

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.: 2019-042998

LISSET ALVAREZ-PEREZ,

Respondent.

_____ /

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Division”), hereby enters this Final Order for the above styled matter. On July 30, 2021, Lateefah A. Muhammad, Hearing Officer for the Department, issued the Recommended Order in this matter. That Recommended Order is attached to the Final Order and incorporated herein by reference.

FINDINGS OF FACT

The Findings of Fact contained in the Recommended Order are hereby adopted as the Findings of Fact of the Division.

CONCLUSIONS OF LAW

The Conclusions of Law contained in the Recommended Order are hereby adopted as the Conclusions of Law of the Division.

ORDER


Based upon the foregoing Findings of Fact and Conclusions of Law adopted from the Recommended Order of the Department's Informal Hearing, it is hereby ORDERED that:

1) Respondent's Pari-Mutuel Wagering Slot Combo General License, number 11993934-1056 is hereby REVOKED.

2) Respondent is hereby PERMANENTLY EXCLUDED from all licensed pari-mutuel facilities in the State of Florida.

3) This Final Order shall become effective on the date of filing with the Agency Clerk of the Department of Business and Professional Regulation.

This Final Order in DBPR Case Number 2019-042998 is DONE AND ORDERED this 12 day of October, 2021, in Tallahassee, Florida.



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 18th day of October 2021, that a true and correct copy of the foregoing Final Order has been sent via U.S. Mail to:

Lissett Alvarez-Perez
15415 Southwest 80th Street, Apt. 202
Miami, Florida 33193

Brandon M. Nichols

AGENCY CLERK'S OFFICE
Department of Business and Professional Regulation

CC: Ebonie Lanier

NOTICE OF RIGHT TO APPEAL UNLESS WAIVED

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review Proceedings are governed by Rules 9.110 and 9.190, Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Department of Business and Professional Regulation, Attn: Ronda L. Bryan, Agency Clerk, 2601 Blair Stone Road, Tallahassee, Florida 32399 (agc.filing@myfloridalicense.com) and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Florida Appellate District where the Party Resides. The Notice of Appeal must be filed within thirty (30) Days of Rendition of the Order to be reviewed.

FILED	
Department of Business and Professional Regulation AGENCY CLERK	
CLERK	Ronda L. Bryan
Date	7/30/2021
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. 2019-042998

v.

LISSET ALVAREZ-PEREZ,

Respondent.

HEARING OFFICER'S RECOMMENDED ORDER

THIS MATTER came before Lateefah Muhammad, designated Hearing Officer for the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner" or "Division"), on July 14, 2021, in Tallahassee, Florida, in accordance with the provisions of section 120.57(2), Florida Statutes, for consideration of the Division's Administrative Complaint issued against Lisset Alvarez-Perez ("Respondent"), in DBPR Case No. 2019-042998. The Division was represented by Darrell Garvey, Esquire, Respondent and her translator, Bertha Dalzan, appeared *pro se* via telephone. Both sides were allowed to present witnesses, offer items into evidence, and otherwise fully participate in the hearing.

PROCEDURAL HISTORY

1. On June 3, 2020, Petitioner filed a three-count Administrative Complaint against Respondent, alleging violation of sections 551.121(1), 550.0251(6), and 551.112, Florida Statutes, by serving complimentary alcoholic beverages to one or more patrons playing at a slot machine on May 18, 2019 and May 19, 2019, and for being ejected from Casino Miami, LLC, on July 15, 2019 ("Administrative Complaint").

2. Respondent requested an informal hearing pursuant to section 120.57(2), Florida Statutes (“informal hearing”).

3. A hearing pursuant to section 120.57(2), Florida Statutes, was held on July 14, 2021, during which the Division presented the issues raised in the Letter of License Denial, and Petitioner’s qualified representative presented Petitioner’s case.

4. The Hearing Officer granted the Division’s motion to accept the findings of fact in the Letter of License Denial as the undisputed facts in the case and accepted the investigative report into the record.

FINDINGS OF FACT

5. At all times material to the Administrative Complaint, Respondent held a Pari-Mutuel Wagering Slot Combo General License, number 11993934-1056, issued by the Petitioner.

6. On May 18, 2019, Respondent served complimentary alcoholic beverages to one or more patrons playing at a slot machine at Casino Miami, LLC.

7. On May 19, 2019, Respondent served complimentary alcoholic beverages to one or more patrons playing at a slot machine at Casino Miami, LLC.

8. On July 15, 2019, Respondent was ejected from Casino Miami, LLC.

CONCLUSIONS OF LAW

9. The Hearing Officer has jurisdiction to hear this case pursuant to section 120.57(2), Florida Statutes.

10. The Division has jurisdiction over this matter pursuant to Chapters 120, 550, 551 and section 849.086, Florida Statutes.

11. Section 551.121(1), Florida Statutes, states, “Complimentary or reduced-cost alcoholic beverages may not be served to persons playing a slot machine. Alcoholic beverages served to persons playing a slot machine shall cost at least the same amount as alcoholic beverages served to the general public at the bar within a facility.”

12. 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).

13. 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).

14. Respondent is subject to discipline for her violations of sections 551.121(1), 550.0251(6) and 551.112, Florida Statutes, by virtue of Respondent providing complimentary

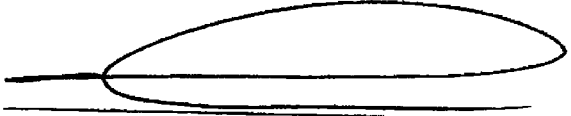
alcoholic beverages to patrons playing at a slot machine at Casino Miami, LLC, on May 18th and 19th 2019, as well as her ejection from Casino Miami, LLC on July 15, 2019.

15. There is competent substantial evidence to support the conclusions of law.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law, it is hereby recommended that the Division issue a Final Order REVOKING Respondent's Pari-Mutuel Wagering Slot Combo General License, number 11993934-1056 and EXCLUDING Respondent from all licensed pari-mutuel facilities in the State of Florida.

Respectfully submitted this 28th day of July 2021.



Lateefah A. Muhammad, Hearing Officer
Office of the General Counsel
Department of Business and
Professional Regulation
2601 Blair Stone Road
Tallahassee, FL 32399-2202

CERTIFICATE OF SERVICE

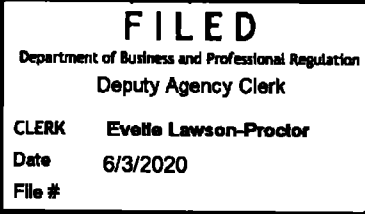
I hereby certify this 30th day of July 2021, that a true copy of the foregoing "Hearing Officer's Recommended Order" has been provided by mail to:

Lisset Alvarez-Perez
15415 Southwest 80th Street, Apt. 202
Miami, Florida 33193



AGENCY CLERK'S OFFICE

Cc:
Lateefah A. Muhammad, Informal Hearing Officer
Emily A. Leiva, Assistant General Counsel
Hearing Officer's Recommended Order
2019-042998



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF PARI-MUTUEL WAGERING

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_____ /

AMENDED ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Lisset Alvarez-Perez (“Respondent”), and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering, slot machine operations, 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 Combo General License, number 11993934-1056 issued by Petitioner.
3. At all times material hereto, Respondent was employed as a food and beverage waitress at Casino Miami, LLC.
4. At all times material hereto, Casino Miami, LLC held a Pari-Mutuel Wagering Permit, number 273-1000 and Annual Slot License, number 273-1003 issued by Petitioner.

COUNT I

5. Petitioner realleges and adopts paragraphs numbered one through four as if set forth fully herein.

6. On or about May 18, 2019, at Casino Miami, LLC, Respondent served complimentary alcoholic beverages to one or more patrons playing a slot machine.

7. Section 551.121(1), Florida Statutes, states, "Complimentary or reduced-cost alcoholic beverages may not be served to persons playing a slot machine. Alcoholic beverages served to persons playing a slot machine shall cost at least the same amount as alcoholic beverages served to the general public at the bar within a facility."

8. Based on the foregoing, Respondent violated section 551.121(1), Florida Statutes, on May 18, 2019, by serving complimentary alcoholic beverages to one or more patrons playing a slot machine at Casino Miami, LLC.

COUNT II

9. Petitioner realleges and adopts paragraphs numbered one through four as if set forth fully herein.

10. On or about May 19, 2019, at Casino Miami, LLC, Respondent served complimentary alcoholic beverages to one or more patrons playing a slot machine.

11. Section 551.121(1), Florida Statutes, states, "Complimentary or reduced-cost alcoholic beverages may not be served to persons playing a slot machine. Alcoholic beverages served to persons playing a slot machine shall cost at least the same amount as alcoholic beverages served to the general public at the bar within a facility."

12. Based on the foregoing, Respondent violated section 551.121(1), Florida Statutes, on May 19, 2019, by serving complimentary alcoholic beverages to one or more patrons playing a slot machine at Casino Miami, LLC.

COUNT III

13. Petitioner realleges and adopts paragraphs numbered one through four as if set forth fully herein.

14. On or about July 15, 2019, Respondent was ejected from Casino Miami, LLC.

15. 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).

16. 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).

17. 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 her ejection from Casino Miami, LLC on July 15, 2019.

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, 551, and 849, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for DBPR Case Number 2019-042998 is signed this 29th day of May, 2020.

/s/ Johnny P. ElHachem

JOHNNY P. ELHACHEM

Deputy Chief Attorney

Florida Bar No. 1015837

Office of the General Counsel

Division of Pari-Mutuel Wagering

Department of Business and Professional Regulation

2601 Blair Stone Road

Tallahassee, Florida 32399-1035

Telephone: (850) 717-1796

Facsimile: (850) 921-1311

Johnny.ElHachem@MyFloridaLicense.com

NOTICE OF RIGHTS

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.

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June 6, 2020, 6:41 pm
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June 6, 2020
In Transit to Next Facility

June 5, 2020, 11:17 pm
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TALLAHASSEE FL DISTRIBUTION CENTER

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TALLAHASSEE FL DISTRIBUTION CENTER

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