

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. 2018-047799

RONALD WAYNE YOUNG,

Respondent.

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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 March 25, 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

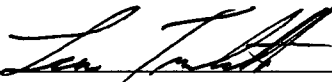
The Conclusions of Law contained in the Recommended Order are hereby adopted as the Conclusions of Law of the Division.

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 shall be **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 16 day of April, 2019, in Tallahassee, Florida.

  
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**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 18<sup>th</sup> day of April 2019, that a true and correct copy of the foregoing Final Order has been provided by electronic mail and regular U.S. mail to:

**Ronald Wayne Young**  
c/o Charles F. Atwood, III, Esquire  
Attorney for Respondent  
13380 S.W. 131<sup>st</sup> Street, Unit 119  
Miami, Florida 33186  
umlaw72@aol.com

*Brandon M. Nichols*

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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.

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	Evette Lawson-Proctor
Date	3/26/2019
File #	

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

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DBPR Case No. 2018-047799

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RONALD WAYNE YOUNG,

Respondent.

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HEARING OFFICER'S RECOMMENDED ORDER

THIS MATTER came before Alison A. Parker, designated Hearing Officer for the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner" or "Division"), on February 6, 2019, in Tallahassee, Florida, in accordance with the provisions of section 120.57(2), Florida Statutes, for consideration of the Division's Administrative Complaint filed against Ronald Wayne Young ("Respondent"). Petitioner was represented by Jett Baumann, Assistant General Counsel. Respondent was represented by Charles F. Atwood, III, Esquire. Both sides were allowed to call witnesses, proffer items into evidence, present testimony, and otherwise fully participate in the hearing. Additionally, both sides elected to file Proposed Recommended Orders or written Closing Arguments, which have fully been considered herein.

## PRELIMINARY STATEMENT

1. On November 5, 2018, Petitioner filed a two-count Administrative Complaint against Respondent.<sup>1</sup>

2. On September 28, 2018, Respondent submitted an Election of Rights form and requested a Formal Hearing; however, Respondent failed to identify any material facts in dispute in accordance with section 120.57(1), Florida Statutes.

3. Petitioner informed Respondent of the aforementioned deficiency and afforded Respondent the opportunity to cure via an Amended Election of Rights form. On December 26, 2018, Respondent submitted an Amended Election of Rights form but yet again failed to identify any material facts in dispute in accordance with section 120.57(1), Florida Statutes. Consequently, the underlying matter was scheduled for an Informal Hearing on February 6, 2019, pursuant to section 120.57(2), Florida Statutes.

4. At the Informal Hearing, Petitioner presented the issues raised in the Administrative Complaint and cited Respondent's failure to identify any material facts in dispute. The Hearing Officer granted the Petitioner's Motion to Accept the Findings of Fact in the Administrative Complaint as the undisputed facts in the case. Respondent then presented his case.

## FINDINGS OF FACT

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

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

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<sup>1</sup> Paragraph 8 within Count I of the Administrative Complaint contained a clerical error stating that Respondent was employed as a cardroom dealer at the "St. Petersburg Kennel Club" instead of "Hialeah Park" as correctly stated within paragraph 5.

7. At all times material, Respondent held a Slot Combo General License, number 10354841-1056, issued by the Division.

8. At all times material, Respondent was employed as a cardroom dealer at Hialeah Park, a licensed pari-mutuel facility and cardroom in the State of Florida.

9. On September 2, 2018, Respondent improperly took over \$15.00 in poker chips while distributing cards during two live poker games conducted at 10:50:10 P.M. and 10:53:18 P.M.

10. On September 5, 2018, Hialeah Park, after reviewing surveillance footage of Respondent's aforementioned actions, terminated Respondent's employment and permanently excluded him from Hialeah Park.

11. During the hearing, Respondent testified on a variety of topics:

- a. While Respondent admitted to taking poker chips from Hialeah Park on September 2, 2018, Respondent denied having any larcenous intent and claimed that he took the chips in "error" as a result of being "overworked during numerous shifts" at Hialeah Park;
- b. Respondent emphasized that he knew he was under surveillance at Hialeah Park, as he had worked there over 7 months;
- c. Respondent sought to clarify that he did not simply pocket the extraneous chips, but that he failed to declare them as an overage when he turned in all of his chips; and
- d. Respondent sought to clarify that the overage approximated \$16.00 in value, comprised of three red chips and one white chip.

12. Respondent's written Closing Argument recapitulated the allegedly accidental nature of the confluence of events that led to his exclusion.

13. Additionally, Respondent contended it would be unnecessary to exclude him from Florida pari-mutuel wagering facilities via section 550.0251(6), Florida Statutes, because he has already been barred from Hialeah Park, which could lead to an arrest if he violated the ban.

#### CONCLUSIONS OF LAW

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

15. The Division has jurisdiction over this matter pursuant to chapters 120, 550, and 551, Florida Statutes.

16. Accordingly, Rule 61D-11.005(4), Florida Administrative Code, provides:

(4) No person shall, either directly or indirectly:

(a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator.

(b) Engage in any act, practice, or course of operation that would constitute a fraud or deceit upon any participant in a game or the cardroom operator.

(c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.

17. Respondent violated Rule 61D-11.005(4), Florida Administrative Code, by improperly taking over \$15.00 in poker chips from Hialeah Park on September 5, 2018.

18. No matter the confluence of events that led to Respondent's ejection, the fact remains that he was indeed ejected from the Hialeah Park facility.

19. Section 550.0251(6), Florida Statutes, provides that the Division may exclude any person from all pari-mutuel facilities in this state "who has been ejected from a pari-mutuel facility in this state..."

20. Pursuant section 550.0251(6), Florida Statutes, Respondent is subject to exclusion from all pari-mutuel facilities within the state as a result of his permanent exclusion from Hialeah Park on September 5, 2018, and by virtue of violating Rule 61D-11.005(4), Florida Administrative Code.

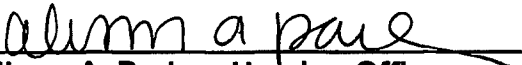
21. There is competent substantial evidence to support the conclusions of law.

#### 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 pari-mutuel facilities within the state as a result of his permanent exclusion from Hialeah Park on September 5, 2018, and by virtue of violating Rule 61D-11.005(4), Florida Administrative Code.

Respectfully submitted this 25<sup>th</sup> day of March 2019.

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



CERTIFICATE OF SERVICE

I hereby certify this 25<sup>th</sup> day of March 2019 that a true copy of the foregoing has been furnished by electronic mail to:

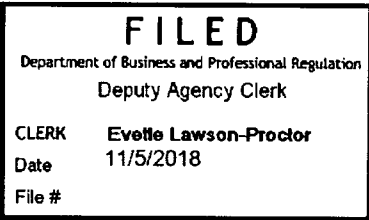
Ronald Wayne Young  
c/o Charles F. Atwood, III, Esquire  
Attorney for Respondent  
13380 S.W. 131<sup>st</sup> Street Unit 119  
Miami, Florida 33186  
umlaw72@aol.com

  
AGENCY CLERK'S OFFICE

cc:  
Alison A. Parker, Informal Hearing Officer  
Jett Baumann, Senior Attorney

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.**



STATE OF FLORIDA  
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DIVISION OF PARI-MUTUEL WAGERING

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\_\_\_\_\_ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner” or “Division”), files this Administrative Complaint against Ronald Wayne Young (“Respondent”), and alleges as follows:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to chapter 550, Florida Statutes.
2. At all times material, Respondent held a Slot Combo General License, number 10354841-1056, issued by the Division.
3. At all times material, Respondent was employed as a cardroom dealer at Hialeah Park, a licensed pari-mutuel facility and cardroom in the State of Florida.
4. On or about September 2, 2018, Respondent stole a total of \$15.00 in poker chips while distributing cards during live poker games conducted between 10:50:10 P.M. and 10:53:18 P.M.
5. On or about September 5, 2018, Respondent was terminated from his employment and permanently excluded from Hialeah Park.

## COUNT I

6. Petitioner hereby re-alleges and incorporates the allegations contained within paragraphs one through five, as though fully set forth herein.

7. Rule 61D-11.005(4), *Florida Administrative Code*, which provides:

(4) No person shall, either directly or indirectly:

(a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator.

(b) Engage in any act, practice, or course of operation that would constitute a fraud or deceit upon any participant in a game or the cardroom operator.

8. Based on the foregoing allegation contained within paragraph four, Respondent violated Rule 61D-11.005(4)(a),(b), *Florida Administrative Code*, by dealing a manipulated deck of cards to a designated participant in an attempt to cheat, defraud, or deceive competing cardroom participants while employed as a cardroom dealer at the St. Petersburg Kennel Club.

## COUNT II

9. Petitioner hereby re-alleges and incorporates the allegations contained within paragraphs one through five, as though fully set forth herein.

10. Section 550.0251(6), Florida Statutes, provides in relevant part that “[t]he 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...”

11. Based on the foregoing allegation contained within paragraphs four and five, Respondent is subject to exclusion from all pari-mutuel facilities within the state by virtue of violating Section 550.0251(6), Florida Statutes.

WHEREFORE, Petitioner respectfully requests the Division enter an Order against Respondent imposing one or more of the penalties specified in Sections 550.105, or 849.086(14), Florida Statutes, together with any other relief the Division is authorized to impose pursuant to chapter 550, Florida Statutes, and the rules promulgated thereunder.

This administrative complaint in case number 2018-047799 signed this 2nd day of November, 2018.

/s/ Jett Baumann  
**JETT BAUMANN**  
Assistant General Counsel  
Florida Bar No. 122159  
[Jett.Baumann@MyFloridaLicense.com](mailto:Jett.Baumann@MyFloridaLicense.com)

/s/ Louis Trombetta  
**LOUIS TROMBETTA**  
Chief Attorney  
Florida Bar No. 0108119  
[Louis.Trombetta@MyFloridaLicense.com](mailto:Louis.Trombetta@MyFloridaLicense.com)

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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 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, *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.