



STATE OF MISSISSIPPI
DEPARTMENT OF EDUCATION

Richard L. Thompson
State Superintendent of Education

January 20, 2000

Ms. Brenda Bynum
40 Woodbridge Road
Brandon, Mississippi 39042



Dear Ms. Bynum:

The Mississippi Department of Education ("MDE") is currently investigating whether you have engaged in serious improprieties concerning the misuse of MDE funds, resources, and influence in your position as Education Specialist Senior in the Office of Community Development with the Office of Vocational Education. You are hereby notified that a decision will be made which could result in disciplinary action being taken against you up to and including dismissal from your job duties with the Mississippi Department of Education. Discipline is being considered based upon the following reasons:

You were hired upon recommendation of Dr. Worth Haynes on September 12, 1994 and have worked closely with Dr. Haynes in the administration of vocational training programs, such as the Work-Based Learning ("WBL") program and the Partners-In-Education Construction Initiative Program ("CIP"). The programs began as pilot programs at numerous secondary and post-secondary educational sites throughout the state of Mississippi. As you are aware, software was to be employed to assist in training the participants in the programs. The MDE directed that the department was not to endorse any software and no specific software program was to be required and each site was free to choose the software it believed could best serve its needs.

During a December 1995, American Vocational Association ("AVA") conference, you were witnessed by a vocational staff person in a Computer Learning Works ("CLW") booth wearing a CLW name tag. When the vocational staff person asked if you were working for CLW, you responded "yes." CLW is a software vendor that markets education software to MDE, school districts, and other learning sites. CLW was a local "bidder" for the software contracts that were to be used in the WBL and CIP programs. You and your supervisor, Worth Haynes, determined the funding for the WBL and CIP programs and were also responsible for reimbursement requests from the pilot sites for other costs, including software reimbursements. Your involvement with CLW in this manner is a clear conflict of interest and a potential misuse of state funds, resources, and influence.

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You were never authorized to attend the 1995 AVA conference on behalf of MDE. Your request to attend this conference was denied by Dr. Therrell Myers. Dr. Haynes requested a reconsideration of this denial, but the request was again denied. You eventually used your personal and compensatory leave to attend this conference. As your supervisor, Dr. Haynes would have been responsible for approving your personal leave request. It is apparent that during this trip, you charged some of your travel expenses to a state credit card in addition to other personal charges. For a December 1997 AVA convention you submitted a reimbursement request for five nights' stay in a hotel at more than the single room rate because you had two non-state employees rooming with you. Dr. Haynes approved this reimbursement request for payment and only the scrutiny of the Office of Accounting prevented the voucher from being paid. Clearly, it was inappropriate for you to charge personal items and trips to this credit card, to request reimbursement for the hotel stay of two non-state employees, and for Dr. Haynes to authorize payment for these requests. An investigation is ongoing as to whether you have attempted any other unauthorized purchases with state funds or requested reimbursement for any other unauthorized expenses.

It is also apparent that you, CLW and Magee Enterprises in Brandon, Mississippi were involved in extensive networking. A number of agendas for both the WBL and CIP programs detail CLW/Magee Company representatives as presenters for computer software training. Your computer files include a listing of vendors who distribute the CLW software package. It appears that CLW and Magee Enterprises, the Mississippi distributor for CLW, were knowledgeable of the allocations prior to submitting quotes.

On approximately January 9, 1995, a WBL workshop was held at Hinds Community College. You conducted this workshop and the only software evaluated was CLW software. John Harper of CLW and Dewayne Magee of Magee Enterprises were both present. On approximately 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. The WBL program was never intended to be a "one source" program.

The same vocational staff person who witnessed you in the CLW booth during the 1995 conference has stated that the sites for the WBL project were instructed by you and Dr. Haynes to purchase CLW software for the WBL pilot programs. Immediately after these instructions, this staff person received a communication from CLW providing instructions for the purchase of CLW software. Again, the MDE had specifically directed that no particular software was required to be used by these pilot sites and your instruction to the sites to use CLW software is a clear conflict of interest and a misappropriation of state resources and influence.

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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 Dr. Haynes submission of the document in response to a recent subpoena. 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. 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.

In reference to both the WBL and the CIP program, then Associate Superintendent for Vocational Education, Dr. Therrell Myers, expressly directed that no vendor specific software was to be prescribed. Nevertheless, a CIP memorandum and support documents authored and sent by you and Dr. Haynes contain "specifications" which appear to describe only CLW software. Computer software specifications dated 6-30-98 were found on your computer's hard drive. These specifications were for the CLW software. The CIP program documents approved by the State Board of Education do not reflect the software specifications contained in your and Dr. Haynes' communication.

Upon request for records that document the evaluation process, if any, related to the selection of CLW software for vocational programs, Dr. Haynes told the MDE that the records had been purged or were missing. If these records had been properly destroyed, there should be a record. No such record has been found and it appears that, at the least, appropriate destruction procedures were not followed. Additionally, Information Technologies Services ("ITS") confirms that a "clean sweep" was performed on your computer abolishing all deleted files on the hard drive. Neither Information Technologies Services nor MDE has conducted or authorized this highly unusual destruction of department records.

Your hard drive contains a number of files that relate to Dr. Haynes' personal business ventures, including telephone card and vitamin sales. These documents appear to have been 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 has made in regard to your job, including but not limited to international travel and equipment upgrades.

Predicated upon the above, you have committed violations of Mississippi Department of Education policy and regulations. Our initial investigation reveals that you have potentially committed at least the following offenses:

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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.

This letter should be considered your notice of intent to affect your employment status. The reasons contained herein include, but are not necessarily limited to, reasons your employment status may be affected.

Your actions concerning the WBL and CIP programs, and your relationship/involvement with CLW, Mr. John Harper, and Mr. Dewayne Magee of Magee Enterprises are currently being investigated. Your involvement and activities concerning these programs and organizations, as well as the specific instances of misconduct discussed above, constitute the reasons for the potential

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change in your employment status. Pursuant to state law, to protect all interests concerned, and because of the extraordinary circumstances involved, you are suspended with pay pending completion of MDE's investigation.

You should also consider this letter as an opportunity to schedule a conference or respond in writing prior to any change in your employment status. You have twenty (20) working days in which to schedule this conference or respond in writing or both. If you would like a conference or wish to respond in writing, as you are entitled to either or both, please immediately inform me upon receipt of this letter. Pending further investigation and in the absence of some legitimate explanation by you concerning the above referenced actions, and after the expiration of twenty (20) working days from the day of your suspension with pay, a decision will be made which could result in discipline up to and including termination.



Richard L. Thompson,
State Superintendent of Education