

**STATE OF FLORIDA
STATE BOARD OF ADMINISTRATION**

JOSHUA PEEBLES,)	
)	
Petitioner,)	
)	
vs.)	SBA Case No. 2018-0190
)	DOAH Case No. 19-1503
STATE BOARD OF ADMINISTRATION,)	
)	
Respondent.)	
)	
_____)	

FINAL ORDER- DISMISSAL OF PETITION AS MOOT

On May 1, 2019, Petitioner, Joshua Peebles, and Respondent, State Board of Administration (“SBA”), filed a Joint Motion to Relinquish Jurisdiction, with the Division of Administrative Hearings (“DOAH”), on the grounds that the parties had amicably resolved the matter. In response, Administrative Law Judge James H. Peterson, III, entered, on May 7, 2019, an Order Closing File and Relinquishing Jurisdiction back to the SBA, which is attached hereto as Exhibit A.

This matter originally began as an informal proceeding pursuant to Section 120.57(2), Florida Statutes, before a presiding officer for the SBA. Petitioner had been employed by two Florida Retirement System (“FRS”) participating employers, although it was not clear during what periods of time Petitioner was actually employed by both employers. One of the positions was not eligible to earn benefits under the FRS. Petitioner terminated employment with the FRS-participating employer from which he was eligible to earn and receive benefits and took a full account distribution. Respondent

determined that the distribution was an invalid, in-service distribution under Section 121.591, Florida Statutes, finding that Petitioner was employed by both employers when the distribution was taken. Respondent gave Petitioner the option either of repaying the invalid distribution or terminating employment with all FRS-participating employers. At first, Petitioner alleged that there was no record evidence to demonstrate that he took an invalid distribution, as no proof was given that he was employed by a second FRS-participating employer at the time of the distribution, or that he had an “employment relationship” with the second FRS-participating employer. The presiding officer issued a Recommended Order on March 13, 2019, finding that there were disputed issues of material fact, and that the case should be transferred to DOAH. The matter was transferred to DOAH on March 18, 2019. Subsequent to the transfer, Petitioner agreed to terminate employment with all FRS-participating employers for a period of six (6) full calendar months, and he further has agreed not to be employed with any FRS employer until the six (6) month disqualification period provided under Section 121.091(9)(d), Florida Statutes elapses. Petitioner’s employers verified he terminated employment, effective June 28, 2019. As such, Petitioner’s matter now is moot. The matter is now pending before the Chief of Defined Contribution Programs for final agency action.

ORDERED

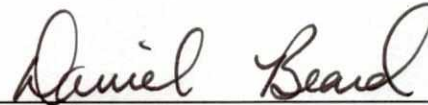
This Final Order of Dismissal is entered, dismissing Petitioner’s petition for hearing, since Petitioner’s matter now is moot.

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.

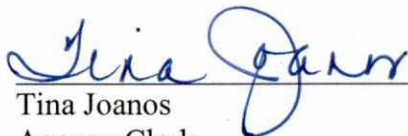
DONE AND ORDERED this 29 day of July, 2019, in Tallahassee, Florida.

**STATE OF FLORIDA
STATE BOARD OF ADMINISTRATION**



Daniel Beard
Chief of Defined Contribution Programs
State Board of Administration
1801 Hermitage Boulevard, Suite 100
Tallahassee, Florida 32308
(850) 488-4406

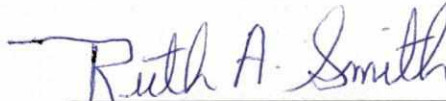
FILED ON THIS DATE PURSUANT TO SECTION 120.52, FLORIDA STATUTES WITH THE DESIGNATED CLERK OF THE STATE BOARD OF ADMINISTRATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED.



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 Sean T. Desmond, Esq., Counsel for Petitioner at sean@dshattorneys.com, and by U.S. Mail to Dudley, Sellers, Healy & Desmond, PLLC, SunTrust Financial Center, 3522 Thomasville Road, #301, Tallahassee, Florida 32309; and by electronic mail to Brian Newman, Esq. and Brandice Dickson, Esq., at Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., P.O. Box 10095, Tallahassee, Florida 32302-2095, brian@pennington.com and brandi@pennington.com, this 29 day of July, 2019.



Ruth A. Smith
Assistant General Counsel
State Board of Administration of Florida
1801 Hermitage Boulevard
Suite 100
Tallahassee, FL 32308

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

JOSHUA PEEBLES,

Petitioner,

vs.

Case No. 19-1503

STATE BOARD OF ADMINISTRATION,

Respondent.

ORDER CLOSING FILE AND RELINQUISHING JURISDICTION

This cause comes before the undersigned on a Joint Motion to Relinquish Jurisdiction filed on May 1, 2019. The undersigned being fully advised in the premises, it is, therefore,

ORDERED that:

1. The motion is granted.
2. The final hearing scheduled for May 20, 2019, 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 7th day of May, 2019, in Tallahassee, Leon County, Florida.



JAMES H. PETERSON, III
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
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Filed with the Clerk of the
Division of Administrative Hearings
this 7th day of May, 2019.

COPIES FURNISHED:

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