

## BANKING/FINANCE

# Athenahealth CEO Bush Faces New Allegations as Video Emerges

by Emma Ockerman and Scott Deveau

New allegations of questionable behavior by Athenahealth Inc. Chief Executive Officer Jonathan Bush are emerging as the health technology executive attempts to fend off a takeover proposal from an activist investor.

In the past week, Bush has apologized for assaulting his ex-wife, and public records have surfaced alleging that he subjected a female employee to what she described as a “sexually hostile environment.”

Now more examples of potentially inappropriate behavior by Bush have emerged.

A 2017 video clip seen by Bloomberg of Bush at a health-care industry event features the CEO dressed up as a race car driver, pretending to be the title character from the 2006 comedy “Talladega Nights: The Ballad of Ricky Bobby,” and at times reading from a cue card.

Midway through the skit, he says he wants to “jump down on” one of his female employees “and do inappropriate things.” He then briefly pauses. “Uh, but obviously that’s totally inappropriate and would never happen or be said on a microphone.” The exact context of the remarks isn’t clear.

The company is facing a takeover attempt by the hedge fund Elliott Management Corp., which has cited Athenahealth’s poor management as one reason for its underperformance. The company, which makes an online platform doctors use to manage their practices, so far hasn’t bowed to Elliott’s proposal to buy it for \$160 a share.

Athenahealth’s annual meeting of shareholders is scheduled for Wednesday, and the allegations from Bush’s past may present a challenge for the 49-year-old CEO, co-founder of the company and nephew of former President George H.W. Bush.

## 2007 COMPLAINT

Bloomberg also obtained a 2007 complaint filed by a female Athenahealth employee with the Massachusetts Commission Against Discrimination, a state body that investigates discrimination complaints.

The woman, who according to the complaint worked as a manager for Athenahealth, alleged that she was wrongly terminated and was told she was “destructive to the team,” despite being given positive performance reviews. In the complaint, she said Bush “engaged in highly inappropriate conduct regarding a female employee at an awards banquet in or around early 2005.”

Attempts to reach the woman who filed the complaint were unsuccessful, and the complaint was withdrawn with a note saying that the woman intended to refile it in civil court. It wasn’t immediately clear if she did so.

In a statement responding to video and the 2007 allegation, the company said that “the Athenahealth board takes these matters seriously and is committed to taking appropriate steps to serve the best interests of the company and its stakeholders.”

The company declined to make Bush available for an interview or provide a

comment from him, and a voicemail left for him on a cellphone was unreturned.

## COMPLEX CHARACTER

In interviews, multiple current and former employees at Athenahealth, all on the condition of anonymity, painted a complex picture of Bush, some calling him fun to be around, others saying his actions weren’t always appropriate, in their view, for a CEO of an about \$6 billion public company.

Bush also faced a complaint in 2009, by another woman who said she was mistreated and left the company in part because of the “sexually hostile environment which I was forced to work in.”

The former employee alleged in a complaint to the Massachusetts commission that Bush had stared at her breasts, made sexual remarks and talked openly about his sex life in a way that made her uncomfortable. The complaint was first reported by the New York Post.

The 2009 case was settled, and the employee, who spoke to Bloomberg on the condition of anonymity, called Bush a good person and leader, and said she regretted filing the complaint.

Athenahealth said its decision to settle a claim doesn’t necessarily speak to its credibility or merit. The company also pointed to its updated harassment and discrimination policies, its women’s leadership forum and efforts to promote diversity.

The past allegations against Bush come amid a cascade of women alleging sexual harassment, assault and inappropriate behavior by powerful men. Bush’s brother, the entertainment figure Billy Bush, left NBC in October 2016 after he appeared in the leaked 2005 “Access Hollywood” video of President Donald Trump making lewd comments about women.

## ABUSE ALLEGATIONS

Bush has also faced allegations of physical abuse of his former spouse.

In court records from a 2006 custody battle in Massachusetts, his ex-wife Sarah Seldon alleged that Bush punched her in the sternum, and pushed her on other occasions more than a decade ago.

The assault occurred at their home “while she was holding their one-year-old son in her arms,” according to the court documents.

Athenahealth said it wasn’t aware of the domestic-violence allegations until May 25, when it was approached by the U.K.’s Daily Mail, which first reported the allegations. Bush issued an apology for his actions, saying he had taken “complete responsibility for all these regrettable incidents involving my dear former wife.”

Seldon issued a separate statement saying the “incident did happen, and is part of his and our family history, however it should not define Jonathan as a person, or our relationship overall.” Bush emphasized that the attack had occurred 14 years ago “during a particularly difficult personal time in my life when I was going through a divorce.”

After the abuse reports, Athenahealth said Bush has “made amends with his ex-wife and has shown deep remorse.”

**Emma Ockerman and Scott Deveau report for Bloomberg News.**



## CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Council Zoning Hearing** on **Tuesday, June 19, 2018 beginning at 6:00 PM**, to consider the following Small-Scale Development Amendment to the City’s Comprehensive Plan Future Land Use Map. The City Council will consider this item for **FIRST READING**. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166**. The proposed future land use amendment applies to the property shown on the map below.

The City of Doral proposes to adopt the following Ordinance:

**ORDINANCE No. 2018-10**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/ DENYING A SMALL-SCALE DEVELOPMENT AMENDMENT TO THE CITY’S COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM OFFICE/RESIDENTIAL (OR) TO DOWNTOWN MIXED USE (DMU) FOR A 1.95± ACRE PARCEL GENERALLY LOCATED AT 8484 NW 36 STREET, CITY OF DORAL, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 18-06-DOR-04

**APPLICANT:** Stanley B. Price, Esq.

**PROJECT NAME:** Doral Court Plaza

**PROJECT OWNERS:** Doral Court Plaza, LLC

**LOCATION:** 8484 NW 36<sup>th</sup> Street, Doral, Florida 33166

**FOLIO NUMBERS:** 35-3027-001-0241

**SIZE OF PROPERTY:** 1.95± Acres

**PRESENT LAND USE:** Office/Residential (OR)

**PRESENT ZONING:** Industrial Commercial (IC)

**REQUEST:** The Applicant on behalf of Doral Court Plaza, LLC is requesting a Small-Scale Development Amendment to the City’s Comprehensive Plan Future Land Use Map from Office/Residential (OR) to Downtown Mixed Use (DMU) for the property located at 8484 NW 36<sup>th</sup> Street, Doral, Florida 33166.

**LEGAL DESCRIPTION:** The land referred to herein below is situated in Miami-Dade County, Florida, and is described as follows:

A portion of the West 847.72 feet of Tract 29 and 30, of Florida Fruit Land Company’s Subdivision No.1, in Section 27, Township 53 South, Range 40 East, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows; Commerce at the Northwest corner of said Tract 30; thence North 89°58’53” East along the North line of said Tract 30 for a distance 609.88 feet; thence South 00°21’28” East for a distance of 55.00 feet to a point lying on the South right of way line of NW 36<sup>th</sup> Street and the Point of Beginning of the herein described parcel of land; thence North 89°58’53” East along said right of way for a distance of 239.71 feet; thence South 01°50’30” East for a distance of 297.24 feet; thence South 89°58’15” West for a distance of 247.41 feet; thence North 00°21’28” West for a distance of 297.14 feet to the Point of Beginning.

Containing 72,365 square feet or 1.661 acres more or less.

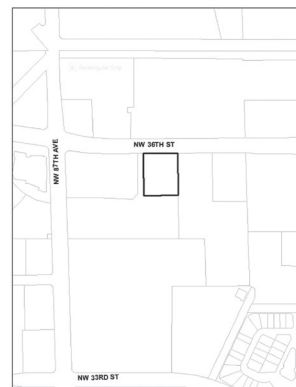
TOGETHER WITH

CASTER PARCEL:

A portion of the west 847.72 feet of Tracts 29 and 30, FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO.1, in Section 27, Township 53 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2 at Page 17, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Tract 30; thence North 89°58’53” East along the North line of said Tract 30 for a distance of 609.88 feet; thence South 00°21’28” East for a distance of 55,000 feet to a point lying on the South right of way line of NW 36<sup>th</sup> Street (Doral Boulevard) and the Point of Beginning of the herein described parcel of land; thence continue South 00°21’28” East along the West line of the lands described in Partial Release of Unities of Title recorded in Official Records Book 22183, Page 4630, of the Public Records of Miami-Dade County, Florida, for a distance of 297.14 feet; thence South 89°58’15” West, along the Westerly prolongation of the South line of the lands described in said Partial Release of Unities of Title, for a distance of 42.00 feet; thence North 00°21’28” West for a distance of 297.15 feet; thence North 89°58’53” East, along the South right of way line of NW 36<sup>th</sup> Street (Doral Boulevard) for a distance of 42.00 feet to the Point of Beginning. Containing 12,480 square feet or 0.29 acres or more or less.

### Location Map



Information relating the subject application is on file and may be examined in the City of Doral, Planning and Zoning Department Located at **8401 NW 53rd Terrace, Doral, FL. 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL. 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

**NOTE:** If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide interpretation services during the zoning application process or during any quasi-judicial proceeding.

**NOTA:** Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento durante el proceso de solicitudes de zonificación.

Connie Diaz, CMC

City Clerk

City of Doral

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