

**STATE OF FLORIDA
DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT PROGRAM**

FILED

2007 NOV 21 A 11:30

DIVISION OF
ADMINISTRATIVE
HEARINGS

MICHAEL K. DUGDALE,

Petitioner,

v.

DEPARTMENT OF REVENUE, CHILD
SUPPORT ENFORCEMENT PROGRAM

Respondent.

Case Nos.: 07-2540 & 07-2541
DOR-06-0745-FIDM

Control Nos.: 2383109 & 2385586

FINAL ORDER

Ann Coffin, as Director of the Department of Revenue, Child Support Enforcement Program (Department), being authorized by Section 409.25656, Florida Statutes, to garnish bank accounts of obligors who owe overdue support, enters this Final Order as required by Chapter 120, Florida Statutes.

PRELIMINARY STATEMENT

1. On September 15, 2006, the Department sent two Notices of Intent to Levy to Petitioner. The Notices stated that the Department intended to levy on Petitioner's bank accounts, one in the control of Bank of America, N.A. and one in the control of Regions Bank. The Department issued the Notices due to Petitioner's failure to pay child support in the amount of \$25,725.26.
2. Petitioner contested each of the Department's Notices of Intent to Levy by filing two Petitions, each requesting an administrative hearing. On June 7, 2007, the Department referred these matters to the Division of Administrative Hearings (DOAH) to conduct a hearing and requested that the two matters be consolidated.
3. On June 11, 2007 DOAH issued an Order of Consolidation for the two matters.

4. On June 26, 2007, DOAH issued a Notice of Hearing, scheduling the hearing for August 16, 2007 at Bradenton, Florida.
5. On July 12, 2007, the Department filed a motion requesting that the hearing be conducted via video teleconference.
6. On August 6, 2007, DOAH issued an Amended Notice of Hearing by Video Teleconference granting the Department's motion. The hearing was held on August 16, 2007 in Tampa, Florida. The Department's Counsel and one Department witness appeared by video teleconference from Tallahassee. Another Department witness, Petitioner and Petitioner's Counsel personally appeared at the Tampa location.
7. Administrative Law Judge Jeff B. Clark issued a Recommended Order in this matter on October 18, 2007. A copy of the Recommended Order is attached and will be incorporated to this Final Order by reference.

ORDER

The Findings of Fact and Conclusions of Law in the Recommended Order issued by Administrative Law Judge Jeff B. Clark on October 18, 2007 are hereby adopted and incorporated into this Final Order by reference. Based upon said Findings of Fact and Conclusions of Law, it is, therefore,

ORDERED that pursuant to Section 409.25656, Florida Statutes, the Department may levy an amount of up to \$23,853.56 in each of Petitioner's two bank accounts at Bank of America, N.A. and Regions Bank. This Order is effective upon filing with the Deputy Agency Clerk, subject only to the Notice of Right to Appeal which is incorporated to this Order.

DONE AND ORDERED in Tallahassee, Florida, this 16th day of November, 2007.



ANN COFFIN, Director
Florida Department of Revenue
Child Support Enforcement Program
Post Office Box 8030
Tallahassee, Florida 32314-8030

NOTICE OF RIGHT TO APPEAL

PETITIONER IS ADVISED THAT HE MAY SEEK JUDICIAL REVIEW OF THIS FINAL ORDER BY FILING WITHIN THIRTY (30) DAYS OF THE ISSUANCE OF THIS FINAL ORDER A NOTICE OF APPEAL WITH THE CLERK OF THE FIRST DISTRICT COURT OF APPEAL, 300 MARTIN LUTHER KING JR. BOULEVARD, TALLAHASSEE, FLORIDA 32399-1850, OR WITH THE CLERK OF THE DISTRICT COURT WHEREIN THE PETITIONER RESIDES WITH APPROPRIATE FILING FEE, AND BY SERVING A SECOND COPY OF SUCH NOTICE OF APPEAL UPON EUREKA JENKINS, DEPUTY AGENCY CLERK, POST OFFICE BOX 8030, TALLAHASSEE, FLORIDA 32314-8030.

CERTIFICATE OF FILING

I HEREBY CERTIFY that the foregoing Final Order has been filed in the official records of the Department of Revenue, this 16th day of November, 2007.


EUREKA JENKINS
Deputy Agency Clerk

Copies furnished to:

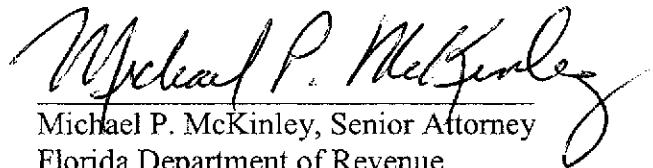
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Sarasota, Florida 34237

Jeff B. Clark
Administrative Law Judge
Division of Administrative Hearings
The Desoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been served by U.S. Mail, First Class postage prepaid, to Michael Moran, Esq., on behalf of Michael K. Dugdale at the Law Offices of Michael Moran, 2197 Ringling Boulevard, Sarasota, Florida 34237 on the 16th day of November, 2007.



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