

August 17, 2020

Dear Mark,

Thank you for the opportunity to work with you. This letter will signify my resignation, effective immediately.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alex Baird', with a long horizontal flourish extending to the right.

Alex Baird



*“Dedicated to Excellence...
People Serving People”*

August 17, 2020

Dear Alex,

This letter confirms my acceptance of your resignation. Thank you for your service with the City of Panama City. I appreciate your past service to the City, and in particular, the efforts you displayed in responding to the aftermath of Hurricane Michael.

Please find attached the letter from attorney Michael Mattimore and a memorandum from the City Attorney’s office for your records.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark McQueen", is written over a faint, larger version of the same signature.

Mark McQueen, City Manager

Encl. stated



ALLEN NORTON & BLUE
PROFESSIONAL ASSOCIATION

906 North Monroe Street • Tallahassee, Florida 32303
Telephone 850-561-3503 • Facsimile 850-561-0332

August 12, 2020

VIA ELECTRONIC MAIL
(mmcqueen@pcgov.org)

Mark McQueen, City Manager
City of Panama City
City Hall
501 Harrison Avenue
Panama City, FL 32401

Re: Fire Department EMT Certification Internal Inquiry

Dear Mr. McQueen:

Please consider this my legal opinion regarding the internal inquiry you asked we conduct into the Panama City Fire Department and a complaint received regarding Fire Chief Baird regarding an EMT recertification issue. We reviewed applicable documents and spoke with witnesses regarding this issue resulting in this opinion that includes our findings along with recommendations for how to address the issue.

For background purposes we reviewed the State of Florida's Department of Health (DOH) certification process. The most recent full EMT Certification cycle for licensing purposes was from January 1, 2017 thru March 31, 2019 (this date was extended due to Hurricane Michael from the original end date of December 1, 2018). During this time, all EMTs were required to have 30 Continuing Education Units (CEU) by the end of the cycle for the purpose of recertification. In order to recertify, the completed renewal application, required fees and aforementioned 30 hours of CEUs, which include 2 hours in pediatric emergencies, must be received by the DOH.

The initial failure of an employee to recertify by the expiration date results in the certificate being placed in an involuntary inactive status. Any inactive certificate must be recertified within 4 years of the current certification cycle or it will be rendered null and void. Licensees requesting to reactivate their certification from an inactive status are required to pay additional fees and comply with specific continuing education requirements. First time renewals are not required to complete the CEUs.

Miami • Orlando • Tallahassee • Tampa

Specific to the Fire Department, we determined that on September 6, 2018, Chief Baird bulk renewed all EMTs currently working for the Fire Department and conveyed they met all their certification requirements. However, as of December 1, 2018, only 7 of the below listed EMTs had completed 30 CEUs or were first time renewals. As of March 31, 2019, only 13 of the original listed EMTs had completed 30 CEUs or were first time renewals (there are now more EMTs).

All CEUs are required to be completed prior to renewing a certificate. However, there is information that the DOH would accept CEUs completed during the current cycle even if the EMT recertified prior to the expiration. There are 5 EMTs that are acting with invalid certificates as of the end of the cycle on March 31, 2019 because they did not have all 30 required CEUs.

2018 Renewal (January 1, 2017 to March 31, 2019)

Name	CEU Total (30 required)	Valid
Burger, Chris W.	49.6	Yes
Collier, David	39.6	Yes
Diaz, Roberto	41.05	Yes
Finch, Richard	35	Yes (1 st)
Fleeman, Jerome	27.5	No
Flitcraft, Scott	44.1	Yes
Goodwin, Richard	33.5	Yes
Layle, JL	29.3	No
Mallory, Brandon	32	Yes
Mayhew, Vernon	20	No
McFaul, Martin	30	Yes
Mixon, Billy	9	Yes (1 st)
Odum, Justin	31	Yes
Ponce, Eric	20.6	Yes (1 st)
Poole, Corey	6	Yes (1 st)
Smith, J. Curt	6.5	No
Stillwagon, Nicholas	23	Yes (1 st)
Stitzel, David	34	Yes
Tate, Jason	20	No
Wicker, Derek	31	Yes (1 st)

In February 2019, Lieutenant Vernon Mayhew, upon receipt of his recertification as an EMT, advised his Battalion Chief that he was not in possession of the necessary CEU's for recertification and that he did not intend to continue his certification as an EMT. From March 2019 through the present, the Fire Chief has consistently advised Lt. Mayhew to take the action, through the DOH, to decertify as an EMT. Lt. Mayhew has refused to take action because he attributes the mistaken recertification on the Chief's bulk renewal. Lt. Mayhew would have the Fire Department act to

formalize the decertification. Meanwhile, as a currently certified EMT, Lt. Mayhew has been directed to act in that capacity as having a legal duty to serve. No steps have been taken by the Chief to remove Lt. Mayhew from acting as an EMT or to compel his cooperation in a decertification process. As a certified EMT, Lt. Mayhew has the potential to serve in that capacity for other employers.

The above raises two concerns related to the conduct of Fire Chief Baird. Initially, he submitted a bulk renewal recertification to the State of Florida Department of Health with erroneous information and did not take steps to rectify his error after March 31, 2019. The second concern is that Chief Baird failed to act to decertify Lt. Mayhew as well as the other 4 officers serving as EMTs on or after April 1, 2019, but allowed them to continue to serve as recertified EMTs on the Panama City Fire Department up to this date.

It is my opinion these actions constitute policy violations as originally outlined in the letter to Chief Baird on July 2, 2020 based on the City of Panama City administrative personnel policies for sustained misconduct including, but not limited to, those outlined in Section II – Reasons for Discharge or Disciplinary Action:

- A) Incompetency, inefficiency, carelessness or negligence in the performance of duty
- C) On or off duty misconduct that is immoral or that leads to arrest and conviction;
- I) Intentionally giving false statements to supervisors or the public;
- J) Violation of Civil Service Rules, City ordinances, administrative regulations or department rules;
- L) Unethical conduct on or off-the-job which reflects unfavorably on the City;
- P) Dishonesty, including falsification/omission of information on employment application or work record(s).

My opinion that these policy violations occurred are separate from any potential violations of law being investigated by either the Florida Department of Law Enforcement or the Florida Department of Health, which of course would be additional grounds for misconduct findings. However, I would still sustain the above violations irrespective of the outcome(s) of those investigations based on the findings made by this internal inquiry.

August 12, 2020

Page 4

Based on these findings it is my opinion and recommendation that the Fire Chief be the subject of remedial action that could take the form of a reprimand or greater, up to and including, separation for policy violations.

Sincerely,

A handwritten signature in blue ink that reads "Michael Mattimore". The signature is written in a cursive style with a large initial "M".

Michael Mattimore

Cc: Natalie A. McSwane, Esquire

LEGAL MEMORANDUM

To: Mark McQueen, City Manager

From: Natalie A. McSwane, Esq.

Date: August 12, 2020

Re: Fire Department EMT Certification Update

Matter ID: C977-28868

After reviewing the documents provided by the Fire Department and the EMT certification requirements on the Department of Health (DOH) website, I have determined the following:

1. The EMT Certification cycle period was January 1, 2017 thru March 31, 2019 (this date was extended by due to Hurricane Michael from the original end date of December 1, 2018.)
2. All EMTs were required to have 30 Continuing Education Units (CEU) by the end of the cycle.
3. To recertify, the completed renewal application, required fees and 30 hours of CEUs that include 2 hours in pediatric emergencies must be received by the DOH.
4. Failure to recertify by the expiration date results in the certificate being placed in an involuntary inactive status.
5. Any inactive certificate must be recertified within 4 years of the current certification cycle or it will be rendered null and void.
6. Licensees requesting to reactivate their license from an inactive status are required to pay additional fees and comply with specific continuing education requirements.
7. First time renewals are not required to complete the CEUs.
8. On September 6, 2018, Chief Baird bulk renewed all EMTs currently working for the FD, certifying they met all requirements.
9. As of December 1, 2018, only 7 of the 21 listed EMTs had completed 30 CEUs or were first time renewals.
10. As of March 31, 2019, only 13 of the original 21 listed EMTs had completed 30 CEUs or were first time renewals. (There are now more EMTs employed by the department)
11. All CEUs are required to be completed prior to renewing a certificate. However, there is information that the DOH would possibly accept CEUs completed during the current cycle even

if the EMT recertified prior to the expiration without obtaining all CEUs at the time they recertified.

12. There are 5 EMTs that are acting with invalid certificates as of the end of the cycle on March 31, 2019 because they did not have all 30 required CEUs.

Update:

2018 Renewal (January 1, 2017 to March 31, 2019)

Name	CEU Total (30 required)	Valid
Burger, Chris W.	49.6	Yes
Collier, David	39.6	Yes
Diaz, Roberto	41.05	Yes
Finch, Richard	35	Yes (1 st)
Fleeman, Jerome	27.5	No
Flitcraft, Scott	44.1	Yes
Goodwin, Richard	33.5	Yes
Layle, JL	29.3	No
Mallory, Brandon	32	Yes
Mayhew, Vernon	20	No
McFaul, Martin	30	Yes
Mixon, Billy	9	Yes (1 st)
Odum, Justin	31	Yes
Ponce, Eric	20.6	Yes (1 st)
Poole, Corey	6	Yes (1 st)
Smith, J. Curt	6.5	No
Stillwagon, Nicholas	23	Yes (1 st)
Stitzel, David	34	Yes
Tate, Jason	20	No
Wicker, Derek	31	Yes (1 st)