



Florida Gaming Control Commission

JULIE I. BROWN, VICE CHAIR
CHUCK DRAGO, COMMISSIONER
JOHN D'AQUILA, COMMISSIONER
TINA REPP, COMMISSIONER

Meeting Agenda
Wednesday, April 3, 2024
9:30 AM
Joseph P. Cresse Hearing Room 148
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0850

1. Discussion of rulemaking for Greyhound rules
2. Discussion of amended application for pari-mutuel operating license
 - 2.1. 2024-018240 - Gulfstream Park Racing Association, Inc.
3. Discussion of license denial
 - 3.1. 2023-071556 – Nunez, Osmel
4. Discussion of recommended orders
 - 4.1. 2022-010240 – Cespedes, Anthony
 - 4.2. 2023-003527 – Jones, Marquitta
5. Discussion of final order pursuant to request from respondent
 - 5.1. 2023-040862 – Cue, Arsenio
 - 5.2. 2023-039433 – Lubin, Brianna
6. Discussion of policies and procedures
 - 6.1. 02.11.01 Search, Seizure and Warrants
 - 6.2. 02.15.01 Investigation and Prosecution
 - 6.3. 02.37.01 Field Training
 - 6.4. 02.60.01 Domestic Violence
 - 6.5. 03.05.01 Career Service Grievance Process
 - 6.6. 03.14.01 Drug-Free Workplace Policy
 - 6.7. 03.18.01 Recruitment and Selection
 - 6.8. 03.19.01 Lactation Breaks
 - 6.9. 03.20.01 Employee Assistance Program

7. Executive Director update
8. Public comments
9. Attorney-client session
 - 9.1. 2023-000965 Washington County Kennel Club, Inc.

PERSONS WISHING TO ADDRESS
THE COMMISSION ON ANY OF THE AGENDA ITEMS
SHOULD EMAIL DIXIE.PARKER@FLGAMING.GOV
NO LESS THAN 24 HOURS BEFORE THE
START OF THE MEETING

1. Discussion of rulemaking for Greyhound rules

Bookmark for Memo and Supporting Documents

2. Discussion of amended application for pari-mutuel operating license

MEMORANDUM

To: The Florida Gaming Control Commission
From: Division of Pari-Mutuel Wagering
Re: Gulfstream Park Racing Association, Inc. (TBRD321)
2024-018240 Amending 23/24 Operating License Amendment C
Date: March 27, 2024

Executive Summary

A permitholder applied to amend its operating license on March 27, 2024, by canceling one thoroughbred performance.¹ The Commission should approve this request.

Background

Gulfstream Park Racing Association, Inc. (“Gulfstream”) possesses a valid thoroughbred permit. Gulfstream was issued a pari-mutuel operating license and cardroom license for the 2023-2024 fiscal year. Gulfstream’s current operating license includes 162 performances (157 matinee and 5 charity).² Now, Gulfstream wants to amend its operating license by canceling one thoroughbred performance for a total of 161 performances (156 matinee and 5 charity) for its schedule.

Analysis

In addition to submitting a complete application, a thoroughbred permitholder may request a minor amendment to their license.³ Gulfstream has satisfied all requirements and is requesting an amendment to less than 49 percent of total performances from the current year’s initial license.

Recommendation: The Florida Gaming Control Commission should approve Gulfstream Park Racing Association, Inc.’s application to amend its 2023-2024 fiscal year operating license schedule.

¹ The commission shall have the authority to approve minor changes in racing dates after a license has been issued. § 550.01215(3), Fla. Stat.

² “Performance” means “a series of events, races, or games performed consecutively under a single admission charge.” § 550.002(25), Fla. Stat.

³ § 550.012155(1), Fla. Stat.

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING

License Number: 321
Permit Type: TBRD
Permit County: Broward
Amendment: C

LICENSE TO CONDUCT PARI-MUTUEL WAGERING

For:

Gulfstream Park Racing Association, Inc.

D/B/A Gulfstream Park Racing and Casino

Licensed to Operate, At the Pari-Mutuel Facility, Located At:

901 South Federal Highway
Hallandale Beach, FL 33009
Broward County

Valid From: July 1, 2023

Expires On: June 30, 2024

Permitholder does intend to accept wagers on intertrack or simulcast events.

Issued and dated, this _____ day of April, 2024.

By _____
Louis Trombetta, Executive Director
Florida Gaming Control Commission



This license and attached schedule of live performances are issued in accordance with the Florida Pari-Mutuel Wagering Act and the rules promulgated thereunder. This license shall be operated at the location of a pari-mutuel permit and is subject to any and all laws of the State of Florida.

PERMITHOLDER LICENSE CHANGE REQUEST CHECKLIST

PERMITHOLDER: Gulfstream Park (TBRD321) **FISCAL YEAR:** 2023/2024
DATE RECEIVED: March 27, 2024 **CASE NUMBER:** 2024-018240
CHANGE REQUESTED: Cancel performance on April 3rd.
REVIEWER'S NAME: La'Keshia Jelks

Requirement	Met? Y/N	Deficiency Sent	Resolved
Original application form DBPR PMW 3060.	Y		
Original Calendar DBPR PMW 3080.	Y		
Pursuant to FAC 75-4.004(4) Non-objection letters from permitholders within 50 miles (if applicable)	Y	3/27/2024	3/27/2024
75D-2.027 Each performances shall consist of a minimum of 8 races.	Y		
Matinee start time: (prior to 6pm)	Y		
Evening start time*: (6pm & later)	Y		
<small>*550.375(2) A harness racing permitholder may conduct harness racing only between the hours of 7 p.m. and 2 a.m. *550.5251(1) A thoroughbred racing permitholder may not begin any race later than 7 p.m.</small>			

CONTACT FROM OTHER FACILITIES **OBJECTED?** **RACING?**
WITHIN FIFTY (50) MILES: **No** **Yes**

	No	Yes	
831 Federal Highway (141/144)	N/A	N/A	Not Live
South Florida Racing Association, LLC (544)	N/A	N/A	Not Live
Casino Miami, LLC (273)	N/A	N/A	Not Live
Dania Entertainment Center, LLC (274/281)	N/A	N/A	Not Live
Calder Race Course, Inc. (285)	N/A	N/A	Not Live
West Flagler Associates, Ltd. (280/283/286)	X		Live
PPI, Inc. (430)	N/A	N/A	Not Live
Investment Corporation of Palm Beach (149)	N/A	N/A	Not Live
Gretna Racing, LLC (155)	N/A	N/A	Not Live

PMW / CARDROOM LICENSE FORWARDED TO THE FOLLOWING FOR FINAL REVIEW:

REVENUE SECTION	REVIEWED	INITIALS: <u>[Signature]</u>	DATE: <u>3/25/2024</u>
PERMIT ADMIN	REVIEWED	INITIALS: <u>[Signature]</u>	DATE: <u>3/28/24</u>
OGC	REVIEWED	INITIALS: <u>[Signature]</u>	DATE: <u>3/28/24</u>

Notes/Comments:

Revenue Section:

[Signature]

Permit Admin.

OGC:

Gulfstream Park 2023/2024 Calendar

(Per License #321C) Page 2 of 2

JULY 2023						
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
						1 Mat
2 Mat	3	4	5	6	7 Mat	8 Mat
9 Mat	10	11	12	13	14 Mat	15 Mat
16 Mat	17	18	19	20	21 Mat	22 Mat
23 Mat	24	25	26	27	28 Mat	29 Mat
30 Mat	31					

14 Matinee 0 Evening 0 C/S Perf.

AUGUST 2023						
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
		1	2	3	4 Mat	5 Mat
6 Mat	7	8	9	10	11 Mat	12 Mat
13 Mat	14	15	16	17	18 Mat	19 Mat
20 Mat	21	22	23	24	25 Mat	26 Mat
27 Mat	28	29	30	31		

12 Matinee 0 Evening 0 C/S Perf.

SEPTEMBER 2023						
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
					1 Mat	2 Mat
3 Mat	4	5	6	7	8 Mat	9 Mat
10 Mat	11	12	13	14	15 Mat	16 Mat
17 Mat	18	19	20	21	22 Mat	23 Mat
24 Mat	25	26	27	28	29 Mat	30 Mat

14 Matinee 0 Evening 0 C/S Perf.

OCTOBER 2023						
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
1 Mat	2	3	4	5	6 Mat	7 Mat
8 Mat	9	10	11	12	13 Mat	14 Mat
15 Mat	16	17	18	19	20 Mat	21 Mat
22 Mat	23	24	25	26	27 Mat	28 Mat
29 Mat	30	31				

13 Matinee 0 Evening 0 C/S Perf.

NOVEMBER 2023						
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

0 Matinee 0 Evening 0 C/S Perf.

DECEMBER 2023						
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
					1 Mat	2 Mat
3 Mat	4	5	6	7 Mat	8 Mat	9 Mat
10 Mat	11	12	13	14 Mat	15 Mat	16 Mat
17 Mat	18	19	20	21 Mat	22 Mat	23 Mat
24 Mat	25	26 Mat	27	28 Mat	29 Mat	30 C/Mat
31 Mat						

19 Matinee 0 Evening 1 C/S Perf.

JANUARY 2024						
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
	1 Mat	2	3	4 Mat	5 Mat	6 Mat
7 Mat	8	9	10 Mat	11 Mat	12 Mat	13 Mat
14 Mat	15	16	17 Mat	18 Mat	19 Mat	20 Mat
21 Mat	22	23	24 Mat	25 Mat	26 Mat	27 C/Mat
28 Mat	29	30	31 Mat			

20 Matinee 0 Evening 1 C/S Perf.

FEBRUARY 2024						
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
				1 Mat	2 Mat	3 C/Mat
4 Mat	5	6	7 Mat	8 Mat	9 Mat	10 Mat
11 Mat	12	13	14 Mat	15 Mat	16 Mat	17 Mat
18 Mat	19	20	21 Mat	22 Mat	23 Mat	24 Mat
25 Mat	26	27	28 Mat	29 Mat		

20 Matinee 0 Evening 1 C/S Perf.

MARCH 2024						
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
					1 Mat	2 C/Mat
3 Mat	4	5	6 Mat	7 Mat	8 Mat	9 Mat
10 Mat	11	12	13 Mat	14 Mat	15 Mat	16 Mat
17 Mat	18	19	20 Mat	21 Mat	22 Mat	23 Mat
24 Mat	25	26	27 Mat	28 Mat	29 Mat	30 C/Mat
31 Mat						

21 Matinee 0 Evening 2 C/S Perf.

APRIL 2024						
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
	1	2	3	4 Mat	5 Mat	6 Mat
7 Mat	8	9	10	11 Mat	12 Mat	13 Mat
14 Mat	15	16	17	18 Mat	19 Mat	20 Mat
21 Mat	22	23	24 Mat	25 Mat	26 Mat	27 Mat
28 Mat	29	30				

16 Matinee 0 Evening 0 C/S Perf.

MAY 2024						
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

0 Matinee 0 Evening 0 C/S Perf.

JUNE 2024						
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21 Mat	22 Mat
23 Mat	24	25	26	27 Mat	28 Mat	29 Mat
30 Mat						

7 Matinee 0 Evening 0 C/S Perf.

Note: Full-card simulcast schedule subject to change.
Calendar considered informational only.

Initial Date

161 Totals 156 Matinee 0 Evening 5 C/S Perf.

La'Kesha Jelks

From: Joseph G Mong <jmong@magiccitycasino.com>
Sent: Thursday, March 28, 2024 9:55 AM
To: Holmes, Sheri; Lynn Woodcock; Yadelin Crespo
Cc: John Enriquez; La'Kesha Jelks
Subject: RE: [EXTERNAL] FW: Magic City or West Flagler
Attachments: Xerox Scan_03282024092508.pdf

Hi Sheri,

See attached.

Jerry

From: Holmes, Sheri <Sheri.Holmes@gulfstreampark.com>
Sent: Wednesday, March 27, 2024 6:12 PM
To: Lynn Woodcock <lwoodcock@WindCreek.com>; Joseph G Mong <jmong@magiccitycasino.com>; Yadelin Crespo <ycespo@windcreek.com>
Cc: John Enriquez <jenriquez@magiccitycasino.com>; La'Kesha Jelks <LaKesha.Jelks@flgaming.gov>
Subject: RE: [EXTERNAL] FW: Magic City or West Flagler

Hi, sorry still seem to be having email problems.

May I please have the attached non-objection letter signed and returned to me to be submitted to the State.

Much appreciated.

Sheri

From: Lynn Woodcock <lwoodcock@WindCreek.com>
Sent: Wednesday, August 16, 2023 12:52 PM
To: Holmes, Sheri <Sheri.Holmes@gulfstreampark.com>; Yadelin Crespo <ydiaz@magiccitycasino.com>; Jerry Mong <jmong@magiccitycasino.com>
Cc: John Enriquez <jenriquez@magiccitycasino.com>
Subject: RE: [EXTERNAL] FW: Magic City or West Flagler

WARNING // THIS E-MAIL ORIGINATED FROM AN EXTERNAL SENDER. BE CAUTIOUS WITH LINKS AND ATTACHMENTS.

Her email address must have already changed. The correct naming convention will be first initial, last name @windcreek.com.

Lynn

Lynn Woodcock
Executive Admin Assistant
Wind Creek Hospitality
p: (251) 446-4229
lwoodcock@WindCreek.com



March 21, 2024

Mr. Jerry Mong
Magic City Casino

Dear Jerry,

Gulfstream Park is requesting a change to our race dates for the 2023-2024 license year.

Cancel Wednesday April 3, 2024

We appreciate your prompt attention in this matter.

Please indicate whether you object to this requested change in the appropriate space below. Sign and email back to Sheri Holmes at Sheri.Holmes@gulfstreampark.com. If you have any issues or concerns, please contact me at 954-815-0027.

Sincerely and Thank- you,

Sheri Holmes Stirling
Vice President, Administration
Gulfstream Park

No objection

Objection _____

Reason for objection: _____

La'Kesha Jelks

From: Joseph G Mong <jmong@magiccitycasino.com>
Sent: Wednesday, March 27, 2024 6:18 PM
To: Holmes, Sheri; Lynn Woodcock; Yadelin Crespo
Cc: John Enriquez; La'Kesha Jelks
Subject: Re: [EXTERNAL] FW: Magic City or West Flagler

I will sign and return tomorrow.

Get [Outlook for iOS](#)

From: Holmes, Sheri <Sheri.Holmes@gulfstreampark.com>
Sent: Wednesday, March 27, 2024 6:12:02 PM
To: Lynn Woodcock <lwoodcock@WindCreek.com>; Joseph G Mong <jmong@magiccitycasino.com>; Yadelin Crespo <ycrespo@windcreek.com>
Cc: John Enriquez <jenriquez@magiccitycasino.com>; La'Kesha Jelks <LaKesha.Jelks@flgaming.gov>
Subject: RE: [EXTERNAL] FW: Magic City or West Flagler

Hi, sorry still seem to be having email problems.

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Much appreciated.
Sheri

From: Lynn Woodcock <lwoodcock@WindCreek.com>
Sent: Wednesday, August 16, 2023 12:52 PM
To: Holmes, Sheri <Sheri.Holmes@gulfstreampark.com>; Yadelin Crespo <ydiaz@magiccitycasino.com>; Jerry Mong <jmong@magiccitycasino.com>
Cc: John Enriquez <jenriquez@magiccitycasino.com>
Subject: RE: [EXTERNAL] FW: Magic City or West Flagler

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Her email address must have already changed. The correct naming convention will be [first initial, last name @windcreek.com](#).

Lynn

Lynn Woodcock
Executive Admin Assistant
Wind Creek Hospitality
p: (251) 446-4229
lwoodcock@WindCreek.com

La'Kesha Jelks

From: Holmes, Sheri <Sheri.Holmes@gulfstreampark.com>
Sent: Wednesday, March 27, 2024 5:31 PM
To: La'Kesha Jelks
Subject: RE: Gulfstream Park - Request to cancel Race day Wednesday April 3rd.

Thank-you – I honestly thought they were one and the same now.

Thx

From: La'Kesha Jelks <LaKesha.Jelks@flgaming.gov>
Sent: Wednesday, March 27, 2024 5:27 PM
To: Holmes, Sheri <Sheri.Holmes@gulfstreampark.com>
Subject: Re: Gulfstream Park - Request to cancel Race day Wednesday April 3rd.

WARNING // THIS E-MAIL ORIGINATED FROM AN EXTERNAL SENDER. BE CAUTIOUS WITH LINKS AND ATTACHMENTS.

The email I sent was for Gretna license number 155. Let me look for West Flager.

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Holmes, Sheri <Sheri.Holmes@gulfstreampark.com>
Sent: Wednesday, March 27, 2024 5:24:43 PM
To: La'Kesha Jelks <LaKesha.Jelks@flgaming.gov>
Subject: RE: Gulfstream Park - Request to cancel Race day Wednesday April 3rd.

Of course it would be the one and only that I don't have.

Let me reach out on the email address you sent me.

Thx

From: La'Kesha Jelks <LaKesha.Jelks@flgaming.gov>
Sent: Wednesday, March 27, 2024 3:54 PM
To: Holmes, Sheri <Sheri.Holmes@gulfstreampark.com>
Subject: RE: Gulfstream Park - Request to cancel Race day Wednesday April 3rd.

WARNING // THIS E-MAIL ORIGINATED FROM AN EXTERNAL SENDER. BE CAUTIOUS WITH LINKS AND ATTACHMENTS.

Sorry for all the emails. After reading the rule, Jamie said we only need the letter for 280 West Flagler Associates, Ltd. because they have performances in April.

From: La'Kesha Jelks
Sent: Wednesday, March 27, 2024 3:37 PM
To: La'Kesha Jelks <LaKesha.Jelks@flgaming.gov>
Subject: RE: Gulfstream Park - Request to cancel Race day Wednesday April 3rd.

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La'Kesha Jelks

From: La'Kesha Jelks
Sent: Wednesday, March 27, 2024 3:54 PM
To: Sheri Holmes
Subject: RE: Gulfstream Park - Request to cancel Race day Wednesday April 3rd.

Sorry for all the emails. After reading the rule, Jamie said we only need the letter for 280 West Flagler Associates, Ltd. because they have performances in April.

From: La'Kesha Jelks
Sent: Wednesday, March 27, 2024 3:37 PM
To: La'Kesha Jelks <LaKesha.Jelks@flgaming.gov>
Subject: RE: Gulfstream Park - Request to cancel Race day Wednesday April 3rd.

I apologize for using all caps. That was not my intention.

From: La'Kesha Jelks
Sent: Wednesday, March 27, 2024 3:32 PM
To: Holmes, Sheri <Sheri.Holmes@gulfstreampark.com>
Subject: RE: Gulfstream Park - Request to cancel Race day Wednesday April 3rd.

I just spoke with Jamie. I only need letters from the facilities that have live performances/racing within 50 miles of the facility (West Flagler Associates, Ltd -280/283/286, and Dania Entertainment).

From: Holmes, Sheri <Sheri.Holmes@gulfstreampark.com>
Sent: Wednesday, March 27, 2024 12:58 PM
To: Jamie Pouncey <Jamie.Pouncey@flgaming.gov>; La'Kesha Jelks <LaKesha.Jelks@flgaming.gov>
Cc: Kelly Costello <Kelly.Costello@flgaming.gov>
Subject: Gulfstream Park - Request to cancel Race day Wednesday April 3rd.

Please see the attached letters, 3060 & 3080 requesting the cancellation of Wed April 3rd from our approved race dates.

I will follow up with the PM area non-objection letters however may need your assistance again with Magic City. I replied to the email that contained the last signed non-objection letters and all emails have bounced back.

Thanks
Sheri



SHERI HOLMES STIRLING
VICE PRESIDENT ADMINISTRATION
901 S FEDERAL HWY
HALLANDALE BEACH, FL 33009
P /1.954.457.6298
C /954.815.0027



Gulfstream Park 2023/2024 Calendar
(Per License #321B) Page 2 of 2

JULY 2023						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
						1 Mat
2 Mat	3	4	5	6	7 Mat	8 Mat
9 Mat	10	11	12	13	14 Mat	15 Mat
16 Mat	17	18	19	20	21 Mat	22 Mat
23 Mat	24	25	26	27	28 Mat	29 Mat
30 Mat	31					

14 Matinee 0 Evening 0 C/S Perf.

AUGUST 2023						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
		1	2	3	4 Mat	5 Mat
6 Mat	7	8	9	10	11 Mat	12 Mat
13 Mat	14	15	16	17	18 Mat	19 Mat
20 Mat	21	22	23	24	25 Mat	26 Mat
27 Mat	28	29	30	31		

12 Matinee 0 Evening 0 C/S Perf.

SEPTEMBER 2023						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
						1 Mat
2 Mat	3	4	5	6	7 Mat	8 Mat
9 Mat	10	11	12	13	14 Mat	15 Mat
16 Mat	17	18	19	20	21 Mat	22 Mat
23 Mat	24	25	26	27	28 Mat	29 Mat
30 Mat						

14 Matinee 0 Evening 0 C/S Perf.

OCTOBER 2023						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
1 Mat	2	3	4	5	6 Mat	7 Mat
8 Mat	9	10	11	12	13 Mat	14 Mat
15 Mat	16	17	18	19	20 Mat	21 Mat
22 Mat	23	24	25	26	27 Mat	28 Mat
29 Mat	30	31				

20 Matinee 0 Evening 0 C/S Perf.

NOVEMBER 2023						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
						1 Mat
2 Mat	3	4	5	6	7 Mat	8 Mat
9 Mat	10	11	12	13	14 Mat	15 Mat
16 Mat	17	18	19	20	21 Mat	22 Mat
23 Mat	24	25	26	27	28 Mat	29 Mat
30 Mat						

10 Matinee 0 Evening 0 C/S Perf.

DECEMBER 2023						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
						1 Mat
2 Mat	3	4	5	6	7 Mat	8 Mat
9 Mat	10	11	12	13	14 Mat	15 Mat
16 Mat	17	18	19	20	21 Mat	22 Mat
23 Mat	24	25	26	27	28 Mat	29 Mat
30 Mat	31					

10 Matinee 0 Evening 1 C/S Perf.

JANUARY 2024						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
						1 Mat
2 Mat	3	4	5	6	7 Mat	8 Mat
9 Mat	10	11	12	13	14 Mat	15 Mat
16 Mat	17	18	19	20	21 Mat	22 Mat
23 Mat	24	25	26	27	28 Mat	29 Mat
30 Mat	31					

20 Matinee 0 Evening 1 C/S Perf.

FEBRUARY 2024						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
						1 Mat
2 Mat	3	4	5	6	7 Mat	8 Mat
9 Mat	10	11	12	13	14 Mat	15 Mat
16 Mat	17	18	19	20	21 Mat	22 Mat
23 Mat	24	25	26	27	28 Mat	29 Mat
30 Mat						

20 Matinee 0 Evening 1 C/S Perf.

MARCH 2024						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
						1 Mat
2 Mat	3	4	5	6	7 Mat	8 Mat
9 Mat	10	11	12	13	14 Mat	15 Mat
16 Mat	17	18	19	20	21 Mat	22 Mat
23 Mat	24	25	26	27	28 Mat	29 Mat
30 Mat	31					

21 Matinee 0 Evening 2 C/S Perf.

APRIL 2024						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
						1 Mat
2 Mat	3	4	5	6	7 Mat	8 Mat
9 Mat	10	11	12	13	14 Mat	15 Mat
16 Mat	17	18	19	20	21 Mat	22 Mat
23 Mat	24	25	26	27	28 Mat	29 Mat
30 Mat						

17 Matinee 0 Evening 0 C/S Perf.

MAY 2024						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
						1 Mat
2 Mat	3	4	5	6	7 Mat	8 Mat
9 Mat	10	11	12	13	14 Mat	15 Mat
16 Mat	17	18	19	20	21 Mat	22 Mat
23 Mat	24	25	26	27	28 Mat	29 Mat
30 Mat						

0 Matinee 0 Evening 0 C/S Perf.

JUNE 2024						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
						1 Mat
2 Mat	3	4	5	6	7 Mat	8 Mat
9 Mat	10	11	12	13	14 Mat	15 Mat
16 Mat	17	18	19	20	21 Mat	22 Mat
23 Mat	24	25	26	27	28 Mat	29 Mat
30 Mat						

7 Matinee 0 Evening 0 C/S Perf.

Note: Full-card scheduled schedule subject to change. Calendar considered informational only.

LT 10/9/23
Initial Date

182 Totals 167 Matinee 0 Evening 8 C/S Perf.

La'Kesha Jelks

From: Holmes, Sheri <Sheri.Holmes@gulfstreampark.com>
Sent: Wednesday, March 27, 2024 12:58 PM
To: Jamie Pouncey; La'Kesha Jelks
Cc: Kelly Costello
Subject: Gulfstream Park - Request to cancel Race day Wednesday April 3rd.
Attachments: Exec Director Trombetta request for April 3 cancellation 3-27-24.pdf; Director Joe Dillmore request for April 3 cancellation 3-27-24.pdf; DBPRPMW-3060 3-20-24 notarized.pdf; DBPR PMW-3080 notarized 3-27-24.pdf

Please see the attached letters, 3060 & 3080 requesting the cancellation of Wed April 3rd from our approved race dates.

I will follow up with the PM area non-objection letters however may need your assistance again with Magic City. I replied to the email that contained the last signed non-objection letters and all emails have bounced back.

Thanks
Sheri



SHERI HOLMES STIRLING
VICE PRESIDENT ADMINISTRATION

901 S FEDERAL HWY
HALLANDALE BEACH, FL 33009

P /1.954.457.6298
C /954.815.0027



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March 27, 2024

Mr. Louis Trombetta
Executive Director
Florida Gaming Control Commission
4070 Esplanade Way
Ste 250
Tallahassee, FL 32399

Dear Mr. Trombetta,

Re: Gulfstream Park Association Inc. – License #321 – 2023/24 -Request for Date Changes

Gulfstream Park respectfully requests to cancel Wednesday April 3 from our racing calendar due to the limited horse population and inability to adequately fill the card.

The result is a reduction of 1 race day to the GPRA racing license to a total of 161.

Non-objection letters from the surrounding pari-mutuel facilities are attached.

Thank you for your time and consideration of our request.
Sincerely,

A handwritten signature in blue ink, appearing to read "Sheri L R Holmes Stirling".

Sheri L R Holmes Stirling
Vice President Administration
Gulfstream Park



Wednesday March 27, 2024

Mr. Joe Dillmore
Director
Florida DBPR, Division of Pari-Mutuel Wagering
4070 Esplanade Way
Ste 250
Tallahassee, FL 32399

Dear Director,

Re: Gulfstream Park Association Inc. – License #321 – 2023/24 -Request for Date Changes

Gulfstream Park respectfully requests to cancel Wednesday April 3 from our racing calendar due to the limited horse population and inability to adequately fill the card.

The result is a reduction of 1 race day to the GPRA racing license to a total of 161.

Non-objection letters from the surrounding pari-mutuel facilities are attached.

Thank you for your time and consideration of our request.
Sincerely,

A handwritten signature in blue ink that reads "Sheri L R Holmes Stirling".

Sheri L R Holmes Stirling
Vice President Administration
Gulfstream Park

DBPR PMW-3060 – Permitholder Application for License and Operating Dates



**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF PARI-MUTUEL WAGERING**
www.myfloridalicense.com

INSTRUCTIONS	
This form is to be submitted in conjunction with Form DBPR PMW-3080 – Permitholder Calendar and Form DBPR PMW-3190 – Officers and Directors.	
Check the box that designates the purpose of this form filing:	
<input type="checkbox"/>	Application for Annual License and Operating Dates
<input checked="" type="checkbox"/>	Application for Amendment to Annual License and Operating Dates

PERMITHOLDER INFORMATION		
Permitholder Name Gulfstream Park Racing Association Inc.	Permit # 321	FEID# or SSN * [REDACTED]
Doing Business As (D/B/A) Gulfstream Park		
MAILING ADDRESS		
Street Address or P.O. Box 901 South Federal Highway		
City Hallandale Beach	State FL	Zip Code (+4 optional) 33009
County (if Florida address) Broward	Country USA	
CONTACT INFORMATION		
Contact Name Sheri Holmes Stirling	Title V P Administration	
Primary Phone Number 954-457-6298	Fax Number 954-457-6510	
Primary E-Mail Address sheri.holmes@gulfstreampark.com	Cell Phone Number 954-815-0027	
PHYSICAL LOCATION OF PARI-MUTUEL FACILITY		
Street Address 901 South Federal Highway		
City Hallandale Beach	State FL	Zip Code (+4 optional) 33009
If there is a lease agreement to operate live performances at another pari-mutuel facility, the applicant shall attach a copy of the lease agreement containing the following information:		
(1) The name of the applicant and the lessor; (2) The address of the applicant and the lessor; (3) The type of permit held by both the applicant and the lessor; (4) The exact location where the applicant is currently permitted to conduct pari-mutuel performances; (5) The exact location where the lessor is currently permitted to conduct pari-mutuel performances; and (6) The exact location where the applicant intends to conduct pari-mutuel performances pursuant to the lease agreement.		

*Under the Federal Privacy Act, disclosure of Social Security numbers is voluntary unless specifically required by Federal Statute. In this instance, disclosure of Social Security numbers is mandatory pursuant to Title 42, United States Code, Sections 653, 654; and Sections 409.2577, 409.2598, and 559.79, Florida Statutes. Social Security numbers are used to allow efficient screening of applicants and licensees by a Title IV-D child support agency to assure compliance with child support obligations. Social Security numbers must also be recorded on all occupational license applications and are used for licensee identification purposes pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform Act). 104 Pub.L. 193, Sec. 317.

AS

ADDITIONAL INFORMATION

Since the submission of your last application, has a permit recall/cancellation election been held in your county?
 Yes No If no, please attach a certificate from the Clerk of the Circuit Court or other authorized County Official certifying that the permit has not been recalled.

Has there been any change in ownership interest, officers, partners, or directors; or a change in ownership or location of the pari-mutuel facility? If changed, state fully. If none, state "No change." Use additional pages, if necessary.

No change

Is the applicant incorporated? Yes No If yes, under the laws of which state? **State of Florida**

Please list all officers and directors of the applicant using Form DBPR PMW-3190 – Officers and Directors.

Please document persons who are the bona fide and beneficial owners of the entire stock of the applicant using Form DBPR PMW-3190 – Officers and Directors. If corporation, list name of corporation and stockholders; if partnership, list partners.

Please list the stockholders of record of the applicant using Form DBPR PMW-3190 – Officers and Directors.

Please list the stockholders of the applicant who are subject to a voting trust or have been pledged to a trustee or party other than the beneficial owner using Form DBPR PMW-3190 – Officers and Directors.

Have any persons listed on Form DBPR PMW-3190 – Officers and Directors ever been convicted of or had adjudication withheld for any crime, or pled guilty or nolo contendere to any criminal charges (other than minor traffic violations) in any state or county? Yes No
 If yes, list the individual(s) name, license number and title:

OPERATING SEASON INFORMATION

The applicant desires to conduct a racing/jai alai meet for the 20 ²³ - 20 ²⁴ season during the following period(s). Please follow instructions on calendars attached to permit application to mark days, dates, and types of performances.

Opening Date(s): July 1, 2023 Closing Date(s): June 30, 2024

Number of Dark Days: 1 Number of Live Days: 174

Performances	
Number of Evening Performances	<u>0</u>
Number of Matinee Performances	<u>156</u>
Number of Charity/Scholarship Performances	<u>5</u>
Total Number of Performances	<u>161</u>

Number of races/games during evening performances: n/a Number of races/games during matinee performances: 8-15
 Starting time: _____ Starting time: 11:00 am.

For greyhound tracks only:

Do you intend to hold an additional charity day for the greyhound adoption program? Yes No
 If yes, please indicate the date when the "Greyhound Adopt-a-Pet Day" will be held: _____

OATH

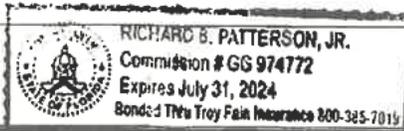
I swear or affirm that the information provided in this application is true and complete. I understand that knowingly providing false information on this application could subject the applicant to criminal penalties relating to perjury or other offenses.

Sheri Holmes Stirling VP Administration *Sheri Holmes Stirling* 3/27/2024
 Name (Please Print) Title (Please Print) Signature Date

State of Florida,
 County of Broward
 Sworn to (or affirmed) and subscribed before me this 27th day of March, 2024.

Sheri Holmes Stirling, who is personally known to me or produced the following as identification

Richard B. Patterson, Jr.
 Notary Public
 My Commission Expires: 7/31/2024





STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF PARI-MUTUEL WAGERING
 www.myfloridalicense.com

PERMITHOLDER INFORMATION	
Name Gulfstream Park Racing Association Inc.	Permit # 321

INSTRUCTIONS
Submit this form in conjunction with the form DBPR PMW-3060 – Permitholder Application for License and Operating Dates.
Please do not overlook the cardroom section and the required application oath on page 4.
Please fill in appropriate year, and date below and on the following pages. Using the letter code below, write the type of performance in each box. Fill in the total number of performances for each month.
LETTER CODES
M = Matinee E = Evening C = Charity S = Scholarship

Example

1	2	3	4	5	6	7
	E	M	M	S	C	C
8	9	10	11	12	13	14
	M					

July Year: 2023

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
						1
						M
2	3	4	5	6	7	8
M					M	M
9	10	11	12	13	14	15
M					M	M
16	17	18	19	20	21	22
M					M	M
23	24	25	26	27	28	29
M					M	M
30	31					
M						

M 14 E 0 C/S 0
 Total 14

August Year: 2023

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
		1	2	3	4	5
					M	M
6	7	8	9	10	11	12
M					M	M
13	14	15	16	17	18	19
M					M	M
20	21	22	23	24	25	26
M					M	M
27	28	29	30	31		
M						

M 12 E 0 C/S 0
 Total 12

September

Year: 2023

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
					1	2
					M	M
3	4	5	6	7	8	9
M					M	M
10	11	12	13	14	15	16
M					M	M
17	18	19	20	21	22	23
M					M	M
24	25	26	27	28	29	30
M					M	M

M 14 E 0 C/S 0

Total 14

October

Year: 2023

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
1	2	3	4	5	6	7
M					M	M
8	9	10	11	12	13	14
M					M	M
15	16	17	18	19	20	21
M					M	M
22	23	24	25	26	27	28
M					M	M
29	30	31				
M						

M 13 E 0 C/S 0

Total 13

November

Year: 2023

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
27	28	29	30			

M 0 E 0 C/S 0

Total 0

December

Year: 2023

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
					1	2
					M	M
3	4	5	6	7	8	9
M					M	M
10	11	12	13	14	15	16
M					M	M
17	18	19	20	21	22	23
M					M	M
24	25	26	27	28	29	30
M					M	M
31						
M						

M 19 E 0 C/S 1

Total 20

January Year: 2024

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
	1	2	3	4	5	6
	M			M	M	M
7	8	9	10	11	12	13
M			M	M	M	M
14	15	16	17	18	19	20
M			M	M	M	M
21	22	23	24	25	26	27
M			M	M	M	C
28	29	30	31			
M			M			

M 20 E 0 C/S 1

Total 21

February Year: 2024

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
				1	2	3
				M	M	C
4	5	6	7	8	9	10
M			M	M	M	M
11	12	13	14	15	16	17
M			M	M	M	M
18	19	20	21	22	23	24
M			M	M	M	M
25	26	27	28	29		
M			M	M		

M 20 E 0 C/S 1

Total 21

March Year: 2024

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
					1	2
					M	C
3	4	5	6	7	8	9
M			M	M	M	M
10	11	12	13	14	15	16
M			M	M	M	M
17	18	19	20	21	22	23
M			M	M	M	M
24	25	26	27	28	29	30
M			M	M	M	C
31						
M						

M 21 E 0 C/S 2

Total 23

April Year: 2024

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
	1	2	3	4	5	6
				M	M	M
7	8	9	10	11	12	13
M				M	M	M
14	15	16	17	18	19	20
M				M	M	M
21	22	23	24	25	26	27
M				M	M	M
28	29	30				
M						

M 16 E 0 C/S 0

Total 16

May Year: 2024

June Year: 2024

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
	M			M	M	M
30	31					
M						

M 0 E 0 C/S 0
Total 0

M 7 E 0 C/S 0
Total 7

CARDROOM OPERATORS ONLY						
Hours of Cardroom Operations						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	24 Hours	24 Hours
4:00 AM	4:00 AM	4:00 AM	4:00 AM	4:00 AM	—	—

Year Round? Yes No If No, Dates: At this time card room closed

OATH

I swear or affirm that the information provided in this application is true and complete. I understand that knowingly providing false information on this application could subject the applicant to criminal penalties relating to perjury or other offenses.

Sheri Holmes Stirling Name (Please Print) VP Administration Title (Please Print) [Signature] Signature 3/27/2024 Date

State of Florida,
County of Broward
Sworn to (or affirmed) and subscribed before me this 27th day of March, 2024.

Sheri Holmes Stirling, who is personally known to me or produces the following as identification:

[Signature]
Notary Public
My Commission Expires: 7/31/2024



RICHARD B. PATTERSON, JR.
Commission # GG 974772
Expires July 31, 2024
Bonded Thru Troy Fair Insurance (800) 385-7019



State of Florida
Department of Business and Professional Regulation
Chronology Report

Case #: 2024018240 **Incident date:** 03/27/2024 **Status:** 10 - Initial Review

Lic Type: 1001 **Disposition:**

Case Type: Complaint

Responsible: ljelks - JELKS, LA'KESHA

Complainant: GULFSTREAM PARK RACING ASSOCIATION, INC.
 901 SOUTH FEDERAL HIGHWAY, HALLANDALE, FL 33009-3099

Respondent: FGCC, PARI-MUTUEL WAGERING
 4070 ESPLANADE WAY, TALLAHASSEE, FL 32399

Summary: PERMITHOLDER LICENSE CHANGE REQUEST
 CHECKLIST

PERMITHOLDER: Gulfstream Park (TBRD321) FISCAL YEAR: 2023/2024
 DATE RECEIVED: March 27, 2024
 CHANGE REQUESTED: Cancel performance on April 3rd.
 REVIEWER'S NAME: La'Kesha Jelks

Chronology:	Effective Date	Type	Lic Type	Code	Description	Responsible Party	Respondent
	03/27/2024	R		ljelks	JELKS, LA'KESHA	ljelks	
	03/27/2024	S	1001	10	Initial Review	ljelks	

3. Discussion of license denial

MEMORANDUM

To: The Florida Gaming Control Commission
From: Division of Pari-Mutuel Wagering
Through: Joseph Klein, Senior Attorney
Re: OSMEL NUNEZ; Case No. 2023-071556
Date: March 21, 2024

Executive Summary

The Division of Pari-Mutuel Wagering (the “Division”) seeks to deny the application of Osmel Nunez (the “Applicant”) for a Pari-Mutuel Professional Individual Occupational license (the “Application”). The Applicant submitted a completed Application on December 13, 2023. Upon review of the Application, it appears Applicant has been convicted of two felony offenses. The Executive Director of the Commission reviewed the file along with the waiver interview notes and declined to waive the statutory restrictions excluding offenders. Therefore, the Florida Gaming Control Commission should authorize the issuance of a Letter of License Denial.

Pertinent Facts

On November 14, 2023, the Applicant submitted an application for a Pari-Mutuel Professional Individual Occupational license to the Division. The Division issued a deficiency letter to the Applicant on November 29, 2023, requesting that he amend his Application to disclose information relating to an arrest on November 14, 2012. On December 13, 2023, the Applicant submitted a completed Application.

Upon review, it appears that on August 22, 2013, the Applicant was convicted of two felony offenses in the state of Florida:

- Armed Cannabis Trafficking 250-2000 pounds
- Controlled Substance/Possession of Place for Purpose of Trafficking

These felony convictions are disqualifying offenses under section 550.105(b), Florida Statutes.

On December 12, 2023, the Division received from the Applicant a request for waiver from the restrictions excluding offenders with disqualifying offenses.

On December 28, 2023, a Division investigator conducted a waiver interview of the Applicant. The Division investigator documented the waiver interview in a report submitted to the Executive Director of the Commission for consideration.

On March 14, 2024, the Executive Director, having reviewed the waiver report and all relevant information and documents, declined to waive the restrictions excluding offenders.

Relevant Law

Section 550.105(5)(b), Florida Statutes, provides that:

[t]he commission may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for such license has been convicted in this state, in any other state, or under the laws of the United States of a capital felony, a felony, or an offense in any other state which would be a felony under the laws of this state involving arson; trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; or a crime involving a lack of good moral character, or has had a pari-mutuel license revoked by this state or any other jurisdiction for an offense related to pari-mutuel wagering.

Section 550.105(5)(d), Florida Statutes, provides that:

. . . the term “convicted” means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere. However, the term “conviction” shall not be applied to a crime committed prior to the effective date of this subsection in a manner that would invalidate any occupational license issued prior to the effective date of this subsection or subsequent renewal for any person holding such a license.

Staff Recommendation: The Florida Gaming Control Commission may deny or declare Applicant ineligible for any license upon finding of a felony criminal conviction under section 550.105(5), Florida Statutes. Accordingly, the Division of recommends the Florida Gaming Control Commission authorize the issuance of a Letter of License Denial in this matter.

ROUTING SLIP REQUEST FOR WAIVER

RE: NUNEZ, OSMEL – LIC # 13815597
(APPLICANT'S NAME – LICENSE #)

Case No: 2023 07 1556

1021 – ANIMAL OWNER
Occupation Code and Job Title

GULFSTREAM PARK
Facility (d/b/a name)

90-DAY RESPONSE DEADLINE:

MARCH 20, 2024
(DATE)

Investigations Section: Reviewed by Bradford D. Jones [Signature] 2/23/2024
(Initial & Date)

The attached "Request for Waiver" file has been reviewed for completeness and accuracy and has been forwarded to the Licensing Section.

Licensing Section: Reviewed by: DD 02/29/2024
(Initial & Date) (Initial & Date)

Is the applicant currently under suspension, has unpaid fines, or has been refused a license by any gaming or racing jurisdiction?

Yes or No If yes, in what jurisdiction? _____

Executive Director: LT 3/14/24
(Initial & Date)

Prepare Waiver or Prepare File for Commission Review

Comments: _____

Investigative Findings:

November 14, 2012

Miami Dade Police, FL. - Cannabis Trafficking - Cannabis/Sell/Manufacture – Control Substance of Place/Purpose of Trafficking, - Cannabis /Sell/Manufacture - Felonies - On December 17, 2012, the Cannabis / Sell / Manufacture charge was dropped. – Adjudicated Guilty of the remaining charges and sentenced on August 22, 2013, to 1 year Community Control, 4 years' Probation, Court fee and assessment of \$27,003 that was paid in full.

*Please attach Routing Slip to front of case file

VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
Complaint Search Update	Change Recording License Type	Public Case Info	Delete Complaint	Mass Activity Update	Mass Discipline				

Domain 10 - Division of Pari-Mutuel Wagering

Logged in as: cstubbs1

[VR Home](#) > [Complaint Search](#) > [Maintain Complaint](#)

Lic Type	1021 - Pari-Mutuel Wagering Individual Occupational	Status	90 Closed	Status Date	02/23/2024
Complaint #	2023071556	Case Type	CMP - Complaint	Disposition	Disposition Date
Docket#		Respondent	NUNEZ, OSMEL	Responsible	bjones - JONES, BRADFORD
					Private Case

Complaint	Respondent	Complainant	Add'l Info
Source	LIC - Licensee	Security Level	1
Form	WALK - Walk-in	Priority	1
Class'n	IIIB - Waivers	Complexity	R - Regular
Security	STND - Standard	Incident	11/14/2023
Region	SR - Southern Region	Received	12/19/2023
Reference			
Entered	12/20/2023	Entered By	cstubbs1
Summary	321 - Gulfstream Park		
Updated	02/28/2024 14:53:18	By	cstubbs1

<input type="checkbox"/>	Parties	<input checked="" type="checkbox"/>	Activities
<input checked="" type="checkbox"/>	Allegations	<input type="checkbox"/>	Discipline
<input checked="" type="checkbox"/>	Violations	<input type="checkbox"/>	Compliance
<input type="checkbox"/>	Related	<input checked="" type="checkbox"/>	Disposition
<input type="checkbox"/>	Inspection		
<input type="checkbox"/>	Costs		
<input type="checkbox"/>	Time Tracking		Auto Assign
<input type="checkbox"/>	Attachments		History
<input type="checkbox"/>	Work Notes		Print Report

Change	Save	OK	Cancel	Back
------------------------	----------------------	--------------------	------------------------	----------------------

 [Get Adobe Reader.](#)

ROUTING SLIP REQUEST FOR WAIVER

RE: NUNEZ, OSMEL – LIC # 13815597
(APPLICANT'S NAME – LICENSE #)

Case No: 2023 07 1556

1021 – ANIMAL OWNER
Occupation Code and Job Title

GULFSTREAM PARK
Facility (d/b/a name)

90-DAY RESPONSE DEADLINE:

MARCH 20, 2024
(DATE)

Investigations Section: Reviewed by Bradford D. Jones  2/23/2024
(Initial & Date)

The attached "Request for Waiver" file has been reviewed for completeness and accuracy and has been forwarded to the Licensing Section.

Licensing Section: Reviewed by: _____
(Initial & Date) (Initial & Date)

Is the applicant currently under suspension, has unpaid fines, or has been refused a license by any gaming or racing jurisdiction?

Yes or No If yes, in what jurisdiction? _____

Executive Director: _____
(Initial & Date)

Prepare Waiver or Prepare File for Commission Review

Comments: _____

Investigative Findings:

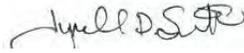
November 14, 2012 Miami Dade Police, FL. - Cannabis Trafficking - Cannabis/Sell/Manufacture – Control Substance of Place/Purpose of Trafficking, - Cannabis /Sell/Manufacture - Felonies - On December 17, 2012, the Cannabis / Sell / Manufacture charge was dropped. – Adjudicated Guilty of the remaining charges and sentenced on August 22, 2013, to 1 year Community Control, 4 years' Probation, Court fee and assessment of \$27,003 that was paid in full.

*Please attach Routing Slip to front of case file

Louis Trombetta, Executive Director

Ron DeSantis, Governor

OFFICE OF INVESTIGATIONS
WAIVER INVESTIGATIVE REPORT

Office: PMW	Region: Southern	Date of Complaint: December 20, 2023	Case Number: 2023 07 1556
Respondent: OSMEL NUNEZ 15500 SOUTH WEST 272nd STREET HOMESTEAD, FLORIDA 33032		Complainant: DIVISION OF PARI-MUTUEL WAGERING OFFICE OF INVESTIGATIONS 1400 WEST COMMERCIAL BOULEVARD, SUITE 165 FT. LAUDERDALE, FLORIDA 33309	
License # / Type: 13815597/1021 (Temporary)		Profession: Individual Animal Owner	Report Date: February 5, 2024
Period of Investigation: December 27, 2023- December 29, 2023		Type of Report: Final	
<p>Basis of Investigation: This investigation is predicated upon receipt of Osmel NUNEZ's application for a State of Florida PMW Individual Occupational License dated November 14, 2023 and Waiver Request dated December 12, 2023.</p> <p>On November 14, 2023, NUNEZ submitted a PMW Occupational License application to be licensed as an Individual Animal Owner at Gulfstream Park (GSP).</p> <p>On his application, NUNEZ checked the box "No" to the question, "Have you ever been convicted of or had adjudication withheld for any crime, or pled guilty or nolo contendere to any criminal charges against you?" (Exhibit # 1 pg. 4)</p> <p>On November 29, 2023, NUNEZ received a Deficiency Letter stating that he needed to provide documentation regarding court disposition records related to the arrest. On December 12, 2023, NUNEZ submitted a request for Waiver (Exhibit # 1, pg 2).</p>			
Related Case:			
Investigations Specialist II / Date  Lisa Vila / February 5, 2024		Investigator Supervisor / Date:  Tyrell Smith / February 6, 2024	
Chief of Investigations / Date  Bradford D. Jones / February 23, 2024			

CONTINUATION

CRIMINAL HISTORY

Arrest 1					
Date of Arrest: 11/14/2012		Arresting Agency: Miami-Dade Police Department			
OFFENSE					
CHARGES	CLASSIFICATION	PLEA	DISPOSITION	CONVICTION DATE	
1 Armed Cannabis Trafficking 250 - 2000 pounds	Felony	Not guilty	Guilty	08/22/13	
2 Control Substance of Place/Purpose of Trafficking	Felony	Not guilty	Guilty	08/22/13	
3 Cannabis/Sell/Manufacture	Felony	Not guilty	Dropped	12/17/2012	
4					

SENTENCE
(1) year Community Control, (4) years' Probation, court fee assessment of \$27,003, that was paid in full.

Additional Information: Attempts were made to ascertain the status of the restitution claim by the court and Citizens insurance. There is no evidence indicating it has been satisfied or withdrawn. No court record could be found, and no information was discovered by Citizens Insurance following inquires to that agency.

Arrest 2					
Date of Arrest:		Arresting Agency:			
OFFENSE					
CHARGES	CLASSIFICATION	PLEA	DISPOSITION	CONVICTION DATE	
1					
2					
3					
4					

SENTENCE

Additional Information:

CONTINUATION

CRIMINAL HISTORY

Arrest 3				
Date of Arrest:	Arresting Agency:			
OFFENSE				
CHARGES	CLASSIFICATION	PLEA	DISPOSITION	CONVICTION DATE
1				
2				
3				
4				

SENTENCE

Additional Information:

Arrest 4				
Date of Arrest:	Arresting Agency:			
OFFENSE				
CHARGES	CLASSIFICATION	PLEA	DISPOSITION	CONVICTION DATE
1				
2				
3				
4				

SENTENCE

Additional Information:

CONTINUATION

ADDITIONAL LICENSES

	YES	NO
Has the Applicant ever possessed a Florida Pari-Mutuel Occupational License?	X	
Does the Applicant possess an Occupational License from other jurisdictions?		X

1. License Type: *Temporary 1021 Individual Animal Owner			
Date Licensed: 11/14/23	Expiration Date: 02/12/2024	License #: 13815597	Agency or Jurisdiction: Florida-PMW
		YES	NO
Has License ever been suspended or revoked?			X
Was any derogatory information received?		X	
Additional Comments: *VERSA printout ex. 4 pg.5, temp. License issued ex. 2/12/24			

2. License Type:			
Date Licensed:	Expiration Date:	License #:	Agency or Jurisdiction:
<u>B</u>		YES	NO
Has License ever been suspended or revoked?			
Was any derogatory information received?			
Additional Comments:			

3. License Type:			
Date Licensed:	Expiration Dated:	License #:	Agency or Jurisdiction:
		YES	NO
Has License ever been suspended or revoked?			
Was any derogatory information received?			
Additional Comments:			

4. License Type:			
Date Licensed:	Expiration Dated:	License #:	Agency or Jurisdiction:
		YES	NO
Has License ever been suspended or revoked?			
Was any derogatory information received?			
Additional Comments:			

CONTINUATION

WAIVER INTERVIEW

	YES	NO
Was a Waiver Interview Conducted?	X	
Date of Interview: December 28, 2023	Location of Interview: Telephonic Interview	
	YES	NO
Was the applicant cooperative?	X	
Additional Comments: When asked to disclose the name of his co-defendant, or any other information regarding the other defendants, he advised he did not recall.		

SUMMARY OF INTERVIEW:

On December 28, 2023, I conducted the waiver interview. During the interview, **NUNEZ** discussed the information regarding his 2013 Felony arrest in Miami-Dade County, Florida.

NUNEZ stated he started out the wrong way in life, at the time he was involved with an acquaintance that was running a “grow house” (a residential property used for the production of marijuana). His acquaintance was also known to be dealing drugs out to the residence, therefore, the Miami-Dade Police Department, executed a warrant at the residence.

As a result of the investigation, several marijuana plants were seized and all the occupants inside the home at the time were charged and arrested, including **NUNEZ**.

NUNEZ was found guilty on felony charges and was placed on probation. When asked about the outstanding balance for restitution in the amount of \$45,000 to Citizens insurance, **NUNEZ** stated that he completed all the requirements set out by the courts and satisfied the monetary conditions. According to **NUNEZ**, he was not responsible for the \$45,000.00 in restation to Citizens. He further stated that if he did not meet the requirements set forth by the Court, he would still be on probation. On May 28, 2015, the Order Granting Early Termination of Probation was signed by Judge Victoria Del Pino (**Exhibit #2 pg. 4**).

NUNEZ, further stated that he has made positive changes in his life and recently obtained his Florida Real Estate License and passed the background checks to obtain licensing. To support his new life path claim, he submitted letters of support from various individuals (**Exhibit # 4, pg. 14-16**).

NUNEZ, recently purchased a horse and is hoping to obtain his license so he can race with his Trainer partner, Heather Irion at Gulfstream Park (GSP). He became interested in racing when he met his friend Reynier Arrieta at church, who is a Jockey at GSP.

CONTINUATION

On January 31, 2024, I located the contact information for Steven Amster attorney of record for **NUNEZ**. Mr. Amster provided a copy of the Arrest affidavit and search warrant. The information revealed in the reports, indicated that **NUNEZ** acted alone in the operation of a hydroponic lab and the cultivating of cannabis in the residence where he was arrested. As per Amster, **NUNEZ** maintained the plants being cultivated, were for his personal use and not for trafficking¹. Mr. Amster did not recall any information on **NUNEZ** being responsible for the restitution due to Citizens Property Insurance.

To ascertain the status on the claim by Citizens Insurance, on January 30, 2024, I conducted a property search and spoke to the property owner on record, Mary Juardo. During the conversation, I asked Jurado about her involvement with **NUNEZ** and the search warrant at her property. Jurado explained that she purchased the property as an investment, and she drafted a rental lease with **NUNEZ**.

During the tenancy, she learned that a police investigation was conducted at the residence, therefore, she responded to the property and observed an “uninhabitable sign” posted by the police. When she gained access to the property, she discovered there was extensive damage to the home by the hydroponics equipment installed by **NUNEZ**. Jurado, filed a claim with Citizens Insurance and was awarded a settlement in the amount of \$45,000. Juardo did not have any information on the criminal case and did not know the status on **NUNEZ** being responsible to payback her insurance company. Jurado had no further contact with **NUNEZ** after the arrest.

On February 5, 2024, contact was made with Agent Administrator, Gabriella R. from Citizens Insurance. At the time Gabriella verified that there was a policy on the property, however she could not locate any information on the status of the file or evidence of restitution pending from a claim. She further stated that the information was marked as “sensitive” and was not available for her review.

On February 6, 2024, an inquiry was made to Cleari Maglioni of FGCC licensing to clarify how **NUNEZ** was able to obtain a temporary license although he disclosed his arrest and requested a Waiver. On February 7, 2024, an email was received from David Donaldson who is the FGCC Licensing Administrator with an explanation (**EXHIBIT # 5**).

A check of the Association of Racing Commissioners International (ARCI) database showed No rulings against **NUNEZ**.

NUNEZ provided his photo via email (**Exhibit #1**).

Case closed by Investigations and forwarded to Licensing.

¹ *The total of weight of marijuana plants seized was 56.4 lbs. A Glock .40 caliber firearm was also recovered as a result of the search warrant and was impounded by the police.*

CONTINUATION

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3. FDLE Report. 1-8

4. Supporting Docs: Def. Letter / Licensing review/ Versa printouts/ CCIS/
Letters of recommendation. 1-16

5. Explanation of Licensure1-2

lorida

DRIVER LICENSE



USA

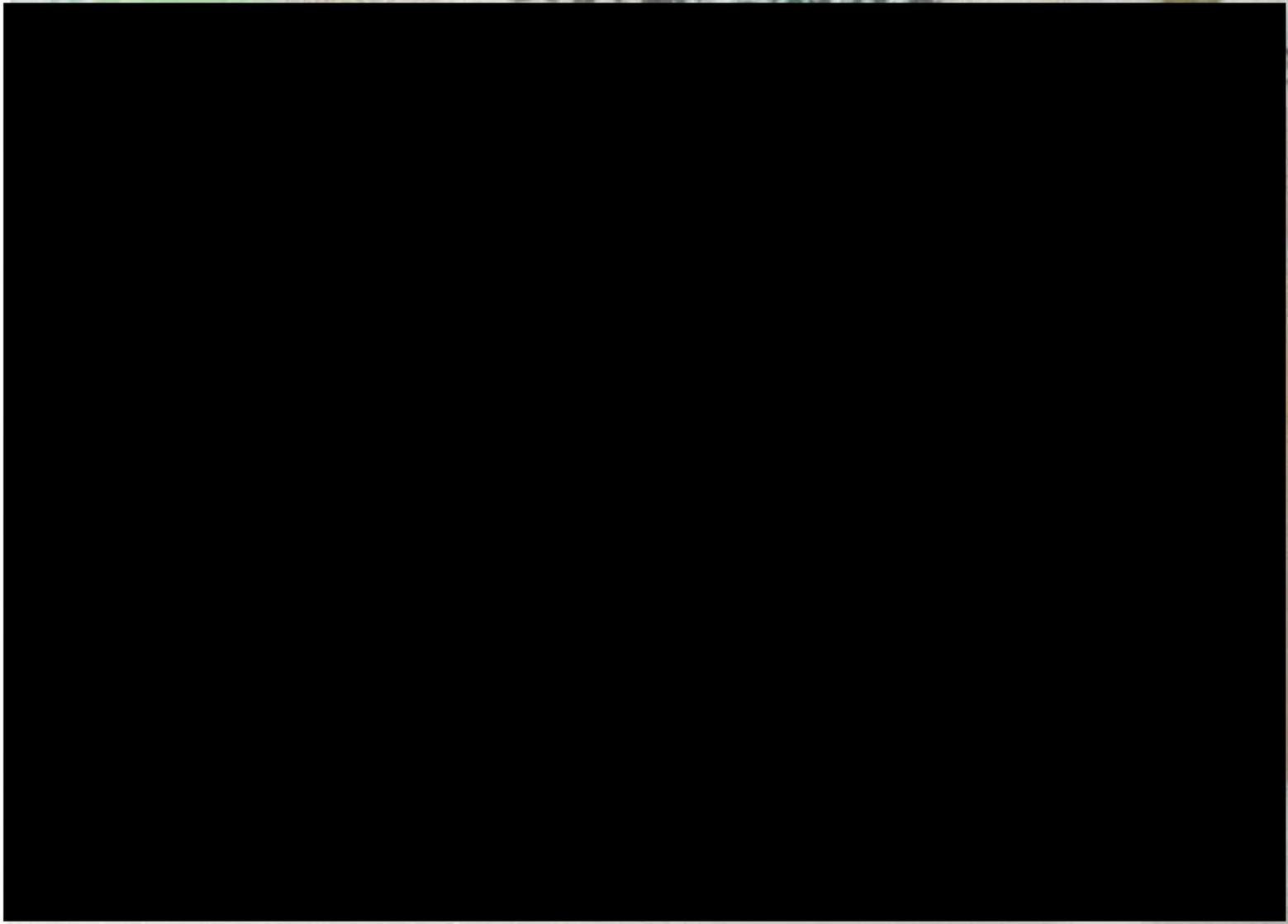


EXHIBIT # 1
PAGE # 1

DBPR PMW-3180 – Request for Waiver



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF PARI-MUTUEL WAGERING
www.myfloridalicense.com

TO: Osnel Nunez
Full Legal Name of Applicant

[Redacted]
Date of Birth

Individual/Org. Number

If you are a new applicant to Florida and have been convicted of any felony, regardless of whether adjudication was withheld, or if you are renewing your pari-mutuel occupational license in Florida and have been convicted of any of the crimes listed below, you must first request and receive a waiver from the Division Director in order to receive a Florida Pari-Mutuel Wagering Occupational License or Cardroom License. Please check the appropriate box(es) below that best describes your situation:

For Pari-Mutuel and Cardroom Applicants:

- A conviction in this state, in any other state, or under the laws of the United States of a capital felony, a felony or an offense in any other state which would be a felony under the laws of Florida involving arson; trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; or a crime involving a lack of good moral character. A felony or misdemeanor in this state, in any other state, or under the laws of the United States, if such felony or misdemeanor is related to gambling or bookmaking, as contemplated in Section 849.25, Florida Statutes, or involves cruelty to animals.
- Currently under Suspension, Declared Ineligible, Ruled Off, Revoked, Denied, Ejected, Unpaid Fine, in this or any other racing jurisdiction. Specify discipline and jurisdiction:
- New applicant to Florida who has been convicted of any felony, regardless whether adjudication was withheld.

For Cardroom Applicants Only:

- A misdemeanor involving forgery, larceny, extortion, or conspiracy to defraud, in this state or any other state, or under the laws of the United States.

If you choose to request a waiver, please sign this form below and return it with your completed application, license, and fingerprint fees. After an investigation is conducted, the Division Director will either grant or deny the request for waiver. You will be notified of the decision by mail at the address provided on your application.

UNTIL YOU ARE LICENSED:

- 1) You are not permitted to engage in any activity which requires a pari-mutuel occupational license or a cardroom license at any pari-mutuel facility in Florida. If you are found to be working without a license, you will be subject to arrest for trespassing and your waiver request may be denied.
- 2) You are forbidden from accessing any of the restricted areas of any pari-mutuel facility in Florida.

I hereby request a waiver for the situation(s) or conviction(s) noted above, and acknowledge that license and fingerprint fees are non-refundable in the event the waiver request is denied. I hereby acknowledge that my failure to participate in a waiver interview or to disclose any pertinent information regarding convictions, rulings, revocations, or denials from other jurisdictions will result in a denial of the request for waiver. I hereby waive the Section 120.60, Florida Statutes, timeline requirement regarding the processing of this application.

[Signature]
Signature of Applicant

12-12-2023
Date

TO BE CONSIDERED FOR A WAIVER, APPLICANTS MUST COMPLETE FORM DBPR PMW-3195 – REQUEST FOR RELEASE OF INFORMATION AND AUTHORIZATION TO RELEASE INFORMATION, AND SCHEDULE A WAIVER INTERVIEW WITH THE OFFICE OF INVESTIGATIONS.

2023 NOV 17 AM 10:57

FLORIDA RACING CONTROL COMMISSION

Department of Business and Professional Regulation
Division of Pari-Mutuel Wagering
DBPR PMW-3120 - Individual Occupational License Application

NOV 14 2023

Instructions: Please review this application thoroughly and complete all sections that pertain to you and are not marked optional. Print clearly in black or blue ink. Do not write in the space labeled "For Division Use Only."

DEMOGRAPHIC INFORMATION			
Social Security Number [REDACTED]	Birth Date (MM/DD/YYYY) [REDACTED]	Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	
Last Name <u>Ruuez</u>	First <u>Osnel</u>	Middle	Suffix
Have you used, been known as, or called by another name (example - maiden name, pseudonym, nickname) or alias other than the name used on the application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If yes, list the name or names used: _____			
Race/Ethnicity (optional) <input type="checkbox"/> Black or African American <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Native American or Alaskan Native <input type="checkbox"/> White or Caucasian <input checked="" type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Other			
Current Mailing Address <u>15500 SW 272 ST</u>		Email Address (optional)	
City <u>HOMESTEAD</u>	State <u>FL</u>	Zip Code (+4 optional) <u>33032</u>	Country, if other than USA <u>USA</u>
Primary Phone Number [REDACTED]		Secondary/Cell Phone Number (optional)	
Current Street Address <u>Same</u>			
City	State	Zip Code (+4 optional)	Country, if other than USA
Type of Occupational License applying for: <input type="checkbox"/> Pari-Mutuel General Individual <input checked="" type="checkbox"/> Pari-Mutuel Professional Individual <input type="checkbox"/> Cardroom Employee		Facility where employed and/or doing business: <u>GULFSTREAM PARK</u>	
Occupation: <u>owner</u>			
Does your position require access to the Cardroom? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Is this your first time applying for a racing/gaming license in Florida? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you a Supervisor, Manager, or Shareholder of a business with a pari-mutuel permit?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Do you own or lease animals intended for racing in Florida? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, complete the following:			
Stable Name, Kennel Name, or Business Name _____			
Trainer Name (horse or greyhound racing only) _____			
TO BE COMPLETED BY DOCTORS, VETERINARIANS, NURSES, PARAMEDICS, AND EMTS ONLY			
Type of professional license (attach a copy of Florida professional license):		Florida License Number	
FOR DIVISION USE ONLY			
License Code <u>1021</u>	License # <u>13815597</u>	File # <u>73471</u>	App # <u>248560</u>
Association Code <u>321</u>	Date Received <u>11-14-23</u>	Entered By <u>CB</u>	License Year <u>26</u>
License Fee <u>80</u>	FP Date _____	FP Fee _____	Total Fee <u>80</u>
Off Temp	Waiver Requested	<u>ARCI</u>	Enforcement
			Minor

Electronic F.F. EXHIBIT # 1
PAGE # 3

2023 NOV 17 AM 10:57

FLORIDA GAMING
CONTROL COMMISSION

BACKGROUND INFORMATION (ATTACH ADDITIONAL PAGES AS NECESSARY)

- Yes No Have you ever been convicted of, or had adjudication withheld for, a felony or misdemeanor involving forgery, larceny, extortion, conspiracy to defraud, or filing false reports to a government agency, racing or gaming commission or authority, in this state or any other state, or under the laws of the United States?
- Yes No Have you ever been convicted of or had adjudication withheld for any crime, or pled guilty or nolo contendere to any criminal charges against you? If yes, the court disposition records for all convictions must be submitted with this application and you must list the details in the chart provided below.

DATE OF DISPOSITION	COUNTY	STATE	OFFENSE	MISDEMEANOR OR FELONY?	SENTENCE
09/22/2013	Miami Dade	FL	CAUNTRAF	Felony	Probation
08/22/2013	Miami Dade	FL	COURT SUB/PIC	Felony	Probation

- Yes No Have you ever had a racing or gaming license revoked or denied in this or any other state or country? If yes, you must list the state(s) or jurisdiction(s) of license revocation or denial and explain why.
- Yes No Is any racing or gaming license you hold currently suspended or subject to other discipline, such as probation? If yes, you must list the state(s) or jurisdiction(s) of license and give details the offense and discipline.

If you answered yes to any of the questions above, provide details here:

RECEIVED
NOV 13 PM 12:09
FLORIDA GAMING CONTROL COMMISSION

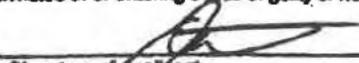
PLEASE READ AND SIGN BELOW

Under the Federal Privacy Act, disclosure of Social Security numbers is voluntary unless specifically required by Federal Statute. In this instance, disclosure of Social Security numbers is mandatory pursuant to Title 42, United States Code, Sections 653, 654; and Sections 409.2577, 409.2598, and 559.79, Florida Statutes. Social Security numbers are used to allow efficient screening of applicants and licensees by a Title IV-D child support agency to ensure compliance with child support obligations. Social Security numbers must also be recorded on all occupational license applications and are used for licensee identification purposes pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform Act), 104 Pub.L. 183, Sec. 317.

I hereby authorize the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, to submit a set of my fingerprints to the Florida Department of Law Enforcement (FDLE) for the purpose of accessing and reviewing Florida and national criminal history records that may pertain to me. I understand that I am able to obtain a national criminal history record that may pertain to me directly from the Federal Bureau of Investigation (FBI) pursuant to Title 28, Code of Federal Regulations (CFR), Sections 16.30-16.34. I understand that my fingerprints may be retained at FDLE and the FBI for the purpose of providing any subsequent arrest notifications and that I am entitled to challenge the accuracy and completeness of any information contained in any such report. I am aware that procedures for challenging FDLE or FBI criminal history records are set forth in F.S. 943.056 and Title 28, CFR, Section 16.34. I may obtain a prompt determination as to the validity of my challenge before the Division makes a final determination about my status as a licensee. A copy of the Noncriminal Justice Applicant's Privacy Rights is available on the Division's website.

Each application for a license or renewal of a license issued by the Department of Business and Professional Regulation shall be signed under oath or affirmation by the applicant, or owner or chief executive of the applicant without the need for witnesses unless otherwise required by law.

I certify that I am empowered to execute this application as required by Section 559.79, Florida Statutes. I understand that my signature on this application has the same legal effect as an oath or affirmation. I declare that I have read the foregoing application and to the best of my knowledge, all information contained on this application is true and complete. I understand that falsification of any information on this application may result in administrative action, including fines up to \$1,000, denial, suspension or revocation of the license. I agree to abide by and obey all rules and regulations of the Division of Pari-Mutuel Wagering and the laws of the State of Florida. Under penalty of perjury, I agree to inform the Division within 48 hours of being convicted of or entering a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.

Signature of Applicant 

Date 11-14-2023

EXHIBIT # 1
PAGE # 4



MIAMI-DADE COUNTY

JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT AND COMPTROLLER

Tyrell.Smith@fgcc

Expand All

Case Number	Filed Date	Disposition Date	County	Case Type	Status	Contested
132012CF0283310001XX [F12028331]	11/15/2012	08/22/2013	MIAMI-DADE	FELONY	REOPENED	No

Charge Seq #	Description	Date	Phase	Trial
00001	CANNABIS/TRAF/>25 BUT < 2000LBS/300 OR > PLANTS	08/22/2013	Court:Adjudicated Guilty	No Trial
00002	CANNABIS/SELL/MANUFA WIN	12/17/2012	Prosecutor:Dropped/Aband	No Trial
00003	CONT SUB/POSN OF PLACE/PURPOSE OF TRAFFICKING	08/22/2013	Court:Adjudicated Guilty	No Trial

Party Name	Party Type	Attorney	Bar ID
DEL PINO, VICTORIA	JUDGE		
AMSTER, STEVEN E	DEFENDANT ATTORNEY		
FRIEDMAN, JESSIE	STATE ATTORNEY		
NUNEZ, OSMEL Search This Party	DEFENDANT	AMSTER, STEVEN EDWARD	5738

Dockets

Page : 1 10

Image	Doc #	Action Date	Description	Pages
	134	05/28/2015	ORDER: GRT'G MOTION FOR EARLY TERMINATION OF PROBATION	
	133	05/28/2015	MOTION TO TERMINATE PROBATION/COMMUNITY CONTROL FILED 05/28/2015 ORAL SET FOR 05/28/2015 AT 10:11 GRANTED	
	127	05/21/2015	NOTICE ISSUED TO: DEFN/ATTY HRG DATE 05/28/2015 R	
	132	05/20/2015	MOTION TO/FOR: EARLY TERMINATION OF PROBATION	
	131	05/20/2015	NOTICE OF HEARING 5/28/15	
	130	05/20/2015	MOTION TO/FOR: EARLY TERMINATION OF PROBATION	
	129	05/20/2015	MOTION TO/FOR: EARLY TERMINATION OF PROBATION	
	128	05/20/2015	MOTION TO/FOR: MODIFY PROBATION	
	126	05/20/2015	REPORT RE: PROBATION SET FOR 05/28/2015 AT 09:00	
	125	10/14/2014	MOTION TO/FOR: MODIFY PROBATION	

Judge Assignment History

Court Events

EXHIBIT #-2
PAGE #-1

IN THE CIRCUIT AND COUNTY COURTS OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
 IN AND FOR MIAMI-DADE COUNTY

I, LUIS G. MONTALDO, CLERK AD INTERIM CIRCUIT AND COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR MIAMI-DADE COUNTY, DO HEREBY CERTIFY THAT A DILIGENT EXAMINATION OF THE FELONY, MISDEMEANOR AND NON CRIMINAL VIOLATION FILES AND RECORDS IN MY OFFICE REGARDING:

NAME: NUNEZ, OSMEL
 DATE OF BIRTH: [REDACTED]
 RACE: WHITE SEX: MALE
 YEARS RESEARCHED: 2012 - 2023

RECEIVED
 2023 DEC 13 PM 12:49
 FLORIDA GAMING
 CONTROL COMMISSION

INDICATES THE FOLLOWING:

CITATION/ ARREST / FILE DATE/ CASE NUMBER	ARST DEPT	CHARGES	DISPOSITION	DISPO DATE
NUNEZ, OSMEL M19003493	02/07/2019 MIAMI	BATTERY	NO ACTION	03/05/2019
NUNEZ, OSMEL B18003783	02/09/2018 MIAMI SPRINGS	BATTERY PROBATION VIOLATION	WH ADJ-PROB SP CON PROBATION TERMINAT	04/11/2018 12/13/2018
NUNEZ, OSMEL F12028331	11/14/2012 MIAMI DADE POLICE	CANN/TRF/25-2000LBS CONT SUB/PLC/FRP/TRF CANN/SELL/MAN/DEL	CONV C.C./PROBATIO CONV C.C./PROBATIO NO ACTION	08/22/2013 08/22/2013 12/17/2012

PURSUANT TO FLORIDA RULES OF COURT, RULE 2.430, COURT RECORDS THAT ARE NOT PERMANENTLY RECORDED MAY BE UNAVAILABLE, OR DISPOSED OF BY THE CLERK, IN ACCORDANCE WITH THE APPLICABLE RETENTION SCHEDULE REQUIRED BY SAID RULE. (10 YEARS FOR FELONY, MISDEMEANOR AND CRIMINAL TRAFFIC VIOLATIONS IN WHICH THE DEFENDANT WAS ADJUDICATED NOT GUILTY). PLEASE SEE FLORIDA RULES OF COURT, RULE 2.430, FOR A COMPLETE LISTING OF RECORDS RETENTION REQUIREMENTS.

PAGE: 001



EXHIBIT # -2
 PAGE # -3

WITNESS MY HAND AND THE SEAL OF THE COURT AT MIAMI, MIAMI-DADE COUNTY,
FLORIDA, THIS 29 DAY OF JUNE, 2023.

JUAN FERNANDEZ-BARQUIN CLERK
CIRCUIT AND COUNTY COURTS
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

PAGE: 002

BY:



~~DEPUTY CLERK~~

Deputy Clerk of the Circuit Court of
the Eleventh Judicial Circuit of Florida,
in and for Miami-Dade County

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2023 DEC 13 PM 12:49
FLORIDA GAMING
CONTROL COMMISSION

EXHIBIT # -2
PAGE # -4

CIRCUIT CRIMINAL DIVISION
 DSTEPH
 PRINTED DOCKET - FELONY
 CASE ACTION SUMMARY

IN THE CIRCUIT COURT OF THE
 ELEVENTH JUDICIAL CIRCUIT OF
 FLORIDA IN AND FOR DADE COUNTY

CASE NO: F12028331 IDS: 2734060 CIN: 1096648 POLICE CASE NO: PD121114434042
 STATE CSE: 132012CR0283310001XX FILE LOC: 23 PR PUBLIC SERVICE BOX# 222 189
 DEFENDANT: NUNEZ OSMEL
 ADDRESS: 888 BISCAYNE BLVD #1904 MIAMI FL 331321550

PERSONAL INFORMATION		IMPORTANT DATES	
DOB: [REDACTED]	RACE: W SEX: M	ARRST/CIT: 11/14/2012	ARR: 12/17/2012
EYES: BRO	HEIGHT: 509	FILED: 11/15/2012	TRIAL: 06/10/2013
HAIR: BLK	WEIGHT: 220	INFO: 12/17/2012	CLOSED: 08/22/2013
JUDGE: ASSIGNED-S		NOT	BOOKED: 11/14/2012
SECTION: P016 COL: B	AMEND INFO DT: 06/10/2013	SPEEDY REQ: 05/08/2013	
ATTORNEY: AMSTER	STEVEN	ATTY TYPE: PRIV	
WARRANT:	ISSUED:	ARR/CIT-OPCR: 30-061 4789	
COURTROOM:	LOCATION:	FUTURE HEARING:	TYPE: OTH HRG: N
ASSOC CASE:		TRAFFIC CASE:	

CHARGES	T D DESCRIPTION	DISPOSITION	DATE	FL	TL
893.135(1)(A)1	F 1 CANN/TRF/25-2000LBS	CONV C.C./PROBATION	08/22/2013	GB	B
893.1351(2)	F 2 CONT SUB/PLC/PRP/TRF	CONV C.C./PROBATION	08/22/2013	GB	B
893.13(1)(A)2	F 3 CANN/SELL/MAN/DEL	NO ACTION	12/17/2012		

SEQ	DATE	PROGRESS OF CASE
134	05/28/2015	ORDER: GRT'G MOTION FOR EARLY TERMINATION OF PROBATION
133	05/28/2015	MOTION TO TERMINATE PROBATION/COMMUNITY CONTROL FILED 05/28/2015 ORAL SET FOR 05/28/2015 AT 10:11 GRANTED
127	05/21/2015	NOTICE ISSUED TO: DEFN/ATTY HRG DATE 05/28/2015 REPORT
132	05/20/2015	MOTION TO/FOR: EARLY TERMINATION OF PROBATION
131	05/20/2015	NOTICE OF HEARING: 5/28/15
130	05/20/2015	MOTION TO/FOR: EARLY TERMINATION OF PROBATION
129	05/20/2015	MOTION TO/FOR: EARLY TERMINATION OF PROBATION
128	05/20/2015	MOTION TO/FOR: MODIFY PROBATION
126	05/20/2015	REPORT RE: PROBATION SET FOR 05/28/2015 AT 09:00
125	10/14/2014	MOTION TO/FOR: MODIFY PROBATION
124	03/06/2014	ORDER: ORDER TO MODIFY PROBATION
123	03/04/2014	MOTION TO MODIFY PROBATION/COMMUNITY CONTROL FILED 03/06/2014 ORAL SET FOR 03/06/2014 AT 12:24 GRANTED
121	02/25/2014	NOTICE ISSUED TO: DEFN/ATTY HRG DATE 02/28/2014 MOTION
122	02/24/2014	MOTION TO/FOR: TO MODIF PROBATION

*** CONTINUED ON NEXT PAGE ***

RECEIVED
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 FLORIDA GAMING
 CONTROL COMMISSION

EXHIBIT # -2
 PAGE # -5

118 10/28/2013 ORDER:
ORDER FOR HARDSHIP LICENSE

119 10/25/2013 MOTION TO/FOR:
FOR RECOMMENDATION FOR A HARDSHIP LICENSE

117 10/22/2013 NOTICE ISSUED TO: DEFN/ATTY HRG DATE 10/25/2013 REPORT

116 10/21/2013 REPORT RE: PROBATION
SET FOR 10/25/2013 AT 08:45

115 09/19/2013 COURT FEE PAYMENT 753.00 RECEIPT # 1721154

113 08/29/2013 NOTICE OF FAIL TO PAY SENT TO DHSMV PURSUANT TO 322.245(5)A
SENT DATE: 08/29/2013 CLEARANCE DATE: 09/20/2013

114 08/28/2013 JUDGMENT OF GUILT
BOOK 28817 PAGE 4299

112 08/26/2013 NOTICE OF FAILURE TO PAY SENT

111 08/23/2013 DISCHARGE CERTIFICATE ISSUED
PS25045011

110 08/22/2013 STAY DUE DATE CHANGED BY CLERK FINC 00/00/0000 TO 8/23/2013

109 08/22/2013 STAY GRANTED DUE 08/23/2013

108 08/22/2013 MEMORANDUM OF COSTS
AMOUNT 753.00

107 08/22/2013 06410 CASAL-PEREZ, LILIA M PEN AMT/ 25000
DISCHARGED 08/22/2013
POWER/PS25045011

106 08/22/2013 DISPOSITION TO DHSMV PURSUANT TO 322.055

103 08/22/2013 CLOSING JUDGE MILLER, BRONWYN C

102 08/22/2013 ORDER FOR RESTITUTION/DISBURSEMENT
CITIZENS PROPERTY INSURANCE CORP.
AMOUNT 45000.00

101 08/22/2013 SENTENCING GUIDELINES SCORE SHEET

100 08/22/2013 ORDER OF SUPERVISION
ONE YEAR COMMUNITY CONTROL AND 4 YEARS PROBATION

99 08/09/2013 NOTICE ISSUED TO: DEFN/ATTY/BNDM HRG DATE 08/22/2013 MOTION

98 08/08/2013 MOTION TO SUPPRESS
FILED 07/09/2013
SET FOR 08/22/2013 AT 15:32 NO RULING

97 07/26/2013 NOTICE ISSUED TO: DEFN/ATTY/BNDM HRG DATE 08/08/2013 MOTION

96 07/26/2013 NOTICE ISSUED TO: DEFN/ATTY/BNDM HRG DATE 08/08/2013 REPORT

95 07/25/2013 REPORT RE: STATUS
SET FOR 08/08/2013 AT 08:45

94 07/25/2013 MOTION TO SUPPRESS
FILED 07/09/2013
SET FOR 08/08/2013 AT 11:10 CONTINUED

93 07/09/2013 MOTION TO/FOR:
TO SUPPRESS

92 07/05/2013 NOTICE ISSUED TO: DEFN/ATTY/BNDM HRG DATE 07/25/2013 MOTION

91 07/05/2013 NOTICE ISSUED TO: DEFN/ATTY/BNDM HRG DATE 07/25/2013 REPORT

90 07/03/2013 MOTION TO/FOR:
TO SUPPRESS

89 07/03/2013 REPORT RE: STATUS
SET FOR 07/25/2013 AT 08:45

88 07/03/2013 MOTION TO SUPPRESS
FILED 07/09/2013
SET FOR 07/25/2013 AT 09:32 CONTINUED

87 06/20/2013 NOTICE ISSUED TO: DEFN/ATTY/BNDM HRG DATE 07/03/2013 REPORT

81 06/19/2013 REPORT RE: MOTIONS
SET FOR 07/03/2013 AT 08:45

86 06/17/2013 NOTICE OF TAKING DEPOSITION

*** C O N T I N U E D O N N E X T P A G E ***

EXHIBIT # - 2
PAGE # - 6

85 06/17/2013 MOTION FOR EXTENSION OF TIME
FILED 06/19/2013 ORAL
SET FOR 06/19/2013 AT 09:04 GRANTED

84 06/11/2013 NOTICE ISSUED TO: DEFN/ATTY/BNDM HRG DATE 06/27/2013 REPORT

83 06/10/2013 AMENDED INFORMATION FILED

82 06/10/2013 MOTION FOR CONTINUANCE
FILED 06/10/2013 ORAL
SET FOR 06/10/2013 AT 11:29 GRANTED DEFS

79 06/06/2013 INTAKE PROS. ASSIGNED: FRIEDMAN, JESSIE

80 06/04/2013 NOTICE OF TAKING DEPOSITION

78 05/20/2013 NOTICE ISSUED TO: DEFN/ATTY/BNDM HRG DATE 06/10/2013 TRIAL

77 05/13/2013 E-SUBPOENA: WOODS, CHARLES ID: 030-07903
FOR: TRIAL ON 06/10/2013 AT 08:45 ISSUED BY: CJIS
SENT: 05/13/2013 RECD/NOTFD: 05/13/2013 ACKN: 05/14/2013 S

76 05/13/2013 E-SUBPOENA: MASFERRER, ELBA ID: 030-05911
FOR: TRIAL ON 06/10/2013 AT 08:45 ISSUED BY: CJIS
SENT: 05/13/2013 RECD/NOTFD: 05/13/2013 ACKN: 05/15/2013 S

75 05/13/2013 E-SUBPOENA: CADET, GARY ID: 030-05723
FOR: TRIAL ON 06/10/2013 AT 08:45 ISSUED BY: CJIS
SENT: 05/13/2013 RECD/NOTFD: 05/13/2013 ACKN: 05/13/2013 S

74 05/13/2013 E-SUBPOENA: PHILLIPS, ROBERT ID: 030-04920
FOR: TRIAL ON 06/10/2013 AT 08:45 ISSUED BY: CJIS
SENT: 05/13/2013 RECD/NOTFD: 05/13/2013 ACKN: 05/13/2013 S

73 05/13/2013 E-SUBPOENA: FERNANDEZ, ARTURO ID: 030-04793
FOR: TRIAL ON 06/10/2013 AT 08:45 ISSUED BY: CJIS
SENT: 05/13/2013 RECD/NOTFD: 05/13/2013 ACKN: 05/13/2013 S

72 05/13/2013 E-SUBPOENA: CAREY, MARCUS ID: 030-04789
FOR: TRIAL ON 06/10/2013 AT 08:45 ISSUED BY: CJIS
SENT: 05/13/2013 RECD/NOTFD: 05/13/2013 ACKN: 05/13/2013 S

71 05/13/2013 E-SUBPOENA: RODRIGUEZ, GABRIEL ID: 030-03411
FOR: TRIAL ON 06/10/2013 AT 08:45 ISSUED BY: CJIS
SENT: 05/13/2013 RECD/NOTFD: 05/13/2013 ACKN: 05/13/2013 S

70 05/13/2013 E-SUBPOENA: FALCON, ALBERT ID: 030-02462
FOR: TRIAL ON 06/10/2013 AT 08:45 ISSUED BY: CJIS
SENT: 05/13/2013 RECD/NOTFD: 05/13/2013 ACKN: 05/13/2013 S

69 05/13/2013 E-SUBPOENA: GUERRA, MARIA ID: 030-01296
FOR: TRIAL ON 06/10/2013 AT 08:45 ISSUED BY: CJIS
SENT: 05/13/2013 RECD/NOTFD: 05/13/2013 ACKN: 05/16/2013 S

68 03/27/2013 TRIAL HEARING SCHEDULED FOR 06/10/2013 AT 08:45
TRIAL HEARING RESET

67 03/27/2013 MOTION FOR CONTINUANCE
FILED 03/27/2013 ORAL
SET FOR 03/27/2013 AT 10:00 GRANTED DEFS

66 03/06/2013 NOTICE ISSUED TO: DEFN/ATTY/BNDM HRG DATE 03/27/2013 TRIAL

65 02/27/2013 E-SUBPOENA: WOODS, CHARLES ID: 030-07903
FOR: TRIAL ON 03/27/2013 AT 08:45 ISSUED BY: CJIS
SENT: 02/27/2013 RECD/NOTFD: 02/27/2013 ACKN: 02/27/2013 S

64 02/27/2013 E-SUBPOENA: MASFERRER, ELBA ID: 030-05911
FOR: TRIAL ON 03/27/2013 AT 08:45 ISSUED BY: CJIS
SENT: 02/27/2013 RECD/NOTFD: ACKN: 02/27/2013 S

63 02/27/2013 E-SUBPOENA: CADET, GARY ID: 030-05723
FOR: TRIAL ON 03/27/2013 AT 08:45 ISSUED BY: CJIS
SENT: 02/27/2013 RECD/NOTFD: 02/27/2013 ACKN: 02/27/2013 S

*** CONTINUED ON NEXT PAGE ***

EXHIBIT # -2
PAGE # -7

62 02/27/2013 E-SUBPOENA: PHILLIPS, ROBERT ID: 030-04920
FOR: TRIAL ON 03/27/2013 AT 08:45 ISSUED BY: CJIS
SENT: 02/27/2013 RECD/NOTFD: 02/27/2013 ACKN: 02/27/2013 S

61 02/27/2013 E-SUBPOENA: FERNANDEZ, ARTURO ID: 030-04793
FOR: TRIAL ON 03/27/2013 AT 08:45 ISSUED BY: CJIS
SENT: 02/27/2013 RECD/NOTFD: 02/27/2013 ACKN: 02/27/2013 S

60 02/27/2013 E-SUBPOENA: CAREY, MARCUS ID: 030-04789
FOR: TRIAL ON 03/27/2013 AT 08:45 ISSUED BY: CJIS
SENT: 02/27/2013 RECD/NOTFD: 02/27/2013 ACKN: 02/27/2013 S

59 02/27/2013 E-SUBPOENA: RODRIGUEZ, GABRIEL ID: 030-03411
FOR: TRIAL ON 03/27/2013 AT 08:45 ISSUED BY: CJIS
SENT: 02/27/2013 RECD/NOTFD: 02/27/2013 ACKN: 02/27/2013 S

58 02/27/2013 E-SUBPOENA: FALCON, ALBERT ID: 030-02462
FOR: TRIAL ON 03/27/2013 AT 08:45 ISSUED BY: CJIS
SENT: 02/27/2013 RECD/NOTFD: 02/27/2013 ACKN: 02/27/2013 S

57 02/27/2013 E-SUBPOENA: GUERRA, MARIA ID: 030-01296
FOR: TRIAL ON 03/27/2013 AT 08:45 ISSUED BY: CJIS
SENT: 02/27/2013 RECD/NOTFD: 02/27/2013 ACKN: 03/01/2013 S

56 02/06/2013 TRIAL HEARING SCHEDULED FOR 03/27/2013 AT 08:45
TRIAL HEARING RESET

55 02/04/2013 TRIAL HEARING SCHEDULED FOR 03/25/2013 AT 08:45
TRIAL HEARING RESET

54 02/04/2013 MOTION FOR CONTINUANCE
FILED 02/04/2013 ORAL
SET FOR 02/04/2013 AT 09:24 GRANTED DEFS

53 01/29/2013 NOTICE ISSUED TO: ATTY HRG DATE 02/04/2013 TRIAL

48 01/28/2013 DEFENSE ATTY PRIV/HERRERA, JOSE M

52 01/25/2013 DEMAND FOR DISCOVERY

51 01/25/2013 DEMAND FOR TRIAL BY JURY

50 01/25/2013 WRITTEN PLEA OF NOT GUILTY

49 01/25/2013 NOTICE OF APPEARANCE
STEVEN E. AMSTER, P.A.

47 01/22/2013 TRIAL PROS. ASSIGNED: FRIEDMAN, JESSIE

46 01/14/2013 NOTICE ISSUED TO: DEPN/ATTY/BNDM HRG DATE 02/04/2013 TRIAL

45 01/07/2013 E-SUBPOENA: WOODS, CHARLES ID: 030-07903
FOR: TRIAL ON 02/04/2013 AT 08:45 ISSUED BY: CJIS
SENT: 01/07/2013 RECD/NOTFD: 01/07/2013 ACKN: 01/08/2013 S

44 01/07/2013 E-SUBPOENA: MASFERRER, ELBA ID: 030-05911
FOR: TRIAL ON 02/04/2013 AT 08:45 ISSUED BY: CJIS
SENT: 01/07/2013 RECD/NOTFD: 01/07/2013 ACKN: 01/10/2013 S

43 01/07/2013 E-SUBPOENA: CADET, GARY ID: 030-05723
FOR: TRIAL ON 02/04/2013 AT 08:45 ISSUED BY: CJIS
SENT: 01/07/2013 RECD/NOTFD: 01/07/2013 ACKN: 01/09/2013 S

42 01/07/2013 E-SUBPOENA: PHILLIPS, ROBERT ID: 030-04920
FOR: TRIAL ON 02/04/2013 AT 08:45 ISSUED BY: CJIS
SENT: 01/07/2013 RECD/NOTFD: 01/07/2013 ACKN: 01/07/2013 S

41 01/07/2013 E-SUBPOENA: FERNANDEZ, ARTURO ID: 030-04793
FOR: TRIAL ON 02/04/2013 AT 08:45 ISSUED BY: CJIS
SENT: 01/07/2013 RECD/NOTFD: 01/07/2013 ACKN: 01/07/2013 S

40 01/07/2013 E-SUBPOENA: CAREY, MARCUS ID: 030-04789
FOR: TRIAL ON 02/04/2013 AT 08:45 ISSUED BY: CJIS
SENT: 01/07/2013 RECD/NOTFD: 01/07/2013 ACKN: 01/07/2013 S

39 01/07/2013 E-SUBPOENA: RODRIGUEZ, GABRIEL ID: 030-03411
FOR: TRIAL ON 02/04/2013 AT 08:45 ISSUED BY: CJIS
SENT: 01/07/2013 RECD/NOTFD: 01/07/2013 ACKN: 01/08/2013 S

*** CONTINUED ON NEXT PAGE ***

EXHIBIT # -2
PAGE # -8

38 01/07/2013 E-SUBPOENA: FALCON, ALBERT ID: 030-02462
FOR: TRIAL ON 02/04/2013 AT 08:45 ISSUED BY: CJIS
SENT: 01/07/2013 RECD/NOTFD: 01/07/2013 ACKN: 01/10/2013 S

37 01/07/2013 E-SUBPOENA: GUERRA, MARIA ID: 030-01296
FOR: TRIAL ON 02/04/2013 AT 08:45 ISSUED BY: CJIS
SENT: 01/07/2013 RECD/NOTFD: 01/07/2013 ACKN: 01/17/2013 S

32 12/18/2012 DISCHARGE CERTIFICATE ISSUED
PS5090904

30 12/17/2012 TRIAL PROS. ASSIGNED: MINTO, GLENMUIR

29 12/17/2012 DEMAND FOR TRIAL BY JURY

28 12/17/2012 DEMAND FOR DISCOVERY

27 12/17/2012 WRIT OF HABEAS CORPUS AD PROSEQUENDAM

26 12/17/2012 NOTICE OF APPEARANCE
JOSE M. HERRERA

25 12/17/2012 DISCOVERY RESP: STATE'S DEMAND FOR DISCOVERY & DEMAND FOR AL

24 12/17/2012 TRIAL HEARING SCHEDULED FOR 02/04/2013 AT 08:45

23 12/17/2012 INFORMATION FILED

22 12/17/2012 DEFENSE ATTY PRIV/AMSTER, STEVEN EDWARD

21 12/17/2012 06410 CASAL-PEREZ, LILIA M. PEN AMT/ 5000
DISCHARGED 12/17/2012
POWER/PS5090904

36 12/14/2012 DEMAND FOR TRIAL BY JURY

35 12/14/2012 DEMAND FOR DISCOVERY

34 12/14/2012 WRITTEN PLEA OF NOT GUILTY

33 12/14/2012 NOTICE OF APPEARANCE
JOSE M. HERRERA, BSQ

20 12/14/2012 ARRAIGNMENT HEARING SCHEDULED FOR 12/17/2012 AT 08:45

19 12/10/2012 NOTICE ISSUED TO: ATTY HRG DATE 12/14/2012 ARRGMT

18 12/06/2012 DEMAND FOR DISCOVERY

17 12/06/2012 DEMAND FOR TRIAL BY JURY

16 12/06/2012 WRITTEN PLEA OF NOT GUILTY

15 12/06/2012 NOTICE OF APPEARANCE
STEVEN E. AMSTER, P.A.

14 11/26/2012 AFFIDAVIT FOR SEARCH WARRANT; SEARCH WARRANT & RETURN
INVENTORY

13 11/26/2012 NOTICE ISSUED TO: DEFN/BNDM HRG DATE 12/14/2012 ARRGMT

11 11/20/2012 INTAKE PROS. ASSIGNED: MINTO, GLENMUIR

10 11/19/2012 BOND RECEIVED
PS25045011

9 11/19/2012 BOND RECEIVED
PS5090904

8 11/19/2012 ARRAIGNMENT HEARING SCHEDULED FOR 12/14/2012 AT 08:45

7 11/17/2012 06410 CASAL-PEREZ, LILIA M. PEN AMT/ 5000
ISSUED 11/17/2012
POWER/PS5090904

6 11/17/2012 06410 CASAL-PEREZ, LILIA M. PEN AMT/ 25000
ISSUED 11/17/2012
POWER/PS25045011

4 11/16/2012

DESCRIPTION	ASSESSED	PAID	BALANCE
PUB DEFEND A	50.00	50.00	0.00
FINE	25000.00	0.00	PLEA NGTED
SURCHARGE	1250.00	0.00	PLEA NGTED
CRIME STOPPE	20.00	20.00	0.00
ADD'L FINE/P	225.00	225.00	0.00
CRM COMP TR	50.00	50.00	0.00
STATE LETTF	3.00	3.00	0.00
COUNTY LETTF	2.00	2.00	0.00
ADD'L COURT	65.00	65.00	0.00

*** CONTINUED ON NEXT PAGE ***

EXHIBIT #-2
PAGE # -9

4	11/16/2012	DESCRIPTION	ASSESSED	PAID	BALANCE
4	11/16/2012	DESCRIPTION	ASSESSED	PAID	BALANCE
		REFLCMNT SUR	85.00	85.00	0.00
		PROSECUTION	100.00	100.00	0.00
		CRIME PREV F	50.00	50.00	0.00
		TEEN COURT F	3.00	3.00	0.00
		FDLE TRUST F	100.00	100.00	0.00
		TOTAL:	27003.00	753.00	0.00
		LAST ASSESSED: 08/22/2013 LAST PAYMENT: 09/19/2013			
5	11/15/2012	AFFIDAVIT FOR INDIGENT STATUS - NOT INDIGENT			
2	11/15/2012	FIRST APPEARANCE/BOND HEARING - A.M.			
1	11/15/2012	ATTORNEY TYPE AT BOND HEARING PRIVATE ATTORNEY			

* * * E N D O F R E P O R T * * *

STATE OF FLORIDA COUNTY OF ...
 I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
 Clerk of the County of ...
 Deputy Clerk

JUL 05 2023
 [Signature]



RECEIVED
 2023 DEC 13 PM 12:49
 FLORIDA GAMING
 CONTROL COMMISSION



INTEROFFICE MEMORANDUM

AMENDED INFO

TO: Office of the Clerk of Courts

DATE: 6/5/13

FROM: Jessie Friedman
Assistant State Attorney

RE: CHARGE DISPOSITION

EXTRADITION CODE: ~~0~~

1 Fel/1

CHARGE DISPOSITION SHEET

Defendant Name: Osmel Nunez	Case#: F1228331
ASA Name: Jessie Friedman	Judge: Miller

ORIGINAL CHARGES

1. CANNABIS/TRAFFICKING/ARMED 893.135(1)(A)
& 775.087 LIFE FELONY

2. None

- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

CHARGES FILED/DISPOSITION

1. Amend to CANNABIS/TRAF/>25 BUT <2000
LBS/300 OR > PLANTS
893.135(1)(a)1 FEL 1D

2. CONTROLLED SUBSTANCE/POSSESSION OF
PLACE FOR PURPOSE OF TRAFFICKING
893.135(2) FEL 2D

- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.



STATE OF FLORIDA
Plaintiff

IN THE ELEVENTH JUDICIAL
CIRCUIT COURT, IN AND FOR
MIAMI-DADE COUNTY

-VS-

CASE NUMBER F12-28331

Osmed Nunez
Defendant

DC NUMBER _____

ORDERS OF SUPERVISION

FILED
AUG 22 2013
CLERK *[Signature]*

- ORDER OF PROBATION
- DRUG OFFENDER PROBATION
- COMMUNITY CONTROL
- SEX OFFENDER PROBATION
- FOLLOWED BY: PROBATION

This cause coming before the Court to be heard, and you, the defendant, being now present before the court, and
The defendant having: _____ The court hereby:

- entered a plea of guilty to _____
- entered a plea of nolo contendere to _____
- been found guilty by jury verdict of _____
- been found guilty by the court trying the case without a jury of _____

Count <u>1</u> <u>Cann / TRF / 25 - 2000 LBS</u>	Count _____
Count <u>2</u> <u>CONT SUB / PLC / PRP / TRF</u>	Count _____
Count _____	Count _____
Count _____	Count _____

SECTION 1: JUDGEMENT OF GUILT

- The court hereby adjudges you to be guilty of the above offense(s)
- The court hereby withholds adjudication on the above offense(s)

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

[Signature]
JUL 9 5 2013



Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed on
 Probation Community Control Drug Offender Probation Sex Offender Probation for a period of
One (1) year under the supervision of the Department of Corrections, subject to Florida law.

SECTION 2: INCARCERATION DURING PORTION OF SUPERVISION SENTENCE

It is hereby ordered and adjudged that you be:

- committed to the Department of Corrections for a term of _____; after which you shall be placed on Probation Community Control Drug Offender Probation Sex Offender Probation for a period of _____ under the supervision of the Department of Corrections, subject to Florida Law.
- or
- confined in the County Jail for a term of _____ with credit for _____ jail time; after which you shall be placed on Probation Community Control Drug Offender Probation Sex Offender Probation for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.
- or
- confined in the County Jail for a term of _____ with credit for _____ jail time; as a special condition of supervision.

IT IS FURTHER ORDERED that you shall comply with the following standard conditions of supervision as provided by Florida law:

- (1) You will report to the probation office as directed. Not later than the fifth day of each month, unless otherwise directed, you will make a full and truthful report to your officer on the form provided for that purpose.
- (2) You will pay the State of Florida the amount of \$ 103.72 per month, as well as 4% surcharge, toward the cost of your supervision in accordance with s. 948.09, F.S., unless otherwise exempted in compliance with Florida Statutes.
- (3) You will remain in a specific place. You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
- (4) You will not possess, carry or own any firearm. You will not possess, carry, or own any weapon without first procuring the consent of your officer.
- (5) You will live without violating the law. A conviction in a court of law shall not be necessary for such a violation to constitute violation of your probation/community control, or any other form of court ordered supervision.
- (6) You will not associate with any person engaged in any criminal activity.
- (7) You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician. Nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully sold, dispensed or used.
- (8) You will work diligently at a lawful occupation, advise your employer of your probation status, and support any dependents to the best of your ability, as directed by your officer.
- (9) You will promptly and truthfully answer all inquiries directed to you by the court or the officer, and allow your officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions your officer may give you.
- (10) You will pay restitution, court costs, and/or fees in accordance with special conditions imposed or in accordance with the attached orders.
- (11) You will submit to random testing as directed by your officer or the professional staff of the treatment center where you are receiving treatment to determine the presence of alcohol or controlled substances.
- (12) You will submit a DNA sample, as directed by your officer, for DNA analysis as prescribed in ss. 943.325 and 948.014, F.S.
- (13) You will submit to the taking of a digitized photograph by the department. This photograph may be displayed on the department's website while you are on supervision, unless exempt from disclosure due to requirements of s. 119.07, F.S.
- (14) You will report in person within 72 hours of your release from incarceration to the probation office in Miami Dade County, Florida, unless otherwise instructed by the court or department. (This condition applies only if section 2 on the previous page is checked.) Otherwise, you must report immediately to the probation office located at 11-2.

SPECIAL CONDITIONS

1. You must undergo a Drug Alcohol Mental Health Psycho-sexual evaluation and, if treatment is deemed necessary, you must successfully complete the treatment, and be responsible for the payment of any costs incurred while receiving said evaluation and treatment, unless waived by the court. Additional instructions ordered: _____

✓ 2. You will make restitution to the following victim(s), as directed by the court, until the obligation is paid in full
NAME: Citizens Property Insurance Corp. P.O. Box 58115 - Jacksonville, FL 32241
TOTAL AMOUNT: \$ 5,000.00
Additional instructions ordered, including specific monthly amount, begin date, due date, or joint & several:
Monthly @ a rate of \$82.93 per month
NAME: _____ (Dog)
TOTAL AMOUNT: \$ _____
Additional instructions ordered, including specific monthly amount, begin date, due date, or joint & several: _____

SPECIAL CONDITIONS-CONTINUED

3. You will be required to pay for drug testing unless exempt by the court
4. You will enter the Department of Corrections Non-Secure Drug Treatment Program or other residential treatment/Probation and Restitution Center for a period of successful completion as approved by your officer. You are to remain until you successfully complete said Program and Aftercare. You are to comply with all Rules and Regulations of the Program. You shall Shall not be confined in the county jail until placement in said program, and if you are confined in the jail, the Sheriff will transport you to said program.
5. You will abstain entirely from the use of alcohol and/or illegal drugs, and you will not associate with anyone who is illegally using drugs or consuming alcohol.
6. You will submit to urinalysis testing on a monthly bi-weekly weekly basis to determine the presence of alcohol or illegal drugs. You will be required to pay for the tests unless exempt by the court.
7. You will not visit any establishment where the primary business is the sale and dispensing of alcoholic beverages.
8. You will successfully complete _____ hours of community service at a rate of _____ at a worksite approved by your officer. Additional instructions ordered: _____
9. You will remain at your residence between 10 p.m. and 6 a.m. due to a curfew imposed, unless otherwise directed by the court.
10. You will submit to electronic monitoring, follow the rules of electronic monitoring, and pay \$ _____ per month for the cost of the monitoring service, unless otherwise directed by the court.
11. You will not associate with _____ during the period of supervision.
12. You will have no contact (direct or indirect) with the victim or the victim's family during the period of supervision.
13. You will have no contact (direct or indirect) with _____ during the period of supervision.
14. You will maintain full time employment or attend school/vocational school full time or a combination of school/work during the term of your supervision. *or submit job search log*
15. You will make a good faith effort toward completing basic or functional literacy skills or a high school equivalency diploma.
16. You will successfully complete the Probation & Restitution Program, abiding by all rules and regulations
17. You will attend Alcoholics Anonymous or Narcotics Anonymous meetings at least monthly, unless otherwise directed by the court
18. You must successfully complete Anger Management Batterer's Intervention Program and be responsible for the payment of any costs incurred while receiving said treatment, unless waived. If convicted of a Domestic Violence offense, as defined in s. 741.28, F.S., you must attend and successfully complete a batterer's intervention program, unless otherwise directed by the court. Additional instructions ordered: _____
19. You will attend an HIV/AIDS Awareness Program consisting of a class of not less than two (2) hours or more than four (4) hours in length, the cost for which will be paid by you.

SPECIAL CONDITIONS-CONTINUED

20. You shall submit your person, property, place of residence, vehicle or personal effects to a warrantless search at any time, by any probation or community control officer or any law enforcement officer.

21. If you have been found to have committed a crime on or after October 1, 2008 for the purpose of benefitting, promoting, or furthering the interests of a criminal gang, you are prohibited from knowingly associating with other criminal gang members or associates, except as authorized by law enforcement officials, prosecutorial authorities, or the court, for the purpose of aiding in the investigation of criminal activity.

22. Other: _____

23. Other: _____

24. Other: _____

AND, IF PLACED ON DRUG OFFENDER PROBATION, YOU WILL COMPLY WITH THE FOLLOWING CONDITION OF SUPERVISION IN ADDITION TO THE STANDARD CONDITIONS LISTED ABOVE AND ANY OTHER SPECIAL CONDITIONS ORDERED BY THE COURT:

(15) You will participate in a specialized drug treatment program, either as an in-patient or out-patient, as recommended by the treatment provider. You will attend all counseling sessions, submit to random urinalysis and, if an in-patient, you will comply with all operating rules, regulations and procedures of the treatment facility. You will pay for all costs associated with treatment and testing unless otherwise directed.
Additional instructions ordered: _____

(15) You will remain at your residence between _____ p.m. and _____ a.m. due to a curfew imposed, unless otherwise directed by the court.

AND, IF PLACED ON COMMUNITY CONTROL, YOU WILL COMPLY WITH THE FOLLOWING CONDITIONS, IN ADDITION TO THE STANDARD CONDITIONS LISTED ABOVE AND ANY OTHER SPECIAL CONDITIONS ORDERED BY THE COURT:

(14) You will report to your officer as directed, at least one time a week, unless you have written consent otherwise.

(15) You will remain confined to your approved residence except for one half hour before and after your approved employment, public service work, or any other special activities approved by your officer.

(16) You will maintain an hourly accounting of all your activities on a daily log, which you will submit to your officer on request.

(17) You will successfully complete _____ hours of community service at a rate of _____ at a work site approved by your officer.
Additional instructions ordered: _____

(18) You will submit to electronic monitoring, follow the rules of electronic monitoring, and pay \$ _____ per month for the cost of the monitoring service, unless otherwise directed by the court.

AND, IF PLACED ON PROBATION OR COMMUNITY CONTROL FOR A SEX OFFENSE PROVIDED IN CHAPTER 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, COMMITTED ON OR AFTER OCTOBER 1, 1995 YOU WILL COMPLY WITH THE FOLLOWING STANDARD SEX OFFENDER CONDITIONS, IN ADDITION TO THE STANDARD CONDITIONS LISTED ABOVE AND ANY OTHER SPECIAL CONDITIONS ORDERED BY THE COURT:

(14) A mandatory curfew from 10 p.m. to 6 a.m. The court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.

- (15) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, day care center, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.
- (16) Active participation in and successful completion of a sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.
- (17) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, the offender's therapist, and the sentencing court.
- (18) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.
- (19) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to any school, day care center, park, playground, pet store, library, zoo, theme park, or mall.
- (20) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.
- (21) A requirement that the offender submit two specimens of blood or other approved biological specimens to the Florida Department of Law Enforcement to be registered with the DNA data bank.
- (22) A requirement that the offender make restitution to the victim, as ordered by the court under s. 775.089, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.
- (23) Submission to a warrantless search by the community control or probation officer of the offender's person, residence, or vehicle.

EFFECTIVE FOR PROBATIONER OR COMMUNITY CONTROLEE WHOSE CRIME WAS COMMITTED ON OR AFTER OCTOBER 1, 1997, AND WHO IS PLACED ON COMMUNITY CONTROL OR SEX OFFENDER PROBATION FOR A VIOLATION OF CHAPTER 794, s. 800.04, s. 827.071, s. 847.0135(5) OR s. 847.0145, IN ADDITION TO ANY OTHER PROVISION OF THIS SECTION, YOU MUST COMPLY WITH THE FOLLOWING CONDITIONS OF SUPERVISION:

- (24) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender.
- (25) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.
- (26) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.
- (27) If there was sexual contact, a submission to, at the offender's expense, an HIV test with the results to be released to the victim and/or the victim's parent or guardian.
- (28) Electronic monitoring when deemed necessary by the probation officer and supervisor, and ordered by the court at the recommendation of the Department of Corrections.

Page 5 of 7

Distribution: White - Office

Yellow - Probation

Pink - Defendant

EXHIBIT # - 2
PAGE # - 16

(29) Effective for an offender whose crime was committed on or after July 1, 2005, and who are placed on supervision for violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, a prohibition on accessing the Internet or other computer services until the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.

(30) Effective for offenders whose crime was committed on or after September 1, 2005, there is hereby imposed, in addition to any other provision in this section, mandatory electronic monitoring as a condition of supervision for those who:

- Are placed on supervision for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older; or
- Are designated as a sexual predator pursuant to s. 775.21; or
- Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.

You are hereby placed on notice that should you violate your probation or community control and the conditions set forth in s. 948.063(1) or (2) are satisfied, whether your probation or community control is revoked or not revoked, you shall be placed on electronic monitoring in accordance with F.S. 948.063.

(31) Effective for offenders who are subject to supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense, the following conditions are imposed in addition to all other conditions:

- (a) A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender's Supervising officer. The court may also designate additional locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, or playground for sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender's children or grandchildren at a child care facility or school.
- (b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.

YOU ARE HEREBY PLACED ON NOTICE that the court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision. If you violate any of the conditions of your probation, you may be arrested and the court may revoke your probation, adjudicate you guilty if adjudication of guilt was withheld, and impose any sentence that it might have imposed before placing you on probation or require you to serve the balance of the sentence.

IT IS FURTHER ORDERED that when you have been instructed as to the conditions of probation, you shall be released from custody if you are in custody, and if you are at liberty on bond, the sureties thereon shall stand discharged from liability. (This paragraph applies only if section 1 or section 2 is checked.)

IT IS FURTHER ORDERED that the clerk of this court file this order in the clerk's office and provide copies of same to the officer for use in compliance with the requirements of law.

DONE AND ORDERED, on August 22, 2013
Bronwynn Miller, Circuit Judge

I acknowledge receipt of a copy of this order and that the conditions have been explained to me and I agree to abide by them.

Date: 8/22/13 Defendant: [Signature]

Instructed by: [Signature]
Supervising Officer (Sign & Print Name)

MEMORANDUM OF COSTS

THE STATE OF FLORIDA *Osmei Nunez* F72-28331
 PLAINTIFF DEFENDANT/RESPONDENT

Court Costs/Fines/Fees	Amount	Statute	Discharge Code
• Crime Prevention Fund (Ord. 98-171)	\$50.00	775.083(2)	_____
• County/State (Letts)	\$5.00 (local)	938.01(1)938:15	_____
• Crimes Compensation Trust Fund (COCA)	\$50.00	938.03(4)	_____
• Local Criminal Justice Trust Fund	\$225.00	938.05(1)	_____
• Ad's Court Costs (Ord. 04-116)	\$65.00	939.185(1)(a)	_____
• Surcharge (Ord. 05-123)	\$85.00 (local)	939.185(1)(b)	_____
• Crime Prosecution (\$100 minimum)	\$100.00	938.27(8)	_____
• Cost of Defense (\$100 minimum)	<input type="checkbox"/> \$100.00	938.28	_____
• Teen Court (Ord. 98-185)	<input type="checkbox"/> \$3.00	938.19(2)	_____
• Public Defender Application Fee	<input type="checkbox"/> \$50.00	27.52(1)(b)	_____
• Fine	<input type="checkbox"/> \$ _____	775.083(1)	_____
• Surcharge (5% of Fine)	<input type="checkbox"/> \$ _____	938.04	_____
• Crime Stopper's Program	<input type="checkbox"/> \$20.00	938.06	_____
• Prostitution Civil Penalty	<input type="checkbox"/> \$500.00 (local)	796.07(6)	_____
• Domestic Violence Surcharge	<input type="checkbox"/> \$201.00	938.08	_____
• Rape Crisis Trust Fund	<input type="checkbox"/> \$151.00	938.085	_____
• Child Advocacy Trust	<input type="checkbox"/> \$101.00	938.10(1)	_____
• FDLE Operating Trust Fund	<input type="checkbox"/> \$100.00	938.25	_____
• Alcohol & Drug Abuse Programs	<input type="checkbox"/> \$ _____	938.21	_____
• Training Trust Fund Surcharge	<input type="checkbox"/> \$2.00	948.069	_____

\$ STATE OF FLORIDA, COUNTY OF _____
 I HEREBY CERTIFY that the foregoing is a true and correct copy of the original on file in this office. **JUL 05 2023**
 Deputy Clerk *[Signature]* **DUE TODAY**

TOTAL MANDATORY (ALL CASES) \$583.00
 Additional pursuant to specific requirements (fines/costs/fees as noted above) \$ _____
GRAND TOTAL \$ _____

not a condition of supervision

Payment is to be made by cash, credit card, (MC or VISA), money order, or cashier's check made payable to the Clerk of the Courts. Credit card payments must be made in person. Note your name above case number, and write "Fine/Costs" on your payment. Payment locations are: Richard E. Gerstein Justice Building, 1351 NW 12th St., Suite 9000, Miami, FL 33125; Miami-Dade Flagler Building, 140 W. Flagler St., Room 1502, Miami, FL 33130.

COMPLAINT/ARREST AFFIDAVIT

POLICE CASE NO. PD12114 434047

COMPLAINT/ARREST AFFIDAVIT

DEFENDANT'S NAME (LAST, FIRST, MIDDLE): **Nunez, Dsmel**

ALIAS and / or STREET NAME: _____

AGE: **22** RACE: **W** SEX: **M** ETHNICITY: **CUB** HEIGHT: **511** WEIGHT: **190** HAIR COLOR: **BLK** HAIR LENGTH: **SHR** HAIR STYLE: **STR** EYES: **BRN** GLASSES: **NO** FACIAL HAIR: **NO** TEETH: **NO**

LOCAL ADDRESS (Street, Apt. Number): **12855 SW 207 TR MIAMI FL 33174**

PERMANENT ADDRESS (Street, Apt. Number): _____

DRIVER'S LICENSE NUMBER / STATE: _____ SOCIAL SECURITY NO.: _____

ARREST DATE (MM/DD/YYYY): **11/14/2012** ARREST TIME (HH:MM): **0932** ARREST LOCATION (include name of business): **12855 SW 207 TR**

CHARGES:

CHARGE	CHARGE ASS.	COUNTS	FL. STATUTE NUMBER	VL. OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
1. ARMED TRAFFICKING OF MARIJUANA	<input checked="" type="checkbox"/> FEL. <input type="checkbox"/> ORD	1	893.135(1)(a)(i)	(1)	(53 lbs)			<input checked="" type="checkbox"/> AD <input type="checkbox"/> CAPIS <input type="checkbox"/> DW <input type="checkbox"/> ORK <input type="checkbox"/> PW <input type="checkbox"/> PU <input type="checkbox"/> DW
2. CULTIVATION OF MARIJUANA	<input checked="" type="checkbox"/> FEL. <input type="checkbox"/> ORD	1	893.13		(53 lbs)			<input checked="" type="checkbox"/> AD <input type="checkbox"/> CAPIS <input type="checkbox"/> DW <input type="checkbox"/> ORK <input type="checkbox"/> PW <input type="checkbox"/> PU <input type="checkbox"/> DW

WEAPON

F12 28331

CO-DEFENDANT NAME (Last, First, Middle): _____

CO-DEFENDANT NAME (Last, First, Middle): _____

CO-DEFENDANT NAME (Last, First, Middle): _____

CHARGE TYPE: JUV only Parent Guardian Foster Care

INDICATION OF: Y N UNK Yes No No

On the **14** day of **NOV** 20 **12** at **0600** (HH:MM) at **12855 SW 207 TR** (Narrative, be specific)

PURSUANT TO THE EXECUTION OF A MARIJUANA SEARCH WARRANT AT THE LISTED RESIDENCE, THE A WAS OBSERVED INSIDE THE RESIDENCE AND WAS THE SOLE OCCUPANT. A SEARCH OF THE RESIDENCE REVEALED A FULLY FUNCTIONAL HYDROPONIC LAB WITH A TOTAL WEIGHT - 53 lbs. A FURTHER SEARCH OF THE RESIDENCE REVEALED A FIREARM READILY ACCESSIBLE IN **JOHN'S** BEDROOM. ALL ITEMS WERE IMPOUNDED. 11/14/12

HOLD FOR OTHER AGENCY: _____

I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.

OFFICER'S / COMPLAINTANT'S SIGNATURE: **M. C. Arroyo**

AGENCY NAME: **MPOD**

COURT ID NUMBER/LOC. CODE: **478 (61)**

DAY OF: **11/14/2012**

SAO RECORD COPY

Date of Supplement **MIAMI-DADE POLICE DEPARTMENT** Agency No. Number **PD121114434042**

Original Day Reported **Wednesday 11-14-2012** Time (M) **0600** Time Dispatched (M) **0600** Time Arrived (M) **1200** Time Completed (M) **1200**

Incident Type **1. Felony** 3. Misdemeanor 5. Ordinance 7. Traffic 9. Other **11-14-2012** Time (M) **0600** To Day Date Time (M)

OFFENSE #1 **1** **Armed Traff. of Marijuana** A - Attempted C - Committed **C** State Violation Number **893.135(1)(a)(1)** HCC/ACR Code **350A**

OFFENSE #2 **1** **Cultivation of Marijuana** A - Attempted C - Committed **C** **893.13** **350A**

Incident Location (Street, Apt. Number) **12855 SW 207 Terrace** City **Miami** Zip **33177** District **C** Grid **1207** Area **01** Lane

Business Identification Identifier Forced Entry 0. N/A 1. Yes 2. No **0** Occupancy 0. N/A 1. Occupied 2. Unoccupied 3. Abandoned **0**

Location Type 01. Residence-Single 02. Apartment/Condo 03. Residence-Other 04. Hotel/Motel 05. Commercial Store 06. Gas Station 07. Liquor Sales 08. Bar/Nightclub 09. Supermarket 10. Dept./Discount Store 11. Specialty Store 12. Drug Store/Hospital 13. Bank/Financial Inst. 14. Commercial/Office Bldg. 15. Industrial/Wholesale 16. Storage 17. Gov't/Public Bldg. 18. School/University 19. Jail/Prison 20. Religious Bldg. 21. Airport 22. Bus/Rail Terminal 23. Construction Site 24. Other Structure 25. Parking Lot/Garage 26. Highway/Roadway 27. Park/Woodlands/Field 28. Lake/Waterway 29. Motor Vehicle 30. Other Mobile **01**

Type Weapon 00. N/A 01. Handgun 02. Rifle 03. Shotgun 04. Firearm 05. Knife/Cutting Instrument 06. Stun Object 07. Hands/Feet/Fist 08. Poison 09. Explosives 10. Fire/Incendiary 11. Threat/Intimidation 12. Simulated Weapon 13. Drugs 14. Unknown 15. Other **00**

V/W Code V - Victim W - Witness C - Reporting Person P - Proprietor Z - Other Victim Type 0. N/A 1. Juvenile 2. L. E. O/HEAR 3. Adult 4. Business 5. Government 6. Church 9. Other Race N - N/A W - White B - Black I - American Indian O - Oriental/Asian U - Unknown Sex M - Male F - Female U - Unknown Residence Type 0. N/A 1. City 2. County 3. Florida 4. Out-of-State Residence Status 0. N/A 1. Full Year 2. Part Year 3. Non-Resident 17. Friend 18. Neighbor 19. Steer/Day Care 20. Employee 21. Employer 22. Landlord/Tenant 23. Acquaintance 24. Other Known **01**

Injury Type 00. N/A 01. Gunshot 02. Stabbed 03. Laceration 04. Unconscious 05. Pos. Broken Bones 06. Loss of Teeth 07. Burns 08. Abrasions/Scuffs 09. Other Victim Relationship To Offender 00. N/A 01. Undetermined 02. Stranger 03. Spouse 04. Ex-Spouse 05. Co-Offender 06. Parent 07. Brother/Sister 08. Child 09. Step-Parent 10. Step-Child 11. In-Law 12. Other Family 13. Student 14. Teacher 15. Child of Boy/Girl 16. Friend 17. Friend 18. Neighbor 19. Steer/Day Care 20. Employee 21. Employer 22. Landlord/Tenant 23. Acquaintance 24. Other Known

OFFENSE Indicator 1. #1 2. Both 3. #2 **1** V **5** Name (Last, First, Middle or Business) **STATE OF FLORIDA** City State Zip Business Phone

Address (Street, Apt. Number) City State Zip Business Phone Other Contact Info. (Three Available, Interpreter, etc.) Synopsis of Involvement

IN W/ Code V, W, or P **03** **00** **00** **0** **0** **00** **00** **00** **00** Will Victim prefer charges? Yes No

OFFENSE Indicator 1. #1 2. Both 3. #2 **1** V **5** Name (Last, First, Middle or Business) **STATE OF FLORIDA** City State Zip Business Phone

Address (Street, Apt. Number) City State Zip Business Phone Other Contact Info. (Three Available, Interpreter, etc.) Synopsis of Involvement

IN W/ Code V, W, or P **03** **00** **00** **0** **0** **00** **00** **00** **00** Will Victim prefer charges? Yes No

OFFENSE Indicator 1. #1 2. Both 3. #2 **2** Suspect Code **A 1** Juvenile Name (Last, First, Middle or Business) **Nunez, Osmel** Place of Birth **Cuba** Residence Phone

Address (Street, Apt. Number) **12855 SW 207 Terrace** City **Miami** State **FL** Zip **33177** Business Phone

Occupation **Employer/Employee** Address **Address** Social Security Number **[REDACTED]**

Driver's License State/Number **[REDACTED]** Immigration and Naturalization Number **[REDACTED]** Other I.D. Number **[REDACTED]** OBTS Number (Arrested) **[REDACTED]** FCIC/NCIC **[REDACTED]**

Clothing (Describe) **BLACK SHIRT BLUE JEANS** Scars/Marks/Tattoos (Location/Describe) **Tattoo on right arm**

Race **W** Sex **M** Date of Birth or Age **[REDACTED]** Height **5'11** Weight **190** Eye Color **BRN** Hair Color **BLK** Hair Length **SHORT** Hair Style **SHORT**

Complexion **MED** Build **MED** Facial Hair **Goatee** Teeth **NORMAL** Speech/Voice **N/A** Special Identifiers **N/A**

SEE NARRATIVE

Persons/Unit Notified Time Related Report Number(s)

Officer (s) Reporting **M. CAREY** ID, Number(s), Locator Code **4789/60** Unit **5172** Date **11-14-12**

Officer Reviewing (If Applicable) **SGT. A. FALCON** ID, Number **2462** Routed To **NARC** Referred To **M. CAREY** Assigned To **FALCON** By **FALCON** Date **11-14-12**

Case Status **CBA** Clearance Type 1. Arrest 2. Unfounded 3. Unfounded 4. Open Penal **1** A - Adult J - Juvenile **A** Date Cleared **11-14-2012** Jail Number **[REDACTED]** Number Arrested **1**

Exception Type 1. Extension Declined 2. Arrest on Primary Offense Secondary Offense Without Prosecution 3. Death of Offender 4. W/W Refused to Cooperate 5. Prosecution Declined 6. Juvenile / No Custody Page **1** of **1**

NAARRATIVE CONTINUATION

Juvenile
In Report

1. Original
2. Supplement

1

MIAMI-DADE POLICE DEPARTMENT

Agency Number

PD121114434042

When Reported, Date	Original Date Reported	Original Primary Offense Description	Victim #1 Name	Original NCIC/UCR Code
Date of Supplement	11-14-2012	Armed Trafficking of Marijuana	ST. OF FL	
	Original OFF/INC Location	Primary Offense Charged To	New Statute Violation Number	New FDC/UCR Code
	12855 SW 207 Terrace			



Suspect Code	Code #	Offense Indicator	Residence Type	Citizenship	Drug Indication	Alcohol Indication
B - Suspect		1 #1 3 Both	1 City 3 Florida		1 Yes 2 Unknown	1 Yes 2 Unknown
A - Arrestee		2 #2	2 County 4 Out of State		2 No	2 No
Drug Activity	S Sell	R Smuggle	K Dispense/Distribute	M Manufacture/Produce/Cultivate	Z Other	Drug Type
N N/A	B Buy	D Deliver	E Use			N N/A
P Possess	T Traffic					A Amphetamine
						C Cocaine
						M Marijuana
						F Heroin
						O Other
						S Synthetic
Name of Parent or Custodian (Last, First, Middle)						
Address (Street, Apt. Number) (City) (State) (Zip)						
Business Phone						
Notified By: (Name) Date Time						
Released To: (Name) Relationship Date Time						
Person/Unit Notified Time Related Report Number(s)						
Officer (s) Reporting M. CAREY ID, Number(s)/Locator Code 4789/60 Unit 5172 11-14-12						
Officer Reviewing (If Applicable) SGT. A. FALCON ID, Number 2462 Referred To Referred To Assigned To M. CAREY Date 11-14-12						
Case Status CBA Clearance Type 1. Arrest 2. Exceptional 3. Unpounded 4. Open Panel 1 A - Adult J - Juvenile A Date Cleared 11-14-2012 Jail Number Number Arrested 1						
Exception type 1. Extradition Declined 2. Arrest on Primary Offense Secondary Offense Without Prosecution 3. Death of Offender 4. V/W Refused to Cooperate 5. Prosecution Declined 6. Juvenile / No Custody						

EXHIBIT # 5
PAGE # 21

NARRATIVE CONTINUATION

Juvenile In Report 1. Unreported 2. Supplement 1

White File	Blue File	Pinked	MIAMI-DA POLICE DEPARTMENT	Agency #	Number	PD121114434042
Date of Supplement	Original Date Reported	Original Primary Offense Description	Violate #1 Name	ST. OF FL		Original REPORT Code
	11-14-2012	Armed Trafficking of Marijuana				
Original OFF/ANC Location	Primary Offense Charged To	A - Attempted C - Committed	New Statute Violation Number	New REPORT Code		
12885 SW 207 Terrace						

Once the search warrant was completed it was reviewed by Assistant State Attorney Helen Page Schwartz and subsequently signed by the Honorable Judge Robert M. Deehl.

At approximately 0925 hours, the narcotics search warrant was executed at the listed residence. A search of the residence revealed a fully functional hydroponic laboratory, along with a room containing hanging harvested marijuana plants drying out for distribution of street sale. An additional search revealed a firearm with magazine with five rounds in the bedroom that was occupied by A-1 (Nunez). The following items were recovered and impounded as evidence from within the residence:

Bathroom:

- (12) Small baby marijuana plants
- (1) Large marijuana plant (Mother)

Bedroom:

- (23) Pots
- Harvested marijuana plants

A-1 (Nunez) Bedroom:

- Glock 40 caliber w/ magazine (5) rounds

Suspect Code	Code #	Offense Indicator	Residence Type	Citizenship	Drug Indication	Alcohol Indication				
S - Suspect A - Arrestee		1 #1 2 #2 3 Both	1 City 2 County 3 Florida 4 Out of State		1 Yes 2 No 3 Unknown	1 Yes 2 No 3 Unknown				
Drug Activity	S Sell N N/A P Possess	R Smuggle D Deliver E Use	K Dispense/ Distribute	M Manufacture/ Produce/ Cultivate	Z Other	Drug Type N N/A A Amphetamine	B Barbiturate C Cocaine E Heroin	H Hallucinogen M Marijuana Q Opioid/Opium	P Paraphernalia/ Equipment	U Unknown 2 Other
<input type="checkbox"/> 1 Parent <input type="checkbox"/> 2 Legal Guardian <input type="checkbox"/> 3 Other	Name of Parent or Custodian (Last, First, Middle)						Residence Phone			
Address (Street, Apt. Number)		(City)		(State)	(Zip)		Business Phone			
Notified By: (Name)	Date	Time	Juvenile Disposition		1. Handled/Processed Within Dept. and Released 2. Turned Over to DYS/CYF 3. Incorporated (County Jail)					
Released To: (Name)	Relationship	Date	Time							
Person/Unit Notified	Time	Related Report Number(s)								
Officer (s) Reporting	ID Number(s)	Locator Code	Unit	Date						
M. CAREY	4789/60	5172	11-14-12							
Officer Reviewing (if Applicable)	ID Number	Routed To	Referred To	Assigned To	By					
SGT. A. FALCON	2462	M. CAREY	11-14-12							
Case Status	Clearance Type	3. Unlocated	4. Open Panel	1	A - Adult J - Juvenile	Date Cleared	Jail Number	Number Arrested		
CBA	1. Arrest 2. Exceptional				A	11-14-2012		1		
Exception Type	2. Arrest on Primary Offense Secondary Offense Without Prosecution	3. Death of Offender	4. V/W Refused to Cooperate	5. Prosecution Declined 6. Juvenile/No Custody		DATE Number	Page	Page		
1. Extradition Declined							37	5		

EXHIBIT PAGE # 22

PROPERTY REPORT

Date of Supplement
MIAMI-DADL POLICE DEPARTMENT Agency File # **PD121114434042**

Original Date Reported **11-14-2012** Primary Offense Description **Armed Trafficking of Marijuana** Victim of Name **ST. OF FL.**

Type Theft
01. N/A
02. Robbery
03. Burglary
04. Pocket Picking
05. Vehicle Theft
06. Intoxication
07. Fraud
08. False Public Access
09. False Vehicle
10. Stolen
11. By Computer
12. Fraud
13. Other
: 00 :

Person Code
1. Victim
2. Suspect
3. Witness
4. Other
5. Other
6. Other
7. Other
8. Other
9. Other
10. Other
11. Other
12. Other
13. Other
14. Other
15. Other
16. Other
17. Other
18. Other
19. Other
20. Other
21. Other
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87. Other
88. Other
89. Other
90. Other
91. Other
92. Other
93. Other
94. Other
95. Other
96. Other
97. Other
98. Other
99. Other
100. Other

Property Type
A. Auto Accessory/Part
B. Bicycle
C. Camera/Photo Equipment
D. Drug
E. Miscellaneous
F. Tool/Utensil
G. Jewelry
H. Household Appliance/Good
I. Plant/Flower
J. Jewelry/Watch/Metal
K. Clothing/Fur
L. Linen/Textile
M. Musical Instrument
N. Construction Equipment
O. Office Equipment
P. Any Collection
Q. Computer Equipment
R. Radio/Scanner
S. Sports Equipment
T. Television/VCR
U. Currency/Notebooks
V. Cash/Coin/Check/Notebooks
W. Boat/Motor
X. Structure
Y. Farm Equipment
Z. Miscellaneous

Person Code # Item # Status Damage Property Type Quantity Name Brand Model Name/Number
A 1 1 8 9 G 1 Firearm Glock 22 40 cal

Serial Number [Redacted] Owner Applied Number Description (Size, Color, Caliber, Barrel Length, Etc.)
Black

Value \$ [Redacted] Value Recovered \$ **450.00** Date Recovered FCID/NCIC

Person Code # Item # Status Damage Property Type Quantity Name Brand Model Name/Number
Magazine w/cartridges (5) rounds

Serial Number [Redacted] Owner Applied Number Description (Size, Color, Caliber, Barrel Length, Etc.)

Value \$ [Redacted] Value Recovered \$ **30.00** Date Recovered FCID/NCIC

Person Code # Item # Status Damage Property Type Quantity Name Brand Model Name/Number

Serial Number [Redacted] Owner Applied Number Description (Size, Color, Caliber, Barrel Length, Etc.)

Value \$ [Redacted] Value Recovered \$ [Redacted] Date Recovered FCID/NCIC

Person Code # Item # Status Damage Property Type Quantity Name Brand Model Name/Number

Serial Number [Redacted] Owner Applied Number Description (Size, Color, Caliber, Barrel Length, Etc.)

Value \$ [Redacted] Value Recovered \$ [Redacted] Date Recovered FCID/NCIC

Person Code # Item # Status Damage Property Type Quantity Name Brand Model Name/Number

Serial Number [Redacted] Owner Applied Number Description (Size, Color, Caliber, Barrel Length, Etc.)

Value \$ [Redacted] Value Recovered \$ [Redacted] Date Recovered FCID/NCIC

Person Code # Item # Status Damage Property Type Quantity Name Brand Model Name/Number

Serial Number [Redacted] Owner Applied Number Description (Size, Color, Caliber, Barrel Length, Etc.)

Value \$ [Redacted] Value Recovered \$ [Redacted] Date Recovered FCID/NCIC

Property Status Value \$ [Redacted] Change in Property Status Value \$ [Redacted]

Property Recovered Value \$ [Redacted] Change in Property Recovered Value \$ [Redacted]

Activity Type Description
A T Marijuana Plants

Quantity Unit Estimated Street Value
24062 1 \$ 168000 .00

Quantity Unit Estimated Street Value
\$.00

Quantity Unit Estimated Street Value
\$.00

Officer (s) Reporting **DET. M. CAREY** ID. Number(s)/Locator Code **4789/ 60** Unit **5172** Date **11-14-12**
Officer Reviewing (If Applicable) **SGT. A. FALCON** ID. Number **2462** Routed To **NARC** Referred To **FALCON** Assigned To **FALCON** Date **11-14-12**

EXHIBIT: **5**
PAGE # **24**

MIAMI-DADE POLICE DEPARTMENT
STATEMENT FORM
(DECLARACION)

PAGE 1 OF 1 PAGES

CASE NUMBER PD121114 434042

STATEMENT OF: (LA DECLARACION DE)

NAME: Osnel Nuñez
(NOMBRE)

ADDRESS: 3001 NW 86 ST
(DIRECCION)

CITY/STATE/COUNTRY: Miami, FL
(CIUDAD/ESTADO/PAIS)

ZIP CODE: 33147
(ZONA POSTAL)

DATE OF BIRTH: [REDACTED]
(FECHA DE NACIMIENTO)

RESIDENCE PHONE: [REDACTED]
(TELEFONO RESIDENCIAL)

BUSINESS PHONE: [REDACTED]
(TELEFONO EMPLEO)

THIS STATEMENT IS BEING TAKEN AT: 12855 SW 207 TER
(ESTA DECLARACION A SIDO TOMADO EN EL LOCALIZACION)

MIAMI, FLORIDA, ON WED, 11-14-2012, AT 1015 AM/PM.
(EL) DAY (DIA) DATE (FECHA) TIME (A LAS)

STATEMENT (DECLARACION):

I Osnel Nuñez was living at the house alone
this is my first grow for my consume.
just like I told the officers this
is for my personal use only. I don't
need the money. I have a good job that
I get well paid.
my moms car was in my garage because
it was my dads birthday yesterday
11-13-12 and we was having dinner
together like a family.
nobody knew anything about what
I had in the house.

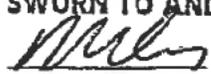
UNDER PENALTIES OF PERJURY, I, Osnel Nuñez
(CONSIENTE DE LAS PENALIDADES DE PERJURIO, YO,) NAME (NOMBRE)
THAT I HAVE READ THE ABOVE STATEMENT, PAGE ONE THROUGH
(QUE YO E LEIDO LA DECLARACION PRECEDENTE, PAGINA NUMERO UNO DE)
FACTS STATED IN IT ARE TRUE AND CORRECT.
(DATOS CONTENIDO EN LA MISMA SON VERDADEROS Y CORRECTOS.)

DECLARE
(DECLARO)
AND THAT THE
(Y QUE LOS)



SIGNATURE OF AFFIANT
(FIRMA DEL DECLARANTE) # 2

SWORN TO AND SUBSCRIBED BEFORE ME PURSUANT TO FLORIDA STATE STATUTE # 25



MIAMI-DADE POLICE DEPARTMENT

MIRANDA WARNING

BEFORE YOU ARE ASKED ANY QUESTIONS, YOU MUST UNDERSTAND THE FOLLOWING RIGHTS:

1. You have the right to remain silent and you do not have to talk to me if you do not wish to do so. You do not have to answer any of my questions. Do you understand that right?

YES 0-2 NO _____

2. Should you talk to me, anything which you might say may be introduced into evidence in court against you. Do you understand?

YES 0-2 NO _____

3. If you want a lawyer to be present during questioning, at this time or anytime hereafter, you are entitled to have the lawyer present. Do you understand that right?

YES 0-2 NO _____

4. If you cannot afford to pay for a lawyer, one will be provided for you at no cost if you want one. do you understand that right?

YES 0-2 NO _____

KNOWING THESE RIGHTS, ARE YOU NOW WILLING TO ANSWER MY QUESTIONS WITHOUT HAVING A LAWYER PRESENT?

YES 0-2 NO _____

THIS STATEMENT IS SIGNED OF MY OWN FREE WILL WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.


Signature

11-14-12 9:57 a.
Date/Time


Advising Officer 11-14-12 0957
Date/Time


Witness 11/14/12 0957
Date/Time

EXHIBIT # 2
PAGE # 250

PROPERTY RECEIPT

MIAMI-DADE POLICE DEPT.

AMI-DADE POLICE CASE NO.

Page 1 of 1

9111 N.W. 25th Street
Miami, Florida 33172
(305) 471-2900

PD121114434022

PROPERTY INVENTORY NO.	Agency Code	DATE-TIME IMPOUNDED 11-14-12 1005	PROPERTY BUREAU LOCATOR CODE
OTHER DEPT. CASE NO.	OTHER DEPT. PROPERTY LOCATION AND INVENTORY NO.	FOR PROPERTY AND EVIDENCE BUREAU USE ONLY	

ADDRESS WHERE PROPERTY IMPOUNDED (Give exact location where property was located.)

12855 SW 207th Ter (residence)

TYPE OF CASE

DISCOVERED BY (Name) B. Dow	ADDRESS	CITY	STATE	TEL #
<input type="checkbox"/> OWNER <input type="checkbox"/> VICTIM	ADDRESS	CITY	STATE	TEL #

Narc-Invest

FSB/CSI

<input type="checkbox"/> SUBJECT <input type="checkbox"/> SUSPECT	RACE	SEX	DOB	INCARCERATED	WARRANT
Nunez, Osmel				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO

EVIDENCE LOST PROPERTY ABANDONED PROPERTY SAFEKEEPING PRISONER PROPERTY

Check one if applicable to EVIDENCE only: FORFEITURE/SEE BACK FINGERPRINT CARD LAB REQUEST

ITEM NO.	QUANTITY	DESCRIPTION (Article - Brand - Model - Serial No. - Size - Color - Caliber - Barrel - Itemize currency by denomination)	Currency Only Total Face Value	PROPERTY BUREAU ONLY
1	1	Glock 22 .40cal S/N: MTY539		
2	1	Mag		
3	5	"PMC 40 SW" cartridges		
Last Item				
To I/D, Biology, and FAID			Dispo to lead	

I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY TAKEN FROM MY POSSESSION AND THAT I HAVE RECEIVED A COPY OF THIS RECEIPT.

I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY IMPOUNDED BY ME IN THE OFFICIAL PERFORMANCE OF DUTY AS A DEPUTY SHERIFF / LAW ENFORCEMENT OFFICER.

(PRINT AND SIGN)

M. Carey
LEAD INVESTIGATOR
PRINT/SIGN

Narcotics 5472
SECTION UNIT 8400

B. Dow
IMPOUNDING OFFICER
PRINT/SIGN

FSB/CSI 1552
DISTRICT 8400

For Property and Evidence Bureau Use Only

RECEIVED	PRINT NAME	SIGNATURE AND BADGE NO.	REASON	DATE AND TIME RECEIVED
RECEIVED	PRINT NAME		REASON	DATE AND TIME RECEIVED
RECEIVED	PRINT NAME		REASON	DATE AND TIME RECEIVED
RECEIVED	PRINT NAME		REASON	DATE AND TIME RECEIVED
RECEIVED	PRINT NAME		REASON	DATE AND TIME RECEIVED

(Cont'd on back)

32.12.07-2 REV 11/06

PROPERTY & EVIDENCE BUREAU COPY

ORIGINAL

EXHIBIT #
PAGE # 27



Florida Gaming Control Commission

REGINA L. BROWN, Vice Chair
CHRIS DEAN, Commissioner
KIMBERLY AUSTIN, Deputy Commissioner
WILLIAMS BERRY, Commissioner

November 29, 2023

Mr. Osmel Nunez
15500 South West 272 Street
Homestead, Florida 33032

RE: Application No. 248982, Entity 13815597
1021 - PMW Professional Individual Occupational

Dear Mr. Nunez:

Your application for an occupational license with the Office of Operations has been received. The item(s) checked below are either missing or require correction before the processing of your application can be completed:

- Application is incomplete: Please correct the highlighted section(s). It appears that you have made errors and/or omissions on page 3 of the application. If you have ever been convicted of or had adjudication withheld for any crime, or pled guilty or nolo contendere to any criminal charges, you must list the offenses in the Background Information section and provide court disposition records. Please initial and date any changes made to your application.
- You must list the information on your application and provide court disposition records for the following charges:
 - Miami Dade County, Florida – 11/14/2012.

To expedite the processing of your application, please include this letter as well as any supporting documents and/or court disposition records that you may have. If you have an outstanding balance and would like to submit your payment by telephone, please call 850.488.3211.

If you fail to provide the Florida Gaming Control Commission with a complete application by 03/28/2024, your application shall lapse and no longer be processed by the Florida Gaming Control Commission. An applicant seeking a license as an initial or renewal applicant following the lapse of their previous license application shall be required to reapply by submitting all materials and fees required for that license in Florida Gaming Control Commission Rule. Please note that your Temporary License will expire on: 02/12/2024.

EXHIBIT # 4
PAGE # 1



Florida Gaming Control Commission

THOMAS BROWN, VICE CHAIR
DAVID DENNIS, CHAIRPERSON
JAMES C. AUSTIN, COMMISSIONER
FRANZISKA COMPTON

Checks or money orders should be made payable to the Florida Gaming Control Commission or FGCC. **Return the missing document and/or information to the address provided below, attention Office of Operations.** If you have any questions please call 850.488.3211.

Additionally, if needed, any individual or business applicant may request a waiver of disqualifying factors in an application that would otherwise be grounds for denial. DBPR PMW 3180 - Request for Waiver and DBPR PMW-3195 - Request for Release of Information and Authorization to Release Information (forms enclosed). The Division will process a request for waiver upon receipt of a complete application.

Thank you,

CM
Operations Analyst II

Florida Gaming Control Commission
Division of Pari-Mutuel Wagering

Licensing Administrator Review – PMW Occupational License

RE: NUNEZ, OSMEL- 13815597 Case No: _____
(APPLICANT'S NAME- LICENSE #)

INITIAL APPLICATION RECEIVED:	11/14/2023
COMPLETE APPLICATION RECEIVED:	12/13/2023
90-DAY DEADLINE:	3/12/2024

CLEARI MAGLIONI 321 – Gulfstream Park Owner /1021
Application Processor Facility (d/b/a name) Occupation/Job Title

Pursuant to Section 550.105(5)(a): The division may deny a license of any person who has been refused a license by any other state racing commission or racing authority; under suspension or has unpaid fines in another jurisdiction. The division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for such license has been convicted in this state, in any other state, or under the laws of the United States of a capital felony, a felony, or an offense in any other state which would be a felony under the laws of this state involving arson; trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; animal cruelty, illegal gambling, or has had a pari-mutuel license revoked by this state or any other jurisdiction for an offense related to pari-mutuel wagering.

Licensing Administrator Review

Conviction

- Did the application accurately reflect the Criminal History Record? Yes No
- Felony: 2 Count(s)
- Misdemeanor – Industry Related/Gambling Related/Bookmaking
- Animal Cruelty
- Forgery, Larceny Extortion, Conspiracy to Defraud (Cardroom Professions Only)

Comments:

Arrest Date	Location	Charge	Level	Court Case #	Disposition
11/14/2012	Miami Dade County, Florida	Cann Trf 25 2000lbs	F	F12028331	Guilty/Convicted
11/14/2012	Miami Dade County, Florida	Possess Structure Veh know Traffic Drugs	F	F12028331	Guilty/Convicted

Disposition Unknown

- Felony Arrest(s):
- Misdemeanor Arrest – Industry Related/Gambling Related/Bookmaking
- Animal Cruelty

Comments:

Enforcement/Jurisdiction Offenses

- Currently under Suspension, Declared Ineligible, Ruled Off, Revoked, Denied, Ejected, Unpaid Fine, in this or any other racing jurisdiction.

Comments:

Related Licenses

Check VR License Relations to Determine if Applicant is Related to a Business.

Is the individual applicant related to a business? Yes No If yes, complete sections below.

Business License Number: _____ Business Name: _____

Has a deficiency letter been issued to the business indicating all ODSs must be licensed? Yes No

Date Deficiency Letter Issued: _____ Initials: _____

Comments:

EXHIBIT # 4
PAGE # 3

FAQ | Help | Sign Out

VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
Complaint Search Update	Change Recording License Type Mass Status Update	Public Case Info	Delete Complaint	Mass Activity Update	Mass Discipline				

Domain: 10 - Division of Pari-Mutuel Wagering Logged in as: cstubbs1

VR Home > Complaint Search > Maintain Complaint

Lic Type	1021 - Pari-Mutuel Wagering Individual Occupational	Status	20 Under Investigation	Status Date	12/20/2023
Complaint #	2023071556	Case Type	CMP - Complaint	Disposition	Disposition Date
Docket#	Respondent	NUNEZ, OSMEL	Responsible	Ivila - VILA, LISA	Private Case

Complaint	Respondent	Complainant	Add'l Info
Source	LIC - Licensee	Security Level	1
Form	WALK - Walk-In	Priority	1
Class'n	IIIB - Waivers	Complexity	R - Regular
Security	STND - Standard	Incident	11/14/2023
Region	SR - Southern Region	Received	12/19/2023
Reference	Entered	12/20/2023	Entered By: cstubbs1
Summary	321 - Gulfstream Park		
Updated	12/20/2023 10:35:54	By	cstubbs1

Parties
 Allegations
 Violations
 Related
 Inspection
 Costs
 Time Tracking
 Attachments
 Work Notes

Activities
 Discipline
 Compliance
 Disposition
 Auto Assign
 History
 Print Report

Change	Save	OK	Cancel	Back
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[Get Adobe Reader.](#)

EXHIBIT # 4
PAGE # 4

FAQ | Help | Sign Out

VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
License Search	Entity Search	Modify License Standing	Maintain License CE Control						

Domain **10 - Division of Pari-Mutuel Wagering** Logged in as: **catubbs1**

VR Home > License Search > License Home

License		<input type="button" value="Licensee"/> <input type="button" value="History"/> <input type="button" value="Notes"/> <input type="button" value="Notes History"/> <input type="button" value="Back"/>																					
Fed Tax # [REDACTED]	Lic Type 1021 - PMW Professional Individual Occupational	Expires On 02/12/2024																					
File # 73471	Name NUNEZ, OSMEL	Extended To																					
License # 13815597	Rank PIND - Professional Individual Occupational	Renewed On																					
Entity # 13815597	Lic Status Closed Upgrade																						
Address																							
Street # 15500 Street SW 272 ST																							
Line 2																							
Line 3																							
City HOMESTEAD	State FL	Zip 33032																					
Routing																							
Other																							
1st License Date 11/14/2023	Rank Date 11/14/2023	Certificate #																					
Method I-S-1018	Status Date 11/29/2023	Certificate Date																					
Fee Exempt No	Birth Date [REDACTED]	Renewal Sent																					
Select																							
Action <input type="text"/>																							
Modifiers																							
<table border="1"> <thead> <tr> <th>Type</th> <th>Modifier</th> <th>Effective Date</th> <th>Additional Info</th> </tr> </thead> <tbody> <tr> <td>C</td> <td>IOWN - Individual Animal Owner</td> <td>11/14/2023</td> <td></td> </tr> <tr> <td>I</td> <td>TBRD - Thoroughbred</td> <td>11/14/2023</td> <td></td> </tr> <tr> <td>L</td> <td>321 - Gulfstream Park</td> <td>11/14/2023</td> <td></td> </tr> <tr> <td>Y</td> <td>3YR - 3 Year License</td> <td>11/14/2023</td> <td></td> </tr> </tbody> </table>				Type	Modifier	Effective Date	Additional Info	C	IOWN - Individual Animal Owner	11/14/2023		I	TBRD - Thoroughbred	11/14/2023		L	321 - Gulfstream Park	11/14/2023		Y	3YR - 3 Year License	11/14/2023	
Type	Modifier	Effective Date	Additional Info																				
C	IOWN - Individual Animal Owner	11/14/2023																					
I	TBRD - Thoroughbred	11/14/2023																					
L	321 - Gulfstream Park	11/14/2023																					
Y	3YR - 3 Year License	11/14/2023																					
Alt Keys																							
BEST LIC NBR 13815597																							

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EXHIBIT # 4

PAGE # 3



July 28, 2023

Aliette Neyra
890 SW 87 Ave, Suite 10
Miami, Florida, USA

Letter of Recommendation

Dear Sir/ Madam

I would like to recommend Mr. Osmel Nunez for Real Estate at the department of business & profession regulation. I have known Mr. Osmel professionally for more than 6 years.

Osmel worked at Blessed Health Care for 3 years and during this time he has continued to hold positions of increasing responsibility. He oversaw our staff and did a great job. He has helped staff improve their job task tremendously. He works extremely well with others and is an employee that everyone can count on.

I found him to be a very quick study, ambitious leader, and terrific team player. It is my belief these qualities would make her an outstanding student for your program. Conversely, your program will help provide Mr. Osmel with the highest skills, experience, and qualifications. I will attest to his honesty, truthfulness, trustworthiness, good character, and good reputation. Please contact me at [REDACTED] if you have any questions about this recommendation. I would be more than glad to assist you.

Kind Regards,

A handwritten signature in black ink, appearing to read "Aliette Neyra", with a long horizontal line extending from the end of the signature.

Aliette Rosaria Neyra, ARNP
Site Clinical Director

EXHIBIT # 9
PAGE # 14

Century Research LLC
9495 Sunset Dr, Suite
B250, Miami, FL, 33173
Phone: [REDACTED]
Fax: 786-409-7609



August 03, 2023

Recommendation for Osmel Nunez

To whom it may concern:

I would like to recommend Osmel Nunez. In the 7 years I have known and worked with Mr. Nunez he has demonstrated critical skills that would make him an excellent student at your program. Osmel is a great asset to our organization. He has excellent written and verbal communication skills, is extremely organized. His multi-tasking skills are extremely impressive. He can work both independently and with others.

Osmel always goes above and beyond in all the tasks he is asked to do. He is always willing to offer his assistance and he has a great professional relationship with our clients, employees, and other professional organizations. Osmel is strong in time management and his competence extends beyond the skills for which he was originally hired.

He is one of those rare individuals who can both follow instructions and take initiative as appropriate. I will attest to his honesty, truthfulness, trustworthiness, good character, and good reputation. Please feel free to contact me if you have any questions about this outstanding man.

Yours sincerely,

Alina Alvarez,
MD/ Principal
Investigator

EXHIBIT # 4
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August 14, 2023

Recommendation for Osmel Nunez

To whom it may concern:

I am writing to recommend Osmel Nunez. I have known Osmel Nunez for 4 years and have nothing but positive things to say. There is no doubt in my mind that Osmel will be an excellent addition to your program. I have also known Osmel to be of sound of character, being having a great sense of ambition. Over the course of years, I have witnessed tremendous growth and problem solving. I am certain these cultivated skills will allow Osmel to excel. I will attest to her honesty, truthfulness, trustworthiness, good character, and good reputation.

Please do not hesitate to contact me at [REDACTED] if you have any questions or requests.

Yours sincerely,



Angel O Vento
MD

EXHIBIT # 4
PAGE # 16

Tyrell Smith

From: Lisa Vila
Sent: Wednesday, February 7, 2024 10:14 AM
To: David Donaldson
Cc: Tyrell Smith
Subject: RE: Nunez

Good morning, David.

Thanks for all the information.

Kind regards,
Lisa



Lisa Vila
Investigation Specialist II
Florida Gaming Control Commission
Division of Pari-Mutuel Wagering
1400 W Commercial Blvd
Suite 165
Fort Lauderdale, Fl. 33309

From: David Donaldson <David.Donaldson@flgaming.gov>
Sent: Wednesday, February 7, 2024 9:02 AM
To: Lisa Vila <Lisa.Vila@flgaming.gov>
Cc: Tyrell Smith <Tyrell.Smith@flgaming.gov>
Subject: FW: Nunez

Good morning,

11/14/23- Application (OB Doc#138145508) submitted at Facility. Mr. Nunez did not list anything under background information. Temp issued by Facility.

11/17/23- Application received/stamped in Tallahassee.

11/29/23-Application reviewed and deficiency letter sent requesting the correction of the application.

12/08/23- Correspondence (phone/email) with applicant regarding deficient items.

12/13/23- Supporting documents (OB Doc#139021694) deficient items, updated application listing background info, disposition and waiver forms received. (The applicant filled in the arrests on a copy of the original page sent out with deficiency letter, see date FGCC stamp 12/13/23 on page 3).

I have now requested staff not to send out the application pages needing correction, but to send out blank pages to be filled out completely hoping to alleviate this issue.

Thank you,



**Florida Gaming
Control Commission**
flgaming.gov

David Donaldson
Licensing Administrator
Division of Pari-Mutuel Wagering
4070 Esplanade Way, Suite 250
Tallahassee, FL 32399
Office of Operations
850.794.8121 Office
850.536.8714 Fax

The information contained in this transmission is intended solely for the use of the person(s) named herein. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact me by reply e-mail and destroy all copies of the original message.

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From: Lisa Vila <Lisa.Vila@flgaming.gov>
Sent: Tuesday, February 6, 2024 3:01 PM
To: Cleari Maglioni <Cleari.Maglioni@flgaming.gov>
Subject: Nunez

Hi Cleari:

I am working on a waiver investigation for Osmel Nunez. Temp Lic# 13815597 . Can you tell me how he was able to obtain a temporary license after he disclosed his arrest and did he only submit a request for Waiver and not an amended application after he received the deficiency letter?

Sorry for my confusion I don't see anything in OnBase or versa.

Thanks



FLORIDA
GAMING CONTROL
COMMISSION

Lisa Vila
Investigation Specialist II
Florida Gaming Control Commission
Division of Pari-Mutuel Wagering
1400 W Commercial Blvd
Suite 165
Fort Lauderdale, Fl. 33309

4. Discussion of recommended orders

MEMORANDUM

To: The Florida Gaming Control Commission
From: Division of Pari-Mutuel Wagering
Through: Joseph Klein, Senior Attorney
Re: FGCC v. ANTHONY CESPEDES
Case Number 2022-010240; Final Order
Date: March 25, 2024

Executive Summary

The Division of Pari-Mutuel Wagering (the “Division”) seeks to adopt the hearing officer’s Recommended Order recommending permanent exclusion of the Respondent, Anthony Cespedes (“Respondent”), from all pari-mutuel and slot facilities in the state of Florida.

The Division served Respondent with an Administrative Complaint, seeking his exclusion from all pari-mutuel and slot facilities in Florida. Respondent requested an informal hearing, which was held on January 4, 2023.

Following the hearing, the hearing officer recommended permanent exclusion from all pari-mutuel and slot machine facilities. Therefore, the Division recommends that the Florida Gaming Control Commission enter a final order excluding Respondent from all pari-mutuel and slot facilities in the state of Florida.

Background

On February 28, 2022, Respondent was ejected from Miami Casino, LLC (“Miami Casino”)¹ for trespassing; he had been permanently excluded from the facility in 2015.

On March 29, 2022, based on Respondent’s ejection from Miami Casino, the Division filed an Administrative Complaint seeking Respondent’s exclusion from all pari-mutuel and slot facilities in the state of Florida.

Respondent requested an informal hearing pursuant to section 120.57(2), Florida Statutes, which was held on January 4, 2024. The hearing officer issued her recommended order on April 1, 2024, recommending the exclusion of Respondent from all pari-mutuel facilities and all facilities of a slot machine licensee.

¹ Miami Casino is operated by a pari-mutuel wagering permit holder that also possesses a slot machine and cardroom license.

Analysis

Florida law allows for the exclusion of Respondent from all pari-mutuel and slot machine facilities in this state. Section 550.0251(6), Florida Statutes, provides that “[t]he Commission may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state.” Likewise, Section 551.112 provides that “[t]he Commission may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state.”

Therefore, Respondent’s ejection from Miami Casino – which is both a pari-mutuel facility and slot machine licensee in this state – subjects him to exclusion from *all* pari-mutuel and slot machine facilities in this state.

Staff Recommendation: The Division recommends that the Florida Gaming Control Commission enter a final order adopting the hearing officer’s recommended order in case number 2022-010240.

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

v.

FGCC Case No.: 2022-010240

ANTHONY CESPEDES,

Respondent.

HEARING OFFICER’S RECOMMENDED ORDER

THIS MATTER came before Elizabeth K. Stinson, designated Hearing Officer for the Florida Gaming Control Commission (“Commission”), on January 4, 2024, in Tallahassee, Florida, in accordance with the provisions of sections 120.569 and 120.57(2), Florida Statutes, for consideration of the Commission's Administrative Complaint filed against Anthony Cespedes (“Respondent”), in FGCC Case Number 2022-010240 (“Administrative Complaint”). The Commission was represented by Emily A. Alvarado, Deputy Chief Attorney, and the hearing was held telephonically.

PROCEDURAL HISTORY

1. On or about March 29, 2022, the Florida Department of Business and Professional Regulation’s Division of Pari-Mutuel Wagering (“Division”) filed an Administrative Complaint against Respondent alleging that Respondent was a patron of and was ejected and excluded from Casino Miami, a permitholder licensed to conduct pari-mutuel wagering, slot machine, and cardroom operations in the state of Florida. The Administrative Complaint sought to exclude Respondent from all licensed pari-mutuel wagering facilities and all facilities of a slot machine licensee in the state of Florida due to Respondent’s ejection and exclusion from Casino Miami.

2. On or about April 22, 2022, the Division received an Election of Rights form from Respondent requesting a hearing in accordance with the provisions of section 120.569 and 120.57(2), Florida Statutes.

3. An informal hearing was scheduled for June 15, 2022. During the hearing, Respondent was contacted telephonically and did not answer. The hearing was continued to November 21, 2022.

4. Effective July 1, 2022, all powers, duties, functions, administrative authority, and administrative rules of the Department of Business and Professional Regulation related to the regulation of pari-mutuel wagering under chapter 550, Florida Statutes, and the regulation of slot machines and slot machine gaming under chapter 551, Florida Statutes, were transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Florida Gaming Control Commission.

5. At the informal hearing on November 21, 2022, Respondent stated that he would like to speak with an attorney, so the case was continued to allow Respondent the opportunity to do so.

6. On October 25, 2023, the Commission sent a Notice of Hearing to Respondent's updated mailing address via regular and certified mail.

7. At the informal hearing on November 15, 2023, the hearing was continued because Respondent did not appear.

8. On December 18, 2023, the Commission sent a Notice of Hearing to Respondent's updated mailing address via certified mail.

9. At the informal hearing on January 4, 2024, Respondent did not appear. There is no

evidence that Respondent requested a continuance of the hearing. Therefore, the hearing proceeded without Respondent present.

10. During the January 4, 2024, hearing the Commission presented the issues raised in its Administrative Complaint. The undersigned granted the Division's motion to accept the Findings of Fact in the Administrative Complaint as the undisputed facts in the case and accepted the investigative report into the record.

FINDINGS OF FACT

11. At all times material hereto, Casino Miami was a facility operated by a permit holder authorized to conduct pari-mutuel wagering, slot machine, and cardroom operations in the State of Florida.

12. On or about February 28, 2022, Respondent was a patron of Casino Miami and was ejected from Casino Miami.

13. On or about February 28, 2022, Respondent was permanently excluded from Casino Miami.

CONCLUSIONS OF LAW

14. The Hearing Officer has jurisdiction over this matter and the parties pursuant to section 120.57(2), Florida Statutes.

15. The Commission has jurisdiction over this matter pursuant to chapters 120, 550, and 551, Florida Statutes.

16. At all times material hereto, Casino Miami was a facility operated by a permit holder authorized to conduct pari-mutuel wagering, cardroom, and slot machine gaming operations in the state of Florida.

17. Section 550.0251(6), Florida Statutes, provides in relevant part:

In addition to the power to exclude certain persons from any pari-mutuel facility in the state, the commission may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state.

(Emphasis supplied).

18. Section 551.112, Florida Statutes, provides:

In addition to the power to exclude certain persons from any facility of a slot machine licensee in this state, the commission may exclude any person from any facility of a slot machine licensee in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from any facility of a slot machine licensee or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over the gaming in such other state. This section does not abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

(Emphasis supplied).

19. Respondent is subject to permanent exclusion from all licensed pari-mutuel wagering facilities and all facilities of a slot machine licensee in the state of Florida based on Respondent's ejection and permanent exclusion from Casino Miami.

20. There is competent substantial evidence to support the conclusions of law.

RECOMMENDED ORDER

Based upon the Findings of Fact and Conclusions of Law, it is hereby recommended that the Florida Gaming Control Commission issue a Final Order permanently excluding Respondent from all pari-mutuel wagering facilities and all facilities of a slot machine licensee in the State of Florida.

This Hearing Officer's Recommended Order in FGCC Case Number 2022-010240 is submitted this 1st day of April 2024.

Elizabeth K. Stinson

Elizabeth K. Stinson
Hearing Officer
Florida Gaming Control Commission

CERTIFICATE OF SERVICE

I hereby certify this 1st day of April 2024, that a true copy of the foregoing "Hearing Officer's Recommended Order" has been provided by mail and email to:

Anthony Cespedes
861 E 19th Street
Hialeah, FL 33013-4210



CLERK OF THE COMMISSION
Florida Gaming Control Commission

CESPEDES, ANTHONY
Case No. 2022-010240
Informal Hearing Packet

Documents Included in Case File

- Exhibit 1 Cover Letter
- Exhibit 2 Notice of Informal Hearing
- Exhibit 3.....Election of Rights
- Exhibit 4 Administrative Complaint
- Exhibit 5 Report of Investigation



Florida Gaming Control Commission

JULIE I. BROWN, VICE CHAIR
CHUCK DRAGO, COMMISSIONER
JOHN D'AQUILA, COMMISSIONER
TINA REPP, COMMISSIONER

12/15/2023

Anthony Cespedes
861 East 19th Street
Hialeah, FL 33013

RE: FGCC v. Anthony Cespedes
Case No.: 2022-010240

Dear Mr. Cespedes:

Enclosed please find a Notice of Hearing for the informal hearing that has been scheduled in the above-referenced case. **Your hearing is scheduled to be heard on Thursday, January 4, 2024, at 10:00 a.m. (Eastern Time).** Please read the Notice of Hearing for more details about the date, time, location, and instructions for the hearing. A copy of the Commission's case file has been mailed to your address of record. Please ensure that you have this case file available during the hearing, as you may need to refer to it throughout the hearing.

You may also provide written or oral evidence or have witnesses testify on your behalf. Any evidence that you wish to present to the Hearing Officer and any names and contact information of witnesses you plan to call at the hearing should be emailed to Elizabeth.Stinson@flgaming.gov at least 7 days before the date of the hearing. If you do not have an email address, please contact me for an alternative method to provide the requested information.

Please note: We will be conducting the hearing promptly at 10:15 AM, please join the hearing meeting telephonically by dialing **the following number: (850)794-8072**. Failure to join the hearing meeting between 10:00 AM – 10:15 AM will result in the hearing proceeding without you.

Below please find information about the informal hearing process:

1. The Informal Hearing is held on the date and time noted in the Notice of Hearing.
2. Approximately 14 to 21 days after the hearing, Proposed Recommended Orders, or recommendations for what the Hearing Officer's ruling should be, are sent to the Hearing Officer.
3. Approximately 21 to 45 days after the Proposed Recommended Orders are submitted, the Hearing Officer will submit his or her recommended ruling to the Clerk of the Commission's office.
4. A Final Order will be issued within approximately 90 days after the date of the hearing. The Final Order is the final agency action and will describe the resolution of your case.

Should you have any questions or need any assistance, please feel free to contact me via telephone or email at 850-794-8072 or Ebonie.Lanier@flgaming.gov.

Sincerely,

/s/ *Ebonie Lanier*

Ebonie Lanier
Administrative Assistant III
(850) 794-8072

Enclosures: Notice of Hearing and Case File

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

v.

FGCC Case No.: 2022-010240

Anthony Cespedes,

Respondent.

NOTICE OF TELEPHONIC HEARING

TO: Anthony Cespedes
861 East 19th Street
Hialeah, FL 33013

YOU ARE HEREBY NOTIFIED that the Commission's designated Hearing Officer will conduct a hearing in this matter, pursuant to Section 120.57(2), Florida Statutes. If you wish to present oral or written evidence, you must attend the hearing. The hearing is scheduled for **Thursday, January 4, 2024, at 10:00 a.m. (Eastern Time)**. We will be conducting the hearing promptly at 10:15 AM, please join the hearing meeting telephonically by dialing the following number: **(850)794-8072**. Failure to join the hearing meeting between **10:00 AM – 10:15 AM** will result in the hearing proceeding without you.

You may elect to attend the hearing in person or by video conference. If you wish to do so, you must contact the Commission by email at Ebonie.Lanier@flgaming.gov or telephone at (850) 794-8072, at least seven (7) days prior to your hearing date. If you do not elect to attend by video conference or in person, the hearing will automatically be held by telephone only. You may also provide written or oral evidence or have witnesses testify on your behalf. Any evidence that you wish to present to the Hearing Officer and any names and contact information of witnesses you plan to call

at the hearing should be emailed to Elizabeth.Stinson@flgaming.gov, and Emily.Alvarado@flgaming.gov at least 7 days before the date of the hearing. If you do not have an email address, please contact me for an alternative method to provide the requested information.

If you cannot attend the hearing and wish to request a continuance for good cause, you must notify the Hearing Officer at Elizabeth.Stinson@flgaming.gov and Opposing Counsel at Emily.Alvarado@flgaming.gov at least five (5) days prior to your hearing date. Continuance requests made within five (5) days of the hearing can only be granted for emergencies.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to: the above-named parties via certified mail, on this 15th day of December, 2023.

By: /s/ Ebonie Lanier

Ebonie N. Lanier
Administrative Assistant III
Florida Gaming Control Commission
Office of the General Counsel
Division of Pari-Mutuel Wagering
4070 Esplanade Way, Suite 250
Tallahassee, Florida 32399
Telephone: (850) 794-8072
Facsimile: (850) 536-8709
Ebonie.Lanier@flgaming.gov

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting Ebonie Lanier at (850) 794-8072. If you are hearing or speech impaired, please contact the agency by calling 1-800-955-8771.

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RECEIVED
CIU Mail Intake
APR 22 2022

ELECTION OF RIGHTS

DBPR v. ANTHONY CESPEDES

CASE NO.: 2022-010340 Stamp #15

APR 22 REC'D

PLEASE CHECK ONLY ONE OF THE THREE OPTIONS.

Option (1) I do not dispute the allegations of material fact in the Administrative Complaint. I wish to submit oral and written evidence in mitigation at a hearing pursuant to Section 120.57(2), Florida Statutes ("informal hearing") and that this oral and written evidence be considered before any penalty and fines are imposed.

Option (2) I do dispute the allegations of material fact in the Administrative Complaint. This is a petition for a hearing involving disputed material facts pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, ("formal hearing") before an Administrative Law Judge of the Division of Administrative Hearings. I specifically dispute the following paragraphs in the Administrative Complaint (attach extra pages or write on the back if needed):

In addition to the above election for formal hearing, if you wish to enter into settlement negotiations, check the box below:

Section 120.569(2)(a), Florida Statutes, requires the Department to send this case to the Division of Administrative Hearings (DOAH) for a formal hearing within 15 days after receiving your Election of Rights. I am interested in settling this case and waive the 15-day requirement in order to enter into settlement negotiations with the Department.

Option (3) I do not dispute the allegations of material fact in the Administrative Complaint and waive my right to any form of hearing. I request that a Final Order imposing a penalty and fines be entered in this case.

THIS IS A LEGALLY BINDING DOCUMENT. SEEK LEGAL ADVICE BEFORE SIGNING IF YOU DO NOT FULLY UNDERSTAND THE TERMS.

ANTHONY CESPEDES
PRINTED NAME

ATTORNEY OR QUALIFIED REPRESENTATIVE

861 E 19 ST
Street Address

Street Address (where service shall be made)

Micah FL 33013
City State Zip

City State Zip

Telephone Number Facsimile Number (if any)

Telephone Number Facsimile Number (if any)

E-mail

E-mail

SIGNATURE

THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE DEPARTMENT WITHIN 21 DAYS AND SENT TO:

Office of the General Counsel
Department of Business and Professional Regulation
2601 Blair Stone Road, Tallahassee, FL 32399-2202
Attention: Ebonie N. Lanier, Administrative Assistant II
Telephone: (850) 717-1663 Fax: (850) 921-1311
Email: Ebonie.Lanier@MyFloridaLicense.com

RECEIVED
APR 26 2022
By D. Fleming

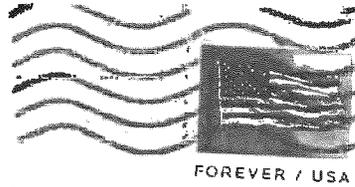
RECEIVED
APR 26 2022
By: E. Lanier
DBPR General Counsel

PMW - Dir. Ov.

A. Caspades
861 E 19 St
Hialeah, FL 33015

MIAMI FL 330

19 APR 2022 PM 4:1



RECEIVED

APR 22 2022

DBPR REG TAIL

Office of the General Counsel
Department of Business & Professional
Regulation
Opus Stone Road,
Tallahassee, FL 32399-3202
Attention: ~~Ebonie~~ N. Lanier
(Administrative Assistant II)

APR 22 REC'D



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,

DBPR Case No.: 2022-010240

v.

ANTHONY CESPEDES,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Anthony Cespedes (“Respondent”), and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering, slot machines, and cardroom operations pursuant to Chapters 550, 551, and 849, Florida Statutes.
2. At all times material hereto, Respondent’s address was reported as 861 East 19th Street, Hialeah, Florida 33013.
3. At all times material hereto, Miami Casino, LLC was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the State of Florida.
4. On or about February 28, 2022, Respondent was a patron of Miami Casino, LLC.
5. On or about February 28, 2022, Respondent was ejected and permanently excluded from Miami Casino, LLC.
6. Section 550.0251(6), Florida Statutes, provides in relevant part:

In addition to the power to exclude certain persons from any pari-mutuel facility in the state, the division may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the division. The division may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state.

(Emphasis supplied).

7. Section 551.112, Florida Statutes, provides:

In addition to the power to exclude certain persons from any facility of a slot machine licensee in this state, the division may exclude any person from any facility of a slot machine licensee in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the division. The division may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from any facility of a slot machine licensee or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over the gaming in such other state. This section does not abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

(Emphasis supplied).

8. Based on the foregoing, Respondent violated Sections 550.0251(6) and 551.112, Florida Statutes and is subject to exclusion from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida based on his ejection from Miami Casino, LLC on or about February 28, 2022.

WHEREFORE, Petitioner respectfully requests the Division Director enter an Order excluding Respondent from all licensed pari-mutuel wagering facilities and any facility of a slot

machine licensee in the State of Florida, along with any other remedy provided by Chapters 550 and 551, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for DBPR Case Number 2022-010240 is signed this 28th day of March 2022.

/s/ Eric Saccomanno

Eric Saccomanno

Assistant General Counsel

FBN: 1032559

Department of Business and Professional Regulation

Office of the General Counsel

Division of Pari-Mutuel Wagering

2601 Blair Stone Road

Tallahassee, Florida 32399-2202

Telephone: (850) 717-1786

Facsimile: (850) 921-1311

Primary: Eric.Saccomanno@MyFloridaLicense.com

Secondary: Ebonie.Lanier@MyFloridaLicense.com

NOTICE OF RIGHTS TO REQUEST A HEARING

Pursuant to Sections 120.569 and 120.57, Florida Statutes, you have the right to request a hearing to challenge the charges contained in this Administrative Complaint. If you choose to request a hearing, you will have the right to be represented by counsel, or other qualified representative, to present evidence and argument, to call and cross-examine witnesses, and to have subpoenas and subpoenas duces tecum issued on your behalf.

Any request for an administrative proceeding to challenge or contest the charges contained in this Administrative Complaint must conform to Rule 28-106.2015, Florida Administrative Code. Pursuant to Rule 28-106.111, Florida Administrative Code, you must request a hearing within 21 days from receipt of this Notice, or you will waive your right to request a hearing.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
Complaint Search Update	Change Mass Status Update	Recording License Type Public Case Info	Delete Complaint	Mass Activity Update	Mass Discipline				

Domain **10 - Division of Pari-Mutuel Wagering**

Logged in as: **Imuniz**

[VR Home](#) > [Complaint Search](#) > **Maintain Complaint**

Lic Type	1098 - Unlicensed Complaints	Status	90 Closed	Status Date	03/23/2022
Complaint #	2022010240	Case Type	CMP - Complaint	Disposition	Disposition Date
Docket#	Respondent CESPEDES, ANTHONY	Responsible	tsmith2 - SMITH, TYRELL	Private Case	

Complaint	Respondent	Complainant	Add'l Info
Source	INTN - Internal	Security Level	1
Form	INTR - Internal	Priority	
Class'n	V-C - Cardroom Violations	Complexity	R - Regular
Security	STND - Standard	Incident	02/28/2022
Region	SR - Southern Region	Received	03/03/2022
Reference	550.0251		
Entered	03/03/2022	Entered By	icampbell
Summary	<p>273 - Casino Miami, LLC - On March 2, 2022, while conducting a routine facility inspection at Casino Miami, this Investigator was informed of an incident that occurred on February 28, 2022, in which a Poker Room table Imprest Tray Key was lost by a Poker Room Supervisor and recovered by a Casino Patron.</p>		
Updated	03/23/2022 14:13:51	By	Imuniz

Parties Activities
 Allegations Discipline
 Violations Compliance
 Related Disposition
 Inspection
 Costs
 Time Tracking Auto Assign
 Attachments History
 Work Notes Print Report

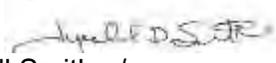
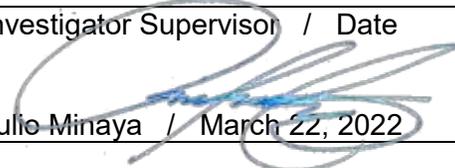
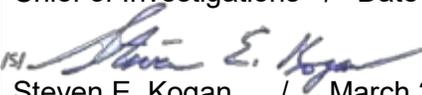
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Melanie S. Griffin, Secretary

Ron DeSantis, Governor

OFFICE OF INVESTIGATIONS INVESTIGATIVE REPORT

Office: PMW	Region: SOUTHERN	Date of Complaint: March 3, 2022	Case Number: 2022 01 0240
Respondent: CESPEDES, ANTHONY 861 EAST 19TH STREET HIALEAH, FLORIDA 33013		Complainant: DIVISION OF PARI-MUTUEL WAGERING OFFICE OF INVESTIGATIONS 1400 W. COMMERCIAL BLVD., SUITE 165 FT. LAUDERDALE, FL. 33309 (954) 202-3900	
License # and Type: N/A / 1098		Profession: Patron	Report Date: March 16, 2022
Period of Investigation: March 2, 2022 through March 16, 2022		Type of Report: Final	
<p>Alleged Violation: 550.0251 The powers and duties of the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation.—The division shall administer this chapter and regulate the pari-mutuel industry under this chapter and the rules adopted pursuant thereto, and:</p> <p>(6) In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the division may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the division. The division may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state. The division may authorize any person who has been ejected or excluded from pari-mutuel facilities in this state or another state to attend the pari-mutuel facilities in this state upon a finding that the attendance of such person at pari-mutuel facilities would not be adverse to the public interest or to the integrity of the sport or industry; however, this subsection shall not be construed to abrogate the common-law right of a pari-mutuel permit holder to exclude absolutely a patron in this state.</p>			
<p>Synopsis: On March 2, 2022, while conducting a routine facility inspection at Casino Miami, this Investigator was informed of an incident that occurred on February 28, 2022, in which a Poker Room table Imprest Tray Key was lost by a Poker Room Supervisor and recovered by a Casino Patron.</p> <p>Upon review of the video footage, it was revealed that on February 28, 2022, at approximately 12:09 A.M., Poker Room Supervisor Maykel Alzuri was observed walking through the Casino floor when he reached into his pants pocket and accidentally dropped a poker table imprest tray key on the floor. A few minutes later a patron who was later identified as Anthony CESPEDES was seen picking up the key from the floor and placing it in his pocket. CESPEDES was located and interviewed by Security and Police later that evening, however, CESPEDES told them that he threw the key in the garbage. The key was never recovered and upon identifying CESPEDES it was discovered that he had been excluded from the facility in 2015 for suspicious activities and solicitation at the facility. CESPEDES was advised that he was still permanently excluded from the facility and was advised to leave.</p>			
Related Case:			
Investigator / Date: March 16, 2022  Tyrell Smith /		Investigator Supervisor / Date  Julio Minaya / March 22, 2022	
Chief of Investigations / Date  Steven E. Kogan / March 23, 2022			

CONTINUATION

A review of surveillance footage shows that at approximately 12:09 A.M., Poker Supervisor Maykel Alzuri was observed walking on the casino floor. He is observed reaching into his right pants pocket and as he takes his hand out, the poker table imprest tray key is observed falling on the floor. Unbeknownst to Alzuri, he continues to walk away.

At approximately 12:12 A.M., a Patron who was later identified as Anthony **CESPEDES** is observed walking through the casino floor and is seen picking up the imprest tray key from the floor. He then places the key in his right front pants pocket and continues to walk away. He walks around the casino floor for several minutes before exiting the casino.

At 12:17 A.M., he is observed walking towards the parking lot area and is out of camera view until 12:19 A.M.

At 12:19 A.M., he is seen standing under a tree near the parking lot with another unknown person. They talk for a few minutes and **CESPEDES** walks away and back towards the casino entrance. At 12:23 A.M., **CESPEDES** re-enters the casino through the NE entrance and is observed entering the male restroom located near the NE entrance of the casino where he remains inside until 12:55 A.M.

At 12:55 A.M., **CESPEDES** exits the restroom and exits the casino. After exiting the casino he is seen standing outside in front of the casino speaking to two unknown individuals and appears to be showing them something in his right hand (possibly the imprest tray key). At one point, one of the individuals looked as if he is trying to take the key away from **CESPEDES**, however, **CESPEDES** appears to maintain possession of the key and is seen walking away. **CESPEDES** is then seen talking to several unknown individuals and then walks away from the view of the camera.

At 12:59 A.M., **CESPEDES** is seen talking to an unknown male wearing a black pull over jacket in front of the casino entrance until 1:00 A.M. He then walks away from the entrance and walks toward the Valet area where he smokes a cigarette and talks to other unknown individuals until 1:10 A.M.

At 1:10 A.M., **CESPEDES** is observed walking away from the casino and into the parking lot. He then enters a dark colored vehicle and leaves the area.

It is unknown if **CESPEDES** gave the key to any of the individuals that he spoke to.

According to Casino Miami Surveillance Incident Report# CMJ-000010367, at 12:47 A.M., Alzuri reported the imprest tray key lost and requested a video review for the missing key. He advised Surveillance that he had already retraced his steps however, the key was not found. A video review was conducted and found that **CESPEDES** had picked up the key. **(EXHIBIT# 2)**

Later that morning at approximately 7:35 A.M., surveillance located **CESPEDES** inside the casino and notified Security. Casino Miami Security Supervisor Chris Forestier and Miami Police Officers (MPD) Zachary Estape and Elias Parrales were notified and responded to the casino floor where **CESPEDES** was seen. They made contact with **CESPEDES** and inquired about the key. **CESPEDES** told them that he threw the key away in a garbage bin outside the facility earlier that morning. Forestier and MPD, along with **CESPEDES** went to the garbage bin that **CESPEDES** claimed he had thrown the key in and searched it, results were negative and the key was not recovered. **(EXHIBIT# 2)**

CONTINUATION

Forestier then conducted a security inquiry of **CESPEDES** and discovered that on December 28, 2015, **CESPEDES's** had been permanently excluded for soliciting and illicit activities. After learning that **CESPEDES** had been previously excluded, Forestier informed **CESPEDES** that he should not have been in the facility because of his previous exclusion. He then issued **CESPEDES** a verbal trespass warning; never to return to the facility. **CESPEDES** was then allowed to leave the facility without further incident. **(Exhibit# 3)**

On March 2, 2022, I spoke to Casino Miami Vice President & General Manager Daniel Licciardi and Vice President of Human Resource & State Compliance Beatriz Perez and inquired as to what steps will be taken in reference to the lost / stolen key. They stated that they would be replacing the imprest tray locks to all of the trays because of the theft.

On March 16, 2022, I spoke with Poker Supervisor Maykel Alzuri about the incident. He stated that the key was never located and that new locks for the imprest trays were ordered. However, the locks that they received were not the correct locks and they had to be reordered. They should be receiving the new locks sometime this week.

On March 22, 2022, I conducted a follow-up regarding the imprest tray locks and spoke to Poker Manager Alexandra Pote. She stated that as of this date the locks have not been changed and that they are still waiting for the new locks to arrive.

A copy of video footage was obtained from Surveillance Manager Carlos Rodriguez, and secured as evidence. **(EXHIBIT# 4)**

Case closed by Investigations and forwarded to Legal for further review and possible statewide exclusion from all Pari-Mutuel Facilities.

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STATE OF FLORIDA
DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION
DIVISION OF PARI-MUTUEL WAGERING

OPEN CASE REQUEST

(OTHER THAN THOSE SPECIFIED IN SECTION 120.80(4)(a), F.S.)

INCIDENT DATE: February 28, 2022

PMW Cardroom Slot

Violation Incident Complaint

FACILITY NAME: Casino Miami LLC

LIC #: 273

RESPONDENT

NAME: Anthony Cespedes		
Address: 861 East 19 th ST., Hialeah Florida 33013		Tel #:
LIC #: 1098	LIC TYPE: N/A	OCCUPATION: Patron

COMPLAINANT

NAME: Casino Miami LLC		Tel #:
Address: 3500 NW 37 th Ave., Miami Florida 33142		
LIC #: 273	LIC TYPE: 1000	OCCUPATION: Permit Holder

VIOLATION(S) / TITLE(S): 550.0251 The powers and duties of the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation.—The division shall administer this chapter and regulate the pari-mutuel industry under this chapter and the rules adopted pursuant thereto, and:

(6) In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the division may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the division. The division may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state. The division may authorize any person who has been ejected or excluded from pari-mutuel facilities in this state or another state to attend the pari-mutuel facilities in this state upon a finding that the attendance of such person at pari-mutuel facilities would not be adverse to the public interest or to the integrity of the sport or industry; however, this subsection shall not be construed to abrogate the common-law right of a pari-mutuel permit holder to exclude absolutely a patron in this state

DESCRIPTION: On March 2, 2022, while conducting a routine facility inspection at Casino Miami, this Investigator was informed of an incident that occurred on February 28, 2022, in which a Poker Room table Imprest Tray Key was lost by a Poker Room Supervisor and recovered by a Casino Patron.

Upon further investigation and a review of the video footage, it was revealed that on February 28, 2022, at approximately 12:09 A.M., Poker Room Supervisor Maykel Alzuri while walking through the Casino reached into his pocket and accidentally dropped a poker table imprest tray key on the floor. A few minutes later a patron who was later identified as Anthony Cespedes was seen picking the key up from the floor and placing it in his pocket. Cespedes was located and interviewed by Security and Police later that evening, however, Cespedes told them that he threw the key in the garbage. The key was never recovered and upon Identifying Cespedes it was discovered that he had been excluded from the facility in 2015 for suspicious activities and solicitation at the facility. Cespedes was advised that he was permanently excluded from the facility and advised to leave.

CASE DETAILS FILED BY:

Chief Inspector Judge/Steward Investigator Other: _____
(Title of State Employee)

Tyrell Smith
(Print Name)

Tyrell Smith
(Signature)

March 3, 2022
(Date)

Smith, Tyrell

From: Campbell, Ian
Sent: Thursday, March 3, 2022 2:51 PM
To: Smith, Tyrell
Cc: Minaya, Julio; Futrell, Michelle; Muniz, Luz
Subject: 2022010240 - Cespedes, Anthony - CARD

Hello Tyrell,

The case in subject has been opened and assigned to you.

Thank you,



Ian Campbell
Operations Analyst II
Division of Pari-Mutuel Wagering
Department of Business and Professional Regulation
1400 W. Commercial Blvd, Ste. 165
Ft. Lauderdale, FL 33309
Phone: (954) 202-6776

The State of Florida has a very broad public records law pursuant to Chapter 119, Florida Statutes. Most written communications to and from state officials regarding state business are public records, available to the public and media upon request. Therefore, your e-mail communications may be subject to public disclosure.



Surveillance Department

Casino Miami Jai-Alai - 3500 NW 37th Ave. Miami, FL 33142
(305) 633-6400 - casinomiamijai.com

CMJ-000010367 - MGMT Request Poker Review or Coverage Report - Reported 02/28/2022 08:00

Author: William Hutcheson 7874265

Report Number: CMJ-000010367

Start Time: 02/28/2022 00:47

End Time: 02/28/2022 12:27

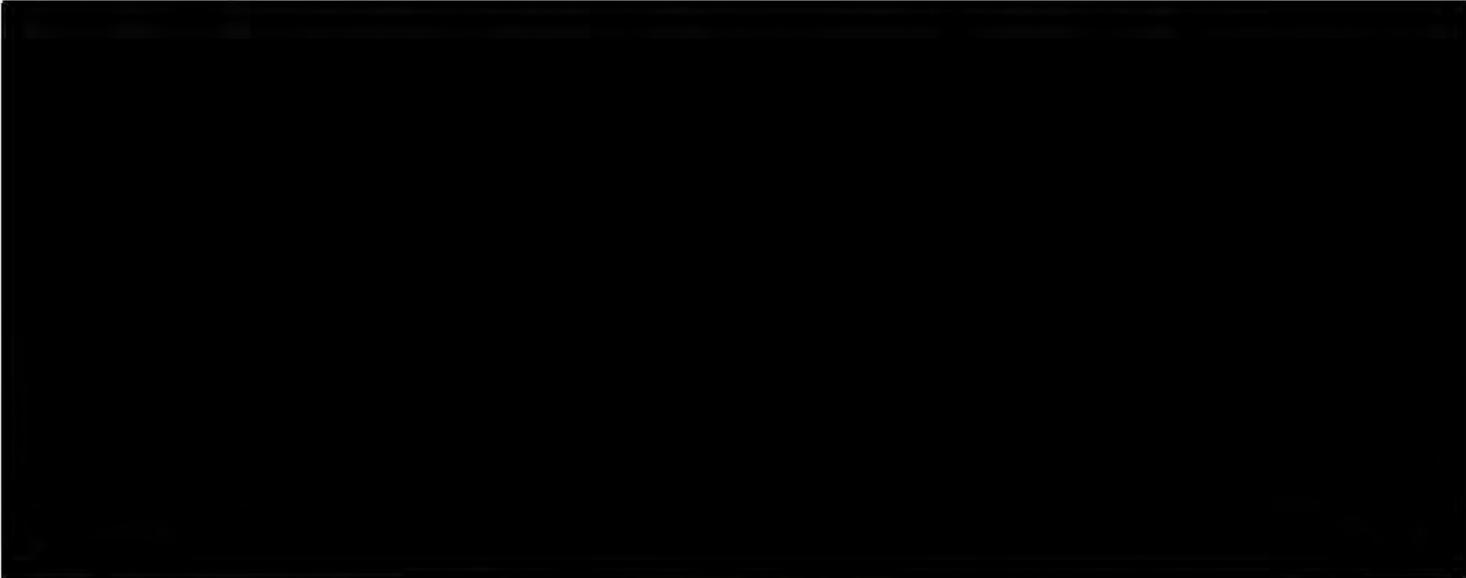
Report Group: Surveillance Reports

Report Type: MGMT Request Poker Review or Coverage Report

Note: Poker Supervisor, Maykel Alzuri request video review for missing poker key # 45 " that opens trays" .

Location / Origin: Incident-Missing Miscellaneous Items

Camera: 191,122,563,562,209,988



Narrative

On 02-28-2022 at 00:47 Hours, Poker Supervisor, Maykel Alzuri request video review via phone for missing poker key # 45 " that opens trays" . Mr. Alzuri advised that he had (3) keys and one of the keys, key # 45 could not be found. A 2 HR video review for the missing key revealed that it could not be found. Mr. Alzuri also advised that he retraced his steps and security also checked the poker room and did not find any key.

At 07:35 hours on camera #122, Surveillance located the unidentified male, that pick up the key, and advised Security Supervisor Christopher Forestier, via phone call. At 07:39 hours on camera #122, Mr. Forestier and MPD Officer Zachary Estape approached the unidentified male spoke with him about the key. At 07:41 hours, on camera 562 and 563, Mr. Forestier and the unidentified male a long with MDP Officers Zachary Estape and Elias Parrales were observed outside looking through the trash can outside of the casino entrance.

At 07:48 hours, Mr. Foresiter notified surveillance, via phone call, that unidentified male did not have the key with him and was told by the patron that he threw it away in the trash earlier in the morning. Mr. Forestier also said the key was not located on the unidentified male or in the trash and the patron had no identification on him, put would being asking the MPD Officer to try to identify him. Video of the incident were saved for future reference.

EXHIBIT # -2
PAGE # 1

Patron (Unknown Male) who picked the poker keys wearing a gray shirt and gray shorts was later identified as Perm-Exclusion Return Patron, Anthony Cespedes who was excluded on 12-28-2015.

NOTE: see Surveillance report # 4446, Perm-Exclusion Patron, Anthony Cespedes --was escorted out by MPD Officer, Parrales for asking patrons for money in the casino and also a reported complaint that he put a drug into a anthers patrons drink 12-28-2015.

A video review revealed the following information.

At 00:09:42 hours, on camera #191, Poker Room Supervisor Maykel Alzuri was observed walking towards the poker room when he accidentally drop the key on the floor.

At 00:12:32 hours, on camera #191, an unidentified male, wearing a grey shirt and grey shorts, was observed picking the key from the floor an walking away with it.

From 00:17:50 until 00:23:02 hours, camera #562 and 563, the unidentified male was observed outside of the building walking around. At 00:19:25 hours, the unidentified male was observed speaking with another unidentified male and is later joined by another unidentified male patron. At 00:22:57 hours, as the unidentified male is walking back into the building, he was observed looking down at an item in his left hand.

From 00:23:11 until 00:55:23 hours, on camera #209, the unidentified male was inside the men's restroom in the Casino Main Lobby out of camera view.

At 00:55:35 hours, on camera #209, the unidentified male was observed at Casino Main Lobby walking out with two other unidentified males.

From 00:55:53 until 08:58:35 hours, on camera #562 and #563, the unidentified male was observed outside of the building speaking with two other unidentified males (Male A wearing a black shirt and Male B wearing a black hoodie). At 00:58:06 hours, camera #562, the unidentified male was observed showing something to the male in the black hoodie as they walk out of camera view.

At 00:59:26 hours, on camera #562 and #563, the unidentified male was observed back in camera view and stayed outside the building.

From 00:59:43 until 01:09:39 hours, on camera #562 and #563, the unidentified male was observed outside of the building walking around and speaking with several patrons.

At 01:09:57 hours, on camera #988, the unidentified male was observed getting into a 4 door sedan.

At 01:10:41 hours, on camera #388, the 4 door sedan was observed making a left turn on to 36th street and driving away.

This report was written by Surveillance Director William Hutcheson #7874265.

EXHIBIT # -2
PAGE # - 2



CMJ-000004953 - Incident - Suspicious Activity - Reported 02/28/2022 10:01

Author: Chris Forestier 93027 Report Number: CMJ-000004953
Start Time: 02/28/2022 10:01 End Time: 03/02/2022 06:02
Report Group: Security Reports Report Type: Incident - Suspicious Activity
Note: Previously Trespass male patron found lost poker key
Location / Origin: slot machine Zone E

Person

Name: Anthony Cespedes Alias:
Race: Hispanic Gender: Male
Eye color: Brown Hair color: Black
Height: 5'09" Inches Weight: 180 Pounds
Keywords: Permanent Exclusion

[Redacted]

Comments: ANTHONY CESPEDES

[Redacted]

HIALEAH FL 3301

[Redacted]

Narrative

Today around 8.00 am surveillance call me regarding a patron that found the lost poker key on the casino floor. MPD was call , patron stated that he found the poker key few hours ago then throw it away in the garbage outside C1 . Patron was escorted out of the casino floor with MPD , we look inside the two garbage outside of C1 , no poker key was found. Patron been previously permanently trespass (from 12/28/2015 CIP report # 1054), i told him not to come back on the casino property , if he does he could be arrested. Patron left casino property shortly after.

Signature A

Date

Signature B

Date

EXHIBIT # 2
PAGE # 4



CMJ-000001054 - Patron - Trespass Permanent - Reported 12/28/2015 21:45

Author: Chris Forestier 93027

Report Number: CMJ-000001054

Start Time: 12/28/2015 21:45

End Time: 03/01/2016 07:07

Report Group: Exclusion Reports

Report Type: Patron - Trespass Permanent

Note: Suspicious male patron

Location / Origin: Casino Bar #2 (Zone A)

Person

Name: Anthony Cespedes

Alias:

Race: Hispanic

Gender: Male

Eye color: Brown

Hair color: Black

Height: 5'09" Inches

Weight: 180 Pounds

Keywords: Permanent Exclusion

Comments: ANTHONY CESPEDES

HIALEAH FL 33013

Narrative

Tonight, around at approximately 7:38 pm, MOD Rene Guim identified patron Anthony Cespedes as an individual that had previously been escorted out of the casino for illicit activities. Approximately 2 months ago, a patron sitting in the Foxtrot Smoking area reported this individual as having put a drug in her drink. Security Manager Rene Cano, along with MPD Sgt Mitchel tried to interview the above mentioned patron, however, he refused to go to SOC for questioning and walked out of C2 exit yelling profanities along the entire way. At the Valet Tunnel, patron was advised that he was not allowed to enter that casino again due to continued suspicious illicit activities and solicitation of money from high level patrons. Director of Casino Operations, Romy Hoque was called to SOC at 7:45 PM at which time Mr. Hoque instructed security department that based on the above information to permanently exclude this patron. At approximately 7.38 P.M. patron was excluded permanently. Patron signed the permanent exclusion form. The information was placed in the self-exclusion log, his photo was taken, and the appropriate notifications were made. On 12-28-15 at approximately 7.45 P.M. patron was escorted off the property by M.P.D. Officer Parrales

ANTHONY CESPEDES - [REDACTED]
ADDRESS: 861 E. 19 th Street, Hialeah FL 33013

EXHIBIT #-3
PAGE # -1



MALE - HGT: 5-09

Signature A

Date

Signature B

Date

Confidential

EXHIBIT # -3
PAGE # -2



State of Florida
 Department of Business and Professional Regulation
 Division of Pari-Mutuel Wagering
 Investigations Section

PROPERTY RECEIPT

Complaint # 2022-01-0240 Date 3/16/22 Lab # _____

Item No.	Quantity	Description
1	1	DVD OF PATRON ANTHONY CESPEDES WITH Poker IMPREST TRAY KEY.
<i>LAST ITEM.</i>		

I hereby acknowledge that the above list represents all property taken from my possession and that I have received a copy of this receipt.

[Signature]
 Signature

I hereby acknowledge that the above list represents all property impounded by me in the official performance of duty as Investigator for the Division of Pari-Mutuel Wagering.

[Signature]
 Signature - Impounding Investigator

RETURNED PROPERTY RECEIPT

I hereby acknowledge the return to me, by the Division of Pari-Mutuel Wagering, the above listed property.

 Signature Date

Received by: _____ Date: _____
 Received by: _____ Date: _____
 Received by: _____ Date: _____

Copies for: File, Transmittal, Laboratory, Property Receipt

VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
---------	-------	--------	-------------	---------	------	------	------------	-------------	--------

Complaint Search	Change Recording License Type	Delete Complaint	Mass Activity Update	Mass Discipline Update
Mass Status Update	Public Case Info			

Domain **10 - Division of Pari-Mutuel Wagering**

Logged in as: **icampbell**

VR Home > Complaint Search > **Maintain Complaint**

Lic Type	1098 - Unlicensed Complaints	Status	20 Under Investigation	Status Date	03/03/2022
Complaint #	2022010240	Case Type	CMP - Complaint	Disposition	Disposition Date
Docket#		Respondent	CESPEDES, ANTHONY	Responsible	tsmith2 - SMITH, TYRELL
					Private Case

Complaint	Respondent	Complainant	Add'l Info
-----------	------------	-------------	------------

Source	INTN - Internal	Security Level	1	<input type="checkbox"/>	Parties	<input checked="" type="checkbox"/>	Activities
Form	INTR - Internal	Priority		<input checked="" type="checkbox"/>	Allegations	<input type="checkbox"/>	Discipline
Class'n	IV-B - Patron Complaints	Complexity	R - Regular	<input checked="" type="checkbox"/>	Violations	<input type="checkbox"/>	Compliance
Security	STND - Standard	Incident	02/28/2022	<input type="checkbox"/>	Related	<input checked="" type="checkbox"/>	Disposition
Region	SR - Southern Region	Received	03/03/2022	<input type="checkbox"/>	Inspection		
Reference	550.0251			<input type="checkbox"/>	Costs		
Entered	03/03/2022	Entered By	icampbell	<input type="checkbox"/>	Time Tracking		Auto Assign
Summary	273 - Casino Miami, LLC - On March 2, 2022, while conducting a routine facility inspection at Casino Miami, this Investigator was informed of an incident that occurred on February 28, 2022, in which a Poker Room table Imprest Tray Key was lost by a Poker Room Supervisor and recovered by a Casino Patron.			<input type="checkbox"/>	Attachments		History
Updated	03/03/2022 14:19:25	By	icampbell	<input type="checkbox"/>	Work Notes		Print Report

<input type="button" value="Change"/>	<input type="button" value="Save"/>	<input type="button" value="OK"/>	<input type="button" value="Cancel"/>	<input type="button" value="Back"/>
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Campbell, Ian

From: Minaya, Julio
Sent: Thursday, March 3, 2022 12:26 PM
To: Campbell, Ian; Muniz, Luz; Kogan, Steven
Cc: Smith, Tyrell
Subject: OCR
Attachments: OPEN CASE REQUEST FORM - CASINO MIAMI (ANTHONY CESPEDES) STOLEN IMPRESS TRAY KEY.docx

Hi Ian,

Please open this case and assign to Investigator Tyrell Smith.

Thank you



*Julio F Minaya
Investigative Supervisor
Division of Pari-Mutuel Wagering, Office of Investigations
1400 W. Commercial Blvd., Suite 165
FT. Lauderdale, FL 33309
Office: 954-202-6844
Fax: 954-202-3930*

U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9414 7118 9956 2641 9762 27

RETURN RECEIPT TRACKING NUMBER
9490 9118 9956 2641 9762 07

FEEES	
Postage per piece	\$1.830
Certified Fee	\$4.350
Return Receipt Fee	\$3.550
Total Postage & Fees:	\$9.730

12/15/23

ARTICLE ADDRESS TO:

NOH - 2022010240 - PMW
Anthony Cespedes
861 E 19th St
Hialeah FL 33013-4210

Postmark
Here

SENDER: COMPLETE THIS SECTION

- Ensure items 1, 2, and 3 are completed.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NOH - 2022010240 - PMW
Anthony Cespedes
861 E 19th St
Hialeah FL 33013-4210



9490 9118 9956 2641 9762 07

2. Article Number (Transfer from service label)
9414 7118 9956 2641 9762 27

COMPLETE THIS SECTION ON DELIVERY

A. Signature: (Addressee or Agent)

X

B. Received By: (Printed Name)

Anthony Cespedes

C. Date of Delivery

12/20/27

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail®

RECEIVED
2024 JAN 10 PM 12:00
INDIANA DIVISION

Domestic Return Receipt

Tracking Number:

Remove X

9414711899562641976227

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 2:34 pm on December 26, 2023 in HIALEAH, FL 33013.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivered

Delivered, Left with Individual

HIALEAH, FL 33013

December 26, 2023, 2:34 pm

[See All Tracking History](#)

Feedback

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus[®]



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

MEMORANDUM

To: The Florida Gaming Control Commission
From: Division of Pari-Mutuel Wagering
Through: Joseph Klein, Senior Attorney
Re: FGCC v. MARQUITTA JONES
Case Number 2023-003527; Final Order
Date: April 1, 2024

Executive Summary

The Division of Pari-Mutuel Wagering (the “Division”) seeks to adopt the hearing officer’s Recommended Order recommending permanent exclusion of the Respondent, Marquitta Jones (“Respondent”), from all pari-mutuel and slot facilities in the state of Florida.

The Division served Respondent with an Administrative Complaint, seeking her exclusion from all pari-mutuel and slot facilities in Florida. Respondent requested an informal hearing, which was held on January 4, 2023.

Following the hearing, the hearing officer recommended permanent exclusion from all pari-mutuel and slot machine facilities. Therefore, the Division recommends that the Florida Gaming Control Commission enter a final order excluding Respondent from all pari-mutuel and slot facilities in the state of Florida.

Background

On January 2, 2023, Respondent was a patron of, and was ejected from, Calder Race Course, Inc. d/b/a Calder Casino (“Calder Casino”)¹. Effective January 16, 2023, Respondent was permanently excluded from the facility for adding additional chips to the table after looking at her cards during a live poker game.

On July 17, 2023, based on her exclusion from Calder Casino, the Division filed an Administrative Complaint seeking her exclusion from all pari-mutuel and slot facilities in the state of Florida.

Respondent requested an informal hearing pursuant to section 120.57(2), Florida Statutes, which was held on January 4, 2024. The hearing officer issued her

¹ Calder Casino is operated by a pari-mutuel wagering permitholder that also possesses a slot machine and cardroom license.

recommended order on March 29, 2024, recommending the permanent exclusion of Respondent from all pari-mutuel facilities and all facilities of a slot machine licensee.

Analysis

Florida law allows for the exclusion of Respondent from all pari-mutuel and slot machine facilities in this state. Section 550.0251(6), Florida Statutes, provides that “[t]he Commission may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state.” Likewise, Section 551.112 provides that “[t]he Commission may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state.”

Therefore, Respondent’s ejection from Calder Casino – which is both a pari-mutuel facility and slot machine licensee in this state – subjects her to exclusion from *all* pari-mutuel and slot machine facilities in this state.

Staff Recommendation: The Division recommends that the Florida Gaming Control Commission enter a final order adopting the hearing officer’s recommended order in case number 2023-003527.

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

v.

FGCC Case No.: 2023-003527

MARQUITTA JONES,

Respondent.

_____ /

HEARING OFFICER’S RECOMMENDED ORDER

THIS MATTER came before Elizabeth K. Stinson, designated Hearing Officer for the Florida Gaming Control Commission (“Commission”), on January 4, 2024, in Tallahassee, Florida, in accordance with the provisions of sections 120.569 and 120.57(2), Florida Statutes, for consideration of the Commission's Administrative Complaint filed against Marquitta Jones (“Respondent”), in FGCC Case Number 2023-003527 (“Administrative Complaint”). The Commission was represented by Emily A. Alvarado, Deputy Chief Attorney and the hearing was held telephonically.

PROCEDURAL HISTORY

1. On or about July 17, 2023, the Commission filed an Administrative Complaint against Respondent alleging that Respondent was a patron of and was ejected and excluded from Calder Casino, a permit holder licensed to conduct pari-mutuel wagering, slot machine, and cardroom operations in the state of Florida. The Administrative Complaint sought to exclude Respondent from all licensed pari-mutuel wagering facilities and all facilities of a slot machine licensee in the state of Florida.

2. On or about November 14, 2023, the Commission received an Election of Rights form from Respondent. Respondent selected both the option requesting a hearing in accordance with the provisions of section 120.569 and 120.57(2), Florida Statutes, and the option waiving Respondent's right to a hearing and requesting that the Commission enter a Final Order imposing a penalty in this case.

3. Additionally, the Commission received with the Election of Rights form an email stating that Respondent was "not going any further" with her case and that she would "take the ban."

4. At the informal hearing, the undersigned attempted to contact Respondent telephonically twice during the timeframe listed on the Notice of Hearing sent to Respondent and respondent did not answer. There is no evidence that Respondent requested a continuance of the hearing. Therefore, the hearing proceeded without Respondent present.

5. During the January 4, 2024, hearing the Commission presented the issues raised in its Administrative Complaint. The undersigned granted the Commission's motion to accept the Findings of Fact in the Administrative Complaint as the undisputed facts in the case and accepted the investigative report into the record.

FINDINGS OF FACT

6. At all times material hereto, Calder Casino was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, slot machine, and cardroom operations in the state of Florida.

7. On or about January 2, 2023, Respondent was a patron of Calder Casino and was ejected from Calder Casino.

8. On or about January 16, 2023, Respondent was permanently excluded from Calder Casino.

CONCLUSIONS OF LAW

9. The Hearing Officer has jurisdiction over this matter and the parties pursuant to section 120.57(2), Florida Statutes.

10. The Commission has jurisdiction over this matter pursuant to chapters 120, 550, and 551, Florida Statutes.

11. At all times material hereto, Calder Casino was a facility operated by a permit holder authorized to conduct pari-mutuel wagering, cardroom, and slot machine operations in the state of Florida.

12. Section 550.0251(6), Florida Statutes, provides in relevant part:

In addition to the power to exclude certain persons from any pari-mutuel facility in the state, the commission may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state.

(Emphasis supplied).

13. Section 551.112, Florida Statutes, provides:

In addition to the power to exclude certain persons from any facility of a slot machine licensee in this state, the commission may exclude any person from any facility of a slot machine licensee in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot

machine licensee in this state or who has been excluded from any facility of a slot machine licensee or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over the gaming in such other state. This section does not abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

(Emphasis supplied).

14. Respondent is subject to permanent exclusion from all licensed pari-mutuel wagering facilities and all facilities of a slot machine licensee in the state of Florida based on Respondent's ejection and permanent exclusion from Calder Casino.

15. There is competent substantial evidence to support the conclusions of law.

RECOMMENDED ORDER

Based upon the Findings of Fact and Conclusions of Law, it is hereby recommended that the Florida Gaming Control Commission issue a Final Order permanently excluding Respondent from all pari-mutuel wagering facilities and all facilities of a slot machine licensee in the state of Florida.

This Hearing Officer's Recommended Order in FGCC Case Number 2023-003527 is submitted this 29th day of March 2024.

Elizabeth K. Stinson

Elizabeth K. Stinson
Hearing Officer
Florida Gaming Control Commission

CERTIFICATE OF SERVICE

I hereby certify this 1st day of April 2024, that a true copy of the foregoing "Hearing Officer's Recommended Order" has been provided by mail and email to:

Marquitta Jones
12555 Biscayne Blvd
Apartment 702
Miami, FL 33181
Marquitta2Jones@yahoo.com



CLERK OF THE COMMISSION
Florida Gaming Control Commission

Documents Included in Case File

Exhibit 1 Cover Letter

Exhibit 2 Notice of Informal Hearing

Exhibit 3.....Election of Rights

Exhibit 4 Administrative Complaint

Exhibit 5 Report of Investigation



Florida Gaming Control Commission

JULIE I. BROWN, VICE CHAIR
CHUCK DRAGO, COMMISSIONER
JOHN D'AQUILA, COMMISSIONER
TINA REPP, COMMISSIONER

12/15/2023

Marquitta Jones
12555 Biscayne Boulevard, Apt. 702
Miami, FL 33181

RE: FGCC v. Marquitta Jones
Case No.: 2023-003527

Dear Ms. Jones:

Enclosed please find a Notice of Hearing for the informal hearing that has been scheduled in the above-referenced case. **Your hearing is scheduled to be heard on Thursday, January 4, 2024 between 10:30 a.m. and 12:00 p.m. (Eastern Time).** Please read the Notice of Hearing for more details about the date, time, location, and instructions for the hearing. A copy of the Commission's case file has been mailed to your address of record. Please ensure that you have this case file available during the hearing, as you may need to refer to it throughout the hearing.

You may also provide written or oral evidence or have witnesses testify on your behalf. Any evidence that you wish to present to the Hearing Officer and any names and contact information of witnesses you plan to call at the hearing should be emailed to Elizabeth.Stinson@flgaming.gov at least 7 days before the date of the hearing. If you do not have an email address, please contact me for an alternative method to provide the requested information.

Please note: If you choose not to attend the hearing in person or by video conference, we will be conducting the hearing telephonically; you will be contacted **between 10:30 AM and 12:00 PM (EST) at the following number: (786)521-5249**. Please contact me as soon as possible to notify me of the correct number at which to reach you. Failure to answer the telephone, promptly return a missed call, or hold an open line will result in the hearing proceeding without you.

Below please find information about the informal hearing process:

1. The Informal Hearing is held on the date and time noted in the Notice of Hearing.
2. Approximately 14 to 21 days after the hearing, Proposed Recommended Orders, or recommendations for what the Hearing Officer's ruling should be, are sent to the Hearing Officer.
3. Approximately 21 to 45 days after the Proposed Recommended Orders are submitted, the Hearing Officer will submit his or her recommended ruling to the Clerk of the Commission's office.
4. A Final Order will be issued within approximately 90 days after the date of the hearing. The Final Order is the final agency action and will describe the resolution of your case.

Should you have any questions or need any assistance, please feel free to contact me via telephone or email at 850-794-8072 or Ebonie.Lanier@flgaming.gov.

Sincerely,

/s/ Ebonie Lanier

Ebonie Lanier
Administrative Assistant III
(850) 794-8072

Enclosures: Notice of Hearing and Case File

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

v.

FGCC Case No.: 2023-003527

Marquitta Jones,

Respondent.

NOTICE OF TELEPHONIC HEARING

TO: Marquitta Jones
12555 Biscayne Boulevard, Apt. 702
Miami, FL 33181

YOU ARE HEREBY NOTIFIED that the Commission's designated Hearing Officer will conduct a hearing in this matter, pursuant to Section 120.57(2), Florida Statutes. If you wish to present oral or written evidence, you must attend the hearing. The hearing is scheduled for **Thursday, January 4, 2024, between 10:30 a.m. – 12:00 p.m. (Eastern Time)**. The Hearing Officer will call you at (786) 521-5249 sometime between 10:30 a.m. – 12:00 p.m. (EST). Please be available to take the Hearing Officer's call. Failure to answer the telephone, promptly return a voicemail, or hold an open line may result in the hearing proceeding without you.

You may elect to attend the hearing in person or by video conference. If you wish to do so, you must contact the Commission by email at Ebonie.Lanier@flgaming.gov or telephone at (850) 794-8072, at least seven (7) days prior to your hearing date. If you do not elect to attend by video conference or in person, the hearing will automatically be held by telephone only. You may also provide written or oral evidence or have witnesses testify on your behalf. Any evidence that you wish to present to the Hearing Officer and any names and contact information of witnesses you plan to call

at the hearing should be emailed to Elizabeth.Stinson@flgaming.gov, and Emily.Alvarado@flgaming.gov at least 7 days before the date of the hearing. If you do not have an email address, please contact me for an alternative method to provide the requested information.

If you cannot attend the hearing and wish to request a continuance for good cause, you must notify the Hearing Officer at Elizabeth.Stinson@flgaming.gov and Opposing Counsel at Emily.Alvarado@flgaming.gov at least five (5) days prior to your hearing date. Continuance requests made within five (5) days of the hearing can only be granted for emergencies.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the above-named parties via certified mail, on this 15th day of December, 2023.

By: /s/ Ebonie Lanier

Ebonie N. Lanier
Administrative Assistant III
Florida Gaming Control Commission
Office of the General Counsel
Division of Pari-Mutuel Wagering
4070 Esplanade Way, Suite 250
Tallahassee, Florida 32399
Telephone: (850) 794-8072
Facsimile: (850) 536-8709
Ebonie.Lanier@flgaming.gov

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting Ebonie Lanier at (850) 794-8072. If you are hearing or speech impaired, please contact the agency by calling 1-800-955-8771.

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

ELECTION OF RIGHTS

FGCC v. MARQUITTA JONES

CASE NO.: 2023-003527

PLEASE CHECK ONLY ONE OF THE THREE OPTIONS.

Option (1) I do not dispute the allegations of material fact in the Administrative Complaint. I wish to submit oral and written evidence in mitigation at a hearing pursuant to Section 120.57(2), Florida Statutes ("informal hearing") and that this oral and written evidence be considered before any penalty and fines are imposed.

Option (2) I do dispute the allegations of material fact in the Administrative Complaint. This is a petition for a hearing involving disputed material facts pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, ("formal hearing") before an Administrative Law Judge of the Division of Administrative Hearings. I specifically dispute the following paragraphs in the Administrative Complaint (attach extra pages or write on the back if needed):

In addition to the above election for formal hearing, if you wish to enter into settlement negotiations, check the box below:

Section 120.569(2)(a), Florida Statutes, requires the Department to send this case to the Division of Administrative Hearings (DOAH) for a formal hearing within 15 days after receiving your Election of Rights. I am interested in settling this case and waive the 15-day requirement in order to enter into settlement negotiations with the Department.

Option (3) I do not dispute the allegations of material fact in the Administrative Complaint and waive my right to any form of hearing. I request that a Final Order imposing a penalty and fines be entered in this case. The Final Order will be placed on the next available Florida Gaming Control Commission Meeting. Respondent is not required to attend, but may check the Florida Gaming Control Commission website at www.fgcc.fl.gov for the meeting materials, agenda, and contact information.

THIS IS A LEGALLY BINDING DOCUMENT. SEEK LEGAL ADVICE BEFORE SIGNING IF YOU DO NOT FULLY UNDERSTAND THE TERMS.

Marquitta Jones
PRINTED NAME

ATTORNEY OR QUALIFIED REPRESENTATIVE

12555 Biscayne Blvd apt 702
Street Address

Street Address (where service shall be made)

Miami FL 33181
City State Zip

City State Zip

Telephone Number Facsimile Number (if any)

Telephone Number Facsimile Number (if any)

Marquitta2 Jones@yahoo.com
E-mail

E-mail

[Signature]
SIGNATURE

THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE COMMISSION WITHIN 21 DAYS AND SENT TO:

Office of the General Counsel
Florida Gaming Control Commission
2601 Blair Stone Road, Tallahassee, FL 32399-2202
Attention: Ebonie N. Lanier, Administrative Assistant III
Telephone: (850) 717-1663 Fax: (850) 921-1311
Email: Ebonie.Lanier@fgcc.fl.gov

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

EXPLANATION OF THE ELECTION OF RIGHTS

Please read the Administrative Complaint before choosing one of the three options. The Election of Rights is a **legally binding** document. Consult an attorney or call the Commission's attorney named in the cover letter if you do not understand your options.

You can only select **ONE** of the options numbered (1), (2) and (3) on the Election of Rights form. You must sign the form. The form must be **received** by the Commission at the address at the bottom of the form within 21 days after the date **you receive** the complaint.

The three options are:

1. Check option (1) if you **do not dispute** any material fact alleged in the Administrative Complaint. You will be given a hearing pursuant to Section 120.57(2), Florida Statutes ("informal hearing") and have the opportunity to present written and oral evidence in mitigation at the informal hearing.

2. Check option (2) if you **do dispute** any material fact alleged in the Administrative Complaint. This is considered a petition for an evidentiary administrative hearing ("formal hearing") pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, and requires the Department to send this case to the Division of Administrative Hearings (DOAH) within 15 days of your completed petition requesting a formal hearing. This election is made by checking the box marked (2) on the Election of Rights. Pursuant to Rule 28-106.201, F.A.C., you must also state which material fact(s) alleged in the Administrative Complaint you dispute. Please use the space provided on form, and attach any additional pages or use the back of the form if needed.

After electing option (2) explained above and **regardless** of whether you dispute any material fact alleged in the Administrative Complaint, you may **also** request the opportunity to discuss settlement of the case pursuant to Section 120.57(4), Florida Statutes.

3. Check option (3) if you **do not dispute** any material fact and waive your right to any form of hearing. This means that the Department will recommend a penalty on the charges set forth in the Administrative Complaint without input from you.

If the Department does not **receive** your Election of Rights within **21** days after you **receive** the Administrative Complaint, this will be considered a waiver of your right to elect any form of hearing and a Final Order may be entered against you imposing a penalty and fines.

YOU MUST LET THE COMMISSION KNOW IF YOUR MAILING ADDRESS CHANGES

**THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE
COMMISSION WITHIN 21 DAYS AND SENT TO:**

Office of the General Counsel
Florida Gaming Control Commission
2601 Blair Stone Road, Tallahassee, FL 32399-2202
Attention: Ebonie N. Lanier, Administrative Assistant III
Telephone: (850) 717-1663 Fax: (850) 921-1311
Email: Ebonie.Lanier@fgcc.fl.gov

Ebonie Lanier

From: Marquitta Jones <marquitta2jones@yahoo.com>
Sent: Tuesday, November 14, 2023 10:58 AM
To: Ebonie Lanier
Subject: Re: 3rd Email Attempt - FGCC - Case No. 2023003527
Attachments: 2901-11142023105012.pdf

here is my attached signed papers, thank you for everything. but Im not going further. I lost alot of money in the casino. I will take the ban.

On Monday, November 13, 2023 at 10:39:31 AM EST, Ebonie Lanier <ebonie.lanier@flgaming.gov> wrote:

Good Morning Ms. Jones,

Unfortunately, our agency hasn't properly served the attached Administrative Complaint to the address you provided (12555 Biscayne Blvd., Apt. 702, Miami, Florida 33181). We have also tried to reach you several times via telephone and email and have not received a response yet.

At this time, we will have to move forward with publishing the notice in the (Broward/Miami-Dade) County Newspaper. If you are interested in confirming receipt of the attached Administrative Complaint via email, please respond by 5:00pm (EST), November 14, 2023, if no response is received we will proceed with publishing the case in the local newspaper.

Thanks,

-Ebonie Lanier



Ebonie Lanier

Administrative Assistant III

Office of the General Counsel

Office: (850) 794-8072

Fax: (850) 536-8709

The information contained in this transmission is intended solely for the use of the person(s) named herein. If you are not the intended recipient,

you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the

intended recipient, please contact me by reply e-mail and destroy all copies of the original message.

The State of Florida has a very broad public records law pursuant to Chapter 119, Florida Statutes. Most written communications to and from state officials regarding state business are public records, available to the public and media upon request. Therefore, your e-mail communications may be subject to public disclosure. [LARGER VIEW](#)

From: Ebonie Lanier
Sent: Monday, August 28, 2023 4:38 PM
To: marquitta2jones <marquitta2jones@yahoo.com>
Subject: FW: FGCC - Case No. 2023003527

Good afternoon Ms. Jones,

This is a follow-up email regarding the attached Administrative Complaint and Election of Rights.

Please respond confirming receipt of the attached documents sent on July 28, 2023.

Thanks,

-Ebonie Lanier

From: Ebonie Lanier
Sent: Friday, July 28, 2023 11:47 AM
To: marquitta2jones <marquitta2jones@yahoo.com>
Subject: FGCC - Case No. 2023003527

Good Morning Ms. Jones,

Please see the attached Administrative Complaint and Election of Rights.

We have checked the USPS tracking and it reflects that items are still in transit, so I will have to re-mail it.

Thanks,

-Ebonie Lanier



Ebonie Lanier

Administrative Assistant III

Office of the General Counsel

Florida Gaming Control Commission

Phone: (850) 794-8072

The information contained in this transmission is intended solely for the use of the person(s) named herein. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact me by reply e-mail and destroy all copies of the original message.

The State of Florida has a very broad public records law pursuant to Chapter 119, Florida Statutes. Most written communications to and from state officials regarding state business are public records, available to the public and media upon request. Therefore, your e-mail communications may be subject to public disclosure. [LARGER VIEW](#)

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

v.

FGCC Case No.: 2023-003527

MARQUITTA JONES,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Marquitta Jones (“Respondent”), and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering, slot machines, and cardroom operations pursuant to chapters 550, 551, and 849, Florida Statutes.
2. At all times material hereto, Respondent’s address was reported as 15555 Biscayne Boulevard, Apt. 702 Miami, Florida 33181.
3. At all times material hereto, Calder Casino was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the state of Florida.
4. On or about January 2, 2023, Respondent was a patron of and was ejected from Calder Casino.
5. On or about January 16, 2023, Respondent was permanently excluded from Calder Casino.

6. Respondent was permanently excluded for the reasons alleged in Exhibit 1.
7. Section 550.0251(6), Florida Statutes, provides in relevant part:

In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the commission may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state.

(Emphasis supplied).

8. Section 551.112, Florida Statutes, provides:

In addition to the power to exclude certain persons from any facility of a slot machine licensee in this state, the commission may exclude any person from any facility of a slot machine licensee in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from any facility of a slot machine licensee or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over the gaming in such other state. This section does not abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

(Emphasis supplied).

9. Based on the foregoing, Respondent is subject to exclusion from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the state of Florida under sections 550.0251(6) and 551.112, Florida Statutes based on her ejection from Calder Casino on or about January 16, 2023.

WHEREFORE, Petitioner respectfully requests the Florida Gaming Control Commission enter an Order excluding Respondent from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the state of Florida, along with any other remedy provided by chapters 550 and 551, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for FGCC Case Number 2023-003527 is signed this 17th day of July 2023.

/s/Emily A. Alvarado

Emily A. Alvarado
Deputy Chief Attorney
Florida Bar Number: 1025200
Florida Gaming Control Commission
Office of the General Counsel
Division of Pari-Mutuel Wagering
4070 Esplanade Way
Tallahassee, Florida 32311
Telephone: (850) 794-8066
Facsimile: (850) 921-1311
Primary: Emily.Alvarado@flgaming.gov
Secondary: Ebonie.Lanier@flgaming.gov

NOTICE OF RIGHTS TO REQUEST A HEARING

Pursuant to sections 120.569 and 120.57, Florida Statutes, you have the right to request a hearing to challenge the charges contained in this Administrative Complaint. If you choose to request a hearing, you will have the right to be represented by counsel, or other qualified representative, to present evidence and argument, to call and cross-examine witnesses, and to have subpoenas and subpoenas duces tecum issued on your behalf.

Any request for an administrative proceeding to challenge or contest the charges contained in this Administrative Complaint must conform to rule 28-106.2015, Florida Administrative Code. Pursuant to rule 28-106.111, Florida Administrative Code, you must request a hearing within 21 days from receipt of this Notice, or you will waive your right to request a hearing.

Mediation under section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
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[Complaint Search](#)
 [Change Recording License Type](#)
 [Delete Complaint](#)
 [Mass Activity Update](#)
 [Mass Discipline Update](#)
[Mass Status Update](#)
 [Public Case Info](#)

Domain **10 - Division of Pari-Mutuel Wagering**

Logged in as: **Imuniz**

[VR Home](#)
 [Complaint Search](#)
 [Maintain Complaint](#)

Lic Type 1098 - Unlicensed Complaints	Status 90 Closed	Status Date 02/23/2023
Complaint # 2023003527	Case Type CMP - Complaint	Disposition
Docket#	Respondent JONES, MARQUITTA	Responsible t mith2 SMITH, TYRELL
		Private Case

Complaint	Re pondent	Complainant	Add'l Info
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Source INTN - Internal	Security Level 1	<input type="checkbox"/>	Parties	<input checked="" type="checkbox"/>	Activities
Form INTR - Internal	Priority				
Class'n V-C - Cardroom Violations	Complexity R - Regular	<input checked="" type="checkbox"/>	Allegation	<input type="checkbox"/>	Di cipline
Security STND - Standard	Incident 01/02/2023	<input type="checkbox"/>	Violations	<input type="checkbox"/>	Compliance
Region SR - Southern Region	Received 01/19/2023	<input type="checkbox"/>	Related	<input checked="" type="checkbox"/>	Di po ition
Reference 61D-11.005(4)(a-c)		<input type="checkbox"/>	Inspection		
Entered 01/19/2023	Entered By Imuniz	<input type="checkbox"/>	Co t		
Summary	<p>285-Calder race Course, Inc. ----- / ----- . Prohibitions: On January 4, 2023, this Investigator was informed by Calder Casino Director of Compliance Iliana Velazquez of a cheating incident that occurred on January 2, 2023. Velazquez stated that card room Patron Marquitta Jones was observed adding an additional chip to the table after looking at her cards during a live poker game. This practice is known as Capping, and it is done to enhance a larger payout on the winning hand. Velazquez provided this Investigator with a copy's of the Security and Surveillance Reports and a copy of video footage of the incident was obtained from Calder Surveillance Manager Leonides Martinez.</p>	<input type="checkbox"/>	Time Tracking	<input type="checkbox"/>	Auto Assign
		<input type="checkbox"/>	Attachment	<input type="checkbox"/>	Hi tory
		<input type="checkbox"/>	Work Notes	<input type="checkbox"/>	Print Report
Updated 02/23/2023 15:05:40	By Imuniz				

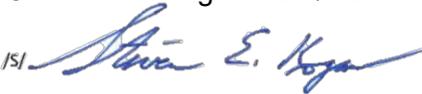
Change	Save	OK	Cancel	Back
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Louis Trombetta, Executive Director

Ron DeSantis, Governor

OFFICE OF INVESTIGATIONS

INVESTIGATIVE REPORT

Office: PMW	Region: SOUTHERN	Date of Complaint: January 19, 2023	Case Number: 2023 00 3527
Respondent: JONES, MARQUITTA 15655 BISCAYNE BLVD MIAMI, FLORIDA 33181		Complainant: DIVISION OF PARI-MUTUEL WAGERING OFFICE OF INVESTIGATIONS 1400 W. COMMERCIAL BLVD. SUITE 165 FT. LAUDERDALE, FLORIDA 33309 TEL (954) 202-3900	
License # and Type: N/A - 1098	Profession: Patron	Report Date: February 14, 2023	
Period of Investigation: January 4, 2023 through February 14, 2023		Type of Report: Final	
<p>Alleged Violation: 61D-11.005 Prohibitions.</p> <p>(4) No person shall, either directly or indirectly:</p> <p>(a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator.</p> <p>(b) Engage in any act, practice, or course of operation that would constitute a fraud or deceit upon any participant in a game or the cardroom operator.</p> <p>(c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.</p>			
<p>Synopsis: On January 3, 2023, this Investigator received an email notification from Calder Casino Director of Compliance Iliana Velazquez of a cheating incident that occurred on January 2, 2023. Velazquez stated that card room Patron Marquitta JONES was observed adding additional chips to the table after looking at her cards during a live poker game. This practice is known as Capping, and it is done to enhance a larger payout on the winning hand. Velazquez provided this Investigator with copy's of the Security and Surveillance Reports, and a copy of video footage of the incident was obtained from Calder Surveillance Manager Leonides Martinez. (EXHIBIT #1)</p> <p>After a review of the reports and video footage of the incident, an Open Case Request was submitted to Investigations Supervisor Julio Minaya for review and approval. (EXHIBIT #2)</p>			
Related Case(s): 2023 01 0281			
Investigator / Date: February 14, 2023  Tyrell Smith /		Investigator Supervisor / Date  Julio Minaya / February 23, 2023	
Chief of Investigations / Date  Steven E. Kogan / February 23, 2023			

CONTINUATION

On January 4, 2023, this Investigator spoke to Calder's Director of Regulatory Compliance Iliana Velazquez about this matter. Without going into specifics, Velazquez stated that the facility was conducting an Internal Investigation of the incident because an employee of the facility may have alerted **JONES** that she was being watched. Velazquez also said that she would update me on the progress of their investigation when information is obtained.

On January 17, 2023, Velazquez informed me that the facility had concluded its investigation with the following results;

According to Velasquez Poker Dealer ██████████ (LIC#12836394) was terminated by management based on their internal findings. They found that Juman colluded with **JONES** when she sent **JONES** text messages informing her that she was being watched by Surveillance. When questioned by management, ██████████ admitted to informing **JONES** that she was under observation by surveillance. ██████████ was terminated effective January 13, 2023, and was permanently excluded from the facility. The above was documented in Calder Surveillance Report 2023-01-00010. **(EXHIBIT #2)**

Further investigation into the facts and a review of surveillance footage shows that on January 2, 2023, at approximately 5:53 P.M., **JONES** was seated at Poker Table #3, in seat #1. She is observed placing her bet and receives two (2) cards from the dealer. She picks up the cards that she was dealt from the table, looks at them, and then slams them down on the right side of the table. She is then observed holding red chips in her left hand but then switches them to her right hand and is seen placing one red five dollar (\$5) chip on the Play Bet and one red five dollar (\$5) chip on the Ultimate Trips Bet on the table. She then pushes her cards towards the dealer and is seen covering her mouth and laughing. The game continues and **JONES** is paid for her bets.

At 6:11 P.M., **JONES** was observed sitting at Table #3 when she was approached by Cardroom Supervisor ██████████ and Security Supervisor ██████████ and engaged in conversation. After several minutes **JONES** is escorted from the cardroom by ██████████ and to the North entrance doors where she is allowed to leave the facility without further incident. **(EXHIBIT #2)**

According to the report after being confronted about the incident **JONES** admitted to cheating and paid back the seventy-five dollars that she was paid on her bets. **(EXHIBIT #2)**

On January 16, 2023, management permanently excluded **JONES** from the facility for cheating. **(EXHIBIT #5)**

On January 24, 2023, this Investigator interviewed Calder Cardroom Supervisor ██████████ in regards to this incident. Richard stated that on the day of the incident he was informed by Designated Player Banker ██████████ that he had observed **JONES** cheating while playing a live poker game at Poker Table #3. ██████████ then requested a Surveillance review of the table and confirmed that **JONES** had cheated by capping her bets during a live poker game. He contacted Security Supervisor ██████████ and they made contact with **JONES** at Table #3. They confronted **JONES** about the incident and ██████████ advised **JONES** that she was being permanently excluded from the facility based on her actions. She was then advised to leave the facility and left without further incident.

Case 2023 01 0281 was opened against Poker Dealer ██████████.

Case closed by Investigations and forwarded to Legal for possible Statewide exclusion from all Pari-Mutuel facilities.

CONTINUATION

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3. Calder Security Incident Report # 2023-01-00013 1-5

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5. Copy of **JONES** Exclusion notification 1-1

6. Notification of Dealer [REDACTED] termination..... 1-1

7. Versa dealer licensee printout 1-1

8. Versa Card room Supervisor licensee printout 1-1

9. Property Receipt 1-1

Smith, Tyrell

From: Iliana Velazquez <Iliana.Velazquez@caldercasino.com>
Sent: Tuesday, January 3, 2023 3:13 PM
To: Smith, Tyrell
Cc: Richard Sukhu; Iliana Velazquez
Subject: Cheating Cardroom Patron Marquitta Jones- Date of Incident 01/2/23
Attachments: Jones, Marquitta.jpg

Importance: High

[NOTICE] This message comes from a system outside of DBPR. Please exercise caution when clicking on links and/or providing sensitive information. If you have concerns, please contact your Knowledge Champion or the DBPR Helpdesk.

Hi Tyrell,

Good Afternoon and Happy New Year!!

Please be advised of the following cheating incident that took place in the cardroom on 1/2/23.

Patron Marquitta Jones was observed illegally placing a bet on Table # 3/ Seat # 1 at approximately 17:53.

Surveillance footage confirms that Ms. Jones took a look at her dealt cards prior to placing her wager, which constitutes cheating. Swift action took place by our leadership team to confront Ms. Jones of her observed actions in which she owned up to cheating on that specific hand that awarded her \$75.00. After paying back the \$75.00 Ms. Jones was asked to leave the property and was advised that she has been issued an indefinite ejection from our property. I would like to note that it was discovered that this patron is a current poker dealer employed by the Hard Rock Casino.

In addition, our leadership team was informed of the possibility that one of our cardroom front line team members might have tipped off Ms. Jones, that her actions were going to be reviewed. As it pertains to the possibility of one of our team members being associated with this cheating incident, it has now been turned over to our Senior Director of HR and Senior Director of Operations, which oversees our cardroom personnel.

I can confirm an internal investigation has started and we are currently compiling all related information in order to make a final decision of course of action towards the team member.

I can assure you, once our President & GM has come up with a final decision, we will update you as soon as possible.

In the interim, can you advise us if you have been faced with a similar issue at another facility, if so are you able to describe the course of action that took place (without identifying any unique details that would identify any one property specifically)?

Patron: Marquitta Jones

DOB: [REDACTED]

DL # [REDACTED]

We were not able to obtain a copy of her ID, but a picture is attached for reference, please let me know if you need anything prior to us reaching back out to you detailing our course of action.

Thank you



ILIANA VELAZQUEZ

Director of Compliance

21001 NW 27th Avenue | Miami Gardens, FL 33056

Office: (305) 625-1311 ext: 5690

Iliana.Velazquez@CalderCasino.com



This Churchill Downs Incorporated communication (including any attachments) is for the use of the intended recipient(s) only and may contain information that is confidential, privileged or legally protected. Any unauthorized use or dissemination of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by return e-mail message and delete all copies of the original communication. Thank you for your cooperation.

Calder Casino & Race Course

21001 NW 27th Avenue
Miami Gardens, Florida United States
33056

Incident Report

Incident Number: SURV-2023-01-00010

Class/Category: Criminal/Cheating

Occurred From Date/Time: 1/2/2023 5:53 PM

Status: Open



CALDER CASINO & RACE COURSE

A Caesars Entertainment Company

EXHIBIT # - 2
PAGE # - 1

Incident Number: SURV-2023-01-00010

Class/Category: Criminal/Cheating

Status: Open

Incident Details

Incident Details

Incident Number: SURV-2023-01-00010

Classification

Class: Criminal

Category: Cheating

Reported Date/Time: 1/2/2023 7:50 PM

Occurred From Date/Time: 1/2/2023 5:53 PM

Business Unit

Business Unit: Gaming

Department: Table Game

Summary:

On January 2, 2023 at approximately 18:00 hours, Card Room Supervisor [REDACTED] requested to review footage of guest Marquitta Jones who was suspected of cheating several minutes prior at Table #3.

Physical Location

Site: Casino

Building: Front of House

Location: Poker Room

Supplemental Details

Reported to Police: No

Incident Involvement Section

Linked Person

Total = 4

Owner Workgroup:
Surveillance

Access Level:
Level 2

Local Print Date/Time:
1/17/2023 2:23 PM

Page 1 of 6

EXHIBIT # -2
PAGE # -2

Incident Number: SURV-2023-01-00010

Class/Category: Criminal/Cheating

Status: Open

JONES, Marquitta

Involvement Type:

Suspect



Date of Birth:

Gender:

Hair Color:

Eye Color:

Height: 00' 00"

Weight: 0lbs

Marital Status:

Employee?: No

Interviewed?: No

Linked To Person: Jones, Marquitta

Phone Number:

Address:

First Aid Administered?: No

Person Hospitalized?: Yes

Injured: No

Notes:



Involvement Type:

Suspect



Date of Birth:

Gender: Female

Hair Color: Black

Eye Color: Brown

Height: 5' 6"

Weight: 0lbs

Marital Status:

Employee?: No

Interviewed?: No

Linked To Person: [Redacted]

Phone Number:

Address:

First Aid Administered?: No

Person Hospitalized?: No

Injured: No

Notes:

Incident Number: SURV-2023-01-00010

Class/Category: Criminal/Cheating

Status: Open



Involvement Type:

Witness



Date of Birth:

Phone Number:

Gender:

Address:

Hair Color:

Eye Color:

Height: 00' 00"

Weight: 0lbs

First Aid Administered?: No

Marital Status:

Person Hospitalized?: No

Employee?: Yes

Injured: No

Interviewed?: No

Notes:

Linked To Person: [Redacted]



Involvement Type:

Reporting Party



Date of Birth:

Phone Number:

Gender:

Address:

Hair Color:

Eye Color:

Height: 00' 00"

Weight: 0lbs

First Aid Administered?: No

Marital Status:

Person Hospitalized?: No

Employee?: Yes

Injured: No

Interviewed?: No

Notes:

Linked To Person: [Redacted]

Incident Number: SURV-2023-01-00010

Class/Category: Criminal/Cheating

Status: Open

Incident Narratives

Incident Narratives

Total = 2

AUTHOR: 39, Surv Narrative Type: Original Narrative

Created By Date/Time 1/2/2023 8:38 PM Sealed No

Narrative:

Origin of Call: On January 2, 2023 at approximately 18:00 hours, Card Room Supervisor [REDACTED] requested to review footage of guest Marquitta Jones who was suspected of cheating several minutes prior at Table #3.

Video Coverage: Upon review, at approximately 17:53 hours, guest Marquitta Jones is observed being handed her cards. After looking at her cards, Ms. Jones looked noticeably upset at the hand she was dealt, and is then observed illegally adding a bet to her play. Ms. Jones can be seen trying to play off her actions with Designated Player [REDACTED] witnessing her attempts.

After conducting a review with both Card Room Supervisor [REDACTED] and Security Shift Supervisor [REDACTED] and confirming Ms. Jones' actions, [REDACTED] approached Ms. Jones at Table #3. Security Shift Supervisor [REDACTED] escorted Ms. Jones out through the North entrance.

Information Supplied: According to Card Room Supervisor [REDACTED] Ms. Jones had been paid out \$75.00 for that hand and paid it back once she was confronted by him and Security Shift Supervisor [REDACTED]

Per the President of Calder Casino, [REDACTED] At this time, the guest will not be permanently excluded...only an indefinite ejection.

Person's Involved:

Reporting Party - Card Room Supervisor [REDACTED]
Witness - Security Shift Supervisor [REDACTED]
Suspect - Marquitta Jones

Incident Number: SURV-2023-01-00010

Class/Category: Criminal/Cheating

Status: Open

AUTHOR: 16, Surv Narrative Type: Follow-up

Created By Date/Time 1/13/2023 5:52 PM Sealed No

Narrative:

On January 13, 2023 Surveillance was notified by President & General Manager [REDACTED] via email, upon interviewing Team Member [REDACTED] she admitted to notifying guest Marquitta Jones of being under observation by Surveillance. Guest Marquitta Jones has been issued a permanent ejection from Calder Casino. At 17:24 hours Card Room dealer [REDACTED] was escorted by Senior Director of Operations [REDACTED] to the back of the house Security Shift Manager office from the card room. Senior Director of Human Resources [REDACTED] and Security Director [REDACTED] were present for the termination of Card Room dealer [REDACTED] Card Room dealer [REDACTED] was then escorted to the Team Member restroom to gather her belongings at 17:38 hours, and was then escorted out the Team Member Entrance at 17:42 hours. At 17:47 hours [REDACTED] departed out the North exit towards the Stadium hotel.

Incident Controls

Incident Controls

<u>Org Rollup Name</u>	Access Level:	Level 2
Org Level 1:	Status:	Open
Org Level 2:		
Org Level 3:		
Org Level 4:	Locked:	No
	Archive (record not visible):	No
	Record Owner:	39, Surv

Incident Visibility

Owner Workgroup: Surveillance	<u>Exceptions:</u>	Workgroup Name	Record Rights
All Workgroups: None			

Owner Workgroup: Surveillance Access Level: Level 2 Local Print Date/Time: 1/17/2023 2:23 PM

Incident Number: SURV-2023-01-00010

Class/Category: Criminal/Cheating

Status: Open



Incident Record Created By ashley.kalisch, 1/3/2023 1:06 AM GMT

Last Modified By michael.urena, 1/14/2023 12:04 AM GMT

Owner Workgroup:
Surveillance

Access Level:
Level 2

Local Print Date/Time:
1/17/2023 2:23 PM

Page 6 of 6

EXHIBIT # - 2
PAGE # - 7

Calder Casino & Race Course

21001 NW 27th Avenue
Miami Gardens, Florida United States
33056

Incident Report

Incident Number: SEC-2023-01-00013

Class/Category: Criminal/Cheating

Occurred From Date/Time: 1/2/2023 6:15 PM

Status: Open



EXHIBIT # - 3
PAGE # - 1

Incident Number: SEC-2023-01-00013

Class/Category: Criminal/Cheating

Status: Open

Incident Details

Incident Details

Incident Number: SEC-2023-01-00013

Classification

Class: Criminal

Category: Cheating

Reported Date/Time: 1/2/2023 8:47 PM

Occurred From Date/Time: 1/2/2023 6:15 PM

Business Unit

Business Unit: Gaming

Summary:

On January 2, 2023 at approximately 1815hours, Security Shift Supervisor [REDACTED] was called to assist in a review with Card Room Supervisor [REDACTED] in Surveillance on guest Marquitta Jones, who was suspected of cheating by illegally adding a bet during game play.

Physical Location

Site: Casino

Building: Front of House

Location: Poker Room

Supplemental Details

Reported to Police: No

Owner Workgroup:
Security

Access Level:
Level 2

Local Print Date/Time:
1/3/2023 2:04 PM

Page 1 of 4

EXHIBIT # -3
PAGE # -2

Incident Number: SEC-2023-01-00013

Class/Category: Criminal/Cheating

Status: Open

Incident Involvement Section

Linked Person

Total = 1

JONES, Marquitta

Involvement Type:

Suspect



Date of Birth:

Gender:

Black Female

Hair Color:

Eye Color:

Height:

00' 00"

Weight:

0lbs

Marital Status:

Employee?:

No

Interviewed?:

Yes

Linked To Person:

Jones, Marquitta

Phone Number:



Address:

First Aid
Administered?:

No

Person
Hospitalized?:

No

Injured:

No

Notes:

Incident Number: SEC-2023-01-00013

Class/Category: Criminal/Cheating

Status: Open

Incident Narratives

Incident Narratives

Total = 1

AUTHOR: [REDACTED] Narrative Type: *Original Narrative*

Created By Date/Time 1/3/2023 2:04 PM Sealed No

Narrative:

Origin of Call: On January 2, 2023 at approximately 1815hours, Security Shift Supervisor [REDACTED] was called to assist in a review with Card Room Supervisor [REDACTED] in Surveillance on guest Marquitta Jones, who was suspected of cheating by illegally adding a bet during game play.

Interview: [REDACTED] confirmed that Ms. Jones' action did reveal that she had cheated and at this time [REDACTED] followed [REDACTED] to the card room in order to perform an ejection after all necessary funds were collected.

Action Taken: Surveillance was notified and performed a review with Card Room Supervisor that was useful in the generation of this report. [REDACTED] approached Ms. Jones with [REDACTED] to inform her of her actions and that she owed the return of the ill-gotten gains and was also being asked to leave property until such time as she was invited to return by the Director of Security [REDACTED]

Attachments: None

Owner Workgroup:
Security

Access Level:
Level 2

Local Print Date/Time:
1/3/2023 2:04 PM

Page 3 of 4

EXHIBIT # -3
PAGE # -4

Incident Number: SEC-2023-01-00013

Class/Category: Criminal/Cheating

Status: Open

Incident Controls

Incident Controls

Org Rollup Name

Org Level 1:

Org Level 2:

Org Level 3:

Org Level 4:

Access Level: Level 2

Status: Open

Locked: No

Archive (record not visible): No

Record Owner: Milam, Jason

Incident Visibility

Owner Workgroup: Security

All Workgroups: None

Exceptions: Workgroup Name Record Rights



Incident Record Created By jason.milam, 1/3/2023 1:48 AM GMT

Last Modified By jason.milam, 1/3/2023 7:04 PM GMT

Owner Workgroup:
Security

Access Level:
Level 2

Local Print Date/Time:
1/3/2023 2:04 PM

Page 4 of 4

EXHIBIT # -3
PAGE # -5

Smith, Tyrell

From: Melissa Brooks <Melissa.Brooks@caldercasino.com>
Sent: Tuesday, January 24, 2023 9:36 AM
To: Calder_Security; Favio Munoz; Michael Urena; Leonides Martinez; Jerome Davis; CALDERCASHOPS; Calder_RevenueAudit; Crystal Watkins; Juan Castaneda; Melissa Espinar; Joshua Martinez; Bret Spencer; Ralph Brandt; Scott Burnett; Kevin Alvarez; Kristopher Richard; Soniliz Espina; Erick Sanchez; Sean Noel; Nancy-Jane Carr; Tanja Dietz; Ryan Mignagaray
Cc: Richard Sukhu; Iliana Velazquez; Martha Torres; Miller, Kit; Polanco, Pedro; Smith, Tyrell; Suau, Raul; Tanja Dietz; Chen, Dennis
Subject: Exclusions-Evictions List W.E. 01-22-2023
Attachments: Updated Exclusions-Evictions List 01-22-2023.xlsx

[NOTICE] This message comes from a system outside of DBPR. Please exercise caution when clicking on links and/or providing sensitive information. If you have concerns, please contact your Knowledge Champion or the DBPR Helpdesk.

Good Morning,

Attached is our Exclusion/Eviction List for the week ending 01-22-2023.

Updates for W.E. 01-22-2023
Self-Exclusions: 3 – Updated in SPM & FT



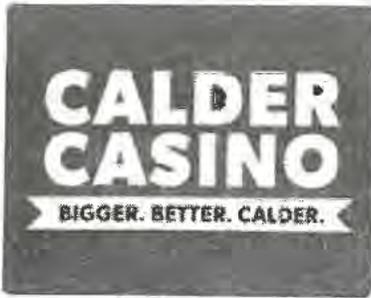
Underage: None
Card Room: 1 – Updated in SPM & FT

1/16/2023	Calder	Jones	Marquitta		15655 Biscayne Blvd	Miami	FL	33181	F
-----------	--------	-------	-----------	--	---------------------	-------	----	-------	---

Lifetime: None (State List checked on 01/24)
Reinstatements: None
Employee: None

Thank you,
Melissa

This Churchill Downs Incorporated communication (including any attachments) is for the use of the intended recipient(s) only and may contain information that is confidential, privileged or legally protected. Any unauthorized use or dissemination of this communication is strictly prohibited. If you have received this



MELISSA BROOKS

Risk & Communications Manager

21001 NW 27th Avenue | Miami Gardens, FL 33056

Office: (305) 625-1311 ext 3285

Melissa.Brooks@CalderCasino.com



communication in error, please immediately notify the sender by return e-mail message and delete all copies of the original communication. Thank you for your cooperation.

January 16, 2023

Marquitta Jones
15655 Biscayne Blvd
Miami, FL 33181

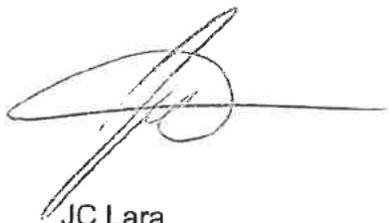
Dear Ms. Jones

Due to conduct that is not acceptable at Calder Casino, you are not permitted to attend or be present on our facilities.

Effective January 16th, 2023, all of your gaming, wagering, and visitation privileges will be revoked.

Should you have any questions in regards to this notice, please feel free to contact me at
(305) 625-1311, extension 1107.

Respectfully,



JC Lara
Director of Security

EXHIBIT # -5
PAGE # -1

Smith, Tyrell

From: Iliana Velazquez <Iliana.Velazquez@caldercasino.com>
Sent: Monday, January 23, 2023 1:54 PM
To: Smith, Tyrell
Cc: Richard Sukhu; Iliana Velazquez
Subject: RE: Cheating Cardroom Patron Marquitta Jones- Date of Incident 01/2/23

[NOTICE] This message comes from a system outside of DBPR. Please exercise caution when clicking on links and/or providing sensitive information. If you have concerns, please contact your Knowledge Champion or the DBPR Helpdesk.

Hi Tyrell,

Per our conversation, Cardroom Dealer/Team Member [REDACTED] had her employment terminated on 1/13/23.

Please let me know if you need anything else.

Thank you



ILIANA VELAZQUEZ
Director of Compliance
21001 NW 27th Avenue | Miami Gardens, FL 33056
Office: (305) 625-1311 ext: 5690
Iliana.Velazquez@CalderCasino.com

From: Iliana Velazquez <Iliana.Velazquez@caldercasino.com>
Sent: Wednesday, January 18, 2023 11:22 AM
To: Smith, Tyrell <Tyrell.Smith@fgcc.fl.gov>
Cc: Richard Sukhu <Richard.Sukhu@caldercasino.com>; Iliana Velazquez <Iliana.Velazquez@caldercasino.com>
Subject: RE: Cheating Cardroom Patron Marquitta Jones- Date of Incident 01/2/23

Hi Tyrell,

EXHIBIT # 6
PAGE # 1

VR Home | Inbox | Entity | Application | License | Cash | Exam | Inspection | Enforcement | Report

License Search | Entity Search | Modify License Standing | Maintain License CE Control

Domain 10 - Division of Pari-Mutuel Wagering

Logged in as: tsmith2

VR Home > License Search > License Home

License

Fed Tax # [REDACTED] Lic Type 1055 - Slot/Cardroom/Pari-Mutuel Indiv Combo Expires On 06/30/2024
 File # 8999 Name Juman, Ameera Shameena Extended To
 License # 12836394 Rank SCPL - Slot/Cardroom/Pari-Mutuel Indiv Combo Renewed On
 Entity # 12836394 Lic Status Current

Licensee

History

Notes

Notes History

Back

Address

Street # 275 Street NE 162 STREET
 Line 2
 Line 3
 City NORTH MIAMI BEACH State FL Zip 33162
 Routing

Other

1st License Date 06/24/2021 Rank Date 07/01/2021 Certificate #
 Method I-S-1017 Status Date 07/01/2021 Certificate Date
 Fee Exempt No Birth Date [REDACTED] Renewal Sent

Select

Action  

Modifiers

Type	Modifier	Effective Date	Additional Info
C	DEAL - Dealer	06/24/2021	
F	LIVE - Live Scan Fee Exemption	06/24/2021	
I	JLAI - Jai-Alai	06/24/2021	
L	325 - Calder Race Crs	06/24/2021	
Y	3YR - 3 Year License	06/24/2021	

 Get Adobe Reader.

FAQ | Help | Sign Out

VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
---------	-------	--------	-------------	---------	------	------	------------	-------------	--------

License Search	Entity Search	Modify License Standing	Maintain License CE Control
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Domain 10 - Division of Pari-Mutuel Wagering

Logged in as: tsmith2

VR Home > License Search > License Home

License

1055 -
 Slot/Cardroom/Pari-
 Mutuel Indiv
 Combo

Fed Tax # [REDACTED] Lic Type Expires On 06/30/2024

File # 9628 Name K [REDACTED] Extended To
 G [REDACTED]

License # 13033432 Rank SCPL -
 Slot/Cardroom/Pari-
 Mutuel Indiv Renewed On
 Combo

Entity # 13033432 Lic Status Current

- [Licensee](#)
- [History](#)
- [Notes](#)
- [Notes History](#)
- [Back](#)

Address

Street # 5231 Street SW 133RD AVE

Line 2

Line 3

City MIRAMAR State FL Zip 33027

Routing

Other

1st License Date 12/14/2021 Rank Date 12/20/2021 Certificate #
 Method I-S-1017 Status Date 12/20/2021 Certificate Date
 Fee Exempt No Birth Date [REDACTED] Renewal Sent

Select

Action 

Modifiers

Type	Modifier	Effective Date	Additional Info
C	DEAL - Dealer	12/14/2021	
F	LIVE - Live Scan Fee Exemption	12/14/2021	
I	JLAI - Jai-Alai	12/14/2021	
L	325 - Calder Race Crs	12/14/2021	
Y	3YR - 3 Year License	12/14/2021	

Get Adobe Reader

EXHIBIT # -8
PAGE # -1



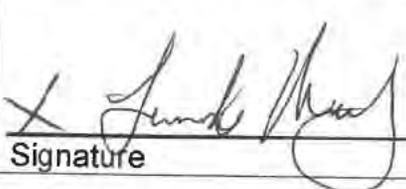
**Florida Gaming Control Commission
Division of Pari-Mutuel Wagering
Office of Investigations**

PROPERTY RECEIPT

Complaint # 2023-00-3527 Date 1/4/23 Lab # _____

Item No.	Quantity	Description
1	1	DVD OF PATRON: MARQUETTA JONES CHEATING

I hereby acknowledge that the above list represents all property taken from my possession and that I have received a copy of this receipt.



Signature

I hereby acknowledge that the above list represents all property impounded by me in the official performance of duty as Investigator for the Division of Pari-Mutuel Wagering.



Signature - Impounding Investigator

RETURNED PROPERTY RECEIPT

I hereby acknowledge the return to me, by the Division of Pari-Mutuel Wagering, the above listed property.

.....
Signature _____ Date _____
.....

Received by: _____ Date: _____
Received by: _____ Date: _____
Received by: _____ Date: _____

Copies for: File, Transmittal, Laboratory, Property Receipt

EXHIBIT # - 9
PAGE # - 1

VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
---------	-------	--------	-------------	---------	------	------	------------	-------------	--------

[Complaint Search](#) |
 [Change Recording License Type](#) |
 [Delete Complaint](#) |
 [Mass Activity Update](#) |
 [Mass Discipline Update](#) |
 [Mass Status Update](#) |
 [Public Case Info](#)

Domain 10 - Division of Pari-Mutuel Wagering

Logged in as: Imuniz

[VR Home](#) |
 [Complaint Search](#) |
 [Maintain Complaint](#)

Lic Type	1098 - Unlicensed Complaints	Status	20 Under Investigation	Status Date	01/19/2023
Complaint #	2023003527	Case Type	CMP Complaint	Disposition	
Docket#		Respondent	JONES, MARQUITTA	Responsible	tsmith2 - SMITH, TYRELL
					Private Case

Complaint	Respondent	Complainant	Add'l Info
-----------	------------	-------------	------------

Source	INTN - Internal	Security Level	1	<input type="checkbox"/>	Partie	<input checked="" type="checkbox"/>	Activitie
Form	INTR - Internal	Priority		<input checked="" type="checkbox"/>	Allegations	<input type="checkbox"/>	Discipline
Class'n	V-C - Cardroom Violations	Complexity	R Regular	<input type="checkbox"/>	Violation	<input type="checkbox"/>	Compliance
Security	STND - Standard	Incident	01/02/2023	<input type="checkbox"/>	Related	<input checked="" type="checkbox"/>	Disposition
Region	SR - Southern Region	Received	01/19/2023	<input type="checkbox"/>	Inspection		
Reference	61D-11.005(4)(a-c)			<input type="checkbox"/>	Costs		
Entered	01/19/2023	Entered By	Imuniz	<input type="checkbox"/>	Time Tracking		Auto Assign
Summary	<p>285-Calder race Course, Inc. ----- / ----- . Prohibitions: On January 4, 2023, this Investigator was informed by Calder Casino Director of Compliance Iliana Velazquez of a cheating incident that occurred on January 2, 2023. Velazquez stated that card room Patron Marquitta Jones was observed adding an additional chip to the table after looking at her cards during a live poker game. This practice is known as Capping, and it is done to enhance a larger payout on the winning hand. Velazquez provided this Investigator with a copy's of the Security and Surveillance Reports and a copy of video footage of the incident was obtained from Calder Surveillance Manager [REDACTED]</p>			<input type="checkbox"/>	Attachments		History
Updated	01/19/2023 13:44:33	By	Imuniz	<input type="checkbox"/>	Work Note		Print Report

Change	Save	OK	Cancel	Back
------------------------	----------------------	--------------------	------------------------	----------------------



STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING

OPEN CASE REQUEST

(OTHER THAN THOSE SPECIFIED IN SECTION 120.80(4)(a), F.S.)

INCIDENT DATE: January 2, 2023

PMW Cardroom Slot

Violation Incident Complaint

FACILITY NAME: Calder Race Course, Inc. (Calder Casino) LIC #: 285

RESPONDENT

NAME: Marquitta Jones		
Address: 15655 Biscayne Blvd, Miami, Florida 33181		Tel
LIC #: N/A	LIC TYPE: 1098	OCCUPATION: Patron

COMPLAINANT

NAME: Calder Race Course, Inc. (Calder Casino)		Tel #:
Address: 21001 NW 27 th Ave Miami Gardens, Florida 33056		
LIC #: 285	LIC TYPE: 1002	OCCUPATION: Permit Holder

VIOLATION(S) / TITLE(S): 61D-11.005 Prohibitions.

(4) No person shall, either directly or indirectly:

- (a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator.
- (b) Engage in any act, practice, or course of operation that would constitute a fraud or deceit upon any participant in a game or the cardroom operator.
- (c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.

DESCRIPTION: On January 4, 2023, this Investigator was informed by Calder Casino Director of Compliance Iliana Velazquez of a cheating incident that occurred on January 2, 2023. Velazquez stated that card room Patron Marquitta Jones was observed adding an additional chip to the table after looking at her cards during a live poker game. This practice is known as Capping, and it is done to enhance a larger payout on the winning hand. Velazquez provided this Investigator with a copy's of the Security and Surveillance Reports and a copy of video footage of the incident was obtained from Calder Surveillance Manager [REDACTED]

CASE DETAILS FILED BY:

Chief Inspector Judge/Steward Investigator Other: _____
(Title of State Employee)

T. D. S.
(Print Name)

[Signature]
(Signature)

January 18, 2023
(Date)

Muniz, Luz

From: Minaya, Julio
Sent: Thursday, January 19, 2023 11:29 AM
To: Muniz, Luz
Cc: Smith, Tyrell; Kogan, Steven
Subject: OCR
Attachments: OCR- CALDER- MARQUITTA JONES (CAPPING)-01-02-2023.docx

Luz,

Please open and assign to Tyrell.

Thanks



Julio Minaya
Investigative Supervisor
Florida Gaming Control Commission
Division of Pari-Mutuel Wagering
Office of Investigations
1400 West Commercial Boulevard, Suite 165
Ft. Lauderdale, Florida 33309
Office: 954-202-6844 / Fax: 954.202.3930

U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER

9414 7118 9956 2641 9702 32

RETURN RECEIPT TRACKING NUMBER

9490 9118 9956 2641 9702 74

FEEES

Postage per piece	\$2.070
Certified Fee	\$4.350
Return Receipt Fee	\$3.550
Total Postage & Fees:	\$9.970

12/15/23

ARTICLE ADDRESS TO:

NOH - 2023003527 - PMW
Marquitta Jones
12555 Biscayne Blvd Pmb 702
North Miami FL 33181-2522

Postmark
Here

Tracking Number:

Remove X

9414711899562641970232

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 12:46 pm on December 26, 2023 in MIAMI, FL 33181.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivered

Delivered, Left with Individual

MIAMI, FL 33181

December 26, 2023, 12:46 pm

[See All Tracking History](#)

Feedback

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus[®]



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

5. Discussion of final order pursuant to request from respondent

MEMORANDUM

To: The Florida Gaming Control Commission
From: Division of Pari-Mutuel Wagering
Through: Joseph Klein, Senior Attorney
Re: FGCC v. ARSENIO CUE
Case No. 2023-040862; Final Order
Date: March 8, 2024

Executive Summary

The Division of Pari-Mutuel Wagering (the “Division”) seeks the permanent exclusion of the Respondent, Arsenio Cue (“Respondent”), from all pari-mutuel and slot facilities in the state of Florida.

The Division served Respondent with an Administrative Complaint and an Election of Rights form. Respondent returned an executed Election of Rights form indicating that he does not dispute the allegations of material fact in the Administrative Complaint and waives his right to any form of hearing. He further requests that a Final Order be entered in this case.

Therefore, the Division recommends that the Florida Gaming Control Commission enter a Final Order excluding Respondent from all pari-mutuel and slot facilities in the state of Florida.

Background

On June 12, 2023, Respondent was a patron of Hialeah Park Racing & Casino (“Hialeah Park”)¹. Respondent was observed taking unclaimed cash vouchers from slot machines. After receiving several warnings, Respondent was ejected from the facility.

Based on his ejection and exclusion from Hialeah Park, on January 10, 2024, the Division filed an Administrative Complaint seeking Respondent’s exclusion from all parimutuel and slot facilities in the state of Florida.

On January 24, 2024, the Division received Respondent’s executed Election of Rights form. Respondent did not dispute the allegations set forth in the Administrative Complaint. In addition, he waived his right to any form of hearing and requested that the Commission enter a Final Order in the matter.

¹ Hialeah Park is operated by a pari-mutuel wagering permit holder that also possesses a slot machine and cardroom license.

Analysis

Florida law allows for the exclusion of Respondent from all pari-mutuel and slot machine facilities in this state. Section 550.0251(6), Florida Statutes, provides that “[t]he Commission may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state.” In similar fashion, section 551.112 provides that “[t]he Commission may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state.”

Therefore, Respondent’s ejection from Hialeah Park – which is both a pari-mutuel facility and slot machine licensee in this state – subjects him to exclusion from *all* pari-mutuel and slot machine facilities in this state.

Staff Recommendation: The Division recommends that the Florida Gaming Control Commission enter a Final Order permanently excluding Arsenio Cue from all pari-mutuel and slot machine facilities in this state.

Date: 1/23/2024
File Number: _____

BY: MELBA L. APELLANIZ
CLERK OF THE COMMISSION

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

ELECTION OF RIGHTS

FGCC v. CUE, ARSENI0

CASE NO.: 2023-040862

PLEASE CHECK ONLY ONE OF THE THREE OPTIONS.

Option (1) I do not dispute the allegations of material fact in the Administrative Complaint. I wish to submit oral and written evidence in mitigation at a hearing pursuant to Section 120.57(2), Florida Statutes ("informal hearing") and that this oral and written evidence be considered before any penalty and fines are imposed.

Option (2) I do dispute the allegations of material fact in the Administrative Complaint. This is a petition for a hearing involving disputed material facts pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, ("formal hearing") before an Administrative Law Judge of the Division of Administrative Hearings. I specifically dispute the following paragraphs in the Administrative Complaint (attach extra pages or write on the back if needed):

In addition to the above election for formal hearing, if you wish to enter into settlement negotiations, check the box below:

Section 120.569(2)(a), Florida Statutes, requires the Department to send this case to the Division of Administrative Hearings (DOAH) for a formal hearing within 15 days after receiving your Election of Rights. I am interested in settling this case and waive the 15-day requirement in order to enter into settlement negotiations with the Department.

Option (3) I do not dispute the allegations of material fact in the Administrative Complaint and waive my right to any form of hearing. I request that a Final Order imposing a penalty and fines be entered in this case. The Final Order will be placed on the next available Florida Gaming Control Commission Meeting. Respondent is not required to attend, but may check the Florida Gaming Control Commission website at www.fgcc.fl.gov for the meeting materials, agenda, and contact information.

THIS IS A LEGALLY BINDING DOCUMENT. SEEK LEGAL ADVICE BEFORE SIGNING IF YOU DO NOT FULLY UNDERSTAND THE TERMS.

Arsenio Cye
PRINTED NAME
6680 W 2nd Court Apt. 405
Street Address
Hialeah Fl. 33012
City State Zip
305 305 2470
Telephone Number Facsimile Number (if any)
arseniocye@bellsouth.net
E-mail
Cye
SIGNATURE

ATTORNEY OR QUALIFIED REPRESENTATIVE

Street Address (where service shall be made)

City State Zip

Telephone Number Facsimile Number (if any)

E-mail

THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE COMMISSION WITHIN 21 DAYS AND SENT TO:

Office of the General Counsel
Florida Gaming Control Commission
4070 Esplanade Way, Suite 250, Tallahassee, FL 32399
Attention: Ebonie N. Lanier, Administrative Assistant III
Telephone: (850) 794-8072 Fax: (850) 563-8709
Email: Ebonie.Lanier@flgaming.gov

January 23, 2024

To whom It may concern,

I am writing this note on behalf of my father Arsenio Cue in regards to Case No.: 2023-040862. I would like to start by saying that my father is 86 years old. He has loved gambling since very young. At the age of 86, he found gambling as his only way to distract his mind and spend some time away from home with his wife. He managed his addiction fairly well. He understood when to back off. Therefore, his children supported him by helping him with a few dollars so that he could spend some time at the facility.

His mistake was to find out that some people would leave tickets with a few cents at the machine and thought it was okay to use them for his purpose, unaware that the ticket was property of the casino. He acknowledged that he was contacted several times and warned to stop collecting the disregard tickets, but he continued with the sole purpose of fueling his addiction and to remain at the facility a little longer. He definitely understands the consequences of his actions and hates to see himself in this predicament.

I ask that the Commission be benevolent with him and do not impose any other penalties other than ban him from all Casinos.

Sincerely,
Son of Arsenio Cue

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

v.

FGCC Case No.: 2023-040862

ARSENIO CUE,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Arsenio Cue (“Respondent”), and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering, slot machines, and cardroom operations pursuant to chapters 550, 551, and 849, Florida Statutes.
2. At all times material hereto, Respondent’s address was reported as 6680 West 2nd Court, Apt. 405 Hialeah, Florida 33012.
3. At all times material hereto, South Florida Racing Association, LLC d/b/a Hialeah Park Racing & Casino was a facility operated by a permit holder authorized by the Commission to conduct pari-mutuel wagering, cardroom operations, and slot operations in the state of Florida.
4. On or about June 12, 2023, Respondent was a patron of Hialeah Park Racing & Casino.
5. On or about June 12, 2023, Respondent was ejected and permanently excluded from Hialeah Park Racing & Casino.

6. Respondent was permanently excluded for the reasons alleged in Exhibit 1.
7. Section 550.0251(6), Florida Statutes, provides in relevant part:

In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the commission may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state.

(Emphasis added).

8. Section 551.112, Florida Statutes, provides:

In addition to the power to exclude certain persons from any facility of a slot machine licensee in this state, the commission may exclude any person from any facility of a slot machine licensee in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from any facility of a slot machine licensee or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over the gaming in such other state. This section does not abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

(Emphasis added).

9. Based on the foregoing, Respondent is subject to exclusion from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the state of Florida under sections 550.0251(6) and 551.112, Florida Statutes based on his ejection from Hialeah Park Racing & Casino on or about June 12, 2023.

WHEREFORE, Petitioner respectfully requests the Florida Gaming Control Commission enter an Order excluding Respondent from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the state of Florida, in accordance with sections 550.0251(6) and 551.112, along with any other remedy provided by chapters 550 and 551, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for FGCC Case Number 2023-040862 is signed this 5th day of January 2024.

/s/Emily A. Alvarado

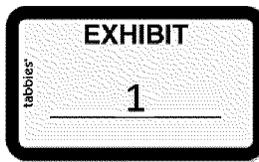
Emily A. Alvarado
Deputy Chief Attorney
Florida Bar Number: 1025200
Florida Gaming Control Commission
Office of the General Counsel
Division of Pari-Mutuel Wagering
4070 Esplanade Way, Suite 250
Tallahassee, Florida 32399-2202
Telephone: (850) 794-8066
Facsimile: +1 (850) 536-8709
Primary: Emily.Alvarado@flagaming.gov
Secondary: Ebonie.Lanier@flgaming.gov

NOTICE OF RIGHTS TO REQUEST A HEARING

Pursuant to sections 120.569 and 120.57, Florida Statutes, you have the right to request a hearing to challenge the charges contained in this Administrative Complaint. If you choose to request a hearing, you will have the right to be represented by counsel, or other qualified representative, to present evidence and argument, to call and cross-examine witnesses, and to have subpoenas and subpoenas duces tecum issued on your behalf.

Any request for an administrative proceeding to challenge or contest the charges contained in this Administrative Complaint must conform to rule 28-106.2015, Florida Administrative Code. Pursuant to rule 28-106.111, Florida Administrative Code, you must request a hearing within 21 days from receipt of this Notice, or you will waive your right to request a hearing.

Mediation under section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.



FAQ | Help | Sign Out

VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
Complaint Search Update	Change Recording License Type Mass Status Update	License Type Public Case Info	Delete Complaint	Mass Activity Update	Mass Discipline				

Domain 10 - Division of Pari-Mutuel Wagering

Logged in as: cstubbs1

VR Home > Complaint Search > Maintain Complaint

Lic Type	1098 - Unlicensed Complaints	Status	90 Closed	Status Date	12/21/2023
Complaint #	2023040862	Case Type	CMP - Complaint	Disposition	Disposition Date
Docket#	Respondent	CUE, ARSENIO	Responsible	bjones - JONES, BRADFORD	Private Case

Complaint	Respondent	Complainant	Add'l Info
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Source	INTN - Internal	Security Level	1	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Activities	
Form	INTR - Internal	Priority				
Class'n	OTHR - Other	Complexity	R - Regular	<input checked="" type="checkbox"/> Allegations	<input type="checkbox"/> Discipline	
Security	STND - Standard	Incident	07/12/2023	<input type="checkbox"/> Violations	<input type="checkbox"/> Compliance	
Region	SR - Southern Region	Received	07/20/2023	<input type="checkbox"/> Related	<input checked="" type="checkbox"/> Disposition	
Reference	F.S. 550.0251(6)			<input type="checkbox"/> Inspection		
Entered	07/21/2023	Entered By	nmelvai	<input type="checkbox"/> Costs		
Summary	<p>274--- Hialeah Park--- (F.S. 550.0251(6))---On June 12, 2023, at approximately 3:34 P.M., Hialeah Park patron Arsenio CUE was captured on surveillance footage cashing out voucher from a slot machine. About an hour later, Hialeah Park Guest Service Representative Supervisor Danny Franco (Lic. # 8556412) advised Hialeah Park's Surveillance that CUE was cashing another voucher on the casino floor. Shortly afterwards, CUE is observed by Surveillance cashing yet another voucher at 4:41 P.M. One minute after cashing the voucher, CUE was confronted by Hialeah Park Security Supervisor Gabriel Perez and Franco. At this point CUE was escorted outside of the facility by Perez. CUE left the property upon his wife picking him up. Franco later stated that CUE was observed cashing vouchers on previous visits to Hialeah Park.</p>				<input type="checkbox"/> Time Tracking	Auto Assign
Updated	12/21/2023 14:07:26	By	cstubbs1	<input type="checkbox"/> Attachments	History	
				<input type="checkbox"/> Work Notes	Print Report	

Change	Save	OK	Cancel	Back
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Get Adobe Reader.

Louis Trombetta, Executive Director

Ron DeSantis, Governor

OFFICE OF INVESTIGATIONS

INVESTIGATIVE REPORT

Office: PMW	Region: SOUTHERN	Date of Complaint: July 21, 2023	Case Number: 2023 04 0862
Respondent: CUE, ARSENI0 6680 W. 2nd COURT HIALEAH, FLORIDA 33012		Complainant: DIVISION OF PARI-MUTUEL WAGERING OFFICE OF INVESTIGATIONS 1400 WEST COMMERCIAL BOULEVARD, SUITE 165 FT. LAUDERDALE, FLORIDA 33309	
License # and Type: N/A - 1098		Profession: Patron	Report Date: December 14, 2023
Period of Investigation: July 21, 2023, through December 14, 2023		Type of Report: Final	
<p>Alleged Violation: F.S. 550.0251(6) Powers and duties of the Florida Gaming Control Commission. - In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the commission may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state.</p>			
<p>Synopsis: On June 12, 2023, patron Aresenio CUE visited Hialeah Park Racing & Casino and was captured on surveillance footage cashing out numerous cash vouchers from several slot machines. CUE was subsequently permanently excluded from Hialeah Park.</p>			
Related Case:			
Investigator / Date  Ian Campbell / December 14, 2023		Investigator Supervisor / Date  Julio Minaya / December 20, 2023	
Chief of Investigations / Date  Bradford D. Jones / December 21, 2023			

CONTINUATION

On June 12, 2023, Hialeah Park Security Report # IN20230000959 documented an incident involving a patron who was observed by Hialeah Park Guest Services Representative (GSR) Supervisor, Danny Franco taking vouchers that did not belong to him despite being warned multiple times not to do so. According to the report at approximately 4:37 P.M., Security Supervisor, Gabriel Perez was notified by (GSR) Supervisor Danny Franco of a guest later identified as **CUE** who had been warned multiple time in the past to stop taking cash vouchers were left unclaimed inside Slots Machines by unsuspecting patrons which did not belong to him. Per the report, (GSR) Supervisor Franco requested that **CUE** be permanently excluded from the facility, at which time Security Supervisor Perez complied with Franco's request and permanently excluded **CUE** (**Exhibits # 1 & 4**).

On October 19, 2023, this Investigator obtained surveillance footage of this incident from Hialeah Park Surveillance Manager William Lantigua (Lic. # 8571040). The following was observed during the review of the footage:

- 3:34:42 P.M., – 3:35:40 P.M., – **CUE** is seen sitting at slot machine B-03-08 cashing out a voucher and then walking away from the machine (**Exhibit 3, Pgs. 1 – 5**).
- 4:40:24 P.M., – 4:41:14 P.M., – **CUE** is observed inserting multiple vouchers into slot machine D41-01 and instantly cashing them out of the machine with no gameplay observed (**Exhibit 3, Pgs. 6 – 12**).
- 4:41:19 P.M., - 4:41:43 P.M., – **CUE** is observed inserting vouchers into slot machine D41-04 (**Exhibit 3, Pgs. 12 – 13**).
- 4:42:23 P.M., – 4:42:36 P.M., – While still sitting at slot machine D41-04, **CUE** is approached by Security Supervisor Gabriel Perez (Lic. # 11013274) and Guest Services Representative (GSR) Supervisor Danny Franco (Lic. # 8556412) and is observed presenting his wallet to them (**Exhibit 3, Pgs. 15 – 16**).
- 4:44:09 P.M., – 4:45:14 P.M., – **CUE** can be seen printing a voucher from slot machine D41-04 and then being escorted out of the smoking section by Security Supervisor Perez and GSR Supervisor Franco (**Exhibit 3, Pgs. 17 – 19**).
- 4:47:43 P.M., – 4:48:43 P.M., – **CUE** is observed being escorted out of the facility by Security Supervisor Perez (**Exhibit 3, Pgs. 20 – 21**).

On December 12, 2023, this Investigator interviewed Hialeah Park's Security Supervisor Gabriel Perez. Perez stated that he has seen **CUE** at the facility, however, did not observe him taking vouchers. According to Perez, Guest Service Representatives (GSRs) usually inform guests if observed taking a voucher from a slot machine, that they should not do so because the voucher belongs to the pervious player. Perez went on to say that (GSR) Supervisor Danny Franco informed him of **CUE'S** actions. He explained that he and Franco approached **CUE**, who at first did not respond to them due to him playing a game. Once they got his attention, **CUE** initially denied taking any vouchers. Perez stated that he received confirmation of **CUE'S** actions from Surveillance and when confronted with the information, **CUE** started to act in a disorderly manner. Perez stated that usually he would give a 24-hour ban for patrons that steal vouchers, but due to **CUE'S** disorderly behavior, they issued him a permanent ban. Perez stated that they were unable to determine the amount in vouchers that **CUE** took improperly. Perez further stated that **CUE** was not given the opportunity to cash any vouchers as he was escorted out of the facility.

CONTINUATION

On December 14, 2023, this Investigator interviewed Hialeah Park (GSR) Supervisor Danny Franco. When asked about prior incidents with CUE, Franco was unable to recall the exact date, however, Franco stated that he was informed by various casino cashiers about CUE cashing vouchers. Franco also stated that he normally works evenings and would see CUE from time to time, but never observed him taking vouchers on those occasions. Franco stated that based on the information he received from the cashiers, he requested surveillance footage of CUE which confirmed what he had been told; CUE could be seen taking vouchers from different slot machines and cashing them out.

After reviewing the footage, Franco approached CUE and informed him that he was receiving a warning and a 24-hour ban from the facility for cashing vouchers that did not belong to him. Franco stated that CUE left the facility without further incident. A few days later, on June 12, 2023, CUE returned to the facility and was observed by Franco cashing vouchers. Franco contacted surveillance and requested that they follow CUE to confirm his suspicion of CUE looking for vouchers in slot machines. Video footage confirmed that CUE was in fact taking vouchers from slot machines at which time Franco reported CUE to Security Supervisor Perez. Franco stated that CUE was playing on a slot machine when approached by him and Perez. Franco stated that Perez requested CUE'S ID which he handed over. Franco then informed CUE that he had been observed cashing vouchers from numerous slot machines despite being previously warned not to do so; CUE was instructed to leave the facility¹. According to Franco, after informing CUE of his permanent exclusion, he then left CUE with Perez and does not recall CUE being argumentative. Franco also had no recollection of what happened to the vouchers that CUE had on him at the time of their interaction.

Conclusion: Due to CUE'S continued behavior of cashing vouchers with disregard for Hialeah Park supervisory staff requests/warnings for him to cease, CUE has been permanently excluded from that facility (**Exhibit # 4**).

Status: Case closed by Investigations and forwarded to Legal for further review.

¹ A review of Hialeah Park's most recent Exclusion List shows that CUE was excluded from the facility effective June 12, 2023.

TABLE OF CONTENTS

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 - 4. Hialeah Park’s Exclusion List..... 1-9

Incident File Full Report**Incident File #IN20230000959**

Date/Time Occurred:	6/12/2023 4:37:00 PM	Record Creation Details	
Day of Week Occurred:	Monday	Department:	Security Dept
Date/Time Created:	6/12/2023 9:52:49 PM	Owner:	gperez
Date/Time Closed:	6/13/2023 9:54:47 AM	Operator ID:	gperez
Closed By:	proca	Operator Name:	
		Personnel ID:	
		Card Number:	
		Job Position:	
		Secondary Operator:	

Location of Incident:

Property: Hialeah Park Casino
Location: Delta Smoking Section
Sublocation: D#4104

Details of Incident:

Daily Log #: DL20230020040
Reference: Permanent Exclusion
Incident Type: Suspicious Activity
Specific: Taking Vouchers
Category: Permanent
Incident Status: Closed
Synopsis: Security was notified a guest taking vouchers that did not belong to him despite being warned multiple times.

Checklist:

Narrative:

Created On	Created By	Modified On	Modified By
6/12/2023 9:54:43 F	gperez	6/13/2023 9:53:39 A	proca

At 4:37 PM, I, Security Supervisor Gabriel Perez was notified by GSR Supervisor Danny Franco of a guest that has been warned multiple times to stop taking vouchers. Supervisor Franco requested for the guest to be permanently excluded from the property. I met with the subject, identified as Mr. Arsenio Cue, and who was sitting at slot machine (D#4104). Mr. Cue was advised of his permanent exclusion and that's when he became irate and uncooperative. While escorting Mr. Cue from the property, I reiterated to him that his exclusion is for life and that if he is seen on Hialeah Park property again, he would be trespassed by HPD. Nothing Further.

Executive Brief:

Reporting Party:

Supervisor:	Exhibit 1 Page 1
--------------------	---------------------

Participants Involved:**Personnel**

Full Name: Franco, Danny Property: Hialeah Park Casino

Role: GSR Supervisor Department:

Date Of Birth:

Full Name: Perez, Gabriel Property: Hialeah Park Casino

Role: Security Supervisor Department:

Date Of Birth:

Subject

Full Name: Cue, Arsenio Company:

Role: Subject

Date Of Birth:

Address:

Contact Info:

Reporting Party:

Supervisor:

Exhibit 1
Page 2

Media Title

Subject

Original Filename

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Date Attached

6/12/2023 10:11:37 PM

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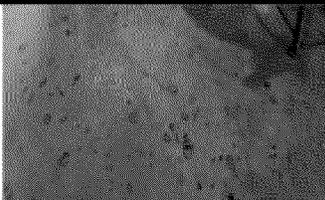
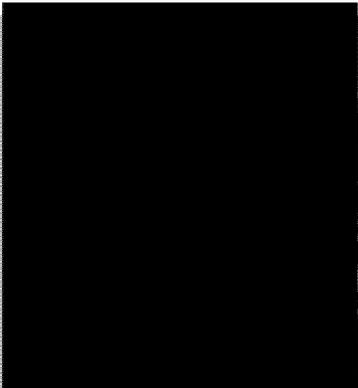
gperez

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Attached By

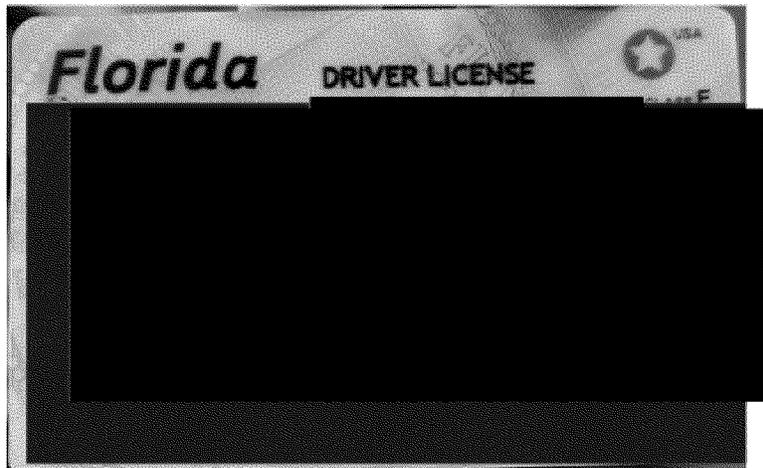
gperez

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Size

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Subject

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Date Attached

6/12/2023 10:11:46 PM

Attached By

gperez

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Size

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Media Title

Slot Machine

Original Filename

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Date Attached

6/12/2023 10:11:22 PM

Attached By

gperez

Type

JPG

Size

1695193



Incident File Full Report



**iTrak Incident Reporting and Risk Management System Version
2019.3.2.33901**

Incident Number: IN20230000957
Date/Time Occurred: 6/12/2023 6:48:46 PM
Day of Week: Monday
Created by: juan.gonzalez

Printed By: wiantigua

Printed On: 10/19/2023 at 11:16:08 AM

Incident File Full Report**Incident File #IN20230000957**

Date/Time Occurred:	6/12/2023 6:48:46 PM	Record Creation Details	
Day of Week Occurred:	Monday	Department:	Surveillance
Date/Time Created:	6/12/2023 6:59:34 PM	Owner:	juan.gonzalez
Date/Time Closed:		Operator ID:	juan.gonzalez
Closed By:		Operator Name:	
		Personnel ID:	
		Card Number:	
		Job Position:	
		Secondary Operator:	

Location of Incident:

Property: Hialeah Park Casino
Location: Casino floor
Sublocation:

Details of Incident:

Daily Log #: DL20230020032
Incident Type: Exclusion
Specific: Permanent
Incident Status: Open
Synopsis: At 1636 hrs GSR supervisor Danny Franco advised of a patron cashing vouchers around casino floor.

see report.

Checklist:

Narrative:

Created On	Created By	Modified On	Modified By
------------	------------	-------------	-------------

6/12/2023 6:59:35 F	juan.gonzalez	7/ 7/2023 12:35:32 F	wlantigua
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On 12 June 2023 at approximately 1636 hours Guest Services Representative (GSR) supervisor Danny Franco advised of a patron cashing vouchers around casino floor. Patron was identified as Arsenio Cue.

Visual was established and the following was observed (185,10,18,17,42,454)

At 1637 hrs, a visual was established on Cue sitting at C-01-02.

At 1640 hrs, Cue walks outside to D smoking section.

At 1641 hrs, Cue cashes voucher at D41-01.

At 1642 hrs, Franco and security supervisor Gabriel Perez confront Cue sitting At

Reporting Party:**Supervisor:**

Incident File Full Report**Incident File #IN20230000957**

D-41-04.

At 1648 hrs, Perez escorts Cue outside through north entrance.

At 1649 hrs Perez walks Cue to VIP parking. Cue was waiting for wife before leaving property.

At 1659 hrs Cue enters vehicle with wife.

At 1703 hrs Cue left property.

A review was conducted (165) and the following was observed.

At 1534 hrs Cue cashes voucher at B-03-08.

Franco later informed that Cue was observed cashing out vouchers on a previous day and requested Cue be excluded from property. Nothing further was observed, video saved.

Executive Brief:

Participants Involved:

Personnel

Full Name:	Franco, Danny	Property:	Hialeah Park Casino
Role:	GSR Supervisor	Department:	

Full Name:	Perez, Gabriel	Property:	Hialeah Park Casino
Role:	Security Supervisor	Department:	

Subject

Full Name:	Cue, Arsenio	Company:	
Role:	Exclusion		

Reporting Party:**Supervisor:**

Media Title

2

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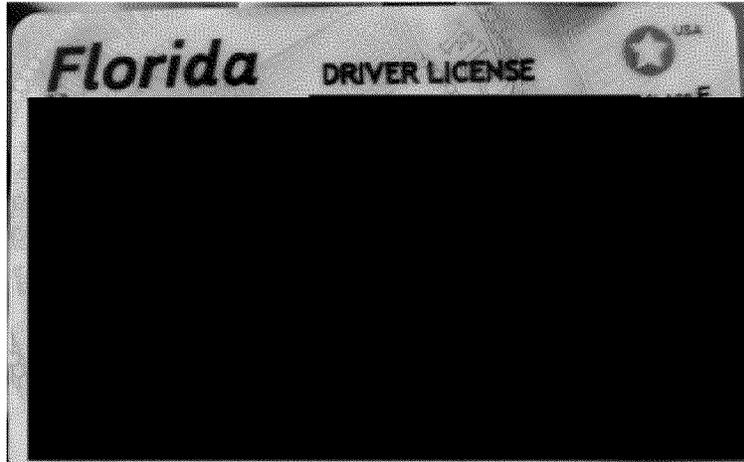
juan.gonzalez

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Size

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Media Title

1

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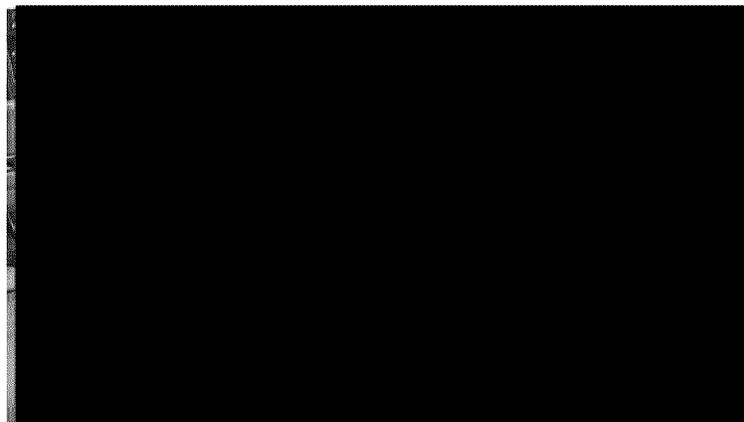
juan.gonzalez

Type

JPG

Size

494257



Ian Campbell

From: Schlaffer, Paul <pschlaffer@hialeahpark.com>
Sent: Monday, December 11, 2023 4:58 PM
To: Dennis Chen; Ian Campbell; Julio Minaya; Lisa Vila; Tatiana Santos; Tyrell Smith
Subject: Exclusion Update
Attachments: Facility Exclusion List December 10, 2023.xlsx; FGCC Exclusion List (Last FGCC Update October 22, 2023).xlsx

Good Afternoon,

Attached are the updated facility and FGCC exclusion lists thru December 10th.

Best Regards,

Paul Schlaffer
Director of AML/Casino Compliance & Internal Audit
Hialeah Park Racing & Casino

Office 

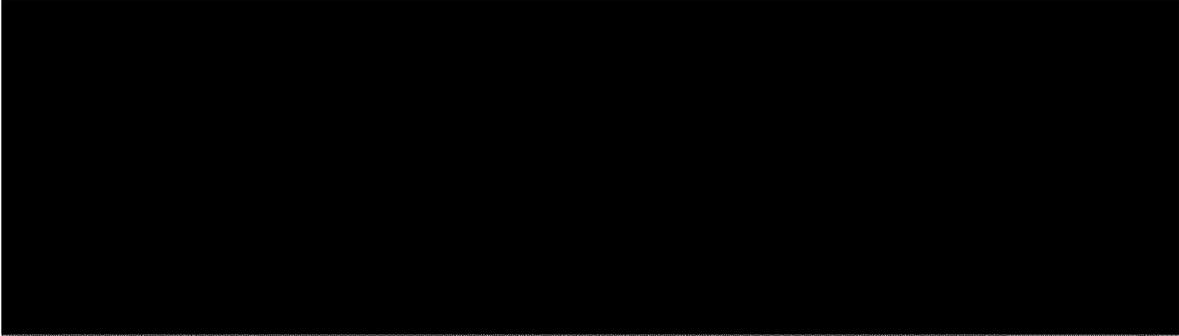
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Effective Date

Persons Name

Duration

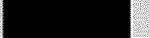
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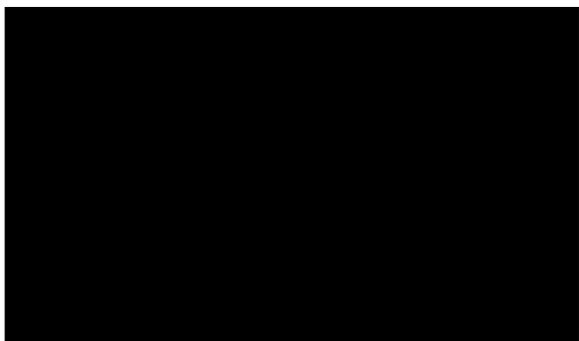
6/12/2023

Arsenio Cue

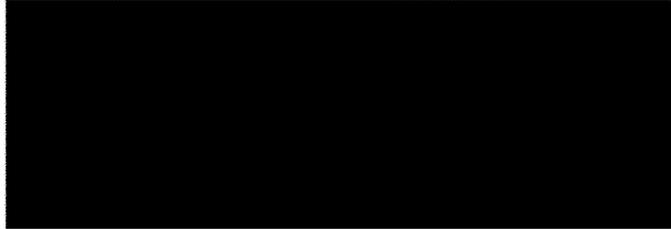
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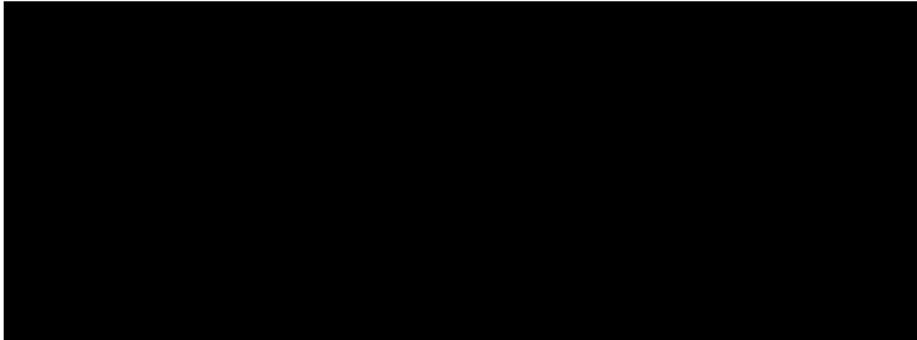
IR Number



IR 0959



Offense



Cashing out Vouchers/Excluded



Person's Description

Supervisor On Duty

Build

Color of Hair

M/W

R. Roca

Average

White/Gray

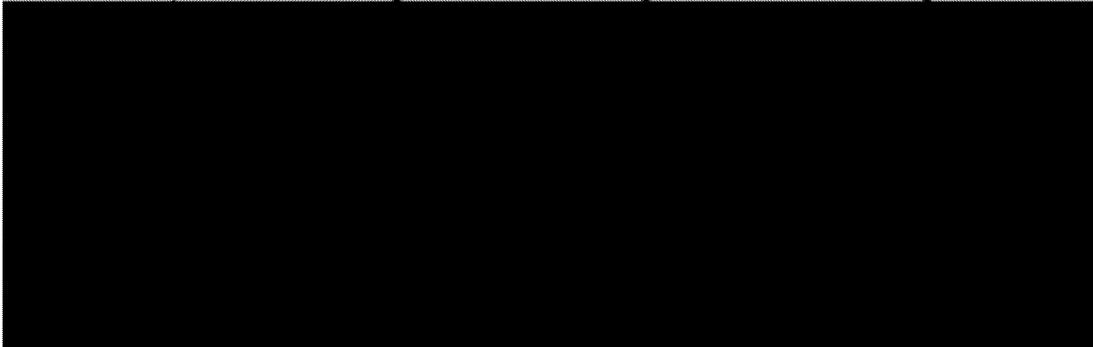
Eye Color

Height in Feet

Height in Inches

Weight in lbs.

Players Club Number

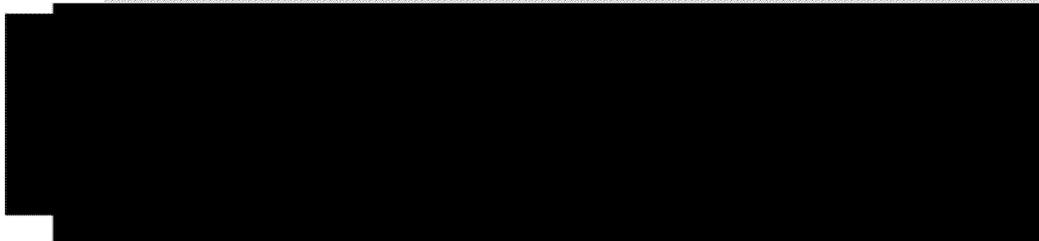


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11

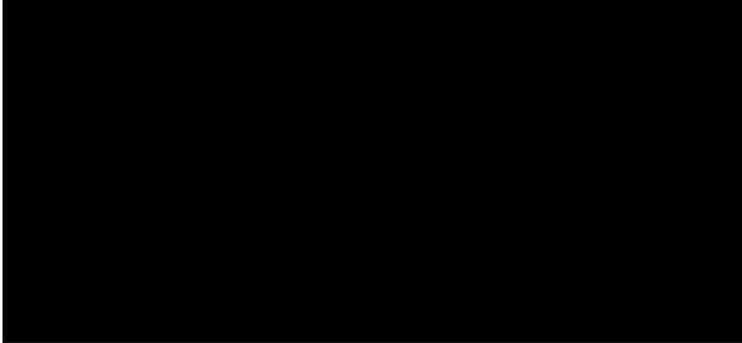
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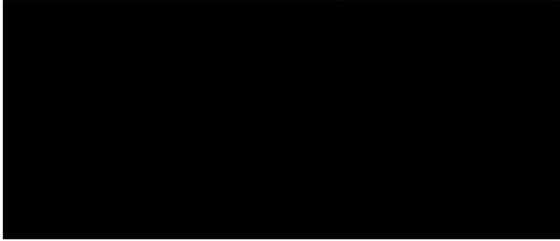
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Street Address



6680 W 2 CT, APT %23 405



City

State

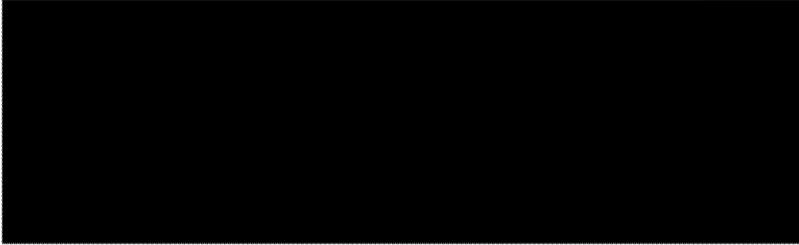
Zip Code



Hialeah

Florida

33,012



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VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
Complaint Search Update	Change Mass Status Update	Recording License Type Public Case Info	Delete Complaint	Mass Activity Update	Mass Discipline				

Domain 10 - Division of Pari-Mutuel Wagering

Logged in as: cstubbs1

[VR Home](#) > [Complaint Search](#) > [Maintain Complaint](#)

Lic Type	1098 - Unlicensed Complaints	Status	90 Closed	Status Date	12/21/2023
Complaint #	2023040862	Case Type	CMP - Complaint	Disposition	Disposition Date
Docket#	Respondent	CUE, ARSENIO	Responsible	bjones - JONES, BRADFORD	Private Case

Complaint	Respondent	Complainant	Add'l Info
Source	INTN - Internal	Security Level	1
Form	INTR - Internal	Priority	
Class'n	OTHR - Other	Complexity	R - Regular
Security	STND - Standard	Incident	07/12/2023
Region	SR - Southern Region	Received	07/20/2023
Reference	F.S. 550.0251(6)		
Entered	07/21/2023	Entered By	nmelvai
Summary	<p>274--- Hialeah Park--- (F.S. 550.0251(6))---On June 12, 2023, at approximately 3:34 P.M., Hialeah Park patron Arsenio CUE was captured on surveillance footage cashing out voucher from a slot machine. About an hour later, Hialeah Park Guest Service Representative Supervisor Danny Franco (Lic. # 8556412) advised Hialeah Park's Surveillance that CUE was cashing another voucher on the casino floor. Shortly afterwards, CUE is observed by Surveillance cashing yet another voucher at 4:41 P.M. One minute after cashing the voucher, CUE was confronted by Hialeah Park Security Supervisor Gabriel Perez and Franco. At this point CUE was escorted outside of the facility by Perez. CUE left the property upon his wife picking him up. Franco later stated that CUE was observed cashing vouchers on previous visits to Hialeah Park.</p>		
Updated	12/21/2023 14:07:26	By	cstubbs1

- Parties Activities
- Allegations Discipline
- Violations Compliance
- Related Disposition
- Inspection
- Costs
- Time Tracking Auto Assign
- Attachments History
- Work Notes Print Report

Change	Save	OK	Cancel	Back
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Louis Trombetta, Executive Director

Ron DeSantis, Governor

OFFICE OF INVESTIGATIONS

INVESTIGATIVE REPORT

Office: PMW	Region: SOUTHERN	Date of Complaint: July 21, 2023	Case Number: 2023 04 0862
Respondent: CUE, ARSENI0 6680 W. 2nd COURT HIALEAH, FLORIDA 33012		Complainant: DIVISION OF PARI-MUTUEL WAGERING OFFICE OF INVESTIGATIONS 1400 WEST COMMERCIAL BOULEVARD, SUITE 165 FT. LAUDERDALE, FLORIDA 33309	
License # and Type: N/A - 1098		Profession: Patron	Report Date: December 14, 2023
Period of Investigation: July 21, 2023, through December 14, 2023		Type of Report: Final	
<p>Alleged Violation: F.S. 550.0251(6) Powers and duties of the Florida Gaming Control Commission. - In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the commission may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state.</p>			
<p>Synopsis: On June 12, 2023, patron Aresenio CUE visited Hialeah Park Racing & Casino and was captured on surveillance footage cashing out numerous cash vouchers from several slot machines. CUE was subsequently permanently excluded from Hialeah Park.</p>			
Related Case:			
Investigator / Date  Ian Campbell / December 14, 2023		Investigator Supervisor / Date  Julio Minaya / December 20, 2023	
Chief of Investigations / Date  Bradford D. Jones / December 21, 2023			

CONTINUATION

On June 12, 2023, Hialeah Park Security Report # IN20230000959 documented an incident involving a patron who was observed by Hialeah Park Guest Services Representative (GSR) Supervisor, Danny Franco taking vouchers that did not belong to him despite being warned multiple times not to do so. According to the report at approximately 4:37 P.M., Security Supervisor, Gabriel Perez was notified by (GSR) Supervisor Danny Franco of a guest later identified as **CUE** who had been warned multiple time in the past to stop taking cash vouchers were left unclaimed inside Slots Machines by unsuspecting patrons which did not belong to him. Per the report, (GSR) Supervisor Franco requested that **CUE** be permanently excluded from the facility, at which time Security Supervisor Perez complied with Franco's request and permanently excluded **CUE (Exhibits # 1 & 4)**.

On October 19, 2023, this Investigator obtained surveillance footage of this incident from Hialeah Park Surveillance Manager William Lantigua (Lic. # 8571040). The following was observed during the review of the footage:

- 3:34:42 P.M., – 3:35:40 P.M., – **CUE** is seen sitting at slot machine B-03-08 cashing out a voucher and then walking away from the machine (**Exhibit 3, Pgs. 1 – 5**).
- 4:40:24 P.M., – 4:41:14 P.M., – **CUE** is observed inserting multiple vouchers into slot machine D41-01 and instantly cashing them out of the machine with no gameplay observed (**Exhibit 3, Pgs. 6 – 12**).
- 4:41:19 P.M., - 4:41:43 P.M., – **CUE** is observed inserting vouchers into slot machine D41-04 (**Exhibit 3, Pgs. 12 – 13**).
- 4:42:23 P.M., – 4:42:36 P.M., – While still sitting at slot machine D41-04, **CUE** is approached by Security Supervisor Gabriel Perez (Lic. # 11013274) and Guest Services Representative (GSR) Supervisor Danny Franco (Lic. # 8556412) and is observed presenting his wallet to them (**Exhibit 3, Pgs. 15 – 16**).
- 4:44:09 P.M., – 4:45:14 P.M., – **CUE** can be seen printing a voucher from slot machine D41-04 and then being escorted out of the smoking section by Security Supervisor Perez and GSR Supervisor Franco (**Exhibit 3, Pgs. 17 – 19**).
- 4:47:43 P.M., – 4:48:43 P.M., – **CUE** is observed being escorted out of the facility by Security Supervisor Perez (**Exhibit 3, Pgs. 20 – 21**).

On December 12, 2023, this Investigator interviewed Hialeah Park's Security Supervisor Gabriel Perez. Perez stated that he has seen **CUE** at the facility, however, did not observe him taking vouchers. According to Perez, Guest Service Representatives (GSRs) usually inform guests if observed taking a voucher from a slot machine, that they should not do so because the voucher belongs to the pervious player. Perez went on to say that (GSR) Supervisor Danny Franco informed him of **CUE'S** actions. He explained that he and Franco approached **CUE**, who at first did not respond to them due to him playing a game. Once they got his attention, **CUE** initially denied taking any vouchers. Perez stated that he received confirmation of **CUE'S** actions from Surveillance and when confronted with the information, **CUE** started to act in a disorderly manner. Perez stated that usually he would give a 24-hour ban for patrons that steal vouchers, but due to **CUE'S** disorderly behavior, they issued him a permanent ban. Perez stated that they were unable to determine the amount in vouchers that **CUE** took improperly. Perez further stated that **CUE** was not given the opportunity to cash any vouchers as he was escorted out of the facility.

CONTINUATION

On December 14, 2023, this Investigator interviewed Hialeah Park (GSR) Supervisor Danny Franco. When asked about prior incidents with **CUE**, Franco was unable to recall the exact date, however, Franco stated that he was informed by various casino cashiers about **CUE** cashing vouchers. Franco also stated that he normally works evenings and would see **CUE** from time to time, but never observed him taking vouchers on those occasions. Franco stated that based on the information he received from the cashiers, he requested surveillance footage of **CUE** which confirmed what he had been told; **CUE** could be seen taking vouchers from different slot machines and cashing them out.

After reviewing the footage, Franco approached **CUE** and informed him that he was receiving a warning and a 24-hour ban from the facility for cashing vouchers that did not belong to him. Franco stated that **CUE** left the facility without further incident. A few days later, on June 12, 2023, **CUE** returned to the facility and was observed by Franco cashing vouchers. Franco contacted surveillance and requested that they follow **CUE** to confirm his suspicion of **CUE** looking for vouchers in slot machines. Video footage confirmed that **CUE** was in fact taking vouchers from slot machines at which time Franco reported **CUE** to Security Supervisor Perez. Franco stated that **CUE** was playing on a slot machine when approached by him and Perez. Franco stated that Perez requested **CUE'S** ID which he handed over. Franco then informed **CUE** that he had been observed cashing vouchers from numerous slot machines despite being previously warned not to do so; **CUE** was instructed to leave the facility¹. According to Franco, after informing **CUE** of his permanent exclusion, he then left **CUE** with Perez and does not recall **CUE** being argumentative. Franco also had no recollection of what happened to the vouchers that **CUE** had on him at the time of their interaction.

Conclusion: Due to **CUE'S** continued behavior of cashing vouchers with disregard for Hialeah Park supervisory staff requests/warnings for him to cease, **CUE** has been permanently excluded from that facility (**Exhibit # 4**).

Status: Case closed by Investigations and forwarded to Legal for further review.

¹ A review of Hialeah Park's most recent Exclusion List shows that **CUE** was excluded from the facility effective June 12, 2023.

TABLE OF CONTENTS

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Incident File Full Report

Incident File #IN20230000959

		Record Creation Details	
Date/Time Occurred:	6/12/2023 4:37:00 PM	Department:	Security Dept
Day of Week Occurred:	Monday	Owner:	gperez
Date/Time Created:	6/12/2023 9:52:49 PM	Operator ID:	gperez
Date/Time Closed:	6/13/2023 9:54:47 AM	Operator Name:	
Closed By:	proca	Personnel ID:	
		Card Number:	
		Job Position:	
		Secondary Operator:	

Location of Incident:

Property:	Hialeah Park Casino
Location:	Delta Smoking Section
Sublocation:	D#4104

Details of Incident:

Daily Log #:	DL20230020040
Reference:	Permanent Exclusion
Incident Type:	Suspicious Activity
Specific:	Taking Vouchers
Category:	Permanent
Incident Status:	Closed
Synopsis:	Security was notified a guest taking vouchers that did not belong to him despite being warned multiple times.
Checklist:	

Narrative:	Created On	Created By	Modified On	Modified By
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	6/12/2023 9:54:43 F	gperez	6/13/2023 9:53:39 F	proca
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At 4:37 PM, I, Security Supervisor Gabriel Perez was notified by GSR Supervisor Danny Franco of a guest that has been warned multiple times to stop taking vouchers. Supervisor Franco requested for the guest to be permanently excluded from the property. I met with the subject, identified as Mr. Arsenio Cue, and who was sitting at slot machine (D#4104). Mr. Cue was advised of his permanent exclusion and that's when he became irate and uncooperative. While escorting Mr. Cue from the property, I reiterated to him that his exclusion is for life and that if he is seen on Hialeah Park property again, he would be trespassed by HPD. Nothing Further.

Executive Brief:

Reporting Party:

Supervisor:

Exhibit 1
Page 1

Participants Involved:

Personnel

Full Name: Franco, Danny Property: Hialeah Park Casino

Role: GSR Supervisor Department:

Date Of Birth:

Full Name: Perez, Gabriel Property: Hialeah Park Casino

Role: Security Supervisor Department:

Date Of Birth:

Subject

Full Name: Cue, Arsenio Company:

Role: Subject

Date Of Birth:

Address:

Contact Info:

Reporting Party:

Supervisor:

Exhibit 1
Page 2

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Subject

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Attached By

gperez

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ID

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Attached By

gperez

Type

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Size

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Subject

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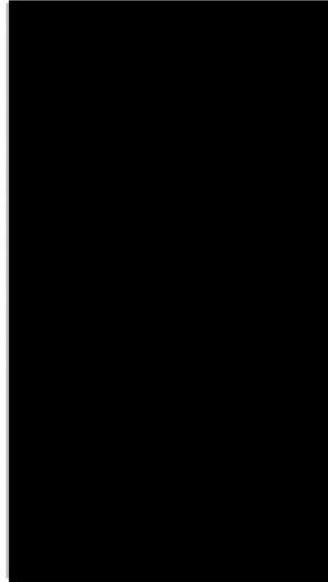
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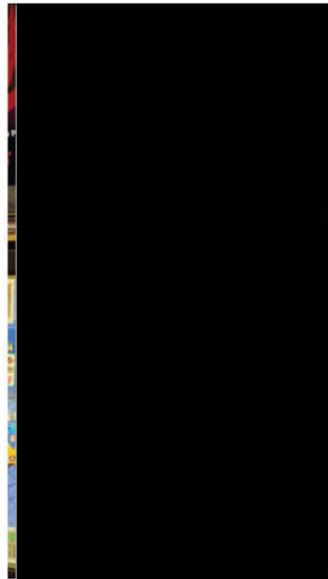
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Attached By

gperez

Type

JPG

Size

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EXCLUSION FORM

IMPRIMA O DICCIBA LAS RESPUESTAS A LO SIGUIENTE EN LOS ESPACIOS PROPORCIONADOS

1. NAME: Cu Alvarez
LAST (INCLUDE MR., MRS., ETC., IF APPLICABLE) FIRST MIDDLE

2. DO YOU USE ANY OTHER NAME? YES NO IF YES, LIST THE ADDITIONAL NAME(S) BELOW (PLEASE INCLUDE MARRIAGE, ALIENAGE, NICKNAMES OR ANY OTHER NAMES)

3. HOME ADDRESS (CURRENT RESIDENCE): 620 W 2 ST AP 406
Hialeah FL 33012
CITY STATE ZIP CODE

4. HOME TELEPHONE OR CELL NUMBER
[REDACTED]

5. HEIGHT: 5-11
FEET IN

6. WEIGHT: 140
POUNDS

PLEASE CHECK APPROPRIATE ANSWER

7. GENDER: MALE FEMALE

8. HAIR COLOR: BLACK BROWN
 BLOND RED
 GRAY WHITE
 BALD OTHER

9. EYE COLOR: BLACK BROWN
 BLUE GREEN
 GRAY OTHER

10. BIRTH DATE: SHORT TALL
 OVERWEIGHT SLIM
 HEAVYSET OTHER

11. EXCLUSION PERIOD: Permanent

12. EFFECTIVE DATE OF EXCLUSION: 6/12/23

13. REASON FOR EXCLUSION: Subordiny y violencia

Forma del Cliente: _____ Fecha: 6/12/23
Forma del Trabajador: E Fecha: _____

Reserva de Responsabilidad: Al firmar esta forma el cliente entiende que el receptor otorga dicha propiedad, "inter vivos", "in vivo" o "donacion" o cualquiera de sus sucesos, particiones o Herencia Casera que incluyen las obligaciones de respuesta y respuesta a ser recibida. El La cliente entiende que al firmar esta forma solo promueve la Herencia Casera o particiones hereditarias. Esta Cliente tambien entiende que al firmar esta forma, no incluye ningun tipo de derechos o posesion por sucesion o herencia por lo tanto, no incluye exclusion de Herencia Casera y sus sucesos de "Sustitucion".

Incident File Full Report



**iTrak Incident Reporting and Risk Management System Version
2019.3.2.33901**

Incident Number: IN20230000957
Date/Time Occurred: 6/12/2023 6:48:46 PM
Day of Week: Monday
Created by: juan.gonzalez

Printed By: wlantigua

Printed On: 10/19/2023 at 11:16:08 AM

Incident File Full Report

Incident File #IN20230000957

Date/Time Occurred:	6/12/2023 6:48:46 PM	Record Creation Details	
Day of Week Occurred:	Monday	Department:	Surveillance
Date/Time Created:	6/12/2023 6:59:34 PM	Owner:	juan.gonzalez
Date/Time Closed:		Operator ID:	juan.gonzalez
Closed By:		Operator Name:	
		Personnel ID:	
		Card Number:	
		Job Position:	
		Secondary Operator:	

Location of Incident:

Property: Hialeah Park Casino
Location: Casino floor
Sublocation:

Details of Incident:

Daily Log #: DL20230020032
Incident Type: Exclusion
Specific: Permanent
Incident Status: Open
Synopsis: At 1636 hrs GSR supervisor Danny Franco advised of a patron cashing vouchers around casino floor.

see report.

Checklist:

Narrative:

Created On	Created By	Modified On	Modified By
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6/12/2023 6:59:35 F juan.gonzalez 7/ 7/2023 12:35:32 F wlantigua

On 12 June 2023 at approximately 1636 hours Guest Services Representative (GSR) supervisor Danny Franco advised of a patron cashing vouchers around casino floor. Patron was identified as Arsenio Cue.

Visual was established and the following was observed (185,10,18,17,42,454)

At 1637 hrs, a visual was established on Cue sitting at C-01-02.

At 1640 hrs, Cue walks outside to D smoking section.

At 1641 hrs, Cue cashes voucher at D41-01.

At 1642 hrs, Franco and security supervisor Gabriel Perez confront Cue sitting At

Reporting Party:

Supervisor:

D-41-04.

At 1648 hrs, Perez escorts Cue outside through north entrance.

At 1649 hrs Perez walks Cue to VIP parking. Cue was waiting for wife before leaving property.

At 1659 hrs Cue enters vehicle with wife.

At 1703 hrs Cue left property.

A review was conducted (165) and the following was observed.

At 1534 hrs Cue cashes voucher at B-03-08.

Franco later informed that Cue was observed cashing out vouchers on a previous day and requested Cue be excluded from property. Nothing further was observed, video saved.

Executive Brief:

Participants Involved:

Personnel

Full Name:	Franco, Danny	Property:	Hialeah Park Casino
Role:	GSR Supervisor	Department:	

Full Name:	Perez, Gabriel	Property:	Hialeah Park Casino
Role:	Security Supervisor	Department:	

Subject

Full Name:	Cue, Arsenio	Company:	
Role:	Exclusion		

Reporting Party:

Supervisor:

Media Title

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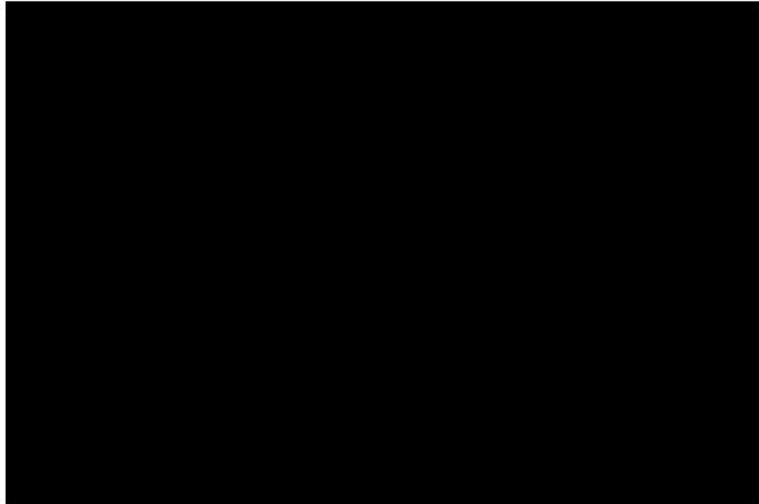
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Media Title

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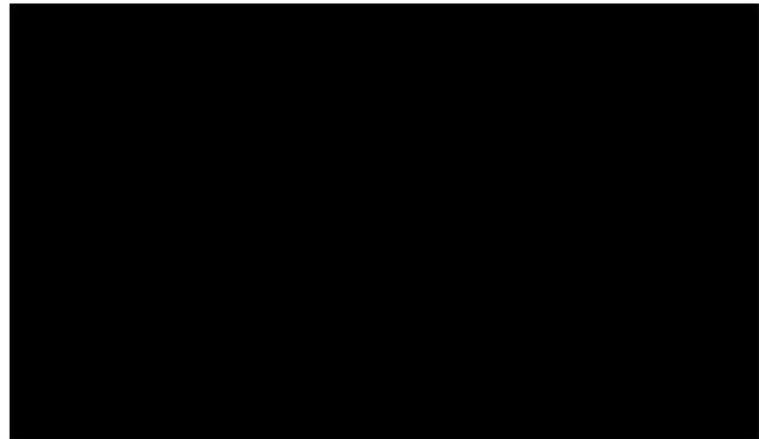
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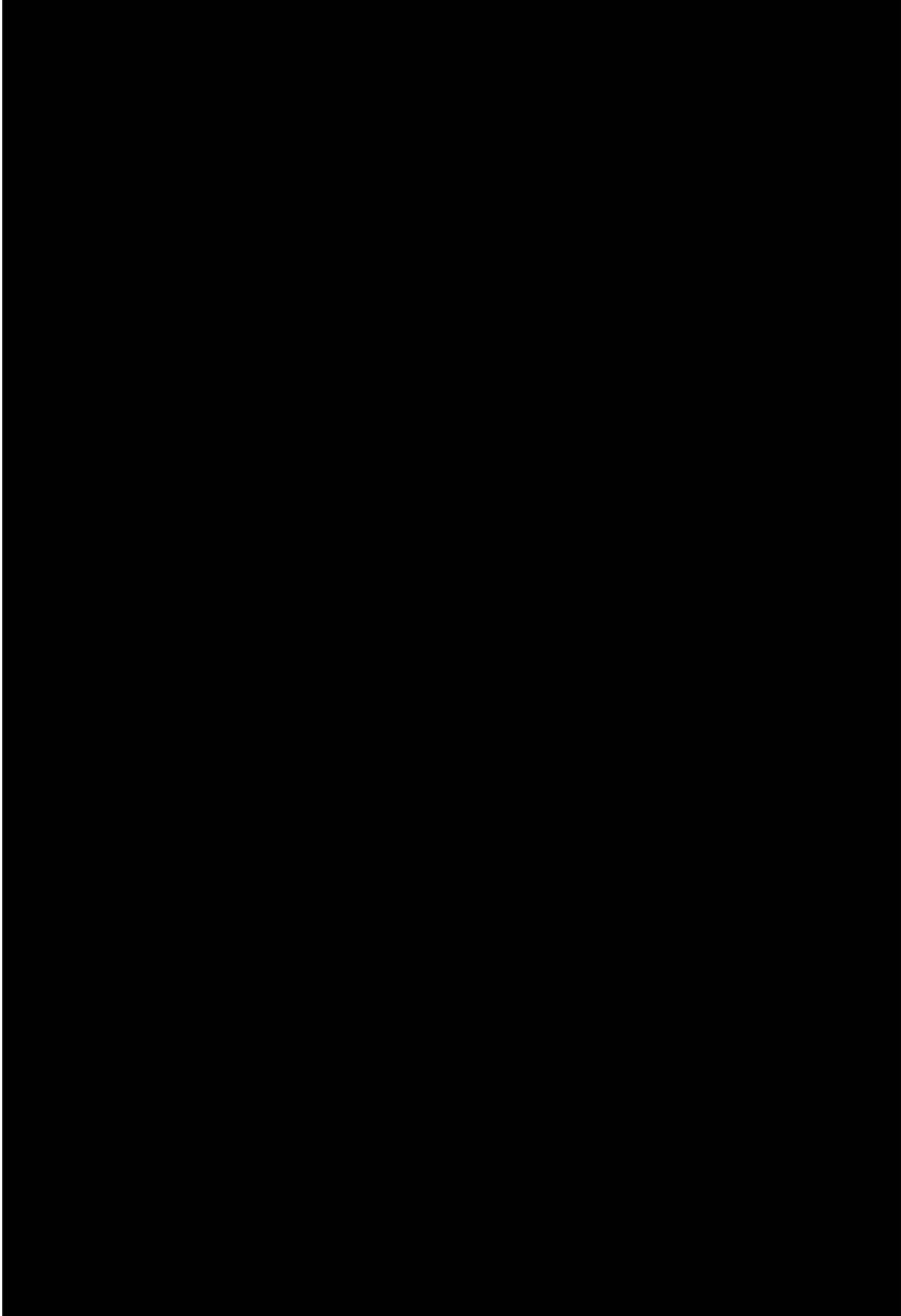
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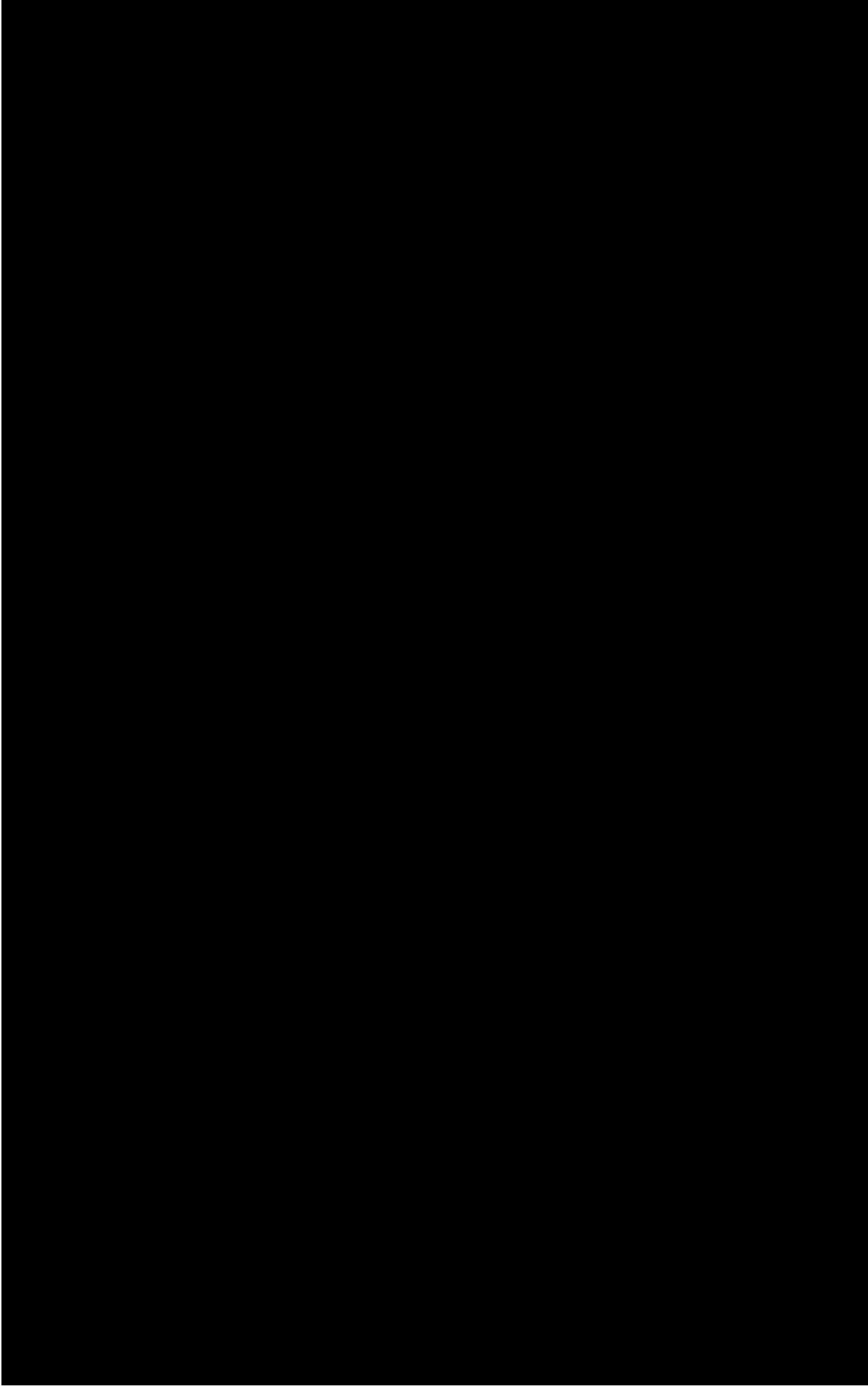
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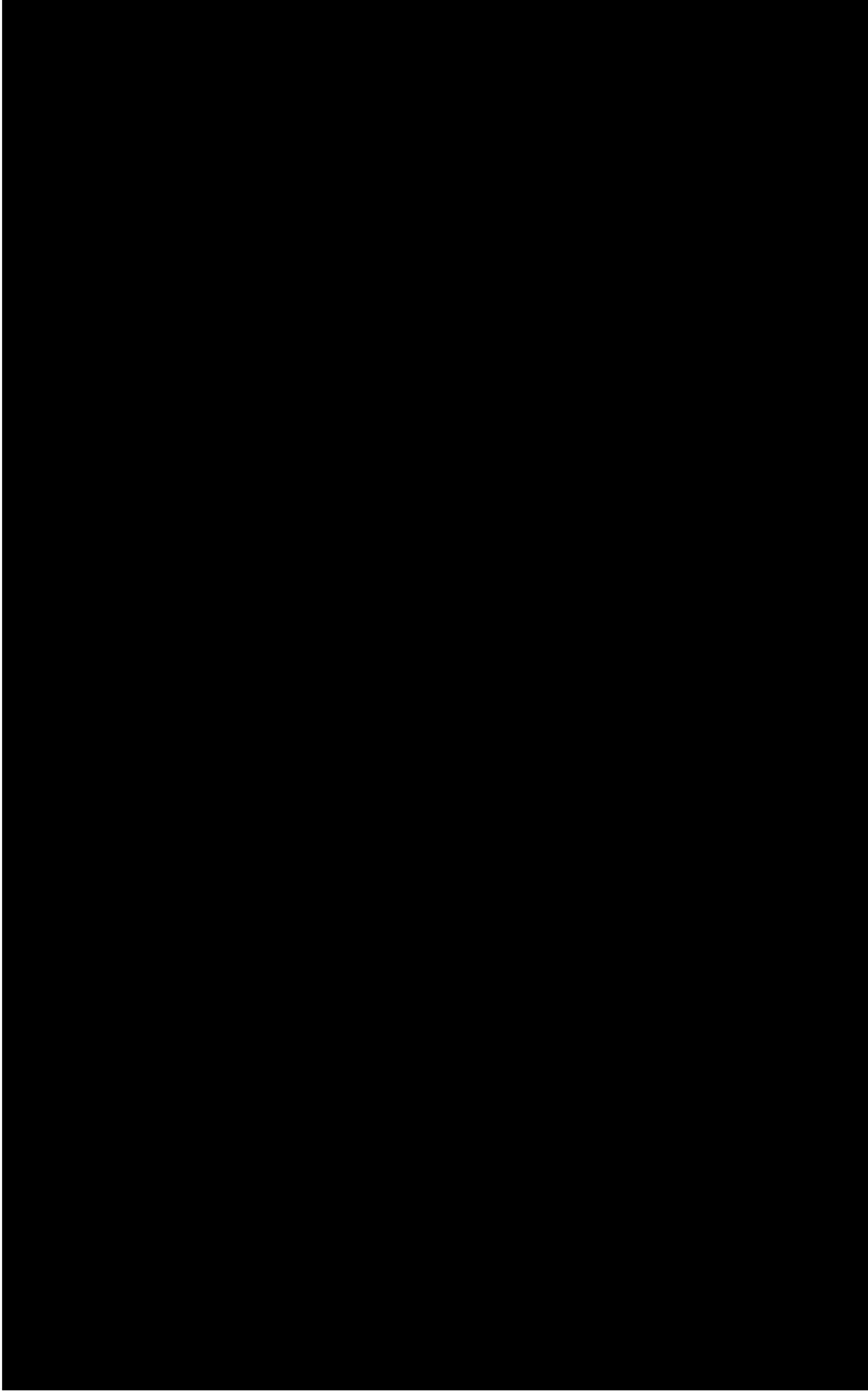
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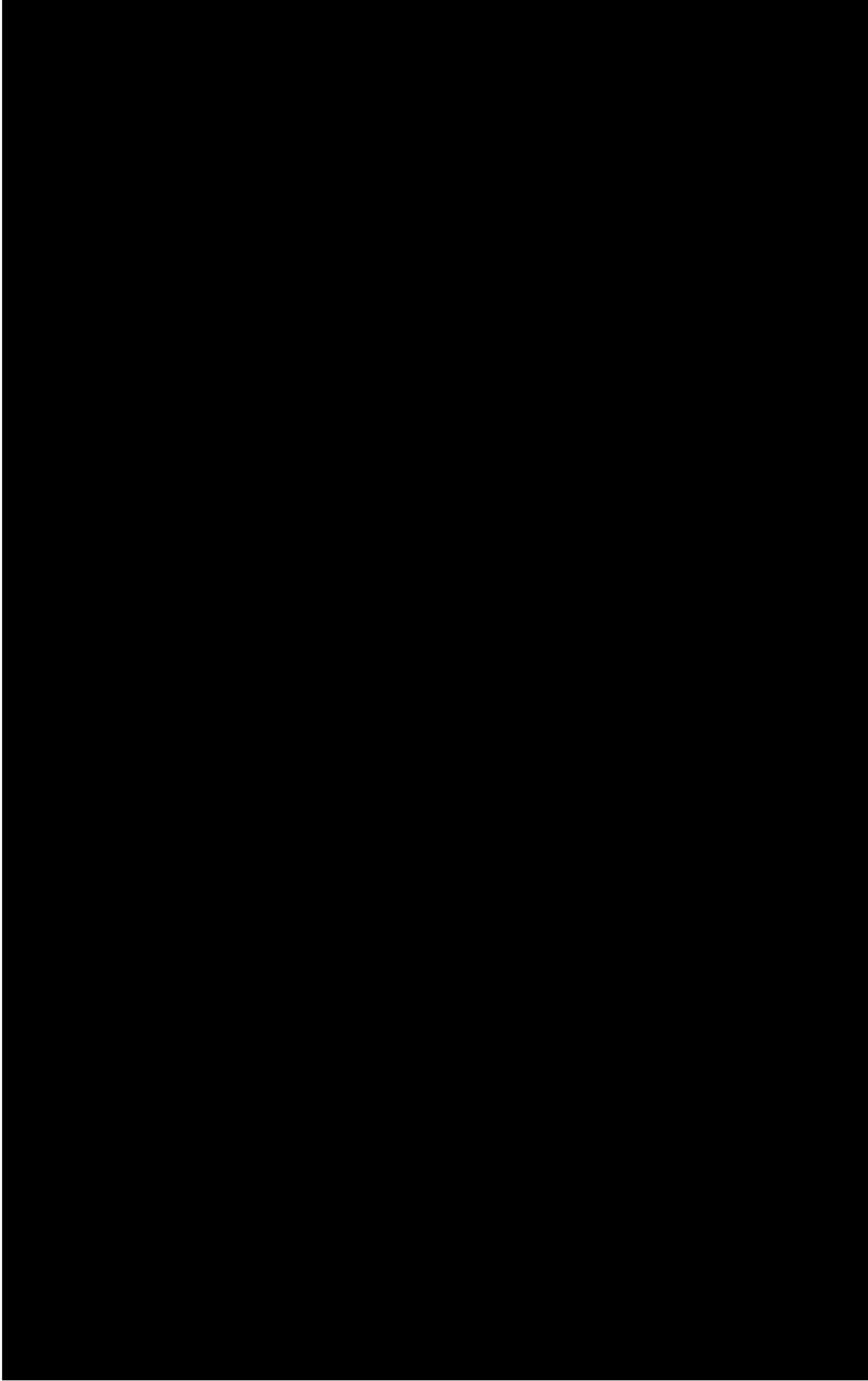
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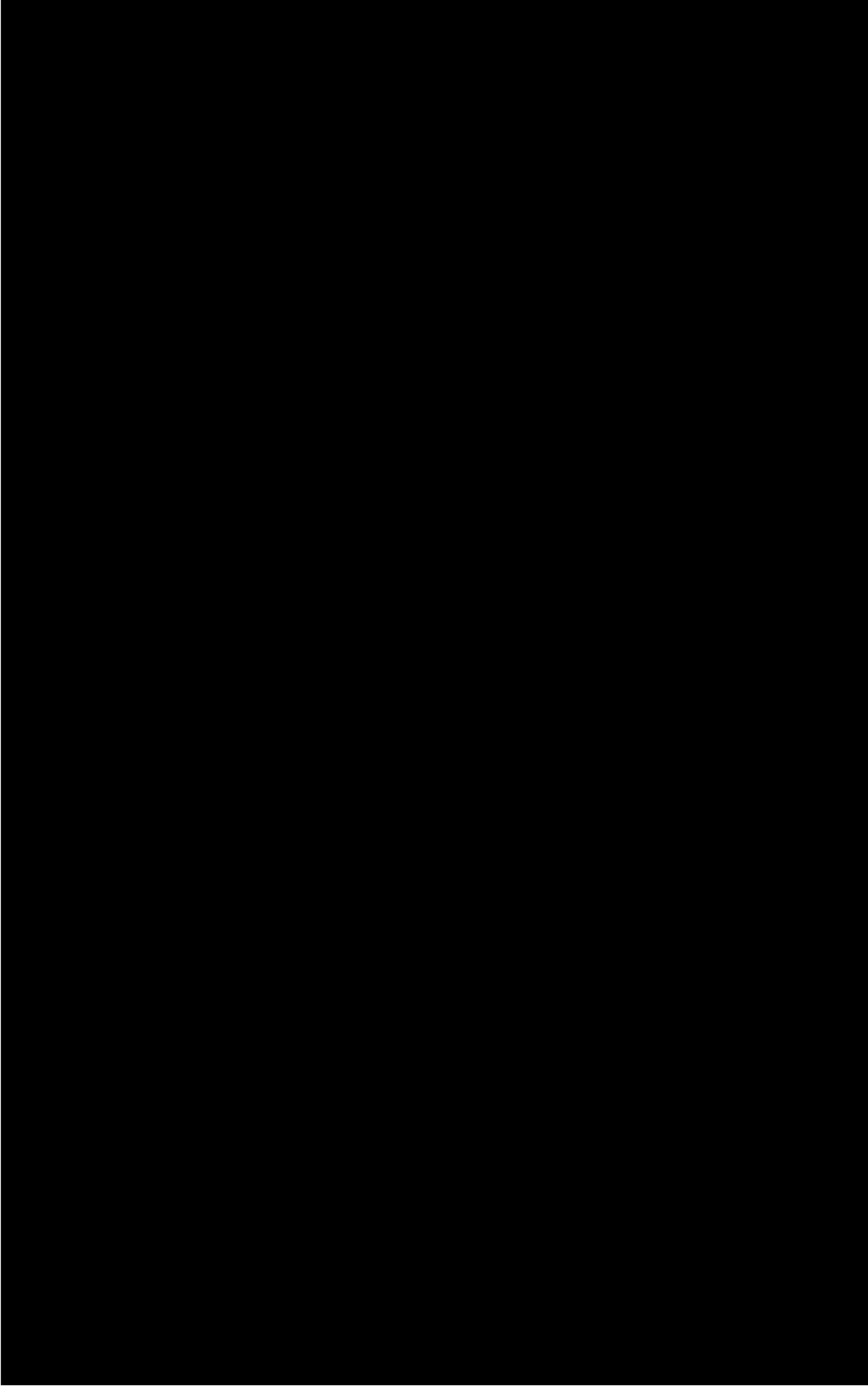


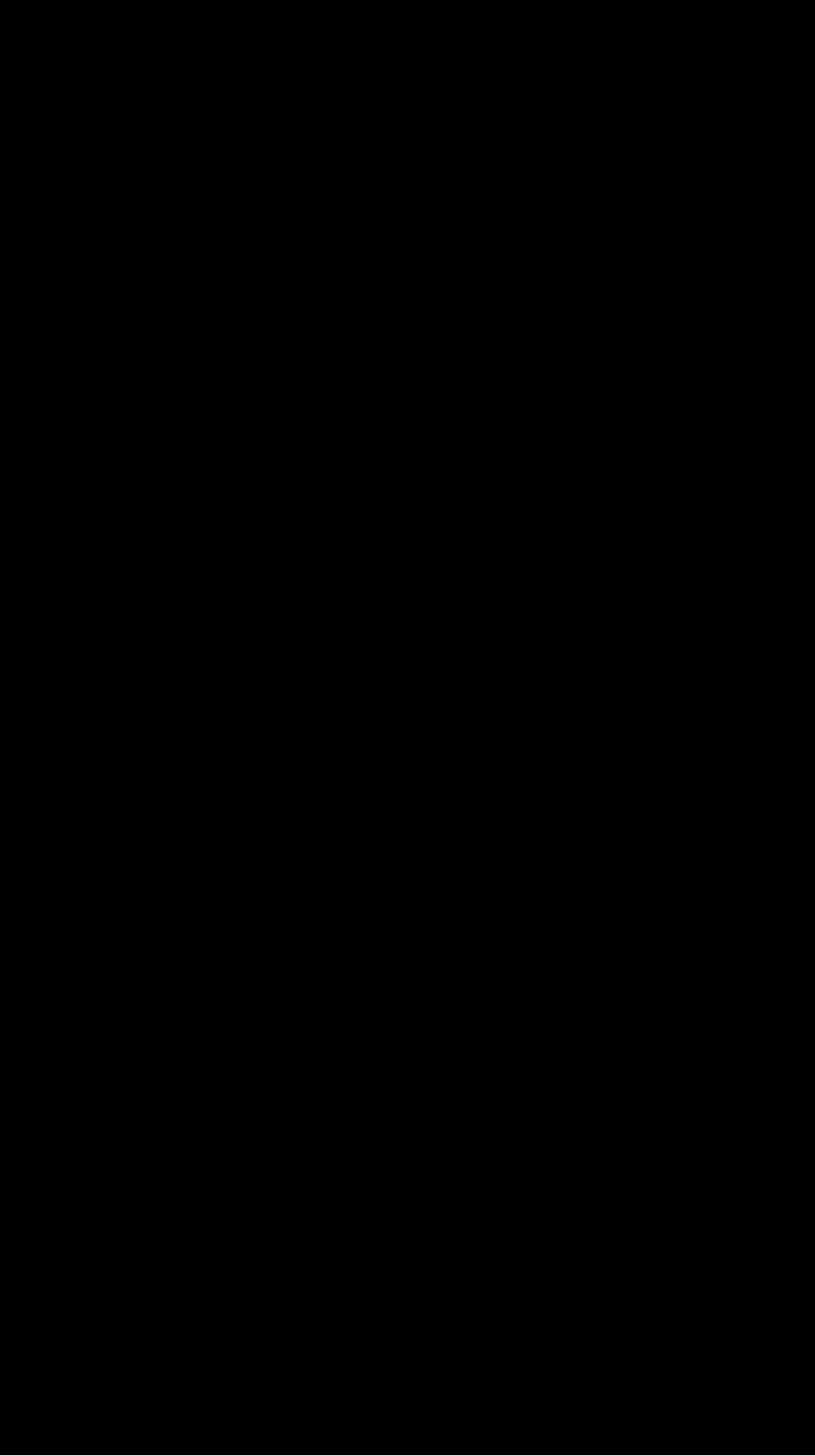


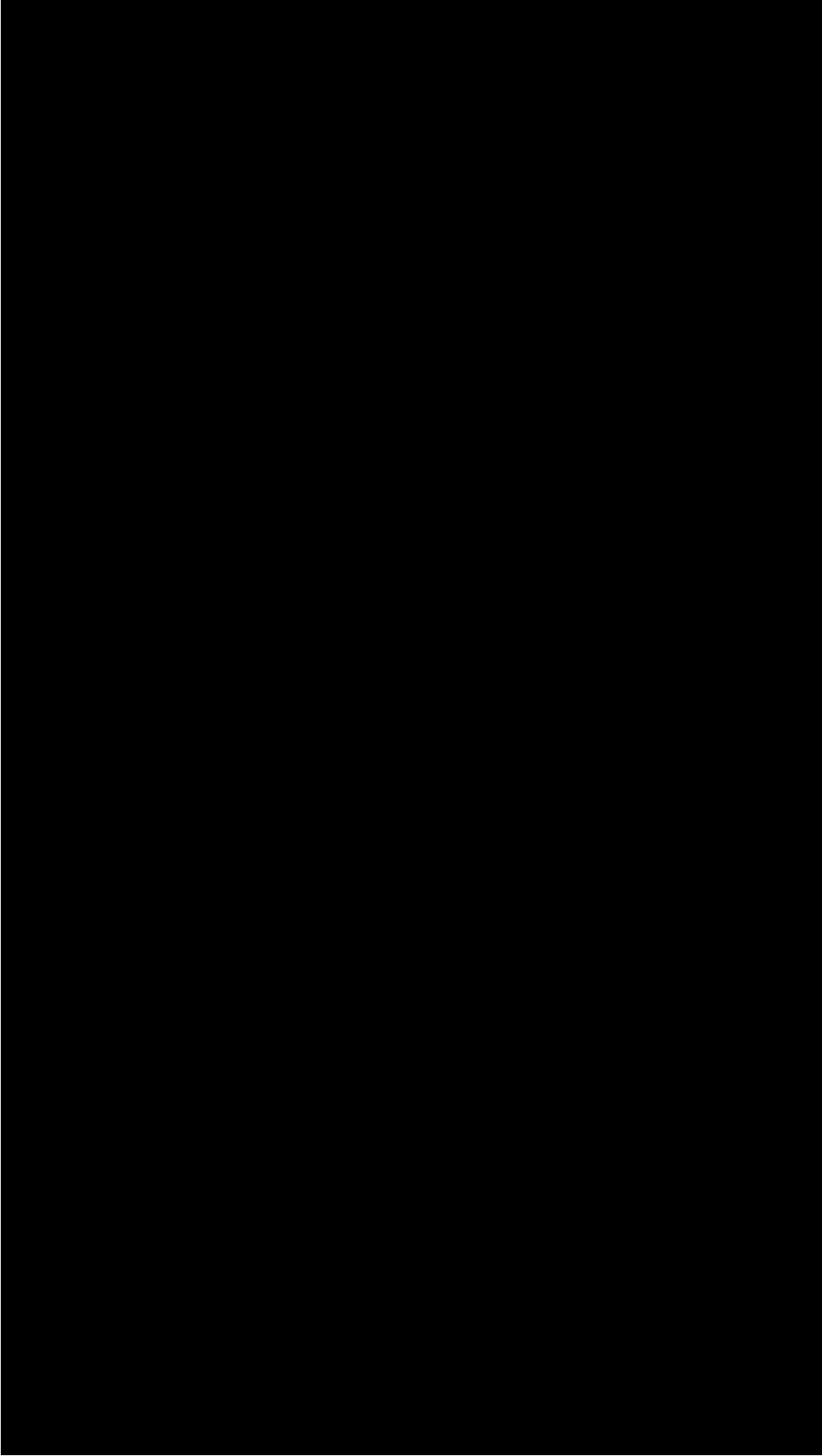


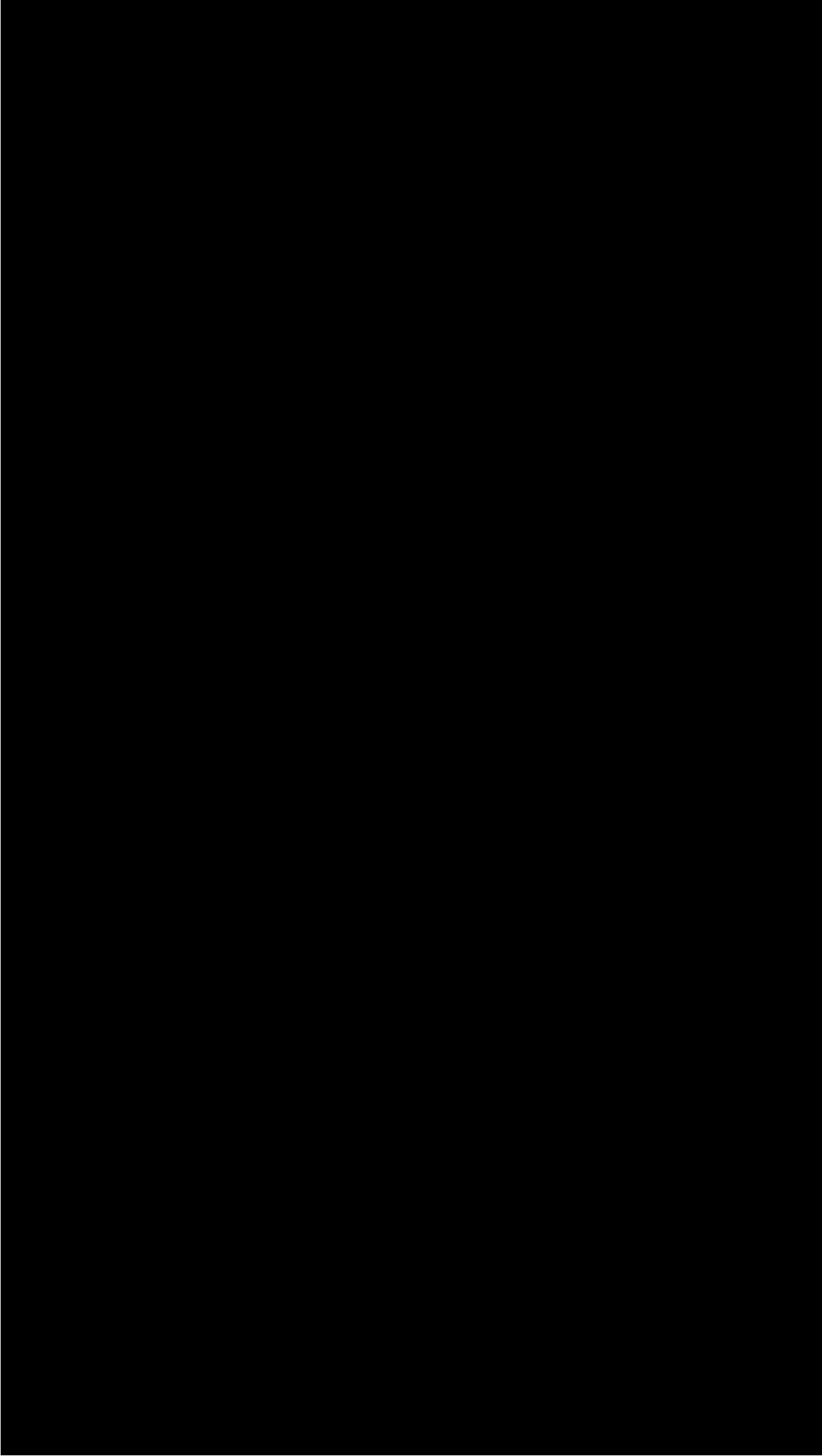


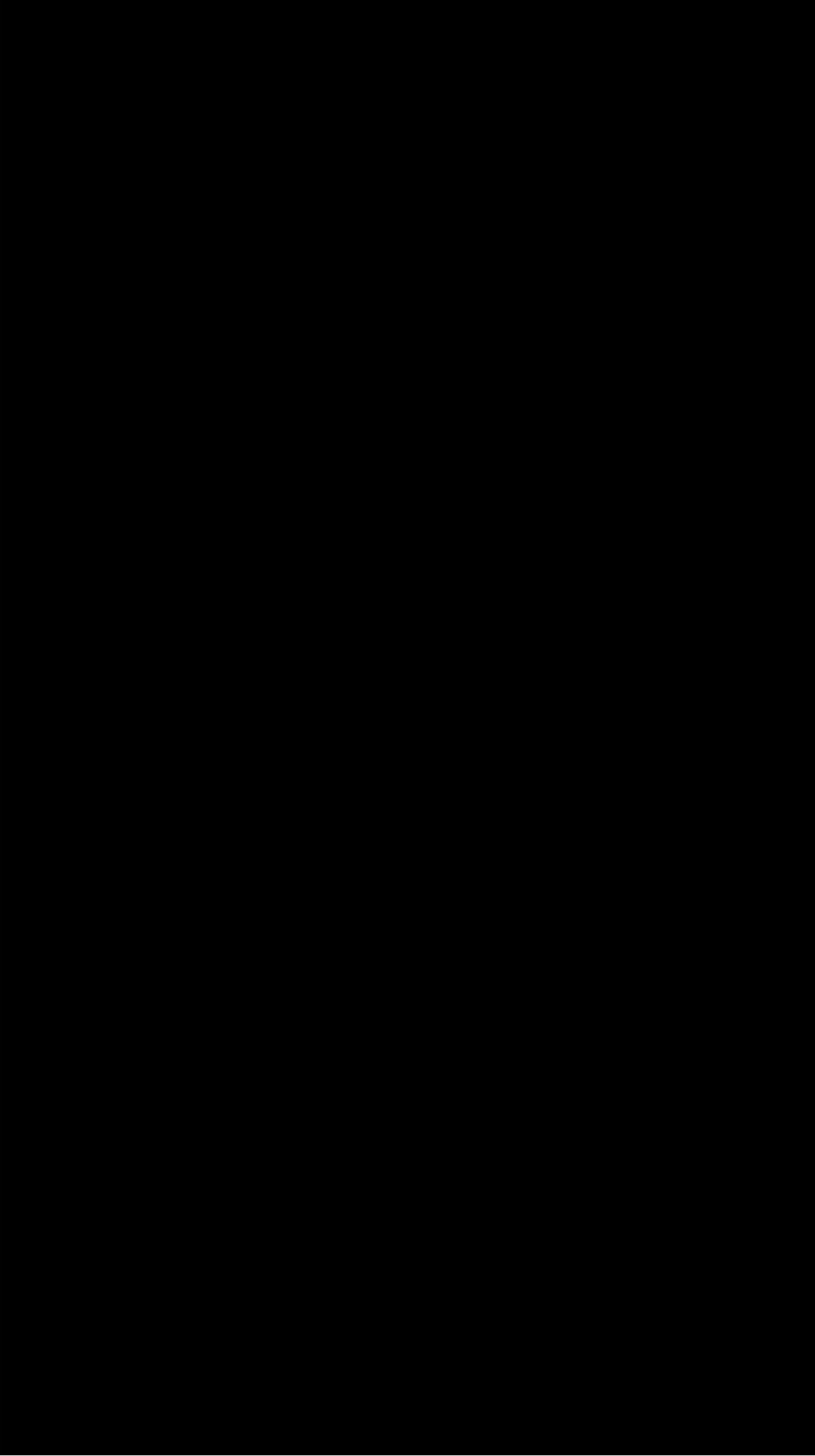


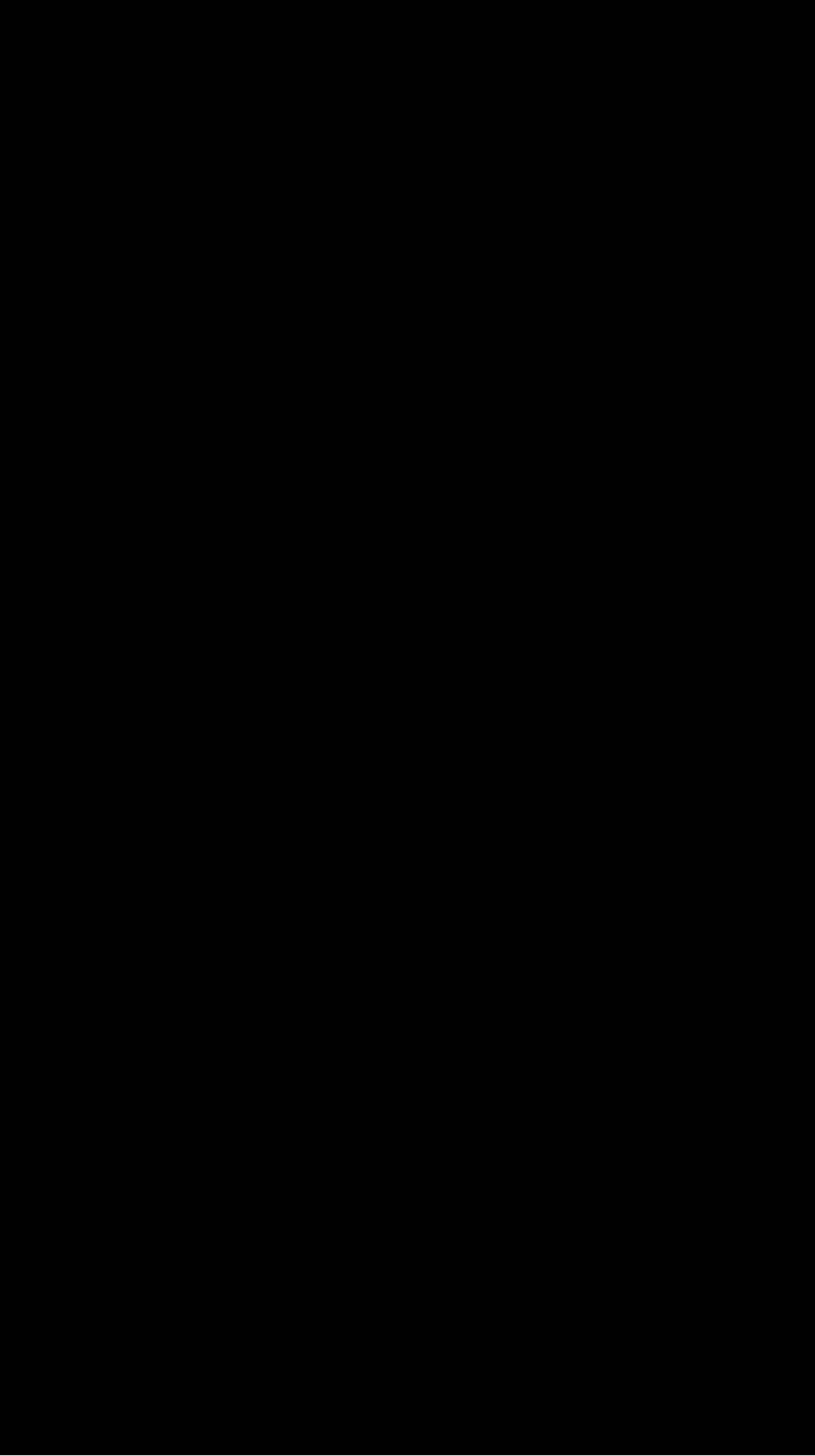


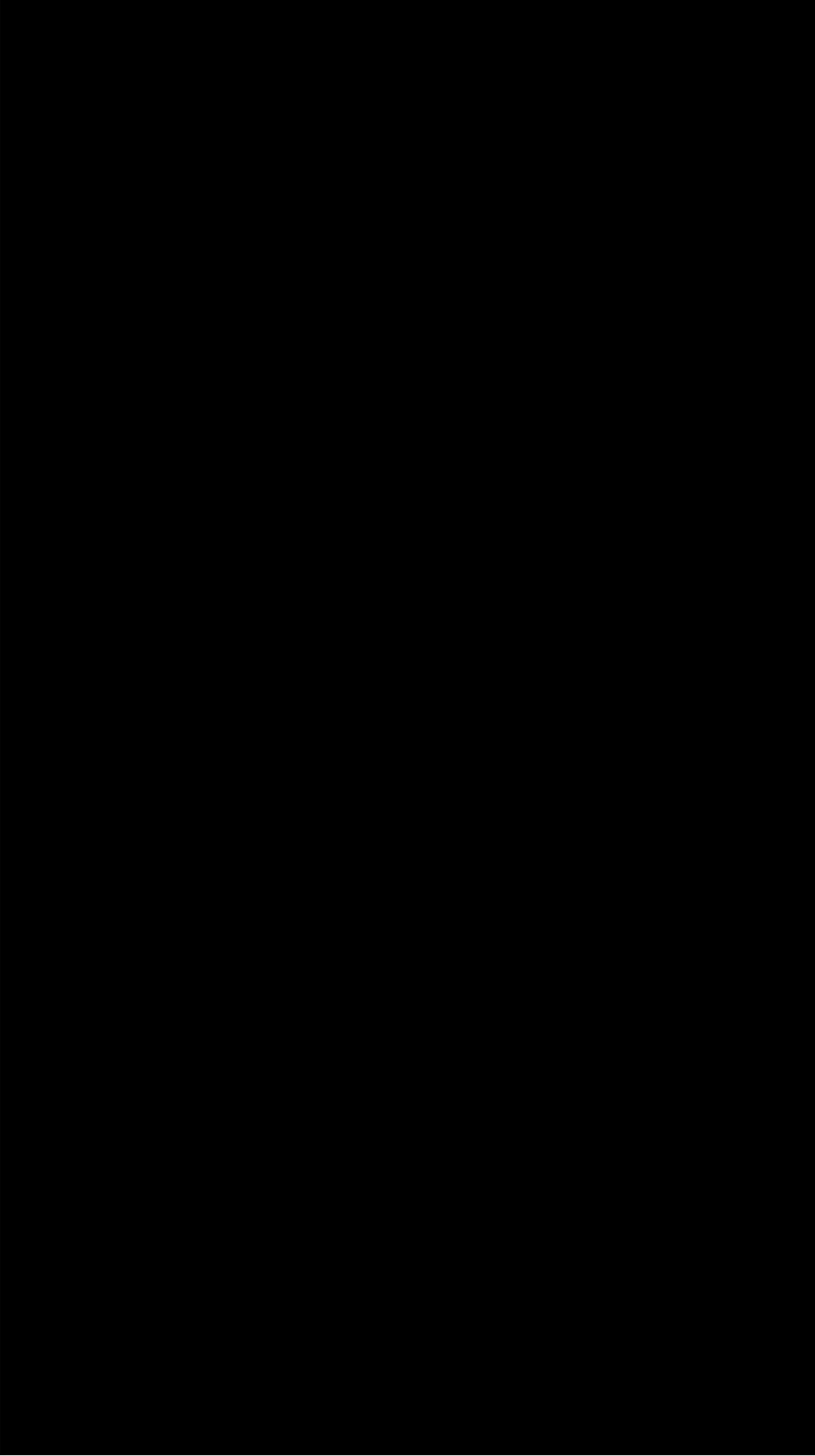


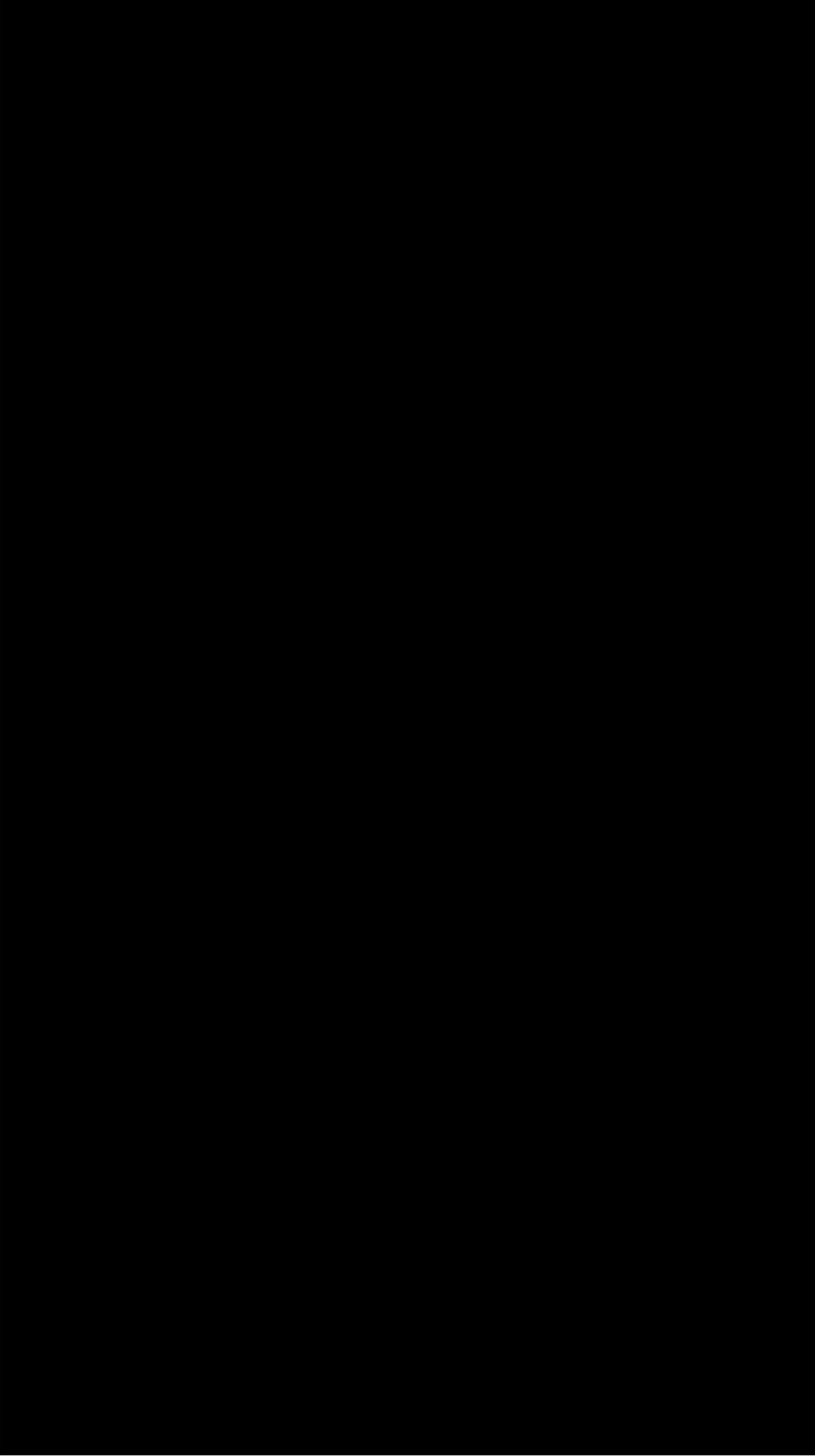


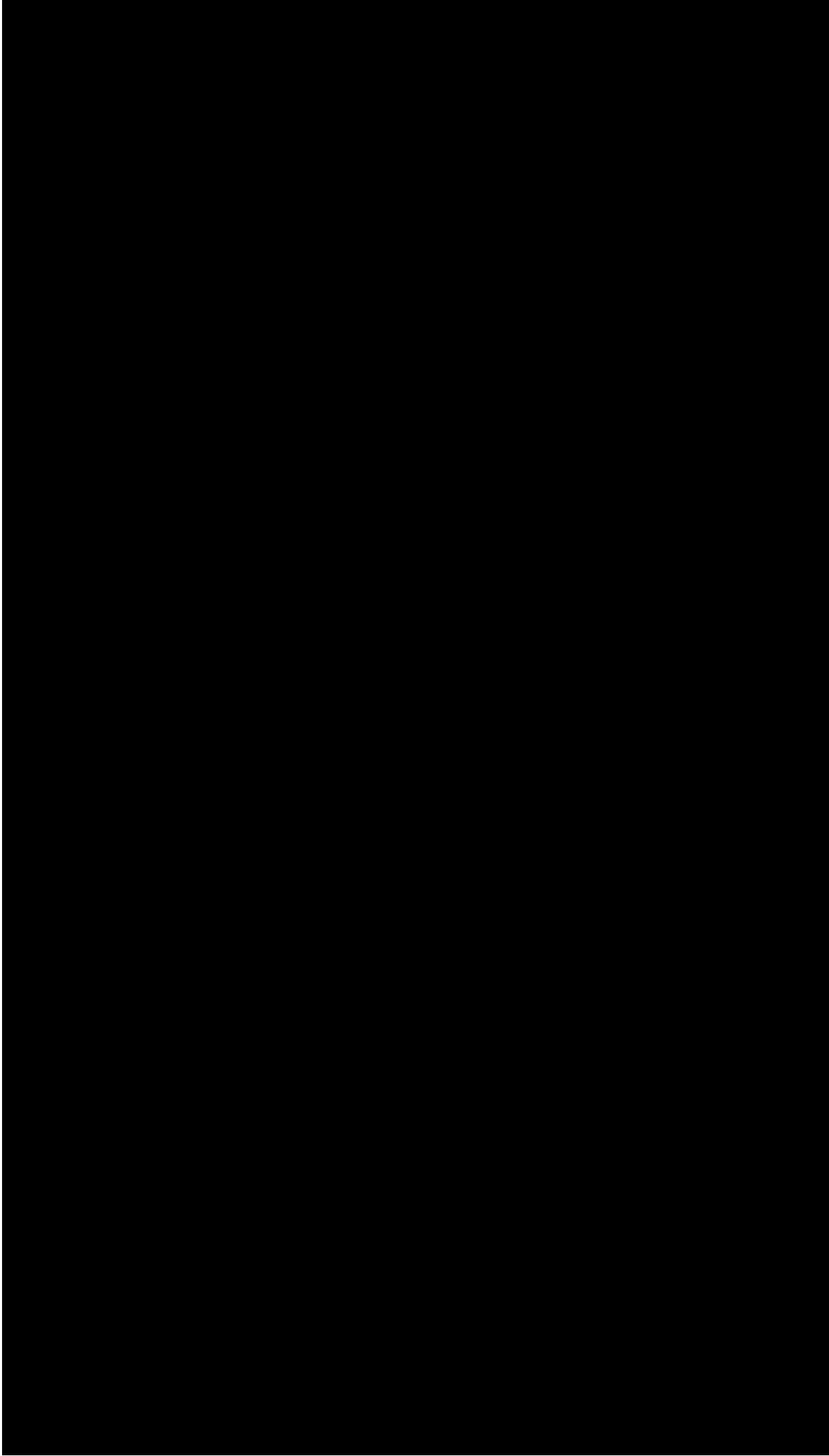


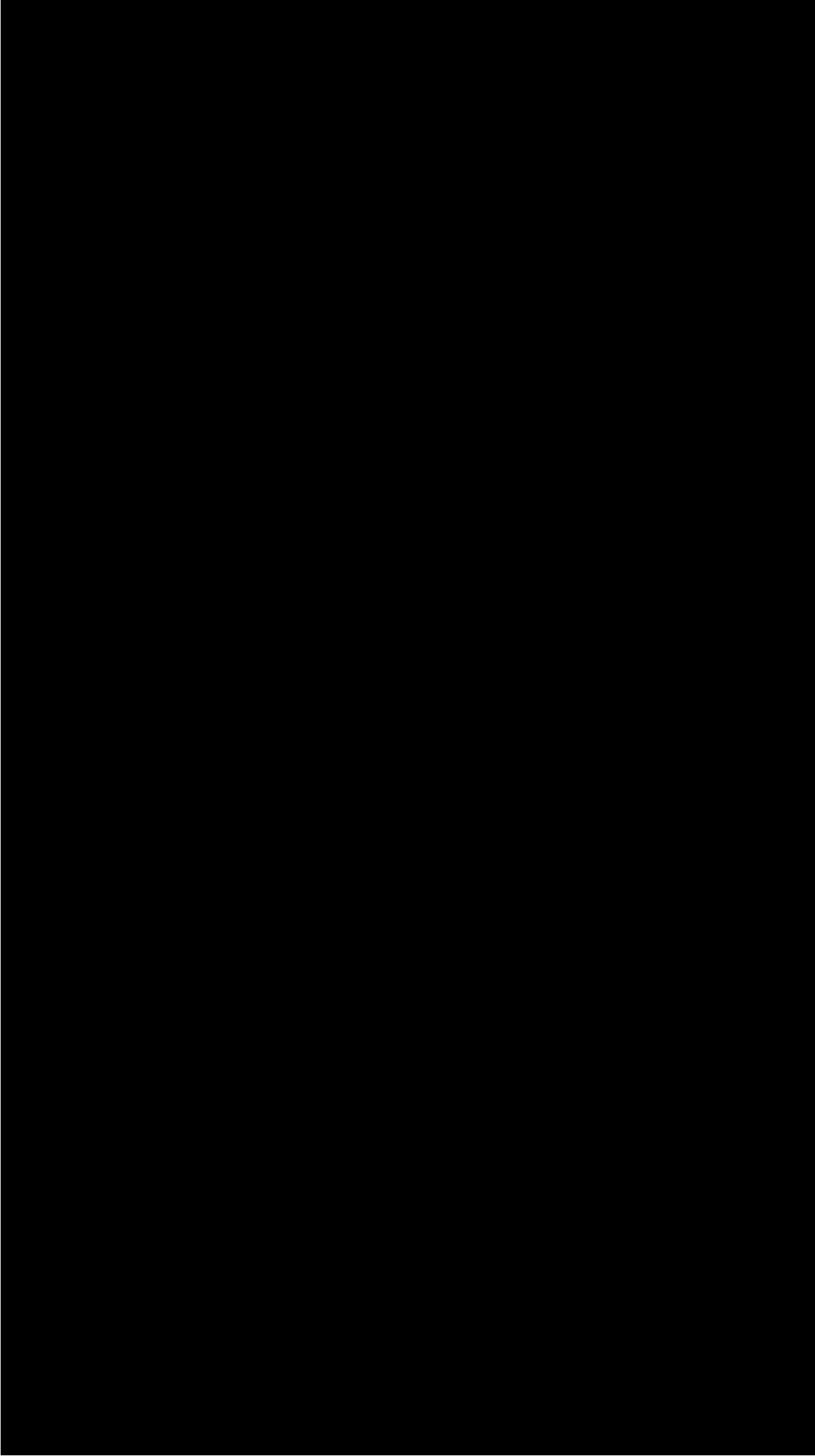


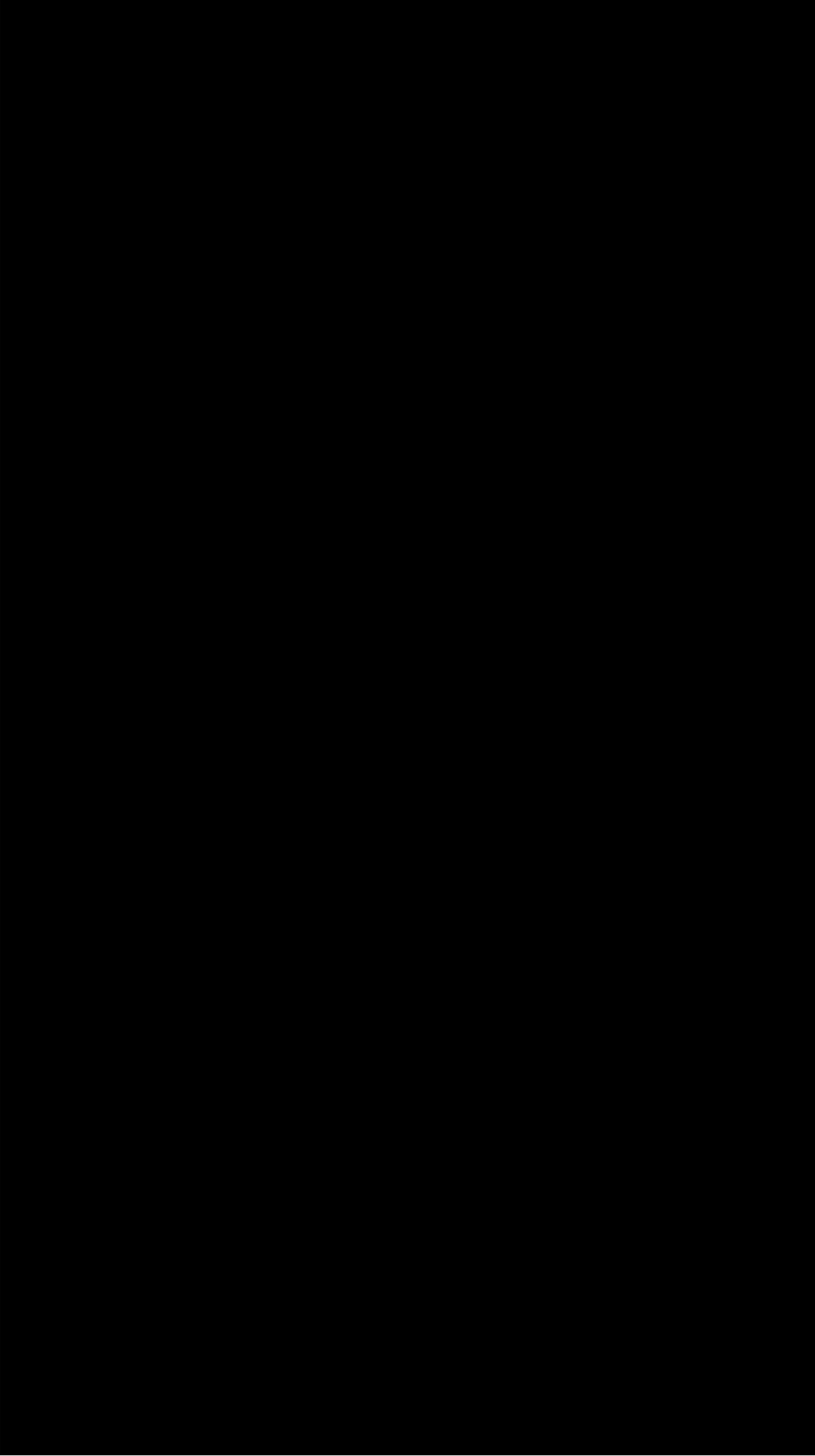


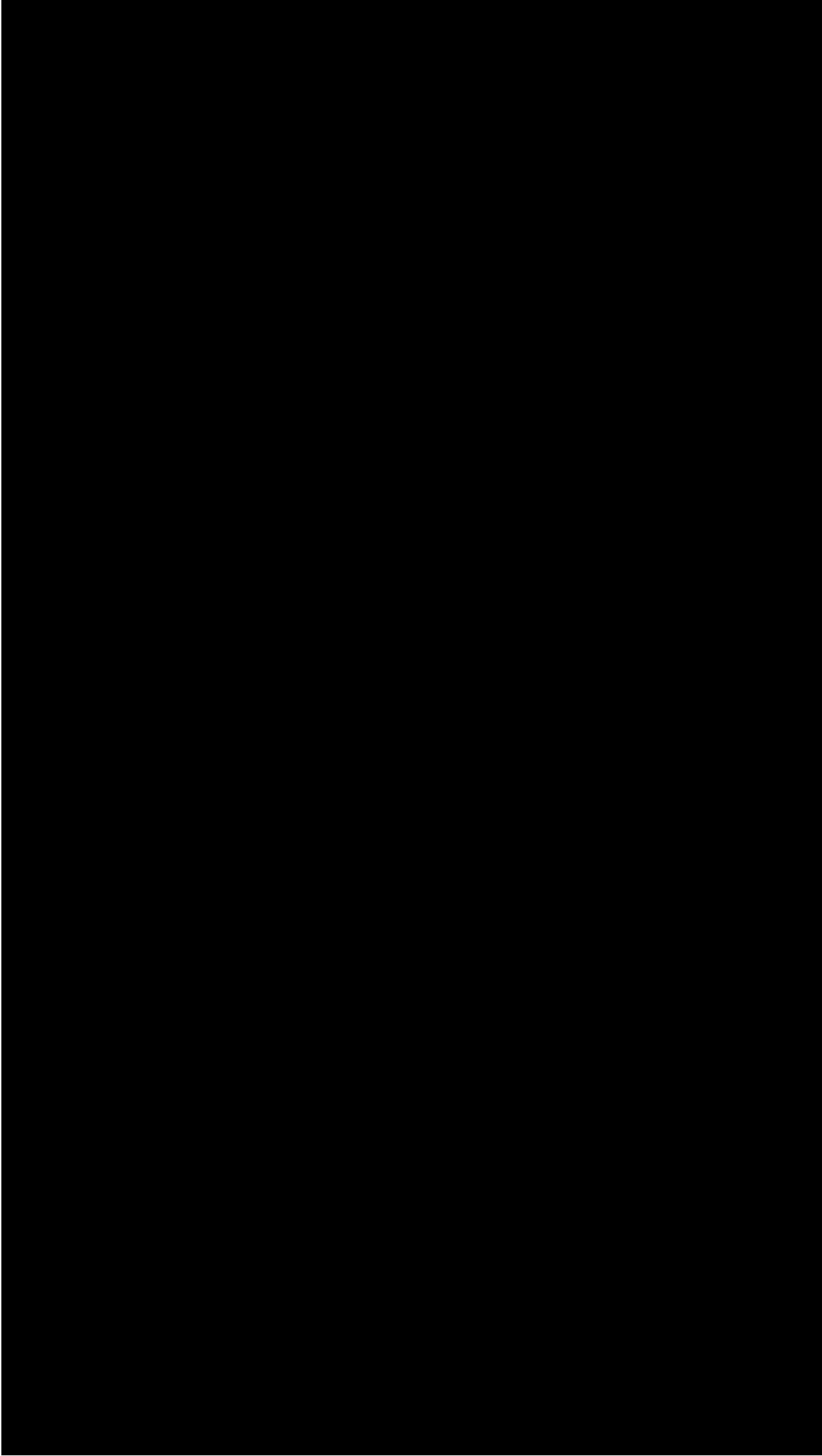


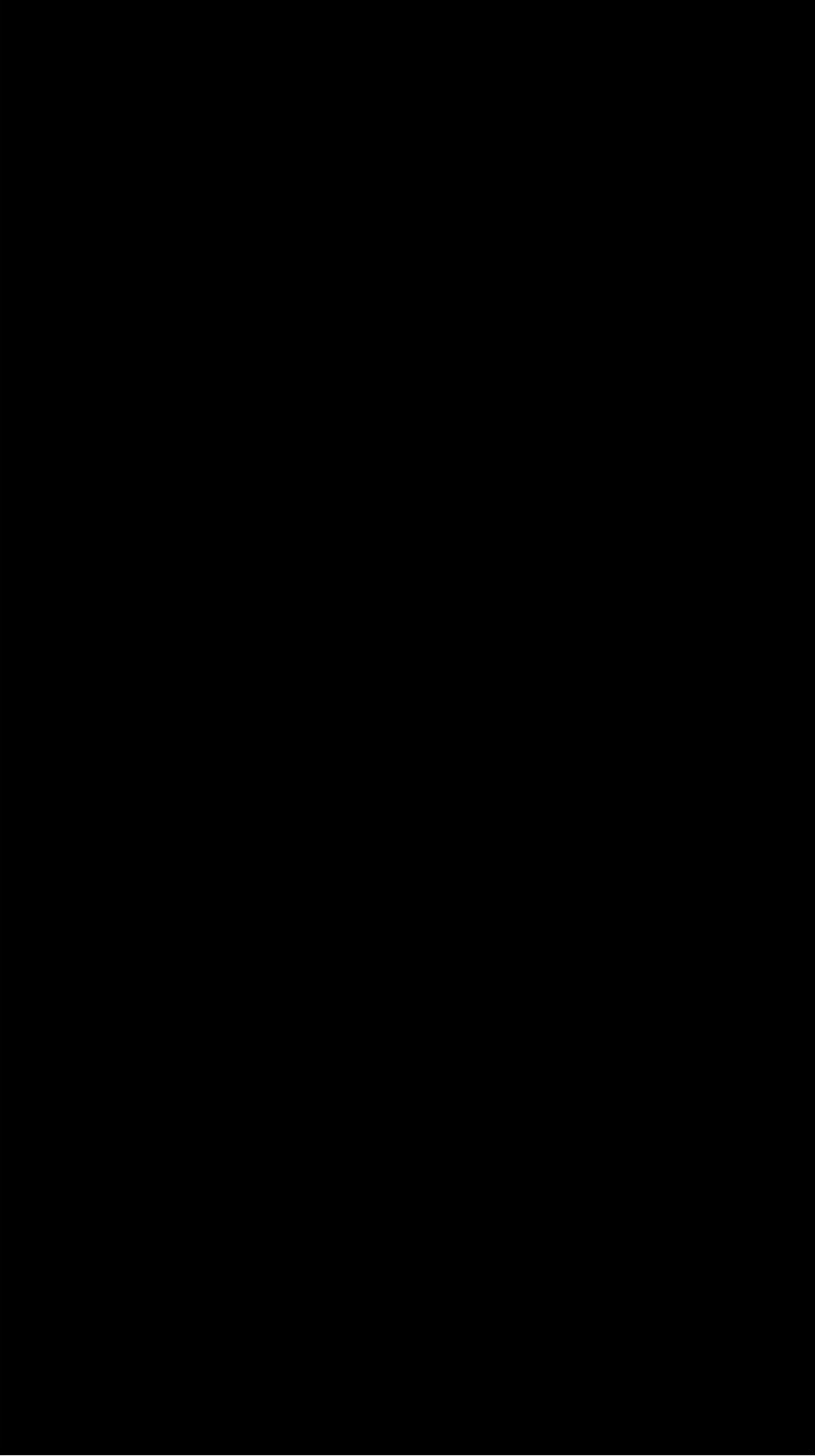




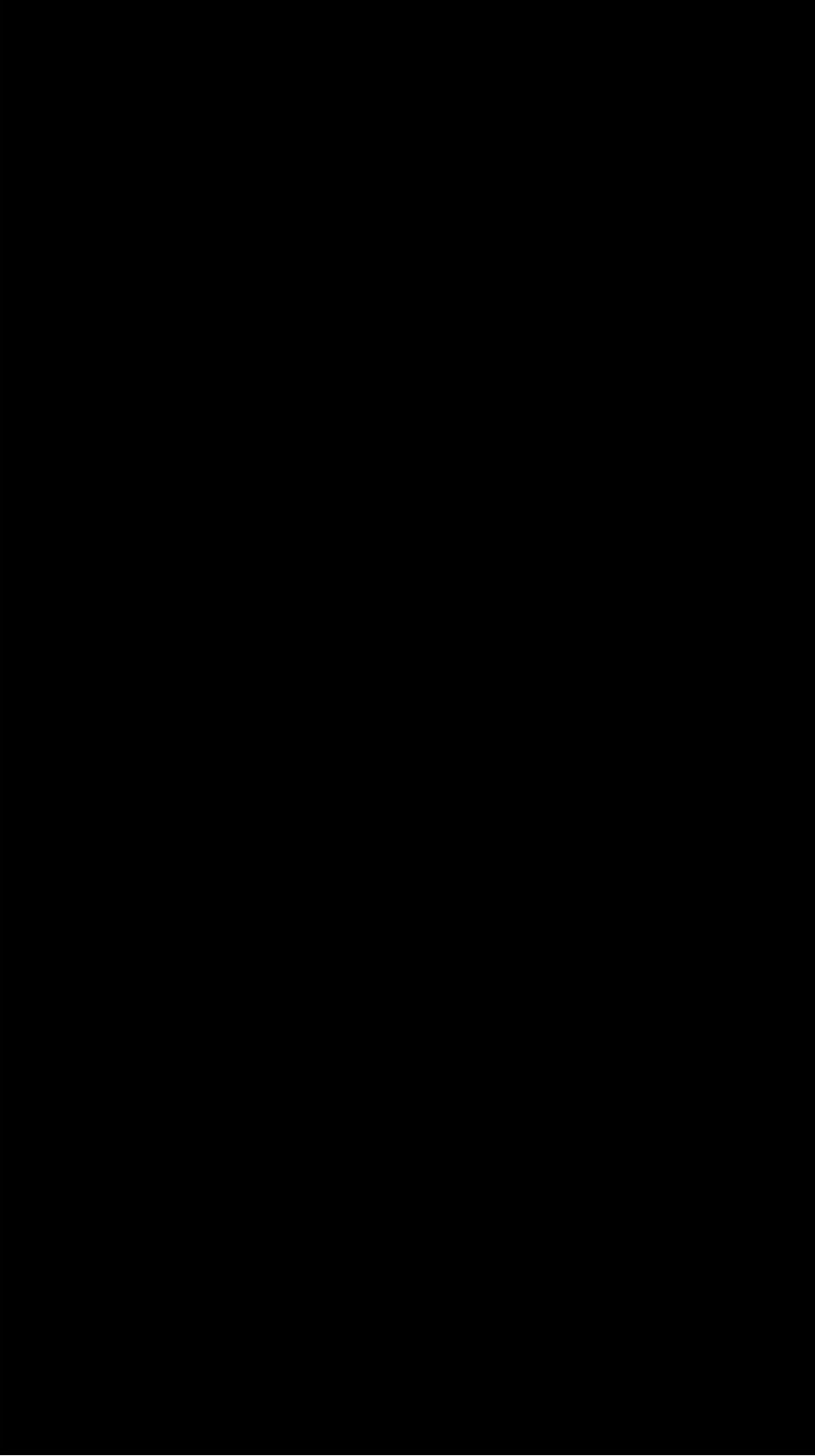


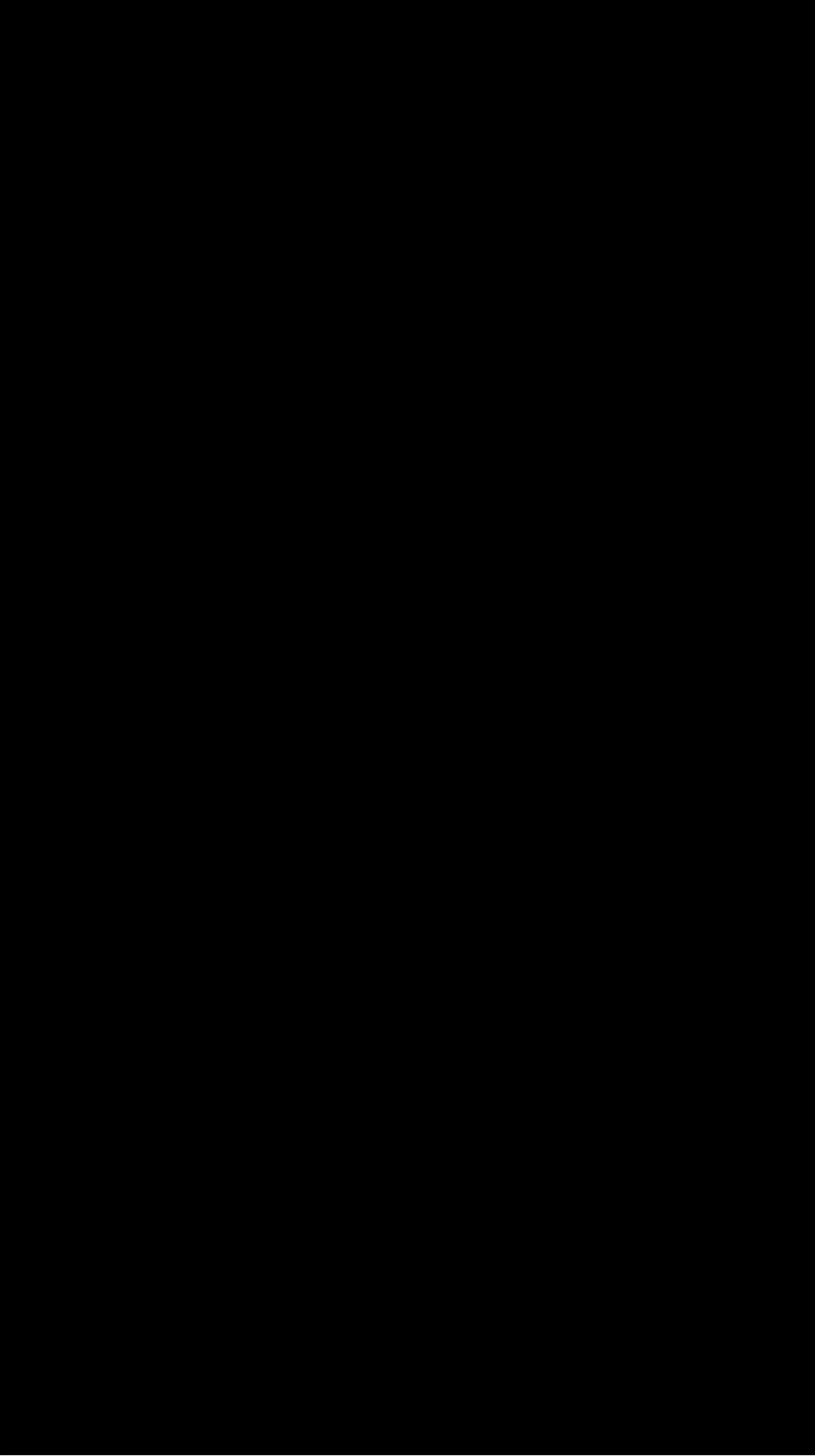


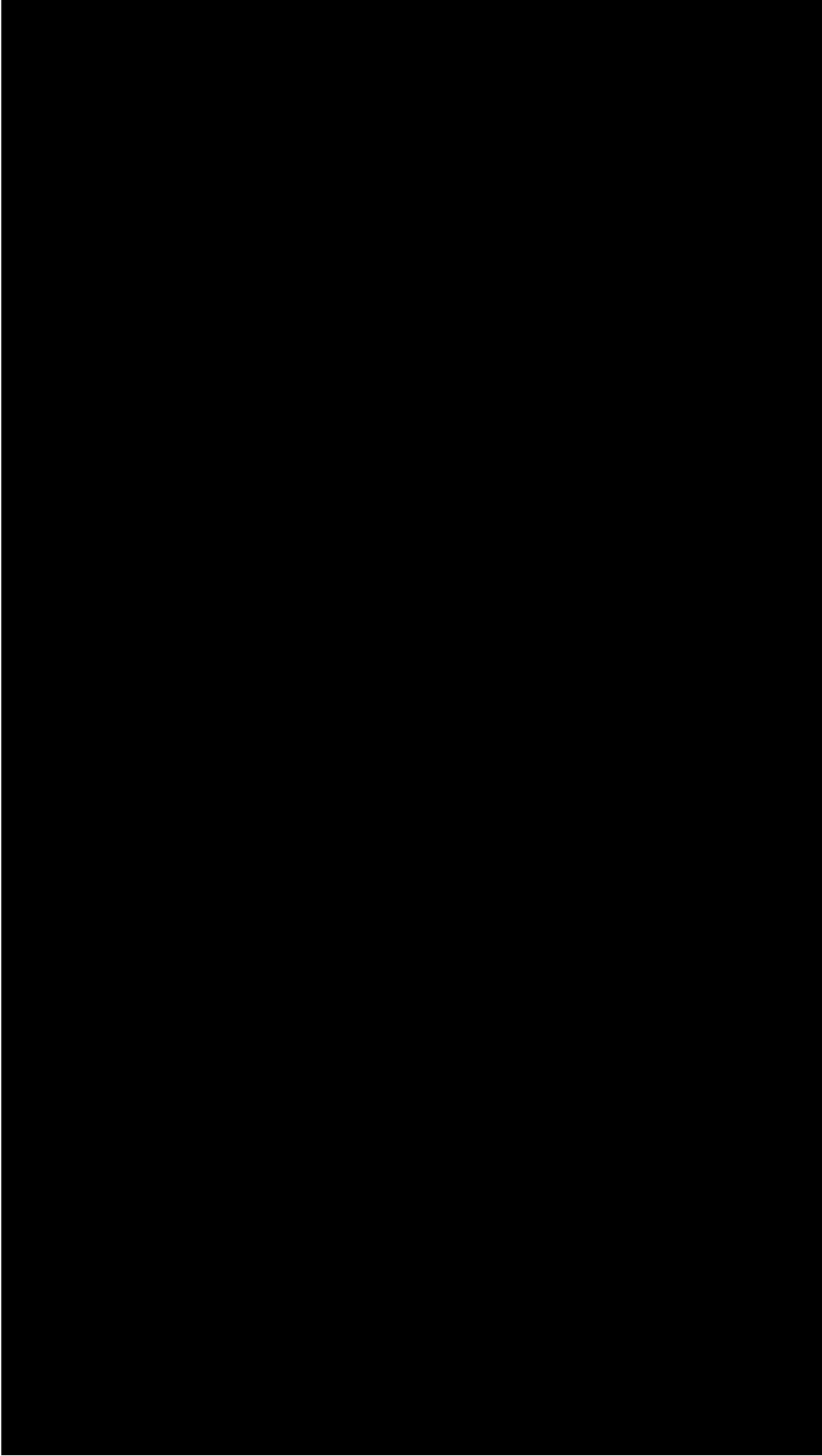












Ian Campbell

From: Schlaffer, Paul <pschlaffer@hialeahpark.com>
Sent: Monday, December 11, 2023 4:58 PM
To: Dennis Chen; Ian Campbell; Julio Minaya; Lisa Vila; Tatiana Santos; Tyrell Smith
Subject: Exclusion Update
Attachments: Facility Exclusion List December 10, 2023.xlsx; FGCC Exclusion List (Last FGCC Update October 22, 2023).xlsx

Good Afternoon,

Attached are the updated facility and FGCC exclusion lists thru December 10th.

Best Regards,

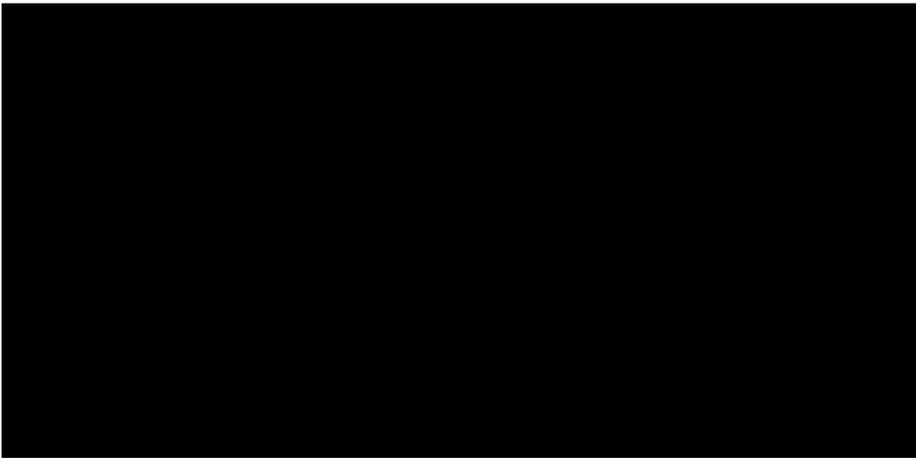
*Paul Schlaffer
Director of AML/Casino Compliance & Internal Audit
Hialeah Park Racing & Casino
100 E. 32nd Street
Hialeah, FL 33013
Office: (786) 615-5111*

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein or entity named above and may contain legally privileged and/or confidential and regulated information. Accessing information in this email, and any attachments thereto, may require the recipient to hold a slot license in accordance with Florida Statute Chapter 551. Any recipient accessing, reviewing or using information subject to Chapter 551 attests that they hold a valid slot license. If you are not licensed or not the intended recipient of this e-mail, you are hereby notified that any review, use, dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited and may be a violation under Florida Statute Chapter 551. If you have received this e-mail in error, please immediately notify me and permanently delete the original and any copy of any e-mail and any printout thereof.

6/12/2023

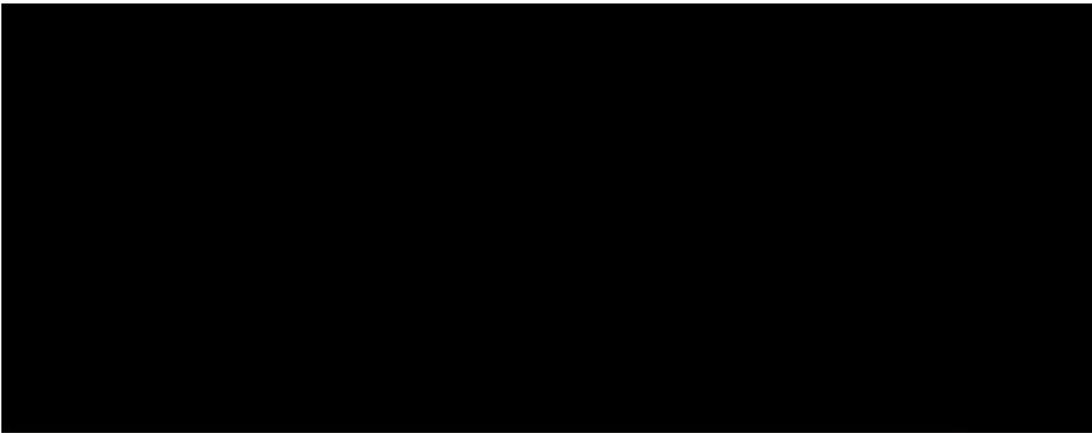
Arsenio Cue

Perm

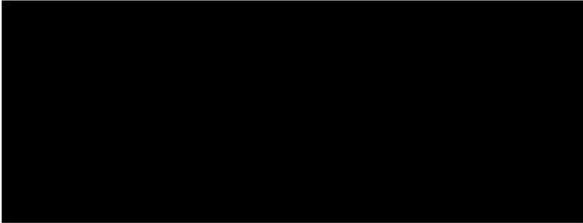


IR 0959





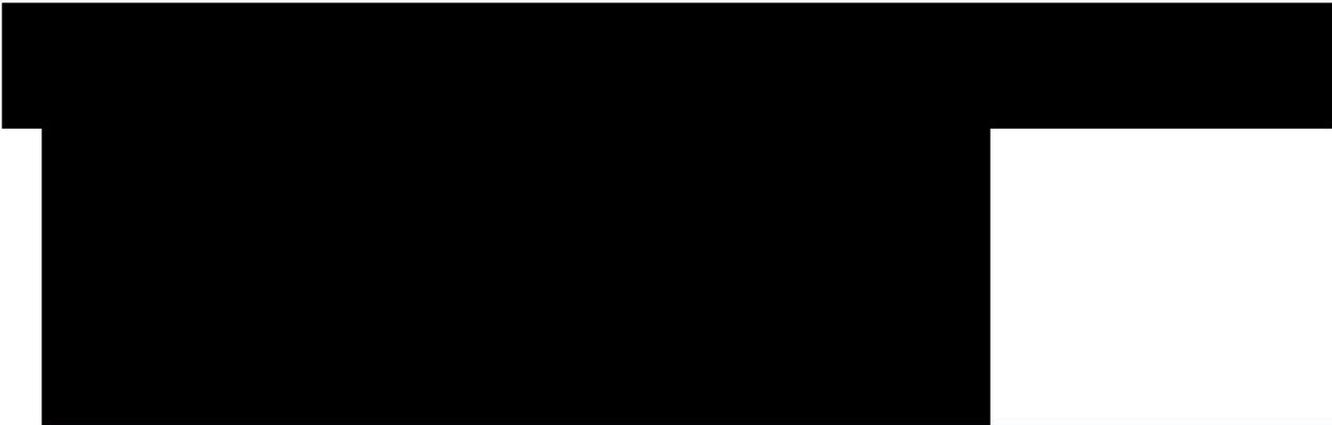
Cashing out Vouchers/Excluded



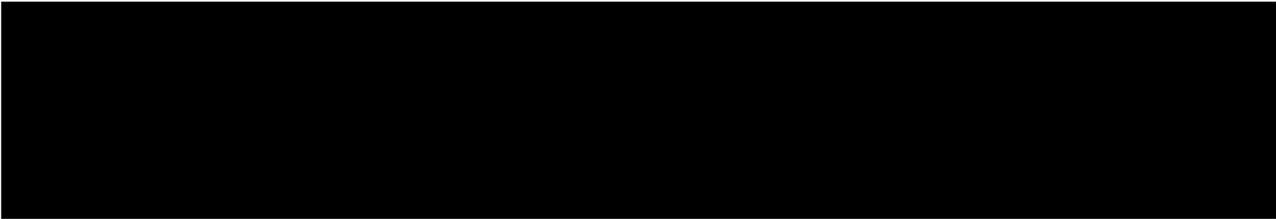


M/W	R. Roca	Average	White/Gray
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Brown	5	11	190
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Attachments



0



6680 W 2 CT, APT %23 405



Hialeah	Florida	33,012
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MEMORANDUM

To: The Florida Gaming Control Commission
From: Division of Pari-Mutuel Wagering
Through: Joseph Klein, Senior Attorney
Re: FGCC v. BRIANNA LUBIN
Case Number 2023-039433; Final Order
Date: April 1, 2024

Executive Summary

The Division of Pari-Mutuel Wagering (the “Division”) seeks the permanent exclusion of Respondent, Brianna Lubin (“Respondent”), from all pari-mutuel and slot facilities in the state of Florida.

The Division filed an Administrative Complaint on August 17, 2023. Respondent requested an informal hearing, which was held January 4, 2023. At the hearing, Respondent testified that she was “okay with being excluded,” and did not oppose the Commission excluding Respondent from all licensed pari-mutuel wagering facilities and facilities of a slot machine licensee in the state of Florida.

Therefore, the Division recommends that the Florida Gaming Control Commission enter a Final Order excluding Respondent from all pari-mutuel and slot facilities in the state of Florida.

Background

On June 29, 2023, Respondent was employed as a Food & Beverage cashier at PPI, Inc. d/b/a Harrah’s Pompano Park Casino (“Harrah’s Casino”)¹. She was observed by Harrah’s Casino’s Surveillance Department personnel taking a patron’s order, collecting the payment, serving the patron, and placing the monies into the register only to later retrieve the funds for her personal gain. As a result, Respondent was ejected from Harrah’s Casino on July 10, 2023.

On August 17, 2023, based on her ejection from Harrah’s Casino, the Division filed an Administrative Complaint seeking Respondent’s exclusion from all pari-mutuel and slot facilities in the state of Florida.

¹ Harrah’s Casino is operated by a pari-mutuel wagering permitholder that also possesses a slot machine and cardroom license.

Respondent returned an Election of Rights form indicating that she did not dispute the allegations of material fact in the Administrative Complaint, and requested to submit oral and written evidence in mitigation at an informal hearing pursuant to Section 120.57(2), Florida Statutes.

At the hearing, held January 4, 2024, Respondent testified that she was “okay with being excluded,” and did not oppose the Commission excluding her from all licensed pari-mutuel wagering facilities and facilities of a slot machine licensee in the state of Florida.

On March 28, 2024, the informal hearing officer relinquished jurisdiction to the Commission for the issuance of a Final Order.

Analysis

Florida law allows for the exclusion of Respondent from all pari-mutuel and slot machine facilities in this state. Section 550.0251(6), Florida Statutes, provides that “[t]he Commission may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state.” Likewise, Section 551.112 provides that “[t]he Commission may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state.”

Therefore, Respondent’s ejection from Harrah’s Casino – which is both a pari-mutuel facility and slot machine licensee in this state – subjects her to exclusion from *all* pari-mutuel and slot machine facilities in this state.

Staff Recommendation: The Division recommends that the Florida Gaming Control Commission enter a Final Order permanently excluding Brianna Lubin from all pari-mutuel and slot machine facilities in this state.

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING

FILED	
FLORIDA GAMING CONTROL COMMISSION	
Date:	4/01/2024
File Number:	_____
BY: MELBA L. APELLANIZ CLERK OF THE COMMISSION	

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

v.

FGCC Case No.: 2023-039433

BRIANNA LUBIN

Respondent.

ORDER GRANTING UNOPPOSED MOTION TO RELINQUISH JURISDICTION

THIS MATTER came before Elizabeth K. Stinson, designated Hearing Officer for the Florida Gaming Control Commission (“Commission”), on January 4, 2024, in Tallahassee, Florida, in accordance with the provisions of sections 120.569 and 120.57(2), Florida Statutes, for consideration of the Commission's Administrative Complaint filed against Brianna Lubin (“Respondent”), in FGCC Case Number 2023-039433 (“Administrative Complaint”).

At the hearing on January 4, 2024, Respondent testified that she was “okay with being excluded,” and did not oppose the Commission excluding Respondent from all licensed pari-mutuel wagering facilities and facilities of a slot machine licensee in the state of Florida.

At that time, Emily A. Alvarado, Deputy Chief Attorney for the Commission, made an unopposed motion for the undersigned to relinquish jurisdiction to the Commission so that a Final Order Pursuant to Request from Respondent could be issued excluding Respondent from all licensed pari-mutuel wagering facilities and all facilities of a slot machine licensee in the State of Florida.

It is therefore ORDERED that:

1. The Unopposed Motion to Relinquish Jurisdiction is granted.
2. Jurisdiction will revert back to the Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Commission”) for the Commission to enter a Final Order.

DONE AND ORDERED this 28th day of March, 2024, in Tallahassee, Leon County Florida.



Elizabeth K. Stinson
Florida Gaming Control Commission

CERTIFICATE OF SERVICE

I hereby certify this 28th day of March 2024 that a true copy of the foregoing “Order Granting Unopposed Motion to Relinquish Jurisdiction” has been furnished via email to:

Emily Alvarado
Emily.Alvarado@flgaming.gov
Counsel for Petitioner

Joseph Klein
Joseph.Klein@flgaming.gov
Counsel for Petitioner

Brianna Lubin
BeautifullyB94@gmail.com
Respondent



Elizabeth K. Stinson
Florida Gaming Control Commission

LUBIN, BRIANNA
Case No. 2023-039433
Informal Hearing Packet

Documents Included in Case File

- Exhibit 1 Cover Letter
- Exhibit 2 Notice of Informal Hearing
- Exhibit 3.....Election of Rights
- Exhibit 4 Administrative Complaint
- Exhibit 5 Report of Investigation



Florida Gaming Control Commission

JULIE I. BROWN, VICE CHAIR
CHUCK DRAGO, COMMISSIONER
JOHN D'AQUILA, COMMISSIONER
TINA REPP, COMMISSIONER

December 8, 2023

Brianna Lubin
829 NE 11th Ave. Apt. #2
Pompano Beach, FL 33060



RE: FGCC v. Brianna Lubin
Case No.: 2023-039433

Dear Ms. Lubin:

Enclosed please find a Notice of Hearing for the informal hearing that has been scheduled in the above-referenced case. **Your hearing is scheduled to be heard on Thursday, January 4, 2024 between 10:00 a.m. and 12:00 p.m. (Eastern Time).** Please read the Notice of Hearing for more details about the date, time, location and instructions for the hearing. A copy of the Commission's case file has been mailed to your address of record. Please ensure that you have this case file available during the hearing, as you may need to refer to it throughout the hearing.

You may also provide written or oral evidence or have witnesses testify on your behalf. Any evidence that you wish to present to the Hearing Officer and any names and contact information of witnesses you plan to call at the hearing should be emailed to Elizabeth.Stinson@flgaming.gov at least 7 days before the date of the hearing. If you do not have an email address, please contact me for an alternative method to provide the requested information.

Please note: If you choose not to attend the hearing in person or by video conference, we will be conducting the hearing telephonically; you will be contacted **between 10:00 AM and 12:00 PM (EST) at the following number: (754) 271-5926.** If that number is incorrect, please contact me as soon as possible to notify me of the correct number at which to reach you. Failure to answer the telephone, promptly return a missed call, or hold an open line will result in the hearing proceeding without you.

Below please find information about the informal hearing process:

1. The Informal Hearing is held on the date and time noted in the Notice of Hearing.
2. Approximately 14 to 21 days after the hearing, Proposed Recommended Orders, or recommendations for what the Hearing Officer's ruling should be, are sent to Hearing Officer.
3. Approximately 21 to 45 days after the Proposed Recommended Orders are submitted, the Hearing Officer will submit his or her recommended ruling to the Clerk of the Commission's office.
4. A Final Order will be issued within approximately 90 days after the date of the hearing. The Final Order is final agency action and will describe the resolution of your case.

Should you have any questions or need any assistance, please feel free to contact me via telephone or email at 850-794-8072 or Ebonie.Lanier@flgaming.gov.

Sincerely,



Florida Gaming Control Commission

JULIE I. BROWN, VICE CHAIR
CHUCK DRAGO, COMMISSIONER
JOHN D'AQUILA, COMMISSIONER
TINA REPP, COMMISSIONER

/s/ Ebonie Lanier

Ebonie Lanier Administrative
Assistant III

Enclosures: Notice of Hearing and Case File

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

v.

FGCC Case No.: 2023-039433

BRIANNA LUBIN,

Respondent.

_____ /

NOTICE OF TELEPHONIC HEARING

TO: Brianna Lubin
829 NE 11th Ave. Apt. #2
Pompano Beach, FL 33060

YOU ARE HEREBY NOTIFIED that the Commission’s designated Hearing Officer will conduct a hearing in this matter, pursuant to Section 120.57(2), Florida Statutes. If you wish to present oral or written evidence, you must attend the hearing. The hearing is scheduled for **Thursday, January 4, 2024, at 10:00 a.m. (Eastern Time)**. **If you choose not to attend the hearing in person or by video conference, the Hearing Officer will call you at (754) 271-5926 sometime between 10:00 a.m. – 12:00 p.m. (EST)**. Please be available to take the Hearing Officer’s call. Failure to answer the telephone, promptly return a voicemail, or hold an open line may result in the hearing proceeding without you.

You may elect to attend the hearing in person or by video conference via GoToMeeting. If you wish to do so, you must contact the Commission by email at Ebonie.Lanier@flgaming.gov or telephone at (850) 794-8072, at least seven (7) days prior to your hearing date. If you do not elect to attend by video conference or in person, the hearing will automatically be held by telephone only. You may also provide written or oral evidence or have witnesses testify on your behalf. Any evidence

that you wish to present to the Hearing Officer and any names and contact information of witnesses you plan to call at the hearing should be emailed to Elizabeth.stinson@flgaming.gov at least 7 days before the date of the hearing. If you do not have an email address, please contact me for an alternative method to provide the requested information.

If you cannot attend the hearing and wish to request a continuance for good cause, you must notify the Hearing Officer at (hearing officer email) and Opposing Counsel at (opposing counsel email) at least five (5) days prior to your hearing date. Continuance requests made within five (5) days of the hearing can only be granted for emergencies.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to: the above-named parties via certified mail, on this 8th day of December, 2023.

By: /s/ Ebonie Lanier

Ebonie Lanier
Administrative Assistant III
Florida Gaming Control
Commission, Office of the General
Counsel, Division of Pari-Mutuel
Wagering
4070 Esplanade Way Tallahassee,
Florida 32399 Telephone: (850)
794-8072 Facsimile: (850)
921-1311
Melinda.Bristow@flgaming.gov

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting Ebonie Lanier at (850) 794-8072. If you are hearing or speech impaired, please contact the agency by calling 1-800-955-8771.

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

ELECTION OF RIGHTS

FGCC v. BRIANNA LUBIN

CASE NO.: 2023-039433

PLEASE CHECK ONLY ONE OF THE THREE OPTIONS.

Option (1) I do not dispute the allegations of material fact in the Administrative Complaint. I wish to submit oral and written evidence in mitigation at a hearing pursuant to Section 120.57(2), Florida Statutes ("informal hearing") and that this oral and written evidence be considered before any penalty and fines are imposed.

Option (2) I do dispute the allegations of material fact in the Administrative Complaint. This is a petition for a hearing involving disputed material facts pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, ("formal hearing") before an Administrative Law Judge of the Division of Administrative Hearings. I specifically dispute the following paragraphs in the Administrative Complaint (attach extra pages or write on the back if needed):

In addition to the above election for formal hearing, if you wish to enter into settlement negotiations, check the box below:

Section 120.569(2)(a), Florida Statutes, requires the Department to send this case to the Division of Administrative Hearings (DOAH) for a formal hearing within 15 days after receiving your Election of Rights. I am interested in settling this case and waive the 15-day requirement in order to enter into settlement negotiations with the Department.

Option (3) I do not dispute the allegations of material fact in the Administrative Complaint and waive my right to any form of hearing. I request that a Final Order imposing a penalty and fines be entered in this case. The Final Order will be placed on the next available Florida Gaming Control Commission Meeting. Respondent is not required to attend, but may check the Florida Gaming Control Commission website at www.fgcc.fl.gov for the meeting materials, agenda, and contact information.

THIS IS A LEGALLY BINDING DOCUMENT. SEEK LEGAL ADVICE BEFORE SIGNING IF YOU DO NOT FULLY UNDERSTAND THE TERMS.

Brianna Lubin
PRINTED NAME

ATTORNEY OR QUALIFIED REPRESENTATIVE

829 NE 11th Ave Apt #2
Street Address

Street Address (where service shall be made)

Pompano Beach FL 33060
City State Zip

City State Zip

(754) 271-5926
Telephone Number Facsimile Number (if any)

Telephone Number Facsimile Number (if any)

BeautifullyB94@gmail.com
E-mail

E-mail

B. Lubin
SIGNATURE

THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE COMMISSION WITHIN 21 DAYS AND SENT TO:

Office of the General Counsel
Florida Gaming Control Commission
4070 Esplanade Way Ste. 250
Attention: Ebonie N. Lanier, Administrative Assistant III
Telephone: (850) 794-8072 Fax: (850) 921-1311
Email: Ebonie.Lanier@flgaming.gov

Ebonie Lanier

Subject: FW: LUBIN - 2023039433 - EOR

From: Stephen Melnick <melnick.lawfirm@gmail.com>

Sent: Tuesday, October 24, 2023 11:53 AM

To: Ebonie Lanier <Ebonie.Lanier@flgaming.gov>

Subject: Re: LUBIN - 2023039433 - EOR

unsure yet- I explained things to her and will be helping her but NOT handling the hearing

On Tue, Oct 24, 2023 at 11:47 AM Ebonie Lanier <Ebonie.Lanier@flgaming.gov> wrote:

Good morning,

I am writing to confirm that we have received the updated Election of Rights document.

The attorney/qualifying representative section was left blank. I wanted to clarify if you will be representing Ms. Brainna Lubin for case notification purposes.

Thanks,

-Ebonie Lanier

From: Stephen Melnick <melnick.lawfirm@gmail.com>

Sent: Tuesday, October 24, 2023 11:37 AM

To: Ebonie Lanier <Ebonie.Lanier@flgaming.gov>

Subject: Re: LUBIN - 2023039433 - EOR

You don't often get email from melnick.lawfirm@gmail.com. [Learn why this is important](#)

On Tue, Oct 24, 2023 at 11:32 AM Ebonie Lanier <Ebonie.Lanier@flgaming.gov> wrote:

Good morning Mr. Melnick,

I apologize for the phone issues we are having; I've tried reaching out to the number on the call log (954) 462-7237, but it seems this is a fax number or the line is busy.

We have received the Completed Election of Rights form, However, it is deficient because you failed to select an option.

Please resend the Election of Rights form selecting Option 1, 2, or 3.

Thanks,

-Ebonie Lanier

STATE OF FLORIDA
 FLORIDA GAMING CONTROL COMMISSION

ELECTION OF RIGHTS

FGCC v. BRIANNA LUBIN

CASE NO.: 2023-039433

PLEASE CHECK ONLY ONE OF THE THREE OPTIONS.

Option (1) I do not dispute the allegations of material fact in the Administrative Complaint. I wish to submit oral and written evidence in mitigation at a hearing pursuant to Section 120.57(2), Florida Statutes ("informal hearing") and that this oral and written evidence be considered before any penalty and fines are imposed.

Option (2) I do dispute the allegations of material fact in the Administrative Complaint. This is a petition for a hearing involving disputed material facts pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, ("formal hearing") before an Administrative Law Judge of the Division of Administrative Hearings. I specifically dispute the following paragraphs in the Administrative Complaint (attach extra pages or write on the back if needed):

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Brianna Lubin
 PRINTED NAME

 ATTORNEY OR QUALIFIED REPRESENTATIVE

829 NE 11th Ave, Apt #2
 Street Address

 Street Address (where service shall be made)

Pompano Beach FL 33060
 City State Zip

 City State Zip

(754) 271-5926
 Telephone Number Facsimile Number (if any)

 Telephone Number Facsimile Number (if any)

BeautifullyB94@gmail.com
 E-mail

 E-mail

B. Lubin
 SIGNATURE

THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE COMMISSION WITHIN 21 DAYS AND SENT TO:

Office of the General Counsel
 Florida Gaming Control Commission
 4070 Esplanade Way Ste. 250
Attention: Ebonie N. Lanier, Administrative Assistant III
 Telephone: (850) 794-8072 Fax: (850) 921-1311
 Email: Ebonie.Lanier@flgaming.gov

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

v.

FGCC Case No.: 2023-039433

BRIANNA LUBIN,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Brianna Rubin (“Respondent”), and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering, slot machines, and cardroom operations pursuant to chapters 550, 551, and 849, Florida Statutes.
2. At all times material hereto, Respondent’s address was reported as 829 Northeast 1st Avenue, Pompano Beach, Florida 33060.
3. At all times material hereto, Harrah’s Pompano Park Casino was a facility operated by a permit holder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the State of Florida.
4. On or about June 29, 2023, Respondent was an employee of Myron’s Deli located at Harrah’s Pompano Park Casino.
5. On or about July 10, 2023, Respondent was permanently excluded from Harrah’s Pompano Park Casino.

6. Respondent was permanently excluded for the reasons alleged in Exhibit 1.
7. Section 550.0251(6), Florida Statutes, provides in relevant part:

In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the commission may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state.

(Emphasis supplied).

8. Section 551.112, Florida Statutes, provides:

In addition to the power to exclude certain persons from any facility of a slot machine licensee in this state, the commission may exclude any person from any facility of a slot machine licensee in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from any facility of a slot machine licensee or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over the gaming in such other state. This section does not abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

(Emphasis supplied).

9. Based on the foregoing, Respondent is subject to exclusion from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida under sections 550.0251(6) and 551.112, Florida Statutes based on her exclusion from Harrah's Pompano Park Casino on or about July 10, 2023.

WHEREFORE, Petitioner respectfully requests the Florida Gaming Control Commission enter an Order excluding Respondent from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida, along with any other remedy provided by chapters 550 and 551, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for FGCC Case Number 2023-039433 is signed this 17th day of August 2023.

/s/Emily A. Alvarado

Emily A. Alvarado
Deputy Chief Attorney
Florida Bar Number: 1025200
Florida Gaming Control Commission
Office of the General Counsel
4070 Esplanade Way
Tallahassee, Florida 32399-2202
Telephone: (850) 794-8066
Facsimile: (850) 921-1311
Primary: Emily.Alvarado@flgaming.gov
Secondary: Ebonie.Lanier@flgaming.gov

NOTICE OF RIGHTS TO REQUEST A HEARING

Pursuant to sections 120.569 and 120.57, Florida Statutes, you have the right to request a hearing to challenge the charges contained in this Administrative Complaint. If you choose to request a hearing, you will have the right to be represented by counsel, or other qualified representative, to present evidence and argument, to call and cross-examine witnesses, and to have subpoenas and subpoenas duces tecum issued on your behalf.

Any request for an administrative proceeding to challenge or contest the charges contained in this Administrative Complaint must conform to rule 28-106.2015, Florida Administrative Code. Pursuant to rule 28-106.111, Florida Administrative Code, you must request a hearing within 21 days from receipt of this Notice, or you will waive your right to request a hearing.

Mediation under section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.



Legal: 08/14/23
31 Days

[FAQ](#) | [Help](#) | [Sign Out](#)

VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
Complaint Search Update	Change Mass Status Update	Recording License Type Public Case Info	Delete Complaint	Mass Activity Update	Mass Discipline				

Domain 10 - Division of Pari-Mutuel Wagering

Logged in as: nmelvai

[VR Home](#) > [Complaint Search](#) > [Maintain Complaint](#)

Lic Type	1098 - Unlicensed Complaints	Status	90 Closed	Status Date	08/11/2023
Complaint #	2023039433	Case Type	CMP - Complaint	Disposition	Disposition Date
Docket#	Respondent LUBIN, BRIANNA	Responsible	bjones - JONES, BRADFORD	Private Case	

Complaint	Respondent	Complainant	Add'l Info
Source	INTN - Internal	Security Level	1
Form	INTR - Internal	Priority	
Class'n	OTHR - Other	Complexity	R - Regular
Security	STND - Standard	Incident	06/29/2023
Region	SR - Southern Region	Received	07/14/2023
Reference	F.S.S. 550.0251		
Entered	07/14/2023	Entered By	nmelvai
Summary	<p>430---(PPI, INC)HARRAHS POMPANO PARK---- (F.S.S. 550.0251)--- On June 29, 2023, Pompano Casino Deli Cashier Brianna Lubin was observed by Surveillance personnel voiding food service transactions and pocketing the money of those transactions. She was terminated from her position and Permanently excluded from the facility after their investigation.</p>		
Updated	08/14/2023 11:00:02	By	nmelvai

Parties

Activities

Allegations

Discipline

Violations

Compliance

Related

Disposition

Inspection

Costs

Time Tracking

Attachments

Work Notes

31 Days	<input type="button" value="Change"/>	<input type="button" value="Save"/>	<input type="button" value="OK"/>	<input type="button" value="Cancel"/>	<input type="button" value="Back"/>
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[Get Adobe Reader.](#)

Louis Trombetta, Executive Director

Ron DeSantis, Governor

OFFICE OF INVESTIGATIONS

INVESTIGATIVE REPORT

Office: PMW	Region: SOUTHERN	Date of Complaint: July 14, 2023	Case Number: 2023 03 9433
Respondent: LUBIN, BRIANNA 829 NE 1ST AVENUE POMPANO BEACH, FLORIDA 33060		Complainant: DIVISION OF PARI-MUTUEL WAGERING OFFICE OF INVESTIGATIONS 1400 W. COMMERCIAL BLVD. SUITE 165 FT. LAUDERDALE, FLORIDA 33309 TEL. - 954-202-3900	
License # and Type: N/A	Profession: Cashier	Report Date: July 18, 2023	
Period of Investigation: July 10, 2023, through July 18, 2023		Type of Report: Final	
Alleged Violation: 550.0251 Powers and duties of the Florida Gaming Control Commission – (6) In addition to the power to exclude certain persons from any pari-mutuel facility in this state, the commission may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state. The commission may authorize any person who has been ejected or excluded from pari-mutuel facilities in this state or another state to attend the pari-mutuel facilities in this state upon a finding that the attendance of such person at pari-mutuel facilities would not be adverse to the public interest or to the integrity of the sport or industry; however, this subsection shall not be construed to abrogate the common-law right of a pari-mutuel permitholder to exclude absolutely a patron in this state.			
Synopsis: On June 29, 2023, at approximately 10:21 P.M., Harrah's Pompano Park Casino Myron's Express Cashier Briana LUBIN was observed by Harrah's Surveillance Department personnel taking a patron's order, collecting the payment, serving the patron, and placing the monies into the register only to later retrieve the funds for her personal gain. LUBIN was permanently excluded from Harrah's after an internal investigation.			
Related Case(s): 2023 03 9465			
Investigator / Date  William Smith / July 18, 2023		Investigator Supervisor / Date Julio Minaya / July 26, 2023	
Chief of Investigations / Date  Bradford D. Jones / August 11, 2023			

CONTINUATION

On Monday July 10, 2023, during a routine visit to Harrah's Pompano Park Casino (PPI), I was informed by Compliance Officer John Keenan that a Cashier / Waitstaff employee at Myron's Deli by the name of Briana **LUBIN** was discovered stealing money during her shift.

LUBIN in the course of her duties did not access the gaming area and as such is not a PMW licensee. She does however service employees and patrons of the casino. Myron's Deli has an express area utilized for take-out orders. This is where **LUBIN** was working at the time of the theft. According to PPI Surveillance Report #IN20230079732, the Surveillance Department conducted an audit of June 29, 2023, and discovered a transaction in which **LUBIN** took an order from a patron, and collected the money but did not process the transaction in the casino's InforGenisis¹ system. This incident was also documented on recorded surveillance video. A copy of the PPI Surveillance Report and a copy of the related surveillance video was taken as evidence and stored at the Ft. Lauderdale Investigations Office (**Exhibits #1 & 2**). A subsequent independent review of the above video footage conducted by this Investigator confirmed the activity documented in the Surveillance Report.

As documented in the video and Surveillance Report, the method **LUBIN** used to commit the theft was by taking a patron's order, collecting the payment, serving the patron and placing the monies into the register which she would later retrieve for her personal gain.

As a result of her actions, LUBIN has been permanently excluded from Harrah's Pompano Beach Casino (**Exhibit #3**).

Case Status: Case closed by Investigations and forwarded to Legal for review and the possible addition of **LUBIN's** name to the Statewide Exclusion List.

¹ *Cash register accounting system.*

CONTINUATION

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Incident File # :	IN20230079732	Record Creation Details	
Date/Time Occurred:	6/29/2023 12:30:00 PM	Department:	Surveillance
Day of Week Occurred:	Thursday	Owner:	800767519
Date/Time Created:	7/ 5/2023 8:35:50 AM	Operator ID:	800767519
Date/Time Closed:		Operator Name:	
Closed By:		Personnel ID:	

Location of Incident:

Property: Harrah's Pompano Beach
 Location: 14 Restaurant
 Sublocation: Myron's Deli

Details of Incident:

Daily Log #: IN20230079732
 Incident Type: ~Review/Observation
 Specific: Employee
 Category: Food & Beverage
 Incident Status: Open
 Synopsis: **General Investigation Brianna Lubin**
 Checklist:
 Narrative:

Created On	Created By	Modified On	Modified By
7/ 5/2023 8:35:53 AM	800767519	7/ 5/2023 8:35:53 AM	800767519

The following is a General Investigation Report of Myron's Express Cashier Brianna Lubin on the night of 06/29/2023. This investigation was conducted after completing an audit of Lubin's workday. Lubin completed transactions were reviewed, and the following was discovered.

- 1) 06/29/2023 Check #61098 occurred at 22:42 hours, shows that Durand collected payment of \$18.00 for three Giant Cookies, voided the items, and collected payment. She then saved the check. At 23:32 hours, Lubin conducted a Pickup check transaction and added a Nova Salmon Dinner totaling \$29.43 for a second patron. Durand then closed out the check in the amount of \$29.43.
- 2) 06/29/2023 at 22:21 hours, Lubin was approached by a patron and a requested a pastry. Lubin served the patron and collected payment. Lubin did not process the transaction in InfoGenesis. Lubin then secured the money in the register.

At this time, this investigation remains open pending further review.

Executive Brief:

EXHIBIT # 1
PAGE # 1

Reporting Party:

Supervisor:

EXHIBIT # 1
PAGE # 2

Reporting Party:

Supervisor:



**State of Florida
Department of Business and Professional Regulation
Division of Pari-Mutuel Wagering
Investigations Section**

PROPERTY RECEIPT

Complaint # 2023039433 Date 7/18/23 Lab # _____

Item No.	Quantity	Description
1	1	DVD Lubin, Brianna Theft Harrah's

I hereby acknowledge that the above list represents all property taken from my possession and that I have received a copy of this receipt.

Signature

I hereby acknowledge that the above list represents all property impounded by me in the official performance of duty as Investigator for the Division of Pari-Mutuel Wagering.



Signature - Impounding Investigator

RETURNED PROPERTY RECEIPT

I hereby acknowledge the return to me, by the Division of Pari-Mutuel Wagering, the above listed property.

..... Signature _____ Date _____

Received by: _____ Date: _____
 Received by: _____ Date: _____
 Received by: _____ Date: _____

Copies for: File, Transmittal, Laboratory, Property Receipt

Form DBPR 11-75 (Revised 01/04)

EXHIBIT # 2
PAGE # 1

Harrah's Pompano Beach Casino

Video Release and Chain of Custody

Coverage Date: 06/29/2023 **Surveillance Video Released:** IN79732

Coverage Description: Myron's Transactions

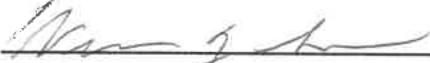
Authorized By: Miguel Gonzalez

All video listed on this Release and Chain of Custody Receipt, is proprietary to Harrah's Pompano Beach Casino. The video presented is in original and unedited format and may not be duplicated in any manner. The date and time stamp on the video is an accurate representation of when the events took place. All video must be returned to Harrah's Pompano Beach Casino Surveillance Department upon completion of legal proceedings.

Chain of Custody

Released By:  _____
Click here to enter text.

Date: 7/18/23

Released To:  _____
Click here to enter text.

Date: 7/18/23

William J Smith FGCC

Re-Released By: _____

Date: _____

Re-Released To: _____

Date: _____

Returned By: _____

Date: _____

Returned To: _____

Date: _____

Re-Returned By: _____

Date: _____

Re-Returned To: _____

Date: _____

EXHIBIT #
PAGE #

1
2

Harrah's

POMPANO BEACH

NOTICE OF EXCLUSION

To: Brianna Lubin

Date of Birth: 

SSN: _____ DL#: _____ DL State: _____ DL expire: _____

Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Gender: Female

You have been excluded for a specific period of time per the Management of Harrah's Pompano Beach.

On this 10 day of July, 2023, you are hereby ordered to leave the property of Harrah's Pompano Beach. You are further advised that you are not to enter or remain at any time on property. Prior written consent must be obtained from the General Manager in order to be allowed back onto the property.

Your removal and denial of access complies with state applicable laws and is not founded on race, creed, color or national origin.

You are further advised that if in the future you knowingly enter or retain in or upon the grounds or facilities of Harrah's Pompano Beach, you will be considered a trespasser and may be subject to arrest.

Reason for Exclusion: Management Decision

Address: 829 NE 1th AVE Incident Report Number: _____

Pompano Beach FL 33060 Caesars Rewards #: _____

Length of Exclusion:

30 Days

90 Days

1 Year

3 Years

Permanent

Other: _____

Acknowledged by: _____
(Customer Signature)

Issued by: [Signature] 800 753524

Witness: [Signature] 50748492

EXHIBIT # 3
PAGE # 1

U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9414 7118 9966 2641 9423 07

RETURN RECEIPT TRACKING NUMBER
9490 9118 9966 2641 9423 94

FEEES

Postage per piece	\$1.830
Certified Fee	\$4.350
Return Receipt Fee	\$3.550
Total Postage & Fees:	\$9.730

12/15/23

ARTICLE ADDRESS TO:

NOH - 2023039433 - PMW
Brianna Lubin
829 Ne 11th Ave Apt 2
Pompano Beach FL 33060-5728

Postmark
Here

6. Discussion of policies and procedures



**FLORIDA GAMING CONTROL COMMISSION
ADMINISTRATIVE POLICIES AND PROCEDURES**

TITLE: Search, Seizure, and Warrants

EFFECTIVE DATE:

REVISED:

POLICY NUMBER

02.11.01

FGCC SECTION

Law Enforcement

AUTHORITY

CFA 5.22 – 15.08M or most recent version.

Section 16.711, Fla. Stat.

Section 16.712, Fla. Stat.

I. STATEMENT OF POLICY

It is the policy of the Division of Gaming Enforcement to respect the fundamental privacy rights of individuals. Members of this division will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this division will comply with relevant federal and state law governing the seizure of persons and property.

The Division will provide relevant and current training to special agents as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

II. PURPOSE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized; in accordance with the Fourth Amendment to the United States Constitution.

The United States Supreme Court has applied the Fourth Amendment to prohibit the introduction into evidence of tangible materials seized during an unlawful search (this principle of excluding evidence obtained in violation of the Fourth Amendment is known generally as the "Exclusionary Rule").

The primary purpose of the Fourth Amendment Exclusionary Rule is to deter future unlawful police conduct and thereby effectuate the guarantee of the Fourth Amendment against unreasonable searches and seizures.

- A. The rule is a judicially created safeguard.
- B. The rule is designed to serve as a deterrent rather than as a personal constitutional right.

This policy provides general guidelines for Division of Gaming Enforcement personnel to consider when dealing with search, seizure, and warrant issues.

III. WARRANTLESS SEARCHES

The U.S. Constitution generally provides that a valid warrant is required for a search to be valid. There are, however, several exceptions to the rule that permits a warrantless search.

Examples of searches authorized without a warrant:

1. A search by consent.
2. A "stop and frisk" search of an individual under circumstances where the special agent has articulable reasons to fear for his or her safety.
3. A search of a movable vehicle which can be put out of reach of a search warrant.

4. A search at the scene of a crime.
5. A search under exigent circumstances when the public safety is endangered.
6. An inventory search of a seized vehicle or other property.
7. A search incident to a lawful arrest.
8. Plain view.

A. SEARCH BY CONSENT

1. General Principles

- i. As the Fourth Amendment only proscribes unreasonable searches, it is reasonable for law enforcement to conduct a search once they have been permitted to do so.
- ii. The general prohibition against the warrantless entry into a person's home, business, or other constitutionally protected area does not apply to situations in which voluntary consent has been obtained.
- iii. Valid consent acts as a substitute for a search warrant or probable cause.

2. Determination of Consent

- i. It must be voluntary, and the burden is on the State to prove voluntariness by "a preponderance of the evidence."
- ii. The person giving consent must have a "reasonable appearance of authority" over the area to be searched.

3. Determination of Voluntariness

- i. Whether consent is voluntary is generally a question of fact to be determined from the totality of the circumstances (meaning simply that no one factor will determine the voluntariness of the consent). The conduct of law enforcement, the ability of the suspect to understand and rationally respond to the request for consent, age, education, intelligence, and knowledge of the accused are all relevant in making this determination.

- a) It is not necessary that a special agent advises suspects of a right to refuse to consent. However, it will help to establish voluntariness. See *Schneckloth v. Bustamonte*, 93 S. Ct. 2041 (1973).
 - ii. Coercive conduct by special agents is not consent. The following examples may be found as evidence of coercion:
 - a) A prolonged detention of the suspect.
 - b) A statement that the suspect is free to leave if he consents to a search.
 - c) A threat to obtain a search warrant if the special agents have insufficient evidence for such a warrant.
 - d) A statement that a search warrant is not needed when the suspect asks if the searching special agent has a warrant.
 - e) An implied promise that the suspect will not be prosecuted.
 - f) Repeated requests for consent.
 - iii. The presence of uniformed and armed special agents, without anything more, is insufficient to raise an issue of lack of consent. Psychological coercion as a defense for lack of consent to search is insufficient without statements by the special agents.
4. Reasonable Appearance of Authority
- i. The special agent must reasonably and in "good faith" believe the person giving consent has authority to do so.
 - ii. This good faith is to be decided by viewing special agent's determination based on the relationship of the person to the area of the search.
5. Common Authority to Consent
- i. Courts inquire as to whether the person charged has a "reasonable expectation of privacy" in the area where the third person consented to a search.
 - ii. The third party must possess common authority, with the person charged, over the area searched or have some other sufficient relationship to the premises, or effects sought to be inspected, for there to be valid consent.

Examples:

- a) A parent can give consent to search their home, including the room of a minor child.
 - b) A minor may give consent to search the home of an absent parent if the minor shares the home, and the minor's consent is voluntary based on the totality of the circumstances (the minor's age, maturity, and intelligence, among other facts).
 - c) A person may provide consent to search their spouse's home, including their jointly occupied bedroom.
 - d) A joint owner of an automobile or truck can give consent to search.
 - e) A business partner who jointly occupies office space, files, etc. can give consent to search.
 - f) A cousin who has joint control over a duffel bag may provide consent to search it. Joint control results in valid consent.
 - g) An innkeeper/motel clerk cannot give a special agent consent to search a room he has rented. Exception: where the occupant had left and did not pay for another day's rent. The consent to search is valid.
- iii. A consent search of a shared residence (or similar location) may not be performed over the objection, or refusal to consent, of another physically present resident. See *Georgia v. Randolph*, 547 U.S. 103 (2006).

6. Extent of Search Pursuant To Consent

- i. The scope of a consent search is confined to its expressed limits (the area or thing which the special agent asks to search).
- ii. The scope may not exceed the area or thing that the special agent asks to search, nor may it extend to containers or adjacent areas to which a reasonable person would not have understood the scope of the consent to pertain.
 - a) A consent to search an automobile does not authorize consent to open closed containers found in the passenger compartment, but a general consent to search may authorize the search of a closed container found therein if the suspect's consent reasonably would be understood to extend to that container.
 - b) A general consent to let a special agent look into a car does not include consent to search the trunk. Furthermore, consent to look into the trunk does not constitute consent to pry open a locked piece of luggage inside the trunk.

- c) A consent to search luggage or other bags does not authorize the search of a sealed container found within that bag.
- d) Consent may be withdrawn, as well as limited, by the person from whom the consent is sought.

B. STOP AND FRISK OF AN INDIVIDUAL

1. General Principles

- i. If there are articulable facts supporting a reasonable suspicion that a person has committed a criminal offense or is about to commit a criminal offense, that person may be stopped in order to identify him, question him briefly, or detain him briefly while attempting to attain additional information. F.S. §901.151.
- ii. Where an special agent observes unusual conduct and forms a reasonable suspicion, in light of his or her experience, that a detained person may be in possession of a weapon of any kind, and the special agent is concerned for his or her own safety or for the safety of others, he or she may conduct a "pat down" search of the subject in question for the sole purpose of discovering weapons.

2. Reasonable Suspicion

- i. Reasonable suspicion is more than a bare suspicion.
- ii. The special agent must be able to articulate facts and circumstances that justify a stop in light of the special agent's knowledge, training, and practical experience. This is sometimes referred to as a well "founded suspicion."
- iii. The test to determine whether a stop is justified is based on the totality of the circumstances.

Certain factors taken alone will not justify a stop of a person. However, if they are taken with other factors, the stop may be justified. Examples:

- a) The suspect's presence in a high crime area alone does not justify a stop.
- b) A suspect's flight from an approaching special agent taken alone will not justify a stop.

- c) An appearance of a drug transaction without observing a hand-to-hand transaction of some kind of object will not suffice.
- d) Quick, furtive, or suspicious movements alone are not enough to sustain a temporary detention.

3. Third Parties and Anonymous Tips

- i. A stop may be based on information communicated to law enforcement through third parties provided the third party identifies himself/herself and provided the information is objectively reliable based on the special agent's training and experience.
- ii. Information that is provided by a known, reliable confidential informant will provide reasonable suspicion to justify a stop if the information contains sufficient detail to identify the suspect and the information is verified as far as possible.
- iii. An anonymous tip that an individual has engaged in or is about to engage in criminal conduct is not sufficient to justify a stop without independent evidence of criminal activity apart from the anonymous tip.

4. Scope and Length of Stop and Frisk

- i. A special agent in a stop and frisk situation shall not extend his or her search beyond a "pat down" of a suspect's outer clothing unless that pat down or other circumstances leads the special agent to conclude that the suspect has a weapon on his/her person or the special agent feels and immediately recognizes an object as contraband. (See "plain feel" exception below.)
- ii. The observance of a bulge in the suspect's clothing does not provide the basis for a "pat down" search if there were no facts articulated to support the stated fear that the bulge might be a weapon.
- iii. An investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the stop.
- iv. "Plain Feel" exception
 - a) An object that a special agent detects on a suspect's person during the course of a valid protective frisk may be seized without a warrant if the special agent's sense of touch makes it

immediately apparent to the special agent that the object, though not threatening in nature, is contraband.

- b) The special agent must instantly know, without further investigation or manipulation of the item, what the item is, that it is illegal to possess, and/or is evidence of a crime.

C. SEARCH OF A MOVABLE VEHICLE

1. Probable Cause

- i. A warrantless, valid search may be made of a car and any containers within, when there is probable cause to believe that the automobile contains contraband, a weapon, or evidence of a crime.
- ii. Under these circumstances, a search for specific items may be made of the entire vehicle, including the trunk, locked or unlocked containers, and locked glove compartment to the extent that such containers may be capable of holding the item(s) believed to be inside the vehicle.

2. Search of a Vehicle Incident to Arrest

- i. If the driver or any passenger of a vehicle has committed an offense which subjects him/her to arrest, a warrantless search may be made of the arrestee's person and only that area within the arrestee's reach, i.e., the passenger compartment, including any locked or unlocked containers therein. This search is for evidence relating to the crime for which the subject has been arrested. If it is unlikely that the vehicle could contain evidence relating to the crime for which the subject was arrested, the search should not proceed on this basis. See *Arizona v. Gant*, 128 S. Ct. 1443 (2009).
- ii. The trunk may not be searched in this situation unless the vehicle is to be impounded and an inventory search is made pursuant to Division policy or some other basis for the search exists.
- iii. A passenger may not be searched unless there is a reasonable, articulable suspicion that he/she has committed a crime or poses a threat to the special agent.

- 3. Investigative Stops: Where a special agent makes an investigative stop of a vehicle, the vehicle may be searched for weapons if facts known to the special agent create a reasonable belief that a suspect might gain control of a weapon.

4. Requirement That Vehicle Is Movable: The vehicle must be movable or mobile to authorize its search without a warrant because the justification for this rule is that the vehicle is capable of being moved before a special agent can secure a search warrant and the opportunity to search is fleeting.

D. SEARCH AT A CRIME SCENE

1. The existence of exigent circumstances, at the scene of a crime, will justify a warrantless search when an emergency exists.
2. To invoke the emergency rule to search a person's home, the exigency of the situation must be so compelling as to make a warrantless search objectively reasonable.

E. EXIGENT CIRCUMSTANCES

1. Destruction of Evidence
 - i. A special agent may enter a citizen's home without a search warrant to prevent the imminent use of a dangerous weapon, or to prevent the potential destruction of fruits of a crime.
 - ii. The special agent must be prepared to justify his or her actions by showing that entry was not made for the purpose of gathering or seizing evidence.
2. Security Search Subsequent to Arrest
 - i. A special agent can enter premises as part of a security sweep based on exigent circumstances surrounding a particular arrest.
 - ii. This security check permits the special agent to protect him or herself by looking for other persons who may be present in an area and who may pose a danger to the special agent.
 - iii. If the security check is conducted inside the premises after an arrest is made outside, the special agent must be prepared to establish that there was evidence to suggest the presence of other persons in the premises.

F. INVENTORY SEARCHES

1. General Principles

- i. Inventory searches are a well-defined exception to the warrant requirement of the Fourth Amendment.
- ii. Inventory procedures serve to protect an owner's property while it is in the custody of law enforcement to insure against claims or disputes over lost, stolen, or vandalized property, and to protect law enforcement from potential danger.
- iii. If contraband or the fruits or instrumentalities of a crime are discovered within the vehicle, pursuant to a valid inventory search, they are subject to valid seizure and are admissible as evidence.
- iv. Before a vehicle can be inventoried, it must be necessary to impound it.

2. Impoundment of Vehicles

- i. Special agents shall follow the Division's Vehicle Towing policy 2.53.01.

3. Scope of Inventory Search

- i. The scope of the search is limited to what standard operating procedure for inventory searches permits for inventory searches.
- ii. Simply search all areas which standard operating procedure mandates be searched.
- iii. The scope of the search is not discretionary with the special agent. All areas of the vehicle, including closed containers, locked glove compartment, and trunk, must be searched.

G. SEARCH INCIDENT TO ARREST

1. General Principles

- i. In the case of a lawful custodial arrest, a full search of the person is an exception to the requirement of a warrant.
- ii. By statute in Florida, when a lawful arrest is affected, a special agent may search the person arrested and the area within the person's immediate presence for the purpose of protecting the special agent from attack, preventing the person from escaping, or discovering the fruits of a crime. F.S. §901.21(1).

- iii. A special agent making an arrest may seize all instruments, articles, or things discovered on the person arrested or within the person's immediate control. F.S. §901.21(2).
- iv. Any search incident to arrest, of a vehicle or premises, is limited to a search for evidence of the specific crime for which the subject was arrested. If the nature of the crime is such that no evidence of that specific crime is likely to be found, i.e., DWLS, reckless driving, etc. the search may not proceed as a search incident to arrest.

2. Extent of Search Incident to Arrest

- i. A search incident to arrest is a reasonable intrusion if the object of the search was within the suspect's immediate area of control just prior to his detention and the seizure relates to the crime for which the subject was arrested.
- ii. As an incident to an arrest in a home, special agents may look in closets and other spaces immediately adjoining the place of arrest from which an attack could be immediately launched.

3. Automobiles and Containers Within

- i. A special agent may lawfully search, following a lawful custodial arrest of the driver or any passenger, the passenger compartment of an automobile as long as the confrontation between the special agent and the citizen is commenced while the citizen is actually in the vehicle or the citizen has just exited the vehicle. The passenger compartment consists of all interior areas of the vehicle that could be accessed by a person without exiting the vehicle including the rear area of a hatchback or an S.U.V. and all locked or unlocked containers within those areas.
- ii. The search of an automobile incident to a lawful arrest includes the examination of the contents of any containers found within the passenger compartment whether open or closed, locked or unlocked. Again, this search is for evidence relating to the specific crime for which the subject is arrested. However, if during a proper search evidence of unrelated crime(s) is discovered, that evidence may be seized and may be the basis of additional charges.

H. PLAIN VIEW

1. General Principles

- i. The special agent must have had a prior justification for an intrusion into a constitutionally protected area.
- ii. The item must be in plain view and its incriminating character must be immediately apparent.
- iii. The special agent must have a lawful right of access to the object itself.

2. Extension of Search

- i. The special agent must not extend the search after seizure of the item(s) in plain view without a warrant or some other exception to the warrant requirement.

I. SEARCH WARRANTS

1. In general, a search of premises, a vehicle, or a person should not be conducted without first obtaining a search warrant.

2. Grounds for Issuance of a Search Warrant

- i. In order for a special agent to obtain a search warrant, he or she must present to a neutral judge or magistrate, information in the form of a sworn affidavit, which constitutes probable cause to believe that evidence of an offense is likely to be found at a specific location identified in the warrant.
- ii. The following are grounds for the issuance of a warrant:
 - a) When the property shall have been stolen or embezzled in violation of law;
 - b) When property shall have been used as a means to commit a crime;
 - c) When any property constitutes evidence relevant to proving that a felony has been committed.

3. Private Dwellings

- i. Per F.S. §933.18, no search warrant shall issue to search any private dwelling unless:

- a) It is being used for the unlawful sale, possession, or manufacture of intoxicating liquor.
- b) Stolen or embezzled property is contained within the dwelling.
- c) The dwelling is being used to carry on gambling.
- d) The dwelling is being used to perpetrate frauds and swindles.
- e) The law relating to narcotics or drug abuse is being violated in the dwelling.
- f) A weapon, instrumentality, or means by which a felony has been committed, or evidence relevant to proving a felony has been committed, is contained in the dwelling.
- g) One or more of the following misdemeanor child abuse offenses is being committed there:
 - 1) Commission of an unnatural and lascivious act with a child; and
 - 2) Exposure of sexual organs to a child.
- h) The dwelling is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel or boarding, or lodging house.
- i) The dwelling is being used for the unlawful sale, possession, or purchase of wildlife, saltwater products, or freshwater fish being unlawfully kept therein.
- j) The laws in relation to the cruelty to animals have been or are being violated within the dwelling, although such a search may not be made after sunset and before sunrise unless specially authorized by the judge issuing the warrant, upon a showing of probable cause.

4. Narcotics Laws Being Violated

- i. An affidavit does not establish probable cause for issuance of a warrant under provision when it only alleges that marijuana was observed growing on the property surrounding the residence and does not allege that a

violation of the narcotics law existed within the residence.

5. Affidavit for Search Warrant

- i. A search warrant must be based upon a duly sworn to and subscribed to affidavit which sets forth facts to establish probable cause to believe that the property sought to be seized is upon the premises, person, or vehicle to be searched.
- ii. A search warrant must describe the place to be searched with sufficient particularity so that a reasonable person who is unfamiliar with the investigation could read the description and find the premises, person or vehicle to be searched.
- iii. A search warrant must particularly describe the property sought to be seized.
- iv. A confidential source can provide sufficient probable cause upon which to base a sworn affidavit for a search warrant.
- v. When an informant's information is used to support a search warrant, the sworn affidavit must set out supporting facts, which show the judge, why the confidential informant should be believed:
 - a) The past reliability of the information provided by the informant;
 - b) The source of the informant's knowledge;
 - c) The specific information; and
 - d) Independent special agent corroboration of the information.
- vi. Mere conclusions of an informant are insufficient to support a search warrant.

6. Execution of a Search Warrant

- i. A search warrant and its attendant sworn affidavit must be reviewed and signed by a judge and must be executed and returned to the judge within ten days after its issuance.
- ii. "No knock" search warrants are not authorized per s. 933.09, F.S.

- iii. "Knock and Announce" required:
 - a) A special agent engaged in the execution of a search warrant must notify those within the residence of the special agent's presence by knocking, or some other reasonable means, and announce his or her authority and the purpose of his or her presence before making entry.
 - b) A special agent executing a search warrant may break open any outer door, inner door, or window of a house, or any part of a house or anything therein, to execute the warrant if, after giving due notice of his or her authority and purpose, he or she is refused admission to the house or access to anything therein.
- iv. There are exceptions to the "knock and announce" requirement such as:
 - a) The person within already knows of the special agent's authority and purpose.
 - b) The special agent is justified in the belief that the persons within are in imminent peril or bodily harm.
 - c) The special agent's peril would have been increased had he or she demanded entrance and stated his or her purpose.
 - d) Those within, made aware of someone outside, are engaged in activities which justify the belief that an escape or destruction of evidence is being attempted, and that evidence would be destroyed if the special agent announced his or her presence.

IV. ARRESTS AND SEARCHES WITH A WARRANT

A special agent making an arrest by a warrant shall inform the person to be arrested of the cause of arrest and that a warrant has been issued, except when the person flees or forcibly resists before the special agent has an opportunity to inform him, or when giving the information will imperil the arrest. The special agent need not have the warrant in his or her possession at the time of arrest but on request of the person arrested shall show it to him or her as soon as practicable. See § 901.16, Fla. Stat.

1. SEARCH WARRANT REQUIREMENTS

- 1. Chapter 933, Florida Statutes, governs the requirements for a search warrant and shall be followed by the members of this Division.

2. Whenever a special agent determines that there is a need to obtain a search warrant, the special agent shall gain the approval of a supervisor and notify the Chief of Law Enforcement, or his designee.
 - i. The special agent shall author and send a draft of an Affidavit for Search Warrant and Search Warrant to the Gaming Enforcement Legal Advisor's for review and approval.
 - ii. Upon receipt of the approved Affidavit for Search Warrant and Search Warrant from the Gaming Enforcement Legal Advisor, the special agent shall send the Affidavit for Search Warrant and Search Warrant to the appropriate State Attorney's Office or Office of the Statewide Prosecutor for review and approval.
 - iii. Upon approval of the Assistant State Attorney or Statewide Prosecutor, the Affidavit for Search Warrant and the Search Warrant will be presented to a Judge for approval and signature.
3. A search warrant may be issued only upon probable cause. The officer will draft an Affidavit for Search Warrant and a Search Warrant containing all pertinent information to justify a search to include but not limited to:
 - i. The place to be searched which is specifically described so that there can be no question as to its whereabouts.
 - ii. The property to be seized as specifically described as possible.
 - iii. The certain crime(s) which has been or is being committed on the premises to be searched.
 - iv. The name of the person or persons who occupy or control the premises shall be stated, if known to the affiant, but such name is not required.
4. A search warrant shall be served by the special agent(s) named in the warrant. All such warrants shall be returned within ten (10) days, with the inclusion of actions taken, if any, after issuance.
5. A search warrant shall be issued in duplicate and when served, a copy shall be delivered to the person named in the warrant. In the absence of the person named in the warrant, the warrant shall be delivered to some person who is present or living on the premises. If no person is present on the premises, a copy of the warrant shall be left in a prominent place along with a copy of the property inventory, even if no property was removed from the premises.

6. Each item of property seized shall be described thoroughly along with the location where it was discovered. If no property was seized, it shall be so indicated.
7. Under the authority of a search warrant, sworn special agents have the authority to make a complete search of the entire premises described in the warrant. The only restriction is that the search must be consistent with the type of property indicated in the warrant. Pursuant to section 933.17, Fla. Stat., any officer who in executing a search warrant willfully exceeds his or her authority or exercises it with unnecessary severity, shall be guilty of a misdemeanor of the second degree.
8. The agency having jurisdiction where the premises or person is to be searched shall be notified prior to the execution and an officer from that agency shall be requested to be present.

2. EXECUTION OF SEARCH WARRANT

1. If after due notice of their authority and purpose, admittance to said house or access to anything therein is denied, Florida law permits police to break open any outer door, inner door or window of a house, or any part of a house or anything therein, to execute the warrant. The search warrant may include a “no knock” feature authorized by the issuing judge.
 - i. Prior notification as to time and location of the search warrant shall be provided to the Director of Gaming Enforcement.
 - ii. If intelligence information indicates any significant hazards such as armed or dangerous persons, the securing of the area and entrance to the premises should be done by those special agents trained to do so.
 - iii. Under the direction of the special agent in charge, special agents shall announce themselves as “police officers,” display their badges, and advise they have a search warrant for the premises.
 - iv. Force may be used to enter if, while waiting for the door to open, there is indication that the occupants are taking flight, destroying evidence, or taking some action that may jeopardize the safety of the special agents.
 - v. The disruption caused by the service of a search warrant will be kept to a minimum. Any property damage incurred will be documented and photographed.

2. The following shall be done during the execution of the search:
 - i. A protective sweep of the premises.
 - ii. Each occupant within the premises shall be identified and brought into one designated room or area.
 - iii. The special agent named in the warrant will read the warrant to all persons present.
 - iv. When possible, video tape and/or photograph the premises prior to conducting the search.
 - v. An orderly and thorough search will be conducted. If practical, a photographic and/or videotaped record will be made of all articles found and seized during the search. When possible, property items will be photographed and/or videotaped in the location where they are found. Recovered and seized property will be tagged and marked appropriately.
 - vi. After the search has been completed, the premises shall be photographed a second time, if possible.
 - vii. A property inventory sheet shall be completed.
3. Florida law authorizes execution of a search warrant either in the daytime or in the nighttime, as the exigencies of the occasion may demand or require. Additionally, a search warrant may be served on a Sunday if expressly authorized in such warrant by the judge.
4. Within ten (10) days, one of the original signed search warrants, along with a copy of the property inventory sheet, shall be returned to the clerk of the circuit court as prescribed by Florida law. Pursuant to section 933.12, Fla. Stat., upon the return of the warrant, the officer shall attach thereto or thereon a true inventory of the property taken under the warrant, and at the foot of the inventory shall verify the same by affidavit taken before some officer authorized to administer oaths, or before the issuing officer, said verification to be to the following effect:

"I, the special agent by whom the warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on said warrant."

V. PROTOCOLS WHEN CARRYING OUT A SEARCH

- A. Members of this Division will strive to conduct searches with dignity and courtesy.
- B. Special Agents shall explain to the person being searched the reason for the search and how the search will be conducted.
- C. Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- D. To minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- E. Whenever practicable, a search should not be conducted by a lone special agent. A cover special agent should be positioned to ensure safety and should not be involved in the search.
- F. When the person to be searched is of the opposite sex as the searching special agent, a reasonable effort should be made to summon a special agent of the same sex as the subject to conduct the search. When it is not practicable to summon a special agent of the same sex as the subject, the following guidelines should be followed:
 - 1. Another special agent or a supervisor should witness the search.
 - 2. The special agent should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

VI. REPORTS

- A. All searches of persons, structures or vehicles must be fully documented even if no evidence or other item of interest is revealed by the search. Documentation must include:
 - 1. The legal basis for the search;
 - 2. Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys).
 - 3. What, if any, injuries or damage occurred.

4. The area covered during the search;
 5. The type of items for which the search was conducted; and
 6. A description of all items of interest located or a statement that nothing was found.
 7. If the person searched is the opposite sex, any efforts to summon a special agent of the same sex as the person being searched and the identification of any witness special agent.
- B. If a special agent is requested by another special agent to perform a search, the requesting special agent will document this in the report along with the reason why he or she requested the other special agent i.e. female searches.
- C. If contraband or evidence of a crime is located by the searching special agent, that special agent will supplement to the original report and document their findings.
- D. Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented, and that current legal requirements and Division policy have been met.

VII. PERTINENT CASE LAW

- A. There have been a number of cases that have been decided by the United States Supreme Court that have addressed various law enforcement activities under the Fourth Amendment. All members of this Division should be familiar with the following cases:
1. *Mapp v. Ohio*, 367 U.S. 643 (1961).
 - i. This ruling applied the exclusionary rule to states law officers.
 2. *Harris v. U.S.*, 331 U.S. 145 (1947).
 - i. This ruling applied to the “plain view” doctrine.
 3. *Nardone v. U.S.*, 308 U.S. 338 (1939).
 - i. This ruling prohibited not only direct use of illegally obtained evidence but also its indirect use. It established the “fruit of the poisonous tree” doctrine.
 4. *Carroll v. U.S.*, 267 U.S. 132 (1925).
 - i. This ruling addresses searches of motor vehicles.
 5. *Chimel v. California*, 395 U.S. 752 (1969).
 - i. This ruling addressed the area within a vehicle to be searched.

6. *Terry v. Ohio*, 392 U.S. 1 (1968).
 - i. This ruling applied to “stop and frisk”.
7. *Ker v. California*, 374 U.S. 23 (1963).
 - i. This ruling applied to exigent circumstances.
8. *Preston v. U.S.*, 376 U.S. 364 (1964).
 - i. This ruling applied to warrantless vehicle searches.
9. *Chambers v. Mahoney*, 399 U.S. 42 (1970).
 - i. This ruling applied to the admissibility of evidence seized from a motor vehicle.
10. *Arizona v. Gant*, 556 U.S. 332 (2009).
 - i. This ruling clarified the search and seizure rules pertaining to vehicle searches.

This policy adopted by the Commission on:

Louis Trombetta
Executive Director

Date



**FLORIDA GAMING CONTROL COMMISSION
ADMINISTRATIVE POLICIES AND PROCEDURES**

TITLE: Investigation and Prosecution

EFFECTIVE DATE:

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02.15.01

FGCC SECTION

Law Enforcement

AUTHORITY

CFA 5.22 - 15.01 (B), 15.01 (C), 15.02M, 15.01 (A),
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recent version

Section 934.01, F.S. et seq.

I. STATEMENT OF POLICY

It is the policy of the Division of Gaming Enforcement to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

II. PURPOSE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

III. INITIAL INVESTIGATION

1. Special Agent Responsibilities

- A. Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- B. If information indicates a crime has occurred, the special agent shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation. The special agent shall prevent any possible disturbances to the crime scene, protecting it until all evidence has been collected. Such disturbances include:
 - i. Curious people, including well-meaning citizens trying to assist, or uninvolved police officers;
 - ii. Intentional alteration of the scene to conceal a crime, to simulate a crime for personal reasons, to confuse or discredit investigators, or to steal incriminating evidence; and
 - iii. Weather conditions, which might destroy or damage evidence.
 - 2. Notify a supervisor of the nature of the crime, location, suspects, victim and witness statements, and any other relevant information regarding the investigation.
 - 3. If a Crime Scene Technician is responding, notate the location of evidence without introducing items to the scene. The Crime Scene Technician will photograph, mark and collect the evidence. If a Crime Scene Technician is not utilized, photograph and collect evidence marking the container that identifies it as evidence and who collected it.
 - 4. Upon recovery of evidence, the applicable report will include a complete description of the evidence, where located or from whom obtained, and who recovered or collected the items.

5. Each time there is a transfer of custody of evidence said transfer will be documented on the applicable form (offense, supplement or evidence - property receipt). This documentation shall include date and time, persons involved, and reasons for transfer.
6. Evidence should be transported carefully to avoid damage or destruction.
7. The special agent will always ascertain whether or not the evidence has been moved since the commission of the crime. A record must be made of all changes at the scene of the crime.
8. This Division fully adopts the procedures of the FDLE Crime Laboratory system as set out in the current edition of the FDLE Evidence Submission Manual, and the guidelines of the FBI Crime Lab.
9. All personnel who process a crime scene or evidence will document their actions in the appropriate report. This documentation will be sufficient to render the information legally admissible and useful.
10. During the processing of a scene, the special agent in charge, will supervise the activities of the Crime Scene Technician (CST), if one is utilized, who is trained in evidence and scene processing. The special agent shall inform the CST as to the particulars of the case and highlight what specific tasks must be undertaken. The CST will not be left alone at crime scenes.
11. If photographs are not taken or physical evidence is not recovered at the scene of a serious crime, the special agent will document the reasons for same in the appropriate report.
12. If photographs are taken, the photographer will document the following in the report: type of camera; type of film, including ASA (American Standards Association) speed if non- digital; lens description; date; and times identifying the beginning and ending of the photographic session. A brief description of the subject matter will also be documented.

When photographing, overalls of the scene depicting the location and evidence should be taken first. Evidentiary articles should be photographed before removing them.

13. Take any appropriate law enforcement action, such as attempting to locate additional witnesses by conducting a neighborhood survey.

14. Complete and submit the appropriate reports and documentation.

2. Non-Sworn Member Responsibilities

A non-sworn member assigned to any investigation shall not make any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action.

IV. FOLLOW-UP INVESTIGATIONS

1. Follow-up investigations may be conducted by either uniformed special agents or detectives, depending on the criteria established by this division. Investigative steps include, but are not limited to:

- A. Reviewing and analyzing all previous reports, agency records, laboratory examination results, and external sources of information.
- B. Conducting additional interviews.
- C. Seeking additional information (e.g., from law enforcement officers or informants).
- D. Conducting searches for additional evidence.
- E. Identifying and apprehending suspects.
- F. Determining the suspect's involvement in other crimes.
- G. Checking the suspect's criminal history.
- H. Preparing cases for court presentation.

2. Investigative Case Files

The Chief of Law Enforcement shall ensure that procedures are in place to address:

- A. Types of records to be maintained in ongoing case files.
- B. Accessibility of the case files.
- C. Security of the case files.

- D. Secure maintenance of active vice and organized crime investigation records separate from the central records system.

V. CUSTODIAL INTERROGATION REQUIREMENTS

In *Miranda vs. Arizona* the U.S. Supreme Court held that criminal suspects must not be coerced by police officers into making incriminating statements. In other words, statements made by criminal suspects in police custody must be voluntary. In order to ensure such statements are voluntary, police must not only refrain from any overt coercion, but must also advise the suspect that he need not say anything and has the right to talk with a lawyer. The burden is on the prosecution to demonstrate the voluntary nature of any statements of the suspect sought to be admitted at trial.

The *Miranda* warning does not need to be given to every criminal suspect immediately upon contact with police. There is no requirement that the warning be given to all persons arrested. There are two criteria for determining when or where to give the warning:

- A. The suspect is to be subjected to custodial interrogation; and
- B. The statements, or evidence to be obtained as a result of the statements, may be introduced as evidence at trial.

Custodial interrogation occurs when a person who reasonably believes he is not free to terminate contact with police at any time is subjected to questioning about possible criminal involvement. The full *Miranda* warning should be read to the subject prior to questioning in a custodial interrogation situation. The warning should be repeated prior to each separate interrogation.

Interrogation should stop immediately once the subject unequivocally invokes his right to remain silent or requests an attorney. Note that the request for an attorney must come from the subject, not from the attorney. Once the right to counsel is invoked, special agents should not question the subject again outside the presence of counsel unless the subject himself reinitiates the interrogation. The *Miranda* warning should be given again prior to speaking with the subject.

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

1. Audio/Video Recordings

All custodial interrogations, or any investigative interview, shall be recorded.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete, and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

2. Notice of Counsel

Any member approached by an attorney wanting to meet with a client who is being interviewed by special agents should promptly advise the special agents of the attorney's presence.

The person being interviewed should also be notified that an attorney is present and requesting to meet. This notice should be provided to any person being questioned, regardless of whether the person is in custody.

VI. COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers, slot machines (including their parts), or similar equipment will be seized, special agents should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, special agents should take reasonable steps to prepare for such seizure and use the resources that are available.

1. Procedures

The Chief of Law Enforcement should ensure the development of procedures for the collection, processing and preservation of digital evidence which should include:

- A. Training specifications for any member who uses digital equipment.

- B. Specific protocols for preserving and storing digital evidence.
- C. Protocols for gathering, editing and ensuring the authenticity of digital evidence.

VII. INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this division. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using division equipment.

Information obtained via the Internet should not be archived or stored in any manner other than division-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

1. Access Restrictions

Information that can be accessed from any Division computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with the Office of the General Counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

2. Intercepting Electronic Communication

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Special agents should seek legal counsel before any such interception [section 934.01, F.S. et seq.](#)

VIII. MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without authorization. Any reduction, dismissal, or modification in charges shall be brought to the Chief of Law Enforcement or the Director of Gaming Enforcement. The Chief of Law Enforcement or the Director of Gaming shall confer with the Gaming Enforcement Legal Advisor and the Executive Director regarding the recommendation. Ultimate approval of a reduction, dismissal, or modification of charges shall be made by the Executive Director or his or her designee. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the attorney prosecuting the case.

This policy adopted by the Commission on:

Louis Trombetta
Executive Director

Date



**FLORIDA GAMING CONTROL COMMISSION
ADMINISTRATIVE POLICIES AND PROCEDURES**

TITLE: Field Training

EFFECTIVE DATE:

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02.37.01

FGCC SECTION

Law Enforcement

AUTHORITY

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I. STATEMENT OF POLICY

It is the policy of the Division of Gaming Enforcement that all newly hired or appointed special agent recruits participate in field training.

II. PURPOSE

This policy provides guidelines for field training that ensure standardized training and evaluation, facilitate the transition from the academic setting to the actual performance of general law enforcement duties, and introduce the policies, procedures and operations of the Division of Gaming Enforcement. This policy addresses the administration of field training and the selection, supervision, training and responsibilities of the Field Training Officer (FTO).

III. FIELD TRAINING

The Division shall establish minimum standards for field training, which shall be of sufficient duration to prepare special agent trainees for law enforcement duties. The field training is designed to prepare trainees for assignments to duties involving enforcement of violations of illegal gambling and associated crimes and ensure they acquire the skills

needed to operate in a safe, productive and professional manner, in accordance with the general law enforcement duties of this Division.

Field training should include:

- A. A formal evaluation progress report completed by the supervisor of the trainee and submitted to the Chief of Law Enforcement.
- B. Issuance of training materials to each trainee at the beginning of his/her field training.
- C. Evaluation and documentation of the trainee's performance.
- D. Retention of all field training documentation in the special agent trainee's training file including:
 1. All performance evaluations.
 2. A certificate of completion certifying that the trainee has successfully completed field training.

IV. FIELD TRAINING OFFICER COORDINATOR

The Director of Gaming Enforcement shall delegate certain responsibilities to a Field Training Officer (FTO) coordinator.

The responsibilities of the FTO coordinator include, but are not limited to:

- A. Assignment of trainees to FTOs.
- B. Conducting FTO meetings.
- C. Maintaining and ensuring FTO and trainee performance evaluations are completed.
- D. Maintaining, updating and issuing Division training materials to each FTO and trainee.
- E. Developing ongoing training for FTOs.
- F. Mentoring and supervising individual FTO performance.
- G. Monitoring the overall performance of field training.

- H. Keeping the Special Agent Supervisor informed through evaluation reports about the trainees' progress.
- I. Performing other activities as may be directed by the Chief of Law Enforcement.

V. FIELD TRAINING OFFICER SELECTION, TRAINING AND RESPONSIBILITIES

1. Selection Process

The selection of an FTO will be at the discretion of the Director of Gaming Enforcement or the authorized designee. Selection will be based on the special agent's:

- A. Desire to be an FTO.
- B. Experience, which shall include a minimum of four years of law enforcement experience.
- C. Demonstrated ability as a positive role model.
- D. Successful completion of an internal oral interview process.
- E. Evaluation by supervisors.
- F. Possession of, or ability to obtain, Division approved certification.

2. Training

A special agent selected as an FTO shall successfully complete the Division approved FTO course prior to being assigned as an FTO.

3. Responsibilities

The responsibilities of the FTO include, but are not limited to:

- A. Issuing his/her assigned trainee field training materials.
 - 1. The FTO shall ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.
 - 2. The FTO shall sign off on all completed topics contained in the training materials.

- B. Completing and reviewing performance evaluations with the trainee.
- C. Completing and submitting a written evaluation on the performance of his/her assigned trainee to the FTO coordinator as required.
- D. Completing a monthly evaluation report of his/her assigned trainee at the end of each month.

This policy adopted by the Commission on:

Louis Trombetta
Executive Director

Date



**FLORIDA GAMING CONTROL COMMISSION
ADMINISTRATIVE POLICIES AND PROCEDURES**

TITLE: Domestic Violence

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02.60.01

FGCC SECTION

Law Enforcement

AUTHORITY

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Section 16.711, Fla. Stat.

Section 16.712, Fla. Stat.

Section 741.28, Fla. Stat.

Section 784.046, Fla. Stat.

Section 901.15, Fla. Stat.

Section 741.29, Fla. Stat.

I. STATEMENT OF POLICY

It is the policy of the Division to take appropriate action when confronted with cases of suspected domestic violence. However, by nature of the Division's mission, special agents will not ordinarily respond to or investigate cases of domestic violence.

II. PURPOSE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the

commitment of the Division of Gaming Enforcement to take enforcement action when appropriate, to provide assistance to victims and to guide special agents in the investigation of domestic violence.

III. DEFINITIONS

Definitions related to this policy include:

Domestic violence - The offenses of assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment or any criminal offense that results in physical injury or death between any of the following (Section 741.28, Fla. Stat.):

- A. Past or present spouses.
- B. Persons related by blood or marriage.
- C. Persons residing together as if a family or who have resided together in the past as if a family in the same single dwelling unit.
- D. Persons who are the parents of the same child regardless of whether they have been married.

Dating violence - Any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any crime resulting in physical injury or death between individuals who have or have had a continuing and / or significant relationship of a romantic or intimate nature as detailed in section 784.046(1)(d), Fla. Stat., when:

- A. A dating relationship must have existed within the past 6 months.
- B. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties.
- C. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

For purposes of this policy references to domestic violence includes dating violence as defined in section 784.046, Fla. Stat.

IV. OFFICER SAFETY

The investigation of domestic violence cases often places special agents in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all special agents to exercise due caution and reasonable care in providing for the safety of any special agents and parties involved.

V. INVESTIGATIONS

The following guidelines should be followed by special agents when confronted with domestic violence cases:

- A. By nature of the Division's mission, special agents will not ordinarily respond to or investigate cases of domestic violence. In the event a special agent is approached by an individual claiming to be a victim of domestic violence, the special agent is responsible for:
 1. Assisting the victim to obtain medical treatment if such is required as a result of the alleged incident.
 2. Ascertaining if the suspect is still present in the area.
 3. Secure suspect for the local jurisdiction to respond.
 4. Take control of any short-lived evidence. Turn over any evidence to the responding law enforcement agency.
 5. Providing the individual with the Department of Law Enforcement's found at <https://www.fdle.state.fl.us/CJSTC/Publications/Notice-of-Legal-Rights-and-Remedies.aspx>.
 - i. This Legal Rights and Remedies Notice to Victims may also be obtained from the Chief of Law Enforcement.
 6. Complying with the requirements of section 741.29, Fla. Stat., in regard to administering a state approved lethality assessment.
- B. If the suspect is not in the area, the special agent should stay with the victim until local authorities arrive on scene.
- C. If the offense took place in another jurisdiction, notify that jurisdiction to respond if possible.

1. If the jurisdiction is unable to respond, provide the victim with the name, phone number and address where they can report the offense.

D. When a suspect is arrested by members of the Division, special agents should :

1. Advise the victim that there is no guarantee the suspect will remain in custody.
2. Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
3. Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

VI. STANDARDS FOR ARRESTS

Special Agents becoming aware of a domestic violence report should consider the following:

- A. Special Agents having probable cause to believe that a person has committed an act of domestic violence may make an arrest (Section 901.15, Fla. Stat.; Section 741.29, Fla. Stat.; Section 784.046, Fla. Stat.).

VII. REPORTS AND RECORDS

Special agents responding or participating in any fashion to reports of domestic violence shall prepare the necessary reports and submit those to their supervisor. The report must be complete and clearly indicate the alleged offense was an incident of domestic violence. The report shall be filed in a manner that will permit data on domestic violence cases to be compiled. If applicable, the reports should contain the following information (Section 741.29, Fla. Stat.; Section 784.046, Fla. Stat.):

- A. A description of any physical injuries inflicted on the victim.
- B. If an arrest was made by a special agent or in the alternative, if a dual arrest was made, the reasons for such decision.
- C. If an arrest was not made, the grounds for not arresting anyone.
- D. A statement which indicates that a copy of the Legal Rights and Remedies Notice was given to the victim.
- E. A description of all actions taken before and after the arrival of the local law enforcement.

Whenever possible, special agents shall obtain a written statement from the victim and witnesses concerning the alleged domestic violence. The special agent shall submit the report to their supervisor.

The Records Section supervisor shall ensure that a copy of the initial report, as well as any subsequent supplemental report, is forwarded to the nearest locally certified domestic violence center within 24 hours after receipt of the report. The report shall not contain any victim or witness statements or any other materials that are part of an active criminal investigation and that are exempt from disclosure under chapter 119, Fla. Stat. (Section 741.29, Fla. Stat.; Section 784.046, Fla. Stat.,).

VIII. ARREST OR INVESTIGATION OF A SWORN OR NON-SWORN MEMBER FOR DOMESTIC VIOLENCE

Special agents investigating a domestic violence offense allegation involving sworn law enforcement officers from this Division will follow the procedures as outlined herein. The investigating special agent will immediately notify his or her immediate supervisor, who will then notify the Chief of Law Enforcement or the Director of Law Enforcement, who will notify the Executive Director, Deputy Executive Director, and the Office of Inspector General.

- A. If any member of the Division receives information that another agency is responding to or handling a domestic violence case involving a member of the Florida Gaming Control Commission, the person receiving the information shall notify the Chief of Law Enforcement.
- B. The Chief of Law Enforcement shall review the circumstances of the situation and make the following notifications:
 - 1. The Executive Director
 - 2. The Deputy Executive Director
 - 3. The Inspector General

Special agents investigating a domestic violence offense allegation involving sworn law enforcement officers or sworn correctional officer from another agency will follow the procedures as outlined herein and immediately notify his/her immediate supervisor. The supervisor will then notify the Chief of Law Enforcement or the Director of Law Enforcement, who will notify the Executive Director. The Executive Director, or his or her designee will notify a supervisor at the agency of the affected law enforcement officer or correctional officer.

This policy adopted by the Commission on:

Louis Trombetta
Executive Director

Date



**FLORIDA GAMING CONTROL COMMISSION
ADMINISTRATIVE POLICIES AND PROCEDURES**

TITLE: Career Service Grievance Process

POLICY NUMBER

03.05.01

EFFECTIVE DATE:

FGCC SECTION

Human Resource Management

REVISED:

AUTHORITY

Section 16.712, F.S.
[Section 110.227 \(4\), F.S.](#)
[Section 119.07, F.S.](#)

I. STATEMENT OF POLICY

- A. This policy provides career service employees with a uniform process for filing internal grievances and supervisors with guidelines for processing employee grievances within the Florida Gaming Control Commission (“FGCC” or “Commission”).
- B. The grievance process is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.
- C. This policy is applicable to all career service employees of the FGCC who have attained permanent status in their current position.
- D. It is the policy of the FGCC to resolve concerns prior to the issue escalating into a grievance. Employees are encouraged to discuss matters of concern regarding their work or work conditions with their immediate supervisor. In cases where such matters cannot be resolved at that level, FGCC shall ensure that all permanent career service employees are afforded fair, equitable, and expeditious reviews on grievances without fear of coercion, discrimination, or reprisal.

- E. Claims of discrimination and sexual harassment or claims related to suspensions, reductions in pay, demotions, and dismissals are not subject to the career service grievance process. Complaints related to allegations of discrimination and harassment are subject to Policy 03.08.01, Unlawful Discrimination including Sexual Harassment.

II. DEFINITIONS

- A. **Grievance:** The dissatisfaction that occurs when an employee believes that any condition affecting him/her is unjust, inequitable, or a hindrance to the effective performance of his/her job.
- B. **Grievant:** The permanent status Career Service employee filing a grievance.
- C. **Permanent Status:** A Career Service employee who has satisfactorily completed at least a one-year probationary period in his/her current position.
- D. **Step 1 Representative:** The grievant's supervisor.
- E. **Step 2 Representative:** The grievant's intermediate supervisor or designee.

III. PROCEDURES

- A. Any employee who has attained permanent Career Service status in his/her position has the right to file a grievance in accordance with the provisions of this policy.
- B. Once an employee presents his/her grievance, no new violation or issue can be raised for the duration of the grievance process.
- C. An employee may not file a grievance with regard to the following:
 - 1. Suspensions, reductions in pay, demotions, and dismissals. These may be appealed:
 - i. to the Public Employees Relations Commission (PERC); or
 - ii. through the appropriate collective bargaining grievance process if the employee is covered by a collective bargaining agreement.
 - 2. Claims of discrimination to include sexual harassment. These must be filed in accordance with Policy 03.08.01, Unlawful Discrimination including Sexual Harassment.
 - 3. A specific issue based on a set of facts previously addressed through a collective bargaining grievance process, a PERC hearing, or any other administrative or legal

proceeding.

- D. The employee may contact the Bureau of Human Resource Management (HRM) to obtain specific information on how to file a grievance.
1. An employee may not use FGCC equipment or supplies when filing a grievance except to request or download the Career Service Grievance Form.
 2. Under the supervision of the HRM staff, the employee will be allowed reasonable access to vital documentation at the Step 1 and Step 2 levels of the process.
 3. The HRM will provide copies of documents requested by the employee and will charge the employee for the cost of providing such copies in accordance with chapter 119, F.S.
 4. An employee must use personal leave for time away from work to investigate a grievance. The supervisor will not withhold permission unless the employee's investigation will interfere with the operations of the office/unit. Time spent by an employee investigating a grievance will not be considered time worked.
 5. Meetings will be held with the employee at the Step 1 and Step 2 levels of the process.
 6. The HRM shall determine if the grievance is accepted or denied pursuant to these procedures before a written response shall be given. The grievant's failure to follow the process outlined in this policy will subject the grievant to a denial of the grievance.
 7. The Step 1 and 2 Representatives must inform the program area's executive leadership member (i.e., Director, General Counsel, etc.) once a grievance has been accepted.
 8. All timeframes may be extended in writing by mutual agreement.
 9. A Career Service employee who terminates his/her employment while his/her grievance is pending may pursue the grievance to its conclusion, provided the relief requested remedies a condition that affects the employee even after he/she is no longer employed. Otherwise, the HRM will cease processing of the grievance and will close the file.
 10. The HRM will record all Career Service Grievance Form information initiated and processed on the grievance log.

E. Grievance Steps:

Step 1 – Grievance Filed with Step 1 Representative:

1. When an employee decides to file a grievance, he/she will:
 - i. Obtain a Career Service Grievance Form from the HRM or download the form from the Commission's intranet;
 - ii. Complete the Career Service Grievance Form to include the specific issue(s) being grieved and the proposed resolution, sign/date the form; and
 - iii. Email the completed Career Service Grievance Form to his/her supervisor with a copy to the HRM at hr@flgaming.gov within 14 calendar days following the incident that gave rise to the grievance.
2. If the grievance is a class or group grievance, all employees who are parties to the grievance must sign the Career Service Grievance Form.
3. The employee will be permitted to submit a list of employees as witnesses to substantiate a grievance.
4. The HRM will review the grievance to determine if accepted or denied pursuant to grievance procedures and notify the Step 1 Representative and the grievant via email of the decision with one (1) business day.
5. If accepted, the Step 1 Representative will notify their executive leadership member (i.e., Director, General Counsel, etc.) of the grievance. If denied, the grievance will be closed.
6. The grievant and the Step 1 Representative may contact the HRM relative to inquiries concerning the grievance.
7. The Step 1 Representative will:
 - i. meet with the grievant (or designated spokesperson for a class or group grievance) via telephone, virtually, or face-to-face, and provide a written response to the grievant on official FGCC letterhead within seven (7) business days following receipt of the grievance; and
 - ii. attach a copy of the written response to the original Career Service Grievance Form.
8. Regardless of the Step 1 decision, the Step 1 Representative will forward the

original Career Service Grievance Form and the written response to the employee and will forward copies of both to the HRM within the deadline to respond.

9. If the grievant is dissatisfied with the response, the grievant may, within seven (7) business days, file the grievance at Step 2.
10. The grievant shall be responsible for filing at the next step.

Step 2 – Grievance Filed with Step 2 Representative:

1. If the grievant is dissatisfied with the response of his/her supervisor, the grievant (individually or as the class or group spokesperson) may file a Step 2 grievance within seven (7) business days following receipt of the Step 1 written response.
2. The grievance shall be filed by completing the Step 2 Career Service Grievance Form.
3. The grievant shall email the completed Step 2 Career Service Grievance Form to the Step 2 Representative with a copy to the HRM at hr@flgaming.gov.
4. The HRM will review the grievance to determine if accepted or denied pursuant to grievance procedures and notify the Step 2 Representative and the grievant via email of the decision with one (1) business day.
5. If accepted, the Step 2 Representative will notify their executive leadership member (i.e., Director, General Counsel, etc.) of the grievance. If denied, the grievance will be closed.
6. The grievant and the Step 2 Representative may contact the HRM relative to inquiries concerning the grievance.
7. The Step 2 Representative will:
 - i. Discuss the grievance with the Step 1 Representative in order to obtain background information regarding the matter prior to meeting with the grievant.
 - ii. Meet with the grievant (or designated class or group spokesperson) via telephone, virtually, or face-to-face, within five (5) business days following receipt of the Career Service Grievance Form.
 - iii. Respond to the grievant in writing on official FGCC letterhead within five (5) business days following the meeting; and
 - iv. Forward the original Career Service Grievance Form and the Step 2 response to the employee and forward copies to the Step 1 Representative and the HRM

for official record.

8. The written response from the Step 2 Representative will be the final authority for grievances filed pursuant to this policy, and such grievances may not be appealed beyond Step 2.

The HRM will file copies of the Career Service Grievance Form and the Step 1 and Step 2 responses in the employee's personnel file and update the grievance log accordingly.

This policy adopted by the Commission on:

Louis Trombetta
Executive Director

Date



**FLORIDA GAMING CONTROL COMMISSION
ADMINISTRATIVE POLICIES AND PROCEDURES**

TITLE: Drug-Free Workplace Policy

EFFECTIVE DATE:

REVISED:

POLICY NUMBER

03.14.01

FGCC SECTION

Human Resource Management

Authority

[Section 16.712, F.S.](#)

[Section 112.0455, F.S.](#)

[Section 440.102, F.S.](#)

[Section 447.401, F.S.](#)

[Rule 60L-36.005, F.A.C.](#)

[Section 893.13, F.S.](#)

I. STATEMENT OF POLICY

It is the policy of the Florida Gaming Control Commission (“FGCC,” “Commission”) to provide a drug-free workplace for all employees.

This policy has been adopted in accordance with Section 112.0455, Florida Statutes (F.S.), known as the Drug-Free Workplace Act, and is to be posted in a location that is easily accessible to all employees. Chapter 60L-36.005(3)(h) F.A.C. was established to implement the requirements of Section 112.0455, F.S.

As a condition of employment with the FGCC, employees shall abide by the terms of this Drug-Free Workplace Policy.

I. DEFINITIONS

- A. Drug: means alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed.
- B. Drug test or test: any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.
- C. Employee assistance program: an established program for employee assessment, counseling, and possible referral to an alcohol and drug rehabilitation program.
- D. Reasonable suspicion drug testing: drug testing based on a belief that an employee is using or has used drugs in violation of the Commission's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience.

II. POLICY

- A. Alcohol and drug use in the workplace or on Commission time can endanger the health and safety of Commission employees and the public.
- B. Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected employees shall notify their supervisor as soon as the employee is aware that he/she will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If an employee is adversely affected while on-duty, the employee shall be immediately removed and released from work.
- C. Employees should not use any medications that will impair their ability to perform their duties safely and completely. Any employee who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to beginning his/her shift.
- D. Possession, use, or being under the influence of medical cannabis while on-duty is prohibited and may lead to disciplinary action, up to and including termination.
- E. If an employee informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the employee

- may be required to obtain clearance from his/her physician before continuing to work. If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall ensure that he/she is safely transported away from the premises.
- F. FGCC conducts job applicant drug testing and reasonable suspicion drug testing authorized under the Drug-Free Workplace Act, Section 112.0455, F.S.
 - G. A list of drugs for which the Commission may test, that could alter or affect a test result are listed in 59A-24.005(2)(f), F.A.C.
 - H. The Commission may require an employee to submit to drug testing when there is a reasonable suspicion of drug use. Reasonable suspicion drug testing may not be required except upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question.
 - I. Among other things, such facts and inferences which may lead to reasonable suspicion are:
 - 1. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
 - 2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
 - 3. A report of drug use, provided by a reliable and credible source, which has been independently corroborated.
 - 4. Evidence that an individual has tampered with a drug test during employment with the Commission.
 - 5. The employee drives a motor vehicle in the performance of his/her duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.
 - 6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the Commission's premises or while operating the Commission's vehicle, machinery, or equipment.
 - 7. The employee discharges a firearm in the performance of his/her duties (excluding training).

8. The employee discharges a firearm issued by the Commission while off-duty, resulting in injury, death, or substantial property damage.
- J. An employee may be subject to disciplinary action if he/she:
1. Fails or refuses to submit to a drug test.
 2. After taking a test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- K. An employee in a position requiring certification by the Criminal Justice Standards and Training Commission (CJSTC) will be dismissed for a first positive confirmed drug test result when illegal use of drugs, pursuant to Section 893.13, F.S., is confirmed. All other employees with a first positive confirmed drug test will be given the opportunity to participate in, at the employee's own expense or pursuant to coverage under a health insurance plan, an employee assistance program or alcohol and drug rehabilitation program.
- L. An employee or job applicant who receives a positive confirmed drug test result may contest or explain the result to the Commission within five (5) working days after written notification of the positive test result. If an employee's or job applicant's explanation or challenge is unsatisfactory to the Commission, the employee or job applicant may contest the drug test result as follows:
1. An employee who is disciplined or who is a job applicant for a position requiring certification by the CJSTC and is not hired pursuant to the Drug-Free Workplace Act, may file an appeal with the Public Employees Relations Commission within 30 calendar days of receipt by the employee or job applicant of notice of discipline or refusal to hire. The notice shall inform the employee or job applicant of the right to file an appeal, or if available, the right to file a collective bargaining grievance pursuant to Section 447.401, F.S.
 2. Any person alleging a violation of the provisions of the Drug-Free Workplace Act, that is not remediable by the Public Employees Relations Commission or an arbitrator and is seeking relief must institute a civil action for injunctive relief or damages, or both, in a court of competent jurisdiction within 180 days of the alleged violation.
- M. Employees and job applicants have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

- N. The name, address, and telephone number of the State's employee assistance program will be provided to employees upon request.
- O. No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, the Commission will take appropriate disciplinary action, up to and including dismissal, and/or requiring the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program.
- P. The Division recognizes the confidentiality and privacy due to its employees. Any information written, received, or produced as a result of the drug-testing program is confidential and considered a confidential medical record and shall be maintained in the employee's confidential medical file.

III. EMPLOYEE RESPONSIBILITIES

- A. Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on the Commission's premises or on Commission time. The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.
- B. Law enforcement personnel who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.
- C. Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty employee is impaired due to drug or alcohol use.
- D. Employees are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) calendar days after such conviction.
- E. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems. Employees should contact the employee assistance program to seek help for alcohol and drug problems or their insurance provider to determine if their insurance coverage provides treatment for drug and alcohol abuse.

IV. SUPERVISOR RESPONSIBILITIES

- A. The supervisor shall prepare a written record documenting the specific facts that led to the decision to request a drug test, and shall inform the employee in writing of the following:
1. The test will be given to detect either alcohol or drugs, or both.
 2. The result of the test is not admissible in any criminal proceeding against the employee.
 3. The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

V. BUREAU OF HUMAN RESOURCE MANAGEMENT (HRM) RESPONSIBILITIES

- A. The HRM shall be responsible for ensuring compliance with notice, education and procedural requirements for testing for drugs pursuant to the Florida Drug-Free Workplace Program and the rules developed by the Agency for Health Care Administration including:
1. Ensuring the required policy statement notice has been given as required.
 2. Ensuring notice of the Commission drug-testing policy is posted in an appropriate and conspicuous location and copies are available for inspection during regular business hours.
 3. Identifying positions for which drug testing is required and ensuring notice of drug testing is on vacancy announcements for positions.
 4. Ensuring that drug testing, and documentation, conforms to all applicable standards and procedures.
 5. Ensuring that all information, interviews, reports, statements, memoranda and drug test results, written or otherwise, received or produced as a result of the Drug-Free Workplace Program are maintained as required.
 6. Ensuring confidential records are released only with the written consent of the person tested or as otherwise authorized by Florida law.
 7. Ensuring that all certified law enforcement officers, and any non-sworn employees working in a position that has been designated as a mandatory-testing position by the Commission, who enter a drug rehabilitation program are reassigned to an

appropriate and available position during the time that they are participating in the program. If no position is available, employees may use accrued leave before being placed on leave without pay.

This policy adopted by the Commission on:

**Louis Trombetta,
Executive Director**

Date



**FLORIDA GAMING CONTROL COMMISSION
ADMINISTRATIVE POLICIES AND PROCEDURES**

TITLE: Recruitment and Selection

EFFECTIVE DATE:

REVISED:

POLICY NUMBER

03.18.01

FGCC SECTION

Human Resource Management

AUTHORITY

[Section 295.07, F.S.](#)
[Section 295.09, F.S.](#)
[Rule 55A-7.010\(2\)\(C\), F.A.C.](#)
[Chapter 119, F.S.](#)

I. STATEMENT OF POLICY

- A. In accordance with applicable federal, state, and local law, the Florida Gaming Control Commission (“FGCC” or “Commission”) provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Commission does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.
- B. This policy establishes the Commission’s uniform recruitment and selection process in accordance with applicable federal laws, state statutes, and administrative rules.
- C. Recruitment shall be planned and carried out in a manner that assures open competition based upon current and projected agency needs, taking into consideration

the number and types of positions to be filled and the labor market conditions, with special emphasis on groups underrepresented in the Commission's workforce.

- D. The selection process shall reflect efficiency and simplicity in hiring procedures. Supervisors shall be required to document the qualifications of the selected candidate to ensure the candidate meets the minimum requirements of the position, meets the licensure, certification, or registration requirements, if any, as specified by statute, and possesses the requisite knowledge, skills, and abilities for the position.
- E. Eligible veterans and spouses of veterans will receive preference in employment for positions in the Career Service system, pursuant to chapter 295, F.S.
- F. The Commission will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.
- G. The Commission shall make every reasonable effort to ensure all employees and candidates are provided reasonable accommodations in accordance with the American with Disabilities Act.
- H. The Commission utilizes the U.S. Department of Homeland Security's E-Verify system to verify employment eligibility for all new hires.

II. DEFINITIONS

- A. Compliance Review: The final process conducted by the Bureau of Human Resource Management (HRM) to ensure the candidate selected meets the requirements for hire and the recruitment and selection process was in accordance with policies and procedures.
- B. Hiring (PAR) Package: All materials developed and used during the selection process which are subject to compliance review by the HRM.
- C. Requisition: The public announcement of a job opening for which candidates are being recruited.
- D. Pre-employment Requirements: A variety of preconditions a candidate must successfully pass, to include verification of previous employment, drug screening, pre-employment physical examination, selective service registration, driver license check, background investigation, including fingerprinting, and E-Verify.
- E. Preferred Qualifications: Desired experience, training, education, test, licensure or certification, or a combination thereof, that provides job-related evidence a candidate can perform the essential functions of a position.

- F. Selection Criteria: Methods used to assess the knowledge, skills, abilities, minimum requirements, and other job-related qualifications possessed by a candidate (i.e. profile analysis, interview questions, work sample, willingness questionnaire).
- G. Selection Process: The procedures used to evaluate and select candidates for positions.
- H. Veteran: Pursuant to Section 1.01(14), F.S., a person who served in the active military, naval, or air service and who was discharged or released with their character of service noted as "Honorable" only or who later received an upgraded discharge to honorable, notwithstanding any action by the U.S. Department of Veterans' Affairs on individuals discharged or released with other honorable discharges.
- I. Veterans' Preference (VP): Special consideration given to eligible veterans and other preference eligible candidates for Career Service positions as it relates to appointments, retentions, reinstatements, reemployment and promotions. The preference does not guarantee a veteran or other preference eligible candidate will be the candidate selected to fill the position.

III. PROCEDURES

- A. All Career Service (CS) positions that are vacant or that become vacant must be advertised in People First before filling the position.
- B. All positions filled must comply with the Commission's current fiscal year spending guidelines.
- C. OPS positions will be advertised, unless approved otherwise by the Bureau of Human Resource Management (HRM).
- D. At any point during the recruitment and selection process, a candidate or employee can request an accommodation under the Americans with Disability Act (ADA). The hiring authority may contact the HRM for assistance in evaluating and handling the request for accommodation.
- E. Recruitment
 - 1. To begin the recruitment process, supervisors must review the official position description to ensure current duties and responsibilities, and entry level knowledge, skills, and abilities (KSAs) are assigned to the position. If they are not, the position description must be updated. For assistance with updating a position description, supervisors should email hr@flgaming.gov.

2. It is the Commission's policy to advertise vacant positions for a minimum of three (3) calendar days.
3. Appointments to SES and SMS positions may be made without advertising, at the discretion of the Executive Director.
4. Appointments to CS positions may be made without advertising when the appointment is:
 - a. A management directed demotion, lateral, or reassignment; or
 - b. An employee's written request for a demotion, lateral, or reassignment pursuant to any collective bargaining agreement.
5. When an appointment is made without advertising, the selection process must be followed to ensure the candidate is eligible for the position, and to document the process. Executive leadership reserves the right to proceed without advertising the position.
6. Supervisors are encouraged to reference the Department of Management Service's Supervisor's Recruitment and Selection Program Manual for guidance. For a .pdf copy of the Supervisor's Recruitment and Selection Program Manual or additional guidance, please email hr@flgaming.gov.

F. Requisitions

1. The advertising source for the FGCC is the People First system. Other sources, such as social media, Employ Florida, local newspapers, minority publications, professional journals, etc. can be used when appropriate, however, the requisition should run simultaneously with the external job advertisement and the external advertisement should direct candidates to the People First job posting to apply for employment consideration.
2. All requisitions are initiated in the HRM. Supervisors will provide the HRM with the names of team members who need access to review the requisition.
3. When posting a position, there are three types of requisitions:
 - a. Internal Agency – The candidate pool is limited to current employees of the FGCC only, including OPS employees. If the position is advertised as "internal", applications will not be accepted from candidates outside of the agency.
 - b. State Personnel System – The candidate pool is limited to candidates currently employed with any state agency within the State Personnel

System. If the position is advertised as “State Personnel System,” applications will not be accepted from candidates outside of the State Personnel System.

- c. Open Competitive – The candidate pool is open to all candidates.
- 4. A requisition may require additional or continuous posting. The supervisor may request the position to be re-advertised for an additional minimum of three (3) calendar days if there are no viable candidates in the requisition. A note will be added stating whether previous candidates are still being considered and may or may not need to reapply.
- 5. Qualifying questions may be added to the requisition to identify potential qualified candidates and reduce the number of applications for review. Hiring managers should provide the HRM a list of qualifying questions along with their Request to Advertise. The HRM will ensure that qualifying questions include the minimum requirements that are listed for the position.
- 6. The HRM will close requisitions in People First (PF) after the selected candidate has been hired or the requisition has expired.

G. Selection

- 1. For posted requisitions, applications or resumes received after the deadline shall not be considered.
- 2. The FGCC complies with federal law by employing only U.S. citizens and lawfully authorized non-citizens.
- 3. Veterans’ preference shall be completed for CS requisitions posted as open competitive and state personnel system.
- 4. Veterans’ preference does not apply to SES, SMS, or OPS positions.
- 5. Social media should not be used for screening candidates.
- 6. Career Service employees who answer “Yes” to the “Right to First Interview” question on their application must attach a copy of the official layoff letter when applying for a vacancy. Official layoff letters will be honored for up to one (1) calendar year based upon the effective date of the layoff. If the candidate has gained other employment (state or private) since the layoff, preference will not be given to the candidate for the right to a first interview.

7. Job-related selection criteria should be used to evaluate whether a candidate possesses the knowledge, skills, or abilities (KSAs) necessary to perform the essential functions of the position. The following components may be used for evaluation:
 - a. Candidate Screening: An assessment of the candidate's application that measures job-related experience, training, certification, license and/or education to determine the best suited candidate for the position. This screening is used to reduce the number of candidates who will advance to the next step in the selection process. **NOTE:** VP eligible candidates need only meet the minimum requirements for a position.
 - b. Interview Questions: A series of job-related questions that are consistently asked of all candidates who are interviewed, with responses being noted and evaluated to identify each candidate's qualifications for the position. Initial interview questions must be written in advance and the same questions must be asked of every candidate interviewed. Follow-up questions may be asked of an individual candidate to clarify answers or obtain additional information. An oral interview must be conducted with the successful candidate.
 - c. Work Sample: A task exercise, representative of work required by the position, given to candidates to identify those who possess the ability to perform that task. Work samples may be administered on a Pass/Fail basis. All candidates selected for a work sample must be given the same work sample.
 - d. Willingness Questionnaire: A survey containing questions that address the candidate's willingness to perform certain required aspects of a position that are necessary to accomplish the essential functions of the position. Questions on a willingness questionnaire must be designed for a "Yes" or "No" answer.
8. Selection criteria must be consistently administered to all candidates throughout the selection process.
9. Selection materials must be maintained and handled in a secure and confidential manner. Selection materials shall be provided to the HRM upon submission of the hiring package for the recommended candidate. Selection assessment instruments are exempt from the provisions for inspection of public records in accordance with chapter 119, F.S.
10. The official state of Florida's web-based application must be completed and submitted for all FGCC positions that are advertised. A candidate's resume

may be submitted in addition to the application but shall not be used as a substitute for the required application.

- a. Applications with a gap of employment of six (6) months or more must include a statement from the candidate for the missing employment history. Candidates found to intentionally omit employment history shall not be considered for employment with the Commission. The statement should be included in the hiring package for the successful candidate.
- b. Applications attached to the requisition in the PF system, whereas the candidate attested to the information submitted and officially applied for the position, do not require a wet signature for authenticity. All other applications for employment consideration must be signed by candidate (i.e., positions that were not advertised, to include SES/SMS or OPS appointments, etc.)

11. Appointments to SES or SMS positions are made by selecting highly qualified candidates.

- a. The selection criteria outlined in this procedure is not a requirement to fill SES or SMS appointments. Management shall ensure that any selection process used is job-related and free of any unlawful discrimination. When utilized, supervisors must provide a copy of all selection materials or assessment instruments used in the hiring package for the successful candidate to document the process.
- b. Supervisors must have approval from the Executive Director to appoint a candidate to a SES position without advertising.
- c. Candidates appointed to SES or SMS positions must complete all pre-employment requirements.

12. Selection of candidates for employment into the CS is based on analysis of the position and assessment of the candidate's KSAs or competencies necessary for successful performance in the position.

- a. The selection criteria outlined in this procedure shall be used and free of any unlawful discrimination. Supervisors must provide a copy of all selection materials or assessment instruments used in the hiring package for the successful candidate to document the process.
- b. Veterans' preference (VP) shall be administered for VP eligible candidates for CS requisitions posted as open competitive and state personnel system.

- c. FGCC VP eligible employees who apply for internal vacancy announcements may be eligible for promotional preference pursuant to Rule 55A-7.0111, F.A.C.
- d. Candidates for CS positions who are eligible to claim VP must specifically claim the preference on their application by completing the VP section and providing the appropriate supporting documentation.
 - i. A copy of the DD Form 214, Certificate of Discharge, Separation from Active Duty, or other official documentation (to include military discharge papers or equivalent certification from the Department of Veteran's Affairs listing military status, dates of service, and discharge type) issued by the branch of service are required as verification of eligibility for veterans' preference.
 - ii. The supervisor has an affirmative duty to notify the candidate a minimum of one (1) time if a timely submitted VP claim is later found to be missing information. The candidate shall be given five (5) business days to submit the requested documentation following the date the request is received by the person seeking the VP benefit. FGCC requires the notification to be sent by email.
 - iii. The employee or candidate seeking VP must have received an honorable discharge or must present documentation stating current service is honorable and, in accordance with section 295.07, F.S.
 - iv. Supervisors shall give eligible VP candidates preference in the hiring process at each step of the selection process. Minimum requirements may include meeting the minimum passing score on a validated test for certain positions.
 - v. Veterans with a disability of 30% or more who meet the minimum requirements for the position shall be granted an interview. Pursuant to Rule 55A-7.010(2)(C), F.A.C., this does not apply to classes of positions designated as Professional (EEO-4 Code 02) or Technician (EEO-4 Code 03).
- e. When an employee in a covered position leaves employment of a State Personnel System agency for the purpose of serving in the Armed Forces of the United States, Reserve Component of the United States Armed Forces, or the Florida National Guard, and is separated with an honorable discharge, the agency must reinstate or reemploy such employees under the following conditions:

- i. Reinstatement or reemployment is made to the same or to an equivalent position; and
 - ii. Reinstatement or reemployment is made within one (1) year of the date of separation from the federal military service or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension.
- f. Veteran employees reinstated or reemployed under this law shall be awarded preference in promotion and shall be promoted ahead of all other employees who are equally or less qualified for the position, if their services were full-time/active-duty status for at least 90 consecutive days, or less, if discharged early while serving in a combat zone or due to medical reasons. The promotional preference is limited to "Internal Agency" requisitions.
- i. Eligibility for preference in promotion shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception. Once an employee is promoted, all previous full-time active duty service is considered "used" and may not be invoked for use on a subsequent promotion.
 - ii. If the employee serves another active duty after the employee has been promoted, the employee is eligible for another promotional preference following reinstatement or reemployment with the agency.

H. Pre-Employment Requirements

1. When a candidate is being considered for employment, upon review and preliminary approval of the hiring package, the candidate will be provided an offer of employment contingent upon the successful completion of the pre-employment requirements for the position.
2. All pre-employment requirements must be verified, documented, and provided to the HRM.
 - a. A completed Candidate Interview Acknowledgement Checklist.
 - b. Verification that the candidate is not in violation of any of the appointment and employment restrictions set forth in section 16.713, F.S.
 - c. Verifications and Reference Checks. Conducting reference checks is one of the most important steps in the selection process. A verification of employment and past performance is often the best indicator of future performance. Reference checks completed on the candidate should verify

the experience being used to meet the minimum requirements and eliminate any doubt that the candidate is qualified for the position.

- i. A good faith effort shall be made to complete the required reference checks on a prospective employee. However, in the event that supervisors or their designees are unsuccessful after having attempted to contact the employers listed by the candidate, the supervisor or designee, utilizing FGCC's Employment Confirmation & Reference Check Form, must document the two (2) unsuccessful attempts, to include the telephone number, the dates and times. The attempts shall not be completed in a very short time span, such as once a day for three (3) days. A reasonable approach should be used.
 - ii. For candidates with state employment, the hiring manager may contact the HRM at hr@flgaming.gov to request a personnel file review from the employing agency.
 - iii. For current employees, if the appointment is to a position under the same hiring authority, or within the same office/section, a reference check is not required.
 - iv. All reference check findings that are less than favorable, must be approved in writing by the respective Division Director.
- d. Diploma, transcripts, or certifications required for the position. All required licensures or certifications must be valid and remain valid, as a condition of employment.
- e. A Level 2 background screening will be conducted as a condition of employment for all employees, including OPS employees, interns, and externs.
- i. Any person who is required to undergo a background investigation and who refuses to cooperate or refuses to submit fingerprints shall be disqualified for employment or, if employed, shall be dismissed.
 - ii. Candidates who successfully pass background screening may be considered for employment up to 180 calendar days from the date the fingerprints were scanned. If the candidate is not hired within 180 calendar days, a new background screening shall be required.
- f. All candidates and employees considered for special risk positions must complete and pass a pre-employment drug screen and physical examination.

- i. Failure to comply with a drug test or any evidence of an attempt to defeat the validity of the test shall result in the candidate being disqualified or an employee being disciplined, up to and including dismissal.
 - ii. If a candidate or employee is not appointed to a position within sixty (60) days of receiving a negative drug test result, the candidate or employee must be retested prior to beginning employment in the position.
- g. All positions that require a driver's license must have the requirement documented on their official position description. Candidates must possess a valid driver's license before being placed in the position.
- i. All candidates considered for a special risk position must have a valid driver's license.
 - ii. Positions that require operating a state-owned or personal vehicle for performing job essential functions require a valid driver's license.
- h. Male candidates born on or after October 1, 1962, must have proof of registration with the United States Selective Service. Candidates who fail to register with the Selective Service cannot be considered for employment.
- i. Current employees who have not registered cannot be promoted or rehired.
 - ii. The HRM will verify a candidate's registration with the Selective Service.
 - iii. Candidates with military service are not required to register with the Selective Service. They may provide a copy of their DD Form 214 or comparable discharge or separation documentation from the Department of Defense to satisfy the requirement.
- i. The Florida Retirement System has very specific limitations on rehiring retired members. Failure to follow requirements may subject the retiree to loss of benefits and/or termination. Any selection of a retired FRS member must occur after the member retires and meets all the requirements of the FRS regarding the length of time that must elapse prior to reemployment.
- j. Candidates receiving dual compensation from another state agency or compensation from secondary employment outside of state government, including the state university system, must complete a "State of Florida Dual Employment and Dual Compensation Request" form or a "Secondary

Employment Authorization Request” form. Approval must be granted before starting employment.

I. Hiring Guidelines – Personnel Action Request (PAR) Process

1. Once the Hiring Manager (HM) has reviewed all applications in People First and is ready to make a recommendation for hire, the HM shall complete the following:
 - a. Complete the electronic PAR [via DocuSign](#) for the selected candidate.
This process will route the PAR electronically to the Division Director, Recruitment Coordinator, Chief of Human Resources, Budget Office, Director of Administration, and the Executive Director for approval.
 - b. Include the following supporting documents, for the recommended candidate, as an attachment to the electronic PAR:
 - i. Justification to Hire Memo
 - ii. Application and Resume
 - iii. Candidate Interview Acknowledgement Checklist, F# 03.04.01
 - iv. Reference Check(s), F# 03.006.01
 - v. Diploma, transcripts, certifications required for the position.
 - c. Immediately submit the following materials as a separate file from the documents above to the HRM at hr@flgaming.gov for all interviewed candidates with the Email Subject: PAR supporting docs, Candidate Name, Position Number, Division (i.e. PAR supporting docs – Jane Doe – 41500099 – PMW).
 - i. Interview questions and responses for all interviewed candidates.
 - ii. Work samples completed by all candidates.
 - iii. Candidate Interview Acknowledgement Checklists for all interviewed candidates, excluding the selected candidate.

Note: The HRM will coordinate the effective date of the action with the HM, which will be based upon the date of approvals and background screening results.

2. HRM Responsibilities – The Recruitment Coordinator shall:

- a. Review the PAR package for preliminary approval to ensure the candidate meets the minimum requirements of the position, meets any licensure, certification, or registration requirements, and possesses the requisite knowledge, skills, and abilities for the position, for CS positions, ensure VP was appropriately administered; then forward the E-PAR to the Chief of Human Resources for approval.
- b. Email the *contingent offer letter* to the candidate with a copy to the HM.
- c. Upon receipt of an accepted offer letter, schedule the candidate for background screening.
 - i. The Division of Gaming Enforcement conducts an extensive background investigation, including Level 2 background screening, for employees hired within their Division, prior to submitting a PAR package to the HRM.
- d. Submit the New Employee Technology Ticket.
- e. Notify the HM of approval/disapproval of the PAR Package (the notice will be sent via DocuSign).
- f. Email the candidate the Appointment Confirmation Letter, with a copy to the HM, after all requirements for employment are met.
- g. File recruitment and selection documentation in the recruitment file and maintain records in accordance with the retention schedule.

3. HRM Responsibilities – The Payroll Coordinator shall:

- a. Once the employee's hire date is confirmed, initiate onboarding in the PF system within three (3) business days of the employee's hire date.
- b. Complete E-Verify, the employment verification process, within three (3) business days of the employee's hire date to ensure the employee is authorized to work in the United States.
- c. Complete the PAR in the PF system after the onboarding process is completed. The onboarding process shall be completed by the employee within three (3) business days from the employee's hire date.

- d. Notify the HM once the PF PAR has been completed placing the employee on the payroll.
- e. File all onboarding documentation in the employee's official personnel file and maintain records in accordance with the retention schedule.

This policy adopted by the Commission on:

**Louis Trombetta
Executive Director**

Date



**FLORIDA GAMING CONTROL COMMISSION
ADMINISTRATIVE POLICIES AND PROCEDURES**

TITLE: Lactation Breaks

EFFECTIVE DATE:

REVISED:

POLICY NUMBER

03.19.01

FGCC SECTION

Human Resource Management

AUTHORITY

[29 USC Section 218d](#)

[Section 16.712, F.S.](#)

I. STATEMENT OF POLICY

- A. It is the policy of the Florida Gaming Control Commission (“FGCC,” “Commission”) to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her infant nursing child for up to one year after the child’s birth.
- B. The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee’s infant child.

II. LACTATION BREAK TIME

- A. A rest period shall be permitted each time the employee has the need to express breast milk. In general, lactation breaks that cumulatively total 30 minutes or less during any four- hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.
- B. Lactation breaks, if feasible, should be taken at the same time as the employee’s regularly scheduled rest or meal periods. Any time exceeding regularly scheduled and paid break time will be unpaid.

- C. Employees desiring to take a lactation break shall notify their supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt the unit's operations. However, the supervisor may not require a schedule that does not meet the employee's need for break time each time the employee needs to pump.
- D. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

III. PRIVATE LOCATION

- A. The Commission shall accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location will be shielded from view and free from intrusion from co-workers and the public.
- B. Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting the employee during an authorized break, except to announce an emergency or other urgent circumstance.
- C. Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.
- D. FGCC reserves the right to temporarily designate a space or make a space available when needed by an employee.

IV. STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Commission shall clearly label it as such and shall remove it when the employee's shift ends.

This policy adopted by the Commission on:

Louis Trombetta
Executive Director

Date

 <p>Florida Gaming Control Commission</p>	<p align="center">FLORIDA GAMING CONTROL COMMISSION ADMINISTRATIVE POLICIES AND PROCEDURES</p>
<p>TITLE: Employee Assistance Program</p>	<p align="center">POLICY NUMBER</p> <p align="center">03.20.01</p> <p align="center">FGCC Section</p> <p align="center">Human Resource Management</p> <p align="center">AUTHORITY</p> <p align="center">Section 110.1091 F.S.</p> <p align="center">Section 112.0455, F.S.</p> <p align="center">Section 119.07, F.S.</p> <p align="center">Section 440.102, F.S.</p>
<p>EFFECTIVE DATE:</p>	
<p>REVISED:</p>	

I. STATEMENT OF POLICY

The purposes of this policy are to establish a uniform procedure to provide a referral to counseling for employees and their dependents experiencing personal problems, to provide post-trauma support to employees who experience a job-related trauma, and to provide a drug-free workplace by aiding employees in seeking treatment for a substance abuse disorder.

- A. An employee's participation in an employee assistance program (EAP) is voluntary, except for a mandatory referral, and may be discontinued at any time.
- B. This policy applies to all employees of the Florida Gaming Control Commission (FGCC), including Other Personal Services (OPS) employees.

II. DEFINITIONS

- A. **Appropriate Authority:** Refers to the Inspector General, General Counsel, Division Directors, Bureau Chiefs, or comparable level managers.
- B. **Critical Incident:** Any action, event, or situation which has such profound impact that it causes an individual to experience significant emotional distress and reactions and may adversely affect and have the potential to interfere with an individual's ability to function.
- C. **Dependent:** Any member of the employee's immediate family or household who relies on the employee for financial support.
- D. **Employee Assistance Program (EAP):** A program designed to promote health and wellness and to provide a referral to counseling for employees, experiencing problems of a personal nature, including but not limited to domestic violence, mental health issues, any substance abuse disorder, or financial instability.
- E. **EAP Coordinator:** The Human Resource Consultant in the HRM is responsible for the coordination of supervisory and mandatory referrals.
- F. **EAP Management Resource Consultant (MRC):** The individual contacted at Kepro by the HRM or supervisor when making a supervisory or mandatory referral.
- G. **Kepro:** The contracted employee assistance program service provider whose statewide contract is managed by the Department of Management Services.
- H. **Mandatory Referral:** A referral made as the result of an employee's:
 - 1. voluntary admittance of drug or alcohol abuse;
 - 2. first-time positive confirmed drug or alcohol test;
 - 3. arrest for domestic violence, injunction or temporary injunction for protection against the employee;
 - 4. arrest for driving under the influence; or has involvement with Law Enforcement where alcohol is deemed to be a contributing factor to the incident; or
 - 5. exhibition of behavior(s) that threatens the well-being of the employee (or others) and/or when a referral is deemed in the best interest of the Commission. In such case(s), approval by the Chief of Human Resources and/or Director of Administration will be required prior to initiating the referral.

- I. Post-Trauma Support: Meetings between qualified professionals through EAP with individuals who have been affected by an intense, unusual, or abnormal event.
- J. Supervisory Referral: An EAP referral made by the supervisor when the supervisor believes that an employee needs assistance due to, but not limited to circumstances that lead to negative work behavior or when the supervisor has reason to believe the employee's behavior is being influenced by personal problems. These referrals are initiated by the supervisor with the assistance of the Bureau of Human Resource Management (HRM) staff.

III. PROCEDURES

- A. Kepro, the EAP service provider, fosters wellness by providing education and life-management tools to assist employees with personal and/or work-related issues. For further information about Kepro, employees can visit www.MyLifeExpert.com and use Code: FLORIDA to access thousands of up-to-date, topic-related articles, videos, podcasts, calculators, assessments, soft-skill courses, webinars, a discount portal, and more. Kepro can be reached by phone at 1-833-746-8337.
- B. Kepro offers up to four (4) free counseling sessions per person, per issue, per year, and sessions may be in person or, when clinically appropriate and agreeable to the employee, by telephone. EAP is not intended to address long-term treatment needs.
- C. Self-Referrals: An employee may voluntarily participate in the EAP as a self-referral as follows:
 - 1. To make an appointment for initial assessment counseling, the employee may contact the EAP directly using the toll-free telephone number 1-833-746-8337.
 - 2. If it is not feasible for the employee to schedule sessions after work hours, the employee will be required to use accrued leave credits for EAP appointments and/or participation.
 - 3. Self-referrals will be confidential and exempt from the provisions of section 119.07, F.S.
- D. Supervisory Referrals:
 - 1. An employee's supervisor or appropriate authority may refer an employee to the EAP when an employee displays inappropriate or negative work behavior, including but not limited to:

- a. Not meeting performance standards or an infraction of the Commission's rules; and
 - b. The supervisor or appropriate authority has reason to believe the employee's behavior is being influenced by personal problems.
2. Supervisory referrals do not preclude disciplinary action. Employee participation in the EAP based on a supervisory referral is voluntary.
3. The supervisor shall consult with the next higher-level supervisor and advise him/her of the situation.
4. The supervisor will contact the EAP Coordinator prior to initiating the supervisory referral. After consulting with the EAP Coordinator, the supervisor and/or the EAP Coordinator will call the EAP and consult with the EAP Management Resource Consultant (MRC). The following employee information must be provided to the MRC:
 - a. Name;
 - b. Home address, including county, and zip code;
 - c. Home and work telephone number(s);
 - d. Date of birth;
 - e. Work location;
 - f. Job title;
 - g. Years of service with the Commission;
 - h. Reason for referral; and
 - i. Incident or arrest report, if applicable.
5. After the consultation, the MRC will provide the EAP Coordinator or supervisor a current Authorization for Release of Confidential Information Form. An Authorization for Release of Confidential Information Form must be received directly from the MRC for each referral. A previously saved copy of the form will not be accepted by the MRC.
6. The EAP Coordinator or supervisor will complete the Authorization for Release of Confidential Information Form, pending the employee's signature.

The names of all members that are authorized to obtain information regarding the referral must be included in the release of information section of the form.

- a. The first authorized member listed on the form will always be the Human Resource Consultant in the HRM and is required.
 - b. The second authorized member will always be the Chief of Human Resources and is required.
 - c. Only the individuals listed on the signed Authorization for Release of Confidential Information Form will be authorized to obtain information regarding the employee referred for employee assistance.
7. The EAP Coordinator or supervisor will meet with the employee and advise the employee that:
- a. He/she is being referred to the EAP as part of the plan for the employee to achieve his/her performance standards or to deal with other problems affecting his/her work performance,
 - b. Disciplinary action or other appropriate measures may be taken regardless of the employee's participation in the EAP, and
 - c. Treatment details shared between the employee and the service provider are confidential.
8. The employee will be asked to sign the Authorization for Release of Confidential Information Form. The signed original will be provided to the employee and a scanned copy emailed to the EAP Coordinator for forwarding to the appropriate MRC and inclusion in the employee's confidential medical file.
9. The employee will contact the MRC within 1 – 2 business days by calling the EAP's toll-free number, or the MRC's direct number, provided to the employee. The MRC will provide the employee with contact and appointment information.
10. The employee will be required to use accrued leave credits for the initial assessment appointment and subsequent EAP appointments and/or participation for all supervisory referrals unless the supervisor has referred the employee for not meeting performance standards.
11. If the supervisor has referred the employee for not meeting performance standards, the initial assessment will be considered hours worked (not to

exceed eight hours). The employee will be required to use accrued leave credits for subsequent EAP appointments and/or participation. If the employee does not have sufficient leave credits accrued, the supervisor will approve authorized leave without pay to cover such absence(s).

12. All documentation of a supervisory referral (or refusal to participate in a supervisory referral) to the EAP and any related correspondence between the supervisor, EAP Coordinator, and the MRC is confidential. This information will be maintained in the employee's confidential medical file, as appropriate.
13. EAP treatment content is confidential between the employee and the service provider and will not be requested by the Commission.

IV. MANDATORY REFERRALS

A. An employee will be referred to the EAP by the EAP Coordinator when an employee:

1. returns a first-time confirmed positive alcohol/drug test, fails to produce a specimen, or voluntarily admitted to alcohol/drug abuse;
2. is arrested or has a criminal charge filed against him/her for Driving under the Influence (DUI); or has involvement with Law Enforcement where alcohol is deemed to be a contributing factor to the cause of the incident;
3. is issued an injunction or temporary injunction for protection or is arrested for domestic violence. (The mandatory referral in this case will be given to determine if a batterers' intervention program is appropriate);
4. is admitted to a facility for a mental-health evaluation by Law Enforcement; and/or
5. exhibits behavior(s) that threaten the well-being of the employee (or others) and/or when a referral is deemed in the best interest of the Commission. In such case(s), a request will be sent to the Chief of Human Resources and/or the Director of Administration for approval to place the employee on compulsory disability leave and approval for a mandatory referral. This will be required prior to initiating the referral.

B. Mandatory referrals will be handled in like manner as outlined in section (III)(D) above.

1. In these cases, when meeting with the employee, the appropriate authority will advise the employee that he/she has been referred to the EAP pursuant

to an action as described in section (IV)(A) above and that participation is mandatory.

2. The employee will be required to complete the recommended course of treatment (to include a batterers' intervention program, if referred as a result of domestic violence), recommended by the MRC.
 3. An employee's refusal to sign the Authorization for Release of Confidential Information Form will be construed as refusal to participate in the EAP and will be grounds for dismissal.
 4. Treatment discussions between the employee and the service provider are confidential.
- C. All documentation of a mandatory referral (or refusal to participate in a mandatory referral) to the EAP is confidential and will be maintained in the employee's confidential medical file, as appropriate.
- D. If the supervisor, in consultation with the EAP Coordinator and the Office of the General Counsel, has determined that a mandatory referral is appropriate, the initial assessment/consultation session through the EAP will be considered work time (not to exceed eight hours). Employees will be required to use accrued leave for subsequent EAP appointments and/or participation. If the employee does not have sufficient leave, the supervisor will approve authorized leave without pay to cover such absence(s).
- E. Employees who receive a mandatory referral will remain subject to discipline in accordance with Commission procedures.
- F. Failure to comply with EAP participation/treatment recommendations pursuant to a mandatory referral will lead to discipline up to and including dismissal.

V. VOLUNTARY ADMITTANCE AND TREATMENT OF SUBSTANCE OR ALCOHOL USE DISORDER

- A. An employee who voluntarily discloses use of illegal drugs and/or alcohol abuse must put the disclosure in writing.
- B. Employees who voluntarily disclose illegal use of drugs or controlled substances or alcohol abuse will be given a mandatory referral to the EAP. The EAP Coordinator will coordinate the referral. Employees will not have disciplinary action taken against them for such voluntary disclosure if all of the following conditions are met. The employee will:

1. voluntarily identify or disclose him/herself (in writing) as having a substance or alcohol abuse disorder to his/her appropriate authority directly or via the EAP Coordinator prior to being identified through other means, internal or external to Commission operations, including, but not limited to being:
 - i. subject to an internal Commission or external law enforcement investigation pertaining to use, possession, or distribution of illegal drugs/controlled substances;
 - ii. asked to submit to reasonable suspicion drug or alcohol testing; or
 - iii. observed using illegal drugs or alcohol on the job.
2. properly complete an Authorization for Release of Confidential Information Form;
3. obtain counseling and/or other treatment as recommended and/or approved by the EAP and comply with all treatment program processes, all treatment recommendations and conditions (including leave), and program participation requirements; and
4. thereafter refrain from any illegal use of drugs/controlled substances or use of alcohol on the job, or otherwise being under the influence of drugs/controlled substances or alcohol while on the job.

C. Employees who voluntarily disclose a substance use disorder and/or alcohol problem after or pursuant to an action as provided by the examples in section (IV)(B)1 above, will be sent for a drug test in accordance with Policy 03.14.01, Drug Free Workplace. Disciplinary action, up to and including dismissal, may be initiated if the drug test result is positive.

D. Although an employee who voluntarily discloses a substance use disorder pursuant to this section may not be disciplined for illegal drug use, other action may be taken.

1. The employee will be immediately removed from his/her position, placed on leave status, and given a mandatory referral to the EAP for an evaluation. The employee will remain on leave and may use accrued leave credits until such time as he/she submits certification from a licensed physician/medical professional that he/she is no longer under the influence of an illegal substance and is cleared to return to work.
2. Leave in accordance with this provision will be handled in accordance with Policy 03.07.01, Family and Medical Leave Act, as appropriate.

3. If the employee refuses to be placed on leave status in accordance with section (IV)(D)1 above, the Commission will initiate official proceedings to dismiss the employee in accordance with Policy 03.02.01, Employee Counseling and Discipline.
4. Once the employee is released to return to work, the employee will be returned to work in the same or equivalent position.
5. Employees who are released to return to work following a voluntary disclosure of a substance use disorder, will be sent for a drug test on the first day of work and will be subject to follow-up testing.
6. The employee's own written admission of drug use is sufficient for determination of drug use and a drug test will not be required on the date of disclosure.

E. **Follow-Up Testing:** Employees who remain employed following a first-time positive confirmed drug and/or alcohol test and participate in a treatment/rehabilitation program for drug related problems recommended or approved by the EAP, will be subject to follow-up drug and/or alcohol testing. This testing will be on a quarterly, semiannual, or annual basis for up to two years thereafter, pursuant to section 112.0455, F.S. This section is also applicable to employees who voluntarily, without a drug and/or alcohol test, disclose a problem and participate in a treatment recommended or approved by the EAP.

1. The initial follow-up test will be conducted immediately upon the employee's scheduled day to return to work.
2. Coordinating, tracking, monitoring, and identification of the follow-up testing requirements of such employees will be handled by the EAP Coordinator.

F. Positive confirmed results from drug and/or alcohol tests conducted by the EAP or treatment provider (and conducted in accordance with state or federal testing standards) that are released by the EAP or treatment provider to the Commission, or the employee's failure to comply with the EAP or ongoing treatment program conditions, may be used against the employee in dismissal actions.

G. The Commission may take employment action, up to and including dismissal, due to any positive confirmed drug and/or alcohol test results obtained through other established testing procedures, even if the testing occurs while a self-referring employee is participating in a treatment/rehabilitation program.

VI. CRITICAL INCIDENTS

- A. The FGCC recognizes that employee involvement in specific violent, work-related situations or critical incidents may cause serious physical and/or emotional trauma to the employee. When a critical incident occurs, proper notifications for post-trauma support through EAP shall be made through the chain of command as soon as practical with respect to the situation and employees safety, if necessary
- B. All impacted employees shall be referred to EAP for post trauma support to mitigate the stress associated with the critical incident.
- C. The appropriate authority, or designee may initiate support for any of the following critical incidents:
 - 1. Death of an employee;
 - 2. Serious injury or death of an employee in the line-of-duty;
 - 3. Suicide of an employee;
 - 4. Natural disasters (hurricanes, tornadoes, etc.); or
 - 5. Any other critical incident that the appropriate authority, or designee deems to be a cause of a great level of emotional, psychological, and/or physiological impact.
- D. The appropriate authority will contact the EAP Coordinator to provide relevant information regarding the critical incident. After consulting with the EAP Coordinator, the appropriate authority and/or the EAP Coordinator will contact the EAP and consult with the MRC. The appropriate authority and/or the EAP Coordinator will provide name(s) of the affected employee(s) and any pertinent information.
- E. Referrals to EAP following a critical incident will be issued as needed or a counselor will be requested to report to the work location.

This policy adopted by the Commission on:

Louis Trombetta
Executive Director

Date

7. Executive Director update