

**STATE OF FLORIDA  
DEPARTMENT OF MANAGEMENT SERVICES**

**ROBERT M. DAY,**

Final Order No. DMS – 18-0114

**Petitioner,**

v.

**DOAH Case No.: 17-6469**

**OGC Case No. 17-36796**

**DEPARTMENT OF MANAGEMENT  
SERVICES, DIVISION OF RETIREMENT,**

**Respondent.**

**FINAL ORDER**

**THIS MATTER** has come before the undersigned for the purpose of issuing a final order. On May 14, 2018, Administrative Law Judge, James H. Patterson III, issued a Recommended Order recommending that the Department of Management Services, Division of Retirement (Respondent), enter a final order allowing Petitioner a point of entry with 21-day time period within which to contest the forfeiture of retirement benefits. Neither party has filed exceptions to the Recommended Order.

**FINDINGS OF FACT**

The Respondent hereby adopts and incorporates by reference the Findings of Fact set forth in the Recommended Order as its findings in this Final Order.

**CONCLUSIONS OF LAW**

The Respondent hereby adopts and incorporates by reference the Conclusions of Law set forth in the Recommended Order as its conclusions in this Final Order.

Based upon the foregoing it is,

**ORDERED AND ADJUDGED:**

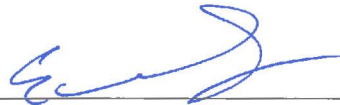
1. The Recommended Order issued in this case is adopted in its entirety and is incorporated herein by reference.

2. Based on the Findings of Fact and Conclusions of Law contained in the Recommended Order and adopted by the Respondent in this Final Order, Petitioner's request for a point of entry with a 21-day time period within which to contest the forfeiture of his retirement benefits is **GRANTED**.

3. Respondent, **SHALL**, either reissue the Notice of Forfeiture of Retirement Benefits to Petitioner or otherwise allow him a point of entry with a 21-day time period within which to contest the forfeiture of retirement benefits.

4. This Final Order shall become effective on the date of filing with the agency clerk of the Respondent.

DONE AND ORDERED this 13 day of August, 2018.



Erin Rock, Secretary  
Department of Management Services  
4050 Esplanade Way, Suite 285  
Tallahassee, FL 32399-0950

Copies:

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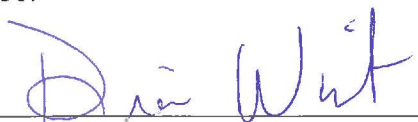
James H. Peterson, III  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, FL 32399-3060

**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, Florida Rules of Appellate Procedure, and section 120.68 Florida Statutes.

Certificate of Clerk:

Filed in the office of the Clerk of the  
Department of Management Services  
on this 13<sup>th</sup> day of August,  
2018.

  
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Agency Clerk