

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.: 2020-009685

v.

YOEL RAMOS GOMEZ,

Respondent.

FINAL ORDER

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

1. An Administrative Complaint was filed in this case on April 22, 2020, alleging violations of section 550.0251(6) and 551.112, Florida Statutes, and Rule 61D-11.005, *Florida Administrative Code*. A copy of the Administrative Complaint is attached as “Exhibit 1.”

2. On or about June 4, 2020, Petitioner served Respondent the Administrative Complaint, Explanation of Rights, Election of Rights form and a cover letter via U.S. certified mail. Proof of service is attached 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. On or about June 18, 2020, Respondent returned a signed Election of Rights form and selected "Option 3" which states that Respondent does not dispute the allegations of material fact in the Administrative Complaint and waives his or her right to any form of hearing. Respondent by selecting this option requests that a Final Order imposing penalty and fine be entered in this case. A copy of the Election of Rights form is attached as "Exhibit 3".

5. Respondent has waived his right to request a hearing in which there is a disputed issue of material fact.

Having considered the Administrative Complaint, and Respondent's waiver of right to a hearing or other resolution in this matter, 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 is **PERMANENTLY EXCLUDED** from all pari-mutuel facilities in the State of Florida.

8. 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 in DBPR Case Number 2020-009685 is DONE AND ORDERED this 23 day of June, 2020.



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

NOTICE OF RIGHT TO APPEAL

Unless expressly waived, any party adversely affected by this Final Order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within 30 days of the effective date of this order, in accordance with Florida Rule of Appellate Procedure 9.110, and section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Final Order was provided by U.S. mail on this 29th day of June, 2020 to:

Yoel Ramos Gomez
c/o Luis Fernandez, Esquire
2250 S.W. Third Avenue, Suite 303
Miami, Florida 33129



AGENCY CLERK'S OFFICE

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,

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DBPR Case No.: 2020-009685

v.

YOEL RAMOS GOMEZ,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Yoel Ramos Gomez (“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 1834 Southwest 6th Street, Miami, Florida 33135.
3. At all times material hereto, Magic City Casino was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the State of Florida.
4. On or about February 8, 2020, Respondent was a patron of Magic City Casino and engaged in an act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.
5. On or about February 8, 2020, Respondent was ejected from Magic City Casino.

6. Rule 61D-11.005, *Florida Administrative Code*, provides “(4) No person shall, either directly or indirectly...(c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.”

7. 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).

8. 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).

9. 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 his ejection from Magic City Casino on February 8, 2020.

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

This Administrative Complaint for DBPR Case Number 2020-009685 is signed this 15th day of April, 2020.

/s/ Darrell Garvey

Darrell Garvey
Assistant General Counsel
FBN: 1018554
Department of Business and Professional Regulation
Office of the General Counsel
Division of Pari-Mutuel Wagering
2601 Blair Stone Road
Tallahassee, Florida 32399-1035
Telephone: (850) 717-1585
Facsimile: (850) 921-1311
Primary: Darrell.Garvey@MyFloridaLicense.com
Secondary: Deborah.Matthews@MyFloridaLicense.com

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 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.

Yoel Ramos Gomez
15881 S.W. 139th Avenue
Miami, Florida 33177
2020-009685 PMW



9590 9402 5277 9154 2257 06

2. Article Number (Transfer from service label)

7019 0700 0001 4840 1912

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *John C-19* Agent
 Addressee

B. Received by (Printed Name)

Fowler

C. Date of Delivery

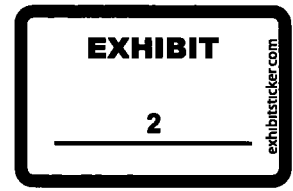
6-4-20

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

RECEIVED
JUN 16 PM 3:27
DIVISION OF
MUTUEL WA
GE

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



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

For delivery information, visit our website at www.usps.com

OFFICIAL USE

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

5/29/20

Postmark
Here

Postage	\$
Total Post	\$
Sent To	
Street an	
City, Sta	

Yoel Ramos Gomez
15881 S.W. 139th Avenue
Miami, Florida 33177
2020-009685 PMW

7019 0700 0001 4840 1912

ALERT: DUE TO LIMITED TRANSPORTATION AVAILABILITY AS A RESULT OF NATIONWIDE COVID...



[FAQs >](#)

Track Another Package +

Tracking Number: 70190700000148401912

[Remove X](#)

Your item was delivered to an individual at the address at 12:19 pm on June 4, 2020 in MIAMI, FL 33177.



June 4, 2020 at 12:19 pm
Delivered, Left with Individual
MIAMI, FL 33177

Get Updates

Feedback

Text & Email Updates

Tracking History

June 4, 2020, 12:19 pm

Delivered, Left with Individual
MIAMI, FL 33177

Your item was delivered to an individual at the address at 12:19 pm on June 4, 2020 in MIAMI, FL 33177.

June 4, 2020, 1:48 am

Departed USPS Regional Facility
OPA LOCKA FL DISTRIBUTION CENTER

June 3, 2020, 5:39 am

Arrived at USPS Regional Facility

OPA LOCKA FL DISTRIBUTION CENTER

June 2, 2020

In Transit to Next Facility

June 1, 2020, 10:35 pm

Departed USPS Regional Facility

TALLAHASSEE FL DISTRIBUTION CENTER

June 1, 2020, 10:23 pm

Arrived at USPS Regional Facility

TALLAHASSEE FL DISTRIBUTION CENTER

Product Information



See Less ^

Feedback

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

ELECTION OF RIGHTS

DBPR v. YOEL RAMOS GOMEZ

CASE NO.: 2020-009685

Received via email 6/18/2020, S. Buse

PLEASE CHECK ONLY ONE OF THE THREE OPTIONS.

Option (1) I do not dispute the allegations of material fact in the Administrative Complaint. I wish to submit oral and written evidence in mitigation at a hearing pursuant to section 120.57(2), Florida Statutes ("informal hearing") and that this oral and written evidence be considered before any penalty and fines are imposed.

Option (2) I do dispute the allegations of material fact in the Administrative Complaint. This is a petition for a hearing involving disputed material facts pursuant to sections 120.569(2)(a) and 120.57(1), Florida Statutes, ("formal hearing") before an Administrative Law Judge of the Division of Administrative Hearings. I specifically dispute the following paragraphs in the Administrative Complaint (attach extra pages or write on the back if needed):

In addition to the above election for formal hearing, if you wish to enter into settlement negotiations, check the box below:

Section 120.569(2)(a), Florida Statutes, requires the Department to send this case to the Division of Administrative Hearings (DOAH) for a formal hearing within 15 days after receiving your Election of Rights. I am interested in settling this case and waive the 15-day requirement in order to enter into settlement negotiations with the Department.

Option (3) I do not dispute the allegations of material fact in the Administrative Complaint and waive my right to any form of hearing. I request that a Final Order imposing a penalty and fines be entered in this case.

THIS IS A LEGALLY BINDING DOCUMENT. SEEK LEGAL ADVICE BEFORE SIGNING IF YOU DO NOT FULLY UNDERSTAND THE TERMS.

Yoel Ramos Gomez
PRINTED NAME

15881 SW 139 Ave
Street Address

Miami FL 33122
City State Zip

305-305-0150 305-8545324
Telephone Number Facsimile Number (if any)

Yoel21272@gmail.com
E-mail

[Signature]
SIGNATURE

Luis FERNANDEZ
ATTORNEY OR QUALIFIED REPRESENTATIVE

2250 SW 3rd Ave Suite 303
Street Address (where service shall be made)

MIAMI FL 33129
City State Zip

305-8545955 305-8545324
Telephone Number Facsimile Number (if any)

LFERNANDEZLAW@aol.com
E-mail

[Signature]
SIGNATURE

THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE DEPARTMENT WITHIN 21 DAYS AND SENT TO:

Office of the General Counsel
Department of Business and Professional Regulation
2601 Blair Stone Road, Tallahassee, FL 32399-2202
Attention: Deborah A. Matthews, Administrative Assistant II
Telephone: (850) 488-0062 Fax: (850) 921-1311
Email: Deborah.Matthews@MyFloridaLicense.com

