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FILED WITH THE CLERK OF THE CJS&T
COMMISSION THIS 10 DAY OF
August, 2005
BY Brenda S. Presnell
DEPUTY CLERK

STATE OF FLORIDA
CRIMINAL JUSTICE STANDARDS & TRAINING COMMISSION

MARJORIE BLANC,

Petitioner,

v.

DOAH Case No. 03-4586 *JDP closed*
FDLE Case No. 22070

DEPARTMENT OF LAW
ENFORCEMENT,

Respondent.

AT

2005 AUG 11 P 1:00
DEPARTMENT OF
ADMINISTRATIVE
HEARINGS
FILED

FINAL ORDER

I. Statement of Issues

Whether Petitioner submitted or caused to be submitted falsified Basic Abilities Test (BAT) results to Miami Dade College School of Justice in violation of Rule 11B-35.0011(1)(b), (c), and (f), F.A.C.

II. Statement of Facts

Petitioner was required to turn in a copy of her BAT scores at the time she registered for correctional officer basic recruit training at Miami-Dade College School of Justice. Petitioner did turn in BAT scores when she registered. School of Justice officials later learned that the BAT scores turned in by Petitioner at registration were not Petitioner's actual BAT scores. Rule 11B-35.0011(1), (b) and (c), F.A.C., clearly states that conduct that subverts or attempts to subvert the BAT process includes reproducing or reconstructing any portion of the BAT and aiding by any means the reproduction of any portion of the BAT. The penalties imposed for such conduct are delineated in Rule 11B-35.0011(5), F.A.C. When the CJSTC was briefed on Petitioner's situation, it informed Petitioner of its intent to impose the five-year waiting period outlined in Rule 11B-35.0011(5), F.A.C., on Petitioner before she could take the BAT again. Successful completion of the BAT is a prerequisite to entry into a basic recruit academy.

Upon being notified of CJSTC's action, Petitioner made a request for a formal hearing on October 17, 2003. FDLE sent a request for assignment of Administrative Law Judge to the Division of Administrative Hearings on December 5, 2003.

After several reschedulings, the Administrative Law Judge's Notice of Hearing set the hearing for January 5, 2005, via videoteleconference. The Honorable Joyous Parrish presided over a formal hearing in this cause on January 5, 2005, in Miami, Florida, and Tallahassee, Florida, via videoteleconference.

III. Findings of Fact and Conclusions of Law

The Commission, having been fully advised in this matter, hereby approves and adopts as its own the Administrative Law Judge's findings of fact and conclusions of law as presented by the Administrative Law Judge in the Recommended Order, attached hereto and incorporated by reference herein. The Commission further approves the Administrative Law Judge's recommendations without modification.

IV. Conclusion

Based on the foregoing, good cause having been shown, it is therefore ORDERED and ADJUDGED that:

1. The Petitioner is hereby barred from taking the BAT examination for a period of five years from February 7, 2002.
2. This Final Order will become effective upon filing with the Clerk of the Department of Law Enforcement.

SO ORDERED this 10 day of August, 2005.

CRIMINAL JUSTICE STANDARDS
AND TRAINING COMMISSION



SERGEANT DORRIS SEIBERT
CHAIR

NOTICE

THIS ORDER CONSTITUTES FINAL AGENCY ACTION. ANY PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER HAS THE RIGHT TO SEEK JUDICIAL REVIEW UNDER SECTION 120.56, FLORIDA STATUTES, BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE CLERK OF THE DEPARTMENT OF LAW ENFORCEMENT, P.O. BOX 1489, TALLAHASSEE, FLORIDA 32302-1489, AND BY FILING A SECOND COPY OF THE NOTICE OF APPEAL WITH THE APPROPRIATE DISTRICT COURT OF APPEAL IN ACCORDANCE WITH RULE 9.110, FLORIDA RULES OF APPELLATE PROCEDURE. SUCH NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF THE DATE THIS ORDER IS RENDERED.