

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

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	12/16/2015
File #	2015-10474

MICHEL ARRIETA,

Petitioner,

vs.

DOAH Case No. 15-6119
DBPR Case No. 2015-00-2018

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

Respondent.

CONSENT ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Division”), and Michel Arrieta (“Petitioner”), hereby stipulate and agree to the following:

1. Petitioner has held a pari-mutuel professional individual occupational license, number 8640791-1021, issued by the Division and worked as a trainer of race horses.

2. This Consent Order is entered in complete resolution of the matters set forth in the Division’s correspondence to Petitioner dated September 23, 2015, by which the Division denied Petitioner’s application for occupational licensure (“Denial Letter”).

3. Following the issuance of the Denial Letter, Petitioner timely requested a formal administrative hearing, which was duly referred by the Division to the Division of Administrative Hearings (“DOAH”) for further proceedings before an administrative law judge (“ALJ”). The ALJ granted a joint request by the parties to relinquish jurisdiction to the Division for purposes of entering this Consent Order.

STIPULATION

4. The Division has jurisdiction over this matter and parties.
5. The Division is authorized by section 120.57, Florida Statutes, to resolve administrative proceedings by Consent Order.
6. Petitioner denies the allegations set forth in the Denial Letter. The Division takes allegations involving the welfare of animals at pari-mutuel facilities very seriously. Upon further investigation of this case, it appears there are credible witnesses on both sides. Based on this conflicting evidence, the Division has offered this consent order to resolve the matter.
7. Petitioner agrees to and shall pay the sum of Two Hundred and Fifty dollars (\$250.00) to the Division, to be paid at the time Petitioner submits an executed copy of this Consent Order. Said payment shall be in the form of a business or personal check made payable to the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering and enclosed with an executed copy of this Consent Order. The Division's adoption of this Consent Order constitutes acknowledgement of receipt of payment of the above amount.
8. Upon receipt of payment from Petitioner and adoption of this Consent Order, the Division shall promptly process Petitioner's license application upon submittal and issue the requested occupational license to Petitioner with a term of three (3) years and an effective date of no later than December 15, 2015. The payment referenced in paragraph 7 includes payment for any and all fees due from Petitioner to the Division in connection with processing the license application and issuing the license referenced in this paragraph.
9. Each party has entered into the terms of this Consent Order voluntarily. Petitioner is aware that he is entitled to the advice of counsel. 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. Petitioner acknowledges that the Division has not made any promise nor has it in any other way encouraged Petitioner to enter into this Consent Order without the advice of Counsel.

10. This Consent Order is enforceable under Section 120.69 and Chapter 550, Florida Statutes, as final agency action.

11. 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.

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

13. Petitioner hereby waives all causes of action, civil or otherwise, against the Division and its employees, and the Division hereby waives all administrative causes of action or adverse licensing action against the Petitioner arising out of the alleged facts and circumstances that were the subject of and/or basis for the Denial Letter. However, Petitioner and the Division fully understand that this Consent Order in no way precludes further proceedings by the Division against Petitioner for acts or omissions not specifically set forth herein.

14. It is expressly understood that this Consent Order is subject to the approval of the Director of the Division of Pari-Mutuel Wagering ("Director"). This Consent Order shall have no force and effect unless signed by both parties. Should this Consent Order be rejected, no statement made in furtherance of it by Petitioner may be used as direct evidence against Petitioner in any proceeding.

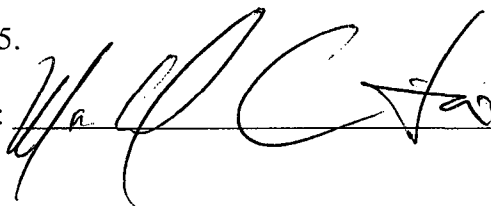
15. Upon the Division's adoption of this Consent Order, Petitioner expressly waives all further procedural steps, including all rights to seek judicial review of this Consent Order and

the matters addressed hereby. Upon the Division's adoption of this Consent Order, Petitioner waives the right to seek attorney's fees or costs from the Department of Business and Professional Regulation in connection with this proceeding.

16. Both parties execute this Consent Order for the purpose of avoiding further administrative action or adverse licensing action with respect to the matters addressed herein. Petitioner authorizes the Director to review and examine all materials concerning Petitioner prior to or in conjunction with consideration of this Consent Order. Should this Consent Order not be accepted by the Director, it is agreed that the presentation to and consideration of this Consent Order and all documents and matters by the Director shall not unfairly or illegally prejudice the Director from further participation, consideration, or resolution of these proceedings.

17. Time is of the essence regarding the adoption and entry of this Consent Order and the granting and issuance of the requested occupational license to Petitioner.

Petitioner, Michel Arrieta, hereby agrees and consents to the terms and conditions of this Consent Order on this 03 day of December, 2015.

By: 

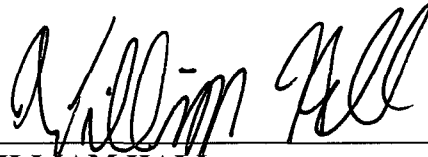
STATE OF FLORIDA
COUNTY OF Miami Dade

Sworn to (or affirmed) and subscribed before me this 3 day of December, 2015, by Michel Arrieta who has affirmed to me that he/she is authorized to execute this Consent Order on behalf of Michel Arrieta, and who is personally known to me or who produced the following as identification: FL Drivers License A630-540-79-417-0

Notary Public: Michelle Castillo
My Commission Expires: Oct 28, 2017



APPROVED as to form this 14th day of December, 2015



WILLIAM HALL
Florida Bar No. 67936
Chief Attorney
Division of Pari-Mutuel Wagering
Department of Business & Professional
Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-2202

ORDER

IT IS HEREBY ORDERED THAT:

The foregoing Consent Order shall constitute the agreed resolution of this matter and the Final Order of the Division in DBPR Case. No. 2015-00-2018 once it is filed with the Agency Clerk.

DONE AND ORDERED this 14th day of December, 2015, in Tallahassee, Florida.



JONATHAN R. ZACHEM, DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-1035

CERTIFICATE OF SERVICE

I hereby certify this 16th day of December, 2015, that true copies of the foregoing "Order" have been served by US mail/E-mail upon:
(US Mail/E-mail)

Michael J. Barry (Counsel for Petitioner)
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Tallahassee, Florida 32301
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AGENCY CLERK'S OFFICE
Department of Business & Professional Regulation