

FILED

Department of Business and Professional Regulation
Deputy Agency Clerk

CLERK Brandon Nichols

Date 3/8/2018

File # 2018-01753

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,

DBPR CASE NO. 2017-058332

v.

GRAFSPEE GONZALEZ,

Respondent.

STIPULATION AND CONSENT ORDER

The State of Florida, Department of Business & Professional Regulation, Division of Pari-Mutuel Wagering ("Division") and Graftspee Gonzalez ("Respondent") hereby stipulate and agree to the following terms and issuance of this Consent Order.

1. At all times material hereto, Respondent held a pari-mutuel wagering professional individual occupational license, having been issued license number 11412248-1012 by the Division.
2. This Stipulation and Consent Order is to be entered in resolution of DBPR case number 2017-058332, which alleges that on November 26, 2017, Respondent intentionally manipulated cards to favor one particular patron at Kings Court Key. As a result, Respondent was terminated and permanently excluded from Kings Court Key.

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 Chapter 550, 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 set forth in this Consent Order, but this Consent Order may be considered in aggravation of any future disciplinary proceedings involving Respondent.

11. **VOLUNTARY RELINQUISHMENT:** To avoid the necessity of further administrative proceedings, Respondent agrees to voluntarily relinquish his Pari-Mutuel Wagering Cardroom Employee Occupational License, Number 11412248-1012. Respondent's relinquish-

ment of licensure will be effective on the date this Consent Order is filed with the Agency Clerk, however, Respondent agrees to immediately cease all licensed pari-mutuel wagering activity immediately.

12. **PERMANENT EXCLUSION:** Respondent is hereby permanently excluded from all pari-mutuel wagering facilities in the State of Florida.

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, **GRAFSPEE GONZALEZ**, hereby agrees and consents to the terms and conditions of this Stipulation and Consent Order this 2nd day of March, 2018.



GRAFSPEE GONZALEZ
Respondent

STATE OF Florida,
COUNTY OF Miami-Dade

Sworn to (or affirmed) and subscribed before me this 2nd day of March, 2018, by **GRAFSPEE GONZALEZ**, who is personally known to me or who produced the following as identification: FL DL 6524-280-78-168-0



Notary Public
My Commission Expires:



IAN BACHEIKOV
MY COMMISSION # FF 145826
EXPIRES: July 28, 2018
Bonded Thru Budget Notary Services


APPROVED for legal sufficiency this _____ day of _____, 2018.

LOUIS TROMBETTA
Chief Attorney
Division of Pari-Mutuel Wagering
Department of Business & 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. 2017-058332 once it is filed with the Agency Clerk.

DONE AND ORDERED this 6 day of March, 2018, in Tallahassee, Florida.



ROBERT EHRHARDT, DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-2202

(CERTIFICATE OF SERVICE ON FOLLOWING PAGE)

CERTIFICATE OF SERVICE

I hereby certify this 8th day of March, 2018 that a true copy of

the foregoing has been furnished by regular U.S. mail to:

GRAFSPEE GONZALEZ
c/o IAN BAACHEIKOV, ESQ.
AKERMAN, LLP
THREE BRICKELL CITY CENTRE
98 SOUTHEAST SEVENTH STREET
SUITE 1100
MIAMI, FLORIDA 33131

Brandon M. Nichols

AGENCY CLERK'S OFFICE
Department of Business & Professional Regulation

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evelle Lawson-Proctor
Date	2/5/2018
File #	

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,

DBPR Case No. 2017-058332

v.

GRAFSPEE GONZALEZ,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner"), files this Administrative Complaint against Graftspee Gonzalez ("Respondent"), and alleges as follows:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes.
2. At all times material, Respondent held a cardroom employee occupational license, number 11412248-1012, issued by the Division.
3. Kings Court Key, LLC is a facility operated by a permit holder authorized to conduct pari-mutuel wagering in this state under Chapter 550, Florida Statutes.
4. At all times material, Respondent was employed as a dealer at Kings Court Key's cardroom.
5. On or about November 26, 2017, Respondent intentionally manipulated cards to favor one particular patron while working as a dealer at Kings Court Key.

6. On or about November 30, 2017, Respondent's employment was terminated by Kings Court Key.

7. On or about January 9, 2018, Respondent was permanently excluded from Kings Court Key.

COUNT I

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

9. Rule 61D-11.005(4), Florida Administrative Code, states that:

(4) No person shall, either directly or indirectly:

(a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator.

(b) 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.

(c) Engage 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 violated Rule 61D-11.005(4), Florida Administrative Code, by manipulating cards and cheating while working as a dealer at Kings Court Key's cardroom on November 26, 2017.

COUNT II

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

12. Section 551.109(3), Florida Statutes (2017), states that "[t]he 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..."

13. Based on the foregoing, Respondent violated Section 550.0251(6), Florida Statutes (2017), by being ejected from Pensacola Greyhound Racing, LLP, a pari-mutuel facility, on January 9, 2018.

WHEREFORE, Petitioner requests the Division enter an Order (1) imposing one or more of the penalties specified in Section 550.105, or 849.086(14), Florida Statutes including revocation, suspension, or the imposition of an administrative fine, and (2) excluding Respondent from all pari-mutuel facilities in the State of Florida.

Signed this 1st day of February, 2018.

/s/ Charles Dewrell
CHARLES DEWRELL
Deputy Chief Attorney
Florida Bar No. 0102579
Charles.Dewrell@MyFloridaLicense.com

/s/ Louis Trombetta
LOUIS TROMBETTA
Chief Attorney
Florida Bar No. 0108119
Louis.Trombetta@MyFloridaLicense.com

Department of Business and
Professional Regulation
Office of the General Counsel
Division of Pari-Mutuel Wagering
2601 Blair Stone Road
Tallahassee, Florida 32399-2202
Telephone: (850) 717-1508
Facsimile: (850) 921-1311

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.