

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. 2019-037351

v.

STEPHEN W. PIORILLO,

Respondent.

STIPULATION AND CONSENT ORDER

The State of Florida, Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division"), and Stephen W. Piorillo aka Stephen W. Fiorillo ("Respondent") hereby stipulate and agree to the following terms and issuance of this Consent Order.

1. Respondent is not currently licensed by the Division.
2. This Stipulation and Consent Order is to be entered in resolution of the Administrative Complaint filed on September 13, 2018, in DBPR Case No. 2019-037351.
3. At all times pertinent to the allegations contained in Administrative Complaint, Respondent was a patron at Bonita-Fort Myers Corporation (Naples-Fort Myers Greyhound Racing & Poker), a licensed pari-mutuel wagering and slot machine facility in the State of Florida.
4. The Administrative Complaint alleged that on July 5, 2019, Respondent was permanently excluded from Naples-Fort Myers Greyhound Racing & Poker as a result of

Respondent allegedly engaging in activities which violated Section 550.02561(6), Florida Statutes.

STIPULATION

WHEREAS the parties desire to resolve this matter, the following terms are stipulated:

5. The Division has jurisdiction over this matter and the parties.
6. The Division is authorized by section 120.57, Florida Statutes, to resolve administrative proceedings by consent orders.
7. Each of the Parties has entered into the terms of this Consent Order voluntarily. Respondent is aware that he is entitled to the advice of counsel, and has either sought the advice of counsel or by execution of this Consent Order, is knowingly waiving the opportunity to seek advice of counsel. Respondent acknowledges that the Division has not made any promise, nor has it in any other way encouraged Respondent to enter into this Consent Order without the advice of counsel.
8. This Consent Order is enforceable under section 120.69, and chapter 550, Florida Statutes, as final agency action.
9. Each party shall bear its own costs and legal fees related to this matter, and no financial claim shall be made against the Division in this action.
10. The Parties acknowledge and agree that this Consent Order constitutes the final order in this case, and they also acknowledge and agree to waive any further administrative and judicial review.
11. The Parties fully understand that this Consent Order will in no way preclude additional proceedings by the Division against Respondent for acts or omissions not specifically set forth herein.

12. Respondent neither admits, nor denies committing the violation set forth in this Consent Order, but this Consent Order may be considered in aggravation of any future disciplinary proceedings involving Respondent.

13. PERMANENT EXCLUSION: Pursuant to sections 551.112 and 550.0251(6), Florida Statutes, Respondent is hereby permanently excluded from all licensed slot machine and pari-mutuel facilities in the State of Florida based on his ejection and his permanent exclusion from Naples-Fort Myers Greyhound Racing & Poker on July 5, 2019.

14. The Consent Order, shall be mailed to: **Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, 2601 Blair Stone Road, Tallahassee, Florida 32399-1035, Attention: Patricia Broadway**. The Parties acknowledge and agree that this Consent Order is subject to the approval of the Director of the Division of Pari-Mutuel Wagering or other authorized agent of the Department of Business and Professional Regulation (“Director”). The Consent Order will have no force and effect unless signed by the Parties. Should this Consent Order be rejected, no statement made in furtherance of it by Respondent may be used as direct evidence against Respondent in any proceedings.

15. Upon the Division’s adoption of this Consent Order, Respondent expressly waives all further procedural steps, including all rights to seek judicial review of this Consent Order, and waives the right to seek attorneys’ fees or costs from the Division in connection with these proceedings.

16. This Consent Order is executed by the Parties for the purpose of avoiding further administrative action with respect to the matters addressed hereby. In this regard, Respondent authorizes the Director to review and examine all materials concerning Respondent, prior to or in conjunction with consideration of this Consent Order. Should the Director not accept this

Consent Order, it is agreed that presentation to and consideration of this Consent Order and other documents and matters by the Director shall not unfairly or illegally prejudice the Director from further participation, consideration, or resolution of these proceedings.

17. This Consent Order may be signed in counterparts, and copies shall be treated as original.

18. Respondent authorizes the Division to correct any typographical errors or make any non-material changes to this Consent Order after it is signed.

[Signature pages to follow]

Respondent, Stephen W. Fiorillo AKA Stephen W. Fiorillo, agrees and consents to the terms and conditions of this Stipulation and Consent Order in DBPR Case Number 2019-037351,

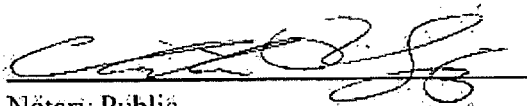
this 15 day of JANUARY, ~~2019~~ 2020

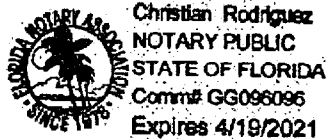

STEPHEN W. FIORILLO AKA STEPHEN W. FIORILLO
Respondent

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed), and subscribed before me this 15 day of January, 2019, by STEPHEN W. FIORILLO AKA STEPHEN W. FIORILLO, who is personally known to me or who produced the following as identification:


Notary Public



My commission expires: 4/19/21

This Stipulation and Consent Order in DBPR Case Number 2019-037351 is APPROVED
for legal sufficiency this 28th day of January, 2020.



MEGAN S. SILVER, CHIEF ATTORNEY
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation

ORDER

IT IS HEREBY ORDERED THAT:

The foregoing Stipulation and Consent Order shall constitute the agreed resolution of this matter and the Final Order of the Division in DBPR Case Number 2019-037351, once it is filed with the Agency Clerk.

DONE AND ORDERED this 28 day of January, 2020, in Tallahassee, Florida.



LOUIS TROMBETTA, DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-1035

CERTIFICATE OF SERVICE

I hereby certify this 31st day of January, 2020, that a true copy of the foregoing has been furnished by U.S. mail to:

Paul P. Drake, Esquire
Grossman, Furlow & Bayo
OBO Stephen W. Piorillo aka Stephen W. Fiorillo
2022-2 Raymond Diehl Road
Tallahassee, Florida 32308

Brandon M. Nichols

AGENCY CLERK'S OFFICE
Department of Business and Professional Regulation

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evelle Lawson-Proctor
Date	9/13/2019
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,

DBPR Case No.: 2019-037351

v.

STEPHEN W. PIORILLO,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against STEPHEN W. PIORILLO (“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 849, Florida Statutes.
2. At all times material hereto, Respondent’s address was reported as 7181 Coca Sabal Lane, Fort Myers, Florida 33908.
3. At all times material hereto, Respondent was a patron of Bonita-Fort Myers Corporation (Naples-Fort Myers Greyhound Racing & Poker).
4. At all times material hereto, Naples-Fort Myers Greyhound Racing & Poker 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 July 5, 2019, Respondent was ejected from Naples-Fort Myers Greyhound Racing & Poker.

6. 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).

7. Based on the foregoing, Respondent violated section 550.0251(6), Florida Statutes and is subject to permanent exclusion from all licensed pari-mutuel wagering facilities in the State of Florida based on his ejection from Naples-Fort Myers Greyhound Racing & Poker on July 5, 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 chapters 550, 551, and 849, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for DBPR Case Number 2019-037351 is signed this 9th day of September, 2019.

/s/ Mike Gordon
MIKE GORDON
Senior Attorney
Florida Bar No. 84217
Michae.Gordon@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.

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