

IN THE IOWA DISTRICT COURT FOR CERRO GORDO COUNTY

<p>NATASHA LEWERKE,</p> <p>Plaintiff,</p> <p>vs.</p> <p>CERRO GORDO COUNTY and CERRO GORDO COUNTY TREASURER PATRICIA WRIGHT, in her personal capacity and official capacity,</p> <p>Defendants.</p>	<p>Case No. _____</p> <p>PETITION and JURY DEMAND</p>
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COMES NOW the Plaintiff, Natasha Lewerke, and for her cause of action hereby states as follows:

1. This is an action under Iowa's public employee whistleblower protection laws and the Iowa common law, challenging Defendants' illegal retaliation against Plaintiff and termination of her employment.
2. Plaintiff Natasha Lewerke is a citizen of Cerro Gordo County, Iowa.
3. Defendant Cerro Gordo County is a political subdivision of the State of Iowa.
4. Defendant Patricia Wright is the Cerro Gordo County Treasurer. She is sued in both her personal capacity and her official capacity.

BACKGROUND FACTS

5. Defendant Cerro Gordo County and former Cerro Gordo County Treasurer Michael Grandon hired Plaintiff Natasha Lewerke as a Deputy Treasurer on approximately December 19, 2005.

6. Patricia Wright was elected Cerro Gordo County Treasurer in November 2010, and took office on January 1, 2011. She was reelected for another four-year term which began January 1, 2015.

7. Natasha continued her job as a Deputy Treasurer after Wright became Treasurer.

8. Although Wright failed to evaluate Natasha's work performance regularly and formally, Natasha was an outstanding employee who met or exceeded all her employer's expectations.

9. In June 2014, Wright nominated Natasha to serve on the User Acceptance Team, a select group of county treasurer employees charged to study and improve regulations concerning Iowa's vehicle registration and title system.

10. As a Deputy Treasurer, part of Natasha's job was to help supervise and review the work of the five clerks who mainly performed customer service.

11. The County Treasurer and her deputies, clerks and assistants have the duty to issue Vehicle Registration cards and Certificates of Title

12. The County Treasurer and her deputies, clerks and assistants have the duty to collect road use taxes owed.

13. The buyer of a vehicle is required to pay 5% of the purchase price as a registration fee to the County Treasurer's Office. These funds are distributed to the Road Use Tax Fund.

14. In March 2015, two of Wright's personal friends came in the office to transfer title to a large, enclosed, double-axle trailer. They claimed to have purchased the trailer for \$1,000.

15. Based on Natasha's knowledge and experience, that purchase price seemed unreasonably low. Natasha called an Iowa Department of Transportation investigator with whom she occasionally consulted. The investigator agreed there was cause to suspect fraud and asked Natasha to provide him with copies of the paperwork.

16. When Natasha reported the situation to Wright, Wright was agape and aghast—not at her friends’ potential crimes, but at Natasha. Wright stated, “I’m so disappointed in you,” and, “That was none of your business.” Wright asked Natasha how she could “be so nice to them while they’re in here and then turn around and pull something like that?”

17. The following day or so, Wright summoned Natasha in to her office and confronted her about reporting the men to the DOT investigator. Wright exclaimed, “They’re friends of mine!” and accused Natasha of acting outside the scope of her assigned duties by making the inquiry to the DOT.

18. Within a few weeks, Wright decided to complete a performance evaluation on Natasha and Natasha alone. This was only the third evaluation Natasha had received throughout her ten years of employment. Wright did not evaluate any other employee.

19. On May 21, 2015, Natasha was called in to a meeting with Tom Drzycimski, who was the Human Resources Director for Cerro Gordo County. Drzycimski suspended Natasha for one day without pay.

20. According to Drzycimski, the reason for the suspension was that Natasha had reported Wright’s friends to the DOT and also because Natasha had deleted a sentence from an email before providing it to Wright.

21. During the meeting, Wright claimed to have previously disciplined Natasha for reporting her friends’ potential fraud to the DOT.

22. During the ten years prior to her suspension, whenever Natasha would help a customer at the counter, she would use the cash drawer of whichever employee had been working that particular counter. After Natasha returned from her suspension, Wright insisted that Natasha always have her own separate cash drawer.

23. On June 3, 2015, Wright insisted that Natasha train coworker Peggy Meaney about how to perform Natasha's job duties. At Wright's direction, Meaney immediately began taking over some of Natasha's duties.

24. On June 4, 2015, Wright required Natasha to balance the cash drawers—a duty Natasha had not been asked to perform in at least a year. Although the drawers balanced correctly, Natasha got the distinct impression that Wright was hoping she would have difficulty with the task.

25. On July 22, 2015, Wright required that Natasha stay after work to meet with her and HR Director Drzycimski. They had prepared a letter accusing Natasha of a "vehicle title irregularity," putting Natasha on administrative leave and banning Natasha from setting foot on Cerro Gordo County property during the duration of the leave.

26. Natasha asked, "What is a vehicle title irregularity?" Drzycimski refused to tell her but said she would have an opportunity later to ask her questions.

27. Wright seized Natasha's key and key fob.

28. Drzycimski followed Natasha to her desk and allowed to her take her jacket and her water glass.

29. Natasha did not hear from Defendants again *until October 14, 2015*, when Drzycimski summoned Natasha to an October 15 meeting at the Cerro Gordo County Courthouse, where she met for approximately one and a half hours with James Cunningham, a manager at the State Auditor's office.

30. Natasha met with Drzycimski the following week. He had a stack of papers in front of him and told Natasha that he had examined 11,000 of her emails from January 2015 through July 2015. Drzycimski called the emails "disgusting."

31. On December 15, 2015, Defendants informed Natasha that she would be fired if she did not agree to resign.

32. Natasha refused to resign her position.

33. On January 4, 2016, Wright summoned Natasha to the Treasurer's Office so that she could fire Natasha in person.

34. No one ever told Natasha what "vehicle title irregularity" meant or what she had been accused of doing.

35. On June 27, 2016, State Auditor Mary Mosiman issued a report on the operations of the Cerro Gordo County Treasurer's Office, finding that Wright failed to properly process title transactions, failed to follow DOT procedures, failed to collect certain fees, and failed to pay the State its share of fees.

36. Patricia Wright was an employee and agent of Defendant Cerro Gordo County, acting at all material times in the scope of her employment and agency.

37. Tom Drzycimski was an employee and agent of Defendants, acting at all material times in the scope of his employment and agency.

38. Peggy Meaney was an employee and agent of Defendants, acting at all material times in the scope of her employment and agency.

COUNT I
RETALIATION IN VIOLATION OF IOWA CODE SECTION 70A.29

39. Plaintiff realleges paragraphs 1 through 38 as if fully set forth herein.

40. Defendants took retaliatory actions against Plaintiff, disciplined her, suspended her, fired her, and failed to provide her with advantages in employment as a reprisal for disclosure of information that evidenced a violation of law or rule, mismanagement, and an abuse of authority.

41. As a result of Defendants' acts and omissions, Plaintiff has in the past and will in the future suffer injuries and damages including but not limited to lost wages and benefits, emotional distress, lost enjoyment of life, and medical expenses.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount which will fully and fairly compensate her for her injuries and damages, for appropriate equitable and injunctive relief, including but not limited to reinstatement, for attorney fees, litigation expenses, prejudgment and postjudgment interest, the costs of this action, and for such other relief as may be just in the circumstances.

COUNT II
RETALIATION IN VIOLATION OF PUBLIC POLICY

42. Plaintiff repleads paragraphs 1 through 41 as if fully set forth herein.

43. It is the public policy of the State of Iowa that employees may not be retaliated against for reporting incidents they believe in good faith might be illegal.

44. Plaintiff reported incidents she believed in good faith might be illegal, including potential violations of Iowa Code sections 321.17, 321.97, 714.8, and 714.9.

45. Plaintiff's reports were a determinative factor in Defendants' discipline, suspension, termination, and other retaliation against her.

46. Defendants' actions in disciplining, suspending, firing, and otherwise retaliating against Plaintiff for reporting potential fraudulent practices to the Cerro Gordo County Treasurer violated the public policy of the State of Iowa.

47. Defendants' actions in disciplining, suspending, firing, and otherwise retaliating against Plaintiff for reporting a potential fraudulent practices to the Iowa Department of Transportation violated the public policy of the State of Iowa.

48. If allowed to go unremedied, such retaliation would frustrate the well-recognized and defined public policy of the State of Iowa to protect whistleblowers who report incidents they believe in good faith might be illegal and to protect all employees from illegal retaliation.

49. This clearly defined public policy would be undermined by allowing Plaintiff to be retaliated against because it would have a chilling effect on employees' willingness to report

wrongdoing, discourage people from reporting potential fraud and other wrongdoing, and place higher tax burdens on citizens who honestly report the value of vehicles and who pay their fair share of road use taxes.

50. Plaintiff's protected activity was a determining factor in Defendants' retaliation against her.

51. As a result of Defendants' acts and omissions, Plaintiff has in the past and will in the future suffer damages including, but not limited to, mental and emotional distress, fear, anguish, humiliation, intimidation, embarrassment, lost enjoyment of life, medical expenses, lost wages, employment benefits, and future earnings.

52. Defendants acted with willful and wanton disregard for Plaintiff's rights and safety.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount which will fully and fairly compensate her for her injuries and damages, for punitive damages against Defendant Patricia Wright in her individual capacity in an amount sufficient to punish Wright and to deter Wright and others from engaging in similar conduct in the future, for prejudgment and postjudgment interest, for the costs of this action, and for such other relief as may be just in the circumstances and consistent with the public policy of the State of Iowa.

JURY DEMAND

COMES NOW the Plaintiff and demands a trial by jury.

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