

April 17, 2017

***Via E-Mail Only***

Brian Koji, Esq., [bkoji@anblaw.com](mailto:bkoji@anblaw.com)  
Allen Norton & Blue, P.A.  
324 South Hyde Park Plaza, Suite 225  
Tampa, FL 33606-4127

James F. Brantley, Esq., [jim@donnellygross.com](mailto:jim@donnellygross.com)  
Donnelly & Gross  
2421 NW 41<sup>st</sup> Street, Suite A-1  
Gainesville, FL 32606

David Dee, Esq., [daviddeelaw@gmail.com](mailto:daviddeelaw@gmail.com)  
311 S. Brevard Ave., 2<sup>nd</sup> Floor  
Tampa, FL 33606

Re: Appeal of Termination of Police Officer Lee Coel

Dear Attorneys Koji, Brantley, and Dee:

In follow up to receipt of the parties' witness and exhibit lists, this letter shall set forth the rules and procedures to be followed at the termination appeal hearing scheduled for April 20, 2017 at 11:00 a.m.

The hearing will be conducted informally, but with decorum. Pursuant to the Agreed Upon Discipline and Appeals Procedure for the Officers outlined in Appendix C, Section 7(C)(2)(b), of the current collective bargaining agreement between the City and the PBA, the burden of proof rests with the Human Resources Manager Phil Wickstrom who is required to establish just cause, by a preponderance of the evidence, in support of his March 9, 2017 decision to terminate Officer Coel's employment. As such, evidence will first be presented by Attorney Koji on behalf of Human Resources Manager Phil Wickstrom, followed by any evidence to be offered by Attorneys Brantley and Dee on behalf of Officer Coel. The parties may then offer rebuttal evidence. As previously stated, each party will have the opportunity to present direct testimony of witnesses, to cross-examine, and to a brief re-direct examination. There will be no re-cross examination. The parties are invited to present opening statements and closing arguments through counsel which will not be considered evidence.

Formal rules of procedure and evidence shall not apply except as set forth herein; however, fundamental due process shall be accorded. The admissibility standards for evidence will be relaxed and all evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a court of law in Florida. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath. Irrelevant, immaterial, harassing, defamatory or unduly repetitive evidence shall be excluded. If, in the opinion of the City Manager or his legal advisor, any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review in order to properly determine the issue presented, then the City Manager reserves discretion to continue the

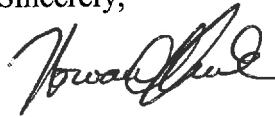
matter to a time certain to allow for such research or review, or to accept post-hearing briefing on the issue from the parties. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in a civil action. Both parties are expected to secure the appearance of witnesses who will present live testimony.

If either party desires to invoke and adhere to the formal rules of evidence for purposes of the proceeding, or if assistance is needed in securing the attendance of live witnesses, please advise immediately.

A court reporter has been arranged for the hearing. Upon request, the audio recording and transcription of the hearing by the court reporter will be made available after such time as review has been done in order to make appropriate statutory redactions, as necessary.

Please advise immediately if you have any questions or if this correspondence is in any way unclear.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard Kunik". The signature is fluid and cursive, written over a light blue horizontal line.

Howard Kunik  
City Manager  
Email: HKunik@pgorda.us