

DATE SRVD: 12/5/2022  
TIME SERVED: 7:25 AM  
CPS: WH 705810  
JOB# 21231

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR LAKE COUNTY, FLORIDA

JAMES BRETT MEADE,

CASE NO.: 2022CA2142

Plaintiff

vs.

CITY OF MOUNT DORA,

Defendant.

SUMMONS

**THE STATE OF FLORIDA**  
**To Each Sheriff of the State:**

YOU ARE HEAREBY COMMANDED to serve this Summons, and a copy of the Plaintiff's Complaint on Defendant:

**CITY OF MOUNT DORA**  
**Crissy Stile, Mayor**  
**c/o City Clerk's Office**  
**510 N. Baker Street**  
**Mount Dora, FL 32757**

A lawsuit has been filed against you. You have 20 calendar days after this Summons is served on you to file a written response to the attached Complaint. A phone call will not protect you; your written response, including the above case number and named parties, must be filed if you want the Court to hear your case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a carbon copy of a photocopy of your written response to the "Plaintiffs' Attorney" named below:

**Richard W. Smith, Esquire**  
**NeJame Law, P.A.**  
**189 S. Orange Ave., Suite 1800**

Orlando, FL 32801  
(407) 500-0000  
richard@nejamelaw.com

DATED this 29th day of November, 2022.

**Gary J. Cooney**

~~Tiffany Moore Russell~~

**CLERK OF THE CIRCUIT COURT**

By: Linda Benson

Deputy Clerk



**AMERICAN DISABILITIES ACT OF 1990  
Administrative Order No. 10-18**

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Court Administration, 425 N. Orange Ave., Orlando, FL 32801, telephone number (407) 836-2303 at least seven (7) working days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing impaired, call 711.

**\*\*Spanish and French versions attached hereto**



## IMPORTANTE

Usted ha sido demandado legalmente. Tiene veinte (20) días contados, a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá; si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas en dicho caso. Si usted no contesta la demanda a tiempo, podría perder el caso y podría ser desahuciado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparece en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney." (Demandante o Abogado del Demandante).

## IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce Tribunal. Un simple coup de téléphone est insuffisant pour vous protéger; vous êtes obligé de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le Tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du Tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie au carbone ou une photocopie de votre réponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou à son avocat) nommé ci-dessous.

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR LAKE COUNTY, FLORIDA

JAMES BRETT MEADE,

CASE NO.: **2022-CA-2142**

Plaintiff

vs.

CITY OF MOUNT DORA,

Defendant.

---

**COMPLAINT**

COMES NOW, Plaintiff James Brett Meade, by and through undersigned counsel and files his Complaint for violation of the Florida's Public Whistle-Blowers' Act against Defendant City of Mount Dora, and in support thereof, would state:

**JURISDICTION, VENUE, AND PARTIES**

1. This is an action for damages pursuant to Florida's Public Whistle-Blowers' Act, Fla. Stat. sec. 112.3187-112.31895. The damages exceed \$30,000 exclusive of interest, costs, and attorney's fees.

2. This Court has original jurisdiction of this matter.

3. Plaintiff James Brett Meade ("Meade") is an adult resident of Lake County, State of Florida, and was formerly the Police Chief of the Mount Dora Police Department. In that position in which he performed services for the agency, he was an "employee" as defined at Fla. Stat. sec. 112.3187(3)(b).

4. Defendant, City of Mount Dora ("Mount Dora"), is an "agency" as defined at Fla. Stat. sec. 112.3187(3)(a), and it was Meade's employer as it employed fifteen (15) or more



employees for each working day in each of twenty (2) or more calendar weeks in the current or preceeding calendar year.

5. Venue is proper in this county as the Defendant resides in this county and the action accrued in this county.

6. All conditions precedent have been met, satisfied or waived.

7. Plaintiff has exhausted all available administrative remedies.

### GENERAL ALLEGATIONS

8. Plaintiff Meade has worked in law enforcement in the Central Florida regions since he began with the City of Deland Police Department in 1982.

9. He spent approximately twenty-five (25) years serving with the Orange County Sheriff's Office.

10. He was named Deputy Chief of Police for the University of Central Florida.

11. Meade served as Interim Chief with the Mount Dora Police Department beginning in July 2020 and was named as the permanent replacement in April 2021.

12. It was during the time he served on the Mount Dora Police Department that his whistle-blower rights were violated.

13. On February 15, 2022, Meade initiated two internal administrative investigations for excessive use of force by a Mount Dora Police Officer.

14. On March 14, 2022, Meade learned that Mount Dora Human Resources Director Sharon Kraynik had asked the Lake County Sheriff's Office to investigate Meade and to take over the internal excessive use of force investigation of the Mount Dora Police Officer.

15. Meade spoke to Ms. Kraynik and City Manager Patrick Comisky via telephone and explained that the Florida Law Enforcement Officer's Bill of Rights and Fla. Stat. sec. 112.533(2)

does not offer the option of an outside law enforcement agency to conduct departmental internal affairs investigations. Rather that was the responsibility of the Chief of Police, Plaintiff Meade.

16. The following week, Meade sent Mr. Comisky an email citing the state statute and providing a copy of the statute. Mr. Comisky nonetheless insisted that Meade continue the City's efforts to have the investigation conducted by an outside law enforcement agency.

17. Meade contacted seven different law enforcement agencies, all of which declined to conduct the investigation pursuant to Fla. Stat. 112.533(2).

18. On April 5, 2022, Meade sent a written memoranda to Mr. Comisky advising that no law enforcement agency would conduct the City's internal investigation. Meade requested permission to proceed with the current internal investigations on the excessive use of force.

19. Meade did not receive a response from Mr. Comisky to his request and so resumed the internal investigations.

20. On May 9, 2022, video footage of another Mount Dora Police Officer using excessive force in September 2021 was released by public records request. In an interview with local news Channel 9 reporter, Meade explained that an internal investigation would be conducted on the case.

21. Two days later, on May 11, 2022, Mr. Comisky emailed Meade stating it was imperative that the internal investigation be conducted by the Florida Department of Law Enforcement.

22. That same day, Meade along with Deputy Chief Mike Gibson met with Mr. Comisky to provide him a copy of the Florida Statute and to again explain that this internal investigation could not be handled by outside law enforcement. Mr. Comisky reported that he was being advised differently but would not divulge from whom the information was coming.



23. Meade initiated an internal investigation against two Mount Dora Police Department Officers as a result of the September 2021 use of excessive force.

24. In Mid-May 2022, Mr. Comisky contacted the FDLE Commissioner requesting the FDLE conduct the internal investigation of this latest incident. He was referred to FDLE Special Agent in Charge Lee Massie who advised Mr. Comisky that the FDLE conducted criminal investigations, not internal administrative investigations.

25. On May 19, 2022, Mr. Comisky sent Meade an email stating he was in the process of securing an outside agency to perform an investigation regarding the latest incident of excessive use of force. Meade responded via email and again cited the relevant Florida Statute and requested yet another meeting to discuss the state law with him and the undisclosed person advising him to the contrary.

26. During the week of May 20, 2022, Meade continued his internal investigations including requesting for subject matter experts on the use of force through the Florida Police Chief's Association. On May 26, 2022, Mr. Comisky once again indicated via email to Meade that he was working on securing an outside agency to conduct a review and to forward any response to his expert request to him. Meade again unsuccessfully requested a meeting with Mr. Comisky to discuss the relevant law.

27. On May 27, 2022, Meade wrote a memorandum to Mr. Comisky advising him of his authority and his intent to proceed with the latest investigation on the use of excessive force.

28. On May 31, 2022, Meade sent Mr. Comisky the memorandum and a Florida Attorney General Opinion regarding City Manager involvement in police internal investigations.

29. Later than day, Meade met with Mr. Comisky and Ms. Kraynik and reiterated his responsibility per Florida State Statute to conduct Mount Dora Police Department internal

investigations. Mr. Comisky ordered that the investigation be stopped as he was getting outside agency to conduct the investigation.

30. Meade responded that Mr. Comisky and Ms. Kraynik were interfering with his duties and that the City Manager would have to terminate his employment in order to stop him from carrying out his lawful duty.

31. At about 7:45pm that same evening, Meade received an email from Mr. Comisky ordering him to cease the investigation on the latest use of excessive force. Mr. Comisky further indicated that if Meade disregarded this directive, he would be subject to termination of his employment with the City. The email was copied to Ms. Kraynik and City Attorney Sherry Sutphen.

32. On June 1, 2022, Mr. Comisky sent another email around 11:10am threatening that if Meade failed to follow his demand, he would be subject to disciplinary action including probable termination.

33. Meade was presented with two options: either (1) allow the City of Mount Dora to violate state law by circumventing his responsibility as Chief of Police to conduct internal investigations, or (2) be terminated from his employment with the City of Mount Dora. As Meade had sworn to uphold the law, the only action he or any reasonable employee could have taken in that situation was to involuntarily resign in order to escape illegal employment requirements.

34. The involuntary resignation on June 1, 2022, amounts to a constructive discharge in retaliation for engaging in protected activity in violation of Florida's Public Whistle-Blower's Act.



35. As a result of his constructive discharge, Meade lost employment earning \$130,000 annually. Meade intended to stay with the City of Mount Dora for 4 more years in order to earn a pension receiving \$30,000 annually thereafter.

36. Meade has retained the services of NeJame Law, P.A. and the undersigned attorney below to prosecute this action. As such, if Meade substantially prevails, he is entitled to an award of reasonable costs, including attorney's fees, from the City of Mount Dora.

### COUNT I

#### **VIOLATION OF FLORIDA'S PUBLIC WHISTLE-BLOWER'S ACT, FLA. STAT. sec. 112.3187**

37. Plaintiff Meade realleges and reaffirms the allegations set forth in paragraphs 1 through 36 as if fully set forth herein.

38. Meade made protected disclosures and engaged in protected activity under Florida's Public Whistle-Blower's Act.

39. On May 19, 2022; May 27, 2022; and May 31, 2022, Meade complained to City Manager Patrick Comisky that the City of Mount Dora could not have an outside law enforcement agency conduct the City's internal investigations into its law enforcement officers. **See Composite Exhibit A.**

40. Specifically, Fla. Stat. sec. 112.533(1) & (2) provide that the law enforcement agency, to whom a complaint is made regarding one of its officers, shall conduct the investigation to determine whether disciplinary action shall be taken or not.

41. Meade's complaints were in writing and made to the City Manager who was the appropriate local official pursuant to Fla. Stat. sec. 112.3187(6), and Meade's supervisory official pursuant to Fla. Stat. sec. 112.3187(7).

42. Meade's complaints included suspected violations of state law by the City Manager who prohibited Meade from carrying out his lawful and statutory duty as prescribed by Fla. Stat. 112.533. This created a substantial and specific danger to the public's safety as the City Manager repeatedly attempted to prevent Meade from investigating law enforcement officers who were accused of using excessive force on members of the public— thus allowing the violations to continue unchecked.

43. Meade's complaints also included suspected acts of misfeasance in that the City Manager attempted to have the City's internal investigations carried out in an unlawful, injurious, or negligent manner by enlisting an outside law enforcement agency to conduct the investigations required to be conducted by the Mount Dora Police Department.

44. Meade's complaints further included suspected acts of malfeasance in that the City Manager, in light of Fla. Stat. sec. 112.533, should not have sought an outside agency to conduct the Mount Dora Police Department's internal investigations and should not have prohibited Meade from conducting the internal investigations.

46. As a direct result of Meade's protected disclosures and protected activities, he was ordered by the City Manager to either stop the internal investigations so they could be submitted to an outside agency or be terminated.

47. Florida law did not allow for outside agencies to conduct such internal investigations, so Meade's employment was constructively terminated by the City of Mount Dora.

48. Florida's Public Whistle-Blower's Act prohibits an agency from dismissing or taking other adverse personnel action against an employee for disclosing information pursuant to this Act. Fla. Stat. sec. 112.3187(4)(a).



49. Meade's employment with the City of Mount Dora was terminated on June 1, 2022, directly due to his protected disclosures and protected activities.

50. But for his protected disclosures and activities, he would not have suffered this adverse employment action.

51. Meade had no prior disciplinary action with the City and there was no personnel action pending against him at the time of his protected disclosures or protected activities.

52. His complaints were made in good faith and based on existing Florida law.

53. Meade did not engage in any conduct which would have justified his termination of employment.

54. As a direct result, Meade lost his employment with the City of Mount Dora, lost wages both past and front pay, lost benefits past and future, and lost his pension, which are recoverable pursuant to Fla. Stat. sec. 112.3187(9)(a) & (c).

55. Additionally, Meade has incurred attorney's fees and costs in pursuing this action for which he may seek recovery pursuant to Fla. Stat. sec. 112.3187(9)(d).

**WHEREFORE**, Plaintiff JAMES BRETT MEADE respectfully requests that this Court enter judgment in his favor and against Defendant CITY OF MOUNT DORA for economic damages of lost wages, both past and future including an award of front pay; lost benefits, and lost pension, as well as an award of costs including attorney's fees, and any other relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff James Brett Meade demands a trial by jury on all issues so triable.

DATED this 28<sup>th</sup> day of November, 2022.

/s/Richard W. Smith  
Richard W. Smith, Esquire  
Fla. Bar No. 13943  
NeJame Law, P.A.  
189 South Orange Avenue, Suite 1800  
Orlando, Florida 32801  
Telephone: (407) 500-0000  
Primary: [Richard@NeJameLaw.com](mailto:Richard@NeJameLaw.com)  
[Laurie@NeJameLaw.com](mailto:Laurie@NeJameLaw.com)  
Secondary: [civilservice@nejamelaw.com](mailto:civilservice@nejamelaw.com)  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

HEREBY CERTIFY that on the 28th day of November, 2022, I electronically filed the foregoing with the Clerk of the Court by using the Florida E-Filing Portal. A copy of the foregoing will be served upon the Defendant, City of Mount Dora, via service of process.

/s/Richard W. Smith  
Richard W. Smith, Esquire  
Fla. Bar No. 13943

Meade, Brett

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From: Meade, Brett  
Sent: Thursday, May 19, 2022 6:11 PM  
To: brettmeade114@gmail.com  
Subject: Fwd: Leave Usage  
Attachments: DOC051922-05192022171159.pdf

Brett Meade Ed.D  
Chief of Police  
Mount Dora Police Department  
1300 N. Donnelly St.  
Mount Dora, Florida 32757  
Cell 352-630-9679

Please excuse typos from mobile device

Begin forwarded message:

From: "Meade, Brett" <MeadeB@ci.mount-dora.fl.us>  
Date: May 19, 2022 at 6:06:00 PM EDT  
To: "Comiskey, Patrick" <ComiskeyP@ci.mount-dora.fl.us>  
Subject: Re: Leave Usage

Thank you Patrick  
Regarding the investigation, I have provided you with the state law regarding having another agency conduct an internal administrative investigation and is not an option. I would appreciate the opportunity to discuss this with you and the person that is advising you this is possible because it is not.

Respectfully

Brett

Brett Meade Ed.D  
Chief of Police  
Mount Dora Police Department  
1300 N. Donnelly St.  
Mount Dora, Florida 32757  
Cell 352-630-9679

Please excuse typos from mobile device

On May 19, 2022, at 5:38 PM, Comiskey, Patrick <ComiskeyP@ci.mount-dora.fl.us> wrote:



Brett,

Provided is my response on leave usage.  
Also, I am working on securing an outside agency to perform a review of the late night event at the dollar store that aired on tv where Officer Lopez and Corporal Hughes responded.  
-Patrick

-----Original Message-----

From: donoreply@cl.mount-dora.fl.us <donoreply@cl.mount-dora.fl.us>  
Sent: Thursday, May 19, 2022 5:12 PM  
To: Comiskey, Patrick <ComiskeyP@ci.mount-dora.fl.us>  
Subject: Send data from MFP14100340

Scanned from MFP14100340

Date:05/19/2022 17:12

Pages:1

Resolution:300x300 DPI

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please do no reply.

## Meade, Brett

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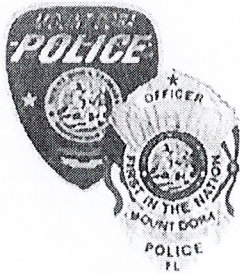
**From:** Meade, Brett  
**Sent:** Tuesday, May 31, 2022 8:45 AM  
**To:** Comiskey, Patrick  
**Cc:** Gibson, Michael; Jones, Kenneth; Rehn, Alivia  
**Subject:** Update on Hughes/Lopez Investigation  
**Attachments:** Memo to CM Comisky Hughes-Lopez Administrative Investigation.pdf; Florida AG Ruling CM and Internal Investigations.pdf

Good morning Patrick,

Attached is my position statement and update on the Hughes/Lopez investigation and a Florida Attorney General's Opinion regarding City Manager involvement in law enforcement internal investigations. As the Chief of Police and per Florida law and the Law Enforcement Officer's Bill of Rights, I am responsible for conducting internal investigations within the Mount Dora Police Department in a thorough, competent, and unbiased manner and I am proceeding with the investigation. I will inform you of the findings upon completion.

Respectfully,

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**Brett Meade Ed.D.**

Chief of Police

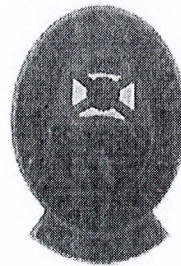
Office: (352) 735-7194

Cell: (352) 630-9679

Email: [meadeb@cityofmounddora.com](mailto:meadeb@cityofmounddora.com)

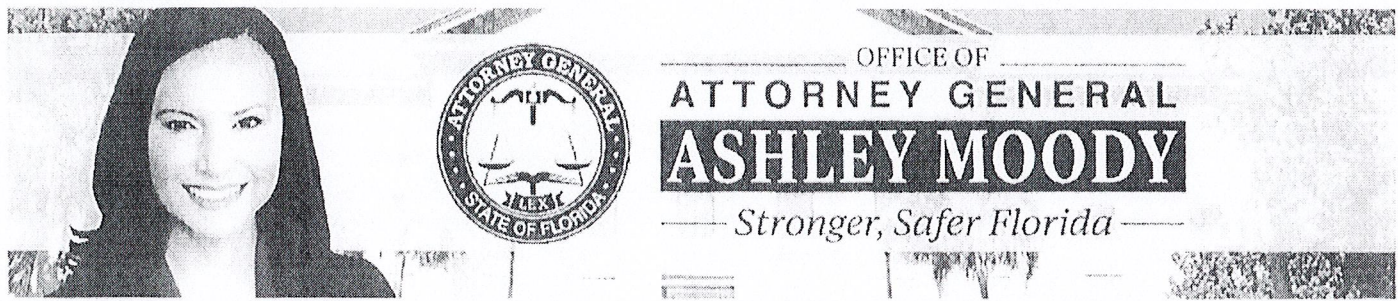
**Mount Dora Police Department**

1300 N Donnelly St,  
Mount Dora, Florida 32757



*"Committed to Excellence and Dedicated to the  
Citizens, Traditions, and Diversity of our City"*





Advisory Legal Opinion - AGO 97-56

[Print Icon Print Version](#)

Number: AGO 97-56  
 Date: September 2, 1997  
 Subject: City manager, internal investigation of police officer

Mr. Anthony A. Garganese  
 Attorney for the City of Cocoa  
 Post Office Box 1807  
 Cocoa, Florida 32923-1807

RE: LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS--LAW ENFORCEMENT--  
 MUNICIPALITIES--ability of city manager to participate in internal  
 investigation of police officer. s. 112.533, Fla. Stat.

Dear Mr. Garganese:

You ask substantially the following question:

Does section 112.533(3), Florida Statutes, prohibit a chief of police from discussing with and disclosing to the city manager information obtained in an active internal investigation of a law enforcement officer?

In sum:

Section 112.533(3), Florida Statutes, permits a chief of police to discuss with and disclose to the city manager information obtained in an active internal investigation of a law enforcement officer, if the policy of the local law enforcement agency conducting the internal investigation authorizes such disclosure. However, any individual who receives information obtained as a result of the investigation would be bound by the confidentiality provisions contained in section 112.533, Florida Statutes.

According to your letter, the City of Cocoa operates under a city manager form of government, where the city manager is the head of the administrative branch of city government. The chief of the city's police department serves at the will of the city manager. You indicate that the city manager has the authority to cause the affairs of any



department or the conduct of any officer or employee under his jurisdiction to be investigated. In this instance, the city manager wishes to participate in an internal investigation of a complaint against several law enforcement officers serving in the city's police department.

The Law Enforcement Officers' Bill of Rights contained in Part VI, Chapter 112, Florida Statutes, sets forth the procedure to be used in conducting an internal investigation of complaints against law enforcement officers employed by a law enforcement agency. Section 112.533, Florida Statutes, requires every law enforcement agency to establish a system for the receipt, investigation, and determination of complaints received by the agency from any person. Subsection (2) (a) of the statute states in part:

"A complaint filed against a law enforcement officer or correctional officer with a law enforcement agency or correctional agency and all information obtained pursuant to the investigation by the agency of such complaint shall be confidential and exempt from the provisions of s. 119.07(1) until the investigation ceases to be active, or until the agency head or the agency head's designee provides written notice to the officer who is the subject of the complaint, either personally or by mail, that the agency has either:

1. Concluded the investigation with a finding not to proceed with disciplinary action or to file charges; or
2. Concluded the investigation with a finding to proceed with disciplinary action or to file charges." [1]

In Attorney General Opinion 75-41, this office concluded that "agency," as that term is used in the Law Enforcement Officers' Bill of Rights, refers to the particular law enforcement agency for which the officer works and not to the municipality that employs the officer. It is the law enforcement agency, therefore, not the employing governing body or administrator, that establishes the system for investigating complaints against law enforcement officers.

The provisions of section 112.533, Florida Statutes, operate to maintain the confidentiality of information obtained pursuant to the agency's investigation. As this office has previously stated, however, nothing in Part VI, Chapter 112, Florida Statutes, dictates who may conduct or participate in an internal investigation of a law enforcement officer. Rather, it is the policy of the local law enforcement agency conducting the internal investigation that controls who may participate in the investigation. [2]

Accordingly, section 112.533(3), Florida Statutes, does not prohibit a chief of police from discussing with and disclosing to the city's manager information obtained in an active internal investigation of a law enforcement officer if the agency's complaint system authorizes such a disclosure. The policy of the local law enforcement agency conducting the internal investigation controls who may be involved in

the investigation. However, any individual who receives information obtained as a result of the investigation would be bound by the confidentiality provisions contained in section 112.533, Florida Statutes.

Sincerely,

Robert A. Butterworth  
Attorney General

RAB/tgk

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[1] Section 112.533(2)(a), Fla. Stat. (1996 Supp.).

[2] See Inf. Op. to Mr. John Dellagloria, North Miami City Attorney, dated July 2, 1997.

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Florida Toll Free Numbers:

- Fraud Hotline 1-866-966-7226

- Lemon Law 1-800-321-5366