

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
DIVISION OF PARI-MUTUEL WAGERING

<b>FILED</b>	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	7/27/2017
File #	2017-05855

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,  
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,  
v.

DBPR CASE NO. 2016-028426

OCTAVIO ABRAHAM NAVEDO  
Respondent.

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division"), hereby enters this Final Order for the above styled matter. On July 6, 2017, Alison Parker, Hearing Officer for the Department, issued the Recommended Order in this matter. That Recommended Order is attached to the Final Order and incorporated herein by reference.

FINDINGS OF FACT

The Findings of Fact contained in the Recommended Order are hereby adopted as the Findings of Fact of the Division.

CONCLUSIONS OF LAW

The Conclusions of Law contained in the Recommended Order are hereby adopted as the Conclusions of Law of the Division.

ORDER


Based upon the foregoing Findings of Fact and Conclusions of Law adopted from the Recommended Order of the Department's Informal Hearing, it is hereby ORDERED that:

(1) Respondent is hereby EXCLUDED from all licensed pari-mutuel facilities in the State of Florida.

(2) This Final Order shall become effective on the date of filing with the Agency Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 24 day of July, 2017, in Tallahassee, Florida.

JONATHAN ZACHEM, Secretary  
Department of Business and  
Professional Regulation

  
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ANTHONY J. GLOVER, 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 a true and correct copy of the foregoing "Final Order" has been provided by regular U.S. mail to Octavio Abraham Navedo on this 27<sup>th</sup> day of July, 2017, at the following addresses:

8948 N.W. 53<sup>rd</sup> Street  
Sunrise, Florida 33351

8020 N. Nobb Hill Drive, Apt. 206  
Tamarac, Florida 33021

104 S.E. Second Avenue  
Dania, Florida 33004

  
\_\_\_\_\_  
Agency Clerk's Office

NOTICE OF RIGHT TO APPEAL UNLESS WAIVED

A party who is adversely affected by this Final Oder is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review Proceedings are governed by Rules 9.110 and 9.190, Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Department of Business and Professional Regulation, Attn: Ronda L. Bryan, Agency Clerk, 2601 Blair Stone Road, Tallahassee, Florida 32399 (agc.filing@myfloridalicense.com) and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Florida Appellate District where the Party Resides. The Notice of Appeal must be filed within thirty (30) Days of Rendition of the Order to be reviewed.

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
DIVISION OF PARI-MUTUEL WAGERING

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	<b>Evette Lawson-Proctor</b>
Date	<b>7/7/2017</b>
File #	

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,  
DIVISION OF PARI-MUTUEL WAGERING

Petitioner,

DBPR CASE NO. 2016-028426

v.

OCTAVIO ABRAHAM NAVEDO,

Respondent.

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**HEARING OFFICER'S RECOMMENDED ORDER**

THIS MATTER came before Alison Parker, designated Hearing Officer for the Department of Business and Professional Regulation, on June 7, 2017, in Tallahassee, Florida, in accordance with the provisions of section 120.57(2), Florida Statutes, for consideration of the Division's Administrative Complaint issued against Octavio Abraham Navedo ("Respondent"), in the above-style case. The Division of Pari-Mutuel Wagering ("Petitioner" or "Division") was represented by Joseph Yauger Whealdon, III, Assistant General Counsel. Respondent appeared pro se via telephone.

**PRELIMINARY STATEMENT**

1. On March 21, 2017, Petitioner filed a two-count Administrative Complaint against the Respondent seeking to exclude Respondent from all pari-mutuel facilities in this state pursuant to Section 550.0251(6), Florida Statutes (2016).

2. On or about March 28, 2017, Petitioner returned an Election of Rights form and requested a formal hearing in accordance with Section 120.57(1), Florida Statutes (2016).

3. On or about May 2, 2017, the case was referred to the Division of Administrative Hearings.

4. On or about May 11, 2017, the case was relinquished from DOAH to the Department, the first count of the Administrative Complaint was dismissed, and the case was scheduled for an informal hearing in accordance with Section 120.57(2), Fla. Statutes (2016).

5. On June 7, 2017, an informal hearing was held. Respondent *pro se* appeared via telephone.

#### **FINDINGS OF FACT**

6. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes, and cardrooms pursuant to Section 849.086, Florida Statutes.

7. Melbourne Greyhound Park is a licensed pari-mutuel and cardroom facility in this state.

8. On or about June 16, 2016, Respondent was ejected from the premises of Melbourne Greyhound Park.

#### **CONCLUSIONS OF LAW**

9. The Division has jurisdiction over this matter pursuant to Chapters 120 and 550, Florida Statutes.

10. Section 551.0251(6), Florida Statutes (2016), provides in relevant part:

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 government department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state.

11. Pursuant to Section 550.0251(6), Florida Statutes, Respondent is subject to being excluded from all pari-mutuel facilities in this state by virtue of his ejection from Melbourne Greyhound Park on June 16, 2016.

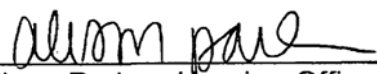
12. There is competent substantial evidence to support the conclusions of law.

#### RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Department of Business and Professional Regulation, enter a Final Order:

EXCLUDING Respondent from all licensed pari-mutuel facilities in the State of Florida.

Respectfully submitted this 6<sup>th</sup> day of July, 2017.

  
Alison Parker, Hearing Officer  
Office of the General Counsel  
Department of Business and  
Professional Regulation  
2601 Blair Stone Road  
Tallahassee, FL 32399-2202

**CERTIFICATE OF SERVICE**

I hereby certify this 7 day of July, 2017, that a true copy of the foregoing has been served by Certified U.S. mail upon:

**Octavio Abraham Navedo**  
104 Southeast Second Avenue  
Dania, FL 33004

**Octavio Abraham Navedo**  
8020 N. Nob Hill Drive, Apt. 206  
Tamarac, FL 33021

**Octavio Abraham Navedo**  
8948 N.W. 53rd Street  
Sunrise, FL 33351

  
AGENCY CLERK'S OFFICE

Cc:  
Alison Parker, Informal Hearing Officer  
Yauger Whealdon, III, Assistant General Counsel

**NOTICE OF RIGHT TO SUBMIT EXCEPTIONS**

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to the Recommended Order should be filed with the Department.

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

<b>FILED</b>	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	<b>Evette Lawson-Proctor</b>
Date	<b>3/21/2017</b>
File #	

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,  
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

DBPR CASE NO. 2016-028426

v.

OCTAVIO ABRAHAM NAVEDO,

Respondent.

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ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner" or "Division"), hereby files this Administrative Complaint against OCTAVIO ABRAHAM NAVEDO ("Respondent"), and alleges as follows:

1. The Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes and cardroom operations pursuant to Section 849.086, Florida Statutes.
2. At all times material hereto, Respondent held a pari-mutuel wagering cardroom employee occupational license, number 6847393-1012 issued by the Petitioner.
3. At all times material hereto, Respondent worked as a poker dealer in the cardroom at the Melbourne Greyhound Park.
4. Melbourne Greyhound Park is a facility operated by a permitholder authorized to conduct pari-mutuel wagering and cardroom gambling in this state under Chapters 550 and 849, Florida Statutes.



### Count I

5. Petitioner hereby re-alleges and incorporates the allegations contained within paragraphs one through four, as though fully set forth herein.

6. On or about May 14, 2016, through May 15, 2016, Respondent stole chips from his well and concealed the stolen chips in his tip box.

7. Rule 61D-11.005(4)(b), Florida Administrative Code (2015), provides that “[n]o person shall, either directly or indirectly: [e]ngage in any act [or] practice...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)(b), Florida Administrative Code (2015), by engaging in a practice that would constitute a fraud or deceit upon any participant in a game, or the cardroom operator.

### Count II

9. Petitioner hereby re-alleges and incorporates the allegations contained within paragraphs one through four, as though fully set forth herein.

10. On or about June 16, 2016, Respondent was given a lifetime ejection from Melbourne Greyhound Park.

11. Section 550.0251(6), Florida Statutes (2015), provides in relevant part, “[t]he 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...”

12. Based on the foregoing, Respondent is subject to exclusion by the Division because he was ejected from a pari-mutuel facility in Florida.

WHEREFORE, Petitioner respectfully requests the Division enter an Order against the Respondent imposing one or more of the penalties as permissible under Chapters 550 and 849

Florida Statutes, and the rules promulgated thereunder and permanently excluding the Respondent from all licensed pari-mutuel facilities in the State of Florida.

Signed on this 20<sup>th</sup> day of March, 2017.

MATILDE MILLER, Interim Secretary  
Department of Business and  
Professional Regulation

/s/ William Hall

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William D. Hall  
Chief Attorney  
Florida Bar No. 67936  
Office of the General Counsel  
Division of Pari-Mutuel Wagering  
Department of Business and  
Professional Regulation  
2601 Blair Stone Road, 5th Floor  
Tallahassee, Florida 32399-2202

WDH/sm

#### NOTICE OF RIGHTS

Please be advised that within twenty-one (21) days of your receipt of this administrative complaint you have the right to request an administrative hearing. Any such hearing would be conducted in accordance with the provisions of Sections 120.569 and 120.57, Florida Statutes, and you would have the right to be represented by counsel or other qualified representative, to call and examine witnesses, and to have subpoenas issued on your behalf. However, if you do not file (i.e., we do not receive) your request for hearing within the twenty-one (21) days, you will have waived your right to any hearing.

Please also be advised that mediation is not available in this matter.