



**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:** Andrew Cerio, Trades Worker Supervisor  
Division of Corrections

**DATE:** August 2, 2016

**FROM:** Terry Sanders, Director  
Department of Public Protection

**FILE NO:** DPP16-082

**SUBJECT:** Notice of Dismissal

**REFERENCE:** DPP16-068 NOID  
Security Breach

**Purpose:** The purpose of this memorandum is to provide you with notice of your dismissal. This action is effective the date of the memorandum, August 2, 2016.

You received my notice of intent to dismiss you on Thursday, July 7, 2016. On Monday, July 11, 2016, your attorney contacted my office on your behalf, by fax, providing an "APPEAL/RESPONSE TO NOTICE OF INTENT TO DISMISS." On Monday, July 18, 2016, you and I met in the Public Protection Administration conference room in DeLand. Also in this meeting were Deputy Director Patricia Bythwood, Acting Division Director Mark Flowers, Internal Affairs Investigator David Vanis, Assistant County Attorney Michael Moore and your legal representative, Attorney Gregory Crutchfield.

Prior to our meeting, by way of your written submission, you denied all allegations. During the meeting you did not provide any further substantive information that would alter my decision or otherwise change the facts. Therefore, I am proceeding with the intended action of your dismissal.

**Information:** On May 23, 2016, Acting Director (AD) Mark Flowers was informed of a security breach located at the Volusia County Branch Jail on the back side of the maintenance shop adjacent to the loading dock area. AD Flowers, Warden Matthew Reinhart, and Lieutenant (Lt.) Mike Gallenkamp proceeded to the area and found that a large metal louver had been cut and was unsecured. The louver was located directly behind the water cooler adjacent to the loading dock at the Branch Jail (see attached photos). AD Flowers and Lt. Gallenkamp removed the unsecure louver and entered the maintenance building without anyone's knowledge. AD Flowers asked the maintenance supervisor, Mike Paris, and his maintenance staff if they had any knowledge of the breach. AD Flowers was told that the louver had been cut several years earlier, so that some large mechanical items could be replaced, but that the area had been re-secured when the job was complete.

AD Flowers contacted you by cell phone and asked that you return to the Branch Jail since you were the supervisor responsible for that area of the building at the time. Upon your arrival, AD Flowers took you to the area of the breach and asked you what you knew about the breach in the louver, and you initially stated that you did not know anything about it. You informed AD Flowers that the cuts were made several years ago and that the area had always been secured. You stated that a few months ago some scrap metal was removed from the area. AD Flowers asked you to clarify, because earlier you had stated

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that you had no knowledge of the breach, but now had changed your statement. AD Flowers asked you when was the last time scrap metal was taken out of the facility through the louver area, and you then said maybe last Thursday (May 19, 2016). AD Flowers asked you how the metal was carried out and you informed him that the scrap metal was carried through the hole that had been cut in the louver, which contradicted your original statement. AD Flowers informed you that your security clearance was being revoked and asked you to surrender your keys and badge. You were then placed on Administrative Leave with pay.

Your conduct violated both the Volusia County Merit Rules and the Volusia County Division of Corrections Policy and Procedure:

**Volusia County Merit System, Section 86-453, Reasons for disciplinary action, (8), (10), (12), (13) and (21):**

**Sec. 86-453**

- (2) Disregard for or frequent violations of county ordinances, departmental policies and regulations, including safety rules.*
- (8) Criminal, dishonest or other conduct which interferes with effective job performance or has an adverse effect on the efficiency of county service.*
- (10) Incompetent or unsatisfactory performance of duties.*
- (12) Knowingly giving false statements to supervisors, other officials or public.*
- (13) Any conduct, on or off duty that reflects unfavorably on the County as an employer.*
- (21) Any other conduct or action of such seriousness that disciplinary action is considered warranted.*

**Volusia County HR Bulletin 20 - Dishonesty Policy:** You received and signed this document on July 17, 2013.

**Volusia County Division of Corrections General Post Order (2, b), (6g):**

- (2, b) Ensure that his/her work area is clean and secure at all times.*
- (6, g) Staff will notify their supervisor and a complete written report of all unusual incidents that occur during a tour of duty, or when off duty unusual incidents that pertain to the safety or security of the institution and its staff or inmates.*

**Volusia County Division of Corrections Policy and Procedure 102.09 (C-1) and (C-2):**

**Policy No. 102.09 Personnel - Corrections Officer Employee Conduct**

- (C-1) No staff member shall knowingly make or cause to be made any false report or falsify any official record.*
- (C-2) No staff member shall make or cause to be made any inaccurate, misleading, contradictory, or improper report/official record.*

*(Continued)*



A review of your personnel file documents the following past corrective and disciplinary history:

- **03/24/2010:** Negative Employee Performance Notice (EPN) – Leaving maintenance door unsecure.

You have been employed with the Division of Corrections for more than 27 years. You have the knowledge and experience to perform your duties. Your failure to follow Volusia County Merit System Rules and Regulations, Volusia County HR Bulletins, Volusia County Corrections Division Policies and Procedures regarding basic security practices, has put staff safety and the entire Branch Jail in jeopardy. Your performance did not meet this organization's standards for acceptable performance and will not be tolerated.

**Conclusion:** As a result of the seriousness of your misconduct, and consistent with the recommendations of the supervisors in your chain of command, I am issuing you this notice of dismissal effective the date of this memorandum, August 2, 2016, for your failure to follow Volusia County and Division policy, which placed the safety of staff and the security of the Branch Jail at great risk.

**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 you written request to the County Personnel 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.

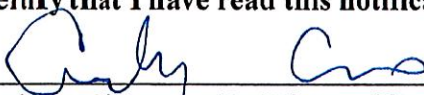
If you do not file your appeal by the time indicated, it will be assumed that you have waived this right.

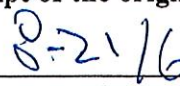
***Pursuant to Merit Rule 86-455, the Legal Department and the Human Resources Director have reviewed this notice and concur with the proposed action.***

TS/tb

cc: \_\_\_ Patricia Bythwood, Deputy Director, Public Protection  
\_\_\_ Mark Swanson, Deputy Director, Public Protection  
\_\_\_ Mark Flowers, Acting Corrections Director  
\_\_\_ Tom Motes, Human Resources Director  
\_\_\_ Joe Pozzo, Assistant Human Resources Director  
\_\_\_ Tammy King, EEO Coordinator  
\_\_\_ Michael Moore, 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)









