

**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. 2010037915**

v.

**DANIEL A. EFFENDY,**

Respondent,

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**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 August 6, 2010, Investigator E. J. Barnes signed an Investigative Report setting forth facts, which if true, would constitute a violation of Section 550.0251(6), Florida Statutes.
2. On September 27, 2010, an Administrative Complaint was filed with the agency clerk that alleged the Respondent violated Section 550.0251(6), Florida Statutes, by being permanently banned from Pensacola Greyhound Racing, a pari-mutuel facility.
3. Respondent was served with the Administrative Complaint via certified U.S. mail on September 30, 2010.
4. Respondent's Election of Rights Form was due to the Division on or before October 21, 2010. 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.

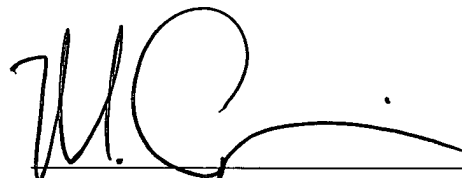
9. Respondent violated Section 550.0251(6), Florida Statutes.

**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 550.0251(6), Florida Statutes.

DONE AND ORDERED this 15<sup>th</sup> day of February, 2011, in Tallahassee, Florida.



**Milton Champion, Director**  
Division of Pari-Mutuel Wagering  
Department of Business & Professional Regulation  
Northwood Centre  
1940 North Monroe Street  
Tallahassee, Florida 32399-1035

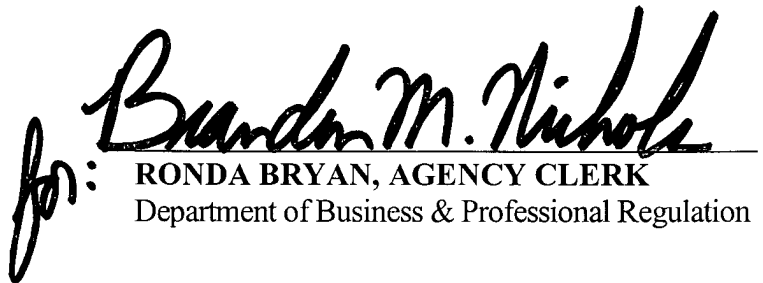
**NOTICE OF RIGHT TO APPEAL UNLESS WAIVED**

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 120.68, Florida Statutes.

**CERTIFICATE OF SERVICE**

I hereby certify this 23<sup>rd</sup> day of February, 2011, that a true copy of the foregoing "Final Order" has been provided by U.S. Certified Mail to:

**DANIEL A. EFFENDY**  
8900 North Davis Hwy  
Apt. 29  
Pensacola, FL 32514

*for:*   
**RONDA BRYAN, AGENCY CLERK**  
Department of Business & Professional Regulation

**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. 2010037915**

v.

**DANIEL A. EFFENDY,**

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 Daniel Effendy (“Respondent”). As grounds therefor Petitioner states as follows:

1. On August 6, 2010, Investigator E. J. Barnes signed an Investigative Report setting forth facts, which if true, would constitute a violation of Section 550.0251(6), Florida Statutes. A true copy of the Investigative Report is hereby attached as Exhibit A.
2. On September 27, 2010, an Administrative Complaint was filed with the agency clerk alleging Respondent violated Section 550.0251(6), Florida Statutes, by being permanently banned from Pensacola Greyhound Racing, a pari-mutuel facility. 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 September 30, 2010. A true copy of the affidavit of service or diligent search is attached hereto as Exhibit C.

4. Respondent's Election of Rights Form was due to the Division on or before October 21, 2010. To date, the Division has not received Respondent's Election of Rights Form and, therefore, Respondent has waived his rights to elect a forum.

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 Section 550.0251(6), Florida Statutes.

Respectfully submitted,



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**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

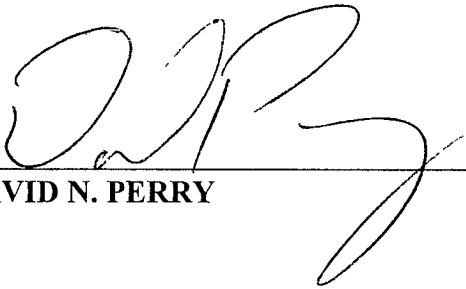
Attorney for Division of Pari-Mutuel Wagering

**CERTIFICATE OF SERVICE**

I hereby certify this 7<sup>th</sup> day of Feb, 2011, a true copy of the foregoing

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

**DANIEL A. EFFENDY**  
8900 North Davis Hwy  
Apt. 29  
Pensacola, FL 32514

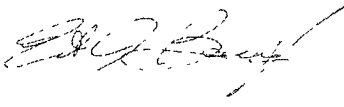
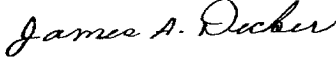

  
\_\_\_\_\_  
**DAVID N. PERRY**

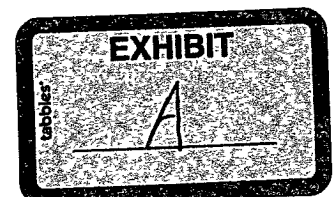
Charlie Liem, Interim Secretary

Charlie Crist, Governor

**OFFICE OF INVESTIGATIONS**

**INVESTIGATIVE REPORT**

Office: <b>PMW</b>	Region: <b>NORTHERN</b>	Date of Complaint: <b>July 28, 2010</b>	Case Number: <b>2010 03 7915</b>
Respondent:  <b>EFFENDY, DANIEL ALVIN</b> 8990 North Davis Hwy, Apt 29 Pensacola FL 32514		Complainant:  STATE OF FLORIDA, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, DIVISION OF PARI-MUTUEL WAGERING  INV. JIM BARNES	
License # and Type: <b>None</b>	Profession: <b>Patron</b>	Report Date: <b>August 6, 2010</b>	
Period of Investigation: <b>July 28 – Aug 3, 2010</b>		Type of Report: <b>PRELIMINARY</b>	
Alleged Violations: Ch 550.025(b) Patron Ejection (Attempted Theft)			
Synopsis: On July 27, 2010, at approximately 02:44 AM, at the Pensacola Greyhound Racing (PGR) Card Room, Mr. EFFENDY was observed attempting to steal from a rack of poker chips at the cashier's cage. EFFENDY dropped the chips when confronted and left the building. At approximately 5:30 PM the same day, EFFENDY re-entered the building and was arrested by Escambia County Sheriffs Office for Grand Theft, a 3 <sup>rd</sup> degree felony.			
Investigator / Date   E. J. Barnes, Jr. August 6, 2010		Investigator Supervisor / Date James A. Decker / August 6, 2010  	
Chief of Investigations / Date August 9, 2010			



## CONTINUATION

**Investigative Report:**

On July 27, 2010, at approximately 2:44 AM, at the PGR cardroom cashier's cage, an individual (subsequently identified as EFFENDY) was observed attempting to steal 20 each \$25 poker chips (\$500) from a chip rack that was on the counter of the cashier's cage. The cashier related that she had turned her back for approximately 10 seconds and when she saw EFFENDY holding the chips and the rack, confronted him. Before security or a deputy could respond, EFFENDY left the building. The incident was captured on video surveillance.

On July 27, 2010, at approximately 5:30 PM, EFFENDY entered the poker room again and was identified as the suspect in the above incident. EFFENDY was detained by PGR Security and Deputy Rufus Jackson, Escambia County Sheriff's Office (ECSO). Mr. Brian Clark, PGR Chief of Security gave EFFENDY a verbal trespass warning. Immediately thereafter, Deputy Jackson arrested EFFENDY on the charge of Grand Theft, a 3<sup>rd</sup> Degree felony. EFFENDY was taken into custody and transported to the ECSO jail.

On July 28, 2010, at PGR, Inv. Barnes was advised of the incident and furnished a copy a Report of Private Ejection (Exhibit 1), a copy of ECSO Report #ECSO10OFF019685 (Exhibit 2), and a copy of a surveillance photograph (Exhibit 3) which shows EFFENDY taking a handful of chips from a chip rack.

Mr. Clark, PGR Chief of Cardroom Security, advised that PGR's cashier's cage chip handling procedures would be modified to preclude an incident of this nature from occurring again.

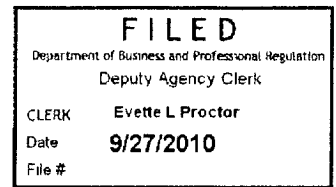
On Aug 6, 2010, Inv. Barnes received a letter (Exhibit 4) from Mr. Nick Schlikin, General Manager, PGR, who advised that any patron ejection was intended to be permanent in nature.

**Case Status:** Referred to Chief of Investigations for Review

**Exhibits:**

1. Report of Private Ejection
2. ECSO Report #10OFF019685
3. Surveillance Photo dated 7/27/2010, 2:44:43 AM
4. Letter from PGR General Manager dated Aug 3, 2010





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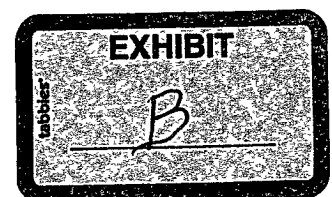
**Respondent.**

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**ADMINISTRATIVE COMPLAINT**

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division"), files this Administrative Complaint against Daniel A. Effendy ("Respondent"), and alleges as follows.

1. The Division is the state agency charged with regulating pari-mutuel wagering, pursuant to Chapter 550, Florida Statutes, and cardrooms, pursuant to Chapter 849, Florida Statutes.
2. At all times material hereto, Respondent was a patron at the card room at Pensacola Greyhound Racing ("PGR"), a licensed pari-mutuel facility and cardroom in the state of Florida.
3. On July 27, 2010, at approximately 2 44 AM, Respondent attempted to steal poker chips from the cashier's cage. When confronted, he dropped the chips and left the building.
4. At approximately 5 30 PM, Respondent re-entered the card room and was arrested by Escambia County Sheriff's Office.



5 In a report dated July 28, 2010, PGR notified Respondent that he was permanently ejected from the facility.

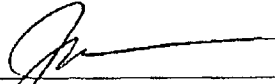
6 Section 550.0251(6), Florida Statutes, states in pertinent part

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.

7 Respondent violated Section 550.0251(6), Florida Statutes, by being permanently ejected from Pensacola Greyhound Racing, 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 23<sup>rd</sup> day of September, 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

**Copy furnished to:**

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

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input checked="" type="checkbox"/> Agent, <input type="checkbox"/> Addressee 	
1. Article Addressed to:	B. Received by (Printed Name)	C. Date of Delivery
DANIEL ALVIN EFFENDY 8900 NORTH DAVIS HWY APT. 29 PENSACOLA, FL 32514	LIZ A. PRICE	9-30-10
AC-10-037915	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
(Transfer from airmail label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PG Form 3811, February 2004	Domestic Return Receipt	102585-02-M-1540
7006 2760 0003 5060 2857		

