



STATE OF MISSISSIPPI
DEPARTMENT OF EDUCATION

Richard L. Thompson
State Superintendent of Education



February 17, 2000

Mrs. Brenda Bynum
40 Woodbridge Road
Brandon, Mississippi 39042

TERMINATION NOTICE

Dear Mrs. Bynum:

You are hereby notified that you are terminated from your position as an Education Specialist Senior with the Mississippi Department of Education effective today, February 17, 2000. After careful consideration of all the facts, following your conference, it is my determination that your conduct constitutes grounds for dismissal, specifically:

In both the Work-Based Learning (WBL) program and the Partners-In Education Construction Initiative Program (CIP) the Mississippi Department of Education (MDE) directed that the department was not to endorse any software and no specific software program was to be required.

On or about January 9, 1995, a WBL workshop was held at Hinds Community College. You conducted this workshop and the only software demonstrated or evaluated was CLW software. DeWayne Magee of Magee Enterprises, a CLW distributor, was present.

Individuals present at that workshop maintain that you endorsed CLW as the only software package meeting the needs of the WBL program.

During the workshop or immediately thereafter a document found on your computer was sent or given to pilot sites stating that the coordinators for WBL evaluated and recommended the CLW software. This document also gives the purchase price of the CLW software which was exactly the amount of the allocation.

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During or immediately following the workshop you sent or gave to the pilot sites a list of three (3) vendors who distribute the CLW software package. This document was created on your computer.

Your program office was responsible for setting the annual dollar allocations for software under the WBL program. In sample pilot sites checked by the department Magee Enterprises or CLW submitted quotes at or just below the amount allocated for the year. It appears that CLW and Magee Enterprises knew the amount allocated prior to submitting quotes.

On or about October 21, 1996, a requisition was prepared and approved by East Mississippi Community College (EMCC) for the purchase of CLW software from Magee Enterprises. The instructions on the requisition stated that the software was to be purchased pursuant to your instructions, that EMCC would be reimbursed through WBL funding, and a "one source" letter was attached. The letter from CLW that was attached stated that Magee Enterprises was the only distributor in Mississippi authorized to sell CLW software.

A number of agendas for both the WBL and CIP programs detail CLW/Magee Company representatives as presenters for computer software training.

A CIP memorandum and support documents authored by you contain "specifications" which describe only CLW software and track CLW's own promotional description. The memorandum and support documents were sent to pilot sites. These computer software specifications were found on your computer hard drive. These specifications were not included in the packet of information submitted to the State Board of Education when its approval was sought. These "specifications" effectively created a sole source vendor against MDE directives and state policy.

On an agenda dated January 9, 1995 for the WBL workshop discussed above, your name and the name of Dewayne Magee, software presenter for Magee Enterprises, were deleted prior to submission of the document in response to a subpoena. You worked with Dr. Haynes to collect information requested. The deletion occurred on November 10, 1999 at 7:04 p.m. under file name Jan9mt located at G:/USERS/BBynum/Works Files /MSWORKS/MSW. The deletion occurred the day after Dr. Haynes had represented to Internal Accountability auditors that no vendors were present at the January 9, 1995 workshop.

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Additionally, in response to the above subpoena, you presented a letter purporting to be from Aspen Technologies. Aspen Technologies, now Sutherland Group, denies the authenticity of this letter.

You and Dr. Haynes have repeatedly stated that WBL and CIP documents were missing or lost or purged. You and Dr. Haynes were observed removing boxes of material from the Department of Education and placing them into Dr. Haynes' truck.

After twice being denied permission to attend the December 1995 American Vocational Association (AVA) conference by the Associate Superintendent of Vocational Education, you took personal and compensatory leave to attend the conference. During this 1995 AVA conference, you were witnessed by a vocational staff person in a CLW booth wearing a CLW name tag. When asked by the vocational staff person if you were working for CLW, you responded, "yes."

During this 1995 trip, you charged some of your travel and personal expenses to your state issued credit card in violation of MDE policies.

In December 1997, you attended an AVA conference and you submitted a reimbursement request for five nights' stay in a hotel at more than the single room rate because you had two guests rooming with you.

Additionally, you requested CLW, a vendor regularly doing business with the state, to reserve your room on their account and CLW paid \$112.27 for your room.

Your hard drive contains a number of files that relate to Dr. Haynes' personal business ventures, including telephone card and vitamin sales. These documents were prepared by you.

You have sent communications to local coordinators openly criticizing your superior, Mr. James Sardin, Associate Superintendent for Vocational Education, for decisions he made in regard to your job, including but not limited to international travel and equipment upgrades.

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Based on prior and ongoing investigations, you committed at least the following violations of Mississippi Department of Education policy and procedures. Such actions constitute:

Group One Offenses:

2. Abuse of state time such as unauthorized time away from work area or failure to notify supervisor promptly upon completion of assigned work;

Group Two Offenses:

1. Insubordination, including, but not limited to, resisting management directives through actions and/or verbal exchange, and/or failure or refusal to follow supervisor's instructions, perform assigned work, or otherwise comply with applicable established written policy;
6. Unauthorized use or misuse of state property or records;

Group Three Offenses:

4. Falsification of records, such as, but not limited to, vouchers, reports, time records, leave records, employment applications, or other official state documents;
5. Willful or negligent defacement of or damage to the records or property of the State, another employee or business invitee or a state agency or office;
11. Acts of conduct occurring on or off the job which are plainly related to job performance and are of such nature that to continue the employee in the assigned position could constitute negligence in regard to the agency's duties to the public or to other state employees;
16. Willful violation of State Personnel Board policies, rules and regulations.

Should you desire to appeal this decision, you may do so in the manner set out in the Mississippi Department of Education Policy and Procedures Manual or The Mississippi State Employee Handbook.

Sincerely,



Richard L. Thompson
State Superintendent of Education