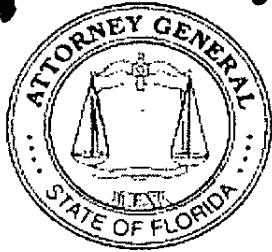


P14000094361



PAM BONDI
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General Civil Litigation

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

December 8, 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.

Dear Ms. Diane Cushing.

On October 27, 2016 Judge Rodriguez of the Eleventh Judicial Circuit issued an Order in the above-mentioned case. Among the relief granted, the Court ordered the dissolution of companies associated with Defendant: **OSMEL AGUSTIN ROJAS MARTINEZ**, specifically:

1. Rojas Bauta Produce, Corp.
2. Rojas Bauta Produce, Corp. P1400094361
3. Luana Produce Corp.
4. Luana Produce Corp. P15000059723

Enclosed is a copy of the Order that was issued. I draw your attention to page 5, paragraph 7. Please ensure that the above mentioned companies are hereby dissolved. Feel free to contact me with any questions or concerns.

Sincerely,

Melissa L. Eggers
Assistant Attorney General

Enclosure: Order by Court

Cc: Ramon Sarmiento, Esq. Florida Bar No. 0645702. Attorney for OSMEL AGUSTIN ROJAS MARTINEZ.

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TALLAHASSEE
SECRETARY OF THE
STATE OF FLORIDA
OFFICE OF THE
ATTORNEY GENERAL

DEC 14 2016

D CUSHING

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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-11523

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 OSMEL AGUSTIN
ROJAS MARTINEZ**

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 Defendant OSMEL AGUSTIN ROJAS MARTINEZ ("Defendant").

This Court has reviewed all papers submitted, took oral arguments on December 5, 2016. At the hearing counsels for the Plaintiff and Defendant Martinez were present.

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 Defendant has 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 two particular bank accounts belonging to this Defendant. At the time of the freezing of the accounts, these seized bank accounts contain a total of two-hundred eight dollars and seventy-eight cents. (\$208.78). These accounts are:

- a. Wells Fargo account ending in # 3798 in the name of Osmel A Rojas Martinez with a signatory of Osmel A Rojas Martinez with a total amount of: \$47.50
- b. Wells Fargo account ending in #5760 in the name of Rojas Bauta Produce, Corp. with a signatory of Osmel A Rojas Martinez, with a total amount of: \$161.28

This Court is aware that the Defendant has been criminally charged under 13-2016-CF-009757A000XX with crimes related to the allegations the Plaintiff sets forth in this civil action. Based upon an agreement between the parties, nothing in this order shall affect, alter or have bearing on the criminal charges.

Plaintiff and Defendant 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 Defendant 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 Defendant are in mutual agreement as to the transfer of all funds into the court registry. This Court further finds that both

Plaintiff and Defendant 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. Wells Fargo account # 8596783798 in the name of Osmel A Rojas Martinez with a signatory of Osmel A Rojas Martinez with a total amount of: \$47.50
 - b. Wells Fargo account #8596855760 in the name of Rojas Bauta Produce, Corp. with a signatory of Osmel A Rojas Martinez, with a total amount of: \$161.28
3. **ORDERED** that after all accounts as stated above in paragraph 2 a-b 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.

4. **ORDERED** that after all accounts as stated above in paragraph 2 a-b 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. **ORDRED** that the court accepts the Defendant's 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 Defendant 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. Rojas Bauta Produce, Corp.
 - b. Rojas Bauta Produce, Corp. P1400094361
 - c. Luana Produce Corp.
 - d. Luana Produce Corp. P15000059723

8. **ORDERED** that the Defendant 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. Rojas Bauta Produce, Corp.
- b. Rojas Bauta Produce, Corp. P1400094361
- c. Luana Produce Corp.
- d. Luana Produce Corp. P15000059723

9. **ORDERED** that the Defendant shall surrender, void, and cancel any license, permit or approval granted to the Defendant, his companies, and his 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 Defendant 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 Chacon Produce Corp.

- a. Rojas Bauta Produce, Corp.

b. Rojas Bauta Produce, Corp. P1400094361

c. Luana Produce Corp.

d. Luana Produce Corp. P15000059723

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 12/06/16.


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
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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

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