

FILED

BEFORE THE COMMISSIONER OF AGRICULTURE
STATE OF FLORIDA

2004 DEC 13 P 1:38

DEPARTMENT OF
AGRICULTURE
TALLAHASSEE, FLORIDA

RE: Five Star Packing,
Petitioner,

VS.

Case No. 3229.66

William G. Roe & Sons, Inc., a licensed
Citrus Fruit Dealer during the
1999 - 2000 citrus shipping season,
Respondent,
and

01-2495

AT

WRC-CLOS

United States Fidelity & Guaranty Co., as Surety,
Co-Respondent.

William G. Roe & Sons, Inc.,
Petitioner,

VS.

Case No. 3234.66

Five Star Packing, a licensed
Citrus Fruit Dealer during the
1999 - 2000 citrus shipping season,
Respondent,
and

Auto Owners Insurance, 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 September 12, 2000, Petitioner, Five Star Packing, a citrus dealer, filed a written complaint against Respondent, William G. Roe & Sons, 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 \$30,650.00 for citrus fruit purchased from Petitioner. On November 16, 2000, Petitioner, William G. Roe & Sons, Inc., a citrus dealer, filed a written complaint against Respondent, Five Star Packing, 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 \$97,000.00 for citrus fruit purchased from Petitioner. Five Star Packing's license for the subject shipping season is supported by a surety bond written by Auto Owners Insurance Co. pursuant to Section 601.66, Florida Statutes. William G. Roe & Sons, Inc. license for the subject shipping season is supported by a surety bond written by United States Fidelity & Guaranty Co. pursuant to Section 601.66, Florida Statutes. On June 25, 2001, the Department referred these matters to the Division of Administrative Hearings to conduct a formal hearing. The cases was consolidated for hearing on July 17, 2001. The Division of Administrative Hearings held a formal hearing on November 7, 2001. The Hearing Officer rendered his Recommended Order on March 5, 2002, a copy 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, William G. Roe & Sons, Inc., pay Five Star Packing the sum of \$15,646.09 and denying Five Star Packing any damages in regard to Contract Nos. B333S and

B376B. It is further ordered that William G. Roe & Sons, Inc. be denied any relief in regards to the alleged red grapefruit contracts.

4. In the event William G. Roe & Sons, Inc. does not comply with this Final Order, United States Fidelity & Guaranty 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, United States Fidelity & Guaranty 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 24th day of

April, 2002.

**CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE**



TERRY L. RHODES
Assistant Commissioner of Agriculture

Filed this 24th day of April, 2002 with Harry Z...
Agency Clerk

cc: Five Star Packing, Post Office Box 1013, Eagle Lake, Florida 33839
H. Christopher Tompkins II, Esquire, Post Office Box 888, Brandon, Florida 33509
Doug Lockwood III, Esquire, Post Drawer 7608, Winter Haven, Florida 33883
Jack James, Esquire, Post Office 3, Lakeland, Florida 33802
William G. Roe & Sons, Inc., Post Office Box 900, Winter Haven, Florida 33882
United States Fidelity & Guaranty Co., Post Office Box 1138, MC0401, Baltimore, MD
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Department of Citrus