

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 #	2019-02762

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

Petitioner,

v.

Case No.: 2018-045554

VICTORIA SERA-SARMIENTO,

Respondent.

FINAL ORDER

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

1. An Administrative Complaint was filed in this case on September 17, 2018, alleging that Respondent is subject to discipline under the provisions of sections 550.0251(6) and 551.112, Florida Statutes (2017), and rule 61D-14.090, Florida Administrative Code (2017) (“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 *Miami Daily Business Review*, a publication in general circulation within Miami-Dade 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 her 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:

Victoria Sera-Sarmiento
680 West 15th Street
Hialeah, FL 33125

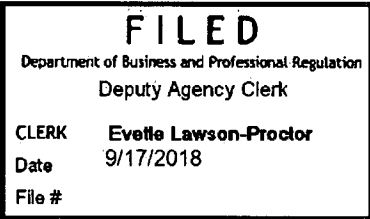
Brandon M. Nichols

AGENCY CLERK'S OFFICE
Department of Business and Professional Regulation

Cc:
Deborah Matthews, AAIL 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,

vs.

DBPR Case No. 2018-045554

VICTORIA SERA-SARMIENTO,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner” or “Division”), files this Administrative Complaint against Victoria Sera-Sarmiento (“Respondent”) and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering, slot machines, and cardroom operations pursuant to chapters 550, 551, and section 849.086, Florida Statutes.
2. At all times material hereto, Respondent was a patron of Casino Miami Jai Alai.
3. At all times material hereto, Casino Miami Jai Alai is facility operated by a permitholder authorized to conduct pari-mutuel wagering, operate slot machines, and a cardroom in the State of Florida.
4. On or about June 11, 2017, Respondent manipulated or attempted to manipulate the outcome, payoff, or operation of a slot machine by physical tampering.



5. On or about February 12, 2018, Respondent was ejected and permanently excluded from Casino Miami Jai Alai.

COUNT I

6. Petitioner realleges and incorporates the allegations contained within paragraphs one through five as though fully set forth herein.

7. Section 551.109(4), Florida Statutes (2017), imposes criminal liability on an individual for tampering with a slot machine, providing:

Any person who manipulates or attempts to manipulate the outcome, payoff, or operation of a slot machine by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

8. Rule 61D-14.090, Florida Administrative Code (2017), provides “[n]o person shall conspire with, solicit, aid, abet, counsel, hire, or procure any other persons to engage in a violation of Chapter 551, F.S., or Chapter 61D-14, F.A.C., nor shall he or she commit any such act on his or her own.” (Emphasis supplied).

9. Based on the foregoing, Respondent violated rule 61D-14.090, Florida Administrative Code, by conspiring with, soliciting, aiding, abetting, counseling, hiring, or procuring any person to engage in a violation of section 551.109(4), Florida Statutes, or by committing such an act on her own at Casino Miami Jai Alai on or about June 11, 2017.

COUNT II

10. Petitioner realleges and incorporates the allegations contained within paragraphs one through five as though fully set forth herein.

11. Section 551.112, Florida Statutes, provides:

In addition to the power to exclude certain persons from any facility of a slot machine licensee in this state, the division may exclude any person from any facility of a slot machine licensee 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 facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from any facility of a slot machine licensee or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over the gaming in such other state. This section does not abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

(Emphasis supplied).

12. Based on the foregoing, Respondent is subject to permanent exclusion from all licensed slot machine facilities in the State of Florida based on her ejection from Casino Miami Jai Alai on February 12, 2018.

COUNT III

13. Petitioner realleges and incorporates the allegations contained within paragraphs one through five as though fully set forth herein.

14. Section 550.0251(6), Florida Statutes, provides in relevant part:

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.

(Emphasis supplied).

15. Based on the foregoing, Respondent is subject to permanent exclusion from all licensed pari-mutuel facilities in the State of Florida based on her permanent exclusion from Casino Miami Jai Alai on February 12, 2018.

WHEREFORE, Petitioner respectfully requests the Division enter an Order permanently excluding Respondent from all licensed pari-mutuel and slot machine facilities in the State of Florida along with any other remedy provided by chapters 550, 551, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for DBPR Case No. 2018-045554 is signed this 17th day of September, 2018.

/s/ James A. Lewis
JAMES A. 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, Mail Stop N21
Tallahassee, Florida 32399-2202
Telephone: (850)-717-1585
Facsimile: (850) 921-1311

NOTICE OF RIGHTS TO REQUEST A HEARING

Pursuant to sections 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(4), 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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Victoria Sera-Sarmiento
680 West 15th Street
Hialeah, Florida 33013
2018-045554/4th Floor/PMW

Sent To
Street, Apt. No.
or PO Box No.
City, State, Zip

ALERT: DUE TO THE FLOODING FROM HURRICANE FLORENCE, MANY POST OFFICES IN TH...



[FAQs > \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)

Track Another Package +

Tracking Number: 70062150000568418461

[Remove X](#)

USPS was unable to deliver your item as of 1:20 pm on September 22, 2018 in HIALEAH, FL 33010. The address may be incorrect, incomplete, or illegible.

Alert

September 22, 2018 at 1:20 pm
Unable to deliver item, problem with address
HIALEAH, FL 33010

[Get Updates](#) ✓

Feedback

Text & Email Updates



Tracking History



September 22, 2018, 1:20 pm

Unable to deliver item, problem with address
HIALEAH, FL 33010

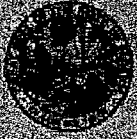
USPS was unable to deliver your item as of 1:20 pm on September 22, 2018 in HIALEAH, FL 33010. The address may be incorrect, incomplete, or illegible.

September 22, 2018

In Transit to Next Facility

September 21, 2018, 5:30 pm

Departed USPS Regional Facility
OPA LOCKA FL DISTRIBUTION CENTER



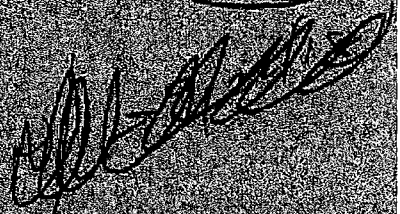
STATE OF FLORIDA
 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 2501 Dale Street, West
 Tallahassee, Florida 32309
 www.MyFlorida.com

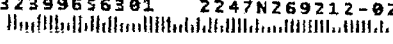
CERTIFIED MAIL

 7006 2150 0005 6841 8461



Victoria Sera-Sarmiento
 680 West 15th Street
 Hialeah, Florida 33013
 2018-045554

APK


NIXIE 326 FE 1 0009/26/18
 RETURN TO SENDER
 ATTEMPTED - NOT KNOWN
 UNABLE TO FORWARD
 BC: 32399656301 2247N269212-02022


BC: 32399656301 2247N283213-00405

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

326 48 1 7219/10/18

NIXIE

NOT AT THIS ADDRESS

Victoria Sera-Sarmiento
680 West 15th Street
Hialeah, Florida 33013
2018-045554

Amel

Barcode

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 Street, Apt. No.,
 or PO Box No. 1951 NW S. River Dr. #802
 City, State, ZIP+4 Miami FL 33125

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Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

In-Transit

November 26, 2018
In Transit to Next Facility

Feedback

Tracking History



November 26, 2018

In Transit to Next Facility

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

November 22, 2018, 11:55 pm

Departed USPS Regional Facility
MIAMI FL DISTRIBUTION CENTER

November 22, 2018, 7:25 am

Arrived at USPS Regional Facility
MIAMI FL DISTRIBUTION CENTER

November 20, 2018, 9:36 pm
Departed USPS Regional Facility
TALLAHASSEE FL DISTRIBUTION CENTER

November 20, 2018, 8:06 pm
Arrived at USPS Regional Facility
TALLAHASSEE FL DISTRIBUTION CENTER

Product Information



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Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Feedback

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

2018-045554
NOTICE OF ACTION
BEFORE THE DIVISION OF PARI-MUTUEL WAGERING - IN RE:
THE PHYSICAL TAMPERING OF A SLOT MACHINE - VICTORIA
SERA-SARMIENTO

in the XXXX Court,
was published in said newspaper in the issues of

02/08/2019 02/15/2019 02/22/2019 03/01/2019

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade 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 or 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 the said newspaper.

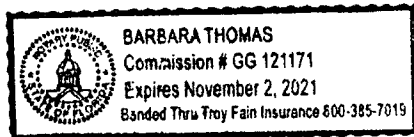
Guillermo Garcia

Sworn to and subscribed before me this
1 day of MARCH, A.D. 2019

Barbara Thomas

(SEAL)

GUILLERMO GARCIA personally known to me



**NOTICE OF ACTION
BEFORE THE DIVISION OF
PARI-MUTUEL WAGERING**
IN RE: The physical tampering of a slot
machine
VICTORIA SERA-SARMIENTO
680 West 15th Street
Hialeah, Florida 33013
CASE NO.: 2018-045554
LICENSE NO.: Unlicensed
The Department of Business and
Professional Regulation has filed an
Administrative Complaint against you,
a copy of which may be obtained by
contacting Deborah A. Matthews,
Administrative Assistant II, Department
of Business and Professional Regu-
lation, Division of Pari-Mutuel Wagering,
2601 Blair Stone Road, Tallahassee,
Florida 32399-2202, (850) 717-1585.
If no contact has been made by you
concerning 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 special accommodation to partici-
pate in this proceeding should contact
the individual or agency sending notice
not later than seven days prior to
the proceeding at the address given
on notice. Telephone: (850) 257-6097,
1-800-935-8771 (TDD) or 1-800-955-
8770 (v) via Florida Relay Service.
2/8-15-22 3/1 19-01/0000375569M