

5-24-02

Final Order No. BPR-2002-02460 Date:

FILED

7-2-02

Department of Business and Professional Regulation

AGENCY CLERK

Sarah Wachman, Agency Clerk

By:

Brandon M. Nichols

FILED
-5 PM 3:31

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

AT

DSM-lls

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

vs.

Sea Port A. B. T.
d/b/a Manos

RESPONDENT

DOAH CASE NO. 02-0562
DABT CASE NO. RK15960140
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(1), Florida Statutes, and Rule 61A-2.022(8), Florida Administrative Code. Whether this Alcoholic Beverage License is subject to revocation pursuant to Section 561.29, Florida Statutes.

PRELIMINARY STATEMENT

1. On January 11, 2002, 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 Manry, Division of Administrative Hearings, on April 4, 2002.
4. A Recommended Order was issued by the administrative law judge on May 24, 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 and the Recommended Order, I hereby adopt the Recommended Order of the administrative law judge.

It is ORDERED that Respondent pay an administrative fine in the amount of \$2,500.00. 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 license number 15-02311, Series 4COP. SRX, is permanently revoked immediately upon entry of this Final Order.

DONE and ORDERED, this 29th day of June, 2002.



[Handwritten 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.

Mail Certification: This Final Order was sent by Certified Mail
7000 0600 0021 6794 6170 to:
Raymond Casceila
Manos Inc. d/b/a Sea Port Restaurant
680 George J. King Boulevard
Port Canaveral, Florida 32920

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

Additional copies mailed to:

District Enforcement/Licensing Office
Daniel Manry, Administrative Law Judge
Division of Administrative Hearings
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