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2009 APR 30 A 11: 16

DIVISION OF
ADMINISTRATIVE
HEARINGS

STATE OF FLORIDA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Harmon Sod Company, LLC,

Petitioner,

vs

DOAH CASE NO. 08-6019
LB CASE NO.: 09-0034,
FINAL ORDER
AGENCY CLERK #A61754

T & J Sod Service, Inc.,

And

Great American Insurance Company,

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 September 25, 2008, the Petitioner, Harmon Sod Company, LLC, a Licensed Agricultural Products Dealer of Florida agricultural products as defined by Section 604.15(2) Florida Statutes, timely filed an administrative claim pursuant to Section 604.21, Florida Statutes to collect \$4,243.27 for sod they sold to Respondent, a licensed dealer in agricultural products. Respondent's license for the time in question was supported by a surety bond required by Section 604.20, Florida Statutes, written by Great American Insurance Company in the amount of \$15,000. The Respondent's answer denied the claim as valid and admitted to an indebtedness of \$976.58. 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 for an administrative hearing in accordance with the provisions of Section 120.57(1), Florida Statutes. An administrative hearing was ultimately scheduled in this matter for February 4, 2009. The Administrative Law Judge ("ALJ") rendered his Recommended Order on March 5, 2009, a copy of which is attached hereto as Exhibit A, to which neither party filed written exceptions with this Department.

Upon the consideration of the foregoing and being otherwise fully advised in the premises, it is

ORDERED:

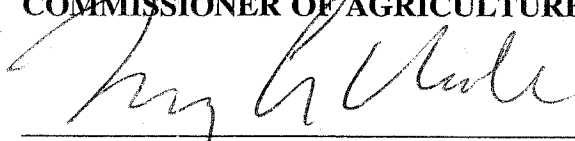
1. The ALJ's findings of fact are adopted in toto as this agency's findings of fact.
2. The ALJ's conclusions of law are adopted in toto as this agency's conclusions of law.
3. The ALJ's recommendation that the Respondent, T & J Sod Service, Inc., pay Petitioner, \$802.61 is hereby adopted. For purposes of this Final Order consistent with the requirements of Sections 604.21(7) and (8), Florida Statutes, the ALJ's recommendation is modified to include that payment shall be made within fifteen (15) days after this Final Order is adopted. In the event Respondent fails to pay Petitioner \$802.61 within fifteen (15) days of the Final Order, Great American Insurance Company, as Surety for 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. The Department will notify the Surety in the event it (the Surety) is

required to pay. This Order is final and effective on the date filed with the Agency Clerk of the Department.

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). Review proceedings must be instituted by filing a petition or notice of appeal with the Agency Clerk, 5th Floor, Mayo Building, Tallahassee, FL 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 of the date this Final Order was filed with the Agency Clerk.

DONE AND ORDERED this th 29 day of April, 2009.

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE



TERRY L. RHODES
Assistant Commissioner of Agriculture

Filed with Agency Clerk this th 29 day of April, 2009.



Agency Clerk

COPIES FURNISHED TO:

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