

<b>FILED</b>	
Department of Business and Professional Regulation	
Senior Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	5/12/2022
File #	2022-03897

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.: 2021-055187

BRANYI G. SANTOS MORAN,

Respondent.

\_\_\_\_\_ /

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), issues this Final Order against Branyi G. Santos Moran, (“Respondent”) as follows:

1. An Administrative Complaint was filed in this case on February 10, 2022, alleging that Respondent violated Sections 550.0251(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 March 26, 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

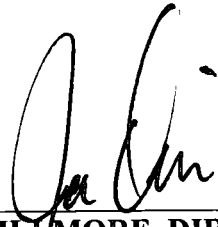
ORDERED and ADJUDGED:

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 2021-055187 is DONE and ORDERED this 10th day of MAY, 2022.

  
\_\_\_\_\_  
**JOE DILLMORE, 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](mailto: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 12<sup>th</sup> day of May, 2022, a true and correct copy of this Final Order has been sent via U.S. Mail to:

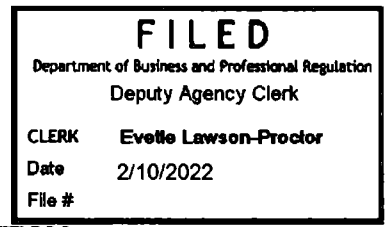
**Branyi G. Santos Moran**  
3723 Northwest 17th Avenue  
Miami, FL 33142



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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  
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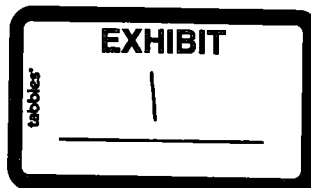
BRANYI G. SANTOS MORAN,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner"), files this Administrative Complaint against Branyi G. Santos Moran ("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 3723 North West 17 Avenue, Miami, Florida 33142.
3. 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.
4. On or about 10/23/2021, Respondent was a patron of Miami Casino, LLC.
5. On or about October 23, 2021, Respondent and an accomplice repeatedly physically manipulated a slot machine in order to cause the machine to reset, resulting in no loss of money for the preceding play of the machine.



6. On or about October 23, 2021, Respondent was permanently excluded from Miami Casino, LLC.

#### COUNT I

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

8. 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.”

9. Based on the foregoing, Respondent violated Rule 61D-14.090, Florida Administrative Code, by conspiring with, and aiding another person to engage in a violation of Section 551.109(3), Florida Statutes, at Miami Casino, LLC on or about October 23, 2021.

#### COUNT II

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

11. 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).

12. 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).

13. 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 ejection from Miami Casino, LLC on or about October 23, 2021.

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 Chapters 550 and 551, Florida Statutes, and/or the rules promulgated thereunder.

*(Signature page to follow)*

This Administrative Complaint for DBPR Case Number 2021-055187 is signed this 10th day of February 2022.

*/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 32399-2202

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:** 70192970000061145499

Remove X

Your item was delivered to the front desk, reception area, or mail room at 12:50 pm on March 26, 2022 in MIAMI, FL 33142.

**USPS Tracking Plus® Available** ∨

**✓ Delivered, Front Desk/Reception/Mail Room**

March 26, 2022 at 12:50 pm  
MIAMI, FL 33142

Feedback

**Get Updates** ∨

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**Text & Email Updates**



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**Tracking History**



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**USPS Tracking Plus®**



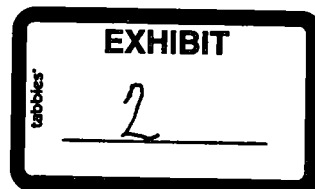
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**Product Information**



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**See Less** ^



7019 2970 0000 6114 5499

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*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<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	\$ _____

3-23-22

Postmark  
Here

Postage	\$
Total Postage	\$
Sent To	
Street and Apt	
City, State, Zip	

**Branyi G. Santos Moran**  
3723 N.W. 17<sup>th</sup> Avenue, Apt. 6A  
Miami, Florida 33142  
AC - 2021055187 - 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:

**Branyl G. Santos Moran**  
3723 N.W. 17<sup>th</sup> Avenue, Apt. 6A  
Miami, Florida 33142  
AC - 2021055187 - PMW



9590 9402 5538 9249 0434 80

2. Article Number (Transfer from service label)

7019 2970 0000 6114 5499

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

Agent  
 Addressee

B. Received by (Printed Name)

B Moran

C. Date of Delivery

03/26/22

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

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery