

6-13-01

Final Order No. BPR-2001-03501 Date: 8-16-01
FILED

Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

AT

By: Brandon M. Nichols

**Department of Business and Professional Regulation
Division of Alcoholic Beverages and Tobacco
Northwood Centre
1940 North Monroe Street
Tallahassee, Florida 32399-1020**

FILED
AUG 20 PM 1:35
DIVISION OF ADMINISTRATIVE HEARINGS

Department of Business and Professional Regulation
Division of Alcoholic Beverages and Tobacco
PETITIONER

vs.

Main Street, Inc.
d/b/a Station Bar

RESPONDENT

DOAH CASE NO. 01-0611

REM-CLOS

DABT CASE NO. TA 39 990530
LICENSE NO. 39-00410
SERIES: 4COP

FINAL ORDER

This matter comes before me for final Agency Order.

The issue before me is whether and to what extent Respondent's alcoholic beverage license is subject to penalties pursuant to Sections 561.501, 561.501(2), Florida Statutes, and Rule 61A-4.063(8), Florida Administrative Code. Whether this Alcoholic Beverage License is subject to revocation pursuant to Section 561.29, Florida Statutes.

PRELIMINARY STATEMENT

1. On March 10, 2000, the Division issued an administrative action against Respondent.
2. Respondent filed a timely request for hearing, citing disputed issues of fact.
3. A formal hearing was conducted by Administrative Law Judge Robert E. Meale, Division of Administrative Hearings, on April 10, 2001.
4. A Recommended Order was issued by the administrative law judge on June 13, 2001.
5. Exceptions to the Recommended Order were filed by Respondent on June 28, 2001.

FINDINGS OF FACT

6. A thorough review of the entire record of this matter reveals that the Findings of Fact contained in the Recommended Order are based on competent, substantial evidence and that the proceedings on which the findings were based complied with the essential requirements of the law.

7. The Division hereby adopts and incorporates by reference the Findings of Fact as set forth in the Recommended Order.

CONCLUSIONS OF LAW

8. A thorough review of the entire record in this matter indicates that the Conclusions of Law contained in the Recommended Order are reasonable and correct interpretations of the law based on the Findings of Fact. Respondent's exceptions are thus rejected.

9. The Division hereby adopts and incorporates by reference the Conclusions of Law as set forth in the Recommended Order.

10. This Final Order is entered after a review of the complete record.

ORDER

Having fully considered the complete record of this case, the Recommended Order, and the exceptions filed, I hereby adopt the Recommended Order of the administrative law judge and reject all exceptions.

It is ORDERED that Respondent pay \$12,380.59 in surcharge and \$6190.29 in penalty, for a total liability of \$18,570.88. Payment must be received by September 15, 2001. Payment may be made at the Enforcement Office located at 1313 Tampa Street, Park Trammel Building, Suite 702, Tampa, Florida. Failure to fully comply with any portion of this Final Order within any specified time limit

will result in license revocation as provided in 561.29(1)(k), Florida Statutes.

DONE and ORDERED, this 14th day of August, 2001.



[Handwritten Signature]
RICHARD E. TURNER, Director
Division of Alcoholic Beverages and Tobacco

This *Order* of the Director of the Division of Alcoholic Beverages and Tobacco will become final unless judicial review is initiated within 30 days of the date of rendition. The rendition date is the date the *Order* is filed by the Agency Indexing Clerk. Judicial review may be commenced by filing an original *Notice of Appeal* with the Clerk of the Division of Alcoholic Beverages and Tobacco and a copy, accompanied by filing fees prescribed by law, with the appropriate District Court of Appeal, pursuant to Section 120.68, Florida Statutes and Rule 9.110, F.R.A.P.

Mail Certification: This Final Order was sent by Certified Mail
7000 0520 0021 2085 3885 to:
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By: *Reedina L. Fields* Mail Date: *August 18, 2001*

Additional copies mailed to:

District Enforcement/Licensing Office

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