

Final Order No. BPR-2008-02983 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

Department of Business and Professional Regulation

Division of Alcoholic Beverages and Tobacco

Northwood Centre

1940 North Monroe Street

Tallahassee, Florida 32399-1020

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

Department of Business and Professional Regulation

Division of Alcoholic Beverages and Tobacco

*PETITIONER*

vs.

Holiday Liquors 2002, Inc.

d/b/a Holiday Liquors

*RESPONDENT*

CASE NO. 2007-017702

DOAH Case No. 08-0250

LICENSE NO. 60-05681

SERIES: 3PS

### FINAL ORDER

This matter comes before me for final Agency Order.

The issue before me is whether Respondent, which operates a liquor store and sells alcoholic beverages on the premise under beverage license number 60-05681, sold beer to a person under the age of twenty-one years, in violation of the statutes governing holders of beverage licenses and if so, what penalty should be imposed.

### PRELIMINARY STATEMENT

1. On April 26, 2007, the Division issued an administrative action against Respondent.
2. Respondent filed a timely request for hearing, citing disputed issues of fact.
3. A formal hearing was conducted by Administrative Law Judge John G. Van Laningham on February 22, 2008.
4. A Recommended Order was issued by administrative law judge on March 13, 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 that Respondent did not violate Section 562.11, Florida Statutes. Therefore, it is ORDERED that this case will be closed without further action.

DONE and ORDERED at Tallahassee, Florida, this 01 day of April, 2008.



*C. Hill*

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Cynthia Hill, Director  
Division of Alcoholic Beverages and Tobacco

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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.

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Mail Certification: This Final Order was sent by Certified Mail

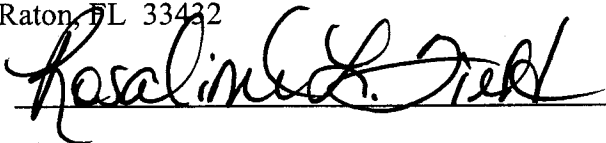
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Charles Wender, Esq.

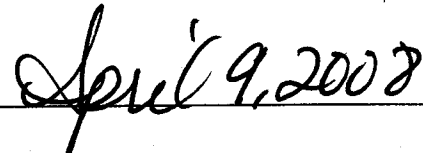
190 West Palmetto Park Road

Boca Raton, FL 33432

By:



Mail Date:



*Additional copies mailed to:*

District Enforcement/Licensing Office

Michael Wheeler

Assistant General Counsel

Department of Business and Professional Regulation

1940 North Monroe Street

Tallahassee, FL 32399

Ned Luczynski, General Counsel

Department of Business and Professional Regulation

1940 North Monroe Street

Tallahassee, FL 32399

John G. Van Laningham

Administrative Law Judge

Division of Administrative Hearings

The DeSoto Building

1230 Apalachee Parkway

Tallahassee, FL 32399-3060