

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.: 2016-034640

v.

JONATHON KENDEL SHULER,

Respondent.

STIPULATION AND CONSENT ORDER

COMES NOW, the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, ("Petitioner" or "Division"), and JONATHON KENDEL SHULER, ("Respondent"), hereby stipulate and agree to the following terms and issuance of this Consent Order, as follows:

1. The Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to chapter 550, Fla. Stat., and has jurisdiction over this matter and the parties.
2. The Petitioner is authorized by section 120.57, Fla. Stat., to resolve administrative proceedings by Consent Order.
3. At all times material hereto, Respondent has held a pari-mutuel wagering professional individual occupational license, number 10671718, issued by the Division.
4. Creek Entertainment Gretna is a facility operated by a permitholder authorized to conduct pari-mutuel wagering in this state pursuant to chapter 550, Fla. Stat.
5. Petitioner alleges that on July 20, 2016, Respondent, in his capacity as a cardroom dealer orchestrated a scheme to defraud while dealing in a card game.

STIPULATION

WHEREAS the parties wish to resolve this matter, the following terms are stipulated:

6. Each party has entered into the terms of this Consent Order voluntarily. Respondent is aware that he is entitled to the advice of counsel. Respondent has either sought the advice of counsel or by execution of this Consent Order is knowingly waiving the opportunity to seek the advice of counsel. Respondent acknowledges that the Division has not made any promises nor has it in any way encouraged Respondent to enter into this Consent Order without the advice of counsel.

7. This Consent Order is enforceable as final agency action pursuant to section 120.69 and chapter 550, Fla. Stat.

8. Each party shall bear its own costs and legal fees related to this matter, and no financial claim shall be made against the Division in this action.

9. Respondent and the Division acknowledge and agree that this Consent Order and contained stipulation constitute the Final Order of the Division respecting the matters set forth above and that further administrative and judicial review is hereby waived by both parties.

10. Respondent and the Division fully understand that this Consent Order will in no way preclude additional proceedings by the Division against Respondent for acts or omissions not specifically set forth herein.

11. Respondent neither admits nor denies committing the violation set forth in this Consent Order, but this Consent Order and the violation addressed herein may be considered as aggravation in any future disciplinary proceedings involving Respondent.

12. TERMS:

- a. Respondent agrees to and shall permanently relinquish his pari-mutuel wagering professional individual occupational license, number 10671718 to the Division.
- b. Respondent is hereby excluded from entering any pari-mutuel wagering facility in the State of Florida for any reason.

13. These stipulation terms are being offered in lieu of issuing any penalty by fine or administrative discipline against Respondent's license, such as revocation.

14. The Consent Order, along with Respondent's hard copy license, shall be mailed to:
**ATTENTION: Gauge Campbell, Department of Business and Professional Regulation,
Office of the General Counsel, 2601 Blair Stone Road, Stop Code N21, Tallahassee, Florida
32399-2202.**

15. The Division's adoption of this Consent Order constitutes acknowledgement of receipt of payment of the above amount.

16. It is expressly understood that this Stipulation is subject to the approval of the Director of the Division of Pari-Mutuel Wagering ("Director"). In this regard, the Stipulation shall have no force and effect unless this Consent Order, incorporating the terms of this Stipulation, is signed by both parties. Should this Consent Order be rejected, no statement made in furtherance of it by Respondent may be used as direct evidence against Respondent in any proceeding.

17. Upon the Division's adoption of this Consent Order, Respondent expressly waives all further procedural steps, including all rights to seek judicial review of this Consent Order and the matters addressed hereby. Upon the Division's adoption of this Consent Order, Respondent

waives the right to seek any attorney's fees or costs from the Department in connection with this proceeding.

18. This Stipulation and Consent Order is executed by both parties for the purpose of avoiding further administrative action with respect to the matters addressed herein. In this regard, Respondent authorizes the Director to review and examine all materials concerning Respondent prior to or in conjunction with consideration of the Stipulation. Should this Stipulation not be accepted by the Director, it is agreed that presentation to and consideration of this Consent Order and other documents and matters by the Director shall not unfairly or illegally prejudice the Director from further participation, consideration, or resolution of these proceedings.

WHEREFORE, IT IS STIPULATED AND AGREED that Respondent, JONATHON KENDEL SHULER, shall permanently relinquish his pari-mutuel wagering professional individual occupational license, number 10671718 back to the Division.

Respondent, **JONATHON KENDEL SHULER**, hereby agrees and consents to the terms and conditions of this Stipulation and Consent Order this 28 day of February, 2017.



JONATHON KENDEL SHULER
Respondent

STATE OF Florida

COUNTY OF Liberty

Sworn to (or affirmed) and subscribed before me this 28th day of Feb, 2017, by JONATHON KENDEL SHULER who is personally known to me or who produced the following FL Drivers License as _____ identification:

Joyce Jacobs Baker
NOTARY PUBLIC
My Commission Expires:



APPROVED FOR LEGAL SUFFICIENCY on this 6th day of March, 2017.

William D. Hall

WILLIAM D. HALL
Florida Bar No. 67936
Chief Attorney
Division of Pari-Mutuel Wagering

IT IS HEREBY ORDERED THAT:

The foregoing Consent Order shall constitute the agreed resolution of this matter and the Final Order of the Petitioner in DBPR Case No.: 2016-034640, once it is filed with the Agency Clerk.

DONE AND ORDERED on this 6 day of March, 2017, in Tallahassee, Florida.

Anthony J. Glover

ANTHONY J. GLOVER, DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-1035

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Respondent, Jonathon Kendel Shuler c/o Jennifer W. Shuler, Esquire, P.O. Box 817, Bristol, Florida via regular U.S. mail on this 8th day of March, 2017.



AGENCY CLERK'S OFFICE

Department of Business & Professional Regulation

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	Evette Lawson-Proctor
Date	1/18/2017
File #	

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

Petitioner,

DBPR CASE No.: 2016-034640

v.

JONATHON KENDEL SHULER,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner” or “Division”) hereby files this Administrative Complaint against JONATHON KENDEL SHULER, (“Respondent”), and alleges as follows:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to chapter 550, Fla. Stat.
2. At all times material hereto, Respondent has held a pari-mutuel wagering cardroom employee license, number 10671718, issued by the Division.
3. At all times material, Respondent worked as a cardroom dealer at Creek Entertainment Gretna.
4. Creek Entertainment Gretna is a facility operated by a permitholder authorized to conduct pari-mutuel wagering in this state pursuant to chapter 550, Fla. Stat.
5. On or about July 20, 2016, Respondent took one deck of cards from the facility and arranged it in a specific order so as to allow a player (Tucker Abbott) to win nearly every hand that Respondent dealt him.
6. A review of Creek Entertainment Gretna facility’s card inventory log found that a notation was made indicating a deck of cards was found missing on June 28, 2016.

7. Tucker Abbott cashed out \$29,500 in chips after a little more than twenty minutes of play at the One Card table, which was table number one.

8. On July 21, 2016, Respondent and his father spoke with the facility manager and the cardroom manager regarding the incident

9. During that meeting, Respondent admitted to concocting a plan to arrange the deck to ensure that Tucker Abbott would win.

10. Respondent later returned the \$29,500 in cash that was stolen from the Creek Entertainment Gretna facility.

Applicable Law

11. Rule 61D-11.005(4)(a), Fla. Admin. Code, indicates,

(4) No person shall, either directly or indirectly:

(a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator.

12. Rule 61D-11.005(4)(b), Fla. Admin. Code, indicates,

(b) Engage in any act, practice, or course of operation that would constitute a fraud or deceit upon any participant in a game or the cardroom operator.

13. Rule 61D-11.005(4)(c), Fla. Admin. Code, indicates,

(c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.

COUNT I

14. Petitioner realleges and reincorporates by reference the allegations set forth in paragraphs one through ten, as though fully set forth herein.

15. Based on the foregoing, Respondent violated Rule 61D-11.005(4)(a), Fla. Admin. Code, by employing a scheme to defraud a participant in the game as well as the cardroom operator.

COUNT II

16. Petitioner realleges and reincorporates by reference the allegations set forth in paragraphs one through ten, as though fully set forth herein.

17. Based on the foregoing, Respondent violated Rule 61D-11.005(4)(b), Fla. Admin. Code, by engaging in an act and course of operation that would constitute a fraud or deceit upon a participant in the game as well as the cardroom operator.

COUNT III

18. Petitioner realleges and reincorporates by reference the allegations set forth in paragraphs one, two and eight through ten, as though fully set forth herein.

19. Based on the foregoing, Respondent violated Rule 61D-11.005(4)(c), Fla. Admin. Code, by engaging in an act or course of operation with the intent of cheating a participant and the cardroom operator.

WHEREFORE, Petitioner respectfully requests the Division enter an Order against Respondent imposing one or more of the penalties or any other relief the Division is authorized to impose pursuant to Chapter 550, Florida Statutes, and the rules promulgated thereunder.

Signed on this 17th day of January, 2017.

MATILDE MILLER, Interim Secretary
Department of Business and
Professional Regulation

/s/ Chevonne Christian

Chevonne T. Christian
Assistant General Counsel
Florida Bar No. 109055
Office of the General Counsel
Division of Pari-Mutuel Wagering
Department of Business and
Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-2202
Telephone: (850) 717-1768
Facsimile: (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.