

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	11/30/2016
File #	2016-09303

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

Petitioner,

DBPR CASE NO. 2015-052246

v.

CEMAL EGILMEZ,

Respondent.

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division"), hereby enters this Final Order for the above styled matter. On September 7, 2016, Paige Shoemaker, designated Hearing Officer for the Division, issued the Recommended Order in this matter. That Recommended Order is attached to the Final Order and incorporated herein by reference.

FINDINGS OF FACT

The Findings of Fact contained in the Recommended Order are hereby adopted as the Findings of Fact of the Division.

CONCLUSIONS OF LAW

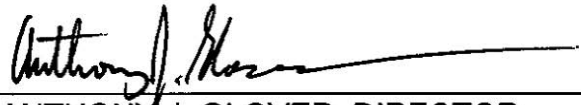
The Conclusions of Law contained in the Recommended Order are hereby adopted as the Conclusions of Law of the Division.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law adopted from the Recommended Order of the Division's Informal Hearing, it is hereby ORDERED that:

1. Respondent is PERMANENTLY EXCLUDED from all licensed slot machine and pari-mutuel facilities in this state, without prejudice.
2. The Final Order shall become effective on the date of filing with the Agency Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 28 day of November, 2016, in Tallahassee, Florida.



ANTHONY J. GLOVER, DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business and
Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-1035

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, 2601 Blair Stone Road, Mail Stop G3, Tallahassee, Florida 32399-2203 (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 30th day of November, 2016, that a true copy of the foregoing "Final Order" has been provided by U.S. Mail to:

Cemal Egilmez
1030 NE 203 Lane
Miami, Florida 33179

A handwritten signature in black ink that reads "Brandon M. Nicks". The signature is written in a cursive style and is positioned above a horizontal line.

OFFICE OF THE AGENCY CLERK
Dept. of Business & Prof'l Regulation

Cc:
Keneidra Williams, AAIL OGC
Gauge Campbell, AAIL OGC/PMW

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	Evette Lawson-Proctor
Date	10/27/2016
File #	

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

Petitioner,

DBPR CASE NO.: 2015-052246

v.

CEMAL EGILMEZ,

Respondent.

HEARING OFFICER'S RECOMMENDED ORDER

THIS MATTER came before Paige Shoemaker, Hearing Officer for the Department of Business and Professional Regulation, on September 7, 2016, in Tallahassee, Florida, in accordance with the provisions of section 120.57(2), Florida Statutes, for consideration of an Administrative Complaint filed against Cemal Egilmez ("Respondent"), in the above styled case. The Division of Pari-Mutuel Wagering ("Petitioner"), was represented by William Hall, Chief Attorney. The Hearing Officer attempted to contact the Respondent via telephone to participate in the hearing multiple times. The Respondent did not answer those phone calls and the hearing was conducted in his absence. The Respondent had been notified of his hearing date and time by letter dated August 23, 2016.

PRELIMINARY STATEMENT

1. On February 3, 2016, the Petitioner filed an Administrative Complaint against the Respondent.

2. The Administrative Complaint stemmed from a physical altercation that the Respondent was engaged in at Gulfstream Park on November 10, 2015. Gulfstream Park permanently ejected the Respondent from its facility as a result of that altercation.

3. The Administrative Complaint alleged that, based on the Respondent's exclusion from Gulfstream Park, he was subject to a statewide exclusion from all pari-mutuel facilities pursuant to section 550.0251(6), Florida Statutes.

4. The Respondent completed an Election of Rights form on April 28, 2016, stating that he did dispute issues of fact in the Administrative Complaint and that he was requesting a formal hearing. However, his disputes related to the facts surrounding the altercation itself, not his exclusion from Gulfstream Park. This was no dispute as to whether he had been excluded from that facility and was now subject to a potential statewide exclusion.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

5. The Division has jurisdiction over this matter pursuant to Chapter 120, 550, 551, and Section 849.086, Florida Statutes.

6. Section 550.0251(6), Florida Statutes, states:

In addition to the power to exclude certain persons from any pari-mutuel facility in the state, the [Petitioner] 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

[Petitioner.] The [Petitioner] may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state."

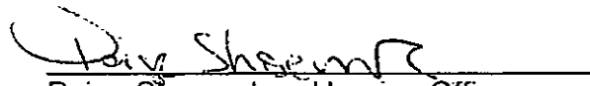
7. The Respondent was ejected and permanently barred from Gulfstream Park following a physical altercation. In a letter to the Division he admits to slapping another patron, but seems to provide mitigating evidence.

8. The Division has legal authority to exclude Respondent from the park, and Respondent provided no testimony in opposition to its' doing so.

RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Department of Business and Professional Regulation, enter a Final Order **Permanently excluding** the Respondent from all licensed pari-mutuel facilities in the State of Florida without prejudice for him to reapply and submit additional evidence on his behalf.

Respectfully submitted this 26th day of October, 2016.


Paige Shoemaker, Hearing Officer
Office of the General Counsel
Department of Business and
Professional Regulation
2601 Blair Stone Road
Tallahassee, FL 32399-2202

CERTIFICATE OF SERVICE

We hereby certify this 27 day of October 2016, that a true copy of the foregoing has been served by Certified U.S. mail upon:

Cemal Egilmez
1030 N.E. 203 Lane
Miami, FL 33179


AGENCY CLERK'S OFFICE

Cc:
Paige Shoemaker, Informal Hearing Officer
William Hall, Chief Attorney

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to the Recommended Order should be filed with the Department.

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	2/3/2016
File #	

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

Petitioner,

v.

Case No. 2015-052246

CEMIL EGILMEZ,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner” or “Division”) files this Administrative Complaint against Cemil Egilmez (“Respondent”) and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes and cardroom operations pursuant to Section 849.086, Florida Statutes.

2. At all times material hereto, Gulfstream Park was a licensed pari-mutuel and cardroom facility in the State of Florida.

3. On or about November 10, 2015, Respondent, a patron at Gulfstream Park, was trespassed and permanently barred from Gulfstream Park.

4. Section 550.0251(6), Florida Statutes (2015), provides in relevant part that “[i]n addition to the power to exclude certain persons from any pari-mutuel facility in the 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. The 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 or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state.”

5. Based on the foregoing, the Respondent is subject to exclusion by the Division pursuant to Section 550.0251(6), Florida Statutes (2015), because he was ejected from a licensed pari-mutuel facility in Florida.

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

Signed this 3rd day of February, 2016.

KEN LAWSON, Secretary
Department of Business and
Professional Regulation

/s/ Caitlin R. Mawn

CAITLIN R. MAWN

Florida Bar No. 99545

Assistant General Counsel

/s/ William Hall

William D. Hall

Florida Bar No. 67936

Chief Attorney

Division of Pari-Mutuel Wagering

Office of the General Counsel

Department of Business & Professional Regulation

1940 North Monroe Street, Suite 40

Tallahassee, Florida 32399-2202

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.