

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,

vs.

DBPR CASE NO. 2010054357

RONALD JOHN WILLIAMS, JR.,

Respondent.

ADMINISTRATIVE COMPLAINT

Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering ("Division"), files this Administrative Complaint against Ronald John Williams, Jr. ("Respondent"), and alleges as follows:

1. The Division is the state agency charged with regulating the pari-mutuel wagering in the State of Florida pursuant to Chapter 550, Florida Statutes.
2. Respondent is, and has been at all times material to this Order, the holder of a pari-mutuel wagering licensee, number 1246150-1021, issued by the Division.
3. Respondent is licensed as an owner and trainer and was the trainer of record for No Limit Sports and All In Sports Kennels which entered and raced greyhounds at Washington County Kennel Club, a pari-mutuel wagering facility located in Washington County, Florida, during the race meet conducted at that facility from May through September of 2010. As trainer of record for said kennels, Respondent was assigned Buildings 5 and 7 in the kennel compound of Washington County Kennel Club.

4. On September 25, 2010, Washington County Kennel Club concluded its racing meet. Trainers and Kennel operators, including Respondent, who raced during the meet were allowed to maintain kennels on the grounds of Washington County Kennel Club until November 1, 2010, to allow greyhounds that raced during the meet to be transported to other facilities or placed for adoption.

5. From approximately October 16, 2010, through and including October 29, 2010, Respondent was the only person responsible for the care of the greyhounds located in his kennels.

6. On or about October 25, 2010, Respondent delivered eight greyhounds to the local office of Greyhound Pets of America/Emerald Coast, a greyhound adoption program. All eight of the greyhounds delivered to Greyhound Pets of America/Emerald Coast were underweight and had sores due to neglect.

7. Greyhound Pets of America/Emerald Coast maintains a supply of dry food at Washington County Kennel Club's kennel compound that is available upon request to any trainer in need.

8. On or about October 29, 2010, division investigators conducted an inspection of Respondent's kennel located in Building 7 and found a total of twenty-one greyhounds that had suffered from extreme neglect dead inside Respondent's kennels.

9. Five living greyhounds were also saved from within the Respondent's kennels that had also suffered from extreme neglect. Four greyhounds were placed in the care of a Greyhound Pets of America/Emerald Coast and one was immediately taken by a veterinarian for emergency medical attention.

10. Duct tape was found tightly wrapped around the necks of three living greyhounds and one of the dead greyhounds.

11. Sections 550.0251(10) and 550.105(5)(b), Florida Statutes subject a pari-mutuel license to suspension or revocation whenever the licensee has violated or failed to comply with the provisions of Chapter 550, Florida Statutes, or any rules adopted thereto.

12. Sections 550.2415(6)(d), Florida Statutes, provides as follows:

(d) Any act committed by any licensee that would constitute cruelty to animals as defined in s. 828.02 involving any animal constitutes a violation of this chapter. Imposition of any penalty by the division for violation of this chapter or any rule adopted by the division pursuant to this chapter shall not prohibit a criminal prosecution for cruelty to animals.

13. Section 828.02, Florida Statutes, provides as follows:

In this chapter, and in every law of the state relating to or in any way affecting animals, the word "animal" shall be held to include every living dumb creature; the words "torture," "torment," and "cruelty" shall be held to include every act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused, except when done in the interest of medical science, permitted, or allowed to continue when there is reasonable remedy or relief; and the words "owner" and "person" shall be held to include corporations, and the knowledge and acts of agents and employees of corporations in regard to animals transported, owned, employed by or in the custody of a corporation, shall be held to be the knowledge and act of such corporation. [Underline added]

14. Section 550.2415(3)(a), Florida Statutes, provides as follows:


Upon the finding of a violation of this section, the division may revoke or suspend the license or permit of the violator or deny a license or permit to the violator; impose a fine against the violator in an amount not exceeding \$5,000; require the full or partial return of the purse, sweepstakes, and trophy of the race at issue; or impose against the violator any combination of such penalties. The finding of a violation of this section in no way prohibits a prosecution for criminal acts committed.

15. Respondent has violated Section 550.2415(6)(d), Florida Statutes, a total of 34 times. One count for each greyhound neglected while in Respondents care as follows:

- a. Eight counts for the 8 neglected greyhounds delivered to Greyhound Pets of America/Emerald Coast as indicated in paragraph 6;
- b. Twenty-one counts for the 21 greyhounds that had suffered from extreme neglect that were found dead inside kennels as indicated in paragraph 8; and,
- c. Five counts for the 5 living greyhounds that were saved during the kennel inspection as indicated in paragraph 9.

WHEREFORE, Petitioner respectfully requests the Division enter an Order imposing one or more of the following penalties as specified in Section 550.2415(3)(a), Florida Statutes: revoke or suspend the license or permit of the violator or deny a license or permit of the violator; impose a fine against the violator for each count in an amount not exceeding \$5,000 or impose against the violator any combination of such penalties.

Signed this 2nd day of November, 2010.



Joseph M. Helton, Jr.
Chief Attorney
Division of Pari-Mutuel Wagering
Florida Bar Number: 879622
Department of Business and
Professional Regulation
Northwood Centre
1940 North Monroe Street
Tallahassee, FL 32399-2202

ADMINISTRATIVE COMPLAINT
ELECTION OF RIGHTS

Licensee: Ronald John Williams, Jr.

Case No. 2010054357

I have read the Administrative Complaint and Explanation of Rights in this matter, and elect as follows:

1. () I **do not** dispute the material facts alleged in the Administrative Complaint but do wish to appear before the Division of Pari-Mutuel Wagering to be heard on the conclusions of law and the issue of penalty. I, therefore request a hearing not involving disputed issues of material fact, pursuant to Section 120.57(2), *Florida Statutes*. I understand that at the hearing I will not be allowed to deny the facts alleged in the Administrative Complaint, but will only be permitted to submit written and/or oral evidence in mitigation of the charges in the Administrative Complaint or explain why the facts alleged do not amount to a violation of law.

2. () I **do** dispute the material facts alleged in the Administrative Complaint and request that this be considered a petition for a hearing involving disputed issues of material fact before an administrative law judge with the Division of Administrative Hearings, pursuant to Section 120.57(1), *Florida Statutes*. **If you select this option, please state below which specific facts you dispute.** (Use the back of this sheet if needed.)

3. () I waive my right to object or be heard concerning this case. The Division of Pari-Mutuel Wagering may do as it sees fit concerning this matter.

4. () **CONSENT ORDER** (if one is enclosed) I have executed the enclosed Consent Order to settle this case. I understand this Consent Order is subject to approval of the Division of Pari-Mutuel Wagering Director. If the Director rejects the proposed Consent Order, you will still have all of these elections open to you. Electing this option will not preclude you from requesting a hearing involving disputed issues of material fact or a hearing not involving disputed issues of material fact prior to the entry of the Consent Order.

Please be advised, pursuant to Section 120.573, *Florida Statutes*, mediation is not available for this type of agency action.

THIS IS A LEGALLY BINDING DOCUMENT. IF YOU DO NOT FULLY UNDERSTAND THE TERMS OF THIS DOCUMENT, YOU SHOULD SEEK LEGAL ADVICE BEFORE SIGNING.

MUST BE SIGNED AND NOTARIZED.

	_____ Name (Signature)
_____ Mailing Address (if different)	_____ Name (Printed)
_____ City State Zip	_____ Street Address
	_____ City State Zip
	_____ Respondent's daytime phone number

STATE OF FLORIDA
COUNTY OF _____
The foregoing was acknowledged before me this _____ day of _____, 200__, by _____,
personally known to me or who has produced _____ as identification.

Notary Public
My Commission Expires: _____ (Notary Seal)

PLEASE MAIL FORM TO: **MARY POLOMBO, Division Clerk**
Division of Pari-Mutuel Wagering
Northwood Centre
1940 North Monroe Street
Tallahassee, Florida 32399-1035

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

EXPLANATION OF RIGHTS

In response to the allegations set forth in the Administrative Complaint issued by the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, you should make one of the following elections within twenty-one (21) days from the day of receipt of the Administrative Complaint. Please make your election on the attached Election of Rights form and return it fully executed to the address listed on the form.

1. If you do not dispute any of the material facts alleged in the Administrative Complaint, you may request a hearing not involving disputed issues of material fact pursuant to Section 120.57(2), *Florida Statutes*, before the Division of Pari-Mutuel Wagering. At the hearing, you will be given an opportunity to present both written and oral evidence in mitigation. A request for a hearing not involving disputed issues of material fact in this matter should be directed to the Division of Pari-Mutuel Wagering by checking the appropriate space, marked as 1, on the Election of Rights form and returning same to this office within twenty-one (21) days of your receipt of the Administrative Complaint.

2. If the allegations set forth in the Administrative Complaint contain any disputed issues of material fact, you may request a hearing involving disputed issues of material fact with the Division of Administrative Hearings of the Department of Management Services pursuant to Section 120.57(1), *Florida Statutes*, by checking the appropriate space, marked as 2, on the Election of Rights form and returning same to this office within twenty-one (21) days of your receipt of the Administrative Complaint.

3. If you wish to waive your right to object or be heard in this matter, you may do so by checking the appropriate space marked as 3, on the Election of Rights form and returning same to this office within twenty-one (21) days of your receipt of the Administrative Complaint.

In the event that you fail to make an election in this matter within twenty-one (21) days from receipt of the Administrative Complaint, your failure may be considered a waiver of your right to elect the forum, and the Division of Pari-Mutuel Wagering may proceed to hear any and all evidence that may be presented to it in disposing of your case.

You must keep the Division of Pari-Mutuel Wagering informed as to your current mailing address. Failure to do so may be considered a waiver of your right to a hearing.

**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. 2010054357

v.

RONALD JOHN WILLIAMS, JR.,

Respondent,
_____ /

CONSENT ORDER

RONALD JOHN WILLIAMS, JR. ("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. At all times material hereto, Respondent was a Greyhound owner/ trainer at Washington County Kennel Club ("Ebro").
4. On November 2, 2010, the Division issued an Emergency Order of Suspension and Administrative Complaint against Respondent in DBPR Case No. 2010054357. The Administrative Complaint charges Respondent with thirty-four counts of animal cruelty in violation of Section 550.2415(6)(d), Florida Statutes.
5. Respondent agrees to voluntarily relinquish his pari-mutuel license, number 1246150-1021, to the Division in lieu of any further prosecution of his pari-mutuel license

related to the allegations contained in the Emergency Order of Suspension and the Administrative Complaint. The Respondent's license, together with this signed Consent Order, shall be mailed to **Mary Polombo, Division Clerk, Division of Pari-Mutuel Wagering, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1035**. The Division's adoption of this Consent Order constitutes acknowledgement of receipt of the license.

6. Respondent authorizes the Division to cancel his pari-mutuel occupational license pursuant to Section 550.105(5)(f), Florida Statutes. Further, Respondent is hereby permanently excluded from all pari-mutuel facilities in Florida.

7. 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 specifically set forth in this case.

8. Each party has entered into the terms of this Consent Order voluntarily. Respondent 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, 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 expressly waives his right to a hearing before the judges in this case.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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, RONALD JOHN WILLIAMS, JR., hereby agrees and consents to the terms and conditions of this Consent Order this _____ day of _____, 2010.

RONALD J. WILLIAMS, JR.
Respondent

STATE OF FLORIDA,
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this ____ day of _____,
2010, RONALD JOHN WILLIAMS, JR., who is personally known to me or who produced the
following as identification: _____

Notary Public
My Commission Expires:

APPROVED this _____ day of _____, 2010.

JOSEPH M. HELTON, JR.

Florida Bar No. 0879622

Chief Attorney

Division of Pari-Mutuel Wagering

Dept of Business & Professional Regulation

Northwood Center

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 Case No. 2010054357, once it is filed with the Agency Clerk.

DONE AND ORDERED this _____ day of _____, 2010,
in Tallahassee, Florida.

MILTON CHAMPION

Director

Division of Pari-Mutuel Wagering

Department of Business & Professional Regulation

1940 North Monroe Street

Tallahassee, Florida 32399-1035

(850) 488-9130

CERTIFICATE OF SERVICE

I hereby certify this _____ day of _____, 2010, that a true copy
of the foregoing has been furnished by U.S. mail to:

RONALD JOHN WILLIAMS, JR.
341 Howell Bluff Road
Ponce De Leon, FL 32455

RONDA BRYAN, AGENCY CLERK
Department of Business & Professional Regulation

Copies furnished to:

Joseph M. Helton, Jr., Chief Attorney for PMW