

**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.: 2020-010994

ANDRES FELIPE VACCA,

Respondent.

_____ /

FINAL ORDER

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

1. An Administrative Complaint was filed in this case on May 4, 2020, alleging that Respondent violated Rule 61D-11.005(4), *Florida Administrative Code*, and section 550.0251(6), 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 U.S. mail on May 15, 2020. 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 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 proof of service, 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 Machine Combo General License, number 10273256-1056, is hereby **REVOKED**.

8. Respondent is hereby **PERMANENTLY EXCLUDED** from all pari-mutuel facilities within 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.

This Final Order in DBPR Case Number 2020-010994 is DONE and ORDERED this 24 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

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.

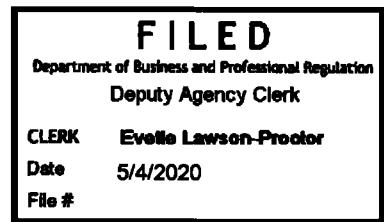
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of June, 2020, a true and correct copy of this Final Order on Waiver was provided to Respondent at:

Andres Felipe Vacca
11266 S.W. 12th Street, Apt. 102
Pembroke Pines, Florida 33025



AGENCY CLERK'S OFFICE
Department of Business and Professional Regulation



**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.: 2020-010994

v.

ANDRES FELIPE VACCA,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner"), files this Administrative Complaint against Andres Felipe Vacca ("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 held a Pari-Mutuel Wagering Slot Machine Combo General Individual License, number 10273256-1056, issued by Petitioner.
3. At all times material hereto, Hialeah Park Racing & Casino ("Hialeah Park") 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 11, 2020, Respondent, an employee of Hialeah Park, knowingly and unlawfully removed \$42.00 in poker chips from the "pot" in one or more live poker games, with the intent to cheat the participants of the games.



COUNT I

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

6. 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.

7. Based on the foregoing, Respondent violated section Rule 61D-11.005(4), *Florida Administrative Code*, by engaging in an act, practice or course of operation with the intent of cheating participants in cardroom games by stealing chips in the amount of \$42.00 from poker pots while at Hialeah Park, on February 11, 2020.

COUNT II

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

9. 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.

10. 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 violation of Rule 61D-11.005(4), Florida Statutes by engaging in an act, practice or course of operation with the intent of cheating participants in cardroom games by stealing chips in the amount of \$42.00 while at Hialeah Park, on February 11, 2020.

COUNT III

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

12. On or about February 14, 2020, Respondent was excluded from Hialeah Park.

13. 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.

14. Based on the foregoing, under section 550.0251(6), Florida Statutes, Respondent is subject to permanent exclusion from all licensed pari-mutuel wagering facilities in the State of Florida based on his exclusion from Hialeah Park on February 14, 2020.

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

This Administrative Complaint for DBPR Case Number 2020-010994 is signed this 30th 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:

Andres F. Vacca
 11266 S.W. 12th Street, Apt. 102
 Pembroke Pines, Florida 33025
 2020-010994 PMW



9590 9402 5277 9154 2259 35

Number (Transfer from service label)

019 0700 0001 4840 1691

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 correct? Yes
 If YES, enter delivery address label: 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

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 DIVISION OF
 FUTURE WAGERING



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Extra Services & Fees (check box, add fee as appropriate)

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- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
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- Adult Signature Restricted Delivery \$ _____

5/8/2020

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Street 2

City, St

Andres F. Vacca
 11266 S.W. 12th Street, Apt. 102
 Pembroke Pines, Florida 33025
 2020-010994 PMW



[FAQs >](#)

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[Remove X](#)

Your item was delivered to an individual at the address at 6:39 pm on May 15, 2020 in HOLLYWOOD, FL 33025.

 **Delivered**

May 15, 2020 at 6:39 pm
Delivered, Left with Individual
HOLLYWOOD, FL 33025

Get Updates 

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Tracking History



May 15, 2020, 6:39 pm

Delivered, Left with Individual
HOLLYWOOD, FL 33025

Your item was delivered to an individual at the address at 6:39 pm on May 15, 2020 in HOLLYWOOD, FL 33025.

May 15, 2020, 4:00 am

Departed USPS Regional Facility
OPA LOCKA FL DISTRIBUTION CENTER

May 13, 2020

In Transit to Next Facility

May 11, 2020, 11:58 am

Arrived at USPS Regional Facility

OPA LOCKA FL DISTRIBUTION CENTER

May 9, 2020, 1:57 am

Departed USPS Regional Facility

TALLAHASSEE FL DISTRIBUTION CENTER

May 9, 2020, 12:45 am

Arrived at USPS Regional Facility

TALLAHASSEE FL DISTRIBUTION CENTER

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FAQs