

**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	10/28/2014
File #	2014-08318

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

Petitioner,

DBPR CASE NO. 2013029093

v.

MALORY PIERRE,

Respondent.

FINAL ORDER

The 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 27, 2014, Investigator Andrea Colucci signed an Investigative Report setting forth facts that would constitute a violation of Section 551.112, Florida Statutes.
2. On August 19, 2014, an Administrative Complaint was filed with the agency clerk alleging Respondent, violated Section 551.112, as well as Section 550.0251(6), Florida Statutes, when Respondent and Romanie Pierre left four underage children (ages 2, 4, 5, and 8) unattended in a parked car – a grey Buick Verano, Tennessee Tag #H52-72R – on the parking lot of the Mardi Gras Race Track & Gaming Center (Mardi Gras) in Hallandale, Florida, while they went inside and gambled in the Mardi Gras slots facility.
3. Respondent was personally served with the Administrative Complaint September 4, 2014, by Investigator Andrea Colucci.

4. Respondent's Election of Rights Form was due to the Division on or before September 26, 2014. To date the Division has not received Respondent's Election of Rights Form and, therefore, Respondent has waived her 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 551, Florida Statutes.

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

9. Under the facts of this case Section 551.112, Florida Statutes, authorizes the Division to enter an order permanently excluding Respondent from all licensed slot machine 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 facilities in this state.

DONE AND ORDERED this 27th day of October, 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

Any party to this proceeding has the right to seek its judicial review under § 120.68, Florida Statutes, by the filing of an original notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Agency Clerk, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 (email: ogcagencyclerk@myfloridalicense.com), **and** by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate Florida district court of appeal. The notice of appeal must be filed (received) in the Office of the Agency Clerk within thirty (30) days after the date this Order is filed with the Clerk.

CERTIFICATE OF SERVICE

I hereby certify this 28th day of October, 2014, that a true copy of the foregoing "Final Order" has been provided by U.S. Mail to:

MALORY PIERRE
13700 NE 6th Avenue, Apt. # 314
North Miami, Florida 33161-3759



for:

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. 2013029093

v.

MALORY PIERRE,

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:

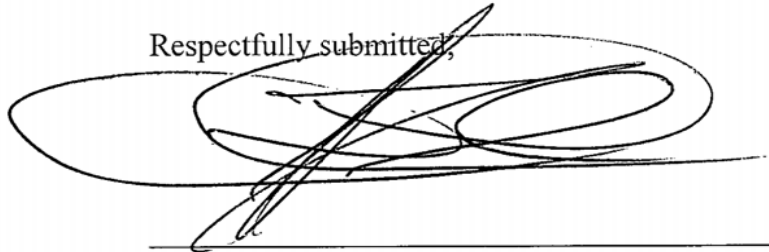
1. On February 24, 2014, Investigator Andrea Colucci signed an Investigative Report setting forth facts that would constitute a violation of Section 551.112, Florida Statutes. Copy of Investigative Report hereby attached as Exhibit A.
2. On August 19, 2014, an Administrative Complaint was filed with the agency clerk alleging Respondent, violated Section 551.112, as well as Section 550.0251(6), Florida Statutes, when Respondent and Romanie Pierre left four underage children (ages 2, 4, 5, and 8) unattended in a parked car – a grey Buick Verano, Tennessee Tag #H52-72R – on the parking lot of the Mardi Gras Race Track & Gaming Center (Mardi Gras) in Hallandale, Florida, while they went inside and gambled in the Mardi Gras slots facility. Copy of Administrative Complaint hereby attached as Exhibit B.

3. Respondent was personally served with the Administrative Complaint September 4, 2014, by Investigator Andrea Colucci. Copy Investigator Colucci's "Affidavit of Service" attached hereto as Exhibit C.

4. Respondent's Election of Rights Form was due to the Division on or before September 26, 2014. To date the Division has not received Respondent's Election of Rights Form and, therefore, Respondent has waived her 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, adopting them as the Department's Finding of Fact, and permanently excluding Respondent from all licensed slot machine facilities in this state.

Respectfully submitted,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

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

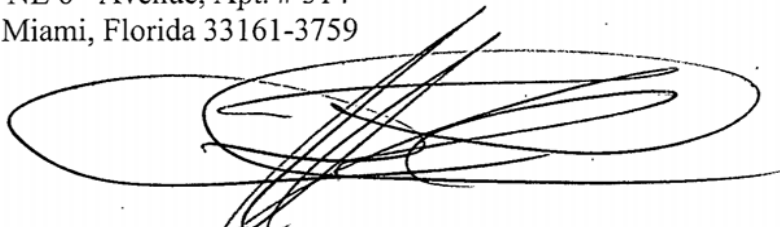
(850) 488-0062 / FAX 921-1311

Attorney for Division of Pari-Mutuel Wagering

CERTIFICATE OF SERVICE

I hereby certify this 1st day of October, 2014, that a true copy of the foregoing "Motion for Final Order" has been served by U.S. mail upon:

MALORY PIERRE
13700 NE 6th Avenue, Apt. # 314
North Miami, Florida 33161-3759

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

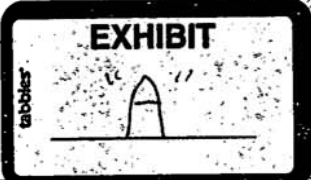
CHARLES T. "CHIP" COLLETTE

Ken Lawson, Secretary

Rick Scott, Governor

OFFICE OF INVESTIGATIONS

INVESTIGATIVE REPORT

Office: PMW	Region: Southern	Date of Complaint July 14, 2013	Case Number 2013 02 9093
Respondent: PIERRE, MALORY 1340 NW 98 TERRACE MIAMI, FLORIDA 33147		Complainant: DBPR-PMW-INVESTIGATIONS SECTION 1400 w. Commercial Blvd. Fort Lauderdale, Florida 33309 954-202-3900	
License # and Type: Unlicensed		Profession: Patron	Report Date: February 24, 2014
Period of Investigation: July 16, 2013 through February 24, 2014		Type of Report: Preliminary	
Alleged Violation: 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: Investigation was initiated after arrests of MALORY and ROMANIE PIERRE by Hallandale Beach Police on July 14, 2013 for Child Neglect/Abandonment. Four underage children were left unattended in a parked car on MARDI GRAS property while the two women were on the gaming floor. They were permanently banned from MARDI GRAS and issued Trespass Affidavits from Hallandale Beach Police Department.			
Related Case: 2013 02 9108 PIERRE, ROMANIE			
Investigator / Date February 24, 2014 <i>Andrea Colucci</i> Andrea Colucci		Investigator Supervisor / Date <i>Ronald Jones</i> Ronald Jones / February 25, 2014	
Chief of Investigations / Date February 27, 2014 Steven E. Kogan			

CONTINUATION

July 16, 2013: I was advised by Tammy MacArthur, Security Manager at **MARDI GRAS** Casino of the arrest on July 14, 2013 of **MALORY** and **ROMANIE PIERRE** by Hallandale Beach Police Department. According to MacArthur, they had left 4 children unattended in a car parked in the **MARDI GRAS** lot. MacArthur furnished me with a copy of the **MARDI GRAS** Incident Report, which included both the Security and Surveillance Reports, as well as a copy of a surveillance photograph of the women. **(EXHIBIT #1)** She also furnished the Trespass Affidavit from the Hallandale Beach Police Department, which is assigned **EXHIBIT #2**. According to the Security Incident Report, Security Supervisor Angel Hernandez responded to the parking lot, where he met with Security Officer Richie Phillip and Hallandale Police Officer R. Rivera. Rivera reported the incident to **MARDI GRAS** after receipt of an anonymous call reporting four underage children in a grey Buick Verano, Tennessee Tag **#H52-72R**. Two females approached the vehicle and identified themselves as the mothers of the children. They were identified as **MALORY** and **ROMANIE PIERRE**. Officer Rivera requested from Surveillance how long the children had been left unattended. He was told the women had been in the casino for a total of 24 minutes, at which time he advised them they were going to be arrested for Child Neglect/Abandonment. When asked if someone could pick up the children, the women told Officer Rivera that their stepfather could do so. Upon his arrival, Officer Rivera authorized the children, ages 2, 4, 5 and 8, to leave with the stepfather. Both women were then arrested and issued Hallandale Beach Police Department Trespass Affidavits by Casino Manager Ashley Cannon.

I received from Assistant Director of Surveillance Brad Dunlap, a copy of the Surveillance Video, depicting coverage of the incident on July 14, 2013, which involved four underage children left unattended by **MALORY** and **ROMANIE PIERRE**. The Surveillance DVD was placed in evidence and the Property Receipt is assigned **EXHIBIT #3**. Prior to entering the DVD into evidence, I viewed it at **MARDI GRAS**. The events were corroborated by the written Surveillance Report, which was included in the **MARDI GRAS** Incident Report. **(EXHIBIT #1)** The written Surveillance Report reflected a request by Officer Rivera and Security Officer Richie Phillip for Security Assistance in the parking lot at 9:09pm. Surveillance initiated coverage, which reflected arrival of the two females at 9:13pm. They converse with Hallandale Police and **MARDI GRAS** Security personnel. After the arrival of more officers, one officer escorts one of the women and all of the children to the restroom in the mutuels area of **MARDI GRAS** before the arrival of a white vehicle at 9:55pm. The children return and depart with the man in the white car at 10:03pm after he speaks to police. Both females are handcuffed and transported by Hallandale Beach Police. Surveillance personnel also conducted a playback, which depicts the women walking to the veranda at 8:49pm and entering the casino at 8:50pm. They are seen walking on the gaming floor and signing up to the Player's Club. They play various machines until 9:11pm. They depart and walk toward their vehicle, where police are waiting at approximately 9:13pm.

CONTINUATION

September 18, 2013: I researched the online records of the Broward County Circuit Court, which reflected **Case # 13009869CF10A** assigned to **MALORY PIERRE**. She was arraigned on 4 Counts of Neglecting a Child/No Bodily Harm, a Third Degree Felony on August 28th and a Calendar Call was scheduled for January 3, 2014. A copy of the Court records is herein assigned **EXHIBIT #4**.

February 3, 2014: I researched the updated online court records, which reflected the following disposition regarding **MALORY PIERRE**: On January 3, 2014, she changed her plea to Nolo Contendere. She was convicted by plea and adjudication was withheld. She was placed on 5 Years Probation and a total amount of costs of \$617.00. A Special Condition of her Probation was imposed that requires her to complete Parenting Class. A copy of the Court Disposition is herein assigned **EXHIBIT #5**.

February 24, 2014: I spoke with **MARDI GRAS** Security Manager Tammy MacArthur, who confirmed that both **MALORY** and **ROMANIE PIERRE** received Lifetime Exclusions from **MARDI GRAS**. A copy of the portion of the **MARDI GRAS** Involuntary Exclusion List which contains the names of **MALORY** and **ROMANIE PIERRE** is herein assigned **EXHIBIT #6**.

This investigation reflects the Lifetime Exclusion of **MALORY** and **ROMANIE PIERRE**, after their arrests on July 14, 2013 at **MARDI GRAS** Casino. They were charged with 4 Counts of Child Neglect/Abandonment after leaving 4 minor children in a parked car while in the casino. **MALORY PIERRE** pled Nolo Contendere and was placed on 5 Years Probation with the stipulation that she complete Parenting Class. This case is referred to Legal for determination of suitability for a Permanent Exclusion from all facilities regulated by DBPR/PMW.

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

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Everette Lawson-Proctor
Date	8/19/2014
File #	

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

Petitioner,

DBPR CASE NO. 2013029093

v.

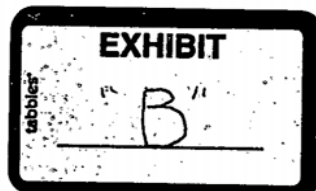
MALORY PIERRE,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business & Professional Regulation, Division of Pari-Mutuel Wagering (Division), files this Administrative Complaint against Romanie Pierre (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. On July 14, 2013, Respondent and Romanie Pierre left four underage children (ages 2, 4, 5, and 8) unattended in a parked car – a grey Buick Verano, Tennessee Tag #H52-72R – on the parking lot of the Mardi Gras Race Track & Gaming Center (Mardi Gras) in Hallandale, Florida, while they went inside and gambled in the Mardi Gras slots facility.
3. As a result, Respondent was arrested, subsequently arraigned on four counts of the third degree felony of neglecting a child/no bodily harm, and ultimately upon a plea of *nolo contendere* convicted, adjudication withheld, of the four counts and ordered to pay \$617.00 in costs, placed on three years probation, and ordered to complete a parenting class.



4. In addition, Mardi Gras ejected Respondent from its property, issuing her a trespass affidavit directing her "to leave ... and not return to" Mardi Gras' property. Mardi Gras also permanently excluded Respondent from its facility and placed her on its lifetime exclusion list.

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

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

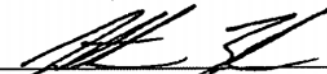
... The division may exclude from any facility of a slot machine licensee any person who has been ejected from a slot machine licensee in this state

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

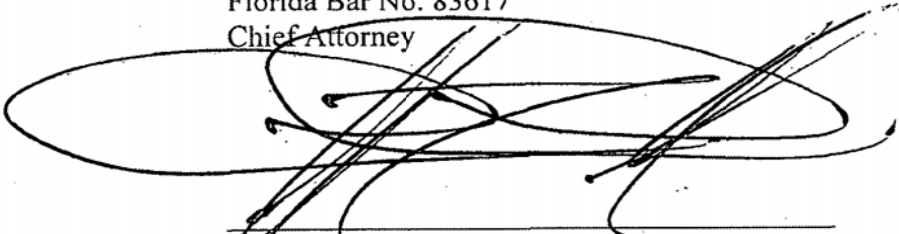
... The division may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state

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 18th day of August, 2014.



JONATHAN R. LACHEM
Florida Bar No. 83617
Chief Attorney



CHARLES T. "CHIP" COLLETTE
Florida Bar No. 126657
Assistant General Counsel

Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
1940 North Monroe Street, Suite 40
Tallahassee, Florida 32399-2202

NOTICE OF RIGHTS

Please be advised that, within twenty-one (21) days of your receipt of this administrative complaint you have the right to request an administrative hearing. Any such hearing would be conducted in accordance with the provisions of Sections 120.569 and 120.57, Florida Statutes, and you would have the right to be represented by counsel or other qualified representative, to call and examine witnesses, and to have subpoenas issued on your behalf. However, if you do not file (i.e., we do not receive) your request for hearing within the twenty-one (21) days, you will have waived your right to hearing.

Please also be advised that mediation is not available in this matter.

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

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

vs.

RESPONDENT

CASE NO.: 2013 02 9093

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) 9/4/14, Affiant made a diligent effort to locate Respondent, to serve Administrative Complaint and related papers; Consent Order; Warning Letter; 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) 9/4/14.

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: _____

Andrea Colucci
Signature of Affiant

STATE OF FLORIDA
COUNTY OF Broward

Before me, appeared Andrea Colucci

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 8 day of September 2014.

Notary Public-State of Florida [Signature]
Type or Print Name


 MICHELLE M. FUTRELL
MY COMMISSION # EE 882246
EXPIRES: June 14, 2017
Boasted thru Budget Notary Services
My Commission Expires

EXHIBIT
"C"