

**IN THE CIRCUIT COURT OF THE  
FIRST JUDICIAL CIRCUIT, IN AND  
FOR WALTON COUNTY, FLORIDA**

**BUDDY BURGESS,**

**Plaintiff,**

**v.**

**WALTON COUNTY BOARD OF  
COUNTY COMMISSIONERS,**

**Defendant.**

**CASE NO.: 24-CA-  
FLA BAR NO.: 0739685**

**COMPLAINT**

Plaintiff, BUDDY BURGESS, hereby sues Defendant, WALTON COUNTY BOARD OF COUNTY COMMISSIONERS, and alleges:

**NATURE OF THE ACTION**

1. This is an action brought under the Florida Whistleblower Act codified at Chapter 112, Florida Statutes.
2. This action involves claims which are, individually, in excess of Fifty Thousand Dollars (\$50,000.00), exclusive of costs and interest.

**THE PARTIES**

3. At all times pertinent hereto, Plaintiff, BUDDY BURGESS, has been a resident of the State of Florida and was employed by Defendant. Plaintiff is a member of a protected class due to reporting and disclosing Defendant's malfeasance, misfeasance and/or gross misconduct. Plaintiff was retaliated against after reporting Defendant's unlawful employment practices.

4. At all times pertinent hereto, Defendant, WALTON COUNTY BOARD OF COUNTY COMMISSIONERS, has been organized and existing under the laws of the State of

Florida. At all times pertinent to this action, Defendant has been an “employer” as that term is used under the applicable laws identified above. Defendant was Plaintiff’s employer as it relates to these claims.

### **CONDITIONS PRECEDENT**

5. Plaintiff has satisfied all conditions precedent to bringing this action if any.

### **STATEMENT OF THE ULTIMATE FACTS**

6. Plaintiff, a protected whistleblower, began his employment with Defendant in January 2017 and holds the position of Operations Support Specialist for the Building Department.

7. Despite his stellar work performance during his employment with Defendant, Plaintiff has been subjected to disparate treatment, different terms and conditions of employment, and was held to a different standard because he reported Defendant’s unlawful employment activities and was subject to retaliation thereafter.

8. The disparate treatment and retaliation came at the hands of specifically but not limited to County Commissioner Danny Glidewell, Administrator Quinn Robertson, and Assistant County Administrator Joe Turner.

9. Plaintiff is a loyal, dedicated, and industrious employee.

10. Plaintiff has been treated less favorably than co-workers including but not limited to Code Officer Nathan Hendrickson and Former Deputy Code Director/Veteran Affairs Manager Wade Wilmith, regarding reprimands, demotions, salary, and loss of job duties/positions.

11. By way of example, Hendrickson broke a juvenile’s arm while working but was not demoted, did not suffer the loss of a position nor a pay cut while Plaintiff was relieved of his position and suffered a demotion and a pay cut due to baseless allegations.

12. Wilmith was accused of sexual harassment and a violation of state statutes for destroying citations and he wasn't demoted, relieved of his position nor did he suffer a pay cut. Plaintiff was relieved of his position, demoted, and suffered a pay cut due to baseless allegations.

13. In December 2020 Plaintiff was promoted to the position of Shift Supervisor, Beach Code Compliance.

14. On July 4, 2023, Plaintiff issued a citation to a person on Grayton Beach. Part of this encounter was posted online. Robertson and Wilmith tore up the ticket, apologized to the person who was issued the ticket and told them they could return to violating the ordinance. Tearing up the ticket violated Fla. Stat. §162.21(4).

15. On July 18, 2023, Plaintiff was issued a baseless write up that falsely alleged he had attempted to obtain compliance through threat of additional citation for a shovel generator and a breach of the peace escalated the situation. Plaintiff never threatened to write a citation for the shovel or generator he simply said, "a steel blade shovel is a \$100 citation."

16. Plaintiff was accused of failing to recognize alternate solutions and allow flexibility to resolve the violation. Alternate solutions were discussed during Plaintiff's interview.

17. The write up accused Plaintiff of displaying an inherent lack of comprehension for his role as code compliance officer and for reverting to his law enforcement training which states and officer should ask for compliance, then tell the person to comply and then make them comply if needed. Plaintiff denies these spurious accusations. Plaintiff never stated during his interview that he reverted to his law enforcement training and actually said "we are not law enforcement I don't claim to be law enforcement and I do not want to be law enforcement anymore. But something carried over from law enforcement which were the steps to ask, tell and then make someone comply. Outside of the ticket we do not have any options."

18. Plaintiff was also accused of having two prior documented incidents of interactions that escalated to verbal confrontations that were excessive for the situation. The first occurred in February 2020 and the second in November 2020. Both incidents surrounded Walton County Sheriff's Office deputies responding to Defendant's agency. Plaintiff was accused of responding in a proactive and unprofessional manner when the deputies did not offer assistance. The first incident was dismissed and no investigation was conducted prior to Defendant's attempt to suspend Plaintiff and once Plaintiff presented Defendant with facts and a witness, the allegations were proven false. There should not have been an entry in Plaintiff's file for the first incident because Defendant's police states "if the person against whom the claim was made is exonerated or no disciplinary action other than an oral reprimand is taken no entry will be made in the personnel file."

19. Regarding the second incident in November 2020, Plaintiff simply made a complaint to report the deputy, Travis McCabe, who refused to assist Plaintiff. Plaintiff presented this information and his body camera footage to his chain of command and there were no issues until Walton County Sheriff's Office decided to complain about Plaintiff and sent a memo falsely alleging that Plaintiff had damaged the relationship between Defendant's Code Office and the Sheriff's office. The Sheriff's office also falsely alleged they received complaints about Plaintiff on a daily basis. When Robertson asked to see the complaints from the deputies, the Sheriff's office could not produce anything to validate their false claims.

20. Plaintiff was promoted to Supervisor after this incident which illustrates Plaintiff's performance on the job was not in question.

21. As a result of the reprimand, however, Plaintiff was relieved of his position and told Defendant was creating a new Administrative Position for Plaintiff. Plaintiff was transferred

Beach Code Supervisor to Operations Support Specialist in the Code Office and suffered a pay cut. Plaintiff's new position was in Santa Rosa Beach.

22. In August 2023, Plaintiff made protected reporting under Florida's Public Whistle Blower Act and reported to Human Resources Agent Gary Mattison that Wilmith had ripped up citations in the past which defied Fla. Stat. §162.21(4).

23. In Summer 2023 Plaintiff was later moved into the Building Department as an Operations Support Specialist. Plaintiff was told this was a temporary position.

24. In October 2023 Plaintiff made protected reporting under Florida's Public Whistle Blower Act in that he reported during a meeting that he was required to attend to Deputy County Administrator Tony Cornman, and Turner that a law went into effect in 2021 that required capability to schedule online inspections for the building department and that Defendant did not have that ability.

25. On October 10, 2023, Plaintiff was presented with his new job description by Cornman, Turner, and Human Resources Representative Tina McHenry. Plaintiff was told this position was permanent. Defendant copied Plaintiff's job description from the Code Office for the Building Department position and added a few additional responsibilities which included compliance with state laws and integration of the software. The pay scale was the same for the position in the Code office as the Building Department despite the additional responsibilities. The position entailed duties of a project manager. The position with the building department was further from Plaintiff's home approximately, a thirty mile commute each way. Plaintiff complained about the commute, but no corrective action was taken.

26. The next morning Plaintiff emailed Turner and requested to work in Free Port office and or to be paid additional compensation for the time lost in the longer commute. Plaintiff

reported he was taking project management classes on his own and requested for Defendant to support him with his project management classes.

27. That same morning Plaintiff met with Cornman, Turner and Building Manager Billy Dearden. During the meeting there was no mention of the email.

28. Two hours later, Plaintiff was called into Human Resources (HR). Plaintiff met with McHenry, Cornman, and Turner. Turner told Plaintiff they would not accommodate any of Plaintiff's requests from Plaintiff's email. Turner spoke to Plaintiff in a condensing disrespectful manner. Turner told Plaintiff he did not understand his position and that he had been demoted. Plaintiff said he can't take on such a huge responsibility without being compensated for it regarding the project management aspects of the position. Plaintiff explained that he was not being compensated for all of the additional responsibilities.

29. They asked for Plaintiff to give them the weekend to think about Plaintiff's requests. Plaintiff asked for his email to be responded to so he had something in writing. Plaintiff emailed HR Director Nathan Kirven and reported what had happened during the meeting and asked for him to intervene and help accommodate Plaintiff's requests.

30. The following Monday, Plaintiff met with Kirven while they took a drive to Freeport. Kirven told Plaintiff that the reason Plaintiff was moved positions was from leadership implying it came from Robertson and Glidewell. Kirven told Plaintiff that higher ups were trying to run Plaintiff out due to the incident in July 2023 and that Cornman had defended Plaintiff. Kirven told Plaintiff that Turner had requested Plaintiff's personnel file and that Kirven denied that to Turner because he did not want Turner's opinion of Plaintiff to change as a result of the contents of the file.

31. Plaintiff has retained the undersigned to represent his interests in this cause and is obligated to pay a fee for these services. Defendant should be made to pay said fee under the laws referenced above.

**COUNT I**  
**PUBLIC WHISTLEBLOWER RETALIATION**

32. Paragraphs 1 through 28 above are incorporated herein by reference.

33. This count sets forth a claim against Defendant under §112.3187, et seq., Florida Statutes.

34. Plaintiff was a public employee protected under the provisions of Chapter 112, Florida Statutes.

35. As stated more specifically in part above, Plaintiff reported and disclosed violations of rules, regulations and laws, and/or malfeasance, misfeasance and/or gross misconduct to persons both inside and outside of his normal chain of command, and to others having the authority to investigate, police, manage and otherwise remedy the violations of rules, regulations and laws that he reported. Plaintiff also disclosed this information when he participated in investigations, hearings, or other agency inquiries. Plaintiff reported malfeasance, misfeasance, and other acts specifically outlined in §112.3187(5), Florida Statutes.

36. After reporting these matters and/or participating in investigations, hearings, or other agency inquiries, as related in part above, Plaintiff was the victim of retaliatory actions set forth in part above including without limitation his demotion.

37. Plaintiff's demotion and transfer was a direct adverse result of his reporting violations of rules, regulations or laws, and/or her reporting malfeasance, misfeasance or gross misconduct, and/or his participating in investigations, hearings or other inquiries, specified in part above.

38. The actions of all employees within Defendant who affected Plaintiff's employment adversely did so at least in part in retaliation against him for his "whistleblowing" activities.

39. As a direct and proximate result of the actions taken against him by Defendant, Plaintiff has suffered injury, including but not limited to past and future wage losses, loss of benefits, loss of the capacity for the enjoyment of life, emotional pain and suffering other tangible and intangible damages. These damages have occurred in the past, are occurring at present and will occur in the future. Plaintiff is entitled to injunctive relief.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment against Defendant for the following:

- (a) that process issue and this Court take jurisdiction over this case;
- (b) that this Court grant equitable relief against Defendant under the applicable counts set forth above, mandating Defendant's obedience to the laws enumerated herein and providing other equitable relief to Plaintiff;
- (c) enter judgment against Defendant and for Plaintiff awarding all legally-available general and compensatory damages and economic loss to Plaintiff from Defendant for Defendant's violations of law enumerated herein;
- (d) enter judgment against Defendant and for Plaintiff permanently enjoining Defendant from future violations of law enumerated herein;
- (e) enter judgment against Defendant and for Plaintiff awarding Plaintiff attorney's fees and costs;
- (f) award Plaintiff interest where appropriate; and



- (g) grant such other further relief as being just and proper under the circumstances, including but not limited to reinstatement.

**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demands a trial by jury on all issues herein that are so triable.

DATED this 6<sup>th</sup> day of March 2024.

Respectfully submitted,

/s/ Marie A. Mattox  
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