

## Rebuttal to blog post by Worthington City Councilman David Robinson 10/2/24

**Respondent: John M. Ament, PHR, SHRM-CP  
Vice President, Swiminc, Inc. Board of Directors**

Swiminc, Inc. is composed of a group of volunteer Worthington city School District and city residents that work to provide recreational and competitive swimming for the people of Worthington. For 70 years, Swiminc, Inc., a non-profit 501.c3 organization comprised of 12 volunteer community Board members, has leased property owned by the Worthington City School District for \$1.00 each year. On this land Swiminc, Inc. has funded the construction and successful operation of the current outdoor pools and the indoor natatorium.

The initial and ongoing funding goal has been to cover all operating costs including preventative maintenance to extend the life of this community investment. Facility improvements have been made to improve efficiencies and the patron experience.

The source of Swiminc, Inc.'s funding has included the original bonds purchased by community members in the 1950's, periodic small donations, an ODNR grant, event rental fees, yearly membership and guest fees, the swim school program, and the competitive swim club.

As per the Swiminc, Inc. Bylaws, all finances are subject to audit with stellar report results.

The current facilities have aged and are operating on borrowed time. Swiminc, Inc. has no capacity to fund a complete reconstructive capital investment.

The passage of Issue #19 will fund the replacement of the outdoor facility. Swiminc, Inc.'s lease with the School District will cease and the land will be sold to the city. The city will build and own the new facility. Protecting this investment will be their responsibility as other city properties, e.g. city hall, the firehouse, etc

Swiminc, Inc. has offered to lease, manage and operate the new facility as a tenant, while maintaining its nonprofit status.

First and most importantly, let it be known that the posted blog by David Robinson, filled with false and misleading content intended to bring self-interested chaos to bear where it has no place, and this response, unfortunately required to bring truth forward, are a distraction to actual Issue 19 content. **The public is not being asked to invest significant money in Swiminc, Inc. , and/or any other alternative pool operations management company or organization. Pool operators' management is not on the ballot. Swiminc, Inc. simply brought to the attention of the city that the pool was in dire need of renovation.** As described by reputation, David Robinson has again brazenly misrepresented facts deliberately misinforming the public, defaming in slanderous manner, Swiminc, Inc., its BOD members, Staff, and business practices in what can only be a self-serving motivation of his own political agenda. In response, I offer fact-based information with candor, honesty, integrity, and as much transparency as is reasonably expected under standard business practice. Let me be clear though, there will be no disclosure of specific current or former BOD/employee names, or documentation contents of related HR/personnel file records.

### **David Robinson Summary Allegation #1:**

The Red Cross has terminated Swiminc, Inc.'s Lifeguard Certification Agreement

**This is a complete dishonest falsehood.** There has been no jeopardy of, certainly no termination of, our Licensed Training Provider (LTP) Agreement. The American Red Cross is satisfied with our forthcoming cooperation and active participation in their investigation, our immediate initiation of communication, reimbursements, and retraining countermeasures to inform and remedy the status of all participants involved as

well as support corrective measures with those accountable under ARC purview to include 1 permanent ban as an ARC Instructor of a leadership employee no longer employed by Swiminc, Inc.

Current Swiminc, Inc. Staff, Lifeguard, and Life Guard Instructor accreditations are active, compliant, and in no jeopardy of ARC revocation. The former Director of Aquatics individual instructor certification to train lifeguards, known as a Lifeguard Instructor (LGI) has been fully revoked.

**David Robinson Summary Allegation #2:**

Swiminc, Inc.'s Executive Director falsified Red Cross documents

A single training roster document in question has been determined to be a minor violation by ARC. Swiminc, Inc. has accepted and agreed upon this finding for which both ARC and internal corrective measures have been performed as deemed appropriate in relation to the severity of the violation.

**David Robinson Summary Allegation #3:**

Swiminc, Inc.'s BOD VP falsely claimed persons responsible for audit were no longer with the organization.

Short the above minor violation under David Robinson Summary Allegation #2, all other findings/violations discovered in the 2-year look back of ARC course records are soundly attributed to the accountability of six former leaders at various levels of the organization that are no longer employed with Swiminc, Inc.

**David Robinson Summary Allegation #4:**

Firing an employee who had refused to falsify the training documents

This allegation is another manipulation of facts, twisted to falsely reflect negatively on Swiminc, Inc. business practice in effort to further David Robinson's own personal political agenda. While (1) a former employee did refuse to sign an ARC training roster record for a class they were not present for, and (2) this former employee is no longer with the organization, the two separate facts are completely exclusive and unrelated.

Swiminc, Inc. involuntary termination policy clearly states the organization is an at-will employer reserving the right to terminate any employee without notice, for any reason, at any time, regardless of length of service, with or without cause. There is notarized signature of understanding on record from the former employee in question. Having said that, out of respect for, and in protection of, the former employee in question, as well as adherence to a reasonable expectation of confidentiality, Swiminc, Inc. will not disclose personnel management, investigation, findings, or resulting course of corrective action, if any.

**David Robinson Summary Allegation #5:**

Lack of Transparency

Swiminc, Inc. (both in written inquiry response and in public council meeting response) has been transparent as reasonably expected by standard private business practices in cooperative partnership with City Council and City Staff. Subpoints David Robinson refers to as #2 and #6 have been and are asked and answered above.

Regarding David Robinson subpoint #7: Public disclosure of Swiminc, Inc. Sr. management compensation individually itemized.

While I made the private sector business practice reference in good faith in the moment of inquiry, I have since revisited this topic in consultation with fellow BOD members to seek validated accurate information. We remain compliant with all labor laws and filings under 501.c3 requirements including IRS form 990.

**Miscellaneous truth in response to David Robinson's alleged Extended Facts and Commentary:**

- The \$15 million design option 3 that your duly elected majority City Council members have voted into legislation as the core reconstruction design proposed in Issue 19 is Brandstetter-Carroll's design, in collaboration with City and School District representatives, **not** Swiminc, Inc. Brandstetter-Carroll was selected out of a pool of 8 potential architectural firms.
- Swiminc, Inc.'s BOD representation most certainly **did** inform City representation of the ARC case activity and outcome.
- **The public is being asked through legislation passed by a duly elected City Council majority and tactical process support of City Staff (offering website-based resources, literature, and public open house meetings provided to inform on Issue 19) to exercise the right to vote, the will of the people be done. If passed, the bond levy request will fund the purchase of the land and replacement of the depreciated, aging, deteriorated outdoor pool facility in the City of Worthington.**
- David Robinson makes recommendation that the organization chart a viable path forward based upon fundamental reforms, beginning at the top.
  - Swiminc, Inc. Initiated, during the first quarter 2024, significant strategic decisions to do exactly that. We have voted in new BOD Executive Officers, as well as re-organized the organization to eliminate redundancies, optimize operational efficiencies, and achieve significant cost savings. We have and continue to seek continuous improvement by seeking out deficiencies and opportunities, applying solutions-based thinking, and executing strategy and Standard Operating Procedures in the best interest of the organization, our mission, and values.
- It is fact that our former Executive Director, now Project Manager for Capital Improvements, did make two transitions during our efforts to re-organize the organization, As previously stated, Swiminc, Inc. remains compliant with all labor laws and filings under 501.c3 requirements including IRS form 990. Suffice it to say David Robinson's statement lacks full fact disclosure, is grossly misleading, and not all figures are accurate. Furthermore, careful consultation and compliance with ODNR representation and requirements were strictly adhered to and Swiminc, Inc. passed ODNR audit upon closure. Finally, per Swiminc, Inc. Bylaws all finances are subject to third party objective audit with stellar reports as the result.
- There will be no confirmation or denial of alleged personnel change decisions made and/or executed in compliance with applicable employment law, organization policy, and standard business practices exercised in the best interest of the organization as determined by its BOD and Staff. As is indicative of all personnel, strategic information and action, any such information is considered privileged and confidential.
- David Robinson falsely alleges that there is not a single full-time year-round female employee remaining on the Swiminc, Inc. payroll. **Another absolute defamatory assertion maliciously intended to slander Swiminc, Inc. employment practices.** After the implementation of the Americans with Disabilities Act, workers are considered part-time if they work less than 30 hours per week, and full-time if they work 30 hours a week or more. **Swiminc, Inc. currently employs 18 female year-round employees, 2 of which meet the full-time definition.** In effort to provide further truthful prospective, first and most importantly, Swiminc, Inc. is an equal employment opportunity employer. Furthermore, the Swiminc, Inc. organization chart identifies just 9 year-round professional staff positions (2 current vacancies), only 7 of which are considered full-time year-round positions (1 current vacancy).
- David Robinson- There is a better way
  - The City is welcome and certainly empowered, with majority council vote into legislation and willful vote of the City residents, to develop in consultation with independent experts, a design/construction/financing/management plan at a predictably much more vastly increased expenditure of public funds and corresponding levies requests (1 a construction levy and 2 an operating levy). "A better way" to a much higher tax burden on city residents.
  - This recommendation reeks of David Robinson seeking opportunity to again slow progress in Worthington to a grinding halt with delay after delay as usual to **David Robinson's personal political agenda at the expense of, not in service of,** our fair city falling light years behind our neighboring communities.