

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

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| FILED | |
| Department of Business and Professional Regulation | |
| Senior Deputy Agency Clerk | |
| CLERK | Brandon Nichols |
| Date | 6/5/2019 |
| File # | 2019-04930 |

MARIE ANTOINETTE ROCHETTE,

Petitioner,

vs.

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
DIVISION OF ALCOHOLIC BEVERAGES
AND TOBACCO,

Respondent.

DBPR CASE NO. 2016-046642
DOAH CASE NO. 18-6104

DIVISION OF
ADMINISTRATIVE HEARINGS

2019 JUN -7 PM 1:30

FILED

FINAL ORDER

The Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, (Department or Respondent), hereby enters this Final Order against Marie Antoinette Rochette (Petitioner) for the above-styled matter. This cause came before the Department for the purpose of considering the Recommended Order issued by Administrative Law Judge Lynn A. Quimby-Pennock (Judge Quimby-Pennock) on May 1, 2019, in the Division of Administrative Hearings (DOAH) case number 18-6104, a copy of which is attached as Exhibit "A" and incorporated herein by reference.

PRELIMINARY STATEMENT

Petitioner filed an Application for Transfer of Ownership of an Alcoholic Beverage License (Application) with the Department on August 15, 2016. Respondent issued a Notice of Intent to Deny License on September 7, 2016, 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 November 16,

2018. On March 11, 2019, Judge Quimby-Pennock presided over the formal hearing. The Recommended Order, issued on May 1, 2019, recommended the Department enter a Final Order denying Petitioner's Application. Neither party filed exceptions to the Recommended Order.

After careful review of the complete record in this matter, the Department makes the following findings and conclusions:

FINDINGS OF FACT

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

CONCLUSIONS OF LAW

1. The Conclusions of Law contained in the 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 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, and based upon the foregoing Findings of Fact and Conclusions of Law, I hereby adopt the Recommended Order.

It is ORDERED that Petitioner's Application for Transfer of Ownership of an 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 3rd day of June, 2019.





Sterling Whisenhunt, Director
Division of Alcoholic Beverages and Tobacco

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:

Marie Antoinette Rochette
4818 West Flamingo Road
Tampa, Florida 33611

Lovie Hudson
3335 Rankin Drive
New Port Richey, Florida 34655

By: Amarda Abbott Mail Date: 6/6/19

Additional copies to:

District Enforcement/Licensing Office

Courtney Rae Conner, Esquire
Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, FL 32399

Ray Treadwell, General Counsel
Department of Business and Professional Regulation
2601 Blair Stone Road
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Lynn A. Quimby-Pennock
Administrative Law Judge
Division of Administrative Hearings
The Desoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060