

**BOARD OF COUNTY
COMMISSIONERS**

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FILED

2013 APR 12 PM 12 33

April 10, 2013
COMMISSION OF
ADMINISTRATIVE
HEARINGS

James L. Bennett
County Attorney

Linzie F. Bogan, Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

Re: Pinellas County Sheriff's Office vs. Kenneth Burroughs, Robert Harmer,
Samuel Mitchem and Christopher Metro
DOAH Case Nos. 12-1846, 12-1847, 12-1848, 12-1849

Dear Judge Bogan:

Pursuant to Florida Statutes Section 120.57(1)(m), please find enclosed a copy of the signed Final Order rendered by the Pinellas County Sheriff's Civil Service Board in the above-referenced matter.

Sincerely,

Carole Sanzeri
Senior Assistant County Attorney

CS/cad
Enclosure

cc: Tracy K. Jaensch, Esquire
Shannon Rose Kennedy, Esquire
Robert F. McKee, Esquire
Steven G. Wenzel, Esquire
Matthew F. Fenton, Esquire
Members of the Sheriff's Civil Service Board (via email)

h:\users\atykb03\wpdocs\cs\sheriff civil service board\appeals\joint appeal\04-10-13 transmittal of final order to doah.doc

PLEASE ADDRESS REPLY TO:
315 Court Street
Clearwater, Florida 33756
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FAX: (727) 464-4147
TDD: (727) 464-4431
Website: www.pinellascounty.org



FILED
PINELLAS COUNTY SHERIFF'S OFFICE
CIVIL SERVICE BOARD

2013 APR 12 PM 12 33

PINELLAS COUNTY SHERIFF'S OFFICE,

Petitioner,

DIVISION OF
ADMINISTRATIVE
HEARINGS

DOAH Case Nos. 12-1846,
12-1847, 12-1848, 12-1849

vs.

KENNETH BURROUGHS, ROBERT HARMER,
SAMUEL MITCHEM and CHRISTOPHER
METRO,

Respondents.

FINAL ORDER

WHEREAS, Respondents appealed their terminations to the Pinellas County Sheriff's Civil Service Board (the "Board"); and

WHEREAS, those appeals were transmitted to the Department of Administrative Hearings Administrative Law Judge for evidentiary hearing and recommended order; and

WHEREAS, during the appeal Petitioner, Pinellas County Sheriff's Office, filed a Motion in Limine seeking to bar Respondents from introducing evidence of alleged comparators who Petitioner argued were not similar to Respondents and seeking a finding that no genuine issue of material fact exists; and

WHEREAS, the Administrative Law Judge, after hearing argument from the parties, issued an order (attached hereto and incorporated herein by reference) granting such Motion in Limine concluding that there no longer exists in the proceeding a dispute of material fact, closing its files on the appeals, and relinquishing jurisdiction to the Board; and

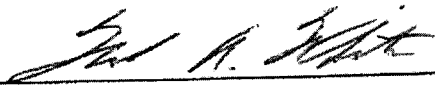
WHEREAS, Petitioner filed a Notice of Filing Hearing Transcript and Order of the Administrative Law Judge for the Disposition of Appeals to Sustain Terminations of Respondents requesting this Board take final agency action to accept the Administrative Law Judge's disposition of the appeals; and

WHEREAS, Respondents have advised counsel for the Board that they have no objection to Petitioner's request or the Board's acceptance of the Administrative Law Judge's recommendation disposing of the appeals, and

WHEREAS, pursuant to Section 7.E of the Board's Rules of Procedure, where no party files exceptions to a recommended order, the Chairperson shall be authorized to adopt the Administrative Law Judge's Recommended Order as the Board's final order.

NOW, THEREFORE, the Chairperson enters this, the Board's Final Order, adopting the Administrative Law Judge's March 11, 2013 Order as its Final Order in this cause in its entirety and dismissing the appeals of Kenneth Burroughs, Robert Harmer, Samuel Mitchem and Christopher Metro.

IT IS SO ORDERED this 9TH day of APRIL, 2013.


Lt. Col. 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:

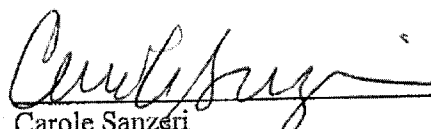
Tracey K. Jaensch, Esquire
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Steven G. Wenzel, Esquire
Wenzel, Fenton, Cabassa, P.A.
1110 North Florida Avenue
Tampa, FL 33602

this 10th day of April, 2013.


Carole Sanzeri
Senior Assistant County Attorney
315 Court Street, 6th Floor
Clearwater, FL 33756
Phone: 727-464-3354/Fax: 727-464-4147
Attorney for Sheriff's Civil Service Board

Copy to:
Members of the Sheriff's Civil Service Board
Linzie F. Bogan, Administrative Law Judge

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

PINELLAS COUNTY SHERIFF'S
OFFICE,

Petitioner,

vs.

KENNETH BURROUGHS,

Respondent.

Case No. 12-1846

PINELLAS COUNTY SHERIFF'S
OFFICE,

Petitioner,

vs.

ROBERT HARMER,

Respondent.

Case No. 12-1847

PINELLAS COUNTY SHERIFF'S
OFFICE,

Petitioner,

vs.

CHRISTOPHER METRO,

Respondent.

Case No. 12-1848

PINELLAS COUNTY SHERIFF'S)	
OFFICE,)	
)	
Petitioner,)	
)	
vs.)	Case No. 12-1846
)	
SAMUEL MITCHEM,)	
)	
Respondent.)	
)	

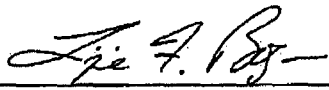
ORDER GRANTING PETITIONER'S MOTION IN LIMINE,
CLOSING FILES AND RELINQUISHING JURISDICTION

This cause having come before the undersigned on Petitioner's Motion in Limine, and the undersigned being fully advised, it is, therefore,

ORDERED that:

1. Petitioner's Motion in Limine is GRANTED.
2. The final hearing scheduled for March 12 and 13, 2013, is canceled.
3. Upon review of the pleadings, depositions, answers to interrogatories, and admissions on file, the undersigned has determined that there no longer exists in this proceeding a dispute of material fact. Accordingly, the files of the Division of Administrative Hearings are closed. Jurisdiction is relinquished to the Pinellas County Sheriff's Civil Service Board.

DONE AND ORDERED this 11th day of March, 2013, in Tallahassee, Leon County, Florida.



LINZIE F. BOGAN
Administrative Law Judge
Division of Administrative Hearings
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Tallahassee, Florida 32399-3060
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www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 11th day of March, 2013.

COPIES FURNISHED:

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