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Final Order No. BPR-2009-00313 Date: 1-15-09

FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk

B. Brandon M. Nichol

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

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

Petitioner,

DOAH Case No. 08-5209

v.

DBPR CASE NO. 2008046381

JEANNE SHAHAN,

Respondent,

CONSENT ORDER

JEANNE SHAHAN (Respondent) and State of Florida, Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (Division) hereby stipulate and agree to the following terms and issuance of this Consent Order.

1. The Division has jurisdiction over this matter and the parties.
2. The Division is authorized by Section 120.57, Florida Statutes, to resolve administrative proceedings by Consent Order.
3. Respondent was a patron at Mardi Gras Racetrack & Gaming Center ("Mardi Gras").
4. Mardi Gras is a licensed Florida pari-mutuel and slot machine facility.

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OFFICE OF GENERAL COUNSEL

5. On or about August 21, 2008, Respondent was notified by letter that she was "being officially excluded from Mardi Gras Racetrack and Gaming center", and that this "exclusion is a lifetime ban from the facility".

6. Respondent neither admits nor denies a violation of Section 551.112, Florida Statutes, and Section 550.0251(6), Florida Statutes.

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

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

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

... The division may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state

9. Respondent agrees, pursuant to Sections 551.112 and 550.0251(6), Florida Statutes, to a lifetime exclusion from all slot machine and pari-mutuel facilities, which are licensed by the state of Florida.

10. Respondent and the Division fully understand that this Consent Order will in no way preclude additional proceedings by the Division against Respondent for acts or omissions not specifically set forth in this case, and this Consent Order may be considered in aggravation of any future disciplinary proceedings involving Respondent.

11. Each party has entered into the terms of this Consent Order voluntarily. Respondent is aware that she is entitled to the advice of counsel. Respondent has either sought the advice of counsel or, by execution of this Consent Order, expressly and knowingly waives the opportunity to seek advice of counsel. Respondent acknowledges that the Division has not made any promise nor has it in any other way encouraged Respondent to enter into this Consent Order without the advice of counsel. Respondent further acknowledges that by executing this Consent Order she expressly waives her right to a hearing before the judges in this case.

12. Each party shall bear its own costs and legal fees related to this matter, and no financial claim shall be made against the Division in this action.

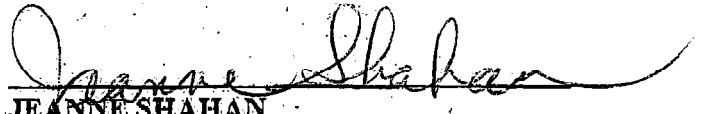
13. This Consent Order is subject to the approval of the Director of the Division of Pari-Mutuel Wagering ("Director"), and shall have no force and effect unless it is signed by both parties. Should this Consent Order be rejected, it may not be used as evidence against the Respondent in any proceeding.

14. The Respondent and the Division acknowledge and agree that this Consent Order constitutes the Final Order of the Division in this matter and that further administrative and judicial review is hereby waived by both parties.

15. Upon the Division's adoption of this Consent Order, Respondent expressly waives all further procedural steps, including judicial review, as well as the right to seek any attorney's fees and costs from the Division in connection with this proceeding.


16. This Consent Order is executed by both parties for the purpose of avoiding further administrative action with respect to this cause. Respondent authorizes the Director to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this Consent Order. Should this Consent Order not be accepted by the Director, it is agreed that presentation to and consideration of this Consent Order and investigative file materials by the Director shall not unfairly or illegally prejudice the Director from further participation, consideration, or resolution of these proceedings.

Respondent, JEANNE SHAHAN, hereby agrees and consents to the terms and conditions of this Consent Order this 5 day of January, 2009.


 JEANNE SHAHAN
 Respondent

STATE OF FLORIDA
 COUNTY OF Broward

Sworn to (or affirmed) and subscribed before me this 5 day of JANUARY,
 2009 JEANNE SHAHAN, who is personally known to me or who produced the following as
 identification: drivers license

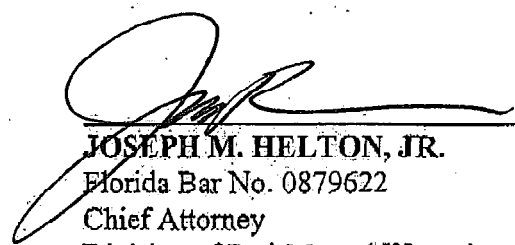

 Notary Public
 My Commission Expires:



Mark Hausfeld
 COMMISSION #DD790572
 EXPIRES: MAY 20, 2012
 WWW.AARONOTARY.com

Broward County, FL

APPROVED this 9th day of January, 2008⁹



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

ORDER

IT IS HEREBY ORDERED THAT:

The foregoing Consent Order shall constitute the agreed resolution of this matter and the Final Order of the Division in Case No. 2008046381, once it is filed with the Agency Clerk.

DONE AND ORDERED this 15TH day of JANUARY, 2008⁹

in Tallahassee, Florida.




DAVID J. ROBERTS
Director
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-2202
(850) 488-9130

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mp

CERTIFICATE OF SERVICE

I hereby certify this 15th day of January, 2008⁹, that a true copy of the foregoing has been furnished by U.S. mail to:

Chris Narducci, Esquire
629 S.W. First Ave.
Fort Lauderdale, Florida 33301

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

Copies furnished to:

Office of Operations/Licensing Section
Office of Investigations
Office of Slot Operations

Errol H. Powell, Administrative Law Judge

General Manager, Mardi Gras Racetrack & Gaming Center

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,

DBPR CASE NO. 2008046381

v.

JEAN SHAHAN,

Respondent.

ADMINISTRATIVE COMPLAINT

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

1. The Division is the state agency charged with regulating slot machine gaming and pari-mutuel wagering pursuant to Chapters 551 & 550, Florida Statutes.
2. On August 19, 2008, Respondent left two minor children, a 2-year old girl and a 14-year old boy, unattended for approximately an hour in her car in the parking lot of Mardi Gras Race Track & Gaming Center (Mardi Gras) in Hallandale, Florida, while she went inside and gambled. The windows of the car were rolled up and it was not running. The girl was strapped in a car seat, had a plastic raincoat on over her clothes, and was sweating profusely when discovered.

3. As a result, Respondent was arrested, charged with two counts of aggravated child neglect, and ejected from Mardi Gras' premises. Thereafter, by letter of August 21, 2008, Mardi Gras informed Respondent she was "being officially excluded from Mardi Gras Racetrack and Gaming Center" and that this "exclusion is a lifetime ban from the facility" (copy of exclusion letter hereto attached as Exhibit "A").

4. Mardi Gras is a licensed Florida pari-mutuel and slot machine facility.

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

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

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

... The division may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state

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

Signed this 11th day of September, 2008.

FILED

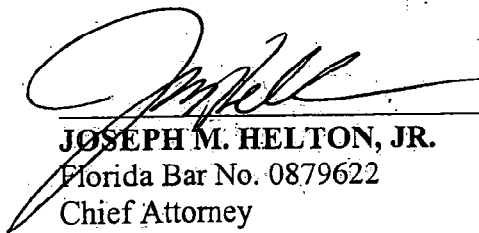
Department of Business and Professional Regulation
DEPUTY CLERK

CLERK

Brandon M. Nichols

DATE

9-12-2008



JOSEPH M. HELTON, JR.

Florida Bar No. 0879622

Chief Attorney

Division of Pari-Mutuel Wagering

Department of Business & Professional Regulation

Northwood Center

1940 North Monroe Street, Suite 40

Tallahassee, Florida 32399-2202

Copies furnished to:

Respondent – Hand Delivery

Office of Operation/Licensing Section

Office of Investigations

Office of Slot Operations

Charles T. "Chip" Collette, Assistant General Counsel



August 21, 2008

Mardi Gras Racetrack & Gaming Center
831 North Federal Highway
Hallandale Beach, Fl. 33009

Ms. Jeanne Marie Shahan
1680 NE 191 St. # 202
North Miami, Florida 33179

Ms. Shahan,

This letter is to inform you that you are being officially excluded from Mardi Gras Racetrack and Gaming Center effective immediately. The exclusion is a lifetime ban from the facility which means you are not permitted to enter any portion of the premises including the parking areas. If, for any reason, you are found in violation of this notice, you will be issued a trespass warning via the Hallandale Beach Police Department. Any future violations of this notice after the trespass warning has been issued can result in an immediate arrest.

This decision has been based on the incident in which you were involved on the 19th day of August 2008 at the Mardi Gras Racetrack and Gaming Center located at 831 North Federal Highway in Hallandale Beach, Florida 33009.

Enclosed you will find a copy of the Mardi Gras Racetrack and Gaming Center's Exclusion Notice and a self addressed envelope. Please sign and return at your earliest convenience.

Respectfully,

Richard J. Hopke
Director of Security
954-924-3200

