

PINELLAS COUNTY SHERIFF'S OFFICE
CIVIL SERVICE BOARD

FILED
2017 OCT 23 PM 12:57
DIVISION OF
ADMINISTRATIVE HEARINGS

PINELLAS COUNTY SHERIFF'S OFFICE,

Petitioner,

v.

DOAH CASE NO. 15-5054
PCSO CASE NO. 15-0251

CYNTHIA GRAHAM,

Respondent.

FINAL ORDER

This matter, having come before the Pinellas County Sheriff's Civil Service Board on September 6, 2017, sitting as a quasi-judicial body, and the Board having reviewed the Administrative Law Judge's Recommended Order, transcript of the hearing, the parties' written exceptions and responses thereto, having heard oral argument and being otherwise advised in the premises, it is:

ORDERED AND ADJUDGED that:

1. The Board rejects all Respondent's Exceptions excluding Exception # 3.
2. The Board accepts Respondent's Exception # 3.
3. The Board, by a unanimous vote of 4-0 hereby accepts all Findings of Fact in the Administrative Law Judge's Recommended Order except for Finding of Fact # 16.
4. The Board, by a vote of 3-1, modifies Finding of Fact # 16 in the Administrative Law Judge's Recommended Order based on Corporal Perez' testimony at page 104 line 4; page 118 line 1; page 121 line 6; and page 106 line 20 of the Record (Transcript dated February 3, 2017) to reflect that:

Corporal Perez was not in the control room when Deputy Burge put the sidearm in the cabinet; that Corporal Perez did not have a conversation with Deputy Burge at that time; that Corporal Perez saw Deputy Burge bending, not kneeling down; and that Corporal Perez saw one magazine, not two, when he looked in the cabinet.

5. The Board, by a unanimous vote of 4-0, accepts all Conclusions of Law in the Administrative Law Judge's Recommended Order, including Conclusion of Law # 86 that:

a. The member engaged in the prohibited conduct for which she was disciplined; and

b. The penalty imposed was consistent with action taken against other members for the prohibited conduct.

6. The Board, therefore, sustains the dismissal of Respondent for cause.

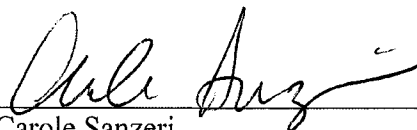
7. The parties are hereby notified of the right to appeal this Final Order to the Second District Court of Appeal by filing notice of intent to do so upon the Clerk of Court and the Pinellas County Sheriff's Civil Service Board within thirty (30) days of the date of this order.

DONE AND ORDERED this 18th day of September, 2017.

/s/ Neal A. White
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 email and U.S. mail to Jan T. Govan, Esq., Govan Law Group P.A., at 542 Bay Avenue, Clearwater, FL 33756, jangovan@govanlawgroup.com, Attorney for Respondent, and to Paul G. Rozelle, Esq., at Pinellas County Sheriff's Office, 10750 Ulmerton Road, Largo, FL 33778, prozelle@pcsonet.com, Attorney for Pinellas County Sheriff's Office, on this 18th day of September, 2017.



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Copy via email to:
Members of the Sheriff's Civil Service Board
Heather Arbuckle, Pinellas County Sheriff's Office
J. Bruce Culpepper, Administrative Law Judge