

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

FEB 27 2012

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

JAMES W. McCORMACK, CLERK
By: Jones
PLAINTIFF DEP. CLERK

GARLAND L. CAMPER

V.

NO.: **4:12-CV-124 JMM**

F.G. "BUDDY" VILLINES, COUNTY JUDGE,
INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY;
KARLA BURNETT, INDIVIDUALLY AND IN HER
OFFICIAL CAPACITY;
PULASKI COUNTY, ARKANSAS

DEFENDANTS

COMPLAINT

Comes now the plaintiff, Garland L. Camper, by and through undersigned counsel, and for his complaint, states:

I. This case assigned to District Judge Moody
and to Magistrate Judge Kearney
JURISDICTION

1. This suit is instituted pursuant to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, 42 U.S.C. §2000e et seq, and the Civil Rights Act of 1991. Relief is sought pursuant to this act as well as 42 U.S.C. §1981, 42 U.S.C. §1983 and 42 U.S.C. §1988 and all statutes mandating punitive, compensatory, liquidated and declarative damages. Relief is also sought under the Arkansas Civil Rights Act, common law for wrongful termination, outrage and detrimental reliance. These claims are pendent to the claims for relief aforementioned and therefore this Court would have jurisdiction. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§1331 and 1343.

II.

PARTIES

2. Plaintiff is a black male citizen of the United States who resides in Pulaski County, Arkansas. He was employed by Pulaski County as the Pulaski County Coroner.

3. The defendant, F.G. "Buddy" Villines, is the chief executive officer of Pulaski County. The defendant, Karla Burnett, is the county attorney of Pulaski County. The defendant, Pulaski County, is an employer within the meaning of 42 U.S.C. §2000, et seq. Pulaski County is a department of the State of Arkansas whose chief executive officer is an entity organized under the laws of the State of Arkansas.

III.

STATEMENT OF THE CASE

4. Plaintiff began his employment with the defendant as the Pulaski County Coroner on or about April 8, 2008. Prior to his appointment as Coroner, plaintiff served as Chief Deputy Coroner for thirteen (13) years.

5. In the third week of March of 2011, Plaintiff received a letter from an attorney advising him that one of his former employees was considering filing a gender and possible sexual harassment case against him. The attorney indicated that his client was a former female employee. The attorney advised Plaintiff to contact his office in twenty days or his client

would contact the Equal Employment Opportunity Commission (EEOC) and file a complaint.

6. The fourth week of March of 2011, Plaintiff made contact with County Attorney Karla Burnett and advised her of the situation since Judge Floyd G. "Buddy" Villines was out of town. Plaintiff also told Ms. Burnett that he would be speaking with Judge Villines. Some days later, Judge Villines returned and met with Plaintiff in his office. Judge Villines informed Plaintiff that he had been briefed somewhat by Ms. Burnett.

7. During the meeting, Judge Villines told plaintiff that he had had similar prior sexual allegations that he had overcome. Plaintiff was aware of the fact that Judge Villines had affairs with Pulaski County employees. Judge Villines assured him that he would be able to overcome this problem as he was able to overcome his past problems. Judge Villines assured Plaintiff that he was pleased with his performance of running the office. Judge Villines also assured Plaintiff as long as there was no complaint brought to the County, he had no reason to take any action against him. Judge Villines told Plaintiff that he was doing an outstanding job and this would not change that.

8. Prior to leaving, Plaintiff told Judge Villines that the matter would be resolved privately. Plaintiff and Judge Villines shook hands, and Plaintiff left the office.

9. The following day, based upon Judge Villines verbal assurances, Plaintiff's made contact with the attorney and the

matter was resolved privately without any resources from Pulaski County.

10. Plaintiff had a defense to this action; but, settled the matter based on Judge Villines' assurances that he would not take any action against him if no action was filed against the County. No action has ever been filed with the EEOC concerning the plaintiff and this former employee.

11. Approximately three days after meeting with Judge Villines, Ms. Burnett contacted Plaintiff and asked if he could meet with her in her office. Upon Plaintiff's arrival, Ms. Burnett immediately asked the question, "Have you considered resigning"? Without hesitation, Plaintiff asked, "For what? " Ms. Burnett went on to advise him that if there was ever anything to come against the County, she was afraid that she couldn't defend Plaintiff. Plaintiff then told Ms. Burnett that he had resolved the matter and it was understood by Judge Villines during his last meeting with him that as long as the matter was resolved, no further action would be taken. Plaintiff then told Ms. Burnett that he would be speaking directly with Judge Villines as soon as he returned to the office.

12. A couple of days passed, and Judge Villines returned to the office. It was at that time Plaintiff and Judge Villines met. Judge Villines indicated that he expressed to Plaintiff that he had a change of heart. Plaintiff asked what brought about this sudden change of mind. Judge Villines then

asked Ms. Burnett to join the meeting. Again, Plaintiff asked the same question and Judge Villines dropped his head and yielded to Ms. Burnett. She then told Plaintiff that if he didn't resign, that they would publicly humiliate him, his wife, his kids and the Church he attended by conducting an investigation. Ms. Burnett indicated that the investigation would be a long and drawn out process and she once again indicated that they would humiliate Plaintiff, his wife, his kids and the Church Plaintiff attended. She then indicated that Plaintiff would then be forced from office after the humiliation of the process had taken place. Judge Villines then stated he needed some time to think about it and he wanted the weekend to give it thought. He then stated he would meet with Plaintiff on Monday.

13. On Monday, April 11, 2011, Plaintiff went to his office and prepared to meet with Judge Villines. However, he received a call from Judge Villines telling him that he wasn't coming into the office and wouldn't be meeting with Plaintiff. He cut Plaintiff off as he tried to ask about the meeting he had scheduled. He stated he didn't want to meet and discuss it and he needed to have Plaintiff's letter of resignation on his desk by the end of business that day. Plaintiff was forced to resign.

14. Judge Villines has permitted, engaged in and tolerated sexual relationships among County employees in County Administration. Judge Villines, County Attorney Karla Burnett, County Administrator Mike Hutchens, and the past comptroller Mr.

Ron Quillen have all been involved in sexual relationships with county employees.

15. Karla Burnett was acting as attorney for Pulaski County. At the same time, Ms. Burnett was acting as the attorney for Judge Villines. At the same time, Ms. Burnett was acting as the attorney for Plaintiff. Ms. Burnett was advising Judge Villines, the Plaintiff in his capacity as coroner, and the Plaintiff in his individual capacity.

16. After plaintiff was forced to resign, Judge Villines made statements as to why Plaintiff was forced to resigned. These statements were false. Judge Villines told some Quorum Court Members that he forced Plaintiff to resign because he had too many complaints about plaintiff talking to the media. Judge Villines told other Quorum Court Members that Plaintiff had pronounced someone dead that wasn't dead.

17. Judge Villines has made false statements about Plaintiff that were subsequently published in news articles. In one article, Judge Villines indicated: "I've talked to him for several months," Villines said. "He was always in conflict with police agencies." The article went on to report "[t]he squabbling was evident in cross-talk between Camper and Sheriff Doc Holladay at Quorum Court meetings, but Villines said virtually every police agency, beginning with Little Rock police, had complaints about Camper's injecting himself into news coverage of crimes. He said Camper had a tendency to talk to the press about opinions

rather than go to police agencies directly. He said he sometimes agreed with Camper's opinions, but all it did was "aggravate" cops."

18. Plaintiff has denied these statements and has made a request that he be reinstated.

FIRST CAUSE: EMPLOYMENT DISCRIMINATION

19. White staff members have engaged in similar conduct as plaintiff; however, they have not been terminated. Judge Villines created an employment environment where sexual relationships with other county employees were tolerated and permitted. Judge Villines himself has engaged in sexual relationships with county employees. Karla Barnett (white, female), the county attorney has maintained sexual relationships with county comptroller/administrator Ron Quilllin but has not been terminated by Judge Villines. Mike Hutchens, (white, male) county comptroller and county administrator maintained a sexual relationship with the County Attorney Karla Burnett. They are now married; yet, they were not terminated by Judge Villines. These similarly situated employees were not terminated. Plaintiff was terminated because of his race, black.

20. The plaintiff was treated differently than similarly situated white employees in that when he was asked to resign, he was not given an opportunity to find other employment or work before being forced to resign. When Mark Malcolm (white male) the former coroner resigned, Judge Villines gave Mr. Malcolm an

opportunity to find other employment before he left. When Ron Quillin (white male) the former county administrator resigned, Judge Villines gave Mr. Quillin an opportunity to find other employment before he left.

21. The aforesaid conduct of the defendant offends the original purpose of Title VII and other equal rights statutes. The aforesaid conduct also violates the Arkansas Civil Rights Act. Plaintiff filed a Charge of Discrimination against Pulaski County. On or about November 29, 2011, a final decision was given to plaintiff recommending a finding of no discrimination and giving plaintiff the right to file a civil action.

SECOND CAUSE: NAME-CLEARING HEARING

22. Plaintiff has been denied the right to a name-clearing hearing. The right to a name-clearing hearing protects the employee's liberty interest in his or her good name and reputation, and it prevents a public employer from depriving an employee of that interest without due process.

23. Plaintiff was deprived his liberty interest in his good name. Judge Villines has given reasons for discharging that Plaintiff stigmatized him by seriously damaging his standing and association in the community and by foreclosing employment opportunities that may otherwise have been available.

24. Judge Villines made the reasons for Plaintiff's termination public by speaking to Quorum Court Members and members of the media.

25. Plaintiff has denied the reasons that led to his firing.

26. Plaintiff's due process rights were violated.

THIRD CAUSE: WRONGFUL TERMINATION/OUTRAGE

27. Plaintiff's discharge was wrongful and amounted to an outrage. Plaintiff was discharged despite the fact that he was performing his job in a superior manner. Plaintiff's discharge was against public policy in that plaintiff was performing his job and terminated for no reason.

28. Plaintiff was told that if he didn't resign, that he, his wife, his kids and his Church would be humiliated. These threats of humiliation were outrageous.

FOURTH CAUSE: DETRIMENTAL RELIANCE

29. Judge Villines entered into an agreement with Plaintiff regarding his employment. Under the terms of the agreement, Plaintiff would be allowed to keep his job as long as no complaint was filed against him with the EEOC involving this former employee. In reliance upon Judge Villines promises, plaintiff entered into an agreement so that no complaint could be filed against him or the county. No complaint was filed; however, Plaintiff was nevertheless discharged.

30. In reliance upon Judge Villines promises, Plaintiff incurred expenses that he would have never incurred had he not relied upon Judge Villines' promises. Plaintiff has been damaged due to his reliance of Judge Villines' promises.

FIFTH CAUSE: MALPRACTICE

31. Defendant, Karla Burnett, gave legal advice to Plaintiff concerning actions that he should take with respect to his employment.

32. At the time Ms. Burnett was advising Plaintiff as to what actions he should take, she had a conflict of interest. She was acting on behalf of the County as the County Attorney. What was in the County's best interest was not the same as what was in the best interest of the County Judge and the Plaintiff.

33. Plaintiff relied on Ms. Burnett's advice.

34. Ms. Burnett should have advised Plaintiff to secure his agreement with Judge Villines in writing. There is other advice that Ms. Burnett should have given Plaintiff. He submitted his letter of resignation.

35. Plaintiff has been damaged by the defendant's treatment and is entitled to compensation. He has no other legal recourse except this suit for equitable relief and damages. Plaintiff is entitled to back pay, re-instatement, re-instatement of benefits, compensatory damages, damages for pain and suffering, mental anguish and punitive damages.

Wherefore, all premises considered, Plaintiff prays relief as follows:

1. A preliminary and permanent injunction preventing the defendant, its agents, successors, employees, and those acting in concert with Defendant and under its direction, from engaging in

such intentional, discriminatory policies and practices complained of herein;

2. A declaratory judgment that the actions of the defendants complained of herein violated his rights guaranteed by 42 U.S.C. §2000(e) et. seq.;

3. Back pay, retroactive seniority rights, any promotions, or incentive pay, and all other benefits that he would have enjoyed had he not been discharged;

4. Costs of this action including awards of reasonable attorney's fees and all other costs to which he is entitled;

5. Compensatory damages for pain and suffering and mental anguish; and

6. All other relief to which he is entitled.

Respectfully submitted,


Willard Proctor, Jr.
Attorney at Law
2100 Wolfe Street
Little Rock, AR 72202
(501) 378-7720
Arkansas Bar No.: 87136

Winword/discrim.doc

VERIFICATION

I, Garland Camper, states under oath that I have read the foregoing pleading and that the facts stated in the pleading are true, correct and complete to the best of my knowledge and belief.



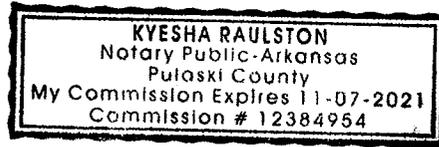
Garland Camper

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this 27th day of February, 2012.



NOTARY PUBLIC

11-7-2021
My Commission Expires



DISMISSAL AND NOTICE OF RIGHTS

To: **Garland L. Camper**
11 Victoria Circle
Maumelle, AR 72113

From: **Little Rock Area Office**
820 Louisiana
Suite 200
Little Rock, AR 72201

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
493-2011-01569	Manuela Esparza, Investigator	(501) 324-5066

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**


On behalf of the Commission

William A. Cash, Jr.,
Area Office Director

NOV 29 2011

(Date Mailed)

Enclosures(s)

cc: **Chastity Scifres**
Pulaski County Staff Attorney
PULASKI COUNTY GOVERNMENT
201 S. Broadway, Suite 400
Little Rock, AR 72201

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

GARLAND L. CAMPER

PLAINTIFF

VS.

NO. 4:12-CV-124JMM

F. G. "BUDDY"
VILLINES, COUNTY
JUDGE, INDIVIDUALLY
AND IN HIS OFFICIAL
CAPACITY; KARLA
BURNETT,
INDIVIDUALLY AND IN
HER OFFICIAL
CAPACITY; PULASKI
COUNTY, ARKANSAS

DEFENDANTS

ANSWER

COME the Defendants, F. G. "Buddy" Villines, individually and in his official capacity; Karla Burnett, individually and in her official capacity; and Pulaski County, Arkansas, by their attorneys, Fuqua Campbell, P.A., and for their Answer to the Complaint of the Plaintiff, Garland L. Camper, state:

1. The Defendants acknowledge the bases of the Plaintiff's claims but deny the allegations of paragraph 1 of the Complaint to the extent that they are factual and require admission or denial. The Defendants admit that this Court has jurisdiction of the parties and of the subject matter of this case. The Defendants plead affirmatively that this Court lacks jurisdiction of the Plaintiff's claim under Title VII because the Plaintiff was not protected by Title VII, having been appointed by the County Judge to the policy-making position of County Coroner.

2. The Defendants admit the allegations of paragraph 2 of the Complaint.

3. The Defendants admit that Judge Villines is the Pulaski County Judge and that Karla Burnett is the County Attorney. The Defendants admit that Pulaski County, Arkansas is an employer within the meaning of 42 U.S.C. § 2000, et seq. The Defendants deny that Pulaski County is a department of the State of Arkansas but admit that the County is a political entity within the State of Arkansas that is organized and exists under and by virtue of the laws of the State of Arkansas.

4. The Defendants admit the allegations of paragraph 4 of the Complaint.

5. The Defendants admit that the Plaintiff received a letter from an attorney representing a former female employee of the Coroner's Office and a subordinate of the Plaintiff and that the letter accused the Plaintiff of sexual harassment of the former employee and demanded a settlement on her behalf. The Defendants admit that the letter instructed the Plaintiff to contact the attorney within 20 days or the former female employee would file a charge of discrimination with the Equal Employment Opportunity Commission.

6. The Defendants admit that the Plaintiff contacted Karla Burnett about the letter. The Defendants admit that Judge Villines was out of town at the time. The Defendants admit that Judge Villines met with the Plaintiff when the Judge returned to the office and that Ms. Burnett had briefed the Judge on the situation. The Defendants provide the following additional information:

The Defendants gained their first knowledge of the letter on March 29, 2011 when the Plaintiff asked to speak with Ms. Burnett. The Plaintiff began the meeting by saying, "I f*cked up." He then produced the letter he had received from an attorney. The letter was addressed to the Plaintiff and dated March

22, 2011. The letter alleged that a former employee of the Coroner's Office (hereafter "Ms. Doe") believed that she was subjected to a hostile work environment due to her gender while working in the Coroner's Office prior to her termination on November 28, 2010. The letter also alleged that Ms. Doe was the subject of "sexual harassment so severe that she felt she could no longer work at the county and had to end her employment" when she was rehired in January 2011. Additionally, the letter alleged the existence of "certain facts" that the Plaintiff "would most likely not wish to be known to the public." The letter gave the Plaintiff the option of handling the matter himself or contacting the County's risk management attorney. During that same meeting, the Plaintiff told Ms. Burnett that on or about January 7, 2011, while attending a friend's party at the Paper Moon, he had run into Ms. Doe (whom the Plaintiff had terminated in November 2010 for "repeated failures of not following directives.") As a result of this encounter, the Plaintiff told Ms. Burnett that he and Ms. Doe began texting each other. The Plaintiff further admitted that he had sex with Ms. Doe. Ms. Doe was rehired by the Plaintiff on January 18, 2011 and returned to work on January 20, 2011. The Plaintiff told Ms. Burnett that his sexual relationship with Ms. Doe had nothing to do with hiring her back and that the relationship had ended by the time he decided to hire her back on January 18, 2011. The Plaintiff was adamant that the situation be kept secret so that no one, especially his wife, would find out. Ms. Burnett asked the Plaintiff what, if any, action he wanted the County to take. He requested that the risk management attorney be

contacted to see if the matter could be settled quietly. At that time, Ms. Burnett advised him that she could not turn the matter over to risk management without Judge Villines's knowledge. She explained to the Plaintiff that her job was to represent Pulaski County in this matter, not help the Plaintiff keep the matter a secret from his wife. She further informed the Plaintiff that all public records belonging to the County were subject to disclosure under the Freedom of Information Act. The Plaintiff said he would inform Judge Villines and the County Comptroller of the situation. The following day, Wednesday, March 30, 2011, Ms. Burnett contacted Judge Villines, who was out of town at a conference, to inform him of the situation and gain permission to contact risk management to investigate the possibility of a settlement.

7. Other than admitting that Judge Villines met with the Plaintiff, the Defendants deny all of the allegations of paragraph 7 of the Complaint. To further explain the basis for the denial of these allegations, the Defendants state the following facts that actually occurred:

Judge Villines met with the Plaintiff on the afternoon of April 1, 2011. The Plaintiff repeated the same story he had told Ms. Burnett, again maintaining that his relationship with Ms. Doe ended before the Plaintiff decided to rehire her. Judge Villines told the Plaintiff that he wanted to take some time to discuss the situation with Ms. Burnett before taking any employment action but that the Plaintiff was not to discuss the matter with anyone or interfere with the upcoming investigation in anyway. Judge Villines also informed the

Plaintiff that he would be unable to retain him as the Coroner if Ms. Doe's allegations were sustained. During the next week, the County determined that Ms. Doe had not complained of harassment before terminating her employment in January 2011 or at any other time before her termination in November 2010. But having learned of the allegations and having a *prima facie* basis to believe Ms. Doe's allegations to be true, Ms. Burnett advised Judge Villines that the County had a duty to investigate Ms. Doe's allegations pursuant to County policy. After speaking with risk management, Ms. Burnett contacted Ms. Doe's attorney regarding the possibility of a *de minimus* settlement of the claim. During a conversation with Ms. Burnett, Ms. Doe's attorney stated that Ms. Doe's employment with the County was conditioned on having sex with the Plaintiff and that the Plaintiff's demands for sex continued after Ms. Doe returned to work on January 20, 2011. Ms. Burnett also learned that Ms. Doe had retained copies of text messages between herself and the Plaintiff and that on the morning of Saturday, January 15, 2011, Ms. Doe and the Plaintiff had sex on County property (the County morgue). The Plaintiff rehired Ms. Doe on the next business day following their sexual encounter at the County morgue on January 15, 2011.

8. The Defendants deny the allegations of paragraph 8 of the Complaint.

9. The Defendants deny that Judge Villines gave the Plaintiff any assurances and deny, for lack of knowledge and information sufficient to form a belief as to the truth of the averments, that the Plaintiff contacted the attorney representing Ms. Doe.

10. The Defendants deny that the Plaintiff had a legitimate defense to the charge of sexual harassment and deny that Judge Villines gave him any assurances that he would not take action against him if no action was filed against the County. The Defendants do not believe that Ms. Doe filed a charge of discrimination.

11. The Defendants admit that Ms. Burnett met again with the Plaintiff but deny the remaining allegations of paragraph 11 of the Complaint. The denial of these allegations is based on the following facts:

On or about April 5, 2011, Ms. Burnett asked the Plaintiff to meet with her again. During the meeting, Ms. Burnett advised the Plaintiff that neither the County, nor its risk management, would settle with Ms. Doe at that time. Ms. Burnett confronted the Plaintiff about the existence of text messages between him and Ms. Doe and about the allegations that the Plaintiff and Ms. Doe had sex at the morgue on January 15, 2011. When confronted with these allegations, the Plaintiff admitted to Ms. Burnett that he did have sex with Ms. Doe on Saturday, January 15, 2011, at the County morgue. Ms. Burnett informed the Plaintiff that the County would begin a formal investigation of the allegations made by Ms. Doe against the Plaintiff. The Plaintiff asked Ms. Burnett what his options were. Ms. Burnett told the Plaintiff that his resignation would eliminate the need for further investigation. Ms. Burnett told the Plaintiff that, based on his own admissions, it was highly unlikely that his employment with the County would continue. The Plaintiff did not submit his resignation at that time. The Plaintiff did not inform Ms. Burnett

of a deal with the County Judge or that Ms. Doe's claim had been resolved privately.

12. The Defendants admit that Judge Villines and Ms. Burnett met with the Plaintiff on April 6, 2011 to again discuss issues related to Ms. Doe's allegations. The Defendants deny the remaining allegations of paragraph 12 of the Complaint. The denial of these allegations is based on the following facts:

During the meeting on April 6, 2011, the Plaintiff was advised again that the County intended to conduct a formal investigation of Ms. Doe's complaint of sexual harassment. Ms. Burnett again informed the Plaintiff that if he were terminated as a result of the investigation, the records of the investigation would be subject to disclosure under the Freedom of Information Act. The Plaintiff was again told that his resignation would eliminate the need to conduct the investigation. The Plaintiff was reminded that Ms. Doe claimed to have text messages that supported her claim. (The Plaintiff's County cell phone records indicate that he and Ms. Doe exchanged 467 text messages between January 8, 2011 and January 28, 2011.) The Plaintiff was asked if he had any exculpatory evidence at all that would indicate Ms. Doe's employment in January 2011 was not predicated on the Plaintiff's demand for sex. The Plaintiff stated that he had no such evidence. The Plaintiff was again told that based upon his own admissions, it was highly unlikely that his employment with the County would continue. The Plaintiff asked Judge Villines if he could be suspended for some period of time rather than being terminated if the allegations were sustained. Judge Villines told the Plaintiff

that suspension was not an option. Judge Villines told the Plaintiff that he was leaving town the next day and would make a decision about the matter on Monday, April 11, 2011. The next day, the Plaintiff contacted Judge Villines while he was out of town and asked if the County would allow the Plaintiff to keep his job and forego any investigation if the Plaintiff personally paid Ms. Doe in exchange for her agreement not to sue the County and to not discuss the matter. Judge Villines told the Plaintiff he wanted to discuss the issue further with Ms. Burnett. The Plaintiff then called Ms. Burnett and told her that Judge Villines had said he could settle the matter privately and keep his job, but wanted to discuss the matter with her. Ms. Burnett told the Plaintiff that she would call Judge Villines immediately to discuss the matter. The Plaintiff asked Ms. Burnett repeatedly what she was going to tell Judge Villines. Ms. Burnett told the Plaintiff that she was not in favor of ignoring Ms. Doe's complaint even if the Plaintiff settled with her privately because the liability to the County would be significant if the Plaintiff were to sexually harass another employee in the future. When Ms. Burnett talked to Judge Villines, she said that she was not in favor of the Plaintiff's proposal for the reasons she explained to the Plaintiff. Judge Villines agreed with Ms. Burnett's assessment and told her that he had never agreed to the Plaintiff's proposal. The following day, April 8, 2011, Ms. Burnett was out of the office attending a CLE. The Plaintiff repeatedly called and texted Ms. Burnett during the class wanting her to review an agreement between him and Ms. Doe. Ms. Burnett told the Plaintiff that she would not review the agreement

because the County was not a party to the agreement and she did not represent the Plaintiff personally.

13. The Defendants deny that a meeting was scheduled for Monday, April 11, 2011, but admit that Judge Villines spoke with the Plaintiff by telephone. The Defendants admit that Judge Villines told the Plaintiff that he had until the end of the day to resign or he would be terminated. The Defendants deny the remaining allegations of paragraph 13 of the Complaint, including that the Plaintiff was forced to resign.

14. The Defendants deny the allegations of paragraph 14 of the Complaint.

15. The Defendants admit that Ms. Burnett is the Pulaski County Attorney and represents the County. The Defendants admit that in her capacity as County Attorney, she represents the County Judge in his official capacity and other County officeholders in their official capacities. The Defendants deny that Ms. Burnett was representing the Plaintiff in his individual capacity. The Defendants deny that the Plaintiff sought any advice from Ms. Burnett in his official capacity regarding the allegations of discrimination made by the former female employee. The Defendants state that Ms. Burnett told the Plaintiff that she was not his personal attorney and was not representing him or advising him.

16. The Defendants deny that the Plaintiff was forced to resign. The Defendants deny that Judge Villines ever made statements regarding why the Plaintiff was forced to resign because the Plaintiff was not forced to resign. The denial of these allegations is based on the following facts:

In order to try to prevent public humiliation of the Plaintiff and Ms. Doe, Judge Villines stated publicly that there were issues with the Coroner's Office regarding conflict between that office and police agencies and "other issues

with office management.” Judge Villines did not reveal what the “other issues” were.

17. The Defendants deny that Judge Villines made false statements about the Plaintiff but admit that there were press reports over a long period of time regarding the Plaintiff and his performance as the Coroner. The Defendants deny the remaining allegations of paragraph 17 of the Complaint because they are premised on the allegation that Judge Villines made false statements in the press. The denial of these allegations is based on the following facts:

During his tenure as Coroner, the Plaintiff had repeated disagreements with local law enforcement agencies regarding the timing of notifications and access to crime scenes. Additionally, the Plaintiff clashed with hospital staff, staff at the State Crime Laboratory, and ambulance service providers. While some of these situations were reported by local news agencies, many more were not. In June 2010, a series of articles appeared in the Arkansas Democrat-Gazette regarding a disagreement between the Coroner’s Office and the Pulaski County Sheriff’s Office. In those articles, the Plaintiff was quoted as saying that the Sheriff’s Office policies were “ridiculous” and “stupid.” Further, the Plaintiff stated, “At what point does compassion come in? That’s it. They have none.” These articles led to a meeting between the Plaintiff, Judge Villines, and Sheriff’s Office personnel. The Plaintiff was cautioned to temper his remarks regarding the policies and performance of other police agencies. On June 16, 2010, the Plaintiff was quoted in the Arkansas Democrat-Gazette criticizing Metropolitan Emergency Medical

Services' (MEMS) actions with regard to their response in a case. According to the paper, the Plaintiff stated, "If this is your second call out on this patient, you would think that you would have trained, qualified people working on this lady and then you drop the ball again that time." The Plaintiff was again cautioned about his criticism of another agency's policies. On September 9, 2010, an article in the Jacksonville Patriot reported that the Plaintiff had said that the Jacksonville Police Department's treatment of a body was "uncalled for and very unprofessional."

18. The Defendants admit that the Plaintiff has asked for his job back but deny that the Plaintiff has publicly denied the truth of any statement made about him by Judge Villines. The Defendants deny, for lack of knowledge and information sufficient to form a belief as to the truth of the averments, any statement the Plaintiff may have made in private.

19. The Defendants admit that Ms. Burnett and Mike Hutchens, Pulaski County Comptroller, are married but deny the allegations of paragraph 19 of the Complaint.

20. The Defendants deny the allegations of paragraph 20 of the Complaint. The Defendants state that the Plaintiff is the only department head under Judge Villines's supervision who has been accused of sexual harassment and that other department heads who have resigned have done so for career reasons and not because they were accused of violating County policy.

21. The Defendants deny the allegations of paragraph 21 of the Complaint.

22. The Defendants state that the Plaintiff was not entitled to a name-clearing hearing and therefore deny that he was denied such a hearing.

23. The Defendants deny the allegations of paragraph 23 of the Complaint.

24. The Defendants admit that Judge Villines stated reasons for the Plaintiff's resignation but deny the Plaintiff's implicit allegation that Judge Villines made false statements.

25. The Defendants deny that the Plaintiff was fired and deny, for lack of knowledge and information sufficient to form a belief as to the averments, that the Plaintiff has denied anything.

26. The Defendants deny the allegations of paragraph 26 of the Complaint.

27. The Defendants deny the allegations of paragraph 27 of the Complaint.

28. The Defendants deny the allegations of paragraph 28 of the Complaint.

29. The Defendants deny the allegations of paragraph 29 of the Complaint.

30. The Defendants deny the allegations of paragraph 30 of the Complaint.

31. The Defendants deny the allegations of paragraph 31 of the Complaint.

32. The Defendants deny that Ms. Burnett was representing the Plaintiff and therefore deny the allegations of paragraph 32 of the Complaint.

33. The Defendants deny the allegations of paragraph 33 of the Complaint.

34. The Defendants deny the allegations of paragraph 34 of the Complaint except to admit that the Plaintiff resigned by letter.

35. The Defendants deny the allegations of paragraph 35 of the Complaint.

36. The Defendants deny, generally and specifically, each and every material allegation of the Complaint not specifically admitted herein.

37. The Defendants demand a jury trial.

AFFIRMATIVE DEFENSES

1. The Plaintiff fails to state claims upon which relief can be granted.

2. The Plaintiff is not covered by Title VII because he was a policy-making appointee of the County Judge.

3. The County Judge and County Attorney are entitled to qualified immunity in their individual capacities because their actions were reasonable in light of clearly established law.

4. The Plaintiff's claims are barred by the doctrines of waiver and/or estoppel.

5. The Plaintiff has failed to mitigate his damages.

6. The Plaintiff's claim for punitive damages is barred because the Defendants have not engaged in any practice with actual malice or with wanton or willful disregard for the rights of the Plaintiff.

7. The Plaintiff's claims are barred by the applicable statute of limitations.

8. All actions taken relating to the Plaintiff's employment were based upon legitimate non-discriminatory business reasons and/or business necessity.

9. All actions taken relating to the Plaintiff were at all times reasonable and undertaken in good faith.

10. Any damages of the Plaintiff, which the Defendants deny, are a direct result of his own conduct.

11. The Plaintiff's claims are barred by his own acts and/or omissions.

12. The employment decisions regarding the Plaintiff were based on reasonable, non-discriminatory factors.

13. The Plaintiff's punitive damages claims are unconstitutional and should be dismissed for each of the following reasons:

- a. There is no definitive standard for setting the amount of punitive damages and, therefore, an award of punitive damages without requiring the Plaintiff to prove every element beyond a reasonable doubt or, in the alternative, by clear and convincing evidence, violates the Defendants' due process rights under the United States Constitution, including the Fourteenth Amendment thereto.
- b. An award of punitive damages violates the Defendants' due process and equal protection rights guaranteed by the United States Constitution, including the Fourteenth Amendment thereto, and the double jeopardy clause of the United States Constitution, as incorporated into the Fourteenth Amendment, in that a jury (1) is not provided a standard of sufficient clarity for determining the appropriateness, or the appropriate size, of a punitive damages award; (2) is not instructed on the limits of punitive damages imposed by the applicable principles of deterrents and punishment; (3) is not expressly prohibited from awarding punitive damages in whole or in part, on the basis of insidiously discriminatory characteristics, including the corporate status of a Defendant; (4) is permitted to award punitive damages under a standard for determining liability for punitive damages that is vague and arbitrary and does not define with sufficient clarity the conduct or mental state that makes punitive damages permissible; (5) is not subject to judicial review on the basis of objective standards; and (6) is not required to consider the character and degree of the alleged wrong.
- c. An award of punitive damages under a process which fails to bifurcate the issue of punitive damages from the remaining issues violates the Defendants' due process rights guaranteed by the United States Constitution, including the Fourteenth Amendment thereto.

14. As a separate alternative affirmative defense to the Complaint, the Defendants allege that the Plaintiff's claims may be barred by any or all of the affirmative defenses set forth in Rule 8(c) of the Federal Rules of Civil Procedure. The extent to which the Plaintiff's claims may be barred by one or more of said affirmative defenses, not specifically set forth herein, cannot be determined until the Defendants have an opportunity to complete discovery. Therefore, the Defendants incorporate all said affirmative defenses as if fully set forth herein.

WHEREFORE, premises considered, the Defendants, F. G. "Buddy" Villines, individually and in his official capacity; Karla Burnett, individually and in her official capacity; and Pulaski County, Arkansas, pray that the Complaint of the Plaintiff, Garland L. Camper, be dismissed with prejudice, for their costs and attorney's fees herein, and for all other appropriate relief.

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501-374-0200
Attorneys for Defendants



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CERTIFICATE OF SERVICE

I, David M. Fuqua, hereby certify that a copy of the foregoing pleading has been served via the Court's CM/ECF system on:

Willard Proctor, Jr. (wproctorjr@aol.com)

on this 14th day of March, 2012.



David M. Fuqua