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| FILED | |
| Department of Business and Professional Regulation Deputy Agency Clerk | |
| CLERK | Brandon Nichols |
| Date | 12/5/2018 |
| File # | 2018-09752 |

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. 2018-044714

v.

FERNANDO ENRIQUEZ,

Respondent.

STIPULATION AND CONSENT ORDER

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

1. Respondent is not currently licensed by the Division.
2. This Stipulation and Consent Order is to be entered in resolution of the Administrative Complaint filed on September 27, 2018, DBPR Case No. 2018-044714.
3. At all times pertinent to the allegations contained in Administrative Complaint, Respondent was patron at Casino Miami Jai-Alai, a licensed pari-mutuel wagering and slot machine facility in the State of Florida.
4. The Administrative Complaint alleged that on June 11, 2018, Respondent was permanently excluded from Casino Miami Jai Alai as a result of Respondent allegedly engaging in activities which violated Rule 61D-14.090, *Florida Administrative Code*.

STIPULATION

WHEREAS the parties desire to resolve this matter, the following terms are stipulated:

5. The Division has jurisdiction over this matter and the parties.
6. The Division is authorized by section 120.57, Florida Statutes, to resolve administrative proceedings by Consent Order.
7. 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.
8. This Consent Order is enforceable under section 120.69, and chapter 550, Florida Statutes, as final agency action.
9. 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.
10. 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.
11. 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.
12. Respondent neither admits nor denies committing the violation(s) set forth in this Consent Order.
13. PERMANENT EXCLUSION: Pursuant to sections 551.112 and 550.0251(6), Florida Statutes, Respondent is hereby permanently excluded from all licensed slot machine and

pari-mutuel facilities in the State of Florida based on his ejection and his permanent exclusion Casino Miami Jai Alai on June 11, 2018.

14. The Consent Order, shall be mailed to: Department of Business and Professional Regulation, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202, Attention: Patricia Broadway.

15. 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.

16. 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.

17. 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, Enriquez Fernando, hereby agrees and consents to the terms and conditions of this Stipulation and Consent Order this 7 day of November, 2018.


F. Fernando

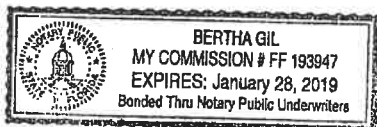
F. Fernando

Enriquez Fernando
Respondent

STATE OF FLORIDA,
COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this 7 day of November, 2018, by Enriquez Fernando, who is personally known to me or who produced the following as identification: FLORIDA DRIVER'S LICENSE


Notary Public Bertha Gil
My Commission Expires: January 28, 2019



APPROVED for legal sufficiency this 4 day of December, 2018.




LOUIS TROMBETTA
Chief Attorney
Division of Pari-Mutuel Wagering
Department of Business & Professional
Regulation

ORDER

IT IS HEREBY ORDERED THAT:

The foregoing Consent Order shall constitute the agreed resolution of this matter and the Final Order of the Division in DBPR Case No. 2018-044714 once it is filed with the Agency Clerk.

DONE AND ORDERED this 4 day of DECEMBER, 2018, in Tallahassee, Florida.



JOE DILLMORE, Deputy Director
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-1035

CERTIFICATE OF SERVICE

I hereby certify this 5th day of December, 2018, that a true copy of the foregoing has been furnished by regular U.S. mail to:

Enriquez Fernando
4160 W 16th Ave Ste 501
Hialeah, FL 33012-5884
gilgilpa@bellsouth.net

Brandon M. Nichols

AGENCY CLERK'S OFFICE
Department of Business and Professional Regulation

Copies to:

Patricia Broadway, AAI OGC/PMW
Glenda Ricks, Chief of Operations PMW