

3. The allegation of misconduct against Officer set forth in the Personnel Change in Status Report (Notification of Separation Due to Misconduct) by the Department should be deemed not proven by the preponderance of evidence adduced at the contested case hearing.

CONCLUSIONS OF LAW

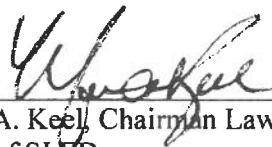
Based on the Hearing Officer's Recommendation, Hearing Transcripts, Hearing Exhibits, motions, oral arguments, and all factors offered by the Officer in mitigation we conclude as a matter of law:

1. Pursuant to S.C. Code Ann. § 23-23-80 (6), the South Carolina Law Enforcement Training Council ("Council") is authorized, *inter alia*, to "provide for suspension, revocation, or restriction" of law enforcement certification in accordance with the regulations promulgated by the Council;
2. Pursuant to S.C. Code Ann. Regs. 37-025, Council may deny law enforcement certification "based on evidence satisfactory to the Council that the candidate has engaged in misconduct";
3. A review of the record in this matter discloses that there exists no preponderance of evidence that Officer committed misconduct, as defined in S.C. Code Ann. § 23-23-150 (A) (3), as was alleged and reported to the Academy by the Department;
4. The misconduct allegations against Officer reported by the Department should be dismissed and, pursuant to the requirements of S.C. Code Ann. § 23-23-150 (M), all evidence related to the same must be expunged by Council within thirty (30) days of its issuance of the final agency decision in this matter.

SANCTION

THEREFORE, IT IS ORDERED: Officer is eligible for a law enforcement certification in South Carolina. Officer will be on two years' probation from the date of her certification and is required to attend 7.5 hours of ethics training each of the two years.

AND IT IS SO ORDERED.



Mark A. Keel, Chairman Law Enforcement Training Council
Chief of SLED
On Behalf of the Law Enforcement Training Council

February 16, 2024