



FILED

FEB 14 2003

DEPARTMENT OF FINANCIAL SERVICES

Booked by: 55

TOM GALLAGHER
CHIEF FINANCIAL OFFICER

IN THE MATTER OF:

PEDRO M. HERNANDEZ

CASE NO: 61811-02-FM

AT
ADMINISTRATIVE
HEARINGS
DIVISION
FEB 14 PM 4:31
FILED

CA-closed

FINAL ORDER

THIS CAUSE came on for consideration and final agency action. On June 7, 2002, a letter of denial was issued by the Department of Insurance (now the Department of Financial Services), against the Petitioner, Pedro M. Hernandez, alleging that he did not achieve a passing score on the Practical Examination for Retention of Firefighter Certification Retest. Petitioner timely filed a request for a proceeding pursuant to Section 120.57(1), Florida Statutes. Pursuant to notice, the matter was heard before Claude B Arrington, Administrative Law Judge, Division of Administrative Hearings, on November 21, 2002.

After consideration of the record and argument presented at hearing, the Administrative Law Judge issued his Recommended Order on January 14, 2003. (Attached as Exhibit A). The Administrative Law Judge recommended that the Department enter a final order denying Petitioner's application for re-certification as a firefighter.

Neither party filed exceptions to the Recommended Order.

Therefore, upon careful consideration of the entire record, the submissions of the parties, 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.

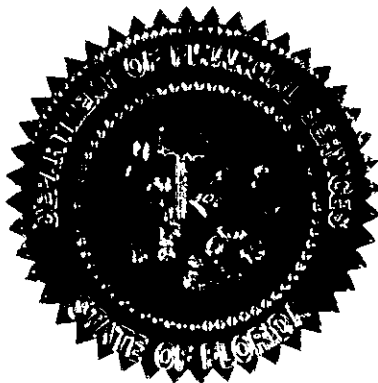
3. The Administrative Law Judge's recommendation that the Department enter a Final Order denying Petitioner's application for re-certification as a firefighter is approved and accepted as being the appropriate disposition of this case.

ACCORDINGLY, it is ORDERED that the Petitioner's, PEDRO M. HERNANDEZ's, application for re-certification as a firefighter is hereby DENIED.

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of the Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Fla.R.App.P. Review proceedings must be instituted by filing a petition or Notice of Appeal with the General Counsel, acting as the agency clerk, at 200 East Gaines Street, Tallahassee, FL 32399-0333, and a copy of the same and the filing fee with the appropriate District Court of Appeal within thirty (30) days of the rendition of this Order.

DONE and ORDERED this 14th day of February, 2003.



Tom Gallagher
TOM GALLAGHER
Chief Financial Officer
and State Fire Marshal

COPIES FURNISHED TO:

Pedro M. Hernandez
600 Southeast 8th Street
Hialeah, FL 33010
Petitioner

Honorable Claude B. Arrington
Administrative Law Judge
Division of Administrative Hearings
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