

9-30-04

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

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

Final Order No. BPR-2004-04877 Date: 11-3-04  
FILED  
Department of Business and Professional Regulation  
AGENCY CLERK  
Sarah Wachman, Agency Clerk

Petitioner,

By: Brandon M. Nichols

AT

vs.

DBPR Case No.: 2003-004303  
DOAH Case No.: 03-1459 *mmp*  
*CLOS*

HIALEAH RACING ASSOCIATION, LLC

Respondent.

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**FINAL ORDER**

THIS CAUSE came before the DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION'S DIVISION OF PARI-MUTUEL WAGERING (hereinafter referred to as the "Division") pursuant to Sections 120.569 and 120.57(1), Florida Statutes, for the purpose of considering the Administrative Law Judge's (hereinafter the "ALJ") Recommended Order, Respondent's Exceptions to the Recommended Order, and Petitioner's Response to Respondent's Exceptions to the Recommended Order (copies of which are attached hereto as Exhibits A, B, and C, respectively). Petitioner was represented by Joseph M. Helton, Jr., Chief Attorney for the Division and Ralf Michels, Assistant General Counsel for the

Division. Respondent was represented by Joseph P. Klock, Jr., Esquire and Juan Carlos Antorcha, Esquire, both of the Steel, Hector & Davis, LLP law firm.

Upon a complete review of the record in this matter, the Recommended Order, and the argument of the parties, the Division makes the following determination:

#### RESPONDENT'S EXCEPTIONS

1. The Respondent's exceptions to the ALJ's Recommended Order are hereby rejected.

#### FINDINGS OF FACT

1. The ALJ's findings of fact set forth in the Recommended Order are approved, adopted and incorporated herein by reference.

2. There is competent substantial evidence to support the findings of fact as set forth in the Recommended Order.

#### CONCLUSIONS OF LAW

1. The Division has jurisdiction of this matter pursuant to Sections 120.569 and 120.57(1) and Chapter 550, Florida Statutes.

2. The conclusions of law set forth in the Recommended Order are hereby approved, adopted and incorporated herein by reference.

3. There is competent substantial evidence to support the Division's findings and conclusions.

DISPOSITION

Upon a complete review of the record in this case, the Division determines that the disposition recommended by the Administrative Law Judge be ACCEPTED.

IT IS HEREBY **ORDERED AND ADJUDGED** that Respondent's thoroughbred racing permit is hereby REVOKED and the denial of Respondent's previous application for a racing license for the 2003-2004 thoroughbred racing season is hereby AFFIRMED.

DONE AND ORDERED this 26 day of November,  
2004.



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Diane Carr, Secretary of the Department of  
Business and Professional Regulation

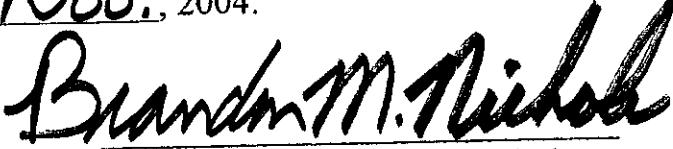
for David J. Roberts, Director  
DIVISION OF PARI-MUTUEL WAGERING

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 the foregoing has been provided by FAX at 305-577-7001 and U.S. Certified Mail to Joseph P. Klock, Jr., and Juan Carlos Antorcha, 200 South Biscayne Boulevard, Suite 4000, Miami, Florida 33131-2398, this 3<sup>rd</sup> day of Nov., 2004.

  
for: Sarah Wachman, Agency Clerk  
Department of Business and  
Professional Regulation

Copies furnished to:

Office of Operations  
Licensing Section  
Investigations Section  
Office of Auditing

General Manager, Hialeah Racing Association  
Chief Inspector, Hialeah Racing Association  
Judges/Stewards  
Director of Security, Hialeah Racing Association

Joseph M. Helton, Jr., Chief Attorney