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West Palm Beach to pay ex-firefighter \$200,000

by Andrew Abramson

Mayor Jeri Muoio announced Wednesday that she will ask the commission to pay ex-firefighter captain Rick Curtis \$200,000. Muoio said Curtis has already signed the agreement and "he has dropped his claim to be reinstated as an employee and dropped all lawsuits and pending lawsuits," Muoio said.



Curtis

Curtis, who is currently working as a pharmaceutical rep, declined comment before commissioners approve the settlement at Tuesday's commission meeting. His attorney, Sid Garcia, said Curtis is "generally content with the settlement."

"Obviously he would love the idea of returning to his job and does feel he was unjustly terminated," Garcia said. "Given the posture of the case he thought this would be in his best interest."

Curtis was fired from the department in 2011 following a DUI conviction. He was later awarded a retrial and was exonerated in the second trial and has fought to get his job back. However, city officials said they fired him not just

for the DUI conviction but for his behavior in a North Palm Beach jailhouse following the DUI arrest and for past disciplinary issues.

"We feel like this has been a really good situation for us," Muoio said. "We saw probably another eight years with a lot of high priced lawsuits, a lot more than the \$200,000. The concessions that he gave us, we felt we were good."

Curtis is one of three African-American fire rescue workers who sued the city fire department, contending that they were denied promotions because of their race. The suit didn't succeed, but in August 2010 the Palm Beach County Office of Equal Opportunity ruled that Curtis was discriminated against.

The city ignored an order from the administrative agency to pay Curtis \$56,506 in lost wages and \$24,000 in attorney fees and give him the next open battalion chief or assistant chief position. But the courts later quashed the Office of Equal Opportunity ruling, saying the agency didn't have jurisdiction over the matter.

Muoio said Wednesday that the city has not yet reached a settlement with William McCray, a former city police officer who now works for the Palm Beach County Sheriff's Office and also has pending litigation against the city.

In 2010, a jury awarded McCray \$230,000 saying he endured years of discrimination. But last year, an appeals court ruled that he wouldn't get the \$230,000 because of a jury error. The appeals court agreed that McCray, who is black, proved he was a victim of discrimination but said the jury went beyond the evidence in awarding McCray \$230,000. During the trial, McCray's attorneys said McCray lost \$3,000 in wages due to unjust suspensions and deserved \$150,000 for pain and suffering. The initial court awarded McCray \$230,000 for lost wages alone.



McCray

Last year, McCray also sued numerous city officials, alleging civil rights violations. McCray alleged that his rights were violated because the city will not allow him to bring a gun into city meetings, and he also alleged the city has stymied his free-speech rights.

Muoio said Wednesday that she wants to settle the McCray lawsuit but could not discuss specifics about it.

"I always have wanted to see a resolution," Muoio said.

"When I became mayor, I offered him the amount of money I have the authority to offer to resolve it and he turned that down. There was nothing more that I could do as one person, the mayor. Anything else would have to be decided by the commission. We tried to settle with him, we just haven't gotten to a point where we can agree."

McCray said Wednesday that Muoio offered him somewhere in the \$10,000 to \$20,000 range. City officials have said that McCray's had the department's worst disciplinary record.

"The jury said \$230,000 and what the city has done since then, violating my first amendment rights, my second amendment rights ... absolutely (I should get) more than \$230,000 and they know it's worth more. The sad part is, they won't tell you how much they've spent. They've spent at least 3 or 4 times that defending this case."

City officials did not immediately respond to a request asking how much they've spent in litigation against Curtis and McCray.



Tags: [Jeri Muoio](#), [Rick Curtis](#), [Sid Garcia](#), [William McCray](#)

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