

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	7/8/2016
File #	2016-05269

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

Petitioner,

DBPR Case No. 2015-055810

v.

LESLEIGH MCKOY,

Respondent.

FINAL ORDER

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

1. An Administrative Complaint was filed in this case on March 14, 2016, alleging violation of certain provisions of Chapters 550 and 849, Florida Statutes.
2. The Administrative Complaint, Election of Rights form, an Explanation of Rights, and a cover letter were served via US Certified Mail upon Respondent on May 2, 2016.
3. The Election of Rights form 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 US Certified Mail is attached in said Motion for Waiver of Rights and Final Order as Exhibit "1A".

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** that:

1. Respondent's pari-mutuel cardroom combination general occupational license is **REVOKED**.
2. Respondent is permanently excluded from all licensed slot machine and pari-mutuel facilities in this state.
3. This 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 5th day of July, 2016.

BY: 

Anthony J. Glover, Director
Division of Pari-Mutuel Wagering
2601 Blairstone Road
Tallahassee, Florida 32399-1035

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing "Final Order" has been sent by regular United States Mail on this 8th day of July, 2016 to:

Lesleigh McKoy
7941 Kismet Street
Miramar, Florida 33023



AGENCY CLERK'S OFFICE
Department of Business & Professional Regulation

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 2601 Blairstone Road, Mail Stop G2, 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.

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

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

Petitioner,

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Respondent.

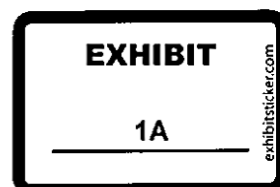
MOTION FOR WAIVER OF RIGHTS AND FINAL ORDER

The Department of Business and Professional Regulation, (“Petitioner”), moves the Division of Pari-Mutuel Wagering (“Division”) for a finding of Waiver of Rights by Lesleigh McKoy, (“Respondent”) and a Final Order. In support thereof, Petitioner states the following:

1. An Administrative Complaint was filed in this case on March 14, 2016, alleging violation of Rule 61D-11.005(4)(b), Florida Administrative Code (2015) and requesting permanent exclusion from all licensed pari-mutuel facilities in the state of Florida pursuant to Section 550.0251(6), Florida Statutes (2015). A true copy of the Administrative Complaint is attached as Exhibit “A” and incorporated by reference.

2. On or about May 2, 2016, Petitioner served Respondent the Administrative Complaint, Explanation of Rights, and Election of Rights Form via certified mail. Proof of service is attached as Exhibit “B” and incorporated by reference.

3. The Election of Rights and Explanation of Rights informed Respondent that a response to the Complaint, including an election of rights form for return, was due within twenty-one (21) days of service of the Administrative Complaint. Respondent was informed further that



failure to respond to the Administrative Complaint would result in a waiver of Respondent's right to a hearing in this matter.

4. To date, Respondent has not filed an Election of Rights form or otherwise established a disputed issue of material fact in response to the Administrative Complaint filed and served in this action. Pursuant to Rule 28-106.111, Florida Administrative Code (2015), if Respondent fails to request a hearing within twenty-one (21) days of receipt of an agency pleading, Respondent shall have waived her right to request a hearing of the facts alleged.

5. By failing to file a response within twenty-one (21) days of receipt of the Administrative Complaint, Respondent has waived her right to request a hearing. Therefore, Petitioner submits this matter for final action by the Division pursuant to Section 120.57(2), Florida Statutes (2015).

WHEREFORE, Petitioner respectfully moves the Division to enter a finding of waiver and the entry of a Final Order that imposes such penalties as authorized by Chapter 550, Florida Statutes, and the rules promulgated thereunder.

Respectfully submitted

By: /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 that a true and correct copy of the foregoing MOTION FOR WAIVER OF RIGHTS AND FINAL ORDER was forwarded by regular U.S. Mail to: Lesleigh McKoy, 7941 Kismet Street, Miramar, Florida, 33023 this 27th day of May, 2016.

/s/ Gauge D. Campbell
Gauge D. Campbell, AAI
Department of Business & Professional
Regulation

STATE OF FLORIDA
DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	3/14/2016
File #	

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

Petitioner,

DBPR CASE NO. 2015-055810

v.

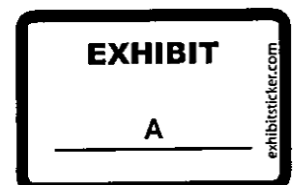
LESLEIGH MCKOY,

Respondent.

ADMINISTRATIVE COMPLAINT

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

1. The 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, Respondent held a pari-mutuel wagering cardroom combo general license, number 10561388-1032 issued by the Petitioner.
3. At all times material hereto, Respondent worked as a pari-mutuel teller in the cardroom at the Pompano Park Isle Casino ("Pompano Park").
4. Pompano Park is a facility operated by a permitholder authorized to conduct pari-mutuel wagering and cardroom gambling in this state under Chapters 550 and 849, Florida Statutes.
5. From on or about November 13, 2015, through November 30, 2015, Respondent failed to enter the correct number of racing program sales into a computer and subsequently took the surplus money.



6. On or about November 30, 2015, Respondent was given a lifetime ejection from Pompano Park.

Count I

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

8. Rule 61D-11.005(4)(b), Florida Administrative Code (2015), provides that “[n]o person shall, either directly or indirectly: [c]ngage in any act [or] practice...that would constitute a fraud or deceit upon...the cardroom operator.”

9. Based on the foregoing, Respondent violated Rule 61D-11.005(4)(b), Florida Administrative Code (2015), by engaging in a practice to defraud the cardroom operator.

Count II

10. Petitioner hereby re-alleges and incorporates the allegations contained within paragraphs one through six, as though fully set forth herein.

11. Section 550.0251(6), Florida Statutes (2015), provides in relevant part, “[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...”

12. Based on the foregoing, Respondent is subject to exclusion by the Division because she was ejected from a pari-mutuel facility in Florida.

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 849 Florida Statutes, and the rules promulgated thereunder **and** permanently exclude the Respondent from all licensed pari-mutuel facilities in the State of Florida.

Signed on this 14th day of March, 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

Office of the General Counsel

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.

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:

Lesleigh A. McKoy
7941 Kismet Street
Miramar, Florida 33023
AC 2015-055810

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
P. Halen
B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number:
(Transfer from service label)

7004 1350 0002 7397 6228

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

