

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>3/8/2017</b>
File #	<b>2017-01853</b>

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2016-023285

BILDONIO FERNANDEZ,

Respondent.

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (hereinafter "Petitioner") issues this Final Order against BILDONIO FERNANDEZ (hereinafter "Respondent") as follows:

1. An Administrative Complaint was filed in this case on June 28, 2016, alleging that Respondent violated certain provisions of chapter 550, Florida Statutes. A copy of the Administrative Complaint is attached hereto as Exhibit A.

2. The Administrative Complaint, Election of Rights form, an Explanation of Rights, and cover letter were mailed to Respondent via Certified U.S. Mail on both July 11, 2016 and December 27, 2016 to Respondent's last known address. Additionally, a copy was sent via First Class U.S. Mail on December 27, 2016. Proof of mailing by Certified and Regular U.S. Mail is attached hereto as Exhibits B, C and D.

3. On or about December 27, 2016, Petitioner served Respondent the Administrative Complaint, Explanation of Rights, and Election of Rights Form via First Class U.S. Mail to Respondent's last known address.

4. The Election of Rights form, Explanation of Rights, and cover letter informed Respondent that a written response to the Administrative Complaint, including the right to request a hearing, was due within 21 days of actual service of the Administrative Complaint. See section 120.569(1), Florida Statutes, and rule 28-106.111, Florida Administrative Code.

5. Petitioner made all reasonable efforts to provide actual notice to Respondent.

6. Petitioner informed Respondent that the failure to file a timely response to the Administrative Complaint may be deemed a waiver of the right to a hearing or resolution in this matter.

7. To date, Respondent has not submitted an Election of Rights form or otherwise provided a response to the Administrative Complaint filed and served in this action.

Having considered the Administrative Complaint, the evidence of Petitioner's reasonable attempt to provide actual notice to Respondent, and being otherwise fully advised in the premises, it is hereby

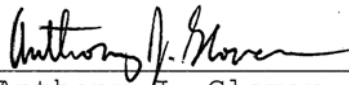
ORDERED AND ADJUDGED:

8. The allegations of fact and the conclusions of law in the Administrative Complaint are adopted in their entirety herein.

9. Respondent is hereby permanently EXCLUDED from ALL pari-mutuel facilities within this state.

10. This Final Order is effective on the date it is filed with the Agency Clerk of the Department of Business and Professional Regulation as indicated on the first page of this Final Order.

DONE AND ORDERED this 6 day of March, 2017.



Anthony J. Glover, Director  
Division of Pari-Mutuel Wagering  
Department of Business and  
Professional Regulation  
Capital Commerce Centre  
2601 Blair Stone Road  
Tallahassee, Florida 32399-1035

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Final Order on Waiver was provided to Respondent at 431 East 64<sup>th</sup> Street, Hialeah, FL 33013, by regular U.S. Mail this 8<sup>th</sup> day of March, 2017.



OFFICE OF THE AGENCY CLERK

NOTICE OF RIGHT TO APPEAL

Unless expressly waived, any party adversely affected by this Final Order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, 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 30 days of the effective date of this order, in accordance with Florida Rule of Appellate Procedure 9.110, and section 120.68, Florida Statutes.

**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>6/28/2016</b>
File #	

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

**Petitioner,**

v.

**DBPR CASE NO. 2016-023285**

**BILDONIO FERNANDEZ,**

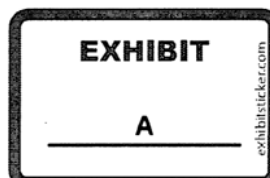
**Respondent.**

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**ADMINISTRATIVE COMPLAINT**

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner") files this Administrative Complaint against Bildonio Fernandez ("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. Respondent's lives at 431 East 64<sup>th</sup> St, Hialeah, Florida, 33013, and does not currently hold a license with Petitioner.
3. Mardi Gras Casino is a licensed pari-mutuel and cardroom facility in this state.
4. Surveillance video from April 30, 2016, at Mardi Gras Casino showed Respondent, a patron, placing tournament poker chips in his pant pocket. Surveillance video also showed Respondent leaving the premises of Mardi Gras Casino without returning the chips.
5. On or about May 2, 2016, Mardi Gras Casino staff confronted Respondent when Respondent returned to the premises. Mardi Gras Casino staff was able to retrieve the poker



tournament chips from Respondent and issued Respondent a lifetime exclusion from Mardi Gras Casino.

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

7. Based on the foregoing, Petitioner has the authority to exclude Respondent from any pari-mutuel facility within this state.

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

Signed this 17th day of June, 2016.

*/s/ Louis Trombetta*

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**LOUIS TROMBETTA**  
Assistant General Counsel  
Florida Bar No. 108119

*/s/ William Hall*

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**WILLIAM D. HALL**  
Chief Attorney  
Florida Bar No. 67936  
Office of the General Counsel  
Division of Pari-Mutuel Wagering  
Department of Business and  
Professional Regulation  
2601 Blirstone Road, 5<sup>th</sup> Floor  
Tallahassee, Florida 32399-2202  
(850) 717-1768

**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.

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Total			
Sent To	Bildonio Fernandez		
Street or PO	431 East 64 <sup>th</sup> Street		
City, St	Hialeah, Florida 33013		
	AC 2016-023285		

PS Form 3800, August 2006 See Reverse for Instructions





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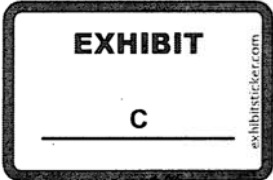
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To  
Send  
State  
or  
City  
Bildonio Fernandez  
431 East 64<sup>th</sup> Street  
Hialeah, FL 33013  
AC# 2016-023285

PS Form 3800, August 2008 See Reverse for Instructions





STATE OF FLORIDA  
**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
2601 Blair Stone Road  
Tallahassee, Florida 32399  
[www.MyFloridaLicense.com](http://www.MyFloridaLicense.com)

Bildonio Fernandez  
431 East 64<sup>th</sup> Street  
Hialeah, Florida 33013  
AC# 2016-023285

**EXHIBIT**  
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