

## No Confidence Documentation

### 1. Lack of Effective Communication

- a. Chief Reginald Johnson (Chief Johnson) deposition, fall of 2021.
- b. On or about June 8, 2020 Chief Samuel Jones (Chief Jones) was sent to Station 2 to discuss Captain Timothy Bell's grievance filed regarding the promotional process. Multiple times Battalion Chief Phil Bosche and Division Chief Kent Davis came to Station 2 to discuss union issues. Neither Chief is a union member.
- c. Survey Results from Battalion Chief Feedback, Management Partners Study and Local 660 study. (Images 1 and 2). All data was requested by City Council and has not been turned over to this date.
- d. This question has been sent to Command Staff multiple times and also the HR Task Force. (Image 3). It was also shown there was confusion with the survey results for the Local 660 survey (Image 4).
- e. Management Partners Staffing report was buried for almost two years until it was forced to be published under discovery for court cases. PPE committee members have been told from the outset that they could look at anything, but the turnout uniform had already been picked. Committees that need new members such as Health and Safety and ISO have had little interest.

### 2. The City and Fire Department administration lacks transparency, credibility and accountability

- a. In February, the court denied the City's appeal and upheld the sanctions against them going to trial. Basically, the court ordered the City, specifically Marcus Jones, eight times to turn over documents, which he has refused. For the upcoming trials, the jury instructions will include that if documents have not been turned over, they are to assume they have been destroyed because it harms the City's defense. Link to document is here: "[Order Adopting Sanctions](#)". This is also not the first time Marcus Jones has behaved this way. In Norfolk VA, Jones and his staff refused to turn over 23,000 text messages on city phones because they were not "business related". This story is here: [Norfolk VA](#)
- b. With regards to the "tent city" that popped up along I-277, there were discussions between the county and city on how to handle the issue. County officials let their frustrations with Marcus Jones be known. The story appeared on WBTV [here](#).
- c. Multiple City Council members have publicly stated in meetings or have used social media to express their disappointment in City Staff and Manager Jones with their unwillingness to turn over information or documents. (Image 5)
- d. The Fire Department has been allowed to conduct investigations that seem on the surface unimportant; they are retaliatory. This involves hair length, tattoos, social media posts and supposedly embarrassing the Fire Chief. While the Fire Department absolutely has the right to investigate complaints, the inconsistent

application of the policies leads to the conclusion of retaliation. This is why there are currently seven lawsuits against the Fire Department at this time with more potential litigation to come. Also, the Fire Department conducts “intimidation through investigation” by intentionally drawing out the length of the investigations, as much as 18 months, to find in favor of the city.

- e. In a letter sent to all of council, City Manager and Fire Chief, it stated that the software was the same issue the fire department had with the payouts and requested the City to fix the CFD retirees. This letter was signed by all three past chiefs. (Image 5. B.) Council minutes can be [seen here](#).
- f. Investigators hired by Shelia Simpson had previous criminal records with one having an outstanding felony theft of weapons charge. It wasn't until Local 660 made complaints to City Council and City Attorney that the investigator with felony was dropped. With the criminal background, these two investigators hired by the City would not be eligible for CFD or CMPD employment. (Image 6)
- g. This is the conclusion of Battalion Chief Smith-Phifer investigation. (Image 7)
- h. Sheila Simpson deposition, fall 2021. This has been a long-standing issue with the proper documentation and steps when writing someone up. There have been numerous discussions between all levels of the department that this is an issue that needs to be addressed.
- i. Approximately September of 2019 is when Command Staff was shown forged documents. Approximately October of 2019 E-Board asked command staff for update and Chief Johnson stated no official written complaint had been filed. Mayor's office and Council was informed of what was happening and the Mayor ordered an investigation by CMPD IA. December of 2019 is when the IA investigation started. Mid-January 2020 was the findings. Even though a Division Chief, Battalion Chief, and Captain all stated they only signed one copy of forms, the investigator said the signatures were different, the Command staff held no one accountable.
- j. In July of 2020, there was a Civil Service Board meeting held for the promotions of Firefighter 2's. This was the first year the Fire Department went back to testing for this position. During the meeting, Chief Johnson said in fact all the candidates “received or will receive” the score sheets to know what they did wrong for their own self-assessment. Just the day before, the candidates were told that it was a “promotional process” and they would not in fact receive any feedback. Under deposition, HR Director Shelia Simpson stated that she did not extend the Division Chief list in which individuals were promoted from and Chief Johnson said that he did not have the authority. Just days later, in a civil service meeting about promotions, Shelia Simpson said that Chief Johnson did in fact have authority and had extended it. Chief Johnson did not correct that record.
- k. Chief Johnson knowingly failed to provide requested information regarding text messages and emails in Battalion Chief Shane Nantz's Civil Service Board meeting. These are supposed to be saved under the retention policy for the city.

The Civil Service Board hearing was June of 2021 and City Attorney Baker gave the requested documents to Chief Nantz February 2022.

- l. On the released documents, Chief Johnson and Chief Winkles were discussing an After-Action Report of a structure fire that Chief Nantz Sent out. On city owned phones, they violated GO 206.01 “All members of the public and employees shall be treated with respect, courtesy, and consideration”. (Image 8)
- m. Using the data from the City’s Open Data Portal, there are still several requests to the Fire Department that have been ignored. Some going back as far as 2019. In June of 2021, after ignoring a media company for requested information, WBTV (Viacom) was forced to file a lawsuit to get the requested records. That story can be seen [here](#).
- n. Over the past several months, Charlotte City Council Members have asked Chief Johnson to see the data and feedback the Command Staff received from the Oklahoma State study. With over 400 people completing at least the first portion of the survey, this would provide a good performance measuring tool on how the department is doing. Chief Johnson has yet to release anything to Council.
- o. Deposition from Deputy Chief Pete Skiers, winter 2021.
- p. This issue has been brought to Command Staff, City Legal and City Council. It has also been discussed in several Local 660 meetings. It is now pending legal action.
- q. The promotional testing done by Morris and McDaniel was plagued with issues from the beginning. They have provided documentation and depositions in ongoing lawsuits. But the exchange shown (Image 9) shows there were concerns on the Morris and McDaniel end about how the test was being run in Charlotte. This was also the year that the secure testing identification numbers were emailed to the Command Staff by staff member from the testing company using personal email addresses.
- r. Two Captains were allowed to go through the entire BC promotional test to the point that just days before the scores were posted, these two individuals were told they were no longer qualified. (Three days short of assignment) This should not happen once, yet alone in consecutive years to candidates that have spent time studying and test taking.
- s. During the investigation of BC Smith-Phifer, President Brewer was interviewed by investigator Ronald Mann. There was a discussion of investigating the promotional process. That can be heard [here](#). The investigator interviewed another Battalion Chief to discuss promotional process irregularities and he also stated he was hired by Shelia Simpson to investigate a promotional ceremony incident and promotional processes. This audio has yet to be released pending litigation.
- t. There have been several documented cases of bullying or retaliation against individuals in the department, some of which were sent to City HR. These were never investigated, or a retired city employee and “close friend” of Shelia Simpson were asked to investigate. A story was done on the climate of the fire

department by [WBTV](#). A new lawsuit was filed the last week of June that describes this also. (Image 10)

- u. On June 10, 2020 Captain Tom Brewer began the process for filing a complaint to harassment. This was never investigated. In 2019, charges were brought by a member of the Local 660 against President Brewer and then Secretary Timothy Bell to be removed from office. These charges were thrown out because it was based on a false rumor. Deputy Chief Cindy Bonham admitted to spreading the false rumor. Nothing was ever done to clear President Brewer and Secretary Bell's name. Harassment and bullying accusations were brought to the attention of Deputy Chief Jones in regards to a female at a station. DC Jones said he "investigated and it was he said she said so I [Chief Jones] dropped it". This is against all City policies regarding investigating harassment. President Brewer has dozens more emails to Command Staff and City HR where complaints were ignored.
  - v. Chief Johnson has repeatedly blamed others for problems that have been going on. The last set of meetings with the Captains, Chief Johnson said that if there was morale issue, it was at the stations because he wasn't aware of problems. The command staff has been given the results of the surveys and each of them said there was a morale issue. He also gives out business cards (Image 11) that discusses toxic work environments. If he gives these out, he knows there are problems in the department.
  - w. Every year the budget is frozen and cut and this goes unopposed by the Command Staff. Recently, two female firefighters had purchased uniform pants with their own money because none had been bought by the Fire Department in 18 months. They were told they were waiting on a "bulk order". This goes against G.O. 209.02 where it states that uniform pants will be provided. A captain also recently discussed with Command Staff how he purchased two nozzles for a brand new truck because Logistics refused to buy them because of these budget cuts. It is unfathomable that a department this size has members purchasing uniforms and equipment that should be provided by the department.
  - x. On October 14, 2019 there was a meeting held at the Fire Department Headquarters with Local 660 members, pay committee, Command Staff and City Staff regarding VHOL and pay. At the end of the meeting, Manager Jones promised more meetings with the Local. This has never happened. Manager Jones, City Council and City HR are well aware of the problems within CFD through documented emails, text messages and phone conversations. The still refuse to address anything that is brought to their attention.
3. Lack of adequate staffing and funding
- a. During staff meetings and the Captains meeting, Chief Johnson has stated that the budget has been cut three out of the four years with one year remaining stagnant. It has also been pointed out that while budgets are being cut, (this year phone service was being cut off) money has been found for other projects that City

Council deems a priority such as sidewalks and housing. Chief Johnson should be at the forefront demanding not only to stop the cuts, but to demand more for the safety of the citizens.

- b. There was a workgroup that focused on the staffing model with a final report completed by Management Partners. This study included all time off including the new military and PPL leave. The relief factor should be set at 4.1 instead of the 3.8 it is currently. This would put our staffing around 70 short as opposed to the 25 shown now. Chief Skiers stated in recent Captains meetings that he agrees with the Union's stance to increase this number. Once this report was turned in, it was buried by the administration and even at times, Command Staff stating there was no final report. It was only after discovery for ongoing court cases that this report was brought to light. There was no reason for this report to be buried for two years. Now, Chief Jones states there will be a new workgroup formed to discuss this matter yet again.
- c. During the first wave of the pandemic, Kelly numbers were cancelled (mandatory overtime) because staffing levels had become so low. This was understood by all in operations and all were willing to do this. The issue with the first cancellation was the GO that was cited, there were many steps that should have been done before this happened, including moving all daylight staff back to operations. The Local 660 gave many options and ideas to help with the staffing but since Chief Johnson had cut off communication, there was no response. Now that Covid has had a downturn, the cancelling of Kelly's is due to staffing shortages not a pandemic. These cancellations also came in the form of a memorandum from the Division Chiefs, furthering the communication confusion previously discussed. (Image 12)
- d. Previous administrations along with Chief Johnson's have continued to trade in operations positions for new created positions. There is currently a proposal to add multiple QRV, or Quick Response Vehicles for medical calls. When asked about the staffing for these trucks, it was unknown if additional staffing would be asked for. The department also tends to "reclassify" positions to suit their needs, even if it removes Captains from the daily strength.
- e. CFD communications have long been ignored in staffing and pay. They are forced to work overtime and also be "on call" for \$1 an hour. There have been many people that have left for better paying jobs, some with dispatching in other departments. A recent resignation letter shows the frustration that they are working through. (Image 13)
- f. Until staffing and pay is fixed, all divisions will have shortages in the near future. There is no real plan to fix this currently.
  - i. CFRS numbers
  - ii. Strength numbers and also contacts for mental health through peer support or the PSOHC
  - iii. Payroll statistics
  - iv. Staffing study and new relief factor ignored

- v. Same as above
- vi. Classification of administrative positions that should be operational
- vii. Potential of staff being pulled from truck with no plan for replacement of positions that these people can fill
- viii. Less than 500 people signed up for last exam. Steady decrease over the last decade
- ix. Payroll statistics.

# Images for Documentation

1

## Themes of CFD Battalion Chiefs Feedback

During the Battalion Chiefs (BC's) DISC training, in April 2021, we took the opportunity to solicit feedback by providing the BC's with a list of questions to individually answer. This was presented to them as an opportunity to provide input and to help align their needs/wants with the expectations of the CFD Leadership.

Below are themes from each question based solely on the frequency that they appear throughout the questionnaire.

1. Are there any aspects of CFD culture you wish you could change? If so, what would you change and how?

- a) The lower levels feel that their voice is not heard. They feel that their concerns are not valid at the top.
- b) Operations feels that Command Staff does not care or that operations don't matter.
- c) They want to see more focus on the positive things that occur.
- d) They want more of a team approach; we approach.
- e) They want more consistent messaging and to get ahead of rumor mills.

2

Statement	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know N/A
19. Department wide communication is good	25	171	113	37	6
	7%	49%	32%	11%	2%
Agree / Disagree Total		56%		43%	
2021	12	18	53	63	1
	8%	12%	36%	43%	0%
Agree / Disagree Total		20%		79%	
Difference		-36%		36%	

3

## SECTION 3: Miscellaneous Inquiries

Sender	Recipient(s)	Question/Statement	Responses
Tom Brewer	Kim Sanders	CFD has sent out an "informational Bulletin" (IB) on the Fire Fighter II Promotional Process, however the IB differs from General Order (G.O. 206.01 Promotional Requirements. Does <u>an IB supersede a G.O.</u> ?	Please refer to G.O. 300.03, Written Department Communications, and G.O. 206.01, Promotional Requirements, Section D6, which reads, "Any of the criteria for promotion may be amended as deemed necessary by the Fire Chief."
Tom Brewer	Kim Sanders; Marcus Jones; Reginald Johnson; Sheila Simpson; Jerry Winkles	Shouldn't employees be able to look at our General Orders and be able to read the policy that is being used to promote them?	Yes. Employees have access to General Orders. If they do not know how to locate them, they should contact their supervisor.
Tom Brewer	Angela Charles	Does this mean you are suspending all "Promotional Processes" until you have completed these legal and administrative reviews?	No. Promotional processes are not being suspended or delayed.
Tom Brewer	Original email's recipients not included	Was Admin 1 followed in changing the FF II Promotional Policy? Could you please provide the documentation that would have been generated by Admin 1?	Yes, ADM1 was followed. ADM1 allows for internal business unit operational policies to be established by Key Business Executives (Department Heads). Business Unit policies that vary from city policies must be approved by the City Manager. G.O. 206.01, Promotional Requirements, is an internal CFD operating policy and it not a City policy.
Tom Brewer	Original email's recipients not included	Please confirm that an Information Bulletin (IB) does not supersede a policy.	Please refer to G.O. 300.03, Written Department Communications (Exhibit H), and G.O. 206.01, Promotional Requirements, Section D6, which reads, "Any of the criteria for promotion may be amended as deemed necessary by the Fire Chief."
Tom Brewer	Original email's recipients not included	The "Informational Bulletin" is not a policy change.	Please refer to G.O. 300.03, Written Department Communications and G.O. 206.01, Promotional Requirements, Section D6, which reads, "Any of the criteria for promotion may be amended as deemed necessary by the Fire Chief."
Tom Brewer	Original email's recipients not included	Request for the presentation given on May 5, 2020, to the Civil Service Board regarding the promotional process.	Please refer to the Fire Fighter II presentation. Only the Firefighter II presentation is being shared due to the ongoing nature of the Engineer promotional process.
Tom Brewer	Original email's recipients not included	The SOGs/Policy had not been updated.	G.O. 206.01 Promotional Requirements was updated for clarity on May 13, 2020, however was not posted on the same date due to a clerical error. The update to the policy did not change the promotional qualifications. It is important to note that under 206.01 Section D6 states, "Any of the criteria for promotion may be amended as deemed necessary by the Fire Chief."

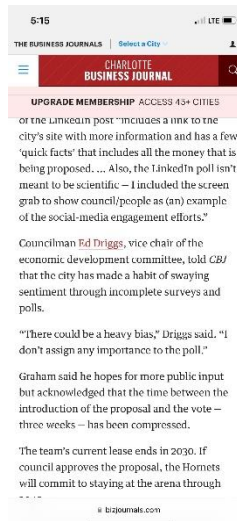
4

26. Employees fully understand the differences between a policy, informational bulletin and a memo.	12	17	40	68	10
	8%	12%	27%	46%	7%
Agree / Disagree Total		20%		70%	
27. There is confusion on policy changes and informational bulletins and what takes preference over the other	80	37	13	13	4
	54%	25%	9%	9%	3%
Agree / Disagree Total		79%		18%	

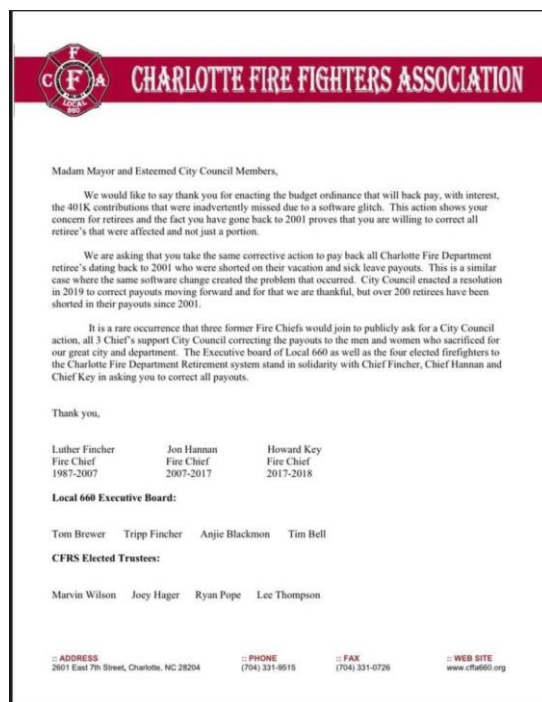
25. The Informational Bulletin is an effective way for Command Staff to communicate	14	36	35	58	4
	10%	25%	24%	40%	3%
Agree / Disagree Total		35%		64%	



5



5.B.



6

1844488

Return to Arrest Search

Print Arrest Summary

TRANUM, ADAM ROBERT

Arrest #: 1844488	PID: 495342	DOB: 3/5/1985	Race: W	Sex: M	Weight: 250	Height: 6' 0"	
Address: IRON STATION NC 28080			Alias:				
Arrested By: CHARLOTTE MECKLENBURG POLICE DEPARTMENT			Arrest Date: 10/13/2021		Arrest Time: 07:15		
View Inmate Information (if available): Inmate Inquiry							





In Mecklenburg County and throughout North Carolina, virtually all records generated as part of any work performed by a government employee are considered "public," meaning they can be viewed and republished by anyone. This public records report containing a photograph of **RONALD KENT MANN** along with some of the relevant details of **RONALD KENT MANN's** recent arrest in Mecklenburg County is displayed in accordance with all local North Carolina laws (§ 132, 1.4 Criminal investigations; intelligence information logs; Records of the Innocence Investigation Commission).

Our website strives to publish a complete and accurate account of all public records conducted in Mecklenburg County and as such this report on **RONALD KENT MANN** was released on or about 10-12-2015.

For additional details or updates or to verify the accuracy of the information in this document regarding this public records report for Mecklenburg County, North Carolina, for **RONALD KENT MANN**, it is recommended that you visit the official county website from Mecklenburg or call the Mecklenburg Clerk of the County Courts directly.

NAME OF INDIVIDUAL:

### HISTORIA DE CARGOS (MECKLENBURG):

ASSAULT BY POINTING A GUN

### LEA ESTE MENSAJE IMPORTANTE

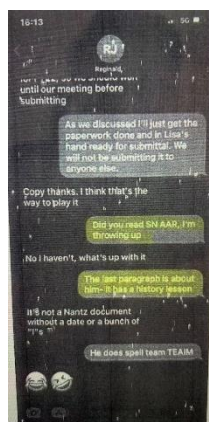
La inclusión en esta página de nuestro sitio web de información relacionada con un individuo en los registros públicos que contiene el nombre de **RONALD KENT MANN** no debe interpretarse ni implicar de ninguna manera que **RONALD KENT MANN** haya hecho algo incorrecto. La detención por parte de un agente de la ley no es una declaración de culpabilidad de ninguna persona. La Sexta Enmienda a la Constitución de los Estados Unidos establece un juicio justo y rápido para cada acusado de justicia penal y la Decimocuarta Enmienda también asegura la misma protección para todos.

Por lo tanto, no debe asumir que debido a que **RONALD KENT MANN** fue detenido por...

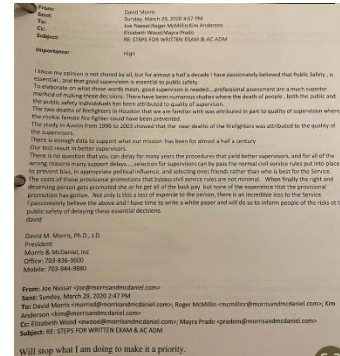
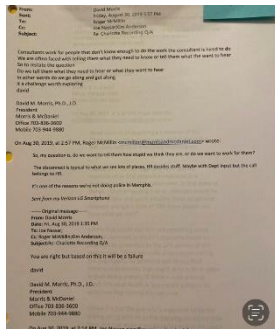
7

1. The Charlotte Fire Department should cease any additional investigation of Ms. Smith-Phifer's promotional ceremony conduct. The investigative interviews indicate that the witnesses, the complainant, and the Fire Chief have the same accounting of "what" occurred. That is:
  - a. When approached to be pinned, the charging party objected to having the Fire Chief bestow the pin and instead requested that he place the pin in her hand.
  - b. The Fire Chief placed the pin in her hand.As the head of the command, the Fire Chief can inform an employee when he is disappointed in how an employee elected to express their disagreement with a commanding officer's administrative decision. I believe the Fire Chief communicated his disappointment to Ms. Smith-Phifer at a proper time – i.e., after the ceremony, on a different day.
- The fire department should re-evaluate the use of the 208A form. I don't think the 208A form was a befitting tool to use to convey his disappointment in her choice of how and when she decided to show her disagreement with not being allowed to select the person to pin her.
- If the department wants to continue to use that form to formally inform the employee that their conduct is being investigated, be specific about and clear about "what" is being investigated.
2. Being promoted does not require a ceremony nor a "pinning". B.C. Smith Phifer had already been promoted, by the Fire Chief in May 2020. A promotional ceremony is just that, a ceremony. The ceremonial pinning event is built upon a long history of celebratory practices. The ceremony is a time set aside to publicly and proudly recognize the significance of the honorees' ascension in the rank and their accomplishments. It has been a long-standing paramilitary tradition to physically pin the honoree. The Fire department can use this experience as a catalyst to re-evaluate that part of the process. It might be time to release the tradition of "pinning" and replace it with a congratulatory handshake or a bow to be touchless.
3. Much like a collegiate graduation ceremony, this level of accomplishment is as much of an accomplishment for family members, friends, and mentors of the honoree as it is for the honoree, yet the Degree is bestowed by the President, Dean, or another designated administrator. To involve the family or guest, some universities, host a reception and depending on the size of the event and the venue, there might be a designated area and timeslot for the honorees to have photos taken with their guests, with or without the host administrator(s).

8



9



10

## Akstin v. City of Charlotte

### North Carolina Western District Court

**Judge:** Robert J Conrad, Jr  
**Referred:** David S Cayer  
**Case #:** 3:22-cv-00284  
**Nature of Suit** 442 Civil Rights -  
 Employment  
 42:1983 Civil Rights  
**Cause** (Employment  
 Discrimination)  
**Case Filed:** Jun 23, 2022

Docket

Parties (2)

Docket last updated: 07/04/2022 11:59 PM EDT

Friday, June 24, 2022

3



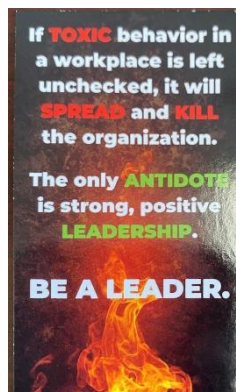
misc

Affidavit

Fri 06/24 12:21 AM

AFFIDAVIT re1 Complaint by Megan Akstin (Wooden, Lawrence)

11



12



Sent: Thursday, October 21, 2021 8:17 PM  
To: Fire Communications <[firecommunications@ci.charlotte.nc.us](mailto:firecommunications@ci.charlotte.nc.us)>  
Subject: C620 Out.

13

Good morning,

The last 6 years, 4 months and 21 days has been one hell of a roller coaster ride. I am thankful for every opportunity that the Charlotte Fire Dept has given me and it definitely will always hold a special place in my heart but for the sake of my family and my sanity it is time that I walk down the ramp for the final time.

Some lessons I have learned that I would like to pass along:

**-ALWAYS** do your research, get the facts and never be afraid to fact check the people above you, it is OK to hold your supervisors accountable while still being respectful. Take it as OT not as comp time. Burn your vacation time and enjoy your family and friends, take a sick day and focus on yourself (the city gives you 1.85 hours a week.) Get to know the people from Operations because if you take care of them they will make sure that they take care of you and most important of all don't sit silent and idle while toxic narcissistic people treat you badly.

This is a really GREAT job that has lost all of its pride, respect and direction all because some would rather be a boss than a leader. Alarm has lost some really great people, there are many at their breaking point and on the way out with what seems as little to no concern from Admin on why people are leaving or why Alarm cannot retain quality employees.

Morgan Kent said it best "I truly hope there are positive changes in store for Alarm because this toxic workplace culture will continue to drive away good people. When toxicity is allowed, it festers and spreads. There are many of you that deserve more and I wish you the best."

Thank you to everyone that helped me get this far, I appreciate it more than you will ever know. I will absolutely miss working here and sending fire trucks to jobs.

Yours truly,

Cody Brooks McCall

C620

