

6-5-03

247

Final Order No. BPR-2003-01896 Date: **6-24-03**
FILED
Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

By: Blandon M. Nichol

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

FILED
04 JUL 15 AM 10:37
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
ADMINISTRATIVE HEARINGS

AT

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

vs.

DBPR CASE NOS. FT 46 012762
FT 46 012753
DOAH CASE NOS. 03-0217
03-0431
LICENSE NO. 46-04643
SERIES: 3PS

Barghouthi Enterprises, Inc.
d/b/a **Fowler Liquor Store**

RESPONDENT

LPS-CLW

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 and 562.11, 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 July 11, 2002, the Division filed a one-count Administrative Action (DBPR case number FT 46 012753) against Respondent. The Division charged Respondent with having violated Section 562.11(1)(a), Florida Statutes, by selling, serving, or giving an alcoholic beverage on the licensed premises to a person under the age of twenty-one years. On September 6, 2002, the Division filed another one-count Administrative Action (DBPR case number FT 46 012762) against

Respondent. The Division charged Respondent with having violated Section 562.11(1)(a), Florida Statutes, by selling, giving, serving, or allowing to be consumed, alcoholic beverages on the licensed premises to or by a person under the age of twenty-one years.

2. Respondent filed a timely request for hearing, citing disputed issues of fact.

3. The cases were referred to DOAH on February 11, 2003. Also on February 11, 2003, the Division filed a motion to consolidate the cases, which was granted by Order dated February 13, 2003.

4. A formal hearing was conducted by Administrative Law Judge Lawrence P. Stevenson on March 7, 2003.

5. A Recommended Order was issued by the Administrative Law Judge on June 5, 2003.

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.

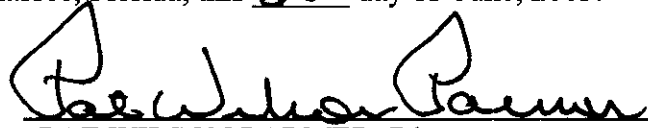
ORDER

Having fully considered the complete record of this case and the Recommended Order of the administrative law judge, I hereby adopt the Recommended Order of the administrative law judge.

It is ORDERED that license number 46-04643 is hereby REVOKED upon entry of this Final Order.

DONE and ORDERED at Tallahassee, Florida, this 23rd day of June, 2003.




PAT WILSON PARMER, 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 to:

Fowler Liquor Store
3450 Fowler Street
Ft. Myers, FL 33901

#7000 0600 0021 3099 5495

By: _____ Mail Date: _____

Additional copies mailed to:

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