

**SENDERS RECORD**

**STATE OF FLORIDA**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Bryan Branch, d/b/a  
Bryan Branch Farms,

Petitioner,

AT

DOAH CASE NO. 04-4244 *DSM closed*  
LB CASE NO.: 05-0019, FINAL ORDER  
AGENCY CLERK# A39304

vs

Dixie Growers, Inc., and  
United States Fidelity & Guaranty Company,

Respondents.

2005 SEP 28 A 11:22  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS  
FILED

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 September 29, 2004, the Petitioner, Bryan Branch, d/b/a Bryan Branch Farms, 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 \$16,386.18 for squash and tomatoes he 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 United States Fidelity & Guaranty Company in the amount of \$100,000. The Respondent filed a response to the complaint wherein they disputed the claim as being valid. A hearing was not requested by the Respondent, but was requested by the Department due to disputed issues of fact. Therefore, this matter was referred to the Division of Administrative Hearings (DOAH) 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

February 9, 2005. The Administrative Law Judge ("Judge") rendered his Recommended Order on June 28, 2005, 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:**

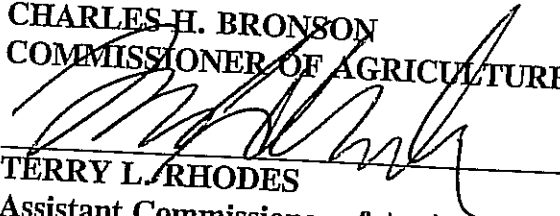
1. The Judge's findings of fact are adopted in toto as this agency's findings of fact.
2. The Judge's conclusions of law are adopted in toto as this agency's conclusion of law.
3. The Judge's recommendation that the Department of Agriculture and Consumer Services enter a Final Order finding that the Respondent, Dixie Growers, Inc., provided an adequate accounting to Petitioner, within the meaning of Section 604.22, Florida Statutes (2003), and owes no deficiency to Petitioner, 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, 5<sup>th</sup> 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

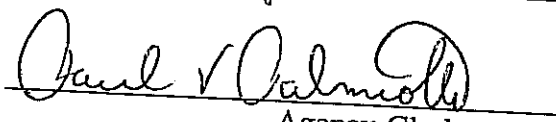
within thirty (30) days of the date this Order was filed with the Agency Clerk.

DONE AND ORDERED this <sup>27</sup> day of September, 2005.

CHARLES H. BRONSON  
COMMISSIONER OF AGRICULTURE

  
TERRY L. RHODES  
Assistant Commissioner of Agriculture

Filed with Agency Clerk this <sup>27</sup> day of September, 2005.

  
Agency Clerk

**COPIES FURNISHED TO:**

Judge Daniel Manry  
Administrative Law Judge  
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