

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KIM MARTIN,

Plaintiff,

**COMPLAINT**

vs.

COUNTY OF SULLIVAN,  
GISELLE STEKETEE and  
KEVIN BENNETT,

Defendants.

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Plaintiff, KIM M. MARTIN, hereby brings suit against the County of Sullivan, Giselle Steketee and Kevin Bennett for retaliation they have visited upon her for constitutionally protected speech acts.

I. **PARTIES**

1. Plaintiff, Kim M. Martin, is a female of legal age who resides in the County of Sullivan.

2. Defendant County of Sullivan is a municipal corporation which may sue and be sued.

3. Defendant Giselle Steketee is the Director of the Department of Social Service's Temporary Assistance unit. She is sued in her personal capacity for actions taken

under color of state law and by virtue of the authority she possessed as a state actor.

4. Defendant Kevin Bennett is the agency's head social welfare examiner and plaintiff's direct supervisor. He is sued in her personal capacity for actions taken under color of state law and by virtue of the authority he possessed as a state actor.

## II. JURISDICTION

5. As defendants violated plaintiff's constitutional rights to freedom of speech as protected by the first Amendment, this Honorable Court has jurisdiction pursuant to 42 U.S.C. sections 1983 and 1988.

## III. STATEMENT OF FACTS

6. Plaintiff commenced working for the County of Sullivan on August 19, 2002 as a data entry clerk in the Data Entry unit of the Department of Social Services in Liberty, New York.

7. Eight months later, plaintiff was promoted to Social Welfare Examiner, a competitive civil service position.

8. In 2007, the County promoted plaintiff to the civil service position of Senior Social Welfare Examiner, a mid-level supervisory position.

9. Plaintiff continues to hold this title.

10. At all times relevant hereto, plaintiff performed her job functions in a satisfactory manner.

11. As of June 2012, plaintiff was responsible for supervising primarily new or probationary examiners, who she was also required to train.

12. In discharging her responsibilities, plaintiff taught new employees how to determine eligibility for food stamps and public assistance and reviewed their work product to insure they were properly applying her instruction and the relevant rules and guidelines.

13. Plaintiff also served as employment coordinator and, as such, was responsible for reviewing all employment records of DSS clients to insure that the agency was properly recording and coding job searches by benefit recipients.

14. Each county in New York was required [a] to insure that DSS beneficiary recipients sought employment and [b] to keep accurate records of such employment searches and the results thereof, as well as the work histories of these recipients.

15. In reviewing records relating to these objectives, plaintiff semi-annually conducted random audits to comply with state requirements.

16. During the course of doing these audits, outside her job function and within the ambit of the agency's fraud unit, plaintiff found many irregularities, including a safety net case which was established much faster than the norm and not signed off on by proper supervisory authority, and another case in which, for two years, plaintiff's direct supervisor approved benefits, though one of the beneficiaries was already a beneficiary on another established case and the supervisor had a personal friendship with the father of the beneficiary, who also worked as a Peace Officer at DSS.

17. In auditing beyond the case codings and reviewing entire case files, plaintiff acted beyond the scope of her job duties, as a citizen, due to her concern for the lack of integrity and potential criminal conduct being engaged in by DSS staff and beneficiaries.

18. Having discovery discrepancies in the audits she performed as a citizen, plaintiff reported to Kevin Bennett, the head social worker examiner, who told her that he understood the issue, but that those involved would only get a slap on their hands.

19. Dissatisfied with this response from her supervisor and continuing her advocacy as a citizen, plaintiff reported her findings of fraud on line to the State of

New York Inspector General and to a newly-elected County Legislator, Cindy Geiger.

20. After plaintiff made her complaints and aware of them, defendant Steketee gradually deprived plaintiff of some of her job duties, including training and supervision.

21. Defendant Steketee, who was new to her position, so acted at the instance of defendant Kevin Bennett who was angered by plaintiff's revelation of embarrassing program details above his head.

22. Defendants provided plaintiff no explanation for the reduction in her job duties.

23. Plaintiff was also threatened at the work place by one of those arrested as a consequence of her reporting of fraud to state and county authorities.

24. In response to the threats of physical harm she received from her co-workers, plaintiff filed with the County a complaint of hostile work environment.

25. In the summer 2013, through its own personnel officer, the County erroneously informed all DSS employees that plaintiff had made complaints of criminal fraud on the part of her co-workers and claimed that such complaints has

been examined by the Sullivan County District Attorney who had determined the claims were false.

26. On July 25, 2013, plaintiff later received a corrected report indicating that she was partially responsible for the hostile work environment she was experiencing.

27. In August 2013, the Personnel Office claimed that the hostility directed at plaintiff was caused by her own actions.

28. During the summer of 2013, following the dissemination of the information that plaintiff had turned in her co-workers, all hell broke loose in plaintiff's work place as plaintiff's co-workers approached and taunted her, telling her that she had nowhere to turn with her complaints and one directly threatened to kick her ass.

29. During the same time period, Rhonda Roach, one of the co-workers who believed she was the subject of plaintiff's complaints, threatened physical violence against plaintiff.

30. As a direct consequence of these threats, which plaintiff reported to her supervisors, including Bennett, and their ineffectual response, plaintiff suffered significant emotional distress, began treating with a medical doctor and was prescribed medication for anxiety and depression.

31. During the course of the county's own investigations, the county's personnel officer told plaintiff to take some time off, calm down and people will forget what she had done, but this did not happen.

32. Eventually, in 2013, the State Inspector General's office and the State Police did conduct an investigation into plaintiff's complaint and, in November 2013, relying upon information provided to them by plaintiff, acting as a citizen, charged three staff with crimes arising from their abuse of the social welfare system.

33. After these staff members were so charged, co-workers would not speak with plaintiff and the work environment become even more hostile for her.

34. Plaintiff's mental status regressed as she was ostracized and made to feel considerable fright and anxiety by the conduct of her co-workers and the ineffectual response of her employer.

35. By April 2014, defendants altogether stripped plaintiff of her supervisory duties and she faced daily hostility from defendant Bennett.

36. Named defendants and other supervisors would follow plaintiff and make hostile remarks to her; plaintiff reported this to Commissioner Parker and other high ranking agency officials.

37. However, no effectual response to the persecution being visited upon plaintiff occurred and plaintiff's supervisor, defendant Kevin Bennett, continued in his hostility toward her.

38. In April 2014, plaintiff was moved to the Legal Department where she retained her supervisory title but worked in secretarial functions.

39. This continued until August 2014 when the managing attorney, Christine Cahill, became disabled and plaintiff asked to return to her prior position.

40. Plaintiff made this request because she felt that Cahill was confiding confidential information to her and she did not want to receive this anymore, especially where the information related to plaintiff herself.

41. In August 2014, plaintiff's desk was moved to the rear of the TA Department, but she was not tasked with any duties relating to DSS.

42. Having been moved, plaintiff also did not have a supervisor.

43. In January 2015, plaintiff was moved to another building after cardboard cut-outs of rats were placed in and about her work station in November and December 2014.

44. Plaintiff reported the placement of these rats to the Public Safety Officer who called the Sheriff's Department which promised to do an investigation.

45. In January 2015, plaintiff was moved to the Accounting unit where she continued to have no functions.

46. On April 29, 2015, plaintiff finally received new employment duties including reviewing cases under a supervisor with whom plaintiff had a notoriously poor relationship deriving from plaintiff's protected activities.

47. The County's entire objective has been to move plaintiff from a supervisory position to one in which had not access to detect or report fraud.

48. This course of action has deprived plaintiff of the right to do her job or pursue her career.

49. The aforementioned stripping of her job duties, assignment to new positions without duties and assignment to a supervisor known to be hostile to plaintiff all were actions taken by supervisors cloaked with the authority to make final decisions of this sort by the County of Sullivan.

50. Plaintiff has been made to feel depression, uselessness and anxiety as a direct consequence of defendant's retaliatory conduct which has deprived her of the opportunity to pursue her job functions and/or advance in her career.

51. In and after August 2013, plaintiff was diagnosed as suffering from depression and PTSD and prescribed medication by a psychiatrist she continues to see for work-related trauma.

52. By dint of the retaliation visited upon her by these defendants, plaintiff has been chilled in the exercise of her protected First Amendment rights and has ceased from the advocacy in which she had engaged, as a citizen, to extirpate corrupt practices from the county DSS office.

53. Defendant County is managed by a County Manager and DSS is managed by a Commissioner.

54. At all relevant times, personnel decisions made by the Commissioner reflected County policy as he was delegated to make such personnel decisions.

55. As such, the Commissioner and his delegees made final County policy with regard to how to respond to plaintiff's protected speech.

56. Defendant Commissioner and his delegees responded to plaintiff's protected speech by [a] stripping her of supervisory duties; [b] reassigning her in a manner which isolated her spatially and professionally; [c] condoning the conduct of those who systematically mistreated her at work and [d] offering no support for her efforts to extirpate corruption from DSS.

57. As such, the County adopted a policy of retaliating against plaintiff for her constitutionally protected speech acts.

### **CAUSES OF ACTION**

58. Plaintiff incorporates paras. 1-57 as if fully re-written herein.

59. By retaliating against plaintiff for her protected speech, the defendants, singly and collectively, violated the First Amendment to the United States Constitution as made actionable by 42 U.S.C. section 1983.

### **PRAYER FOR RELIEF**

WHEREFORE, plaintiff prays that this Honorable Court: accept jurisdiction over this matter; empanel a jury to hear this matter; award to plaintiff compensatory damages for the pecuniary and non-pecuniary damages she has been caused by the acts and omissions of these defendants, including, but not limited to, front and back pay with pre and post-judgment interest; award to plaintiff punitive damages for the acts of the individual defendants, which were motivated by malice and represent a wanton disregard for the plaintiff's constitutional rights; award to plaintiff and counsel the attorneys' fees and costs incurred in this manner and enter any other award the interests of justice and equity require.

Respectfully submitted,

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Dated: June 1, 2015