



City of Sunny Isles Beach

18070 Collins Avenue
Sunny Isles Beach, Florida 33160

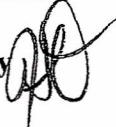
(305) 947-0606 City Hall
(305) 949-3113 Fax
(305) 947-2150 Building Department
(305) 947-5107 Fax

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Rick Conner, *Acting City Manager*
Hans Ottinot, *City Attorney*
Jane A. Hines, CMC, *City Clerk*

MEMORANDUM

TO: The Honorable City Commission

FROM: Hans Ottinot, City Attorney 

DATE: June 11, 2009

RE: **Complaint Filed by Doug Haag**

On Wednesday, June 11, 2009, I received the attached complaint filed by Assistant City Manager Doug Haag alleging that Acting City Manager Rick Conner had created a "hostile" and "abusive" work environment. This complaint is required to be investigated promptly under the City's sexual and other harassment policies. The policy is attached.

Please note that the investigation will be conducted by the City's outside counsel firm, Holland & Knight. The goal is to complete the investigation as soon as possible. I anticipate that the investigation may be completed within the time-frame required by the City's policy. The policy requires an investigation to be completed within five (5) business days and a written report to be completed within fifteen (15) business days.

Regarding the nature of the allegations, please do not make any conclusions until the investigation is complete.

Should you have any questions, please feel free to give me a call.

HO/jb

/ Attachment

Sunday, June 7, 2009

To: Hans Ottinot

From: Doug Haag

Re: Abusive behavior re: acting city manager – Rick Conner

Hans – This is a follow-up to our brief conversation this past Friday in which I just mentioned I was frustrated with the acting city manager. At 8:00AM last Friday we had a meeting scheduled to discuss the Community Development budget with acting city manager Conner. Others present at the meeting included myself, Robert Solera, [REDACTED] and [REDACTED]. Acting manager Conner made it known to all at the start of the meeting that he did not appreciate the meeting being scheduled so early.

During the course of the meeting and for no apparent reason acting manager Conner turned to Ms. [REDACTED] and in a very loud and angry tone of voice shrieked: **WHAT IS IT ABOUT THIS CONVERSATION THAT YOU DO NOT UNDERSTAND?**

I honestly don't know why he did what he did – there was simply no reason for it. Ms. [REDACTED] was listening to the comments from the other participants and not actively engaged in the conversation, acting manager Conner had not directed any questions to her, etc.

Needless to say Ms. [REDACTED] came into my office afterwards visibly upset about what she felt was abusive behavior directed toward her. She also said that there have been several other occasions where he's also been abusive toward her. When I asked her why she did not say anything in acting manager Conner's presence she said she was afraid that he would fire her and she could not afford to be without a job. She also asked that she not be required to attend any meetings or be in a room alone with acting manager Conner again.

I have serious concerns about acting manager Conner's actions toward Ms. [REDACTED] and toward several other employees in the past few months. As a manager, I have a responsibility to protect my staff [101:1; 103:1 paragraphs 1) 2) & 3)]¹. Following is a list of just the incidents that I am aware of.

¹ Brackets [] throughout reference pertinent sections of the City of Sunny Isles Beach Personnel Policy Manual

Incident No.	Name	Description
1	[REDACTED]	<p>He physically grabbed [REDACTED] that so upset her that I believe she briefly discussed it with you afterwards.</p> <p>[202:1 paragraph 3-a]</p>
2	[REDACTED]	<p>I was in a meeting with acting manger Conner and [REDACTED] several weeks ago when he pointed his fingers at her head as if having a gun and shouted BANG BANG several times. Ms. [REDACTED] was quite upset afterwards and requested that she not be in a situation where she was alone with acting manager Conner.</p> <p>[202:1 3-c; 801:1 paragraphs 1-b, 2-a iii 2-b, 2-l; 806:1 paragraph 3]</p>
3	[REDACTED]	<p>I was part of an incident involving [REDACTED] several months ago in which she said she was verbally reprimanded by acting manager Conner because she discussed some HR issues with me in my office with the door closed.</p> <p>[202:1 3-c; 801:1 paragraphs 1-b, 2-a iii 2-b, 2-l; 806:1 paragraph 3]</p>
4	[REDACTED]	<p>Another incident involving one of my employees – [REDACTED] – occurred while I was on vacation in April. He ordered her to issue a check in excess of \$700,000 with only a post-it note as documentation. She refused and told him she was not going to jail on account of him.</p> <p>[202:1 3-c; 801:1 paragraphs 1-b, 2-a iii 2-b, 2-l; 806:1 paragraph 3]</p>
5	[REDACTED]	<p>[REDACTED] was reduced to tears when he yelled at her for not ordering enough coffee</p> <p>[202:1 3-c; 801:1 paragraphs 1-b, 2-a iii 2-b, 2-l; 806:1 paragraph 3]</p>
6	[REDACTED]	<p>He made [REDACTED] cry by forcing her to write the number '4' over and over because he didn't like the way that she did it.</p> <p>[202:1 3-c; 801:1 paragraphs 1-b, 2-a iii 2-b, 2-l; 806:1 paragraph 3]</p>
7	[REDACTED]	<p>Inappropriate physical contact</p> <p>[202:1 paragraph 3-a]</p>

8	[REDACTED]	<p>Previously described but there have been several other incidents similar to this one</p> <p>[202:1 3-c; 801:1 paragraphs 1-b, 2-a iii 2-b, 2-l; 806:1 paragraph 3]</p>
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By now you have noticed a pattern of abusive behavior and a hostile work environment [202:1 paragraph 1] directed toward women. [105:1 paragraph 1-a; 201:1; 202:1 paragraph 3] Such behavior is inappropriate for his position. It is my understanding that there may have been similar issues involving acting manager Conner when he was asked to leave his position with the Town of Palm Beach after less than a month. This occurred in July/August, 2004. [203:1 paragraph 4-f; 208:1 paragraph 2; 801:1 paragraph 2-e]

Because the acting city manager is now also the HR director, there is no one else for me to go to. It's my responsibility as a senior manager to report these issues and protect the City and our employees. [104: paragraph 3-h; 105:1 paragraph 1-g; 202:1 paragraphs 2, 4 and 5; 801: paragraphs 1-c and 1-d] As such, I would appreciate any direction that you can offer as to what course of action we should pursue [202:1 paragraph 6]. Certainly some investigation and disciplinary action is called for. And, due to the nature of the circumstances, I would request your assurance that all of the above named individuals as well as any others that come forward in the course of such investigation be protected from any retaliation by acting manger Conner for having brought this to your attention. [202:1 paragraph 6]

Doug Hasey
6/11/09

INVESTIGATION REPORT

This is a summary of the findings of the investigation prompted by a claim made by Doug Haag ("Haag") alleging abusive behavior by Acting City Manager Rick Conner ("Conner") against several women working for the City of Sunny Isles Beach (the "City").

Background:

On June 7, 2009, Haag, Assistant City Manager and Finance Director, drafted a complaint in which he alleged that Conner acted abusively towards several women working for the City. A copy of the letter is attached as Exhibit "A." Haag began his complaint by recounting an incident that allegedly occurred during a recent budget meeting. According to Haag, the budget meeting was attended by Haag, Robert Solera ("Solera"), [REDACTED] ("[REDACTED]"), [REDACTED] ("[REDACTED]"), and Conner. During the meeting and for no apparent reason, Haag alleged that Conner turned to [REDACTED] and "in a very loud and angry tone of voice shrieked: WHAT IS IT ABOUT THIS CONVERSATION THAT YOU DO NOT UNDERSTAND?" Although the meeting continued, according to Haag, [REDACTED] became very upset and later complained to Haag, who is her direct supervisor, about the incident. It was this incident that prompted Haag to draft the complaint.

In addition to the foregoing, Haag identified several other female employees and briefly described incidents of which he claimed to be aware involving these women and Conner. It was later verified that none of the women contributed in the drafting of the complaint and that some of the women may not have been aware that a complaint was even made. After describing each alleged incident in the complaint, Haag went on to cite the appropriate page and section of the City's policies which Haag claimed were violated. Haag claimed that Conner's abusive behavior had created a hostile work environment for the women.

Finally, Haag noted that Conner may have had similar issues at a former job because, according to Haag, Conner was asked to leave his prior position with the Town of Palm Beach after only a short time there.

The written complaint was submitted to City Attorney Hans Ottinot ("Ottinot") and in accordance with the applicable personnel policies and procedures, Ottinot initiated the instant investigation.

In-House Investigation:

On June 15 and 16, 2009, Kelly DeGance ("DeGance") and Martha Fields ("Fields"), both from Holland & Knight LLP, conducted an investigation into the foregoing allegations. The investigation consisted of interviewing and speaking with Haag, Conner, Solera, [REDACTED] and all of the women identified in the complaint. The women identified in the complaint and subsequently interviewed were: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] Assistant City Attorney Fernando

Amuchastegui ("Amuchastegui") was also present during the interviews, although Amuchastegui did not actively participate in the investigation.

As an initial matter, it came to light during the interviews that Conner had implemented some restructuring of the office and was contemplating additional changes to occur. One of the employees who would likely be affected was Haag. Moreover, the restructuring may also have impacted some of the women included in the complaint. Therefore, a question was raised as to Haag's motivation in lodging the complaint. That being said, although some of the allegations in the complaint were not substantiated, others were found to have merit.

During the interviews, two (2) of the women recalled Conner inappropriately touching them. One of the women described an incident that occurred about two (2) years ago where Conner grabbed her arm just above the elbow during a heated verbal exchange. This occurred while Conner was working in Public Works. Conner did not begin his position as Acting City Manager until January 2009.

A second woman claimed that Conner grabbed her by the arm more recently while admonishing her for making what he thought was an inappropriate comment during an office birthday party. Both women described being grabbed by the arm in a very similar way. A third woman also described witnessing Conner grab a man by the arm in a similar fashion. When asked about the allegations, Conner recalled and admitted to grabbing the woman's arm during the incident that occurred two (2) years ago but Conner denied grabbing any other employee's arm.

There was a consistent pattern throughout the interviews where many of the women expressed that they felt Conner was rude and verbally abusive towards them. Most said that Conner spoke down to them and was disrespectful to them. Some commented that Conner is not friendly and does not greet them when he sees them; rather, he tends to generally ignore them. A few of the women said they felt belittled and patronized by him. Generally, the women expressed feeling uncomfortable around Conner and many stated they tried to avoid contact with him. The women gave fairly consistent descriptions of Conner and of the manner in which they were treated by Conner.

It is notable that many of the women who have complaints about Conner are of foreign descent and in some cases have heavy accents. The women range in position from being fairly entry level employees to being supervisors themselves. Conner admitted that he values some employees more than others based on who he perceives as being more talented. Conner further admitted that he sometimes loses patience with employees who he believes are not as bright as others. Conner expressed that he feels a lot of stress himself in his position and does not always feel appreciated. Conner admittedly has high expectations when it comes to his employees.

Many of the women voluntarily offered their own recommendations for Conner. Most of the women who described having had negative interactions with him also commented that they believed Conner should undergo some sort of counseling or training to address the problems occurring in the workplace.

Upon completion of the interviews, the following determinations have been made:

- 1) There was evidence of inappropriate touching by Conner. This touching included at least one occurrence where Conner grabbed the arm of a female employee during a heated exchange between the two employees. This incident occurred in March 2007.
- 2) There was evidence that Conner has spoken in a rude and disrespectful manner to some female employees.
- 3) Although disrespectful behavior was found to have occurred, it was not pervasive enough to rise to the level of creating a hostile work environment. However, some preventative action is being recommended to avoid exacerbating the problem.

Based on the results of the investigation, DeGance and Fields make the following recommendations:

- 1) The City should ensure that its Sexual and Other Harassment Policy is made available to all employees. Each employee should be familiar with the policy and in particular with the avenues by which an employee can make a complaint, if necessary. Moreover, it should be emphasized to each employee that there are several different individuals to whom a complaint can be made, including the employee's direct supervisor, the City Manager, or the City Attorney.
- 2) The City should implement and enforce a zero retaliation policy. In other words, employees should be encouraged to report any misconduct related to harassment with the absolute confidence that the City will ensure that they are in no manner retaliated against for their actions. In addition, the employees who were interviewed and were the subject of the complaint in this matter should be provided specific assurance that there will be no retaliatory action taken against them as a result.
- 3) Conner would benefit from attending a management training course specifically designed to include sensitivity training.
- 4) Conner would further benefit from diversity training with an emphasis on how best to interact appropriately with and manage employees with varying cultural and ethnic backgrounds.
- 5) The City should consider providing additional training to all of its managers addressing how to effectively interact with and supervise employees. This may help to improve the overall morale in the workplace.