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REPLY TO:

Meetings By Appointment Only

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October 20, 2017

Mayor Bill Barnett
City of Naples, Collier County Fl.
735 8th St S
Naples, FL 34102

Re: Tort Claims Act Notice

Stephen McInerny and Amy McInerny, Claimants

Dear Mayor Barnett :

Please find Tort Claims Act Notice of Stephen McInerny and Amy McInerny, Claimants hereby served upon the City of Naples, Collier County Florida.

Please refer any questions to City Counsel Robert Pritt. Mr. Pritt and I have been discussing his office accepting service however I have been unable to reach him over the last 48 hours. Normally, I would simply rely on Mr. Pritt and I am sorry to have missed him.

Very truly yours,

Robert J Bates

Robert J. Bates

Received by on behalf of Mayor Barnett

By (Print Name):

Robert D Pritt

Date:

10/20/17

Stephen McNerny and Amy McNerny,

Claimant

V

City of Naples Collier County Florida, Naples Professional Firefighters IAFF Local 2174
Corey J. Adamski, Randy W. Bills, Timothy S. Bruener, Kathy L. Carrington, Christopher S. Clissold, Peter DiMaria, Marvin, L. Easton, Sherwin Douglas Finlay, Teresa L. Heitmann, Dean S. Homan, Steven Kofsky, Mike Moore, William Moss, Adam, P. Nadelman, Michael, D. Nichols, Gerald, A. Pecar, Linda, S. Penniman, Denise, K. (Matson) Perez, Roger, J. Reinke, Samuel, J. Saad III, John, F. Sorey III, Vicki, L. Sproat, Thomas, L. Vogel, Wayne Watts,

Respondents'

NOTICE OF CLAIM
PURSUANT TO
FL. STAT. 768.28(6)

Received on Behalf of
Mayor Bennett
Paul D. Puro
By

To:

Date: 10/20/17

City Manager and Mayor, City of Naples Collier County Florida, Naples Professional Firefighters IAFF Local 2174, Corey J. Adamski, Randy W. Bills, Timothy S. Bruener, Kathy L. Carrington, Christopher S. Clissold, Peter DiMaria, Marvin, L. Easton, Sherwin Douglas Finlay, Teresa L. Heitmann, Dean S. Homan, Steven Kofsky, Mike Moore, William Moss, Adam, P. Nadelman, Michael, D. Nichols, Gerald, A. Pecar, Linda, S. Penniman, Denise, K. (Matson) Perez, Roger, J. Reinke, Samuel, J. Saad III, John, F. Sorey III, Vicki, L. Sproat, Thomas, L. Vogel, Wayne Watts,

TAKE NOTICE that Past Fire Chief Stephen McNerny, and his wife, Amy McNerny, as Claimants make this claim for financial compensation against the Respondents' listed in the caption above pursuant to Florida Statutes Section 768.28(6), and makes the

Stephen McInerny and Amy McInerny,

Claimant

V

City of Naples Collier County Florida, Naples Professional Firefighters IAFF Local 2174
Corey J. Adamski, Randy W. Bills, Timothy S. Bruener, Kathy L. Carrington, Christopher S. Clissold, Peter DiMaria, Marvin, L. Easton, Sherwin Douglas Finlay, Teresa L. Heitmann, Dean S. Homan, Steven Kofsky, Mike Moore, William Moss, Adam, P. Nadelman, Michael, D. Nichols, Gerald, A. Pecar, Linda, S. Penniman, Denise, K. (Matson) Perez, Roger, J. Reinke, Samuel, J. Saad III, John, F. Sorey III, Vicki, L. Sproat, Thomas, L. Vogel, Wayne Watts,

Respondents'

NOTICE OF CLAIM
PURSUANT TO
FL. STAT. 768.28(6)

To:

City Manager and Mayor, City of Naples Collier County Florida, Naples Professional Firefighters IAFF Local 2174, Corey J. Adamski, Randy W. Bills, Timothy S. Bruener, Kathy L. Carrington, Christopher S. Clissold, Peter DiMaria, Marvin, L. Easton, Sherwin Douglas Finlay, Teresa L. Heitmann, Dean S. Homan, Steven Kofsky, Mike Moore, William Moss, Adam, P. Nadelman, Michael, D. Nichols, Gerald, A. Pecar, Linda, S. Penniman, Denise, K. (Matson) Perez, Roger, J. Reinke, Samuel, J. Saad III, John, F. Sorey III, Vicki, L. Sproat, Thomas, L. Vogel, Wayne Watts,

TAKE NOTICE that Past Fire Chief Stephen McInerny, and his wife, Amy McInerny, as Claimants make this claim for financial compensation against the Respondents' listed in the caption above pursuant to Florida Statutes Section 768.28(6), and makes the

following statements within 3 years of "when the injury occurs and the damage is sustained." Dept. of Transportation v. Soldovere, 519 So.2d 616, 617 (Fla. 1988). "

The purpose of this notice requirement is to provide the State, City and City officials, and its agencies, sufficient notice of claims filed against them and time to investigate and respond to those claims." Cunningham v. Florida Dept. of Children & Families, 782 So.2d 913, 915 (Fla. 1st DCA 2001).

Claims are set forth herein are set forth in a general, and by no means are they expressed in an exhaustive manner. The claims sustained by the Claimants are a result of the negligence and intentional acts of the Respondents' and also include statutory and civil rights violations. They also include any claims set forth in the notice served on the City of Naples pursuant to Fl. Stat 770.01 see attached.

Claimants demand compensatory and punitive damages, attorney fees and costs of court in an amount equal to that which a fair jury would award after hearing all of the evidence in this matter.

In support of this claim claimant states:

1. Claimant's post office address
 - a. Stephen McInerny and Amy McInerny
 - i. 3937 Gibraltar Drive
 - ii. Naples Fl. 34119
2. Notices concerning this claim should be sent to BOTH

Please use only email

Robert J Bates, Esq.
1083 N Collier Boulevard,
Suite 357,
Marco Island, Fl 34145, by

Email at RJBates.Law@Gmail.Com.
Tel. 201-519-1340

As well as

Peter Huy, Esq.
Kramer Huy, P.A
950 North Collier Boulevard #101,
Marco Island, FL 34145, by
Email at PHuy@MarcoIslandLaw.Com
Tel. (239) 394-3900

3. The date and place of the occurrences giving rise to this claim are various and are delineated below and supporting facts of which many are more fully demonstrated in the Cities video tapes and audio tapes of statements.
4. The actions described herein together with all exhibits evidence claims and injury or loss of property and personal injury, have been caused by the negligent or intentional act or omission of any employee of the agency or subdivision *while acting within the scope of the employee's office or employment,* " as well as those acts derived as a consequence of the waiver of *F.S. 768.28(1)*, thereby creating individualized and personal liability of the actors because such act or omission was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, as follows;

General Allegations

Facts

Persons include the list of Respondents' in the caption. However the following are more fully introduced for clarity.

1. Respondents Mayor Sorey (Past Mayor), and Mr. Saad and Doug Finlay, Ms. Penniman, and Ms. Heitmann (Prior Member of Council) are/were members of Naples City Council during all time expressed herein.

2. Respondents' Marvin Easton is a political operative, and resident of Naples.

4. Naples Professional Firefighters IAFF Local 2174 is a collective bargaining union, with then President Adam P. Nadelman. Its membership also included those who acted individually and who also exhibit a work address of 355 Riverside Circle, Naples, Florida 34102.

5. Respondent Fire Union members acted on behalf of themselves as individuals seeking financial gains through promotions for themselves or on behalf of the Union members. This 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.

6. They succeeded in obtaining initial rewards through promotion for five of them as follows:

NAMES	FORMER POSITION	CURRENT POSITION	
DiMaria, Peter	Battalion Chief	Fire Chief	Received a direct benefit of having SM fired, since the promotion was granted shortly after SM was fired
Kofsky, Steven	Driver-Engineer	Lieutenant	Received a direct benefit of having SM fired, since the promotion was granted shortly after SM was fired
Nadelman, Adam, P.	Lieutenant	Battalion Chief	Received a direct benefit of having SM fired, since the promotion was granted shortly after SM was fired
Nichols,	Battalion	Assistant Chief	Received a direct benefit of having SM fired,

Michael, D.	Chief		since the promotion was granted shortly after SM was fired
Pecar, Gerald, A.	Lieutenant	Battalion Chief	Received a direct benefit of having SM fired, since the promotion was granted shortly after SM was fired

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

8. Naples TV : 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.”

9. Vicki Sproat, is an experienced litigating attorney and member of the Florida Bar. She was hired by the Naples City Manager Bill Moss to investigate the letter and Naples union claims. She, did not act as a neutral investigator but acted as an advocate for defamation. She did this by exposing defamatory claim after claim and never asking a simple, and immediate, follow up question to illustrate the truth and separate the lies. She appeared to have engineered a record of defamatory support only. She committed such acts in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property or outright negligence.

10. She failed in the simplest task of seeking the truth. She did this either through an intentional strategy or actionable negligence. Chief McInerny was alleged to be an intended third party beneficiary of her role in seeking the truth. She intentionally failed in her task and was negligent or intentional in further damaging Chief McInerny in order to support the eventual pretextual firing of the Chief McInerny on March 15, 2016.

11. Unknown Respondents' (s) are confederates and co conspirators, or direct actors that continuing investigation and discovery may disclose.

12. Claimant, Stephen McInerny was the Chief of the Naples City Fire Department from August 2009 to March 15, 2016 under a written contract of employment providing salary and benefits including a disability policy providing for disabilities including those arising from on the job injuries. The Naples City Ordinance defines his role as

a. "Sec. 2-381. - Established; **fire chief.**

i. There shall be a department of fire-rescue under the direction of a fire chief. **The fire chief shall:**

ii. (1) **Protect life and property from fire** within the city.

iii. (2) Provide rescue and emergency medical aid services.

iv. (3) Inspect certain structures within the city as provided for in the fire code **and enforce provisions of said code.**

v. (4) Develop and provide a public education and consultation service relating to fire prevention to the residents of the city.

vi. (5) **Conduct fire investigations** ...”; among

Narrative to assist in describing the Claim

1. In this matter, Respondents' acted individually, in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, or outright negligence, and were also parties to a civil conspiracy, to expose Stephen McInerny to distrust, hatred, contempt, ridicule or obloquy and claims of incompetence in an attempt to have him fired or force him to resign as follows.
2. Stephen McInerny was the City of Naples Fire Chief and these facts concern his tenure in that position.
3. On or before May 29, 2015 Mr. Easton had been illegally authorized, and unilaterally appointed, to act under color of law on behalf of the City of Naples.
4. Mr. Easton received this status without any vote or public meeting, allegedly by their illegal authority of Council members Saad, Finlay and Penniman, who instructed Mr. Easton that he was authorized to take binding legal positions, and act as an agent of the City Council, in conjunction with a non-descript "Naples City Council funded" public meeting scheduled for May 29, 2015 in the Naples City Council Chambers. The purpose of the public meeting was allegedly to discuss "Data driven" decision making in the management of Collier County Public Safety including the Fire Department of Naples under Chief Stephen McInerny.
5. This was a veiled presentation which was intended to be critical of the current public safety management, existing fire services and public safety unions.

6. Easton had zero experience in Public Safety management. Easton's so called "experts," were offering, without investigation, concepts that in many cases, had been used, was in use, or had been tried or studied and rejected as inefficient by the professionals he claimed were a failure. Easton was a neophyte political operative trying to convince the public he had superior knowledge in his attempt to be relevant. Easton had no concern that he was ruining the reputations of hard working public safety professionals vested with the actual responsibility to protect Collier County.

7. In fact, the agenda announced by Easton offered no new ideas or approaches to Fire Department and Public Safety management. The agenda of the "Public Meeting" was simply one of acrimony, criticism and alleged new approaches, which were old approaches, in an attempt to be critical of current management, create embarrassment and political foment and cause change for alleged efficiency without considering the downstream effects of the changes.

8. Easton at all times acted negligently and /or in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property or outright negligence.

8. Several Non Naples Firefighter Unions recognized the negative impact the meeting and veiled agenda may have on their departments, membership, safety of firefighters and efficiency. Members of opposing unions sought to attend the meeting but were informed by Easton they may not attend the "public" meeting but were told by Easton they could not attend the public meeting, held in a government facility.

9. Easton was in violation of the Florida Sunshine Act by preventing their attendance. As a matter of law they could not be prevented from attending a “public” meeting on their own time.

9. The Non Naples Unions pushed back against Easton, Saad and other elected officials and political bantering ensued.

10. Chief McInerney was blamed for the opposition since he shared his opinion that the alleged “new” approaches Easton and his so called “experts” were drumming, had in many cases, been used, was in use, or had been tried or studied and rejected as inefficient by the professionals Easton, Finlay and Saad were critical of, including Chief McInerney.

10. However, the Naples Union did not oppose the Easton meeting knowing it was critical of its department and Chief McInerney. It was also odd that during this time the Naples Union told Chief McInerney they would not participate in opposing Easton and his confederates. The union and members stated they were, in fact, engaged in productive dialogue with Marvin Easton and Council members Saad and Finlay even though Marvin Easton and Council members Saad and Finlay continually opposed the unionized delivery of service and operational contours of the department. The Naples Union announced they had a different “secret” strategy.

11. During this time Easton and elected officials used personal emails to discuss government business in violation of the public records act in order to develop their “secret” agenda.

12. That “secret” agenda, conspiracy and subterfuge, developed before May 2015, finally matured on or around October 21, 2015, when the combined forces of Naples Fire Fighters, Mayor Sorey, Easton and Council Persons , Saad, Finlay and Penniman, used

the union as a surrogate to deliver to the the Union “No Confidence Letter” that the council would published at their meeting hours later knowing the events described below would unfold in public.

13. By public they knew it would occur 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.

14. Despite the Union’s knowledge of the City Charter provision restricting the Mayor and Council from acting on the issue, the union sent the letter to Marvin Easton planning that he would, wink wink, then forward a copy to the Mayor for circulation to the Council.

15. The letter demanded “that the City take action consistent with the unanimous vote of no confidence in Chief McInerny's continuing to hold the position of Fire Chief.” In other words, Chief McInerny was an incompetent, so fire him. Get him out of the way for Easton’s narrative.

16. At the time of its writing and delivery to the council members and associated parties knew that the Mayor and Council Members never had any jurisdiction over the Chief of the Fire Department (McInerny), and are precluded as a matter of law, from employment decisions concerning the Fire Chief, as well as other employees, since those decisions are exclusively reserved for the City Manager under the Naples Charter.

17. However, the City Manager, holding the employment decision making over Chief McInerny, is appointed by the Mayor and Council. Therefore, the City Manager is subject to being fired on short notice by any arbitrary Council decision. In this case the City Manager was illegally leveraged and under the duress of being fired, so the City Manager ultimately fired Chief McInerny.

18. However, the associated parties and the Council Members first had to publicly defame, demean and slayed the Chief's reputation making his continued employment impossible for the appointed City Manager. So the campaign to do defame Chief McInerny ensued.

19. Notwithstanding the knowledge of the council's lack of jurisdiction, the Naples Union, and later the Mayor and Council, circulated the defamatory letter peppered with falsity calling for the ouster of Stephen McInerny. Then, during the "public" meeting they demanded it be discussed on the record. Notably it was not on the published agenda.

20. As part of the plan they announced their vile position knowing their publicly announced political winds would deliver their personal veiled threat to the City Manager. The City Manager was their personal appointee who could be fired by the elected officials if he did not listen to their wishes thereby subverting the Charter provision.

21. Also 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.

22. The Naples Union knew that Council meetings would be televised, that the press would be present, and their planned and performed defamation of the Chief would be further published.

23. As planned, and to generate maximum pressure on the City Manager to fire the Fire Chief, the union circulated the letter of their combined efforts to Mr. Easton and thereafter to the Council and Mayor at 6 AM, just 2 1/2 hours before 8:30 AM, October 21, 2015 meeting. This was intentional.

24. The timing was 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.

25. The planned approach was an illegal use of citizen surrogates. The surrogate strategy was employed to circumvent the Charter of the City of Naples which precludes the elected Council from interfering with management and employment decisions concerning Fire Chief, as well as other employees, since the management of those professionals is exclusively reserved for the City Manager under the Naples Charter. The City Charter states: Sec. 2.10. - Members of council not to interfere. No council member shall direct or request the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city except as provided in this Charter. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council, nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. (Ord. No. 86-5019, § 1, 6-18-1986; Ord. No. 91-6407, § 7, 6-19-1991)

26. Stephen McInnerny, as Fire Chief, belongs to the class of persons that the Charter Provision was intended to protect;

27. Stephen McInnerny, as Fire Chief, suffered injury of the type that the Charter Provision was designed to prevent; and

28. Violation of the Charter Provision was one of the proximate causes of his injury and loss of job.

29. At the October 21, 2015 meeting of the City of Naples the City Attorney again reminded Mayor Sory and members of the Council of the Charter provision. Attorney Robert Pritt advised the Council to avoid any violation of the City Charter or the Civil Rights of the Chief and property interest he may have in his reputation, employment and career.

30. Attorney Robert Pritt admonished the Council repeatedly, telling them and warning them to refrain from discussing the letter they received. But the Attorney did not know, the creation of the letter was a product of combined participation.

31. The Council members were, through this subterfuge, demanding that the Fire Chief to be fired by their appointee notwithstanding the charter and they we going to make it happen regardless.

32. The advice of Counsel was to avoid the issue knowing it was televised live and streamed and digitally saved. The recording of that meeting is incorporated herein verbatim.

33. All Respondents' 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 grab video from the stream online. The October 21, 2015 council meeting discussed herein remains available for viewing as a public record City of Naples Website. This record is, as are many government public records are, admissible both as business records and public records. See Fl. Stat 90.803

34. Also all Respondents' knew or are charged with knowing that Fl. Stat. 119.01 et. seq. defines Public Records as:(12) *"Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing*

software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. Fl Stat 119.011 (12)

35. Accordingly they 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 would create concerning the employment of Stephen McInerny, City of Naples Fire Chief.

36. While utilizing media and the public record act to amplify their defamatory information, Respondents' acted to eradicate the good professional reputation of Stephen McInerny and to create political pressure to box the City Manager into a corner and convince the public that Chief McInerny was not fit to be Chief.

37. So, as planned they 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. Naples Council members, Saad, Finley and Penniman argued on live TV for a resolution that directed the City Manager to take specified action concerning the Fire Chief. This was done after being advised again of the Charter limitation and cautioned by the City Attorney to which Councilman Saad belligerently invited a lawsuit. Then Saad discussed and read the following defamatory letter, while knowing of its falsity.

38. At the October 21, 2015 council meeting, councilman Saad made defamatory statements as illustrated on the list of statements reflected on the table attached.

39. At the October 21, 2015 council meeting, councilman Saad, who was asked why he was doing so, belligerently read the defamatory letter written by the Fire Union President which stated:

40. “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 McInerny. Be advised that, at our meetings on October 13, 2015 and October 19, 2015, a motion of no confidence in Chief McInerny continuing to hold the position of Fire Chief was passed by unanimous vote.”

41. “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.”

42. “In summary, it is the membership's position that Chief McInerny 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.”

43. “Among the many matters giving rise to this motion, and relied upon in discussion with respect to the motion, were the following points read into the record:”

44. “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.”

45. “2. The Department's integrity is in question due to the Chief's misrepresentations and exaggerations with respect to fire calls, damage, and intensity.”

46. “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.”

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

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

49. Respondents' actions have caused Stephen McInerny to be avoided and have otherwise injured Stephen McInerny reputation as trustworthy, competent, and fit for duty as a fire chief or professional fire officer causing him to be fired. Respondents' 's overt actions caused Claimant to suffer damages, including but not limited to special damages of loss of past and future earnings, physical suffering, physical inconvenience and discomfort, loss of time, mental suffering due to embarrassment, humiliation,

deprivation of liberty, and disgrace, together with the damage done to Stephen McInerny's personal and professional reputation.

50. All actors knew the statements contained in the "No Confidence Letter" were false when made, and the false character known to the writers and council members Mayor Sorey, Council persons Saad, Finlay, Penniman and Heitmann.

51. The true history of the 4 points contained in the Union's "No Confidence Letter," and later explained in writing below, is that the 4 items had, in many cases, been approved by the elected officials or other City staff. They had previously been drafted for council approval or discussion by council, vetted by fire department staff including DiMaria, and the City Manager, and discussed and voted upon by the council members including Sorey, Saad, Finley, Penniman and Heitmann. The history of these items were public records and available to all staff including Investigator Vicki Sproat.

52. Relevant is the fact that Investigator Vicki Sproat intentionally avoided using the above described legislative histories to quell the defamation of the chief but instead sought to use her examinations to amplify the defamation knowing of its propensity for injury.

53. The letter of the Union was later falsely expanded by Ms. Sproat through bolstering defamatory additions, and memos, through witnesses. See Language below.

54. These written representations were then bolstered by the testimony of firefighters. Their statements were elicited and published during the defamatory churning examination of Ms. Sproat, who repeated defamatory areas without simple

follow up questions and introduction of legislative histories to drive to the truth during the fake investigation.

55. The following employees provided defamatory and false statements to Ms. Sproat similar to the memo which they used as a script with her consent after having discussed this item “off record” and then introducing and characterizing it. The testimony followed or mirrored in some cases the exhibit to Ms. Sproat by Mr. Nadelman attached as an exhibit.

56. The persons that provided the similar statements included; Adamski, Corey J., Bills, Randy, W., Bruener, Timothy, S., Carrington, Kathy L, Clissold, Christopher S., DiMaria, Peter, Homan, Dean, S., Howard, David, V., Kofsky, Steven, Moore, Mike, Nadelman, Adam, P., Nichols, Michael, D., Pecar, Phillip, W., Perez, Denise, K. (Matson), A., Watts, Wayne, Zunzunegui, Daniel.

57. The statements were frequently parroted by this group along the following defamatory lines (Language in italics is a verbatim quote from the Nadleman Exhibit);

58. *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.*

59. ** \$600,000 Fire Boat. The department definitely needed a new fire boat but we had to go four years with an unsafe boat due to the fact that the chief wanted the biggest fire boat on the west coast of Florida. What he wanted and insisted on asking for was way more than the department needed. o The Chief was advised by the*

Battalion Chiefs on what was needed but he ignored their local waterway and department expertise.

60. * \$5,000,000 Fire Station. Wasted money on a new kitchen at station 1 and refused to use funding already approved by council to fix bigger problem areas such as showers, stating that if we fix the showers they won't give us a new station. Asked Firefighters to make sure and show inspection company how bad the showers were. New Battalion Chief Truck not needed. The battalion chiefs have told the chief the truck doesn't need to be replaced and the city shop doesn't think it needs to be replaced.

61. o The chief wants a new Battalion Chief vehicle because he has stated he doesn't like the way it looks.

62. * QRV. Although council brought up a QRV for station 1 the chief stressed to push the purchase so they would have to staff it. Wasted \$250,000.

63. 2. The Department's integrity is in question due to the Chief's misrepresentations and exaggerations with respect to fire calls, damage, and intensity.

64. * The ordered members of the department directly or through the chain of command to change reports that are actual Hazardous Conditions to Building Fire calls. These calls have been coded correctly for years prior to the chief's arrival and there are specific categories in the NFIRS codes for them. o 2005 – 2008 (Prior) Fire Calls 200, Hazardous Condition Calls 710 o 2010 – 2013 (After) Fire Calls 320, Hazardous Condition Calls 573 o The difference in the 4 years prior to Chief McInerny

coming to the city to the 4 years after: 120 more fire calls & 137 less hazardous conditions

65. * *Ordered members through the chain of command to dramatically increases damage values on fire reports.*

66. o *On a regular basis the chief orders members to change dollar losses on fire calls to an increased amount.*

67. o *Recently Battalion Chief DiMaria called fire station 2 and told me that Chief McInerney just had him change about 25 reports and he needed me to have DE Kofsky change them with the State Fire Marshalls Office. This conversation happened on speaker phone with DE Kofsky and myself in the Lieutenants office.*

68. * *Fire Department personnel were ordered directly or through the chain of command not to say "Fire Out" over the radio right away on fire calls. This is to make it appear that the fires seemed to last longer than they actually did.*

69. o *Battalion Chief DiMaria advised me of this change and Battalion Chief Vogel advised Lt. Pecar of it on A shift.*

70. * *The Chief has told members of the department that we should allow fires to grow and not put them out so fast or even just let the property burn down.*

71. o *The Chief has made numerous comments to all the Battalion Chiefs and Acting Battalion chiefs indicating that we should have a lackluster performance and not be to aggressive on fire class*

72. o During a meeting in September 2015 with Chief McInerney, VP Clissold, Secretary Moore, and myself the Chief referenced a radio show that Councilman Sadd gave about how many fires we have had and stated that maybe we shouldn't put small fire out

73. * The Chief has told members of the department that we should have let peoples boats sink and not assisted in saving vessels.

74. 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.

75. * The Chief tried to sabotage the ISO evaluation process and told fire department personnel that if we can highlight the worst areas of the city and get the evaluator to drop our rating low enough we could increase the size of the department.

76. o Battalion Chief's witnessed this first hand and they were disappointed that the Chief was trying to get such a low rating. The Chief started an ALS Program with EMS for the sole purpose to spread our units so thin that we would have no trucks available for emergency calls causing it to fail. o In January 2014 all the Paramedics in the union sent letters through the chain of command dropping out of this program because it was not in the best interest of the community.

77. o Vice President Clissold and myself met with the Chief in late 2013 (Nov/Dec) where he told us that it would not be our fault if someone died because we had no units

available, stating that he told City Council we need more people and it would be their fault.

78. * *The Chief has inflated work time on public records request for Council member's*

79. * *The Chief has lied directly to members of the department about promotional opportunities. With regards to the most recent addition of the training Chief, Chief McInerny placed the blame solely on HR Director Denise Perez.*

80. o *The union inquired to Denise Perez about the process and asked about the Chiefs statements, Mrs. Perez denied even speaking to the chief about the recent selection and subsequent hiring of the Training Chief*

81. * *The Chief has hired and promoted personal friends that were unqualified for their perspective positions.*

82. o *Bob Rogers — The Chief hired his friend Rogers from the Beach Patrol to the position of Fire_Inspector, then used department training funds to send Rogers (while on duty) to Ocala to take the necessary classes to become a certified inspector. After that the Chief promoted Rogers to the position of Fire Marshal and again using department funds he had to send Rogers (while on duly) to Ocala to become a certified Fire Investigator.*

83. o *Phil Pennington — The Chief hired his friend and former coworker from Fort Lauderdale to take the position of Training Chief Although Pennington was a Fire Lieutenant with background in medical training he does not compare to any of our*

internal candidates. Pennington is not a state certified Fire Officer which is the minimum qualification in our department just to become a Lieutenant no less a Chief Officer. Pennington is not even a certified Fire Service Instructor which for a Training Chief is also the basics.

84. *o We have several candidates with in our own department who are certified and well over meet the qualifications for these positions. Not only did the Chief waste funds to send them to school the Chief brought his friends in at the highest end of their pay scale. The department would not have had to send our internal candidates to school and the City would have had a lower payroll promoting internally.*

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

86. ** In June 2012 The Chief asked the Union to meet with leaders of Moorings Park to undermine auto aide response with North Naples that City Council members tried to accomplish*

87. ** In October 2014 The Chief tried to influence the Local to make a public records request on the NAA Director Ted Soliday so we could find communications between him and multiple city council members and file Sunshine Law violations against them.*

88. *o After the Chief spoke with me about this I talked it over with Vice President Chris Clissold telling him I didn't think it was a good idea, asking for Clissold's opinion.*

89. ** Around February/March 2015 In an effort to stop the presentation of Making Data Driven Decision from ICMA, McInerny tried to influence the Local to hire*

Attorney Bob Bates to make a similar public records request as he did back in October on the Mayor and Council. The purpose again was to find a "Treasure Trove" of Sunshine Law violations against them.

90. *o In March 2015 I received a call from the Chris Spencer, Union President of North Naples Fire District, telling me that Chief McInerny was trying to get in touch with him and asked if I minded that he contacted the Chief.*

91. *o In April 2015 I received an email reply from Chris Spencer about an invite to the Making Data Driven Decisions and in his reply he indicated that he had spoken with Chief McInerny.*

92. *o After the Local did not follow up with the Chief's suggestions, the labor union from North Naples filed a similar action in May 2015*

93. *o During a meeting in September 2015 with Chief McInerny, VP Clissold, Secretary Moore, and myself the Chief brought up the public records again telling us that we should contact Chris Spencer from North Naples and get the emails from them.*

94. ** In September 2015 The Chief has asked the union to write letters on his behalf to business and tenants at the NAA. He stated that the City Manager did not want him to interfere*

95. ** In September 2015 The Chief indicated to the union on several occasions that the city is trying to terminate fire positions in an effort to get the union to create a public outcry.*

96. o *The chief convinced the union that Mayor Sorey wanted to terminate 5-6 firefighter positions In response I went to council and spoke on behalf of the union to ask that they reconsider terminating firefighters. Mayor Sorey never intended to terminate any firefighters.*

97. As the sole and proximate result of Respondents' 's false and malicious actions and statements, Claimant has been damaged and defamed and has been held in public ridicule and contempt; was caused to suffer great embarrassment, humiliation, and outrage; was forced to endure questions of friends, family, neighbors and strangers concerning the subject matter of the defamations; was burdened by worry and concern, was caused to lose time from work, and was prevented from properly performing work, suffered damage to both reputation and name; and suffered mental anguish, emotional stress and upset, and was otherwise hurt, injured and damaged.

98. These events concern a continuing tort, involving subterfuge, conspiracy and plan. See Halkey-Roberts, 641 So. 2d at 447 .

99. These continuing tort(s) resulted in the firing of Stephen McInerny as the Fire Chief of the City of Naples on March 15, 2016.

83. Respondents' irrevocably destroyed Claimant's reputation and career as a fire chief.

Claims

1. Respondents Violated the City Charter and were joined by the Mayor and Council members referred to above. This violation was a proximate cause in the injury to Chief Stephen McInerny who was an intended beneficiary of the provision.
2. Respondents Negligent and/or intentional creation, through the City Council, of an administrative process calling for the veiled investigation, and campaign of defamation, had a high degree of likely harm to Chief McInerny. They acted either negligent or in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property or outright negligence.
3. Respondents interfered with the contractual relationship between the Chief and the City by their actions and as such caused claimant's loss of employment and resulting in economic damages.
4. The City of Naples breached its contractual duty to provide the Chief promised disability policy knowing he was injured on the job and disabled.
5. Workers Compensation Discrimination. Chief McInerny was injured and received workman's compensation and his firing was a result of his accepting and utilizing these benefits.
6. Respondents Council members retaliated against Chief Stephen McInerny for speech protected under the first amendment. The actions taken were retaliation for the Chief enforcing the law, enforcing code provisions and opposing Marvin Easton's presentation, as well as opposing the false positions taken by the council concerning the fire department. Politicians including Saad campaigned against his management at public meetings, and Saad further amplified his demands on

the radio, on social media, and with confederates in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property or outright negligence.

7. Respondents utilized and engaged in the wrongful use of Administrative Proceedings and the alleged investigation by Sproat causing injury to Chief Stephen McInerny. This was either negligent or in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property or outright negligence.
8. Respondents defamed Chief Stephen McInerny as described in the narrative. This was either negligent or in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property or outright negligence.
9. Respondents breached Chief Stephen McInerny's Liberty interest by denying him due process in violation 42 USC 1983 and due process provided by Article I, Section 9, Florida Constitution. This was either negligent or done in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property or outright negligence. See also Article I, Section 9, Florida Constitution, and the Fifth Amendment to the United States Constitution.
10. Breach of Third party benefit of the investigation and actions of Investigator Sproat. The investigation was announced to the public as an impartial one however it was anything but neutral and detached. Stephen McInerny was an intended beneficiary of the intended actions of Vicki Sproat to be neutral.

However, she was not and she breached her duty to Chief Stephen McInerny and in doing so causing significant injury as aforesaid.

11. Respondents actions as aforesaid were intended to become an intentional infliction of emotional distress upon Stephen McInerny and his wife. This was done either negligently or in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property or outright negligence.
12. The Respondents' were negligent in failing to afford their actors proper and special training necessary for their duties.
13. The actions of the Respondents' were and direct and proximate failure of their actors to have been adequately trained or managed.
14. The City did not take reasonable steps to ascertain whether their actors were emotionally capable of performing their duties.
15. The City had prior notice that their actors had been violent and over-reacted on prior occasions in the course of their duties.
16. Respondents failed in their duty to intercede and protect the Claimant.
17. The Respondents exposed Claimant to cruel and unusual punishment.
18. The Respondents' failed in their investigation of the incident's complained of in a way which is actionable.
19. The actors were part of a conspiracy to unlawfully interfere with the employment and contract of Chief Stephen McInerny as they sought to cause his voluntary termination of employment

20. The Respondents' conspired with third parties with a plan and scheme to defame and otherwise injure and destroy the reputation of Chief Stephen McNerny by their actions.
21. The Respondents' caused irreparable damage to reputation of Chief Stephen McNerny by their actions
22. The Respondents' committed the Tort of Outrage.
23. The actions of the Respondents' eliminated the horizontal and vertical career opportunities of Claimant Stephen McNerny because of reputational injury.
24. In most cases, the acts described were not within the scope of the actors employment or function, and were otherwise contrary to law, as they acted in bad faith or with malicious purpose and/or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.
25. Additionally, the statements made by them were intentionally, maliciously and with total disregard to their truth or falsity for their ultimate effect as part of a plan and scheme to injure, defame and humiliate Claimant Stephen McNerny
26. We are reserving the right to file against other Unknown Parties John Doe and Jane Does 1-50, Respondents'. John Does are persons or other legal entities whose identities are unknown to Claimant and who are therefore subject to being sued under these fictitious names either because of their individual actions or as a conspirator or confederate acting with a named party.
27. The named Respondents' have acted individually through their respective offices and while acting within the scope of the employee's office or employment or

intentionally and beyond their scope of duty and carried out those acts either individually or in conspiracy with each other the acts more fully described herein as well as in the public records and records to be discovered all of which are incorporated herein verbatim, in an attempt to harass and humiliate Claimant Stephen McInerny into resigning his position as one of the most productive Fire Chief's Naples has had the pleasure of employing.

28. Claimant Stephen McInerny is a direct beneficiary of Florida State Constitution, Article 1, Section 9 provides that all citizens are entitled to "Due Process." It specifically holds that "No person shall be deprived of life, liberty or property without due process of law." He was denied due process and his reputation and job taken without due process.

29. Claimant Stephen McInerny is a direct beneficiary of Florida State Constitutional Due Process rights for Firefighters which mandates the Respondents' obligation to strictly adhere to Florida State Laws, such as "The Firefighters' Bill of Rights" codified in §§ 112.80 et. seq. of Florida Statutes. The Respondents' failed to follow the law and injured Chief McInerny

30. Amy McInerny, wife of Claimant Stephen McInerny has suffered and also has a valid and supportable Consortium Claim for all claims above.

31. In most cases, the acts were not within the scope of the actors employment or function, and were otherwise contrary to law, as they acted in bad faith or with malicious purpose and/or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, and or

32. Claimant Stephen McInerny sustained, mental, and physical injury and anguish and past, present and future compensation and opportunity, and injury to his

personal reputation for which he shall seeks compensation and punitive damages in an amount which would be determined by a fair minded jury.

Wherefore, as a consequence of any claims set forth above Chief Stephen McInerny and Amy McInerny, his wife, sustained mental, and physical injury and anguish and past, loss of present and future compensation and opportunity, and injury to his personal reputation for which he shall seeks compensation in an amount which would be determined by a fair minded jury.

The Claimants date and place of birth and Social Security Number pursuant to, *F.S. 768.28(6)(c)* that requires that individual claimants provide to the agency their birth date, birthplace, and social security number state as follows;

Stephen McInerny

Born: Medford, Mass.

Date: 8/19/1960

SS:

Confidential: Available upon request and assurance of confidential retention.

Amy McInerny

Born: Huntingdon Valley, Pa

Date: 8/24/1968

SS:

Confidential: Available upon request and assurance of confidential retention.

There is no unpaid prior adjudicated claim in excess of \$200 owed by Claimant to the State of Florida or any of its agencies, officers, or subdivisions.

Signature On Behalf of Claimant



Robert J. Bates, Attorney for Claimants
Stephen and Amy McNerny

Dated: 10/19/2017

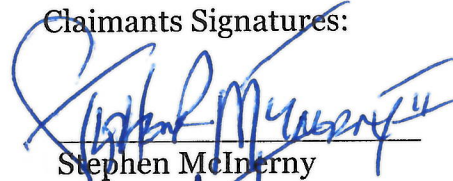
Florida Bar No. 0933414

1083 North Collier Blvd.,
Suite 357
Marco Island, Florida 34145

954-281-5022 Office
954-337-0417 Fax
201-519-1340 Cell

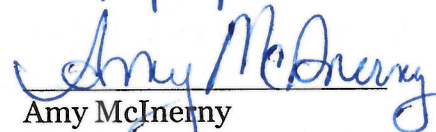
Email: RJBates.Law@GMail.com

Claimants Signatures:



Stephen McNerny

Date: 10/19/2017



Amy McNerny

Date: 10/19/17

October 13, 2017

**WRITTEN NOTICE PURSUANT TO
FLORIDA STATUTES SECTION 770.01****WORK ADDRESSES VIA HAND DELIVERY
HOME ADDRESSES VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

To: The following individuals at the following addresses:

<u>NAMES</u>	<u>HOME ADDRESS</u>	<u>WORK ADDRESS</u>
Adamski, Corey J.	350 Huntington Drive Naples, Florida 34109	City of Naples Fire-Rescue 355 Riverside Circle Naples, Florida 34102
Bills, Randy W.	911 22 nd Avenue NE Naples, Florida 34120	
Bruener, Timothy S.	1169 6 th Lane North Naples, Florida 34102	City of Naples Fire-Rescue 355 Riverside Circle Naples, Florida 34102
Carrington, Kathy L.	4300 22 nd Place SW Naples, Florida 34116	City of Naples Fire-Rescue 355 Riverside Circle Naples, Florida 34102
City of Naples, County of Collier, Florida		Naples City Hall 735 8 th Street South - 2 nd Floor Naples, Florida 34102
Clissold, Christopher S.	3486 Dorado Way Naples, Florida 34105	City of Naples Fire-Rescue 355 Riverside Circle Naples, Florida 34102
DiMaria, Peter	1099 6 th Lane North Naples, Florida 34102	City of Naples Fire-Rescue 355 Riverside Circle Naples, Florida 34102
Easton, Marvin L.	944 Spyglass Lane Naples, Florida 34102-7733	
Finlay, Douglas	3430 Gulf Shore Blvd. North Apt. 5H Naples, Florida 34103	Naples City Hall 735 8th Street South - 2 nd Floor Naples, Florida 34102

<u>NAMES</u>	<u>HOME ADDRESS</u>	<u>WORK ADDRESS</u>
Heitmann, Teresa L	2350 Forrest Lane Naples, Florida 34102	
Homan, Dean S.	2808 162 nd Avenue East Parrish, Florida 34219	City of Naples Fire-Rescue 355 Riverside Circle Naples, Florida 34102
Howard, David V.	14634 Fern Lake Court Naples, Florida 34114	City of Naples Fire-Rescue 355 Riverside Circle Naples, Florida 34102
Kofsky, Steven	230 Des Cartes Lane Fort Myers, Florida 33913	City of Naples Fire-Rescue 355 Riverside Circle Naples, Florida 34102
Moore, Mike		City of Naples Fire-Rescue 355 Riverside Circle Naples, Florida 34102
Moss, A. William	695 7 th Avenue North Naples, Florida 34102	Naples City Hall 735 8th Street South - 2 nd Floor Naples, Florida 34102
Nadelman, Adam P.	2510 4 th Avenue NE Naples, Florida 34120	City of Naples Fire-Rescue 355 Riverside Circle Naples, Florida 34102
Nichols, Michael D.	1286 Venetian Way Naples, Florida 34110	City of Naples Fire-Rescue 355 Riverside Circle Naples, Florida 34102
Pecar, Gerald A.	850 14 th Avenue NE Naples, Florida 34120	City of Naples Fire-Rescue 355 Riverside Circle Naples, Florida 34102
Penniman, Linda S.	300 Park Shore Drive, Apt. 6A Naples, Florida 34103	Naples City Hall 735 8th Street South - 2 nd Floor Naples, Florida 34102
Perez, Denise K. (Matson)	3030 Binnacle Drive, Apt. 206 Naples, Florida 34103	Naples City Hall 735 8th Street South - 2 nd Floor Naples, Florida 34102
Pritt, Robert D.	25070 Ascot Lake Court Bonita Springs, Florida 34134	Naples City Hall 735 8th Street South - 2 nd Floor Naples, Florida 34102
Reinke, Roger J.	6125 Montelena Circle, Apt. 4102 Naples, Florida 34119	Naples City Hall 735 8th Street South - 2 nd Floor Naples, Florida 34102
Saad III, Samuel J.	1363 11 th Court North Naples, Florida 34102	Naples City Hall 735 8th Street South - 2 nd Floor Naples, Florida 34102
Sorey III, John F.	220 Gulf Shore Boulevard North Naples, Florida 34102	

<u>NAMES</u>	<u>HOME ADDRESS</u>	<u>WORK ADDRESS</u>
Sproat, Vicki	1715 Monroe Street Post Office Box 280 Fort Myers, Florida 33902	
Vogel, Thomas L.	6460 Tulip Way Pinesville, Ohio 44077	
Watts, Wayne	200 East Gaines Street Tallahassee, Florida 32399-0322	
Zunzunegui, Daniel	8077 Chianti Lane Naples, Florida 34114	
Professional Firefighters of Naples IAFF Local 2174	% Christopher Clissold, President 3486 Dorado Way Naples, Florida 34105	355 Riverside Circle Naples, Florida 34102

**WRITTEN NOTICE PURSUANT TO
FLORIDA STATUTES SECTION 770.01**

Please be advised that Stephen McNerny may file an action for libel or slander against you and, accordingly, this is a written notice pursuant to Florida Statutes Section 770.01.

You are receiving this notice because you participated in, made, or published a false statement concerning Stephen McNerny. Attached is an itemized list as to the false statements that were made, including the speaker, date of the statement, the medium of publication, and a description of the statement. In addition to the listed speakers on the attached exhibit, upon information and belief, the individuals listed above all participated in the preparation of the false statements.

If you are an individual (a nonmedia defendant), you are receiving this notice prophylactically. Stephen McNerny takes a position consistent with the Second DCA's opinion in Bridges v Williams, 449 So. 2d 400 at 401 (2 DCA Fla. 1984) in which the Court stated "We hold chapter 770, Florida Statutes (1981), does not apply to nonmedia defendants even when alleged defamatory statements made by a nonmedia defendant are republished by the media."

This notice is only being served on nonmedia defendants to the extent the Second DCA or Florida Supreme Court may later determine Florida Statutes Section 770.01 applicable to nonmedia defendants retroactively.

Florida Statutes Section 770.01 requires that before any civil action is brought for publication or broadcast, in a newspaper, periodical, or other medium, of a libel or slander, the plaintiff shall, at least 5 days before instituting such action, serve notice in writing on the defendant, specifying the article or broadcast and the statements therein which he or she alleges to be false and defamatory.

In general, media remedies include, but are not limited by, those established in Florida Statutes Section 770.02 which provides:

(1) If it appears upon the trial that said article or broadcast was published in good faith; that its falsity was due to an honest mistake of the facts; that there were reasonable grounds for believing that the statements in said article or broadcast were true; and that, within the period of time specified in subsection (2), a full and fair correction, apology, or retraction was, in the case of a newspaper or periodical, published in the same editions or corresponding issues of the newspaper or periodical in which said article appeared and in as conspicuous place and type as said original article or, in the case of a broadcast, the correction, apology, or retraction was broadcast at a comparable time, then the plaintiff in such case shall recover only actual damages.

(2) Full and fair correction, apology, or retraction shall be made:

(a) In the case of a broadcast or a daily or weekly newspaper or periodical, within 10 days after service of notice;

(b) In the case of a newspaper or periodical published semimonthly, within 20 days after service of notice;

(c) In the case of a newspaper or periodical published monthly, within 45 days after service of notice; and

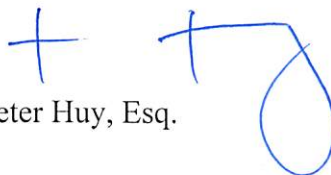
(d) In the case of a newspaper or periodical published less frequently than monthly, in the next issue, provided notice is served no later than 45 days prior to such publication.

The attached false statements have caused Stephen McNerny to be avoided and have otherwise injured Stephen McNerny's reputation as trustworthy, competent, and fit for duty as a fire chief or professional fire officer causing him to be terminated from his employment. His damages include, but are not limited to, special damages of loss of past and future earnings, physical suffering, physical inconvenience and discomfort, loss of time, mental suffering due to embarrassment, humiliation, deprivation of liberty, and disgrace, together with the damage done to his personal and professional reputation.

You should consult an attorney concerning this notice and any rights that you may have.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Very truly yours,

A handwritten signature in blue ink, consisting of a stylized 'P' followed by 'Huy' and a large loop at the end.

Peter Huy, Esq.

PH/smp
Enclosure
File No. 16-L-036

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".

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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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 McNerny 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 McNerny should step down. Saad said he has "no confidence in the information" McNerny 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 McNerny," 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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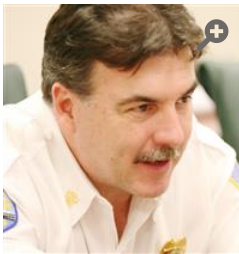
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GOVERNMENT

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."



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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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 "McInerney was not given any disciplinary action."
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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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