

STATE OF FLORIDA
CRIMINAL JUSTICE STANDARDS & TRAINING COMMISSION

FILED WITH THE CLERK OF THE CJS&T
COMMISSION THIS 12th DAY OF
May 2008
BY Samuel G. Coker
DEPUTY CLERK

CARLOS A. REDDING,

Petitioner,

v.

DEPARTMENT OF LAW
ENFORCEMENT,
CRIMINAL JUSTICE STANDARDS
AND TRAINING COMMISSION,

Respondent.

DOAH Case No. 07-0068

FILED
2008 MAY 14 A 10:59
DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

I. Statement of the Issue

Whether the Petitioner, Carlos A. Redding, should receive credit for his answers to two examination questions on the State Officer Certification Examination (SOCE) for law enforcement administered August 29, 2007.

II. Statement of Facts

The Petitioner took and failed the SOCE for the third time in September 29, 2007. The Petitioner reviewed his examination responses on October 2, 2007. At the review, the Petitioner wrote the reasons that he believed entitled him to credit for two questions. The Petitioner wrote these reasons on two sheets of paper provided by the Criminal Justice Standards and Training Commission (CJSTC). These challenges were incorporated into Respondent's Composite Exhibit One (REC-1) at the hearing. The Petitioner's reasons for believing that he should be granted credit for these two questions were reviewed by subject matter experts (SME) in the Petitioner's field of law enforcement. On each of these 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 and timely requested a hearing to challenge the CJSTC's denial of credit for his responses to the examination questions on the SOCE. This request for a hearing was made on October 19, 2007, and

amended and refiled November 1, 2007. The CJSTC sent a request for assignment of Administrative Law Judge to the Division of Administrative Hearings (DOAH) on November 2, 2007.

The Administrative Law Judge's Notice of Hearing set the hearing for January 8, 2008, in Tallahassee, Florida. At the hearing on January 8, 2008, the Administrative Law Judge granted the Respondent's Motion for Protective Order to prevent the actual test questions and responses from being publicly divulged in any manner by the persons having access to the test questions and responses during the hearing process.

The Honorable Lisa Shearer Nelson presided over a formal hearing in this cause on January 8, 2008, in Tallahassee, Florida. A final order was issued in this case on February 12, 2008.

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 attached hereto and incorporated by reference herein. 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 to examination questions by Carlos A. Redding is hereby denied.

It is further ADJUDGED that:

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

SO ORDERED this 8th day of May, 2008.

CRIMINAL JUSTICE STANDARDS
AND TRAINING COMMISSION



CHIEF WILLIAM J. ROMINE
CHAIR

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, this 8th day of May, 2008, to: Mr. Carlos A. Redding, 514 South Main Street, Quincy, Florida 32351.

_____/s/_____

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