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DIVISION OF
PARI-MUTUEL WAGERING

Final Order No: BPR-2008-03365 Date: 4-16-08
FILED

Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

By:

Brandon M. Nichols

STATE OF FLORIDA
DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION
DIVISION OF PARI-MUTUEL WAGERING

DEPARTMENT OF BUSINESS &
PROFESSIONAL REGULATION, DIVISION
OF PARI-MUTUEL WAGERING,

#1522815-1021

Petitioner,

DBPR CASE NO. 2006054547

vs.

MICHAEL C. CARRIGAN,

Respondent.

FINAL ORDER

The State of Florida, Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (Division), hereby enters this Final Order for the above styled matter.

FINDINGS OF FACT

1. On November 6, 2006, Investigator Nick Miyar signed an Investigative Report setting forth facts which, if true, would constitute a violation of Section 550.0251(6), Florida Statutes.
2. On July 6, 2007, an Administrative Complaint was filed with the agency clerk alleging Respondent violated Section 550.0251(6), Florida Statutes, by being ejected by the Judges/Stewards from Tampa Greyhound Park.
3. Respondent was served with the Administrative Complaint via U.S. Certified Mail on or about July 12, 2007.

4. Respondent's Election of Rights Form was due to the Division on or before August 4, 2007. To date, the Division has not received Respondent's Election of Rights Form and, therefore, Respondent has waived his rights to elect a forum.

5. Respondent's pari-mutuel wagering occupational license (number 1522815-1021) expired June 30, 2007, and he is not currently licensed.

6. The Division hereby adopts and incorporates by reference the facts contained and set forth in the Motion for Final Order, together with the supporting exhibits attached thereto, as the Division's Findings of Facts in this matter.

7. The Division also hereby adopts and incorporates by reference the facts contained in the Investigative Report as the Division's Findings of Facts in this matter.

CONCLUSIONS OF LAW

8. The Division has jurisdiction over the parties and subject matter of this case pursuant to Chapter 550, Florida Statutes.

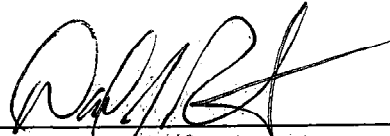
9. Respondent failed to return an Election of Rights and thereby waived his rights to elect a forum.

10. Respondent, by being ejected from Tampa Greyhound Park, Respondent may also be excluded from other pari-mutuel facilities in this state pursuant to Section 550.0251(6), Florida Statutes.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law it is therefore ORDERED that Respondent shall be and is hereby EXCLUDED from all pari-mutuel facilities in the State of Florida.

DONE AND ORDERED this 15TH day of APRIL, 2008, in Tallahassee, Florida.



DAVID J. ROBERTS, DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
Northwood Centre
1940 North Monroe Street
Tallahassee, Florida 32399-1035

NOTICE OF RIGHT TO APPEAL UNLESS WAIVED


Unless expressly waived, any party substantially affected by this final order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within thirty (30) days of rendition of this order, in accordance with Rule 9.110, Florida Rules of Appellate Procedure, and Section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I hereby certify this 16th day of April, 2008 that a true copy of the foregoing

“Final Order” has been provided by U.S. Certified Mail to:

MICHAEL C. CARRIGAN
238 80th Avenue NE
St. Petersburg, Florida 33702-3816

for: 
SARAH WACHMAN, AGENCY CLERK
Department of Business & Professional Regulation

Copies furnished to:

Office of Operations/Licensing Section
Office of Investigations

Charles T. “Chip” Collette, Assistant General Counsel

General Manager, Tampa Greyhound Track
Chief Inspector, Tampa Greyhound Track
Judges/Stewards, Tampa Greyhound Track

National Greyhound Association
P.O. Box 543
Abilene, KS 67410

Florida Kennels, Inc.
7218 West 4th Avenue
Hialeah, FL 33014

**-STATE OF FLORIDA
DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION
DIVISION OF PARI-MUTUEL WAGERING**

**DEPARTMENT OF BUSINESS &
PROFESSIONAL REGULATION, DIVISION
OF PARI-MUTUEL WAGERING,**

Petitioner,

DBPR CASE NO. 2006054547

vs.

MICHAEL C. CARRIGAN,

Respondent.

MOTION FOR FINAL ORDER

The Department of Business & Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner") hereby moves for entry of a Final Order against the Respondent. As grounds therefor Petitioner states as follows:

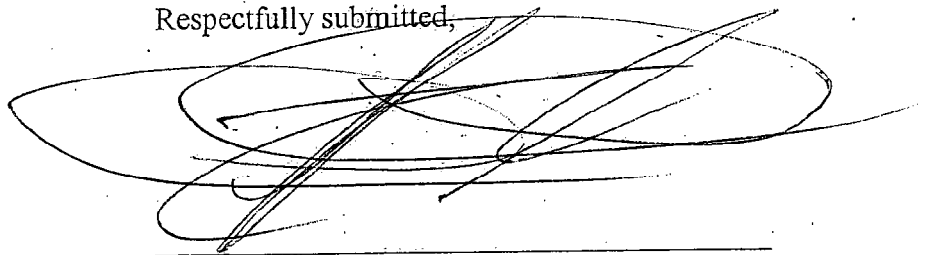
1. On October 12, 2006, Investigator Nick Miyar signed an Investigative Report setting forth facts which, if true, would constitute a violation of Section 550.0251(6), Florida Statutes. A true copy of the Investigative Report is hereby attached as Exhibit A.
2. On or about July 6, 2007, an Administrative Complaint was filed with the agency clerk alleging Respondent violated Section 550.0251(6), Florida Statutes, by being ejected by the Judges/Stewards from Tampa Greyhound Park. A true copy of the Administrative Complaint is hereby attached as Exhibit B.
3. Respondent was served with the Administrative Complaint via U.S. Certified Mail on or about July 12, 2007. A true copy of the Certified Mail Return Receipt is attached hereto as Exhibit C.

4. Respondent's pari-mutuel wagering occupational license (number 1522815-1021) expired June 30, 2007, and he is not currently licensed.

5. Respondent's Election of Rights Form was due to the Division on or before August 4, 2007. To date, the Division has not received Respondent's Election of Rights Form and, therefore, Respondent has waived his rights to elect a forum.

WHEREFORE, Petitioner respectfully requests that the Director of the Division of Pari-Mutuel Wagering issue a Final Order pursuant to Section 550.0251(6), Florida Statutes, excluding Respondent from all pari-mutuel facilities in the State of Florida.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Charles T. Collette', is written over a horizontal line. The signature is highly cursive and somewhat illegible due to its speed and style.

CHARLES T. "CHIP" COLLETTE

Assistant General Counsel

Florida Bar No. 126657

Division of Pari-Mutuel Wagering

Department of Business & Professional Regulation

1940 North Monroe Street, Suite 40

Tallahassee, Florida 32399-2202

(850) 488-0062 / FAX 921-1311

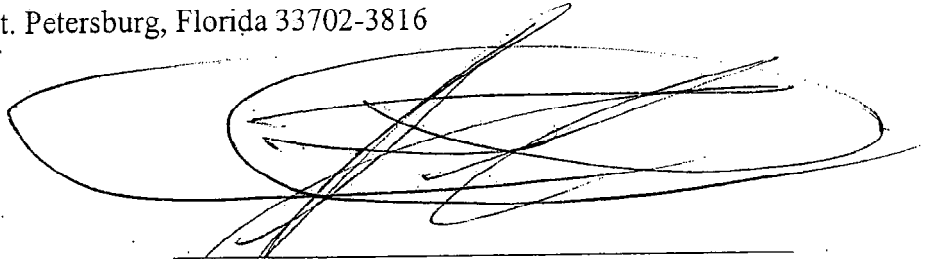
Attorney for Division of Pari-Mutuel Wagering

CERTIFICATE OF SERVICE

I hereby certify this 30th day of November, 2007, a true copy of the foregoing

“Motion for Final Order” has been served by U.S. mail upon:

MICHAEL C. CARRIGAN
238 80th Avenue NE
St. Petersburg, Florida 33702-3816



CHARLES T. "CHIP" COLLETTE



DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION

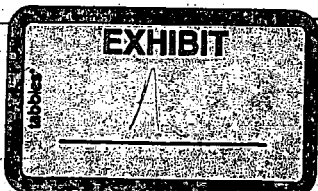
Jeb Bush, Governor

Simone Marstiller, Secretary

OFFICE OF INVESTIGATIONS

INVESTIGATIVE REPORT

Office: P M W /	Region: Central	Date of Complaint: October 5, 2006	Complaint Number: 2006054547	
Respondent: CARRIGAN, MICHAEL C. 238 80 th Avenue NE St. Petersburg, Florida 33702 727-576-7254		Complainant: STATE OF FLORIDA, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, DIVISION OF PARI-MUTUEL WAGERING		
Prefix:	License #: 1522815	Profession: 1021	Board: 100	Report Date: October 5, 2006
Period of Investigation: September 27, 2006 to October 5, 2006		Type of Report: PRELIMINARY		
<p>Alleged Violation: FS 550.0251 (6) (11) The powers and duties of the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation.--The division shall administer this chapter and regulate the pari-mutuel industry under this chapter and the rules adopted pursuant thereto, and:</p> <p>(6) In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the division may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the division. The division may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state. The division may authorize any person who has been ejected or excluded from pari-mutuel facilities in this state or another state to attend the pari-mutuel facilities in this state upon a finding that the attendance of such person at pari-mutuel facilities would not be adverse to the public interest or to the integrity of the sport or industry; however, this subsection shall not be construed to abrogate the common-law right of a pari-mutuel permit holder to exclude absolutely a patron in this state.</p> <p>(11) The division shall supervise and regulate the welfare of racing animals at pari-mutuel facilities.</p> <p>FS 828.12 (1) Cruelty to animals. --(1) A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or both.</p>				
<p>Synopsis: August 31, 2006: The Board of Judges issued a house ruling finding the RESPONDENT guilty for abusing the greyhound PLEASURE TIME on August 26, 2006 and ruling him off the Tampa Greyhound Track premises. (Exhibit 1).</p>				
Related Case: N/A				
Submitted By: Nick Miyar,		Approved By: Bobby Brooks, Regional Manager		
Distribution:				



CONTINUATION

September 27, 2006: Investigator NICK MIYAR while working on another case was told of the incident and house ruling. MIYAR picked up a copy of the program showing that the greyhound PLEASURE TIME ran in second race in the fourth position on August 26, 2006 (Exhibit 2).

September 27, 2006: MIYAR called DONALD J. BECK, D.V.M., TRACK VETERINARIAN. BECK told MIYAR that during Weigh-In in front of the tag board, the RESPONDENT smacked the greyhound in top of his head so hard that made the dog scream.

October 4, 2006: MIYAR prepared a Notice of Violation and faxed it to MS. ROSARIO to open a case (Exhibit 3).

October 5, 2006: MIYAR received the case number.

October 5, 2006: The case is ready for review.

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF PARI-MUTUEL WAGERING

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
DIVISION OF PARI-MUTUEL WAGERING

Petitioner,

vs.

Case No. 2006054547

MICHAEL C. CARRIGAN,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (hereinafter "Division"), files this Administrative Complaint against Michael C. Carrigan (hereinafter "Respondent"), and alleges as follows:

1. The Division is the state agency charged with regulating pari-mutuel wagering, pursuant to Chapter 550, Florida Statutes.
2. At all times material hereto, Respondent held a pari-mutuel wagering occupational license, number 1522815-1021, issued by the Division.
3. On August 31, 2006 the Board of Judges issued a house ruling finding the Respondent guilty for abusing the greyhound "PLEASURE TIME" on August 26, 2006 and ruling him off the Tampa Greyhound Track premises.
4. Section 550.0251(6), Florida Statutes, states that:

In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the division may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the division. The division may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-



mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state. The division may authorize any person who has been ejected or excluded from pari-mutuel facilities in this state or another state to attend the pari-mutuel facilities in this state upon finding that the attendance of such person at pari-mutuel subsection shall not be construed to abrogate the common-law right of a pari-mutuel permit holder to exclude absolutely a patron in this state.

5. Section 550.0251(11), Florida Statutes, states that:

The division shall supervise and regulate the welfare of racing animals at pari-mutuel facilities.

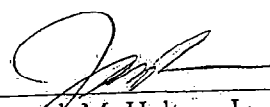
6. Respondent's ejection from the pari-mutuel facility, Tampa Greyhound Track, constitutes grounds in which the division can exclude him from any other pari-mutuel facility within the state of Florida.

WHEREFORE, Petitioner respectfully requests the Division enter an Order pursuant to Section 550.0251(6), Florida Statutes, excluding Respondent from all pari-mutuel facilities in the state of Florida.

Signed this 28th day of June, 2007.

FILED
Department of Business and Professional Regulation
DEPUTY CLERK

CLERK Brandon M. Nichols
DATE 7-6-2007



Joseph M. Helton, Jr.
Chief Attorney
Division of Pari-Mutuel Wagering
Florida Bar Number: 879622
Department of Business and
Professional Regulation
Northwood Centre
1940 North Monroe Street
Tallahassee, FL 32399-2202

Copies furnished to:

- Respondent – Cert. Mail/Return Receipt
- Office of Operations
- Office of Investigations/ Licensing Section
- Ralf E. Michels, Assistant General Counsel

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits:

1. Article Addressed to:

Michael C. Carrigan
 238 80th Avenue NE
 St. Petersburg, FL 33702

2006 054547 AC

2. Article Number

(Transfer from service label)

7006 0100 0003 0854 0200

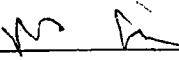
PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X  Agent Addressee

B. Received by (Printed Name)

Mr. P. A. Carrigan

C. Date of Delivery

11/25/07

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below:

 No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes