

Certified Article Number

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SENDERS RECORD

STATE OF FLORIDA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Edward L. Myrick, d/b/a
Edward L. Myrick Produce,

Petitioner,

vs

DOAH CASE NO's. 09-4306 and 09-4606
LB CASE NO.: 09-0112
FINAL ORDER
AGENCY CLERK #A65076

Sun-Rich America, Inc., d/b/a
Royal Palm Produce,

And

Platte River 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 May 11, 2009, the Petitioner, ("Myrick Produce"), an agent for the producer of Florida agricultural products as defined by Section 604.15(2) Florida Statutes (DOAH CASE NO.: 09-4606), timely filed two (2) administrative claims pursuant to Section 604.21, Florida Statutes to collect \$4,323.15 and \$551 respectively 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 Platte River Insurance Company ("Platte River") in the amount of \$100,000. The Respondent's answer involved disputed facts. Hearings were

2009 DEC 22 A 10:54
DIVISION OF
ADMINISTRATIVE
HEARINGS
FILED

not requested by the Respondent, but were requested by the Department due to disputed issues of fact. Therefore, these matters were referred to the Division of Administrative Hearings ("DOAH") for administrative hearings in accordance with the provisions of Section 120.57(1), Florida Statutes. DOAH combined the two (2) cases for a hearing to be held on October 26, 2009. The Administrative Law Judge ("ALJ") rendered his Recommended Order on November 16, 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:

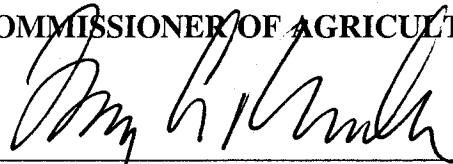
1. The ALJ's findings of fact are adopted in toto as this agency's findings of fact.
2. The ALJ's conclusions of law are adopted in toto as this agency's conclusions of law.
3. The ALJ's recommendation that the Respondent, Sun-Rich America, Inc., d/b/a Royal Palm Produce pay Petitioner, Myrick Produce the amount of \$4,273.15 plus a \$50 claim filing fee in Case No.: 09-4306 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 \$4,323.15 within fifteen (15) days of the Final Order, Platte River, 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 21st day of December, 2009.

**CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE**



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

Filed with Agency Clerk this 21st day of December, 2009.



Agency Clerk

COPIES FURNISHED TO:

Judge Errol H. Powell
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