

**STATE OF FLORIDA  
STATE BOARD OF ADMINISTRATION**

JULIE GAFFNEY,	)	
	)	
Petitioner,	)	
	)	
vs.	)	SBA Case No. 2016-3663
	)	DOAH Case No. 16-6928
STATE BOARD OF ADMINISTRATION,	)	
	)	
Respondent.	)	

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**FINAL ORDER OF DISMISSAL**

On January 17, 2017, the Petitioner, Julie Gaffney, and the Respondent, State Board of Administration (“SBA”), filed a Joint Motion for a Recommended Order of Dismissal Based on Withdrawal of Petition (“Joint Motion”) with the Division of Administrative Hearings (“DOAH”). Petitioner had filed her Petition to challenge the SBA’s denial of her request to be placed back into the FRS Pension Plan. Petitioner had defaulted into the Pension Plan in 2008. In 2014, she filed a Second Election Form to transfer to the Investment Plan. Petitioner claimed she had not received documentation that she had been enrolled in the Investment Plan since she had an incorrect mailing address on file. She further indicated that she had received nothing to show how the switch to the Investment Plan could negatively impact her retirement plan account balance, and that she was otherwise misled about the impact of the switch. However, a recording of a telephone call Petitioner made to the MyFRS Financial Guidance Line indicated that the differences between the Pension Plan, the Investment Plan and the Hybrid Plan had been explained during the call. In response to the Joint Motion, DOAH entered, on January 18, 2017, an Order Closing File and Relinquishing Jurisdiction back

to the SBA, which is attached as Exhibit A. The matter is now pending before the Chief of Defined Contribution Programs for final agency action.

**ORDERED**

This Final Order of Dismissal is entered closing this matter based on Petitioner's voluntary withdrawal of her Petition for Hearing that initiated the case. The parties have agreed to cover their own attorneys' fees and costs incurred.

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.

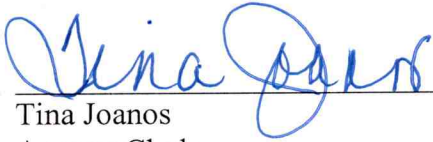
DONE AND ORDERED this 15<sup>th</sup> day of March, 2017, in Tallahassee, Florida.

**STATE OF FLORIDA  
STATE BOARD OF ADMINISTRATION**

Joan B. Haseman

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

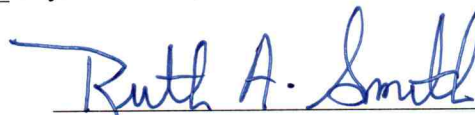
FILED ON THIS DATE PURSUANT TO SECTION 120.52, FLORIDA STATUTES WITH THE DESIGNATED CLERK OF THE STATE BOARD OF ADMINISTRATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED.



Tina Joanos  
Agency Clerk

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Final Order was sent via electronic mail to Mark S. Levine, Esq., Counsel for Petitioner at [Mark@LevineStiversLaw.com](mailto:Mark@LevineStiversLaw.com), and by U.S. Mail to Levine & Stivers LLC, 245 East Virginia Street, Tallahassee, Florida 32301, and by electronic mail to Brian Newman and Brandice Dickson, Esq., at Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., P.O. Box 10095, Tallahassee, Florida 32302-2095, [brian@pennington.com](mailto:brian@pennington.com) and [brandi@pennington.com](mailto:brandi@pennington.com), this 15<sup>th</sup> day of March, 2017.



Ruth A. Smith  
Assistant General Counsel  
State Board of Administration of Florida  
1801 Hermitage Boulevard  
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STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

JULIE GAFFNEY,

Petitioner,

vs.

Case No. 16-6928

STATE BOARD OF ADMINISTRATION,

Respondent.

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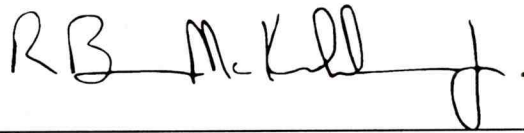
ORDER CLOSING FILE AND RELINQUISHING JURISDICTION

This cause having come before the undersigned on Petitioner and Respondent's Joint Motion for Recommended Order of Dismissal Based on Withdrawal Petition, and the undersigned being fully advised in the premises, it is, therefore,

ORDERED that:

1. The Motion is granted.
2. The final hearing scheduled for February 2, 2017, is canceled.
3. The file of the Division of Administrative Hearings is closed. Jurisdiction is relinquished to the State Board of Administration.

DONE AND ORDERED this 18th day of January, 2017, in  
Tallahassee, Leon County, Florida.



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R. BRUCE MCKIBBEN  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
[www.doah.state.fl.us](http://www.doah.state.fl.us)

Filed with the Clerk of the  
Division of Administrative Hearings  
this 18th day of January, 2017.

COPIES FURNISHED:

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