

Waik-ON #3

DHS

Lee County Board Of County Commissioners
Agenda Item Summary

October 4, 2004

Blue Sheet No. 2005 2004/295

1. **REQUESTED MOTION:**

ACTION REQUESTED: Authorize Chairman to sign contract with The Nations Association, Inc. in the amount of \$20,000 to reimburse the agency for unforeseen expenses related to Hurricane Charley that were not reimbursed by another agency.

WHY ACTION IS NECESSARY: To provide funding to The Nations Association, Inc.

WHAT ACTION ACCOMPLISHES: Reimburses The Nations Association, Inc. for hurricane related expenses.

2. **DEPARTMENTAL CATEGORY:**
COMMISSION DISTRICT #

Countywide CW

3. **MEETING DATE:**

11-09-2004

4. **AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. **REQUIREMENT/PURPOSE:**
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. **REQUESTOR OF INFORMATION:**

- A. COMMISSIONER N/A
- B. DEPARTMENT Human Services
- C. DIVISION N/A
- BY: Karen B. Hawes *ama*

7. **BACKGROUND:**

At the September 22, 2004 Budget Hearing, a motion was passed to provide The Nations Association, Inc. \$20,000 from general fund reserves to reimburse the agency for unforeseen expenses related to Hurricane Charley. The agency indicated that they had lost \$5,000 worth of perishable food items, distributed \$5,000 of food on their shelves, and spent \$10,000 for hurricane victim needs. Funds were made available from general fund reserves to reimburse the agency for the above mentioned expenses.

The agency will be asked to provide documentation of all expenses accompanied by a statement from the agency's independent auditor attesting that the expenses are documented, directly related to the hurricane, and will not be reimbursed by other funding sources.

Funds were transferred from General fund reserves as a result of the September 22, 2004 Budget Hearing. Contract will be forwarded to Chairman for signature once prepared.

8. **MANAGEMENT RECOMMENDATIONS:**

Uphold the recommendations of the Partnering for Results Proposal Review Panel not to fund The Nations Association, Inc. Do not fund any not-for-profit agency for hurricane reimbursement. Donated funds are being received by the United Way, American Red Cross, Salvation Army, and Lee County Department of Human Services for assistance to disaster victims.

9. **RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>[Signature]</i>	<i>[Signature]</i>	N/A	N/A	<i>[Signature]</i>	OA RK 10/5	OM MS 10/6/04	Risk JK 10/6/04	GC RK for RG 10/5	<i>[Signature]</i>

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

10-19-04

after disc. indefinitely

Rec. by CoAtty
Date: 10/5/04
Time: 9:40
Forwarded To:

RECEIVED BY COUNTY ADMIN:
10/05/04
1:15 pm
COUNTY ADMIN FORWARDED TO:
10/7/04

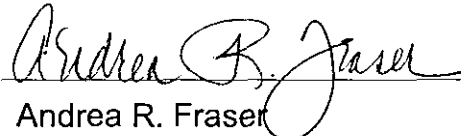
RIC
HS

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

DATE: November 8, 2004

To: Board of County Commissioners

FROM:


Andrea R. Fraser
Assistant County Attorney

RE: WALK-ON Blue Sheet No. 20041295 for Tuesday, November 9, 2004 Relating to Reimbursing the Nations Association, Inc. \$20,000.00 for Unforeseen Expenses Related to Hurricane Charley - Previously Heard on October 19, 2004, Regular Board Meeting; Consent Agenda Item 5b

Gentlemen:

At the October 19, 2004, regularly scheduled Board of County Commissioners meeting, the Board deferred indefinitely the above Blue Sheet providing funds to the Nations Association, Inc. on a reimbursement basis for unforeseen expenses related to Hurricane Charley. The action was deferred in order to conduct an investigation into complaints of discrimination in providing services to minorities.

At this time, we are requesting that the item be added as a Walk-On agenda item for November 9, 2004.

The investigation is complete, and the results are being forwarded with this memorandum.

If you have any questions, please contact me prior to the meeting at your convenience.

ARF/awe
Attachment


xc: Robert W. Gray, Deputy County Attorney
David M. Owen, Chief Assistant County Attorney
Donald D. Stilwell, County Manager
Holly Schwartz, Assistant County Manager
Karen Hawes, Director, Lee County Human Services
Ann Arnall, Deputy Director, Lee County Human Services
Charlie Green, Clerk of Courts
Rev. Israel Suarez, Nations Association Charities Inc.
Pete Winton, Assistant to the County Manager
Kathy Geren, Public Resources

LEE COUNTY OFFICE OF EQUAL OPPORTUNITY
PO BOX 398
FORT MYERS, FL 33902-0398

2004 NOV -5 PM 1:28
RECEIVED BY
LEE CO. ATTORNEY

Memorandum

To: Andrea Fraser, Assistant County Attorney

From: Jack Barden, Equal Opportunity Analyst 

RE: Report of allegations regarding Nations Association

Date: November 5, 2004

Summary: Lee County received allegations that the Nations Association ("Nations") discriminated against African-American citizens because of race and Hispanic citizens because of national origin regarding the provision of food assistance. The investigation found that the evidence is not sufficient to prove the allegations of discrimination.

Allegations: Three different persons contacted Lee County employees complaining about Nations and its Director Rev. Israel Suarez. The allegations made by each person are as follows:

Mrs. Murphy

1. "[H]e only gives food to peoples from his Church that tithe or people that do him favors."
2. "[B]lack people are turned away and sent to the Open Door Food Bank ("Open Door")."
3. "'Mr. St. Cerny [should] not be fooled by what he says about feeding 30,000 people.' She says, 'It's an outright lie'"

(10/1/04 e-mail from Joyce Belcher (Exhibit 1), 10/1/04 e-mail from "Janes Dist 1" (Exhibit 2))

Dr. Wiley

The specific nature of his complaints is unknown. However, he spoke with Ann Arnall on this subject on October 19, 2004, noting that he was founder of Wake Up America, a food program. (10/19/04 e-mail from Ann Arnall (Exhibit 3))

Luther Jones

1. Nations "is discriminating against black people in the neighborhood."
2. "[W]hen he worked for the School Board...he personally took ...13 boxes of food over to Nations. There were a couple of black families in there at the time and Mr. Suarez didn't want to give them any of the food..."
3. "...and he [Suarez] would not sign a receipt for the donated food either."

(10/20/04 e-mail from Joyce Belcher (Exhibit 4))

Report of allegations regarding Nations Association

Findings: We were unable to reach Mrs. Murphy. Ms. Belcher noted that she “asked Mrs. Murphy to leave her number several times but [Mrs. Murphy] said she was calling for all the people...thankful that the Commissioners called for an audit of [Nations].” We contacted Nan Summerall, Commissioner Janes’ Executive Assistant, who had also spoken to Mrs. Murphy. She did not have a number for her. Ms. Summerall checked the caller ID when Mrs. Murphy called and found no number. (10/20/04 e-mail regarding conversation with Ms. Summerall (Exhibit 5))

As Mrs. Murphy specifically mentioned Open Door, we contacted that organization and spoke with its Director, Rev. Glenda Jeeters. Rev. Jeeters told us that she did not know a Mrs. Murphy. This name did not “ring a bell” with her either as a client or a volunteer. (11/1/04 e-mail regarding interview with Rev. Glenda Jeeters (Exhibit 6))

We contacted Dr. Wiley. We telephoned the number included in Ms. Arnall’s e-mail (Exhibit 3). When we asked for Dr. Wiley, the man answering identified himself as “Mr. Wiley”. We attempted to raise the matters mentioned in Ms. Arnall’s e-mail. Mr. Wiley said that he did not use e-mail. We told Mr. Wiley that we had an e-mail about his conversation with Ms. Arnall. We then read to Mr. Wiley the following, “The person I spoke to is Dr. Wiley. He was the founder of Wake Up America which is also a food program. His number is 561-5672.” Mr. Wiley said “she gave you the wrong number, I’m not a doctor.” He then terminated the conversation by hanging up. (11/1/04 e-mail regarding telephone contact with Mr. Wiley (Exhibit 7))

We were unable to reach Luther Jones. We contacted him on two occasions – October 28, 2004 and November 3, 2004. On each occasion, we reached an answering system and left a message. These calls were not returned. (10/28/04 and 11/3/04 e-mails regarding contacts with Luther Jones (Exhibits 8, 9))

Rev. Jeeters reported that she had heard reports that Nations would help only people who go “his church”. She had also heard complaints that, if you did not tithe to Rev. Suarez’s church, he would not “go out of his way” to help. She said that she heard these complaints from African-American and Hispanic people who came to the Open Door for assistance. She also heard this from her former Outreach Director, who she identified only as David. (Exhibit 6, ¶¶ 6, 7)

Rev. Jeeters said that she got a “ball park” of three to five people complaining about being denied assistance by Nations. She said that this was in the more recent years. She specifically remembered receiving “a lot of complaints” during 2002. (Exhibit 6, ¶ 9)

Rev. Jeeters also said that she received complaints about other programs such as the Harry Chapin Food Bank. She said that she also knew that people complained about Open Door. She said that people who come to her are “in emotional distress”. For this reason, people have said “vicious things” about others in her presence. (Exhibit 6, ¶15)

Rev. Jeeters specifically mentioned a white couple who had come to see her recently, claiming that they had not gotten “enough” food from Nations. The woman “got a lot of

food” from her in 2003. After getting this food, Rev. Jeeters then saw the woman on television receiving food at Nations. This was “the type to go from one place to another” and “go around bad-mouthing you” when she did not get what she wanted. (Exhibit 6, ¶¶ 15-16)

Rev. Jeeters did not know the names of those who complained about Nations. She said that she had served about 70,000 in the seven years she had been operating. She also emphasized that she had no problem with Nations. She also did not want Open Door “to get caught up in this.” (Exhibit 6, ¶¶ 10, 4, 8)

Conclusions: We were unable to interview any of the three persons who alleged that Nations denied assistance to African-Americans and Hispanics. The one person we were able to reach, Mr. Wiley, declined to speak to us.

Rev. Jeeters confirmed that she had received complaints from African-Americans and Hispanics that Nations turned them away. She confirmed that she had heard complaints that Nations would refuse service to people who were not members of Rev. Suarez’s church.

However, Rev. Jeeters has no problem with Nations. She knows that complaints about Nations and similar food programs, including Open Door, are not uncommon. Some of these complaints are the result of emotional distress that people are experiencing when they seek such services. Others are a result of the tendency of some to “bad-mouth” organizations who do not give them what they want.

While the above allegations are cause for concern, we were unable to make contact with persons who made these allegations. We sought to learn whether these persons would be able to put us in contact with persons who were refused assistance by Nations. With this, we would be able to determine whether such refusal was based on race, national origin, or other factors. Without this, we are unable to determine whether Nations refuses assistance to African-Americans or Hispanics.

From: Joyce Bechler
To: Dist1, Janes Robert; Dist2, St. Cerny; Dist5, Albion
Date: 10/1/04 2:31PM
Subject: Mrs. Murphy

I asked Mrs. Murphy to leave her number several times but she said she is calling for all the people that are so very thankful that the Commissioners called for an audit of The Nation's Food Bank. She says that they all know the truth and that he only gives food to the people from his Church that tithe or people that do him favors. She says that the black people are turned away and sent to the Open Door Food Bank. The woman at the Open Door gets no monetary donations only food donations and gives food to anyone that comes there. Mrs. Murphy asks that, " Mr. St. Cerny not be fooled by what he says about feeding 30,000 people." She says, " it's an outright lie."

Thanks,

JB

Joyce Bechler
Senior Office Assistant
(239) 335-2259

From: Janes Dist1
To: Amall, Ann; Dist2, St. Cerny; Dist3, Judah; Dist4, Coy; Dist5, Albion; Hammond, William; Hawes, Karen; Schwartz, Holly; Stilwell, Donald; Winton, Pete
Date: 10/1/04 3:12PM
Subject: Fwd: Mrs. Murphy

I received the same call from Ms. Murphy, who further stated that it was well known in the community that Nations Association will only service the Hispanics in the area they will not service the African-Americans, but are sent to other food banks such as Open Food Bank. In the Hispanic community, he will take care of those that tithe to his church first. She stated that there is no way that he will feed 30,000 people because he turns to many African-Americans away. Furthermore, he receives funds from other agencies. She urged that the BOCC first audit Nations before providing any tax dollars assistance to that organization. If Lee County wanted to help agencies then look around and find out who is really feeding a lot of these folks and doing so with volunteers and not paid staff...i.e., Open Food Bank, Helping Hand....

Nan Summerall Gonzalez, Executive Assistant
Commissioner Bob Janes, District #1
Lee County Board of County Commissioners
P.O. Box 398
Ft. Myers, FL 33902-0398
Dist1@leegov.com
239/335-2224 (office)
239/335-2355 (fax)

From: Ann Arnall
To: Fraser, Andrea
Date: 10/19/04 11:02AM
Subject: Dr. Wiley

The person I spoke to is Dr. Wiley. He was the founder of Wake Up America which is also a food program. His phone number is 561-5672.

Ann M. Arnall
Deputy Director
Department of Human Services
83 Pondella Road, Suite 1
North Fort Myers, FL 33903

This e-mail, including any attachments, may contain confidential or privileged information that is intended solely for the individual to whom it is addressed. If you believe you have received this e-mail in error, please notify the sender and then delete this e-mail immediately.

Thank you.
Lee County Department of Human Services

arnallam@leegov.com
Phone: 239-652-7920
Fax: 239-652-7960

Human Services Website and Directory Online:
<http://www.dhs.lee-county.com/>

From: Joyce Bechler
To: Fraser, Andrea
Date: 10/20/04 4:21PM
Subject: Mr. Luther Jones @ 898-2691

Mr. Jones called in to say that he agrees that Mr. Suarez of the Nations Food Bank is discriminating against the black people in the neighborhood. Mr. Jones remembers when he worked for the School Board and they had a food drive that he personally took the 13 boxes of food in his truck over to Nations. There were a couple of black families in there at the time and Mr. Suarez didn't want to give them any of the food he brought and he would not sign a receipt for the donated food either. He says it's about time something is being done about it.

Thanks,
JB

Joyce Bechler
Senior Office Assistant
(239) 335-2259

Jack Barden - Call to Nan Summerall

From: Jack Barden
To: Barden, Jack
Date: 10/20/2004 10:39 AM
Subject: Call to Nan Summerall

Barden called Summerall at 10:20AM on 10-20-04. Summerall said that she did not have any contact information on Mrs. Murphy. She said that Murphy said that she was calling on behalf of a lot of people. Summerall said that she looked on the caller ID when Murphy called and there was nothing. Mrs. Murphy did say that she was a volunteer for Open Door Food Bank.

Jack Barden
Equal Opportunity Analyst
Office of Equal Opportunity
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Fort Myers, FL 33902-0398
(239) 335-2178
(239) 335-2262 (Fax)
bardenjm@leegov.com

Exhibit 5

Jack Barden - Call to Open Door Food Bank

From: Jack Barden
To: Barden, Jack
Date: 11/1/2004 10:00 AM
Subject: Call to Open Door Food Bank

Barden called Open Door Food Bank 239-694-4050. Barden got "Sprint Privacy ID", gave the name Jack Barden.

I can't say that no had a complaint. I can't say that no one didn't.

Have had people say things occasionally over the years.

We don't call anybody by last name. We've had a lot of good volunteers. Personally, I don't have a complaint. They did not tell me.

Just came back from Delaware. Just honored in Delaware with honorary Doctor degree.

Has she ever had people come to her complaining about Nations? Been operating seven. Yes, I have had people come to me and say things like that. I've had Spanish people come to say things like. They just help people who go to his church.

Black people and Spanish people. The former Outreach Director, David, would say things to her. If you don't go to his church, he wouldn't go out of his way to help you. A lot of black people

I just don't want to get Open Door Food Bank to get caught up in this.

A ball park? I don't know. Maybe three to five people. Mostly in the latter three or four years. As she began to get stronger and serve more people, they began to open up to her.

One year '02, seemed like she got a lot of complaints. Fewer in '03. She said that she could not give a name because she served about 70,000. The people who complained who had at one time attended his church. If you go to his church, you could get food. If you didn't he didn't go out of his way to help you. The Spanish complained about this.

'03 and '04 they got a call from Nations. She wasn't sure why this was. She always asks "Who sent you?". Many of these were black, some were Spanish.

Nations used to call before they sent them. They then began just sending them. She said that she called them and asked them to call before them.

She recently got a call from a homeless man saying that "Nations told me to call you."

She said that Mrs. Murphy does not ring a bell. She has had a lot

People have come to her and complained about Harry Chapin. She knows that people have complained about Open Door. Many of the people they deal with are in emotional distress. They have had vicious things about others in her presence. She had a white couple come to her door at 7:45PM. She told them that she could not open her house up. She went to Nations and other places but didn't get enough. They then said they would come back tomorrow.

The woman of the couple got a lot of food from her last year. She saw her on TV at Nations last year. She said that she saw the woman on TV. She knew that she was the type to go from one place to the other. If she ran into a problem, she would then go around bad-mouthing you.

She said that she is not against Rev. Suarez, Harry Chapin or any of the food banks. She does not want to get drawn up into this.

Barden gave Rev. Jeeters his number and asked her to call him if she had any information on Mrs. Murphy. She said that would look at her records to see if she could find this name.

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bardenjm@leegov.com

Exhibit 6

Jack Barden - Call to Dr. Wiley @561-5672

From: Jack Barden
To: Barden, Jack
Date: 11/2/2004 3:09 PM
Subject: Call to Dr. Wiley @561-5672

Call to Dr. Wiley @561-5672. A man answered the phone. Barden asked for Dr. Wiley. He said that this was Mr. Wiley.

Barden identified self by name, agency. He said that he called before. He said that he was calling about the call he placed to Ann Arnall. The man said that Barden had the wrong number. Barden read the number above to him. He said that this was the correct number.

Barden said that he had an e-mail. Wiley cut Barden off and said that he didn't have e-mail. Barden finished saying that he had an e-mail from Ann Arnall to someone else. Barden read the e-mail: "The person I spoke to is Dr. Wiley. He was the founder of Wake Up America which is also a food program. His number is 561-5672." Wiley said "she gave you the wrong number, I'm not a doctor." Wiley then hung up.

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Exhibit 7

Jack Barden - Call to Luther Jones

From: Jack Barden
To: Barden, Jack
Date: 10/28/2004 2:56 PM
Subject: Call to Luther Jones

This is documentation of a call placed at c. 9:10AM today, 10/28/04.

Barden called Luther Jones @898-2691. Barden got announcement that said this was "LQ Jones". Barden left message he was following up on Jones' call to Lee County about Nations Association.

He left his name and number.

Jack Barden
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bardenjm@leegov.com

Exhibit 8

Jack Barden - Call to Luther Jones

From: Jack Barden
To: Barden, Jack
Date: 11/3/2004 9:57 AM
Subject: Call to Luther Jones

Barden called Luther Jones @898-2691. Barden got answering device that said "LJ Jones" not "LQ Jones" as previously reported. Barden left message that he was calling again to follow up on his call to Joyce Belcher in October. Barden left his name and number.

Jack Barden
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Exhibit 9