4-4-1983

Juvenile Welfare Board Meeting : 1983 : 04 : 04 : Minutes

Juvenile Welfare Board of Pinellas County.
JUVENILE WELFARE BOARD

Special Meeting - April 4, 1983

PRESENT: Mrs. Mary Wyatt Allen, Chairman; Mrs. Mary Frances Byrkit, Vice Chairman; Dr. Calvin D. Harris, Secretary; Commissioner John Chesnut, Jr.; Mrs. Helen W. Herman; Judge Jack A. Page; Dr. Scott Rose; and Mrs. Jo Ann Welch. Also present: Mrs. Mary Laura Broadwater, Executive Secretary; and Mr. Terry A. Smiljanich, Attorney at Law.

Mrs. Allen called the meeting to order. Dr. Frank M. Osanka and a court reporter were present.

Mrs. Allen referred the Board and Dr. Osanka to the agenda and stated that this was the fifth meeting of the Juvenile Welfare Board for the purpose of discussing the employment of Dr. Frank Osanka with the Juvenile Welfare Board - six charges have been set forth and studied since February 1st, 1983. Although the Juvenile Welfare Board does not fall under the scope of the Administrative Procedures Act, as a courtesy and to ensure fairness the Board has proceeded by giving Dr. Osanka written notice and opportunities to respond. She further explained that the agenda tonight, if adopted, would have the Board deal only with new information and facts.

MOTION Adoption of Agenda

Dr. Harris moved, and Mrs. Herman seconded a motion which carried unanimously to adopt the agenda as presented.

Mr. Smiljanich stated that he had facts to substantiate each charge, most of which had been previously discussed at the probable cause hearing. He explained that he had not been given the opportunity to take Dr. Osanka's deposition to determine his position on these matters.

Mr. Smiljanich went over the items in connection with Charge #1 - Dr. Osanka's failure to inform the Board that he had been terminated for cause by Lewis University when he was interviewed and hired for this job in that this constitutes a breach of his contract with the Board and constitutes cause for termination under his contract. Mr. Smiljanich asked that a portion of the docket from Illinois, which showed the pendency of the case there, be made a part of the record of these proceedings.

In connection with Charge #2 - Dr. Osanka giving false personal information to law enforcement officials of St. Petersburg Beach on December 31, 1982, and Charge #3 - Dr. Osanka was dishonest to the Board and the staff and the public in connection with that incident at St. Petersburg Beach by the giving of different stories to the Board, to the public, and to the staff: Mr. Smiljanich questioned staff members, Mrs. Mary Laura Broadwater and Mr. Robert Glenn, who were also questioned by Dr. Osanka.

In connection with Charge #4 - Dr. Osanka was dishonest with Board member, Helen Herman, in a telephone conversation concerning the circumstances surrounding his termination by Lewis University involving sexual harassment: Mr. Smiljanich questioned Mrs. Herman.

In connection with Charge #5 - Dr. Osanka conducted himself in an unprofessional manner in connection with two female clients of Marriage and Family Counseling: Mr. Smiljanich stated that Dr. Osanka was present at the depositions, together with his attorney (Mr. Ken Deacon), who cross-examined those witnesses.

In connection with Charge #6 - re reimbursement for long-distance telephone calls and the check dated December 15, 1982: Mr. Smiljanich had previously presented to the Board the check dated December 15, 1982 and the deposition of Mr. William Markman in connection with that check and with the reimbursement for the calls. Mr. Smiljanich stated that both Dr. Osanka and his attorney were present at this deposition to cross-examine Mr. Markman.
Dr. Osanka was invited to make opening remarks. He asked to have material from which he had read put in the record as case law that was cited.

Dr. Osanka was given the opportunity to present any facts that he wished to in response to any of the six charges.

Mrs. Allen declared a brief recess, and then reconvened the meeting.

After Dr. Osanka had been given time to give facts on each of the six charges, he was allowed fifteen minutes for final arguments on facts related to the six charges.

In the fifteen minutes then allowed Mr. Smiljanich for final arguments on facts related to the six charges, he stated that the facts as they had been presented to the Board substantiated each and every charge that had been brought against Dr. Osanka. He also submitted to the Board that each charge, standing individually, constituted grounds for termination of Dr. Osanka's contract. In conclusion, Mr. Smiljanich stated that the Board had the facts and the statements of Dr. Osanka, its mandate was clear - it should now consider each charge individually, and he would submit to the Board that the charges have been substantiated, and that Dr. Osanka can and should be terminated for cause, effective immediately, as Executive Director of the Juvenile Welfare Board on each and every charge individually.

Mr. Smiljanich stated that he did not think that there was any requirement that Mrs. Herman and Judge Page recuse themselves - that they were, in a sense, the employers of Dr. Osanka and that they can consider matters that they have personal information with regard to, and can, in fact, exercise their vote if they so choose.

**MOTION**

**Charge #1**

Mrs. Herman moved, and Mrs. Welch seconded a motion which carried unanimously to find that the facts to support Charge #1 are substantiated.

(Dr. Osanka's failure to inform the Board that he had been terminated for cause by Lewis University when he was interviewed and hired for this job and that this constitutes a breach of his contract with the Board and constitutes cause for termination.)

**MOTION**

**Charge #2**

Judge Page moved, and Mrs. Byrkit seconded a motion which carried unanimously to find that the facts to support Charge #2 are substantiated.

(Dr. Osanka gave false personal information to law enforcement officials of St. Petersburg Beach on December 31, 1982.)

**MOTION**

**Charge #3**

Judge Page moved, and Mrs. Herman seconded a motion which carried unanimously to find that the facts to support Charge #3 are substantiated.

(Dr. Osanka was dishonest to the Board and the staff and the public in connection with that incident at St. Petersburg Beach by the giving of different stories to the Board, to the public, and to the staff.)

**MOTION**

**Charge #4**

Mrs. Byrkit moved, and Dr. Harris seconded a motion which carried unanimously to find that the facts to support Charge #4 are substantiated.

(Dr. Osanka was dishonest with Board member, Helen Herman, in a telephone conversation concerning the circumstances surrounding his termination by Lewis University involving sexual harassment.)

**MOTION**

**Charge #5**

Mrs. Welch moved, and Judge Page seconded a motion which carried unanimously to find that the facts to support Charge #5 are substantiated.

(Dr. Osanka conducted himself in an unprofessional manner in connection with two female clients of Marriage and Family Counseling.)
During discussion of the above motion, Dr. Rose stated that he was going to vote for the
motion, but he wanted to make it clear that he was not voting to sustain all parts of that
charge. He stated that this was a very difficult subject to deal with when Dr. Osanka
could not give his side of part of it because of the confidentiality of what the client
said, etc. Dr. Rose was voting for it because the first individual wound up at the private
residence of Dr. Osanka and was there a considerable period of time. Dr. Osanka had made
a statement that it was not for counseling purposes. First of all, Dr. Rose would think it
was wrong to counsel at the private residence to start with, but if it was not for counsel-
ing purposes, why was Dr. Osanka involved with the client of one of the agencies of the Ju-
venile Welfare Board? And for that, alone, Dr. Rose would vote to sustain that charge.

MOTION
Charge #6
Dr. Harris moved, and Dr. Rose seconded a motion which carried unanimously to
find that the facts to support Charge #6 are substantiated. (Re reimbursement
for long-distance telephone calls and the check dated December 15, 1982.)

MOTION
Termina-
DR. OSAK
Dr. Rose moved, and Judge Page seconded a motion which carried unanimously
that Dr. Osanka be terminated forthwith from the position as Executive Direc-
tor of the Juvenile Welfare Board based on the charges set forth and previous-
ly voted on individually.

MOTION
Return to
General
Fund
Judge Page moved, and Mrs. Byrkit seconded a motion which carried unanimously
to remove the salary money held in escrow since March 10, 1983 and return the
funds, including interest, to the Juvenile Welfare Board general fund.

MOTION
Salary
Check
Dr. Rose moved, and Judge Page seconded a motion which carried unanimously
for staff to release to Dr. Osanka his salary check through March 9, 1983,
less indebtedness of $679.88, after the documents as itemized by Mr. Smil-
janich have been returned by Dr. Osanka.

MOTION
Search
Committee
Dr. Rose moved, and Mrs. Byrkit seconded a motion which carried unanimously
to instruct the Search Committee to proceed immediately to advertise for a
new director.

Mrs. Allen declared the meeting adjourned.

The next meeting will be: April 14, 1983, 9:30 a.m. - regular meeting.

Calvin D. Harris, Ed.D., Secretary