



TOWN OF PALM BEACH

Office of the Town Clerk

REPORT OF THE ADMINISTRATIVE AND PERSONNEL COMMITTEE SCOTT DUQUETTE HEARING ON MONDAY, JANUARY 28, 2013, AND CONTINUED TO TUESDAY, JANUARY 29, 2013

I. CALL TO ORDER AND ROLL CALL

The Hearing was called to order at 9:30 a.m. on Monday, January 28, 2013, in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Committee Member Rosow, and seconded by Chairman Kleid, to approve the Agenda, as printed. On call for a vote, the motion carried unanimously.

All witnesses were sequestered and ordered not to discuss the case or any matters relating to the case while outside of the hearing.

Chairman Kleid announced the procedural rules for the proceedings.

Attorney Kaplan expressed concern regarding the unsworn testimony of those interviewed during the Town's investigation, and asked how this could be addressed, particularly for those witnesses that would not be appearing.

Chairman Kleid stated that the Town Council issued subpoenas for those individuals; however, subpoenas could not be served on Gilad Bockman or Jared Mancil. He stated that the APC has already ruled that the individuals' testimony at the time did not require that they be sworn. As for the subpoenas, the Committee would have to determine the penalty for those that did not follow the subpoenas.

Attorney Kaplan expressed concern that Town Manager Elwell would be present throughout the testimony since he is a witness and the witnesses must be sequestered.

Attorney Cooper responded that the Town is allowed to have a representative, and that it has elected Town Manager Elwell as that representative.

Committee Member Rosow noted that, since Mr. Duquette would be present to represent his side, it is okay to allow Mr. Elwell to represent the Town. Chairman Kleid concurred.

Attorney Kaplan expressed concern regarding the Committee's ability to be impartial given that the members were active in similar lawsuits and settlements, some of which involve witnesses from these proceedings.

Committee Member Rosow and Chairman Kleid stated that Mr. Duquette and the case before them did not come up during those discussions or settlements.

Attorney Kaplan requested that the Administrative and Personnel Committee members recuse themselves.

Attorney for the Committee Robert Kilbride stated that, unless the Committee members have a financial conflict of interest, they are mandated by the State to vote on the matter.

Chairman Kleid ruled that the Committee members would not be recusing themselves.

III. PRESENTATION OF TOWN'S CASE

[MARGARET COOPER, ESQ. ON BEHALF OF TOWN MANAGER PETER ELWELL AND PUBLIC SAFETY DIRECTOR KIRK BLOUIN]

Town Clerk Susan Owens administered the oath to those providing testimony. The following witnesses were called:

- Officer Artemis Saridakis
- Officer Jason Vega
- Marcus Farmer, former Officer
- Peter Sampo, Independent Investigator for Town
- Peter Elwell, Town Manager

Attorney Cooper gave her opening statements. In addition, she introduced Town Exhibits #1-11:

1. Town of Palm Beach's Investigative Reports and Demotion
2. Complaints from Officers Saridakis, Vega, Farmer, Bockman, Henter, & Mancil
3. Assignment Overlap-Duquette & Saridakis
4. Assignment Overlap-Duquette & Vega
5. Assignment Overlap-Duquette & Bockman
6. Assignment Overlap-Duquette & Farmer
7. Assignment Overlap-Duquette & Henter
8. Assignment Overlap-Duquette & Mancil
9. CD: Sampo interview with Duquette
10. CD: Duquette/Laudermill meeting
11. Interview Transcripts

Attorney Kaplan gave his opening statements. During cross-examination of the witnesses, Attorney Kaplan introduced Appellant Exhibits #1-5:

1. Photos of Artemis Saridakis

2. Incident/Investigation Report regarding possible drowning
3. Artemis Saridakis commendation from Scott Duquette
4. Jason Vega Performance Review Report
5. Letter of commendation for Scott Duquette from trainees

The Administrative and Personnel Committee Meeting recessed at 5:45 p.m. on January 28, 2013, until 9:35 a.m. on January 29, 2013.

CALL TO ORDER AND ROLL CALL

The meeting of the Administrative and Personnel Committee was reconvened and called to order at 9:35 a.m. on January 29, 2013, in the Town Council Chambers. On roll call, Chairman Richard M. Kleid and Committee Member David A. Rosow were present.

All witnesses were sequestered and ordered not to discuss the case or any matters relating to the case while outside of the hearing.

IV. PRESENTATION OF SCOTT DUQUETTE'S CASE

[STUART KAPLAN, ESQ. ON BEHALF OF POLICE OFFICER SCOTT DUQUETTE]

Town Clerk Owens administered the oath to those providing testimony. The following witnesses were called:

- Danielle Olson, Director of Human Resources
- Kirk Blouin, Director of Public Safety
- Daniel Szarszewski, Deputy Police Chief
- Sergeant Jennifer Sandman

Attorney Kaplan introduced Appellant Exhibit #6: December 2009 Arrest Summary and comments

V. REBUTTAL BY TOWN

Attorney Cooper provided the Town's rebuttal.

VI. REBUTTAL BY OFFICER DUQUETTE

Attorney Kaplan provided the Appellant's rebuttal.

VII. CLOSING STATEMENTS BY THE PARTIES

Attorneys Cooper and Kaplan provided their respective closing statements.

VIII. DELIBERATIONS AND DECISION BY THE ADMINISTRATIVE AND PERSONNEL COMMITTEE

1 Attorney Kilbride announced the charge of the Committee. He stated that the Committee
2 will be making a recommendation to the Town Council, which will make the final
3 determination on this matter. The Town Council may accept, deny, or modify the
4 Committee's recommendations.

5
6 Chairman Kleid requested that Attorney Kilbride prepare a list of possible facts so that
7 the Committee can chose which they feel are factually correct.

8
9 Attorney Kilbride prepared the requested facts and stated that they are only to be used as
10 guidelines. He counseled that the facts the Committee decides upon must be significant
11 and relevant, and limited to only the evidence heard or read.

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13 **ADMINISTRATIVE AND PERSONNEL COMMITTEE FINDINGS:**

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15 On January 28, 2013, and January 29, 2013, the Town of Palm Beach's Administrative
16 and Personnel Committee ("Committee") met and conducted a hearing pursuant to Sec.
17 82-209 of the Palm Beach Code of Ordinances for the purpose of resolving an appeal
18 filed by Scott Duquette on May 10, 2012, regarding his demotion. The findings of this
19 hearing are as follows:

- 20
21 1. The Committee accepted and considered as part of the record all of the documents
22 submitted by the parties and considered the sworn testimony of the witnesses.
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24 2. Officer Duquette, during the period in question, admitted to having made certain
25 statements to subordinate officers that the Committee found to be bigoted in
26 nature.
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28 3. Officer Duquette did not make the statements with any malicious intent.
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30 4. His statements to and actions with his subordinates were in the nature of a mutual
31 banter, or exchange, except in the case of statements and actions with Officer
32 Vega and Officer Farmer.
33
34 5. Officer Duquette was and continues to be an outstanding police officer with good
35 leadership qualities, with the exception of the comments, statements and actions
36 he admitted during his interview, covering the relevant time period.
37
38 6. The six (6) complaints of discrimination relied upon by the Town and investigated
39 by Attorney Sampo were suspect in that there appeared to be ulterior motives for
40 filing them and the complainants did not appear credible.
41
42 7. The Committee rejects any investigative findings and statements attributed to
43 three of the six complainants who did not testify at the APC hearing. These
44 include Officer Bockman, Officer Mancil, and Officer Henter. Their investigative
45 statements were given no weight by the Committee.
46

8. During the course of his interview by Attorney Sampo, Officer Duquette was open and forthright with the Town and acknowledged his shortcomings and poor judgment.

9. The Committee finds, however, that if Officer Duquette continues making similar bigoted or racially biased comments, the Committee believes the Public Safety Director should exercise his discretion to terminate Officer Duquette.

ADMINISTRATIVE AND PERSONNEL COMMITTEE RECOMMENDATIONS:

A. Based upon these findings, Committee Member Rosow believes that the Public Safety Director's initial demotion of Officer Duquette from Captain to Officer was justified under the circumstances.

Committee Member Rosow recommends that Officer Duquette should be reinstated to the position of Sergeant on the one-year anniversary of his initial demotion.

B. Based upon these findings, Chairman Kleid believes that the Public Safety Director's initial demotion of Officer Duquette from Captain to Officer was justified under the circumstances. Chairman Kleid believes that Officer Duquette has been contrite, has fully acknowledged the poor judgment he exercised, and retains strong leadership skills.

Chairman Kleid recommends that Officer Duquette be "fast-tracked" for promotion to a supervisory level position with appropriate counseling and training offered to him in the interim.

IX. ANY OTHER MATTERS – None

X. ADJOURNMENT

There being no further business, the Administrative and Personnel Committee Meeting of Monday, January 28, 2013, and continued to January 29, 2013, was adjourned at 3:35 p.m.

APPROVED:



Richard M. Kleid
Chairman

ATTEST:


Susan A. Owens, MMC
Town Clerk

2/12/13
Date