



City of PALM COAST

Office of the City Manager

160 Lake Avenue
Palm Coast, FL 32164
386-986-3710

IN RE: Appeal of Termination, Timothy Spangler

THIS MATTER came before me the 21st day of February, on the proposed termination of Mr. Timothy Spangler, relating to alleged violations of the City's *Personnel Policies and Procedures*. The allegations against Mr. Spangler are detailed in a letter dated February 7, 2019. The recommendation for termination was made by Wendy Cullen, Human Resource Director and was based on the report from an investigation conducted by the Internal Controls Team. A pre-termination hearing was held before Mr. Alex Boyer who subsequently upheld the recommended action; termination of employment. In attendance on February 21st was Mr. Spangler, Human Resource Director Wendy Cullen, and the undersigned.

It is alleged that you violated the following provisions of the City of Palm Coast *Personnel Policies 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

First, I would like to state that I have reviewed all of the letters provided to you during this process, the e-mails that you have sent to Mr. Boyer and Ms. Cullen as well as the e-mail correspondence from you to me of Friday, February 22.

To summarize, the City has in its possession three checks made out to you, personally, for enrollment of children in summer golf camp. The children for whom the payments were made were not registered for the camp through the RecWare program. You admitted to cashing the checks, and indicated that you "reimbursed" the City by writing personal checks from you to the City. Those checks were not received by the Finance Department nor, according to you, were those checks cashed through your bank. The total amount of the payments is \$485.00.

During our conversation, you indicated that staff had been trained on the proper way to enroll citizens or their children in the camp and that all registrations had to go through the proper process. However, you did acknowledge that you cashed the checks made out to you but you did not follow-up with Finance, or during the budget process, or your bank, to ensure that your "reimbursements" processed and that the City received the appropriate payment.

In reviewing the information provided to me, you indicated to Mr. Boyer that in a least one case, the camp for which the payment was received was full. It is my understanding that the child in that instance, under normal circumstances and in accordance with policy, would not have been allowed to attend the camp because enrollment was closed.

Finally, you did admit that after you were informed of the investigation, and you were advised to not discuss the on-going investigation with others, that you did call one of the golf starters.

Based upon the facts detailed above, I am upholding the decision of Mr. Boyer to terminate your employment with the City of Palm Coast. As previously noted, upon decision of the City Manager, the appeal is considered concluded and there is no further right of appeal.

If you have any questions or require additional information, please direct your inquiries to Ms. Cullen.

DATED this 25th day of February, 2019


Beau Falgout, Interim City Manager

cc: Wendy Cullen, Human Resource Director