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

DIVISION OF
ADMINISTRATIVE
HEARINGS

DWD-Closed

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
DIVISION OF ALCOHOLIC BEVERAGES
AND TOBACCO,

Final Order No. BPR-2001-03840 Date: 9-5-01
FILED

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

By:

Brandon M. Nichols

Petitioner,

vs.

DOAH CASE NO.: 01-1306
DBPR CASE NO.: AY 74 000779
LICENSE NO.: 74-05336

GEORGE LOPEZ
d/b/a SMILEY'S

Respondent.

FINAL ORDER

The Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, pursuant to Section 120.57(1), Fla. Stat., enters this Final Order in the above-captioned matter. Upon consideration of the Recommended Order issued on July 30, 2001, by Don W. Davis, Administrative Law Judge (a copy of which is attached as Exhibit A), review of the complete record, and in the absence of any exceptions to the Recommended Order, the Division makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

The Findings of Fact set forth in the Recommended Order are adopted in full and

incorporated herein by reference.

CONCLUSIONS OF LAW

The Conclusions of Law set forth in the Recommended Order are adopted in full and incorporated herein by reference.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ordered that Respondent's Alcoholic Beverage License Number 74-05336 2COP is revoked.

DONE AND ORDERED this 31st day of August, 2001.



A handwritten signature in black ink, appearing to read "Richard E. Turner", is written over a horizontal line.

Richard E. Turner, Director
Division of Alcoholic Beverages and Tobacco
1940 North Monroe Street
Tallahassee, Florida 32399-1020
(850) 488-3227

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. A transcript of the informal hearing may be obtained upon written request received no later than 60 days from the rendition date of this *Order*.

Mail Certification: This Final Order was sent by Certified Mail
7000 1670 0013 5498 3062 to:
Paul Kwilecki, Jr., Esquire
629 North Peninsula Drive
Daytona Beach, Florida 32118

By: Rosaline L. Field

Mail Date: September 6, 2001

Additional copies mailed to:

Don W. Davis, Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

Michael Martinez, Assistant General Counsel
Department of Business and Professional Regulation

Sarah Wachman, Agency Indexing Clerk
Northwood Centre

District Supervisor

Bureau of Law Enforcement