

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

JOHN A. SHORT,

Petitioner,

v.

DBPR Case No.: 2018-016520

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

Respondent.

STIPULATION AND CONSENT ORDER

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Respondent"), and John A. Short ("Petitioner") hereby stipulate and agree to the following terms and issuance of this Consent Order.

1. This Stipulation and Consent Order is to be entered in resolution of DBPR Case Number 2018-016520, wherein Respondent issued a First Amended Letter of License Denial to Petitioner, dated November 6, 2018, denying Petitioner's application for a Pari-Mutuel Wagering General Occupational License ("Letter of License Denial").

2. In support of Respondent's issuance of the Letter of License Denial, Respondent cited to Petitioner's 2010 felony conviction for 3rd Degree Assault on a Police Officer (two counts), a disqualifying offense under section 550.105(5)(b), Florida Statutes, and Petitioner's failure to disclose this conviction on his license application as its bases for denial.

3. This Stipulation and Consent Order is to be entered into consideration of the fact Petitioner's felony conviction: (1) occurred approximately 20 years ago, and (2) had the adjudication withheld.

STIPULATION

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

4. Respondent has jurisdiction over this matter and the Parties.
5. Respondent is authorized by section 120.57, Florida Statutes, to resolve administrative proceedings by Consent Order.
6. Each Party has entered into the terms of this Consent Order voluntarily. Petitioner is aware that he is entitled to the advice of counsel. Petitioner 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 Respondent 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.
7. This Consent Order is enforceable under section 120.69 and chapter 550, Florida Statutes, as final agency action.
8. Each Party shall bear its own costs and legal fees related to this matter, and no financial claim shall be made against Respondent in this action.
9. Petitioner and Respondent acknowledge and agree that this Consent Order and contained stipulation constitute the Final Order of Respondent respecting the matters set forth above and that further administrative and judicial review is hereby waived by both parties.
10. Petitioner and Respondent fully understand that this Consent Order will in no way preclude additional proceedings by the Respondent against Petitioner for acts or omissions not specifically set forth herein.
11. LICENSURE: Respondent agrees to withdraw its Letter of License Denial issued in this case and grant Petitioner's application for a Pari-Mutuel Wagering General Occupational License as of the date this Stipulation and Consent Order is filed with the Agency Clerk.

12. PROBATIONARY PERIOD: Petitioner is hereby placed on a **probationary period lasting for six (6) months** from the date this Stipulation and Consent Order is filed with the Agency Clerk. During this probationary period, any felony or misdemeanor conviction as described in section 550.105, Florida Statutes, excepting traffic offenses with no criminal component, occurring after the date that this Stipulation and Consent Order is filed with the Agency Clerk will subject Petitioner's occupational license to a presumption of revocation in the disciplinary proceedings resulting thereto.

13. It is expressly understood that this Stipulation is subject to the approval of the Director of the Division of Pari-Mutuel Wagering, his/her deputy, or other authorized agent of the Department ("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 it by Petitioner may be used as direct evidence against Petitioner in any proceeding. Upon Petitioner's signature of this Stipulation and Consent Order, Petitioner authorizes Respondent to make nonmaterial and/or non-substantive changes to the language employed herein.

14. 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 Respondent's adoption of this Consent Order, Petitioner waives the right to seek any attorney's fees or costs from the Department in connection with this proceeding.

15. This Stipulation and Consent Order is executed by both Parties for the purpose of avoiding further legal action with respect to the matters addressed hereby. In this regard, Petitioner authorizes the Director to review and examine all materials concerning Petitioner prior to or in conjunction with consideration of the Stipulation. Should this Stipulation not be accepted

16. This Stipulation and Consent Order is executed by both Parties for the purpose of avoiding further legal action with respect to the matters addressed hereby. In this regard, Petitioner authorizes the Director to review and examine all materials concerning Petitioner prior to or in conjunction with consideration of the Stipulation. Should this 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.

Petitioner, JOHN A. SHORT, hereby agrees and consents to the terms and conditions of this Stipulation and Consent Order this 29 day of August, 2019.

John A. Short

JOHN A. SHORT
Petitioner

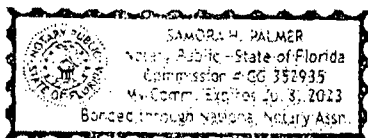
STATE OF Florida,
COUNTY OF PALM BEACH

Sworn to (or affirmed) and subscribed before me this 29 day of August, 2019, by John A. Short, who is personally known to me or who produced the following as identification: FL

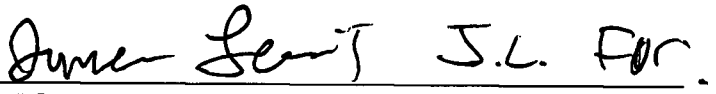
[Signature]

Notary Public

My Commission Expires:



This Stipulation and Consent Order in DBPR Case Number 2018-016520 is APPROVED for legal sufficiency this 24th day of August, 2019.


MEGAN S. SILVER, DEPUTY CHIEF ATTORNEY
Division of Pari-Mutuel Wagering
Department of Business and Professional Regulation

ORDER

IT IS HEREBY ORDERED THAT:

The foregoing Stipulation and Consent Order shall constitute the agreed resolution of this matter and the Final Order of the Division in DBPR Case Number 2018-016520 once it is filed with the Agency Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 29 day of August, 2019, in Tallahassee, Florida.


LOUIS TROMBETTA, DIRECTOR
Division of Pari-Mutuel Wagering
Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-1035

CERTIFICATE OF SERVICE

I hereby certify this 5th day of September, 2019, that a true copy of the foregoing has been furnished by regular and electronic mail to:

John A. Short
3701 Quantum Lakes Drive, Suite 109
Boynton Beach, Florida 33426
Farrier2015@yahoo.com

Brandon M. Nichols

AGENCY CLERK'S OFFICE
Department of Business and Professional Regulation

Jonathan Zachem, Secretary

November 6, 2018

John A. Short
3701 Quantum Lakes Drive, Suite 109
Boynton Beach, Florida 33426

First Amended Letter of License Denial

Dear Mr. Short:

This First Amended Letter of License Denial ("Denial") serves to inform you that your application for a Pari-Mutuel Wagering General Individual Occupational License and request for waiver is denied in accordance with the provisions of Chapter 550, Florida Statutes, and the rules promulgated thereunder. This Denial is based upon your felony conviction for 3rd Degree Assault on a Police Officer (2 counts) on September 22, 1998, out of Jefferson County, Kentucky.

This conviction is a disqualifying offense under Section 550.105(5)(b), Florida Statutes. A withheld adjudication of guilt is considered a conviction for pari-mutuel licensing under Section 550.105(5)(d), Florida Statutes. Additionally, you failed to disclose all of your convictions on your initial license application, which is an additional basis for denial pursuant to Section 559.791, Florida Statutes. You are advised you may not hold a position at any Florida pari-mutuel or slot facility that requires licensure or access to a restricted area without first securing an appropriate valid occupational license

Pursuant to Section 120.57, Florida Statutes, you may request a formal or informal hearing to challenge the Division's decision, within twenty-one (21) days of receipt of this Denial, as provided for in Chapter 28-106, Florida Administrative Code. If you request a formal hearing, you must specify each material fact contained in this Denial which you dispute.

At a formal hearing you will be entitled to respond, present evidence and argument on all issues involved, conduct cross-examination and submit rebuttal evidence, file exceptions to any order or hearing officer's recommended order, and be represented by counsel. Failure to allege a material fact in your petition will result in that petition being construed as a request for an informal hearing.

At an informal hearing you will be entitled to present written or oral evidence in accordance with Section 120.57(2), Florida Statutes. You must realize, however, that the facts as alleged in this Denial will be deemed admitted.

You will be notified by the Division of Pari-Mutuel Wagering of the time, date and place of said hearing, if requested.

If you do not request a hearing within twenty-one (21) days of your receipt of this Denial, this Denial will become the Agency's Final Order. If this Denial becomes a Final Order, you will have thirty (30) days to file for an appeal pursuant to Section 120.68, Florida Statutes.

Sincerely,



Robert Ehrhardt, Director
Division of Pari-Mutuel Wagering

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing First Amended Letter of License Denial has been served upon John A. Short, 3701 Quantum Lakes Drive, Suite 109, Boynton Beach, Florida 33426, by U.S. Certified Mail, this 7 day of November, 2018.


Agency Clerk's Office

DBPR Case No. 2018-016520

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Certified Fee	
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Res (End)	# 2018-016520
Tot	Mr. John A. Short
Sent	3701 Quantum Lakes Drive
Street or PO box	Suite # 109
City, State, ZIP+4	Boynton Beach, Florida 33426
PS Form 3800, August 2006 See Reverse for Instructions	