

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.: 2022-016928

v.

RODERICK SHARAD SMITH,

Respondent.

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FINAL ORDER

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

1. An Administrative Complaint was filed in this case on April 22, 2022, alleging that Respondent violated Sections 550.0251(6) and 551.112, Florida Statutes, and Rule 61D-11.005(4), 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 April 30, 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

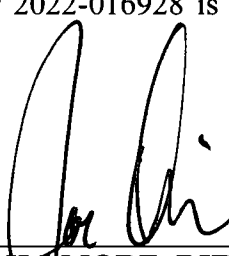
ORDERED and ADJUDGED:

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 2022-016928 is DONE and ORDERED this 31 day of May, 2022.



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**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), 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 1<sup>st</sup> day of June, 2022, a true and correct copy of this Final Order has been sent via U.S. Mail to:

**Roderick Sharad Smith**  
4430 Southwest 26th Street  
West Park, Florida 33023



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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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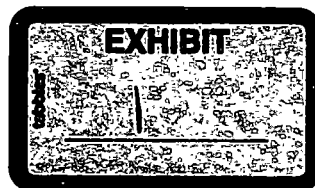
RODERICK SHARAD SMITH,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner"), files this Administrative Complaint against Roderick Sharad Smith ("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, the Casino at Dania Beach was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the State of Florida.
3. Respondent was employed by Card Tech to work as a Designated Player at the Casino at Dania Beach.
4. On or about April 4, 2022, during the course of his employment with Card Tech, Respondent engaged in the theft of various chips from the Casino at Dania Beach.
5. Following the discovery of the various incidents, Respondent was terminated from Card Tech.



6. On or about April 8, 2022, Respondent was permanently excluded from the Casino at Dania Beach.

#### COUNT I

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

8. Rule 61D-11.005(4), Florida Administrative Code, provides, in pertinent part, that “[n]o person shall, either directly or indirectly (a) [e]mploy or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator.”

9. Based on the foregoing, Respondent violated Rule 61D-11.005(4), Florida Administrative Code, by employing a device, scheme, or artifice to defraud the cardroom operator.

#### COUNT II

10. Petitioner realleges and incorporates the allegations contained within paragraphs one through six 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.

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.

13. Based on the foregoing, Respondent violated Sections 550.0251(6) and 551.112, Florida Statutes, and Rule 61D-11.005(4), Florida Administrative Code, 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 exclusion from the Casino at Dania Beach on April 8, 2022.

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.

This Administrative Complaint for DBPR Case Number 2022-016928 is signed this 22nd day of April, 2022.

*/s/ Emily A. Leiva*

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Emily A. Leiva  
Deputy Chief Attorney  
Florida Bar Number: 1025200  
Department of Business and Professional Regulation  
Office of the General Counsel  
Division of Pari-Mutuel Wagering  
2601 Blair Stone Road  
Tallahassee, Florida 32399-2202  
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Facsimile: (850) 921-1311  
Primary: [Emily.Leiva@MyFloridaLicense.com](mailto:Emily.Leiva@MyFloridaLicense.com)  
Secondary: [Ebonie.Lanier@MyFloridaLicense.com](mailto: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:** 70203160000108189305

[Remove X](#)

Your item was delivered to an individual at the address at 3:00 pm on April 30, 2022 in HOLLYWOOD, FL 33023.

**USPS Tracking Plus® Available** [v](#)

## **Delivered, Left with Individual**

April 30, 2022 at 3:00 pm  
HOLLYWOOD, FL 33023

Feedback

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**Text & Email Updates** [v](#)

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**Tracking History** [v](#)

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**USPS Tracking Plus®** [v](#)

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5026 9190 1000 091E 0201

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

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<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	\$ _____

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

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

Sent To \_\_\_\_\_

Street and Apt \_\_\_\_\_

City, State, Zip \_\_\_\_\_

4-25-22  
Postmark Here

**Roderick Sharad Smith**  
4430 Southwest 26<sup>th</sup> Street  
West Park, Florida 33023  
AC - 2022016928 - PMW

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Restrictions

**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

**Roderick Sharad Smith**  
 4430 Southwest 26<sup>th</sup> Street  
 West Park, Florida 33023  
 AC - 2022016928 - PMW



9590 9402 6208 0220 7350 89

2 Article Number (Transfer from service label)

7020 3160 0001, 0616 7306

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Handwritten Signature]*  Agent  
 Addressee  
 B. Received by *[Handwritten Name]* C. Date of Delivery *[Handwritten Date]*  
 D. Delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No  
*[Handwritten Address: 2320 4-30-22]*

3. Service Type

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

Domestic Return Receipt