

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.

Case No. 2018-063914

ROBERT PAUL RUSSO,

Respondent.

\_\_\_\_\_ /

FINAL ORDER

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

1. An Administrative Complaint was filed in this case on April 5, 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 April 11, 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. On or about April 11, 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/or fine be entered in this case. A copy of the Election of Rights is attached hereto as Exhibit "3" and incorporated by reference.

5. Respondent has waived his/her 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:

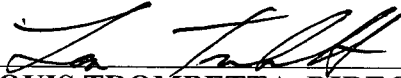
6. The allegations of fact and the conclusions of law in the Administrative Complaint are adopted in their entirety herein.

7. Respondent's Pari-Mutuel Wagering Cardroom Employee Occupational license, number 8575080-1012 is hereby **REVOKED**.

8. Respondent is hereby **PERMANENTLY EXCLUDED** from all licensed pari-mutuel facilities in the State of Florida.

9. 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 16 day of April, 2019.



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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

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](mailto: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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18<sup>th</sup> day of April, 2019, a true and correct copy of this Final Order on Waiver was provided to Respondent at:

**Robert Paul Russo**  
4105 Banyan Trails Drive  
Coconut Creek, Florida 33073

*Brandon M. Nichols*

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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,

v.

DBPR Case No. 2018-063914

ROBERT PAUL RUSSO,

Respondent.

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ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner” or “Division”), files this Administrative Complaint against Robert Paul Russo (“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, Respondent held a Pari-Mutuel Wagering Cardroom Employee Occupational License, number 8575080-1012, issued by the Division.
3. At all times material, Respondent was employed as a cardroom dealer at Isle Casino Racing Pompano Park (PPI, Inc.), a licensed pari-mutuel facility and cardroom in the state of Florida.

COUNT I

4. Petitioner hereby re-alleges and incorporates the allegations contained within paragraphs one through three, as though fully as though fully set forth herein.

5. On or about December 13, 2018, Respondent diverted a total of approximately \$28.00 worth of poker chips intended for the jackpot pool to his dealer tip box during live poker games conducted at PPI, Inc. between 6:34 P.M. and 10:26 P.M.

6. Rule 61D-11.005(4)(b), *Florida Administrative Code*, provides that “No person shall, either directly or indirectly 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.”

7. Based on the foregoing allegation, Respondent violated rule 61D-11.005(4)(b), *Florida Administrative Code*, by diverting approximately \$28.00 worth of poker chips intended for the jackpot pool to his dealer tip box while employed as a cardroom dealer at PPI, Inc. on or about December 13, 2018.

#### COUNT II

8. Petitioner hereby re-alleges and incorporates the allegations contained within paragraphs one through five, as though fully set forth herein.

9. On or about December 18, 2018, PPI, Inc. ejected and permanently excluded Respondent from PPI, Inc.’s facilities based on the foregoing allegation contained within paragraph five.

10. Section 550.0251(6), Florida Statutes, provides that Petitioner “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 “any person who has been excluded from any pari-mutuel facility...”

11. Based on Respondent’s ejection and permanent exclusion from PPI, Inc. on or about December 18, 2018, Respondent is subject to exclusion from all pari-mutuel facilities within the state by virtue of violating section 550.0251(6), Florida Statutes.

WHEREFORE, Petitioner respectfully requests the Division enter an Order against Respondent imposing one or more of the penalties specified in sections 550.105, or 849.086(14), Florida Statutes, together with any other relief the Division is authorized to impose pursuant to chapter 550, Florida Statutes, and the rules promulgated thereunder.

This Administrative Complaint in DBPR Case Number 2018-063914 is signed this 1<sup>st</sup> day of April, 2019.

/s/ Jett Baumann  
**JETT BAUMANN**  
Assistant General Counsel  
Florida Bar No. 122159  
[Jett.Baumann@MyFloridaLicense.com](mailto:Jett.Baumann@MyFloridaLicense.com)

/s/ Megan S. Silver  
**MEGAN S. SILVER**  
Deputy Chief Attorney  
Florida Bar No. 115518  
[Megan.Silver@MyFloridaLicense.com](mailto: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 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.



7017 2620 0000 3310 8811

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For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$ _____	<div style="font-size: 2em; font-weight: bold;">4/5/19</div> Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$ _____	
<input type="checkbox"/> Return Receipt (electronic) \$ _____	
<input type="checkbox"/> Certified Mail Restricted Delivery \$ _____	
<input type="checkbox"/> Adult Signature Required \$ _____	
<input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
Total Post: \$ _____	
Sent To Street and City, State,	<b>Robert Paul Russo</b> <b>4105 Banyan Trail Drive</b> <b>Coconut Creek, Florida 33073</b> <b>2018-063914 PMW</b>
PS Form 3800, April 2015 PSN 7530-02-000-0047 See Reverse for Instructions	

**EXHIBIT**  
2



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

### Track Another Package +

**Tracking Number:** 70172620000033108811

Remove X

Your item was delivered to an individual at the address at 1:01 pm on April 11, 2019 in POMPANO BEACH, FL 33073.

### **Delivered**

April 11, 2019 at 1:01 pm  
Delivered, Left with Individual  
POMPANO BEACH, FL 33073

Get Updates 

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#### Text & Email Updates

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#### Tracking History

**April 11, 2019, 1:01 pm**  
Delivered, Left with Individual  
POMPANO BEACH, FL 33073  
Your item was delivered to an individual at the address at 1:01 pm on April 11, 2019 in POMPANO BEACH, FL 33073.

**April 9, 2019, 9:32 am**  
Out for Delivery  
POMPANO BEACH, FL 33073

**April 9, 2019, 9:22 am**  
Sorting Complete  
POMPANO BEACH, FL 33073

**April 8, 2019, 10:49 am**  
Arrived at Unit  
POMPANO BEACH, FL 33073

**April 7, 2019, 4:32 pm**  
Departed USPS Regional Facility  
OPA LOCKA FL DISTRIBUTION CENTER

**April 7, 2019**  
In Transit to Next Facility

Feedback

**April 6, 2019, 7:12 pm**

Arrived at USPS Regional Facility  
OPA LOCKA FL DISTRIBUTION CENTER

**April 6, 2019, 7:57 am**

Departed USPS Regional Facility  
TALLAHASSEE FL DISTRIBUTION CENTER

**April 5, 2019, 10:49 pm**

Arrived at USPS Regional Facility  
TALLAHASSEE FL DISTRIBUTION CENTER

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STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

ELECTION OF RIGHTS

DBPR v. ROBERT PAUL RUSSO

CASE NO. 2018-063914

Received 4/11/2019 via facsimile, S. Buse

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):

[Empty lines for dispute details]

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) [x] 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.

ROBERT RUSSO
PRINTED NAME
4105 BANYAN TRAILS DR
Street Address
COCONUT CREEK FL 33073
City State Zip
954-531-7407
Telephone Number Facsimile Number (if any)
CHRIS19 PLAYER AT YAHOO! COM
E-mail
[Signature]
SIGNATURE

ATTORNEY OR QUALIFIED REPRESENTATIVE
Street Address (where service shall be made)
City State Zip
Telephone Number Facsimile Number (if any)
E-mail

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

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. Matthews, Administrative Assistant II

