

6-25-04  
**FILED**

JUL 29 2004



**FLORIDA**  
DEPARTMENT OF  
**FINANCIAL SERVICES**

Docketed by:

*[Handwritten signature]*



**FILED**  
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DIVISION OF  
ADMINISTRATIVE  
HEARINGS

IN THE MATTER OF:

SHARRICE REANETTE BLACKMON

AT

04-0766

DFS CASE NO: 75173-04-FM

*CACLOS*

FINAL ORDER

THIS CAUSE came on for consideration and final agency action. On April 7, 2004, the Department of Financial Services denied Petitioner's application for certification as a firefighter in the State of Florida. The Petitioner timely filed a request for a proceeding pursuant to section 120.57(1), Florida Statutes. The parties elected to proceed by a formal hearing to be conducted by video teleconference. Pursuant to notice, the proceeding was held before the Honorable Claude B. Arrington, Administrative Law Judge, for the Division of Administrative Hearings, on May 19, 2004.

After consideration of the evidence and argument presented at the hearing, the Administrative Law Judge issued his Recommended Order on June 25, 2004. (A true and correct copy of the said Recommended Order is attached hereto as Exhibit A). The Administrative Law Judge recommended that the Department enter a Final Order finding that Petitioner failed the SCBA section of the practical portion of the Firefighter Minimum Standard Examination administered September 25, 2003. Respondent filed an exception to the Recommendation Section of the Recommended Order stating that the following language be added to the Recommendation: "Petitioner must retake the Firefighter Two portion of the Minimum Standards course before she is eligible to take the Minimum Standards Examination again." An agency can reject the recommendation

of an Administrative Law Judge, but does not have authority to modify it. However, it is not necessary to modify the recommendation in order to provide the additional clarification suggested by the Exception.

Therefore, upon careful consideration of the entire record, the submissions of the parties and being otherwise fully advised in the premises, it is hereby ORDERED:

1. The Findings of Fact of the Hearing Officer are adopted in full as the Department's Findings of Fact.
2. The Conclusions of Law of the Hearing Officer 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 finding that Petitioner failed the SCBA section of the practical portion of the Firefighter Minimum Standard Examination administered September 25, 2003, is ACCEPTED being the appropriate disposition of this case.
4. ACCORDINGLY, Petitioner SHARRICE REANETTE BLACKMON's application for certification as a firefighter in the State of Florida is DENIED. Petitioner must retake the Firefighter Two portion of the Minimum Standards course before she is eligible to take the Minimum Standards Examination again.

#### NOTICE OF RIGHTS

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 petition or notice of

appeal with the General Counsel, acting as the agency clerk, at 612 Larson Building,  
200 E. Gaines Street, Tallahassee,  
Florida, 32399-0300, and copy of the same and the appropriate filing fee with the  
appropriate District Court of Appeal within thirty (30) days of rendition of this Order.

DONE and ORDERED this 29<sup>th</sup> day of July, 2004.



  
KAREN CHANDLER  
Deputy Chief Financial Officer

Copies Furnished To:

The Honorable Claude B. Arrington  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
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