

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	9/3/2014
File #	2014-06622

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

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

Petitioner,

DBPR CASE NO. 2014011205

v.

JUAN FRA,

Respondent,
_____ /

CONSENT ORDER

JUAN FRA (Respondent) and State of Florida, Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (Division) hereby stipulate and agree to the following terms and issuance of this Consent Order.

1. The Division has jurisdiction over this matter and the parties.
2. The Division is authorized by Section 120.57, Florida Statutes, to resolve administrative proceedings by Consent Order.
3. Respondent is licensed as a General Manager with a Slots Combo Professional License, license number 76180 issued by the division. Mr. Fra failed to ensure that the Track Veterinarian, Dr. Abdel Hakim Hamici (lic.#7405976), was present to observe the condition of the racing greyhounds during and after a race. On February 28, 2014 during the evening's start of the 11th race at Naples Fort Myers Dog Track, the greyhound "WWW RAY OF GREY" suf-

ferred an injury during the race. Dr. Hamici was not immediately present on the track grounds to tend the greyhound's broken leg injury sustained in the race. Dr. Hamici showed up at the track approximately 20 minutes after the incident occurred to care for the injured greyhound, "WWW RAY OF GREY". Mr. Fra is in violation of rule 61D-6.009(2) for failure to ensure that the Track Veterinarian was present to observe the condition of the racing greyhounds during and after a race.

4. Respondent understands the Rule 61D-6.009(2) and (2)(b), Florida Administrative Code, which states " (2) Each racing animal permitholder shall employ a veterinarian (the track or permitholder veterinarian) who is licensed by and in good standing with the Florida State Board of Veterinary Medicine. It is the duty of the general manager to ensure that the requirements of rules pertaining to the track veterinarian are strictly complied with." "(2)(b) The track veterinarian shall observe the condition of all racing animals immediately prior to, during, and after the race, time permitting. Any racing animal which has been entered to race that the track veterinarian or division veterinarian considers to be unsound for racing shall be promptly reported to the stewards or judges and said animal shall be scratched."

5. Respondent shall pay a fine in the amount of **FOUR Hundred Dollars (\$400.00)**. The check shall be made payable to the **DBPR** and should have the case number of this matter (DBPR Case No. 2014011205) noted on it. The check together with this signed and notarized Consent Order shall be mailed to **Division of Pari-Mutuel Wagering, North Broward Regional Service Center, Attn: Jorge Callejas, Division Hearing Officer, 1400 West Commercial Boulevard, Suite 165, Fort Lauderdale, Florida, 33309-3787**. The Division's adoption of this Consent Order constitutes acknowledgement of receipt of payment.

6. Respondent and the Division fully understand that this Consent Order will in no way preclude additional proceedings by the Division against Respondent for acts or omissions not spe-

cifically set forth in this case, and this Consent Order may be considered in aggravation of any future disciplinary proceedings involving Respondent.

7. Each party has entered into the terms of this Consent Order voluntarily. Respondent is aware that he or she is entitled to the advice of counsel. Respondent has either sought the advice of counsel or, by execution of this Consent Order, expressly and knowingly waives the opportunity to seek advice of counsel. Respondent acknowledges that the Division has not made any promise nor has it in any other way encouraged Respondent to enter into this Consent Order without the advice of counsel. Respondent further acknowledges that by executing this Consent Order he or she expressly waives his or her right to a hearing before the judges in this case.

8. 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.

9. This Consent Order is subject to the approval of the Director of the Division of Pari-Mutuel Wagering (Director), and shall have no force and effect unless it is signed by both parties. Should this Consent Order be rejected, it may not be used as evidence against the Respondent in any proceeding.

10. The Respondent and the Division acknowledge and agree that this Consent Order constitutes the Final Order of the Division in this matter and that further administrative and judicial review is hereby waived by both parties.

11. Upon the Division's adoption of this Consent Order, Respondent expressly waives all further procedural steps, including judicial review, as well as the right to seek any attorney's fees and costs from the Division in connection with this proceeding.

12. This Consent Order is executed by both parties for the purpose of avoiding further administrative action with respect to this cause. Respondent authorizes the Director to review and

examine all investigative file materials concerning Respondent 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 presentation to and consideration of this Consent Order and investigative file materials by the Director shall not unfairly or illegally prejudice the Director from further participation, consideration, or resolution of these proceedings.

Respondent, **JUAN FRA** consents to the terms and conditions of this Consent Order this

15th day of August, 2014.



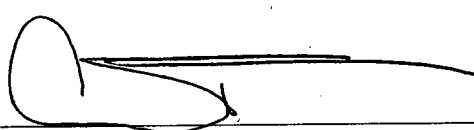
JUAN FRA
Respondent

STATE OF FLORIDA,

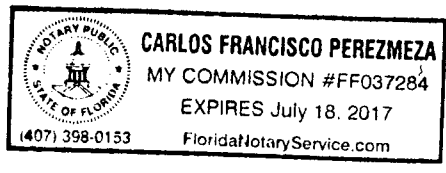
COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 15 day of August,


2014, **JUAN FRA** known to me or who produced the following as identification:



Notary Public
My Commission Expires:



APPROVED FOR LEGAL SUFFICIENCY this 2nd day of September, 2014.




JONATHAN R. ZACHEM
Chief Attorney
Division of Pari-Mutuel Wagering
Dept of Business & Professional Regulation

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 Case No. 2014011205, once it is filed with the Agency Clerk.

DONE AND ORDERED this 2nd day of September, 2014,
in Tallahassee, Florida.



LEON M. BIEGALSKI
Director
Division of Pari-Mutuel Wagering
Department of Business & Professional Regulation

CERTIFICATE OF SERVICE

I hereby certify this 3rd day of September, 2014, that a true copy of the foregoing has been furnished by U.S. mail to:

JUAN FRA
10601 Bonita Beach Road
Bonita Springs, Florida 33919

Brendon M. Nichols
for: AGENCY CLERK
Department of Business & Professional Regulation