

STATE OF FLORIDA  
DEPARTMENT OF MANAGEMENT SERVICES  
DIVISION OF RETIREMENT

FILED  
10 JAN 29 PM 2:04  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

JACQUELINE IMBERTSON on behalf of  
Account of EDWARD IMBERTSON, deceased,

Petitioner,

vs.

OGC Case No. 09-18451  
DOAH Case No. 09-5373

DEPARTMENT OF MANAGEMENT  
SERVICES, DIVISION OF  
RETIREMENT,

Final Order No. DMS - 10-0002

Respondent.

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FINAL ORDER

This cause came before me for the purpose of issuing a final agency order. Pursuant to notice, the Division of Administrative Hearings, by its duly designated Administrative Law Judge, Eleanor M. Hunter, held a formal hearing in the above case on November 18, 2009, by video teleconference at sites in West Palm Beach and Tallahassee, Florida. A copy of that Recommended Order is attached hereto and made a part hereof as "Exhibit A."

APPEARANCE

For Petitioner:

Alan M. Aronson, Esquire  
Rosenthal, Levy and Simon  
1645 Palm Beach Lakes Boulevard  
Suite 350  
West Palm Beach, Florida 33401

For Respondent:

Larry D. Scott, Esquire  
Department of Management Services  
Office of the General Counsel  
4050 Esplanade Way, Suite 160  
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 Department of Management Services, Division of Retirement, affirms that August 1, 2004, has been established as the effective retirement date for Edward Imbertson.

DONE and ORDERED this 26 day of January, 2010, at Tallahassee, Leon County, Florida.

  
Linda H. South, Secretary  
Department of Management Services  
4050 Esplanade Way  
Tallahassee, Florida 32399-0950  
(850) 488-2786

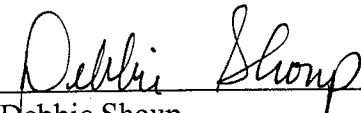
NOTICE OF RIGHT TO JUDICIAL REVIEW

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 160, 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 160, Tallahassee, Florida 32399-0950; Alan M. Aronson, Esquire, Rosenthal, Levy and Simon, 1645 Palm Beach Lakes Boulevard, Suite 350, West Palm Beach, Florida 33401; and Judge Eleanor M. Hunter, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, the 27<sup>th</sup> day of January, 2010

  
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Debbie Shoup  
Clerk  
Department of Management Services  
(850) 487-1082