

Final Order No. BPR-2008-01088 Date: **2-6-08**
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
2008 FEB -8 P 12:32
DIVISION OF
ADMINISTRATIVE
HEARINGS

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

vs.

**Tiny's Liquor Inc.
d/b/a Little Liquor Store**

RESPONDENT

CASE NO. 2006-063398
DOAH Case No. 07-3107
LICENSE NO. 16-00664
SERIES: 3PS

FINAL ORDER

This matter comes before me for final Agency Order.

The issue before me is (a) whether Respondent violated Section 562.11(1)(a) and 561.29(1)(a), Florida Statutes, by selling alcoholic beverage to Petitioner's undercover investigation aide on November 17, 2006; and (b) if so, what penalty, if any, should be imposed

PRELIMINARY STATEMENT

1. On January 8, 2007, the Division issued an administrative action against Respondent.
2. Respondent filed a timely request for hearing, citing disputed issues of fact and the case was forwarded to the Division of Administrative Hearings.
3. A formal hearing was conducted by Administrative Law Judge June McKinney on August 17, 2007.
4. A Recommended Order was issued by the administrative law judge on September 20, 2007.

5. Exceptions to the Recommended Order were not received from either party.

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 Respondent pay a civil penalty in the amount of \$1,000.00 and serve a seven-day license suspension. Payment of the civil penalty must be received on or before February 29, 2008, and must be submitted to the District Enforcement Office located at 5080 Coconut Creek Parkway, Suite C, Margate, Florida 33063-3942. The seven-day license suspension will be served on March 3, 4, 5, 6, 7, 8, & 9, 2008. 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 seven-day period. Respondent shall not deface, cover, remove, relocate, alter or

damage any suspension signs posted by the Division, nor permit others to do the same. Failure to comply with the Final Order should result in the initiation of proceedings to revoke the license as provided in Section 561.29(1) (k), Florida Statutes.

DONE and ORDERED at Tallahassee, Florida, this 5 day of February, 2008.



C Hill

Cynthia Hill, 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: #7006 3450 0003 0929 1029

Tiny's Liquor Inc.
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Pompano Beach, Florida 33069

By: *Syhami Capree* Mail Date: 2/6/08

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