

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	3/20/2019
File #	2019-02540

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

Petitioner,

v.

Case No. 2018-045558

YUNIOR LOPEZ DE LA CRUZ,

Respondent.

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (hereinafter "Petitioner"), issues this Final Order against YUNIOR LOPEZ DE LA CRUZ (hereinafter "Respondent") as follows:

1. An Administrative Complaint was filed in this case on September 27, 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 certified mail on January 29, 2019. 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.

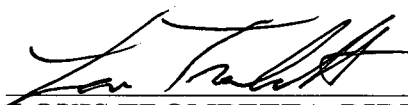
Having considered the Administrative Complaint, the evidence of Petitioner's reasonable attempts to provide actual notice to Respondent, and being otherwise fully advised in the premises, it is hereby

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 is PERMANENTLY EXCLUDED from all pari-mutuel facilities in the state of Florida. 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 19 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  
Telephone: (850) 488-9130

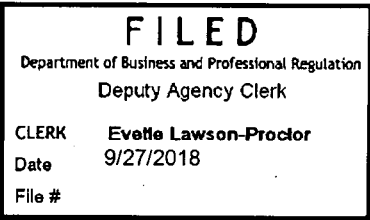
NOTICE OF RIGHT TO APPEAL

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), 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: 425 S.E. 2<sup>nd</sup> Street, Hialeah, Florida 33010, this 20<sup>th</sup> day of March, 2019.

Brandon M. Nichols  
AGENCY CLERK'S OFFICE



STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
DIVISION OF PARI-MUTUEL WAGERING

DEPARTMENT OF BUSINESS AND  
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DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

DBPR CASE NO. 2018-045558

v.

YUNIOR LOPEZ DE LA CRUZ,

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 Yunior Lopez De La Cruz ("Respondent") and alleges as follows:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering, slot machines, and cardroom operations pursuant to chapters 550, 551, Florida Statutes.
2. At all times material hereto, Casino Miami Jai Alai was facility operated by a permitholder authorized to conduct pari-mutuel wagering, operate slot machines, and a cardroom in the State of Florida.
3. At all times pertinent to the allegations contained herein, Respondent was a patron at Casino Miami Jai-Alai.
4. On or about June 11, 2017, at approximately 4:55 AM, Respondent attempted to manipulate the outcome, payoff, or operation of a slot machine by physical tampering at Casino Miami Jai-Alai.

5. Respondent subsequently attempted to redeem vouchers received as a result of the manipulation of the aforementioned roulette video game, totaling \$3,080.00 in purported value, at Casino Miami Jai-Alai.

6. On or about July 6, 2017, Casino Miami Jai-Alai permanently excluded Respondent from Casino Miami Jai-Alai's facilities after reviewing video surveillance of Respondent's actions.

#### COUNT I

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

8. 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.

9. 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).

10. 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 his own at Casino Miami Jai Alai on or about June 11, 2017.

## COUNT II

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

12. 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).

13. Section 550.0251(6), Florida States, 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).

14. Based on the foregoing, Respondent is subject to permanent exclusion from all licensed pari-mutuel facilities in the State of Florida based on his ejection and his permanent exclusion from Casino Miami Jai Alai on July 6, 2017.

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 in case number 2018-045558, is signed this 27th day of September, 2018.

/s/ Jett Baumann  
**JETT BAUMANN**  
Assistant General Counsel  
Florida Bar No. 122159  
Jett.Baumann@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 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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<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL® RECEIPT</b>	
<i>Domestic Mail Only</i>	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
<b>OFFICIAL USE</b>	
Certified Mail Fee	\$ _____
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	\$ _____
Total Postage	\$ _____
Sent To	Yunior Lopez De La Cruz
Street and A:	425 SE 2 <sup>nd</sup> Street
City, State, Z	Hialeah, Florida 33010
	2018-045558 PMW
PS Form 3800, April 2015 PSN 7530-02-000-9047. See Reverse for Instructions	

1/24/19  
Postmark Here



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

### Track Another Package +

**Tracking Number:** 70181830000168228290

Remove X

Your item was delivered to an individual at the address at 10:54 am on January 29, 2019 in HIALEAH, FL 33010.

### ✓ Delivered

January 29, 2019 at 10:54 am  
Delivered, Left with Individual  
HIALEAH, FL 33010

Get Updates ✓

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#### Text & Email Updates



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#### Tracking History



Feedback

**January 29, 2019, 10:54 am**  
Delivered, Left with Individual  
HIALEAH, FL 33010

Your item was delivered to an individual at the address at 10:54 am on January 29, 2019 in HIALEAH, FL 33010.

**January 28, 2019**  
In Transit to Next Facility

**January 27, 2019, 5:53 pm**  
Departed USPS Regional Facility  
OPA LOCKA FL DISTRIBUTION CENTER

**January 26, 2019, 2:15 pm**  
Arrived at USPS Regional Facility  
OPA LOCKA FL DISTRIBUTION CENTER

**January 25, 2019, 4:24 am**  
Departed USPS Regional Facility  
TALLAHASSEE FL DISTRIBUTION CENTER

**January 24, 2019, 11:40 pm**  
Arrived at USPS Regional Facility  
TALLAHASSEE FL DISTRIBUTION CENTER

