

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

**SAMANTHA WHITFIELD,**

**Plaintiff,**

2024 CA 000544

**CASE NO.:**

**FLA BAR NO.: 0739685**

v.

**FLAGLER COUNTY BOARD OF  
COUNTY COMMISSIONERS,**

**Defendant.**

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**COMPLAINT**

Plaintiff, SAMANTHA WHITFIELD, hereby sues Defendant, FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, and alleges:

**NATURE OF THE ACTION**

1. This is an action brought under §112.3187, Florida Statutes.
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, SAMANTHA WHITFIELD, has been a resident of the State of Florida and was employed by Defendant. Plaintiff is a protected whistleblower and a member of a protected class due to her actual and/or perceived disability and she was retaliated against after reporting Defendant's unlawful employment practices.<sup>1</sup>

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<sup>1</sup> Plaintiff intends to add additional claims into this action after administrative exhaustion is complete.

4. At all times pertinent hereto, Defendant, FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, 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 in August 2019 and held the position of Human Resources Manager at the time of her wrongful termination on July 19, 2024.

7. Plaintiff was a loyal and dedicated employee who often received compliments on her job performance.

8. 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.

9. The disparate treatment and retaliation came at the hands of specifically but not limited to County Administrator, Heidi Petito, Benefits and Wellness Manager, Anita Stoker, County Commissioner, Andy Dance, and Deputy Administrator, Jorge Salinas.

10. In March 2024, Plaintiff was promoted to the position of Human Resources Manager.

11. Later that month, Plaintiff was offered a position with another local government, as Risk Manager, for significantly higher compensation.

12. Upon submitting her resignation to Defendant, Defendant countered with an offer to match the salary, which Plaintiff accepted.

13. In late March, 2024, Plaintiff's ex-husband began contacting the State Attorney daily, alleging illegal use of a GPS tracker by Plaintiff and attempted to press charges against her. During their marriage, both Plaintiff and her ex-husband used Tile devices on their keys, which notify when the other is within 200 feet. Plaintiff continued to use her Tile device post-divorce, but it is not a GPS tracker.

14. Two years prior, Plaintiff endured a difficult divorce and Plaintiff's ex-husband had since been vindictive. Defendant's administration was fully aware of the challenges Plaintiff faced during the divorce and expressed their support for Plaintiff.

15. Upon learning that her ex-husband had initiated a case against her, Plaintiff promptly informed Wu, Petito and Salinas. Given their knowledge of her tense divorce, they assured Plaintiff that the second-degree misdemeanor allegations would not impact her employment. They reiterated that she had nothing to worry about in two separate conversations.

16. After Plaintiff's promotion, Stoker began to bully and harass Plaintiff. Stoker frequently referenced Plaintiff's raise, disability pay, and ongoing court case in an attempt to intimidate her. Stoker would make comments about Defendant's ability to rescind Plaintiff's raise. She criticized Plaintiff's social media posts, calling her "tone-deaf", accusing her of flaunting her salary, and continued to harass Plaintiff over several months.

17. During this period, Defendant received three anonymous public records requests regarding Plaintiff's raises, court case, and original job application. Due to Stoker's harassment

and hostile behavior, Plaintiff reasonably believed Stoker was behind the requests. Notably, Petito and Salinas also agreed and made several comments in open meetings expressing their suspicion that Stoker was responsible for the recent occurrences, including but not limited to the anonymous public records requests.

18. On or around May 13, 2024, Plaintiff's supervisor, Pamela Wu, went on FMLA leave, and Plaintiff soon took over the full operation of the Human Resources Department. Defendant's administration regularly commended Plaintiff's performance, expressing satisfaction with her promotion.

19. On or around April and May 2024, Plaintiff engaged in protected whistleblower activity by reporting to Petito and Salinas on two separate occasions that Stoker was improperly accessing confidential information from personnel files. Plaintiff informed them that Stoker had discussed reading an investigation with reports conducted on former Director Melanie Thomas, as well as other investigations involving Wu. Stoker openly compared Thomas's behavior, as documented in the investigation, to Wu's behavior.

20. Additionally, Stoker discussed details from Florida Department of Law Enforcement (FDLE) reports, which contain protected information not to be distributed or discussed. Subsequently, this same information was "anonymously" sent to county commissioners and local news outlets. Only Human Resources personnel had access to these investigations and reports, and given Stoker's open discussions about the FDLE reports, Plaintiff reasonably believed Stoker was responsible for leaking the information.

21. As a Benefits and Wellness Manager, Stoker did not have a legitimate need to access or review these investigations or police reports. Plaintiff reported Stoker's improper

conduct to Defendant, including her unauthorized access and dissemination of sensitive information, yet no action was taken to address the situation.

22. In June, 2024, Plaintiff reported the unbearable hostility by Stoker to Wu and that Stoker was improperly if not illegally accessing the information set forth above for her personal gain. Wu provided this information to Petito, who was involved in the decision to fire Plaintiff, as discussed below.

23. In or around June 2024, Plaintiff informed Wu of her decision to resign due to the unbearable hostility created by Stoker. Stoker's passive-aggressive behavior, intimidation, and stalking of Plaintiff's social media made the work environment intolerable.

24. Subsequently, County Attorney, Al Hadeed advised Plaintiff to remain in her position and not resign, stating that resigning would allow the bullies to succeed. He assured Plaintiff that an internal investigation would be conducted into the hostile work environment and acknowledged the impact of these events on Plaintiff's PTSD-related anxiety. He also indicated that the public records requests appeared to come from an internal source, based on the language used.

25. Despite these assurances, no action was taken by Defendant to address the situation. Plaintiff continued to work with the hope that an investigation would occur.

26. Meanwhile, Stoker's behavior escalated. She began sending letters to Defendant and the media about Plaintiff's raise and court case. Subsequently, a local news blogger began inquiring about the situation due to Stoker's emails. Notably, Stoker has long been the source of gossip and has a personal relationship with County Commissioners, Andy Dance and Dance's wife, who serves as Petito's secretary.

27. On or around July 3, 2024, Plaintiff spoke to Hadeed, County Administration, and Wu, seeking intervention to address the harassment by Stoker. Plaintiff informed Defendant that as a disabled veteran, she suffers from extreme anxiety, which was exacerbated by the hostile work environment. The harassment caused Plaintiff significant distress, affecting her ability to sleep, eat, and maintain her health.

28. In July 2024, the County Commissioners informed Plaintiff that Plaintiff's situation was purportedly drawing too much attention and that action was needed. Notably, County Commissioners are prohibited from involving themselves in personnel matters and Stoker was the sole instigator.

29. On July 17, 2024, Plaintiff informed Plaintiff that her resignation would be honored and that she was required to leave. No investigation into the reported bullying or hostile work environment was conducted, despite prior reassurances to Plaintiff.

30. Instead of addressing the behavior of Stoker, who was envious of Plaintiff's promotion, Defendant chose to terminate Plaintiff, silencing her complaints and failing to investigate her allegations.

31. Notably, Flagler County personnel policies explicitly state that only felony convictions or violent behavior warrant termination. Numerous employees, including the Finance Director, John Brower, who was arrested for DUI, and another manager, Ryan Prevatt, who was involved in a domestic abuse incident, but have not been fired. In contrast, Plaintiff was subjected to adverse treatment despite not being convicted or arrested, and Defendant was aware that the accusations against Plaintiff originated from her vindictive ex-husband. Furthermore, the state ultimately dismissed the charges against Plaintiff. This disparate treatment stands in direct

contradiction to Defendant's established personnel policies. Another female with an ancient DUI was fired around the same time as Plaintiff.

32. It is also important to note that in or around July 2024 Plaintiff was offered a position with another local city, and Stoker vindictively contacted the potential employer and disclosed personal information regarding Plaintiff's divorce from her ex-husband. As a result, the potential employer rescinded the job offer. During a prior meeting with Petito and Salinas, Stoker had insinuated her intention to sabotage Plaintiff's career, smiling while stating that "she knew a lot of people" and was aware of the new job position Plaintiff was pursuing. This statement foreshadowed Stoker's interference with Plaintiff's employment opportunities.

33. 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**

34. Paragraphs 1 through 33 above are incorporated herein by reference.

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

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

37. 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.

38. 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.

39. 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.

40. 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.

41. 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 8<sup>th</sup> day of October 2024.

Respectfully submitted,

/s/ Marie A. Mattox  
Marie A. Mattox [FBN 0739685]  
MARIE A. MATTOX, P. A.  
203 North Gadsden Street  
Tallahassee, FL 32301  
Telephone: (850) 383-4800  
Facsimile: (850) 383-4801  
[Marie@mattoxlaw.com](mailto:Marie@mattoxlaw.com)  
Secondary emails:  
[marlene@mattoxlaw.com](mailto:marlene@mattoxlaw.com)  
[michelle@mattoxlaw.com](mailto:michelle@mattoxlaw.com)  
[discovery@mattoxlaw.com](mailto:discovery@mattoxlaw.com)

ATTORNEYS FOR PLAINTIFF