

INVESTIGATIVE REPORT REGARDING COMPLAINTS AGAINST  
THE OCEAN CITY-WRIGHT FIRE CONTROL DISTRICT'S  
CHIEF WILLIAM E. LORD AND DEPUTY CHIEF SCOTT FUNCHESS

BY: MARK L. BONFANTI, ESQ.  
ALLEN, NORTON & BLUE, P.A.  
906 NORTH MONROE STREET  
TALLAHASSEE, FL 32303

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**I. AUTHORITY FOR THE INVESTIGATION**

The Ocean City-Wright Fire Control District Board of Commissioner's ("Board") requested and approved this investigation. Pursuant to their request, the investigating attorney conducted the inquiry, and the results are set forth herein.

**II. NATURE OF THE INVESTIGATION**

To examine whether Chief Lord and/or Deputy Chief Funchess:

1. Engaged in inappropriate and/or hostile communications towards subordinates;
2. Utilized rank for intimidating and/or threatening purposes;
3. Violated any state or federal statutes; and/or
4. Violated any District rule, regulation, operating procedure and/or guideline as a result of their action(s).

**III. EXECUTIVE SUMMARY**

This Report directly addresses the complaints set forth in the Complainant's letters and assesses the likelihood as to whether either Chief Lord or Deputy Chief Funchess engaged in alleged misconduct, including but not limited to, the utilization of racially derogatory language, intimidating or harassing behavior, hostile treatment, and retaliation. It is important to note that the alleged incidents span more than a decade and for the most part, none were previously brought to anyone's attention, nor did the Complainants previously utilize the District's complaint reporting procedure. Additionally, the allegations appear to have been accumulated by the union and "saved up" in order to present a more damaging case.

In addition to the Complainants, Chief Lord, and Deputy Chief Funchess, twenty-one (21) other witnesses were interviewed. Witness testimony confirms at least a portion of the Complainants' allegations, including Chief Lord's routine usage of racial terminology ("N-word"). However, there are also contradictory witness statements indicating the complaints are not completely accurate, and in some cases, patently untrue. When combined with the staleness and breadth of time covered in the complaints, it is sometimes difficult to discern factual

occurrences from embellished recollections. Despite this hurdle, investigating counsel is confident that this Report provides a comprehensive review of the circumstances surrounding the employees' complaints. Also contained in this Report, is an examination of not only the chiefs' actions, but also of the Complainants, and other employees, which provides a thorough review of the District's practices and greater present sense impression of the firehouse culture.

For the reasons set forth below, and referenced throughout this Report, it is more likely than not that Chief Lord and Chief Funchess engaged in at least a portion of the behavior outlined in the Complainants' letters.<sup>1</sup> Specifically, it is likely that both Chief Lord and Chief Funchess communicated with employees in an unnecessarily aggressive manner. Their communications troubled employees, included idle threats of termination, and at times, were unreasonably harsh. The investigation further determined that Chief Lord used racist language in the workplace, but there is no evidence that Deputy Chief Funchess engaged in any such conduct. There is also no evidence that either individual misused their position or retaliated against any employees for any reason, and the claims of a "toxic" work environment falls short.

While the degree of severity varies in relation to each violation, both individuals serve as the District's primary leadership and bear culpability for their actions. The recommended disciplinary action for both Chief Lord and Chief Funchess includes an unpaid suspension, "Last Chance Agreement", and additional training. Importantly, the Complainants admitted that they never previously complained of the conduct contained in their letters, and the untimely nature of those complaints impacted the final recommendation. There was little explanation given as to why the complaints were not brought forth when the incidences occurred, but instead were

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<sup>1</sup> The burden of proof utilized in this investigation mirrors that used by Florida courts in civil actions, which requires a party to show there is greater than a fifty percent (50%) likelihood (more likely than not), or a "preponderance of the evidence," that an action did or did not occur.

stockpiled for later use. This delay undercuts the allegations of a hostile work environment, and serves as a mitigating factor to the recommended disciplinary action.

#### **IV. INVESTIGATION BACKGROUND AND PROCEDURE**

On or about June 2, 2016, the Ocean City-Wright Board of Commissioners (“the Board”) received a courtesy copy of a letter, dated May 23, 2016, from Mike Bellamy, 8<sup>th</sup> District Vice President of the Florida Professional Firefighters, to Secretary/Treasurer John Johnston which requested immediate union action to remedy alleged bullying, inappropriate, and threatening behavior by both Chief William “Billy” Lord and Deputy Chief Scott Funchess. Mr. Bellamy’s letter included correspondence from five (5) District employees (Daniel Blakely, Chris Brown, William Powell, Lonnie Thomas, and Matthew Wendt), with each letter outlining each individual’s allegations. As a result of the complaints, the Board unanimously voted to retain the law firm of Allen, Norton & Blue, P.A., and more specifically, attorney Mark L. Bonfanti, to fully investigate the alleged misconduct and address the concerned employees’ complaints.

The Board subsequently held a special meeting on June 9, 2016, with Mr. Bonfanti present via telephone, to review investigation procedures, and address any of the Commissioners’ questions or concerns. During this meeting, Commissioner Baugh inquired whether any conflict of interest exists due to Allen, Norton & Blue’s preexisting representation of the District. However, Mr. Bonfanti advised the Board that no such conflict exists, as he has not personally represented the District, nor does he have any preexisting knowledge regarding the complaints, or a relationship with any District employee, including Chief Lord or Deputy Chief Funchess. Mr. Bonfanti further assured the Board that the investigation’s findings and witness statements would remain confidential until the Board received the final report.

Initially, the investigating attorney interviewed each of the employees that submitted the initial complaint letters (“Complainants”). A number of additional individuals, including employees, former employees, and private citizens, were questioned. Two of the employees, Jeff Gardner and David Hatfield, submitted complaint letters to Lonnie Thomas for inclusion in this investigation.

The investigating attorney extensively interviewed Chief Lord and Deputy Chief Funchess. Prior to the chiefs’ interviews, and in accordance with the Firefighters Bill of Rights, both Chief Lord and Chief Funchess were notified via their personal attorneys regarding the nature of the inquiry and names of the employees which brought forth the complaints. Chief Lord and Chief Funchess acknowledged receipt of the notice through their representation, and neither waived any statutory rights. The chiefs provided extensive documentation, all of which was reviewed and considered during the course of this investigation, and is available for review upon request.

All interviews were conducted at Wierzbicki Court Reporting, 348 Miracle Strip Parkway, Suite 11, Fort Walton Beach, Florida 32548. Prior to questioning each witness, the investigating attorney briefed each individual regarding the general nature of the investigation and answered any preliminary questions. All employees received assurances that no disciplinary action would result from their taking part in this investigation, and the District appreciated their willing participation. The employees had the opportunity to be accompanied during the interview by a union representative or their own legal counsel, however all employees declined to do so. All witnesses were welcome to provide relevant documentation for inclusion in the final report. Any such documents are available upon request.

All of the interviews were transcribed and submitted to investigating counsel’s law firm. None of the information contained herein was released prior to the report being submitted to the

Commission. Any findings and/or conclusions remained equally confidential until this report's completion and submission.

This Report was prepared exclusively by Mr. Bonfanti as a result of the above described investigation, and contains only his findings. These findings are based upon the witnesses' testimony and documentary evidence.

**V. GENERAL SUMMARY OF WITNESS INTERVIEWS**

Overall, the witnesses provided candid testimony and insight into the District's daily operations. Chief Lord, Chief Funchess, the Complainants, and other witnesses expressed a deep affinity for the District, and are thankful for having the opportunity to serve the citizens. Most described an amicable working relationship between management and employees, while there were past occasional disagreements over wages, communications, and procedures. However, current tension between the union's leadership and management is evident and must be considered when examining the allegations of misconduct and defenses to those claims.

The Complainants allege disrespectful and hostile communications from Chief Lord and Deputy Chief Funchess which are creating a "toxic" work environment. These comments range from what some may consider normal interactions, including disciplinary reprimands and workplace banter, to more serious allegations, involving the recurring usage of racially derogatory language, insensitive remarks, and profanity. Witnesses also alleged that Chief Lord and/or Deputy Chief Funchess routinely threatened them with termination, despite the threatened employee not engaging in any illicit conduct.

A number of witnesses expressed an extreme lack of mistrust for Chief Lord and Deputy Chief Funchess. There is a belief that both individuals misrepresent facts and undermine other officers' authority in front of subordinate employees on a routine basis. While there is a lack of

documented evidence supporting many of the Complainants' allegations, they believe the chiefs are capable of manipulating other employees in order to reduce or eliminate any personal responsibility.

The timeframe of the alleged misconduct ranges from within the last few months through the prior ten (10) years. In some instances, allegations involve conversations with former employees, or events where even the Complainant could not recall who was present, or the exact words said. This extended period of time is a cause for concern not only because of the lack of detail or available record evidence, but it also calls into question the motives behind the Complainants' own failure to immediately report most of the alleged incidents.

Despite the complaints, there was also positive testimony in favor of both Chief Lord and Deputy Chief Funchess. Specifically, Chief Lord was identified as a proficient administrator, and someone that is adept at managing within the District's financial constraints. There is record evidence indicating that many firefighters respect both chiefs, and none of the witnesses, including the Complainants, call into question the firefighting capabilities of either individual.

Furthermore, several witnesses provided statements that directly contradict the allegations contained in the Complainants' letters. These contradictions are made by individuals that allegedly witnessed actions, or participated in conversations, material to the complaints. Consequently, their testimony raises questions regarding the veracity of the allegations against Chief Lord and Deputy Chief Funchess.

Chief Lord and Chief Funchess deny a majority of the alleged actions set forth by each employee. They share a belief that neither individual unnecessarily demeaned subordinate employees, nor did they subject anyone to a toxic work environment. It is their position that a fire department, and the fire service in general, is an intense experience, and with the high level

of stress and possibility for the loss of life, emotions sometimes may result in strong language. Additionally, there was a general denial regarding any intentionally racist or bigoted language directed at any employees for racial purposes. Deputy Chief Funchess denies that he ever used racist language at the workplace. Both Chief Lord and Deputy Chief Funchess confirmed that all employees, including themselves, routinely utilize profane language in the firehouse, but typically not in the presence of the general public. Chief Lord and Chief Funchess also stated that there were times when someone might be told “You’ll be fired if...” but no employees were ever actually terminated or disciplined. Both the Complainants and other witnesses agreed that no employees were disciplined in such a manner.

Of the testimony given by Chief Lord and Deputy Chief Funchess, the most troubling is Chief Lord’s admission to using racially insensitive terms (“N-word”) during the course of his employment. Chief Lord and other witnesses confirmed that he routinely referred to other employees as the “N-word” when he disagreed with their conduct or spoke of someone in a negative light. Chief Lord also stated he has not used such language with discriminatory intent, he has not used such language within the last two (2) years, that other employees use similar language, and he believes the District’s preexisting culture lends itself to such remarks.

## **VI. FACTUAL FINDINGS**

There is reason to believe that Chief Lord and Deputy Chief Funchess engaged in conduct which could be regarded as inappropriate and in violation of the District’s policies and procedures. Specifically, there is evidence that Chief Lord and Deputy Chief Funchess spoke or acted in a manner which offended the Complainants as well as other District employees. It is undisputed that Chief Lord used racist language during the course of business. Chief Lord admitted to using the “N-word” when speaking at, or referring to, other employees. Chief Lord’s



explanation is unpersuasive and in no way minimizes the severity of his past statements. There is also anecdotal evidence that both Chief Lord and Deputy Chief Funchess made inappropriate attempts at humor and routinely utilize profanities in the workplace. It should be noted that the vast majority of employees, and most witnesses interviewed, also engage in this type of behavior.

Below are findings as they pertain to Chief Lord and Chief Funchess with respect to the allegations brought forth by each Complainant:

Chief Lord

- Captain Powell

- There is conflicting testimony regarding Captain Powell's allegations that Chief Lord hoped he would die from his cancer to save the District money. Chief Lord denies ever doing so, and Linda Scott also denied this took place. Captain Powell listed Ms. Scott as a witness to this event. Other employees reported hearing rumors of a joke being made, but none think that Chief Lord actually hoped Captain Powell would succumb to his cancer. Although it is possible that Chief Lord made a joke in bad taste at some point in time, as a result of the conflicting testimony this allegation is not sustained.
- Captain Powell's allegation that Chief Lord referred to him as an "overpaid "N-word"" five or six years ago cannot be sustained, however a finding is made that Chief Lord referred to Powell as an "N-word." Powell admits that there were no witnesses and he cannot remember the time or date on which this allegedly occurred. Chief Lord does not recall this ever taking place, but admits he probably referred to Captain Powell as an "N-word" at some point in time.

- Captain Powell never complained to any District employee regarding the usage of the “N-word” in the workplace.
- Captain Powell alleged he never complained to anyone due to fears of retribution, but could not provide any examples where either Chief Lord or Deputy Chief Funchess retaliated against anyone.
- The allegations of bullying and belittling against Chief Lord are not sustained as it is more likely than not that although Chief Lord was occasionally hard on Captain Powell, there is no evidence that the conduct rose to an unacceptable level. According to Powell, the alleged bullying has taken place since 2006, yet this is the first time Powell has complained. As a result, it is impossible to determine whether Captain Powell was actually offended by the language and actions of Chief Lord. Furthermore, Captain Powell submitted his complaint letter to his union president, Lonnie Thomas in the summer of 2015, but the letter was not submitted to the Board until the instant investigation began. This again calls into question the level of offense taken by Captain Powell.
- There is no evidence that Chief Lord’s conduct towards Powell rises to the level of creating a hostile work environment.
- Firefighter Wendt
  - Wendt’s allegations of bullying and/or harassment by Chief Lord are not sustained. There is no testimony that either occurred, and none of the conduct complained about rises to the level of bullying or harassment. It should be noted that the empty threats of termination have a detrimental impact on the workplace and the District’s employees’ morale.

- Wendt's allegation regarding inappropriate language is sustained. There is sufficient testimony indicating that it is more likely than not that Chief Lord subjected Wendt to inappropriate language. Chief Lord admitted to using inappropriate language, including the "N-word," but said he was attempting to motivate Wendt.
- Wendt's allegations that Chief Lord subjected him to favoritism or retaliation is not sustained, as there is no evidence that this occurred.
- Captain/EMT Blakely
  - Blakely admitted that "Chief Lord and Chief Funchess have never come at me in a manner where I would say it was harassment or too hostile or anything like that." (Tr. 6). Blakely's allegations of harassment or hostile treatment towards himself are not sustained.
  - Blakely's allegation that Chief Lord does not follow the CBA is not sustained, as there is no record of ULP's or grievances being filed by the union or the membership, and no evidence of contractual violations.
  - Blakely's allegations of retaliation by Chief Lord are not sustained as there is no evidence that this action occurred.
- Captain/EMT Brown
  - Brown's claim of a "hostile work environment" against Chief Lord is not sustained.
    - There is no evidence that the alleged conduct rises to a level warranting a hostile work environment. However, the evidence does sustain a finding that Chief Lord subjected Brown to inappropriate language.
  - Brown's claims of threats against Chief Lord are not sustained. There is no evidence that Chief Lord threatened Brown.

- Brown's claims of retaliation against Chief Lord are not sustained. There is no evidence that Chief Lord retaliated against Brown in any manner.
  - Brown's claim that Chief Lord used racist language is sustained. Brown also alleged that the majority of the District's employees have also used the "N-word."
  - Brown is clearly frustrated that he has not been promoted beyond his current rank, but other than rumor and hearsay, there is no evidence indicating that his employment status is based on anything other than job performance and available positions.
- Captain Thomas
- Thomas' allegation that Lord used inappropriate language is sustained. Lord admitted to using inappropriate language in the workplace. This language includes racial slurs and extensive usage of profanity.
  - Thomas' allegation that Lord threatened him is not sustained. There are multiple allegations that Lord would "fire" an employee for doing something wrong, but there are no examples where this actually occurred. As a result is highly unlikely that Thomas believes he would be terminated without cause.
  - Thomas' allegation that Lord retaliated against him is not sustained. There is no evidence indicating this occurred.
  - Thomas' allegations that Lord is "vindictive" or tries to find ways to discipline employees are not sustained. There is no evidence that this ever occurred.
  - Thomas has worked for the District on two occasions and returned to work for Lord despite the allegations contained in his complaint. This fact undermines Thomas' claims and calls into question his motivation.

- Since taking over as union president, there is greater tension between the union and Lord. Former union president Blakely stated that Thomas will not serve as a buffer and it appears that Thomas is a driving force behind holding back complaints and not bringing issues forward at the time they occur. This is evidenced by the fact that Thomas held Powell's letter for over eight months before he included it in the complaint packet.

Chief Funchess

- Captain Powell

- The allegations of bullying and belittling against Deputy Chief Funchess are denied, as it is more likely than not that Deputy Chief was occasionally hard on Captain Powell, but there is no evidence that the conduct rose beyond acceptable workplace banter or criticism. However, the alleged conduct has taken place since 2006 and this is the first recorded complaint regarding this conduct. As a result, it is impossible to determine whether Captain Powell was actually offended by the language and actions of Deputy Chief Funchess. Furthermore, Captain Powell cannot provide any specific examples of when he was actually “degraded, belittled, or made to look like a fool.”
- There is no evidence that Chief Funchess' conduct toward Powell rises to the level of creating a hostile work environment.

- Firefighter/EMT Wendt

- There is no evidence that Deputy Chief Funchess subjected Wendt to harassing behavior or threatened him in any way. Wendt undermines his own claims by admitting he accepted a position from Funchess despite alleging harassment during the same time period.

- The allegation that Deputy Chief Funchess made an inappropriate joke regarding Colby Fanto cannot be sustained, as there is conflicting testimony. However, all employees are to be cautioned that sexual jokes are inappropriate in the workplace and will not be tolerated in the future.
- Captain/EMT Blakely
  - Blakely admitted that “Chief Lord and Chief Funchess have never come at me in a manner where I would say it was harassment or too hostile or anything like that. I mean, it’s a fire department, and people say mean things to each other. It’s not perfect, but it is what it is.” (Tr. 6). As a result, Blakely’s allegations of harassment or hostile treatment towards himself are not sustained.
  - Blakely’s allegations that Funchess threatened to punch Chris Brown’s dad are sustained, as Funchess admitted to this action. This behavior is hostile and inappropriate for the workplace.
  - Blakely’s allegation that Funchess does not follow the CBA is not sustained, as there is no record of ULP’s or grievances being filed by the union or the membership.
  - Blakely’s allegations of retaliation by Funchess are not sustained as there is no evidence that this action occurred.
- Captain/EMT Brown
  - Brown’s claim of a “hostile work environment” against Funchess is not sustained.
    - Although the alleged conduct does not rise to a level warranting a hostile work environment” the evidence does sustain a finding that Chief Lord subjected Brown to inappropriate language and/or intimidating conduct.

- Brown’s claims of threats against Funchess are sustained. Funchess admits to making a comment regarding Brown’s father and there is evidence that hard feelings still exist. However, there is no evidence that this interaction has played any role in, or impacted, Brown’s employment status.
- Brown’s claims of retaliation against Funchess are not sustained. There is no evidence that Funchess has retaliated against Brown in any manner.
- Captain Thomas
  - Thomas’ allegation that Funchess used inappropriate language is sustained. Funchess admitted to using inappropriate language and profanities in the workplace (fag/gay/etc.)
  - Thomas’ allegation that Funchess threatened him is not sustained. There are multiple allegations that Funchess would “fire” an employee for doing something wrong, but there are no examples where this actually occurred. As a result is highly unlikely that Thomas believes he would, or could, be terminated without cause.

Most concerning is the routine usage of overtly racist terms, most notably the “N-word” by many members of the District, including Chief Lord. Although Chief Lord denies using such language within the last two years, it is evident that his usage of the word implicitly approved its appropriateness. However, fault cannot be placed solely upon Chief Lord for the inappropriate and unprofessional atmosphere cultivated at the District. In fact, the Complainants admit that the “firehouse culture” is one where profanities and inappropriate jokes are commonplace. These jokes sometimes include not only racially insensitive terms, but also sexually explicit terminology, all of which are wholly inappropriate for any workplace.

All District employees, including Commissioners, bear responsibility for engaging in and permitting such activities to take place. The “culture” and “history” of this behavior does not serve as grounds to permit this misconduct to persist in the future, and the District must take action now to ensure that it does not.

## **VII. INVESTIGATIVE FINDINGS**

Below is the determination as to whether the investigation sustained or failed to prove each of the allegations pertaining to the actions of Chief Lord and Deputy Chief Funchess:

### Chief Lord

Engaged in inappropriate and/or hostile communications towards subordinates: Sustained  
Utilized rank for intimidating and/or threatening purposes: Not Proven  
Violated any state or federal statutes: Not Proven  
Violated any District rule, regulation, operating procedure and/or guideline as a result of their action(s): Sustained

### Deputy Chief Funchess

Engaged in inappropriate and/or hostile communications towards subordinates: Sustained  
Utilized rank for intimidating and/or threatening purposes: Not Proven  
Violated any state or federal statutes: Not Proven  
Violated any District rule, regulation, operating procedure and/or guideline as a result of their action(s): Sustained

## **VIII. RECOMMENDED ACTION**

This recommendation is set forth with full acknowledgement that it is a public record, in which any resulting disciplinary action, or lack thereof, will be scrutinized by employees, taxpayers, and members of the media. As a result, the District’s *most convenient* resolution might be to simply terminate Chief Lord and Deputy Chief Funchess’ employment. However, it is the investigator’s opinion that termination is not the District’s *best* resolution. Instead, Chief Lord and Deputy Chief Funchess must acknowledge their mistakes, accept disciplinary action, and they, along with the District, should undertake steps to change the District’s culture, and ensure similar errors are not repeated in the future.



Indeed, the interviewed firefighters routinely utilized the word “brotherhood” during the course of their testimony, and it would not be “brotherly” for the District, or its employees, to turn their backs on the accused. Bearing in mind the emotional toll this process has taken on all employees, Commissioners, and members of the community, the relationships within the District should be repaired, and further division would not benefit the District. Instead, the District should move forward as a cohesive unit, and for these reasons the investigator recommends the following action:

1. Chief Lord and Deputy Chief Funchess serve individual unpaid suspensions for a duration of time as deemed appropriate by the Board;
2. Chief Lord and Deputy Chief Funchess individually execute a “Last Chance Agreement” with the District, each of which necessarily and explicitly requires strict adherence to all District rules and regulations. The document shall remain in their personnel files for the duration of their employment and any violation will result in that person’s immediate termination; and
3. Chief Lord and Deputy Chief Funchess each complete a series of managerial/leadership seminars, including cultural sensitivity and diversity awareness training programs.

It is further recommended that all District personnel receive training regarding all existing District policies, rules, and procedures. All District personnel should also complete a Board approved cultural sensitivity and diversity awareness training seminar. Regardless of any reason given, the usage of all derogatory and insensitive remarks regarding race, sexual orientation, nationality, etc., is abhorrent behavior and will not be tolerated. Many District employees admitted to using such language, and while some acknowledged discomfort with certain phrases, none had the courage to stop the behavior. It is of the utmost importance that the District

provides service to all community members without preconceived notions or prejudice. This training and education is the first and necessary step to changing a culture which has persisted far too long. It is the investigating attorney's hope that employees do not view this recommendation as a disciplinary action or burden, but rather as an educational opportunity.

**IX. PARTICIPANTS (INTERVIEWED OR PROVIDED STATEMENTS)**

Chief William "Billy" Lord  
Deputy Chief/Battalion Chief Scott Funchess

Complainants

Captain Daniel Blakely – Complainant  
Captain Chris Brown – Complainant  
Captain William Powell - Complainant  
Captain Lonnie Thomas – Complainant  
Firefighter/EMT Matthew Wendt – Complainant

Witnesses

Battalion Chief William M. "Mark" Bundrick  
Battalion Chief Ryan Christen  
Battalion Chief Thomas Wooley  
Division Chief Wally Ebbert  
Captain Michael W. Taylor  
Engineer/Paramedic John "Clint" Cooper  
Engineer/Paramedic Ken Coulter  
Engineer/Paramedic Brandon Funk  
Firefighter/Paramedic Peter Sharrett  
Engineer/Paramedic Paul Smith  
Engineer Fred Baumbach  
Engineer Damien Green  
Engineer David Hatfield  
Firefighter/Paramedic Kevin Houston  
Firefighter/Paramedic Bradley Gene Sasser  
Firefighter Kaylynn Williams (part-time)

Linda Scott, Financial Administrator

Jeff Gardner (former District employee)  
Michael J. Barnes (private citizen)  
Albert P. Qualls, Jr. (private citizen)  
Chief Edward Cutler, Jr. (North Okaloosa Fire Control District)

## **X. SUMMARIES OF WITNESS INTERVIEWS**

### **Captain William J. Powell**

On August 15, 2015, Captain Powell submitted an email to Captain Lonnie Thomas which outlined his “Concerns and Issues.” (Powell - “A”). Captain Powell did not bring the issues raised in his email to the attention of any District employees, including Chief Funchess or Chief Funchess, prior to this investigation.

Captain Powell’s email alleges that he has been subjected to an extremely hostile work environment which includes bullying and harassment at the hands of Chief Lord and Deputy Chief Funchess. Captain Powell states that he was the focus of degrading and embarrassing remarks that were belittling in front of subordinates, and that he is given neither respect nor appreciation for almost twenty-nine (29) years of District Service.

The examples of misconduct alleged in Captain Powell’s email are:

- Chief Lord stating that he hoped Captain Powell would die from esophageal cancer to save the District money (Alleged witnesses include Linda Scott and Battalion Chief Terry Kline);
- Chief Lord stated to Battalion Chief Kline that he would make things difficult and miserable for Captain Powell to force his resignation;
- Chief Lord called Captain Powell an “over-paid ni\*\*er” and told him he “wasn’t worth his salary”;
- Captain Powell believes a target was placed on his back when Chief Lord and Deputy Chief Funchess ascended into District management; and
- Chief Funchess bullies Captain Powell in front of others as part of a power trip.

### **Powell Interview Summary**

- Powell has no questions regarding the investigation or process (Tr. 3)
- Worked under four (4) different fire chiefs during his 29 plus years with the District (Cobb, Wills, Brown, Lord) (Tr. 4)

- Funchess employed with the District slightly shorter than Powell...between 26 and 28 years (Tr. 5)
- Bullying started in 2006 or 2007 and seems like it became worse and worse (Tr. 6)
- Powell subjected to belittling in front of peers and co-workers during officers' meetings (Tr. 8)
- Uses "toxic" and "hostile" interchangeably and believes they are the same thing (Tr. 8)

"N" word Usage

- Chief Lord called Powell an "overpaid ni\*\*er" approximately five or six years ago (Tr. 8-9).
  - o Powell does not remember the exact time or date when this was said, but it occurred in the engine bay and there are no witnesses (Tr. 9)
- Chief Lord uses the "N" word as a normal part of his vocabulary (Tr. 10)
- Chief Lord has used the "N" word in front of Terry Kline, Matt Wendt, Dave Hatfield, Lonnie Thomas, Tammy Blakely, Jeff Gardner, Mike Taylor, Paul Smith, and Dusty Carnley. (Tr. 10)
- Powell never formally complained about Chief Lord using the "N" word (Tr. 11)
- Powell never utilized the chain of command to complain to anyone (including commissioners) regarding Chief Lord's usage of the "N" word (Tr. 12)
  - o Powell later states that he "always" spoke to Battalion Chief Ryan Christen about this issue, but did not give any details as to when he complained (Tr. 13)
- Powell is unaware if any other employees ever formally complained of Chief Lord's usage of the "N" word (Tr. 13)
- Powell believes that the chiefs should be the ones correcting subordinates, not the other way around (Tr. 14)
- Powell understands why it is important to determine whether anyone ever used the complaint procedures regarding the actions of Chief Lord and Deputy Chief Funchess (Tr. 14-15)
- Powell agrees that "N" word is never acceptable (Tr. 16)

- Chief Lord used the “N” word regarding individuals regardless of race (Tr. 16)
- Powell not sure if either BC Christen or BC Kline ever addressed the “N” word usage with Chief Lord or anyone else (Tr. 17)

Cancer Treatment Comment

- In 2009 Chief Lord stated, in reference to Powell’s cancer treatment, that, “We were hoping you would die to save me some money. That’s what I was hoping.” (Tr. 18)
  - o Alleged witnesses: Ruth Hollister, Linda Scott, and BC Kline (Tr. 18-19)
- Chief Lord “degrades you and bullies you, and he thinks that is good leadership.” (Tr. 19)
- Powell never brought this to the commissioners’ attention because of possible retribution (Tr. 20)
- Powell understands the chain-of-command (Tr. 21-22)
- Powell told the union about his concerns and “let them know it angered me and I’m tired of how he talks to me” (Tr. 22)
- No action was taken by the union after Powell complained (Tr. 22-23)

Chief Lord’s Comments to BC Kline re: Powell

- Between 2012-2015 Chief Lord told BC Kline that he “wanted to make things so difficult and miserable” for me at work that I would quit (Tr. 24)
- Believes BC Kline tried to figure out why Chief Lord felt like this, but Powell never received a “straight answer” (Tr. 24)

Chief Funchess’ and Chief Lord’s Bullying

- Chief Funchess bullies and browbeats me in front of others and my peers whenever he gets a chance (Tr. 25)
- Conduct began sometime between 2006-2008 (Tr. 25)
- Example given where, following a disagreement between Powell and Firefighter Tim Brown, Chief Lord told Powell “isn’t right all the time” and is an “ignorant dumbass” while “only” telling Tim Brown “don’t punch anybody” (Tr. 26-27)
- Funchess and Wooley didn’t get along, so Wooley’s shift was changed (Tr. 27-28)

- Powell doesn't have any specific examples of Funchess "degrading, belittling, or making him look like a fool", but alleges there was "always some kind of conversation" like that whenever he was present (Tr. 28)
- Funchess would berate Matt Wendt, Daniel Blakely, Lonnie Thomas, Mike Taylor, and Dusty Carnley (Tr. 30)
- Funchess made fat jokes about Carnley (Tr. 30)
- Funchess interacts with a lot of District personnel in similar manner (Tr. 31)
- Powell does not appreciate being addressed in a "nonprofessional" and "disrespectful" manner (Tr. 32)
- "Humiliation" is a managerial tactic of Chief Lord and Deputy Chief Funchess (Tr. 32)
- Damien Green, Ken Coulter, Paul Smith, and Pete Sharrett are other potential witnesses (Tr. 32-36).

## **Firefighter/EMT Matthew R. Wendt**

Firefighter/EMT Wendt submitted a letter outlining several complaints to his union president, Captain Lonnie Thomas. (Wendt - "A"). In turn, the Florida Professional Firefighters submitted Wendt's letter to the District's Board of Commissioners. Wendt's letter is undated, and the issues raised therein were not previously brought to the attention of any District employee, including either Chief Lord or Chief Funchess.

Wendt's letter alleges, in both general terms and with specific examples, that Chief Lord and Chief Funchess "create a culture where bullying and harassment is not only accepted and tolerated, but practiced by the chief officers of the department." Wendt believes he has been subjected to inappropriate language, favoritism, and that the District's morale is low due to the Chief's actions.

Specifically, Wendt alleges:

- Chief Lord told Wendt that he "would shove his boot so far up my ass I would taste rubber," "not be a pussy," and "you have no balls";
- Chief Lord said he would not give him a good report if he were to leave the District and prevent him from being a firefighter anywhere else in Florida;
- Chief Lord said he isn't "intelligent enough to handle the responsibility of the job";
- Chief Lord threatened to terminate his employment if he didn't have a doctor's note regarding light duty at a particular time;
- Chief Lord uses the "N-word" on multiple occasions;
- Chief Funchess made an inappropriate statement to other firefighters based upon prior knowledge that another firefighter engaged in a sexual relationship with Wendt's prior girlfriend – specifically asking, "How does \*\*\*\*\* dick taste?";
- Chief Lord said there are "plenty of applicants out there that can replace us"; and

- Chief Lord circulated emails with job openings throughout Florida because his point was “if you don’t like what’s going on and you don’t want to be here, then I am giving you an opportunity to go somewhere else.”

Wendt Interview Summary

- Employed with the District for the last five years; 3 fulltime, 2 part-time (Tr. 3)
- Chief Lord served as Chief during the entirety of his employment (Tr. 3)
- Chief Funchess is a Battalion Chief and “Deputy” Chief since last year (Tr. 3)
- Wendt suffered from shoulder pain, had an MRI, tear revealed, PT did not correct the issue (Tr. 5)
- Wendt discussed the injury and potential surgery with Chief Lord and Battalion Chief Mark Bundrick (Tr. 5)
- Wendt had elective shoulder surgery on 12/8/15 (Tr. 5)
- Wendt stayed out of work for an initial six week period following surgery (Tr. 6-7)
- Wendt went to a checkup at the six week mark, and doctor still wanted him out of work and reevaluate in another six weeks (Tr. 7)
- Two weeks later (8 weeks post-op) Wendt went to his friend’s farm and shot an AR-15 using his surgically repaired shoulder and arm (Tr. 7-8)
- Picture of Wendt shooting AR-15 was posted on social media (Tr. 8)
- Chief Lord and Chief Bundrick confronted Wendt and requested that he return to work in a light duty (desk work) capacity (Tr. 8)
- Wendt refused due to his understanding of the doctor’s orders (Tr. 8)
- Chief Lord told him if he did not return that day with a doctor’s note indicating light duty and full duty dates, he would be terminated (Tr. 8)



- During the same time period Wendt spoke with BC Bundrick regarding a HAZMAT conference occurring in Daytona Beach, Florida the following week (9 weeks post-op) from Wednesday, January 20<sup>th</sup> to Friday, January 22<sup>nd</sup>, and BC Bundrick said, “Yeah, you’re good to go.” (Tr. 8) (Wendt “B”)
- Wendt returned with doctor’s note stating that light duty could begin the Monday following the conference (10 weeks post-op) (Tr. 9)
- Wendt attended the conference and “on the way I stopped by Downtown Disney and had dinner with a few friends that I know down there.” (Tr. 9)
- Wendt tagged on Facebook (checked-in at Walt Disney World) (Tr. 9)
- Chief Lord did not know Wendt was attending the conference (Tr. 9)
- Lonnie Thomas contacted Wendt to say Chief Lord is flipping out and wants to fire him (after finding out about Disney) (Tr. 9)
- Wendt called BC Bundrick and was told “Well, don’t worry about it. We’ll take care of it. You just show up Monday for a meeting.” (Tr. 9)
- Wendt believes they “set him up” for a meeting on Monday when he returned (Tr. 9)
- Wendt spoke to Chief Lord before he returned and was told that he didn’t receive permission to attend the conference, if he attended a conference he could be at work answering phones, and that the District looked into terminating his employment (Tr. 10)
- Wendt told Chief Lord that BC Bundrick gave him permission (Tr. 10)
- The following Monday, Wendt and Captain Thomas meet with Chief Lord and BC Bundrick. BC Bundrick gave Wendt two letters. (Tr. 11)

- Wendt made a false statement on January 20, 2016 regarding receiving permission to attend the conference from BC Bundrick – Wendt says he did (Tr. 11-12)
- Wendt given three options (termination/resignation/probation with no leave) and he chose to remain employed (Tr. 13)
  - Also told his catastrophic leave was revoked and he would remain on leave without pay until returning for light duty (Tr. 13)
- Comments outlined in paragraph 2 of Wendt’s letter were made during the meeting in front of BC Bundrick and Captain Thomas (Tr. 15)
- Wendt doesn’t believe anyone in leadership should speak to others in this manner (Tr. 16)
- Wendt believes there is a difference between how firefighters interact with each other, compared to how a chief/supervisor should interact with subordinates (Tr. 16)
- Wendt worked in Pensacola after working part-time with the District for two years (Tr. 18)
- Chief Funchess would threaten Wendt during this two year period with getting kicked off of the part-time list or would be chewed out over voicemail (Tr. 18)
- Chief Funchess called Wendt to offer him a job on two occasions, and despite allegations about Chief Funchess, Wendt accepted (Tr. 18)
- Chief Funchess overheard Wendt on a personal telephone call during shift and said “You might want to check and see if they have any full-time positions because you might not have a job anymore.” (Tr. 19-20)

- During the same interaction, Chief Funchess also warned Wendt about swapping so many shifts with other employees (Tr. 20)
- Chief Lord and Chief Funchess have threatened termination on a number of occasions (Tr. 21)
  - o Wendt believes they have said this to multiple people including Lonnie Thomas, and Daniel Blakely, but he has not personally heard them do so. (Tr. 22)

*N-word Usage*

- Chief Lord uses the “N-word” on an almost daily basis (Tr. 24)
- Chief Lord calls the firefighters a “bunch of worthless “N-words” (Tr. 24)
- Daniel Blakely told Chief Lord not to use that word (Tr. 25)
- Nobody ever formally complained to anyone else in the chain-of-command or to the Board of Commissioners (Tr. 26)
- According to Bill Powell, Commissioner Urenda spoke with Chief Lord re: “N-word”, but it was after the complaint letters were received (Tr. 26)

*Inappropriate Joke Re: Colby Fanto*

- Chief Funchess, Chief Lord, Colby Fanto, and BC Terry Kline (Ret.) were present during shift change and Chief Funchess asked Wendt “how does Colby’s dick taste?” (Tr. 27-28)
- Chief Lord had previously asked Wendt if he was okay with Fanto being hired since Fanto slept with Wendt’s previous girlfriend (Tr. 28)
- Wendt told Chief Funchess that the comment was “unprofessional”, he “didn’t appreciate it” and it was “uncalled for” (Tr. 28)
- Chief Funchess said he was sorry and it was just a joke (Tr. 28)
- Wendt wouldn’t shake Chief Funchess’ hand after the occurrence (Tr. 29)

- Chief Funchess has not made any further similar comments (Tr. 29)

#### Threats of Termination

- Chief Lord used to send emails with job openings, but someone (maybe Clint Cooper) told Chief Lord that they brought down morale, so he stopped sending them out to the firefighters approximately 10-12 months ago (Tr. 30)
- Wendt never complained about the emails
- Chief Lord would say, “If you don’t like what I’m doing, I have 200 other applicants that can replace any of you guys.” (Tr. 30)

#### Favoritism

- If you aren’t part of their “hunting group” or click, then they “talk to you like trash” (Tr. 31)
- Chief Funchess refers to Dusty as a “lazy piece of shit” (Tr. 31)
- Wendt believes Chief Lord and Chief Funchess bring down District morale (Tr. 32)

#### Additional Witness

- Paul Smith is possible witness; showed Chief Lord the picture of Wendt with the AR-15 and Facebook post re: Disney (Tr. 32)

### **Captain/EMT Daniel Blakely**

Captain Blakely submitted a letter outlining a number of employment related complaints to his union president, Captain Lonnie Thomas. (Blakely – “A”). In turn, the Florida Professional Firefighters submitted Blakely’s letter to the District’s Board of Commissioners. Blakely’s letter is undated, and the issues raised therein were not previously brought to the attention of any District employee, including either Chief Lord or Deputy Chief Funchess.

Blakely’s letter alleges that Chief Lord and Chief Funchess are “ruining the department” and although Blakely was the union president for five years prior to Lonnie Thomas, nobody ever brought an official complaint to his attention regarding their actions. However, Blakely believes that Chief Lord is responsible for allowing Chief Funchess to “harass, threaten, and intimidate anyone who the two of them perceived as threats or “problems”. Blakely believes that Chief Lord and Chief Funchess create a “toxic atmosphere” and “thrive on harassment and intimidation.”

Blakely specifically alleges:

- Chief Lord made a comment regarding Captain Powell’s cancer
- Chief Lord said the firefighters would look like “greedy little bitches” in the paper if they went to the Commissioners
- Chief Lord had Chief Funchess check up on Damion Green while on FMLA
- Chief Lord encouraged firefighters to complain about Green’s FMLA usage
- Chief Lord stated that Captain Chris Brown would not receive further promotions
- Chief Funchess said he would “whip Captain Brown’s dad’s ass in front of him and kick Chris’ ass afterward”
- Chief Lord and Chief Funchess “belittle” officers in front of new firefighters

- Chief Lord knew what was said in union meetings and would move people's shifts to make them unhappy
- Punishment is based on how much they like individuals and not merit
- Chief Lord threatened Lonnie Thomas with repercussions if Thomas spoke to the Commissioners again

Blakely Interview Summary

- Employed at the District for ten years, approximately eight under Chief Lord, and two under Chief Randy Brown (Tr. 3)
- Blakely served as union president for five years, 2010-8/2015 (Tr. 5)
- "Chief Lord and Chief Funchess have never come at me in a manner where I would say it was harassment or too hostile or anything like that. I mean, it's a fire department, and people say mean things to each other. It's not perfect, but it is what it is." (Tr. 6)
- Blakely believes the "aggressive, name-calling and derogatory comments" were just talk, but within the last year have been turning into write-ups (Tr. 6)
- Blakely and Lonnie Thomas met with Commissioner Urenda regarding his election campaign, and discussed wage increases during that meeting (Tr. 7)
- Blakely believes the Commission can give wage increases without engaging in collective bargaining (Tr. 8)
- Following the meeting between Blakely, Thomas, and Commissioner Urenda, Chief Lord told Thomas and Blakely that he "wouldn't tolerate talking to the commissioners behind my back and trying to undercut me." (Tr. 9)
- Thomas was written up the following week for failing to turn in his post-testing reports on time, an infraction which he committed. (Tr. 9)

- Blakely thinks that Thomas wouldn't have been written up if he was on Chief Lord's good side. (Tr. 9)
- Jeremiah Brewer is a former employee that many thought would not make it off of probation, but Chief Funchess and Chief Lord would not terminate his employment. They gave him multiple opportunities to succeed and continued extending his probationary status. However, Blakely thinks they decided to finally get rid of him when they needed to hire someone else, or would do something like this if "they don't like you." (Tr. 10-11)
- Following Lonnie's write-up, Chris Brown and Clint Cooper were written up because Cooper lost the drug keys which is a "pretty big deal" (Tr. 11)
- Blakely believes that Wooley and Lipkin would have been written up the next day after Chris Brown, but when Brown filed a grievance, Chief Lord didn't write them up (Tr. 12)
  - o Note- Brown's grievance was denied and the matter was not pursued to arbitration
  - o Blakely believes he engaged in the same misconduct, but did not get disciplined (Tr. 12)
- Chief Lord and Chief Funchess do not like former Chief Brown because a former employee alleged that Funchess discriminated against him due to age (occurred approximately ten years ago). This resulted in grudge against Chris Brown (Tr. 13-15)
  - o Case settled at the District level and never resulted in any formal lawsuit (Tr. 15)
- Chief Funchess said he would kick former Chief Brown's ass and then Chris Brown's (Tr. 15-16)
  - o This occurred at least three years ago (Tr. 16)
  - o Chief Brown kept Chief Funchess and Chris Brown on different shifts, but since he became Deputy Chief, he is around more often (Tr. 16)

- In March/April, 2016, a member of the public called and asked if they could bring expired medication to the station for disposal, and Chief Funchess told them yes. Chris Brown accepted the drugs, but called Chief Lord to report the issue, as it was his understanding that they were to not accept medications from the public. Chief Funchess became angry for Brown jumping the chain of command. (Tr. 16)
  - o Blakely does not know what came of the medications that were dropped off (Tr. 18-19)
  - o Chief Lord addressed this issue in an officer's meeting and told all officer's not to accept medications from the public (Tr. 19)
- Chief Funchess' belittling comments were a common occurrence (Tr. 19-20)
- Chief Funchess speaks disrespectfully about other officers and employees (Tr. 20)
  - o Jeff Wagner, Mark Bundrick, and Chief Lord are the exceptions (Tr. 20)
- Blakely told Chief Lord that Chief Funchess berated officers and he wouldn't tolerate it (Tr. 22)
  - o Chief Lord said Chief Funchess would have to take two weeks off, but Blakely thinks it was a ploy because Chief Funchess went hunting (Tr. 22)
- Blakely believes disciplinary action is inconsistent (Tr. 23)
  - o Cites a coworker's recent arrest for domestic battery and drug possession where employee was allowed to go turn himself in using a District vehicle and Chief Lord gave him bail money, while others with no charges were forced to resign (Tr. 24)
- While Damien Green was on FMLA leave for the birth of a child, Chief Lord had Chief Funchess drive by Sunbelt Rentals to see if Green was working at his second job (Tr. 25)



- While Matt Wendt was out of work due to shoulder surgery, Chief Lord wanted employees to call Wendt and get on him for being out of work (Tr. 25-26)
- Chief Lord “had a tendency to block the leave to make sure no one else can get off so they can be mad at the person. Like, he thrives on that.” (Tr. 27)
- Chief Lord made an inappropriate remark about Bill Powell’s cancer (Tr. 28-29)
  - o Blakely heard Chief Lord make a comment two or three times (Tr. 29)
  - o Powell didn’t complain because he probably didn’t think anything would happen (Tr. 29-30)
- Blakely thinks Powell has been scared so much that he is now “afraid to make a decision” and “terrified for his job” (Tr. 30)
- Blakely has a belief that people are retaliated against, but does not know of anyone directly retaliated against for making a claim against Chief Lord or Chief Funchess (Tr. 31)
  - o Only examples are scheduling/shift changes, but no concrete examples (Tr. 32)
- Blakely talks with Shannon Stone and Ken Perkins from City of Fort Walton Beach Fire Department because he believes they have bad history with Chief Lord, and Chief Lord wants them fired (Tr. 35)
- Blakely thinks the District should train with FWB, but Chief Lord will not do so, and instead chooses to train with other nearby departments (Tr. 36)
- Blakely thinks Chief Lord and Chief Funchess don’t follow the contract and use it to their advantage, but with the exception of the Chris Brown grievance, no ULP’s or grievance have been filed (Tr. 37-38)

- Other than the instant investigation, nobody has ever filed a formal complaint against either Chief Lord or Chief Funchess with the Board (Tr. 40)
- As union president, Blakely would speak with firefighters about complaint procedures, but they never decided to file (Tr. 40)
- Blakely believes Chief Lord and Chief Funchess are “going after” Commissioner Mark Baugh, and provided a document referred to as the “Baugh Report” which was allegedly written by Clint Aden, a friend of Chief Funchess (Tr. 42)
- Chief Lord and Chief Funchess have never retaliated against anyone with formal discipline, but Blakely believes it is possible that this would occur in the form of other actions throughout the day. (Tr. 44)
  - o No examples given, other than generalizations and recommendations to talk with Jeff Gardner, Ryan Christen, and BC Terry Kline (Ret.) (Tr. 44-45)
- Blakely believes he used to serve as a “buffer” between the firefighters and Chief when he was union president, but Lonnie Thomas doesn’t do that (Tr. 48)
- Lonnie takes issues to the Chief, and talks with the Commissioners more often than Blakely ever did (Tr. 49)
- Blakely suggests talking with Ryan Christen and Mike Taylor for additional information (Tr. 51)
- Blakely “wants it to be professional around there and be able to get things done (Tr. 52)

## **Captain/EMT Christopher Brown**

Captain Brown submitted a letter outlining a number of employment related complaints to his union president, Captain Lonnie Thomas. (Brown – “A”). In turn, the Florida Professional Firefighters submitted Brown’s letter to the District’s Board of Commissioners. Brown’s letter is undated, but Brown stated he wrote the letter in April, 2016. The letter includes complaints regarding a number of issues spanning from 2013 through present day, however Brown did not previously bring his concerns to any District employee, including either Chief Lord or Deputy Chief Funchess.

Brown alleges that he would like to file a hostile work environment claim against Chief Lord and Chief Funchess because he has been subjected to harassment over the course of the last eight years. Brown further believes that Chief Lord is seeking to terminate his employment, and offers statements allegedly made by Chief Lord during the grievance process in support of his allegations. Brown’s indicates that his prior history with both Chief Lord and Chief Funchess is another reason why he feels threatened.

Brown’s letter outlines his concerns by year:

### 2013

- In front of subordinates, Chief Funchess told Brown that his crew runs him, and if Brown can’t control his crew, Chief Funchess would find someone to replace him
- Chief Lord and Chief Funchess said, “Chris will never be promoted to Battalion Chief as long as they have anything to do with it”
- In June, Chief Lord told the officers that if they had a problem with how union negotiations were progressing, they knew where the door was and he had 200 applicants on file that would love the job

- Chief Lord forwarded “job openings” emails (Brown – “B”)

#### 2014

- Chief Lord told members that he was not going to offer more money during negotiations following the union’s submission of a letter to the Board of Commissioners
- Chief Lord switched Brown’s shift after learning he was at the meeting where the union approved the letter to the Board of Commissioners
- Chief Lord said Daniel Blakely had something coming because he signed the letter as the union president

#### 2015

- Chief Lord and Chief Funchess verbally attacked Brown during his presentation to officers about changing the District’s high rise packs
  - o Captains approved the new hose purchase
  - o Chief Lord constantly attacked Brown in the days following the meeting
- Chief Lord and Chief Funchess said that Standard Operating Guidelines (“SOG’s”) do not need to be followed and stated:
  - o “You don’t know how to read the SOC’s and it doesn’t matter because the SOG’s won’t mean shit tomorrow.” – Chief Lord
  - o “If I picked apart an SOG like you did, your ass would be fired already. I promise there is plenty I can pick everyone apart on.” – Chief Lord
- Brown claims a senior firefighter was reassigned to his shift for conflicting reasons
  - o Either to fix Brown or fix the firefighter’s work ethic and attitude

#### 2016

- Chief Lord threatened officers for complaining about the copy machine

- Chief Funchess complained to Brown's crew regarding night training and said it was "stupid"
- Brown received a documented verbal reprimand for losing drug keys – grieved (Grievance later dropped)
  - o Chief Lord denied the grievance and told Brown to go to the Board if he disagreed with the decision
  - o Chief Lord told Brown:
    - "You will be embarrassed in front of the whole department and I'm acting like a child over this."
  - o During grievance meeting Chief Lord said, "Show me where in the contract it says I have to be consistent."

*Brown Interview Summary*

- Employed at the District for fourteen years (Tr. 3)
- Threatened over the years and believes Brown needs to protect himself (Tr. 4)
- Chief Lord and Chief Funchess have threatened to fire Brown (Tr. 5)
  - o Chief Funchess told Brown, "If you can't run your crew, I'll find one who can." During a dispute over Brown's subordinate not following the chain of command (Tr.5)
  - o Chief Lord said Brown could be fired if he picked through SOP's following an officer's meeting where Brown presented on high-rise packs (Tr. 6)
  - o No other examples of termination threats, other than what Brown's own coworkers have told him (Tr. 8)

- Brown believes the history between his father, the former chief, and Chief Funchess plays a large role in his issues. Chief Funchess had an age discrimination complaint brought against him ten years ago, and Chief Lord served as his union representative. Brown believes since Chief Lord took over eight years ago, things have gone steadily downhill. (Tr. 9)
- Chief Funchess' mother filed ethics charges against Brown's father approximately ten years ago for nepotism, but the charges were dropped (Tr. 10)
- Brown wrote his complaint letter in April, 2016, after Chief Lord told Brown he would be embarrassed for filing his grievance, Brown was acting like a child for fighting the documented verbal reprimand, and that Brown would "get what he deserves" for filing the grievance (Tr. 11)
- Grievance meeting held with Chief Lord, Captain Lonnie Thomas, and Firefighter Sasser. Chief Lord denied the grievance and allegedly made a statement regarding the fact that consistent enforcement of the collective bargaining agreement is not written in the document. Brown believes things went "downhill" from there (Tr. 11)
- Since filing the complaint letters with the Commission, Brown has not had any interaction with Chief Lord or Chief Funchess (Tr. 13)
- Believes Chief Lord called him a liar or dishonest because he alleged that Brown was attempting to hide the cover-up the fact that his paramedic lost the drug key (Tr. 14)
  - o Approximately 45 minutes passed after Brown was aware of the missing key, and before Brown notified Chief Brown (Tr. 15)
  - o SOP/SOG states the call must be made immediately upon having knowledge that the key was lost (Tr. 15)

- Brown thinks it is unfair because Blakely and another paramedic had a similar issue with a drug, not a key, but were not punished (Tr. 15)
- Chief Lord and Chief Funchess have said (for eight years) that Brown will not be promoted so long as they are working at the District (Tr. 16)
- Brown has never taken the test and/or applied for any promotion beyond his current rank, despite being qualified (Tr. 17)
- In 2013, Chief Lord said during an officer's meeting that there were 200 applicants that would love a job and would cost the District less money (Tr. 18)
- Chief Lord also sent emails out with job openings (Tr. 18 and Brown – "B")
  - Brown didn't believe the emails were sent in a positive light (Tr. 19)
  - Nobody ever resigned or took the emails too seriously (Tr. 20)
- In 2014, Brown was told by Clint Cooper that Chief Lord wouldn't offer the firefighters more money during negotiations because he disagreed with a letter the union sent to the Commissioners (Tr. 21-22)
  - Brown thinks it is "bad faith" because Chief Lord disagreed with the union (Tr. 22)
- Brown thinks his shift was moved because he was at the union meeting where the letter was approved, but Chief Lord can move firefighters' shifts at his discretion, and moves are made "all the time" (Tr. 23)
  - Brown thinks moves are made to create turmoil (Tr. 24)
- Captain Blakely signed the union's letter to the Board in 2014, but Brown is unaware whether Blakely received any retaliatory treatment (Tr. 26)

- In 2015, Brown researched and presented his findings to the officers regarding high-rise SOGs and high-rise packs. Brown believes improvements to equipment could be made and he surveyed the district's buildings, etc. in preparation of his presentation. (Tr. 27)
- Brown states that Chief Lord told him to prepare a presentation for the other officers because he would let the group decide as a whole what changes would be adopted (Tr. 29)
- During the meeting, Chief Lord and Chief Funchess acted "really aggressive" towards Brown and immediately called into question the necessity of Brown's recommended changes (Tr. 27-29)
  - o Brown feels that they berated him, tried to make him look stupid, and that Brown was trying to make others look stupid because he wanted to be like Fort Walton Beach and/or New York City (Tr. 29)
  - o Brown states that Blakely came to his defense and was verbally berated by Chief Lord and Chief Funchess during the meeting as well (Tr. 30)
- Based on Brown's presentation, the other officers agreed with increasing the hose diameter, and Chief Lord approved a purchase of the new hose for the District (Tr. 30)
  - o No other changes were adopted (Tr. 30)
  - o Hose cost is estimated at less than \$2,000 (Tr. 31)
- Following the meeting and for approximately a week thereafter, Chief Lord would give Brown a hard time about SOGs/SOPs (Tr. 33)
- Chief Lord has the ability to change SOGs/SOPs at his discretion (Tr. 34)
- Brown believes the SOGs are guidelines and vague, but since his grievance Chief Lord is being more strict regarding the SOGs/SOPs (Tr. 35)



- Brown believes Tim Brown was placed under him to create conflict because Chief Lord told Brown that he was to straighten out Tim Brown, but Chief Lord also allegedly told Tim Brown that it was actually the other way around. Brown does not agree that Chief Lord made the change because Brown is a great trainer and could improve Tim Brown's performance (Tr. 36)
  - o Captain Blakely witnessed the comment to Tim Brown (Tr. 36)
- Tim Brown is very difficult to work with, and Chief Lord placed Tim Brown with Brown because he doesn't "put up with people's BS." (Tr. 37)
- Brown thinks Chief Lord gives him problem employees so he can get rid of them, and cites to an employee that lost drug keys, lied about it, had other issues, and was on probation as an example (Tr. 38)
  - o Brown states that employee actually "shot himself in the foot" and left him no choice (Tr. 38)
- Tim Brown has improved his performance following an initial bad evaluation under Brown due to poor work performance (Tr. 38-39)
  - o Now there is a good working relationship, but Brown thinks it is because they found out that Chief Lord wanted them to dislike each other, so now they get along (Tr. 39-40)
- Brown believes they tried to do the same thing to Bill Powell because Chief Lord doesn't like him either (Tr. 40)
- Brown admits that Chief Lord's decision to improve Tim Brown's performance worked, but he doesn't "know which one his real outcome was, for him to be fixed or him to fix me." (Tr. 41)

## 2016 Issues

- “A mole went and told him (Chief Lord) that people were complaining” about the new copy machine. Chief Lord “flipped out and started making threats to everybody about making comments about a copy machine.” (Tr. 42)
  - o Nobody was disciplined because of making comments about the copy machine (Tr. 42)

## Other General Issues

- Brown thinks the atmosphere should be more business-like or military-like (Tr. 43)
- Believes Chief Lord’s approach is hostile and “whenever he has a complaint with anybody or anybody questions his authority and what he’s doing, he comes off as a threatening individual on a normal basis.” (Tr. 44)
- Brown has never received any formal complaints regarding Chief Lord (Tr. 44)
- To Brown’s knowledge, nobody has ever formally complained about Chief Lord or Chief Funchess regarding the actions alleged in the instant complaints (Tr. 45)
- Brown believes nobody complains out of fear for retaliation (Tr. 45)
- Chief Lord could start paper trails on people for violating SOGs and SOPs if he wanted to terminate District employees (Tr. 45)
- Brown believes he is one of the most devoted employees and doesn’t know why Chief Lord has not tried to fire him, but thinks the comment made during the grievance process shows that Chief Lord might try to do that now (Tr. 46)
- Brown’s grievance was denied by the Commission and Brown did not bring the issue to arbitration because “it wasn’t really worth the headache and making the guys in the union

mad because I'm spending their money now for something that was really minor, but it's still in my file." (Tr. 47)

- Chief Funchess allegedly told other people that conducting night training was "stupid"
- Brown was working when a private citizen brought expired prescription drugs to the station at Chief Funchess' direction. Brown was "in shock" that Chief Funchess would give permission to do so, and he accepted the drugs from her. (Tr. 52)
- Brown called Chief Lord which angered Chief Funchess, because they didn't call him first (Tr. 52-53)
- Brown and Clint Cooper taped up the bag of prescription pills and secured them in the drug box (Tr. 54)
- Brown is unaware what happened to the drugs after they were locked away, but believes Chief Funchess took the bag (Tr. 54)
- Chief Funchess did not violate any SOGs or SOPs by telling the citizen to drop off the prescription medication, but Chief Lord implemented a SOG after the fact stating that the District was not to accept any medications from the general public (Tr. 54-55)
- Brown heard that Chief Funchess asked another firefighter, Patrick Miller, for pain medications via text message and other employees for Adderall, but is unaware whether Chief Funchess ever received any medications (Tr. 55-56)
  - o The texts were provided by Captain Lonnie Thomas, but there is no way to verify that the screenshots are actually from Chief Funchess, nor can it be determined if they were actually received by Patrick Miller (Brown – "E")
  - o "There is a general joke going on around the department about medications and Chief Funchess" (Tr. 56)

- Brown believes Captain John Wooley requested a shift transfer because of harassment from Chief Funchess (Tr. 58)
- Brown believes the individuals that wrote letters, and Captain Wooley, have been targets by Chief Lord and Chief Funchess for years (Tr. 59-60)
- Brown submitted email exchanges relating to an incident in 2014 between Chief Funchess and a member of the public
  - o Brown thinks Chief Funchess should have been disciplined because union members have a contract that holds them to a higher standard and it isn't fair (Tr. 62 and Brown – "C")
- Brown states Chief Lord used the "N-word" on a regular basis, but has not heard him say it since 2014 or 2015 (Tr. 65)
- Regarding other employees using the "N-word": "It's a word that probably majority use, which is bad. (Tr. 65)
  - Q: Any other employees that you've heard using that?
  - A: Majority of the guys. I mean, when I was working under him, I was using the word also, which was stupid on my part, but to fit in. The whole crew was pretty much using it on a regular basis just to kind of match what he was doing." (Tr. 66)
- Brown never complained to any District employee regarding anyone's use of the "N-word" (Tr. 67)
- In 2014 or 2015, Chief Lord threatened to fire everyone at the scene of the Thai Peppers fire for not doing enough to stop the fire (Tr. 67)
  - o Chief Lord said, "If you don't get your pussy asses in there, you're going to get fired." (Tr. 67)

- Brown thinks Chief Lord changed the catastrophic leave SOP after Wendt took leave (Tr. 70)
- Brown thinks Chief Lord changed an SOP after Damien Green took leave (Tr. 70)
- Three or four years ago, Brown cites what he believes is inconsistent feedback from Chief Lord regarding his performance (Tr. 71)
- In 2014 Chief Lord changed the system for step-up battalion chiefs because of Brown reporting an issue with out-of-class pay – Brown believes the harsh position was taken to make him look worse (Tr. 72-73)
- Brown cites an online social media blog called the “Destin Clothesline” and the “Baugh Report” which is a document created to oppose Commissioner Mark Baugh
  - o Brown has no evidence that Chief Lord or Funchess have any input or connection to either, but wanted to bring it up because Clint Aden’s name appears on the document history for the Baugh Report. (Tr. 74 and Brown – “D”)
  - o Brown believes this shows that “they’re trying to discredit people and all that stuff in defense of Scott” (Tr. 76)
- Brown also makes general allegations that Chief Lord tries to make other chiefs look bad, but this is all based on more hearsay and rumor (Tr. 76-78)

## **Captain Lonnie Thomas**

Captain Thomas currently serves as union president and coordinated the submission of four complaint letters, including his own, to the Board of Commissioners through the Florida Professional Firefighters. (Mike Bellamy – “A” and Lonnie Thomas “A”). Thomas’ letter is undated, but based upon information contained therein, Thomas wrote the letter just prior to its submission. The letter includes complaints regarding a number of issues, however Thomas did not previously bring his concerns to any District employee, including either Chief Lord or Deputy Chief Funchess.

Thomas’ letter states that it was written to inform either the FPF or the Board of a “toxic” environment created by the District’s current management. Thomas alleges “intimidation, bullying, coercion, and the creation of a ‘good ole’ boy’ atmosphere.” Thomas alleges that he has “witnessed many things over the years” and that he, along with his fellow firefighters, were “scared of repercussions by Chief Lord and Chief Funchess” because “both chiefs have a long history of retaliation when it comes to someone standing up to them.” (Thomas – “A”).

Specific incidents and examples provided by Thomas include the following:

- On July 7, 2015, Chief Funchess asked Chief Kline “Why do you say ‘thank you’ to dispatch for doing their job? You sound like a fag when you do that, are you gay, huh, huh?”
  - o Thomas alleges that Chief Funchess made fun of Chief Kline for five minutes, but Chief Kline never said anything back except, “Thank you.”
  - o Thomas did not report this alleged misconduct to Chief Lord, nor did he state that he was offended until writing this letter

- Chief Lord called Thomas a “dumb stupid retarded mother fucker” because he used the wrong saw while ventilating the roof during a fire at the Thai Pepper Grill
- Chief Lord called other firefighters “pussies” and threatened to terminate firefighters at the same Thai Pepper Grill fire
- Thomas has experienced and witnessed Chief Funchess and Chief Lord threaten to fire the firefighters on many occasions
- Chief Lord changed SOPs for light duty in order to use it as a punishment tool. Chief Lord said the changes were to prevent sick time abuse
- Thomas witnessed Chief Lord and Chief Funchess berate and put down officers in front of firefighters
  - o Thomas heard them tell Captain Powell’s crew that he is a “dumbass” and “you don’t have to listen to him.”
  - o Chief Lord targeted Captain Powell during officers’ meeting and made degrading remarks, jokes, and promoted bullying towards him
  - o Thomas heard both Chief Lord and Chief Funchess say Captain Brown is a “fucking idiot” and that “he will never go any higher than a captain”
- Thomas believes that two verbal reprimands that were going to be written up were dropped after Captain Brown grieved his reprimand
  - o Thomas believes this is tied into retaliation from the Board’s decision to award stipends
- Thomas alleges that Chief Lord told him that none of the applicants for captain were worth promoting and he wouldn’t use Chief-points on anyone
  - o Thomas received a promotion to captain

- Thomas alleges that after receiving the promotion, Chief Lord repeatedly tells Thomas that he could be demoted
- Thomas alleges that Chief Lord stated he wished that he never hired Thomas back.
  - o Thomas believes this is tied to the stipend deal and because he is going against the Chief's wishes
- Thomas believes District morale is at the lowest point he has witnessed
- Thomas is "tired of being beat down, my integrity compromised, my self-esteem occasionally lowered, having self-doubt" and is "scared" of losing his job
- Thomas is "tired of worrying about being threatened, being embarrassed, and berated in front of my peers and subordinates."
- Thomas believes the District's firefighters are not doing their jobs to the best of their abilities and are creating a public hazard

Thomas Interview Summary

- Captain Thomas has worked for three different chiefs during his 13-14 year tenure with the District (Tr. 3)
- Thomas describes Chief Lord's tenure as "toxic" (Tr. 3)
  - o "If you're his boy, you've got it made. If you're not his boy, you're going to pay hell." (Tr. 3)
- Thomas believes Chief Lord is vindictive and will "find ways to discipline you, you know, up to suspension, firing somebody, pushing them to resign." (Tr. 4)
- Thomas received a write-up after Chief Lord told him there would be repercussions for speaking with the Commissioners without talking to Chief Lord first (Tr. 5)



- Thomas thinks Chris Brown's grievance caused other disciplinary actions to be dropped (Tr. 6)
- Thomas' write-up from Bundrick occurred because Thomas failed to submit his report on time (Tr. 7)
  - o Thomas believes Chief Lord pushed Bundrick to issue the discipline, but this has never been confirmed (Tr. 7)
- Other captains were not disciplined for SOG/SOP paperwork violations (Tr. 8)
- Thomas did not grieve his write-up because it is "technically" true, but he thinks he is the first person to receive such a disciplinary action (Tr. 8)
- Thomas and union met with Commissioner Urenda in December 2015/January 2016 regarding support for upcoming election. During the meeting, Urenda told Thomas and the union that he wanted to give them raises and the resulting stipend (Tr. 9-10)
- July, 2015- Thomas witnesses Chief Funchess confront Chief Kline about saying "thank you" on the radio to dispatch (Tr. 12)
  - o Chief Funchess said that Kline "sounds like a fag when you say that" and repeatedly asked, "Are you a faggot? Are you gay? What's wrong with you? Are you a fag?" (Tr. 12)
  - o Thomas thought it was extremely inappropriate because it shouldn't be done in front of other employees (Tr. 13)
  - o Thomas did not complain about the behavior, and was "appalled" that someone would "take somebody and degrade them like that, you're telling a Christian man that he's a faggot for saying thank you on the radio?" (Tr. 13)

- Thomas has heard other people use the term “fag” or “you’re gay” in a playful manner, but this was in a disciplining manner (Tr. 14)
- Kline discussed the incident with Thomas, but never complained about it because he just wanted to retire and get out of the District (Tr. 14)
- Thomas thinks Kline, Chris Brown, and Bill Powell are the “worst beat-up people” (Tr. 15)
- 2014 or early 2015- Thai Pepper Grill fire occurred and Thomas was on the truck company with Dusty Carnley and Brian Thomas (Tr. 16)
  - o Thomas was supposed to ventilate the roof and used a chainsaw instead of a K-12 saw which was the appropriate type of saw for a metal roof (Tr. 16)
  - o Chief Lord called Thomas a “dumb, stupid, retarded mother fucker” (Tr. 16)
  - o Chief Lord was also “very loud and very mean” when he told the other firefighters that he would fire them if they didn’t get their “pussy-asses” in there and extinguish the fire in 30 seconds (Tr. 16)
  - o Thomas thinks the yelling didn’t help anything and it was just a hard fire to deal with due to the structure/contents/smoke/etc. (Tr. 17)
  - o Thomas believes that Chief Lord crossed the line on this occasion (Tr. 17)
- Oak Street fire incident (Thomas not present) with Thomas Garcia and Brian Jackson present. Garcia had to back out (maybe due to equipment failure) and another crew extinguished the fire. Chief Lord “got hostile, screaming, yelling, cussing.” (Tr. 17)
  - o Chief Lord said he didn’t want to promote Garcia because of this incident, but Garcia was later promoted (Tr. 17-18)
- Chief Lord and Chief Funchess routinely use termination as a threat (Tr. 19)

- Thomas claims he had a meeting with Chief Lord telling him to “put his bulldog back in its cage” and that Chief Lord later sent an email to all battalions letting them know that only he has hiring/firing authority (Tr. 19)
- Union had multiple meetings about Chief Funchess’ attitude (Tr. 19)
- Chief Lord supposedly sent Chief Funchess out for two weeks as discipline, but Thomas believes it was a scheduled vacation for hunting and the explanation was a “big cover-up” (Tr. 21)
- Thomas believes that Chief Lord is now the “harasser” because he is the one that is “being the more outspoken person because he’s now – he obviously is the one who has the authority.” (Tr. 21)
- Thomas thinks Chief Lord told Tim Brown that he could do whatever he wants to do, not to listen to Chris Brown, and show Chris Brown how to be a leader. Thomas thinks this was done just to piss them off so Chief Lord could start a paper trail on Chris Brown to fire him. (Tr. 22)
  - o Tim Brown straightened up his act, but Thomas was told that is only because both Chris Brown and Tim Brown decided it was best to work together and not have Chief Lord’s plan turn out as he had planned (Tr. 22-23)
- Thomas thinks Mark Avera was “pushed to retire” due to an incident at a fire where a fatality occurred and he was deemed responsible (Tr. 23-24)
  - o Thomas thinks this was another set-up because “they’ll stack their cards against you to where they back you into a corner, and they pressure you with intimidation.” (Tr. 24)

- Thomas thinks Jeremiah Brewer was “pushed to resign”, but he “didn’t keep up with training” and “was not a motivated progresser.” (Tr. 24-25)
  - o Thomas believes Chief Lord had people write letters against Brewer to push him out because “they needed a paramedic.” (Tr. 25)
- Jason Mohamed pushed to resign following an accident and DUI arrest where allegedly a girl fell off the back of his motorcycle and he didn’t stop for her (Tr. 26)
  - o Thomas doesn’t think he was charged with that part, but isn’t sure about the DUI, as it might have been reduced to reckless driving (Tr. 27)
  - o Bob Hall and Ryan Christen cited as individuals with a DUI that were not fired, however, Chief Lord was not Chief at the time of either incident(Tr. 27-28)
- Lloyd Edwards was charged with DUI during Chief Lord’s tenure and not terminated
  - o Restricted from all driving duties while license suspended (Tr. 29)
- Brandon Funk arrested for domestic violence and drug possession in early 2016
  - o Allowed to turn himself in at the Okaloosa County Sheriff’s Dept. while on duty as a medic and was loaned bail money by Chief Lord (Tr. 30)
  - o Placed on administrative leave for a week (Tr. 31)
- Tim Brown arrested in 2013 for bad checks and took mugshot in District t-shirt (Tr. 31)
- Thomas believes that employees shouldn’t work until criminal charges are cleared (Tr. 32)
- Thomas isn’t sure if the CBA allows for this type of disciplinary action though (Tr. 32)
  - o CBA requires progressive discipline (Article 12)
- Thomas believes SOPs changes are retaliatory by Chief Lord (Tr. 33)

- Thomas out on leave due to back injury, and Chief Lord wanted him to work light duty, but Thomas refused (Tr. 33-34)
- Thomas believes his back injury prevented him from working at all, but Chief Lord thought it was BS (Tr. 34)
- Chief Lord “tweaked” the SOP to now require a doctor’s note for full sick leave of any extended period, or you are required to work light duty (Tr. 34)
  - No impact on Thomas (Tr. 35)
  - Blakely and Wendt had to do light duty (Tr. 35)
- Wendt had shoulder surgery and was disciplined because he went to Disney World and was shooting a gun after surgery- both posted on social media (Tr. 36)
  - Guys were pissed off that Wendt had elective surgery during holiday season from Thanksgiving to Christmas (Tr. 36)
  - Forced guys to not be able to take off for vacations (Tr. 36)
  - “And him (Wendt) putting that on social media just stirred it into a big hornet’s nest, and he (Chief Lord) wrote him up.” (Tr. 36)
  - Union did fight the discipline given because it was valid (Tr. 37)
- Nobody has been treated inappropriately under the new SOP regarding light duty (Tr. 37)
- In 2013, Chief Lord and Chief Funchess called Captain Powell a dumbass and told his crew (Tim Brown and Engineer Hatfield) to ignore him (Tr. 37)
- Chief Lord cracks jokes at Powell’s expense during the officers’ meetings (Tr. 38)
- Chris Brown is a “by-the-book, go-getter” but Chief Lord and Chief Funchess will tell firefighters, including Brown, that they are “fucking idiots” or they are unreceptive to new ideas (Tr. 40)

- Thomas heard Chief Lord and Chief Funchess say that “if they have anything to do with it” Brown will not “go higher than a captain” (Tr. 41)
- Thomas raises an issue with Chief Lord using “chief points” during promotional process, but Chief Lord has the ability to use them at his discretion. Used them one time against Thomas, but Thomas agreed that Fred Baumbach had more years of service and it was appropriate usage (Tr. 42)
- Thomas was later promoted to Captain based upon the next round of testing (Tr. 42)
- Thomas and his fellow firefighters voted on, and agreed to CBA language which now permits someone with three years of experience as an engineer to make captain, rather than four years of experience as a firefighter. (Tr. 43)
  - o The firefighters also agreed to a new PTO policy which increased the amount of time off for newer firefighters
  - o Thomas thinks Chief Lord wanted the testing language changed so he could promote whoever he wants and used the PTO time to entice firefighters to support the changes (Tr. 43-445)
  - o However, the union agreed to the language and the union ratified the contract (Tr. 45-47)
- Thomas states that Chief Lord told him he wished “he never hired Thomas back” (Tr. 48)
  - o The District first employed Thomas in 2000, then left in 2007 for North Okaloosa, but came back in 2009
    - Thomas states “the only reason why I left and came back was because we went before a vote three different times to get our millage raised. I was actually hired on what they call a safety grant, which is through FEMA.

My position was dissolving if we didn't get that vote to get our tax money up, to raise our tax money.” (Tr. 48)

- Chief Lord made final decision to hire Thomas back in 2009 (Tr. 49)
- Thomas believes the District hired 2 out of 11 applicants at this time (Tr. 50)
- Thomas believes Chief Lord said this because of the stipend issue and the Chief thinks Thomas went behind is back (Tr. 50)
- According to Thomas, then Captain Lord told a former firefighter that “Everyone is a ni\*\*er around here, but you just happen to be the only black one. (Tr. 51)
  - Thomas said it was in 2010/2011, but Lord was not Chief when this event allegedly occurred; Chief Wills and Deputy Chief Randy Brown were in command, so it was many years ago (Tr. 51)
- Other Employee Issues
  - Thomas states that Chief Funchess was involved in a harassment complaint roughly 10 years ago, and had to settle the claim with former employee Bill Fabozzi (Tr. 52)
  - Thomas believes Thomas Wooley had to switch shifts because of Funchess (Tr. 52-53)
  - Chief Funchess has picked on Dusty Carnley about being overweight (Tr. 53)
  - Chief Lord cussed out Tim Brown in his office (Tr. 53)
  - Chief Lord has told Thomas that BC Christen “sucks at his job” (Tr. 54)
  - Mike Taylor has been in officer meetings and has recordings of Chief Lord and Chief Funchess where they “totally berated and cussed” other employees (Tr. 54)

- Engineer Damien Green was bullied because he took FMLA (Tr. 54-55)
- Brian Thomas allegedly quit because of management (Tr. 55)
- Jeff Gardner was bullied because he took leave with his father on his deathbed (Tr. 55)
- Patrick Miller was allegedly going to file a complaint, but didn't (Tr. 56)
- Thomas believes a lot of the firefighters are "scared" to file a complaint due to fears of retaliation (Tr. 56)
- However, Thomas responds with "I can't think of anything" to the question of whether he has any examples where Chief Lord retaliated against any employee with an actual job action such as suspension or termination, as opposed to moving someone's shift or transferring their station (Tr. 57)
- Thomas thinks Chief Lord is simply "manipulative and vindictive" (Tr. 57)
- Thomas believes Chief Lord tries to "divide and conquer" (Tr. 58)
- Thomas blames Chief Lord for the inappropriate actions of others (Tr. 59-60)
- Thomas thinks Chief Lord takes action just to "fu\*k" with you (Tr. 60)
- Thomas doesn't like that Chief Lord and Chief Funchess are interacting with employees while on the administrative leave (Tr. 61-62)



## **Captain Michael W. Taylor**

### *Interview Summary*

- Employed with the District for approximately 30 years (Tr. 3)
- Chief Lord has used the “N-word” since he was hired and he used it about everyone (Tr. 3)
- Chief Lord said that both Mark Avera and Chris Brown would never receive promotions beyond Captain (Tr. 5-6)
- Chief Lord called Avera a dumba\*\*, the “N-word”, and threatened to fire him (Tr. 6)
- Taylor thinks Chief Lord doesn’t like Chris Brown because his dad was the former Fire Chief (Tr. 6-7)
- Taylor personally has no problems with Chief Lord during his tenure as Chief (Tr. 7-8)
  - o “If they try to give me grief, I give it right back.” (Tr. 7)
- Chief Lord has never terminated anyone without cause (Tr. 8)
- Chief Funchess is “one of those egotistical-type bullies” (Tr. 9)
- Example given of a structure fire in Shalimar (appx. 2014) where Chief Funchess yelled, screamed, cussed in front of the family at Taylor and other firefighters for taking too long (Tr. 10)
- Taylor tells Chief Funchess to either talk to him like a man, or write him up if there is truly a problem- Chief Funchess has never written him up (Tr. 11)
- Taylor can’t remember the last time he had an issue with either Chief Lord or Chief Funchess (Tr. 11-13)
- Chief Funchess badmouthed him and the other firefighters to members of the public at a local football game (Tr. 16)

- Chief Funchess thinks he is funny, but it is more of an ego thing (Tr. 17)
- Chief Lord previously joked about Bill Powell's cancer (Tr. 19-20)
- Every shift has problems when Chief Funchess is assigned to work with them (Tr. 21)

## **Engineer/Paramedic Ken Coulter**

### *Interview Summary*

- Employed with the District for 15 years (Tr. 3)
- Witnessed profanity used by Chief Lord and Chief Funchess within the last 6 months inside and outside the station (Tr. 4)
- Coulter does not condone the conduct of either individual, but “Chief Lord is probably the most outstanding administrator we’ve ever had as a fire chief; however it does not excuse the conduct he’s been accused of, and the letters that have been written I fully believe are true in nature.” (Tr. 6)
- In 2015, Coulter feels like Chief Funchess bullied him when he was out on leave to tend to a sick family member (Tr. 6)
- Coulter believes Chief Lord manages the District’s finances very well, but he has “little regard sometimes for the value of subordinates” (Tr. 7)

## **Former employee - Jeff Gardner**

### *Interview Summary*

- Resignation effective September 9, 2014 (Tr. 3)
  - o Left because there were “diminishing returns and rewards” (Tr. 3)
- Former district employee for 28 years (Tr. 4)
- Gardner no longer wanted to deal with Chief Lord and Chief Funchess (Tr. 4)
- Gardner witnessed Chief Lord use derogatory terms (including the “N-word”), make comments about Bill Powell’s cancer, and remark that Chris Brown would never be promoted so long as Chief Lord was around (Tr. 5)
- Gardner thinks Chief Lord is holding a grudge against Chris Brown due to his father (Tr. 5)
- Gardner never complained about Chief Lord’s usage of the “N-word” and has no knowledge of anyone else complaining about it (Tr. 7)
- Chief Funchess has a “tendency towards a quick fuse” (Tr. 8)
- Gardner thinks Chief Lord moved him to another station to retaliate because he called in sick (Tr. 9-10)

## **Engineer Damion Green**

### *Interview Summary*

- Employed with the District since 2000
- Former Chief Kline told Green that they were trying to catch him working at another job while out on FMLA (Tr. 4)
- Green believes they made it more difficult for him to take FMLA than other employees (Tr. 4)
- Green was still able to take his leave (Tr. 5)
- Green did not break any rules while out on leave (Tr. 6)
- Green witnessed Chief Lord threatening to fire everyone if he had to put his gear on at the scene of a fire (Tr. 7)
- In 2013, Green witnessed Chief Funchess belittle Chris Brown in front of the other employees (Tr. 7)
- Green used to hear Chief Lord routinely use the “N-word” and other language (Tr. 9-10)
- Green’s biggest issue with Chief Funchess occurred in 2009, when he was not reimbursed for mileage after driving to training classes in Milton, Florida (Tr. 11-12)
- Chief Lord once told the whole shift that if they didn’t want to work for the District, they could “get the fu\*k out” because there were 2,000 applicants that would work harder and cheaper (Tr. 12)
- Green believes the interactions are worse when collective bargaining negotiations are occurring (Tr. 13)

- On or about August 17, 2010, Green brought a list of complaints to Commissioner Jankowski about a number of issues including Chief Lord's attitude and inappropriate language (Tr. 15)
  - o Green spoke with Jankowski on the telephone and he basically called them liars and said they exaggerating and stretching the truth (Tr. 21)
- Green had an issue with a leave request, but in the end both he and Jeff Gardner were able to take their day off (Tr. 16-18)
- Green cites other issues with Chief Lord about comments made after a negotiations meeting, calling the union "stupid" for backing Commissioner Ball, and possible chain-of-command write-ups for Chris Brown re: black mold issues (occurred in 2009-10). (Tr. 18-20)
  - o Mold ended up being remediated by professional (Tr. 20)
- Green believes the Commissioners have spoken with Chief Lord regarding his harsh tone in the past (Tr. 21-22)

## **Battalion Chief Ryan Christen**

### *Interview Summary*

- Christen believes being promoted to BC places great responsibility upon him, and he believes he faced “strong resistance” to his efforts to improve the relations within the department (Tr. 4)
- Christen knows that some might think he is angling for Chief Lord’s job by taking part in this investigation, but he enjoys being a battalion chief, and wants to be proud of, and enjoy this role within the department (Tr. 4-5)
- Both Chief Lord and Chief Funchess used the “N-word” quite frequently (Tr. 6-7)
  - o Used in reference to the President (Tr. 7)
  - o Used in April, 2016, in reference to making Matt Wendt do the “N-word” bit\*h work while on light duty to make him quit (Tr. 8)
    - Wooley, Litkin and possibly Hatfield witnessed this event (Tr. 8)
- Chief Lord and Chief Funchess questioned Christen about his marriage and financial position during the BC interview in 2015; he feels this was inappropriate (Tr. 9)
- Chief Lord threatened to fire Christen in front of other employees and told Christen is a fu\*kup (Tr. 12)
- Christen spoke with Chief Lord following the meeting and told him it was “demoralizing and humiliating” to be chastised in front of subordinate employees (Tr. 13)
- Christen diagnosed with severe depression and PTSD, but he refrained from telling Chief Lord due to his reaction regarding checking on the men following a series of difficult calls, including infant drownings, suicides, etc. (Tr. 13-15)

- Christen believes Chief Lord and Chief Funchess show favoritism towards some employees; he believes Bundrick is favored over him (Tr. 15)
- Christen believes he successfully completed difficult tasks, yet never receives any of the praise which Bundrick receives (Tr. 16)
- Christen witnessed Funchess requesting Adderall from Firefighter/Paramedic Kevin Houston (Tr. 17)
  - o Houston did give Funchess any Adderall at the time, and Funchess said, “I’m just fu\*king with you, fa\*got.” (Tr. 17)
  - o Christen told Houston to let him know if that ever happened again, as he would have to take action (Tr. 17)
  - o Christen did not tell Chief Lord out of fear of retaliation (Tr. 18)
- Chief Funchess is a bully; yelled at Christen on multiple occasions, told him to “shut the fu\*k up”, and has threatened physical violence (Tr. 19)
- During a meeting in Fort Walton Beach, Chief Funchess verbally attacked Christen, but in Christen’s opinion he had done nothing wrong. Christen spoke with BC Bundrick who initially agreed, but in front of Chief Funchess and Chief Lord, changed his story. This shocked Christen and he told them that Chief Funchess was lying about what had occurred. Chief Lord said we’ll agree it was a misunderstanding and won’t happen again. (Tr. 20-21)
- Chief Lord berated Christen for saying “thank you” over the radio to dispatch (Tr. 21)
- Chief Lord told Christen that he didn’t need to go on so many calls and “if those captains can’t handle it, then they’re fuc\*ing idiots and they should be fired.” (Tr. 21)



- Christen believes he has given everything to his career in the fire service, but does not think he is appreciated and does not believe he has been given a fair chance to succeed at his job (Tr. 22)
- Chief Funchess told Chris Brown that he was going to drive to Pennsylvania the day he retired to punch his dad in the face, and then drive back to Florida to kick Chris' ass. (Tr. 23)
- Christen believes the District deserves better and for the men's sake, he hopes they get that (Tr. 24)

## **Engineer Fred Baumbach**

Engineer Baumbach submitted a letter in support for Chief Lord. (Baumbach “A”)

### *Interview Summary*

- Employed with the District for over 28 years (Tr. 3)
- Baumbach submitted a letter in support of Chief Lord in an effort to get support from other firefighters, but nobody followed suit (Tr. 3-4)
- Baumbach believes this is the best administration they have ever had (Tr. 4)
- Has heard Chief Lord and Chief Funchess utilize racial terms and make inappropriate comments, but he has heard the same language from other firefighters, including the Complainants (Tr. 5)
- Up until recently, there wasn't a morale issue, and if you did something wrong, you might get your “butt chewed” by Chief Lord, but that was where it ended (Tr. 6)
- Believes three of the five Complainants have been given breaks by Chief Lord and if it were up to him, he would have terminated them for insubordination (Tr. 6)
- Lonnie Thomas is lazy (Tr. 7)
- Chris Brown would make a good training chief, but isn't cut out to be a line chief (Tr. 7)
- Bill Powell has been fun of throughout his entire career because he does not filter what he says. Baumbach is surprised complaints have not been made against Powell due the sexually suggestive nature of comments made towards females (Tr. 8)
- Believes the Complainants are trying to get Chief Lord and Chief Funchess terminated in order to have positions available for promotion (Tr. 8-9)
- Thinks Chris Brown is too immature to be a BC at this point in time (Tr. 9)

- Believes any fire station in America faces the same issues, but “right or wrong, it’s just how it is.” (Tr. 10)

## **Firefighter/Paramedic Peter Sharrett**

### *Interview Summary*

- Employed with the District for 8 years (Tr. 3)
- Witnessed inappropriate language by Chief Lord and Chief Funchess (Tr. 4)
- Chief Funchess uses profanity at work (Tr. 4)
- Chief Lord uses racial terms, including the “N-word” (Tr. 5)
  - o Believes Chief Lord used the “N-word” this year, but does not think that anyone has ever complained about it (Tr. 5-6)
- Does not believe the union members have filed any grievances, with the exception of Chris Brown’s re: write-up for losing the keys (Tr. 5-6)
- Sharrett has received disciplinary action on two occasions and believes he was treated professionally (Tr. 7)
- Chief Funchess made an inappropriate comment about Clint Cooper’s wife and the two individuals got into a verbal altercation (Tr. 10)
- Chief Funchess and Chief Lord belittle Bill Powell and are unprofessional in their dealings with him (Tr. 11-12)
- Has also heard Bill Powell making fun of other employees (Tr. 12)
- Has heard coworkers, including some of the Complainants, use the “N-word” (Tr. 13-14)
- Chief Lord and Chief Funchess sometimes pick who they will enforce the rules upon, while not doing so towards others (Tr. 16)
- Chief Lord and Chief Funchess picked on Matt Wendt, but he didn’t personally witness it (Tr. 16)

## **Battalion Chief Thomas Wooley**

### *Interview Summary*

- Employed by the District for 22 years (Tr. 14)
- Currently serving as an Interim Battalion Chief while Scott Funchess is under investigation (Tr. 3)
- Thinks the work environment is currently fairly toxic as nobody is talking with each other or getting along (Tr. 4)
- Chief Lord is “brash”, but Wooley is “old school” and grew up getting yelled at (Tr. 4)
- Has never had any major problems with either Chief Lord or Chief Funchess (Tr. 5)
- Believes that if you do something wrong, you’re told right then about it, given a reason, and then the situation is resolved (Tr. 5)
- Has had his problems over the years with Chief Funchess, but they have been friends since they were children; describes the relationship as a “bad marriage” and at one point they sat with Chief Lord to talk things out (Tr. 6)
- Wooley was not forced to change shifts away from Chief Funchess, but after talking with Chief Lord, Wooley thought it was best for them to separate at work (Tr. 6)
- Wooley and Chief Funchess are friends outside of work and have had no issues since this occurred in August, 2015 (Tr. 7)
- Has heard everyone use cuss words, including the chiefs (Tr. 8)
- Has heard Chief Lord use the “N-word”, but not in the last 2 years (Tr. 8)
- No knowledge of anyone ever complaining about Chief Lord’s language prior to this investigation (Tr. 9)
- No knowledge of any issues with Bill Powell, as they are on different shifts (Tr. 9)

- Believes the lack of vacancies is why people like Chris Brown wouldn't be promoted (Tr. 11)
- Wooley is aware of Matt Wendt's situation; shoulder surgery before Christmas, refused light duty, shooting guns and riding bikes, etc. (Tr. 11)
- Believes Wendt caught a break, as he could have been fired for his actions; the alternative of having your "ass chewed" is better than termination (Tr. 12)
- Wooley was not present when, and did not hear, Chief Lord tell Wendt to do the "'N-word" bit\*h work" in April (Tr. 12)
- Wooley thinks the Complainants should have utilized the chain-of-command (Tr. 13-14)
- Wooley does not think any of the Complainants ever went to Chief Lord or Chief Funchess prior to bringing forth the written complaints to the Board (Tr. 14)
- Wooley is a member of the union and will revert to Captain following the investigation (Tr. 15)
- Wooley is embarrassed that his fellow union members are doing this, and believes they are trying to disgrace Brad Sasser without any reason (Tr. 15)
- Wooley thinks they are attacking Sasser on social media simply because he is voicing his opinion regarding this investigation, and instead they should be sticking together as brothers (Tr. 16)
- As a taxpayer, Wooley is upset that the union handled this matter in such a "piss-poor manner" (Tr. 17)

## **Engineer/Paramedic Paul Smith**

### *Interview Summary*

- Employed at the District for 10 ½ years (Tr. 3)
- Heard derogatory and racist language, including the “N-word”, on many occasions, from Chief Lord and other coworkers (Tr. 4)
  - o Believes they have more southern employees, so that language is used more (Tr. 5)
- No complaints lodged about language, but conversations had about “ignorant” language used by members of management (Tr. 5)
  - o Never brought to Chief Lord or Chief Funchess’ attention (Tr. 5)
- Believes the station has a “good-old-boy” system in place and there are hard workers and others (Tr. 6)
  - o Refers to them as “race horses” and “show horses” (Tr. 6)
  - o “Show horses” are the guys that submitted initial complaints (Tr. 6)
- Chris Brown is one of the exceptions; he’s one of the best captains (Tr. 7)
  - o A shadow over him because of his father being prior chief (Tr. 7)
  - o Thinks Brown should be promoted, but doesn’t know if he has ever applied for BC position (Tr. 8)
- Aware of Matt Wendt’s situation re: shoulder surgery and pictures on Instagram with an AR-15 and checking into Disney (Tr. 8-9)
  - o Told Wendt to get back immediately and see Chief Lord (Tr. 9)
  - o Wendt didn’t come back early and was placed on probation (Tr. 10)
- Chief Lord and Chief Funchess have always respected Smith (Tr. 10)

- Smith disciplined one time, but felt it was professionally handled (Tr. 11)
- Has not seen either go overboard or act out of line with disciplinary action; instead likens it to a football coach that is hard on them, but you shake it off and move on (Tr. 12)
- Believes Chris Brown and Bill Powell have valid complaints (Tr. 12)
- Smith heard about cancer jokes by Chief Lord, but never personally heard him say it (Tr. 13)
- Never personally heard Chief Lord say he wanted to make things miserable for Powell, nor did he hear him say the “N-word” regarding Powell (Tr. 14)
- Chief Funchess has a “bullying attitude when he’s in front of a crowd” and Smith witnessed him “browbeat” Powell in the past (Tr. 14)
- Smith believes it is inappropriate for supervisors to make fun of subordinates and cites Mark Bundrick as someone that used to joke around, but as a supervisor acts more like a leader should (Tr. 15)
- Although he hasn’t witnessed the incidents outlined in Powell’s letter, Smith said Chief Lord and Chief Funchess contact him instead of Powell because they don’t want to deal with him (Tr. 16)
- Smith was present with Chris Brown when Brown had a telephone conversation with Chief Funchess and alleged that Chief Funchess threatened him (Tr. 18)
- Thinks Brown has excelled at his career, but Chief Funchess is holding a grudge (Tr. 20)
- Doesn’t think Chief Lord meant the positions are all filled when commenting that Chris Brown will never receive a promotion so long as he is the Chief (Tr. 23)
- Smith considers Chief Lord a friend (Tr. 23)



- Smith also believes that Chief Lord and Chief Funchess brought this upon themselves, and that type of behavior is no longer tolerated (Tr. 24)
- Smith thinks they need some change and should look outside of the department for new leadership and management (Tr. 25-26)

## **Michael J. Barnes**

Mr. Barnes serves as a character witness on behalf, and at the request of, Chief Lord.

### **Interview Summary**

- Barnes is not an employee, but is a private citizen and taxpayer (Tr. 3)
- Barnes previously filed a complaint with the Florida Bar against an attorney employed with the investigating law firm, Allen, Norton & Blue, P.A., but that has no bearing on this investigation (Tr. 3-4)
- Barnes has no relationship/knowledge of Chief Funchess (Tr. 4)
- Barnes has dealt with Chief Lord on a professional basis and in all instances, Chief Lord was professional despite having disagreements with Barnes on some issues (Tr. 4-6)
- Chief Lord interacted with another employee in a professional manner and was not hostile (Tr. 7)
- Barnes appreciated Chief Lord's work and thought that he and Mr. Luttrell "had great team work and got great results for the community" (Tr. 8)

## **Firefighter Kaylynn Williams**

### *Interview Summary*

- Employed with the District from 2003-2007, then again part-time in 2012 (Tr. 3)
- Never witnessed any misconduct on the part of Chief Lord (her Lieutenant at the time) (Tr. 4)
- Never heard Chief Lord use the “N-word”, but would be offended by it (Tr. 5-6)
- All firefighters used profanity (Tr. 6)
- Never witnessed Chief Lord or Chief Funchess belittle or berate anyone (Tr. 6)
- Chief Funchess rented a room to Williams during her divorce (Tr. 6)
- Chief Lord would get onto people, but not in a way that berated or belittled anyone (Tr. 7)
- Does not think the environment is “toxic” and instead the complaints are turning around situations on Chief Lord to use them against him (Tr. 7)
- Thinks the complaints are an effort to get all of Fort Walton Beach under one department and have Chief Perkins in control (Tr. 8)
- Believes Fort Walton firefighters hate Chief Lord and are leaning on the Ocean City employees with promises of pay increases, etc. (Tr. 8-9)
- Has heard that Mark Bolo (Baugh) is trying to get rid of Chief Kevin Sasser in Destin (Tr. 9)
- Doesn’t believe this entire complaint is right and can’t understand why Lonnie Thomas would turn on Chief Lord (Tr. 9-10)
- Has not actually worked at the District since 2012 (Tr. 10)

- When she was disciplined, Chief Lord did not berate her and reprimanded her in an appropriate manner (Tr. 11)

## **Firefighter/Paramedic Bradley Gene Sasser**

Sasser submitted a letter in support of his belief that the Complainants have hurt feelings, but doesn't believe Chief Lord or Chief Funchess acted inappropriately

### **Interview Summary**

- Employed with the District since 2009 (Tr. 10)
- Believes firefighters have had their feelings hurt, but the work environment is unchanged since he started working with the District (Tr. 4-5)
- Sasser has heard them use the terms ("N-word", profanity) as alleged, but that the atmosphere of the fire department is that way due to things they see (death, etc.) (Tr. 5)
- Was not present when Chief Lord referred to Lonnie Thomas as a "dumb, stupid, retarded, motherfuc\*er", but thinks it is appropriate because Thomas should have known better than to cut a metal roof with a chainsaw (Tr. 6)
- Sasser concedes that Thomas might not have had a choice in the matter, but still should have realized it was a metal roof before he was up there with a chainsaw (Tr. 7)
- Sasser does not think the language was appropriate in front of the general public (Tr. 8)
- When Sasser screws up, he expects to "get his butt chewed" (Tr. 8)
- Sasser does not believe the "N-word" has any place in the culture of the District and is over-the-line regardless of the context in which it is used (Tr. 9-10)
- Sasser thinks the morale dropped after the complaint letters were submitted and the department began to divide (Tr. 11)
- Does not believe it is a "toxic" environment (Tr. 11)
- Believes leadership should be held to a higher standard (Tr. 12)
- Has not witnessed Chief Lord or Chief Funchess threaten anyone (Tr. 12)

- Thinks any references to firing employees were more for motivation than actually being serious about termination (Tr. 12)
- Sasser is aware of complaint procedures (Tr. 13-14)
- Sasser's father is Chief Kevin Sasser at the Destin Fire Control District (Tr. 15)
- Sasser's father is good friends with Chief Lord, but that has no bearing on his responses to these questions (Tr. 16)
- Brandon Funk is a possible witness because Sasser and Funk were talked bad about online (Tr. 16)

**Albert P. Qualls, Jr.**

Mr. Qualls serves as a character witness at the request of Chief Lord.

*Interview Summary*

- Qualls is not an employee, but is a private citizen and business owner (Tr. 3)
- Qualls has never been employed with the District (Tr. 3)
- Qualls is familiar with both Chief Lord and Chief Funchess (Tr. 4)
- Qualls is a customer of the District and also has business dealings with the District, including the sale of a piece of property (Tr. 4)
- Qualls never witnessed any misconduct on the part of either Chief Lord or Chief Funchess (Tr. 4)
- Qualls only witnessed professional interactions between the chiefs and firefighters (Tr. 4)
- Believes the fire department has always been very courteous and professional (Tr. 6)
- Qualls has never heard Chief Lord or Chief Funchess use derogatory or demeaning terms towards anyone (Tr. 7)
- Qualls has not heard Chief Lord or Chief Funchess use racist terms (Tr. 7)
- Qualls stated that if the “N-word” is used in the workplace it is “probably inappropriate” (Tr. 9)
- Qualls believes the complaints against the chiefs are part of an attempted coup in an effort to take their jobs (Tr. 11)
- Qualls wouldn’t permit the “N-word” at work if someone is offended by it (Tr. 12)
- Qualls thinks using the “N-word” at the District would be worse if there were African-Americans employed there (Tr. 14)

- Qualls would sanction someone for using racist language if employed, but wouldn't "throw them to the wolves so somebody else can do a little political shoot to take their jobs." (Tr. 14)
- Qualls believes Chief Lord and Chief Funchess have excellent reputations in the community (Tr. 15)
- Qualls has visited the station 50-75 times, a dozen in the last year, and has not seen the type of behavior being investigated (Tr. 15-16)
- Alluding to the military, Qualls stated "if you're an officer, you're held to a higher standard than an enlisted man" (Tr. 17)
- Qualls would hire either chief if he had an available position for which they were qualified (Tr. 17)



## **Engineer/Paramedic John “Clint” Cooper**

### *Interview Summary*

- Employed at the District for just over ten years (Tr. 3)
- Served appx. 2 years under Chief Brown and the rest of his time under Chief Lord (Tr. 3)
- Currently serves as union vice president (Tr. 16)
- Doesn't want to share his opinion, but believes there is some truth to the claims (Tr. 4)
- Personally doesn't think the work environment is “toxic” but each employee will have their own opinion on how they feel (Tr. 6)
- Believes he is considered a “good ole boy” but thinks he is dependable, shows up at work and does his job; Cooper feels he is “a good employee compared to others” (Tr. 6)

### *Chris Brown allegations*

- Cooper reports directly to Chris Brown and has heard that Brown won't be promoted, so his crew might not have to listen to him because management isn't behind him (Tr. 7)
- Cooper has never heard Chief Funchess or Chief Lord say that Brown wouldn't be promoted, but has been part of conversations where they say he is only employed at the District because of his daddy (Tr. 8)
- Agrees that there are no current openings for BCs, but thinks if Brown hasn't applied it is probably because he knows he won't be considered (Tr. 9)
- Brown is a very dedicated employee, wants to make guys better through training, and “lives and eats and breathes” the District (Tr. 10)
- Cooper feels like he can walk into Chief Lord's office and address concerns, but the other guys might not feel that way or have that kind of relationship (Tr. 11-12)

Bill Powell allegations

- Has heard everyone call Powell an “idiot” and a “moron” (Tr.13)
  - o Thinks it stems from management calling him an idiot (Tr. 13)
- Powell is just different than everyone because he isn’t from the South, but Cooper can’t point to anything other than Powell being called an “idiot” as an example of how he is treated or acts different (Tr. 13-15)
- Cooper never personally heard Chief Lord make a joke about Powell’s cancer, but believes Powell, Linda Scott, and Terry Kline might have heard him to do, as such a comment is not out of character for Chief Lord (Tr. 16)
- Cooper was made aware of the complaint letters prior to their submission, but told the union that he didn’t want to hear anything about them to avoid having to speak with management on the issues, and he didn’t know who wrote the letters until they were submitted to the Board (Tr. 17)
- Powell’s letter written given to Lonnie Thomas in August, 2015, but not submitted until April, 2016; Cooper thinks Powell might have said to wait, but the union had a plan for how they were going to release the letters and “this was the big one” (Tr. 18-19)
- There are entities available that the firefighters can use to complain, and they can also grieve issues for discipline, etc. (Tr. 20)
  - o Cooper is the one that lost the keys which lead to Brown’s discipline and grievance (Tr. 20)
- There is a grievance procedure, but “you don’t rock the boat” and most guys just deal with issues (Tr. 22)

- Firefighters did not report issues and instead held them back to report together, but Cooper does not know why they would do so (Tr. 22-23)
- Believes that if the issues were brought up in union membership meeting or anywhere else for that matter, they would just be made fun of or told to “pick your battles” and “it’s not worth it” (Tr. 23)
- Cooper thinks they should have been able to discuss these issues with management (Tr. 24)
- Lonnie Thomas must have been the individual to bring the complaints in a packet directly to the Board (Tr. 25)
- Cooper believes that the District is “so bad now I don’t know what to do. I mean, the place, it’s not fun to work at. It sucks.” (Tr. 26)
- Chief Lord called Cooper a “worthless overpaid “N-word”” (Tr. 27)
  - o Chief Funchess has never said that (Tr. 27)
- Cooper does not recall any conversation with Chief Funchess/Chief Lord/Dave Hatfield where Cooper and Hatfield were yelled at by Funchess/Lord, including being called a “worthless “N-word” piece of sh\*t” (Tr. 28-29)
- Cooper does recall Chief Funchess commenting that there are “200 applicants that can replace you” and they “can replace you-all” (Tr. 30)
- Cooper has tried to tell Chief Lord not to say certain things to the union, including how he could have given them more money if they didn’t complain to commissioners. Cooper thinks that gets the union guys get aggravated when hearing things like that (Tr. 31-33)
  - o Cooper isn’t clear on the circumstances surrounding Lonnie Thomas and Mike Urenda (Tr. 34-35)

- Guys don't just leave for other departments in the area even though working conditions might not be great, because they have "loyalty to your guys" and "take pride" in their department (Tr. 38)
- Cooper thinks Chief Funchess and Chief Lord might try to prevent firefighters from going to work at other departments (Tr. 39-40)
- Cooper didn't want Lonnie Thomas to come back to the District because he complained all the time (Tr. 40-41)
- As president, Blakely used to smooth things over with the chiefs, but doesn't think Thomas has the same kind of relationship (Tr. 41)
- "There are a lot of people in the background just want to feed the fire. They just don't want to go put it out kind of thing, or even deal with it. They just want to feed it." (Tr. 43)
- Cooper hates going to work and it sucks now (Tr. 43)
- Cooper thinks there needs to be some separation and formalities between the chiefs and the firefighters (Tr. 46)
- The joking and culture are to the point where they are "too much" and out of hand (Tr. 47)
- No place for racist and sexist comments and words (Tr. 47-48)
- Cooper thinks they are all educated and too smart to use racist language (Tr. 49)

## **Chief Edward Cutler, Jr.**

### *Interview Summary*

- Serves as fire chief at the North Okaloosa Fire Control District (Tr. 3)
- Gave statement as witness on Chief Lord's behalf (Tr. 3)
- Cutler employed Lonnie Thomas on two occasions, and went through fire school with him (Tr. 4-5)
  - o No issues during his first period of employment (Tr. 4)
- During Thomas' second period of employment with North Okaloosa, "he had created some problems" (Tr. 5)
- Thomas' position was not eliminated (Tr. 5)
- Cutler thinks Thomas left North Okaloosa because the money in Ocean City-Wright was better, but they were not actively trying to have him go anywhere (Tr. 6)
- Cutler also found out that Thomas was exceeding his authority and telling guys there were orders from the chief, when in reality, there were not. (Tr. 7)
- Board has told Cutler they wouldn't rehire Thomas at North Okaloosa, because Thomas was going to the Board without talking to the chief first (Tr. 7-8)
- "We weren't – we weren't looking to get rid of him, but we were – as it turns out, we were happy that he left before he could cause any more damage." (Tr. 8)
- With respect to Thomas, Chief Cutler opined, "I really think he is an "ends justify the means" person, with kind of a lack of maybe some ethics or moral fiber that he should have to follow the normal or given course of action in our profession." (Tr. 9)

## **Division Chief Wally Ebbert**

### *Interview Summary*

- Employed at the District since 2007 (Tr. 3)
- Oversees training for the fire and medical; does not have any supervisory role (Tr. 3)
- Has occasionally had interactions with Chief Lord or Chief Funchess in private, but nothing to the point where they are “out of control” (Tr. 4)
- Ebbert would tell them he doesn’t like certain words and they shouldn’t “talk like that” with respect to the “N-word” (Tr. 4)
- Has heard Chief Lord, Chief Funchess, and many other employees use the “N-word” at work (Tr. 4)
  - o Has not heard the “N-word” for years though (Tr. 5)
- Profanities are used at the fire department everyday (Tr. 5)
  - o Jeff Wagner is the only individual that does not use profanities (Tr. 5)
- Has never witnessed anyone taken offense to a comment or joke by Chief Funchess or Chief Lord (Tr. 6)
- Powell has never complained about Chief Lord or Chief Funchess (Tr. 7)
- Ebbert has worked with all of the Complainants, but has never heard them complain about either Chief Lord or Chief Funchess’ actions (Tr. 7)
- Thomas has stated he is frustrated with the types of training, but was more of a comment, and Ebbert responded by telling him that was why he was working to make training more fun and collective (Tr. 8)
- Ebbert doesn’t think Chief Funchess has ever acted like a bully, but has had disagreements with him in the past, that were resolved and they moved on (Tr. 9)

- All in the normal course of business and no grudges were held (Tr. 10)
- Ebbert does not see Chief Lord interact with the firefighters on a daily basis, but believes it works for him (Tr. 10)
  - Very direct, impeccable on the fire grounds, willing to listen to others and take advice (Tr. 11)
- Chief Funchess is demanding and has high expectations (Tr. 11)
- Chief Lord acts more as a mentor, while Chief Funchess is more “do what I say, not what I do.” (Tr. 12)
- Doesn't agree with the complaints and overall thinks the District is generally a positive work atmosphere (Tr. 13)
- No employee has ever brought any complaints for any harassment, discrimination, etc. to Ebbert's attention (Tr. 14)

## **Engineer/Paramedic Brandon Funk**

### *Interview Summary*

- Employed with the District for eight years (Tr. 3)
- Familiar with complaint letters, but believes a lot of the allegations in the letters is regarding incidents from years ago (Tr. 4)
- Never witnessed a “toxic work environment” and is unaware of any similar complaints (Tr. 4)
- Funk asked Lonnie Thomas why the complaints weren’t brought through the normal chain of command when he found about the letters (Tr. 4)
- Thomas, Brian Jackson, and the union board “couldn’t” or “weren’t” giving Funk any information (Tr. 4)
- Thomas called Funk after Funk, Baumbach, Wooley, and Sasser spoke out against the complaints, and alleged that Funk said he was going to kick Thomas’ ass. Funk denied the claim and stated his position to Thomas, and inquired why the union brothers were not told about the complaints ahead of time (Tr. 5)
  - o Funk also thought Thomas might be recording the phone call (Tr. 5)
- Thomas told Funk that they spoke to an attorney and the attorney told them not to talk to anyone, but Thomas would not disclose any other information (Tr. 6)
- Funk is former military and told Thomas that he believes everyone has the right to agree or disagree (Tr. 6)
- Believes the atmosphere since that time has been different, and the trust bond isn’t as strong as it was beforehand (Tr. 6-7)



- Never witnessed either Chief Lord or Chief Funchess engage in behavior that was over the line or inappropriate (Tr. 7)
- Witnessed one argument between Funchess and Clint Cooper over the lack of dinner being served while they were out doing community service (Tr. 7-8)
  - o Cooper complained about the lack of food, and Chief Funchess said to stop whining about it...turned into a heated argument and both individuals raised voices (Tr. 8)
- Does not believe a “good ole’ boy” network exists at the District, but believes that Chief Lord and Chief Funchess would “help anybody at any time” (Tr. 9)
- When the investigation began, Chief Lord’s concern was not for his own job, rather he was more “worried about the guys” (Tr. 9)
- Funk arrested one year ago and the union, including Thomas, assisted him, including paying his power bill because they felt he was wrongly accused (Tr. 10)
- Funk believes a coworker, Brian Jackson, released information to a local online gossip blog because the post included information that only Jackson would have known (Tr. 10)
- Thinks that since Thomas was elected union president his relationship with management changed for the worse; Chief Lord is one of the few people that wanted Thomas to come back to the District from North Okaloosa, and there were no issues of a “good ole boy” network prior to Thomas’ election (Tr. 11)
- Thomas started complaining more and saying that individuals such as Matt Wendt and Tim Brown needed to be terminated (Tr. 12)
- Chief Lord and others have gone out of their ways to assist Thomas after his divorce (Tr. 12)

- Danny Blakely and Zach Lipkin were at the District intoxicated after a night of drinking and while they were written up, Chief Lord could have fired them (Tr. 13)
- Although Chief Lord will sometimes “picks and choses” how to discipline and the need to discipline, he hasn’t quickly terminated anyone (Wendt) and instead does things right (Tr. 14)
- Chief Funchess is “a little aggressive” and doesn’t hold a grudge after disagreements (Tr. 14)
- Funk written up a lot, but thinks he has always received fair treatment, even though he wasn’t happy when he was taken off shift pending the criminal charges against him (Tr. 15)
- Has heard Chief Lord and other firefighters (not Funchess) use racial or racist terms (Tr. 15)
- However, it has been quite some time since he heard any such language, and Chief Lord spoke to everyone regarding language (Tr. 16)
- Bill Powell does get picked on, and it happens more often because the guys know he will get worked up about issues (Paul Smith and others do so) (Tr. 16-17)
- Chris Brown doesn’t use proper channels and tries to introduce things he sees on YouTube videos even though the District doesn’t have many high-rises, etc. (Tr. 18)
- Brown is a good officer and captain, but “a little overzealous” (Tr. 19)
- Doesn’t believe Brown is targeted, but thinks Brown might get picked on a little more do the YouTube stuff and because Brown will refer to things his dad said they should be doing at the district (Tr. 19)

- Does believe there is a little something between Chief Funchess and Brown, but doesn't know if it is hard feelings from issues with Brown's dad (Tr. 20)

## **Firefighter/Paramedic Kevin Houston**

### *Interview Summary*

- Employed at the District since 2013 (Tr. 3)
- Has never had an interaction with Chief Lord or Chief Funchess that he would describe as inappropriate or hostile (Tr. 3)
- Considers most interactions with Chief Lord/Chief Funchess as positive (Tr. 4)
- Never heard racist words, but all employees use profanity (Tr. 4)
- Never pressured by Chief Funchess to give him prescription medication, instead Houston told Funchess that he should go see a doctor for ADHD and get a prescription (Tr. 4-5)
- Has seen management get upset with employees during poor performance, but just as any other boss would do (Tr. 6)
- Houston believes the Complainants are after Chief Lord and Chief Funchess' jobs and it is purely a personal pursuit (Tr. 7)
- Complainants wouldn't tell Houston what they wanted the end result of the complaints to be, but they will deny it is for promotions (Tr. 8)
- Houston believes there are ulterior motives for the complaints, and this should have been privately resolved (Tr. 9)
- Believes this is "destroying the Department" and "making people hate each other" (Tr. 10)
- The union spread the word before anyone else knew about the complaints to other departments, but nobody with the union will admit that they did so (Tr. 11)
- Lonnie Thomas said Houston is part of the "good ole' boy club" (Tr. 13)

- Dusty Carnley told Houston people were mad at him for voicing his opposition to the guys that filed complaints (Tr. 13-14)
- Houston made a comment that it was cheaper to fire the Complainants than go through all of this trouble, and then Thomas, Matt Wendt, and Danny Blakely deleted him as a Facebook friend; Houston feels immature for even having to disclose this fact. (Tr. 15)
- Thomas told Houston he didn't talk to him for three or four days because of his comment (Tr. 16)
- Houston works with Thomas and Chris Brown on a regular basis (Tr. 16)
- Never witnessed Thomas or Brown treated unfairly (Tr. 17)
- Does not believe Chief Lord "has it in" for Chris Brown, but Chris Brown is really good employee that lets people walk over him since he isn't Type-A personality (Tr. 18)
- Houston believes Chris Brown was coerced into filing a letter (Tr. 19)
- Everyone picks on everyone, and it was always "fun and games" (Tr. 20)
- People are giving information to online social media sites about fellow firefighter Brad Sasser, and other coworkers to talk bad about them (Tr. 21-23)
- Houston truly believes this is all a personal issue between the Complainants and the chiefs, and some of the guys are just bad employees (Tr. 24)
- Chief Lord would do anything for anyone and does a good job making sure the firefighters are taken care of (Tr. 25-26)
- Believes Thomas didn't give him a completely positive employee evaluation because of his opposition to the complaints (Tr. 27-28)
- "This place wasn't a "toxic work environment" until the complaints were filed. (Tr. 28)

## **Linda Scott**

### *Interview Summary*

- Employed by the District as the Financial Administrator for 25 years (Tr. 3)
- Interacts with the chiefs everyday on multiple occasions (Tr. 4)
- Can hear voices in Chief Lord's office if someone is loud, and typically Chief Lord is not the individual being loud (Tr. 5)
- Commissioner Urenda used the "F-word" in a loud voice when in Chief Lord's office; Urenda apologized to Scott for yelling and using profanity (Tr. 5)
  - o Urenda's incident occurred around the time that the Board was offering raises outside of collective bargaining (Tr. 6)
- Two commissioners speak with the union members immediately after Commission meetings; Scott has witnessed this in the parking lot (Tr. 6-7)
- Believes the union is retaliating against Chief Lord because he didn't want to reopen the CBA for negotiations (Tr. 7)
- Thomas is the only individual of the Complainants that has gone to speak with Chief Lord in his office about issues (Tr. 8)
- Chief Lord and Chief Funchess have always treated Scott with respect (Tr. 8)
- Chief Lord has used profanities at the station, but never intentionally in front of Scott (Tr. 8)
- Firefighters are "brutal with their jokes" and they all play practical jokes on each other (Tr. 9)
- 25 years ago the firefighters had a Playboy magazine in union negotiations, and after Scott complained, the issue was resolved (Tr. 9-10)

- Thomas referred to Scott as a “damn secretary” approximately 11 years ago (Tr. 11-12)
- Scott has never heard Chief Lord joke about Bill Powell’s cancer, and to the contrary, Chief Lord told Scott that he would be devastated if anything ever happened to one of his guys while he was chief (Tr. 13)
- Scott reviewed Powell’s letter, but disagrees with his allegation that Chief Lord made a joke about his cancer in front of Scott (Tr. 14)
- Has never witnessed Chief Lord and Chris Brown interact (Tr. 15)
- Has never witnessed Chief Funchess interact with the other firefighters where he was yelling or cussing (Tr. 15)
- Has never heard Chief Lord use the “N-word” (Tr. 16)
- “Chief Lord is the most intelligent, dedicated chief I have ever worked for. And that Department would be absolutely at a major loss if something happened with him.” (Tr. 17)

## **Battalion Chief William M. “Mark” Bundrick**

### *Interview Summary*

- Employed by the District for approximately 10 years (Tr. 3)
- Held positions of firefighter, engineer, captain, and battalion chief (Tr. 3)
- Bundrick has known Dave Hatfield, Tim Brown, and Bill Powell for years (Tr. 5)
- Doesn't agree with their complaints, but still respects them (Tr. 5)
- Believes a lot of the accusations are false, taken out of context, and arranged in a manner that benefits their complaint (Tr. 5-6)
- Union wrote a letter on April 16, 2014 due to concerns with wage freezes and used many of the same terms in the instant complaints; believes there is a “hidden agenda” (Tr. 6)
- Believes “the “Brotherhood” does not structure itself for a person who wants to achieve. It structures itself for the person who wants to achieve to be held down to the same level as those who do not want to achieve.” (Tr. 7-8)
- Lonnie Thomas benefitted from the “good ole’ boy” atmosphere, if there is one, since nobody on the hiring board wanted Thomas back due to prior problems he caused, but Chief Lord convinced the hiring board to bring him back (Tr. 10-11)
- Chief Lord and all the firefighters helped out Thomas when he has had a couple of personal issues (birth/divorce) (Tr. 12)
- Chief Lord helps out guys when they need it- and helps them fix life problems (Tr. 13)
- Chief Lord could have written up Danny Blakely for being late when he was his captain, but didn't do so (Tr. 13)



- Bundrick wasn't at the Thai Pepper fire, but thinks Thomas should accept being called a name by Chief Lord for damaging District property, rather than having a disciplinary action put in his file (Tr. 14)
- April 17, 2016; Bundrick wrote up Thomas for not filing hose reports on-time, but gave Thomas multiple warnings and opportunities to file the paperwork (Tr. 16)
- September 11, 2015; Bundrick wrote a verbal reprimand on Blakely for being late (Tr. 17)
- February 21, 2015; Bundrick wrote a letter of counseling to Carnley and Darr over an incident (Tr. 17)
- Bundrick has been able to handle any verbal reprimands from Chief Lord, but knows that some people aren't necessarily able to do so in the same manner (Tr. 20)
- Never witnessed any unfair or unwarranted disciplinary action (Tr. 21)
- Interaction with Matt Wendt when he discussed the fact that Chief Lord was going to lay into him prior to going into the Chief's office; Thomas and Blakely wanted Wendt fired; but they met with Chief Lord and he wasn't yelling at him or anything; it actually surprised Bundrick how reserved he was, but the Chief didn't think Wendt could handle any additional reprimanding (Tr. 22-23)
- Has heard Chief Lord use the "N-word" on prior occasions, but believes it has been at least 2 years since any such occurrence (Tr. 24)
- Believes that Chief Lord is now an educated man and trying to set a better example for the others (Tr. 25)

- Things are said between firefighters, but it is part of the ribbing that goes on and they all make fun of each other; nobody has ever directed that anyone stop because they were offended by comments (Tr. 26-28)
- Bundrick heard BC Funchess state that he would drive to punch Chris Brown's father, but he did not threaten Chris Brown (Tr. 28)
  - o Blakely said he would drive Funchess (Tr. 28)
- Powell gets picked on a lot by the other firefighters; has not heard Chief Lord make any comments about Powell's cancer, but he did hear Paul Smith joke about it and Wendt was present and laughing about it (Tr. 29-30)
- Believes the joking around is "therapeutic" and is necessary for the "mental well-being" of the firefighters because they see some awful things (Tr. 32)
- Wendt went to a conference and checked-in using social medial at Disney, despite being out of work due to elective shoulder surgery (Tr. 33)
  - o Wendt had the surgery on December 8, but worked out on December 7<sup>th</sup> at CrossFit with Paul Smith (Tr. 33-34)
  - o Firefighters angry because Wendt elected to have the surgery over the Christmas and New Year holidays, while knowing others that have kids, etc. won't be able to take vacation time (Tr. 34)
  - o Bundrick did not give Wendt permission to attend the HazMat conference, and Bundrick confronted Wendt about being dishonest, but Wendt had no reply (Tr. 35-36)
- Chief Lord has never bullied Bundrick for any reason, including to take action against someone (Tr. 38)

- Dave Hatfield never brought any complaints or issues to Bundrick (Tr. 40)
- Thomas would gripe, but never brought any complaints to Bundrick that he wanted action taken upon (Tr. 40)
- Never heard Chief Lord make comments about Hatfield getting treated for exposure to hazardous materials (Tr. 40)
- Nobody in the Department could be offended by something said, because everyone takes part in the joking around (except Jeff Wagner) (Tr. 41-42)
- Believes the other firefighters are convincing Dave Hatfield to say certain things and he is easily swayed by pressure (Tr. 43)
- Bundrick is in Hatfield's chain of command after Thomas, but the complaints were not brought to Bundrick's attention (Tr. 44)
- Everyone has used inappropriate language, including Deputy Chief Funchess, but nobody has ever complained to Bundrick about Funchess' actions (Tr. 46)
- Funchess can have an abrasive personality, but everyone has their faults (Tr. 47)
- Brandon Funk, Brad Sasser, and Kevin Houston were all picked on over social media, but none of the other fellow firefighters stuck up for them (Tr. 48-49)
- Thomas wrote an inaccurate evaluation for Kevin Houston and changed it following Bundrick's request that he reconsider his assessment (Tr. 50)

## **Engineer David Hatfield**

Engineer Hatfield submitted a two page letter to Lonnie Thomas regarding the “Toxic Work Environment at OCWFCD.” Hatfield’s letter outlined five main incidents:

1. Hatfield and a coworker were told they do not deserve raises because they are “worthless pieces of sh\*t”; coworker allegedly left the conversation after being fed up with them;
2. Chief Lord said if Hatfield became sick, the Federal government would have to pay for any medical bills;
3. Chief Lord and Chief Funchess are bullies, intimidating, mocking, and threaten employees;
4. Hatfield wants the truth to come out, but did not want any of this to be public; and
5. Hatfield knows of five employees that previously told Chief Lord to stop acting like this, but he told them it wouldn’t do anything about it.

### **Witness Interview Summary**

- Employed at the District for 16 years (Tr. 3)
- Reports directly to Lonnie Thomas and then to Battalion Chief Mark Bundrick (Tr. 3)
- Submitted a complaint letter to Thomas to have his “say-so” in the investigation (Tr. 4)
- Hatfield wrote the letter because there were rumors of threats, retaliation, and terminations, but didn’t know where the rumors came from (Tr. 4)
- Hatfield does not name anyone he spoke with about the rumors or the accusations against Chief Lord and Chief Funchess (Tr. 5)
- Hatfield never heard Chief Lord or Chief Funchess say that anyone would be fired for bringing forth employee complaints (Tr. 6)
- Hatfield thinks the work environment is “toxic” or “hostile” (Tr. 7-8)

- Believes Chief Lord and Chief Funchess are “bully-style managers” and if you don’t agree with them, they will “threaten you with firing your job” and “they abuse their positions of their power” (Tr. 8)
- Appx. 2 years ago, Hatfield and Clint Cooper were having a discussion with Chief Lord and Chief Funchess when they called Hatfield and Cooper, “Worthless “N-word” pieces of sh\*t” and Chief Lord agreed that they are spoiled and do not deserves raises (Tr. 9-12)
  - o Hatfield states he did not raise his voice or use any profanities during this conversation, but the chiefs did for no reason at all (Tr. 12-13)
- Believes they threaten you with your job if you disrespect or challenge the chiefs authority (Tr. 14)
- Neither Chief Lord or Chief Funchess has ever followed through with any such threat (Tr. 15)
- Chiefs know that they can’t actually fire anyone without a reason since there are contractual job protections (Tr. 15)
- Tim Brown was written up, but that wasn’t retaliation because he deserved the disciplinary action (Tr. 16)
- Chief Lord moved Tim Brown to work with Chris Brown so “they would fix each other” because a rift arose between Tim Brown and Chief Lord (Tr. 17)
- Chief Lord’s intention was for Tim Brown to mess with Chris Brown, but to “teach him how to be a leader” (Tr. 18)
- Hatfield thinks Chris Brown and Tim Brown figured things out and decided to work as a team after figuring out what Chief Lord was trying to do (Tr. 20)

- Hatfield thinks prior supervisors didn't issue disciplines, but this goes back 20 years (Tr. 22)
- Bob Hall is a retired supervisor that would do whatever he was told to do by Chief Lord; "the chiefs browbeat Bob Hall and Terry Klein so much when they were our battalion chiefs that they basically browbeat them into submission." (Tr. 25)
- BC Bundrick and BC Christen are trying to do a very good job (Tr. 27-28)
- Hatfield thinks former supervisors Hall and Klein went after Powell and shielded Tim Brown at the chiefs' direction (Tr. 31-32)
  - o Hall and Kline were puppets and weren't allowed to have their own management style (Tr. 33)
- Fred Baumbach, Brandon Funk, and Tom Wooley are also protected by the chiefs (Tr. 34, 41)
- Danny Blakely and Tommy Thibault used to be in the protected circle, but not anymore. (Tr. 41)
- Thinks others would be treated differently than the way these guys were in the past, but nobody has ever been terminated without cause (Tr. 36-37)
- Fred Baumbach has known the chiefs for 20 or 30 years, and was given special treatment because they let him go to rehab for help instead of firing him (Tr. 39)
- Hatfield cannot provide any examples of actual preferential treatment being given (Tr. 40)
- Kevin Houston given special treatment by Chief Lord when hired back, but Houston has been a good employee and there aren't any issues which Houston's job performance (Tr. 42)

- Hatfield thinks Blakely “took himself out of the circle” when he figured out that Chief Lord was only using him to get language which Chief Lord wanted into the CBA (Tr. 45)
- Hatfield does not provide examples of favorable treatment, as he believes none of it is documented and without paper trails (Tr. 48-49)
- Chief Lord has never retaliated against Hatfield (Tr. 50)
- Hatfield cites to Chris Brown’s presentation on hose packs and high rise issues as a way Chief Lord embarrassed Brown, but Hatfield was not involved in conversations regarding the presentation’s content (Tr. 51-54)
  - o Hoses approved because the firefighters wanted them, not because Chief Lord supported Christ Brown (Tr. 54-55)
- Hatfield would pick on people too, but not in the same way that other people make fun of Bill Powell (Tr. 56-57)
- Chief Funchess and Chief Lord would cuss out Powell or tell him he was a dummy (Tr. 59)
- Hatfield doesn’t typically use profanity to the extent that other employees do (Tr. 60)
- Blakely and Thomas have both cursed at the Department before (Tr. 61)
- Hatfield has seen the chiefs use profanity in public but did not complain about it (Tr. 62)
- Previously brought a complaint through the chain of command and Captain Wagner; no retaliation followed (Tr. 63)
- Cooper walked away from conversation with chiefs where the “N-word” was used (Tr. 65)
  - o Note- Cooper is a union member and denies that this ever happened

- 3 or 4 years Chief Lord made a comment that the Federal government would have to pay for any costs associated with Hatfield's exposure to chemicals in Russia (Tr. 65)
  - o Hatfield offended by demeanor of Chief Lord, but did not complain about it to anyone (Tr. 69)
  - o Also didn't complain to the Board because Chief Lord wasn't necessarily violating any rules; he was just being mean (Tr. 70)
- Chief Lord told Thomas that if Chris Brown didn't like his decision regarding the disciplinary action for not reporting lost keys, then he can "fuc\*ing grieve it" (Tr. 74)
  - o Hatfield doesn't like the attitude (Tr. 75)
  - o Brown filed grievance, but later dropped the matter (Tr. 76)
- Hatfield read emails about incident with Chief Funchess and member of the public, but has no firsthand knowledge (Tr. 79-80)
  - o Hatfield also does not know if there was any reprimand given, including verbally (Tr. 83)
- The chiefs are bullies and "it's just their management style or the highway" (Tr. 86)
- Believes chiefs do not talk to people professionally or treat you professionally (Tr. 91)
- Hatfield again mentions "intimidation" and "threats of termination" but only references instances where dismissals occurred and were warranted (Tr. 92-96)
- Hatfield didn't write the letter for any agenda and wants the District to "have fair management and good management practices" (Tr. 98-100)
- Doesn't think the chiefs can be effective leaders because nobody will take them seriously and the bully mentality will not change (Tr. 100-101)



- Hatfield thinks they should have retired, but in the end he wants their actions to stop (Tr. 101-102, 107)
- Hatfield believes that Thomas, Darr, Wagner, Blakely, and Cooper complained to Chief Lord about his hostile nature, but Chief Lord told them to just deal with it (Tr. 110)
  - o No timeline given or any greater details; only knowledge is based on Thomas telling Hatfield that this occurred (Tr. 110)

## **Chief William Lord**

Chief Lord submitted two binders of documents and information which he deems relevant to the instant inquiry. The documents were considered during the course of this investigation, and due to their volume, are available upon request.

### **Interview Summary**

- Chief Lord's attorney, Bert Moore, states that none of the rights guaranteed under the Firefighter Bill of Rights are being waived, and a concern exists that because two of the Commissioners are members of the Florida Professional Firefighters, they have a conflict in voting on action regarding Chief Lord (Tr. 4)
- In late February/early March, 2016, Lonnie Thomas had his picture taken sitting on the commode in Chief Lord's house as it was being built and sent it to Chief Lord; Chief Lord doesn't think someone jokes around like this in a "toxic" environment (Tr. 6-7)
- Thomas Wooley did the same thing, but inside the shower (Tr. 7)
- Chief Lord was never previously made aware of the complaints in the letters and there were no meetings in the year prior to the filing (Tr. 8-9)
- FPF appeared at the Commission meeting and made statements (Tr. 14)
- FPF bashed Chief Lord and Josh Irvin spoke in Chief Lord's defense, but was called names by other union members in the room (Tr. 15)

### **Lonnie Thomas**

- Prior to Thomas' return in 2009, Chief Lord told Thomas that nobody would want him back because he was a "sh\*t stirrer" and there was a lot of opposition to having him return to the District (Tr. 17)

- Thomas wrote letters to BCs trying to gain support and promised Chief Lord that he would not cause problems if reemployed (Tr. 17)
  - o Thomas previously left the District for a higher ranking position with the North Okaloosa Fire District (Tr. 18)
  - o While at North Okaloosa Thomas complained about the chief and went straight to the Board with his issues instead of using the chain of command (Tr. 19-20)
- Thinks Thomas benefitted from any alleged “good ole’ boy” system since he was allowed to come back by Chief Lord (Tr. 25)
  - o Thomas has since been promoted twice (Tr. 26)
- Chief Lord does not intend to be intimidating, but thinks the rank can sometimes intimidate people (Tr. 26)
- Nobody has complained to Chief Lord about him being intimidating (Tr. 27)
- Employees are supposed to follow the normal chain of command (Tr. 28)
- Chief Lord prefers to know about all complaints and issues, but can only know about something if it is brought to his attention (Tr. 30)
- Chief Lord tries to treat everyone the same (Tr. 31)
- Chief Lord has the discretion to make determinations in the course of business about what he believes is in the best interest of the department; it is a common managerial function (Tr. 32)
- Does not believe he has bullied anyone (Tr. 33)
- Believes everyone at the District has joked around with each other (Tr. 33)
- Thinks Thomas is a “hypocrite and a liar” because he is complaining about language issues, but posts derogatory phrases on social media (Tr. 41-42)

- Chief Lord does not think he would discipline someone for using the word “fag” in the workplace (Tr. 43)
  - o Nobody ever complained about such language prior to Thomas’ letter (Tr. 44)
- Thomas berated Chief Lord because he wanted Tim Brown and Matt Wendt terminated (Tr. 55)
- Chief Lord wouldn’t fire Tim Brown at Thomas’ request because there was no reason to do; Tim Brown is “extremely valuable to the department because at the end of the day, he’s going to go in there and take care of business” while others may not do so (Tr. 56)
- Disciplinary action may vary depending on the circumstances and the individual’s abilities and willingness to do certain things (Tr. 57)

#### Thai Pepper Grill incident

- Fire took place roughly five years ago (Tr. 52)
- Chief Lord does not recall using offensive language towards Thomas, but does recall Thomas using the wrong saw blade on the metal roof, however he cannot recall any specific language used during the fire because it is a chaotic atmosphere (Tr. 45-48)
- Although Chief Lord has called “lots of people” a pus\*y, he does not recall calling anyone at the fire this word (Tr. 50)
- Chief Lord thinks using the word “pus\*y” in the workplace is a common method of telling someone to stop whining, etc., and offense is relative from one person to the next, but this language does not offend him (Tr. 51)
- Does not recall threatening to fire everyone if they didn’t get the fire out in 30 seconds (Tr. 52)
  - o Would not terminate someone’s employment unless it was warranted (Tr. 53)

- Does not recall ever saying something like this to Lonnie Thomas (Tr. 53)

#### “N-word” Usage

- Chief Lord tries to “lead by example” and has stopped using certain language and smoking about two years ago (Tr. 34)
- Chief Lord asked if it is okay for him to use offensive language simply because other employees are doing so; Chief Lord thinks it is all relative (Tr. 36-37)
- Chief Lord thinks if there is language that “we know it’s offensive, then we shouldn’t use the language” (Tr. 39)
- Believes the “N-word” shouldn’t be said to any protected class and that everyone has said the word, and “anybody that sits here and denies saying it, I think they’re probably full of it.” (Tr. 40)
- Thomas said an incident occurred with Ben McGeery in 2010 or 2011, but in fact McGeery hasn’t worked at the District since 2000, and Chief Lord does not recall ever using the “N-word” in reference to him (Tr. 100)

#### Arrests/Disciplinary Action

- Believes in innocence until proven guilty, so each employee that is arrested must talk with the chief and explain the situation (Tr. 57)
- Never terminated anyone for being arrested (Tr. 57)
- Two individuals resigned following their arrests in lieu of termination (Tr. 58)
- Multiple employees have been arrested for DUI, but during the prior chief’s tenure (Tr. 59)
- Brandon Funk had a warrant out for his arrest and Chief Lord permitted Funk to take the truck to the station because he could not find other personnel to cover the truck (Tr. 62)

- Might have been able to turn himself in while not working, but Chief Lord wasn't sure about the logistics (Tr. 63)
  - Chief Lord gave Funk money before he turned himself in, but does not know if Funk used the money for bail (Tr. 71)
  - Has given money to other firefighters as well, for a variety of reasons (Tr. 72)
- Criminal charges on Funk might still be pending (Tr. 64)
- Funk was put on administrative leave with pay while the District conducted a review of the situation (Tr. 66)
- Tim Brown was arrested for bad checks and was permitted to turn himself during shift (Tr. 69)
  - Chief Lord does not recall if the mugshot was taken in his District uniform (Tr. 69)
- Charlie Darr was arrested out of the county, but Chief Lord treated him the same as any other arrested employee (Tr. 73-74)

#### Light Duty SOP Issue

- Thomas alleged that Chief Lord changed the SOP for light duty while he was out with an injury (Tr. 75)
- SOP 16, 10-16 governs Administrative Department Leave Procedures and would cover the time when Thomas was out with an injury (Tr. 82)
  - Policy is dated September 10, 2014 (Tr. 83)
- Thomas also should have had a doctor's note for his injury under the CBA (Tr. 84)

- It is possible that the SOP changed after Thomas' leave because there were so many issues with the prior version (Tr. 84)
- Light duty is not in the CBA, but Chief Lord wanted it as an option (Tr. 87-88)

### Bill Powell

- Powell wrote his complaint email to Lonnie Thomas on August 15, 2015, but Chief Lord did not learn of the complaints until the Commission meeting (Tr. 135)
- Chief Lord does not know why Powell had cancer, but knows he smoked for 25 years, and also that Powell served at the WTC site following 9/11 (Tr. 12)
- Chief Lord's brother had cancer around the same time that Powell was battling it (Tr. 13)
- Chief Lord does not recall calling Powell a "dumba\*s" in front of his crew (Tr. 88)
- Thomas has referred to Powell as a "dumba\*s" (Tr. 88)
- Chief Lord never targeted Powell at officer meetings (Tr. 88)
  - o Never promoted bullying towards Powell (Tr. 88-89)
  - o Unsure if he ever made jokes about Powell (Tr. 88)
- Any comment made regarding Powell's cancer was in the context of a discussion having to do with stability of the retirement plan, and choices that retirees are able to make (Tr. 123-124)
- Chief Lord "didn't joke about his cancer" (Tr. 125)
- Chief Lord commented on Powell's cancer, but it was in the context discussed on transcript pages 123-124, and he might have made light of it with Powell so the conversation wasn't grim, but Chief Lord never said he hoped Powell would die so he wouldn't be a burden on the District (Tr. 126-127)

- Chief Lord explicitly denies making any comment about Powell dying and the financial impact he has on the District (Tr. 127)
- Chief Lord never commented on Powell's cancer impacting the retirement plan to Blakely (Tr. 128-129)
- Chief Lord never told Kline that he wanted to make life miserable and difficult for Powell so he would quit (Tr. 129)
- Chief Lord sent an email around when Powell's mother passed away so the other firefighters could keep him in their thoughts; doesn't understand why he would do this, but make comments about "hoping Powell would die" (Tr. 135)
- Chief Lord doesn't recall ever calling Powell an "overpaid "N-word"" (Tr. 129)
- Chief Lord has called Powell a "N-word" and cannot remember an exact time that he did so, but he thinks it would have been since February, 2014 (Tr. 130)
- Does not believe Powell has been targeted since Lord became chief, as Powell was promoted shortly thereafter, but it his coworkers that pick and play jokes on him (Tr. 131-132)
- Chief Lord has not witnessed Chief Funchess "browbeat" Powell (Tr. 132)
- "Bullying to me is probably different than bullying to everybody in this room." (Tr. 133)
  - o Defines it as "probably walk up to someone and smack someone on the mouth"
  - o Could include verbal statements, but Chief Lord hasn't seen anything like that around the fire station (Tr. 133)
- Blakely is a bully towards Brad Sasser, and Thomas bullies Tyler Kline (Tr. 133)



## Chris Brown

### 2013

- Chief Lord never said he wouldn't be promoted to battalion chief because of his dad (Tr. 90)
- Does not recall saying Chris Brown is a "fuc\*ing idiot" that will never be promoted beyond captain (Tr. 90)
- Thinks Brown has a 50/50 chance of making it to a battalion chief position because there are currently no openings, and there are people considered more qualified and capable than Brown (Tr. 91, 139)
- Did not threaten Chris Brown during a telephone conversation, but instead told him that he tried to help him out by giving him a verbal reprimand that would not haunt him down the road, but maybe he should just give appropriate punishments moving forward to save himself the trouble of worrying about taking care of everyone (Tr. 92)
- Chief Lord told Brown this was not a threat, but Brown was yelling at him (Tr. 92-93)
- Chief Lord did not tell Brown he was acting like a child and would be embarrassed in front of the whole department (Tr. 138)
- Brown's grievance had no bearing on any other disciplinary actions (Tr. 94-95)
- Chief Lord started a Training Division and believes Brown should advance in that area (Tr. 139)
- Chief Lord determines the selection process for battalion chiefs, but if there were an opening, Brown can "absolutely" apply for it (Tr. 140)

- Chief Lord believes it is “unlikely” Brown would be selected as a battalion chief because he has “better people ahead of him” and doesn’t “see him accomplishing or obtaining the ability to do better than the other people” (Tr. 141)
- Chief Lord doesn’t think he’ll need to worry about promoting anyone else to battalion chief before retirement, as he has Funchess, Bundrick, and Christen groomed to be the “leaders of the department” (Tr. 142)
- Chief Lord thinks Brown causes guys to ask when he is being promoted because he complains about his helmet hurting his neck and air supply weighing too much- allusions to wanting to be a BC and off the frontlines (Tr. 144)
- If a BC position were available, Brown’s job performance is the only reason why Chief Lord thinks his promotion is “unlikely” (Tr. 145)
- It is Chief Lord’s expectation that his replacement will be promoted from within and not hired from outside of the District (Tr. 146)
- Chief Lord believes the Board would choose between Bundrick and Christen to take over as chief (Tr. 147)

#### 2014

- Chief Lord doesn’t recall speaking with Brown about collective bargaining or wage increases (Tr. 148)
- Chief Lord and Brown do not speak as often as Brown’s letter would lead one to believe (Tr. 148)

#### 2015

- Did not “verbally attack” Brown during the officers’ meeting presentation, but he was “harsh with him” (Tr. 149)

- Chief Lord previously told Brown that he could bring up the hose issue at the next officers' meeting, but never told Brown he should present a PowerPoint including new gauges and nozzles (Tr. 149-150)
- Brown did not follow directions because anything outside the hose changes was never contemplated (Tr. 150)
- Group decided to go with the new hose, and Chief Lord stood by his word (Tr. 150)
- Chief Lord did not attack Brown during the days following the meeting, but instead corrected Brown when he sent out an email with incorrect instructions (Tr. 152)
- Brown sent an email saying the job advertisements made him feel “warm inside” but Chief Lord didn't take it as an actual complaint (Tr. 152)
- Brown felt he was treated differently when disciplined for his EMT losing a key
  - Brown failed to immediately notify the chief regarding the lost key and he let the EMT drive the vehicle, which in Chief Lord's opinion was an example of Brown “allowing his people to overtake him and they were running him at that point” (Tr. 160)
  - Other times when the key was lost, the BC's were notified almost immediately upon having knowledge of a lost key (Tr. 161)
  - Brown's discipline was minor and for his own actions, not the actual act of losing the key (Tr. 164)

#### Chief Points/Promotions

- Chief Lord can use points however he wants to during the promotional process (Tr. 95)

- Thomas was badgering Chief Lord during the promotional process about using chief points, but instead Chief Lord told Thomas that nobody was getting the extra points because he viewed everyone equally (Tr. 95)
- Thomas still received a promotion to captain (Tr. 96)
- Chief Lord never threatened to demote Thomas (Tr. 96)
- Chief Lord told Thomas he wished he didn't hire him back, because he lied and is once again a "sh\*t stirrer" and creating problems (Tr. 96)
  - o Prior to the instant complaints, Thomas repeatedly told Chief Lord that the union wasn't "looking for a war" and he had no idea what he was referring to (Tr. 97)

#### Wage Adjustment MOU

- Thomas and Blakely met with Commissioner Urenda about wage adjustments outside of regular collective bargaining (Tr. 98)
- Chief Lord did not want the Board to do so, but they moved forward with it anyway (Tr. 98)

#### Employee/District Morale

- Chief Lord thinks this investigation has caused morale to decline (Tr. 100)
- Employee morale is always addressed at officer meetings and is something they constantly address (Tr. 101-103)
  - o Captain Brown failed to address two firefighters that almost had a fight (Tr. 103)

#### Matt Wendt

- Did not threaten Matt Wendt, but did tell him that if he was back in the chief's office for another reprimand, he would "stick my foot in your ass" (Tr. 104)
  - o Meant this to motivate Wendt not to get reprimanded again (Tr. 104)

- Bundrick witnessed this exchange and will confirm it was non-threatening (Tr. 105)
- Told Wendt that he didn't know if he was responsible enough to handle the job (Tr. 105)
- Chief Lord does not recall saying that Wendt "should have stayed in Pensacola and not be a pus\*y and has no balls" (Tr. 106)
- Chief Lord does not recall using the "N-word" around Wendt (Tr. 106)
- Chief Lord does not recall he or Chief Funchess asking any firefighter how another's di\*k tastes in reference to someone dating their ex-girlfriend (Tr. 107-110, 121)
- Chief Lord told the officers if they didn't want to do their jobs, there were 200 applicants that could be reviewed and find someone who would (Tr. 110)
- Chief Lord sent emails with job openings to the firefighters because he thought they might be interested; he stopped doing so after Blakely or another employee complained (Tr. 111-112)
- Wendt had shoulder surgery and posted pictures on social media of him shooting a gun and Bundrick reprimanded him (Tr. 112)
- Wendt then went to Daytona for a hazmat conference, but checked in on social media at Disney World in Orlando (Tr. 113)
  - Bundrick reprimanded him for this, as he did not give him permission (Tr. 116)
- Chief Lord does not recall speaking to Wendt about the Disney issue (he might have done so), but Bundrick handled any disciplinary action as the direct supervisor (Tr. 117-119)

Daniel Blakely

- Considered a friend until Blakely dealt with a bunch of personal issues which is when things changed (Tr. 165-66)

- Never told Chief Funchess to harass, threaten, or intimidate anyone (Tr. 166)
- Blakely never complained about any issues with Chief Funchess (Tr. 166)
- Blakely's allegation re: Funchess having vacations when others told he was being disciplined is not true (Tr. 167)
  - o Chief Funchess always takes two weeks off to go hunting, and Chief Lord has never told anyone he was being disciplined during this time period (Tr. 167)
  - o There is a time when Chief Lord told Chief Funchess to take off a couple of weeks because he was "overloaded" and to "get his head straight" because he wasn't doing his work, but this was not documented (Tr. 168)
- Never told Blakely that he runs the Department, not the Commissioners, and he'll "go to the papers and make them (the firefighters) look like greedy little bitc\*es" in reference to the stipend issues (Tr. 170)
  - o Chief Lord might have said they "could have the paper come in a write a story" during contract negotiations (Tr. 172)
- Chief Lord did not send Chief Funchess to check in on Damion Green while he out on FMLA, but he did receive complaints from Blakely re: Green working elsewhere on days he should have been working (Tr. 173-174)
  - o Chief Funchess was at Lowe's which is next door to Green's other place of employment; Lord asked Funchess if he saw Green's car, to which the response was no. Nothing else came of this issue. (Tr. 174)
- Chief Lord did not try to influence anyone to contact or complain about Damion Green while he was on FMLA (Tr. 174)

- Chief Lord did not try to diffuse the situation, but it was difficult since Green was tying up an absence spot (Tr. 175)
- Employees can be moved between shifts and locations at the chief's discretion; this has never been done for retaliatory purposes (Tr. 177-78)
- Chief Lord does not overlook infractions by his "friends" and believes he gives breaks, and as an example, 30+% of the department violates Article 14 and does not give written notice of outside employment (Tr. 178)
- Chief Lord has never instructed anyone to create a paper trail re: Lonnie Thomas (Tr. 179)
- Blakely threatened Brad Sasser in the past and used inappropriate language (Tr. 180)
- No reprimands were cleared during Brown grievance procedure (Tr. 181)
- Blakely signed a card with Christen and Darr to Chief Funchess that contained inappropriate language (Tr. 183)
- The Department never had a mold remediation issue- changed out a/c unit and issue went away (Tr. 186)
- Chief Lord never told anyone that they should give the "'N-word" bit\*h work" to Wendt (Tr. 186)
- Christen never complained that he felt belittled or humiliated during the battalion chief interview process (Tr. 186)
- Christen has never complained about favoritism (Tr. 187)
- Christen out on an injury, but having a number of performance issues that will be addressed when he returns to work (Tr. 188)

- Chief Lord did tell Christen to stop saying “thank you” on the radio because he didn’t think it was necessary (Tr. 189-90)
- Chief Lord and Jeff Gardner have never been friends; Gardner is “disgruntled” with Chief Lord because of a minor issue years ago with a former employee playing a joke on Gardner (Tr. 192)
- Jim Poirier sent an email to Chief Lord re: interaction with Funchess at the station, but no apology needed as Poirier not at the station to be a concerned taxpayer, but instead was there on union business and trying to intimidate firefighters (Tr. 194)
- Chief Lord has never called Dave Hatfield a “N-word piece of sh\*t” (Tr. 196)
- Chief Lord doesn’t know anything about Hatfield’s chemical exposure during his time in the military, and therefore did not make any comments about it (Tr. 196)

Explanation of Tab 14-28 as submitted by Chief Lord

- Tab 14; Officers’ Meeting Minutes (Tr. 199)
- Tab 15; Sign-in Sheet to see Chief Lord during investigation (Tr. 200)
- Tab 18; books on firehouse culture (Tr. 200)
- Tab 19; Reprimands which Sharrett said do not exist (Tr. 201)
- Tab 20; Chief Lord’s most recent evaluation from Commissioners (Tr. 202)
- Tab 21; Shift Changes (Tr. 202)
- Tab 22; Correspondence from individuals, including Complainants, saying positive things which contradict a “toxic” work environment (Tr. 204)
- Tab 23; Documentation on computer issues since beginning of investigation (Tr. 204)
- Tab 24; Documentation on pay increases since Chief Lord became chief (Tr. 204)
- Tab 25; Sign-out sheets for District property; Nothing illegitimate listed (Tr. 206-07)



- Tab 26; Evaluations (Tr. 207-08)
- Tab 27; MOU's that benefit firefighters (Tr. 208-09)
- Tab 28; Jeff Gardner documentation (Tr. 209)

## **Deputy Chief Scott Funchess**

### *Interview Summary*

- Funchess given notice pursuant to the Firefighter Bill of Rights (Tr. 4)
- Funchess does not waive any rights under the Firefighter Bill of Rights (Tr. 4)
- Employed with the District for 23 years
- Served as a firefighter, engineer, lieutenant, and battalion chief/deputy chief (Tr. 4)
- None of the Complainants are from Funchess' shift (Tr. 5)
- Funchess supervised Lonnie Thomas from 2012-2014 (Tr. 6)
- Funchess supervised Danny Blakely from 2009-2011 (Tr. 6)
- Funchess supervised Bill Powell from 2009-2011 (Tr. 6)
- Funchess supervised Chris Brown for one month (Tr. 6)
- Funchess has never supervised Matt Wendt (Tr. 6)
- None of the Complainants have ever brought forth any concerns raised in the instant investigation to Funchess (Tr. 6)
- Funchess first heard of the complaints when Chief Lord notified him of the letters being sent to the Commissioners (Tr. 6)
- From 2011-2016 Funchess' shift included: Dusty Carnley, Ken Coulter, Colby Fanto, Tomas Garcia, Blake Good, Damion Green, Pat Miller, Mike Taylor, Thomas Thibault, and Jeff Wagner (Tr. 7)
  - o With the exception of Garcia (swapped into shift when Mark Bundrick promoted) all employees have remained on this shift during that time period (Tr. 7)
- Funchess completely shocked by the allegations in the letters because none of them are on his shift and he basically interacts with them once per month (Tr. 9)

### Lonnie Thomas' Allegations

- Funchess has not witnessed any employee being intimidated by a member of management (Tr. 10)
- If any employee felt intimidated, they could have filed a grievance or brought the concern to any officer, but they did not (Tr. 10-11)
- In 2006/2007, Bill Fabozzi previously brought forth an age discrimination complaint against Funchess and Charlie Darr alleging that Funchess said he was “old and needed to retire” (Tr. 11)
- Chief Brown filed the complaint as sexual harassment and Fabozzi “went ballistic and went in there and told him that I had never sexually harassed him.” (Tr. 12)
- Fabozzi and Funchess settled the matter without any further legal action (Tr. 12)
- No grievances or complaints brought forth by anyone regarding bullying (Tr. 13)
- No grievances or complaints brought forth by anyone regarding coercion (Tr. 14)
- If Funchess ever received any type of complaint for intimidation or bullying, he would have brought them to his immediate supervisor (Tr. 14)
- Funchess does not believe a “good ole’ boy” atmosphere exists at the District (Tr. 15)
- Funchess believes Lonnie Thomas used a similar complaint brought at the Hallandale Fire Department as a template for his complaint (Tr. 15).
- Thomas posted the Hallandale story on his personal Facebook account on October 14, 2015 (Tr. 15)
- Funchess has never witnessed or personally given preferential treatment to anybody based on personal relationships, rather than actual qualifications with the exception of Chris Brown (Tr. 16)

- Funchess believes Chris Brown received preferential treatment when his father was the District's Chief (pre-2009) because he didn't receive reprimands (Tr. 16)
- Chris Brown promoted to engineer under his father, but also promoted following his retirement (Tr. 17)
- Funchess believes they would "do anything for anybody" and he personally "treat[s] them all the same" (Tr. 16)
- Funchess believes Chief Brown "trumped up some charges and went to the police station and tried to get me – see if he could get me arrested." (Tr. 17)
- Funchess thinks Chief Brown was after him and blamed him for things he didn't do, such as filing an ethics complaint and overlooked Funchess for promotions (Tr. 18)
- Despite the issues with Chief Brown, Funchess does not hold any personal grudges against Chris Brown (Tr. 19)
- Funchess has never retaliated against anybody (Tr. 20)
- Funchess has never witnessed Chief Lord retaliate against anybody, nor has anyone ever complained or brought forth issues of a fear of retaliation (Tr. 21)
- Funchess recalls a conversation with Chief Kline where he allegedly asked why Kline says "thank you" to dispatch for doing their job, and when he does so, he sounds "gay" on the radio (Tr. 22)
  - Funchess denies using the word "fag" as alleged, but admits to saying Kline sounds "gay" (Tr. 22)
  - Conversation lasted maybe a minute and then Funchess left (Tr. 23)
  - Funchess and Kline would tease each other on a number of topics, including the fact that Funchess' house burnt down (Tr. 23)

- Despite alternative definitions of the word “gay” Funchess was using (at least in part) the word with a homosexual connotation to Kline (Tr. 24)
- Funchess does not believe using the word “gay” in this manner was offensive because in his opinion, nobody in the room at the time was offended (Tr. 24-25)
- Funchess thinks being “on the clock” or “off the clock” makes a difference when determining whether statements are inappropriate or not (Tr. 26)
- Funchess understands that he is a representative of the District and his statements reflect upon the District at all times (Tr. 27)
- Funchess “could see where” calling someone “gay” in a negative light “would be inappropriate” (Tr. 27)
- However his statement was made in firehouse joking and if he thought it would offend someone, he wouldn’t have said it (Tr. 27)
- Thomas never complained to anyone about the statement (Tr. 28)
- Funchess is unaware if Kline ever complained about this interaction (Tr. 28)
- Funchess has no knowledge of the Thai Pepper Grille Incident (Tr. 29)
- Funchess has heard Chief Lord say the “F-word” and all employees (except Captain Wagner), including Funchess, utilize profanities in the workplace (Tr. 29-30)
- Nobody has ever complained to Funchess re: obscenities at work (Tr. 30)
- Funchess has complained to Chief Lord about obscenities used at work, and specifically the “P, T, or C words” (Tr. 31)
- Funchess given a Christmas card with the “P-word” written in it and signed by Ryan Christen, Danny Blakely, and Charlie Darr (Tr. 32)
- Funchess didn’t like the card, but he didn’t complain about it either (Tr. 33)

- Funchess thinks Chief Lord talked to the firefighters about language, but isn't sure, and everyone continues to use profanities as it is the "culture" (Tr. 33-34)
- Funchess denies routinely threatening employees with termination, but admits to doing so on one occasion with Captain Thomas Wooley when he failed to clean up a mess from raccoons following repeated warnings to not feed raccoons (Tr. 35-36)
- Funchess follows the chain of command and does not directly discipline firefighters (Tr. 37)
- Funchess never threatened to fire Zach Lipkin (Tr. 38)
- Funchess has never threatened anyone at the department (other than Wooley) with termination (Tr. 38)
- Funchess understands the union CBA and requirements for progressive disciplinary action (Tr. 38)
- Following the interaction with Wooley, Chief Lord moved Funchess to another shift because Wooley believed they knew each other too long and shouldn't work together (Tr. 39)
- Wooley was not threatened or intimidated by Funchess (Tr. 39)
- Funchess is unaware of recent changes to the light-duty SOP (Tr. 40)
- Chief Lord has authority to change SOPs (Tr. 40)
- Funchess is unaware that Lonnie Thomas was ever injured and does not know anything about the SOP issue (Tr. 41)
- Funchess hasn't supervised Powell since 2011 (Tr. 42)

- Funchess thinks the allegation about him telling Captain Powell he is a dumbass doesn't make any sense as the firefighters (Paul Smith) are the ones that complain about Powell (Tr. 42)
- Funchess has heard employees complain that Powell is not an effective leader and they do not feel safe with him (Tr. 42)
- Funchess does not think there is any reason to terminate Powell (Tr. 43)
- Funchess has never berated Powell or called him a dumbass in front of his crew (Tr. 43)
- Years ago Powell made jokes with Funchess about inappropriate subjects, and even berated Funchess, but Funchess considers that part of the firehouse (Tr. 44)
- Funchess has never told Powell's crew that they don't have to listen to him (Tr. 44-45)
- Funchess has never witnessed Chief Lord target Captain Powell during officers' meetings (Tr. 46)
- Chief Lord has never asked Funchess to take action against Powell or Powell's crew (Tr. 47)
- Powell disciplined at some point for rudeness towards a female (Tr. 48)
- Not out of the ordinary for a battalion chief to provide a captain with training/education/constructive criticism regarding job performance (Tr. 48)
- Funchess has stated that Captain Brown cannot be promoted higher than his current rank because there are no positions available (Tr. 50)
- Captain Brown would make a great "Training Chief" but Brown never applied for the battalion chief position (Tr. 50)

- Funchess never made comments about Brown regarding whether Brown could ever be promoted to battalion chief, and actually thinks Brown could be a chief if a position was available (Tr. 51-52)
- Funchess never heard Chief Lord say that the captain applicants were not worthy of “chief points” or that they weren’t worth promoting (Tr. 52)
- Funchess has never witnessed anyone try to influence results of promotional testing (Tr. 54)
- Lonnie Thomas has received two promotions under Chief Lord and in one case Funchess believes Thomas is the one that “circumvented” the CBA language by using past service to qualify him for promotional testing (Tr. 55)
- Funchess has never heard Chief Lord tell Thomas that he can be demoted at any time (Tr. 56)
- Under the CBA you can’t demote someone unless you have cause (Tr. 56-57)
- Funchess has never disciplined Thomas; no verbals, no written verbals, no write-ups (Tr. 58)
- Two or three years ago Chief Lord told Funchess he was “burnt out” and should use vacation time. Funchess went out for two weeks on leave, but was not suspended and did not go hunting during this time (Funchess doesn’t know anyone in NC) (Tr. 59-61)
- Chief Lord made the decision to let Jeremiah Brewer go after receiving letters from captains stating that he was ineffective, but Funchess thinks he would still be employed if the other union members didn’t complain about him (Tr. 61-62)
- Jason Mohamed terminated because he lied about a motorcycle accident; Chief Lord would have made the decision to do so (Tr. 62-63)



- Brandon Funk arrested for domestic charges and charged with something else during that arrest (Tr. 63-64)
  - o Funchess unaware of Funk turning himself in while on duty and thinks it would be inappropriate if he were permitted to do so (Tr. 64)
- Funchess has never given money to any employees for the purpose of bailing out of jail (Tr. 64-65)
- Tim Brown arrested in the past for writing bad checks and posed for his mugshot in a District t-shirt, but was not disciplined (Tr. 65-66)
- Funchess reported the issue to his BC, Dave Brown (former employee) (Tr. 66)
- Charlie Darr arrested in Flora-Bama for assault in 2012; Chief Lord placed him on administrative leave and then allowed back to work after felony charges reduced (Tr. 67-68)
- Ryan Christen and Bob Hall were arrested for DUI under Chief Brown (Tr. 69)
- Thomas Wooley arrested for stealing cooler off a boat under Chief Brown (Tr. 69)
- Lloyd Edwards arrested for DUI in 2014 under Chief Lord (Tr. 69)
- Funchess believes anyone arrested on a felony should be placed on administrative leave (Tr. 70)
- Captain Mark Avera placed on administrative leave following his actions at a fire where he failed to clear the first floor of a structure and a young woman died; Avera subsequently resigned due to his dishonesty during the investigation (Tr. 72)
  - o Avera alleged that he told Chief Kline that he didn't search an apartment with a locked door, but Chief Kline and another firefighter denied that such a conversation took place (Tr. 73-74)

- Dishonesty during investigation was key to resignation; similar actions by other employees without dishonesty resulted in demotion (Tr. 75)
- Avera did not file a grievance (Tr. 76)
- Lonnie Thomas wrote a letter to Funchess before returning from North Okaloosa Fire District stating that he would act differently and wouldn't let people down if he was permitted back to the District (letter included in Funchess' binder) (Tr. 77)
  - Thomas originally left the District to take a higher ranked position, but returned after his position was eliminated (Tr. 77)
    - Funchess assumes Thomas was let go after filing complaints against the fire chief and complaining about health insurance, instead of them laying off an employee with lower seniority (Tr. 77-78)
    - Thomas skipped the chain of command went directly to the Board in North Okaloosa, just like in this matter (Tr. 78)
- Firefighters referred to Thomas as a "shit stirrer" or "pot stirrer" (Tr. 80)
- Funchess believed Thomas when he said he would act differently when he returned to the District because he never had any prior issues with him (Tr. 80)
- Funchess had input in whether the District would hire Thomas back, and he thought Thomas should be brought back since he had pre-existing knowledge of the operations (Tr. 82)
- Funchess supervised Thomas from 2012-2014 and had no issues (Tr. 82)
- Funchess scored Thomas during the captain testing process and believes he ranked him #2 out of those the approx. 8 people that tested (Tr. 84-87)
- No complaints about promotional process or testing procedures (Tr. 88-89)

- Funchess has never made comments to Firefighter Dusty Carnley about his weight and does not recall anyone making such comments (Tr. 89-91)

#### Daniel Blakely's allegations

- Funchess does not recall participating in any conversations that could be considered unprofessional with Chief Lord and Blakely (Tr. 92)
- Chief Lord has never instructed Funchess to take action against anybody, harass someone, or verbally berate any individuals (Tr. 93-94)
- Funchess doesn't understand what Blakely means by someone they "perceive as a threat" (Tr. 94)
- Funchess doesn't believe he's ever spoken to anyone in a manner that could be considered threatening, harassing, or intimidating (Tr. 95)
- Funchess has never seen Chief Lord berate someone to the point where they would feel uncomfortable about the situation (Tr. 96)
- Chief Lord is abrasive, but Funchess has never felt the need to talk with him about toning down how he speaks to other employees (Tr. 96-97)
- Funchess disagrees with Blakely's recollection regarding the two week period he took off at Chief Lord's direction (Tr. 97-98)
  - o This was not a preplanned vacation or hunting trip, but was instead related to stress (Tr. 98)
- Chief Lord paired Tim Brown with Chris Brown in an effort to get Tim Brown back on track (Tr. 99)
  - o Tim Brown's performance improved and it is a credit to Chris Brown's training capabilities (Tr. 99)

- If Tim Brown had not turned things around, his job might have been in jeopardy (Tr. 100)
- Funchess never heard Chief Lord comment on Powell's cancer treatments (Tr. 100)
- Funchess was not instructed to drive by Sunbelt Rentals to see if Damion Green was working while on FMLA from the District (Tr. 101)
  - Funchess happened to be at Lowes while talking to Chief Lord, and was asked if he saw Green's truck at Sunbelt Rentals; Funchess said no and there was no further conversation on the topic (Tr. 101)
- Green was within his rights to take FMLA leave, but other firefighters complained about him being out on leave, because only two firefighters are allowed off per shift, and Green counted against this allotment (Tr. 102)
- Green never made any complaints regarding his FMLA leave (Tr. 103)
- Funchess admits saying to Blakely, regarding Chris Brown's father, "When I retire, I'm going to drive to Pennsylvania. When his daddy answers the door, I'm going to punch him in the nose." (Tr. 103)
  - Funchess was having a conversation with Blakely when this came up, and Blakely volunteered to drive him (Tr. 104)
  - Funchess never told Chris Brown he would "whip his ass" or get on Brown for anything relating to his father (Tr. 104)
  - Chris Brown has never brought this up to Funchess (Tr. 105)
- Blakely doesn't like Chris Brown and always made fun of Brown because they compete against each other for positions; dislike exists to this day (Tr. 105-106)

- Funchess only disciplines individuals for policy/rule violations and does not base discipline on how much he likes a given person (Tr. 106)
- Funchess has never been told to create a paper trail on Thomas, and has never had to discipline him, etc. (Tr. 107)
- Funchess has never engaged in any behavior that Blakely should perceive as threatening or intimidating (Tr. 107-108)
  - o Blakely texted Brad Sasser saying that he submitted a complaint letter because “I’m obviously against the administration at Ocean City.” (Tr. 108)
  - o Funchess doesn’t understand why he is against the administration (Tr. 108)
- Funchess believes the union and Blakely spread rumors about Sasser because Sasser supports the chiefs (Tr. 109)
- Funchess has heard that former Chief Brown has been trying to “drum up stuff” on the chiefs by contacting retired firefighters (Tr. 109)
- Funchess has never asked any coworker for prescription drugs (Tr. 110)
- Jokes made at work about drugs due to the nature of the business, but nothing serious (Tr. 110)
- Funchess has a valid prescription for Adderall and has never taken or requested any from a coworker (Tr. 111)
- Funchess had back surgery in November, 2015, but has never asked a coworker for any type of medication (Tr. 111)
- Funchess told a member of the public they could bring expired medication to the station and they could safely dispose of it (Tr. 112-113)

- Chris Brown received the medication from the individual and contacted Chief Lord (Tr. 114)
  - o Funchess assumes he disposed of them at Station 1, but he was never given the package of pills and never even saw the package (Tr. 114-115)
- District issued SOP following this occurrence because they found out this was not permitted (Tr. 114)
- Funchess never followed up with Chris Brown because Brown had spoken to Chief Lord (Tr. 117)
- Funchess doesn't recall taking the bag of prescription pills from the station, but believes he would remember if that happened (Tr. 118)
- Funchess doesn't recall sending text messages to anyone asking for medication, and after examining the text messages provided, but still doesn't recall sending the messages (Tr. 119-124) (Chris Brown "B")
  - o Note: text messages do not request illegal drugs and were provided without authentication
  - o Funchess thinks the messages are misleading and an attempt at "digging" up anything possible to use against him (Tr. 126)

#### Chris Brown allegations

- Funchess told Chris Brown that he needs to run his shift because of the complaints re: raccoons and other shifts getting in trouble (Tr. 126-127)
  - o Chris Brown still needs to improve how he runs his shift (Tr. 127)
  - o Brown is influenced by others and takes care of his friends (Tr. 127)

- Chief Lord sent emails with job openings from around the state, but stopped sending them at some point (Tr. 128)
  - o Funchess is unaware if anyone complained (Tr. 128)
- Funchess unaware of any conversations with Chris Brown/Chief Lord in 2014 re: negotiations or stipends, as they were not on the same shift and wouldn't be at the station together (Tr. 128)
- Funchess was present at a meeting in 2015 when Chris Brown presented on high rise packs to the officers, but does not think Chief Lord acted inappropriately during this meeting toward Brown (Tr. 129)
- Chief Lord was disappointed in Brown's presentation because he did not follow the instructions previously given to him (Tr. 129)
- Funchess questioned Brown during the presentation regarding a gauge, but did not verbally attack him (Tr. 129)
- Funchess does not cuss at work (Tr. 130)
- Funchess never made fun of Chris Brown training his guys at night, or commented on SOP/SOGs as Brown alleges (Tr. 130)
- Chris Brown is the training guy and has that specific role, so Funchess is unsure why someone would allege he made fun of Brown (Tr. 131-132)
- Funchess recalls an incident regarding Mr. and Mrs. Chism which involved off-duty behavior in his personal vehicle. No disciplinary action resulted from this incident. (Tr. 133-134)

### Bill Powell allegations

- Funchess has no knowledge of Chief Lord making comments about Powell's cancer (Tr. 134)
- Funchess has no knowledge of Chief Lord telling BC Kline to make things difficult for Powell so he quits (Tr. 134-135)
- Funchess has heard Chief Lord use the "N-word" at least "a couple of times" (Tr. 135)
- Funchess believes the "N-word" is offensive and inappropriate for Chief Lord or any District employee to use (Tr. 136-137)
- Funchess does not recall anyone ever complaining about anyone using the "N-word" (Tr. 138)
  - o Firefighters have been told informally not to use that word, but no formal complaints were ever brought to Funchess (Tr. 138-139)
- Funchess has never "bullied" or "browbeaten" Powell and has not supervised Powell since 2011 (Tr. 139)
- Powell likes to "give it" but "doesn't want to take it" regarding being made fun of (Tr. 140)
- Funchess doesn't understand what the toxic work environment refers to since "people acted perfectly fine until these letters came out" and "Matt Wendt would sit with me and eat every night" (Tr. 140)

### Matt Wendt allegations

- Wendt's letter alleges the chiefs "create a culture where bullying and harassment is not only acceptable and tolerated, but practiced by the chief officers in the Department"
- Funchess never made any comments regarding Wendt and his ex-girlfriend (Tr. 141)



- Funchess believes Wendt knows he didn't say it, but someone else may have done so (Tr. 142)
- Funchess has only heard complaints about employee pay, but never about low morale (Tr. 143)
- Funchess is not involved in collective bargaining at all (Tr. 143-144)
- Funchess does not have any personal knowledge re: Wendt's prior injury and attending a HazMat conference or the social media posts about Disney (Tr. 144-145)
- Nobody has ever complained to Funchess about shift swaps, but Chief Lord makes decisions on shifts (Tr. 147)

#### Jeff Garner's allegations

- Funchess has never heard Chief Lord use the "N-word" towards subordinate employees (Tr. 148)

#### Dave Hatfield's allegations

- Funchess has never called anyone, including Hatfield the "N-word" (Tr. 149)
- Funchess was never present when Chief Lord allegedly used the "N-word" towards Hatfield and another employee (Tr. 149)
- Funchess previously supervised Hatfield, and never received any complaints from Hatfield (Tr. 149)
- Hatfield has purchased two vehicles from Funchess, and even offered to have Funchess take his place in a ride on a C-130 (Tr. 149)
- Funchess is unaware that Hatfield ever got sick from responding to NY on 9/11 (Tr. 151)

- Funchess notes the letters are all the same and undated- he has no knowledge of any of Hatfield's complaints, and believes that someone would have come forward earlier if these things were going on for years (Tr. 151-152)
- Funchess never used the word "faggot" or "fag" toward Kevin Houston or Jeff Wagner and might be copied from a complaint in Hallandale (Tr. 153)

#### Jim Poirier email

- Jim Poirier complained about Funchess' actions during a visit to the station for union business and Funchess disagrees with his motive for being at the station (Tr. 154-155)
- Funchess did not use obscenities towards Poirier (Tr. 155)
- Poirier was present to intimidate Danny Coleman, Brian Thomas, and Lonnie Thomas (Tr. 155)
- Poirier is a troublemaker and only shows up at the station to cause problems (Tr. 156)

#### Funchess General Conclusion

- Funchess believes all of this investigation is based on hearsay and he hasn't supervised many of those that lodged complaints against him (Tr. 158)
- Doesn't believe workplace was toxic (Tr. 158)
- Wendt used to text him all the time and now makes allegations against him (Tr. 159)
- Culture of department is one where they make fun of each other and play jokes, yet they now complain and he doesn't understand why (Tr. 159)
- Bill Powell makes inappropriate comments, yet now he is complaining (Tr. 159-160)
- Lonnie Thomas brags about the KKK and tried to learn the Spanish word for the "N-word" (Tr. 161)
- Funchess is mad and believes five guys are making up allegations without cause (Tr. 161)