

Good afternoon Honorable Mayor and Council Members,

I am reporting an urgent concern in accordance with City Policy 3.18 (Sections 10 and 12).

3.18 (10) states “The Human Resource Director has the primary responsibility for investigative actions of all suspected inappropriate activity as defined in this policy. If the investigation substantiates that a fraudulent act has occurred, the City Manager shall be promptly notified. If the substantiated fraudulent act has criminal implications, the City Manager will promptly consult the appropriate law enforcement agency as necessary. All employees shall cooperate during any investigation. Care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.”

3.18 (12) states “The City makes every attempt to protect employees from retaliatory action due to reports of suspected fraud in accordance with section 112.3187, Florida Statutes (Whistle-blower Act). The Act protects an employee from retaliatory action by an organization against an employee who reports to an appropriate agency violation of law on the part of a public employer or independent contractor that creates a substantial and specific danger to the public's health, safety, or welfare. Additionally, the act protects employees reporting improper use of a government office, gross waste of funds, or any other abuse or neglect of duty on the part of an agency, public officer, or employee.”

As you are aware, on June 15, 2023 Kenneth Hargroves and I received an email directive from Patrick Comiskey stating, “Kim, Please put all items on the side burner and focus 100% of your time finishing up your questionnaire on the city manager so you can be ready to present your findings to the city council Tuesday night. If you need any additional staff to assist you in completing your project, please advise and I will pull staff to assist you.

Also, for reference, you are not to initiate an investigation on any city worker without first receiving approval from the city manager.

Thank you. –Patrick”

The following day, June 16, 2023, I spoke to the City’s attorney, Sherry Sutphen. I let her know that this new directive puts me in a concerning situation in that Kenny and I had already initiated an investigation based off of a claim made to us on June 7, 2023 in which Patrick and Mike Gibson are being accused of a potential criminal violation. The complaint also includes a claim of retaliation by the City Manager, Patrick. My concern was that I was directed by Patrick to seek approval from him on all investigations but did not find this case appropriate to present to him given the information provided but I also feared I would be terminated for insubordination for not presenting the issue to Patrick directly.

Sherry informed me that she had a legal obligation to inform all council members of this allegation.

Because of this concerning information and potential legal implications, I am officially claiming protection under the Florida Public Sector Whistleblower Act.

Additionally, I have concerns by what I have experienced following City Council's directive on May 16, 2023 to initiate a survey of all direct reports to the City Manager on his ability to properly manage. The survey was to favor that of a 360 assessment. On May 22, 2023, council confirmed that the surveys would be starting the week of June 5, 2023.

Since then, my duties have been significantly reduced and subjected to heightened scrutiny by Patrick, (constructively demoting my role as Interim HR Director). I have been advised by Patrick that I am no longer permitted to conduct any investigations – one of my primary responsibilities as Interim HR Director (as outlined in City policy) – nor am I allowed to lead contract negotiations or hire full time employees or send offer letters without Patrick's approval first.

Each of these actions by Patrick has precluded me from performing my job effectively. A timeline of such concerns are as follows:

1. May 30, 2023: Kenny and I received an email from Patrick on a new hiring procedure.
2. June 8, 2023: Kenny and I met with Patrick to get clarification on new hiring procedures.
3. June 12, 2023: Patrick sent Kenny and me an email reiterating and changing the new hiring procedures.
4. June 15, 2023: Kenny and I received an email from Patrick with a new directive to not initiate any investigations on any city employees without first getting approval from him (not the existing precedent and opposite that of current city policy).
5. June 21, 2023: I emailed Patrick the information on the investigations that Kenny and I were working on prior to June 15, 2023 for his approval.
6. June 22, 2023: Patrick emailed me to meet with him at 1pm to discuss the camp counselor investigation. His directive was to terminate the employee. Troy and I mentioned concerns of potential for a claim of wrongful termination and his response was "If he were a full time employee, we would try to do something more, but because he is a summer, seasonal employee, we need to cut our losses."
7. June 23, 2023: I was sick and could not make it in to work. Patrick emailed me to schedule a meeting for Monday at 8 am to review the investigations.
8. June 26, 2023: Kenny and I met with Patrick in his conference room in which Misty is also in attendance. Patrick tells Kenny, "Kenny we don't need you, we will call you in later." I tell Patrick that I need him in there with me, as he was involved in all of the investigations. We reviewed the investigations – including the one that Sherry had notified council about. He asked for further information on that and I told him that I was unsure what I could disclose with him without first seeking legal counsel.
 - a. Patrick told Kenny to leave. I requested that I would feel more comfortable if Kenny stayed; Patrick said that he would not be staying. When I expressed my concerns of staying without Kenny and wanting to leave, Patrick told me that I

had a duty to meet with my supervisor. Kenny stated to Patrick that if the following conversation was about the city manager survey, that he should be included in the discussion. Patrick told him it was not. Kenny left.

- b. Patrick proceeded to question me as to why I took so long to inform him of the camp counselor investigation. I explained that there was no intent to keep the investigation from him; rather, we were working on it and other investigations along with the Juneteenth Holiday and honestly feeling uncomfortable approaching him while the surveys on him were still being concluded. Further, I informed Patrick that the complaint had been received by HR after 5 pm on a Friday. The following Monday at 10 am, the recreation staff and HR met to begin the investigation as outlined in City policy.
- c. Patrick stated that we would begin having weekly meetings in which Merry would be present. He further stated that I would no longer be leading contract negotiations (not the existing precedent –going back as far as my tenure with the City of Mount Dora (2012)) as he had found a third party to lead negotiations. He also stated that the investigation concerning him, that he would find someone to conduct that investigation and I would not be working on it.
- d. Patrick went on to tell me that if I have legal questions, that I am not to reach out to legal for advice, I am to reach out to him and he will get the answer for me.
- e. Following these new directives, Patrick went on to interrogate me repeatedly about the survey in which I recorded the complaints received by direct reports on Merry Lovern.
- f. Immediately following our discussion, Patrick called Kenny in and interrogated him on the complaints against Merry.

The harassing behavior I have endured from the City Manager since May 30, 2023 has me fearing for my continued employment with the City of Mount Dora. As Councilmember Walker stated in several City council meetings, I am sure that my chances of attaining the HR Director position full time is now forever tainted and is out of the question for my future.

In addition to my concerns, several of the City Manager's direct reports have approached me with concerns that they too, are falling victim to retaliation since the surveys were conducted. Further, with the new directives, departments have been reaching out to Kenny and me with complaints about delays caused by new this hiring process as well as the new investigative process. Some employees (not direct reports) have asked specifically on how to go about lodging a formal complaint against the City Manager.

Sincerely,


Kimberly Helfant