

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	3/28/2019
File #	2019-02759

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.

Case No.: 2018-045570

ALFREDO LUSTRE,

Respondent.

_____ /

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner” or “Division”), hereby enters this Final Order against Alfredo Lustre (“Respondent”), and states as follows:

1. An Administrative Complaint was filed in this case on September 17, 2018, alleging that Respondent is subject to discipline under the provisions of section 550.0251(6), Florida Statutes (“Administrative Complaint”). A true and correct copy of the Administrative Complaint is attached hereto as Exhibit “1” and incorporated by reference.

2. Service of the Administrative Complaint was attempted via certified mail on Respondent. Proof of attempted service via certified mail is attached hereto as Exhibit “2” and incorporated by reference.

3. Notice of this matter was served upon Respondent on February 8, 2019, February 15, 2019, February 22, 2019 and March 1, 2019, via publication in the *Miami Daily Business Review*, a publication in general circulation within Miami-Dade County, Florida (“Notice of

Action”). A true and correct copy of the Notice of Action is attached hereto as Exhibit “3” and incorporated by reference.

4. The Notice of Action Election informed Respondent that Petitioner filed an Administrative Complaint against him and provided instructions on how to receive a copy of the Administrative Complaint and that contact would be required to dispute the allegations within the Administrative Complaint. See § 120.569(1), Fla. Stat. and Fla. Admin. Code R. 28-106.111.

5. In addition, the Notice of Action informed Respondent that the failure to timely file a response to the Administrative Complaint would be deemed a waiver of right to a hearing or resolution in this matter.

6. To date, Respondent has not submitted an Election of Rights form or otherwise provided a response to the Administrative Complaint filed and served in this action.

Upon consideration of the facts and conclusions of law delineated in the Administrative Complaint, it is ORDERED:

7. The allegations of fact set forth in the Administrative Complaint are approved, adopted and incorporated herein by reference as findings of fact by the Division.

8. The conclusions of law alleged and set forth in the Administrative Complaint are approved, adopted, and incorporated herein by references as the conclusions of law by the Division.

9. There is competent substantial evidence to support the findings of fact and conclusions of law by the Division.

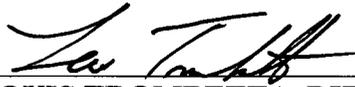
(SIGNATURE PAGE TO FOLLOW)

WHEREFORE, it is hereby ORDERED and ADJUDGED:

10. Respondent is hereby **PERMANENTLY EXCLUDED** from all licensed pari-mutuel facilities located within the state of Florida.

11. This Final Order shall become effective upon its date of filing with the Agency Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 26 day of March, 2019.



LOUIS TROMBETTA, DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-1035
(850) 717-1768

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing "Final Order" has been sent by regular United States Mail on this 28th day of March, 2019 to:

Alfredo Lustre
4001 N.W. 5th Street
Miami, Florida 33126

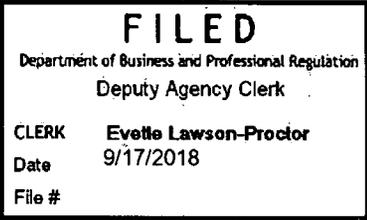
Brandon M. Nichols

AGENCY CLERK'S OFFICE
Department of Business and Professional Regulation

cc:
Deborah Matthews, AAIL OGC/PMW
Glenda Ricks, Chief of Operations/PMW

NOTICE OF RIGHT TO APPEAL

Unless expressly waived, any party substantially affected by this Final Order may seek judicial review by filing an original Notice of Appeal with the Agency Clerk of the Department of Business and Professional Regulation at 2601 Blair Stone Road, Tallahassee, Florida 32399, (AGC.Filing@myfloridalicense.com), and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within thirty days rendition of this Order, in accordance with Fla. App. P. 9.110, and section 120.68, Florida Statutes.



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. 2018-045570

ALFREDO LUSTRE,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Petitioner") files this Administrative Complaint against Alfredo Lustre ("Respondent") and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes.
2. Respondent's address of record is 4001 N.W. 5th Street, Miami, Florida 33126.
3. Hialeah Park d/b/a Casino Miami is a licensed pari-mutuel facility and cardroom in the State of Florida.
4. On or about July 6, 2017, Respondent was issued a trespass warning and permanent exclusion from its facility by Casino Miami.
5. Section 550.0251(6), Florida States, provides in relevant part that "[i]n 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.”

WHEREFORE, Petitioner respectfully requests the Division enter an Order permanently excluding Respondent from all licensed pari-mutuel facilities in the state of Florida.

Signed this 11th day of September, 2018.

/s/ Charles Dewrell

CHARLES DEWRELL

Deputy Chief Attorney

Florida Bar No. 0102579

Charles.Dewrell@MyFloridaLicense.com

/s/ Louis Trombetta

LOUIS TROMBETTA

Chief Attorney

Florida Bar No. 0108119

Louis.Trombetta@MyFloridaLicense.com

Office of the General Counsel
Division of Pari-Mutuel Wagering
Department of Business and Professional Regulation
2601 Blair Stone Road, Mail Stop N21
Tallahassee, Florida 32399-2202
Telephone: (850)-717-1585
Facsimile: (850) 921-1311

NOTICE OF RIGHTS TO REQUEST A HEARING

Pursuant to Section 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.

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Postage	\$
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Restricted Delivery Fee (Endorsement Required)	

9/18/18
Postmark
Here

Total Postage

Alfredo Lustre
4001 N.W. 5th Street
Miami, Florida 33126
2018-045570/4th Floor/PMW

Sent To
Street, Apt. No.
or PO Box No.
City, State, ZIP

PS Form 3800, August 2009 See Reverse for Instructions

7006 2150 0005 6441 8423

EXHIBIT
2

ALERT: DUE TO THE FLOODING FROM HURRICANE FLORENCE, MANY POST OFFICES IN TH...



FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Tracking Number: 70062150000568418423

Remove X

Your item was returned to the sender on September 22, 2018 at 5:50 pm in MIAMI, FL 33126 because it could not be delivered as addressed.

Alert

September 22, 2018 at 5:50 pm
Return to Sender
MIAMI, FL 33126

Get Updates v

Feedback

Text & Email Updates



Tracking History



September 22, 2018, 5:50 pm

Return to Sender
MIAMI, FL 33126

Your item was returned to the sender on September 22, 2018 at 5:50 pm in MIAMI, FL 33126 because it could not be delivered as addressed.

September 22, 2018, 2:39 pm

Refused
MIAMI, FL 33126

September 22, 2018

In Transit to Next Facility

September 20, 2018, 4:52 pm

Departed USPS Regional Facility
OPA LOCKA FL DISTRIBUTION CENTER

September 20, 2018, 8:25 am

Arrived at USPS Regional Facility
OPA LOCKA FL DISTRIBUTION CENTER

September 18, 2018, 11:05 pm

Departed USPS Regional Facility
TALLAHASSEE FL DISTRIBUTION CENTER

September 18, 2018, 10:28 pm

Arrived at USPS Regional Facility
TALLAHASSEE FL DISTRIBUTION CENTER

Product Information



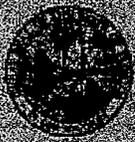
Feedback

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<http://faq.usps.com/?articleId=220900>)



STATE OF FLORIDA
 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 2011 Blair Canyon Road
 Tallahassee, Florida 32308
 www.fwp.com/floridabusiness.com

CERTIFIED MAIL



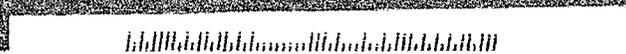
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Handwritten signature and scribbles

-R-T-S- 33126-RFS-1N 09/23/18
 RETURN TO SENDER
 REFUSED
 UNABLE TO FORWARD
 RETURN TO SENDER

RFS



7006 2150 0005 6841 6856

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

11/15/18

Postmark
Here

Sent To

Street, Apt. No.,
or PO Box No. Alfredo Lustre

City, State, ZIP+4 2018-045570

D. Matthews
2601 Blair Stone Rd.
Tallahassee, FL 32399

CERTIFIED MAIL™



7006 2150 0005 6841 6856



U.S. POSTAGE PITNEY BOWES
ZIP 32399 \$ 006.88⁰
02 4W
000034195618CV 15 2018

Alfredo Lustre
4001 NW 5th Street
Miami, FL 33126

ANK
11/19

NIXIE 332 CE 1 2201/08/19

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

SN: 93320100026127

UNC BC: 32399

*0938-00559-15-38

3312695605 C056

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 70062150000568416856

Remove X

Your item was returned to the sender on November 19, 2018 at 4:57 pm in MIAMI, FL 33126 because the addressee was not known at the delivery address noted on the package.

Alert

November 19, 2018 at 4:57 pm
Addressee Unknown
MIAMI, FL 33126

Feedback

Text & Email Updates



Select what types of updates you'd like to receive and how. Send me a notification for:

Text

Email

All Below Updates

Expected Delivery Updates ⓘ

Day of Delivery Updates ⓘ

Package Delivered ⓘ

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

2018-045570
NOTICE OF ACTION
BEFORE THE DIVISION OF PARI-MUTUEL WAGERING - IN RE:
THE PERMANENT EXCLUSION FROM ALL FLORIDA LICENSED
PARI-MUTUEL FACILITIES. - ALFREDO LUSTRE

in the XXXX Court,
was published in said newspaper in the issues of

02/08/2019 02/15/2019 02/22/2019 03/01/2019

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

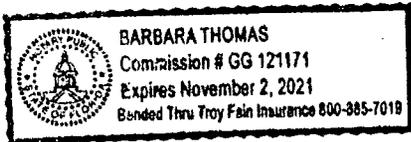
Guillermo Garcia

Sworn to and subscribed before me this
1 day of MARCH, A.D. 2018

Barbara Thomas

(SEAL)

GUILLERMO GARCIA personally known to me



**NOTICE OF ACTION
BEFORE THE DIVISION OF
PARI-MUTUEL WAGERING**
IN RE: The permanent exclusion from all
Florida licensed Pari-Mutuel facilities.
ALFREDO LUSTRE
4001 N.W. 5th Street
Miami, Florida 33126
CASE NO.: 2018-045570
LICENSE NO.: Unlicensed
The Department of Business and
Professional Regulation has filed an
Administrative Complaint against you,
a copy of which may be obtained by
contacting Deborah A. Matthews,
Administrative Assistant II, Department
of Business and Professional Regulation,
Division of Pari-Mutuel Wagering, 2801
Blair Stone Road, Tallahassee, Florida
32399-2202; (850) 717-1565.
If no contact has been made by you
concerning the above by March 8,
2019, the matter of the Administrative
Complaint will be presented to the Di-
rector of the Division of Pari-Mutuel
Wagering for final agency action.
In accordance with the Americans
with Disabilities Act, persons needing a
special accommodation to participate
in this proceeding should contact
the individual or agency sending notice
not later than seven days prior to
the proceeding at the address given
on notice. Telephone: (850) 257-6097,
(1-800-955-8771 (TDD)) or 1-800-955-8770
(V) via Florida Relay Service, 24
hours a day, 7 days a week, at (850)
218-1522 (3/1) 18-02/0000375693M