



**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:** Stephen Szabo, Lieutenant  
Division of Fire Rescue

**DATE:** March 7, 2018

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

**FILE NO:** DPP18-030

**SUBJECT:** NOTICE OF DISMISSAL

**REFERENCE:** DPP18-026 Notice of  
Intent to Dismiss

**Purpose:** The purpose of this memorandum is to provide notice of your dismissal. The effective date of this action is March 7, 2018. This action is the result of your multiple violations of Volusia County Merit System Rules and Regulations and Fire Rescue Guidelines.

Your received my notice of intent to dismiss memorandum on Friday, March 2, 2018. On March 5, 2018, you requested to meet with me in regards to the notice of intent to dismiss. On March 5, 2018 at 3:00 pm, you and I met in the Public Protection Administration conference room. Also in this meeting were Deputy Directors Pat Bythwood and Mark Swanson, Human Resources Assistant Director Joe Pozzo, Division Director Jeff Smith and your union representative Justin Hughes.

In the meeting you requested to keep your position with Volusia County Fire Rescue. You did not however, provide any substantive information that would alter my decision. Therefore, I am continuing the intended action of your dismissal.

**Background:** On Monday, January 29, 2018 at 1742 hours, while on duty at Volusia County Pierson Fire Station 44, you were arrested by the Volusia County Sheriff's Office. You were charged with Felony Battery-Domestic by Strangulation by the Port Orange Police Department.

On January 30, 2018, you notified Volusia County Fire Rescue (VCFR) Chief Jeff Smith of your arrest via a memo titled "Required Notification." Following your notification on January 30, 2018, Chief Smith requested an internal investigation to determine the facts of your arrest. Public Protection Department Director, Terry Sanders, ordered Captain David Vanis, the Public Protection Internal Investigator, to conduct an investigation that same day. You were placed on administrative leave on January 30, 2018, and you were served with the notice of an internal investigation on January 31, 2018.

**Information:** On February 1, 2018, February 2, 2018, February 6, 2018 and February 8, 2018; Captain David Vanis conducted sworn interviews of the VCFR staff, two that were assigned to the same fire station as you, your direct supervisor, Battalion Chief Scott Smoak, Deputy Fire Chief Howard Bailey, Division Chief Paul Ebanks and the victim, who is identified as your girlfriend. Human Resources Assistant Director Joseph Pozzo was also in attendance during each sworn interview. Battalion Chief Justin Hughes was the Union representative in attendance for the sworn interviews conducted with FF Alec Ribbink and FF Michael Weeks. Lieutenant Jeremiah Greathouse was your Union representative

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during your sworn interview.

On February 1, 2018, Captain Vanis conducted a sworn interview with Battalion Chief Scott Smoak. BC Smoak was assigned as BAT 40 on January 29, 2018, and was your direct supervisor. BC Smoak stated he first learned that you may be arrested from Deputy Fire Chief Howard Bailey at a budget meeting he was attending on January 29, 2018. Later that same day, after responding to a call where BC Smoak was present, you asked to speak with BC Smoak privately. At that time you advised BC Smoak that you may be getting arrested due to an argument with your girlfriend (the victim). You told BC Smoak you had been notified through a phone call by someone at "an agency" that this may occur. You stated to BC Smoak that you regretted some of the things that occurred during the argument with your girlfriend. Fifteen to twenty minutes after that conversation, BC Smoak advised you that the VCSO Deputies had arrived at the station at which time you were arrested.

The next sworn interview conducted on February 1, 2018, was with Firefighter Ribbink. FF Ribbink advised that he has worked with you at Station 44 for approximately two months. FF Ribbink stated he was with you most of the day on January 28, 2018. He met you and several other friends at the Ocean Deck at approximately 1400 hours, and then moved on with you to Off the Hook at approximately 1600 hours. You and your girlfriend (the victim) were both at that location until approximately 1900 hours when everyone, including you went to the South Turn Restaurant/Bar. According to Ribbink, your girlfriend (the victim) was not present at that location. FF Ribbink and his fiancée left you and that location at 2030 hours to go home. FF Ribbink stated you had both been drinking throughout the day, and he could not estimate how much alcohol you had consumed.


While at work on January 29, 2018, FF Ribbink said you told him that you had "*another blowout*" with your girlfriend the night before. FF Ribbink stated that during the shift you pulled your shirt to the side in the neck area, and displayed scratches on your neck. You then stated, "I'm saying this is self defense." While completing a transport to DeLand Hospital at approximately 1600 hours, FF Ribbink said he saw "*a look*" on your face while at the hospital. You told him that "*she had pressed charges.*" You said you were afraid the police would be waiting for you when you arrived at the station.

On that same day, February 1, 2018, Captain Vanis conducted a sworn interview with FF Michael Weeks. FF Weeks stated he was just transferred to Station 44 and January 29, 2018, was his first day working with you. When asked, FF Weeks said that you looked tired. He stated that after conducting the morning equipment check, you told him you were going to take it easy today because you had an argument with your girlfriend the previous night and the Port Orange Police had responded. FF Weeks added that you stayed in your quarters until lunch time. FF Weeks further stated when you came out of your room at lunch time, you stated "tired; going to get something to eat; too much alcohol the night before; argument with girlfriend left me tired."

The next sworn interview conducted by Captain Vanis was on February 2, 2018 with DFC Bailey. DFC Bailey stated he first became aware of the incident when he received a phone call from the victim's father on January 29, 2018, sometime between 0800-1000 hours. The victim's father described to DFC Bailey the events that occurred the night before between you and your girlfriend (the victim) at her apartment. The father explained that he and his wife (her mother) observed the bruising on his daughter's neck and other parts of her body.

DFC Bailey also stated that he was contacted by the victim's mother on February 2, 2018. The victim's

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mother offered to send DFC Bailey pictures of her daughter's injuries and the damage caused to her apartment. Captain Vanis contacted the victim's mother after the interview and had her forward the pictures to him.

On February 6, 2018, Captain Vanis conducted a telephone interview with your girlfriend (the victim). Also present in the interview was Human Resources Assistant Director Joseph Pozzo.

The victim stated she had been dating you for approximately two years and that you knew each other for seven years. She also stated you did not live together. She said that you frequently argued and that you had been violent three or four times since you two began dating. She said that the fights normally involved pushing or spitting in her face. She also advised that alcohol is usually involved when the fights have been violent. Prior to this incident, she said law enforcement had never been involved in any of your disputes. She described this incident as the worst fight, and also advised that the arguments were usually based on accusations of infidelity.

On January 28, 2018, the victim met you at approximately 4:45pm at Off the Hook restaurant in Ponce Inlet. While preparing to leave that location to go to the South Turn, you got into the victim's car and started yelling at her. After you exited her car, you left in your own vehicle and the victim advised she returned home at about 6:30pm. She said she sent you a text that she wasn't going to the South Turn restaurant, but never received a response. At approximately 7:30pm, you called her and began yelling at her again. She stated she told you, "*I was over it, leave me alone for the rest of the night. You chose to keep drinking, which is not the best idea and that's what you chose over our relationship. Just leave me alone.*" Following that conversation, the victim said she sent you a text and said "*Be safe, you're always welcome here.*"

At 10:30pm, you called the victim and told her you were at her door. She described you as calm and let you in her apartment. After seeing you, she described you as "*Very intoxicated. I've never seen his eyeballs look like that. He looked, very intoxicated. He was swaying just standing there.*" After letting you in her apartment, she got back into bed and you stood in the doorway to her room. She asked why you were standing there and you responded that you wanted to go through her phone. She gave you her phone and you stayed in the doorway looking through her cell phone. She stated "*he was so drunk that he didn't even go through my phone, he was on his phone too.*" After several minutes, she placed her phone back on her nightstand and you stood in the doorway for about another 30 minutes looking through your phone. When she asked you if you were staying the night, you again asked her for her phone. She said she told you that you already looked through her phone and asked what he was looking for. She stated she tried to get her phone back and you got agitated and pulled her out of her bed by her hair. You then pushed her into the mirror in her room causing the mirror to break. While she was still on the ground, you placed one hand on her neck while still holding her cell phone with the other hand. She said once this happened, she fought back by kicking and pushing you to get off of her. Once you released her, she said you said something like "*This is the last time you disrespect me!*" She said she continued to try to get her phone back from you and get you to leave. As you entered the living room, you shoved her into the corner causing her to fall to the floor and her eyeglasses to fly across the living room. She said that is when "*he choked me out with both hands and that's when I saw stars for a little bit.*" Once you released her, you stomped on her eyeglasses. At this point, she said you were looking for your phone.

She said she suggested that you give her phone to her, so she could call your phone in an attempt to locate it. While standing at the top of the stairs, you grabbed her by her neck and "*slammed my head in to the*

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*wall and told me that he was in control. I'm not in control and he told me to call his phone but he had to hold my phone. I couldn't hold it."* She could not locate your phone in the apartment, but as she exited the apartment she saw your phone in the grass outside. Once you went outside to retrieve your phone, you still wouldn't leave. She locked the door once you were outside and she said you began to yell and started to kick on the door. She put her phone underneath her roommate's bed and opened the door because she feared that you would break her phone as you had done twice in the past. She opened the door fearing you would break the door and she told you to leave. You came back inside her apartment and she stayed outside. Once outside, she saw the POPD arrive and went inside the apartment. She asked you *"what do you want me to do now? You did this."* She said you told her *"get inside, they won't know."* Once inside, she said you told her *"I'm going to prison over you."* You gave her no further instruction regarding contact with the police.

She said the police separated you both and began to question her. She said they questioned her on how you hurt your toe. She confirmed with the police that you cut it when you stomped on her eyeglasses. When they asked her why the apartment was in disarray, she told them you were looking for your phone. She told the police she just wanted you to leave and wanted them, the police, to stay until you had left. When asked in the interview why she didn't tell the Port Orange Police what had occurred initially she responded, *"I was worried what was going to happen to him. When it's gotten like this before he told me I was going to be the reason that he lost his job."*

The victim confirmed that the pictures her mother had sent to Captain Vanis were taken as soon as the victim's parent's arrived to her apartment; which was approximately thirty minutes after you left her apartment. She advised she had not been in contact with you since that night, but that you did text her on January 29, 2018 at 12:58pm and 3:52pm. She provided screen shots of the text messages to Captain Vanis following the interview.


She stated in her interview that you usually only drink socially and on weekends. Most of the violent fights have occurred after you have been drinking. She also stated that you have driven to work while still under the influence of alcohol. She confirmed that she has seen you drink most of the night then drive to work. She described that as every once in a while, but not frequently.

When Captain Vanis asked if she had anything else she would like to add, she said you mentioned in one of the January 29, 2018 text messages that you had pictures of injuries you sustained. She said she hit you in the head while you were driving approximately one week prior to this incident after you poured a beer on her while you were driving.

On February 8, 2018, Captain Vanis conducted a sworn interview with you. Also present in the interview was Human Resources Assistant Director Joseph Pozzo, Assistant County Attorney Michael Moore, and your Union representative Lt. Jeremiah Greathouse.

You stated in your interview that you had known the victim for six or seven years. The last two years you have tried to have an exclusive relationship and prior to that were friends who occasionally *"hooked up."* When you were asked if there was a history of arguments or disputes in your relationship, you responded *"I would say for the most part it had been very difficult for her and I to have a relationship. It's been toxic at times, yes."* You advised you frequently argued about her infidelity and other *"typical relationship stuff."* You said the fights sometimes involved raised voices and were occasionally physical. You estimated three physical altercations prior to January 28, 2018. You also added the situations are not

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mutual combat and *"I never initiate and I'm never the aggressor."* You said the most recent physical fight occurred in January, 2018. While she was showing you something on her phone, a man messaged her phone. You said you suspected she had cheated on you with this male and you both began to argue. You decided to end the relationship and while driving, she grabbed the steering wheel of your truck and steered into the oncoming traffic. She then struck you in the head three times with a closed fist. You said you did not sustain any injuries and you did not want to notify law enforcement because *"I care about her and I didn't want to get her in trouble."*

On January 28, 2018, at approximately 2:00pm, you met friends, including FF Ribbink at the Landshark Restaurant in Daytona Beach. After about two hours, you all went to the Ocean Deck and you said you stayed for about 30 minutes to an hour. Following that, your girlfriend (the victim) met you and your friends at the Off the Hook in Ponce Inlet where you spent approximately two hours. When leaving Off the Hook, you told Captain Vanis *"(The victim) and I had a discussion on some things that you had heard...some rumors...some more infidelity... that she had possibly been talking to other guys behind my back again. So I addressed it and that was it."* You said you each got into your own vehicles and were driving to the South Turn in Daytona. While en route, she sends you a text message saying she was going home and invited you over to her apartment after you were done at the South Turn. You said you stayed at the South Turn for approximately two hours then went to her apartment at 10:30pm. You denied being intoxicated and told Captain Vanis you had approximately one drink per hour throughout the day along with eating at each establishment.

When you arrived at her apartment, she didn't initially answer the door so you called her and she let you in. She got back into bed while you stood in the bedroom doorway, and you said you and she began to discuss her infidelity. You said she offered you her phone and you began to look through it for an unknown amount of time. You said you discovered "evidence" of her cheating on you and you pointed that out to her. You said she became irate and lunged at you demanding her phone back. You said you both fell into the mirror, onto the floor, and the mirror cut your foot. You said you restrained her by the arms while you tried to ease the situation. You denied ever placing your hands near her neck. You said you indicated to her that you were ending the relationship and left her apartment. Once outside, you realized you didn't have your cell phone and knocked on the door. She eventually opened the door after you agreed to talk to her about your relationship. You said the door to the apartment remained opened so *"any kind of conversation you both had or anything like that could be heard outside."* Shortly after she located your phone, she told you three POPD Officers were walking up to her apartment and she shut the door on them. You said you advised her to open the door. After she opened the door, you were both separated and questioned by the police. When asked why you told them it wasn't violent, you again replied that you cared for her and didn't want her to get in trouble. When asked why you told the police that you stubbed your toe, you initially didn't remember telling them that, but later told Captain Vanis that you were confused, distraught, scared, and emotional over the presence of law enforcement.

You said you had no idea how she received the bruises on her neck. You also denied placing your hands near her neck when you restrained her after falling into the mirror, or any other time. You speculated that the bruises were self-inflicted.

Given the description of the incident as described by you to Captain Vanis, Captain Vanis asked you why the living room area was in disarray (picture off of wall, shelf unit on the floor) in the pictures provided by the victim's mother; you responded *"That it wasn't me. I didn't touch that stand or whatever that is...picture stand?"* You confirmed no physical dispute happened outside of the bedroom.

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You said you attempted to call her on January 29, 2018, but she did not answer. You also referred to the text messages provided by the victim and told Captain Vanis that was the last communication you had with her.

Based on the information provided by you and others in the sworn interviews of the internal investigation conducted by Captain Vanis you are in violation of the following Merit Rules and Fire Rescue Guidelines:

**Volusia County Merit System Rules and Regulations Section 86-43 Conduct of employees; Sec 86-453 Reasons for Disciplinary Action (2), (8), (13), and (21):**

Sec. 86-43:

*(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.*

Sec 86-453:

- (2) Disregard for..... county ordinances, departmental policies and regulations.....;*
- (8) ..... conduct which interferes with effective job performance or has an adverse effect on the efficiency of county service;*
- (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 Division of Fire Services-Standard Operating Guidelines-I-102.001 under General Rules 100.001:**

- 100.001 All members of the Department shall adhere to the rules and regulations of the Department and of all laws and ordinances of Volusia County. Failure to do so shall make members subject to disciplinary actions.*
- 100.041 Members shall not conduct themselves in an immoral, indecent, lewd or disorderly manner. They shall not be guilty of misconduct, conduct unbecoming an officer, or acts that tend to discredit the Department, even though such conduct is not specifically set forth in these rules.*

**Conclusion:** Given the serious nature of your misconduct on January 28, 2018 and January 29, 2018, as outlined in the statements provided in the Internal Investigation Report of Incident, I am issuing you this notice of dismissal effective the date of this memorandum, March 7, 2018. Conduct of this nature is contrary to the standards of professionalism expected from Fire Services personnel. This action unfavorably reflects on the Division of Fire Rescue and Volusia County Government.

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Initials

**Action:** In accordance with the Agreement between the County of Volusia and the International Association of Firefighters (IAFF) Local No. 3574, Lieutenants, you may choose to grieve this action through the grievance and arbitration procedure as described in the Agreement between Volusia County and the IAFF, or the grievance and appeal procedure as set forth in the Volusia County Merit System Rules and Regulations.

If you choose the grievance and arbitration procedure as described in the Agreement between Volusia County and the IAFF, you will have ten (10) calendar days from receipt of this notification to grieve this action.

Should you decide to exercise your right to appeal through the Volusia County Merit System Rules and Regulations, you must submit your written request to the County Human Resources Office, 230 N. Woodland Blvd., Suite 262, DeLand, FL 32720 within ten (10) working days of receipt of this notice. Please see Section 86-485 of the Volusia County Merit System Rules and Regulations that outlines the appeal procedures.

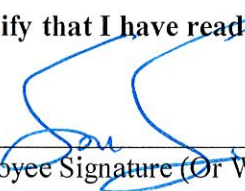
In either case, if you do not file your written grievance or appeal by the time indicated, it will be assumed that you have waived this right.

Within seven (7) calendar days of receipt of this memorandum, you are to return all County of Volusia property that was previously issued to you by Volusia County Fire Rescue. Attached is a current inventory list that was provided to me from Tammy Scott, Fire Rescue Logistics.

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.

*Pursuant to section 86-455, Volusia County Code, the Volusia County Legal Department and the Human Resources Director have reviewed this notice and concur with the proposed action.*

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

  
\_\_\_\_\_  
Employee Signature (Or Witness, if Employee Refuses to Sign)

05/07/18  
\_\_\_\_\_  
(Date of Signature)

- cc:     \_\_\_ Patricia Bythwood, Public Protection Deputy Director  
       \_\_\_ Mark Swanson, Public Protection Deputy Director  
       \_\_\_ Jeffrey B. Smith, Director/Fire Chief, Fire Services  
       \_\_\_ Howard Bailey, Deputy Fire Chief, Fire Services  
       \_\_\_ Michael Moore, County Attorney's Office  
       \_\_\_ Tom Motes, Human Resources Director  
       \_\_\_ Joseph Pozzo, Human Resources Assistant Director  
       \_\_\_ Tammy King, EEO Coordinator

# Volusia County Fire Services Uniform Return Receipt



Name: \_\_\_\_\_ CAD: \_\_\_\_\_ Station: \_\_\_\_\_

CAREER or VOLUNTEER

The following items have been returned to the Resource Center:

T-Shirts \_\_\_\_\_ Polo Shirts \_\_\_\_\_ Job Shirt \_\_\_\_\_ Duty Pants \_\_\_\_\_ Belt \_\_\_\_\_

Class A Shirt \_\_\_\_\_ Class B Shirts \_\_\_\_\_ Jacket/Coat \_\_\_\_\_ Safety Vest \_\_\_\_\_ Duty Boots \_\_\_\_\_

Gear Bag \_\_\_\_\_ County ID Card \_\_\_\_\_ County Credit Card \_\_\_\_\_ Badge \_\_\_\_\_ Collar Brass \_\_\_\_\_

Dress Jacket/Pant/Hat \_\_\_\_\_ Dress Badge/Hat Badge/Collar Brass \_\_\_\_\_ County Cell Phone/Chrg \_\_\_\_\_

Bunker Coat \_\_\_\_\_ Bunker Pant \_\_\_\_\_ Helmet \_\_\_\_\_ Gloves (Fire) \_\_\_\_\_ Gloves (Extrication) \_\_\_\_\_

Bunker Boots \_\_\_\_\_ Hot Shield \_\_\_\_\_ Brush Boots \_\_\_\_\_ Brush Shirt \_\_\_\_\_ Brush Pant \_\_\_\_\_

Brush Gloves \_\_\_\_\_ Brush Helmet \_\_\_\_\_ Brush Bag \_\_\_\_\_ Brush Goggles \_\_\_\_\_ Nomex \_\_\_\_\_

Portable Radio \_\_\_\_\_ Pager \_\_\_\_\_ Laptop W/Access. \_\_\_\_\_ Flashlight \_\_\_\_\_ EMS Bag \_\_\_\_\_

EMS Blue Coat/Pant \_\_\_\_\_ Blue Support Jumpsuit \_\_\_\_\_ Glove Pouch \_\_\_\_\_ MSA Bag/Mask \_\_\_\_\_

SPECIAL TEAM ITEMS: \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Delivered by: \_\_\_\_\_ Date: \_\_\_\_\_

Confirmed by: \_\_\_\_\_ Date: \_\_\_\_\_