

STATE OF FLORIDA  
DEPARTMENT OF MANAGEMENT SERVICES

CITY OF BELLEAIR BLUFFS,

Petitioner,

Final Order No. DMS – 13-0069

vs.

DOAH Case No. 12-1475  
DMS No.: 12-23698

DEPARTMENT OF MANAGEMENT SERVICES,  
DIVISION OF RETIREMENT,

and

BOARD OF TRUSTEES OF THE CITY  
OF BELLEAIR BLUFFS FIREFIGHTERS'  
PENSION TRUST FUND,

Respondents.

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DIVISION OF  
ADMINISTRATIVE  
HEARINGS

2013 AUG 7 PM 1 01

FILED

**FINAL ORDER**  
**PRELIMINARY STATEMENT**

After being formally notified of the Division of Retirement's decision regarding the method of distribution of the Firefighters' Pension Trust Fund, the City of Belleair Bluffs timely filed a petition for hearing and the case was referred to the Division of Administrative Hearings. The Board of Trustees of the Pension Fund filed a motion to intervene as a respondent, and that motion was granted.

Pursuant to notice, the Division of Administrative Hearings, by its duly designated Administrative Law Judge, Thomas P. Crapps, held a formal hearing in the above-styled case by video teleconference on September 25, 2012, in Tallahassee and St. Petersburg, Florida.

At the formal proceeding the Parties stipulated to the admission of 14 exhibits. Petitioner offered two additional exhibits, which were admitted, and the testimony of

Debra Sullivan, city clerk for the City of Belleair Bluffs (the City), Philip Porter, Ph.D., and Keith Brinkman, the Department's bureau chief for local retirement systems. The Department offered four additional exhibits, which were admitted, and the testimony of Keith Brinkman. The Board of Trustees (the Board) offered four additional exhibits, which were admitted, and the testimony of Steve Langere, the chair of the Board, and Dave Fynan, a former firefighter and member of the Board.

A transcript of the hearing was prepared and each Party made post hearing submissions. A Recommended Order was issued December 7, 2012, which is incorporated by reference into this Final Order. No Exceptions to the Recommended Order have been filed.

#### **STATEMENT OF THE ISSUES**

The issue in this case is to determine whether the Department erred in adopting the method of distribution of the trust fund assets chosen by the Board.

#### **FINDINGS OF FACT**

The Division of Retirement accepts the Findings of Fact set forth in the Recommended Order.

#### **CONCLUSIONS OF LAW**

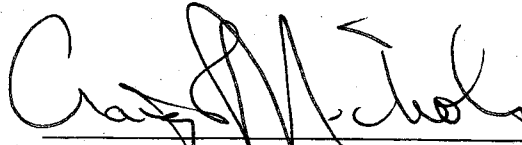
The Division of Retirement accepts the Conclusions of Law as set forth in the Recommended Order.

#### **ORDER**

Based on the foregoing, it is hereby **ORDERED AND DIRECTED** that the Florida Department of Management Services **DENIES** the request of the Petitioner, City of Belleair Bluffs, to adopt a different method of distribution of the plan assets, and

further, pursuant to the Order Awarding Attorney Fees and Costs, awards attorney fees in the amount of \$6,000.00, to the Division of Retirement.

**DONE AND ORDERED** this 6<sup>th</sup> day of August 2013, in Tallahassee, Leon County, Florida.



**Craig J. Nichols, Agency Secretary**  
Department of Management Services  
4050 Esplanade Way  
Tallahassee, Florida 32399-0950  
(850) 414-7355

**NOTICE OF RIGHT TO APPEAL**

Unless expressly waived by a party such as in a stipulation or in other similar forms of settlement, any party substantially affected by this final order may seek judicial review by filing an original Notice of Appeal with the Agency Clerk of the Department of Management Services, and a copy, accompanied by filing fees prescribed by law, with the Clerk of the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty (30) days of rendition of this order, in accordance with Rule 9.110, Fla. R. App. P., and section 120.68, Florida Statutes.

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 6<sup>th</sup> day of August, 2013.



**Michael Sivilla**  
Clerk  
Department of Management Services

Copies furnished to:

Jay Daigneault, Esq.  
Brandon J. Huffman, Esq.  
Frazer, Hubbard, Brandt, Trask, Yacavone, Metz & Daigneault, LLP  
595 Main Street  
Dunedin, Florida 34698

Judge Thomas P. Crapps  
Division of Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, FL 32399-3060

Thomas E. Wright  
Assistant General Counsel  
Department of Management Services  
4050 Esplanade Way, Suite 160  
Tallahassee, FL 32399-0950

Paul A. Donnelly, Esq.  
Donnelly and Gross, PA  
Suite A-1  
2421 Northwest 41<sup>st</sup> Street  
Gainesville, Florida 32606