

**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.: 2020-042742

JARIUS RADCLIFF,

Respondent.

_____ /

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (hereinafter “Petitioner”), issues this Final Order against Jarius Radcliff, (hereinafter “Respondent”) as follows:

1. An Administrative Complaint was filed in this case on October 26, 2020, alleging that Respondent violated section 550.0251(6), 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 November 2, 2020. 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 service of the Administrative Complaints with Election of Rights forms, Explanation of Rights, and cover letters on Respondent along with Respondent's failure to respond, and being otherwise fully advised in the premises, it is hereby

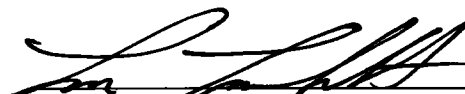
ORDERED and ADJUDGED:

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, as indicated on the first page of this Order.

This Final Order in DBPR Case Number 2020-042742 is DONE and ORDERED this 8 day of December, 2020.



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

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

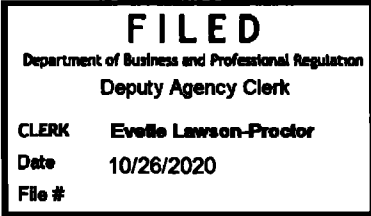
I HEREBY CERTIFY that on this 11th day of December, 2020, a true and correct copy of this Final Order on Waiver was provided to Respondent at:

Jarius Radcliff
439 North Martin Luther King Jr. Boulevard
Daytona Beach, Florida 32114

Brandon M. Nichols

AGENCY CLERK'S OFFICE
Department of Business and Professional Regulation

CC: Linda Turnage



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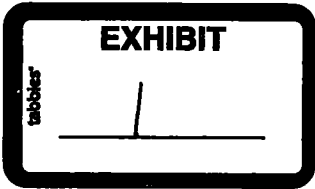
Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

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

1. Petitioner is the state agency charged with regulating pari-mutuel wagering, slot machines, and cardroom operations pursuant to chapters 550 and 551, Florida Statutes.
2. At all times material hereto, Respondent’s address was reported as 439 N. Martin Luther King Jr. Boulevard, Daytona Beach, Florida 32114.
3. At all times material hereto, Daytona Beach Kennel Club, Inc., d/b/a Daytona Beach Racing and Card Club and/or Daytona Beach Kennel Club and Poker Room (“Daytona Beach Kennel Club”) is a facility operated by a permit holder authorized to conduct pari-mutuel wagering and cardroom operations in the State of Florida.
4. At all times material hereto, West Volusia Racing, Inc., d/b/a Orange City Racing and Card Club (“West Volusia Racing”) is a facility operated by a permit holder authorized to



conduct pari-mutuel wagering, greyhound racing, and cardroom operations in the State of Florida.

5. On or about August 21, 2020, Respondent was ejected and excluded from Daytona Beach Kennel Club.

6. On or about August 21, 2020, Respondent was ejected and excluded from West Volusia Racing.

7. 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).

COUNT I

8. Petitioner re-alleges and incorporates the allegations contained within paragraphs one through seven as though fully set forth herein.

9. Based on the foregoing, Respondent was ejected and excluded from Daytona Beach Kennel Club on or about August 21, 2020 and is subject to permanent exclusion from all licensed pari-mutuel wagering facilities in the State of Florida.

COUNT II

10. Petitioner re-alleges and incorporates the allegations contained within paragraphs one through seven as though fully set forth herein.

11. Based on the foregoing, Respondent was ejected and excluded from West Volusia Racing on or about August 21, 2020 and is subject to permanent exclusion from all licensed pari-mutuel wagering facilities in the State of Florida.

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 2020-042742 is signed this 21st day of October, 2020.

/s/ Justin R. Ravelo

JUSTIN R. RAVELO

Senior Attorney

FBN: 1022417

Department of Business and Professional Regulation

Office of the General Counsel

Division of Pari-Mutuel Wagering

2601 Blair Stone Road

Tallahassee, Florida 32399-1035

Telephone: (850) 717-1128

Facsimile: (850) 921-1311

Primary: Justin.Ravelo@MyFloridaLicense.com

Secondary: Linda.Turnage@MyFloridaLicense.com

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. Also complete item 4 if Restricted Delivery is desired.
- 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
Jarvis Radcliff
439 N. Martin Luther
King Jr Blvd.
Daytona Beach, FL 32114

2 Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Radcliff Addressee

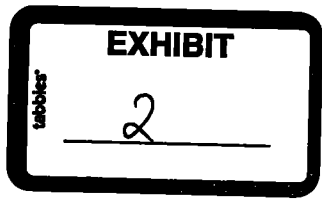
B. Received by (Printed Name) C. Date of Delivery
Radcliff

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below No

3 Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4 Restricted Delivery? (Extra Fee) Yes

7019 2970 0000 6112 9666



Track Another Package +

Tracking Number: 70192970000061129666

[Remove X](#)

Your item was delivered to the front desk, reception area, or mail room at 9:48 am on November 2, 2020 in DAYTONA BEACH, FL 32114.

Delivered

November 2, 2020 at 9:48 am
Delivered, Front Desk/Reception/Mail Room
DAYTONA BEACH, FL 32114

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