

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.: 2019-040052

TAMIEN DERRICK BAIN,

Respondent.

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), issues this Final Order against Tamien Derrick Bain (“Respondent”) and states as follows:

1. An Administrative Complaint was filed in this case on February 18, 2020, alleging that Respondent violated section 550.0251(6), and 551.112, Florida Statutes. A copy of the Administrative Complaint is attached as “Exhibit 1”.

2. The Administrative Complaint, Election of Rights form, an Explanation of Rights, and a cover letter were served on Respondent via certified mail on March 30, 2020. Proof of service is attached as “Exhibit 2.”

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.

6. 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 proof of service, and being otherwise fully advised in the premises, it is hereby


ORDERED and ADJUDGED:

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

8. Respondent is hereby PERMANENTLY EXCLUDED from all 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.

DONE and ORDERED this 22 day of June, 2020.



LOUIS TROMBETTA, DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business and
Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-1035
Telephone: (850) 488-9130

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.

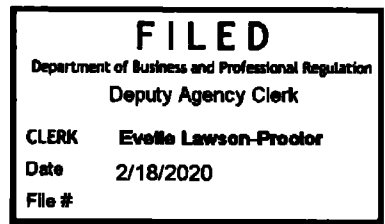
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Final Order on Waiver was furnished by U.S. Mail on 24th day of June, 2020 to:

Tamien Derrick Bain -Register No. 18191-104
c/o FDC Miami
Federal Detention Center
P.O. Box 019120
Miami, Florida 33101



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,

DBPR Case No.: 2019-040052

v.

TAMIEN DERRICK BAIN,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner"), files this Administrative Complaint against Tamien Derrick Bain ("Respondent"), and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering, slot machines, and cardroom operations pursuant to chapters 550, 551, and 849, Florida Statutes.
2. At all times material hereto, Respondent's address was reported as 3540 Geneva Avenue, Boynton Beach, Florida 33436.
3. At all times material hereto, West Flagler Associates, Ltd. ("Magic City Casino") was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the State of Florida.
4. On or about October 19, 2018, Respondent was a patron of Magic City Casino.
5. On or about March 15, 2019, Respondent was permanently excluded from Magic City Casino.



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. Section 551.112, Florida Statutes, provides:

In addition to the power to exclude certain persons from any facility of a slot machine licensee in this state, the division may exclude any person from any facility of a slot machine licensee 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 facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from any facility of a slot machine licensee or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over the gaming in such other state. This section does not abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

(Emphasis supplied).

8. Based on the foregoing, Respondent violated section 550.0251(6) and 551.112, Florida Statutes and is subject to permanent exclusion from all licensed pari-mutuel wagering facilities in the State of Florida based on his permanent exclusion from Magic City Casino on October 19, 2018.

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

This Administrative Complaint for DBPR Case Number 2019-040052 is signed this 14th day of February, 2020.

/s/ Darrell Garvey
DARRELL GARVEY
Assistant General Counsel
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Darrell.Garvey@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:

Tamien Bain, Register No. 18191-104
 c/o Miami FDC
 33 N.W. 4th Street
 Miami, Florida 33132
 2019-040052 PMW



9590 9402 5277 9154 2250 58

2. Article Number (Transfer from service label)

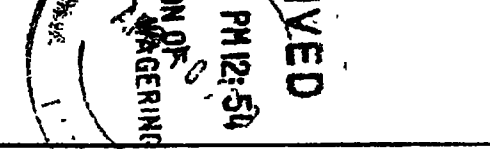
7017 2620 0000 3310 9924

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Print 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

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

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

CERTIFIED MAIL

7037 2620 0000 3310 9924

Certified Mail Fee	\$
Extra Services & Fees (check box and 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	\$

3/23/20

Postmark
Here

Postage	\$
Total Postage	\$

Tamien Bain, Register No. 18191-104
c/o Miami FDC
33 N.W. 4th Street
Miami, Florida 33132
2019-040052 PMW

Track Another Package +

Tracking Number: 70172620000033109924

[Remove X](#)

Your item was picked up at a postal facility at 7:05 am on March 30, 2020 in MIAMI, FL 33101.

Delivered

March 30, 2020 at 7:05 am
Delivered, Individual Picked Up at Postal Facility
MIAMI, FL 33101

Get Updates 

Feedback

Text & Email Updates



Tracking History



March 30, 2020, 7:05 am

Delivered, Individual Picked Up at Postal Facility
MIAMI, FL 33101

Your item was picked up at a postal facility at 7:05 am on March 30, 2020 in MIAMI, FL 33101.

March 26, 2020, 10:44 am

Delivery Attempted - No Access to Delivery Location
MIAMI, FL 33130

March 25, 2020, 4:11 pm

Departed USPS Regional Facility
OPA LOCKA FL DISTRIBUTION CENTER

March 25, 2020, 11:20 am
Arrived at USPS Regional Facility
OPA LOCKA FL DISTRIBUTION CENTER

March 24, 2020
In Transit to Next Facility

March 24, 2020, 7:37 am
Departed USPS Regional Facility
TALLAHASSEE FL DISTRIBUTION CENTER

March 23, 2020, 11:17 pm
Arrived at USPS Regional Facility
TALLAHASSEE FL DISTRIBUTION CENTER

Product Information



Feedback

See Less ^

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Go to our FAQs section to find answers to your tracking questions.

FAQs