

Final Order No. BPR-2005-07013 Date: 12-16-05
 FILED
 Department of Business and Professional Regulation
 AGENCY CLERK
 Sarah Wachman, Agency Clerk
 By: Brenda M. Nichols

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

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

vs.

Robert Joseph Molitor
 d/b/a Our House Bar and Liquors
 RESPONDENT

CASE NO. 2003-061786
 LICENSE NO 62-00683
 SERIES: 4COP

FINAL ORDER

This matter comes before me for final Agency Order.

The issues before me are (1) whether Respondent and/or its employees or agents possessed, sold, or served on its licensed premises alcoholic beverages labeled as and represented to be a specific alcoholic beverage(s), but the containers did not contain the alcoholic beverage (s) as stated on the labels of the bottles (misrepresentation), in violation of Section 562.061, Florida Statutes; and (2) whether Respondent used or refilled with distilled spirituous liquors for the purpose of sale bottle(s) or other containers which contained spirituous liquors, misrepresented or permitted to be misrepresented the brand of distilled spirits being sold or offered for sale in or from any bottle or containers for the purpose of sale in violation of Section 565.11, Florida Statutes.

PRELIMINARY STATEMENT

1. On April 19, 2004, the Division issued an administrative action against Respondent
2. Respondent filed a timely request for hearing, citing disputed issues of fact.

3. On August 9, 2004, the matter was referred to the Division of Administrative Hearings for assignment of an Administrative Law Judge.

4. A formal hearing was conducted by Administrative Law Judge Fred L. Buckins on June 27 and 28, 2005.

5. A Recommended Order was issued by the Administrative Law Judge on November 23, 2005.

6. No exceptions to the Recommended Order were received.

FINDINGS OF FACT

7. 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.

8. 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.

License Number: 62-00683
Page 3 of 4

It is ORDERED that Respondent pay a civil penalty in the amount of \$1,000.00 and serve a twenty-day license suspension. Payment of the civil penalty must be received on or before January 13, 2006, and must be submitted to the District Enforcement Office located at 1313 Tampa Street, Park Trammel Building, #702, Tampa, Florida 33602. The twenty-day license suspension will begin January 16 and conclude on February 4, 2006. During the suspension period the Division will post signs on the exterior and interior of the licensed premises indicating that Respondent's beverage license is suspended for the twenty-day period. Respondent shall not deface, cover, remove, relocate, alter, or damage any suspension signs posted by the Division, not permit others to do the same. Failure to fully comply with the terms of 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 15th day of December, 2005



Pat Wilson Parmer
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
7001 2510 0006 1126 1708 to:
Robert Joseph Molitor
4807 22nd Avenue South
St. Petersburg, FL 33711-2927

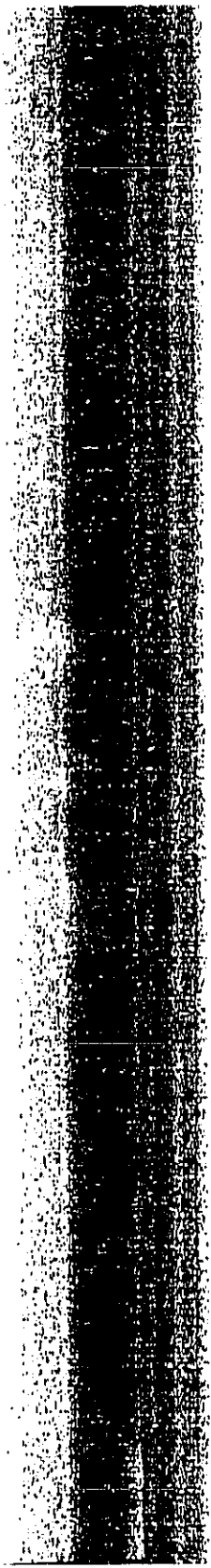
By: *Stephanie Cooper* Mail Date: 12/21/05

Additional copies mailed to:

District Enforcement/Licensing Office

Assistant General Counsel
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399

David J. Sockol, Esquire
Derck A. DiPasquale, Esquire
111 Second Avenue, NE
Suite 1401
St Petersburg, FL 33701



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RESPONDENT

DIVISION OF ADMINISTRATIVE HEARINGS

FILED

DATE 2/28/07

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DONE and ORDERED at Tallahassee, Florida, this 15th day of December, 2005.



Pat Wilson Farmer
PAT WILSON FARMER, Director
Division of Alcoholic Beverages and Tobacco

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