

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

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	<b>11/10/2016</b>
File #	<b>2016-08714</b>

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

Petitioner,

DBPR Case No. 2016-007130

v.

FELIX RUA ARCE,

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 Felix Rua Arce (“Respondent”), and states as follows:

1. An Administrative Complaint was filed in this case on June 13, 2016, alleging violations of certain provisions of Chapter 550, Florida Statutes.
2. The Administrative Complaint, a cover letter, the Election of Rights, and an Explanation of Rights were served upon Respondent via Certified US Mail on June 20, 2016.
3. The Election of Rights form and Explanation of Rights informed Respondent that a written response to the Administrative Complaint, including the right to request 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 Certified Mail is attached in said Motion for Waiver of Rights and Final Order as Exhibit “1”.

Upon consideration of the motion and given 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:

Respondent is permanently EXCLUDED from all pari-mutuel facilities in this state. This Final Order shall become effective upon its filing with the Agency Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 41 day of November, 2016.

KEN LAWSON, SECRETARY  
DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION



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Anthony J. Glover, Director  
Division of Pari-Mutuel Wagering  
Department of Business and  
Professional Regulation  
2601 Blair Stone Road  
Tallahassee, Florida 32399-1035  
Telephone: (850) 488-9130

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 Blair Stone Road, Tallahassee, Florida 32399-2202, (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 10<sup>th</sup> day of November, 2016 to:

Felix Rua Arce  
820 SE 2<sup>nd</sup> Place  
Hialeah, Florida 33010



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AGENCY CLERK'S OFFICE  
Department of Business & Professional Regulation

Copies furnished to:

Gauge Campbell, AAI  
Louis Trombetta, Assistant General Counsel

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,

v.

Case No. 2016-007130

FELIX RUA ARCE,

Respondent.

\_\_\_\_\_ /

MOTION FOR WAIVER OF RIGHTS AND FINAL ORDER

Department Of Business And Professional Regulation, (Petitioner), moves the Division of Pari-Mutuel Wagering ("Division") for a finding of Waiver of Rights by Felix Rua Arce, (Respondent) and a Final Order. In support thereof, Petitioner states the following:

1. An Administrative Complaint was filed in this case on June 13, 2016, alleging violations of Chapter 550.0251(6), Florida Statutes (2015). A copy of the Administrative Complaint is attached as Exhibit "A" and incorporated by reference.

2. On or about June 16, 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, if Respondent fails to request a hearing within twenty-one (21) days of receipt of an agency pleading, Respondent shall have waived his 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 his 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 Rule 61D-6.011, Florida Administrative Code, and Chapter 550, Florida Statutes (2015), and the rules promulgated thereunder.

Respectfully submitted this 27<sup>th</sup> day of September, 2016 by:

/s/ Caitlin R. Mawn

Assistant General Counsel  
Florida Bar No. 99545  
Department of Business and  
Professional Regulation  
Division of Pari-Mutuel Wagering  
Office of the General Counsel  
2601 Blairstone Road, 6<sup>th</sup> Floor  
Tallahassee, FL. 32399-2202  
(850) 717-1768 Telephone  
(850) 921-1311 Facsimile

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 U.S. Mail to: Feliz Rua Arce, 820 SE 2<sup>nd</sup> Place, Hialeah, Florida, 33010 this 21<sup>st</sup> day of September 2016.

/s/ Gauge Campbell

Gauge Campbell, AAI  
Department of Business & Professional Regulation

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

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	<b>Evette Lawson-Proctor</b>
Date	<b>6/13/2016</b>
File #	

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

**DBPR CASE NO.: 2016-007130**

**Petitioner,**

v.

**FELIX RUA ARCE,**

**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 Felix Rua Arce (Respondent), and alleges as follows:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering and cardrooms pursuant to Chapter 550 and Section 849.086 Florida Statutes.
2. Hialeah Park is a licensed pari-mutuel facility that operates a poker room in accordance with Section 849.086, Florida Statutes.
3. Surveillance video from Hialeah Park on February 5, 2016, showed Respondent, a patron, removing playing cards from a poker table during live play and placing the cards in Respondent's wallet. Respondent is then seen leaving the poker room without returning the cards.
4. On February 8, 2016, Hialeah Park security team confronted Respondent when Respondent returned to the cardroom and escorted Respondent to the security office. The security team issued a permanent exclusion to respondent. A copy of the exclusion is attached as Exhibit A.



5. According to Chapter 550.0251(6), Fla. Stat., “[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...”

WHEREFORE, Petitioner requests the Division enter an ORDER permanently excluding Respondent from all licensed pari-mutuel facilities in the state.

Signed this 10th day of June, 2016 by:

*/s/ Louis Trombetta*

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**LOUIS TROMBETTA**

Florida Bar No. 0108119

Assistant General Counsel

*/s/ William Hall*

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**WILLIAM D. HALL**

Chief Attorney

Florida Bar No. 67936

Office of the General Counsel

Department of Business and

Professional Regulation

1940 N. Monroe Street, Ste. 40

Tallahassee, FL 32399-2202

(850) 717-1768 Telephone

(850) 921-1311 Facsimile

**NOTICE OF RIGHT TO REQUEST A HEARING**

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.

# EXCLUSION FORM

PLEASE PRINT OR TYPE ANSWERS TO THE FOLLOWING IN THE SPACES PROVIDED

1. NAME: Alan Grace Female  
LAST, FIRST, MIDDLE, JR., ETC. (IF APPLICABLE) (SEX)

2. DO YOU USE ANY OTHER NAMES? YES NO LIST THEM IN THE ADDITIONAL NAMES BELOW (INCLUDE MAJOR NAME ALIASES, NICKNAMES OR ANY OTHER NAMES):

3. HOME ADDRESS (NOT RENT RESIDENCE): 820 W. 200 St.  
Harlem Illinois 60610  
CITY STATE ZIP CODE

4. HOME TELEPHONE OR CELL NUMBER: 708-722-7081

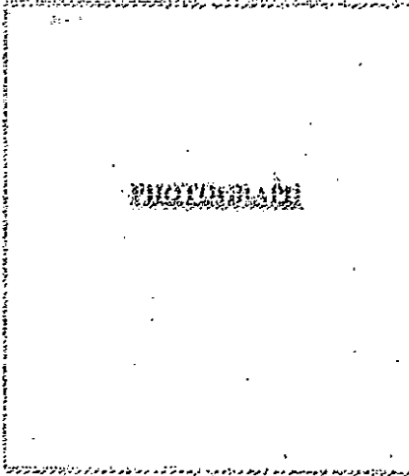
5. DATE OF BIRTH: 3/26/1957

6. HEIGHT: 5'7"  
FEET

7. WEIGHT: 135  
POUNDS

PLEASE CHECK ONE BOX FOR EACH CATEGORY

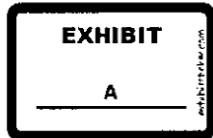
- 8. GENDER:  MALE  FEMALE
- 9. HAIR COLOR:  BLACK  BROWN  RED  WHITE  OTHER
- 10. EYE COLOR:  BLACK  BROWN  BLUE  OTHER
- 11. BODY TYPE:  MILDLY OVERWEIGHT  HEAVYSET  SLIM  SCRAWNY  AVERAGE



12. EXCLUSION PERIOD: Permanently

13. EFFECTIVE DATE OF EXCLUSION: 3/8/16

14. REASON FOR EXCLUSION: Theft







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Tracking Number: 70062150000482953024

Updated Delivery Day: Monday, June 20, 2016

## Product & Tracking Information

Postal Product:

Features:

Certified Mail™

## Available Actions

DATE & TIME	STATUS OF ITEM	LOCATION
June 20, 2016 , 12:41 pm	Delivered. Left with Individual	HIALEAH, FL 33010
Your item was delivered to an individual at the address at 12:41 pm on June 20, 2016 in HIALEAH, FL 33010		
June 20, 2016 , 9:46 am	Out for Delivery	HIALEAH, FL 33010
June 20, 2016 , 9:36 am	Sorting Complete	HIALEAH, FL 33010
June 20, 2016 , 7:28 am	Arrived at Unit	HIALEAH, FL 33010
June 20, 2016 , 2:40 am	In Transit to Destination	
June 18, 2016 , 8:40 pm	Departed USPS Facility	OPA LOCKA, FL 33054
June 18, 2016 , 8:06 am	Arrived at USPS Facility	OPA LOCKA, FL 33054
June 18, 2016 , 5:00 am	In Transit to Destination	
June 17, 2016 , 3:34 am	Departed USPS Facility	TALLAHASSEE, FL 32301
June 16, 2016 , 11:00 pm	Arrived at USPS Facility	TALLAHASSEE, FL 32301

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