

3-1-02

Final Order No. BPR-2002-01546 Date: 5-6-2002  
FILED

Department of Business and Professional Regulation  
AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Sarah Wachman

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

Moishes Steakhouse & Seafood, Inc.  
d/b/a Piccolo Mondo Continental Cuisine  
*PETITIONER*

vs.

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

*RESPONDENT*

AT

DABT CASE NO. 99-2208  
DOAH CASE NO. 01-3764

04 JUL 15 11:11:00  
ADMINISTRATIVE  
HEARINGS

JDP-Clos

**FINAL ORDER**

This matter comes before me for final Agency Order.

The issue before me is whether the Petitioner, Moishes Steakhouse & Seafood d/b/a Piccolo Mondo Continental Cuisine timely submitted an application to record a lien for license number 23-02731, 4COP.

**PRELIMINARY STATEMENT**

1. On or about October 11, 1999, the Division issued a letter to the Petitioner acknowledging receipt of a request to record a lien against alcoholic beverage license 23-02731. The Division denied the request.

2. Petitioner timely filed request for a formal hearing, citing disputed issues of fact and the matter was forwarded to the Division of Administrative Hearings.

3. A formal hearing was conducted by Administrative Law Judge J. D. Parrish on December 14, 2001.

4. A Recommended Order was issued by Administrative Law Judge Parrish on March 1, 2002.

5. Exceptions to the Recommended Order were received from Respondent on March 15, 2002.

### **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 of the Administrative Law Judge and the exceptions filed, I hereby adopt the Recommended Order of the Administrative Law Judge and reject all exceptions.

**ORDER**

Having fully considered the complete record of this case, the Recommended Order of the Administrative Law Judge and the exceptions filed, I hereby adopt the Recommended Order of the Administrative Law Judge and reject all exceptions.

It is ORDERED that Petitioner's application to record a lien on alcoholic beverage license number 23-02731, is approved.

**DONE and ORDERED** at Tallahassee, Florida, this <sup>1st</sup> day of May, 2002.



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

RICHARD E. TURNER, Director  
Division of Alcoholic Beverages and Tobacco

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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.

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Mail Certification: This Final Order was sent by Certified Mail

7000 0600 0021 6794 6262 to:

Louis Terminello, Esquire  
Terminello & Terminello, P.A.  
2700 Southwest 37<sup>th</sup> Avenue  
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By: \_\_\_\_\_ Mail Date: \_\_\_\_\_

*Additional copies mailed to:*

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