

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

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	3/17/2016
File #	2016-02182

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

Petitioner,

Case No. 2015-048164

v.

RAUL GARCIA,

Respondent.

FINAL ORDER ON WAIVER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Department” or “Division”), issues this Final Order on Waiver against Raul Garcia (“Respondent”), and states as follows:

1. A one-count Administrative Complaint was filed in this case on December 4, 2015, alleging violations of certain provisions of Chapter 550, Florida Statutes.
2. The Administrative Complaint, Election of Rights form, an Explanation of Rights, and a cover letter were served upon Respondent via U.S. certified mail at their last known address of record on or about December 10, 2015.
3. The Election of Rights form, cover letter, and Explanation of Rights informed Respondent that a written response to the Administrative Complaint, including the request for a hearing was due within the twenty-one (21) day period to dispute the allegations.
4. Rule 28-106.111, Florida Administrative Code, provides that Respondent waives the right to a hearing on the complaint if Respondent fails to request a hearing in this matter.

5. Petitioner made all reasonable efforts to provide notice to Respondent. Proof of service by U.S. certified mail is attached in said Motion for Final Order as Exhibit "A".

Upon consideration of the motion and the facts and conclusions of law in the Administrative Complaint, it is ordered:

1. The allegations of fact set for in the Administrative Complaint are approved, adopted and incorporated herein by reference as findings of fact by the Division.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved, adopted and incorporated herein by reference as the conclusions of law by the Division.

3. There is competent substantial evidence to support the findings of fact and conclusions of law by the Division.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent's Pari-Mutuel Wagering General Individual Occupational License, number 8625592-1022 is **REVOKED**.

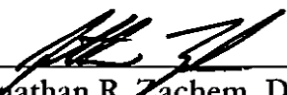
2. Respondent is permanently **EXCLUDED** from all pari-mutuel facilities in this State.

3. This Final Order shall become effective on the date of the filing with the Department's Agency Clerk.

DONE AND ORDERED this 9th day of March, 2016.

KEN LAWSON, SECRETARY
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION

BY: _____


Jonathan R. Zachem, Director
Division of Pari-Mutuel Wagering
1940 North Monroe Street
Tallahassee, Florida 32399

NOTICE OF RIGHT TO APPEAL

Unless expressly waived, any party substantially affected by this Final Order may seek judicial review by filing an original Notice of Appeal with the Agency Clerk of the Department of Business and Professional Regulation at 1940 North Monroe Street, Tallahassee, Florida 32399, (AGC.Filing@myfloridalicense.com), and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within thirty days rendition of this Order, in accordance with Fla. App. P. 9.110, and section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing "Final Order on Waiver" has been sent by regular United States Mail on this 17th day of March, 2016 to:

Raul Garcia
901 South Federal Highway
Hallandale, Florida 33009



AGENCY CLERK'S OFFICE
Department of Business & Professional Regulation

Copies furnished to:

Gauge Campbell, AAI
TJ Izzo, Senior Attorney
Kevin Scheen, State Steward

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.: 2015-048164

v.

RAUL GARCIA,

Respondent,

MOTION FOR FINAL ORDER

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

1. On December 4, 2015, a one-count Administrative Complaint was filed with the Agency Clerk alleging that the Division is authorized to exclude Respondent from all pari-mutuel wagering facilities in the State of Florida under Section 550.0251(6), Florida Statutes, as a result of Respondent’s indefinite exclusion from Gulfstream Park. A true and correct copy of the Administrative Complaint is attached hereto and incorporated herein as **Petitioner’s Exhibit “A.”**

2. On December 10, 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 December 31, 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 his 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 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 general individual occupational license, permanently excluding Respondent from all pari-mutuel facilities in this state, and declaring Respondent ineligible for an occupational license.

Signed on this 28th day of January, 2016.

KEN LAWSON, Secretary
Department of Business and
Professional Regulation

/s/ William Hall
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 28th day of January, 2016, that a true and correct copy of the foregoing "Motion for Final Order" have been furnished by U.S. Mail to:

RAUL GARCIA
901 S. Federal Highway
Hallandale, Florida 33009

Gauge Campbell
GAUGE CAMPBELL, AAI
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	12/4/2015
File #	

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

Petitioner,

DBPR CASE NO.: 2015-04-8164

v.

RAUL GARCIA,

Respondent,

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (hereinafter "Petitioner" or "Division"), and hereby files this Administrative Complaint against Respondent, RAUL GARCIA (hereinafter "Respondent"), and alleges as follows:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes.
2. At all times material hereto, Respondent held a pari-mutuel wagering general individual occupational license, number 8625592-1022, issued by the Petitioner.
3. At all times material hereto, Respondent worked as a horseracing groom at the Calder Race Course Performance Meets conducted at Gulfstream Park.
4. Gulfstream Park is a facility operated by a permit holder authorized to conduct pari-mutuel wagering in this state under Chapter 550, Florida Statutes.
5. On or about October 25, 2015, Respondent received a trespass warning from Gulfstream Park Security Supervisor, in the presence of a Miami Gardens Police officer, advising



him to leave the Gulfstream Park facility premises and that he would be subject to arrest upon his return. Accordingly, Gulfstream Park issued a "Stop Order" placing Respondent on its "stop list," thus excluding him from its facility indefinitely.

6. Section 550.0251(6), Florida Statutes (2015), in relevant part, provides, "[t]he 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..."

7. Based on the foregoing, the Division may exclude Respondent from all pari-mutuel facilities in this state as a result of Respondent's indefinite exclusion from Gulfstream Park.

WHEREFORE, Petitioner respectfully requests the Division enter an Order against Respondent imposing one or more of the penalties specified in Section 550.0251, Fla. Stat., including Sections 550.0251(6) and (10), Fla. Stat., together with any other penalties the Division is authorized to impose under Chapter 550, Fla. Stat., and the rules promulgated thereunder.

Signed on this 4th day of December, 2015.

KEN LAWSON, Secretary
Department of Business and
Professional Regulation

/s/ Caitlin Mawn

CAITLIN R. MAWN
Florida Bar No. 99545
Deputy Chief Attorney
Division of Pari-Mutuel Wagering
Department of Business & Professional
Regulation
1940 North Monroe Street, Suite 40
Tallahassee, Florida 32399-2202
P: (850) 717-1768 F: (850) 921-1311

/s/ William Hall

WILLIAM D. HALL
Florida Bar No. 67936
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.

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 mailpiece, or on the front if space permits.

1. Article Addressed to:

Raul Garcia
 901 South Federal Highway
 Hallandale, Florida 33009
 A/C 2015-048164

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent Addressee
- B. Received by (Printed Name) Date of Delivery
- C. Is delivery address different from item 1? Yes No
- If YES, enter delivery address below:

RECEIVED

DEC 14 2015

3. Service Type
- Certified Mail
 - Express Mail
 - Registered Mail
 - Insured Mail
 - Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7006 2150 0004 8295 2584

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

