

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

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

Petitioner,

vs.

Case No. 23-2751PL

GREGORY S. TONY,

Respondent.

_____ /

ORDER GRANTING CONTINUANCE AND
RESCHEDULING HEARING BY ZOOM CONFERENCE

This cause came before the undersigned on Petitioner's Amended Motion for Continuance ("Motion"), filed September 26, 2023. The unavailability of Petitioner or its counsel constitutes good cause for a continuance. The undersigned having reviewed the record in this cause, it is, therefore,

ORDERED that:

1. The Motion is GRANTED, and the final hearing scheduled for November 1 and 2, 2023, is canceled.
2. This cause is rescheduled for final hearing on **February 6 and 7, 2024, at 9:00 a.m., Eastern Time**, or as soon thereafter as can be heard by Zoom conference, which can be accessed via the internet, cell phone, or landline. Witnesses, parties, representatives, and/or attorneys, shall be available at the time of the hearing and must be in a quiet place away from noises and distractions at their home, work, or other place of their choosing. Testimony will not be taken from anyone driving a motor vehicle. Continuances will be granted only by order of the Administrative Law Judge for good cause shown. As with any hearing, the failure to appear may constitute a waiver of the right to present evidence, or be grounds for closure of the file without further proceedings.
3. Except as modified herein, all other provisions of the first Notice of Hearing and of the Order of Pre-hearing Instructions shall remain in full force and effect.

4. All subpoenas previously issued and served shall remain in full force and effect for the rescheduled hearing date as to any witness who is provided with a copy of this Order.

5. The Division of Administrative Hearings ("DOAH") accepts electronic filing of pleadings, other papers, and proposed evidence through its eALJ system. **Counsel and qualified representatives must register to e-file through eALJ.** Parties not represented by counsel or other qualified representatives are strongly encouraged to register to e-file through eALJ. **Registration is available at <https://www.doah.state.fl.us/eALJ/Registration.aspx>.** Information concerning e-filing pleadings and/or exhibits through eALJ is available at <https://www.doah.state.fl.us/eALJSupport/FilingExhibits/story.html>.

No later than three days prior to the final hearing, the parties must deliver to the Administrative Law Judge, and serve on all parties, copies of all of their proposed exhibits and a notice of filing the proposed exhibits. Counsel and qualified representatives must electronically file their proposed exhibits and notice of filing same through eALJ. Parties not represented by counsel or qualified representatives may file their proposed exhibits and the notice of filing: 1) electronically through eALJ after registering to e-file; 2) by U.S. Mail or hand delivery to the Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; or 3) by facsimile to (850) 921-6847.

Exhibits shall be consecutively numbered and bookmarked in advance of the hearing and consistent with any exhibit numbering in the pre-hearing stipulation. The proposed exhibits will not be considered unless they are admitted into evidence during the final hearing.

Copies of documents submitted to DOAH must have **confidential portions redacted** and be provided to the other parties.

Most hearings are open to the public. Members of the public may observe, but may not participate in the proceedings.

6. At least 15 minutes before the commencement of the hearing, the parties and the court reporter are instructed to join the Zoom conference by one of the following two methods:

a. **Computer or Cell Phone with Web Camera** – If there is stable access to the internet and either a computer or cell phone with a camera, access the following website to join the meeting: <https://zoom.us/join>. Each participant will be prompted to download/run the Zoom application and enter the following information:

Meeting ID: 850 1373 4176

i. Participants will be placed in a virtual waiting room until the hearing is called. The participants should immediately enable their computer audio and then start their web camera. (For options, click on the “Audio” and “Start Video” icons in the tool bar along the bottom left of the Zoom window). Once the hearing begins, the participants will be able to see and hear all other participants who have a webcam and will be able to hear any participants who are participating by phone. **This option is the preferred method for attending the hearing, but, if you have trouble staying connected, you should call in using option 2.**

b. **Cell Phone or Landline without Camera** – If a participant does not have stable internet access and/or a computer/cell phone with a camera, they may participate in the hearing by dialing the following number from a cell phone or regular landline phone and entering the following information:

Telephone Number: (929) 436-2866
Meeting ID: 850 1373 4176
Participant ID: press the pound symbol (#)

c. The following procedures shall apply to the Zoom hearing:

i. Make sure your computer and/or cell phone is fully charged.

ii. In order to avoid multiple disruptions, limit participants speaking over each other, and to provide the best overall audio quality, participants are directed to mute their microphones when not speaking. The mute/unmute feature is located at the left-hand side of the bottom of the Zoom window, if using the Zoom application; or by pressing *6, if participating by telephone.

iii. Participants will be sworn in remotely by the undersigned; however, they will need their driver license number or state identification card number, which will be redacted in any transcript of the proceedings.

7. The Zoom recording feature will not be used. The agency shall be responsible for preserving the testimony at the final hearing. Fla. Admin. Code R. 28-106.214.

DONE AND ORDERED this 27th day of September, 2023, in Tallahassee, Leon County, Florida.



ROBERT L. KILBRIDE
Administrative Law Judge
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
www.doah.state.fl.us

COPIES FURNISHED:

Natalie Alexandra Bielby, Esquire
(eServed)

Stephen G. Webster, Esquire
(eServed)

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Judge's assistant no later than ten days prior to the hearing. The Judge's assistant may be contacted at (850) 488-9675, via 800-955-8771 (TTY), 800-955-1339 (ASCIID), 800-955-8770 (Voice), or 844-463-9710 (Spanish) Florida Relay Service.