

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL
CIRCUIT IN AND FOR COLLIER COUNTY, FLORIDA**

| | | |
|----------------------------------------|---|-------------------------|
| STEPHEN McINERNY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | CASE NO.: 2017-CA-_____ |
| COREY J. ADAMSKY; CHRISTOPHER S. |) | |
| CLISSOLD; PETER DiMARIA; MARVIN L. |) | |
| EASTON; DOUGLAS FINLAY; TERESA L. |) | |
| HEITMAN; DEAN S. HOMAN; STEVEN KOFSKY; |) | |
| MIKE MOORE; ADAM P. NADELMAN; MICHAEL |) | |
| D. NICHOLS; GERALD A. PECAR; LINDA S. |) | |
| PENNIMAN; SAMUEL J. SAAD, III; JOHN F. |) | |
| SOREY, III; DANIEL ZUNZUNEGUI; and |) | |
| PROFESSIONAL FIREFIGHTERS OF NAPLES |) | |
| IAFF LOCAL 2174, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

COMPLAINT

Plaintiff STEPHEN McINERNY sues defendants COREY J. ADAMSKY; CHRISTOPHER S. CLISSOLD; PETER DiMARIA; MARVIN L. EASTON; DOUGLAS FINLAY; TERESA L. HEITMAN; DEAN S. HOMAN; STEVEN KOFSKY; MIKE MOORE; ADAM P. NADELMAN; MICHAEL D. NICHOLS; GERALD A. PECAR; LINDA S. PENNIMAN; SAMUEL J. SAAD, III; JOHN F. SOREY, III; DANIEL ZUNZUNEGUI; and PROFESSIONAL FIREFIGHTERS OF NAPLES IAFF LOCAL 2174, and alleges:

1. Plaintiff is a Florida resident.
2. Defendant MARVIN L. EASTON is a political operative, and a Florida resident.
3. Defendants MAYOR JOHN F. SOREY, III, SAMUEL J. SAAD, III, DOUGLAS FINLAY, LINDA S. PENNIMAN, and TERESA L. HEITMANN were members of the Naples City Council at all times relevant herein.

4. PROFESSIONAL FIREFIGHTERS OF NAPLES IAFF LOCAL 2174 (hereinafter referred to as “UNION”) is a collective bargaining union, with then President ADAM P. NADELMAN. Its membership includes COREY J. ADAMSKI, CHRISTOPHER S. CLISSOLD, PETER DIMARIA, DEAN S. HOMAN, STEVEN KOFSKY, MIKE MOORE, ADAM P. NADELMAN, MICHAEL D. NICHOLS, GERALD A. PECAR, and DANIEL ZUNZUNEGUI (hereinafter referred to as the “UNION MEMBERS”).

5. The City of Naples is a Collier County, Florida municipal corporation in Collier County, Florida, by and under the name of the City of Naples.

6. “Naples TV” is as stated on the City of Naples website “The City of Naples, Florida broadcasts live meetings and replays on local cable Comcast Cable Channel 98, as well as Streaming Video on the internet for both live and archived meetings. Our television channel also broadcasts current information with regard to upcoming meeting schedules, agendas for those meetings, current City of Naples job openings and other current information. The City of Naples television channel is managed through the City Manager's Office.”

7. On October 21, 2015, the UNION MEMBERS, MAYOR JOHN F. SOREY, III, MARVIN L. EASTON, and Council Members SAMUEL J. SAAD, III, DOUGLAS FINLAY, and LINDA S. PENNIMAN, used the UNION as a surrogate to deliver a “No Confidence Letter” that they knew contained false and defamatory statements about plaintiff, which they then published repeatedly at their meeting hours later knowing that the publication would occur in public, in the presence of the press, on Naples TV, and would be preserved as a video and public record and entered into the minutes of the meeting kept by the City Clerk as a public record. A copy of the letter, labelled “Exhibit One,” is attached hereto and incorporated herein.

8. At the time of its writing and delivery, defendants knew that the neither the Mayor nor the Council Members had any jurisdiction over plaintiff's employment as the Chief of the Fire Department, and further that they were precluded as a matter of law, from employment decisions concerning the Fire Chief, as well as other employees, since those decisions are exclusively vested in the City Manager under the Naples Charter.

9. The City Manager, however, is appointed by the Mayor and Council and is subject to being fired by the Council. In this case, defendants sought to illegally leverage the City Manager under the duress of being fired in order to force him to fire plaintiff.

10. To do so, defendants concocted a scheme to publicly defame, demean, and destroy plaintiff's reputation in order to make his continued employment by the City Manager untenable.

11. Notwithstanding the knowledge of the council's lack of jurisdiction, defendants circulated the defamatory letter calling for the ouster of plaintiff. Then, during a public meeting they demanded it be discussed on the record. Notably, it was not on the published agenda.

12. The UNION, UNION MEMBERS, and MARVIN L. EASTON knew that in delivering the "No Confidence Letter" that it would be publicized at the council meeting just hours later and that it would be televised, with the press present, and that the letter would otherwise be further disseminated.

13. The UNION MEMBERS acted on behalf of themselves or on behalf of other UNION MEMBERS in order to achieve promotions that they believed were unobtainable as long as plaintiff remained the Fire Chief.

14. The delivery of the letter was planned to generate maximum pressure on the City Manager to fire the Fire Chief. Defendants circulated the letter, which was prepared by their

combined efforts, at 6:00 a.m., just two and a half (2½) hours before the 8:30 a.m., October 21, 2015 meeting.

15. The timing was intentional and engineered to generate maximum public ridicule and pressure while avoiding any prepared defensive commentary by the Fire Chief or administrative staff who, on that day, supported the Chief.

16. Despite the UNION's knowledge of the City Charter provision restricting the Mayor and the Council from acting on the issue, the UNION sent the letter to MARVIN L. EASTON with full knowledge that he would then forward a copy to the Mayor for circulation to the Council, which he did.

17. The letter demanded "that the City take action consistent with the unanimous vote of no confidence in Chief McInerney's continuing to hold the position of Fire Chief."

18. The UNION and its members were aware of the Charter provision which prevented Council Members from directing employees or interfering with their employment, as well as the scope of the Public Records Act.

19. All defendants knew Naples TV transmits live coverage of council meetings, which are also simultaneously streamed on the internet, and saved for later public viewing, and that other news media was likely in the audience or would copy video from the stream online. The October 21, 2015 council meeting remains available for viewing as a public record at the City of Naples website.

20. Defendants knew that virtually any and all recordings or writings they would be creating would become public records and would be in the public domain and not private. These would include the ones they created concerning the employment of plaintiff.

21. While utilizing media and the Public Record Act to widely distribute their defamatory information, defendants acted to eradicate the good professional reputation of plaintiff and to create political pressure on the City Manager to terminate plaintiff and convince the public that plaintiff was not fit to be Chief.

22. Defendants violated all advice, operated illegally, and acted at the October 21, 2015 council meeting, which was simultaneously streamed on the internet and transmitted over Naples TV, and saved for later public viewing, and while knowing of the limitation of council authority, mandated by Charter provision 2.10. Council members SAMUEL J. SAAD, III, DOUGLAS FINLAY, and LINDA S. PENNIMAN argued on live TV for a resolution that directed the City Manager to take specified action concerning the employment of plaintiff. This was done after being advised of the Charter limitation and cautioned by the City Attorney. Councilman SAMUEL J. SAAD, III openly discussed and read the defamatory letter, while knowing of its falsity.

23. At the October 21, 2015 council meeting, defendants made further defamatory statements as illustrated on the list of statements attached as “Exhibit Two.”

24. All of the defendants’ false statements were made outside the course and scope of any employment that defendants had with the City of Naples.

25. Defendants made such statements without reasonable care as to the truth or falsity of those statements.

26. The statements were made in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

27. Said statements have exposed plaintiff to distrust, hatred, contempt, ridicule or obloquy, caused plaintiff to be avoided and have otherwise injured plaintiff’s personal and professional reputation.

28. Because of defendants' false statements, plaintiff has been damaged, including special damages of loss of past and future earnings, physical suffering, physical inconvenience and discomfort, loss of time, mental suffering due to embarrassment, humiliation, and disgrace, together with the damage done to his personal and professional reputation.

WHEREFORE, plaintiff demands judgment against defendants, jointly and severally, for general and special damages, and court costs, together with whatever further relief the court deems proper, and pursuant to Florida Statutes Section 768.72, plaintiffs reserve the right to amend the complaint to assert a claim for punitive damages.

Plaintiff demands trial by jury on all issues so triable.

KRAMER HUY P.A.
Attorneys for Plaintiff
950 North Collier Boulevard, Suite 101
Marco Island, Florida 34145
(239) 394-3900

By: /s/ Peter Huy
PETER HUY
Florida Bar No. 44224

Professional Firefighters of Naples



Local 2174

October 21, 2015

Mr. Moss

I have been directed by the membership of the Professional Firefighters of Naples, Local 2174, IAFF to advise you of a vote on a motion of no confidence conducted by the City's firefighters with respect to the continued tenure of Chief McNerny. Be advised that, at our meetings on October 13, 2015 and October 19, 2015, a motion of no confidence in Chief McNerny continuing to hold the position of Fire Chief was passed by unanimous vote.

The motion carried only after serious and lengthy deliberation by members of the Local, all of whom are employees of the City of Naples Fire Department; the motion was made for the express purpose of improving the lot of employees, the Department and the community in general.

In summary, it is the membership's position that Chief McNerny has created a poor working environment, and has shown both a lack of leadership and an inability to make sound decisions on matters affecting the community.

Among the many matters giving rise to this motion, and relied upon in discussion with respect to the motion, were the following:

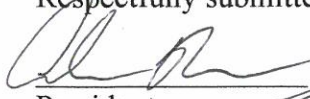
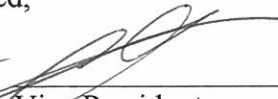

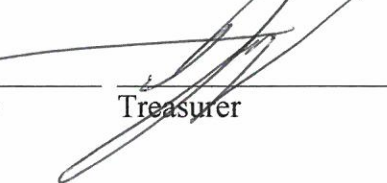
1. The Chief has misled the community and City staff. In particular, he has created the misimpression of need where they do not exist with regard to apparatus and facilities.
2. The Department's integrity is in question due to the Chief's misrepresentations and exaggerations with respect to fire calls, damage, and intensity.
3. The Chief's misrepresentations, exaggerations and outright mendacity have created a lack of trust between the Chief and the City's fire-rescue personnel. As a result, the Chief has lost the ability to effectively lead the City's firefighters.

EXHIBIT ONE

4. The Chief has attempted to influence and otherwise cause the Union to undermine some City objectives.

For these, and many other matters of deep concern to the membership, the City's firefighters respectfully request that the City take action consistent with the unanimous vote of no confidence in Chief McNerny's continuing to hold the position of Fire Chief.

Respectfully submitted,

| | | | |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
|  |  |  |  |
| _____ President | _____ Vice President | _____ Secretary | _____ Treasurer |

| Speaker | Date | Location | Description of Statement |
|------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sam Saad III | 8/3/2015 | WINK News - New report suggests Naples must hire more firefighters - EXHIBIT Page 02 | Saad says his main concern is the leadership within the fire department and that hiring more firefighters isn't the solution. |
| Sam Saad III | 8/3/2015 | Facebook Post by Sam Saad III - EXHIBIT Page 05 | Sam Saad reacting to PSSi Master Plan report that suggests Naples Fire needs overhaul - Sam Saad posts following on his Facebook Page "Same song, different tune. At this point, we need a new fire chief". |
| Sam Saad III | 8/4/2015 | Naples Daily News - Report - Naples fire department is outdated, in need of overhaul, other improvements - EXHIBIT Page 09 | Saad said he hadn't read the full report before Tuesday night, but he feels McInerny should step down. Saad said he has "no confidence in the information" McInerny brings to council and that the chief is a better firefighter than department head. |
| Sam Saad III | 08/04/2015 | Facebook Post by Sam Saad III - EXHIBIT Page 22 | They send fire fighters to every medical call. This chief likes to send all the unit to everything. There has been no explanation. |
| Sam Saad III | 9/10/2015 | Fox Radio 92.5 Daybreak w/Drew Steele attempting to obtain copy of audio | Sam Saad would be a regular (Thursday) morning guest on DayBreak 92.5 w/Drew Steele and he went on radio to bash the PSSi Fire Master Plan consultant report that he requested and to also demand that the Fire Chief be fired. |
| Adam P. Nadelman | 10/21/2015 | County Union Officer Meeting | Meeting is held for all Collier County Fire-Rescue Union Officers to discuss forming one union organization for effectiveness and efficiency operations. Officers present question Nadelman as to specifics of "Vote of No Confidence" and he advises that he "is working with Mr. Marvin Easton on mutual goal of terminating the Fire Chief." This raises great alarm among those present and Nadelman assures them that he knows it is a dangerous move but worth taking the risk to terminate the Fire Chief. Nadelman also advises the group that he has no specifics or supporting documentation as to the allegations in the letter. |
| Sam Saad III | 10/21/2015 | Naples City Council Regular Meeting - Agenda Item No. 13 - Naples TV Video Tape - Video starts at 4:08:30 | "If the City Council were to say, Bill Moss we really don't like Steve McInerny, that doesn't really direct him to say anything or do anything. That wouldn't get us in trouble!" |
| Sam Saad III | 10/21/2015 | Naples City Council Regular Meeting - Agenda Item No. 13 - Naples TV Video Tape - Video starts at 4:10:33 | "I just find it really hard to believe that we have a limitation on my First Amendment Right to speak". |
| Sam Saad III | 10/21/2015 | Naples City Council Regular Meeting - Agenda Item No. 13 - Naples TV Video Tape - Video starts at 4:12:23 | "So the letter, just to discuss the topic on the agenda, states that the Chief has mislead the the community and the City staff" "I want it read in public". |
| Sam Saad III | 10/21/2015 | Naples City Council Regular Meeting - Agenda Item No. 13 - Naples TV Video Tape - Video starts at 4:41:40 | "We should direct the City Manager to bring us in an investigator to conduct and independent investigation into the allegations in the letter". |

EXHIBIT TWO

| Speaker | Date | Location | Description of Statement |
|---------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sam Saad III | 10/21/2015 | Naples City Council Regular Meeting - Agenda Item No. 13 - Naples TV Video Tape - Video starts at 4:42:05 | "I mean the staff is basically trying to delay this so they can come up with a response because they support the Fire Chief, the management staff." |
| Sam Saad III | 10/21/2015 | Naples City Council Regular Meeting - Agenda Item No. 13 - Naples TV Video Tape - Video starts 4:43:05 | "Mr Pritt is an attorney that provides legal advice. He does not command action. He's given advice, I understand that we have a contract and charter that gives us direction. I understand that there is a civil rights act that gives the Fire Chief certain rights if we take, if we do certain things and I have chosen to express my opinion, my personal opinion that I do not have confidence in the Fire Chief to provide good public safety to the City. That is my personal opinion. And and if that means that the Fire Chief is going to sue me in a civil rights action, that's great! I will see him in court!" |
| Sam Saad III | 10/21/2015 | NBC 2 News - City manager to review dispute between Naples union, fire chief - EXHIBIT Page 14 | "Staff is basically trying to delay this so they can come up with a response, because they support the fire chief," said council member Sam Saad. "This fire chief is not the person that we want in charge of the fire department. He wanted us to spend \$650,000 on a gigantic fire boat in the event that a plane crashed into the ocean. I have never forgotten that." |
| IAFF Local 2174 | 10/22/2015 | Naples Daily News - Naples firefighter union want Fire Chief Steve McNerny out, say he had shown poor leadership - EXHIBIT Page 11 | Naples City Manager Bill Moss, responding to firefighters who twice voted no confidence in their leader, will investigate claims that Fire Chief Steve McNerny has misled the public and exaggerated the department's needs. |
| Adam P. Nadelman | 10/22/2015 | Naples Daily News - Naples firefighter union want Fire Chief Steve McNerny out, say he had shown poor leadership - EXHIBIT Page 12 | The union accuses McNerny of "outright mendacity" and says the chief has lost the trust of the department's officers. |
| Doug Finlay | 10/22/2015 | Naples Daily News - Naples firefighter union want Fire Chief Steve McNerny out, say he had shown poor leadership - EXHIBIT Page 12 | But Saad and City Councilman Doug Finlay said the managerial staff should have, or indeed, knew about the department's lack of confidence in its chief. Finlay said the issue has been "out there" for at least two years. |
| IAFF Local 2174 | 10/22/2015 | Naples Daily News - Naples firefighter union want Fire Chief Steve McNerny out, say he had shown poor leadership - EXHIBIT 12 | The letter argues the Naples Fire-Rescue Department is in question due to what it describes as McNerny's "misrepresentations" and "exaggerations" regarding "fire calls, damage and intensity." |
| Naples City Council | 10/22/2015 | Naples Daily News - Naples firefighter union want Fire Chief Steve McNerny out, say he had shown poor leadership - EXHIBIT Page 11 | City Council directed Moss to conduct an investigation after a lengthy discussion Wednesday that led to some council members expressing their own lack of confidence in McNerny and the city managerial staff for saying it was unaware of the issues before the letter was sent. |

| Speaker | Date | Location | Description of Statement |
|------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sam Saad III | 10/22/2015 | Fox Radio 92.5 Daybreak w/Drew Steele | Sam Saad on Fox Radio 92.5 Daybreak w/Drew Steele stating that a special prosecutor be hired to investigate the Fire Chief since he committed fraud. |
| Sam Saad III | 10/22/2015 | Naples Daily News - Naples firefighter union want Fire Chief Steve McNerny out, say he had shown poor leadership - EXHIBIT Page 11 | City Councilman Sam Saad, who has publicly called for McNerny's firing, wanted an independent investigation, citing his lack of faith in Moss. But Mayor John Sorey's motion to direct the city manager to look into the issue passed 4-3, with Doug Finlay, Linda Penniman and Saad dissenting. |
| Sam Saad III | 10/22/2015 | Naples Daily News - Naples firefighter union want Fire Chief Steve McNerny out, say he had shown poor leadership - EXHIBIT Page 13 | Saad said he has personally received complaints about McNerny and doesn't trust the information the chief tells council. Saad said he will request an independent investigation again after Moss reports back to council. |
| Sam Saad III | 10/22/2015 | Naples Daily News - Naples firefighter union want Fire Chief Steve McNerny out, say he had shown poor leadership - EXHIBIT Page 12 | But Saad and City Councilman Doug Finlay said the managerial staff should have, or indeed, knew about the department's lack of confidence in its chief. Finlay said the issue has been "out there" for at least two years. |
| Sam Saad III | 10/27/2015 | Facebook Post by Sam Saad III Vebatim Quote prior to his scrubbing the page | "The residents need to know if reports were changed, who changed them and why? Also, They need to see economic justification of the proposed expenditures. Is service to the residents being enhanced by the proposed expenditures and by how much? Is it worth the cost to purchase and maintain? I am not sure how a labor and employment lawyer can evaluate this." |
| Sam Saad III | 12/2/2015 | Naples City Council Regular Meeting - Agenda Item No. 15 - Naples TV Video Tape - Video starts at 8:49:18 | Sam Saad calls for termination of the Fire Chief while discussing City Manager Moss performance evaluation. Asks that independent investigation of the Fire Chief be wrapped up by January 1st, 2015. Doug Finlay and Linda Penniman express grave concerns about the operation of the Fire-Rescue Department. |
| Adam P. Nadelman | 4/20/2016 | Naples Daily News - Fired Naples fire chief accused by union leader of telling firefighters to let buildings burn - EXHIBIT Page 20 | Steve McNerny, the former chief of the Naples Fire-Rescue Department, ordered staff to erroneously change fire reports and said firefighters should let structures burn to convince the City Council the department needs more money, the head of the fire union claims in investigative documents released Wednesday. |
| Adam P. Nadelman | 4/20/2016 | Naples Daily News - Fired Naples fire chief accused by union leader of telling firefighters to let buildings burn - EXHIBIT Page 20 | Headline - Fired Naples fire chief accused by union leader of telling firefighters to let buildings burn |
| Adam P. Nadelman | 4/20/2016 | Naples Daily News - Fired Naples fire chief accused by union leader of telling firefighters to let buildings burn - EXHIBIT Page 20 | In a six-and-a-half hour interview on November 10, Adam Nadelman, president of the IAFF Local 2174, told investigator Vicki Sproat that McNerny gave orders to over-report fire intensity and damage as part of an effort to lobby the council for more staff and new equipment. |

| Speaker | Date | Location | Description of Statement |
|------------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Adam P. Nadelman | 4/20/2016 | Naples Daily News - Fired Naples fire chief accused by union leader of telling firefighters to let buildings burn - EXHIBIT Page 20 | Nadelman said McInerny, who was chief since 2009, made "several comments" indicating "we really need to burn something down to the ground ... to prove to the council that we need more people." |
| Bill Moss | 4/20/2016 | Naples Daily News - Fired Naples fire chief accused by union leader of telling firefighters to let buildings burn - EXHIBIT Page 21 | "There was no investigation or conclusion to decide the facts and truth of allegations made in the union's letter and statements made during the subsequent inquiry," Moss wrote. |
| Douglas Finlay | 4/20/2016 | Naples Daily News - Fired Naples fire chief accused by union leader of telling firefighters to let buildings burn - EXHIBIT Page 21 | Finlay in 2014 accused McInerny of over-reporting the department's number of structure fires. Finlay worried the reports would try to be used to justify increased spending. |
| Sam Saad III | 4/20/2016 | Naples Daily News - Fired Naples fire chief accused by union leader of telling firefighters to let buildings burn - EXHIBIT Page 21 | Saad publicly called for McInerny's firing last year and said he didn't trust him. |
| Sam Saad III | 5/18/2016 | Naples Herald - Naples Fire-Rescue Prepping Plans for New Station - EXHIBIT Page 16 | "Saad said McInerny's lack of public trust played a role in council delaying the project". |
| Sam Saad III | 5/18/2016 | Naples Herald - Naples Fire-Rescue Prepping Plans for New Station - EXHIBIT Page 16 | "He couldn't get it done," Saad said. "He couldn't build it for what he was telling us he could build it for." |

New report suggests Naples must hire more firefighters

Published: August 3, 2015 4:45 PM EDT

Updated: August 3, 2015 5:43 PM EDT

NAPLES, Fla.- The City of Naples Fire Department needs more firefighters to meet national standards for quality service.

In 2014, Naples City Council members voted to hire an independent consultant to take a look at a number of issues within the fire department including staffing, station locations, equipment and the department's budget.

The city paid the consultant \$45,000 to look into the issue, and eight months later, the report is finally complete.

"Very thorough, very detailed, a lot to absorb. And frankly, we're seeing there's a lot of very positive things about the department and there are some negative things. And over time, we'll look to see how we can improve those negatives," said City Manager Bill Moss.

Moss says the report suggests the city should hire nine firefighters and add five administration jobs to take some of the work off of the fire chief.

"That was somewhat of a surprise to me, although our department doesn't have nearly the types of administrative support I've seen in other organizations," said Moss.

City Councilman Sam Saad disagrees. He says "the report relies on national standards as opposed to creating a customized report for the City of Naples. So, in that respect, this report is an abject failure."

Saad says his main concern is the leadership within the fire department and that hiring more firefighters isn't the solution.

"I haven't read anything yet that says that we are not doing a great job of protecting our citizens," said Saad.

The city manager says City Council will further discuss the report at one of their meetings next month.

Naples firefighter union wants Chief McInerny removed

Published: October 21, 2015 6:13 PM EDT

Updated: October 22, 2015 3:22 PM EDT

NAPLES, Fla. – The Naples firefighter union wants the fire chief to be removed from his position following two votes of no confidence.

In a letter sent to the Naples city manager and council members Wednesday morning, the union said Chief Stephen McInerny has misled the public and shown poor leadership.

After a heated discussion between council and staff, the city manager is now looking into the allegations.

Chief McInerny tells WINK News he was blindsided.

"They're entitled to their opinion and if that's their course of action, then so be it. And nothing was expressed to me prior," said McInerny. "Certainly would welcome any inquiry, fact finding, that may be necessary and a thorough and fair investigation and the facts will speak for themselves."

WINK News spoke with union president Adam Nadelman who says the letter speaks for itself. He wants to respect the city manager's investigation and will cooperate however needed.

Count on WINK News to let you know what happens.

Sam J. Saad III

• August 3, 2015 •

Same song, different tune. At this point, we need a new fire chief.



[Report states Naples Fire needs overhaul](#)

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[nbc-2.com](#)

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99 Linda Black and 8 others

Comments



Christopher Stanosheck Didn't I just read a recent article that said Naples was the best place to be a firefighter?

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• August 3, 2015 at 6:49pm

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Sam J. Saad III replied · 1 Reply



Fritz Sullivan Chief McInerny is a great chief and outstanding fire fighter that I am very proud to call my friend

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• August 3, 2015 at 7:51pm

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Sam J. Saad III replied · 1 Reply



Lee Dixon I've got a couple of questions. If only 2% of the calls are fire then how is an increase of 20 firefighters justified? How did they get that 2% number? Is that based strictly on non EMS calls? If they are counting all calls to the 2 Naples stations the...[See More](#)

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· August 4, 2015 at 7:44am

[Manage](#)



Sam J. Saad III They send fire fighters to every medical call. This chief likes to send all the unit to everything. There has been no explanation why.

[Like](#)

· August 4, 2015 at 10:37am

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LOCAL NEWS

Report: Naples fire department is outdated, in need of overhaul, other improvements



<p>In this October 24, 1014 file photo, Naples Fire Department responds after a military-style hobby plane lost power during take off at the Naples Municipal Airport Thursday. (Photo courtesy of the Naples Fire Department)</p>

By [Joseph Cranney](#) of the Naples Daily News

Posted: Aug. 04, 2015



The Naples Fire-Rescue Department falls short of nationally-recognized standards in many of its practices, including workplace safety, officer training and operating procedures, according to a new consultant's report that City Council members say doesn't give enough consideration to the department's relatively small size.

The 460-page report, commissioned by City Council in February, describes the Fire-Rescue Department as outdated and ill-structured, and in need of a significant overhaul. Among the concerns listed in the report:

the 63-person department doesn't require medical screening before firefighters wear air packs; officers aren't given certification-based training; and the department's facilities don't include carbon-monoxide monitors.

The report also calls for a department-wide reorganization that would create a new assistant fire chief position to manage fire operations and add a lieutenant for emergency medical services. The re-organization would increase the daily on-duty minimum staffing from 14 to 17 and mandate at least three personnel on each of the department's ladder and tower trucks, plus both engines.

Those staffing increases, and the wages that go along with it, bother Mayor John Sorey, who said the Fire-Rescue Department does an adequate job within the budget its allocated.

"It has to make sense economically," Sorey said. "What kind of a return are we going to get on it? Maybe instead of adding three people, we add one person."

City Council will discuss whether to implement the report's lengthy recommendations likely during one of its regular meetings in September.

Public Safety Solutions, Inc., a public safety consulting firm based in Chester, Maryland, along the Eastern Shore, was paid \$45,000 to write the report. The firm based much of its recommendations on fire departmental occupational safety standards suggested by the National Fire Protection Association.

That the report relies so heavily on national standards is contrary to what the council discussed during its February 17 meeting when the city approved the report, Councilman Sam Saad said.

"I think they don't recognize that we have a successfully operating fire department," Saad said. "They can't come to me and say, 'You need all this new staffing,' unless they say, 'You need this new staffing because you can't handle the incidents.'"

The Fire-Rescue Department has five facilities, including its headquarters on Riverside Circle. Its budget, which was close to \$9 million in Fiscal Year 2014-15, has increased about 15 percent in the past five years.

For his part, Naples Fire Chief Steve McInerny called the consultant's report a "quality report" put together by a "professional group that understands the requirements of fire, rescue and EMS services."

McInerny said the firm spent "hundreds of hours" in the city and "left no stone unturned."

He said the report's characterization of some of the department's policies as outdated is fair, adding that the policies were written sometime in the 2000's and need to be updated.

Saad said he hadn't read the full report before Tuesday night, but he feels McInerny should step down. Saad said he has "no confidence in the information" McInerny brings to council and that the chief is a better firefighter than department head.

The mayor took issue with that comment.

"I do not see the support to terminate Chief McInerny," Sorey said.

"Overall, I think [the report] gives him a B or a B-plus rating, which is not too bad."



About Joseph Cranney

Joseph Cranney covers life and politics in the City of Naples for the Naples Daily News. He writes about City Council, housing, labor and minority affairs. His occasional series "Around Town" features interesting people living and working in the city.

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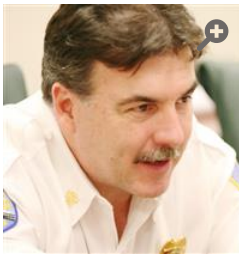
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GOVERNMENT

Naples firefighter union want Fire Chief Steve McInerny out, say he has shown poor leadership



Naples Fire Chief Steve McInerny

By *Joseph Cranney* of the Naples Daily News

Posted: Oct. 22, 2015



Naples City Manager Bill Moss, responding to firefighters who twice voted no confidence in their leader, will investigate claims that Fire Chief Steve McInerny has misled the public and exaggerated the department's needs.

The claims, revealed in a letter sent to the city Wednesday before City Council's regular meeting, set off an unexpected and heated debate. The union, in two unanimous votes earlier this month, took the position that McInerny should no longer serve in his job and asked the city to take "action consistent" with their opinion, according to the letter sent by union President Adam Nadelman.

City Council directed Moss to conduct an investigation after a lengthy discussion Wednesday that led to some council members expressing their own lack of confidence in McInerny and the city managerial staff for saying it was unaware of the issues before the letter was sent.

City Councilman Sam Saad, who has publicly called for McInerny's firing, wanted an independent investigation, citing his lack of faith in Moss. But Mayor John Sorey's motion to direct the city manager to look into the issue passed 4-3, with Doug Finlay, Linda Penniman and Saad dissenting.

The letter argues the Naples Fire-Rescue Department is in question due to what it describes as McInerny's "misrepresentations" and "exaggerations" regarding "fire calls, damage and intensity."

The union accuses McInerny of "outright mendacity" and says the chief has lost the trust of the department's officers.

Nadelman said the union's opposition to McInerny started even before a consultant's report in August recommended sweeping changes to the Fire-Rescue Department, including additional staffing and new standards for workplace safety and officer training.

"It's not a rash or knee jerk reaction," said Nadelman, who represents Local 2174. "This is something that's been building for a long time."

Nadelman declined to elaborate on the letter's specifics, citing the city's investigation, but said, "They're serious allegations. It gave us no pleasure in bringing them forward, but we had to do it."

Reached by phone, McInerny said he welcomes the investigation, and added the department follows all state and federal guidelines for incident reporting.

"I think the facts will speak for themselves," McInerny said.

McInerny said he was previously unaware of the issues in the letter, and declined to discuss the letter's specifics.

During the council meeting Wednesday, City Councilwoman Teresa Heitmann grilled Moss and assistant city manager Roger Reinke on their knowledge of the fire department's issues.

"This has blindsided you?" Heitmann asked Moss.

"Yes, ma'am," he said.

But Saad and City Councilman Doug Finlay said the managerial staff should have, or indeed, knew about the department's lack of confidence in its chief. Finlay said the issue has been "out there" for at least two years.

"Something clearly has failed for it to come to this," Finlay said.

Saad said he has personally received complaints about McInerny and doesn't trust the information the chief tells council. Saad said he will request an independent investigation again after Moss reports back to council.

Firefighters said Wednesday the union's opposition to the chief will not be a detriment to the department's operations while the investigation is ongoing.

"We plan on still providing public safety and still going about our job to the highest level, regardless, even if nothing happens," Nadelman said. "It's not going to affect our performance."



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City manager to review dispute between Naples union, fire chief

Posted: Oct 21, 2015 11:06 AM EDT
Updated: Oct 21, 2015 7:04 PM EDT

City Manager Bill Moss will look into issues raised by the Professional Firefighters of Naples union regarding the future of Stephen McInerney as chief of the City of Naples Fire-Rescue Department.

The city council voted, 4-3, on Wednesday, to have Moss research the situation, which came to a head when union president Adam Nadelman sent a letter to Moss listing myriad rank-and-file complaints about McInerney.

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"They are allegations, OK," said council member Bill Barnett. "There's going to be two sides."

Three council members wanted an independent investigation, an option that could still be explored in the future.

"Staff is basically trying to delay this so they can come up with a response, because they support the fire chief," said council member Sam Saad. "This fire chief is not the person that we want in charge of the fire department. He wanted us to spend \$650,000 on a gigantic fire boat in the event that a plane crashed into the ocean. I have never forgotten that."

According to the section 2.10 of the city charter, council members are forbidden from directing or requesting the appointment or removal of a person from the fire chief's position. It's the responsibility, in this case, of Moss as city manager.

Nadelman's letter said that union meetings on both Oct. 13 and 19 yielded motions of no confidence that were passed by unanimous votes.

The letter suggests McInerney has "created a poor working environment, and has shown both a lack of leadership and an inability to make sound decisions on matters affecting the community."

It adds that McInerney has created the misinterpretation of need where it does not exist related to apparatus and facilities and compromised the department's reputation with exaggerations of fire calls, damage, and intensity. It also says he created a lack of trust with fire rescue personnel and attempted to influence and otherwise cause the union to undermine city objectives.

"For these, and many other matters of deep concern to the membership," the letter concludes, "the city's firefighters respectfully request that the city take action consistent with the unanimous vote of no confidence in Chief McInerney's continuing to hold the position of fire chief."

McInerney has seen the letter, and the city council made a last-minute addition putting the matter on the agenda for its Wednesday meeting.

"I was completely caught off-guard this morning when I received that letter," McInerny said. "At the end of the day the facts will speak for themselves. I welcome any investigation. Everything is vetted and thoroughly packaged for all necessary back-up data and information for council to make an informed decision."

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LOCAL

Naples Fire-Rescue Dept Prepping Plans for New Station

By Katie Egan @https://twitter.com/katie_j_egan May 18, 2016

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NH Naples City Council member Sam Saad said Monday during a city council workshop that the Naples Fire and Rescue station behind City Hall “isn’t just a facility we can keep ‘band-aiding’ together.”

And after six years of discussions, the city will no longer have to. The Band-Aid can finally be ripped off.

The 20-year-old station is getting a \$5 million rebuild.

Reports citing malfunctioning air conditioning units, building mold, a lack of space and no gender separation in sleeping quarters, say it’s about time.

The city began allocating \$500,000 for the station’s makeover after Steve McNerny, the former fire chief, requested a new building in 2010.

According to the city’s finance department, with \$2.5 million earmarked in savings, the city would still need to spend another \$2.5 million on the new station.

Saad said McNerny’s lack of public trust played a role in council delaying the project.

Interim fire chief, Pete DiMaria, knows what the community needs, Saad said, and he offers the economic justifications to make those needs a reality.

“As opposed to just wanting it to look pretty,” Saad said.

McNerny was fired in March after the fire union said he misled the public about the department. The council rejected his budget requests, reports say, because he wasn’t upfront about the department’s facility and equipment needs.

According to the report, McNerny would often label incidents as fires when there was no hint of a flame.

The project was initially a nearly \$3 million build out, Saad said, but eventually the number climbed to \$4 million.

“He couldn’t get it done,” Saad said. “He couldn’t build it for what he was telling us he could build it for.”

After McNerny requested a rebuild in 2010, the council agreed to spend \$150,000 to renovate the station. Then during last year’s budget talks, the council delayed funding the rebuild until fiscal year 2018.

On Monday, council members voted to renovate the 9,100 square foot structure, at 835 Eighth Ave. S., for \$5 million. Though they can't approve a budget during the Monday workshops, they did vote to finalize the design.

DiMaria hopes to begin construction in October 2017 and finish the 13,778-square-foot building as early as May 2019.

He presented three possible options for the new station, but council members were divided on whether or not to choose a pricier building that included space for administration staff.

Ultimately, they chose to build a new station at the existing location.

Administration will continue to be housed at the department's headquarters at Riverside Circle.

DeMaria, however, said it's common for administration to be located at fire and rescue headquarters.

"We have operated as a sub station to the area for a long time," he said. "We're capable of acting that way."

But, he said: "the preferred option would be to put everyone together."

Mayor Bill Barnett gave the final consensus Monday saying he chose option seven to avoid a deadlock between council members who either wanted to wait to build the station, citing other projects like Baker Park; or were at odds over whether or not to house administration in the same building and pay more money.

"Let's get it built," he said.

"It doesn't help with administration. But it's not that far away."

Sizzling plans for Fire-Rescue department

City council discussed the new station as part of the five-year Capital Improvement Plan Monday and talked about a slew of other improvements for the city's Fire-Rescue department.

Two fire trucks will be refurbished, and reports say the \$210,000 project will postpone new purchases for the next five to seven years.

Portable radio replacements would warrant \$35,000 and a fiber optics system at fire station No. 3 will cost \$25,000.

The fiber optics project will provide a direct hardware link back to the city's network. Right now, fire station No. 3 relies on Comcast Internet.

As part of a five-year program, stations will get 10 new portable radios. According to a report, the new P25 technology will make the current stock of portable radios obsolete.

Having extra stock radios also means staff will be able to use them for special details, storms and have backups in the case of an emergency.

Fire station No. 2, which is in poor condition, will be renovated in the next four fiscal years. The proposed cost to refurbish the 977 26th Ave. N., building is \$250,000.

Some parts of the station were hot and muggy, DiMaria said, while others were cool and comfortable.

The five industrial air conditioning units, he told council members, all tend to compete with each other, causing expenses to go up.

"I think we can benefit from a long-term solution to the problem," DiMaria said, adding that staff can't charge their phones and copy something without breaking the circuit breakers.


"As I was looking at this," Saad said. "I thought it would be really ironic if the fire station burns down."

He later asked: "How are we going to recruit and retain really good talent in these conditions?"


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Fired Naples fire chief accused by union leader of telling firefighters to let buildings burn

Joseph Cranney, Naples Daily News Published 12:00 a.m. ET April 20, 2016



(Photo: Tristan Spinski)

Steve McNerny, the former chief of the Naples Fire-Rescue Department, ordered staff to erroneously change fire reports and said firefighters should let structures burn to convince the City Council the department needs more money, the head of the fire union claims in investigative documents released Wednesday.

City Manager Bill Moss cut the investigation short when he fired McNerny last month, so the [758 documents offer no conclusion](https://www.documentcloud.org/documents/2806345-Independent-Inquiry-Former-Fire-Rescue-Chief.html) (<https://www.documentcloud.org/documents/2806345-Independent-Inquiry-Former-Fire-Rescue-Chief.html>) as to the allegations made by the union last October that McNerny has acted improperly, which the union outlined in a letter sent to the council. But transcripts from dozens of hours of interviews with firefighters highlight complaints and claims about McNerny's management style and the way he represented the department to the public.

Document: [Read the investigation documents.](https://www.documentcloud.org/documents/2806345-Independent-Inquiry-Former-Fire-Rescue-Chief.html) (<https://www.documentcloud.org/documents/2806345-Independent-Inquiry-Former-Fire-Rescue-Chief.html>)

In a six-and-a-half hour interview on Nov. 10, Adam Nadelman, president of the IAFF Local 2174, told investigator Vicki Sproat that McNerny gave orders to over-report fire intensity and damage as part of an effort to lobby the council for more staff and new equipment.

Nadelman said McNerny, who was chief since 2009, made "several comments" indicating "we really need to burn something down to the ground ... to prove to the council that we need more people."

The council has recently denied McNerny's requests for more staff and facility or equipment upgrades.

According to the documents, McNerny told Sproat he expected Nadelman to say the chief ordered firefighters to "let buildings burn." McNerny said the order referred to a fire in Aqualane Shores in June 2015. McNerny told firefighters "to back out because firefighters were being hurt," according to the documents.

McNerny's lawyer, Robert Bates, didn't return messages Wednesday night seeking comment.

As a means "to try and look busier," Nadelman said, McNerny made orders to upgrade smaller incidents to larger ones in fire reports.

"The chief wants you to change it to a building fire," Nadelman told the investigator. "Well there was no fire, it was just an overheated motor or a short circuit. The Chief says he wants it this way. Well, that's not what it was. Well this is what he wants."

"I would love to get extra personnel. But at what cost?" Nadelman said. "I don't want to lie. I don't want to put anyone's life in jeopardy."

"The chief has created an environment to where he would rather see something fail, or see someone get hurt or something burnt down and then say, 'See, I told you we need more people.'"

McNerny also gave orders to "dramatically" increase property damages on fire reports, according to Nadelman's transcript.

"Generally, he'll say, 'just put this number down,'" Nadelman said. "And that's what you are going to put down."

Sproat, from the Henderson, Franklin, Starnes & Holt law firm in Fort Myers, was hired by the city in October to investigate McInerney after the union said it had lost confidence in him. But her investigation ended on March 15 when Moss fired McInerney.

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Moss said McInerney's firing wasn't related to the investigation and "did not mean to be a disciplinary action." [LEARN MORE \(HTTP://OFFERS.NAPLESNEWS.COM/SPECIALOFFER?GPS-SOURCE=benbottom&MEDIUM=facebook&EXCHANGE&UTM_CAMPAIGN=READLOCAL17\)](http://offers.naplesnews.com/specialoffer?GPS-SOURCE=benbottom&MEDIUM=facebook&EXCHANGE&UTM_CAMPAIGN=READLOCAL17)

According to the documents, McInerney declined to be formally interviewed by Sproat. But Sproat held two preliminary conversations with McInerney in November.

In a letter sent to the city last week by McInerney's lawyer, McInerney describes the investigation as a "political hit." He claimed in another letter in February that council members Doug Finlay, Linda Penniman, Sam Saad and former mayor John Sorey acted against him, either individually or in a conspiracy.

Saad publicly called for McInerney's firing last year and said he didn't trust him. Finlay in 2014 accused McInerney of over-reporting the department's number of structure fires. Finlay worried the reports would try to be used to justify increased spending.

In his transcript, Nadelman said McInerney didn't allow for needed repairs to the department's old fire station at City Hall. McInerney was worried that "if we fix some of these major issues, they're not going to give me a new fire station," according to Nadelman's transcript.

Attached to the hundreds of pages of interviews is a two-page memo from Moss, which offers little explanation as to the investigation's findings.

The investigation's sole purpose, Moss said, was to determine whether to proceed with another investigation that would ultimately recommend whether disciplinary action was warranted.

"Such determination was not necessary, as the question is moot due to the fact the employment relationship was severed," Moss wrote in the memo.

"There was no investigation or conclusion to decide the facts and truth of allegations made in the union's letter and statements made during the subsequent inquiry," Moss wrote.

Moss didn't respond to a message Wednesday night asking how much the city paid Sproat for the investigation.

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[Sam J. Saad III](#) They send fire fighters to every medical call. This chief likes to send all the unit to everything. There has been no explanation why.

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