

10-12-01

BEFORE THE COMMISSIONER OF AGRICULTURE
STATE OF FLORIDA

FILED

02 FEB -6 AM 11:25

DIVISION OF
ADMINISTRATIVE
HEARINGS

AT

RE: Spyke's Grove, Inc. d/b/a
Fresh Fruit Express, Emerald Estate,
Nature's Classic,
Petitioner,

01-2417 A

JVL -
Closed

VS.

Case No. 3260.66

Dooley Groves, Inc., a licensed
Citrus Fruit Dealer during the
1999 - 2000 citrus shipping season,
Respondent,
and

Reliance Insurance Co., as Surety,
Co-Respondent.

FINAL ORDER

THIS CAUSE, arising under "the Florida Citrus Code" (Chapter 601, Florida Statutes), came before the Commissioner of Agriculture of the State of Florida for consideration and final agency action. On April 30, 2001, Petitioner, Spyke's Grove, Inc. d/b/a Fresh Fruit Express, Emerald Estate, Nature's Classic, a citrus dealer, filed a written complaint against Respondent, Dooley Groves, Inc., a licensed citrus fruit dealer with the Department pursuant to Section 601.66, Florida Statutes. The complaint alleged Respondent's indebtedness to Petitioner in the amount of \$2,383.71 for citrus fruit purchased from Petitioner. Respondent's license for the subject shipping season is supported by a surety bond written by Reliance Insurance Co. pursuant to Section 601.66, Florida Statutes. Respondent filed a response during the period provided by the rules denying the claim as valid and requested a hearing. Co-Respondent did not file an answer to the complaint nor requested

a hearing. The Division of Administrative Hearings held a formal hearing on September 21, 2001 by telephone conference. The Hearing Officer rendered his Recommended Order on October 12, 2001. On November 26, 2001, the Hearing Officer issued a Notice of Correction of Recommended Order, a copy of the Recommended Order and the Notice of Correction of Recommended Order is attached hereto as "Exhibit A". No exceptions were filed.

Upon review of the record and being otherwise fully advised in the premises, it is:

ORDERED AND ADJUDGED:

1. The Hearing Officer's Findings of Fact are adopted in toto as this Agency's Findings of Fact.

2. The Hearing Officer's Conclusion of Law is adopted in toto as this Agency's Conclusion of Law.

3. Respondent, Dooley Groves, Inc., pay the sum of \$1,723.00, together with pre-award interest in the amount of \$370.59 (through October 31, 2001), plus additional interest from November 1, 2001, until the date of the Final Order, which will accrue in the amount of \$0.52 per day, to the Petitioner, Spyke's Grove, Inc. d/b/a Fresh Fruit Express, Emerald Estate, Nature's Classic, **within (30) thirty days** from the date of this Final Order.

4. In the event Respondent does not comply with this Final Order, Reliance Insurance Co., as Co-Respondent, is hereby ordered to provide payment under the conditions and provisions of the Bond, to **CHARLES H. BRONSON, Commissioner of Agriculture and Consumer Services**, as Oblige on the Bond. **Should responsibility for payment evolve to the Co-Respondent, Reliance Insurance Co. will be notified by this office.** This Final Order is effective on the date filed with the Clerk of the Department.

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Final Order is entitled to seek review of this Final Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Florida Rules of Appellate Procedures. Review proceedings must be instituted by filing a petition or notice of appeal with the Agency Clerk in the Legal Office, Room 515, Mayo Building, Tallahassee, Florida 32399-0800, and a copy, accompanied by filing fees as prescribed by law, with the appropriate District Court of Appeal within thirty (30) days of rendition of this Final Order.

DONE AND ORDERED at Tallahassee, Leon County, Florida, this 4th day of February, 2002.

**CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE**


TERRY L. RHODES
Assistant Commissioner of Agriculture

Filed this 4th day of February, 2002 with Harry Z...
Agency Clerk

cc: Dooley Groves, Inc., Post Office Box 7038, Sun City, Florida 33586-7038

Reliance Insurance Co., Three Parkway, Philadelphia, PA 19102

Spyke's Grove, Inc. d/b/a Fresh Fruit Express, Emerald Estate, Nature's Classic, 7250 Griffin Road, Davie, Florida 33314

John G. Van Laningham, Hearing Officer, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399

Department of Citrus