



John A. Carey
Inspector General

OFFICE OF INSPECTOR GENERAL PALM BEACH COUNTY



Inspector General
Accredited

“Enhancing Public Trust in Government”

Investigative Report 2024-0005

City of Boynton Beach Senior Staff Misconduct

August 5, 2025



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CITY OF BOYNTON BEACH SENIOR STAFF MISCONDUCT

SUMMARY

WHAT WE DID

The City of Boynton Beach (City) Office of Internal Investigations and Accountability (OIIA) referred a complaint it received from the former-City Human Resources Director Tennille DeCoste to the Palm Beach County (County) Office of Inspector General (OIG). Ms. DeCoste subsequently contacted the OIG regarding her complaint. She alleged that City Manager Dan Dugger, Deputy City Manager Andrew Mack, and City Attorney Shawna Lamb placed her on administrative leave, pending an investigation into her conduct, in retaliation for her prior reports that the City had engaged in administrative misconduct and inconsistent disciplinary practices.

Based upon our interview of Ms. DeCoste and our review of documents we received from Ms. DeCoste and the City, the OIG initiated an investigation of the following allegations:

Allegation (1): City Manager Dugger and Deputy City Manager Mack stated, in violation of City policy, that Ms. Decoste had hired too many black women.

Allegation (2): Mr. Dugger and Mr. Mack violated City policy when Mr. Mack recommended and Mr. Dugger approved

post-employment payments to Kristen Biazar.

Allegation (3): Mr. Mack and City Attorney Lamb, in violation of City policy, told Ms. Decoste that she would be fired if she had any communications with elected officials while on administrative leave.

Allegation (4): Mr. Dugger violated City policy by directing Ms. Decoste to form a hiring panel with the predetermined goal of ranking his nephew, Michael Zambarano, as the best candidate for the newly created position of City Wellness Coordinator, regardless of the panel's actual evaluation of the applicants.

Allegation (5): Mr. Dugger violated City policy by using his City computer for his "schoolwork."

Allegation (6): Mr. Dugger violated City policy by consuming alcoholic beverages while on duty with the City.

Allegation (7): Office of Investigations and Internal Accountability (OIIA) Director Danielle Whitefield altered her assistant, Taryn Lagor's, time and attendance records, which inappropriately allowed Ms. Lagor to receive compensation for hours she did not work.

Allegation (8): Mr. Dugger, Mr. Mack, and Ms. Lamb violated City policy by inconsistently and/or inappropriately disciplining Ms. Decoste, in comparison to other employees who committed offenses but faced no discipline or received lesser consequences.

Due to the nature of circumstances and evidence presented in this report, an explanation of the terms “supported” or “not supported” allegations is necessary. For an allegation to be supported, “sufficient evidence to justify a reasonable conclusion that the actions occurred and they were violations of law, policy, rule, or contract” is necessary.

In many of the allegations detailed in this report, we found evidence that might support allegations **to some degree**. However, on those occasions there was not “sufficient evidence to justify a reasonable conclusion” to support the allegations. Therefore, those allegations are not supported.¹

The OIG reviewed applicable statutes; the City’s ordinances, policies, and procedures; and the City’s human resources, financial, and time and attendance records. We also interviewed the former City Mayor and Ms. Decoste and numerous City employees, including, Ms. Lamb, Mr. Mack, and Mr. Dugger.

WHAT WE FOUND

Allegation (1) is not supported. We found that although rumors circulated throughout City hall that Mr. Dugger and/or Mr. Mack said Ms. Decoste was “hiring too many black women,” the OIG did not find sufficient evidence to support a finding that

either Mr. Dugger or Mr. Mack made a statement that violated City policy or directed Ms. Decoste to alter her hiring practices. Mr. Dugger, however, acknowledged that he discussed separately with Ms. Decoste and Mayor Penserga that the demographic makeup of the HR department “had changed” after Ms. Decoste was hired.

Allegation (2) is not supported. We found that Mr. Mack and Mr. Dugger did not violate City Policy when Mr. Mack recommended and Mr. Dugger approved on behalf of the City to pay severance pay totaling twelve weeks compensation to Ms. Biazar.

Allegation (3) is not supported. The City retained an outside law firm to assist with its investigation involving Ms. Decoste. As part of the investigative process, Mr. Mack provided Ms. Decoste with a broadly written letter advising her not to communicate with City staff and City-elected officials other than him while she was on administrative leave. We do not find that the letter violated City policy; however, the letter was written more broadly than necessary to purportedly minimize potential interference with City business or the investigation of allegations relating to Ms. Decoste.

Allegation (4) is not supported. We found no corroborating evidence that Mr. Zambarano is Mr. Dugger’s nephew or that Mr. Dugger improperly advocated for the appointment of a relative as Wellness Coordinator in violation of Florida statutes or the City’s nepotism policy.

Allegation (5) is not supported. Based upon the information received, we did not find that Mr. Dugger’s use of a City

¹ Palm Beach County Office of Inspector General Directive 4-02.

computer for City-reimbursed schoolwork violated City policy.

Allegation (6) is not supported. Based upon the information received, we did not find that Mr. Dugger drank while performing his duties as City Manager, in violation of the City's Drug Free Workplace policy.

Allegation (7) is not supported. We found that Ms. Whitefield did make changes to time entries submitted by Ms. Lagor. However, she did not do so inappropriately, but rather due to administrative issues with Ms. Lagor's job position and the City's timekeeping system during a four week period. Mr. Dugger, Ms. Whitefield, and Ms. Lagor all state that Ms. Lagor was supposed to have been hired as a salaried employee. However, there was

confusion, miscommunication, and problems relating to whether and how Ms. Lagor was to clock-in using the City's timekeeping system.

Allegation (8) is not supported. We did not find sufficient evidence that Ms. Decoste was disciplined in a manner that was inconsistent with other similarly situated employees.

WHAT WE RECOMMEND

We make no recommendations as part of this report.

Responses to this report from the City and Mr. Mack are detailed at the end of this report. Mr. Dugger, Ms. Lamb, and Ms. Whitefield did not submit written responses.

BACKGROUND

The City of Boynton Beach Commission consists of four (4) members elected from each of the four (4) districts within the City, and a Mayor elected by a city-wide vote. The Commissioners and Mayor serve three (3) year terms. The Mayor is the official head of the City for ceremonial purposes. A Vice-Mayor is selected for a one (1) year term by a vote of the Mayor and Commission.

The City has a Commission-Manager form of government. The City Manager is hired by the City Commission. Per City ordinance, the City Manager is the chief administrative officer of the City and is “responsible to the [C]ommission for the administration of all city affairs placed in his charge under the [C]ity Charter, Code of Ordinances or assigned to him by the [C]ity [C]ommission.” The City Manager also has the duty to “[d]irect and supervise the administration of all departments, officers and agencies of the [C]ity, except as otherwise provided by the Charter or by law.” The City Commission hired Dan Dugger as the City Manager, effective October 1, 2022.

Mr. Dugger hired Tennille Decoste as the Director of Human Resources and Risk Management, effective December 19, 2022. On July 3, 2023, Ms. Decoste officially filed to run for City Commission in Delray Beach.

On approximately November 17, 2023, the City hired Robert Sniffen as Outside Labor and Employment Counsel. Mr. Sniffen in turn, hired an outside law firm, Gray Robinson, P.A., to conduct an investigation into multiple allegations the City received against Ms. Decoste relating to her campaign for City Commissioner of Delray Beach. Ms. Decoste was placed on administrative leave with pay on December 11, 2023, during the pendency of the investigation.

Ms. Decoste filed a complaint with the City’s OIIA alleging she was placed on administrative leave in retaliation for her prior allegations that the City had engaged in administrative misconduct and inconsistent disciplinary practices.

City of Boynton Beach Employee Handbook

The City hereby formally adopted the Personnel Policy Manual (Employee Handbook), and all subsequent amendments thereto, which document is designated as Exhibit “A” of Ordinance No. 98-06. The City’s Employee Handbook became effective March 1, 1998 and was revised on January 6, 2023. According to the General Provisions section of the handbook for all dates relevant to this OIG Report, it applies to “all personnel including full-time, part-time, temporary, volunteer, and contractual (*sic*) services.” It further states that, “[i]f the bargaining agreement that covers an employee or an employee’s employment letter does not address specific issues then these policies shall apply as to that issue.”

ALLEGATIONS AND FINDINGS**Allegation (1):**

City Manager Dugger and Deputy City Manager Mack stated, in violation of City policy, that Ms. Decoste had hired too many black women..

Governing Directives:

City of Boynton Beach Employee Handbook (revised 01/06/2023); Boynton Beach Code of Ordinances Part 2, Chapter 2, Article II, Section 2-24.

Finding:

The information obtained **does not support** the allegation.

Ms. Decoste provided the OIG with two emails, dated December 7, 2023 and December 19, 2023 that she sent to City Mayor Ty Penserga.

In the December 7, 2023 email, Ms. DeCoste wrote:

Good morning Mayor,

I am writing to you to file a complaint against Ms. Lamb.

Since Ms. Lamb reports to the Mayor and Commission I am reaching out directly to you.

..... I do feel this investigation [of me] is tainted and the outcome is pre-determined already and here are the reasons why:

....On Thursday, November 30, 2023 I reached out to Ms. Lamb to share some concerns with her that can cause harm to this City. As the HR Director for this City it is my job to protect the City from litigation, embarrassment etc. The following was shared with Ms. Shawna

- Dan (City Manager) advised numerous people I am hiring too many black women (a disgusting and unprofessional comment) I advised her I questioned Dan about the comment in front of someone and nothing was done – no investigation, nothing....

In the December 19, 2023 email, Ms. DeCoste stated,

Good afternoon, Mayor,

.... remind you that I made my previous complaint to you before the city placed me on Administrative Leave....

Let me first state that if I didn't make a big deal about the comment that DCM², Andrew Mack, brought to Dan stating, "I am hiring too many black women ", which is absolutely disgusting, I wouldn't be on administrative leave, which by reason of my position at the city is clearly an adverse employment action.

² The acronym "DCM" represents "Deputy City Manager."

Boynton Beach Code of Ordinances

The City of Boynton Beach Code of Ordinances, Part II, Chapter 2, Article I, Section 2-24 states:

The City of Boynton Beach does not and shall not discriminate against any person in its operations, sponsorship, or in the administration of any activities, programs, or services or in its hiring or promotion, or engage in any other discriminatory practice against any person(s) based on race, age, religion, color, gender, gender identity or expression, sexual orientation, national origin, marital status, familial status, disability, political affiliation, veteran status, or any other characteristic protected by law.

Boynton Beach Employee Handbook

The OIG reviewed the City's Employee Handbook as revised on January 6, 2023. The Handbook states,

I. GENERAL PROVISIONS

....

03. Equal Employment Opportunity Statement

The City of Boynton Beach is an Equal Opportunity Employer and prohibits discriminate on because of race, color, creed, religion, national origin, sex, age, political affiliation, disability (except where such factor is a bona fide occupational qualification or is required by State and/or Federal law), sexual orientation, marital status, veteran status and/or other protected class status in all aspects of its personnel policies, programs, practices, recruitment, examination, appointment, training, promotion, retention or any other actions and operations.

It is the policy and practice of the City of Boynton Beach to treat all employees with dignity and respect and to provide equal opportunity to all persons without regard to race, age, color, religion, sex, pregnancy, national origin, physical or mental disability, genetic information, marital status, veteran or military status, sexual orientation, gender identity or expression, or any other category protected by applicable federal, state, or local law...

II. EMPLOYMENT

....

02. Recruitment and Selection

In order for the City to be operationally competitive with other governmental entities as well as the private sector, the recruitment and retention of qualified employees is of paramount importance. To achieve maximum efficiency, vacant positions shall be filled with the most qualified candidates in the best interests of the City through

recruitment, selection, promotion/demotion or hiring of employees on the basis of their qualifications and relative knowledge, abilities, and skills.

OIG Interview of Tennille Decoste, then-City of Boynton Beach HR Director

Ms. Decoste told the OIG that Mayor Penserga had told her that Mr. Mack and Mr. Dugger told him they were concerned that she was hiring too many black women.

Ms. Decoste said that in October of 2023, she met with Mr. Dugger, Mr. Mack, and Mr. Dugger's assistant Candace Walls, in Mr. Dugger's office. Ms. Decoste discussed that she did not like how she was being treated. According to Ms. Decoste, she told Mr. Mack that she was disgusted and hurt by the comment that she "was hiring too many black women," especially considering that Mr. Mack's wife is black. Ms. Decoste told the OIG that when she asked Mr. Mack why he made the comment, he just shrugged his shoulders and "turned red." Ms. Decoste told the OIG that Mr. Dugger's Administrative Assistant Dadena Francois overheard the conversation.

Ms. Decoste further stated that in October or November 2023, she spoke with Mr. Dugger and requested an investigation regarding the comment. Human Resources employee Kendra Brown was also present during this meeting. Ms. Decoste told Mr. Dugger, "I'm not happy about the black comment. It's disgusting. You shouldn't have said it, and DCM shouldn't have said it." Ms. Decoste told the City Manager that he was making her believe that he was not in support of black women. However, Mr. Dugger told her there would be no investigation, and not to worry about it. Ms. Decoste said Mr. Dugger told her he did not see her color and only saw that she was an excellent HR Director.

Second OIG Interview of Tennille Decoste

The OIG interviewed Ms. Decoste for a second time on August 28, 2024. Ms. Decoste told the OIG that she believed Finance Director Mara Frederiksen and Assistant City Manager Kathryn Matos were the first to tell her about the comment that she was hiring too many black women. She recalled that Ms. Frederiksen and Assistant City Manager Kathryn Matos met with her and told her they heard that Ms. Biazar and Mr. Dugger were saying that Ms. Decoste was hiring too many black women.

Ms. Decoste told OIG that Ms. Biazar made the comment about her hiring too many black women to the Deputy City Manager and subsequently the Deputy City Manager brought the matter to Mr. Dugger. Ms. Decoste confronted Mr. Dugger, who told her that the Deputy City Manager and Ms. Biazar made the comment. According to Ms. Decoste, Mr. Dugger said he did not want the City to have an EEO claim reporting that they had too many black women in the office.

Ms. Decoste thereafter confronted Mr. Dugger and Mr. Mack about the comment and asked for an investigation. When no investigation was initiated, on November 30, 2023, Ms. Decoste went to City Attorney Lamb requesting an investigation.

Ms. Decoste told the OIG again that the mayor told her that Deputy City Manager Mack and the City Manager Dugger came to his office and stated Ms. Decoste was hiring too many black women. In response, Ms. Decoste told the mayor she did not hire based on color; she hired based on skill set and how a person did with the hiring panel.

Ms. Decoste told the OIG the conversation she mentioned during her first interview that included Mr. Dugger, Ms. Walls, and Mr. Mack also included Assistant City Manager Adam Temple. When Decoste brought up the hiring of too many black women comment to them, she was emotional and said to them that she had asked for an investigation into the comment, and they had done absolutely nothing.

OIG Interview of Candace Walls, City Manager's Assistant

Ms. Walls told the OIG that she attended a meeting that included Ms. Decoste, City Manager Dugger, and Deputy City Manager Mack in Mr. Dugger's office. She said that at some point Ms. Decoste said, "Don't think I haven't heard the comments that I'm hiring too many black women." Ms. Decoste followed up by saying, "I'll take my whole team with me." Ms. Walls does not recall there being any further discussion on that topic. She said she never heard the comment being made directly to Ms. Decoste at any point.

OIG Interview of Dadena Francois, Administrative Assistant

Ms. Francois told the OIG that she recalled a conversation involving Ms. Walls, Ms. Decoste, and Mr. Dugger that occurred in Mr. Dugger's office around August, September, or October of 2023. Ms. Francois was not directly involved in this conversation, but her office is situated in a way that allows her to see into Mr. Dugger's office.

Ms. Francois said she could not hear anything during the meeting in reference to race or gender.

OIG Interview of Kendra Brown, HR Employee

Ms. Brown said that Ms. Decoste told her Mr. Dugger and Mr. Mack said Ms. Decoste was hiring too many black women. Ms. Decoste told Ms. Brown that City Finance Director Mara Frederiksen informed Ms. Decoste that Mr. Dugger and Mr. Mack made this comment.

Ms. Brown also said she was present for a conversation between Ms. Decoste and Mr. Dugger wherein Ms. Decoste told Mr. Dugger that she hired a white woman and terminated a black woman because she was scared about the comment made about her hiring too many black people. Mr. Dugger told Ms. Decoste that he did not see her as a white woman or black woman but only as an excellent HR Director. Ms. Brown said Mr. Dugger told Ms. Decoste that he did not make the comment that she was hiring too many black women, but that other people were saying it.

OIG Interview of Mara Frederiksen, then- Finance Director

Ms. Frederiksen said that Ms. Decoste called her to complain about a comment made by either Mr. Mack or Mr. Dugger-- Ms. Frederiksen does not recall which. Ms. Decoste told her that she had heard that a person complained to the Mayor that she was hiring too many black staff.

OIG Interview of Ty Penserga, City Mayor

Mr. Penserga told the OIG that outside of the email he received from Ms. Decoste, he has no direct knowledge of Ms. Decoste being told she was hiring too many black women. He said it was in the "rumor mill" at City Hall and he is not certain where the rumor came from. Mr. Penserga said he is not certain whether he had a conversation with Ms. Decoste about it. He also was not certain whether he had a conversation with Mr. Dugger regarding this, but said there was "most definitely not" a conversation about it between Mr. Dugger, Mr. Mack, and him, because he rarely speaks with Mr. Mack.

OIG Interview of Andrew Mack, Deputy City Manager

Mr. Mack told the OIG he did not make the comment that Ms. Decoste was hiring too many black women. He said the first time he heard the comment was when he, Mr. Dugger, Assistant City Manager Adam Temple, and Ms. Decoste were in Mr. Dugger's office. Mr. Mack said that during the conversation, Ms. Decoste looked over at him and said something to the effect of, "How could you have said something about hiring too many black people when you have a black wife?" Mr. Mack said he did not engage. He further stated he was not involved in any other conversations concerning this comment.

OIG Interview of Dan Dugger, City Manager

Mr. Dugger told the OIG that around the timeframe of Ms. Biazar's suspension, Mr. Dugger went into Ms. Decoste's office and Kendra Brown was also present. Ms. Decoste told Mr. Dugger that she heard that she was being criticized for hiring too many black females and that Ms. Frederiksen had told her about the comment. Mr. Dugger told Ms. Decoste he did not know where that comment came from but if it was not coming from him, she did not have anything to worry about. Mr. Dugger told Ms. Decoste that the demographic makeup of HR "changed" from when he first started as City Manager.

Mr. Dugger said he had a conversation with the Mayor wherein the comment came up. They spoke about the demographics of HR before and after Ms. Decoste's hiring, and neither had an issue with it. He also had another conversation that included Ms. Walls, Mr. Mack, and Ms. Decoste. Ms. Decoste brought up the comment and that it was disgusting and that the City could be sued for it. Mr. Dugger said no one in the room at that time made the comment, and he did not know where it originated.

Ms. Decoste brought up the comment four times. The third time they were discussing an employee's discipline. The fourth time was in the office of the City Attorney. Ms. Decoste

said that she was never going to separate and that she would be suing the City because of the comment. Mr. Dugger again said he did not know where that comment originated. He said neither he nor the external investigator were able to find that.

Mr. Dugger told the OIG, "To my recollection, in my presence, no one has said that. If they said it, it wasn't around me." Mr. Dugger visited HR a lot and had no concerns regarding race, gender, or people not doing their jobs.

Ms. Decoste never brought up doing an investigation until the emails were sent to the mayor saying that she wanted it to be investigated. Mr. Dugger would have definitely had to do an external investigation if she had formally requested an investigation.

Mr. Dugger told the OIG after Ms. Decoste mentioned it, "there wasn't like any facts behind it. It was like...when I did speak with Mara [Frederiksen], she said she never said it. I never went back to Tennille and said 'hey, where did this actually come from.' Hindsight 20/20, I probably should've did that. I probably should've actually maybe had that Investigations Department look into it..."

When Mr. Dugger spoke with Mr. Mack, Mr. Mack never said that Ms. Biazar said anything about Ms. Decoste hiring too many black women. Mr. Dugger recalled receiving a call from Mr. Mack who said that Ms. Biazar used the term "I'm being treated differently," and this alarmed Mr. Mack.

OIG Interviews of other City Staff

The OIG interviewed over ten additional City staff members. None of those employees reported directly hearing Mr. Mack, Mr. Dugger, or anyone else make the comment about Ms. Decoste "hiring too many black women" to Ms. Decoste or anyone else. Any employee that reported hearing this comment reported hearing it from Ms. Decoste or via rumors after the information was made public.

Conclusion

Ms. Decoste alleged to the OIG that both Mr. Dugger and Mr. Mack made a comment about her "hiring too many black women." The alleged comment related solely to the race and gender of those hired and not to concerns with Ms. Decoste's hiring process and procedure or the qualifications of particular individuals for the jobs they were hired to perform. Ms. Decoste does not contend that she personally heard Mr. Dugger or Mr. Mack make the comments or that they directed her to refrain from hiring black women, or to hire anyone based upon their race or gender.

During interviews with our office, Ms. Decoste stated that Ms. Walls was present for a discussion between Ms. Decoste and Mr. Dugger and Mr. Mack in October 2023 wherein Ms. Decoste expressed her dissatisfaction with Mr. Mack for making the comment. Ms. Decoste also told our office that Ms. Brown was present during a discussion between Ms. Decoste and Mr. Dugger, wherein Ms. Decoste expressed dissatisfaction with Mr. Dugger

for making the remark. Both Ms. Walls and Ms. Brown indicated they were present when Ms. Decoste questioned Mr. Dugger and Mr. Mack, respectively, but neither told the OIG they personally heard Mr. Mack or Mr. Dugger make this statement to Ms. Decoste or anyone else.

Ms. Decoste told the OIG that Ms. Frederiksen and Ms. Matos told her that Ms. Biazar and Mr. Dugger made the comment. However, Ms. Frederiksen advised the OIG that it was, in fact, Ms. Decoste who told her that Mr. Dugger and Mr. Mack made the comment.

Ms. Decoste said Mayor Penserga told her that Mr. Mack and Mr. Dugger told him they were concerned about the number of black women Ms. Decoste had hired. Mayor Penserga acknowledged that he received an email from Ms. Decoste regarding the matter and that he was aware of the “rumor mill” regarding the issue; however, he told the OIG that he was not certain whether he had a conversation with Ms. Decoste or Mr. Dugger about it.

Mr. Dugger acknowledged that he separately mentioned to Ms. Decoste and Mayor Penserga that the demographic makeup of the HR department was different after Ms. Decoste was hired.

Although we found that rumors circulated throughout City hall about Ms. Decoste “hiring too many black women,” the OIG could not confirm that either Mr. Dugger or Mr. Mack made such statements or took any action in violation of the City’s Equal Opportunity or hiring and retention policies. No employee stated they directly heard the comment from either Mr. Dugger or Mr. Mack, though many employees stated they had indirect knowledge of the comment and some of them indicating they became aware of the alleged comments from Ms. Decoste herself.

The allegation is **not supported**.

Allegation (2):

Mr. Dugger and Mr. Mack violated City policy when Mr. Mack recommended and Mr. Dugger approved post-employment payments to Kristen Biazar.

Governing Directives:

City of Boynton Beach Employee Handbook (revised 01/06/2023); Section 215.425; Florida Statutes; Kristen Biazar’s Employment Letter dated February 6, 2023.

Finding:

The information obtained **does not support** the allegation.

City records show that Kristen Biazar was employed by the City as Human Resources Administrator from September 12, 2022 until January 20, 2023, and as Senior Human Resources Manager from January 20, 2023 until September 8, 2023. Upon her separation from employment with the City, the City paid Ms. Biazar severance pay of \$23,076.92, less applicable mandatory payroll deductions and withholdings.

Florida Statutes- Extra compensation claims prohibited; bonuses; severance pay

Section 215.425, Florida Statutes, provides in part:

(4)(a) On or after July 1, 2011, a unit of government that enters into a contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, that contains a provision for severance pay with an officer, agent, employee, or contractor must include the following provisions in the contract:

1. A requirement that severance pay provided may not exceed an amount greater than 20 weeks of compensation.

2. A prohibition of provision of severance pay when the officer, agent, employee, or contractor has been fired for misconduct, as defined in s443.036 (29), by the unit of government.

(b) On or after July 1, 2011, an officer, agent, employee, or contractor may receive severance pay that is not provided for in a contract or employment agreement if the severance pay represents the settlement of an employment dispute. Such severance pay may not exceed an amount greater than 6 weeks of compensation. The settlement may not include provisions that limit the ability of any party to the settlement to discuss the dispute or settlement.

(c) This subsection does not create an entitlement to severance pay in the absence of its authorization.

OIG Review of Ms. Biazar's Employment Documents

According to Ms. Biazar's Employment Letter dated February 6, 2023, the Senior Human Resources Manager position was an at-will, "contractual, specialized position subject to hiring, retention, and termination solely by the City Manager." The Employment Letter further provided,

If this Employment terminates **upon mutual agreement of you and the City Manager**, you will be entitled to:

a. Reimbursement for as-yet non-reimbursed expenses pursuant to this employment;

b. Payout of 100% of accrued and unused vacation leave;

c. Payout of accrued and unused sick leave according to the management package in effect at that time.

d. **Severance pay, if provided, shall not exceed an amount greater than twenty (20) weeks compensation.** [Emphasis added]

If this Employment terminates upon mutual agreement of you and the City Manager, you will be entitled to:

- a. Reimbursement for as-yet non-reimbursed expenses pursuant to this employment;
- b. Payout of 100% of accrued and unused vacation leave;
- c. Payout of accrued and unused sick leave according to the management package in effect at that time.
- d. Severance pay, if provided, shall not exceed an amount greater than twenty (20) weeks compensation.

According to the Confidential Separation Agreement and General Release between Ms. Biazar and the City dated September 5, 2023, Ms. Biazar decided to resign her position with the City, effective September 8, 2023, and agreed to release, waive, and forever discharge any and all claims which she may have against the City. In exchange for Ms. Biazar signing the agreement, the City agreed to pay her twelve weeks' severance pay.

4. Consideration. In consideration of EMPLOYEE's signing this Agreement, the CITY agrees to provide EMPLOYEE with severance pay, the amount of which is equal to Twelve (12) weeks of EMPLOYEE's base salary (\$23,076.92), less applicable mandatory payroll deductions and withholdings for tax and other purposes. The Severance Pay will be paid in a check made payable to EMPLOYEE and will be direct deposited into the bank account normally associated with payroll within 10 days of the Effective Date of this Agreement. In no event shall any Severance Pay be due prior to the Effective Date of this Agreement. The parties agree and

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acknowledge that the Severance Pay constitutes good, valuable and sufficient consideration for EMPLOYEE's full wavier and release of all claims, and EMPLOYEE's fulfilling all other promises as set forth herein. EMPLOYEE acknowledges that without this Agreement EMPLOYEE would not otherwise be entitled to the consideration EMPLOYEE is receiving pursuant to this Agreement.

Separation Action Form	
Full Name	Department
Kristen Biazar	Human Resources and Risk Management
Request Date	Division
09/08/2023	HR & Risk - Human Resources
Employee Activity	Job Title
Mutual Separation	Senior Human Resources Manager
	Employee Number
	4242
	Effective Date
	9/8/2023
	Last Date Worked
	9/8/2023
	HTE End Date
	9/9/2023

OIG Interview of Tennille Decoste, then- City HR Director

Ms. Decoste told the OIG that in September 2023, she was involved in a verbal exchange with Senior Human Resources Manager Kristen Biazar concerning Ms. Biazar's alleged avoidance of the staff chain of command. Ms. Decoste reported the exchange to Deputy City Manager Mack. Ms. Decoste told the OIG that Ms. Biazar resigned thereafter, and the City paid her twelve weeks' salary,³ which Ms. Decoste told the OIG "is not the appropriate process." When Ms. Decoste asked Mr. Dugger why the City paid the money, he said that Mr. Mack told him Ms. Biazar was going to file an Equal Employment Opportunity Commission claim against the City.

Ms. Decoste said that a person who resigns from the City does not receive a payout other than for unused vacation time unless there is something specific in that person's employment contract. However, Ms. Biazar was paid three months' salary. Ms. Decoste said that when she asked Mr. Dugger why Ms. Biazar received this payout, he told her that Mr. Mack said that it was to prevent Ms. Biazar from filing an EEOC claim against the city.

Second OIG Interview of Tennille Decoste

The OIG interviewed Ms. Decoste for a second time on August 28, 2024. The OIG showed Ms. Decoste copies of Ms. Biazar's City separation documents, including Ms. Biazar's employment letter stating, "If this Employment terminates upon mutual agreement of you and the City Manager, you will be entitled to.... Severance pay, if provided, not to exceed an amount greater than twenty (20) weeks compensation." Ms. Decoste also reviewed

³ Ms. Biazar decided to resign her position with the City, effective September 8, 2023. Ms. Biazar and the City entered into a Confidential Separation Agreement and General Release wherein Ms. Biazar agreed to release, waive, and forever discharge any and all claims which she may have against the City and the City agreed to pay her twelve weeks' severance pay.

the Separation Action Form showing that Ms. Biazar was terminated under a mutual separation.

Ms. Decoste told the OIG that she did not recall when Ms. Biazar left the City, but said the City stopped enforcing all employment letters except at the Director's level, which Ms. Decoste contends would have voided the employment letter given to OIG depending on the date. Ms. Decoste did not remember the date the City stopped issuing severance packages.

Ms. Decoste told the OIG that she assumed anyone separating from the City can be given a separation agreement if the City believed that an employee might sue. However, she said that managers typically do not receive separation agreements. Usually, the City will let the employee resign. According to Ms. Decoste, Ms. Biazar resigned and said she wanted six months of pay. However, the City Manager declined and instead offered Ms. Biazar three or four months' pay. Ms. Decoste was not involved in those negotiations, but had access to the final settlement documents and discussed the negotiations with Mr. Dugger.

Ms. Decoste said doing separation agreements for positions below directors was not the current practice. However, she stated the current practice would not stop the City from doing it. She said they can do whatever they want, depending on how the City Manager feels.

OIG Interview of Andrew Mack, Deputy City Manager

Mr. Mack told the OIG that Mr. Dugger asked him to get involved in a dispute between Ms. Decoste and Ms. Biazar. He did not recall the exact timeline but believed it occurred at the end of August or in September 2023. Initially, Mr. Dugger wanted to terminate Ms. Biazar, but Mr. Mack told him that if he did so, she would file a lawsuit. Mr. Mack said that mutually separating allowed Ms. Biazar to receive severance pay. He is not sure about the reason employees receive a separation agreement along with severance pay.

Mr. Mack said that ultimately, Ms. Biazar's employment was terminated, but she was allowed to tender a resignation letter, so the official act was a resignation. Mr. Dugger made the final decision, but Mr. Mack recommended it. Based on his conversations with Ms. Biazar, Mr. Mack felt if they terminated her for cause, there was a high probability that she would sue the City.

OIG Interview of Dan Dugger, City Manager

Mr. Dugger told the OIG that he recalled receiving a call from Mr. Mack who said that Ms. Biazar used the term "I'm being treated differently," and this alarmed Mr. Mack.

Mr. Dugger also told the OIG he was approached by Ms. Biazar who told him that she could no longer work in the City Human Resources Department because the atmosphere was "bad." She felt like Ms. Decoste was bullying her and that she was being treated

differently than other employees. Mr. Mack told Mr. Dugger that Ms. Biazar was using a lot of “key buzz words” saying that she was treated differently, and he believed that she was going to file an EEOC complaint against the City. Mr. Mack felt that they needed to separate away from Ms. Biazar immediately, so Mr. Dugger moved forward with the separation agreement.

Mr. Dugger thought that in the event Ms. Biazar declined an offer to move to a different department, it would be best to agree to mutually separate. He said that if there is no viable alternate plan that the City can provide, then the City will offer a separation agreement. Mr. Dugger makes the decisions on separation agreements, but he consults with the Legal Department.

Mr. Dugger does not typically give separation agreements to individuals who are not Directors, but it does happen. The City does not have a firm policy regarding separation agreements. If Mr. Dugger thinks that there is no extreme misconduct or disciplinary action, he tends to offer it to the employee.

OIG Contact with Kristen Biazar, former Senior HR Manager

The OIG contacted Ms. Biazar telephonically. She declined to be interviewed.

Conclusion

The City employed Ms. Biazar as the Senior Human Resources Manager from January 20, 2023 to September 8, 2023. Ms. Biazar’s position was a contractual, specialized position subject to hiring, retention, and termination solely by the City Manager. According to her employment letter, she was eligible for severance pay up to an amount not to exceed 20 weeks compensation if her employment was terminated upon mutual agreement of the City and her. Additionally, Florida permits severance pay under certain circumstances in an amount that may not exceed 20 weeks of compensation.

The OIG did not find evidence that Mr. Dugger violated any policies when he entered into a separation agreement on behalf of the City, agreeing to pay Ms. Biazar the equivalent of 12 weeks salary. The allegation is **not supported**.

Allegation (3):

Mr. Mack and City Attorney Lamb, in violation of City policy, told Ms. Decoste that she would be fired if she had any communication with elected officials while on administrative leave.

Governing Directives:

Boynton Beach City Charter Part 1, Article II, Section 20.

Finding:

The information obtained **does not support** the allegation.

According to a letter dated December 11, 2023 from Mr. Mack to Ms. Decoste, the City hired an outside firm, Gray Robinson, P.A., to conduct an investigation into “issues related to [Ms. Decoste’s] employment.” The City placed Ms. Decoste on administrative leave with pay effective December 11, 2023, while that investigation was being conducted, and instructed her:

During this time, please do not:

1. Perform any official business for or on behalf of the City;
2. Come to City Hall or other City-owned property without advance written approval; and
3. **Communicate or otherwise contact City staff and City-elected officials, other than me** [Andrew P. Mack, Deputy City Manager].

Finally, you will be required to return your City computer, city-issued IDs, access card, purchasing card, and office keys while on leave. You are also required to be available from 8:00 am to 5:00 pm, Monday through Friday, unless you take sick or vacation leave in advance. **If you would like to schedule sick or vacation time, please contact me directly, and I will update your timesheet accordingly.**

Should you fail to adhere to these terms, you may be subject to disciplinary action up to and including termination.

[Emphasis added]

The letter was signed by Mr. Mack and dated December 11, 2023.

The City of Boynton Beach



OFFICE OF THE CITY MANAGER
Daniel Dugger, City Manager
100 East Ocean Avenue
Boynton Beach, Florida 33435
(P): 561-742-6010 | (F): 561-742-6011
www.boynton-beach.org

December 11, 2023

VIA HAND DELIVERY AND EMAIL TENNILLE.DECOSTE@GMAIL.COM

Tennille E. DeCoste
2567 Dorson Way
Delray Beach, FL 33445

Re: Administrative Leave with Pay

Dear Ms. DeCoste,

As you are aware, an outside firm is conducting an internal investigation regarding issues related to your employment. This is to advise that you are being placed on administrative leave with pay effective today during the pendency of the investigation. The primary purpose of this action is to ensure that the investigation goes forward in a manner that is fair to you and the other participants. Placing you on administrative leave will avoid disruption in the office. It will also provide you time to prepare for your interview while, at the same time, providing an environment that allows City employees and officials to perform the work with which they are tasked.

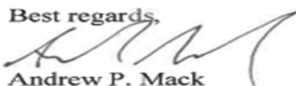
During this time, please do not:

1. Perform any official business for or on behalf of the City;
2. Come to City Hall or other City-owned property without advance written approval; and
3. Communicate or otherwise contact City staff and City-elected officials, other than me.

Finally, you will be required to return your City computer, city-issued IDs, access card, purchasing card, and office keys while on leave. You are also required to be available from 8:00 am to 5:00 pm, Monday through Friday, unless you take sick or vacation leave in advance. If you would like to schedule sick or vacation time, please contact me directly, and I will update your timesheet accordingly.

Should you fail to adhere to these terms, you may be subject to disciplinary action up to and including termination. I appreciate your cooperation in connection with this matter.

Best regards,


Andrew P. Mack
Deputy City Manager

The City alleged that Ms. Decoste attempted to interfere with Gray Robinson's investigation by communicating during the course of the investigation with City Attorney Lamb, a City manager, and the City Mayor in order to provide information the City described as "targeting the jobs of City employees who complained, initiated this investigation, and participated in placing her on paid administrative leave," in violation of the terms of her administrative leave restrictions. In addition, Gray Robinson stated in its final report, "In terms of Ms. DeCoste discussing this investigation with other City employees, I also find that she did so with at least two City employees, in violation of the directive issued to her when she was put on notice of the investigation."

Information obtained from Former HR Director Tennille Decoste

The OIG reviewed an email dated December 19, 2023 that Ms. Decoste sent to Mayor Penserga. In it, Ms. Decoste stated “I am sorry I have not reached out to you, but I was told by Deputy Manager Mack and Ms. Lamb, **if I speak to any Commissioner, I will certainly be fired.**” [Emphasis added]

From: Tennille Decoste <tennille.decoste@gmail.com>
Date: Tue, Dec 19, 2023, 1:21 PM
Subject: Disparaging Treatment, Discrimination, Retaliation
To: <pensergat@bbfl.us>

Good afternoon, Mayor,

Since my last email I have reflected on the disparaging treatment towards me as the HR Director. Also, to remind you that I made my previous complaint to you before the city placed me on Administrative Leave.

I am sorry I have not reached out to you, but I was told by Deputy City Manager Mack and Ms. Lamb, if I speak to any Commissioner, I will certainly be fired.

Boynton Beach City Charter

The City of Boynton Beach Charter, Part 1, Article II, Section 20 states, in part:

(c) Commission/Manager integration with administration. **The City Commission or its members shall** deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the Manager, **when such dealings involve giving orders or making requests for services** to any such officer or employee. All employees and officers shall be permitted to provide information to any Commissioner or member of the public upon request. [Emphasis added]

OIG Interview of Tennille Decoste

Ms. Decoste told the OIG that on the day she was placed on administrative leave, Mr. Mack told her that he had decided to place Decoste on leave so she could prepare for her investigation. Ms. Decoste asked how she could prepare when she did not know everything she was being investigated for. Mr. Mack said that he would send her a copy of the letter, which he did.

Ms. Decoste stated the letter said she could not come to the Commission meetings; she could not come to City Hall; and she could not speak to Commissioners.

Ms. Decoste said the letter stated that if she spoke to the Commissioners she would be fired. She said Mr. Mack read through the letter on the phone, but he did not say the exact words that she would be fired. He said if she violated any of the administrative leave rules,

including speaking to the commissioners that would be a violation of what they were telling her.

OIG Interview of Kathryn Matos, Assistant City Manager

Ms. Matos told the OIG that she, Mr. Mack, Ms. Lamb, and Deputy City Attorney Stacey Weinger were present for a phone conversation wherein Mr. Mack advised Ms. Decoste she was being placed on administrative leave. Ms. Matos is not aware of anyone telling Ms. DeCoste that she would be fired if she spoke to the Commissioners. She said Mr. Mack told Ms. DeCoste that she was being placed on administrative leave, and he would be sending her the letter notifying her of that.

OIG Interview of Shawna Lamb, City Attorney

Ms. Lamb told the OIG that she did not tell Ms. Decoste that if Ms. Decoste spoke to the Commissioners, she would be fired. The OIG referred Ms. Lamb to the section of Mr. Mack's December 11, 2023 letter to Ms. Decoste stating that Ms. Decoste should not communicate or otherwise contact City staff and City-elected officials other than Mr. Mack. Ms. Lamb said, "There was communication with her [Ms. Decoste] that she was to not discuss the ongoing investigation with anyone. We were, or he was, concerned about just disrupting the investigation by getting other people involved in the investigation."

OIG Interview of Andrew Mack, Deputy City Manager

Mr. Mack told the OIG he did not tell Ms. Decoste she would be fired if she spoke to the City Commissioners. Mr. Mack said no one should speak to the Commissioners if it is related to City business; the City Charter states that type of communication should go through the City Manager's Office. He said that it should go through the City Manager's Office unless the City Manager authorized that person to speak to the Commissioners directly.

Mr. Mack recalled that Assistant City Manager Matos and Deputy City Attorney Weinger were present along with him and Ms. Decoste, and he believed Ms. Decoste's attorney, for a phone conversation regarding her being placed on administrative leave. During that conversation he told her that while she was on administrative leave she was not to have any interaction with City staff, and that for anything she needed, she should come to him directly.

Mr. Mack said he believes the City's outside counsel, Robert Sniffen, prepared the original draft of the December 11, 2023 letter placing Ms. Decoste on administrative leave, and then Mr. Mack finalized it. Subsequently, Mr. Mack signed and issued the document to Ms. Decoste. He believed he did so via email. Mr. Mack said he spoke to Ms. Decoste about the administrative leave letter and then emailed it to her. Mr. Mack did not recall telling Ms. Decoste that she would be fired if she spoke to Commissioners.

Mr. Mack said the letter was written in the context of the investigation, not to tell Ms. Decoste that she could never speak with anybody. Mr. Mack said the point of the letter was that Ms. Decoste could not speak to anyone in her official capacity while she was on administrative leave. The OIG asked Mr. Mack if he spoke with Ms. Decoste to clarify; he did not recall clarifying it with her.

Conclusion

The written notification placing Ms. Decoste on administrative leave directed that she did not “communicate or otherwise contact City staff and City-elected officials other than [Deputy City Manager Mack]” during the pendency of the investigation into allegations against her, and that failing to adhere to the directive “may...subject [her] to disciplinary action up to and including termination.”

Mr. Mack told the OIG that the letter was written “in the context of the investigation, not to tell Ms. Decoste that she could never speak to anyone.” Ms. Lamb told the OIG that “there was communication with her [Ms. Decoste] that she was to not discuss the ongoing investigation with anyone.”

Although Mr. Mack provided Ms. Decoste with a broadly written letter advising her not to communicate with City staff and City-elected officials other than him while she was on administrative leave or face potential disciplinary action, we do not find that the letter violated City policy. City policy advises City Commissioners wishing to communicate with staff should do so solely through the City Manager when such dealings involve giving orders or making requests for services. Thus, we find that the allegation is **not supported**.

Nevertheless, the written directive that Ms. Decoste communicate with Mr. Mack did not state on its face that it was limited in application to communications about Ms. Decoste’s leave and potential interference with the investigation of allegations relating to Ms. Decoste. The letter did not state that communicating with an elected official would automatically lead to termination, as Ms. Decoste contends. However, the letter was written more broadly than necessary to address the government’s interest or to minimize the risks that City officials communicated to the OIG. Instead, the letter, as written, could have had a chilling effect on legally protected communications wholly unrelated to the investigation.

Allegation (4):

Mr. Dugger violated City policy by directing Ms. Decoste to form a hiring panel with the predetermined goal of ranking his nephew, Michael Zambarano, as the best candidate for the newly created position of Wellness Coordinator regardless of whether the panel’s actual evaluation of the applicants’ qualifications.

Governing Directives:

Section 112.3135, Florida Statutes; City of Boynton Beach Employee Handbook (revised 01/06/2023); City of Boynton Beach Code of Ordinances Article II, Section 2-30.

Finding:

The information obtained **does not support** the allegation.

Boynton Beach Employee Handbook

The City's Employee Handbook states, in part:

I. GENERAL PROVISIONS

....

02. Organization for Personnel Administration

....

City Manager

The City Manager shall:...

A. Be responsible to the City Commission for the administration of the Employee Handbook.

B. **Appoint**, promote, transfer, remove, demote, suspend, or discipline **all employees**. The City Manager may, in his/her discretion, **delegate administrative authority to his/her designee to approve personnel actions**. The City Manager may enter into letters of employment to hire or retain exempt status management employees under such terms and conditions as the City Manager deems necessary. [Emphasis added]

....

Human Resources Director

The Human Resources Director shall:

A. Administer the provisions of these policies.

....

G. Perform Human Resources administration activities consistent with the City Charter or these policies, as the City Manager may direct, or as may be required by Ordinance.

II. EMPLOYMENT

....

02. Recruitment and Selection

In order for the City to be operationally competitive with other governmental entities as well as the private sector, the recruitment and retention of qualified employees is of paramount importance. **To achieve maximum efficiency, vacant positions shall be filled with the most qualified candidates in the best interests of the City through recruitment, selection, promotion/demotion or hiring of employees on the basis of their qualifications and relative knowledge, abilities, and skills.** [Emphasis added]

....

Procedures

A. Applications and Interviews

....

9. Human Resources will forward passing applicants (sic) that meet the minimum qualifications of the position to the appropriate Department Head/Department Head Designee or the hiring manager.

10. Upon receipt of applications, Human Resources [sic] will:

- a. Review and evaluate all applications based on, but not limited to; minimum qualifications, knowledge, abilities, skills, education, degree requirements, experience, and certifications or licenses required in accordance with current classification per job posting.
- b. Determine that the applicant pool is sufficient prior to proceeding to the interview and/or applicant testing step and prior to making a recommendation for employment.
- c. Prepare an interview schedule and conduct interviews with eligible [sic] applicants.
- d. Determine which candidate is most qualified for further consideration and proceed with applicant testing, if applicable, or additional interviews, if necessary.
- e. Re-post the position if a selection cannot be made by the hiring panel.

<p>10. Upon receipt of applications, Human Resources will:</p> <p>a. Review and evaluate all applications based on, but not limited to; minimum qualifications, knowledge, abilities, skills, education, degree requirements, experience, and certifications or licenses required in accordance with current classification per job posting.</p> <p>b. Determine that the applicant pool is sufficient prior to proceeding to the interview and/or applicant testing step and prior to making a</p> <p>of Boynton Beach Employee Handbook</p>	<p>Effective Date: 03/01/1998 Last Revised: 01/06/2023</p>
	<p>13</p> <p>c. recommendation for employment. Prepare an interview schedule and conduct interviews with eligible applicants.</p> <p>d. Determine which candidate is most qualified for further consideration and proceed with applicant testing, if applicable, or additional interviews, if necessary.</p> <p>e. Re-post the position if a selection cannot be made by the hiring panel.</p>

....

03. Nepotism

This Section establishes the City's policy regarding nepotism, which complies with the current Palm Beach County Code of Ethics, Section 2-445, Anti-nepotism law.⁴

⁴ Sec. 2-445. Anti-nepotism law.

A. All employees who are employed in, appointed to, promoted to, or transferred to a position shall disclose at the time of the appointment, employment, promotion or transfer the name(s) of any relative(s) serving as an elected or appointed City official(s) or employee(s) then employed by the City.

B. If employees become related after their appointment, employment, promotion or transfer, the affected Department Director(s) and the Human Resources Director shall resolve the matter consistent with the Palm Beach County Code of Ethics. Resolution may include transfer of one or both employees. Department policies may also apply.

C. "Relative" as used herein, means a person who is related by blood, marriage or adoption, as father, mother, son, daughter, brother, sister, grandparent, uncle, aunt, first cousin, **nephew**, niece, husband, wife, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-son, step-daughter, step-brother, step-sister, half-brother, half-sister or domestic partner.

D. A person who is a relative of a City official or employee may not be appointed, employed, promoted, or advanced in or to a position in any department/division, if the related City official or employee is, or would be the person's supervisor or would exercise any authority or control over or otherwise regulate the duties and responsibilities of the person, or if the person would supervise or exercise any authority or control over or otherwise regulate the duties and responsibilities of the related City official or employee.

E. The provisions of Florida Statute 112.3135, regarding nepotism shall supersede any provision of this Policy.
[Emphasis added]

Section 112.3135, Florida Statutes, provides,

(2)(a) A **public official⁵ may not** appoint, **employ**, promote, or advance, or **advocate for appointment, employment**, promotion, or advancement, **in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official**. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment,

An official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement in or to a position in the county or municipality as applicable in which the official is serving or over which the official exercises jurisdiction or control, any individual who is a relative or domestic partner of the official.

⁵ §112.3135(c), F.S. defines "Public official" to mean an employee of an agency in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency, including the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.

promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member....

The City of Boynton Beach Code of Ordinances Chapter 2, Article II, Section 2-30, states, in part:

Powers and duties generally.

The city manager shall be the chief administrative officer of the city and be responsible to the commission for the administration of all city affairs placed in his charge under the city Charter, Code of Ordinances or assigned to him by the city commission. He shall have the power and duty to:

(a) Appoint, and when necessary for the good of the city, suspend or remove all employees and appointive administrative officers of the city, except the city attorney, or as otherwise provided by law, subject to the provisions of the municipal civil service merit system. Further, he may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

....

(c) Direct and supervise the administration of all departments, officers and agencies of the city, except as otherwise provided by the Charter or by law.

Wellness Coordinator Job Posting

On March 8, 2023, the City posted a job opening for the position of Wellness Coordinator. City records show that three people applied for the position. The City conducted job interviews with all three applicants on March 20, 2023.

Review of Michael Zambarano's Employment Application

The OIG obtained a copy of Michael Zambarano's electronic employment application from the City. The application shows the City received Mr. Zambarano's application for the position of Wellness Coordinator on March 9, 2023.

In the Agency – Wide Questions section, Mr. Zambarano reported that he did not have any relatives working for the City of Boynton Beach.

Agency - Wide Questions

1. Do you have any relatives working for the City of Boynton Beach?
No
2. If you have relative(s) working for the City of Boynton Beach, please enter their name(s), department(s), and relationship(s) to you. If not, please enter N/A.
n/a
3. Where did you first hear about this opportunity?
City Website

Review of Michael Zambarano's Interview Documents

Documents provided by the City show Zambarano's employment interview was held on March 20, 2023. According to the documents, Ms. Decoste and Belkis Abaroa were on Mr. Zambarano's hiring panel for the Wellness Coordinator position.

Documentation of the hiring panel's consensus shows that Mr. Zambrano received the highest score of the individuals interviewed.

Position Title:	Wellness Coordinator				
Position Department:	Human Resources/Risk Management				
Oral Interview - 100%			Zambarano, M		
Component 1 - 90%	Consensus	Consensus		Max	Passing
Question 1	50	30	50	50	35
Question 2	25	20	40	50	35
Question 3	30	20	50	50	35
Question 4	30	30	50	50	35
Question 5	30	30	50	50	35
Question 6	40	45	40	50	35
Total Points	205	175	280	300	210
Component 1 Score	62%	53%	84%	90%	63%
Component 2 - 10%	Consensus	Consensus	Consensus	Consensus	Consensus
Communications Observances	30	29	30	30	21
Oral Interview Score	72%	62%	84%	100%	70%

City records show Mr. Zambarano was hired effective June 5, 2023.

OIG Interview of Tennille Decoste, Former HR Director

Ms. Decoste told the OIG that Mr. Dugger directed her to post the newly created position of Wellness Coordinator, and to make sure his nephew, Michael Zambarano, was the number one candidate. She said Mr. Dugger told her he wanted only her and HR on the hiring panel. Ms. Decoste stated that Belkis Abaroa was with her on the hiring panel. Ms. Decoste said she told the panel that Mr. Dugger wanted Mr. Zambarano to be hired. Ms. Decoste told the OIG she believed that there were about five applicants, and three of them were interviewed. Subsequently, Mr. Zambarano was hired. Ms. Decoste said absent the instructions from Mr. Dugger, Mr. Zambarano would not have been her number one choice.

Ms. Decoste said that even when there is a recruitment process, the City Manager can still choose a specific applicant. The only concern Ms. Decoste had about Mr. Dugger's

involvement in Mr. Zambarano's hire was that Wellness Coordinator was a junior position. Ms. Decoste stated it is not standard practice for the City Manager to appoint or dictate a choice for anything other than director-level or higher positions.

OIG Interview of Belkis Abaroa, HR Manager for Recruitment and Compensation

Ms. Abaroa told the OIG that she was on the interview panel for the Wellness Coordinator position, and believed the only other person on the panel was Ms. Decoste. It was a newly created position, and Michael Zambarano was selected for it. Ms. Abaroa said Mr. Zambarano scored number one in the interview process, and no one directed her how to rank anyone nor advised her to rank Mr. Zambarano as the best candidate. Ms. Abaroa said to her knowledge Mr. Zambarano is not related to anyone who works for the City.

OIG Interview of Michael Zambarano, Wellness Coordinator

Mr. Zambarano told the OIG he found out about the Wellness Coordinator position via an internet search of government websites. He applied for the position and received a call for an interview. Mr. Zambarano said he interviewed with Ms. Decoste and Ms. Abaroa, and then heard back a few weeks later. He said it seemed like a normal process.

Mr. Zambarano said he is not related to Mr. Dugger. He said he knew Mr. Dugger prior to applying for the position, but Mr. Dugger did not tell him about the position.

OIG Interview of Dan Dugger, City Manager

Mr. Dugger told the OIG he knew Mr. Zambarano prior to Mr. Zambarano becoming an employee with the City. The City was going to open up a Wellness Coordinator position, so he brought Mr. Zambarano in and walked him around to see if Mr. Zambarano would be interested in the position. Mr. Dugger introduced Mr. Zambarano to Ms. Decoste during this walkthrough.

Mr. Zambarano expressed interest in the position, and Mr. Dugger had conversations with Ms. Decoste in reference to hiring him. Ms. Decoste wanted to go through a hiring process instead of appointing Mr. Zambarano to the position, and Mr. Dugger had no problem with her preference. Mr. Dugger thought that Mr. Zambarano was more than qualified, but if there was someone better when they went through the hiring process, Mr. Dugger would then weigh his options.

Mr. Dugger said he did not tell Ms. Decoste or anyone on the hiring panel to make sure that Mr. Zambarano ranked highest. He also told the OIG Mr. Zambarano is not related to him.

Conclusion

A City interview panel consisting of Ms. Decoste and Ms. Abaroa interviewed three applicants, including Mr. Zambarano, for the newly created position of Wellness

Coordinator. Mr. Zambarano told the OIG that he knew Mr. Dugger prior to applying for the position, but that Mr. Dugger had not told him about it. Mr. Dugger told the OIG that he introduced Mr. Zambarano to Ms. Decoste and told her he preferred Mr. Zambarano for the position.

Ms. Decoste told the OIG that she told Ms. Abaroa about Mr. Dugger's preference, but Ms. Abaroa denied knowledge of Mr. Dugger's preference and stated that no one advised her to rank Mr. Zambarano as the best candidate. Ms. Decoste—the then-*HR Director charged with administering the policies in the employee handbook*-- said she ranked Mr. Zambarano, whom she believed to be Mr. Dugger's nephew, as the best candidate, solely because she was directed to do so by Mr. Dugger. Both Mr. Dugger and Mr. Zambarano deny they are related.

We did not find sufficient evidence that Mr. Dugger improperly advocated for the appointment of his nephew as Wellness Coordinator in violation of City policies or state statute; thus, we find that the allegation is **not supported**.

Allegation (5):

Mr. Dugger violated City policy by using his City computer for his schoolwork.

Governing Directives:

City of Boynton Beach Administrative Policy 01.02.06 (rev 04/07/2017); City Manager's Appointment Agreement dated September 22, 2022.

Finding:

The information obtained **does not support** the allegation.

Information obtained from Former HR Director Tennille Decoste

The OIG reviewed an email dated December 7, 2023 that Ms. Decoste sent to Mayor Penserga, wherein Ms. Decoste stated that she reported to Ms. Lamb that Mr. Dugger “does personal school work on the City’s computer.” Ms. Decoste did not provide in the email to Mayor Penserga or to the OIG specific details regarding the dates, times, or the nature of the course materials Mr. Dugger completed while using his City-issued computer.

City Manager’s Appointment Agreement

The OIG reviewed the agreement dated September 22, 2022, between the City and Mr. Dugger appointing him as City Manager. The City agreed to reimburse Mr. Dugger for educational expenses incurred in pursuit of a master’s degree and expenses for short courses, institutes, and seminars that are necessary for his professional development and the good of the City.

11.7 CITY MANAGER is eligible to receive reimbursement for educational expenses toward the attainment of a Master's Degree, in an amount not to exceed Five Thousand Two Hundred Fifty Dollars [\$5,250.00], per calendar year.

11.9 CITY will pay for the registration, travel and subsistence expenses of the CITY MANAGER for short courses, institutes, and seminars that are necessary for this professional development and the good of the CITY.

The City also agreed to provide Mr. Dugger "a laptop computer or other similar electronic devices suitable for on and offsite business use."

16.4 The CITY will provide the CITY MANAGER with a laptop computer or other similar electronic devices suitable for on and offsite business use.

City of Boynton Beach Policy 01.02.06, Acceptable Use of Information Technology, states,

SCOPE:

This Policy applies to:

All computer systems, services, hardware, software, or data owned, leased, licensed, or otherwise managed by the City.

The policy advises employees, contractors, interns, and volunteers of the do's and don'ts for the City's computers.

I. Acceptable Use

Background to Know

Any data created or stored on the City's computer systems remains the property of the City. Activity performed on the City's computers (including email and Internet activity) is logged and monitored.

Do

- Do use the City's computer systems for City business purposes only.
- Do exercise good judgment regarding the use of City systems and comply with the Personnel Policy Manual regarding such.
- Do secure the computer device when it will be left unattended by logging off or by locking the desktop operating system.
- Do practice caution when opening e-mail attachments, particularly those from unknown senders, as they may contain malware (e.g. viruses, worms, Trojans, spyware).

Don't

- Don't use the City computer systems (or other City resources) for non-City business (e.g. checking personal email, checking personal social media accounts, creating or printing personal documents, spreadsheets, etc.).
- Don't use City computer systems to send messages (e.g. e-mail, instant messages) or post any content on the Internet (e.g. social media, newsgroups, forums, blogs, article comments) that may negatively reflect upon the City.
- Don't send spam or junk mail including chain letters or pyramid schemes.

OIG Interview of Candace Walls, City Manager's Administrative Assistant

Ms. Walls told the OIG that Mr. Dugger is in school and as far as she knows, that is part of his contract. She believes Mr. Dugger may have used the City-issued computer to go online for school purposes.

OIG Interview of Ty Penserga, City Mayor

Mr. Penserga told the OIG that Mr. Dugger's employment contract provides that the City will pay for him to attend school. Mr. Penserga does not know whether the contract states that Mr. Dugger can use his City-issued laptop to do his schoolwork. However, Mr. Penserga believed Mr. Dugger is allowed to do so. Mr. Penserga said that if one reads the policy as literally as possible, then Mr. Dugger would not be allowed to use his laptop for schoolwork, but since the City Commission approved his employment contract, it is a reasonable expectation that he would be using his computer for some schoolwork.

OIG Interview of Angela Cruz, City Commissioner

Ms. Cruz told the OIG that the City is paying for Mr. Dugger to attend school. However, she said the Commission never discussed whether Mr. Dugger could use his City issued computer to do his schoolwork during working hours.

OIG Interview of Dan Dugger, City Manager

Mr. Dugger told the OIG that he uses his City laptop and City computer to do his school work. He stated, "If I'm running behind and I need to get something done, then I'll do it. But on a day to day basis, no. I typically would wait until I get home. But, it's not typical but I have done it."

Conclusion

Mr. Dugger acknowledged he has used his City-issued laptop for his schoolwork. Mr. Dugger's employment agreement provides that the City will cover expenses related to his Master's program and for short courses and seminars necessary for professional development and the good of the City. The agreement does not specify the topic of Mr. Dugger's Master's program or whether his Master's program was considered professional development for the good of the City. The approval of the payment, however, suggests that the City in its discretion determined that the public expenditure for Mr. Dugger's Master's program served a municipal purpose.

The agreement does provide that the City will provide Mr. Dugger with a laptop computer for on and offsite business use. The City electronic device usage policy provides that City computer systems may be used for City purposes only and that City computers may not be used for non-City business.

Based upon the information we received, we could not determine that Mr. Dugger's use of the computer "for schoolwork" associated with obtaining a Master's degree paid for using City funds and approved by the City violated City policy. As such, the allegation is **not supported**.

Allegation (6):

Mr. Dugger violated City policy by consuming alcoholic beverages while on duty with the City.

Governing Directives:

City of Boynton Beach Employee Handbook (revised 01/06/2023); City of Boynton Beach Code of Ordinances Article I, Section 2.19; City Manager's Appointment Agreement dated September 22, 2022; section 440.102, F.S.

Finding:

The information obtained **does not support** the allegation.

During her interview with the OIG, Ms. Decoste alleged that Mr. Dugger has consumed alcohol while on duty with the City.

Boynton Beach City Ordinance Article I, Section 2-19, delineates the City's Drug Free Workplace policy, in part:

(a) Policy statement. The City of Boynton Beach is committed to provide a safe work environment for its employees, our community and society. **Substance abuse** is a national problem which **impairs the health and safety of employees**, promotes crime and harms our community. The city is addressing this problem by instituting a drug free workplace program.

....
The city's policy is in accordance with the Florida Drug Free Workplace Program as provided in Section 440.102, Florida Statutes and Chapter 38F-9., Florida Administrative Code. It is the intent of the city to adopt the policies and standards set forth in Chapter 38F-9. To the extent of any conflict between the standards established by this policy and the standards set forth in Chapter 38F-9 F.A.C., as amended from time to time, the standards set forth in Chapter 38F-9 shall prevail. Policies and standards contained herein and not addressed in Chapter 38F-9 F.A.C. shall control.

To ensure a work place free from the influence of illegal drugs and alcohol abuse the following policy has been established.

It is the policy of the **city that an employee found with the presence of alcohol or illegal drugs in his/her system**, in possession of, **using**, selling, trading or offering for sale illegal drugs or alcohol **during working hours**, **may be subject to disciplinary action up to and including termination.** (City sponsored

activities which may include the service of alcoholic beverages are not included in this provision).

An employee reporting for work visibly impaired shall be considered unable to properly perform required duties and will not be allowed to work. If possible, the supervisor should first seek another supervisor's opinion of the employee's condition. Then the supervisor together with a representative from the personnel department should consult privately with the employee to rule out any problem(s) that may have been caused by prescription drugs.

When an off-duty employee is called back to work and that employee has consumed alcoholic beverages, that employee shall disclose such use and decline callback. An employee shall not be disciplined for refusing to respond to callback when such employee has reasonable belief that he or she could not pass an alcohol blood level test. Employees who are on standby may be subject to callback [and] should not engage in social drinking and may not decline callback without being subject to discipline.

Sec. 2-19. Drug free work place.

(a) *Policy statement.* The City of Boynton Beach is committed to provide a safe work environment for its employees, our community and society. Substance abuse is a national problem which impairs the health and safety of employees, promotes crime and harms our community. The city is addressing this problem by instituting a drug free workplace program.

Substance abuse is a complex, yet treatable disease. The ultimate goal of this policy is to balance the respect for individual privacy with the need to keep a safe, productive drug free environment. The intention is to prevent and treat substance abuse. The city would like to encourage those who use drugs or abuse alcohol to seek help in overcoming their problem. The city will attempt to assist an employee in obtaining treatment prior to taking disciplinary action when such treatment is associated with a first occurrence of substance abuse. The city considers substance abuse to be an unsafe and counterproductive work practice.

The city's policy is in accordance with the Florida Drug Free Workplace Program as provided in Section 440.102, Florida Statutes and Chapter 38F-9., Florida Administrative Code. It is the intent of the city to adopt the policies and standards set forth in Chapter 38F-9. To the extent of any conflict between the standards established by this policy and the standards set forth in Chapter 38F-9 F.A.C., as amended from time to time, the standards set forth in Chapter 38F-9 shall prevail. Policies and standards contained herein and not addressed in Chapter 38F-9 F.A.C. shall control.

To ensure a work place free from the influence of illegal drugs and alcohol abuse the following policy has been established.

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An employee reporting for work visibly impaired shall be considered unable to properly perform required duties and will not be allowed to work. If possible, the supervisor should first seek another supervisor's opinion of the employee's condition. Then the supervisor together with a representative from the personnel department should consult privately with the employee to rule out any problem(s) that may have been caused by prescription drugs.

Section 440.102, Florida Statutes states,

(3) Notice to employees and job applicants.--

(a) One time only, prior to testing, an employer shall give all employees and job applicants for employment a written policy statement which contains:

1. A general statement of the employer's policy on employee drug⁶ use...

Boynton Beach Employee Handbook and City Policy

Section I of the City's Employee Handbook states, under "Purpose of These Policies":

⁶ §440.102(1)(c), F.S. defines "Drug" to include alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor.

The Employee Handbook is a collateral document pertaining to all personnel including full-time, part-time, temporary, volunteer, and contractual (sic) services. If the bargaining agreement that covers an employee or an employee's employment letter does not address specific issues then these policies shall apply as to that issue.

It also states, under "Drug and Alcohol Use":

07. Drug and Alcohol Use

The City of Boynton Beach does not tolerate any type of substance abuse including the use of illegal drugs, the abuse of prescribed drugs or alcohol abuse. This prohibition includes the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in or away from the workplace. **Employees are required to comply with the terms and conditions of the City's Drug Free Workplace policy as approved in the most current City Ordinance.** Any employee who violates this policy is subject to disciplinary action up to and including dismissal. (See Section VI Discipline .01 Disciplinary Actions, Extreme Misconduct.) [Emphasis added]

The City recognizes drug dependency as an illness and a major health problem. Consequently, it provides an Employee Assistance Program (EAP) that offers short-term counseling, assessment and referral services to an employee or an employee's immediate family members.

Regarding discipline, Section VI of the City's Employee Handbook states, in part:

"Infractions for Extreme Misconduct are very serious in nature and normally result in immediate termination without prior warning."

The handbook delineates "Examples of Extreme Misconduct" include

- Possession, use or sale of illegal drugs, alcohol or prescription medication which alters the employee's performance on the job; or any confirmed positive drug test
- **Possession or use of alcohol while on duty; or reporting to work under the influence.** [Emphasis added]

OIG Review of City Manager's Appointment Agreement

The OIG reviewed the agreement dated September 22, 2022, between the City and Mr. Dugger appointing him as City Manager. The contract states,

1.0 Duties

- 1.1. CITY MANAGER shall perform the functions and duties pursuant to Article II, Section 20 of the City Charter, Article II of Chapter 2 of the City Code and other legally permissible and proper duties and functions as required of the office or as directed by the COMMISSION.

1.2 CITY MANAGER agrees to perform the duties of CITY MANAGER with care, diligence, skill and expertise.

.....

16.3 **There are no established hours of work for the CITY MANAGER.** The CITY MANAGER shall dedicate himself to the tasks necessary to effectively and efficiently manage the affairs of the CITY. **The CITY MANAGER may adjust his regular work schedule** to balance the demands of extended business days and night meetings, upon reasonable notice to the COMMISSION. [Emphasis added]

16.3 There are no established hours of work for the CITY MANAGER. The CITY MANAGER shall dedicate himself to the tasks necessary to effectively and efficiently manage the affairs of the CITY. The CITY MANAGER may adjust his regular work schedule to balance the demands of extended business days and night meetings, upon reasonable notice to the COMMISSION.

OIG Interview of Tennille Decoste, Former HR Director

Ms. Decoste told the OIG she has seen Mr. Dugger drinking while on the job on two occasions. She said on one occasion he told her to order him a shot of Tequila at a lunch meeting. On another occasion, the two were in a meeting in Mr. Dugger's office at City Hall at about 4:00 pm and Mr. Dugger poured himself a glass of scotch. Ms. Decoste recalled saying, "Do you know what you're doing? You're in front of the HR Director drinking. That's not a smart thing to do." Ms. Decoste stated that there were not others present during the two occasions she described Mr. Dugger drinking while on the job.

OIG Interview of Stacey Weinger, Deputy City Attorney

Ms. Weinger told the OIG that she is not aware of Mr. Dugger drinking alcohol while on duty. She said on one occasion she went with the City's executive staff on an outing to a baseball game. The OIG asked if Mr. Dugger drank alcohol at this outing. Ms. Weinger responded, "We went to a happy hour. We had one drink and left." She further stated, "We went to a baseball game for an executive team outing. When the game was over it was about 4:30pm on a Friday."

OIG Interview of Ty Penserga, Mayor

Mr. Penserga told the OIG he has never seen Mr. Dugger drinking alcohol while at work. In a subsequent interview with the OIG, he stated that Mr. Dugger has bourbon and glass containers in his office. He recalls there was a night after a meeting where Mr. Dugger brought a bottle and invited someone else to drink with him.

Mr. Penserga also recalls inviting City staff to go to a car museum with him. Mr. Dugger, Mr. Mack, and Ms. Whitefield and some other staff went. Mr. Penserga said there was a bar at the museum and he thinks they were drinking. This event was mid-afternoon and it was on a work day.

Mr. Penserga said the Executive Team has a code when they want to go out and drink alcohol. He found out because Assistant City Manager Kathryn Matos sent a text message to Ms. Decoste with the code name in it, and the text message was shown to him.

OIG Interview of Kathryn Matos, Assistant City Manager

Ms. Matos stated that she has never seen Mr. Dugger drink alcohol while on duty.

OIG Interview of Dan Dugger, City Manager

Mr. Dugger said he drinks alcohol but does not drink on duty. Mr. Dugger stated, "We have functions at the City that I attend that aren't during normal business hours... we serve alcohol at these functions. I've drank in City Hall during these functions, not to the point that I'm intoxicated."

Mr. Dugger said he has two unopened and sealed bottles of single malt scotch in his office. He has them because they are ornamental and have personal, sentimental meaning. He does not drink from these bottles; they are unopened and sealed. Mr. Dugger has never invited people to his office to have a drink.

Regarding whether the executive staff outings are considered "on duty," Mr. Dugger told the OIG, "For an executive outing, I wouldn't be upset if someone had a beer or a drink... as long as we weren't going back. It was a baseball game. Technically, yes we're on duty but we're not going back to function in our day to day routine."

Mr. Dugger stated that his schedule is so unorthodox that he is "pretty much" always on duty. Mr. Dugger told OIG he may have had a drink during the Mayor's outing to the car museum but it was after 5:00 pm.

OIG Interviews of other City Staff

The OIG interviewed over ten additional City staff members. None of those employees reported seeing Mr. Dugger consume alcohol during his workday.

Conclusion

The City's Drug Free Workplace Policy states that the using or offering alcohol during working hours may result in disciplinary action up to and including termination. City sponsored activities which may include the service of alcoholic beverages are not included in this provision.

Mr. Dugger's Appointment Agreement specifically states that the City Manager has no established working hours, and he contends that he is "pretty much" always on duty. Mr. Dugger has considerable flexibility in determining what hours he is performs his powers and duties as City Manager. This flexibility does not mean that he is never "off duty," never

acting within his personal capacity instead of on behalf of the City, or that the Drug Free Workplace policy could never be applied to him.

Nevertheless, the OIG did not receive sufficient evidence to corroborate Ms. Decoste's allegations that Mr. Dugger drank while performing his duties as City Manager. While Ms. Decoste contends that Mr. Dugger "poured himself a glass of scotch" during a 4:00 pm meeting in his office, Mr. Dugger told the OIG that he has unopened, ornamental bottles of scotch in his office and that he has never invited anyone to his office to drink while on duty. Although Ms. Decoste says she recalled telling Mr. Dugger it was not a "smart thing to" drink in front of the HR Director, she did not indicate a contemporaneous objection that his conduct violated policy or that she took any action as HR Director in response to this alleged behavior prior to this investigation. Based upon the information received, we find that there is insufficient evidence supporting the allegation that he drank while on duty. Thus, we find that it is **not supported**.

Allegation (7):

Office of Investigations and Internal Accountability (OIIA) Director Danielle Whitefield inappropriately altered her assistant, Taryn Lagor's, time and attendance records, which allowed Ms. Lagor to routinely leave work early but receive compensation for hours she did not work.

Governing Directives:

City of Boynton Beach Employee Handbook (Revised 01/06/2023).

Finding:

The information obtained **does not support** the allegation.

During her interview with the OIG, Ms. Decoste alleged that Ms. Whitefield routinely changed Ms. Lagor's time entries to reflect that Ms. Lagor was working more hours than she was actually working.

Boynton Beach Employee Handbook

The City's Employee Handbook states:

II. EMPLOYMENT

....

04. Hours of Work

The City Manager shall establish the hours of work for all departments and employees of the City, considering the functions and operations involved. The City Manager shall establish uniform starting and ending times for supervisors and employees on all shifts pursuant to the Fair Labor Standards Act (FLSA).

- A. The scheduled number of work hours per week by department is normally 40 hours; however, weekly hours for specific job classifications may vary as determined in accordance with each department's needs and operations.

The individual Department Director establishes the work start times and stop times.

....

SALARIED (EXEMPT) EMPLOYEES

Exempt employees are paid a salary that is designed to cover all hours worked in any given workweek, including those hours worked in excess of forty (40) hours.The salary is a predetermined amount that is not subject to deductions for variations in the quantity or quality of work performed, subject to certain statutory exceptions.

Provisions of the Fair Labor Standards Act shall be applied to resolve all overtime issues.

Section VI of the City's Employee Handbook delineates "Examples of Misconduct", which includes "Abuse of attendance policy, including late for work without reason." The handbook also delineates "Examples of Extreme Misconduct", which includes "Falsifying documentation."

OIG Review of Ms. Lagor's Employment and Time Records

Taryn Lagor was employed by the City as a non-exempt employee from July 3, 2023 until her position was revised on August 8, 2023. This revision altered Ms. Lagor's title to her current title of Assistant to the Director, Internal Investigations & Accountability, which falls under the status of exempt.

The City provided the OIG with copies of Ms. Lagor's time entry information from July 12, 2023 to August 4, 2023. The records show Ms. Whitefield logged into the system on July 31, 2023 at 10:56 AM and made changes to Ms. Lagor's time entries for dates from July 17, 2023 to July 31, 2023.

OIG Interview of Tennille Decoste, Former HR Director

Ms. Decoste told the OIG that then-Finance Director Ms. Frederiksen, told her that Taryn Lagor was "stealing time." Ms. Decoste was told that Ms. Lagor would clock out at 3:00 pm, and Ms. Whitefield would change Ms. Lagor's time to reflect that she clocked out at 5:00 pm. According to Ms. Decoste, Ms. Lagor was aware that Ms. Whitefield made these changes.

Ms. Decoste brought her concerns to Deputy City Manager Mack's attention, but he told her not to worry about it. Ms. Decoste then reported the matter to Mr. Dugger, who also told her not to worry about it, saying that Ms. Lagor was new.

Second OIG Interview of Tennille Decoste

The OIG interviewed Ms. Decoste for a second time on August 28, 2024. She stated that the Office of Investigations and Internal Accountability employees moved to the Intracoastal building. Employees could go to City Hall to clock in, and then go to work in the Intracoastal building. According to Ms. Decoste, the City's timekeeping system exists in every department except the Intracoastal building. Ms. Decoste told the OIG that Ms. Lagor had a laptop and could have clocked in on that. Ms. Decoste added that she believed OIIA's move occurred after the instances when Ms. Whitefield altered Ms. Lagor's time and attendance records. When asked about how clocking in and out works, Ms. Decoste said she believed there are machines in every department; however, she has never seen them because she did not clock in and out. She stated that Ms. Frederiksen told her that Ms. Lagor could have gone to any Boynton Beach building to clock in.

Ms. Decoste said that Ms. Lagor was hired as an hourly employee. The OIG inquired as to why Ms. Lagor was not clocking in and out prior to her being notified to do so on July 19, 2023 (about 2-weeks after she was hired). Ms. Decoste said this was because Ms. Lagor did not register to allow for clocking in with the City's system. Therefore, she could not clock in and out.

The OIG showed Ms. Decoste Ms. Lagor's time entries from July 12, 2023 to August 11, 2023. Ms. Decoste pointed out that Ms. Whitefield made changes to the time entries. Ms. Decoste noted that on July 31, 2023, the time entry shows that Ms. Lagor came in at 8:57 am, but that was changed to 8:00 am. According to Ms. Decoste, Ms. Lagor was supposed to clock in at 8:00 am, so the time was changed to 8:00 am, which had the City paying Ms. Lagor for 55 minutes that she did not work.

Ms. Decoste said that Ms. Whitefield, as Ms. Lagor's supervisor, was allowed to change Ms. Lagor's timesheet, but if she manipulated it to show that a person coming in at 8:55 came in at 8:00, then that would be unethical.

OIG Interview of Mara Frederiksen, then Director of Finance

Ms. Frederiksen told the OIG that Ms. Lagor started her employment with the City as a part-time, exempt employee. However, Ms. Lagor's position did not qualify as an exempt employee. Ms. Frederiksen brought the issue to Mr. Dugger and Mr. Mack, telling them that Ms. Lagor should be an hourly employee and should be clocking in and out. Mr. Dugger told Ms. Lagor that she could have a salary.

Ms. Lagor's title had to be changed. In the interim, she was supposed to be clocking in and out through the City's timekeeping system, Kronos. The first week, she clocked in and out the first two days. Then her access was restricted, and location services were turned on. As such, Ms. Lagor had to be within a certain range of City Hall to clock in. Ms. Lagor said they locked her out of the system because she was not clocking in from City Hall. Therefore, she did not clock in for the rest of that week or the following week.

Ms. Frederiksen said that when timesheets were submitted, Department Director Danielle Whitefield went in and manually changed all of Ms. Lagor's times to 8:00 am to 5:00 pm. Ms. Frederiksen told Ms. Decoste and Mr. Mack that it looked like they were changing Ms. Lagor's hours. They told her not to worry because they were going to change Ms. Lagor to an exempt employee anyway. Ms. Lagor ended up clocking in for a week or two after that, and then they changed her title and she became a salaried employee, so she did not have to clock in or out. She was an administrative assistant but as part of the transition to exempt employee they changed her title to Assistant to the Director.

Ms. Frederiksen stated if Ms. Lagor used her phone to clock in, she would have had to have her location on in order to show that she was at the office. The GPS was off and that was why she was having trouble signing in. Before they made the change, Ms. Frederiksen announced in the Directors meeting that they were turning on location services and implementing checks and balances in Kronos. She did not believe that anyone told Ms. Lagor specifically about the location services being turned on, but she told Mr. Dugger and Ms. Whitefield about the changes.

Ms. Frederiksen believed that Ms. Lagor was in the state of clocking in and out for only a few weeks. She also believes Mr. Mack spoke with Ms. Whitefield about this issue.

OIG Interview of Taryn Lagor, Assistant to the Director of OIIA

Ms. Lagor told the OIG that when she started working for the City, she was working out of City Hall on the 4th floor. Her work schedule was 9:00 am to 5:00 pm Monday through Friday, and that has remained the same. When she was originally hired she was supposed to be an exempt employee. However, right before she received her first paycheck, she received an email saying she was going to be switched from exempt to hourly and therefore would need to clock in and out.

Ms. Lagor met with Ms. Decoste the next day, where she stated that she received incorrect information from Ms. Decoste on how to appropriately clock in and out. Ms. Lagor's Director, Ms. Whitefield, went on vacation. During this same time period, the Investigations office began to transition from City Hall to the Intracoastal Park building. Ms. Lagor started this move and wanted to have the office set up by the time Ms. Whitefield returned.

Ms. Lagor said she was having issues clocking in and out. She sent emails to Finance and HR for help, and also told Ms. Whitefield. She told the City Manager's Assistant, Ms. Walls, that no one was answering her emails, and explained that she did not know what she was doing concerning clocking in and out.

Ms. Lagor was supposed to be clocking in and out from an app on her phone, but there was an issue with the app which prevented her from doing so. Ms. Walls and Ms. Lagor spoke to people about getting that changed, which took time. In addition, Ms. Lagor was having issues clocking in or out when she was at the Intracoastal building. She tried several things to get the app to work, but it still did not work. The location worked, but the

app said she was not allowed to clock out from the identified locations. It took a couple of weeks before it was finally rectified. However, Ms. Lagor still did not fully understand the process.

Ms. Lagor stated that when she received her laptop, it made a difference because she could clock in and out from the laptop. There was no radius issue because it was fine if she was logged on to the Wi-Fi.

Ms. Lagor believed this went on for a few months. She recalled that someone had to go into the system to adjust her time while the issue was being figured out. Since Ms. Lagor did not experience the friendliest meeting with Ms. Decoste when discussing this issue, she did not feel like she could go and ask questions. When she could not figure it out, she went to Ms. Walls.

During this time, Ms. Lagor was shifting over to Intracoastal Park, and could not clock in and out from there. So, during all that time her timesheet had to be adjusted. She believed Finance made the adjustments for her.

Ms. Lagor recalled that Ms. Walls approached her and told her people were thinking she (Ms. Lagor) was not doing her job because she was not in the building when she was clocked in. Ms. Walls told her to be careful. Ms. Lagor wondered what they wanted her to do. She was in a different location. She was coming to City Hall to get things, physically moving stuff, setting up, cleaning, and then doing work on the department's handbook.

When Ms. Whitefield returned from vacation, Ms. Lagor told her about this. She does not know if Ms. Whitefield spoke with anyone about it. She said Ms. Whitefield's response was basically that Ms. Lagor was moving offices, and just because they could not physically see her did not mean she was not doing her job.

OIG Interview of Danielle Whitefield, Director of OIIA

Ms. Whitefield told the OIG that when she started her job, her office was on the 4th floor at City Hall. Subsequently, Ms. Lagor was hired as the Administrative Assistant and then they transitioned the office to a new location.

Ms. Lagor was hired as an exempt salaried employee, and she worked 9:00 am to 5:00 pm, Monday through Friday. On July 19, the day before Ms. Whitefield took a ten-day trip, Ms. Lagor received an email saying that her status was changing from exempt to nonexempt. Ms. Lagor spoke with people in the Human Resources Department, including Ms. Decoste. They told Ms. Lagor that the change was because of her job description, and that the job description would need to be changed for her status to remain exempt. In the meantime, City HR said she would need to clock in and out.

Ms. Whitefield said that at that time, there were no time clocks at the Intracoastal Park building where the department had recently relocated. Ms. Whitefield asked how Ms. Lagor was going to clock in and out, and Ms. Lagor was given a City laptop, which Ms.

Lagor supposedly could use to log in to the City system and clock in and out. Ms. Lagor called Ms. Whitefield during her vacation asking how to log in because there was a different program to log in to the laptop. Ms. Whitefield told her to figure it out and clock in and out that way until she got back. Ms. Lagor called every day saying she was unable to login. They tried several different ways, including from the phone. Ms. Whitefield called HR and Finance to try to get someone to help walk Ms. Lagor through the process. She also tried to log in on her end to try and help Ms. Lagor, but she was unable to because she was out of the jurisdiction.

Ms. Whitefield said that because she was not there, she did not know what needed to be done. She told Ms. Lagor to ask Candace Walls for help with the program. She also told Ms. Lagor that she would deal with it when she got back from vacation.

Ms. Whitefield believed Ms. Walls downloaded an app on Ms. Lagor's phone. However, Ms. Lagor needed a code to log into this app. Ms. Whitefield thinks Ms. Lagor was able to clock in or out through the app once or twice. During one of their calls, Ms. Lagor told Ms. Whitefield that she noticed someone had clocked her in and out. About halfway through Ms. Whitefield's trip. Ms. Whitefield told Ms. Lagor not to clock in or out because they did not want duplicate entries.

Ms. Whitefield said that during the time that she was on vacation, Ms. Lagor moved their entire office and wrote the entire 35 page policy handbook. Ms. Lagor also called Ms. Whitefield every day. Ms. Whitefield has no reason to believe that Ms. Lagor was not at work for her appropriate hours.

Ms. Whitefield said when she returned from vacation the Payroll Coordinator, Jessica Mattias, told Ms. Whitefield to fix Ms. Lagor's time because Ms. Lagor only had 14 hours in the system for the past two weeks. Ms. Whitefield knew Ms. Lagor had been helping write the department's handbook, moved an entire office, and probably worked more than the 80 hours she was supposed to. Ms. Whitefield asked how to get the hours changed and Ms. Mattias told her, "You're her supervisor, change it." Rather than calculate exact hours, she made entries so that the system would show 80 hours per two week pay period.

Ms. Whitefield said that about two weeks later, Ms. Decoste told her that Finance Director Mara Frederiksen told Ms. Decoste that Ms. Lagor was "stealing time." Ms. Decoste told her that Ms. Frederiksen took her into Mr. Mack's office and showed a timesheet in which Ms. Whitefield overrode time.

Ms. Whitefield spoke to Mr. Mack and he told her that her actions were appropriate.

Ms. Whitefield stated the clocking in and out issue was officially fixed a couple of months later, when Ms. Lagor's job code became the same as other City Administrative Assistants.

Ms. Whitefield recalled that at some point Mr. Mack gave Ms. Lagor permission to work remotely. She believed this happened during Ms. Whitefield's vacation or approximately a month after she returned from vacation. Ms. Lagor had to pick her kids up from school around 3:00 pm, so Mr. Mack allowed her to work remotely from about 3:00 pm to 5:00 pm.

OIG Interview of Andrew Mack, Deputy City Manager

Mr. Mack told the OIG that when Ms. Lagor was initially hired as a salaried employee, but her position was created in the system as hourly. As such, at first she had to clock in and clock out. The position eventually changed to exempt. Mr. Mack does not know if Ms. Lagor had problems clocking in and out. Mr. Mack said he had a conversation with Ms. Whitefield and Ms. Frederiksen concerning the status of Ms. Lagor's position being exempt versus nonexempt, and correcting that. Ms. Frederiksen did not say anything to him about Ms. Lagor stealing time or not being at work when she should be.

Mr. Mack said no one else complained to him about Ms. Lagor not being at work when she should have been, nor about time theft involving her.

Mr. Mack told the OIG that a direct supervisor is authorized to approve change requests to timesheets. However, he did not believe this is written in a policy.

OIG Interview of Candace Walls, City Manager's Assistant

Ms. Walls told the OIG that she knows something changed regarding the pay plan tier and Ms. Lagor's title requiring her to have to clock in and out. Also, OIIA was starting to move to a different location at Intracoastal Park, and Ms. Walls does not believe Intracoastal Park had a means to badge in at that building. However, there was a way to clock in remotely from within the general geographic location using a cell phone or laptop computer.

Ms. Walls recalls having to help Ms. Lagor with timekeeping. Apparently, Ms. Lagor had been set up to use Kronos and there was a special code to input on the webpage to get access, but the code did not work. Ms. Lagor was working in the two locations but when she was at Intracoastal Park, the system would not allow her to login. At some point, someone disabled Ms. Lagor's ability to login.

Ms. Walls felt if Ms. Lagor had to clock in and out, someone should have shown her how. Ms. Walls also thought it was difficult trying to find the login to be able to clock-in, and does not believe anyone trained Ms. Lagor on how to use the system.

OIG Interview of Dan Dugger, City Manager

Mr. Dugger told the OIG that to his knowledge, all Executive Assistants at the City are in salaried positions. Therefore, he found appointing Ms. Lagor as a salaried employee to her position appropriate.

Shortly thereafter, Mr. Dugger went on vacation. When he came back he heard about potential time theft by Ms. Lagor and Ms. Lagor not being at work. Mr. Dugger stated that all of the issues started because Ms. Lagor was supposed to be a salaried employee. He does not know if this was done on purpose or with some sort of malicious intent. Mr. Dugger told Ms. Whitefield to handle it and make sure Ms. Lagor was coded appropriately. At no point did Mr. Dugger tell anyone that Ms. Lagor should be an hourly employee.

Mr. Dugger said Ms. Lagor's timesheets were not brought to his attention and he did not know why there were changes.

Mr. Dugger stated based on what he knows, there is no indication of Ms. Lagor stealing time, and there is no indication of Ms. Whitefield assisting Ms. Lagor with stealing time. Ms. Whitefield has the authority to change Ms. Lagor's timesheet if it is for a valid reason.

Conclusion

Our review of Ms. Lagor's employment and time records shows Ms. Whitefield logged into the City's timekeeping system on July 31, 2023 at 10:56 am and made changes to Ms. Lagor's time entries from July 17, 2023 to July 31, 2023. Ms. Whitefield entered the start times as 8:00 am and the end times as 5:00 pm for those days. Ms. Whitefield told the OIG that she made changes to time entries submitted by Ms. Lagor due to administrative issues with Ms. Lagor's job position and the City's timekeeping system. According to the former Human Resources Director, the Deputy City Manager, and the City Manager, Ms. Lagor's supervisor Ms. Whitefield had the authority to change Ms. Lagor's time records for proper purposes.

Mr. Dugger, Ms. Whitefield, and Ms. Lagor all state that Ms. Lagor was supposed to have been hired as a salaried employee. However, there was confusion, miscommunication, and technical problems relating to whether and how Ms. Lagor was to clock-in using the City's timekeeping system. As such, we did not find sufficient evidence to support the allegation that Ms. Whitefield inappropriately altered Ms. Lagor's time records, which inappropriately allowed Ms. Lagor to receive compensation for hours she did not work.

Thus, the allegation is **not supported**.

Allegation (8):

Mr. Dugger, Mr. Mack, and Ms. Lamb violated City policy by inconsistently and/or inappropriately disciplining Ms. Decoste, in comparison to other employees who committed offenses but faced no discipline or received lesser consequences.

Governing Directives:

City of Boynton Beach Employee Handbook (Revised 01/06/2023); City of Boynton Beach Code of Ordinances Article II, Section 2-30; Tennille Decoste's Employment Letter dated November 29, 2022.

Finding:

The information obtained **does not support** the allegation.

Ms. Decoste provided the OIG with an email dated December 19, 2023 that she had originally sent to City Mayor Ty Penserga. In it, Ms. DeCoste alleged that she was being treated differently than other City directors and employees by Mr. Dugger and Mr. Mack with regard to how she was disciplined, her investigation, and her placement on administrative leave.

During her interview with the OIG, Ms. Decoste further alleged that Ms. Lamb inappropriately failed to provide the allegations against Ms. Decoste in writing. She also alleged that she informed Ms. Lamb of her different treatment, to no avail.

Boynton Beach Employee Handbook and City Policy

Section I of the City's Employee Handbook states, under "Purpose of These Policies":

The Employee Handbook is a collateral document pertaining to all personnel including full-time, part-time, temporary, volunteer, and contractual (sic) services. **If the bargaining agreement that covers an employee or an employee's employment letter does not address specific issues then these policies shall apply as to that issue.** [Emphasis added]

It further states, under "Equal Employment Opportunity Statement":

"The City of Boynton Beach is an Equal Opportunity Employer and prohibits discrimination because of race, color, creed, religion, national origin, sex, age, political affiliation, disability (except where such factor is a bona fide occupational qualification or is required by State and/or Federal law), sexual orientation, marital status, veteran status and/or other protected class status in all aspects of its personnel policies, programs, practices, recruitment, examination, appointment, training, promotion, retention or any other actions and operations....Equal opportunity encompasses all aspects of employment practices, including but not limited to recruiting, hiring, training, compensation, benefits, promotions, transfer, layoffs, recall from layoffs, discipline, and department-sponsored education, social, and recreational programs..."

Regarding discipline, Section VI of the City's Employee Handbook states, in part:

... When an employee's conduct or performance is inconsistent with the needs and goals of the City, disciplinary actions up to and including termination can occur.... No employee shall be disciplined or discharged without reasonable cause.

....

The level of misconduct may differ in individual cases from apparently similar incidents. The City retains the right to treat each occurrence on an individual basis without creating a precedent for situations that may arise in the future. This case-by-case method is designed to take individual circumstances and/or mitigating

factors into account. These provisions are not to be construed as a limitation upon the retained rights of the City, but are to be used as a guide.

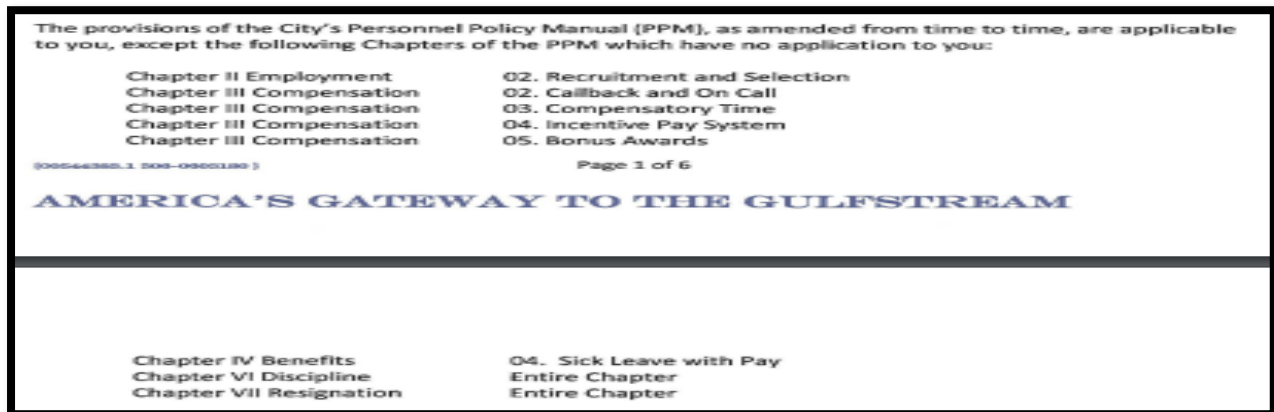
The City of Boynton Beach Code of Ordinances Chapter 2, Article II, Section 2-30, states, in part:

The city manager shall be the chief administrative officer of the city and be responsible to the commission for the administration of all city affairs placed in his charge under the city Charter, Code of Ordinances or assigned to him by the city commission. He shall have the power and duty to:

(a) Appoint, and when necessary for the good of the city, suspend or remove all employees and appointive administrative officers of the city, except the city attorney, or as otherwise provided by law, subject to the provisions of the municipal civil service merit system. Further, he may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency....

OIG Review of Ms. Decoste's Employment Letter dated November 29, 2022

The OIG reviewed a copy of Ms. Decoste's Employment Letter dated November 29, 2022. The letter states that Ms. Decoste is exempt from the entirety of Chapter VI, Discipline, of the City's Personnel Policy Manual.⁷



OIG Interview of Tennille Decoste, Former HR Director

Ms. Decoste told the OIG that after Mr. Dugger interviewed her for the job as the City's HR Director in November 2022, she had dinner with Mayor Penserga. She told him at that time that it was her intent to run for office. Mr. Penserga told her to disclose her intentions to Mr. Dugger. Subsequently, Mr. Dugger told her that she was allowed to run for office while a City employee.

⁷ The City's Employee Handbook states it has been updated from the Personnel Policy Manual.

Ms. Decoste believes a series of events, including a verbal altercation she had with an HR employee [Ms. Biazar], led to her being disciplined. On November 20, 2023, she was notified that she was under investigation. She inquired as to why and asked for the allegations in writing. She said City Attorney Lamb told her that because she was not a Collective Bargaining Act employee, she would not get the allegations in writing. Ms. Decoste's duties were changed, and she was told she would be placed on administrative leave.

Ms. Decoste said the only information she received came from Mr. Dugger. He told her that the City received an anonymous complaint from Delray Beach, and that she was being accused of being on City of Boynton Beach time while doing her Delray campaign events. Ms. Decoste believed the complaint was made by her Delray Beach commission opponent, who would not know that she used flextime to attend these events.

On November 30, Ms. Decoste requested to meet with City Attorney Lamb. Ms. Decoste discussed several incidents with Ms. Lamb that she believed showed a difference in treatment between her and other City employees. Specifically, she mentioned incidents involving the Assistant City Manager and the Deputy City Manager that did not lead to investigations. She also mentioned an incident involving an employee who was under investigation for hostile work environment and bullying, but was not placed on administrative leave nor were her duties changed.

Ms. Decoste said that on December 11, 2023, she was placed on administrative leave with pay.

Second OIG Interview of Tennille Decoste

The OIG interviewed Ms. Decoste for a second time on August 28, 2024. Ms. Decoste told the OIG that circumstances determine whether an individual under investigation will be placed on administrative leave; there is no actual process or specific criteria in writing. Ms. Decoste would have a conversation with Mr. Dugger to make recommendations and he would decide.

Ms. Decoste told the OIG that she believed it was retaliatory when she was placed on administrative leave. Ms. Decoste said that the Mayor told her that Ms. Lamb told him they had been watching the Mayor's emails for months, and they knew about Ms. Decoste's December 7 email before the mayor knew. Ms. Decoste said the fact that they saw the December 7 email then placed her on administrative leave the following Monday showed clear retaliation. Ms. Decoste added this also occurred because of her incident with Ms. Biazar and because Ms. Decoste complained about the "hiring of too many black women" comment.

OIG Interview of Andrew Mack, Deputy City Manager

Mr. Mack told the OIG that external investigations do not happen very often. He believes they happen based on the nature of the investigation and the level of that individual's position with the City.

Mr. Mack recalled that there was something done differently in Ms. Decoste's investigative process. He had concerns because typically, if an investigation is started, that person is put on administrative leave with pay. Mr. Mack raised that issue with Mr. Dugger. He believed Ms. Decoste should have been placed on leave with pay at that time in November. Mr. Dugger told Mr. Mack that on advice of counsel, they chose not to do that. Mr. Mack respected that and understood why they did not at that point. The way it was explained to him was that it was the nature of Ms. Decoste running for office and potential problems.

On or around December 5, Ms. Decoste came into Mr. Mack's office and questioned him about the investigation. Mr. Mack stated that she then "threatened" to get Mr. Dugger and one of the city commissioners fired and to retaliate against them. At that point, Mr. Mack was in charge of the investigation and decided he was not going to be dealing with this going forward. So, Mr. Mack decided to place Ms. Decoste on administrative leave right away. Mr. Mack told the OIG there is not a written procedure. Typically, a person under investigation is placed on administrative leave at the initial part of the investigation to give them time away, and to make sure there are no improprieties. The decision was made not to put Ms. Decoste on leave, based on her running for the Delray Beach Commission, and would remain that way if she acted appropriately per the terms of the investigative notice letter. Mr. Mack stated that this did not happen.

Mr. Mack said it had been an ongoing issue of Ms. Decoste interfering from the day she was put on notice of investigation. He said there were some ongoing investigations that Ms. Decoste was not supposed to be part of, but she showed a pattern that she was not going to stay out of them. So, he felt it was best to put her on leave right away.

OIG Interview of Shawna Lamb, City Attorney

Ms. Lamb told the OIG that on November 17, 2023, Mr. Dugger called and told her that there were some allegations brought against Ms. Decoste. Ms. Lamb said that due to attorney-client privilege, she would not get into specific details of the conversation with the OIG. On November 20, Ms. Decoste was given a Notice of Investigation.

OIG Interview of Dan Dugger, City Manager

Mr. Dugger told the OIG he started receiving complaints about Ms. Decoste around July or August of 2023. He said he took time to place Ms. Decoste under investigation because he did not want to damage her campaign. Mr. Dugger left Ms. Decoste in the organization and curtailed her duties so the public was unaware that an investigation was going to be

happening. He said this is not how he would normally handle things; normally, he would have put Ms. Decoste on administrative leave.

Mr. Dugger stated that sometime between November 20 and December 11, Ms. Decoste told Mr. Mack that if she got fired, she “was going to make sure I got fired as well and would burn me to the ground.” At this time, Ms. Decoste was instructed not to talk about the investigation, but she was going to news agencies, doing interviews, interfering with the City’s investigation of her, threatening to retaliate against Dugger and a City Commissioner, lodging complaints with the Commission on Ethics regarding nepotism, and talking to Commissioners. Mr. Mack felt that Ms. Decoste’s actions were not conducive to the organization being productive and were a distraction. Mr. Mack chose to put Ms. Decoste on “non-punitive” administrative leave. The second email to the Mayor followed that. Mr. Mack did not discuss placing Ms. Decoste on administrative leave with Mr. Dugger prior to doing so.

Mr. Dugger explained that administrative leave does not necessarily come directly before an investigation begins; it is dependent on the allegations. With Ms. Decoste, Mr. Dugger felt that the nature of the allegations against Ms. Decoste made it necessary that some of Ms. Decoste’s duties, specifically discipline, be removed from her. Mr. Dugger was not the one who placed Ms. Decoste on administrative leave; Mr. Mack was. However, if she was becoming a disruption to the organization, then he probably would have acted the same way that Mr. Mack did and put her on administrative leave. If it was any other employee with those same allegations, he would have placed them on administrative leave.

Conclusion

Per City ordinance, Mr. Dugger and his designee, in this case Mr. Mack, have the authority to suspend or remove all City employees and administrative officers, except the City Attorney. The City’s Employee Handbook states that its policies only apply when a particular issue is not addressed in an employee’s employment letter. Ms. Decoste’s Employment Letter specifically states that the City’s discipline policy does not apply to her.

Mr. Mack indicated that a decision was made to place Ms. Decoste on administrative leave pending an investigation into allegations against her because she made threats and interfered with the investigation and the day-to-day operations of the City. We did not find that this decision violated City policy or that she was disciplined in a manner that was inconsistent with disciplinary actions taken against other similarly situated employees.

The allegation is **not supported**.

ACKNOWLEDGEMENT

The Inspector General’s Investigations Division would like to thank the City of Boynton Beach staff for their cooperation throughout this investigation.

RECOMMENDED CORRECTIVE ACTIONS

We make no recommendations as part of this report.

RESPONSE FROM MANAGEMENT

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, the City was provided the opportunity to submit a written explanation or rebuttal to the findings as stated in this Investigative Report within ten (10) calendar days. The City's written response is included as Attachment A.

RESPONSE FROM MR. DUGGER

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, Dan Dugger was provided the opportunity to submit a written explanation or rebuttal to the finding as stated in the Investigative Report within ten (10) calendar days. Mr. Dugger did not submit an individual written response.

RESPONSE FROM MR. MACK

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, Andrew Mack was provided the opportunity to submit a written explanation or rebuttal to the finding as stated in the Investigative Report within ten (10) calendar days. His written response is included as Attachment B.

RESPONSE FROM MS. LAMB

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, Shawna Lamb was provided the opportunity to submit a written explanation or rebuttal to the finding as stated in the Investigative Report within ten (10) calendar days. Ms. Lamb did not submit an individual written response.

RESPONSE FROM MS. WHITEFIELD

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, Danielle Whitefield was provided the opportunity to submit a written explanation or rebuttal to the finding as stated in the Investigative Report within ten (10) calendar days. Ms. Whitefield did not submit an individual written response.

This Investigation has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.

ATTACHMENT A

The City of Boynton Beach



OFFICE OF THE CITY ATTORNEY
100 E. OCEAN AVENUE
P.O. BOX 310
BOYNTON BEACH, FLORIDA 33425
(561) 742-6050

July 24, 2025

VIA EMAIL ONLY (inspector@pbc.gov):

Stuart Robinson
Director of Investigations
Office of Inspector General
100 Australian Ave.
West Palm Beach, FL 33406

**Re: OIG Case Number 2024-005
Response to Draft Investigative Report**

Dear Mr. Robinson:

The City of Boynton Beach (City) has reviewed the Office of Inspector General's (OIG) draft investigative report in the above-referenced case. While the City concurs with the Report's conclusion that there is insufficient evidence to sustain any of the allegations brought against its staff by Tennille Decoste, please find below the City's responses and observations with respect to certain statements included within the Report.

Initially, the City notes that the Background section in the Report is incomplete, leaving out additional information which provides necessary context for the complaints alleged by Ms. Decoste. Specifically, the Report's Background fails to state that on November 20, 2023, prior to submitting any complaints to either the City or the OIG, Ms. Decoste was informed that the City had begun an investigation into numerous allegations of misconduct related to her employment with the City. Thereafter, on December 7, 2023, and December 19, 2023, Ms. Decoste wrote two emails to the City Mayor—not the City's Office of Internal Investigations and Accountability—which became the basis for the allegations investigated in the instant report. That Ms. Decoste was aware of the City's investigation into her misconduct and only made her complaints *after* the investigation had been initiated, even though the allegations in Ms. Decoste's complaints related to conduct that occurred months prior, adds context that is critical to determining the veracity of Ms. Decoste's statements.

Furthermore, at no point does the Report state that the City has now concluded its investigation into Ms. Decoste's conduct and a Final Report has been issued. The City's investigation found that there was sufficient evidence to conclude that Ms. Decoste had engaged in numerous instances of misconduct relating to her employment with the City. Ms. Decoste's second interview with the OIG, portions of which are summarized in the Report, was conducted after completion of the City's investigation and Ms. Decoste's subsequent termination from employment as a result thereof.

Allegation 1:

The City concurs with the OIG that allegation 1 is not supported. The City would go further, however, and note that none of the evidence summarized in the Report supports the allegation that either Mr. Mack or Mr. Dugger stated that Ms. Decoste was hiring too many black women. As noted by the Report, Ms. Decoste conceded that she did not personally hear either Mr. Dugger or Mr. Mack make the comment. Additionally, “[n]o employee stated they directly heard the comment from either Mr. Dugger or Mr. Mack.”

Additionally, the Report’s statement in the summary on page 1 and in the conclusion as to allegation 1 that “Mr. Dugger acknowledged that he separately mentioned to Ms. Decoste and Mayor Penserga that the demographic makeup of the HR department was different after Ms. Decoste was hired,” does not accurately reflect Mr. Dugger’s testimony to the OIG. Mr. Dugger’s summarized interview in the Report makes clear that any discussion Mr. Dugger had with either Ms. Decoste or Mayor Penserga regarding the “demographic makeup” of the Human Resources Department was related to and during the course of discussions regarding a City employee’s alleged comment that Ms. Decoste was hiring too many black women. Accordingly, neither Mr. Dugger’s testimony, nor that of the witnesses interviewed by the OIG as summarized in the Report supports the statement that Mr. Dugger “separately” discussed the demographic makeup of the City’s Human Resources department with either Mayor Penserga or Ms. Decoste.

Allegation 3:

The City concurs with the OIG that allegation 3 is not supported. However, the City respectfully disagrees with the OIG’s statement that the letter placing Ms. Decoste on administrative leave was “written more broadly than necessary to address the government’s interest or to minimize the risks that City officials communications to the OIG.” The City initially notes that review of the City’s discretionary administrative decisions with respect to the management of its employees is outside of the limited jurisdiction of the OIG.

The Report also fails to include certain facts that add necessary context to the City’s December 11, 2023, letter. First, the Report fails to note that on November 20, 2023, Ms. Decoste was provided a Notice of Investigation, which placed certain limitations on her duties during the pendency of the City’s investigation into her misconduct. That correspondence specifically stated that Ms. Decoste was not permitted to “discuss the complaint with any City employee unless required as part of the investigation.” Therefore, at the time Ms. Decoste received the December 11, 2023, correspondence, she had already been informed by the City that the communication prohibition was limited only to the topic of the ongoing investigation.

Second, the Report fails to note that the City’s investigation found that there was sufficient evidence to conclude that Ms. Decoste had attempted to interfere with the City’s investigation and had not followed the directives in the November 20, 2023, correspondence. Specifically, the City’s independent investigator concluded that Ms. Decoste engaged in the following conduct prior to the City’s December 11, 2023, correspondence:

1. Ms. DeCoste called City Attorney Lamb and stated something like: “I should have fired [a City employee in HR] – I know she is one of the ones who complained. Now [a City employee in HR] is on a performance improvement plan. But it will now be up to my Deputy [Lynn Nazario]. By the way, my Deputy is my maid of honor at my wedding. If I go, she goes. I know you told me to not to talk about this, but I was crying in my office so I told [my Deputy] about [the investigation].”

2. Ms. DeCoste told a City manager something like: “if City Manager Dugger fires me, I am going to come after him and get him fired, and if Vice Mayor Turkin tries to do something tonight [at the City Commission meeting], I am going to burn him to the ground.”

Third, the Report fails to consider Ms. Decoste’s conduct following receipt of the December 11, 2023, correspondence. Specifically, as noted by the Report, on December 19, 2023, Ms. Decoste sent email correspondence to Mayor Penserga which included some of the allegations investigated in the instant report. Additionally, the City held a special commission meeting on December 29, 2023, wherein the allegations included in Ms. Decoste’s December 19, 2023, were discussed by the City Commissioners. Though not detailed in the Report, Ms. Decoste additionally participated in media interviews while on administrative leave. Accordingly, the Report’s speculation regarding a potential “chilling effect on legally protected communications” is directly contradicted by Ms. Decoste’s conduct following receipt of the December 11, 2023, correspondence.

Allegation 8:

The City concurs with the OIG that allegation 8 is not supported. The City respectfully submits that the OIG’s conclusion that there is insufficient evidence to support a finding that Ms. Decoste was disciplined inconsistently compared to other similarly situated employees is correct and well-founded.

The City notes that the Report accurately reflects that Ms. Decoste’s Employment Letter, dated November 29, 2022, specifically exempted her from the entirety of Chapter VI (Discipline) of the City’s Personnel Policy Manual. This contractual provision is significant because it demonstrates that Ms. Decoste’s disciplinary process was governed by her individual employment agreement rather than the standard employee handbook provisions that apply to other City employees.

Furthermore, the City emphasizes that the decision to place Ms. Decoste on administrative leave was made in response to specific conduct that posed operational concerns. As detailed in the Report, Mr. Mack’s decision was based on Ms. Decoste’s interference with ongoing investigations, threats of retaliation against City officials and employees, and disruptive behavior that was affecting the organization’s productivity. The City Manager and Deputy City Manager have broad discretionary authority under City ordinance to suspend employees when necessary for the good of the City, and this authority was appropriately exercised in this case.

The City also notes that the timing and circumstances of Ms. Decoste's administrative leave placement were actually more favorable than standard practice. As acknowledged in the Report, the typical procedure would have been to place Ms. Decoste on administrative leave immediately upon initiation of the investigation in November 2023. Instead, the City delayed this action to avoid interfering with Ms. Decoste's campaign activities, only implementing administrative leave when her conduct became disruptive to City operations.

Additionally, Deputy City Manager Andrew Mack has responded directly to the allegations contained in this Report, and his individual response is attached hereto.

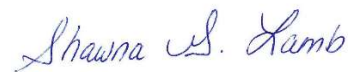
In conclusion, the City of Boynton Beach appreciates the thorough investigation conducted by the OIG and concurs with the Report's conclusions that none of the eight allegations brought by Ms. Decoste are supported by the evidence. The City believes that the investigation demonstrates that its staff acted appropriately and in accordance with applicable laws, policies, and procedures throughout the relevant time period.

While the City is satisfied with the OIG's findings, it respectfully submits that the Report would benefit from the additional context provided in this response, particularly regarding the sequence of events that led to Ms. Decoste's placement on administrative leave and the City's completion of its own investigation into Ms. Decoste's conduct.

The City remains committed to maintaining the highest standards of professional conduct and ethical behavior among its employees and leadership. The City will continue to ensure that all personnel actions are taken in accordance with applicable law and policy, and that all employees are treated fairly and consistently within the framework of their respective employment agreements and the City's established procedures.

The City thanks the OIG for its professional and comprehensive investigation of these matters.

Respectfully submitted,



Shawna G. Lamb
City Attorney

cc: Daniel Dugger, City Manager
Andrew Mack, Deputy City Manager

Enc. as stated

ATTACHMENT B

July 16, 2025

Stuart Robinson
Director of Investigations
Office of Inspector General
100 Australian Ave.
West Palm Beach, FL 33406

Re: OIG Case Number: 2024-0005

Dear Mr. Robinson:

Per your letter dated 7/15/2025, please accept this letter as my formal written response to the draft report.

Candace Walls' statement on page 8 and 9 is incorrect. I did not attend the referenced meeting. I first heard Ms. Decoste's comment at our meeting on November 30th, 2023. Below is the relevant excerpt from the draft report.

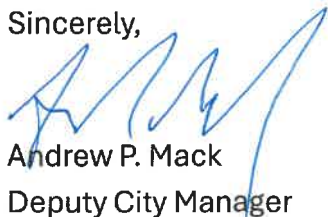
OIG Interview of Candace Walls, City Manager's Assistant

Ms. Walls told the OIG that she attended a meeting that included Ms. Decoste, City Manager Dugger, and Deputy City Manager Mack in Mr. Dugger's office. She said that at

some point Ms. Decoste said, "Don't think I haven't heard the comments that I'm hiring too many black women." Ms. Decoste followed up by saying, "I'll take my whole team with me." Ms. Walls does not recall there being any further discussion on that topic. She said she never heard the comment being made directly to Ms. Decoste at any point.

If you have any questions or would like to discuss this objection further, please contact me at 561.742.6401.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Mack', is written over the printed name and title.

Andrew P. Mack
Deputy City Manager