



*Pinellas Suncoast Fire & Rescue District
Fact-finding Inquiry*

Employer:	Pinellas Suncoast Fire & Rescue District (the “District”)
Issue(s):	Whether any supplemental issues were raised by District employees regarding workplace issues.
Factfinder:	Milton R. Collins, Esq.

I. Introduction

On or around August 22, 2024, a formal complaint authored by the Pinellas Suncoast Professional Firefighters, Local 5374, IAFF (the “Union”) was filed against Chief Davidson (hereinafter “Complaint #1”). Complaint #1 alleged violations of Florida’s Public Employees Relations Act (“PERA”) and various provisions of the District’s Standard Operating Procedures (“SOPs”). On or around September 3, 2024, David Karpinecz, Assistant Chief, furnished a written complaint to the District’s labor attorney, Tom Gonzalez, alleging therein that Chief Davidson’s recent conduct poses a safety threat to the workforce (hereinafter “Complaint #2”). AC Karpinecz invoked the protection of the Florida Whistle-blower’s Act (hereinafter “FWA”). On or around September 7, 2024, Louis Stoneburg, Division Chief, furnished a memorandum to Fire Chief Jeffrey Davidson, formally lodging a hostile work environment complaint against AC Karpinecz (hereinafter “Complaint #3”). The three complaints mentioned above are collectively referred to herein as the “complaints.” The District engaged the services of Milton Collins, Esq., who was tasked to formally investigate the complaints (Mr. Collins is referred to herein as the “Factfinder.” The investigative interviews were conducted between October 30 through December 5, 2024, and the preparation of a report ensued thereafter.

However, other alleged concerns were raised by several employees that merited review, which are referenced herein. The Factfinder was not able to fully vet most of these concerns for the following reasons: (1) a few were previously known and went unaddressed, which rendered them moot (2) some invoked the protection of the Firefighters’ Bill of Rights, which would require a separate investigative process for those impacted, (3) a couple involved unsubstantiated allegations about off-duty criminal conduct and personal matters that may be defamatory.



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II. Summary of Allegations

AC Karpinecz's Assistance with Union Complaint

It has been alleged that Complaint #1, or at least a prior iteration of it, was authored by AC Karpinecz, with assistance from recently terminated employee Mary Miller. The Factfinder reviewed this matter and found that AC Karpinecz did, in fact, assist with the preparation of the Union's complaint. Emails were furnished to the Factfinder demonstrating that AC Karpinecz either authored or reviewed the allegations; nearly all of which formed the basis of Complaint #1. However, the evidence is insufficient to demonstrate that Ms. Miller assisted. Even though metadata shows her to be the author of the Word document, it is plausible that the reason thereof is because she prepared the template document (i.e., the blank letterhead file). Though the Administration understandably felt that AC Karpinecz's assistive conduct constituted undermining behavior, Florida's PERA has afforded public employees "a very broad scope of protection" for any concerted activity relating to employees' employment relationship with their employer. *See AFSCME v. City of Venice*, 4 FPER ¶ 4059 at 130 (1978) (complaining to a newspaper reporter about the loss of employee benefits was a protected activity). AC Karpinecz engaged in concerted protected activity with the line employees. Though this right of concerted activity may be lost if it involves abusive, or insulting language that is likely to disrupt the workplace, Complaint #1 does not meet the threshold.

Suppression of Self-Demotion Email

AC Karpinecz sent an email to District Administrator, Kimberly Hampton, wherein he detailed that he wanted to self-demote. Ms. Hampton confirmed receipt of the email but did not inform Chief Davidson. AC Karpinecz rescinded the email before it was forwarded to the chain of command. Chief Davidson alleged that Ms. Hampton had an obligation to forward AC Karpinecz's intent to self-demote to his attention as soon as possible. Ms. Hampton explained that AC Karpinecz verbally advised her that he had already broached the matter with Chief Davidson so she did not believe there was a pressing need to advise him. The Factfinder has determined that Ms. Hampton should have forwarded the email to Chief Davidson but does not believe this oversight was for nefarious reasons. Her inaction, while imprudent, did not violate the District's SOPs.

Promotional Opportunities

The promotions of Chiefs Raisch, Stoneburg, Schwab, and Grantham were alleged not to be based on merit but motivated by favoritism and *quid pro quo*. As such, most witnesses have claimed that none of the aforementioned employees are qualified in their respective positions. Various employees complained that these promotions have had an adverse impact on the workforce. On a macro level, the promotions signaled that if an employee "plays ball" or ingratiates oneself to



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the Chief, he will “take care of you.” On a micro level, it has been alleged that operations have been compromised through promotional actions. Employees cited the District’s response to Hurricane Helene as a “disaster, with employees claiming that they worked without a schedule and were unable to get adequate rest. Also cited was an administrative oversight by Chief Stoneburg that may have permanently jeopardized the status of an employee’s licensure/certification.

The Factfinder cannot conclude that the promoted chiefs are unqualified. Management establishes qualifications and each employee meets the minimum requirements outlined in their respective job descriptions. The question of whether the chiefs are competent to serve in their respective roles would require position audits and an examination of their aggregate activities over a defined period. The Factfinder has neither the documentation nor the breadth of data to meaningfully render a determination.

Collective Bargaining Subterfuge

Union officials contended that Chief Davidson has presented proposals during collective bargaining without redlining additions and deletions. As a consequence, changes were made without members’ knowledge, almost always to the administration’s advantage. Additionally, when Chief Davidson provided “education” sessions with members outside of the bargaining table, it was alleged that he manipulated cost estimates. The Factfinder is unable to conclude that Chief Davidson purposefully engaged in underhanded activities. Even if the allegations were presumed true, no evidence was provided to prove bad intent. Moreover, the allegation was emphatically denied by the administration.

Open Container

Chief Davidson was observed by District staff transporting his “girlfriend” in a District vehicle, and that she was seen holding an open alcohol beverage upon exiting the vehicle. More than one employee has expressed that they would be willing to go “on record” with the allegation. The Factfinder has been presented with contradictory statements on the matter and cannot determine which side is more credible without a formal review. In other words, to fully evaluate the claim, witnesses would need to be interviewed in a formal proceeding. The Factfinder did not endeavor to investigate this matter.

Improper Increase of Promotional Scores

AC Karpinecz and Chief Higley increased the written exam scores of all applicants for a lieutenant promotional process, which had the result of passing two applicants who had otherwise failed the exam. Chief Davidson was not advised of the increase in scores. The documentation for the promotional process was reportedly sought, but difficult to find. It was implied that the



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documentation was purposely hidden by unknown conspirators, but after questions were raised about the whereabouts of the materials the documents coincidentally resurfaced. The Factfinder has concluded it was improper to modify the scores without first advising the Chief though no evidence proved the adjustments were improper. No SOPs were directly violated, but making a decision that has such a substantive impact (i.e., two employees passing despite a failing score) without advising the Chief was ill-advised.

Retaliatory Conduct Post-Complaints

Chief Davidson is alleged to have engaged in retaliatory conduct after the Complaints were filed, including removing certain employees from his social media account, advising employees that other employees were not trustworthy, reviewing personal emails about District business using IT tools, limiting verbal contact, and nitpicking the work output of staff. The Factfinder spent considerable time reviewing this allegation. It was ultimately determined that these Complaints have caused fissures at the workplace, and that nearly all participants in this review feel distrustful of each other. This distrust has manifested itself in allegations of retaliation and passive-aggressive behavior. Employees are fearful of reprisal. The Factfinder credits the statements of employees who have expressed feeling targeted, but none have been subjected to adverse employment actions. In other words, no one has been disciplined or harmed post-complaints.

Unauthorized Union Complaints

Complaint #1 was alleged to be unauthorized, as it was claimed that the executive board of the Union unilaterally prepared it and fraudulently asserted that the allegations therein were supported by 90% of the membership. It is outside of the purview of the Factfinder (and the District for the matter) to review the Union's intra-organizational issues. Whether the Union is seeking guidance from or providing information to its members is largely not a District concern. Instead, members have an individual right to file a "duty of fair representation" if they feel the Union is not representing them.

Prior Retaliatory Conduct

Before the filing of the Complaints, it was alleged that Chief Davidson's modus operandi was to remove employees that he believes are not loyal to him. This includes the removal of former employees Mortellite, Higley, and Miller. The Factfinder was unable to review the records of these former employees and, in any case, such a review would go outside the scope of this review. It is nevertheless noteworthy that AC Karpinecz has not been subjected to adverse employment action. Despite complaints to the contrary, AC Karpinecz's placement on administrative leave with pay does not constitute an adverse employment action under the law.



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President Hott's Tactics

The Administration alleged President Hott's conscious intent is to sow discord between Union and the District's Administration, and that he had engaged in such divisive behavior at his prior place of employment. It was further claimed that President Hott's workplace history at his prior employer led to his ouster. The Factfinder confirmed President Hott's less-than-stellar work history. However, his prior union advocacy did not violate any laws or policies. Moreover, the District hired him so whatever issues existed did not foreclose his joining the agency. The executive board's union activities should not be conflated with work activities.

The Provision of Disparate Wages

It was alleged that Chief Davidson has provided differing starting wages for new hires. For example, it was alleged that a new employee was started at step 4, while another new hire was denied the same adjustment. It was claimed that the employee who received the adjustment had a personal relationship with the Chief. The Factfinder believes this allegation merits further review. Though there may be a myriad of reasons why employees are hired at different steps, the decision should be based on logic or rationality – i.e., arbitral law states that the exercise of management rights must have the patina of reasonableness.

Other Claims

Several employees and non-employees have leveled accusations against other employees, including claims of off-duty abuse, infidelity, mental health struggles, and unfit-for-duty assertions. Though the Factfinder does not necessarily discount these allegations, many of them are salacious, based on hearsay, or simply delve into the personal conduct and idiosyncrasies of employees. Should the District desire to pursue such claims, the Bill of Rights and constitutional self-incrimination rights under *Garrity* would apply.

VI. Findings and Recommendations

These miscellaneous issues were not subjected to exacting scrutiny but were nevertheless summarized for the District's edification. Some of them are troubling if true, while others appear to be fairly common workplace gripes and issues. Nevertheless, the Factfinder makes the following recommendations:

1. The District should consider replacing Chief Davidson as its chief negotiator and use a non-employee, at least in the short term. The Factfinder holds that the ill feelings between the parties are too raw and that having Chief Davidson serve as a negotiator would be counterproductive.



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2. The District's labor attorney should temporarily serve in an advisory role regarding all disciplinary and promotional decisions. Many employees expressed concern about retaliatory behavior. Establishing a level of oversight would assuage concerns once these issues are addressed with finality.
3. The District should consider a temporary reorganization so that AC Karpinecz and Chief Stoneburg no longer have a superior/subordinate relationship. In the interim, measures should be enacted to address their issues (as recommended in the Factfinder's initial report).

For the reasons noted herein, the enumerated recommendations are just and proper.

The contents of this report are true and accurate based on my personal knowledge, information, and belief.

Milton Collins

A handwritten signature in blue ink, appearing to be "ML", written over a horizontal line.

Date: December 19, 2024