

4-18-01



FILED
MAY 31 2001
TREASURER AND
INSURANCE COMMISSIONER
dictated by: *[Signature]*

At

THE TREASURER OF THE STATE OF FLORIDA
DEPARTMENT OF INSURANCE

TOM GALLAGHER

IN THE MATTER OF:

WALTER GWIAZDA
_____ /

01-256 HRK
CASE NO.: 36553-00-FIN
DIVISION OF ADMINISTRATIVE HEARINGS
JUN - 1 PM 12:23
FILED

FINAL ORDER

THIS CAUSE came before the undersigned Treasurer and Insurance Commissioner of the State of Florida, acting in his capacity as State Fire Marshal, for consideration and final agency action.

On October 2, 2000, the Department of Insurance filed an administrative complaint against Respondent, WALTER GWIAZDA, alleging that he was found guilty, by jury verdict, of a felony in violation of Section 633.351 (2), Florida Statutes. Adjudication of guilt was withheld. Respondent was placed on community control for two years, to be followed by probation for a period of three years.

Respondent disputed the factual allegations and requested a formal hearing, pursuant to Section 120.57(1), Florida Statutes. Pursuant to notice, a formal hearing was scheduled for April 3, 2001, in Gainesville, Florida before the Honorable Harry L. Hooper, Administrative Law Judge, Division of Administrative Hearings. The formal hearing was held on said date. Respondent did not appear personally or through counsel at this hearing.

After consideration of the evidence testimony of the witnesses, and after further consideration of the Proposed Findings of Fact and Conclusions of Law submitted by the

Department, the Administrative Law Judge, on April 18, 2001, issued his Recommended Order (attached as Exhibit "A"). The Administrative Law Judge recommended that a Final Order be entered revoking Respondent's Certificate as a Firefighter until such time as his probation is complete.

Neither party filed exceptions to the Recommended Order.

Upon consideration of the foregoing and the record, and being otherwise fully advised in the premises, it is:

ORDERED:

1. The Findings of Fact of the Administrative Law Judge are adopted in full as the Department's Findings of Fact.
2. The Conclusions of Law of the Administrative Law Judge are adopted in full as the Department's Conclusions of Law.
3. The Administrative Law Judge's recommendation that the Respondent's Certificate as a Firefighter be revoked by the Department until such time as his probation is complete is approved and accepted as appropriate to the disposition of this case.

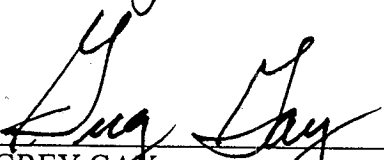
Accordingly, the Certificate of Respondent, WALTER GWIAZDA, as a Firefighter is hereby REVOKED until such time as his probation is complete.

Any party to these proceedings adversely affected by this ORDER is entitled to seek review of this ORDER pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Fla.R.App.P. Review proceedings must be instituted by filing a Notice of Appeal with the General Counsel, acting as the agency clerk, at 612 Larson Building, Tallahassee, Florida 32399-

0300 and a copy of the same and filing fee, with the appropriate District Court of Appeal within thirty (30) days of rendition of the Order.

DONE and ORDERED this 31st day of May, 2001.




GREY GAY
Deputy Commissioner
Treasurer & Fire Marshal

COPIES FURNISHED TO:

HON. HARRY L. HOOPER, ADMINISTRATIVE LAW JUDGE
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