

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	11/30/2009
File #	2009-09883

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. 2008018059

CRAIG P. FAINE,

Respondent,

FINAL ORDER

THIS MATTER came before the Presiding Officer of the Division of Pari-Mutuel Wagering on August 5, 2009, in Tallahassee, Florida, in accordance with the provisions of Section 120.57(2), Florida Statutes, for consideration of the Division's Amended Administrative Complaint issued against Craig P. Faine ("Respondent") in DBPR Case No. 2008018059. The Division of Pari-Mutuel Wagering ("Division") was represented by David N. Perry, Assistant General Counsel. Respondent appeared in person, with his representative, Richard Gryff-Chamski, DVM.

PRELIMINARY STATEMENT

1. On or about September 12, 2008, the Division of Pari-Mutuel Wagering issued an Administrative Complaint against the Respondent which alleged that he had been ejected from a pari-mutuel facility in Florida. The Administrative Complaint sought

to exclude Respondent from all pari-mutuel facilities within the state, pursuant to Section 550.0251(6), Florida Statutes.

2. Additionally, the Administrative Complaint alleged the Respondent violated Rule 61D-2.006, Florida Administrative Code, by being in possession, while on the grounds of Tampa Bay Downs, of an electrical device used to increase the speed of a horse.

3. On or about September 30, 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 20 Neverbend Drive, Ocala, Florida 34482.

4. The Division of Administrative Hearings (DOAH), scheduled a formal hearing on March 30, 2009, in Ocala, Florida, at the request of Respondent.

5. In preparation for the hearing, the Division filed its witness and exhibit lists. The Division subpoenaed its witnesses.

6. In a fax received by the Division on March 13, 2009, Richard Gryff-Chamski, DVM, notified the Division that Respondent had authorized him to represent him in this case. Although not an attorney, Dr. Gryff-Chamski appeared as a qualified representative under Chapter 28-206.106, Uniform Rules of Procedure.

7. In a hand-written fax dated March 20, 2009, Dr. Gryff-Chamski requested the court grant a continuance of the formal hearing. The Division had previously notified Respondent that it had no objection to the continuance.

8. DOAH granted the continuance, and the formal hearing was rescheduled for June 11, 2009.

9. Prior to June 11, 2009, Tampa Bay Downs ended its racing season. Consequently, the Division's witnesses had moved out of state and were unavailable to appear.

10. As a result, the Division agreed to amend its Administrative Complaint dismissing the violation of Rule 61D-2.006, Florida Administrative Code. In exchange, Respondent stipulated to the material facts underlying the violation of Section 550.0251(6), Florida Statutes. Specifically, that he was ejected from Tampa Bay Downs, a pari-mutuel facility in the state.

11. As there was no longer a dispute as to the material facts of the remaining charge, DOAH granted Respondent's motion to relinquish jurisdiction and the case was set for informal hearing before the Division.

12. At the informal hearing on August 5, 2009, the Division presented the issues raised in its Amended Administrative Complaint and cited Respondent's stipulation to the material facts. The facts are therefore accepted as presented in the Amended Administrative Complaint.

FINDINGS OF FACT

13. At all times material hereto, Respondent held a pari-mutuel wagering occupational license, number 1300452-1021, issued by the Division.

14. Tampa Bay Downs is a pari-mutuel facility in Florida licensed by the Division.

15. At all times material hereto, Respondent was a jockey at Tampa Bay Downs.

16. On or about March 22, 2008, Tampa Bay Downs ejected Respondent from its facility.

17. At the August 5, 2009, hearing, Respondent argued that, for the Division to exclude him, it was required to show cause for the exclusion. The elements of Section 550.0251(6), Florida Statutes, do not require cause to be shown.

18. To prove its case, the Division needed to establish that Respondent was ejected from any pari-mutuel facility in Florida.

19. There is no dispute as to the material facts: Respondent was ejected from Tampa Bay Downs, a pari-mutuel facility in the state of Florida.

CONCLUSIONS OF LAW

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

21. 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.

22. The Division has established by clear and convincing evidence that the Respondent has been ejected from a pari-mutuel facility in Florida, and as such, is subject to exclusion from all pari-mutuel facilities in the state pursuant to Section 550.0251 (6), Florida Statutes.

WHEREFORE, based upon the Findings of Fact and Conclusions of Law, it is hereby ORDERED and ADJUDGED that: Respondent shall be excluded from all pari-

mutuel facilities in this state. This Final Order shall become effective on the date filed with the Agency Clerk.

DONE AND ORDERED this 19th day of November, 2009.



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 Respondent's Qualified Representative, Richard Gryff-Chamski, DVM, 13750 West Highway 40, Ocala, Florida 34481, on this 30th day of November, 2009.

SARAH WACHMAN, AGENCY CLERK



Brandon Nichols, Deputy Agency Clerk

Copies furnished to:

Reginald D. Dixon, 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. 2008018059

CRAIG P. FAINE,

Respondent,

PROPOSED RECOMMENDED ORDER

THIS MATTER came before the Presiding Officer of the Division of Pari-Mutuel Wagering on August 5, 2009, in Tallahassee, Florida, in accordance with the provisions of Section 120.57(2), Florida Statutes, for consideration of the Division's Amended Administrative Complaint issued against Craig P. Faine ("Respondent") in DBPR Case No. 2008018059. The Division of Pari-Mutuel Wagering ("Division") was represented by David N. Perry, Assistant General Counsel. Respondent appeared in person, with his representative, Richard Gryff-Chamski, DVM.

PRELIMINARY STATEMENT

1. On or about September 12, 2008, the Division of Pari-Mutuel Wagering issued an Administrative Complaint against the Respondent which alleged that he been ejected from a pari-mutuel facility in Florida. The Administrative Complaint sought to exclude Respondent from all pari-mutuel facilities within the state, pursuant to Section 550.0251(6), Florida Statutes.

2. Additionally, the Administrative Complaint alleged the Respondent violated Rule 61D-2.006, Florida Administrative Code, by being in possession, while on the grounds of Tampa Bay Downs, of an electrical device used to increase the speed of a horse.

3. On or about September 30, 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 20 Neverbend Drive, Ocala, Florida 34482.

4. The Division of Administrative Hearings (DOAH), scheduled a formal hearing on March 30, 2009, in Ocala, Florida, at the request of Respondent.

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8. DOAH granted the continuance, and the formal hearing was rescheduled for June 11, 2009.

9. Prior to June 11, 2009, Tampa Bay Downs ended its racing season. Consequently, the Division's witnesses had moved out of state and were unavailable to appear.

10. As a result, the Division agreed to amend its Administrative Complaint dismissing the violation of Rule 61D-2.006, Florida Administrative Code. In exchange, Respondent stipulated to the material facts underlying the violation of Section 550.0251(6), Florida Statutes. Specifically, that he was ejected from Tampa Bay Downs, a pari-mutuel facility in the state.

11. As there was no longer a dispute as to the material facts of the remaining charge, DOAH granted Respondent's motion to relinquish jurisdiction, which was opposed by Respondent, and the case was set for informal hearing.

12. At the informal hearing on August 5, 2009, the Division presented the issues raised in its Amended Administrative Complaint and cited Respondent's stipulation to the material facts. The facts are therefore accepted as presented in the Amended Administrative Complaint.

FINDINGS OF FACT

13. At all times material hereto, Respondent held a pari-mutuel wagering occupational license, number 1300452-1021, issued by the Division.

14. Tampa Bay Downs is a pari-mutuel facility in Florida licensed by the Division.

15. At all times material hereto, Respondent was a jockey at Tampa Bay Downs.

16. On or about March 22, 2008, Tampa Bay Downs ejected Respondent from its facility.

17. At the August 5, 2009 hearing, Respondent incorrectly argued that, for the Division to exclude him, it was required to show cause for the exclusion. The Division explained that the elements of Section 550.0251(6), Florida Statutes, did not require cause to be shown.

18. The Division explained that, although it has discretion on whether to seek exclusion, once it has made the decision to seek exclusion, the law must be followed.

19. However, the Division pointed out that neither Tampa Bay Downs nor the Division approached exclusions arbitrarily, and it explained the underlying investigation and subsequent ejection that supported exclusion.

20. Respondent asserted that his due process rights were violated, since he had requested a formal hearing, not an informal hearing. The Division stated that the Division of Administrative Hearings (DOAH) was forced to relinquish jurisdiction under Section 120.57(1)(i), Florida Statutes, which states “[a]n order relinquishing jurisdiction shall be rendered if the administrative law judge determines from the pleadings, depositions, answers to interrogatories, and admissions on file, together with supporting and opposing affidavits, if any, that no genuine issue as to any material fact exists.”

21. Respondent offered *McDonald v. Dept. of Prof. Reg., Board of Pilot Comm.*, 582 So. 2d 660 (Fla. 1st DCA 1991) as evidence. Respondent appeared to rely on *McDonald* to support the holding that, in *McDonald*, the Department was incorrect by urging the hearing board to adopt a prima facie case of negligence. The appeals court correctly found that “a state executive branch agency lacks implied or inherent power to fashion, adopt, or apply a legal presumption for application in an administrative proceeding in the absence of specific authority in a statute or the constitution.” *Id.* at 663.

22. In the present case, the Division made no claim of a prima facie case. To the contrary, it met its burden of proving the material facts of the law to the Administrative Law Judge at DOAH, which was obligated to relinquish jurisdiction.

23. As Respondent’s representative is not a trained attorney, it was unclear at times what Respondent was attempting to show. The hearing officer explained that Respondent had a

presumption of innocence with regard to the exclusion only, with which the Division readily agreed.

24. The hearing officer then found that the Division had met its burden of rebutting Respondent's presumption of innocence, pointing out again that the hearing was only concerned with the remaining exclusion charge.

25. The Respondent then asserted that the Division's burden of proof was clear and convincing evidence. Again, the Division agreed, asserting that it had met its burden to the extent that the material facts were not in dispute.

CONCLUSIONS OF LAW

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

27. 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.

28. There is no dispute as to the material facts: Respondent was ejected from Tampa Bay Downs, a pari-mutuel facility in the state of Florida.

29. The Division has met its burden of proving the above-stated material facts.

30. The Division has no obligation to show proof of cause for the underlying ejection. Even so, the Division presented the facts which show Tampa Bay Downs' decision to fire and eject Respondent was not done arbitrarily or capriciously.

31. Respondent does not dispute that, on March 22, 2008, Respondent's SUV, which was unlocked, was searched by Thoroughbred Protective Agency Bureau (TRPB) agents and Tampa Bay Downs security.

32. Respondent does not dispute that an electrical device, identified by TRPB agents as a battery designed to increase the speed of a racehorse, was discovered in the glove compartment. The device gave a TRPB agent a shock while in his hand, and again while in his pocket.

33. Based on its own thorough investigation, including track security and TRPB agents, Tampa Bay Downs was satisfied that Respondent was in possession of a battery device designed to affect the performance of race horses.

34. At the hearing, Respondent did not dispute that his car was searched, and the battery device was found in his vehicle. However, to the extent that Respondent wishes to dispute the above facts, the Division dismissed the charge related to the offense.


35. Since the Division dismissed the charge, there is no relevant legal issue related to the above-stated facts.

36. Respondent, through his non-lawyer representative, has made every effort to raise any legal issues he can. Although the Division appreciates the efforts made by the representative, he has failed to raise any relevant legal arguments or defenses that would prohibit the hearing officer from excluding Respondent from all pari-mutuel facilities in this 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 pari-mutuel facilities in this state.

Respectfully submitted this 19 day of August, 2009.




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 19 day of August, 2009, that a true copy of the foregoing "Proposed Final Order" has been provided by U.S. Mail to the Respondent via

Qualified Representative:

Richard Gryff-Chamski, DVM
13750 West Highway 40
Ocala, Florida 34481



DAVID N. PERRY

Charles W. Drago, Secretary

Charlie Crist, Governor

July 27, 2009

Dr. Richard Gryff-Chamski
13750 W. Hwy 40
Ocala, FL 34481

RE: *Dep't of Bus. & Prof. Reg., Div. of Pari-Mutuel Wagering v. Craig P. Faine*
DBPR Case Number 2008018059
"Informal Hearing Requests"

Dear Dr. Gryff-Chamski:

This letter is in response to your request via fax, received July 23, 2009. Regarding your various requests:

I have included a copy of the "Motion to Amend Administrative Complaint", the "Amended Administrative Complaint" and the "Order on Motion to Relinquish Jurisdiction." These describe the specifics of all the material facts deemed admitted, with which the DOAH court agreed when it relinquished jurisdiction.

As for your request concerning "the percentage of persons ejected from a pari-mutuel facility in this state that have been excluded from any pari-mutuel facility within state." Unfortunately, such a request is impossible for the Division to calculate. Pari-mutuel facilities are under no duty or obligation to notify the Division every time it ejects an employee or patron from its facility. As such, we have no way to determine how many ejections have occurred over the past 10 years.

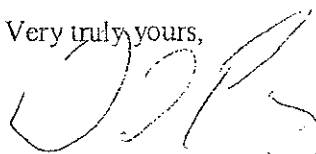
I have just received the public records you asked for in your last request. After going through the documents it appears that, to date, there have been no Final Orders issued related to Section 550.0251(6), Florida Statutes, as the result of a hearing. The main reason for this is due to either lack of service to the Respondent, or the Respondent fails to request a hearing.

Although you only requested cases that involved formal or informal hearings, I have sent you the Finals Orders for which the Division did not receive a request for hearing. This is done as a courtesy, for the sake of completeness.

This letter confirms that the Division has provided complete and accurate responses to your faxed request of July 23, 2009.

Craig P. Faine
Page -2-

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Perry', written over the closing 'yours'.

David N. Perry
Assistant General Counsel
(850) 487-2563

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

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

Petitioner,
vs.

DOAH Case No. 09-0001PL
DBPR Case No. 2008018059

CRAIG P. FAINE,

Respondent.

PETITIONER'S MOTION TO AMEND
ADMINISTRATIVE COMPLAINT

Petitioner, Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division"), by and through undersigned counsel, files its Motion to Amend Administrative Complaint and, in support thereof, would state as follows:

1. This case is set for a final hearing on June 11, 2009 at 11:00 a.m. in Marion County, Ocala, Florida.
2. Petitioner has agreed it will dismiss the charge of violating Rule 61D-2.006, Florida Administrative Code, as alleged in the original Administrative Complaint.
3. Craig P. Faine ("Respondent"), through his undersigned qualified representative, stipulates to the fact that Respondent was ejected from Tampa Bay Downs, a pari-mutuel facility in the state.
4. Respondent, through his qualified representative, has received a copy of this Motion and the attached Amended Administrative Complaint, and has no objection.

WHEREFORE, Petitioner requests that an Order be entered allowing Petitioner to file the Amended Administrative Complaint, and that the above facts are stipulated to by both parties.

Richard Gryff-Chamski
Dr. Richard Gryff-Chamski, D.V.M.
Qualified Representative for
Respondent Craig P. Faine
MAY 28, 2009

Respectfully Submitted,

David N. Perry
David N. Perry
Florida Bar I.D. No. 522643
Assistant General Counsel

Division of Pari-Mutuel Wagering
Dept. of Business & Professional Regulation

1940 North Monroe Street
Tallahassee, Florida 32388-2202
(850) 487-2563 / FAX 921-1311

CERTIFICATE OF SERVICE

I hereby certify this 28th day of MAY, 2009, that a true copy of the foregoing

Stipulation has been served by U.S. mail upon:

Richard Gryff-Chamski, Qualified Representative
13750 West Highway 40
Ocala, Florida 34481

David N. Perry

DAVID N. PERRY

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF BUSINESS AND)	
PROFESSIONAL REGULATION,)	
DIVISION OF PARI-MUTUEL)	
WAGERING,)	
)	
Petitioner,)	
)	
vs.)	Case No. 09-0001PL
)	
CRAIG P. FAINE,)	
)	
Respondent.)	
_____)	

ORDER CANCELING HEARING, GRANTING MOTION TO AMEND
ADMINISTRATIVE COMPLAINT AND ORDERING RESPONSE
TO MOTION FOR RELINQUISHMENT OF JURISDICTION

This cause is before the undersigned on Petitioner's Motion to Relinquish Jurisdiction and Petitioner's Motion to Amend the Administrative Complaint. The Motion to Amend the Administrative Complaint has been stipulated to. However, Petitioner served the Motion to Relinquish Jurisdiction by United States Mail, and the motion does not specify that Respondent has been consulted and does not object to the motion. Because of hearing in this case is scheduled for June 11, 2009, there is insufficient time to allow for a response before the scheduled hearing.

The Motion to Relinquish Jurisdiction indicates that the facts disputed in the Respondent's Election of Rights pertain to the charges that have been dismissed from the Administrative Complaint by the Amended Administrative Complaint. The parties have stipulated that Respondent was ejected from the Tampa Bay Downs facility, leaving no material facts alleged in the Administrative Complaint at issue.

The undersigned has reviewed the original Administrative Complaint, the Election of Rights, the Amended Administrative Complaint as well as the Motion to Amend the Administrative Complaint. While Petitioner's assertions in the Motion to Relinquish Jurisdiction appear to be well founded, the undersigned cannot relinquish jurisdiction without affording

Respondent an opportunity to respond to Petitioner's Motion. Accordingly, it is


ORDERED:

1. The Motion to Amend the Administrative Complaint is granted. This case will proceed on the Amended Administrative Complaint.

2. The hearing presently scheduled for June 11, 2009, is canceled.

3. The Respondent shall show cause no later than June 10, 2009, why the Motion to Relinquish Jurisdiction should not be granted.

DONE AND ORDERED this 1st day of June, 2009, in Tallahassee, Leon County, Florida.



LISA SHEARER NELSON
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 1st day of June, 2009.

COPIES FURNISHED:

David Perry, Esquire
Department of Business and
Professional Regulation
1940 North Monroe Street, Suite 40
Tallahassee, Florida 32399-2202

Richard Gryff-Chamski
13750 West Highway 40
Ocala, Florida 34481

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,

v.

DBPR CASE NO. 2008018059

CRAIG P. FAINE,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division"), files this Administrative Complaint against Craig P. Faine ("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 1300452-1021, issued by the Division.
3. At all times material hereto, Respondent was a Jockey at Tampa Bay Downs.
4. On March 22, 2008, Respondent's Honda SUV, which was unlocked, was searched by Thoroughbred Protective Agency Bureau and Tampa Bay Downs Security. An

electrical device, designed to increase the speed of a racehorse, was discovered in the glove compartment.

5. Thoroughbred Protective Agency Bureau Agent Ramon Rodriguez reported that the machine worked, giving him a shock while in his hand, and again in his pocket.

6. Respondent was ejected from Tampa Bay Downs facility. Section 550.0251(6), Florida Statutes, states in pertinent 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 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.

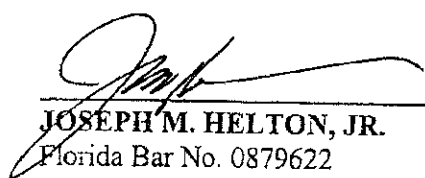
7. Rule 61D-2.006, Florida Administrative Code, states:

No person having access to the grounds of a pari-mutuel racing permitholder where racing animals are lodged or kept shall have in his/her possession while on the grounds of a pari-mutuel racing permitholder, any electrical or mechanical device designed or used to increase or decrease the speed of a horse or greyhound (or that which tends to do so). This rule does not exclude the use of the ordinary whip in horse racing.

8. Respondent violated Rule 61D-2.006, Florida Administrative Code, by being in possession while on the grounds of Tampa Bay Downs, of an electrical device used to increase the speed of a horse.

WHEREFORE, 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(6) & (10), Florida Statutes: revoke or suspend the Respondent's occupational license; impose a fine against the Respondent in an amount not exceeding \$1,000 for each violation; exclude the Respondent from all pari-mutuel facilities in the state; or impose against the Respondent any combination of such penalties.

Signed this 11th 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:

- Craig P. Faine – 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 9-12-2008