

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

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

Petitioner,

vs.

VITO'S PIZZA & ITALIAN RESTAURANT,

Respondent.

Final Order No. BPR-2007-10027 Date: 12-27-07
FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Brenda M. Nichols

DOAH CASE NO.: 07-4008

H&R CASE NO.: 2007-036824

LICENSE NO.: 26-08949

FILED
2007 DEC 28 P 3:32
DIVISION OF
ADMINISTRATIVE
HEARINGS

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 June 26, 2007, the Department issued an Administrative Complaint attached hereto as exhibit "A."
2. On October 16, 2007, a hearing in this cause was held before the Honorable Lisa Shearer Nelson, Administrative Law Judge, Division of Administrative Hearings.
3. On November 28, 2007, Honorable Lisa Shearer Nelson issued a Recommended Order, a copy of which is attached as Exhibit "B." 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.

RECEIVED
DIVISION OF HOTELS AND RESTAURANTS
2007 DEC 27

Certified Article Number
7160 3901 9845 2498 6464
SENDER'S RECORD

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

1. Respondent shall pay a fine in the amount of two thousand dollars (\$2,000.00), 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 will attend a Hospitality Education Program Workshop (HEP) on food service or lodging sanitation and safety within ninety (90) days of the filing of the Final Order incorporating this stipulation with the Department's agency clerk. The Hospitality Education Administrator will provide verification that Respondent has taken the class. Respondent agrees to an additional \$250.00 fine if the HEP requirement is not completed within 90 days of the Final Order filing.

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

DONE AND ORDERED this 14th day of December, 2007.



Bill L. Veach, 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 Vito's Pizza & Italian Restaurant, c/o Giulio Teresi, 3825 Bay Meadows Road, Jacksonville, Florida 32217; by regular U.S. Mail to the Honorable Lisa Shearer Nelson, Administrative Law Judge, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by hand delivery to Jessica Leigh, Assistant General Counsel, Department of Business and Professional Regulations, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, this 27th day of December, 2007.



For the Division of Hotels & Restaurants