

**FILED**

DEC 30 2010



REPRESENTING  
**ALEX SINK**  
CHIEF FINANCIAL OFFICER  
STATE OF FLORIDA

Docketed by DW

IN THE MATTER OF:

Case No.: 112942-10

MARK BRUTNELL  
\_\_\_\_\_ /

FINAL ORDER DENYING REQUEST  
FOR UNFORSEEN EMERGENCY WITHDRAWAL

THIS PROCEEDING CAME on for final agency action and the Chief Financial Officer, having considered the record, including the Notice of Denial dated August 30, 2010, and being fully advised in the premises, finds that:

1. On August 30, 2010, the Department issued a Notice of Denial of Request for Unforeseeable Emergency Withdrawal ("Notice of Denial") against Mark Brutnell ("Petitioner") for his request of an emergency withdrawal of from his deferred compensation account for the purpose of having a child through a surrogacy process. The Notice of Denial is attached and incorporated as Exhibit A.

2. On or about September 20, 2010, Petitioner filed a Petition Challenging Denial of Benefits ("Petition") disputing the material facts of the Notice of Denial. This case was forwarded to the Division of Administrative Hearings.

3. On November 29, 2010, Petitioner filed a Notice of Withdrawal for Request for Formal Hearing.

4. On December 1, 2010, the Administrative Law Judge entered an Order Closing File and remanded the case back to the Department.

FINDINGS OF FACT

5. The factual allegations contained in the Notice of Denial issued on August 30, 2010, which is attached hereto as Exhibit A, and fully incorporated herein by reference, are hereby adopted as this Department's Findings of Fact in this case.

CONCLUSION OF LAW

6. Based upon the Findings of Fact adopted herein, the Department hereby adopts the Conclusions of Law in the Notice of Denial, attached hereto as Exhibit A, as the Conclusions of Law in this case.

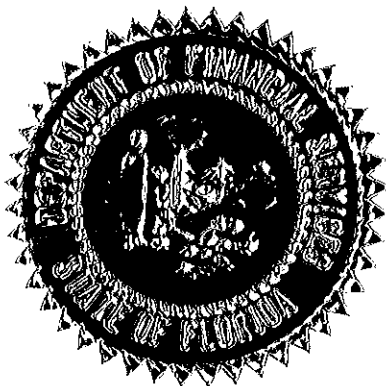
IT IS HEREBY ORDERED AND ADJUDGED that the Findings of Fact in the Notice of Denial are adopted as the Department's Findings of Fact, and that the Conclusions of Law in the Notice of Denial, are adopted as the Department's Conclusions of Law.

IT IS HEREBY FUTHER ORDERED AND ADJUDGED that Mark Brutnell's application for a Request for Unforeseeable Emergency Withdrawal is DENIED.

NOTICE OF RIGHT TO APPEAL

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Fla.R.App.P. Review proceedings must be instituted by filing a petition or notice of appeal with the Julie Jones, DFS Agency Clerk, at 612 Larson Building, Tallahassee, Florida 32399-0333, and a copy of the same with the appropriate District Court of Appeal within thirty (30) days of rendition of this Order.

DONE and ORDERED this 30 day of December, 2010.

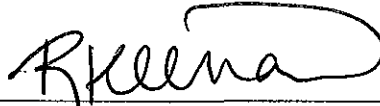


  
\_\_\_\_\_  
TAMMY TESTON  
Chief of Staff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing FINAL ORDER DENYING REQUEST FOR UNFORSEEN EMERGENCY WITHDRAWAL was furnished by U.S. mail on this 3rd day of January, 2010, to the following:

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