

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.: 2021-037151

JAVIER CALVO FUENTES,

Respondent.

\_\_\_\_\_ /

FINAL ORDER

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

1. An Administrative Complaint was filed in this case on December 21, 2021, alleging that Respondent violated Sections 550.105(6) and 551.112, Florida Statutes and Rule 61D-14.090, Florida Administrative Code. 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 January 3, 2022. 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 Number 2021-037151 is DONE and ORDERED this 14 day of February, 2022.

  
\_\_\_\_\_  
**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 18<sup>th</sup> day of February, 2022<sup>Bma</sup>, a true and correct copy of this Final Order has been sent via U.S. Mail to:

**Javier Calvo Fuentes**  
5230 Northwest 2<sup>nd</sup> Avenue  
Miami, FL 33126



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

CC: Ebonie Lanier

**FILED**  
Department of Business and Professional Regulation  
Deputy Agency Clerk  
CLERK **Evette Lawson-Proctor**  
Date 12/21/2021  
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 No.: 2021-037151

v.

JAVIER CALVO FUENTES,

Respondent.

ADMINISTRATIVE COMPLAINT

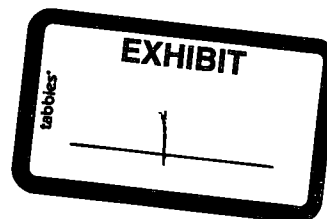
The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner"), files this Administrative Complaint against Javier Calvo Fuentes ("Respondent"), and alleges:

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, Miami Casino, LLC was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the State of Florida.

3. On or about November 26, 2020, Respondent was observed attempting to play slot machines using Players Club Cards that were not registered to Respondent in an attempt to use the free play on the cards.

4. On or about November 26, 2020, Respondent was ejected from Miami Casino, LLC.



5. On or about November 26, 2020, Respondent was excluded for one year from Miami Casino, LLC.

#### COUNT I

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

7. Rule 61D-14.090, Florida Administrative Code, provides “[n]o person shall conspire with, solicit, aid, abet, counsel, hire, or procure any other person or persons to engage in a violation of Chapter 551, F.S., or Chapter 61D-14, F.A.C., nor shall he or she commit any such act on his or her own.”

8. Based on the foregoing, Respondent violated Rule 61D-14.090, Florida Administrative Code, by fraudulently using players club cards in an attempt to gain free plays; a violation of Section 551.109(3), Florida Statutes, at Miami Casino, LLC on or about November 26, 2021.

#### COUNT II

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

10. 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).

11. 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.

(Emphasis supplied).

12. Based on the foregoing, Respondent violated Sections 550.0251(6) and 551.112, Florida Statutes and is subject to exclusion from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida based on his fraudulent activity and ejection from Miami Casino, LLC on November 26, 2020.

WHEREFORE, Petitioner respectfully requests the Division Director enter an Order excluding Respondent from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida, along with any other remedy provided by Chapter 551 Florida Statutes, and/or the rules promulgated thereunder.

*(Signature page to follow)*

This Administrative Complaint for DBPR Case Number 2021-037151 is signed this 20th day of December, 2021.

/s/ Eric Saccomanno

Eric Saccomanno  
Assistant General Counsel  
FBN: 1032559  
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) 717-1786  
Facsimile: (850) 921-1311  
Primary: Eric.Sacomanno@MyFloridaLicense.com  
Secondary: Ebonie.Lanier@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:** 70192970000061144171

[Remove X](#)

Your item was delivered to an individual at the address at 12:49 pm on January 3, 2022 in MIAMI, FL 33126.

## **Delivered, Left with Individual**

January 3, 2022 at 12:49 pm  
MIAMI, FL 33126

Feedback

[Get Updates](#) 

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**Tracking History**

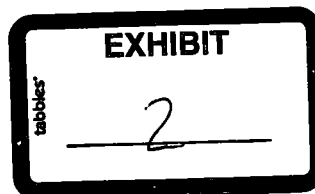


**January 3, 2022, 12:49 pm**  
Delivered, Left with Individual  
MIAMI, FL 33126

Your item was delivered to an individual at the address at 12:49 pm on January 3, 2022 in MIAMI, FL 33126.

**January 2, 2022**  
In Transit to Next Facility

**December 30, 2021, 8:58 pm**  
Departed USPS Regional Facility



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12-27-21

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**Javier Calvo Fuentes**  
5230 Northwest 2<sup>nd</sup> Avenue  
Miami, Florida 33126  
AC - 2021037151 - PMW

7019 2970 0000 6114 4171