

**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.: 2019-062286

DELFIN ALVAREZ-ALVAREZ,

Respondent.

_____ /

STIPULATION AND CONSENT ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Division”), and Delfin Alvarez-Alvarez (“Respondent”), stipulate and agree to the following terms and issuance of this Stipulation and Consent Order (“Consent Order”):

1. Respondent is not currently licensed by the Division.
2. This Stipulation and Consent Order is to be entered in resolution of the one-count Administrative Complaint filed on February 3, 2020 in DBPR Case Number 2019-062286.
3. At all times material to the allegations contained in the Administrative Complaint, Respondent was a patron at West Flagler Associates, LTD d/b/a Magic City Casino (“Magic City Casino”), a licensed pari-mutuel wagering and slot machine facility in the State of Florida.
4. The Administrative complaint alleged that on December 6, 2019 Respondent was ejected from Magic City Casino.

STIPULATION

WHEREAS the Division and Respondent (“Parties”), desire to resolve this matter, the following terms are stipulated:

5. The Division has jurisdiction over this matter and the Parties.
6. The Division is authorized by section 120.57, Florida Statutes, to resolve administrative proceedings by consent orders.
7. Each of the Parties has entered into the terms of this Consent Order voluntarily. Respondent is aware that he/she is entitled to the advice of counsel, and has either sought the advice of counsel or by execution of this Consent Order, is knowingly waiving the opportunity to seek advice of counsel. Respondent acknowledges that the Division has not made any promise, nor has it in any other way encouraged Respondent to enter into this Consent Order without the advice of counsel.
8. This Consent Order is enforceable under section 120.69, and chapter 550, Florida Statutes, as a final agency action.
9. Each of the Parties must bear its own costs and legal fees related to this matter, and no financial claims can be made against the Division in this action.
10. The Parties acknowledge and agree that this Consent Order constitute the final order in this case, and they also acknowledge and agree to waive any further administrative and judicial review.
11. The Parties understand that this Consent Order will in no way preclude additional proceedings by the Division against Respondent for acts or omissions not specifically set forth herein.
12. Respondent neither admits, nor denies committing the violation set forth in this Consent Order, but this Consent Order may be considered in aggravation of any future proceedings involving Respondent.

13. **TWO YEAR STATEWIDE EXCLUSION:** Pursuant to sections 551.112 and 550.0251(6), Florida Statutes, Respondent is hereby excluded from all licensed slot machine and pari-mutuel facilities in the State of Florida for a period of two years based on his ejection from Magic City Casino on December 6, 2019.

14. Respondent's two year exclusion from all licensed slot machine and pari-mutuel facilities in the State of Florida shall begin on the date this Consent Order is filed with the Agency Clerk's Office of the Department of Business and Professional Regulation.

15. Respondent must mail this Consent Order to: **Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, 2601 Blair Stone Road, Tallahassee, Florida 32399-1035, Attention: Patricia Broadway.**

16. The Parties acknowledge and agree that this Consent Order is subject to the approval of the Director of the Division of Pari-Mutuel Wagering or other authorized agent of the Department of Business and Professional Regulation ("Director"). This Consent Order will have no force and effect unless signed by the Parties. Should this Consent Order be rejected, no statement made in furtherance of it by Respondent may be used as direct evidence against Respondent in any proceedings.

17. Upon the Division's adoption of this Consent Order, Respondent expressly waives all further procedural steps, including all rights to seek judicial review of this Consent Order, and waives the right to seek attorneys' fees or costs from the Division in connection with these proceedings.

18. This Consent Order is executed by the Parties for the purpose of avoiding further administrative action with respect to the matters addressed hereby. In this regard, Respondent authorizes the Director to review and examine all materials concerning Respondent, prior to or in

conjunction with consideration of this Consent Order. Should the Director not accept this Consent Order, it is agreed that presentation to and consideration of this Consent Order and other documents and matters by the Director shall not unfairly or illegally prejudice the Director from further participation, consideration, or resolution of these proceedings.

19. This Consent Order may be signed in counterparts, and copies shall be treated as original.

20. Respondent authorizes the Division to correct any typographical errors or make any non-material changes to this Consent Order after it is signed.

[Signature pages to follow]

Respondent, DELFIN ALVAREZ-ALVAREZ, agrees and consents to the terms and conditions of this Stipulation and Consent Order in DBPR Case Number 2019-062286, this 15th day of June, 2020.

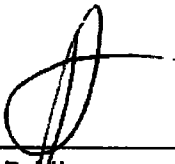


DELFIN ALVAREZ-ALVAREZ
Respondent

STATE OF Florida

COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 15th day of June, 2020, by DELFIN ALVAREZ-ALVAREZ, who is personally known to me or who produced the following as identification: A416-160-49-339-0 FL DL



Notary Public



MARIA M GUERRERO
Commission # GG 268061
Expires October 17, 2022
Bonded Thru Budget Notary Services

My commission expires:

This Stipulation and Consent Order in DBPR Case Number 2019-062286 is APPROVED
for legal sufficiency this 16th day of June _____, 2020.



MEGAN S. SILVER, CHIEF ATTORNEY
Division of Pari-Mutuel Wagering
Department of Business and Professional Regulation

ORDER

IT IS HEREBY ORDERED THAT:

The foregoing Stipulation and Consent Order shall constitute the agreed resolution of this matter and the Final Order of the Division in DBPR Case Number 2019-062286, once it is filed with the Agency Clerk.

DONE AND ORDERED this 23 day of June _____, 2020, 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

CERTIFICATE OF SERVICE

I hereby certify this 24th day of June, 2020, that a true copy of the foregoing has been furnished by U.S. mail to:

Delfin Alvarez-Alvarez
c/o Angel Ruiz, Esquire
Law Office of Angel Ruiz
7154 Southwest 47 Street, 2nd Floor
Miami, Florida 33155



AGENCY CLERK'S OFFICE
Department of Business and Professional Regulation

FILED	
Department of Business and Professional Regulation AGENCY CLERK	
CLERK	Ronda L. Bryan
Date	2/3/2020
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,

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DBPR Case No.: 2019-062286

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DELFIN ALVAREZ-ALVAREZ,

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_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Delfin Alvarez-Alvarez (“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 4471 Southwest 52nd Court, Apt. 5, Fort Lauderdale, Florida 33314.
3. At all times material hereto, West Flagler Associates, LTD d/b/a 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 December 6, 2019, Respondent was a patron of Magic City Casino.
5. On or about December 6, 2019, Respondent was ejected 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 ejection from Magic City Casino on December 6, 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 551, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for DBPR Case Number 2019-062286 is signed this 31st day of January, 2020.

/s/ Mike Gordon
MIKE GORDON
Senior Attorney
Florida Bar No. 84217
Michael.Gordon@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.