

**FLORIDA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES**

ORANGE BEND HARVESTING, INC.

Petitioner,
vs.

RIDGE ISLAND GROVES, INC.,

and

OLD REPUBLIC SURETY COMPANY,

Respondents.

DOAH CASE NO: 15-2376
Case No. CLB-0124
Amount of Claim: \$25,640.00

2015 OCT 21 AM 11 43
DIVISION OF
ADMINISTRATIVE
HEARINGS

FILED

FINAL ORDER

THIS CAUSE, arising under the Florida Citrus Code, Chapter 601, Florida Statutes, came before the Commissioner of Agriculture of the State of Florida for consideration and final agency action.

I. PRELIMINARY STATEMENT

Orange Bend Harvesting, Inc. (Petitioner), in the above-captioned matter, is a producer of Florida citrus products. The Petitioner sold citrus to Ridge Island Groves, Inc. (Respondent), on October 17, 2014. On April 23, 2015, the Petitioner filed a complaint for non-payment against the Respondent totaling \$25,640.00. The Notice of Filing of a Producer Claim, copies of the claim, and supporting evidence thereto were mailed by the Florida Department of Agriculture and Consumer Services (Department) to the Respondent's registered agent, by UPS, on April 9, 2015. Notice of the claim was also sent to the Co-Respondent, Old Republic Surety Company, via USPS. The Respondent received the notice of claim on April 10, 2015. On April 22, 2015, the Department received a hearing request from the Respondent. The Co-Respondent did not

contest the matter or request a hearing. The Department referred this matter to the Division of Administrative Hearings (DOAH) for an administrative hearing in accordance with the provisions of Section 120.57(1), Florida Statutes. A hearing was held on June 18, 2015, and the Administrative Law Judge (ALJ) entered a Recommended Order on August 20, 2015, a copy of which is attached hereto. Neither party filed written exceptions.

The Record consists of all notices, pleadings, motions, intermediate rulings, evidence admitted and matters of officially recognized, proposed findings, stipulations of the parties and the Recommended Order.

II. FINDINGS OF FACT

The Commissioner of Agriculture adopts the findings of fact made by the ALJ in the Recommended Order, attached hereto.

III. CONCLUSIONS OF LAW

The Commissioner of Agriculture adopts the conclusions of law made by the ALJ in the Recommended Order, attached hereto.

Upon consideration of the foregoing, a review of the record, and being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** that:

A. The Respondent, Ridge Island Groves, Inc., shall pay the Petitioner, Orange Bend Harvesting, Inc., the amount of \$435.00, to be paid within fifteen (15) days from the date this order becomes final. In the event that the Respondent does not comply with this order within fifteen (15) days from the date it becomes final, Old Republic surety Company, as Co-Respondent, is hereby ordered to provide payment under the conditions and provisions of the bond, to **ADAM H. PUTNAM, COMMISSIONER OF AGRICULTURE**, as Obligee on the bond. **Should responsibility for payment evolve to the Co-Respondent, Old Republic surety**

Company will be notified by this office.

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Final Order is entitled to seek judicial review of this Final Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Florida Rules of Appellate Procedure. Judicial review proceedings must be instituted by filing a Notice of Appeal with the Department's Agency Clerk, 407 South Calhoun Street, Suite 509, Tallahassee, Florida, 32399-0800, within thirty (30) days of rendition of this order. A copy of the Notice of Appeal must be filed with the Clerk of the appropriate District Court of Appeal accompanied by any filing fees prescribed by law.

DONE AND ORDERED at Tallahassee, Leon County, Florida, this 16th day of October, 2015.

**ADAM H. PUTNAM
COMMISSIONER OF AGRICULTURE**



**MICHAEL A. JOYNER
Assistant Commissioner of Agriculture**

Filed, this 16th day of October, 2015.



**Stephen M. Donelan
Agency Clerk**

Copies Furnished to:

Judge Suzanne Van Wyk, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060

Orange Bend Harvesting, Inc.
PO Box 490197
Leesburg, FL 34749

Ridge Islandgroves, Inc.
6000 Polk City Rd.
Haines City, FL 33844

Old Republic Surety Company
445 South Moorland Road, Ste 200
Brookfield, WI 53005