

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

v.

FGCC Case No.: 2022-027070

HUONG DAO,

Respondent.

FINAL ORDER APPROVING STIPULATION AND CONSENT ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting, pursuant to section 120.57(4), Florida Statutes, on November 3, 2022, for consideration of a Stipulation and Consent Order (attached hereto as Exhibit A) entered into between the parties in the above-styled cause. After a complete review of the record in this matter, the Commission approves and adopts the Stipulation and Consent Order.

Wherefore it is Ordered and **Adjudged**:

1. The parties shall abide by the agreement attached hereto as Exhibit A.

This Final Order shall take effect upon being filed with the Clerk of the Commission.

DONE AND ORDERED this 3RD day of NOVEMBER, 2022.

FLORIDA GAMING CONTROL COMMISSION



CLERK OF THE COMMISSION

On Behalf of

John MacIver, Chariman

Michael Yaworsky, Vice-Chairman

Julie Brown, Commissioner

John D'Aquila, Commissioner

Charles Drago, Commissioner

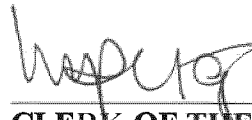
NOTICE OF RIGHT TO APPEAL

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 Clerk of the Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202 (Email: clerk@fgcc.fl.gov), 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) by the Clerk of the Commission within thirty (30) days after the date this Order is filed with the Clerk of the Commission.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3RD day of NOVEMBER, 2022, a true and correct copy of this Final Order has been sent via U.S. Mail to:

Huong Dao
c/o Anthony H. Quackenbush, Esq.
303 Southwest 6th Street, Pent House West
Fort Lauderdale, Florida 33315



CLERK OF THE COMMISSION
Florida Gaming Control Commission

CC: Ebonie Lanier

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING

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DIVISION OF PARI-MUTUEL WAGERING,

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FGCC Case No.: 2022-027070

HUONG DAO,

Respondent.

STIPULATION AND CONSENT ORDER

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Division”), and Huong Dao (“Respondent”), stipulate and agree to the following terms and issuance of this Stipulation and Consent Order (“Consent Order”):

1. This Consent Order is to be entered in resolution of the two-count Administrative Complaint filed in FGCC Case Number 2022-027070, alleging that Respondent was in violation of Rule 61D-11.005(4), Florida Administrative Code, and was excluded from PPI, Inc. for one year. The Administrative Complaint further alleged that Respondent is subject to exclusion from all pari-mutuel facilities and all facilities of a slot machine licensee in the state of Florida pursuant to Sections 550.0251(6) and 551.112, Florida Statutes.

STIPULATION

WHEREAS the Division and Respondent (“Parties”), desire to resolve this matter, the following terms are stipulated:

2. The Division has jurisdiction over this matter and the Parties.

3. The Division is authorized by Section 120.57, Florida Statutes, to resolve administrative proceedings by consent orders.

4. Each of the Parties has entered into the terms of this Consent Order voluntarily. Respondent is aware that she is entitled to the advice of counsel, and has either sought the advice of counsel or by execution of this Consent Order, is knowingly waiving the opportunity to seek advice of counsel. Respondent acknowledges that the Division has not made any promise, nor has it in any other way encouraged Respondent to enter into this Consent Order without the advice of counsel.

5. Each of the Parties must bear its own costs and legal fees related to this matter, and no financial claims can be made against the Division in this action.

6. The Parties acknowledge and agree to waive any further administrative and judicial review.

7. The Parties understand that this Consent Order will in no way preclude additional proceedings by the Division against Respondent for acts or omissions not specifically set forth herein.

8. Respondent neither admits, nor denies committing the violation set forth in this Consent Order, but this Consent Order may be considered in aggravation of any future proceedings involving Respondent.

9. Respondent agrees that upon adoption of this consent order, Respondent shall be **PERMANENTLY EXCLUDED** from all pari-mutuel facilities and all facilities of a slot machine licensee within the State of Florida.

10. Respondent must mail this Consent Order to: Florida Gaming Control Commission, Division of Pari-Mutuel Wagering, 2601 Blair Stone Road, Tallahassee, Florida 32399-1035, Attention: Donna Fleming.

11. The Parties acknowledge and agree that this Consent Order is subject to approval by the Florida Gaming Control Commission (“Commission”). The Consent Order will have no force and effect unless the Commission files a Final Order adopting this Consent Order. Should this Consent Order be rejected, no statement made in furtherance of it by Respondent may be used as direct evidence against Respondent in any proceedings.

12. Upon the Commission’s adoption of this Consent Order, Respondent expressly waives all further procedural steps, including all rights to seek judicial review of this Consent Order, and waives the right to seek attorneys’ fees or costs from the Division in connection with these proceedings.

13. This Consent Order is executed by the Parties for the purpose of avoiding further administrative action with respect to the matters addressed hereby. In this regard, Respondent authorizes the Commission to review and examine all materials concerning Respondent, prior to or in conjunction with consideration of this Consent Order. Should the Commission not accept this Consent Order, it is agreed that presentation to and consideration of this Consent Order and other documents and matters by the Commission shall not unfairly or illegally prejudice the Commission from further participation, consideration, or resolution of these proceedings.

14. This Consent Order may be signed in counterparts, and copies shall be treated as original.

15. The Parties agree that this serves as notice that the signed Consent Order will be placed on the agenda of the next available Commission meeting.

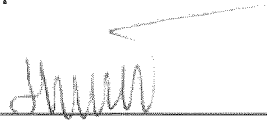
16. Respondent is not required to attend the Commission meeting. If Respondent would like to attend, she is responsible for checking the Florida Gaming Control Commission website at www.fgcc.fl.gov, for the meeting materials, agenda, and contact information.

17. Respondent authorizes the Division to correct any typographical errors or make any non-material changes to this Consent Order after it is signed.

[Signature pages to follow]

WHEREFORE, Respondent, **HUONG DAO**, requests that the Commission enter a Final Order approving and incorporating this Consent Order in resolution of this matter.

SIGNED this 14 day of oct, 2022.




HUONG DAO
Respondent

STATE OF Florida
COUNTY OF Broward

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 14 day of October, 2022, by HUONG DAO, who is personally known to me or who produced the following as identification:

DL Identification Card


Notary Public



LEONIE DASTINOT
Notary Public
State of Florida
Comm# HH289554
Expires 7/19/2026

My commission expires: 7/19/2026

APPROVED this 24 day of October, 2022.



EMILY ALVARADO
DEPUTY CHIEF ATTORNEY
Division of Pari-Mutuel Wagering
Florida Gaming Control Commission



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.: 2022-027070

v.

HUONG DAO,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Huong Dao (“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 5260 Northwest 11th Street Lauderhill, Florida 33313.

3. At all times material hereto, PPI, Inc. was a facility operated by a permit holder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the State of Florida.

4. On or about May 27, 2022, Respondent was a patron of PPI, Inc.

5. On or about May 27, 2022, Respondent was ejected and excluded from PPI, Inc. for a period of one year for engaging in an act that would constitute cheating at a cardroom table.

COUNT I

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

7. 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.”

8. 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

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.

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. This section does not abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.'

12. Based on the foregoing, Respondent violated Rule 61D-11.005(4), Florida Administrative Code and is subject to exclusion under Sections 550.0251(6), and 551.112, Florida Statute, from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida.

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 2022-027070 is signed this 13th day of June, 2022.

/s/ Emily A. Alvarado

Emily A. Alvarado
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
Telephone: (850) 717-1783
Facsimile: (850) 921-1311
Primary: Emily.Leiva@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.