

**STATE OF FLORIDA  
STATE BOARD OF ADMINISTRATION**

NAKIS TONY,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 2012-2332
	)	
STATE BOARD OF ADMINISTRATION,	)	
	)	
Respondent.	)	
	)	
	)	
_____	)	

**FINAL ORDER**

On February 23, 2012, the presiding officer submitted her Recommended Order of Dismissal to the State Board of Administration in this proceeding. A copy of the Recommended Order of Dismissal indicates that copies were served upon the pro se Petitioner, Nakis Tony, and upon counsel for the Respondent. A copy of the presiding officer's 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 Petitioner's Petition for Hearing 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 18<sup>th</sup> day of May 2012, in Tallahassee, Florida.

**STATE OF FLORIDA  
STATE BOARD OF ADMINISTRATION**



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Ron Poppell, 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.



Clerk

TINA JOANOS

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Final Order was sent by UPS to Nakis Tony, pro se, [REDACTED], and by U.S. Mail to Brian Newman and Brandice Dickson, Esq., at Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., P.O. Box 10095, Tallahassee, Florida 32302-2095, this 18th day of May, 2012.



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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

NAKIS T. TONY,

Petitioner,

vs.

STATE BOARD OF ADMINISTRATION,

Respondent.

Case No.: 2012-2332

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**RECOMMENDED ORDER OF DISMISSAL**

THIS MATTER came before the undersigned presiding officer on the Motion to Dismiss filed by Respondent, State Board of Administration ("SBA"). After having reviewed the motion and heard argument of the parties at a duly-noticed telephonic hearing on February 22, 2012, I recommend that the petition be dismissed for the following reasons:


1. The petition alleges that the SBA violated a divorce agreement executed by Mr. Tony and his former wife.
2. An amended Qualified Domestic Relations Order Concerning a Pension Account with the Florida Retirement System Pension Plan (FRS Pension Plan)("QDRO") was issued by Circuit Court Judge Robert W. Hodges on November 16, 2011. Mr. Nakis contends that the QDRO violates the Joint Stipulation and Property Settlement Agreement he entered into on November 5, 2008 with his ex-wife, which was approved by the circuit court having jurisdiction over their divorce action.
3. Paragraph 10 of the November 16, 2011 QDRO issued by Judge Hodges provides in pertinent part that "...this court expressly reserves jurisdiction over the dissolution proceeding involving the member, the alternate payee, and the member's interest in the Plan." Accordingly,

the jurisdiction to correct any error in the QDRO and to determine whether the distribution to the alternate payee comports with the Joint Stipulation and Property Settlement Agreement remains in the circuit court.

**RECOMMENDATION**

Based on the foregoing, it is hereby RECOMMENDED, that the Respondent, State Board of Administration, enter a final order dismissing the Petition filed by Nakis Tony, without prejudice to refile should Petitioner become aware of facts indicating that Respondent SBA did not accurately implement the provisions of the QDRO of November 16, 2011, which does not appear to be the case based on the allegations of the Petition currently before me.

DONE AND ORDERED at Tallahassee, Leon County, Florida, and this 23<sup>d</sup> day of February, 2012.



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

Filed with:  
Agency Clerk  
Office of the General Counsel  
Florida State Board of Administration  
1801 Hermitage Boulevard, Suite 100  
Tallahassee, Florida 32308  
(850) 488-4406



This 23<sup>d</sup> day of February, 2012.

Copies furnished to:

Nakis T. Tony



Petitioner

Brian A. Newman, Esquire  
Brandice D. Dickson  
Pennington, Moore, Wilkinson Bell & Dunbar  
Post Office Box 10095  
Tallahassee, FL 32302-2095  
Attorneys for Respondent

A handwritten signature in cursive script, appearing to read "Alme Long", written over a horizontal line.