

FILED

2006 MAY -4 A 11:

DIVISION OF
ADMINISTRATIVE
HEARINGS

**BEFORE THE COMMISSIONER OF AGRICULTURE
STATE OF FLORIDA**

**RE: Betty H. Shinn, d/b/a Shinn Groves,
Petitioner,**

vs.

**CITRUS CASE NO. 3363.66
FINAL ORDER
DOAH CASE NO. 05-3540
AGENCY CLERK #A42483**

H & R Packing & Sales Company, LLC,
a licensed Citrus Fruit Dealer during the
2004 - 2005 citrus shipping season,
Respondent,

and

Old Republic Surety Company,
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 21, 2005, Petitioner, Betty H. Shinn, d/b/a Shinn Groves, a citrus grower, filed a written complaint against Respondent, H & R Packing & Sales Company, LLC, 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 \$6,320 for citrus fruit purchased from claimant. Respondent's license for the subject shipping season is supported by a surety bond written by Old Republic Surety Company pursuant to Section 601.66, Florida

Statutes. Respondent filed a written response to the complaint during the period provided by the rules denying and disputing the claim as valid. Co-Respondent acknowledged receipt of the complaint, but did not contest the complaint nor request a hearing. On September 22, 2005, the Department referred this matter to the Division of Administrative Hearings (DOAH) to conduct a formal hearing in accordance to provisions of Section 120.57(1), Florida Statutes. A formal hearing was scheduled in this matter for November 9, 2005 and the Administrative Law Judge ("Judge") rendered his **RECOMMENDED ORDER** on December 13, 2005, a copy of which is attached hereto as Exhibit "A", to which neither party filed written exceptions with this Department. Subsequent to DOAH's Recommended Order, the Complainant/Petitioner sent a letter to the Department dated March 2, 2006, wherein the Complainant advised the Department that the instant case has been resolved to their satisfaction.

Upon review of the record and being otherwise fully advised in the premises, it is:

ORDERED AND ADJUDGED:

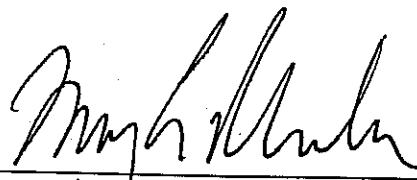
1. This case be dismissed based on the fact that a settlement has been reached in this cause between Petitioner and Respondents.
2. The Department will close its file on this matter without contemplation of further action.

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. A copy of the petition for review or notice of appeal, accompanied by the filing fees as prescribed by law must also be filed 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 3rd day of May, 2006.



TERRY I. RHODES
Assistant Commissioner of Agriculture

Filed this 3rd day of May, 2006 with 

Agency Clerk

COPIES FURNISHED TO: SEE ATTACHED

COPIES FURNISHED TO:

Judge John G. Van Laningham
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
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Mr. Robert J. Hamilton, III, Managing Member
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Ms. Kim Hansen
Old Republic Surety Company
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