

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.: 2018-043509

CHRISTOPHER SADLER LEE,

Respondent.

_____ /

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division"), hereby enters this Final Order for the above styled matter. On May 6, 2019, Alison Parker, Hearing Officer for the Department, issued the Recommended Order in this matter. That Recommended Order is attached to the Final Order and incorporated herein by reference.

FINDINGS OF FACT

The Findings of Fact contained in the Recommended Order are hereby adopted as the Findings of Fact of the Division.

CONCLUSIONS OF LAW

The Conclusions of Law contained in the Recommended Order are hereby adopted as the Conclusions of Law of the Division.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law adopted from the Recommended Order of the Department's Informal Hearing, it is hereby ORDERED that:

- 1) Respondent is hereby **PERMANENTLY EXCLUDED** from all licensed pari-mutuel facilities within the State of Florida.
- 2) This Final Order shall become effective on the date of filing with the Agency Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 24 day of May, 2019, in Tallahassee, Florida.

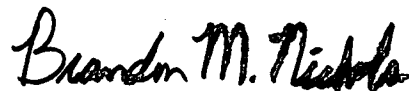


LOUIS TROMBETTA, DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-1035

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 29th day of May 2019, that a true and correct copy of the foregoing Final Order has been provided by regular U.S. mail to:

Christopher Sadler Lee
1330 West Avenue, Apt. 2008
Miami Beach, Florida 33139



Agency Clerk's Office

NOTICE OF RIGHT TO APPEAL UNLESS WAIVED

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to section 120.68, Florida Statutes. Review Proceedings are governed by Rules 9.110 and 9.190, Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Department of Business and Professional Regulation, Attn: Ronda L. Bryan, Agency Clerk, 2601 Blair Stone Road, Tallahassee, Florida 32399 (agc.filing@myfloridalicense.com) and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Florida Appellate District where the Party Resides. The Notice of Appeal must be filed within thirty (30) Days of Rendition of the Order to be reviewed.

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	5/8/2019
File #	

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DIVISION OF PARI-MUTUEL WAGERING

DEPARTMENT OF BUSINESS AND
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Petitioner,

DBPR Case No. 2018-043509

v.

CHRISTOPHER SADLER LEE,

Respondent.

HEARING OFFICER'S RECOMMENDED ORDER

THIS MATTER came before Alison A. Parker, designated Hearing Officer for the Department of Business and Professional Regulation, on April 3, 2019, in Tallahassee, Florida, in accordance with the provisions of sections 120.569 and 120.57(2), Florida Statutes (2018)¹, for consideration of the Division of Pari-Mutuel Wagering's ("Petitioner") Administrative Complaint issued against Christopher Sadler Lee ("Respondent"), in DBPR Case No. 2018-043509. Petitioner was represented by James A. Lewis, Assistant General Counsel. Respondent appeared *pro se* by telephone. Both sides were allowed to present witnesses, offer items into evidence, and otherwise fully participate in the hearing.

PRELIMINARY STATEMENT

1. On August 27, 2018, Petitioner filed a one-count Administrative Complaint against Respondent, alleging Respondent is subject to permanent exclusion from all licensed pari-mutuel facilities in the state based on his exclusion from Hialeah Park. ("Administrative Complaint").

¹ Unless otherwise noted, references to the Florida Administrative Code and Florida Statutes will be to the 2018 versions.

2. In response to the allegations contained within the Administrative Complaint, Respondent executed his Election of Rights indicating he disputed one or more allegations of material facts delineated in the Administrative Complaint and requesting a formal hearing pursuant to sections 120.569 and 120.57(1), Florida Statutes.

3. Consequently, Petitioner forwarded this matter to the Division of Administrative Hearings (“DOAH”) for the assignment of an administrative law judge to preside over the matter.

4. On March 7, 2019, by order upon a joint motion, the Administrative Law Judge relinquished jurisdiction of the matter for the Department of Business and Professional Regulation to hold a hearing involving no dispute of material facts (“Order Closing File and Relinquishing Jurisdiction”).

5. At the informal hearing convened on April 3, 2019, Petitioner presented the facts and law identified in the Administrative Complaint and cited the Order Closing File and Relinquishing Jurisdiction. The undersigned Hearing Officer granted Petitioner’s motion to accept the findings of fact in the Administrative Complaint as the undisputed facts in the case and admitted its investigative file into evidence. Respondent then presented his case.

FINDINGS OF FACT

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to chapter 550 and section 849.086, Florida Statutes.

2. At all times material hereto, Hialeah Park is a licensed pari-mutuel facility and cardroom located in the state of Florida.

3. On or about July 25, 2018, was issued a trespass warning and permanent exclusion from Hialeah Park.

4. At the informal hearing, Respondent testified that the circumstances that precipitated his trespass and exclusion from Hialeah Park were not his fault. Specifically, Respondent denied any allegations that he colluded with another patron to influence a poker game. Additionally, Respondent stated that instead of throwing the cards straight out from his person when his hand was over, he unintentionally threw them to the left. Respondent further stated that he has no reason to cheat at cards, and that he elected for a hearing to defend his name.

5. On cross-examination, Petitioner asked questions regarding the same facts and circumstances that culminated in Respondent's trespass and exclusion from Hialeah Park, but Respondent indicated that he did not recall all the answers.

6. Respondent did not establish any mitigating evidence suggesting that Petitioner should refrain from permanently excluding him from all licensed pari-mutuel facilities in the state of Florida.

7. There is competent substantial evidence to support the foregoing findings of fact.

CONCLUSIONS OF LAW

8. The undersigned Hearing Officer has the jurisdiction to hear this matter pursuant to section 120.57(2), Florida Statutes.

9. The Department of Business and Professional Regulation has jurisdiction over this matter pursuant to chapters 120, 550, and section 849.086, Florida Statutes.

10. Section 550.0251(6), Florida Statutes, authorizes Petitioner to, inter alia, permanently excluded individuals from any and all licensed pari-mutuel facilities located in this state who have been subject to exclusion and/or trespass from a licensed pari-mutuel facility in the state of Florida.

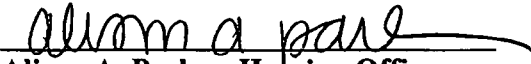
11. Based on the foregoing, Petitioner may permanently exclude Respondent from any and all licensed pari-mutuel facilities in Florida.

12. There is competent substantial evidence to support the conclusions of law.

RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Department of Business and Professional Regulation enter a Final Order: PERMANENTLY EXCLUDING Respondent from all licensed pari-mutuel facilities in the state of Florida.

Respectfully submitted this 6th day of May 2019.


Alison A. Parker, Hearing Officer
Department of Business and
Professional Regulation
2601 Blair Stone Road
Tallahassee, FL 32399-2202

CERTIFICATE OF SERVICE

I hereby certify this 8 day of May 2019 that a true copy of the foregoing has been provided by U.S. Mail to:

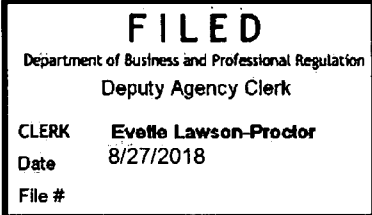
Christopher Sadler Lee
1330 West Avenue, Apt. 2008
Miami Beach, FL 33139


AGENCY CLERK'S OFFICE

Cc:
Alison A. Parker, Informal Hearing Officer
James A. Lewis, Assistant General Counsel

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to the Recommended Order should be filed with the Department.



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DBPR Case No. 2018-043509

CHRISTOPHER SADLER LEE,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner") files this Administrative Complaint against Christopher Sadler Lee ("Respondent") and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes.
2. Respondent's address of record is 1330 W. Avenue, Apt. 805, Miami Beach, Florida 33139.
3. Hialeah Park is a licensed pari-mutuel facility and cardroom in the State of Florida.
4. On or about July 25, 2018, Respondent was issued a trespass warning and permanent exclusion from its facility by Hialeah Park.
5. Section 550.0251(6), Florida Statutes, provides in relevant part that:

[i]n 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.

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

Signed this 27th 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.