

**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. 2010000974**

**JORGE A. ORTEGA,**

Respondent,

\_\_\_\_\_ /

**FINAL ORDER**

THIS MATTER came before the Presiding Officer of the Division of Pari-Mutuel Wagering on February 2, 2011, in Tallahassee, Florida, in accordance with the provisions of Section 120.57(2), Florida Statutes, for consideration of the Division's Administrative Complaint issued against Jorge Ortega ("Respondent") in DBPR Case No. 2010000974. The Division of Pari-Mutuel Wagering ("Division") was represented by David N. Perry, Assistant General Counsel. Respondent appeared *pro se* by telephone.

**PRELIMINARY STATEMENT**

1. On or about March 16, 2010, the Division issued an Administrative Complaint against the Respondent which alleged that he been ejected from Calder Race Course ("Calder"), a pari-mutuel facility in Florida, due to his involvement in a police investigation regarding the illegal slaughter of racehorses.

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

3. Because of the Division's difficulty in locating Respondent, he was hand served with the Administrative Complaint on October 4, 2010.

4. On or about October 8, 2010, 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 3267 NW 103<sup>rd</sup> Street, Miami, Florida 33147.

5. In his Election of Rights, in the space where Respondent was required to state which material facts he disputed, he wrote "everything".

6. In response, the Division sent Respondent a letter dated December 6, 2010, in which it explained that "everything" is insufficient to state which material facts were in dispute. He was advised that if he failed to state which material facts he disputed, the case would automatically be set for an informal hearing.

7. When Respondent failed to send a written response, the Division set this case for an informal hearing.

8. At the informal hearing on February 2, 2011, the Division presented the issues raised in its March 16, 2010, Administrative Complaint and cited Respondent's Election of Rights, in which Respondent requested a formal hearing but failed to state any disputed material facts. The facts are therefore accepted as presented in the Administrative Complaint.

**FINDINGS OF FACT**

9. At all times material hereto, Respondent held a pari-mutuel wagering occupational license, number 899793-1022, issued by the Division.

10. Calder Race Course is a pari-mutuel facility in Florida licensed by the Division.

11. At all times material hereto, Respondent was a pony lead out at Calder.

12. In a report dated February 16, 2010, Calder confirmed that Respondent was ejected from the facility, due to his involvement in a police investigation regarding the slaughter of racehorses.

13. At the informal hearing, Respondent did not dispute that Calder was a licensed pari-mutuel facility in Florida, or that Calder had instituted a lifetime exclusion against him.

14. At the hearing, Respondent spoke only about the events that resulted in his ejection. He did not dispute the ejection.

15. Respondent stated that he had been part of a police investigation. The detectives spoke to him only once at Calder, asked him “seven or eight questions”, and never asked him about himself.

16. When Respondent later contacted the police, he was told there was no open case against him.

### **CONCLUSIONS OF LAW**

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

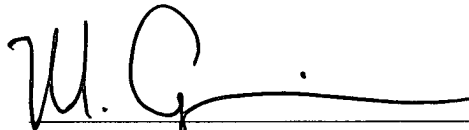
18. Section 550.0251(6), Florida Statutes, states in relevant part:

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.

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 2<sup>nd</sup> day of May, 2011.



Milton Champion, 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. Mail to **JORGE ORTEGA**, 3267 NW 103<sup>rd</sup> Street, Miami, Florida 33147, on this 10<sup>th</sup> day of May, 2011.



Brandon Nichols, Deputy Agency Clerk

Copies furnished to:

Amy Toman, Informal Hearing Officer  
David N. Perry, Assistant General Counsel

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	<b>3/16/2010</b>
File #	

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\_\_\_\_\_ /

**ADMINISTRATIVE COMPLAINT**

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division"), files this Administrative Complaint against Jorge A. Ortega ("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 899793-1021, issued by the Division.
3. At all times material hereto, Respondent was a pony lead out at Calder Race Course, a pari-mutuel facility in the state of Florida.

4. In a report dated February 16, 2010, Calder Race Course confirmed that Respondent was ejected from the facility, due to his involvement in a police investigation regarding the slaughter of racehorses.


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 Calder Race Course, 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 Respondent ineligible for occupational licensure; 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 16<sup>th</sup> day of March, 2010.

  
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**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:**

**Jorge Ortega** – Cert. Mail/Return Receipt

**David N. Perry**, Assistant General Counsel