

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.: 2019-028964

GERRICK R. MANLEY,

Respondent.

FINAL ORDER

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

1. An Administrative Complaint was filed in this case on July 30, 2019, alleging that Respondent violated section 551.109, 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 August 14, 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.

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

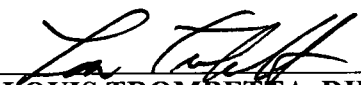
ORDERED and ADJUDGED:

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

9. Respondent is PERMANENTLY EXCLUDED from all pari-mutuel facilities in the State of Florida.

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

DONE and ORDERED this 8 day of October, 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

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 14th day of October, 2019 to:

Gerrick R. Manley
131 Northwest 13th Avenue
Dania Beach, Florida 33004-2611

Brandon M. Nichols

AGENCY CLERK'S OFFICE

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.



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,

DBPR Case No.: 2019-028964

v.

GERRICK R. MANLEY,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner"), files this Administrative Complaint against Gerrick R. Manley ("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's address was reported as 131 N.W. 13th Avenue, Dania Beach, Florida 33004.
3. At all times material hereto, Isle Casino Pompano Park was a facility operated by a permit holder authorized to conduct pari-mutuel wagering in the State of Florida.
4. On or about July 15, 2013, Respondent was ejected and permanently excluded from Isle Casino Pompano Park. See Exhibit "A".
5. At all times material hereto, The Casino at Dania Beach was a facility operated by a permit holder authorized to conduct pari-mutuel wagering in the State of Florida.

6. On or about April 28, 2019, Respondent was ejected and permanently excluded from The Casino at Dania Beach. See Exhibit "B".

COUNT I

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

8. 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).

9. 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).

10. Based on the foregoing, Respondent is subject to permanent exclusion from all licensed slot machine and pari-mutuel facilities in the State of Florida based on his ejection from Isle Casino Pompano Park on or about July 15, 2013.

COUNT II

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

12. 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).

13. 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).

14. Based on the foregoing, Respondent is subject to permanent exclusion from all licensed slot machine and pari-mutuel facilities in the State of Florida based on his ejection from The Casino at Dania Beach on or about April 28, 2019.

WHEREFORE, Petitioner respectfully requests the Division Director enter an Order permanently excluding Respondent from all licensed pari-mutuel facilities in the State of Florida along with any other remedy provided by chapter(s) 550 and 551, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for DBPR Case Number 2019-028964 is signed this 29th day of July, 2019.

/s/ Jason Holman

JASON HOLMAN
Senior Attorney
Florida Bar No. 105238
Jason.Holman@MyFloridaLicense.com

/s/ James A. Lewis

JAMES A. LEWIS
Deputy Chief Attorney
Florida Bar No. 1002349
James.Lewis@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.

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



POMPANO PARK

NOTICE OF EXCLUSION

To: GERRICK MANLEY Date of Birth: _____

SSN: _____ DL#: _____ DL State: FL DL expire: 10/17/21

Height: 5'7 Weight: _____ Race: AFRICAN AMERICAN

Hair Color: BLACK Eye Color: BROWN Gender: MALE

You have been barred for a specific period of time per the Management of The Isle of Capri Casinos Inc.

On this 15 day of JULY, 2013, you are hereby ordered to leave the property of the Isle Casino Racing Pompano Park. You are further advised that you are not to enter or remain at any time on any property or facility owned or operated by Isle of Capri Casinos Inc. Prior written consent must be obtained from the General Manager in order to be allowed back onto any Isle of Capri property.

Your removal and denial of access complies with state applicable laws and is not founded on race, creed, color, or national origin.

You are further advised that if in the future you knowingly enter or remain in or upon the grounds or facilities of any property owned or operated by The Isle of Capri Casinos Inc., you will be considered a trespasser and may be subject to arrest.

Reason for Exclusion: THEFT

Note - no requests for reinstatement for any voluntary self-exclusion will be considered for a minimum of 60 months from the effective date.

Address: 131 NW 13TH AVE Incident Report Number: _____

DANIA, FL 33004 Isle One Number: _____

EXHIBIT "A"

THE CASINO @
DANIA BEACH

TRESPASS WARNING

NAME / LAST NAME: GERRICK RENARD MANLEY

DRIVER LICENSE # _____ D.O.B. _____

ADDRESS: 131 NW 13th ave CITY: Dania ST: FL ZIP: 33004

RACE: BLK SEX: M HEIGHT: 5'7" WEIGHT: _____ HAIR: BLK EYES: BLK

REASON FOR TRESPASSING: Purse theft in Section 7

The above-named person was advised to stay off THE CASINO @ DANIA BEACH property for a period of:

- 24 Hrs 3 Days 7 Days 30 Days 3 Months 6 Months 1 Year 2 Year Permanent

This warning was given on 4/28/2019 at 9:10pm hours.

If the above-named person returns onto said property during the stated period of time, it may result in his/her ARREST for Criminal Trespass, in accordance with the applicable provisions of Chapter 810 Florida Statutes.

EXHIBIT "B"

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

7017 2620 0000 3310 9719

For Delivery, International First-Class, Signature Confirmation, Registered Mail, or Return Receipt for Merchandise

Certified Mail Fee \$
 Return Receipt for Merchandise \$
 Certified Mail Restricted Delivery \$
 Return Receipt for Restricted Delivery \$
 Registered Mail Restricted Delivery \$
 Postage \$

MAILED
 7/31/19
 Postmark
 Here

Total \$
 Rate \$
 ZIP Code
 City

Gerrick R. Manley
 131 Northwest 13th Avenue
 Dania Beach, Florida 33004-2611
 AC 2019-028964 - PMW

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

Gerrick R. Manley
 131 Northwest 13th Avenue
 Dania Beach, Florida 33004-2611
 AC 2019-028964 - PMW

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
Gerrick R. Manley
 B. Received by (Printed Name) Date of Delivery
Gerrick R. Manley 8-14-19
 D. Is delivery address different from label? Yes No
 If YES, enter delivery address label
 AUG 19 2019
 Office of the County Clerk

3. Service Type - Indicate Weighting
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7017 2620 0000 3310 9719