

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date 4/24/2009
File # 2009-03021

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

FILED
2009 APR 27 A 11:04
DIVISION OF
ADMINISTRATIVE
HEARINGS

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

vs.

Latin American Café & Market, Inc.
d/b/a Latin American Café
RESPONDENT

CASE NO. 2007-062024
DOAH CASE NO. 08-3891
LICENSE NO. 62-10299
SERIES: 2COP

FINAL ORDER

This matter comes before me for final Agency Order.

The issues before me are: (1) whether Respondent violated Section 562.02, Florida Statutes, by unlawfully possessing certain alcoholic beverages on its licensed premise which were not authorized to be sold under its license; (2) whether Respondent violation Section 561.14(3), Florida Statutes, by purchasing or acquiring alcoholic beverage for the purpose of resale from person not licensed as distributors; and (3) if so, what penalty or administrative fine should be imposed.

PRELIMINARY STATEMENT

1. On December 19, 2007, the Division issued an administrative action against Respondent.
2. Respondent filed a timely request for a formal hearing, citing disputed issues of fact.
3. A formal hearing was conducted by Administrative Law Judge Carolyn S. Holfield on December 4, 2008.

4. Administrative Law Judge Holifield issued a Recommended Order on March 31, 2009.
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 Respondent pay a civil penalty in the amount of \$1,000.00. Payment must be received on or before June 30, 2009, and must be submitted to the District Enforcement Office located at 1313 Tampa Street, Park Trammel Building, #702, Tampa, Florida 33602.

Failure to fully comply with the terms of this Final Order will result in the initiation of proceedings to revoke the license as provided in Section 561.29(1)(k), Florida Statutes.

DONE and ORDERED at Tallahassee, Florida, this 21 day of April, 2009.



Debi Pender

Debi Pender, Interim 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

7006 0810 0000 2294 6357 to:

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