

Final Order No. BPR-2008-02985 Date: 4-3-08

FILED

Department of Business and Professional Regulation

AGENCY CLERK

Sarah Wachman, Agency Clerk

By: *Brandon M. Nichol*

2008 APR 11 A 11:08  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

**Department of Business and Professional Regulation**  
**Division of Alcoholic Beverages and Tobacco**  
**Northwood Centre**  
**1940 North Monroe Street**  
**Tallahassee, Florida 32399-1020**

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

*PETITIONER*

vs.

**MJT Restaurant Group, Inc.**  
**d/b/a Copper Pot (The)**

*RESPONDENT*

CASE NO. 2007-014613  
DOAH No. 07-4747  
LICENSE NO. 52-02697  
SERIES: 4COP

### **FINAL ORDER**

This matter comes before me for final Agency Order.

The issue before me is whether Petitioner may discipline Respondent's alcoholic beverage license for Respondent's violating Rule 61A-3.0141(3) (d), Florida Administrative Code, and Section 561.20(4) within 561.29(1) (a), Florida Statutes, on three separate occasions.

### **PRELIMINARY STATEMENT**

1. On July 28, 2007, the Division issued an administrative action against Respondent.
2. On September 20, 2007, Respondent filed a request for hearing, citing disputed issues of fact.
3. A formal hearing was conducted by Administrative Law Judge Ella Jane P. Davis on January 23, 2008.
4. A Recommended Order was issued by the administrative law judge on March 4, 2008.
5. 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 and find Respondent guilty of three counts of violating Rule 61A-3.0141(3)(d), Florida Administrative Code. All charges related to statutory violations are dismissed.

In consideration, thereof, it is ORDERED that Respondent pay a civil penalty in the amount of \$1,000.00. Payment must be received on or before April 25, 2008, and must be submitted to the District Enforcement Office located at 240 NW 76<sup>th</sup> Drive, Suite B., Gainesville, Florida 32607. It is further ORDERED that license number 52-02697 will be REVOKED effective April 25, 2008. The revocation is without prejudice for Respondent to obtain any other type of beverage license but with prejudice to obtain the same type of special license for a period of five years.

DONE and ORDERED at Tallahassee, Florida, this 31 day of March, 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

7001 2510 0006 1131 2916 to:

Thomas Valleio, Jr.

2019-102 East Silver Springs Blvd.

Ocala, FL 34470

By:

*Rebecca L. Field*

Mail Date:

*April 9, 2008*

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