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.

CELESTINA M. GANGEMI,

Respondent.

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ADMINISTRATIVE COMPLAINT

Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (hereinafter "Petitioner"), files this Administrative Complaint against Celestina M. Gangemi (hereinafter "Respondent"), and says:

1. Petitioner is the state agency charged with regulating the practice of pari-mutuel wagering, pursuant to Section 20.165, Florida Statutes, and Chapter 550, Florida Statutes.

2. At all times material hereto, Respondent held an Unrestricted "U1" Professional pari-mutuel wagering occupational license, number 0257328-1081, issued by the Division.

3. Rule 61D-6.002(1), Florida Administrative Code, provides, "[t]he trainer of record shall be responsible for and be the absolute insurer of the condition of the horses . . . he/she enters to race."

4. Respondent was the trainer of record and the absolute insurer of the condition of a thoroughbred horse named "Quonochontaug" on Tuesday, July 11, 2000.

5. On Tuesday, July 11, 2000, "Quonochontaug" was entered in the ninth race of the matinee performance at Calder Race Course, Inc.
6. Calder Race Course, Inc., is a permitholder authorized to conduct pari-mutuel wagering in this state.

7. Rule 61D-6.005(1), Florida Administrative Code, provides, "[t]he winner of every race and other such racing animal participants the stewards, judges, or division or track veterinarian of the meeting designate, shall be sent immediately after the race to the detention enclosure for examination by the authorized representative of the division and for the taking of urine, blood or other such samples as shall be directed."


9. "Quonochontaug" was immediately thereafter sent to a detention enclosure for the taking of a urine sample.

10. A urine sample was collected from "Quonochontaug" under the circumstances described above and the sample was assigned number 658542.

11. The University of Florida Racing Laboratory tested urine sample number 658542, and found it to contain Benzylecgonine and/or a derivative thereof.

12. Benzylecgonine is a metabolite of cocaine.

13. Cocaine is a topical anesthetic, and a Class 1 drug under the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioners, Inc.

14. Section 550.2415(1)(a), Florida Statutes, provides, "[t]he racing of an animal with any drug, medication, stimulant, depressant, hypnotic, local anesthetic, or drug-masking agent is prohibited."
15. Section 550.2415(1)(c), Florida Statutes, which provides, "The finding of a prohibited substance in a race-day specimen constitutes prima facie evidence that the substance was administered and was carried in the body of the animal while participating in the race."

16. Benzoylcgonine and its metabolites are impermissible substances, which were carried in the body of "Quonochontaug" while participating in the ninth race of the matinee performance at Calder Race Course, Inc., on Tuesday, July 11, 2000.

17. Based on the foregoing Respondent has violated Section 550.2415(1)(a), Florida Statutes, which provides, "[t]he racing of an animal with any drug, medication, stimulant, depressant, hypnotic, local anesthetic, or drug-masking agent is prohibited. It is a violation of this section for a person to administer or cause to be administered any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, or drug-masking agent to an animal which will result in a positive test for such substance based on samples taken from the animal immediately prior to or immediately after the racing of that animal."

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 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.

Signed this 31st day of July, 2000.

Leon M. Biegalski
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COUNSEL FOR DEPARTMENT:

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Case #00070549