, Ponce Inlet Fire Department
Firefighter Igor Kojadinovic, Ponce Inlet Fire Department
Firefighter Kyle Oberst, Ponce Inlet Fire Department
Driver Engineer Cheryl Herren, Ponce Inlet Fire Department
Firefighter Kevin Scheer, Ponce Inlet Fire Department
Driver Engineer Suzanne Williams, Ponce Inlet Fire Department
Firefighter Pete Steffen, Ponce Inlet Fire Department
Driver Engineer John Brooks, Ponce Inlet Fire Department

Additional witnesses were identified as follows:

Angie Hawkins, Ponce Inlet Information Technician
Becky Hugler, Ponce Inlet Fire Department Administrative Assistant
Jeni Simken, Previous Fire Department Administrative Assistant

BASIS FOR INVESTIGATION:

On December 5, 2016, Ponce Inlet Town Manager Jeaneen Witt received a letter from the International Firefighter Association (IAFF) Local 4140, which was authored by Lieutenant Derek George, who is the Ponce Inlet Professional Firefighters Local 4140 President. The letter identifies several concerns regarding Fire Chief Dan Scales' leadership. Upon reviewing the letter, Town Manager Witt determined that the issues were mainly grievances that should have been handled through the normal grievance process. Mrs. Witt did recognize that some of the allegations, if sustained, would be considered a violation of the Town's Employee Rules and Regulations. Therefore, on December 8, 2016, Mrs. Witt directed that an Internal Affairs Investigation be initiated on Fire Chief Scales for the alleged violation of:

Ponce Inlet Employee Rules & Regulations Section 6.1 (E)(e) – Harassment via creating a work environment that is intimidating, hostile, abusive, or offensive.

Town Manager Witt directed that Investigator Mark Walker of the Ponce Inlet Police Department conduct the investigation. A copy of the letter from the IAFF Local 4140 has been incorporated into this file for reference.

INVESTIGATION SUMMARY:

Witness interviews were initiated on December 14, 2016. All interviews were recorded and will be transcribed and incorporated into this file for reference. All correspondence to and from the witnesses will be filed with their respective transcripts. Also, all witnesses and subjects were duly sworn in prior to their interviews.

Lieutenant Derek George

On December 14, 2016, an interview was conducted with Derek George who is a Lieutenant with the Ponce Inlet Fire Department and the President of the Ponce Inlet Firefighters Local 4140.

At the start of the interview Derek acknowledged that he authored the complaint on behalf of the Union after they had an information sharing meeting. He explained that during the meeting the members decided that something had to be done to address what they considered to be the inappropriate behavior Fire Chief Dan Scales has exhibited toward members. He advised since Chief Scales was the subject of the complaint they sent it directly to the Town Manager.

During the interview, Derek was asked if he could provide firsthand information regarding inappropriate behavior by Chief Scales. He advised most recently he was suspended pending his termination for insubordination which he feels is in retaliation for the filing of this complaint. He also advised since filing this complaint, there have been many things done in a retaliatory and vindictive manner against him and the members of the Union. For example, they now open and close all town parks; they now do property

and house checks, which previously was a law enforcement function; he changed the overtime policy without first negotiating it; he is allowing reserves to fill overtime shifts; he changed the time trade process to require approval and limited its use to those with less than 480 hours; they are no longer allowed to use any town water or supplies in a personal manner; they can no longer use town computers for personal use or conducting outside business; the Lieutenants have to sit in the office across from him even though they already have an office and he makes them stay there while he is at work. Derek stated that the Chief has done this in the past as a punitive measure to keep an eye on them. Derek explained he feels the use of water and soap are directed at him specifically because the Chief told him other employees can wash their cars excluding him. He also advised that Chief Scales has taken away the office he used as the Fire Marshal which he painted and decorated himself and he has taken away the vehicle he once used as the Fire Marshal to retaliate against him individually.

Derek described an incident which occurred on or about November 29, 2016, when he and Becky Hugler, the Fire Chief's Assistant, had a conversation in which she told him he should listen to the Chief because he is powerful and he is not going anywhere. Derek advised she said something to the effect Chief Scales was going to get rid of all of them and start over because they filed a grievance. Derek explained this is the same thing he was told by Firefighter Kyle Oberst, who actually heard the Chief's statement. Derek explained he feels Becky and Chief Scales are upset with him because he suggested during the previous investigation the Chief was responsible for a harassment complaint against Cheryl Herren and Suzanne Williams because he failed to address the issue.

Derek related on or about November 30, 2016, he was told by Angie Hawkins (the town IT Manager) Chief Scales says awful things about the Fire Department. Derek explained he has observed Angie being very upset because of the way she is treated by Chief Scales.

Derek advised on or about December 2, 2016, he had a conversation with Chief Scales in which he told the Chief he was considering resigning as a Fire Marshal because it no longer fits his future retirement plans. He explained during the conversation, the Chief suggested he should go to work for the Fire Marshal's Office. Derek advised he felt the Chief was implying he should seek employment elsewhere. Derek also advised that the Chief has told him as well as others, "if you don't like your job, you should leave". He also advised during the Union meeting, one of the members said Chief Scales made the comment "I will fucking fire you". Derek explained that comment was not made to him, but the identity of the person who heard it should come out during future interviews.

Derek related for the past several years he has allowed the Town to use his personal generator for a Town Christmas event, but this year the Chief decided to purchase a generator instead of using his. He also said he left some pictures in his previous office for Becky, but the Chief sent them back to him. Derek explained he felt these were personal insults directed at him for supporting the complaint against the Chief.

Derek's final complaint was Chief Scales routinely uses profanity and inappropriate language in front of him and others, even after he has been asked to stop. Derek acknowledged the fact it is not uncommon for cuss words to be heard in their workplace, but he has asked Chief Scales to stop using the term "God damn" in front of him. Derek explained it is disturbing to him when people use the Lord's name in vain, especially if it comes from a supervisor or department head, but Chief Scales continues this behavior. He advised that the most recent instance was during the Christmas event on December 2, 2016.

Derek followed up his interview with an email dated December 14, 2016 about an incident which occurred in where Chief Scales made the statement "I would like to just fire Kevin, Susanne and Cheryl and let the court system battle it out. The Town can just pay whoever wins their case". Derek advised this statement was made during a previous internal affairs investigation and was overheard by John Brooks, Angie Hawkins and Becky Hugler. A copy of the email can be found in the correspondence section for Derek George.

Lieutenant Mike Young

On December 15, 2016, an interview was conducted with Lieutenant Roy (Mike) Young. When asked if he could provide information regarding the complaint filed against Chief Scales, he advised there have been no recent issues, but he feels he has been treated inappropriately by Chief Scales on different occasions during his employment. Mike described his feeling as being "in the cross hairs", meaning he felt that Chief Scales would give him undue attention for his work performance. He advised he has been called to the Chief's office several times a day on different occasions and berated for his actions. He advised although it is not routine, at times the situation has gotten to the point where he was hesitant to do anything without asking permission from Chief Scales first, but then Chief Scales would berate him for not making decisions. Mike advised although the discussions were intense, the Chief did not address him in a screaming manner and he did not fear physical violence. Mike was asked if he felt the Chief was trying to make him quit his job and he advised he did not think that was the Chief's intent. Mike was asked if he could provide an example of a situation in which the Chief used profanity, but he could provide none during the interview. He did follow up with an email on December 20, 2016 which outlined an incident occurring on October 26, 2016. In the email Mike states on that date he had receive intravenous therapy (IV) early in the day because he got dehydrated at a fire call. He states he was on the Administrative side of the Fire Department talking about the incident, when Chief Scales made a comment suggesting he had a "mangina". He explained he was still a bit lightheaded from the incident so he couldn't recall the entire comment, but Kyle Oberst, Becky Hugler and Angie Hawkins may have overheard the comment. A copy of the email can be found in the correspondence section for Mike Young.

Firefighter Igor Kojadnovic

On December 15, 2016 an interview was conducted with Ponce Inlet Firefighter Igor Kojadinovic. During the interview Igor advised he is familiar with the letter which was sent on behalf of the Union. He explained he has never personally experienced any of the inappropriate behavior alleged in the letter, nor has he ever witnessed it. He explained he has no information that would support or refute the contents of the complaint and supported it being sent as a sign of solidarity with union members. He did advise he has recognized that the morale of the Ponce Inlet Fire Department has gone down recently.

Becky Hugler

On December 16, 2016 an interview was conducted with Becky Hugler who is Chief Scales' Administrative Assistant. During the interview Becky advised she has never been a victim of harassment or intimidation by Chief Scales, nor has she ever been offended by him. She also advised she has never seen him do it to anyone else. She stated she has heard him cuss, but it was not directed at an individual. Becky was asked if she recalls overhearing Chief Scales make a comment about firing Kevin, Suzanne and Cheryl and she stated she does not recall hearing him state those words. Becky was asked if she could provide any information that may support or refute the allegations in the letter and she could not recall anything that would help. She advised she works with Chief Scales every day and has had no problems.

Firefighter Kyle Oberst

On December 16, 2016 an interview was conducted with Ponce Inlet Firefighter Kyle Oberst. During the interview Kyle advised he does feel as though he has been a victim of intimidation by Chief Scales. He explained just prior to November 28, 2016 he sent the Chief an email requesting that he be placed on a different shift than John Brooks because they don't seem to get along and the problem was similar to the one involving Kevin, Suzanne and Cheryl. Kyle explained that on November 28th, he had a meeting with the Chief about the situation and during that meeting the Chief became agitated and told him he (Kyle) did not document the issue properly and he didn't know there was an issue and took no action to correct it. Kyle advised everyone one in the Department knew about it. Kyle related the Chief had a copy of the previous Internal Affairs Investigation (IA) in his hand and said after reading the IA he "wants to bring a crew over from Port Orange for six months so he can replace the members of the Ponce Inlet Fire Department".

Kyle related that on September 30, 2016 he put in for an overtime shift but the Chief's secretary Becky did not fill it according to policy, so he called her to correct the mistake. He advised he didn't know speaker phone was on and Chief Scales overheard the conversation. Kyle related that Becky told him she could no longer talk to him about the issue and disconnected. A few minutes later he was called by Chief Scales who told him to stop questioning him about the overtime and then threatened to revoke any future overtime for him.

Kyle then related sometime in the middle of November, he called Angie Hawkins's extension because he was having an issue with his email. He explained that Chief Scales answered the phone and inquired about his issue. Kyle advised that Chief Scales became annoyed with Angie and said "I can't believe that Bitch did not finish it".

Kyle concluded his interview by saying he feels due to the way the Chief treats people he has made the environment at the department so hostile and fearful, that he (Kyle) does not want to pursue advancement because it may expose him to termination because he will be on probation and will lose his union protection.

Angie Hawkins

On December 20, 2016 an interview was conducted with IT Specialist Angie Hawkins. Angie advised she has been a victim of intimidation by Chief Dan Scales. She explained she has no specific dates or times, but when something goes wrong Chief Scales becomes a "spotlight manager" (term used to describe a micromanager) where he questions and undermines her work. She gave an example of a time when she was working in the server room at Town Hall when Chief Scales entered the room and asked if she informed the people at Town Hall there was an IT problem. When she said that she did not, he positioned himself between her and the computer and backed her out the room. She explained that it was a very intimidating and disrespecting event for her.

Angie explained there are times when she is under stress and Chief Scales makes it worse. She explained there have been several occasions when she did not want to return to work because she didn't know how Chief Scales was going to act. She advised she has considered resigning on several occasions because of his treatment of her. Angie advised Becky Hugler has witnessed him treating her badly.

Angie advised she has heard Chief Scales say he wanted to fire people. She personally heard him say he wanted to fire Kevin, Susanne and Cheryl because of the previous harassment complaint. Angie also said she heard Chief Scales say "I'll just fire Derek George and John Brooks" and she thinks it was because of something about the Union.

Angie was asked why she did not bring these issues to someone's attention and she advised she didn't want to cause problems. She said because of the stress that Chief Scales causes, she has gone to the doctor and had to start taking medicine for anxiety and consult with a counselor. She said that her counselor said that Chief Scales is a "spotlight manager".

Prior to concluding the interview Angie described another incident that didn't involve her directly, but she felt was very unprofessional. She advised a few days after the hurricane Becky showed Chief Scales a video on Facebook that John Brooks and Derek George posted. The video was of them outside during the hurricane. Chief Scales became upset with John Brooks and asked him "were you on cocaine?". Angie stated that it seems as though Becky "feeds the fire" and "throws people under the bus". Angie advised everyone feels they are walking on egg shells.

Firefighter Cheryl Herren

On December 20, 2016 an interview was conducted with Cheryl Herren of the Ponce Inlet Fire Department. During the interview Cheryl confirmed that she supported the letters of complaint sent by the union.

Cheryl was clearly upset during the interview and was crying. She advised that she is concerned Chief Scales is going to fire her. When she was asked why she felt that way, she explained Chief Scales made that comment. Cheryl explained on several occasions he told her he was going to fire her and she has been told by others they heard him say he wanted to fire her. She advised he has told her he should just fire everybody because no one in the town likes the fire department. Cheryl was asked if she could provide any specific dates and she advised she is too stressed out to remember. When she was asked why she is so stressed out she explained she was just put on probation and she is concerned Chief Scales will find a reason to fire her because of this complaint.

Cheryl advised that most of the statements suggesting that Chief Scales wants to fire her came from others who have overheard him make those remarks and they told her that he said them. She related another incident where he said it directly to her after an error occurred on the drug log. It was during a meeting after the error was discovered, Chief Scales yelled at her and Derek and said they were incompetent and he should just fire all the paramedics.

Firefighter Kevin Scheer

On December 20, 2016 an interview was conducted with Kevin Scheer of the Ponce Inlet Fire Department. During the interview Kevin advised he does feel he has been a victim of a hostile work environment by Chief Scales. Kevin provided a written statement he wanted to be included in the file for reference. That letter can be found in the Kevin Scheer correspondence section of this report. He was also asked to read his letter on the record.

In his statement Kevin advised Chief Scales' temperament is friendly one moment and hostile the next. He advised he must walk on egg shells because he doesn't know if Chief Scales wants to communicate or just fire him. Kevin explained he tries very hard to stay busy so he can stay out of the Chief's sight. He stated "Chief Scales leads with threats, accusations, hateful nasty language, and he talks down to them like they are children and it makes him uncomfortable". When he was asked to provide examples of this behavior, Kevin said "there's so much over a period of time it all just kind of blends together".

Kevin was asked about a conversation he had with Chief Scales when this investigation started in which he told Chief Scales there may have been some collusion amongst the Fire Department personnel against Chief Scales. Kevin explained he really didn't mean collusion. He advised that he feels stuck because he doesn't want to say anything about Chief Scales for fear he may lose his job so he is trying to stay out of the investigation.

When asked for specific words or actions displayed by Chief Scales, Kevin advised there have been so many incidents they all blend together and he gets a mental block.

Kevin advised he has felt Chief Scales threatened him once because he filed a complaint against Suzanne Williams and Cheryl Herren for harassment. Kevin explained when the investigation started, the Chief told him "if the incident is investigated and the complaint is unfounded, there would be repercussions". Kevin explained in the context in which it was said he felt it was a threat about taking action against him for complaining.

Firefighter Suzanne Williams

On December 21, 2016 an interview was conducted with Suzanne Williams of the Ponce Inlet Fire Department. At the start of the interview Suzanne verified that she was aware of the letter that was sent to the Town Manager and she supported the letter being sent by the Union. She also advised she is worried she may be retaliated against for speaking up because she is on probation.

Suzanne advised that Chief Scales routinely speaks to the members of the Fire Department in a demeaning and derogatory manner. She advised she feels they can do nothing right. She related that she has been told by Derek and Angie he calls the female employees "bitches" and he has said he wanted to fire her, Kevin, and Cheryl because of a previous grievance. Suzanne related she has personally heard Chief Scales complain about the other lieutenants not doing their jobs, she has heard him call other employees "fucking idiots", and has heard him say "God damn" on numerous occasions which has embarrassed her.

Suzanne explained she finds it difficult to come to work because she does not know what to expect because of Chief Scales' mood changes. She advised Chief Scales has ignored her requests in the past to remove Kevin from her shift because he was complaining of a hostile work environment which eventually resulted in an internal investigation. She advised she feels the Chief piles work on her and not the other lieutenants which makes her think she is being discriminated against. She advised the situation has gotten worse over the past year. Suzanne stated she feels that Chief Scales gets his "jollies" by talking down to them. She explained he micromanages them and never gives them credit or acknowledgment when they do a good job.

Suzanne advised she feels as though she has been punished for things and others have not. She related that she, Kevin, and Cheryl tried on numerous occasions over a six-year period to get Chief Scales to address the problem that resulted in the previous hostile work environment investigation, but he did nothing. Yet, she and Cheryl got disciplined and nothing was done to him.

On December 21, 2016 Suzanne forwarded an email message to this writer that documented a message she sent to Chief Scales on August 9, 2012 where Kevin Sheer had complained to her of a hostile working environment. That message will be placed in the Suzanne Williams correspondence section for reference. Additional research was

conducted on this topic and several emails between Chief Scales and Firefighter Williams were found that indicate that this specific incident was addressed by Chief Scales. Copies of these emails will also be placed in the Suzanne Williams correspondence section for reference.

Firefighter Pete Steffen

On December 22, 2016 an interview was conducted with Pete Steffen of the Ponce Inlet Fire Department.

Pete was asked if he was familiar with the letter that was sent to the Town Manager on behalf of the union and he advised he is familiar with the letter and he did agree with it being sent, but did not expect the situation to get this far.

Pete was asked if he has been the victim of any of the behavior alleged in the letter and he advised he has never had a problem with Chief Scales and has not witnessed him act inappropriately with anyone else. He related they have a great relationship. He did say he hears an occasional bad word, but not in the context to where it was meant to harass or intimidate. He also explained there are some personality conflicts within the Department but he does not involve himself in them.

Firefighter John Brooks

On December 22, 2016 an interview was conducted with John Brooks of the Ponce Inlet Fire Department. At the start of the interview John was asked if he was familiar with the letter that was sent to the Town Manager and he advised he was aware of the letter and approved of it being sent.

John was asked if he was ever subjected to the behavior described in the letter and he responded that he feels he was. He explained that the most recent example was on the day Derek George was suspended over the property check assignment. John advised he was called to the Administrative Offices because he was going to do the property checks as directed. He related that Chief Scales entered the office and in a very authoritative tone told him "You are going to do those property checks and if you give me any crap about vests I'll do the same thing". John explained there was no reason for such a statement because he was already preparing to do what he was told. John described the instance as a mild one compared to others he has experienced with Chief Scales and he finds it very frustrating because he works hard to be an excellent employee, yet he feels he is being threatened with termination for things he is not responsible for.

John then described an incident which occurred when he and Derek were in a meeting with the Union Attorney in Orlando discussing the pending negotiations. During the meeting the lawyer sent an email to Chief Scales, Town Manager Witt, and the Town's attorney, Jeff Mandel. John explained he was told a couple days later by Angie when that occurred, she overheard the Chief tell Becky he should fire John and Derek for being trouble makers. John advised he found that comment to be excessive and intimidating. He

then described an incident when he was the acting union president and he experienced the same intimidating behavior. He advised they were trying to schedule a date for negotiations and the Chief chose a date on which he (John) was going to be out of the country. John related that the Chief refused to entertain any attempts to reschedule the meeting and was very adversarial until John requested the change officially in writing. He then agreed to the change the meeting date.

John advised he was informed by Kyle Oberst about a comment the Chief made about bringing in the Port Orange Fire Department to cover so he can fire everyone. He also described an incident that involved an error on the drug log during which the Chief called Derek and Cheryl incompetent and said he should fire them all. John related during the months of July and August, he and Derek met with Chief Scales on several occasions to discuss a pending pay study. It was during one of those meetings that Chief Scales ordered them not to ask questions about the pay study and if they mess it up he would "make life not good for you". On another occasion the Chief told him if he does not accept the Town's offer he would make sure they never get another raise as long as he works for the Department.

John described an incident which occurred in Chief Scales' office after the Chief got annoyed with something one of the lieutenants had done. John related the Chief pointed his finger at him and said "if you ever do something like that, I will fucking fire you". John explained it is because of situations similar to that which make him afraid that he is going to be terminated for something someone else has done. John went on to describe another instance during which he asked why the Town Manager was not attending the negotiations and the Chief said "she is too nice because if I were the Town Manager I would cut your balls off". He advised Derek was also present when this was said. John also described an incident that occurred at Town Hall during Margie's retirement function where he heard the Chief say that he wanted to fire Kevin, Suzanne, and Cheryl and let the courts sort it out. John advised the Chief routinely calls them "whiney crybabies" and tells them they are not liked and no one will miss them when they are gone. He advised that he has heard Derek ask the Chief not to use the Lord's name in vain, but the Chief still continues. He has also heard the Chief tell Angie Hawkins to stop being a bitch. John advised that Chief Scales routinely uses profanity and it creates an unprofessional environment and makes those around him uncomfortable.

Firefighter Kyle Oberst Follow-Up

On January 4, 2017 a follow up interview was conducted with Kyle Oberst because Mike Young stated Kyle overheard a conversation in which Chief Scales made an inappropriate comment. Kyle was asked if he was present on or about October 26, 2016 when Chief Scales made a comment about Mike having an issue with his "mangina". Kyle advised he did hear Chief Scales make a comment to Mike because Mike had to receive an IV after a fire. He related he heard the Chief utter something like "did your mangina flare up". He advised he doesn't recall the details of the conversation but he did remember the Chief using the word because it's not one that you hear very often. Kyle could not recall who else may have heard the conversation.

Becky Hugler Follow-up

On January 5, 2017 a follow up interview was conducted with Becky Hugler. Becky was first asked if she recalled the incident when Mike Young was treated with an IV after a fire and she advised that she recalled the day. When she was asked if she overheard the Chief make reference to a “mangina” she stated she did not hear such a comment. Becky was also asked if she could recall the Chief making a comment about firing someone at Margie’s retirement party and she advised she does not recall hearing any such comment. She was then asked if she recalled having a conversation with Derek in truck bay at the Fire Department in which she told Derek that the Chief was going to get rid of them all and she denied making such a statement. She explained that she recalls the conversation being about her asking Derek to try to work together with the Chief.

Jeni Simken

On December 19, 2016 Jeni Simken who is Chief Scales’ former Administrative Assistant sent an email to Investigator Walker with an attached letter. The letter advised she was a victim of hostile work environment created by Chief Scales and she wanted her letter to be included in the file. Mrs. Simken was contacted and she agreed to provide an interview. The date and time of the interview was to be determined later.

On January 14, 2017 an interview was conducted with Jeni Simken. The interview was conducted at her residence and her husband, Robert Simken, was also present.

Jeni advised she has nothing to gain or lose by providing this interview, but she is still hesitant to cooperate for fear of retaliation by Chief Scales and the Town of Ponce Inlet. She proceeded to read a prepared statement that alleges that Chief Scales will try to convince people she resigned her job because he wrote her a reprimand, when in truth she resigned because of his treatment of her. She related she did file a complaint against Chief Scales with the Town Manager, but it was referred back to her to discuss with Chief Scales first as dictated in policy. She advised she did discuss it with Chief Scales who suggested that she seek employment elsewhere and nothing changed. When she was asked if she followed up on the complaint as directed in policy, she explained she didn’t because she felt nothing was going to be done.

Jeni stated that Chief Scales routinely called her a “bitch” and on other occasions called her a “fucking moron” and told her she looked like an “Amish Hooker”. She also advised that Chief Scales’ use of the term “God damn” was routine. Jeni advised that she was under constant stress because of Chief Scales’ behavior and resigned because of it. She related when her father was sick, she was struggling to cope. She stated that it was during this time that Chief Scales called her into his office and told her she was becoming a “fucking moron just like the people at Town Hall”. She went on to advise after her father passed the Chief made a comment to her saying “OK, now your dad is dead maybe you can focus on your work”. She advised Derek was present when this was said.

Chief Dan Scales

On December 17, 2016 an interview was conducted with Fire Chief Dan Scales. Chief Scales was first asked if the recent termination of Derek George was in retaliation for filing this complaint and his answer was “No”. He was then asked if the recent policies that he implemented were in retaliation for the filing of this complaint and once again his answer was “No”. Chief Scales related the development of the policies began sometime in the middle of the summer, long before this complaint was filed and they were implemented at the direction of the Town Manager. He was also asked if the previous internal affairs investigation had an impact on the development of the policies and he advised he did learn from the investigation there was discretionary time available for the firefighters and the information was considered during the policy development. He also explained he learned from the previous investigation there were many issues going on among the personnel that he was not aware of and also the lieutenants were not supervising their subordinates to his satisfaction. As a result, he had the lieutenants move to the office on the administrative side of the building to enhance communication. Chief Scales also advised the decision to relocate the lieutenants predated the filing of this complaint. Chief Scales was then asked about Derek’s other issues like his not being able to wash his car, the taking away of the Fire Marshal’s office, and the reassigning of the vehicle he used for Fire Marshal activities. Chief Scales explained that he repurposed the office once used by Derek to accommodate the decision to relocate the lieutenants. He then explained the reason the policy about washing their cars affects some of the personnel and not others are because some of them are considered bargaining unit members and others are not. The ones that are not members must adhere to the new policy while the others can continue to wash their cars because of past practice. He then explained that the vehicle Derek used can still be used for fire marshal business but is primarily used for other purposes and has been for years. Chief Scales provided a string of emails between himself and Derek regarding the issues described above. He explained that the emails clearly document Derek was aware of his stance on the issues and they were explained to him well before this complaint was filed.

In Derek George’s interview, he advised that Becky told him the Chief wanted to get rid of all of them and start over. When questioned about the comment, Chief Scales advised he never made such a comment to Becky. Derek also suggested the Chief said that he should seek employment elsewhere during a conversation they had about Derek’s Fire Marshal career. Chief Scales advised he did recall having a conversation with Derek about the topic and he did suggest Derek consider a job as a Fire Marshal because it was a good match with his skills. He stated the comment was not meant to suggest he wanted Derek to leave. Chief Scales was then asked if he has ever told Derek “if you don’t like your job, you should leave” and he responded he has never made a statement in those words to Derek and does not recall saying it to anyone else.

The Chief was asked about the situation regarding the generator in which they always used Derek’s generator during a Christmas event, but this year he purchased a new one. The Chief was informed that Derek felt it was a personal insult toward him. Chief Scales advised that Derek did allow the Town to use his generator and it was greatly

appreciated, but the decision to purchase the generator was made because he recognized the need after the recent hurricane and decided to purchase it for such reason.

Chief Scales was informed he has been overheard using the Lord's name in vain and cussing even after he has been asked not to by Derek George. Chief Scales acknowledged that he does swear from time to time, but Derek has never asked him to cease. Chief Scales advised that others have and he has made a conscious effort to curtail cussing.

Chief Scales was informed of the comments made by Lieutenant Mike Young regarding the fact that Mike feels that he has been treated inappropriately by him. He was also asked if he recalled having a conversation with Mike during which he made a comment about Mike having a "mangina". Chief Scales explained that he does not recall making such a statement, but he could not say for sure he didn't. He advised if he did say such a thing it was in jest. Chief Scales explained that Mike is easily stressed and verbose. He advised that he has spoken to Mike about these issues on several occasions and it is possible that Mike felt he was being overly critical. Chief Scales advised it was not the intent. He explained that he was simply identifying the issues and correcting them.

Chief Scales was asked if he recalled a conversation with Kyle Oberst during which he told Kyle that he wanted to bring a crew over from Port Orange for six months so he can replace the current members of the Ponce Inlet Fire Department. Chief Scales stated he did not say those words. He stated because of the issues within the fire department the Town Commission could vote to disband the department and get services from Port Orange who have offered such services in the past. Chief Scales explained he has told all of his employees at one point or another, something to the effect they are not special and when the types of issues like the one that happened in the previous investigation occur they are only two (2) council votes away from being disbanded.

Chief Scales was then asked about a situation where he is alleged to have threatened to revoke Kyle's overtime for questioning him about the overtime policy. Chief Scales advised he did recall the incident and he addressed Kyle about the issue because Kyle was arguing with Becky and giving her a hard time on the phone. He advised he was upset with Kyle and told him to knock it off but doesn't recall saying anything else.

Chief Scales was informed of Kyle's statement about him (Scales) calling Angie Hawkins a bitch while having a conversation with Kyle over the telephone regarding the new email system. The Chief advised that he does not recall saying those words.

Chief Scales was informed that during her interview, Angie Hawkins stated she feels she has been intimidated by him and he is a micro manager. He was asked if he recalled an incident at Town Hall during which he forced her out of the server room after she informed him she had not told the Town Hall personnel about the problem. Chief Scales advised that he does not recall forcing her out of the server room, but he did advise they had some serious issues with the servers and they were under tremendous stress. He stated that Angie was not correcting them, so he did micromanage her during said time which could have compounded her stress.

Chief Scales was asked if he recalled an incident where Angie told him she was going to resign. He advised he did recall an incident occurring when the town was experiencing severe problems with the computer system. He explained he was counseling her about not getting things done and at that time she said she wanted to resign. He explained he told her he would not let her quit and they would work through the problems and they did.

Chief Scales was informed Angie stated that she heard him say that he wanted to fire Kevin, Susanne, and Cheryl because of the previous harassment complaint. Chief Scales advised his statement was not that he wanted to fire them, but they could get fired as a result of the complaint. He advised he has said the same thing to others because it was a possibility. He was also asked if he ever said he wanted to fire Derek and John because they were active with the union. He advised that he does not recall saying those words.

Chief Scales was asked if he recalled an incident where after viewing a Facebook video in which John Brooks and Derek George were outside during the recent hurricane. He was informed he is alleged to have gotten upset with John Brooks and asked him if he was on cocaine. Chief Scales advised he did see it and was surprised by the video. He advised he asked John Brooks if he was on crack or something, or stupid, because what they did was stupid. He explained it was a video of the two of them outside during the hurricane while objects were flying around. He advised he admonished both of them because it was a poor decision.

Chief Scales was informed Cheryl Herren alleged during a discussion after an error was found on the drug log he became upset with her and Derek. He told them that they were incompetent and he should just fire all the paramedics. Chief Scales advised he does not recall those comments. He advised that the discussion was on how to fix the error, how the error happened, and they both admitted they made a mistake. He explained he may have said something about it being an offense which could result in their being fired, but he does not recall saying he wanted to fire them.

Chief Scales was informed an interview was conducted with Kevin Sheer. During the interview Kevin advised when he (Kevin) filed the complaint which resulted in the previous investigation he (Scales) told Kevin if his complaint is unfounded, there will be repercussions. It was explained to Chief Scales that Kevin said in the context in which it was said, he felt it was threat toward him. Chief Scales denied making such a comment. He advised that he does not recall saying any comments in those words.

Chief Scales was informed during an interview with Suzanne William she related he routinely speaks to them in a demeaning and derogatory manner and she has heard him openly complain about the other lieutenants not doing their job, call employees "fucking idiots", and routinely say "God damn" which causes her personal embarrassment. Chief Scales acknowledged he has cussed in the past and at inappropriate times. He advised others in the department routinely cuss also. He explained he does not condone the language and is not making excuses for his own actions, but it has occurred. He related he

routinely gets complaints from one shift about the others and he has told his employees “none of them are special and they all have their problems as well as their benefits”.

Chief Scales was informed during her interview Suzanne suggested he knew or should have known about the issues which ultimately resulted in the previous investigation and he is partially responsible for it evolving into a complaint. Chief Scales related he recognized there were issues with all of the crews. He explained Suzanne was usually able to mitigate the issues at her level, but did not do it in the case with Kevin. He advised that he has read the investigation and recognized at no time did anyone comment on his behavior during their interviews. He explained it wasn't until the investigation was complete and negotiations over the new employee pay plan began, that some adversarial issues emerged and this complaint against him was brought forth. He stated he finds the timing of this complaint against him ironic.

Chief Scales was informed that an interview was conducted with John Brooks during which he described an incident which occurred on the day Derek George was suspended. He advised he was called to the Administrative Offices because he was going to do the property checks as directed. He related Chief Scales entered the office and in a very authoritative tone told him “You are going to do those property checks and if you give me any crap about vests I'll do the same thing”. Chief Scales advised the statement is an absolute fabrication and never occurred. Chief Scales advised he didn't speak to anyone other than Becky after Derek was suspended and he does not recall speaking to John about the property checks.

Chief Scales was then informed John related an incident took place during a meeting between him, John and Derek in July or August, when he ordered them not to ask questions about the pay study. He related he (Scales) told them if they mess it up he would “make life not good for them”. John described another incident when he (Scales) told him if he does not accept the Town's offer he would make sure they never get another raise as long as he works for the Department. Chief Scales did not recall making such comments.

Chief Scales was informed that John described an incident which happened in his (Scales') office after the Chief got annoyed with the actions of one of the lieutenants. John related that the Chief pointed his finger at him and said “if you ever do something like that, I will fucking fire you”. Chief Scales could not recall that incident or the statement. He was asked if he recalls making a statement during a meeting with John and Derek when after being asked why the Town Manager wasn't present he said “she is too nice because if I were the Town Manager I would cut your balls off”. Chief Scales could not recall making such a statement.

Chief Scales was informed John related he overheard him say that he wanted to fire Kevin, Suzanne, and Cheryl and let the courts sort it out. Chief Scales advised he didn't say he wanted that to happen, but there was a possibility for it to occur.

Chief Scales was asked if he recalls ever making statements as described in the complaint filed by the union such as “The town does not care about you guys”, “You guys are lucky I can’t fire you”, “I’ll cut your balls off”. Chief Scales advised he does not recall ever making such statements.

Chief Scales was informed an interview was conducted with his former Administrative Assistant Jeni Simken. He was advised she alleged he subjected her to a hostile environment when she worked for him and he called her names such as “bitch”, a “fucking moron”, an “Amish hooker”, and routinely said “God damn”. He was informed she alleged he made a comment to her after her father died to the effect of “Now your father is dead maybe you can get back to work now”. Chief Scales advised he never made such a comment. Chief Scales related Jeni was a difficult employee and he did counsel her on her behavior. He also advised that he did on one occasion, comment that she looked like a stripper because she was dressed inappropriately for work. Chief Scales advised after Jeni moved to Lake County she had a long drive to work and coupled with her health problems caused her work product to suffer. Chief Scales provided documentation he did discuss her behavior with her in June 2015 after they had a heated exchange. He advised he told her that he wanted her work environment to feel as non-threatening and as comfortable as can be, but if there are issues that make her feel otherwise, he needs to be aware of them. Chief Scales explained that during his counseling session with her, he did offer her the opportunity to go to work at Town Hall if she was unhappy, but she declined by telling him she was happy in the fire department and there were no issues. He also advised he went to bat for her during that time frame and got her a raise. Chief Scales provided a copy of an email he sent to Jeni scheduling a meeting to discuss her performance. He also provided a copy of an email he sent to himself that described the results of that meeting. Copies of these emails will be placed in the Chief Scales correspondence section.

Chief Scales advised there were no major issues with Jeni until the October incident when he sent her home. He explained that they were attempting to fill a vacancy on a shift and Jeni didn’t agree with his instructions and said “It was a shitty way to do it”. Chief Scales advised he told her it didn’t matter if she thought it was shitty and ordered her to continue with his direction. He advised she became irate, so he told her to “stop acting like a jackass”. Chief Scales advised the situation was deteriorating, so he sent her home. He explained he didn’t send her home for being insubordinate, but because she was out of control and he didn’t want her there. Chief Scales advised Jeni resigned in December and submitted a resignation letter that made no mention of these types of issues, but the letter did say she has enjoyed working for Ponce Inlet. A copy of Jeni’s resignation letter will be placed in the Chief Scales correspondence section.

Chief Scales advised he feels it is suspicious that Jeni is coming forward with this information after such a long period of time and also it should be known that she is a relative of Derek’s. Chief Scales related that he doesn’t feel as though her testimony is germane to the current situation.

Prior to concluding the interview Chief Scales advised that he recognizes he is not perfect and he has in the past had interactions with his employees which were not as professional as he would have liked. He explained he respects and likes all of his subordinates. Chief Scales stated he learned from the previous investigation he needs to spend more quality time with his employees. He advised it is his belief that this complaint is a result of the union negotiations. He explained that looking back he can see where someone might misconstrue some of his comments, but he would never threaten to fire somebody and it was never his intent.

Chief Scales also expressed concern over the comment made by Kevin Sheer before this investigation was underway suggesting there may have been some collusion against him. Chief Scales was informed that the issue was discussed with Kevin and he stated it was not his intention.

Angie Hawkins Follow-up

On January 19, 2017 a follow-up interview was conducted with Angie Hawkins in response to the testimony of Jeni Simken. Angie was asked if she ever overheard Chief Scales make inappropriate comments to or about Jeni. Angie advised that she recalls Chief Scales routinely making negative comments about Jeni's choice of food and clothing. She also advised she heard Chief Scales call Jeni a "bitch" on several occasions. She advised she does not recall the Chief calling Jeni a "fucking moron" or an "Amish hooker" but she did hear him call her a "jackass". Angie stated that she also observed Chief Scales belittle Jeni.

Firefighter Suzanne Williams Follow-up

On January 19, 2017 a follow-up interview was conducted with Suzanne Williams in response to the testimony given by Jeni Simken. Suzanne was asked if she could recall seeing Chief Scales treat Jeni inappropriately when she worked for him. Suzanne explained that she does recall hearing him call Jeni something like a "fucking moron" or "fucking idiot" but she could not remember exactly which term was used. She also advised that she has heard him cuss at her on numerous occasions to the point where she left the room because it was so bad. Suzanne was asked if he was joking and she advised that he was not joking and was usually upset when he said those types of things.

Lieutenant Derek George Follow-up

On January 23, 2017 a follow-up interview was conducted with Derek George. Derek was asked if he remembers the situation where an error was made on the drug log. Derek advised the Chief said all of the paramedics were "incompetent and negligent". He was then asked if he recalled the meetings between himself, John Brooks and Chief Scales when Chief Scales allegedly made inappropriate comments. Derek advised that he could recall the Chief made several comments during those meetings in which he indicated he wished he had the ability to fire them and also that he would "cut their balls off". Derek was not able to recall the specifics of the conversations or the dates, but he does recall

hearing Chief Scales say those types of things. Derek was then asked if he could recall any situations in which he observed interaction between Chief Scales and Jeni Simken in which he treated her inappropriately. Derek explained he remembers many situations in which Chief Scales was mean to Jeni and also that he was very callous and unsympathetic toward her just before and after her father died. Derek advised he recalled a comment in which Chief Scales said something to the effect of “now your father is dead let’s get going or move on”.

Derek then described two other situations in which Chief Scales was inappropriate toward him. He advised that he and Kyle Oberst were on their way back from the hospital and they stopped for something to eat. He explained that the ambulance broke down at the restaurant so he called the Chief for direction and the Chief became upset and started yelling obscenities at him. He then described an incident in which he was at the residence of a sick resident and stayed there for an extended time period which upset the Chief and he again yelled at him and used inappropriate language like “God damn and the f-word”.

Firefighter John Brooks Follow-up

On January 27, 2017 a follow-up interview was conducted with John Brooks due to comments made by Jeni Simken. John was asked if he could recall any situations in which he personally observed Chief Scales treat Jeni Simken inappropriately. John stated he observed Chief Scales speak to her in a derogatory manner on several occasions. John stated he heard Chief Scales refer to her as a “bitch” and on one occasion tell her that she dressed like an “Amish hooker”. John advised he recalls Jeni being upset on several occasions because of the way Chief Scales treated her.

Conclusion:

On December 8, 2016 the Ponce Inlet Police Department was directed to initiate an investigation of the current Ponce Inlet Fire Chief Daniel Scales based on information contained in a letter sent by the Ponce Inlet Firefighters Union 4140. The letter alleges that the Chief has created a hostile work environment by exhibiting behavior that is described in the letter as using language that is vulgar and disrespectful and conducting himself in an intimidating and demeaning manner. The focus of the investigation was to determine if Chief Scales violated the Town of Ponce Inlet Employee Rules and Regulations Manuel Section 6.1 (E). which reads as follows;

E. Policy Statement: Prohibiting Harassment, including Sexual Harassment

All employees have the right to work in an environment free of discrimination and any form of harassment based on race, color, religion, age, sex, national origin, handicap, or marital status. To help ensure no employee feels himself or herself to be subject to harassment, the Town also prohibits any offensive physical, written, or spoken conduct regarding any of these items, including conduct of a sexual nature. Such conduct shall

constitute harassment when engaged in by someone in the Town in a position to influence employment decisions when:

- a. Submission to such conduct is made either expressly or implicitly a condition of the recipient's continued employment; or
- b. Submission to or rejection of such conduct by the recipient is used as the basis for employment decisions affecting the recipient.

The Town also prohibits repeated and unwelcome physical, written, or spoken conduct by either a supervisor or any fellow employee that substantially interferes with an individual's work performance or creates what a reasonable person could consider to be an intimidating, hostile, abusive, or offensive working environment.

If an employee believes he or she is being subjected to any of these forms of harassment or believes he or she is being discriminated against because other employees are receiving favored treatment in exchange, for example, sexual favors, he or she must bring this to the attention of their supervisor. The very nature of harassment makes it virtually impossible to detect unless the person being harassed registers his or her discontent with the appropriate Town representative.

Consequently, in order for the Town to deal with the problem, employees must report such offensive conduct or situations to their supervisor, or the Town Manager. A record of the complaint and the findings will become a part of the complaint investigation record, and the file will be maintained separately from the employee's personnel file. It is understood any person electing to utilize this complaint resolution procedure will be treated courteously, and the problem will be handled promptly and confidentially; and the registering of a complaint will in no way be used or held against the employee, nor will it have an adverse impact on the complaining individual's employment status. Upon confirmation of prohibited harassment, the employee responsible for the harassment may be subject to disciplinary action, ranging from reprimand to termination. The Town of Ponce Inlet, in order to create a comfortable working environment and to avoid any question about possible unlawful harassment of employees, has chosen to prohibit harassment, including sexual harassment, as defined by the Town, including;

- a. Unwelcome or unwanted advances, including sexual advances. This means patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact considered unacceptable by the other individual.

- b. Requests or demands for favors, including sexual favors. This includes subtle or blatant expectations, pressures of request for any type of favor, including a sexual favor (this includes requests for dates), accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment status.
- c. Verbal abuse or kidding that is oriented toward a prohibited form of harassment, including that which is sexually oriented and considered unacceptable by another individual. This includes for example, commenting about an individual's national origin, race, body, or appearance where such comments go beyond mere courtesy; telling "dirty jokes" that are unwanted and considered offensive by others; or any tasteless sexually or racially oriented comments, innuendos, or actions that offend others.
- d. Engaging in any type of sexually oriented conduct or other prohibited form of harassment, that would unreasonably interfere with another's work performance. This includes extending unwanted sexual attentions to someone that reduces that person's productivity or time available to work at assigned tasks.
- e. Creating a work environment that is intimidating, hostile, abusive, or offensive because of unwelcome or unwanted conversations, suggestions, requests, demands, physical contacts or attentions, whether sexually oriented or otherwise related to a form of harassment, prohibited by the Town's policy on harassment. Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees, that are acceptable to both parties, are not considered to be harassment, including sexual harassment; however, please keep in mind that what may be perceived as normal, courteous, etc., today while the individuals are on good terms, may be perceived in the future in a vastly different way when the individuals no longer are on those same good terms.

The Town of Ponce Inlet will not tolerate prohibited harassment, including sexual harassment, of its employees by anyone--managers, supervisors, or other employees. Prohibited harassment, including sexual harassment, can be an insidious practice. It can demean individuals being treated in such a manner. It can create unacceptable stress for the entire organization.

Morale can be adversely affected. Work effectiveness can decline. Significant costs are involved, and persons harassing others will be dealt with promptly and vigorously. It is the responsibility of supervisory employees at all levels to immediately report knowledge

of prohibited harassment, complaints, or offenses to the Town Manager.

During the interview of Derek George, he suggested that the new policies recently implemented at the Fire Department were in retaliation for the filing of this complaint. Sufficient evidence and testimony has been disclosed that contradicts this allegation. Town Manager Witt has provided email documentation that the discussions to implement these policies had begun in August of 2016. A copy of the correspondence documenting this fact can be viewed in the attachment #16 section of this report. During the interview with Angie Hawkins, she stated that she heard Chief Scales say "I'll just fire Derek George and John Brooks" and she thinks it was because of something about the Union. This information could not be corroborated and Chief Scales denied making such a statement.

The main question in this investigation is whether or not there is a hostile work environment at the Ponce Inlet Fire Department. There has been a preponderance of evidence disclosed during this investigation that would convince a reasonable person that it is evident. Nothing in the complaint indicated that the behavior alleged in the letter was directed at any single individual or group based on their race, color, religion, age, sex, national origin, handicap, or marital status. Therefore, the focus was on whether or not Chief Scales created a hostile work environment in which he conducted himself in an intimidating, offensive, or demeaning manner towards his subordinates and the behavior was intentional, severe, recurring and pervasive.

Findings:

Based on the preponderance of evidence gathered during this investigation, the allegations against Chief Dan Scales in regards to the **Town of Ponce Inlet Employee Rules and Regulations Manuel, Section 6.1(E)** are **SUSTAINED**

Town of Ponce Inlet Rules and Regulations 6.1(E)(e) Harassment – Specifically

e. Creating a work environment that is intimidating, hostile, abusive, or offensive because of unwelcome or unwanted conversations, suggestions, requests, demands, physical contacts or attentions, whether sexually oriented or otherwise related to a form of harassment, prohibited by the Town's policy on harassment. Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees, that are acceptable to both parties, are not considered to be harassment, including sexual harassment; however, please keep in mind that what may be perceived as normal, courteous, etc., today while the individuals are on good terms, may be perceived in the future in a vastly different way when the individuals no longer are on those same good terms. The Town of Ponce Inlet will not tolerate prohibited harassment.

To Wit: During the interviews of Derek George he stated he has personally observed Chief Scales routinely use profane language in the presence of his subordinates even after he has been asked not to. He also stated that he has observed him officiously make

comments such as “if you don’t like your job you should leave”, I’d cut your balls off”, “You are incompetent”, and “I would fire you if I had the ability”. Derek stated there have been numerous occasions when Chief Scales belittled him using profanities over issues that have occurred at work. Derek also stated he observed Chief Scales treat Jeni Simken badly on many occasions and that the Chief was callous and unsympathetic toward her when her father died.

To Wit: During the interview of Mike Young he described his work environment as one of being “in the cross hairs” because of Chief Scales’ undue attention to him. He stated Chief Scales has berated him on several occasions and routinely uses profanity. Mike related he sometimes hates coming to work because Chief Scales’ behavior is so unpredictable. Mike also described an incident in which Chief Scales made a comment suggesting he (Mike) had a problem with his “mangina” after he had to be treated for dehydration after a fire. This comment was corroborated by Kyle Oberst.

To Wit: During his interview on December 16, 2016 Kyle Oberst stated he has been threatened and intimidated by Chief Scales. Kyle stated he attempted to get his shift changed because he was experiencing a personality conflict with another firefighter but the Chief took no action. Kyle also stated Chief Scales threatened to take away his overtime for questioning him about it and he has overheard the Chief say he wanted to fire everyone and have Port Orange provide services until they are replaced. Kyle also advised he has heard the Chief refer to Angie Hawkins as a “Bitch”. Kyle stated that he feels the Chief has made the environment within the Fire Department so hostile and fearful that employees are hesitant to pursue advancement because of being exposed to a probationary period and termination. In a follow up interview with Kyle he advised he did hear the Chief make the comment about Mike Young having a “mangina”.

To Wit: During her interview on December 20, 2016 Angie Hawkins stated she has a very stressful job and Chief Scales makes it worse. She described one incident where the Chief forced her out of the server room at Town Hall which intimidated her. She stated she sometimes does not want to come to work because she doesn’t know how Chief Scales is going to act. She advised that she has personally heard him say he wanted to fire Kevin, Suzanne, and Cheryl because of the previous investigation. Angie stated she has witnessed Chief Scales berate other employees. She also stated that she has started taking anti-anxiety medicine as a result of her work environment. She advised that everyone has to “walk on egg shells”.

To Wit: During her interview on December 20, 2016 Cheryl Herren stated that she is very stressed out for fear of Chief Scales firing her because of his comments to other employees and this complaint. She stated she is on probation from the findings of the previous investigation and she feels Chief Scales will find a reason to terminate her employment. She also described an incident when Chief Scales called her incompetent and said he wanted to fire all of the paramedics because of an error on the drug log.

To Wit: During his interview on December 20, 2016 Kevin Sheer stated that Chief Scales is friendly one moment and hostile the next. Kevin stated “Chief Scales leads with

threats, accusations, hateful, and nasty language, and he talks down to his subordinates like they are children". He advised that he has to "walk on egg shells" when he is around the Chief.

To Wit: During her interview on December 21, 2016 Suzanne Williams advised that she is in fear of retaliation from Chief Scales because of this complaint. She stated she is on probation as a result of the previous investigation and due to the comments he has made to others within the department she feels threatened. Suzanne advised that Chief Scales routinely speaks to the members of the Fire Department in a demeaning and derogatory manner. She advised that she feels that they can do nothing right. Suzanne stated she has personally observed Chief Scales complain about the other lieutenants not doing their jobs, she has heard him call other employees "fucking idiots", and has heard him say "God damn" on numerous occasions which has embarrassed her.

To Wit: During the interview of John Brooks on December 22, 2016 he described an incident that occurred in Chief Scales' office after the Chief got annoyed with something one of the lieutenants had done. John related the Chief pointed his finger at him and said "if you ever do something like that, I will fucking fire you". John explained it is because of situations like that one, he is afraid that he is going to be terminated for something someone else has done. John went on to describe another instance during which he asked why the Town Manager was not attending the negotiations and the Chief said "she is too nice because if I were the Town Manager I would cut your balls off". He advised Derek was also present when this was said. John also described an incident which occurred at Town Hall when he heard the Chief say he wanted to "Fire Kevin, Suzanne, and Cheryl and let the courts sort it out". John advised the Chief routinely calls them "whiney crybabies" and tells them they are "not liked and no one will miss them when they are gone". He advised he has heard Derek ask the Chief not to use the Lord's name in vain, but the Chief continues to use profanity. He has also heard the Chief tell Angie Hawkins to stop being a "bitch". John advised that Chief Scales routinely uses profanity and it creates an unprofessional and uncomfortable environment. During a follow-up interview John was asked if he could recall any situation in which he personally observed Chief Scales treat Jeni Simken inappropriately. John stated he observed Chief Scales speak to her in a derogatory manner on several occasions. John stated he heard Chief Scales refer to her as a "bitch" and on one occasion tell her that she dressed like an "Amish hooker".

To Wit: During the interview with Jeni Simken on January 14, 2016, Jeni stated that Chief Scales routinely called her a "bitch" and on other occasions called her a "fucking moron" and told her she looked like an "Amish Hooker". She also advised Chief Scales' use of the term "God damn" was routine. Jeni advised she was under constant stress because of Chief Scales' behavior and resigned because of the stress. She related when her father was sick she was struggling to cope. She said it was during such time that Chief Scales called her into his office and told her she was becoming a "fucking moron just like the people at Town Hall". She went on to advised that after her father passed the Chief made a comment to her saying "OK, now your dad is dead maybe you can focus on your work". This comment was corroborated by Derek George.

To Wit: In his interview, Chief Scales stated that he has cussed in the past and at inappropriate times. Chief Scales advised that although Derek George never asked him to stop using the Lord's name in vain, others have, and he has made a conscious effort to curtail cussing. Chief Scales explained he does not condone the language and is not making excuses for his own actions.

To Wit: Chief Scales advised that he recognizes he is not perfect and he has in the past had interactions with his employees which were not as professional as he would have liked.

To Wit: Chief Scales acknowledged during his interview that he did on one occasion, comment that Jeni Simken looked like a stripper because she was dressed inappropriately for work.

"I the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statute."

This report is now forwarded to Chief Fabrizio for approval and action.

INVESTIGATOR Mark Walker DATE: 03/06/12
Officer Mark Walker
Internal Affairs

APPROVED BY: Frank Fabrizio DATE: 3-7-12
Chief Frank Fabrizio
Chief of Police Ponce Inlet Police Department