

Investigation into Lieutenant William Fry & Fire Medic Tiffany Seabolt

Statement of Complaint

On Friday, September 4, 2015 Fire Chief Robert Weiss contacted Human Resources to report that he was made aware of rumors at Fire Station 49 that Lieutenant William Fry and Fire Medic Tiffany Seabolt were getting “too close” causing other personnel to become uncomfortable and requesting transfers to another station. Additionally, Chief Weiss had also advised that Lt Fry informed Assistant Chief Jones that his subordinate Firefighter/Driver Operator Brian Swartz was sexually harassing the females in the station specifically alleging that D/O Swartz took a picture of a female firefighter in the shower, told a new female recruit that he loved her, and patted a female firefighter on the butt. Lt. Fry and FM Seabolt provided statements of complaint that were provided to Diversity and Equity Manager LaShante Keys and he conducted an investigation of these allegations into the sexual harassment allegation initially. The investigation was completed on October 19, 2015 and the allegations brought forth by FM Seabolt against D/O Swartz were unfounded.

Equity Services then turned the remaining allegations over to the Employee Relations division to look into the allegations that D/O Swartz submitted, regarding an inappropriate relationship between Lt. Fry and FM Seabolt. Mr. Keys provided the documentation that had been provided by D/O Swartz to include twenty seven pages of text messages between himself and Fire Medic Andrew Leeth beginning April 16, 2014 through August 26, 2015, a five page typed document outlining various observations of inappropriate interactions between Lt. Fry and FM Seabolt that D/O Swartz had heard and witnessed over the past two years at Station 49, a copy of a text message he received from FM Tiffany Seabolt on August 26, 2015, summary of a rescue call on July 31, 2015 D/O Swartz had concerns with, summary of an unofficial meeting D/O Swartz had with Chief Jones on August 4, 2015 concerning the rescue call, and a summary of a meeting D/O Swartz had with Assistant Chief Danny Jones and Assistant Chief Marvin Pettingill on September 2, 2015.

Basis in Policy:

Civil Service Rules Chapter 13, Section 3
PBMP Clearwater Fire and Rescue Departmental Standards
Clearwater Fire and Rescue SOP 104P Priorities and Expectations
Clearwater Fire and Rescue SOP 105P Chain of Command
Clearwater Fire and Rescue SOP 106P Conduct and Behavior Policy

Names of witnesses interviewed:

Fire Medic Andrew Leeth
Lieutenant Sean Premo
Firefighter Alan Ryan
Firefighter Ryan Bessler
Firefighter/Driver Operator Brian Swartz
Firefighter/Driver Operator Sean Becker
Fire EMS Coordinator Anthony Tedesco
Fire Medic Elizabeth Pierce
Firefighter/Driver Operator Wendy Arnold
Lieutenant John Klinefelter
Fire Medic Jason Haynor
Fire Medic Tiffany Seabolt
Lieutenant William Fry

Interviewers:

Michelle Kutch, Benefits and Employee Relations Manager
Lisa Goodrich, Senior Human Resources Analyst
Morgan Douglass, Human Resources Analyst

Date of Final Report: January 8, 2016

Witness Summaries:

In accordance with City practice involving the interviewing of sworn Fire personnel in connection with a formal investigation, all witness interrogatories were recorded electronically and said recordings are included by reference and attached hereto in their entirety as part of this investigation. Present at all of the interviews were Benefits and Employee Relations Manager Michelle Kutch and Senior Human Resources Analyst Lisa Goodrich except for Lt. Sean Premo's interview where Human Resources Analyst Morgan Douglass attended in the absence of Ms. Goodrich. Present at Lt. Fry's follow-up interview was Diversity and Equity Services Manager LaShante Keys.

IAFF Union representative Firefighter/Driver-Operator Matthew Schad was present for the interviews of Lt. Sean Premo, Firefighter Alan Ryan, and Firefighter Ryan Bessler.

IAFF Union representative Firefighter/Driver-Operator Adam Siegel was present at the interview of Firefighter/Driver Operator Brian Swartz, and Fire Medic Jason Haynor.

IAFF Union representative Firefighter/Driver-Operator Sean Becker was present at the interviews of Fire Medic Andrew Leeth, Fire Medic Elizabeth Pierce, Firefighter/Driver Operator Wendy Arnold, Lt. William Fry, and Fire Medic Tiffany Seabolt.

A member of Fire Department management attended all interviews. Fire Division Chief Steven Strong was present at the interviews of Lt. Sean Premo, Firefighter Alan Ryan, Firefighter Ryan Bessler, Firefighter/Driver-Operator Sean Becker, and Fire EMS Coordinator Anthony Tedesco. Fire Division Chief Scott Ehlers was present for interviews with Fire Medic Elizabeth Pierce, Firefighter/Driver Operator Wendy Arnold, Lt. John Klinefelter, Fire Medic Jason Haynor, Fire Medic Tiffany Seabolt, and Lt. William Fry.

Findings and Summary of allegations and documentation provided:

Lieutenant Fry and Fire Medic Seabolt both worked at Station 49, C-shift together since April 22, 2012, but due to the allegations that Lt. Fry and FM Seabolt were involved in an inappropriate relationship and the disruption within the department by the investigations of both Equity Services and Human Resources; the two employees were separated on October 28, 2015.

Allegations and information set forth by Firefighter/Driver Operator Brian Swartz:

D/O Swartz provided text messages that FM Seabolt sent him on September 3, 2015:

2:18am

FM Seabolt: "You need to call me as soon as you get this!"

1:03pm

FM Seabolt: "You seriously need to stop avoiding me and call me back asap! I have a lot of questions of ask you! If you don't call me back I will be going to human resources about your accusations."

When asked about these text messages, FM Seabolt stated she sent the one to D/O Swartz in the morning because she was speaking to Lt. Fry that night and she had told him about what D/O Swartz had done to her, taking a picture of her in the shower (that had happened two years prior). That's when she sent him this text message stating to call her as she wanted to ask him herself why he violated her and as she was very upset. She stated she received phones calls from friends at the fire station that D/O Swartz was spreading rumors about Lt. Fry and her.

D/O Swartz provided text message exchanges between himself and Fire Medic Andrew Leeth starting on April 16, 2014 through August 26, 2015. When FM Leeth was asked if these were his text messages with D/O Swartz, he responded "I do remember a couple, but there is a lot I don't recall."

D/O Swartz reported witnessing FM Seabolt and Lt. Fry kissing as he walked past FM Seabolt's dorm room on April 16th at 12:45pm.

- No one else reported seeing this type of inappropriate activity.

D/O Swartz reported that Firefighter Alan Ryan brought to the attention of FM Leeth, Lieutenant Sean Premo and himself that Lt. Fry would just stare at FM Seabolt until she noticed and then he would head motion to her in a direction and they would both head that way.

- Both D/O Swartz and Lt. Premo corroborated that FF Ryan has told them this. When asked about this statement.
- When FF Ryan was asked about this, he denied recalling making these statements, but eventually admitted to seeing Lt. Fry doing a "head nod" indentifying to employees that he wants to have a word with them. FF Ryan feels that Lt. Fry has done this to other employees, not just FM Seabolt.

D/O Swartz reported that FF Ryan told him that he would open the adjoining room door to the hallway before he would go to bed and it would only be closed during the nights when FM Seabolt was at the station.

- When FF Ryan was interviewed he denied that he opened adjoining room doors in the hallway. FF Ryan stated his room was not close to Lt. Fry or FM Seabolt's dorm rooms.

D/O Swartz reported that FM Seabolt often walks up behind Lt. Fry and slaps him on the butt. D/O Swartz reported that when FM Seabolt stands next to Lt. Fry she almost always pushes her breasts on to him or rest her breasts on his forearm.

- No one interviewed corroborated seeing this type of inappropriate activity.

On April 19, 2014, D/O Swartz sent a text message to FM Leeth indicating "U & at least 3 other people have seen her come out of his room in the middle of the night."

- FM Leeth stated yes, he has witnessed FM Seabolt in Lt. Fry's room, mostly during the day and the door was always open. FM Leeth stated he has seen her lean against the door, sitting in the chair, leaning up against the sink while talking to Lt. Fry. When asked if he saw FM Seabolt sitting on Lt. Fry's bed he said yes, on occasion he did but what he remembers is Lt. Fry was leaning against the sink and FM Seabolt was sitting on the edge of the bed. FM Leeth stated he has had conversations with Lt. Fry, while Lt. Fry was in his dorm room, but has only stood in the doorway. In the middle of the night while going to a rescue call FM Leeth witnessed someone slamming the door of Lt. Fry's room but he did not know who was involved as he did not witness anyone physically come out of the room. No one interviewed corroborated seeing FM Seabolt going into or coming out of Lt. Fry's room nor did they see Lt. Fry going into or coming out of FM Seabolt's room.
- FF Ryan when interviewed felt it is not common to hang out in their Lt.'s room, maybe just to ask to borrow something such as laundry supplies.

D/O Swartz reported in a text message April 27, 2014 that FF Ryan told him that Lt. Fry and FM Seabolt "were attached at the hip last shift ALL DAY" and it took Firefighter/Driver Operator Sean Becker 2 hours to approach FF Ryan and ask if they (Fry & Seabolt) are always that obvious.

- When interviewed, FF Ryan said it's an accurate statement and acknowledged he said it, but does not recall D/O Becker being there. He explained that they were together all day, doing workouts, eating lunch and kept to themselves. He said it was not physical, they were just together. He described "obvious" as "they didn't want to hang out with the rest of the crew there." FF Ryan indicated he doesn't recall the specific conversations he was asked about and felt they were exaggerated; he admitted that he and D/O Swartz would joke about the closeness between Lt. Fry and FM Seabolt.
- When interviewed, D/O Becker stated that he doesn't recall saying that exactly but explained that Lt. Fry and FM Seabolt seemed closer, "like the text says, attached at the hip." He further explained that they looked a little closer than Lt. Fry was with the other employees that were there. D/O Becker stated they were personally close and also stated "You can tell they knew each other probably in their personal lives, ya know, friends and family, and knew what they did on their days off." D/O Becker compared it to how he is close with his tailboard, Gerard DeVivo.

D/O Swartz reported that FF Ryan and FM Leeth walked past Lt. Fry's room after a rescue call late in the evening and heard Lt Fry moan and then the bed start creaking in a rhythmic manner. They attempted to record it but, bumped into the wall and hurried back to their rooms as to not get caught.

- When FM Leeth was asked about this allegation, he admitted to recalling the incident, almost two years ago between 2-4am. He indicated the TV was up loud and he and FF Ryan were making jokes about it but that they didn't see anything. FM Leeth said they were joking about if they should record it and how loud Lt. Fry's TV was and play it back to see if we could see anything. He maintained they were just joking and described it as ill mannered joking. When asked about what he overheard that led them to believe Lt. Fry and FM Seabolt were having relations in Lt. Fry's room other than then TV loud, FM Leeth responded "Um, AJ and I did discuss that we might have heard the bed hitting but obviously the TV was

up so loud we couldn't distinguish really anything to tell you the truth." When we questioned what he meant by bed hitting, FM Leeth stated "We thought we heard a knocking but then we were just speculating at this point, still joking."

- FF Ryan denied these allegations and indicated that they were only making jokes about Lt. Fry and FM Seabolt because Lt. Fry's television was so loud and it was late in the evening.

D/O Swartz reported that shortly after the incident above Lt. Premo met up with Lt. Fry off City of Clearwater property and Lt. Premo confronted Lt. Fry on the allegations. According to D/O Swartz, Lt. Premo confided in he and FM Leeth that Lt. Fry said he was having an intimate relationship with FM Seabolt at Fire station 49, that it has been going on for some time and they have tried to stop but couldn't. D/O Swartz reported that Lt. Premo said he told Lt. Fry that it needs to stop now before it becomes a big issue and that it was very obvious around the station.

- FM Leeth confirmed that Lt. Premo did tell him that he had a conversation with Lt. Fry. FM Leeth said that Lt. Premo stated he didn't want to get into detail with him about the conversation. When asked if Lt. Fry had admitted to Lt. Premo he was having an inappropriate relationship with FM Seabolt, FM Leeth said no, Lt. Premo only said they (Premo & Fry) talked a lot but, Lt. Premo didn't want to tell FM Leeth the details. FM Leeth said it was obvious around the station and that was the whole reason for the conversation. Lt. Premo told FM Leeth he was going to talk to Lt. Fry about the perception.
- Lt. Premo stated he met with Lt. Fry and asked him if he was having a relationship with FM Seabolt and he denied it to him. Lt. Premo indicated that Lt. Fry said he and FM Seabolt had become close friends and that is far as it went. Lt. Premo said he explained to Lt. Fry of the perception and rumors that people have, that they are in a relationship. Lt. Premo denied that Lt. Fry ever admitted to having an inappropriate relationship or that he told Fry to stop now before it becomes a bigger issue.
- Lt. Fry admits that Lt. Premo approached him at the Union Hall around December 2014 and informed him that the "rumors were rampant" of he and FM Seabolt being involved in a relationship. Lt. Fry stated that he told Lt. Premo that it was not true, that he and FM Seabolt were just friends. Lt. Fry stated he cannot do anything about rumors. We explained to Lt. Fry that as a Lieutenant, in a position of authority over a crew, this would appear to be a pretty serious allegation and perception floating around the department that Lt. Premo brought to his attention. We asked Lt. Fry, what he did to change that perception when it was brought to his attention by another Lt. Lt. Fry responded that he can't change people's perception and people are going to think what they think and say what they say and that he has zero control over that. He maintained that he and FM Seabolt have a professional relationship and again said he cannot change what people want to sit around and talk about.
- We asked Lt. Fry if he made his chain of command aware at any time of this perception of him within the Fire Department and he stated he did in September 2015, when he reported that FM Seabolt had told him that D/O Swartz took a photo of her in the shower. He indicated he informed Chief Jones and Chief Pettingill that "the perception that she and I had something going on has been there since the day that she showed up." (According to telestaff, FM Seabolt started at Station 49 on April 22, 2012.)
- We asked Lt. Fry if he had an open door policy with his staff and asked how he would handle it if one of the members of his crew brought the rumors and perception to his attention. He indicated he does have an open door policy with his staff and if the perception or the arguing was brought to his attention by a member of his crew he would be open to that discussion. Lt. Fry indicated he would have the discussion with the entire crew and if there were issues that needed to be addressed and there was a behavior that he was doing that was unacceptable by his crew, he would change that behavior.

D/O Swartz reported when Lt. Fry was under investigation with the medical director, and moved to T45, every morning after shift he would stop back at Station 49 and go directly to FM Seabolt's dorm room.

- Lt. Fry denied ever coming back to Station 49 after coming off shift at Station 45 and stated he was only moved to Station 45 for a few days.

D/O Swartz reported that FM Leeth has stated that he has seen FM Seabolt sneaking into Lt. Fry's bathroom.

- When FM Leeth was asked about the allegation that he has seen FM Seabolt he stated, "Not accurate. I have seen her come out of the bathroom after using but not sneaking out."
- FM Seabolt admits to using Lt. Fry's dorm bathroom, stating it is the closest bathroom available when coming back from a rescue call. FM Seabolt indicated that Lt. Fry was not there when she used his dorm bathroom.
- Lt. Fry denies knowing or giving permission to FM Seabolt to use his dorm bathroom.

D/O Swartz reported that Lt. Fry has been in FM Seabolt's dorm with the door closed in the middle of the day.

- FM Leeth stated he has seen FM Seabolt sitting and talking to Lt. Fry's in his dorm room and door was always open. He has never seen Lt. Fry go into or come out of FM Seabolt's room.
- Both Lt. Fry and FM Seabolt admit to FM Seabolt being in Lt. Fry's room talking, but deny that the door was closed.

D/O Swartz provided a text message between he and FM Leeth where he states FM Seabolt took a day off and gets "rewarded with an engine day" while FM Leeth takes a day off and gets "punished with a rescue day."

- When asked if anyone has seen FM Seabolt receiving preferential treatment from Lt. Fry, the majority said no.
- FF/DO Becker stated that one time he was scheduled to work overtime with FM Seabolt on the Rescue, and they would both be paramedics, but FM Seabolt rode with Lt. Fry on the Engine and Firefighter Victoria Martin was placed with FF/DO Becker which made him the only paramedic at a very busy station. He learned later that FM Seabolt was sick. He indicated that he didn't know if that was preferential treatment or just a change.
- Fire Fighter Ryan Bessler indicated that FM Seabolt was the senior medic on his shift so it was common for her to get preferential treatment over people who float in. He indicated that the other staff is in a rotation.
- FM Leeth remembered getting placed on the rescue and joking and speculating with D/O Swartz about it in conversation but he doesn't know for sure if he was placed on the rescue out of punishment as it was never mentioned.

D/O Swartz reported that Lieutenant Kleinfelter came in early one morning to relieve Lt. Fry at 4:30 so that Lt. Fry could go to a race, Lt. Kleinfelter told FM Leeth that it was weird that Tiffany was up following him (Lt. Fry) around.

- Lt. Kleinfelter stated he saw nothing out of the ordinary and felt it was not "super weird" as was reported by D/O Swartz. Lt. Kleinfelter said he came in early one morning, almost a year ago, to relieve Lt. Fry around 5:00 am and remembers making a comment that he thought it was awesome that FM

Leeth and FM Seabolt both got up to wish him well on his triathlon. Lt. Kleinfelter stated it was not a negative comment and it wasn't just about FM Seabolt.

- FM Leeth maintained he was sleeping when Lt. Kleinfelter came in to relieve Lt. Fry.

D/O Swartz reported that he has witnessed Lt. Fry and FM Seabolt “feed each other off of their silverware, and drink out of each other’s glasses/cups.”

- No one else interviewed acknowledged witnessing this behavior.

D/O Swartz reported that FM Leeth stated that he walked by Lt. Fry’s room one night, the door was open, Lt. Fry was lying in bed under the covers with no shirt on and FML Seabolt was sitting on the bed with Lt. Fry.

- No one else interviewed acknowledged witnessing this behavior.

D/O Swartz reported that there was a period where Lt. Fry has referred to FM Seabolt as his “boo”, which is known to be slang for girlfriend.

- No one corroborated ever hearing Lt. Fry call FM Seabolt his boo.
- Lt. Fry stated he “may have” used this term before when referring to FM Seabolt, but doesn’t recall, then states “it’s a possibility but I don’t specifically remember addressing her as my boo” and “I may have, sure.” He indicates it has no meaning to him and he’s joking around and has called FM Leeth. During our interview Lt. Fry indicated he did not know what the definition “boo” actually meant though.
- FM Seabolt admits to hearing Lt. Fry calling others (Leeth, Premo, Swartz) “boo”, but she doesn’t recall Lt. Fry using that term toward her.

D/O Swartz provided a text message between he and FM Leeth, dated September 3, 2014, where FF Bessler was quoted by FM Leeth as overhearing FM Seabolt reference another female firefighter coming to station 49 and state “As long as he doesn’t touch my boo and looked at Spike.”

- When FF Bessler was asked if he recalls making this statement, he indicated “no, I don’t know.”

D/O Swartz reported that while having a discussion with FF Ryan Bessler, FM Seabolt referred to Lt. Fry as “My man is sitting right there” pointing at Lt. Fry.

- We questioned FF Ryan Bessler specifically about his conversation with FM Seabolt and he confirmed that statement was made and it was said to him while having breakfast with the crew at the Village Inn. FF Bessler stated he and FM Seabolt were discussing her training with Lt. Fry and FF Bessler questioned FM Seabolt “how does your man feel about that?” (Referring to FM Seabolt’s husband) to which FM Seabolt responded “my man is right here” and pointed to Lt. Fry. He stated that he can’t remember the conversation word for word but does remember the “that was the gist of the conversation.” We asked FF Bessler what his perception of this comment was and he stated that there was possibly some kind of relationship there outside of work. He believes the conversation took place when he was at Station 49 for 3 months after coming out of training in April 2014.
- FM Seabolt admitted to this statement by “Yes, he trains me, he writes my daily training, I didn’t mean anything by it.”

Approximately a year ago, Lt. Fry’s wife came to the station and pulled FM Seabolt aside and told her to stay away from her husband.

- Both Lt. Fry and FM Seabolt admit that Lt. Fry's wife came to the fire station and told FM Seabolt to not respond to any "group" text messages that Lt. Fry would send to members of the fire department, but denied that Lt. Fry's wife told FM Seabolt to "stay away from her husband."
- Lt. Fry's wife declined to be interviewed.

D/O Swartz reported that one time FM Seabolt and he walked over to the Target Supercenter in front of station 49 and after they got back he stated Lt. Fry told him he was "taking away his Tiffany time." The next day FM Seabolt told D/O Swartz that Lt. Fry basically scolded her for walking over to Target with him.

- Both Lt. Fry and FM Seabolt deny this conversation and no one else interviewed acknowledged witnessing this behavior.

D/O Swartz reported that a common saying/motto of Lt. Fry is "lie, deny and make counter accusations.": Lt. Premo and FM Leeth have told D/O Swartz that they have also heard him say this multiple times.

- Lt. Fry has admitted he has made this comment for years and stated it is from a movie, but he couldn't recall which one.
- FF Ryan said he has heard Lt. Fry say "Lie, Deny and make counter accusations" and said it was in reference to a recent boat call that Lt. Fry and D/O Swartz went on that went bad. FF Ryan said when D/O Swartz was confronted about the call; Lt. Fry said D/O Swartz was making excuses and was "lying, denying and making counter accusations."
- Lt. Premo said yes he has heard Lt. Fry make this comment, doesn't remember when he heard this, but said it was made in a nonchalant manner. He doesn't recall what it was in reference to, but has admitted to him saying that before in a joking way.
- Lt. Kleinfelter stated he has not heard Lt. Fry say this phrase, but admitted that he knows the phrase and it comes from a retired Fire and Rescue employee. When asked what retiree is known for saying that phrase, Lt. Kleinfelter replied "I'm not going to tell you who that is from."

D/O Swartz provided a text message April 19, 2014, where FF Ryan was quoted as saying that Lt. Fry and FM Seabolt "were fighting again."

- FF Ryan described Lt. Fry as an abrasive person and stated that he has seen FM Seabolt and Lt. Fry get into fights over ping pong as well as get into fights over decisions made at medical calls. He also stated while discussing medical calls, he has seen Lt. Fry and FM Seabolt's conversations get heated. When asked if he has ever gotten into an argument with his Lt. in this manner, he admitted that he had not. When asked how often Lt. Fry and FM Seabolt argue, he said it is as often as once a trick. We asked if it was common for the same two people to argue this often (once a trick) and he said no, but then said if people work together a lot and there's more calls, there is the possibility of an argument sparking.
- When asked about the arguing in the station between Lt. Fry and FM Seabolt, FF Bessler stated Lt. Fry and FM Seabolt get "into it" during ping pong and sometimes medical calls. When asked, FF Bessler said he has gotten into heated discussions with Fry. When asked how often do Lt. Fry and FM Seabolt argue, he stated one out of three shifts.
- Fire Medic Jason Haynor stated he did not witness any arguing between Lt. Fry and FM Seabolt but references a "tenseness in the station" (see next allegation).
- FM Leeth when asked about fighting between Lt. Fry & FM Seabolt he said sometimes it would be stressful for him as Lt. Fry and FM Seabolt would get into arguments and he would "go do his own thing" to not be subject to the fighting.

- D/O Swartz reported that he has witnessed Lt. Fry argue with her so much as to make FM Seabolt cry. D/O Swartz reported overhearing “screaming matches” between them, but he could not hear what they were yelling about. He said their fighting was a common event and not conducive to a 24-hour living experience. D/O Swartz stated this would carry over to calls and you could see the tension between them on the calls. D/O Swartz said Lt. Fry would be short with his answers, abrupt, rude, and belittling to FM Seabolt when they were fighting and that D/O Swartz felt bad for the way he was treating her. When asked if Lt. Fry treated other employees that way, D/O Swartz said yes, he has witnessed Lt. Fry treat Sunstar medics in that manner. FF/DO Siegel said it is pretty widely known that Lt. Fry “has an overbearing personality, not demeaning, but an alpha type personality.” FF/DO Siegel stated that is “just the way he is” and in some regards it can be a huge positive, but stated he’s sure it can work the other way as well.
- Lt. Fry admitted that he and FM Seabolt would have work related, heated discussions, but not arguments. Lt. Fry stated that if he sees something that could have been done different and better he will take his experience and knowledge and address it with them. Lt. Fry also stated that some people do better at taking professional criticism than others and that FM Seabolt would be defensive and it may have been perceived as an argument. Lt. Fry admitted that when he would need to provide professional criticism to FM Seabolt the normal reaction would be a heated discussion or heated debate. He indicated that FM Seabolt would take it as a personal attack because she really cares about her job. Lt. Fry stated that sometimes FM Seabolt would “get it” right away, but other times she would defend her actions, then eventually she would “open her mind to take in the information I’m giving her.” He stated that everyone needs a cooling off period before they “accept they have done something wrong, including myself.” He stated that he speaks his mind and people don’t do well with that. She is not the only person who does not do well with professional criticism, but the goal is to do it better the next time.
- FM Seabolt felt she and Lt. Fry didn’t argue, but would have “opinionated conversations” “not very often.” She stated that they have different styles of running calls and they would agree to disagree and move on. FM Seabolt stated these “opinionated conversations” were held in private but she also admitted that Lt. Fry critiques the crew calls in front of other people including anyone that was on the call. FM Seabolt admitted that she reacts defensively to Lt. Fry’s critiquing as times stating, “I’m passionate on how I treat my patients and he is passionate on how he treats his patients and sometimes we don’t always treat the same way. It is always correct but he (Lt. Fry) may have a different way of doing it.”

D/O Swartz reported on April 29, 2014, FM Leeth sent a text message to him stating “Haynor just text and asked how I put up with that every shift, I asked what do you mean, he said it’s like working with a tensed up married couple.”

- When FM Haynor was asked about this statement, he stated he does remember their being a tenseness in the station, but he didn’t know about what. He described the environment as feeling stiff and tense, like FM Seabolt and Lt. Fry were at odds about something. When asked specifically what he observed, he said it was body language, and he must have caught a vibe of agitation in the firehouse.

D/O Swartz reported that Lt. Fry started doing triathlons and one of them was live streamed and the next day after the race he asked FM Seabolt if she watched his race. D/O Swartz stated that FM Seabolt replied no and then he (FRY) started saying things like that really shows me how much you don’t care about me, I guess that I don’t mean that much to you, etc. D/O Swartz reported that FM Seabolt’s reply was “triathlons are not my deal, you are.”

- FM Seabolt denies making this statement at all.

- Lt. Fry admitted that it was partially true that FM Seabolt has said she is not into triathlons but he has never heard her say that “he was her deal.”

D/O Swartz reported that others have expressed their desire to leave station 49 as well as others have stated they would never come to station 49.

- When FM Leeth asked why he transferred out of Station 49, he initially responded because it was a busy rescue, he was there about eight years and it was time to go to another station for a change of scenery. When further questioned and asked if it was due to the environment or personnel at the station, he responded yes, sometimes it would be stressful there. He explained that Lt. Fry and FM Seabolt would get into an argument and that would be stressful for him. FM Leeth said he would just try to deal with it and do his own thing. When asked how often, he stated in his opinion, it was on occasion but he would go workout, study, read, run calls and stay to himself. FM Leeth stated that was not the primary reason why he left station 49.
- Firefighter/Driver Operator Wendy Arnold indicated she has heard that employees want to transfer out of Station 49 or do not want to transfer into Station 49, but when asked for what reasons she indicated “reasons unknown.”
- FF Bessler said he has heard that employees want to transfer out of Station 49, C-shift or do not want to transfer into Station 49, C-shift, but is not sure of specific reasons. FF Bessler said he enjoyed his time there and that it is a busy rescue.
- FM Haynor stated that D/O Swartz and FM Leeth were discontent with the house, but only FM Leeth said he wanted to leave due to the busyness. He said FM Leeth didn’t like “the vibe” in the station and said it wasn’t the place it used to be. FM Haynor said “Without saying specifics, I kind of understood what he was saying because there was that perception”, referring to the perception of a relationship between Lt. Fry and FM Seabolt.
- When asked if FF Ryan is aware of employees wanting to leave or not come to Station 49, C-Shift, FF Ryan said yes and felt employees want to transfer out or not transfer into Station 49 because of Lt. Fry’s personality and how he handles everybody. He stated that Lt. Fry demands a lot more of his employees than other Lt.’s require, as far as workload, and Lt. Fry will call you out if you do something wrong. FF Ryan stated that people don’t like being called out on their mistakes and people don’t get along with that kind of personality. FF Ryan said that Lt. Fry looked out for him when he had an issue and Lt. Fry brought FF Ryan to station 49 to help him out. FF Ryan also felt employees want to leave or not come to 49 because it’s a busy station.
- Lt. Premo also stated that Station 49 is a busy station and that could be the reason.
- Lt. Kleinfelter said he has not heard of anyone wanting to transfer out of Station 49, C-shift or do not want to transfer into Station 49, C-shift due to the interactions with Lt. Fry and FM Seabolt. He indicated that a new recruit, Fire Medic Austin Dente’ requested to go there because of his training plan that Lt. Fry had put him on. Lt. Kleinfelter felt that FM Leeth wanted out but he had been there for so long, it was a busy station, busy rescue and he felt FM Leeth wanted a break.
- EMS Coordinator Anthony Tedesco said he has heard that employees want to transfer out of Station 49, C-shift or do not want to transfer into Station 49, C-shift for a multitude of reasons. He said that it is not an easy station as employees are up at night due to the volume of calls. He said it is also because of “the feel of the station.” He explained that Lt. Fry can be a very strong minded. He said Lt. Fry has a lot of skill, knowledge and Bayflight experience. He stated that Lt. Fry can be very intimidating to people and a lot of medics don’t like to be questioned on everything that they do and if it wasn’t done a certain way, Lt Fry feels it was the wrong way. EMS Coordinator Tedesco stated that lot of people stayed away from Station 49. We asked if employees were staying away from Station 49 because of Lt. Fry and FM Seabolt and he stated that as time went on, he did hear, just through the grapevine, that yes there was

uncomfortableness in Station 49 because no one wanted to get into the mix of that, not knowing what it is or what it was. EMS Coordinator Tedesco stated he had no direct involvement with Lt. Fry or FM Seabolt and the only time he would feel uncomfortable from a supervisory standpoint is when he had to speak his mind about a particular way a call was handled. EMS Coordinator Tedesco stated that people are very careful around him for whatever reason. He explained both he and Lt Fry are "type A" personalities, and if he had to cite any medical instances where something was wrong or could be done better, it can get heated very quickly. EMS Coordinator Tedesco stated that if he had to address a call with an employee who worked for Lt. Fry, he would be sure he had his ducks in a row before he would address the issue.

D/O Swartz sent a text message to FM Leeth on July 26, 2014 and stated "So I walk in this morning, Spike comes in at 1030 & Bessler says "prepare yourself, I think it's going down today wah-wah-wah."

- We asked FF Bessler what he meant by this comment he stated he does not recall making this comment.

Prior to the interviews occurring, Fire Medic Tiffany Seabolt submitted to Human Resources two pieces of documentation:

- A birthday card from D/O Swartz to her that stated "Hope you know how amazing you are and how much more beautiful the world is because you're in it. Happy Birthday Love Brian."
- FM Seabolt submitted a piece of paper that she found on her bed from D/O Swartz stating "Anything at all tonight, come get me. B." The paper is not dated and FM Seabolt did not recall the date she received this from D/O Swartz.

FM Seabolt felt that D/O Swartz had feelings for her and this was the reason for his bringing forth these allegations.

FM Seabolt stated this card was given to her over 2 years ago, but indicated that D/O Swartz has given her many cards like this. She felt the birthday card that D/O Swartz provided her was more personal and not like the "station cards" the crews normally give.

When D/O was asked about the documentation that Fire Medic Seabolt provided Human Resources, he admitted to giving her the birthday card and note. D/O Swartz indicated that the crew is like a family and Tiffany has had some hard times. D/O Swartz stated it was not unusual to give each other birthday cards. Although he couldn't remember specifically why he left her the note, he said it could have been a day that Lt. Fry made her physically upset or maybe she was on a traumatic call that day and needed support. He said it's not uncommon for them to reach out to each other and he was just letting her know if she needed anything he was there.

D/O Swartz provided two birthday cards to show that his card to FM Seabolt was not out of the ordinary and that the crew members exchanged cards. The cards provided to D/O Swartz were signed by the C-Shift Crew members which included FM Seabolt and Lt. Fry. FM Seabolt signed both cards "Happy Bday" and "Happy Birthday" then drew a heart and signed her name. Lt. Fry signed one card with "Happy B Day Old Man, Love you, Spike" and the other with "Happy B Day, Spike." FM Seabolt and Lt. Fry stated that these cards were more common among the station and much different than the personal card D/O Swartz gave her.

The following information and documentation was submitted to Human Resources from Dustin Seabolt, husband of Fire Medic Tiffany Seabolt. Mr. Seabolt believed that his wife was having a relationship with Lt. Fry.

- On November 19, 2015 a photo of hand written notes regarding the Equity Services Investigation was attached. Email stating *"Some of this writing is not my wife's it looks like Williams. Especially the part where it says safe? Found myself staying around the lieutenant. It looks to me like he's trying to coach her story so that they can build a case as to why they are so close to work. She admitted to me the other day after I saw text messages between the two of them telling them they love each other. She told me that she loved him. So clearly, there's a relationship going on. I honestly believe that he used his position and the fact that she respected and looked up to him made it extremely easy. From the stuff I've seen it appears that he is controlling her every single move."* A follow up email from Mr. Seabolt stated *"She's trying to backpedal on the conversation now telling me that she only loves him as a friend. That's not what she told me, she broke down in tears telling me she was in love with him and that's who she was going to go be with."*

FM Seabolt denied having this conversation with her husband and when we asked for what reason would Mr. Seabolt state this conversation took place, FM Seabolt's attributed his actions to a "terrible divorce."

- On November 19, 2015, text messages between Lt. Fry and FM Seabolt provided to Human Resources in regard to them meeting at the Treasure Island Resort:

Wednesday, November 11, 2015

Fry: *"Hey bring your running stuff. Tennis racket?"*

Seabolt: *"Ok, I have to look for it"*

Fry: *"I have 2. I'll just bring them"*

Seabolt: *"K"*

Thursday, November 12, 2015 8:10am

Fry: *"Call when you can"*

Friday 11/13/2015 @ 2:10pm

Fry: *"Don't forget to tear up the parking pass!"*

Seabolt: *"Lol, ok!"*

Fry: *"I'm at my house"*

- On November 19, 2015, Human Resources received an email stating the following: *"This is a parking pass I found in my wife's car at our house. The day of the 12th (Nov) she had called in sick and was missing all day and night, nobody could get in touch with her. Then when I figured something was up and looked in the car the next day I found this ripped up."*
- On November 19, 2015, Human Resources received an email stating: *"When I confronted her about the parking pass in the hotel she said that she was only there for the day because of his birthday and that there were a bunch of people there but she refused to tell me anybody's name. I knew she was lying but that's something that she's going to probably tell you in the investigation."*
- On November 19, 2015, Human Resources received a picture of a pieced together parking pass Mr. Seabolt stated he found in FM Seabolt's car. The parking pass was from the Treasure Island Ocean Club, with "Fry" written above "Guest Name" and "11/13" was written as the Departure Date.

When Lt. Fry was asked about being at the Treasure Island Ocean Club on November 12, 2015, he confirmed he was there on that date. When asked if anyone else was there with him, he responded "Tiffany came down so we could play tennis and she needed a parking pass to park in the parking lot.....on the 13th." FM Seabolt was asked if she called out "family sick" on November 12, 2015 to spend the day and night with Lt. Fry at the hotel, which she denied. FM Seabolt stated she could have been out on November 12, 2015 to either care for one of her daughters or to care for her mother but FM Seabolt could not remember specifically which. FM Seabolt stated that she met Lt. Fry on November 13 at the Treasure Island Ocean Club. The Treasure Island Ocean Club was contacted on December 17, 2015 and the telephone attendant confirmed that the departure date listed on

the parking pass would be the date the guest reservation ends and the date they would have checked out of the resort. Mr. Seabolt stated to Human Resources *"When I confronted her about the parking pass in the hotel she said that she was only there for the day because of his birthday and that there were a bunch of people there but she refused to tell me anybody's name. I knew she was lying but that's something that she's going to probably tell you in the investigation."* Mr. Seabolt also stated that their daughters were confirmed to be in school that day and that he and FM Seabolt's mother had several phone conversations that day as they were both unsure of FM Seabolt's whereabouts. Mr. Seabolt stated he would provide proof of school and phone records to discredit FM Seabolt's alibi that she was off to care for them, but to date, Human Resources has not been provided this information.

On November 19, 2015, Human Resources received a photo of Lt. Fry, bare-chested, with a time/date stamp showing "created 11/6/2015 7:24am" was found on FM Seabolt's home computer and provided to Human Resources. Lt. Fry indicated that he did not recall sending this photo and when we asked how FM Seabolt would have obtained the picture, he stated "I'm not sure" and "I don't know." When we asked FM Seabolt about the photo, she admitted it looked like her home computer, but that Lt. Fry did not send it to her and she did not obtain it.

On November 19, 2015, Human Resources received a photo of Lt. Fry with an unknown male; appearing to just have finished a competition was found on FM Seabolt's home computer and provided to Human Resources.

On December 1, 2015, Human Resources received an email stating *"She called into work sick yesterday and went and spent the whole day and night with him. They just keep rubbing it in my face and I'm over it."* Telestaff confirmed that FM Seabolt was out for "family sick" for 24 hours on November 30, 2015.

On December 7, 2015, two pictures of mail belonging to FM Seabolt were provided to Human Resources. The mail was postmarked 10/7/15 there were handwritten notes/scribbles on both sides of the envelope, appearing to be the answers FM Leeth provided us during his investigation. When asked about these notes, FM Seabolt contended these were portions of the accusations D/O Swartz made against her and Lt. Fry, but her notes were the specific answers that FM Leeth provided us during his interview on Oct 26, 2015.

On December 13, 2015, Human Resources received email stating *"So the picture that's taken inside of a house shows up on my home computer. Last night my wife told me she was going to Orlando with some girlfriends to see blue man group and stay the night up there. On a hunch I drove by the address to see if he actually bought it. Her car and his were both in the driveway. It was after midnight. If that doesn't show they are in a relationship I don't know what does."* The photo attached was of the inside of a home that Lt. Fry eventually purchased the day before Thanksgiving in November 2015. The picture was sent to FM Seabolt on October 18, 2015 and when Lt. Fry was questioned why he would send this type of photo of the inside of the home in which he purchased in November to his subordinate, Lt. Fry said it was an exciting time in his life and he sent that photo to "multiple people." We asked Lt. Fry to provide us proof of others in which he shared the photo. On Dec 29, 2015, IAFF Union President, Sean Becker forwarded a supplemental text message showing that Lt. Fry sent a zillow link to this home to one other person, his mother. If Lt. Fry did share this photo with multiple people, he did not provide any further proof of that. On January 4, 2016, Lt. Fry informed Human Resources that his phone does not save text messages before December 5, 2015 and the text was sent prior to that. When asked if those he sent it to could provide a copy of the text, he stated that he had asked them for copies, but they no longer have it. Lt. Fry stated they would be willing to provide statements on his behalf.

On December 13, 2015, attached to the above mentioned email were photographs of both Lt. Fry and FM Seabolt's cars in Lt. Fry's driveway. The photos were date stamped December 13, 2015 at 12:12am and 12:14am. When asked about these photos when interviewed on December 17th and 18th, both Lt. Fry and FM Seabolt admitted to the vehicles in Lt. Fry's driveway belonged to them but Lt. Fry refused to answer questions pertaining to "off duty days" and FM Seabolt responded, "I'm not answering that, I'm not going to talk about my personal life outside of the City of Clearwater."

On December 13, 2015, Human Resources received email from Mr. Seabolt with a January 2016 calendar attached. *"This calendar she gave me. It has our days for kid sharing. Also notice "spikes" bayflite schedule she's*

keeping track of.” “Spikes Bay Flight” was written on the calendar on January 6&7; January 15&16 and January 24&25. When asked if the dates noted on the calendar were his scheduled days to work at Bayflight, Lt. Fry responded that he was not going answer any questions pertaining to off duty activity. He eventually stated that no, he did not provide that schedule to FM Seabolt, but that everyone knows his Bayflight schedule.

On December 14, 2015, Human Resources received a photo of Lt. Fry, bare-chested, with his Bayflight suit around his waist. Mr. Seabolt provided an email that stated *“this pic was on her phone. She said she took it from his phone to make copies as a station joke. He told me that he sent it to her, because she thought I was going through her phone and she wanted to make me mad or something along those lines.”* On December 28, 2015, Human Resources received the Facebook correspondence between Dustin Seabolt and Lt. Fry containing conversations between the dates of October 8 – November 16, 2015. The following is outlined from October 9, 2015:

October 9, 2015:

Mr. Seabolt: *“Also, the pic I found of you on her phone shirtless with your flight suit around your waist”*

Fry: *“It surely looks suspect. She is not the only one with that pic and I believe she put that on there to get at you.”*

Mr. Seabolt: *“She told me she took it off your phone and posted it all over the station as a joke.....”*

(Messages were then exchanged regarding their families and this situation, and then Seabolt again questions how his wife obtained the photo)

Mr. Seabolt: *“So how did she get the pic of you?”*

Fry: *“I sent it to her as a joke! I had it in my pics, she wanted to see if you were going through her phone. Rumors are running rampant. Brian Swartz has had a thing for Tiffany for years. No one that has been interviewed has told anyone that they have seen anything inappropriate between us other than we appear to be close.”*

When Lt. Fry was about questioned if he sent the photo of himself shirtless with the flight suit around his waist to FM Seabolt, he replied “I did not send that photo to her.” We read to Mr. Seabolt the Facebook exchange (outlined above) where he indicates that “I sent it to her as a joke!” FM Fry indicated that his response was referring to a different photo of himself, fully clothed, holding a “Spike” energy drink in his hand. He stated that was the only photo he has ever sent to FM Seabolt. We explained to Lt. Fry, the photo of himself holding the energy drink is not questioned in the Facebook exchange nor is the photo described by Mr. Seabolt. We explained that the Facebook exchange describes a shirtless photo with his flight suit around his waist and Mr. Seabolt specifically asks the follow up question “how did she get the pic of you?” and that Lt. Fry’s written response is “I sent this to her as a joke.” Lt. Fry stated “that’s not how I took it at all” and interpreted it as Mr. Seabolt already got the clarification on the shirtless photo by his statement “she told me she took it off your phone” response. Lt. Fry offered to show us the Facebook exchange on his phone because he felt that Mr. Seabolt provided us a “chopped up” version to make it look like something it was not. We compared the Facebook exchange in his history to the Facebook exchange that Mr. Seabolt provided and they matched identically with no missing sections.

Lt. Fry again stated that FM Seabolt asked him to send her the picture of himself, fully clothed, holding a “Spike” energy drink to which Lt. Fry said that FM Seabolt then took a picture of herself holding the “Spike” energy drink.

Lt. Fry maintained that he did not provide FM Seabolt with the photo of himself, shirtless with his flight suit around his waist but indicated it is a possibility that she picked up his phone and sent it to herself without his permission. When asked if his phone has a lock, he said yes, but that if he is on the phone and sets it down, it

doesn't lock immediately. Mr. Seabolt stated that he didn't know about it until after it was sent, but that she sent it to herself.

Descriptions provided of widespread perception and rumors throughout the department:

- FF Bessler, being hired in March 2014, heard of the rumors and was aware of the perception prior to even being out of recruitment class, prior to being placed on the line and prior to even meeting Lt. Fry and FM Seabolt. In addition, he said he had heard from "numerous people" that there was a relationship between Lt. Fry and FM Seabolt, and stated that there was the rumor that there was a type of relationship there between the two of them, more than co-workers but nothing specific. When asked who he heard it from, he could not recall specifically, but he again repeated it was "numerous people."
- FF/DO Wendy Arnold stated "Yes, perception was there prior to the investigation."
- FF/DO Sean Becker when asked about the perception stated "It was pretty well known" "The perception was there - It was pretty well known, I guess." When we asked what kinds of things FF/DO Becker was hearing about the perception, he stated "Probably the basis as to why I am here, you know, alleged sexual activity whether at work or off work I couldn't answer that." We confirmed that it was the perception that they were in an intimate relationship and FF/DO Becker replied "That was a pretty common perception." We asked him if this was such a widespread perception, why didn't anyone report it, and he responded perceptions are in the eye of the beholder and people perceive things differently. When we asked FF/DO Becker what his perception was, he stated "I would say they were a close crew, maybe not just the two of them. They may have been closer than the rest of the crew but crews typically do that. I am very close with my crew. Do weddings and holidays together. It was apparent that they were close and I think that some people's perception in the rumor mill will grow just because you are close with a female. That is the world we live we do work together for twenty four hours ten days per month and sometimes guys and girls become friends too. I never witnessed anything just hearsay that you would hear out in the street." Chief Strong asked FF/DO Becker when he said "the department as a whole" was he referring to the line, rank and file and FF/DO Becker responded "Too a point, but I know some of them, like at Station 48, the DC is right there within the station and they eat dinner together and that changes things. They may hear things like the rest of us do but what's done from there I don't know."
- FM Haynor stated that he has heard rumors but did not witness anything. He stated there was table talk and in passing people have mentioned being concerned or uncomfortable. When we asked FM Haynor to expand on that statement, he indicated that his perception of the conversations was that maybe the level of Lt. Fry and FM Seabolt's friendship would be described as comfortable. His personal perception of Lt. Fry and FM Seabolt was they were awful comfortable or friendly. He did not specifically see them engaged in any activity, but there was a perception of tenseness in the house. He stated he did not know what to attribute it to, but "I do remember being there and there was a tenseness in the station." He again stated there were conversations in passing and stated that Swartz may have mentioned he was uncomfortable. FM Haynor stated that the conversations were generic and he could have said something to FM Leeth or FM Leeth could have said something to him. FM Haynor stated that he has said to them the air in the station feels tense or weird.
- Lt. Kleinfelter said they spent a lot of time together, training, etc, but he never saw anything and they never exhibited anything in front of him. We asked Lt. Kleinfelter, as a Lt, if this was a perception of him and his subordinate, how would he handle it and Lt. Kleinfelter stated he would find a way to change it (the perception). We asked what are the expectations of him and the other Lieutenants from their Chiefs as it relates to dealing with this type of perception and Lt. Kleinfelter stated that they were expected to try to prevent it from happening in the first place and if it is a perception, don't add to it.

- FF/DO Ryan said “it was over 50 people, from multiple shifts” have come to him and asked about Lt. Fry and FM Seabolt. He said the questioning has been going on “for a long time, like 3 years, people have been asking me about it” “Lieutenants and line guys” “other officers have asked me.” When asked specifically who, FF Ryan indicated he could not remember. We asked if he ever brought it to the attention of Lt. Fry and he said no, he kept to himself, but he did state he thought Lt. Fry and FM Seabolt were aware of the rumors.
- We asked Lt. Premo how the perception was brought to his attention and he stated he had heard it “throughout the whole department.” Although he couldn’t remember anyone specifically that he had the conversation with, he indicated that the joking rumors were all over the place and has been talked about at all the stations.
- EMS Coordinator Tedesco said that no one came to him to discuss the perception specifically; it was more of a general station feel, hearing scuttle butt or different talks. When we asked for how long has he heard these rumors about Lt. Fry and FM Seabolt, he responded “A couple years I guess.”
- Lt. Fry stated he was not aware of the rumors, talk or perception within the Fire Department, except when Lt. Premo spoke with him in December 2014 and informed him “rumors are rampant.”
- FM Seabolt stated that she has heard the rumors, but that no one ever asked her directly. We asked her if Lt. Fry was aware and she stated “oh, I’m sure” but stated they never discussed it.
- We asked Lt. Fry if he was familiar with the Clearwater Fire and Rescue SOP 105P as it relates to priorities and expectations and he said he would have to review it. This SOP specifically states *“Problem solving, rumor control and effective communication will be a top priority of Lieutenants and Assistant Chiefs. Every effort will be made to resolve issues at the level of the Company Officer.”*

We asked why if this perception was so widespread would no one have brought it up through their chain of command as a concern and the answers were mostly along the same lines of no one had concrete evidence or witnessed anything inappropriate and therefore it was more of just a rumor and the perception.

The following documentation was provided by Lt. Fry to IAFF Union President Sean Becker on December 28, 2015:

- A text message dated October 18, 2015 from Lt. Fry to his mom containing a link to the home that Lt. Fry was purchasing.
- A portion of a Facebook thread between Lt. Fry and Mr. Seabolt. This portion had also been included by Mr. Seabolt previously.
- Email and text messages from Dustin Seabolt to his wife FM Seabolt displaying his anger towards her for her “affair.”

FM Seabolt, Lt. Fry and FF Ryan felt that D/O Swartz made these allegations because D/O Swartz has a crush on FM Seabolt and when FM Seabolt started working out with Lt. Fry, D/O Swartz was taking it personally. FF Ryan described D/O Swartz as “obsessed” and indicated that he would ask people in the station what happened when he was off during a shift. FF Ryan stated that others within the station were getting annoyed with D/O Swartz. He also said that D/O Swartz may have reported these things to make his case stronger. He also felt that the material provided by D/O Swartz was “creepy” as it appeared D/O Swartz was following people around and eavesdropping.

Lt. Fry stated multiple times during his interview that no one had ever brought the perception of he and FM Seabolt having a relationship to his attention, except for Lt. Premo. When Lt. Fry met with Assistant Chief Marvin Pettingill and Assistant Chief Danny Jones on September 4, 2015, Lt. Fry stated to his Chiefs that the

rumor of he and FM Seabolt had been circulating since “the day she started at Station 49”, therefore showing although no one ever brought it to his attention, he was aware.

Descriptions provided during interviews about Lt. Fry’s Management Style and Personality:

FF/DO: Arnold: To the point

FM Haynor- Progressive, Aggressive, Pride Driven. Enjoys what he does. Heavily involved in critiquing of calls hands on manager.

FF Ryan: Indicated that people want to transfer out due to Lt. Fry’s personality and how he handles everybody. He is an abrasive person, the way he comes off during ping pong and similar activities where there is a team effort involved. He stated people don’t like that kind of personality.

Lt. Kleinfelter said Lt. Fry is a little more rigid than his style, but felt it was warranted due to some of the employees assigned to Lt. Fry “needed a little bit of work and conditioning.” In addition, Lt. Kleinfelter stated that employees have been sent to work with Lt. Fry because of his management style therefore, Lt. Kleinfelter’s impression was that administration feels Lt. Fry’s style is effective as well.

It was reported that during the Equity Services investigation Lt. Fry reached out to FF Martin, prior to her interview to tell her that she would be interviewed, to tell the truth and stated that he and FF Martin have built a relationship that no one else has with any other Lieutenant. FF Martin said she told Lt. Fry that it was an accident D/O Swartz did nothing inappropriate. We asked Lt. Fry what he meant by the statement that he and FF Martin have built a relationship that no one else has with any other Lieutenant and he stated the following:

- FF Martin’s father dates Lt. Fry’s ex-girlfriend;
- They have similar familiar histories that they have bonded over;
- He plays a mentor role to her;
- They have connections that others do not;
- She’s young and impressionable and people in the fire service tell each other to “go in there and say nothing” (when they are called into an investigation).
- We were further made aware that after FF Martin had been interviewed by Equity Services, Lt. Fry approached her and stated “if you didn’t say Brian hit you on the butt 3 times it makes Tiffany look bad” to which FF Martin responded that it wasn’t 3 times, it was once and it was an accident. When asked what he meant by this, Lt. Fry stated that he didn’t remember having that conversation with FF Martin. When asked if he was trying to influence FF Martin, he stated that FM Seabolt did not have the full picture to validate her concerns she brought forth to Equity Services regarding D/O Swartz and Lt. Fry felt it was important for FF Martin to tell the truth.

We asked Lt. Fry if he felt that FM Seabolt is “young and impressionable” and he stated “everyone is a little bit, sure.”

Conclusions:

It is important to initially state that there were many obstacles associated with this investigation. First, it was difficult to schedule interviews were due to shifts, Kelly days and vacations which led to a lengthy investigation as well as time lapses between interviews. This allowed the conversations and exchange of information within the fire department to fester. Second, many of those interviewed provided evasive answers such as “I don’t recall” and “I don’t know”, which led us to believe that in addition to not wanting to participate, many of the interviewees were not forthcoming.

While we understand that it's impossible to prevent employees involved in an investigation from talking, some of the information we received led us to believe that FM Seabolt actively sought out information from others as well as information was openly shared with her. Initially, she sent text messages on September 3, 2015 to D/O Swartz demanding he contact her about his allegations and when we asked her about these text messages, she indicated she was seeking answers from D/O Swartz for something that occurred two years ago. The text messages had an air of persistent demands and therefore did not match her justification of wanting to question something that happened two years ago. FM Seabolt also had personal handwritten notes that replicated the answers FM Leeth provided to us during his interview, leading us to believe FM Leeth provided her with the interview questions and the responses he gave us. Human Resources was also made aware that shortly after FM Haynor's interview concluded on December 15, 2015, FM Seabolt was calling his cell phone continuously. Lastly, during FM Seabolt's interview, the answers she provided were very similar in nature to the answers and explanations provided by Lt. Fry, one day prior. It would not be unusual for two people who have shared the same experience to have the same general answer or explanation to a question, but when the answer is constructed and delivered in the same manner, it led us to believe that FM Seabolt was provided answers or coached by Lt. Fry as he was interviewed one day prior. These are just a few examples that were brought to our attention and in totality we felt compromised the integrity of the investigation.

As it pertains to the allegations set forth by D/O Swartz, no one corroborated seeing Lt. Fry and FM Seabolt kiss or touch each other inappropriately at any time. No one corroborated seeing Lt. Fry or FM Seabolt going into or leaving from either person's room in the middle of the night or coming out from behind closed dorm room doors. While it cannot be determined with certainty whether or not Lieutenant Fry and Fire Medic Seabolt engaged in sexual relations of any kind at Station 49, the combination of the exorbitant amount of circumstantial evidence; the opportune circumstance presented by Lt. Fry being the highest authority at Station 49 with no oversight; and the refusal to answer questions regarding off duty activities as they relate to similar on-duty activities being investigated, could lead one to conclude that it is not entirely improbable. It's disingenuous for both Lt. Fry and FM Seabolt to emphatically deny being in a relationship, then when presented with compromising photos and text messages of their personal time together; they refuse to answer questions about it. If any of the alleged inappropriate activity were found to be true or if a supervisor were found to be having an intimate relationship *on or off duty* with a subordinate, it would be grounds for discipline, up to and including termination for a first offense.

Although it appears that Ms. Seabolt called in family sick on November 12, 2015 and spent the day and night with Lt. Fry at the Treasure Island Ocean Club, there is no way to confirm her whereabouts that day. If it were to be confirmed, in prior cases where employees are found to be utilizing sick leave not in conjunction with reasons outlined as compensable in the IAFF contract and found to be untruthful, when questioned about it, those employees have been disciplined for a first time offense.

It is concerning that two photos of Lt. Fry, shirtless, are found on FM Seabolt's personal electronics and neither Lt. Fry nor FM Seabolt could provide explanations as to how they got there. The shirtless photo of Lt. Fry with his flight suit around his waist was found on FM Seabolt's cell phone, but Lt. Fry maintains that he did not send it to her and that FM Seabolt must have picked up his phone without his knowledge and sent it to herself. We pointed out to Lt. Fry that when Mr. Seabolt questioned him "So how did she get the pic of you?" in a Facebook exchange, Lt. Fry responds "I sent it to her as a joke!" Lt. Fry defends that his response was referring to a different photo where he was fully clothed and holding an energy drink, but that explanation isn't plausible when there is no discussion of the photo with the energy drink and the only photo described in the Facebook exchange was "the pic I found of you on her phone shirtless with your flight suit around your waist." What causes the greatest concern is that the Facebook exchange between Mr. Seabolt and Lt. Fry occurred on October 9, 2015, which concludes Lt. Fry was the direct supervisor of FM Seabolt at the time the photo was sent to her phone. In prior cases, employees have been disciplined for sending inappropriate photos to other personnel for a first offense. The fact that this was Lt. Fry's subordinate is even more problematic.

FM Seabolt's explanation as to why her husband provided us information was attributed to a "terrible divorce." Although we cannot say for certain what Mr. Seabolt's motivation was; we can say for certain his perception mirrored the overall perception among the Clearwater Fire Department employees. Many employees

interviewed spoke about the prevalent perception, rumors and culture in Station 49 C-shift. Perception is defined as the ability to see, hear, or become aware of something through the senses. Based on the testimonies provided, the perceptions were fed by what the employees witnessed and Lt. Fry and FM Seabolt's direct interactions. Many employees interviewed acknowledged the perception had been present for years that Lt. Fry and FM Seabolt were in a relationship. Although many stated the reasons that employees did not want to work at Station 49 was because it was a busy station, many other employees provided answers such as "it was like living with a married couple", "there was a tenseness and vibe from them", there was "stress from them arguing" and they argued as often as "once a trick" and "once every three shifts." In addition, there are documented text messages between D/O Swartz and FM Leeth dating back to April of 2014 which describe the interactions they were witnessing with a tone of frustration. The overwhelming amount of employees who shared this perception, coupled with the length of time it was known for, carries a lot of weight and shows this was not just an allegation from a disgruntled employee, nor was it just the perception of just a few, but rather it was a blanket consensus of most.

When Lt. Fry was asked how he would handle it if one of his crewmembers brought the rumors and perception to his attention, he provided a text book example of how he would address it, showing he knew the proper procedure to take in this situation. When asked what actions he took when Lt. Premo made him aware that "rumors are rampant", Lt. Fry did not follow this procedure. When asked what he did to address the perception, he defensively answered "I can't change rumors or other people's perceptions" and his justification for taking no action was that he and Lt. Premo are friends and this was a personal, off duty; private conversation. Neither reason provided absolves Lt. Fry of his responsibility as a Lieutenant to do what is necessary to address the concerns once they are brought to his attention. It is incumbent of Lt. Fry to know his role and responsibilities. Clearwater Fire and Rescue SOP 105P specifically speaks to a Lieutenant's responsibility in this area being a top priority and that every effort will be made to resolve issues, but in this situation, it was not a top priority for Lt. Fry and he made no effort to resolve the issues or address rumor control, despite admitting to his Chiefs "the perception that she and I had something going on has been there since the day that she showed up."

In addition, Lt. Fry admits "it looks bad" in the Facebook correspondence with Mr. Seabolt dated October 9, 2015, but photos and text messages provided after that date shows that Lt. Fry and FM Seabolt continued to meet in a covert way, neither employee choosing to change their behaviors to dispel the "look", perceptions or rumors.

Several descriptions were provided to us about the environment in Station 49, C-Shift and Lt. Fry's personality as a supervisor in general. Many employees felt that Lt. Fry's is very knowledgeable with a lot of experience, describing his personality as effective, pride driven and necessary at times. Others descriptions included very strong minded, abrasive, abrupt, rude and intimidating as well as contributing factors on why employees don't want to come to 49 because of "how Lt. Fry handles people" and "people don't get along with that personality." On Sept 6, 2015, Lt. Fry's Assistant Chiefs discussed with him the manner in which he interacts with his crew and he was told that at times his personality seems to be too overbearing/intense for some individuals and that he needs to work on his people skills. During our interview with Lt. Fry he admitted that "my overall demeanor is perceived as abrasive, but I don't think I'm abrasive" and Lt. Fry described his management style as "fair, firm and direct" and that his goal is to make his unit the best in the Fire Department. He stated "with that comes brutal honesty, some do well with it, others don't." This type of approach by a supervisor can be viewed as intimidating, manipulative or bullying to subordinates. We agree with Lt. Fry's perspective of always trying to improve his crew, their calls and patient care but there are many ways to teach and provide constructive feedback/criticism to subordinates that do not leave this impression or lead to arguments and heated discussions. There are ways of addressing things with staff professionally and factually to get the same message across to obtain a desired outcome. In addition, there was a concern that Lt. Fry tried to influence by intimidation FF Martin to answer Equity Services questions in a certain manner by the comments he made to her before and after her interview. This type of management style should not be condoned nor tolerated and the Fire Department should evaluate Lt. Fry's interpersonal skills as a leader in the organization.

This is the 3rd investigation since 2012 involving the allegation of a Clearwater Fire and Rescue Lieutenant having inappropriate relations in the fire station. Not only do these situations put the City in position of potential

serious liability, but it overshadows the prestige of the City of Clearwater Fire and Rescue. The attempts that were put in place after the prior investigations, have not yielded the behavior from reoccurring as this investigation has brought forth yet another allegation to be investigated. The Fire Stations need more oversight by the Assistant Chiefs, which by their sheer presence will deter such behavior. The last investigation recommended that surveillance cameras be placed at all Clearwater Fire Stations and again this will be the recommendation to try to remedy this issue. Limiting cameras to common areas such as the kitchen, living room and hallways, will ensure ethical behavior without being intrusive to their living environment or dorm area. Without putting some defined boundaries in place and implementing a very clear and specific sexual misconduct policy, these situations will likely continue to reoccur.