

STATE OF FLORIDA
CRIMINAL JUSTICE STANDARDS AND TRAINING
COMMISSION

FILED WITH THE CLERK OF THE CJS&T COMMISSION THIS <u>17</u> DAY OF <u>February</u> , 20 <u>10</u> <u>Lori J. Moore</u> DEPUTY CLERK

CRIMINAL JUSTICE STANDARDS
AND TRAINING COMMISSION,
Petitioner,

-vs-

CASE NUMBER: 27285

STEPHEN L. DEMETER
Certificate No.: 155216
Respondent.

FINAL ORDER

This matter came before the Criminal Justice Standards and Training Commission (the Commission) at a public meeting on February 4, 2010, in Lake Mary, 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, a formal hearing was held on this matter, and a Recommended Order dated December 3, 2009, submitted by the Administrative Law Judge from the Division of Administrative Hearings (DOAH) to the Commission for its consideration. The Respondent filed Exceptions to the Recommended Order on December 21, 2009. Counsel for the Petitioner filed Responses to the Respondent's Exceptions on December 22, 2009.

The Commission, having reviewed the Administrative Complaint, the Recommended Order, Respondent's Exceptions, Petitioner's Counsel Responses to the Respondent's Exceptions, the transcript of the formal hearing together with the documentary evidence and other pertinent documents in the case file, and

being otherwise fully advised in the matter, the commission finds as follows:

I. Respondent's Request to Continue the Final Hearing –

The Respondent was duly noticed of the February 4, 2010 final hearing by way of a Notice of Hearing dated December 17, 2009. Neither Respondent, nor his counsel appeared at the February 4, 2010 final hearing. On February 3, 2010, commission staff received a request for a continuance from the Respondent by email. The content of the Respondent's request was published into the record at the February 4, 2010 final hearing. Upon consideration, the Respondent's request for continuance is hereby DENIED.

II. Standard of Review –

The Commission's consideration of the Recommended Order and the Respondent's Exceptions is governed by the provisions of Section 120.57(1)(1), Florida Statutes.

III. Rulings on Respondent's Exceptions –

The Respondent filed Exceptions to the Administrative Law Judge's findings of fact, conclusions of law and recommended penalty. Upon review of the Record, the Respondent's Exceptions are DENIED on the grounds set forth in Petitioner's Counsel's Responses to the Respondent's Exceptions.

IV. Adoption of Recommended Order –

The Commission, having reviewed the Recommended Order approves and adopts the Administrative Law Judge's findings of fact and conclusions of law as set forth in the Recommended Order. The Commission further approves and adopts the Administrative Law Judge's recommendations without modification.

It is therefore ORDERED AND ADJUDGED that the Respondent's above-referenced criminal justice certification is hereby REVOKED.

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

SO ORDERED this 17 day of February, 2010.

CRIMINAL JUSTICE STANDARDS
AND TRAINING COMMISSION



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 STEPHEN L. DEMETER, [REDACTED] and to Gene Mitchell, Esq., Liberis & Associates, 40 S. Palafox Place, Suite 500, Pensacola, FL 32502, by U.S. Mail on or before 5:00 P.M., this 17 day of February, 2010.

Lori J. Morea
Deputy Clerk