

Final Order No. BPR-2006-06540 Date: **9-7-06**
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**

D. A. Mortgage, Inc.

PETITIONER

vs

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

CASE NO. 2006-016821
DOAH CASE NO. 06-1767
LICENSE NO. 23-09383
SERIES: 4COP

FINAL ORDER

This matter comes before me for final Agency Order.

The issue before me is whether Petitioner's request for renewal of a lien should be granted or denied.

PRELIMINARY STATEMENT

1. In a letter dated March 9, 2006, the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco ("Division"), acknowledged receipt of a request to renew a lien against License #23-09383. In the letter, the Division notified D.A. Mortgage, Inc. (Petitioner") that it was unable to record the lien renewal because it was not submitted timely.

2. Respondent filed a request for hearing, citing disputed issues of fact. The matter was forwarded to the Division of Administrative Hearings for assignment of an administrative law judge.

3. On June 12, 2006, Petitioner filed a Motion for Final Summary Judgment and/or Judgment on the Pleadings and Memorandum of Law in Support Thereof. A telephone hearing was

held on the motion on June 28, 2006. During the motion hearing, the parties agreed to stipulate to the facts in the March 9, 2006 letter and agreed to the entry of a Recommended Order based on those facts.

4. An Order Canceling Hearing was entered on June 28, 2006.
5. Each party timely filed a Proposed Recommended Order.
6. A Recommended Order was issued by Administrative Law Judge Patricia M. Hart on August 4, 2006

7. 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.

It is ORDERED that the request of D.A. Mortgage, Inc., to renew the lien at issue herein is DENIED.

DONE and ORDERED at Tallahassee, Florida, this 30 day of August, 2006.



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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 3212 to:
Louis J. Terminello, Esq.
Terminello & Terminello, P.A.
2700 Southwest 37th Avenue
Miami, FL 33133-2728

By: _____ Mail Date: _____

Additional copies mailed to:

District Enforcement/Licensing Office

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

Josefina Tamayo, General Counsel
Department of Business and Professional Regulation
Northwood Center
1940 North Monroe Street
Tallahassee, FL 32399-0792