

**STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES**

MICHAEL FEWLESS,

Petitioner,

v.

**Final Order No.: DMS-19-0105
DOAH CASE NO. 18-5787**

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

Respondent.

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FINAL ORDER

This matter comes before the Department of Management Services (“Department”) for entry of a Final Order in accordance with section 120.569(1), Florida Statutes.

On July 18, 2019, The Honorable Gar W. Chisenhall, Administrative Law Judge, issued a Recommended Order in this action. Thereafter, Petitioner Michael Fewless (“Mr. Fewless”) filed a Notice of Voluntary Dismissal with Prejudice. After a thorough review of the record and being fully advised in the premises, the Department hereby makes the following findings:


1. On September 25, 2018, Mr. Fewless filed a Petition for Administrative Hearing with the Department’s Agency Clerk. The matter was subsequently referred to the Division of Administrative Hearings on November 1, 2018.
2. On July 18, 2019, the Honorable Gar W. Chisenhall, Administrative Law Judge, submitted a Recommended Order.
3. On October 23, 2019, Mr. Fewless filed a Notice of Voluntary Dismissal with Prejudice with the Department’s Agency Clerk.

4. In an administrative proceeding, agency jurisdiction ceases to exist when a petition is withdrawn or voluntarily dismissed. Rudloe v. Florida Department of Environmental Regulation, 517 So. 2d 731, 732 (Fla. 1st DCA 1987).
5. This matter is due to be dismissed because the Department's jurisdiction ceased when Mr. Fewless voluntarily dismissed his petition with prejudice.

It is hereby **ORDERED AND ADJUDGED:**

1. Mr. Fewless's Petition is hereby **DISMISSED WITH PREJUDICE**; and
2. This Final Order shall become effective on the date of filing with the Department's Agency Clerk.

DONE and ORDERED on this 24 day of October, 2019.



JONATHAN SATTER, Agency Secretary
Department of Management Services
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Copies Furnished To:

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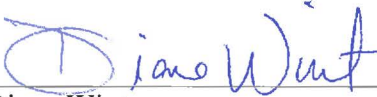
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NOTICE OF RIGHT TO APPEAL

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 the 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 Agency
Clerk of the Department of Management
Services on this 27th day of
October, 2019



Dianc Wint
Agency Clerk