

**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	8/13/2015
File #	2015-06823

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

Petitioner,

CASE NO. 2013-049480

v.

JEFFREY EWING,

Respondent,

FINAL ORDER

The Department of Business & Professional Regulation, Division of Pari-Mutuel Wagering hereby enters this Final Order against the Respondent, Jeffrey Ewing, in the above styled matter.

1. On April 1, 2015, an Administrative Complaint was filed with the Agency Clerk alleging Respondent violated Section 550.0251(6), Florida Statutes (2014), by being convicted of felony Robbery based on an incident that occurred at Washington County Kennel Club, a licensed pari-mutuel facility.

2. On May 28, 2015, Respondent was served with the Administrative Complaint via Certified United States Mail.

3. Respondent's Election of Rights Form was due to the Petitioner on or before June 18, 2015. To date, the Petitioner has not received Respondent's Election of Rights Form and, therefore, Respondent has waived his rights to elect a forum.

4. 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 Fact in this matter.

5. The Division also hereby adopts and incorporates the facts contained in the Investigative Report as the Division's Findings of Facts in this matter.

CONCLUSIONS OF LAW

6. The Division has jurisdiction over the parties and subject matter of this case pursuant to Chapter 550.0251, Florida Statutes.

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

8. Under the facts of this case, Section 550.0251(6), Florida Statutes (2014), authorize the Division to enter an order excluding Respondent from all pari-mutuel facilities in this state.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that the Respondent be EXCLUDED from all pari-mutuel facilities in this state.

DONE AND ORDERED this 11th day of August, 2015, in Tallahassee, Florida.



JONATHAN ZACHEM, DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-1035
(850) 488-9130

Copies furnished to:

Louis Trombetta, In-House Counsel
Gauge Campbell, AAI OGC/PMW


NOTICE OF RIGHT TO APPEAL

Any party to this proceeding has the right to seek its judicial review under section 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 13th day of August, 2015, that a true copy of the foregoing "Final Order" has been provided by U.S. Mail to:

**Jeffrey Ewing
601 Newman Point Road
Panama City, Florida 32409**


for: **AGENCY CLERK**
Department of Business & Professional Regulation

**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	6/30/2015
File #	

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

DBPR CASE NO.: 2013049480

Petitioner,

v.

JEFFREY EWING,

Respondent.

MOTION FOR FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (Petitioner), files this Motion for Final Order against Jeffrey Ewing (Respondent), and alleges as follows:

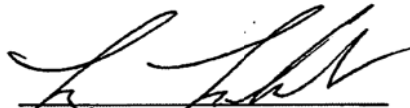
1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes.
2. On April 1, 2015, an Administrative Complaint was filed with the agency clerk against Respondent. The Administrative Complaint alleged that Respondent was convicted of felony Robbery based on an incident that occurred at Washington County Kennel Club, a licensed pari-mutuel facility. In the Administrative Complaint Petitioner requested a Final Order excluding Respondent from all licensed pari-mutuel facilities in this state in accordance with Section 550.0251(6), Florida Statutes. A true copy of the Administrative Complaint is attached as Composite Exhibit A.

3. On May 28, 2015, Respondent was served with the Administrative Complaint via certified U.S. mail. A true copy of the signed certificate of service is attached as Exhibit B.

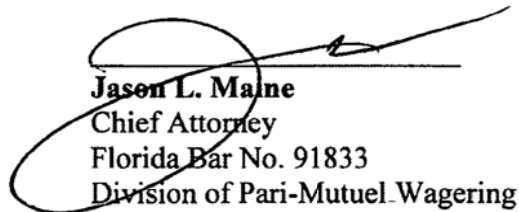
4. Respondent's Election of Rights Form was due to Petitioner on or before June 18, 2015. To date, Petitioner has not received Respondent's Election of Rights Form and therefore Respondent has waived his right to elect a forum.

WHEREFORE, Petitioner respectfully requests 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 Findings of Facts, adopting the violations alleged in the Administrative Complaint as the Department's Conclusions of Law, and excluding Respondent from all pari-mutuel facilities in this state in accordance with Section 550.0251(6), Florida Statutes.

Signed this 26 day of June, 2015.



Louis Trombetta
In-house Counsel
Florida Bar No. 018119



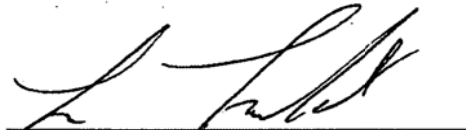
Jason L. Malne
Chief Attorney
Florida Bar No. 91833
Division of Pari-Mutuel Wagering
Department of Business and
Professional Regulation
1940 N. Monroe Street, Ste. 40
Tallahassee, FL 32399-2202
(850)488-0062 Telephone
(850)921-1311 Facsimile

CERTIFICATE OF SERVICE

We hereby certify this 26 day of June, 2015, that a true copy of the foregoing

“Motion for Final Order” has been served by U.S. mail upon the following:

Jeffrey Joseph Ewing
601 Newman Point Road
Panama City Beach, FL 32409

A handwritten signature in black ink, appearing to read "Louis Trombetta", written over a horizontal line.

Louis Trombetta

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	4/1/2015
File #	

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

DBPR CASE NO.: 2013049480

Petitioner,

v.

JEFFREY EWING,

Respondent.

PETITIONER'S ADMINISTRATIVE COMPLAINT

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

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes.
2. Respondent's address is reported as 600 Barefoot Ln #610, Panama City Beach, Florida 23413.
3. On January 26, 2015, Respondent was convicted of felony Robbery No Firearm or Weapon and Felony Battery.
4. Respondent's January 26, 2015, convictions were the result of an incident that occurred at the Washington County Kennel Club on November 30, 2013.
5. The Washington County Kennel Club is a Florida licensed pari-mutuel facility.

EXHIBIT
A-1

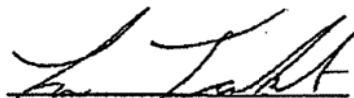
6. According to section 550.0251(6), Florida Statutes, "...the division may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the division..."

7. Section 550.105(5)(b), Florida Statutes, authorized the division to "deny, suspend, revoke, or declare ineligible any occupational license if the applicant for such license has been convicted...of a capital felony, a felony, or an offense...or a crime involving a lack of good moral character..."

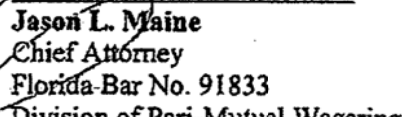
8. Although Respondent is not an occupational licensee, the Division may exclude him from all pari-mutuel facilities in the state based on Respondent's felony convictions.

WHEREFORE, Petitioner requests the Division enter an Order permanently excluding Respondent from all licensed pari-mutuel facilities in the state.

Signed this 1 day of April, 2015.



Louis Frombetta
In-house Counsel
Florida Bar No. 018119



Jason L. Maine
Chief Attorney
Florida-Bar No. 91833
Division of Pari-Mutuel Wagering
Department of Business and
Professional Regulation
1940 N. Monroe Street, Ste. 40
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(850)488-0062 Telephone
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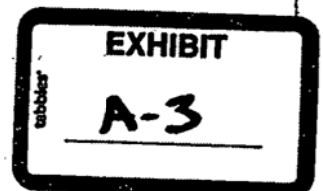


CERTIFICATE OF SERVICE

We hereby certify this 1st day of April, 2015, that a true copy of the foregoing
"Administrative Complaint" together with "Notice of Rights," has been served by certified U.S.
mail upon the following:

Jeffrey Joseph Ewing
600 Barefoot Ln #610
Panama City Beach, FL 32413


Louis Trombetta



SENDER - COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mail piece, or on the front if space permits.

1. Article Addressed to:

JEFFREY EWING
LEON NEWMAN POINT
ROAD
PANAMA CITY, FL
32409

COMPLETE THIS SECTION ON DELIVERY

Received by (Printed Name) John Valdez Agent
Louis Dols Addressee
5/28 Date of Delivery

Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
- Certified Mail
 - Registered
 - Insured Mail
 - Restricted Delivery (Extra Fee)
 - Express Mail
 - Return Receipt for Merchandise
 - C.O.D.

4. Article Number (Transfer from service label)

7004 1350 0002 7397 6839

PS Form 3811, February 2004

Domestic Return Receipt

5010-108-000-000

