

Final Order No. BPR-2006-08629 Date: **11-17-06**  
FILED

Department of Business and Professional Regulation  
AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Brandon 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  
2006 NOV 22 A 10:54  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

**Italian Club Canteen**  
*PETITIONER*

vs.

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

DBPR CASE NO. 2006-010942  
DOAH CASE NO. 06-1476  
LOG NO39-401  
Hillsborough County New Quota License  
SERIES: 4COP

**FINAL ORDER**

This matter comes before me for final Agency Order.

The issue before me is whether Petitioner, Italian Club Canteen, remains eligible to apply for a new quota liquor license in Hillsborough County, Florida.

**PRELIMINARY STATEMENT**

1. On December 12, 2005, the Division issued a Notice of Disapproval advising that Petitioner's failure to timely file an application for a new quota liquor license in Hillsborough County, Florida, had resulted in the disapproval of its entitlement to apply for the quota liquor license.
2. Respondent filed a timely request for hearing, citing disputed issues of fact.
3. A formal hearing was conducted by Administrative Law Judge Carolyn S. Holifield, on June 28, 2006.

4. A Recommended Order was issued by the Administrative Law Judge on September 28, 2006.
5. Exceptions to the Recommended Order were received from Petitioner on October 13, 2006.

#### **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. All exceptions are thus rejected.
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, the Recommended Order of the Administrative Law Judge and the exceptions filed, I hereby adopt the Recommended Order of the Administrative Law Judge and reject all exceptions.

It is ORDERED that Petitioner's request for an extension of time to file an application for a

quota license is DENIED and the Notice of Disapproval issued on September 12, 2005, is AFFIRMED.

DONE and ORDERED at Tallahassee, Florida, this 15 day of November, 2006.

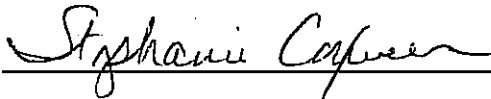


  
STEVEN M. HOUGLAND, Ph. D., Director  
Division of Alcoholic Beverages and Tobacco

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  
7005 1820 0002 9910 2628 to:  
Maggie M. Schultz, Esquire  
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By:



Mail Date:

11/20/06

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