

5-20-02

Final Order No. BPR-2002-02462 Date: **7-2-02**
FILED
Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

FILED
02 JUL -5 PM 3:00
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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

DMK-CWS

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

vs.

**Manos, Inc.
d/b/a Sea Port a/k/a Lighthouse
RESPONDENT**

DOAH CASE NO. 01-3132
DABT CASE NO. RK15000322
LICENSE NO. 15-02311
SERIES: 4COP, SRX

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 561.29, 823.13, and 893.13 Florida Statutes, and Rule 61A-2.022, Florida Administrative Code. Whether this Alcoholic Beverage License is subject to revocation pursuant to Section 561.29, Florida Statutes

PRELIMINARY STATEMENT

1. On August 10, 2001, 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 Daniel M. Kilbride,

Division of Administrative Hearings, on January 17 and 18, 2002.

4. A Recommended Order was issued by the administrative law judge on May 20, 2002.
5. Neither party filed Exceptions to the Recommended Order.

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.

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 of the administrative law judge, I hereby adopt the Recommended Order of administrative law judge.

It is ORDERED that Respondent shall pay an administrative fine in the amount of \$250.00. Payment must be received by July 31, 2002 and may be made at the Enforcement Office located at 400 West Robinson Street, Suite N-402, North Tower, Hurston Building, Orlando, Florida 32801. It is further ORDERED that Respondent's alcoholic beverage license 15-02311 shall be revoked effective immediately upon entry of this Final Order.

DONE and ORDERED at Tallahassee, Florida, this 27th day of June, 2002.



[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. 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 0600 0021 6794 5791 to:
Raymond Cascella
Manos, Inc. d/b/a Sea Port Restaurant
680 George J. King Blvd.
Port Canaveral, FL 32920

By: [Signature] Mail Date: 7/3/02

Additional copies mailed to:

District Enforcement/Licensing Office

Daniel M. Kilbride, Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

Hardy L. Roberts, III, General Counsel
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-2202

Richard J. Dempsey
Qualified Representative
223 Columbia Drive No. 221
Cape Canaveral, FL 32920