



ALLEN NORTON & BLUE
PROFESSIONAL ASSOCIATION

INVESTIGATIVE REPORT

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Dated: March 26, 2020

INVESTIGATIVE REPORT

TO: Lynn Gelin, City Attorney
FROM: Suhaill M. Morales, Esq.
RE: Investigative Report
DATE: March 26, 2020

I. Basis for Investigation

Undersigned was retained by the City of Delray Beach (the "City") to conduct an independent investigation regarding allegations raised by [REDACTED] on February 27, 2020. On Thursday, February 27, 2020, during a call with City Attorney Lynn Gelin, [REDACTED] raised several incidents of sexual behavior towards her by Fire Chief Neal DeJesus. Specifically, [REDACTED] alleged that while he was interim City Manager, DeJesus frequently used sexual language towards her, called her a bitch, pulled her hair, and touched her inappropriately on more than one occasion. While [REDACTED] was on the phone with Gelin, Assistant City Manager Suzanne Fisher walked into [REDACTED] office and stated that she witnessed one occasion where DeJesus touched [REDACTED] on the small of her back. [REDACTED] asserted that she did not want to make a formal complaint. However, given her role as City Attorney, Gelin was compelled to investigate the allegations asserted. Following this discussion, undersigned was contacted to conduct the investigation to determine whether any violations of law or policy had occurred.

II. Nature of Investigation

The purpose of this investigation was to examine the allegations raised by [REDACTED], to examine any supporting evidence, conduct witness interviews and to determine whether any City policies or laws have been violated and if so, what the appropriate course of action should be.

III. Summary of Information Received

As part of my investigation, I interviewed of the following individuals: [REDACTED]; Linda Whelan; Jennifer Alvarez; Missie Barletto; Nairobi Bravo; Suzanne Fisher; Cynthia Fuentes; Lynn Gelin; Anthea Gianniotis; Dani Moschella; Karen Richards;¹ and Neal DeJesus.² Additionally, during the course of the investigation, [REDACTED] emailed me screenshots of portions of her WhatsApp communications with DeJesus, those are attached hereto.

¹ Richards is not employed by the City but is friends with Fisher and was present during one of the events where DeJesus touched [REDACTED] on the back.

² DeJesus declined to provide a statement without the presence of his attorney.

IV. Conclusion

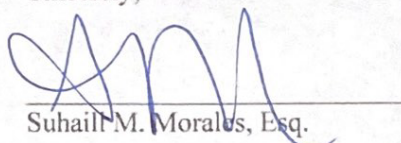
Prior to the conclusion of the investigation, DeJesus resigned instead of providing a statement. Thus, based upon the information provided, there is insufficient evidence to conclude that [REDACTED] was subjected to unlawful harassment. Nevertheless, DeJesus' action may constitute conduct unbecoming in violation of the City's policy. Notwithstanding, it is recommended that all employees be issued a copy of the harassment and reporting policy and execute an acknowledgement of this receipt. Additionally, the City should provide its managers with training regarding the City's harassment and complaint procedures.

V. Closing Remarks

The parties involved are reminded that City policy prohibits retaliation for anyone involved in this investigation or bringing forward complaints in good faith. These actions include, but are not limited to, taking any disciplinary or employment action against any current or former employee of the City as a result of their participation in this investigation and to do so could subject an individual to discipline, up to and including termination. The investigator has no reason to suspect that any City official would retaliate against anyone for their participation in this investigation.

Thank you for the opportunity to be of service to the City of Delray Beach in connection with this investigation. Should you have any questions regarding this report or any matters related to this investigation, please do not hesitate to contact us.

Sincerely,



Suhail M. Morales, Esq.