

1-4-01

Legal

AT

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

FILED
APR - 3 PM 2-01

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

Final Order No. BPR-2001-01307 / Date: 4-3-01
Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

Petitioner,

By: Brandon M. Nichols

v.

DOAH Case No. 00-3816PL
DBPR Case No. 00070549

CELESTINA M. GANGEMI,

Respondent.

FINAL ORDER

The State of Florida, Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (Division) hereby enters this Final Order for the above styled matter. On January 4, 2001, the Division received a Recommended Order from the Honorable Susan B. Kirkland, Administrative Law Judge of the Division of Administrative Hearings. The Recommended Order is attached to this Final Order and incorporated by reference herein.

This Final Order is being executed by the Secretary of the Department of Business and Professional Regulation because Dr. Paul F. Kirsch, Director of the Division of Pari-Mutuel Wagering testified at the formal hearing which was consolidated with the rule challenge styled Daniel G. Hennessey, Fred G. Warren and Celestina M. Gangemi vs. Division, DOAH Case Nos. 99-5254RX, 00-2821RX and 00-3809RX.

FINDINGS OF FACT

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

CONCLUSIONS OF LAW

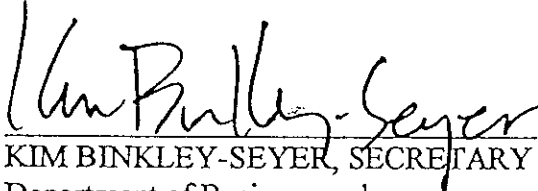
The Conclusions of Law contained in the Recommended Order are hereby adopted by the Division.

ORDER

The Division hereby adopts the penalty and return of the purse contained in the Recommended Order. Therefore, it is Ordered:

1. Respondent shall pay an administrative fine in the amount of \$100.
2. Respondent's Pari-Mutuel Occupational License, License Number 0257328-1081, is hereby Suspended for a period of ten (10) days. The suspension shall be effective thirty (30) days following the filing of this Final Order with the agency clerk.
3. Any purse received as a result of the third place finish by the thoroughbred horse Quanchontaug in the ninth race on July 11, 2000, at Calder Race Course, Inc. shall be returned.

DONE AND ORDERED this 30 day of March, 2001, in Tallahassee,
Leon County, Florida.

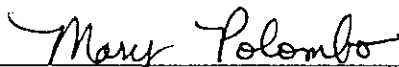

KIM BINKLEY-SEYER, SECRETARY
Department of Business and
Professional Regulation
Northwood Centre
1940 North Monroe Street
Tallahassee, Florida 32399-0750

NOTICE OF RIGHT TO APPEAL UNLESS WAIVED

Unless expressly waived, any party substantially affected by this final order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, 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 (30) days rendition of this order, in accordance with Rule 9.110, Fla. R. App. P., and section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I hereby certify that this Notice has been provided by facsimile transmission to Cynthia S. Tunnicliff and Martha J Edenfield, Attorneys for Respondent, by U.S. Certified Mail at Post Office Box 10095, Tallahassee, Florida 32302-2095 and David S. Romanik, Attorney for Respondent, by U.S. Certified Mail to Post Office Box 310, Hallandale, Florida 33008-0310 this 3rd day of April ~~March~~, 2001.


Mary Polombo, Division Clerk

Copies furnished to:

Bureau of Operations
Licensing Section
Bureau of Investigations
Joseph M. Helton, Jr., Assistant General Counsel

General Manager, Calder
Chief Inspector, Calder
Stewards, Calder
Director of Security, Calder

Racing Form, Calder