

Anderson County Board of Commissioners
OPERATIONS COMMITTEE
MINUTES
March 10, 2025
6:00 PM Room 312

Members Present: Tim Isbel, Tracy Wandell, Phil Yager, Joshua Anderson, Ebony Capshaw, Robert McKamey and Michael Foster.

Members Absent: Stephen Verran

Call to Order: Chairman Isbel called the meeting to order.

EMS Director, Nathan Sweet, said the prayer.

Commissioner Wandell led the Pledge of Allegiance

Commissioner Wandell made a motion to approve the agenda as presented. Seconded by Commissioner Yager. Motion passed.

Appearance of Citizens
Amanda Lovegrove
Nicole Ferrara

Property Assessor

Commissioner Anderson made a motion to support the Deckard Technologies. Seconded by Commissioner Wandell. Motion passed to forward to full commission for approval.

Mayor's Report

Commissioner Yager made a motion to authorize Anderson County to agree to alter the geographic response area for provision of ambulance service within the City of Oak Ridge, and the execution of necessary paperwork for such acknowledgment and agreement associated with the resolution passed by the City of Oak Ridge. Seconded by Commissioner Foster. Motion passed unanimous to forward to full commission with a recommendation for approval.

Commissioner Wandell made a motion for Anderson County to become a coalition partner with Pellissippi Blueways contingent on the Law Director's approval. Seconded by Commissioner Anderson. Motion passed to forward to full commission for approval.

Commissioner Yager made a motion to repeal the adoption of the 2018 International Building Codes and adopt the 2024 International Building Codes with amendments. Seconded by Commissioner Capshaw. Motion passed unanimous to forward to full commission for approval.

Commissioner Wandell made a motion to have the letter from the request for a regional fire academy sent to the fire commission. Seconded by Commissioner Yager. Motion passed to forward to full commission for approval.

Law Director Report

No Action

Cybersecurity for Phones and Computers

Discussion. No Action Taken.

General Sessions II Private Act

Commissioner McKamey made a motion to have a workshop considering General Sessions II. Seconded by Commissioner Wandell. Motion passed to forward to full commission for approval.

Commissioner Yager made a motion for the Law Director continue communicating with the City of Oak Ridge Law Director. Seconded by Commissioner Foster. Motion passed to forward to full commission for approval.

Water in Briceville/New River Area

Commissioner Wandell made a motion to pursue the WIIN Small Underserved Disadvantaged Communities Grant to take care of the water up on the mountain. Seconded by Commissioner Capshaw. Motion passed to forward to full commission for approval.

Fire Commission Volunteer Fire Departments

No Action Taken.

Resolution recognizing Volunteer Firefighters week

Commissioner Wandell made a motion to approve a resolution to recognize Volunteer Firefighters week. Seconded by Commissioner Foster. Motion passed unanimous to forward to full commission for approval.

ACWA Discussion

Commissioner Wandell made a motion to keep the ACWA discussion as an item on the Operations Agenda with the minutes going forward. Seconded by Commissioner Capshaw. Motion passed to forward to full commission for approval.

Animal Shelter Workshop

Commissioner McKamey made a motion to recommend to full commission to schedule a workshop. Seconded by Commissioner Wandell. Motion passed to forward to full commission for approval.

Strategic Planning Update

No updates at this time.

Unfinished Business

Commissioner Wandell made a motion to put the Comptroller's Report of December 6, 2022, and the Operations Report of December 12, 2022 in the minutes. Commissioner Wandell added to include the HR and Law Director's Report to the minutes. Seconded by Commissioner Yager. Motion passed unanimous to forward to full commission for approval.

New Business

Commissioner Wandell made a motion requesting a resolution for the month of March as adopt a pet month. Seconded by Commissioner McKamey. Motion passed to forward to commission for approval.

Announcements

Meeting Adjourned

**Anderson County Board of Commissioners
OPERATIONS COMMITTEE**

AGENDA

**December 12, 2022
6:00 p.m. Room 312**

- 1. Call to Order**
- 2. Prayer / Pledge of Allegiance**
- 3. Approval of Agenda**
- 4. Appearance of Citizens**
- 5. Procurement Procedures – Discussion requested by Chairman Isbel**
- 6. Mayor's Report**
 - Motion authorizing Anderson County to retain a delinquent tax property at 303 Hill Street, Rocky Top, for use as a public purpose.
 - Motion to approve lease with Highland Communications for use of 303 Hill Street as part of the Broadband Infrastructure project.
 - Status Report to Commission with approval of long term lease, and demolition of structure on 303 Hill Street, Rocky Top, Anderson County will have met our \$250,000 match.
 - Fire Truck Funding Renewal of Resolution
 - Status Report: Comptroller's Investigative Report on Anderson County Animal Care and Control.
- 7. Law Director**
 1. Resolution 22-12-973 Authorizing the Mayor to Retain Ownership in Real Property Received By the County Through a Delinquent Tax Sale.
 2. Lease Agreement with Highland Communications
 3. Real Estate Sales Contract for New Tourism Council Office

New Business

Old Business

Adjournment



ANDERSON COUNTY GOVERNMENT

TERRY FRANK
COUNTY MAYOR

December 7, 2022

Commissioner Tim Isbel
Chairman, Operations Committee

Dear Chairman Isbel and Honorable Members of Operations Committee,

I wish to add the following items to the Agenda:

1. **Action Item.** Meeting in regular session on Nov. 21, 2022, County Commission voted to approve a commitment of a delinquent tax property being held by Anderson County (303 Hill Street, Rocky Top for use in the Tennessee Emergency Broadband Fund-American Rescue Plan (TEBF-ARP) Broadband Infrastructure Grant by Highland Communications and Anderson County. Details were to be worked out that required a legal opinion from the Law Director. (Nov. Minutes attached) Based on the legal memo, the action items requested as part of next steps:
 - a. **Action Item:** Motion authorizing Anderson County to retain a delinquent tax property being held by Anderson County at the street address of 303 Hill Street, Rocky Top, for use as a public purpose.
 - b. **Action Item:** Motion to approve lease with Highland Communications for use of 303 Hill Street as part of the Broadband Infrastructure project. (Proposed lease attached in DRAFT form) (Note: I have spoken with Director Holbrook regarding this lease so that he and Purchasing are aware.)
 - c. On Nov. 21, 2022, County Commission voted to authorize the county mayor to enter into negotiations with Highland Communications regarding reduction in Anderson County ARP \$250,000 matching funds in lieu of property commitment for the above Broadband package. **Status report to Commission:** With approval of long term lease, and demolition of structure on 303 Hill Street, Rocky Top, Anderson County will have met our \$250,000 match.
2. **Fire Funding**
Following a discussion of the now expired Fire Truck Resolution, Budget Committee engaged in a discussion regarding a renewal of the resolution, at a higher budgeted annual amount. As part of the discussion, I discussed the expired resolution being an

opportunity to engage in a multi-stage process to examine the varying needs of each department, challenges of each fire district, funding capacity, and the goals for fire service for the community by the Anderson County Board of Commissioners, and that Operations Committee would be the place to start. I would like to discuss a working group of commissioners that could work on outlining a plan of how to best tackle creation of goals and priorities of Anderson County, needs of each fire department, and a conferencing plan to bring forth various recommendations/options for commission.

3. Status Report: Comptroller's Investigative Report on Anderson County Animal Care and Control was released December 6, 2022. Full report attached.



A large, stylized handwritten signature, possibly reading "Frank", located below the scribbles.

Item #3



COMPTROLLER'S INVESTIGATIVE REPORT

Anderson County Animal Care and Control

December 6, 2022

Jason E. Mumpower
Comptroller of the Treasury



DIVISION OF INVESTIGATIONS



JASON E. MUMPOWER
Comptroller

December 6, 2022

Mayor Terry Frank
and Members of the County Commission
100 N Main Street
Clinton, TN 37716

Anderson County Officials:

The Office of the Comptroller of the Treasury conducted an investigation of selected records of the Anderson County Animal Care and Control Department, and the results are presented herein.

Copies of this report are being forwarded to Governor Bill Lee, the State Attorney General, the District Attorney General of the 7th Judicial District, certain state legislators, and various other interested parties. A copy of the report is available for public inspection in our Office and may be viewed at <http://www.comptroller.tn.gov/ia/>.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason E. Mumpower", with a long horizontal flourish extending to the right.

Jason E. Mumpower
Comptroller of the Treasury

JEM/MLC

INVESTIGATIVE REPORT

Anderson County Animal Care and Control Department

The Office of the Comptroller of the Treasury, in conjunction with the Anderson County Sheriff's Department, investigated allegations of malfeasance related to the Anderson County Animal Care and Control Department (department). The investigation was initiated after Anderson County officials reported several concerns. The investigation was limited to selected records for the period February 28, 2021, through March 31, 2022. The results of the investigation were communicated with the Office of the District Attorney General of the 7th Judicial District.

BACKGROUND



Located at 1480 Blockhouse Valley Road in Clinton, Tennessee, the department exists to serve the residents of Anderson County. The department is charged with investigating animal bites, animal cruelty and abuse, and complaints of animal noise annoyance, unsanitary conditions, or abandoned animals. In addition, the department rescues injured or sick animals, controls stray and potentially dangerous animals roaming at large, and transports lost pets to the animal shelter where their owners can reclaim them.

The department employs a director that oversees department finances and activities. The director was also a Certified Animal Euthanasia Technician (CAET) licensed through the Tennessee Board of Veterinary Medical Examiners (board). The board first issued a CAET license to the department director on August 20, 2003. The board is charged with safeguarding the health, safety, and welfare of Tennesseans by assuring all who practice as an animal euthanasia technician within this state are qualified through board approved courses. Each CAET license is valid for a biennial period. The board's administrative office mails renewal notices 45 days prior to the CAET license expiration date to the licensee's address on record. The director renewed his license on a biennial basis until he received the 2021 renewal application. The director did not submit the 2021 renewal application to the board, resulting in his CAET license expiring on February 28, 2021.

RESULTS OF INVESTIGATION

- **THE DIRECTOR FAILED TO MAINTAIN AN ACTIVE CERTIFIED ANIMAL EUTHANASIA TECHNICIAN LICENSE WHILE EUTHANIZING ANIMALS**

Investigators determined the director's CAET license expired on February 28, 2021, however he continued to euthanize animals until December 7, 2021 without having an active CAET license. Investigators determined the director euthanized 140 animals after his license expired.

Chapter 1730-05-.14 of the rules of the board require all animal euthanasia personnel to follow federal regulations for the use of controlled substances including storage and recordkeeping. In addition, all personnel must maintain a record of all euthanasia and pre-euthanasia solutions administered. Pursuant to this rule, the director maintained a Controlled Substance Usage Log that included euthanasia drug information as well as information such as date administered, method dispensed, animal identifying information, and death verification method. For each usage of the euthanasia drug, the Controlled Substance Usage Log required a signature of the individual administering the drug. The logs indicated that the director did not change the methods he used to administer or record the usage of euthanasia drugs after his license expired. Anderson County officials obtained statements from current employees, former employees, and volunteers that worked within the department regarding these euthanized animals. Through review of selected statements, investigators determined several individuals witnessed the director euthanizing animals within the department facilities after his license expired.

Section 63.12.141 (b), *Tennessee Code Annotated*, states the board, upon submission of a complete application and payment of a fee established by the board, shall issue to any person who it determines to be qualified, a certificate for such person to function as a certified animal euthanasia technician. It is a Class B misdemeanor for any person or entity to use or imply that such person or entity has been granted a certificate as a certified animal euthanasia technician unless a certificate has been granted under this title. Ensuring only certified individuals euthanize animals reduces the risk an animal is euthanized improperly.

The director admitted to investigators that he inadvertently failed to renew his CAET license and took full responsibility for this oversight. In addition, the director stated he had started the process to get recertified. Investigators determined the director paid a civil penalty of \$225 to the Department of Health, in accordance with the *Rules of Tennessee Board of Veterinary Medical Examiners*, applied for reinstatement of his license, and took a CAET certification class. However, the director notified the board on July 7, 2022, that he would like to withdraw his application due to his pending retirement. The director retired from Anderson County on July 20, 2022.



COMPLIANCE DEFICIENCY

The Comptroller's investigation revealed a deficiency in compliance.

Deficiency: A department employee improperly solicited donations

A department employee used Facebook to solicit donations for animal medical bills for the department. In the Facebook post dated November 23, 2021, the employee presented herself on behalf of the department, and she received \$510 in donations. On November 30, 2021, Anderson County officials met with the employee and informed her that Anderson County employees are not permitted to solicit private funds in the name of the department. Furthermore, Anderson County officials requested the employee submit all solicited funds to the county and remove the solicitation immediately. On December 14, 2021, the county received funds from the employee totaling the amount solicited (minus fees Facebook charges for collection). The county receipted these funds as a donation. Anderson County officials did promptly identify and rectify the issue. The employee resigned from Anderson County on August 9, 2022.

Outlook

Review

From Terry Frank <tfrank@andersoncountyttn.gov>

Date Tue 2/13/2024 8:29 AM

To Commissioner Tyler Mayes <tmayes@andersoncountyttn.gov>; Commissioner Tracy Wandell <twandell@andersoncountyttn.gov>; Commissioner Michael Foster <mfoster@andersoncountyttn.gov>; Commissioner Denise Palmer <dpalmer@andersoncountyttn.gov>; Commissioner Aaron Wells <awells@andersoncountyttn.gov>; Commissioner Anthony Allen <aallen@andersoncountyttn.gov>; Commissioner Sabra Beauchamp <sbeauchamp@andersoncountyttn.gov>; Commissioner Steve Verran <sverran@andersoncountyttn.gov>; Commissioner Shelly Vandagriff <svandagriff@andersoncountyttn.gov>; Joshua Anderson <joshandersondistrict3@gmail.com>; robertmckamey@comcast.net <robertmckamey@comcast.net>; 'J White' <jwhiteac@me.com>; Commissioner Phil Yager <pyager@andersoncountyttn.gov>; Robert Smallridge <rjsmal@yahoo.com>; isbelt@ymail.com <isbelt@ymail.com>; jsvowell1@gmail.com <jsvowell1@gmail.com>

2 attachments (16 MB)

personnel policy review.pdf; Verification of Death Chapter 4.pdf;

Chairman Mayes and Honorable Commissioners,

Per your request, attached is the personnel policy review of former Director Brian Porter, former employee Natalie Wynkoop, and former employee Victoria Daugherty.

Please let me know if you have any questions at all.

In addition, there was a state investigation. As former Director Porter admitted, he failed to maintain his certification and that is in the finding, as well as Wynkoop's improper solicitation and personal receipt of funds in the name of the shelter. You can access the Comptroller's investigation at the attached link below.

<https://www.comptroller.tn.gov/content/dam/cot/ia/advanced-search/2022/county/AndersonCountyAnimalCareandControlReport.pdf>

Former Director Porter was fined by the State and he paid his fine.

I have also attached a couple of sections from the Techniques in Humane Euthanasia of Animals training manual as approved by the Tennessee Board of Veterinary Medical Examiners for Certification of Euthanasia Technicians.

One of the major misunderstandings of the entire issue (referenced briefly by Director Whitaker in the report) is that there is a difference between euthanasia by heart stick, and heart stick as verification of death.

I'll limit my commentary to this regarding the allegations that Porter euthanized by heart stick to this: Director Porter spent his entire life working with animals. I have attached a very old picture of him that appeared in the News Sentinel. Missing from a review into the allegations at the time is that the fact that Porter had actually worked to help train proper humane euthanasia techniques as part of state approved training classes. There is a lot in the personnel review, and a lot that we've worked to do better, and we'll continue to aim higher on a day-by-day basis. But at the end of the day, there is still the cloud hanging over us that Anderson County is a shelter that performs cruel, painful euthanasia as Ms. Wynkoop's post continues to be read and viewed, with no verification of those facts.

I am happy to discuss this report with any commissioner, so feel free to reach out. I prefer not to discuss at full commission, as all three of these individuals are no longer employees, but if Commission so desires to, I will certainly answer any questions you may have.

My best,

Terry

Terry Frank

Anderson County Mayor
100 North Main Street, Suite 208
Clinton, TN 37716
865.457.6200

Note: My email has changed to tfrank@andersoncountyttn.gov

From: Leean Tupper <ltupper@andersoncountyttn.gov>

Sent: Monday, February 12, 2024 9:07 AM

To: Terry Frank <tfrank@andersoncountyttn.gov>

Subject: policy review

Leean R. Tupper

Assistant to the County Mayor
Certified Public Administrator

Tennessee Comptroller Investigative Report - Anderson County Animal Care and Control

From Investigations <Investigations@cot.tn.gov>

Date Tue 12/6/2022 10:00 AM

The Tennessee Comptroller of the Treasury has released an investigative report related to the Anderson County Animal Care and Control. The report can be found at <http://www.comptroller.tn.gov/ia/>.

Media contact: John Dunn, Director of Communications, 615.401.7755 or John.Dunn@cot.tn.gov.

→
Division of Investigations

Comptroller of the Treasury

Cordell Hull Building | 425 Rep. John Lewis Way N. | Nashville, TN 37243

Investigations@cot.tn.gov | Direct Line 615.401.7907

The Comptroller
also releases to
media. This is
standard for all
investigations.

Fw: Tennessee Comptroller Investigative Report - Anderson County Animal Care and Control

From Terry Frank <tfrank@andersoncountyttn.gov>
Date Tue 12/6/2022 10:03 AM
To anila.yoganathan@knoxnews.com <anila.yoganathan@knoxnews.com>

FYI

Terry Frank

Anderson County Mayor
100 North Main Street, Suite 208
Clinton, TN 37716
865.457.6200

Note: My email has changed to **tfrank@andersoncountyttn.gov**

From: Investigations <Investigations@cot.tn.gov>
Sent: Tuesday, December 6, 2022 10:00 AM
Subject: Tennessee Comptroller Investigative Report - Anderson County Animal Care and Control

The Tennessee Comptroller of the Treasury has released an investigative report related to the Anderson County Animal Care and Control. The report can be found at <http://www.comptroller.tn.gov/ia/>.

Media contact: John Dunn, Director of Communications, 615.401.7755 or John.Dunn@cot.tn.gov.

Division of Investigations

Comptroller of the Treasury
Cordell Hull Building | 425 Rep. John Lewis Way N. | Nashville, TN 37243
Investigations@cot.tn.gov | Direct Line 615.401.7907

Re: Tennessee Comptroller Investigative Report - Anderson County Animal Care and Control

From Mark Garrett <dogdocmg@yahoo.com>

Date Wed 12/7/2022 7:40 AM

To Rob Gray <rgray@andersoncountyttn.gov>; Damon Shawn McKenna <dmckenna@andersoncountyttn.gov>; Terry Frank <tfrank@andersoncountyttn.gov>

Hi, I am ignorant to some of the "complaints-investigations" And that's is OK Any investigation from the Board of vet med examiners - if any- pending? They are his certifying regulatory board.
Mark

On Tuesday, December 6, 2022 at 02:36:20 PM EST, Terry Frank <tfrank@andersoncountyttn.gov> wrote:

All,

FYI, Comptroller finished their investigation and it is at the link below.

I met with them yesterday and it was confidential until today. Basically it was what we knew. Brian's licensed expired. Lead investigator shared that the allegations such as selling items on ebay, etc. that we received and reported to Comptroller were unfounded. Investigator indicated that all logs, amounts of drugs administered, paperwork etc. was in order, but no euth license. The other deficiency was Natalie's raising funds on her facebook, but we got that money back.

This goes to media as well, so it will probably be out there. Just making you aware.

Terry

Terry Frank

Anderson County Mayor
100 North Main Street, Suite 208
Clinton, TN 37716
865.457.6200

Note: My email has changed to tfrank@andersoncountyttn.gov

Subject: Tennessee Comptroller Investigative Report - Anderson County Animal Care and Control

The Tennessee Comptroller of the Treasury has released an investigative report related to the Anderson County Animal Care and Control. The report can be found at <http://www.comptroller.tn.gov/ia/>.

Media contact: John Dunn, Director of Communications, 615.401.7755 or John.Dunn@cot.tn.gov.

Division of Investigations

Comptroller of the Treasury

Cordell Hull Building | 425 Rep. John Lewis Way N. | Nashville, TN 37243

Investigations@cot.tn.gov | Direct Line 615.401.7907

Anderson County Board of Commissioners
OPERATIONS COMMITTEE
MINUTES

December 12, 2022
6:00 PM Room 312

Minutes
placed on
full
Commission
agenda
page

Members Present: Tim Isbel, Denise Palmer, Anthony Allen, Stephen Verran, Tyler Mayes, Joshua Anderson, Robert McKamey and Phil Yager

Members Absent: None

Call to Order: Chairman Isbel called the meeting to order.

Commissioner Mayes said the prayer.

Commissioner Yager led the Pledge of Allegiance.

Motion made by Commissioner Yager to approve the agenda as presented. Seconded by Commissioner McKamey. Motion passed.

Procurement Procedures

No Action Taken.

Mayor

Commissioner Allen made a motion to approve Resolution No. 22-12-973 Authorizing Anderson County to retain ownership in real property at 303 Hill Street, Rocky Top, TN, Map: 008M; Group: F; Control Map: 008M; Parcel: 014.00 to use for a public purpose. Seconded by Commissioner Yager. Motion passed unanimously to forward to full commission for approval.

Commissioner McKamey made a motion to approve the Lease Agreement with Highland Communication for use of 303 Hill Street as part of the Broadband Infrastructure project. Seconded by Commissioner Anderson. Motion passed unanimously to forward to full commission for approval.

Commissioner McKamey made a motion to allow the Mayor to get a group together and have meetings to discuss the Fire Truck Resolution renewal. Seconded by Commissioner Anderson. Motion passed.

Comptroller's Investigative Report on Animal Care and Control
No Action Taken.

Law Director

Commissioner Yager made a motion to approve the sale of the Tourism property. Seconded by Commissioner Anderson. Motion passed unanimously to forward to full commission for approval.

Commissioner Palmer made a motion to reconsider the sale of the building. Seconded by Commissioner McKamey. Motion Failed.

Tourism Real Estate Sales Contract failed for lack of a motion.

New Business:

None.

Old Business:

Commissioner Mayes requests an update from Nathan, EMS, on the property study for locations.

Meeting Adjourned

- You are expected to leave for and return from breaks and lunch within a specified time schedule. Exceeding the time schedule set for lunch and breaks may result in disciplinary action.

Excessive absenteeism as determined by your supervisor in conjunction with the Human Resources and Risk Management Director will be grounds for discipline up to and including termination.

4.5 Meal and Break Periods

It is Anderson County Government's policy that each department is responsible for implementing a Lunch Break procedure. It is the Department Head or Elected Official's responsibility to their employees to implement a fair and equitable plan for lunch breaks that meets or exceeds TCA 50-2-103(h). This information will be relayed to the employee upon the first day he or she reports to duty, by their direct supervisor.

4.6 Harassment Policy

Anderson County Government strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees and Elected Officials should be able to work and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to the mission of Anderson County Government.

For that reason, Anderson County Government will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, Anderson County will seek to prevent, correct, and discipline behavior that violates this policy. In keeping with this commitment, we will not tolerate harassment of County employees by anyone, including any supervisor/manager, Elected Official, coworker, vendor, consultant, or visitor of this Government entity.

All employees and Elected Officials, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension or termination of employment.

Prohibited Conduct Under This Policy

Anderson County Government, in compliance with all applicable federal, state and local antidiscrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Discrimination

It is a violation of Anderson County Government's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VI of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to also comply with the prohibitions stated in these anti-discrimination laws.

Discrimination is violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment

Anderson County Government prohibits harassment, including sexual harassment, of any kind, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any written, verbal or physical conduct designed to threaten, intimidate or coerce an employee, coworker, or any person working for or on behalf of Anderson County Government. Verbal taunting (including but not limited to racial and ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job is included in the definition of harassment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome including but not limited to a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group.

If any employee of Anderson County Government enters into a consensual relationship that is romantic or sexual in nature with a member of his or her staff (an employee who reports directly or indirectly to him or her), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the Human Resources and Risk Management Director or other appropriate County officer. Because of potential issues regarding quid pro quo harassment, Anderson County Government has made reporting mandatory. This requirement does not apply to employees who do not work in the same department or to parties who do not supervise or otherwise manage responsibilities over the other.

Once the relationship is made known to Anderson County Government, the County will review the situation with Human Resources and Risk Management Director in light of all the facts (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both parties need to be moved to another job or department. If it is determined that one party must be moved, and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which he or she applied, the parties will contact Human Resources and Risk Management Department, which will decide which party should be moved. That decision will be based on which move will be least disruptive to the organization as a whole. If it is determined that one or both parties must be moved, but no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.



4.7 Violence in the Workplace

Anderson County Government provides a safe workplace for all employees and Elected Officials. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy.

Prohibited Conduct

Anderson County Government does not tolerate any type of workplace violence committed by or against employees. Employees and Elected Officials are prohibited from making threats or engaging in violent activities. This list of behaviors provides examples of conduct that is prohibited:

- Causing physical injury to another person.
- Making verbal or non-verbal threatening and unethical remarks.
- Libel gestures and written communication.
- Displaying aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- Intentionally damaging employer property or property of another employee.
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Reporting Procedures

Any potentially dangerous situations must be immediately reported to a supervisor or the Human Resource and Risk Management Department (HR). Reports can be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled, and the results of reviews will be discussed with them. Anderson County Government will actively intervene at any indication of a possibly hostile or violent situation.

Risk Reduction Measures

Hiring

HR takes reasonable measures to conduct background reviews to review candidates' backgrounds and to reduce the risk of hiring individuals with a history of violent behavior.

Safety

Anderson County Government conducts annual inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.

Individual Situations

Although Anderson County Government does not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the HR Department if any employee exhibits behavior that could be a sign of a potentially dangerous situation. Such behavior includes:

- Displaying overt signs of extreme stress, resentment, hostility or anger.
- Making threatening remarks.
- Showing sudden or significant deterioration of performance.
- Displaying irrational or inappropriate behavior.

Dangerous/Emergency Situations

Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, employees should cooperate and follow the instructions given. Call emergency services (911) when the situation dictates a response from police, fire or emergency medical services.

Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Nonemployees engaged in violent acts on the employer's premises will be reported to the proper authorities and fully prosecuted.

Violations of this Policy by employees or those who encourage such conduct by others will be subject to appropriate corrective or disciplinary action, up to and including termination of employment.

Supervisory personnel who fail to take appropriate action upon learning of such conduct will be subject to corrective action or disciplinary action as well, up to and including termination of employment.

This policy applies to full-time and part-time employees and Elected Officials of Anderson County Government including interns. It does not apply to independent contractors, but other contract employees are included. This policy applies to any sponsors program, event or activity including, but not limited to, sponsored recreation programs and activities; and the performance by officers and employees of their employment related duties. The policy include electronic communications by any employee.



4.8 Bullying in the Workplace (Harassment)

Statement of Commitment, Values and Purpose

Anderson County Government is firmly committed to a workplace free from abusive conduct as defined herein. We strive to provide high quality service in an atmosphere of respect, collaboration, opened, safety, and equality. All employees have the right to be treated with dignity and respect. All complaints of negative and inappropriate workplace behaviors will be taken seriously and followed through to resolution. Employees who file complaints will not suffer negative consequences for reporting others for inappropriate behavior.

This policy applies to full-time and part-time employees and Elected Officials of Anderson County Government including interns. It does not apply to independent contractors, but other contract employees are included. This policy applies to any sponsors program, event or activity including, but not limited to, sponsored recreation programs and activities; and the performance by officers and employees of their employment related duties. The policy includes electronic communications by any employee.

Definition of Abusive Conduct

Abusive conduct includes acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, which can include but is not limited to:

- Repeated verbal abuse in the workplace, including derogatory remarks, insults and epithets

- Verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
- The sabotage or undermining of an employee's work performance in the workplace.

Abusive Conduct Does Not Include:

- Disciplinary procedures in accordance with adopted policies of Anderson County Government.
- Routine coaching and counseling, including feedback about and correction of work performance.
- Reasonable work assignments, including shift, post and overtime assignments.
- Individual differences in style of personal expression.
- Passionate, loud expression with no intent to harm others.
- Differences of opinion on work-related concerns; or
- The non-abusive exercise of managerial prerogative.

Employer Responsibility

Supervisors and others in positions of authority have a particular responsibility to ensure that healthy and appropriate behaviors are exhibited at all times and that complaints to the contrary are addressed in a timely manner. Supervisors will:

- Provide a working environment as safe as possible by having preventative measures in place and by dealing immediately with threatening or potentially violent situations;
- Provide good examples by treating all with courtesy and respect;
- Ensure that all employees have access to and are aware of the abusive conduct prevention policy and explain the procedures to be followed if a complaint of inappropriate behavior at work is made;
- Be vigilant for signs of inappropriate behaviors at work through observation and information seeking, and take action to resolve the behavior before it escalates;
- Respond promptly, sensitively and confidentially to all situations where abusive behavior is observed or alleged to have occurred.

Employee Retaliation (Including Witnesses)

Employees shall treat all other employees with dignity and respect. No employee or Elected Official shall engage in threatening, violent, intimidating, or other abusive conduct or behaviors. Employees and Elected Officials are expected to assume personal responsibility to promote fairness and equity in the workplace and report any incidents of abusive conduct in accordance with this policy.

Employees should co-operate with preventative measures introduced by supervisors and recognize that a finding of unacceptable behaviors at work will be dealt with through appropriate disciplinary procedures.

Retaliation

Retaliation is a violation of this policy. Retaliation is any act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

4.9 Confidential Information and Nondisclosure

In the course of your work, you may have access to confidential information about Anderson County Government, Elected Officials or other employees. It is your responsibility to keep any confidential information confidential. This does not include information that is routinely made open to the public. If you have any doubt, don't disclose the information and contact your direct supervisor, the Human Resources and Risk Management Department or the Law Director.



4.10 Ethical Standards

You have an individual responsibility to deal ethically and professionally in all aspects of the County's business and to comply fully with all laws, regulations and to comply with Anderson County policies. You are expected to assume the responsibility for applying these standards of ethical conduct and for acquainting yourself with the various laws, regulations, and policies applicable to your assigned duties (Appendix 9.2).

Anderson County Government staff, Elected Officials, supervisors, directors, and managers shall uphold the highest standards of intellectual honesty and integrity in their day to day conduct, on and off the clock.

By acting as good stewards, County employees will treat colleagues, vendors, and citizens with dignity and respect while performing assigned duties and professional responsibility in an honest and ethical manner as to further Anderson County Government's mission.

Furthermore, all employees and Elected Officials shall comply with all federal, state and local government laws, regulations and policies; refrain from discrimination, harassing, or intimidation of co-workers, Elected Officials, Department Heads or citizens.

It is also advised that Anderson County employees represent and protect human health and safety by reporting inappropriate conduct to the Human Resource and Risk Management Department.

TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS

MINUTES

Date: December 14, 2022

Time: 9:00 a.m., CST

Location: Office of Health Related Boards
Poplar Room
665 Mainstream Dr
Nashville, TN 37243

Board Members Present: Montgomery McInturff, DVM
Leslie Wereszczak, LVMT, Board Vice Chair
Mark Garrett, DVM
Scott Loxley, DVM, Board Secretary
Stephen Galloway, DVM Board Chair

Board Members Absent: Samantha Beaty, DVM, State Veterinarian, ex officio member
Elizabeth Thompson, DVM

Staff Present: Kimberly Wallace, Regulatory Board Administrative Director II
Lyndsey Boone, Regulatory Board Administrative Director I
Shara Woodard, Regulatory Board Administrative Assistant
Tim Peters, Senior Associate Counsel

Call to Order

Dr. Galloway called the meeting to order at 9:00 AM CST. A roll call of the Board Members and Board staff present was initiated by Ms. Wallace, Unit 3 Director. It was noted that Dr. McInturff was not present at Roll Call but arrived 10 minutes into the meeting. Ms. Wallace also stated that Dr. Beaty was not present due to work conflicts and that Dr. Thompson is no longer on the Board due to taking another position that will be in conflict with her position on the Board.

Ms. Wallace noted that Ms. Woodard is no longer with the Division and that Ms. Boone has been promoted to Administrative Director I for the Veterinary Board.

Discuss and consider approval of Meeting Minutes, August 3, 2022, Board Meeting

Ms. Wereszczak made a motion to approve the Board meeting Minutes from August 3, 2022, with a second by Dr. Loxley. There was no discussion on the motion.

A motion was made by Dr. McInturff, to approve the Agreed Citation for Alyssa Laws, LVMT #1773, as written, with a second by Dr. Garrett. Dr. Loxley inquired on the fee schedule. The motion passed unanimously.

Charles Porter, CAET #116

Mr. Porter was found to be in violation of TCA 63-12-121 and Tenn R & Regs 1730-05-.09, by failing to timely renew license. Mr. Porter practiced on a lapsed license for fifteen (15) months. This resulted in a civil penalty of Two Hundred and Fifty Dollars (\$250.00), and payment must be made within thirty (30) days.

A motion was made by Dr. McInturff, to approve the Agreed Citation for Charles Porter #116, as written, with a second by Dr. Garrett. There was no discussion on this motion.

The motion passed.

Order of Compliance

Larry Mangum, DVM #1875

Disciplinary Coordinator Elizabeth Danler submitted an affidavit stating that Dr. Larry Mangum has been monitored by this Office in accordance with the Board's Order and the standard business practices of this Office and that he is in compliance with the terms and conditions of the Consent Order.

Dr. Garrett made a motion to accept the Order of Compliance with a second from Dr. Loxley. There was no discussion on this motion. Motion passed.

Applicant Interviews/File Reviews/Waivers & Other Requests

Carl Bello

Dr. Bello applied via Reciprocity but had been disciplined by the Texas Board of Veterinary Medicine for a DWI and warranted an interview by the Board and could not be reviewed administratively.

Dr. Bello was present at the meeting to answer questions. The Board asked Dr. Bello a handful of questions on where he was going to practice, etc. Would he ever make that mistake again.

Dr. McInturff made a motion to approve Dr. Bello for licensure, with a second from Dr. Loxley. There was no discussion on this motion. The motion passed

Gerald Blackburn

(Rule 1730-05-.01, continued)

- (11) Fee - Money, gifts, services or anything of value offered or received as compensation in return for rendering services; also the required certification fee(s).
- (12) Person - Any individual, corporation, partnership, association subdivision, or public or private organization of any character, including another agency.
- (13) Registrant - Any person who has been lawfully issued a certificate.
- (14) Tennessee Veterinarian Medical Technician - For purposes of these rules, a veterinary medical technician licensed by the Board of Veterinary Medical Examiners.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 44-17-303, 63-12-102, 63-12-103, 63-12-106 and 63-12-141.
Administrative History: Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed July 28, 2003; effective October 11, 2003. Amendment filed July 27, 2006; effective October 10, 2006. Amendment filed May 23, 2014; effective August 21, 2014.

1730-05-.02 NECESSITY OF CERTIFICATION.

- (1) Prior to engaging in practice as a Certified Animal Euthanasia Technician in a Certified Animal Control Agency, a person must hold a current Tennessee certificate or valid temporary certificate from the Board.
- (2) Licensed veterinarians and licensed veterinary technicians employed by and functioning under the direct supervision of a licensed veterinarian performing euthanasia of animals in a Certified Animal Control Agency are exempt from certification as Certified Animal Euthanasia Technicians.
- (3) With regard to those individuals performing euthanasia in a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals and who meet the following criteria, certification as a certified animal euthanasia technician is not required:
 - (a) If the individual passed a Board-approved euthanasia-technician certification course and performed euthanasia prior to July 1, 2001; and
 - (b) If the individual is an employee or agent of a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals or is a Tennessee veterinarian medical technician.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 44-17-301 et seq., 63-1-106, 63-12-106, and 63-12-141.
Administrative History: Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed July 28, 2003; effective October 11, 2003.

1730-05-.03 QUALIFICATIONS FOR CERTIFICATION. Persons that wish to practice as a Certified Animal Euthanasia Technician must meet all of the following qualifications:

- (1) Meet the definition of a Certified Animal Euthanasia Technician;
- (2) Possess a certificate of completion from a course on euthanasia which has been approved by the Board. The course must include, but is not limited to, the following :
 - (a) Theory and History - the theory and history of euthanasia methods.

FW: Open records request for personnel file

From Leean Tupper <ltupper@andersoncountytn.gov>
Date Mon 2/7/2022 10:42 AM
To Terry Frank <tfrank@andersoncountytn.gov>

Leean R. Tupper

Assistant to the County Mayor
Certified Public Administrator
Anderson County Litter Grant Program & Adopt-A-Road Coordinator

Anderson County Government
100 N. Main Street, Suite 208
Clinton, TN 37716-3617
Tele: (865) 457-6200
Fax: (865) 264-6270

Please note my e-mail address has changed – ltupper@andersoncountytn.gov

From: Hickman, Beth <BHickman@oakridgetn.gov>
Date: Monday, February 7, 2022 at 10:01 AM
To: Leean Tupper <ltupper@andersoncountytn.gov>
Subject: RE: Open records request for personnel file

Leean:

I have been told by our Personnel Department that Mr. Porter left employment with the City of Oak Ridge in 2006, and we no longer have his personnel file. I am told we do not keep personnel files back that far.

Sorry I could not be of more help.

Beth Hickman, City Clerk
City of Oak Ridge, TN bhickman@oakridgetn.gov
60605, (615) 511-1137 or (865) 457-6200
<http://CityofOakRidge.gov> | oakridgetn.gov

From: Leean Tupper <ltupper@andersoncountytn.gov>

Sent: Friday, February 4, 2022 9:23 AM
To: openrecords <openrecords@oakridgetn.gov>
Cc: Terry Frank <tfrank@andersoncountyttn.gov>
Subject: Open records request for personnel file

I will fax a copy of the Mayor's driver's license.
Thank you,

Leean R. Tupper

Assistant to the County Mayor
Certified Public Administrator
Anderson County Litter Grant Program & Adopt-A-Road Coordinator

Anderson County Government
100 N. Main Street, Suite 208
Clinton, TN 37716-3617
Tele: (865) 457-6200
Fax: (865) 264-6270

Please note my e-mail address has changed – ltupper@andersoncountyttn.gov
Electronic communications with officials and employees of the City are subject to Tennessee's Public Records Act.

**HUMAN RESOURCES and RISK MANAGEMENT DEPARTMENT**

100 North Main Street, Room 102
Clinton, Tennessee 37716
Telephone: (865) 264-6300
Facsimile: (865) 264-6259

Kim Jeffers-Whitaker
Director

OFFICE OF THE COUNTY LAW DIRECTOR

101 South Main Street, Suite 310
Clinton, Tennessee 37716
Telephone: (865) 457-6290
Facsimile: (865) 457-3775

N. JAY YEAGER
Law Director

RACHEL COMUNALE
Assistant Attorney

PERSONNEL POLICY REVIEW

TO: Mayor Terry Frank

FROM: Kim Jeffers-Whitaker, Human Resources and Risk Management Director
Rachel Comunale, Assistant Attorney

DATE: July 18, 2022

RE: Anderson County Animal Shelter

I. Introduction

Allegations against the management of the Anderson County Animal Shelter (Shelter or ACAS) have been brought by members of the public, past employees and current employees. The specific instance that prompted this Personnel Policy Review began in late fall 2021 when an employee collected donations for medical care of an animal on behalf of the Shelter without permission and without adhering to proper State, County and Shelter procedures. The issue, along with many prior concerns, resurfaced in April 28, 2022, when the employee posted the Shelter's expired Premises License and the Director's expired Euthanasia Technician License, along with allegations of mismanagement and abuse, to Facebook. This post then went "viral" causing unrest in the community and threatened the safety of current Shelter employees and the Director. This employee then made an additional Facebook post on May 4, 2022¹, which contained more information about the Shelter, furthering the issues. Shelter Director Brian Porter filed a formal complaint with the Human Resources and Risk Management Director on April 28, 2022 and Natalie Wynkoop emailed her complaints to Mayor Frank on April 8, 2022. Mayor Frank then submitted the email to the Human Resources Director on May 3, 2022, which was then referred to as her formal complaint. The investigation was announced to the public, prompting members of the public and various rescues to contact Human Resources (HR) and the Law Director's (LD) Office regarding their concerns.

¹ Exhibit 29

On May 12, 2022, we began our investigation by holding recorded interviews with Director Brian Porter, Natalie Wynkoop, and Lauren Biloski's clients/past affiliates of the Shelter: Beverly Kay, Rosemary Darden and Melonee Lund. On May 17, 2022, we held additional recorded interviews with past and current Shelter employees Animal Control Officer (ACO) Dylan Roach, prior Shelter employee Jimmy Miller, prior Shelter employee Paul Rhen, ACO Rodger McLaughlin, and Shelter Manager Victoria Daugherty. The purpose of the interviews was to gain insight in to the allegations and to determine if there was validity to any allegation against Director Brian Porter, the Shelter, Natalie Wynkoop and Victoria Daugherty. The information gathered from these interviews was then transcribed and forwarded to Kim Jeffers-Whitaker and Rachel Comunale for review. Throughout the month of May, the transcripts were delivered to our offices and reviewed. The information gathered from these interviews was carefully considered and analyzed. All information regarding the various allegations was applied to State law, Anderson County Personnel Policies, Shelter Protocols and Tennessee Board of Veterinary Medical Examiners Policies.

Once the review of the transcripts was completed, additional questions were formed for Brian Porter, Natalie Wynkoop and Victoria Daugherty. On June 14, 2022, those questions were then formalized and sent to each stated individual to complete and return to the Law Director's Office by June 17, 2022 for notarization. The responses provided on that date by Mr. Porter, Ms. Wynkoop and Ms. Daugherty were not adequate. On June 20, 2022, Mrs. Jeffers-Whitaker and Mrs. Rachel Comunale emailed all three requesting that they answer the questions fully and to the best of their ability, pointing to specific examples of what was not sufficient for the responses. Additional time was given to revise their responses and it was requested they be returned to the Law Director's Office no later than June 22, 2022. Mr. Porter, Ms. Wynkoop and Ms. Daugherty returned their revised responses on the date stated. All of the information gathered from the responses, together with everything already gathered beginning in May 2022, was then reviewed and analyzed. Mrs. Jeffers-Whitaker applied all of the information to Personnel Policies and Shelter Protocols, and Mrs. Comunale applied to any and all applicable State laws and Board of Veterinarian Examiners Policies.

II. Requested by:

The comprehensive review was requested by Mayor Terry Frank, who has purview over the Anderson County Animal Shelter.

III. Allegations:

a) Against Brian Porter

Mr. Porter has alleged to be in violation of State law by euthanizing animals after his license expired on February 28, 2021 and past the expiration of the Shelter's premise's license, which expired on February 28, 2022.

Mr. Porter has also been accused of poor management of the shelter and mistreatment of the animals taken in to the Shelter by past and current employees and the public.

b) Against Natalie Wynkoop

Ms. Wynkoop is alleged to have caused a hostile work environment and threatened the safety of Shelter Director, Brian Porter, and Shelter Manager, Victoria Daugherty, as a result of her April 28, 2022 Facebook post that went viral. The post was reposted by several members of the community to their personal pages, as well as community Facebook pages and reported on by local news outlets.

Ms. Wynkoop is alleged to have bullied Victoria Daugherty and Brian Porter by making disparaging comments to other employees about Ms. Daugherty and Mr. Porter.

Ms. Wynkoop is alleged to have acted insubordinately to Mr. Porter by ignoring direction given to her and going so far as to stating she will not do as instructed because she did not agree with his decision.

Ms. Wynkoop is alleged to have violated privacy policies by relaying to others that she was put on Administrative Leave and by telling others that Mr. Porter was out on Medical Leave.

c) Against Victoria Daugherty

Ms. Daugherty is accused of poor management of the Shelter by Ms. Wynkoop and several members of the community. She is alleged to have ignored communications relating to the Shelter. She is alleged to have falsified documents at the Shelter, providing incorrect information on documents, and poor management of documents by either not having them or losing the documents.

Ms. Daugherty is accused of making inappropriate comments at the Shelter. She is alleged to have stated “Blue Juice” and making a cutting motion on her throat when referring to animals being euthanized.

Ms. Daugherty is accused of creating a hostile work environment by Ms. Wynkoop by “constantly” contacting Ms. Wynkoop on her days off to ask questions that Ms. Wynkoop felt the Manager should know the answer to and things that were not emergent. She is also accused of allegedly giving Ms. Wynkoop’s personal cell phone number to a citizen that contacted the Shelter about the PetSmart Adoption Center. Ms. Wynkoop also alleges that Ms. Daugherty made comments suggesting Ms. Wynkoop should find somewhere else to work.

Several of the allegations against Ms. Daugherty’s management comes from members of the public, past volunteers and past employees. These allegations are specifically addressed in the Analysis Section below.

IV. Personnel Policies Implicated:

Anderson County Employee Policy

- a) 4.6 Harassment Policy- “For purposes of this policy, harassment is any written, verbal or physical conduct designed to threaten, intimidate or coerce an employee, coworker, or any person working for or on behalf of Anderson County Government. Verbal taunting (including but not limited to racial and ethnic slurs) that, in the employee’s opinion, impairs his or her ability to perform his or her job is included in the definition of harassment”
- b) 4.7 Violence in the Workplace- “Making verbal or non-verbal threatening and unethical remarks.”
- c) 4.8 Bullying in the Workplace (Harassment)- “Abusive conduct includes acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, which can include but is not limited to: Repeated verbal abuse in the workplace, including derogatory remarks, insults and epithets, Verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or the sabotage or undermining of an employee’s work performance in the workplace”.
- d) 4.9 Confidential Information and Nondisclosure- “In the course of your work, you may have access to confidential information about Anderson County Government, Elected Officials or other employees. It is your responsibility to keep any confidential information confidential. This does not include information that is routinely made open to the public. If you have any doubt, don’t disclose the information and contact your direct supervisor, the Human Resources and Risk Management Department or the Law Director.”
- e) 4.10 Ethical Standards- “You have an individual responsibility to deal ethically and professionally in all aspects of the County’s business and to comply fully with all laws, regulations and to comply with Anderson County policies.” “Furthermore, all employees and Elected Officials shall comply with all federal, state and local government laws, regulations and policies.” “During paid County work hours, employees are expected to devote their full-time attention and activities to Anderson County business.”
- f) 4.13 Social Media Policy- “Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, citizens, suppliers, people who work on behalf of Anderson County Government or legitimate business interests may result in disciplinary action up to and including termination.” “Carefully read these guidelines, the Anderson County Government Statement of Ethics Policy, the Anderson County Government Information Policy, the Anderson County Government Violence in the Workplace and the Discrimination & Harassment

Prevention Policy, and ensure your postings are consistent with these policies”
“Always be fair and courteous to fellow associates, customers, members, citizens, suppliers, or people who work on behalf of Anderson County Government. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your coworkers or by utilizing Human Resource & Risk Management Department’s Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening, harassing, or intimidating, that disparage customers, citizens, members, associates or suppliers, or that might constitute harassment or bullying.” “Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly.”

Anderson County Financial Management Policy

- g) “The purpose of this manual is to provide a guide for county departments and employees regarding all policies and procedures established by the Financial Management Committee (The Committee) as required by the adoption of the "County Financial Management Act of 1981" (The Act)(Tenn. Code Ann. §§ 5-21-101 through 5-21-130).

Anderson County Animal Shelter Protocols

- h) Adoption Protocol- “1) No animal is to leave the facility until all paper work is completed. 2.) All vetting is to be completed prior to adoption, NO EXCEPTIONS. Copies are to be made of all paperwork of animals leaving the facility.”
- i) Donation Protocol (last sentence)- “Any donations that are shared must be documented and signed for to show who and was received.”
- j) Cat Cleaning, PetSmart Protocol and PetSmart Coordinator Job Duties requires the PetSmart cat adoption and playroom to be picked up, clean and smelling fresh at all times.

V. Additional Legal Authorities:

- a) T.C.A § 44-17-303- Methods Allowed
 - (a) Sodium Pentobarbital and such other agents as may be specially approved by the rules of the board of veterinary medicine shall be the only methods used....
 1. Intravenous injection by hypodermic needle;
 2. Intraperitoneal injection by hypodermic needle;
 3. Intracardial injection by hypodermic needle, but only if performed on heavily sedated, anesthetized or comatose animals; or
 4. Solution or powder added to food
 - (j) Any person who violates this part is guilty of a Class A misdemeanor

- b) T.C.A § 63-12-119- Penalty for Unlicensed Practice
Any person who practices or attempts to practice veterinary medicine in this state and makes a charge for the practice without having complied with this chapter commits a Class B misdemeanor for each instance of such practice.
- c) Tenn. Comp. R. & Regs. R. 1730-01-.13- Unprofessional Conduct
Unprofessional conduct includes but is not limited to the following:
(4) Practicing veterinary medicine in the state on an expired, retired, suspended or revoked licenses or beyond the period of a valid temporary license.
(14) Violation of the Provisions of the Non-Livestock Animal Humane Death Act while performing euthanasia in a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals.
- d) Tenn. Comp. R. & Regs. R. 1730-05-.11 Unprofessional Conduct (Certified Animal Euthanasia Technician)
Acts prohibited to be performed by CAETs shall include, but not limited to, the following:
(2) Practicing as a CAET in this state on an expired, retired, suspended, or revoked certificate.
(5) Any violation of § 63-12-124 (Denial, Suspension or Revocation of License)
(6) Violation of the provisions of the Non-livestock Animal Humane Death Act
Violations of Rule 1730-4-.13 and 1730-05-.14 regarding dispensing and distribution of pharmaceuticals. (1730-05-.14 relates to using only sodium pentobarbital or FDA approved euthanasia agents. All Federal Regulations for the use of controlled substances must be followed including storage and recordkeeping. A record of all euthanasia and pre-euthanasia solutions administered shall be kept. 1730-4-.13 states the same as the above relating to Certified Animal Control Agencies)
- e) Tenn. Comp. R. & Regs. R. 1730-04-.11 Unprofessional Conduct (Certified Animal Control Agencies)
Unprofessional conduct shall include but not be limited the following:
(5) Performing euthanasia techniques or procedures without proper education and/or certification.
(9) Violation of the provisions if the Non-livestock Animal Humane Death Act
(10) Violations of Rule 1730-4-.13 and 1730-05-.14 regarding dispensing and distribution of pharmaceuticals.
- f) Tenn. Comp. R. & Regs. R. 1730-05-.13- Change of Name and/or Address
(2) Change of Address- A licensee or certificate holder must notify the Board of a change of address within thirty (30) days of such change. The notification must be

in writing and include both the old and new addressees along with the licensee's name, profession, and license or certificate number.

- g) Tenn. Code § 6-56-111- Three Day Receipt Requirement**
 - (a) Every municipal official handling public funds shall be required to, as soon as practical, but no later than three (3) working days after the receipt by such municipal official of any public funds, deposit the funds to the credit of such municipality's official bank account, or bank accounts.

VI. Witnesses: Contact information made available upon request.

Examinations Under Oath:

1. Brian Porter, Director
2. Natalie Wynkoop, PetSmart Coordinator
3. Victoria Daugherty, Shelter Manager
4. Paul Rhen, Prior Employee
5. Melonee Lund, Prior Employee
6. Rosemary Darden, Prior Employee
7. Beverly Kay, Volunteer
8. Jimmy Miller, Prior Employee
9. Dylan Roach, Animal Control Officer (ACO)
10. Rodger McLaughlin, ACO

Community Communication:

11. Katrina Hall, Anderson County (AC) Animal Rescue Foundation
12. Rebekah Peterson, Prior Shelter Volunteer
13. Ryan Braby, AC Citizen
14. Linda Gilpin, AC Citizen
15. Melissa Holmes, AC Citizen
16. Barbara Burton, Prior Volunteer
17. Amy Starky, Helping Pays Animal Network
18. Louisa Roldan, Dog Groomer Volunteer
19. Sara Lily, Pet Trainer at The Houndry
20. Summer Henry, Double Dog Rescue
21. Nicole Ferrara, Loudon County Friends of Animal Rescue

VII. Analysis:

a) Brian Porter

Brian Porter is alleged to have violated several Tennessee laws and Anderson County Ethic Policies by members of the public and employees of the Anderson County Animal Shelter. There have been other complaints in past years concerning the management of the Shelter, the most recent being brought by Ms. Wynkoop when she posted to her public Facebook account a lengthy post containing serious allegations against Mr. Porter and the Shelter. Most notable, and the focus of this investigation, being allegations of illegal and improper euthanasia practices, unnecessary euthanasia, neglect of animal care and mismanagement of the Shelter.

Ms. Wynkoop reached out to Mayor Frank on April 8, 2022 concerning some of the allegations that would be later included in her Facebook post. Over a twenty (20) day period, Mayor Frank attempted to schedule a meeting to sit down and discuss Ms. Wynkoop's concerns but was unable to do so due to scheduling conflicts and personal matters of both parties. Ms. Wynkoop ultimately decided to post her concerns on social media rather than bringing them to Human Resources, which she claimed to not know existed², in spite of Ms. Wynkoop's prior meetings in the Human Resources Office prior to April. Her Facebook allegations then went "viral" causing unrest in the community concerning the Shelter and Mr. Porter. This resulted in several others posting their own concerns, news stations being contacted and news articles being written. Most notable in her post was the information concerning the Shelter's premise license and Mr. Porter's CEAT license being expired, as well as allegations that Mr. Porter was using an illegal and traumatic euthanasia technique referred to as an intracardial injection (IC). It is worth clarifying here that Ms. Wynkoop and the public have been referring to an IC as a "heart stick", those are two different terms meaning two separate procedures. A "heart stick" is a method to confirm that an animal has passed while an IC is an extremely painful euthanasia technique that, under T.C.A 44-17-303, is to be only used when the animal is under heavy sedation. Ms. Wynkoop portrayed to the public that an IC and a "heart stick" were one and the same. This created more confusion and outrage when Mr. Porter confirmed in a Commission Meeting in May 2022 that he does use a "heart stick". Many members of the public then used his statement as "proof" that he was using the illegal technique of IC without sedation, which would violate T.C.A 44-17-303.

Mr. Porter's and the Shelter's licenses have lapsed, as stated in Ms. Wynkoop's post. Mr. Porter's CAET license expired on February 28, 2021 and the premise's license has expired on February 28, 2022. Mr. Porter has stated that he was unaware of his CAET license expiring because he thought his license and the premise license were on the same date, simple "human error".³ Mr. Porter was made aware of the lapse in

² Exhibit 5 at 156:24-25 and Exhibit 7

³ Exhibit 6 at 17:2-3

his CAET license a little after December 7, 2021, the date he performed his last euthanasia.⁴ Mr. Porter stated he immediately discontinued euthanasia at the Shelter and contacted Mayor Frank. It was stated by him and other witnesses interviewed that his license is posted on the Shelter's wall as required by law.⁵ Mr. Porter also failed to update his address with the Veterinarian Board so that he would have received the proper notice⁶, as required under Tennessee laws and regulations b-f listed above in Section V. Any violation of Tennessee law results in a direct violation of the County's Ethics Policy 4.10. Mr. Porter is charged with following all applicable State laws regarding his license, which he neglected to do.

Mr. Porter's euthanasia technique has also been under public scrutiny as a result of Ms. Wynkoop's Facebook post. Several witnesses came forward with statements in support of the technique that Ms. Wynkoop stated was taking place. As discussed, this technique has been inaccurately referred to as a "heart stick" when what the witnesses are actually referring to is an IC. For this section and to avoid confusion, the IC will be referred to as a "heart stick" to align with the cited statements. Beverly Kay, Rosemary Darden and Melonee Lund all claim to have personally witnessed Mr. Porter use a "heart stick" on animals at the Shelter.⁷ Ms. Darden provided photos and video of what she believed to be a "heart stick" to euthanize two animals. It is clear from Ms. Darden's statement, the video and photo, attached, that what was actually being witnessed was in fact the "heart stick" to verify the animal had passed, and the photo is a kitten receiving an intraperitoneal injection in its abdomen, not an IC or "heart stick". Statements made by current and past employees contend that Mr. Porter was not euthanizing the animals by "heart stick".⁸ Based on this information and no verifiable evidence being presented, it could not be determined that Mr. Porter was in fact illegally euthanizing animals. The process of euthanizing animals is very traumatic, and it is understandable that those witnesses were highly affected by what they witnessed. For that reason, it is suggested implementation of a policy regarding the euthanasia performed at the Shelter. Violations of State law could not be determined.

Along with allegations against his euthanasia technique, Mr. Porter has also allegedly euthanized animals unnecessarily. Several past employees and volunteers came forward with different stories about animals that were euthanized when a rescue was on the way to get the animal or just when space was needed.⁹ Through the investigation process and discussing this concern with Mr. Porter, it was clear that the incident with the animal that was euthanized when a rescue was on the way was an honest mistake that happened because of poor communication. Mr. Porter was not told that a rescue was on the way and the cat was euthanized, and it has been determined

⁴ Exhibit 6 at 14:16-23

⁵ Exhibit 6 at 12:20-24

⁶ Exhibit 6 at 11:21-24

⁷ Exhibit 15 at 6:1-3, Exhibit 13 at 19:16-18 and Exhibit 10 at 14:16

⁸ Exhibit 12 at 8:1-2 and Exhibit 16 at 16:2-9

⁹ Exhibit 15 at 47:3-13, Exhibit 13 at 30:15-25 and 30:1-3 and Exhibit 10 at 18:12-13 and 19:21-25

this was not done intentionally. It is also the unfortunate truth that with municipal shelters, animals are sometimes euthanized for space.¹⁰

Mr. Porter is also accused of not providing medical care to animals that need medical care. Most notable was Ms. Wynkoop's account of a dog that was brought to the shelter with a prolapsed uterus.¹¹ Ms. Wynkoop states that Mr. Porter told her about the dog and that he was not going to do anything about it. Several other employees were asked about this dog, as was Mr. Porter, but no one could recall any dog being at the Shelter with that condition.¹² When Ms. Wynkoop was asked to produce a name, ID number, or any evidence of this dog, she was unable to do so.¹³ Past employees and volunteers also came forward with various stories of animals being neglected. Beverly Kay, Melonee Lund and Rosemary Darden all spoke of a cat with a severe eye condition that came to the Shelter, the cat was ultimately taken to the veterinarian after receiving some eye treatments at the Shelter under Mr. Porter's direction.¹⁴ Mr. Porter allowed Ms. Darden to take the cat and pay for its medical care at her request. It was determined that volunteer payment of an animal's care is routinely accepted at the Shelter. Mr. Porter stated that there were times when an employee or volunteer was adamant about providing funds for an animal's treatment, and he would allow them to do that.¹⁵ It would appear that this was not neglect of animal care but disagreement of animal care between Mr. Porter and others. It is alleged that this was a result of lack of funding for animal care, but Mr. Porter stated that this was not the case.

Mr. Porter has also been alleged to be absent from the Shelter. Several past employees and volunteers stated that he is often not present at the Shelter.¹⁶ Verifiable proof was not presented as to this allegation, and as stated by Mr. Porter as the Shelter's Director he has other responsibilities concerning the Shelter that requires him to be in other locations.¹⁷ No violation of Policy could be determined.

b) Natalie Wynkoop

Natalie Wynkoop is alleged to have made disparaging comments about Mr. Porter and Ms. Daugherty to employees of the Shelter and to the public. The most egregious being her very public Facebook post on April 28, 2022, which clearly violates the Social Media Policy stated above. Ms. Wynkoop has also acted in a way that could be seen as insubordinate to Mr. Porter's direction, not following procedure and often seeking her own resolution to what she perceived as issues. Ms. Wynkoop has also

¹⁰ Exhibit 6 at 18:4-6, Exhibit 12 at 9:2-6 and Exhibit 16 at 8:18-20

¹¹ Exhibit 5 at 91:13-15

¹² Exhibit 6 at 41:18-24, Exhibit 11 at 20:16, Exhibit 18 at 14:19-25, Exhibit 17 at 14:7-9 and Exhibit 12 at 14:3-8

¹³ Exhibit 7

¹⁴ Exhibit 13 at 14:10-14

¹⁵ Exhibit 6 at 39:1-6

¹⁶ Exhibit 15 at 61:18-19 and Exhibit 13 at 14:3-4

¹⁷ Exhibit 8

allegedly acted in a harassing and bullying manner towards Ms. Daugherty and Mr. Porter by some of her comments made regarding their management abilities. Ms. Wynkoop allegedly divulged privileged information in violation of the Ethics Policies and Procedure of a County employee's medical leave.

Ms. Wynkoop's Facebook post went viral almost immediately after she posted it. Hundreds of members of the public began commenting, liking and sharing the post. Soon it was being reported on by local news outlets, even reaching Knoxville's news outlets.¹⁸ Ms. Wynkoop stated several times that she did not have a way of reaching Mr. Porter while he was on leave, and that she was told not to reach out to him.¹⁹ Ms. Wynkoop stated in her Facebook post that she wanted to make it "very publicly known" about Mr. Porter's expired license.²⁰ She goes on to state that she was given several eye witness statements that Mr. Porter's common method of euthanizing animals was by using a "heart stick" (as stated above this term was misused). When asked who those witnesses were, Ms. Wynkoop stated that she could not give that information or that she did not feel comfortable sharing that information.²¹ She then goes on to describe what she believes to be a "heart stick" and how it is performed. She emphasizes how painful and inhumane it is for the animals. When asked how she verified this information she stated that she called several veterinarians to discuss this and find out what their thoughts were on the method. When asked who those veterinarians were and when those conversations took place, she again stated that she could not give that information or that she did not feel comfortable sharing it.²² Ms. Wynkoop stated that she had attempted to reach out to Mayor Frank and Jay Yeager, the Law Director, for direction on these issues prior to posting on her Facebook page. Mayor Frank responded informing Ms. Wynkoop that she was working on a policy review and requested that Ms. Wynkoop work only at PetSmart while the Mayor reviewed Ms. Wynkoop's complaint.²³ Ms. Wynkoop also stated in her post that she was not to be contacted by her coworkers until the hostile work environment portion of the review was completed. Submitted statements and an email from Mayor Frank stated that she would ask Ms. Daugherty to refrain from giving Ms. Wynkoop's personal number out and refrain from contacting Ms. Wynkoop. Dylan Roach, a current employee, stated that the only request made to him was to refrain from contacting Ms. Wynkoop until she had a county phone issued.²⁴ Ms. Wynkoop did not produce verifiable evidence to support her claim. It is unclear where Ms. Wynkoop's belief that she could not contact her coworkers was stated to her. Due to Ms. Wynkoop's unwillingness to supply documentation or information in support of her allegations, it has been determined Ms. Wynkoop's Facebook post contained unverified information.

¹⁸ Exhibit 27

¹⁹ Exhibit 5 at 43:9-14 and Exhibit 7

²⁰ Exhibit 1

²¹ Exhibit 5 at 38:5-25 and 39:1 and Exhibit 7

²² Exhibit 5 at 74:23-25 and 75:1-7 and Exhibit 7

²³ Exhibit 20

²⁴ Exhibit 17 at 20:6-15

The supported statements revealed the post was harmful to Mr. Porter's reputation and to the Shelter itself. This is a clear violation of multiple Policies. Ms. Wynkoop also claims that she was accused of using hearsay statements in her Facebook post.²⁵ Ms. Wynkoop claims that she had spoken to an advisory/attorney who alluded to social media as an outlet, and that she was told it was okay to post as long as her statements were truthful. She also stated on multiple occasions that none of her post contains hearsay. When asked when and who she spoke with in an effort to verify that her post did not contain hearsay, Ms. Wynkoop would not provide names but repeated that she trusted the individual's reporting these claims to her. When asked to provide names of who advised her on these matters and others, Ms. Wynkoop could or would not produce that information.²⁶ Ms. Wynkoop stated that she herself had not witnessed or spoken directly with Mr. Porter regarding what she had learned about his particular euthanasia procedure. When asked if Ms. Wynkoop had contacted her coworkers who had witnessed the euthanasia process at the Shelter for verification of what was reported to her by past employees, Ms. Wynkoop confirmed she had not.²⁷

Ms. Wynkoop has also acted insubordinately in her role as the PetSmart Coordinator, going so far as to make disparaging comments about Ms. Daugherty to other employees.²⁸ The clearest evidence of this was the situation that occurred at PetSmart on April 15, 2022 concerning a cat that had recently been spayed. Ms. Wynkoop had concerns about the cat because it appeared to be very ill. Ms. Wynkoop states that she emailed Mayor Frank, the Mayor's Assistant and Mr. Yeager about her concerns for the cat, and that she then called rescues to pull the cat to get care for the animal.²⁹ The Mayor requested Mr. Porter contact Ms. Wynkoop while he was on leave. Mr. Porter informed Ms. Wynkoop that an ACO, Dylan Roach, was on the way to get the cat to bring it back to the Shelter to be evaluated. Ms. Wynkoop was very upset about this and proceeded to send another email to Mayor Frank stating that she would not give the cat to the ACO as instructed.³⁰ Mr. Porter stated that when he called Ms. Wynkoop, she asked if a rescue could pull the cat, or if a person could adopt it so it could receive care. Mr. Porter informed her that because she had told him the cat was sick that it is against policy to allow a rescue to pull or an individual to adopt a sick animal.³¹ When Mr. Roach arrived to retrieve the animal, Mr. Roach claims that Ms. Wynkoop proceeded to make negative comments about Mr. Porter that were unprofessional and disrespectful to her direct superior.³² This is also a clear example of Ms. Wynkoop disregarding Shelter policy as well as direction from Mr. Porter, her superior. Ms. Wynkoop also posted

²⁵ Exhibit 5 at 42:1-2

²⁶ Exhibit 7

²⁷ Exhibit 5 at 77:7-8 and 77:23

²⁸ Exhibit 17 at 18:11-13

²⁹ Exhibit 7

³⁰ Exhibit 21

³¹ Exhibit 6 at 36:13-17

³² Exhibit 17 at 15:9-16

about the same cat on her Facebook page without editing to include the information she was given or stating that ultimately Mr. Porter sent the cat to the vet where it was determined the cat was healthy and just stressed.³³ Ms. Wynkoop's email and statement confirmation along with witness testimony has determined violation of 4.6, 4.8 and 4.10, and possibly 4.13, of the Policies stated above has occurred. This is an explicit example of Ms. Wynkoop disregarding Shelter Policy, as well as direction from Mr. Porter, her superior.

Ms. Wynkoop also divulged privileged information by relaying to others not related to this investigation that she was placed on Administrative Leave. She, herself, admitted to telling her ex-husband and a few friends.³⁴ This is in direct violation of the instruction Ms. Wynkoop was given via a letter sent by Mrs. Jeffers-Whitaker and a conversation she had with Mrs. Jeffers-Whitaker when she was instructed that her leave was confidential.³⁵ The fact that Mr. Porter was on Medical Leave was also spread by Ms. Wynkoop to members of the public, although when asked about this she could not recall the details of who and when she informed others of his return from Medical Leave.³⁶

During this review, it was found that Ms. Wynkoop was also in violation of Shelter Protocol. On one specific occasion, Ms. Wynkoop had not appropriately recorded an animal adoption,³⁷ the very claim she had made against Ms. Daugherty. There were also multiple reports received regarding the cleanliness and disorganization at PetSmart. PetSmart Protocol and job directives clearly state the role of the PetSmart Coordinator is responsible for the cleanliness of the PetSmart cat area. It has been determined a violation of the Shelter's Protocol, as well as Ms. Wynkoop's direct job duties has occurred.³⁸

Throughout this investigation, that was largely a result of Ms. Wynkoop's very public statements, she was unable or unwilling to provide verifiable proof of most of her allegations. Ms. Wynkoop also contradicted herself multiple times with regard to important information that would support many of her claims, notably regarding her Hostile Work Environment claim against Ms. Daugherty, which is discussed in more detail below. Ms. Wynkoop even went so far as stating that the Additional Questions sent to her on June 14, 2022 were in retaliation and excessive.³⁹ In an email sent on June 20, 2022, Ms. Comunale addressed this concern with Ms. Wynkoop and stated that the additional questions were in no way retaliatory.⁴⁰ The questions were intended to clarify statements made by Ms. Wynkoop over the course of the investigation.

³³ Exhibit 23 and Exhibit 17 at 15:17-21

³⁴ Exhibit 7

³⁵ Exhibit 22

³⁶ Exhibit 7

³⁷ Exhibit 31

³⁸ Exhibit 8 and Exhibit 28

³⁹ Exhibit 7

⁴⁰ Exhibit 30

c) Victoria Daugherty

Victoria Daugherty is alleged to have created a Hostile Work Environment for Ms. Wynkoop by contacting her on her days off, making comments about Ms. Wynkoop finding other work, removing Ms. Wynkoop's personal items from the PetSmart Adoption office, Ms. Daugherty's mother's presence at the Shelter, and giving Ms. Wynkoop's personal number to an individual that contacted the Shelter regarding PetSmart. Ms. Daugherty is also alleged to be a poor manager for the Shelter by Ms. Wynkoop, past employees and volunteers of the Shelter due to inappropriate comments and disorganization at the Shelter.

Ms. Daugherty is alleged to have created a Hostile Work Environment for Ms. Wynkoop by doing several things. The first, contacting Ms. Wynkoop on her days off.⁴¹ Ms. Wynkoop states that Ms. Daugherty would constantly contact her with questions that were not emergent or something that Ms. Daugherty should be able to handle as Manager.⁴² Ms. Wynkoop was asked to produce evidence of this and she submitted various text messages received from Ms. Daugherty, all of which have been attached as Exhibit 24. Ms. Wynkoop stated that Tuesdays are her days off from the Shelter.⁴³ As evident by the texts that Ms. Wynkoop produced, there were some occasions that Ms. Daugherty did contact her on a Tuesday, which Ms. Wynkoop ignored. Ms. Daugherty did not send multiple messages or continue to attempt to contact her on those days. Nothing produced by Ms. Wynkoop could be determined to rise to the level of harassment or creating a Hostile Work Environment. When Ms. Daugherty was notified of Ms. Wynkoop's complaint by Mayor Frank, she ceased contacting her as instructed. Ms. Wynkoop stated that she had at no time asked Ms. Daugherty to stop contacting her on her days off, nor did Ms. Wynkoop provide support showing that she has ever brought her concern to Ms. Daugherty.⁴⁴

Secondly, Ms. Daugherty allegedly made statements to Ms. Wynkoop that made her believe she should quit or was going to be fired.⁴⁵ When asked about her comments, Ms. Daugherty simply stated that she was having, what she believed to be, a friendly conversation with Ms. Wynkoop and was in no way implying either of those things.⁴⁶ This seems to be a misunderstanding and no policy violation could be determined.

Thirdly, Ms. Daugherty is alleged to have created a Hostile Work Environment and harassment by removing Ms. Wynkoop's items from the PetSmart Adoption office.⁴⁷ Ms. Daugherty was instructed to clean the office due to some complaints that it was in disarray and smelled badly. Supporting reports revealed that Ms. Daugherty did not do

⁴¹ Exhibit 3

⁴² Exhibit 5 at 13:6-13 and Exhibit 7

⁴³ Exhibit 5 at 47:18

⁴⁴ Exhibit 11 at 24:18-19

⁴⁵ Exhibit 5 at 113:4-9

⁴⁶ Exhibit 11 at 26:4-17

⁴⁷ Exhibit 25

this on her own volition or to be retaliatory, harassing or harmful to Ms. Wynkoop. In fact, she gathered all of Ms. Wynkoop's personal belongings to be returned to her, which they were. This does not support the claim of harassment or a Hostile Work Environment.

Fourthly, Ms. Daugherty allegedly created a harassing and Hostile Work Environment by her mother's presence at the Shelter.⁴⁸ This is a bit of a perplexing claim on a few levels as Ms. Daugherty's mother is not an employee or an identified Shelter volunteer. Further, it appears that Ms. Wynkoop is not claiming it was due to any comments made by Ms. Daugherty's mother but rather the mother giving her "dirty looks" when Ms. Wynkoop was present. This does not rise to the level of harassment or creating a Hostile Work Environment. No verifiable evidence was presented to support Ms. Wynkoop's claim and too many assumptions would have to be made in making such a determination.

Fifthly, Ms. Daugherty allegedly created a Hostile Work Environment by giving out Ms. Wynkoop's personal number to an individual who called regarding the PetSmart Adoption Center. Ms. Daugherty states that she saw this number on a sign that was placed on the PetSmart Adoption door.⁴⁹ When asked who required that Ms. Wynkoop post her personal number on the door, Ms. Wynkoop provided contradictory information. At one point she stated that a past employee told her that is just how it is done, and when asked again, Ms. Wynkoop later stated it was Ms. Daugherty that informed her it was required.⁵⁰ When Ms. Daugherty was informed that the number was in fact Ms. Wynkoop's personal phone number by Paul Rhen, acting Director in Mr. Porter's absence, she stopped giving that number out to the public.⁵¹ This also does not rise to the level of harassment and Hostile Work Environment as alleged. It has been determined that Ms. Daugherty was simply trying to be helpful to individuals that contacted the Shelter and relayed the only information that had been given to her upon her employment at the Shelter. Ms. Wynkoop's statement confirmed that she chose to post her personal number on the PetSmart Adoption Center's door that is open for public view. No evidence was submitted by Ms. Wynkoop noting she had issue with utilizing her personal cell phone. Based upon Ms. Wynkoop's own statement she never informed Mr. Porter that she was uncomfortable with this.⁵²

Ms. Daugherty is alleged to have poor management skills as it relates to the business of the Shelter. This has been alleged by Ms. Wynkoop, past employees and volunteers. Current employees do not believe that Ms. Daugherty's management is so poor as to warrant a complaint, but there are some issues.⁵³ It has been alleged that Ms. Daugherty has made several inappropriate comments concerning the euthanizing of

⁴⁸ Exhibit 7

⁴⁹ Exhibit 11 at 27:19-25

⁵⁰ Exhibit 5 at 117:12-25 and Exhibit 7

⁵¹ Exhibit 11 at 28:19-25 and 29:13-14 and Exhibit 12 at 25:9-22

⁵² Exhibit 5 at 118:6-11

⁵³ Exhibit 17 at 16:13-18, Exhibit 12 at 17:13-24 and Exhibit 18 at 17:5-10

animals, such as shouting “Blue Juice” when others are present, and other like comments as it relates to the euthanasia of animals who may be ill or aggressive.⁵⁴ Mr. Porter was made aware of some of the comments and addressed this with Ms. Daugherty.⁵⁵ While this is certainly unprofessional and could be found in a violation of 4.10 of the Ethics Policy, it is not quite to the level of 4.7 for violence as has been suggested. Additionally, by all accounts, the prior issues were addressed and no record of repeated outburst were reported to Mr. Porter.

Ms. Daugherty’s management skills have also been called into question by numerous accounts from the public because of the difficulty they have experienced in communicating with the Shelter.⁵⁶ It has been alleged by Beverly Kay that this is due to Ms. Daugherty either ignoring the phone or being occupied with personal matters while at the Shelter and during hours of operation.⁵⁷ When asked, Ms. Daugherty denied this allegation.⁵⁸ Ms. Daugherty stated that she has difficulty returning calls and answering questions because she is often the only one at the Shelter and has other responsibilities she must attend to. Ms. Daugherty stated that she does try to return calls within a reasonable time period. Though a witness statement provided by Lauren Biloski confirmed an instance of no response by the Shelter, there has been no verifiable evidence presented to show that Ms. Daugherty completely ignores attempted communication with the Shelter. Based upon employee statements, the issue may be related to staffing issues⁵⁹, which will be addressed in the suggested Policies attached.

Ms. Daugherty has also been alleged to provide incorrect information on intake forms and falsifying records for the Shelter. Ms. Wynkoop states that she has witnessed Ms. Daugherty place a sticker confirming an animal was vaccinated when it had not been.⁶⁰ No verifiable evidence was presented as to this claim. She has also allegedly provided incorrect information on intake forms. Ms. Kay stated that she often puts incorrect sexes and other animal information on intake forms.⁶¹ Other employees were asked about this to corroborate this claim, most replied that it was simple human error and that everyone does that from time to time.⁶² Ms. Daugherty stated that sometimes when she gets really busy she has to back track and fill in paperwork when she has the time to do so. This is an issue that is also addressed in the Suggested Policies attached. It does not appear that these mistakes were done intentionally or to knowingly falsify records. However, Rodger McLaughlin did state that Ms. Daugherty does routinely provide incorrect phone numbers, addresses, and does not always verify the addresses

⁵⁴ Exhibit 15 at 26:2&9-11, Exhibit 18 at 22:8-25 and Exhibit 13 29:9-11

⁵⁵ Exhibit 8

⁵⁶ Exhibit 26

⁵⁷ Exhibit 15 at 25:24-25 and Exhibit 26

⁵⁸ Exhibit 9

⁵⁹ Exhibit 9

⁶⁰ Exhibit 5 at 55:5-13

⁶¹ Exhibit 15 at 8:10-16 and 24:5-6

⁶² Exhibit 17 at 16:13-18, Exhibit 12 at 17:13-24 and Exhibit 18 at 17:5-10

of those bringing animals into the Shelter are within the county.⁶³ Other than that, the evidence presented does not lead to an implication of her inability to manage the Shelter concerning that allegation, nor was any statement given or supporting documentation presented that warrants being called a “f***ing idiot” by Ms. Wynkoop.⁶⁴

It is worth noting that a concern was presented about Ms. Daugherty’s ability to manage the Shelter when she, herself, stated on different occasions that she was unaware of Shelter policies.⁶⁵ It is concerning that the Manager does not know what the policies are of the facility she is charged with managing and, essentially, running in the Director’s absence.

d) Additional Concerns Discovered During the Review

Multiple submissions of one-sided communications were shared that confirmed the Shelter’s deficient communication with the public, volunteers and rescues.⁶⁶ This lack of communication has the ability to negatively impact the animals and the Shelter’s relationship with the animal community. One example was the two trained volunteers who offered to assist with grooming and taking photos of the Shelter animals in an effort to promote adoptions.⁶⁷ However, communication submitted indicate neither received a response from the Shelter.

Transparency concerns were brought forward by the community and witnesses regarding general operations of the Shelter and donations.⁶⁸ It was determined during the review the current paper tracking system is additionally limiting transparency, while also creating a large gap where human error may occur.

During the examination process, staff appeared unfamiliar with Shelter specific standard operating procedures (SOP). This presents the need for intentional and continual training for staff and volunteers. Additionally, no protocol of staff utilization of Shelter donated items was provided during the review. However, there were reports of donated items being used by the Shelter staff.⁶⁹

Lastly, it has been determined that unauthorized social media platforms and retail list have been created without proper authorization by the Director.⁷⁰

⁶³ Exhibit 18 at 26:3-14

⁶⁴ Exhibit 17 at 18:11-13

⁶⁵ Exhibit 11 at 18:16-17 and 19:18-19; 22-23

⁶⁶ Exhibit 26

⁶⁷ Exhibit 26

⁶⁸ Exhibit 26

⁶⁹ Exhibit 15 at 72:22-25 and 73:7-11 and Exhibit 9

⁷⁰ Exhibit 8, Exhibit 15 at 54:2 – 58:5 and Exhibit 5 at 25:12-25

VIII. Conclusions:

The allegations against Brian Porter concerning his euthanasia techniques were unable to be verified as true or false. As stated in the above section, we received differing witness statements concerning what various employees have seen. But, what can be verified is that for the period between February 28, 2021 and December 7, 2021, Mr. Porter was performing euthanasia at the Shelter while his license was expired. It is unknown to this review the exact number of euthanasia that took place, but it was over the course of approximately ten (10) months. This error, intentional or not, is egregious and a clear violation of several State laws and Board of Veterinarian Examiners policies. It also is a violation of Anderson County Ethics Policy 4.10, which states that employees must comply with all State laws. Mr. Porter's neglect to update his mailing address with the Veterinarian Board is a violation of Tennessee Rules and Regulations, his practicing while his license was expired violated Tennessee Code and Rules and Regulations, and allowing the premises license to lapse was also a violation of Tennessee Code and Rules and Regulations. Mr. Porter was fined as a result of the violation, which has been paid.⁷¹ The Shelter Premise's License is also in the process of being renewed pending the State Inspection that is required. As Director of the Shelter, Mr. Porter is charged with the oversight of the Shelter and to renew his license as required. He has been licensed as a CAET since 2003,⁷² and has renewed his license bi-annually for the past nineteen (19) years. This was a lapse that, unfortunately, rose to a level of Policy violation that warrants disciplinary action in some form.

Natalie Wynkoop's Facebook post and comments made to other shelter employees come close to violating or violates every County Policy. Ms. Wynkoop has also been found in violation of the Shelter Protocol listed in Section IV. As stated in the Analysis, her post was harmful and contained inflammatory statements about the Shelter and Mr. Porter. The result was a public outcry of concerns related to her post. This created a work environment that bordered as unsafe for the employees of the Shelter and did rise to the level of harassment of Mr. Porter. He was approached by members of the public, spoken about poorly online, in public meetings and had several news articles written about him containing the erroneous information about a "heart stick". Ms. Wynkoop was insubordinate to Mr. Porter and Ms. Daugherty and made disparaging comments about both to other employees. Ms. Wynkoop stepped outside of her role as PetSmart Coordinator by going above Mr. Porter to call vets and rescues when she did not agree with his decisions. Ms. Wynkoop divulged privileged information regarding her Administrative Leave and Mr. Porter's Medical Leave to members of the public, despite being told that the information was confidential. Ms. Wynkoop had good intentions with caring for the cats placed under her care at PetSmart, but her actions show a total disregard for her employer, fellow employees and the Shelter. Ms. Wynkoop was also found in violation of the County's Finance Policy that is supported by strict guidelines

⁷¹ Exhibit 8

⁷² Exhibit 19

set forth in the State of Tennessee Comptroller's Office. She did so by soliciting funds through social media without authorization to do so and not receipting said funds until required by Mr. Porter.

Victoria Daugherty has made some inappropriate comments and negligible mismanagement of the Shelter. Her actions do not rise to the level of violating any State laws or Policies. As stated above in the Analysis Section, there are some serious concerns about her abilities as a Manager, and it has been determined that some of her comments were highly inappropriate, especially in a managerial role. However, violations could not be determined. There were a few times during the recorded interview that Ms. Daugherty stated that she was not aware of Shelter policies. Though this is not a violation of Policy, it illustrates that management may not be the correct role for Ms. Daugherty moving forward.

There were prior Shelter concerns reintroduced during the review process that were determined to be corrected but were found significant enough to be mentioned in support of this extensive review. Ms. Wynkoop noted in her April 8, 2022 email regarding payment for Shelter paint supplies. It was determined that both she and Ms. Daugherty had been reimbursed. The safety concerns of the Shelter's cat house have been corrected. An animal vaccination protocol had been implemented prior to this review. In 2019, an issue was brought forward regarding an incorrect drug log entry in which a state investigation revealed the issue was in relation to human error of a prior Shelter employee. It should further be noted that this error nor other allegations made during the State's 2019 investigation were in no way linked to Mr. Porter as suggested by prior employee(s) or current community reports. The prominent case of a hung dog was brought forward in the public in prior years. The issue was confirmed to be an accident that occurred while the dog's owner was at work. A fact worth noting, is this situation was required to be maintained separate from other unrelated events involving the dog's owner.

IX. Recommendations:

Below you will find three (3) options of recommended disciplines based upon Policy.

First, Policy does support termination of all three of the employees implicated in this review. Over the years, Mr. Porter has been involved in a few different Shelter controversies. The current allegations concerning Mr. Porter, while not all were proven to be completely accurate, did rise to the level of violation of County Policy and fines imposed by the Board of Veterinarian Examiners, a State Investigation that is ongoing and serious violations of State laws. It was determined that Ms. Wynkoop has been found in multiple violations of County and Shelter policy and a serious violation of the State of Tennessee Comptroller's Office regulations. Though Ms. Daugherty's actions did not rise to the level of policy violations, her inappropriate actions and lack of

managerial support were concluded to be unprofessional and negligent. It should also be noted that while not all accusations against Ms. Daugherty and Ms. Wynkoop were found to be entirely true, it is unclear if the two can work together successfully in support of the Shelter.

The second recommendation would be to place Mr. Porter, Ms. Daugherty and Ms. Wynkoop on probation with a performance improvement plan to identify issues and outline expectations moving forward. Additionally, it is recommended to provide training for each of appropriate behavior in the work place, as well as provide management training for Ms. Daugherty and Mr. Porter.

The final recommendation, if the others are not favorable or possible, would be to rearrange the employment of all three. With the addition of a contracted veterinarian, this would be the opportune time to shift staff and roles in efforts to meet the Shelter's needs. Upon reorganization, proper training and probationary periods should be set with evaluations to determine any lingering concerns.

If one of the latter two are chosen, it is also suggested to review each employee's current status. Mr. Porter may need to be placed on Paid Administrative Leave until the conclusion of the State Investigation. Then, depending on the result, either be reinstated or placed in the Shelter's Manager role. Ms. Daugherty should be moved to a full-time employee position and not remain as Manager until proper training can be received. Ms. Wynkoop may remain as the PetSmart Coordinator but her role needs to be redefined.

Recommended Shelter Policies

Attached you will find Recommended Shelter Policies. The purpose in proposing these policies is to have a comprehensive policy statement that can be given to all employees to provide clear guidelines on how the Shelter is to operate, the roles of all involved and expectations. These policies are the result of the investigation and hearing every person's concerns that we have spoken to about the Shelter. It became very clear during this review, as stated above, that not everyone is aware of the Shelter or County Policies or even where to find them. The attached list was created with the ability to choose portions to be added to current policies or revise in the creation of new Shelter policies.

Additional Concerns Discovered

Additional concerns, listed in VII(d), were unearthed during this review. This section will briefly speak to applicable suggestions in regards to those concerns.

It is suggested that the Shelter staff be trained on the importance of properly and accurately communicating with the public. It is also suggested that the Shelter's current policy should include communication guidelines, including expected response times to support the adoption efforts and care of the animals. Additionally, there have been multiple public statements that rescue efforts at the Shelter have not been utilized as well as they could be. Communication guidelines should also assist with any of those issues as well. It is suggested that a volunteer/rescue liaison duty be assigned with proper oversight and policy to support the County, Shelter and most importantly, the animals.

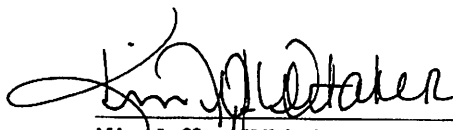
Though the County is held to high accounting standards, there are efforts that could be established moving forward in an effort to improve the Shelter's recordkeeping of monetary donations while supporting the request of transparency. In hopes to reduce concerns brought forward by the community, it is recommended that the Shelter implement cost centers to distinguish donations for ease of reporting and transparency of funding. Additionally, to further transparency efforts, it is recommended that the Mayor and the Shelter Director utilize the recently re-formed Animal Shelter Advisory Committee as a venue to share statistical data in hopes to ease tensions and promote community support. Furthermore, it is strongly recommended a software program be put in place that will assist in limiting the risk of human error while also assisting in transparency tracking of intake, adoptions, healthcare, etc. Until budget permits such a purchase, it is suggested that a Shelter Procedural Manual be created with step by step directions to include forms and procedures with applicable samples and policy as a guide to ensure all Shelter protocols are followed. Until proper record-keeping has been established, conducting spot audits is proposed to assist in identifying further concerns.

By completing standard operation procedure's (SOP) training within thirty (30) days of hiring and supplying the new hires with the above mentioned manual, staff will be better informed on what is expected of them on a daily basis while limiting the need to seek for continual guidance on regular Shelter processes. Additionally, any new policies implemented should include staff notification and training as soon as possible. Annual review of the Shelter's SOPs would also be helpful to uncover any unknown or unfollowed protocol. It is further suggested a policy be created or current policy modified to address the usage of donated items by staff to eliminate concerns moving forward.

Lastly, to limit liability risk to the Shelter and County, language should be included in the current Anderson County Animal Shelter Policies that prohibits employees and volunteers from creating and linking social media pages or retail list to the Shelter without the Mayor's approval. It is suggested a written request form be included as part of the process. Additionally, during the review, it was confirmed social media blocking of individuals occurred. Though it was reported blocking of individuals and comments had been removed, the community alleges that individuals remain blocked. It is suggested confirmation of unblocking all individuals has occurred to ensure optimal animal exposure to the public.

X. Executive Summary:

This Personnel Policy Review did reveal serious issues at the Anderson County Animal Shelter that does require action. It was determined that Mr. Porter, Ms. Daugherty and Ms. Wynkoop have acted inappropriately in their positions they currently hold at the Shelter. Anderson County Policies, State laws and Board of Veterinarian Examiners policies were violated. In accordance with Anderson County Government Policy, recommendation options include termination, implementation of individual performance improvement plan while being placed on probationary period or employment reorganization to include proper training.



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