

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. 2018-053175

v.

YUNNIER LOBAINA GRAVERAN,

Respondent.

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), issues this Final Order against Yunnier Lobaina Graveran (“Respondent”) as follows:

1. An Administrative Complaint was filed in this case on March 21, 2019, alleging violations of certain provisions of Florida Statutes. A copy of the Administrative Complaint is attached hereto as Exhibit “1” and incorporated by reference.
2. On or about March 29, 2019, Petitioner served Respondent the Administrative Complaint, Explanation of Rights, Election of Rights form and a cover letter via certified mail. Proof of service is attached as Exhibit “2” and incorporated by reference.
3. The Election of Rights form, Explanation of Rights, and cover letter informed Respondent that a written response to the Administrative Complaint, including the right to request a hearing, was due within 21 days of actual service of the Administrative Complaint. See section 120.569(1), Florida Statutes, and rule 28-106.111, Florida Administrative Code.

4. On or about March 16, 2019, Respondent returned a signed Election of Rights form and selected "Option 3" which states that Respondent does not dispute the allegations of material fact in the Administrative Complaint and waives his or her right to any form of hearing. Respondent by selecting this option requests that a Final Order imposing a penalty and fine be entered in this case. A copy of the Election of rights is attached hereto as Exhibit "3".

5. Respondent has waived their right to request a hearing in which there is a disputed issue of material fact.

Having considered the Administrative Complaint, and Respondent's waiver of right to a hearing or other resolution in this matter, and being otherwise fully advised in the premises, it is hereby


ORDERED AND ADJUDGED:

6. The allegations of fact and the conclusions of law in the Administrative Complaint are adopted in their entirety herein.

7. Respondent is PERMANENTLY EXCLUDED from all pari-mutuel facilities in the state of Florida.

8. This Final Order is effective on the date it is filed with the Agency Clerk of the Department of Business and Professional Regulation as indicated on the first page of this Final Order.

DONE AND ORDERED this 24 day of April, 2019.



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

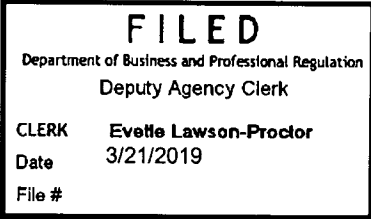
Unless expressly waived, any party adversely affected by this Final Order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within 30 days of the effective date of this order, in accordance with Florida Rule of Appellate Procedure 9.110, and section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Final Order on Waiver was provided to: Yunnier Lobaina Graveran, 1780 N.W. 167th Street, Miami Gardens, Florida 33054, by regular U.S. Mail this 29th day of April, 2019.

Brandon M. Nichols

AGENCY CLERK'S OFFICE



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. 2018-053175

v.

YUNNIER LOBAINA GRAVERAN,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Yunnier Lobaina Graveran (“Respondent”), and alleges as follows:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering and slot machine gaming pursuant to chapters 550 and 551, Florida Statutes.
2. At all times material hereto, Respondent’s address of record is 1780 N.W. 167th Street, Miami Gardens, Florida 33054.
3. At all times material hereto, Respondent was a patron of Fronton Holdings, LLC d/b/a Casino Miami Jai Alai (“Casino Miami”).
4. At all times material hereto, Casino Miami was a facility operated by a permitholder authorized to conduct pari-mutuel wagering and operate slot machines in this state under chapters 550 and 551, Florida Statutes.
5. On or about July 23, 2018, Respondent was ejected from Casino Miami.

6. Section 550.0251(6), Florida Statutes (2018), provides in relevant part:

In addition to the power to exclude certain persons from any pari-mutuel facility in the 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.

(Emphasis added)

7. Based on the forgoing, Respondent is subject to exclusion from all pari-mutuel facilities within the state based on his ejection from Casino Miami on or about July 23, 2018.

WHEREFORE, Petitioner respectfully requests the Division Director enter an Order permanently excluding Respondent from all licensed pari-mutuel facilities in the State of Florida along with any other remedy provided by chapters 550, 551, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint in Case Number 2018-053175 is signed this 19th day of March, 2019.

/s/ James A. Lewis
JAMES A. LEWIS
Assistant General Counsel
Florida Bar No. 1002349
James.Lewis@MyFloridaLicense.com

/s/ Megan S. Silver
MEGAN S. SILVER
Deputy Chief Attorney
Florida Bar No. 115518
Megan.Silver@MyFloridaLicense.com

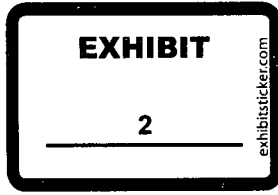
Office of the General Counsel
Division of Pari-Mutuel Wagering
Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-2202
Telephone: (850)-717-1585
Facsimile: (850) 921-1311

NOTICE OF RIGHT TO REQUEST A HEARING

Pursuant to Section 120.569 and 120.57, Florida Statutes, you have the right to request a hearing to challenge the charges contained in this Administrative Complaint. If you choose to request a hearing, you will have the right 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 your behalf.

Any request for an administrative proceeding to challenge or contest the charges contained in this Administrative Complaint must conform to Rule 28-106.2015, Florida Administrative Code. Pursuant to Rule 28-106.111, Florida Administrative Code, you must request a hearing within 21 days from receipt of this Notice, or you will waive your right to request a hearing.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>x Yunnier Lobaina</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery <i>Yunnier Lobaina 3/29/19</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Yunnier Lobaina Graveran 1780 N.W. 167th Street Miami Gardens, Florida 33054 2018-053175 PMW</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center;">7017 2620 0000 3310 8682</p>



RECEIVED
2019 APR 16 PM 2:25
DIVISION OF
PARI-MUTUEL WAGERING

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
ELECTION OF RIGHTS

APR 08 2019
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RECEIVED
2019 APR 15 3:33 PM

DBPR v. YUNNIEV LOBAINA GRAVERAN

DIVISION OF
PARI-MUTUEL WAGERING CASE NO. 2018-15333

PLEASE CHECK ONLY ONE OF THE THREE OPTIONS.

Option (1) I do not dispute the allegations of material fact in the Administrative Complaint. I wish to submit oral and written evidence in mitigation at a hearing pursuant to section 120.57(2), Florida Statutes ("informal hearing") and that this oral and written evidence be considered before any penalty and fines are imposed.

Option (2) I do dispute the allegations of material fact in the Administrative Complaint. This is a petition for a hearing involving disputed material facts pursuant to sections 120.569(2)(a) and 120.57(1), Florida Statutes, ("formal hearing") before an Administrative Law Judge of the Division of Administrative Hearings. I specifically dispute the following paragraphs in the Administrative Complaint (attach extra pages or write on the back if needed):

In addition to the above election for formal hearing, if you wish to enter into settlement negotiations, check the box below:

Section 120.569(2)(a), Florida Statutes, requires the Department to send this case to the Division of Administrative Hearings (DOAH) for a formal hearing within 15 days after receiving your Election of Rights. I am interested in settling this case and waive the 15-day requirement in order to enter into settlement negotiations with the Department.

Option (3) I do not dispute the allegations of material fact in the Administrative Complaint and waive my right to any form of hearing. I request that a Final Order imposing a penalty and fines be entered in this case.

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

Yunniev Lobaina
PRINTED NAME

ATTORNEY OR QUALIFIED REPRESENTATIVE

1780 NW 167 St
Street Address

Street Address (where service shall be made)

miami gardens FL 33054
City State Zip

City State Zip

307-220-7625
Telephone Number Facsimile Number (if any)

Telephone Number Facsimile Number (if any)

Yunniev.lobaina@yahoo.com
E-mail

E-mail


SIGNATURE

THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE DEPARTMENT WITHIN 21 DAYS AND MAILED TO:

RECEIVED
APR 15 2019
DBPR
Service of Process Unit

Office of the General Counsel
Department of Business and Professional Regulation
2601 Blair Stone Road, Tallahassee, FL 32399-2202
Telephone: (850) 488-0062 Fax: (850) 921-1311
Attention: Deborah A. [redacted] Administrative Assistant II

EXHIBIT
3
exhibitsticker.com

FORWARDED FROM
APR 08 2019
CIU

Updated 11/29/2016