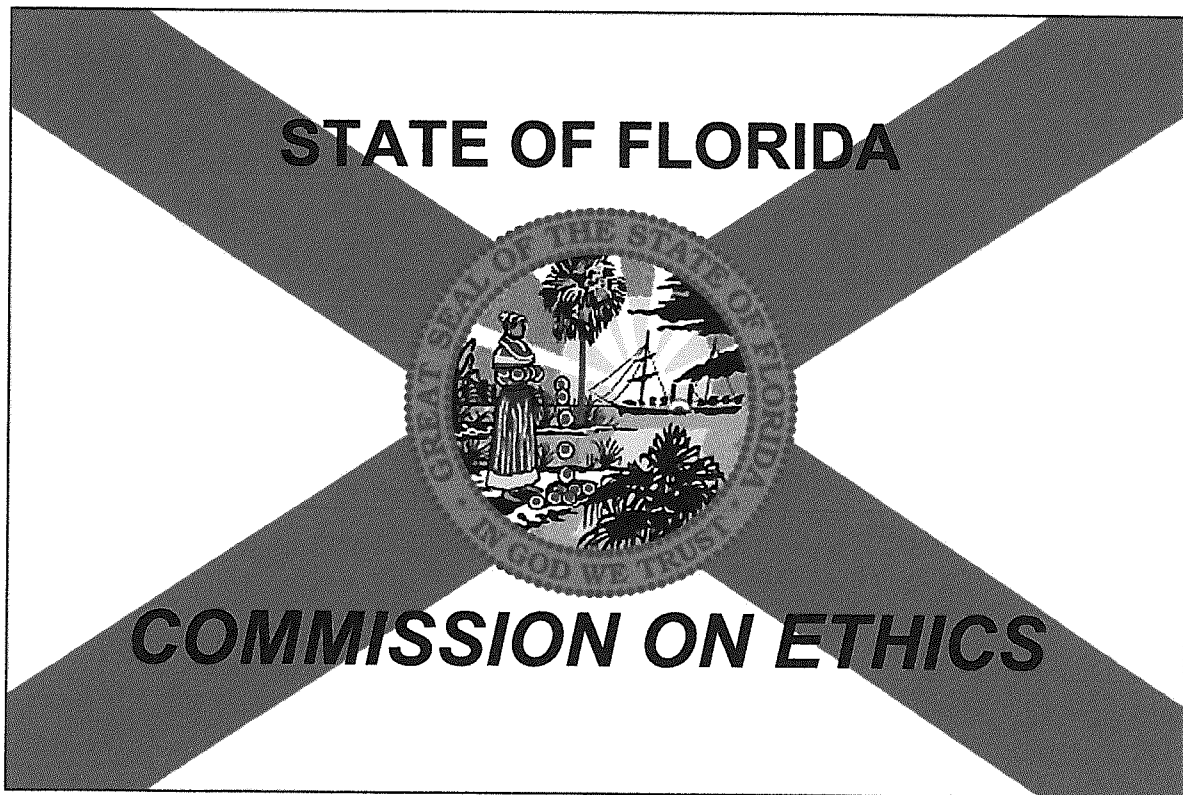


REPORT OF INVESTIGATION



Complaint Number 17-013

NOTICE CONCERNING CONFIDENTIALITY

This report of investigation concerns an alleged violation of Chapter 112, Part III, Florida Statutes, or other breach of public trust under provisions of Article II, Section 8, Florida Constitution. The Report and any exhibits may be confidential (exempt from the public records law) pursuant to Section 112.324, Florida Statutes, and Chapter 34-5, F.A.C., the rules of the Commission on Ethics. Unless the Respondent has waived the confidentiality in writing, this report will remain confidential until one of the following occurs: (1) the complaint is dismissed by the Commission; (2) the Commission finds sufficient evidence to order a public hearing; or (3) the Commission orders a public report as a final disposition of the matter.


STATE OF FLORIDA
COMMISSION ON ETHICS
Post Office Drawer 15709
Tallahassee, Florida 32317-5709

REPORT OF INVESTIGATION

TITLE: NANCY OAKLEY
City Commissioner
Madeira Beach, Florida

COMPLAINT NO.: 17-013

INVESTIGATED BY:



Robert G. Malone

Distribution:

Commission on Ethics
Respondent
Advocate
File

Releasing Authority:



Executive Director

2/13/18

Date

* * * *

**REPORT OF INVESTIGATION
COMPLAINT NO. 17-013**

(1) Mr. Shane B. Crawford, the former City Manager of Madeira Beach, alleges that Nancy Oakley, while serving as a Madeira Beach City Commissioner, corruptly misused her public position by making unwanted physical advances towards him and another member of the City's staff.

(2) The Executive Director of the Commission on Ethics noted that based upon the information provided in the complaint, the above-referenced allegations were sufficient to warrant a preliminary investigation to determine whether the Respondent's actions violated Section 112.313(6), Florida Statutes (Misuse of Public Position).

(3) The Respondent currently serves on the Madeira Beach City Commission, having been elected in March 2017. She also served on the City Commission from 2007 through April 2013.

(4) Mr. Crawford, interviewed in the presence of his attorney, Andrew J. Salzman, said he was the Madeira Beach City Manager from 2011 through June 2017. He alleges the Respondent, during her previous tenure ending in 2013, made unwanted sexual advances towards him. He added that the Respondent also made unwanted sexual advances towards Mr. Dave Marsicano, the Director of the City's Public Works Department and City Marina. Mr. Crawford said these advances involved unwanted kissing and licking of his and Mr. Marsicano's necks and faces, and that the Respondent appeared to be inebriated when this behavior occurred.

Note: The Complainant was suspended from his position as City Manager at the City Commission's May 4, 2017, meeting, and resigned in June 2017. The Respondent was one of three City Commissioners who voted to suspend him, pending a termination hearing.

(5) The Complainant maintains that the Respondent made advances on a number of occasions during her previous tenure as a City Commissioner, but he could only recall the specific details of two instances. He said the Respondent approached him during an outdoor City Commission meeting held in either the spring or the fall of 2012, on property where the current City Hall is located. He noted that the City Commission meeting was held in conjunction with the "King of the Beach Fishing Tournament," which is held bi-annually every spring and fall, and is hosted by the Old Salt Fishing Foundation. Mr. Crawford explained that the outdoor City Commission meeting lasted only a few minutes and was held specifically to adopt the city of Bimini, Bahamas, as a "Sister City" to Madeira Beach. He advised that his wife, Cherylanne (McGrady) Crawford, was employed at the time as his Executive Assistant, but that they were not yet married or dating. However, Mr. Crawford alleges that the Respondent appeared to be jealous of his then-Executive Assistant, and approached him when he was standing near the former Ms. McGrady and told him, "Don't ever bring that blonde bitch around me again." Mr. Crawford maintains that the Respondent, in full view of the former Ms. McGrady, then grabbed his crotch and slowly licked him from his Adam's apple all the way up his face. Ms. McGrady, the Complainant continued, told the

Respondent her behavior was inappropriate and Commissioner Oakley threw a punch at Ms. McGrady, but missed.

(6) Ms. (McGrady) Crawford recalled in the presence of her attorney, Mr. Salzman, that the City held its only nighttime outdoor City Commission meeting in 2012, during the King of the Beach Fishing Tournament held in November 2012. She confirmed that she was Executive Assistant to the City Manager during this period of time and attended the meeting in that capacity. Ms. Crawford said the Respondent appeared to be intoxicated and was holding a bottle of liquor during the meeting. Commissioner Oakley, Ms. Crawford continued, initially refused to go on the stage set up for the event because she (Crawford) was present. She maintains that for reasons unknown to her, the Respondent does not like her and has always treated her coldly. However, she advised, others finally convinced Commissioner Oakley to go on the stage for the City Commission meeting. Ms. Crawford said that at the conclusion of the Commission meeting, the Respondent left the stage, walked towards her, cursed at her, and said she wanted her to leave. Ms. Crawford related that she was standing with then-City Manager Crawford and Dave and Shelly Marsicano when this occurred and that Mr. Crawford stood between them and tried talking to the Respondent to calm her down. However, Ms. Crawford claims that when he did this, Commissioner Oakley licked his face from his neck to his forehead and grabbed his buttocks and crotch. She said she was disgusted by this action and told the Respondent it was extremely inappropriate. In response, she recalled, Commissioner Oakley cursed at her and tried to hit her with her fist. According to Ms. Crawford, Ms. Marsicano stepped between them and told the Respondent that if she hit her friend, she (Marsicano) was going to hit her. Thereafter, she advised, Commissioner Oakley left the area. Ms. Crawford alleges that the Respondent became intoxicated and licked men's faces on a number of occasions during her prior service on the City Commission, but she does not recall the details of any other occurrences. She explained that she explicitly remembers the above-referenced occurrence at the outdoor City Commission meeting, because the Respondent tried to hit her.

(7) Mr. Crawford alleges that the Respondent engaged in similar behavior at the City-sponsored "Grunt Hunt" fishing tournament. He could not recall the date of this annual fishing tournament, but maintains that it occurred during the Respondent's former tenure on the City Commission. The Complainant recalled that Commissioner Oakley appeared to be inebriated at this event and licked his face while he was standing near her. Mr. Crawford said the Respondent also licked Director Marsicano's face at this same event.

(8) Mr. Crawford explained that he never confronted the Respondent concerning this behavior because he did not want to make an enemy of her while he was employed as City Manager. He said as City Manager, he served at the pleasure of the City Commission and she was one of his five "bosses," so he endured her sexual advances at that time as part of his job.

(9) Mr. Marsicano advised that he has been employed by the City of Madeira Beach for 15 years and has served as the City's Public Works and Marina Director for the past five years. He noted that the City Manager is his immediate supervisor. He recalled that during the City-sponsored King of the Beach bi-annual fishing tournament held at the City's recreation center in 2012, the Respondent, who he said appeared to be inebriated, hung on his

neck, grabbed his crotch, and licked his face. Mr. Marsicano said the King of the Beach fishing tournament is held every April and November, and he cannot recall during which tournament in 2012 this incident occurred. However, he noted it occurred soon after he married his now ex-wife, Shelly Davis, and that his then-wife almost got into a physical altercation with Ms. Oakley because of her actions. Mr. Marsicano said he and his then-wife abruptly left the fishing tournament to prevent a fight from occurring. He maintains that the Respondent hugged and attempted to kiss him at many other City-sponsored events during her previous tenure on the City Commission, but he could not recall the dates or any details of these occasions. Mr. Marsicano said he remembered this incident in particular because of the fight that almost ensued between his then-wife and Commissioner Oakley. He said he would not have tolerated Ms. Oakley's behavior had she not been a City Commissioner, but he feared he would be terminated if he attempted to thwart her advances. Mr. Marsicano stated that because of her behavior toward, if he saw the Respondent at a City event he would leave the event or avoid her, for fear of her unwanted sexual advances.

(10) Mr. Marsicano's ex-wife, Shelly Davis, recalled by telephone that she attended a King of the Beach fishing tournament in 2011 or 2012, where she observed then-Commissioner Oakley grab Mr. Crawford by the crotch, put her arm around him, and lick his cheek. She noted the Respondent appeared to be inebriated at this time. Ms. Davis said the Respondent engaged in similar behavior with her then-husband (Marsicano) at a King of the Beach fishing tournament held in 2012. She recalled that the Respondent put her arm around Mr. Marsicano's neck, pulled him towards her, and tried to lick his face. Ms. Davis maintains that she pushed the Respondent away and told her to leave her husband alone. She vaguely recalled another incident during a 2011 City festival held in a City park where the Respondent attempted to lick her ex-husband's face and he pushed Ms. Oakley away. However, Ms. Davis could not recall when in 2011 this happened.

(11) Mr. Crawford said other people who may have witnessed these events include Tom Verdensky, President of the Old Salt Fishing Foundation, Inc., the organization which hosts the King of the Beach Fishing Tournament; and Francine Jackson, who formerly was employed by the City as an Executive Assistant to the City Manager.

(12) Ms. Jackson advised by telephone that she served as the Executive Assistant to the Madeira Beach City Manager from 2003 until soon after Mr. Crawford was appointed as the City Manager in 2011. She said she then was transferred to the Public Works Department under Mr. Marsicano and left the City's employ on September 30, 2014. Ms. Jackson recalled being told by both Mr. Crawford and Mr. Marsicano that the Respondent had licked their faces at public events during her previous tenure on the City Commission. She noted that they told her this soon after these events occurred, but she could not recall any specific dates and stated she was not present at these events, and did not personally witness the Respondent's actions.

(13) Mr. Verdensky said by telephone that he has served as President of the Old Salt Fishing Foundation for approximately 14 years. He advised that the Foundation is a non-profit corporation that raises funds for charities by hosting fishing tournaments in Madeira Beach. He recalled seeing the Respondent lick Mr. Crawford's face during a King of the

Beach fishing tournament held on November 3, 2012, and more specifically during a portion of the tournament where the City held a brief City Commission meeting to discuss establishing a sister city relationship with Bimini, Bahamas. He explained that he obtained the exact date of the event by reviewing date-stamped photographs taken during the tournament. Mr. Verdensky said he was not close enough to hear what was said between the Respondent and Mr. Crawford, but learned later Ms. Oakley was not happy Cheryl Crawford was at the meeting. He noted that the Respondent had been drinking alcohol prior to licking Mr. Crawford's face and appeared to be intoxicated when this occurred. Mr. Verdensky said the Respondent's actions might have also been witnessed by Mr. Joseph Campagnola, who is a volunteer for the Old Salt Fishing Foundation.

(14) Mr. Campagnola stated by telephone that he was serving as the head of security during the King of the Beach fishing tournament when the Respondent licked Mr. Crawford's face. However, he said he did not see this occur. He recalled that he was contacted by radio and told there was an altercation near the tournament stage, but when he arrived, the Respondent was walking away. Mr. Crawford told him the Respondent was intoxicated and was not happy Ms. Crawford (then McGrady) was keeping the minutes for the meeting. According to what Mr. Crawford contemporaneously told him, Mr. Campagnola said, words were exchanged between Ms. Crawford, Ms. Marsicano, and the Respondent, and when Mr. Crawford stepped in to calm down the situation, the Respondent hugged him and licked his face.

(15) Mr. Verdensky maintains that Commissioner Oakley has licked his face in the past and has licked the faces of volunteers of the Old Salt Fishing Foundation when it appeared she had been drinking during other fishing tournaments. The only other City employee that Mr. Verdensky saw having his face licked by the Respondent was Mr. Marsicano. Mr. Verdensky recalled that this occurred during a political fundraiser held on February 19, 2014. The Respondent, Mr. Verdensky said, appeared to be inebriated and licked Mr. Marsicano's face. Commissioner Oakley then exchanged harsh words with Shelly Marsicano and the Marsicanos abruptly left the area.

(16) The Respondent advised that she currently serves as a City Commissioner for Madeira Beach and formerly served in that capacity from 2007 through April 2013. She denies that she has ever kissed or licked the Complainant's neck or face in a sexual manner. The Respondent said she and the Complainant were friends during her previous tenure on the City Commission and would hug and kiss each other on the cheek when greeting each other. She stated that they sometimes would socialize by having a drink or attending social functions in the City, but that this was done with their spouses in attendance and any physical contact was done in a friendly, not sexual, manner. Commissioner Oakley further stated that her physical contact with Public Works Director Marsicano was identical to her contact with Mr. Crawford, maintaining that there was no contact of a sexual nature.

END OF REPORT OF PRELIMINARY INVESTIGATION