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DIVISION OF
PARI-MUTUEL WAGERING

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Department of Business and Professional Regulation	
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P.O. Box 350940

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June 9, 2009

Mr David Roberts
Director Division of Pari-Mutuel Wagering
Florida Dept of Business and Professional Regulation
1940 North Monroe Street
Northwood Centre
Tallahassee, FL 32399-1036

VW 2009-205

Attached is our formal request for waiver. We look forward to working in concert with DBPR as we prepare to open the Magic City Casino. Our goal is to expeditiously open a facility that will be a significant revenue generator to the state of Florida and major job provider to the local community.

Respectfully submitted

Scott Savin

COO - Flagler Dog Track



Flagler Dog Track
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PETITION FOR VARIANCE FROM RULE 61D-11 025 SECTION 7 (b)

Petitioner West Flagler Associates LTD - [401 NW 38 Court, Miami, FL 33126 / phone 305-649-3000 / fax 305-631-4525]

Representative Scott Savin [401 NW 38 Court, Miami, FL 33126 / phone 305-649-3000 / fax. 305-631-4525]

This addresses rule 61D-11 025 sections 7(b)

We are respectfully requesting a temporary variance from the above stated section of the rule until such time as the new surveillance room is completed, as the facility is being renovated and any additional compliance will result in a substantial financial hardship

The facility is presently under construction and we expect to open the newly renovated portion of the facility on or about September 15, 2009. The new facility will house seven-hundred (700) slot machines in phase one of a two phase development plan. As we are renovating an older facility and a portion of the new construction is taking place in the former surveillance office, we have been forced to temporarily house surveillance in our audio/video studio. This is the only area that will remain undisturbed during the construction project. This is a secure area with limited access to specific Flagler employees and the designated personnel of our audio and video provider, Televue. The entrance to the room is not readily visible or accessible to the general public nor is the interior visible or accessible to the public.

While housed in the same room, Televue personnel do not have a direct view of the surveillance monitors, nor do we consider their presence to, in any way, compromise the abilities of our staff or system to provide the statutory surveillance coverage required in the card room. We have already expended over fifty-thousand dollars (\$50,000.00) to rewire and move the surveillance system to this area on a temporary basis. This is money that cannot be recouped by the venue. It would be a substantial financial hardship for the venue to make additional changes during the renovation. Any additional expenditures may result in delay of the venue's expansion resulting in a substantial loss of revenue to the State of Florida. This was only done after exploring every feasible option available and placing a backup system, to provide redundancy in the event of a crisis, in the office of the card room manager. We have done our best to remain within the spirit of the rule during our construction phase. We are seeking some temporary latitude as we work diligently towards the goal of opening a facility that will be a major local employer and a generator of significant revenues to the State of Florida.

This is a temporary request that would terminate upon our expected opening in September but would not, under any normal circumstances, extend beyond October 30, 2009. When renovations are complete, the cardroom will fully comply with the rule's cardroom surveillance technology requirements.