

FILED	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	7/16/2010
File #	2010-06628

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. 2009008168

v.

JOE SHAKTMAN,

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 February 22, 2009, Investigator Bryan Wall signed an Investigative Report setting forth facts, which if true, would constitute a violation of Section 550.0251(6), Florida Statutes.
2. On May 6, 2009, an Administrative Complaint was filed with the agency clerk that alleged the Respondent violated Section 550.0251(6), Florida Statutes, by being permanently banned from Fort Pierce Jai-Alai Poker Room, a pari-mutuel facility.
3. Respondent was served with the Administrative Complaint via hand delivery on August 3, 2009.
4. Respondent's Election of Rights Form was due to the Division on or before August 24, 2009. To date, the Division has not received Respondent's Election of Rights and, accordingly, Respondent has waived his rights to elect a forum.

5. 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.

6. 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

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

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

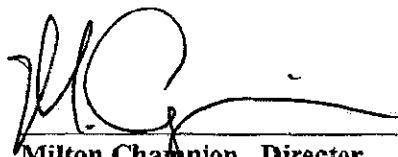
9. Respondent violated Section 550.0251(6), Florida Statutes.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law it is hereby ORDERED:

Respondent is hereby excluded from any and all pari-mutuel facilities in this state per Section 550.0251(6), Florida Statutes.

DONE AND ORDERED this 8th day of July, 2010, in Tallahassee, Florida.



Milton Champion, 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 July, 2010, that a true copy of the foregoing "Final Order" has been provided by U.S. Certified Mail to:

Joe Shaktman
12327 NW 10th Drive
Coral Springs, FL 33071

for: 
RONDA BRYAN, AGENCY CLERK
Department of Business & Professional Regulation

**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. 2009008168

v.

JOE SHAKTMAN,

Respondent,

MOTION FOR FINAL ORDER

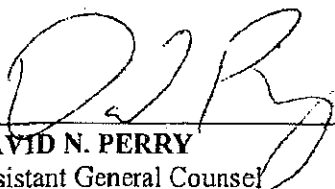
The Department of Business & Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner") hereby moves for entry of a Final Order against Joe Shaktman ("Respondent"). As grounds therefor Petitioner states as follows:

1. On February 22, 2009, Investigator Bryan Wall 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 May 6, 2009, an Administrative Complaint was filed with the agency clerk alleging Respondent violated Section 550.0251(6), Florida Statutes, by being permanently banned from Fort Pierce Jai-Alai Poker Room, a pari-mutuel facility. A true copy of the Administrative Complaint is hereby attached as Exhibit B.
3. Respondent was served with the Administrative Complaint via hand delivery on August 3, 2009. A true copy of the affidavit of service or diligent search is attached hereto as Exhibit C.

4. Respondent's Election of Rights Form was due to the Division on or before August 24, 2009. 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 deeming all allegations of fact in the Administrative Complaint admitted and adopting them as the Department's Finding of Fact, adopting the violations enumerated in the Administrative Complaint as the Department's Conclusions of Law, excluding Respondent from any and all pari-mutuel facilities in this state per Section 550.0251(6), Florida Statutes.

Respectfully submitted,



DAVID N. PERRY
Assistant General Counsel
Florida Bar No. 522643

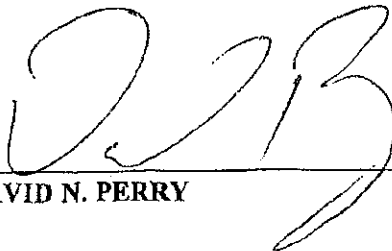
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
1940 North Monroe Street, Suite 40
Tallahassee, Florida 32399-2202
(850) 487-2563 / FAX 921-1311
Attorney for Division of Pari-Mutuel Wagering

CERTIFICATE OF SERVICE

I hereby certify this 3rd day of May, 2010, a true copy of the foregoing

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

JOE SHAKTMAN
12327 NW 10th Drive
Coral Springs, FL 33071



DAVID N. PERRY

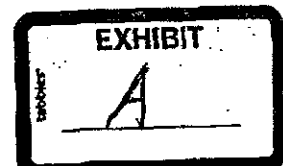
Charles W. Drago, Secretary

Charlie Crist, Governor

OFFICE OF INVESTIGATIONS

INVESTIGATIVE REPORT

Office: PMW	Region: Central	Date of Complaint: February 14, 2009	Case Number: 2009 00 8168
Respondent: SHAKTMAN, Joe 12327 NW 10 th Drive Coral Springs Fl 33071		Complainant: FT Pierce Jai-Alai & Poker Room 1750 South Kings Highway Ft Pierce Fl 34945 & STATE OF FLORIDA, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, DIVISION OF PARI-MUTUEL WAGERING	
License # and Type: Patron	Profession: Poker Dealer 100	Report Date: February 22, 2009	
Period of Investigation: February 14, 2009- February 22, 2009		Type of Report: Preliminary	
<p>Alleged Violation: 61D-11.005(5) – "No person shall, either directly or indirectly:</p> <p>(a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a card game, or the cardroom operator.</p> <p>(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.</p> <p>(c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator to gain an advantage in the game over a participant(s) or cardroom operator.</p> <p>550.0251,6 Patron Exclusion, 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, ...</p>			
Synopsis: February 14, 2009 SHAKTMAN, Joe conspired with ALONSO, Sandro , a former holder of a PMW poker dealer license to exchange cards with each other in order to influence the outcome of a hand of Texas Holdem poker. Exhibit # 1&2			
Related Case: ALONSO, Sandro Case # 2009 00 8571			
Investigator / Date: February 22, 2009		Investigator Supervisor / Date	
Bryan K. Wall <i>Bryan K. Wall</i>		<i>James A. Dickson 02/26/09</i>	
Chief of Investigations / Date			
<i>John L. Boy</i>		<i>April 7, 2009</i>	



CONTINUATION

February 14, 2009: at 12:11:41 hours, **SHAKTMAN, Joe** arrived at Ft Pierce Jai-Alai Poker room via the elevator and proceeded to table #5 and met with **ALONSO, Sandro** when he arrived at 12:14:01 hours via the center front stairway. **SHAKTMAN** sat in the number #2 position and **ALONSO** sat in the number # 3 position at table #5. Video Exhibits # 4, 5, 6, &7

Poker play began at 13:00 hours as usual on a Saturday. During the forty five minutes before play began, the men conversed and appeared to know each other. When play began, the men sat close together with shoulders touching, even though the table was not crowded. The strange behavior was witnessed by an unknown patron and reported to Cardroom Manager Lesley Mims. Exhibit # 3

Mims notified the surveillance room (Gus Somanto) to review the play at table #5 and the following was found:

At 2:09:14 hours, **SHAKTMAN** is observed palming a card in his right hand during the play. The card appeared to be an ace. **SHAKTMAN** then appeared to signal Alonso by placing his right hand index finger across his left wrist. He then put his hands under the table. **ALONSO** appeared to also palm a card from his hand to give to **SHAKTMAN**.

SHAKTMAN then appears to place the card under the table on **ALONSO's** right leg. **ALONSO** dropped the card to the floor and bends down under the table to pick it up. **SHAKTMAN** then bends under the table to pick up the card that **ALONSO** was to pass to him that has also fallen to the floor. **SHAKTMAN**, after retrieving the card from the floor, puts it into his hand and then folds from play.

ALONSO puts the card he received from **SHAKTMAN** into play with his hand and subsequently wins the hand. Video Exhibit # 1 and # 2

At 2:49 hours, after the review of the video, both **ALONSO** and **SHAKTMAN** are escorted from the table by Mims and St. Lucie County Deputy Sherriff A. Flowers. Both **ALONSO** and **SHAKTMAN** admitted to cheating and switching the cards. They were ejected and trespassed for life from the Ft Pierce Jai-Alai. Exhibits # 7&8

On February 16, 2009, Director of the Poker Room Ken Lewis notified this investigator of the incident. It was found that **ALONSO** was a licensed poker dealer with the Division (7167109-1012) until his license expired on June 30, 2006. **ALONSO** also had applied at Ft Pierce Jai-Alai for employment on August 29, 2008. He was not hired because he did not pass the audition.

This case will be forwarded to the Office of General Counsel for review and further administrative action.

CONTINUATION

Respondents Identification Information

SHAKTMAN, Joe

Date of Birth: 11/13/1956

Federal Tax/SSN: [REDACTED]

Height: 6'4

Weight: 196

Last seen wearing: Black 'Beilago' t-shirt

Address 12327 NW 10th Drive Coral Springs Fl 33071

Telephone:

ALONSO, Sandro

Date of Birth: 12/19/1973

Federal Tax/SSN: [REDACTED]

Height: 6'0

Weight: 235

Last seen wearing: Red shirt and dark baseball cap with gold emblem on it.

Address: 11560 N. Quayside Drive Cooper City, FL 33026

Telephone: 954-940-1547 or 954-305-7539

Video Exhibits # 1, 2 3, 4, 5, 6, &7

Witness List

Director of the Poker Room Ken Lewis

Cardroom Manager Lesley Mims

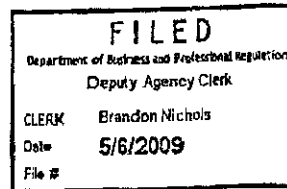
Surveillance room Gus Somanto

Surveillance room John Beasley

Lucie County Deputy Sherriff A. Flowers

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STATE OF FLORIDA
DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION
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DEPARTMENT OF BUSINESS &
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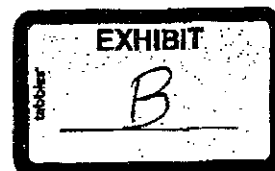
ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division") files this Administrative Complaint against Joe Shaktman ("Respondent"), and alleges as follows:

1. The Division is the state agency charged with regulating pari-mutuel wagering and cardrooms pursuant to Chapters 550 & 849, Florida Statutes.

2. On February 14, 2009, Respondent was a patron at the Ft. Pierce Jai-Alai and Poker Room cardroom ("Ft. Pierce"). Respondent entered the cardroom and sat at table number five in seat number two.

3. Respondent appeared to know the man beside him, later identified as Sandro Alonso. The men conversed and sat close with shoulders touching, even though the table was not crowded.



4. Surveillance observed Respondent palming a card, which later turned out to be an ace. He appeared to signal Mr. Alonso, who also appeared to palm a card.

5. Respondent placed the ace on Mr. Alonso's leg, and the card fell to the floor. Mr. Alonso bent to pick up the ace, and Respondent retrieved the card Mr. Alonso had passed to him.

6. Respondent proceeded to fold, and Mr. Alonso played his hand with the ace that had been passed to him, winning the hand.

7. After being escorted from the table by a St. Lucie County Deputy, both Respondent and Mr. Alonso admitted to cheating and switching cards.

8. Respondent and Mr. Alonso were trespassed and ejected for life from Ft. Pierce Jai-Alai and Poker.

9. Rule 61D-11.005(4), Florida Administrative Code, Provides.

No person shall, either directly or indirectly:

- (a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator.
- (b) Engage in any act, practice, or course of operation that would constitute a fraud or deceit upon any participant in a game or the cardroom operator.
- (c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.


10. Section 550.0251(6), Florida Statutes, provides:

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.

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

Signed this 28th day of April, 2009.



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

Copy furnished to:

Respondent – Certified Mail

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
AFFIDAVIT OF SERVICE OR DILIGENT SEARCH

PBPR - PM W
PETITIONER

CASE NO.(S): 2009008168

vs. SHAKTMAN
RESPONDENT

COMES NOW, the affiant, who first being duly sworn, deposes and states:

1) Affiant is an Investigator/Inspector employed by the Department of Business and Professional Regulation, State of Florida.

2) That on (date) August 3 2009, Affiant made a diligent effort to locate Respondent, to serve Administrative Complaint and related papers; Order compelling examination(s); Subpoena(s); Final order; Notice to cease and desist; SSO and related papers. (check appropriate block)

3) (Check applicable answer)

Affiant made personal service on Respondent, or on some person at Respondent's usual place of abode over the age of 15 residing there, on (date) August 3, 2009

Affiant was unable to make service after searching for Respondent at: (a) all addresses for Respondent shown in the D.B.P.R. investigation of the case; (b) all official addresses for Respondent shown in his/her licensing records of the Division of Pari-Mutuel Wagering; (c) local telephone company for the last area Respondent was known to frequent; (d) Division of Driver Licenses; and (e) utilities (electric, cable, etc.); any others: _____

Bryan K. Wall
Signature of Affiant

STATE OF FLORIDA
COUNTY OF ORANGE

Before me, appeared BRYAN K. WALL
 who is personally known to me.
 whose identity I proved on the basis of _____
and who, acknowledges that his/her signature appears above.

Sworn to or affirmed by Affiant before me this 5TH day of AUGUST 2009.

Stephen E. Toner
Notary Public-State of Florida
STEPHEN E. TONER
Type or Print Name



My Commission Expires

RECEIVED
AUG 13 2009

