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IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT IN
AND FOR LEON COUNTY, FLORIDA

JACQUELYN STEELE,

Petitioner,

CASE NO.: 2019 CA 001473

v.

FLORIDA COMMISSION ON
HUMAN RELATIONS,

Respondent.

_____ /

PETITION FOR TEMPORARY REINSTATEMENT
PURSUANT TO SECTION 112.3187, *FLORIDA STATUTES*

COMES NOW, Petitioner, Jacquelyn Steele (“Steele”), by and through undersigned counsel, hereby files this Petition for Temporary Reinstatement, under the Florida Public Whistleblower Act, § 112.3187, *Fla. Stat.* (“FWA”), and in support states as follows:

1. Ms. Steele was terminated by the Florida Commission on Human Relations (“FCHR”) on May 2, 2019 in retaliation for participating in investigations into misfeasance, malfeasance, and/or gross mismanagement by the FCHR’s Executive Director Michelle Wilson.

2. These investigations were conducted by the U.S. Department of Housing and Urban Development and by Commissioners of the FCHR.

3. These investigations concerned the misuse and mismanagement of federal funds and material misrepresentations made by FCHR’s Executive Director regarding those funds.

4. FCHR is an agency as defined by section § 112.3187, *Fla. Stat.*, whose principal place of business is located in Tallahassee, Leon County, Florida; as such venue is proper in Leon County.

5. On May 23, 2019, Ms. Steele filed a formal complaint with the Florida Inspector General's Office and the Florida Commission on Human Relations for the unlawful retaliation she suffered.

6. On June 7, 2019, the Florida Attorney General's Office made a finding that Ms. Steele's reports qualified as Whistleblower Disclosures pursuant to § 112.3187, *Fla. Stat.* See Exhibit A.

7. At this time FCHR has steadfastly refused to reinstate Ms. Steele to her position in violation of § 112.3187(9)(f). See Exhibit B.

8. Accordingly, Ms. Steele has sufficiently satisfied all conditions precedent to the filing of the petition.

9. Further, a copy of this petition is served on the Florida Department of Financial Services on the date of filing, thereby satisfying the requirements of § 284.30, *Fla. Stat.*

MEMORANDUM OF LAW

The FWA states that for any action brought under the FWA relief must include:

Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome on the complaint, if an employee complains of being discharged in retaliation for a protected disclosure and if a court of competent jurisdiction or the Florida Commission on Human Relations, as applicable under s. 112.31895, determines that the disclosure was not made in bad faith or for a wrongful purpose or occurred after an agency's initiation of a personnel action against the employee which includes documentation of the employee's violation of a disciplinary standard or performance deficiency. This paragraph does not apply to an employee of a municipality.

Fla. Stat. 112.3187(9)(f).

Ms. Steele is entitled to temporary reinstatement if she makes a showing that:

- i. Prior to her termination she engaged in protected activity;

- ii. She was discharged; and
- iii. Her disclosures were not made in bad faith or for a wrongful purpose or occurred after the agency's initiation of personnel action against her.

See DOT v. Fla. Comm'n on Human Relations, 842 So. 2d 253, 255 (Fla. 1st DCA 2003).

Here, Ms. Steele certainly engaged in protected activity when she participated in both a HUD investigation and an internal investigation conducted by FCHR Commissioners into issues regarding federal funds and false statements made by FCHR's Executive Director regarding those funds. This is further confirmed by the Florida Attorney General's Office making a finding that her disclosures qualified as Whistleblower Disclosures. Further, after her participation in those investigations she was inexplicably terminated from her position as Director of Human Resources. Finally, her disclosures were clearly not made in bad faith as she was requested to participate in the investigations. Further, no personnel action was taken against her until after her participation in the investigations.

Thus, Ms. Steele requests temporary reinstatement into her former position as Director of Human Resources or an equivalent position, pending the final outcome of her complaint, pursuant to §112.3187(9)(f), *Fla. Stat.* This request for relief includes reinstatement of Ms. Steele's full benefit's package, compensation for her lost wages, benefits, and any other lost remuneration caused by FCHR's wrongful termination of Ms. Steele, as well as payment of attorney's fees and reasonable costs pursuant to §112.3187(9)(d), *Fla. Stat.*

WHEREFORE, Petitioner, JACQUELYN STEELE, respectfully requests this Court enter an order granting her Petition for Temporary Reinstatement, reinstating Plaintiff to her former position as Director of Human Resources or to an equivalent position, including reinstatement of

her benefits, lost wages, and any other lost remuneration caused by her retaliatory discharge by FCHR, as well as payment of her attorney's fees and reasonable costs.

Dated this 24th day of June, 2019.

Respectfully submitted,

/s/ Tiffany R. Cruz

TIFFANY R. CRUZ

Florida Bar No.: 090986

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Kevin C. Kostelnik

Florida Bar No.: 0118769

FRIEDMAN, ABRAHAMSEN & CRUZ

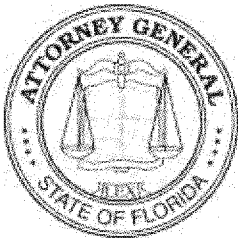
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ATTORNEYS FOR PETITIONER



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Fax (850) 487-0168

June 7, 2019

Michelle Wilson
Executive Director
Florida Commission on Human Relations
4075 Esplanade Way, Room 110
Tallahassee, FL 32399
Michelle.Wilson@fchr.myflorida.com

Dear Ms. Wilson:

I am writing in response to your request that the Office of Attorney General (OAG) review the May 9, 2019, memorandum of interview by the Office of the Chief Inspector General.

Based solely on the concerns expressed in Jacquelyn Steele's interview conducted by the Office of the Chief Inspector General (OCIG) on May 2, 2019, I have determined that her complaint "does demonstrate reasonable cause to suspect that an employee or agent of an agency or independent contractor has violated any federal, state, or local law, rule or regulation thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty" as required under Section 112.3187-112.31895, Florida Statutes, also known as the "Whistle-blower's Act."

Sincerely,

/s/ Monica Stinson

Monica Galindo Stinson
Senior Assistant Attorney General
Employment Litigation Bureau

cc: Cheyanne Costilla, Esq., General Counsel
Cheyanne.Costilla@fchr.myflorida.com

EXHIBIT "A"

From: **Renee Gordon** Renee.Gordon@myfloridalegal.com
Subject: RE: Steele v. FCHR FCHR No. 201919907
Date: June 20, 2019 at 5:06 PM
To: Tiffany Cruz tiffany@fa-lawyers.com

RG

Hello, Tiffany:

I heard back from the FCHR. They will not consent to Ms. Steele's temporary reinstatement.

Please let me know if you wish to discuss further. I will be out of the office tomorrow, but back on Monday.

Thank you.

Best regards,

Renee S. Gordon

Chief Assistant Attorney General
Employment Litigation Bureau
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399-1050
(850) 414-3300 Office
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Renee.gordon@myfloridalegal.com

Please Note: Florida has a very broad public records law. Most written communications are public records available to the public upon request. Your email communication may be subject to public disclosure.

From: Tiffany Cruz <tiffany@fa-lawyers.com>
Sent: Thursday, June 20, 2019 11:06 AM
To: Renee Gordon <Renee.Gordon@myfloridalegal.com>
Subject: Re: Steele v. FCHR FCHR No. 201919907

Thank you Renee.

Tiffany R. Cruz
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(850) 681-3540
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EXHIBIT "B"

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