



ALLEN NORTON & BLUE
PROFESSIONAL ASSOCIATION

INVESTIGATIVE REPORT

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Dated: July 2, 2020

INVESTIGATIVE REPORT

TO: Lynn Gelin, City Attorney
FROM: Suhail M. Morales, Esq.
RE: Investigative Report on Complaint by Suzanne Fisher
DATE: July 2, 2020

I. Basis for Investigation

Undersigned was retained by the City of Delray Beach (the “City”) to conduct an independent investigation regarding allegations raised by Suzanne Fisher, the City’s Assistant City Manager, regarding City Manager George Gretsas. In her complaint, Ms. Fisher alleges bullying, harassment, hostile work environment, FMLA interference, and retaliation by Mr. Gretsas.

On June 2, 2020, prior to submitting her written complaint, Ms. Fisher spoke with City Attorney Lynn Gelin regarding an incident that occurred with Mr. Gretsas that made her feel uncomfortable and she also stated that she felt Mr. Gretsas treated female employees differently than male employees. Ms. Gelin asked her to submit a written complaint regarding the allegations and advised her that the City would investigate her allegations. Following this discussion, undersigned was contacted to conduct the investigation into the allegations raised by Ms. Fisher to determine whether any violations of law or policy had occurred.

II. Investigative Procedure

As part of the investigation, undersigned interviewed 25 individuals. These interviews were all audio recorded and conducted in the presence of Assistant City Attorney Kelly Brandon.

Based on Ms. Fisher’s allegations, the City identified and undersigned interviewed the following individuals regarding information relevant to the allegations in the complaint:

- Assistant City Manager Suzanne Fisher;
- Parks and Recreation Director Sam Metott;
- Director of Development Services Anthea Gianniotis;
- Deputy Director of Utilities Operations Victor Majtenyi;
- Deputy Director of Utilities Bryan William Heller;
- Public Information Officer Gina Carter;
- Director of Public Works Missie Barleto;
- Executive Secretary for City Commission Delores Rangel;
- Director of Purchasing Jennifer Alvarez;

- Direct of Human Resources Duane D’Andrea;
- Assistant City Manager Alison Love;
- Executive Assistant to the City Manager Brenda Vega;
- Former IT Director Jessica Cusson; and
- Mayor Shelly Petrolia.

Undersigned then interviewed City Manager George Gretsas and the following individuals, who were identified by Mr. Gretsas’ attorney:¹

- Education Coordinator Janet Meeks;
- Economic Development Director Gemma Torcivia;
- Intergovernmental Affairs Director Jason King;
- Executive Assistant to the Assistant City Manager Amanda Vilain;
- Finance Director Marie Kalka;
- Fire Chief Keith Tomey; and
- Industrial Pre-Treatment Inspector Christine Ferrigan.

Finally, during the investigation, the following individuals were identified and interviewed as relevant to the allegations or defenses:

- Recreation Supervisor III Rashod Smith;
- Out of School Program Coordinator Tonya Smith; and
- City Attorney Lynn Gelin.

Additionally, undersigned received and reviewed the following supporting evidence:

- Ms. Fisher’s PER-6 Complaint
- City’s Personnel Policies
- Mr. Gretsas’ Notice of Intent to Terminate Ms. Fisher
- Email from Ms. Fisher dated June 12, 2020 attaching text messages exchanged with Mr. Gretsas
- October 29, 2016 report by Missing Link Consultants, Inc.
- October 25, 2016 Memorandum by City Manager Donald B. Cooper, subject: Top Tier Leadership Investigation of Bullying Complaint PER-6.1
- PowerPoint presentation provided by Mr. Gretsas
- Facebook pictures provided by Mr. Gretsas
- Screenshot from Rashod Smith of call from Mr. Gretsas
- Email from Mr. Gretsas dated June 22, 2020, subject: Fwd: Information requested
- Additional email from Mr. Gretsas dated June 22, 2020, subject: Fwd: Information requested and attachments

¹ A copy of his attorney’s email is attached.

- Email from Mr. Gretsas dated June 23, 2020 forwarding email to Ms. Gelin and Brett J. Schneider, attaching draft Notice of Intent to Terminate Suzanne Fisher
- Email from Mr. Gretsas dated June 23, 2020, subject: Notes from Rashod Call and attachment
- Email from Mr. Gretsas dated June 23, 2020, subject: Tennille texts and attachments
- Email from Mr. Gretsas dated June 23, 2020, subject: Tania call about Wendell Lawrence and attachment
- Email from Ms. Carter to Ms. Gelin dated June 29, 2020, subject: Update on April 3rd
- Email from Ms. Carter to Ms. Gelin dated June 25, 2020, subject: Alarming statements

III. City's Relevant Personnel Rules and Regulations

SECTION 5.1 DISCRIMINATION, HARASSMENT, AND BULLYING

The City of Delray Beach prohibits all forms of bullying, discrimination and harassment which are illegal and to set out procedures for reporting, investigating and resolving complaints of unlawful bullying, discrimination and harassment.

A. Unlawful Discrimination and Harassment Will Not be Tolerated It is the policy of the City of Delray Beach that all of its employees have the right to work in an environment that is free from unlawful discrimination and harassment. The City of Delray Beach will not tolerate the discrimination or harassment of any individual on the basis of race, color, sex, religion, national origin, age, mental or physical disability, veteran or family status, marital status, sexual orientation, genetic information, gender identity or expression, or any other status or condition protected by applicable federal, state or local laws. All City employees must avoid behavior that constitutes discrimination and harassment based on race, color, sex, religion, national origin, age, mental or physical disability, veteran or family status, marital status, sexual orientation, genetic information, gender identity or expression, or any other status or condition protected by applicable federal, state or local laws. Each employee is individually responsible for assuring that the workplace is free from unlawful discrimination and harassment at all times

B. Workplace Bullying Will Not Be Tolerated

It is the policy of the City of Delray Beach that all its employees have the right to work in an environment that is free from bullying. Workplace bullying refers to the intentional, hurtful, repeated mistreatment of one employee or a group (the target) by one or more employees (the bully, bullies) Such actions create an on-going pattern of behavior that is intended to intimidate, degrade or humiliate the employee(s) often in front of others.

The City will take prompt action to prevent such behavior and remedy all reported instances of bullying and unlawful discrimination and harassment. The City will not permit retaliation against

any person who makes a complaint about a violation of this policy, or who cooperates in an investigation into a complaint about a violation of this policy.

IV. Summary of Investigation

A. Allegations of Bullying

Ms. Fisher stated that she brought this complaint because of events that occurred on May 14, 2020, that were very disturbing to her and pushed her into severe anxiety. Ms. Fisher stated, “it’s been going on . . . his screaming, yelling, belligerent constant abuse, and the day of 14th where he was doing it for hours was all I could take.” Ms. Fisher described the discussions with Mr. Gretsas on May 14 and said that he yelled at her and Ms. Barleto for nearly four hours (first on the phone² and then in person). Ms. Fisher explained that Mr. Gretsas was addressing his concerns regarding the reclaimed water issue and asked Ms. Fisher: “what the fuck have you guys been doing? You’ve been doing nothing for 3 months. How are you going to fucking explain yourself?” Ms. Fisher said that Mr. Gretsas then went on to yell at her that she was part of a conspiracy to get him out. Specifically, she said that Mr. Gretsas accused her of meeting with the Mayor and a citizen to discredit him. Ms. Fisher stated that his tone and body language were concerning to her and she noted that she was concerned that he may become violent.

Ms. Barleto corroborated Ms. Fisher’s account of the discussions with Mr. Gretsas on May 14. Ms. Barleto stated that Mr. Gretsas has a tendency to raise his voice and has told Ms. Fisher in front of her subordinates that he has issues with her being a terrible manager and not supporting him. Ms. Barleto explained that Mr. Gretsas yelled at her and Ms. Fisher that he was wrong to trust them, that his reputation was being maligned, and that they were causing him to lose credibility with the community. Ms. Barleto said that, on May 14, Mr. Gretsas yelled for so long that he nearly lost his voice.

Mr. Gretsas recalled the discussion with Ms. Fisher and that he was “asking questions, and he wasn’t getting very many answers, and [he] was unhappy.” Mr. Gretsas explained that, after months of waiting for the information, Ms. Fisher responded with “I don’t know.” Mr. Gretsas stated “yes, I was heated.” Mr. Gretsas, however, stated he could not remember the details of the discussion because there was a lot going on at the time. Mr. Gretsas noted that the issues with reclaimed water are a big concern for the City and he was very upset over the lack of information provided by Ms. Fisher and the process, or lack thereof, in addressing the reclaimed water issue.

B. Allegations of Sex/Gender-Based Harassment

Ms. Fisher stated that she believes that Mr. Gretsas’ treatment is sex/gender-based because she has never seen Mr. Gretsas engage in the same behavior towards any male employees.

² In her complaint, Ms. Fisher stated that she found Mr. Gretsas’ tone and questioning humiliating and condescending because they were made in front of Ms. Barleto, who is Ms. Fisher’s subordinate.

Ms. Fisher provided the example that on May 14 Mr. Gretsas' behavior was only directed towards the female employees (her and Ms. Barleto). Ms. Fisher explained that, on that day Mr. Gretsas was yelling at her and Ms. Barleto, but his demeanor changed when Mr. Majtenyi entered the room. Ms. Fisher said that he treated Mr. Majtenyi completely different than he was treating her and Ms. Barleto and that as soon as Mr. Majtenyi left the room, he went back to yelling at them.

Ms. Barleto also raised concerns that Mr. Gretsas' aggressive demeanor was only directed at female employees. In that regard, she mentioned that on May 14, Mr. Gretsas was yelling at her and Ms. Fisher, but when Mr. Majtenyi entered the room, Mr. Gretsas changed his tone and did not show any anger or frustration towards him.

Mr. Gretsas acknowledged that his tone towards Mr. Majtenyi may have been different, but he said that it had nothing to do with gender. Mr. Gretsas explained that Mr. Majtenyi is the only employee that has been involved with the reclaimed water issue from the beginning to the end. Mr. Gretsas then stated that Mr. Majtenyi "is likely the most liable for the program." Nevertheless, Mr. Gretsas said that his approach towards Mr. Majtenyi was different because, from the moment the reclaimed water issue came up, Mr. Majtenyi announced that he would be retiring. Thus, Mr. Gretsas stated that his behavior was different towards Mr. Majtenyi because there was nothing he could have said to motivate Mr. Majtenyi.

Ms. Fisher stated that she has seen Mr. Gretsas treat other female employees the way he treated her and does not think it is fair. For instance, she said he has treated Ms. Barleto that way. Additionally, Ms. Fisher stated that she has seen him be "very argumentative" with Jennifer Alvarez. Ms. Fisher also said that she witnessed Mr. Gretsas tell Ms. Gianniotis during a meeting that she had no common sense. Ms. Fisher also referenced being in a meeting with Mr. Gretsas wherein he made comments regarding Ms. Carter, who brought a sexual harassment allegation against former Interim City Manager Neal DeJesus. Specifically, Ms. Fisher stated that Mr. Gretsas said that he doesn't believe Ms. Carter and thinks she made up her story. Ms. Fisher further stated that Mr. Gretsas discussed ways to get rid of Ms. Carter and asked Ms. Fisher to see if Ms. Carter would take a settlement to leave.

During their interviews, Ms. Fisher, Ms. Alvarez, Ms. Barleto, Mr. Metott, Ms. Carter, and Ms. Cusson all asserted that Mr. Gretsas treated female employees differently than male employees. Ms. Alvarez believes that Mr. Gretsas' behavior is gender-based and Ms. Carter, Ms. Gelin, and Mr. Metott agreed with her. Ms. Alvarez stated that they have all been operating under the common knowledge that it is always women that he attacks. Ms. Alvarez noted that "The only thing that I can understand is that I'm a female because I only see him go after females." Ms. Alvarez proffered an example of the difference in Mr. Gretsas' responses to her versus Chief Tomey (male) during a meeting. Ms. Barleto remarked that Mr. Gretsas displayed a different demeanor toward female employees versus male employees. Mr. Metott said that "it tends to be women catching it a little harder than anybody else."³ Mr. Metott then referenced an Executive Leadership Team ("ELT") meeting where the Assistant Police Chief (female) was sitting in for

³ On June 11, 2020, Mr. Metott filed a separate complaint regarding Mr. Gretsas' treatment toward him.

Chief Sims (male). Mr. Metott recounted that there was an issue on the Assistant Police Chief's agenda item and Mr. Gretsas treated her unfairly. Mr. Metott said that he did not think it was fair for her to be treated that way. Ms. Carter also noted that she feels that Mr. Gretsas' demeanor is different towards female employees than towards male employees. In that regard, Ms. Carter stated, "I have never seen him yell at the police chief. I never seen him yell or heard of him yelling at the fire chief or the code enforcement. You know, but I have heard him be yelling at the female directors and he's definitely yelled at me." Ms. Carter continued that she has seen Mr. Gretsas be combative towards female employees, but has not seen him be combative with male employees during the same meeting. Ms. Carter also said that she has seen Mr. Gretsas get really upset with Ms. Alvarez and Ms. Barleto. Ms. Cusson noted that she had previously discussed with co-workers the fact that Mr. Gretsas was more likely to have a good tone with males than with females.

Ms. Gelin observed that Mr. Gretsas would simply tell male department heads "don't do it again," but when addressing female department heads, he "would not hesitate to demean them." Although Ms. Gelin clarified, "I really don't believe it's a male or female thing even though I did feel that way in the beginning. I think now it's just you know unfortunately it's become very divisive and either you're on his team or you're not and if you're not on his team he will do whatever he can to make everyone aware you're not on his team." Ms. Gelin said that it seems that Mr. Gretsas does not like when women stand up to him and it is what "triggers his reactions."

Ms. Gianniotis stated that she could not conclude that it was gender-based discrimination, but she had prior discussions with co-workers who felt this way.

For the most part, the remaining employees interviewed – including those identified by Mr. Gretsas – did not notice a difference in the way he treated female and male employees.

During his interview, Mr. Gretsas recognized that he often challenges employees and asks them to challenge him back, but denied that gender motivated his behavior or demeanor. Rather, Mr. Gretsas said "I think the difference in tone would be in the category of employee where we're having some conflict." Mr. Gretsas recalled the meeting where the agenda item was discussed and he explained that the difference between his tone towards Ms. Alvarez and Chief Tomey was because Chief Tomey conceded that what they did was wrong, whereas Ms. Alvarez was not budging from her position.

C. Bullying of Other City Employees

While the majority of individuals interviewed stated that they did not personally observe Mr. Gretsas engage in behavior that would constitute bullying towards Ms. Fisher, a number of employees raised concerns regarding Mr. Gretsas' treatment toward themselves. Below is a summary of the additional issues raised during the interviews.

JENNIFER ALVAREZ

During their interviews, Ms. Fisher, Ms. Barleto, Ms. Gelin, Ms. Carter, Mr. Metott, Ms. Cusson and Ms. Alvarez raised concerns regarding Mr. Gretsas' treatment towards Jennifer

Alvarez. Ms. Alvarez stated that she feels attacked by Mr. Gretsas and that he makes her feel very uncomfortable. Ms. Alvarez described several instances during meetings where Mr. Gretsas engaged in behavior towards her that she believed was aggressive and/or made her feel uncomfortable. Ms. Alvarez discussed a meeting on January 22, where Mr. Gretsas did not like the way the title of the agenda item was written, and he began to argue with her in a way that she considered aggressive. Ms. Alvarez stated the discussion went on for about an hour and a half in a room full of people and Mr. Gretsas accused her of not being transparent. Ms. Alvarez explained that it stemmed from the fact that she titled the agenda item with the full amount of a contract over a number of years and Mr. Gretsas wanted it broken down by year. Ms. Alvarez said she felt attacked and picked on during that meeting.

Ms. Alvarez then described a meeting (possibly on April 15) where they were discussing Fire Station 113. Ms. Alvarez said that, during this meeting, Mr. Gretsas kept questioning her about the selection of architects and that she and Mr. Gretsas engaged in a lengthy debate about the process in the City and the legality of what he was saying. Ms. Alvarez said that Mr. Gretsas was getting agitated and saying that the City uses a random process. Ms. Alvarez then recalled him saying “if he were to suggest to insert himself somewhere in the process in order to have some say in the architect we choose, he looked at me and said, you would call me a sleazoid, unethical and a dirtbag.” Ms. Alvarez was upset by his words and told Mr. Gretsas “those words would never come out of my mouth.” Ms. Alvarez said that she felt terrible and attacked that day.

Ms. Alvarez also discussed another incident during an ELT meeting. She used the word “simple” referring to an agenda item and Mr. Gretsas responded by showing pictures of dead bodies stacked up in a morgue in New York City. When discussing the meeting, Ms. Alvarez stated: “at this point it has become such a pattern with him attacking me and my items that again, completely deflated, completely attacked, bullied, you name it.” Ms. Alvarez stated that she feels bullied every time during these meeting. Ms. Alvarez said she has horrible anxiety every time she has to brief Mr. Gretsas on an item or try to get through regular city business with him. Ms. Alvarez said his actions were “absolutely hurtful.”

Ms. Alvarez described Mr. Gretsas’ behavior as being “extremely unprofessional, very aggressive. I have never seen him behave like this with any of the male directors whatsoever.” Ms. Alvarez said that while Mr. Gretsas refers to his behavior as a debate and challenging the employees, it is very agitative, uncomfortable, and unprofessional. Ms. Alvarez further described Mr. Gretsas’ behavior as “just completely unhinged” and that “it is very frequent unfortunately.” Ms. Alvarez stated she felt “absolutely targeted.” Ms. Alvarez noted that “The only thing that I can understand is that I’m a female because I only see him go after females.”

Ms. Alvarez said that she has not filed an official complaint because the complaint would have to go through her boss, Ms. Love, who is Mr. Gretsas’ right-hand woman and Ms. Alvarez noted “that does not make sense.” Ms. Alvarez also stated that Mr. Gretsas “is clearly the type that will retaliate.” Ms. Alvarez added that other employees fear that Mr. Gretsas would retaliate and she has discussed this with Ms. Barleto. Ms. Alvarez expressed that she is very afraid that Mr. Gretsas will retaliate against her for her statements during this interview and said that it is clear

from the email he sent (Suzanne Fisher's Notice of Intent to Terminate) that if people speak up against him, he will go after them.

Ms. Love mentioned that Ms. Alvarez mentioned to her that she felt attacked and uncomfortable by Mr. Gretsas' behavior. Chief Tomey also said that Ms. Alvarez has spoken to him about Mr. Gretsas' behavior. Mr. D'Andrea mentioned that he had conversations with Ms. Alvarez relating to Mr. Gretsas' management style and how Ms. Alvarez had never experienced anything like it before.

Mr. Metott discussed a meeting where, in response to a statement by Ms. Alvarez, Mr. Gretsas showed everyone images of dead bodies piled up in the morgue in New York City. Mr. Metott said that Mr. Gretsas graphically described the scene and that all of the participants in the meeting were shocked. Ms. Gianniotis also mentioned an incident where Ms. Alvarez was discussing an item and Mr. Gretsas responded by putting up an image of the morgue in NY with bodies stacked because of COVID-19. Ms. Gianniotis said this was upsetting and she feels that if Mr. Gretsas did not want to conduct City business, he should have said so instead of trying to conduct the meeting regarding City business and then getting upset when an employee mentioned something that you may not have wanted to discuss.

Ms. Gelin stated that Ms. Alvarez is clearly a victim of Mr. Gretsas' bullying. Ms. Gelin further stated "it was almost like he would just wait in meetings to just, you know, arm and attack her about purchasing matters that he didn't necessarily agree with." Ms. Gelin described the meeting where Mr. Gretsas addressed the agenda item and said that Mr. Gretsas called her and Ms. Alvarez "frauds" and said they were not being "transparent" simply because they included the entire amount of a contract in the title as opposed to what it would be per year. Ms. Gelin described Ms. Alvarez during the meetings as "embarrassed and humiliated." Ms. Gelin said that Mr. Gretsas would just go on as if he was trying to destroy Ms. Alvarez. Ms. Gelin said that Mr. Gretsas showing the pictures of the dead bodies in New York City was "beyond shocking." Ms. Gelin recalled speaking with Mr. Gretsas afterwards and he informed her that he wanted the people in attendance to be shocked.

Ms. Gelin said that Ms. Alvarez has voiced concerns that she fears retaliation on more than one occasion. Ms. Gelin continued that Ms. Alvarez has told her that "she feels that he's trying to push her to do things that she doesn't agree with, either they're unethical or illegal or whatever the case may be, and that she feels that if she doesn't do everything he says, like he's going to come after her, and she too had spoken up on more than one occasion of potentially resigning because she couldn't take it anymore."

Mr. Gretsas attributed the "general conflict" between him and Ms. Alvarez to a fundamental disagreement on approach and due to her rigidity with regard to her position. Mr. Gretsas explained that Ms. Alvarez tells him what the procedures are and her interpretation of the procedures and he has questions about those procedures. Mr. Gretsas blamed Ms. Alvarez's "extreme inflexibility" in looking at what is within the area of permissibility in trying to adapt to his preferences. Mr. Gretsas said that it had nothing to do with Ms. Alvarez's gender and he would

have the same discussions if the purchasing director were male. Mr. Gretsas recalled the meeting and discussion relating to the selection of the architect. Mr. Gretsas admitted to saying that Ms. Alvarez was looking at him like a “sleazoid, dirtbag” and said it because that is how she looks at him. Further, he stated that she takes a judgmental, condescending tone towards him. Mr. Gretsas stated that he displayed the bodies in the New York City morgue because Ms. Alvarez wanted to start up commission meetings and argued that the City needed to address things like the copy contract, but Mr. Gretsas wanted to show the gravity of the COVID-19 situation. Mr. Gretsas stated that the problem with Ms. Alvarez is that she is not accustomed to being challenged; he wants people to challenge him, but it has to go both ways.

ANTHEA GIANNIOTES

Ms. Gianniotis recalled a meeting where Mr. Gretsas told her to “go find some common sense.” Ms. Gianniotis said that this upset her and she grabbed her things and walked out of the meeting. Ms. Gianniotis considered his statement to be unprofessional and described Mr. Gretsas as “combative.” Ms. Gianniotis said that Mr. Gretsas has a reputation for yelling and screaming.

Mr. Gretsas recalled the meeting differently. Mr. Gretsas said that, during the meeting, there was discussions on the closures relating to COVID-19 and he was having a discussion with Ms. Gianniotis where she was referencing some policies and he said “why not just use some common sense.” Mr. Gretsas noted that it was not intended in a negative manner and that he sorted it out with Ms. Gianniotis after the fact.

GINA CARTER

Ms. Carter asserted that she has been yelled at by Mr. Gretsas. Ms. Carter went on to describe a time when they were recording a show on March 26, 2020 and Mr. Gretsas “threw a temper tantrum” in front of her, Ditmar Ingram (Ms. Carter’s subordinate), Josh Pageant (the host of the show), and two employees of the arts garage. Ms. Carter stated that Mr. Gretsas “was having his outburst of yelling and saying we were incompetent, we meaning me, because I was in charge.” Ms. Carter noted that Mr. Gretsas was “upset to a really high degree that was not . . . in balance with what was happening.” As a result, Ms. Carter said “I was shocked, I was humiliated . . . being yelled at in front of someone who I was supposed to supervise.” Ms. Carter said she experienced this type of behavior from Mr. Gretsas “a couple other times.”

Ms. Carter also stated that she has felt bullied by Mr. Gretsas since she returned from leave following the investigation into her allegations of sexual harassment against Neal DeJesus. Ms. Carter said that, on her first day back from leave, Mr. Gretsas came to her office and told her that DeJesus resigned and lost out on some several thousands of dollars because of her. Ms. Carter said that Mr. Gretsas went on to question her motives for complaining; “he did not understand what I wanted and thought maybe I was just looking for publicity and maybe I was like a whistleblower. And just wanted to people to know about me and listen to me.” Ms. Carter stated this was pretty upsetting and it made her feel “terrible.”

Ms. Carter said she has not complained did not complain to HR about Mr. Gretsas' behavior because of in April 2020, HR Director, Mr. D'Andrea accidentally left her a very troubling voicemail. Subsequently, Ms. Carter complained to Mr. Gretsas about the incident with the HR director, but said that Mr. Gretsas did not do anything about it. Thereafter, on June 29, 2020, Ms. Carter emailed Ms. Gelin informing her that on June 26, HR Director D'Andrea went to her office to apologize for his behavior. In that email, Ms. Carter writes that Mr. D'Andrea stated that "the former [City Manager] had specifically advised him not to apologize to her for his behavior from April 3rd."

With regard to working with Mr. Gretsas, Ms. Carter noted: "it makes it hard to just do your job. Someone is suspicious of everything you are doing it's just completely normal part of your job." On June 25, 2020, Ms. Carter emailed Ms. Gelin regarding a discussion she had with Mr. King. In the email, Ms. Carter stated that Mr. King informed her that Mr. Gretsas and Ms. Love told him they were not happy with Ms. Carter and that he should be "coaching her out."

Mr. Gretsas denied telling Ms. Carter that Mr. DeJesus lost out on thousands of dollars because of her. Mr. Gretsas could not recall yelling at Ms. Carter at the arts garage in front of her subordinates and the individuals who work at the arts garage, but he denied telling Ms. Carter that she was incompetent.

With regard to the issue with the HR Director, Mr. Gretsas said that Ms. Carter came to him very upset and played him the voicemail that Mr. D'Andrea inadvertently left her. After that Mr. Gretsas said that he met with the Ms. Gelin and Ms. Love regarding the issue and, subsequently, he met with Mr. D'Andrea to counsel him. Mr. Gretsas said that he told Ms. Carter that he handled it the same day, but that he had no obligation to tell her specifically how he handled it (he said he confirmed this with Ms. Gelin). Accordingly, Mr. Gretsas told Ms. Carter that he addressed it and that is it.

Mr. Gretsas said that, based on his interactions with Ms. Carter, she was unhappy working with the City so he thought it would be best for there to be an exit strategy for her. He noted that it is difficult when her whole job as Public Information Officer was to be a cheerleader for the City, but her demeanor was unhappy. So he spoke with the City Attorney and Ms. Fisher, and they decided that if Ms. Carter was unhappy, maybe someone who was close with her could talk to her about her exit strategy.

LYNN GELIN

Ms. Gelin stated that she felt "demeaned or humiliated" in front of her colleagues by Mr. Gretsas' actions towards her, but she noted that she does not report to him. Ms. Gelin also brought up the meeting where Mr. Gretsas said that she and Ms. Alvarez were not transparent because of the title on the agenda item. Ms. Gelin recalled that it was embarrassing and that she had never encountered anything like that.

D. Allegations of FMLA Interference

In her complaint, Ms. Fisher alleges that Mr. Gretsas made accusations against her in the Notice to Terminate because she was on FMLA leave for medical issues related to his conduct. Ms. Fisher stated that Ms. Gretsas was aware that she was on FMLA leave, but he nevertheless sent out the Notice and attempted to set a pre-termination meeting with her while she was on leave. It is undisputed that Ms. Fisher went on FMLA leave on May 15, 2020, and she has taken leave in the past without any issues. Mr. Gretsas and Ms. Fisher had a cordial exchange when she first went on leave on May 15 until about May 26.

Mr. Gretsas denied that he retaliated against Ms. Fisher because she was on FMLA leave and pointed to his text message exchange with Ms. Fisher where he asked how she was feeling and engaged in a cordial discussion as evidence.

E. Allegations of Retaliation

1. Retaliation Based on Participation in DeJesus Investigation

SUZANNE FISHER

In March 2020, the City conducted an investigation into allegations of sexual misconduct against Neal DeJesus while he served as the Interim City Manager. Ms. Fisher stated that she believes Mr. Gretsas is retaliating against her for being a witness to and party in the investigation regarding the alleged misconduct. Ms. Fisher said that, following the investigation, Mr. Gretsas asked her numerous times why she did not tell him first. Ms. Fisher mentioned that Mr. Gretsas persistently asked her questions about the investigation and, as a result, she thinks he harbors a grudge against her because she did not first provide him with the information discussed during the investigation. Ms. Fisher said that Mr. Gretsas has told her that he cannot trust her because she did not tell him about the investigation. Ms. Fisher noted that, during the investigation, she was informed to keep the matters confidential at least until the conclusion of the investigation. Ms. Fisher said that she informed Mr. Gretsas about this, but that he responded, “I talked to Lynn and that’s not what she said.” During her interview, Ms. Alvarez stated that she has seen Mr. Gretsas’ behavior change towards Ms. Fisher in the last month or two, which coincides Ms. Fisher’s participation in the DeJesus investigation. Ms. Carter mentioned that Ms. Fisher complained to her regarding Mr. Gretsas’ behavior multiple times (the first time in mid or late March). Ms. Carter said that Ms. Fisher was really embarrassed and traumatized by Mr. Gretsas’ actions.

Ms. Gelin recalled that Mr. Gretsas called her, screaming at her and alleging that she violated the Charter because she spoke to his employees without his consent for the DeJesus investigation. Ms. Gelin said that Mr. Gretsas’ tone was accusatory and she was speechless. Ms. Gelin said that she told him that his employees should have done their jobs and reported this

to HR, but since the complaint was brought to her, she had to investigate the allegations. Ms. Gelin stated that she never told Mr. Gretsas that his employees should have told him about the investigation. Rather, she said his employees should have brought the issue to HR or they could have brought the issues to him, but they did not. Ms. Gelin stated that she never told Mr. Gretsas that his employees violated the Charter by not telling him, because the Charter is not implicated at all in this situation.

Mr. Gretsas recalled having a conversation with Ms. Fisher and he told her that he felt upset because she did not tell him about the investigation sooner. Mr. Gretsas admitted that he told her this created trust issues. Mr. Gretsas stated that he found it strange that an investigation was taking place into his fire chief and he knew nothing about it until the fire chief went to give his statement as part of the investigation. Mr. Gretsas noted that he did not find the conclusion of the investigation definitive enough for him to understand if there was anything else going on in the organization that he should know about. Mr. Gretsas did not deny telling Ms. Fisher that he did not believe Ms. Carter's allegations against Mr. DeJesus. Rather, Mr. Gretsas stated "I didn't really. . . . I didn't really know. I suggested that . . . I asked [Ms. Fisher] at some point, I think, was there anything she could recall that was definitive one way or the other."

GINA CARTER

Ms. Carter stated that she believes Mr. Gretsas is treating her differently because of the investigation towards DeJesus. As discussed in Section III.C. above, Ms. Carter noted that she has felt bullied by Mr. Gretsas since she returned from leave following the investigation. Ms. Barleto recalled that after Ms. Carter accused the prior interim City Manager of inappropriate conduct, that Mr. Gretsas said Ms. Carter "doesn't have the City's best interest at heart, that she's critical of this City, and he think she should be a cheerleader for the City." Additionally, Ms. Fisher stated that she has heard Mr. Gretsas say that he did not believe Ms. Carter's allegations against Mr. DeJesus and that he believed their relationship was consensual.

Ms. Gelin also stated that Ms. Carter has voiced concerns to her that she feels Mr. Gretsas is retaliating against her. Mr. Gelin noted that she believes Ms. Carter is unhappy because of the treatment she was receiving by Mr. Gretsas and his team. Mr. Gelin stated that Mr. Gretsas and Mr. DeJesus were very close and that after the "DeJesus incident," Mr. Gretsas was just "done" with Ms. Carter. Ms. Gelin asserted that Mr. Gretsas asked her if she thought that Ms. Carter was doing it for money, and if she possibly came up with the allegations against Mr. DeJesus because she knew Mr. Gretsas was dissatisfied with her performance. Ms. Gelin further said that Mr. Gretsas told her that he did not understand the relationship between Ms. Carter and Mr. DeJesus. Ms. Gelin said that she explained to Mr. Gretsas that Ms. Carter did not want to file the complaint, but when it was brought to her attention – given the gravity of the allegations – she had no choice but to commence the investigation. Ms. Gelin said that Mr. Gretsas felt that Ms. Carter brought the complaints either to protect her job or because she wanted money.

Additionally, Ms. Gelin stated that, around the time Ms. Carter returned from leave, Mr. Gretsas asked Ms. Carter "why she did it and what she wanted out of it," which Ms. Gelin felt

was completely inappropriate. Ms. Gelin stated that Mr. Gretsas contacted her on several occasions to complain about Ms. Carter and she advised him several times that, if he had a problem with her performance, it needed to be documented and he needed to give her an opportunity to improve. Ms. Gelin stated that, after Mr. Gretsas was placed on leave, Mr. King called her and told her that he never agreed with Mr. Gretsas and that Mr. King felt that Ms. Carter was an excellent employee. Ms. Gelin further stated that Mr. King informed her that Mr. Gretsas is coaching him to get Ms. Carter out. Ms. Gelin said that, in April, there was an incident where Mr. D'Andrea left a voicemail for Ms. Carter that was very negative and Ms. Carter was understandably very upset. Ms. Gelin stated that Mr. Gretsas had a discussion with her and Ms. Love after that and they said if she was upset they would consider giving her an exit strategy/opportunity to resign from her position and Ms. Fisher was tasked with communicating that to Ms. Carter.

During his interview, Mr. Gretsas recalled going to Ms. Carter's office when she returned from leave, but said that it was simply to see how she was doing. Mr. Gretsas denied telling Ms. Carter that Mr. DeJesus resigned and lost out on several hundred dollars because of her. Mr. Gretsas also denied that he asked her about her motives for bringing the complaint against Mr. DeJesus.

1. Retaliation Based on Complaints Against Mr. Gretsas

MS. FISHER SPEAKS WITH MR. D'ANDREA

After the May 14 incident wherein Mr. Gretsas yelled at Ms. Fisher and Ms. Barleto for hours, Ms. Fisher said that she spoke with Mr. D'Andrea, the next morning and told him about the incident. Ms. Fisher further informed Mr. D'Andrea that she would be out that day (May 15). Mr. D'Andrea confirmed this conversation and said that, during the conversation, which lasted about five or six minutes, Ms. Fisher mentioned that Mr. Gretsas elevated his voice during their conversation.

Mr. Gretsas did not recall whether he spoke with Mr. D'Andrea on May 15 about Ms. Fisher, but he knew she was out and sent her a text message that day to see how she was feeling.

MS. FISHER COMPLAINS TO MS. PETROLIA

During her interview, Ms. Fisher said that, on May 18, 2020, she spoke with Mayor Shelly Petrolia regarding a comment Mr. Gretsas made on May 14. Specifically, Mr. Gretsas stated that the Mayor, Ms. Fisher, and a citizen had a meeting to conspire to get Mr. Gretsas fired.

In her interview, Ms. Petrolia recalled having a discussion with Ms. Fisher where Ms. Fisher told her that Mr. Gretsas mentioned that Ms. Petrolia, Ms. Fisher, and a citizen (Mr. MacNamee) were conspiring to have him terminated. Mr. Petrolia called Mr. Gretsas' comment "a false accusation" and described Ms. Fisher as "rattled" and "shaking."

Ms. Petrolia also stated that, on, May 31, 2020, Ms. Fisher met with her and told her that she was traumatized by Mr. Gretsas' behavior and that he extensively screamed at her and Ms. Barleto on May 14. Ms. Petrolia said that Ms. Fisher told her that this was not the first time Mr. Gretsas had yelled at her and that she was not the only person at whom he yells.

Ms. Petrolia further recalled that Ms. Fisher told her that this was happening to women and not men. Ms. Fisher also described the incidents on May 14 and how Mr. Gretsas' tone when addressing the male employee. Ms. Petrolia instructed Ms. Fisher to speak with the City attorney immediately, since she did not believe Ms. Fisher felt comfortable speaking with the HR Director.

Ms. Petrolia stated that she then called Ms. Gelin (she believes it was that same day) to notify her that Ms. Fisher would be contacting her. Ms. Gelin confirmed that she spoke with Ms. Petrolia and, based on their discussion, she sent Ms. Fisher a text message to see how she was doing.

MS. FISHER COMPLAINS TO MS. GELIN

During her interview, Ms. Gelin said that she met with Ms. Fisher later that week who told her about the incident on May 14 with Mr. Gretsas. Ms. Gelin stated that Ms. Fisher told her that the May 14 discussion started over the phone, but then Mr. Gretsas met with Ms. Fisher and Ms. Barleto in person and continued yelling and screaming at them for hours. Ms. Gelin stated that Ms. Fisher told her that, initially, Mr. Gretsas was yelling about not having the answers regarding the reclaimed water issues, but then he changed the subject to Ms. Fisher wanting his job and having secret meetings with the Mayor and a resident in order to take his job.

Ms. Gelin said that Ms. Fisher told her that Ms. Gretsas' actions sent her over the edge mentally. Ms. Gelin said that Ms. Fisher was fearful and did not know what to do, so Ms. Gelin told her to take some time, think about the situation, and if she felt bullied, that the City would conduct an investigation. Ms. Gelin stated that she then spoke with Mr. Gretsas on June 4 and asked him about Ms. Fisher and informed him of her complaints. Ms. Gelin said that Mr. Gretsas responded by asking, "Are you telling me I cannot yell at people?" Ms. Gelin replied by saying, "Not to the extent of May 14." Ms. Gelin noted that this was not the first time that she has spoken with Mr. Gretsas about how he speaks to staff. Ms. Gelin thought that it was a productive conversation and she stated that Mr. Gretsas did not mention that he was considering terminating Ms. Fisher or investigation any of her conduct.

During his interview, Mr. Gretsas recalled having a conversation with Ms. Gelin on June 4 and Ms. Gelin advising him that Ms. Fisher was "doing something."

RUMORS THAT MS. FISHER WAS BAD MOUTHING MR. GRETSAS

During her interview, Ms. Barleto said that, after the May 14 incident (either the following Friday or Monday), Mr. Gretsas called her to tell her that "he had heard that [Ms. Fisher] had run from the building right after he left; that she had run out of there saying 'nobody is going to yell at me that way.' And that she had said 'I'm just calling in sick and not coming back.'" Ms. Barleto

explained to Mr. Gretsas that this statement was not true because Ms. Fisher was with her until 6:30 p.m., trying to get the numbers together for Mr. Majtenyi.

When asked about this specific incident, Mr. Gretsas said, “I recall some chatter about her basically bad mouthing me and leaving the building, but I don’t remember the specifics.”

MR. GRETSAS AMASSES INFORMATION ON MS. FISHER

In her interview, Ms. Fisher said Mr. Gretsas’ allegations are false, defamatory, and an effort to get rid of her because she complained about him. Ms. Fisher stated Mr. Gretsas was trying to find things that she has done in the past to get her off his team. Ms. Fisher believes that someone told Mr. Gretsas how upset she was after the May 14 incident, and that is when she believes he started gathering information about her. During her interview, Ms. Barleto stated that Mr. Gretsas made her feel very uncomfortable because he called her to ask her to contribute to the amassing of evidence against Ms. Fisher and Ms. Fisher was her boss. Mr. King stated that, as part of his role as Inter Governmental Affairs Director, and in anticipation of media requests, he “secured emails, [] records, complaints . . . going back a few years, . . . with respective to golf course and then the most recent events in this year. So, kind of a pretty much wide scope of everything that concerns not only Ms. Fisher but colleagues of hers and co-workers she has interacted with.” Ms. Torcivia stated that she was asked to research information relating to the contract with the Delray Beach Golf Course, as well as Ms. Fisher and other employees’ involvement with that contract.

Mr. Gretsas denied that he had members of his staff obtaining information about Ms. Fisher and her colleagues. Mr. Gretsas noted, however, that part of Mr. King’s “job is communications” and that he was aware that, since the article from the Boca Raton Tribune was released, Mr. King had been gathering information on complaints Ms. Fisher had “filed in the past and also what kind of people complained about her.” Mr. Gretsas denied that he instructed Ms. Torcivia to obtain any information relating to Ms. Fisher.

Mr. Gretsas said that, on June 2, 2020, the “Will Carter issue”⁴ was brought to his attention by Tonya Smith, who basically handed him a “bunch of papers” and went through her history with Ms. Fisher. Mr. Gretsas said that he took the papers, reviewed them, and found the “Will Carter issue,” which he found “pretty surprising.” Ms. Smith, however, said that Mr. Gretsas called her to inquire about Ms. Fisher. Ms. Smith was surprised by Mr. Gretsas’ call, but it was well-known that she had problems with Ms. Fisher. Interestingly, Ms. Smith said that she did not tell Mr. Gretsas that Mr. Carter was Ms. Fisher’s boyfriend because she did not know that as a fact. Further, Ms. Smith stated that she did not provide Mr. Gretsas with a bunch of papers and, instead, provided him with a one-page memorandum or email regarding her issues with Ms. Fisher. On June 23, 2020, after being advised that his statement was contradicted by Ms. Smith, Mr. Gretsas emailed undersigned a series of text messages and what purport to be his notes from his telephone conference with Ms. Smith. In the text messages, Mr. Gretsas is communicating with another City

⁴ The “Will Carter issue” is referenced in Mr. Gretsas’ Notice of Intent to Terminate Ms. Fisher and is related to an alleged former boyfriend of Ms. Fisher working for the City.

employee about Ms. Smith's willingness to talk to him about Ms. Fisher. It is worth noting that this other employee refers to Ms. Fisher as the cancer.

Mr. Gretsas said that he learned about the golf course issue on June 4 when Rashod Smith told him "a lot of the same: Suzy this and Suzy that, but basically the golf course issue, it was that the boyfriend is in charge of the golf course." Mr. Gretsas said he knew that Mr. Reeder was Ms. Fisher's boyfriend because it was on Facebook, "but also when Rashod said it's the boyfriend, I said who's the boyfriend, and he said who it was, and then I went on the website. What he said was that, he actually said go on Facebook to Andy Reeder's Facebook page and you'll see he just got hired at the club."

Mr. Smith stated that, on June 4th around 6:40 p.m., he received a call from Mr. Gretsas.⁵ Mr. Smith noted that this is the only conversation he has ever had with Mr. Gretsas. Mr. Smith unequivocally stated that he did not provide Mr. Gretsas with any information about the golf course or golf contract, because he did not know any information about the golf contract. Mr. Smith further stated that he did not provide Mr. Gretsas with any information about Ms. Fisher and Mr. Reeder and that he did not tell Mr. Gretsas that Mr. Reeder was Ms. Fisher's boyfriend. Mr. Smith said that they did not discuss Mr. Reeder at all during this call and he does not know Mr. Reeder. Instead, Mr. Smith said that during this call, Mr. Gretsas asked him about a time where he was suspended regarding an incident with Tennille DeCoste. Mr. Gretsas also asked him about him providing a recommendation for Mr. Carter. Mr. Smith said that during the call he said that he could not remember the events at first, but when Mr. Gretsas reminded him, he remembered that he provided Mr. Carter a recommendation and said he did not mind doing so. On June 23, 2020, Mr. Gretsas emailed undersigned with a text message exchange with Tenille Decoste – former City employee – and his purported notes from his discussion with Mr. Smith. It is worth noting that, in the notes provided by Mr. Gretsas from his call with Mr. Smith, although there is a discussion following each bullet point item, the bullet point for "Andy Reeder" is not followed by any information.

TERMINATION LETTER

Ms. Fisher stated that the Notice of Intent to Terminate her employment is retaliation because she "internally complained about him to the Mayor." Ms. Fisher alleged in her complaint "[t]he accusations made against me by Mr. Gretsas are false, defamatory, and a trumped-up effort to get me fired for internally complaining about him."

Mr. Gretsas stated that he started working on the Notice of Intent to Terminate on either June 2 or 4. In the Notice, Mr. Gretsas indicated that it had come to his attention that Ms. Fisher had "engaged in unethical conduct, conflicts of interest, and [had] misused [her] official position while working for the City of Delray Beach." Mr. Gretsas noted that, based on the information contained in the Notice, he was seeking to terminate Ms. Fisher's employment. In the Notice, Mr. Gretsas also detailed concerns he had with Ms. Fisher's boyfriend working at BJCE (a City subcontractor) and he then describes other instances where "matters related to a boyfriend of [Ms. Fisher] have inappropriately intersected with [her] duties as a City official."

⁵ Ms. Smith provided a copy of the call log from his phone reflecting this.

On the last page of the Notice, Mr. Gretsas writes “At this point, my trust in you has been shattered. In addition to your blatant and repeated highly unethical conduct, I have also learned of other evidence that suggests you have a propensity for lying, creating internal acrimony, and making false charges.” Mr. Gretsas then refers to a 2016 complaint of bullying that Ms. Fisher filed against City employee Michael Coleman. In his Notice, Mr. Gretsas initially set a pre-disciplinary meeting with Ms. Fisher while she was on FMLA leave.⁶

Prior to preparing the Notice, Mr. Gretsas did not discuss the allegations with Ms. Fisher, nor did he instruct the Human Resources Department to conduct an independent investigation. Mr. Gretsas said that he did not contact Ms. Fisher because she was on FMLA leave. Mr. Gretsas also did not share these issues with Sharon Painter (head of the Contract for BJCE) prior to preparing the Notice. Instead, Mr. Gretsas asserted that he discussed the Notice with Ms. Gelin and Labor Counsel Brett Schneider prior to sending it out.

On June 5, after the Notice had been sent to Ms. Fisher, Mr. Gretsas called Mr. Metott regarding Mr. Reeder’s employment at BJCE and asked Mr. Metott to arrange a call with Ms. Painter for the next day. The next day, Mr. Gretsas called Ms. Painter regarding the BJCE contract and her hiring of Mr. Reeder.

During her interview, Ms. Gelin stated that she and Labor Counsel Brett Schneider met with Mr. Gretsas on June 5 to discuss the Notice of Intent. Ms. Gelin stated that both she and Mr. Schneider informed Mr. Gretsas that the Notice was “a lot and almost overkill,” and she told Mr. Gretsas that the City does not typically put that much detail in a Notice. Ms. Gelin then stated that Mr. Gretsas told her that he needed all of that information in the Notice and that he would send the final version for their review, which he did. Ms. Gelin said that, after Mr. Gretsas sent her the final draft of the Notice, he called her that night and advised her that he wanted to send it to the ELT. Ms. Gelin stated that she told Mr. Gretsas that there was no need to send it to the ELT. Ms. Gelin said that she further explained to Mr. Gretsas that it would be embarrassing to Ms. Fisher and there was no need to do that. Additionally, Ms. Gelin asked Mr. Gretsas why he did not have HR look into it. Ms. Gelin stated that Mr. Gretsas responded by saying that “he had to do it himself because it was too important to him.”

NOTICE OF TERMINATION SENT TO ELT

On June 11, 2020, Mr. Gretsas emailed the Notice of Intent to the ELT and discussed it with them during their meeting. Mr. Gretsas stated that he did so because a public records request on the matter had been submitted and he wanted the ELT to know about it before it was posted on Facebook.

Ms. Gianniotis, Ms. Barleto, Mr. Metott, and Ms. Alvarez all raised concerns with Mr. Gretsas sending the Notice to the ELT. Ms. Gianniotis referenced receiving the email from

⁶ This was eventually moved because Ms. Love informed Mr. Gretsas that Ms. Fisher’s contract required 90 days of notice.

Mr. Gretsas attaching the notice of intent to terminate Ms. Fisher and noted that she thought it was unprofessional and personal. Ms. Gianniotis mentioned that she thought it was unprofessional that he kept referring to Andy Reeder and Will Carter as “your boyfriend.” Ms. Barleto found that behavior was “not appropriate,” that it would “damage the City’s reputation,” and that it made her “feel very uncomfortable.” Ms. Barleto said she received the email attaching the Notice and she felt that it was not aimed at explaining a problem, but it was more about justifying his actions to people. Ms. Barleto stated that Mr. Gretsas made her feel very uncomfortable because he called her and asked her to contribute to the amassing of evidence against Ms. Fisher, who was her boss.

V. Conclusion

City Rule 5.1 prohibits workplace bullying, which are “actions that create an on-going pattern of behavior that is intended to intimidate, degrade or humiliate the employee(s) often in front of others.” The evidence reviewed demonstrates that Mr. Gretsas’ behavior towards at least five employees violates the bullying policy. There is substantial evidence that establishes that Mr. Gretsas’ behavior was directed at specific groups of employees – those who disagreed with him, those who participated in the DeJesus investigation, and those who complained about him.

Rule 5.1 also prohibits “retaliation against any person who makes a complaint about a violation of this policy, or who cooperates in an investigation into a complaint about a violation of this policy.” Based on the information reviewed, there is substantial evidence that establishes that Mr. Gretsas’ behavior constitutes a violation of this policy. The evidence reflected that Mr. Gretsas’ actions were motivated by retaliatory animus because Ms. Fisher complained about his behavior. It is clear that, even before Ms. Fisher filed a formal complaint against Mr. Gretsas, he was aware that she had raised concerns about him. The evidence shows that after he learned of Ms. Fisher’s complaints, he engaged in an extensive campaign to discredit Ms. Fisher and terminate her employment. This violation of the policy is further exacerbated by the fact that Mr. Gretsas used City employees to obtain information about Ms. Fisher and he failed to conduct a proper investigation into the allegations that he included in the Notice of Termination. Significantly, Mr. Gretsas did not even speak with Ms. Painter – who runs the BJCE contract – to find out basic information relating to Mr. Reeder’s employment with BJCE and its implications for the City.

Additionally, Mr. Gretsas’ behavior towards Ms. Fisher and Ms. Carter following the investigation against Mr. DeJesus was seemingly motivated by their role in that investigation. As such, Mr. Gretsas’ actions violated Rule 5.1.

Through his statements, Mr. Gretsas raised some legitimate concerns relating to Ms. Fisher’s credibility and referred to prior instances where Ms. Fisher filed similar complaints against other City employees. Mr. Gretsas’ concerns, even if true, do not negate the findings of this investigation, which do not rely solely on Ms. Fisher’s account of the events that transpired. In that regard, Ms. Barleto corroborated Ms. Fisher’s account of the events that occurred on May 14. Additionally, it was the statements of some of the other female employees regarding Mr. Gretsas’ ongoing antagonistic behavior towards them that established that Mr. Gretsas’ behavior

was a pattern. Furthermore, at a minimum, Mr. Gretsas used poor judgment when he engaged on a campaign to obtain information against Ms. Fisher – using City employees and furthering a divisiveness between the employees. These actions supported the conclusion that that his Notice to Terminate Ms. Fisher was motivated by retaliatory animus. Mr. Gretsas motives became more apparent when he emailed the Notice to the ELT, sending a message of intimidation and creating greater fear amongst the directors of retaliation.

VI. Closing Remarks

The parties involved are reminded that City policy prohibits retaliation for anyone involved in this investigation or bringing forward good-faith complaints. Prohibited actions include, but are not limited to, taking any disciplinary or employment action against any employee of the City as a result of their participation in this investigation. Violating this prohibition could subject an individual to discipline, up to and including termination.

Thank you for the opportunity to be of service to the City of Delray Beach in connection with this investigation. Should you have any questions regarding this report or any matters related to this investigation, please do not hesitate to contact me.

Sincerely,

Suhail M. Morales

Suhail M. Morales, Esq.