

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	3/28/2019
File #	2019-02760

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

Petitioner,

v.

Case No.: 2018-031343

ALEX BARLEE,

Respondent.

_____ /

FINAL ORDER

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

1. An Administrative Complaint was filed in this case on August 22, 2018, alleging that Respondent is subject to discipline under the provisions of sections 550.0251(6) and 550.2415, Florida Statutes (2018) (“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 8, 2019, February 15, 2019, February 22, 2019 and March 1, 2019, via publication in the *Business Observer*, a publication in general circulation within Pinellas 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.

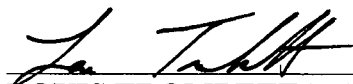
(SIGNATURE PAGE TO FOLLOW)

WHEREFORE, 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.



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

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 28th day of March, 2019 to:

Alex Barlee
4455 38TH Terrace North, Apt. B12
St. Petersburg, Florida 33714

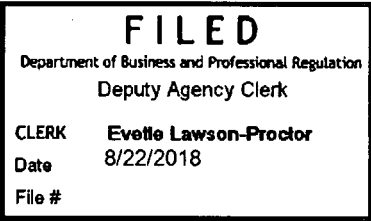
Brandon M. Nichols

AGENCY CLERK'S OFFICE
Department of Business and Professional Regulation

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

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.



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. 2018-031343

v.

ALEX BARLEE,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Alex Barlee (“Respondent”) and alleges as follows:

1. The Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes.
2. At all times material hereto, Respondent held a pari-mutuel wagering professional individual occupational license, number 9990919-1021, issued by the Division. Respondent’s license expired on June 30, 2018 and is not currently active.
3. At all times material hereto, Respondent worked at St. Petersburg Kennel Club (aka “Derby Lane”) as a kennel helper for XTREM RACING KENNEL.
4. Derby Lane is a facility operated by a permit holder authorized to conduct pari-mutuel wagering in this state under Chapter 550, Florida Statutes.
5. On or about June 11, 2018, Respondent was observed treating greyhounds in a non-humane manner at Derby Lane.



6. On June 11, 2018, Respondent was permanently excluded from Derby Lane.

7. Section 550.2415(6)(a), Florida Statutes, states:

It is the intent of the Legislature that animals that participate in races in this state on which pari-mutuel wagering is conducted and animals that are bred and trained in this state for racing be treated humanely, both on and off racetracks, throughout the lives of the animals.

8. Based on the foregoing, Respondent is in violation of section 550.2415(6)(a), Florida Statutes, by failing to treat greyhounds in a humane manner on or about June 11, 2018.

9. Section 550.0251(6), Florida States, provides in relevant part that:

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.

10. Based on the foregoing, Respondent is subject to exclusion from all pari-mutuel facilities in the state of Florida by virtue of his permanent exclusion from Derby Lane on June 11, 2018.

WHEREFORE, Petitioner respectfully requests the Division enter an Order imposing against Respondent: (1) one or more of the penalties specified under section 550.2415(3)(a), Florida Statutes, (2) a permanent lifetime exclusion from all pari-mutuel facilities in the state of Florida, and/or (3) any other relief that the Division is authorized to impose pursuant to Chapter 550, Florida Statutes, and/or the rules promulgated thereunder.

(SIGNATURE PAGE TO FOLLOW)

The administrative complaint in DBPR Case 2018-031343 is signed this 22nd day of August, 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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7006 2150 0005 6841 7150

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Postage	\$	MAILED Postmark Here 10/17/18
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

To: **Alex Barlee**

Sent To: **4455 38th Terrace N., Apt. B12**

Street or P.O. Box: **St. Petersburg, Florida 33714**

City, State, ZIP+4: **AC 2018-031343 OGC/4th Floor/DM**

PS Form 3800, August 2006 See Reverse for Instructions

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7018 1830 0001 6822 7590

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<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
Total P	\$	

Sent To: **Alex Barlee**

Street: **4455 38th Terrace North, Apt. B12**

City, State, ZIP+4: **St. Petersburg, Florida 33714**
AC 2018-031343 PMW

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

EXHIBIT
2

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
2601 Blair Stone Road
Tallahassee, Florida 32309
www.MyFloridaLicense.com

CERTIFIED MAIL™



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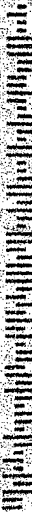
Alex Barlee
4455 38th Terrace North, Apt. B12 N-2
St. Petersburg, Florida 33714
AC 2018-031343 OGC/4th Floor/DM 10/19

FN updated

NIXIE 326 D2 1 0001/09/19

RETURN TO SENDER
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Track Another Package +

Tracking Number: 70181830000168227590

Remove X

Your item could not be delivered on January 19, 2019 at 6:17 am in SAINT PETERSBURG, FL 33730. It was held for the required number of days and is being returned to the sender.

Alert

January 19, 2019 at 6:17 am
Unclaimed/Being Returned to Sender
SAINT PETERSBURG, FL 33730

Feedback

Get Updates ∨

Text & Email Updates



Tracking History



Product Information



See Less ^

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MAILED

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Here
8/24/18

Total Postage
Alex Barlee
Sent To **501 116th Avenue North, Apt. 262**
Street, Apt. or PO Box **St. Petersburg, Florida 33716**
City, State **AC 2018-031343 OGC/4th Floor/DM**

PS Form 3800 August 2006 See Reverse for Instructions

7006 3450 0003 5112 0872

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

9/10/18

Postmark
Here

Total Postage
Alex Barlee
Sent To **Lakeside Village**
501 116th Avenue North, Apt. 262
Street, Apt. or PO Box **St. Petersburg, Florida 33716-2728**
City, State **AC 2018-031343 OGC/4th Floor/DM**

PS Form 3800 August 2006 See Reverse for Instructions

U.S. POSTAGE
EPA 507-41
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000741



7006 3450 0003 5112 0872

NIXIE 325 DE 1 6009/16/16

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 32399220099 2247N259073-00754

Alex Barlee
Lakeside Village
501 116th Avenue North, Apt. 262
St. Petersburg, Florida 33716-2728
AC 2018-031343 OGC/4th Floor/DM

ANK

ANK

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
2001 Blair Stone Road
Tallahassee, Florida 32309
www.myfloridalicense.com

Matthews, Deborah

From: Dewrell, Charles
Sent: Tuesday, October 23, 2018 9:49 AM
To: barlee.k15@gmail.com
Cc: Matthews, Deborah; Buse, Stephanie
Subject: DBPR vs. Alex Barlee, 2018-031343 - Consent Order to Voluntarily Relinquish License
Attachments: Alex Barlee - Consent Order (Voluntary Relinquish License).pdf

Mr. Barlee –

Thank you for your phone call today. This e-mail will confirm our conversation wherein you indicated you wanted to resolve this matter by voluntarily relinquishing your license with PMW.

In order to process this, we will need your notarized signature on page 4 of the attached "Settlement and Consent Order" on or before Friday, October 26, 2018.

Once you have executed the document, please return to my office at:

Division of Pari-Mutuel Wagering
FL Dept. of Business & Professional Regulation
ATTN: PATRICIA BROADWAY
2601 Blair Stone Rd.
Tallahassee, FL 32399



Charles Dewrell, Esq.
Deputy Chief Attorney
Division of Pari-Mutuel Wagering
FL Dept. of Business & Professional Regulation
2601 Blair Stone Rd.
Tallahassee, FL 32399
Desk: 850.717.1209



Buse, Stephanie

From: Buse, Stephanie
Sent: Thursday, November 01, 2018 12:01 PM
To: 'barlee.k15@gmail.com'
Subject: DBPR Case No.: 2018-031343

Mr. Barlee:

Please be advised,

An attorney for the department previously contacted you offering a "Settlement and Consent Order," to settle DBPR case no. 2018-031343. The Consent Order was due back on or before Friday, October 26, 2018. To date, no Consent Order has been received. Could you please provide a status of the signed Consent Order. As a reminder it can be mailed, faxed or emailed to our office. If you have any questions, please do not hesitate to contact me.

Regards,



Stephanie Buse

Administrative Assistant I

Office of the General Counsel, Pari-Mutuel Wagering

Department of Business and Professional Regulation

Phone: 850.717.1663

stephanie.buse@myfloridalicense.com



Serial Number
19-00793N

Business Observer

Published Weekly
Clearwater, Pinellas County, Florida

COUNTY OF PINELLAS

2018-031343

STATE OF FLORIDA

Before the undersigned authority personally appeared Kelly Martin who on oath says that he/she is Publisher's Representative of the Business Observer a weekly newspaper published at Clearwater, Pinellas County, Florida; that the attached copy of advertisement,

being a Notice of Action Before the Division of Pari-Mutuel Wagering

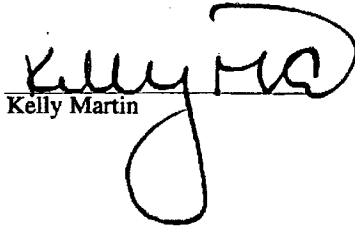
in the matter of The permanent exclusion from all Florida Pari-Mutuel Wagering Facilities

in the Court, was published in said newspaper in the

issues of 2/8/2019, 2/15/2019, 2/22/2019, 3/1/2019

Affiant further says that the said Business Observer is a newspaper published at Clearwater, Pinellas County, Florida, and that said newspaper has heretofore been continuously published and has been entered as periodicals matter at the Post Office in Clearwater in said Pinellas 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/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 said newspaper.

*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

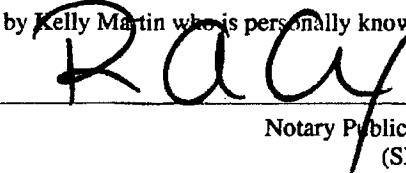


Kelly Martin

Sworn to and subscribed before me this

1st day of March, 2019 A.D.

by Kelly Martin who is personally known to me.



Notary Public, State of Florida
(SEAL)



Pamela A Cox
COMMISSION # GG251785
EXPIRES: August 23, 2022
Bonded Thru Aaron Notary

**NOTICE OF ACTION
BEFORE THE DIVISION OF
PARI-MUTUEL WAGERING**
IN RE: The permanent exclusion from
all Florida Pari-Mutuel Wagering Fa-
cilities.
ALEX BARLEE
501 116TH Avenue North, Apt. 262 St.
Petersburg, Florida 33716
4435 38th Terrace North, Apt. B12 St.
Petersburg, Florida 33714
CASE NO.: 2018-031343
LICENSE NO.: 9990919-1021
The Department of Business and Pro-
fessional Regulation has filed an Ad-
ministrative Complaint against you,
a copy of which may be obtained by
contacting Deborah A. Mathews, Ad-
ministrative Assistant II, Department
of Business and Professional Regula-
tion, Division of Pari-Mutuel Wagering,
2601 Blair Stone Road, Tallahassee,
Florida 32399-2202, (850) 717-
1585.
If no contact has been made by you con-
cerning the above by March 8, 2019, the
matter of the Administrative 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 spe-
cial accommodation to participate in
this proceeding should contact the in-
dividual or agency sending notice not
later than seven days prior to the
proceeding at the address given
on notice. Telephone: (850) 257-6097;
1-800-966-8771 (TDD) or 1-800-966-
8770 (v), via Florida Relay Service.
February 8, 15, 22; March 1, 2019
19-00793N

EXHIBIT
3