

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,

DBPR CASE NO.: 2017-041784

v.

SARASOTA KENNEL CLUB, INC.,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”) files this Administrative Complaint against Sarasota Kennel Club, Inc., (“Respondent”) and alleges the following:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, and Section 849.086, Florida Statutes (2017)¹.
2. At all times material hereto, Respondent held a permit to conduct Pari-Mutuel Wagering, number 153 issued by Petitioner, and operates a cardroom, license number 153-1002, also issued by Petitioner.
3. According to Section 849.086(2)(c), Florida Statutes, a “Cardroom” is a “facility where authorized games are played for money or anything of value...”
4. An “authorized game” is defined in 849.086(2)(a), Florida Statutes, as “a game or series of games of poker or dominoes which are played in a nonbanking manner.”

¹ All references to the Florida Statutes or Florida Administrative Code made herein are made to the 2017 versions.

5. Additionally, according to 849.086(2)(b), Florida Statutes, a “banking game” is “a game in which the house is a participant in the game, taking on players, paying winners, and collecting from losers or in which the cardroom establishes a bank against which participants play.”

6. Section 849.086(12)(a), Florida Statutes, says “no person licensed to operate a cardroom may conduct any banking game or any game not specifically authorized by [Section 849.086, Florida Statutes].”

COUNT I

7. Paragraphs one (1) through six (6) of this Administrative Complaint are realleged and incorporated fully herein.

8. On August 11, 2017, on table number 5, Respondent operated a banking game or a game not specifically authorized by Section 849.086, Florida Statutes.

9. Based on the foregoing, Respondent violated Section 849.086(12)(a), Florida Statutes, by operating a banking game or a game not specifically authorized by Section 849.086, Florida Statutes.

COUNT II

10. Paragraphs one (1) through six (6) of this Administrative Complaint are realleged and incorporated fully herein.

11. On August 11, 2017, on table number 6, Respondent operated a banking game or a game not specifically authorized by Section 849.086, Florida Statutes.

12. Based on the foregoing, Respondent violated Section 849.086(12)(a), Florida Statutes, by operating a banking game or a game not specifically authorized by Section 849.086, Florida Statutes.

COUNT III

13. Paragraphs one (1) through six (6) of this Administrative Complaint are realleged and incorporated fully herein.

14. On August 11, 2017, on table number 12, Respondent operated a banking game or a game not specifically authorized by Section 849.086, Florida Statutes.

15. Based on the foregoing, Respondent violated Section 849.086(12)(a), Florida Statutes, by operating a banking game or a game not specifically authorized by Section 849.086, Florida Statutes.

COUNT IV

16. Paragraphs one (1) through six (6) of this Administrative Complaint are realleged and incorporated fully herein.

17. On August 12, 2017, on table number 5, Respondent operated a banking game or a game not specifically authorized by Section 849.086, Florida Statutes.

18. Based on the foregoing, Respondent violated Section 849.086(12)(a), Florida Statutes, by operating a banking game or a game not specifically authorized by Section 849.086, Florida Statutes.

COUNT V

19. Paragraphs one (1) through six (6) of this Administrative Complaint are realleged and incorporated fully herein.

20. On August 12, 2017, on table number 6, Respondent operated a banking game or a game not specifically authorized by Section 849.086, Florida Statutes.

21. Based on the foregoing, Respondent violated Section 849.086(12)(a), Florida Statutes, by operating a banking game or a game not specifically authorized by Section 849.086, Florida Statutes.

WHEREFORE, Petitioner respectfully requests the Division enter a Final Order imposing any and/or all penalties authorized by Section 550.0251 or 849.086, Florida Statutes, and/or any other relief the Division is authorized to impose pursuant to Chapter 550, and 849, Florida Statutes, and the rules promulgated thereunder.

Signed this 24TH day of August, 2017.

/s/ Charles Dewrell

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NOTICE OF RIGHT TO REQUEST A HEARING

Please be advised that Respondent has the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoenas and *subpoenas duces tecum* issued on his or her behalf if a hearing is requested. Any request for an administrative proceeding to challenge or contest the charges contained in the administrative complaint must conform to Rule 28-106.2015, Florida Administrative Code. Rule 28-106.111, Florida Administrative Code, provides in part that if Respondent fails to request a hearing within 21 days of receipt of an agency pleading, Respondent waives the right to request a hearing on the facts alleged.