

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	8/14/2014
File #	2014-06083

**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.: 2014020892

vs.

LEONEL ESCALANTE

Respondent.

CONSENT ORDER

Leonel Escalante (Respondent), and State of Florida, Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (Division), hereby stipulate and agree to the following terms and issuance of this Consent Order.

1. The Division has jurisdiction over this matter and the parties.
2. The Division is authorized by Section 120.57, Florida Statutes, to resolve administrative proceedings by Consent Order.
3. At all times material hereto, Respondent, held a cardroom employee occupational license, number 10214526, issued by the division.
4. Rule 61D-11.005(4), Florida Administrative Code, says that "no person shall, either directly or indirectly, (a) Employ or attempt to employ any device, scheme, or artifice to de-

fraud any participant in a game or the cardroom operator [or]... (c) [e]ngage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.”

5. On May 7, 2014, Respondent admitted that he had stolen over three hundred dollars from the count room while employed at the Palm Beach Kennel Club.

6. As a result of this violation:

- a. Respondent’s license, number 10214526, issued by the division, is immediately revoked; and
- b. Respondent is hereby excluded from all pari-mutuel facilities in this state.

7. The Division’s adoption of this Consent Order constitutes acknowledgment of Respondent’s acceptance of these terms.

8. Respondent and the Division fully understand that this Consent Order will in no way preclude additional proceedings by the Division against Respondent for acts or omissions not specifically set forth herein; and this Consent Order may be considered in aggravation of any future disciplinary proceedings involving Respondent.

9. Each party has entered into the terms of this Consent Order voluntarily. Respondent is aware that he or she is entitled to the advice of counsel. Respondent has either sought the advice of counsel or, by execution of this Consent Order, expressly and knowingly waives the opportunity to seek advice of counsel. Respondent acknowledges that the Division has not made any promise nor has it in any other way encouraged Respondent to enter into this Consent Order without the advice of counsel. Respondent further acknowledges that by executing this Consent Order he or she expressly waives his or her right to an administrative hearing in this case.

10. Each party shall bear its own costs and legal fees related to this matter, and no financial claim shall be made against the Division in this action.

11. This Consent Order is subject to the approval of the Director of the Division of Pari-Mutuel Wagering (Director), and shall have no force and effect unless it is signed by both parties. Should this Consent Order be rejected, it may not be used as evidence against the Respondent in any proceeding.

12. The Respondent and the Division acknowledge and agree that this Consent Order constitutes the Final Order of the Division in this matter and that further administrative and judicial review is hereby waived by both parties.

13. Upon the Division's adoption of this Consent Order, Respondent expressly waives all further procedural steps, including judicial review, as well as the right to seek any attorney's fees and costs from the Division in connection with this proceeding.

14. This Consent Order is executed by both parties for the purpose of avoiding further administrative action with respect to this cause. Respondent authorizes the Director to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this Consent Order. Should this Consent Order not be accepted by the Director, it is agreed that presentation to and consideration of this Consent Order and investigative file materials by the Director shall not unfairly or illegally prejudice the Director from further participation, consideration, or resolution of these proceedings.

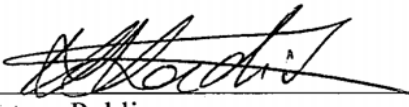
15. This Consent Order is enforceable under Section 120.69, Florida Statutes, and Chapter 550, Florida Statutes, as final agency action.

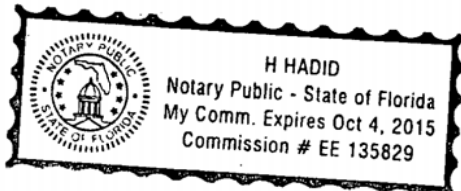
Respondent, Leonel Escalante, hereby agrees and consents to the terms and conditions of this Consent Order this 6 day of August, 2014.


LEONEL ESCALANTE
Respondent


STATE OF FLORIDA,
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 6th day of August, 2014, _____, **Leonel Escalante**, who is personally known to me or who produced the following as identification: FLDL E 245-521-93-294-0


Notary Public
My Commission Expires: Oct 4, 2015



APPROVED FOR LEGAL SUFFICIENCY this 13th day of August, 2014.



JONATHAN R. ZACHEM
Chief Attorney
Division of Pari-Mutuel Wagering
Dept of Business & Professional Regulation


ORDER

IT IS HEREBY ORDERED THAT:

The foregoing Consent Order shall constitute the agreed resolution of this matter and the Final Order of the Division in Case No.: 2014020892, once it is filed with the Agency Clerk.

DONE AND ORDERED this 13th 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

CERTIFICATE OF SERVICE

I hereby certify this 14th day of August, 2014, that a true copy of the foregoing has been furnished by U.S. mail to:

LEONEL ESCALANTE
455 JENNINGS AVE, APT B
LAKE WORTH, FLORIDA 33463

A handwritten signature in black ink that reads "Brandon M. Nichols". The signature is written in a cursive style and is positioned above a horizontal line.

Agency Clerk's Office
Department of Business and Professional Regulation