

**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	12/21/2015
File #	2015-10597

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

Petitioner,

DBPR CASE No.: 2015-04-1263

v.

ODALYS VALDES,

Respondent,
_____ /

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, (“Petitioner”), hereby enters this Final Order against Respondent, ODALYS VALDES (“Respondent”), and states as follows:

1. On September 29, 2015, a two-count Administrative Complaint was filed with the Agency Clerk alleging Respondent violated Rule 61D-7.020(5)(b), Florida Administrative Code, by providing wagering tickets to patrons without obtaining cash or cash equivalent in exchange for the tickets, and also violated Rule 61D-7.020(6), F.A.C., by providing wagering tickets to patrons without obtaining cash or cash equivalent in exchange for the tickets, and such action compromises the duties of the teller.
2. On October 6, 2015, Respondent was served with the Administrative Complaint via Certified Mail at Respondent’s usual place of abode.
3. Respondent’s Election of Rights Form (hereinafter “EOR”) was due to the Division on or before October 27, 2015. To date, however, Petitioner has not received Respondent’s EOR, and therefore, Respondent has waived her right to elect a forum for resolution of this matter.

4. The Division hereby adopts and incorporates by reference the facts contained and set forth in the Division's Motion for Final Order, together with the supporting exhibits attached thereto, as the Division's Findings of Fact in this matter.

CONCLUSIONS OF LAW

5. The Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes, and has jurisdiction over this matter and the parties.


6. Respondent failed to return an Election of Rights, and thereby waived her right to elect a forum for resolution of this matter.

7. Under the facts of this case, Sections 550.0251(6) and 849.086(14)(a), Florida Statutes,¹ authorizes the Division to revoke Respondent's pari-mutuel occupational license and permanently exclude her from all pari-mutuel facilities in this state based upon her violation of Rule 61D-7.020(5) and (6), Florida Administrative Code.

ORDER

Based upon the foregoing Findings of Facts and Conclusions of Law, it is hereby **ORDERED** that Respondent's pari-mutuel wagering slot combo professional occupational license be **REVOKED** and that Respondent is **PERMENANTLY EXCLUDED** from all pari-mutuel facilities in this state.

DONE AND ORDERED on this 14th day of December, 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

¹ Except as otherwise indicated, all references to statutory law relate to such law in existence at the time of the violation.

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: OGC.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 on this ~~20th~~ ^{21st} day of December, 2015, that a true and correct copy of the foregoing "Final Order" has been furnished by U.S. Mail to:

ODALYS VALDES
12220 SW 10th Lane
Miami, Florida 33184



AGENCY CLERK'S OFFICE
Department of Business & Professional Regulation

Copies Furnished To:

Caitlin R. Mawn, Deputy Chief Attorney
Gauge Campbell, AA OGC/PMW

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.: 2015-04-1263

v.

ODALYS VALDES,

Respondent,

MOTION FOR FINAL ORDER

COMES NOW, Petitioner, the Department of Business & Professional Regulation, Division of Pari-Mutuel Wagering, ("Petitioner"), hereby respectfully moves for entry of a Final Order against Respondent, ODALYS VALDES ("Respondent"), and states as follows:

1. On September 29, 2015, a two-count Administrative Complaint was filed with the Agency Clerk alleging Respondent violated Rule 61D-7.020(5)(b), Florida Administrative Code, by providing wagering tickets to patrons without obtaining cash or cash equivalent in exchange for the tickets, and also violated Rule 61D-7.020(6), F.A.C., by providing wagering tickets to patrons without obtaining cash or cash equivalent in exchange for the tickets, and such action compromises the duties of the teller. A true and correct copy of the Administrative Complaint is attached hereto and incorporated herein as **Petitioner's Exhibit "A."**

2. On October 6, 2015, Respondent was served with the Administrative Complaint via Certified Mail at Respondent's usual place of abode. A true copy of the Certified Mail Return Receipt is attached hereto and incorporated herein as **Petitioner's Exhibit "B."**

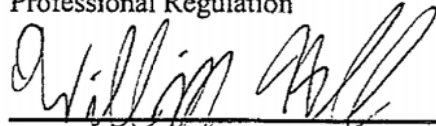
3. Respondent's Election of Rights Form with regard to the Administrative Complaint was due to the Division on or before October 27, 2015. To date, however, Petitioner has not received Respondent's Election of Rights Form.

4. By failing to timely return an Election of Rights, Respondent has waived her right to elect a forum for resolution of this matter.

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 Amended 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 pari-mutuel wagering slot combo professional occupational license, permanently excluding Respondent from all pari-mutuel facilities in this state, and declaring Respondent ineligible for an occupational license.

Signed on this 16th day of November, 2015.

KEN LAWSON, Secretary
Department of Business and
Professional Regulation



WILLIAM D. HALL
Florida Bar No. 67936
Chief Attorney
Division of Pari-Mutuel Wagering
Department of Business & Professional
Regulation
1940 North Monroe Street, Suite 40
Tallahassee, Florida 32399-2202

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** on this 16 day of NOVEMBER, 2015, that a true and correct copy of the foregoing "Order" have been furnished by U.S. Mail to:

ODALYS VALDES
12220 SW 10th Lane
Miami, Florida 33184



GAUGE CAMPBELL, AAI
Division of Pari-Mutuel Wagering
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	Evette Lawson-Proctor
Date	9/29/2015
File #	

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

Petitioner,

DBPR CASE NO.: 2015-04-1263

v.

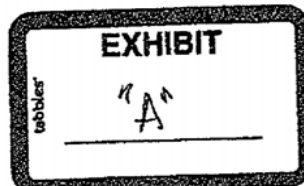
ODALYS VALDES,

Respondent,

ADMINISTRATIVE COMPLAINT

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

1. The Petitioner is the state agency charged with regulating pari-mutuel wagering, and slot machine and cardroom gambling pursuant to Chapters 550, 551, and 849 Florida Statutes.
2. At all times material hereto, Respondent held a pari-mutuel wagering slots/cardroom combo professional license, number 10535528-1055, issued by the Petitioner.
3. At all times material hereto, Respondent worked as a pari-mutuel teller in the cardroom at the Magic City Casino (hereinafter "Magic City").
4. Magic City is a facility operated by a permit holder authorized to conduct pari-mutuel wagering, and slot machine and cardroom gambling in this state under Chapters 550, 551, and 849, Florida Statutes.



5. From on or about August 22, 2014, through November 29, 2014, Respondent provided wagering tickets to patrons of Magic City without obtaining cash or cash equivalent in exchange for the tickets.

6. On or about December 16, 2014, Respondent and Magic City entered into an agreement for restitution as a result of Respondent's aforementioned misconduct. A true and correct copy of the Restitution Agreement is attached hereto and incorporated herein as **Petitioner's Composite Exhibit "A."**

7. Section 551.107(6)(a), Florida Statutes (2014), states, "The division may deny, suspend, revoke, or refuse to renew any slot machine occupational license if...the licensee has violated the provisions of this chapter or the rules of the division governing the conduct of persons connected with slot machine gaming."

Count I

8. Petitioner hereby re-alleges and incorporates the allegations contained within paragraphs 1 through 7, as fully set forth herein.

9. Rule 61D-7.020(5)(b), Florida Administrative Code (2014), requires that "all [pari-mutuel] ticket sales be for cash or cash equivalent."

10. Based on the foregoing, Respondent violated Rules 61D-7.020(5)(b), F.A.C., by providing wagering tickets to patrons without obtaining cash or cash equivalent in exchange for the tickets.

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Count II

11. Petitioner hereby re-alleges and incorporates the allegations contained within paragraphs 1 through 7, as fully set forth herein.

12. Rule 61D-7.020(5)(b), Florida Administrative Code (2014), requires that "all [pari-mutuel] ticket sales be for cash or cash equivalent."

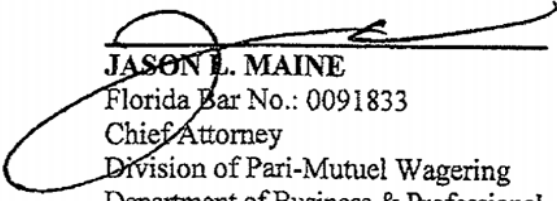
13. Rule 61D-7.020(6), Florida Administrative Code (2014), provides that the "duty of the licensed pari-mutuel tellers shall not be compromised..."

14. Based on the foregoing, Respondent violated Rules 61D-7.020(6), F.A.C., by providing wagering tickets to patrons without obtaining cash or cash equivalent in exchange for the tickets, and such action compromises the duties of the teller.

WHEREFORE, Petitioner respectfully requests the Division enter an Order imposing one or more of the penalties against the Respondent as permissible under Chapters 550 and 551, Florida Statutes, and Section 551.107(11), Florida Statutes, together with the rules promulgated thereunder.

Signed on this 22 day of September, 2015.

KEN LAWSON, Secretary
Department of Business and
Professional Regulation


JASON L. MAINE
Florida Bar No.: 0091833
Chief Attorney
Division of Pari-Mutuel Wagering
Department of Business & Professional
Regulation
Northwood Center
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 any hearing.

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


MAGIC CITY
CASINO

I, Odalys Valdes understand that I owe West Flagler Associate Limited \$2,105.61 for shortages. I will make arrangements with Ozzie Perez to re-pay this shortage within the next six months. West Flagler Associate Limited will pursue this matter legally if I fail to re-pay these shortages.



Signature

12-16-14
Date

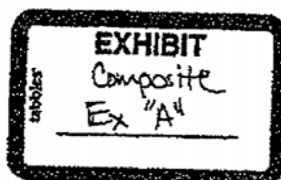


Manager Signature

Print Employee Name: Odalys Valdes

Employee #: 2957

Department: Cash Controls



Number : 2957

Teller : Valdes, Odalys

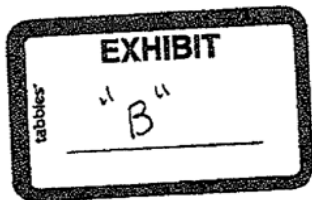
	wagered	cashes	= balance	BET wins	
1	Draw:	\$360.00	\$360.00		
2	issued voucher:	\$500.00	\$860.00		
3	issued voucher:	\$500.00	\$1,360.00		
4	issued voucher:	\$500.00	\$1,860.00		
5	cashed voucher:		(\$500.00)	\$1,360.00	
6	cashed voucher:		(\$500.00)	\$860.00	
7	BET :	\$300.00	\$1,160.00		
8	BET :	\$300.00	\$1,460.00		
9	BET :	\$200.00	\$1,660.00	\$160.00	
10	cashed BET:		(\$160.00)	\$1,500.00	
11	BET :	\$200.00	\$1,700.00	\$250.00	
12	cashed BET:		(\$250.00)	\$1,450.00	
13	BET :	\$200.00	\$1,650.00		
14	BET :	\$200.00	\$1,850.00	\$500.00	
15	cashed BET:		(\$500.00)	\$1,350.00	
16	BET :	\$200.00	\$1,550.00		
17	BET :	\$200.00	\$1,750.00		
18	BET :	\$260.00	\$2,010.00		
19	BET :	\$500.00	\$2,510.00	\$487.50	
20	cashed BET:		(\$487.50)	\$2,022.50	
21	BET :	\$300.00	\$2,322.50		
22	BET :	\$500.00	\$2,822.50	\$2,250.00 *	
23	BET :	\$220.00	\$3,042.50		
24	BET :	\$1,200.00	\$4,242.50	\$1,680.00	
25	cashed BET:		(\$1,680.00)	\$2,562.50	
26	issued voucher:	\$1,540.00	\$4,102.50		
27	issued voucher:	\$140.00	\$4,242.50		
28	BET :	\$100.00	\$4,342.50		
29	BET :	\$50.00	\$4,392.50		
30	BET :	\$500.00	\$4,892.50		
31	BET :	\$500.00	\$5,392.50		
32	BET :	\$500.00	\$5,892.50	\$1,050.00 *	
BALANCE		\$9,970.00	(\$4,077.50)	\$5,892.50	\$6,377.50

system balance = (\$6,103.87)
 money returned & verified by MR = \$4,103.15
 balance for the day = (\$2,000.72)
 prior shortage = (\$104.89)
 total YTD shortage = (\$2,105.61)

teller did not cash winning BETS *

total BETS and cashed BET only reflect transaction with customer.

=24 total BET & cashed BET \$4,780.00 (\$1,397.50) \$3,382.50 = balance at line 24
 if teller collected for bets on line #24 she would have had cash (\$3,382.50) to pay the customer and not vouchers!
 if teller did not collect for BET #24 #30 #31 totals \$2,200.00
 customer pays teller over the glass after cashing #32 (\$1,050.00) with another teller!



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p style="text-align: center;">Odalys Valdes 12220 10th Lane Miami, Florida 33184</p>		<p>A. Received by (Please Print Clearly) <u>MANUEL PEREZ</u> B. Date of Delivery <u>10/6/15</u></p> <p>C. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below.</p>	
<p>2. Article Number (Transfer from service label) <u>7006 3450 0002 7909 5627</u></p> <p>PS Form 3811, March 2001</p>		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>Domestic Return Receipt</p>		<p>82595-01-M-1424</p>	