

STATE OF FLORIDA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

FLORIDA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES,

Petitioner,

vs.

Case No. 08-2580PL
A54312

KEITH B. LEWIS,

Respondent.

FINAL ORDER

THIS CAUSE arising under the Structural Fumigation Act, Chapter 482, Florida Statutes, came before the Commissioner of Agriculture of the State of Florida for consideration and final agency action. The Commissioner of Agriculture, as head of the Department of Agriculture and Consumer Services, has jurisdiction over the subject matter and the parties hereto.

I. BACKGROUND

The Florida Department of Agriculture and Consumer Services ("Department") served an Administrative Complaint dated February 12, 2008, upon the respondent, Keith B. Lewis, alleging that Mr. Lewis had violated section 482.121, Florida Statutes. Mr. Lewis requested a hearing, and the case was referred to the Division of Administrative Hearings for assignment to an Administrative Law Judge. A final hearing was held on August 1, 2008 in DeFuniak Springs, Florida, before the Honorable Susan B. Harrell. Mr. Lewis did not appear at the final hearing. The Administrative Law Judge entered a Recommended Order on August 19, 2008, a copy of which is attached hereto and incorporated herein.

No transcript of the final hearing was filed. Respondent did not file exceptions to the Recommended Order or any post-hearing submittal. The record consists of the pleadings,

motions, discovery requests and responses, orders of the Division of Administrative Hearings, and exhibits admitted into evidence by the Administrative Law Judge at the hearing.

II. FINDINGS OF FACT

The Commissioner of Agriculture adopts the findings of fact set forth in the attached Recommended Order of the Administrative Law Judge.

III. CONCLUSIONS OF LAW

The Commissioner of Agriculture adopts the conclusions of law made by the Administrative Law Judge in the Recommended Order. Accordingly, it is

ORDERED AND ADJUDGED:

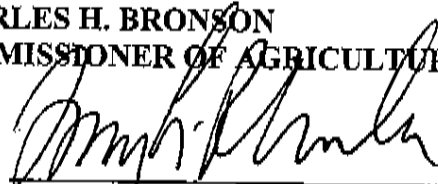
A. The Commissioner of Agriculture adopts the recommendations of the Administrative Law Judge set forth in the Recommended Order.

B. The certified operator's certificate of the respondent, Keith B. Lewis, JF138685, is hereby revoked.

DONE AND ORDERED this 18th day of Sept, 2008.

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE

BY:



Terry L. Rhodes, Assistant Commissioner
Florida Department of Agriculture and
Consumer Services

NOTICE OF RIGHT TO APPEAL

Any party to these proceedings adversely affected by this Final Order is entitled to seek review of this order pursuant to section 120.68, Florida Statutes (2007), and Florida Rule of Appellate Procedure 9.110. Review proceedings must be initiated by filing a petition for review or notice of appeal with the Agency Clerk of the Florida Department of Agriculture, Room 509 Mayo Building, Tallahassee, Florida 32399-0800. A copy of the petition for review or notice of appeal, accompanied by the filing fees prescribed by law must also be filed with the appropriate District Court of Appeal within thirty (30) days from the date this Order was filed with the Agency Clerk.

Filed with the Agency Clerk this 18th day of Sept, 2008.



Agency Clerk

Copies furnished to:

Keith B. Lewis
c/o GPL Landscape
80 South Geronimo, Suite 7
Miramar, Florida 32550

Honorable Susan B. Harrell
Division of Administrative Hearings
The DeSoto Building
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