

6-3-04

STATE OF FLORIDA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

FILED

2005 JAN -6 A 11: 1

DIVISION OF
ADMINISTRATIVE
HEARINGS

RE: Puntal Groves,
Petitioner,

AT

Case No.: 3346.66

VS.

The Citrus Store, a licensed
Citrus Fruit Dealer during the
2002 - 2003 citrus shipping season,
Respondent,

03-4704

FLB-CLOS

and

Fidelity & Deposit Company of Maryland
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 October 13, 2003, the Petitioner, Putnal Groves, a citrus grower, filed a written complaint against Respondent, 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 \$64,070.28 for citrus fruit purchased from Petitioner. Respondent's license for the subject shipping season is supported by a surety bond written by Fidelity & Deposit Company of Maryland pursuant to Section 601.66, Florida Statutes. Respondent filed a response 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 February 10, 2004. The Hearing Officer

rendered his Recommended Order on June 3, 2004. A copy of the 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 Judge's Findings of Fact are adopted in toto as this Agency's Findings of Fact.
2. The Judge's Conclusion of Law is adopted in toto as this Agency's Conclusions of Law.
3. Respondent, The Citrus Store, pay the sum of \$64,070.28, together with pre-judgment interest calculated by the Department pursuant to Section 55.03, Florida Statutes, from October 1, 2003, until paid.
4. In the event Respondent does not comply with this Final Order, Fidelity & Deposit Company of Maryland, 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 Obligee on the Bond. Should responsibility for payment evolve to the Co-Respondent, Fidelity & Deposit Company of Maryland will be notified by this office. This Final Order is effective on the date filed with the Clerk of the Department.

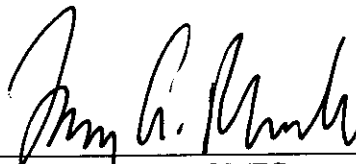
NOTICE OF RIGHTS

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, FL 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 this 3rd day of January, 2004⁵.

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE



TERRY L. RHODES
Assistant Commissioner of Agriculture

Filed with Agency Clerk this 3rd day of January, 2004⁵.



Agency Clerk

COPIES FURNISHED TO:

Mr. Russ Puntal, Owner, Puntal Groves, 10755 Russ Road, Myakka City, Florida 34251
(Certified Mailing No. 7002 2030 0000 8136 5700)

Fred Buckine, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230
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Mr. Donnie Selph, Owner, The Citrus Store, 3365 US Hwy. 17 N., Bowling Green, Florida 33834
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Ms. Kathy Alves, Claims Specialist, Zurich North America Commercial Surety Claim Division, 3910 Keswick
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Department of Citrus