

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.

JOSE PARADELO,

Respondent.

Final Order No. BPR-2007-03008 Date: **4-11-07**
FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Brandi M. Nichol

Case Number: 2004-053858

00-0736 PL

DIVISION OF
ADMINISTRATIVE
HEARINGS

2007 APR 19 A 11:29

FILED

AMENDED FINAL ORDER

JOSE PARADELO, ("Respondent"), and the DEPARTMENT OF BUSINESS and PROFESSIONAL REGULATION, DIVISION OF PARI-MUTUEL WAGERING, ("Petitioner"), on March 27, 2007, entered into a Settlement Agreement which resolved the issues between them on appeal. A fully-executed copy of the Settlement Agreement is attached as Exhibit A. In light of the Settlement Agreement, the Petitioner enters this Amended Final Order, which shall serve as final agency action in this matter.

STIPULATED FACTS

1. The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, is a state agency as defined by section 120.52, Florida Statutes. The Division of Pari-Mutuel Wagering is the administrative body charged with the regulation of pari-mutuel wagering in the State of Florida pursuant to Chapter 550, Florida Statutes, and is responsible for licensing employees of pari-mutuel facilities.

2. On or about October 6, 2004, Respondent applied for and was issued a pari-mutuel wagering occupational license, number 7244930-1021, subject to the continuing jurisdiction and regulation of Petitioner.

3. Respondent was charged by an Administrative Complaint filed by Petitioner and properly served upon Respondent with violations of Chapters 550 and 559, Florida Statutes, and/or the rules promulgated thereto.

4. On September 6, 2006, Petitioner entered a Final Order in this case which imposed discipline upon Respondent.

5. Respondent timely appealed the Final Order to the Fifth District Court of Appeal.

STIPULATED SETTLEMENT

6. The Petitioner and Respondent have resolved the differences between them on appeal and have agreed to resolution of this case according to the terms of the Settlement Agreement executed by the parties and attached hereto as Exhibit A. The parties agree to resolution of this case on the following terms:

a. **PAYMENT:** Petitioner agrees to make payment to Respondent in the amount of three thousand dollars (\$3,000.00) for the purpose of defraying his attorneys' fees associated with his appeal of the Final Order previously issued in this case. Such payment shall be made within fifteen (15) days of the filing of this Amended Final Order. Payment must be made by check, cashier's check or other certified funds made payable to "Jose Paradelo and his attorney Donna E. Blanton" and mailed to Donna E. Blanton, Radey, Thomas, Yon & Clark, P.A., 301 South Bronough Street, Suite 200, Tallahassee, Florida, 32301.

b. **SUBMISSION OF REVISED APPLICATION:** Respondent will submit a revised licensure application to the Division for its consideration within fifteen (15) days of the filing of this Amended Final Order. Such revised application shall accurately reflect

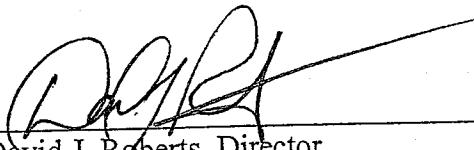
Respondent's prior criminal conviction history. The Division shall process Respondent's revised licensure application with five (5) days of its receipt by the Division.

7. In the event respondent fails to comply with any or all of the terms contained in this Amended Final Order, Respondent's license shall be suspended in accordance with the requirements of Chapters 120 and 550, Florida Statutes.

8. This Amended Final Order shall become effective upon filing with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED:

This 11th day of April, 2007.



David J. Roberts, Director
Division of Pari-Mutuel Wagering
Department of Business and Professional Regulation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was furnished by U. S. mail to counsel for Jose Paradelo, Donna E. Blanton, 301 South Bronough Street, Suite 200, Tallahassee, Florida 32301, on this 12th day of April, 2007.

Jennifer A. Tschetter
Assistant General Counsel

**SETTLEMENT AGREEMENT BETWEEN JOSE PARADELO AND
THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, DIVISION
OF PARI-MUTUEL WAGERING, RELATED TO DCA CASE NUMBER 5D06-3463**

JOSE PARADELO, ("Paradelo"), and the DEPARTMENT OF BUSINESS and PROFESSIONAL REGULATION, DIVISION OF PARI-MUTUEL WAGERING, ("Department"), for valuable consideration as stated in this Settlement Agreement and otherwise received, agree to the terms of the following Settlement Agreement to resolve the present dispute between the parties which is currently the subject of appeal in case number 5D06-3463 pending before the Fifth District Court of Appeals for the State of Florida.

The parties agree that the following facts are true and correct as they relate to the present dispute between them:

1. The Department, is a state agency as defined by Section 120.52, Florida Statutes, and is the administrative body charged with the licensing and regulation of pari-mutuel employees and establishments pursuant to Chapter 550, Florida Statutes; and
2. At all times material hereto, Paradelo held an pari-mutuel wagering occupational license subject to the jurisdiction of the Department; and
3. Paradelo was charged by an Administrative Complaint filed by the Department and properly served upon Paradelo with violations of Chapters 550 and 559, Florida Statutes, and the rules promulgated thereto; and
4. On September 6, 2006, a Final Order of discipline was entered against Paradelo which revoked his occupational license and imposed an administrative fine of one thousand dollars (\$1,000.00). A correct copy of the Final Order is attached as Exhibit A; and
5. Paradelo timely appealed the Final Order to the Fifth District Court of Appeal of the State of Florida; and
6. Through negotiation, Paradelo and the Department resolved the differences between them and wish to enter this Settlement Agreement.



NOW THEREFORE, Paradelo and the Department agree to the resolution of District Court of Appeal Case Number 5D06-3463 on the following terms:

7. **PAYMENT:** The Department agrees to make payment to Paradelo in the amount of three thousand dollars (\$3,000.00) for the purpose of defraying his attorneys' fees associated with this appeal. Such payment shall be made within thirty (30) days of the signing of this Settlement Agreement by both parties. Payment must be made by check, cashier's check or other certified funds made payable to "Jose Paradelo and his attorney Donna E. Blanton" and mailed to Donna E. Blanton, Radey, Thomas, Yon & Clark, P.A., 301 South Bronough Street, Suite 200, Tallahassee, Florida, 32301.

8. **SUBMISSION OF REVISED APPLICATION:** Paradelo will submit a revised licensure application to the Division for its consideration within thirty (30) days of the signing of this Settlement Agreement by both parties. Such revised application shall accurately reflect Paradelo's prior criminal conviction history. The Division agrees that Paradelo's 1995 conviction for Bank Larceny & Theft in the United States District Court, Western District of New York shall not serve as an independent basis for denying Paradelo's application for licensure. The Division shall process Paradelo's revised licensure application with five (5) days of its receipt by the Division.

9. **AMENDED FINAL ORDER:** Paradelo and the Department agree that within thirty (30) days of the signing of this Settlement Agreement by both parties, the Department shall enter an Amended Final Order in DBPR Case Number 2004-053858. The Amended Final Order shall be in substantially the same format as the document attached as Exhibit B.

10. **DISMISSAL OF APPEAL:** Paradelo and the Department agree that within thirty (30) days of the signing of this Settlement Agreement by both parties, a Joint Motion for Dismissal shall be filed in the Fifth District Court of Appeal for case number 5D06-3463. The Joint Motion for Dismissal shall be in substantially the same format as the document attached as

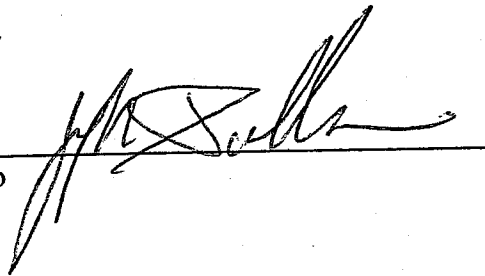
Exhibit C, with both parties being accountable for their own attorneys' fees and costs associated with the appeal.

11. Paradelo acknowledges that this Settlement Agreement is subject to the approval of the Director of the Division of Pari-Mutuel Wagering, and therefore, it will have no force and effect until signed by the Director. The terms set forth herein are offered for settlement only, and neither party is bound by those terms if the Settlement Agreement is not fully executed.

12. In the event Paradelo fails to comply with any or all of the terms contained in this Settlement Agreement, any pari-mutuel wagering license held by Paradelo shall be suspended in accordance with the requirements of Chapter 120, Florida Statutes.

DATED this 15 day of March, 2007.

Jose Paradelo



DATED this 27th day of March, 2007.

David J. Roberts, Director
Division of Pari-Mutuel Wagering
Department of Business and Professional Regulation

