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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.

EMERGENCY ORDER OF SUSPENSION

Milton Champion, Director of the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation ("Division"), pursuant to Sections 550.0251, 550.2415(6), and 120.60(6), Florida Statutes, issues this EMERGENCY ORDER suspending the pari-mutuel occupational license, license number 1246150-1021, issued to RONALD JOHN WILLIAMS, JR. ("Respondent").

FINDINGS OF FACT

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's address is 341 Howell Bluff Road, Ponce de Leon, Florida 32455.

4. Respondent is licensed as a greyhound 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.

5. 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.

6. 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.

7. 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 Respondent delivered to Greyhound Pets of America/Emerald Coast were underweight and had sores due to neglect.

8. 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.

9. 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.

10. Five living greyhounds were also saved from within 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.

11. Duct tape was found tightly wrapped around the necks of three living greyhounds and one of the dead greyhounds found in Respondent's kennels.

12. The division investigators also found six large plastic garbage bags that contained remains of an unknown number of animals. The bags were wet with rotted remains and could not be safely inspected.

13. The division investigators also discovered the bodies of five greyhounds in a freezer located in Respondent's kennel in Building 7.

14. The kennels in Respondent's kennel Building 5 were found to be vacant. However, the body of one dead greyhound was found in the freezer for Building 5.

15. In support of its Findings of Fact, the division attaches and incorporates by reference the affidavit of Investigator Charles W. Taylor as Exhibit A to this Emergency Order of Suspension.

CONCLUSIONS OF LAW

16. The Division of Pari-mutuel Wagering has jurisdiction over this matter pursuant to Section 550.0251, Florida Statutes.

17. Sections 550.0251(10) and 550.105(5)(b), Florida Statutes subjects 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. Further, Section 550.2415(3)(a), Florida Statutes, specifically subjects a pari-mutuel license to suspension or revocation whenever the licensee has violated or failed to comply with the provisions of Section 550,2415, Florida Statutes.

18. 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.

19. 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]

20. Moreover, Section 120.60(6), Florida Statutes provides authority for the Division to issue an Emergency Suspension Order when it determines that an immediate, serious danger to the public health, safety, or welfare requires emergency suspension, restriction, or limitation of a license and such action is the least restrictive means necessary to protect the health, safety and welfare of the public.

21. By its nature, the gambling industry significantly affects the public welfare. Florida courts have long allowed the state greater control of the pari-mutuel industry than other businesses:

Authorized gambling is a matter over which the state may exercise greater control and exercise its police power in a more arbitrary manner because of the noxious qualities of the enterprise as distinguished from those enterprises not affected with a public interest and those enterprises over which the exercise of police power is not so essential for the public welfare. *Hialeah race Course, Inc. v. Gulfstream Park Racing Ass'n, Inc.*, 37 So. 2d 692, 694 (Fla. 1948).

22. The legislature in establishing the public policy of Florida regarding gambling has placed high importance on the humane treatment of the animals involved in racing. The division is required by Section 550.0251(11), Florida Statutes, to "supervise and regulate the welfare of racing animals at pari-mutuel facilities."

23. Further, Section 550.2415(6)(a), Florida Statutes, states as follows:

It is the intent of the Legislature that animals that participate in races in this state on which pari-mutuel wagering is conducted and animals that are bred and trained in this state for racing be treated humanely, both on and off racetracks, throughout the lives of the animals.

24. Pursuant to Section 550.105(5)(c), Florida Statutes, the Division may deny, suspend or revoke a license if the licensee has committed a misdemeanor that involves cruelty to animals. However, a waiver of an offense involving cruelty to animals cannot be given if the offense was related to pari-mutuel wagering.

25. The legislature has recognized in Section 550.0555(1), Florida Statutes, that pari-mutuel wagering upon greyhound racing provides substantial revenues to the state. The Respondent's actions are shocking to the public conscious. The public's confidence in pari-mutuel wagering would be seriously compromised if an individual who has been found to have treated racing greyhounds in such an inhumane manner were allowed to remain

licensed to participate in pari-mutuel wagering in this state. The public will not wager on races if it has reason to believe the animals participating are not treated in a humane manner and are not, therefore, adequately fit to participate in racing. A potential compromise to state revenue constitutes adequate cause for emergency rule. *Little v. Coler*, 557 So. 2d 151 (Fla. 1st DCA 1990); see also, *Calder Race Course v. Board of Business Regulation*, 319 So. 2d 67 (Fla. 1st DCA 1975).

26. In light of the findings of fact and conclusions of law set forth above, it is concluded that in order to protect the public safety and welfare from the immediate and continuing danger of extreme neglect of racing greyhounds, an EMERGENCY ORDER OF SUSPENSION of the license is required pursuant to Section 120.60(6), Florida Statutes. In short, the Director concludes that Respondent's continued access to racing animals would amount to an immediate and serious danger, and the instant EMERGENCY ORDER OF SUSPENSION is necessary to stop the emergency.

27. The Director has weighed public interests versus private interests in suspending William's license and finds that the continuation of the license is far outweighed by the immediate danger of allowing Respondent access to racing animals.

28. The procedure instituted in this matter provides Respondent at least the same protections as given by other statutes, the State Constitution or the United States Constitution. Furthermore, the Director finds that this summary suspension is fair under the circumstances and necessary to adequately protect the public.

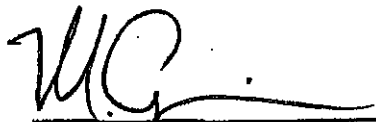
WHEREFORE, in accordance with Sections 120.60(6), 120.569, and 120.57(1) of the Florida Statutes, it is THEREFORE ORDERED THAT:

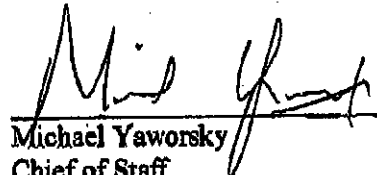
1. Respondent's pari-mutuel occupational license, license number 1246150-1021, is hereby immediately suspended until such time as this ORDER is lifted or a FINAL ORDER is issued pursuant to an ADMINISTRATIVE COMPLAINT which will be served in conjunction with the service of the this EMERGENCY ORDER OF SUSPENSION.

2. It is hereby ORDERED Respondent is to be denied access to any racing animals and all restricted areas of a pari-mutuel wagering facility where racing animals are maintained that requires a pari-mutuel occupational license pursuant to Section 550.105, Florida Statutes.

3. The Division employee who serves this ORDER shall note the date, time, and place of service of this ORDER and the person upon whom the same was served, on the original and one copy thereof.

DONE AND ORDERED on this the 2nd day of November, 2010.


 Milton Champion, Director
 Division of Pari-Mutuel Wagering


 Michael Yaworsky
 Chief of Staff

Copies Furnished:

Reggie Dixon
 Office of the General Counsel

NOTICE OF APPELLATE RIGHTS

Pursuant to Section 120.68(1), Florida Statutes, the agency's findings of immediate danger, necessity and procedural fairness shall be judicially reviewable. A review of these proceedings is governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a petition in accordance with Rule 9.100 of the Florida Rules of Appellate Procedure, with the Clerk of the Department of Business and Professional Regulation, and a second copy of the petition accompanied by the filing fee prescribed by law with the District Court of Appeal with thirty (30) days of the Date this Order is filed.

For completion by service officer:

Date of Service: _____

Time of Service: _____

Place of Service: _____

Person Served: _____

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,

AFFIDAVIT OF INV. CHARLES W. TAYLOR

STATE OF FLORIDA
COUNTY OF LEON

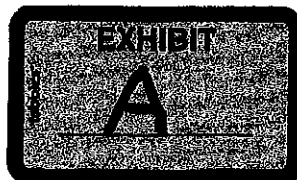
BEFORE ME this day personally appeared CHARLES W. TAYLOR who, being duly cautioned and sworn deposes and says that the following information is true and correct to the best of her information, knowledge, and belief:

1. I, CHARLES W. TAYLOR, am employed by the Florida Division of Pari-mutuel Wagering as the one of the Division's Investigators for the Northern Region of Florida. My office is located in the headquarters of the Division of Pari-mutuel Wagering in Tallahassee, Leon County, Florida.

2. I have been employed by the Division of Pari-mutuel Wagering since 1993. During my employment I have worked as a Sample Collector, Compliance Auditor, Chief Inspector, Division Judge, and Investigator. In my career with the Division of Pari-mutuel Wagering, I have over 15 years of direct experience with racing greyhounds.

3. On October 29, 2010, I was assigned to inspect and investigate the kennels assigned to the Respondent, Ronald John Williams, Jr., in the kennel compound of Washington County Kennel Club in response to complaints regarding greyhounds he delivered for adoption to the Greyhound Pets of America/Emerald Coast on October 25, 2010.

4. While inspecting Williams' kennels, I discovered twenty-one dead greyhounds, many of which were double crated. These greyhounds had clearly died of extreme neglect and were decomposing in the kennels where they died.



5. On October 30, 2010, I returned with Investigative Supervisor James Decker and took photographs of the greyhounds in the state we discovered them. True copies of the photographs I took are attached to this affidavit as Exhibits 1 through 21.

6. I also discovered five greyhounds that were still alive in Williams' kennels that had clearly suffered from extreme neglect. Four of those greyhounds were transferred to Greyhound Pets of America/Emerald Coast and one remained with a veterinarian for emergency medical care. I took photographs of the five greyhounds in the state we discovered them. True copies of the photographs I took are attached to this affidavit as Exhibits 22 through 35.

7. Three of the live greyhounds and one of the dead greyhounds that were discovered in Williams' kennels had duct tape wrapped tightly around their necks. I took photographs of the duct tape on one live greyhound as the tape was being removed and a photograph of the dead greyhound with duct tape around its neck. True copies of the photographs I took of the greyhounds with duct tape around their neck are attached to this affidavit as Exhibits 36 through 38.

8. On October 30, 2010, Greyhound Pets of America/Emerald Coast produced eight additional greyhounds they had received from Williams' kennels on October 25, 2010. While these greyhounds had been in the care of Greyhound Pets of America/Emerald Coast for approximately five days, they still appeared underfed and had sores resulting from neglect. I took photos of the eight greyhounds produced by Greyhound Pets of America/Emerald Coast. True copies of the photographs I took of those greyhounds are attached to this affidavit as Exhibits 39 through 46.

9. Remains of additional greyhounds were found in garbage bags located in the rest room of Williams' kennels and in freezers in Williams' kennels. The bags in the rest room were wet with rotted remains and could not be safely inspected. The remains in the freezer were frozen solid, which prevented close inspection. I took photographs of the bags found in the rest room and the freezers. A true copy of the photograph of the bags in the rest room is attached hereto as Exhibit 47. True copies of the photographs of the bags found in the freezers are attached hereto as Exhibits 48 and 49.

AFFIANT FURTHER SAITH NAUGHT

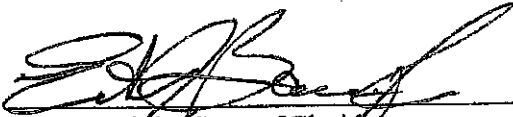
Sworn to and signed this 2nd day of November, 2010, by:



CHARLES W. TAYLOR, INVESTIGATOR

SWORN TO and subscribed before me this 2nd day of November, 2010, by

CHARLES W. TAYLOR, who is personally known to me.



Notary Public, State of Florida

My Commission Expires:



ERNEST J. BARNES, JR.
MY COMMISSION # DD 887189
EXPIRES: June 14, 2013
Bonded thru Budget Notary Services

EMERGENCY SUSPENSION
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 Order Of Emergency Suspension Of License 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 Order Of Emergency Suspension Of License and request that this be considered a petition for an immediate 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.

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 _____, 2009, by _____ personally known to me or who has produced _____ as identification.

Notary Public

My Commission Expires:

(Notary Seal)

PLEASE MAIL FORM TO: **ETHEL BARNES, AAI**

Office of the General Counsel, PMW
Northwood Centre
1940 North Monroe Street
Suite 40
Tallahassee, Florida 32399-2202

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

DEPARTMENT OF BUSINESS AND
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DBPR CASE NO. 2010054357

RONALD JOHN WILLIAMS, JR.,

Respondent.

EXPLANATION OF RIGHTS AND PROCEDURES

An Order of Emergency Suspension has been entered against your pari-mutuel occupational license. In issuing that order, the Director of the Division of Pari-mutuel Wagering has determined that your continued licensure presents an immediate and serious danger to the public health, safety and/or welfare. You have a right to seek judicial review of this order in order to challenge the procedural fairness of the issuance of this order, the necessity for the order and the department's finding of immediate danger. You may seek judicial review in the manner described in the Notice of Right to Judicial Review contained in the Order of Emergency Suspension. See Section 120.60(6)(c), Florida Statutes.

This order is a final summary order, but it is not a Final Order in this case. By law, the division must promptly institute formal suspension or revocation proceedings to seek to take final disciplinary action against your license to practice your profession. See Section 120.60(6), Florida Statutes. Therefore, this agency has or will in the near future file an Administrative Complaint against your license to institute the formal suspension or revocation proceedings.

Because this Order of Emergency Suspension has been entered, you have a right to a prompt hearing on the Administrative Complaint filed against your license. See Section 120.60(6), Florida Statutes. If you dispute the material facts alleged in the Administrative Complaint, then you may request a prompt formal hearing, pursuant to Section 120.57(1), Florida Statutes, before a Administrative Law Judge appointed by the Division of Administrative Hearings, whose address is The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. You may make your request by faxing, telegraphing or mailing your request for a prompt formal hearing to the Counsel for the Department, as listed on the Order of Emergency Suspension, at Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399-2202. The facsimile telephone number is (850) 921-1311. The Department will then immediately refer the matter to the Division of Administrative Hearings with a request for an expedited formal hearing.

If you do not dispute any material facts as alleged in the Administrative Complaint, then you may request a prompt informal hearing, pursuant to Section 120.57(2), Florida Statutes, before a Hearing Officer for the Department of Business and Professional Regulation.. You may send your request by telegraph, facsimile transmission or mail as noted above to the Counsel for the Department as listed on the Order of Emergency Suspension.

If you have any questions about your rights, please do not hesitate to contact the Department as listed on the Order of Emergency Suspension. Please do not contact the Secretary of the Department directly about this order at this time.