TO: **Mayor Dale Cooke**
Commissioner Courtney Reardon
Commissioner Diane Hanson
Commissioner Mike Dunmeyer
Commissioner Gary Persinger

FROM: **Richard N. Solloway**

DATE: **July 5, 2017**

SUBJECT: **Town Manager Marc Applebaum**

I have read the complaint concerning Town Manager, Marc Applebaum. As a former Mayor and Commissioner in the Town of Dewey Beach, I write to add my concerns about Mr. Applebaum. I believe he has created a toxic environment and acted inappropriately. It is my belief that is a pattern of behavior and definitively not a one-time situation.

In my experience with Mr. Applebaum, I note the following:

- During Mr. Applebaum's time on town council, he would routinely discuss rape and sodomy by analogy in formal town meetings, both public and private. He would do this in mixed company with female commissioners and town employees. He would use other foul language. It was common but completely inappropriate for him to do this.

- In at least two situations, I became aware that he sought to put pressure on employees to quit or be terminated. In the case of former town manager, Gordon Elliott, he worked to build a case to remove him as town manager. He routinely took meetings with the town solicitor to parse language in the town manager's contract and in the Dewey Beach Charter to find ways to have him removed. I believe he did this because he had his sights on becoming the town manager and wanted him gone.

- In the case of the long standing town building inspector, Bill Mears, he commented to me on several occasions that "I know we don't have anything on him, but let's get him out." Marc said, "Let's find something negative to put in his personnel file to start to build the case to get him out." Later on when he realized this was not fruitful, he engaged the town commissioners to find a way within the town structure to limit his authority as a building inspector in hopes of frustrating him enough that he would quit. This is totally inappropriate and likely unlawful conduct.

- I was aware of the situation with complaints by Diana Smith. She had a lot of difficulty with Marc (who was a commissioner at the time), including Marc's sexual harassment and creating a hostile work environment for her. In the end, rather than Marc receiving any adverse consequences, Ms. Smith was given severance and expenses in exchange for her silence about the allegations. Within a month of her departure, I was shocked and disappointed to learn that the town council went on to make him town manager. Among her complaints in a 2010 letter to then Mayor Hanson, Ms. Smith complained:

    - Mr. Applebaum routinely used the word "fuck" and "fucking" in addressing her in a tirade.

    - Mr. Applebaum said he was "not going to be raped and fucked up the ass" while in executive session in her presence and the presence of other women which was disturbing to her.

    - Mr. Applebaum said to Ms. Smith that if he was single he would, ask her out, take her to dinner, and take her for walks alone on the beach. She informed the town council that this made her very uncomfortable.

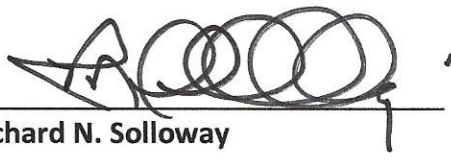
    - She was aware that Mr. Applebaum gave Mayor Hanson the finger when Applebaum disagreed with the mayor's comments to him.

    - She indicated that she did not initially report these issues because she believed he was going to leave the town government.

Not only do I believe former town manager Diana Smith's complaints, but I was also present for three of the five complaints described.

I believe that Mr. Applebaum's conduct reflects poorly on the town and likely violates the law. His conduct should be investigated by an impartial and independent law firm or entity and Mr. Applebaum should be suspended without pay while that investigation is conducted to minimize the town's liability.

I am prepared to testify under oath concerning the issues I am raising in this letter.



7-5-2017

Richard N. Solloway