

**STATE OF FLORIDA
STATE BOARD OF ADMINISTRATION**

JOSEPH R. JOHNSON,)	
)	
Petitioner,)	
)	SBA Case No. 2020-0049
vs.)	
)	
STATE BOARD OF ADMINISTRATION,)	
)	
Respondent.)	
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FINAL ORDER OF DISMISSAL

On May 7, 2020, the presiding officer submitted her Recommended Order of Referral to Division of Administrative Hearings (hereafter “Order”) to the Respondent, State Board of Administration (“SBA”), a copy of which is attached as Exhibit A. The Order states that the presiding officer recommends that the matter be transferred to the Division of Administrative Hearings (“DOAH”) for a formal proceeding pursuant to Section 120.57(1), Florida Statutes, due to certain assertions made by the Petitioner that suggest the existence of disputed issues of material fact. *See*, Section 120.569(1), Florida Statutes. However, subsequent to the issuance of the Order, Petitioner submitted an email requesting that all further proceedings regarding his matter be “terminated” (Exhibit B). The matter is now pending before the Chief of Defined Contribution Programs for final agency action.

ORDERED

The Recommended Order of Referral to Division of Administrative Hearings is rejected its entirety based on Petitioner’s voluntary withdrawal of his Petition for Hearing

that initiated the case. Petitioner's matter hereby is dismissed by the entry of this Final Order of Dismissal.

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 11th day of June, 2020, 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 Joseph R. Johnson, pro se, both by email transmission to [REDACTED]; and by email transmission to Deborah Minnis, Esq., dminnis@ausley.com and Ruth Vafek rvafek@ausley.com, jmcvaney@ausley.com, Ausley & McMullen, P.A., 123 South Calhoun Street, P.O. Box 391, Tallahassee, Florida 32301, this 11th day of June, 2020.



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**

JOSEPH R. JOHNSON,

Petitioner,

vs.

CASE NO. 2020-0049

STATE BOARD OF ADMINISTRATION,

Respondent.

**RECOMMENDED ORDER OF REFERRAL TO DIVISION OF ADMINISTRATIVE
HEARINGS**

By Petition for Hearing of February 17, 2020, Joseph R. Johnson complained that: "Without notice, my pension plan was defaulted into the investment plan." At an informal hearing convened on March 30, 2020 pursuant to Section 120.57(2), Florida Statutes, Petitioner stated at the outset that he thought he had requested a formal hearing. His letter of February 17, 2020 to the Office of Defined Contribution Programs, Florida State Board of Administration (SBA) does contain that express language. Respondent SBA asserts that there is no dispute of material fact in this case. I proceeded with the hearing in order to assess whether such a dispute exists. It does appear that multiple notices of various types were directed to Petitioner, but he asserts that he either did not receive the notices, that the notices were not adequate, or that the notices did not specifically address his situation.

In light of these assertions, I recommend that Respondent SBA refer this matter to the Division of Administrative Hearings for a formal proceeding pursuant to Section 120.57(1) Florida Statutes to resolve alleged disputed issues of material fact. Section 120.569(1), Florida Statutes.

RESPECTFULLY SUBMITTED this 7th day May, 2020.

/s/ Anne Longman
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 via electronic delivery with:
Agency Clerk
Office of the General Counsel
Florida State Board of Administration
1801 Hermitage Blvd., Suite 100
Tallahassee, FL 32308
Tina.joanos@sbafla.com
mini.watson@sbafla.com
Nell.Bowers@sbafla.com
Ruthie.Bianco@sbafla.com
Allison.Olson@sbafla.com
(850) 488-4406

COPIES FURNISHED via
electronic mail to:

Joseph R. Johnson



Petitioner

Deborah Minnis, Esquire
Ruth Vafek, Esquire
123 South Calhoun Street
P.O. Box 391
Tallahassee, Florida 32301
dminnis@ausley.com
rvafek@ausley.com
jmcvaney@ausley.com
Counsel for Respondent

From: [REDACTED]
Sent: Friday, May 8, 2020 8:51 AM
To: dminnis@ausley.com
Cc: Allison Olson
Subject: Termination of Continued Hearingslm 2020-0049
Attachments: Alison Olson- E-Mail Regarding No Costs or Penalties for Hearing.pdf

Ms. Minnis,

As per our conversation this morning, due to the great deal of stress it causes me, the negative overtones toward my arguments in the Order referring this matter to a formal review hearing, and the assurances from Allison Olson that there were no costs or penalties associated with my proceeding with the previous hearing, I wish to terminate any further proceedings in this matter.

I have attached the February e-mail exchange with Ms. Olson in which I asked her if there were any costs or penalties associated with having a hearing and she assured me there were no costs or penalties.

Please send me an e-mail confirming the termination of this matter with no costs or penalties.

Sincerely,

Joseph R. Johnson
[REDACTED]

EXHIBIT B

From: Allison.Olson@sbafla.com,
To: [REDACTED]
Subject: RE: Florida Retirement System
Date: Fri, Feb 14, 2020 7:43 am

Good morning, Mr. Johnson.

There is no cost to have the hearing, either in a formal or informal setting. However, you are responsible for your own costs, such as travel and if you have legal representation.

Please let me know if you have any other questions.

Allison Olson

Director of Policy, Risk Management and Compliance

Office of Defined Contributions Programs

State Board of Administration of Florida

1801 Hermitage Blvd., Ste. 100

Tallahassee, FL 32308

T: (850) 413-1499 | F: (850) 413-1489

Allison.Olson@sbafla.com

From: Joseph R. Johnson <[REDACTED]>
Sent: Thursday, February 13, 2020 9:48 PM
To: Allison Olson <Allison.Olson@sbafla.com>
Subject: Re: Florida Retirement System

Is there any potential cost or penalty for doing either a formal or informal appeal? If there is, I may not proceed with the appeal.

Joe Johnson

Sent from my iPhone

On Feb 13, 2020, at 3:23 PM, Allison Olson <Allison.Olson@sbafla.com> wrote:

Good afternoon, Mr. Johnson.

This is a follow-up to our telephone conversation today, February 13, 2020, regarding your second election to transfer from the Investment Plan to the Pension Plan. Based on our conversation, you have requested that your second election to transfer to the Pension Plan be rescinded.

Please see the attached Release regarding your Florida Retirement System account and return the Release to me via one of the methods listed on the Release. Once you have returned the Release to Rescind Election, it will be signed by Daniel Beard and processed.

Should you have any additional questions, please feel free to contact me at (850) 413-1499.

Thank you.

Allison Olson

Director of Policy, Risk Management and Compliance

Office of Defined Contributions Programs

State Board of Administration of Florida

1801 Hermitage Blvd., Ste. 100

Tallahassee, FL 32308

T: (850) 413-1499 | F: (850) 413-1489

Allison.Olson@sbafla.com

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Additionally, please note that Florida has a very broad public records law. This communication (including your email address, any attachments and other email contents) may be subject to disclosure to the public and media.

<Release to Rescind - 2nd Election.pdf>