

**FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
CHARLES H. BRONSON, COMMISSIONER
BUREAU OF LICENSE AND BOND-DIVISION OF MARKETING AND DEVELOPMENT
MAYO BUILDING, TALLAHASSEE, FLORIDA 32399-0800**

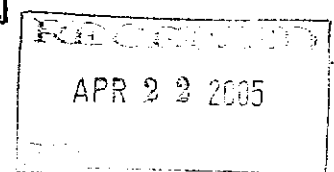
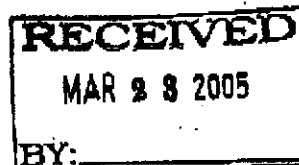
AGENT COMPLAINT

1. **Complainant: Skinner Nurseries, Inc.**
(Agent)
2. **Address: 2970 Hartley Road, Suite 302 Jacksonville, FL 32257 904-880-4344 Ext. 213**
3. **Complainant's Federal Employer Identification or Social Security Number: 59-3642121**
4. **Respondent: Akers Holding, LLC d/b/a**
(Dealer)
5. **Address: 5006 20th Avenue S Tampa, FL 33619-5338**
Telephone 813-242-8757
6. **Co-Respondent: Fidelity & Deposit Co. of Maryland, as Surety for Respondent.**
(Surety)
7. **Address: 3910 Kerwick Road Baltimore MD 21211**
8. **STATE OF FLORIDA**
9. **COUNTY OF DUVAL**
10. Before me, personally appeared Donald DuMond (Owner/Officer) for Complainant who being duly sworn, deposes and says that the Respondent named above is justly indebted to said Complainant, who, as an Agent for the producer(s) hereinafter named, sold to said Respondent Florida-grown agricultural products by said producer(s). The indebtedness results from Respondent's failure to properly make payment and /or accounting as required by Florida Statutes, Sections 604.15-604.30.
11. **DATE OF SALE QUANTITY, PRODUCTS & PRICE PER UNIT GRADE AMOUNT**
September 17, 2004 - November 15, 2004 See attached

12. (CONTINUE ON SEPARATE PAGE IF NECESSARY)

TOTAL \$ 30,066.00

DACS-06312



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The transactions(s) above complained of were made upon the conditions and manner as follows:

13. Terms of Sale: _____ f.o.b., X delivered, _____ other: _____

14. Purchased by: _____ : _____ after inspection, X by telephone.

15. _____ by telegram, _____ other: from Skinner Nursery/Tampa, Agent.

16. PLEASE MAKE A STATEMENT OUTLINING THE VARIOUS STEPS IN THE TRANSACTION(S) INCLUDING EFFORTS OF COMPLAINANT TO EFFECT SETTLEMENT:

In July 2004 Akers Holding, LLC began getting behind on their account. Several meetings took place between Mr. Akers and Rob Subzer, Branch Manager of Skinner Tampa, to discuss their delinquent account. We were told numerous times that payment would be made, but then payment was never received. Many times when a payment was received it would be for current invoices rather than for the past due. Over the last six months we have tried to work with them. On February 8, 2005 Akers Holding, LLC advised they would be willing to sign a Promissory Note for \$136,942.49 with a payment of \$12,083.64 each month starting on March 15, 2005. As of today we still do not have a signed, notarized note and the payment due on March 15, 2005 has not been received.

(CONTINUE ON SEPARATE PAGE IF NECESSARY)

The producers of agricultural commodities involved in this complaint are as follows:

17. DATE OF SALE	AGENT	ADDRESS	COMMODITY	AMOUNT
<u>09/1/05-11/15/05</u>	Skinner Wholesale	13000 State Rd 11	Shrubbery, Trees	
9-17-04 - 04		Bunnell, FL 32110		

18. In support of this complaint, hereto attached is the following documentary evidence:

A current Statement of Account, Copies of Invoices, Customer Notes and a copy of the Promissory Note.

19. Skinner Nurseries, Inc., Complainant
20.

BY: Donald M. DeLong
Officer
TITLE: CFO

21. Sworn to and subscribed before me

this 17 day of Mar, 2005.

Notary Public

Personally Known

Produced Identification Type _____

