

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Brandon M. Niebel

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,

vs.

DBPR Case No. 2004040639

KIMBERLY A. HUDSON,

Respondent.

CONSENT ORDER

The State of Florida, Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (Division) and Kimberly A. Hudson (Respondent) hereby stipulate and agree to the following terms and issuance of this Consent Order.

1. At all times material hereto, Respondent held a pari-mutuel wagering occupational license, number 467790-1021, issued by the Division.
2. An Administrative Complaint was issued against Respondent in DBPR Case No. 2004040639 alleging that Respondent violated rule 61D-6.005(9), Florida Administrative Code.
3. The Administrative Complaint alleged that the Respondent interfered with the taking of a urine sample as authorized by Chapter 550, Florida Statutes, on August 04, 2004.

STIPULATION

WHEREAS, the parties desire to resolve this matter, the following terms are stipulated:

1. The Division has jurisdiction over this matter and the parties.
2. The Division is authorized by section 120.57, Florida Statutes, to resolve administrative proceedings by Consent Order.

3. Each party has entered into the terms of this Consent Order voluntarily. The Respondent is aware that he is entitled to the advice of counsel. The Respondent has either sought the advice of counsel or by execution of this Consent Order is knowingly waiving the opportunity to seek advice of counsel. The Respondent acknowledges that the Division has not made any promise nor has it in any other way encouraged the Respondent to enter into this Consent Order without the advice of counsel.

4. This Consent Order is enforceable under section 120.69, Florida Statutes, and chapter 550, Florida Statutes, as final agency action.

5. Each party shall bear its own costs and legal fees related to this matter, and no financial claim shall be made against the Division in this action.

6. Respondent and the Division acknowledge and agree that this Consent Order and contained stipulation constitute the Final Order of the Division respecting the matter set forth above and that further administrative and judicial review is hereby waived by both parties.

7. Respondent neither admits nor denies a violation of rule 61D-6.005(9), Florida Administrative Code, as set forth in the allegations contained in the Administrative Complaint and in DBPR Case No. 2004040639.

8. Respondent shall pay fees in the amount of one hundred dollars (**\$100.00**). The Division's adoption of this Consent Order constitutes acknowledgment of receipt of payment of the fees.

9. It is expressly understood that this Stipulation is subject to the approval of the Director of the Division of Pari-Mutuel Wagering (Director). In this regard, the Stipulation shall have no force and effect unless this Consent Order incorporating the terms of this Stipulation, is signed by both parties. Should this Consent Order be rejected, no statement made in furtherance of a stipulation by the Respondent may be used as direct evidence against the Respondent in any proceeding. However, such statements may be used by the Petitioner for impeachment purposes.

10. Respondent and the Department fully understand that this Consent Order will in no way preclude additional proceedings by the Division against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint for DBPR Case No. 2004040639. However, this Consent Order completely resolves the issues set forth in the aforementioned Administrative Complaint for DBPR Case No. 2004040639.

11. Upon the Division's adoption of this Consent Order, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of this Consent Order. Upon the Division's adoption of this Consent Order, Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

12. This Consent Order is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Director to review and examine all investigative file materials concerning

Respondent prior to or in conjunction with consideration of the Stipulation. Should this joint Stipulation not be accepted by the Director, it is agreed that presentation to and consideration of this Consent Order and other documents and matters by the Director shall not unfairly or illegally prejudice the Director from further participation, consideration or resolution of these proceedings.

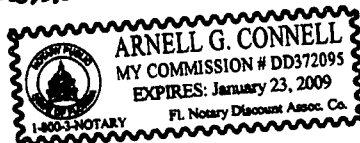
RESPONDENT, KIMBERLY A. HUDSON, hereby agrees and consents to the terms and conditions of this Consent Order this 22nd day of August 2005.

Kimberly A. Hudson
Kimberly A. Hudson
Respondent

STATE OF FLORIDA,
COUNTY OF LAKE

Sworn to (or affirmed) and subscribed before me this 22nd day of AUGUST, 2005 by Kimberly A. Hudson, who is personally known to me or who produced _____ as identification.

Arnell G. Connell
Notary Public
My Commission Expires: 1/23/2009



APPROVED this 13th day of October, 2005.



Joseph M. Helton, Jr.
Chief Attorney
Division of Pari-Mutuel Wagering
Florida Bar Number: 879622
Department of Business and
Professional Regulation
Northwood Centre
1940 North Monroe Street
Tallahassee, FL 32399-2202

ORDER

IT IS HEREBY ORDERED THAT:

The foregoing paragraphs one (1) through thirteen (13) of the Stipulation shall constitute the agreed resolution of this matter and the Final Order of the Division in Case Numbers 2004040639 once it is filed with the Agency Clerk.

DONE AND ORDERED this 14th day of OCTOBER 2005, in Tallahassee, Florida.



David J. Roberts, Director
Division of Pari-Mutuel Wagering
Northwood Centre
1940 North Monroe Street
Tallahassee, Florida 32399-1035
(850) 488-9130

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing CONSENT ORDER has been furnished by U.S. Mail to Kimberly A. Hudson, 5622 Tangerine Ave., South, Gulfport, FL 33711, this 14th day of October, 2005.



Sarah Wachman, Agency Clerk

Copies furnished to:

Office of Operations
Licensing Section
Section of Investigations

S. Thomas Peavey Hoffer, Assistant General Counsel

General Manager, Sanford-Orlando Kennel Club
Chief Inspector, Sanford-Orlando Kennel Club
Judges/Stewards, Sanford-Orlando Kennel Club
Director of Security, Sanford-Orlando Kennel Club

National Greyhound Association
P.O. Box 543
Abilene, KS 67410

Florida Kennels, Inc.
7218 West 4th Avenue
Hialeah, FL 33014