

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

**ANDREW P. SMITH,**

**Petitioner,**

**Final Order No.: DMS-20- 0045  
DOAH Case No. 19-0651**

**vs.**

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

**Respondent.**

\_\_\_\_\_ /

**FINAL ORDER OF DISMISSAL**

**THIS MATTER** comes before the undersigned for the purpose of issuing a Final Order of Dismissal in accordance with the provisions of section 120.569(1), Florida Statutes. Having considered the pleadings and being otherwise fully advised in the premises, the undersigned finds as follows:

1. On May 3, 2018, Andrew P. Smith (“Mr. Smith”) entered a plea to Workers’ Compensation Fraud and Organized Scheme to Defraud, felonies in violation of sections 440.105(b)(5) and 817.034(4)(a)2, Florida Statutes. The felony convictions were connected to Mr. Smith’s employment with the Florida Department of Corrections.

2. On July 6, 2018, Department of Management Services, Division of Retirement (“Department”), issued a Notice of Forfeiture of Retirement Rights and Benefits (“Notice”) to Mr. Smith.

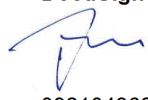
3. On July 30, 2018, Mr. Smith filed a petition with the Department to challenge the forfeiture of his retirement rights and benefits.

4. On December 17, 2018, the Department issued an Amended Notice to Mr. Smith.
5. On January 24, 2019, Mr. Smith, through counsel, filed an amended petition.
6. Respondent referred the matter to the Division of Administrative Hearings on February 5, 2019.
7. On February 25, 2020, Petitioner filed a notice to voluntarily withdraw the petition.
8. On February 26, 2020, Honorable Robert J. Tefler, III, Administrative Law Judge, issued an Order Closing File and Relinquishing Jurisdiction, which closed the Petitioner's file, cancelled the final hearing and relinquished jurisdiction to the Department in this matter.

Having considered the foregoing, it is hereby **ORDERED AND ADJUDGED:**

1. Petitioner's petition for formal administrative hearing is hereby **DISMISSED**; and
2. This Final Order shall become effective on the date of filing with the Agency Clerk of the Department of Management Services.

**DONE and ORDERED** this \_\_\_\_\_ day of 7/28/2020 | 2:43 PM EDT, 2020.

DocuSigned by:  
  
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**JONATHAN SATTER**, Agency Secretary  
Department of Management Services  
4050 Esplanade Way, Suite 285  
Tallahassee, Florida 32399-0950

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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 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.

Certificate of Clerk:

Filed in the office of the Clerk of the  
Department of Management Services  
On this 29th day of July,  
2020.

A handwritten signature in blue ink that reads "Dione Wint". The signature is written in a cursive style and is positioned above a horizontal line.

Agency Clerk