

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DAWN R. SUMTER,

Plaintiff,

vs.

CASE NO. _____

THE CITY OF ORLANDO, and
RODERICK WILLIAMS,

JURY TRIAL DEMANDED

Defendants.
_____ /

VERIFIED COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Dawn R. Sumter (“Sumter”), through her counsel, files this Verified Complaint and Demand for Jury Trial against The City of Orlando (hereafter “Defendant”) and Roderick Williams (hereafter “Defendant Williams”), and in support thereof states as follows:

NATURE OF ACTION

1. This is an action for gender discrimination and retaliation pursuant to the Florida Civil Rights Act of 1992, Fla. Stat. § 760.01 through § 760.11 (“FCRA”), and for violation of Plaintiff’s constitutional right to equal protection as protected through 42 U.S.C. § 1983, as well as battery, negligent supervision, and negligent retention.

JURISDICTION AND VENUE

2. This court has jurisdiction because this action involves a claim for damages under the United States Constitution (hereafter, “U.S. Constitution”).

3. Pursuant to 28 U.S.C. § 1367(a), this court has supplemental jurisdiction over Sumter’s FCRA, battery, negligent supervision, and negligent retention claims because they form part of the same case or controversy under Article III of the U.S. Constitution.

4. Venue is proper here pursuant to 42 U.S.C. § 2000e-5(f)(3) because all or a substantial part of the events or omissions giving rise to this cause of action took place in this judicial district.

PARTIES

5. Sumter is a resident of Sanford, Seminole County, Florida, and is employed as an Assistant Fire Chief within Defendant's fire department, the Orlando Fire Department ("OFD").

6. Defendant is a public employer with between 1001-5000 employees of which approximately 600+ are employed within the OFD.

7. Until February 21, 2019, Defendant Williams was Defendant's fire chief. **(Exhibit A).**

COMPLIANCE WITH PROCEDURAL REQUIREMENTS

8. Sumter timely filed her charge (May 19, 2017) and amended charges (December 26, 2017, March 28, 2018) with the United States Equal Employment Opportunity Commission (the "EEOC") and with the Florida Commission on Human Relations ("FCHR") relating to gender discrimination and retaliation.

9. Ultimately, the EEOC issued a Letter of Determination on February 13, 2019, that found Sumter **"is being subjected to discriminatory treatment in different terms and conditions in her employment, continuous retaliatory treatment in different terms and conditions in her employment, continuous retaliatory conduct and sexual harassment by [the] Fire Chief."** (Emphasis added) **(Exhibit B).**¹

10. It has been over 180 days since the filing of Sumter's charge.

11. Sumter provided notice of the negligence claims to Defendant's counsel and to the Department of Financial Services on a timely basis pursuant to Fla. Stat. § 768/28(6).

¹ The Department of Justice is currently in discussions with the City regarding Sumter's Title VII claims.

12. Sumter has satisfied all of the administrative procedures that were conditions precedent to filing this cause of action pursuant to state and federal law.

FACTUAL ALLEGATIONS

13. Sumter began working for the Defendant on September 20, 1993.

14. OFD's management hierarchy consists of District Chiefs, Assistant Chiefs, Deputy Chiefs, and the Fire Chief.

15. Currently, Sumter is an Assistant Chief and she is the only female in OFD's executive staff.

16. Sumter's immediate supervisor was Deputy Chief Gary Fussell ("Fussell") prior to the naming of then interim fire chief Rich Wales to that role.

17. Unless otherwise noted, at all relevant times herein the Fire Chief was Defendant Williams, who was OFD's chief from February 2015 until February 2019.

18. Defendant Williams used his position of authority as the chief to make unwanted physical contact with Sumter, who was his subordinate.

19. Throughout Sumter's employment, Defendant Williams, without notice, would grab Sumter to hug her and forcibly press his body against hers.

20. There were times Sumter felt that Defendant Williams was aroused.

21. He would make comments to Sumter such as, "you're so beautiful," "mmm...Dawn, your body...you are so sexy," "I wish you weren't married," "God, you're so pretty," "I wish you were mine."

22. Defendant Williams's conduct was severe and pervasive and ultimately affected her ability to be considered for a deputy chief position.

23. The Defendant has no formal policy in place regarding promotional opportunities to appointed executive level positions within the OFD.

24. Instead, OFD's fire chief and Defendant's mayor are to consider recommendations from deputy chiefs and review employees' work performance, professionalism, management abilities, and willingness to support the vision of the mayor and chief to determine whether appointment is appropriate.

25. Over the four-year tenure of Defendant Williams as chief, there were a number of promotional opportunities at the deputy chief level.

26. Sumter was fully qualified to be promoted to deputy chief; however, during Defendant William's tenure and thereafter she has been subjected to discriminatory conduct, unprovoked, open aggression, threats, harassing and derogatory comments.

27. Moreover, she has not ever been considered for the position, nor has she been given the opportunity to interview for the position.

28. Instead, less qualified similarly situated male employees have been promoted to the deputy chief position.

29. On November 3, 2016, Sumter graduated from the Executive Fire Officer ("EFO") program.

30. Sumter was only the 5th chief officer from OFD to complete the program.

31. Thereafter, a letter of completion of the EFO program was forwarded to Defendant Williams from the National Fire Academy.

32. In January 2017, Sumter was presenting the new international Class A uniform to Defendant Williams for his approval.

33. Like he had in the past, Defendant Williams unexpectedly grabbed Sumter to hug her.

34. This was one of the occasions where she could feel that Williams was physically aroused.

35. He whispered to Sumter, “You’re so sexy, so beautiful. Mmmm, Dawn you are so sexy.”

36. Sumter immediately pushed back from the embrace and attempted to distance herself.

37. These actions affected the terms of Sumter’s employment and caused her to avoid certain interactions with Defendant Williams to her professional detriment.

38. This sexual harassment along with the overall atmosphere discussed herein created a hostile work environment for Sumter and other females within OFD.

39. On January 12, 2017, Sumter asked OFD’s public information officer (“PIO”), Ashley Papagni, when Defendant Williams would present her with her EFO certificate.

40. In response, Sumter was told that Papagni was awaiting instruction from Defendant Williams.

41. On February 15, 2017, Fussell was promoted to Deputy Chief, despite the fact his qualifications were markedly inferior to Sumter’s.²

42. Following Fussell’s promotion, it became obvious to Sumter that she was being overlooked for advancement to a deputy chief position.

43. As a result, on February 15, 2017, Sumter complained to Defendant Williams.

² Fussell has since voluntarily demoted himself back to an assistant chief position. This position remained open for many months until the current fire chief filled it with a male from outside of OFD. Sumter was never considered for the position.

44. On April 5, 2017, Sumter met with Monica Varnado (human resources) to discuss Sumter's concerns of discrimination and harassment.

45. However, Defendant, through HR, refused to investigate Sumter's claims of discrimination and retaliation as per Defendant's procedures.

46. On April 18, 2017, Sumter was notified that her yearlong female uniform design collaboration had resulted in a national award.

47. As a result, Sumter notified Papagni of the award and requested official departmental and city council recognition regarding the uniform award and her EFO certification.

48. Shortly thereafter, it was announced on April 28, 2017, one of the less qualified male deputy chiefs, Ian Davis ("Davis") was to be promoted to deputy chief.

49. This announcement came a month-and-a-half in advance of the date that Davis would actually fill the position.

50. On May 5, 2017, Papagni told Sumter that her request for city counsel recognition had been denied by Debra Girard, the City's deputy chief administrative officer.

51. On May 18, 2017, during OFD' Medal Day ceremony, Davis was officially installed during as a deputy chief.

52. It was only after Davis's installation that Sumter's EFO certification was finally acknowledged by Defendant Williams.

53. On May 19, 2017, Sumter filed her initial EEOC charge.

54. In July 2017, Sumter noticed she was excluded from career development opportunities that were being offered to her male peers.

55. For example, Sumter has been denied the chance to attend local and national fire service conferences.

56. Most notably, Sumter was denied participation at the CPSE Conference in which she was scheduled to be awarded dual certification for both Chief Fire Officer and Chief EMS Officer.

57. Several male attendees were sent in her place as representatives of OFD, none of whom were designated award recipients.

58. She had previously been scheduled to take part in the process.

59. Instead, Defendant Williams replaced Sumter's name with a less qualified male.

60. In August 2017, the FBI held an event to recognize outstanding efforts before and after the June 2016 Pulse Shooting.

61. Defendant Williams refused to officially submit Sumter's name even though she has been unofficially acknowledged by other agencies involved in the investigation.

62. In October 2017, Sumter was directly asked by the Orlando Police Department ("OPD") to take part in a panel on women in public safety.

63. OPD provided literature for distribution to create interest within OFD.

64. Defendant Williams refused to acknowledge the forum, refused to include it on Defendant's calendar, and refused to distribute information regarding the event.

65. On October 10, 2017, OFD held a leadership workshop with all its chief and company officers.

66. Davis, the chief candidate who was ultimately promoted over her, yelled at Sumter and falsely accused her of being on her phone, causing the participants in the workshop

to stop what they were doing, which served to embarrass Sumter and undermined her authority in front of her subordinates and peers.

67. Although witnessed by Defendant Williams, he did nothing to stop this behavior.

68. On October 16, 2017, local Orlando media reported on Sumter's initial EEOC Charge against Defendant, which focused on the allegations against Defendant Williams.

69. Thereafter, on October 20, with 48 hours' notice, Sumter was told she was being transferred from Field Operations (C-Shift) to EMS, which is considered a less prestigious position within OFD.

70. The transfer resulted from shift work (1 day on – 2 days off) to days (five 8-hr days).

71. As a result of the transfer, Sumter went from supervising over 150 firefighters to nine personnel.

72. Tellingly, although she was told this transfer was to meet an immediate organizational need, Sumter's new supervisor, DC Rich Wales (now the interim Fire Chief), and the person Sumter was replacing, AC Hezedean Smith, had no prior knowledge of the transfer.

73. They were equally surprised by the unexpected transfer.

74. On October 27, 2017, Sumter filed departmental charges against Davis only to have Defendant Williams refuse to follow OFD procedure to investigate these issues (**Exhibit C**).

75. Additionally, Defendant Williams removed Sumter as coordinator of a highly successful, nationwide community involvement program called "Books & Badges" on October 31, 2017.

76. Defendant Williams previously referred to it as a “valuable program” to the community, which was also openly supported by Defendant’s mayor.

77. In the roughly 18 months Sumter was project coordinator for OFD’s Books & Badges program, she solicited more participation from OFD personnel than any other local agency.

78. Sumter’s removal took place two days after OFD’s Union publicly endorsed the program under her leadership.

79. Williams offered no reason for this sudden, arbitrary change.

80. Ultimately, a male (Assistant Chief Mike Craft) would be named coordinator of the Books & Badges program.

81. It should be noted that Sumter’s removal occurred fourteen days after local media reported on her initial EEOC charge.

82. This additional retaliation served to reduce Sumter’s visibility within the community and Defendant.

83. Additionally, on January 3, 2018, Sumter was notified by Defendant through then Assistant City Attorney Dionna Little (“Little”) that her allegation of sexual harassment contained in her amended charge would be investigated and that “the City will make every effort to maintain the confidentiality of [Sumter’s] allegations during the pendency of this investigation” **(Exhibit D)**.

84. Eight days later, on Thursday, January 11, 2018, Sumter was asked to participate in a deposition relating to a PERC matter filed by the local firefighters’ union for which the City was the respondent.

85. There was a union representative at the deposition.

86. During the deposition, which was attended by Little but conducted by outside counsel hired by Defendant, Sumter's amended charge was introduced as an exhibit and she was asked a series of questions about the charge.

87. Later, after objection, the City agreed to remove the exhibit.

88. However, the damage was done.

89. Confidentiality was destroyed.

90. These actions were taken by Defendant in retaliation for Sumter filing her amended charge and despite the representation that her allegations would remain confidential during the investigation.

91. On March 1, 2018, Defendant completed an internal investigation into the sexual harassment issues raised by Sumter in her amended charge on December 26, 2017, as well as the gender issues associated with the failure to consider or promote her to a deputy chief position, which resulted in a 33-page "Report of Findings."

92. Upon information and belief, those findings were leaked by the City to local media either that day or the next.

93. A news report regarding the findings aired on a local news channel that evening.

94. This action was presumably taken in an effort to try Sumter's case in the media after a news report of the sexual harassment previously aired on the same local news channel and to discourage her from enforcing her rights.

95. Moreover, District Chief Danny Wilson ("Wilson") brought a copy of the Report of Findings to the OFD station (Station 11) where he is assigned, which contained his handwritten notes challenging many of Sumter's allegations.

96. He left this copy out in the open at the station for other OFD personnel to circulate, review and read.

97. When that copy was removed, Wilson, undeterred, brought another copy to the station so that it would again be available to OFD personnel.

98. Sumter learned that copies of the Report of Findings have also been made available at OFD's Emergency Operation Center ("EOP").

99. These actions are in an effort to discredit Sumter and to discourage her from enforcing her rights under the laws referenced herein.

100. Defendant was finally forced to address the sexually hostile work environment created by Williams when, on March 28, 2018, two unidentified female firefighters, through counsel, submitted statements to Defendant that Defendant Williams had sexually harassed them for many years. **(Exhibit E)**.

101. For example, one firefighter's statement set forth the following:

I have been the victim of sexual harassment at the hands of the highest level of supervision in the City of Orlando Fire Department (OFD). Examples of this harassment historically began years ago as sexual innuendo, having certain body parts looked up and down while sucking his teeth, full body embraces that have lasted for extended inappropriate lengths, sexual remarks, and other remarks such as "Damn girl, don't ever lose that ass" "shoo wee girl you are fine" "girl you are built just how I like" "your legs are so sexy" and hugging me and saying "you are so fine" in my ear.

(Exhibit E).

102. The other firefighter's statement provided, in part, the following:

Fire Chief Roderick Williams has made inappropriate comments to me as a female firefighter. He has commented more than once on my looks including commenting on parts of my body that made me uncomfortable The comments Chief Williams made were relaying "how good" I looked These comments have occurred when no one else was within earshot . . . he has made numerous comments in the past but I was sure now that he was part of the Fire Department Administration that this would come to an end . . . it did not!

(Exhibit E).

103. Defendant Williams was permitted to keep his job for a long period of time following these complaints and the complaints by Sumter.

104. Similarly, although Davis was ultimately promoted to district chief, he has been permitted to keep his position despite significant allegations against him.

105. In an unrelated matter, Davis was detained on April 12, 2018, for assault on, and resisting, a police officer during a Respondent event held in downtown Orlando. **(Exhibit F).**

106. The arrest report provides that “Davis refused to obey orders” and that “he took an aggressive stance” and was “yelling” at the police officer. **(Exhibit F).**

107. Further, while the police officer was attempting to arrest Davis, he “resisted [the officer’s] efforts to handcuff him by tensing his arms, pulling his arms away from [the officer], and [tried] to turn around to face the [officer].” **(Exhibit F).**

108. Ultimately, Davis was not prosecuted for his abhorrent behavior.

109. Additionally, on October 1, 2018, a group of seven current and former females employed within the OFD submitted a complaint regarding Davis alleging that they “endured discrimination, harassment, bullying, wrongful termination, retaliation, sexual[] abuse and other degenerate acts while on the job.” **(Exhibit G).**

110. One of these women alleged that she was “repeatedly forced to engage in sexual acts with [Davis] against her will.” **(Exhibit G).**

111. Ultimately, Defendant Williams was permitted to resign nearly a year later on February 21, 2019. **(Exhibit A).**

112. In addition to Defendant Williams's resignation letter, he was allowed to circulate a letter of accomplishments, which he also used as another opportunity to publicly deny Sumter's allegations of sexual harassment. **(Exhibit H)**.

113. Sumter was never allowed a similar public forum.

114. Within a few days after Defendant Williams tendered his resignation letter, he brought members from local African American churches to meet with the Mayor to demand that he be given his job back.

115. His request was ultimately denied.

116. Despite Williams's departure, the discriminatory and retaliatory acts against Sumter continued. For example, during the summer of 2019, Davis excluded Sumter from participation in OFD's uniform vendor project to which she had been assigned as design liaison for the women's Class A uniform.

117. Davis ordered his staff not to have any discussions or contact regarding OFD's female uniforms and ordered his staff not to have contact with her regarding the uniforms.

118. Davis also contacted the uniform supplier and told them that he was the main point of contact regarding OFD's female uniform.

119. Thereafter, although the interim chief told Sumter that Davis was simply involved in the procurement of OFD's female uniforms, Davis contacted the supplier and had them revert back to the prior design of the uniform, which was simply a smaller male uniform and not the newly designed one for which OFD won a national award.

120. Although Sumter complained to OFD's interim chief regarding these issues, nothing was done in response.

121. Further, a co-worker nominated Sumter for the prestigious McNamara Award, a Defendant-wide, employee of the year award, which is presented by Defendant's mayor at city hall.

122. The nomination was required to go up through the chain of command for approval by Defendant Williams.

123. Although Sumter's nomination was approved, it was purposefully not forwarded up the chain of command for submission to Defendant.

124. During Hurricane Dorian in September 2019, assistant chiefs Dean Smith and Marvin Francis, along with Davis and Sumter, were working in the middle of an overnight operation at EOP.

125. In the middle of the operation, Davis left the station and went home and told Smith and Francis, but not Sumter, that they could do the same.

126. On December 18, 2020, Sumter participated in a gift exchange with personnel from OFD's Station 1.

127. The gift randomly selected by Sumter was a book entitled, 50 Ways To Eat Cock, Healthy Chicken Recipes with Balls!" and bottle of supplement pills, "Max Load – Cum Harder! Cum Longer! Cum More!"

128. To date, Sumter continues to be subjected to sexual harassment, disparate treatment and retaliation.

COUNT I
GENDER DISCRIMINATION IN VIOLATION OF THE FCRA
(Against Defendant)

129. Sumter re-alleges paragraphs 1, 3, 4-10, 12-17, 23-31, 41-46, 48, 49, 51, 53, 105-108, and 128 and incorporates them by reference into Count I.

130. Sumter was, and is, a female and a member of a protected class.

131. She was, and is, qualified for a deputy chief position.

132. She was not considered and rejected in favor of less qualified, male employees.

133. Had Sumter been promoted to the deputy chief position, her salary would have risen approximately fifteen percent.

134. Sumter also was transferred and assigned to less favorable positions and was replaced in the more favorable positions by less qualified male employees.

135. In none of these instances did Defendant express a legitimate, non-discriminatory reason for its employment decisions.

136. The reasons offered by Defendant were pretexts for unlawful discrimination based on gender and other discriminatory and retaliatory reasons cited above.

137. Sumter's gender was a motivating factor that prompted Defendant to take adverse actions against Plaintiff.

138. As a direct, proximate, and foreseeable result of Defendant's discriminatory actions, Sumter has suffered past and future pecuniary losses, emotional pain, suffering, embarrassment, humiliation, inconvenience, mental anguish, loss of enjoyment of life, loss of dignity, emotional distress and other non-pecuniary losses and intangible injuries.

139. Sumter has retained counsel to represent her in the matter and has incurred, and will continue to incur, attorneys' fees and costs.

DEMAND FOR RELIEF

WHEREFORE, Sumter respectfully demands judgment against Defendant for the following damages incurred:

- i. Lost wages and benefits;

- ii. Compensatory damages for mental and emotional distress;
- iii. Prejudgment interest;
- iv. Reasonable attorneys' fees and costs of this action pursuant to § 760.11(5), Fla. Stat.; and
- v. Any other relief the Court deems just and proper.

COUNT II
SEXUAL HARASSMENT IN VIOLATION OF THE FCRA
(Against Defendant)

140. Sumter re-alleges paragraphs 1, 3, 4-10, 12-22, 32-38, 44, 83, 91, 100-104, 109-115, 126, and 128, and incorporates them by reference into Count II.

141. Sumter was subjected to unwelcome conduct of a sexual nature that was severe and pervasive and had the effect of adversely impacting her working conditions.

142. Sumter objected to this conduct verbally and in writing by filing a charge of discrimination with the EEOC and FCHR.

143. Despite these complaints, no swift remedial action was taken against the harasser, Williams.

144. In fact, Williams was permitted to keep his job and was not terminated – he resigned long after complaints were made against him by Sumter and other females.

145. Instead, Defendant conducted a sham investigation and concluded that no sexual harassment occurred and, upon information and belief, published these false findings to the press.

146. As a direct, proximate, and foreseeable result of Defendant's discriminatory actions, Sumter has suffered past and future pecuniary losses, emotional pain, suffering,

embarrassment, humiliation, inconvenience, mental anguish, loss of enjoyment of life, loss of dignity, emotional distress and other non-pecuniary losses and intangible injuries.

147. Sumter has retained counsel to represent her in the matter and his incurred, and will continue to incur, attorneys' fees and costs.

DEMAND FOR RELIEF

WHEREFORE, Sumter respectfully demands judgment against Defendant for the following damages incurred:

- i. Lost wages and benefits;
- ii. Compensatory damages for mental and emotional distress;
- iii. Prejudgment interest;
- iv. Reasonable attorneys' fees and costs of this action pursuant to § 760.11(5), Fla. Stat.; and
- v. Any other relief the Court deems just and proper.

COUNT III
RETALIATION IN VIOLATION OF THE FCRA
(Against Defendant)

148. Sumter re-alleges paragraphs 1, 3, 4-10, 12-17, 29-31, 39, 40, 46-47, 50-52, 54-99, 106-125, and 128, and incorporates them by reference into Count III.

149. Defendant violated the FCRA by retaliating against Sumter for objecting to the unlawful gender discrimination and hostile work environment to which she was subjected, with such practices constituting unlawful employment practices.

150. Defendant also retaliated against Sumter following the filing of her initial charge of discrimination and its amendments.

151. Defendant undertook a regular and continuing string of adverse actions, including, failing to consider or interview Sumter for a deputy chief position (§§ 25-27), promoting less qualified males to the deputy chief position (§ 28), significantly delaying recognition of Sumter's EFO certificate until a less qualified male could be promoted to the deputy chief position (§§ 39-40), failing to investigate Sumter's claims of discrimination and retaliation (§ 45), failing to acknowledge the national award for Sumter's yearlong uniform design collaboration (§§ 46-47, 50), ultimately removing Sumter from OFD's uniform vendor project (§ 116), instructing OFD staff not to have discussions or contact with Sumter regarding OFD's uniforms (§ 117), instructing OFD's uniform supplier not to have any contact with Sumter (§ 118), discarding the female uniform that was the product of Sumter's national award for that of a smaller male uniform for use by female OFD employees (§ 119), excluding Sumter from career development opportunities offered to male peers (§§ 54-65), transferring Sumter from C-Shift to EMS, a less prestigious position (§§ 69-73), removing Sumter from the highly successful, nationwide Books & Badges program (§§ 75-80), destroying the confidentiality of Sumter's sexual harassment complaint (§§ 84-89), leaking the findings of Defendant's sexual harassment report and findings (§§ 91-92), allowing, and failing to discipline, a district chief who repeatedly brought a copy of the report and findings to OFD Station 11, which contained the district chief's handwritten notes on the report (§§ 95-98), allowing Defendant Williams to circulate a resignation letter and a letter of his accomplishments within OFD before his employment ended, which, in essence, denied Sumter's sexual harassment allegations (§§ 112-113), failing to submit Sumter's nomination for the McNamara Award up the chain of command for approval (§§ 121-123), and allowing sexual harassment to continue within OFD (§ 127).

152. The adverse employment actions suffered by Sumter were causally related to, and in retaliation for, Sumter having engaged in the protected activities of complaining about, and objecting in good faith to, unlawful gender discrimination as prohibited by the FCRA.

153. As a direct, proximate, and foreseeable result of Defendant's retaliatory actions, Sumter has suffered past and future pecuniary losses, emotional pain, suffering, embarrassment, humiliation, inconvenience, mental anguish, loss of enjoyment of life, loss of dignity, emotional distress, and other non-pecuniary losses and intangible injuries.

154. Sumter has retained counsel to represent her in this matter and has incurred, and will continue to incur, attorneys' fees and costs.

DEMAND FOR RELIEF

WHEREFORE, Sumter respectfully demands judgment against Defendant for the following damages incurred:

- i. Lost wages and benefits;
- ii. Compensatory damages for mental and emotional distress;
- iii. Prejudgment interest;
- iv. Reasonable attorneys' fees and costs of this action pursuant to § 760.11(5), Fla. Stat.; and
- v. Any other relief the Court deems just and proper.

COUNT IV
BATTERY
(Against Defendant Williams)

155. Sumter re-alleges paragraphs 1, 3, 4-7, 13-22, and 32-37, and incorporates them by reference into Count IV.

156. Defendant Williams subjected Sumter to harmful and offensive contact when he touched her on several occasions.

157. Defendant Williams intended to cause such contact.

158. The contact was offensive to Sumter.

159. As a direct and proximate result of this offensive contact, Sumter has suffered damages in the form of mental anguish and emotional distress.

WHEREFORE, Sumter respectfully demands this court award her damages including, but not limited to, compensatory damages, along with such other relief this Court deems just a proper.

COUNT V
NEGLIGENT SUPERVISION
(Against Defendant)

160. Sumter re-alleges paragraphs 1, 3, 4-7, 11, 13-22, 26-28, 32-37, 39-40, 44, 54-67, 69-82, 95-99, 100-103, 105-110, 112, and 116-119 and incorporates them by reference into Count V.

161. Defendant owed a duty of care to Sumter and other employees to protect them from sexually aggressive and inappropriate behavior by Defendant Williams.

162. By failing to effectively respond to the known instances of Defendant Williams's sexually aggressive and inappropriate behavior toward female employees, including Sumter, Defendant negligently supervised Defendant Williams.

163. Defendant knew or should have known that Williams was unfit for a management position and created a potential hazard to female employees.

164. As a direct and proximate result of Defendant's inaction and negligent supervision of Defendant Williams, Sumter has suffered and will continue to suffer past and

future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, loss of dignity, emotional distress and other non-pecuniary losses and intangible injuries.

165. On March 4, 2019, Sumter submitted notice pursuant to § 768.28(6)(a), *Fla. Stat.*, to the Florida Department of Financial Services, Division of Risk Management, and The City of Orlando, of her claims against the City for negligent supervision and negligent retention and against Williams for battery. Thus, she has satisfied all of the procedures that were conditions precedent to filing this cause of action.

166. Sumter has retained counsel to represent her in this matter and has incurred, and will continue to incur, attorneys' fees and costs.

DEMAND FOR RELIEF

WHEREFORE, Sumter demands judgment against Defendant for:

- a. Compensatory and special damages; and
- b. Such other relief as this Court deems just and proper.

COUNT VI
NEGLIGENT RETENTION
(Against Defendant)

167. Sumter re-alleges paragraphs 1, 3, 4-7, 11, 13-22, 26-28, 32-37, 39, 40, 44, 54-67, 69-82, 95-99, 100-13, 105-110, 1112, and 116-119, and incorporates them by reference into Count VI.

168. Defendant was aware or, through reasonable diligence would have discovered, that Williams possessed the propensity to engage in violent and harassing conduct.

169. Defendant owed a duty of care to Sumter and other employees to protect them from sexually aggressive behavior by Defendant Williams.

170. Defendant's continued employment of Defendant Williams in a position of management amounted to a breach of its duty of care and amounted to negligent retention of Williams in his employment.

171. Despite this actual or constructive knowledge, Defendant retained and allowed Defendant Williams to continue to work and to supervise employees.

172. As a direct and proximate cause of this decision to retain Defendant Williams, Sumter has suffered and will continue to suffer past and future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, loss of dignity, emotional distress and other non-pecuniary losses and intangible injuries.

173. On March 4, 2019, Sumter submitted notice pursuant to § 768.28(6)(a), *Fla. Stat.*, to the Florida Department of Financial Services, Division of Risk Management, and The City of Orlando, of her claims against the City for negligent supervision and negligent retention and against Williams for battery. Thus, she has satisfied all of the procedures that were conditions precedent to filing this cause of action.

174. Sumter has retained counsel to represent her in this matter and has incurred, and will continue to incur, attorney's fees and costs.

DEMAND FOR RELIEF

WHEREFORE, Sumter demands judgment against Defendant for:

- a. Compensatory and special damages; and
- b. Such other relief as this Court deems just and proper.

COUNT VII
EQUAL PROTECTION AND DUE PROCESS VIOLATIONS, 42 U.S.C. § 1983
(Against Defendant)

175. Sumter re-alleges paragraphs 1, 2, 4, and 13-128, and incorporates them by reference into Count I.

176. Defendant Williams, the top policy maker at OFD, a branch of city government, used his power as a public official to establish a custom, policy, or practice of discrimination to deprive females within OFD, including Sumter, of their civil rights guaranteed by the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the U.S. Constitution.

177. The top policy maker at OFD acted pursuant to a custom, policy or practice to systematically deprive females within OFD, including Sumter, of their civil rights guaranteed by the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the U.S. Constitution.

178. The City, through Defendant Williams, systematically denied females within OFD promotional opportunities and, instead, promoted male officers, knowing that these actions violated the civil rights of the female officers under the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the U.S. Constitution.

179. Chief Benjamin M. Barksdale, Jr, the City's current fire chief and top policy maker of OFD has continued Williams's constitutional deprivations.

180. The decisions affecting the employment of female officers were made by the highest policy makers at OFD, a branch of City government, in violation of procedures that govern the normal promotional practices of the Department.

181. The actions by top management of OFD, acting as agents of the City, deprived Sumter and other female officers of due process by denying them certain procedural protections that were afforded similarly situated male employees.

182. The actions by OFD's top management acting as agents of the City violated Sumter's clearly established rights under the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the U.S. Constitution.

183. A reasonable person would have known that the actions of the City violated Sumter's clearly established Constitutional rights.

DEMAND FOR RELIEF

WHEREFORE, Sumter respectfully demands judgment against Defendant for the following damages incurred:

- i. Lost wages and benefits;
- ii. Compensatory damages for mental and emotional distress;
- iii. Prejudgment interest;
- iv. Reasonable attorneys' fees and costs of this action; and
- v. Any other relief the Court deems just and proper.

DEMAND FOR JURY TRIAL

Sumter hereby demands a trial by jury on all issues and counts triable of right before a jury.

Date: December 22, 2020.

Respectfully submitted,

s/Jill S. Schwartz
Jill S. Schwartz, Esquire
Florida Bar No. 523021
David H. Spalter, Esquire
Florida Bar No. 966347

Christopher A. Pace, Esquire
Florida Bar No. 676721
JILL S. SCHWARTZ & ASSOCIATES, P.A.
655 W. Morse Blvd., Suite 212
Winter Park, Florida 32789
Telephone: (407) 647-8911
Facsimile: (407) 628-4994
E-mail: jschwartz@schwartzlawfirm.net
E-mail: dspalter@schwartzlawfirm.net
E-mail: cpace@schwartzlawfirm.net

Attorneys for Plaintiff

VERIFICATION

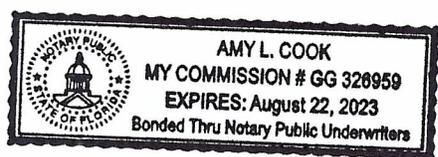
Personally appeared before the undersigned, DAWN R. SUMTER, who being first duly sworn, deposes and says that the allegations of this Verified Complaint and Demand for Jury Trial, are true and correct to the best of her knowledge, information and belief.

Dawn M. Sumter
DAWN R. SUMTER

STATE OF FLORIDA)
COUNTY OF Orange)

The foregoing instrument was acknowledged before me this 22nd day of December, 2020, by DAWN R. SUMTER, who is personally known to me or who has produced _____ as identification, and who did take an oath.

Amy L Cook
Notary Public – State of Florida at Large
My Commission Expires: 8/22/23



CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DAWN R. SUMTER

DEFENDANTS

THE CITY OF ORLANDO, AND RODERICK WILLIAMS

(b) County of Residence of First Listed Plaintiff SEMINOLE COUNTY, (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant ORANGE COUNTY, FL (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jill S. Schwartz & Associates, P.A., 655 West Morse Blvd., Suite 212, Winter Park, FL 32789, 407-647-8911

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- PTF DEF Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal codes and categories.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. Section 1983

Brief description of cause: Gender Discrimination and Retaliation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

12-22-2020 s/Jill S. Schwartz

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

DAWN R. SUMTER

Plaintiff(s)

v.

THE CITY OF ORLANDO, AND RODERICK WILLIAMS

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

RODERICK WILLIAMS
13881 Jomatt Loop
Winter Garden, FL 34787

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: JILL S. SCHWARTZ, ESQUIRE, JILL S. SCHWARTZ & ASSOCIATES, P.A., 655 WEST MORSE BLVD., STE. 212, WINTER PARK, FL 32789

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:



February 21, 2019

Mayor Dyer,

Over the last 23 years, I have proudly served this city as an Orlando firefighter. Furthermore, it has been one of the greatest honors of my life to serve as the Orlando Fire Chief.

I regret that during my tenure there have been allegations that have hurt the department and the City of Orlando. While I categorically deny the allegations against me, I believe the focus of the Orlando Fire Department should be on serving and protecting the residents of Orlando and not on my leadership or my position. With that said, I submit my resignation to you.

With deep gratitude,

A handwritten signature in black ink, appearing to read "R. Williams", with a long, sweeping horizontal stroke extending to the right.

Chief Roderick Williams

EXHIBIT A



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Juan Local Office**

525 F. D. Roosevelt Avenue
Plaza Las Americas, Suite 1202
San Juan, PR 00918-8001

Intake Information Group: (800) 669-4000
Intake Information Group TTY: (800) 669-6820
San Juan Status Line: (866) 408-8075
San Juan Direct Dial: (787) 771-1432
TTY (787) 771-1484
FAX (787) 771-1485

RECEIVED
FEB 19 2019
BY: _____

EEOC Charge No.: 515-2017-00547

Ms. Dawn R. Sumter
6686 Sylvan Woods Drive
Sanford, FL 32771

Charging Party

City of Orlando Fire Department
78 W. Central Boulevard
Orlando, FL 32801

Respondent

Letter of Determination

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the above-cited charge, filed under Title VII of the Civil Rights Act as amended of 1964 (Title VII); including retaliation under Title VII. Timeliness and all other jurisdictional requirements for coverage have been met.

Charging Party, a Female, alleges that she has been discriminated against and subjected to differential treatment, threatening and harassing conduct in different terms and conditions in her employment by two current Deputy Chiefs. Charging Party further alleged that the current Fire Chief denied her the opportunity to be considered for a promotion to the Deputy Chief position in favor of two substantially less qualified employees; and was also subjected to unwanted sexual harassing conduct. Charging Party claims that the retaliatory conduct against her continues including a demotion to a less desirable and prestigious Division.

The evidence obtained by the Commission supported Charging Party's allegations that she has been subjected to discriminatory harassment; conduct; and differential treatment by both Deputy Chiefs. The investigation also disclosed that Charging Party is being subjected to discriminatory treatment in different terms and conditions in her employment, continuous retaliatory conduct and sexual harassment by Fire Chief. The investigation also revealed that the Respondent failed to take reasonable steps to conduct a fair and objective investigation into Charging Party's allegations of discrimination by two current Deputy Chiefs and the Fire Chief which affected Charging Party's terms and conditions in employment. The investigation disclosed that the Respondent conducted a faulty and biased investigation into Charging Party's allegations of sexual harassment against the Fire Chief. The investigation revealed that the Respondent's current sexual harassment policy is deficiently outdated.

EXHIBIT B

Letter of Determination
EEOC Charge No.: 510-2017-00547
Dawn R. Sumter v. City of Orlando Fire Department

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. In this regard, conciliation of this matter has now begun. Please be advised that upon receipt of this finding, any reasonable offer to resolve this matter will be considered.

A Conciliation Proposal attached to the Letter of Determination. Again, the Commission is postured to consider any reasonable offer during this period. If an offer has not previously been submitted, Respondent is requested to **accept, reject, or submit** a counteroffer to the attached conciliation proposal submitted on behalf of Charging Party. You may submit your response by fax directly to (787) 771-1485 to the attention of EEOC Investigator Lourdes M. Guzman within fifteen (15) days from the date of this letter. The confidentiality provisions of the statute and Commission Regulations apply to information obtained during conciliation.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission.

You are reminded that federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commissions investigations is also prohibited. These protections apply regardless of the Commissions' determination on the merits of the charge.

On Behalf of the Commission,

February 13, 2019
Date



William R. Sanchez
Local Director

Enclosures: Conciliation Proposal

cc: Andrea Morgan, Esq.
Assistant City Attorney
City of Orlando
400 South Orange Avenue
Orlando, FL 32801



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Juan Local Office**

525 F. D. Roosevelt Avenue
Plaza Las Americas, Suite 1202
San Juan, PR 00918-8001
Intake Information Group: (800) 669-4000
Intake Information Group TTY: (800) 669-6820
San Juan Status Line: (866) 408-8075
San Juan Direct Dial: (787) 771-1432
TTY (787) 771-1484
FAX (787) 771-1485

CONCILIATION AGREEMENT

In the Matter of:

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

and

Dawn R. Sumter
Charging Party

vs.

CITY OF ORLANDO FIRE DEPARTMENT (OFD)
Respondent

Charge Number: 515-2017-00547

A charge having been filed under Title VII of the Civil Rights Act of 1964, as amended including the retaliation provisions under Title VII, by the Charging Party against the Respondent, the charge having been investigated and reasonable cause having been found including retaliation under Title VII, the parties do resolve and conciliate this matter as follows:

I. GENERAL PROVISIONS

1. EEOC May Review Compliance with Agreement - The Respondent agrees that the EEOC, on request of any Charging Party or on its own motion, may review compliance with this Agreement. As a part of such review the EEOC may require written reports concerning compliance, may inspect the premises, examine witnesses and examine and copy documents.
2. Agreement Does Not Constitute Admission of Violation - It is understood that this Agreement does not constitute an admission by any Respondent of any violation of any statute administered by the EEOC.
3. All Employment Practices are to be Conducted in a Non-Discriminatory Manner - All allocations of pay, hiring, promotion practices, and other terms and conditions of employment shall be maintained and conducted in a manner which does not discriminate on the basis of race, color, sex, religion, national origin, age or disability in violation of any statute administered by the EEOC.
4. Retaliation Prohibited - The Respondent agrees that there shall be no discrimination or retaliation of any kind against any person because of opposition to any practice declared unlawful under any statute administered by the EEOC or because of the filing of a charge; giving of testimony or assistance or participation in any manner in any investigation, proceeding or hearing under any statute administered by the EEOC.
5. Reporting Provisions - The Respondent agrees to retain the records and to provide the written reports under the subsequent section of this Agreement entitled "Reporting Provisions." Reports will be furnished to the Office of the EEOC which has signified final approval of this Agreement.
6. Enforcement of Agreement - The parties agree that this Agreement may be specifically enforced in court and may be used as evidence in a subsequent proceeding in which any of the parties allege a breach of this Agreement. The Agreement shall stay in place for three (3) full years after its ratification.
7. Impact Upon EEOC's Processing - EEOC agrees not to use the subject charge as the jurisdictional basis for a civil action under Title VII including retaliation, but does not waive or in any manner limit its right to process or seek relief in any other charge or investigation including, but not limited to, a charge filed by a member of the Commission against the Respondent.

II. RELIEF

- 1) Promotional Consideration to a next available Deputy Chief position – Upon ratification of this Agreement, the Respondent agrees to make any and all reasonable efforts to allow and give the Charging Party the opportunity to be considered for promotion to the Deputy Chief position.
- 2) Site Transfer – The Respondent agrees to immediately transfer the Charging Party into the Field Operations Division including all of her terms and conditions in employment prior to the discriminatory transfer out on 10/20/2017.
- 3) Performance Evaluations – Upon ratification of this Agreement, the Respondent agrees to issue the Charging Party any and all due performance evaluations since she filed the instant charge.
- 4) Career Development Opportunities – Upon ratification of this Agreement, the Respondent agrees to allow the Charging Party to equally participate in career development opportunities.
- 5) Awards, Programs & Recognitions– Upon ratification of this Agreement, the Respondent agrees to grant all awards considerations, including any and all involved monetary amounts plus interests, as describe in the EEOC charge and denied to the Charging Party as a result of the discriminatory conduct by Fire Chief Rod Williams. Similarly, the Respondent agrees to reinstate the Charging Party's into any and all Programs she oversaw, coordinated, etc. as described in her EEOC charge.
- 6) Public Apology – Upon ratification of this Agreement, the Respondent Fire Chief, Deputy Chief Ian Davis and Deputy Chief Gary Fussell agree to issue an open public apology for their discriminatory treatment toward Charging Party which prevented her from participating in local and national events, graduations, etc. as alleged in the EEOC charge. Respondent further agrees to issue a public apology for allowing the different Fire Stations to voluntarily disclose the Report of Findings into Charging Party's sexual harassment allegations
- 7) Retaliation Prohibited – Respondent's Fire Chief Roderick Williams agrees to refrain from retaliation of any kind against Charging Party, including any individual, because of their opposition to any practice declared unlawful under Title VII, laws enforced by EEOC, or because of the filing of a charge; giving of testimony or assistance; or participation in any manner in any investigation, proceeding or hearing under the Commission's statutes. Additionally, any and all internal EEOC based complaints against Fire Chief Roderick Williams, Deputy Chief Ian Davis and Deputy Chief Gary Fussell will be monitored by the EEOC for a period of three (3) years following the ratification of this Agreement. As a result, the Respondent is responsible to submit to the EEOC all such complaints filed by any and all employees in the Fire Department in a timely fashion.
- 8) EEOC Training Requirements - The Respondent agrees to provide EEOC based training including sexual harassment and retaliation to Fire Chief Roderick Williams, Deputy Chiefs Ian Davis, Gary Fussell, and Rich Wales, Assistant Chief Diona Little, District Chief Danny Wilson,

HR Representative Deborah Girard, HR Representative Monica Varnado and any and all Human Resources Staff assigned to investigate EEOC based allegations including sexual harassment and retaliatory conduct. The training will be held by an EEOC official and will be scheduled within ninety (90) days from the ratification of this agreement.

9) Sexual Harassment Panel and EEOC based policy – Respondent agrees to update its current sexual harassment policy and disseminated to the entire staff accordingly. The Respondent agrees to submit the updated policy to the EEOC for final revision. As part of the policy revision, the Respondent agrees to establish a panel of not less than six (6) members equally distributed between management and non-management staff. The Panel will be responsible to oversee the entire complaint process of any and all sexual harassment and related retaliatory conduct filed against any staff or official at any level including the Fire Chief. If in agreement, the panel shall include Dawn Sumter as the Panel Director or Head, until she voluntarily decides otherwise. The panel shall also include not less than two (2) other Female Fire Fighters. The panel members will have final approval authority regarding the entire investigation process. The Panel will be sent to an EEOC based training at the Respondent expense.

10) Respondent will be responsible for providing immediate EEOC based **classroom attendance** training to its active entire staff up to the Fire Chief. The Respondent will submit a certificate of **classroom attendance** within 90 days of the ratification of this Agreement. The EEOC **will not** accept computer based training as an alternative to classroom training resulting in Respondent being in violation of the Agreement. The Respondent agrees to conduct the training on an annual basis thereafter. The EEOC will monitor the training during the ratification of this Agreement.

11) Compensatory damages (Pecunary and Non-Pecunary)– The Respondent agrees to pay Charging Party compensatory damages for any emotional distress, mental suffering, humiliation, loss of self-esteem, embarrassment, depression, pain and suffering or loss of enjoyment of life. These damages may also compensate for medical expenses and any out of pocket expenses.

12) Attorney’s Fees and Costs– Respondent agrees to pay the Charging Party for any and all attorney’s fees and costs incurred as a result of this charge.

III. SUPERVISOR ACCOUNTABILITY

Respondent shall promote supervisory accountability:

1) Respondent shall place a written final warning in Fire Chief Roderick Williams personnel file regarding his discriminatory behavior toward the Charging Party which violated her rights under Title VII including retaliatory conduct.

2) Respondent shall place a written final warning in Deputy Chiefs Ian Davis and Gary Fussell personnel files regarding their discriminatory behavior toward the Charging Party which violated her rights under Title VII including retaliatory conduct.

IV. REPORTING PROVISIONS

The Respondent agrees to provide written notice to this office within thirty (30) days of satisfying each of the obligations under Title VII.

V. SIGNATURES

I have read the foregoing Conciliation Agreement and accept and agree to the provisions contained therein:

Date

Christopher A. Pace, Esq.
Charging Party's Attorney

Date

Andrea Morgan, Respondent's
Assistant City Attorney

Approved on behalf of the Commission:

Date

William R. Sanchez
Local Director

cc: Christopher A. Pace, Esq.
Jill S. Schwarts & Associates P.A.
655 W. Morse Blvd., Ste 212
Winter Park, FL 32789



CITY OF ORLANDO

FIRE DEPARTMENT

TO: Dawn Sumter, Assistant Chief
FROM: Roderick S. Williams, Fire Chief
DATE: October 27, 2017
RE: **IRIS Regarding Leadership Training**

Assistant Chief Sumter,

I am in receipt of the IRIS that you submitted to me dated 10-14-2017.

As I explained in my October 13, 2017 memo to you, I too was an observer in this particular setting. The expectation of this training is that thoughts and feelings expressed in these confines are safe from over-interpretation and punitive action. These uncomfortable conversations promote growth and allow us a glimpse into the views and realities of others.

In addition, one particular item taught in this training and the previously held Inclusiveness Training sponsored by the City for all City employees in 2016, is that people from different cultures, backgrounds, experiences, generations, or ethnicities, will all express themselves differently. It is up to each and every one of us to show the courage and the empathy to allow them to do so without questioning their motives, or painting a picture of them according to our own perception or the perception of others.

No Orlando Fire Department rules, policies, or orders were violated. Therefore, this IRIS will not be processed and I am considering this matter closed.

A handwritten signature in black ink, appearing to read "R. Williams".

Roderick S. Williams, Fire Chief

EXHIBIT C



CITY OF ORLANDO

January 3, 2018

Via Email to cpace@schwartzlawfirm.net

Mr. Christopher A. Pace
Jill S. Schwartz & Associates, P.A.
Attorneys and Counselors at Law
655 W. Morse Boulevard, Ste 212
Winter Park, FL 32789

Dear Mr. Pace,

I have received a copy of your December 26, 2017 letter to the EEOC along with the revised and amended EEOC charge initially filed by your client, Ms. Dawn R. Sumter, in May 2017.

As noted in the document, there is a new allegation contained in this version of the Charge of Discrimination, which has never previously been reported to the City. Even though the allegation is of conduct that occurred some time ago, the City takes any allegation of sexual harassment very seriously. The City will therefore be immediately investigating this matter and taking prompt, remedial action if warranted.

Normally, this investigation would be handled by the City's Labor Relations Office, but that office currently has both positions vacant. The City therefore intends to contract with an outside investigator to ensure the matter is properly handled in a timely fashion. This investigator will contact your client for an interview as soon as he or she is engaged.

The charge indicates that your client feels that the incident she referenced most recently, which occurred in January 2017, adversely impacted her work environment. If, during the pendency of the investigation, your client would prefer not to come to work, the City is willing to allow her to use any of her accrued leave time during this period. Moreover, the City offers EAP counseling and mental health services through our employee health plan should your client wish to avail herself of these services.

I have attached a copy of the City's Harassment Policy, 808.26, which contains information on how to report any incidents of policy violation.

Please also be assured that the City will make every effort to maintain the confidentiality of your client's allegations during the pendency of this investigation, in accordance with Florida law.

Sincerely,

Dionna J.A. Little
Assistant City Attorney

CITY ATTORNEY'S OFFICE

CITY HALL • 400 SOUTH ORANGE AVENUE • ORLANDO, FLORIDA 32801-3302
PHONE 246-2295 • FAX 246-2854 • <http://www.cityoforlando.net>

EXHIBIT D

808.26 SUBJECT: HARASSMENT

:1 OBJECTIVE:

To establish a reporting and investigation procedure for complaints of harassment made by or against City employees.

:2 AUTHORITY:

This procedure amended by City Council May 10, 2010, Item A2; amended City Council July 28, 2014, Item A-1.

:3 DIRECTION:

Department Directors, Office Heads, Division Managers.

:4 METHOD OF OPERATION:

A. Definitions

The following words, for the purpose of this procedure, shall mean:

1. **City** – is the City of Orlando Government
2. **Employee** – Is any person who is on the payroll of the City of Orlando.
3. **Harassment** – Is any verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, gender identity, national origin, age, sexual orientation or disability, or that of his/her relatives, friends, or associates and that for a reasonable person:
 - a) Has the purpose or effect of creating an intimidating, hostile, or offensive work environment.
 - b) Has the purpose or effect of unreasonably interfering with an individual's work performance; or
 - c) Otherwise adversely affects an individual's employment opportunities.

Examples of harassment include, but are not limited to, epithets, slurs, negative stereotyping or threatening, intimidating, or hostile acts, that relate to race, color, religion, gender, gender identity, national origin, age, sexual orientation or disability or any display of written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the same.

Sexual Harassment is any verbal or physical conduct of a sexual nature or with sexual overtones, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment include, but are not limited to, lewd or sexually suggestive comments; off-color language or jokes of a sexual nature; slurs and other verbal, graphic or physical conduct relating to an individual's sex; or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos or cartoons.

B. Policy

The City strongly disapproves of and does not tolerate harassment of any kind. All employees must avoid offensive, disrespectful or unprofessional behavior at work and are responsible for assuring that the workplace is free from such behavior at all times. The City shall discipline any employee who commits such conduct. Complaints of such behavior will be promptly and carefully investigated and all employees are assured that they will be free from any and all reprisal or retaliation from filing such complaints.

C. Complaint Procedures

1. Harassment:

- a) Employees who believe they are being subjected to harassment are encouraged to report the conduct to their immediate supervisor. If the complaint is concerning the immediate supervisor, the employee should report to the next person up in his/her chain of command.
- b) An investigation of the complaint will be conducted by the appropriate supervisor or as otherwise assigned and disciplinary action taken in accordance with Policy and Procedure 808.20 if warranted.
- c) If the validity of the complaint cannot be determined, management will ensure that all parties are reacquainted with the City policy on harassment.

2. Sexual Harassment

- a) Employees who believe that they have been subjected to sexual harassment are encouraged to timely report the conduct to Human Resources Division/Labor Relations - Section which shall have both male and female investigators available.
- b) The Human Resources Division/Labor Relations Section investigation will include interviews with all relevant witnesses including the complainant, the accused and other potential witnesses.
- c) To the extent possible and as permitted by law, the investigation will remain confidential.
- d) Any employee interviewed during the course of an investigation may be accompanied to the interview by a union representative, attorney, or fellow employee.
- e) The Human Resources Division/Labor Relations Section will review its findings with the complainant at the conclusion of its investigation. The investigative report will be submitted to Department Director or Chief Administrative Officer (CAO) or designee for review and appropriate action, up to and including termination, if discipline is deemed to be necessary. If the validity of the complaint cannot be determined,

Chief Administrative Officer
Human Resources Division

Section 808.26

immediate and appropriate action will be taken to assure that all parties are
reacquainted with this sexual harassment policy.

- f) This procedure is in no way intended to prevent an aggrieved employee
from pursuing a claim through local, State, or Federal agencies.

:5 FORMS:

None.

:6 COMMITTEE RESPONSIBILITIES:

None.

:7 REFERENCE:

Section 703(a)(1) of Title VII of the Civil Rights Act of 1964; 42 U.S.C. '2000e-(a)(1);
Executive Order 11246 as amended by Executive Order 11375. Procedure adopted by
City Council July 20, 1981, Item 11; amended April 6, 1992, Item 2(II); amended June
21, 1993, Item 2-P; amended January 10, 1994, Item 8-K; amended July 17, 2000, Item
3-FF; amended September 11, 2000, Item 7X; amended September 15, 2003; re-
formatted only April 2004; amended May 10, 2010, Item A-2; amended July 28, 2014,
Item A-1.

:8 EFFECTIVE DATE:

This procedure effective July 28, 2014.

LAW OFFICE OF JAMES R. SPEARS, PLLC

ATTORNEY AND COUNSELOR AT LAW

James R. Spears, Esquire *

*Board Certified - Workers' Compensation

March 28, 2018

VIA EMAIL AND U.S. MAIL

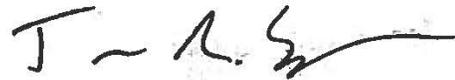
City of Orlando
Mayor Buddy Dyer
400 S. Orange Avenue
Orlando, Florida 32802-1990
Buddy.Dyer@Cityoforlando.net
(407) 246-2221 – Phone
(407) 246-2842 – Fax

Dear Mayor Dyer:

I have attached for your review statements from two (2) female firefighters for the City of Orlando. The statements speak for themselves. However, it is clear that there are significant issues with the treatment of female firefighters within the Fire Department that must be addressed. My clients hope that these issues will be thoroughly investigated and addressed in a timely manner. My clients are aware of the “investigation” that was performed by the City, and have seen the email from Byron Brooks, which they (and others) feel was nothing more than an attempt to discourage others from speaking up about the harassment they have experienced. However, my clients believe that if the City wants to learn the real truth about the harassment various female firefighters have experienced, it should attempt to speak with those actually affected, and offer some type of protection and anonymity so they can speak freely, without fear of retribution.

I would ask that the City provide a response on what it intends to do to address this issue. Please feel free to contact me with any questions or concerns.

Sincerely



James R. Spears

JRS/kw
cc: Deborah Girard
Frank Billingsley

Firefighters Council of Central Florida Building, 2nd Floor

4005 North Orange Blossom Trail
Orlando, Florida 32804

Phone: (407) 691-0300 Fax: (407) 667-8900

Toll Free: (888) 487-7488

www.FirstResponderLawFirm.com

EXHIBIT E

Page 2 of 2
March 28, 2018

Byron Brooks
Mayanne Downs
Chief Roderick Williams
Commissioner Tony Ortiz
Commissioner Jim Gray
Commissioner Robert Stuart
Commissioner Patty Sheehan
Commissioner Regina Hill
Commissioner Samuel Ings – *all via Email and US Mail*

To Whom It May Concern:

Please consider this letter a formal harassment complaint against Fire Chief Roderick Williams.

I have been the victim of sexual harassment at the hands of the highest level of supervision in the City of Orlando Fire Department (OFD). Examples of this harassment historically began years ago as sexual innuendo, having certain body parts looked at up and down while sucking his teeth, full body embraces that have lasted for extended inappropriate lengths, sexual remarks, and other remarks such as “Damn girl, don’t ever lose that ass” “shoo wee girl you are fine” “girl you are built just how I like “ “ your legs are so sexy“ and hugging me and saying “ you are so fine” in my ear.

Currently, Fire Chief Williams has the utmost support from the Mayor, City Commissioners and Mr. Byron Brooks. It is because of this unwavering support that makes me fearful of retaliation against the women of OFD and myself by Fire Chief Williams and his senior staff. I have been approached by superiors in an effort to keep me quiet.

I have been a faithful female firefighter for OFD for many years. I take pride in being among the very few females that have worked for this department. This was a childhood dream of mine that I was able to fulfill. Most of my career has been amazing and rewarding, however for years I have been a victim of this harassment, being very intimidated never knowing what would happen should I ever disclose this information. The current City Administration has proven that they lack character and integrity in their continuous support. It is due to that obvious support from the City of Orlando I am terrified to say who I am. I am sickened that during another sexual harassment claim filed on Fire Chief Williams the City did not see the need to remove Fire Chief Williams from his position while the investigation was being conducted. Instead we as a department were sent a complete disregard letter from Mr. Byron Brooks stating the initial claim is unsubstantiated.

Fire Chief Williams is guilty of harassment and I am another Female of the Orlando Fire Department coming forward. I am a mother, a wife, a daughter, a sister, and a career professional at the City Of Orlando Fire Department. I have stepped away from Fire Department functions, I’ve quit going to extra Fire Department get togethers for fear of seeing Fire Chief Williams and giving him the opportunity to disrespect me. How the City cannot admit the seriousness of these complaints is blatant disregard of a serious plague in this Department. This is a complete disgrace!

I urge the City of Orlando to restore the character and integrity that every citizen requires of their leaders.

I wish to remain unnamed for fear of retaliation.

Mayor Dyer and City of Orlando Fire Department Administration:

I have been a firefighter with the City of Orlando long enough to not be surprised that our Sexual Harassment policy was written in 1981, before ANY female firefighter was even hired. No addendums, no memorandums, nor corrections have been made since it was put to use at the Orlando Fire Department.

I am writing to share my story and experience in hopes to do many things: educate the City of Orlando and the Orlando Fire Department, to protect future female firefighters who will come well after I am gone, and to stand up for those women who have been in my shoes or worse.

Fire Chief Rodrick Williams has made inappropriate comments to me as a female firefighter. He has commented more than once on my looks including commenting on parts of my body that made me uncomfortable. I specifically remember his last comment being while he was Deputy Fire Chief. The comments Chief Williams made were relaying "how good" I looked. I thought to myself, "REALLY?!?! In your position, don't you think this is a bit inappropriate more now than ever before???" These comments have occurred when no one else was within ear shot... he has made numerous comments in the past but I was sure now that he was a part of the Fire Department Administration that this would come to an end... it did not!

This type of unacceptable conduct has not only come from Chief Williams, but I have had one other now District Chief make similar comments. Should I have allowed these comments? One would think - 'of course not'! In the fire service, women are already struggling, "to fit in." Now add a target on our back for being assertive or spreading what may look like unmerited complaints and see how easy it is to do our job AND belong. I bet there are very few female firefighters who say this is untrue. I leave the other Chief unnamed because this must start at the TOP!

I write this letter to seek change. I am writing because past examples are not showing proper recognition nor fairness on this very touchy subject. I want the inappropriate behavior to stop. I want a movement established including classes on educating the department on the EXACT definition of sexual harassment. I believe ALL could benefit from the information.

In closing, I want it to be known that I have had some AMAZING officers as supervisors who have looked out for me as though they were working with their sister or female family member. Those officers would make sure that inappropriate fire house jokes or conversations were squashed when necessary. I will be forever grateful for those men.

I choose not to sign this letter in fear of retaliation or any new forms of harassment for speaking up.

Sincerely,

A Female Firefighter
City of Orlando Fire Department

Region: **APK** CSA: **APK** Grid:

OFFENSE REPORT

For the public: **No** Agency Report #: **201841001007**
 Juvenile: **No** Event #: **20181022374**
 Domestic Violence: **No** Dating Violence: **No**

Apopka Police Department
Public Version

Agency ORI: **FL0480100**

Reported Day/Date: Time Dispatched: Time Arrived: Time Completed: Date Occurred From: Date Occurred To:
Thu 4/12/2018 16:56 **4/12/2018 15:51** **4/12/2018 15:51** **4/13/2018 00:30** **Thu 4/12/2018 16:56**

Subdivision: Forced Entry: Occupancy: Type of Weapon: Location Type: Municipality:
No **Occupied** **HIGHWAY/ROADWAY** **UK**

Incident Address: Dispatch Address:
S Eola Dr & E Central Blvd Orlando FL 32801 **DOWNTOWN ORLANDO UNKNOWN FL 00000-0000**

#Offenses: #Victims: #Offenders: #Prem. Ent: #Arrested: Drug Related: Alcohol Related: Call Disposition: Signal Code: Clearance:
02 **01** **01** **1** **00** **N** **U** **A** **15IR** **Transferred to SAO (Capias)**

OFFENSES SECTION

<u>Off#</u>	<u>Description</u>	<u>Statute#</u>	<u>UCR</u>	<u>Ordinance</u>	<u>Attempt/Commit</u>	<u>Warrant #</u>	<u>DVR</u>	<u>Drug Activity</u>
1	SIMPLE ASSLT-ON OFFICER FIREFIGHTER EMT ETC	784.07 2A	130B	No	C		No	
2	RESIST OFFICER-OBSTRUCT WO VIOLENCE	843.02	9500	No	C		No	

EXHIBIT F

Region: CSA: Grid:
APK APK

OFFENSE REPORT
Apopka Police Department

For the public: No Agency Report #: 201841001007
Juvenile: No
Domestic Violence: No Event #:
Dating Violence: No 20181022374

Agency ORI: FL0480100

Public Version

PERSON SECTION

SUSPECT

Name: **DAVIS, IAN CONRAD** R/S: **B/M** DOB: [REDACTED] or Age: Offense Indicator: **1**
 Adult/Juvenile: **A** SSN: Hgt: **601** Wgt: **220** Hair: **BLACK** Eyes: **BROWN** DL#: [REDACTED] DL State: **FL**
 Person Type: **SUSPECT** City of Birth: **LONDON** Place of Birth: **EN**
 Address: **ON FILE OFD ORLANDO, FL 32818** Phone: [REDACTED]
 Email: Cell Phone: [REDACTED]
 OthPhone1: OthPhone2:
 NOK: NOK:
 NOK Address: NOK Phone:
 Emp. Address: **78 W CENTRAL BLVD ORLANDO, FL 32801** Job: **DEPUTY CHIEF** Bus. Phone: **4072463473**
 Comments:
 Relationship: OBTS#: FBI#: State#: Local#: Misc Id: Other Id:

VICTIM

Name: **HOLROYD, AUTUMN C** R/S: **W/F** DOB: [REDACTED] or Age: Offense Indicator: **1**
 Adult/Juvenile: **J** SSN: Hgt: Wgt: Hair: Eyes: DL#: DL State:
 Person Type: **WITNESS- JUVENILE** City of Birth: Place of Birth:
 Address: **637 W KEENE RD ORLANDO, FL 32807** Phone: [REDACTED]
 Email: Cell Phone: [REDACTED]
 OthPhone1: OthPhone2:
 NOK: NOK:
 NOK Address: NOK Phone:
 Emp. Address: Job: Bus. Phone:
 Comments:
 Relationship:
 Foul Play Suspected: **False**
 Extent of Injuries: **None**
 Injury 1:
 Injury 2:

VICTIM

Name: **LASZAIC, MACY L** R/S: **W/F** DOB: [REDACTED] or Age: Offense Indicator: **1**
 Adult/Juvenile: **J** SSN: Hgt: Wgt: Hair: Eyes: DL#: DL State:
 Person Type: **WITNESS- JUVENILE** City of Birth: Place of Birth:
 Address: **2549 MAITLAND CROSSING WY 11-301 ORLANDO, FL 32810** Phone: [REDACTED]
 Email: Cell Phone: [REDACTED]
 OthPhone1: OthPhone2:
 NOK: NOK:
 NOK Address: NOK Phone:
 Emp. Address: Job: Bus. Phone:
 Comments:
 Relationship:
 Foul Play Suspected: **False**
 Extent of Injuries: **None**
 Injury 1:
 Injury 2:

VICTIM

Name: **MATTHEWS, RICHARD JASON** R/S: **W/M** DOB: [REDACTED] or Age: Offense Indicator: **1**
 Adult/Juvenile: **A** SSN: Hgt: **505** Wgt: Hair: Eyes: DL#: [REDACTED] DL State: **FL**
 Person Type: **WITNESS- ADULT** City of Birth: Place of Birth:
 Address: **843 SHADOWMOSS DR WINTER GARDEN, FL 34787** Phone: [REDACTED]
 Email: Cell Phone: [REDACTED]
 OthPhone1: OthPhone2:
 NOK: NOK:
 NOK Address: NOK Phone:
 Emp. Address: Job: Bus. Phone:
 Comments:
 Relationship:
 Foul Play Suspected: **False**
 Extent of Injuries: **None**
 Injury 1:
 Injury 2:

Region: **APK** CSA: **APK** Grid:

OFFENSE REPORT
Apopka Police Department
Public Version

For the public: **No** Agency Report #: **201841001007**
Juvenile: **No** Event #: **20181022374**
Domestic Violence: **No**
Dating Violence: **No**

Agency ORI: **FL0480100**

IDENTIFIER SECTION

Name: **DAVIS, IAN CONRAD**
Identifier: **NONE / NONE**

Name: **MATTHEWS, RICHARD JASON**
Identifier: **NONE / NONE**

LE/BUSINESS SECTION

Name: **Campbell, Robert** Contact: **APP904 - Apopka Police Departm**
Offense Indicator: **1** Other Id: **1675** Phone#: Comments:
Type: **VICTIM- LE OFCR**
Address:

PROPERTY

Owner: **Campbell, Robert**
Item#: **1** Offense#: **1** Details: **OFC CAMPBELL'S BODY CAM VIDEO** Est Value: **\$0.00**
Qty: **1** Units: Serial#: Owner#: NCIC: **YBODYCA**
Model: **VIDEO** Brand: Evidence Tag: **RC1** Size: Color: Theft Type: **N/A**
Status: **Case Evidence/Seized** Damage: **N/A** Recovered Date: Rec. Value: **\$0.00**
PCN: NIC:
Property Narrative: **Ofc Campbell's Body cam video**

Region: **APK** CSA: **APK** Grid:

OFFENSE REPORT
Apopka Police Department
Public Version

For the public: **No** Agency Report #: **201841001007**
 Juvenile: **No** Event #: **20181022374**
 Domestic Violence: **No**
 Dating Violence: **No**

Agency ORI: **FL0480100**

NARRATIVES

Rpt Date: 04/12/2018 22:40	Reporter: CAMPBELL, ROBERT	AP1675	Clearance:	Cleared By Arrest	Nar Type: O
Mod By: APD\rcampbell	Mod Date: 04/12/2018 23:48	Related Case #			

On 04/12/2018, I was working a multi-jurisdictional event, (IOA Corporate 5K), under the mutual aid of the Orlando Police Department. My post was at the south-east corner of the farmers market area, which was near the intersection of Central Boulevard and Eola Drive in Orlando.

At my post, there was a metal barricade that was set up with the sole purpose of keeping people from walking out of the farmers market into the roadway, which was the staging area and starting line for the 5K race. There were two volunteers, Autumn Holroyd and Macy Lazsaic, that were posted there to turn people away attempting to cross through the barricades. There were two designated areas, one set up as the walker staging area (on Eola Drive) and the other as the runners staging area (on Central Boulevard). The center of the intersection was the meeting point of the two staging area for the participants to walk/run westbound on Central Boulevard. Each staging area had their own designated entrance area, where the participants were being checked for specific armbands to verify registration. The event staff was trying to keep this area from becoming cluttered with bystanders. There was a DJ and loud speakers set up in this immediate area. I was dressed in Apopka Police Department's "Class B" uniform, which consists of two Apopka PD patches, an APD badge, and duty gear.

At approximately 1856 hours, I observed a black male, later identified as Ian Davis, jump over the barricades into the restricted area next to the volunteers, Lazsaic and Holroyd. Holroyd told him to stop, however, Davis refused to obey their orders. I then yelled out to Davis for him to come back. He raised his hand in a waiving manner, looked back at me, but he refused to comply with my order and continued walking towards the center of the intersection. I caught up to him in the roadway and told him he had to go back from where he came. He became argumentative, but began walking back towards the barricades he jumped over. However, as he got to the sidewalk, Davis turned around and took an aggressive stance directly in front of me. His face was within inches of mine. He was yelling at me to not yell at him. I ordered him to get out of my face, but he remained where he was. Based on his action of turning and placing himself within inches of my face, his angry demeanor, and his aggressive stance, I was placed in a well-founded fear that violence was about to take place. I attempted to turn him around by grabbing his right arm and twirling him, so I could secure him in handcuffs. Davis resisted my efforts to handcuff him by tensing up his arms, pulling his arms away from me, and trying to turn around to face me. At some point during this altercation, Davis's body knocked my radio's microphone from my uniform. I called for assistance and officers from various agencies responded. I was eventually able to secure Davis in handcuffs.

It should be noted that as soon as Davis got in my face, I activated my body worn camera. By the time is booted up and began recording, it was while I was trying to reach for my dangling radio mic to call for backup. The video also shows Davis attempting to turn on me.

Davis was escorted to my patrol vehicle, where it was decided that the charges would be filed AT LARGE on him for assault on a law enforcement officer and resisting without violence.

I returned to my post, after the race had concluded, where I found a witness to the entire incident. Event staff Richard Matthews provided a sworn statement on his observations of the altercation. He noted how he observed Davis jump over the barricade, be approached by me, and then not listen to my orders. Matthews also noted his observation of Davis turning around and putting his chest up to me, estimating Davis' face about an inch from mine.

Holroyd and Laszaic were gone when I returned to my post, however, they eventually walked back through. Due to my post being a considerable distance from mine, I used an Oakland PD statement form to obtain their sworn statements. Both noted how Davis did not listen to my orders and how he turned around and got in my face. Holroyd confirmed that Davis was told to stop by them.

This case is now referred to the State Attorney's Office for prosecution.

I swear/affirm the above statements are true and correct: Officer's Signature: _____ CAMPBELL, ROBERT <small>Name and Employee # (Printed)</small>	Sworn to and subscribed before me, the undersigned authority, this _____ day of _____, in the year _____ Name/Title of Person Authorized to Administer Oath. _____
--	---

ADMINISTRATIVE SECTION

Was Crime Scene Processed: **No** Processed By:

Officer Reporting: **AP1675 CAMPBELL, ROBERT** Officer Shift: **S** Section: **APK** Unit: **APP90** Date: **04/12/2018**
4

Reviewed By: **AP1614 GARCIA, DANIEL** Review Date: **04/12/2018** Routed to:

Assigned To: **AP1614 GARCIA, DANIEL** Assigned Date: **04/12/2018** Assigned Dept: **APK**

Clearance: **Transferred to SAO (Capias)** Clearance Date: **04/12/2018** Referred To:

Region: CSA: Grid:
APK **APK**

OFFENSE REPORT

For the public: **No** Agency Report #:
Juvenile: **No** **201841001007**
Domestic Violence: **No** Event #:
Dating Violence: **No** **20181022374**

Apopka Police Department
Public Version

Agency ORI: **FL0480100**

Comments: **RESIST/OFF DUTY OPD**

City of Orlando, City Hall
Attention: Maryanne Downs, City Attorney
400 S. Orange Avenue
PO Box 4990
Orlando, FL 32802-4990

October 1, 2018

We are seven (7) current and former employees of the City of Orlando Fire Department. Together we have well over 100 years of combined experience, training and education in the Fire Services Industry. We also share the same painful commonality. We have all been victims of abuse by Deputy Chief Ian Davis.

For years Chief Davis has specifically singled out white female employees, like us, as targets. Collectively we have endured discrimination, harassment, bullying, wrongful termination, retaliation, sexually abuse and other degenerate acts while on the job. These include a former employee being wrongfully terminated after enduring repeated bullying and sexual advances from Chief Davis. Another current employees' victimization goes back as far as 2001, where during this time, under intimidation and threats by Davis, she was repeatedly forced to engage in sexual acts with him against her will. As the City of Orlando is fully aware, other victims have previously filed complaints against Chief Davis, and we fully believe more victims will come forward.

At this juncture we can no longer work safely for an organization that continues to turn a blind eye to the brutish and unsafe environment of the Orlando Fire Department and dangerous and violent employees like Chief Davis.

The seven of us are demanding the immediate termination or resignation of Deputy Chief Davis on or before October 9, 2018. We implore Mayor Dyer and Chief Williams to make the right decision. If Chief Davis is allowed to remain in his role, we will have no other choice but to go public with the horrors we have endured.

Sincerely,

The Orlando "7" Seven

Cc: Mayor Buddy Dyer
Chief Roderick Williams

City Attorney's Office
RECEIVED

OCT 04 2018

City of Orlando



CITY OF ORLANDO

FIRE DEPARTMENT

OFD,

I want to take some time and share my parting thoughts with you. During any Fire Chief's tenure, there are often many things that we think or want to say, but due to the nature of the position, many of those things remain only personal thoughts. With this being a singular position, Fire Chiefs have a unique perspective of an organization.

Upon my appointment in February of 2015, I made a personal vow that I would pursue initiatives that would first and foremost, be in the best interest of those **we serve (our citizens and visitors)** and second, initiatives that would make our personnel safe and more efficient.

Accomplishments

As a native son, Orlando will always be my home. Striving to better the Department was a labor of love for me. It meant the people that I call neighbor, friend, family or guest would have better service, would sense and see more inclusion, and could appreciate the Department as one they could feel an abiding connection.

During my tenure, I fought or stood in the gap for many things that simply made sense, or using a better phrase, were "the right thing to do."

An example of this is the **transfer article**. Although overturned by a PERC decision, I strongly support management having the authority to move personnel. In conversations I have had with many of you, it became clear that the current system needed overhauling to achieve balance and fairness. The current bid system allows personnel to have some say and control in where they are assigned. **Neither I, nor anyone in my administration opposed this.**

However, management must have the flexibility to make real-time personnel and staffing decisions that serve the best interests of our citizens (first) and our personnel. Burned-out personnel are disadvantaged toward rendering stellar service each time they interact with a citizen or visitor. Burned-out members are more susceptible to injury and unsafe work practices. These are facts. I challenge, especially those of you who are in need of relief, to make your voices heard and to challenge the status quo that is placed upon you.

The **Drug and Alcohol testing program** is another example of something that I championed. Drug and alcohol testing is good public policy. A first responder, who abuses drugs or alcohol and comes to work impaired or partially impaired, is unsafe and irresponsible. Such a person is a danger to themselves, fellow employees, and our citizens. Our profession does not do itself any favors if we defend, excuse, or allow such behavior. We do not do ourselves any favors if we demonize "the process" more so than we do the actions of the offending individual. Of course, good public policy also must acknowledge the fact, that some may struggle with substance abuse (as we are a microcosm of society) and will make allowance to assist these ones to recovery **when they seek help. Our policy now does both. It brings us into the modern era and I am proud of that fact.**

Below are some of the other significant accomplishments that we have achieved under my administration during the last 4 years:

EXHIBIT H

- Increased Full Time Employees (12 new firefighter positions, Deputy Emergency (EOC) Manager, Deputy Fire Marshal, added many other key positions, converted multiple administrative positions to fulltime)
- **Updated Harassment Policy (had not been updated since 1981)**
- Promoted the first female Shift Commander in field ops
- Promoted the first African-American female to Chief Officer position
- Decontamination Policy After Fire (first Department in the region to do so)
- Established Fire Station Community Open House Program
- Department Annual Report (first to be produced in years)
- Books & Badges Program (established by my office and assigned to an Assistant Chief for managing)
- Contracted an outside vendor to care for all hose testing and cataloging (freeing personnel from this task)
- Instituted Drone Program (first Department in the City to utilize / helped craft City Drone Policy)
- New Tower Truck in Lake Nona (more sworn personnel)
- New EMS equipment – compression devices, power loads, video laryngoscopes
- Opened Fire Station #2
- Secured funding for the renovation build of three existing stations – Stations 6, 9, 11
- Secured Ballistic vests for every seat on apparatus
- Re-established the Bike Team with six (6) new bikes
- Re-established the CERT program
- Completed detailed Pulse After-Action Report and made critical policy adjustments in response
- Secured new Bunker Gear (with added technology to help reduce the risk of cancer)
- Greater Community Involvement (Dueling Dragons, Partnership with Orlando Health for breast cancer month)
- Partnership with Orange County Public Schools – Hands Only CPR
- Received Commission on Accreditation of Ambulance Services (CAAS accreditation)
- Greater Accountability – handed out more demotions, suspensions or terminations in four (4) years than in the preceding ten (10)
- **Launched the Civilian Medic Transport Program (most women hired (14) in any single hiring class in OFD history) 6 Medic Units added**
- Dynamic deployment of transport resources
- Petitioned and received approval of Civil Service Board to increase educational standards for promotion to District Chief
- New Hazmat/Heavy Rescue truck requested and approved increasing coverage of special team resources
- Increased vacation slots allowable per shift (10 slots to 12 slots)
- Participated in and help craft NFPA 3000 (Response to Active Shooter)
- Implemented Target Solutions (learning management platform)
- Instituted OFD Transitions Program for sworn OFD new hires
- Secured Certified Public Expenditure funding (CPE reimbursement based on transport expenses) over \$3,000,000 received over the last three years
- Secured multiple grants
- **Roadway Safety – (Updated Procedures)**

All of these programs and initiatives were pursued and accomplished because of my desire to serve our citizens and you, our personnel.

I will be eternally grateful for the team of extraordinary, talented individuals that were integral in helping reach these goals. I will forever be in awe of your endless push to ask the questions we are sometimes afraid to find the answers to, the unapologetic rejection of paralyzing groupthink - *"because that's the way we have always done it,"* for those of you that truly supported me and for your friendship.

Final Thoughts

Lastly, I want to address a few elephants in the room. We as a Department and as a profession are destroying ourselves and all of the good for which we are known to stand. Through the actions of a vocal few, we are becoming more widely known to our citizens and policy makers as greedy, spoiled, entitled, and unthankful.

This happens when we abuse provisions and benefits like our sick leave, park our trucks in the front of occupancies for simple convenience, mistreat and deal rudely with our customers, and constantly ask for more, without realizing the burden this places on our citizens that take home far less compensation than we do. I pray that we begin to reflect a humble and deep respect for our taxpayers, because a failure to be more conscious of this fact will cost our noble profession in the end.

The Orlando Fire Department is 134 years old. This is a source of pride, as it should be for many of us; however, some traditions, as in life, must die for the good of humanity and the organization. The fire service has long been known for being predominantly male, predominantly white and resistant to change. Like many others, our Department shares this commonality, yet the community this Department serves looks nothing like that. The City of Orlando is predominantly female, with a majority minority population. We must embrace and foster diversity! It is my hope that the elected leaders and appointed policy makers of this City will do more than just pay "lip service" to diversity, but truly put the needed money and resources behind initiatives to help give the Department the diversity that is reflective of those whom it serves.

The fire service is known to many of its members as a brother and sisterhood. Although this may be the feeling shared by some, **this is not the general experience of all**. In any family, there will always be differences of opinions, disagreements, fights, and challenges, but true familial feelings are not eroded by those challenges. To accuse, attack, bully, or try to intimidate others who do not share your views or what you think, are tools of the cowardly, the weak and the undignified. These behaviors undermine everything our industry says it stands for. Martin Luther King Jr. often stated: *"The moral arc of the universe is long, but it bends toward justice."*

I, like many of you, truly believe this statement. While serving as your Fire Chief, I too have experienced injustice, false accusations, threats, baseless attacks, and verbal bile so debased, it would be inappropriate to include in this document. I want you to know that I am innocent and have been falsely accused of what has been claimed. I am not the caricature that has been so often used throughout our country's history against African-American men. I pledge to you, that I will use every means afforded me as a United States citizen to ensure that my name and reputation is cleared and that those who have sought to undermine it, are held accountable. I would expect no less from any of you.

It has been a privilege to serve as your 19th Fire Chief. I wish you the best that life has to offer. Please stay safe, and strive every day to be a better person than you were the day before.

Farewell,



Roderick S. Williams, Fire Chief