

Final Order No. BPR-2008-06289 Date: **7/31/08**

FILED

Department of Business and Professional Regulation

AGENCY CLERK

Sarah Wachman, Agency Clerk

By: _____

Sarah Wachman

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

2008 AUG -5 A 11:11
FILED
DIVISION OF
ADMINISTRATIVE
HEARINGS

Latino Grande, Inc.

PETITIONER

vs.

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

CASE NO. 2007-068011
DOAH NO. 08-0495
SERIES: 4COP

Big Pig, Inc.

CASE NOS. 2007-068653
2007-068656
2007-068662

vs.

DOAH NOS. 08-0496
08-0497
08-0498

SERIES: 4COP

**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 Respondent should exclude four entries in the quota drawing for alcoholic beverage licenses (license quota drawings) pursuant to Subsection 561.19(2)(d), Florida Statutes (2007) and Florida Administrative Code Rules 61A-1.006(8) and 61A-5.0105(8).

PRELIMINARY STATEMENT

1. By letters dated November 1, 2007, Respondent proposed to reject four applications for entries into the quota license drawing.
2. Respondent filed a timely requested an administrative hearing to challenge each of the four proposed rejections and the Respondent referred the matter to the Division of Administrative Hearings (DOAH) for a formal hearing.
3. A formal hearing was conducted by Administrative Law Judge Daniel Manry on April 3, 2008.
4. A Recommended Order was issued by the Administrative Law Judge on July 3, 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.

It is ORDERED that the applications filed on behalf of Latino Grande, Inc. and Big Pig, Inc. will be excluded from the quota license drawing.

DONE and ORDERED at Tallahassee, Florida, this 30 day of July, 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

7007 3020 0000 4298 4488 to:

Jed Berman, Esq.

Infantino and Berman

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8/4/08

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