

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

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	5/31/2013
File #	2013-03086

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

Petitioner,

DBPR CASE NO. 2011012139

v.

YODNEY MOREAU,

Respondent.

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 April 15, 2011, Investigator Noel Haynes signed an Investigative Report setting forth facts that would constitute a violation of Section 550.0251(6), Florida Statutes, and Rule 61D-11.005(4)(c), Florida Administrative Code (F.A.C.).
2. On August 17, 2012, an Administrative Complaint was filed with the agency clerk alleging Respondent, violated Section 550 0251(6), Florida Statutes, when Calder Casino & Race Course (Calder) revoked all his gaming, wagering, and visitation privileges and excluded him from its facility as a result of his taking two cards dealt to the person beside him, and mixing them with his own cards, while playing poker in Calder's Studz Poker Room.
3. Respondent was served with the Administrative Complaint via U.S. Certified Mail on August 24, 2012.

4. Respondent's Election of Rights Form was due to the Division on or before September 16, 2012. To date the Division has not received Respondent's Election of Rights Form and, therefore, 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

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


2. Respondent failed to return an Election of Rights and thereby waived his rights to elect a forum.

3. Under the facts of this case, Section 550.0251(6), Florida Statutes, authorize the Division to enter an order permanently exclude Respondent from licensed slot machine and pari-mutuel facilities in this state.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law it is hereby ORDERED that Respondent shall be and is hereby permanently excluded from all licensed pari-mutuel facilities in this state.

DONE AND ORDERED this 28th day of May, 2012, in Tallahassee, Florida.


LEON M. BIEGALSKI, DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-1035
(850) 488-9130

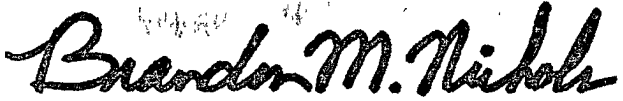
NOTICE OF RIGHT TO APPEAL UNLESS WAIVED


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 31st day of May, 2012, that a true copy of the foregoing "Final Order" has been provided by U.S. Mail to:

YODNEY MOREAU
343 Ives Dairy Road, # 6
Miami, Florida 33179-3354



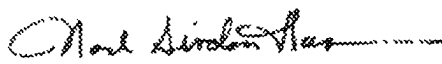
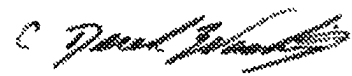
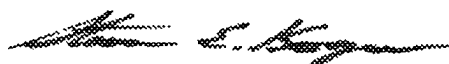
Brandon M. Nichols
 **AGENCY CLERK**
Department of Business & Professional Regulation

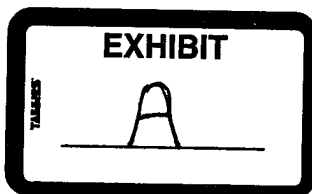
Charlie Liem, Secretary

Rick Scott, Governor

OFFICE OF INVESTIGATIONS

INVESTIGATIVE REPORT

Office: PMW	Region: Southern	Date of Complaint: March 10, 2011	Case Number: 2011012139
Respondent: MOREAU, YODNEY 900 NE 205 TH STREET NORTH MIAMI, FL 33179 (786) 970-2703		Complainant: DBPR PMW INVESTIGATIVE SECTION 1400 W. COMMERCIAL BLVD, SUITE 165 FT LAUDERDALE, FL 33309 (954) 202-3900	
License # and Type: Unlicensed Patron	Profession: Unknown	Report Date: April 15, 2011	
Period of Investigation: March 10, 2011 to March 11, 2011		Type of Report: PRELIMINARY	
Alleged Violation: 61D-11.005 (4) (c) Prohibitions: No person shall, either directly or indirectly, engage in any act, practice, or course of operations with the intent of cheating any participant or the card room operator.			
Synopsis: This investigation is predicated upon a Notice of Violation , dated March 10, 2011. (EXHIBIT # 1)			
On March 7, 2011, I was informed by Investigative Supervisor Derek Washington that patron YODNEY MOREAU was given a lifetime criminal trespass from the Calder Casino and Race Track for cheating in the Studz Poker Room on March 3, 2011.			
Related Case:			
Investigator / Date April 15, 2011 		Investigator Supervisor / Date April 21, 2011 C. Derek Washington 	
Noel Sinclair Haynes, Investigative Specialist II			
Chief of Investigations / Date April 21, 2011			
Steven E. Kogan			



CONTINUATION

A review of the Calder Casino & Race Track Security and Surveillance Department Incident Reports revealed that on March 3rd, 2011, at 16:20 Hours, Poker Supervisor Mark Shumsker informed the Surveillance Department that a male patron later identified as Yodney **MOREAU** had attempted to cheat at Poker table #16, seat #8 in the Studz Poker Room. The Surveillance Department video review disclosed that at 16:02 Hours, Yodney **MOREAU** was seated at Poker table #16, in seat # 8. An unknown patron who was seated in seat #9 got up from the table and left upon being dealt two cards. **MOREAU** in seat #8 is observed taking the two cards dealt to seat #9 and mixing them with his own cards. An Unknown guest in seat #10 is observed complaining about **MOREAU**. The Surveillance Department notified the Security Department of the results of the video review of the incident. The Calder Security Department identified and interviewed **MOREAU**. (**EXHIBITS #2 & EXHIBIT #3**)

MOREAU was issued a lifetime criminal trespass from the Calder Casino & Race Track. (**EXHIBIT # 4**)

A check with the Association of Racing Commissioners International, Inc. (A.R.C.I.) revealed no rulings against **MOREAU**. (**EXHIBIT # 5**)

A copy of the Calder Casino & Race Track Surveillance Department's video of **MOREAU'S** Cheating was obtained and entered into evidence.

The City of Miami Gardens Police Department chose to defer in reference to the arrest and prosecution of **MOREAU** for cheating.

Status: Case sent to Legal Department requesting that Respondent be placed on statewide exclusion list.

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

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	8/17/2012
File #	

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

Petitioner,

DBPR CASE NO. 2011012139

v.

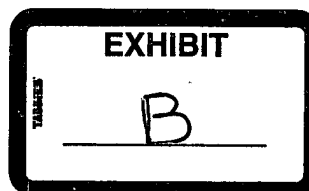
YODNEY MOREAU.

Respondent.

ADMINISTRATIVE COMPLAINT

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

1. The Division is the state agency charged with regulating pari-mutuel wagering and cardrooms located at pari-mutuel facilities, pursuant to Chapter 550 and Section 849.086, Florida Statutes
2. On March 3, 2011, Respondent was a cardroom patron at Calder Casino & Race Track ("Calder").
3. Calder Casino & Race Track is a licensed pari-mutuel facility in this state
4. On March 3, 2011 at 4:20 pm, the Calder Security and Surveillance Department was informed that a male patron had attempted to cheat at Poker table #16, seat #8 in the Studz Poker Room. The male patron was later identified as Respondent
5. Review of surveillance video revealed the following incident: March 3, 2011 at around 4:02 pm, Respondent was seated at Poker table #16, seat #8. An unknown patron in seat



#9 got up from the table and left upon being dealt two (2) cards. Respondent, in seat #8, is observed taking the two cards dealt to seat #9 and mixing them with his own cards. An unknown guest in seat #10 is observed complaining about Respondent's actions. Respondent got frustrated and folded his cards.

6. Surveillance notified the Security Department of the incident and Respondent was then identified and interviewed.

7. When first interviewed, Respondent denied the cheating incident. When informed several times that it was clearly visible he viewed another player's whole cards, Respondent could not deny the accusation. Respondent's information was taken for report purposes.

8. On March 6, 2011, Richard Sukhu, Senior Director of Security & Surveillance at Calder issued a letter revoking all gaming, wagering, and visitation privileges of Respondent.

9. 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.

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

Signed this 16th day of August, 2012.



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:

Ralf Michels, Assistant General Counsel

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only - No Insurance Coverage Provided)
 For delivery information, visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent to
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4
Yodney Moreau
900 NE 205th Street
North Miami, FL 33179

PS Form 3800, August 2006 (See Reverse for Instructions)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Yodney Moreau
900 NE 205th Street
North Miami, FL 33179


Rmk

2. Article Number

(Transfer from service label) **7006 2760 0001 4025 0077**

PS Form 3811, February 2004 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent
 Addressee
 B. Received by (Printed Name) **Yodney Moreau** Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

A/C 2011012139

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

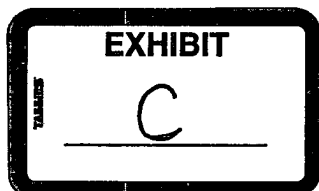
102595-02-M-1540

CERTIFIED MAIL™



7006 2760 0001 4025 0077

STATE OF FLORIDA
 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 1940 North Monroe Street
 Tallahassee, Florida 32399
www.MyFloridaLicense.com



A/P

