

Volusia Watermen's Association
International Brotherhood of Teamsters
Local 385



FOR IMMEDIATE RELEASE: May 8, 2018

"To Serve and Protect by Land and Sea"

On August 15, 2015, Beach Safety [REDACTED] complained to her supervisor, Capt. Ben Whetstine, that another employee, Ofc. David Foley, had sent unsolicited photographs of his genitals to her private cell phone via text message. She expressed concern for his well-being, and stated that she thought he needed help. On his next day of work, August 17, 2015, Capt. Whetstine reported the incident to his supervisor, Sr. Capt. Tamra Marris, (now Malphurs), via telephone call. After ten days with no meaningful action by Volusia County Public Protection officials, Capt. Whetstine authored the attached letter in order to document the incident and sent copies to colleagues. Today, this is evidently the only documentation that exists regarding this incident.

It is our allegation, due to the sensitive nature of sexual harassment complaints, and due to the Beach Safety division's touted "new image" as an agency transformed since the Robert Tameris scandal, with new leadership, a new name, new uniforms, and new vehicles, that the county wished to avoid making this incident a matter of public record. Thus, the incident was apparently never investigated by Internal Affairs. Florida Statute 119 requests for the information have been denied upon the basis that no records exist. In essence, county officials "covered-up" the incident.

In the years following this initial complaint on Ofc. David Foley, he has allegedly continued to harass employees and demonstrate egregious misconduct, causing numerous additional employees to complain about his behavior. Such incidents allegedly include him harassing [REDACTED] in a bar regarding her initial complaint, harassing LGBTQ employees and making disparaging remarks about gay employees. Foley allegedly carried on an affair with a beach toll attendant, and allegedly behaved inappropriately towards a minor female lifeguard. Management at beach safety and within the county's public protection department have been made aware of these allegations through a series of grievances, memoranda, and emails, and have neglected to respond. Foley's actions escape scrutiny while other employees, especially union members, are routinely disciplined—sometimes severely—for far more minor infractions, or even for simply participating in their protected concerted activities.

The county's alleged failure to investigate these complaints, in an apparent effort to shield itself from public outrage, has undermined the disciplinary process to the point in which it has become completely ineffective. In the time period since the Beach Safety Division formed a collective bargaining unit, members of that unit have been routinely harassed, ostracized, discriminated against, and unfairly disciplined. Such disparate public administration cannot be allowed to continue. It is our hope that by providing these documents publicly, the county can finally address these issues, including providing an explanation of its alleged cover-up, and commit to the promulgation of a more open, accountable, and transparent society.

We make no assertion of guilt or innocence. All parties are innocent until proven guilty. We simply hope that a fair investigation attempt will be made, and a reasonable explanation for a cover-up offered to the public.