

SCOTT GAGNON

v.

DEPARTMENT OF CORRECTIONS

Submitted on Briefs September 28, 2015  
Decided October 20, 2015

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, JABAR, and  
HUMPHREY, JJ.

MEMORANDUM OF DECISION

Scott Gagnon appeals from a judgment of the Superior Court (Knox County, *Billings, J.*) denying his petition for review of final agency action. For the following reasons, we affirm the judgment of the Superior Court.

The Superior Court did not err in applying the standard of review and burden of proof to this case. *Seider v. Bd. of Exam'rs of Psychologists*, 2000 ME 206, ¶ 9, 762 A.2d 551. There is sufficient evidence in the record to support the agency's decision. The constitutionality of the "some evidence" standard of review used in the initial agency hearing was not preserved by Gagnon and will not be considered on appeal. *See MP Assocs. v. Liberty*, 2001 ME 22, ¶ 18, 771 A.2d 1040. The Superior Court did not err in declining to consider additional arguments made by Gagnon that had not been preserved. *See id.*

The entry is:

Judgment affirmed.

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**On the briefs:**

Scott Gagnon, appellant pro se

Janet T. Mills, Attorney General, and Diane Sleet, Asst. Atty.  
Gen., Office of the Attorney General, Augusta, for appellee  
Department of Corrections

Knox County Superior Court docket number AP-2014-14  
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