

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

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

vs.

**Fox Marianne Gunn  
d/b/a Stardust Lounge**

*RESPONDENT*

CASE NO. 2007-034650  
DOAH CASE NO. 09-1121  
LICENSE NO. 46-00261  
SERIES: 4 COP/SR

**FINAL ORDER**

This matter comes before me for final Agency Order.

The issue before me is whether Respondent, Fox Marianne Gunn d/b/a Stardust Lounge (“Respondent”) failed to comply with the requirements of its license under the beverage law. Specifically, Petitioner, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco (“Petitioner”) alleged that Respondent violated Section 561.20(2) (a) 4. within Section 561.29(1) (a), Florida Statutes, by failing to provide the required service area, seating and equipment to serve 200 persons full course meals at tables at one time as required by its license. Petitioner also alleged that Respondent violated Section 561.29(2) (a) 4., Florida Statutes, within Section 561.29(1)(a), Florida Statutes, by failing to provide at least 4,000 square feet of area dedicated to the operation of the restaurant as required by its license.

**PRELIMINARY STATEMENT**

1. On September 10, 2007, Petitioner, issued an administrative action against Respondent.
2. Respondent timely filed a request for hearing, citing disputed issues of fact and the case was forwarded to the Division of Administrative Hearings to be scheduled for a formal proceeding.
3. Administrative Law Judge R. Bruce McKibben conducted a formal hearing on March 31, 2010,
4. Administrative Law Judge McKibben issued a Recommended Order on June 11, 2010.
5. Exceptions to the Recommended Order were received from Respondent on June 28, 2010.

**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. All exceptions are thus rejected.
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, the Recommended Order of the administrative law judge and the exceptions filed, I hereby adopt the Recommended Order of the administrative law judge and reject all exceptions.

It is ORDERED that Respondent alcoholic beverage license number 46-00261, Series 4COP/SR is hereby REVOKED.

DONE and ORDERED at Tallahassee, Florida, this 16 day of July, 2010.



Richard M. Monday for  
John R. Powell, 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

\_\_\_\_\_ to:

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