

## SENDERS RECORD

STATE OF FLORIDA  
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

FILED

Skinners Wholesale Nursery, Inc.

2006 APR 13 A 11:18

Petitioner,

 DIVISION OF  
 ADMINISTRATIVE  
 HEARINGS  
 DOAH CASE NO. 05-3083  
 LB CASE NO.: 06-0004,  
 FINAL ORDER  
 AGENCY CLERK #A41463

vs

Greenblades of Central Florida, Inc., and  
Western Surety 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, 2005, the Petitioner, Skinners Wholesale Nursery, Inc., 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 \$8,689.47 for 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 Western Surety Company in the amount of \$100,000. On July 25, 2005, a Notice of Filing of an Amended Complaint was mailed to Respondent and Co-Respondent.

On August 15, 2005, the Respondent filed a timely ANSWER OF RESPONDENT with attachments to the subject complaint. Because there were disputed issues of fact involved in the complaint, the Department requested that a DOAH hearing be held in this matter. A DOAH hearing was scheduled for October 24 and 25, 2005. On October 24, 2005, the

hearing commenced, however neither the Respondent nor the Surety as Co-Respondent appeared at the hearing. On October 24, 2005, the Respondent's president filed a **Request for Continuance** with the Administrative Law Judge ("Judge") with DOAH based in part on hurricane-related emergency duties the Respondent was obligated to perform. Based on the Respondent's motion, the hearing was re-scheduled for November 14, 2005.

The hearing in this cause was recommenced on November 14, 2005 and the Judge issued a **RECOMMENDED ORDER** on January 25, 2006 in favor of the Complainant/Petitioner for \$6,549.47. The Department had a telephone conversation with Mr. Dan Wilson, the CFO of the Respondent company on March 7, 2003 and Mr. Wilson advised this office that they made payment to the Complainant/Petitioner in the amount of \$6,549.47. On March 14, 2006, Mr. Wilson sent a facsimile notice to the Department wherein a copy of the alleged check in the amount of \$6,549.47 payable to the Petitioner was attached. On March 16, 2006, the Petitioner's Production Controller, Mr. Thomas W. Robinson, advised the Department via a facsimile letter that they in fact acknowledged receipt of the payment from the Respondent in the amount of \$6,549.47 as a result of the Judges **RECOMMENDED ORDER** and the Complainant accordingly agreed to the closing of the subject complaint filed with the 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. This case be dismissed based on the fact that a settlement has been reached in this cause between the Petitioner and Respondent.

2. The Department will close its file on this matter without contemplation of 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 and a copy of same with the appropriate District Court of Appeal within thirty (30) days of rendition of this Order.

DONE AND ORDERED this 12<sup>th</sup> day of April, 2006.

**CHARLES H. BRONSON**  
**COMMISSIONER OF AGRICULTURE**

  
\_\_\_\_\_  
**TERRY L. RHODES**  
Assistant Commissioner of Agriculture

Filed with Agency Clerk this 12<sup>th</sup> day of April, 2006.

  
\_\_\_\_\_  
Agency Clerk

**COPIES FURNISHED TO:**

Judge Robert S. Cohen  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
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Mr. Dan Wilson, CFO  
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Mr. Tom Snyder, Claims Analyst/Authorized Rep.  
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Mr. Robert Sobraske, Authorized Representative  
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Mr. Thomas W. Robinson, Production Controller  
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