

STATE OF FLORIDA  
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

FILED

OCT 20 A 10:48  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

Drs. Robert H. Biggs and S.V. Kossuth, d/b/a  
BK Cedars

Petitioner,

vs

DOAH CASE NO. 06-1215  
LB CASE NO.: 06-0009  
FINAL ORDER  
AGENCY CLERK #A44730

Chase Landscaping & Nursery, Inc., and  
Fidelity & Deposit Company of Maryland,

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 November 18, 2005, the Petitioner, Drs. Robert H. Biggs and S.V. Kossuth, d/b/a BK Cedars, a producer of agricultural products as defined by Section 604.15(9), Florida Statutes (2006), timely filed an administrative complaint pursuant to Section 604.21, Florida Statutes, to collect \$3,661 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 Fidelity & Deposit Company of Maryland in the amount of \$15,000. On February 22, 2006, a Notice of Filing of an Amended Complaint was mailed to Respondent and Co-Respondent.

On March 20, 2006, the Respondent mailed a timely ANSWER OF RESPONDENT via FedEx with attachments to the subject complaint. The ANSWER OF RESPONDENT was received by the Department on March 22, 2006. The Respondent filed an ANSWER OF RESPONDENT 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 July 12, 2006. The Administrative Law Judge ("Judge") rendered her RECOMMENDED ORDER on July 28, 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 the consideration of the foregoing and being otherwise fully advised in the premises, it is

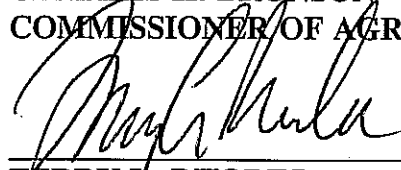
**ORDERED:**

1. The Judge's findings of fact are adopted in toto as this agency's findings of fact.
2. The Judges's conclusions of law are adopted in toto as this agency's conclusion of law.
3. Accordingly, Petitioners' Amended Complaint against Respondents Chase Landscaping & Nursery, Inc. and Fidelity & Deposit Company of Maryland is hereby dismissed.
4. The file 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). This order is final and effective on the date filed with the department's agency clerk. 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 19 day of October, 2006.

CHARLES H. BRONSON  
COMMISSIONER OF AGRICULTURE



TERRY I. RHODES  
Assistant Commissioner of Agriculture

Filed with Agency Clerk this 19 day of October, 2006.



Paul Palmiello  
Agency Clerk

**COPIES FURNISHED TO:**

Judge Lisa Shearer Nelson  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
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Mr. Robert L. Lawrence, Registered Agent  
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Ms. Kathy Alves, Claims Specialist  
Fidelity & Deposit Company of Maryland  
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