

**STATE OF FLORIDA
STATE BOARD OF ADMINISTRATION**

| | | |
|--------------------------------|---|--------------------|
| CYNTHIA MESA, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. 2016-3571 |
| |) | |
| STATE BOARD OF ADMINISTRATION, |) | |
| |) | |
| Respondent. |) | |
| |) | |
| |) | |
| _____ |) | |

FINAL ORDER OF DISMISSAL

On March 11, 2016, the Presiding Officer submitted her Recommended Order of Dismissal to the State Board of Administration in this proceeding. Petitioner was hired by a Florida Retirement System (“FRS”)-participating employer, and was given a deadline of January 29, 2016 at 4:00 p.m. EST to make an initial election between the FRS Pension Plan and the FRS Investment Plan. It initially appeared that there was no record showing that Petitioner had timely made an initial election into the FRS Investment Plan. However, a subsequent examination of Petitioner’s recorded calls to the MyFRS Financial Guidance line did demonstrate that Petitioner had expressed a desire to elect the FRS Investment Plan at 3:46 pm on January 29, 2016, fourteen (14) minutes before her election deadline. As such, her election request is being processed and a hearing is now moot. A copy of the Recommended Order of Dismissal is attached hereto as Exhibit A. The matter is now pending before the Senior Defined Contribution Programs Officer for final agency action.

ORDERED

The Recommended Order of Dismissal (Exhibit A) hereby is adopted in its entirety. The case is moot and the Petitioner's Petition for Hearing hereby is dismissed.

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 12th day of April 2016, in Tallahassee, Florida.

**STATE OF FLORIDA
STATE BOARD OF ADMINISTRATION**



Joan B. Haseman
Senior Defined Contribution Programs Officer
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 Cynthia Mesa, [REDACTED] 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 and brandi@pennington.com, this 12th day of April, 2016.



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

STATE OF FLORIDA
STATE BOARD OF ADMINISTRATION

CYNTHIA MESA

Petitioner,

vs.

CASE NO. 2016-3571

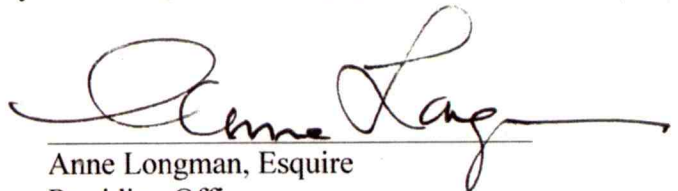
STATE BOARD OF ADMINISTRATION,

Respondent.

RECOMMENDED ORDER OF DISMISSAL

Respondent in the above-referenced matter by Motion to Dismiss of March 11, 2016, states that Petitioner will be granted the relief sought in her Petition. I therefore recommend that the instant Petition be dismissed.

DONE AND ENTERED this 15th day of March, 2016 in Tallahassee, Leon County, Florida.



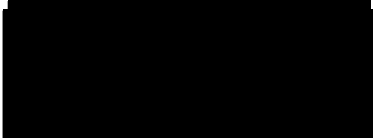
Anne Longman, Esquire
Presiding Officer
For the State Board of Administration
Lewis, Longman & Walker, P.A.
315 South Calhoun Street, Suite 830
Tallahassee, FL 32301-1872
alongman@llw-law.com

Filed via electronic delivery with:
Agency Clerk
Office of the General Counsel
Florida State Board of Administration
1801 Hermitage Boulevard, Suite 100
Tallahassee, FL 32308

Tina.joanos@sbafla.com
Mini.watson@sbafla.com
(850)488-4406

COPIES FURNISHED via mail and electronic mail to:

Cynthia Mesa



Petitioner

and via electronic mail only to:

Brian A. Newman, Esquire
Brandice D. Dickson, Esquire
Pennington, P.A.
215 S. Monroe Street, Suite 200
Tallahassee, Florida 32301
slindsey@penningtonlaw.com

Counsel for Respondent