

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

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

Petitioner,

v.

DBPR CASE No. 2008012886

GILFREDO GONZALEZ,

Respondent,

_____ /

FINAL ORDER

THIS MATTER came before the Presiding Officer of the Division of Pari-Mutuel Wagering on October 7, 2009, in Tallahassee, Florida, in accordance with the provisions of Section 120.57(2), Florida Statutes, for consideration of the Division's Administrative Complaint issued against Gilfredo Gonzalez ("Respondent") in DBPR Case No. 2008012886. The Division of Pari-Mutuel Wagering ("Division") was represented by David N. Perry, Assistant General Counsel. Respondent appeared pro se by telephone.

PRELIMINARY STATEMENT

1. On or about September 12, 2008, the Division of Pari-Mutuel Wagering issued an Administrative Complaint against the Respondent which alleged that he been ejected from Gulfstream Park Racing & Casino ("Gulfstream"), a pari-mutuel facility in Florida, due to his repeatedly stealing poker chips and placing them in his tip box. The

Administrative Complaint sought to exclude Respondent from all pari-mutuel facilities within the state, pursuant to Section 550.0251(6), Florida Statutes.

2. After several failed attempts to serve the Complaint upon Respondent, the Division voluntarily dismissed the Complaint without prejudice on February 20, 2009. When Respondent contacted the Division about obtaining licensure, the case was reopened and Respondent was served with the Administrative Complaint on or about July 9, 2009.

3. Respondent filed his Election of Rights, in which he requested an informal hearing. The Respondent's Election of Rights indicates that Respondent's address is 2755 SW 187 Avenue, Miramar, Florida 33029.

4. At the informal hearing on October 7, 2009, the Division presented the issues raised in its September 12, 2008, Administrative Complaint and cited Respondent's Election of Rights, in which Respondent requested an informal hearing. The facts are therefore accepted as presented in the Administrative Complaint.

FINDINGS OF FACT

5. At all times material hereto, Respondent held a cardroom employee occupational license, number 6143103-1012, issued by the Division.

6. Gulfstream is a pari-mutuel facility in Florida licensed by the Division.

7. At all times material hereto, Respondent was a poker dealer at the "Sport of Kings" poker room at Gulfstream.

8. In an affidavit dated March 5, 2008, Mike Chapple, Director of Surveillance Security, stated that Respondent was "directed to leave the property and not return to the property." The affidavit instructs the Hallandale Beach Police Department to arrest Respondent for trespassing upon his return to the Gulfstream property.

9. In addition, the Gulfstream "Excluded Persons Log" shows that Respondent was excluded indefinitely for theft on March 5, 2008.

10. At the informal hearing, Respondent did not dispute that Gulfstream was a licensed pari-mutuel facility in Florida, nor that Gulfstream had instituted an exclusion against him.

11. Respondent admitted to taking chips and putting them in his tip box. He stated that he was upset with the way the system was being run, and the good tables were unfairly given to other dealers.

12. Respondent wanted to quit, but he had to stay there until he could get another job, which was hard to find.

13. Respondent stated he had made a mistake, but it would never happen again. He stated that everyone deserves a second chance.

CONCLUSIONS OF LAW

14. The Division has jurisdiction over this matter pursuant to Chapters 120 and 550, Florida Statutes.

15. Section 550.0251(6), Florida Statutes, states in relevant part:

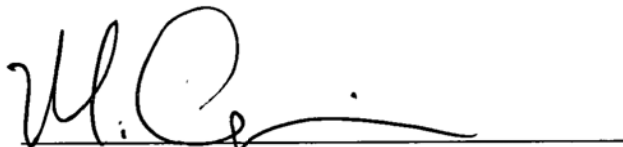
In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the division may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the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

16. The Division has established by clear and convincing evidence that the Respondent has been ejected from a pari-mutuel facility in Florida, and as such, is

subject to exclusion from all pari-mutuel facilities in the state pursuant to Section 550.0251 (6), Florida Statutes.

WHEREFORE, based upon the Findings of Fact and Conclusions of Law, it is hereby ORDERED and ADJUDGED that: Respondent shall be excluded from all pari-mutuel facilities in this state. This Final Order shall become effective on the date filed with the Agency Clerk.

DONE AND ORDERED this 7th day of January, 2010.



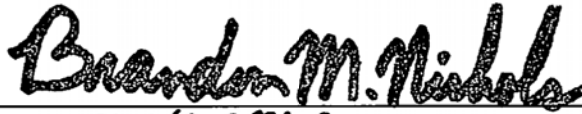
Milton Champion, Director
Division of Pari-Mutuel Wagering
Department of Business and
Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-1035

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 rendition of this order, in accordance with Rule 9.110, Fla. R. App. P., and Section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Order has been provided by U.S. Certified Mail to GILFREDO GONZALEZ, 3520 Jackson Street, Apt 105, Hollywood, Florida 33029, on this 20th day of January, 2010.



Agency Clerk's Office
Department of Business & Professional Regulation

Copies furnished to:

Amy Toman, Informal Hearing Officer
David N. Perry, Assistant General Counsel

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

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

Petitioner,

v.

DBPR CASE NO. 2008012886

GILFREDO GONZALEZ,

Respondent,
_____ /

PROPOSED RECOMMENDED ORDER

THIS MATTER came before the Presiding Officer of the Division of Pari-Mutuel Wagering on October 7, 2009, in Tallahassee, Florida, in accordance with the provisions of Section 120.57(2), Florida Statutes, for consideration of the Division's Administrative Complaint issued against Gilfredo Gonzalez ("Respondent") in DBPR Case No. 2008012886. The Division of Pari-Mutuel Wagering ("Division") was represented by David N. Perry, Assistant General Counsel. Respondent appeared pro se by telephone.

PRELIMINARY STATEMENT

1. On or about September 12, 2008, the Division of Pari-Mutuel Wagering issued an Administrative Complaint against the Respondent which alleged that he been ejected from Gulfstream Park Racing & Casino ("Gulfstream"), a pari-mutuel facility in Florida, due to his repeatedly stealing poker chips and placing them in his tip box. The Administrative Complaint

sought to exclude Respondent from all pari-mutuel facilities within the state, pursuant to Section 550.0251(6), Florida Statutes.

2. After several failed attempts to serve the Complaint upon Respondent, the Division voluntarily dismissed the Complaint without prejudice on February 16, 2009. When Respondent contacted the Division about obtaining licensure, the case was reopened and Respondent was served with the Administrative Complaint on or about July 9, 2009.

3. Respondent filed his Election of Rights, in which he requested an informal hearing. The Respondent's Election of Rights indicates that Respondent's address is 2755 SW 187 Avenue, Miramar, Florida 33029.

4. At the informal hearing on October 7, 2009, the Division presented the issues raised in its September 12, 2008 Administrative Complaint and cited Respondent's Election of Rights, in which Respondent requested an informal hearing. The facts are therefore accepted as presented in the Administrative Complaint.

FINDINGS OF FACT

5. At all times material hereto, Respondent held a cardroom employee occupational license, number 6143103-1012, issued by the Division.

6. Gulfstream is a pari-mutuel facility in Florida licensed by the Division.

7. At all times material hereto, Respondent was a poker dealer at the "Sport of Kings" poker room at Gulfstream.

8. In an affidavit dated March 5, 2008, Mike Chapple, Director of Surveillance Security, stated that Respondent was "directed to leave the property and not return to the property." The affidavit instructs the Hallandale Beach Police Department to arrest Respondent for trespassing upon his return to the Gulfstream property.

9. In addition, the Gulfstream "Excluded Persons Log" shows that Respondent was excluded indefinitely for theft on March 5, 2008.

10. At the informal hearing, Respondent did not dispute that Gulfstream was a licensed pari-mutuel facility in Florida, or that Gulfstream had instituted an exclusion against him.

11. Respondent admitted to taking chips and putting them in his tip box. He stated that he was upset with the way the system was being run, and the good tables were unfairly given to other dealers.

12. Respondent wanted to quit, but he had to stay there until he could get another job, which was hard to find.

13. Respondent stated he had made a mistake, but it would never happen again. He stated that everyone deserves a second chance.

CONCLUSIONS OF LAW

14. The Division has jurisdiction over this matter pursuant to Chapters 120 and 550, Florida Statutes.

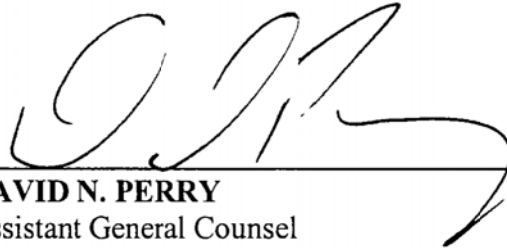
15. Section 550.0251(6), Florida Statutes, states in relevant part:

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.

RECOMMENDED ORDER

Based upon the Findings of Fact and Conclusions of Law, it is hereby proposed that the Hearing Officer enter a Recommended Order excluding Respondent from all pari-mutuel facilities in this state.

Respectfully submitted this 13th day of October, 2009.

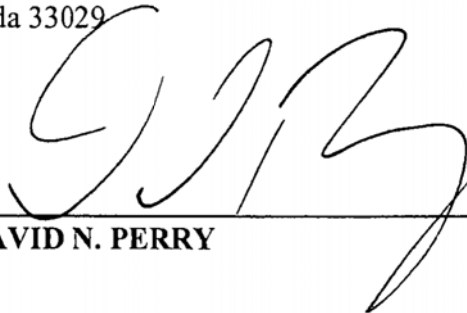


DAVID N. PERRY
Assistant General Counsel
Division of Pari-Mutuel Wagering
Dept of Business & Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-2202
(850) 488-0062 / FAX 921-1311

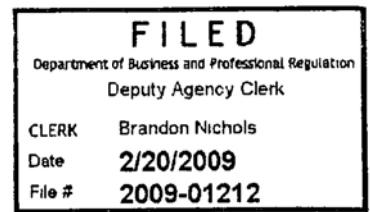
CERTIFICATE OF SERVICE

I hereby certify this 13th day of October, 2009, that a true copy of the foregoing "Proposed Final Order" has been provided by U.S. Mail to the Respondent:

MR. GILFREDO GONZALEZ
3520 Jackson Street
Apt. 105
Hollywood, Florida 33029



DAVID N. PERRY



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

DBPR CASE NUMBER:	2008012886
DATE OF INCIDENT:	March 5, 2008
INDUSTRY:	Cardroom
COMPLAINT MADE AGAINST:	Gilfredo Gonzalez 301 E. Dania Beach Blvd. Dania, FL 33004
LICENSE NUMBER:	6143103-1012
INVESTIGATOR:	Robert Fronrath
REVIEWED BY:	David N. Perry
STAFF RECOMMENDATION:	CLOSE

ORDER OF DISMISSAL

THE COMPLAINT: The Administrative Complaint sets forth facts that, if true, would constitute a violation of Rules 61D-11.005(5)(a) & (b), Florida Administrative Code, and Section 849.086(14)(a), Florida Statutes. In particular, it is alleged that Mr. Gonzalez engaged in an act, practice, or course of action as a cardroom dealer that constituted fraud or deceit.

THE FACTS: In February 2008, at the Sport of Kings poker room at Gulfstream Park Racing & Casino, Director of Poker Scott Poole became suspicious of Mr. Gonzalez. Mr. Gonzalez, who is not a particularly good dealer, was making more daily tips than his top dealers. Surveillance video revealed the following:

On February 27, 2008 at 9:40 p.m., Mr. Gonzalez was observed taking two or three white chips from the pot and placing them onto the right side of his chip tray (float).

10:05 p.m.: Mr. Gonzalez appeared to take two or three \$5.00 chips from the pot and put them in his float. He then took five \$1.00 chips and put them back in the pot.

10:11 p.m.: Mr. Gonzalez took an unknown amount of \$5 chips from his float and threw them in the pot. He then took a \$25.00 chip from the pot and placed it in his float.

10:34 p.m.: While walking to the poker cage, Mr. Gonzalez appears to place an unknown chip into his tip box.

On February 28, 2008 at 2:52 p.m., Mr. Gonzalez received a \$1.00 chip from a patron after a hand. He dropped the \$1.00 chip into his float and picked up two \$5.00 chips and dropped them into his float.

4:14 p.m.: Mr. Gonzalez again received a \$1.00 chip from a patron after a hand. He dropped the \$1.00 chip into his float and picked up two more \$5.00 chips and dropped them into his float.

On March 5, 2008, Mr. Gonzalez was in the Sport of Kings poker room, when he was approached by Mike Chappel, Vice President of Surveillance/ Security; Charles "Chuck" Lewis, Director of Surveillance; Scott Poole, Director of Poker; and a uniformed Hallandale Beach Police Officer. He was asked to get up from the poker table and was escorted to Human Resources.

According to Mike Chappel, Mr. Gonzalez admitted that there were occasions where he put chips in his tip box but stated it didn't happen every day. After being interviewed, Mr. Gonzalez was terminated and escorted to his vehicle. Mr. Gonzalez was permanently ejected from Gulfstream Park Racing & Casino.

Rule 61D-11.005, Florida Administrative Code, states in pertinent part:

- (5) No person shall, either directly or indirectly:
 - (a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a card game, or the cardroom operator.
 - (b) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any participant in a game, or any cardroom operator.

Section 849.086(14)(a), Florida Statutes, states:

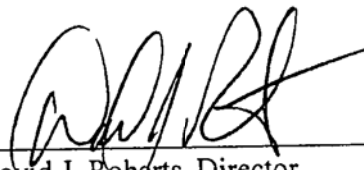
The division may deny a license or the renewal thereof, or may suspend or revoke any license, when the applicant has: violated or failed to comply with the provisions of this section or any rules adopted pursuant thereto; knowingly caused, aided, abetted, or conspired with another to cause any person to violate this section or any rules adopted pursuant thereto; or obtained a license or permit by fraud, misrepresentation, or concealment; or if the holder of such license or permit is no longer eligible under this section.

On September 12, 2008, the Division of Pari-Mutuel Wagering filed an Administrative Complaint against Mr. Gonzalez, a copy of which was sent to Mr. Gonzalez via Fed Ex. However, when the driver attempted to deliver the Complaint, the current owner notified the driver that Mr. Gonzalez no longer lived there and left no forwarding address.

Additionally, Mr. Gonzalez's license expired on June 30, 2008.

THE LAW: Based on the foregoing, this case is voluntarily dismissed without prejudice. An Enforcement Alert should be placed on Mr. Gonzalez's licensure record, and this case should be CLOSED.

DONE this 16TH day of FEBRUARY, 2009.



David J. Roberts, Director
Division of Pari-Mutuel Wagering

**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,

v.

CASE NO. 2008012886

GILFREDO GONZALEZ,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division"), files this Administrative Complaint against Gilfredo Gonzalez ("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 6143103-1012, issued by the Division.
3. At all times material hereto, Respondent was a cardroom dealer at the Sport of Kings poker room at Gulfstream Park Racing & Casino.

4. In February 2008, Scott Poole, Director of Poker became suspicious of Mr. Gonzalez, who was making more daily tips than his top dealers. Surveillance video revealed the following:

5. On February 27, 2008 at 9:40 p.m., Mr. Gonzalez was observed taking two or three white chips from the pot and placing them onto the right side of his float.

6. 10:05 p.m.: Mr. Gonzalez appeared to take two or three \$5.00 chips from the pot and put them in his float. He then took five \$1.00 chips and put them back in the pot.

7. 10:11 p.m.: Mr. Gonzalez took an unknown amount of \$5 chips from his float and threw them in the pot. He then took a \$25.00 chip from the pot and placed it in his float.

8. 10:34 p.m.: While walking to the poker cage, Mr. Gonzalez appears to place an unknown chip into his tip box.

9. On February 28, 2008 at 2:52 p.m., Mr. Gonzalez received a \$1.00 chip from a patron after a hand. He dropped the \$1.00 chip into his float and picked up two \$5.00 chips and dropped them into his float.

10. 4:14 p.m.: Mr. Gonzalez again received a \$1.00 chip from a patron after a hand. He dropped the \$1.00 chip into his float and picked up two more \$5.00 chips and dropped them into his float.

11. On March 5, 2008, Mr. Gonzalez was in the Sport of Kings poker room, when he was approached by Mike Chappel, Vice President of Surveillance/ Security; Charles "Chuck" Lewis, Director of Surveillance; Scott Poole, Director of Poker; and a uniformed Hallandale Beach Police Officer. He was asked to get up from the poker table and was escorted to Human Resources.

12. According to Mike Chappel, Mr. Gonzalez admitted that there were occasions where he put chips in his chip box but stated it didn't happen every day. After being interviewed, Mr. Gonzalez was terminated and escorted to his vehicle. Mr. Gonzalez was permanently ejected from Gulfstream Park Racing & Casino.

13. Respondent's pari-mutuel license expired on June 30, 2008 and has not been renewed.

14. Rule 61D-11.005(5), Florida Administrative Code, states in pertinent part:

No person shall, either directly or indirectly:

- a. Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a card game, or the cardroom operator.
- b. Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any participant in a game, or any cardroom operator.

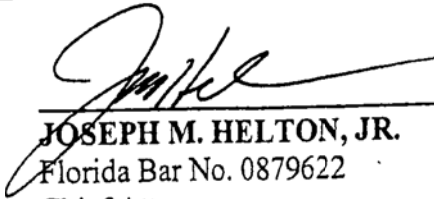
15. Respondent violated Rule 61D-11.005(5)(a) & (b), Florida Administrative Code, by attempting to defraud the cardroom operator.

16. Section 550.0251(6), Florida Statutes, states in pertinent part:

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.

WHEREFORE, Petitioner respectfully requests that the Division enter an Order excluding Respondent from any and all pari-mutuel facilities in this state, as specified in Section 550.0251(6), Florida Statutes.

Signed this 11th day of September, 2008.



JOSEPH M. HELTON, JR.

Florida Bar No. 0879622

Chief Attorney

Division of Pari-Mutuel Wagering

Department of Business & Professional Regulation

Northwood Center

1940 North Monroe Street, Suite 40

Tallahassee, Florida 32399-2202

Copies furnished to:

Gilfredo Gonzalez – Cert. Mail/Return Receipt

Office of Operation/Licensing Section

Office of Investigations

David N. Perry, Assistant General Counsel

FILED
Department of Business and Professional Regulation
DEPUTY CLERK

CLERK Brandt M. Nichols
DATE 9-12-2008