

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	1/13/2015
File #	2015-00266

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

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

Petitioner,

vs.

JAMES E. O'DONNELL,

Respondent.

**DOAH CASE NO.: 14-0907
14-0898**

**DBPR Case Nos.: 2011-050102
2011-050587
2011-053670
2012-001061
2013-036828**

FINAL ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, hereby enters this Final Order for the above styled matter. On December 24, 2014, Administrative Law Judge, F. Scott Boyd, issued the Recommended Order in this matter. The Recommended Order is attached to this Final Order and incorporated herein by reference.

FINDINGS OF FACT

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

CONCLUSIONS OF LAW

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

ORDER


Based on the foregoing Findings of Fact and Conclusions of Law adopted from the Recommended Order, it is hereby ORDERED that:

Respondent shall pay an administrative fine of \$76,000.00 based on Respondent's 74 violations of Florida Administrative Code, Rule 61D-6.009(9) and two violations of Florida Administrative Code, Rule 61D-6.004(2)(a).

METHOD OF PAYMENT: The fines described in this order total seventy six thousand dollars (\$76,000.00). These fines are due thirty (30) days from the date of the filing of this Final Order. Said payment shall be in the form of a cashier's or certified check made payable to: **Patti Broadway, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Suite 50, Tallahassee, Florida 32399-1035**. To ensure proper crediting of payments, all payments should include the Respondent's name, the case number, and reason for the payment.

Should any payment set forth above not be made in the prescribed time, Respondent's license(s) will be subject to suspension under section 550.105(7), Florida Statutes. If Respondent's license is suspended, Respondent shall remain in suspended status unless and until a stay is granted by the Division. During a suspended status, Respondent shall not engage in any activity at any Florida Pari-Mutuel facility, which would require licensing.

DONE AND ORDERED this 13th day of January, 2015, in Tallahassee, Florida.



Jonathan R. Zachem, Director
Division of Pari-Mutuel Wagering
Department of Business & Professional
Regulation
1940 North Monroe Street, Suite 50
Tallahassee, FL 32399-1035

CERTIFICATE OF SERVICE

I hereby certify this 13th day of January, 2015, that a true copy of the foregoing "Final Order"

has been provided by certified Mail to:

HILTON NAPOLEON, ESQ.
RASCO KLOCK PEREZ NIETO, P.L.
2555 PONCE DE LEON BLVD, STE 600
CORAL GABLES, FL 33134



AGENCY CLERK'S OFFICE
Department of Business & Professional Regulation

NOTICE OF RIGHT TO APPEAL UNLESS WAIVED

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review Proceedings are governed by Rules 9.110 and 9.190, Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Department of Business and Professional Regulation, Attn: Ronda L. Bryan, Agency Clerk, 1940 North Monroe Street, Suite 92, Tallahassee, Florida 32399 and a Second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Florida Appellate District where the Party Resides. The Notice of Appeal must be filed within thirty (30) Days of Rendition of the Order to be reviewed.