

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

FILED
2009 OCT 29 A 10:48
DIVISION OF
ADMINISTRATIVE
HEARINGS

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

vs.

**T & G of Orlando, Inc.
d/b/a Star Food Mart**

RESPONDENT

CASE NO. 2008-024712
DOAH NO. 09-2164
LICENSE NO. 72-00497
SERIES: 2APS

FINAL ORDER

This matter comes before me for final Agency Order.

The issue before me is whether Respondent violated Sections 562.11(1)(a), and 561.29(1)(a) (sale of an alcoholic beverage to an underage person) and/or 561.29(1)(a) and 561.17(3) (failure to notify Petitioner of the transfer of ten percent or more of any financial interest, change of executive officers or directors or a divestiture or resignation of such interest or position), Florida Statutes, as charged in the Administrative Action dated May 4, 2008, and if so, what discipline should be taken.

PRELIMINARY STATEMENT

1. On May 4, 2008, the Division issued an administrative action against Respondent.
2. Respondent timely filed a request for hearing, citing disputed issues of fact.
3. On or about April 23, 2009, the matter was forwarded to the Division of Administrative Hearings.

4. A formal hearing was conducted by Administrative Law Judge Ella Jane P. Davis on June 29, 2009.

5. A Recommended Order was issued by the Administrative Law Judge on September 14, 2009.

6. Neither party filed exceptions to the Recommended Order.

FINDINGS OF FACT

7. 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.

8. The Division hereby adopts and incorporates by reference the Findings of Fact as set forth in the Recommended Order.

CONCLUSIONS OF LAW

9. 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.

10. The Division hereby adopts and incorporates by reference the Conclusions of Law as set forth in the Recommended Order.

11. This Final Order is entered after a review of the complete record.

ORDER

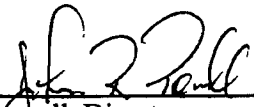
Having fully considered the complete record of this case and the Recommended Order of the Administrative Law Judge, I hereby adopt the Recommended Order.

It is ORDERED that Count I of the administrative action is DISMISSED. Respondent is hereby found guilty of having violated Count II of the administrative action and accordingly is ORDERED to pay a civil penalty in the amount of \$500.00. Payment, in full, must be received on or before

November 30, 2009, and must be submitted to the District Enforcement Office located at 1940 N. Monroe Street, Tallahassee, Florida 32399-1025. It is further ORDERED that Respondent notify the Division of the current ownership interests and names of its executive officers on or before November 30, 2009. This information shall also be submitted to the Tallahassee District Enforcement Office.

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





John R. Powell, 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 2760 0001 4026 4326 to:
Harunur Rashid Meah
T & G of Orlando, Inc. d/b/a Star Food Mart
139 La Cour Lane
Perry, Florida 32348

By: _____ Mail Date: _____

Additional copies mailed to:

District Enforcement/Licensing Office

Michael Golen

Assistant General Counsel

Department of Business and Professional Regulation

1940 North Monroe Street

Tallahassee, FL 32399

Reginald Dixon, General Counsel

Department of Business and Professional Regulation

1940 North Monroe Street, Suite 40

Tallahassee, FL 32399

Ella Jane P. Davis

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

September 14, 2009

Jerry Geier, Director
Division of Alcoholic Beverages and Tobacco
Department Business and Professional
Regulation
1940 North Monroe Street, Suite 40
Tallahassee, Florida 32399

Re: DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION,
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
vs. T AND G OF ORLANDO, INC., d/b/a STAR FOOD MART,
DOAH Case No. 09-2164

Dear Mr. Geier:

Enclosed is my Recommended Order in the referenced case. Also enclosed is the one-volume Transcript, together with the Petitioner's Exhibits numbered P-1 through P-4 and P-6 through P-10 and the Respondent's Exhibit numbered R-1A/R-1B. 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 cursive script that reads "Ella Jane P. Davis".

ELLA JANE P. DAVIS
Administrative Law Judge

EJD/bjs

Enclosures

cc: Michael B. Golen, Esquire
Harunur Rashid
Ned Luczynski, General Counsel

