

STATE OF FLORIDA  
CRIMINAL JUSTICE STANDARDS AND TRAINING  
COMMISSION

FILED WITH THE CLERK OF THE CJS&T  
COMMISSION THIS 17<sup>th</sup> DAY OF  
January, 2008  
BY Brenda S. Presnell  
DEPUTY CLERK

CRIMINAL JUSTICE STANDARDS  
AND TRAINING COMMISSION,  
Petitioner,

-vs-

CASE NUMBER: 24292  
DOAH CASE NUMBER: 07-3654PL

CHRISTOPHER B. GUNN,  
Certificate No.: 247100  
Respondent.

FINAL ORDER

This matter came before the Criminal Justice Standards and Training Commission (the Commission) at a public meeting on December 6, 2007, in Tallahassee, Florida. It was alleged by Administrative Complaint that the Respondent had violated specified sections of Chapter 943, Florida Statutes, and Chapter 11B-27, Florida Administrative Code. In accordance with §§120.569 and 120.57(1), Florida Statutes (1996 Supp.), a formal hearing was held on this matter, and a Recommended Order was submitted by an administrative law judge from the Division of Administrative Hearings to the Commission for consideration. The Petitioner filed exceptions to the Recommended Order, a copy of which is attached and incorporated herein by reference.

The Commission has reviewed the entire record of the formal hearing, has heard the arguments of the parties and is otherwise fully advised in the matter. The Commission's findings are set forth below.

I. Standards for Review

Under §120.57(1)(j), Florida Statutes (1996 Supp.), the Commission may reject

or modify the administrative law judge's conclusions of law and interpretations of the Commission's administrative rules in the Recommended Order. The Commission, however, may not reject or modify the administrative law judge's findings of fact unless the Commission determines from a review of the entire record, and states with particularity in this Final Order, that 1) those findings of fact were not based on competent substantial evidence or 2) the proceedings on which the findings of fact were based did not comply with essential requirements of the law.

The Florida Supreme Court, in De Groot v. Sheffield, 95 So.2d 912, 916 (Fla. 1957), defined "competent substantial evidence" to be evidence that is "sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached."

Additionally, the Commission may not reweigh the evidence, resolve conflicts in the evidence, judge the credibility of witnesses or otherwise interpret the evidence anew simply to fit its desired conclusion. Heifetz v. Department of Business Regulation, 475 So.2d 1277 (Fla. 1<sup>st</sup> DCA 1985).

Nor may the Commission reduce or increase the recommended penalty in the Recommended Order without first reviewing the complete record and without stating with particularity its reasons therefore in the Final Order. §120.57(1)(j), Florida Statutes (1996 Supp.).

## II. Rulings on Exceptions

The Petitioner, filed exceptions to the Recommended Order issued by the administrative law judge. The Commission, after a full review of the record, accepts

the Petitioner's exceptions to the Recommended Order.

**III. Findings of Fact**

The administrative law judge's findings of fact of the Recommended Order are approved, adopted and incorporated herein by reference.

**IV. Conclusions of Law**

The administrative law judge's conclusions of law in the Recommended Order are approved, adopted and incorporated herein by reference.

**V. Recommended Penalty**

The administrative law judge's recommendation that the Respondent's certification be suspended for two years, with credit for any suspension imposed upon him by any correctional employer for the same incident, is hereby rejected.

It is therefore ORDERED AND ADJUDGED that the Respondent's certification is hereby REVOKED.

This Final Order will become effective upon filing with the Clerk of the Department of Law Enforcement.

SO ORDERED this 17th day of January, 2008.

CRIMINAL JUSTICE STANDARDS  
AND TRAINING COMMISSION



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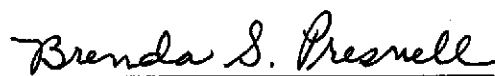
WILLIAM JAY ROMINE  
CHAIRMAN

**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 120.68, 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.**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to CHRISTOPHER B. GUNN, 2398 Southeast Patio Circle, Port St. Lucie, Florida 34952, by U.S. Mail on or before 5:00 P.M., this 17th day of January, 2008.**

  
**Deputy Clerk**

**cc: DOC – Region 4  
DOC – Director of Workforce Compliance, Office of General Counsel**