

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	12/17/2010
File #	2010-11757

**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. 2010010142

ROBERT A. BLIVEN, JR.,

Respondent,

FINAL ORDER

THIS MATTER came before the Presiding Officer of the Division of Pari-Mutuel Wagering on November 3, 2010, 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 Robert A. Bliven, Jr. ("Respondent") in DBPR Case No. 2010010142. 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 August 3, 2010, the Division issued an Administrative Complaint against the Respondent which alleged that he been ejected from a Cardroom pari-mutuel facility in Florida, after being terminated from Daytona Beach Kennel Club and Poker Room ("Daytona Beach"). The Administrative Complaint sought to exclude Respondent from all pari-mutuel facilities within the state, pursuant to Sections 550.0251(6), Florida Statutes.

2. On or about August 24, 2010, Respondent filed his Election of Rights, in which he requested an informal hearing pursuant to Section 120.57(2), Florida Statutes. Respondent's

Election of Rights indicates that Respondent's address is 2609 Ashfield Court, St. Augustine, Florida 32092.

3. At the informal hearing on November 3, 2010, the Division presented the issues raised in its August 3, 2010, Administrative Complaint and cited Respondent's Election of Rights, in which Respondent requested an informal hearing. The facts are therefore accepted as presented in the Administrative Complaint.

FINDINGS OF FACT

4. At all times material hereto, Respondent held a Cardroom occupational license, number 7067649-1012, issued by the Division.

5. Daytona Beach Cardroom and pari-mutuel facility in Florida licensed by the Division.

6. At all times material hereto, Respondent was a Cardroom dealer employed at Daytona Beach.

7. Review of video surveillance revealed that between February 7, 2010, and February 17, 2010, Respondent stole chips from the dealer tray and/ or card table and placed them into his tip box, on approximately sixty-six (66) occasions.

8. On or about February 25, 2010, as the result of its investigation, Daytona Beach terminated Respondent's employment and placed Respondent on its lifetime exclusion list.

9. At the informal hearing, Respondent stated that he was extremely remorseful and asked the Division to forgive him.

10. He stated that he had been making less than usual in tips, so he began gambling on races, which made things worse.

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CONCLUSIONS OF LAW

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

12. Rule 61D-11.005(5), Florida Administrative Code, states in pertinent part:

No person shall, either directly or indirectly:

- a. Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a card game, or the cardroom operator.
- b. Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any participant in a game, or any cardroom operator.

13. 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.

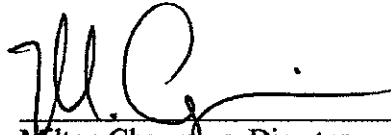
WHEREFORE, based upon the Findings of Fact and Conclusions of Law, it is hereby

ORDERED and ADJUDGED that:

- a) Respondent's pari-mutuel license shall be revoked;
- b) Respondent is declared ineligible for licensure; and
- c) 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 14 day of December, 2010.



Milton Champlon, 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 **ROBERT A. BLIVEN, JR.**, 2609 Ashfield Court, St. Augustine, Florida 32092, on this 17th day of December, 2010.

Brandon M. Nichols

Brandon Nichols, Deputy Agency Clerk

Copies furnished to:

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

FILED	
<small>Department of Business and Professional Regulation Deputy Agency Clerk</small>	
CLERK	Evette L. Proctor
Date	8/3/2010
File #	

**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. 2010010142

ROBERT A. BLIVEN, JR.,

Respondent.

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ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division"), files this Administrative Complaint against Robert A. Bliven, Jr. (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 cardroom occupational license, number 7067649-1012, issued by the Division.
3. At all times material hereto, Respondent was a cardroom dealer at Daytona Beach Kennel Club & Poker Room ("Daytona Beach")
4. Daytona Beach is a pari-mutuel facility licensed by the state of Florida.
5. Review of video surveillance revealed that between February 7, 2010 and February 17, 2010, Respondent stole chips from the dealer tray and/ or card table and placed them into his tip box, on approximately sixty-six (66) occasions.

6. In a letter dated February 25, 2010, Daytona Beach notified that Division that Respondent was terminated and banned from Daytona Beach as a result of the thefts.

7. Respondent's pari-mutuel license expires on June 30, 2011.

8. Rule 61D-11.005(5), Florida Administrative Code, states in pertinent part:

No person shall, either directly or indirectly:

(a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a card game, or the cardroom operator.

(b) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any participant in a game, or any cardroom operator.

9. Respondent violated Rule 61D-11.005(5)(a) & (b), Florida Administrative Code, by attempting to defraud the cardroom operator.

10. 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.

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. Additionally, 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.

Signed this 29th day of July, 2010.



JOSEPH M. HELTON, JR.
Florida Bar No. 0879622
Chief Attorney
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
Northwood Center
1940 North Monroc Street, Suite 40
Tallahassee, Florida 32399-2202

Copies furnished to:

Robert A. Bliven, Jr. – Cert. Mail/Return Receipt

David N. Perry, Assistant General Counsel