

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date 4/18/2013
File # 2013-02074

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

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

vs.

**7 ELEVEN, INC., AND PTL ASSOCIATES, INC.
d/b/a 7 Eleven Store No. 32599A,
RESPONDENT**

DBPR CASE NO. 2012-031433

DOAH CASE NO. 12-003867

LICENSE NO. 4
SERIES: 2APS

FILED
2013 APR 22 PM 1 10
DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

This matter comes before me for final Agency Order.

The issues before me are whether Respondent, 7 Eleven Inc., and PTL Associates, Inc., d/b/a 7 Eleven Store No. 32599A (Respondent), committed the acts alleged in the administrative complaint dated August 14, 2012, and if so, what disciplinary action, if any, should be taken against Respondent.

PRELIMINARY STATEMENT

1. On August 14, 2012, the Petitioner, Division of Alcoholic Beverages and Tobacco (Division) filed a one-count Administrative Action (DBPR case number 2012-031433) against Respondent. The Division alleged that on or about August 2, 2012, Respondent's licensee, Lucia D'Costa, sold an alcoholic beverage to a person under 21 years of age, in violation of section 562.11(1)(a), within 561.29(1)(a), *Florida Statutes*.

2. On or about September 25, 2012, Respondent timely filed a request for hearing, citing disputed issues of material fact.

3. Division case number 2012-031433 was referred to the Division of Administrative Hearings on November 29, 2012.

4. The case was assigned to Administrative Law Judge William F. Quattlebaum.

5. A formal hearing was conducted by Judge Quattlebaum on February 6, 2013.

6. Judge Quattlebaum issued a Recommended Order on March 27, 2013.

7. Respondent filed timely exceptions to the Recommended Order on April 11, 2013.

FINDINGS OF FACT

8. 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.

9. After thoughtful consideration, Respondent's exceptions as to findings of fact are rejected.

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

CONCLUSIONS OF LAW

11. 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 law based on the Findings of Fact.

12. After thoughtful consideration, Respondent's exceptions as to findings of law are rejected.

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

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

15. Respondent is found to have violated Section 562.11(1)(a), within 561.29(1)(a), Florida Statutes, on August 2, 2012, by selling an alcoholic beverage to a person under 21 years of age.

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 of the administrative law judge.

It is ORDERED that the Respondent shall be FINED \$1,000.00, and that alcoholic beverage license number 46-04710 shall be SUSPENDED for a period of seven consecutive days, beginning on May 13, 2013.

DONE and ORDERED at Tallahassee, Florida, this 12 day of April, 2013.



A handwritten signature in black ink, appearing to read "R. Douglas".

ROBERT A. DOUGLAS, 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 appropriated District Court of Appeal, pursuant to Section 120.68, Florida Statutes and Rule 9.110, F.R.A.P.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of this Order was sent by regular U.S. mail to the following:

Timothy Joseph Perry, Esq.
Oertel, Fernandez, Bryant
and Atkinson, P.A.
Post Office Box 1110
Tallahassee, FL 32302

By: _____

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

Mail Date: _____

4/19/13