

PINELLAS COUNTY
SHERIFF'S CIVIL SERVICE BOARD

FILED

2006 NOV 29 A 11: 23

DIVISION OF
ADMINISTRATIVE
HEARINGS

PINELLAS COUNTY SHERIFF'S OFFICE,

Petitioner,

v.

DOAH CASE NO. 06-1971
PCSO Case #06-04

JOHN GALEENER,

Respondent.

FINAL ORDER

This matter, having come before the Pinellas County Sheriff's Civil Service Board, sitting as a quasi-judicial body, and the Board having reviewed the Division of Administrative Hearing's (DOAH's) Administrative Law Judge's (ALJ's) Recommended Order, the complete record provided by the ALJ, transcripts of the hearing, written exceptions and responses, and oral argument, and being otherwise advised in the premises, it is:

ORDERED AND ADJUDGED, that:

1. The Board hereby adopts, by a vote of 5-0, the findings of fact contained in the ALJ's Recommended Order and includes them by reference in its Final Order.
2. The Board accepts the conclusions of law contained in the Recommended Order, except for Paragraph 30. The Board agrees with the hearing officer's conclusion that the Petitioner satisfied its burden of proof concerning the alleged offenses, other than insubordination. However, the Board does not agree with the ALJ's conclusion that the proposed discipline was not reasonable under the circumstances. A review of the entire record,

in particular the ALJ's findings of fact in paragraphs 1, 2, 3, 4, 5, and 9, clearly establish that the Petitioner knowingly provided false and untruthful information into the Petitioner's records. Furthermore, the ALJ, in paragraph 9, noted that those violations were classified as the "most severe violations" within the meaning of the Sheriff's Office General Order 3-1, subparagraph 3-1.1, Level 5 violations. Additionally, the ALJ plainly noted in paragraphs 12 and 24 of the Recommended Order that the Respondent's violations accounted for at least 60 points under the Pinellas County Sheriff's progressive discipline point system, and that under that system the range of discipline available for the undisputed 60 points assessed was from a minimum of suspension for seven (7) days to termination.

In light of the above, and considering the ALJ's finding in paragraphs 13 and 18, that the Respondent also engaged in the unauthorized use of his assigned vehicle, in violation of Sheriff's Office General Order 3-1, subparagraph 3-1.3, Level 3 violations, requiring obedience to pertinent rules and regulations, the Board finds, by a vote of 5-0, that it is as reasonable or more reasonable to conclude that the Petitioner met its burden of proving that the proposed discipline is reasonable under the circumstances.

3. As for the ALJ's recommended penalty, the Board has reviewed the entire record, and based upon the ALJ's findings in paragraphs 1, 2, 3, 4, 5, and 9, that the Respondent's conduct resulted in false and untruthful information being entered into the official record of the Petitioner, that those violations are classified as the "most severe violations" under the meaning of the Sheriff's Department's General Order 3-1, that the cumulative point total for those violations as pointed out by the ALJ in paragraphs 12 and 24 of his findings, reached the level under the Petitioner's progressive disciplinary point system for a range of discipline available from a suspension of seven (7) days to termination, and considering the ALJ's additional

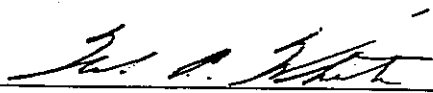
findings in paragraphs 13 through 18, that the Respondent engaged in the unauthorized use of his assigned vehicle in violation of the Sheriff's Department's General Order 3-1, subparagraph 3.1-3, subsection 3.3, knowledge of, and obedience to, laws and rules and regulations, the Board, by a vote of 5-0, hereby modifies the ALJ's recommended discipline to reflect termination of the Respondent effective the date the action was originally taken by the Petitioner in this matter.

4. The Exceptions filed on behalf of the Petitioner are hereby rejected, by a vote of 5-0.

5. The Exceptions filed on behalf of the Respondent are hereby rejected, by a vote of 5-0.

6. The parties are hereby notified of the right to appeal this Final Order to the Second District Court of Appeal by filing notice of intent to do so upon the Clerk of the Court and the Pinellas County Sheriff's Civil Service Board within thirty (30) days of the date of this Order.

DONE AND ORDERED this 24th day of November, 2006.



Neal A. White, Chairman
Pinellas County Sheriff's Civil Service Board

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above Final Order has been furnished by U.S. Regular Mail to John Galeener, 18308 Caufield Road, Spring Hill, FL 34610; and Keith C. Tischler, Esq., Jolly & Peterson, P.A., 2145 Delta Blvd., Suite 200, Tallahassee, FL 32315, this 27th day of November, 2006.



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Copies to:
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