

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

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Department of Health, Bureau  
of Community Environmental  
Health,

*Petitioner,*  
*vs.*

Whistle Stop Lounge, Inc.,  
*Respondent.*

DOH-09-2563-FOF-HSE  
DOAH no.: 09-2136  
Permit no.:

DIVISION OF  
ADMINISTRATIVE  
HEARINGS  
NOV 23 AM 11:59  
FILED

FINAL ORDER

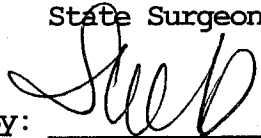
The Respondent is a licensed food service establishment pursuant to section 381.0072, Florida Statutes. The Respondent, having been charged with numerous statutory and rule violations, this matter was referred to the Division of Administrative Hearings for an adjudicatory proceeding pursuant to section 120.57(1), Florida Statutes.

The Administrative Law Judge (hereinafter the ALJ) assigned by the Division of Administrative Hearings has entered a recommended order of October 20, 2009, and this matter is now before the Department of Health for disposition. The ALJ recommends ultimate findings as follows: the Respondent, Whistle Stop Lounge, Incorporated, is guilty of repeated violations as follows: **one**, failing to take effective measures for controlling vermin, **two**, causing or allowing potentially hazardous food to be prepared on the premises, and **three**, failing to comply with requirements for storing and disposing of garbage. The ALJ recommends disposition as follows: imposition of administrative fines totaling nine thousand six hundred and twenty-five dollars (\$9,625); and revocation of the Respondent's licensure to operate as a food service establishment. These findings and disposition are accepted and adjudicated by the Department.

The Recommended Order of October 20, 2009 is adopted in toto and incorporated by reference.

**DONE** and **ORDERED** this 20 day of November 2009 in Tallahassee, Leon County, Florida.

Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General

By:  11-20-09  
Shairi Turner, M.D., M.P.H.  
Deputy Secretary for Health

**NOTICE**

A PARTY ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. A REVIEW PROCEEDING IS GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. A REVIEW PROCEEDING IS COMMENCED BY FILING A NOTICE OF APPEAL WITH THE CLERK OF THE DEPARTMENT OF HEALTH AND A COPY ACCOMPANIED BY THE FILING FEE WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES OR THE FIRST DISTRICT COURT OF APPEAL. THE NOTICE MUST BE FILED WITHIN 30 DAYS OF THE FILING DATE OF THIS FINAL ORDER.

Copy furnished to each of the following:

John G. Van Landingham, ALJ  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-1550

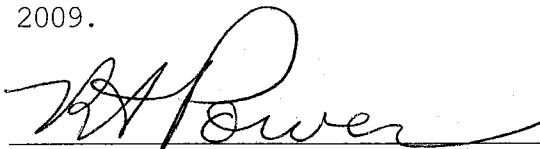
Eric Grimm, Bureau Chief  
Department of Health  
Community Environmental Health  
4052 Bald Cypress Way, bin A-08  
Tallahassee, Florida 32399-1709

Victoria Coleman-Miller, Esquire  
Department of Health  
Palm Beach County Health Department  
800 Clematis Street  
West Palm Beach, Florida 33401

James S. Lewis, Esquire  
200 S.E. 6<sup>th</sup> Street, Suite 102  
Ft. Lauderdale, Florida 33301  
FALR

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing FINAL ORDER has been served by regular mail via the United States Postal Service, inter-office mail, electronic transmission, or by hand delivery to each of the above-named persons this 20<sup>th</sup> day of November 2009.

  
R. Samuel Power, Agency Clerk  
Department of Health  
4052 Bald Cypress Way, bin A-02  
Tallahassee, Florida 32399-1703  
phone: (850) 245-4005