

WAS FARM BUREAU AGENT FIRED FOR CRITICIZING TOWNSHIP?



An independent insurance agent working with Farm Bureau Insurance faced some hurdles with the zoning of her home office in a residential area. The reputed ensuing public controversy led to her dismissal from the company. She claims that her termination was retaliation for exercising her First Amendment rights in criticizing local residents. Did the courts agree? The woman was contracted by Farm Bureau in 2005 as an “at-will” employee. She purchased a single-family home in a township, hoping to convert it into a home office. As the house was in a residential zone, she applied for a variance with the township’s zoning board. The ordinance was amended, and the Planning Commission approved her application for a “Special Exception Use Permit” to allow her to operate her business in the residential area. Regardless of the permission, the agent was still obligated to comply with any restrictions to the office, such as parking or alterations. She placed a sign for her business in the front lawn and on her car parked in the driveway. She was issued a “signage violation,” and her subsequent request for a sign variance was denied. She later alleged that residents and officials at a zoning board meeting made several false statements about her and her business. Meanwhile, a Farm Bureau agency manager learned of the residents’ complaints of the woman’s home office as “too business looking” and a planned petition for removal of the business from the area. He spoke with the Township supervisor, who allegedly stated that the agent had “bashed” the township and complained of her comments made publicly. He also allegedly inferred that her actions were adversely affecting the township’s relationship with Farm Bureau and that all would be well if she were to “tone down her speech and remove her sign.” The manager



asked the agent to take down her sign, but she refused.

There were additional concerns of the woman’s job performance. An email from the agent, which the manager described as “unprofessional, unacceptable and close to insubordination,” stated that she was planning to not work for the rest of the month due to a lack of motivation. She later expressed her frustrations over the job, saying it was “very demanding,” and was reportedly engaging in questionable conduct with clients and other agents. She was then fired, the termination letter noting her failed working relationships and her “controversial community relations.” The woman filed a lawsuit against the township and the township supervisor, claiming retaliation for her public criticisms. She further alleged defamation and tortious interferences (typically used for civil wrongs, as opposed to contractual) with contract and business relationship or expectancy. Her state law claims – interferences and defamation – were dismissed by district and appeals courts. The First Amendment claim was dismissed but reversed on appeal and remanded. The district court granted summary judgment in favor of the defendants, having found no sufficient proof of the woman’s claims. The appeals court concurred, finding no proof of retaliatory acts or a causal connection between the acts and her protected speech. The district court’s ruling was affirmed.