

DEC 31 2013

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30 December 2013

Mr. J. R. Carroll
Kutak Rock
234 Millsap Road
Suite 200
Fayetteville, AR 72703

Re: Ken Bailey / City of Tontitown

Dear J. R.:

I'm addressing this letter to you because I understand you are City Attorney for Tontitown. Please let me know if I should address this letter directly to its Mayor.

Mr. Ken Bailey has retained me regarding the recent loss of his job as Public Works Director.

I understand that the Mayor fired Mr. Bailey on 17 December 2013 because Mr. Bailey sent an e-mail to members of the City Council advising them that an individual within the Tontitown community was unduly interfering in the operation of the Tontitown government. The Mayor had previously instructed Mr. Bailey to not communicate with Council members on this subject. The Mayor refused to intervene with this individual who continued to act as a *de facto* autocrat.

I understand that Mr. Bailey appealed his termination to the City Council, but the Council refused to overturn the Mayor's decision after the Mayor threatened to quit if the Council so voted.

While I believe there might have been some procedural irregularities with the Council meeting, I will not dwell on them but will proceed to what I believe to be the larger issue.

My sense is that Mr. Bailey's First Amendment rights were violated when he was fired.

There is no doubt in my mind that Mr. Bailey was speaking out on a matter of public concern

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when he sent the last e-mail to the Council members. "Chain of command" cannot act as a shield for cronyism in government.

The immediate resolution for this violation is to restore Mr. Bailey to his former position with all accrued back pay and benefits.

If Tontitown is unwilling to resolve this matter along these lines, then I suggest that Tontitown consider mediation with Mr. Bailey to avoid a suit under 42 U.S.C. 1983, Ark. Code Ann. 16-123-105 (Supp. 2013), and Ark. Code Ann. 21-1-601, *et seq.* (Supp. 2013).

I look forward to hearing from you regarding this matter.

If I have not heard from you by 15 January 2014, then I will presume that Tontitown does not want to discuss a resolution and will proceed accordingly.

Sincerely,


Stephen Lee Wood

cc: Mr. Ken Bailey /e

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