

1021-2003971

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DIVISION OF  
PARI-MUTUEL WAGERING

Final Order No. BPR-2008-10949 Date: 12-19-08  
FILED

Department of Business and Professional Regulation  
AGENCY CLERK

Sarah Wachman, Agency Clerk  
BY Brenda M. Hinkel

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. 2008000255

v.

JOSE TRINIDAD,

Respondent,

FINAL ORDER

The State of Florida, Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (Division), hereby enters this Final Order for the above styled matter.

FINDINGS OF FACT

1. On January 11, 2008, Investigator Miriam Roca signed an Investigative Report setting forth facts, which if true, would constitute a violation of Section 550.0251(6), Florida Statutes.
2. On September 25, 2008, an Administrative Complaint was filed with the agency clerk that alleged the Respondent violated Section 550.0251(6), Florida Statutes, by being permanently ejected from Florida Kennels, a pari-mutuel facility.
3. Respondent was served with the Administrative Complaint via certified U.S. Mail on September 29, 2008.

4. Respondent's Election of Rights Form was due to the Division on or before October 20, 2008. To date, the Division has not received Respondent's Election of Rights and, accordingly, Respondent has waived his rights to elect a forum.

5. The Division hereby adopts and incorporates by reference the facts contained and set forth in the Motion for Final Order, together with the supporting exhibits attached thereto, as the Division's Findings of Facts in this matter.

6. The Division also hereby adopts and incorporates by reference the facts contained in the Investigative Report as the Division's Findings of Facts in this matter.

#### **CONCLUSIONS OF LAW**

7. The Division has jurisdiction over the parties and subject matter of this case pursuant to Chapter 550, Florida Statutes.

8. Respondent failed to return an Election of Rights and thereby waived his rights to elect a forum.

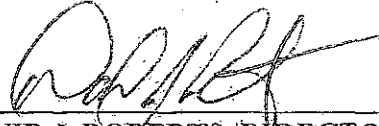
9. Respondent violated Section 550.0251(6), Florida Statutes.

#### **ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law it is hereby ORDERED:

Respondent is hereby excluded from any and all pari-mutuel facilities in this state per Section 550.0251(6), Florida Statutes.

DONE AND ORDERED this 18<sup>th</sup> day of DECEMBER, 2008, in Tallahassee,  
Florida.



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**DAVID J. ROBERTS, DIRECTOR**  
Division of Pari-Mutuel Wagering  
Department of Business & Professional Regulation  
Northwood Centre  
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 of rendition of this order, in accordance with Rule 9.110, Florida Rules of Appellate Procedure, and Section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I hereby certify this 19<sup>th</sup> day of December, 2008, that a true copy of the

foregoing "Final Order" has been provided by U.S. Certified Mail to:

JOSE TRINIDAD  
1380 NW 55<sup>th</sup> Street  
Miami, FL 33142

*for:*   
SARAH WACHMAN, AGENCY CLERK  
Department of Business & Professional Regulation

Copies furnished to:

Office of Operations/Licensing Section  
Office of Investigations

David N. Perry, Assistant General Counsel

General Manager, Mardi Gras Racetrack; Flagler Greyhound Track  
Chief Inspector, Mardi Gras Racetrack; Flagler Greyhound Track  
Judges/Stewards, Mardi Gras Racetrack; Flagler Greyhound Track

National Greyhound Association

P.O. Box 543  
Abilene, KS 67410

Florida Kennels, Inc.  
7218 West 4<sup>th</sup> Avenue  
Hialeah, FL 33014

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. 2008000255

v.

JOSE TRINIDAD,

Respondent,

---

MOTION FOR FINAL ORDER

The Department of Business & Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner") hereby moves for entry of a Final Order against Jose Trinidad ("Respondent"). As grounds therefor Petitioner states as follows:

1. On January 11, 2008, Investigator Miriam Roca signed an Investigative Report setting forth facts, which if true, would constitute a violation of Section 550.0251(6), Florida Statutes. A true copy of the Investigative Report is hereby attached as Exhibit A.
2. On September 25, 2008, an Administrative Complaint was filed with the agency clerk alleging Respondent violated Section 550.0251(6), Florida Statutes, by being permanently ejected from Florida Kennels, a pari-mutuel facility. A true copy of the Administrative Complaint is hereby attached as Exhibit B.

3. Respondent was served with the Administrative Complaint via certified U.S. Mail on September 29, 2008. A true copy of the Certified Mail Return Receipt is attached hereto as Exhibit C.

4. Respondent's Election of Rights Form was due to the Division on or before October 20, 2008. To date, the Division has not received Respondent's Election of Rights Form and, therefore, Respondent has waived his rights to elect a forum.

5. Respondent's occupational license expired on June 30, 2008.

WHEREFORE, Petitioner respectfully requests that the Director of the Division of Pari-Mutuel Wagering issue a Final Order deeming all allegations of fact in the Administrative Complaint admitted and adopting them as the Department's Finding of Fact, adopting the violations enumerated in the Administrative Complaint as the Department's Conclusions of Law, excluding Respondent from any and all pari-mutuel facilities in this state per Section 550.0251(6), Florida Statutes.

Respectfully submitted,



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**DAVID N. PERRY**  
Assistant General Counsel  
Florida Bar No. 522643

Division of Pari-Mutuel Wagering  
Department of Business & Professional Regulation  
1940 North Monroe Street, Suite 40  
Tallahassee, Florida 32399-2202  
(850) 487-2563 / FAX 921-1311

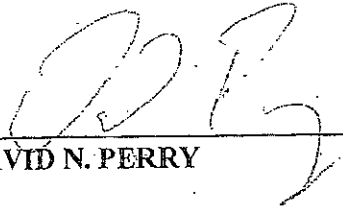
Attorney for Division of Pari-Mutuel Wagering

CERTIFICATE OF SERVICE

I hereby certify this 11<sup>th</sup> day of Nov., 2008, a true copy of the foregoing

"Motion for Final Order" has been served by U.S. mail upon:

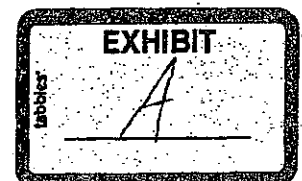
JOSE TRINIDAD  
1380 NW 55<sup>th</sup> Street  
Miami, FL 33142

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

## OFFICE OF INVESTIGATIONS

## INVESTIGATIVE REPORT

Office: P M W / SOUTHERN		Region: SOUTHERN		Date of Complaint: December 26, 2007		Complaint Number: 2008 00 0255	
Respondent: <b>TRINIDAD, JOSE A.</b> 1380 NW 55 <sup>TH</sup> STREET. MIAMI, FL 333142				Complainant: <b>UNIVERSITY OF FLORIDA RACING LABORATORY</b> 1200 SW 34 <sup>TH</sup> Street Gainesville, FL 32610-0017 (352) 392-4700 Ext. 3700			
Prefix: T	License #: 2003971	Profession: 1021/Greyhound Trainer		Board: 100	Report Date: 01/11/08		
Period of Investigation: 12/26/07 to 1/11/08				Type of Report: <b>PRELIMINARY</b>			
Alleged Violations: Florida State Statute Chapter: 550.0251, Section (11) The powers and duties of the Division of Pari-Mutuel Wagering of DBPR shall supervise and regulate the welfare of racing animals at Pari-Mutuel Wagering Facilities.							
Synopsis: Receipt of a complaint referred to this Office regarding Greyhound Trainer, <b>JOSE A. TRINIDAD</b> , who maintains a greyhound kennel at Florida Kennel Compound. The caller states that the dogs under his care may have a flea and tick infestation. <b>Continued</b>							
Related Case: 2007 05 1412							
Investigator / Date 01/11/08 Miriam Roca, Investigation Specialist II				Investigator Supervisor / Date Christopher Johnston, Investigations Supervisor			
Chief of Investigations / Date Steven E. Kogan							





## CONTINUATION

A check of DBPR License data records shows **JOSE A. TRINIDAD** is currently licensed as a trainer. (EXHIBIT #1)

On Wednesday December 26, 2007, **Luis Miranda**, General Manager of the Florida Kennel Compound called to inform me that he had received a visit from Estela Lobaina, a Greyhound helper for **TRINIDAD**. Estela told him that Kennel Building #4 belonging to **TRINIDAD** had a flea and tick infestation and that he had not done anything since October to remedy the situation. She also told him that several times **TRINIDAD** had borrowed food from other kennels to feed his greyhounds and that there were many times when she had to buy food with her own money in order to feed the dogs. She also stated that **TRINIDAD** was transporting the greyhounds in a vehicle that was unfit for safe transport of greyhounds and that he transported 2-3 greyhounds in one compartment made to transport only one greyhound.

Later, that afternoon Luis Miranda and I conducted an inspection of Kennel Building #'s 4 & 5. **TRINIDAD** was present at the inspection in which we found the general condition of the racing greyhounds in kennel # 5 to be good and showing no visible signs of a flea or tick infestation.

However, during the inspection of the Greyhound Kennel #4, we found that the seventy four (74) greyhounds being housed in the kennel showed visible skin irritation from flea and tick bites and also what appeared to be live ticks. Also, during the inspection of the kennel I noticed several blood stains on the floor. The overall condition of the kennel was poor. There were mice droppings and a dead mouse on the floor. The refrigerator where the food and meat are kept was dirty and the food appeared to be spoiled. The smell of urine in the kennel was unbearable. I looked around and found no cleaning products. I only saw a mop that was apparently not used in a long time. I took photographs of the Kennel and the dogs in question and made them a part of this report. (EXHIBIT # 2 -17)

**TRINIDAD** was questioned as to why the kennel was in its present condition and why he had not treated the problem before it spread to all the greyhounds. I also reminded him that this was an issue that we addressed back in September 2007 with this same kennel, when the trainer was Peter Caplan (EXHIBIT #18). During my last inspection on October 13, 2007 when **TRINIDAD** was the trainer, I had advised him that he would need to have all his dogs medically treated in order to prevent this problem from spreading to other kennels. He stated that he had not taken any measures to have the dogs treated because he ordered the flea and ticks medication over a month ago and had not received it.

## CONTINUATION

A check of DBPR License data records shows **ESTELA LOBAINA** is currently licensed as a **KENNEL HELPER**. (EXHIBIT# 19)

On this date I notified Chief Kogan and Supervisor Christopher Johnston of the issue with the greyhounds and the condition of the kennels. **TRINIDAD** was advised that he would have to have the dogs immediately medically treated. I also advised him that I would come back the next day to ensure that the general health and welfare of the dogs under his supervision is being addressed and that he is taking the proper measure to avoid this issue from reaching an epidemic level.

On Thursday December 27, 2007, I went back to the kennel and observed no change in the condition of the dogs and the sanitary condition of the kennel. **TRINIDAD** was not available; however, I was able to interview Estella Lobaina, one of **TRINIDAD'S** helpers. Estela informed me that Kennel Building #4 belonging to **TRINIDAD** had a flea and tick infestation for a couple of months and that he had not done anything to remedy the situation. She also stated that she had several arguments with **TRINIDAD** regarding the condition of the dogs but was told that if she didn't like it to quit. Estella told me that she was also concerned for her health because of constantly inhaling toxic fumes from the smell of urine due to the lack of cleaning products rarely available. She also expressed concern that she could not effectively help maintain the kennel and care for the dogs because at times there was not enough money to purchase food, and they owed so much money to the food supplier (Seminole Food Supply) that they would only deliver the food COD. She claims that several times she had to lend him money to purchase the food or purchase rice and dog food with her own money to feed the dogs and that many times he would go from kennel to kennel to borrow food. Estela further stated that **TRINIDAD** was transporting the dogs in a vehicle that was unfit for the safe transport of any animal. **TRINIDAD** transports 2-3 greyhounds in one compartment that is made to transport one dog a time. She escorted me inside Kennel Building #4 and showed me the condition of the refrigerator, the walls were infested with fleas and ticks and the dogs which were lying inside their individual crates had no proper padding or rug. Most of the greyhounds were shivering and lying on a wooden floor with no proper covering. She also accompanied me outside and showed me the vehicle used to transport these dogs. Upon observation of the vehicle I found it to be in poor condition. The wire dividers of the crates in the vehicle were broken and had several pieces that were protruding, which could cause severe damage to any greyhound being transported. I took some photographs of the vehicle in question and made them a part of this report. (EXHIBITS #20 - 24)

CONTINUATION

505.05(7)

I called Animal Services Department of Miami and left a message for Investigator Salgado to contact me regarding possible Animal Cruelty. I also made an inquiry with Seminole Food Supply and spoke to Mark who confirmed that **DASENBROCK** Kennel, Building #4 and #5 had an outstanding debt of \$14,000.00 and that **DASENBROCK** recently made out a check for \$2,400.00 that was returned from the bank for insufficient funds. He further stated that he would be delivering food today, COD only.

On Friday December 28, 2007 I made a visit to Florida Kennel Compound. Luis Miranda General Manager for the Facility and I visited Kennel #4. When we entered the stench of urine ammonia and diesel fuel was startling. The kennel was still filthy and the dogs were still tick and flea infested. The dirt was thick under the cages, the walls were grungy and the stink was unhealthy and noxious. I asked to inspect the refrigerator again and received permission to do so. The refrigerator still had not been cleaned. It was apparent that the orders to clean the kennel and seek medical care for the greyhounds had been ignored. Luis Miranda and I could not stand the smell anymore and had to leave the building. Upon further inspection of the outside of the kennel, Luis Miranda and I found **TRINIDAD** dipping the greyhounds in a barrel full of water and Malathion 57%. (Malathion is an insecticide used for crops and should not be used on animals.) The dogs were then placed back in the kennels. They were dripping wet. He did not dry them but placed them back in the kennels with no adequate padding and the smell of diesel fuel. I questioned **TRINIDAD** about the diesel smell and his method of treating these animals. **TRINIDAD** claims that he power washed the kennel floors with diesel fuel and that he was dipping the dogs in this product (Malathion 57%) that was recommended by other Trainers. I warned **TRINIDAD** that he had been in charge of this kennel for approximately 3 months and had ignored all warnings to clean the kennel and to get medical treatment for tick and fleas. I also told **TRINIDAD** that the tick infestation was a gross animal abuse and that the filthy kitchen was animal neglect and that I would be contacting Miami Animal Services. I took photographs of the kennel and the dogs in question and made them a part of this report. (EXHIBITS #25 - 32)

Later that afternoon Luis Miranda and I spoke to Lee at Friends of Greyhounds, a greyhound adoption kennel in the Florida Kennels facility. Lee provided the following documentation from **NCSU, COLLEGE OF VETERINARY MEDICINE VECTOR BORNE DIAGNOSTIC LABORATORY** which revealed that the following Greyhounds donated by Dasenbrock's Kennel tested positive for Babesia:

1. 03/23/07, Greyhound, Bets on Nichelle tested positive for Babesia.
2. 05/01/07, Greyhound, Talk this way tested positive for Babesia.
3. 10/05/07, Greyhound, Pikes B Gone tested positive for Babesia.

(EXHIBIT #33-35)

## CONTINUATION

An inquiry into the Medical internet services indicates that Babesia is a tick-borne infection. Babesia Organisms are spread by ticks and are of particular significance to racing greyhounds and pit bulls. Humans may also become infected. Infection occurs when a Babesia infected tick bites a dog and releases Babesia sporozoites into the dog's blood stream. A tick must feed for 203 days to infect a dog with Babesia. Treatment for Babesia is not worth the side effects. The injection is painful and causes muscle tremors, drooling, elevated heart rate, shivering, fever, facial swelling, tearing of the eye, and restlessness. The best prevention is aimed at tick control.

(EXHIBIT #36)

Saturday, December 29, 2007 at 8 am, I conducted a joint investigation with Investigator Salgado of Miami Animal Services Department. Investigator Salgado issued **TRINIDAD** a Notice of Violation for **FAILURE TO PROVIDE ADEQUATE PADDING ON KENNELS** and another for **FAILURE TO PROVIDE CARE FOR FLEAS AND TICKS**. Investigator Salgado informed **TRINIDAD** that he had 72 hours to provide Veterinary care for the ticks and fleas for all 72 greyhounds and to have the Veterinarian complete the form and return it to Animal Care and Control. (EXHIBIT# 37-38) I advised **TRINIDAD** that I would continue to follow up with him to ensure that the general health and welfare of the dogs under his supervision are being addressed and to insure that he is taking the proper measure to have the greyhounds medically treated. A Notice of Violation was issued against **TRINIDAD** for failure to provide care for ticks and fleas and failure to provide adequate padding on kennels for 74 greyhounds. (EXHIBIT #39) A copy of this notice was forwarded to Jorge E. Callejas, Canine/Jai-Ali Operations Supervisor, for review. Investigator Salgado informed me that as soon as his report was prepared he would fax me a copy.

Thursday, January 3, 2008 Investigator Badillo and I went back to **TRINIDAD'S** Kennel and observed everything was still in the same condition. We questioned **TRINIDAD** as to what measures he had taken to have the dogs treated and he told us that he had made arrangements with Dr. Emilio Vega, the track Veterinarian at Flagler Race Track, to come to the Kennel and treat the dogs. Later that day, I received a faxed copy of Investigator Salgado's report which I have included as **EXHIBIT # 40**. Upon receipt of this report I called investigator Salgado and left him a message to call me so that we could discuss what was going to take place if **TRINIDAD** did not follow through on the Notice of violations he received.

## CONTINUATION

Friday, January 4, 2007 at 9 am, I called Luis Miranda and asked him if he had seen **TRINIDAD** that morning. Luis informed me that he was working all morning in Kennel Building # 9, which is right next to **TRINIDAD'S** Kennel and that he didn't see or hear any activity going on. These dogs should have been fed and turned out by this time. **TRINIDAD** is not doing what he was told and is not caring for these dogs as he should. I then made another call to Investigator Salgado and left another message.

Monday, January 11, 2007, Investigator Badillo and I returned to Florida Kennels to check on the conditions of **TRINIDAD'S** kennel. However, we were unable to examine the dogs or the kennels, due to a power outage. Investigator Badillo advised **TRINIDAD** that we would be back and to contact us when the problem has been contained.

We made a facility visit to Flagler Greyhound Race Track to confirm **TRINIDAD'S** statement regarding Dr. Emilio Vega's agreement to come to the Kennel and treat the dogs. Dr. Vega informed us that he did make arrangements with **TRINIDAD** to treat the dogs. He also told us that **TRINIDAD** did call him to make an inquiry regarding the most effective tick and flea products.

Based on the above information, these animals have been neglected for weeks without the trainer seeking appropriate veterinarian care. **TRINIDAD** has ignored all warnings to correct this matter.

**TRINIDAD** may be in violation of jeopardizing the welfare of racing animals. Therefore this case will be referred to our Legal Department for review.

I will continue to monitor **TRINIDAD'S** kennel until this matter has been resolved.

**CASE STATUS:** Pending



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,

CASE NO. 2008000255

v.

JOSE TRINIDAD,

Respondent.

ADMINISTRATIVE COMPLAINT

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

1. The Division is the state agency charged with regulating pari-mutuel wagering, pursuant to Chapter 550, Florida Statutes.
2. At all times material hereto, Respondent held a pari-mutuel wagering occupational license, number 2003971-1021, issued by the Division.
3. At all times material hereto, Florida Kennels was a pari-mutuel facility in the state of Florida, being licensed under permit holders Flagler Greyhound Track ("Flagler") and Mardi Gras Racetrack & Gaming ("Mardi Gras").



4. In a letter dated September 4, 2008, Flagler confirmed that Respondent was permanently banned from Florida Kennels.

5. Section 550.0251(6), Florida Statutes, states in pertinent 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.

6. Respondent violated Section 550.0251(6), Florida Statutes, by being permanently ejected from Florida Kennels, a pari-mutuel facility.

**WHEREFORE**, Petitioner respectfully requests that the Division enter an Order excluding Respondent from any and all pari-mutuel facilities in this state, as specified in Section 550.0251(6), Florida Statutes. In addition, Petitioner respectfully requests that the Division enter an Order imposing one or more of the following penalties as specified in Sections 550.105(5)(b) and 550.0251(10), Florida Statutes: declare ineligible the Respondent's occupational license; impose a fine against the Respondent in an amount not exceeding \$1,000; or impose against the Respondent any combination of such penalties.



Signed this 25<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:

Jose Trinidad – Cert. Mail/Return Receipt

Office of Operation/Licensing Section  
Office of Investigations

David N. Perry, Assistant General Counsel

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

CLERK Brandon M. Nichols  
DATE 9-25-2008

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

Jose Trinidad  
 1380 N.W. 55<sup>th</sup> Street  
 Miami, FL 333142

2008000255

2. Article Number

(Transfer from service label)

7006 3450 0003 5111 1825

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

Alvarez 9/29/08

C. Signature  Agent  Addressee

X  Addressee

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

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OCT 02 2008

COURT OF GENERAL COUNSEL

8-02667

