

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	7/25/2018
File #	2018-05941

SKRS MANAGEMENT, LLC

Petitioner,

vs.

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Respondent.

DBPR CASE NO. 2017-039879
DOAH CASE NO. 18-0383

DIVISION OF
ADMINISTRATIVE HEARINGS

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FINAL ORDER

The Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, (Department or Respondent), hereby enters this Final Order against SKRS Management, LLC (Petitioner) for the above-styled matter. This cause came before the Department for the purpose of considering the Amended Recommended Order issued by Administrative Law Judge Linzie F. Bogan (Judge Bogan) on April 26, 2018, in the Division of Administrative Hearings (DOAH) case number 18-0383, a copy of which is attached as Exhibit "A" and incorporated herein by reference.

PRELIMINARY STATEMENT

Petitioner filed an Application for New Alcoholic Beverage License (Application) with the Department on May 31, 2017. Respondent issued a Notice of Intent to Deny License on July 11, 2017, a copy of which is attached hereto and incorporated by reference herein as Exhibit "B." Petitioner timely requested a formal hearing based on disputed issues of material fact, and the matter was referred to DOAH on January 22, 2018. On March 13, 2018, Judge Bogan presided over the formal hearing. The Amended Recommended Order, issued on April 26, 2018,

recommended the Department enter a Final Order denying Petitioner's Application for New Alcoholic Beverage License.

Petitioner timely filed Exceptions to the Amended Recommended Order (Exceptions) on May 9, 2018, a copy of which is attached hereto and incorporated herein as Exhibit "C."

Respondent's Response to Petitioner's Exceptions (Response to Exceptions) was filed on May 21, 2018, a copy of which is attached hereto and incorporated by reference herein as Exhibit "D."

After careful review of the complete record in this matter, including consideration of the Amended Recommended Order, Exceptions, and Response to Exceptions, the Department makes the following findings and conclusions:

RULING ON PETITIONER'S EXCEPTIONS TO AMENDED RECOMMENDED ORDER

1. Petitioner's Exceptions fail to identify the legal basis for each exception.
2. Therefore, Petitioner's Exceptions are insufficient for issuance of an explicit agency ruling on each exception pursuant to section 120.57(1)(k), Florida Statutes, and Rule 28-106.217, Florida Administrative Code.
3. Accordingly, the Department declines to rule on Petitioner's Exceptions.

FINDINGS OF FACT

1. The Findings of Fact set forth in the Amended Recommended Order are based on competent substantial evidence.
2. Accordingly, the Findings of Fact set forth in the Amended Recommended Order are approved, adopted, and incorporated by reference as the Findings of Fact of the Department.

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CONCLUSIONS OF LAW

1. The Conclusions of Law contained in the Amended Recommended Order are reasonable and correct interpretations of the law based on the Findings of Fact.

2. Accordingly, the Conclusions of Law as set forth in the Amended Recommended Order are approved, adopted, and incorporated by reference as the Conclusions of Law of the Department.

ORDER

Having fully considered the complete record of this case, including the Amended Recommended Order of Administrative Law Judge Linzie F. Bogan, Exceptions, and Response to Exceptions, and based upon the foregoing Findings of Fact and Conclusions of Law, I hereby adopt the Amended Recommended Order.

It is ORDERED that Petitioner's Application for New Alcoholic Beverage License be denied. This Final Order shall become effective upon the date of filing with the Agency Clerk of the Department of Business and Professional Regulation.

DONE and ORDERED at Tallahassee, Florida, this 25th day of July, 2018.




Thomas R. Phifot, Director
Division of Alcoholic Beverages and Tobacco

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NOTICE OF RIGHT TO JUDICIAL REVIEW

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. Review Proceedings are governed by Rules 9.110 and 9.190, *Florida Rules of Appellate Procedure*. Such proceedings may be commenced by filing one copy of a *Notice of Appeal* with the Department of Business and Professional Regulation, Attn: Ronda L. Bryan, Agency Clerk, 2601 Blair Stone Road, Tallahassee, Florida 32399 and a Second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal in the Florida Appellate District where the Party resides.

Respondent may petition the Director to amend this Final Order pursuant to Rule 61A-2.022(10), *Florida Administrative Code*. Petitions filed shall not stay any effective dates in this Order unless the Director authorizes the stay or amendment requested in the Petition.

I HERBY CERTIFY that a true and correct copy of the foregoing has been mailed by regular US mail to:

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West Coast Law, PLLC
4046 Sawyer Road, Suite D
Sarasota, FL 34233

D. Kent Safriet, Esquire
Hopping Green & Sams, P.A.
Post Office Box 6526
Tallahassee, FL 32314

By: Amanda Abbott Mail Date: 7/25/2018

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Additional copies to:

District Enforcement/Licensing Office

Alicia Bhambhani, Esquire
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Linzie F. Bogan
Administrative Law Judge
Division of Administrative Hearings
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