

**IN THE CIRCUIT COURT OF THE
FOURTEENTH JUDICIAL CIRCUIT,
IN AND FOR BAY COUNTY, FLORIDA**

ANGELTHON HUYKE,

Plaintiff,

CASE NO.: 23-CA-834

FLA BAR NO.: 0739685

v.

**TOMMY FORD in his official capacity
as SHERIFF of BAY COUNTY,**

Defendant.

_____ /

COMPLAINT

Plaintiff, ANGELTHON HUYKE, hereby sues Defendant, TOMMY FORD in his official capacity as SHERIFF of BAY COUNTY, and alleges:

NATURE OF THE ACTION

1. This is an action brought under the Florida Whistleblower Act codified at §112.3187, Florida Statutes.¹
2. This action involves claims which are, individually, in excess of Fifty Thousand Dollars (\$50,000.00), exclusive of costs and interest.

THE PARTIES

3. At all times pertinent hereto, Plaintiff, ANGELTHON HUYKE, has been a resident of the State of Florida and was employed by Defendant. Plaintiff is a member of a protected class due to his objections to, reporting and disclosing Defendant's malfeasance, misfeasance and/or gross misconduct. Further, Plaintiff was retaliated against after said reporting.

¹ Plaintiff intends to add claims when his administrative exhaustion is complete.

4. At all times pertinent hereto, Defendant, TOMMY FORD in his official capacity as SHERIFF of BAY COUNTY, has been organized and existing under the laws of the State of Florida. At all times pertinent to this action, Defendant has been an “employer” as that term is used under the applicable laws identified above. Defendant was Plaintiff’s employer as it relates to these claims.

CONDITIONS PRECEDENT

5. Plaintiff has satisfied all conditions precedent to bringing this action, if any.

STATEMENT OF THE ULTIMATE FACTS

6. Plaintiff is a person of color (Hispanic) who immigrated to America from Caracas, Venezuela. Plaintiff began his employment with Defendant on or about August 16, 2018, and held multiple positions of responsibility within Defendant, including Corporal on Patrol, K9 handler, Swat Team Operator, and Marshal Task Force Officer before his demotion in December 2023 and subsequent termination on February 21, 2023.

7. Despite his stellar work performance during his employment with Defendant, Plaintiff has been subjected to disparate treatment, different terms and conditions of employment, and was held to a different standard because of his reports and objections to actions by Defendant that constitute gross misconduct, misfeasance and/or malfeasance.

8. The disparate treatment and retaliation came at the hands of specifically but not limited to Patrol Lieutenant Doug Smith, Sgt. Jared Turner, Patrol Captain David Baldwin, Sheriff Tommy Ford, Captain Jason Daffin and Patrol Lieutenant Ron Crowson, all of whom are white.

9. Plaintiff began his employment with Defendant in 2018 as a Deputy Sheriff.

10. Thereafter, Plaintiff was subjected to unfair and illegal discrimination. Plaintiff first noticed the discriminatory actions of Defendant on or about February 2020, when he joined the Criminal Investigations Division (“CID”) and was immediately given the nickname “Kevo.” Upon information and belief, this nickname was bestowed upon Plaintiff due to the color of skin, as a former deputy (also a gentleman of color) had gone by the family nickname Kevo. The inference of the nickname was that all people of color looked alike, and indeed, at a later date, Plaintiff learned that another employee of color (Investigator K. Jones) was also given the same nickname, which apparently was shorthand for men of color. Despite making it clear to co-workers and CID supervisors (CPT Daffin and LT Mathis) that he did not like the inappropriate and racist nickname, staff members continued to refer to him as “Kevo.”

11. Shortly after Plaintiff voiced his opposition to being called what appeared to be a name reserved for persons of color, Defendant doubled down on the racist targeting and printed out a photo of Plaintiff to put on public display in the CID office, alongside a photo of the original “Kevo.”

12. Plaintiff is unaware of any comparable event involving the nicknaming of white employees based upon a superficial or non-existent resemblance to other white employees or celebrities.

13. Plaintiff subsequently left the CID department via lateral transfer to the K9 Unit/Patrol in or around September, 2020.

14. In January 2021, Plaintiff endeavored to improve his prospects within the Defendant as well as optimize his ability to contribute to his community by seeking promotional opportunities and was excellently positioned to do so by virtue of his record, work ethic, and experience. Despite scoring in the top three on the Corporal (“CPL”) exam, having no disciplinary

write-ups, and having more than one year of Bay County Sheriff's Office (BCSO) experience, Plaintiff was passed over for promotion four times, with the promotion each time going to white employees over Plaintiff.

15. These employees include but are not limited to John Standland, Chad Roswell, Thomas Young, and Alex Young, all white males. Each of these employees lacked at least one of the stated criteria for the promotion or were less qualified than Plaintiff. Either the successful candidates were without the requisite years of mandatory BCSO experience, had disciplinary write-ups, or scored the same or lower than Plaintiff on the examination for promotion. Upon information and belief, the requirements for promotion were waived for select white employees and past disciplinary measures were discounted for those employees, in contradiction to Defendant's policy.

16. Plaintiff discussed these discriminatory actions with Lt. David Higgins, a white male, on June 17, 2021, but he dismissed Plaintiff's concerns and instead replied that Plaintiff should "play the game."

17. Later that year, on October 18, 2021, and after finally being promoted after the four white officers, Plaintiff started his position as Corporal under Lt. Smith.

18. Plaintiff was immediately warned by officers Kevin Jones, Kyle Edwards, and Sergeant Evans, that Lt. Smith preferred to have Deputy Rebecca Smith as his Corporal rather than Plaintiff. Deputy Smith is a white female officer with far less experience than Plaintiff; further, she held no supervisory rank. Lt. Smith reinforced the veracity of the information Plaintiff received about her by allowing Deputy Smith to take supervisor calls over Plaintiff, stating "I let her do that because I trust her." Lt. Smith later admitted to "grooming" Deputy Smith which

showed Plaintiff that he was not Smith's first choice for the position. "Grooming" is not mentioned in the promotion policy as being an acceptable practice.

19. Further, Lt. Smith undermined Plaintiff's authority and ability to carry out his responsibilities by allowing Deputy Smith to undertake work assignments which were within the purview of Plaintiff's job, not hers, and for which she was not qualified to perform. This is particularly true as Plaintiff was occupying the Corporal position without issue.

20. In November 2021, Plaintiff alerted Lt. Smith and Sgt. Crowson to the concerns of Recruit Trainee Drexler, who was being trained by Deputy Smith and who had mentioned feeling that her training was inadequate due to the slow zone to which she and Deputy Smith were assigned.

21. Plaintiff suggested a rearrangement of zone assignments in order to give the recruit the necessary exposure to calls to adequately prepare her for her position. Plaintiff's suggestions were ignored, and as a result, Plaintiff was ultimately assigned to work a zone himself in order to give Deputy Smith the freedom to work wherever in the county she pleased during a 10 a.m. to 10 p.m. shift, a freedom afforded to no other officer on the shift. Not only was it uncommon for supervisors to work a zone rather than attend their supervisory duties, when Plaintiff asked Lt. Smith and Sgt. Crowson why he was being assigned a zone and was not included in supervisory decisions, he was scolded for questioning their decisions.

22. In March 2022, Plaintiff was directed by Lt. Smith to decrease his number of traffic stops and focus on being a supervisor instead. This directive was contradictory to Defendant's standards, as productivity statistics are commonly analyzed as performance metrics, criteria for promotions, awards, etc. Additionally, white female Deputy Madi Stocks, had recently been awarded for having the most arrests in her zone at the same time as Plaintiff was being directed to

reduce his number of arrests and directly undercut his own performance and productivity. These contradictory standards clearly show the difference between standards of performance for white and non-white employees of the Defendant. Upon information and belief, Lt. Smith advised Plaintiff to decrease his traffic stops in order to jeopardize his career progression.

23. Another example of the disparate treatment to which Plaintiff was subjected involved alleged difficulties with his “delivery” style. Deputy Anderson, a white male, failed to arrive in a timely and urgent manner to a crime scene. Plaintiff employs a direct and unambiguous style of speaking, and as Anderson’s supervisor, it was his responsibility to address Anderson’s unacceptable response time. Rather than address the problem with Anderson’s performance, Lt. Smith immediately supported Anderson without benefit of discussion with Plaintiff regarding Anderson’s performance, and issued an “unofficial” reprimand to Plaintiff, during which Plaintiff was directed to cease giving supervisory instructions to subordinates and instead to go through Lt. Smith and/or Sgt. Turner, who would then relay Plaintiff’s supervisory directives. By May 2022, Defendant had stripped Plaintiff of his supervisory powers on the pretextual excuse of his “delivery.”

24. Subsequent to these events, on or about May 17, 2022, Plaintiff submitted a written complaint to Captain Baldwin detailing the issues he had experienced with Lt. Smith. He reported, among other issues, the manner in which he was targeted and discriminated against, the lax work standards of co-workers and supervisors alike, Deputy Smith’s inadequate training practices, and other problems within his unit. Plaintiff submitted this written complaint informally at the request of Cpt. Baldwin, who promised to handle the complaint appropriately. Despite his assurances, Plaintiff’s complaint was ignored, and no corrective action was taken.

25. Thereafter, Plaintiff continued to observe Deputy Anderson's substandard performance and consequently sent a lengthy written complaint to Sgt. Turner and Captain Baldwin on or about June 14, 2022. This complaint noted multiple instances of Deputy Anderson being unavailable and unaccounted for during work hours. This complaint was ignored, and the issue was not addressed until October 2022, when it came to light that Deputy Anderson was engaged in a sexual relationship with a minor while on duty- a crime.

26. Subsequent to these events, Plaintiff was warned by multiple co-workers that Defendant intended to target and was targeting Plaintiff for removal from his corporal position, at least in part due to the multiple complaints he submitted.

27. In the weeks that followed these events, an issue arose with the delivery style of Deputy Pierce, a white male who chastised multiple officers for questionable actions at work. When Lt. Smith interviewed Deputy Pierce regarding his direct and unambiguous communication style, he absolved him from any potential punishment by placing shifting responsibility for Pierce's communications onto Plaintiff, specifically asking Deputy Pierce whether "he [Plaintiff] is influencing you?"

28. Soon thereafter, in July 2022, Plaintiff was placed on an administrative suspension for not answering a telephone call from Lt. Smith. Plaintiff was in the middle of working and could not then call him back as he had been directed to prepare/correct a report by Sgt. Turner. Plaintiff thereafter called Lt. Smith back and he said that Plaintiff's attempt to get back with him was unacceptable. Plaintiff explained why he was delayed in calling Lt. Smith back but he refused to accept the explanation. Thereafter, Plaintiff asked Lt. Smith to speak to his supervisor, Captain Baldwin. Plaintiff received a three day suspension thereafter and never got to talk to Captain Baldwin.

29. Incidents which display the lack of discipline applied to white employees include but are not limited to the following: Deputy Anderson not being written up for his lack of action in responding to a call for service and being given three chances to complete a task before being reprimanded; Lt. Higgins yelling racist remarks at a Hispanic citizen; Deputy Casey Melton getting arrested for battery; Sgt. Ferrell attempting to fight a subordinate while on duty with a witness present; and Deputy Smith being allowed to continue her lunch with Lt. Smith during a call for service, despite being the officers closest to the scene and which resulted in a deputy in a further zone having to commute from afar to assist. More examples of white employees not being properly reprimanded include K9 Deputy Jones having sex on duty in uniform while being recorded by a citizen; Lt. Coram driving his agency vehicle while under the influence; Kevin Francis leaving his patrol vehicle running and unlocked causing it to be stolen in broad daylight; Lt. Vestal accepting bribes; Randy Grop bad mouthing the Defendant to at least one citizen; and Chad King failing to respond to a SWAT emergency while intoxicated on call. Further demonstrating Ford's racism and his decision to target a minority whistleblower rather than genuine criminals working for the Defendant's agency, all of the aforementioned workers are white and include offenses that are far more egregious than the false allegations leveled at Plaintiff, who was placed on administrative leave for the "offense" of requesting a superior officer be present during a meeting involving false allegations against which Plaintiff was attempting to defend himself.

30. No other white employee of the Defendant has received the same form of discipline as Plaintiff, despite egregious and blatant disregard not only for Department policy but for the basic safety and welfare of the general public each officer is sworn to protect.

31. In August 2022, Plaintiff reported the above-mentioned discriminatory treatment to Defendant's Human Resources Department in writing, and thereafter the complaint was

determined to be unfounded by Internal Affairs (“IA”). Upon learning of this decision, Plaintiff submitted a written rebuttal to the write up and suspension, noting in particular lies told by Lt. Smith, which were conveniently used to justify Plaintiff’s suspension. Less than a week later, Plaintiff’s allegations in his rebuttal were determined to be unfounded.

32. On October 2, 2022, Plaintiff submitted a written whistleblower complaint to Defendant Sheriff which outlined, among other things, the excessive force which was used on a citizen by Deputy Heap, a white male. There was not an incident or use of force report for this incident, meaning someone altered and/or deleted this report to protect Deputy Heap which is in violation of §839.13, Florida Statutes.

33. In November 2022, Plaintiff expressed his concerns for his own safety and security while working for Defendant, again in writing to Defendant Sheriff, due to the complaints he filed and the retaliation he was suffering after so doing.

34. Consequently, on December 5, 2022, Defendant accepted Plaintiff’s request for a decreased workload, changing his employment status from full-time to part-time. Plaintiff had no other choice to go part time because of fear that other officers would not back him up and for his safety. By that time, several of the other lieutenants were saying that Plaintiff could not be trusted.

35. In January 2023, Plaintiff discussed in writing that there were multiple officers of Defendant who were targeting minority citizens with traffic stops. He was subsequently called into a meeting with IA inspector Heather Hart and others about his writing during which investigation Plaintiff detailed traffic stops of minorities and gave examples of white citizens who were not stopped or targeted under similar circumstances.

36. Plaintiff was a dedicated worker who faithfully worked for Defendant while exposing mistakes, abuses of power, illegal actions, and injustices in the hopes of realistic improvements, which ended up being at the expense of his own career.

37. In retaliation for reporting of the disparate treatment and in continued disparate treatment due to his race and national origin, including the filing of a charge of discrimination in October, 2022 for disparate treatment and retaliation, Plaintiff was fired on February 21, 2023.

38. Plaintiff was terminated as a form of retaliation for engaging in statutorily protected whistleblower activity and because, in part, due to his race and national origin and reporting discrimination.

39. Plaintiff has retained the undersigned to represent his interests in this cause and is obligated to pay a fee for these services. Defendant should be made to pay said fee under the laws referenced above.

COUNT I
PUBLIC WHISTLEBLOWER RETALIATION

40. Paragraphs 1 through 39 above are incorporated herein by reference.

41. This count sets forth a claim against Defendant under §112.3187, et seq., Florida Statutes.

42. Plaintiff was a public employee protected under the provisions of Chapter 112, Florida Statutes.

43. As stated more specifically in part above, Plaintiff reported and disclosed violations of rules, regulations and laws, and/or malfeasance, misfeasance and/or gross misconduct to persons both inside and outside of his normal chain of command, and to others having the authority to investigate, police, manage and otherwise remedy the violations of rules, regulations and laws that he reported. Plaintiff also disclosed this information when he

participated in investigations, hearings, or other agency inquiries. Plaintiff reported malfeasance, misfeasance, and other acts specifically outlined in §112.3187(5), Florida Statutes.

44. After reporting these matters and/or participating in investigations, hearings, or other agency inquiries, as related in part above, Plaintiff was the victim of retaliatory actions set forth in part above including without limitation discipline, going to part time and his termination.

45. Plaintiff's suspensions, terminations, and/or being blocked from one or more positions were a direct adverse result of his reporting violations of rules, regulations or laws, and/or his reporting malfeasance, misfeasance or gross misconduct, and/or his participating in investigations, hearings or other inquiries, specified in part above.

46. The actions of all employees within Defendant who affected Plaintiff's employment adversely did so at least in part in retaliation against him for his "whistleblowing" activities.

47. As a direct and proximate result of the actions taken against his by Defendant, Plaintiff has suffered injury, including but not limited to past and future wage losses, loss of benefits, emotional pain and suffering, loss of the capacity for the enjoyment of life and other tangible and intangible damages. These damages have occurred in the past, are occurring at present and will occur in the future. Plaintiff is entitled to injunctive relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendant for the following:

- (a) that process issue and this Court take jurisdiction over this case;
- (b) that this Court grant equitable relief against Defendant under the applicable counts set forth above, mandating Defendant's obedience to the laws enumerated herein and providing other equitable relief to Plaintiff;

- (c) enter judgment against Defendant and for Plaintiff awarding all legally-available general and compensatory damages and economic loss to Plaintiff from Defendant for Defendant's violations of law enumerated herein;
- (d) enter judgment against Defendant and for Plaintiff permanently enjoining Defendant from future violations of law enumerated herein;
- (e) enter judgment against Defendant and for Plaintiff awarding Plaintiff attorney's fees and costs;
- (f) award Plaintiff interest where appropriate; and
- (g) grant such other further relief as being just and proper under the circumstances, including but not limited to reinstatement.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury on all issues herein that are so triable.

DATED this 15th day of May 2023.

Respectfully submitted,

/s/ Marie A. Mattox
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