

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 NICOLE "NIKKI" FRIED

February 12, 2021

VIA: USPS

2021 FEB 17 PM 2:24
DIVISION OF
ADMINISTRATIVE HEARINGS

FILED

RE: AGENCY FINAL ORDER
Case No. 1911-42423
Agency Clerk Tracking No. B28071

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.

Should you have any questions please contact me at (850) 410-3783.

Sincerely,

Rose Rucker
Regulatory Consultant
850-410-3783
Rose.Rucker@fdacs.gov

Enclosure:

**FLORIDA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES**

2021 FEB 17 PM 2:24
DIVISION OF
ADMINISTRATIVE HEARINGS

FILED

DOUG LANCASTER FARMS, INC.,

Petitioner,

vs.

DOBSON'S WOODS AND WATER, INC.,

DOAH CASE NO: 20-3360
Agency Clerk Filing No.: B28071
Amount of Claim: \$12,630.00

and

**WESTERN SURETY COMPANY, AS
SURETY,**

Respondents.

_____ /

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, Doug Lancaster Farms, Inc. (Petitioner) in the above-captioned matter, is a producer of Florida agricultural products. The Petitioner sold 269 agricultural products to Dobson's Woods and Water, Inc. (Respondent) on August 19, 2019. On October 29, 2019, the Petitioner filed a complaint for non-payment against the Respondent totaling \$53,245.00, 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 the Respondent's registered agent by UPS on November 21, 2019. The Respondent received the notice of claim on November 22, 2019. On December 16,

2019, the Respondent submitted the 'Answer of Respondent' form to the Department and requested 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 November 2, 2020, and the Administrative Law Judge (ALJ) entered a Recommended Order on November 20, 2020, 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:

The Respondent, Dobson's Woods and Water, Inc., shall pay Petitioner, Doug Lancaster Farms, Inc., the amount of \$12,630.00, 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, Western Surety Company, as the Co-Respondent

for the Respondent, is hereby ordered to provide payment under the conditions and provisions of the bond, to **NICOLE FRIED, COMMISSIONER**, as Obligee on the bond. **Should responsibility for payment evolve to the Co-Respondent, Western Surety Company, will be notified by this office.**

Done and Ordered this 22nd day of January, 2021.

**NICOLE FRIED,
COMMISSIONER**

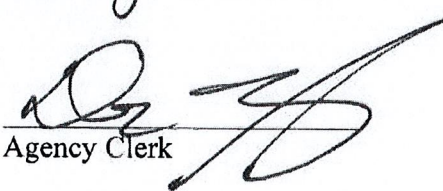
/s/ Richard Kimsey

**RICHARD KIMSEY
DIVISION DIRECTOR**

NOTICE OF RIGHT TO JUDICIAL REVIEW

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.

Rendered, this 4th day of February, 2021.


Agency Clerk

Copies Furnished to:

Judge G. W. Chisenhall, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060

Kelly Lancaster
Doug Lancaster Farms, Inc.
3364 East County Road 48
Center Hill, Florida 33514

Larry K. Dobson
Dobson's Woods and Water, Inc.
851 Maguire Road
Ocoee, Florida 34761-2915

Western Surety Company
Post Office Box 5077
Sioux Falls, South Dakota 57117-5077