

10-2-01

AT

FILED

DEC 13 1 40 PM '01
COMMISSION OF
AGRICULTURE
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,

VS.

Case No. 3272.66

01-2846A

Alilev Corp. d/b/a Bay
Harbor Fine Foods, a licensed
Citrus Fruit Dealer during the
1999 - 2000 citrus shipping season,
Respondent,
and

PHM-CWS

Travelers Casualty & Surety Co. of America,
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, Alilev Corp. d/b/a Bay Harbor Fine Foods, 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 \$1,034.02 for citrus fruit purchased from Petitioner. Respondent's license for the subject shipping season is supported by a surety bond written by Travelers Casualty & Surety Co. of America 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 August 29, 2001, by video teleconference. The Hearing Officer rendered her Recommended Order on October 2, 2001, a 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:

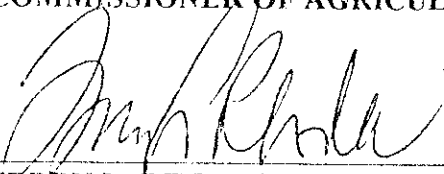
1. The Hearing Officer's Findings of Fact are adopted in toto as this Agency's Findings of Fact.
2. The Hearing Officer's Conclusions of Law is adopted in toto as this Agency's Conclusions of Law.
3. Respondent, Alilev Corp. d/b/a Bay Harbor Fine Foods, to pay \$785.08 to the Petitioner, Spyke's Grove, Inc. d/b/a Fresh Fruit Express, Emerald Estate, Nature's Classic, together with pre-judgement interest calculated at the rate specified in Section 55.03, Florida Statutes, **within (30) thirty days** from the date of this Final Order.
4. In the event Respondent does not comply with this Final Order, Travelers Casualty & Surety Co. of America, 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, Travelers Casualty & Surety Co. of America 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 ¹⁷ 11 day of December, 2001.

**CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE**



TERRY L. RHODES
Assistant Commissioner of Agriculture

Filed this ¹⁷ 11 day of December 2001 with Harry Boman
Agency Clerk

- cc: Alilev Corp., d/b/a Bay Harbor Fine Foods, 1077 95th Street, Bay Harbor, FL 33154
Travelers Casualty & Surety Co. of America, One Tower Square, Hartford, CT 06183
Spyke's Grove, Inc., d/b/a Fresh Fruit Express, Emerald Estate, Nature's Classic,
7250 Griffin Road, Davie, FL 33314
Patricia Malono, Administrative Law Judge, Division of Administrative Hearings,
The DeSoto Bldg., 1230 Apalachee Parkway, Tallahassee, FL 32399
Department of Citrus