

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	3/8/2019
File #	2019-02087

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

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

Petitioner,  
v.

DBPR CASE No. 2018-026723

ALEJANDRO GALVEZ-LOPEZ,  
  
Respondent.

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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. On February 13, 2019, Alison Parker, Hearing Officer for the Department, issued the Recommended Order in this matter. That Recommended Order is attached to the Final Order and incorporated herein by reference.

FINDINGS OF FACT

The Findings of Fact contained in the Recommended Order are hereby adopted as the Findings of Fact of the Division.

CONCLUSIONS OF LAW

The Conclusions of Law contained in the Recommended Order are hereby adopted as the Conclusions of Law of the Division.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law adopted from the Recommended Order of the Department's Informal Hearing, it is hereby ORDERED that:

- 1) Respondent is **PERMANENTLY EXCLUDED** from all pari-mutuel facilities within the state of Florida as a result of his permanent exclusion from Gulfstream Park on May 15, 2018, and by virtue of violating Rule 61D-11.005(4), *Florida Administrative Code*.
- 2) This Final Order shall become effective on the date of filing with the Agency Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 5 day of March, 2019, in Tallahassee, Florida.



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**LOUIS TROMBETTA, DIRECTOR**  
Division of Pari-Mutuel Wagering  
Department of Business and Professional Regulation  
2601 Blair Stone Road  
Tallahassee, Florida 32399-1035

NOTICE OF RIGHT TO APPEAL UNLESS WAIVED

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to section 120.68, Florida Statutes. Review Proceedings are governed by Rules 9.110 and 9.190, Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Department of Business and Professional Regulation, Attn: Ronda L. Bryan, Agency Clerk, 2601 Blair Stone Road, Tallahassee, Florida 32399 (agc.filing@myfloridalicense.com) and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Florida Appellate District where the Party Resides. The Notice of Appeal must be filed within thirty (30) Days of Rendition of the Order to be reviewed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 8<sup>th</sup> day of March, 2019, that a true and correct copy of the foregoing Final Order has been provided by regular U.S. mail to:

**Alejandro Galvez-Lopez**  
2218 S.W. 68<sup>th</sup> Terrace  
Miramar, Florida 33023



\_\_\_\_\_  
Agency Clerk's Office

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	2/14/2019
File #	

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

Petitioner,

DBPR Case No. 2018-026723

v.

ALEJANDRO GALVEZ – LOPEZ,

Respondent.

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HEARING OFFICER'S RECOMMENDED ORDER

THIS MATTER came before Alison A. Parker, designated Hearing Officer for the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner" or "Division"), on January 9, 2019, in Tallahassee, Florida, in accordance with the provisions of section 120.57(2), Florida Statutes, for consideration of the Division's Administrative Complaint filed against Alejandro Galvez-Lopez ("Respondent"). Petitioner was represented by Jett Baumann, Esq. Respondent appeared *pro se* via telephone. Both sides were allowed to call witnesses, proffer items into evidence, offer testimony, and otherwise fully participate in the hearing.

PRELIMINARY STATEMENT

1. On July 9, 2018, Petitioner filed a one-count Administrative Complaint against Respondent.
2. On or around September 10, 2018, Respondent submitted an Election of Rights form and requested a formal hearing, however, Respondent failed to identify any material facts in dispute, pursuant to section 120.57(1), Florida Statutes.

3. Petitioner informed Respondent of the aforementioned deficiency and afforded Respondent the opportunity to submit an Amended Election of Rights form. On November 29, 2018, Respondent submitted an Amended Election of Rights form, but yet again failed to identify any material facts in dispute in accordance with section 120.57(1), Florida Statutes. Consequently, the underlying matter was scheduled for an informal hearing on January 9, 2019, pursuant to section 120.57(2), Florida Statutes.

4. At the informal hearing, Petitioner presented the issues raised in the Administrative Complaint and cited Respondent's failure to identify any material facts in dispute. The undersigned Hearing Officer granted the Petitioner's *Nicolitz* motion and its motion to accept the findings of fact in the Administrative Complaint as the undisputed facts in the case. Respondent then presented his case.

#### FINDINGS OF FACT

5. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to chapter 550, Florida Statutes.

6. Respondent is not currently licensed by the Division.

7. Gulfstream Park is a licensed pari-mutuel and cardroom facility in this state.

8. Respondent was a valet manager at Gulfstream Park when the material facts giving rise to the associated Administrative Complaint transpired.

9. On May 15, 2018, Respondent attempted to redeem five counterfeit poker chips totaling \$500.00 in purported value, at Gulfstream Park.

10. On May 15, 2018, Gulfstream Park, after receiving advisement from a surveillance operator and reviewing video surveillance of Respondent's actions, permanently excluded Respondent from Gulfstream Park's facilities.

11. Respondent offered testimony regarding this incident, stating that he thought the chips in question were legitimate, and if had known they were counterfeit, he would not have used them.

#### CONCLUSIONS OF LAW

12. The Division has jurisdiction over this matter pursuant to chapters 120 and 550, Florida Statutes.

13. The undersigned Hearing Officer has jurisdiction to hear this informal hearing under section 120.57(2), Florida Statutes.

14. Accordingly, Rule 61D-11.005(4), Florida Administrative Code, provides:

(4) No person shall, either directly or indirectly:

(a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator.

(b) Engage in any act, practice, or course of operation that would constitute a fraud or deceit upon any participant in a game or the cardroom operator.

(c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.

15. Respondent violated Rule 61D-11.005(4), *Florida Administrative Code*, by attempting to redeem five counterfeit poker chips totaling \$500.00 in purported value, at Gulfstream Park on May 15, 2018.

16. Section 550.0251(6), Florida Statutes, provides that the Division may exclude any person from 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" or "any person who has been ejected from a pari-mutuel facility in this state[.]"

17. Pursuant section 550.0251(6), Florida Statutes, Respondent is subject to exclusion from all pari-mutuel facilities within the state as a result of his permanent

exclusion from Gulfstream Park on May 15, 2018, and by virtue of violating Rule 61D-11.005(4), Florida Administrative Code.

18. There is competent substantial evidence to support the conclusions of law.

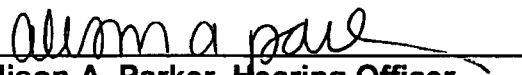
RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is:

RECOMMENDED that the Department of Business and Professional Regulation enter a Final Order:

PERMANENTLY EXCLUDING Respondent from all pari-mutuel facilities within the state as a result of his permanent exclusion from Gulfstream Park on May 15, 2018, and by virtue of violating Rule 61D-11.005(4), Florida Administrative Code.

Respectfully submitted this 13<sup>th</sup> day of February 2019.

  
Alison A. Parker, Hearing Officer  
Department of Business and  
Professional Regulation  
2601 Blair Stone Road  
Tallahassee, FL 32399-2202

CERTIFICATE OF SERVICE

I hereby certify this 14 day of February 2019 that a true copy of the foregoing has been furnished by regular U.S. mail to:

ALEJANDRO GALVEZ – LOPEZ  
2218 SW 68TH TERRACE  
MIRAMAR, FLORIDA 33023

  
AGENCY CLERK'S OFFICE

cc:

Alison A. Parker, Informal Hearing Officer  
Jett Baumann, Assistant General Counsel

**NOTICE OF RIGHT TO SUBMIT EXCEPTIONS**

**All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to the Recommended Order should be filed with the Department.**



<b>FILED</b>	
Department of Business and Professional Regulation AGENCY CLERK	
CLERK	Ronda L. Bryan
Date	7/9/2018
File #	

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

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

Petitioner,

DBPR Case No. 2018- 026723

v.

ALEJANDRO GALVEZ-LOPEZ,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner" or "Division"), files this Administrative Complaint against Alejandro Galvez-Lopez ("Respondent"), and alleges as follows:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering and cardrooms pursuant to Chapter 550 and Section 849.086, Florida Statutes.
2. Respondent is not currently licensed by the Division.
3. Gulfstream Park is a licensed pari-mutuel and cardroom facility in this state.
4. At all times pertinent to the allegations contained herein, Respondent was a patron at Gulfstream Park.
5. On or about May 15, 2018, Respondent attempted to redeem five counterfeit poker chips totaling \$500.00 in purported value, at Gulfstream Park.
6. On or about May 15, 2018, Gulfstream Park, permanently excluded Respondent from Gulfstream Park's facilities.
7. Accordingly, Rule 61D-11.005(4), *Florida Administrative Code*, provides:

- (4) No person shall, either directly or indirectly:
- (a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator.
  - (b) Engage in any act, practice, or course of operation that would constitute a fraud or deceit upon any participant in a game or the cardroom operator.
  - (c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.

8. Furthermore, Section 550.0251(6), Florida Statutes, provides that the Division may exclude any person from 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” or “any person who has been ejected from a pari-mutuel facility in this state...”

9. Based on the forgoing allegation contained within paragraphs five and six, Respondent is subject to exclusion from all pari-mutuel facilities within the state by virtue of violating Rule 61D-11.005(4), *Florida Administrative Code*, and section 550.0251(6), Florida Statutes.

*(SIGNATURE PAGE TO FOLLOW)*

WHEREFORE, Petitioner respectfully requests the Division enter an Order permanently excluding Respondent from all licensed pari-mutuel facilities in the state pursuant to Chapter 550, Florida Statutes, and the rules promulgated thereunder.

Signed on this 29th day of June, 2018.

*/s/ Jett Baumann*

**JETT BAUMANN**

*Assistant General Counsel*

*Florida Bar No. 122159*

*Jett.Baumann@MyFloridaLicense.com*

*/s/ Louis Trombetta*

**LOUIS TROMBETTA**

*Chief Attorney*

*Florida Bar No. 0108119*

*Louis.Trombetta@MyFloridaLicense.com*

Office of the General Counsel  
Division of Pari-Mutuel Wagering  
Department of Business and Professional Regulation  
2601 Blair Stone Road, Mail Stop N21  
Tallahassee, Florida 32399-2202  
Telephone: (850)-717-1585  
Facsimile: (850) 921-1311

NOTICE OF RIGHT TO REQUEST A HEARING

Please be advised that Respondent has the right to request a hearing to be conducted in accordance with sections 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoenas and *subpoenas duces tecum* issued on his or her behalf if a hearing is requested. Any request for an administrative proceeding to challenge or contest the charges contained in the administrative complaint must conform to Rule 28-106.2015, *Florida Administrative Code*. Rule 28-106.111, *Florida Administrative Code*, provides in part that if Respondent fails to request a hearing within 21 days of receipt of an agency pleading, Respondent waives the right to request a hearing on the facts alleged.