

DIVISION OF CONSUMER SERVICES
(850) 410-3800



THE RHODES BUILDING
2005 APALACHEE PARKWAY
TALLAHASSEE, FLORIDA 32399-6500

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

November 19, 2015

VIA: USPS

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

FILED
2015 NOV 20 PM 12:07
DIVISION OF
ADMINISTRATIVE
HEARINGS

RE: AGENCY FINAL ORDER
Case No. 15-2531
Agency Clerk Tracking No. A93725

Enclosed is a copy of the Department's final agency action in the matter of the above-referenced case.

Please read and immediately comply with the Final Order. You have 30 days from the rendition of the Final Order to respond and preserve your rights. Thereafter, the Department may avail itself of any and all further remedies authorized by law.

Sincerely,

Richard Otway
Regulatory Consultant

Enclosure:

**FLORIDA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES**

SOUTHEASTERN TREES, LLC,

Petitioner,

vs.

**GRANDVIEW LANDSCAPING SERVICES,
INC.,**

and

SURE TEC INSURANCE COMPANY,

Respondents.

2015 NOV 20 PM 1:20
DIVISION OF
ADMINISTRATIVE
HEARINGS

FILED

DOAH CASE NO: 15-2531
Agency Clerk Filing No.: 893725
Amount of Claim: \$5,744

FINAL ORDER

THIS CAUSE, arising under the Florida 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.

I. PRELIMINARY STATEMENT

The Petitioner, Southeastern Trees, LLC (Petitioner) in the above-captioned matter, is a producer of Florida agricultural products. Petitioner sold 27 Live Oak trees to Grandview Landscaping Services, Inc. (Respondent) on December 11, 2014. On March 31, 2015, Petitioner filed a complaint for non-payment against Respondent totaling \$5,774.00, which includes the \$50 claim filing fee. 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 Respondent's registered agent by UPS on April 14, 2015. Grandview Landscaping Services, Inc. received the notice on April 15, 2015. Respondent

responded to the claim and requested a hearing. Notice of the claim was also sent to Co-Respondent, Sure Tec Insurance Company, via UPS. The notice was received on April 17, 2015. Co-Respondent did not contest the matter or request a hearing/contested the hearing.

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 September 15, 2015, and the Administrative Law Judge (ALJ) entered a Recommended Order on October 8, 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, review of the record, and being otherwise fully advised in the premises,

IT IS ORDERED AND ADJUDGED that:

Respondent, Grandview Landscaping Services, Inc., shall pay Petitioner, Southeastern Trees, LLC, the amount of \$5,774.00, to be paid within fifteen (15) days from the date this order becomes final. In the event that Respondent does not comply with this order within fifteen (15)

days from the date it becomes final, Sure Tec Insurance Company, as Co-Respondent for 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 Co-Respondent, Sure Tec Insurance 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 18th day of November, 2015.

**ADAM H. PUTNAM
COMMISSIONER OF AGRICULTURE**



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

Filed, this 18th day of November, 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

Petitioner, 4881 Northwest 8th Avenue Suite #4, Gainesville, FL 32605

Respondent, 576 Southwest 45th Street, Ocala, FL 34471

Surety, 1330 Post Oak Boulevard Suite #110, Houston, Texas 77056

and by hand-delivery to:

**Tom A. Steckler, Director
Division of Consumer Services**