

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.: 2022-001984

v.

MICHAEL CHRISTOPHER BODIKER,

Respondent.

_____ /

FINAL ORDER

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

1. An Administrative Complaint was filed in this case on February 14, 2022, 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 February 17, 2022. 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 Complaint with Election of Rights form, Explanation of Rights, and cover letter 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 2022-001984 is DONE and ORDERED this 22 day of March, 2022.



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 24th day of March, 2022, a true and correct copy of this Final Order has been sent via U.S. Mail to:

Michael Christopher Bodiker
4087 Vana Drive
Sarasota, Florida 34241

Brandon M. Nichols

AGENCY CLERK'S OFFICE
Department of Business and Professional Regulation

CC: Ebonie Lanier

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK **Evelle Lawson-Proctor**
Date **2/14/2022**
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,

Petitioner,

DBPR Case No.: 2022-001984

v.

MICHAEL CHRISTOPHER BODIKER,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner"), files this Administrative Complaint against Michael Christopher Bodiker ("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 4087 Vana Drive, Sarasota, Florida 34241.
3. At all times material hereto, Sarasota Kennel Club, Inc. was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, and cardroom operations in the State of Florida.
4. On or about 12/17/2021, Respondent was a patron of Sarasota Kennel Club, Inc.
5. On or about December 17, 2021, Respondent stole five hundred seventy four dollars (\$574) worth of chips from another patron.



6. On or about January 14, 2022, Respondent was permanently excluded from Sarasota Kennel Club, Inc.

COUNT I

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

8. Rule 61D-11.005(4), Florida Administrative Code, provides in pertinent part, that “[n]o person shall, either directly or indirectly... (b) [e]ngage 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.”

9. Based on the foregoing, Respondent violated Rule 61D-11.005(4), Florida Administrative Code, by engaging in an act, practice, or course of operation that would constitute deceit upon a cardroom operator.

COUNT II

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

10. 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).

11. Based on the foregoing, Respondent violated Section 550.0251(6), Florida Statutes, and Rule 61D-11.005(4), Florida Administrative Code, and is subject to exclusion from all licensed pari-mutuel wagering facilities in the State of Florida based on his exclusion and ejection from Sarasota Kennel Club, Inc. on or about January 14, 2022.

WHEREFORE, Petitioner respectfully requests the Division Director enter an Order excluding Respondent from all licensed pari-mutuel wagering 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 2022-001984 is signed this 10th day of February 2022.

/s/ Eric Saccomanno

Eric Saccomanno
Assistant General Counsel
FBN: 1032559
Department of Business and Professional Regulation
Office of the General Counsel
Division of Pari-Mutuel Wagering
2601 Blair Stone Road
Tallahassee, Florida 32399-2202
Telephone: (850) 717-1786
Facsimile: (850) 921-1311
Primary: Eric.Saccomanno@MyFloridaLicense.com
Secondary: Ebonie.Lanier@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.

Track Another Package +

Tracking Number: 70192970000061145048

Remove X

Your item was delivered to an individual at the address at 11:00 am on February 17, 2022 in SARASOTA, FL 34241.

USPS Tracking Plus® Available ✓

✓ **Delivered, Left with Individual**

February 17, 2022 at 11:00 am
SARASOTA, FL 34241

Feedback

Get Updates ✓

Text & Email Updates



Tracking History



USPS Tracking Plus®



Product Information



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2-14-22

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Michael C. Bodiker
4087 Vana Drive
Sarasota, Florida 34241
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