

## **Fwd: Hostile Work Environment/Retaliation Complaint**


---

**From:** Thomas Class tclass@trophyclub.org

**To:** MayorAndCouncil MayorAndCouncil@trophyclub.org

**Cc:** David Dodd ddodd@trophyclub.org, Jonathan Phillips jphillips@trophyclub.org

**Date:** Thursday, April 4, 6:04 PM

 **Home Rule Charter References 04.04.19.pdf 102 KB**  
**Policy & Procedures Manual References 04.04.19.pdf 122 KB**  
**Texas Open Government Code Reference 04.04.19.pdf 102 KB**

Mayor Sanders,

For the purpose of this communication:

1. "A whistleblower" is defined as an employee who provides information to investigators about an illegal activity.
2. "Whistleblower" laws are intended to protect employees by making it illegal to fire or otherwise retaliate against an employee who reports an employer's illegal or unethical acts.
3. "Retaliation" is defined as suspending, terminating, or taking other adverse actions against an employee for reporting a violation.

Consistent with my duties as Town Manager under Article IV, Section 4.05 of the Town of Trophy Club Code Of Ordinances, and obligation under multiple Sections of the Town of Trophy Club Human Resources Policies & Procedures Manual, and in accordance with Texas Government Code Title 5, Subtitle A, Chapter 554, Protection For Reporting Violations of Law; please accept this as a formal notification of request for protection from defamation of character, retaliation, and continued abusive, intimidating, harassing, and profane conduct on the part of certain Town Council Members as a result of my previously disclosed interaction with law enforcement. This interaction was disclosed to Council during Executive Session on March 26, 2019, where I truthfully acknowledged speaking with a member of law enforcement about a potential conflict of interest involving one or more members of the Trophy Club Town Council.

I am therefore requesting that you take immediate action on my behalf consistent with your duties and obligations as Mayor under Article, III, Section 3.06 and Article 1.03, Section 1.03.032, as it relates to the hostile work environment caused by the willful actions of certain Council Members. My request is based in part, but not limited to, the following actions enumerated below:

1. During the March 26, 2019 Trophy Club Town Council Meeting Executive Session there was a fairly heated discussion between Council Members Eric Jensen and Greg Lamont concerning a potential conflict of interest

involving Jensen's wife's employment at Performant Fitness gym. At some point during the discussion Council Member Jensen abruptly stopped, turned to Council Member Shoffner, and said words to the effect "Philip, ask the question." Council Member Shoffner addressed Town Attorney David Dodd and then read the following scripted question directly from his computer (best recalled): "Have you been a part of or do you know of an investigation of the Town, any staff or elected official for conflict of interest in the last year?" Attorney Dodd replied "no."

Council Member Shoffner then turned to me and read the same scripted question from the computer. Immediately after I responded "yes," and offered that I had been contacted by the Texas Rangers and had met with them, Council Member Jensen immediately pointed his finger at me and in a raised voice yelled "you need to resign." I responded loudly with words to the effect "I'm not resigning, I'm not going anywhere; you are going to have to fire me." Shortly thereafter, a heated argument ensued during which time CM Jensen called me a "liar" and accused me of "leaking" information.

Witnesses to Council Member Jensen's abusive, intimidating, harassing, defamatory and retaliatory conduct during Executive Session are: Mayor Nick Sanders, Council Members Alicia Fleury, Philip Shoffner, Greg Lamont, Town Attorney David Dodd, Town Secretary Holly Fimbres, and I.

2. On or about March 28, 2019 at the direction of Mayor Sanders, I forwarded an electronic copy of an email communication between Council Member Tim Kurtz and Old Town Development (OTD) Principal Chris Gordon dated March 15, 2018. The email referenced a potential conflict of interest related to an investment in Turnberry Capital. The email in question was retrieved directly from the Town of Trophy Club server and was clearly dated and time-stamped "March 15, 2018 4:44 PM." The email was subsequently forwarded to Council Members Shoffner, Lamont and potentially others, and at some point was alleged to have had a different date and time stamp indicating that it had potentially been altered. In an email from Council Member Shoffner to Mayor Sanders dated March 28, 2019, Council Member Shoffner acknowledged the discrepancy stating: "Am I missing something?" "This email is dated yesterday?" "How would Tom have this Tuesday Night?"

The following day, March 29, 2018, Mayor Sander definitively cleared up the discrepancy indicating the date change was the result of an Adobe Flash Player issue, and forwarded to all Council a scanned copy of the original; stating "As you can see, the photo copy of the email clearly shows the email date of 3-15-18." Based on this email notification, all Council was notified that the document date and time stamp had not been altered.

On April 2, 2019 prior to a meeting with Attorneys Philip Ray, Ashkan Mehryari, and Kristin Regel (representing Council Member Kurtz and OTD Principal Chris Gordon), I spoke with Council Member Shoffner who initiated a conversation about the email and acknowledged he knew it had not been altered. During the meeting Attorneys Ray and Mehryari referenced on multiple occasions their knowledge of the existence of a falsified document. Both Attorneys later directly accused me of falsifying the document, stating



that I had committed a felony criminal offense for having done so, and demanded that Town Attorney David Dodd initiate an investigation. Attorney Mehryari also said that he would refer the matter for investigation to an unspecified law enforcement agency. Council Member Shoffner was present during the entire meeting, witnessed the threats of potential criminal prosecution and incarceration, and knowing the accusation to be patently false, said absolutely nothing in my defense. As an elected official and representative of the Town, his failure to act on my behalf only perpetuated the intimidating, harassing, and abusive behavior of the Attorney directed towards a Town employee and did nothing to set the record straight and deescalate the situation.

Again, based in part, but not limited to the information enumerated above, please accept this as a formal notification of my request for protection.

Respectfully submitted,

Thomas M. Class, Sr.



**Thomas M. Class, Sr., Town Manager**

Town of Trophy Club  
One Trophy Wood Drive, Trophy Club, TX 76262  
[682.237.2901](tel:682.237.2901) office | [817.504.1567](tel:817.504.1567) cell | [tclass@trophyclub.org](mailto:tclass@trophyclub.org)  
[www.trophyclub.org](http://www.trophyclub.org) | [www.facebook.com/trophyclubgov](https://www.facebook.com/trophyclubgov)

-- Attention: Please note any correspondence, such as e-mail or letters, sent to Town staff or officials may become a public record and made available for public/media review.

-- Public Officials: A "reply to all" of this e-mail may lead to violations of the Texas Open Meetings Act. Please reply only to the sender. [020415]