

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	11/29/2016
File #	2016-09239

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

Petitioner,

DBPR CASE No.: 2016-027023

v.

ADAM JOY,

Respondent.

FINAL ORDER

The Department of Business & Professional Regulation, Division of Pari-Mutuel Wagering, ("Petitioner" or "Division"), hereby enters this Final Order against Respondent, ADAM JOY ("Respondent"), and states as follows:

1. On July 22, 2016, a one-count Administrative Complaint was filed with the Agency Clerk alleging Petitioner was authorized to take adverse administrative action against Respondent and exclude him from all pari-mutuel facilities in this State pursuant to Section 550.0251(6), Florida Statutes, based upon Respondent's permanent ejection from The Isle of Capri Casino at Pompano Park.
2. On July 27, 2016, Respondent was served with the Administrative Complaint via certified mail at Respondent's usual place of abode.
3. Respondent's Election of Rights Petition (hereinafter "EOR") was due to the Division on or before August 17, 2016. To date, however, Petitioner has not received Respondent's EOR, and therefore, Respondent has waived his right to elect a forum for resolution of this matter.

4. The Division hereby adopts and incorporates by reference the facts contained and set forth in the Petitioner's Motion for Final Order, together with the supporting exhibits attached thereto, as the Division's Findings of Fact in this matter. A true and correct copy of the Petitioner's Motion for Final Order is attached hereto and incorporated herein as Petitioner's Exhibit "A."

CONCLUSIONS OF LAW

5. The Division is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes, and has jurisdiction over this matter and the parties.

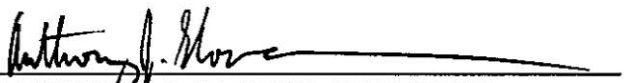
6. Respondent failed to return an Election of Rights, and thereby waived his right to elect a forum for resolution of this matter.

7. Under the facts of this case, and Section 550.0251(6), Florida Statutes, the Division is authorized to permanently exclude Respondent from all pari-mutuel facilities in this state.

ORDER

Based upon the foregoing Findings of Facts and Conclusions of Law adopted from the Petitioner's Motion for Final Order, it is hereby ORDERED that Respondent is PERMENANTLY EXCLUDED from all pari-mutuel facilities in this state. The Final Order shall become effective on the date of filing of this Order with the Agency Clerk of the Department of Business and Professional Regulation.

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


ANTHONY J. GLOVER, DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
2601 Blairstone Road
Tallahassee, Florida 32399-1035
(850) 488-9130

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 Blirstone Road, Tallahassee, Florida 32399-2202 (email: AGC.Filing@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 on this 27th day of November ~~October~~, 2016, that a true and correct copy of the foregoing "Final Order" has been furnished by U.S. Mail to:

ADAM JOY
2130 Vitex Lane
North Palm Beach, Florida 33408



AGENCY CLERK'S OFFICE
Department of Business & Professional Regulation

Copies Furnished To:

Thomas J. Izzo, Attorney
Gauge Campbell, AAI OGC/PMW

**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,

DBPR CASE NO.: 2016-027023

v.

ADAM JOY,

Respondent.

MOTION FOR FINAL ORDER

COMES NOW, Petitioner, the Department of Business & Professional Regulation, Division of Pari-Mutuel Wagering, (“Petitioner” or “Division”), and hereby respectfully moves for entry of a Final Order against Respondent, ADAM JOY (“Respondent”), and states as follows:

1. On July 22, 2016, a one-count Administrative Complaint was filed with the Agency Clerk alleging Petitioner was authorized to take adverse administrative action against Respondent and exclude him from all pari-mutuel facilities in this State pursuant to Section 550.0251(6), Florida Statutes, based upon Respondent’s permanent ejection from The Isle of Capri Casino at Pompano Park. A true and correct copy of the Administrative Complaint is attached hereto and incorporated herein as **Petitioner’s Exhibit “A.”**

2. On July 27, 2016, Respondent was served with the Administrative Complaint via certified mail. A true copy of the Certified Mail Return Receipt Tracking Information is attached hereto and incorporated herein as **Petitioner’s Exhibit “B.”**

3. Respondent’s Election of Rights Form was due to the Division on or before August 17, 2016. To date, however, Petitioner has not received Respondent’s Election of Rights Form.

4. By failing to timely return an Election of Rights, Respondent has waived his right to elect a forum for resolution of this matter.



WHEREFORE, Petitioner respectfully requests that the Director of the Division of Pari-Mutuel Wagering promptly issue a Final Order deeming all allegations of fact in the Administrative Complaint admitted and adopting them as the Department's Finding of Fact, adopting the violations enumerated in the Administrative Complaint as the Department's Conclusions of Law, and permanently excluding Respondent from all pari-mutuel facilities in this state, together with any other remedies is deemed just and equitable.

Signed on this 21st day of September, 2016.

KEN LAWSON, Secretary
Department of Business and
Professional Regulation

/s/ Thomas J. Izzo

THOMAS J. IZZO
Florida Bar No. 120905
In-House Counsel
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
2601 Blairstone Road, 5th Floor
Tallahassee, Florida 32399-2202

CERTIFICATE OF SERVICE

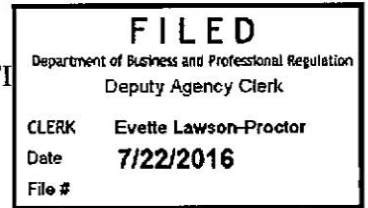
I HEREBY CERTIFY on this 21st day of September, 2016, that a true and correct copy of the foregoing "Motion" has been furnished by U.S. Mail to:

ADAM JOY
2130 Vitex Lane
North Palm Beach, Florida 33408

/s/ Mollie E. Peck

MOLLIE E. PECK, Staff Assistant
Department of Business & 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,

DBPR CASE No.: 2016-027023

v.

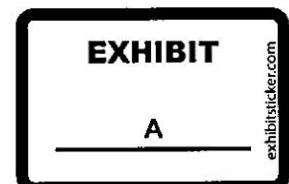
ADAM M. JOY,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner" or "Division"), and files this Administrative Complaint against Respondent, ADAM M. JOY ("Respondent"), and alleges as follows:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering and cardroom gaming pursuant to Chapter 550 and Section 849.086, Florida Statutes.
2. At all times material hereto, Respondent was a patron and a participant at a poker tournament held at the Isle of Capri Casino at Pompano Park Racing and Casino ("PPI").
3. Respondent's address of record is 2130 Vitex Lane, North Palm Beach, Florida 33408.
4. PPI is a facility operated by a permitholder authorized to conduct pari-mutuel wagering and cardroom operations in this state under Chapter 550 and Section 849.086, Fla. Stat.
5. On or about May 30, 2016, PPI Security permanently ejected Respondent from its casino building and imposed an indefinitely exclusion from its facility's premises.



6. Section 550.0251(6), Fla. Stat., provides in relevant part: "...[t]he Division may exclude from any pari-mutuel facility within the state any person who has been ejected from a pari-mutuel facility in this state..."

7. Based on the foregoing, Petitioner may take adverse administrative action against Respondent and exclude him from all pari-mutuel facilities in this State under Section 550.0251(6), Fla. Stat., due to Respondent's permanent ejection from PPI.

WHEREFORE, Petitioner respectfully requests the Division enter an Order permanently excluding Respondent from all licensed pari-mutuel facilities in this State in accordance with Section 550.0251(6), Florida Statutes, together with any other relief the Division is authorized to impose pursuant to Chapter 550 and/or Section 849.086, Florida Statutes, and the rules promulgated thereunder.

Signed on this 22nd day of July, 2016.

KEN LAWSON, Secretary
Department of Business and
Professional Regulation

/s/Thomas J. Izzo

THOMAS J. IZZO
Florida Bar No.: 120905
Assistant General Counsel
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
2601 Blair Stone Road, 5th Floor
Tallahassee, Florida 32399-2202
P: (850) 717-1768 F: (850) 921-1311

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.



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DATE & TIME	STATUS OF ITEM	LOCATION
July 27, 2016 , 4:32 pm	Delivered, Left with Individual	NORTH PALM BEACH, FL 33408

Your item was delivered to an individual at the address at 4:32 pm on July 27, 2016 in NORTH PALM BEACH, FL 33408.

July 26, 2016 , 11:05 pm	Departed USPS Facility	WEST PALM BEACH, FL 33416
July 26, 2016 , 8:10 pm	Arrived at USPS Facility	WEST PALM BEACH, FL 33416
July 26, 2016 , 3:55 am	Departed USPS Facility	TALLAHASSEE, FL 32301
July 25, 2016 , 10:24 pm	Arrived at USPS Facility	TALLAHASSEE, FL 32301

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EXHIBIT

B

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