

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	10/11/2017
File #	2017-07947

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

Petitioner,

v.

DBPR Case No. 2016-012494

JONATHAN AL PASTOR,

Respondent.

FINAL ORDER ON WAIVER

The Department of Business and Professional Regulation (“Department” or “Division”), issues this Final Order against Jonathan Al Pastor (“Respondent”) and states as follows:

1. An Administrative Complaint was filed in this case on August 7, 2017, alleging a violation of Sections 551.109(3) and 550.0251(6), Florida Statutes (2015).
2. The Administrative Complaint, Election of Rights form, an Explanation of Rights, and a cover letter were served via certified mail.
3. The Election of Rights and Explanation of Rights informed Respondent that a response to the Complaint, including the request for a hearing, was due within twenty-one (21) days of service of the Administrative Complaint.
4. Rule 28-106.111, Florida Administrative Code (2016), 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 via certified mail is attached in said Motion for Waiver of Rights and Final Order as

Exhibit "1".

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

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

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

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

**THEREFORE, IT IS HEREBY ORDERED AND AJUDGED:**

9. Respondent's license is hereby **REVOKED**.

10. Respondent is hereby **EXCLUDED** from all pari-mutuel facilities in the State of Florida.

11. 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 10<sup>th</sup> day of October, 2017.



ROBERT EHRHARDT, DIRECTOR  
Division of Pari-Mutuel Wagering  
Department of Business and  
Professional Regulation  
2601 Blair Stone Road, Mail Stop G1  
Tallahassee, FL 32399-1035

NOTICE OF RIGHT TO APPEAL

Unless expressly waived, any party substantially affected by this Final Order may seek 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 (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 11<sup>th</sup> day of October, 2017 to:

JONATHAN AL PASTOR  
614 S.W. 113<sup>th</sup> Avenue  
Miami, Florida 33174



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AGENCY CLERK'S OFFICE  
Department of Business and Professional Regulation

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.

DBPR Case Nos. 2016-012494

JONATHAN AL PASTOR,

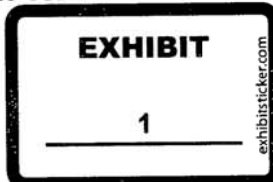
Respondent.

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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 Jonathan Al Pastor (“Respondent”) and a Final Order. In support thereof, Petitioner states the following:

1. An Administrative Complaint was filed in case number 2016-012494 on August 7, 2017, alleging violations of Sections 551.109(3) and 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 August 14, 2017, Petitioner served Respondent the Administrative Complaint along with an Explanation of Rights and Election of Rights Form via personal service. Proof of service of the complaint 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 (2017), 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 (2017).

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/ Joseph Yauger Whealdon, III  
Joseph Yauger Whealdon, III  
Assistant General Counsel  
Florida Bar No. 92141  
Department of Business and  
Professional Regulation  
Office of the General Counsel  
2601 Blair Stone Road  
Tallahassee, Florida 32399-2202  
(850) 488-0062 Telephone

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 Jonathan Pastor at the following address: 614 SW 113th Avenue, Miami, FL 33174, this 15th day of September, 2017.

*s/ Joseph Yauger Whealdon, III*

Joseph Yauger Whealdon, III  
Assistant General Counsel  
Florida Bar No. 92141  
Department of Business and  
Professional Regulation  
Office of the General Counsel  
2601 Blair Stone Road  
Tallahassee, Florida 32399-2202  
(850) 488-0062 Telephone

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	<b>Evette Lawson-Proctor</b>
Date	<b>8/7/2017</b>
File #	

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

Petitioner,

DBPR Case No. 2016-012494

v.

JONATHAN AL PASTOR,

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 Jonathan Al Pastor ("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, Respondent held a slot machine "combo" general individual license, number 8560494-1056, issued by the Division.
3. At all times material, Respondent was employed as an executive host with Calder Casino, a licensed pari-mutuel wagering facility.
4. On or about January 18, 2016, Respondent altered Players Club Accounts to allow an individual not associated with those accounts to use Players Club cards for free play at Calder Casino's slot machines.
5. On or about March 11, 2016, Respondent was given a lifetime ejection from Calder Casino.

## COUNT I

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

7. Section 551.109(3), Florida Statutes (2015), states:

Any person who knowingly excludes, or takes any action in an attempt to exclude, anything of value from the deposit, counting, collection, or computation of revenues from slot machine activity, or any person who by trick, sleight-of-hand performance, a fraud or fraudulent scheme, or device wins or attempts to win, for himself or herself or for another, money or property or a combination thereof or reduces or attempts to reduce a losing wager in connection with slot machine gaming commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

8. Based on the foregoing, Respondent violated Section 551.109(3), Florida Statutes (2015), by attempting to win for himself or for another, money or property or a combination thereof or reducing or attempted to reduce a losing wager in connection with slot machine gaming by trick, fraud or fraudulent scheme, or device.

## COUNT II

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

10. Section 550.0251(6), Florida Statutes (2015), states that “[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...”

11. Based on the foregoing, Respondent violated Section 550.0251(6), Florida Statutes (2015), by being ejected from Calder Casino, a pari-mutuel facility.



WHEREFORE, Petitioner requests the Division enter an Order imposing one or more of the penalties specified in Section 550.105, or 849.086(14), Florida Statutes including revocation, suspension, or the imposition of an administrative fine.

Signed this 7th day of August, 2017.

JONATHAN ZACHEM, Secretary  
Department of Business and  
Professional Regulation

By: /s/ Joseph Yauger Whealdon, III  
Joseph Yauger Whealdon, III  
Florida Bar No. 92141  
Assistant General Counsel  
Office of the General Counsel  
Division of Pari-Mutuel Wagering  
Department of Business and  
Professional Regulation  
2601 Blair Stone Road  
Tallahassee, FL 32399  
Phone: (850) 717-1796  
Joseph.Whealdon@myfloridalicense.com

/s/ Louis Trombetta  
Louis Trombetta  
Florida Bar No. 108119  
Chief Attorney  
Office of the General Counsel  
Division of Pari-Mutuel Wagering  
Department of Business and  
Professional Regulation  
2601 Blair Stone Road  
Tallahassee, FL 32399  
Phone: (850) 717-1508  
Louis.trombetta@myfloridalicense.com

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.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p><i>[Handwritten Signature]</i></p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p>	
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Jonathan Pastor 614 SW 113<sup>th</sup> Avenue Miami, FL 33174 AC 2016-012494</p> </div>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered        <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail       <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>7007 0220 0000 0196 2455</p> <p>PS Form 3811, February 2004      Domestic Return Receipt      102595-02-M-1540</p>		

Exhibit B

# USPS Tracking® Results

FAQs > (<http://faq.usps.com/?articleId=220900>)

**Track Another Package +**

Remove X

**Tracking Number:** 70070220000001962455



**Delivered**

## Product & Tracking Information

[See Available Actions](#)

**Postal Product:**

**Features:**

Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
August 14, 2017, 12:31 pm	Delivered, Left with Individual	MIAMI, FL 33174
August 14, 2017, 9:05 am	In Transit to Destination	ON ITS WAY TO MIAMI, FL 33174
August 13, 2017, 1:05 pm	Departed USPS Regional Facility	OPA LOCKA FL DISTRIBUTION CENTER

Your item was delivered to an individual at the address at 12:31 pm on August 14, 2017 in MIAMI, FL 33174.

7007 0220 0000 0196 2455

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**

For delivery information visit our website at [www.usps.com](http://www.usps.com)  
**OFFICIAL USE**

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

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Street, Apt. No.,  
or PO Box No.  
City, State, ZIP+4

Jonathan Pastor  
614 SW 113<sup>th</sup> Avenue  
Miami, FL 33174  
AC 2016-012494

PS Form 3800, Au