

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

YVONNE HADEED REYNOLDS,

Petitioner,

Appellate Division (Civil)

Case No.: 502009CA020777XXXXMB

Division: 'AY'

Appeal from the Florida Department of  
Highway Safety and Motor Vehicles

v.

DEPARTMENT OF HIGHWAY  
SAFETY AND MOTOR VEHICLES,

Respondent.

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Opinion filed: March 9, 2010

✓ For Petitioner:

Ira Karmelin, Esq., 3951 Haverhill Road North, Suite 203,  
West Palm Beach, FL 33417-8112

✓ For Respondent:

Heather Rose Cramer, Esq., DHSMV-Legal Office, PO  
Box 540609, Lake Worth, FL 33454-0609

PER CURIAM.

Yvonne Hadeed Reynolds filed this petition for writ of certiorari seeking review of a final order suspending her driver's license entered by the State of Florida, Department of Highway Safety and Motor Vehicles, Division of Driver's Licenses, Bureau of Administrative Reviews ("DHSMV"). Reynolds argued that she was denied due process of law. In quasi-judicial proceedings, due process is met if the parties involved are provided with notice of hearing and an opportunity to be heard, including an opportunity to present evidence, cross-examine witnesses, and be informed of all facts upon which the commission acts. *Jennings v. Dade County*, 589 So. 2d 1337, 1340 (Fla. 3d DCA 1991).

Reynolds requested a subpoena of Officer Stuhr and the process server attempted to effectuate substituted service of process on the Florida Highway Patrol's court liaison on May 6, 2009. The liaison refused to accept the subpoena because the process server arrived at the office after 1:00 PM. Reynolds argues that none of the reasons for refusal listed in Florida Administrative Code Rule 15A-6.012(3) existed so the refusal was wrongful. That rule provides that service of a witness subpoena upon a law enforcement officer may be made as provided in section 48.031(1), Fla. Stat., or by delivery to a designated supervisory or administrative employee at the witness's place of employment if the highest ranking official at the place of employment has designated the employee to accept. The employee may reject service if the witness is no longer employed at that place of employment; the witness is not scheduled to work prior to the day the witness is scheduled to appear; or the appearance date is less than seven days from the date of service. *Id.* The agency head or highest ranking official may determine the days of the week and the hours that service may be made at the place of employment. *Id.*

Here, the return of service indicates that service was attempted at 4:00 PM on May 6, 2009 and contains the following notation:

Service refused per liaison, Dorothy Ingram. Subpoena had to be delivered before 1:00 PM on May 6, 2009 or they would not be able to accept.

The process server testified that the liaison had informed him that the officer was working that day but that the subpoena had to have been delivered before 1:00 PM. The agency head or highest ranking official may determine the days of the week and the hours that service may be made at the place of employment. FAC 15A-6.012(3). The petition is **GRANTED** because there is no evidence in the record that the agency head or highest ranking official ever actually determined the days of the week and the hours that service may be made at the place of employment, which would justify a refusal of the subpoena. As a result of the granting of the

writ, this cause is **REMANDED** and the subpoena shall be re-served consistent with this opinion. The Court finds that the other issue raised in this petition lacks merit.

KEYSER, BURTON, COLIN, JJ., concur.