

8.29.05 AT



FLORIDA
DEPARTMENT OF
FINANCIAL SERVICES



OCT 5 11:21 AM '05

TOM GALLAGHER
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

FILED

OCT 5 2005

IN THE MATTER OF:

Testated by:

TIMOTHY E. GARNER

CASE NO: 81000-05-FM

05-1353 LPS
closed

FINAL ORDER

THIS CAUSE came on for consideration and final agency action. On February 25, 2005, a letter of denial was issued by the Department of Financial Services (hereinafter referred to as the "Department") denying the license application of the Petitioner, Timothy E. Garner, (hereinafter sometimes referred to as the "Petitioner"), for certification as a Firefighter because he failed to receive a passing score on the Firefighter Minimum Standards practical retest. The letter of denial was amended on May 25, 2005 to set forth more specific factual and legal grounds for the denial of Petitioner's application. The Petitioner timely filed a request for a proceeding, which was referred to the Division of Administrative Hearings in order to conduct a Section 120.57(1), Florida Statutes hearing. Pursuant to notice, the matter was heard before Lawrence P. Stevenson, Administrative Law Judge, Division of Administrative Hearings, on June 16, 2005.

After consideration of the record and argument presented at hearing, the Administrative Law Judge issued his Recommended Order on August 29, 2005. (Attached 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 February 24, 2005.

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.

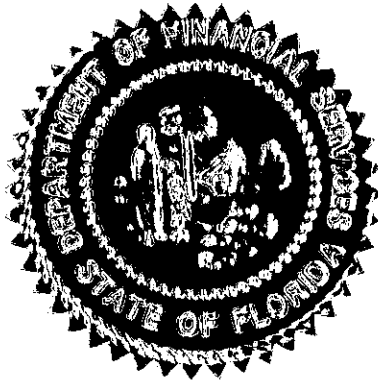
3. The Administrative Law Judge's recommendation that the Department enter a Final Order finding that Petitioner failed the SCBA section of the practical portion of the Firefighter Minimum Standard Examination administered February 24, 2005, is approved and accepted as being the appropriate disposition of this case.

ACCORDINGLY, it is ORDERED that Petitioner's, Timothy E. Garner's, application for certification as a Firefighter in this State 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 5th day of October, 2005.



Karen Chandler
KAREN CHANDLER
Deputy Chief Financial Officer

COPIES FURNISHED TO:

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