

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	3/15/2017
File #	2017-02099

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

Petitioner,

v.

DBPR Case No. 2017-002904

TUCKER R. ABBOTT,

Respondent.

_____ /

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (hereinafter "Petitioner") issues this Final Order on Waiver against TUCKER R. ABBOTT (hereinafter "Respondent") as follows:

1. An Administrative Complaint was filed in this case on January 25, 2017, alleging that Respondent violated certain provisions of chapters 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 served upon Respondent via certified U.S. mail at Respondent's address of record on January 28, 2017. Proof of service by certified U.S. mail is attached hereto as Exhibit "B".
3. 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.

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

5. 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.

6. 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:

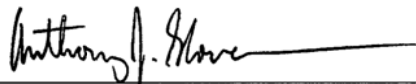
7. The allegations of fact and the conclusions of law in the Administrative Complaint are adopted in their entirety herein.

8. Respondent shall be and is hereby permanently excluded from all licensed pari-mutuel facilities in 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 13 day of March, 2017.

MATILDE MILLER, Interim Secretary
Department of Business and
Professional Regulation



Anthony J. Glover, Director
Division of Pari-Mutuel Wagering
Department of Business and
Professional Regulation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this "Final Order on Waiver" was provided to Respondent at 220 Old Sycamore Road, Quincy, FL 32351 by regular U.S. Mail this 15th 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



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

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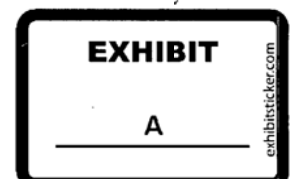
TUCKER R. ABBOTT,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”) files this Administrative Complaint against TUCKER R. ABBOTT (“Respondent”) and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes.
2. Respondent's address is reported as 220 Old Sycamore Rd., Quincy, FL 32351.
3. Creek Entertainment Gretna (CEG) is a licensed pari-mutuel facility and cardroom in the State of Florida.
4. On or about July 28, 2016, Respondent was placed on CEG's exclusion list due to Respondent's involvement in a scheme to defraud cardroom operations while playing in a designated player game.
5. 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.”

6. Additionally, Rule 61D-11.005(4), Florida Administrative Code, provides in relevant part that “No person shall either directly or indirectly...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...or with the intent of cheating any participant or the cardroom operator.”

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

Signed this 25th day of January, 2017.

/s/ Charles Dewrell

Charles Dewrell, Esq.
Assistant General Counsel
Florida Bar No. 102579
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

/s/ William Hall

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

NOTICE OF RIGHTS

Please be advised that mediation under section 120.573, Florida Statutes, is not available for administrative disputes involving this type of agency action.

Please be advised that Respondent has the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoenas and *subpoenas duces tecum* issued on his or her behalf if a hearing is requested. Any request for an administrative proceeding to challenge or contest the charges contained in the administrative complaint must conform to Rule 28-106.2015, Florida Administrative Code. Rule 28-106.111, Florida Administrative Code, provides in part that if Respondent fails to request a hearing within 21 days of receipt of an agency pleading, Respondent waives the right to request a hearing on the facts alleged.

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Tucker Ray Abbott
220 Old Sycamore Road
Quincy, Florida 32351
AC 2017-002904,PMW

Postage & Fees

EXHIBIT

B

exhibitsticker.com

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tucker Ray Abbott
 220 Old Sycamore Road
 Quincy, Florida 32351
 AC 2017-002904 PMW

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addresssee
 X *Tucker Ray Abbott* *Tucker Ray Abbott*
 B. Received by (Printed Name) C. Date of Delivery
 1-28-17

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
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 Registered Return Receipt for Merchandise
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 4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

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PS Form 3811, February 2004

Domestic Return Receipt

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