

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.: 2019-017609

ROBERT M. BAKER,

Respondent.

_____ /

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (hereinafter "Petitioner"), issues this Final Order against Robert M. Baker (hereinafter "Respondent") as follows:

1. An Administrative Complaint was filed in this case on May 31, 2019, 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 June 8, 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.

9. 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 10 day of July, 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 furnished by U.S. Mail on 12th day of July, 2019 to:

Robert M. Baker
20822 N.W. 24th Court
Miami Gardens, Florida 33056



AGENCY CLERK'S OFFICE

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evelle Lawson-Proctor
Date	5/31/2019
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.: 2019-017609

ROBERT M. BAKER,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Robert M. Baker (“Respondent”) and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering and cardroom operations pursuant to chapter 550 and section 849.086, Florida Statutes.
2. Respondent’s address is reported as 20822 Northwest 24th Court, Miami Gardens, Florida 33056.
3. At all times material hereto, Respondent was a patron of 831 Federal Highway Acquisition, LLC, d/b/a The Big Easy Casino (“Big Easy Casino”).
4. At all times material hereto, Big Easy Casino was a facility operated by a permitholder authorized to conduct pari-mutuel wagering and cardroom operations in the State of Florida.

5. On or about March 31, 2019, Respondent engaged in an act, practice, or course of operation with the intent of cheating a participant or the cardroom operator.

6. On or about April 18, 2019, Respondent was ejected and permanently excluded from Big Easy Casino.

COUNT I

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

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

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.

9. Based on the foregoing, Respondent violated Rule 61D-11.005(4), *Florida Administrative Code*, by engaging in an act, practice, or course of operation with the intent of cheating a participant or the cardroom operator at Big Easy Casino on or about March 31, 2019.

COUNT II

10. Petitioner realleges and incorporates the allegations contained within paragraphs one through four, and six as though fully set forth herein.

11. 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).

12. Based on the foregoing, Respondent is subject to permanent exclusion from all licensed pari-mutuel facilities in the State of Florida based on his permanent exclusion from Big Easy Casino on or about April 18, 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 849, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint in DBPR Case Number 2019-017609 is signed this 30th day of May, 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 32399-1035
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.

Please be advised that, under section 120.573, Florida Statutes, mediation is not available in this proceeding.

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

Robert Baker
20822 N.W. 24th Court
Miami Gardens, Florida 33056
2019-017609 PMW




9590 9402 4676 8323 1869 85


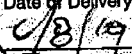
2. Article Number (Transfer from service label)

7017 2620 0000 3310 9269

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

COMPLETE THIS SECTION ON DELIVERY

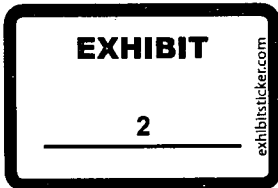
A. Signature  Agent
 Addressee

B. Received by (Printed Name)  C. Date of Delivery 

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt



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

6/5/19

Postmark
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Postage	\$
Total Postage	\$
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Street and A	
City, State, &	

Robert Baker
20822 N.W. 24th Court
Miami Gardens, Florida 33056
2019-017609 PMW



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

Track Another Package +

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Remove X

Your item was delivered to an individual at the address at 12:24 pm on June 8, 2019 in MIAMI GARDENS, FL 33056.

Delivered

June 8, 2019 at 12:24 pm
Delivered, Left with Individual
MIAMI GARDENS, FL 33056

Get Updates

Text & Email Updates

Tracking History

June 8, 2019, 12:24 pm

Delivered, Left with Individual
MIAMI GARDENS, FL 33056

Your item was delivered to an individual at the address at 12:24 pm on June 8, 2019 in MIAMI GARDENS, FL 33056.

June 7, 2019, 7:54 am

Arrived at USPS Regional Facility
OPA LOCKA FL DISTRIBUTION CENTER

June 6, 2019, 3:47 am

Departed USPS Regional Facility
TALLAHASSEE FL DISTRIBUTION CENTER

June 5, 2019, 9:57 pm

Arrived at USPS Regional Facility
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