

IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT  
IN AND FOR VOLUSIA COUNTY

MARK FLOWERS,

Case No.

Plaintiff,

v.

VOLUSIA COUNTY, FLORIDA

Defendant.

\_\_\_\_\_ /

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, MARK FLOWERS (hereinafter “Plaintiff”), by and through his undersigned counsel, hereby sues Defendant, VOLUSIA COUNTY, FLORIDA (hereinafter “Defendant”), and states as follows:

**JURISDICTION AND VENUE**

1. This is an action for damages in excess of \$50,000.00.
2. Venue lies within Volusia County because a substantial part of the events giving rise to this claim arose in Deland, Florida, which lies in this Judicial District.

**INTRODUCTION**

Plaintiff Mark Flowers has brought claims against Defendant Volusia County for various state and federal labor and employment violations relating to his employment with Defendant. Plaintiff Mark Flowers was recruited to work for Defendant in 2014 and planned to work for Defendant until he retired. Plaintiff Mark Flowers was well qualified for his position and performed his position well and to the satisfaction of Defendant. After Plaintiff Mark Flowers engaged in protected activities by reporting violations and suspected violations of laws, rules, and regulations which created a substantial and specific danger to the public’s health, safety, and

welfare, Defendant began retaliating against and discriminating against Plaintiff Mark Flowers – removing job duties, removing him from his office and having him work out of a conference room, placing him on an extended administrative leave for several months, investigating him, isolating him, humiliating him and ultimately firing him. As a result of Defendant’s retaliatory actions, this action has now been brought pursuant to the Public Sector Florida Whistleblower Act, *See* Fla. Stat. § 112.3187-112.31895. Plaintiff Mark Flowers seeks to recover front pay, back pay, compensatory damages, emotional distress damages, injunctive relief, reasonable attorneys’ fees and costs, and any other relief to which the Plaintiff Mark Flowers is entitled including but not limited to, equitable relief.

#### **ADMINISTRATIVE PREREQUISITES**

3. All conditions precedent to bringing this action have occurred.
4. Defendant is an “employer” as defined by the laws under which this action is brought.
5. This lawsuit is timely filed.

#### **PARTIES AND GENERAL ALLEGATIONS**

6. Plaintiff is a resident of Volusia County, Florida.
7. Defendant is a County in Florida with Defendant’s Department of Public Protection Administration overseeing the Department of Corrections.
8. At all times material, Defendant acted in a willful manner, with malice and with reckless disregard for Plaintiff’s protected rights.
9. At all times material, Plaintiff was qualified to perform and did his job duties within the legitimate expectations of Defendant and did so.
10. Plaintiff has been required to retain the undersigned counsel to represent him in

this action and is obligated to pay them a reasonable fee for her services.

11. Plaintiff demands a jury trial.

### **FACTS**

12. Plaintiff is a married male, father, and grandfather.

13. Plaintiff is a United States Veteran – Retired Army Sergeant Major and served in the Army for 23 years before retiring from the Army and received the Legion of Merit Award and Seven Good Conduct Medals.

14. With respect to his education, Plaintiff earned a college degree, and masters degree. Plaintiff also earned a Ph.D., in Public Safety with an emphasis on Criminal Justice.

15. Before Defendant hired Plaintiff, Plaintiff worked for correctional agencies or facilities for nearly thirty-one (31) years.

16. Additionally, before Defendant hired Plaintiff, Plaintiff served as the Director of Standards and Accreditation for the American Correctional Association (“ACA”) from 2006 through the end of 2009. Across the United States and the world, ACA standards have been implemented and integrated into routine operations of more than 1,300 facilities and agencies.

17. Plaintiff served on the Florida Model Jail Standards Committee from February 6, 2017 through March 2022

18. Defendant recruited and hired Plaintiff in 2014 as the Assistant Corrections Director.

19. Plaintiff did so well that Defendant next promoted Plaintiff to Corrections Director. Plaintiff was easily qualified for the Corrections Director position. As Corrections Director, Plaintiff’s job was to provide a safe and secure environment for members of the *public* – including

both staff and inmates. When Defendant, through its agents, promoted Plaintiff, Defendant's agents told him that they wanted him to change the "culture" at the branch jail.

20. Defendant, through its managers and through the County Manager, informed Plaintiff on numerous occasions that he was doing an excellent job in his position.

21. Defendant issued Plaintiff positive performance evaluations.

22. Before Plaintiff engaged in written protected activities described herein, Defendant never issued Plaintiff any written discipline or warned him that his job was in jeopardy. In fact, Defendant, through various managers and high-level executives, informed Plaintiff that they had "*big plans*" for Plaintiff with Defendant because he was doing such a good job.

23. Around the fall of 2021, Defendant's Manager, Mark Swanson, offered Plaintiff a promotion to be his Deputy Director.

24. On May 12, 2022, Plaintiff submitted a formal request for an Internal Affairs (IA) Investigation into an allegation that staff had beaten up an inmate. Immediately after, Plaintiff experienced retaliation and discrimination that only intensified with each day, resulting in a hostile work environment from his co-workers, and staff.

25. Plaintiff reported the harassment and retaliation to Defendant and Defendant did nothing in response.

26. On May 25, 2022, Defendant forced Plaintiff to work half-days, preventing him from visiting the county jails and attending county council meetings.

27. On May 31, 2022, Defendant further sought to isolate Plaintiff by ordering him to work at home and taking away job duties.

28. Plaintiff's supervisor spread false and discriminatory statements about Plaintiff and his cancer diagnosis and that his cancer diagnosis was affecting his work.

29. Plaintiff took medical leave (FMLA) due to a cancer diagnosis and the need for surgery in June of 2022.

30. On August 3, 2022, the day after he returned to work, Defendant removed Plaintiff from his office and instructed him to work out of a conference room. This action was taken to cause embarrassment and humiliate Plaintiff, prompting Plaintiff's peers to question what Plaintiff had done wrong to warrant this action. Defendant also removed more job duties from Plaintiff.

31. At no point was Plaintiff informed of any reasons as to why he could not do the same job duties he had before when he returned from FMLA by Defendant.

32. Around this time, Plaintiff was told by Defendant's County Manager, "When you took over the Division, all I would get from people is how good of a job you are doing, now all I'm getting are complaints and people not happy with your leadership style. This is not the Army." As a retired Army Sergeant who served 23 years, this derogatory comment insulted and gutted Plaintiff. Plaintiff was later informed by Defendant that the complaints about Plaintiff were made after he objected to inmate abuse and excessive use of force.

33. On August 11, 2022, Plaintiff was told Defendant was discussing his cancer diagnosis with Defendant's employees, and Defendant's County Manager said his "cancer diagnosis changed him and has led him to make some bad decisions."

34. Plaintiff submitted a Formal and Signed Written Complaint to Defendant detailing the inmate abuse by corrections officers and attempts to suppress his complaints about the abuse on August 12, 2022. That same day, Defendant's County Manager told Plaintiff, "I don't know what I am going to do with you now. You have put me in a difficult position now that you have sent your formal complaint to all my bosses. The jury is still out."

35. Immediately after he submitted his formal written complaint, Defendant retaliated and discriminated against Plaintiff by placing him on administrative leave on August 15, 2022.

36. Plaintiff remained on this humiliating and demeaning administrative leave for over four months, which removed him from his post.

37. On December 9, 2022, the same day Defendant received Plaintiff's EEOC Charge of Discrimination filed with the federal government, Defendant advised Plaintiff they had an "intent" to terminate him.

38. On January 6, 2023, Defendant terminated Plaintiff via letter because he engaged in the protected activities described above.

**COUNT ONE**  
**(Violations of the Florida Public-Sector Whistle-Blower Act)**

40. Plaintiff re-alleges and adopts paragraphs 1-38 as though set forth fully herein.

41. This is an action for damages pursuant to Florida's Public-Sector Whistleblower Act.

42. As set forth above, after Plaintiff engaged in protected activities, Defendant retaliated against Plaintiff, removed job duties from Plaintiff, told him to work out of a conference room, demeaned Plaintiff, spread rumors about Plaintiff, placed Plaintiff on an administrative leave, investigated Plaintiff and fired Plaintiff after Plaintiff complained and objected to Defendant's illegal conduct, properly and timely to Defendant, which includes misfeasance, malfeasance, and violations of laws, rules, and regulations which created a substantial and specific danger to the public's health, safety, and welfare, in compliance with Fla. Stat. § [REDACTED]

43. As a result of the retaliatory actions of Defendant, Plaintiff has suffered damages including lost wages, benefits, and other remuneration, emotional distress, and humiliation. These losses are permanent and will continue into the future.

44. As a result of Defendant's unlawful acts against Plaintiff, Plaintiff will continue to incur attorney's fees which are recoverable under law.

WHEREFORE, Plaintiff prays for all legal and equitable relief allowed by law including:

- a. Back pay and benefits;
- b. Interest on back pay;
- c. Front pay and/or lost earning capacity;
- d. Compensatory damages including emotional distress;
- e. Costs and attorney's fees; and
- f. Such other relief as the Court may deem just and proper.

Respectfully submitted this 3rd day of July 2023.

CHANFRAU & CHANFRAU

/s/ Kelly H. Chanfrau

Kelly H. Chanfrau, B.C.S.

Florida Bar No. 560111

701 N. Peninsula Drive

Daytona Beach, FL, 32118

Telephone: 386-258-7313

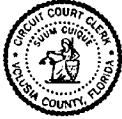
Facsimile: 386-258-8783

Primary Email: [Kelly@Chanfraulaw.com](mailto:Kelly@Chanfraulaw.com)

Secondary Email: [Melanie@Chanfraulaw.com](mailto:Melanie@Chanfraulaw.com)

Secondary Email: [Taylor@Chanfraulaw.com](mailto:Taylor@Chanfraulaw.com)

ATTORNEY FOR PLAINTIFF



**LAURA E. ROTH**  
CLERK OF THE CIRCUIT COURT

SEVENTH JUDICIAL CIRCUIT - VOLUSIA COUNTY  
P.O. BOX 6043 DELAND, FLORIDA 32721-6043 - WWW.CLERK.ORG

---

Filing #: [REDACTED]  
Filer: Kelly H. Chanfrau  
Payment: \$410.00

1 Filing Fee: \$400.00  
2 Summons Issuance: \$10.00  
3 Complaints/Petitions Complaint: \$0.00  
4 Complaints/Petitions Civil Cover Sheet: \$0.00  
5 Letters/Memoranda/Requests Letter: \$0.00

*This document is a Clerk generated receipt. This page was not included in the original court document submitted by the filer.*