

**CareerSource Pinellas  
Board of Directors minutes**

Date: March 21, 2018 at 11:45 a.m.  
Location: EpiCenter: 13805 58<sup>th</sup> Street N. Clearwater, FL 33760

**Call to Order**

Chair Jack Geller called the Board of Directors meeting to order at 11:46 a.m. There was a quorum present with the following board members participating.

**Board Members in attendance**

Kyle Barr, Tom Bedwell, Scott Callison, Jack Geller, Commissioner Patricia Gerard, John Howell, Debra Johnson (phone), Samuel Kolapo, Kelly Kirschner, Karla Leavelle, Kim Marston (phone), Mike Meidel, Mike Mikurak, Lenne Nicklaus (phone), Debbie Passerini (phone), Bill Price.

**Board Members not in attendance**

Dr. Bob Arnold, Lounell Britt, Celeste Fernandez, David Fetkenher, David Fries, Michael Grego, Sandy Ho, Jack Jarrell, Carolyn King, Russell Leggette, Mark Van Dame, Dr. Tonjua Williams.

**Board Counsel**

Charles Harris

**Guests**

Andrea Henning (for Dr. Williams)- St Pete College  
Whitney Creech- Commissioner Gerard's Office  
Jewel White- County Attorney  
Marion Hale- Johnson Pope  
Karl Cruise- State Attorney's Office  
Mark Douglas- WFLA  
Trevor Pettiford and Dave Turner- Bay News 9  
Mark Puente and Zachary Sampson- Tampa Bay Times  
Various members of the public

**Staff in attendance**

Edward Peachey, Jennifer Brackney, Luna Clarke, Michael Bundy.

**Action/Discussion Items**

**Action Item 1 – Approval of Minutes**

The minutes of the December 13, 2017 Board of Directors meeting were presented for approval.

Motion: Patricia Gerard

Second: Mike Mikurak

*The minutes were approved as presented. The motion carried.*

**Action Item 2 – Related Party Contracts- Training Providers**

CareerSource Pinellas enters into individual training provider agreements with each approved training provider. These agreements have previously been administered annually with a three-year renewal period contingent upon Workforce Solutions, Executive Committee and Board of Directors approval. This process requires a significant amount of staff time. Training providers are also required to provide annually:

- Provide most recent Florida Education & Training Placement Information Program (FETPIP) Reports to include: enrollment, completion, retention, employment rates of students
- Provide Training Provider Renewal Application
- Provide Program Cost details (tuition, books, supplies and testing fees) and a copy of current catalog and schedule or website link with required information

- Provide a copy of a valid license from the Commission for Independent Education (CIE)
- Provide current Liability Insurance with CareerSource Pinellas listed
- Provide a copy of completed W-9 form
- Remain in compliance with performance, financial and other mandated requirements

Staff periodically monitors training provider performance and presents this information to the Workforce Solutions Committee on a quarterly basis. Training providers that are determined to have performance issues or other issues are brought to the committee and board throughout the year for review and potential removal.

Workforce Boards (RWBs) are required to comply with all requirements of section 445.007 prior to contracting with a board member, with an organization represented by its own board member, or with any entity where a board member has any relationship with the contracting vendor. This section mandates all RWBs, entering into a contract with an organization or individual represented on the Board, must meet the following requirements:

- Approve the contract by a two-thirds (2/3rd) vote of the Board, when a quorum has been established;
- Board members who could benefit financially from the transaction or who have any relationship with the contracting vendor must disclose any such conflicts prior to the board vote on the contract;
- Board members who could benefit financially from the transaction or board members who have any relationship with the contracting vendor must abstain from voting on the contracts; and
- Such contracts must be submitted to the FL Dept. of Economic Opportunity and CareerSource Florida for review

#### **1. Eckerd College**

Kelly Kirshner declared a conflict of interest. He arrived to the meeting after the voting took place. A two-third board approval was requested for the following contracts:

- Up to \$75K for Individual Training Accounts (ITAs)

Motion: Tom Bedwell

Second: Mike Mikurak

*The Board approved the Related Party Contracts with Eckerd College*

The motion carried.

#### **2. Iron Workers**

Jack Jarrell was not present at the meeting.

A two-third board approval was requested for the following contracts:

- Up to \$100K for Individual Training Accounts (ITAs)

Motion: Tom Bedwell

Second: Patricia Gerard

*The Board approved the Related Party Contracts with Iron Workers*

The motion carried.

#### **3. Tampa Area Electrical JATC**

Tom Bedwell declared a conflict of interest and abstained from voting.

A two-third board approval was requested for the following contracts:

- Up to \$100K for Individual Training Accounts (ITAs)

Motion: Mike Mikurak

Second: Karla Leavelle

*The Board approved the Related Party Contracts with Tampa Area Electrical JATC*

The motion carried.

#### **4. Pinellas County Schools**

Michael Grego was not present at the meeting

A two-third board approval was requested for the following contracts:

- Up to \$100K for Individual Training Accounts (ITAs)

Motion: Patricia Gerard

Second: Michael Mikurak

*The Board approved the Related Party Contracts with Pinellas County Schools*

The motion carried.

## **5. Plumbers, Pipefitters and HVAC, local union 123**

Russell Leggette was not present at the meeting

A two-third board approval was requested for the following contracts:

- Up to \$100K for Individual Training Accounts (ITAs)

Motion: Tom Bedwell

Second: Patricia Gerard

*The Board approved the Related Party Contracts with Plumbers, Pipefitters and HVAC, local union 123*

The motion carried.

## **6. St. Petersburg College**

Dr. Tonjua Williams was not present at the meeting.

Andrea Henning from SPC abstained from voting.

A two-third board approval was requested for the following contracts:

- Up to \$300K for Individual Training Accounts (ITAs)

Motion: Patricia Gerard

Second: Mike Mikurak

*The Board approved the Related Party Contracts with St Petersburg College*

The motion carried.

### **Action Item 3 – Board Officer Vacancy: Election of Chair-Elect**

As of February 6, 2018, Board Officer Jack Geller assumed the position of Board Chairman for CareerSource Pinellas, replacing former chairman Aundre Green. Consequently, the position of “Chair-Elect” became vacant. During the February 14, 2018 Executive Committee meeting, Board Members were informed of this vacancy. Members interested in filling the position of “Chair-Elect” were advised to notify the Interim Director of their inclination to serve. That information was then forwarded to the full Board of Directors via Consent Agenda. Article V- Section 4 of the CSPIN By-Laws states the following:

#### **SECTION 4 – Vacancy in One of the Officer Positions**

*If a vacancy in any office but the Chair occurs due to the illness, resignation, etc. of the Officer elected, a replacement shall be elected to serve the unexpired term of office at the next regularly scheduled Board meeting. If the office of Chair becomes vacant, the Chair Elect will assume the office of Chair.*

Board Member Michael Mikurak was recommended to fill the position of Chair-Elect. Board members did not bring other names forth.

Motion: Tom Bedwell

Second: Bill Price

*The Board of Directors elects Mike Mikurak to serve the current unexpired term as Board Officer, through June 30, 2018. At the June 2018 Board meeting, this Board will have another opportunity to vote on the full slate of Officers for PY 2018-2019. The motion carried.*

**Public Comments: Mr. Peachey’s attorney- Ms. Marion Hale- was granted permission by the Chairman to speak on the actions related to Mr. Peachey’s employment, before a vote could be taken.**

-There is no actual evidence of wrongdoing from Peachey’s part. The placement issue is at worse a coding error, the process of which was put in place before Mr. Peachey took on the CEO role.

- The Sheriff has agreed to sign the original OJT/PWE contracts, and several documents have been forwarded to and from the Sheriff’s department. The money related to those contracts has yet to be returned.

-The decision to fire Mr. Peachey was based solely on allegations or stories printed in the media.

-Believes that Kim Marston’s request to pull the previous vote regarding Peachey’s employment from the consent agenda was untimely, as it was sent before the minutes were shared with the full board of directors. Also claims that Mr. Marston’s appointment to the Board was not lawful, as there was no recommendation letter accompanying his application. Suggests that the “Jane Law” letter could possibly be from Mr. Marston himself, and reproaches that no further action was taken to look into that letter’s authorship.

-Warns the Board that if no settlement is reached, Mr. Peachey's case would be brought in front of a jury, and that individual board members would be sued and that litigation would be costly. Also states that sovereign immunity would not apply to the Commissioners in this case.

Per board members request, the Ad Hoc Committee report was given at this time.

The Joint Ad Hoc Committee of CareerSource Pinellas and Tampa Bay met on Friday, March 16th 2018 at 9:00am. Over 70 public records requests were received from various agencies, in the last few months. Those agencies include: The Florida House of Representatives, U.S. Department of Labor (USDOL), Department of Economic Opportunity (DEO), the Office of the Inspector General (OIG), Tampa Bay Times, News Channel 8 and Ms. Marion Hale of Johnson Pope. Several of these requests have been completed and staff is working diligently to complete the remainder. The Committee discussed and considered several potential options regarding the organizational structure for both regions. Those options were:

Option 1 : Two Board ; One President and CEO ; Shared Administrative Services

Option 2 : One Board ; One President and CEO; Shared Administrative Services and shared staff

Option 3 : Two Boards ; Two Presidents/CEOs ; Shares Administrative Services and separate staff

Option 4 : Two Boards ; Two Presidents/ CEOs ; no Shared Services and no Shared staff

There is consensus from both regions to move forward with Option 3, with separate Boards, separate CEOs who would each focus on the needs of their respective regions, but possibly keeping a group of "Shared Administrative Staff". There needs to be clarification about what part of that decision lies with the County Commissioners, or with the two respective Boards. It was recommended to move forward with the implementation of an interim staffing plan. The board will continue this discussion at the next executive committee meeting. Board Counsel, Mr. Charles Harris also gave us an update on the several pending investigations, as well as his recent visit with Sheriff Gualtieri. The Sheriff does not claim that his signature is forged on the original OJT/PWE contract, however, he disputes the signatures listed on the additional supporting documents that accompany the contract. Counsel believes that staff members would insert a scanned version of the Sheriff's signature on those documents, then send it back to his department. Counsel believes that to be a bad practice.

Board members discussed several items, including the status of Peachey's employment contract with CareerSource Pinellas. This contract expired at the beginning of the year, and was not brought forth for renewal. Other topics included the coding issue that has been raised, and why this problem has not been caught by the various audits conducted over the many years. A large number of job-seekers' phone numbers have been inputted in the State system as having a phone number listed as 999-999-9999. Tom Bedwell raises the issue that members of the Executive Committee have felt intimidated by the County Commission, especially if those members voted favorably regarding Peachey. Statements have been made to the media that Commissioners might remove several members at the end of the fiscal year. He also brings to the attention to the Board that Mr. Kim Marston has done a background check on him and other board members, as a way to intimidate them.

#### **Action Item 4 – Re-Vote: Edward Peachey's Employment**

During the February 28, 2018 Executive Committee meeting, a decision to terminate the employment of Mr. Edward Peachey at CareerSource Pinellas was taken as follows:

**Commissioner Welch:** Makes a motion to terminate without cause.

Recommendation to separate this motion from the issue of settlement.

**Second:** Michael Mikurak

*The motion carried with 1 dissent vote from Tom Bedwell.*

- Ms. Lenne Nicklaus acted within the allotted 5-day period given to all Board members via consent agenda, to request that an action be brought before the full Board. Ms. Nicklaus requested that the decision to terminate Mr. Edward Peachey be brought to a full Board of Directors vote.

***The motion to terminate Mr. Peachey without cause was restated and brought to a vote.***

Motion: Patricia Gerard

Second: Karla Leavelle

*The motion carried with 15 affirmative votes – 1 dissention vote.*

### **Action Item 5 – Re-Vote: Determination to Pay Settlement**

During the February 28, 2018 Executive Committee meeting, a decision to pay a settlement to Mr. Edward Peachey was taken as follows:

**Tom Bedwell:** Motions to pay Mr. Peachey a settlement equal to what he received in CS Tampa Bay: 5 months' pay + 5 months' employee benefits, in return for release of all claims by Mr. Peachey. Subject to compliance with any Federal and State law.

**Second:** Michael Mikurak

*The motion carried 5-2, with dissenting votes from Jack Geller and Commissioner Welch.*

- Mr. Kim Marston acted within the allotted 5-day period given to all Board members to request that an action be brought before the full Board. Mr. Marston's objection letter is attached.

***The motion to pay Mr. Peachey a settlement equal to five months' pay and employee benefits, in return for a full release of all claims was brought to a vote.***

Motion: Tom Bedwell

Second: Mike Mikurak / Lenne Nicklaus

*The motion carried with 9 affirmative votes – 6 dissention votes.*

### **Other Administrative Matters**

-Chairman encourages more participation from Board members, by means of the various committees in place.

-A more defined structure is needed, in order to establish a clear "shared services" staffing plan for the current employees.

-The Board may make new members recommendations, but all applicants need to have all the necessary files in order, before consideration.

### **Information Items**

The consent agendas of the January 31, 2018 Special EC meeting, February 14, 2018 EC meeting, February 28, 2018 Special EC meeting, March 7, 2018 EC meeting, March 14, 2018 Special EC meeting were presented. There was no further discussion.

### **Committee Reports**

-The Audit Committee did not meet. One will be scheduled before the next regular board meeting.

-The Finance Committee did not meet. The next meeting is scheduled for April 24, 2018

-The next One-Stop Committee meeting is scheduled for May 24, 2018

-The next Workforce Solutions meeting is scheduled for May 15, 2018

-The next Science Center Committee is scheduled for May 25, 2018

### **Interim Director's report**

Ms. Jennifer Brackney reiterates her thanks to staff, in their effort to move forward.

### **Public Comments**

None.

### **Adjournment**

The meeting was adjourned at approximately 1:22 pm.