

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

BRYAN MOISAO,
Plaintiff,

v.

Case No.: 2026 CA 000212

CITY OF FLAGLER BEACH,
Defendant.

_____ /

**COMPLAINT FOR UNLAWFUL TERMINATION IN VIOLATION
OF FLORIDA WHISTLE-BLOWER'S ACT § 112.3187-112.31895**

Plaintiff, Bryan Moisoa ("Plaintiff"), sues Defendant, City of Flagler Beach ("Defendant"), and states:

INTRODUCTION

Plaintiff, the former Facilities Director of the City of Flagler Beach, made significant whistleblower complaints to the Flagler Beach City Commission regarding massive waste of public funds, neglect of duty by city workers, and gross mismanagement, as defined by the Flagler Beach Code § 2-403(a)(2) and Florida Statute §112.3187(5), in an effort to protect the city and its residents. Furious and humiliated by Director Moisoa's whistleblower complaints, the city administration terminated him in retaliation for his whistleblower actions. Director Moisoa now brings this complaint under Florida Whistle-Blower's Act.

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff is an individual who began employment with the City of Flagler Beach as Facilities Director on March 31, 2025.
2. Defendant City of Flagler Beach is a Florida municipal corporation with its principal offices at 105 S 2nd Street, Flagler Beach, FL 32136.
3. Venue is proper in this Court because the City is located in this jurisdiction and the events giving rise to these claims occurred in this jurisdiction.
4. Jurisdiction is proper because this action arises under Florida's public whistleblower protections and incorporated in the City's governing provisions and policies; Section Article X Protection of Whistleblowers; Section Article VIII Section 2-272 Personnel Board.

PARTIES

5. At all relevant times, Plaintiff served as Facilities Director and later on April 15, 2025, supervised the Lift Station Department.
6. Bill Freeman was the City Engineer and Plaintiff's supervisor.
7. Liz Mathis was the City's Human Resources Manager.
8. Dale Martin served as City Manager during the relevant period.
9. Commissioners during the relevant period were Rick Belhumeur, John Cunningham, Eric Cooley, James Sherman, and Scott Spradley.

FACTS

10. On April 15, 2025, the Lift Station Department was placed under Plaintiff's supervision.
11. Beginning in May 2025, Plaintiff identified operational misconduct and policy violations within the department and reported them through internal channels. Plaintiff reported them to his direct supervisor, Bill Freeman, on May 13, 2025, Plaintiff elevated his concerns to Human Resources Director Liz Mathis on June 27, 2025.
12. HR instructed Plaintiff to conduct an internal investigation, which he completed and submitted to HR.
13. With Mr. Freeman's approval, on July 2, 2025, Plaintiff issued a written disciplinary action to an employee for insubordination; a formal disciplinary meeting was then held with HR and supervisory staff on July 2, 2025, with Mr. Freeman's approval.
14. On August 4, 2025, before HR acted on a subsequent disciplinary write-up that Plaintiff had prepared, the Lift Station Department was removed from Plaintiff's supervision and reassigned to Johnny Lynn. Before HR acted on this second write-up, Plaintiff was removed from his position as this employee's supervisor. This reassignment occurred immediately after Plaintiff's disciplinary recommendation and following multiple formal complaints, raising serious concerns about interference in the enforcement process. On August 4, 2025, Plaintiff received an e-mail from Bill Freeman at 7:53am stating that the Lift station crew will no longer be under Plaintiff. They will now report to Johnny Lynn directly.

15. Plaintiff continued to raise concerns regarding the misconduct and lack of corrective action to the City Manager and then to the City Commission. Plaintiff reached out directly to City Manager Dale on August 5, 2025, and sent a follow-up email, and another follow-up email on August 18, 2025, and another on September 8, 2025, this time copying all five City Commissioners.

16. On or about September 10, 2025, the City Manager criticized Plaintiff for including the City Commission, calling it "very unprofessional."

17. On September 26, 2025, Plaintiff received his formal evaluation rating him as exceeding expectations with a score of 96, and on the same day he was discharged.

18. The stated reasons provided to Plaintiff for discharge were alleged failure to follow chain of command and insubordination.

19. After discharge, discrepancies surfaced between the evaluation provided to Plaintiff at termination and the version later placed in his personnel file, including differing dates. On October 15, 2025, Plaintiff received a copy of his personnel file, the performance evaluation contained in the file was not the same document as the one Plaintiff was handed on the day he was discharge. The cover page also had a different date. Further review of the file on November 18, 2025, confirmed these discrepancies.

20. The Personnel Board hearing testimony or findings acknowledged the focus on whether disclosures to the City Manager were protected and addressed the definition of gross mismanagement under state whistleblower law. The only thing that is arguably protected would be when Mr. Mosaio brought complaint to Mr. Martin, City Manager, he then referred the Board to Tab 3 which included the State Whistleblower Act which contained a definition of "gross mismanagement".

21. Plaintiff's internal complaints included serious policy violations and operational misconduct such as dishonesty/falsification, neglect of duty, and insubordination, warranting Group III discipline under the City's Personnel Policies, Section X.3. This incident represents dishonesty/falsification, neglect of duty, and insubordination, all of which are outlined under the City of Flagler Beach Personnel Policies, Section X.3.

22. Plaintiff's whistleblower disclosures and efforts to enforce policy were followed closely by adverse employment actions, including removal of supervisory responsibilities and termination, which suggest retaliation. Plaintiffs' supervisory responsibilities were removed after reporting misconduct. The reassignment of the Lift Station Department from Plaintiffs supervision immediately after his internal reports, followed by Plaintiffs' termination despite positive performance evaluations, strongly suggests a retaliatory response to Plaintiffs' efforts to ensure accountability, compliance, and transparency within city operations.

COUNT I

UNLAWFUL RETALIATION/TERMINATION IN VIOLATION OF WHISTLEBLOWER PROTECTIONS

23. Plaintiff realleges paragraphs 1–22 as if fully set forth herein.

24. Plaintiff engaged in protected activity by disclosing and reporting, in good faith, violations of City policy and gross mismanagement/neglect within the Lift Station Department to appropriate officials, including the City Manager. Plaintiff reached out directly to City Manager Dale on August 5, 2025, and sent a follow-up email. Another follow-up email was sent on August 18, 2025, and another on September 8, 2025, this time copying all five City Commissioners.

25. Defendant knew of Plaintiff's protected activity. Plaintiff reached out directly to City Manager Dale on August 5, 2025, and sent a follow-up email on August 18, 2025, and another on September 8, 2025, this time copying all five City Commissioners.

26. There is a close temporal proximity between Plaintiff's protected activity and the adverse actions of (a) removing his supervisory authority over the Lift Station Department on August 4, 2025, and (b) terminating his employment on September 26, 2025. On August 4, 2025, the Lift Station Department was abruptly removed from Plaintiffs' supervision and reassigned to Johnny Lin without explanation August 4, 2025, Plaintiff received e-mail from Bill Freeman at 7:53am stating that the Lift station crew will no longer be under him. They will now report to Johnny Lynn directly. Discharged on September 26, 2025, Plaintiff received his formal evaluation.

27. Defendant's stated reasons for termination: alleged failure to follow chain of command and insubordination. Pretextual in light of Plaintiff's exceeding-expectations evaluation and the timing of discipline recommendations and subsequent adverse actions. Being insubordinate Plaintiff received an evaluation stating Plaintiff exceeded expectations, then was discharged Before HR acted on this second write-up, Plaintiff was removed from my position as this employee's supervisor. This reassignment occurred immediately after Plaintiff disciplinary recommendation and following multiple formal complaints, raising serious concerns about interference in the enforcement process.

28. As a direct and proximate result of Defendant's unlawful retaliation, Plaintiff suffered lost wages, lost benefits, reputational harm, and other damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and against Defendant, and award:

- a) Back pay, front pay, and lost benefits, with prejudgment interest;
- b) Reinstatement to the position of Facilities Director or, in the alternative, front pay in lieu of reinstatement;
- c) Compensatory damages for emotional distress and reputational harm;
- d) Declaratory relief that Defendant's actions violated whistleblower protections and were unlawful;
- e) Injunctive relief requiring Defendant to expunge any references to alleged insubordination or chain-of-command violations tied to Plaintiff's protected disclosures and to implement training and compliance measures;
- f) Reasonable attorneys' fees and costs;
- g) Such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands trial by jury on all issues so triable.

DATED: March 25, 2026

Respectfully submitted,

/s/ Anthony F. Sabatini
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