

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.: 2018-053167

CORTIS EUGENE HARELL,

Respondent.

\_\_\_\_\_ /

FINAL ORDER

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

1. An Administrative Complaint was filed in this case on December 19, 2018, alleging that Respondent violated provisions of section 551.109(3), Florida Statutes and rule 61D-14-090, *Florida Administrative Code* (“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 May 10, 2019, May 17, 2019, May 24, 2019 and May 31, 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 him 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.

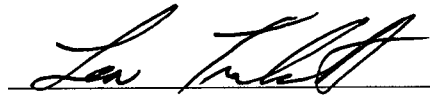
(SIGNATURE PAGE TO FOLLOW)

WHEREFORE, it is hereby ORDERED and ADJUDGED:

10. Respondent is PERMANENTLY EXCLUDED from all pari-mutuel facilities in 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 11 day of June, 2019.



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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  
(850) 717-1768

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.

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 21<sup>st</sup> day of June, 2019 to:

**Cortis Eugene Harell**  
16552 N.E. First Avenue  
Miami Gardens, Florida 33162  
and

1321 N.W. 103<sup>rd</sup> Street  
Miami, Florida 33147

*Brandon M. Nichols*

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**AGENCY CLERK'S OFFICE**  
Department of Business and Professional Regulation

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	<b>Evelle Lawson-Proctor</b>
Date	12/19/2018
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,

vs.

DBPR Case No. 2018-053167

CORTIS EUGENE HARELL,

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 Cortis Eugene Harell (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 Fronton Holdings, LLC, in Miami-Dade County, operating under the name Casino Miami Jai-Alai.

3. At all times material hereto, Casino Miami Jai-Alai was a facility operated by a permitholder authorized to conduct pari-mutuel wagering and operate slot machines in the State of Florida.

4. On or about August 6, 2018, Respondent conspired with, solicited, aided, abetted, counseled, hired, or procured another person to knowingly exclude, or take any action in an

attempt to exclude, anything of value from the deposit, counting, collection, or computation of revenues from slot machine activity.

5. On or about August 6, 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 four as though fully set forth herein.

7. Section 551.109(3), Florida Statutes, imposes criminal liability on an individual for tampering with a slot machine, providing:

Any person who knowingly excludes, or takes any action in an attempt to exclude, anything of value from the deposit, counting, collection, or computation of revenues from slot machine activity, or any person who by trick, sleight-of-hand performance, a fraud or fraudulent scheme, or device wins or attempts to win, for himself or herself or for another, money or property or a combination thereof or reduces or attempts to reduce a losing wager in connection with slot machine gaming 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, provides “[n]o person shall conspire with, solicit, aid, abet, counsel, hire, or procure any other person or 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.”

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(3), Florida Statutes, or by committing such an act on his own at Casino Miami Jai-Alai on or about August 6, 2018.

## COUNT II

10. Petitioner realleges and incorporates the allegations contained within paragraphs one, three, and 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 his ejection from Casino Miami Jai-Alai on August 6, 2018.

## COUNT III

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

14. 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).

15. 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 from Casino Miami Jai-Alai on August 6, 2018.

WHEREFORE, Petitioner respectfully requests the Division Director 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 DBPR Case No.: 2018-053167 is signed on this 19th day of December, 2018.

/s/Megan S. Silver  
**MEGAN S. SILVER**  
Deputy Chief Attorney  
Florida Bar No. 115518  
Megan.Silver@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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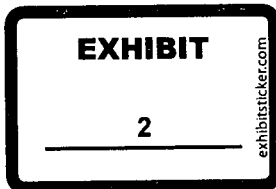
Street and Apt.

City, State, ZIP

1/30/19  
Postmark Here

Cortis Eugene Harell  
16552 N.E. 1<sup>st</sup> Avenue  
Miami, Florida 33162  
2018-053167 PMW

PS Form 3800, April 2015 PSN 7530-02-000-8047 See Reverse for Instructions



CERTIFIED MAIL



STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION  
2801 Blair Stone Road  
Tallahassee, Florida 32399  
www.myFloridaLicense.com



7018 1830 0001 6822 8382

Curtis Eugene Harell  
16552 N.E. 1<sup>st</sup> Avenue  
Miami, Florida 33162

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Cortis Eugene Harell  
16552 N.E. 1<sup>st</sup> Avenue  
Miami, Florida 33162

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Tallahassee, Florida 32399  
www.MyFloridaLicense.com



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Royal Palm Beach, FL 33411  
JAN 20 2019

Cortis Eugene Harell  
16552 N.E. 1<sup>st</sup> Avenue  
Miami, Florida 33162  
2018-053167 PMW

NIXIE 326 40 1 7202/28/19

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MANUAL PROC REQ 2247N059224-01247



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<input type="checkbox"/> Adult Signature Restricted Delivery	\$

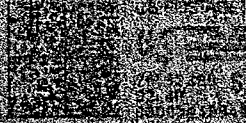
**MAILED**  
**3/13/19**  
Postmark  
Here

Postage	\$
<b>Total P</b>	\$

<b>Sent To</b>	Cortis Eugene Hall
<b>Street</b>	1321 N.W. 103 <sup>rd</sup> Street
<b>City, St</b>	Miami, Florida 33147-1414
	AC 2018-053167 PMW



STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
2601 Blair Stone Road  
Tallahassee, Florida 32399  
www.MyFloridaCense.com



Cortis Eugene Harell  
1321 N.W. 103<sup>rd</sup> Street  
Miami, Florida 33147-1414  
AC 2018-053167 - PMW

NIXIE 326 6E 1 7203/27/19

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

MANUAL PROC REQ 2175H026172-00257



1/11/19

**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

2018-053167  
NOTICE OF ACTION  
BEFORE THE DIVISION OF PARI-MUTUEL WAGERING -  
CORTIS EUGENE HARELL - LICENSE NO.: UNLICENSED

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

05/10/2019 05/17/2019 05/24/2019 05/31/2019

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.

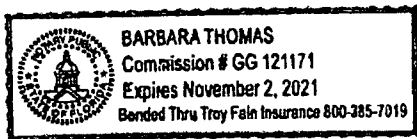
*Guillermo Garcia*

Sworn to and subscribed before me this  
31 day of MAY, A.D. 2019

*Barbara Thomas*

(SEAL)

GUILLERMO GARCIA personally known to me



**NOTICE OF ACTION  
BEFORE THE DIVISION OF  
PARI-MUTUEL WAGERING**  
IN RE: Violation of Section 561.109(3),  
Florida Statutes, and Rule 61D-14.080,  
Florida Administrative Code  
CORTIS EUGENE HARELL  
16552 N.E. 1st Avenue  
Miami, Florida 33162  
1321 N.W. 103rd Street  
Miami, Florida 33147  
CASE NO.: 2018-053167  
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, Depart-  
ment of Business and Professional  
Regulation, 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 June 7,  
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 participate  
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) 257-8097;  
1-800-955-8771 (TDD) or 1-800-955-  
8770 (v) via Florida Relay Service  
5/10:17:24:31 19-03/0000397846M

