

10-6-03

STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES
DIVISION OF RETIREMENT

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DIVISION OF
ADMINISTRATIVE
HEARINGS

DAVID W. FELDER,

Petitioner,

Final Order No. DMS-03-037

At

vs.

DOAH CASE NO. 03-0486
CASE NO. DMS-DOR02-43

EJD-CWS

STATE OF FLORIDA,
DEPARTMENT OF MANAGEMENT SERVICES,
DIVISION OF RETIREMENT,

Respondent.

_____ /

FINAL ORDER

This cause came before me for the purpose of issuing a final agency order. The Administrative Law Judge, Ella Jane P. Davis, 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 Department of Management Services. A copy of that Recommended Order is attached hereto and made a part hereof as "Exhibit A." The Recommended Order was entered in this case on October 6, 2003. Pursuant to Uniform Rules, Section 28-106.217, Florida Administrative Code, exceptions may be filed within 15 days of the date of entry of the Recommended Order. The Petitioner filed exceptions on October 23, 2003, more than 15 days after entry of the Recommended Order; therefore, they were not considered.

APPEARANCE

For Petitioner:

Arthur Lewis Stern, III, Esquire
1904 West Indianhead Drive
Tallahassee, Florida 32301

For Respondent:

Larry D. Scott, Esquire
Department of Management Services
Office of the General Counsel
4050 Esplanade Way, Suite 260
Tallahassee, Florida 32399-0950

FINDINGS OF FACT

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

CONCLUSIONS OF LAW

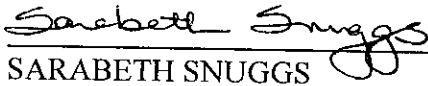
The Department hereby adopts and incorporates by reference the Conclusions of Law set forth in the Recommended Order.

Based upon the foregoing it is,

ORDERED and DIRECTED that the Petitioner's request to retroactively transfer into the Florida Retirement System is denied and it is further

ORDERED and DIRECTED that the Petition of David W. Felder is dismissed.

DONE and ORDERED this 24th day of November, 2003, at Tallahassee, Leon County, Florida.


SARABETH SNUGGS
Interim Director
Division of Retirement
Cedars Executive Center, Building C
2639 North Monroe Street
Tallahassee, Florida 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 DEPARTMENT OF MANAGEMENT SERVICES, 4050 ESPLANADE WAY, SUITE 260, TALLAHASSEE, FLORIDA 32399-0950, 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this Final Order was filed in the official records of the Department of Management Services and copies were furnished to: Larry D. Scott, Assistant General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950; Arthur Lewis Stern, III, Esquire, 1904 West Indianhead Drive, Tallahassee, Florida 32301, and Judge Ella Jane P. Davis, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, the 24th day of November, 2003.


CAROL CARR
Clerk
Department of Management Services
(850) 1082