

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

ANDREW AL-HATTAB,	:	
	:	
Petitioner,	:	CIVIL ACTION NO.
	:	2020CV342032
v.	:	
	:	
GEORGIA PEACE OFFICER STANDARDS AND TRAINING COUNCIL,	:	JUDICIAL REVIEW
	:	
Respondent.	:	

**FINAL ORDER AFFIRMING DECISION OF GEORGIA PEACE  
OFFICER STANDARDS AND TRAINING COUNCIL**

The parties having come before the Court on March 30, 2021, for oral argument at request of the Petitioner, and the Court have read and considered the pleadings in the case, as well as the record below, the Court holds as follows:

A judicial review of an administrative decision is confined to the record. *See Quarterman v. Edwards*, 169 Ga. App. 300 (1983); *Department of Pub. Safety v. Ramey*, 215 Ga. App. 334 (1994); *Sawyer v. Reheis*, 213 Ga. App. 727 (1994); *see also* O.C.G.A. § 50-13-19(g). In reviewing an administrative decision, the Superior Court is limited to the record of the proceedings below and the standard of review is “any evidence.” O.C.G.A. § 50-13-19(g). The Superior Court’s role is to look to the record below to determine if there is any evidence to support the agency’s decision, and, if so, the superior court must affirm the

decision. *Sawyer, supra*; see also *Miles v. Ahearn*, 243 Ga. App. 741 (2000); *Dozier v. Pierce*, 279 Ga. App. 464 (2006).

The parties engaged in a full and fair hearing at the Office of State Administrative Hearings (OSAH) on August 6, 2020, before Administrative Law Judge (ALJ) Charles Beaudrot. Petitioner was provided sufficient and reasonable notice. The witnesses present were Lt. Zara, Lt. Kain, and Sgt. Lathem, all of whom were instructors at GPSTC. Testimony was also presented from Director Julie Bradley with the Peace Officers Standards and Training Council ("POST"). Petitioner was given the opportunity to cross-examine the witnesses. Petitioner also testified on his own behalf.

Petitioner was provided with reasonable notice with regard to the nature of the hearing. He was informed that he was dismissed from training due to having violated rules during his training on the range. He was informed that he was alleged to have lied to an instructor, and that in so lying, he was alleged to have violated the P.O.S.T. Act, O.C.G.A. § 35-8-7.1 (a)(2), (6), (7), (8), and (11). As Judge Beaudrot held in his Order denying reconsideration, "certain subtle variances in the details of the narrative of the lie emerging from the testimony in the hearing are immaterial as to whether Petitioner lied. Such immaterial variances do not in any way call into question the reality of Petitioner's lie or the appropriateness of Respondent's actions in response to that conduct." See Order, dated October 19, 2020.

The ALJ determined that Petitioner lied to an instructor during training at GPSTC and that Petitioner's conduct violated the P.O.S.T. Act. See Initial Decision, § III, ¶ 4. ALJ Beaudrot found that the testimony of the instructors during the hearing established that it is also a violation of range rules to fail to follow the instructions provided by the instructors, and that Petitioner did take action opposite to said instruction when he loaded from his pocket. See Initial Decision, § II, ¶¶ 6-7; see also Petitioner's Exhibits, pg. 25: Firearms Training, Rules 1b.200 (the instructions of the Range Master will always be followed immediately without delay) and 1b.600 (follow all commands from the control tower or range instructors as they are given). Lastly, ALJ Beaudrot further found Petitioner's testimony was "not credible" and that "honesty and integrity are *sine qua non* for those serving as peace officers." See Initial Decision, ¶¶ 13-14.

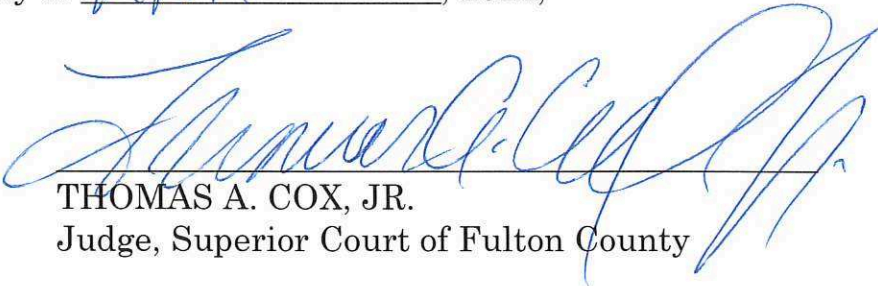
This Court should not disturb those findings. "OCGA § 50-13-19 (h) specifically prohibits the superior court from substituting its judgment for that of the ALJ 'as to the weight of the evidence on questions of fact....' [T]he superior court sits only as an appellate court when reviewing an ALJ's decision affirming a license suspension, and that the ALJ's decision shall be affirmed so long as there is 'any evidence' to support it." *Dozier*, 279 Ga. App. at 466.

Despite Petitioner's assertions, ALJ Beaudrot did not find that Petitioner had been discharged from a law enforcement agency for disciplinary reasons,

but, rather found that pursuant to the statute “[POST] may refuse to grant certification to an application upon a determination that the applicant... committed an act or omission which is indicative of bad moral character or untrustworthiness; or has been discharged by the employing agency” and that “[POST] has more than met its burden in this case [because] the evidence is compelling that Petitioner deliberately and intentionally lied.” See Initial Decision, § III, ¶¶ 2 and 4 (emphasis added). Judge Beaudrot determined that Petitioner’s actions violated the P.O.S.T. Act, and affirmed POST Council’s decision to deny acceptance of Petitioner’s application.

The Court finds that Petitioner had sufficient notice, a full and fair hearing on the relevant issues, and that there was ample evidence to support the decision of the ALJ, in law and in fact, and hereby **AFFIRMS** the decision of POST Council to deny Petitioner’s application for certification.

SO ORDERED this 15<sup>th</sup> day of April, 2021,

  
THOMAS A. COX, JR.  
Judge, Superior Court of Fulton County