

9-7-01

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DIVISION OF ADMINISTRATIVE HEARINGS

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION,
DIVISION OF HOTELS AND RESTAURANTS,

Petitioner,

vs.

CHARLES MCMAHAN AND
SANDRA MCMAHAN, D/B/A
MIKE'S MUNCHIES,

Respondent.

DH&R Case Nos. 6-00-078
6-00-125
6-99-028
DOAH Case Nos. 01-2006
01-2007
01-2008

SFH-CLC5

License No. 13-04489-R

Final Order No. BPR-2001-03940 Date: 9-19-01
FILED
Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

FINAL ORDER

By: Brandon M. Nichols

The undersigned Director of the Division of Hotels and Restaurants enters this Final Order in the above-styled cause pursuant to Section 120, Florida Statutes.

Petitioner, Division of Hotels and Restaurants, adopts *in toto* the Recommended Order of the Honorable Suzanne F. Hood, Administrative Law Judge, Division of Administrative Hearings, issued on the 7th day of September, 2001, herein attached as Exhibit "A."


ORDER

Based upon the complete record, the findings of fact, conclusions of law, and recommendation of the Administrative Law Judge of the Division of Administrative Hearings, it is hereby **ORDERED** that:

1. Respondent shall pay administrative fines in the amount of \$1,200 for DOAH Case No. 01-2006 (DH&R Case No. 6-00-078), \$500 for DOAH Case No. 01-2007 (DH&R Case No. 6-00-125), and \$8,000 for DOAH Case No. 01-2008 (DH&R Case No. 6-99-028), for a

grand total of \$9,700, which may be paid in one lump sum or in monthly installment of no less than \$100.00. Payment shall be made by check or money order made payable to the Department of Business and Professional Regulation, and mailed to the Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, within 30 days of the date of this Final Order. If Respondent fails to pay the fine as required by this Final Order, Respondent's license shall be suspended until Respondent begins making monthly payments of no less than \$100.00.

DONE AND ORDERED this 18th day of September, 2001, in Tallahassee, Florida.



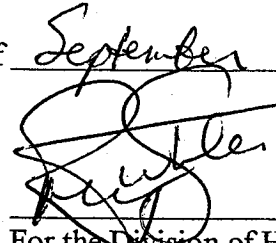
GEORGEY LUEBKEMANN, DIRECTOR
Division of Hotels and Restaurants
1940 North Monroe Street
Tallahassee, Florida 32399-1012

NOTICE OF RIGHT TO APPEAL

This Order constitutes final agency action. Any party who is adversely affected by this Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the appropriate District Court and the Agency Clerk. The Notice of Appeal, accompanied by the appropriate filing fees, must be filed within 30 days of the date of this Final Order.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Final Order has been furnished via Certified U.S. Mail, Return Receipt Requested, to **Charles McMahan & Sandra McMahan, d/b/a Mike's Munchies**, at 5324 Thomas Drive, Panama City, Florida 32408, and by Regular U.S. Mail to **The Honorable Suzanne F. Hood, Administrative Law Judge**, at Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, and via inter-office mail to **Charles F. Tunncliff, Assistant General Counsel**, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, on this 21 day of September, 2001.



For the Division of Hotels and Restaurants