

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.: 2019-033988

DAT NGUYEN,

Respondent.

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 October 24, 2019, Alison A. 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 in the State of Florida.

(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 25 day of November, 2019, in Tallahassee, Florida.



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 that a true and correct copy of the foregoing "Final Order" has been provided by U.S. mail this 26th day of November, 2019, to:

Dat Nguyen
725 Royal Palm Boulevard
Vero Beach, Florida 32960

Brandon M. Nichols

AGENCY CLERK'S OFFICE

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

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PROFESSIONAL REGULATION,
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HEARING OFFICER'S RECOMMENDED ORDER

THIS MATTER came before Alison A. Parker, Hearing Officer for the Department of Business and Professional Regulation, on October 2, 2019, in Tallahassee, Florida, in accordance with the provisions of Section 120.57(2), Florida Statutes. The Division was represented by Johnny P. ElHachem, Assistant General Counsel, while Respondent, Dat Nguyen, represented himself telephonically. Both sides were allowed to present witnesses, provide sworn testimony, proffer items into evidence, and otherwise fully participate in the hearing.

PRELIMINARY STATEMENT

1. On August 9, 2019, Petitioner filed an Administrative Complaint against Respondent, excluding him from all pari-mutuel facilities in the State of Florida, pursuant to section 550.0251(6), Florida Statutes.
2. On August 23, 2019, Respondent requested an informal hearing pursuant to section 120.57(2), Florida Statutes.
3. At the informal hearing, Petitioner presented the issue raised in its Administrative Complaint. The Hearing Officer granted Petitioner's motion to accept the findings of fact in the

Administrative Complaint as the undisputed facts in the case, and accepted the investigative file into the record.

4. Respondent appeared telephonically and explained the circumstances that led to his exclusion.

FINDINGS OF FACT

1. At all times material to this case, Respondent's address of record was reported as 725 Royal Palm Boulevard, Vero Beach, Florida 32960.

2. On or about June 11, 2019, Respondent was ejected and permanently excluded from Fronton Holdings, LLC, d/b/a Casino Fort Pierce.

3. At all times material hereto, Casino Fort Pierce was a facility operated by a permitholder authorized to conduct pari-mutuel wagering and licensed to operate cardrooms in the State of Florida.

CONCLUSIONS OF LAW

4. The undersigned Hearing Officer has the jurisdiction to hear this case pursuant to section 120.57(2), Florida Statutes.

5. The Division has jurisdiction over the subject matter and the Parties pursuant to chapters 120 and 550, Florida Statutes.

6. Pursuant to section 550.0251(6), Florida Statutes, 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."

7. Based on the foregoing, Respondent is subject to permanent exclusion from all licensed pari-mutuel facilities in the State of Florida based on his ejection from Casino Fort Pierce on or about June 11, 2019.

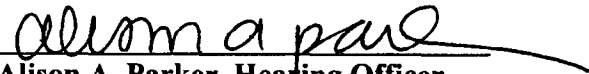
8. There is competent substantial evidence to support the conclusions of law.

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:

Excluding Respondent from all pari-mutuel facilities in the State of Florida, pursuant to section 550.0251(6), Florida Statutes.

Respectfully submitted this 24th day of October 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 on this 28 day of October 2019 that a true copy has been furnished by

U.S. mail to:

Date Nguyen
725 Royal Palm Boulevard
Vero Beach, Florida 32960


AGENCY CLERK'S OFFICE

cc:
Alison A. Parker, Informal Hearing Officer
Johnny P. ElHachem, 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.

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	8/9/2019
File #	

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_____ /

ADMINISTRATIVE COMPLAINT

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

1. Petitioner is the state agency charged with regulating pari-mutuel wagering and cardroom operations pursuant to chapters 550 and section 849.086, Florida Statutes.
2. At all times material hereto, Respondent’s address was reported as 725 Royal Palm Boulevard, Vero Beach, Florida 32960.
3. At all times material hereto, Fronton Holdings, LLC d/b/a Casino Fort Pierce was a facility operated by a permitholder authorized to conduct pari-mutuel wagering and licensed to operate cardrooms in the State of Florida.
4. On or about June 11, 2019, Respondent was ejected and permanently excluded from Casino Fort Pierce.

5. Section 550.0251(6), Florida Statutes, provides in relevant part that “[t]he 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...”

6. Based on the foregoing, Respondent is subject to permanent exclusion from all licensed pari-mutuel facilities in the State of Florida based on his/her ejection from Casino Fort Pierce on or about June 11, 2019.

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 and 849, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for DBPR Case Number 2019-033988 is signed this 6th day of August, 2019.

/s/ Johnny P. ElHachem
JOHNNY P. ELHACHEM
Senior Attorney
Florida Bar No. 1015837
Johnny.ElHachem@MyFloridaLicense.com

/s/ Megan S. Silver
MEGAN S. SILVER
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 32399-1035
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.

Mediation under section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.