

**STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES**

DAWN JENKINS,

Petitioner,

**Final Order No.: DMS-20-0030
DOAH CASE NO.: 19-1692**

and

TOWN OF MIAMI LAKES,

Intervenor,

vs.

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

Respondent.

_____ /

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 December 20, 2019, a final hearing was held to determine whether the Petitioner, a former employee of the Miami-Dade School Board, violated Florida Administration Code Rule 60S-4.012 when she became re-employed by the Town of Miami Lakes as a volunteer yoga instructor within six months of her Deferred Retirement Option Program (“DROP”). Thereafter, on February 17, 2020, Petitioner 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 March 13, 2019, Petitioner filed a Petition for Administrative Hearing with the Department's Agency Clerk. The matter was subsequently referred to the Division of Administrative Hearings on March 29, 2019.
2. On December 20, 2019, a final hearing was held regarding the matter of whether Petitioner violated Florida Administrative Code Rule 60S-4.012 when she became re-employed as a volunteer yoga instructor within six months of her Deferred Retirement Option Program ("DROP").
3. On February 17, 2020, the Petitioner 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 In an administrative proceeding, agency jurisdiction ceases to exist when a petition is withdrawn or voluntarily dismissed.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 the Petitioner voluntarily dismissed his petition with prejudice.

It is hereby **ORDERED AND ADJUDGED**:

1. The Petitioner'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 6 day of March, 2020.



JONATHAN SATTER, Agency Secretary
Department of Management Services
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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 6th day of
March, 2020

Julie Morales
Diane Wint Deputy Agency Clerk
Agency Clerk