

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK Brandon Nichols
Date 6/21/2019
File # 2019-05484

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.: 2018-058811

MIGUEL DOMINGUEZ,

Respondent.

_____ /

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (hereinafter "Petitioner"), issues this Final Order against Miguel Dominguez, (hereinafter "Respondent") as follows:

1. An Administrative Complaint was filed in this case on January 23, 2019 alleging that Respondent violated certain provisions of Chapter 550, Florida Statutes. A copy of the Administrative Complaint is attached hereto as Exhibit "1" and incorporated by reference.
2. The Administrative Complaint, Election of Rights form, an Explanation of Rights, and a cover letter were served on Respondent via certified mail on May 17, 2019. Proof of service is attached hereto 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. Petitioner informed Respondent that the failure to file a timely response to the Administrative Complaint shall be deemed a waiver of the right to a hearing.

5. Respondent has not filed a timely response to the Administrative Complaint. Respondent has not submitted any evidence or made any allegations that would support the application of the doctrine of equitable tolling.

Having considered the Administrative Complaint, the evidence of Petitioner's reasonable attempts to provide actual notice to Respondent, 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 shall be **PERMANENTLY EXCLUDED** from all licensed 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 19 day of June, 2019.



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of June, 2019, a true and correct copy of this Final Order on Waiver was provided to Respondent at:

Miguel Dominguez
267 Union Avenue
Saratoga Springs, New York 12866-3533

Brandon M. Nichols

AGENCY CLERK'S OFFICE

NOTICE OF RIGHT TO APPEAL

Any party to this proceeding has the right to seek its judicial review under section 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, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202 (Email: AGC.Filing@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.

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	1/23/2019
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,

v.

DBPR Case No. 2018-058811

MIGUEL DOMINGUEZ,

Respondent.

ADMINISTRATIVE COMPLAINT

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

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to chapter 550, Florida Statutes.
2. At all times material hereto, Respondent held a PMW General Individual Occupational license, number 10638511-1022, issued by the Petitioner.
3. At all times material hereto, Palm Meadows Training Center ("PMTTC") was a facility authorized to train thoroughbred horses raced at Gulf Stream Park and Calder Race Course, which are both authorized to conduct pari-mutuel wagering in the state of Florida.
4. At all times material hereto, Respondent was in an on-site dorm area at PMTTC. Within the dorm, Respondent was found by security personnel with drugs, drugs paraphernalia, and two firearms.

5. Respondent's actions were in violation of the facility's lessee agreement.

6. On or about November 11, 2018, Respondent was ejected and permanently excluded from PMTC.

7. Section 550.0251(6), Florida Statutes, 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 supplied).

8. Based on the foregoing, Respondent is subject to permanent exclusion from all licensed pari-mutuel facilities in the State of Florida based on his permanent exclusion from PMTC on November 11, 2018.

(SPACE INTENTIONALLY LEFT BLANK)

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

This administrative complaint in case number 2018-058811 is signed this 23 day of January, 2019.

/s/ Jett Baumann
JETT BAUMANN
Senior Attorney
Florida Bar No. 122159
Jett.Baumann@MyFloridaLicense.com

/s/ Louis Trombetta
LOUIS TROMBETTA
Chief Attorney
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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 RIGHTS TO REQUEST A HEARING

Pursuant to sections 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 items 1, 2, and 3.
- 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:

Miguel Dominguez
267 Union Avenue
Saratoga Springs, NY 12866-3553
2018-058811 PMW



2. Article Number (Transfer from service label)
7017 2620 0000 3310 9092

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
X Susan Bricler Addressee

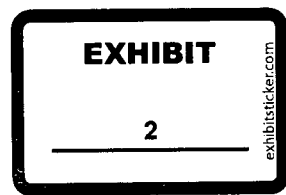
B. Received by (Printed Name) C. Date of Delivery

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

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt





FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 70172620000033109092

Remove X

Expected Delivery on

FRIDAY

17 MAY 2019 ⓘ by **8:00pm** ⓘ

Delivered

May 17, 2019 at 3:17 pm
Delivered, Left with Individual
SARATOGA SPRINGS, NY 12866

Get Updates ▾

Feedback

Text & Email Updates ▾

Tracking History ▴

May 17, 2019, 3:17 pm

Delivered, Left with Individual
SARATOGA SPRINGS, NY 12866

Your item was delivered to an individual at the address at 3:17 pm on May 17, 2019 in SARATOGA SPRINGS, NY 12866.

May 17, 2019, 9:22 am

Out for Delivery
SARATOGA SPRINGS, NY 12866

May 17, 2019, 9:12 am

Sorting Complete
SARATOGA SPRINGS, NY 12866

May 17, 2019, 8:07 am

Arrived at Unit
SARATOGA SPRINGS, NY 12866

May 16, 2019, 12:15 am

Departed USPS Regional Facility
ALBANY NY DISTRIBUTION CENTER

May 15, 2019, 2:44 pm
Arrived at USPS Regional Facility
ALBANY NY DISTRIBUTION CENTER

May 15, 2019
In Transit to Next Facility

May 14, 2019, 3:39 am
Departed USPS Regional Facility
TALLAHASSEE FL DISTRIBUTION CENTER

May 13, 2019, 11:11 pm
Arrived at USPS Regional Facility
TALLAHASSEE FL DISTRIBUTION CENTER

Product Information



See Less ^

Feedback

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FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)