

12-31-02

Final Order No. BPR-2003-00225 Date: **1-30-03**  
FILED  
Department of Business and Professional Regulation  
AGENCY CLERK  
Sarah Wachman, Agency Clerk

By: Brandon M. Nichols

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FILED  
DIVISION OF ADMINISTRATIVE HEARINGS

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

AT  
EHP-CW's

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

vs.

Lake Supermarket, Inc.  
d/b/a Lake Supermarket

*RESPONDENT*

DOAH CASE NO.02-2737  
DBPR CASE NO. ES 60 012064

LICENSE NO. 60-01280  
SERIES: 1APS

**FINAL ORDER**

This matter comes before me for final Agency Order.

The issues before me are as follows: whether Respondent committed the offenses set forth in the Administrative Action filed in this matter, specifically whether Respondent violated Section 562.11(1)(a), Florida Statutes, and if, so, what penalty should be imposed.

**PRELIMINARY STATEMENT**

1. On April 23,2002, Petitioner issued an administrative action against Respondent.
2. On or about May 22, 2002, Respondent filed a request for formal hearing, citing disputed issues of fact.
3. On October 8, 2002, Administrative Law Judge Errol H. Powell conducted a formal hearing.

4. On December 31, 2002, Administrative Law Judge Errol H. Powell issued the Recommended Order.

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 of the Administrative Law Judge, I hereby adopt the Recommended Order. Accordingly, it is ORDERED that Respondent pay a civil penalty in the amount of \$1,000.00 and serve a seven-day license suspension. Payment of the civil penalty must be received by February 24, 2003, and may be made at the Enforcement Office located at 400 North Congress Avenue, Suite 150, West Palm Beach, Florida 33401. The seven-day license suspension will begin on February 17, 2003. Failure to fully comply

within any time period required by this Final Order will result in the initiation of proceedings to revoke the license pursuant to Section 561.29(1)(k), Florida Statutes.

DONE and ORDERED at Tallahassee, Florida, this 29<sup>th</sup> day of January, 2003.



*Pat Wilson Parmer*

PAT WILSON PARMER, Acting 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

7001 0320 0005 6209 3921 to:

Valentin Rodriguez, Jr., Esq.

Valentin Rodriguez, P.A.

318 Ninth Street

West Palm Beach, Florida 33401

By:

*Rosalind H. Fields*

Mail Date:

*February 3, 2003*

*Additional copies mailed to:*

District Enforcement/Licensing Office

Assistant General Counsel

Department of Business and Professional Regulation

1940 North Monroe Street

Tallahassee, FL 32399

Errol H. Powell

Administrative Law Judge

Division of Administrative Hearings

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