

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

CASE NO.:

Shane Steven Wood and
Jacob Daniel Bissonnette,

Plaintiffs,

vs.

City of Flagler Beach, a municipality
organized and existing under Florida
law,

Defendant.

_____ /

COMPLAINT

COMES NOW, the Plaintiffs, SHANE STEVEN WOOD and JACOB DANIEL BISSONNETTE, by and through undersigned counsel, and sues the Defendant, CITY OF FLAGLER BEACH, for retaliatory discharge, and in support thereof states the following:

1. This is an action for damages in excess of \$15,000.00 in addition to the statutory relief afforded by the provisions of section 112.3187, Florida Statutes.
2. Venue is appropriate in Flagler County, Florida since it is the county where the retaliatory personnel action occurred and it is where the plaintiff resides.
3. Plaintiffs, SHANE STEVEN WOOD("Wood") was employed as a volunteer firefighter in 1991 and hired full time on October 27, 1997. JACOB DANIEL BISSONNETTE (Bissonette) was employed full time on December 28, 2006 by the City of Flagler Beach Emergency Services, Department (hereinafter "Department") as firefighters and remained employed until terminated. Both Plaintiffs were terminated from employment with the City of Flagler Beach. At the time of termination, Wood was the Assistant Chief.
4. The City of Flagler Beach (hereinafter "City") is a municipality organized and existing under Florida law. The City is responsible for the employment related actions of its departments, including the employment related decisions of the City Manager.

Count I Retaliatory Discharge

5. Plaintiffs reallege and incorporate herein the allegations in paragraphs 1-4 above.

6. Plaintiffs' discharge was an unauthorized retaliatory personnel action prohibited by section 112.3187, Fla. Stat. Plaintiffs have no available administrative or contractual remedies and are therefore authorized to proceed in circuit court.

7. In December 2012, Plaintiffs responded to a request from the Flagler County Probation Department to investigate allegations of a probationer filing false community service hour reports. Plaintiffs, who worked on the same shift, provided information to Chief Martin Roberts as requested by the Flagler County Probation Department. Plaintiffs investigation discovered that Firefighter Robert Pace falsified community service records for a convicted felon. The Chief was the individual with the responsibility and authority to conduct such an investigation. The findings were turned over to Bruce Campbell the City Manager for the defendant.

8. Subsequent to concluding their investigation, the Plaintiffs were accused of wrongdoing by Pace regarding the possession of alcohol at the Fire Department and consumption of alcohol while off duty on Christmas Day. The City Manager engaged in a series of actions that resulted in Plaintiffs' termination. At the time that the retaliatory conduct, the City Manager was fully aware and informed of the results of the Plaintiffs' investigations. These retaliatory actions were predicated upon Plaintiffs' exercise of a right protected by the provisions of section 112, Fla. Stat.

9. As a result of Plaintiffs' investigations, criminal charges have been filed against Pace, who remains employed with the City and was promoted to Chief of the fire department despite his involvement with the falsification of official records.

10. Plaintiffs have been required to retain services of counsel and are entitled to recover attorney's fees under section 112.3187 (9), Fla. Stat.

11. As a direct and proximate result of the City's actions, Plaintiffs are also entitled to recover the following:

- a. Reinstatement to their former position;
- b. Reinstatement of full fringe benefits and seniority rights;
- c. Compensation for lost wages, benefits and other remuneration;
- d. Compensatory damages for injury to their reputation and ability to find other employment; and

e. Injunctive relief to prevent further retaliatory conduct upon re-employment.

COUNT II. VIOLATION OF CONFIDENTIALITY
PROVISIONS OF SECTION 119.071 (FLA. STAT.)

12. Plaintiffs reallege and incorporate herein the allegations in paragraphs 1 – 11 as if fully set forth herein.

13. The City and its employees released Plaintiffs' confidential personal information in violation of Section 119.071 Fla. Stat.

14. During the period of time that they were employed by the City, both Plaintiffs had completed and filed with the City a "Request for Confidentiality" on a City prepared form.

15. Despite receiving the Request, the City repeatedly released Plaintiffs' confidential information to the press and members of the public. This release occurred while the City was engaged in the retaliatory conduct against Plaintiffs. Ironically and not coincidentally, the City redacted the personal information of all City witnesses who gave statements against the Plaintiffs.

16. Plaintiffs have been damaged by the City's release of the personal information.

17. Pursuant to Section 119.12, Fla. Stat., Plaintiffs are entitled to recover all attorney fees associated with this cause of action.

18. Plaintiffs seek a trial by jury.

WHEREFORE, Plaintiffs, SHANE STEVEN WOOD and JACOB DANIEL BISSONNETTE request that this Court exercise jurisdiction of this cause of action and provide the relief sought herein.

NOWELL, BAYER & MAGUIRE

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