

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF MANAGEMENT)	
SERVICES, DIVISION OF)	
RETIREMENT,)	
)	
Petitioner,)	
)	
vs.)	Case No. 09-3695F
)	
JANE MARIE LETWIN,)	
)	
Respondent.)	
_____)	

FINAL ORDER

This cause came to be considered on the Joint Motion for Final Order filed by the parties on February 16, 2010. On October 23, 2009, the Department of Management Services, Division of Retirement, filed its "Amended Petition for Attorney's Fees and Costs against Jane Marie Letwin." The Amended Petition was brought pursuant to Section 120.569(2)(e), Florida Statutes (2009), which provides as follows:

(e) All pleadings, motions, or other papers filed in the proceeding must be signed by the party, the party's attorney, or the party's qualified representative. The signature constitutes a certificate that the person has read the pleading, motion, or other paper and that, based upon reasonable inquiry, it is not interposed for any improper purposes, such as to harass or to cause unnecessary delay, or for frivolous purpose or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these

requirements, the presiding officer shall impose upon the person who signed it, the represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

The Amended Petition set forth in detail the factual basis for the Amended Petition. Because the parties filed a "Joint Motion for Final Order," there is no disputed issue of material fact and the factual basis for the Amended Petition need not be recited here.

This matter was scheduled for formal hearing for February 24, 2010. On February 16, 2010, the parties filed a "Joint Motion for Final Order" that provided as follows:

(1) This controversy involves whether the Respondent Jane Marie Letwin should pay Petitioner attorney's fees as set forth in the Amended Petition and the amount thereof, if any.

(2) Petitioner, for reasons set forth within the Amended Petition is entitled to attorney's fees in the amount of \$2,505.00 and costs in the amount of \$116.50.

(3) Respondent wishes to allow a final order to be entered in this amount (\$2,621.50). Petitioner and Respondent agree that a payment plan of not less than \$250.00 per month will be established following entry of the final order.

(4) Respondent and Petitioner agree that if payments are not made as set forth, the Final Order can be converted to a Judgment within the 2nd Judicial Circuit for the State of Florida.

WHEREFORE Petitioner and Respondent request that a Final Order be entered by the court in the amount of \$2,621.50. This amount is to bear interest at the statutory rate.

The undersigned has the authority to enter a Final Order based on the Joint Motion for Final Order pursuant to the provisions of Florida Administrative Code Rule 28-106.24. A separate order will be entered canceling the hearing scheduled for February 24, 2010.

Based on the forgoing, it is ORDERED that Respondent, Jane Marie Letwin, shall pay to the Department of Management Services, Division of Retirement, the sum of \$2,621.50, together with interest at the statutory rate until paid in full.

DONE AND ORDERED this 16th day of February, 2010, in Tallahassee, Leon County, Florida.



CLAUDE B. ARRINGTON
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 16th day of February, 2010.

COPIES FURNISHED:

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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 the original notice of appeal with the Clerk of the Division of Administrative Hearings and a 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.