

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.: 2019-038836

ROLANDO LOYOLA,

Respondent.

FINAL ORDER

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

1. An Administrative Complaint was filed in this case on August 30, 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 U.S. mail on September 3, 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

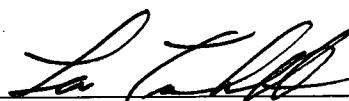
ORDERED and ADJUDGED:

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

7. Respondent is hereby **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 Order.

This Final Order in DBPR Case Number 2019-038836 is DONE and ORDERED this 8 day of October, 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 14th day of October, 2019, a true and correct copy of this Final Order on Waiver was provided to Respondent at:

Rolando Loyola
6061 S.W. 20th Street
Miami, Florida 33155

Brandon M. Nichols

AGENCY CLERK'S OFFICE
Department of Business and Professional Regulation

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 8/30/2019
File #

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

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DBPR Case No.: 2019-038836

ROLANDO LOYOLA,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner"), files this Administrative Complaint against Rolando Loyola ("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's address was reported as 6061 S.W. 20th Street, Miami, Florida 33155.
3. At all times material hereto, Miami Casino, LLC ("Casino Miami Jai-Alai") was a facility operated by a permitholder authorized to conduct pari-mutuel wagering and licensed to operate cardrooms in the State of Florida.
4. At all times pertinent to the allegations contained herein, Respondent was a patron at Casino Miami Jai-Alai.
5. On or about July 29, 2019, Respondent was ejected and permanently excluded from Casino Miami Jai-Alai.

EXHIBIT
1

6. 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).

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 Miami Jai-Alai on or about July 29, 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 chapter 550, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for DBPR Case Number 2019-038836 is signed this 28th day of August, 2019.

/s/ Jason Holman
JASON HOLMAN
Senior Attorney
Florida Bar No. 105238
Jason.Holman@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.

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:

Rolando Loyola
 6061 S.W. 20th Street
 Miami, Florida 33155
 2019-038836 PMW



9590 9402 4676 8323 2047 95

2. Article Number (Transfer from service label)

7018 1830 0001 6822 8931

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Handwritten Signature]* Agent
 Addressee

B. Received by (Printed Name) *Jose Carvajal* 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
 - Mail Restricted Delivery (300)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery



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

Track Another Package +

Tracking Number: 70181830000168228931

Remove X

Your item was delivered to an individual at the address at 4:10 pm on September 3, 2019 in MIAMI, FL 33155.

Delivered

September 3, 2019 at 4:10 pm
Delivered, Left with Individual
MIAMI, FL 33155

Get Updates

Text & Email Updates

Tracking History

Feedback

September 3, 2019, 4:10 pm

Delivered, Left with Individual
MIAMI, FL 33155

Your item was delivered to an individual at the address at 4:10 pm on September 3, 2019 in MIAMI, FL 33155.

September 3, 2019

In Transit to Next Facility

September 1, 2019, 3:59 pm

Departed USPS Regional Facility
OPA LOCKA FL DISTRIBUTION CENTER

September 1, 2019, 11:54 am

Arrived at USPS Regional Facility
OPA LOCKA FL DISTRIBUTION CENTER

August 31, 2019, 4:56 am

Departed USPS Regional Facility
TALLAHASSEE FL DISTRIBUTION CENTER

August 30, 2019, 10:30 pm

Arrived at USPS Regional Facility
TALLAHASSEE FL DISTRIBUTION CENTER