

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	10/17/2018
File #	2018-08427

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

Petitioner,

v.

Case No. 2018-040168

JOSEPH C. BROWN, III,

Respondent.

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (hereinafter "Petitioner"), issues this Final Order against JOSEPH C. BROWN, III (hereinafter "Respondent") as follows:

1. An Administrative Complaint was filed in this case on August 22, 2018, alleging that Respondent violated certain provisions of Chapter 550, Florida Statutes. A copy of the Administrative Complaint is attached hereto as Exhibit "1".

2. The Administrative Complaint, Election of Rights form, an Explanation of Rights, and a cover letter were served on Respondent via U.S. Certified Mail on August 27, 2018. Proof of service is attached hereto as Exhibit "2".

3. The Election of Rights form, Explanation of Rights, and cover letter informed Respondent that a written response to the Administrative Complaint, including the right to request a hearing, was due within 21 days of actual service of the Administrative Complaint. See section 120.569(1), Florida Statutes, and rule 28-106.111, Florida Administrative Code.

4. Petitioner made all reasonable efforts to provide actual notice to Respondent.

5. Petitioner informed Respondent that the failure to file a timely response to the Administrative Complaint shall be deemed a waiver of the right to a hearing.

6. Respondent has not filed a timely response to the Administrative Complaint. Respondent has not submitted any evidence or made any allegations that would support the application of the doctrine of equitable tolling.

Having considered the Administrative Complaint, the evidence of Petitioner's reasonable attempts to provide actual notice to Respondent, and being otherwise fully advised in the premises, it is hereby


ORDERED and ADJUDGED:

7. The allegations of fact and the conclusions of law in the Administrative Complaint are adopted in their entirety herein.

8. Respondent's PMW Slot Combo Professional License, number 7887611-1055 is PERMANENTLY REVOKED and Respondent is PERMANENTLY EXCLUDED from all Florida pari-mutuel facilities.

9. This Final Order is effective on the date it is filed with the Agency Clerk of the Department of Business and Professional Regulation as indicated on the first page of this Final Order.

DONE and ORDERED this 16 day of October, 2018.



**ROBERT EHRHARDT, DIRECTOR**  
Division of Pari-Mutuel Wagering  
Department of Business and  
Professional Regulation  
2601 Blair Stone Road

### NOTICE OF RIGHT TO APPEAL

Any party to this proceeding has the right to seek its judicial review under Section 120.68, Florida Statutes, by the filing of an original Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Agency Clerk, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202 (Email: [AGC.Filing@myfloridalicense.com](mailto:AGC.Filing@myfloridalicense.com)), and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate Florida District Court of Appeal. The Notice of Appeal must be filed (received) in the Office of the Agency Clerk within thirty (30) days after the date this Order is filed with the Clerk.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Final Order on Waiver was provided to Respondent at: 2430 N.E. 135<sup>th</sup> Street, Apt. 307, North Miami, Florida 33181, this 17<sup>th</sup> day of October, 2018.

*Brandon M. Nichols*

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AGENCY CLERK'S OFFICE

**FILED**  
Department of Business and Professional Regulation  
Deputy Agency Clerk  
CLERK **Evette Lawson-Proctor**  
Date **8/22/2018**  
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.: 2018-040168

v.

JOSEPH C. BROWN, III,

Respondent.

\_\_\_\_\_ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (Petitioner), files this Administrative Complaint against Joseph C. Brown, III (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 hereto, Respondent held a PMW Slot Combo Professional License, number 7887611-1055, issued by the Petitioner.
3. At all times material hereto, Respondent worked as a vault supervisor at Gulfstream Park.
4. Gulfstream Park is a facility operated by a permitholder authorized to conduct pari-mutuel wagering in this state under Chapter 550, Florida Statutes.
5. On July 13, 2018, Respondent admitted to his involvement in a scheme to defraud Gulfstream Park by stealing cash and/or other items of value from Gulfstream Park's vault over a period of at least two (2) years.

6. As a result of Respondent's fraudulent activities, Gulfstream Park estimates its total loss between \$35,000 - \$40,000.

7. Respondent has been terminated and permanently excluded from Gulfstream Park.

#### COUNT I

8. Petitioner realleges and incorporates paragraphs numbered one through seven as if set forth fully herein.

9. Rule 61D-11.005(4), *Florida Administrative Code*, provides 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 is in violation of Rule 61D-11.005(4), *Florida Administrative Code*, by participating in a scheme to steal cash and/or other items of value while working as Gulfstream Park's vault supervisor on or about June 21, 2018.

#### COUNT II

11. Petitioner realleges and incorporates paragraphs numbered one through seven as if set forth fully herein.

12. Section 550.0251(6), Florida Statutes, 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.

13. Based on the foregoing, Respondent is subject to permanent exclusion from all pari-mutuel facilities in the state of Florida by virtue of his permanent exclusion from Gulfstream Park from July, 2018.

WHEREFORE, Petitioner respectfully requests the Division Director enter an Order imposing against Respondent one or more of the penalties specified in Sections 550.105, 550.0251, Florida Statutes, and/or any other relief that the Division is authorized to impose pursuant to Chapter 550, Florida Statutes, and/or the rules promulgated thereunder.

Signed this 22nd day of August, 2018.

*/s/ Charles Dewrell*

**CHARLES DEWRELL**

Deputy Chief Attorney

Florida Bar No. 0102579

[Charles.Dewrell@MyFloridaLicense.com](mailto:Charles.Dewrell@MyFloridaLicense.com)

*/s/ Louis Trombetta*

**LOUIS TROMBETTA**

Chief Attorney

Florida Bar No. 0108119

[Louis.Trombetta@MyFloridaLicense.com](mailto: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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Postage	\$	<b>MAILED</b> Postmark Here <b>8/24/18</b>
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Po	Joseph C. Brown, III	
Sent To	2430 N.E. 135 <sup>th</sup> St., Apt. 307	
Street, Ap or PO Box	N. Miami, FL 33181	
City, State	AC 2018-040168 OGC/4 <sup>TH</sup> Floor/DM	

PS Form 3800, August 2006 See Reverse for Instructions

**EXHIBIT**  
2  
exhibitsticker.com

**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joseph C. Brown, III  
2430 N.E. 135<sup>th</sup> St., Apt. 307  
N. Miami, FL 33181  
AC 2018-040168 OGC/4<sup>TH</sup> Floor/DM

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
*J. Brown*  Addressee  
B. Received by (Printed Name) C. Date of Delivery  
*J. Brown* *8/27/18*  
D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
(Transfer from service label)

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