

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.: 2019-011459

ALEXIS RAMOS-VALDES,

Respondent.

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), issues this Final Order against Alexis Ramos-Valdes, (“Respondent”) and states as follows:

1. An Administrative Complaint was filed in this case on June 7, 2019, alleging that Respondent violated section 551.109, Florida Statutes. A copy of the Administrative Complaint is attached hereto as “Exhibit 1” and incorporated by reference.
2. The Administrative Complaint, Election of Rights form, an Explanation of Rights, and a cover letter were served on Respondent via U.S. certified mail on July 11, 2019.
3. Proof of service is attached hereto as “Exhibit 2” and incorporated by reference.
4. 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*.

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. 3

7. 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 and the proof of service, and being otherwise fully advised in the premises, it is hereby

ORDERED and ADJUDGED:

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

2. Respondent is hereby **PERMANENTLY EXCLUDED** from all pari-mutuel and slot machine facilities in the State of Florida.

3. This Final Order is effective on the date it is filed with the Agency Clerk of the Department of Business and Professional Regulation.

This Final Order of DBPR Case Number 2019-011459 is DONE and ORDERED this 13 day of August, 2019.



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 that on this 16th day of August, 2019, a true and correct copy of this Final Order on Waiver was provided to Respondent at:

Alexis Ramos-Valdes
8111 N.W. 53rd Street, #355
Doral, Florida 33166

Brandon M. Nichols

AGENCY CLERK'S OFFICE
Department of Business and Professional Regulation

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.

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	6/7/2019
File #	

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,

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v.

DBPR Case No.: 2019-011459

ALEXIS RAMOS-VALDES,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner"), files this Administrative Complaint against Alexis Ramos-Valdes ("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. Respondent's address is reported as 8111 Northwest 53rd Street #355, Doral, Florida 33166.
3. At all times material hereto, Respondent was a patron of Gulfstream Park Racing Association, Inc. ("Gulfstream Park").
4. At all times material hereto, Gulfstream Park was a facility operated by a permitholder authorized to conduct pari-mutuel wagering and operate slot machines in the State of Florida.

5. On or about February 13, 2019, 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.

6. On or about February 15, 2019, Respondent was ejected and permanently excluded from Gulfstream Park.

COUNT I

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

8. 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.

9. 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.”

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(3), Florida Statutes, or by committing such an act on his own at Gulfstream Park on or about February 13, 2019.

COUNT II

11. Petitioner realleges and incorporates the allegations contained within paragraphs one through four and six 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 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).

14. Based on the foregoing, Respondent is subject to permanent exclusion from all licensed pari-mutuel and slot machine facilities in the State of Florida based on his ejection from Gulfstream Park on February 15, 2019.

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 and 551, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for DBPR Case Number 2019-011459 is signed this 6th day of June, 2019.

/s/ James A. Lewis
JAMES A. LEWIS
Deputy Chief Attorney
Florida Bar No. 1002349
James.Lewis@MyFloridaLicense.com

/s/ Megan S. Silver
MEGAN S. SILVER
Chief Attorney
Florida Bar No. 115518
Megan.Silver@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 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.

Mediation under section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Alexis Ramos-Valdes 8111 N.W. 523rd Street, #355 Doral, Florida 33166 2019-011459 PMW</p>  <p style="text-align: center;">9590 9402 4676 8323 2048 70</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <div style="border: 2px solid black; padding: 5px; text-align: center;"> <p>RECEIVED</p> <p>JUL 24 2019</p> </div> <p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature of the General Consumer <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7017 2620 0000 3310 9290</p>	<p>(over side)</p>

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt



7017 2620 0000 3310 9290

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OFFICIAL USE

Certified Mail Fee	
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Extra Services & Fees (check box, add fee as appropriate)	
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<input type="checkbox"/>	Certified Mail Restricted Delivery \$
<input type="checkbox"/>	Adult Signature Required \$
<input type="checkbox"/>	Adult Signature Restricted Delivery \$

6/10/19

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Total Postage	
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City, State, Zip	

Alexis Ramos-Valdes
8111 N.W. 523rd Street, #355
Doral, Florida 33166
2019-011459 PMW