



**Florida Commission on Ethics**  
 P. O. Drawer 15709, Tallahassee, Florida 32317-5709  
 "A Public Office is a Public Trust"

ORIGINAL

FLORIDA  
 COMMISSION ON ETHICS

JUN 09 2021

RECEIVED

# COMPLAINT

## 21-101

### 1. PERSON BRINGING COMPLAINT:

Name: Palm Beach County Inspector General John A Carey Telephone Number: 561-233-2350  
 Address: Office of Inspector General, PO Box 16568  
 City: West Palm Beach County: Palm Beach State: Florida Zip Code: 33416

### 2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Use a separate complaint form for each person you wish to complain against:  
 Name: Brian Mulligan Telephone Number: (561) 471-1000 (attorney's #)  
 Address: 577 SW 11th Ct  
 City: Palm City County: Martin Zip Code: 34990  
 Title of office or position held or sought: Palm Beach County Fire Rescue Battalion Chief

### 3. STATEMENT OF FACTS:

Please provide a full explanation of your complaint, describing the facts and the actions of the person named above and why you believe he or she violated the law. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. Please do not submit more than 15 pages, including this form. Please do not submit video or audio tapes, CDs, DVDs, flash drives or other electronic media; such material will not be considered part of the complaint and will be returned.

### 4. OATH

STATE OF Florida  
 COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 2nd day of June, 2021, by John Carey (name of person making statement)

I, the person bringing this complaint, do swear or affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.

[Signature]  
 SIGNATURE OF COMPLAINANT

[Signature]  
 (Signature of Notary Public)  
HUGO BELANGER  
 Commission # GG 304428  
 (Print, Type, or Stamp Commission Expires February 16, 2023 Public)  
 Bonded Thru Troy Fain Insurance 800-385-7019



John A. Carey  
Inspector General

## OFFICE OF INSPECTOR GENERAL PALM BEACH COUNTY



Inspector General  
Accredited

06/01/2020

OIG Matter 2020-0006

Florida Commission on Ethics;

Enclosed is a complaint referral based on a Final Investigative Report issued by the Palm Beach County Office of Inspector General on April 28, 2021. This report details Palm Beach County Fire Rescue Battalion Chief Brian Mulligan's tutoring of his subordinates for a fee.

This complaint is notarized and being submitted by our Inspector General, John Carey for consideration by your office for potential violation of:

Florida Statutes, Section 112.313 -- Standards of conduct for public officers, employees of agencies, and local government attorneys — (6) Misuse of Public Position or (7) Conflicting Employment or Contractual Relationship.

### **We found that in 2019:**

- **Battalion Chief Mulligan provided training classes for a captain's promotional exam to Fire Rescue employees, for a fee payable to Chief Mulligan if the employee was promoted, at a County fire station**

We encourage your office to read pages 1-2 of the attached Final Report for a summary of these conclusions. The evidentiary details begin on page 4 of the attached report.

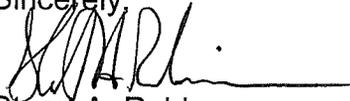
We are also referring this report to the State Attorney's Office and to the Palm Beach County Commission on Ethics.

If there are any questions concerning this submission please feel free to contact me at any time.

*"Enhancing Public Trust in Government"*

PO Box 16568, West Palm Beach, FL 33416-6568  
Email: [inspector@pbcgov.org](mailto:inspector@pbcgov.org) Website: <http://www.pbcgov.com/oig/>  
Office: (561) 233-2350 Hotline: (877) 283-7068 Fax: (561) 233-2370

Sincerely,



Stuart A. Robinson  
Director of Investigations,  
Palm Beach County Office of Inspector General

Telephone: (561) 233-2352  
Email: [srobinson@pbcgov.org](mailto:srobinson@pbcgov.org)



John A. Carey  
Inspector General

OFFICE OF INSPECTOR GENERAL  
PALM BEACH COUNTY



Inspector General  
Accredited

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*“Enhancing Public Trust in Government”*

# Investigative Report

## 2020-0006

# Palm Beach County Fire Rescue Use of Facilities for Profit

## April 28, 2021



John A. Carey  
Inspector General

OFFICE OF INSPECTOR GENERAL  
PALM BEACH COUNTY

INVESTIGATIVE REPORT  
2020-0006

DATE ISSUED: APRIL 28, 2021



Inspector General  
Accredited

*"Enhancing Public Trust in Government"*

**PALM BEACH COUNTY FIRE RESCUE USE OF FACILITIES FOR PROFIT**

**SUMMARY**

**WHAT WE DID**

In July 2020, the Palm Beach County Office of Inspector General (OIG) received a complaint that Palm Beach County (County) Fire Rescue Battalion Chief Brian Mulligan (Chief Mulligan) offered mentoring and training classes for a captain's promotional exam to Fire Rescue employees he supervised for a fee of \$7,000.00, payable to Chief Mulligan if the employees were promoted. During discussions with the complainant, we were advised that Chief Mulligan allegedly used Fire Rescue facilities for Chief Mulligan's private training business.

Based upon the complaint and an initial review of documents, rules, and policies, we initiated an investigation of the following allegation:

**Allegation:** Chief Mulligan held training classes for Fire Rescue employees he supervised for a fee at Fire Rescue facilities, in violation of Fire Rescue Policy.

We conducted a joint investigation with Fire Rescue Office of Internal Affairs. The investigation included a review of County and Fire Rescue policies, rules, and regulations; the Collective Bargaining Agreement between the County and the

Professional Firefighters/Paramedics of Local 2928, IAFF, Inc.<sup>1</sup> October 1, 2018 through September 30, 2021; and OIG Investigative Report 2015-0007. We also conducted numerous interviews of Fire Rescue employees.

In 2015, the OIG issued OIG Investigative Report 2015-0007, which recommended that Fire Rescue "ensure all employees are familiar with the County's policies and procedures related to dual employment, and where required, PBCFR (Fire Rescue) should ensure that the appropriate documentation is obtained." Fire Rescue concurred with this OIG recommendation. Fire Rescue employees, including Chief Mulligan, received training on outside employment conflicts of interest on one occasion.

**WHAT WE FOUND**

**The Allegation is supported.** We found sufficient evidence to support the allegation. Chief Mulligan provided training classes for a captain's promotional exam to Fire Rescue employees, for a fee payable to Chief Mulligan if the employee was promoted, at a County fire station. Two (2) of Chief Mulligan's four (4) students were promoted after passing the exam and paid Chief Mulligan for his

<sup>1</sup> IAFF- International Association of Fire Fighters

training services. Chief Mulligan and his students acknowledged that some of the training classes were held at a fire station.

We also found sufficient information to warrant referral of our finding to the State of Florida and Palm Beach County Commissions on Ethics to determine whether Chief Mulligan's solicitation and tutoring of his subordinates for a fee constituted a misuse of his public employment or created an ongoing conflict

between his public duties and his private interests in violation of the State of Florida and/or Palm Beach County Codes of Ethics.

#### **WHAT WE RECOMMEND**

We make two (2) recommendations that can assist Fire Rescue in avoiding conflicts related to employees' outside employment.

## BACKGROUND

Fire Rescue is one of the largest fire departments in Florida and the largest fire department in Palm Beach County.<sup>2</sup> Fire Rescue has more than 1,600 employees and 49 fire stations. Fire Rescue covers an area of 1,769 square miles and responds to approximately 140,000 emergency calls annually.



**Fire Rescue Policy PPM# FR-O-506, Fire Station Utilization by General Public,<sup>3</sup> states,**

**PURPOSE:** The purpose of this policy is to establish a process and procedure for the utilization of Fire Rescue facilities by the general public for activities such as meetings, birthday parties, and other community events.

.....

**SCOPE:** This policy applies to all Palm Beach County Fire Rescue personnel and reservists.

**POLICY:** Fire Rescue encourages the general public's utilization of Fire Rescue stations within the limitations as set forth in this policy. **Fire station meeting rooms shall only be authorized for use by County sponsored activities or by non-profit organizations** that are recognized as operating for the public benefit or interest. **Use by profit-making organizations, events requiring fees, generating a profit or for political purposes are not deemed appropriate.** [Emphasis added]

## ALLEGATION AND FINDING

Allegation:

Chief Mulligan held training classes for Fire Rescue employees he supervised for a fee at Fire Rescue facilities, in violation of Fire Rescue Policy.

Governing Directive:

**Fire Rescue Policy PPM# Fire Rescue-O-506, Fire Station Utilization by General Public.**

Finding:

The information obtained supports the allegation.

<sup>2</sup> <https://discover.pbcgov.org/pbcfr/pages/default.aspx>

<sup>3</sup> Effective March 24, 2014

**Fire Rescue Office of Internal Affairs Interview of Fire Rescue Lieutenant Michael Davila**

Lieutenant Michael Davila told Fire Rescue Internal Affairs that he had been told that Chief Mulligan offered training/mentoring classes at Station 39 to other Fire Rescue employees to help them get ready for the captain's promotional process for around \$7,000, if they got promoted. If a class attendee did not receive a promotion, Chief Mulligan would not be paid. At no time was Lieutenant Davila offered assistance. He felt "that it was unfair that Chief [Mulligan] was helping other people inside the battalion" and that Chief Mulligan would get a sum of money if others below Lieutenant Davila on the promotion list got promoted. Lieutenant Davila said that Chief Mulligan was very demeaning to him and told Lieutenant Davila and others that Lieutenant Davila should remove his name from the promotion roster.

**Interview of Fire Rescue Driver Operator Chad Knowles**

The OIG and Fire Rescue Internal Affairs interviewed Fire Rescue Driver Operator Chad Knowles. Mr. Knowles stated that Chief Mulligan told him that he was offering a training program, and that Mr. Knowles should let him know if he was interested. Mr. Knowles, Zachary Boyd, Timothy Ascheman, and George Suarez attended training classes given by Chief Mulligan to prepare for the 2019 Captain's exam. Mr. Knowles took and passed the 2019 Captain's position promotional exam; however, he has not been promoted as of the date of his interview. The fee for Chief Mulligan's training was \$7,500.00 upon promotion. The training classes were sometimes held at restaurants, and between five and ten classes were held at County Fire Station 39 at a table in the day room. The average class session lasted two to three hours.

Mr. Knowles does not believe that Chief Mulligan was on duty when he taught the classes because Chief Mulligan told the students he used his personal vacation time for classes. Mr. Knowles could not recall the dates or times the classes were held.

Mr. Knowles added that other Fire Rescue officials offer similar classes, but charge fees upfront. Because he has not been promoted, Mr. Knowles has not paid Chief Mulligan for attending the classes. Mr. Knowles affirmed that he reported to Chief Mulligan throughout the period of the training offered by Chief Mulligan.

**Interview of Fire Rescue Captain Zachary Boyd**

The OIG and Fire Rescue Internal Affairs jointly interviewed Captain Boyd. While Captain Boyd was on duty, Chief Mulligan came to the station and offered classes to Chad Knowles, George Suarez, and Captain Boyd. Captain Boyd, Chad Knowles, Timothy Ascheman, and George Suarez attended training classes given by Chief Mulligan to prepare for the 2019 Captain's exam. He took and passed the 2019 Captain's position promotional exam and was promoted on November 9, 2019. He recalled that some classes were held at Station 39, but he did not remember how many. Other classes were held at Starbucks or libraries. Captain Boyd also stated that he believed that Chief

Mulligan taught the classes on Chief Mulligan's days off or when on vacation. Captain Boyd did not have a memory of the specific dates or times for these classes.

Following his promotion, Captain Boyd paid Chief Mulligan their agreed upon \$7,500.00 fee, in three \$2,500.00 cash installments over three months. Captain Boyd affirmed that he reported to Chief Mulligan throughout the period of the training offered by Chief Mulligan.

### **Interview of Fire Rescue Captain Timothy Ascheman**

The OIG and Fire Rescue Internal Affairs jointly interviewed Captain Timothy Ascheman. Captain Ascheman took and passed the 2019 Captain's position promotional exam and was promoted on June 8, 2019. Captain Ascherman stated that he, Chad Knowles, Zachary Boyd and George Suarez attended training classes given by Chief Mulligan to prepare for the 2019 exam. Captain Ascheman did not have a memory of the specific dates or times for these classes. Captain Ascherman never attended a training session at Station 39 or in any other County buildings.

Captain Ascheman operates a pool business, and Chief Mulligan called him about getting Chief Mulligan's pool redone. Captain Ascheman was attracted by Chief Mulligan's no-upfront cost, pay when promoted fee model. Captain Ascheman paid Chief Mulligan \$2,000.00 in cash once promoted because he did work on Chief Mulligan's swimming pool. Captain Ascheman estimated the value of the pool work he completed for Chief Mulligan to have been approximately \$3,000.00. Captain Ascherman stated that he did not report to Chief Mulligan throughout the period of the training offered by Chief Mulligan.

Chief Mulligan told Captain Ascheman Chief Mulligan was off-shift when he taught classes. Chief Mulligan utilized his personal email and phone when communicating with students.

### **Interview of Fire Rescue Lieutenant George Suarez**

Lieutenant Suarez took but did not pass the 2019 Captain's position promotional exam. He stated that Chad Knowles, Zachary Boyd and Timothy Ascheman attended training classes given by Chief Mulligan to prepare for the 2019 exam. Lieutenant Suarez stated he attempted to attend the classes but missed many of them. He added they were not classes; they were "just sit downs" where Chief Mulligan came to Station 39 on his off time and assisted them in handling different training scenarios. Mr. Suarez assumed Chief Mulligan was off-duty because he wore plain clothes. Chief Mulligan may have come to Station 39 for these classes less than five times. Lieutenant Suarez did not have a memory of specific dates or times for these classes. Lieutenant Suarez said Chief Mulligan said, "I'm here for you." Lieutenant Suarez took this statement to mean that Chief Mulligan, his battalion chief, wanted to see him progress in the ranks.

Chief Mulligan never discussed a fee with Mr. Suarez and he assumed there was a fee for the other students, but he did not know the amount. When asked whether there was

a \$7,500.00 upon promotion fee, Mr. Suarez stated he “may have heard that from... maybe somebody mentioned it, but to me specifically, he never came up with a number.” Mr. Suarez did not pay Chief Mulligan for attending the classes. Lieutenant Suarez affirmed that he reported to Chief Mulligan throughout the period of the training offered by Chief Mulligan.

### **OIG Review of Fire Rescue Records**

The OIG reviewed Chief Mulligan’s “Workforce TeleStaff” records for the investigative period. These records showed Chief Mulligan’s duty and vacation days. The OIG also examined Fire Rescue email and calendar records to determine the times and dates of Chief Mulligan’s captain’s examination training classes taught at a Fire Rescue Fire Station 39. The OIG found no entries for these classes either in County emails or County calendars.<sup>4</sup> The OIG did not find any indication that Chief Mulligan utilized the County email system to communicate with Fire Rescue employees about training classes or to memorialize dates or times of the training. Neither Chief Mulligan’s Workforce TeleStaff records, the witnesses’ calendars or emails, nor their testimony indicate with certainty when Chief Mulligan’s captain’s examination training classes occurred.

Fire Rescue reviewed records which showed that Chief Mulligan was in the supervisory chain of command for three of the class attendees throughout our investigative period.

Our review found an email that appeared to be related to promotional training material. Chief Johns of Fire Assessment Center Prep, a company that provides training for firefighters’ exams, emailed Chief Mulligan a PowerPoint attachment titled IOS Quasi-Role Play Scenarios. Chief Mulligan forwarded this email and attachment to his personal email address. Chief Mulligan responded to this email, requesting that Chief Johns not send materials to his work email.

### **Interview of Fire Rescue Battalion Chief Brian Mulligan**

The OIG and Fire Rescue Internal Affairs jointly interviewed Chief Mulligan. He acknowledged that he conducted training classes to prepare Fire Rescue employees Chad Knowles, Zachary Boyd, Timothy Ascherman, and George Suarez for the 2019 Captain’s promotional exam.

Chief Mulligan recalled that he first offered his services to Captain Ascherman when Captain Ascherman worked on his pool. The other three students reached out to Chief Mulligan either by phone or in person at a fire station.

The classes were held wherever it was convenient, such as restaurants, cafes, people’s houses, libraries, or at Fire Station 39. No other fire stations or County buildings were used for the classes. He did not receive permission from anyone to conduct these classes

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<sup>4</sup> The OIG requested personal emails and calendars from Chief Mulligan and Captain’s examination class attendees. No personal emails or calendars were received that reflected class times or dates.

at fire stations. He did not recall the dates of the classes and had no records of the class dates.

Chief Mulligan stated that he never taught while he was on duty. He used vacation time when teaching the classes at Station 39, but he taught his subordinates, Chad Knowles, Zachary Boyd, and George Suarez, for a fee while they were on duty.

Chief Mulligan said that he communicated with his students via personal emails, texts, or telephone calls. He said there were no set plans for session dates, times, or length. Captain Ascheman worked in Belle Glade; therefore, he never came to Station 39 for a class. George Suarez rarely attended classes.

Chief Mulligan estimated he spent at least 150 to 200 hours mentoring the four students. He estimated that Station 39 was used for two to four classes, totaling 15-20 hours of instruction. He did not notify his supervisor of these activities at a Fire Rescue facility.

Chief Mulligan stated that the fees for the classes were \$7,500.00, but only payable if a student was promoted. Captain Boyd and Captain Ascheman were promoted. Captain Boyd paid him \$7,500.00 cash in three or four installments. Captain Ascheman paid \$2,000.00 in cash, with rest of the fee bartered for pool work on Chief Mulligan's personal pool. Chief Mulligan stated that the mentoring business was not about the money, but more about the challenge of helping employees pass the captain's exam. He told the OIG that there was "no real logic" on how he calculated the \$7,500.00 fee. He said, "It's almost what they call the 'I don't really want to do it' price. I kind of stuck my foot in my mouth and I didn't really want to do it, so I threw out a high number and they're like, 'Okay.' I was like, 'Okay, I guess it's worth me doing this.' There's absolutely zero logic or thought process."

### **Interview of Fire Rescue District Chief Tracey Adams**

The OIG and Fire Rescue Internal Affairs interviewed District Chief Tracey Adams. She stated she is Chief Mulligan's direct supervisor. District Chief Adams stated that she did not know anything about Chief Mulligan's 2019 captain's promotional exam classes, including whether they were held at Fire Rescue facilities.

### **OIG Conclusion**

Chief Mulligan used space at Fire Rescue Station 39 for a profit-making endeavor. Fire station meeting rooms may only be used for County sponsored activities or non-profit endeavors operating for the public benefit or interest. Chief Mulligan taught three (3) of four (4) Fire Rescue employees for the 2019 captain's promotional exam at County Fire Station 39 for a fee payable to Chief Mulligan, if the trainee was promoted. Chief Mulligan received payment in cash and bartered services valued at approximately \$3,000 from two (2) of the four (4) Fire Rescue trainees after their promotion. Chief Mulligan taught these classes on at least two and less than ten occasions, and for a total of approximately 15 to 20 hours. He did not notify his supervisor of these activities.

Therefore, Allegation 1 is supported.

**Other Issues**

1. In 2015, the OIG issued OIG Investigative Report 2015-2017. In September 2015, Fire Rescue concurred with an OIG recommendation that Fire Rescue obtain outside employment disclosures from employees to prevent outside employment conflicts of interest. Between September 2015 and October 2016, Fire Rescue provided training on the prevention of outside employment conflicts of interest.

Training materials consisted of the distribution of the Commission on Ethics Employee Conflicts of Interest Waiver, as follows:

**REVIEW COMPLETED ACTIVITY**

**ADMIN:**  
**Ethics Employee Conflict of Interest**

All bargaining unit employees are encouraged to sign and submit a "Commission on Ethics Employee Conflicts of Interest Waiver", and all merit employees are required to sign and submit this form to the Compliance Officer via email or interoffice mail. This official request is being made pursuant to Rule 10 (Outside or Non-County Employment) of the County's Merit System Rules and Regulations. Rule 10 is attached as a separate file on this assignment. This signed ethics document will be used to protect our employees from allegations of misconduct. If you have any questions about outside employment and whether there is a conflict or not, the commission on ethics will issue an advisory opinion to protect your interests by filling out a request for clarification on their website at [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com).

Date Complete  
9/24/2015 12:00 AM EST

Location  
Headquarters

Please read the attached document.

 Rule 10.pdf \*

I have read the above document.

Please read and sign the above document. Then please submit the signed form to the Compliance Officer.

 Employee\_Conflict\_of\_Interest\_Form.pdf \*

I have read the above document.

Cancel



Honesty - Integrity - Character

# COMMISSION ON ETHICS EMPLOYEE CONFLICT OF INTEREST WAIVER

**This form is only applicable if you have a part-time job  
or outside employment with a vendor of your public employer!**

Employee Name and Telephone Number: \_\_\_\_\_ Employee ID# \_\_\_\_\_

Public Employer: \_\_\_\_\_ Department/Unit Name: \_\_\_\_\_

Supervisor Name and Telephone number: \_\_\_\_\_

Outside Employer: **You must be a part-time employee and cannot have ownership in a business that has a contract with your government employer. If you own the company, you are generally not allowed to do outside work for your agency.**

Name: \_\_\_\_\_ Address (City/State/Zip): \_\_\_\_\_

Supervisor Name and Telephone Number: \_\_\_\_\_ Date of Hire \_\_\_\_\_

## **DECLARATION**

(EACH ITEM MUST BE ACKNOWLEDGED)

- Neither I, nor a relative of mine, works in the county or municipal department which enforces, oversees or administers any contract or transaction with my outside employer;
- My outside employment will not interfere or otherwise impair my independent judgment or the full and faithful performance of my public duties.
- Neither I, nor a relative of mine, participated in determining the requirements or awarding of any contract to my outside employer.
- My public job responsibilities and job description will not require me to be involved in any contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance with my outside employer.
- I have complied with all merit rules or other policy requirements of my public employer.

**I understand that the Code of Ethics waiver requirements are ongoing. If my public or outside employment status changes in any way, I must obtain an updated Conflict of Interest Waiver or submit a Notice of Termination.**

I hereby swear or affirm that the information I have provided in this Conflict of Interest Waiver form, and all attachments, are true and correct.

Employee signature: \_\_\_\_\_ Date: \_\_\_\_\_

Department Head or equivalent: \_\_\_\_\_ Date: \_\_\_\_\_

Chief Administrative Officer or equivalent: \_\_\_\_\_ Date: \_\_\_\_\_

**(Please attach all pertinent facts and relevant documents that support this waiver)**

**ONLY SEND COPIES TO COE - ORIGINAL DOCUMENTS REMAIN IN HUMAN RESOURCES  
WAIVER AND DOCUMENTATION MUST BE SUBMITTED TO THE COMMISSION ON ETHICS**

**LOCATED AT 300 NORTH DIXIE HIGHWAY, SUITE 450, WEST PALM BEACH, FL 33401**

Fire Rescue employees interviewed during this investigation had little or no knowledge of the County Ethics rules or training on outside employment. Fire Rescue should ensure that all employees are properly trained on the Palm Beach County Ethics Code.

2. Additionally, we found sufficient information to warrant referral of our finding to the State of Florida Commission on Ethics for a determination of whether Chief Mulligan's solicitation and tutoring of his subordinates for a fee constituted a misuse of his public employment or created an ongoing conflict between his public duties and his private interests in violation of sections 112.313(6) and/or (7), Florida Statutes. We are also referring our finding to the Palm Beach County Commission on Ethics for a determination of whether Chief Mulligan's conduct violated section 2-443(a) or other provision of the Palm Beach County Code of Ethics.

### ACKNOWLEDGEMENT

The Inspector General's Investigations Division would like to thank Fire Rescue staff for their assistance and cooperation throughout this investigation.

### RECOMMENDED CORRECTIVE ACTIONS

1. Fire Rescue should provide training on appropriate use of Fire Rescue facilities, including but not limited to fire stations.
2. Fire Rescue should consider adopting an internal rule or policy regarding the disclosure of outside employment and the review of such disclosures for potential conflicts of interest. In addition, Fire Rescue should consider incorporating the substance of the County Commission on Ethics' Employee Conflict of interest form as it relates to outside employment as part of its internal training and policy

### RESPONSE FROM MANAGEMENT

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, Fire Rescue was provided the opportunity to submit a written explanation or rebuttal to the findings as stated in this Investigative Report within ten (10) calendar days. Their written response is attached to this report as Attachment 'A'.

### RESPONSE FROM CHIEF MULLIGAN

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, Chief Mulligan was provided the opportunity to submit a written explanation or rebuttal to the findings as stated in this Investigative Report within ten (10) calendar days. His written response is attached to this report as Attachment 'B'.<sup>5</sup>

<sup>5</sup> A Draft of this Report contained Palm Beach County Policy PPM# CW-O-024, Use of County Owned Properties for Non-County Activities, as an applicable Governing Directive. Chief Mulligan's response to the Draft Report asserted that this County PPM was not applicable. The OIG acknowledges that the County is a lessee and not the owner of Fire Station 39; thus, references to Policy CW-O-024 were removed from this report.

**ATTACHMENT A**



**PALM BEACH COUNTY FIRE RESCUE**  
**Inter-Office Memorandum**

**Fire Rescue**

Chief Reginald K. Duren  
405 Pike Road  
West Palm Beach, FL 33411  
(561) 616-7000  
www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor  
Robert S. Weinroth, Vice Mayor

Maria G. Marino

Gregg K. Weiss

Maria Sachs

Melissa McKinlay

Mack Bernard

**County Administrator**

Verdenia C. Baker

**DATE:** April 22, 2021

**TO:** Stuart Robinson, Director of Investigations  
Palm Beach County

**FROM:** Reginald K. Duren, Fire Administrator  
Palm Beach County Fire Rescue

**RE:** Inspector General Investigation 2020-0006

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Pursuant to the investigation pertaining to investigative report 2020-0006, the following will be implemented:

- All employees will receive the "Ethics Employee Conflict of Interest Training"
- All new hires will receive this training within their first month at Palm Beach County Fire Rescue
- A policy regarding secondary employment including two attachment forms: Notification of Outside Employment and Commission on Ethics Employee Conflict of Interest Waiver

Should you have any further questions, please do not hesitate to contact me at 561-616-7001.

RKD/mm

"An Equal Opportunity  
Affirmative Action Employer"

Official Electronic Letterhead

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**ATTACHMENT B**

## Response to Investigative Report 2020-0006

To: Stuart Robinson – Director of Investigations  
Office of Inspector General –  
Palm Beach County

Date: April 25, 2021

From: Michael Salnick

Re: Brian Mulligan

Please accept this response on behalf of my client, Chief Brian Mulligan, as it concerns the above referenced report. He has been given the opportunity to provide this response which has been timely sent per our discussions.

It is common for employees preparing for promotion within fire rescue to seek training to be properly prepared so as to assure the best chance of passing the examination. It is not uncommon for those seeking promotion to use trainers who also may have a link to their chain of command. As a Battalion Chief, my client has no input into who gets promoted. Specifically, Chief Mulligan has no input into firefighter Boyd, Knowles, Ascherman or Suarez evaluations or station assignments.

It was Chief Mulligan's understanding that Fire Station 39 is not located in a county owned facility but rather a building owned by the town of Palm Springs. The implication that a meeting room was used is not true, as there are no "meeting rooms" at Station 39.

Lt. Suarez best described what occurred as sit downs. They were at a dining room table where anyone could sit in and participate. I believe that on some occasions there were actually others present. The only reason for this occurring at Station 39 was for the convenience of the candidates. As indicated in the interviews, there were many different places available.

Part of a Battalion Chief's normal day is to go around to different stations discussing various issues that employees may ask about. Chief Mulligan made these rounds on a regular basis, including Station 24 where Lt. Davila was assigned. He had every opportunity to ask questions or seek guidance on the promotional process. He was not ignored.

Lt. Davila stated he knew Chief Mulligan was training outside of the department. He could have contacted Chief Mulligan at any time but he chose not to. It is not fair to make the assumption that Chief Mulligan did anything wrong. All Mr. Davila had to do was ask.

Mr. Davila's accusations that my client was demeaning and that he should remove his name from promotional consideration are false. In a meeting requested by Mr. Davila's direct supervisor, Captain Bostic, it was discussed that it would be a good idea for Mr. Davila to **temporarily** remove his name from the roster while getting additional training. The idea behind this was to protect Mr. Davila from himself. This occurred after Captain Bostic noticed that Mr. Davila made some poor decisions that could have injured or killed a firefighter or civilian. There are concerns in the department about Mr. Davila's decision making abilities. These concerns were passed up the chain of command and the fire rescue administration was made aware of this.

There was no monetary gain for my client if Mr. Davila got promoted or not. It didn't impact anyone my client assisted who was below him on the list.

Fire rescue policy PPM# FR-O-506 does set out a process for utilizing fire rescue facilities by the general public. If my client is considered the general public he should be treated as such. As pointed out the policy refers to meeting rooms and as stated none existed.

In June of 2020 my client had a meeting with fire administrator Reginal Duren. There were several topics discussed including poor employee morale, insufficient

employee training and wasteful spending of taxpayer dollars. In the 29 years my client has served Palm Beach County Fire Rescue (19 as a supervisor) this is the first time his integrity and ethics have been questioned. It almost seems that this was done in an effort to bully Chief Mulligan into being quiet. In March of this year my client again met with Mr. Duren. At this meeting my client expressed his concern about officers being encouraged to lie on official records by a division chief. After no follow up contact for several months the investigation intensified again. This only serves to substantiate our suspicions of retaliation, intimidation and bullying.

Because Station 39 is not a county owned facility, it seems that all else is irrelevant. Test preparation in exchange for a fee is commonplace in fire departments. This is especially true with Palm Beach County Fire Rescue, where superiors teach those seeking advancement within the agency. This has never been found to be an abuse of power, even in investigative report 2015-2017 which is referenced in the draft my client was provided.

On behalf of Brian Mulligan, we are requesting that the allegation be changed to unfounded and that there be no need for any further referral to the ethics commission. I would ask that a final copy of your report be sent to myself and Chief Mulligan.

Respectfully submitted,

Michael Salnick  
On behalf of Brian Mulligan