

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

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| FILED | |
| Department of Business and Professional Regulation Deputy Agency Clerk | |
| CLERK | Brandon Nichols |
| Date | 10/10/2011 |
| File # | 2011-07007 |

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

Petitioner,

DBPR CASE NO. 2011012378

v.

EDWIN ARROYO,

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 March 16, 2011, Investigator Tyrell Smith signed an Investigative Report setting forth facts which, if true, would constitute a violation of Sections 551.112 & 550.0251(6), Florida Statutes.
2. On March 16, 2011, Investigator Tyrell Smith signed an Investigative Report setting forth facts which, if true, would constitute a violation of Sections 551.112 & 550.0251(6), Florida Statutes.
3. On July 28, 2011, an Administrative Complaint was filed with the agency clerk alleging Respondent, who had worked as a security guard at the Mardi Gras Racetrack & Gaming Center (Mardi Gras), violated Sections 551.112 & 550.0251(6), Florida Statutes, when Mardi Gras forced him to resign his employment, ejected him from its facility, placed him on its life-time exclusion list, and permanently barred him from its facility as a result of his improperly

removing a bracelet from Mardi Gras' lost and found basket at its front desk, failing to log it on the Mardi Gars' found property sheet, and failing to return it when confronted on the matter.

1. Respondent was served with the Administrative Complaint via U.S. Certified Mail on July 30, 2011.

2. Respondent's Election of Rights Form was due to the Division on or before August 22, 2011. To date, the Division has not received Respondent's Election of Rights Form and, therefore, Respondent has waived his rights to elect a forum

3. 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.

4. 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

5. The Division has jurisdiction over the parties and subject matter of this case pursuant to Chapters 551 & 550, Florida Statutes.

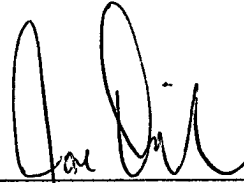
6. Respondent failed to return an Election of Rights and thereby waived his rights to elect a forum.

7. Under the facts of this case, Sections 551.112 & 550.0251(6), Florida Statutes, authorize the Division to enter an order permanently exclude Respondent from licensed slot machine and pari-mutuel facilities in this state.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law it is hereby ORDERED that Respondent shall be and is hereby permanently excluded from all licensed slot machine and pari-mutuel facilities in this state.

DONE AND ORDERED this 30th day of September, 2011, in Tallahassee, Florida.



JOE DILLMORE, ACTING DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
Northwood Centre, Suite 50
1940 North Monroe Street
Tallahassee, Florida 32399-1035
(850) 488-9130

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 10th day of October, 2011, that a true copy of the foregoing "Final Order" has been provided by U.S. Mail to:

EDWIN ARROYO
1403 South 20th Avenue, # 1
Hollywood, Florida 33021-6307

Brandon M. Nichols

AGENCY CLERK'S OFFICE
Department of Business & Professional Regulation

Copies furnished to:

Charles T. "Chip" Collette, 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,

DBPR CASE No. 2011012378

v.

EDWIN ARROYO,

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 March 16, 2011, Investigator Tyrell Smith signed an Investigative Report setting forth facts which, if true, would constitute a violation of Sections 551.112 & 550.0251(6), Florida Statutes. A true copy of the Investigative Report is hereby attached as Exhibit A
- On July 28, 2011, an Administrative Complaint was filed with the agency clerk alleging Respondent, who had worked as a security guard at the Mardi Gras Racetrack & Gaming Center (Mardi Gras), violated Sections 551 112 & 550 0251(6), Florida Statutes, when Mardi Gras forced him to resign his employment, ejected him from its facility, placed him on its lifetime exclusion list, and permanently barred him from its facility as a result of his improperly removing a bracelet from Mardi Gras' lost and found basket at its front desk, failing to log it on the Mardi Gars' found property sheet, and failing to return it when confronted on the matter. A true copy of the Administrative Complaint is hereby attached as Exhibit B.

2 Respondent was served with the Administrative Complaint via U.S. Certified Mail on July 30, 2011. A true copy of the Certified Mail Return Receipt is attached hereto as Exhibit C.

3. Respondent's Election of Rights Form was due to the Division on or before August 22, 2011. 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 promptly 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, and permanently excluding Respondent from all licensed slot machine and pari-mutuel facilities in this state.

Respectfully submitted,

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

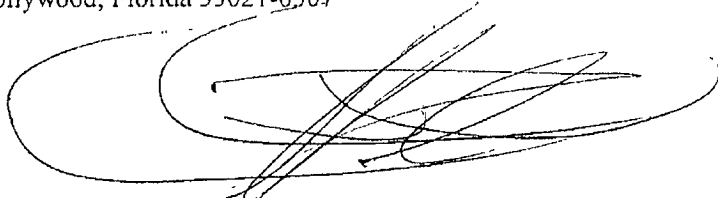
(850) 488-0062 / FAX 921-1311

Attorney for Division of Pari-Mutuel Wagering

CERTIFICATE OF SERVICE

I hereby certify this 12th day of September, 2011, that a true copy of the foregoing
"Motion for Final Order" has been served by U.S. mail upon:

EDWIN ARROYO
1403 South 20th Avenue, # 1
Hollywood, Florida 33021-6307

A handwritten signature in black ink, appearing to read "Charles T. Collette", is written over a horizontal line. The signature is somewhat stylized and scribbled.

CHARLES T. "CHIP" COLLETTE

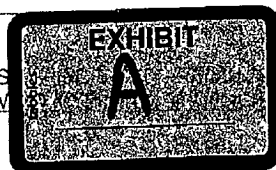
Charlie Liem, Secretary

Rick Scott, Governor

OFFICE OF INVESTIGATIONS

INVESTIGATIVE REPORT

| | | | |
|--|-------------------------------------|---|---------------------------------------|
| Office. P M W / | Region. Southern | Date of Complaint March 08, 2011 | Case Number 2011 01 2378 |
| Respondent ARROYO, EDWIN 1403 S. 20 th Avenue # 1 Hollywood, Florida 33021 | | Complainant DBPR – PMW- INVESTIGATION SECTION 1400 W COMMERCIAL BLVD, SUITE 115 FT LAUDERDALE, FL 33309 954-202-3900 | |
| License # and Type 7794494 | Profession Security Guard | Board | Report Date. March 16, 2011 |
| Period of Investigation. March 09, 2011 – March 16, 2011 | | Type of Report PRELIMINARY | |
| Alleged Violation F.S.S 551.112 Exclusions of certain persons. —In addition to the power to exclude certain persons from any facility of a slot machine licensee in this state, the division may exclude any person from any facility of a slot machine licensee 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 facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from any facility of a slot machine licensee or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over the gaming in such other state. This section does not abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state. | | | |
| Synopsis: This Investigation is predicated upon receipt of Mardi Gras' Exclusion Report | | | |
| On March 08, 2011, the Department of Business and Professional Regulation Pari-Mutuel Wagering Division received information that EDWIN ARROYO (license# 7794494), who was a Security Supervisor at the Mardi-Gras Racetrack and Gaming Center, was placed on the lifetime Exclusion List for theft (EXHIBIT # 1) | | | |
| Related Case | | | |
| Investigator / Date March 16, 2011 <i>Tyrell D. Smith</i> Tyrell D. Smith Investigations Specialist II | | Investigator Supervisor / Date March 23, 2011 <i>C. Derek Washington</i> C. Derek Washington | |
| Chief of Investigations / Date March 25, 2011 Steven E. Kogan / | | <i>Steven E. Kogan</i> | |



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CONTINUATION

On March 09, 2011, I met with Chris Hock who is the Director of Surveillance at Mardi Gras. He stated that he was made aware of the incident, and a police report was filed. He then directed me to speak with Hallandale Police Officer Christopher Grieco, who is the assigned off-duty officer at Mardi Gras. I spoke to Officer Grieco who gave me a brief synopsis of the incident, and agreed to fax me a copy of the report for further details. I received the Security Incident Report and Police Report under Hallandale PD Case # 1-10-50618, from Rich Hopke (Mardi Gras Security Director) via fax on 03/10/2011. **(EXHIBIT # 2)**

Upon review of the Police Report, it was revealed that on November 20, 2010, **ARROYO** removed a bracelet from the lost and found basket, located at the front desk of Mardi Gras near the main entrance, and failed to log it in on the found property sheet as per policy. Security Surveillance showed that a bracelet was found by another employee on the 3rd floor of Mardi Gras. It was handed to the front desk receptionist, who placed it in the lost and found basket. **ARROYO** who was the on-duty Security Supervisor at the time of the incident responded to the reception desk and took possession of the lost and found basket. He then took the basket back into the security room where there are no surveillance cameras. Minutes later, he returned the basket to the receptionist without the bracelet. The report further indicated that after **ARROYO** resigned he met with Richard Hopke the next day to turn in the bracelet. However the bracelet **ARROYO** tried turning in was not the bracelet in question. When confronted **ARROYO** stated to Hopke that he had thrown the original bracelet away and this was another bracelet he had taken. **ARROYO** further stated that he would attempt to pay for the bracelet and offered \$3,000. He later had his attorney advise that he had retained her services and to no longer talk to him. **(EXHIBIT #3)**

Based on the facts of the Police investigation, **ARROYO** was placed on the lifetime Exclusion List.

Hallandale Police referred the case to the State Attorney's Office, who decided not to pursue the case due to it not meeting the statutory requirements of proof for the value of the stolen bracelet.

Based on my investigation, this case will be forwarded to Legal for further action and it is requested that **ARROYO** be placed on the State Exclusion List.

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

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| FILED | |
| <small>Department of Business and Professional Regulation Deputy Agency Clerk</small> | |
| <small>CLERK</small> | <small>Evelle Lawson-Proctor</small> |
| <small>Date</small> | <small>7/28/2011</small> |
| <small>File #</small> | |

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

Petitioner,

DBPR CASE NO. 2011012378

v

EDWIN ARROYO,

Respondent.

ADMINISTRATIVE COMPLAINT

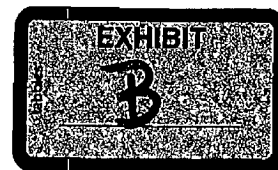
The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (Division) files this Administrative Complaint against Edwin Arroyo (Respondent) and alleges as follows.

1 The Division is the state agency charged with regulating slot machine gaming and pari-mutuel wagering pursuant to Chapters 551 & 550, Florida Statutes

2 Respondent held slot machine occupational license 7794494-1055 which expired June 30, 2011.

3. On or about November 20, 2010, an employee of the Mardi Gras Racetrack & Gaming Center (Mardi Gras) found a bracelet which had been lost and handed it over to the front desk receptionist, who placed it in the lost and found basket

4 Respondent, who was working as a Security Supervisor at Mardi Gras, took control of the lost and found basket, took it into the security room (which had no security cameras), and removed the bracelet. He also, in violation of policy, failed to log the bracelet on the found property sheet



5 When subsequently confronted with the theft, Respondent attempted to replace the bracelet with another bracelet. The original bracelet was never recovered.

6 As a result, Respondent resigned his employment and was ejected from the facility, with Mardi Gras placing him on its lifetime exclusion list and permanently barring him from its property.

7. Mardi Gras is a Florida licensed pari-mutuel and slot machine facility

8. Section 551.112, Florida Statutes, provides in relevant part:


The division may exclude from any facility of a slot machine licensee any person who has been ejected from a slot machine licensee in this state.

9. Section 550.0251(6), Florida Statutes, similarly provides in relevant part:

... 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.

WHEREFORE, Petitioner respectfully requests the Division, pursuant to Sections 551.112 & 550.0251(6), Florida Statutes, enter an Order permanently excluding Respondent from all licensed slot machine and pari-mutuel facilities in this state.

Signed this 20th day of July, 2011



JOSEPH M. HELTON, JR.
Florida Bar No. 0879622
Chief Attorney
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
1940 North Monroe Street, Suite 40
Tallahassee, Florida 32399-2202

Copies furnished to:

Respondent – Cert Mail/Return Receipt
Charles T. Collette, Assistant General Counsel

ADMINISTRATIVE COMPLAINT
ELECTION OF RIGHTS

Licenses: Edwin Arroyo

Case No. 2011012378

I have read the Administrative Complaint and Explanation of Rights in this matter, and elect as follows:

1. I do not dispute the material facts alleged in the Administrative Complaint but do wish to appear before the Division of Pari-Mutuel Wagering to be heard on the conclusions of law and the issue of penalty. I, therefore, request a hearing not involving disputed issues of material fact, pursuant to Section 120.57(2), Florida Statutes. I understand that at the hearing I will not be allowed to deny the facts alleged in the Administrative Complaint, but will only be permitted to submit written and/or oral evidence in mitigation of the charges in the Administrative Complaint or explain why the facts alleged do not amount to a violation of law.

2. I do dispute the material facts alleged in the Administrative Complaint and request that this be considered a petition for a hearing involving disputed issues of material fact before an administrative law judge with the Division of Administrative Hearings, pursuant to Section 120.57(1), Florida Statutes. If you select this option, please state below which specific facts you dispute. (Use the back of this sheet if needed.)

3. I waive my right to object or be heard concerning this case. The Division of Pari-Mutuel Wagering may do as it sees fit concerning this matter.

Please be advised, pursuant to Section 120.573, Florida Statutes, mediation is not available for this type of agency action.

THIS IS A LEGALLY BINDING DOCUMENT. IF YOU DO NOT FULLY UNDERSTAND THE TERMS OF THIS DOCUMENT, YOU SHOULD SEEK LEGAL ADVICE BEFORE SIGNING.

MUST BE SIGNED AND NOTARIZED

Name (Signature)

Mailing Address (if different)

Name (Printed)

City State Zip

Street Address

City State Zip

Respondent's daytime phone number

STATE OF FLORIDA

COUNTY OF _____

The foregoing was acknowledged before me this _____ day of _____, 2011, by _____ personally known to me or who has produced _____ as identification.

Notary Public

My Commission Expires _____

(Notary Seal)

PLEASE MAIL FORM TO: **ETHEL BARNES, AAI**
Office of the General Counsel
Northwood Centre
1940 North Monroe Street, Suite 40
Tallahassee, Florida 32399-2202

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

EXPLANATION OF RIGHTS

In response to the allegations set forth in the Administrative Complaint issued by the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, you should make one of the following elections within twenty-one (21) days from the day of receipt of the Administrative Complaint. Please make your election on the attached Election of Rights form and return it fully executed to the address listed on the form.

1. If you do not dispute any of the material facts alleged in the Administrative Complaint, you may request a hearing not involving disputed issues of material fact pursuant to Section 120.57(2), *Florida Statutes*, before the Division of Pari-Mutuel Wagering. At the hearing, you will be given an opportunity to present both written and oral evidence in mitigation. A request for a hearing not involving disputed issues of material fact in this matter should be directed to the Division of Pari-Mutuel Wagering by checking the appropriate space, marked as 1, on the Election of Rights form and returning same to this office within twenty-one (21) days of your receipt of the Administrative Complaint.

2. If the allegations set forth in the Administrative Complaint contain any disputed issues of material fact, you may request a hearing involving disputed issues of material fact with the Division of Administrative Hearings of the Department of Management Services pursuant to Section 120.57(1), *Florida Statutes*, by checking the appropriate space, marked as 2, on the Election of Rights form and returning same to this office within twenty-one (21) days of your receipt of the Administrative Complaint.

3. If you wish to waive your right to object or be heard in this matter, you may do so by checking the appropriate space marked as 3, on the Election of Rights form and returning same to this office within twenty-one (21) days of your receipt of the Administrative Complaint.

In the event that you fail to make an election in this matter within twenty-one (21) days from receipt of the Administrative Complaint, your failure may be considered a waiver of your right to elect the forum, and the Division of Pari-Mutuel Wagering may proceed to hear any and all evidence that may be presented to it in disposing of your case.

You must keep the Division of Pari-Mutuel Wagering informed as to your current mailing address. Failure to do so may be considered a waiver of your right to a hearing.

SHIPPER (Print name of shipper)

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.

1. **Shipper's name and address on the reverse of this envelope:**
 Edwino Arroyo #1
 1405 S. 20th Ave.
 Hollywood, FL 33021

2. **Address recipient (Print name and address on the reverse of this envelope):**
 AG-11-012678

3. **Is delivery address correct? Yes/No** Yes No
 If "No," enter delivery address below:

4. **Special Instructions**
 Certified Mail Return Receipt for Restricted Delivery
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