

Final Order No. BPR-2008-09804 Date: 11-14-08
FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk

By:

Brandon M. Tubala

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

FILED
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DIVISION OF
ADMINISTRATIVE
HEARINGS

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

vs.

**GN Hotels & Restaurant, Inc.
d/b/a Pineapple Grille**

RESPONDENT

CASE NO. 2008-006893
DOAH NO. 08-3110
LICENSE NO. 60-14514
SERIES: 4COP

FINAL ORDER

This matter comes before me for final Agency Order.

The issue before me is whether the Respondent committed the violations alleged in the Administrative Action dated April 28, 2008, as amended by the Division at the final hearing, and, if so, the penalty that should be imposed.

PRELIMINARY STATEMENT

1. On April 28, 2008, the Division issued an Administrative Action against Respondent. The administrative Action was amended at the final hearing.
2. Respondent filed a timely request for hearing, citing no disputed issues of fact.
3. A formal hearing was conducted by Administrative Law Judge Patricia M. Hart on August 25, 2008.
4. A Recommended Order was issued by the Administrative Law Judge on September 30, 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 violate Section 561.29(1) (j), Florida Statutes, by failing to produce records of the purchase and sales of alcoholic and non-alcoholic beverages and food within ten days of the request for such records. Therefore, it is ORDERED that Respondent pay a civil penalty in the amount of \$500.00. Payment must be received on or before December 12, 2008, and must be submitted to the District Enforcement Office located at 111 S. Sapodilla Avenue, #105, West Palm Beach, Florida 33401.

DONE and ORDERED at Tallahassee, Florida, this 12 day of November 2008.



Handwritten signature of Jerry Geier in black ink.

Jerry Geier, 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

7008 0500 0001 2773 0268 to:

Ovide Paul

GN Hotels & Restaurant, Inc.

800 Palm Trail

Delray Beach, FL 33483

By: Handwritten signature of Rosalind R. Hill in black ink.

Mail Date: November 17, 2008

Additional copies mailed to:

District Enforcement/Licensing Office

Assistant General Counsel

Department of Business and Professional Regulation

1940 North Monroe Street

Tallahassee, FL 32399

Administrative Law Judge Patricia Hart

Division of Administrative Hearings

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1230 Apalachee Parkway

Tallahassee, FL 32399-3060

Ned Luczynski, General Counsel

Department of Business and Professional Regulation