

Probe Of Fire Chief Still Needs Counsel

By ROSEMARY SIMMS
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WINTER PARK — The Civil Service Board (CSB) investigation of Fire Chief Bob Finlayson has suffered another setback with the refusal of the board's second choice of attorney to serve as special counsel.

Ken Murrah's law firm was contacted after Russell Troutman — former city attorney and former CSB special counsel — said he was unable to accept the responsibility because of an overloaded case situation and no time to represent the CSB effectively.

MURRAH SAID Tuesday his firm was forced to refuse the CSB due to a conflict of interest. Murrah explained his firm represented three clients presently involved in matters before the city planning and zoning board and city commission. "We wouldn't want any conflict," Murrah said, adding his office would be unable to serve as special counsel.

CSB chairman Dr. Don Tillery said earlier this week Murrah's firm was still considering accepting the position. However, the firm wished to contact the clients involved and check with city officials before making a decision, he explained.

FOLLOWING MURRAH'S official turndown, however, Dr. Tillery could not be reached for comment to determine what the CSB's next move will be. Dr. Tillery and board members have emphasized the need for legal representation before continuing with the investigation.

Fire chief Finlayson was fired March 20 by former city manager Frank Wooten and reinstated after the city commission — critical of Wooten's dismissal action — ordered him back on the job and directed Wooten to direct any complaints with the CSB.



ROBERT FINLAYSON
... Investigation delayed

Wooten, however, reported sick March 27 — the day Finlayson was reinstated by the commission — and never returned to work. He tendered his resignation by mail.

THE BOARD has agreed it will direct the investigation solely at allegations made by acting city manager Bob Proctor against the chief including poor administration and lack of judgement.

Finlayson's attorney Dario Icardi, at the CSB's first special investigatory meeting on the matter, voiced disagreement with city attorney Dick Trismen's opinion that the CSB would be in violation of the Florida Government in the Sunshine Law if it attempted to hold sessions concerning the investigation closed to the public.

Trismen was asked by the board for his opinion when it was decided by the CSB it would be better to hold "executive" sessions banning press and public.

TRISMEN, HOWEVER, said the investigation is subject to the Sunshine Law and based his opinion on earlier court rulings and state attorney general opinions.

Icardi argued Trismen's basis for the opinion did not "cover this investigation." Icardi maintains the CSB's investigation should be regarded as a grand jury probe and kept closed until charges are brought.

Icardi suggested the board could "individually" make investigations and offer the report in public.

CSB MEMBER Dr. Tom Taylor requested Icardi submit his opinion in writing to the board.

Icardi voiced major objection to a portion of Trismen's opinion which says because it falls under the Sunshine Law, it "requires that the Civil Service Board hold open deliberations and an open vote on the guilt or innocence of an employee under investigation."

Even though the duties of the CSB include quasi judicial responsibilities, it remains an administrative agency and therefore is subject to the legislative control incorporated in the Sunshine Law, Trismen said, "and the deliberations prerequisite to formal action are a part of the official act within the meaning of the Sunshine Law."

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