

**Larry Arrington, County Manager  
123 West Indiana Ave.  
DeLand, Florida**

**February 26, 2000**

**Dear Mr. Arrington:**

**My name is Martha Jane Trobee, and I am employed as a Corrections Officer at the Volusia County Department of Corrections. As in the Volusia County Merit Rules and Regulations, I am appealing a "letter of reprimand" which I received on February 18, 2000, by Mr. Francis T. Moore, who is the director of this department. Please also accept this, as notification of a grievance against Mr. Moore for taking inappropriate and untimely disciplinary action against me, to wit the only purpose of such is to harass me.**

***This letter of reprimand, states "the delay however has left me no alternative but to issue a strong reprimand for your irresponsible conduct and to advise you that similar behavior will result in appropriate disciplinary action." Mr. Moore further writes "In this instance you misused privileged information for your own purposes and thereby potentially exposed both county government and yourself to civil liability. I sincerely hope that you have learned something as a result."***

**All this is a result of a confidential e-mail in which I have is alleged to have sent to County Council Members. This e-mail informs the members that Mr. Moore had failed to take appropriate disciplinary action against a corrections officer. This officer has been accused of forcing an inmate to engage in a lewd and lascivious act, i.e., forcing the inmate to perform oral sex on him. This inmate reported this alleged incident thus initiating the investigation into the allegation.**

**When the officer was questioned about this alleged incident, he allegedly denied that he had forced this inmate to perform oral sex on him, however, he did allegedly admitted to masturbating into a towel while looking at illustrations, which were pornographic in nature. The officer admitted that he engaged in this impropriety while on duty and while supervising inmates. Due to the failure of Mr. Moore to take appropriate disciplinary action against this officer , as soon as this allegation surfaced, the officer was allowed to perform duties, which included inmate contact. By negligently allowing this officer to remain in this department and by serving in capacities which required inmate contact, a second allegation of sexual impropriety was made against this same officer.**

**Many Corrections Officers of this department were bewildered at the lack of action that Mr. Moore took in this unfortunate incident. It was due to my concerns, that I felt obligated, morally, ethically, and legally to report this to appropriate government county officials. I submitted my report to these officials in order to ensure that it would be handled confidentially. After months of legal chaffering, charges which were brought against me for disclosing the names of the victims in my e-mail, were eventually "No Info'd" per Mr. Robert Wheeler, who is the Chief Investigator of the 7<sup>th</sup> Judicial Circuit. Mr. Wheeler**

further informed that I was "politically correct" in sending the e-mail to government officials, and he further stated that he would never allow for the office of the State Attorney to be used to enhance the "political agenda" of any person or agency.

It is my understanding that Ken Modzelewski, the person who filed the charges against me, later informed County Attorney Guy Minter, that I had in fact acted within the guidelines of this state's Whistle Blowers Act. Upon being informed of this, Mr. Minter agreed and informed my attorney. *Section 112.3187(2) states, "...it is further the intent of the legislature to prevent agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse of gross neglect of duty on the part of an agency, public officer, or employee."* Issuing me a letter of reprimand clearly violate this statute. *Section 112.3187(4)a further states "An agency or independent contractor shall not dismiss, discipline, or take any other adverse personnel action against an employee for disclosing information pursuant to the provisions of this section."* Not only is this letter invidious, but it has been issued to me by the person whom I complained (confidentially) to government officials about. Furthermore, both my husband and myself were very vocal in speeches to the County Council (summer 1999) against some perceived ethics violations of Ken Modzelewski, the same person who criminally charged me.

Mr. Wheeler, Mr. Modzelewski, and Mr. Minter,, all agreed that I had acted "within the guidelines of this state's Whistle Blowers Act," Why am I being victimized and harassed by Mr. Moore, who has illegally taken disciplinary action against me? Not only is t his letter of reprimand an illegal personal action against me, under Florida Statute 112.3187(4)a, but it is also in violation of Florida Statute 112.533(2)b, which states than *"an investigation shall be presumed to be inactive, if no finding is made within 45 days after the complaint is filed."* The alleged victims of the officer never filed a complaint against me. On December 8, 1999, the State Attorney's Office documented that the charges made against me would not be pursued. Why am I being illegally disciplined for actions, which are protected by law? Mr. Moore's letter states that I had violated numerous rules and regulations, however, he fails to specify the policies that I have allegedly violated. Per 112.532(4), it is illegal *"to impose disciplinary against a Corrections Officer which can be considered punitive in nature."*

It is for the above reasons why I, Officer M. Trobee am writing to you to appeal this unjust personnel action which is unequivocally retaliatory in nature. The administrators of the Volusia County Department of Corrections have always engaged in unfathomable retaliatory practices against employees who speak out publicly against their practices. However, since the employees of this department voted for representation by the Teamsters Organization, those of us who have been active union supporters and representatives, have been continuously been harassed by having retaliatory practices being taken against us.

It is imperative that this action against me is investigated, and that the responsible officials take appropriate disciplinary action against Mr. Moore. Mr. Moore, is the individual who has egotistically made this department oppressive and pitiable, and I urge all those in authority who are responsible, to have this illegal letter of reprimand against me, revoked immediately.

**Sincerely,**

**M. Trobee,  
Corrections Officer  
V.C.D.C.**