

WILLIAM "BILL" EDDINS
STATE ATTORNEY



P.O. Box 12726
Pensacola, FL 32591
Telephone: (850) 595-4200
Website: <http://sao1.co.escambia.fl.us>

OFFICE OF
STATE ATTORNEY
FIRST JUDICIAL CIRCUIT OF FLORIDA

September 21, 2016

Rick Outzen
P.O. Box 12082
Pensacola, FL 32591

Dear Rick:

This office has completed its review of your complaint that City of Pensacola Mayor, Ashton Hayward, may have committed official misconduct by agreeing to settle a lawsuit brought by former City Administrator, William Reynolds. It is alleged that Hayward acted outside his authority in settling this suit and did so for personal gain. Based upon our review, we have determined that there is insufficient evidence to establish that any crime was committed.

Pursuant to the Charter for the City of Pensacola, Mayor Hayward entered into an employment agreement with William Reynolds to act as City Administrator. Reynolds' employment was terminated by Mayor Hayward during July 2013. On May 7, 2014, Reynolds filed suit against the City of Pensacola claiming he was entitled to damages as a result of his termination. Mayor Hayward, on behalf of the City, agreed to settle the suit. As part of this settlement, the City paid Reynolds \$81,113.00 and his attorneys \$14,458.00. This settlement agreement was never approved by the City Council.

The authority to settle a lawsuit is not specifically addressed in the City Charter. At the time Mayor Hayward agreed to settle this suit, he had been advised by counsel that he had the authority to act on behalf of the City by entering into the settlement agreement. The employment agreement at issue in this case was between the Mayor and Reynolds and was for a position that according to the Charter was solely under the authority of the Mayor. Finally, all settlement proceeds were paid from accounts designated to and controlled by the Mayor.

For these reasons, we have determined that there is insufficient evidence to establish that any crime was committed.

Sincerely,

Gregory A. Marcille
Chief Assistant State Attorney

GAM/kll

cc: City of Pensacola