

IN THE CIRCUIT COURT OF THE  
SECOND JUDICIAL CIRCUIT, IN  
AND FOR LEON COUNTY, FLORIDA

STEVEN HOUGLAND,

CIVIL DIVISION

Plaintiff,

CASE NO.: 08CA2598

vs.

STATE OF FLORIDA. DEPARTMENT OF  
BUSINESS AND PROFESSIONAL  
REGULATION,

Defendant.

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Clerk Circuit Court  
Leon County, Florida

**VERIFIED COMPLAINT FOR WRONGFUL DISCHARGE  
IN VIOLATION OF WHISTLE BLOWER'S ACT OF 1986**

Plaintiff, STEVEN HOUGLAND (hereinafter "HOUGLAND"), by and through the undersigned counsel brings this action against Defendant, State of Florida, Department of Business and Professional Regulation (hereinafter "DBPR"), for violation of the Whistle Blower's Act of 1986, and alleges:

1. This is an action for injunctive relief and for damages in excess of \$15,000.00.

**JURISDICTION AND VENUE**

2. The plaintiff invokes this Court's jurisdiction under § 112.3187(8)(a), Florida Statutes (2001).

3. The venue of this action is properly placed in the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, because the plaintiff's claim arises in Tallahassee, Leon County, Florida.

4. At all times mentioned, Plaintiff, STEVEN HOUGLAND, is and was a resident of Tallahassee, Leon County, Florida, residing at 4728 Tory Sound Lane, Tallahassee, Florida, 32309. HOUGLAND is and was an employee as defined in § 112.3187(3)(b), Florida Statutes (2001).

5. The Defendant is the State of Florida, Department of Business and Professional Regulation and, at all times mentioned, is and was an agency as defined in § 112.3187(3)(c), Florida Statutes (2001). The defendant's principal office is located at 1940 North Monroe Street, Tallahassee, Florida, 32399.

6. On November 30, 2007, HOUGLAND filed a Charge of Discrimination against DBPR, with the Florida Commission on Human Relations (FCHR), FCHR No. 2008-00495. On July 28, 2008 the FCHR issued a Notice of Termination of Investigation which is attached hereto as Plaintiffs' Exhibit "A." It has been less than 180 days since receipt of this Notice and plaintiff has complied with all administrative prerequisites prior to bringing this action.

#### **STATEMENT OF FACTS**

7. On January 3, 2006, HOUGLAND became employed by DBPR as Director of the Florida Department of Business and Professional Regulation's Division of Alcoholic Beverages and Tobacco and performed all of the duties and responsibilities outlined in his job description. HOUGLAND was and is ready and willing to continue in such service.

8. On or about June 10, 2007, the Division of Alcoholic Beverages and Tobacco ("ABT") ordered all Florida Hooters Restaurants to remove all orange Hooters/Bud Light beer bottles from their restaurants as the bottles were in violation of Florida Statutes Chapter 561.42(12)(g). Beer distributors, including Lewis Bear Co., were also ordered to stop selling these Hooters/Bud Light beer bottles in Florida and to remove these bottles from their inventory.

9. On or about July 9, 2007, the order was changed by Secretary Holly Benson who instructed ABT lawyers to allow the Hooters Restaurants to deplete their remaining inventories of the Hooters/Bud Light beer bottles.

10. On October 10, 2007, a bottle of Bud Light beer with the Hooters' logo was purchased by an ABT agent. The bottle of beer had a Born on Date of September 8, 2007. Secretary Holly Benson instructed Mike Martinez to allow the product to be placed back on the market because of her close relationship with Lewis Bear.

11. The Sandestin Beach Resort is a mega-resort located in Benson's previous House District consisting of numerous, privately-owned restaurants and alcoholic-beverage establishments. ABT agents and legal staff investigated complaints of unlicensed beverage activity at many of these establishments. Agents sustained violations for unlicensed activity at about nineteen establishments on the property and were prepared to take administrative enforcement action against the establishments until Benson intervened by instructing ABT Chief Legal Counsel to discontinue any action against the resort.

12. Former Deputy Secretary Chuck Drago instructed HOUGLAND to meet with John Harris whenever Harris requested. Harris is a consultant to the beverage industry, a member of Jim Greer's Executive Staff (Greer is a close friend of Drago and is the Chair of the Florida Republican Party, former Oviedo City Council member who had oversight of Drago when Drago was Oviedo Chief of Police, and the owner of a consulting business that provides consulting services to the beverage, hotel and restaurant industries), and a consultant at Gray Robinson, a Tallahassee law firm that represents many businesses in the alcoholic beverage, hotel, and restaurant industry. Because of Harris' affiliation with Greer, Greer's relationship with Drago, Drago granted Harris

inappropriate access to ABT personnel even after HOUGLAND informed Drago that Harris was acting unethically.

13. Chuck Drago improperly granted an interview and improperly hired Ken Staab, a close personal friend. Staab did not meet the agency's established minimum requirements for hire and therefore did not meet the agency's pre-established requirements to be interviewed for the position. In early September 2007, Drago ordered Chief Willa Beckley and HOUGLAND to interview Staab. The interview panel consisted of Beckley, Major Pat Roberts of ABT and Drago. Hiring decisions are made based upon majority vote. Beckley and Roberts voted to select another candidate, but Drago voted to hire Staab. Drago asked HOUGLAND his opinion of Staab. HOUGLAND told Drago that Staab did not meet the qualifications for the position and he indicated to Drago that Drago was circumventing the hiring process. HOUGLAND refused to sign off on the Personnel Action Request approval form for Staab's hiring and to place Mr. Drago's name on the form as an approver.

14. In early August, 2007, HOUGLAND met with Ron Russo, Agency Inspector General, and informed him of Benson's and Drago's violations of law, mismanagement, and unethical behavior. Russo failed to investigate these claims.

15. In or around the middle of August, Drago suspended HOUGLAND's decision-making authority and took control of HOUGLAND's division.

16. In a recent employee evaluation for the period of January 3, 2006 to March 31, 2006, HOUGLAND's supervisor gave him an achieves-and/or-exceeds- expectations performance rating. Under HOUGLAND's control, the Alcoholic Beverages and Tobacco Division ("ABT") was praised for its work during Spring Break, March 2007. The ICARE program, designed and implemented by HOUGLAND received national recognition for its success.

17. On October 2, 2007, Benson sent an email to all of the Division's 400 employees criticizing HOUGLAND's management style that included "unfair standards of discipline."

18. On September 11, 2007, HOUGLAND submitted his resignation effective October 4, 2007, so as to prevent further retaliation in violation of the Whistle Blowers Act of 1986, § 112.3187, Fla. Stat. (2001).

19. Pursuant to § 112.3187, Florida Statutes (2001), plaintiffs are entitled to the cost of this action and reasonable attorney fees.

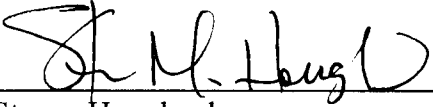
WHEREFORE, Plaintiff, STEVEN HOUGLAND, respectfully requests this Honorable Court find for the plaintiff and against Defendant, STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, and award plaintiff:

- A. Reinstatement to the position which he occupied immediately prior to defendant's retaliatory action against him, or to an equivalent position;
- B. Reinstatement of full fringe benefits and seniority rights;
- C. Compensation for lost wages, benefits and other remuneration;
- D. Reasonable costs and attorney fees of this action, and any other and further such relief as this court may deem just and proper.


Plaintiff demands a trial by jury.

**VERIFICATION**

Under penalty of perjury, I hereby confirm that the foregoing document is true and correct to the best of my personal knowledge, information, and belief.

  
\_\_\_\_\_  
Steven Hougland

Respectfully submitted,

  
\_\_\_\_\_  
GARY LEE PRINTY  
FL BAR ID NO. 363014  
THE LAW OFFICE OF GARY LEE PRINTY  
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Attorney for Plaintiff  
STEVEN HOUGLAND



Charlie Crist  
Governor

# State of Florida

## Florida Commission on Human Relations

An Equal Opportunity Employer • Affirmative Action Employer

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Dr. Donna Elam  
Chair

Derick Daniel  
Executive Director

FCHR NO.: 200800495

**MR. STEVEN HOUGLAND**  
4728 Tory Sound Lane  
Tallahassee, FL 32309

**COMPLAINANT**

**FLORIDA DEPARTMENT OF  
BUSINESS AND PROFESSIONAL REGULATION**  
c/o Reginal Dixon, Esquire, Deputy General Counsel  
1940 North Monroe Street  
Tallahassee, FL 32399

**RESPONDENT**

### NOTICE OF TERMINATION OF INVESTIGATION

This non-final agency report is issued pursuant to §112.31895, *Florida Statutes* (2007), based on a whistle-blower retaliation charge filed by Complainant, STEVEN HOUGLAND, which alleged that Respondent, FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, retaliated against him in violation of §§112.3187—112.31895, *Florida Statutes* (2007), for disclosing protected information. Complainant filed his charge with the Florida Commission on Human Relations (“Commission”) on November 30, 2007. The Commission’s Office of Employment Investigations conducted an investigation into this matter. The Commission’s Office of General Counsel reviewed the case file and the *Investigative Memorandum*.

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**FACTS**

The facts as set forth in the *Investigative Memorandum* dated June 16, 2008, a copy of which is attached, are incorporated herein by reference.

**ANALYSIS**

To establish a *prima facie* case of retaliation, a complainant must show: 1) he engaged in protected activity; 2) he suffered an adverse personnel action; and 3) a causal link between the protected activity and the adverse action. *Stavropoulos v. Firestone*, 361 F.3d 610 (11<sup>th</sup> Cir. 2004).

Complainant has failed to make out a *prima facie* case of whistleblower retaliation because he was unable to show that his disclosures<sup>1</sup> led to his “forced” resignation.<sup>2</sup> Complainant specifically stated that he resigned because, despite his disclosures, nothing was done to rectify the situation. Complainant decided to resign because he did not want to be associated with the alleged violations of law, mismanagement and unethical behavior, and not because of any retaliatory actions taken against him by Respondent.

**CONCLUSION**

A finder of fact could not reasonably conclude that Complainant was forced to resign as a result of his alleged disclosures of protected information.

Pursuant to §112.31895(3)(f), *Florida Statutes* (2007), I issue on behalf of the Florida Commission on Human Relations this Notice of Termination of Investigation in the above-referenced whistle-blower case

FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS

DATED: 7/28, 2008

  
\_\_\_\_\_  
DERICK DANIEL  
EXECUTIVE DIRECTOR

<sup>1</sup> It is not clear whether Complainant actually made the alleged disclosures to the agency inspector general.

<sup>2</sup> It is questionable whether Complainant suffered an adverse action.