



INVESTIGATION REPORT

May 21, 2020

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I. Introduction and Scope of Report

Armando Ramirez, Osceola County Clerk of the Circuit Court (“Clerk Ramirez” or “the Clerk”), retained the undersigned firm to conduct workplace fact-finding on issues of concern raised in certain letters received from staff.¹ This report is based on the contracted scope of work as follows:

- Letter by Natalie Bryan, Executive Director of Clerk, Administrative and County Services, dated February 4, 2020;
- Letter by Maxine Lang, Executive Assistant to Natalie Bryan, dated February 5, 2020; and,
- Letter by Jessica Echavarria, Executive Administrative Assistant to the Clerk, dated February 5, 2020.²

The letters are directed at alleged misconduct or other inappropriate behavior by senior executives and others within the Clerk’s employ. According to Natalie’s letter, the intended purpose was to encourage the Clerk to examine and address the concerns. To that end, the undersigned firm was retained to investigate the concerns by interviewing current staff in the Clerk’s employ³ and reviewing relevant documents and materials that were available. The individuals interviewed are listed in Appendix A. The letters which formed the basis for this investigation are included in Appendix B. All documents obtained from staff are available to the Clerk for review.

II. Specific Allegations and Findings

The letters referenced govern this investigation’s scope. Each of those letters contained various misconduct allegations with varying degrees of specificity. To promote clarity and to avoid repeating overlapping allegations, the claims have been combined into groupings, with findings made collectively. Matters identified as substantiated reflect a determination that the information gathered supports a finding that the situation more likely than not occurred based on the investigators’ review of the totality of the information and consideration of the demeanor and credibility of those interviewed. When an allegation is not substantiated, this reflects a determination that, based upon the information submitted and considerations of the demeanor and credibility of those interviewed, a sufficient and credible factual basis was not present to support a finding that it was more likely than not that the situation occurred as described. Where indicated, the Clerk as the report recipient will need to compare the gathered facts with his own recollection of events to reach a conclusion.

¹ A person will typically be referred to by title or by first name after the first reference to his or her full name. Ordinarily, last names would be used. Here, that practice would be impractical due to several key individuals having the same last name.

² Jessica’s letter contained little in the way of specific allegations, but she was interviewed regarding her concerns.

³ The undersigned firm has not interviewed former staff and non-employees not within Clerk’s control as part of this report. Moreover, as the commissioning official, the Clerk has not himself been interviewed but rather is expected to assess these results based in light of his own recollection insofar as it was alleged he was involved or a witness in any of the allegations. It is understood that if additional information is made available, it may impact the findings.

A. Campaign-Related Misbehavior

Natalie's letter contained multiple allegations of campaign-related misconduct,⁴ primarily against Jennifer Soto, Chief Deputy to the Clerk and the individual engaged to the Clerk's son, John Ramirez, who is not an employee of the Clerk's office. In questioning Natalie and others regarding this series of allegations, five specific incidents of concern were identified, to wit, (1) Jennifer requiring Customer Service & Training Manager Magda Reyes to work an alleged campaign event; (2) Jennifer planning and conducting a campaign meeting on work time; (3) a remark by John indicating an intent to leverage official functions for campaign purposes; (4) an attempt by Jennifer to initiate a personnel action involving Caridad Cortes of the Human Resources Department ("HR") after her husband filed to run for Clerk; and, (5) Jennifer using her official position to provide a vendor list to John for campaign purposes.

1. Requiring Staff to Work Campaign Events

This allegation related to an alleged directive by Jennifer that a staff member had to work a campaign-related event on his or her own time. The specific allegation, according to Natalie, was that Jennifer had purportedly required Magda, a relatively new employee,⁵ to work a turkey giveaway event.⁶ The information submitted in the investigation did not substantiate the allegation that Jennifer required Magda to work the turkey giveaway event. Rather, Magda volunteered, as was her option, and denied having been told or required to attend. The 2019 turkey giveaway was the only alleged campaign event in which a staff member was purportedly required to work. Natalie stated that Magda did not go to her regarding any other circumstance, and Natalie offered no other examples of this issue.

2. Planning Campaign Activities on Work Time

Another example of campaign-related misconduct alleged to have been committed by Jennifer involved inviting Natalie to a campaign planning event. Natalie's letter alleged that Jennifer was attempting to plan campaign meetings during work hours and encouraging employees to attend without utilizing leave time. The information submitted did not substantiate the allegation of campaign meetings being planned or held on work time in violation of Employee Handbook Section 2.13, *Political Activity Policy*. Jennifer acknowledged her awareness of that restriction. Natalie's only example was that she was invited to (but did not attend) a campaign planning event that was to be held by Jennifer over lunch and outside the Clerk's office. Jennifer and Angela McDaniel, Executive Director of Operations, denied ever discussing campaigning at work. Angela also stated the one instance that involved any kind of campaign meeting was outside of work on a Saturday.

⁴Specifically, these allegations were included under the specific heading of *Campaign-Related Misbehavior* (items ##1-4) and under the heading of *Contract-Related Misbehavior* (item #3). Those allegations have been consolidated and addressed in this section.

⁵ Magda was hired on August 5, 2019, to work at the Clerk's office.

⁶ It is assumed, for purposes of this report only, that the turkey giveaway was indeed a campaign-related event. In fact, sufficient information was not submitted to establish such a finding. Jessica, who is the Executive Administrative Assistant to the Clerk, stated that she had specifically checked with the Clerk who purchased the turkeys with his own personal funds and confirmed the turkey giveaway was not a campaign event.

3. Attempting to Leverage Official Functions for Campaign Purposes

The example provided by Natalie for this allegation was a comment, not witnessed by Natalie but instead reported to Natalie by Jessica. According to Natalie, Jessica told her that John had made a comment to the effect of the Clerk's office making sure it had a budget for Clerk events, as it was a campaign year, and of John hoping he would save some money on the campaign side if the Clerk's office had more activities. Jessica was questioned several times regarding discussions she had with John about the campaign but did not report this remark in any of her interviews.⁷ The evidence was insufficient to conclude that John made a specific comment about leveraging organizational events for campaign purposes.⁸

4. Attempting to Affect Staff Employment Due to Association with Clerk Candidate

Natalie also alleged that Jennifer requested that Natalie remove Caridad from HR because her husband John Cortes had filed to run for the Office of Osceola County Clerk of the Circuit Court. The investigation substantiated that there were conversations about whether moving Caridad from her position in HR was warranted in light of her husband's declared candidacy. One such discussion was initiated by Amy Kryszan, HR Director, to whom Natalie informed that no move was required. The second discussion was between Natalie and Jennifer, but the evidence was not sufficient to conclude that it was Jennifer (as opposed to Natalie or even Amy) who considered moving Caridad. Jennifer admitted having a discussion with Natalie about Caridad but said it was because Jennifer had concerns Caridad might have been campaigning at work, which would potentially have been a policy violation. Regardless, no negative action was taken with respect to Caridad. To the contrary, with Jennifer's approval, Caridad's position was upgraded based on performance. Caridad herself also reported no issues with respect to her employment.

5. Vendor List Request

Another of Natalie's allegations concerned a request for a vendor list.⁹ According to Natalie, Jennifer told her on January 30, 2020, that John would be sending out donation requests to the "vendor list." The investigation substantiated that Jennifer had her Executive Administrative Assistant Fiorella Garcia call and then e-mail the Finance Department with a request for a vendor list for John. Comptroller Gladymir Ortega Garcia had requested the e-mail that Fiorella sent, but the email did not contain the information to which Jennifer admitted, namely, that the request was a public records request from John.

⁷ Jessica did recall a different comment she said John had made, specifically John telling her he had almost completed some campaign-related letters he was planning to send to some vendors. But this was described as just a remark he had made, and Jessica did not state that she was asked to take any action regarding John's efforts. The topic of a vendor list is addressed separately in Section II.A.5.

⁸ Even had such a remark been made, no information was supplied to suggest John actually attempted to leverage any official events for campaign purposes.

⁹ This was alleged under the category *Contract Related Misbehavior* (item #3) but has been addressed here due to its overlap with campaign-related issues.

In fulfilling that request directly, Jennifer did not follow the normal process for such requests at the Clerk's office, which was to route such requests to Legal Research. By policy, under Section 1.6 of the Employee Handbook, *Public Disclosure of Information Policy and Procedures*, Jennifer should have instead notified the Clerk. In failing to do so and instead using her position to obtain the information and then to release it directly, Jennifer acted contrary to *Code of Ethics Policy and Procedures*, #7, which provides that "Information which is obtained in the course of official duties shall not be released by any employee unless the employee is charged with such responsibility as a part of their official duties."

B. Employment Decisions Related to Family and Friends

Natalie's letter contained allegations spanning several misconduct categories and collectively asserting behaviors by Jennifer indicative of nepotism, favoritism and preferential treatment for friends and family within the Clerk's office, many of whom Natalie alleged were underqualified or underperforming.¹⁰ The allegations included Jennifer's hiring of friends and family into various levels of positions at the Clerk's office, management interference related to friends and family, granting friends and family the benefit of transfers to lower paid positions without pay reduction, time off abuse, granting no-show positions, failing to address alleged executive underperformance for political reasons,¹¹ and other compensation irregularities.

1. Treatment of Family Members

Carmen Soto is Jennifer's sister, and Rafael Sierra is Jennifer's cousin. Natalie's letter contains several variations of concerns related to both Carmen and Rafael.¹² In summary, Natalie's concerns relate to Carmen's qualifications for employment and retention, Rafael's qualifications for employment, and Jennifer's alleged interference in various aspects of these individuals' employment.

Regarding Carmen, the evidence substantiated her familial relationship to Jennifer and Carmen's failure to disclose that information on her application. It was also established that HR learned of that relationship during the hiring process, and it is more likely than not that Natalie confirmed the fact of this relationship in a discussion with Jennifer. In addition, it is more likely than not that Jennifer may have perceived HR was gossiping when they initiated an inquiry to confirm the relationship. No information was submitted to indicate Jennifer played a specific role in securing employment for Carmen, and insufficient information was submitted to prove Jennifer sought discipline against HR for asking about Carmen's relationship to her, even though Natalie had said so in her interview.

Natalie's next allegation concerned Jennifer's efforts to advance Carmen's career, to interfere in Carmen's management, and to interfere with any effort to discipline Carmen. The investigation substantiated that several of Carmen's supervisors observed performance issues and

¹⁰ See *Nepotism and Cronyism Related Behavior* (item ## 2-6, 9-12); *Employment Law Related Misbehavior* (item #5); *General Unethical Behavior* (item #2).

¹¹ See *Work Negligence and Misbehavior* (item # 3).

¹² Allegations about Carmen and Rafael are encompassed in the sections on *Nepotism and Cronyism Related Misbehavior* (items ##2, 3, and 6) and *Employment Law Related Misbehavior* (#5).

took corrective action, but others had reservations about her relationship with Jennifer and its potential impact. The investigation substantiated that Carmen was given the benefit of transfer to a lower pay grade position without reduction in pay after performance issues had arisen in her Criminal Cashier job. The only manager that stated she was fearful of taking action against Carmen was Jessica, who felt discouraged by Jennifer's comments about it making her look bad and needing Carmen to have that job to pay the rent or mortgage. Jessica did counsel Carmen on attendance at least once. While none of the text messages that Jessica supplied during this review showed a specific concern about disciplining Carmen, Mildred Vega saw Jessica's frustration with Carmen's performance, because she had the same issue. Nikki saw it as well.

Jessica supplied text messages from Jennifer that corroborated the allegation that Jennifer asked Jessica to let Carmen leave early and have days off and that Jessica agreed each time Jennifer made the request. Tyron Reed, another employee who had spent six weeks working with Carmen while he was in training, claimed that he felt discouraged from coaching Carmen by his manager. That claim could not be substantiated. Nevertheless, despite having documented performance issues in Criminal Cashiering, Carmen was transferred to a lower pay grade position without reduction in pay.¹³ Carmen's personnel file also did not contain required supporting documentation to justify a pay rate change from \$16.22 to \$17.00 based on a reevaluation of existing job on February 16, 2019 as contemplated by the *Status Change Form Policy and Procedures*, Employee Handbook Section 4.4.A.8. The investigation also substantiated that Jennifer interfered in the management of Carmen by calling in for her and by arranging for Carmen to be given time off at Jennifer's direction, and at times for Jennifer's benefit.¹⁴ It was also discovered that at least two days of the time off that Carmen was given (May 25, 2018 and February 6, 2019) was entered as if Carmen had worked, when she had not, with Jessica approving Carmen's time.

The next issue of concern with respect to Carmen was Natalie's suggestion that her position was made salaried exempt under the Fair Labor Standards Act to accommodate Carmen's attendance issues. The information given was not enough to substantiate the allegation that Jennifer caused Carmen's conversion to exempt status. A review of Carmen's personnel file demonstrated that she had attendance issues in the past and that at least some of her managers addressed that issue with her. Carmen's file reflected that the initial offer letter for Special Projects Coordinator stated that the position was exempt, and the later conversion was effectuating that designation. Jennifer did not approve the status change, and Natalie stated Jennifer was doing the opposite by trying to make Carmen clock in and out to address attendance issues. Moreover, at the time, Natalie and Amy appeared to agree on the designation, and it was Natalie who explained the exempt status change rationale to Gladymir.

The second relative of Jennifer identified as having been a point of concern was Rafael. The investigation substantiated that there were conversations both verbally and by text messages

¹³ Employee Handbook policy *Compensation Policy and Procedures* Section 3.0-8 defines a demotion as movement from one position to another in a lower pay grade. Demoted employees are subject to a reduction in pay, but the policy does not state it is mandatory. Employee Handbook policy *Recruitment and Selection Policy and Procedures* Section 4.2-4 allows for a reduction but leaves it to the Clerk's discretion.

¹⁴ For example, one text message related to needing Carmen to babysit, and another related to needing Carmen to stop by the bank to get Jennifer money.

between Jessica and Jennifer regarding the Special Projects Manager position and the salary involved. In addition, the investigation substantiated that Jennifer advocated for the hiring of Rafael for that position at a higher salary. Rafael's personnel file reflected no specific skills or experience related to special projects or event planning. The investigation also substantiated that the Clerk had discomfort at hiring Rafael as a manager and ultimately only permitted him to be hired as a Special Projects Coordinator, the same position Carmen and Mildred held.

Before leaving the issue of employing and advancing the interests of relatives, it must be noted that this type of activity was apparently not exclusively limited to Jennifer. Rather, Jennifer made similar allegations against Natalie in relation to Nikki Bryan, Natalie's sister.¹⁵ The investigation substantiated that Natalie referred Nikki, her relative, for hire as part of a large hiring effort where staff were encouraged to refer for hire friends and family. Natalie also signed off on the promotion of Nikki to be her Administrative Assistant. Nikki received a substantial pay increase as a result of a job reevaluation when she was in the role of Executive Administrative Assistant, but like Carmen, Nikki's file did not contain the proper supporting documentation justifying that increase as contemplated by the *Status Change Form Policy and Procedures*, Employee Handbook Section 4.4.A.8. Nikki held multiple positions within the Clerk's office, including two specifically created for her (Customer Service & Training Manager and Executive Administrative Floater). Natalie was involved in the creation of both of these jobs, and neither was posted for internal nor external recruitment. When Nikki moved from Customer Service & Training Manager to Executive Administrative Floater, her pay was not reduced. Both positions were in PG 28, but Nikki had been given an increase when she took the managerial role. The person that filled the Customer Service & Training Manager position (Nikki's prior position) was bought in at a substantially lower salary (\$7.64 less) than Nikki had been given.

2. Treatment of Friends

Natalie also alleged that Jennifer appointed a number of individuals who were members of her gymnasium into the highest paid entry level position (Criminal Cashiers) without the Clerk's acknowledgment. According to Natalie, this took the department past its capacity while other areas, such as the Clerk's departments for both civil and criminal courts, were grossly understaffed. This allegation was examined in conjunction with an overlapping one that Jennifer was appointing underqualified friends and giving benefits of transfers into lower paid positions without reduction of pay to unskilled, unknowledgeable, and underperforming friends.

The investigation substantiated that Jennifer routinely refers any individual who asks about positions to Clerk's website and encourages them to apply. The allegation that individuals from Jennifer's gym were hired was also substantiated. However, this behavior did not cause the staffing issues alleged. The leaders in charge of the Operations Department were given approval to hire more Criminal Cashiers to work on creating a collections and compliance process. Some of the employees Jennifer referred were hired through a friends and family referral program, just like Natalie had done with her own niece, Taomi Thompson. This occurred at least in part when the Clerk's office was attempting to fill

¹⁵ While not part of Natalie's original complaint, the cross allegation was sufficiently relevant to merit some exploration. Natalie had other family also employed with Clerk's office (Taomi Thompson and Caleb Thompson).

positions quickly.¹⁶

The investigation also substantiated that Jennifer has also directly appointed individuals she knew from her gym (like Fiorella and Magda) to higher level positions without posting those positions for internal or external recruitment. In the case of Fiorella, Jennifer also promoted her without posting that additional position for internal or external recruitment.

Fiorella was a referral of Jennifer's that came from the gym. She was hired on September 17, 2018, as the Lead Special Projects Coordinator. The position was not posted. It was filled as a PG 26.1 position with a starting base of \$18.00.¹⁷ Fiorella remained in that position until she was promoted to Executive Administrative Assistant on May 21, 2019, a position that was also not posted. The starting base salary was not listed, but the position was in PG 28. Fiorella's pay was increased to \$26.75. Fiorella's personnel file did not clearly indicate she did not meet the minimum qualifications, in part due to the job description's generalized nature. No relative comparison of qualifications could be completed because Fiorella was appointed, not selected as part of a competitive selection. No performance documentation was contained within her file.

Magda was another one of Jennifer's referrals that came from the gym. Magda was hired on August 15, 2019, as the Customer Service & Training Manager. The position was not posted. Rather, she replaced Nikki, who held the position for just over two months.¹⁸ The job was in PG 28, but the starting base for the range was not listed. Magda was hired at a rate of \$20.67.¹⁹ Magda was also a staff member whom Natalie claimed was underperforming and underqualified. Natalie stated there were issues with Magda collecting clip boards without giving proper notice to leadership. Joe O'Dell substantiated that Magda removed clip boards without informing him but stated that the clip boards were old and needed to be replaced. Magda replaced them. The other example given was Magda having suggested as part of a customer service initiative that nameplates should be used for front-facing staff. Natalie said there was an issue regarding putting nameplates with both first and last names on the cashiers' windows.²⁰ Jennifer stated that she had given Magda permission to put the nameplates up, and they were taken down when the Clerk voiced his concern. Magda's personnel file does not clearly indicate she did not meet the minimum qualifications, in part due to the job description's generalized nature. No relative comparison of qualifications could be completed because Magda was simply appointed, not selected as part of a competitive selection. No performance documentation was contained within her file.

¹⁶ Some were also hired for entry level roles, like Gabby Manjunado. Others, like Shawn O'Grady, were hired into higher level roles. Shawn was hired as Civil Court Manager. Angela McDaniel, Executive Director of Operations, as opposed to Jennifer, approved the hires of both Gabby and Shawn. Jennifer also referred Casey Green, who was from a gym, but he is discussed later herein.

¹⁷ Jennifer herself was aware that the Clerk may have been displeased about the hiring of Fiorella, as evidenced in a text she sent to Jessica. That text told Jessica about an argument Jennifer had had with John on that hiring decision.

¹⁸ The position had also not been posted when Nikki filled it.

¹⁹ As stated previously, the Customer Service & Training Manager position had been created for Nikki. She was in that position from May 11 to July 20 during 2019 and had received an increase to \$28.31 when she took the role. This was \$7.64 more than Magda received when she was hired.

²⁰ Natalie was also dissatisfied with a letter Magda had drafted.

Regarding the hiring paperwork, Natalie stated that the Clerk wanted to sign all manager-level paperwork. Those wishes have since been implemented.²¹ The Criminal Cashier positions were entry-level, so this directive would not have applied. For the paperwork on Magda, Jennifer signed as the executive, and, for the same on Casey, Angela signed along another executive whose signature was illegible. Natalie was the executive over HR, both when the referral program was created and when the directive from the Clerk on signing was supposedly given. It would have been Natalie's responsibility to address concerns, if any, from the referral program and to see that the Clerk's direction on what hiring paperwork he wanted to sign was given to HR and then followed. The evidence was not sufficient to show that Jennifer was the one who prevented HR from implementing the signing directive sooner.

Hiring friends and interfering with their employment situations are activities not exclusively limited to Jennifer. Jennifer alleged, and the investigation substantiated, that Natalie engaged in similar activity with respect to Ebony Sanford, Tyron, and Kamaal Gilbert. Natalie was involved in the hiring of Ebony, in Ebony's moving to the Quality Department ("Quality") into a position in a lower pay grade without pay reduction, moving Quality away from Amy so that Amy would not supervise Ebony,²² in granting Ebony an increase based on job reevaluation without the required supporting documentation,²³ and then in arranging for Ebony's promotion to Manager. The investigation substantiated that, at the time Tyron was moved back to Quality as a Technical Reports Analyst, which was a lower pay grade, it was without any reduction in pay. Natalie made this decision. Kamaal also received the benefit of transfer to a lower pay grade position with no reduction in pay. Natalie also took it upon herself to counsel Katherine Carmack directly on ethics and require her to sign for coaching on that issue. The reason was that Natalie was personally offended that Katherine brought forth concerns where she felt that Natalie was protecting Kamaal. Natalie ideally should have referred these concerns to her supervisors, since Natalie had a conflict of interest because the concerns were about her own perceived relationship with Kamaal.²⁴

The Employee Handbook policy *Recruitment and Selection Policy and Procedures* provides a preference for internal promotion, but reserves to the Clerk the right to make direct appointments, so non-familial appointments in and of themselves did not technically violate that policy.

3. Time Off and Leave Donation Abuse

Natalie's next category of allegations is that Jennifer allowed friends and family members unlimited days off without the proper documentation, without needing to use paid leave, and

²¹ The Status Change form for Tyron's return from leave showed that a separate line is now provided specifically for the Clerk to sign when appropriate.

²² Amy had performance issues with Tyron, another friend of Natalie's, and believed Natalie wanted to avoid a repeat with Ebony.

²³ Employee Handbook policy *Status Change Form Policy and Procedures* Section 4.4.A.8 requires an updated job description or memo justifying the changes.

²⁴ Natalie had dated Kamaal before he became employed with the Clerk's office.

through the improper use of an employee leave time donation program. Natalie's letter stated that this included Jennifer's sister Carmen and Samara Dean; she was not sure of any others.²⁵

The investigation substantiated the allegation that Carmen was given time off and that this was done on multiple occasions at the request of Jennifer to Jessica via text message. The investigation also substantiated that Carmen was given paid Clerk time and not charged leave on two of those occasions. The investigation did not substantiate that Carmen violated the leave donation policy.

The investigation substantiated that Samara abused leave time and that leadership acted regarding Samara's performance issues of tardiness, insubordination, absenteeism, and abuse of leave. Samara was written up prior to her termination on February 19, 2020. The investigation, including text messages Jessica provided, substantiated that Jennifer asked Jessica to donate time to Samara, who at one time was alleged to have been dating Jennifer's brother. Jennifer's defense in that regard (i.e., the request was from Jennifer the friend, not Jennifer the Chief Deputy) served only to demonstrate that Jennifer failed to maintain proper boundaries between her personal life and her position with the Clerk's office. While Jennifer may have subjectively believed that her work interactions were severable from her off-duty interactions, the investigation found that Jennifer interjected her personal life and needs and the interests of her family and friends when seeking leave donations for Samara.

4. No-Show Positions and Habitual Absenteeism

Natalie's next category of allegations assert that Jennifer awarded "no-show" positions to friends and that habitual absenteeism was allowed for Jennifer's friends and family members. According to Natalie, such individuals were completely absent from work for days, weeks, and months at a time, thereby interfering with the efficient operation of the Clerk's office.²⁶ The specific individuals Natalie identified were Antonette, Jennifer, and Angela.²⁷ Natalie alleged that the latter two, Jennifer and Angela, only appeared at work to ensure wrongdoing they directed was being effectuated.²⁸ Natalie also said that Fiorella and Magda were implicated within this allegation because Jennifer would take Fiorella with her to the gym to work out.²⁹ According to Natalie, Magda would leave before Jennifer and Fiorella to open the gym where they exercised. This section summarizes the findings regarding the extent to which some of the individuals involved in this investigation work on-site at the Clerk's office.

²⁵ Natalie also included Antonette Rodriguez (now Mendez), Angela's assistant. Natalie said that Antonette had taken innumerable vacations, many with Jennifer, and they were planned on the Clerk's time without the use of time-off days. But Natalie also included Antonette in the "no show" position allegation. *See Nepotism and Cronyism Related Behavior* (items ##5, 9). Because Antonette did not use the leave donation program for her absences, her circumstances have instead been discussed in the next section.

²⁶ Natalie also re-alleged improper use of the employee time donation program to support the habitual absenteeism. The use of the leave donation program was addressed earlier in this report and will not be duplicated in this section.

²⁷ Antonette had also been included within the allegation of unlimited time off, but, since she had not used the leave donation program, allegations regarding Antonette were deferred to this section to avoid overlap.

²⁸ *See General Unethical Behavior* (item #2).

²⁹ Carmen was mentioned but only insofar as Jennifer would arrange for Carmen to have time off. This issue was also discussed earlier in this report. Nonetheless, the prior discussion on Carmen and her attendance is supplemented in this section in light of Jessica's disclosure of Carmen's modified work schedule.

Antonette's personnel file contained some attendance related warnings in 2014, but did not contain any current documented issues regarding attendance. Antonette denied any such issues, and Angela, her supervisor, expressed no dissatisfaction with Antonette's attendance. Moreover, Antonette's corroborated explanation regarding where she typically worked when on-site explained Natalie's observations of Antonette's assigned office seeming empty.³⁰ The investigation did substantiate that Antonette, Jennifer and others went on vacation together, but there was insufficient evidence to prove the vacation had been planned on Clerk's time.

Those findings, however, did not end the inquiry. Rather, an effort was made, in the context of Natalie's allegation of "no show" positions having been given to Antonette, Jennifer, Angela, Fiorella and Magda, to examine further available technical data to determine work patterns and on-site presence. At the outset, it should be noted that, at the time this review commenced, the Clerk did not have a policy on telecommuting per se. According to Amy, if an employee needed to work at home, he or she would speak to their manager about it. At all times relevant to this review, no written policy or internal controls existed over off-site work.

Because the Clerk's office is a controlled access facility with identity-coded badges reflecting access to secured work areas, an easy indicator of an employee's arrival at work can be determined by reviewing a sampling of the first use of an employee's assigned badge on a given day to access the facility. The investigation proceeded under the presumption that other data points (i.e., workstation log in on-site, use of Outlook to send e-mail, or access to the Clerk's secure network via remote log in) might also be indicators of work activity. Those too were therefore examined for a sample period (November and December 2019). This review then compared leave records to days in which no record of any of the available activity indicators existed.³¹

Antonette stated that she typically came to work between 8:45 and 9:00 a.m. and left between 3:30 and 5:00 p.m. Antonette also said she took approved time off regularly. For the badge swipe data for November 2019, Antonette used her badge to enter the facility nine times over that month's eighteen workdays.³² Antonette's earliest badge swipe was 9:04 a.m., and the remaining were between 9:19 and 10:48 a.m. Of the twenty workdays in December 2019, Antonette's badge was never used to access the facility.³³ For the days in the sample period in which no activity indicators³⁴ were present (November 1, 14, 15, and 27; December 4, 11, 12,

³⁰ Angela routinely worked in an alternate office closer to Angela, that has since become her assigned office.

³¹ In a couple of instances where noted, only three indicators were available. It is also recognized that this type of assessment is not absolute for several reasons. First, someone may enter the building on a co-worker's heels, negating the need to swipe to enter. But even if that happened, the number of secure doors on-site made it unlikely that no badge swipes would occur at all throughout a workday unless the badge was forgotten at home. Second, it is conceivable that someone might perform some work-related tasks independent of presence on-site or the use of email or network access. Nonetheless, it seems reasonable that any ongoing off-site work activity would at some point require either network access or the use of e-mail, and a complete absence of any activity indicators at least merits further inquiry.

³² Holidays were excluded from the determination of how many workdays were in the sample period.

³³ Given the complete lack of data for Antonette for December 2019, IT Director Jeremy Kryszan contacted the County to verify that no system issue had existed that would have affected Antonette's badge access data. No IT or data problems were detected.

³⁴ Workstation access logs could not necessarily be reliably obtained (at least for December) because Antonette and her supervisor Angela both said she worked on-site at a location other than her assigned workstation. Therefore, at

18, 20, and 30), Antonette's leave records showed leave taken only on November 14 and December 4.

Jennifer stated that she never took a day off and always received calls from work. Jennifer's current assistant Fiorella said that Jennifer was regularly on-site with her and that they left at around the same time to go to the gym. Reviewing badge swipe data for November 2019, the investigation determined that Jennifer used her badge at the facility six times over that month's eighteen workdays. All six first use entries were between 10:28 and 10:59 a.m. Of the twenty workdays in December 2019, Jennifer used her badge for access six times, with the earliest having been 9:32 a.m. Jennifer used her badge to access the facility the five remaining times between 10:12 and 11:28 a.m. For the days in the sample period in which no activity indicator was present (November 1, 4, 8, 12, 14, 21, 22, 25, 26, and 27; December 1-4, 16, 18-20, 23, 26-27, and 30-31), Jennifer's leave records showed no leave having been taken for any of the dates.

Angela said that, on a typical day, she arrived somewhere around 9:00 am and leaves sometime between 4:00 and 5:00 p.m. Reviewing badge swipe data for November 2019, the investigation determined that Angela used her badge at the facility six times over that month's eighteen workdays. Angela's earliest badge swipe was 9:26 a.m., another three were between 9:30 and 9:45 a.m. and the last and latest one was 2:50 p.m. Of the twenty workdays in December 2019, Angela used her badge to access the facility six times, with the earliest having been 9:14 a.m. Angela used her badge to access the facility three times between 9:36 and 9:50 a.m., and the remaining two were at 12:52 p.m. and 2:52 p.m. For the days in the sample period in which no activity indicator was present (December 26, 27, and 31), Angela's leave records show leave taken for December 26 and 31, but not for December 27. Natalie also alleged that Angela was someone who underperformed and whom Jennifer would not fire for political reasons.³⁵ However, Angela's personnel file is devoid of any recent documented performance issues, and Jennifer expressed no concerns with her performance.

Fiorella, Jennifer's current assistant, is in a salaried exempt role as Executive Administrative Assistant. The role is considered full-time, but Fiorella said that her schedule is 8:00 am to 3:00 p.m. every day without a lunch break. Consequently, she was only scheduled to work thirty-five hours a week.³⁶ Reviewing badge swipe data for November 2019, the investigation determined that Fiorella used her badge to access the facility eleven times over that month's eighteen workdays. Of those eleven access swipes, the earliest was at 8:26 a.m., another four were between 8:44 and 8:58 a.m., and the rest were after 9:00 am. Of the twenty workdays in December 2019, Fiorella used her badge to access her work area ten times, with the earliest also having been at 8:26 a.m. Fiorella used her badge to access the facility five times between 8:37 and 8:56 a.m., and the rest were after 9:00 a.m. Even with this schedule, Fiorella also admitted leaving work early several times a month to go to the gym. Fiorella also claimed that

least for that month, the analysis relied on the extent to which Antonette was shown to have used her badge for access, used Outlook to send e-mail, or logged in remotely and accessed the Clerk's computer network.

³⁵ See *Work Negligence and Misbehavior* (item #3).

³⁶ It is unclear how this schedule was established. In a text dated February 25, 2019, from Jennifer to Jessica, Jennifer had asked, "Babe is it ok for Fio to leave at 3pm this week. Also when she's done with school her schedule can be 7am to 3pm?"

Jennifer was regularly on-site with her, and that they left at around the same time to go to the gym. For the days in the sample period in which no activity indicator was present (November 8, 14, and 22; December 6, 26, 27, and 31), payroll records showed no leave used.

Natalie alleged that Magda, the Customer Service & Training Manager previously discussed, would leave at 2:00 p.m. every day to open the gym where Jennifer and Fiorella worked out. Magda denied leaving before 3:00 p.m. but did admit she had an undisclosed business interest as a co-owner of one of the gyms Fiorella and Jennifer frequented – SOCF Cross Fit. The Division of Corporations lists Magda as a manager in conjunction with Academy Fit LLC, which in turn was listed as the Registered Agent for the administratively dissolved SOCF Crossfit LLC. Academy Fit LLC is still an active Florida corporation, and Magda’s personnel file did not contain approved Outside Employment Disclosures for Academy Fit LLC in violation of the *Code of Ethics Policy and Procedures* and *Outside Employment Policy and Procedures*. Like Fiorella, Magda is only scheduled for thirty-five hours a week and stated that her schedule is 8:00 a.m. to 3:00 p.m. For the badge swipe data for November 2019, Magda used her badge at the facility eight times over that month’s eighteen workdays. Magda’s earliest badge swipe was at 8:26 a.m., and the remaining were between 8:44 and 9:32 a.m. Of the twenty workdays in December 2019, Magda used her badge for first access at the facility eight times, with the earliest having been at 8:34 a.m. Magda used her badge to access the facility ten times between 8:58 and 10:57 a.m. For the days in the sample period in which none of the activity indicators was present (November 14, 22, and 27; December 26, 26, 30, and 31), Magda’s leave records showed no leave used.

Carmen was already known to have a modified schedule in that she arrived before 9:00 a.m. because she drops off her children. Carmen then left on Wednesdays at 2:00 p.m., and she leaves every other day (Monday, Tuesday, Thursday, and Friday) at 3:00 p.m. because she has to go and pick up her children. This is not any form of legally required accommodation like ADA or FMLA. Rather, Jessica said she felt she was obligated to approve it because Carmen is Jennifer’s sister. Carmen stated that she did not work remotely, and IT confirmed she had not been set up for remote access before COVID 19 issues arose. This meant Carmen was scheduled to work only approximately thirty-four hours per week. Reviewing badge swipe data for November 2019, the investigation determined that Carmen used her badge to enter the facility sixteen times over that month’s eighteen workdays. Carmen’s earliest badge swipe was at 8:18 a.m., another thirteen were between 8:20 and 8:37 a.m., and the remaining two were at 10:48 a.m. and 11:43 a.m. Of the twenty workdays in December 2019, Carmen used her badge for first access at the facility sixteen times, with the earliest having been at 8:13 a.m. Carmen used her badge to access the facility fourteen times between 8:28 and 8:43 a.m. One of those times was at 11:41 a.m. For the days in the sample period in which no activity indicator³⁷ was present (November 1 and 25; December 26, 27, 30, and 31), Carmen’s leave records show sick leave on November 1, 2019, and vacation for December 26, 27, 30, and 31. November 25 is the only date in which no leave was charged for the sample period.

The investigation also tested this methodology of determining telecommuting and observable on-site presence patterns by examining individuals beyond those Natalie listed.

³⁷ Carmen was not at that time authorized for remote work and stated in her interview that she only worked on-site, so she had no remote log in activity.

Natalie herself said she typically arrived at her office around 9:00 or 9:30 am. Natalie also stated that, even when she was not in the office, she was in communication with her team all day. Reviewing badge swipe data for November 2019, the investigation determined that Natalie first used her badge to enter the facility five times over that month's eighteen workdays. Natalie's earliest badge swipe was at 8:53 a.m., another four were between 9:00 and 9:55 a.m., and the remaining one after that was at 1:53 p.m. Of the twenty workdays in December 2019, Natalie used her badge for first access to the facility five times, with the earliest having been at 9:00 a.m. Natalie used her badge to access the facility four more times between 9:38 a.m. and 12:48 p.m. For the days in the sample period in which no activity indicator was present (November 8 and 27; December 4, 13, 16, and 18-20), Natalie's leave records showed leave taken on December 16, 2019, and December 18, 2019. No leave was taken on the other dates.

For Maxine, she stated she typically arrived between 8:30 and 9:00 a.m. and left between 2:30 and 5:00 p.m. Maxine said she also worked from home at least once a week. Reviewing badge swipe data for November 2019, the investigation determined that Maxine used her badge to first enter the facility eight times over that month's eighteen workdays. Maxine's earliest badge swipe was 8:31 a.m., and the remaining seven were between 8:53 and 9:32 a.m. Of the twenty workdays in December 2019, Maxine used her badge for first access to the facility nine times, with the earliest having been at 8:49 a.m. Maxine used her badge to access the facility six more times between 8:56 and 9:39 a.m., with the remaining two at 10:12 a.m. and 11:48 a.m. For the days in the sample period in which no activity indicator³⁸ was present (December 18-20 and 27), Maxine's leave records showed no leave taken.

Finally, according to Gladymir, Jessica would sometime be off-site driving the Clerk. Reviewing badge swipe data for November 2019, the investigation determined that Jessica used her badge to first enter the facility fifteen times over that month's eighteen workdays. Eleven of those were between 7:47 and 8:38 a.m., and four were between 9:57 a.m. and 12:35 p.m. Of the twenty workdays in December 2019, Jessica used her badge for first access the facility thirteen times, with all but one occurring between 7:57 and 8:22 a.m. The remaining badge swipe was at 9:34 a.m. For the days in the sample period in which no activity indicator³⁹ was present (November 5 and 27; December 6 and 26), Jessica's leave records showed no leave taken.

The investigation substantiated that there were no fixed schedules for the Clerk's exempt employees. Based on the data points available for examination and even granting the benefit of the doubt that work could (or was) occurring if even a single one of the available activity indicators showed any activity whatsoever, the investigators have serious reservations regarding an apparent lack of proper monitoring of off-site work and the lack of internal controls to measure productivity in relation to off-site work. Even more troubling is the apparent proliferation of 8:00 a.m. to 3:00 p.m. work schedules for support staff that do not even require a minimum forty-hour commitment. Approval of such schedules seems contrary to stated Clerk policy as follows: "In the interest of department productivity and fairness to other employees,

³⁸ For Maxine, only three data activity indicators were available for a portion of November. Workstation log in records are FIFO (first in, first out) and are overwritten. In this instance, they were only available back to November 22, 2019.

³⁹ For Jessica, workstation log in records were not available before December 11, 2019, so only the three remaining data activity indicators could be considered.

regular attendance and punctuality is required. Every employee is expected to report to his/her work area and to begin work on time. This policy applies to all Clerk employees. The intent of this policy is to promote a high level of attendance through a cooperative relationship between management and employees.” Employee Handbook Section 2.5, *Attendance / Punctuality Policy and Procedures*.

Moreover, some of the incumbents in those positions (Fiorella, Magda, Maxine, and Carmen) also often appeared to arrive after the designated start time of 8:00 a.m. with no apparent consequence. Fiorella even acknowledged leaving earlier than 3:00 p.m. several times a month to go to the gym. This was sometimes at Jennifer’s instigation.⁴⁰ Carmen’s schedule was the least of the less than full-time schedules and was granted only because Jessica felt she needed to do so due to Carmen’s relationship with Jennifer. Jennifer’s and Angela’s badge swipes suggested both were on-site in November and December for just twelve of thirty-eight workdays. Natalie’s records suggested even less, showing just ten of thirty-eight days where Natalie’s badge was swiped on-site. Antonette’s badge shows the least amount of access with just eight of thirty-eight workdays, none of which was in December 2019. Some caution must be exercised because Natalie, Jennifer, and others stated that just because someone was not on-site does not necessarily mean that he or she was not working. Furthermore, the investigation did not substantiate that the positions Natalie alleged were complete “no-show” positions, because some activity was detected, and supervisors acquiesced in schedules and remote work for their staff. But consideration should be given to further examination of remote work practices generally, and the dates that are completely unaccounted in terms of activity specifically to establish better oversight and internal controls, and to determine if some reasonable explanation exists for days with no activity.

5. Casey Green and the Evidence Audit

Natalie also made allegations regarding employment irregularities with respect to Casey.⁴¹ According to Natalie, Casey was first hired and promoted because of his interpersonal relationship with Jennifer as her previous trainer, but he was then constructively demoted after he expressed to the Clerk and Angela an interest in learning about and one day running for Clerk’s seat. Natalie further alleged that he was given Antonette as an assistant⁴² to watch and report on his behaviors, even during personal times when he had reasonable expectation of privacy at law. An overlapping allegation that Jennifer had refused to conduct a timely evidence audit despite full knowledge that evidence had been compromised has also been addressed in this section.⁴³

The investigation substantiated that Casey was one of Jennifer’s referrals and that they knew each other from a gym. There was not enough information to conclude that Casey had been Jennifer’s personal trainer. Antonette was Casey’s assistant for a period of time, but the evidence was insufficient to establish that she was tasked to “spy” on Casey or Angela. The evidence did

⁴⁰ Text messages from Jennifer to Jessica on January 29, 30, and 31, 2019, showed that Fiorella had on at least a few occasions been allowed to leave early at Jennifer’s request for the purpose of going to the gym.

⁴¹ See *Nepotism and Cronyism Related Behavior* (item #10).

⁴² Natalie alleged that Casey was a director at the time and that no directors had assistants.

⁴³ See *Work Negligence and Misbehavior* (item #1).

establish Casey had resigned and was allowed to rescind that decision due to Angela’s intercession. Thereafter, when Angela and Jennifer wanted to fire Casey based on documented performance issues, it was Natalie who advocated for the demotion option and to lessen the financial impact thereof. Natalie then took it upon herself to mentor Casey, even though he was not part of her chain of command. Insufficient evidence was presented to establish that any of the actions taken against Casey, including his termination, were due to some expressed interest in running for Clerk. The investigation substantiated that an evidence audit was ordered and is underway in the Criminal Division due to the room being expanded and the Casey situation.

6. Other Compensation Irregularities

Natalie’s next allegation was that Jennifer bundled high-functioning employee compensation with herself and low-performing family members (Carmen) so that she and Carmen might obtain undeserved increases. The investigation did not directly substantiate that Jennifer tied Carmen’s pay to Mildred’s and refused to allow Mildred to be promoted for that reason. Mildred was paid more than Carmen the entire period that the two worked together in the Special Projects Department, and Mildred was promoted a few months after Fiorella vacated the Lead position. The investigation revealed that no supporting documentation was contained in either Carmen’s or Mildred’s files justifying the increases given as part of the February 2019 job reevaluation. By policy, either an updated job description or a memorandum explaining the reasons should have been prepared. *See Employee Handbook policy Status Change Form Policy and Procedures Section 4.4.A.8.*

The next compensation bundling issue Natalie raised was that Jennifer bundled her salary with Gladymir’s. According to Natalie, Gladymir had asked for an increase. While Gladymir denied having sought an increase, her personnel file contained a request for salary review dated March 8, 2018. Natalie said she would put together a proposal together to align the salaries at that level, which she said Jennifer wanted. According to Natalie, her proposal was conservative for the budget, but Jennifer did not want alignment. Jennifer wanted a larger increase for herself.

The investigation substantiated that Jennifer, Natalie, Angela, and Gladymir were all given increases above the standard across-the-board adjustments in 2018 and 2019. The following table reflects the asynchronous adjustments granted to the above-referenced individuals⁴⁴ in April 2018 and then summer 2019:

2018					
Date	Name	From (annual)	To (annual)	Difference/Reason	Appx. % increase
3/31/18	Jennifer Soto	\$119,600	\$130,000	\$10,400/ Re-evaluation of existing job	8.69%
3/31/18	Angela McDaniel	\$94,640	\$114,999	\$20,359/ Re-evaluation of existing job	21.51%

⁴⁴ Other adjustments were granted during this time period as well that may warrant Clerk’s further examination, including Jessica’s (14.6% on 4/14/18), Julissa Rizzo’s (8.8% on 4/14/18), and Nikki’s (44.6% on 4/14/18), but, except as specifically discussed elsewhere herein, those increases are beyond the scope of this report.

3/31/18	Natalie Bryan	\$98,800	\$117,079	\$18,279/ Re-evaluation of existing job	18.50%
3/31/18	Gladymir Ortega	\$89,440	\$100,000	\$10,560/Re-evaluation of existing job	11.80%
2019 ⁴⁵					
8/31/19	Jeremy Kryszan	\$112,486	\$150,009	\$37,523/ Re-evaluation of existing job	33.35%
6/22/19	Natalie Bryan	\$121,763	\$190,008	\$68,245/Transfer	56.04%
6/22/19	Gladymir Ortega Garcia	\$104,000	\$180,003	\$76,003/ Transfer	73.07%
6/22/19	Jennifer Soto	\$135,200	\$199,992	\$64,792/ Transfer	47.92%

The Clerk authorized each of the above raises, but the personnel files gave no indication as to what information Natalie presented the Clerk to persuade him to approve the adjustments. The evidence substantiated that Gladymir initiated a request for herself, along with her supporting reasons, in 2018. The evidence established that Jennifer only approved the March 2018 raise increases after her own proposed raise amount was increased by \$10,000.⁴⁶ It was substantiated that, in this instance, “bundling” did occur. However, Jennifer’s personnel file does not reflect any documentation that the Clerk viewed her as underperforming, so that aspect could not be substantiated.

Regarding the 2019 increases, Natalie and not Jennifer initiated these adjustments, which were represented as being based on the expansion of duties due to Amendment 10. The Clerk approved both the 2018 and 2019 adjustments but will need to assess if the information supplied herein is consistent with his own recollection as to how the increases were represented to him. It is further for the Clerk to determine if he agrees with the articulated base premise for the 2019 adjustments (i.e., Gladymir should make the County salary for Comptroller, and everyone above her in the chain must also be above in salary). It was also substantiated that Natalie supplied the only information used to calculate these raises, so the Clerk can decide whether further analysis is warranted. The files for all three individuals contained updated job descriptions, although the changes to Natalie’s and Jennifer’s job descriptions were much less substantive than Gladymir’s changes.

⁴⁵ The 2019 starting base before the further adjustments is higher than the March 2018 salaries because all of these individuals were also granted across-the-board increases with other staff in October 2018.

⁴⁶ The email initially supplied by Natalie included an underlying e-mail by Gladymir sending a draft of the proposed increases on March 28, 2018. After IT retrieved all emails within that string, it was revealed that Natalie had first submitted the proposal separately to Gladymir and Jennifer on March 26, 2018, including individuals beyond Gladymir in the proposal for increases. This presumably was for the “alignment” Natalie mentioned. It was Jennifer’s response to that email that demonstrated Jennifer’s dissatisfaction with that proposal, which had suggested a far lesser increase than Jennifer ultimately received.

Regarding IT Director Jeremy Kryszan's increase in 2019, the information showed that he had been seeking adjustment for years and also that he had supplied documentation of enhanced responsibilities and achievements in support of his request. Further review is warranted as to whether the overall increase to \$150,000 should have been granted, given that Jeremy was granted \$10,000 *above* his original request and only after Natalie told Jeremy to increase his request. The investigation also substantiated that Natalie was the executive who instigated salary leveling for Jessica and Nikki, resulting in substantial increases to both.

C. Jennifer's Outside Business Interests and Activities

Another component of Natalie's letter stated that Jennifer, at John's insistence, was working at John's insurance agency during the day instead of coming into Clerk's office.⁴⁷ Natalie further alleged that Jennifer engaged in unethical behavior through a personal financial transaction with her sister Carmen that was effectuated through a direct deposit transfer of part of Carmen's salary to a corporation Jennifer owned.⁴⁸ Both are addressed below.

1. Outside Business Interests and Activity

Natalie further alleged that John insisted that Jennifer work at their insurance agency during the day instead of coming into the office. The name of the agency is John Isla Insurance.⁴⁹ Natalie said it was the Clerk that told Natalie about it.

Under the Clerk's *Code of Ethics Policy and Procedures* (Section 2.0 of the Employee Handbook), an "employee, who wishes to work for an additional employer other than the Clerk, is prohibited from doing so unless he or she first submits an Outside Employment Request to their Management Team for approval." Section 2.10 of the Employee Handbook, the *Outside Employment Policy and Procedure* provides in relevant part, "Employees are restricted from engaging in private business or outside employment unless they first receive approval from the Clerk by filling out an Outside Employment Request and submitting the form to a member of their Management Team. It is understood that the position with the Clerk's office is the employee's primary job. Human Resources will evaluate all requests for outside employment to ensure that they do not conflict or interfere with the operations of the Clerk's office." The procedure requires the employee to complete a disclosure form that the management team must approve. Jennifer's personnel file did not contain disclosures for John Isla Insurance, Inc., John Isla Investment Group LLC, or her new fitness corporation, A.D. Fitness, Inc.

The investigation substantiated that Jennifer has business interests in John Isla Insurance, John Isla Investments, and A.D Fitness and that none were properly disclosed and approved as contemplated by Clerk policy. Jennifer worked at the insurance agency on multiple occasions while being paid by the Clerk's office. Nikki accompanied her on one such occasion, also on

⁴⁷ This was contained under *Nepotism and Cronyism Related Behavior* (item #7).

⁴⁸ See *Nepotism and Cronyism Related Behavior* (item # 13).

⁴⁹ State of Florida Division of Corporation records show that Jennifer is listed with John in the officer and director capacity on the corporate registration for John Isla Insurance, Inc. (formed on June 6, 2017) and solely listed for John Isla Investment Group, LLC (formed on January 18, 2018). Jennifer is shown in business with Angela Debatin in AD Fitness, Inc. (formed November 11, 2019).

Clerk's time. Multiple text messages Jessica supplied confirmed Jennifer working at the insurance agency during regular business hours. Jennifer claimed that she still received calls and engaged in Clerk work off-site.

2. Financial Transaction with Carmen

Natalie also alleged that that Jennifer behaved unethically and used the superior power of her position to require her sister Carmen to place a direct deposited portion of Carmen's paycheck directly into Jennifer's bank account despite Carmen's resistance.

The investigation substantiated that Jennifer is owner of an investment company (John Isla Investments LLC) that purchased Carmen's house (which had been in foreclosure) and then sold that house.⁵⁰ Jennifer also bought Carmen a house but put the house in the investment company's name for Carmen to pay through direct deposit. Carmen signed the proper paperwork at the Clerk's office authorizing direct deposit to the investment company.

Upon being told by Nikki about this situation, Natalie never approached Carmen or initiated any type of inquiry by HR to speak to Carmen about whether her direct deposit decision was truly voluntary. Instead, Natalie hired legal counsel for which the Clerk's office paid to see if there was any illegal or unethical activity occurring. She was told it was not unlawful. Nikki, the source of Natalie's information, said that Jennifer has done everything to help Carmen.

Carmen was asked about but did not express that she had any issues with her sister's involvement with her home. While the appearance of having a subordinate employee direct a portion of her salary to a company that a superior within the organization owned is not ideal, the transaction was determined to be wholly personal in nature. The investigation was unable to conclude that Jennifer expressly violated a specific policy.

D. Other Concerns by and between the Clerk and the Chief Deputy

In several sections of Natalie's letter, she included allegations related to the relationship between the Clerk and Jennifer and related to John's actions in connection with those relationships. The substance of those allegations are that (1) the Clerk and Jennifer expressed regret and concern over the employment relationship they share at the Clerk's office and the Clerk's suggestion that Jennifer was underperforming; (2) Jennifer made statements suggesting undue influence over the Clerk's official decisions; (3) John made a veiled threat against Natalie; and, (4) John and Jennifer exerted actual and impermissible influence by compelling the Clerk to delay the formation of an Inspector General's office.⁵¹

⁵⁰ As previously noted, this was one of two companies that Jennifer failed to disclose and obtain approval as required by Clerk's policy on this subject. While Jennifer claimed to have been unaware of the policy, Jennifer checked off and initialed receipt of the Employee Handbook on January 8, 2013. See Clerk of Courts New Hire/End of Employment Check List in personnel file.

⁵¹ These allegations are included under *Nepotism and Cronyism Related Misbehavior* (#1, 7, and 8) and *Work Negligence and Misbehavior* (item #3).

The information given has substantiated that, at various points, the Clerk has expressed, in one form or another, concerns or regret over having employed Jennifer, but Jennifer's personnel file contained no discipline or indication that the Clerk was critical of her performance. Similarly, Jennifer has expressed concerns over her continued employment in the event that her relationship with John was to end. Sufficient information was not provided to verify that Natalie made any meaningful effort to advise either about their "rights" germane to these concerns, as stated in her letter.

Natalie's next category of allegations related to alleged intimidation tactics she claimed were Jennifer used against both staff and even the Clerk. In this regard, Natalie alleged that Jennifer has stated to others that (1) she will use her relationship with John⁵² to make sure that the Clerk does as she instructs in all matters, and, (2) since she takes care of Mrs. Ramirez (the Clerk's wife, who is ill)⁵³ and pays all of John's bills with her Clerk's salary, the entire family relies on her.⁵⁴ Natalie described these statements as creating a "mob-family environment of bullying, intimidation, and fear." Natalie further gave as an example John's presence in the office "as an enforcer" when the Clerk was being forced to take an action against his will, like the revocation of the Inspector General's office.⁵⁵

The investigation also substantiated that Jennifer has made comments regarding the Clerk and their relationship and at a minimum implied some level of influence because of their relationship. Natalie, Nikki, Jessica and Julissa Rizzo all heard one or more comments.

Natalie's remaining allegation is that John was allowed to issue a "veiled threat" to Natalie regarding the Inspector General (IG) position on January 30, 2020, by making the statement that Jennifer was not going anywhere outside of the organization because he had not "given permission." As the recipient for this report, the Clerk will need to review this final allegation in conjunction with his own recollection of the events and the basis for his decision to delay starting an IG program. Natalie's and Maxine's claim that the Clerk was under duress when he decided to delay the opening of an IG office does not match the Clerk's stated desire when this investigation commenced or with his attorney's observations when that decision was made on February 3, 2020.⁵⁶ Moreover, the legality of the IG Charter and the underlying legal foundation is legitimately an action that should reasonably be pursued only with legal counsel. According to Sherry Sutphen, Clerk's primary outside legal counsel, the Clerk had been denied that opportunity when Natalie told him that it was unnecessary, too expensive, and that she (Natalie) would be able to explain the laws.⁵⁷ Finally, without corroboration from the Clerk, the

⁵² John Ramirez, the Clerk's son and Jennifer's fiancé.

⁵³ Regarding caregiving, Jessica supplied a text message exchange on April 6, 2019, regarding travel on April 7, 2019. The Clerk had a planned business trip and Jennifer asked Jessica to delay picking the Clerk up until later in the day because she and John had been caught unaware regarding the need to assist the Clerk's wife.

⁵⁴ Natalie had described a similar comment not as a threat but rather as part of Jennifer's alleged consternation over her purported anxiety over her position should her engagement come to an end.

⁵⁵ The example of John's insistence that Jennifer work at their Insurance Agency instead of the office during the day, as set forth in *Nepotism and Cronyism Related Behavior* (item #7), is addressed elsewhere in this report.

⁵⁶ John's presence in the office when the Clerk announced the delay was explained by Sherry, who stated John drove the Clerk to work because he had not been feeling well.

⁵⁷ According to Sherry, the Clerk made the decision to delay moving forward on the IG on February 3, 2019. This was the same time the Clerk made the decision to move forward with organizational changes as part of the

alleged statement by John cannot be substantiated.⁵⁸ Even if it were substantiated, the statement is too vague and ambiguous to constitute a threat against Natalie.

E. Inappropriate and Unprofessional Behavior

1. Inappropriate Language and Slurs

In the next category of allegations from Natalie, Jennifer purportedly used homophobic and racial slurs, and she purportedly enabled others to use them as well.⁵⁹ According to Natalie, slurs that Jennifer used were “ni**er” and “fag**ot *ss.”⁶⁰ Natalie also claimed it was reported to Jennifer that Antonette and Casey used the word “ni**er.”⁶¹ Maxine alleged that Jennifer created a hostile work environment by using inappropriate language and showing a photo. This section addresses both these allegations.

The investigation substantiated that Jennifer and others at the Clerk’s office (including Natalie, Jessica, Nikki and Ebony) have used inappropriate language, either verbally or in text messages exchanged with each other. The evidence was not sufficient to conclude that Jennifer used the term “fa**ot *ss,” in part due to the variation in Natalie’s description of events as compared to Nikki’s. The investigation substantiated that Jennifer, Antonette, Jessica and Nikki went to dinner while attending a conference in Tampa and rode back to the hotel together. It is also more likely than not that Antonette made a remark to the effect of not caring about what “those b**ches do” when discussing her desire to continue socializing after they returned, even when Jessica and Nikki declined. This finding is based in part on a text message in which Jennifer acknowledged that she was aware Antonette had done something to disrespect Nikki and promised to address it.⁶²

The evidence was not sufficient to substantiate that Antonette also used the word “ni**er” on that night or that Jennifer used it at all. No one even attributed “ni**er” to Jennifer except Natalie. Nikki said it happened once with Antonette the night they went to dinner at a conference, and Jessica supported that recollection, although Jessica was a little vaguer, recalling that the word was used at a conference and that Antonette sometimes used the phrase “this ni**a” and “this b***h.” Both Antonette and Jennifer denied it. Some of the text messages provided by individuals in this review showed inappropriate language, but none ever showed

preparation for Amendment 10. Thus, it would appear the reorganization decision was made before Natalie’s whistleblower letter, not in response to it as Natalie suggested.

⁵⁸ John is not an employee and was not available for interview.

⁵⁹ This was included in Natalie’s letter under the heading *General Unethical Behavior* (item #4).

⁶⁰ For clarity, the specific words used were “nigger,” “nigga,” variations of the word “fuck,” “shit,” “bitch,” and “faggot ass.” During interviews, the words were either truncated (i.e., “the “b” word,”) or instead described (i.e., “the F-bomb”) to avoid offense while fact-finding was conducted. Within this report, asterisks have been used to delineate the terms regarding which complaint has been made.

⁶¹ Casey is no longer employed. The individuals who assert Casey used the word “ni**er” all state it was outside work, and no complaint was ever made to HR.

⁶² The text from Jennifer to Nikki stated: “I didn’t know antonette disrespected you on Monday so that’s being addressed.” It was written in the context of Jennifer expressing displeasure at Nikki for her actions and Nikki acknowledging she had made some mistakes. This conflicts with the assertion that Jennifer was unwilling to address concerns Nikki had. But the text is not specific enough to substantiate that the disrespect had been in the form of a racial slur as opposed to the comment about “b**ches,” or some other offense.

these types of slurs. Finally, while both Natalie and Nikki appeared to concur that they discussed what happened at the conference, one additional fact that made it more likely than not that racial slurs had not been used is Natalie's role in the organization.

More specifically, Natalie was the former Director of HR and was the executive over HR when this would have happened. Natalie's job description specifically tasked her with responsibility to investigate any harassment or hostile work environment claims. Natalie was also harshly critical of what she perceived as Angela's attempt to insulate her own sister Barbara Hartley from being involved in an investigation. Natalie also said she would never allow these slurs to be used. Given these facts, it is not reasonable to conclude that some action would not have been initiated against Antonette had racial slurs been reported to Natalie, even if only by her sister Nikki.⁶³ Under the *Code of Ethics Policy and Procedure* (Section 2.0 of the Employee Handbook), it states that "Employees shall treat one another with the utmost courtesy and respect at all times, and will refrain from uttering any racially insensitive, sexually suggestive, derogatory, demeaning, or professionally inappropriate remarks." In addition, the Clerk's *Equal Opportunity Employment Policy and Procedures* (Section 1.3) states, "Equality of opportunity applies to all levels of service and to all job classifications. Each Director, Administrator, Manager and Supervisor is responsible for giving the Clerk's nondiscrimination policy full support through leadership and by personal example. In addition, each employee has a duty to help maintain a work environment that is conducive to and reflective of the Clerk's commitment to equal employment opportunity." Finally, ethical issues are also one of the exceptions to the chain of command policy.⁶⁴ In other words, Natalie's statement that only Jennifer could address the situation with Antonette was not correct. Indeed, Antonette's management had addressed issues of performance with Antonette in the past, and therefore Antonette was not insulated from being held accountable for her actions. Natalie would also have been fully able to bypass Jennifer and address this issue directly with the Clerk had Jennifer used the terms Natalie claimed. Natalie stated several times that part of her role was in managing organizational risk. It does not stand to reason that Natalie would have simply let this pass.

2. Unwelcome Hugging

Natalie's letter overlapped with Maxine in alleging that Jennifer imposed physical touching on employees, even when they have expressed directly to her that they did not want to be hugged or touched.⁶⁵ The investigation substantiated that Jennifer routinely hugs people at the Clerk's office and was told by at least one (Maxine) that she did not want to be hugged by Jennifer. While Jennifer claimed not to have been aware that Maxine did not want to be hugged, this is not credible given that the hugs themselves did stop. Maxine did not feel the hugs were sexual but rather were a form of bullying. Jennifer viewed the hugs as non-offensive and cultural in nature but said she had no intent to offend anyone. Maxine does allow others to hug her if she is asked first and consents.

⁶³ Amy confirmed it was not reported to her, and stated she would have acted if it had been.

⁶⁴ Employee Handbook policy *Management Team and Chain of Command Policy and Procedures*, Section 1.4.

⁶⁵ Compare Maxine's letter dated 2/5/20, with *Employment Law Related Misbehavior* (item #6).

3. Unprofessional Photo Display

One of Maxine's allegations of Jennifer's unprofessional behavior is that she took out her phone and showed a picture of herself in bra and workout pants at a meeting. The investigation substantiated that Jennifer, at a meeting with Maxine, Natalie, Amy, and herself, showed a picture of herself in a workout outfit that was on her cell phone to the others that were present, including Maxine. This was done only after Natalie initiated discussion of a photo shoot in which Jennifer participated. No one objected during the meeting, and no complaint was made over the incident until it appeared in Maxine's complaint letter.

F. Operational Interference and Neglect

Natalie alleged that Jennifer used "tactics of isolationism" by thwarting "functional internal meetings amongst the Clerk, Executives, leadership staff and external meetings with partner agencies, such as the Board of County Commissioners, the Chief Judge, and the Court Admin staff, thus controlling the message to Clerk by giving him her (often erroneous) interpretation of these partners' intentions, thereby sowing discord into our County government."⁶⁶

The evidence was not sufficient to establish that Jennifer used tactics of isolationism and actively prevented meetings from occurring. The meeting Natalie described with the court went forward, even without Jennifer. Natalie herself stated that Clerk frequently attended certain activities relating to Amendment 10. While Jessica claimed Jennifer was a barrier to meetings, the meeting Jennifer recalled the Clerk specifically requesting did happen.⁶⁷ The Clerk's former assistant (Julissa) said availability was sometimes an issue, but she had no resistance from Jennifer in scheduling meetings. No reasonable explanation was apparent as to why Jessica, when she was the Clerk's assistant, would not have been able to schedule without Jennifer's consent. The one meeting that was specifically canceled (the Pinellas IG meeting) happened because the Clerk, not Jennifer, decided to after he put the IG office on hold.

To the extent Natalie suggested that Jennifer had been in charge of Amendment 10 and neglected her responsibilities, this could not be substantiated. Sherry stating that both Clerk and Jennifer said it was Natalie that was supposed to be leading the effort. Gladymir said that, due to the chain of command, Natalie was the primary person with whom she was conferring on Amendment 10. Comparing Jennifer's and Natalie's job descriptions as updated in June 2019 supports that it was Natalie and not Jennifer tasked with determining "the integration/transition of County functions into the Clerk of Court and Comptroller's structure" Office of Management & Budget, Comptroller, Procurement Services."⁶⁸ Moreover, on February 3, 2020, the point at

⁶⁶ See *Work Negligence and Misbehavior* (item #2) and *General Unethical Behavior* (item ##5, 6). Some aspects of this issue were already discussed in part in the section on FMLA in relation to contact from Gallman. The aspect of Clerk's request to sign certain personnel paperwork *General Unethical Behavior* (item #5) was addressed earlier in this report.

⁶⁷ Moreover, at least a couple of the text messages Jessica provided showed that meetings were being planned and discussed.

⁶⁸ See Executive Director of Clerk, Administrative and County Services job description signed by Natalie and contained within her personnel file.

which the Clerk and Jennifer apparently realized inadequate Amendment 10 progress was being made, the Clerk decided on organizational changes he felt would remedy the situation.

G. Use of Staff for Personal Benefit/Personal Activities on Clerk Time

Natalie alleged that Jennifer required her Clerk assistants to perform activities that were outside of the scope of a professional assistant and more akin to that of a personal assistant, groupie, or entourage.⁶⁹ The investigation substantiated that Jennifer had her assistants (Jessica and Nikki) perform tasks of a personal nature for her that were outside the scope of their jobs (i.e., shopping, picking up her child, making family medical appointments, grocery shopping, and the like). The investigation also substantiated that this had sometimes occurred while these employees were on the Clerk's time and were paid by the Clerk's office. Nikki also at least once picked up another child, Dutch, during work hours.

The investigation further substantiated that Jennifer, Natalie, Nikki, Jessica and, at one time, Ebony went shopping during working hours. Jessica made Natalie aware of this as far back as 2015, but Natalie encouraged Jessica to continue with the activity as a way of getting to know and to form a relationship with Jennifer. Jessica passed on that same advice to Nikki. While Nikki made HR aware of what was happening, she made no complaint, nor did she accept any of the assistance HR offered to remedy the situation. Nikki instead made it known she would continue to participate in the activities for her own personal benefit.

H. Contract-Related Misbehavior

Another of Natalie's allegations was a "consistent application of a pay-to-play attitude applied to multiple contractual situations."⁷⁰ Two specific examples were offered in support.⁷¹ One was an alleged attempt by Jennifer to control the outcome of an RFP involving collections, including threatening Natalie with her job for not following instructions on how to award the contract. The second related to the relationship between Jennifer and Sherry, the Clerk's outside counsel, and the use of legal services.⁷² Natalie said that Jennifer leveraged Clerk legal business needs to gain free legal work from Sherry and pressured Sherry to do her bidding even though it was outside the scope of Sherry's professional standards.

A review of the e-mails exchanged on the RFP for collections showed that Natalie did not send the results on May 8, 2019, as stated in her interview. Rather, the e-mail sent that date was with a draft RFP and related material for review and approval. It was not until July 25, 2019, that the results were sent, along with a recommendation that Penn Credit and Linebarger be kept, and that IC Systems and Valley Collection be selected if the Clerk sought to obtain additional contracts. The next follow-up was just a few days later (on August 1) when Natalie asked if the recommendation was approved. A week later, on August 9, 2019, Fiorella sent an e-mail to Natalie letting her know that the Clerk and Jennifer approved all recommendations.

⁶⁹ This allegation was encompassed in *General Unethical Behavior* (item #3).

⁷⁰ See *Contract-Related Misbehavior* (item ##1, 2).

⁷¹ Natalie was asked, but she was not able to provide any other examples.

⁷² The allegations against Sherry were also encompassed under *Employment Law Related Misbehavior* (item ##2, 3), and so both have been addressed within this section.

The investigation substantiated that an RFP was done to determine which collection agencies the Clerk's office would utilize. Quality led the effort with support from the Finance Department and the Legal Research Department. At the time of the RFP, Natalie was the executive overseeing all of these departments. The recommendation made by Natalie and Quality using the scorecard that they developed were to keep the two existing agencies (Penn Credit and Linebarger) and to use two new agencies (IC Systems and Valley Collection). This recommendation was approved by the Clerk and Jennifer within two weeks of being submitted.

The information was not sufficient to support a finding that Jennifer attempted to manipulate the RFP to ensure that Penn Credit and Linebarger were selected for several reasons. First, as Natalie acknowledged, there would have been no reason for the Clerk or Jennifer to have advocated for such an outcome. One option had always been simply to renegotiate the existing contracts. It further stands to reason that Jennifer would have no need to threaten to fire Natalie since the recommendation, which was made independent of any influence by Jennifer or the Clerk, actually included keeping Penn Credit and Linebarger.⁷³ Natalie briefly suggested that Jennifer had actually wanted yet another agency of which she never told Natalie the name, but it is not reasonable that Jennifer would not have actually told Natalie the agency she preferred if Jennifer had hoped to manipulate the selection process. No other witness identified an alternative preference for Jennifer. Finally, Natalie said she did not speak directly to Jennifer after the meeting. Rather, Natalie placed her discussion with Jennifer at some point after she had spoken to Nikki and Jessica. Jessica said Jennifer called Natalie when the meeting occurred and was very upset. Jessica also did not even recall having an "emotional" conversation with Natalie about the situation until later. The other staff members who were supposed to corroborate a threat to Natalie (Magda and Fiorella) in fact did not. For these reasons, the evidence was not enough to find improper activity on Jennifer's part in relation to allegedly threatening Natalie or trying to manipulate the collections RFP.

The investigation established that Natalie did not like Sherry and would speak negatively about her to Jennifer. The evidence did not establish that Sherry either represented Jennifer individually or did any substantive legal work for Jennifer. At best, Sherry may have been asked an occasional question in passing not only by Jennifer but by others as well. No evidence was submitted that Sherry did any legal work for John either. Finally, no evidence was provided to suggest that Sherry ever provided free legal work as part of a "pay to play" arrangement in order to be allowed to continue representing the Clerk.

⁷³ To the extent Jessica and Natalie claimed Jennifer misread the score card and became confused, only to calm down later once she understood Penn Credit and Linebarger were to be kept, that assertion is not credible. It is possible the score card itself could have been confusing, since the scores showed very little variation and did not clearly delineate that Penn Credit and Linebarger would be kept. But the face of the transmitting e-mail stated plainly, "While still maintaining contracts with the current agencies, we recommend you consider these two companies (referring to IC Systems and Valley Collection) if you are going to obtain an additional contract." (emphasis added).

I. Employment Issues

1. FMLA Concerns

The primary complainant on the issue of alleged FMLA violations was Maxine, who said that Natalie had experienced some medical issues in September. Maxine said Natalie was on bed rest per doctor's orders. Maxine said she sent an e-mail to Natalie's team, informing them of the situation. Maxine said Jennifer was also aware because Natalie had called her. The first incident⁷⁴ was in August, when Natalie was out after having a medical issue.⁷⁵ Another issue happened in September. They were both close together. Natalie's letter also contained an allegation that there were consistent violations of the FMLA by contacting employees requiring work.⁷⁶ Natalie said that she was talking about her sister Nikki but that she was not sure of her total FMLA situation dates.

The investigation was not able to substantiate that Jennifer or Amy violated the FMLA policy regarding Natalie by calling her several times when she was on medical leave. The investigation substantiated that Natalie had some brief medical issues in 2019 but never elected to use FMLA, even though she was aware of that option. Natalie's assistant Maxine tried to insulate Natalie from calls, but Natalie's own practice was to allow calls. There is not sufficient evidence to find that Natalie communicated otherwise to either Jennifer or Amy. The evidence also did not substantiate that the FMLA policy was violated with respect to Nikki. Nikki declined FMLA in writing in 2017. Nikki did not complain to HR about being required to work outside her restrictions, which had been properly communicated to her management. Nikki was granted more than the FMLA twelve-week leave entitlement in 2019, as well as a promotion. She was also granted a transfer with no loss of pay, both of which were in positions created for her as previously described.

2. Investigation Interference or Lack of Objectivity

Another of Natalie's allegations was that both Natalie and HR reported to Jennifer that Angela had confessed to them that she had engaged in nepotistic behavior.⁷⁷ Natalie claimed that Jennifer interfered with the outside investigation.

The investigation established that a personnel matter involving Shawn and other staff, including Barbara, was sent out for investigation by Sherry, who completed the investigation promptly. Sherry issued both an initial and then a supplemental report with full details of what she had learned. Sherry's report was objective and factual, and the information was insufficient to establish that Jennifer interfered with the investigation or attempted to control the outcome. Barbara's action in taking information to Angela (outside her chain) is plainly reflected in the

⁷⁴ Maxine said there were two times that this occurred, once in August and once in September. On one of those, Maxine said Natalie had been taken to the hospital.

⁷⁵ For privacy reasons, the specific medical issue disclosed in the interview will not be identified.

⁷⁶ See *Employment Law Related Misbehavior* (item #1).

⁷⁷ This allegation in various forms appeared under in Natalie's letter under *Employment Law Related Misbehavior* (item #2) and *Work Negligence and Misbehavior* (item #4), so those allegations have both been addressed within this section.

report and was the subject of corrective action.⁷⁸ A difference in opinion existed between Jennifer, Natalie, and Amy about the direction of the investigation in relation to Angela. In that regard, Jennifer was legitimately concerned that Natalie's animus for Angela was in play, since Jennifer was satisfied with the actions Angela had taken in both speaking to Shawn and also bringing the matter to Jennifer's attention. Jennifer directed that Sherry's recommendations be implemented, but action was not taken to do so for more than three months. The final outcome was coaching for three employees, and Natalie recommended ethics training for Angela.⁷⁹ Regarding a second investigation mentioned by Natalie in which she claimed Sherry had an undisclosed conflict because her daughters attended school with one of the complainants, this was not substantiated. No credible evidence was presented to show that Jennifer improperly controlled any other investigations that involved Sherry or that Sherry was compromised in conducting them.

3. Candidate Hiring Issue

Another allegation related to Jennifer was that Jennifer had advised a candidate (a friend from her gym) to lie on his pre-hire paperwork and asked that he still be hired into the position for which he did not qualify (because his driving privileges had been revoked, and the position required a valid driver's license).⁸⁰

The investigation substantiated that Herminio Pereira-Garcia was one of Jennifer's gym referrals. The investigation also substantiated that Jennifer had a conversation with Pereira-Garcia prior to his filling out an application regarding those driving issues and admitted to multiple individuals the role she played in Herminio's application completion. It is more likely than not that Jennifer told Herminio that he did not need to disclose the items he had told her and, in so doing, caused Herminio to fail to disclose his arrest on his application. Amy discovered this in the background check, and management could have but did not elect to exclude him from hire. However, the Clerk overruled Jennifer and did not permit him to be employed in the open position involving driving in Special Projects.

4. Misuse of Conference and Travel Funds

Natalie alleged that Jennifer used Clerk funds for travel to conferences where classes and seminars are not attended, and limited Clerk business is realized.⁸¹ Natalie further alleged that Jennifer encouraged other employees not to attend classes and seminars and unethically had them sign for her attendance to receive attendance credits and/or certifications.

⁷⁸ To the extent it became apparent that Angela was perhaps less than ineffective in separating her professional and personal relationships with family members, it was not qualitatively different from the relationship Jennifer had with Carmen, or the relationships that Natalie had with Nikki and Taomi. Indeed, many of Natalie's allegations were based on things she was told by her sister Nikki or non-relative Jessica and Natalie failed to act on. The evidence was not sufficient to establish that Angela admitted "breaking the law."

⁷⁹ Natalie insisted that the training be done in person, so HR has thus far not been successful in locating a suitable program.

⁸⁰ See *Employment Law Related Misbehavior* (item #4).

⁸¹ See *General Unethical Behavior* (item #1).

The investigation substantiated that Jennifer, Angela, and a number of executive assistants have attended conferences, one of which was the CJIS conference in Tampa. During part of the conference in Tampa, Jennifer was absent because she was with an employee (Antonette) who had broken her foot and had to go to the hospital. Jennifer then left the conference and sought reimbursement. Jennifer did not feel the conference had anything to do with the Clerk's office; it was geared toward law enforcement. At this conference, there was an issue between Jennifer and Nikki regarding Nikki not giving Jennifer enough support and a comment Nikki had made that Jennifer thought was unprofessional. The information gathered was not enough to prove generally neither that Jennifer failed to attend conference sessions in which she was interested, nor that Jennifer missed sessions at the Tampa conference inappropriately. The evidence was not sufficient to prove Jennifer told people not to attend the sessions for which they registered or tried to make staff sign her in when she was not present.

III. Conclusion

Individuals findings and conclusions, as applicable, have been included in each of the above sections for review. However, the final aspect of this report, this Conclusion, addresses ultimate implications from those individual findings. The allegations in this case were extensive and suggested a pervasive pattern of inappropriate activity. Certain aspects of those allegations were substantiated in whole or in part and possess a character that requires the Clerk's careful consideration on how best to proceed. For example, both Jennifer and Magda violated the Clerk's policy on disclosing outside business interests. Jennifer was also found to have worked at John's insurance agency while the Clerk was paying her. Jennifer likewise failed to follow Clerk's normal practices with respect to John's public records request. Jennifer interfered in the management of her sister and advocated for the hiring of her cousin. But Natalie similarly interfered with her own sister's employment.

It was also established that Jennifer, sometimes on Clerk's time, used her staff for wholly personal activities, like shopping and picking up her child. However, rather than addressing this issue when it arose, Natalie encouraged Jessica to acquiesce to the clothes shopping activities to foster a relationship. Jessica in turn passed that advice onto Nikki. The investigation further demonstrated serious issues regarding the level of effort and productivity by multiple exempt staff, not just Jennifer. The evidence also demonstrated a number of inconsistencies in how personnel transactions were characterized (i.e., transfer instead of demotion) and how documentation that either was required by policy or would have provided justification was absent. This was in part a product of the organization having allowed executives to determine the characterization of personnel transactions. These issues were happening at a time when Natalie had been the executive over HR in charge of the records for all personnel transactions.

Other allegations were substantiated, and are concerning, but were not necessarily indicative of specific law or policy violations. For example, friends of both Jennifer and Natalie were hired, but, in a number of instances, this was part of a referral program intended for just such a purpose. Higher level appointments of friends (like Fiorella and Magda) were also not a practice limited to Jennifer. Friends of Natalie were also hired (Ebony, Tyron, Kamaal) and advanced through the organization. It was also Natalie who saved Casey with a demotion instead of termination at one point. But it must be remembered that all Clerk appointments are "at will"

with the Clerk's policy reserving the ability to make direct appointments. The evidence showed that executives were allowed to make those decisions. Another example is that the investigation substantiated that discussions transpired on the Cortes situation after Caridad's husband announced he would run for Clerk. That such a discussion occurred is not itself surprising given the prohibition on campaign activities and Jennifer's concern it had already started. The HR Director herself was the first to recognize the sensitivity of the issue. But no adverse action was taken with respect to Caridad, and Jennifer herself signed off on Caridad's new opportunity as Business Analyst and the increase Caridad was given.

It was also proven that Jennifer engaged in a personal financial transaction with her sister and that Carmen, as part of that transaction, had a portion of her check direct deposited to a corporation Jennifer owned to pay her mortgage. Natalie herself characterized this as unethical, even while admitting she had already vetted the situation with counsel and knew it was not unlawful. In fact, no specific policy prohibited Carmen from making that decision, and Carmen herself had no complaint.

Another example is when the investigation substantiated that the Clerk and Jennifer, at various points, expressed concerns over their employment relationship. For the Clerk, it was regret over having hired Jennifer. With Jennifer, it was concern over the possible impact a change in her relationship status with John could have on her employment. But nowhere within this allegation was it suggested that either took some action in violation of policy or law. Rather, Natalie's claim was that this was proof that Jennifer was an underperformer, even though Jennifer's personnel file did not support that claim. Further, Natalie claimed that Angela was underperforming, but Jennifer, her leader, denied having issues with Angela's performance. Moreover, it was Natalie that included Angela in the group for whom Natalie recommended increases in 2018. Only the Clerk can determine if he is satisfied with Jennifer's performance and that of his other executives, particularly given the issues that have been brought forward as part of this review.

There are also certain issues on which a sufficient factual basis was not submitted to support a conclusion that the situation occurred as described. For example, the evidence substantiated inappropriate language was used, and unprofessional text messages were exchanged, but the evidence was insufficient to prove the specific use of racial or homophobic slurs. The evidence established that Jennifer left the conference in Tampa, but not for an improper purpose or as part of an effort to waste intentionally County funds.

Finally, the circumstances leading to the letter submitted by Natalie and others is worthy of some comment. The fundamental underpinning reflected in Natalie's letter and during Natalie's interviews was that she had been aware of these issues for an extended period, that the Clerk had supposedly known as well, and that these were all issues that Natalie "agreed to investigate ... with the Offices of the Inspector General" and had "intended to address these matters with (the Clerk) in that official capacity." However, Natalie claimed that "because the culture of corruption was at risk, she (Jennifer) utilized her formal and informal power over the Clerk's decision-making to forestall the IG office." Natalie's position apparently was that, if change were to happen, it needed and could only be executed through a formal power structure

of an IG office. Maxine went as far as to claim Clerk was possibly the victim of “psychological abuse.”

Sherry was able to offer insight as to the sequence of events leading to Clerk’s decision to delay implementation of an Inspector General office after he became concerned that legal issues were present regarding his ability to assert the authority Natalie recommended to him and whether the actions taken in furtherance of starting an IG office were lawful. This issue appeared to be of particular concern, as it became known that these actions had all apparently been undertaken without the benefit of review by the Clerk’s primary counsel, Sherry.

The Clerk’s decision was not well received by Natalie, who behaved poorly in response to the announcement. Natalie further complained that departments were re-routed from her after complaining, but Clerk’s counsel indicated that the Clerk made the organizational changes to focus more optimally on Amendment 10 on February 3, 2020, before any whistleblower letter was submitted. The only reason Natalie was not made aware sooner was because she had absented herself from the workplace for a personal family matter.

This sequence, as well as the information revealed in this investigation, demonstrated Natalie’s premise that only an IG office could address the concerns was neither true nor reasonable for several reasons. First, the *Ethics Code Policy and Procedures* specifically contemplated exactly such a circumstance and gave Natalie a direct line to the Clerk to address every issue over which she had concern had she been so inclined.

Second, Natalie’s history with the Clerk’s office and her stated responsibilities placed compliance, particularly on HR matters, squarely on her shoulders. Her career path with the Clerk showed a consistent pattern of promotions and enhanced responsibilities, demonstrating she had the Clerk’s trust and confidence and could easily have used the chain of command bypass provision to address the activities complained of in her letter directly to Clerk.⁸²

The more likely explanation is that Natalie, legitimately with the Clerk’s support, sought the opportunity to become Inspector General, with a goal of placing into that new office other individuals she had hand selected. But the process was not transparent, was pursued largely outside the chain of command structure, and was not fully vetted legally. When the Clerk became concerned and sought legal advice, leading to a decision to delay the change, Natalie responded with the whistle-blower letter, complaining about activities that had spanned a number of years and over a time period that she, as the executive over HR, should have acted to curb. Instead, the investigation established that she had acquiesced in or was a willing participant in some the activities that were occurring, including in some instances the same type of conduct over which accusations at Jennifer had been leveled.

⁸² The Clerk had in fact demonstrated his willingness to disagree with Jennifer, both by refusing to hire Rafael in the position and at the salary Jennifer wanted for Rafael, and by refusing to hire Herminio for Special Projects even though that was Jennifer’s preference.

Respectfully submitted,

Deborah C. Brown, Esq.
Florida Bar No. 0749648
James F. Brown
Sr. HR Consultant
Brown Law and Consulting, PLLC
Florida Bar No. 0749648
301 W. Platt Street, #501
Tampa, FL 33606

APPENDIX A

Individuals Interviewed (listed alphabetically by first name)

Amy Kryszan
Angela McDaniel
Antonette Rodriguez (Mendez)
Caridad Cortes
Carmen Soto
Catherine Smith
Debbie Fertic
Donna Richardson
Ebony Sanford
Fiorella Garcia
Gladymir Ortega Garcia
Jennifer Soto
Jeremy Kryszan
Jessica Echavarria
Jill Barnes
Joe O'Dell
Joel Fernandez
Julissa Rizzo
Katherine Carmack
Magda Reyes
Maxine Lang
Michelle Shepherd
Mildred Gonzalez Vega
Natalie Bryan
Natasha Hodge-Gumbs
Nikki Bryan
Peggy Ley
Sherry Sutphen
Sarah Brown
Shawn O'Grady
Stacie Conner
Taomi Thompson
Tiffany Braxton
Tyron Reed

APPENDIX B

- Letter by Natalie Bryan, Executive Director of Clerk, Administrative and County Services, dated February 4, 2020;
- Letter by Maxine Lang, Executive Assistant to Natalie Bryan, dated February 5, 2020; and,
- Letter by Jessica Echavarria, Executive Administrative Assistant to the Clerk, dated February 5, 2020.

Natalie T. Bryan, PhD ABD, MHR
Executive Dir of Clerk Administrative & County Services
Osceola County Clerk of the Circuit Court
Office of Amando Ramírez
2 Courthouse Square
Kissimmee, FL 34741

February 4, 2020

Amando Ramirez, Clerk of Court

RE: Whistleblower Claim

Via Electronic Mail

Dear Clerk,

I am writing to you regarding several urgent concerns and reporting the culture of corruption at the Osceola County Clerk of Court. I am deeply concerned that the individuals and their actions illustrated herein constitute a serious violation of the law, abuses the legislative intent of the law, creates an unsafe and hostile work environment and fail to protect the general public, whom we are here to serve. These are all issues that I would have addressed as Inspector General, but since you have decided to revoke your decision to establish this much-needed office, I am charged to inform the organization of its failure of the public trust, to deliver on its mission “to be the finest Clerk’s Office in the nation” and to “consistently deliver superior service, an unparalleled commitment to our customers, our employees and the community we serve.”

I am concerned that these actions pose a risk to our organization, awaken a retaliatory nature, border on criminal behavior, and betray the trust that members of the public (“our bosses”, as you have us put at the top of every organizational chart) has bestowed upon us.

The relationship between you, Clerk, and Chief Deputy Jennifer Soto has been determined to not legally meet the standard of nepotism according to Florida statute; however, the incestuous

nature of the relationship and how it affects the entire office has proven to create a highly infectious and murky environment for the entire Office of the Clerk of Court. It prohibits the effectiveness of the office, underserves the public, and the best interests of the citizens and employees are deprioritized. This relationship breeds consistent family-induced in-fighting, outbursts, cursing, unprofessional, and uncivil behavior to all and in front of all who are forced to work with and around you both. Below is a detail of some of the concerns at hand. Aside from all of it being outside of Clerk of Court policy, it has caused much harm, much pain and damage to many.

Campaign Related Misbehavior

1. Consistent mentioning, formulating, and tying of organizational activities to campaign planning in the office.
2. Attempts to plan campaign meetings during work hours and encouraging employees to attend without utilizing time.
3. Presentation of campaign events to new and uninformed staff as if it were part of their official duties.
4. Jennifer Soto requested of me to remove Caridad Cortes from the Human Resources department because her husband John Cortes has filed to run for the Clerk of Court. I refused this request twice. I also spoke with both Mr. Ramirez and Ms. Soto and advised that any action to Mrs. Cortes' employment status based on that fact was unethical and illegal. Even after that conversation, when she received a document for signature on a promotion for Caridad Cortes, she again called me and asked why she was being promoted. I advised she was being promoted for her increased aptitude and performance. She again asked if Mrs. Cortes can be removed from the Human Resources department. I advised her that no she cannot, but under her new position, she would be sitting in a separate area other than the main HR hub.

Nepotism and Cronyism Related Misbehavior

1. There is a constant dichotomy that exists between the Clerk and Jennifer's relationship that affects ALL THINGS CLERK OF COURT. They both claim to be the victim of Jennifer's hire. The Clerk has asserted to at least five (5) employees on separate occasions that he only hired Jennifer because his son John, and wife Milly requested him to, yet it was against his better judgement and it was his worst decision as Clerk of the Court. Conversely, Jennifer purports that she is living in an environment of fear and degradation as the Clerk and Milly pulled her aside

one day and advised if she ever broke up with John, that she would be fired from her position. At the time that both of these employees expressed their fears and regrets about working together, I advised each of their legal rights, which is the duty of my position.

2. Ms. Soto's consistent interference in the appointing, promoting, employing and advancement of her family members, Carmen Soto (sister), and Raphael (cousin).
3. Consistent interference in the daily management of her own family members, and interference with the disciplinary process regarding her own family members.
4. Appointment of no less than 7 members of her gymnasium without the Clerk's acknowledgement, into the highest paid entry level position (Criminal Cashiers), thus ballooning this department past its capacity, while other courtside departments go grossly understaffed, including the Court Clerk departments of both the Civil and Criminal courts.
5. Allowing friends and family members unlimited days off without the proper documentation, or utilization of time-off. This includes sister Carmen Soto, and best friend Antonette Rodriguez who has taken innumerable vacations, many with Jennifer and planned on Clerk of Court time, without the utilization of time-off days.
6. Appointment of underqualified family members of friends and giving benefits of transfers into lower paid positions without reduction of pay to unskilled, unknowledgeable, underperforming family members, friends, friends of friends, and family of friends.
7. Intimidation tactics are utilized against all staff, including the Clerk of Court, by Ms. Soto, who consistently relies and blatantly states that she will utilize her relationship with John to make sure that Mr. Ramirez does as she instructs in all matters. In addition, she asserts that since she takes care of Mrs. Ramirez (who is ill) and pays all of John Ramirez's bills with her COC salary, that the entire family relies on her. This creates a mob-family environment of bullying, intimidation and fear. Examples of this are John Ramirez's insistence that Jennifer works at their Insurance Agency during the day, instead of coming into the office; and John Ramirez's presence in the office as an enforcer when Mr. Ramirez is being forced to take an action against his will, like the revocation of the Inspector General's office.
8. Mr. Ramirez and Jennifer Soto allowed John Ramirez to issue a veiled threat at me regarding the Inspector General position on January 30th, 2020 (at that time I was sitting in the position of Inspector General), as he advised me that Jennifer was not going anywhere outside of the organization because he hadn't "given permission".
9. No-show positions awarded to friends; and habitual absenteeism allowed to her friends and family members who are completely absent from work for days, weeks and months at a time, thereby creating poor work dynamics, products and outcomes, underperforming operations,

leadership vacuum, misguidance, and immobilization of organizational decision-making mechanisms, and wasted County resources. Improper utilization of employee time donation program to support these allowances.

10. Constructive demotion of employee Casey Green who was hired and promoted because of their interpersonal relationship (her previous trainer), however after he expressed to Mr. Ramirez, and Angela McDaniel interest in learning about and one day running for the seat of the Clerk of Court, and this information was passed on, he was given Antonette as an assistant (at this time, no Directors had assistants) in order to watch and report on his behaviors, even during personal times and information when he had a legal reasonable expectation of privacy).
11. Consistent interference in the disciplinary process of friends and family members (Carmen Soto, Samara Dean), even for no call/no show situations that have left departments in dire operational needs. Consistently covering up the underperformance of staff by creating a pathway for them to “fail up”. Evidence of this can be found in the employment records.
12. Bundling high-functioning employee compensation to self, and other low-functioning family members to attain undeserved increases. Evidence of this can be found in the employment records.
13. Consistent positioning of family and friends into unethical situations, leveraging superior power of her position in personal matters: Ms. Soto required her sister Carmen Soto to place a direct deposited portion of Carmen’s paycheck directly into Jennifer bank account, despite Carmen’s resistance. Carmen consistently complained to coworkers that her house was “stolen” by her sister Jennifer Soto and her fiancé John Ramirez, and that they utilized illegal methods for attaining a quick deed on her home. Legal counsel was sought on this matter. Although counsel determined that since Carmen has signed the Direct Deposit form, this was not illegal activity, however extremely unethical. Evidence of this can be found in the finance-related employment record.

Contract-Related Misbehavior

1. A consistent application of a pay-to-play attitude applied to multiple contractual situations.
2. Attempts to control the outcomes of office RFP’s for multiple illegal reasons. Jennifer made threats of me possibly losing my job because I did not follow her instructions to award Penn Credit and Linebarger as winners of the Collections RFP. The report of this threat was delivered to me by Mr. Ramirez, as well as other individuals that were present.

3. On January 30th, Jennifer Soto indicated to me that John Ramirez would be sending out donation requests to the “vendor list”. I asked her to clarify which vendor list. She elusively responded that it was just a list of vendors that John had. I advised her that a Clerk of Court vendor list should not be used as a contact list to request donations.

On the next day, Gladymir Ortega, Comptroller, contacted me and advised that Ms. Soto’s assistant Fiorella Garcia had contacted Gladymir’s assistant Peggy Lay to request the Clerk of Court vendor list. Evidence of this can be found in the Clerk’s email system.

Employment Law Related Misbehavior

1. Consistent violations of FML by contacting employees requiring work that violates the Family and Medical Leave Act.
2. Controlling third party “objective” investigations, utilizing attorney Sherry Sutphin, whom Jennifer consistently refers as her tool to ensure outcomes, thereby removing the objectivity of these investigations, even to protect those who admit to breaking the law.
3. Leveraging Clerk of Court legal business needs to gain free legal work from attorney Sherry Sutphin and pressuring Sherry to do her bidding even though it is outside the scope of Mrs. Sutphen’s professional standards.
4. Ms. Soto announced to myself, Clerk Ramirez, and Jessica Echavarria that she had advised a candidate (a friend from her gym) to lie on his pre-hire paperwork and asked that he still be hired into the position for which he did not qualify (as his driving privileges had been revoked, and the position required a valid driver’s license).
5. Consistent misrepresentation of her friends’ and family members’ abilities to do the work in the positions to which she appoints them (often without the Clerk’s knowledge). For instance, she insisted that her cousin Raphael had a plethora of experience putting together events; however, it was his life partner who had the experience. Jennifer has openly expressed to myself, and to her sister’s manager that Carmen has grade-school level abilities of understanding (sometimes 7th grade, sometimes 3rd grade), is unable to do any job put before her, and should not be expected to perform to expectations. Jennifer was advised by myself and others that if Carmen is unable to meet the minimum requirements of her position, she should not be an employee or should file for an ADA accommodation to utilize proper and legal organizational resources to support her into adequate performance of her position.
6. Jennifer has imposed physical touching on employees although they have expressed directly to her that they did not want to be hugged or touched.

Work Negligence and Misbehavior

1. Neglect of duty to protect evidence: Refusal to conduct a timely evidence audit despite full knowledge that evidence has been compromised.
2. Tactics of Isolationism: Ms. Soto consistently thwarts functional internal meetings amongst the Clerk of Court, Executives, leadership staff and external meetings with partner agencies such as the Board of County Commissioners, the Chief Judge, and the Court Admin staff, thus controlling the message to the Clerk by giving him her (often erroneous) interpretation of these partners' intention, thereby sowing discord into our County government.
3. There have been blatantly expressed needs by both the Clerk and the Chief Deputy to terminate low-functioning employees. The Clerk has reported to more than 5 witnesses that Jennifer Soto was underperforming in her work and breaking the law by not working but collecting a paycheck. Furthermore, Jennifer Soto has repeatedly advised of the need to fire employee Angela McDaniel for underperformance and absenteeism, but openly explains that she will not for political purposes.
4. The Human Resources department and I reported to Jennifer Soto that Angela McDaniel had confessed to them that she had engaged in nepotistic behavior. This information was turned over to Sherry Sutphen for an objective investigation. According to Sherry's own report to HR, this investigation was overly controlled by Jennifer Soto who wanted a particular outcome and wanted to hide the admission of preferential treatment to Angela's sister. I asked Jennifer if this was true, and she denied it, although multiple witnesses observed her constant interference in the investigation process.

General Unethical Misbehavior

1. Ms. Soto has utilized of Clerk of Court funds for travel to conferences where classes and seminars are not attended, and limited Clerk of Court business is realized. In addition, she encourages other employees to not attend classes and seminars, and unethically has them sign for her attendance to receive attendance credits and/or certifications.
2. There is a pervasive culture of corruption, and amorality that is supported by the actions of the Executive Team of this organization. Jennifer Soto and Angela McDaniel customarily only arrive to work to ensure that wrongdoing is effectuated as instructed by their staff.
3. Ms. Soto consistently requires her COC assistants to perform activities that are outside of the scope of a professional assistant, and more of the scope of a personal assistant, groupie, or entourage. This includes accompanying her to the mall for hours on end; daily picking up of her daughter from school; etc... In addition, other employees have been pulled from public duty to

perform personal duties like watch her dog when she goes out of town, or to drive herself or John Ramirez somewhere.

4. There is a pervasive use of homophobic and racial slurs that are utilized by Jennifer Soto, and she allows others to utilize them as well. Slurs that have been reported to her is the use of “Ni**er” by Antonette Mendez and Casey Green; Slurs that have been utilized by her are “Ni**er” and “Fa**ot as*”.
5. Ms. Soto consistently hides her own choices on employment actions (for instance, letter from Daisy to the Clerk requesting a job analysis; and the promotion, demotion, and termination of Casey Green) and reverses directives given by the Clerk to staff (for instance, his desire on signing off on all status change forms; the requirement of Executive meetings, etc...). Jennifer consistently undermines him and gives alternate instructions to the staff behind his back, thereby creating an environment of shrouded decision-making and immobilizing the staff from taking proper organizational action.
6. Ms. Soto consistently convinces the Clerk of things that are not true, besmirching others. For instance, Jennifer convinced the Clerk of Court that our current Chief Judge was attempting to impose his will onto the Clerk because he requested a meeting with our office. The Clerk was extremely upset by these allegations and cancelled the collaborative meeting with the Chief Judge and Kelly Gallman of the Court Administration. I spoke to Jennifer on the phone that night and found out she just wanted to cancel because she had a spa appointment. I asked her for approval to call the meeting back on and advised that I would accompany the Clerk to represent his and her interests. I gained her approval, and the next morning met with the Clerk explaining that the Chief Judge was our partner, not our enemy, and that we needed to meet with him, which we did. Another instance of that is that the Clerk was convinced that the IG of Pinellas County wanted a 5:00 a.m. meeting with our office to rush us into an IG office. I attempted to explain that there is no ulterior motive in the IG attempting to help us.

I was a direct witness for most of the events described and have found my colleagues’ account of these events to be credible because in most cases, multiple officials recounted fact patterns that were consistent with another. Additionally, a variety of information consistent with private accounts have also been reported.

There is a crisis in Osceola County Clerk’s office that as of January 5th, 2021 will spread to the entire County structure; it must be contained, and I cannot in good conscience remain silent. Over the past 12 months, this misconduct has become increasingly less palatable and pervasive.

As you and I have discussed many of these issues, and agreed to investigate them with the Offices of the Inspector General, I intended to address these matters with you in that official capacity; unfortunately, the office was revoked by you due to the fallacious relationship between you and Jennifer and the discord within our organization that I have described above.

Furthermore, the retaliatory attack that is being lodged against me began only after the primary wrong-doer, Jennifer Soto, became apprised of the opening of the IG office. Because the culture of corruption was at risk, she utilized her formal and informal power over your decision-making to prohibit what you and I know both know is right, proper, in the truest interest of justice, and in the best interest of the seat of the Clerk of Court, the employees herein, and ultimately the citizens (the communities we serve).

I provide this whistleblower letter to you as Clerk of Osceola County to bring about those statutorily responsible to provide a legal remedy to the concerns listed herein and to those that will follow. I ask you to inspect and investigate these founded concerns in an effort to bring about the change this organization needs. This organization has invested in me and I am personally invested in its continued improvement towards its stated mission and values.

In Justice and Truth,

Natalie T. Bryan, PhD ABD, MHR
Executive Dir of Clerk Administrative & County Services
Osceola County Clerk of the Circuit Court
Office of Amando Ramírez

February 5, 2020

Maxine Lang, MSW
Executive Assistant to Natalie Bryan
Clerk of the Circuit Court
2 Courthouse Square
Kissimmee, Florida 34741

RE: Whistleblower Notice

Dear Human Resources:

In the course of my official duties as Executive Assistant to the Executive Director of Administrative Services, I have personally been subject to, personally witnessed, and/or been privy to conversations related to the incidents outlined below. It is my belief that the incidents below include heinous violations of COC policy, FML violations, and possible elder abuse. Please allow this letter to serve as notice of my whistleblower claim.

There is a pervasive environment of harassment and intimidation at the Clerk of Court which I have been keenly aware of since my first day as an employee; and which continues up to today. I am writing this letter today as I have recently been made aware of heightened retaliation and bullying directed toward my immediate supervisor as well as toward one of my colleagues; I am fearful that I may be the next target, for reasons which I shall explain below.

Unwanted touching

Chief Deputy Jennifer Soto passes off her insistence on hugging as innocent behavior (“I’m a hugger”). I told Ms. Soto directly on no less than three separate occasions that I was not comfortable with her hugging me. Shortly after the first time I notified Ms. Soto that her hugs were not welcome, I saw her walking down the hallway toward me; she laughed, threw out her arms and said, “Come and get your hug,” and proceeded to hug me as I was leaving my supervisor’s office. She reminded me that, though I may not like it, she “is a hugger.” The last time that Ms. Soto hugged me (after being told on two prior occasions that the hugging was not welcome), she bent down as I was seated in a chair. I stopped her, saying that I was “more comfortable with a hearty handshake”. My response was an attempt to remain respectful to the Chief Deputy while maintaining my own personal boundaries. Ms. Soto said, “Oh, sorry,” but leaned down and hugged me anyway. Since that last hugging incident, Ms. Soto has been very distant with me, quite often ignoring me completely during meetings or in the hallway, while greeting every other person in the room; or greeting me very dismissively. This has created for me what I consider to be a hostile work environment.

Unprofessional and inappropriate behavior

Ms. Soto has shared information during business meetings which is inappropriate and borders on harassment. After a personal fitness event which Ms. Soto had attended, she passed around her phone to those attending the meeting. The pictures on the screen showed Ms. Soto in a bra and very tight workout pants. I was made very uncomfortable with this display; had I known what was on the phone I would not have looked at the photos. This is unprofessional behavior and completely unnecessary during a business meeting.

Ms. Soto's behavior is intrusive and disrespectful of COC staff time. On many occasions during scheduled meetings in my supervisor's office (meetings to which Ms. Soto was not invited or required to attend), Ms. Soto comes in the door and disrupts the meeting, which then ends because the attendees defer to Ms. Soto's position as Chief Deputy, giving her the respect demanded by the position. Ms. Soto then proceeds to spend time talking about personal matters; I have witnessed her staying up to two hours in my supervisor's office discussing matters which are completely unrelated to work. This behavior completely disrupts the work day and wastes the time of every staff member who has put forth the effort to prepare and attend work meetings.

During my very first week as a COC employee, I was subject to an uncomfortable and unprofessional work environment. I personally witnessed Ms. Soto, during a meeting while discussing an outside agency (the BOCC) refer to herself as a "sniper" and "someone they don't want to mess with." I have also witnessed numerous outbursts from Ms. Soto (which were witnessed by colleagues as well) in which she engages in yelling, cursing and threatening. This behavior furthers my discomfort and contributes to the hostile work environment. Ms. Soto's behavior during meetings is abrasive, unprofessional and disrespectful. I have witnessed Ms. Soto on more than one occasion tell my supervisor and others that "the Clerk can't know," in reference to various matters being discussed. In an office that advertises transparency and the highest ethical standards, this leaves me to wonder what unsavory, unethical, or criminal behavior is occurring that the leader of our organization cannot know about. During many meetings, I have witnessed Ms. Soto refusing to look at the Clerk, scoffing at the Clerk's remarks, talking under her breath and refusing to answer his direct questions to her. I have heard Ms. Soto verbally express her disdain for the Clerk several times, when the Clerk is not present. This behavior by someone who is purported to be my superior creates an extremely awkward environment in which to work.

Work Absence Creating Delays

FML Violations

I am aware that Ms. Soto is out of the office for sometimes days and weeks at a time. This has directly affected my own work, as I am often unable to obtain in a timely fashion the necessary signatures on documents that I am tasked with submitting to various departments. I have waited up to three weeks for documents to be signed by Ms. Soto so that they could be submitted to the proper department. These delays create a spiderweb of frustration and incomplete work, branching out not only to me but to every other staff member who is awaiting documents to complete their work.

On an occasion when my boss was out on FML due to a tragic medical issue, I attempted to contact Ms. Soto for direction on a work-related matter. Ms. Soto did not reply nor did she answer my call; I contacted Ms. Soto's assistant and requested that she have Ms. Soto call me as soon as possible. When I did not hear anything, I contacted Ms. Soto's assistant again, who told me that Ms. Soto was speaking with my supervisor via phone. At the time, my supervisor was on FML and Ms. Soto was aware of the nature of her medical condition. Despite this knowledge and contrary to FML law and COC policy, Ms. Soto contacted my supervisor to discuss office business. This action is deemed to be extremely disrespectful, unethical, and unlawful.

On a separate occasion when my direct supervisor was unavailable due to a health crisis, I received a call from the Circuit Court's Director of Family Court Services with an urgent request for a time-sensitive document. Because my supervisor was unavailable, I attempted to contact Ms. Soto, who is next in my management chain of command. I have no authority to submit the requested document without

approval, and was attempting to represent the COC in the best possible light by attempting to work collaboratively with the Circuit Court. I was unable to reach either Ms. Soto or her assistant after numerous voicemail and text messages with requests to call me. At that point I reached out to Amy Kryszan, the HR Director, for guidance on how to proceed. Amy also left messages for Ms. Soto, who eventually answered and stated that she would call Amy back momentarily so that we could work on the requested document. Ms. Soto has never returned that call, which was in September of 2019. Ms. Soto has never returned my voicemail message, nor has she ever spoken to me about that urgent matter.

Ms. Soto's lack of response and absence from the office causes a great deal of unnecessary chaos and confusion. For example, an employee check disbursement was to go out and it was understood that Ms. Soto was to have written the memo announcing that fact. Because no one could reach Ms. Soto, I worked with HR Director Amy Kryszan to write the time-sensitive memo and get approval from the Clerk, who was away at a conference.

I have personally witnessed Ms. Soto's interference in HR investigations, when she admitted that she spoke directly to persons during an open investigation who were part of the investigation, despite the confidential nature of the matters. I also witnessed Ms. Soto stating that she "didn't care what HR said, that person would never say or do that." I have also witnessed Ms. Soto stating that she would contact attorney Sherry Sutphen for a revised document after a HR investigation, to make sure that the document said what Ms. Soto wanted it to say.

Bullying and Intimidation

Failure to follow COC Policies

When my supervisor was recently appointed as Inspector General, I was offered the position of Investigator in the new IG office, which I accepted with gratitude and enthusiasm. I witnessed the Clerk talking about how excited he was to see his dream come true with this IG office, and how he had complete faith and trust in my supervisor as his IG. The Clerk interrupted a meeting in my supervisor's office on January 27 and announced to everyone attending that he was proud to report on this "auspicious occasion." At a meeting on February 3, a short six days later, I witnessed the Clerk stating that he was rescinding his decision to open an IG office. During this meeting, the Chief did not greet me, nor did she look at me or my supervisor. The Clerk indicated that he was now uncomfortable and needs more time for the IG; and also that he doesn't understand why the Pinellas County meeting was set for 5:00 a.m. My supervisor tried to explain to him that the meeting is set for 7:00 a.m. but was continually interrupted by Ms. Soto and Sherry Sutphen. I personally had spoken with the Pinellas County IG, who stated that he gets to work by 5:00 a.m. and we could meet him as early as 7:00 a.m. as the meeting could take all day. The meeting was never set for 5:00 a.m. and was never communicated to anyone that it was at 5:00 a.m. My supervisor attempted to relay this information but was cut off by Sherry Sutphen, who insinuated some wrongdoing because the meeting was early. When my supervisor expressed her worry that cancelling the Pinellas County meeting would be seen as disrespectful by the IG, who has given us a great deal of his time and expertise already, Sherry Sutphen grabbed the Clerk's arm and repeated several times, "it's not disrespectful." During this entire meeting, Ms. Soto did not look at my supervisor or at myself. The Clerk's demeanor was uncharacteristically hesitant, withdrawn, and more timid than I have ever witnessed him. The Clerk stated at least twice, "I will be safer this way" but did not elaborate on what he meant. I give this background to support my statement that I am concerned about Mr. Ramirez' safety. As a previously licensed clinical social worker, police officer, and abuse

investigator, I am keenly familiar with the signs of psychological abuse. The signs I saw at this meeting certainly give me pause to wonder if Mr. Ramirez' safety is being compromised. I cannot otherwise explain the extreme and sudden shift in his attitude about opening an IG office and in his uncharacteristic hesitancy to answer reasonable and professional questions about his decision.

During this February 3 meeting in the Clerk's conference room, my supervisor and I were dismissed momentarily and the Clerk, Ms. Soto, and Sherry Sutphen continued to meet privately. I walked to the outer office to wait; as I walked I noticed a man sitting on the couch in Ms. Soto's office. I later came to know that this man was John Ramirez, Mr. Ramirez' son and Ms. Soto's boyfriend. As Ms. Soto was in the meeting at the other end of the hallway, John was in Ms. Soto's office alone. I am aware that any person entering back of house in the Clerk's office must either have an employee access badge or be accompanied by a staff member. I do not believe that John works for the COC; neither was he accompanied, as policy requires, by a staff member. This is a blatant policy violation and further creates an unsafe environment for staff.

Since the Clerk announced, and then rescinded, his decision to open an IG office, I have witnessed bullying and retaliation toward the people involved in the opening of that office: namely, my supervisor, who was to be the IG, and the Criminal Court Administrator, who was to have been the Deputy IG. As I am the only other staff member identified to be involved initially with the IG office, I am now in fear for my position at the Clerk of Court; and in fear that the unethical and unprofessional tactics described above will worsen and will be more openly directed at me as I continue to report for work at the office. However, my ethical standards demand that I finally speak out, and those ethics will not be perverted by fear or apathy. I will not allow anyone to bully or intimidate me for any reason.

As a dedicated staff member and as a resident taxpayer of Osceola County, I am heartily disappointed and appalled that the Clerk of Court's office is mismanaged in this unethical, unprofessional, and possibly criminal manner.

I take great pride in offering my best professional work in service to the Clerk's office and I shall continue to do so. However, I also hold myself to the highest level of integrity, and I will no longer tolerate the insidious nature of this work environment. I will not allow my own integrity to be compromised by remaining silent.

I request that you investigate these matters in an effort to remedy the clear and deliberate misconduct described herein.

If a suitable internal remedy is not forthcoming in a timely manner, please be advised that I intend to file this complaint with the appropriate outside agency.

Respectfully Yours,

Maxine Lang, MSW
Executive Assistant to Natalie Bryan
Osceola County Clerk of the Court

February 5, 2020

Jessica Echavarria

Executive assistant to Armando Ramirez and Special Projects Manager

RE: Whistle Blower Complaint

Today, 2/5/20, I feel unsafe. I feel the level of stress and opposite directives given constantly by the Clerk and the Chief puts everyone in an unsafe environment. I have asked them and have witnessed others ask to be released from the drama of their situations and just be allowed to work.

The people who are harmed are the people who want to work. The people who reap benefits are those undeserving. I see so many things that are done out of malice and menace to others and it makes an unhappy work environment for all.

I am a loving person. I love my Clerk and I love the Chief. I have served as assistant to both for a very long time and have cared for them both as my own family member while I've served. But some things are right and some are wrong.

There is no way that employees such as myself, or many others who come to this office simply to work have to be placed in unethical scenarios daily. It does not feel like a Government Agency. It feels like war. I didn't come to this organization to be a weapon to be used against the Clerk. I came to serve the people.

I feel my Job is at jeopardy because I have been targeted for serving my boss, Mr. Ramirez instead of following the directives of Jennifer Soto who encourage me, almost daily, to be subversive in my duties. I didn't serve her that way, and I refuse to serve him that way.

But Mr. Ramirez has a responsibility to serve this office as well, and he is aware of much of the wrongdoing. And he sought remedies to the wrongdoing, but all of a sudden, he reversed himself and put others at risk. This is not fair.

As I told Mr. Ramirez after my disciplinary meeting with him and Sherry Sutphen, this all should have been handled a different way. The proper way.

Because I am coming forth with this information, I fear that I will face retaliation and possible termination.

I deliver this to the Human Resources Department.