

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>5/23/2017</b>
File #	<b>2017-04073</b>

JENNIFER N. LEWIS

Petitioner,

v.

DBPR CASE No. 2016-056614

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

Respondent.

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FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division"), hereby enters this Final Order for the above styled matter. On May 3, 2017, Alison Parker, Hearing Officer for the Department, issued the Recommended Order in this matter. That Recommended Order is attached to the Final Order and incorporated herein by reference.

FINDINGS OF FACT

The Findings of Fact contained in the Recommended Order are hereby adopted as the Findings of Fact of the Division.

CONCLUSIONS OF LAW

The Conclusions of Law contained in the Recommended Order are hereby adopted as the Conclusions of Law of the Division.

ORDER

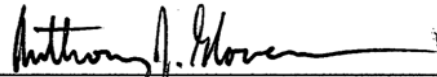
Based upon the foregoing Findings of Fact and Conclusions of Law adopted from the Recommended Order of the Department's Informal Hearing, it is hereby ORDERED that:

(1) Respondent is **EXCLUDED** from all pari-mutuel facilities in the State of Florida.

(2) This Final Order shall become effective on the date of filing with the Agency Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 22 day of May, 2017, in Tallahassee, Florida.

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  
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 provided by regular U.S. mail to Jennifer N. Lewis, this 23<sup>rd</sup> day of May, 2017.



Agency Clerk's Office

NOTICE OF RIGHT TO APPEAL UNLESS WAIVED

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review Proceedings are governed by Rules 9.110 and 9.190, Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Department of Business and Professional Regulation, Attn: Ronda L. Bryan, Agency Clerk, 2601 Blair Stone Road, Tallahassee, Florida 32399, (agc.filing@myfloridalicense.com) and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Florida Appellate District where the Party Resides. The Notice of Appeal must be filed within thirty (30) Days of Rendition of the Order to be reviewed.

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

<b>FILED</b>	
<small>Department of Business and Professional Regulation Deputy Agency Clerk</small>	
CLERK	Evette Lawson-Proctor
Date	5/3/2017
File #	

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

Petitioner,

DBPR CASE NO. 2016-056614

v.

JENNIFER N. LEWIS,

Respondent.

HEARING OFFICER'S RECOMMENDED ORDER

THIS MATTER came before Alison Parker, designated Hearing Officer for the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering on April 5, 2017, in Tallahassee, Florida, in accordance with the provisions of Section 120.57(2), Florida Statutes, for consideration of the Division's Administrative Complaint issued against Jennifer N. Lewis ("Respondent"), in DBPR Case No. 2016-056614. The Division of Pari-Mutuel Wagering ("Petitioner" or "Division") was represented by Charles Dewrell, Esq., Assistant General Counsel. Petitioner appeared *pro se* via telephone. Respondent's father, Stanley Howard Lewis, also testified on behalf of the Respondent.

PRELIMINARY STATEMENT

1. On January 25, 2017, Petitioner filed a one-count Administrative Complaint against the Respondent seeking to exclude Respondent from all pari-mutuel facilities in this state pursuant to Section 550.0251(6), Florida Statutes:

2. On April 5, 2017, an informal hearing was conducted, pursuant to section 120.57(2), Florida Statutes, during which Petitioner presented the issues raised in the

Administrative Complaint as the undisputed facts of the case. A colloquy was conducted on the record to ensure Respondent did not have disputes of material fact, as charged in the Administrative Complaint. None were discovered. Respondent and her father testified at the hearing.

#### FINDINGS OF FACT

3. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes.

4. Gulfstream Park (a/k/a Palm Meadows Training Center) is a licensed pari-mutuel facility in Florida.

5. On or about December 8, 2016, Respondent was permanently banned from Gulfstream Park (a/k/a Palm Meadows Training Center) and all other Gulfstream properties. This is not in dispute.

#### CONCLUSIONS OF LAW

6. The Division has jurisdiction over this matter pursuant to Chapters 120 and 550, Florida Statutes.

7. 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 government department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state."

8. Pursuant to Section 550.0251(6), Florida Statutes, Respondent is subject to being excluded from all pari-mutuel facilities in this state by virtue of her permanent exclusion from Gulfstream Park on December 8, 2016.

9. There is competent substantial evidence to support the conclusions of law.

RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Department of Business and Professional Regulation, enter a Final Order:

EXCLUDING Respondent from all licensed pari-mutuel facilities in the State of Florida.

Respectfully submitted this 3<sup>rd</sup> day of May, 2017.

Alison Parker  
Alison Parker, Hearing Officer  
Office of the General Counsel  
Department of Business and  
Professional Regulation  
2601 Blair Stone Road  
Tallahassee, FL 32399-2202

CERTIFICATE OF SERVICE

I hereby certify this 3 day of May, 2017, that a true copy of the foregoing has been provided by Certified U.S. Mail to:

Jennifer N. Lewis  
7910 Laina Lane, Unit 4  
Boynton Beach, FL 33437

Evelyn L. Pioctor  
AGENCY CLERK'S OFFICE

cc:  
Alison Parker, Informal Hearing Officer  
Charles Dewrell, Assistant General Counsel

**NOTICE OF RIGHT TO SUBMIT EXCEPTIONS**

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to the Recommended Order should be filed with the Department.

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	<b>Evette Lawson-Proctor</b>
Date	<b>1/25/2017</b>
File #	

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

Petitioner,

v.

DBPR Case No. 2016-056614

JENNIFER N. LEWIS,

Respondent.

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ADMINISTRATIVE COMPLAINT

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

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes and cardrooms pursuant to Section 849.086, Florida Statutes.
2. At all times material hereto, Respondent held a pari-mutuel wagering professional individual occupational license, number 10936303-1022, issued by the Division.
3. Respondent's address is reported as 7910 Laina Lane, Boynton Beach, FL 33437.
4. Gulfstream Park (Palm Meadows Training Center) is a licensed pari-mutuel facility in the State of Florida in accordance with Chapter 550, Florida Statutes.
5. On or about December 8, 2016, Gulfstream Park Security banned the Respondent from the Palm Meadows Training Center in Boynton Beach, Florida and all other Gulfstream properties due to Respondent's chronic erratic behavior.
6. 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.”

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

Signed this 24th day of January, 2017.

MATILDE MILLER, Interim Secretary  
Department of Business and  
Professional Regulation

/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) 717-1319  
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.