

**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	8/5/2014
File #	2014-05789

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

Petitioner,

DBPR CASE NO. 2013046299

v.

IRIS S. CARDENAS,

Respondent,

FINAL ORDER

The 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 January 30, 2014, Investigator Miriam Roca signed an Investigative Report setting forth facts that would constitute a violation of Sections 551.109(5) & 551.112, Florida Statutes.
2. On May 28, 2014, an Administrative Complaint was filed with the agency clerk alleging Respondent violated Sections 551.109(5) & 551.112, Florida Statutes, when she concealed and then removed \$3,000 (30 \$100 bills) from her cash drawer. This resulted in Respondent's being arrested for and charged with third degree felony grand theft under Section 812.014(2)(c), Florida Statutes, with Miami Jai Alai's terminating her employment and permanently excluding her from its facility as of January 30, 2014.
3. Respondent was served with the Administrative Complaint via U.S. Certified Mail on June 6, 2014.

4. Respondent's Election of Rights Form was due to the Division on or before June 27, 2014. To date the Division has not received Respondent's Election of Rights Form and, therefore, Respondent has waived her 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 551, Florida Statutes.

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

9. Under the facts of this case, Section 551.109(5), Florida Statutes, authorizes the Division to enter an order revoking Respondent's slot combo professional occupational license (#10171330-1055), and Section 551.112, Florida Statutes, authorizes the Division to enter an order permanently excluding Respondent from all licensed slot machine facilities in this state.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law it is hereby ORDERED that:

(A) Respondent's slot combo professional occupational license (#10171330-1055) shall be and is hereby REVOKED; and

(B) Respondent shall be and is hereby permanently EXCLUDED from all licensed slot machine facilities in this state.

DONE AND ORDERED this 4th day of August, 2014, 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

Any party to this proceeding has the right to seek its judicial review under § 120.68, Florida Statutes, by the filing of an original notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Agency Clerk, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 (email: ogcagencyclerk@myfloridalicense.com), **and** by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate Florida district court of appeal. The notice of appeal must be filed (received) in the Office of the Agency Clerk within thirty (30) days after the date this Order is filed with the Clerk.

CERTIFICATE OF SERVICE

I hereby certify this 5th day of August, 2014, that a true copy of the foregoing "Final Order" has been provided by U.S. Mail to:

IRIS S. CARDENAS
3027 NW 28th Street
Miami, Florida 33142-6429


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

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	5/28/2014
File #	

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

Petitioner,

DBPR CASE No. 2013046299

v.

IRIS S. CARDENAS,

Respondent,

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (Division) files this Administrative Complaint against Iris S. Cardenas (Respondent), and alleges as follows:

1. The Division is the state agency charged with regulating slot machine gaming pursuant to Chapter 551, Florida Statutes.
2. Respondent was issued a slot combo professional license (#10171330-1055) in June 2013, which license expires June 30, 2016. Respondent worked at Miami Jai Alai in Miami, Florida, as a cage cashier until November 7, 2013, when her employment was terminated.
3. Miami Jai Alai is a Florida licensed slot machine facility.
4. Upon discovery of a \$3,000 cash discrepancy in Ticket Redemption Unit # 2 (TRU2) on October 30, 2013, a review of money-room surveillance videos revealed Respondent had concealed and then removed \$3,000 (30 \$100 bills) in a folded paper from her cash drawer. Accordingly, on November 7, 2013, Respondent was confronted with her conduct, arrested by Miami-Dade County police, charged with third degree grand theft (a felony) under Section

812.014(2)(c), Florida Statutes, and transported to the Miami-Dade County Turner Guilford Knight Correctional Center for processing.

5. That same day, November 7, 2013, Miami Jai Alai terminated Respondent's employment and subsequently, upon completion of the necessary paperwork, then permanently excluded her from its facility as of January 30, 2014.

6. Section 551.107(6)(a), Florida Statutes, provides in relevant part that the "division may ... revoke ... any slot machine occupational license if ... the licensee has violated the provisions of this chapter"

7. Section 551.109(5), Florida Statutes, prohibits the "[t]heft of any slot machine proceeds or property belonging to the slot machine operator or licensed facility by an employee or the operator or facility ..." and makes it punishable as a third degree felony.

8. Section 551.112, Florida Statutes, provides in relevant part:

... The division may exclude from any facility of a slot machine licensee any person who has been ejected from the facility of a slot machine licensee in this state

COUNT ONE

9. The Division hereby realleges and incorporates herein, as if fully set forth, the allegations contained in ¶¶ 1-7 of this administrative complaint.

10. Respondent violated Section 551.109(5), Florida Statutes, by concealing and taking the \$3,000 and is, therefore, subject to having her slot machine occupational license revoked pursuant to Section 551.107(6)(a), Florida Statutes,

COUNT TWO

11. The Division hereby realleges and incorporates herein, as if fully set forth, the allegations contained in ¶¶ 1-8 of this administrative complaint.


12. As a result of being ejected by Miami Jai Alai and permanently excluded from its facility, Respondent is subject to being permanently excluded from all licensed slot machine facilities in this state.

WHEREFORE, Petitioner respectfully requests that the Division enter an Order:

(A) Permanently revoking Respondent's slot combo professional license (#10171330-1055); and

(B) Permanently excluding Respondent from all licensed slot machine facilities in this state.

Signed this 2nd day of May, 2014.


MICHAEL A. MARTINEZ
Florida Bar No. 107638
Deputy General Counsel
Department of Business & Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-6506

ADMINISTRATIVE COMPLAINT
ELECTION OF RIGHTS

Licensee: Iris S. Cardenas

Case No. 2013046299

I have read the Administrative Complaint and Explanation of Rights in this matter, and elect as follows:

1. I **do not** dispute the material facts alleged in the Administrative Complaint but do wish to appear before the Division of Pari-Mutuel Wagering to be heard on the conclusions of law and the issue of penalty. I, therefore request a hearing not involving disputed issues of material fact, pursuant to Section 120.57(2), *Florida Statutes*. I understand that at the hearing I will not be allowed to deny the facts alleged in the Administrative Complaint, but will only be permitted to submit written and/or oral evidence in mitigation of the charges in the Administrative Complaint or explain why the facts alleged do not amount to a violation of law.

2. I **do** dispute the material facts alleged in the Administrative Complaint and request that this be considered a petition for a hearing involving disputed issues of material fact before an administrative law judge with the Division of Administrative Hearings, pursuant to Section 120.57(1), *Florida Statutes*. **If you select this option, please state below which specific facts you dispute.** (Use the back of this sheet if needed.)

3. I waive my right to object or be heard concerning this case. The Division of Pari-Mutuel Wagering may do as it sees fit concerning this matter.

Please be advised, pursuant to Section 120.573, *Florida Statutes*, mediation is not available for this type of agency action.

THIS IS A LEGALLY BINDING DOCUMENT. IF YOU DO NOT FULLY UNDERSTAND THE TERMS OF THIS DOCUMENT, YOU SHOULD SEEK LEGAL ADVICE BEFORE SIGNING.

MUST BE SIGNED AND NOTARIZED.

Name (Signature)

Mailing Address (if different)

Name (Printed)

City State Zip

Street Address

City State Zip

Respondent's daytime phone number

STATE OF FLORIDA

COUNTY OF _____

The foregoing was acknowledged before me this _____ day of _____, 2011, by _____ personally known to me or who has produced _____ as identification.

Notary Public

My Commission Expires:

(Notary Seal)

PLEASE MAIL FORM TO: **C. Tomoka Brady, AAIL**
Office of the General Counsel
Northwood Centre
1940 North Monroe Street, Suite 40
Tallahassee, Florida 32399-2202

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

EXPLANATION OF RIGHTS

In response to the allegations set forth in the Administrative Complaint issued by the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, you should make one of the following elections within twenty-one (21) days from the day of receipt of the Administrative Complaint. Please make your election on the attached Election of Rights form and return it fully executed to the address listed on the form.

1. If you do not dispute any of the material facts alleged in the Administrative Complaint, you may request a hearing not involving disputed issues of material fact pursuant to Section 120.57(2), *Florida Statutes*, before the Division of Pari-Mutuel Wagering. At the hearing, you will be given an opportunity to present both written and oral evidence in mitigation. A request for a hearing not involving disputed issues of material fact in this matter should be directed to the Division of Pari-Mutuel Wagering by checking the appropriate space, marked as 1, on the Election of Rights form and returning same to this office within twenty-one (21) days of your receipt of the Administrative Complaint.

2. If the allegations set forth in the Administrative Complaint contain any disputed issues of material fact, you may request a hearing involving disputed issues of material fact with the Division of Administrative Hearings of the Department of Management Services pursuant to Section 120.57(1), *Florida Statutes*, by checking the appropriate space, marked as 2, on the Election of Rights form and returning same to this office within twenty-one (21) days of your receipt of the Administrative Complaint.

3. If you wish to waive your right to object or be heard in this matter, you may do so by checking the appropriate space marked as 3, on the Election of Rights form and returning same to this office within twenty-one (21) days of your receipt of the Administrative Complaint.

In the event that you fail to make an election in this matter within twenty-one (21) days from receipt of the Administrative Complaint, your failure may be considered a waiver of your right to elect the forum, and the Division of Pari-Mutuel Wagering may proceed to hear any and all evidence that may be presented to it in disposing of your case.

You must keep the Division of Pari-Mutuel Wagering informed as to your current mailing address. Failure to do so may be considered a waiver of your right to a hearing.