



VIA HAND DELIVERY TO APPELLANT

February 7, 2019

Mr. Timothy Spangler
1729 Wild Dunes Circle
Orange Park, FL 32065

As you are aware, you have been on paid administrative leave since Friday, February 1, 2019 while the City of Palm Coast initiated an investigation into potential financial irregularities at the Palm Harbor Golf Course. The investigation is on-going, but at this time notice is being provided to you that you are now being considered for termination. Preliminary information indicates that you may have violated the following provisions of the *City of Palm Coast Personnel Policy and Procedures Manual*:

- Section 9.09, B. (2) *"Reasons for dismissal or discharge may include, but shall not be limited to, the following:*
 - *Theft, destruction, or gross neglect in the use of City property."*
- Section 11.03, C. (4): *"If the employee under investigation purposely interferes with the investigation in any way, the employee may be disciplined up to and including termination."*
- Section 11.05, A.: *"Recommendation for discharge may be warranted in instances involving serious insubordination, theft, serious illegal or destructive acts or other substantial reasons deemed appropriate by the department head..."*
- Section 11.07, Group II Offense, #3: *"Neglecting to comply with requirements set forth in departmental rules and standards of conduct."*
- Section 11.07, Group II Offense, #12: *"Mishandling of City funds."*
- Section 11.07, Group II Offense, #18: *"Violating personnel policies."*
- Section 11.07, Group III Offense, #5: *"Falsifying or altering personal or City records, including but not limited to, employment applications, accident records, work records, financial records, purchase orders, time sheets, or any other reports, records or applications."*
- Section 11.07, Group III, #27: *"Any other offense of a similar nature deemed sufficient by the City Manager and not prohibited by law."*

Additionally, the City of Palm Coast's Whistle Blower and Fraud Policy states that:

- "Violations that must be reported include, but are not limited to:
 - Any dishonest or fraudulent act;

- Theft of money or property;
- Misappropriation of funds, securities, supplies or other assets;
- Impropriety in the handling or reporting of money or financial transactions

Preliminary information received from the Internal Controls Team investigation has found:

- A check made out to you on June 13, 2018 in the amount of \$185.00. The note on the memo line indicates that the payment is for camp from June 11 – 15. This check was made out to “Tim Spangler” and was not deposited to the City. A check of the name does not reveal a registered camper under that name for that particular week. There is a camper under that name for a different week and that session was paid for via credit card. It appears that you personally accepted payment due the City for services.
- A check made out to you on June 25, 2018 in the amount of \$185.00. The note on the memo line indicates that the payment is for “golf camp”. This check was made out to “Tim Spangler” and was not deposited to the City. A check of the name does not reveal a registered camper under that name. It appears that you personally accepted payment due the City for services.
- A check made out to you on June 25, 2018 in the amount of \$300.00. The note on the memo line indicates that the payment is for “golf camp (s).” This check was made out to “Tim Spangler” and was not deposited to the City. A check of the name does not reveal a registered camper under that name. It appears that you personally accepted payment due the City for services.

Additionally, on the date I place you on administrative leave, I cautioned you to not discuss the investigation with anyone. However, it has been reported that you have contacted numerous employees of the golf course and in at least one (1) instance, asked an employee to not be truthful with the investigative team.

Based on the foregoing, I have no choice but to recommend the termination of your employment.

Section 11.05 relates to terminations and provides for a pre-termination hearing before a termination is approved.

The hearing shall be before Mr. Alex Boyer, Parks & Recreation Director on Monday, February 11, 2019 at 1:30 p.m. in the Belle Terre Conference Room located in the Human Resource Suite at City Hall. The allegations and the current evidence against you are as set forth above. If you plan on bringing any witnesses, you must provide to Wendy Cullen, Human Resource Director, a list of individuals and their relationship to this matter. At the hearing, you will be given an opportunity to respond to the charges, orally or in writing, as to why the recommended action should not be taken. If you intend to bring legal representation, Ms. Cullen must be notified by close of business on Friday, February 8, 2019 in order to respond accordingly. If you bring legal representation without notification, the hearing may be rescheduled.


At the hearing, you will be given an opportunity to respond to the charges, orally or in writing, as to why the recommended action should not be taken. If the proposed disciplinary action (termination of employment) is taken, the date of termination will be the date that Mr. Boyer makes his determination.

You shall be afforded the protections offered in Sections 11.05 and 11.06 of the *City of Palm Coast Personnel Policy and Procedures Manual*, which provides regular non-probationary employees administrative due process by means of filing an appeal following disciplinary action being imposed and they may, to exercise that right, submit an appeal to the disciplinary action determination. This appeal must be filed within 5 (five) days following the receipt of the disciplinary action by the employee. If the fifth day occurs on a non-City business day, the appeal may be filed on the next business day. The appeal shall be submitted in writing and shall fully set forth all issues that the employee desires to be considered and the relief that is requested by the employee. No additional information may be submitted after the appeal is decided. Materials submitted on appeal may include affidavits and written arguments.

Sections 1.04 [Management Rights] and 11.07 of the City's Personnel Policies and Procedures Manual make it clear that no particular grade or number of offenses is necessary to warrant termination of employment and that any level of discipline may be appropriate for any offense.

Please govern yourself accordingly and direct any inquiries to me. Mr. Boyer will consider all evidence submitted to him in a fair manner with your rights and the interests of the City of Palm Coast being fully considered.

Respectfully,

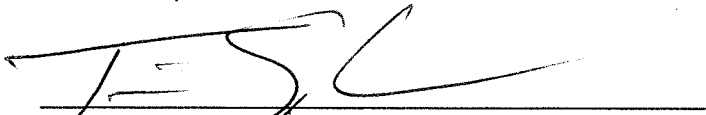


Wendy Cullen
Human Resource Director

Attachments: Section 11.07 of the City of Palm Coast Personnel Policies & Procedures
Whistle Blower and Fraud Policy

Copy: Personnel File

Received by:



Timothy Spangler

2-7-19

Date

PAUL L LEIGHTON
TRACY LEIGHTON
4 CHER CT
PALM COAST, FL 32137

June 13, 2008 ⁸⁶² 85-1656/631
DATE


PAY TO THE
ORDER OF

Tim Spangler

\$ 185.00

ONE HUNDRED & EIGHTY FIVE

DOLLARS

 Security features
included.
Details on back.



Intracoastal

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Searched: Dep cks

1/2/18 - 1/28/19 Dates

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185.⁰⁰ to 185.⁰⁰
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YEVGENIYA MACKENZIE
SHANE MACKENZIE
16 CLASSIC CT S.
PALM COAST, FL 32137-8348


2094
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3500


6-25-18 Date

Pay to the Order of Tim Spangler

one hundred eighty five & ⁰⁰/₁₀₀

1 \$ 185.⁰⁰

Dollars  Security Features Details on Back

 Charles Schwab Bank
Reno, Nevada

High Yield Investor Checking

For rdp clm

 NSP

Search Dates
06/01/18 - 1/28/19
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dep. cks
\$200 \$300
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DAVID TIERNAN
14 COLE PL
PALM COAST, FL 32137-8132

252
63-8419/2678
284

6/25/18 Date

Pay to the Order of Tin Spayler \$300.00
Three hundred and 00/100 Dollars

PNC BANK
PNC Bank, N.A. 001

For Golf Camps (2) David Tiernan

Handed Check