

1021-403339

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Final Order No. BPR-2008-10948 Date: 12-19-08
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Department of Business and Professional Regulation
AGENCY CLERK
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By: *[Signature]*

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. 2008028577

v.

DAVID W. DASENBROCK,

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 May 22, 2008, Investigator Miriam Roca signed an Investigative Report setting forth facts, which if true, would constitute a violation of Section 550.105(7), Florida Statutes.
2. On September 25, 2008, an Administrative Complaint was filed with the agency clerk that alleged the Respondent violated Section 550.105(7), Florida Statutes, by issuing a check which was dishonored, the unpaid obligation being directly related to racing being conducted at a pari-mutuel facility within the state of Florida.
3. Respondent was served with the Administrative Complaint via certified U.S. Mail on October 6, 2008.

4. Respondent's Election of Rights Form was due to the Division on or before October 27, 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.

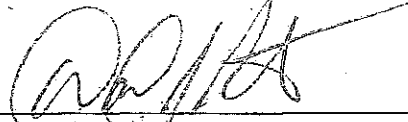
9. Respondent violated Section 550.105(7), Florida Statutes.

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 550.105(5)(b), Florida Statutes.

DONE AND ORDERED this 18th day of DECEMBER, 2008, in Tallahassee,
Florida.



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

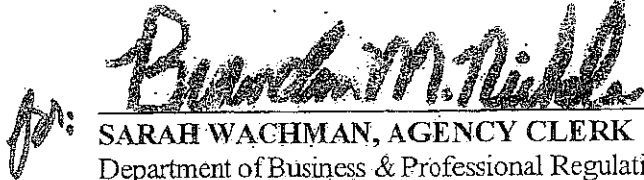
Unless expressly waived, any party substantially affected by this final order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, and a copy of the notice, accompanied by the filing fees prescribed by law, with the 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 420.68, Florida Statutes.

CERTIFICATE OF SERVICE

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

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

DAVID W. DASENBROCK
1414 NE 79th Street
Portland, Oregon 97213


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 4th 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. 2008028577

v.

DAVID W. DASENBROCK,

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 David W. Dasenbrock ("Respondent"). As grounds therefor Petitioner states as follows:

1. On May 22, 2008, Investigator Miriam Roca signed an Investigative Report setting forth facts, which if true, would constitute a violation of Section 550.105(7), 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 550.105(7), Florida Statutes, by issuing a check which was dishonored, the unpaid obligation being directly related to racing being conducted at a pari-mutuel facility within the state of Florida. A true copy of the Administrative Complaint is hereby attached as Exhibit B.

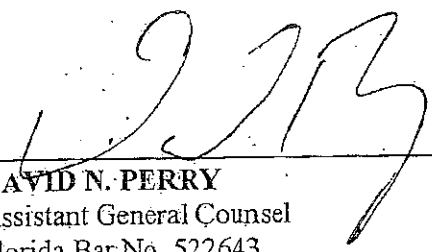
3. Respondent was served with the Administrative Complaint via certified U.S. Mail on October 6, 2008. A true copy of the Certified Mail Return Receipt is attached hereto as Exhibit C.

4. Respondent's Election of Rights Form was due to the Division on or before October 27, 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 Sections 550.105(5)(b) and 550.0251(10), Florida Statutes.

Respectfully submitted,



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 17th day of November, 2008, a true copy of the foregoing

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

DAVID W. DASENBROCK
1414 NE 79th Street
Portland, Oregon 97213



DAVID N. PERRY

Holly Benson, Secretary

Charlie Crist, Governor

OFFICE OF INVESTIGATIONS

INVESTIGATIVE REPORT

Office: P M W / SOUTHERN		Region: SOUTHERN		Date of Complaint: January 2, 2008		Complaint Number: 2008 02 8577	
Respondent: DASENBROCK, DAVID W. 1414 N.E. 79 TH ST. PORTLAND, OR 97213				Complainant: DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION DIVISION OF PARI-MUTUEL WAGERING 1400 W. COMMERCIAL BLVD., SUITE 165 FT. LAUDERDALE FL 33309 954 202-3900			
Prefix: O	License #: 403339	Profession: 1021/Greyhound OWNER	Board: 100	Report Date: 05/22/08			
Period of Investigation: 1/2/08 to 5/22/08				Type of Report: PRELIMINARY			
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 related complaint regarding Greyhound Owner, DAVID W. DASENBROCK , who maintains a greyhound kennel at Florida Kennel Compound. DASENBROCK failed to provide his trainers with the resources to care for a tick and flea infestation and resources to provide adequate medical treatment for the dogs under his supervision. Two related cases were open under Trainers TRINIDAD and CAPLAN , in which the same violations were reported regarding inadequate care of his greyhounds. Continued							
Related Case: 2007 05 1412, 2008 00 0255							
Investigator / Date <i>Miriam Roca</i> / 05/22/08 Miriam Roca, Investigation Specialist II				Investigator Supervisor / Date <i>Christopher Johnston</i> / 5/30/08 Christopher Johnston, Investigations Supervisor			
Chief of Investigations / Date <i>Steven E. Kogan</i> - May 31, 2008 Steven E. Kogan							



CONTINUATION

A check of DBPR License data records shows **DAVID W. DASENBROCK** is currently licensed as an Owner and 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 due to the fact that **DASENBROCK** had not sent any money. 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 LOBAÍNA** 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 Estela 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. Estela 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

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 Dasebrock'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 **DASENBROCK** 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 **DASENBROCK** 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 **DASENBROCK** 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 or owner seeking appropriate veterinarian care. **TRINIDAD** and **DASENBROCK** has ignored all warnings to correct this matter.

TRINIDAD and **DASENBROCK** 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 **DASENBROCK'S** kennel until this matter has been resolved.

CONTINUATION

On Wednesday, 03/26/08, a follow-up inspection of kennel building #4 showed no change in the flea and tick infestation or in the condition of the kennel. In fact, the conditions had worsened. The kennels continued to be dirty and cluttered including the food storage and prep area. Also, the outside area was filthy and infested with flies, as the manure buckets were not covered, as required. The crates were in worse condition, some with wires protruding inside. Several dogs' nails were over grown and infected. Many of the Greyhounds had stained and raw buttocks from lying in their urine. (EXHIBITS # 41-56) The kennel building still had no water meter which DASENBROCK claimed he did not have, due to the fact that the previous owner had an outstanding account balance. I obtained a copy of The City of Hialeah, Department of Water and Sewer's receipt which reflects that account was paid in full on 7/6/2006. (EXHIBITS #57-58)

Also, on this date I also made an inquiry with Seminole Food Supply and spoke with the owner, Mr. McCarron regarding DASENBROCK's outstanding debt of \$14,000.00. McCarron informed me that he and DASENBROCK have agreed to a payment schedule. He was also instructed by DASENBROCK not to release any financial information to the state.

On Thursday, 03/27/08, Investigator Badillo and I interviewed Dr. Emilio Vega, the track Veterinarian at Flagler Race Track and asked him if he had any information on the condition of DASENBROCK'S dogs. He informed us that all he could remember was that on February 24, 2008 he scratched one of his dogs, WOVERINEPATRICK off the racing list due to obvious ticks and fleas. We obtained a copy of the racing program for that day which shows the scratch. (EXHIBITS # 59) I contacted Investigator Luis Salgado at the Miami Dade County Animal Services Department and informed him of the condition of the kennel and requested a follow-up inspection of kennel building # 5.

On Monday, 03/31/08, I received a copy of Mardi Gras Race Track's active dog list for DASENBROCK, which listed the dogs he currently has active and the kennel health certificate for 15 dogs. I was advised by Aldo Leon, Racing Director at Mardi Gras Racetrack that they will not be renewing DASENBROCK'S contract after June 30, 2008. Therefore, DASENBROCK will not be allowed to race at Mardi Gras Race Track. (EXHIBITS # 60-61) I could not obtain any current or updated information from Flagler Greyhound Track.

On Tuesday, 04/15/08, Investigator Badillo and I accompanied Investigator Keith Pinnock, Miami Dade County Animal Services Department to the Florida Kennel Compound in order to perform a follow up inspection on Kennel Building # 5.

Investigator Pinnock's inspection of Kennel # 5 revealed that a total of 43 greyhounds had various stages of flea and tick infestation with severe stages of skin conditions and open sores. Many of the greyhounds displayed visible signs of scratching, prevalent from unsanitary conditions in the kennel building.

CONTINUATION

The kennel was also drawing water from a hose at Building # 4 because they did not have a water meter. Investigator Pinnock issued six (6) citations for Cruelty to Animals/Failure to provide Veterinary Care/ Overgrown, Sore Nails/Paws Ears and Nails Tick Infested. One (1) Notice of Violation for, Failure to meet Primary Enclosure Standards/Failure to Clean Primary Enclosure and Failure to provide Water. Pinnock also served him with a Notice of Verification of Veterinary treatment.
(EXHIBITS # 62-63)

On Wednesday, 04/16/08 Investigator Badillo and I met with Mike Deluca, Director of Operations and Aldo Leone, Racing Director for Mardi Gras at the Florida Kennel Compound. An inspection of Kennel # 5 with Trainer **TRINIDAD** confirmed the findings of Investigator Pinnock. Mike Deluca said that he will advise Danny Akins, Chief Gaming Executive / Vice President as to the condition of the Kennel. Deluca added he would advise us of the action they will take in order to correct the condition of the kennel.

On Thursday, 04/17/08 Aldo Leone advised me that he had obtained a Power of Attorney document from **DASENBROCK**, authorizing Florida Kennels to provide medical care and vaccinations for the Greyhounds. Later, that evening the staff of Florida Kennel Compound along with Friends of Greyhound Adoption Organization and over 100 volunteers began immediate treatment of the greyhounds in Kennel Building #5. Michelle Weaver, Vice President of Friends of Greyhounds provided us with a detailed list of what treatment the dogs received and the initial expenses to her organization.
(EXHIBITS # 64)

On Monday, 04/21/08 Investigator Badillo and I returned to Florida Kennels to monitor the progress made and observe what treatment the dogs had received. Upon our arrival we witnessed several volunteers along with Florida Kennels staff removing dogs from Kennel Building #5 and manually removing ticks, providing dental care, cutting and treating overgrown nails, and bathing each dog. The dogs then were placed in Kennel Building #2 which was pressured washed and prepared for the dogs.
(EXHIBITS #65-81)

On Wednesday, 04/23/08 Investigator Badillo and I attended a meeting with Juan Fra, General Manager of Flagler Greyhound Track, Mike Deluca, Aldo Leon, Luis Miranda and Michelle Weaver and further discussed plans for **DASENBROCK'S** Kennel and **TRINIDAD'S** future employment. Mardi Gras decided that they will not be renewing **DASENBROCK'S** contract which expires June 30, 2008. **DASENBROCK'S** will not be allowed to race at Mardi Gras Race Track. However, **DASENBROCK** contract with Flagler Greyhound Track was going to continue under the condition that both kennels need to be consolidated into one. The inactive dogs should be returned to their owners or put up for adoption.

CONTINUATION

Also, on this date **DASENBROCK** was telephonically advised by Juan Fra and Investigator Badillo about the condition of the kennels and the lack of care provided to his greyhounds and the conditions under which he would be allowed to continue racing at Flagler. **DASENBROCK** agreed that he would take whatever action necessary to correct the problem.

DASENBROCK also informed us that he just terminated **TRINIDAD** and hired trainer, Anthony Coello. **TRINIDAD's** license will expire on 06/30/08; a license alert was placed on his License to prevent relicensure until this matter is resolved.

Later, that afternoon Investigator Badillo and I visited Miami Dade County Animal Services Department in order to obtain a copy of the aforementioned citations. At that time we informed Investigator Pinnock that we had additional information that **TRINIDAD** had added 13 additional greyhounds to his racing kennel and that some of those dogs showed signs of dehydration and ticks. Our concern was that if they were having problems caring for the dogs they currently had, they should not be taking on any additional dogs. Therefore, we requested that Animal Services include an inspection of **DASENBROCK'S** racing kennel building #5 along with follow up inspection of the greyhounds presently being treated. As a result of our conversation with Investigator Pinnock, Aldo Leon made arrangements with Veterinarian, Mel Stein DMV to have all the dogs in **DASENBROCK'S** racing kennel also vaccinated.

On Thursday, 04/24/08 Investigator Badillo and I accompanied Investigator Pinnock to Florida Kennels to conduct the inspection of Building #5. During this time Dr. Stein was in the process of vaccinating the greyhounds. Luis Miranda and Trainer, Anthony Coello were present. Luis Miranda informed us that **TRINIDAD** had treated the dogs with a tick and flea dip and also cleaned up the kennel the day before. After the dogs were vaccinated Investigator Pinnock and I inspected the dogs which appeared to show some improvement in their condition. Investigator Pinnock will review his findings and inform us of any violations. We proceeded to Kennel Building #2(formally Building #4). The dogs showed considerable improvement from their previous condition. Pinnock expressed that he was satisfied with all the improvements the dogs showed and all the work that was done in such a short period of time. Anthony Coello will conduct an assessment of each dog to determine which ones will be eligible to race and which ones he would recommend that **DASENBROCK** put up for adoption. While **TRINIDAD** was being escorted off the grounds of the Florida Kennel compound, he informed me that **DASENBROCK** has been using uninsured vehicles with expired tags to transport the Greyhounds. This matter will be referred to Juan Fra to determine the current policy regarding the liabilities of uninsured vehicles on their property.

CONTINUATION

During the course of the inspection of Kennel Building #4, an open syringe with an attached needle and a plastic pill bottle, containing 5 tablets were found in an unlocked cabinet. The pill bottle was labeled Hydrocodone/APAP 750mg. (a narcotic substitute for Vicodin) with an expiration date 06/09/06 and dispensed to Emile Bass. The syringe and the pill container was submitted into evidence. (EXHIBITS # 82-83)

A check of DBPR License data records shows Emile Bass is currently licensed as a kennel helper. (EXHIBIT# 84) An investigation will be conducted to ascertain why these narcotics were found in **DASENBROCK'S** kennel.

On Monday, May 5, 2008 Investigator Badillo, Investigator Colucci and I returned to Florida Kennels to monitor the progress made with the greyhounds and meet with Trainer, Anthony Coello. Coello informed us that he had a phone conversation with **DASENBROCK** the evening of May 4, 2008 regarding which Greyhounds could be made available for adoption. He stated that **DASENBROCK** was unsure as to specific dogs and intended to discuss adoption options with the dog's owners or co-owners with whom he has contracts. Coello requested that we meet with him on May 6, 2008 subsequent to his phone conversation with **DASENBROCK**. He stated at that time, he would have a better idea as to which dogs **DASENBROCK** would be willing to surrender. I reminded him of the terms to continue racing at Flagler Greyhound track. **DASENBROCK** will be allowed to continue under the conditions that both kennels be consolidated into one and that the inactive dogs be returned to their owners or put up for adoption. I also advised him that it was imperative that they start surrendering dogs as soon as possible. Investigator Badillo telephonically contacted Juan Fra at Flagler to keep him updated with regards to **DASENBROCK'S** kennel.

Also, on this date, we confirmed with Lee Sweeney at Friends of Greyhounds as to how many dogs they were willing to take. Lee indicated that they were willing to take as many dogs as surrendered by **DASENBROCK**. She further stated that she has been in contact with other Greyhound Adoption groups with regards to assistance in placing the surrendered Greyhounds.

On Tuesday, May 6, 2008 Investigator Colucci and I returned to Florida Kennels at which time I spoke telephonically with **DASENBROCK** and advised him of the necessity to release for adoption those dogs that would not be racing. He furnished a list of names of eleven dogs that he is immediately making available for adoption. I requested that he provided a written statement to this affect and fax it to me.

CONTINUATION

I received via fax a signed statement from **DASENBROCK** which included the names of twelve dogs that we could immediately remove and make available for adoption. (EXHIBIT# 85) We met with Coello at which time he was provided with a copy of **DASENBROCK'S** statement which include the names of the twelve dogs to be released to Friends of Greyhounds. Coello advised that he would continue a dialogue with **DASENBROCK** in an effort to provide additional dogs for adoption purposes.

Also on this date Investigator Colucci and I conducted an inspection of **DASENBROCK'S** kennel and found the dogs and kennel condition acceptable with regards to cleanliness and safety. However, we discovered some deteriorating muzzles, one with a potentially dangerous sharp edge. Coello immediately disposed of it and advised that he would not use any other deteriorating muzzles and pointed out the ones he is currently utilizing are in better condition. Coello further advised that he has also ordered additional muzzles. Also present during this inspection were Luis Miranda and Michelle Weaver, VP of Friends of Greyhounds. Weaver reiterated that she is willing to take as many dogs as **DASENBROCK** surrenders and will provide food and medical care. During a subsequent conversation with Ms. Weaver, she informed me of her conversation with Juan Fra on May 5, 2008 at which time he told her that he would allow her to house at Florida Kennels as many dogs as we are able to obtain from **DASENBROCK**. She further stated she intended to contact **DASENBROCK** via e-mail and certified letter requesting additional dogs that are either medically unfit or otherwise unable to race and would keep me informed.

On May 10, 2008 I received a signed statement via fax from **DASENBROCK** authorizing the transfer of an additional (16) sixteen dogs to Friends Of Greyhounds for placement. (EXHIBIT #86)

On May 12, 2008 I received another signed statement via fax from **DASENBROCK** authorizing the transfer of an additional (12) twelve dogs to Friends of Greyhounds for placement. (EXHIBIT #87)

On May 19, 2008 I received another signed statement via fax from **DASENBROCK** authorizing the transfer of an additional (2) two dogs to Friends of Greyhounds for placement. (EXHIBIT #88)

On May 20, 2008 I received another signed statement via fax from **DASENBROCK** authorizing the transfer of an additional (12) twelve dogs, making a total of 54 dogs that were released by **DASENBROCK** to Friends of Greyhounds for placement. (EXHIBIT #89)

CONTINUATION

Also, on this day, **DASENBROCK** faxed a statement informing us of the (4) four dogs that would be leaving to Paul and Nancy @ Village Kennels in Naples. I contacted them via telephone and confirmed that they were expecting the transfer of #1. ULTIMATE DAY, #2. ULTIMATE TREY, #3. ULTIMATE COMMAND and #4. MY FIREY PEGGY. Included on this statement **DASENBROCK** also listed the four dogs that will be leaving to a pet farm in Oklahoma. They are #1. MOL'S RESET, #2. TWILITE McFAIR, #3. BREAK SPEED BEAST and #4. MESA ALRIGHT. (EXHIBIT #90) The releases of these greyhounds by **DASENBROCK** will leave him with a total of (68) sixty eight dogs.

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

DASENBROCK may be in violation of jeopardizing the welfare of racing animals. Therefore, this case was referred to our Legal Department for review.

DASENBROCK's license will expire on 06/30/08; a license alert was placed on his License to prevent relicensure until this matter is resolved.

I will continue to monitor **DASENBROCK's** kennels.

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.

CASE NO. 2008028577

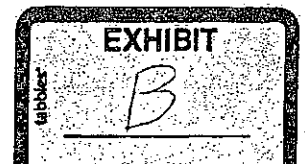
DAVID W. DASENBROCK,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division"), files this Administrative Complaint against David W. Dasenbrock ("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 403339-1021, issued by the Division.
3. At all times material hereto, Respondent was the Owner of Dasenbrock Kennel, and the greyhounds in Buildings #4 and #5 at the Florida Kennel Compound belonged to the Dasenbrock Kennel.



4. On December 27, 2007, Investigator Miriam Roca spoke with a Greyhound Helper for Dasenbrock Kennel.

5. According to the Helper, the dogs did not have enough to eat, making it difficult to adequately care for the dogs. Because of the amount the Kennel owed Seminole Food Supply, it would only deliver food COD.

6. The Helper stated that Trainer Jose Trinidad would often go from kennel to kennel to borrow food, and on several occasions the Helper had to use her own money to purchase dog food and rice.

7. Investigator Roca contacted Mark with Seminole Food Supply. Mark confirmed that Dasenbrock Kennel, Buildings #4 and #5, had an outstanding debt of \$14,000.00. In addition, Respondent had recently written a check to Seminole Food Supply for \$2,400.00, which was returned from the bank for insufficient funds.

8. Section 550.105(7), Florida Statutes, states:

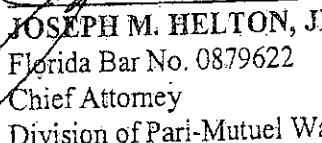
The division may deny, revoke, or suspend any occupational license if the applicant therefore or holder thereof accumulates unpaid obligations or defaults in obligations, or issues drafts or checks that are dishonored or for which payment is refused without reasonable cause, if such unpaid obligations, defaults, or dishonored or refused drafts or checks directly relate to the sport of jai alai or racing being conducted at a pari-mutuel facility within this state.

9. Respondent violated Section 550.105(7), Florida Statutes, by accumulating a minimum of \$14,000.00 in debts to Seminole Food Supply, for food purchases directly related to Greyhound racing at a pari-mutuel facility within this state; and by issuing a check to Seminole Food Supply which was dishonored due to insufficient funds.

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(10), Florida Statutes: declare Respondent ineligible for licensure; impose a fine against

the Respondent in an amount not exceeding \$1,000 for each violation; or impose against the Respondent any combination of such penalties.

Signed this 25th 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:

David W. Dasenbrock – 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

- 1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 2. Print your name and address on the reverse so that we can return the card to you.
- 3. Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

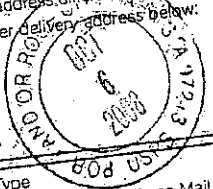
DAVID W. DASENBROCK
1414 N.E. 79th Ave.
PORTLAND, OR 97213

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) David Dasenbrock B. Date of Delivery 10-6-08

C. Signature [Signature] Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:



3. Service Type Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label)

A/C 2008028577

7006 3450 0003 5111 1832

102595-01-M-1424

PS Form 3811, March 2001

Domestic Return Receipt

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