

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

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	4/1/2014
File #	2014-02293

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

Petitioner,

DBPR CASE NO. 2012030517

v.

BRANDON THOMAS RICH,

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 September 7, 2012, Investigator Chuck Taylor signed an Investigative Report setting forth facts which, if true, would constitute a violation of Rules 61D-11.004(4) & 11.005(4), Florida Administrative Code (F.A.C.), as well as Sections 849.086(14)(a), 849.086(6)(f), 550.105(5)(b), & 550.0251(6), Florida Statutes.

2. On February 7, 2014, an Administrative Complaint was filed with the agency clerk alleging Respondent, who had worked as a cardroom dealer at Sarasota Kennel Club (Club), violated Rules 61D-11.004(4) & 11.005(4), F.A.C., and Sections 849.086(14)(a), 849.086(6)(f), 550.105(5)(b), & 550.0251(6), Florida Statutes, on June 26, 2012, when Club surveillance confirmed Respondent's stealing jackpot chips from the table at which he was dealing and placing them in his tip box, as well as stealing cash from his imprest tray and pocketing it when selling

chips to players. As a result, the Club terminated Respondent's employment, ejected him from its facility, placed him on its lifetime exclusion list, and permanently barred him from its facility.

3. Respondent was personally served with the Administrative Complaint on February 21, 2014.

4. Respondent's Election of Rights Form was due to the Division on or before March 14, 2014. To date the Division has not received Respondent's Election of Rights and, therefore, 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

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

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

3. Under the facts of this case, Sections 849.086(14)(a), 849.086(6)(f), 550.105(5)(b), Florida Statutes, authorize the Division to revoke Respondent's cardroom employee occupational license (#135767048-1012) and Section 550.0251(6), Florida Statutes, authorizes the Division to enter an order permanently excluding Respondent from all licensed pari-mutuel facilities in this state.

ORDER

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

(1) Respondent's cardroom employee occupational license (#135767048-1012) shall be and is hereby REVOKED; and

(2) Respondent shall be and is hereby permanently EXCLUDED from all licensed pari-mutuel facilities in this state.

DONE AND ORDERED this 27th day of March, 2014, in Tallahassee, Florida.



LEON M. BIEGALSKI, DIRECTOR

Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
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

2014 

I hereby certify this 1st day of April, ~~2012~~, that a true copy of

the foregoing "Final Order" has been provided by U.S. Mail to:

BRANDON RICH
6311 Long Leaf Pine Court
Bradenton, Florida 34202-2813



AGENCY CLERK
Department of Business & Professional Regulation

Copy furnished:

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. 2012030517

v.

BRANDON THOMAS RICH,

Respondent.

MOTION FOR FINAL ORDER

The Department of Business & Professional Regulation, Division of Pari-Mutuel Wagering (Division), hereby moves for entry of a Final Order against Brandon Thomas Rich (Respondent).

As grounds therefor the Division states as follows:

1. On September 7, 2012, Investigator Chuck Taylor signed an Investigative Report setting forth facts which, if true, would constitute a violation of Rules 61D-11.004(4) & 11.005(4), Florida Administrative Code (F.A.C.), as well as Sections 849.086(14)(a), 849.086(6)(f), 550.105(5)(b), & 550.0251(6), Florida Statutes. A true copy of the Investigative Report is hereby attached as Exhibit A.

2. On February 7, 2014, an Administrative Complaint was filed with the agency clerk alleging Respondent, who had worked as a cardroom dealer at Sarasota Kennel Club (Club), violated Rules 61D-11.004(4) & 11.005(4), F.A.C., and Sections 849.086(14)(a), 849.086(6)(f), 550.105(5)(b), & 550.0251(6), Florida Statutes, on June 26, 2012, when Club surveillance confirmed Respondent's stealing jackpot chips from the table at which he was dealing and placing them in his tip box, as well as stealing cash from his imprest tray and pocketing it when selling

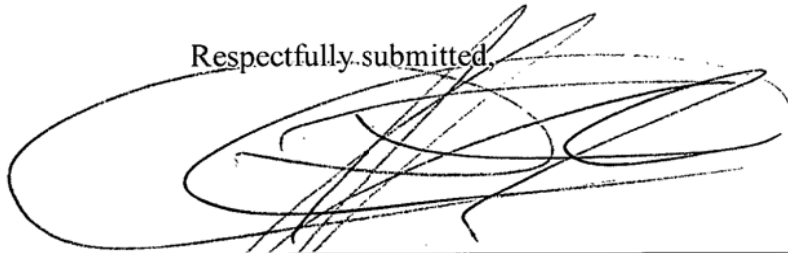
chips to players. As a result, the Club terminated Respondent's employment, ejected him from its facility, placed him on its lifetime exclusion list, and permanently barred him from its facility. A true copy of the Administrative Complaint is hereby attached as Exhibit B.

3. Respondent was personally served with the Administrative Complaint on February 21, 2014. A true copy of the Affidavit of Service is attached hereto as Exhibit C.

4. Respondent's Election of Rights Form was due to the Division on or before March 14, 2014. To date the Division has not received Respondent's Election of Rights. 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, revoking Respondent's cardroom employee occupational license (#135767048-1012), and permanently excluding Respondent from all licensed pari-mutuel facilities in this state.

Respectfully submitted,

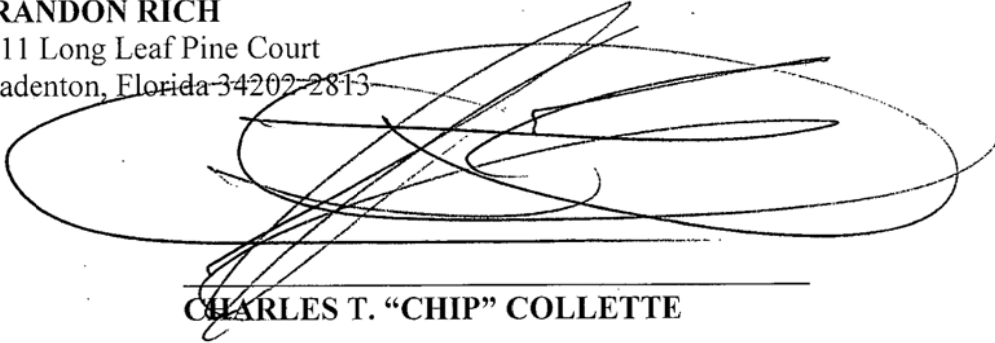


CHARLES T. "CHIP" COLLETTE
Florida Bar I.D. No. 126657
<chip.collette@myfloridalicense.com>
Assistant General Counsel
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
1940 North Monroe Street, Suite 40
Tallahassee, Florida 32399-2202
(850) 717-1194 / FAX 921-1311
Attorney for Division of Pari-Mutuel Wagering

CERTIFICATE OF SERVICE

I hereby certify this 27th day of March, 2014, that a true copy of the foregoing "Motion for Final Order" has been served by U.S. mail upon:

BRANDON RICH
6311 Long Leaf Pine Court
Bradenton, Florida 34202-2813

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and lines, is written over a horizontal line. The signature is positioned to the right of the recipient's address.


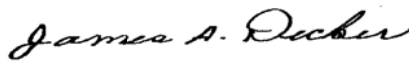
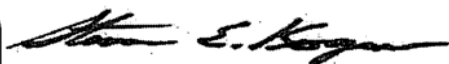
CHARLES T. "CHIP" COLLETTE

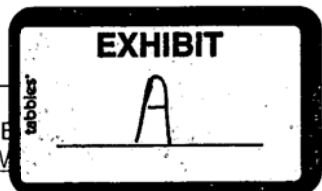
Ken Lawson, Secretary

Rick Scott, Governor

OFFICE OF INVESTIGATIONS

INVESTIGATIVE REPORT

Office: PMW	Region: CENTRAL	Date of Complaint: 6/29/2012	Case Number: 2012 03 0517
Respondent: RICH, Brandon Thomas 702 51 ST STREET EAST BRADENTON, FL 34208		Complainant: DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION DIVISION OF PARI-MUTUEL WAGERING 1400 W. COMMERCIAL BLVD., SUITE 165 FT. LAUDERDALE, FL 33309 (954) 202-3900	
License # and Type: 7904764 - 1012		Profession: Dealer/ Greyhound	Report Date: 9/07/2012
Period of Investigation: July 12, 2010 through September 07, 2012		Type of Report: Preliminary	
Alleged Violation: 61 D-11.005 (4) No person shall, either directly or indirectly: (4)(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. (4) (c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.			
Synopsis: On 06/26/2012, Sam Minutello, Cardroom Manager advised he received information from a patron that a dealer was taking chips on Table 29. Minutello identified the dealer as Brandon RICH . He positioned three cameras on Table 29 for a better view of the dealer RICH and then went home for the evening. Prior to leaving, he notified Ryan Carter, a floor supervisor to assign RICH to Table 29 the following morning. Minutello had positioned several cameras to monitor Table 29 from several angles. Minutello returned to work on 6/27/2012 and observed RICH taking chips while dealing and placing them into his tip box. In addition he viewed RICH place a \$20.00 bill into his right hand pocket from the well. RICH was taken into the count room in full view of the cameras. He was asked to empty his pockets and the \$20.00 was recovered. The Sarasota Police were notified and viewed the theft in progress via the monitors. RICH was arrested and transported to the County jail.			
Related Case:			
Investigator Chuck Taylor / Date 9/07/2012 		Investigator Supervisor / Date  James A. Decker / September 7, 2012	
Chief of Investigations / Date September 7, 2012			



CONTINUATION

On 06/28/2012, I received a phone call from Sam Minutello. He stated one of his dealers was arrested for theft of chips and cash. I advised Minutello I would respond and review the incident.

On 06/29/2012, I reviewed the DVD's of **RICH** dealing and the thefts being committed on the surveillance monitors at the Sarasota Kennel Club. The dealer, **Brandon RICH** removed chips from the surface of the Jackpot Box and placed them in his Tip Box. This was documented on surveillance monitors. Minutello, viewed **RICH** sell \$40.00 worth of chips to a player at his table. **RICH** then folded one of the two \$20.00 bills into a small size (three folds); the other \$20.00 was folded in half. Both were placed into the Well of Table 29. A few minutes later **RICH** moves the small folded \$20.00 bill from the Well and places it into the right hand pocket of his pants. Minutello was viewing this theft live from the Surveillance room. The Sarasota Police were notified and responded. They arrested **RICH** after reviewing the theft on the monitors. Copies of the incidents were placed on DVD's, one for the Police and one for the Division of Pari-Mutuel Wagering. A property receipt was prepared for 2. DVD's of the incidents, Minutello's, hand written Surveillance Log, copy of the Sarasota P.D. case # 12-033032 **(EXHIBIT #1)**

Copies of the DVD's and the statements of Sam Minutello and Ryan Carter were secured along with the Case # 12-033032 issued by Officer Evans ID# 1680 of the Sarasota Police Department. This case number was issued at the time of arrest. A Property Receipt was prepared and signed by Minutello. The property was later placed into the evidence room located in the Fort Lauderdale Office of Investigations.

On 07/12/2012, during a Cardroom inspection of the Sarasota facility Minutello stated he had contacted the Sarasota Police Department and requested a case status report. He was advised the case is listed as pending.

On 07/16/2012, I checked the Sarasota Clerk of Circuit Court records they revealed Case 2012MM008936 was assigned. The Arraignment was set for 07/17/2012, in Courtroom 2-A 9:00 AM, with Judge Goldman, Judith M. **(EXHIBIT #2)**

On 08/20/2012, Sarasota Clerk of Circuit Court, Criminal Record Details web site, was viewed for an update on Case 2012MM008936. The record revealed **RICH** was present at his hearing on 07/17/2012. The details of the hearing were found in the disposition section. A Pre-trial Diversion Program was entered by **RICH**. The Image files for this case were secured and are included. **(EXHIBIT #3)**

On 08/23/2012, Sam Minutello, Director of Cardroom Operations, Sarasota Kennel Club faxed a letter to Leon Biegalski, Director of Pari-Mutuel Wagering, requesting **RICH** be added to the exclusion list. Minutello, based his request on the arrest of **RICH** and several documented thefts that occurred at the Sarasota Kennel Club while **RICH** was employed by them as a dealer. **(EXHIBIT #4)**

An additional Rule violation was committed by **RICH**. He failed to provide written notification of his criminal arrest, to the Division of Pari-Mutuel Wagering within five days as required by rule. This is a violation of Rule 61D-11.011 Notification of Criminal Conviction or Charge.

Case Status: Pending.

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

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	2/7/2014
File #	

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

Petitioner,

DBPR CASE NO. 2012030517

v.

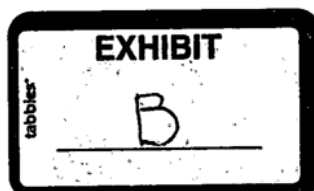
BRANDON THOMAS RICH,

Respondent.

ADMINISTRATIVE COMPLAINT

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

1. The Division is the state agency charged with regulating pari-mutuel facilities and cardrooms pursuant to Chapter 550 & Section 849.086, Florida Statutes (F.S.).
2. At all times material hereto Respondent was employed by the Sarasota Kennel Club as a cardroom dealer and held a cardroom employee occupational license (#135767048-1012) which expires June 30, 2015.
3. On June 27, 2012, Respondent was dealer on Table 29 and surveillance revealed his stealing jackpot chips from the table and placing them in his tip box, as well as stealing cash from his imprest tray (a \$20 bill) and pocketing it after selling a player \$40 worth of chips.
4. As a result, Respondent was fired from his employment, ejected from Sarasota Kennel Club's pari-mutuel facility, placed on the facility's exclusion list, permanently barred from the property, and criminally charged.



5. Rule 61D-11.005(4), Florida Administrative Code (F.A.C.), provides in relevant part:

(4) No person shall, either directly or indirectly:

(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.

6. Rule 61D-11.004(4), F.A.C., provides in relevant part:

(4) A dealer who receives currency from a player at a card table in exchange for chips or tokens must perform the following:

(d) Place all the currency in the imprest tray.

7. Section 849.086(14)(a), F.S., authorizes the Division to “suspend or revoke any license” for failure “to comply with the provisions of [s. 849.086] or any rules adopted pursuant thereto.” In addition, Section 849.086(6)(f), F.S., provides that “[t]he provisions s. 550.105(4), (5), (6), (7), (8), and (10) relating to licensure shall be applicable to cardroom occupational licenses,” and Section 550.105(5)(b), F.S., provides in pertinent part that “[t]he division may ... suspend [or] revoke ... any occupational license if the ... holder thereof has violated the provisions of this chapter or the rules of the division”

8. Section 550.0251(6), F.S., provides that “[t]he 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”

COUNT I

9. The Division hereby realleges and incorporates herein as if fully set forth the allegations made in paragraphs (1)-(7) above.

10. By stealing jackpot chips and placing them in his tip box, as well stealing a \$20 bill from his imprest tray, Respondent violated Rules 61D-11.005(4) & 11.004(4), F.A.C.

11. By violating Rules 61D-11.005(4) & 11.004(4), F.A.C., Respondent is subject to revocation of his cardroom employee occupational license (#135767048-1012) under Sections 849.086(14)(a) & 550.105(5)(b), F.S.

COUNT II

12. The Division hereby realleges and incorporates herein as if fully set forth the allegations made in paragraphs (1)-(4) & (8) above.

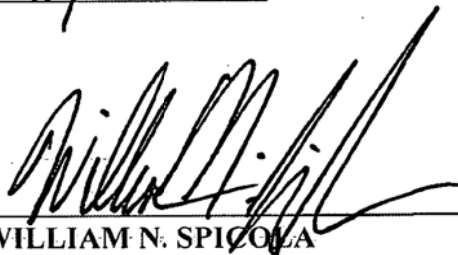
13. By being ejected from Sarasota Kennel Club's pari-mutuel facility, Respondent is subject to exclusion from all pari-mutuel facilities in this state under Section 550.0251(6), F.S.

WHEREFORE, Petitioner respectfully requests the Division enter an Order:

(A) Revoking Respondent's cardroom employee occupational license (#135767048-1012) pursuant to Sections 849.086(14)(a) and/or 550.105(4)(b), F.S.; and

(B) Excluding Respondent from all pari-mutuel facilities in this state pursuant to Section 550.0251(6), F.S.

Signed this 6th day of February, 2014.



WILLIAM N. SPICOLA
Florida Bar No. 70732
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:

Charles T. Collette, Assistant General Counsel
Steve Kogan, Chief, Office of Investigations

ADMINISTRATIVE COMPLAINT
ELECTION OF RIGHTS

Licensee: **Brandon Thomas Rich**

Case No. **2012030517**

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: **C. Tomoka Brady, 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.

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

PETITIONER

vs.

CASE NO.(S): 2012030517

BLANDON THOMAS RICH

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) FEB 21, 2014, 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) FEB 21, 2014.

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: _____


C. Frank Washington
Signature of Affiant

STATE OF FLORIDA
COUNTY OF MANATEE


Before me, appeared CLARENCE DEREK WASHINGTON
 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 26 day of February 2014.

Charles H. Taylor
Notary Public-State of Florida
Charles H. Taylor
Type or Print Name

 NOTARY PUBLIC
STATE OF FLORIDA
CHARLES H. TAYLOR
MY COMMISSION # FF 033349
EXPIRES: July 2, 2017
Bonded Thru Budget Notary Services

7/2/2017
My Commission Expires

 NOTARY PUBLIC
STATE OF FLORIDA
CHARLES H. TAYLOR
MY COMMISSION # FF 033349
EXPIRES: July 2, 2017
Bonded Thru Budget Notary Services

"EX. C"