

9-14-01

STATE OF FLORIDA  
DIVISION OF RETIREMENT

FILED  
01 OCT 19 PM 2:35  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

H. GLENN BOGGS,

Petitioner,

AT

vs.

DOAH Case No. 01-2020  
DMS DOR No.: 00-23  
SSN# 261-86-8889

BJS-CLOS

DEPARTMENT OF MANAGEMENT SERVICES  
DIVISION OF RETIREMENT

Respondent.

FINAL ORDER

PRELIMINARY STATEMENT

After being formally notified of the Division of Retirement's intent to deny his request for retirement service credit for his employment with the Florida Bar, Mr. Boggs timely filed a petition for hearing and the case was referred to the Division of Administrative Hearings.

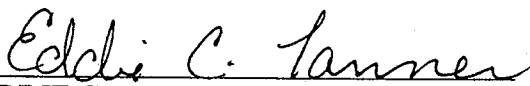
Pursuant to notice, the Division of Administrative Hearings, by its duly designated Administrative Law Judge, Barbara J. Staros, held a formal hearing in the above-styled case on July 13, 2001, in Tallahassee, Florida.

At the formal proceeding, Mr. Boggs presented no testimony or exhibits. Respondent offered the testimony of David Ragsdale, Benefits Administrator, Division of Retirement; who was accepted as an expert in enrollment in the Florida Retirement System. Respondent offered 3 exhibits, including the deposition testimony of George Dillard and Dan Bennett, which were admitted. Official Recognition was taken of Article 5, Section 15, Florida Constitution; The Rules of the Supreme Court of Florida; Chapter 121, Florida Statutes (1999); and Chapter 60S, Florida Administrative Code.

No transcript was ordered and the parties filed their Proposed Recommended Orders more than 10 days after the Formal Hearing. A Recommended Order was issued September 14, 2001, which is incorporated by reference into this Final Order. No exceptions to the Recommended Order have been filed.

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.

I HEREBY CERTIFY that this Final Order was filed in the official records of the Division of Retirement, and copies distributed by U.S. Mail to the parties below, on the 18<sup>th</sup> day of October, 2001.

  
EDDIE C. TANNER  
Deputy Clerk  
Division of Retirement

Copies furnished to:

H. Glenn Boggs  
3900 Wood Green Way  
Tallahassee, FL 32308

Lawrence A. Gonzalez, Esq.  
P.O. Box 1876  
Tallahassee, FL 32302-1876

Judge Barbara J. Staros  
Division of Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, FL 32399-3060

Thomas E. Wright  
Senior Attorney  
Division of Retirement  
P.O. Box 3900  
Tallahassee, FL 32315-3900

STATEMENT OF THE ISSUES

The issue in this case is to determine whether H. Glenn Boggs should be awarded retirement service credit for his time spent in the employ of the Florida Bar.

FINDINGS OF FACT

The Division of Retirement accepts the Findings of Fact set forth in the Recommended Order, which are incorporated herein by reference.

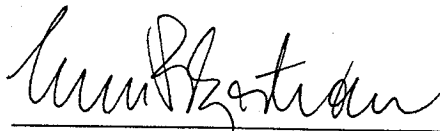
CONCLUSIONS OF LAW

The Division of Retirement accepts the Conclusions of Law set forth in the Recommended Order, which are incorporated herein by reference.

ORDER

Based on the foregoing, it is hereby ORDERED and DIRECTED that the Florida Division of Retirement denies the request of the Petitioner, H. Glenn Boggs, for retirement service credit for his period of employment with the Florida Bar.

DONE AND ORDERED this 18<sup>th</sup> day of October 2001, in Tallahassee, Leon County, Florida.



ERIN B. SJOSTROM  
STATE RETIREMENT DIRECTOR  
DIVISION OF RETIREMENT  
CEDARS EXECUTIVE CENTER  
BUILDING C  
2639 NORTH MONROE STREET  
TALLAHASSEE, FL 32399-1560  
(850) 488-5541

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,