

10-23-03

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS

FILED
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DIVISION OF
ADMINISTRATIVE
HEARINGS

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
DIVISION OF HOTELS AND
RESTAURANTS,

Final Order No. BPR-2004-00185 Date: 1-27-04
FILED
Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Brandon M. Nichols

Petitioner,

DOAH CASE NO.: 03-2408
DH&R CASE NO.: 04-02-439
License No: 6902905

vs.

MCDONALDS NO. 11546,

AT

JBC-CLW

Respondent.

FINAL ORDER

The Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation (the Division), after consideration of the complete record of this case on file with the Division, enters this Final Order.

1. On September 8, 2003, a hearing in this cause was held before the Honorable Jeff B. Clark, Administrative Law Judge of the Division of Administrative Hearings.

2. On October 23, 2003, Judge Powell issued a Recommended Order, a copy of which is attached as Exhibit "A." The Statement of the Issues, Preliminary Statement, Findings of Fact, Conclusions of Law, and Recommendation contained in the Recommended Order are hereby adopted *in toto* and incorporated herein by reference.


Based upon the foregoing, and being otherwise fully advised in the premises it is, hereby **ORDERED** that for Respondent's violations of Section 509, Florida Statutes, and/or the rules promulgated thereto the following penalty is imposed:

1. Respondent shall pay a fine in the amount of \$2,500.00, due and payable to the Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, within thirty (30) calendar days of the date this Order is filed with the agency clerk.

2. Respondent's manager(s) shall attend a Hospitality Education Program class within 60 days of the filing of this final order and provide proof of attendance to the Division of Hotels and Restaurants.

3. This Final Order shall become effective on the date of filing with the Agency Clerk.

DONE AND ORDERED this 21st day of January, 2004.



Geoff Luebke, Director
Department of Business and
Professional Regulation
Division of Hotels and Restaurants
1940 North Monroe Street
Tallahassee, Florida 32399-1015

NOTICE OF RIGHT TO APPEAL UNLESS WAIVED

Unless expressly waived, any party substantially affected by this final order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within thirty (30) days rendition of this order, in accordance with Rule 9.110, Fla. R. App. P., and Section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Certified U.S. Mail, Return Receipt Requested, to McDonalds, Post Office Box 941869, Maitland, Florida 32751; by regular U.S. Mail to the Honorable Jeff B. Clark, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by hand delivery to Charles F. Tunnicliff, Assistant General Counsel, Department of Business and Professional Regulations, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 this _____ day of _____, 2004.
