

2-7-03

STATE OF FLORIDA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

FILED

03 MAR 31 PM 12:43

Zamia Corporation, d/b/a
Landscaper's Choice,

AT

DIVISION OF
ADMINISTRATIVE
HEARINGS

Petitioner,

LPS-Closed

vs

DOAH CASE NO. 02-3914
LB CASE NO. 03-0008
FINAL ORDER

Sergmar, Inc., and
Hartford Fire Insurance Company,

Respondents.

FINAL ORDER

THIS CAUSE, arising under Florida's "Agricultural License and Bond Law" (Sections 604.15-604.34), Florida Statutes, came before the Commissioner of Agriculture of the State of Florida for consideration and final agency action. On June 24, 2002, the Petitioner, Zamia Corporation, d/b/a Landscaper's Choice, a producer of agricultural products as defined by Section 604.15 (5), Florida Statutes, timely filed an administrative complaint pursuant to Section 604.21, Florida Statutes, to collect \$6,182.23 for nursery plants and trees they sold to Respondent, a licensed dealer in agricultural products. Respondent's license for the time in question was supported by a bond required by Section 604.20, Florida Statutes, written by Hartford Fire Insurance Company in the amount of \$4,999. Subsequent to the Department's entry of its Order, the Petitioner advised the Department by letter that they had received a payment from the Respondent, however they noted a balance remaining on their complaint. The Respondent sent a response to the Petitioner's letter stating the payment they made satisfied the complaint in full. Due to the above-mentioned dispute, this matter was referred to

the Division of Administrative Hearings for an administrative hearing in accordance with the provisions of Section 120.57 (1), Florida Statutes. An administrative hearing was scheduled in this matter for January 6, 2003. The Administrative Law Judge ("Judge") rendered his Recommended Order on February 7, 2003, a copy of which is attached hereto as Exhibit A, to which neither party filed written exceptions with this Department.

The record consists of this Department's file in this matter.

Upon the consideration of the foregoing and being otherwise fully advised in the premises, it is

ORDERED:

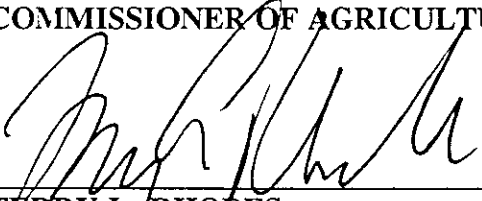
1. The Judge's findings of fact are adopted in toto as this agency's findings of fact.
2. The Judge's conclusions of law are adopted in toto as this agency's conclusions of law.
3. The Judge's recommendation that the Department of Agriculture and Consumer Services enter a Final Order finding that the Respondent, Sergmar, Inc., has satisfied the Department's Order, dated September 12, 2002, in the amount of \$6,182.23 and that no further action on the complaint filed by the Petitioner is necessary, is hereby approved and adopted as the appropriate disposition of this matter.
4. The File be closed without further action.

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 (2002) and Rule 9.110, Florida Rules of Appellate Procedure (2003). Review proceedings must be instituted by filing a petition or notice of appeal with the Agency Clerk, 5th Floor, Mayo Building, Tallahassee, FL 32399-0800. A copy of the petition for review or notice of appeal, accompanied by the

filing fees prescribed by law must also be filed with the appropriate District Court of Appeal within thirty (30) days of the date this Order was filed with the Agency Clerk.

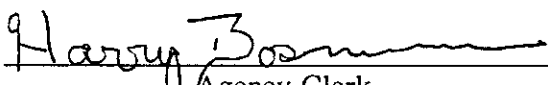
DONE AND ORDERED this 27th day of March, 2003.

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE



TERRY L. RHODES
Assistant Commissioner of Agriculture

Filed with Agency Clerk this 27th day of March, 2003.



Harvey Bosman
Agency Clerk

COPIES FURNISHED TO:

Mr. Ronald L. Torp, Jr., President
Zamia Corporation, d/b/a
Landscaper's Choice
218 Sabal Palm Road
Naples, FL 34114
(Certified No. 7160 3901 9842 2060 8547)

Mr. Sergio Birsa, Director
Sergmar, Inc.
2881 Santa Barbara Blvd.
Naples, FL 34116
(Certified No. 7160 3901 9842 2060 8592)

Mr. Douglas L. Rankin, Registered Agent
Sergmar, Inc.
Moorings Professional Building
2335 Tamiami North, Ste. 308
Naples, FL 33940
(Certified No. 7160 3901 9842 2060 8561)

Mr. Charles Minor, Registered Agent
Hartford Fire Insurance Company
Hartford Plaza
Hartford, CT 06115
(Certified No. 7160 3901 9842 2060 8578)

Ms. Marian Birsa, Agent
Sergmar, Inc.
2881 Santa Barbara Boulevard
Naples FL 34116
(Certified No. 7160 3901 9842 2060 8585)

Judge Lawrence P. Stevenson
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Bldg., 1230 Apalachee Parkway
Tallahassee, FL 32399-3060

Mr. David Bokan, Field Representative