

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

AMIR AHMAD,

Petitioner,

vs.

Case No. 17-5293

CITRA-LIFE, INC., AND PLATT
RIVER INSURANCE COMPANY, AS
SURETY,

Respondents.

_____ /

RECOMMENDED ORDER OF DISMISSAL

The final hearing in this matter was conducted before J. Bruce Culpepper, Administrative Law Judge of the Division of Administrative Hearings, pursuant to sections 120.569 and 120.57(1), Florida Statutes (2017),^{1/} on November 30, 2017, in Tallahassee, Florida.

APPEARANCES

For Petitioner: No appearance

For Respondent: No appearance

STATEMENT OF THE ISSUE

The issue is whether Respondent, Citra-Life, Inc., LLC, is indebted to Petitioner for the purchase of citrus fruit; and, if so, in what amount.

PRELIMINARY STATEMENT

On June 7, 2017, Petitioner, Amir Ahmad, filed a complaint with the Department of Agriculture and Consumer Services (the "Department") asserting that he was not fully compensated for his sale of citrus fruit to Respondent, Citra-Life, Inc. ("Citra-Life").

The Department referred this matter to the Division of Administrative Hearings ("DOAH") on September 14, 2017, and requested assignment of an Administrative Law Judge to conduct a chapter 120 evidentiary hearing.

On October 13, 2017, the undersigned scheduled a final hearing on this matter on November 30, 2017. A Notice of Hearing was issued notifying the parties of the date, time, and location of the final hearing, and other pertinent procedures. The Notice of Hearing was mailed to Petitioner and Respondents at their respective addresses of record.

FINDINGS OF FACT

1. The final hearing was convened, as duly noticed, on November 30, 2017, at 9:30 a.m. Neither party appeared at the final hearing. No evidence was presented by either party. Prior to the final hearing, neither party filed any correspondence or motions with DOAH requesting a continuance of, or objecting to, the hearing date.

CONCLUSIONS OF LAW

2. The Division of Administrative Hearings has jurisdiction over the parties and subject matter of this proceeding pursuant to sections 120.569 and 120.57(1).

3. Absent specific statutory authority, the burden of proof is on the party asserting the affirmative of an issue in an administrative proceeding. Antel v. Dep't of Prof'l Reg., 522 So. 2d 1056 (Fla. 5th DCA 1988); Balino v. Dep't of HRS, 348 So. 2d 349 (Fla. 1st DCA 1977). The preponderance of the evidence standard is applicable to this case. See § 120.57(1)(j), Fla. Stat.; Dep't of Banking & Fin., Div. of Sec. & Investor Prot. v. Osborne Stern & Co., 670 So. 2d 932 (Fla. 1996).

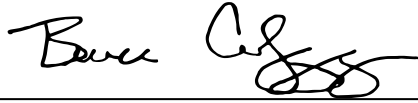
Accordingly, Petitioner has the burden of proving, by a preponderance of the evidence, that Citra-Life is indebted to him for certain services described in his complaint to the Department.

4. By failing to appear at the final hearing, Petitioner failed to present any evidence to meet his burden. Consequently, Petitioner did not prove that he is due to be paid by Citra-Life in any amount.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Department of Agriculture and Consumer Services enter a final order dismissing Petitioner's complaint against Citra-Life.

DONE AND ENTERED this 1st day of December, 2017, in
Tallahassee, Leon County, Florida.



J. BRUCE CULPEPPER
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 1st day of December, 2017.

ENDNOTE

^{1/} All statutory references are to Florida Statutes (2017),
unless otherwise noted.

COPIES FURNISHED:

W. Alan Parkinson, Bureau Chief
Bureau of Mediation and Enforcement
Department of Agriculture and
Consumer Services
Rhodes Building, R-3
2005 Apalachee Parkway
Tallahassee, Florida 32399-6500
(eServed)

Amir Ahmad
4678 San Paulo Court
Lakeland, Florida 33813

Platte River Insurance Company
Attn: Claims Department
Post Office Box 5900
Madison, Wisconsin 53705-0900

Citra-Life Inc.
176 Highway 630 East
Frostproof, Florida 33843

Honorable Adam Putnam
Commissioner of Agriculture
Department of Agriculture and
Consumer Services
The Capital, Plaza Level 10
Tallahassee, Florida 32399-0810

Lorena Holley, General Counsel
Department of Agriculture and
Consumer Services
Mayo Building, Room 520
407 South Calhoun Street
Tallahassee, Florida 32399-6500
(eServed)

Tina Robinson
Department of Agriculture and
Consumer Services
Rhodes Building, R-3
2005 Apalachee Parkway
Tallahassee, Florida 32399-6500
(eServed)

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.