

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>2/16/2017</b>
File #	<b>2017-01276</b>

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

Petitioner,

DBPR Case No. 2016-043267

v.

PINAL PATEL,

Respondent.

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Department” or “Division”), issues this Final Order against Pinal Patel (“Respondent”), and states as follows:

1. On or about November 30, 2016, an Administrative Complaint was filed in this case alleging a violation of Chapter 550.0251(6), Florida Statutes.

2. On or about December 8, 2016, the Administrative Complaint, Election of Rights form, and Explanation of Rights, were served upon Respondent via Certified U.S. Mail. The Election of Rights form and Explanation of Rights informed Respondent that a written response to the Administrative Complaint, including the request for a hearing, was due within the twenty-one (21) days.

3. On or about January 11, 2017, Petitioner mailed a Motion for Waiver and Final Order to Respondent. A copy of the Motion for Waiver and Final Order is attached as Exhibit “A”.

4. Rule 28-106.111(4), Florida Administrative Code, provides that Respondent waives the right to a hearing on the complaint if Respondent fails to request a hearing in this matter within 21 days of written notice of an agency decision.

5. Petitioner made all reasonable efforts to provide notice to Respondent. Proof of service by Certified Mail is attached in said Motion for Waiver of Rights and Final Order as Exhibit "B".

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

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


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

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

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

Respondent shall be permanently excluded from all licensed pari-mutuel facilities in the state of Florida.

DONE AND ORDERED this 14 day of FEBRUARY, 2017.

BY:   
Anthony J. Glover, Director  
Division of Pari-Mutuel Wagering  
2601 Blair Stone Road  
Tallahassee, Florida 32399-1035

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing "Final Order" has been sent by regular United States Mail on this 16<sup>th</sup> day of February, 2017 to:

Pinal Patel  
9107 Tilling East Drive  
Tampa, Florida 33626



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AGENCY CLERK'S OFFICE

NOTICE OF RIGHT TO APPEAL

Unless expressly waived, any party substantially affected by this Final Order may seek judicial 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, Mail Stop G2, 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.

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.

Case No. 2016-043267

PINAL PATEL,

Respondent.

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MOTION FOR WAIVER OF RIGHTS AND FINAL ORDER

Department Of Business And Professional Regulation, (Petitioner), moves the Division of Pari-Mutuel Wagering (“Division”) for a finding of Waiver of Rights by Pinal Patel, (Respondent) and a Final Order. In support thereof, Petitioner states the following:

1. An Administrative Complaint was filed in this case on November 30, 2016, alleging violations of certain provisions of Florida Statutes. A copy of the Administrative Complaint is attached as Exhibit “A” and incorporated by reference.

2. On or about December 8, 2016, Petitioner served Respondent the Administrative Complaint, Explanation of Rights, and Election of Rights Form via certified mail. Proof of service 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, if Respondent fails to request a hearing within twenty-one (21) days of receipt of an agency pleading, Respondent shall have waived his/her 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, (2015).

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,

*/s/ William Hall*  
WILLIAM D. HALL  
Chief Attorney  
Florida Bar No. 67936  
Office of the General Counsel  
Department of Business and  
Professional Regulation  
2601 Blair Stone Road  
Tallahassee, Florida 32399-2202  
(850) 717-1768

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 certified U.S. Mail to: Pinal Patel, 9107 Tilling East Drive, Tampa, Florida, 33626 this 10<sup>th</sup> day of January, 2017.

*/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

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	<b>Evette Lawson-Proctor</b>
Date	<b>11/30/2016</b>
File #	

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

Petitioner,

v.

DBPR CASE NO. 2016-043267

PINAL PATEL,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”) files this Administrative Complaint against Pinal Patel (“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 address on record is 9107 Tilling East Drive, Tampa, Florida 33636.
3. Respondent does not currently hold a license with Petitioner.
4. Tampa Bay Downs is a licensed pari-mutuel and cardroom facility in this state.
5. On or about September 13, 2016, surveillance video from Tampa Bay Downs showed Respondent, a patron, cheating during a game of 3 Card Poker.
6. On or about September 13, 2016, Respondent was informed he was being indefinitely trespassed from Tampa Bay Downs for cheating.
7. Section 550.0251(6), Florida States, 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.”

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

Signed this 30th day of November, 2016.

*/s/ William Hall*

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WILLIAM D. HALL  
Chief Attorney  
Florida Bar No. 67936  
Office of the General Counsel  
Department of Business and  
Professional Regulation  
2601 Blair Stone Road  
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.

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>1. Article Addressed to:</p> <p style="text-align: center;">Pinal Patel 9107 Tilling East Drive Tampa, FL 33626 AC 2016043267</p>	<p>A. Signature  <input checked="" type="checkbox"/> <i>[Signature]</i>      <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)      C. Date of Delivery  <i>K. PATEL</i>      <i>12/8/10</i></p> <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>3. Service Type  <input checked="" type="checkbox"/> Certified Mail      <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered      <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail      <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee)      <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center;">7007 0220 0000 0202 1588</p>

