

9-12-01

FILED
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DIVISION OF
ADMINISTRATIVE
HEARINGS

BEFORE THE COMMISSIONER OF AGRICULTURE
STATE OF FLORIDA

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

AT

SML-cws

VS.

Case No. 3266.66

A & J Pak Ship, Inc., a licensed
Citrus Fruit Dealer during the
1999 - 2000 citrus shipping season,
Respondent,

01-2811A

and

Old Republic Surety Co.,
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, A & J Pak Ship, 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 \$551.16 for citrus fruit purchased from Petitioner. Respondent's license for the subject shipping season is supported by a surety bond written by Old Republic Surety Co. pursuant to Section 601.66, Florida Statutes. Respondent filed an answer to the complaint denying the claim as valid. A hearing was held

on August 29, 2001, by the Division of Administrative Hearings. The Hearing Officer rendered his Recommended Order on September 12, 2001, copy of which 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 Officers recommendation that the department enter a final order dismissing Petitioner's complaint is hereby adopted.

2. This file is closed without further action.

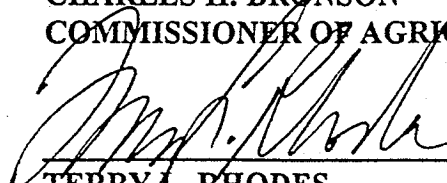
This Final Order is effective on the date filed with the Clerk of the Department.

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 30th day of October, 2001.

**CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE**


TERRY L. RHODES
Assistant Commissioner of Agriculture

Filed this 30th day of October, 2001 with Harry Z...
Agency Clerk

cc: A & J Pak Ship, Inc., 1616 West Cape Coral Pkwy #102, Cape Coral, Florida 33914

Kent Allen, Old Republic Surety Co., Post Office Box 1635, Milwaukee, WI 53201

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

Judge Stuart Lerner, Division of Administrative Hearings

Department of Citrus