

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

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	11/1/2012
File #	2012-07065

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

Petitioner,

**DBPR CASE NO. 2010044014**

v.

**BARBARA C. UPSON,**

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 September 7, 2010, Investigator Bryan Wall signed an Investigative Report setting forth facts, which if true, would constitute a violation of Section 550.0251(6), Florida Statutes.
2. On August 1, 2012, an Administrative Complaint was filed with the agency clerk that alleged the Respondent violated Section 550.0251(6), Florida Statutes, by being terminated and permanently banned from Palm Beach Kennel Club, a pari-mutuel facility.
3. Respondent was served with the Administrative Complaint. Respondent returned a completed Election of Rights dated August 13, 2012, in which she explicitly waived her right to a hearing. Respondent has therefore waived her rights to a forum.

4. 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.

5. 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**

6. The Division has jurisdiction over the parties and subject matter of this case pursuant to Chapter 550, Florida Statutes.

7. Respondent returned an Election of Rights in which she waived her rights to elect a forum.

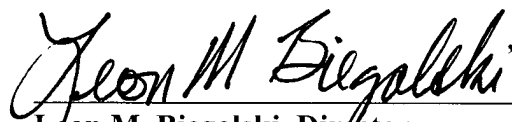
8. Respondent violated Section 550.0251(6), Florida Statutes.

**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 30<sup>th</sup> day of October, 2012, in Tallahassee, Florida.



\_\_\_\_\_  
**Leon M. Biegalski, Director**  
Division of Pari-Mutuel Wagering  
Department of Business & Professional Regulation  
Northwood Centre  
1940 North Monroe Street  
Tallahassee, Florida 32399-1035

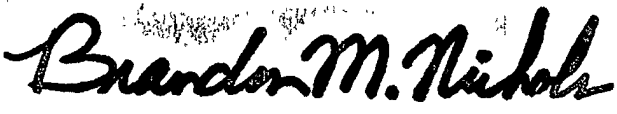
**NOTICE OF RIGHT TO APPEAL UNLESS WAIVED**

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 1<sup>st</sup> day of November, 2012, that a true copy of the foregoing "Final Order" has been provided by U.S. Certified Mail to:

**Barbara C. Upson**  
105 Half Moon Circle, Apt. C1  
Hypoluxo, FL 33462

*for:*   
\_\_\_\_\_  
AGENCY CLERK  
Department of Business & Professional Regulation

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

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	<b>Evette Lawson-Proctor</b>
Date	<b>8/1/2012</b>
File #	

**DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,  
DIVISION OF PARI-MUTUEL WAGERING**

**Petitioner,**

v.

**CASE NO. 2010044014**

**BARBARA C. UPSON,**

**Respondent.**

\_\_\_\_\_ /

**ADMINISTRATIVE COMPLAINT**

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division"), files this Administrative Complaint against Barbara C. Upson (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 PMW general occupational license, number 175921-1022, issued by the Division. Said license expired on June 30, 2011 and was not renewed.
3. At all times material hereto, Respondent was a pari-mutuel teller at Palm Beach Kennel Club
4. Palm Beach Kennel Club is a pari-mutuel facility licensed by the state of Florida.
5. Review of video surveillance revealed that on August 21, 2010, Respondent received four winning tickets from a patron. She cashed three of the tickets and stole a winning ticket, keeping \$100 for herself.


6 In an incident report dated August 21, 2010, Palm Beach Kennel Club notified Respondent that she was terminated and banned from Palm Beach Kennel Club as a result of the theft

7 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 excluding Respondent from any and all pari-mutuel facilities in this state, as specified in Section 550.0251(6), Florida Statutes.

Signed this 31<sup>st</sup> day of July, 2012.

  
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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