



## MANATEE COUNTY GOVERNMENT Notice of Disciplinary Action

**Today's Date:** 17<sup>th</sup> May, 2024  
**Employee:** Daniel Marchick  
**Dept/Div:** Code Enforcement

**Employee ID:** M010786  
**Position Title:** Code Enforcement Officer I  
**Date of Hire:** 01 July, 2023

**Dates/Times of Violations:** 22 April 2024, 1 May 2024, 14 May 2024, and 16 May 2024

**Policy Violation(s)** Employees has violated the following Manatee County Government Personnel Policy, Rules, and Procedures Manual. Refer to Section XI.B. Grounds for Discipline or Discharge:  
***RULE - XI.B. and rule or article number of violation along with the detailed description of said rule or article in relation to the Personnel Policy, Rules and Procedures Manual. If the employee violated a department rule or policy, please reference that policy in this block.***

**Section XI.B. Rule 21:** Violation of a County or departmental rule, procedure, order or regulation, any statute or ordinance related to County employment, or any provision of this policy.

**Section XI.B. Rule 34:** Productivity or workmanship not up to required standards of performance.

**General Order 07:** B. Officers are required to work proactively and reactively and address all violations observed, as well as respond to complaints reported to the Code Enforcement Division.

**General Order #18:** A. Code Enforcement Officers shall perform all functions as outlined in their respective job classification as well as other related work as required. B. The Code Enforcement Division implements a "holistic" approach to code enforcement. Therefore, the goal of Code Enforcement is voluntary compliance. This approach involves addressing ALL violations on properties at the initial inspection. It is important, reasonable, and equitable to inform all parties involved as to all violations found at the time of inspection, as well as the corrective actions to be taken. C. All employees are expected to manage their daily work assignments effectively and efficiently. Officers are to be proactive within their assigned zones. If the Officer is being inundated with complaints, calls, or violations in their zone, reach out to your team and/or your Lieutenant as soon as possible for assistance. It is the responsibility of the Officer to ensure that they request assistance as needed to continue to perform effectively. D. It is the Code Enforcement Officer's responsibility to ensure all cases have all required photos, notes, affidavits, additional supporting evidence documentation and/or contacts etc. This is done prior to the case being forwarded to the Administrative Specialists for hearing processing. This is an important aspect of checks and balances and ensures all cases are properly handled. Every Code Enforcement officer must review their case prior to forwarding it to the Administrative Specialist who will forward it to the Division Chief or designee who will review it for completeness and accuracy. Once it is reviewed the Administrative Specialist will take responsibility for the case file. Therefore, officers must diligently manage their case load by responding to and following up on cases in a timely manner. Every Officer is expected to manage their cases as follows: i. Make timely inspections. ii. Shall make detailed entries outlining and telling the story of each inspection or event. (i.e., what you observed, who you spoke to, any efforts to comply by the violator, contact information, etc.). iii. Include all photos and documentation, including all affidavits. iv. Follow up as indicated in the case files. v. Ensure all paperwork is properly filled out and filed properly. vi. Ensure proper citations of codes and ordinances. vii. Ensure proper wording and proper responsible parties are cited. viii. Adhere to the due process requirements of

State Statutes and the County Code of Ordinances. ix. Follow all professional protocols. x. Be professional in attitude, composure, and appearance. E. Job duties of a Code Enforcement Officer include initiating investigations of code violations as observed, following up on complaints and working in conjunction with other departments engaged in various code compliance tasks, i.e., health and sanitation codes, licensing, building, zoning, lot mowing, etc. Assist violators to set goals, develop strategies and schedules for meeting them. When applicable, officers may need to take formal forms of enforcement. All enforcement action, formal or informal, shall be documented. F. During an investigation officers will: 1. Attempt personal contact; when possible. 2. Treat every case as an opportunity to educate. 3. Use informal methods wherever and whenever possible. 4. Always show respect, be courteous, polite, helpful, professional, and be approachable. 5. Always use common sense. 6. Always be careful and use officer safety techniques. 7. Never exit your vehicle without your issued cell phone. 8. Follow up on all active cases. 9. Treat everyone equally and remain impartial. 10. Use the assistance of Code Enhancement to research LDC violations as needed. G. Officers should not engage in investigations that exceed their training or expertise. In those situations, the officer should notify their supervisor or the chief. In addition, officers should seek assistance from other departments, divisions or agencies having the appropriate qualifications or skills necessary to provide technical assistance. H. Officers are expected to take the initiative to establish contacts with other departments, divisions, or other agencies.

**General Order #22:** A. Code Enforcement Officers shall perform all functions as outlined in their respective job classification as well as other related work as required. B. It is the Code Enforcement Officer's responsibility to ensure all cases have all required photos, notes, affidavits, additional supporting evidence documentation and/or contacts etc. This is done prior to the case being forwarded to the Administrative Specialists for hearing processing. This is an important aspect of checks and balances and ensures all cases are properly handled. Every Code Enforcement officer must review their case prior to forwarding it to the Administrative Specialist who will forward it to the Division Chief or designee who will review it for completeness and accuracy. Once it is reviewed the Administrative Specialist will take responsibility for the case file. C. All employees are required to perform their duties (job tasks) in a specific manner. These performance expectations have been, to some extent, outlined throughout this document and other documents. This section will help clarify performance measures for all staff. It is important that every employee know what is expected of them from a performance perspective, which is why there is a need for performance expectations: In fairness to everyone, how can anyone be held accountable for their performance if there are no understood expectations. D. Since every employee is afforded discretion in how they manage their cases and workload performance standards become difficult to establish. However, because of the unique nature of code enforcement, every employee must understand that the intent of these performance expectations is not to develop a quota system, rather, it is a method to address those problem areas throughout the County with a bona fide objective and to make a difference in the level and quality of services we deliver. E. Every employee must have the understanding that overall performance is not as simple as developing a quantitative measure to evaluate self-initiated performance. Remember quality is more important than quantity. F. The goal of Code Enforcement is compliance. Therefore, officers must diligently manage their case load by responding to and following-up on cases in a timely manner. Every Officer is expected to manage their cases as follows: 1. Make timely inspections. 2. Shall make detailed entries outlining and telling the story of each inspection or event. (i.e., what you observed, who you spoke to, any efforts to comply by the violator, contact information, etc.). 3. Include all photos and documentation, including all affidavits. 4. Follow up as indicated in the case files. 5. Ensure all paperwork is properly filled out and filed properly. 6. Ensure proper citations of codes and ordinances. 7. Ensure proper wording and proper responsible parties are cited. 8. Adhere to the due process requirements of State Statutes and the County Code of Ordinances. 9. Follow all professional protocols. 10. Be professional in attitude, composure, and appearance. G. All employees are expected to manage their daily work assignments effectively and efficiently. Officers are to be proactive within their assigned zones. If the Officer is being inundated with complaints, calls, or violations in their zone, reach out to your team and/or your Lieutenant as soon as possible for assistance. It is the responsibility of the Officer to ensure that they reach out for assistance as needed to continue to perform effectively.

**General Order #27:** A. Proactive enforcement involves patrolling of streets, blocks, and neighborhoods looking for violations, addressing specific complaints, or identifying potential violations before they become overwhelming or out of control. Every Code Enforcement Officer is required to approach their assigned zones proactively. This begins by addressing violations that are but are not limited to: i. Visually obvious ii. On main corridors iii. Recurring violations iv. Repeat offenders v. Issues/concerns from all other sources B. An important aspect of being proactive is getting to know the residents and business owners in your zone. Every Code Enforcement Officer is required to identify neighborhood watches, neighborhood associations, action groups, or other community groups in their zone. Once identified, the Officer, will contact these groups and begin to establish an educational outreach program designed to educate the community and establish a working relationship with all stakeholders of the community. This may include speaking at public meetings, holding workshops, establishing work teams to address specific issues in the area, distributing educational information, attending seminars, and many other events that may present themselves in their zones. This also means participating in special community events in the Officer's zone such as trash clean ups, task forces, or other special projects. Once the Officer identifies these groups, they should add it to the spread sheet that the Division maintains for all groups.

**General Order #30:** A. Each Code Enforcement officer is responsible for the proper management, documentation, and follow-ups for all their cases from initial inspection to compliance. B. It is the Code Enforcement Officer's responsibility to ensure that the legal elements of proper "Notices" as outlined in Florida Statutes are met. C. The Code Enforcement Officer shall ensure the following documents are included in each case file: 1. Notice's (NOV, Citation, NTA, Event Report, etc.) issued. 2. Property Appraisers print out (including unit number, if applicable). 3. Email or any other written correspondences. 4. Sunbiz.org, if applicable. 5. Court documents, if applicable. 6. Tow sheets. 7. Mow sheets. 8. Photographs. 9. Affidavits. 10. Proof of Lis Pendens. 11. Vacant Property Registry.

**FACTS – MANAGEMENT RESPONSE: What happened, how it happened, when and where it happened, and who was involved. Describe of how the Rule or Policy was violated in detail.**

In early April 2024, officers were reassigned to different Lieutenants based on the area of their assigned zones. Officer Marchick was re-assigned to LT. Szink based on his zone. Since then, on multiple occasions described below, during in person meetings and via phone calls to officer Marchick, he has been asked by 2 different Lieutenants why his case load is low, and why no proactive cases had been made in weeks. Officer Marchick along with the other 17 officers are responsible for being proactive in their assigned zones per general order #27. Officer Marchick's proactive cases have been below average of what his peers are initiating in their zones. Cases have not been created to reflect investigations that Officer Marchick has been asked to investigate. On multiple occasions it was observed that re-inspections had not been performed on multiple cases/no re-inspections were created unless Lieutenant Szink contacted Officer Marchick and questioned him why. His answer when asked was always "I forgot". Case CE2403-0276 never had a re-inspection created or a notice of violation written within the 30 days of a case being opened. Case CE2405-0031, CE2405-0033, CE2405-0034, CE2405-0029 were all inspected one time and Officer Marchick has not returned in the required 7 days to investigate again. Cases CE2403-0010 and CE2402-0279 have been open for a while and no notice of violation has been written to date. Case CE2405-0355 was for a sign violation made case never updated case with new photo or close case and case still open to date.

At around 8:26 the morning of 22 April 2024, Lt. Szink phoned D. Marchick to request his assistance in investigating a property concerning a reported illegal sign encroaching into the right of way. Upon Marchick's arrival, it was observed that the sign straddled both the right of way and private property. Following Marchick's communication with the property owner, they relocated the sign onto their own property. However, a disagreement ensued between Marchick and Lt. Szink regarding the significance of the location and the reason for his presence. He inquired about the origin of

the complaint, specifically whether it came from a commissioner, and expressed frustration at the lack of clarity. Lt. Szink emphasized that adherence to the code should be paramount, regardless of the complainant's identity. Marchick was informed by Lt. Szink that the complaint indeed came from a commissioner. Additionally, he was instructed to compile a case using the photos he had sent to Lt. Szink via text. (Despite this directive, as of May 16, 2024, no case had been pursued by Code Enforcement, and the sign remained in place on the property.) Subsequently, Marchick contacted Lt. Szink to announce his decision to take the remainder of the day off, as well as the following two days (April 22nd and 23rd), citing exhaustion and the need for a break from the situation.

In the first week of May 2024, Lt. Szink went in Marchick's zone which is zone 5, west Bradenton and had to make cases that he still had not made a week after being asked to do so and being asked to check the area and be more proactive. Lt. Szink made 8 cases that day off 59<sup>th</sup> St W for Marchick to investigate. To date Marchick has only been to the properties once and has not been back to verify the violations still exist or have been corrected. Again, the morning of 14 May 2024, Lt. Szink, prompted by a complaint from a concerned individual regarding a lack of communication from Marchick concerning a case at 303 48th St W, contacted Marchick to inquire about the status of the matter. Marchick explained that the property owner was collaborating with a contractor to obtain old plans. Lt. Szink pointed out to Marchick that no re-inspection had been conducted since his last visit on March 13th, 2024, and no progress had been made towards issuing a notice of violation. Despite his assertion that he was working on the issue, Lt. Szink emphasized that his actions didn't align with his notes, necessitating a supervisor's intervention to schedule a re-inspection. Lt. Szink reminded Marchick of the protocol to issue a notice of violation within 30 days of opening a case if the property remained non-compliant. Following our discussion, Marchick eventually drafted the notice of violation on May 14th, 2024, albeit after some initial disagreement regarding the necessity of this action.

Lt. Szink's last conversation with Marchick prompted this initial write up was on 16 May 2024, around 9 a.m. when he contacted Marchick to inquire whether he had conducted a drive-by inspection of the property located at 417 67th St NW. Marchick responded negatively, prompting a request that he visit the property to confirm the removal of an illegal sign. Agreeing to do so, Marchick subsequently sent a text around 9:38 a.m. stating that he had removed the sign as instructed. However, he failed to provide photographic evidence, necessitating a follow-up request for him to return to the property to capture an image for his case. After Marchick eventually sent the requested photo, he questioned why his word alone wasn't sufficient and sought to ascertain the identity of the inquirer. He was informed that the inquiry originated from upper management, including myself, the chief, and the deputy director. In response, Marchick replied with a lighthearted "Figured lol" and shared the requested photo. Despite repeated requests, Marchick consistently resists fulfilling his job responsibilities, including providing necessary documentation and responding to emails in a timely manner. He tends to engage in arguments with supervisors, both over the phone and via text, displaying reluctance to comply with required tasks.

***FACTS – EMPLOYEE RESPONSE (PRIOR TO BEING ISSUED THIS DISCIPLINE): Has the employee been provided a chance to explain conduct? Was the employee's response corroborated? Document employee response prior to issuing this Notice of Disciplinary Action.***

When Marchick has been asked/counseled by Lt. Szink about why he hasn't written a notice of violation, open a case, being proactive in his zone or following procedure, his verbal and written statements show that he is upset and disagrees most of the time when Lt. Szink has covered issues with him, or says, "I forgot" or "I'm working with them".

***IMPACT: Describe how adverse impact of employee below standard performance on the workplace (including any negative effects on operations, employer or department reputation, other employees, and citizens).***

Due to Officer Marchick's lack of work ethic, lack of proactive case work, not following the SOP and General Orders, unresponsive to citizens he has proven he is not looking out for what is best for the citizens of Manatee County or the Public Safety/Code Enforcement Division. His action reflects the reputation, trust, and ethical character of the division.

**SUGGESTIONS/DIRECTIONS:** Identify the desired change to correct the below stand performance or behaviors. Suggestions must provide ideas for employee growth and development and offer strategies for complying with directions. Include directives along with effective timelines and consequences for non-compliance. Provide assistance and resources for the employee.

Recommend that Officer Marchick be placed on a performance improvement plan.

**KNOWLEDGE:** Notify the employee of their rights and inform the employee that this action will be placed into their personnel file. The employee signature of this form confirms that they received this action (the signature does not indicate whether the employee agrees). This action will be filed your personnel file as dictated by the Personnel Policy, Rules and Procedures Manual or Collective Bargaining Agreement.

Prior Warnings & Disciplinary Actions:

Has this employee been warned or disciplined before about this type of violation?

Yes       No

If Yes, check all that apply:

Written Warning     Suspension     Demotion     Probation     Other: Verbal

Date(s): 22 April 2024, 1 May 2024, 14 May 2024, and 16 May 2024

Action to be Taken

Suspension     Demotion     Probation     Termination     This Notice of Disciplinary Action

Probation:	From:	To:
Suspension:	From:	To:
Demotion:	From:	To:
Termination:	Effective Date:	Time:

Issued by:

Supervisor Name: Brad Szink

Supervisor Signature: *Brad Szink*

Date: 5/21/2024 | 11:18 AM EDT

Manager Name: Tom Wooten

Manager Signature: *Tom Wooten*

Date: 5/21/2024 | 1:41 PM EDT

Department Director Name: Deputy Director: Logan Gregory signing for Jodie Fiske

Department Director Signature: *Logan Gregory*

Date: 5/22/2024 | 3:43 PM EDT

Approved by:

Employee Relations Manager or Designee Name: Zach Ribble

Human Resources Signature: *Zach Ribble*

Date: 5/23/2024 | 9:18 AM EDT

**I acknowledge receipt of this Notice of Disciplinary Action and have been notified of the appeal process as described in the Personnel Policy, Rules and Procedures Manual for the appropriate disciplinary action. I understand this appeal process applies only to Regular employees.**

Employee Signature: *Refused to Sign*

Date: *5-24-24*

*Date HR Liaison or Supervisor Emailed Completed Form to Employee and Employee Relations Division: 05/28/2024*