



OFFICE OF INSPECTOR GENERAL

Inspector General Selection and Retention Committee Meeting Minutes November 30, 2021, 4:00 PM

*Note: Below is a summary of the meeting as required by Florida's Sunshine Law; See AGO-82-47.
For more detailed information, please refer to the audio file on the Office of Inspector General's website, <http://www.coj.net/departments/inspector-general/inspector-general-committee>*

Location: City Hall, St. James Building, 117 West Duval Street, Mezzanine Exam Room 3

Call to Order: Chair L. E. Hutton called the meeting to order at 4:00 PM.

Pledge of Allegiance: Chair L. E. Hutton opened with the Pledge of Allegiance.

Roll Call - Committee Members Present:

- Ellen Schmitt, Chair, Ethics Commission
- Honorable Charlie Cofer, Public Defender for the Fourth Judicial Circuit
- Brian Hughes, Chief Administrative Officer (CAO), designee for Honorable Lenny Curry, Mayor
- Honorable Mark Mahon, Chief Judge
- Honorable Samuel Newby, City Council President
- L.E. Hutton, Chief Assistant State Attorney, designee for the Honorable Melissa Nelson, State Attorney for the Fourth Judicial Circuit and Chair of the Inspector General Selection and Retention Committee
- Daniel Henry, Chair, TRUE Commission

A quorum was met with all seven members present.

Office of Inspector General (OIG) Staff Present:

- Sheryl D. Goodman, Interim Inspector General, OIG
- Christina Gatto, Senior Program Coordinator, OIG

Office of General Counsel (OGC) Staff Present:

- Jason Teal, General Counsel, OGC
- Sean Granat, Deputy General Counsel, OGC
- Mary Staffopoulos, Attorney III, OGC
- Ariel Cook, Attorney II, OGC

I. New Business

A. Discussion of Additional Complaints Regarding the Inspector General

Chair L. E. Hutton called on Teal to begin the discussion about the additional complaints regarding the Inspector General [Green].

Teal explained that they have reconvened due to receiving two additional complaints. Pursuant to OIG policy, the complaints must be presented to the Committee in order for them to decide if the complaints are deemed sufficient to be added to the prior complaints. Due to subject matter of the complaints they are considered confidential until they are made public after the formal process. Teal also stated that after the Committee reviews the complaints the next action is to have a motion to determine if either add them to the list of complaints that are already being investigated or not to.

Hutton inquired if Green has been provided yet with the complaints. Teal stated that after the results of the investigation are presented to the Committee, they would then have the opportunity to determine if the complaints merit a hearing and then at that point Green would receive a copy of the complaints.

Hughes requested confirmation that they are reviewing the complaints based off the four category criteria. Teal confirmed that sufficient allegations include neglect of duty, abuse of power or authority, discrimination, or ethical misconduct.

Goodman agreed that the complaints must stay confidential until the investigation is done as this is part of the process. She added that these kinds of cases have time standards and urgency is at hand here. Goodman inquired that at what point is there enough to trigger one or two of these four elements to continue the investigation.

Hutton stated that if no one has any further questions they are going to review the complaints. The Committee ended reading the complaints at 4:24 PM.

Hughes made a motion that in light of these two complaints he believes the seriousness of these allegations is in line with OGC's guidance. Hughes motioned that these two complaints be incorporated into the investigation. **Cofer seconded the motion.**

Hutton asked if there was further discussion; there was no further discussion. Hutton asked if there was public comment; there was no comment. Hutton asked for votes. **Motion carried unanimously.**

Teal stated that in light of the vote, OGC requests that the Committee also considers a request that requires Green to participate in the investigation. Teal added that they already had asked her to voluntarily participate and provided her dates to come in. Teal explained

that there is language in the Ordinance Code and Charter, that the employee's supervisor can require an employee to participate in any investigation. OGC requests that the Committee, as Green's supervisor, require her to participate in the investigation.

Hughes inquired if mandating participation would impact the City paying for Green's counsel. Teal stated that it does not and she would only be reimbursed for counsel if she is exonerated. If she refuses to participate then she may be in violation of the Ordinance Code.

Teal stated that he reached out to her attorney and offered dates and options for Green to participate in the interview but they have not heard back yet. Granat stated that they haven't refused to cooperate but they have not been cooperative.

If she refuses to participate then ultimately that would have to be factored in or move forward without her participating. That could be in a report to the Committee.

Hutton inquired regarding an estimate on the timeframe and Granat stated that Green would be their last interview; they offered this Thursday, Friday, or Monday.

Hughes motioned through OGC that Lisa Green be informed through her counsel that this Committee is requiring her to participate in this investigation. **Henry seconded the motion.**

Hutton asked if there was further discussion; there was no further discussion. Hutton asked if there was public comment; there was no comment. Hutton asked for votes. **Motion carried unanimously.**

Teal brought to the Committee's attention that OGC also provided them with Green's lawsuit that she filed against the City of Jacksonville and with that is a motion for a temporary injunction. She is seeking to have her job reinstated as the Inspector General and salary be reinstated as well as any damage she has suffered including backpay.

Teal stated that they have not been served yet but they have received a copy via email. OGC does not think that this will interfere with their investigation. They just wanted to inform the Committee that there could be a judicial determination based on their actions of placing her on administrative leave as well as the application of the City's policy and directive regarding the length of administrative leave someone can be on while being paid.

Hughes asked that the Committee be provided research related to any statute or local ordinance that dictates timelines on IG investigations, in order to better understand legal requirements for reporting. Goodman explained that these requirements are under the accreditation and an in-house policy rather than statutory requirements. Statutory requirements just say timeliness, that is why they have accreditation to talk about what that

means. Traditionally it would be sixty days with exceptions and by statutes whistleblowers are sixty days.

Henry inquired if there was a revised timeline of when this investigation could be completed. Granat stated that if Green can be interviewed by next Monday at the latest and the report written, then possibly another week or two. Henry asked if that would encompass complaints filed by Green as well or just the complaints filed against her. Granat explained that Green did not file a complaint; she took action to terminate the DOI (Director of Investigations). It has yet to be determined if it was before or shortly after the DOI had filed his complaint. The decision was made through Employee Services to place the DOI on administrative leave rather than terminate him. At this time he is still on administrative leave and Goodman will be addressing that.

Hughes requested clarification, that during the next meeting they should anticipate that OGC will be presenting the report and not hearing from complainants. Teal explained that the next step is OGS will summarize their findings; won't be hearing from witnesses or documents. It will be a summary from the investigation of the four complaints. OGC will then request the Committee make a determination on those findings of whether there is sufficiency to justify having a hearing with Green. If OGC is authorized to go forward, then Green would have advanced notice of the allegations made against her so she could prepare her case for whenever the hearing would be held.

II. Comments from the Public

Chair L. E. Hutton asked if there were any public comments based on this meeting. There were no public comments.

III. Adjournment

Chair L. E. Hutton adjourned the meeting at 4:38 PM.