

**IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY**

PATRICK SMITH and PAMELA
ALEXANDER,

Plaintiffs,

v.

FIRST STEP SHELTER, INC., a Florida
Corporation, and THE CITY OF
DAYTONA BEACH, FLORIDA

Defendants.

CASE No.

DIVISION:

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, Patrick Smith, an individual (“PLAINTIFF SMITH”), and Plaintiff PAMELA ALEXANDER, (“PLAINTIFF ALEXANDER”) by and through their undersigned attorney hereby sues the Defendant, FIRST STEP SHELTER, INC., (“DEFENDANT FIRST STEP”), and the Defendant, THE CITY OF DAYTONA BEACH, a governmental entity, (“DEFENDANT DAYTONA BEACH”), and allege as follows:

JURISDICTION AND VENUE

1. This is an action for damages in excess of \$50,000.00.
2. Venue lies within Volusia County because a substantial part of the events giving rise to this claim arose in this judicial district.

PARTIES

3. Plaintiffs are residents of Volusia County.
4. Defendant Daytona Beach is a governmental agency and more specifically a municipal government entity.

5. Defendant First Step Shelter is a Florida corporation and an employer and entity as defined by the laws under which this action is brought.

6. Based upon information and belief, Defendant First Step Shelter is a non-profit Florida Corporation. However, the Board of Directors of Defendant First Step Shelter is governed by, and comingled with, through funds and public oversight, by Defendant City of Daytona Beach. Further, Defendant First Step Shelter is governed by the Florida Sunshine Law and is quasi-governmental entity. Thus, both Defendants are to be considered joint-employers of Plaintiffs.

GENERAL ALLEGATIONS

7. At all times material, Plaintiff Smith was qualified to perform his job duties within the legitimate expectations of Defendants.

8. At all times material, Plaintiff Alexander was qualified to perform her job duties within the legitimate expectations of Defendants.

9. At all times material, Plaintiffs were employees as that term is defined by the laws under which this action is brought.

10. Plaintiffs have been required to retain the undersigned counsel to represent them in this action and is obligated to pay them a reasonable fee for their services.

11. Plaintiffs request a jury trial for all issues so triable.

FACTS

12. Plaintiff Smith was employed as the Director of Philanthropy. Plaintiff Smith was qualified for his position, and performed his position well for Defendants.

13. Plaintiff Alexander was employed as the Housing Director. Plaintiff Alexander was qualified for her position, and performed her position well for Defendants.

14. On June 6, 2024, Plaintiffs, and a Nurse Employee, served to Daytona Beach Mayor Derek Henry whom was the Chair of the Board, and the First Step Shelter Board of Directors, via

a written whistle-blower letter, outlined complaints of management engaging in fraud, fiduciary malfeasance, discrimination, harassment, retaliation, violations of law relating to FSS Admission policies, safety violations for residents and allowing physically abusive residents to remain enrolled in the housing program, among other concerns. The Whistle-Blower Complaint was signed by all three Whistle-Blowers listed above and dated, and provided to Defendants via email and hand-delivery.

15. Plaintiffs each requested Whistle-Blower protection.

16. Defendants terminated each Whistle-Blower within days and failed to provide any reason for the termination to either Plaintiff Smith or Plaintiff Alexander.

17. Defendants fired Plaintiffs because of their Whistle-Blower Activity and engagement in protected activities.

COUNT I

PLAINTIFF SMITH ALLEGES VIOLATIONS OF THE PUBLIC WHISTLEBLOWER'S ACT vs. BOTH DEFENDANTS

18. Plaintiffs re-allege and adopts paragraphs 1-17 as though set forth fully herein.

19. This is an action for damages pursuant to Florida's Public-Sector Whistleblower Act.

20. As set forth above, Plaintiff Smith objected to Defendants' illegal conduct which includes misfeasance, malfeasance, and violations of laws, rules and regulations, in compliance with Fla. Stat. § [REDACTED]

21. After reporting the Defendants' illegal activity, Defendant retaliated against Plaintiff by firing him within days. Further, Defendants have continued to retaliate against Plaintiff Smith by publicly defaming him in the media.

22. As a result of the retaliatory actions of Defendants, Plaintiff Smith has suffered damages including lost wages, benefits, and other remuneration, emotional distress, and humiliation. These losses are permanent and will continue into the future.

23. As a result of Defendants' unlawful acts against Plaintiff Smith, Plaintiff will continue to incur attorney's fees which are recoverable under law.

WHEREFORE, Plaintiff prays for all legal and equitable relief allowed by law including:

- a. Back pay and benefits;
- b. Interest on back pay;
- c. Front pay and/or lost earning capacity;
- d. Compensatory damages including emotional distress and mental anguish, past and future;
- e. Costs and attorney's fees; and
- f. Such other relief as the Court may deem just and proper.

COUNT II

PLAINTIFF ALEXANDER ALLEGES VIOLATIONS OF THE PUBLIC WHISTLEBLOWER'S ACT v. BOTH DEFENDANTS

24. Plaintiff Alexander re-alleges and adopts paragraphs 1-17 as though set forth fully herein.

25. This is an action for damages pursuant to Florida's Public-Sector Whistleblower Act.

26. As set forth above, Plaintiff Alexander objected to Defendants' illegal conduct which includes misfeasance, malfeasance, and violations of laws, rules and regulations, in compliance with Fla. Stat. § [REDACTED]

27. After reporting the Defendants' illegal activity, Defendant retaliated against Plaintiff Alexander by firing her within days. Further, Defendants have continued to retaliate against Plaintiff Alexander by publicly defaming her

28. As a result of the retaliatory actions of Defendants, Plaintiff Alexander has suffered damages including lost wages, benefits, and other remuneration, emotional distress, and humiliation. These losses are permanent and will continue into the future.

29. As a result of Defendants' unlawful acts against Plaintiff Alexander, Plaintiff will continue to incur attorney's fees which are recoverable under law.

WHEREFORE, Plaintiff prays for all legal and equitable relief allowed by law including:

- a. Back pay and benefits;
- b. Interest on back pay;
- c. Front pay and/or lost earning capacity;
- d. Compensatory damages including emotional distress and mental anguish, past and future;
- e. Costs and attorney's fees; and
- f. Such other relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

WHEREFORE, Plaintiffs request a jury trial on all issues so triable.

Dated this 9th day of December 2024.

CHANFRAU & CHANFRAU

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