

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	11/29/2012
File #	2012-07585

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
DIVISION OF HOTELS AND
RESTAURANTS,

Petitioner,

v.

DOAH CASE NO.: 12-2300
H&R CASE NO.: 2011-051413
LICENSE NO.: 22-00504
LICENSE TYPE: 2010

HONG YIP CHINESE RESTAURANT,

Respondent.

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FINAL ORDER

The Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation (the Division), after consideration of the complete record of this case on file with the Division, enters this Final Order.

1. On October 24, 2011, the Department issued an Administrative Complaint, a copy of which is attached as Exhibit "A."

2. On September 17, 2012, a hearing in this cause was held before the Honorable F. Scott Boyd, Administrative Law Judge, Division of Administrative Hearings.

3. On November 6, 2012, Honorable F. Scott Boyd issued a Recommended Order, a copy of which is attached as Exhibit "B." The Statement of the Issues, Preliminary Statement, Findings of

Fact, Conclusions of Law, and Recommendation contained in the Recommended Order are hereby adopted *in toto* and incorporated herein by reference.


Based upon the foregoing, and being otherwise fully advised in the premises it is, hereby ORDERED that: for Respondent's violations of Section 509, Florida Statutes, and/or the rules promulgated thereto the following penalty is imposed:

1. Counts 2 and 6 of the Administrative Complaint are dismissed.

2. Respondent's public food service establishment license shall be suspended for three (3) consecutive days, effective the first Monday after forty (40) days from the date this final order is filed with the Agency Clerk of the Department of Business and Professional Regulation, Division of Hotels and Restaurants.

3. This Final Order shall become effective on the date of filing with the Agency Clerk.

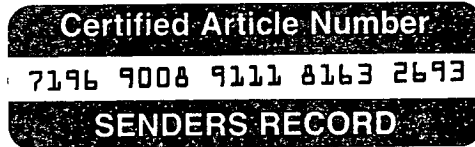
DONE AND ORDERED this 27 day of NOVEMBER, 2012.



Bill L. Veach, Director
Department of Business and
Professional Regulation
Division of Hotels and Restaurants
1940 North Monroe Street
Tallahassee, Florida 32399-1015

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by Rules 9.110 and 9.190, Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Department of Business and Professional Regulation, Attn: Ronda L. Bryan, Agency Clerk, 1940 North Monroe Street, Suite 92, Tallahassee, Florida 32399-2202 and a second copy, accompanied by the filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Florida Appellate District where the party resides. The Notice of Appeal must be filed within thirty (30) days of rendition of the order to be reviewed.



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Certified U.S. Mail to Hong Yip Chinese Restaurant, c/o He Dong, 905 S.W. Main Blvd., Suite 110, Lake City, Florida 32025; by regular U.S. Mail to the Honorable F. Scott Boyd, Administrative Law Judge, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by hand delivery to Marc Drexler, Chief Attorney, Division of Hotels and Restaurants, Department of Business and Professional Regulations, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, this 29th day of November, 2012.

A handwritten signature in black ink that reads "Brandon M. Nichols".

For the Division of Hotels
and Restaurants