

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

In Re: Emergency Suspension of the License of:

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	6/9/2017
File #	2017-04614

Name: Charles F. McClellan
License Number: 816680-1021
DBPR Case Numbers: 2017-015413
2017-015397
2017-015390
2017-017907
2017-017896
2017-017835
2017-017938
2017-022299
2017-022306
2017-022320
2017-022331
2017-022547
2017-022552
2017-022577
2017-024143
2017-024147
2017-024154

ORDER OF EMERGENCY SUSPENSION OF LICENSE

Anthony Glover, Director of the Division of Pari-Mutuel Wagering, hereby ORDERS the emergency suspension of the license of CHARLES F. MCCLELLAN ("Respondent") to practice as a Pari-Mutuel Wagering Owner/Trainer as permitted pursuant to Chapter 550, Florida Statutes. Respondent was issued pari-mutuel wagering individual occupational license number 816680-1021 on January 21, 2010. Respondent's address of record is 2600 5th Street West, Jacksonville, Florida 32254. This Order of Emergency Suspension of Respondent's license to practice as a greyhound trainer in the State of Florida is supported by the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Department of Business and Professional Regulation ("Department") is the state agency charged with regulating pari-mutual wagering pursuant to Chapters 120 and 550 of

the Florida Statutes.

2. Section 120.60(6), Florida Statutes (2016), authorizes the Division to suspend Respondent's license to practice as a Pari-Mutuel Wagering Professional in the State of Florida if the Department finds that immediate serious danger to the public health, safety, or welfare requires the emergency suspension of his license.

3. At all times material hereto, Respondent held a pari-mutuel wagering occupational license, number 816680-1021, issued by the division.

4. Respondent currently uses his license to work as the trainer of record for several racing greyhounds at Bayard Raceways, which conducts pari-mutuel wagering activities at Orange Park Kennel Club.

5. Rule 61D-6.002(1), *Florida Administrative Code*, provides that, "[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."

6. Respondent was the trainer of record and the absolute insurer of the condition of several racing greyhounds that tested positive for benzoylecgonine, a metabolite of cocaine, which is a Class 1 drug, as referenced in the attached Administrative Complaint(s), which are hereby incorporated by reference.

7. On or about April 6, 2017, the division filed the initial administrative complaint against Respondent alleging three (3) violations (Counts I – III) of Section 550.2415(1)(a), Florida Statutes. This Administrative Complaint set forth a violation for three (3) racing greyhounds that tested positive for metabolites of cocaine:

- a. DBPR Case No. 2017-015390: On **March 1, 2017**, Mr. McClellan was the trainer of record for the racing greyhound "WW's FLICKA" who finished in 1st place of the 7th race of the Bayard performances held at Orange Park Kennel Club. On this same date, "WW's FLICKA" tested

positive for Benzoylcegonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.)

- b. DBPR Case No. 2017-015397: On **March 2, 2017**, Mr. McClellan was the trainer of record for the racing greyhound "WW's CASTLE ROCK" who finished in 5th place of the 9th race of the Bayard performances held at Orange Park Kennel Club. On this same date, "WW's CASTLE ROCK" tested positive for Benzoylcegonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.)
- c. DBPR Case No. 2017-015413: On **March 5, 2017**, Mr. McClellan was the trainer of record for the racing greyhound "ANY ROAD" who finished in 6th place of the 12th race of the Bayard performances held at Orange Park Kennel Club. On this same date, "ANY ROAD" tested positive for Benzoylcegonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.)

8. On April 20, 2017, the Division filed a second consolidated administrative complaint alleging the following additional drug positive violations for cocaine:

- a. DBPR Case No. 2017-017835: On **March 15, 2017**, Mr. McClellan was the trainer of record for the racing greyhound "WW's FLICKA" who finished in 4th place of the 7th race of the Bayard performances held at

Orange Park Kennel Club. On this same date, “WW’s FLICKA” tested positive for Benzoylecgonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.)

- b. DBPR Case No. 2017-017896: On **March 23, 2017**, Mr. McClellan was the trainer of record for the racing greyhound “WW’s FLICKA” who finished in 5th place of the 7th race of the Bayard performances held at Orange Park Kennel Club. On this same date, “WW’s FLICKA” tested positive for Benzoylecgonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.)
- c. DBPR Case No. 2017-017907: On **March 27, 2017**, Mr. McClellan was the trainer of record for the racing greyhound “WW GREENMEANS GO” who finished in 5th place of the 12th race of the Bayard performances held at Orange Park Kennel Club. On this same date, “WW GREENMEANS GO” tested positive for Benzoylecgonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.)
- d. DBPR Case No. 2017-017938: On **March 27, 2017**, Mr. McClellan was the trainer of record for the racing greyhound “WW’s CHERRY POP” who finished in 3rd place of the 11th race of the Bayard performances held at Orange Park Kennel Club. On this same date, “WW’s CHERRY POP”

tested positive for Benzoyllecgonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.).

9. On May 15, 2017, the Division filed a third consolidated Administrative Complaint alleging the following additional drug positives for cocaine:

- a. DBPR Case No. 2017-022299: On **March 29, 2017**, Mr. McClellan was the trainer of record for the racing greyhound “WW’s BIG IDEA” who finished in 8th place of the 15th race of the Bayard performances held at Orange Park Kennel Club. On this same date, “WW’s BIG IDEA” tested positive for Benzoyllecgonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.).
- b. DBPR Case No. 2017-022306: On **March 29, 2017**, Mr. McClellan was the trainer of record for the racing greyhound “BLUE JAY’S OCTANE” who finished in 5th place of the 5th race of the Bayard performances held at Orange Park Kennel Club. On this same date, “BLUE JAY’S OCTANE” tested positive for Benzoyllecgonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.).
- c. DBPR Case No. 2017-022320: On **March 31, 2017**, Mr. McClellan was the trainer of record for the racing greyhound “WW COHERENT” who finished in 2nd place of the 4th race of the Bayard performances held at

Orange Park Kennel Club. On this same date, “WW COHERENT” tested positive for Benzoylecgonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.).

- d. DBPR Case No. 2017-022331: On **April 1, 2017**, Mr. McClellan was the trainer of record for the racing greyhound “OAKS LADY MARY” who finished in 3rd place of the 10th race of the Bayard performances held at Orange Park Kennel Club. On this same date, “OAKS LADY MARY” tested positive for Benzoylecgonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.).
- e. DBPR Case No. 2017-022547: On **April 7, 2017**, Mr. McClellan was the trainer of record for the racing greyhound “BJ’S MONEY PILE” who finished in 5th place of the 5th race of the Bayard performances held at Orange Park Kennel Club. On this same date, “BJ’S MONEY PILE” tested positive for Benzoylecgonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.).
- f. DBPR Case No. 2017-022552: On **April 20, 2017**, Mr. McClellan was the trainer of record for the racing greyhound “WW CALL MY NAME” who finished in 5th place of the 3rd race of the Bayard performances held at Orange Park Kennel Club. On this same date, “WW CALL MY

NAME” tested positive for Benzoylecgonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.).

- g. DBPR Case No. 2017-022577: On **April 22, 2017**, Mr. McClellan was the trainer of record for the racing greyhound “WW’s FLICKA” who finished in 4th place of the 3rd race of the Bayard performances held at Orange Park Kennel Club. On this same date, “WW’s FLICKA” tested positive for Benzoylecgonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.).

10. On May 24, 2017, the Division filed a fourth consolidated Administrative Complaint alleging the following additional drug positive violations for cocaine:

- a. DBPR Case No. 2017-024143: On **April 27, 2017**, Mr. McClellan was the trainer of record for the racing greyhound “WW’s FLICKA” who finished in 1st place of the 13th race of the Bayard performances held at Orange Park Kennel Club. On this same date, “WW’s FLICKA” tested positive for Benzoylecgonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.).
- b. DBPR Case No. 2017-024147: On **April 28, 2017**, Mr. McClellan was the trainer of record for the racing greyhound “WW’s CASTLE ROCK” who finished in 6th place of the 10th race of the Bayard performances held

at Orange Park Kennel Club. On this same date, "WW's CASTLE ROCK" tested positive for Benzoyllecgonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.).

- c. DBPR Case No. 2017-024154: On **April 29, 2017**, Mr. McClellan was the trainer of record for the racing greyhound "WW's LOST GIRL" who finished in 1st place of the 13th race of the Bayard performances held at Orange Park Kennel Club. On this same date, "WW's LOST GIRL" tested positive for Benzoyllecgonine (a metabolite of cocaine, which is a local anesthetic and Class 1 drug according to the Uniform Classification Guidelines for Foreign Substances, as promulgated by the Association of Racing Commissioner, Inc.).

11. Mr. McClellan is currently attempting to use his pari-mutuel wagering occupational license to continue training and racing greyhounds at Bayard/Orange Park Kennel Club.

12. Mr. McClellan's continuous drug positive violations for cocaine establishes a threat to the safety and welfare of any animals in his care as a greyhound trainer and because Mr. McClellan has greyhounds in his custody and control as trainer of record pursuant to his license and he is further scheduled to race those animals at a pari-mutuel event at Orange Park Kennel Club on Friday, June 9, 2017, Saturday, June 10, 2017, and Sunday, June 11, 2017, there is an immediate and serious danger to the public health, safety and welfare that requires an emergency suspension of his Pari-Mutuel Wagering Professional license.

CONCLUSIONS OF LAW

13. The Director of the Division of Pari-Mutuel Wagering and the Department of Business and Professional Regulation has jurisdiction over this matter pursuant to Chapters 20, 120, and 550 of the Florida Statutes, as set forth above.

14. Section 120.60(6), Florida Statutes (2016), authorizes the Division to suspend Respondent's license to practice as a Pari-Mutuel Wagering Professional in the State of Florida if the Department finds that immediate serious danger to the public health, safety, or welfare requires the emergency suspension of his license.

15. Section 550.105(5)(b), Florida Statutes (2016), states that "[t]he division may deny, suspend, revoke or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the division governing the conduct of persons connected with racetracks and frontons."

16. Pursuant to Section 550.2415(1)(a), Florida Statutes (2016):

The racing of an animal that has been impermissibly medicated or determined to have a prohibited substance present is prohibited. It is a violation of this section for a person to impermissibly medicate an animal or for an animal to have a prohibited substance present resulting in a positive test for such medications or substances based on samples taken from the animal before or immediately after the racing of that animal.

17. Based on the facts set forth above, Mr. McClellan has seventeen (17) pending violations of Section 550.2415(1)(a), Florida Statutes (2016), by virtue of being the trainer of record for seventeen (17) racing greyhounds that tested positive for metabolites of cocaine between March 1, 2017 and April 29, 2017.

18. Based on the foregoing Findings of Fact, the Director finds that Mr. McClellan's continued use of his Pari-Mutuel Wagering Professional license constitutes an immediate and serious danger to the health, safety, or welfare of the public.

19. The criminal acts described above conclusively demonstrate that Mr. McClellan is

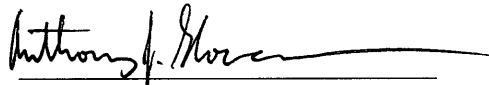
a threat to the animals in his control custody and care and the fact that his is currently racing greyhounds at Orange Park Kennel Club demonstrates that the immediate suspension of his Pari-Mutuel Wagering Professional license is necessary to protect the public.

20. The Department cannot withdraw the issuance of Mr. McClellan's license without the due process protections set forth in Chapter 120, Florida Statutes.

WHEREFORE, in accordance with Section 120.60(6), Florida Statutes (2016), it is THEREUPON ORDERED THAT:

1. The license of CHARLES F. MCCLELLAN, license no. 816680-1021 is hereby immediately suspended.

DONE and ORDERED this 9th day of June, 2017.


Anthony J. Glover, Director
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