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**INVESTIGATION INTO WB COMPLAINTS 1-4 AGAINST
INSPECTOR GENERAL LISA GREEN**

INVESTIGATIVE REPORT

PROCEDURAL HISTORY

On October 29, 2021, Whistleblower 1 filed a complaint alleging misconduct by the Inspector General, Lisa Green. Pursuant to IG Directive 7-06, the Office of General Counsel (OGC) reviewed the complaint to determine whether it should be referred to the IG Selection and Retention Committee ("the Committee"). In the course of that review, OGC began interviewing employees of the Office of Inspector General ("OIG") during the week of November 2, 2021. On November 5, 2021, the Chair of the Committee notified Ms. Green that she had been placed on administrative leave due to the allegations of misconduct made against her. On November 4, 2021, Whistleblower 2 filed a complaint alleging misconduct by Ms. Green. On November 10, 2021, the Committee held a public meeting, reviewed the two whistleblower complaints, and directed OGC to fully investigate the complaints. On November 22, 2021, Whistleblowers 3 and 4 filed additional whistleblower complaints alleging misconduct by Ms. Green. On November 22, 2021, the Committee, after reviewing the additional complaints, directed OGC to investigate the third and fourth whistleblower complaints as part of its existing investigation. Based on the jurisdiction explained below, the Equal Opportunity/Equal Access Office of the Jacksonville Human Rights Commission participated in the investigation with OGC. Together with the JHRC, OGC reviewed four whistleblower complaints, various City and OIG policies, and numerous emails, text

messages, and other documents. Interviews of 10 current and 5 former OIG employees were conducted. OGC also spoke with the City of Jacksonville's Employee Services Department, the acting Inspector General, and an independent IG Accreditation Assessor. Additionally, Ms. Green was interviewed on December 10, 2021. This report summarizes the findings of the investigation by both the JHRC and OGC.

JHRC JURISDICTIONAL STATEMENT

The jurisdiction of the Equal Opportunity/Equal Access (EO/EA) Office, a division of the Jacksonville Human Rights Commission (JHRC), to investigate the discrimination and harassment complaints of Whistleblower 1 and other OIG employees arises under Chapter 400, Equal Opportunity/Equal Access of the Jacksonville Ordinance Code, and the City of Jacksonville's Anti-Harassment and Discrimination Policy and Complaint Procedure, Employee Services Directive 0528.

JHRC AND OGC FINDINGS

I. ALLEGATION 1 - HOSTILE WORK ENVIRONMENT

It was alleged that Ms. Green made inappropriate and unwelcome sexual comments in the workplace or to other OIG employees she supervised. The specific allegations include, but are not limited to, the following:

1. On two occasions, Ms. Green propositioned an OIG employee to have a sexual encounter, specifically a "threesome," with Ms. Green.
2. Ms. Green made statements to multiple OIG employees about her sex life outside of work, including that she is more "open" outside of work, that she goes to sex clubs and, on one occasion, she showed an employee a picture of a lingerie-type outfit she was planning to wear to a sex club.
3. Ms. Green made comments to multiple OIG employees about the intimate details of her sexual relationship with her boyfriend, including statements regarding her boyfriend's sexual prowess and his ability to sexually satisfy her, and relayed descriptive sexual comments her boyfriend made about her body.
4. Ms. Green questioned multiple OIG employees about their romantic, sexual or personal lives unrelated to work, pressured or encouraged employees to relate similar details, and failed to maintain professional boundaries or a professional work environment.

5. Ms. Green made comments stating or suggesting that if a particular female OIG employee dressed or acted in a particularly “attractive” way, it would be beneficial to her career and that the employee was going to have “so much fun” with all the men in the office.
6. Ms. Green made statements and inappropriate jokes about a male OIG employee’s physical appearance, attractiveness and purported flirting, including that he is a “lady’s man” and a “player,” and implied that the employee’s physical appearance influenced the work that she assigned to him.
7. Ms. Green made comments in the OIG workplace about the way other people dressed and/or observations about other people’s bodies, including statements regarding the size of a particular female OIG employee’s breasts and buttocks.
8. Ms. Green made statements in the OIG workplace about LGBTQ or gay persons having an “alternative lifestyle” and/or that a person acted a certain way because they were gay.
9. On one occasion, Ms. Green made a comment to an OIG employee who has been in romantic relationships with both men and women to “pick a side.”
10. Ms. Green repeatedly asked a female OIG employee to socialize with her and/or her boyfriend after work hours or on the weekend.
11. Ms. Green inappropriately and repeatedly hugged OIG employees, told them “I love you,” and pressured them to do the same.

Evidence in support of these allegations: These allegations are verified and corroborated by statements of multiple current and former OIG employees. Additionally, Ms. Green admitted to using the expression “alternative lifestyle” in reference to members of the LGBTQ community, admitted talking to an employee about attending a sex club, and admitted to telling employees she loved them. Additionally, Ms. Green’s testimony during her interview, and the general tone of her comments about her employees, support the allegations above. For example, during her interview Ms. Green used the phrase “alternative lifestyle” when describing an employee who is currently in a same-sex relationship, referred to one employee as a “very sexually charged woman,” and several other employees as “very attractive.” Ms. Green also admitted that the office environment under her leadership at OIG was loose and that there were many conversations about personal things, including sexual commentary, made by her and among her employees. Despite admitting that she allowed and participated in inappropriate conversations at work, Ms. Green did not demonstrate any understanding that allowing, and engaging in, that type of commentary was inappropriate.

Evidence contradicting allegations: Ms. Green denied that anything she shared with employees was inappropriate. She denied asking an employee to participate in a threesome and denied sharing details about her own sex life. Ms. Green indicated that she felt the friendly nature of the office made these types of sexual conversations acceptable.

CONCLUSIONS ON ALLEGATION I:

The greater weight of the evidence¹ shows that Ms. Green made inappropriate sexual comments to and about employees, and about herself. Ms. Green's belief that these types of comments were the result of the informal or friendly office environment do not make the comments appropriate. As the IG and a manager/supervisor, Ms. Green has a duty to maintain a professional work environment. The evidence shows Ms. Green created and allowed a hostile work environment due to these inappropriate comments, and that this environment generally had a detrimental effect on employees. **JHRC and OGC find that Allegation I is SUBSTANTIATED.**

II. ALLEGATION II - DISCRIMINATION

It was alleged that Ms. Green discriminated against Black employees or treated them less favorably than white employees and discriminated on the basis of disability status. Specific allegations include, but are not limited to, the following:

1. Ms. Green spoke to Black OIG employees in a rude, demeaning or angry manner in comparison to how she spoke to white OIG employees and for no legitimate reason.
2. Ms. Green berated, criticized or demeaned Black OIG employees' ideas, suggestions or work product for no legitimate reason while accepting or responding favorably when white OIG employees expressed or presented the same ideas, suggestions or work product.
3. Ms. Green used different standards to assess the work product of Black OIG employees or evaluated their work more harshly in comparison to white OIG employees for no legitimate reason.
4. Ms. Green made comments negatively comparing qualified Black OIG employees to less or equally qualified white OIG employees, including statements that questioned or doubted Black OIG employees' competence to do their jobs and the necessity for Black OIG employees' qualifications.

¹ While the majority of witnesses interviewed corroborated these allegations, there were two OIG employees who gave statements to OGC that they never witnessed any behavior like that described in this allegation.

5. On one occasion, Ms. Green threw or tossed papers at a Black OIG employee in an angry manner.
6. Ms. Green denied Black OIG employees' requests to work from home or questioned whether they were really working when they worked from home, enforced restrictions or requirements on Black OIG employees when they worked from home that she did not enforce on white employees who worked from home, openly criticized Black OIG employees when they worked from home, and was generally less flexible and accommodating to Black OIG employees who needed to work from home than white employees who worked from home under similar circumstances.
7. Ms. Green removed job duties or resources from a Black OIG employee or instructed other employees not to give the employee work, so that it made it difficult or impossible for the employee to perform his/her job.
8. Ms. Green asked a Black OIG employee to deal with a difficult Black complainant from now on after the complainant called a white OIG employee a "cracker" during a phone call.
9. Ms. Green made comments stating or suggesting that the conduct of high-level Black City employees accused of sexual harassment or misconduct was "typical in that culture."
10. Referring to Black people as "they," Ms. Green made racially inappropriate statements about Black people, such as "I just don't understand why they have to be like that," and "aren't they happy with what they have"?
11. Ms. Green allowed and/or pushed a Black employee to return to work full time before he/she was medically cleared to do so.
12. Ms. Green did not provide any additional resources or assistance to a Black OIG employee who needed extended intermittent medical leave. When a white employee needed extended medical leave, Ms. Green went out of her way to make sure that the employee had appropriate leave, despite being a new employee not entitled to FMLA or other paid leave options.
13. Ms. Green did not properly follow the interactive process required under the Americans with Disabilities Act ("ADA") when a Black employee informed Ms. Green that the employee had a disability that was affecting the employee's ability to perform the required job duties.

Evidence in support of these allegations: These allegations are verified by statements of multiple current and former OIG employees. Ms. Green admitted that she doubted whether a Black employee was actually working when she was working from home. Ms. Green used “they” to refer to Black people during her interview, and when she was questioned regarding potentially racist statements at work, she responded by saying that a particular Black OIG employee was her “favorite.” Ms. Green admitted that she did not ask for or review medical documentation clearing a Black employee to return to work, despite having reviewed medical documentation allowing them to be out in the first place. Ms. Green admitted that she never offered an ADA accommodation to a Black employee who was having medical issues at work, and admitted that she never sought assistance or guidance from the City regarding the ADA process.

Evidence contradicting allegations: Ms. Green generally denied making any racially offensive comments and denied treating Black employees differently from white employees in any way. During her interview, Ms. Green was very complimentary of the two Black employees currently employed at OIG.

CONCLUSIONS ON ALLEGATION II:

The greater weight of the evidence², taken together, supports a finding that Ms. Green made inappropriate racial comments at work, and that she treated Black employees less favorably than their white counterparts. Multiple former employees, as well as many current employees (both Black and white), corroborated testimony regarding this disparate treatment. Additionally, a white employee openly admitted that she believed she is treated better than her Black counterpart because of her race. **JHRC and OGC find that Allegation II is SUBSTANTIATED.**

III. ALLEGATION III - RETALIATION

It was alleged that Ms. Green attempted to terminate an employee (Whistleblower 1) who filed a whistleblower complaint against her. The specific allegations include, but are not limited to, the following:

1. On October 28, 2021, an OIG employee notified Ms. Green that they believed Whistleblower 1 was working on something on his/her computer, to which Ms. Green responded that she was not surprised and that it was a probably a complaint against Ms. Green.
2. Ms. Green believed, on October 28, 2021, that Whistleblower 1 was drafting a complaint against her.

² While the majority of witnesses interviewed corroborated these allegations, there were two OIG employees who gave statements to OGC that they never witnessed any behavior like that described in this allegation.

3. On the morning of October 29, 2021, Ms. Green took steps to terminate Whistleblower 1.
4. Later in the day on October 29, 2021, Ms. Green told another OIG employee that Whistleblower 1 had made a complaint against her, so she made a complaint against him/her in return.

Evidence in support of these allegations: These allegations are verified by statements of multiple, current OIG employees. Ms. Green maintained a Word document with notes regarding the incidents on October 28 and 29, 2021, which she corroborated with her interview testimony. Those notes support the allegations above. Those notes, along with Ms. Green's testimony, show that Ms. Green sought feedback regarding Whistleblower 1's performance from his subordinates on October 28th and early on October 29th.

Evidence contradicting allegations: Ms. Green testified that she had made the decision to terminate Whistleblower 1 two days earlier, before she knew he/she was planning to file a complaint. Ms. Green also testified that she had legitimate concerns regarding Whistleblower 1's work performance, and other issues, to justify termination.

CONCLUSION ON ALLEGATION III:

While Ms. Green testified that she had made the decision to terminate Whistleblower 1 on October 26, 2021, that contention is not supported by any evidence. Because Ms. Green sought feedback regarding Whistleblower 1's performance from his subordinates on October 28th and early on October 29th, that indicates she had not formally made a decision. Notably, Ms. Green's own notes show she believed Whistleblower 1 was writing a complaint the day before she attempted to fire him/her. Additionally, Ms. Green did not inform City Labor Relations, whom she asked for assistance regarding Whistleblower 1's termination, about the impending complaint. This information almost certainly would have changed the advice provided by Labor Relations. While Ms. Green has the ability to terminate at-will employees for any legal reason, taking adverse action because of a complaint against her is unlawful. Even if Ms. Green did not intend to retaliate, she should have realized the impropriety of moving forward with termination the day after she realized Whistleblower 1 was writing a complaint against her. **JHRC and OGC find that Allegation III is SUBSTANTIATED.**

IV. ALLEGATION IV - TOXIC WORK ENVIRONMENT

It was alleged that Ms. Green conducted herself in a manner that created a toxic work environment for OIG employees. The specific allegations include, but are not limited to, the following:

1. Ms. Green regularly raised her voice to OIG employees in an aggressive manner.
2. Ms. Green used profanity to and at OIG employees.
3. Ms. Green got very close to an OIG employee's face and told him to "get off his fucking phone."
4. Ms. Green balled up documents and threw them at an OIG employee.
5. Ms. Green threw or tossed papers in anger at multiple OIG employees.
6. Ms. Green's behavior at work was volatile and changed often without explanation, often causing employees to feel they had to "walk on eggshells" to avoid making her angry or becoming the "target" of her negative attention.
7. Ms. Green often reminded OIG employees that she could terminate them anytime because they are at-will employees.

Evidence in support of the allegations: These allegations are verified by statements of multiple, current and former OIG employees. Ms. Green admitted to cursing at an employee in a single instance, saying to him "are you a fucking idiot?" after she reviewed his work product. Ms. Green stated that she probably has tossed papers at employees when she was frustrated.

Evidence contradicting allegations: Ms. Green denied telling an employee to get off his "fucking phone." Ms. Green generally defended the method in which she managed the OIG and its employees. Ms. Green also compared herself to other high-level City employees (current and former) who were known to yell or curse at employees.

CONCLUSION ON ALLEGATION IV:

When reviewing the allegations together, the greater weight of the evidence³, corroborated by multiple former and current employees, demonstrates that Ms. Green behaved in an unprofessional and often erratic manner in the workplace. This behavior created an environment in which employees did not feel comfortable and were distracted from completing their actual job duties because they spent significant time trying to avoid conflict with Ms. Green. Notably, there is substantial evidence that the environment in the office has improved dramatically while Ms. Green has been on administrative leave. **OGC finds that Allegation IV is SUBSTANTIATED.** Allegation IV does not fall within the JHRC's jurisdiction, thus it renders no conclusion.

³ While the majority of witnesses interviewed corroborated these allegations, there were two OIG employees who gave statements to OGC that they never witnessed any behavior like that described in this allegation.

V. ALLEGATION V - OBJECTIVITY

It was alleged that Ms. Green did not maintain the objectivity and impartiality required of her position. The specific allegations include, but are not limited to, the following:

1. Ms. Green made disciplinary recommendations regarding employees involved in OIG investigations, sometimes before the investigation was completed.
2. Ms. Green would make assumptions and come to premature conclusions regarding complaints filed with the OIG.
3. Ms. Green told OIG staff that if she had known that a particular caller was related to a City Council member, the answer given to the caller would have been different.

Evidence in support of the allegations: These allegations are verified and corroborated by statements of multiple current and former OIG employees. Further, OGC verified that making disciplinary recommendations is not an accepted practice in the Inspector General community.

Evidence contradicting allegations: Ms. Green has denied doing anything that would implicate her objectivity. Ms. Green testified that she is permitted to make disciplinary recommendations regarding employees who are part of an investigation because, according to her, nothing prevents her from doing so. Ms. Green also said that, at times, an employee may need to be removed or transferred to avoid further harm to the City.

CONCLUSION ON ALLEGATION V:

The greater weight of the evidence⁴ indicates that Ms. Green made recommendations to City departments and agencies that they should “get rid of” or terminate particular employees, even before an investigation was completed. The fact that both current and former OIG employees corroborated these practices carries substantial weight with regards to this issue. **OGC finds that Allegation V is SUBSTANTIATED.** Allegation V does not fall within the JHRC’s jurisdiction, thus it renders no conclusion.

VI. ALLEGATION VI - INAPPROPRIATE RELATIONSHIP WITH SUBORDINATE

It was alleged that Ms. Green had an inappropriate relationship with a former subordinate employee while that person was still employed. The specific allegations include, but are not limited to, the following:

⁴ While the majority of witnesses interviewed corroborated these allegations, there were two OIG employees who gave statements to OGC that they never witnessed any behavior like that described in this allegation.

1. Ms. Green and a former Director of Investigations ("Former DOI") were in an inappropriate relationship while he was employed by OIG.
2. Ms. Green and the former DOI exchanged, or relayed to other OIG employees, inappropriate sexual commentary at work during the former DOI's employment.
3. That the former DOI and Ms. Green kissed on more than one occasion.
4. That the former DOI and Ms. Green once held hands while out together, outside of work.
5. That the former DOI and Ms. Green were very close outside of work and that that relationship affected their working relationship.
6. That Ms. Green told the former DOI she would consider dating him if he no longer worked for the OIG.
7. That the former DOI purchased a ring for Ms. Green.
8. That Ms. Green often socialized individually with the former DOI.

Evidence in support of the allegations: These allegations are verified by statements of multiple, current and former OIG employees. Specifically, the former DOI confirmed that Ms. Green had told him she would consider dating him in the future. The former DOI also said that while he was employed with OIG, he kissed Ms. Green on three occasions while they were out socially together, although he said he believed Ms. Green did not want him to kiss her. The former DOI also confirmed that he purchased a ring for Ms. Green and presented it to her within a couple of weeks after leaving the OIG. The former DOI stated that he presented it to Ms. Green as a promise ring, but that they were not on the same page and that he later returned the ring. Ms. Green confirmed that the former DOI had shared with her on at least two occasions that he had romantic feelings for Ms. Green and that he had bought her a ring. Both of those occasions were during the former DOI's employment.

Evidence contradicting allegations: Ms. Green denied any romantic relationship with the former DOI. Ms. Green denied having any sexual conversations with the former DOI. Ms. Green stated that she never kissed the former DOI, but did testify that he had tried to kiss her once and she had pushed him away.

CONCLUSION ON ALLEGATION VI:

The greater weight of the evidence supports a finding that Ms. Green's relationship with the former DOI was inappropriate. While there is no evidence that Ms. Green and the former DOI ever had sexual relations, there is substantial evidence that the relationship went far beyond the

boundaries of a professional relationship. The former DOI's own statement was particularly informative on this issue, including his admission that he kissed Ms. Green on three separate occasions. The former DOI did admit that Ms. Green did not want to be kissed, but the evidence shows that Ms. Green continued to socialize with the former DOI one-on-one after he had kissed her multiple times or had tried to kiss her and after he had told her about his romantic feelings. The relationship between Ms. Green and the former DOI was not appropriate given the fact that Ms. Green was the former DOI's direct supervisor and there was an unfair power dynamic between the parties. **The OGC finds that Allegation VI is SUBSTANTIATED. JHRC finds that the conduct described in Allegation VI is SUBSTANTIATED and contributed to the hostile work environment discussed in Allegation I.**

VII. ALLEGATION VII - MISMANAGEMENT/VIOLATION OF CITY POLICY AND STATE LAW

It was alleged that Ms. Green exhibited poor judgment and neglect in managing the Office of Inspector General, including participating in or sanctioning behavior that violates City policy and state law. The specific allegations include, but are not limited to, the following:

1. As detailed herein, Ms. Green exhibited behavior that violated the City's Anti-Harassment and Discrimination Policy and Complaint Procedure.
2. Ms. Green involved an OIG Contract Oversight Specialist in personnel matters regarding other OIG employees that did not involve her and that were not related to her job duties as a Contract Oversight Specialist.
3. Ms. Green did not properly assign a case disposition within the time period required by IG directives.
4. Ms. Green exceeded the 90-day time frame provided in the OIG Manual in 100% of non-criminal matters since 2018.
5. Ms. Green did not understand what City policies applied to the OIG and/or OIG employees.
6. Ms. Green directed employees to discard drafts, which is contrary to auditing standards and violative of public records laws.
7. Ms. Green instituted systems which circumvented the creation and release of public records.

Evidence in support of the allegations: These allegations are verified and corroborated by statements of multiple current and former OIG employees. Additionally, these allegations are supported by information from the Acting IG as well as an independent IG Accreditation Assessor. The evidence clearly shows that Ms. Green took steps to circumvent the creation and release of public records. Ms. Green also, without justification, placed files in a lengthy pending status or avoided closing files which prevented those documents from becoming public records. The information received from the Acting IG and IG Accreditation Assessor also highlighted deficiencies in Ms. Green's handling of IG matters, especially her failure to ensure timely consideration and resolution of matters. Ms. Green's conduct as highlighted in this report establishes violations of at least one City policy, including (but not limited to) the Anti-Harassment and Discrimination Policy and Complaint Procedure (hostile work environment based on sex, race discrimination, and discrimination based on disability status). Additionally, in her interview, Ms. Green testified that she did not know what City policies applied to the OIG or her employees and indicated that just because she signed off on a City policy did not mean she had agreed to follow it or was bound by it.

Evidence contradicting allegations: Ms. Green testified that she was not required to maintain particular documents, like drafts, and therefore did not believe she had violated any public records requirements. Ms. Green also testified that she did exemplary work as the IG. Note: Ms. Green was interviewed before OGC received the IG Accreditation Assessor's findings, therefore Ms. Green was not questioned regarding those findings.

CONCLUSION ON ALLEGATION VII:

The greater weight of the evidence shows clear and significant mismanagement of the OIG by Ms. Green. The evidence also shows a likelihood that City policies and state laws were violated. At a minimum, Ms. Green's procedures circumvented public records requirements created by Florida law. The fact that an independent IG Accreditation Assessor found significant indicators of mismanagement and violations of the IG manual and accreditation standards is substantial. **OGC finds that Allegation VII is SUBSTANTIATED.** Allegation VII does not fall within the JHRC's jurisdiction, thus it renders no conclusion.

VIII. ALLEGATION VIII – ATTEMPTS TO INFLUENCE TESTIMONY OF INVESTIGATION WITNESSES

It was alleged that Ms. Green attempted to manipulate an OIG employee into making particular statements to OGC as part of its investigation and that Ms. Green's boyfriend made threatening comments to the same employee via text message. The specific allegations include, but are not limited to, the following:

1. When Ms. Green read Whistleblower I's complaint, which contained allegations that Ms. Green has mistreated the former OIG Investigative Support Analyst, Ms.

Green hugged the former Analyst's supervisor and whispered that she knew "everything I did with [the Analyst] was done in coordination with her supervisor."

2. Ms. Green told the same employee that "I know [the Analyst] left for medical reasons, and we did everything to accommodate her, and that that's what you're going to say in the investigation."
3. Ms. Green's boyfriend sent unsolicited text messages to the same employee that became increasingly inappropriate. At first, the messages said things like "relax the truth will come out We both love you for having her back when we travel... and when we are not." A few minutes later, he texted again saying "We also love you more than work too. Lisa adores you."
4. A few days later, Ms. Green's boyfriend again texted the employee, saying "Good morning Hopefully you are feeling better Stay strong everything is going to be ok Lisa will fix this and life will be back to normal soon."
5. Ms. Green's boyfriend texted the employee again the next day, this time saying "Lisa is very upset I hope they didn't turn you on her." That text message was sent to the employee shortly after Ms. Green was notified that OGC would not be providing an attorney to represent her in the investigation and that she would need to retain her own counsel.
6. Finally, on November 13, 2021, Ms. Green's boyfriend sent the same employee a text that said: "Get ready she is going to rip you all a new ass when she is done You broke her heart and you all will pay."

Evidence in support of the allegations: These allegations are verified by the statement of the OIG employee and copies of the text messages sent to the employee. Furthermore, the alleged comments Ms. Green made to the supervisor in Paragraphs 1 and 2 above are consistent with the substance of Ms. Green's interview testimony.

Evidence contradicting allegations: Ms. Green testified that she was not aware of the text messages sent by her boyfriend, at or around the time he sent them, and did not direct him to send any such messages.

CONCLUSION ON ALLEGATION VIII:

The evidence shows that Ms. Green's boyfriend contacted an OIG employee and made inappropriate comments and threats. OGC was unable to determine whether the messages were sent at Ms. Green's direction, or whether Ms. Green knew about them at all. The alleged comments Ms. Green made to the supervisor are consistent with the substance of Ms. Green's testimony regarding her own responsibility for the decisions made about the Analyst. Ms. Green made several comments deflecting the responsibility for the decisions away from herself and onto the

supervisor. For example, Ms. Green testified repeatedly that all of the decisions about the Analyst had been made by her supervisor and that Ms. Green had simply approved them. Ms. Green said: "So going back to the week when [the supervisor] came to me and asked about -- you know, like we sat down, we both collectively came to the decision that maybe there wasn't enough work to do, and we couldn't continue to find things to do with the schedule." Later, Ms. Green testified: "Yes. And [the supervisor] was the one that said, I can't keep up with the projects. We don't have enough work to create for her." However, when asked directly if something had been Ms. Green's idea or the supervisor's, Ms. Green admitted she may have actually been the one to bring it up herself:

Q So you said when [the supervisor] got back from leave she kind of approached you about the issues with [the Analyst]?

A Not kind of. She approached me within the first week of coming back, yes.

Q And so when she came back you never said to her, hey, we've got to get this handled. You've got to handle [the Analyst's] work from home. This isn't working.

A I may have said I had a lot of difficulty trying to manage the schedule, you'll have to work through it because you're the supervisor.

These comments are substantively similar to the comments Ms. Green allegedly made to influence the supervisor's testimony. Based on the greater weight of the evidence, **OGC finds that Allegation VIII is SUBSTANTIATED.** Allegation VIII does not fall within the JHRC's jurisdiction, thus it renders no conclusion.

IX. ALLEGATION IX - CREDIBILITY

It was alleged that Ms. Green has not been fully credible or forthcoming over the course of the investigation. The specific allegations include, but are not limited to, the following:

1. During her interview, Ms. Green provided inconsistent answers.
2. During her interview, following breaks during which she conferred with her attorney, Ms. Green would revisit and change her previous testimony.
3. Ms. Green denied some of the allegations presented to her during her interview, but the manner and content of her own testimony indicated the allegations against her were true.

Evidence in support of the allegations: These allegations are verified by the transcript of Ms. Green's interview. Ms. Green provided inconsistent answers throughout her interview. For example, Ms. Green gave conflicting testimony about when she made the decision to terminate Whistleblower 1. Also, Ms. Green changed her testimony regarding critical issues after taking breaks to consult with her attorney. For example, before a break, Ms. Green testified about what she would do if she was back in her position as IG. She said: "I don't think my relationship with [a particular employee] would be salvageable. I don't know what I would do at that point." This testimony seemed to indicate that she may terminate or move that particular employee if given the chance, which would have potentially been retaliatory action. Shortly after returning from a break with her attorney, Ms. Green asked to clarify what she had said earlier. This time she stated: "I'm really hurt with [the particular employee] and a few other people, okay, but I will tell you this. If they put me back, [that particular employee] is a damn good investigator. [That particular employee is] very good. And I would make sure that we would work through any – you know what I mean – any disagreements we had. We would have an honest dialogue about it, and it would – I would – I would be able – I would be able to go back in there and do it." The timing of her change in testimony indicates that she was coached to give the answer needed to have the investigation reach a positive conclusion.

Also during her interview testimony, Ms. Green made comments that seem to substantiate the allegations made by the whistleblowers. Ms. Green spoke at length regarding her employees' physical appearance and sexuality. For example, when asked if she had ever commented on a particular employee's breasts, Ms. Green stated: "No. She comments on my breasts. Okay. She doesn't have any breasts. She wished she had my breasts. So that's the comments that have been made." Ms. Green's tone and the ease with which she discussed another employee's body corroborated the allegations regarding Ms. Green's sexual commentary in the workplace. Similarly, when asked if she had ever made racial comments at work, Ms. Green said no and then made a statement that a particular Black employee is her "favorite." Finally, Ms. Green used insulting language during her interview to describe more than one current OIG employee. Ms. Green referred to one employee as a "dip-shit" and another as "the most self-centered prima donna" Ms. Green had ever met.

Evidence contradicting allegations: None.

CONCLUSION ON ALLEGATION IX:

The greater weight of the evidence shows that Ms. Green provided inconsistent and contradictory statements during her interview. The evidence also shows that some critical answers changed following an opportunity to confer with her attorney. Additionally, the evidence shows that, during her interview, Ms. Green made the types of comments that the complaints allege she made in the workplace. **OGC finds that Allegation IX is SUBSTANTIATED.** Allegation IX does not fall within the JHRC's jurisdiction, thus it renders no conclusion.

GROUND FOR REMOVAL

Under City Code Section 602.305, the IG can be removed if she is found to have committed one or more of the following: (1) neglect of duty, (2) abuse of power, (3) discrimination, or (4) ethical misconduct. OGC finds that the substantiated allegations above demonstrate Ms. Green has committed each of the four types of misconduct provided in the Code.

1. Neglect of Duty

When considering what constitutes neglect of duty, the Florida Supreme Court stated the following:

Neglect of duty has reference to the neglect or failure on the part of a public officer to do and perform some duty or duties laid on him as such by virtue of his office or which is required of him by law. It is not material whether the neglect be willful, through malice, ignorance, or oversight. When such neglect is grave and the frequency of it is such as to endanger or threaten the public welfare it is gross.

Israel v. Desantis, 260 So. 3d 491 (Fla. 2019). Ms. Green does not know what City policies apply to her, the OIG, or her subordinates. Ms. Green has circumvented the public records laws in Florida. Ms. Green's conduct has violated at least one City policy. As the individual charged with oversight of the office that investigates other officers and offices, the Inspector General must constantly endeavor to hold herself and her office to the strictest standards of complying with the law. Based on these substantiated allegations, as detailed above, OGC finds Ms. Green has committed neglect of duty.

2. Abuse of Power

The Florida Supreme Court said, 'to 'abuse power' is to use it in an extravagant manner, to employ it contrary to the law of its use, or to use it improperly and to excess.' *Mendez v. Blackburn*, 226 So. 2d 340, 342-43 (Fla. 1969). Here, Ms. Green retaliated against Whistleblower I, created a hostile work environment, had an inappropriate relationship with a subordinate, pressured or manipulated an employee regarding his/her testimony to OGC during the investigation, and made disciplinary recommendations beyond the scope of any investigatory findings. Additionally, although Ms. Green denies knowing about the texts her boyfriend sent to an employee, those texts are a violation of the letter placing Ms. Green on administrative leave, which prohibits all direct and indirect communication with OIG employees. Based on the substantiated allegations above, OGC determines Ms. Green has abused her power as the IG.

3. Discrimination


Discrimination is prohibited by local, state, and federal law. As indicated above regarding Allegation II, both OGC and JHRC substantiated allegations that Ms. Green has discriminated against employees on the basis of race and/or disability status. Based on the findings substantiated above, OGC finds that Ms. Green has discriminated against OIG employees.

4. Ethical Misconduct


Ethical misconduct is inappropriate conduct which falls below the acceptable standard of ethical conduct required or implied by the office or position. Ms. Green has committed ethical misconduct by not being truthful during her interview, by consulting with the Contract Oversight Specialist about other employees' private personnel issues (including protected medical information), and by having an inappropriate relationship with her subordinate, the former DOI. Based on the substantiated allegations above, OGC finds that Ms. Green has engaged in ethical misconduct.

CONCLUSION

Based on testimony and documentary evidence, OGC has determined that the Inspector General has engaged in all four types of prohibited conduct provided for in Code Section 602.305. The IG Selection and Retention Committee should consider these findings and determine whether or not to initiate charges against Inspector General Lisa Green for removal from office.




JHRC, by
Wendy Byndloss
Executive Director, Jacksonville Human Rights Commission



Date



OGC, by
Ariel Cook
Assistant General Counsel



Date