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IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

BOBBIE EDWARDS,

EEOC Case No. NONE

Appellant,

FCHR Case No. 2005-01795

v.

DOAH Case No. 05-4142

CITY OF DELAND,

FCHR Order No. 06-046

Appellee.

_____ /

DATE: October 15, 2006

APPELLANTS' INITIAL BRIEF

Representing Self

STATEMENT OF THE CASE AND FACTS

1. **Nature of the Case.** This lawsuit seeks a charge under the Florida Civil Rights Acts of 1992, as amended (Chapter 760, Florida Statutes) and Chapter 784.021 and 784.011. On May 12, 2004, I left my employment because of a death threat made by my immediate supervisor; John Stanberry in which the City of Deland did nothing but a suspension and left my life in danger.

Preliminary Statement

On May 12, 2004, I turned in my resignation with the City of Deland, because of a death threat I received from John Stanberry, my immediate supervisor. On May 3, 2004 the death threat was made and I wrote a letter to the City of Deland and filed a police report May 6, 2004. Two letters from other employees were also written on May 3, 2006 by Bill Stelter, Dempsey Hadley and including Mr. Stanberry, admitted that he threaten my life. After waiting for a response from the City and no actions were taken I felt it necessary after asking to be removed and then this it was best that I remove myself before someone got hurt. I was not sure if Mr. Stanberry meant this or if he just wanted to treat me this way because he new he could get away with it. The City had supported his actions from the beginning and I was getting tired of being ignored and tossed from side to side like a salad. May 10, 2005, I Bobbie Edwards, filed a discrimination charge against the City of Deland for violating Section 760.10, Florida Statues, by discriminating against me on the basis of unfair, unjust, harassment, mistreatment

from my employer and slander etc. I also feel that Section 448.045 of the Florida Statutes was violated.

1. The allegations were investigated and on October 5, 2005, FCHR issued its determination of "no cause" and Notice of Determination: No Cause. A Petition of Relief was filed on November 7, 2005.

2. FCHR transmitted the case to the Division of Administrative Hearings (Division) on or about November 7, 2005.

3. At the hearing, I Bobbie Edwards represented myself and my girlfriend Jane Wilkinson. Respondent presented several documents but it was not proof or maybe somewhat misleading. I presented as for what I understand Exhibits numbered 14, 17-20, 25, 26, 28 and 32 and were admitted into evidence. Exhibits numbered 5 through 13, 22, 23, 29, 30 and 31 were also admitted for a limited purpose.

4. As for the Respondent presented the testimony of John Stanberry, and James Ailes. Exhibits numbered 1 through 14, 16 through 20, 23, and 25 through 30, were admitted into evidence. A Transcript, consisting of two volumes, was filed on February 17, 2006. On February 11, 2006, I filed a letter in with my argument and a proposed Order on March 2, 2006, and the Respondent filed a Proposed Recommended Order on March 3, 2006. which have been considered in the

preparation of this recommended Order.

5. I was hired with the City of Deland from 1998 until I resigned on May 13, 2004. I received good evaluations every year. Mr. Stanberry was not my first supervisor in this Divison and had no ideal of my proformances then. I began as a Mainteneance Worker I and was promoted to a II in 2003. I did all my duties that were required of me. It was suggested in my evaluations that they would like for me to get my lincense for the position I was working in but I never did sense they continued to dropping the pay down to what I was already making. The person that had the position before I begin working in that area was being paid on a much higher pay scale and he was white so I felt no need to pay for a license only to get the same pay I was already receiving.

6. While working with Lloyd Joiner it was never said to me that my job was not being done. In fact it was said that I worked very well and was able to work on my own. The letter written on September 9, 2003 contradicts the statements about my performance they have given me in the pass.

7. My only question to Mr. Stanberry at that time was: Is everyone receiving a letter? and he replied to me "NO", you're the first one, I got to start somewhere. This is where my anger begin. I thought maybe every body had been slack and now they are bring out the whip.

8. Shana Bealle that had been working for at least 22 years works the night shift comes in late, the city allows her children sleeping over and has gotten away with it all these years.

9. A supervisor, Carl Williams who also had been working at least 22

years came to work drunk and driving a city vehicle and was sent home driving the city vehicle because he was unable to work being drunk. My friend has also witness him at work on the night shift where he had been drinking. Nothing was ever done and he is white and no one says anything.

10. Jeff Hunter who disrespected my girlfriend by asking her personal questions over a business phone and John never did anything about or did he report this until I began asking him questions after I received my letter.

11. Bill Corley never wore a seat belt and nothing is said he is black. The department head Keith Rigger and John Stanberry took AuqaMad, this is something you put it in water to help purify and keep pipes from rusting. With this atmosphere you do get comfortable and become a little slack but everyone did it. So the problem was not that I received a letter it was no one else got one except me when I knew other people were doing things against state laws.

12. During a meeting supervisors were allowed to smoke in the City government building and nothing was said. So just because I did not get a lincense they suggested, I get a letter to improve my abilities and in previous evaluations I was a good hard worker.

13. Only after I began asking questions to the City they began to retaliate and write me up for things that everyone else was also guilty of. My anger never came from the letter it self, it is just that every one should have gotten one. My discrimination charge had nothing to do with my race or whether I was black or white, it was that I was as an individual was being singled out. Other employees were allowed to get away with illegal things and I just never got a lincense and

get written up. It was stated on September 10, 2003 in a meeting with Mr. Stanberry, Mr. Joiner and Mr. Harrison I became belligerent and I said I did not want to work with Mr. Stanberry. If I had been belligerent the same thing would have happened when I threw the center block and why was none of these things written before now. If Mr. Stanberry would have fulfilled what he said I would have just been another statistic. After the letter written September 11, 2006.

14. I received a written reprimand for insubordinating, disobeying or refusing to follow a direct order of an official and legal supervisor and Mr. Stanberry who was disrespectful, making death threats in other words rewarded and given the ok to say he is going to kill me. According to Chapter 448.045 this is not exceptable in the state of Florida.

Findings of Fact

1. I am an African-American male that was employed by the City of Deland from 1998 until I turned in my resignation on May 12, 2004 not on May 13, 2004 as the City stated.

2. The City of Deland is employer that is governed under state and labor laws.

3. I worked in the City's Utilities Department, from the time I was hired in 1998 under the supervision Wayne Sacket and then John Stanberry about 1999. I was responsible for upkeep of various maintenance duties.

4. I received good evaluations up until I began

question John Stanberry about, Why was I the only one to receive a letter from him when other employees had illegal did things he new about even himself.

5. When the position became vacant in 2001 I was not interested in applying because the pay had been dropped and I did not feel the need to pay for something that the pay had been dropped to what I was already making.

6. It had never been addressed to me that I was being trained in this position for the water operator. I was under the impression that I was feeling in until they hired someone.

7. The problem with Mr. Stanberry began when I ask him why I received a letter and no one else did. This was unexceptable. Mr. Stanberry responded back with a attitude. "NO", I got to start somewhere. This is what open the can of beans. I began writing letters to personal in which I was told at one point by Mark Hayward to stop writing letters. These incidents happened as Followed:

Time line for Bobbie Edwards
155 E. Stetson Ave.
Deland, FL 32724
(386) 736-8454 home
(386) 717-0817 cell

- On or about late 2002 early 2003 I approached John Stanberry regarding inappropriate comments made to my girlfriend by Jeff Hunter.
- On September 9, 2003, I received an above average evaluation.
- On September 10, 2003 I then submitted with a memo in which I was inform my responsibilities and that I'm expected to do my job in a timely manner.
- On Monday, September 11, 2003 a letter was written to me from John Stanberry regarding assigned work duties at WP #3 written September 8, 2003 that I never received until Beulah Blanks requested my file.
- * • I ask was everyone getting one of these letters and Mr. Stanberry said no, he has to start somewhere and he told me if I did not like it I could always get someone to replace me.
- I then went to the personnel office to complain.
- After I spoke with personnel I went back to my job and spoke with Rob Harrison and he called a meeting with John Stanberry present at 1pm and Lloyd Goiner.
- After the meeting I requested a leave of absence for 6 days that was signed off by John Stanberry and Rob Harrison.
- On September 16, 2003, a letter was written to Jim Ailes from John Stanberry regarding scheduling a meeting the rule book violation and disciplinary action form.
- In the meeting I raised a series of questions regarding other problems on the job.
- September 21, 2003 I put these very questions in writing.
- Received a letter re a letter dated September 21, 2003 from Jim Ailes with concerns about the Utilities Department.
- * • September 24, 2003 I wrote a letter stating that I requested since September 10, 2003 to be removed from under Mr. Stanberry's supervision and nothing has yet been done. I explained that Mr. Stanberry has been picking at everything I do and that I am now working in a hostile environment and that personnel has allowed Mr. Stanberry to harass me, and then I received disciplinary action form.
- * • On September 26, 2003; I again stated that I am still waiting on a answer, and stated why was it taken so long for them to make a decision when special arrangements was made for others and that I'm still being harassed.
- Received a letter from Jim Ailes requesting a transfer.
- Brought up in a meeting with John Stanberry, Rob Harrison, Jeff Hunter and me. I brought up the situation in October 2003 about Jeff speaking to my girlfriend in an inappropriate way. Jeff said John Stanberry told my girlfriend not to call up to the office anymore.

- * • On a letter stamped October 10, 2003, I asked Jim Ailes with John Stanberry present, if Plant operators were not properly trained, "Why were they given certificates and I was properly trained and did not get a certificate and I stated this shows discrimination and me being singled out.
- Received a letter from Keith Riger regarding the response to the October 10, 2003 letter.
- On October 10, 2003, John Stanberry writes a letter to Jim Ailes stating I refused to work.
- On October 10, 2003, a letter was also written from Keith Riger to Jim Ailes regarding me punching out and going home because diarrhea and then he stated he seen me pumping gas in my car about 12:45.
- * • On October 14, 2003 I wrote a complaint letter regarding John Stanberry calling me a DAMN FOOL.
- October 15, 2003 I received a letter stating I was not doing my job and that I now must have a doctors excuse when I take off along with a list of rules and regulations from personnel that I refused to sign.
- On October 16, 2003 I was asked what days would I like to take off in which I did not know why I was being suspended I chose October 20, 21, and 23 since October 16, 2003 which was National Boss Day and I called it National Black Day.
- * • On October 24, 2003 I returned to work from being suspended for three days and wanted an explanation why was I being suspended when a supervisor call me a damn fool and my lady being asked sexual questions from an employee and nothing being done and that I wanted to know what kind of actions will be taken for this. And I still did not receive an answer.
- * • Also on October 24, 2003 in a safety meeting I watched a supervisor walk in a public building smoking a cigarette and no one said anything with all supervisors present. I then took a letter to personnel and Rob McKechnie and wanted to know why am I being punished and nothing is being done about this.
- On October 27, 2003 I then received a letter that I was referred by my supervisors to meet with EAP, because of a comment trying to make a point to Mr. Stanberry.
- On October 27, 2003 I also received a letter stating that I was placed on paid administrative leave for being disrespectful, belligerent, threatening, and insubordinate to my immediate supervisor.
- * • On October 30, 2003 letter was written to Jim Ailes in respond a letter dated October 27, 2003.
- On September 11, 2003 Jim Ailes received a letter from John Stanberry regarding my evaluation and meetings with supervisors
- I wrote a letter expressing how I was feeling about all that has happened.
- On November 3, 2003, my attorney Beaulah Blanks received a fax from the Deland Police Department regarding a incident on October 28, 2003 that there were concerns on my previous behavior; where Mr. Stanberry and I was to attend a meeting on November 4, 2003, where Mr. Stanberry said that I had made a threat to him and his family.

DELAND POLICE DEPARTMENT
219 WEST HOWRY STREET
DELAND, FL 32720

INCIDENT REPORT

Offense:	POLICE INFORMATION	Report #:	002004015249 - 000
Statute/Charge:		Stat #:	
UCR Code:		Status:	COMMITTED
Location:	336 MICHIGAN AVE.	Apt/Zip:	/ 32720
Grid:	MINN/CLARA/NEW YORK/ADELLE	City:	DELAND
Patrol:	NORTHWEST QUADRANT	County:	VOLUSIA COUNTY
Reporting Off:	PASLEY LATICIA V	Misc No:	
Division:	PATROL	Shift:	0630-1830
Date Reported:	05/06/2004	Time Reported:	0757
Date Occurred:	05/03/2004	Time Occurred:	0714
Latest Poss Date:	05/03/2004	Latest Poss Time:	0714
Veh Recovered:		Stolen Veh Amt:	\$ 0
Stolen Prop Amt:	\$ 0	Damaged Prop Amt:	\$ 0
Inv Off:	PASLEY LATICIA V	Adult/Juvenile:	A
Disposition:	CLOSED	Disposition Date:	05/06/2004
Weapon:	NA	Domestic Violence:	N
Hate/Bias:		Alcohol/Drug Rel:	/ N

Report No: 002004015249 INC NAMES

Name:	EDWARDS, BOBBY	SSN:	- - -	Sfx:	000
Name Type:	COMPLAINANT	Sex:	M	Race:	B
Height:	000	Weight:	000	Hair:	
DOB:	03/31/1963	Age:	41	Eyes:	
Address:	155 E STETSON STREET	Phone:	(386) 736-8454		
	DELAND, FL 32720				
Employer:	CITY OF DELAND	Phone:	(386) 740-5844		
Address:	336 W MICHIGAN AVE.				
	DELAND, FL 32720				

Name:	STANBERRY, JOHN	SSN:	- - -	Sfx:	001
Name Type:	SUSPECT	Sex:	M	Race:	W
Height:	000	Weight:	000	Hair:	
DOB:	04/27/1968	Age:	36	Eyes:	
Address:	336 W MICHIGAN	Phone:	(904) 740-5829		
	DELAND, FL 32720				
Employer:	CITY OF DELAND	Phone:	(386) 740-5844		
Address:	336 W MICHIGAN AVE.				
	DELAND, FL 32720				
Rep Off:		Inv Off:			

32 Nov 7 2006

WNR01

CISCO RECORDS

NARRATIVE REPORT

Agency: 00
OFF Number: 00-002004015249-000 Narr Six: 0000 Reporter: PASLEY LATICIA V
Date: 05/06/2004 Time: 09:00:44

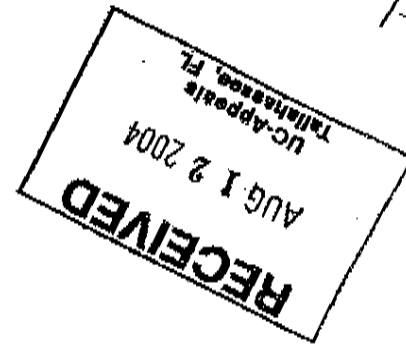
ON 5-06-2004 AT 0804 HOURS, I MET WITH BOBBY EDWARDS IN THE DELAND POLICE DEPARTMENT LOBBY IN REFERENCE TO A THREAT HE STATED HE RECIEVED FROM HIS FORMER SUPERVISOR.

B. EDWARDS STATED THAT HE HAS HAD CONTINUOUS PROBLEMS WITH JOHN STANBERRY SINCE SEPT. 2003 AND WAS ASKED TO BE REMOVED FROM UNDER HIS SUPERVISION. B. EDWARDS STATED THAT J. STANBERRY STATED TO HIM ON MAY 3, 2004 THAT IF HE CAME BY HIS HOUSE OR NEAR HIS FAMILY HE WOULD KILL B. EDWARDS. B. EDWARDS STATED THAT MR. DEMPSEY WAS PRESENT WHEN THIS STATEMENT WAS MADE TO HIM BY J. STANBERRY. B. EDWARDS STATED THAT HE HAD NO INTENTIONS ON HARMING ANYONE.

B. EDWARDS STATED THAT HE DID FEEL THREATENED BY THE ABOVE REMARKS THAT WERE MADE TO HIM BY J. STANBERRY AND FEELS THAT SOMETHING NEEDS TO BE DONE. B. EDWARDS STATED THAT HE WOULD BE GOING TO THE PERSONEL DEPARTMENT FOR FURTHER ASSISTANCE WITH THIS MATTER.

B. EDWARDS STATED THAT HE ONLY WANTED A COPY OF THIS INCIDENT TO BE ON FILE ALONG WITH A COPY OF A LETTER HE WROTE TO HIS CURRENT SUPERVISOR. B. EDWARDS IS A CITY EMPLOYEE UNDER THE UTILITIES DEPARTMENT. SEE ATTACHED COPY OF LETTER FOR FURTHER DETAILS.

BE Nov 4 2004



RECEIVED

AUG 18 2004

Unemployment
Appeals Commission

8. I turned in my resignation letter on May 12, 2004 because of a death threat made from John Stanberry on May 3, 2004 and letters from two other employees were written including Mr. Stanberry in which I have enclosed. I also filed a police report during this time period and nothing was done by the police department. It had been requested many times before about removing me from Mr. Stanberry department because of constant harassment from him every day because of me standing up to him and asking questions he refused to answer.

CONCLUSION

9. The Division of Administrative hearings has found no cause, but I hope you investigate this a little deeper and find that the City of Deland not only discriminated against me; but failed to follow labor laws in other areas.

Bobbie Edwards

Bobbie Edwards
155 E. Stetson St. #6
Deland, FL 32720
(386)490-2049 or (386)717-0817

COPIES FURNISHED:

Barbara J. Staros
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399

Jeffrey E. Mandel, Esquire
Post Office Box 231
Orlando, Florida 32802

Human Relations

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