

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. 2017-024190

ADRIEL RODRIGUEZ ARGUELLES,

Respondent.

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (hereinafter "Petitioner"), issues this Final Order against ADRIEL RODRIGUEZ ARGUELLES (hereinafter "Respondent") as follows:

1. An Administrative Complaint was filed in this case on November 21, 2017, alleging that Respondent violated certain provisions of chapter 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 a cover letter were served on Respondent via U.S. certified mail on December 7, 2017. Proof of service 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 shall be deemed a waiver of the right to a hearing.

6. Respondent has not filed a timely response to the Administrative Complaint. Respondent has not submitted any evidence or made any allegations that would support the application of the doctrine of equitable tolling.

Having considered the Administrative Complaint, the evidence of Petitioner's reasonable attempts 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's pari-mutuel wagering slot combo general license, number 11259266-1056 is hereby **REVOKED**.

9. Respondent is hereby **EXCLUDED** from all pari-mutuel facilities in the state of Florida.

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.

(SIGNATURE PAGE TO FOLLOW)

DONE and ORDERED this 30 day of JANUARY, 2018.

JONATHAN ZACHEM, Secretary  
Department of Business and  
Professional Regulation



ROBERT EHRHARDT, Director  
Division of Pari-Mutuel Wagering  
Department of Business and  
Professional Regulation  
2601 Blair Stone Road  
Tallahassee, Florida 32399-1035

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Final Order on Waiver was provided to Respondent at: 2999 West Flagler Street, Apt. 12, Miami, Florida 33135 this 31<sup>st</sup> day of January, 2018.



AGENCY CLERK'S OFFICE

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 Blair Stone Road, Tallahassee, Florida 32399-2202 (Email: [AGC.Filing@myfloridalicense.com](mailto: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.



5. On May 8, 2017, and May 12, 2017, Respondent provided one or more Casino Miami patron(s) with false credentials, allowing them to receive approximately \$100.00 if displayed at Calder Casino.

6. Calder Casino is a facility operated by a permit holder authorized to conduct pari-mutuel wagering and slot machine and cardroom gaming in this state under chapters 550, 551, and section 849.086, Florida Statutes.

7. On May 17, 2017, Respondent was permanently excluded from Casino Miami Jai Alai.

8. Section 551.109(5), Florida Statutes, provides that “[t]heft of any slot machine proceeds or of property belonging to the slot machine operator or licensed facility by an employee...constitutes a felony of the third degree.”

9. Rule 61D-14.090(2), Florida Administrative Code, prohibits individuals from engaging in a violation of chapter 551, Florida Statutes, stating “[n]o person shall conspire with, solicit, abet, counsel, hire, or procure any other person or persons to engage in a violation of Chapter 551, F.S., or Chapter 61D-14, F.A.C., nor shall he or she commit any such act on his or her own.” (Emphasis added).

10. Section 551.107(6)(a), Florida Statutes, authorizes the Division to “revoke...any slot machine occupational license if...the licensee has violated the provisions of this chapter or the rules of the division governing the conduct of persons connected with slot machine gaming.”

#### COUNT I

11. Petitioner hereby realleges and incorporates the allegations contained within paragraphs one through ten as though fully set forth herein.

12. Based on the foregoing, Respondent violated rule 61D- 14.090(2), Florida Administrative Code, by conspiring with, soliciting, abetting, counseling, hiring, or procuring any person or persons to engage in a violation of chapter 551, Florida Statutes, and/or Rule Chapter 61D-14, Florida Administrative Code, and/or committing any such act on his own, on May 8, 2017.

COUNT II

13. Petitioner hereby realleges and incorporates the allegations contained within paragraphs one through ten as though fully set forth herein.

14. Based on the foregoing, Respondent violated rule 61D- 14.090(2), Florida Administrative Code, by conspiring with, soliciting, abetting, counseling, hiring, or procuring any person or persons to engage in a violation of chapter 551, Florida Statutes, and/or Rule Chapter 61D-14, Florida Administrative Code, and/or committing any such act on his own, on May 12, 2017.

COUNT III

15. Petitioner hereby re-alleges and incorporates the allegations contained within paragraphs one through ten as though fully set forth herein.

16. Section 551.112, Florida Statutes, authorizes to the Division to exclude individuals from any and all licensed slot machine facilities if he or she is ejected from a licensed slot machine facility located in this state.

17. Based on the foregoing, Respondent is subject to exclusion from all licensed slot machine facilities in this state based on his ejection from Casino Miami.

COUNT IV

18. Petitioner hereby re-alleges and incorporates the allegations contained within paragraphs one through ten as though fully set forth herein.

19. Section 550.0251(6), Florida Statutes, permits the Division to exclude individuals from all pari-mutuel wagering facilities if he/she has been ejected from any pari-mutuel facility.

20. Based on the foregoing, Respondent is subject to exclusion from all licensed pari-mutuel facilities in this state based on his ejection from Casino Miami.

WHEREFORE, Petitioner respectfully requests the Division enter an Order: (1) revoking Respondent's occupational license; and (2) excluding Respondent from all licensed pari-mutuel wagering and slot machine facilities in this state.

Signed on this 20th day of November, 2017.

*/s/ James A. Lewis*  
JAMES A. LEWIS  
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Florida Bar No. 1002349  
James.Lewis@MyFloridaLicense.com

*/s/ Louis Trombetta*  
LOUIS TROMBETTA  
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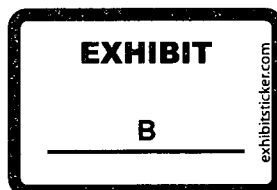


### NOTICE OF RIGHTS

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.

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>A. Signature <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Adriel Rodriguez Arguelles  2999 West Flagler Street, Apt. 12  Miami, Florida 33135  AC 2017-024190 PMW</p>	<p>B. Received by (Printed Name) C. Date of Delivery</p> <p style="text-align: center;">ADRIEL RODRIGUEZ</p>
<p>2. Article Number  (Transfer from service label)</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  <input checked="" type="checkbox"/> YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>PS Form 3811, February 2004</p>	<p>3. Service Type</p> <p><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>7007 0220 0000 0198 8820</p>	
<p>Domestic Return Receipt 102595-02-M-1540</p>	



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