

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NO:

DIVISION:

JACKSONVILLE GREYHOUND RACING, )  
INC., a Florida corporation, )

Plaintiff, )

v. )

ALLIED VETERANS OF THE WORLD, )  
INC., a Florida corporation, ALLIED )  
VETERANS OF THE WORLD, INC.: )  
AFFILIATE 34, a Florida corporation, )  
ALLIED VETERANS OF THE WORLD, )  
INC.: AFFILIATE 37, a Florida corporation, )  
ALLIED VETERANS OF THE WORLD, )  
INC.: AFFILIATE 38, a Florida corporation, )  
ALLIED VETERANS OF THE WORLD, )  
INC.: AFFILIATE 39, a Florida corporation, )  
ALLIED VETERANS OF THE WORLD, )  
INC.: AFFILIATE 40, a Florida corporation, )  
and ALLIED VETERANS OF THE )  
WORLD, INC.: AFFILIATE 43, a Florida )  
corporation, )

Defendants. )

**COMPLAINT**

**(Count I – Cause of Action to Enjoin Common Nuisance (Fla. Stat. § 849.21))**  
**(Count II – Violation of Deceptive and Unfair Trade Practices Act (Fla. Stat. § 501.211))**  
**(Count III – Violation of Civil Remedies for Criminal Practices Act (Fla. Stat. § 772.103))**

Plaintiff, JACKSONVILLE GREYHOUND RACING, INC., sues the above-named  
Defendants and says:

**JURISDICTION AND VENUE**

1. This is an action for declaratory and permanent injunctive relief and for damages  
in excess of \$15,000, exclusive of interest, costs, and attorneys' fees.

2. Venue is properly vested in this Court as this is an action for violations of Florida statutory law, arising out of conduct occurring in Duval County, Florida.

3. Defendants are operating illegal gaming establishments in Duval County, attempting to shield their conduct from detection by masquerading as legitimate business establishments. Jacksonville Greyhound Racing, Inc. is bringing this action to stop these illegal operations.

#### **THE PARTIES**

4. Jacksonville Greyhound Racing, Inc. is a Florida corporation with its principal address in Clay County, Florida.

5. Allied Veterans of the World, Inc. is a Florida corporation, doing business in Duval County, Florida.

6. Allied Veterans of the World, Inc.: Affiliate 34 is a Florida corporation, doing business in Duval County, Florida. Affiliate 34 operates a gaming establishment located at 5804 Normandy Boulevard, Jacksonville, Florida 32205.

7. Allied Veterans of the World, Inc.: Affiliate 37 is a Florida corporation, doing business in Duval County, Florida. Affiliate 37 operates a gaming establishment located at 2294 Mayport Road, Suite 10, Atlantic Beach, Florida 32233.

8. Allied Veterans of the World, Inc.: Affiliate 38 is a Florida corporation, doing business in Duval County, Florida. Affiliate 38 operates a gaming establishment located at 1440-5 Dunn Avenue, Jacksonville, Florida 32218.

9. Allied Veterans of the World, Inc.: Affiliate 39 is a Florida corporation, doing business in Duval County, Florida. Affiliate 39 operates a gaming establishment located at 5548 Norwood Avenue, Jacksonville, Florida 32208.

10. Allied Veterans of the World, Inc.: Affiliate 40 is a Florida corporation, doing business in Duval County, Florida. Affiliate 40 operates a gaming establishment located at 969 University Boulevard North, Jacksonville, Florida 32211.

11. Allied Veterans of the World, Inc.: Affiliate 43 is a Florida corporation, doing business in Duval County, Florida. Affiliate 43 operates a gaming establishment located at 4578 Blanding Boulevard, Jacksonville, Florida 32210.

### **GENERAL ALLEGATIONS**

12. Plaintiff is engaged in the business of providing entertainment through pari-mutuel wagering on greyhounds, horses and jai alai in the operation of two licensed poker rooms.

13. Unlike Defendants' enterprises, Plaintiff's business is legal, specifically authorized under Florida law, and heavily regulated and taxed by the State of Florida.

14. Defendants' claimed mission is to serve veterans in need; however, Defendants, by and through their operation of the specified gaming establishments, are engaged in illegal gambling, as defined by Florida law.

15. Defendants purport to operate "internet cafés" where patrons purchase a block of internet time that can theoretically be expended in a number of ways.

16. As part of Defendants' attempt to pass as legitimate businesses, Defendants claim to be conducting game promotions or sweepstakes.

17. However, masquerade aside, the machines in Defendants' establishments are slot machines, as defined by the Florida Statutes, and are almost exclusively used as such.

18. To use the machines, patrons must obtain a swipe card. Patrons then charge monies to such card at a centralized terminal located on the premises or at a counter with one of Defendants' employees. Thereafter, patrons swipe the card through a reader on a computer

terminal that is then used to operate a touch-screen computerized slot machine. Photographs of such slot machines are attached hereto as **Composite Exhibit A**.

19. Each computerized slot machine has a number of different games that can be played by patrons, and patrons are able to spend additional monies depending on which game they choose. Similar to a Las Vegas style slot machine, the “wheels” on the screens “spin.” Patrons are able to stop the “wheels” in the hope of increasing their chances of obtaining a winning combination by lining up the cherries, bars, or a combination of any other winning symbol depending on the game played.

20. Upon obtaining any form of winning combination, patrons are automatically credited those monies or additional play chances to the swipe card that can be cashed in at any time by patrons. Alternatively, patrons may receive additional “credits” to be used in the alleged game promotion or sweepstakes.

21. The bottom line is that Defendants, in concert with one another, attempt to conceal their illegal gaming behavior by masquerading as sweepstakes when, in fact, Defendants are nevertheless operating illegal gaming establishments where patrons purchase access to illegal slot machines. Indeed, as recently as Thursday, August 20, 2009, Florida’s Office of Statewide Prosecution guided a raid with the intent to prosecute Allied Veterans of the World in Seminole County, Florida. See Exhibit B.

22. Most, if not all, of these establishments are open 24 hours a day, seven days a week, in order for Defendants to expand their illicit operations throughout the community.

23. Further, these illegal establishments are taxing the City of Jacksonville’s resources. During the past year alone, more than eighty (80) service calls were placed to the Jacksonville Sheriff’s Office regarding disturbances at the establishments operated by Defendants.

24. The operation of these illegal gaming establishments violates the moral and ethical standards of the community. As such, Defendants are engaged in activity that is not only illegal, but damaging to the community as a whole.

**COUNT I – CAUSE OF ACTION TO ENJOIN COMMON NUISANCE**  
**(FLA. STAT. § 849.21)**

25. Plaintiff incorporates paragraphs 1 through 24 above as though fully set forth herein.

26. Pursuant to Florida Statute Section 849.20, any structure or place where any machine or device, or any part thereof, the possession, operation or use of which is prohibited by Sections 849.15 through 849.23, is maintained or operated, and each of such machines or devices, is declared to be a common nuisance.

27. Florida Statute Section 849.15 provides that

(1) It is unlawful:

(a) To manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to offer to sell, rent, lease, let on shares, lend or give away, or permit the operation of, or for any person to permit to be placed, maintained, or used or kept in any room, space, or building owned, leased or occupied by the person or under the person's management or control, any slot machine or device or any part thereof; or

(b) To make or to permit to be made with any person any agreement with reference to any slot machine or device, pursuant to which the user thereof, as a result of any element of chance or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value.

28. Florida Statute Section 849.16 provides that

(1) Any machine or device is a slot machine or device within the provisions of this chapter if it is one that is adapted for use in such a way that, as a result of the insertion of any piece of money, coin, or other object, such machine or device is caused to operate or may

be operated and if the user, by reason of any element of chance or of any other outcome of such operation unpredictable by him or her, may:

(a) Receive or become entitled to receive any piece of money, credit, allowance, or thing of value, or any check, slug, token, or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance, or thing of value or which may be given in trade; or

(b) Secure additional chances or rights to use such machine, apparatus, or device, even though it may, in addition to any element of chance or unpredictable outcome of such operation, also sell, deliver, or present some merchandise, indication of weight, entertainment, or other thing of value.

29. As described above, Defendants maintain and permit the operation of slot machines within the rooms, spaces and/or buildings owned, leased and/or occupied by Defendants.

30. Defendants maintain and operate, within their respective gaming establishments, machines that are operated by the insertion of money or other object which allows users, by reason of any element of chance, to receive money or any other thing of value.

31. Further, Defendants maintain and operate, within their respective gaming establishments, machines that are operated by the insertion of money or other object that allows users, by reason of any element of chance, to secure additional chances or rights to use such machines.

32. Thus, pursuant to Florida Statute Section 849.20, Defendants' gaming establishments, as well as the machines maintained and operated within those establishments, are declared to be a "common nuisance," as defined therein.

33. Further, Florida Statute Section 849.21 authorizes "any person" to bring an action to enjoin such common nuisance.

34. As a legally recognized “person” under Florida law, and a respected member of the offended community, Plaintiff has standing to bring suit.

WHEREFORE, Plaintiff hereby requests permanent injunctive relief enjoining Defendants’ operation of the specified gaming establishments, in violation of the Florida Statutes, as well as Defendants’ maintenance and operation of machines which are prohibited by Sections 849.15 through 849.23 and such other and further relief as this Court deems just and proper.

**COUNT II – VIOLATION OF DECEPTIVE AND UNFAIR TRADE PRACTICES ACT  
(FLA. STAT. § 501.211)**

35. Plaintiff incorporates paragraphs 1 through 24 above as though fully set forth herein.

36. Pursuant to Florida Statute Section 501.204, as part of the Florida Deceptive and Unfair Trade Practices Act (“FDUTPA”), it is unlawful for any party to engage in unfair or deceptive acts or practices in the conduct of any trade or commerce.

37. By purporting to offer game promotions, or predetermined sweepstakes, but instead, operating illegal gaming establishments wherein patrons are drawn in to purchase access to slot machines, Defendants have engaged in illegal, unfair, and deceptive practices.

38. As a result of Defendants’ illegal, unfair, and deceptive practices, Plaintiff has been damaged directly.

39. Further, Defendants’ illegal gaming establishments, as well as the illegal gaming machines maintained and operated by Defendants within those establishments, are a common nuisance pursuant to Florida Statute Section 849.20.

40. Pursuant to established Florida law, a common nuisance is a public wrong, and the entire community shares in the injury and damages. See Prior v. White, 180 So. 347, 355 (Fla. 1938).

41. Clearly, by operating illegal gaming establishments and, thereby, being deemed a common nuisance under Section 849.20, Defendants have injured and caused damages to the community as a whole.

42. As such, due to Defendants' unfair, deceptive and illegal conduct, Plaintiff, as a respected member of the community, has been damaged.

43. Pursuant to Florida Statute Section 501.211, "anyone" may bring a claim under FDUTPA to enjoin a person who has violated, is violating, or is likely to violate FDUTPA.

44. Florida Statute Section 501.211(2) provides that in any action brought by a person who has suffered a loss as a result of a violation of FDUTPA, such person may recover actual damages, plus attorneys' fees and court costs.

45. Plaintiff has engaged the undersigned counsel and is obligated to pay a reasonable fee for legal services.

WHEREFORE, Plaintiff hereby requests a declaratory judgment that Defendants' conduct violates FDUTPA, together with permanent injunctive relief, damages, interest, costs, attorneys' fees, and such other and further relief as this Court deems just and proper.

**COUNT III – VIOLATION OF CIVIL REMEDIES FOR CRIMINAL PRACTICES ACT  
(FLA. STAT. § 772.103)**

46. Plaintiff incorporates paragraphs 1 through 24 above as though fully set forth herein.

47. Pursuant to Florida Statute Section 772.103, it is unlawful for any person with criminal intent to derive proceeds, directly or indirectly, from a pattern of criminal activity, and to use or invest, directly or indirectly, such proceeds in the operation of any enterprise.

48. Florida Statute Section 772.102(1)(a)(31) defines "criminal activity" as a crime relating to illegal gambling.



49. A violation of Section 849.15 is a criminal act relating to gambling pursuant to the Florida Statutes.

50. Further, Florida Statute Section 772.102(3) defines “enterprise” as any association, or group of individuals associated in fact although not a legal entity.

51. By establishing and operating illegal gaming establishments and maintaining and operating illegal gaming machines within those establishments, Defendants, acting in concert with one another, are directly deriving proceeds from their criminal activity.

52. Acting in concert with one another, Defendants directly use and invest the proceeds derived from their criminal activity in the operation of an enterprise, which is the association of the various Allied Veterans of the World, Inc. entities.

53. It is clear that Defendants are acting in concert, as evidenced by the fact that all of the Allied Veterans of the World, Inc. entities named herein have the same officers and/or directors: Johnny E. Duncan, Michael Davis, and Jerry Bass.

54. Defendants formed this enterprise for the purpose of conducting gaming with illegal gaming machines in violation of Section 849.15.

55. As such, Defendants have committed a pattern of criminal and racketeering activity that establishes the requisite offenses for a Racketeer Influenced and Corrupt Organizations (“RICO”) violation.

56. As a result of Defendants’ criminal and racketeering activity, Plaintiff has been damaged directly.

57. Further, as a direct and proximate result of Defendants’ criminal and racketeering activity, Defendants are a common nuisance pursuant to Section 849.20; and by virtue of being deemed a common nuisance, Plaintiff, as a member of the community, has been damaged.

58. Pursuant to Florida Statute Section 772.104, any person that has been damaged may bring a claim under the Civil Remedies for Criminal Practices Act ("CRCPA") for RICO activities.

59. Further, Florida Statute Section 772.104 provides that any person who proves an injury by reason of any violation of Florida Statute Section 772.103 shall have a cause of action for threefold the actual damages and for reasonable attorneys' fees and court costs.

60. Plaintiff has engaged the undersigned counsel and is obligated to pay a reasonable fee for legal services.

WHEREFORE, Plaintiff demands judgment for treble damages against Defendants, together with permanent injunctive relief, interest, costs, attorneys' fees, and such other and further relief as this Court deems just and proper.

Respectfully submitted this 25<sup>th</sup> day of August, 2009.

**BRENNAN, MANNA & DIAMOND, P.L.**

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# Vegas Aces

0 FREE SPINS

10	12	0	2	4	8	1	9	5	3	7	19	11
	WELCOME TO Vegas Aces		Wild	Q	Q	Q	Q	Q	Q	Q	Q	
	Bonus		Wild	Q	Q	Q	Q	Q	Q	Q	Q	
	Wild		Wild	Q	Q	Q	Q	Q	Q	Q	Q	
	Q		Q	Q	Q	Q	Q	Q	Q	Q	Q	
	Q		Q	Q	Q	Q	Q	Q	Q	Q	Q	
	Q		Q	Q	Q	Q	Q	Q	Q	Q	Q	
	Q		Q	Q	Q	Q	Q	Q	Q	Q	Q	
	Q		Q	Q	Q	Q	Q	Q	Q	Q	Q	
	Q		Q	Q	Q	Q	Q	Q	Q	Q	Q	

Big Win is \$1000.00

500 Credits Total Win **\$13.10** Total Credits **50** Game Win **\$3.20**

BUY IN BETWEEN 1-1000 CREDITS

CHANGE THE GAME

WILD? PINZ/1/1/1

2

LEVEL

1 Entry

REVEAL

Big Win  
is  
\$160.00

ANY 3 OF THE SAME  
BAR BAGS  
AWARDS 160 BONUS

THREE BUCKETS  
TRIGGERS 160 BONUS

THREE MONEY BAGS  
TRIGGERS GRAB-BAG  
BONUS

8	8	8	8	8	8

Game Win \$0.02

Total e's 8

Sweepstakes Total Win \$21.25

Sweepstakes e's 5

REVEAL

LEVEL 1 Entry

HELP/A PRIZETABLE

CHANGE THE GAME

BUY INTERNET TIME





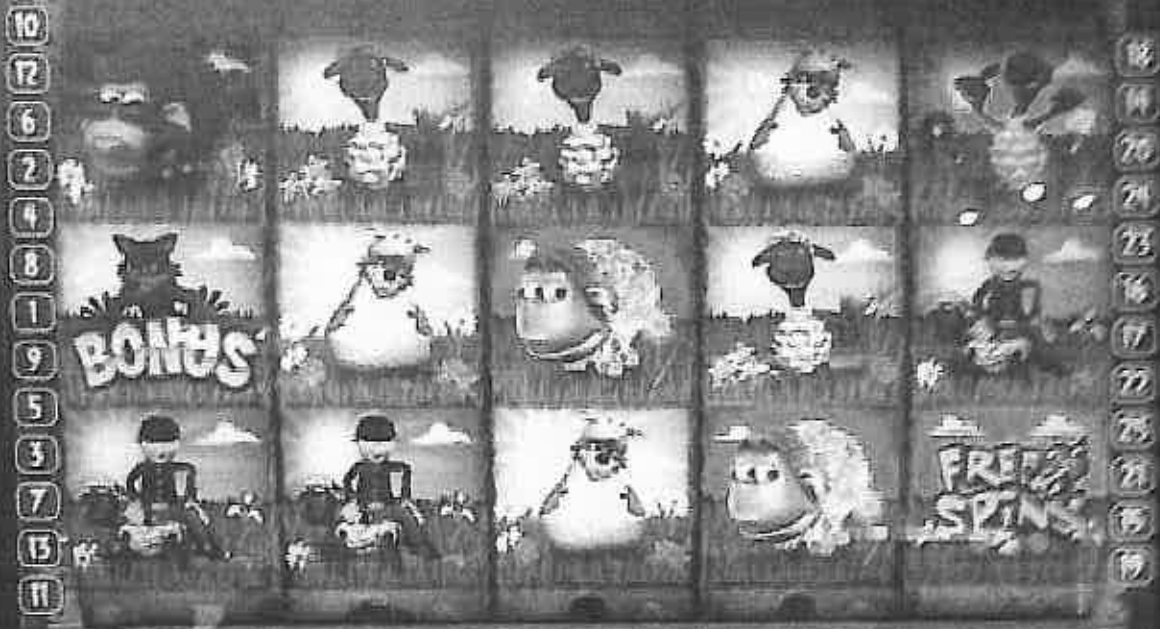


# CHOOSE YOUR VAULTS



# Stealin' SHEEP

0 Free SPINS



Big Win is \$2000.00

Sweepstakes 150 Sweepstakes \$10.14 Total 100 Game \$0.00

STOP CHANGE HELP & 4 LEVEL 1 Entry REVERSE

WORLD OF WONDERS  
2000-2001  
WORLD OF WONDERS  
2000-2001



# Super Wheel of RICHES

0 FREE SPINS

10

12

6

2

4

8

1

9

5

3

7

13

11



18

14

20

24

23

16

17

22

25

21

15

19

3 x Orange on line 22 won 15

Sweepstakes  
e's

1700

Sweepstakes  
Total Win

\$1.89

Total  
e's

50

Game  
Win

\$1.44

MAXIMUM  
INTEREST  
FREE

MINIMUM  
DEPOSIT

WHY  
PAYABLE

2

1

Entry

K

orlandosentinel.com/news/local/seminole/orl-internet-gambling-raided-082109,0,4661240.story

# OrlandoSentinel.com

## Cops raid gaming rooms in Seminole

### Computers, equipment, cash seized at two gaming rooms run by Allied Veterans of the World

Gary Taylor

Sentinel Staff Writer

August 21, 2009

LONGWOOD

Longwood police and Seminole County deputies raided two gaming operations Thursday, seizing computers, equipment and cash.

Both are operated by Allied Veterans of the World, which says it runs a sweepstakes and not gambling ventures, and are among as many as 70 in Florida, Longwood police Sgt. Richard Griffin said. Many are open around the clock.

But investigators with the two agencies, guided by the Office of Statewide Prosecution, were able to build enough of a case to secure search warrants for an Internet cafe in a shopping center at U.S. Highway 17-92 and State Road 434 in Longwood and another on S.R. 436 west of Altamonte Springs.

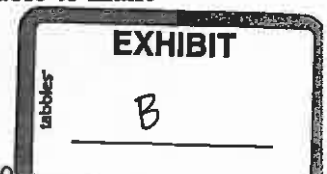
"We've been receiving complaints about this place since it opened in January of this year," Griffin said of the Longwood operation.

No arrests were made Thursday after investigators encountered only low-level employees. Griffin expects charges to be filed against the people behind the operations, he said.

But other agencies throughout Central Florida have left the businesses alone until the Florida Legislature closes the sweepstakes loophole in state laws.

"They're gambling places in every sense of the word," Volusia County sheriff's spokesman Gary Davidson said. "We feel like our hands are tied. I'm not aware of any successful prosecution."

But Griffin is adamant that his agency and the Seminole County Sheriff's Office will be able to make charges stick and that the state agency will be able to prosecute.



## Customers keep coming

A steady stream of customers stopped by the Longwood location Thursday afternoon, many of them unaware of the raid. A letter from the Longwood Police Department was posted on the door explaining why it was closed.

One of those visitors was Joe Steffens of Sanford.

"I'm one of the regulars," he said.

But Thursday morning, for the first time, he decided to drive to the cafe in the Forest City area and was inside when deputies raided it. He had won \$275 but had to leave without his money. He said he called Allied Veterans of the World headquarters and was assured he would get his money.

According to the group's Web site, anyone can receive 100 free points to a sweepstakes, with prizes of up to \$5,000, each day and get another 100 sweepstakes entries for each five minutes of Internet time purchased. It says there are free hot dogs and free sodas but doesn't say how much the Internet time costs.

None of the players outside the Longwood location seemed to know how much they paid. One said he thought it was a dollar for five minutes, and another said he thought \$5 would buy 90 minutes to two hours of time.

A spokeswoman for Allied Veterans of the World did not return calls.

"I've been playing here since it opened," said Dale Martin of Casselberry. Winning money isn't the most important thing, he said. "People come here to make friends."

Cathie Templo, whose family operates Star Nails next door, said the cafe doesn't cause any problems and she even gets a little walk-in business from it. It does draw so many customers that it fills the parking lot in front of her business, she said.

## Regular says he's happy

And then there's Willie Demps, who said he is happy the place was shut down.

"I'm here three times a day, sometimes," he said. "I'm a recovering drug addict, and this is just about as bad or worse. After I get my check and pay my bills, I spend it all. I wish they would close them all down."

He is happy it was closed but admitted: "If the door opened right now, I'd go back in."

Then he got in a car for a ride to a similar business in east Orange County.

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