

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

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

v.

FGCC Case No.: 2022-007916

SOMPHONE PON MANIVONG,

Respondent.

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on May 2, 2023, for final agency action pursuant to sections 120.569 and 120.57(2), Florida Statutes. After a complete review of the record in this matter, the Commission makes the following findings of fact and conclusions of law:

1. An Administrative Complaint was filed in this case on March, 7, 2022, alleging a violation of Rule 75-11.005(4), Florida Administrative Code, and that Respondent is subject to exclusion from all licensed pari-mutuel facilities in the state of Florida under section 550.0251(6), Florida Statutes. A copy of the Administrative Complaint is attached hereto as Exhibit "1" and incorporated by reference.

2. The Commission attempted to personally serve Respondent with the Administrative Complaint, Election of Rights form, an Explanation of Rights, and a cover letter via certified mail and hand service, but these attempts were unsuccessful.

3. A publication notice was posted in the Pinellas County Business Observer starting on March 3, 2023. This publication complied with the notice requirements enumerated in section 120.60(5), Florida Statutes. Respondent failed to respond to the notice before the published

deadline of March 31, 2023. Proof of service is attached hereto as Exhibit "2" and incorporated by reference.

4. Petitioner informed Respondent that the failure to contact the Florida Gaming Control Commission prior to the published deadline would be deemed a waiver of the right to a hearing.

5. Respondent has not filed a timely response to the publication notice. 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 publication notice, 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's Cardroom Employee Occupational License, number 11229290-1012 is hereby **REVOKED**.

8. Respondent is hereby **PERMANENTLY EXCLUDED** from all pari-mutuel facilities within the State of Florida.

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

DONE AND ORDERED this 5th day of MAY, 2023.

FLORIDA GAMING CONTROL COMMISSION



CLERK OF THE COMMISSION

On Behalf of

Charles "C.B." Upton, Chairman

Julie Brown, Commissioner

John D'Aquila, Commissioner

Charles Drago, Commissioner

Tina Repp, Commissioner

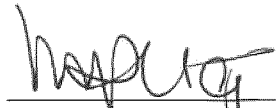
NOTICE OF RIGHT TO APPEAL

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@flgaming.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 5TH day of MAY, 2023, a true and correct copy of this Final Order has been sent via U.S. Mail to:

Somphone Pon Manivong
5287 89th Terrace North
Pinellas Park, Florida 33782



CLERK OF THE COMMISSION
Florida Gaming Control Commission

CC: Ebonie Lanier

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.: 2022-007916

v.

SOMPHONE PON MANIVONG,

Respondent.

ADMINISTRATIVE COMPLAINT

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

1. Petitioner is the state agency charged with regulating pari-mutuel wagering and cardroom operations pursuant to Chapters 550 and 849, Florida Statutes.
2. At all times material hereto, Respondent held a Cardroom Employee Occupational License, number 11229290-1012, issued by Petitioner.
3. At all times material hereto, Sarasota Kennel Club was a facility operated by a permit holder authorized to conduct pari-mutuel wagering and cardroom operations in the State of Florida.
4. On or about February 12, 2022, Respondent was observed stealing approximately thirty five dollars (\$35) in chips from the pot and imprest tray while working as a cardroom dealer.



5. On February 13, 2022, Respondent did not show up to his scheduled shift and refused to respond to any questions or make comments regarding the incident on February 12, 2022.

6. On February 13, 2022, Respondent was terminated from Sarasota Kennel Club.

7. On February 14, 2022, Respondent was permanently banned from Sarasota Kennel Club.

COUNT I

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

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

10. Based on the foregoing, Respondent violated Rule 61D-11.005(4), Florida Administrative Code, by employing a device, scheme, or artifice with the intent of cheating the cardroom operator.

COUNT II

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

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. Based on the foregoing, Respondent violated Section 550.0251(6), Florida Statutes, based on his permanent exclusion from Sarasota Kennel Club and his violation of Rule 61D-11.005, Florida Administrative Code.

WHEREFORE, Petitioner respectfully requests the Division Director enter an Order revoking Respondent's a Cardroom Employee Occupational License, number 11229290-1012, and excluding Respondent from all licensed pari-mutuel wagering facilities in the State of Florida, along with any other remedy provided by Chapters 550, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for DBPR Case Number 2022-007916 is signed this 7th day of March, 2022.

/s/ Emily A. Leiva

Emily A. Leiva

Assistant General Counsel

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.

Serial Number
23-00935N

Business Observer

Published Weekly
Clearwater, Pinellas County, Florida

COUNTY OF PINELLAS

FILED
FLORIDA GAMING CONTROL COMMISSION

Date: 4/03/2023
 File Number: _____

BY: MELBA L. APELLANIZ
CLERK OF THE COMMISSION

STATE OF FLORIDA

Before the undersigned authority personally appeared Kelly Martin who on oath says that he/she is Publisher's Representative of the Business Observer a weekly newspaper published at Clearwater, Pinellas County, Florida; that the attached copy of advertisement,

being a Notice of Action

in the matter of Violation of rule 61D-11.005(4); Case No.: 2022-007916; License No. 11229290

in the Court, was published in said newspaper by print in the issues of 3/3/2023, 3/10/2023, 3/17/2023, 3/24/2023

Affiant further says that the Business Observer complies with all legal requirements for publication in chapter 50, Florida Statutes.

*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

**NOTICE OF ACTION
BEFORE THE DIVISION OF
PARI-MUTUEL WAGERING**

IN RE: Violation of rule 61D-11.005(4), Florida Administrative Code and Section 650.025(6), Florida Statutes.

SOMPHONE PONMANIVONG
 6287 89th Terrace North
 Pinellas Park, Florida 33782

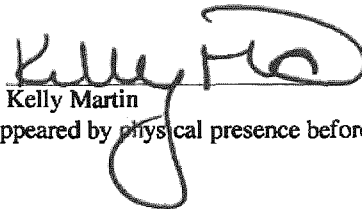
CASE NO.: 2022-007916
 LICENSE NO.: 11229290

The Florida Gaming Control Commission has filed an Administrative Complaint against you, a copy of which may be obtained by contacting Ebonye Lamer, Administrative Assistant III, Office of the General Counsel, Florida Gaming Control Commission, 2601 Blair Stone Road, Tallahassee, FL 32399, (850) 717-1663.

If no contact has been made by you concerning the above by Friday, March 31, 2023, the matter of the Administrative Complaint will be presented to the Florida Gaming Control Commission at the next public meeting for final agency action.


In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the individual or agency sending notice no later than seven days prior to the proceeding at the address given on notice. Telephone: (850) 257-6097; 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

Mar. 3, 10, 17, 24, 2023 23-00935N


Kelly Martin

Sworn to and subscribed, and personally appeared by physical presence before me,
24th day of March, 2023 A.D.

by Kelly Martin who is personally known to me.



Notary Public, State of Florida
(SEAL)



Pamela A Nelson
Comm.: HH 277515
Expires: Aug. 23, 2026
Notary Public - State of Florida



