

City of Winter Park
~~Civil Service~~

Fire Chief (1974) Finlayson

Thursday, May 2, 1974

Public Investigation Of Finlayson Slated

By ROSEMARY SIMMS
Sentinel Staff

WINTER PARK — Civil Service Board chairman Don Tillery said the board will meet today at 7:30 p.m. — in public — to begin a series of investigatory sessions into allegations against fire chief Robert Finlayson.

The meeting will be held in city hall conference room 109.

DR. TILLERY said he will abide by advice from city atty. Dick Trismen who said the board's investigation is subject to the Florida Government in the Sunshine Law. The board sought an opinion from Trismen and attorney Russell Troutman — chosen by the board to act as special attorney in the Finlayson case — as to whether the meetings could be closed to the public.

Troutman, former special board counsel and former city attorney, has not yet accepted the job, according to Tillery. If he chooses to turn down the offer due to lack of time, Dr. Tillery said today's meeting will probably involve only the choice of another attorney. The "ground rules" for the investigatory procedures also may be discussed, he added.

TROUTMAN COULD not be reached for comment.

In Trismen's opinion that the Sunshine Law is applicable, he said it "thus requires that the Civil Service Board hold open deliberations and an open vote on the guilt or innocence of an employee under investigation."

His reasoning — based on court decisions and attorney general opinions — is that the board is an agency of the city within the meaning of the State Sunshine Law.

EVEN THOUGH the duties of the Civil Service Board include quasi-judicial responsibilities, it remains an administrative agency and therefore is subject to the legislative control incorporated in the Sunshine Law," he continued, "and the deliberations prerequisite to formal action are a part of the official act within the meaning of the Sunshine Law."

The investigation will be directed at allegations of poor administration made against Finlayson by Acting City Manager Bob Proctor.

Finlayson was fired by former city manager Frank Wooten March 20 and reinstated by the city commission. Wooten, who drew criticism from the commission over the dismissal, resigned effective May 1.

THE CIVIL Service Board initiated the investigation after the city commission said it did not want to file formal charges against Chief Finlayson.

Mayor Jim Driver told Dr. Tillery if the board did not call for an investigation the city commission

would take on the responsibility.

The board agreed it would not become involved in investigating all allegations against the chief made by Wooten and city commissioners. Proctor had written to the board citing administrative problems and a "lack of good judgment" and requested an investigation be made and Finlayson's resignation sought.

ATTORNEY DARIO "Ike" Icardi, representing Finlayson, urged the board to maintain its former position to cease all action and discussion concerning the case unless formal, sworn charges were filed.

The Civil Service Board said the investigation would be similar to that of a grand jury probe. It will seek to find out if charges are warranted.

The motion to investigate, made by board member Bob Toth, said the board would "determine whether requisite standards have been and are being met in areas of technical competence, departmental management and inter departmental cooperation."

DR. TILLERY said public hearings involving sworn testimony and resembling a trial would only be held if the investigation results in charges brought by the board against Finlayson.

Proctor told the board, "I think I can work with Chief Finlayson if this matter is cleared up unless the city commission deems otherwise. He offered his full cooperation to the board in its investigation adding, "I want to see justice done in this matter."

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