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Court ordered dissolution

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D CUSHING

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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 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 Defendant: **LAZARO CHACON**. Please find enclosed a copy of the Order that was issued. I draw your attention to pages 5-6, paragraph 6 and 7.

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ORDERED that the following companies be dissolved forthwith:

a. Chacon Produce Corp.

b. Chacon Produce Corp P15000046840

c. L.E.Y. & Associated, Corp.

d. L.E.Y. & Associated Corp P09000005252

e. L.E.Y. & Associated Corp. P13000022017

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:
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
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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 LAZARO CHACON

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 LAZARO CHACON ("Defendant")

This Court has reviewed all papers submitted, took oral arguments on September 30, 2016. At the hearing, counsel for the Plaintiff was present, counsel for the Defendant Lazaro Chacon 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 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 contained a total of seven-thousand, seven-hundred, eighty dollars and seventy-four cents ($7,780.74). These accounts are:

a. Wells Fargo account ending in #1131 in the name of Chacon Produce Corp. with a signatory of Lazaro Chacon, with a total amount of: $3,452.60.

b. Wells Fargo account ending in # 4316 in the name of L.E.Y. & Associated, Corp with a signatory of Lazaro Chacon, with a total amount of: $4,328.14.

This Court is aware that the Defendant has been criminally charged under 13-2016-CF-009757C000XX 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*'. Said financial institutions are thereafter authorized to close said accounts. 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 ending in #1131 in the name of Chacon Produce Corp. with a signatory of Lazaro Chacon.
    b. Wells Fargo account ending in # 4316 in the name of L.E.Y. & Associated, Corp with a signatory of Lazaro Chacon

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. **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.
5. **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.
6. **ORDERED** that the following companies be dissolved forthwith:
    a. Chacon Produce Corp.
    b. Chacon Produce Corp P15000046840
    c. L.E.Y. & Associated, Corp.
    d. L.E.Y. & Associated Corp P09000005252

e. L.E.Y. & Associated Corp. P13000022017

7. **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. Chacon Produce Corp.

   b. Chacon Produce Corp P15000046840

   c. L.E.Y. & Associated, Corp.

   d. L.E.Y. & Associated Corp P09000005252

   e. L.E.Y. & Associated Corp. P13000022017

8. **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.

9. **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. Chacon Produce Corp P15000046840

b. L.E.Y. & Associated, Corp.

c. L.E.Y. & Associated Corp P09000005252

d. L.E.Y. & Associated Corp. P13000022017

10. **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