

**STATE OF FLORIDA
STATE BOARD OF ADMINISTRATION**

CHARLES KRININGER, III)
)
 Petitioner,)
)
vs.)
)
STATE BOARD OF ADMINISTRATION,)
)
 Respondent.)
_____)

DOAH Case No. 18-6295

FINAL ORDER OF DISMISSAL

On February 15, 2019, the Petitioner, Charles Krininger, III, filed an Unopposed Motion to Withdraw Petition for Administrative Hearing (“Unopposed Motion”) with the Division of Administrative Hearings (“DOAH”). Petitioner had filed his Petition to challenge the SBA’s Notice of Forfeiture of Retirement Benefits, dated October 29, 2018, that advised Petitioner that since he had pled Nolo Contendere to a felony crime that was connected to his public employment, he had violated Section 112.3173, Florida Statutes, that allows for forfeiture of the right to public retirement benefits. In response to the Unopposed Motion, Administrative Law Judge D.R. Alexander entered, on February 18, 2019, 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 dismissing the Petitioner's protest to the forfeiture, based on Petitioner's voluntary withdrawal of his Petition for Hearing that initiated the case.

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 25th day of February, 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 H.B. Stivers, Esq., Counsel for Petitioner at HB@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 and brandi@pennington.com, this 25th day of February, 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

CHARLES KRININGER, III,

Petitioner,

vs.

Case No. 18-6295

STATE BOARD OF ADMINISTRATION,

Respondent.

ORDER CLOSING FILE AND RELINQUISHING JURISDICTION

This cause having come before the undersigned on Petitioner's Unopposed Motion to Withdraw Petition for Administrative Hearing, and the undersigned being fully advised in the premises, it is, therefore,

ORDERED that:

1. Petitioner's motion is granted.
2. The final hearing scheduled for March 26 and 27, 2019, is canceled.
3. The file of the Division of Administrative Hearings is closed. Jurisdiction is relinquished to the agency.

DONE AND ORDERED this 18th day of February, 2019, in Tallahassee, Leon County, Florida.

D. R. Alexander

D. R. ALEXANDER
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

Filed with the Clerk of the
Division of Administrative Hearings
this 18th day of February, 2019.

COPIES FURNISHED:

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

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