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|---|-----------------|
| <b>FILED</b>  |                 |
| Department of Business and Professional Regulation<br>Deputy Agency Clerk |                 |
| CLERK   | Brandon Nichols |
| Date  | 7/9/2009        |
| File #  | 2009-05640      |

**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. 2009008571**

v.

**SANDRO ALONSO,**

Respondent,

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**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 Rule 61D-11.005(4), Florida Administrative Code, and Section 550.0251(6), Florida Statutes.
2. On May 21, 2009, an Administrative Complaint was filed with the agency clerk that alleged the Respondent violated Rule 61D-11.005(4), Florida Administrative Code, by defrauding participants in a game; and 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 certified U.S. Mail on May 26, 2009.

4. Respondent's Election of Rights Form was due to the Division on or before June 16, 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 6<sup>TH</sup> day of JULY, 2009, in Tallahassee,  
Florida.



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**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 9<sup>th</sup> day of July, 2009, that a true copy of the foregoing "Final Order" has been provided by U.S. Certified Mail to:

**SANDRO ALONSO**  
11560 N. Quayside Drive  
Cooper City, FL 33026

*for:* Brandon M. Nichols  
**SARAH WACHMAN, AGENCY CLERK**  
Department of Business & Professional Regulation

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**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. 2009008571**

v.

**SANDRO ALONSO,**

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 Sandro Alonso ("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 Rule 61D-11.005(4), Florida Administrative Code, and Section 550.0251(6), Florida Statutes. A true copy of the Investigative Report is hereby attached as Exhibit A.

2. On May 21, 2009, an Administrative Complaint was filed with the agency clerk alleging Respondent violated Rule 61D-11.005(4), Florida Administrative Code, by defrauding participants in a game; and 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.

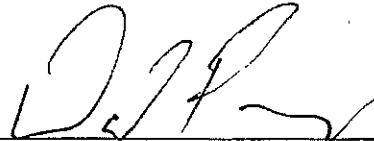
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3. Respondent was served with the Administrative Complaint via certified U.S. Mail on May 26, 2009. A true copy of the Certified Mail Return Receipt is attached hereto as Exhibit C.

4. Respondent's Election of Rights Form was due to the Division on or before June 16, 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,



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**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

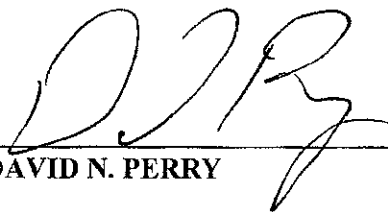
**CERTIFICATE OF SERVICE**

I hereby certify this 17<sup>th</sup> day of June, 2009, a true copy of the foregoing

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

**SANDRO ALONSO**  
11560 N. Quayside Drive  
Cooper City, FL 33026

  
\_\_\_\_\_  
**DAVID N. PERRY**

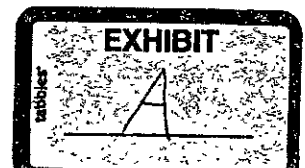
Charles W. Drago, Secretary

Charlie Crist, Governor

**OFFICE OF INVESTIGATIONS**

**INVESTIGATIVE REPORT**

|   |  |   |                                     |
|---|--|---|-------------------------------------|
| Office:<br><b>PMW</b>   | Region:<br><b>Central</b>              | Date of Complaint:<br>February 14, 2009   | Case Number:<br><b>2009 00 8571</b> |
| Respondent:<br><b>ALONSO, Sandro</b><br>11560 N. Quayside Drive<br>Cooper City, FL 33026<br><br>954-940-1547<br>954-305-7539  |  | Complainant:<br>FT Pierce Jai-Alai & Poker Room<br>1750 South Kings Highway<br>Ft Pierce Fl 34945<br>&<br>STATE OF FLORIDA,<br>DEPARTMENT OF BUSINESS AND<br>PROFESSIONAL REGULATION,<br>DIVISION OF PARI-MUTUEL WAGERING |                                     |
| License # and Type:<br>7167109-1012   | Profession: Poker Dealer<br><b>100</b> | Report Date:<br><b>February 22, 2009</b>  |                                     |
| Period of Investigation:<br><b>February 14, 2009- February 22, 2009</b>   |  | Type of Report:<br><b>Preliminary</b>   |                                     |
| Alleged Violation: 61D-11.005(5) – “No person shall, either directly or indirectly:<br>(a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a card game, or the cardroom operator.<br>(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.<br>(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.<br><br>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, ... |  |   |                                     |
| Synopsis: February 14, 2009 <b>ALONSO, Sandro</b> , a former holder of a PMW poker dealer license conspired with <b>SHAKTMAN, Joe</b> to exchange cards with each other in order to influence the outcome of a hand of Texas Holdem poker. Exhibit # 1&2  |  |   |                                     |
| Related Case: <b>SHAKTMAN, Joe</b> Case # <b>2009 00 8168</b>   |  |   |                                     |
| Investigator / Date: <b>February 22 , 2009</b><br><br>Bryan K. Wall <i>Bryan K. Wall</i>  |  | Investigator Supervisor / Date<br><br><i>James B. Decker</i> 02/26/09   |                                     |
| Chief of Investigations / Date<br><br><i>Alan E. Hoff</i> - April 7, 2009   |  |   |                                     |





## 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

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Respondents Identification Information

**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

**SHAKTMAN, Joe**

Date of Birth: 11/13/1956

Federal Tax/SSN: [REDACTED]

Height: 6'4

Weight: 196

Last seen wearing: Black 'Bellago' t-shirt

Address 12327 NW 10<sup>th</sup> Drive Coral Springs Fl 33071

Telephone:

**Witness List**

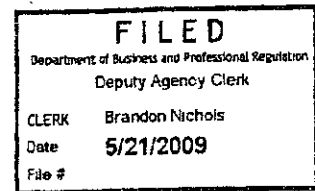
Director of the Poker Room Ken Lewis

Cardroom Manager Lesley Mims

Surveillance room Gus Somario

Surveillance room John Beasley

Lucie County Deputy Sheriff A. Flowers



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. 2009008571

v.

SANDRO ALONSO,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division") files this Administrative Complaint against Sandro Alonso ("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 three.
3. Respondent appeared to know the man beside him, later identified as Joe Shaktman. The men conversed and sat close with shoulders touching, even though the table was not crowded.



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

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

6. Mr. Shaktman proceeded to fold, and Respondent 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, Respondent admitted to cheating and switching cards.

8. Respondent and Mr. Shaktman 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 permitholder 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.

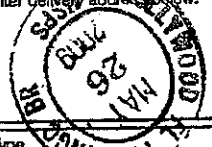
Signed this 20<sup>th</sup> day of May, 2009.

  
\_\_\_\_\_  
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

| SENDER: COMPLETE THIS SECTION  | COMPLETE THIS SECTION ON DELIVERY  |  |
|--|--|--|
| <ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> | A. Signature<br><b>X</b>    | <input type="checkbox"/> Agent<br><input type="checkbox"/> Addressee |
| 1. Article Addressed to:<br><br>Sandro Alonso<br>11560 N Quayside Drive<br>Cooper City, FL 33026<br><br>AC <del>XXXXXXXXXX</del> 2009008571  | B. Received by (Printed Name)  | C. Date of Delivery  |
| 2. Article Number<br>(Transfer from service if)  | D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br>If YES, enter delivery address below. <input type="checkbox"/> No<br><br>3. Service Type<br><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail<br><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise<br><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.<br><br>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes |  |
| 7005 1160 0003 8803 1414   |  |  |



5/26/09  
 served

