

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.: 2019-042998

LISSET ALVAREZ-PEREZ,

Respondent.

_____ /

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (hereinafter "Petitioner"), issues this Final Order against Lisset Alvarez-Perez, (hereinafter "Respondent") as follows:

1. An Amended Administrative Complaint was filed in this case on June 3, 2020, alleging that Respondent violated certain provisions of chapters 550, 551, and 849 Florida Statutes. A copy of the Administrative Complaint is attached hereto as Exhibit "1" and incorporated by reference.

2. The Amended Administrative Complaint, Election of Rights form, an Explanation of Rights, and a cover letter were served on Respondent via Certified U.S. Mail on June 8, 2020. Proof of service is attached hereto as Exhibit "2" and incorporated by reference.

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 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.

5. 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:

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

7. Respondent's Pari-Mutuel Wagering Slot Combo General License, number 11993934-1056, is hereby REVOKED.

8. Respondent is hereby PERMANENTLY EXCLUDED from all licensed 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 Order.

This Final Order in DBPR Case Number 2019-042998 is DONE and ORDERED this 14 day of July, 2020.



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 15th day of July, 2020, a true and correct copy of this Final Order on Waiver was provided to Respondent at:

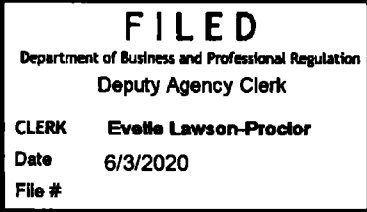
Lisset Alavarez-Perez
613 S.E. 8th Street
Cape Coral, Florida 33990

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.



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AMENDED ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner"), files this Administrative Complaint against Lisset Alvarez-Perez ("Respondent"), and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering, slot machine operations, and cardroom operations pursuant to chapters 550, 551, and 849, Florida Statutes.
2. At all times material hereto, Respondent held a Pari-Mutuel Wagering Slot Combo General License, number 11993934-1056 issued by Petitioner.
3. At all times material hereto, Respondent was employed as a food and beverage waitress at Casino Miami, LLC.
4. At all times material hereto, Casino Miami, LLC held a Pari-Mutuel Wagering Permit, number 273-1000 and Annual Slot License, number 273-1003 issued by Petitioner.

COUNT I

5. Petitioner realleges and adopts paragraphs numbered one through four as if set forth fully herein.

6. On or about May 18, 2019, at Casino Miami, LLC, Respondent served complimentary alcoholic beverages to one or more patrons playing a slot machine.

7. Section 551.121(1), Florida Statutes, states, "Complimentary or reduced-cost alcoholic beverages may not be served to persons playing a slot machine. Alcoholic beverages served to persons playing a slot machine shall cost at least the same amount as alcoholic beverages served to the general public at the bar within a facility."

8. Based on the foregoing, Respondent violated section 551.121(1), Florida Statutes, on May 18, 2019, by serving complimentary alcoholic beverages to one or more patrons playing a slot machine at Casino Miami, LLC.

COUNT II

9. Petitioner realleges and adopts paragraphs numbered one through four as if set forth fully herein.

10. On or about May 19, 2019, at Casino Miami, LLC, Respondent served complimentary alcoholic beverages to one or more patrons playing a slot machine.

11. Section 551.121(1), Florida Statutes, states, "Complimentary or reduced-cost alcoholic beverages may not be served to persons playing a slot machine. Alcoholic beverages served to persons playing a slot machine shall cost at least the same amount as alcoholic beverages served to the general public at the bar within a facility."

12. Based on the foregoing, Respondent violated section 551.121(1), Florida Statutes, on May 19, 2019, by serving complimentary alcoholic beverages to one or more patrons playing a slot machine at Casino Miami, LLC.

COUNT III

13. Petitioner realleges and adopts paragraphs numbered one through four as if set forth fully herein

14. On or about July 15, 2019, Respondent was ejected from Casino Miami, LLC.

15. 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).

16. 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).

17. Based on the foregoing, Respondent violated sections 550.0251(6) and 551.112, Florida Statutes, and is subject to permanent exclusion from all licensed pari-mutuel wagering facilities in the State of Florida based on her ejection from Casino Miami, LLC on July 15, 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 2019-042998 is signed this 29th day of May, 2020.

/s/ Johnny P. ElHachem

JOHNNY P. ELHACHEM

Deputy Chief Attorney

Florida Bar No. 1015837

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) 717-1796

Facsimile: (850) 921-1311

Johnny.ElHachem@MyFloridaLicense.com

NOTICE OF RIGHTS

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.

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

EXHIBIT
2

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June 6, 2020

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