

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date **4/7/2011**
File # **2011-02485**

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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

2011 APR 12 A 11:41

DIVISION OF
ADMINISTRATIVE
HEARINGS

Petitioner,

v.

**DOAH Case No.: 10-4229PL
DBPR Case No.: 2009002867**

MANUEL J. CRIOLLO,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the State of Florida, Department of Business and Professional Regulation ("Department"), for the purpose of considering Administrative Law Judge (ALJ) Edward T. Bauer's Recommended Order, a copy of which is attached hereto as Exhibit A. Petitioner timely filed Petitioner's Exceptions to the Administrative Law Judge's Recommended Order, a copy of which is attached hereto as Exhibit B. Respondent did not file exceptions and did not file a response to Petitioner's exceptions.

After a review of the complete record in this matter, including consideration of the Recommended Order and Petitioner's Exceptions, the Department makes the following findings and conclusions:

EXCEPTIONS TO RECOMMENDED ORDER

1. Petitioner's Exception was considered and is GRANTED.

FINDINGS OF FACT

2. The ALJ's Findings of Fact as set forth in Exhibit A are approved, adopted and incorporated herein by reference. These findings are supported by competent substantial evidence.

CONCLUSIONS OF LAW

3. The ALJ's Conclusions of Law as set forth in Exhibit A are approved, adopted and incorporated herein by reference.

4. The Division is permitted to accept the ALJ's findings of fact, but reject the recommended penalty after review of the entire record. Criminal Justice Standards and Training Commission v. Bradley, 596 So.2d 661 (Fla. 1992).

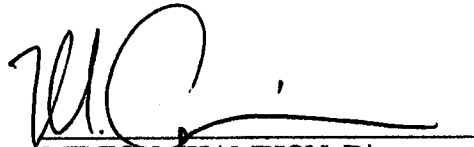
WHEREFORE, IT IS ORDERED AND ADJUDGED THAT:

1. Respondent shall pay an administrative fine of \$1,000.00 made payable to the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399, within thirty (30) days of the date of the filing of this Final Order with the Department's Agency Clerk.

2. Respondent's license is suspended for a period of one year from the date of the filing of this Final Order with the Department's Agency Clerk.

3. This order shall become effective on the date of the filing with the Department's Agency Clerk.

DONE AND ORDERED this 5th day of April, 2011.



MILTON CHAMPION, Director
Department of Business and
Professional Regulation
Division of Pari-Mutuel Wagering
1940 North Monroe Street
Tallahassee, FL 32399-1011

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 a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Petitioner, **MANUEL J. CRIOLLO**, 6363 N.W. 170th Avenue, Morristown, FL 32688, this 7th day of April, 2011.

AGENCY CLERK'S OFFICE



Brandon Nichols, Deputy Agency Clerk

Copies furnished to:

Amy Toman, Informal Hearing Officer

David N. Perry, Assistant General Counsel

Edward T. Bauer, Administrative Law Judge, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060