

7-18-01

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FILED

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DIVISION OF
ADMINISTRATIVE
HEARINGS

FLORIDA DEPARTMENT OF
AGRICULTURE AND CONSUMER
SERVICES,

AT

mmp-cus

Petitioner,

vs.

DOAH Case No: 01-1553
FDACS Case No: 2001-0123

LASTE INTERNATIONAL, INC.,
d/b/a LASTE SUPERMARKET,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE arose under the Florida Food Safety Act, Chapter 500, Florida Statutes, and comes before the Commissioner of Agriculture and Consumer Services of the State of Florida for consideration and final agency action.

By letter dated January 30, 2001, Petitioner notified Respondent that Petitioner intended to impose an administrative fine against Respondent pursuant to Chapter 500, Florida Statute.

Respondent made a timely request for a formal administrative hearing. The matter was transferred to the Division of Administrative Hearing and a formal administrative hearing was held on June 13, 2001. The Administrative Law Judge's Recommended Order was duly rendered on July 18, 2001, a copy of which is attached to this Final Order Exhibit "A". No party filed written exceptions to the recommended order.

The Department at the final hearing sought an administrative fine in the amount of \$5,000.00 which was supported by the testimony of Dr. John Fruin, Chief of Food and Meat Inspection.

Upon consideration hereof and being otherwise fully advised in the premises: it is

ORDERED AND ADJUDGED:

1. The Administrative Law Judge's Finding of Fact are adopted with the clarification to paragraph #5 in that the respondent's food establishment was inspected and a report issued twelve times during the period stated and was rated as "fair" on three occasions.

2. The Administrative Law Judge's Conclusion of Law are adopted.

3. The Administrative Law Judge's Recommendation as to the appropriate administrative fine to be imposed for the violation of law are adopted.

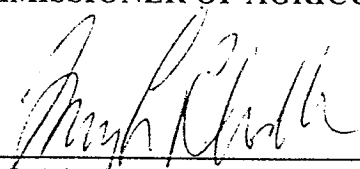
4. Accordingly, a fine is hereby imposed in the amount of \$5,000.00, against the Respondent. Respondent shall pay the administrative fine in the amount of \$5,000.00 within fifteen (15) days of receipt of this Final Order as authorized by § 500.121 Fla. Stat. (2000).

NOTICE OF RIGHT TO APPEAL

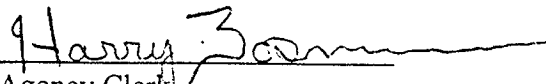
Any party to these proceedings adversely affected by this Final Order is entitled to seek review of this Order pursuant to § 120.68 Fla. Stat. (2000), and Rule 9.110, Florida Rules of Appellate Procedure. Review proceedings must be instituted by filing a petition or notice of appeal with the Agency Clerk, Room 509, Mayo Building, Tallahassee, Florida 32399-0800, and a copy of the same with the appropriate District Court of Appeal within thirty (30) days of filing with the Agency Clerk.

DONE AND ORDERED this 19th day of October, 2001.

**CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE**

BY: 
Terry L. Rhodes, Assistant Commissioner
Florida Department of Agriculture
and Consumer Services

Filed with the Agency Clerk this 19th day of October, 2001.


Agency Clerk

Copies to: **LASTE INTERNATIONAL, INC.,
d/b/a LASTE SUPERMARKET**
Via Certified Mail, Return Receipt Requested

Bureau of Food and Meat Inspection

John V. McCarthy, Senior Attorney