

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	8/8/2017
File #	2017-06258

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

Petitioner,

DBPR CASE NO. 2017-019840

v.

BRANDON PAUL VIRGILIO,

Respondent.

STIPULATION AND CONSENT ORDER

The State of Florida, Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Division”), and Brandon Paul Virgilio (“Respondent”) hereby stipulate and agree to the following terms and issuance of this Consent Order.

1. At all times material hereto, Respondent was a patron of the Isle Casino Pompano Park.
2. This Stipulation and Consent Order is to be entered in resolution of the two (2) count Administrative Complaint filed in DBPR Case No. 2017-019840, alleging that on April 21, 2017, Respondent’s conduct would constitute a violation, if he were a licensee, of rule 61D-11.005(4)a-c, Florida Administrative Code (2016), in addition to being ejected from a licensed pari-mutuel facility in this state, subjecting him to exclusion from all licensed pari-mutuel facilities in this state under section 550.0251(6), Florida Statutes (2016).

STIPULATION

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

3. The Division has jurisdiction over this matter and the parties.
4. The Division is authorized by Section 120.57, Florida Statutes, to resolve administrative proceedings by Consent Order.
5. 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 advice of counsel. Respondent acknowledges that the Division has not made any promise nor has it in any other way encouraged Respondent to enter into this Consent Order without the advice of counsel.
6. This Consent Order is enforceable under Section 120.69 and Chapters 550, 551, and section 849.086, Florida Statutes, as final agency action.
7. 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.
8. 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.
9. 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.
10. Respondent neither admits nor denies committing the violation(s) set forth in this Consent Order, but this Consent Order and the violation(s) addressed hereby may be considered in aggravation of any future disciplinary proceedings involving Respondent.
11. TEMPORARY EXCLUSION: The parties agree that **Respondent shall be placed on the Division's Exclusion List for a period of two (2) years**, beginning at the date that this

Consent Order is filed with the Agency Clerk of the Department of Business and Professional Regulation. Respondent will be denied access, use, and privileges of all grounds under the jurisdiction of the Florida Division of Pari-Mutuel Wagering during the term of exclusion. It is further understood that Respondent's violation of this Consent Order shall render him permanently excluded from all grounds under the jurisdiction of the Florida Division of Pari-Mutuel Wagering.

12. PERMANENT EXCLUSISON: The parties agree that Respondent shall be forever excluded from the Isle Casino Pompano Park.

13. The Consent Order, shall be mailed to: **ATTENTION: Deborah Matthews, Department of Business and Professional Regulation, Office of the General Counsel, 2601 Blair Stone Road, Stop Code N21, Tallahassee, Florida 32399-2202.**

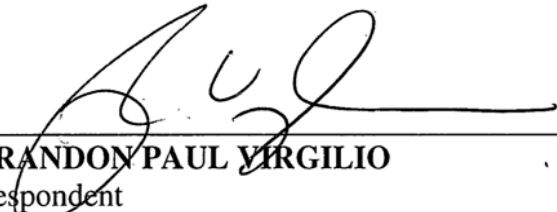
14. It is expressly understood that this Stipulation is subject to the approval of the Director of the Division of Pari-Mutuel Wagering ("Director"). In this regard, the Stipulation shall have no force and effect unless this Consent Order, incorporating the terms of this Stipulation, is signed by both 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.

15. 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.

16. This Stipulation and Consent Order is executed by both parties for the purpose of avoiding further administrative action with respect to the matters addressed hereby. 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.


Respondent, **BRANDON PAUL VIRGILIO**, hereby agrees and consents to the terms and conditions of this Stipulation and Consent Order this 25 day of July, 2017.



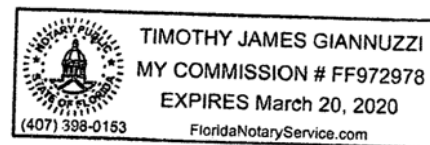
BRANDON PAUL VIRGILIO
Respondent

STATE OF Florida,
COUNTY OF Broward

Sworn to (or affirmed) and subscribed before me this 26 day of July, 2017, by **BRANDON PAUL VIRGILIO**, who is personally known to me or who produced the following as identification: DL 1D2 1624-075-77-470-0



Notary Public
My Commission Expires: 03/20/2020



APPROVED for legal sufficiency this 7 day of August, 2017.

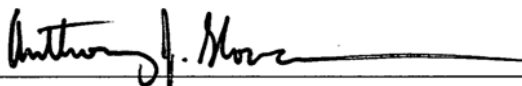


LOUIS TROMBETTA
Chief Attorney
Division of Pari-Mutuel Wagering
Department of Business and Professional
Regulation

IT IS HEREBY ORDERED THAT:

The foregoing Consent Order shall constitute the agreed resolution of this matter and the Final Order of the Division in DBPR Case. No. 2017-019840 once it is filed with the Agency Clerk.

DONE AND ORDERED this 7 day of August, 2017, in Tallahassee, Florida.



ANTHONY J. GLOVER, DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-2202

CERTIFICATE OF SERVICE

I hereby certify this 8th day of August, 2017, that a true copy of the foregoing has been furnished by electronic and regular U.S. mail to:

BRANDON PAUL VIRGILIO
c/o Philip Snyder, Esq.
Lyons, Snyder & Collins, P.A.
1250 South Pine Island Road, #200
Plantation, Florida 33324
<Philip@lyonssnyder.com>



AGENCY CLERK'S OFFICE
Department of Business and Professional Regulation

Copies to:

Louis Trombetta, Chief Attorney
<Louis.trombetta@myfloridalicense.com>
Deborah Matthews, AAI OGC/PMW
<Deborah.matthews@myfloridalicense.com>

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

FILED	
<small>Department of Business and Professional Regulation Deputy Agency Clerk</small>	
CLERK	Evette Lawson-Proctor
Date	5/11/2017
File #	

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

Petitioner,

v.

Case No. 2017-019840

BRANDON PAUL VIRGILIO,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner" or "Division") files this Administrative Complaint against Brandon Paul Virgilio ("Respondent") and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes, slot machine operations pursuant to Chapter 551, Florida Statutes, and cardroom operations pursuant to Section 849.086, Florida Statutes.
2. Respondent's address is reported as 3000 N.E. 8th Terrace, Apt. #A4, Oakland Park, Florida 33334.
3. At all times material hereto, Respondent was a patron of the Isle Casino Pompano Park.
4. Isle Casino Pompano Park is a facility operated by a permitholder authorized to conduct pari-mutuel wagering in this state under Chapters 550, 551, and Section 849.086, Florida Statutes.

5. On or about April 20, 2017, Respondent, while participating in a poker tournament, was observed stealing tournament poker chips.

6. On or about April 21, 2017, Isle Casino Pompano Park security permanently barred Respondent from Isle Casino Pompano Park.

7. Section 550.0251(6), Florida Statutes (2017), states:

In 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.

COUNT I

8. Petitioner hereby realleges and incorporates the allegations in paragraphs one through seven as though fully set forth herein.

9. Respondent's conduct would constitute a violation, if he were a licensee, of Rule 61D-11.005(4)(a-c), Florida Administrative Code (2017), which provides in full:

No person shall, either directly or indirectly: [e]mploy or attempt to employ any device, scheme, or artifice to defraud any participant in a card game, or the cardroom operator, [e]ngage in any act, practice, or course of operation as would operate as a fraud or deceit upon any participant in a game or any cardroom operator, [or] [e]ngage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.

10. Based on the foregoing, Respondent is subject to exclusion from all licensed pari-mutuel wagering facilities in this state for conduct that would constitute, if he were a licensee, a violation of Rule 61D-11.005(4)(a-c), Florida Administrative Code (2017).

COUNT II

11. Petitioner hereby realleges and incorporates the allegations in paragraphs one through seven as though fully set forth herein.

12. Based on the foregoing, the Respondent is subject to permanent exclusion from all licensed Florida pari-mutuel wagering facilities because he was ejected from a pari-mutuel facility in Florida.

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

Signed this 10th day of May, 2017.

/s/ Louis Trombetta

LOUIS TROMBETTA
Florida Bar No. 108119
Chief Attorney
Division of Pari-Mutuel Wagering
Department of Business and
Professional Regulation
Office of the General Counsel
2601 Blairstone Road
Mail Stop N21
Tallahassee, Florida 32399-2202

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.