

Please type or print in black or blue and use capital and small letters for names, titles, and address

OFFICER

- 1. Last Four Digits of Officer's Social Security Number: [REDACTED]
- 2. Officer's Name: Vanis David A
Last First MI
- 3. Officer's Last Known Address: [REDACTED]
Street City State Zip Code
- 4. Officer's Telephone Number: _____

AGENCY

- 5. Agency ORI: FL _____
- 6. Agency Name: Volusia County Beach Safety
- 7. Agency Contact Person: Mark Swanson
- 8. Agency Contact Person's Telephone Number: 386-740-5120
- 9. Agency Fax Number: _____

VIOLATION - ALLEGATION

- 10. Nature of Allegation(s): Official Misconduct
- 11. Agency Disposition: Sustained - (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C.
Sustained - (Violation of Agency Policy): Not Sustained: Unfounded: Exonerated:
- 12. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: 1-23-2024 Date Internal Investigation Completed: 2-15-24

Exception to limitation period for disciplinary action: Place a check mark by the exceptions to limitations that apply	Days Tolloed
<input type="checkbox"/> Written waiver of limitation by officer	_____
<input type="checkbox"/> Ongoing criminal investigation or criminal prosecution	_____
<input type="checkbox"/> Officer incapacitated or unavailable	_____
<input type="checkbox"/> Multi-jurisdictional investigation	_____
<input type="checkbox"/> Emergency or natural disaster as declared by the Governor	_____
<input type="checkbox"/> Ongoing compliance hearing proceeding	_____

- 13. Criminal Charges Filed: N/A
- 14. Agency Disciplinary Action: Resigned under investigation
- 15. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.
Summary of the Facts Internal Investigation Report Name and Address of Witness
Witness Statement/Disposition Certified Court Documents Other Supportive Information

NOTICE: Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization is not in compliance with Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C. If the investigation is sustained, the employing agency must forward a report to the Commission as specified by Rule 11B-27.003.

- 16. Agency administrator's signature
- 17. Date signed 2/19/24
- 18. Agency administrator's name and title Mark Swanson, Director



Department of Public Protection

Report of Incident

TO: Mark Swanson, Director
Department of Public Protection

FROM: Jessica Paugh, Human Resources Manager
Human Resources Division

DATE: February 15, 2024

SUBJECT: IA 2024-04 Captain David Vanis

Basis for Investigation:

On December 12, 2023, Kyle Totten, International Union of Police business agent, wrote a letter to Director Mark Swanson reporting official misconduct. Mr. Totten indicated in his letter that the investigation report written by Captain Dave Vanis regarding the arrest of Lt. Johnson, Volusia County Department of Corrections, on February 23, 2019, was not accurate.

Mr. Totten expressed concern that the contents of the investigation completed by Captain Dave Vanis on April 3, 2019, were never verified as true and accurate as required by Florida State Statute 92.525 (2), the FDLE CJSTC form 78 was improperly filled out by Captain Vanis, reflecting there was a criminal charge against Lt. Johnson, also containing a discrepancy regarding the address on the form as it relates to the date of signature on the form.

Mr. Totten requested the file be reviewed for accuracy and validity on behalf of Lt. Johnson who believes the CJSTC 78 form submitted to FDLE was intentionally backdated by Captain Vanis.

Offenses:

Florida Administrative Code 11b-27.0011 (4)(a) The perpetration by an officer of an act that would constitute any felony offense, whether criminally prosecuted or not.

Volusia County Merit Rules and Regulations Sec. 86-453. - Reasons for disciplinary action.

(1) Willful neglect in the performance of the duties of the position to which the employee is assigned.

(2) Disregard for or frequent violations of county ordinances, departmental policies and regulations, including safety rules.

(8) Criminal or illegal conduct (regardless of the filing of criminal charges or lack thereof or the absence of a criminal conviction or adjudication) that interferes with effective job performance or has an adverse effect on the county.

(9) Any conduct, on or off duty, that interferes with effective job performance or has an adverse effect on the county.

(12) Incompetent or unsatisfactory performance of duties.

(14) Any conduct, on or off duty, that reflects unfavorably on the county as an employer.

(22) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

Investigation:

On Friday, December 8, 2023, an internal audit of Captain Vanis's computer revealed the CJSTC 78 form submitted to FDLE for Lt. Johnson's internal investigation, signed and dated by Captain Dave Vanis on April 3, 2019, had been completed on August 26, 2022. A further check of his FDLE submittals revealed four additional CJSTC 78 forms that were completed on August 22, 2022, but also back dated:

Andre Issac signed and dated 10/15/2018

Sean Cahill signed and dated 1/23/2019

Amanda Marble signed and dated 4/3/2019

Nathan Buckley signed and dated 5/17/2019

On Thursday, January 3, 2024, a complete audit of Captain Vanis's investigations was conducted. As a result of the audit, it was concluded that Captain Vanis failed to properly record and document his case files, as well as failed to notify FDLE of investigations containing moral character violations.

On Tuesday January 23, 2024, Captain Vanis was served a notification of internal investigation.

On Wednesday January 31, 2024, Captain Vanis retired from the County of Volusia prior to being interviewed.

On February 13, 2024, this internal affairs investigation was presented to Public Protection Director, Mark Swanson. Upon completion of the presentation, Director Mark Swanson determined the below allegations as SUSTAINED:

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(22) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

Unless otherwise directed, this investigation is considered closed, and is submitted for review and action as deemed appropriate. The original attachments of interviews and other documents pertaining to this investigation remain on file with the Internal Affairs Unit.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief.

AND

I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss.112.532 and 112.533, Florida Statute.

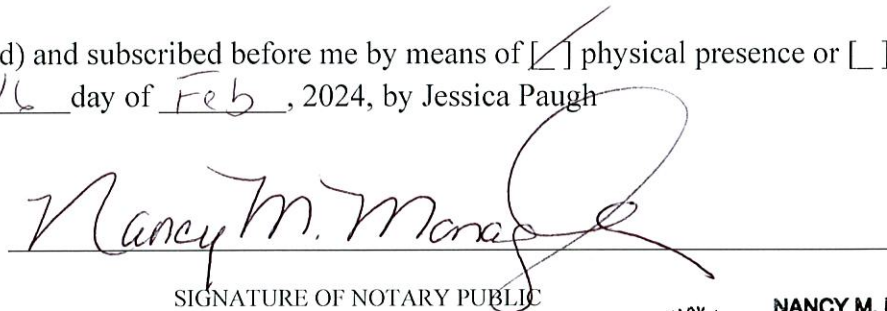

Jessica Paugh

2-16-24
Date

STATE OF FLORIDA

COUNTY OF VOLUSIA

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 16 day of Feb, 2024, by Jessica Paugh


SIGNATURE OF NOTARY PUBLIC

PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC



NANCY M. MONAGHAN
Notary Public
State of Florida
Comm# HH260382
Expires 7/10/2026

Personally Known OR Produced Identification Type _____

APPROVED BY: 

DATE: 2/19/24

DIRECTOR MARK SWANSON
COUNTY OF VOLUSIA PUBLIC PROTECTION