

TO: Larry Jones; Sidney Noyes

FROM: Gary Wheeler

DATE: November 14, 2017

RE: Investigative Report

I. Summary of Complaint and Investigative Background

On October 23, 2017, Brad Alford's attorney, Jennifer Sullivan, wrote a letter to you alleging that he was exercising his rights under Section 112.3187, Florida Statutes, to report "suspected violations of law, gross mismanagement and malfeasance on behalf of Walton County and, specifically, Cecilia Jones, Chairwoman of the Walton County Board of County Commissioners."

On or about October 23, 2017, Gary R. Wheeler, Esq. of Constangy, Brooks, Smith & Prophete LLP, was retained to conduct an investigation into Mr. Alford's allegations. This document is a report of that investigation. During the course of the investigation, the following individuals were interviewed:

Cecilia Jones, Chairwoman of the Walton County Board of County Commissioners
Ella Mae Walters, Human Resources Director
Stan Sunday, Assistant County Administrator
Evelyn Strickland, Executive Assistant
Shane Supple, Parks and Recreation Manager

Mr. Alford was not interviewed because his attorney indicated that he was not willing to be interviewed without his attorney present.

II. Findings and Recommendation

Two policies from the Walton County Personnel and Policy Manual are at issue in this matter:

- 1) Whistleblower Protection Policy. Under this policy, anyone who has reason to believe the County is violating or not complying with state or federal statutes, rules or regulations is encouraged to report the concern to the County Administrator, any member of County management, or to a County Commissioner. Those reporting problems pursuant to this policy are protected against retaliation.
- 2) Authority of Commissioners. The policy provides: "No commissioner, acting on his or her own individual authority, may hire, transfer, raise the pay of, demote or terminate the

employment of any county employee other than their respective aides or executive assistants. Such actions can only be accomplished after the approval of the appropriate Division Director or the County Administrator in accordance with established personnel policy."

Many of Mr. Alford's allegations share the common assertion that Cecilia Jones has been interfering with the day-to-day operations of the County government, including injecting herself into employment decisions and directing county personnel to carry out various tasks at her discretion. No County policy expressly prohibits County Commissioners from becoming involved any of the County's day-to-day operations. The County's policy does prohibit commissioners from taking certain personnel actions (set out above). Essentially, the "Authority of Commissioners" policy prohibits County Commissioners from taking any tangible employment action (such as hiring, terminating, demoting, or promoting).

No violation of any of the two policies set out above was found as a result of the investigation. However, Mr. Alford is protected against retaliation for having utilized the County's Whistleblower Protection Policy.

While there was no indication that Commissioner Jones violated the Authority of Commissioners policy, facts were revealed that indicate Ms. Jones does sometimes become involved in certain day-to-day personnel matters. It is recommended that the County take steps to clarify the role of a Commissioner and to discuss best practices.