

**STATE BOARD OF ADMINISTRATION  
OF FLORIDA**

MICHAEL DINGMAN,

Petitioner,

vs.

DOAH Case No. 24-4074

SBA Case No. 2017-0274

STATE BOARD OF ADMINISTRATION,

Respondent.

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**FINAL ORDER**

On August 27, 2025, the Administrative Law Judge (ALJ) submitted her Recommended Order to the State Board of Administration of Florida (SBA) in this proceeding. The Recommended Order indicates that copies were served upon the counsel for Petitioner, and upon counsel for the Respondent. Exceptions were due on September 11, 2025. No exceptions were filed. A copy of the Recommended Order is attached hereto as Exhibit A. The matter is now pending before the Chief of Defined Contribution Programs for final agency action.

**STATEMENT OF THE ISSUE**

The Statement of the Issue as set forth in the ALJ's Recommended Order is adopted in its entirety.

**PRELIMINARY STATEMENT**

The Preliminary Statement as set forth in the ALJ's Recommended Order is adopted in its entirety.

**STANDARDS OF AGENCY REVIEW OF RECOMMENDED ORDERS**

An agency may not reject or modify the findings of fact in a recommended order in a

final order “unless the agency first determines from a review of the entire record, and states with particularity in the order, that the findings were not based upon competent substantial evidence . . . .” § 120.57(1)(I), Fla. Stat. *See also Dunham v. Highlands Cty. Sch. Bd.*, 652 So. 2d 894, 896 (Fla. 2d DCA 1995); *Dietz v. Fla. Unemployment Appeals Comm’n*, 634 So. 2d 272, 273 (Fla. 4th DCA 1994); *Fla. Dep’t of Corr. v. Bradley*, 510 So. 2d 1122, 1123 (Fla. 1st DCA 1987). The Florida Supreme Court has defined “competent substantial evidence” to mean “such evidence sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached.” *De Groot v. Sheffield*, 95 So. 2d 912, 916 (Fla. 1957). An agency reviewing a recommended order may not “weigh the evidence presented, judge credibility of witnesses, or otherwise interpret the evidence.” *Walker v. Bd. of Prof’l Eng’rs*, 946 So. 2d 604, 605 (Fla. 1st DCA 2006) (quoting *Heifetz v. Dep’t of Bus. & Prof’l Regulation*, 475 So. 2d 1277, 1281 (Fla. 1st DCA 1985)). Thus, if the record discloses any competent substantial evidence supporting a finding of fact in the recommended order, the final order will be bound by such factual finding.

Pursuant to section 120.57(1)(I), Florida Statutes, however, a reviewing agency has the general authority to “reject or modify the conclusions of law over which it has substantive jurisdiction and interpretation of administrative rules over which it has substantive jurisdiction.” When rejecting or modifying any conclusion of law, the reviewing agency must state with particularity its reasons for the rejection or modification and further must make a finding that the substituted conclusion of law is as reasonable, or more reasonable, than that which was rejected or modified. § 120.57(1)(I), Fla. Stat.

Florida courts have consistently applied the “substantive jurisdiction limitation” to prohibit an agency from modifying conclusions of law that are outside of the agency’s

substantive jurisdiction. *See Deep Lagoon Boat Club, Ltd. v. Sheridan*, 784 So. 2d 1140, 1141-42 (Fla. 2d DCA 2001); *Barfield v. Dep't of Health*, 805 So. 2d 1008, 1011 (Fla. 1st DCA 2001). Conclusions of law that are based upon the administrative law judge's application of legal concepts, such as collateral estoppel and hearsay, are in the purview of the administrative law judge.

### **FINDINGS OF FACT**

The State Board of Administration adopts and incorporates in this Final Order the Findings of Fact set forth in the Recommended Order as if fully set forth herein.

### **CONCLUSIONS OF LAW**

The State Board of Administration adopts and incorporates in this Final Order the Conclusions of Law set forth in the Recommended Order as if fully set forth herein.

### **ORDERED**

The Recommended Order is hereby adopted in its entirety. Petitioner is a member of the Florida Retirement System Investment Plan. Petitioner entered a plea of nolo contendere to one count of Tampering with Evidence and one count of Felony Use of a Two-Way Communication Device after he recorded video on his personal cellular phone of a mass shooting, while he was on duty as a law enforcement officer for the Broward County Sheriff's Office. He then sent the video to a media outlet. As to the count of tampering with evidence, petitioner pled nolo contendere to the charge that he altered or concealed the cellular phone in connection with the criminal investigation regarding the release of the video.

Section 112.3173(3), Florida Statutes, states that a public officer or employee who is convicted of a specified offense committed prior to retirement shall forfeit all rights and benefits under any public retirement system of which he or she is a member, except for the

return of his or her accumulated contributions. “Specified offense” is defined in the statute and includes a “catch-all” provision in section 112.3173(2)(e)6., Florida Statutes:

The committing of any felony by a public officer or employee who, willfully and with intent to defraud the public or the public agency for which the public officer or employee acts or in which he or she is employed of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position . . . .

The SBA agrees that Petitioner met all of the elements in the catch-all provision. Petitioner was a public employee convicted of a “specified offense” prior to his retirement; therefore, Petitioner has forfeited all the rights and benefits he possessed by virtue of his Florida Retirement System Investment Plan account, except for the amount of his accumulated employee contributions as of the date of his termination of employment.

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 of Florida in the Office of the General Counsel, State Board of Administration of Florida, 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 21<sup>st</sup> day of November, 2025, in Tallahassee, Florida.

STATE OF FLORIDA  
STATE BOARD OF ADMINISTRATION  
OF FLORIDA

A handwritten signature in blue ink, appearing to read "Daniel Beard", written over a horizontal line.

Daniel Beard  
Chief of Defined Contributions Programs  
State Board of Administration of Florida  
1801 Hermitage Boulevard, Suite 100  
Tallahassee, FL 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.

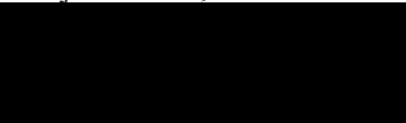
A handwritten signature in blue ink, appearing to read "Hillary Eason", written over a horizontal line.

Hillary Eason  
Agency Clerk

**CERTIFICATE OF SERVICE**

I CERTIFY that a true and correct copy of the foregoing Final Order was served this 21<sup>st</sup> day of November, 2025, by mail and electronic mail to the following:

Tonja Haddad Coleman, Esq.  
Tonja Haddad, PA



*Counsel for Petitioner*

Add by email only to:

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*Counsel for Respondent*

A handwritten signature in blue ink, appearing to read "Brittany Adams Long", with a horizontal line underneath.

Brittany Adams Long  
Assistant General Counsel  
State Board of Administration of Florida  
1801 Hermitage Boulevard, Suite 100  
Tallahassee, FL 32308

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

MICHAEL DINGMAN,

Petitioner,

vs.

Case No. 24-4074

STATE BOARD OF  
ADMINISTRATION,

Respondent.

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**RECOMMENDED ORDER**

The final hearing in this matter was conducted before Administrative Law Judge Jodi-Ann V. Livingstone of the Division of Administrative Hearings (DOAH) on June 17, 2025, in a hybrid hearing with participants appearing in-person in Lauderdale Lakes, Florida, and by video through Zoom Conference.

**APPEARANCES**

For Petitioner:     Tonja Haddad Coleman, Esquire  
                              Tonja Haddad, PA



For Respondent:    Rex D. Ware, Esquire  
                              Jonathan W. Taylor, Esquire  
                              Law Offices of Moffa, Sutton & Donnini, P.A.  
                              3500 Financial Plaza, Suite 330  
                              Tallahassee, Florida 32312

**STATEMENT OF THE ISSUE**

The issue in this case is whether Michael Dingman (Petitioner or Mr. Dingman) forfeited his Florida Retirement System (FRS) Investment Plan benefits, pursuant to section 112.3173, Florida Statutes, by pleading

nolo contendere to tampering with evidence and unlawful use of a two-way communications device, both third-degree felonies.

### PRELIMINARY STATEMENT

By letter dated October 1, 2024, the State Board of Administration (Respondent or SBA) advised Petitioner that his rights and benefits under the FRS Investment Plan were forfeited as a result of pleas of nolo contendere in the circuit court in and for Broward County, Florida, for acts committed while employed with the Broward County Sheriff's Office (BSO). Petitioner timely filed an FRS Investment Plan Petition for Hearing (Petition). On November 1, 2024, Respondent transmitted the Petition to DOAH for the assignment of an Administrative Law Judge to conduct a chapter 120 hearing.

On March 17, 2025, Respondent filed SBA's Motion for Official Recognition. On March 28, 2025, the undersigned issued an Order Granting Official Recognition. *See* § 120.57(1)(f)3., Fla. Stat.

The parties filed a Joint Pre-Hearing Stipulation that contained stipulated facts for which no further proof would be necessary. Those stipulated facts have been incorporated into the Findings of Fact below, to the extent relevant.

The parties were present at the final hearing. Petitioner did not present witnesses or offer exhibits at the final hearing. Respondent presented the testimony of Valendia N. Still (Ms. Still) and Mr. Dingman. Respondent's Exhibits 1 through 16 were admitted into evidence.

At the close of the hearing, the parties requested a period of 30 days following DOAH's receipt of the hearing transcript to file post-hearing



submittals. The one-volume final hearing Transcript was filed on June 30, 2025. The parties timely filed Proposed Recommended Orders (PROs). Both PROs have been duly considered in preparing this Recommended Order.

All references to statutes are to the 2024 versions of the Florida Statutes, unless otherwise noted.

### FINDINGS OF FACT

1. Mr. Dingman has worked as a law enforcement officer with BSO since 1996. Mr. Dingman is considered a public employee.

2. As a BSO employee, Mr. Dingman participated in, and received benefits from, the FRS Investment Plan.

3. As a public employee, Mr. Dingman was required to take the following oath, as set forth in section 876.05(1), Florida Statutes:

I, , a citizen of the State of Florida and of the United States of America, and being employed by or an officer of and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

4. As a law enforcement officer with BSO, Mr. Dingman was subject to the policies and procedures of BSO's Policy Manual (the Manual). The Manual "represents the Sheriff's formal written statement of BSO policies and procedures." The Manual also contains BSO's standards of conduct which intend to "govern employee conduct while facilitating BSO goals and objectives."

5. The Manual requires BSO employees to obey Florida laws, prohibits employees from tampering with evidence, and prohibits employees from disseminating confidential information.

6. On January 6, 2017, a mass shooting occurred at the Fort Lauderdale-Hollywood International Airport located in Fort Lauderdale, Florida. BSO initiated an investigation into the shooting.

7. On January 8, 2017, Mr. Dingman, while on duty as a law enforcement officer for the BSO, viewed security footage of the mass shooting event on January 6, 2017. While viewing the security footage, Mr. Dingman recorded some of the video footage on his personal cellular phone.

8. On the same day—January 8, 2017—Mr. Dingman sent the video footage he recorded to the media outlet, TMZ. TMZ aired the footage of the shooting.

9. After the video footage aired, BSO initiated a criminal investigation into the release of the video.

10. During the investigation, Mr. Dingman admitted to the lead detective that he had "made a huge mistake."

11. On August 15, 2017, a warrant was issued for Mr. Dingman's arrest. On September 22, 2017, the State Attorney for the Seventeenth Judicial Circuit of Florida filed an Information charging Mr. Dingman with the following crimes: tampering with evidence, felony use of a two-way communication device, public records violation, and criminal use of a public record.

12. The Information set forth the following allegations associated with each of the four counts:

a. Count I—Tampering with Evidence:

Michael Dingman, did then and there alter, destroy, conceal or remove any record, document, to-wit: a cellular phone, with the purpose to impair its verity or availability in a criminal trial, proceeding or investigation by a duly constituted prosecuting authority or law enforcement agency of this state, knowing that said proceeding or investigation was pending or was about to be instituted, contrary to F.S. 918.13(1)(a) and F.S. 918.13(2), (L3).

b. Count II—Felony Use of a Two-Way Communication Device:

Michael Dingman, did then and there use a two-way communication device, to-wit: a cellular telephone, to facilitate or further the commission of a felony offense(s), to-wit: Tampering with Evidence (F.S. 918.13) and/or Disclosure of Confidential Information (F.S. 838.21), in violation of F.S. 934.215.

c. Count III—Public Records Violation:

Michael Dingman, a Public Servant, to-wit: a Broward County Sheriff's Office Deputy, did then and there willfully and knowingly disclose information that was not subject to public records due to an ongoing criminal investigation in that said video was exempt under F.S. 119.07(1) and F.S. 119.071(2)(c), to-wit: surveillance video of terrorist shooting at the Fort Lauderdale airport, in violation of F.S. 119.10(1)(b), F.S. 119.10(2)(a) and F.S. 119.07.

d. Count IV—Criminal Use of a Public Record:

Michael Dingman, knowingly use information obtainable only through such public record to facilitate or further the commission of a Public Record Violation, in violation of F.S. 817.569.

13. For Count I, Mr. Dingman was charged with tampering with his cellular phone in an effort to impede the investigation into the release of the video to TMZ. For Count II, Mr. Dingman was charged with using his cellular phone to facilitate the commission of felonies, specifically: a violation of section 838.21, Florida Statutes, by disclosing confidential information through transmission of the video, and/or a violation of section 918.13, Florida Statutes, by tampering with evidence, by altering or concealing the cellular phone in connection with the criminal investigation concerning the release of the video.

14. On or about August 12, 2024, in the Broward County Circuit Court, Case No. 17-9672CF10A, Mr. Dingman pleaded nolo contendere to tampering

with or fabricating physical evidence, a third-degree felony, in violation of section 918.13(1)(a) and (2); and unlawful use of a two-way communications device, a third-degree felony, in violation of section 934.215, Florida Statutes. Adjudication was withheld for both counts.

15. On October 1, 2024, SBA issued a "Notice of Forfeiture of Retirement Benefits" notifying Mr. Dingman that he violated the provisions of section 112.3173 and that his rights and benefits under the FRS Investment Plan had been forfeited as a result of the pleas of nolo contendere for acts committed while employed with BSO.

16. Ms. Still, SBA's director of policy, risk management, and compliance, testified about SBA's position as to why Mr. Dingman violated section 112.3173. When asked whether Mr. Dingman's conduct was committed for purposes of profit, gain, or advantage to himself or another, Ms. Still testified as follows:

A. Just -- I, of course, can't read Mr. Dingman's mind for why he provided that information to TMZ. Maybe it was, you know, to help solve the case or to help it look good -- I don't really know. But if providing it was against policy for the agency, you would do that to get something. But I can't speak to what his mindset was when he did that.

#### Ultimate Findings of Fact

17. The competent, substantial evidence presented establishes that Mr. Dingman, a public employee, pleaded nolo contendere to two felonies while he was employed by BSO.

18. The felonies Mr. Dingman committed are both related to the release of the video footage to TMZ—footage he had access to because of his employment with BSO. Mr. Dingman's release of the video to TMZ and tampering with his personal cellular phone to prevent criminal accountability for his actions, willfully and intentionally violated his duties as a public servant.

### CONCLUSIONS OF LAW

19. DOAH has jurisdiction over the parties and the subject matter of this cause pursuant to sections 120.569 and 120.57(1), Florida Statutes.

20. FRS is a public retirement system and, as such, SBA's proposed action to forfeit Petitioner's FRS benefits is subject to administrative review. § 112.3173(5)(a), Fla. Stat.

21. The burden of proof in an administrative proceeding, absent a statutory directive to the contrary, is on the party asserting the affirmative of the issue. *Dep't of Transp. v. J.W.C. Co.*, 396 So. 2d 778 (Fla. 1st DCA 1981); *see also Dep't of Banking & Fin., Div. of Sec. & Investor Prot. v. Osborne Stern & Co.*, 670 So. 2d 932, 935 (Fla. 1996). In the instant case, SBA bears the burden of proof because it is asserting that Mr. Dingman forfeited his rights and benefits, because of his pleas to felonies. The standard of proof is the preponderance of the evidence standard. § 120.57(1)(j), Fla. Stat.

22. Section 8 of Article II of the Florida Constitution, entitled "Ethics in government," states, in pertinent part, as follows:

A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

\* \* \*

(d) Any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan in such manner as may be provided by law.

23. Section 112.312(3) defines "[b]reach of the public trust" as:

[A] violation of a provision of the State Constitution or this part which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between public duties and private interests, including, without limitation, a violation of s. 8, Art. II of the State Constitution or of this part.

24. Section 112.3173 implements Article II, section 8 of the Florida Constitution, and sets out in pertinent part:

**Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits.—**

(1) INTENT.—It is the intent of the Legislature to implement the provisions of s. 8(d), Art. II of the State Constitution.

(2) DEFINITIONS.—As used in this section, unless the context otherwise requires, the term:

(a) "Conviction" and "convicted" mean an adjudication of guilt by a court of competent jurisdiction; a plea of guilty or of nolo contendere; a jury verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation; or a conviction by the Senate of an impeachable offense.

(b) "Court" means any state or federal court of competent jurisdiction which is exercising its jurisdiction to consider a proceeding involving the alleged commission of a specified offense.

(c) "Public officer or employee" means an officer or employee of any public body, political subdivision, or public instrumentality within the state.

(d) "Public retirement system" means any retirement system or plan to which the provisions of part VII of this chapter apply.

(e) "Specified offense" means:

\* \* \*

4. Any felony specified in chapter 838, except ss. 838.15 and 838.16.

\* \* \*

6. The committing of any felony by a public officer or employee who, willfully and with intent to defraud the public or the public agency for which the public officer or employee acts or in which he or she is employed of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position; or

(3) FORFEITURE.—Any public officer or employee who is convicted of a specified offense committed prior to retirement, or whose office or employment is terminated by reason of his or her admitted commission, aid, or abetment of a specified offense, shall forfeit all rights and benefits under any public retirement system of which he or she is a member, except for the return of his or her accumulated contributions as of the date of termination.

25. A public employee who is convicted of a specified offense committed before retirement breaches the public trust and forfeits all benefits and rights under FRS, except accumulated contributions. § 112.3173(3), Fla. Stat.

26. Petitioner, a public employee, pleaded nolo contendere to tampering with or fabricating physical evidence, a third-degree felony, in violation of section 918.13(1)(a) and (2); and unlawful use of a two-way communications device, a third-degree felony, in violation of section 934.215. His pleas of nolo contendere are considered "convictions" pursuant to section 112.3173(2)(a).

27. Section 112.3173(2)(e)6. is "sometimes referred to as the catch-all provision because it does not identify a specific crime." *Houston v. City of Tampa Firefighters and Police Officers' Pension Fund Bd. of Trustees*, 303 So. 3d 233, 237 (Fla. 2d DCA 2020). The catch-all provision applies when the conduct at issue:

(1) constitutes a felony, (2) is committed by a public employee, (3) is done willfully and with intent to defraud the public or the public employer of its right to the employee's faithful performance, (4) is done to obtain a profit, gain, or advantage for the employee or some other person, and (5) is done through the use or attempted use of the power, rights, privileges, duties, or position of the employee's employment.

*Id.* at 237.

28. SBA argues that Petitioner committed specified offenses that meet the catch-all provision.

29. There is no dispute that the first and second elements of the catch-all provision are met. For the purposes of section 112.373, the crimes Petitioner committed were felonies and Petitioner was a public employee at the time the crimes occurred. Petitioner disputes the third, fourth, and fifth elements.

30. The third element of the catch-all provision provides that the act must be "done willfully and with intent to defraud the public or the public employer of its right to the employee's faithful performance."

§ 112.3173(2)(e)6., Fla. Stat. Petitioner contends that the crimes do not meet the terms of this catch-all provision because SBA did not establish intent.

31. SBA is not required to re-prove that Mr. Dingman committed the specified offense. *Hale v. State Bd. of Admin.*, 360 So. 3d 817, 822 (Fla. 1st DCA 2023) ("Section 112.3173(2)(e) 6. does not require the SBA to re-prove the specified offense. An agency is only required to prove that a person has been convicted of a specified offense. See § 112.3173(2)(a), (3), Fla. Stat. So long as the person is convicted of a felony based on acts committed during his or her public employment, and the conduct meets the other requirements in section 112.3173(2)(e)6., the person has committed a "specified offense" requiring forfeiture of retirement rights and benefits.").



32. One of the crimes to which Petitioner pleaded nolo contendere is section 918.13, which is set forth, in full, below:

**918.13 Tampering with or fabricating physical evidence.—**

(1) It is unlawful for any person, knowing that a criminal trial, proceeding, or investigation by a duly constituted prosecuting authority, law enforcement agency, grand jury, or legislative committee of this state is pending or is about to be instituted, to:

(a) Alter, destroy, conceal, or remove any record, document, or other item with the purpose to impair its verity or availability in such proceeding or investigation; or

(b) Make, present, or use any record, document, or other item, knowing it to be false.

(2)(a) Except as provided in paragraph (b), a person who violates subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who violates subsection (1) relating to a criminal trial, proceeding, or investigation that relates to a capital felony commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

33. A person may only be convicted of tampering with evidence in circumstances where the person has the specific intent to destroy or conceal evidence to such an extent that it is unavailable for trial or investigation. *E.I. v. State*, 25 So. 3d 626, 628 (Fla. 2d DCA 2009).

34. Petitioner also pleaded nolo contendere to a violation of section 934.215, which is set forth in full below:

Any person who uses a two-way communications device, including, but not limited to, a portable two-way wireless communications device, *to facilitate or further the commission of any felony offense* commits

a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Emphasis added).

35. The felony offenses that Petitioner was found to have facilitated or furthered were violations of section 918.13 and/or section 838.21. Section 918.13 is set forth above, and section 838.21 is stated below:

**Disclosure or use of confidential criminal justice information.**—It is unlawful for a public servant, with intent to obstruct, impede, or prevent a criminal investigation or a criminal prosecution, to disclose active criminal investigative or intelligence information as defined in chapter 119 or to disclose or use information regarding either the efforts to secure or the issuance of a warrant, subpoena, or other court process or court order relating to a criminal investigation or criminal prosecution when such information is not available to the general public and is gained by reason of the public servant's official position. Any person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

36. The crime of felony use of a two-way communications device requires intent. The undersigned finds that Mr. Dingman's use of his cellular phone to disclose confidential information to TMZ and his actions of tampering with his cellular phone to facilitate or further the commission of a felony, were done willfully and with intent to defraud BSO of its right to his faithful performance.

37. The commission of the crimes of tampering with evidence and unlawful use of a two-way communications device are violations of BSO's standards of conduct as set forth in its Manual. Violating the standards of conduct, as evidenced by the criminal pleas, defrauds BSO of the faithful performance of Mr. Dingman's duty.

38. The fourth element requires proof that the act was "done to obtain a profit, gain, or advantage for the employee or other person."

§ 112.3173(2)(e)6., Fla. Stat. Petitioner claims that SBA did not demonstrate that he received a benefit or advantage. SBA's witness, Ms. Still, admitted SBA could not determine Petitioner's mindset when he committed the crimes and that SBA had no evidence that Petitioner received a financial gain from the crimes, but she believed Petitioner was motivated by a gain of some sort. The undersigned concludes that although SBA could not point to the exact reason for Mr. Dingman's actions, it is implausible that Mr. Dingman would commit these felonies for any other reason than for profit, gain, or advantage. Additionally, for the crime of tampering with evidence, specifically, the undersigned concludes that Mr. Dingman's gain was to avoid punishment for releasing the video.

39. The fifth and final element is that the act must be "done through the use or attempted use of the power, rights, privileges, duties, or position of the employee's employment." § 112.3173(2)(e)6., Fla. Stat. This element requires a "nexus between the crimes charged against the public officer and his or her duties and/or position." *DeSoto v. Hialeah Police Pension Fund Bd. of Trs.*, 870 So. 2d 844, 846 (Fla. 3d DCA 2003). Petitioner had access to the video footage—which allowed him to record it, send it to TMZ, and attempt to cover up his actions by tampering with his cellular phone—all because of his position as a law enforcement officer.

40. All of the requirements in section 112.3173(2)(e)6. for forfeiture are met.

41. SBA also argues that Mr. Dingman committed a specified offense as set forth in section 112.3173(2)(e)4. by being convicted of "[a]ny felony specified in chapter 838, except ss. 838.15 and 838.16."

42. SBA contends that this violation is established by Mr. Dingman's charge in Count II of the Information, which alleged felony use of a two-way communications device to facilitate or further the commission of the felony offenses of tampering with evidence and/or disclosure of confidential information. However, Mr. Dingman ultimately entered a plea of nolo

contendere to a violation of section 934.215. A violation of section 934.215, standing alone, does not constitute a violation of section 838.21. Section 934.215 criminalizes the facilitation or furtherance of *any* felony offense, without requiring a conviction for the underlying felony itself. For section 112.3173(2)(e)4. to apply, Petitioner must be convicted of an actual violation of section 838, not merely of conduct where section 838.21 serves as an underlying element of a separate statutory offense. Here, while section 838.21 may have been implicated as an element in showing a violation of section 934.215, there is no documented conviction for section 838.21 itself as required to trigger section 112.3173(2)(e)4.

43. This analysis is different from that required for a violation of section 112.3173(2)(e)6. where an analysis of the crime is necessary to determine if each element of the catch-all provision is met.

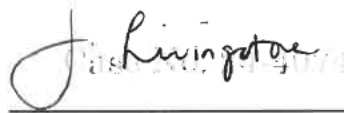
#### Conclusion

44. Mr. Dingman is deemed to have forfeited all of his rights and privileges in his FRS Investment Plan account, except for the return of his accumulated contributions as of the date of his termination. *See* § 112.3173(3), Fla. Stat.

#### RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the State Board of Administration enter a final order determining that Mr. Dingman forfeited all his benefits and rights under the Florida Retirement System, except for the return of any accumulated contributions, when he was convicted of "specified offenses" committed during employment.

DONE AND ENTERED this 27th day of August, 2025, in Tampa,  
Hillsborough County, Florida.



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JODI-ANN V. LIVINGSTONE  
Administrative Law Judge  
DOAH Tampa Office

Division of Administrative Hearings  
2001 Drayton Drive  
Tallahassee, Florida 32311  
(850) 488-9675  
[www.doah.state.fl.us](http://www.doah.state.fl.us)

Filed with the Clerk of the  
Division of Administrative Hearings  
this 27th day of August, 2025.

**COPIES FURNISHED:**

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Chris Spencer, Executive Director  
(eServed)

**NOTICE OF RIGHT TO SUBMIT EXCEPTIONS**

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.