

**IN THE CIRCUIT COURT OF THE  
SEVENTH JUDICIAL CIRCUIT, IN  
AND FOR FLAGLER COUNTY,  
FLORIDA**

**KIFAH ALKHATIB,**

**Plaintiff,**

**v.**

**FLAGLER COUNTY,**

**Defendant.**

**CASE NO.: 24-CA-2024 CA 000292  
FLA BAR NO.: 0739685**

**COMPLAINT**

Plaintiff, KIFAH ALKHATIB, hereby sues Defendant, FLAGLER COUNTY, and alleges:

**NATURE OF THE ACTION**

1. This is an action brought under the Florida Whistleblower Act codified at Chapter 112, Florida Statutes and under the Florida Civil Rights Act codified at Chapter 760, Florida Statutes.<sup>1</sup>

2. This action involves claims which are, individually, in excess of Fifty Thousand Dollars (\$50,000.00), exclusive of costs and interest.

**THE PARTIES**

3. At all times pertinent hereto, Plaintiff, KIFAH ALKHATIB, has been a resident of the State of Florida and was employed by Defendant. Plaintiff is a member of a protected class due to reporting and disclosing Defendant's malfeasance, misfeasance and/or gross misconduct. Plaintiff was retaliated against after reporting Defendant's unlawful employment practices.

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<sup>1</sup> Plaintiff's discrimination and other retaliation claims will be added into this action when administrative exhaustion is complete.

4. At all times pertinent hereto, Defendant, FLAGLER COUNTY, has been organized and existing under the laws of the State of Florida. At all times pertinent to this action, Defendant has been an “employer” as that term is used under the applicable laws identified above. Defendant was Plaintiff’s employer as it relates to these claims.

#### **CONDITIONS PRECEDENT**

5. Plaintiff has satisfied all conditions precedent to bringing this action, if any.

#### **STATEMENT OF THE ULTIMATE FACTS**

6. Plaintiff, a protected whistleblower, began her employment with Defendant on or about April 11, 2005, and held the position of Director County Engineer at the time of her wrongful termination on or about December 5, 2023.

7. Despite her stellar work performance during her employment with Defendant, Plaintiff was subjected to disparate treatment, different terms, and conditions of employment, and held to a different standard because she reported Defendant’s unlawful employment activities and was subject to retaliation thereafter.

8. The disparate treatment and retaliation came at the hands of specifically but not limited to Deputy County Administrator Jorge Salinas, County Administrator Jerry Cameron, County Administrator Heidi Petito, Human Resources Director Pam Wu, and Defendant’s Administration Office.

9. Plaintiff was a loyal, dedicated, and industrious employee and was the recipient of several awards.

10. Plaintiff was treated less favorably than co-workers outside of her protected class, including but not limited to Manager Ryan Prevatt, Petito, Wu, IT Director Jarrod Shupe, and Finance Director John Brower, regarding promotions, demotions, and alleged misconduct.

11. Prevatt was promoted despite being unqualified for the position and despite the fact that he had a reputation for being a racist, for dating a colleague, and a criminal record for a felony battery by strangulation. Plaintiff was retaliated against and stripped of her Public Works Director position because she refused to appoint Prevatt to a management position.

12. Petito, Wu, Shupe, and Brower were part of Cameron's core team ("upper management team") that Plaintiff was excluded from by Cameron.

13. Salinas and Petito met with Hamid Tabassian, Assistant County Engineer secretly for months about engineering projects Plaintiff was responsible, legally liable, and accountable for. Notably, Tabassian was Plaintiff's direct report.

14. Plaintiff accused Tabassian of sexually harassing her on three separate occasions and no investigation was launched but when Tabassian falsely accused Plaintiff of misconduct Defendant launched an investigation.

15. In July 2012, Plaintiff was promoted from County Engineer to Public Works Director/County Engineer.

16. In February 2019, Cameron began working for Defendant and as County Administrator became Plaintiff's direct supervisor.

17. Several months after Cameron began working for Defendant, he formed a core team with Petito, Wu, Shupe, and Brower and excluded Plaintiff. Plaintiff was also not informed of issues related to her department that she was responsible and legally liable for. He called this team the "upper-management team" Plaintiff was excluded from this team because she was not white.

18. In August 2019, Plaintiff reported to HR Director Pam Wu that she felt Petito and her husband, Fire Chief Don Petito, were trying to find reasons to fire her. Plaintiff asked Wu to

investigate her concerns but there was never any follow-up and Plaintiff's reports were never investigated by Wu.

19. In August 2020, Salinas was hired by Defendant as its Deputy County Administrator.

20. In September 2020, Cameron demoted Plaintiff by lowering her pay grade despite the fact that Plaintiff's pay grade had been unanimously approved by the Board of County Commissioners to secure Plaintiff's position and ensure she did not accept an offer from another government agency.

21. In the Spring 2021, Petito asked Plaintiff to appoint Prevatt as the Road and Bridge Department Manager. However, Prevatt performed poorly at his interview, and given his poor reputation and criminal background, Plaintiff could not in good professional conscious promote him to that position. Plaintiff reported the same to Petito.

22. On or about April 22, 2021, Cameron stripped Plaintiff of her title of Public Works Director in direct retaliation for not promoting Prevatt. Since Plaintiff would not appoint Prevatt because he was not qualified for the position, she was demoted in order that Prevatt could be promoted by Cameron. Plaintiff lost an entire department that used to be under her oversight and Prevatt was promoted to the Manager of the Road and Bridge Division.

23. On June 17, 2021, Plaintiff provided documentation to Defendant's County Commissioners in an email to ensure the Commissioners and the public were well-informed regarding the safety, welfare, and interest of the public. This email was sent to clarify the legality of funds being used for roadways and bridges and to avert potential wrongdoing within Defendant. This email constituted protected whistleblower activity.

24. On June 18, 2021, Salinas, who was not Plaintiff's supervisor at the time, reprimanded Plaintiff for allegedly breaking the chain of command by sending an email to Cameron and copying the commissioners. Salinas accused Plaintiff of poor judgement, a lack of teamwork, and disregard for Defendant's administration.

25. On June 21, 2021, Plaintiff responded to the reprimand letter from Salinas and stated that it was not her intent to demonstrate a disregard towards Administration. Plaintiff asserted that in past she has had communications directly with commissioners. Plaintiff sent the email with the intention to work in the best interest of the Board of County Commissioners (BOCC) and residents of Flagler County to ensure they were well informed, safe, and their welfare and wellbeing were being protected.

26. On June 24, 2021, Cameron wrote a letter to Plaintiff labeled "evaluation" where he attacked Plaintiff's integrity and falsely accused her of not knowing how to speak with people. Cameron alleged that communication and relationships were Plaintiff's biggest challenges. This was Plaintiff's first evaluation in fifteen years and made in retaliation for her whistleblowing.

27. In continued retaliation, in Summer 2021 Salinas and Cameron started to isolate Plaintiff from meetings and decisions and oversaw projects that Plaintiff was responsible, accountable, and legally liable for. As a Professional Engineer in the State of Florida, Plaintiff was required to follow all codes and laws of the Engineering Professional Standards of Ethics.

28. On July 3, 2021, Cameron retired and Petitto was named as the new County Administrator.

29. In April 2023, Plaintiff made yet another protected reporting under Florida's Public Whistle Blower Act to Salinas. Salinas asked Plaintiff to approve the disposal of a huge pile of sand that Defendant had placed in the Bay Drive Park parking lot. Plaintiff told Salinas there was

a process and procedure for disposing of the sand that had to be followed to abide by federal laws, state laws, and local rules and regulations. Salinas responded with his disappointment and Plaintiff was adamant that the laws be complied with. However, Salinas was only concerned that Defendant would lose money if they waited to comply legally.

30. On May 19, 2023, Plaintiff made protected reporting under Florida's Public Whistle Blower Act. During an investigation/meeting regarding Tabassian's baseless allegations against Plaintiff where Wu, Salinas, and Plaintiff were present, Salinas made false unsupported allegations against Plaintiff that Plaintiff was difficult to work with and had yelled at subordinates. Plaintiff asked Salinas for specific examples of his baseless allegations however Salinas could not provide any examples.

31. During the May 19, 2023 meeting that Plaintiff was requested to participate in, Salinas brought up the sand issue again and said he was planning on dumping it on the beach illegally. Plaintiff again reported to Salinas and Wu that the plans to dispose of the sand were in contravention of state and federal laws and local rules and regulations. Salinas instructed Plaintiff to approve giving the sand away knowing it was illegal and stated it would cost "a lot of money, consume employees' time and the public is concerned about the sand being there." Plaintiff reiterated it would be in violation of Florida Statutes. Plaintiff learned after this meeting that Salinas had directed one of her staff, Ansely Wren-Key to dispose of the sand knowing it was illegal to do so and without Plaintiff's knowledge.

32. Plaintiff later found that Salinas had informed Wren-Key to illegally dispose of the sand in contravention to Plaintiff's advice not to do so and reported the matter to Defendant's legal department. Salinas did not disclose to Wren-Key the illegality of disposing of the sand, instead

he requested that she get rid of the sand to save county resources and satisfy the public which was complaining about the sand sitting in the parking lot.

33. On several occasions Petito and Salinas complained or made comments about Plaintiff's requests and involvement in Defendant's legal department's review of legal issues like this one.

34. After the meeting, Plaintiff instructed Wren-Key to comply with state laws and regulations when disposing of the sand stockpile.

35. On May 19, 2023, Plaintiff also reported that the culture of the county government was creating isolation, harassment, racism, toxicity, hostile work environment, and other problems for departments, employees, and Plaintiff.

36. Also on May 19, 2023, Plaintiff made protected disclosures when she reported to Wu and Salinas that she was being sexually harassed by Tabassian. Plaintiff stated that Tabassian told Plaintiff he missed seeing her in the morning, that Plaintiff is as nice as his wife, "I missed you, you do not come to my office anymore" and "Do you want me to write on the board when I go to the bathroom." These statements were made on three separate occasions. No investigation was conducted nor was any corrective action was taken.

37. In April 2023, during Ramadan (the Muslim's holy month of fasting) Salinas insisted Plaintiff attend late night BOCC meetings despite knowing Plaintiff was fasting without water or food and despite Plaintiff's pleas to postpone non urgent items for the next BOCC meeting.

38. In the Summer 2023, Plaintiff made protected disclosures again. Plaintiff reported via an internal written complaint against Defendant's Administration to Human Resources that she was subjected to national origin, race, religious, and gender discrimination. Plaintiff reported that

Cameron, who was the former County Administrator, and current administration, have berated Plaintiff in attempt to tarnish her reputation as an act of race, national origin, religious, and gender discrimination. Plaintiff reported that several months after Cameron became Defendant's County Administrator, he formed a core team (upper management team) and excluded Plaintiff from it basis of her protected characteristics.

39. Plaintiff reported that she was subjected to a hostile work environment and that administration employees have harassed Plaintiff about retiring. Plaintiff asserted that Salinas had encouraged her staff to isolate Plaintiff from meetings and decisions. Plaintiff reported that Cameron, Petito, and Salinas were attempting to force Plaintiff's resignation or retirement and/or target her for termination. Plaintiff reported that Cameron and Salinas tried to oversee Plaintiff's projects which they were unqualified to supervise while Plaintiff remained responsible and legally liable for the projects.

40. Plaintiff reported that in mid-May 2023, Tabassian filed a complaint with Salinas (not Human Resources) against Plaintiff that alleged Plaintiff was a bully. Plaintiff asserted that the complaint was filed after Plaintiff had raised legitimate issues with Tabassian's insubordination, harassment and anger issues. Plaintiff reported that despite her raising concerns with Tabassian's misconduct, Defendant failed to conduct an investigation against.

41. Plaintiff reported that Salinas has met with her employees for months making decisions about Plaintiff's department without Plaintiff's knowledge during which Salinas accused Plaintiff of micromanagement. Plaintiff asserted that as Defendant's Engineer, she was liable and legally responsible for decisions within her department which were being ignored by Salinas and Petito.

42. Plaintiff reported that on May 19, 2023, she was called into an investigation meeting with Human Resources and Salinas during which Salinas made baseless allegations against Plaintiff such as that she is difficult to work with without being able to provide any specific examples. Plaintiff asserted that during this meeting Plaintiff had told Salinas that he undermined her authority by directing her staff, assigning tasks to her staff, and isolating Plaintiff from meetings.

43. Plaintiff reported that during the May 19, 2023, investigation/meeting she was questioned about her relationship with Prevatt and that Plaintiff had simply decided not to appoint Prevatt to a managerial role because he was not qualified for the position and had a poor reputation. Plaintiff reported that during the meeting she reported that Prevatt retaliated against her for failing to appoint him to leadership by calling her a racist.

44. Plaintiff asserted that Prevatt insinuated that she was a terrorist which is evidence of national origin and religious discrimination in the workplace. Plaintiff requested that Defendant, through Cameron, to address her concerns and create a better workplace for her that is free from discrimination.

45. On June 1, 2023, Plaintiff requested Family and Medical Leave Act (FMLA) leave to begin on June 12, 2023. Salinas approved Plaintiff's FMLA Leave but Plaintiff did not utilize it at that time.

46. On July 14, 2023, Plaintiff made protected reporting under Florida's Public Whistle Blower Act. Petito instructed for Plaintiff to mislead commissioners at a public commissioners workshop. Petito said "we do not want you to tell the commissioners that you did not know about an important engineering presentation." Plaintiff reported to one of the commissioner that the

presentation had false and misleading data and information in it. Petito asked Plaintiff to mislead commissioners to wrongly get funds approved by the commissioners.

47. On July 17, 2023, during the BOCC's televised workshop, Petito and Salinas had all white directors make presentations except Plaintiff.

48. On July 18, 2023, Plaintiff made protected reporting under Florida's Public Whistle Blower Act. Plaintiff again reported to Salinas and Wu that she had been sexually harassed by Tabassian on three separate occasions which she had previously reported to Wu on May 19, 2023, and that no investigation had been conducted and no corrective action had taken place. Plaintiff re-reported the matters about Tabassian set forth above.

49. On August 7, 2023, Plaintiff made protected reporting under Florida's Public Whistle Blower Act. Plaintiff reported for the third time to Wu that she had been sexually harassed by Tabassian on three separate occasion which she had previously reported to Wu on May 19, 2023, and July 18, 2023. No corrective action was taken.

50. On August 14, 2023, Plaintiff made protected reporting under Florida's Public Whistle Blower Act. Plaintiff reported for the fourth time to Wu that she had been sexually harassed by Tabassian which she had previously reported to Wu on May 19, 2023, July 18, 2023, and August 7, 2023. No corrective action was taken.

51. On August 17, 2023, Plaintiff made protected reporting under Florida's Public Whistle Blower Act. Plaintiff reported to Wu, Salinas, and Petito that she was being sexually harassed by Tabassian which she had previously reported to Wu on May 19, 2023, July 18, 2023, August 7, 202, and August 14, 2023. Instead of providing corrective action, Salinas threatened to demote Plaintiff and to have her staff report to him instead of her. During this meeting Petito told

Plaintiff she was creating a bad work environment when Plaintiff took notes and documented things.

52. On July 18, 2023, Plaintiff sought Wu's advice about two staff member complaints about Tabassian and requested for Wu to mediate. Wu instructed for Plaintiff to have the staff report only to Plaintiff and have Tabassian do quality control. In the August 17, 2023 meeting, Salinas brought up the fact that Plaintiff had instructed her staff to report to her directly and Salinas told Plaintiff he was going to have her staff report directly to him to "show her how it feels."

53. During this meeting Petito, Salinas, and Wu made false allegations against Plaintiff and attacked her integrity and expertise. They called Plaintiff rude and unprofessional and falsely claimed she did not know how to communicate. Petito even said "you do not understand what we say, you have a communication problem." Plaintiff replied that she was insulted and being retaliated against due to her reporting discrimination. Petito stated "you are rude and unprofessional for interrupting me."

54. On August 17, 2023, Plaintiff reported to Salinas, Petito, and Wu during a meeting that she was being retaliated against based upon her protected characteristics. Salinas responded aggressively saying "we are going to continue doing what we are doing, if you do not like it go and get something else to do."

55. On or about August 21, 2023, Plaintiff requested FMLA leave effective immediately for twelve weeks. Petito and Salinas approved Plaintiff's FMLA leave after having Wu divulge Plaintiff's protected medical records which Plaintiff requested Defendant's benefits manager to keep confidential.

56. On or about August 25, 2023, Plaintiff through her attorney, reported to Defendant that Plaintiff was a protected whistle blower and had claims of gender, retaliation, and national

origin discrimination as well. All communication regarding Plaintiff were requested to be through Plaintiff's counsel.

57. On September 27, 2023, Plaintiff filed charges of race, gender, and national origin discrimination and retaliation against Defendant with the Florida Commission on Human Relations (FCHR) and the Equal Employment Opportunity Commission (EEOC).

58. In October 2023 Plaintiff requested additional leave to be out through November 22, 2023. Salinas approved Plaintiff's request via letter on October 17, 2023.

59. On November 14, 2023, Plaintiff's 12-week FMLA leave had expired, and Human Resources Benefits Manager Anita Stoker told Plaintiff that if her leave extended past three months then it would be authorized as leave without pay.

60. On November 26, 2023, Plaintiff emailed Human Resources Benefits Manager Stoker and said that she was extending her leave for up to twelve weeks.

61. On November 28, 2023, Wu emailed Plaintiff and said she was expected to return to work on November 27, 2023, and that her request for additional leave time had been denied. However, Wu did not tell Plaintiff the consequences of failing to return to work on November 27, 2023.

62. On or about December 5, 2023, Plaintiff was wrongfully terminated under the guise that she resigned which Defendant alleged took place after Plaintiff failed to return to work on November 27, 2023 even though Plaintiff requested an additional twelve weeks of medical leave.

63. The actions set forth above were horrific and caused Plaintiff extreme duress.

64. Plaintiff has retained the undersigned to represent her interests in this cause and is obligated to pay a fee for these services. Defendant should be made to pay said fee under the laws referenced above.

**COUNT I**  
**PUBLIC WHISTLEBLOWER RETALIATION**

65. Paragraphs 1 through 64 above are incorporated herein by reference.

66. This count sets forth a claim against Defendant under §112.3187, et seq., Florida Statutes.

67. Plaintiff was a public employee protected under the provisions of Chapter 112, Florida Statutes.

68. As stated more specifically in part above, Plaintiff reported and disclosed violations of rules, regulations and laws, and/or malfeasance, misfeasance and/or gross misconduct to persons both inside and outside of her normal chain of command, and to others having the authority to investigate, police, manage and otherwise remedy the violations of rules, regulations and laws that she reported. Plaintiff also disclosed this information when she participated in investigations, hearings, or other agency inquiries. Plaintiff reported malfeasance, misfeasance, and other acts specifically outlined in §112.3187(5), Florida Statutes.

69. After reporting these matters and/or participating in investigations, hearings, or other agency inquiries, as related in part above, Plaintiff was the victim of retaliatory actions set forth in part above including without limitation her termination.

70. Plaintiff's termination and other actions set forth above were a direct adverse result of her reporting violations of rules, regulations or laws, and/or her reporting malfeasance, misfeasance or gross misconduct, and/or her participating in investigations, hearings or other inquiries, specified in part above.

71. The actions of all employees within Defendant who affected Plaintiff's employment adversely did so at least in part in retaliation against her for her "whistleblowing" activities.

72. As a direct and proximate result of the actions taken against her by Defendant, Plaintiff has suffered injury, including but not limited to past and future wage losses, loss of benefits, loss of the capacity for the enjoyment of life, emotional pain and suffering, humiliation, embarrassment, and other tangible and intangible damages. These damages have occurred in the past, are occurring at present and will occur in the future. Plaintiff is entitled to injunctive relief.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment against Defendant for the following:

- (a) that process issue and this Court take jurisdiction over this case;
- (b) that this Court grant equitable relief against Defendant under the applicable counts set forth above, mandating Defendant's obedience to the laws enumerated herein and providing other equitable relief to Plaintiff;
- (c) enter judgment against Defendant and for Plaintiff awarding all legally-available general and compensatory damages and economic loss to Plaintiff from Defendant for Defendant's violations of law enumerated herein;
- (d) enter judgment against Defendant and for Plaintiff permanently enjoining Defendant from future violations of law enumerated herein;
- (e) enter judgment against Defendant and for Plaintiff awarding Plaintiff attorney's fees and costs;
- (f) award Plaintiff interest where appropriate; and
- (g) grant such other further relief as being just and proper under the circumstances, including but not limited to reinstatement.

### **DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demands a trial by jury on all issues herein that are so triable.

DATED this 23<sup>rd</sup> day of May 2024.

Respectfully submitted,

/s/ Marie A. Mattox

Marie A. Mattox [FBN 0739685]

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