

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	3/28/2019
File #	2019-02753

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.: 2018-009375

GEBARA GERMAIN,

Respondent.

\_\_\_\_\_ /

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner” or “Division”), hereby enters this Final Order against Gebara Germain (“Respondent”), and states as follows:

1. An Administrative Complaint was filed in this case on July 6, 2018, alleging that Respondent is subject to discipline under the provisions of section 551.112, Florida Statutes (“Administrative Complaint”). A true and correct copy of the Administrative Complaint is attached hereto as Exhibit “1” and incorporated by reference.

2. Service of the Administrative Complaint was attempted via certified mail on Respondent. Proof of attempted service via certified mail is attached hereto as Exhibit “2” and incorporated by reference.

3. Notice of this matter was served upon Respondent on February 1, 2019, February 8, 2019, February 15, 2019 and February 22, 2019 via publication in the *Miami Daily Business Review*, a publication in general circulation within Miami-Dade County, Florida (“Notice of

Action”). A true and correct copy of the Notice of Action is attached hereto as Exhibit “3” and incorporated by reference.

4. The Notice of Action Election informed Respondent that Petitioner filed an Administrative Complaint against him and provided instructions on how to receive a copy of the Administrative Complaint and that contact would be required to dispute the allegations within the Administrative Complaint. See § 120.569(1), Fla. Stat. and Fla. Admin. Code R. 28-106.111.

5. In addition, the Notice of Action informed Respondent that the failure to timely file a response to the Administrative Complaint would be deemed a waiver of 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.

Upon Consideration of the facts and conclusions of law delineated in the Administrative Complaint, it is ORDERED:

7. The allegations of fact set forth in the Administrative Complaint are approved, adopted and incorporated herein by reference as findings of fact by the Division.

8. The conclusions of law alleged and set forth in the Administrative Complaint are approved, adopted, and incorporated herein by references as the conclusions of law by the Division.

9. There is competent substantial evidence to support the findings of fact and conclusions of law by the Division.

THEREFORE, it is hereby ORDERED and ADJUDGED:

10. Respondent is hereby **PERMANENTLY EXCLUDED** from all licensed pari-mutuel facilities located within the state of Florida.

11. This Final Order shall become effective upon its date of filing with the Agency Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 26 day of March, 2019.



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**LOUIS TROMBETTA, DIRECTOR**  
Division of Pari-Mutuel Wagering  
Department of Business and Professional Regulation  
2601 Blair Stone Road  
Tallahassee, Florida 32399-1035  
(850) 717-1768

NOTICE OF RIGHT TO APPEAL

Unless expressly waived, any party substantially affected by this Final Order may seek judicial review by filing an original Notice of Appeal with the Agency Clerk of the Department of Business and Professional Regulation at 2601 Blair Stone Road, Tallahassee, Florida 32399, (AGC.Filing@myfloridalicense.com), 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 thirty days rendition of this Order, in accordance with Fla. App. P. 9.110, and section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing "Final Order" has been sent by regular United States Mail on this 28<sup>th</sup> day of March, 2019 to:

**Gebara Germain**  
267 N.E. 57<sup>th</sup> Avenue  
Miami, Florida 33137

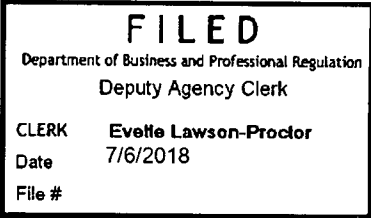
*Brandon M. Nichols*

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**AGENCY CLERK'S OFFICE**  
Department of Business and Professional Regulation

Cc:

Deborah Matthews, AAI OGC/PMW  
Glenda Ricks, Chief of Operations/PMW



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.: 2018-009375

v.

GEBARA GERMAIN,

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 Gebara Germain (Respondent), and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering and slot machines operations pursuant to Chapters 550 and 551, Florida Statutes.
2. At all times material hereto, Respondent held a PMW Slot Machine "Combo" General Individual License, number 2007839-1056, issued by the Petitioner.
3. At all times material hereto, Respondent worked as a Kitchen Steward at Calder Race Course, Inc.
4. Calder Race Course, Inc. is a facility operated by a permitholder authorized to conduct pari-mutuel wagering and operate slot machines in this state under Chapters 550 and 551, Florida Statutes.

5. On January 28, 2018, Calder Race Course, Inc. revoked all of Respondent's gaming, wagering, and visitation privileges, and issued him a lifetime exclusion from its facilities.

6. Section 551.112, Florida Statutes, states:

In addition to the power to exclude certain persons from any facility of a slot machine licensee in this state, the division may exclude any person from any facility of a slot machine licensee 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 facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state** or who has been excluded from any facility of a slot machine licensee or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over the gaming in such other state. This section does not abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

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

Signed on the 18<sup>th</sup> day of June, 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

Office of the General Counsel  
Division of Pari-Mutuel Wagering  
Department of Business and Professional Regulation  
2601 Blair Stone Road, Mail Stop N21  
Tallahassee, Florida 32399-2202  
Telephone: (850)-717-1585  
Facsimile: (850) 921-1311

NOTICE OF RIGHTS TO REQUEST A HEARING

Pursuant to Section 120.569 and 120.57, Florida Statutes, you have the right to request a hearing to challenge the charges contained in this Administrative Complaint. If you choose to request a hearing, you will have the right 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 your behalf.

Any request for an administrative proceeding to challenge or contest the charges contained in this Administrative Complaint must conform to Rule 28-106.2015, Florida Administrative Code. Pursuant to Rule 28-106.111, Florida Administrative Code, you must request a hearing within 21 days from receipt of this Notice, or you will waive your right to request a hearing.

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**MAILED**

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Here

**7/9/16**

Total F

**Gebara Germain**  
5624 S.W. 38<sup>th</sup> Street  
West Park, Florida 33023  
AC 2018-009375 PMW

Sent To  
Street,  
or PO B.  
City, Sta

PS Form 3800, August 2006 See Reverse for Instructions

**EXHIBIT**

2

exhibitsticker.com



OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

MAIL



7006 2150 0005 6842 4875

2000 South Stone Road  
Tallahassee, Florida 32309  
www.floridalicense.com



RECEIVED  
2018 AUG -3 AM 11:11  
DIVISION OF  
REGISTRATION AND  
VEHICLE SERVICES

Gebara Germain  
5624 S. W. 38<sup>th</sup> Street  
West Park, Florida 33023  
AC 2018-009375 PMW

NIXIE 326 CE 1 7207/24/18

RETURN TO SENDER  
UNDELIVERABLE AS ADDRESSED

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7006 3450 0889

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total  
**Gebara Germain**  
5624 S.W. 38<sup>th</sup> Street  
West Park, Florida 33023  
City, State, ZIP+4®  
AC 2018-009375 OGC/4<sup>th</sup> Floor DM



OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
REGISTERED MAIL  
7006 3450 0003 5112 0889

Gebara Germain  
5624 S.W. 38<sup>th</sup> Street  
West Park, Florida 33023  
AC 2018-009375 OGC/4<sup>th</sup> Floor/DM

WPK

326 NFE 1 418F0009/15/18  
NOTIFY SENDER OF NEW ADDRESS  
GERMAIN GERBARA  
267 NE 57TH ST  
MIAMI FL 33137-2540  
BC: 33137254067 2247N258183-02903

NIXIE 326 6E 1 7719/06/18  
RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD  
MANUAL PROC REQ 2247N7707000-01-000

ANK  
2501 Mail Stop Road  
Tallahassee, Florida 32309  
www.fedex.com

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

MAILED  
Postmark  
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10/19/18

Sent To Gebara Germain  
 Street, Apt. No.,  
 or PO Box No. 267 NE 57th St  
 City, State, ZIP+4 Miami, FL 33137-2540

# USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

## Track Another Package +

**Tracking Number:** 70062150000568417778

Remove X

Your item was delivered to an individual at the address at 3:24 pm on November 3, 2018 in MIAMI, FL 33137.

### **Delivered**

November 3, 2018 at 3:24 pm  
Delivered, Left with Individual  
MIAMI, FL 33137

Feedback

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**Tracking History**



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**Product Information**



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**See Less** ^

## Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

**FAQs** (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

7006 2150 0005 6841 7143

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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

2018  
009375  
Postmark  
Here

Sent To Gebara Germain  
 Street, Apt. No.,  
 or PO Box No. 5624 SW 38th St  
 City, State, ZIP+4 West Park, FL 33023

PS Form 3800, August 2006 See Reverse for Instructions

# USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

**Track Another Package +**

**Tracking Number:** 70062150000568417143

Remove X

Your item was delivered at 3:42 am on November 15, 2018 in TALLAHASSEE, FL 32399.

## **Delivered**

November 15, 2018 at 3:42 am

Delivered

TALLAHASSEE, FL 32399

Feedback

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**Tracking History** 

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**Product Information** 

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**See Less ^**

## **Can't find what you're looking for?**

Go to our FAQs section to find answers to your tracking questions.

**FAQs** (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

**MIAMI DAILY BUSINESS REVIEW**

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

2018-009375  
NOTICE OF ACTION  
BEFORE THE DIVISION OF PARI-MUTUEL WAGERING -  
GEBARA GERMAIN - LICENSE NO.: 2007839-1056

In the XXXX Court,  
was published in said newspaper in the issues of

02/01/2019 02/08/2019 02/15/2019 02/22/2019

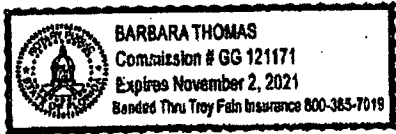
Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Guillermo Garcia*

Sworn to and subscribed before me this  
22 day of FEBRUARY, A.D. 2019

*Barbara Thomas*

(REAL)  
GUILLERMO GARCIA personally known to me



**NOTICE OF ACTION  
BEFORE THE DIVISION OF  
PARI-MUTUEL WAGERING**  
IN RE: The revocation of gaming,  
wagering and visitation privileges  
and life time exclusion from all  
Florida Pari-Mutuel Wagering  
Facilities.

GEBARA GERMAIN  
267 N.E. 57th Avenue  
Miami, Florida 33137-2540  
CASE NO.: 2018-009375  
LICENSE NO.: 2007839-1056  
The Department of Business and  
Professional Regulation has filed an  
Administrative Complaint against you,  
a copy of which may be obtained by  
contacting Deborah A. Matthews,  
Administrative Assistant II, Depart-  
ment of Business and Professional  
Regulation, Division of Pari-Mutuel  
Wagering, 2601 Blair Stone Road,  
Tallahassee, Florida 32399-2202,  
(850) 717-1595.

If no contact has been made by  
you concerning the above by March  
7, 2019, the matter of the Adminis-  
trative Complaint will be presented to  
the Director of the Division of Pari-  
Mutuel Wagering for final agency  
action.

In accordance with the Americans  
with Disabilities Act, persons needing  
a special accommodation to participate  
in this proceeding should contact  
the individual or agency sending notice  
not later than seven days prior to  
the proceeding at the address given  
on notice. Telephone: (850) 267-6097,  
1-800-955-8771 (TDD) or 1-800-955-  
8770 (V). Via Florida Relay Service:  
211-8416-22 19-01/0000374567M

