

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

BROTHER J. INC. d/b/a A. J.  
SPORTS,

Appellant,

v.

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

Appellee.  
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NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CASE NO. 1D06-4879

Opinion filed August 10, 2007.

An appeal an order of the Department of Business and Professional Regulation,  
Division of Alcoholic Beverages and Tobacco.

Edward T. Bauer, of Brooks, LeBoeuf, Bennett, Foster & Gwartney, P.A.,  
Tallahassee, for Appellant.

Josefina Tamayo, General Counsel, and Jennifer A. Tschetter, Assistant General  
Counsel, Department of Business and Professional Regulation, Tallahassee, for  
Appellee.

PER CURIAM.

Because a license can be suspended or revoked only on the basis of the  
licensee's own misconduct, and the evidence in this case failed to prove such

misconduct by Brother J. Inc. d/b/a A. J. Sports, we hold the evidence in this case legally insufficient to support the conclusions of law in the appealed order. See Pic N' Save Central Fla., Inc. v. Dep't of Bus. Regulation, Div. of Alcoholic Beverages & Tobacco, 601 So. 2d 245 (Fla. 1st DCA 1992). The order is reversed and remanded with directions to dismiss the charges.

REVERSED AND REMANDED.

WOLF, PADOVANO, and POLSTON, JJ., CONCUR.