



TO: Mike Coffin, Director  
Department of Public Protection

FROM: Nikki Dofflemyer, Captain *NK*  
Department of Public Protection  
Internal Affairs Unit

DATE: January 5, 2010

SUBJECT: Case # IA- 2009-12-277, Deputy Chief Bill Bussinger

**Background:**

On December 28, 2009, the Department of Public Protection, Internal Affairs Unit, received information from the Director of Public Protection associated with violations of Volusia County Computing Security Procedures and misconduct involving Deputy Chief Bill Bussinger, Beach Safety.

On December 17, 2009, Beach Safety Director, Kevin Sweat, submitted a written statement associated with this case. Director Sweat reported he received a telephone call from Deputy Chief Bill Bussinger on December 17, 2009. During the telephone conversation Chief Bussinger stated he viewed inappropriate web-sites using county computer equipment. Director Sweat advised Deputy Chief Bussinger stated he had started this activity in September of 2009. Further, Director Sweat reported this is Chief Bussinger's second violation associated with viewing inappropriate material using the county computer system.

Director Sweat advised he secured the computer assigned to Deputy Chief Bussinger and contacted Lou Martino, Volusia County Information Technology, Section Manager. Deputy Sweat reported he requested Lou Martino pick up the computer and perform an analysis of the information contained on the personal computer (PC). Director Sweat advised the computer was released to Lou Martino on December 17, 2009.

On December 21, 2009, Director Sweat advised Lou Martino contacted him and reported the assessment of Deputy Chief Bussinger's computer was complete. Deputy Sweat advised Lou Martino reported the computer had been used to view inappropriate sites.

On December 23, 2009, Deputy Chief Bussinger submitted a letter of resignation to Chief Kevin Sweat, Beach Service Director.

A written notice advising Deputy Chief Bussinger of the opening of an Internal Affairs investigation was delivered to his home address on December 29, 2009. Further, the notice advised his letter of resignation submitted on December 23, 2009, was not accepted by Mr. Mike Coffin, Public Protection Director.

**Information Technology report:**

**Lou Martino, Volusia County Information Technology Section Manager** - On December 30, 2009, Lou Martino, provided written documentation to the Internal Affairs Unit associated with the violation. Mr. Martino reported he received a call from Director Sweat who requested he pick up personal computer (PC) L04052 and review the PC for content.

Director Sweat advised Mr. Martino that PC L04052 was assigned to Deputy Chief Bussinger and had been removed from his assigned county office. Mr. Martino reported he picked up said PC and secured it in his office until the review. Mr. Martino documented that an analyst reviewed the PC and copied the information on to a DVD that was subsequently turned over to Director Coffin.

Mr. Martino reported the last user logged in the PC was Deputy Chief Bussinger. The analyst reported the PC was password protected and he logged into the computer under an administrative account. He advised a review of the temporary internet files, internet cache, and cookies from Deputy Chief Bussinger's user account/profile were conducted. Mr. Martino reported Deputy Chief Bussinger's PC cookies folder show the user name as well as the history associated with the browsing cookies set on the PC. Further, the Profile folder contains a copy of Deputy Chief Bussinger's profile from the PC.

During the review of the PC assigned to Deputy Chief Bussinger the following acts of professional misconduct were discovered. Those acts include:

1. Violation of the Volusia County Computing Security Procedures;
2. Storing and viewing pornographic material while on duty;
3. Unprofessional Conduct

**Investigation evidence:**

On December 29, 2009, a review of the contents of the DVD prepared by Mr. Martino from Information Technology was reviewed. The review confirmed

pornography did reside on the computer taken from the office of Deputy Chief Bill Bussinger. The DVD contained numerous pornographic pictures and material that

were stored on the computer assigned to Deputy Chief Bussinger. The material stored on the PC would indicate Deputy Chief Bussinger did receive, possess, and view pornography on a county-issued computer. These sites were visited while Deputy Chief Bussinger was on duty with the Volusia County Beach Services Division. The actions demonstrated by Deputy Chief Bussinger indicate he used county property for other than official activities.

**Findings:**

The findings from the investigation conducted by the Volusia County Department of Public Protection Internal Affairs office establish Deputy Chief Bussinger failed to abide by Volusia County Merit Rules and Regulations, Division of Beach Safety Policy and Procedures, and Volusia County Computing Security Procedures.

**Violations:**

Based on the investigative process and available information the following Division Policy, Merit Rules and Regulations, and Computing Security violations **were sustained:**

1. **Violation of the Volusia County Computing Security Procedures - SUSTAINED**
2. **Storing and viewing pornographic material while on duty - SUSTAINED**
3. **Unprofessional Conduct - SUSTAINED**

Volusia County Merit System, Section 86-45 Conduct of Employees

- a) *Code of Conduct. Employees of the county government are employed to provide service to the citizenry of the county and the public in general and are expected to conduct themselves in a manner that will reflect credit on the county government, public officials, fellow employees, and themselves; and*
- i) *Use of County Property. Employees should not, directly or indirectly use or allow the use of county property of any kind for other than official activities; and*

Volusia County Merit System, Section 86-453, Reasons for Disciplinary Action, Subsections as follows:

- 3) *Willful misuse, misappropriation, negligence or destruction of county property or conversion of county property to personal use or gain; and*
- 13) *Any conduct, on or off duty, that reflects unfavorably on the county as an employer; and*

21) *Any other conduct or action of such seriousness that disciplinary action is considered warranted;*

Volusia County Division of Beach Safety Policy and Procedures:

11.01.27 Inattention to Duties, Loafing, Sleeping

*Employees shall be attentive to job duties and shall not neglect work by inattention, loafing, or sleeping while on duty.*

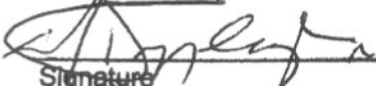
Volusia County Computing Security Procedures:

Equipment, Data, and Media

*Computer hardware, software, and networks are the property of the County of Volusia and are provided for the purpose of conducting County business.*

This investigative report is being submitted for your review and action as deemed appropriate. With your approval, this case file will be closed without further action from this unit.

"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."

  
Signature

Nikki Doffensmyer  
Name (printed)



INTER-OFFICE MEMORANDUM

**TO:** William J. Bussinger, Deputy Chief  
Beach Services

**DATE:** January 15, 2010

**FROM:** M. D. Coffin, Jr., Director *ME*  
Department of Public Protection

**FILE NO:** DPP-10-001

**SUBJECT:** Notice of Intent to Suspend Without Pay

You are hereby notified of my intent to suspend you without pay for twenty (20) work days effective February 1, 2010. This action is being taken for the following reason(s):

**Background**

On December 28, 2009, an internal investigation was authorized by my office into allegations of misconduct based on a complaint made by Beach Safety Director Kevin Sweat. On December 29, 2009 you were provided written notice of the opening of the internal investigation via delivery to your home address. The alleged misconduct was originally reported to Director Sweat by you on December 17, 2009 when you voluntarily informed him that you had violated both Volusia County Division of Beach Safety Policy and Volusia County Computing Security Procedures by downloading and viewing inappropriate websites using county owned computer equipment while on duty. Further, Director Sweat reported that this is your second violation in less than one year of viewing inappropriate material using the county computing system.

**Investigation**

Director Sweat secured the computer assigned to you and contacted Lou Martino, Volusia County Information Technology Section Manager to have an analysis completed. The release of the computer to Information Technology was completed on December 17, 2009. On December 30, 2009 Mr. Martino provided written documentation to the Internal Affairs Unit associated with the violation. Mr. Martino reported that he received a call from Director Sweat who requested that he analyze personal computer L04052 and review the PC for content.

Mr. Martino reported that the analysis revealed that the last user logged in the PC was you. The PC is password protected and the analyst logged into the computer under an administrative account. He reported that a review of the temporary internet files, internet cache, and cookies from your PC cookies folder show the user name as well as the history associated with the browsing cookies set on the PC. Further, the profile folder contains a copy of your profile from the PC.

TO: William J. Bussinger  
FROM: M. D. Coffin, Jr.  
FILE: DPP-10-001  
PAGE: 2  
DATE: January 14, 2010

During the analysis of the PC assigned to you the following acts of professional misconduct were discovered:

1. Violation of the Volusia County Computing Security Procedures;
2. Storing and viewing pornographic material while on duty;
3. Unprofessional conduct.

Mr. Martino provided the Public Protection Director a digital copy of the files and a review of those files confirmed that pornography did reside on the computer assigned to you. The DVD contained numerous pornographic photos and material that were stored on the PC. The material stored on the computer leaves no doubt that you did receive, possess, and view pornography on a county-issued computer. Those sites were visited while you were on duty with the Beach Services Division as confirmed through Kronos. These actions demonstrated that you used county property for other than official activities.

### **Findings**

The sustained findings of the investigation conducted by the Internal Affairs Unit establish that you failed to abide by Volusia County Merit Rules and Regulations, Division of Beach Safety Policy and Procedures, and Volusia County Computing Security Procedures.

### **Violations**

Volusia County Merit System, Section 86-45 Conduct of Employees:

- a) *Code of Conduct. Employees of the county government are employed to provide service to the citizenry of the county and the public in general and are expected to conduct themselves in a manner that will reflect credit on the county government, public officials, fellow employees, and themselves; and*
- i) *Use of County Property. Employees should not, directly or indirectly use or allow the use of county property of any kind for other than official activities; and*

Volusia County Merit System, Section 86-453 Reasons for Disciplinary Action, Subsections as follows:

- 3) *Willful misuse, misappropriation, negligence or destruction of county property or conversion of county property to personal use or gain; and*
- 13) *Any conduct, on or off duty, that reflects unfavorably on the county as an employer; and*
- 21) *Any other conduct or action of such seriousness that disciplinary action is considered warranted;*

TO: William J. Bussinger  
FROM: M. D. Coffin, Jr.  
FILE: DPP-10-001  
PAGE: 3  
DATE: January 14, 2010

**Volusia County Division of Beach Safety Policy and Procedures:**

11.01.27 Inattention to Duties, Loafing, Sleeping *Employees shall be attentive to job duties and shall not neglect work by inattention, loafing, or sleeping while on duty.*

**Volusia County Computing Security Procedures**

*Computer hardware, software, and networks are the property of the County of Volusia and are provided for the purpose of conducting County business.*

**Volusia County Communications Policy (Amended March 2007)**

*Under no circumstances shall obscene and/or sexually explicit material and/or comments be viewed and/or transmitted on the county's internet and email systems.*

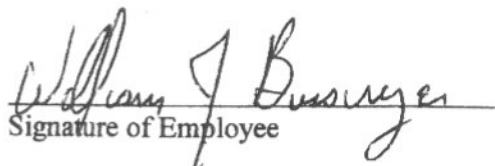
**Conclusion**

Your acts of misconduct as determined by the Department of Public Protection Internal Affairs investigation (IA-2009-12-277) warrant serious and appropriate disciplinary action. These violations have placed the County of Volusia at risk due to your failure to act as required and directly violate the Volusia County Merit System sections associated with employee conduct in addition to violating the Beach Safety Policies and Procedures. Your actions are further compounded by the fact that you are a senior supervisor and that this is a second offense in less than one year.

Therefore, you are hereby notified of my intent to suspend you without pay for twenty (20) work days.

Pursuant to Volusia County Merit System Rule 86-455, the County Legal Department and Personnel Director have reviewed and concur with this intended action.

In accordance with section 86-455 (c) (4) of the Merit System Rules and Regulations you may respond either orally or in writing. If you wish to respond, such response will not be accepted after Tuesday, January 19, 2010 at 4:00 PM. You are being afforded an extension of one day due to the holiday on Monday. If you do not contact me by the time indicated it will be assumed that you have waived this right. Should your response be inadequate or should you fail to respond in a timely manner, this action will proceed.

  
Signature of Employee

12:10pm 1-15-10  
Date and Time Received

Cc: \_\_\_\_\_ Personnel Director  
\_\_\_\_\_ EEO Coordinator

\_\_\_\_\_ Asst. County Attorney  
\_\_\_\_\_ Department/Division Director



INTER-OFFICE MEMORANDUM

**TO:** William J. Bussinger, Deputy Chief  
Beach Services

**DATE:** January 21, 2010

**FROM:** M. D. Coffin, Jr., Director *MC*  
Department of Public Protection

**FILE NO:** DPP-10-002

**SUBJECT:** Final Notice of Suspension Without Pay

On January 15, 2010 you were provided with a letter of intent to suspend you without pay for a period of twenty (20) work days beginning February 1, 2010. I am in receipt of your response dated January 17, 2010 and will incorporate this response as an attachment to this final notice memo. Based on your admission of guilt I find no reason to reduce the discipline, however I have spoken to the Personnel Director and the County will agree to allow you to make your last day productive time in order to satisfy the Merit Rules requirements to leave employment in good standing. Therefore, your suspension will begin on January 29, 2010. You are directed to work with the County Personnel Department to complete the administrative requirements for final separation. This action is being taken for the following reason(s):

**Background**

On December 28, 2009, an internal investigation was authorized by my office into allegations of misconduct based on a complaint made by Beach Safety Director Kevin Sweat. On December 29, 2009 you were provided written notice of the opening of the internal investigation via delivery to your home address. The alleged misconduct was originally reported to Director Sweat by you on December 17, 2009 when you voluntarily informed him that you had violated both Volusia County Division of Beach Safety Policy and Volusia County Computing Security Procedures by downloading and viewing inappropriate websites using county owned computer equipment while on duty. Further, Director Sweat reported that this is your second violation in less than one year of viewing inappropriate material using the county computing system.

**Investigation**

Director Sweat secured the computer assigned to you and contacted Lou Martino, Volusia County Information Technology Section Manager to have an analysis completed. The release of the computer to Information Technology was completed on December 17, 2009. On December 30, 2009 Mr. Martino provided written documentation to the Internal Affairs Unit associated with the violation. Mr. Martino reported that he received a call from Director Sweat who requested that he analyze personal computer L04052 and review the PC for content.



TO: William J. Bussinger  
FROM: M. D. Coffin, Jr.  
FILE: DPP-10-002  
PAGE: 2  
DATE: January 21, 2010

Mr. Martino reported that the analysis revealed that the last user logged in the PC was you. The PC is password protected and the analyst logged into the computer under an administrative account. He reported that a review of the temporary internet files, internet cache, and cookies from your PC cookies folder show the user name as well as the history associated with the browsing cookies set on the PC. Further, the profile folder contains a copy of your profile from the PC.

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**Conclusion**

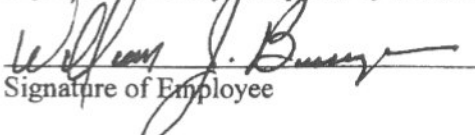
Your acts of misconduct as determined by the Department of Public Protection Internal Affairs investigation (IA-2009-12-277) warrant serious and appropriate disciplinary action. These violations have placed the County of Volusia at risk due to your failure to act as required and directly violate the Volusia County Merit System sections associated with employee conduct in addition to violating the Beach Safety Policies and Procedures. Your actions are further compounded by the fact that you are a senior supervisor and that this is a second offense in less than one year.

Therefore, you are hereby suspended without pay for twenty (20) consecutive work days beginning on January 29, 2010 and ending on February 25, 2010. February 26, 2010 will be your last day of employment in accordance with your intent to retire.

Pursuant to Volusia County Merit System Rule 86-455, the County Legal Department and Personnel Director have reviewed and concur with this intended action.

Should you decide to exercise your right to appeal through the Volusia County Merit System Rules and Regulations, submit your written request to the County Personnel Office, 230 N. Woodland Blvd., Suite 262, DeLand, FL 32720. Please see section 86-485 (e) of the Volusia County Merit System Rules and Regulations that outlines the Appeal Procedures.

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

  
Signature of Employee

1-22-10 0840.  
Date and Time Received

Cc: \_\_\_\_\_ Personnel Director  
\_\_\_\_\_ EEOCoordinator

\_\_\_\_\_ Asst. County Attorney  
\_\_\_\_\_ Department/Division Director