

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>2016-08720</b>

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

Petitioner,

DBPR CASE NO.: 2016-034531

v.

RAKHEEM R. BYRD A/K/A  
RAHKEEM R. BYRD,

Respondent.

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FINAL ORDER

The Department of Business & Professional Regulation, Division of Pari-Mutuel Wagering, (“Petitioner” or “Division”), hereby enters this Final Order against Respondent, RAKHEEM R. BYRD A/K/A RAHKEEM R. BYRD (“Respondent”), and states as follows:

1. On August 15, 2016, a two-count Administrative Complaint was filed with the Agency Clerk alleging Respondent violated Section 550.105(5)(b), Florida Statutes, by being convicted of two separate disqualifying felony offenses.
2. On September 1, 2016, Respondent was served with the Administrative Complaint via hand service personally, or on a person over the age of 15 residing at Respondent’s usual place of abode.
3. Respondent’s Election of Rights Petition (hereinafter “EOR”) was due to the Division on or before September 22, 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.

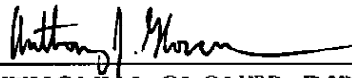
6. Respondent failed to return an Election of Rights, and thereby waived his right to elect a forum for resolution of this matter.

7. Under the facts of this case, and Sections 550.0251(6) and (10) and 550.105(5)(b), Florida Statutes, the Division is authorized to revoke Respondent's pari-mutuel occupational license and permanently exclude him 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's pari-mutuel occupational license, number 8898786, is REVOKED and 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 4 day of November, 2016, 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

Copies Furnished To:

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

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 Blairstone 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 10<sup>th</sup> day of November, 2016, that a true and correct copy of

the foregoing "Final Order" has been furnished by U.S. Mail to:

RAKHEEM R. BYRD a/k/a  
RAHKEEM R. BYRD  
2440 18<sup>th</sup> Avenue South  
St. Petersburg, Florida 33712



AGENCY CLERK'S OFFICE  
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,

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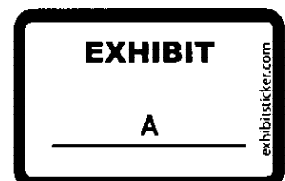
MOTION FOR FINAL ORDER

COMES NOW, Petitioner, the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, (“Petitioner” or “Division”), and hereby respectfully moves for entry of a Final Order against Respondent, RAKHEEM R. BYRD a/k/a RAHKEEM R. BYRD (“Respondent”), and states as follows:

1. On August 15, 2016, a two-count Administrative Complaint was filed with the Agency Clerk alleging Respondent violated Section 550.105(5)(b), Florida Statutes, by being convicted of two separate disqualifying felony offenses. A true and correct copy of the Administrative Complaint is attached hereto and incorporated herein as Petitioner’s Exhibit “A.”

2. On September 1, 2016, Respondent was served with the Administrative Complaint via hand service personally, or on a person over the age of 15 residing at Respondent’s usual place of abode. A true copy of the Affidavit of Service or Diligent Search 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 September 22, 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 revoking Respondent's pari-mutuel occupational license, together with any other remedies is deemed just and equitable.

Signed on this 12<sup>th</sup> day of October, 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,  
Tallahassee, Florida 32399

CERTIFICATE OF SERVICE

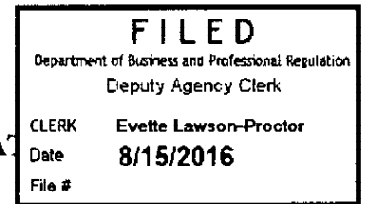
I HEREBY CERTIFY on this 12<sup>th</sup> day of October, 2016, that a true and correct copy of the foregoing "Motion" has been furnished by U.S. Mail to:

RAKHEEM R. BYRD a/k/a  
RAHKEEM R. BYRD  
2440 18<sup>th</sup> Avenue South  
St. Petersburg, Florida 33712

/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**



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

Petitioner,

v.

**DBPR Case No. 2016-034531**

**RAKHEEM K. BYRD a/k/a  
RAHKEEM K. BYRD,**

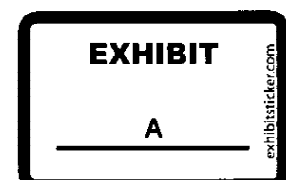
Respondent.

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**ADMINISTRATIVE COMPLAINT**

**COMES NOW**, Petitioner, the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner” or “Division”), and hereby files this Administrative Complaint against Respondent, RAKHEEM K. BYRD a/k/a RAHKEEM K. BYRD (“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 hereto, Respondent held a pari-mutuel wagering occupational license, number 8898786-1022, issued by the Petitioner.
3. At all times material hereto, Respondent worked as a lead-out at St. Petersburg Kennel Club conducted at Derby Lane.
4. Derby Lane is a facility operated by a permitholder authorized to conduct pari-mutuel wagering in this state under Chapter 550, Florida Statutes.



5. On or about July 5, 2016, Respondent pled guilty to one count of Felony Battery on a Law Enforcement Officer, one count of Felony Fleeing or Eluding a Police Officer, and one count of Misdemeanor Driving without a License in the in the Circuit Court of Pinellas County, Florida.

6. Section 550.105(5)(b), Florida Statutes, provides, in relevant part, that "...the division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for such license has been convicted in this state...of...a felony..."

7. Pursuant to Section 550.105(5)(d), Florida Statutes, "the term 'convicted' means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere."

#### Count I

8. Petitioner hereby re-alleges and incorporates the allegations contained within paragraphs 1 through 7 as fully set forth herein.

9. Based on the foregoing, Respondent violated Section 550.105(5)(b), Florida Statutes, by being convicted of Felony Battery of a Law Enforcement Officer in Pinellas County, Florida.

#### Count II

10. Petitioner hereby re-alleges and incorporates the allegations contained within paragraphs 1 through 7 as fully set forth herein.

11. Based on the foregoing, Respondent violated Section 550.105(5)(b), Florida Statutes, by being convicted of Felony Fleeing or Eluding a Police Officer in Pinellas County, Florida.

**WHEREFORE**, Petitioner respectfully requests the Division enter an Order imposing any and all penalties against Respondent as delineated within Section 550.0251, Florida Statutes, together with any other relief that the Division is authorized to impose pursuant to Chapter 550, Florida Statutes, and the rules promulgated thereunder.

Signed on this 12th day of August, 2016.

KEN LAWSON, Secretary  
Department of Business and  
Professional Regulation

*/s/ Thomas J. Izzo*

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**THOMAS J. IZZO**

Florida Bar No.: 120905

In-House Counsel

Division of Pari-Mutuel Wagering

Department of Business & Professional Regulation

2601 Blair Stone Road, 5<sup>th</sup> Floor

Tallahassee, Florida 32399-2202

P: (850) 717-1768 F: (850) 921-1311

[Tj.izzo@myfloridalicense.com](mailto:Tj.izzo@myfloridalicense.com)

*/s/ William Hall*

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**WILLIAM D. HALL**

Florida Bar No.: 67936

Chief Attorney

Division of Pari-Mutuel Wagering

Department of Business & Professional Regulation

2601 Blair Stone Road, 5<sup>th</sup> Floor

Tallahassee, Florida 32399-2202

P: (850) 717-1768 F: (850) 921-1311

[William.hall@myfloridalicense.com](mailto:William.hall@myfloridalicense.com)

#### **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.



Ken Lawson, Secretary

Rick Scott, Governor

DBPR, DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

v.

Case No. 2016034531

Rakheem K. Byrd,

Respondent.

AFFIDAVIT OF SERVICE OR DILIGENT SEARCH

COMES NOW, the affiant, who first being duly sworn, deposes and states:

1) Affiant is an Investigator/Inspector employed by the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, State of Florida.

2) That on (date) 9/1/16, Affiant made a diligent effort to locate Respondent, to serve: X Administrative Complaint and related papers; Order compelling examination(s); Subpoena(s); Consent Order; Motion For Final Order; Final order; Notice to cease and desist; ESO and related papers; (other).

3) (Check applicable answer)

[X] Affiant made personal service on Respondent, or on some person at Respondent's usual place of abode over the age of 15 residing there, on (date) 9/1/16.

[ ] Affiant was unable to make service after searching for Respondent at: (a) all addresses for Respondent shown in the D.B.P.R. investigation of the case; (b) all official addresses for Respondent shown in his/her licensing records of the Division of Pari-Mutuel Wagering; (c) local telephone company for the last area Respondent was known to frequent; (d) Division of Driver Licenses; and (e) utilities (electric, cable, etc.); any others:

Signature of Affiant

STATE OF FLORIDA COUNTY OF Hillsborough

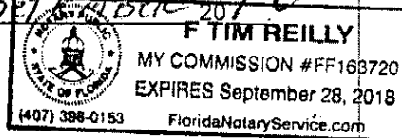
Before me, appeared MICHAEL MCCARTHY who is personally known to me.

whose identity I proved on the basis of and who, acknowledges that his/her signature appears above.

Sworn to or affirmed by Affiant before me this 10th day of SEPTEMBER 2016

Notary Public-State of Florida

Type or Print Name



My Commission Expires

