

Sheriff



Robert L. Vogel, Jr. • Sheriff Volusia County
Post Office Box 569 • DeLand, Florida 32721-0569

Protecting Our Future

December 14, 1992

Deputy Edward Lueck
Judicial Services Division
DeLand, Fl.

Deputy Lueck:

Be advised that as the result of your actions documented in Internal Affairs Investigation #93-001 it has been determined you did violate the following Volusia County Sheriff's Department Standards Directives:

1. 26.2.4 b(1)(d)(5) **FAILURE TO FOLLOW DIRECTIVE OR ORDER:** Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. (One day suspension) ^{26.2.32}

2. 26.2.4 b(2)(c)(3) **MISDIRECTED ACTION OF PERSONNEL UNDER INVESTIGATION:** Employees against whom a complaint has been made shall not attempt directly or indirectly, by threat, appeal, persuasion, payment of money or other consideration, to secure the abandonment or withdrawal of the complaint, charges or allegations. (Ten days suspension) ^{26.2.67}

3. 26.2.4 (a)(A) **CODE OF CONDUCT-** Employees of Volusia County government are employed to provide service to the citizenry of Volusia 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. Employees must avoid any action which might result in, or create the impression of, using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting public business. (One day suspension)

To wit: This investigation began with an allegation of harassment brought against you by the complainant, Ms. Victoria Dreggors. Ms. Dreggors complained that in approximately May of 1992 you were at the Handy Way store in Pierson where she was employed. A conversation took place in the presence of two other witnesses. During this conversation it was alleged you were unprofessional, refused to answer questions concerning the manner in which she could legally carry a firearm, and made disparaging comments of a

sexual nature. Ms. Dreggors was extremely offended but did not make a formal complaint at that time because she and the other clerks wanted the protection of the Sheriff's Department at their business and were afraid that a complaint would jeopardize this protection. This comment was made while you were in uniform and on official duty. This comment was very unprofessional and reflected a poor image of the Sheriff's Department to Ms. Dreggors and the other witnesses.

Subsequently, on September 28, 1992, you arrested Ms. Dreggors' husband for illegally carrying a concealed firearm which, she felt, was vindictive and another means of harassing her. On October 8, 1992 you were notified of this internal investigation. On this same date, you contacted Hellen Drewery at the Handy Way store. This was in direct violation of the Notification which specified that you were "prohibited from contacting the complainant and/or witnesses relative to this investigation."

In addition to directly violating the order not to contact any witnesses, you told Ms. Drewery, in the presence of another witness Mr. Jerry Bennett, that you were not allowed to be speaking with her, indicating that you knew such contact was improper. You stated you were going to sue Ms. Dreggors for initiating the complaint against you. Ms. Drewery and Mr. Bennett state you implied you were going to sue not only Ms. Dreggors but any witnesses that might be involved. When the store was closing up that same evening, Ms. Drewery saw your patrol car parked in front of a business south of the Handy Way store. As she drove south towards her house, you pulled out behind her and followed her. She turned into her driveway and you continued driving south on Hwy. 17.

The evidence presented did not substantiate the initial harassment charge, although there was clearly an appearance of impropriety. However, the above stated violations were sustained.

Your actions clearly intimidated Ms. Drewery to the point that she was in fear for her personal safety. Your threats of a lawsuit were interpreted by Mr. Bennett and Ms. Drewery that you were trying to influence and intimidate them in regard to any statement they may make as witnesses in this investigation.

I have carefully reviewed your letter of rebuttal and find that there are inconsistencies between it and your sworn statement. After earnest consideration, my decision to suspend you remains unchanged. You are hereby suspended without pay for twelve (12) eight (8) hour days. The dates of your suspension will be January 4, 5, 6, 7, 8; January 11, 12, 13, 14, 15; and January 19 and 20, 1992.

During the period of suspension you are instructed not to drive a department vehicle, nor to act in any capacity as a deputy sheriff. Upon your return to active duty on January 21, 1992, your full authority as a deputy sheriff will be restored.

If there is any problem or condition that is troubling you that we are unaware of please advise so that we will have the opportunity to assist you in correcting this problem.

Any subsequent activity of a similar nature will result in more severe administrative action. Take due care and govern yourself accordingly.

If you wish to appeal my decision in this matter, you may do so by filing a written request through the County Personnel Director within ten (10) days of receipt of this notification.

Sincerely,


SHERIFF ROBERT L. VOGEL, JR.

je040L0922.92

cc: County Personnel Dept.
County Legal Department

E. P. Ruesel

This letter read and received by:
Deputy....

Date: 12-16-92

Time: 1800

Inter-Department Memorandum



TO: THOMAS C. KELLY
COUNTY MANAGER

FROM: MICHAEL D. LARY *MDL*
PERSONNEL DIRECTOR

SUBJECT: RECOMMENDATION OF THE
VOLUSIA COUNTY PERSONNEL BOARD
RE: APPEAL OF DEPUTY EDWARD LUECK

DATE: MARCH 29, 1993

FILE: PE-93-058

REFERENCE

On Wednesday, March 24, 1993 the Personnel Board conducted a hearing for Deputy Lueck, who was appealing a twelve (12) working day suspension from the Department of Public Safety. Assistant County Attorney Nancye Jones represented the department and Deputy Lueck represented himself at the hearing with five (5) members of the Personnel Board in attendance.

Deputy Edward Lueck had been charged with violating three departmental directives (see attached Notice of Suspension). The original charge against Deputy Lueck was for allegedly making an improper remark to a female employee at a convenience store while he was on duty. Upon being notified that he was under investigation by Internal Affairs and was not to discuss the case with potential witnesses, it was alleged that Deputy Lueck violated the order by attempting to speak with a potential witness and, by doing so, caused the witness to feel threatened and intimidated. Both of the victims (original complainant and witness) testified at the hearing.

Although Deputy Lueck did not testify on his own behalf, during cross-examination he did attempt to convey his explanation through testimony from the witnesses or by his own declaratory statements.

Upon conclusion of the hearing and in open deliberation, the Personnel Board found cause to sustain all the charges against Deputy Lueck and voted unanimously (5-0) to recommend that you uphold the twelve (12) day suspension without pay.

MDL:cb

Attachment

cc: Sheriff Robert L. Vogel, Public Safety Director
Nancye Jones, Assistant County Attorney
Personnel Board



County of Volusia

rec'd
4/7/93
JE #2043

COUNTY MANAGER

123 WEST INDIANA AVENUE • DeLAND, FLORIDA 32720-4612
TELEPHONE: (904) 736-5920 • (904) 257-6011 • (904) 423-3860

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AT LARGE

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DISTRICT 5

PHIL GIORNO
AT LARGE

THOMAS C. KELLY
COUNTY MANAGER

March 31, 1993

Mr. Edward Lueck
210 Bellevue Avenue
Daytona Beach, FL 32114

COPY

Dear Deputy Lueck:

This letter is in response to your recent appeal before the Volusia County Personnel Board. The record indicates that your hearing was on Wednesday, March 24, 1993 in the presence of a five member board. I understand that you represented yourself during the hearing and that the Sheriff's Office was represented by Assistant County Attorney Nancy Jones.

The Personnel Board voted 5-0 to sustain the charges and recommend to me that I uphold the twelve (12) day suspension without pay imposed by Sheriff Vogel. They were apparently concerned that your conduct that gave rise to the charges was not only inappropriate but totally unacceptable for a law enforcement officer. Based upon my understanding of the facts surrounding your case, the disciplinary action taken against you could have been much more severe than the aforementioned suspension. I trust that you will take note of that and refrain from similar behavior in the future.

In accordance with the authority provided under the merit system, I am accepting the recommendation of the Personnel Board and requesting that Sheriff Vogel move forward with your suspension on the dates and times he deems in the best interest of the department. My decision is final and this concludes the administrative remedy afforded to you under the Volusia County Merit System Rules and Regulations.

Sincerely,

Thomas C. Kelly
County Manager

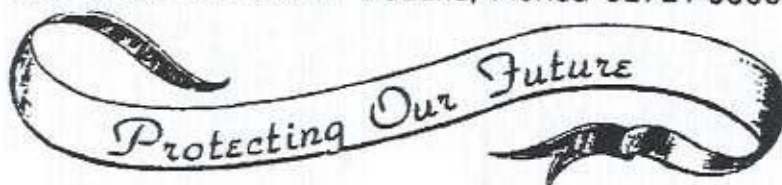
cc: Sheriff Robert L. Vogel, Jr. Public Safety Director
Daniel Eckert, County Attorney
Michael Lary, Personnel Director



Sheriff



Robert L. Vogel, Jr. • Sheriff Volusia County
Post Office Box 569 • DeLand, Florida 32721-0569



April 12, 1993

(FILE COPY)

Deputy Edward P. Lueck
Judicial Services Division
Daytona Beach, Fl.

Deputy Lueck:

The appeal process in reference to Internal Investigation #93-001 has been completed.

You are hereby suspended without pay for twelve (12) eight (8) hour days. The dates of your suspension will be May 3-7, May 10-14, and May 17-18, 1993.

During the period of suspension you are instructed not to drive a department vehicle, nor to act in any capacity as a deputy sheriff. Upon your return to active duty (May 19, 1993), your full authority as a deputy sheriff will be restored.

Sincerely,

A handwritten signature in cursive that reads "Robert L. Vogel, Jr.".

Sheriff Robert L. Vogel, Jr.

RLV/je
040L0326.93
cc: County Personnel Dept.
County Legal Department

This letter read and received by:

Deputy E. P. Lueck

Date: 4/12/93

Time: 0815