

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

DEPARTMENT OF BUSINESS &  
PROFESSIONAL REGULATION,  
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

v.

DBPR Case No. 2007060913

RODRIGUEZ RICHARDO PLATT,

Respondent,

FINAL ORDER

THIS MATTER came before the Presiding Officer of the Division of Pari-Mutuel Wagering on May 6, 2009, 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 Rodriguez Platt ("Respondent") in DBPR Case No. 2007060913. The Division of Pari-Mutuel Wagering ("Division") was represented by David N. Perry, Assistant General Counsel. Respondent appeared pro se by telephone.

PRELIMINARY STATEMENT

1. On or about September 19, 2008, the Division of Pari-Mutuel Wagering issued an Administrative Complaint against the Respondent which alleged that he been ejected from a slot machine facility and a pari-mutuel facility in Florida, after being terminated from Mardi Gras Gaming Center ("Mardi Gras"). The Administrative

Complaint sought to exclude Respondent from all slot machine and pari-mutuel facilities within the state, pursuant to Sections 550.0251(6) and 551.112, Florida Statutes.

2. On or about October 6, 2008, Respondent filed his Election of Rights, in which he requested a formal hearing pursuant to Section 120.57(1), Florida Statutes. The Respondent's Election of Rights indicates that Respondent's address is 6316 S.W. 23<sup>rd</sup> Street, Miramar, Florida 33023. Respondent did not state which specific facts he disputed.

3. The Division sent a letter to Respondent dated March 12, 2009, in which he was advised that if he failed to list the facts he was disputing, his request for a formal hearing would be denied. Respondent failed to respond to the letter, and accordingly this case was set for an informal hearing.

4. At the informal hearing on May 6, 2009, the Division presented the issues raised in its September 19, 2008, Administrative Complaint and cited Respondent's Election of Rights, in which Respondent requested a formal hearing but failed to state any disputed facts. The facts are therefore accepted as presented in the Administrative Complaint.

#### FINDINGS OF FACT

5. At all times material hereto, Respondent held a slot machine occupational license, number 7881364-1052, issued by the Division.

6. Mardi Gras is a slot machine facility and a pari-mutuel facility in Florida licensed by the Division.

7. At all times material hereto, Respondent was a maintenance employee at Mardi Gras.

8. On October 31, 2007, Respondent was engaged in a physical altercation with another employee, Felix Hector, in the maintenance pit on the first floor, just south of the Players' Club. During the fight, Respondent pulled out a knife.

9. Felix Hector sustained a small cut on his elbow. One of the two employees who broke up the fight, Bradley Taylor, sustained a small cut on his left palm. Respondent was arrested by the Hallandale Police Department.

10. On or about November 1, 2007, as the result of its investigation, Mardi Gras terminated Respondent's employment and placed Respondent on its lifetime exclusion list.

11. At the informal hearing, Respondent stated that criminal charges were never filed against him for the incident.

12. Respondent stated that he did not cut anybody, and he never received a letter from Mardi Gras, notifying him of his lifetime exclusion.

13. There is competent substantial evidence to support the findings of fact.

#### CONCLUSIONS OF LAW

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

15. Section 550.0251(6), Florida Statutes, states in relevant part:

In addition to the power to exclude certain persons from any pari-mutuel facility in this 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.

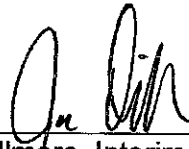
16. Section 551.112, Florida Statutes, states in relevant part:

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.

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

WHEREFORE, based upon the Findings of Fact and Conclusions of Law, it is hereby ORDERED and ADJUDGED that: Respondent shall be excluded from all slot machine and pari-mutuel facilities in this state.

DONE AND ORDERED this 11th day of AUGUST, 2009.



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Joe Dillmore, Interim Director  
Division of Pari-Mutuel Wagering  
Department of Business and  
Professional Regulation  
1940 North Monroe Street  
Tallahassee, Florida 32399-1035

NOTICE OF RIGHT TO APPEAL UNLESS WAIVED

Unless expressly waived, any party substantially affected by this final order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within thirty (30) days rendition of this order, in accordance with Rule 9.110, Fla. R. App. P., and Section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Order has been provided by U.S. Certified Mail to RODRIGUEZ R. PLATT, 6316 S.W. 23<sup>rd</sup> Street, Miramar, Florida 33023, on this 12<sup>th</sup> day of August, 2009.

SARAH WACHMAN, AGENCY CLERK



Brandon Nichols, Deputy Agency Clerk

Copies furnished to:  
April Dawn M. Skilling, Informal Hearing Officer  
David N. Perry, Assistant General Counsel

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

**DEPARTMENT OF BUSINESS & PROFESSIONAL  
REGULATION, DIVISION OF PARI-MUTUEL  
WAGERING,**

Petitioner,

v.

**DBPR CASE NO. 2007060913**

**RODRIGUEZ RICHARDO PLATT,**

Respondent,

---

**PROPOSED RECOMMENDED ORDER**

THIS MATTER came before the Presiding Officer of the Division of Pari-Mutuel Wagering on May 6, 2009, 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 Rodriguez Platt ("Respondent") in DBPR Case No. 2007060913. The Division of Pari-Mutuel Wagering ("Division") was represented by David N. Perry, Assistant General Counsel. Respondent appeared pro se by telephone.

**PRELIMINARY STATEMENT**

1. On or about September 19, 2008, the Division of Pari-Mutuel Wagering issued an Administrative Complaint against the Respondent which alleged that he been ejected from a slot machine facility and a pari-mutuel facility in Florida, after being terminated from Mardi Gras Gaming Center ("Mardi Gras") The Administrative Complaint sought to exclude Respondent

from all slot machine and pari-mutuel facilities within the state, pursuant to Sections 550.0251(6) and 551.112, Florida Statutes.

2. On or about October 6, 2008, Respondent filed his Election of Rights, in which he requested a formal hearing pursuant to Section 120.57(1), Florida Statutes. The Respondent's Election of Rights indicates that Respondent's address is 6316 S.W. 23<sup>rd</sup> Street, Miramar, Florida 33023. Respondent did not state which specific facts he disputed.

3. The Division sent a letter to Respondent dated March 12, 2009, in which he was advised that if he failed to list the facts he was disputing, his request for a formal hearing would be denied. Respondent failed to respond to the letter, and accordingly this case was set for an informal hearing.

4. At the informal hearing on May 6, 2009, the Division presented the issues raised in its September 19, 2008 Administrative Complaint and cited Respondent's Election of Rights, in which Respondent requested a formal hearing but failed to state any disputed facts. The facts are therefore accepted as presented in the Administrative Complaint.

#### **FINDINGS OF FACT**

5. At all times material hereto, Respondent held a Slot Machine General Individual License, number 7881364-1052, issued by the Division.

6. Mardi Gras is a slot machine facility and a pari-mutuel facility in Florida licensed by the Division.

7. At all times material hereto, Respondent was a maintenance employee at Mardi Gras.

8. On October 31, 2007, Respondent was engaged in a physical altercation with another employee, Felix Hector, in the maintenance pit on the first floor, just south of the Players' Club. During the fight, Respondent pulled out a knife.

9. Felix Hector sustained a small cut on his elbow. One of the two employees who broke up the fight, Bradley Taylor, sustained a small cut on his left palm. Respondent was arrested by the Hallandale Police Department.

10. On or about November 1, 2007, as the result of its investigation, Mardi Gras terminated Respondent's employment and placed Respondent on its lifetime exclusion list.

11. At the informal hearing, Respondent stated that criminal charges were never filed against him from the incident.

12. Respondent stated that he did not cut anybody, and he never received a letter from Mardi Gras, notifying him of his lifetime exclusion.

#### **CONCLUSIONS OF LAW**

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

14. Section 550.0251(6), Florida Statutes, states in relevant part:

In addition to the power to exclude certain persons from any pari-mutuel facility in this 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.

15. Section 551.112, Florida Statutes, states in relevant part:

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

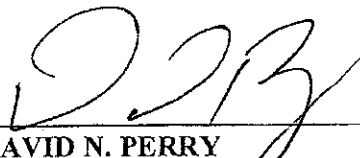


governmental department, agency, commission, or authority exercising regulatory jurisdiction over the gaming in such other state

**RECOMMENDED ORDER**

Based upon the Findings of Fact and Conclusions of Law, it is hereby proposed that the Hearing Officer enter a Recommended Order excluding Respondent from all slot machine and pari-mutuel facilities in this state.

Respectfully submitted this 13<sup>TH</sup> day of MAY, 2009.

  
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**DAVID N. PERRY**  
Assistant General Counsel  
Division of Pari-Mutuel Wagering  
Dept of Business & Professional Regulation  
1940 North Monroe Street  
Tallahassee, Florida 32399-2202  
(850) 488-0062 / FAX 921-1311

**CERTIFICATE OF SERVICE**

I hereby certify this 13<sup>TH</sup> day of MAY, 2009, that a true copy of the foregoing "Proposed Final Order" has been provided by U.S. Mail to the Respondent:

**MR. RODRIGUEZ R. PLATT**  
6316 S.W. 23<sup>rd</sup> Street  
Miramar, Florida 33023

  
\_\_\_\_\_  
**DAVID N. PERRY**

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DIVISION OF  
PARI-MUTUEL WAGERING

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

DEPARTMENT OF BUSINESS &  
PROFESSIONAL REGULATION, DIVISION OF  
PARI-MUTUEL WAGERING,

Petitioner,

DBPR CASE NO. 2007060913

v.

RODRIQUEZ RICHARDÓ PLATT,

Respondent.

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ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division") files this Administrative Complaint against Rodriquez Richardo Platt ("Respondent"), and alleges as follows:

1. The Division is the state agency charged with regulating slot machine gaming pursuant to Chapter 551, Florida Statutes.
2. On October 31, 2007, Respondent was an employee of Mardi Gras Gaming Center holding slot machine occupational license 7881364-1052, and Mardi Gras Gaming center was (and is) a licensed slot machine facility in this state.
3. On October 31, 2007, shortly after Noon, Respondent was engaged in a physical altercation with another employee of Mardi Gras Gaming Center, Felix Hector, in the

maintenance pit on the first floor just south of the Players' Club at Mardi Gras Gaming. During the fight, Respondent drew and brandished a knife.

4. Felix Hector sustained a small laceration on his elbow and one of the two employees who broke up the fight, Bradley Taylor, sustained a small laceration to his left palm.

5. On or about November 1, 2007, upon its investigation of the incident, Mardi Gras Gaming Center terminated collected Respondent's ID badge and state license and terminated his employment.

6. As a result of his termination, Respondent was ejected from Mardi Gras Gaming Center and placed on Mardi Gras' lifetime exclusionary list.

7. Section 551.112, Florida Statutes, provides in relevant part:

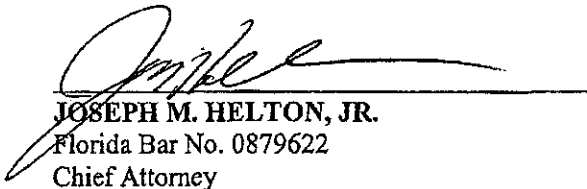
... The division may exclude from any facility of a slot machine licensee any person who has been ejected from a slot machine licensee in this state ...

8. Section 550.0251(6), Florida Statutes, also provides in relevant part:

... 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 ....

WHEREFORE, Petitioner respectfully requests the Division, pursuant to Sections 551.112 & 550.0251(6), Florida Statutes, enter an Order permanently excluding Respondent from all licensed slot machine and pari-mutuel facilities in this state.

Signed this 17<sup>th</sup> day of September, 2008.

  
**JOSEPH M. HELTON, JR.**  
Florida Bar No. 0879622  
Chief Attorney  
Division of Pari-Mutuel Wagering  
Department of Business & Professional Regulation  
Northwood Center  
1940 North Monroe Street, Suite 40  
Tallahassee, Florida 32399-2202

**Copies furnished to:**

Respondent – Cert. Mail/Return Receipt  
Office of Operation/Licensing Section  
Office of Investigations  
Office of Slot Operations  
Charles T. Collette, Assistant General Counsel

**FILED**  
Department of Business and Professional Regulation  
DEPUTY CLERK

CLERK *Brandon M. Nichols*  
DATE 9-19-2008