

**FILED**  
Department of Business and Professional Regulation  
Senior Deputy Agency Clerk  
CLERK Brandon Nichols  
Date 6/7/2019  
File # 2019-05056

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. 2018-036364

vs.

CHRISTOPHER MICHAEL ROTHERMEL,

Respondent.

\_\_\_\_\_ /

**STIPULATION AND CONSENT ORDER**

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Division”), and Christopher Michael Rothermel (“Respondent”) hereby stipulate and agree to the following terms and issuance of this Consent Order.

1. At all times material hereto, Respondent held a PMW Cardroom Employee Occupational License, having been issued license number 10099279-1012, by the Division.
2. This Stipulation and Consent Order is to be entered in resolution of the two-count Administrative Complaint filed in DBPR Case No. 2018-036364, alleging that, on or about July 16, 2018, Respondent violated rule 61D-11.005, Florida Administrative Code, and section 550.0251(10), Florida Statutes.

**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 and the violation(s) addressed hereby may be considered in aggravation of any future disciplinary proceedings involving Respondent.

11. SURRENDER OF LICENSE: Respondent agrees to voluntarily surrender his PMW Cardroom Employee Occupational License. In lieu of physically surrendering the license, Respondent hereby acknowledges and attests that by virtue of executing this Stipulation and Consent Order:

a. Respondent surrenders all right and title to his PMW Cardroom Employee Occupational License issued to him by the Division in resolution of the instant case.

b. Respondent shall not attempt to commence work at a Florida pari-mutuel facility without first applying for, and if approved by the Division, receiving a new valid license issued by the Division; and

c. Respondent agrees that the facts and circumstances alleged in this matter in the Division's Administrative Complaint and the Division's Investigative Report may be considered as a disqualifying basis to licensure, should Respondent ever attempt to regain licensure with the Division.

12. EXCLUSION: Respondent agrees to be placed on the Division's Exclusion list. Consequently, Respondent is hereby barred from entering or attempting to gain entry to any pari-mutuel facility licensed by the State of Florida. After a period of five (5) years, beginning from the time that this Stipulation and Consent Order is filed with the Agency Clerk, Respondent may petition the Division for removal from the Division's Exclusion list to patron and attend Florida pari-mutuel facilities.

13. The Consent Order shall be mailed to: **ATTENTION: Patricia Broadway, Department of Business and Professional Regulation, Office of the General Counsel, 2601 Blair Stone Road, 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, Christopher Michael Rothermel, hereby agrees and consents to the terms and conditions of this Stipulation and Consent Order this \_\_\_\_\_ day of \_\_\_\_\_, 2019.



**CHRISTOPHER MICHAEL ROTHERMEL**  
Respondent

STATE OF FLORIDA,  
COUNTY OF SEMINOLE

Sworn to (or affirmed) and subscribed before me this 29<sup>th</sup> day of May 2019, 2019, by Christopher Michael Rothermel, who is personally known to me or who produced the following as identification: \_\_\_\_\_

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 6/11/2019



**CERTIFICATE OF SERVICE**

I hereby certify this 7<sup>th</sup> day of June, 2019, that a true copy of

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

Christopher Michael Rothermel  
c/o William N. Spicola, Esq.  
PO Box 664  
Tallahassee, FL 32302-0664

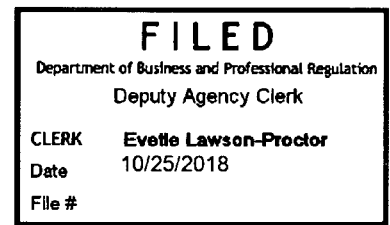
*Brandon M. Nichols*

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

**Copies to:**

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,

v.

DBPR Case No. 2018-036364

CHRISTOPHER MICHAEL ROTHERMEL,

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 Christopher Michael Rothermel ("Respondent"), and alleges as follows:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapters 550 and 849, Florida Statutes.
2. At all times material, Respondent held a Cardroom Employee Occupational license, number 10099279-1012, issued by the Petitioner.
3. At all times material, Respondent was employed as a poker dealer at West Volusia Racing, Inc., d/b/a Orange City Racing & Card Club (Orange City Card Club).
4. Orange City Card Club is a facility operated by a permitholder authorized to conduct pari-mutuel wagering in this state under Chapters 550 and 849, Florida Statutes.
5. On or about July 6, 2018, Respondent, while working as a dealer at Orange City Card Club, was caught cheating during poker games.

6. On or about July 16, 2018, Respondent was permanently excluded from Orange City Card Club.

7. Rule 61D-11.005, Florida Administrative Code, provides

(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.

8. Section 550.0251(6), Florida Statutes, provides in relevant part 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...”

9. Section 550.0251(10), Florida Statutes, provides, in pertinent part, that the “[Division] may suspend or revoke a permit, a pari-mutuel license, or an occupational license for a violation under this chapter.”

10. Based on the forgoing, Respondent is in violation of Rule 61D-11.005, Florida Administrative Code, and is subject to exclusion from all pari-mutuel facilities within the state by virtue of violating Section 550.0251(6), Florida Statutes, and his license is subject to revocation by virtue of Section 550.0251(10), Florida Statutes.

WHEREFORE, Petitioner respectfully requests the Division enter an Order against Respondent imposing one or more of the penalties specified in Section 550.0251, Florida Statutes, together with any other relief the Division is authorized to impose pursuant to Chapters 550 and 849, Florida Statutes, and the rules promulgated thereunder.

*{Signature lines appear on the following page}*



This Administrative Complaint in DBPR Case No. 2018-036364 is signed this 24th day of October, 2018.

/s/ James A. Lewis

**JAMES LEWIS**

Assistant General Counsel

Florida Bar No. 1002349

James.Lewis@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  
Tallahassee, Florida 32399-2202  
Telephone: (850)-717-1585  
Facsimile: (850) 921-1311

**NOTICE OF RIGHT 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.