



**INTER-OFFICE MEMORANDUM**  
Department of Public Protection  
125 West New York Ave., Suite 183  
DeLand, FL. 32720  
386-740-5120 – FAX 386-740-5283

**TO:** Michael T. Snipes, Lifeguard Supervisor  
Division of Beach Safety

**DATE:** August 9, 2013

**FROM:** George Recktenwald, Director  
Department of Public Protection

Handwritten initials "GR" in blue ink, enclosed within a blue circular scribble.

**FILE NO:** DPP13-086

**SUBJECT:** Notice of Dismissal

**REFERENCE:** DPP13-084 NOID  
Unprofessional conduct

**Purpose:** The purpose of this memorandum is to provide you with notice of dismissal. This action is the result of your violation of Policy/Procedures. This action will be effective on Friday, August 9, 2013.

You received my notice of intent to dismiss on Friday, August 2, 2013. A meeting was requested on your behalf by your attorney, Jason L. Harr, at another meeting Mr. Harr was attending in my office on Tuesday, August 6, 2013. The appointment to discuss your notice of intent to dismiss was scheduled for Friday, August 9, 2013 at 10:30 a.m. and you and I met along with Deputy Director Terry Sanders, Division Director Mark Swanson, Assistant County Attorney Nancye Jones and your legal representative, Jason Harr, Esquire. I have considered the information provided by you in our meeting. Although you said you were sorry for your actions, you did not offer any meaningful plan to repair the damage your actions have caused. Your expression of remorse was not in any way proportionate to this damage. Your comments in our meeting failed to demonstrate that you understood the gravity of your actions and the potential impact to the community. I am therefore proceeding with the intended action to dismiss you.

After 24 years of service, it is disappointing that you have put yourself in this position. It is difficult to make these decisions. But for the sake of the division and county, it is necessary to uphold your termination. Your initial acts were compounded by your failure to recognize the severity of the detrimental impact to the reputation of Beach Services and to you.

**Information:** On Sunday, July 14, 2013 and Monday July 15, 2013, you were involved in a series of offensive text messages/pictures while on duty with the Beach Safety Ocean Rescue Division. You sent inappropriate text messages and commented on other inappropriate texts while on duty. The racial content of these text messages is not only unprofessional, but disturbing coming from a supervisor of Volusia County Beach Safety. In your course of actions, you sent these text messages to several former and current Beach Safety employees, including subordinate employees and law enforcement officers from other agencies. In addition, during a time of intense racial sensitivity in the aftermath of the George Zimmerman verdict, you posted "another thug gone!" on your Facebook page to over 300 friends admittedly referring to Trayvon Martin.

*(Continued)*

Internal Affairs investigation #IA-2013-06-318 has concluded your actions in sending and commenting on these text messages have violated the following:

1. Unprofessional conduct while on duty
  - a) **Volusia County Beach Safety Division, Departmental Standards Directive, Standards of Conduct 11.01:** *It shall be the policy of the Division that employees maintain command of temper, patience and discretion. They shall not engage in any conduct which constitutes neglect of duty or which is likely to adversely affect the discipline, good order or reputation of the Division, even though such conduct may not be specifically set forth in this chapter.*
  - b) **Volusia County Beach Safety Division, Departmental Standards Directive, Standards of Conduct 11.01.56: Derogatory Ethnic Remarks** Employees shall not make derogatory remarks concerning race, sex, religion, age or national origin of any person.(CFA St. 2.08C) *(violation subject to dismissal.)*
- 2) **Volusia County Merit System, Section 86-453 (13), Reasons for disciplinary action:** *(13) Any conduct, on or off duty, that reflects unfavorably on the county as an employer.*
- 3) **Volusia County Merit System, Section 86-45 (a), Conduct of employees:** (a) code of conduct: *Employees of the county government are employed to provide service to the citizenry...and are expected to conduct themselves in a manner to give credit to the county government, public officials, fellow employees and themselves ...*

Your Facebook post also violated:

**HR Bulletin 19 – Social Media Policy**

You received and signed this policy on 01/12/13.

You have been employed with Volusia County, in the Beach Safety Ocean Rescue Division, for over 20 years, 15 of which in a position of law enforcement and you have been a supervisor for over 2 years. When I assumed the duties of Department Director, I made it clear that this division, given its recent history, would have a zero tolerance policy regarding behavior that had the potential to further damage its reputation. Our records indicate that you have already received sensitivity training; and therefore, you were or should have been aware of the need for a heightened sensitivity to public perception and the importance of your reputation and the reputation of the Division.

Yet, your actions showed horrible judgment made worse during a racially charged atmosphere and you involved a subordinate and colleagues. It is your responsibility and your duty as an experienced law enforcement officer and supervisor to defuse these types of situations, not be a part of them. You have engaged in behavior that threatens the respect and trust of the community and jeopardizes the perception that the department enforces the law fairly, even-handedly, and without bias. As a result of your actions, when you or another officer in the department make an arrest of a minority, members of that community may assume that the arrests are a product of bias, rather than well-founded protective law enforcement.

I cannot allow your current actions to undermine the credibility that the Division of Beach Safety Ocean Rescue has worked so very hard to regain. The cartoons you texted to colleagues, the comments you wrote regarding other texts sent to you and the Facebook posting permanently impaired your ability to effectively perform your duties with the general public and cast doubt upon your ability to lead others or carry out your duties impartially as a law enforcement officer. These vulgar views resulted in a series of media stories and commentary that presented Volusia County as a government and community in a negative light. The racial nature of these text messages to other workers and subordinates may also create a hostile work environment and manifest a racially discriminating hostility to subordinates and co-workers.

Given the serious nature of this misconduct, gross lack of judgment, the negative light in which you cast your division, consequential damages that have affected your colleagues, organization and community and consistent with the recommendations of your supervisors within your chain of command, I am proceeding with my intended action to dismiss you.

**Action:** In accordance with section 86-485 of the Merit System Rules and Regulations you have ten (10) working days from receipt of this notification (or effective date of the dismissal) to appeal this action through the County Personnel Board. Should you decide to exercise your right to appeal, submit your written request to the County Human Resources Office, 230 N. Woodland Blvd., Suite 262, DeLand, FL. 32720.

Dismissals that are appealed are considered non-final administrative action. If you file a notice of appeal, you will be placed in a leave of absence without pay, pending the final decision of the County Manager at the conclusion of the appeal process.

If you do not file your appeal by the time indicated, it will be assumed that you have waived this right.

***Pursuant to Merit Rule 86-455, the Legal Department and the Human Resources Director have reviewed this notice and concur with the proposed action.***

GR/tb

cc: \_\_\_ Terry A. Sanders, Deputy Director, Public Protection    \_\_\_ Tom Motes, Human Resources Director  
     \_\_\_ Mark Swanson, Beach Safety Director                        \_\_\_ Tammy King, EEO Coordinator  
     \_\_\_ Nancye Jones, Assistant County Attorney

**I certify that I have read this notification and acknowledge receipt of the original copy.**

\_\_\_\_\_  
Employee Signature (Or Witness, if Employee Refuses to Sign)

\_\_\_\_\_  
(Date of Signature)