

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

RACHEL PRUITT,)
)
 Plaintiff,)
)
 v.) Case No.: _____
) JURY TRIAL DEMANDED
 THE CITY OF FORT SCOTT)
 KANSAS,)
 Serve: Mayor)
 123 S. Main St.)
 Ft. Scott, Kansas 66701,)
)
 Defendant.)

COMPLAINT FOR SEX DISCRIMINATION IN VIOLATION OF TITLE VII

COMES NOW Plaintiff, Rachel Pruitt, and for her cause of action against the City of Fort Scott, Kansas, states as follows:

PARTIES

1. Rachel Pruitt (“Plaintiff” or “Ms. Pruitt”), resides at 1456 215th St., Fort Scott, Kansas, 66701. She is a current City of Fort Scott employee.
2. The City of Fort Scott, Kansas (“Defendant,” “City” or “Fort Scott”) is a municipality in Bourbon County, Kansas.
3. The City of Fort Scott is an employer within the meaning of Title VII because it employs at least 15 employees.

JURISDICTION & VENUE

4. Ms. Pruitt’s Complaint is brought pursuant to Title VII based on the discriminatory, harassing, and retaliatory conduct of Defendant’s employees and City Commissioners and their failure to properly investigate, address, and remedy illegal sex discrimination, harassment and

retaliation in the workplace. As such, this Court has original jurisdiction over Ms. Pruitt's claims pursuant to 28 U.S.C. § 1331.

5. Venue in this District is proper pursuant to 28 U.S.C. § 1391 because Fort Scott is a Kansas municipality and a substantial part of the unlawful conduct giving rise to Plaintiff's claims occurred in this District.

6. On or about June 16, 2020, Ms. Pruitt filed a "Charge of Discrimination" ("Charge") in a timely manner with the Kansas Human Rights Commission and the Equal Employment Opportunity Commission ("EEOC") based on her sex discrimination, harassment, and retaliation claims. The EEOC Charge number is 563-2020-01983. (A copy of the EEOC Charge is attached as **Ex. A**).

7. On or about December 10, 2020, Ms. Pruitt filed a Supplemental Charge. (A copy of the supplemental Charge is attached as **Ex. B**).

8. On or about March 2, 2021, Ms. Pruitt received her Notice of a Right to Sue ("RTS"). (A copy of the RTS is attached as **Ex. C**).

9. All requisite conditions to this Court having jurisdiction over Fort Scott and Ms. Pruitt's claims are met.

GENERAL ALLEGATIONS

10. In October 2016, Ms. Pruitt began working as the Economic Director for Fort Scott.

11. Ms. Pruitt has substantial involvement in various projects that contributed to the growth of Fort Scott.

12. Ms. Pruitt's employment with Fort Scott was unremarkable until January 2020 when Kevin "Skitch" Allen ("Commissioner Allen") took office as a Fort Scott City Commissioner.

13. On February 29, 2020, Ms. Pruitt attended a legislative coffee and heard from Kim Simons, a Bourbon County resident, that Commissioner Allen was holding executive sessions in order to eliminate Ms. Pruitt's position.
14. On March 2, 2020, Dave Martin, Fort Scott City Manager (and Ms. Pruitt's direct supervisor), told Ms. Pruitt that Commissioner Allen started a false rumor that Ms. Pruitt was having an extra marital affair with Tony Krsnich, a Developer on a City housing project.
15. Ms. Pruitt was not having an extra marital affair with Mr. Krsnich.
16. Commissioner Allen started this scandalous rumor to discredit Ms. Pruitt and jeopardize her employment.
17. On March 3, 2020, Ms. Pruitt met with Commissioner Lindsay Watts who confirmed that Commissioner Allen started the false rumor about the affair and referred to Ms. Pruitt as "all that glitters isn't gold."
18. Ms. Pruitt's male counterpart, Robert Uhler, was not targeted by Commissioner Allen. Neither was Chad Brown, Public Works Director.
19. On March 9, 2020, Ms. Pruitt complained to Deb Needleman, HR, and Jeff Deane, City Attorney, that she believed she was being discriminated against and harassed by Commissioner Allen based on her sex.
20. Mr. Deane told Ms. Pruitt that he would open an investigation.
21. On April 6, 2020, Mr. Deane issued a report to the City Commission that concluded that Commissioner Allen violated the City's anti-discrimination laws.
22. Mr. Deane also promised Ms. Pruitt confidentiality regarding her report.
23. On April 21, 2020, the City Commission approved a resolution that publicly censured Commissioner Allen based on his conduct towards Ms. Pruitt and required him to

publicly apologize; refrain from one-on-one contact with her; refrain from any conduct that could be construed as harassment; abstain from and not take part in any official act concerning Ms. Pruitt's employment; and complete one full day of training.

24. Predictably, Commissioner Allen has not satisfied the terms of his public censure.

25. Commissioner Allen denied the allegations that he harassed Ms. Pruitt based on her sex.

26. In fact, Commissioner Allen has maintained that Ms. Pruitt's allegations are fabricated and a cover up for her alleged illegal activity with the City.

27. On May 12, 2020 (the first public meeting after the censure), Commissioner Allen acknowledged the censure, but then disregarded confidentiality issues and voted on an economic development project.

28. On May 13, 2020, Scott Anderson, Commissioner Allen's attorney, submitted a Kansas Open Records Act ("KORA") request for all emails concerning the housing project Ms. Pruitt worked on with Mr. Krsnich.

29. Ms. Pruitt viewed the KORA request as further sex discrimination and harassment.

30. Commissioner Allen (through his counsel) later demanded reimbursement for his KORA expenses.

31. On May 13, 2020, Ms. Pruitt complained to Ms. Needleman and Mr. Deane due to ongoing discrimination, harassment and retaliation by Commissioner Allen and his failure to abide by the censure.

32. Mr. Deane refused to take any corrective action and stated that the City should comply with the KORA request.

33. On May 23, 2020, Ms. Pruitt received a text from Laurie Uhler, Robert Uhler's wife.

34. Mrs. Uhler told Ms. Pruitt that Justin Uhler, her adult son, had been told by Commissioner Allen that Mr. Uhler and Ms. Pruitt were having an extra marital affair.

35. Mrs. Uhler did not believe Commissioner Allen's false rumor about the affair, but she was upset that Commissioner Allen had contacted her son.

36. On the morning of June 3, 2020, Patrick Wood, one of Commissioner Allen's friends, created a public Facebook group called "Regulators."

37. Commissioner Allen is a member of "Regulators."

38. The name "Regulators" is a play on the movie, *Young Guns*, which is about a group of murderers and vigilantes.

39. Around the time the "Regulators" group was created, Commissioner Allen got a tattoo on his arm of a masked gunman with bullet holes.

40. One of the bullet holes represented Ms. Pruitt.

41. On June 3, 2020 at 12:19 p.m., Commissioner Allen posted a message on the "Regulators" Facebook page that said, "I'll make ya famous . . . BK."

42. Emilio Estevez, the Billy the Kid character, says "I'll make ya famous," in *Young Guns*, as he commits murder.

43. The evening of June 3, 2020, Ms. Pruitt and her husband were arrested by law enforcement after three marijuana plants were found on their nearly 100 acres of farmland.

44. Curiously, Undersheriff Ben Cole is a "Regulators" member who frequently encourages or "likes" Commissioner Allen's pictures and posts.

45. Undersheriff Cole was the highest- ranking law enforcement officer on site during the Pruitt's arrest.

46. Later, Ms. Pruitt was charged with two misdemeanors, marijuana possession and drug paraphernalia.

47. The following day, Ms. Pruitt voluntarily submitted to drug testing which proved that there were no illegal drugs in her system.

48. Commissioner Allen was later heard discussing Ms. Pruitt's arrest with law enforcement at a Chamber coffee in which a comment to the effect of, "things are being taken care of" was made.

49. On June 4, 2020, Commissioner Allen went to City Hall and demanded Ms. Pruitt's dismissal to Dave Martin, her supervisor.

50. On June 6, 2020, Ms. Needleman placed Ms. Pruitt on unpaid leave for the stated reason that an investigation was being conducted into the bogus arrest.

51. On June 11, 2020, Commissioner Allen renewed his demand for Ms. Pruitt's dismissal to Mr. Martin.

52. Commissioner Allen also asked Ms. Needleman to remove the censure from his public record.

53. On June 22, 2020, Ms. Pruitt's legal counsel sent a letter of representation and litigation hold notice to the City.

54. On June 25, 2020, Ms. Pruitt's counsel informed her that she would be reinstated and receive a credit for her personal time.

55. On June 28, 2020, Ms. Pruitt returned to work.

56. On June 30, 2020. Mr. Martin informed Ms. Pruitt of Commissioner Allen's demands for her termination.

57. Commissioner Allen continued to ignore and openly violate the public censure. In fact, his harassing behavior escalated.

58. On July 21, 2020, Deb McCoy, one of Commissioner Allen's associates and "Regulators" member, intended to make a presentation to City Commissioners.

59. Ms. McCoy's alleged presentation research revealed misappropriation of funds to a City contractor and discrepancies with grant money that was distributed.

60. Ms. McCoy claimed that she tried to speak to Ms. Pruitt about the issue, but was unable to.

61. Ms. McCoy's allegations are false and nothing more than continued harassment by one of Commissioner Allen's puppets.

62. On July 22, 2020, Ms. McCoy sent a citizen letter to the City Commissioners in an attempt to discredit Ms. Pruitt.

63. On July 30, 2020, Commissioner Allen attended a weekly Chamber of Commerce coffee.

64. Commissioner Allen told Chamber members that Ms. Pruitt's position should be consolidated with the Bourbon County Economic Development position.

65. Jody Hoener currently holds the recently-created position for Bourbon County.

66. Ms. Hoener is a "Regulators" member and frequently encourages and "likes" Commissioner Allen's pictures and posts.

67. The City's Economic Development position was created in 1981.

68. Curiously, the County has little in the way of economic development within the county lines and tried to exert itself in economic development matters within the Fort Scott city limits.

69. Commissioner Allen commended Ms. Hoener during the Chamber meeting in an attempt to persuade Chamber members to select Ms. Hoener for the Economic Development consolidated position.

70. Commissioner Allen's attempt to further interfere with Ms. Pruitt's employment in a clear violation of the public censure.

71. On August 11, 2020, Mr. Wood and Bill Michaud, a City Developer, sent citizen letters to City Commissioners in an attempt to discredit Ms. Pruitt and jeopardize her employment.

72. Mr. Michaud, one of Commissioner Allen's friends, is developing grocery store project and his only son dates one of Commissioner Allen's daughters.

73. Mr. Michaud stated in his citizen letter that he wanted his name removed from Ms. Pruitt's contact list and expressed his disappointment that she was still gainfully employed given her alleged lack of productivity.

74. On August 20, 2020, news about a City loft project (Krsnich's development) headlined the social media news feeds.

75. A confidential voicemail Ms. Pruitt left for Paul Wagner, FlexBuild CEO (a general contractor on the Krsnich project), was taken out of context and uploaded to the news story.

76. Not surprisingly, Mr. Wagner is a known associate of Commissioner Allen.

77. The information that was posted on social media suggested that Ms. Pruitt was guilty of gross misconduct which were similar to the allegations made by Ms. McCoy.

78. On August 25, 2020, reporters began to make inquiries and threatened to go public with false information about Ms. Pruitt.

79. On August 26, 2020, Ms. Pruitt received an email from Steve Buerge, President of Bourbon County Economic Development, in which he stated he was stepping down because consolidation of the City and County economic development positions was a certainty.

80. On September 1, 2020, Commissioner Allen openly argued against the City loft project with Mr. Deane and Mr. Krsnich which amounted to a violation of the censure.

81. On September 11, 2020, Brian Comstock, a business leader and associate of Commissioner Allen's, emailed Mr. Martin and stated that Ms. Pruitt should be excluded from key meetings on the airport expansion project.

82. Commissioner Allen and Mr. Comstock oppose the airport expansion project.

83. On September 28, 2020, Commissioner Pete Allen (one of Commissioner Kevin Allen's relatives), made derogatory comments at a City Commissioner meeting about Ms. Pruitt concerning a grant application.

84. That same day, Mr. Michaud reiterated his position that he would not work with Ms. Pruitt on the grocery store development project.

85. On October 1, 2020, FlexBuild filed a claim against the City and Ms. Pruitt individually, claiming that Ms. Pruitt tortiously interfered with FlexBuild's alleged relationship with a developer.

86. FlexBuild and Commissioner Allen share the same legal counsel (Scott Anderson).

87. During this same time frame, Ms. McCoy led ongoing bogus investigations into false allegations that Ms. Pruitt had misused public funds and used a leaked voicemail as evidence.

88. On October 6, 2020, there was a public announcement about the consolidation of the City and County Economic Development positions.

89. Ms. Pruitt was told that she could not apply for the consolidated Economic Development position.

90. On October 9, 2020, Ms. Hoener submitted a story to the *Fort Scott Biz* advocating for consolidation of the positions and stated that she had a pending application for the position.

91. On November 18, 2020, JoLynne Mitchell, City Mayor, resigned.

92. On November 19, 2020, Commissioner Allen told Diane Clay, City Clerk, he planned to be appointed as Mayor in January.

93. On November 28, 2020, an article was published in the *Fort Scott Tribune* which announced commitment of \$130,000 in the 2021 County budget for the Bourbon County Economic Development consolidation.

94. On November 30, 2020 (after a failed attempt to appoint Ms. McCoy to the vacant Commission position), Commissioner Allen recommended Josh Jones, "Regulators" member and friend.

95. Mr. Jones was appointed with a 3-1 vote.

96. The addition of Mr. Jones and Commissioner P. Allen gives Commissioner Allen majority rule and seals Ms. Pruitt's termination.

97. On December 1, 2020, Commissioner Allen continued to vote on an economic issue at the City Commission meeting.

98. Commissioner Allen has repeatedly violated his public censure and voted on economic issues. As recently as February 2, 2021, Commissioner Allen has insisted that his opinions on these economic issues should be heard.

99. Ms. Pruitt has applied for the consolidated Economic Development position, but has not been interviewed for the position.

COUNT I

SEX DISCRIMINATION & HARASSMENT IN VIOLATION OF TITLE VII

100. Plaintiff reasserts and re-alleges the allegations set forth in paragraphs 1 through 99 as if fully set forth herein.

101. The acts described above constitute sex discrimination and harassment in violation of Title VII.

102. Ms. Pruitt belongs to a protected class based on her sex, which is female.

103. Commissioner Allen treated Ms. Pruitt differently than her male counterpart by spreading false rumors that she was having extra martial affairs; convincing his friends and known associates to speak out against Ms. Pruitt; singling her out for criticism; accusing her of gross misconduct; threatening her job; and advocating for her dismissal.

104. Defendant's conduct cited above was severe and pervasive and affected the terms, conditions and privileges of Ms. Pruitt's employment with Fort Scott. Ms. Pruitt and any reasonable person in her position would reasonably view it as such.

105. Defendants conduct of discriminating against Ms. Pruitt based on her sex was adverse and damaging and caused Ms. Pruitt great emotional upset. She was a loyal employee who worked hard to promote the economic growth of the City she served. Ms. Pruitt was frequently stressed out, lost sleep, could not focus at work and was fearful of what might happen to her at work, including her termination.

106. Defendant's act of discriminating against Ms. Pruitt based on her sex constitutes malice or a reckless indifference to Ms. Pruitt's protected rights.

WHEREFORE, Ms. Pruitt prays for judgment against Defendant on Count I of her Complaint; for a finding that she has been subjected to unlawful sex discrimination and harassment prohibited by Title VII; for an award of back pay, including overtime and other benefits; for an award of compensatory and punitive damages; for her costs expended; for her reasonable attorneys' and expert fees and expenses, for interest, and for such other relief as the Court deems just and proper.

COUNT II

RETALIATION IN VIOLATION OF TITLE VII

107. Plaintiff reasserts and re-alleges the allegations set forth in paragraphs 1 through 106 as if fully set forth herein.

108. The acts described above constitute retaliation in violation of Title VII.

109. Ms. Pruitt engaged in opposition to discrimination when she complained to Ms. Needleman, Mr. Deane, and filed Charges.

110. After Ms. Pruitt engaged in protected opposition to discrimination, she was subjected to many adverse and damaging adverse actions in including, but not limited to: suspension, loss of responsibility and threatened dismissal.

111. Ms. Pruitt's complaints of sex discrimination and harassment were the motivating factor behind the adverse actions that followed.

112. The retaliatory actions of Defendant caused Ms. Pruitt emotional upset. She was frequently stressed out, lost sleep, feared termination, and worried about how her family would get by without her income and benefits.

Defendant's act of retaliating against Ms. Pruitt because she engaged in protected opposition to discrimination constitutes malice or a reckless indifference to Ms. Pruitt's protected rights.

WHEREFORE, Ms. Pruitt prays for judgment against Defendant on Count II of her Complaint; for a finding that she has been subjected to unlawful retaliation prohibited by Title VII; for an award of back pay, including overtime and other benefits; for an award of compensatory and punitive damages; for her costs expended; for her reasonable attorneys' and expert fees and expenses, for interest, and for such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff requests a trial by jury on all issues triable by jury.

DESIGNATION OF PLACE OF TRIAL

Plaintiff designates Kansas City, Kansas as the place for trial.

Respectfully Submitted,

WILLIAMS DIRKS DAMERON LLC

/s/ Michael A. Williams

Michael A. Williams, KS Bar No. 19124

1100 Main Street, Suite 2600

Kansas City, MO 64105

mwilliams@williamsdirks.com

(o) 816-945-7110

(f) 816-945-7118

Attorney for Plaintiff

Exhibit C



U.S. Department of Justice
Civil Rights Division
NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

VIA EMAIL

*150 M Street, N.E.
Karen Ferguson , EMP, 4CON, Room 9.514
Washington, DC 20530*

March 02, 2021

Ms. Rachel Pruitt
c/o Michael Williams, Esquire
Law Offices of Williams, Dirks & Dameron
1100 Main Street
Suite 2600
Kansas City, MO 64105

Re: EEOC Charge Against City of Fort Scott
No. 563202001983

Dear Ms. Pruitt:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Kansas City Area Office, Kansas City, KS.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Pamela S. Karlan
Principal Deputy Assistant Attorney General
Civil Rights Division

by /s/ Karen L. Ferguson
Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Kansas City Area Office, EEOC
City of Fort Scott

Exhibit A

CHARGE OF DISCRIMINATION

AGENCY

CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

FEPA
 EEOC

563-2020-01983

Kansas Human Rights Commission

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

Rachel Pruitt

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

City of Fort Scott, Kansas

100 +

620-223-0550

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

123 S. Main, Fort Scott, Kansas, 66701

Bourbon

NAME

TELEPHONE NUMBER (include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

DATE DISCRIMINATION TOOK PLACE EARLIEST (ADE/VEPA) LATEST (ALL)

RACE COLOR SEX RELIGION AGE
 RETALIATION NATION ORIGIN DISABILITY OTHER (Specify)

January 1, 2020 - Present

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

In October 2016, I began working as the Economic Development Director for the City of Fort Scott, Kansas. I was involved in various projects that contributed to the economic growth of Fort Scott. I had a clean employment history with no discipline and received regular pay increases. My employment with Fort Scott was unremarkable until Kevin "Skitch" Allen took office as a Fort Scott City Commissioner in January 2020.

On February 29, 2020, I attended a legislative coffee and heard from Kim Simons, Bourbon County resident, that Commissioner Allen was holding executive sessions to eliminate my position. On March 2, 2020, Dave Martin, City Manager (and my supervisor), told me that Commissioner Allen started a rumor that I was having an extra-marital affair with Tony Krsnich, a Developer on a City housing project. I was not having an affair with Mr. Krsnich. I believe Commissioner Allen started this rumor to discredit me and jeopardize my employment. On March 3, 2020, I met with Commissioner Lindsey Watts who confirmed that Commissioner Allen had started the rumor.

My male counterpart at the time, Robert Uhler, was not a target of Commissioner Allen.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

Heather Hall

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Rachel Pruitt

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

(Day, month, and year)

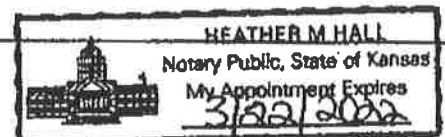
06, 06, 2020

4/16/20

Date

Rachel Pruitt

Charging Party (Signature)



On March 9, 2020, I complained to Deb Needleman, HR, and Jeff Deane, City Attorney, that I believed I was being discriminated against and harassed based on my sex. Mr. Deane told me he would open an investigation. On April 6, 2020, Mr. Deane issued a report to the Commission which concluded that Commissioner Allen had violated the City discrimination laws. On April 21, 2020, the City Commission approved a resolution that publicly censured Commissioner Allen.

Commissioner Allen denied the allegations and has not complied with the requirements of the City Resolution (which required a formal letter of apology; that he refrain from harassment; that he refrain from participating in any Commission activity concerning my employment; and that he attend anti-discriminatory training, among other things). In fact, Commissioner Allen maintains that my entire claim is fabricated and a "cover up" my alleged illegal activity.

On May 13, 2020, Commissioner Allen submitted a request pursuant to the Kansas Open Records Act ("KORA") for all emails concerning the housing project I worked on with Mr. Krsnich. I viewed Commissioner Allen's KORA request as continued sex discrimination and harassment. That same day, I complained to Ms. Needleman and Mr. Deane of ongoing sexual harassment. Mr. Deane refused to take any corrective action and stated that we should comply with the KORA request.

On May 23, 2020, I received a text from Laurie Uhler, Robert Uhler's wife. She told me that Commissioner Allen told Justin Uhler, her adult son, that I was having an extra marital affair with her husband, who had since resigned his position. Mrs. Uhler did not believe the rumor, but she was upset about the fact that Commissioner Allen had contacted her son.

On June 6, 2020, Ms. Needleman placed me on unpaid administrative leave for the stated reason that an investigation was being conducted concerning some bogus criminal charges that were filed against me.

Based on the above, I believe I was subjected to sex discrimination (including a hostile work environment) and harassed in violation of Title VII and Kansas law. I also believe I was retaliated against for requesting that the workplace be free of discrimination and harassment.

Exhibit B

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY

FEPA
 EEOC

CHARGE NUMBER

AMENDED
563-2020-01983

Kansas Human Rights Commission and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)
Rachel Pruitt

HOME TELEPHONE (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE

DATE OF BIRTH

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME NUMBER OF EMPLOYEES, MEMBERS
City of Ft. Scott, Kansas 100+

TELEPHONE (Include Area Code)
620-223-0550

STREET ADDRESS CITY, STATE AND ZIP CODE
123 S. Main, Ft. Scott, Kansas, 66701

COUNTY
Bourbon

NAME TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

RACE COLOR SEX RELIGION AGE
 RETALIATION NATION DISABILITY OTHER (Specify)
ORIGIN

DATE DISCRIMINATION TOOK PLACE EARLIEST (ADEA/EPA)

January 1, 2020 - Present

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

On June 16, 2020, I filed Charge No. 563-2020-01983 against the above-named employer. This Charge is intended to cover discriminatory incidents that have occurred since the Charge was filed.

Around the time I was placed on administrative leave, a public Facebook group called the "Regulators" was created by Pat Wood. Mr. Wood is a friend of City Commissioner Kevin Allen (my primary harasser). Commissioner Allen is a member of the Regulators. The name Regulators is a play on the movie, *Young Guns*, which is about a group of murderers and vigilantes. Around the time the group was created, Commissioner Allen got a tattoo on his arm of a masked gunman with bullet holes. One of the bullet holes represents me.

Commissioner Allen is active on the Regulators Facebook account. He posted a message which states, "Make you famous." This quote is from a scene in *Young Guns* when Emilio Estevez (who plays Billy the Kid) fires his gun and commits murder. The comment is clearly directed at me and expresses Allen's desire to terminate me from my employment.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

12/10/20
Date

Rachel Pruitt
Charging Party (Signature)

Heather M Hall
Thursday, December, 2020

On June 29, 2020, I returned to work from leave. Commissioner Allen continued to ignore and openly violate the public censure he received in April 2020 which was supposed to protect me from further discrimination, harassment and retaliation. On June 30, 2020, Dave Martin, City Manager, told me that Commissioner Allen was in City Hall on June 4, 2020, demanding termination of my employment. On June 11, 2020, Commissioner Allen renewed his request for my termination.

On July 21, 2020, Deb McCoy, one of Commissioner Allen's known associates, made a presentation to the City Commissioners. Ms. McCoy's alleged research revealed misappropriation of funds to a City contractor and discrepancies with grant money that was distributed. Ms. McCoy also claimed she tried to speak to me about the issue, but that I did not get back to her. Ms. McCoy's allegations are completely false. On July 22, 2020, Ms. McCoy sent a citizen letter to the City Commissioners in an attempt to further discredit me.

On July 30, 2020, Commissioner Allen attended a weekly Chamber of Commerce coffee. He told the Chamber members that my position should be consolidated with the Bourbon County Economic Development position. Jody Hoener currently holds the position for the County. Commissioner Allen commended Ms. Hoener for her work which sent a message to Chamber members that she should be selected for the consolidated position. This is another example of Commissioner Allen's flagrant disregard of the April 2020 public censure which was supposed to protect me from further discrimination, harassment and retaliation.

On August 11, 2020, Mr. Wood and Bill Michaud sent citizen letters to the City Commissioners to discredit me and jeopardize my employment. Mr. Michaud, a developer on a grocery store project, who's only son dates Jocie Allen, one of Commissioner Allen's daughters. Mr. Michaud stated in his letter that he wanted his name removed from my contact list and expressed his disappointment that I had not been terminated given my alleged lack of productivity (among other bogus reasons).

On August 20, 2020, news about a City loft project headlined the social media news feeds. A confidential voicemail I left for a general contractor on a City project was taken out of context and uploaded to the news story. The information that was posted on social media suggested I was guilty of gross misconduct. Reporters began to make inquiries and threatened to go public with false information about me. Commissioner Allen later demanded reimbursement for his legal fees he allegedly incurred related to his Kansas Open Records Act requests.

On August 26, 2020, I received an email from Steve Buerge, President of the Bourbon County Economic Development Council ("BEDCO"). Mr. Buerge informed me that he was stepping down as President because consolidation of the City and County's Economic Development departments was a certainty.

On September 11, 2020, Brian Comstock, a business owner, emailed Mr. Martin and asked that I be excluded from a key meeting regarding the airport expansion project. Predictably, Mr. Comstock is another associate of Commissioner Allen. Mr. Martin honored Mr. Comstock's request and my exclusion from the key meeting impeded my ability to perform my job.

On September 28, 2020, Commissioner Pete Allen (a relative of Commissioner Kevin Allen), made derogatory comments at a City Commissioners meeting about me regarding a grant application. That same day, Mr. Michaud reiterated his position that he would not work with me on the grocery store project. Again, since I am responsible for this project, I cannot perform my duties if Commissioner Allen's associates refuse to work with me. Because this known associate refuses to work with me, I am excluded from work on a development project which significantly reduces my job responsibilities.

On October 1, 2020, Flex Build, a contractor company on a City project, filed a claim against the City and me individually claiming that the City and I tortiously interfered with Flex Build's alleged relationship with a developer. Flex Build is owned by one of Commissioner Allen's associates and Commissioner Allen and Flex Build share the same legal counsel.

During this same time frame, Ms. McCoy led ongoing bogus investigations into false allegations that I had misused public funds.

On October 6, 2020, there was a public announcement about the consolidation of the City and County Economic Development positions. I attempted to apply for the consolidated Economic Development Director position, but was told I could not apply because the position did not exist yet. Curiously, Ms. Hoener (the County Economic Development Director), has a pending application for the position.

On November 16, 2020, Ms. Hoener requested an executive session with the City Commissioners concerning an unidentified project. Clearly, Commissioner Allen and Ms. Hoener are aligned. In fact, Ms. Hoener "liked" Commissioner Allen's "Make you famous" comment and the Regulators bullet hole tattoo post. On November 17, 2020, Ms. Hoener emailed Commissioner Allen and stated that the request for an executive session must come directly from him. She also stated that I should be excluded from any work on the unidentified project. Commissioner Allen's involvement in economic development clearly violates the 2020 public censure which is supposed to protect me from further discrimination, harassment and retaliation

On November 18, 2020, Fort Scott Mayor JoLynne Mitchell resigned. Curiously, Commissioner Allen recommended Ms. McCoy as Ms. Mitchell's replacement.

On November 28, 2020, an article was published in the *Fort Scott Tribune* which announced the commitment of \$130,000 in the 2021 County budget for the BEDCO Economic Development consolidation.

On November 30, 2020, Commissioner Allen recommended Josh Jones, Regulators member and one of his good friends, for the City Commission. Mr. Jones was appointed with a vote of 3-1. The addition of Mr. Jones gives Commissioner Allen majority rule and seals my termination. That same day, Commissioner Allen told Diane Clay, City Clerk, that he hopes to be appointed Mayor in January 2021.

On December 1, 2020, Commissioner Allen continued to vote on an economic issue at the City Commissioner meeting. This is not the first time he has voted and openly argued on economic development issues which is a clear violation of the public censure he received in April 2020 which was supposed to protect me from further discrimination, harassment and retaliation.

Based on the above, I believe I was subjected to sex discrimination (including a hostile work environment) and harassed in violation of Title VII and Kansas law. I also believe I was retaliated against for requesting that the workplace be free of discrimination and harassment.