

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**TROY D. BROWN**

**PLAINTIFF**

**VERSUS**

**NO. 4:14-CV-114-DMB-JMV**

**LEFLORE COUNTY, MISSISSIPPI**

**DEFENDANTS**

**JURY TRIAL DEMANDED**

**COMPLAINT**

This is an action to recover actual damages and for declaratory and injunctive relief for violation of rights under the First Amendment of the United States Constitution. The following facts support this action:

1.

Plaintiff TROY D. BROWN is an adult resident citizen of 3163 Highway 430 South, Greenwood, Mississippi 38930.

2.

Defendant LEFLORE COUNTY, MISSISSIPPI is a political subdivision of the State of Mississippi. It may be served with process through its Chancery Clerk, Sam Abraham, 306 W Market St Greenwood, MS 38930. At all relevant times, Defendant acted under color of state law.

3.

This Court has jurisdiction under 28 U.S.C. § 1343, for a cause of action authorized by 42 U.S.C. § 1983 and by the freedom of speech provisions of United States Constitution Amendment One.

4.

At all relevant times, Defendant, pursuant to Mississippi statute, was governed by a board of supervisors. Under state law, the board of supervisors has the ultimate management authority for county affairs, and is ultimately responsible for the hiring and firing of county employees, including the county administrator.

5.

For many years, Leflore County Chancery Clerk Sam Abraham has been employed by the Leflore County Board of Supervisors to have the additional duty of county administrator. Abraham is the chief executive officer of the county by virtue of the Leflore County Board of Supervisors designating him as the county administrator.

6.

Pursuant to state law, the board of supervisors employs a director of emergency management.

7.

Based on Plaintiff's eight (8) years as a projects officer with the Federal Emergency Management Agency ("FEMA"), the Leflore County Board of Supervisors, in August 2013, hired him as the Greenwood-Leflore Emergency Management Director. Plaintiff's eight (8) years of experience made him uniquely qualified for this position. Plaintiff accepted the position at a substantial salary loss so as to be able to spend more time at home near his family.

8.

In compliance with state statute, Plaintiff was assigned to work under the supervision of the Leflore County Board of Supervisors.

9.

Nevertheless, because of a long-time practice and procedure in county affairs, the Leflore County Chancery Clerk and Administrator Abraham had been accustomed to directing the activities of the Greenwood-Leflore Emergency Management Agency, and had exercise and control over that agency prior to Plaintiff's being hired. Controversy developed between Abraham and Plaintiff concerning Abraham's desires to continue operation of the agency.

10.

In an executive session late December 2013, the Leflore County Board of Supervisors voted to place Plaintiff under the formal supervision of Abraham.

11.

The Leflore County Board of Supervisors placing Plaintiff under the supervision of Abraham caused an internal rift within the Leflore County Board of Supervisors, with two (2) supervisors, Supervisor Collins and Supervisor Moore, opposing the transfer of Plaintiff to work under Abraham. This controversy ultimately resulted in Collins being removed as board president. Collins removal as board president was in violation of state law, which requires board presidents be selected for a four (4) year term.

12.

At or shortly following his removal as board president, Collins reported to the Greenwood Commonwealth that the reasons for his removal as being "the county administrator thought he should be over the emergency manager." Collins also made statements to the Greenwood Commonwealth, that his disagreement with County Administrator Abraham cost him the presidency of the board. Based upon the statements made by Collins when he was removed as president of the board, it is a reasonable inference that Collins was removed as president because of Abraham's

influence over the Leflore County Board of Supervisors.

13.

The new Leflore County Board of Supervisor President Wayne Self informed the Greenwood Commonwealth that the board voted to oust Collins because it was “upset over remarks Collins had made to the newspaper.”

14.

Plaintiff reported to County Administrator Abraham for approximately one week. In early January 2014, the board voted to remove Plaintiff from Abraham’s supervision, and to place Plaintiff under the supervision of the Leflore County Sheriff Rickey Banks. This arrangement was apparently done as a compromise between those supervisors who wanted Plaintiff to report to the board (see Miss. Code Ann. § 33-15-17) and those who wanted Abraham to control all county employees.

15.

Notwithstanding Plaintiff’s having been placed under the direction of the sheriff, the controversy among members of the board of supervisors continued, with the supervisors debating county affairs in the news media (The Greenwood Commonwealth). Supervisor Collins maintained that he was illegally removed as president, that Abraham had “engineered” his ousting, and Abraham responded to these allegations as a “bold face lie.”

16.

On February 16, 2014, Plaintiff posted in the Greenwood Commonwealth the article entitled *Brown: Abraham Wants Me Out*, Exhibit “A.” In this article, Plaintiff made statements protected by the First Amendment criticizing the degree to which Abraham controls county affairs, stating that Chancery Clerk Sam Abraham “believes from the depth of his heart that he runs Leflore County and

everybody in it . . .,” and that regardless of what expertise is “brought to the table,” that expertise is disregarded in favor of Abraham’s opinions.

17.

On Sunday, February 23, 2014, Plaintiff wrote another letter to the Greenwood Commonwealth (Exhibit “B”), in which he again expressed disfavor with Abraham’s control over the board of supervisors, stating, in part: “there is no disputing that he has been involved over the years in helping various supervisors win their elections, including over incumbents with whom he has battled.” See Letter to the Editor entitled *This is more than a workplace tiff*, dated February 23, 2014, attached hereto as Exhibit “B.” This letter opined that “after the next election, ‘the magic’ will come to an end.” *Id.*

18.

On or about February 24, 2014, the Leflore County Board of Supervisors terminated Plaintiff’s employment by a vote of three (3) to two (2). See Article Entitled *Board dismisses Brown*, dated February 25, 2014, attached hereto as Exhibit “C.”

19.

A substantial contributing cause of Plaintiff’s termination was his exercise of First Amendment rights, by his writing the letters to the editor, Exhibits “B” and “C.” Indeed, Board President Self criticized Plaintiff for “running to the paper,” and said that Plaintiff’s decision to speak to the press “factored” in the decision to fire him. See Exhibit “C.”

20.

Defendant will contend that Plaintiff’s First Amendment right to speak out against Abraham’s role in county government is outweighed by considerations of governmental efficiency.

Defendant is estopped to deny that such concerns about governmental efficiencies outweigh Plaintiff's First Amendment free speech rights since County Administrator Abraham and members of the Leflore County Board of Supervisors have openly debated in the news media the merits or lack of merits of the matters Plaintiff discussed. Defendant has admitted that economic efficiency or disparaging statements made in the newspaper about an employee is not cause for termination because it has not terminated Abraham for his remarks, which also evidence disagreement between local government employees.

21.

United States Constitution Amendment One requires that the government not discriminate between these with conflicting opinions. At the time of his termination, Plaintiff was not a subordinate of Abraham but, to the contrary, reported to the county sheriff, and should have been reporting to the Leflore County Board of Supervisors. See Miss. Code Ann. § 33-15-17. Plaintiff's First Amendment right to inform citizens of his opinion about Abraham's control of county affairs, and to raise legitimate concerns as to whether one who is an employee of the board of supervisors is controlling his own employer, was a valid First Amendment free speech right. An interest in governmental efficiency does not outweigh this First Amendment right to express an opinion on matters of public importance, when governmental officers have voiced the opposite side of the dispute in the news media.

22.

Plaintiff is entitled to actual damages for lost income and mental anxiety and stress as a result of his discharge.

**REQUEST FOR RELIEF**

Plaintiff requests actual in an amount to be determined by a jury and reinstatement. Plaintiff also requests reasonable attorneys' fees, costs, and expenses.

This the 13th day of August, 2014.

Respectfully submitted,

WAIDE & ASSOCIATES, P.A.

BY: /s/ JIM WAIDE  
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EXHIBIT

A

## Brown: Abraham wants me out

By BRYN STOLE

Staff Writer | Posted: Sunday, February 16, 2014 2:00 am

Greenwood-Leflore Emergency Management Agency Director Troy Brown says Chancery Clerk Sam Abraham is trying to have him replaced.

In an op-ed column published in today's Commonwealth, Brown also alleges that Abraham distributes equipment in Brown's department "at will" and interferes in his day-to-day work.

"All I want to do is my job; that's all I want to do," Brown said Saturday by phone. "Sam has done everything to hinder me from doing that."

Brown emailed the op-ed column to the Commonwealth earlier in the day. In it, Brown sounds a familiar theme that has been voiced periodically by Abraham's critics: namely, that the longtime chancery clerk exerts inordinate power.

Abraham, Brown writes, "believes from the depth of his heart that he runs Leflore County and everyone in it and that he knows best. No matter what expertise you bring to the table, unless it meets the agenda of the 'Book of Sam,' it is wrong."

Abraham disputes Brown's allegations. He said he hasn't dealt with Brown since the emergency management director was placed under the sheriff at the beginning of January.

"That's between the sheriff, him and the board," Abraham said. "I'm not in charge of him anymore. He's not doing his job, and he wants to blame everybody else."

As for trying to replace Brown, Abraham said only the board has the power to do so.

"I'm not sure what's wrong with Troy at this point," Abraham said. "He seems to want to blame me for all his failures, and I don't have anything to do with him."

Brown and Abraham have had an often contentious relationship since Brown was hired last August to replace former GLEMA Director T.W. Cooper.

Brown has alleged that Abraham endangered grant funding by going over his head. Brown also complained that Abraham authorized County Fire Coordinator Gary Fulgham to take GLEMA equipment without Brown's permission.

For his part, Abraham has questioned Brown's competence as a department administrator but denied improperly meddling in Brown's department.

"If he does his job, I think he'll be fine," Abraham said.

Brown has been working on completing an updated inventory for his agency since he was hired. He

Brown: Abraham wants me out - The Greenwood Commonwealth (News) http://www.woodwordnewspaper.com/article/JohnNewman/abraham\_out/ea49c78a-96d4-11e3...

was asked at Monday's Board of Supervisors meeting to bring a list of missing items back with additional details and serial numbers.

Brown claimed his efforts to locate the department's equipment have been hindered by Abraham. Brown claimed Abraham has handed out GLEMA equipment to other county departments without following proper procedures, an allegation Abraham denies.

Brown would not be the first emergency management director to take issue with the chancery clerk's involvement in that department.

Cooper, the retired director, said Saturday he felt Abraham's interference regularly prevented him from carrying out his duties during his 11 years with the agency.

When Cooper was director, the agency was under the supervision of Abraham, who also serves as county administrator. When Brown was hired, the supervisors voted initially to place GLEMA directly under the board.

The department was placed back under the county administrator for a week in December before finally being placed under the supervision of Leflore County Sheriff Ricky Banks. Banks declined to comment on Brown's allegations or state whether there were any continuing issues since Brown was placed under his direction, saying it was a personnel matter.

District 3 Supervisor Anjuan Brown said he thought placing GLEMA under the Sheriff's Department had solved the matter. He added that he wasn't aware of any efforts by Abraham to replace Brown as GLEMA director.

"I don't have any knowledge of what he's talking about," Brown said. "Abraham can't fire him. Only the board can terminate any employee."

Cooper refused to sign off on an inventory when he retired last June because he never had "full and complete control" of many items and that much of the equipment wasn't properly signed out.

"The stuff that was loaned out without my knowledge, I don't feel responsible for that," Cooper said.

"Normally, as a rule, the director of a department has control over any and everything that's on the inventory under his name," Cooper said. "That is not the case in Leflore County. The county administrator has already made clear he's responsible for all the county inventory. I'm assuming he feels that gives him the authority to give it out to anyone he wants to whenever he wants to."

Abraham said Cooper was mischaracterizing the way the department operated. Although Abraham said he would occasionally instruct Cooper to assign equipment to other departments, "being over the emergency management at that time, that was my prerogative to do that."

However, Abraham denied ever allocating equipment improperly, saying "I didn't personally sign out anything to anybody."

*Contact Bryn Stole at 581-7235 or bstole@gwcommonwealth.com.*

EXHIBIT

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B

## This is more than a workplace tiff

Posted: Sunday, February 23, 2014 2:00 am

Editor, Commonwealth:

I accept the points that you made in your editorial, "Troy Brown brings a lot of drama," (Feb. 18). Like you, I think it would be improper and illustrate poor judgment to just air your workplace issues in the newspaper. If all things were equal, I would agree with you that the disagreements between Sam Abraham and me are workplace issues. But Sam is much more than just another employee.

If I'm not mistaken, the position of county administrator, which Sam holds, is like the position of director of emergency management, a nonpolitical job. But even you know better than that.

In fact, in your own words and your own op-ed column, "Collins should get past hurt feelings" (Jan. 5), you state, "Although Abraham plays down his influence on the Board of Supervisors, there is no disputing that he has been involved over the years in helping various supervisors win their elections, including over incumbents with whom he has battled."

If you would, please name for me another county employee who has this level of influence over his boss. It disturbs me greatly (and should disturb the entire county) that if Sam has issues with his boss, he simply decides to replace that person. Usually, it's the other way around.

When I refer to "Sam's kingdom," it is a reference to the success he's had in maintaining the "magic" three votes — votes that have allowed him to shape this county in his image. Like the fact of his influence in determining who his bosses will be, you also pointed out in the previous op-ed that, "A supervisor doesn't really need to have any advanced mathematical abilities, but he does need to be able to count to three." Mind you, we must remember that these are elected officials.

But, what Sam wants, he gets. And whatever the dollar amount he needs to put behind it and whatever people he needs to recruit, his "will" will be done. To drive my point home even further that Sam is obsessed with maintaining control, he performs the job as county administrator even though roughly 75 percent of his salary for the position is returned to the county (as a retirement reduction).

There appears to be a pattern in your opinion: Anyone Sam steps on — anyone who refuses to live by the "Book of Sam" — should simply "sit down and shut up." Those days are over.

My op-ed column ("Sam Abraham has it out for me," Feb. 16) was not submitted to entertain.

As for the "drama," you made the decision to assign a reporter to contact me after I submitted my column for your review. You made the decision to put the story on the front page of the paper. Those decisions made it a "drama." In actuality, it is a tragedy.

Regardless of your misguided opinion about the irrelevance of emergency management (an opinion

clearly based on the same single ice storm in 1994 that forms the basis of Sam's emergency management expertise), you got one thing right: There is a bigger issue. That issue: How much longer will Sam's power trip last?

I predict that, after the next election, the "magic" will come to an end.

Troy Brown

Greenwood

EXHIBIT

tables

C

# Board dismisses Brown

By BRYN STOLE

Staff Writer | Posted: Tuesday, February 25, 2014 2:00 pm

Troy Brown is out as director of the Greenwood-Leflore Emergency Management Agency, after just under six months on the job.

The Leflore County Board of Supervisors voted 3-2 to terminate Brown at its meeting Monday, following a closed-door discussion.

Board President Wayne Self, who put forward the motion to fire Brown, said the decision was personally difficult but was made in the best interest of the county.

"Troy as a person, I love him to death," Self said after Monday's meeting. "Troy as an employee of the county? I just don't think he's cut out for it."

District 1 Supervisor Phil Wolfe and District 3 Supervisor Anjuan Brown voted with Self to terminate the GLEMA director. District 5 Supervisor Robert Collins and District 2 Supervisor Robert Moore voted against the move.

Following the closed-door session, Moore said he couldn't stop the majority but wasn't convinced there were adequate grounds for termination.

"I really didn't hear enough to merit this," he said.

Brown shook hands with the five supervisors after the vote and left the meeting room without comment.

This morning, he said he was disappointed in the decision and hoped the board would "look at emergency management more seriously and recognize the potential it has for preparing people."

He also said that he brought considerable experience to the job — Brown previously worked as a contractor for the Federal Emergency Management Agency — but that political interference prevented him from fully carrying out his duties.

"I brought 16 federally declared disasters of experience to this job," Brown said. "I wasn't allowed to give the job all that I could give it."

The oft-outspoken Brown has been the center of some controversy in county government. He's clashed repeatedly with County Administrator Sam Abraham, whom Brown has accused of interfering in his department and overstepping his authority.

Abraham, in turn, had briefly cut off Brown's spending authority and questioned his competence in the position.

Brown's criticism of Abraham was aired publicly in a Feb. 16 op-ed in the Commonwealth and again in a letter to the editor in Sunday's paper, in which Brown wrote, "Sam is obsessed with maintaining control."

Self said Brown's decision to air his complaints in the newspaper factored into his decision to fire him.

"Running to the paper, that hurt me tremendously," Self said. "If you've got a problem with one of the county employees, your job is to go to your immediate supervisor, which is Sheriff (Ricky) Banks. He didn't go to him."

Self said supervisors were also concerned with the way Brown was running the department. He said that Brown's response to the ice storm on Feb. 10-11 was inadequate, with Brown driving the county roads instead of coordinating the emergency response from the command center, and that the director didn't spend nearly enough time in his office getting the agency's paperwork in order.

"He told us, if he's put in this position, in a hundred days he'd have the county ready for any kind of disaster," Self said. "We are not prepared."

Among some of the supervisors' complaints were the slow pace at which Brown was moving with putting together an inventory for the agency.

The vote and closed-door discussion came after another discussion of the inventory, which Brown has been working on since taking office last August.

On Monday, he presented the board with an updated list of the items he's been unable to locate, which Brown said accounted for approximately 12 percent of the 676-item equipment list.

Sheriff Banks, though, told the board he went ahead and asked Deputy Fred Randle to try to locate the items Brown said two weeks ago he couldn't find.

Banks said Randle was able to locate the majority of the items Brown had marked missing. Some, Banks said, were located in Brown's office.

"Sounds like somebody wasn't working too hard to me," Banks said.

Brown said he worked with Randle on the inventory back in the fall, and he expressed frustration that the deputy was able to locate equipment the two couldn't turn up earlier.

"How he can find it now and couldn't find it then, I don't know," Brown said. "I wish he could've found it then. It would've saved us a lot of time."

Brown also renewed his complaint about other county employees taking GLEMA equipment without notifying him.

In the past, Brown has criticized Abraham for giving Leflore County Fire Coordinator Gary

Fulgham permission to take a GLEMA four-wheeler and trailer without contacting Brown first.

"If somebody goes and gets something — and that's happened since I've been here — if they don't tell you that they're getting it, then that's gone," Brown said Monday. "You can't go and get something without telling the person responsible that you've got it."

Self said Brown's pace of progress, and not the missing items themselves, was the real problem in the agency.

"I'm not going to hold him responsible for a lot of this stuff that's missing," Self said. "I'm going to hold him responsible for getting out there and looking for it."

He added that there were no immediate plans to hire a new director or to name an interim one.

"We weren't progressing at all," Self said. "I'm just sincerely hoping that we can stop looking like cartoon characters to a lot of the citizens out there. A lot of the supervisors couldn't focus on what they needed to do because of all these complaints they were getting."

*Contact Bryn Stole at 581-7235 or bstole@gwcommonwealth.com.*