

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

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	3/28/2019
File #	2019-02750

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

Petitioner,

DBPR Case No. 2018-064413

v.

MARK D. FERRARO,

Respondent.

_____ /

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), issues this Final Order against Mark D. Ferraro (“Respondent”) as follows:

1. An Administrative Complaint was filed in this case on March 1, 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 7, 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 19, 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.

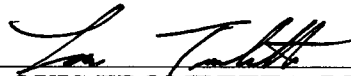
7. Respondent's PMW Cardroom Employee Occupational License, number 1442431-1012 is hereby **REVOKED**.

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.

[Signature appears on following page]

DONE AND ORDERED this 28 day of March, 2019.



LOUIS TROMBETTA, DIRECTOR

Division of Pari-Mutuel Wagering

Department of Business and

Professional Regulation

2601 Blair Stone Road

Tallahassee, Florida 32399-1035

[This space intentionally left blank]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Final Order on Waiver was provided by regular U.S. Mail this 28th day of March, 2019 to:

Mark D. Ferraro
7602 Dolonita Drive
Tampa, Florida 33615

Brandon M. Nichols

AGENCY CLERK'S OFFICE

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.

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK: **Evelle Lawson-Proctor**
Date: **3/1/2019**
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,

vs.

DBPR Case No. 2018-064413

MARK D. FERRARO,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Mark D. Ferraro (“Respondent”) and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering and cardroom operations pursuant to chapter 550 and section 849.086, Florida Statutes.
2. At all times material hereto, Respondent held a PMW Cardroom Employee Occupational license, number 1442431-1012, issued by Petitioner.
3. At all times material hereto, Respondent was employed as a poker dealer at the cardroom located at Tampa Bay Downs.
4. At all times material hereto, Tampa Bay Downs is facility operated by a permitholder authorized to conduct pari-mutuel wagering and operate a cardroom in the State of Florida.
5. On or about November 11, 2018, Respondent directly or indirectly engaged in an act, practice, or course of operation with the intent of cheating Tampa Bay Downs.

EXHIBIT
1
exhibitsticker.com

6. On or about December 21, 2018, Respondent was permanently excluded from Tampa Bay Downs.

COUNT I

7. Petitioner realleges and incorporates the allegations contained within paragraphs one through six as though fully set forth herein.

8. Rule 61D-11.005(4)(c), Florida Administrative Code (2018), prohibits an individual from directly or indirectly “[e]ngag[ing] in any act, practice, or course of operation with the intent of cheating any participant or cardroom operator.”

9. Based on the foregoing, Respondent violated rule 61D-11.005(4)(c), Florida Administrative Code, by directly or indirectly engaging in an act, practice, or course of operation with the intent of cheating Tampa Bay Downs on or about November 11, 2018.

COUNT II

10. Petitioner realleges and incorporates the allegations contained within paragraphs one through six as though fully set forth herein.

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

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).

12. Based on the foregoing, Respondent is subject to permanent exclusion from all licensed pari-mutuel facilities located in the State of Florida based on his permanent exclusion from Tampa Bay Downs on or about December 21, 2018.

WHEREFORE, Petitioner respectfully requests the Division 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 for DBPR Case No. 2018-064413 is signed this 27th day of February, 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 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(4), 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.

9598 8698
2289 6822
1000 0001
0897 1630
9707 1630

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

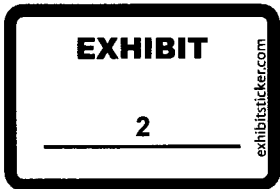
OFFICIAL USE

Certified Mail Fee	\$
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 Postage	\$
Sent To	
Street and Ap	
City, State, Zi	

3/1/19
Postmark Here

Mark D. Ferraro
7602 Dolonita Drive
Tampa, Florida 33615
2018-064413 PMW

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions





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

Track Another Package +

Tracking Number: 70181830000168228658

Remove X

Your item was delivered at 12:00 pm on March 7, 2019 in TAMPA, FL 33615.

Delivered

March 7, 2019 at 12:00 pm
Delivered
TAMPA, FL 33615

Get Updates 

Text & Email Updates

Tracking History

March 7, 2019, 12:00 pm
Delivered
TAMPA, FL 33615
Your item was delivered at 12:00 pm on March 7, 2019 in TAMPA, FL 33615.

March 4, 2019, 2:16 pm
Notice Left (No Authorized Recipient Available)
TAMPA, FL 33615

March 4, 2019
In Transit to Next Facility

March 3, 2019, 2:25 am
Arrived at USPS Facility
TAMPA, FL 33630

March 2, 2019, 4:27 am
Departed USPS Regional Facility
TALLAHASSEE FL DISTRIBUTION CENTER

March 1, 2019, 11:26 pm
Arrived at USPS Regional Facility
TALLAHASSEE FL DISTRIBUTION CENTER

Feedback

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

ELECTION OF RIGHTS

DBPR v. MARK D. FERRARO

RECEIVED
2019 MAR 19 PM 1:39 CASE NO. 2018-064413

DIVISION OF
PARI-MUTUEL WAGERING

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.

MARK FERRARO
PRINTED NAME

ATTORNEY OR QUALIFIED REPRESENTATIVE

7602 Dolowitz Dr
Street Address

Street Address (where service shall be made)

TAMPA FL 33615
City State Zip

City State Zip

585-820-7555
Telephone Number Facsimile Number (if any)

Telephone Number Facsimile Number (if any)

E-mail

E-mail

Mark Ferraro
SIGNATURE

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 St
Telephone:
Attention: Debora
Administrative Assistant II

EXHIBIT
3
exhibitsticker.com

RECEIVED
MAR 18 2019
DBPR
Service of Process Unit