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| <b>FILED</b>  |                 |
| Department of Business and Professional Regulation<br>Deputy Agency Clerk |                 |
| CLERK   | Brandon Nichols |
| Date  | 7/1/2009        |
| File #  | 2009-05429      |

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

2009 JUL - 1 4 10:08  
 FILED  
 DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO

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

vs.

**Liquor Group Florida LLC  
d/b/a Liquor Group Florida LLC**  
*RESPONDENT*

CASE NOS. 2008-030862 &  
2008-049013  
DOAH CASE NOS. 085478 & 08-5479  
LICENSE NO. WSL 2607803  
SERIES: KLD

**FINAL ORDER**

This matter comes before me for final Agency Order.

The issues before me are: Whether Respondent committed the acts alleged in the Administrative Actions dated July 7, 2008 and September 5, 2008, and if so, what disciplinary action, if any, should be taken against Respondent.

**PRELIMINARY STATEMENT**

1. On July 7, 2008, the Division of Alcoholic Beverages and Tobacco ("Division") issued an administrative action against Respondent in case number 2008-030862, alleging that Respondent violated Section 561.29(1)(a), within 561.29(1)(j), within 561.55(5)(a), Florida Statutes, by failing to maintain and keep records for a period of three years at the licensed premises. On September 5, 2008, the Division issued an administrative action against Respondent in case number 2008-049013, which

alleged that Respondent violation Section 561.411(1) (a) and (b), within 561.29, Florida Statutes, for failing to meet the qualifications to be a licensed distributor.

2. Respondent timely filed a request for a formal hearing, citing disputed issues of fact in each case.

3. A formal hearing was conducted by Administrative Law Judge Robert S. Cohen on February 24, 2009.

4. Administrative Law Judge Cohen issued a Recommended Order on June 4, 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.

Pursuant to the Recommended Order, it is hereby ORDERED that Administrative Case number 2008-049013 is DISMISSED. The alleged violation of Section 561.55(3) (a), Florida Statutes, in Administrative Case number 2008-030862 is also DISMISSED.

It is hereby ORDERED that Respondent pay a civil penalty in the amount of \$500.00 for violating Section 561.29(1) (j), Florida Statutes. Payment must be received on or before July 31, 2009, and must be submitted to the District Enforcement Office located at 7960 Arlington Expressway, #600, Jacksonville, Florida 32211. Respondent is further ORDERED to produce all reasonably requested records for any and all future audits, including, but not limited to, bills of lading as required by Florida Administrative Code Rule 61A-4.023, for sales made outside of Florida.

**DONE and ORDERED** at Tallahassee, Florida, this 1 day of July, 2009.



  
\_\_\_\_\_  
Debi Pender, Interim 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  
7006 0810 0000 2294 6999  
Christopher John Eiras  
830-13 A1A North , No. 155  
Ponte Vedra, FL 32082

By: Resalinda L. Gill Mail Date: July 1, 2009

*Additional copies mailed to:*

District Enforcement/Licensing Office  
  
Joshua Moye  
Assistant General Counsel  
Department of Business and Professional Regulation  
1940 North Monroe Street  
Tallahassee, FL 32399-2202

Ned Lucynski, General Counsel  
Department of Business and Professional Regulation  
1940 North Monroe Street  
Tallahassee, FL 32399-0792

Robert S. Cohen  
Administrative Law Judge  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, FL 32399-3060

State of Florida  
Division of Administrative Hearings

Charlie Crist  
Governor

Robert S. Cohen  
Director and Chief Judge

Claudia Lladó  
Clerk of the Division

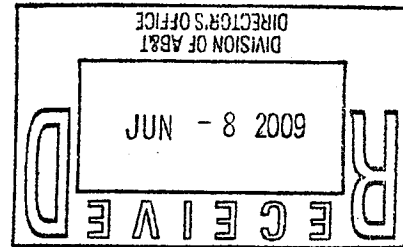


Harry L. Hooper  
Deputy Chief  
Administrative Law Judge

David W. Langham  
Deputy Chief Judge  
Judges of Compensation Claims

June 4, 2009

Jerry Geier, Director  
Division of Alcoholic Beverages  
and Tobacco  
Department of Business and  
Professional Regulation  
1940 North Monroe Street  
Tallahassee, Florida 32399-0792



Re: DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION,  
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO vs. LIQUOR  
GROUP FLORIDA, LLC, d/b/a LIQUOR GROUP FLORIDA, LLC,  
DOAH Case Nos. 08-5478 and 08-5479

Dear Mr. Geier:

Enclosed is my Recommended Order in the referenced case. Also enclosed is the two-volume Transcript, together with the Petitioner's Exhibits numbered 1 through 7 and the Respondent's Exhibits numbered 1 through 9, 18, 22, and 27. Copies of this letter will serve to notify the parties that my Recommended Order and the hearing record have been transmitted this date.

As required by Subsection 120.57(1)(m), Florida Statutes, you are requested to furnish the Division of Administrative Hearings with a copy of the Final Order, along with any exceptions to the Recommended Order, within 15 days of its rendition.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Cohen".

ROBERT S. COHEN  
Administrative Law Judge

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RE: CASE NO. 2008030862  
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO  
PETITIONER,  
VS.  
LIQUOR GROUP FLORIDA LLC  
D/B/A LIQUOR GROUP FLORIDA LLC  
LIC NO. WSL2607803 SERIES KLD  
RESPONDENT

**ADMINISTRATIVE ACTION**

COMES NOW, THE DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO, HEREIN AFTER REFERRED TO AS "PETITIONER," AND FILES THIS ADMINISTRATIVE ACTION AGAINST **LIQUOR GROUP FLORIDA LLC** HEREIN AFTER REFERRED TO AS "RESPONDENT," AND ALLEGES:

1. PETITIONER IS THE STATE AGENCY CHARGED WITH SUPERVISING BUSINESSES LICENSED UNDER THE FLORIDA BEVERAGE, TOBACCO AND TAX, AND TOBACCO PRODUCTS PERMIT LAWS PURSUANT TO SECTIONS 559.061, 561.07, 561.15, 561.19, 561.29, 561.501, 210.15, 210.16, 210.45, 210.50, 569.003, AND 569.006, FLORIDA STATUTES.
2. RESPONDENT IS, AND HAS BEEN AT ALL TIMES MATERIAL HERETO, THE HOLDER OF A VALID LICENSE/PERMIT, ISSUED IN THE STATE OF FLORIDA, BY THE DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO. RESPONDENT'S LAST KNOWN MAILING ADDRESS IS AS FOLLOWS:

**LIQUOR GROUP FLORIDA LLC**  
830-13 A1A N  
SUITE 155  
PONTE VEDRA BEACH, FL 32082

AND THE DIVISION HAS NOT BEEN NOTIFIED OF ANY OTHER DESIGNATED PERSON OR ADDRESS FOR THE SERVICE OF PROCESS AND NOTICES AUTHORIZED BY RULE 61A-2.012, FLORIDA ADMINISTRATIVE CODE.

3. PETITIONER INTENDS TO REVOKE; SUSPEND; ANNUL; IMPOSE ADMINISTRATIVE FINES, INVESTIGATIVE COSTS, AND LATE PENALTIES; OR ANY COMBINATION OF THESE AUTHORIZED PENALTIES. THIS INTENDED ACTION IS BASED ON THE BELOW DESCRIBED FACTS OR CONDUCT.

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RE: CASE NO. 2008030862

DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO

VS.

LIQUOR GROUP FLORIDA LLC

D/B/A LIQUOR GROUP FLORIDA LLC

LIC NO. WSL2607803

YOU, LIQUOR GROUP FLORIDA LLC, D/B/A LIQUOR GROUP FLORIDA LLC, ARE CHARGED WITH THE FOLLOWING COUNT(S):

1. ON OR ABOUT 02 / 18 / 08, YOU, THE AFOREMENTIONED LICENSEE, HOLDING A DISTRIBUTOR'S LICENSE UNDER THE BEVERAGE LAW, DID UNLAWFULLY FAIL TO MAINTAIN AND KEEP RECORDS FOR A PERIOD OF 3 YEARS AT THE LICENSED PREMISED PLACE OF BUSINESS SUCH RECORDS OF ALCOHOLIC BEVERAGES RECEIVED, SOLD, OR DELIVERED WITHIN OR WITHOUT THIS STATE AS MAY BE REQUIRED BY THE DIVISION. ALL MONTHLY PURCHASES OF ALCOHOLIC BEVERAGES AND FAILED TO PRODUCE SUCH RECORDS FOR INSPECTION BY, MRS. MARGARET PEREZ WITH THE DIVISION OF AUDITING WITHIN 10 DAYS OF WRITTEN REQUEST THEREFOR, THIS ACT BEING CONTRARY TO AND IN VIOLATION OF SECTION 561.29(1)(J), WITHIN 561.29(1)(A), WITHIN 561.55(3)(A), FLORIDA STATUTES.

SIGNED THIS JULY 7, 2008

CYNTHIA HILL  
DIRECTOR  
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO

caz 7/10/08  
ELIZABETH LEDBETTER  
LAW ENFORCEMENT CAPTAIN

EXPLANATION OF SERVICE:

DATE SERVED \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

PERSONAL

SERVICE BY \_\_\_\_\_

CERTIFIED MAIL # 7007 3020 0001 1510 7646

ATTACH RECEIPT IF SERVED BY MAIL.

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RE: CASE NUMBER 2008049013  
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO  
PETITIONER,  
VS.  
LIQUOR GROUP FLORIDA LLC  
D/B/A LIQUOR GROUP FLORIDA LLC  
LICENSE NUMBER WSL2607803      SERIES KLD  
RESPONDENT

**ADMINISTRATIVE COMPLAINT**

Comes now, the Division of Alcoholic Beverages and Tobacco, herein after referred to as "petitioner," and files this administrative complaint against **LIQUOR GROUP FLORIDA LLC** herein after referred to as "respondent," and alleges:

1. Petitioner is the state agency charged with supervising businesses licensed under the Florida beverage, tobacco and tax, and tobacco products permit laws pursuant to sections 559.061, 561.07, 561.15, 561.19, 561.29, 561.501, 210.15, 210.16, 210.45, 210.50, 569.003, and 569.006, Florida Statutes.
2. Respondent is, and has been at all times material hereto, the holder of a valid license/permit, issued in the State of Florida, by the Division of Alcoholic Beverages and Tobacco. Respondent's last known mailing address is as follows:

**LIQUOR GROUP FLORIDA LLC  
D/B/A LIQUOR GROUP FLORIDA LLC  
830-13 A1A N  
SUITE 155  
PONTE VEDRA BEACH, FL 32082**

And the division has not been notified of any other designated person or address for the service of process and notices authorized by Rule 61A-2.012, Florida Administrative Code.

3. Petitioner intends to revoke; suspend; annul; impose administrative fines, investigative costs, and late penalties; or any combination of these authorized penalties. This intended action is based on the below described facts or conduct.



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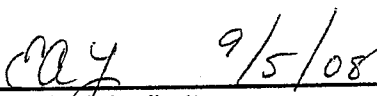
RE: CASE NUMBER 2008049013  
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO  
VS.  
LIQUOR GROUP FLORIDA LLC  
D/B/A LIQUOR GROUP FLORIDA LLC  
LICENSE NUMBER WSL2607803

You, LIQUOR GROUP FLORIDA LLC, D/B/A LIQUOR GROUP FLORIDA LLC, are charged with the following count(s):

1. On or about December 1, 2006 through November 31, 2007, you, Liquor Group Florida LLC, d/b/a: Liquor Group Florida LLC, a person, corporate officer, stockholder, or individual with an interest in a license under the Beverage Law, to wit: Liquor Group Florida LLC, had their qualifications impaired to hold an alcoholic beverage license, to wit: Failed Distributor Requirements Audit for the aforesaid audit period, this act being contrary to and in violation of section 561.411(1)(a)(b), Florida Statutes, within section 561.29, Florida Statute.

Signed this September 5, 2008

Interim Director Jerry Geier  
Division of Alcoholic Beverages and Tobacco

  
Elizabeth Ledbetter  
Law Enforcement Captain

Explanation of Service:

Date Served \_\_\_\_\_

Received By \_\_\_\_\_

Personal

Service By \_\_\_\_\_

Certified Mail # \_\_\_\_\_

Attach Receipt if Served by Mail.