

**STATE OF FLORIDA
CRIMINAL JUSTICE STANDARDS & TRAINING COMMISSION**

WILLIE L. WALKER,

Petitioner,

v.

DOAH Case No. 04-1675

**DEPARTMENT OF LAW
ENFORCEMENT,**

Respondent.

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FINAL ORDER

I. Statement of Issues

Whether the Petitioner, Willie L. Walker, should have received credit for his answers to certain questions that he challenged on the State Officer Certification Examination (SOCE) for Law Enforcement.

II. Statement of Facts

The Petitioner took the SOCE for the third time on February 25, 2004. He was notified in writing that he had failed the examination for the third time and would be required to re-enter basic recruit training and successfully complete the entire basic recruit program before being allowed to take the SOCE again. The Petitioner requested a review of his February 25, 2004, SOCE. Petitioner was notified by letter dated March 16, 2004, that his request for review was scheduled for April 5, 2004. The Petitioner reviewed his examination responses on April 5, 2004. At the review, the Petitioner wrote the reasons that he believed entitled him to credit for six questions. The Petitioner wrote these reasons on six sheets of paper provided by FDLE. Three of these sheets of paper were incorporated into the Respondent's Composite Exhibit Two at the hearing, because the Petitioner wished to proceed on only three questions. The Petitioner's reasons for believing that he should be granted credit for these three questions were reviewed by subject matter experts (SME) in the Petitioner's field of law enforcement. On each of these three questions, the SMEs denied the Petitioner credit for his responses. Upon receipt of notification that he would not receive credit for the responses, the Petitioner formally requested a hearing to challenge FDLE's denial of credit for his responses to the three examination questions on the SOCE. This request for a hearing was made on May 4, 2004. FDLE sent a request for assignment of Administrative Law Judge to DOAH on May 10, 2004.

The Administrative Law Judge's Notice of Hearing set the hearing for August 10, 2004. On July 29, 2004, the Administrative Law Judge granted the Respondent's Motion for Protective

Order to prevent the actual test questions and responses from being publicly divulged at hearing or any other time in any manner by the persons having access to the test questions and responses.

The Honorable Diane Cleavinger presided over a formal hearing in this cause on August 10, 2002, in Marianna, Florida.

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. 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 challenge of three examination questions by Willie L. Walker is hereby denied.
2. This Final Order will become effective upon filing with the Clerk of the Department of Law Enforcement.

SO ORDERED this 4th day of February, 2005.

CRIMINAL JUSTICE STANDARDS
AND TRAINING COMMISSION



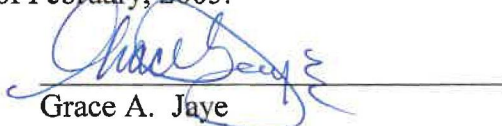
SERGEANT DORIS SEIBERT, CHAIRMAN

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, F.S., 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 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and a true copy of the foregoing was sent by U.S. Mail, certified, return receipt requested, to: Willie L. Walker, [REDACTED] this 8th day of February, 2005.



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