

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

<b>FILED</b>	
<small>Department of Business and Professional Regulation Deputy Agency Clerk</small>	
CLERK	Brandon Nichols
Date	<b>11/20/2015</b>
File #	<b>2015-09686</b>

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

DBPR CASE NO.: 2015-004086

Petitioner,

v.

APRIL M. FRIEDMAN,

Respondent.

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**FINAL ORDER**

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), hereby enters this Final Order against April M. Friedman (“Respondent”), in the above styled manner.

**FINDINGS OF FACT**

1. On June 16, 2015, Division of Pari-Mutuel Wagering investigator, Chuck Taylor signed an Investigative Report containing facts which, if true, would constitute cause for exclusion of Respondent from pari-mutuel facilities in the state pursuant to section 550.0251(6), Florida Statutes (2014).

2. On August 11, 2015, an Administrative Complaint was filed with the agency clerk alleging Respondent was excluded from Sarasota Kennel Club, a licensed pari-mutuel facility, and issued a lifetime ban. According to the Administrative Complaint, Petitioner requested a Final Order excluding Respondent from all licensed pari-mutuel facilities in the state in accordance with section 550.0251(6), Florida Statutes.

3. On August 18, 2015, the Administrative Complaint and accompanying Election of Rights Form was served upon Respondent.

4. On September 14, 2015, Petitioner received Respondent's completed Election of Rights Form. Respondent indicating that she does not dispute the allegations of material fact, waives her right to a hearing, and requests a Final Order in the above styled case.

5. Petitioner hereby adopts, and incorporates by reference, the facts contained in the Administrative Complaint as Petitioner's Findings of Fact in this Matter.

### CONCLUSIONS OF LAW

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


7. According to section 550.0251(6), Florida Statutes, "...the division may exclude from any pari-mutuel facility within the state any person who has been ejected from a pari-mutuel facility in this state."

8. In consideration of the facts in this case, section 550.0251(6), Florida Statutes, provides authority for the Division to enter a Final Order excluding Respondent from all pari-mutuel facilities in the state.

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Respondent is permanently excluded from all pari-mutuel facilities in the state.

DONE AND ORDERED this 16<sup>th</sup> day of November, 2015, in Tallahassee, Florida.

  
\_\_\_\_\_  
JONATHAN R. ZACHEM, 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 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: AGC.Filing@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 20<sup>th</sup> day of November, 2015, that a true copy of the foregoing "Final Order" has been provided by first class U.S. Mail to:

April M. Friedman  
2930 49 Terrace South  
St. Petersburg, Florida 33712



AGENCY CLERK'S OFFICE  
Department of Business & Professional Regulation

cc:  
Gauge Campbell, AAI OGC/PMW  
Keneidra Williams, AAIII OGC

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

ADMINISTRATIVE COMPLAINT - ELECTION OF RIGHTS

DBPR v. APRIL MEREDITH FRIEDMAN

Case No. 2015-004086

I have read the Administrative Complaint and Explanation of Rights and elect as follows (please check only one option.):

Option (1)  I do not dispute the material facts alleged in the Administrative Complaint, but wish to appear before the Division of Pari-Mutuel Wagering to be heard on the conclusions of law and the issue of penalty. I wish to be able to present written and/or oral evidence in mitigation or explain why the facts alleged do not amount to a violation of law at a hearing pursuant to section 120.57(2), Florida Statutes ("informal hearing").

Option (2)  I do dispute the material facts alleged 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 ("DOAH"). If you elect this option, you MUST list below the specific facts you dispute (attach extra pages or write on the back if needed):

RECEIVED  
SEP 14 2015  
DBPR  
OGC - PMW

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 Division to send this case to 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 (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.

Please be advised that pursuant to section 120.573, Florida Statutes, mediation is not available in this matter.

MUST BE SIGNED AND NOTARIZED.

Mailing Address (if different)  
City State Zip

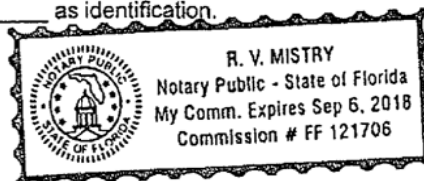
*April M. Friedman*  
Name (Signature)  
APRIL M. FRIEDMAN  
Name (Printed)  
2930 49 TERR. S  
Street Address  
ST. PETERSBURG FL 33712  
City State Zip  
727-290-9071  
Daytime phone number

STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing was acknowledged before me this 10 day of SEPTEMBER, 2015, by APRIL FRIEDMAN, personally known to me or who has produced DRIVER LICENSE as identification.

Notary Public  
My Commission Expires: 09/06/2018

(Notary Seal)



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

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	8/11/2015
File #	

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

DBPR CASE NO.: 2015-004086

Petitioner,

v.

APRIL M. FRIEDMAN,

Respondent.

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ADMINISTRATIVE COMPLAINT

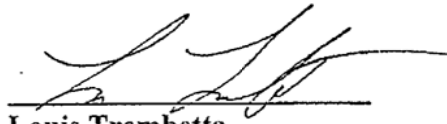
The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner"), files this Administrative Complaint against April M. Friedman ("Respondent"), and alleges as follows:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes.
2. On or about January 11, 2015, Respondent was a patron at the Sarasota Kennel Club, a licensed pari-mutuel facility.
3. On or about January 11, 2015, the Sarasota Kennel Club ejected and issued a lifetime exclusion against Respondent.
4. According to Section 550.0251(6), Florida Statutes, "[t]he division may exclude from any pari-mutuel facility within the state any person who has been ejected from a pari-mutuel facility in this state."

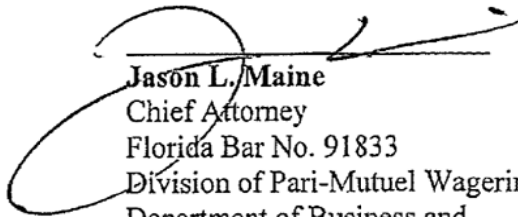
WHEREFORE, based on Respondent's exclusion from the Sarasota Kennel Club and the authority provided in Section 550.0251(6), Florida Statutes, Petitioner respectfully requests the

Division enter a Final Order excluding Respondent from all licensed pari-mutuel facilities in this state.

Signed this 11<sup>th</sup> day of August, 2015.



**Louis Trombetta**  
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  
Tallahassee, FL 32399-2202  
(850) 717-1768 Telephone  
(850) 921-1311 Facsimile

**CERTIFICATE OF SERVICE**

I hereby certify this \_\_\_\_\_ day of August, 2015, that a true copy of the foregoing  
“Administrative Complaint” together with “Notice of Rights,” has been served by certified mail  
upon:

**April M. Friedman**  
2930 49 Terrace  
St. Petersburg, FL 33712

\_\_\_\_\_  
**Louis Trombetta**

### NOTICE OF RIGHTS

Please be advised that mediation under section 120.573, Florida Statutes, is not available for administrative disputes involving this type of agency action.

Please be advised that Respondent has the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoenas and *subpoenas duces tecum* issued on his or her behalf if a hearing is requested. Any request for an administrative proceeding to challenge or contest the charges contained in the administrative complaint must conform to Rule 28-106.2015, Florida Administrative Code. Rule 28-106.111, Florida Administrative Code, provides in part that if Respondent fails to request a hearing within 21 days of receipt of an agency pleading, Respondent waives the right to request a hearing on the facts alleged.