

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	3/8/2019
File #	2019-02091

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

Petitioner,

Case No. 2018-045562

v.

LEUDY MATOS AZAHAREZ,

Respondent.

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), issues this Final Order against LEUDY MATOS AZAHAREZ (“Respondent”) as follows:

1. An Administrative Complaint was filed in this case on September 17, 2018, alleging violations of certain provisions of Florida Statutes. A copy of the Administrative Complaint is attached hereto as Exhibit “1” and incorporated by reference.
2. On or about January 26, 2019, Petitioner served Respondent the Administrative Complaint, Explanation of Rights, Election of Rights form and a cover letter via certified mail. Proof of service is attached as Exhibit “2” and incorporated by reference.
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. On or about February 26, 2019, Respondent returned a signed Election of Rights form and selected "Option 3" which states that Respondent does not dispute the allegations of material fact in the Administrative Complaint and waives his or her right to any form of hearing. Respondent by selecting this option requests that a Final Order imposing a penalty and fine be entered in this case. A copy of the Election of rights is attached hereto as Exhibit "3".

5. Respondent has waived their right to request a hearing in which there is a disputed issue of material fact.

Having considered the Administrative Complaint, and Respondent's waiver of right to a hearing or other resolution in this matter, and being otherwise fully advised in the premises, it is hereby

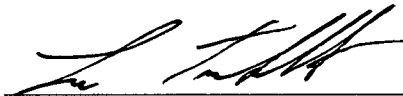
ORDERED AND ADJUDGED:

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

7. Respondent is permanently excluded from all licensed facilities in the state of Florida.

8. 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 5 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

NOTICE OF RIGHT TO APPEAL

Unless expressly waived, any party adversely affected by this Final Order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, 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 30 days of the effective date of this order, in accordance with Florida Rule of Appellate Procedure 9.110, and section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Final Order on Waiver was provided to: Leudy Matos Azaharez, 634 E. 24th Street, Hialeah, Florida 33013, by regular U.S.

Mail this 8th day of March, 2019.

Brandon M. Nichols

AGENCY CLERK'S OFFICE

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK: **Evelle Lawson-Proctor**
Date: **9/17/2018**
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,

v.

DBPR Case No. 2018-045562

LEUDY MATOS AZAHAREZ,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner") files this Administrative Complaint against Leudy Matos Azaharez ("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 634 E. 24th Street, Hialeah, Florida 33013.
3. Hialeah Park d/b/a Casino Miami is a licensed pari-mutuel facility and cardroom in the State of Florida.
4. On or about June 11, 2017, Respondent was issued a trespass warning and permanent exclusion from its facility by Casino Miami.
5. Section 550.0251(6), Florida States, 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

EXHIBIT
1
exhibitclerk.com

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 11th day of September, 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.



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

Track Another Package +

Tracking Number: 70181830000168228221

Remove X

Your item was delivered to an individual at the address at 11:08 am on January 26, 2019 in HIALEAH, FL 33013.

Delivered

January 26, 2019 at 11:08 am
Delivered, Left with Individual
HIALEAH, FL 33013

Get Updates

Text & Email Updates

Tracking History

Feedback

January 26, 2019, 11:08 am
Delivered, Left with Individual
HIALEAH, FL 33013

Your item was delivered to an individual at the address at 11:08 am on January 26, 2019 in HIALEAH, FL 33013.

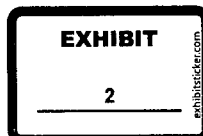
January 22, 2019
Redelivery Scheduled
HIALEAH, FL 33013

January 19, 2019, 2:13 pm
Notice Left (No Authorized Recipient Available)
HIALEAH, FL 33013

January 19, 2019
In Transit to Next Facility

January 17, 2019, 7:27 pm
Departed USPS Regional Facility
OPA LOCKA FL DISTRIBUTION CENTER

January 17, 2019, 4:31 pm
Arrived at USPS Regional Facility
OPA LOCKA FL DISTRIBUTION CENTER



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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
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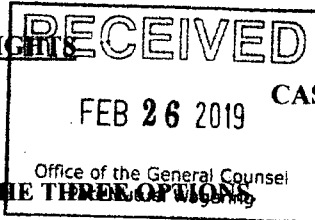
City, State, Z

Leudy Matos Azaharez
634 E. 24th Street
Hialeah, Florida 33013
2018-045562 PMW

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

ELECTION OF RIGHTS

DBPR v. LEUDY MATOS AZAHAREZ



CASE NO. 2018-045562

PLEASE CHECK ONLY ONE OF THE THREE OPTIONS

Option (1) I do not dispute the allegations of material fact in the Administrative Complaint. I wish to submit oral and written evidence in mitigation at a hearing pursuant to section 120.57(2), Florida Statutes (“informal hearing”) and that this oral and written evidence be considered before any penalty and fines are imposed.

Option (2) I do dispute the allegations of material fact in the Administrative Complaint. This is a petition for a hearing involving disputed material facts pursuant to sections 120.569(2)(a) and 120.57(1), Florida Statutes, (“formal hearing”) before an Administrative Law Judge of the Division of Administrative Hearings. I specifically dispute the following paragraphs in the Administrative Complaint (attach extra pages or write on the back if needed):

In addition to the above election for formal hearing, if you wish to enter into settlement negotiations, check the box below:

Section 120.569(2)(a), Florida Statutes, requires the Department to send this case to the Division of Administrative Hearings (DOAH) for a formal hearing within 15 days after receiving your Election of Rights. I am interested in settling this case and waive the 15-day requirement in order to enter into settlement negotiations with the Department.

Option (3) I do not dispute the allegations of material fact in the Administrative Complaint and waive my right to any form of hearing. I request that a Final Order imposing a penalty and fines be entered in this case.

THIS IS A LEGALLY BINDING DOCUMENT. SEEK LEGAL ADVICE BEFORE SIGNING IF YOU DO NOT FULLY UNDERSTAND THE TERMS.

Leudy Matos Azaharez
PRINTED NAME

ATTORNEY OR QUALIFIED REPRESENTATIVE

634 E. 24th Street
Street Address

Street Address (where service shall be made)

Hialeah FL 33013
City State Zip

City State Zip

305-801-8054
Telephone Number Facsimile Number (if any)

Telephone Number Facsimile Number (if any)

leudymatos85@gmail.com
E-mail

E-mail

[Signature]
SIGNATURE

THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE DEPARTMENT WITHIN 21 DAYS AND MAILED TO:

Office of the General Counsel
Department of Business and Professional Regulation
2601 Blair Stone Road Tallahassee, FL 32399-2202
Telephone (850) 921-1311
Attention: Debo **Administrative Assistant II**

