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STATE OF FLORIDA
DIVISION OF RETIREMENT

2004 JUN 30 P 2:42
FILED
DIVISION OF RETIREMENT
TALLHASSEE, FLORIDA

ROBERT M. EDMONDS,

Petitioner,

vs.

AT

DOAH CASE NO. 99-5281
CASE NO. DMS-DOR99-47

SPK - closed

DIVISION OF RETIREMENT,

Respondent.

_____ /

FINAL ORDER

This cause came before me for the purpose of issuing a final agency order. The Administrative Law Judge, Susan B. Kirkland, assigned by the Division of Administrative Hearings (DOAH) in the above-entitled cause submitted a Recommended Order and all exhibits offered into evidence to the Division of Retirement. A copy of that Recommended Order is attached hereto and made a part hereof as "Exhibit A".

APPEARANCE

For Petitioner: Robert M. Edmonds, pro se
1729 26th Avenue
Vero Beach, Florida 32960

For Respondent: Larry D. Scott
Senior Attorney
Division of Retirement
Cedars Executive Center, Building C
2639 North Monroe Street
Tallahassee, Florida 32399-1560

Mr. Edmonds filed exceptions to the Findings of Fact in the Recommended Order issued by the Administrative Law Judge, Susan B. Kirkland, on June 15, 2000. The rulings on those exceptions are set forth below:

RULINGS ON PETITIONER'S EXCEPTIONS TO RECOMMENDED ORDER

1. Petitioner filed no exception to Finding of Fact No. 1.
2. Petitioner's exception to Finding of Fact No. 2 is rejected.
3. Petitioner's exception to Finding of Fact No. 3 is rejected as not being relevant to the issue in this case.
4. Petitioner's exception to Finding of Fact No. 4 is rejected as being contrary to the competent substantial evidence in this case.
5. Petitioner filed no exception to Finding of Fact No. 5.
6. Petitioner's exception to Finding of Fact No. 6 is rejected.
7. Petitioner's exception to Finding of Fact No. 7 is rejected as being contrary to the competent substantial evidence in this case.
8. Petitioner filed no exception to Finding of Fact No. 8.
9. Petitioner filed no exception to Finding of Fact No. 9.
10. Petitioner filed no exception to Finding of Fact No. 10.
11. Petitioner filed no exception to Finding of Fact No. 11.
12. Petitioner's exception to Finding of Fact No. 12 is rejected as being contrary to the competent substantial evidence in this case.
13. Petitioner's exception to Finding of Fact No. 13 is rejected. The Administrative Law Judge's Finding of Fact was supported by the competent substantial evidence in this case.
14. Petitioner's exception to Finding of Fact No. 14 is rejected. The competent substantial evidence supports the Finding that Petitioner was working in an on-call position and; therefore, he was not eligible to participate in the Florida Retirement System.

FINDINGS OF FACT

The Division hereby adopts and incorporates by reference the Findings of Fact set forth in the Recommended Order.

CONCLUSIONS OF LAW

The Division hereby adopts and incorporates by reference the Conclusions of Law set forth in the Recommended Order.

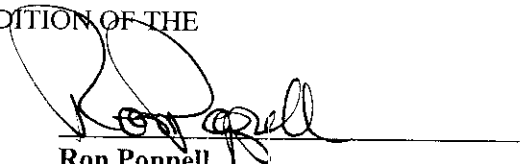
Based upon the foregoing it is,

ORDERED and **DIRECTED**, that the Petitioner's request for inclusion into the Florida Retirement System for the period January 8, 1989, through October 13, 1995, is Denied.

DONE and **ORDERED** this 14th day of July, 2000, at Tallahassee, Leon County, Florida.

NOTICE OF RIGHT TO JUDICIAL REVIEW

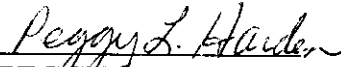
A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DIVISION OF RETIREMENT, AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.



Ron Poppell
Interim Director
Division of Retirement
Cedars Executive Center
Building C
2639 North Monroe Street
Tallahassee, Florida 32399-1560
(850) 488-5540

CLERK'S CERTIFICATE

I HEREBY CERTIFY that this Final Order was filed in the official records of the Division of Retirement on this 17th day of July, 2000, and that on the same date, copies were furnished to: Larry D. Scott, Esquire, Division of Retirement, Legal Office, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560; Robert M. Edmonds, 1729 26th Avenue, Vero Beach, Florida 32960, and Susan B. Kirkland, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060.


PEGGY L. HARDEN
Deputy Clerk
Division of Retirement