

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 Nos.: 2020-037228
2020-037234

PEDRO VICENTE PONCE DE LEON,

Respondent.

_____ /

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), issues this Final Order against Pedro Vicente Ponce De Leon, (“Respondent”) as follows:

1. A two-count Administrative Complaint was filed in case numbers 2020-037228 and 2020-037234 on March 4, 2021, alleging that Respondent violated Sections 550.0251(6) and 551.112, Florida Statutes. A copy of the Administrative Complaint is attached hereto as Exhibit “1” and incorporated by reference.

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 April 6, 2021. 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 service of the Administrative Complaint with Election of Rights form, Explanation of Rights, and cover letter on Respondent along with Respondent's failure to respond, 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 hereby **PERMANENTLY EXCLUDED** from all pari-mutuel facilities within 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, as indicated on the first page of this Order.

This Final Order in DBPR Case Numbers 2020-037228 and 2020-037234 is DONE and ORDERED this 18 day of May, 2021.



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 25th day of May, 2021, a true and correct copy of this Final Order has been sent via U.S. Mail to:

Pedro Vicente Ponce De Leon
6315 S.W. 8th Street, Apt. 403
Miami, Florida 33144

Brandon M. Nichols

AGENCY CLERK'S OFFICE
Department of Business and Professional Regulation

CC: Ebonie Lanier

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK **Evelle Lawson-Proctor**
Date **3/4/2021**
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 Nos.: 2020-037228
2020-037234

v.

PEDRO VICENTE PONCE DE LEON,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), files this two-count Administrative Complaint against Pedro Vicente Ponce De Leon (“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 6315 S.W. 8th Street Apt. 403, West Miami, Florida 33144.
3. 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.

EXHIBIT
tabbles
2

(Emphasis supplied).

4. 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).

COUNT 1
(DBPR Case Number 2020-037228)

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

6. At all times material hereto, West Flagler Associates, LTD was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the State of Florida.

7. On or about February 12, 2020, Respondent was a patron of West Flagler Associates, LTD.

8. On or about February 12, 2020, Respondent was ejected and permanently excluded from West Flagler Associates, LTD for stealing a voucher belonging to another person from slot machine number 6-7-3 and being unable to pay the voucher in full.

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 West Flagler Associates, LTD on or about February 12, 2020.

COUNT 2
(DBPR Case Number 2020-037234)

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

11. At all times material hereto, Miami Casino, LLC was a facility operated by a permit holder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the State of Florida.

12. On or about February 29, 2020, Respondent was a patron of Miami Casino, LLC.

13. On or about February 29, 2020, Respondent was ejected and permanently excluded from Miami Casino, LLC for pulling a knife on another patron during an argument.

14. Based on the foregoing, Respondent violated section 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 Miami Casino, LLC on or about February 29, 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 Numbers 2020-037228 and 2020-037234

is signed this 4th day of March 2021.

/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) 717-1508

Facsimile: (850) 921-1311

Primary: Darrell.Garvey@MyFloridaLicense.com

Secondary: Linda.Turnage@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.

[Track Another Package +](#)

Tracking Number: 70192970000061135711

[Remove X](#)

Your item was delivered to an individual at the address at 11:17 am on April 6, 2021 in MIAMI, FL 33144.

Delivered, Left with Individual

April 6, 2021 at 11:17 am
MIAMI, FL 33144

Feedback

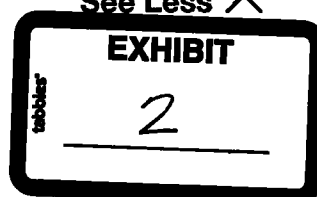
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7019 2970 0000 6113 5711

FLORIDA 4/2/2021

Certified Mail Fee

- Extra Serv. con. & Fees (check box, add fee to amount)
- Return Receipt (hardcopy) \$
 - Return Receipt (e-mail) \$
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 - Adult Signature Required \$
 - Adult Signature Restricted Delivery \$

Postmark
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Postage

\$ Total

\$ Sent

Street

City

Pedro Vicente Ponce De Leon
6315 SW 8 Street, Apt. 403
Miami, Florida 33144
2020-037228, 2020-037234 PMW

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:

Pedro Vicente Ponce De Leon
6315 SW 8 Street, Apt. 403
Miami, Florida 33144
2020-037228, 2020-037234 PMW



9590 9402 5538 9249 0321 49

2. Article Number (Transfer from service label)

7019 2970 0000 6113 5711

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x P. Leon

- Agent
- Addressee

B. Received by (Printed Name)

20195534

C. Date of Delivery

1/5

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

RECEIVED

MAY 10 2021

By: E. Lanier

DPK General Counsel

3. Service type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
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- Collect on Delivery Restricted Delivery
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- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
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- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt