

Final Order No. BPR-2008-04894

Date:

6-4-08

FILED

Department of Business and Professional Regulation

AGENCY CLERK

Sarah Wachman, Agency Clerk

By:

Brandon M. Nichols

**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 10:49
FILED
DIVISION OF
ADMINISTRATIVE
HEARINGS

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

vs.

**Barrett Enterprises Inc.
d/b/a Stuart Grill and Ale**

RESPONDENT

CASE NO. 2007-047049
DOAH NO. 08-0629
LICENSE NO. 53-01858
SERIES: 4COP/SRX

FINAL ORDER

This matter comes before me for final Agency Order.

The issue before me is whether Respondent, which operates a restaurant where alcoholic beverages are served pursuant to a license issued by Petitioner, continued to sell alcoholic after the service of full course meals had stopped, in violation of the statutes governing license holders.

PRELIMINARY STATEMENT

1. On November 16, 2007, the Division issued an administrative action against Respondent.
2. Respondent filed a timely request for formal hearing, citing disputed issues of fact.
3. A formal hearing was conducted by Administrative Law Judge John G. Van Laningham on April 18, 2008.
4. A Recommended Order was issued by the Administrative Law Judge on May 13, 2008.
5. Exceptions to the Recommended Order were not received from either party.

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 Respondent is not guilty of the charges alleged in the administrative action and the case is hereby DISMISSED.

DONE and ORDERED at Tallahassee, Florida, this 2 day of June, 2008.



CHill

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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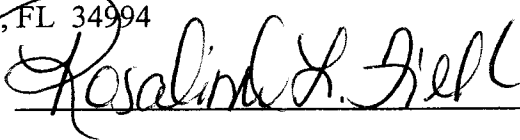
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Stuart Gill and Ale

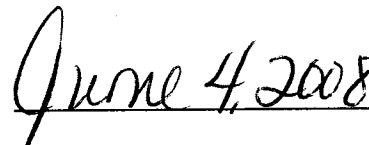
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Mail Date:



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Administrative Law Judge

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