

**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.

Case No.: 2021-002149

**KEVIN PASSEE,**

**Respondent.**

\_\_\_\_\_ /

**FINAL ORDER**

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

1. An Administrative Complaint was filed in this case on March 4, 2021, alleging that Respondent violated Section 550.2415(6)(d), and 550.0251(6), Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit “1” and incorporated by reference.

2. Service of the Administrative Complaint, Election of Rights form, an Explanation of Rights, and a cover letter was attempted on Respondent via certified U.S. mail, sent out on March 5, 2021 and May 10, 2021. Proofs of attempted service via certified mail is attached hereto as Exhibit “2” and incorporated by reference.

3. Notice of this matter was served upon Respondent on June 17, 2021, June 24, 2021, July 1, 2021, and July 8, 2021, via publication in the *Voice of South Marion*, a publication

in general circulation within Marion County, Florida (“Notice of Action”). A true and correct copy of the Notice of Action is attached hereto as Exhibit “3” and incorporated by reference.

4. The Notice of Action informed Respondent that Petitioner filed an Administrative Complaint against them, provided instructions on how to receive a copy of the Administrative Complaint, and that contact would be required to dispute the allegations within the Administrative Complaint. *See* Section 120.569(1), Florida Statutes and Rule 28-106.111, Florida Administrative Code.

5. In addition, the Notice of Action informed Respondent that the failure to timely file a response to the Administrative Complaint would be deemed a waiver of right to a hearing or resolution in this matter.

6. To date, Respondent has not provided a response to the Administrative Complaint filed and served in this action.

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:**

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

8. Respondent’s Pari-Mutuel Wagering Professional Individual Occupational License, number 6710235-1021, is hereby **REVOKED**.

9. Respondent is hereby **PERMANENTLY EXCLUDED** from all pari-mutuel facilities in the State of Florida.

10. 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 2021-002149 is DONE and ORDERED this 11 day of August, 2021.

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

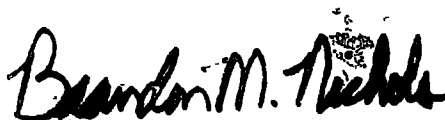
NOTICE OF RIGHT TO APPEAL

Unless expressly waived, any party substantially affected by this final order may seek judicial review by filing an original Notice of Appeal with the Agency Clerk of the Department of Business and Professional Regulation at 2601 Blair Stone Road, Tallahassee, Florida 32399, (AGC.Filing@myfloridalicense.com), 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 thirty days rendition of this order, in accordance with Fla. App. P. 9.110, and section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18<sup>th</sup> day of August, 2021, a true and correct copy of this Final Order has been sent via U.S. Mail to:

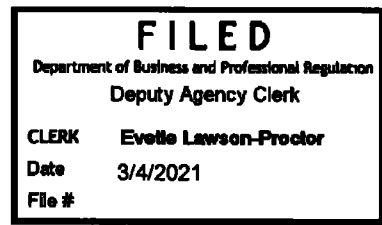
**Kevin Passee**  
5850 Southwest College Road  
Ocala, Florida 34474



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**AGENCY CLERK'S OFFICE**  
Department of Business and Professional Regulation

CC: Ebonie Lanier



**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.: 2021-002149**

**v.**

**KEVIN PASSEE,**

**Respondent.**

\_\_\_\_\_ /

**ADMINISTRATIVE COMPLAINT**

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

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to chapter 550, Florida Statutes.
2. At all times material hereto, Respondent held a Pari-Mutuel Wagering Professional Individual Occupational License, number 6710235-1021, issued by Petitioner.
3. At all times material hereto, Tampa Bay Downs, Inc. ("TBD"), was a facility operated by a permitholder authorized to conduct pari-mutuel wagering in this state under chapter 550, Florida Statutes.

**COUNT 1**

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



5. At all times material hereto, the racehorse “Annie” with tattoo number S21694 was a racehorse that participated in races on which pari-mutuel wagering is conducted in this state.

6. On or about December 19, 2020, Respondent unjustifiably and unnecessarily tormented the racehorse “Annie”, by repeatedly beating her while on the grounds of TBD.

7. Respondent’s cruelty was not done in the interest of medical science.

8. Section 550.2415(6)(a), Florida Statutes, provides “[i]t is the intent of the Legislature that animals that participate in races in this state on which pari-mutuel wagering is conducted and animals that are bred and trained in this state for racing be treated humanely, both on and off racetracks, throughout the lives of the animals.”

9. Further, Section 550.2415(6)(d), Florida Statutes states:

Any act committed by any licensee that would constitute cruelty to animals as defined in s. 828.02 involving any animal constitutes a violation of this chapter. Imposition of any penalty by the division for violation of this chapter or any rule adopted by the division pursuant to this chapter shall not prohibit a criminal prosecution for cruelty to animals.

10. Based on the foregoing, Respondent is in violation of Section 550.2415(6), Florida Statutes, for committing an act that constitutes animal cruelty.

## COUNT II

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

12. On or about December 19, 2020, Respondent was ejected from TBD.

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.

(Emphasis supplied).

14. Based on the foregoing, Respondent violated section 550.0251(6), Florida Statutes, and is subject to exclusion from all licensed pari-mutuel wagering facilities in the State of Florida based on his ejection from TBD.

WHEREFORE, Petitioner respectfully requests the Division Director enter an Order imposing against Respondent one or more of the penalties the Division is authorized to impose pursuant to chapter 550, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for DBPR Case Number 2021-002149 is signed this 3rd day of March, 2021.

*/s/ Johnny P. ElHachem*

JOHNNY P. ELHACHEM

Deputy Chief Attorney

FBN: 1015837

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) 717-1796

Facsimile: (850) 921-1311

Primary: Johnny.ElHachem@MyFloridaLicense.com

Secondary: Linda.Turnage@MyFloridaLicense.com



**NOTICE OF RIGHTS TO REQUEST A HEARING**

Pursuant to section 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.

7019 2970 0000 6113 5407

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<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	\$	

3/5/2021

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\$

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Kevin Passee  
 1601 SW 27th Avenue, Apt. 2008  
 Ocala, Florida 34471  
 2021-002149 PMW

PS Form 3800, April 2015 (2015-04-01) See Reverse for Instructions

**EXHIBIT**  
 2

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

5/10/2021

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Postage \$ \_\_\_\_\_

Total Postage amt \$ \_\_\_\_\_

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Street and Apt. No. \_\_\_\_\_

City, State, ZIP+4® \_\_\_\_\_

**Kevin Sherwin Passee**  
**5850 Southwest College Road**  
**Ocala, Florida, 34474**  
**AC - 2021-002149 - PMW**

**NOTICE OF ACTION**

**BEFORE THE DIVISION OF PARI-MUTUEL WAGERING**

**IN RE Violation of Section 550.2415, Florida Statutes**

**KEVIN SHERWIN PASSEE  
5850 S.W. College Road  
Ocala, Florida 34474**

**CASE NO 2021-002149**

**LICENSE NO.. 6710235-1021**

**The Department of Business and Professional Regulation has filed an Administrative Complaint against you, a copy of which may be obtained by contacting Ebonie Lanier, Administrative Assistant II, Office of the General Counsel, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, FL 32399-2202, (850) 717-1663**

**If no contact has been made by you concerning the above by ~~July 16, 2021~~, the matter of the Administrative Complaint will be presented to the Director of the Division of Pari-Mutuel Wagering for final agency action.**

**In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the individual or agency sending notice no later than seven days prior to the proceeding at the address given on notice. Telephone: (850) 257-6097; 1-800-955-8771 (TDD) or 1-800-955-8770 (v), via Florida Relay Service**



# Voice of South Marion

P.O. Box 700, Belleview, Florida 34421 (352) 245-3161

Published Weekly

Belleview, Marion County, Florida

STATE OF FLORIDA  
COUNTY OF MARION

Before the undersigned authority personally appeared Sandy Waldron, who on oath says that she is Publisher of the Voice of South Marion, a weekly newspaper published at Belleview, in Marion County, Florida; that the attached copy of advertisement, being a:

## Notice of Action

in the matter of

Kevin Sherwin Passee

was published in said newspaper in the issues of:

June 17, 24, July 1, 8, 2021

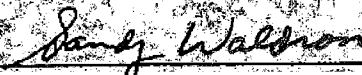
Affiant further says the said Voice of South Marion is a newspaper published at Belleview, in said Marion County, Florida, and that the said newspaper has heretofore been continuously published in said Marion County, Florida, each Thursday and has been entered as second class mail matter at the post office in Ocala, in said Marion County, Florida for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me by means of  physical presents or  online notarization this

08

July 2021

day of



By Sandy Waldron

who is personally known to me



(Signature of Notary Public)

Diane Drake

(Printed Name of Notary Public)

(Notary Public)



Diane Drake  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG128245  
Expires 8/14/2021

NOTICE OF ACTION  
BEFORE THE DIVISION OF PARI-  
MUTUEL WAGERING  
IN RE: Violation of Section  
850.2415, Florida Statutes

KEVIN SHERWIN PASSEE  
5880 S.W. College Road  
Ocala, Florida 34474

CASE NO.: 2021-002148

LICENSE NO.: 6710295-1021

The Department of Business and Professional Regulation has filed an Administrative Complaint against you, a copy of which may be obtained by contacting Ebony Lanier, Administrative Assistant II, Office of the General Counsel, Department of Business and Professional Regulation, 2801 Blair Stone Road, Tallahassee, FL 32309-2202, (850) 717-1663.

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June 17, 24, July 1, 8, 2021 30-46