

Final Order No. BPR-2008-04883 Date: **6-4-08**
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**

2008 JUN 10 A 10:50
DIVISION OF
ADMINISTRATIVE
HEARINGS
FILED

Abkey, LTD.
d/b/a Fuddruckers Restaurant,
PETITIONER

vs.

CASE NO. 2007-026509
DOAH NO. 07-2508
LICENSE NO. 16-00869
SERIES: 4COP SR

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

Nick Maneros, II, Inc.
d/b/a Maneros of Hallendale
PETITIONER

vs.

CASE NO. 2007-040476
DOAH NO. 07-4602
LICENSE NO. 16-00018
SERIES: 4COP SR

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

Amy Cat, Inc.
d/b/a Cypress Manor
PETITIONER

vs.

CASE NO. 2007-041355
DOAH NO. 07-4692
LICENSE NO. 60-00878
SERIES: 4COP SR

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

FINAL ORDER

This matter comes before me for final Agency Order.

The issue before me is whether Petitioners' applications for the delinquent renewal of their special restaurant license pursuant to Section 561.27(2), Florida Statutes, should be denied for the reasons set forth in the Notices of Intent to Deny License.

PRELIMINARY STATEMENT

1. On April 2, 2008, the Division issued a Notice of Intent to Deny License to Abkey, LTD. d/b/a Fuddruckers Restaurant. On June 8, 2007, the Division issued a Notice of Intent to Deny License to Nick Maneros II, Inc. d/b/a Maneros of Hallandale. On June 8, 2007, the Division issued a Notice to Intent to Deny License to Amy Cat Incorporated d/b/a Cypress Manor Grille & Spirits.

2. The Petitioners' in each case timely filed a request for formal hearing, citing disputed issues of fact.

3. Pursuant to notice, the cases were consolidated and a formal hearing was conducted by Administrative Law Judge Stuart M. Lerner on January 25, 2008.

4. A Recommended Order was issued by the administrative law judge on April 30, 2008.

5. Exceptions to the Recommended Order were not received from any of the parties.

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 applications for delinquent renewal filed on behalf of the Petitioners' are hereby approved.

DONE and ORDERED at Tallahassee, Florida, this 2 day of June, 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

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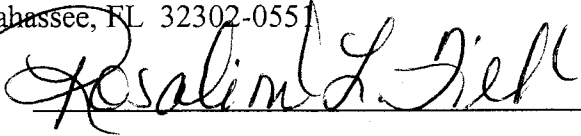
Harold F. X. Purnell, Esquire

Rutledge, Ecenia, Purnell and Hoffman, P.A.

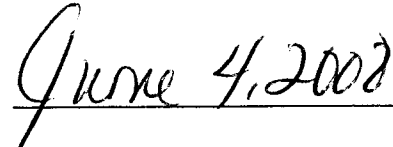
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