

# City Attorney Seeks Settlement Over Suspension Of Fireman

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WINTER PARK — City Atty.

Dick Trismen has urged City Manager Frank Wooten, Fire Chief Robert Finlayson and the civil service board to try to resolve their differences in the dispute over the suspension of Winter Park fireman Orville Anderson.

Trismen, in a memo to the different factions, detailed legal clarification which was requested by the civil service board after Wooten directed them to confirm suspension of Anderson.

WOOTEN ALSO had directed Finlayson to suspend Anderson. Finlayson did so contingent upon confirmation by the board. The board, however, balked at confirming the suspension until it received legal clarification from Trismen on where it stood.

In the memo Trismen stated:

- Finlayson does have the power to administratively suspend members of his department.

- THE CITY manager does not have the power to order the fire chief to take specific action in carrying out his duties.

- The city manager does not have the power to direct the civil service board to take specific action.

- The civil service board does have the power to uphold an administrative suspension imposed by the fire chief.

TRISMEN SAID the civil service board now has two choices: It may return the matter to Finlayson for consideration and discussion between himself and the city manager; or, he continued, the board may investigate the facts surrounding the suspension and either confirm the suspension or set it aside.

Anderson has been charged with conspiracy to commit extortion in Seminole County and has pleaded innocent. His arraignment is set for Nov. 5.

Wooten had directed Finlayson to suspend Anderson and the board to confirm it, "in light of the evidence." Anderson is still in his probationary period with the department.

TRISMEN IN a complex legal clarification, said the board's letter "points out a serious breakdown in coordination and cooperation between the city manager's office, the fire department and the civil service board."

Trismen added he could not recommend a change in the city charter or code which would satisfy all parties in the present case.

"If we completely remove the fire and police chiefs from the control of the city manager, he

cannot properly manage city government. If we take away the supervisory control of the civil service board, or even make it subordinate to the city manager, we lose the benefit of an independent citizen group, and return to a politically controlled fire and police departments," Trismen stated.

UNDER THE specific questions, Trismen said Wooten had the power to advise and urge the fire chief and civil service board as to what they should do, but did not have the power to direct.

Trismen said in his discussion of the Anderson case with Wooten and Finlayson, the fire chief indicated he had no power to suspend administratively.

"I told him in my opinion he was wrong," Trismen said, adding the issue was a personnel policy matter rather than a question of jurisdiction, and suggested they resolve their differences.



ROBERT FINLAYSON  
... Fire chief

TRISMEN ADDED, however, Finlayson did not heed his advice and Anderson was not suspended in accordance with the code. Consequently, the fire chief, Trismen said, laid the groundwork for a confrontation between the board and the city manager.

In suspending Anderson, Finlayson did not say he was suspending him but that he was directed to do so by the city manager.

The civil service board will meet Tuesday to discuss the matter.