

April 17, 2017

Via E-Mail Only

Brian Koji, Esq., 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
Donnelly & Gross
2421 NW 41st Street, Suite A-1
Gainesville, FL 32606

David Dee, Esq., davidddeelaw@gmail.com
311 S. Brevard Ave., 2nd 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

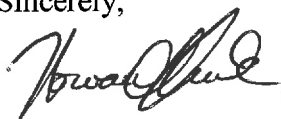
matter to a time certain to allow for such research or review, or to accept post-hearing briefing on the issue from the parties. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be 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, with the first name "Howard" being more prominent than the last name "Kunik".

Howard Kunik
City Manager
Email: HKunik@pgorda.us



City of Punta Gorda, Florida

OFFICE OF THE CITY MANAGER

326 West Marion Avenue
Punta Gorda, Florida 33950
Telephone: 941-575-3302
Fax: 941-575-3310
www.pgorda.us
citymgr@pgorda.us

March 31, 2017

Via E-Mail Only

Brian Koji, Esq., 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
Donnelly & Gross
2421 NW 41st Street, Suite A-1
Gainesville, FL 32606

David Dee, Esq., daviddeelaw@gmail.com
311 S. Brevard Ave., 2nd Floor
Tampa, FL 33606

Re: Appeal of Termination of Police Officer Lee Coel

Dear Attorneys Kogi, Brantley, and Dee:

This is to confirm that the appeal hearing regarding the termination of Office Lee Coel will be conducted on **April 20, 2017 at 11:00 a.m.** in the City Hall Annex on Harvey Street, 3rd Floor Conference Room. Pursuant to the Agreed Upon Discipline and Appeals Procedure for the Officers outlined in Appendix C, Section 7(C)(2)(d), of the current collective bargaining agreement between the City and the PBA, the proceeding will be recorded by tape and the City will arrange for a court reporter.

The duration of the hearing will depend on the number of witnesses and documents that each party intends to present. To that end, each party is asked to identify all witnesses and exhibits it intends to present and submit at the hearing for my consideration. This list shall be provided **on or before April 13, 2017**, with a copy to the opposing party. Copies of exhibits may be submitted to me in advance of the hearing, at your discretion. During the hearing, 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. I will also have the opportunity to ask questions of witnesses presenting testimony or evidence at any time during the proceeding until commencement of deliberation.

Sincerely,

Howard Kunik
City Manager
Email: HKunik@pgorda.us



ALLEN NORTON & BLUE
PROFESSIONAL ASSOCIATION

324 South Hyde Park Avenue, Hyde Park Plaza, Suite 225, TAMPA, FL 33606-4127
Telephone 813-251-1210 • Facsimile 813-253-2006

April 13, 2017

By E-mail Only (HKunik@ci.punta-gorda.fl.us)

Howard Kunik
City Manager
City of Punta Gorda
326 West Marion Avenue
Punta Gorda, Florida 33950

Re: *City of Punta Gorda – Officer Lee Coel Appeal*
[1731 ANB File No. 111(T)]

Dear Mr. Kunik:

In response to your letter of March 31, 2017, below please find the list of potential witnesses and exhibits that I intend to present on behalf of Human Resources Manager Phil Wickstrom at the upcoming disciplinary appeal hearing for Officer Lee Coel.

WITNESS LIST

1. Phil Wickstrom, Human Resources Manager
2. Lt. Terry Cochran, PGPD
3. Officer Lee Coel
4. Chief Thomas Lewis (via his FDLE statement of August 10, 2016)
5. Any witnesses necessary to rebut testimony and evidence offered by Officer Coel

EXHIBIT LIST

1. Letter, dated March 9, 2017, from Phil Wickstrom to Officer Coel re: Notice of Disciplinary Action
2. Letter, dated February 22, 2017, from Phil Wickstrom to Officer Coel re: Potential Disciplinary Action'
3. PGPD Disciplinary Action Policy (Attached to CBA as Appendix C)
4. Memorandum, dated August 12, 2006, from Chief Lewis to Officer Coel re: Paid Administrative Leave

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Howard Kunik
City Manager
April 13, 2017
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5. Enforcement Procedure 500.01 (“Use of Firearms”)
6. Administrative Procedure 527.00 (“Canine Unit”)
7. State Attorney’s Information, dated Feb. 21, 2017, for Case No. 17-335F, charging Officer Coel with Manslaughter with a Firearm
8. Chamber Police Night Outline, August 9, 2016
9. PGPD Incident/Investigation Report, Case No. 16-02379
10. Pictures of Ammunition
11. Lee Coel Firearms Experience, Training and Demonstrations Tracking Sheet
12. Letter, dated August 24, 2016, from attorney Jerry Berry
13. FDLE Investigation, Case No., FM-01-0027, excerpts
14. Any exhibit necessary for rebuttal

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,
s/ Brian Koji
Brian Koji

cc (email only): Phil Wickstrom (PWickstrom@ci.punta-gorda.fl.us)
James F. Brantley (jim@donnellygross.com)
David Dee (daviddeelaw@gmail.com)
Jessica Farrelly (jfarrelly@icardmerrill.com)

Howard Kunik

From: Jim Brantley <jim@donnellygross.com>
Sent: Thursday, April 13, 2017 3:41 PM
To: Howard Kunik; Brian Koji (bkoji@anblaw.com); 'daviddeelaw@gmail.com'
Cc: jfarrelly@icardmerrill.com; Hal Johnson
Subject: RE: Coel Appeal Hearing

Importance: High

Mr. Kunik,

In accordance with your directive dated March 31, 2017, the following constitutes the list of potential witnesses PBA reserves the right to call during the appeals hearing for Officer Lee Coel scheduled for April 20, 2017:

- PGPD Lieutenant John Heck
- PGPD Lieutenant Katie Heck
- PGPD Captain Jeffrey Woodard
- PGPD Lieutenant David Lipker
- PGPD Chief Thomas Lewis
- PGPD Captain Ciaschini
- PGPD Lieutenant Christopher Salsman
- All other witnesses interviewed as a part of the Florida Department of Law Enforcement (FDLE) investigation in case no. FM-01-0027
- Any witness necessary for rebuttal.

In accordance with your directive dated March 31, 2017, the following constitutes the list of exhibits PBA intendeds to introduce during the appeals hearing for Officer Lee Coel scheduled for April 20, 2017:

- The complete Investigate report produced by the Florida Department of Law Enforcement in case no. FM-01-0027
- The verbatim transcripts from sworn statements provided to FDLE as a part of their investigation in case no. FM-01-0027
- Any exhibit necessary for rebuttal.

Sincerely,

James Brantley

James F. Brantley
Donnelly + Gross, P.A.
239-226-4001
239-226-4047 (facsimile)

From: Howard Kunik [mailto:HKunik@ci.punta-gorda.fl.us]
Sent: Friday, March 31, 2017 4:00 PM
To: Brian Koji (bkoji@anblaw.com) <bkoji@anblaw.com>; Jim Brantley <jim@donnellygross.com>; 'daviddeelaw@gmail.com' <daviddeelaw@gmail.com>

Cc: jfarrelly@icardmerrill.com

Subject: Coel Appeal Hearing

Appeal hearing information and confirmation.

Howard Kunik

City Manager

City of Punta Gorda

941-575-3301

hkunik@pgorda.us

Howard Kunik

From: Jim Brantley <jim@donnellygross.com>
Sent: Thursday, April 13, 2017 4:08 PM
To: Howard Kunik
Cc: Brian Koji (bkoji@anblaw.com); 'daviddeelaw@gmail.com'; Hal Johnson; jfarrelly@icardmerrill.com
Subject: Additional PBA Exhibit to be added to list
Importance: High

Mr. Kunik,

In addition to the exhibits identified earlier and in accordance with your directive dated March 31, 2017, PBA intends to introduce the following additional exhibits during the appeals hearing for Officer Lee Coel scheduled for April 20, 2017:

- The April 3, 2017 Report submitted to the City of Punta Gorda by Arnold Gibbs titled "Review and Analysis of Punta Gorda Police Involved Citizen's Academy Shooting."

Sincerely,

James Brantley

James F. Brantley
Donnelly + Gross, P.A.
jim@donnellygross.com
2205 McGregor Boulevard
Fort Myers, FL 33901
239-226-4001
239-226-4047 (facsimile)

<http://www.donnellygross.com/>

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