

**BEFORE THE PERSONNEL BOARD FOR THE  
CITY OF FLAGLER BEACH, FLORIDA**

IN RE: COMPLAINT OF  
BRYAN MOISAO

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**FINDINGS OF FACT**

**THIS MATTER** came before the Personnel Board for the City of Flagler Beach, Florida, on January 14, 2026, pursuant to Article X of the City of Flagler Beach Code of Ordinances, on a Complaint and Supplement filed with the City pursuant to said Article, and after having received evidence and heard testimony from witnesses under oath, the Board thereupon issues the following Findings:

1. On September 26, 2025, Bryan Moisao's employment with the City of Flagler Beach was terminated.
2. At the time of the termination of employment, Mr. Moisao was a probationary employee with the City.
3. On November 17, 2025, Mr. Moisao filed a Complaint with the City of Flagler Beach asserting the termination of his employment by the City violated Article X of the City of Flagler Beach Code of Ordinances related to the protection of whistleblowers. The Complaint is attached hereto as Attachment "A."
4. On November 19, 2025, Mr. Moisao filed a Supplement to the Complaint. The Supplement is attached hereto as Attachment "B."
5. In the Complaint and Supplement, Mr. Moisao alleged that:
  - (i) Between May 2025 through September 2025, he reported activities that fall under the definitions of protected disclosures pursuant to Article X of the City of Flagler Beach Code of Ordinances and Section 113.3187, Florida Statutes;
  - (ii) He made the disclosures to the City Engineer, the Human Resources Director, the City Manager, and the City Commission;
  - (iii) After seeking verbal and written guidance from Human Resources regarding the actions of a subordinate, documenting perceived violations of City policies by such subordinate, and preparing formal disciplinary recommendation for such subordinate, he was removed as the supervisor of said employee and his suggested discipline was not imposed by the City;

- (iv) His performance evaluation rated his job performance at 96 out of a possible 125 and that such evaluation contradicts the City's stated position that he did not meet probationary standards;
- (v) Submitting his complaint regarding the conduct the subordinate employee to Human Resources, the City Manager, and the City Commission was activity allowed by the City's governing documents and protected by Article X of the Code of Ordinances; and (add space)
- (vi) Two different versions of his evaluation were created;

6. The disclosure submitted by Mr. Moisao at issue was introduced into evidence in multiple exhibits. The parties do not contest whether the disclosure at issue was emailed by Mr. Moisao to the Human Resources Manager, City Manager, or City Commission. The disclosure made to the Human Resources Manager, submitted into evidence by Mr. Moisao as Complainant's Exhibit 2, is attached hereto as Attachment "C." The disclosures made by Mr. Moisao to each individual or body were substantively identical to that contained in Attachment "C."

7. During the course of the hearing, the Board heard from several witnesses:

- (i) Bryan Moisao, Complainant
- (ii) Liz Mathis, Human Resources Director,
- (iii) Bill Freeman, City Engineer/Public Works Director,
- (iv) Jose Perez, Utility Lift Station Crew Lead

8. In their opening and closing statements, the parties focused on whether the conduct discussed in the disclosures made by Mr. Moisao rose to the level of gross mismanagement or gross neglect of duty.

9. After reviewing the evidence submitted by the parties, listening to the witnesses presented, and deliberating, the Personnel Board finds that:

- (i) The subject disclosures made by Mr. Moisao were not protected disclosures under Article X of the City of Flagler Beach Code of Ordinances;
- (ii) The activity described in Mr. Moisao's disclosures did not fall under the definition of protected disclosures as established by the Code of Ordinances for a protected whistleblower disclosure;
- (iii) Any conduct described in the disclosures did not rise to the level of gross mismanagement or gross neglect of duty;
- (iv) As the disclosures asserted as the foundation of the Complaint do not rise to the level of protected disclosure, there can be no violation of the City's whistleblower protections based on such disclosures.

10. The Board ultimately finds that the termination of Mr. Moisao's employment by the City did not violate Article X of the City of Flagler Beach Code of Ordinances.

ENTERED this 31<sup>st</sup> day of January, 2026.

  
\_\_\_\_\_  
Bob Crostarosa, Chair

**Mandel, Jeffrey**

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**From:** Bryan Moisao  
**Sent:** Monday, August 4, 2025 10:20 AM  
**To:** Liz Mathis  
**Subject:** Concerns Regarding Lift Station Department Leadership Transition and Investigation Findings  
**Attachments:** Andy Allen.docx; Joey Perze 072525 2.docx; Joey Perze.docx

Good Morning Liz,

I hope this message finds you well. Just want to follow up with you as discussed earlier in your office.

I am writing to express my concerns regarding the recent leadership transition within the Lift Station Department. While I understand the department is now under new leadership and team members are directly reporting to the new leader, I have several concerns that I feel need addressing.

Firstly, I am concerned that my investigation work, which is now complete, might not be given the necessary attention and accountability it warrants during this transition. It is crucial for the integrity of our operations that the findings from this investigation are not overlooked and are appropriately addressed.

Additionally, I am attaching the findings from the investigation work I performed, as well as a write-up I prepared regarding the incident on July 25th. I believe it is essential to ensure these findings are fully reviewed and addressed to maintain accountability within the department and city.

Thank you for your attention to this matter. I am available to discuss this further at your convenience.

Bryan Moisao  
Facilities Director  
City of Flagler Beach  
800 S. Daytona Ave.  
P.O. BOX 70  
Flagler Beach, FL 32136  
(386) 780-4262  
[bmoisao@cityofflaglerbeach.com](mailto:bmoisao@cityofflaglerbeach.com)



Joey Perze:

Upon assuming leadership of this department, I conducted an introductory meeting to clearly outline expectations regarding performance, communication, conduct, and accountability. This was followed by a formal meeting focused on time and attendance, as well as departmental behavior. To reinforce these expectations, a follow-up email was sent to all employees on May 27 at 3:36 PM.

Despite these efforts, the following performance issues and concerns have continued:

- **April 12:** Joey brought the vacuum truck to the South 25th Street job site with the diesel tank nearly empty—indicating poor preparation and oversight.
- **April 21 & 22:** At the South 25th Street Lift Station project, Joey failed to provide the necessary direction and leadership expected in his supervisory role.
- **April 30:** Negligence was observed at the same site, including a failure to assist with vacuum truck operations. Joey provided no support during this task.
- **May 1:** Generator contractors were left unattended at the shop after hours, presenting safety and liability concerns. Informed by Johnny L.
- **May 8:** At the Shell station water main break:
  - The vacuum truck arrived with only  $\frac{1}{4}$  of the water tank filled, indicating a second incident of poor equipment readiness.
  - Joey did not respond directly despite being requested; Andy Allen delivered the truck more than 30 minutes later while Joey remained at the shop.
  - Joey's lack of urgency and leadership during this response was concerning.
- **May 9:** While Joey was observed helping at the Shell station site, there was no prior communication with me regarding his involvement. While support between departments is appreciated, as the team lead, Joey is expected to report such actions directly to his supervisor.
- **May 21:**
  - Joey had informed me he would leave early on May 22 for a family event, which I approved.
  - On May 21 at 2:30 PM, Joey called unexpectedly to say he forgot about a dentist appointment and needed to leave early that day. At the same time, he decided to take the entire next day off instead of leaving early as originally planned. This demonstrated poor planning and a lack of communication.
- **May 21:** Joey's late arrival caused him to miss a scheduled contractor meeting at the South 25th Street site.
- **May 26, June 7, & June 8:** On-call responsibilities were not fulfilled. In each instance, another employee was required to step in with little or no notice, disrupting scheduling and placing unnecessary burden on the other employee.
- **May 27:** A city employee informed me that Joey arrived approximately 10 minutes late. Although Joey called at 7:06 AM, he failed to mention that he was running late. This aligns with a pattern of repeated tardiness.

- **June 6:** I was informed after I came back from vacation, that there was a minor child at the waste water shop. Joey brought his son there and they had breakfast in the office. That environment is not appropriate for a child to be in.
- **June 9:** I observed that Andy Allen had again been covering on-call duties for Joey. When I questioned Joey about this, he became noticeably agitated and stated he had a family and couldn't manage those times. I reminded him that being on-call requires full availability to fulfill those responsibilities and that I must be informed directly of any issues or changes, as I oversee the department. I informed Joey I would be discussing the matter with Bill Freeman. Based on his demeanor, it appeared Joey was close to losing his composure during the conversation. I reiterated that expectations must be met, and failure to do so would result in disciplinary action.
- **June 10:** I had a Meeting with Bill Freeman and, he stated he was going to talk to Joey about communication. I also asked him to talk about tardiness.
- **June 13:** I noted Joey in his personal truck at the library @ 12:24pm which tells me he left his shop around 12:19 for the drive over the bridge. I received a call about 5 min later from Joey stating he was going to bring his child back from the water summer camp. I went to there shop area and he did not come back until 1:10pm. I later checked time sheet and he was paid for it as Bill F approved the time sheet after I questioned it.
- **June 17:** I noted Joey in his personal truck at the library @ 12:24pm which tells me he left his shop around 12:19 for the drive over the bridge. I received a call about 5 min later from Joey stating he was going to bring his child back from the water summer camp. I went to there shop area and he did not come back until 1:14pm. **6/23/25 looked at time sheet and he put down 1 hour VAC time for this day.**
- **June 19:** I noted Joey in his personal truck at the library @ 12:27pm which tells me he left his shop around 12:19 for the drive over the bridge. I received a call about 5 min later from Joey stating he was going to bring his child back from the water summer camp. I went to there shop area and he did not come back until 1:14pm. **6/23/25 looked at time sheet and he put down 1 hour VAC time for this day.**
- **JUNE 20:** Noted at 9:26am in his personal truck dropping his kids off at the library and I did not receive a call for this.
- **June 24:** I noted Joey in his personal truck going over the bridge toward the library @ 12:07pm which tells me he left his shop around 12:00 for the drive over the bridge. I received a call about 5 min later from Joey stating he was going to bring his child back from the water summer camp.
- **7/7/25:** received a text at 9:01am that he was taking an early lunch to go get his son and bring him to lifeguard camp at the library. He then later texted me at 12:19pm stating he had to pick his son up and bring him home from the camp. I asked if he was going to make up time or use vacation time. He stated he will use his vacation time. All this was via text.
- **7/9/25:** Received a call at 6:21am saying he will not be in today as his daughter is sick and he has no one to watch her.
- **7/17/25:** Received call that he was bringing his son home at 12:15pm and he should be back by 12:45pm if not he would use vacation time to cover any time over.
- **7/20/25:** In the group chat Andy asked for help and for the second time this month the crew lead did not help his employee.

- **7/21/25:** Joey talked to me stating that Andy was time stealing from the past weekend Joey sent me a screen shot of the alarms and I did check the time sheet and Andy only charged for three call backs.
- **7/21/25:** Joey would not leave Jens full crew that was at S 25<sup>th</sup> to bring Vac truck to Flagler Septic that was waiting on site at N 11<sup>th</sup> st. Director had to go get the Vac truck and bring it to Andy and preform the job with Andy. Joey could have done this work.
- **7/21/25:** Joey asked me if he could leave early as he wanted to start coming in early to avoid speaking to Andy. I told him hours are 7 to 3:30 and as a leader you will need to speak to him.
- **7/23/25:** Andy needed a bit in order to inspect ARVs. (air relief valves on lift stations) This was all in a group chat and I the director could see Joey did not want to help in any way. I later asked Joey for the bit that he had but he stated he could not find it so Andy brought me one of the screw so I could match up the appropriate bit.
- **7/24/25:** Received a Call that he was Leaving two times that day. One to go get his son and the later bring him home from lifeguard camp at the library. He stated he'll use vacation time to make up his hours.
- **7/25/25:** I went over to deliver the new key box for the lift station trucks as I was there, I mentioned that the grounds crew and public works was going to do a major clean up at Stone bridge, he asked if we needed any help and I told him we are good. Everyone arrived at Stone Bridge and then 10 to 15 min later Joey showed up. Now the helping was good but he neglected his normal duties that should have been done.
- **7/27/25 Incident Summary and Policy Violation**

Over the weekend, Joey Perze was specifically instructed to refuel the generator over the weekend as it was just installed on 7/24/25. When I asked whether the task had been completed, he stated that he had checked the generator and it still had approximately three-quarters of a tank, This was via text. However, later that same day, I personally inspected the generator and found the fuel level at approximately 1%, confirming that it had not been refueled as directed or checked on over the weekend.

This incident constitutes a failure to carry out an assigned task and a deliberate misrepresentation of its completion. It represents **dishonesty/falsification, neglect of duty, and insubordination**, all of which are outlined under the City of Flagler Beach Personnel Policies, Section X.3 – Types of Offenses.

Specifically, the conduct falls under the following **Group III Offenses** (most serious – first offense up to discharge):

- **(1) Wanton or willful neglect in performing assigned duties**  
The employee failed to refuel the generator as directed, despite clear instructions. This task was critical to maintaining operational readiness.
- **(5) Falsifying or altering personal or city records, including ... work records, or any other report, record, or application**  
The employee falsely claimed that the generator had sufficient fuel when, in fact, it was nearly empty. This constitutes a falsification of work-related information.

The seriousness of this situation cannot be overstated, as it directly impacts the reliability of essential city infrastructure. Disciplinary action will be considered in accordance with the City's personnel policies.

- **7/28/25** Received a call at 8:56am that again he was going to be leaving around 9am to go get his kid and bring him to life guard camp and then later he would have to go pick him up and bring him home. This is being quite a patten. **8/4/25** looked at time sheet and he put down **1 hour VAC time for this day.**
- **7/29/2025** Received a call at 9am that again he was going to be leaving around 9am to go get his kid and bring him to life guard camp and then later he would have to go pick him up and bring him home. This time I questioned him as he stated to me last week on Friday that he wouldn't have to leave any more. **8/4/25** looked at time sheet and he put down **1 hour VAC time for this day.**
- **7/29/25:** Via group text Joey asked for information about some Lift station voltages. I could see Joey was pulling Andy in a lot of different direction which made it hard for Andy to complete a single task. When Andy went back to shop Joey demand him to give him his city cell phone to get picture off it in a elevated voice this was confirmed with John Boy. Andy stated to me that he walked away to avoid confrontation. I stated to Joey and Late also Liz from HR that he could have confidential things on his phone and if we need something it would have to be like a records request for the information.

**8/4/25** Received e-mail from Bill Freeman @ 7:53am stating that the Lift station crew will no longer be under me. They will now report to Johnny Lynn directly.

# Employee Corrective Action Report

Employee Name: JOSE L PEREZ Employee # 202  
Position: Lead Station Mnt Date of Counseling: \_\_\_\_\_  
Department: 5354 Supervisor: Bryan Meisao

Disciplinary action:  
 Oral Warning  Written Reprimand  Suspension for \_\_\_ Days Recommended  Discharge Recommended

Number of prior warnings issued:  
 Informal discussion (date) \_\_\_\_\_  Oral Warning (date) \_\_\_\_\_  
 Written Reprimand (date) \_\_\_\_\_  Suspension (date) \_\_\_\_\_

- Nature of Unacceptable Conduct/Performance:
- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Unexcused absence/No show-no call | <input checked="" type="checkbox"/> Insubordination         | <input type="checkbox"/> Harassment                                |
| <input type="checkbox"/> Excessive Absenteeism/Tardiness   | <input type="checkbox"/> Destruction of City property       | <input type="checkbox"/> Violation of safety rules                 |
| <input type="checkbox"/> Leaving work without permission   | <input type="checkbox"/> Carelessness                       | <input checked="" type="checkbox"/> Dishonesty                     |
| <input type="checkbox"/> Alcohol/Drugs on City property    | <input type="checkbox"/> Falsifying records                 | <input type="checkbox"/> Theft                                     |
| <input type="checkbox"/> Reporting to work unfit for duty  | <input type="checkbox"/> Gambling/Soliciting                | <input type="checkbox"/> Fighting                                  |
| <input type="checkbox"/> Discourtesy to City customers     | <input type="checkbox"/> Unprofessional conduct             | <input checked="" type="checkbox"/> Failure to follow instructions |
| <input type="checkbox"/> Substandard work/performance      | <input checked="" type="checkbox"/> Willful neglect of duty | <input type="checkbox"/> Other _____                               |

Justification: A detailed description of facts, dates, & times must be included here (attach copies of all applicable documents)  
Please see attached sheet.

Supervisor Comments:

Employee Comments:

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
The employee named above  accepted a copy of this discipline report  was offered a copy of this discipline report, but refused to accept and sign above (obtain witness signature).

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Department Director's review and approval required for any disciplinary action:

Department Director's Signature \_\_\_\_\_ Date \_\_\_\_\_

City Manager's approval required if suspension or discharge recommended.

City Manager's Signature \_\_\_\_\_ Date \_\_\_\_\_

## Employee Corrective Action Report

### INSTRUCTIONS FOR USE

1. **General information:** Complete information concerning name, employee number, position title, date of counseling, department, and Supervisor
2. **Type of disciplinary action:** Check the appropriate block that refers to the proposed type of disciplinary action. The first line supervisor can recommend a suspension and/or Discharge. Such actions are prepared by the department director or his/her delegate after all the facts have been gathered. The Department Director must first approve these actions. The City Manager must approve any suspension/termination action.
3. **Number of prior warnings issued:** Check the employee's history. Warning notices should be sequential (check to see if the employee has already received a written warning for this type of offense). The interval between notices is very important. Warning notices issued one year or more before a second warning notice should be given little weight, unless both infractions are of a major or severe nature. Indicate the number of prior warnings issued the employee by checking the appropriate block(s) and entering the date(s) of prior warnings for each block.
4. **Nature of unacceptable conduct/performance:** Check the block that refers to the nature of the misconduct of the employee. Use "other" to document actions not contained in the listing.
5. **Justification:** Describe the specific date, time and location of the infraction and the specific nature of the infraction. Give concrete examples, when possible, to document the incorrect behavior. Do not include opinions. Include specific rule/policy violation from appropriate union contract, Personnel Policy Manual, or City Charter. Attach all applicable documentation to the discipline report.
6. **Supervisor's comments:** Clearly state the solution or objective expected. Include action steps the employee must take to correct performance or conduct, dates of performance improvement period (if applicable) and consequences if performance/conduct does not improve. Additional training, review of procedures, etc., may be in order.
7. **Employee Comments:** Employee's comments may be obtained at the time the discipline report is given, except for recommended discharges where the employee will be given a letter of intent, an opportunity to respond, and a final decision.
8. **Employee's Signature:** The employee should be asked to sign the notice. If the employee refuses to sign, check the appropriate box indicating that the employee refused to sign and have a witness sign that the employee received a copy of the notice.
9. **Delivery:** Oral warnings and written reprimands are issued by the first line supervisor after being approved by the Department Director. Employees should be afforded privacy when being counseled. Supervisors/managers should maintain a professional, calm demeanor and be firm, but speak to employee respectfully. It is sometimes helpful to ask the employee for their suggestions on how they can improve or reach the desired outcome. After meeting with the employee, and all parties have signed, the disciplinary action form is distributed as follows:
  - (a) Copy to the employee
  - (b) Copy to Human Resources for employee's file

Over the weekend of 7/27/25, Joey Perze was specifically instructed to refuel the generator over the weekend as it was just installed on 7/24/25. When I asked whether the task had been completed, he stated that he had checked the generator and it still had approximately three-quarters of a tank, this was via text. However, later that same day, I personally inspected the generator and found the fuel level at approximately 1%, confirming that it had not been refueled as directed or checked on over the weekend.

This incident constitutes a failure to carry out an assigned task and a deliberate misrepresentation of its completion. It represents dishonesty/falsification, neglect of duty, and insubordination, all of which are outlined under the City of Flagler Beach Personnel Policies, Section X.3 – Types of Offenses.

Specifically, the conduct falls under the following Group III Offenses (most serious – first offense up to discharge):

- **(1) Wanton or willful neglect in performing assigned duties**  
The employee failed to refuel the generator as directed, despite clear instructions. This task was critical to maintaining operational readiness.
- **(5) Falsifying or altering personal or city records, including ... work records, or any other report, record, or application**  
The employee falsely claimed that the generator had sufficient fuel when, in fact, it was nearly empty. This constitutes a falsification of work-related information.

The seriousness of this situation cannot be overstated, as it directly impacts the reliability of essential city infrastructure. Disciplinary action will be considered in accordance with the City's personnel policies.

**Andy Allen**

It has been observed on many occasions that Andy will not do anything unless told too. His motivation when he gets on jobs, is not there.

**June 26:** I noted as I was at Lift station shop to discuss the 4<sup>th</sup> Parade both Joey and Andy were just sitting there. I know they both need to do reads everyday on all the lift stations.

**7/16/25:** Andy called out sick via text at 5:03am.