

BEFORE THE COMMISSIONER OF AGRICULTURE  
STATE OF FLORIDA

FILED

2006 MAR 20 P 12:01

RE: Hutchinson Groves, Inc.,  
Petitioner,

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

vs.

CITRUS CASE NO. 3349.66  
FINAL ORDER  
DOAH CASE NO. 05-4392  
AGENCY CLERK #A41341

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

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 December 22, 2003, Petitioner, Hutchinson Groves, Inc., a citrus grower, filed a written complaint against Respondent, The Citrus Store, 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 \$27,117.59 for citrus fruit purchased from claimant. Respondent's license for the subject shipping season is supported by a surety bond written by Fidelity & Deposit Company pursuant to Section 601.66, Florida Statutes. Respondent through his attorney filed written responses to the complaint with attachments 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 December 1, 2005, the

Department referred this matter to the Division of Administrative Hearings (DOAH) to conduct a formal hearing. A formal hearing was scheduled in this matter for February 2, 2006 and the Administrative Law Judge ("Judge") rendered his **SUMMARY RECOMMENDED ORDER** on February 8, 2006, 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 review of the record and being otherwise fully advised in the premises, it is:

**ORDERED AND ADJUDGED:**

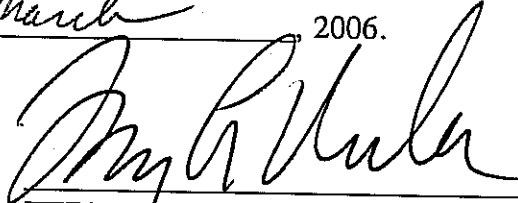
1. The Judge's **SUMMARY DISPOSITION** is adopted in toto by the Department.
2. The Judge's **RECOMMENDATION** is accordingly modified to reflect that the Respondent, The Citrus Store, pay Petitioner the principal sum of \$27,117.59, without interest within thirty (30) days from the rendition of this Final Order. In the event Respondent does not comply with this Final Order within thirty (30) days, 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 to be held for distribution pursuant to the Florida Citrus Code. **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

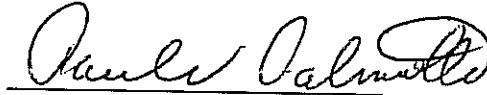
of appeal with the Agency Clerk in the Legal Office, Room 515, Mayo Building, Tallahassee, Florida 32399-0800. A copy of the petition for review or notice of appeal, accompanied by the filing fees as prescribed by law must also be filed with the appropriate District Court of Appeal within thirty (30) days of rendition of this Final Order.

DONE AND ORDERED this <sup>17<sup>th</sup></sup> day of March, 2006.



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

Filed with Agency Clerk this <sup>cc</sup> 7 day of March, 2006.



Agency Clerk

**COPIES FURNISHED TO: SEE ATTACHED**

**COPIES FURNISHED TO:**

Judge Lawrence P. Stevenson  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
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Mr. Jim Ellis, Citrus License and Bond

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