

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE, BLDG. 68
CRANSTON, RHODE ISLAND 02920**

IN THE MATTER OF:	:	
	:	
	:	
LUIS PABON,	:	DBR No. 14RA013
	:	
RESPONDENT.	:	

FINAL ORDER OF REVOCATION

Pursuant to R.I. Gen. Laws § 41-4-9.1(c), the Director (“Director”) of the Rhode Island Department of Business Regulation (“Department”) hereby issues this Final Order of Revocation (“Order”) revoking the Operations Employee license of Luis Pabon (“Respondent”).

I. TRAVEL OF THE CASE

1. On June 30, 2014, the Director issued an Order to Show Cause why License Should not be Revoked, Notice of Hearing, and Appointment of Hearing Officer which was served upon the Respondent at his last and only known address on file with the Department (“Order and Notice”). This document ordered the Respondent to appear at the Department on August 16, 2014 for a hearing. The Respondent failed to appear at the Department at the time and date specified in the Order and Notice.

2. On the 5th day of January, 2015, a Final Order of Revocation of was issued by the Director (“Director”) of the Rhode Island Department of Business Regulation (“Department”), after having issued a default judgment against the Respondent, as recommended by the Hearing Officer assigned to this enforcement action.

3. On March 10, 2015, Counsel for the Department filed a Motion for Reconsideration based on the fact that the Order to Show Cause and Notice of Hearing which initiated this administrative action listed a hearing date of August 16, 2014, which was a Saturday. This date was a mistake, and the hearing had in actuality been scheduled for July 16, 2014 in the Department records. Therefore, the Respondent's first default was through no fault of his own. This mistaken date satisfied the good cause standard for reconsideration.

4. Accordingly, the Director issued an Order Granting Reconsideration and Notice of Hearing ("Notice") which was served on the Respondent by regular and certified mail to his last known address on file with the Department. The Notice was also sent by electronic mail to pabonvezluisj@gmail.com. The certified and regular mail envelopes were returned as undeliverable to the Department, but no electronic rejection message was received for the email. The new hearing date specified in the Notice was May 13, 2015 at 2:30 p.m.

5. The Respondent did not appear, nor did anyone on his behalf, at the time and place specified for hearing.

6. On the date of hearing, Legal Counsel for the Department appeared and presented oral argument, testimonial and documentary evidence of the information provided to the Division by officials at Twin River Casino.

II. SUMMARY OF EVIDENCE AND FINDINGS OF FACT

1. The Respondent holds an Operations Employee License and was, at all times relevant hereto, employed as a gaming table dealer at the Twin River Casino in Lincoln, Rhode Island ("Twin River").

2. On or about June 11, 2014, the Respondent was arrested by Rhode Island State Police Gaming Enforcement Unit and charged with eight (8) counts of casino gaming

cheating in the performance of duty as a dealer, and two (2) counts of paying out an amount greater than required. (Department's Exhibit #2)

3. On the date of his arrest, the Department was notified by Twin River officials that the Respondent had been terminated from his employment at Twin River based on his arrest and the ensuing felony charges lodged against him. (Department's Exhibit #3)

4. The Respondent failed to personally notify the Department at any time that his employment at Twin River Casino had been terminated, which violates the Notice of License Approval issued to him by the Division at the time of licensing. (Department's Exhibit #1)

5. In the course of its investigation into this matter, the Department learned that the Respondent had been being monitored during his work shifts at the Casino for three months prior to his arrest, on suspicion that he was "steering" cards and offering "insurance bets" while knowing the outcome of the dealer's hand.

6. The Respondent failed to appear at the Department at the time and date specified in the Notice issued on April 20, 2015, and failed to contact any employee of the Division of Racing and Athletics regarding the Notice.

7. Based on Respondent's criminal arrest for unlawful table dealing, his discharge of employment by Twin River, and his failure to notify the Division of Racing and Athletics of his termination, the Department has sufficient cause to believe that the Respondent does not possess the requisite qualifications for licensure and has reasonable cause to recommend that his license should be revoked pursuant to R.I. Gen. Laws § 41-4-9.1, which provides that the division may reject for good cause an application for a license, and it may suspend or revoke for good cause any license issued by it.

8. The Department has complied with the requirements of R.I. Gen. Laws § 42-35-9 regarding notice in contested cases, and the Respondent was afforded an opportunity for a hearing after reasonable notice.

9. Based on Respondent's failure to appear for hearing, a default judgment against the Respondent is appropriate and supported by law and regulation.

10. Based on the provisions set forth in Racing and Athletics Regulation 9, Section 5(A), and Section 5(B)(5), it is in the public interest to immediately and permanently revoke Respondent's Operations Employee license.

III. CONCLUSIONS OF LAW

1. There is sufficient cause under R.I. Gen. Laws to permanently revoke the Operations Employee license held by the Respondent pursuant to R.I. Gen. Laws §41-4-9.1(c), based on the evidence discovered by the Division of Racing and Athletics during its investigation into this matter.

2. A default judgment against Respondent is appropriate given his failure to appear and/or defend this action pursuant to Section 21 of *Central Management Regulation 2 – Rules of Procedure for Administrative Hearings*.

IV. RECOMMENDATIONS

Upon due consideration of the evidence presented and the foregoing findings of fact, it is the recommendation of the undersigned Hearing Officer that the Director issue an Order defaulting the Respondent in this matter, and revoking his Operations Employee License, with prejudice.

DATE: May 28, 2015



Ellen R. Balasco, Esq.
Hearing Officer

ORDER

I have read the Hearing Officer's Recommendation in this matter, and I hereby take the following action with regard to the Recommendation:

ADOPT

REJECT

MODIFY

Dated: 5/29/15



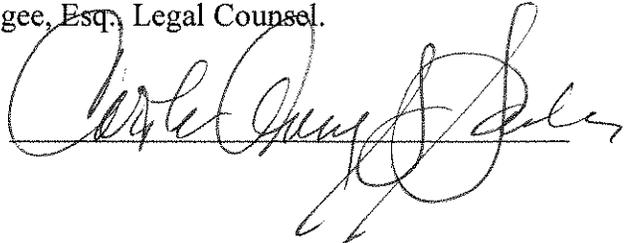
MACKY McCLEARY
Director

Entered as Administrative Order No. 15-18 on this 29th day of May, 2015.

THIS ORDER OF REVOCATION CONSTITUTES A FINAL DECISION OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO RHODE ISLAND GENERAL LAWS TITLE 42, CHAPTER 35. AS SUCH, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE DATE OF THIS ORDER. SUCH APPEAL, IF TAKEN, MAY BE COMPLETED BY FILING A PETITION FOR REVIEW WITH THE COURT. RESPONDENT'S LICENSE SHALL BE REVOKED EFFECTIVE THE DATE OF THIS ORDER. NOTIFICATION OF THE REVOCATION MAY BE PUBLISHED IN THE PROVIDENCE JOURNAL AND/OR ON THE DEPARTMENT'S WEBSITE.

CERTIFICATION

I hereby certify on this 29th day of May, 2015, that a copy of the within Order was sent by first class mail, postage prepaid to Luis Pabon, 11 Trask Street, Providence, RI 02905, and by electronic mail to pabonvelezluisj@gmail.com and also by electronic mail to the following personnel of the Department of Business Regulation: Ellen Balasco, Esq., Hearing Officer; Maria D'Alessandro, Esq., Deputy Director, Racing and Athletics; Christina Tobiasz, Chief Licensing Examiner and Jenna Algee, Esq., Legal Counsel.



Charles James J. Balasco