



Volusia County Department of Public Protection

Date: December 7, 2022
To: Mark Flowers, Director, Volusia County Division of Corrections
From: Mark Swanson, Director, Public Protection *MS*
Subject: Notice of Intent to Dismiss

Purpose: The purpose of this memorandum is to provide a Notice of Intent to Dismiss. This intended action is the result of your continued violation of the County's Merit System Rules and Regulations.

Information: In May 2022, Human Resources received an email regarding a hostile work environment at the Volusia County Corrections Division (VCDC). A few days later, several officers and command staff from VCDC came to Human Resources to file complaints about a hostile work environment under your leadership at the jail. Based on the results of our internal investigation into the hostile work environment, which ultimately turned into an Internal Affairs investigation, we found instances of mismanagement as well as on-going violations of VCDC policies by you. (See attached memorandum dated October 31, 2022 and Internal Affairs Report dated November 17, 2022.)

Violations: Your actions violate the following Volusia County Merit Rules, regulations:

**Volusia County Merit Rules and Regulations – Division 13 Disciplinary Actions Sec. 86-453
Reasons for disciplinary actions (1), (2), (9), (12), (22):**

- (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.*
- (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.*

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

Conclusion: Accordingly and based on close review of the circumstances of your actions, I am issuing this Notice of Intent to Dismiss. I concur that your ability to continue leading the Department of Corrections has been irreparably damaged by your behaviors. Conduct of this nature is contrary to the standards of professionalism expected from the Volusia County Division of Corrections personnel. This action unfavorably reflects on the Department of Public Protection, Corrections, and Volusia County Government.

Action: In accordance with section 86-455 (f) (2) of the County's Merit System Rules and Regulations you may respond either orally or in writing within three (3) calendar days of this intended action. If you wish to respond, such response will not be accepted after Monday, December 12, 2022 at 4:30p.m. I may be reached at 386-740-5120 or by email at mswanson@volusia.org. 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.

Note: This notice of intent is an intervening action and is not a final decision. The three-day appeal response period process is part of the pre-disciplinary investigation. This investigation will be concluded and a final disciplinary decision will be rendered upon the expiration of the three-day period or upon deliberation from a requested meeting/telephone call requested during the three-day period.

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

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

SIGNATURE OF EMPLOYEE

DATE AND TIME RECEIVED

cc: Heather Wallace, Deputy County Attorney
Laura Mauldin Coleman, Assistant County Attorney
Dana Paige-Pender, Human Resources Director
Tammy King, Activity Projects Manager
Jessica Paugh, Human Resource Manager/EEO Coordinator
