

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	2/12/2015
File #	2015-01367

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

Petitioner,

CASE No. 2014-018167

v.

THOMAS CHASON,

Respondent,

FINAL ORDER

The Department of Business & Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner" or "Division") hereby enters this Final Order against the Respondent, Thomas Chasen in the above styled matter.

1. On April 29, 2014, Investigator Tony McDowell signed an Investigative Report setting forth facts which, if true, would constitute a violation of section 550.0251(6), Florida Statutes (2013).

2. On September 16, 2014, an Administrative Complaint was filed with the agency clerk alleging Respondent violated section 550.0251(6) Florida Statutes (2013), by placing tournament chips in his pocket while playing in a card tournament at Gretna Racing LLC.

3. Respondent was served with the Administrative Complaint via U.S. Certified Mail on September 18, 2014.

4. Respondent's Election of Rights Form was due on or before October 9, 2014. To date, the Division has not received Respondent's Election of Rights Form and 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 Fact in this matter.

6. 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

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. Under the facts of this case, Section 550.0251, Florida Statutes, authorizes the Division to enter an order permanently excluding Respondent from any and all pari-mutuel facilities in this state.

ORDER

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

DONE AND ORDERED this 9th day of February, 2015,
in Tallahassee, Florida.



JONATHAN R. LACHEM, DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business & Profes-
sional 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 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 12th day of February, 2015, that a true copy of the foregoing "Final Order" has been provided by U.S. Mail to:

Thomas Chason
1404 Devonshire Court
Tallahassee, FL 32317

Brandon M. Nicks

for:

AGENCY CLERK
Department of Business & Professional Regulation

7004 1350 0002 7397 5832

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

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Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Thomas Chason
Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

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

FILED	
<small>Department of Business and Professional Regulation Deputy Agency Clerk</small>	
CLERK	Brandon Nichols
Date	11/18/2014
File #	

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

Petitioner,

CASE No. 2014-018167

v.

THOMAS CHASON,

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 April 29, 2014, Investigator Tony McDowell signed an Investigative Report setting forth facts which, if true, would constitute a violation of section 550.0251(6), Florida Statutes (2013). A true copy of the Investigative Report is hereby attached as Exhibit A.

2. On September 16, 2014, an Administrative Complaint was filed with the agency clerk alleging Respondent violated section 550.0251(6) Florida Statutes (2013), by placing tournament chips in his pocket while playing in a card tournament at Gretna Rac-

ing LLC. A true copy of the Administrative Complaint is hereby attached as Exhibit B.

3. Respondent was served with the Administrative Complaint via U.S. Certified Mail on September 18, 2014. 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 October 9, 2014. To date the Division has not received Respondent's Election of Rights Form and, therefore, Respondent has waived his rights to elect a forum.

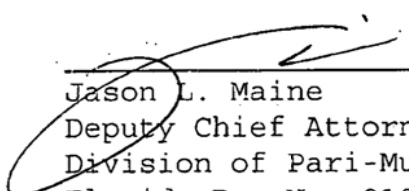
WHEREFORE, Petitioner respectfully requests that the Director of the Division of Pari-Mutuel Wagering promptly issue a Final Order deeming all allegations of fact in the Administrative Complaint admitted and adopting them as the Department's Finding of Fact, adopting the violations enumerated in the 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.

Signed this 18th day of November, 2014.

KEN LAWSON, Secretary
Department of Business and
Professional Regulation

By: 

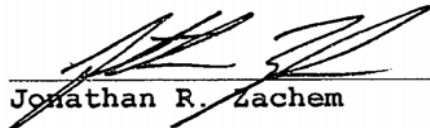
Jonathan R. Zachem
Chief Attorney
Division of Pari-Mutuel Wagering
Florida Bar No. 0083617
Department of Business and
Professional Regulation
1940 N. Monroe Street, Ste. 40
Tallahassee, FL 32399-2202
(850)488-0062 Telephone
(850)921-1311 Facsimile


Jason L. Maine
Deputy Chief Attorney
Division of Pari-Mutuel Wagering
Florida Bar No. 91833
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

I hereby certify this 18th day of November, 2014,
that a true copy of the foregoing "Motion for Final Order" has
been served by U.S. mail upon:

Thomas Chason
1404 Devonshire Court
Tallahassee, FL 32317


Jonathan R. Zachem

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

7001 2510 0000 7000 6290 5432

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

2014 018 627
Postmark
Here

Sent To Thomas Chason
Street, Apt. No.,
or PO Box No. 1404 Devonshire Ct
City, State, ZIP+4 Tallahassee FL 32317

PS Form 3800, January 2001

See Reverse for Instructions

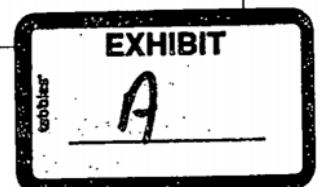
Ken Lawson, Secretary

Rick Scott, Governor

OFFICE OF INVESTIGATIONS

INVESTIGATIVE REPORT

Office: P M W /		Region: NORTHERN		Date of Complaint: April 18, 2014		Case Number: 2014 01 8167	
Respondent: CHASON, THOMAS 1404 Devonshire Court Tallahassee, FL 32317				Complainant: DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION DIVISION OF PARI-MUTUEL WAGERING 1940 N MONROE ST, SUITE 50 TALLAHASSEE, FL 32399 Investigator Tony McDowell			
Prefix: 1098	License #: N/A	Profession: N/A	Board: N/A	Report Date: April 23, 2014			
Period of Investigation: April 18, 2014 through April 29, 2014				Type of Report: PRELIMINARY			
Alleged Violations: 61D-11.005 Prohibitions (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.							
Synopsis: On April 17, 2014, at GRETNA RACING LLC (PMW #542), THOMAS CHASON, a cardroom player was participating in a satellite table game for an opportunity to win a seat valued at \$215 to the 20K tournament on April 19, 2014. CHASON won a seat to the 20K tournament and when he turned in his tournament chips, he did not turn in the correct amount. While the facility personnel were attempting to reconcile the tournament chips, they discovered that chips were missing. Surveillance video of play at the satellite table showed that CHASON was placing tournament chips in his pocket. On April 18, 2014, at approximately 7:30 PM, William Vineyard the cardroom manager notified me of the incident.							
Related Case:							
Investigator / Date <i>Tony McDowell</i> Tony McDowell / April 29, 2014				Investigator Supervisor / Date <i>Derek Washington</i> Derek Washington / May 19, 2014			
Chief of Investigations / Date <i>Steven E. Kogan</i> Steven E. Kogan / May 30, 2014							



CONTINUATION

Investigative Activity:

On April 18, 2014, Investigator **MCDOWELL** was notified of an incident at **GRETNA RACING LLC PMW #542**. The incident involved a player stealing tournament chips. According to **KEVIN HELFGOTT** Director of Operations at the facility, patron **THOMAS CHASON** stole tournament chips while participating in a satellite game for a chance to win a seat to the 20K tournament on April 19, 2014. (SEE EXHIBIT 1)

On April 17, 2014, after all tournament tables were finished, the facility staff reconciled the tournament chips and found that eight chips were missing. (SEE EXHIBIT 2) The security staff was asked to review surveillance video and see if they could find the chips. Their activity was documented on the surveillance log. (EXHIBIT 3) While sitting at the table **CHASON** was observed on surveillance video taking eight tournament chips off the table and placing them in his pocket. A copy of the surveillance video was obtained. (SEE EXHIBIT 4)

On April 19, 2014, Gretna Police and **HELFGOTT** waited outside for **CHASON** to arrive for the 20K tournament. Upon his arrival, he was asked about the incident. **CHASON** admitted to taking the chips and he retrieved them from his vehicle and gave them to the police officer. **HELFGOTT** asked Gretna Police to issue **CHASON** a trespass warning and it was issued to him at that time. In addition, Mr. **CHASON** was also placed on the facility's exclusion list. (SEE EXHIBIT 5)

Case forwarded to Legal for review and possible placement on State Exclusion List.

Case Status: Pending

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- I. INVESTIGATIVE REPORT COVERSHEET
- II. INVESTIGATIVE REPORT
- III. EXHIBITS
 - 1. Winners List
 - 2. Chip Inventory
 - 3. Surveillance Log
 - 4. Property Receipt (Copy of Video)
 - 5. Trespass Warning

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	9/16/2014
File #	

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

Petitioner,

DBPR CASE NO. 2014-018167

v.

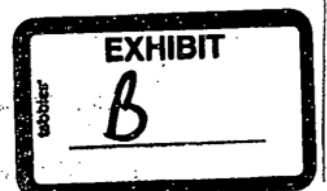
THOMAS CHASON,

Respondent,

ADMINISTRATIVE COMPLAINT

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

1. The Petitioner is the state agency charged with regulating pari-mutuel and cardroom operations pursuant to Chapter 550 and Section 849.086, Florida Statutes.
2. On April 17, 2014, at Gretna Racing LLC (Gretna), the Respondent was a cardroom player participating in a card game with an opportunity to win a seat valued at \$215 to the \$20,000 tournament held at Gretna on April 19, 2014. The Subject won the seat, but when he turned in his tournament chips, he did not turn in the full amount. Surveillance video of play showed that the Respondent placed eight (8) tournament chips in his pocket.
3. On April 19, 2014, Gretna Police and Kevin Helfgott, Director of Operations at Gretna, confronted the Respondent when he arrived to play in the tournament. The Respondent admitted to taking the chips and retrieved them from his vehicle and gave them to the police officer.



4. As a result, the Gretna Police issued a trespassing warning and Gretna placed him on the facility's exclusion list.

5. Gretna Racing LLC is a Florida licensed pari-mutuel facility which operates a duly licensed cardroom under Section 849.086, Florida Statutes.

6. Rule 61D-11.005(4), Florida Administrative Code, provides:

(4) 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.

7. Based on the forgoing, Respondent has violated Rule 61D-11.005(4), Florida Administrative Code, by engaging in an act that would constitute a fraud or deceit, or intent to cheat a participant or cardroom operator.

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

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 [and also] 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 that 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 15th day of September, 2014.



JONATHAN R. ZACHEM

Florida Bar No. 83617
Chief Attorney
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
1940 North Monroe Street, Suite 40
Tallahassee, Florida 32399-2202



JASON MAINE

Florida Bar No. 91833
Deputy 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:

Jonathan R. Zachem, Chief Attorney

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 any hearing.

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

Ken Lawson, Secretary

Rick Scott, Governor

September 15, 2014

Thomas Chason
1404 Devonshire Court
Tallahassee, FL 32317

Case No: 2014-018167

Subject: **Service of Administrative Complaint**

Dear Mr. Chason:

This is to inform you that probable cause has been found to believe that you violated certain provisions of the Florida Statutes governing pari-mutuel wagering. The enclosed Administrative Complaint contains the formal charges filed against you. Receipt of these documents constitutes legal service upon you.

Options available to you under Florida law are:

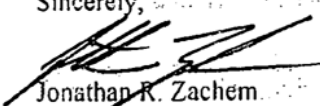
- (a) Dispute the material facts alleged and request a hearing before an administrative law judge with the Division of Administrative Hearings; or
- (b) Choose not to dispute the material facts alleged, and request an informal hearing before a designated hearing officer, which will only hear evidence regarding the conclusions of law and the penalty for violations; or
- (c) Waive your right to either type of hearing and put yourself completely at the Department's discretion.

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

You must respond by selecting one of the options on the enclosed Election of Rights form, and forwarding the executed Election of Rights form to this office **within 21 days of your receipt of this letter**. Failure to respond within the 21 day period **shall** be deemed a waiver of the rights outlined above, and the Department **will** proceed against you by default.

Prior oral or written submissions to the Department regarding this matter **will not** be considered responsive to this Administrative Complaint. Regardless of your prior communication(s) with the Department, it is required that you respond to the Administrative Complaint by selecting one of the options on the enclosed Election of Rights form.

Sincerely,


Jonathan R. Zachem
Chief Attorney

ATTCHS: Administrative Complaint; Election of Rights Form

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
ELECTION OF RIGHTS

DBPR v. THOMAS CHASON

Case No. 2014-018167

PLEASE CHECK ONLY ONE OF THE THREE OPTIONS.

Option (1) I do dispute the allegations of material fact in the Administrative Complaint. This is a petition for a hearing involving disputed material facts pursuant to section 120.57(1), Florida Statutes, ("formal hearing") before an Administrative Law Judge of the Division of Administrative Hearings. I specifically dispute the following material facts alleged in the Administrative Complaint (attach extra pages or write on the back if needed):

In addition to the above election for formal hearing, if you wish to enter into settlement negotiations, check the box below:

Section 120.569(2)(a), Florida Statutes, requires the Department to send this case to the Division of Administrative Hearings (DOAH) for a formal hearing within 15 days after receiving your Election of Rights. I am interested in settling this case and waive the 15-day requirement in order to enter into settlement negotiations with the Department.

Option (2) I do not dispute the allegations of material fact in the Administrative Complaint. I wish to submit oral and written evidence in mitigation at a hearing pursuant to section 120.57(2), Florida Statutes ("informal hearing") and that this oral and written evidence be considered before any penalty and fines are imposed.

Option (3) I do not dispute the allegations of material fact in the Administrative Complaint and waive my right to any form of hearing. I request that a Final Order imposing a penalty and fines be entered in this case.

MUST BE SIGNED AND NOTARIZED.

_____			Name (Signature)		
_____			Name (Printed)		
Mailing Address (if different)			Street Address		
City	State	Zip	City	State	Zip
_____			Respondent's daytime phone number		

STATE OF FLORIDA
COUNTY OF _____

The foregoing was acknowledged before me this _____ day of _____, 2014, by _____ personally known to me or who has produced _____ as identification.

Notary Public
My Commission Expires: _____

(Notary Seal)

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

EXPLANATION OF THE ELECTION OF RIGHTS

Please read the Administrative Complaint before choosing one of the three options. The Election of Rights is a **legally binding** document. Consult an attorney if you do not understand your options.

You can only select **ONE** of the options numbered (1), (2) and (3) on the Election of Rights form. You must sign the form. The form must be **received** by the Department at the address at the bottom of the form within 21 days after the date you receive the complaint.

The three options are:

1. Check option (1) if you **do dispute** any material fact alleged in the Administrative Complaint. This is considered a petition for an evidentiary administrative hearing ("formal hearing") pursuant to sections 120.569(2)(a) and 120.57(1), Florida Statutes, and requires the Department to send this case to the Division of Administrative Hearings (DOAH) within 15 days of your completed petition requesting a formal hearing. This election is made by checking the box marked (1) on the Election of Rights. Pursuant to Rule 28-106.201, F.A.C., you must also state which material fact(s) alleged in the Administrative Complaint you dispute. Use the space provided on the form and attach additional pages or use the back of the form if needed.

After electing option (1) explained above and **regardless** of whether you dispute any material fact alleged in the Administrative Complaint, you may **also** request the opportunity to discuss settlement of the case pursuant to section 120.57(4), Florida Statutes.

2. Check option (2) if you **do not dispute** any material fact alleged in the Administrative Complaint. You will be given a hearing pursuant to section 120.57(2), Florida Statutes ("informal hearing") and have the opportunity to present written and oral evidence in mitigation at the informal hearing.

3. Check option (3) if you **do not dispute** any material fact and waive your right to any form of hearing. This means that the Department will recommend a penalty on the charges set forth in the Administrative Complaint without input from you.

If the Department does not receive your Election of Rights within 21 days after you receive the Administrative Complaint, this will be considered a waiver of your right to elect any form of hearing and a Final Order may be entered against you imposing a penalty and fines.

You must let the Department know if your mailing address changes.

**THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE DEPARTMENT
WITHIN 21 DAYS AND MAILED TO:**

C. Tomoka Brady, AAI
Office of the General Counsel
Northwood Centre
1940 North Monroe Street, Suite 40
Tallahassee, Florida 32399-2202

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.		A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> <i>Valerie Chason</i>	
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ 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 mailpiece, or on the front if space permits.		B. Received by (Printed Name) <input type="checkbox"/> Addressee <input checked="" type="checkbox"/> <i>Valerie Chason</i>	
1. Article Addressed to: Thomas Chason 1404 Devonshire Court Tallahassee, FL 32317		C. Date of Delivery <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>09-18-14</i>	
2. Article Number (Transfer from service label) 7004 1350 0002 7397 5245		D. Is delivery address different from item 1? if YES, enter delivery address below: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No RECEIVED SEP 22 2014	
PS Form 3811, February 2004		Domestic Return Receipt 102595 8234 15-10	



STATE OF FLORIDA
 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 940 North Monroe Street
 Tallahassee, Florida 32399
 www.floridabpr.com

AC 2014018167

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Certified Fee	
Return Receipt Fee (endorsement required)	
Restricted Delivery Fee (endorsement required)	
Total Postage & Fees	\$

Postmark Here

Part To

Street, Apt. No., or PO Box No.
 City, State, ZIP+4

Thomas Chason
1404 Devonshire Court
Tallahassee, FL 32317

PS Form 3800, June 2009 See Inside for Instructions

Thomas Chason
1404 Devonshire Court
Tallahassee, FL 32317

7004 1350 0002 7397 5245

