

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	5/19/2016
File #	2016-03838

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

Petitioner,

v.

DOAH CASE NO.: 16-0622
H&R CASE NO.: 2016-001953
LICENSE NO.: 6009125
LICENSE TYPE: 2010
FILE NUMBER: 246198

ELBIOLI ALAA d/b/a MIAMI SUBS
GRILL,

Respondent.

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 January 25, 2016, the Department issued an Administrative Complaint, a copy of which is attached as Exhibit "1".

2. On February 29, 2016, a hearing in this cause was held before the Honorable Robert E. Meale, Administrative Law Judge, Division of Administrative Hearings.

3. On April 21, 2016, Honorable Robert E. Meale issued a Recommended Order, a copy of which is attached as Exhibit "2".

The Statement of the Issues, Preliminary Statement, Findings of Fact, and Recommendation contained in the Recommended Order are hereby adopted *in toto* and incorporated herein by reference.

4. Paragraphs 8-13 and 15 of the Conclusions of Law are also hereby adopted *in toto* and incorporated herein by reference.

5. Pursuant to the Honorable Robert E. Meale's Order on Petitioner's Motion to Clarify, Paragraph 14 of the Conclusions of Law is corrected to read:

Section 509.261(1) authorizes Petitioner to impose a fine of not more than \$1000 per offense or to suspend or revoke a license for any violation of chapter 509 or the rules adopted under chapter 509. Rule 61C-1.005(5)€ provides that the three proved violations are a "second offense" due to their occurrence within 24 months of the earlier disciplinary final order. Rule 61C-1.005(6)(a)2. And (b)2. Provides that the standard penalty for a second offense of a "basic" violation is a fine of \$250 to \$500, and the standard penalty for a second offense of an "intermediate" violation is a fine of \$375 to \$750.

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. Respondent shall pay a fine in the amount of \$1,000.00, due and payable to the Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, within thirty (30) calendar days of the date this Order is filed with the Agency Clerk.

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

DONE AND ORDERED this 18th day of May, 2016.

Rick Akin

Rick Akin, Director
Department of Business and
Professional Regulation
Division of Hotels and Restaurants
1940 North Monroe Street
Tallahassee, Florida 32399-1015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Certified U.S. Mail to Miami Subs Grill, c/o Mohamad Tantawi, 1851 Broadway, Riviera Beach, FL 33404; by regular U.S. Mail to the Honorable Robert E. Meale, 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 19th day of May, 2016.

Brandon M. Nicks

For the Division of Hotels
and Restaurants

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 32399-2203 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.