

8-21-01

Final Order No. BPR-2001-03877 Date: 9-17-01
FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk

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

AT

FILED
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DIVISION OF
ADMINISTRATIVE
HEARINGS

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

Petitioner,

vs.

DOAH CASE NO.: 01-1611
DBPR CASE NO.: ES 60 000099
LICENSE NO.: 60-11724, 4COP, SRX

PHM-CWS

**COLUCCIS ATTIC, INC.
d/b/a COLUCCIS ATTIC**

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 August 21, 2001, by Patricia H. Malono, 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

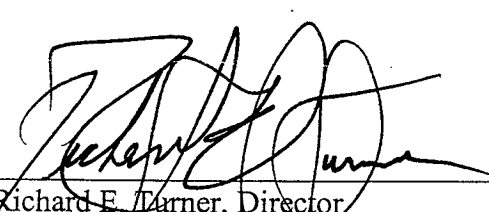
The Conclusions of Law set forth in the Recommended Order are adopted in full and incorporated herein by reference.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Respondent pay a \$1000 civil penalty which must be received by October 15, 2001, and may be made at the District Office located at 400 North Congress Avenue, #150, West Palm Beach, Florida 33401. It is further ORDERED that Respondent's alcoholic beverage license number 60-11724, 4COP, SRX, shall be revoked effective on October 15, 2001. Revocation shall impair Respondent's qualifications to hold another SRX license for a period of five years, but shall be without prejudice for Respondent to apply for and hold any other series alcoholic beverage license contingent upon payment of the above referenced \$1000 civil penalty and provided Respondent is otherwise qualified to hold said license.

DONE AND ORDERED this 10th day of September, 2001.




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 0520 0021 2085 4035 to:

David Neary

600 North Congress Avenue

Suite 160

Delray Beach, FL 33445

By:

Rosalind K. Giebel

Mail Date:

September 18, 2001

Additional copies mailed to:

Patricia H. Malono, Administrative Law Judge

Division of Administrative Hearings

The DeSoto Building

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District Supervisor

Bureau of Law Enforcement

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Department of Business and Professional Regulation