



STATE BOARD OF ADMINISTRATION  
OF FLORIDA

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EXECUTIVE DIRECTOR & CIO

April 28, 2017

James H. Peterson, III  
Administrative Law Judge  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

Re: John Ashmead vs. State Board of Administration  
Case No. 2015-3833; DOAH Case No. 16-7552

FILED  
2017 MAY -1 PM 1:02  
DIVISION OF  
ADMINISTRATIVE HEARINGS

Dear Judge Peterson:

Attached please find the Final Order in reference to the above case pursuant to the requirement by Section 120.57 (1) (m), Florida Statutes. No exceptions to the Recommended Order were filed.

Please let me know should you need anything further.

Regards,

A handwritten signature in cursive script that reads "Tina Joanos".

Tina Joanos  
Agency Clerk  
State Board of Administration of Florida

STATE OF FLORIDA  
STATE BOARD OF ADMINISTRATION

FILED

2017 MAY -1 PM 1:02

DIVISION OF  
ADMINISTRATIVE HEARINGS

JOHN ASHMEAD, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 )  
 STATE BOARD OF ADMINISTRATION, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

SBA Case No. 2015-3833  
DOAH Case No. 16-7552

**FINAL ORDER**

On April 6, 2017, Administrative Law Judge James H. Peterson, III (hereafter "ALJ"), submitted his Recommended Order to the State Board of Administration ("SBA") in this proceeding. A copy of the Recommended Order indicates that copies were served upon the pro se Petitioner, John Ashmead, and upon counsel for the Respondent. Respondent timely filed a Proposed Recommended Order. Petitioner did not file a Proposed Recommended Order. Neither party filed exceptions to the Recommended Order which were due on April 21, 2017. A copy of the Recommended Order is attached hereto as Exhibit A. The matter is now pending before the Chief of Defined Contribution Programs for final agency action.

**ORDERED**

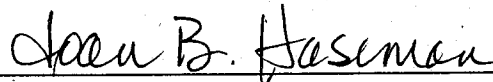
The Recommended Order (Exhibit A) is hereby adopted in its entirety. The Petitioner's request to be allowed to transfer from the Florida Retirement System (FRS) Pension Plan to the FRS Investment Plan, even though his second election form was not

received by the Plan Choice Administrator prior to Petitioner's termination date, hereby is denied. While Petitioner's co-worker, on Petitioner's behalf, unsuccessfully attempted to send Petitioner's second election form to the Plan Choice Administrator prior to Petitioner's termination date, the SBA, by law, is not responsible for the failure of an FRS employer, its agents or its employees to properly complete any activities required by law to change retirement plans.

Any party to this proceeding has the right to seek judicial review of the Final Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the State Board of Administration in the Office of the General Counsel, State Board of Administration, 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida, 32308, and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty (30) days from the date the Final Order is filed with the Clerk of the State Board of Administration.

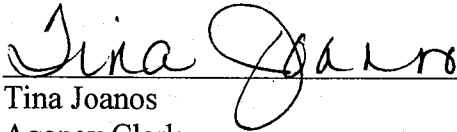
DONE AND ORDERED this 28<sup>th</sup> day of April, 2017, in Tallahassee, Florida.

**STATE OF FLORIDA  
STATE BOARD OF ADMINISTRATION**



**Joan B. Haseman**  
Chief of Defined Contribution Programs  
State Board of Administration  
1801 Hermitage Boulevard, Suite 100  
Tallahassee, Florida 32308  
(850) 488-4406

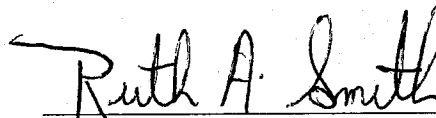
FILED ON THIS DATE PURSUANT TO  
SECTION 120.52, FLORIDA STATUTES  
WITH THE DESIGNATED CLERK OF THE  
STATE BOARD OF ADMINISTRATION,  
RECEIPT OF WHICH IS HEREBY  
ACKNOWLEDGED.



Tina Joanos  
Agency Clerk

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order was sent to John Ashmead, pro se, both by email transmission, [homegrowncop@aol.com](mailto:homegrowncop@aol.com) and by U.P.S. to 408 South 15<sup>th</sup> Street, Fernandina Beach, Florida 32034; and by email transmission to Brian Newman, Esq. ([brian@penningtonlaw.com](mailto:brian@penningtonlaw.com)) and Brandice Dickson, Esq., ([brandi@penningtonlaw.com](mailto:brandi@penningtonlaw.com)) at Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., P.O. Box 10095, Tallahassee, Florida 32302-2095, this 28<sup>th</sup> day of April, 2017.



Ruth A. Smith  
Assistant General Counsel  
State Board of Administration of Florida  
1801 Hermitage Boulevard  
Suite 100  
Tallahassee, FL 32308