

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

CRIMINAL JUSTICE STANDARDS AND )  
TRAINING COMMISSION, )  
 )  
Petitioner, )  
 )  
vs. ) Case No. 86-4735  
 )  
RAYMOND C. RIDDLES, )  
 )  
Respondent. )  
\_\_\_\_\_ )

RECOMMENDED ORDER

This matter came on for hearing in Pensacola, Florida, before Robert T. Benton, II, Hearing Officer of the Division of Administrative Hearings on March 19, 1987. The Division of Administrative Hearings received a transcript of the proceedings on April 16, 1987. Petitioner's proposed findings of fact and conclusions of law were filed on April 21, 1987. Proposed findings of fact are addressed by number in the appendix.

The respondent entered no appearance.

Petitioner was Joseph S. White  
represented Post Office Box 1489  
by counsel: Tallahassee, Florida 32302

By administrative complaint dated September 25, 1985, petitioner alleged that respondent "certified by the Criminal Justice Standards and Training Commission" on "or about September 12, 1984 . . . did . . . unlawfully expose or exhibit his sexual organs in a public place in a vulgar or indecent manner and engaged in open and gross lewdness and lascivious behavior, to wit: displaying his penis to another and mast[ur]bating in a public place . . . [in] violat[ion of] the provisions of section 943.1395(5), Florida Statutes, in that Respondent has failed to maintain the qualifications established in Section 943.13(7), Florida Statutes, which require that a law enforcement officer in the State of Florida have good moral character."

ISSUE

Whether petitioner should take disciplinary action against respondent for the reasons alleged in the administrative complaint?

## FINDINGS OF FACT

1. Respondent Raymond C. Riddles has been certified as a law enforcement officer since September 1, 1971. He holds certificate number 090171.

November 3, 1976

2. On November 3, 1976, Joseph A. Villar, at the time a policeman with the Pensacola Police Department, arrested respondent Riddles at the wayside park off Gregory Street, near the northern end of Pensacola Bay bridge. In November of 1976, travelers, fishermen and other members of the public regularly made use of the park and the public bathrooms there. The park featured a double picnic table and ten or twelve other picnic tables. The old bridge across Pensacola Bay had been halved, and the park was near the end of one of the halves used as a fishing pier.

3. The park had also gained notoriety as a meeting place of homosexuals: on two nights in 1974 police arrested 18 persons on various charges. On the night of November 3, 1976, Mr. Villar, wearing blue jeans and a pullover to disguise the fact that he was a policeman, entered the men's room in the park, after respondent Riddles called him into the bathroom.

4. In the bathroom, Mr. Riddles beckoned Mr. Villar to a stall and, from the adjoining stall, asked if he wanted to "fool around." The partition between the toilet stalls had been to some extent removed; Villar's view of Riddles was unimpeded. Riddles first addressed Villar with his back to him, then turned around, penis in hand, continuing to masturbate. At this point, Mr. Villar placed him under arrest. Eventually Mr. Riddles stood trial on charges arising out of the incident, and was found guilty of lewd and lascivious behavior in a public place.

September 12, 1984

5. In September of 1964, complaints that men were romping through the woods in various states of undress at a place called the Old Chimney, an abandoned steam plant site near the Scenic Highway, reached the Pensacola Police Department. As a result, on September 12, 1984, Jim Leath, a supervisor with the Pensacola Police Department, in charge of the vice unit, visited the site.

6. Numerous persons of various sexual persuasions had come to use the area as a park. Vehicles were parked along the road, including one in which Mr. Leath spotted a Florida Highway Patrolman Auxiliary cap. Walking down a footpath, Mr. Leath came to respondent Riddles at about one o'clock in the afternoon. He recognized Mr. Riddles as someone he had seen before and remembered the cap he had noticed through the window behind the back seat in a vehicle parked in the area in which he himself had parked.

7. Mr. Riddles stood next to a tree. A conversation arose between the two men, during which Mr. Riddles rubbed his crotch. Mr. Riddles said that he came to the Old Chimney on a regular basis to meet people, then turned away, withdrew his penis from his trousers and turned back, displaying his semi-erect penis. Only seconds had elapsed when Mr. Riddles heard someone else approach, left off stroking his penis, tucked himself in, and zipped his trousers up. Mr. Leath returned to the parking lot and made a note of the license tag number of the vehicle with the cap.

8. He later determined that the vehicle was registered to Mr. Riddles, and located a photograph of Mr. Riddles. Eventually he obtained a warrant and arrested Mr. Riddles. In due course, Riddles pleaded nolo contendere to lewd and lascivious behavior, and to exposure of sexual organs. He was adjudicated guilty of these offenses and placed on six months' probation, on conditions including that he pay \$20 a month and stay out of the area of the Old Chimney.

#### CONCLUSIONS OF LAW

9. The Criminal Justice Standards and Training Commission has authority to revoke the certification of law enforcement officers whom it has certified, Section 943.12(3), Florida Statutes (1986 Supp.), and who are "not in compliance with the provisions of Section 943.13(1)-(10)." Section 943.1395(5), Florida Statutes (1986 Supp.).

10. Section 943.13(7), Florida Statutes (1986 Supp.), requires that certified persons [h]ave a good moral character as determined by a background investigation under procedures established by the Commission." The record is silent as to whether the Commission has established such procedures and, if so, what they may be.

11. Although petitioner pleaded only the 1974 arrest and conviction in the administrative complaint, the proof established arrests and convictions in 1976, as well as in 1974. Respondent was not present at hearing to object, or to offer any other proof as regards to his moral character. Indeed, the only evidence of record regarding respondent's character, aside from his originally having been certificated, pertains to his arrests and convictions, and the underlying circumstances, none of which reflect favorably on respondent's moral character.

It is, accordingly,

#### RECOMMENDED:

That petitioner revoke respondent's certificate as a law enforcement officer.

DONE and ENTERED this 13th day of May, 1987, at Tallahassee, Florida.

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Hearing Officer  
ROBERT T. BENTON, II  
Division of Administrative Hearings  
The Oakland Building  
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(904) 488-9675

Filed with the Clerk of the  
Division of Administrative Hearings  
this 13th day of May, 1987.

APPENDIX TO RECOMMENDED ORDER, CASE NO. 86-4735

Petitioner's proposed findings of fact Nos. 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 have been adopted, in substance, insofar as material.

Petitioner's proposed finding of fact No. 3 has been adopted, in substance, except that the area was known as "Old Chimney."

Petitioner's proposed finding of fact No. 7 has been adopted, in substance, insofar as material, except that the evidence did not establish as a fact that Sgt. Leath had seen Riddles as an auxiliary officer at the fairgrounds.

COPIES FURNISHED:

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