

STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES

FILED

ALBERT P. BURTNER, 2012 AUG 30 AM 11 33

Petitioner,
vs.

DIVISION OF
ADMINISTRATIVE
HEARINGS

Final Order No. DMS – 12-0060

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

DOAH Case No. 12-0870
OGC Case No. 12-23419

Respondent.

FINAL ORDER OF DISMISSAL


On February 16, 2012, the Department of Management Services (Department) received a petition for administrative hearing from Petitioner, Albert P. Burtner. Petitioner challenged the Department's decision to declare Petitioner a mandatory participant in the State University System Optional Retirement Program and therefore unable to transfer to the Florida Retirement System pursuant to Section 121.051, Florida Statutes. This case was transferred to the Division of Administrative Hearings on March 9, 2012.

On June 15, 2012, after receiving a Notice of Settlement and Joint Motion to Relinquish Jurisdiction, the assigned administrative law judge issued an order closing the Division of Administrative Hearings' file and relinquishing jurisdiction back to the Department. There being no further matters to consider,

IT IS ORDERED:

1. The petition is dismissed with prejudice.

DONE AND ORDERED this 28th day of August, 2012, in Tallahassee, Leon County, Florida.




ERIN ROCK, Chief of Staff
Department of Management Services
4050 Esplanade Way
Tallahassee, FL 32399-0950

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.

I HEREBY CERTIFY that this Final Order was filed in the official records of the Department of Management Services, and copies distributed by U.S. Mail to the parties below, on the 28th day of August, 2012.



Debbie Shoup
Clerk
Department of Management Services

Copies furnished to:

Judge F. Scott Boyd
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

Elizabeth R. Stevens, Esquire
Department of Management Services
4050 Esplanade Way, Ste. 160
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