

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

LIFE INSURANCE COMPANY OF THE
SOUTHWEST,

Petitioner,

vs.

DOAH CASE No. 14-3549 BID

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

Respondent;

and

AXA EQUITABLE LIFE INSURANCE
COMPANY,

Intervenor.

_____ /

AGREED FINAL ORDER

THIS CAUSE came on to be heard on March 10, 2015 before THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA (“THE SCHOOL BOARD”) upon the above-referenced matter; the Recommended Order consisting of Findings of Fact, Conclusions of Law, and a Recommendation; rendered in this cause on December 31, 2014 by the Honorable Darren A. Schwartz, Administrative Law Judge of the Florida Division of Administrative Hearings; the Exceptions filed by Intervenor AXA EQUITABLE LIFE INSURANCE COMPANY, and the Stipulated Motion for Agreed Final Order filed by the parties, and THE SCHOOL BOARD being fully advised in the Premises, finds as follows:

IT IS THEREUPON Ordered and Adjudged as Follows:

1. The parties have filed a Stipulated Motion for Final Order in which the parties have stipulated to the entry of this Agreed Final Order by THE SCHOOL BOARD. The Stipulated Motion for Final Order is incorporated herein by reference and accepted and approved by THE SCHOOL BOARD. The terms of the Stipulated Motion for Agreed Final Order are

contingent upon THE SCHOOL BOARD's approval of contracts as discussed below in Paragraph 7.

2. The parties have waived their rights to any appeal or judicial review of this Agreed Final Order that would have been available under Sections 120.569(1) and 120.68, Florida Statutes, and School Board Policy 3320.

3. The Intervenor, AXA EQUITABLE LIFE INSURANCE COMPANY (hereafter referred to as "AXA") hereby withdraws its Exceptions to the Recommended Order that were filed in these proceedings.

4. The parties have stipulated that each will bear its respective attorney's fees and costs incurred in these proceedings and THE SCHOOL BOARD will return to LSW its bid protest bond.

5. THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA accepts, approves and adopts in their entirety the Findings of Fact and Conclusions of Law contained in the Recommended Order.

6. The parties have agreed to waive any necessity for THE SCHOOL BOARD to review the complete record prior to reducing the recommended penalty in the Recommended Order and to waive the inclusion within the final order of a statement of its reasons or citation to the record in support of such reduced penalty.

7. Pursuant to the Stipulated Motion for Agreed Final Order filed in these proceedings by the parties, THE SCHOOL BOARD hereby reduces the penalty in these proceedings as follows:

Based upon the Recommended Order and the Stipulated Motion for Agreed Order filed by the parties, THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA enters an Order for the award of contracts for the provision of annuity products to school

district employees to ING LIFE INSURANCE AND ANNUITY COMPANY, THE VARIABLE ANNUITY LIFE INSURANCE COMPANY, LIFE INSURANCE COMPANY OF THE SOUTH-WEST, and AXA EQUITABLE LIFE INSURANCE COMPANY. The specific contracts with each awardee will be approved by THE SCHOOL BOARD under a separate agenda item.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida this ____ day of _____, 2015.

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Copies Furnished:

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APPEAL OF AGREED FINAL ORDER

The parties have jointly stipulated to waive any right to appeal or review of this Agreed Final Order.

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