

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 2020-001619

DANIEL JAMES M'SADOQUES,

Respondent

_____ /

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner"), issues this Final Order against Daniel J M'Sadoques, ("Respondent") as follows

1 An Administrative Complaint was filed in this case on March 2, 2020, alleging that Respondent violated sections 550.109(5), 550 0251(6), and 551 112, Florida Statutes, as well as Rule 61D-11 005(4), *Florida Administrative Code* A copy of the Administrative Complaint is attached hereto 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 U S mail on September 22, 2020 Proof of service is attached hereto 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. 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:

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 pari-mutuel facilities within 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.

This Final Order in DBPR Case Number 2020-001619 is DONE and ORDERED this 4 day of November, 2020.



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 10th day of November, 2020, a true and correct copy of this Final Order on Waiver was provided to Respondent at:

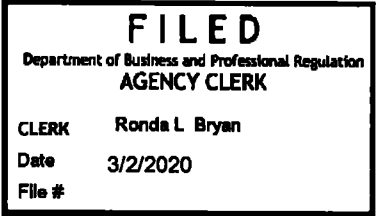
Daniel James M'Sadoques
948 NW 124th Street
Citra, FL 32113

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.



**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.: 2020-001619

v.

DANIEL JAMES M'SADOQUES,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner"), files this Administrative Complaint against Daniel James M'Sadoques ("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 held a Pari-Mutuel Wagering Cardroom Combo General License, number 11591335-1032, issued by Petitioner.
3. At all times material hereto, OBS Real Estate Holdings, LLC, d/b/a Ocala Gainesville Poker and Jai-Alai ("Ocala Poker") was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the State of Florida.
4. Between December 12 -15, 2019, Respondent knowingly and unlawfully obtained one or more, black \$100.00 poker chips belonging to Ocala Poker from a player designated safe, with the intent to deprive Ocala Poker of the chips.

5. On or about January 14, 2020, Respondent was excluded from entering Ocala Poker for any reason.

COUNT I

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

7. Rule 61D-11.005(4), *Florida Administrative Code*, provides:

No person shall, either directly or indirectly: (a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator. (b) Engage in any act, practice, or course of operation that would constitute a fraud or deceit upon any participant in a game or the cardroom operator.

8. Based on the foregoing, Respondent violated Rule 61D-11.005(4), *Florida Administrative Code*, by stealing one or more, black \$100.00 chips from a safe at Ocala Poker between December 12 -15, 2019.

COUNT II

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

10. Section 551.109(5), Florida Statutes, imposes criminal liability on an employee of a slot machine operator for theft from the slot machine operator or licensed facility, providing:

Theft of any slot machine proceeds or of property belonging to the slot machine operator or licensed facility by an employee of the operator or facility or by an employee of a person, firm, or entity that has contracted to provide services to the operator or facility constitutes a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

11. Based on the foregoing, Respondent violated section 551.109(5), Florida Statutes, by committing theft of property belonging to Ocala Poker between December 12 -15, 2019.

COUNT III

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

13. 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.

14. 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.

15. 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 and any facility of a slot machine licensee in the State of Florida for being excluded from Ocala Poker on January 14, 2020.

WHEREFORE, Petitioner respectfully requests the Division Director enter an Order permanently excluding Respondent from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee 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 2020-001619 is signed this 27th day of February, 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.

Track Another Package +

Tracking Number: 70062150000568463393

[Remove X](#)

Your item was delivered to an individual at the address at 11:33 am on September 22, 2020 in CITRA, FL 32113.

Delivered

September 22, 2020 at 11:33 am
Delivered, Left with Individual
CITRA, FL 32113

Get Updates 

Feedback

Text & Email Updates 

Tracking History 

September 22, 2020, 11:33 am

Delivered, Left with Individual
CITRA, FL 32113

Your item was delivered to an individual at the address at 11:33 am on September 22, 2020 in CITRA, FL 32113.

September 21, 2020

Redelivery Scheduled
CITRA, FL 32113



Reminder to Schedule Redelivery of your item

September 8, 2020, 2:34 pm

Available for Redelivery or Pickup

CITRA, FL 32113

September 8, 2020, 10:11 am

Notice Left (No Authorized Recipient Available)

CITRA, FL 32113

September 8, 2020, 8:53 am

Out for Delivery

CITRA, FL 32113

September 8, 2020, 8:42 am

Arrived at Unit

CITRA, FL 32113

September 7, 2020

In Transit to Next Facility

September 4, 2020, 10:00 am

Arrived at USPS Regional Facility

SEMINOLE-ORLANDO FL DISTRIBUTION CENTER

September 4, 2020, 2:39 am

Departed USPS Regional Facility

TALLAHASSEE FL DISTRIBUTION CENTER

September 3, 2020, 11:50 pm

Arrived at USPS Regional Facility

TALLAHASSEE FL DISTRIBUTION CENTER

Feedback

Product Information



U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

EBEE 9489 5005 05T2 9004
7006 2150 0005 6846 3993

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

9/3/20

Postmark
Here

Total Postage

Daniel James M' Sadoques
948 N.W. 124th Street
Citra, Florida 32113
2020-001619 PMW

Sent To
Street, Apt
or PO Box
City, State

PS Form 3800, August 2006

See Reverse for Instructions