

P13000068290

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

☐ PICK-UP

☐ WAIT

☐ MAIL

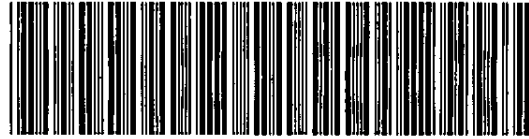
(Business Entity Name)

(Document Number)

Certified Copies _____ Certificates of Status _____

Special Instructions to Filing Officer:

Office Use Only



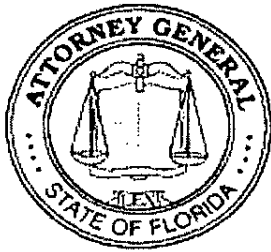
200267306462

FILED
16 NOV -9 PM 4:34
SECRETARY OF STATE
RECEIVED

Consent ordered dissolution

NOV 10 2016

D CUSHING



PAM BONDI
ATTORNEY GENERAL
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL
General Civil Litigation

Melissa Eggers, Esquire
Assistant Attorney General
1515 North Flagler Drive (Suite 900)
West Palm Beach, FL 33401
Phone (561) 837-5000 Fax (561) 837-5102
<http://www.myfloridalegal.com>

Florida Department of State
Division of Corporations
Corporate Filings
PO Box 6327
Tallahassee, FL 32314

November 2, 2016

Re:

CASE NO. 13-2016-CA-11523

STATE OF FLORIDA, DEPARTMENT OF LEGAL
AFFAIRS, OFFICE OF THE ATTORNEY GENERAL,
Plaintiff,

vs.

DIONAY ALBO, LAZARO CHACON, ANDRES
HERNANDEZ, LUIS IVAN NOVO REMEDIOS, and
OSMEL AGUSTIN ROJAS MARTINEZ, Defendants

RECEIVED
NOV 9 2016
OFFICE OF THE ATTORNEY GENERAL
TALLAHASSEE, FLORIDA

~~Dear Ms. Diane Cushing:~~

On October 27, 2016 Judge Rosa Rodriguez of the Eleventh Judicial Circuit issued an Order in the above-mentioned case. Among the relief granted, the Court ordered the dissolution of specific companies associated with Defendants: DIONAY ALBO, ANDRES HERNANDEZ, LUIS IVAN NOVO REMEDIOS. Please find enclosed a copy of the Order that was issued. I draw your attention to pages 6-7, paragraph 7 and 8.

ORDERED that the following companies be dissolved forthwith:

a. Albo Produce

✓ Andy's Seafood - P13-68290

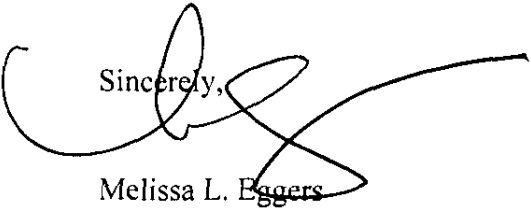
c. Luis Novo Pescado

FILED
NOV 9 2016
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

d. Flea Market Pescaderia.

Please ensure that the above mentioned companies are hereby dissolved. Please feel free to contact me with any questions or concerns.

Sincerely,



Melissa L. Eggers
Assistant Attorney General

Enclosure: Order by Court

Cc:

Orlando Rodriguez, Esq. Fla. Bar No. 887501.

Attorney for DIONAY ALBO, ANDRES HERNANDEZ & LUIS IVAN NOVO REMEDIOS.
The Law Office of Orlando Rodriguez, 8603 South Dixie Highway, Suite 218, Miami, Florida 33143.

Telephone 786-208- 3290, Fax 305-577-0282

Orlando@orlandorodriguezpa.com

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,
DEPARTMENT OF LEGAL AFFAIRS,
OFFICE OF THE ATTORNEY GENERAL,
Plaintiff,

vs.

CASE NO. 13-2016-CA-FL523

DIONAY ALBO, LAZARO CHACON,
ANDRES HERNANDEZ,
LUIS IVAN NOVO REMEDIOS, and
OSMEL AGUSTIN ROJAS MARTINEZ,
Defendants

**ORDER GRANTING PLAINTIFF'S MOTION FOR COURT APPROVAL OF THE
COMPROMISE AGREEMENT BETWEEN STATE OF FLORIDA, DEPARTMENT OF
LEGAL AFFAIRS, OFFICE OF THE ATTORNEY GENERAL AND DIONAY ALBO,
ANDRES HERNANDEZ AND LUIS IVAN NOVO REMEDIOS**

THIS CAUSE having come before the Court upon Plaintiff's, STATE OF FLORIDA,
DEPARTMENT OF LEGAL AFFAIRS, OFFICE OF THE ATTORNEY GENERAL, Motion
seeking Court approval of a Compromise Agreement between Plaintiff and Defendants,
DIONAY ALBO, ANDRES HERNANDEZ and LUIS IVAN NOVO REMEDIOS (collectively
"Defendants")

This Court has reviewed all papers submitted, took oral arguments on October 24, 2016.
At the hearing, counsel for the Plaintiff was present, counsel for the Defendants was present. No
other parties or individuals appeared.

Plaintiff is a Florida governmental investigative agency authorized to pursue the civil
Racketeering Influenced and Corrupt Organization Act (RICO) cases under Fla. Stat. §895.05.
Plaintiff has alleged and continues to allege that the aforementioned Defendants have been

engaged in an enterprise of racketeering activity in violation of Chapter 895 of the Florida Statutes regarding the trafficking of Electronic Benefits Transfer ('EBT') cards in furtherance of defrauding The Supplemental Nutrition Assistance Program ('SNAP'), more commonly referred to as Food Stamps.

On May 10, 2016, this Court issued injunctions thereby Ordering the respective financial institution to freeze, take a snapshot of, and prohibit any debits to six particular bank accounts belonging to these Defendants. At the time of the freezing of the accounts, these seized bank accounts contained a total of seventy-seven thousand, three hundred, twenty-eight dollars and fifty-eight cents (\$77,328.58). These accounts are:

- a. Bank of America account #898072275347 in the name of Andy's Seafood Inc. with a signatory of Andres Hernandez, with a total amount of: \$17,511.45.
- b. Bank of America account #002292747580 in the name of Andy's Seafood Inc. with a signatory of Andres Hernandez with a total amount of: \$312.32.
- c. Bank of America account #5560078823 in the name of Andres Hernandez with a signatory of Andres Hernandez with a total amount of: \$51,502.76.
- d. Florida Community Bank account #602162550 in the name of Andy's Seafood Inc. with a signatory of Andres Hernandez with a total amount of: \$1,597.06.
- e. Sun Trust bank account #1000175007185 in the name of Andy's Seafood Inc. with a signatory of Andres Hernandez with a total amount of: \$00.00.

f. Regions Bank account #002292747580 in the name of Luis Novo Remedios, with a signatory of Luis Ivan Novo Remedios with a total amount of: \$6,398.99.

This Court is aware that the Defendants have all been criminally charged with crimes related to the allegations the Plaintiff sets forth in this civil action. Namely, ANDRES HERNANDEZ has been charged under case number 13-2016-CF-009757B000XX, DIONY ALBO has been charged under case number 13-2016-CF009757D000XX; and LUIS IVAN NOVO REMEDIOS has been charged under case number 13-2016-CF-0097610001XX. Based upon an agreement between the parties, nothing in this order shall affect, alter or have bearing on the criminal charges.

Plaintiff and Defendants have knowingly, lawfully and willfully entered into a Compromise Agreement. Said agreement is attached to this Order and is incorporated herein in its entirety. (Exhibit A, Compromise Agreement). Plaintiff is permitted to enter into said agreement with the Defendants regarding property which it has seized and seeks the forfeiture of. Fla. Stat. §895.09(3) states “[n]othing in this section shall be construed to limit the authority of an entity that files a forfeiture action to compromise a claim for forfeiture; however, any proceeds arising from a compromise or from the sale of property obtained in a compromise shall be distributed in the manner provided in subsections [895.09] (1) and (2).”

This Court shall avoid the delay of the liquidation, release and disbursement of seized property as is in the best interest of this action. The basis to authorize quick and efficient action in the forfeiture of the property is found in Fla. Stat. §895.05(2)(d):

The state shall dispose of all forfeited property as soon as commercially feasible. If property is not exercisable or transferable for value by the state, it shall expire.

All forfeitures or dispositions under this section shall be made with due provision for the rights of innocent persons. The proceeds realized from such forfeiture and disposition shall be promptly distributed in accordance with the provisions of s. 895.09.

This Court is permitted to act in the issuance of this Order:

Any circuit court may, after making due provision for the rights of innocent persons, enjoin violations of the provisions of s. 895.03 by issuing appropriate orders and judgments...

Fla. Stat. §895.05(1)

The Department of Legal Affairs... having jurisdiction over conduct in violation of a provision of this act may institute civil proceedings under this section. In any action brought under this section, the circuit court shall proceed as soon as practicable to the hearing and determination. Pending final determination, the circuit court may at any time enter such injunctions, prohibitions, or restraining orders, or take such actions, including the acceptance of satisfactory performance bonds, as the court may deem proper.

Fla. Stat. § 895.05(5)

Pursuant to Fla. R. Civ. P. 1.600, this Court is authorized to direct the seized funds be placed into the Court Registry. See First States Inv'rs 3300, LLC v. Pheil, 52 So. 3d 845, 848 (Fla. 2d DCA 2011). This Court further finds that both Plaintiff and Defendants are in mutual agreement as to the transfer of all funds into the court registry. This Court further finds that both Plaintiff and Defendants are in mutual agreement as to disposition of the seized funds as stated in the Compromise Agreement.

Accordingly, pursuant to the authority stated in Chapter 895 of the Florida Statutes, it is hereby **ORDERED AND ADJUDGED** as follows:

1. **ORDERED** that the attached Compromise Agreement is approved, ratified and accepted in its entirety by this Court. Exhibit A.

2. **ORDERED** that the injunctions issued on the following accounts shall be lifted for the sole and only purpose of the maintaining financial institutions to transfer all funds contained within each account directly to the Miami-Dade Clerk of the Courts. Said transfer shall be conducted either by the maintaining financial institution remitting all funds directly to the Miami-Dade Clerk of the Courts or by the maintaining financial institution remitting to the DLA, or a law enforcement officer so designated by the DLA, a cashier's check or certified check made out to the '*Miami-Dade Clerk of Courts*'. Thereafter, within 24 hours of receipt of said check, the DLA or its law enforcement officer shall remit same to the Miami-Dade Clerk of the Courts for deposit in the registry.
- a. Bank of America account #898072275347 in the name of Andy's Seafood Inc. with a signatory of Andres Hernandez.
 - b. Bank of America account #002292747580 in the name of Andy's Seafood Inc. with a signatory of Andres Hernandez.
 - c. Bank of America account #5560078823 in the name of Andres Hernandez with a signatory of Andres Hernandez.
 - d. Florida Community Bank account #602162550 in the name of Andy's Seafood Inc. with a signatory of Andres Hernandez.
 - e. Sun Trust bank account #1000175007185 in the name of Andy's Seafood Inc. with a signatory of Andres Hernandez.
 - f. Regions Bank account #002292747580 in the name of Luis Novo Remedios, with a signatory of Luis Ivan Novo Remedios.
3. **ORDERED** that after all accounts as stated above in paragraph 2 a-f have been deposited into the Court Registry, either DLA or Defendants shall

motion to the Court for an Order directing the withdrawal and disbursement of the non-forfeited funds to the Defendants in accordance with the Compromise Agreement.

4. **ORDERED** that after all accounts as stated above in paragraph 2 a-f have been deposited in the Clerk of the Court's Registry, DLA shall motion to this Court for an Order directing the disposition of the forfeited funds pursuant to Fla. Stat. §895.09.
5. **ORDERED** that the court accepts the Defendants waiver and release of any right, title, interest, claim or defense it has or may have in this civil action related in any way to the Forfeited Funds, including those against any officer or member of the DLA, SWP, PBSO or FDLE as well as their deputies, investigators, attorneys, employees or agents.
6. **ORDERED** that the Defendants shall refrain from engaging in any and all transactions pertaining to the use of SNAP benefits both legal and illegal acts, including but not limited to the personal redemption of SNAP benefits; the redemption of SNAP benefits for non-personal uses; the redemption of SNAP benefits for business purposes; the redemption of SNAP benefits for income purposes; the purchase of products with SNAP benefits; the sale of products to SNAP recipients; the return of products and credit to SNAP recipients. Said actions include all electronic or internet based actions and non-electronic or non-internet based actions.
7. **ORDERED** that the following companies be dissolved forthwith:
 - a. Albo Produce

- b. Andy's Seafood
- c. Luis Novo Pescado
- d. Flea Market Pescaderia.

8. **ORDERED** that the Defendants shall take all affirmative actions necessary to dissolve the Enterprise, including the submission or filing any and all necessary papers, documentation and assertions with the Florida Department of State, Division of Corporations to dissolve all incorporated companies, *unincorporated companies and all shell companies created in furtherance of* the Enterprise including but not limited to:

- a. Albo Produce - *P13000101282 already vol. diss.*
- b. Andy's Seafood - *P13-68290*
- c. Luis Novo Pescado - *P10000050644 already vol. diss.*
- d. Flea Market Pescaderia.

9. **ORDERED** that the Defendants shall surrender, void, and cancel any license, permit or approval granted to the Defendants, their companies, and their Enterprise by any agency of the State or Federal government as it relates to Food Stamps, SNAP, financial benefits, financial assistance, welfare assistance, supplemental food programs including, but not limited to, any license, permit, approval or authority granted by the Florida Department of *Children and Families*, the United States Drug Administration, and Food Nutrition Service Agency.

10. **ORDERED** that the Defendants shall surrender, revoke and void all charters and articles of incorporation of all corporations and entities created for and

existing in furtherance of the enterprise, including but not limited to Albo Produce, Andy's Seafood, Luis Novo Pescado, Flea Market Pescaderia.

11. **ORDERED** that The MIAMI-DADE CLERK OF THE COURTS shall docket and file this Order.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on 10/27/16.


ROSA I. RODRIGUEZ
CIRCUIT COURT JUDGE

**No Further Judicial Action Required on THIS MOTION
CLERK TO RECLOSE CASE IF POST JUDGMENT**

The parties served with this Order are indicated in the accompanying 11th Circuit email confirmation which includes all emails provided by the submitter. The movant shall IMMEDIATELY serve a true and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated by the accompanying 11th Circuit confirmation, and file proof of service with the Clerk of Court.

Signed original order sent electronically to the Clerk of Courts for filing in the Court file.

Cc:

Melissa Lynn Eggers, Assistant Attorney General, Florida Bar No. 072506. Attorney for STATE OF FLORIDA, DEPARTMENT OF LEGAL AFFAIRS, OFFICE OF THE ATTORNEY GENERAL. Office of the Attorney General, 1515 North Flagler Drive, Suite 900, West Palm Beach, FL 33401. Telephone 561-837-5000, Fax 561-837-5102
Melissa.Eggers@myfloridalegal.com

Orlando Rodriguez, Esq. Fla. Bar No. 887501. Attorney for DIONAY ALBO, ANDRES HERNANDEZ & LUIS IVAN NOVO REMEDIOS. The Law Office of Orlando Rodriguez, 8603 South Dixie Highway, Suite 218, Miami, Florida 33143. Telephone 786-208- 3290, Fax 305-577-0282 Orlando@orlandorodriguezpa.com

Ramon Sarmiento, Esq. Florida Bar No. 928770. Attorney for OSMEL AGUSTIN ROJAS MARTINEZ. Baron, Breslin & Sarmiento, Alfred I. Dupont Building, 169 East Flagler Street, Suite 700, Miami, Florida, 33131. Phone 305-577-4626 Fax: 305-577-4630 rs@richardbaronlaw.com

Arturo Taquechel, Esq. Florida Bar No. 928770. Attorney for LAZARO CHACON. 4160 W. 16th Ave Suite 404, Hialeah, Florida, 33012. Phone 305-826-8171 Fax: 305-827-4485 ataquechel@msn.com