

Supplemental Meeting  
Materials for 5/2/2023

# Discussion of Recommended Orders

## MEMORANDUM

To: The Florida Gaming Control Commission  
From: Division of Pari-Mutuel Wagering  
Through: Emily Alvarado, Deputy Chief Attorney  
Re: Motyk Anthony Scott v. FGCC; Case No. 2022-024620; License Denial  
Date: April 29, 2023

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### *Executive Summary*

The Division of Pari-Mutuel Wagering seeks to adopt the hearing officer's recommended order denying Motyk Anthony Scott ("Applicant") application for a Cardroom Employee Occupational License. Applicant applied for a Cardroom Employee Occupational License on May 12, 2022. On September 16, 2022, the Commission issued a notice of intent to deny. Applicant requested an informal hearing pursuant to section 120.57(2), Florida Statutes. A hearing was held on February 27, 2023, via video conference call. The hearing officer recommended denying Applicant's license. Therefore, the Florida Gaming Control Commission should adopt the hearing officer's recommended order.

### *Pertinent Facts*

On May 10, 2022, Applicant submitted their application to the Division of Pari-Mutuel Wagering for a Cardroom Employee Occupational License. Upon review of the completed application, it appears that Applicant was convicted of several crimes in the state of Florida. Specifically, Applicant was convicted of:

- Two Counts of Burglary of a Structure or Conveyance in 2014;
- Petit Theft in 2014;
- Two Counts of Burglary of a Structure or Conveyance in 2014;
- Petit Theft in 2014;
- Burglary of a Structure or Conveyance in 2014;
- Three Counts of Burglary of a Structure or Conveyance in 2014;
- Petit Theft in 2014;
- Burglary of a Structure or Conveyance in 2014;
- Burglary of a Structure or Conveyance in 2014;
- Petit Theft in 2014;
- Burglary in 2014;

- Dealing in Stolen Property in 2014
- False Verification of Ownership of Pawned Items in 2014;
- Petit Theft in 2011;
- Burglary of a Structure or Conveyance in 2011;
- Burglary of a Structure or Conveyance in 2011;
- Burglary of a Structure or Conveyance in 2011;
- Burglary of a Structure or Conveyance in 2011;
- Burglary of a Structure or Conveyance in 2011; and
- Burglary of a Structure or Conveyance in 2011.

Prior to the informal hearing held on February 27, 2023, Applicant submitted sixteen letters of recommendation. At the informal hearing, Applicant testified to the circumstances that led to this denial and provided six witnesses on his behalf. Following the hearing, the hearing officer issued a recommended order denying Applicant's license.

#### *Relevant Law*

Section 849.086(6)(f), Florida Statutes, provides that the “provisions specified in s. 550.105(4), (5), (6), (7), (8), and (10) relating to licensure shall be applicable to cardroom occupational licenses.”

Section 849.086(6)(g), Florida Statutes, provides that:

“[t]he commission may deny, declare ineligible, or revoke any cardroom occupational license if the applicant or holder thereof has been found guilty or had adjudication withheld in this state or any other state, or under the laws of the United States of 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.”

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.”

Section 550.105(5)(c), Florida Statutes, provides in pertinent part that:

“[i]f the applicant establishes that she or he is of good moral character, that she or he has been rehabilitated, and that the crime she or he was convicted of is not related to pari-mutuel wagering and is not a capital offense, the restrictions excluding offenders may be waived by the director of the commission.”

Rule 61D-5.006(2), Florida Administrative Code, provides that “[t]he applicant shall establish proof of rehabilitation and demonstrate good moral character.”

Staff Recommendation: The Division of Pari-Mutuel Wagering recommends the Florida Gaming Control Commission issue a final order adopting the hearing officer’s recommended order in case number 2022-024620, and deny Applicant’s application for licensure.

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

MOTYK SCOTT

Petitioner,

v.

FGCC Case No.: 2022-024620

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

Respondent.

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HEARING OFFICER'S RECOMMENDED ORDER

THIS MATTER came before Elizabeth K. Stinson, designated Hearing Officer for the Florida Gaming Control Commission ("Commission"), on February 27, 2023, in Tallahassee, Florida, in accordance with the provisions of Sections 120.569 and 120.57(2), Florida Statutes, for consideration of Motyk Scott's ("Petitioner") petition for a hearing in response to the Commission's Letter of License Denial filed in FGCC Case Number 2022-024620. The Commission was represented by Marc D. Taupier, Chief Attorney. Petitioner appeared *pro se* and the hearing was held via GoToMeeting. Both sides were permitted to present witnesses, offer items into evidence, and otherwise fully participate in the hearing.

PRELIMINARY STATEMENT

1. On or about May 17, 2022, the Commission received an application from Petitioner for a Cardroom Employee Individual Occupational License.
2. On May 17, 2022, the Commission receive a request for waiver from the Petitioner.
3. On June 21, 2022, a waiver interview was conducted with Petitioner.
4. On August 15, 2022, the Executive Director of the Florida Gaming Control Commission declined to waive the felony and misdemeanor convictions for Petitioner.

5. On September 16, 2022, the Commission filed a Letter of License Denial, seeking to deny Petitioner's license application based on his criminal record, which includes nineteen (19) felony convictions and six misdemeanor convictions involving larceny.

6. On or about September 26, 2022, Petitioner, through a representative at bestbet Poker & Simulcast, sent an email to the Commission requesting a hearing, not disputing any issues of material fact.

7. Prior to the hearing, the Commission received sixteen (16) letters of recommendation from Petitioner.

8. A hearing pursuant to Section 120.57(2), Florida Statutes, was held on February 27, 2023, during which the Commission presented the issues raised in the Letter of License Denial.

9. At the hearing, Petitioner called six witnesses on his behalf. Respondent did not present any witnesses to testify.

#### The February 27, 2023, Informal Hearing

10. The Hearing Officer granted the Commission's motion to accept the findings of fact in the Letter of License Denial as the undisputed facts in the case and accepted the investigative report into the record as Respondent's Exhibit 1.

11. Petitioner was the first witness to testify in the hearing. Petitioner testified that the reason that he committed his disqualifying offenses was that he was associating with the wrong crowd and made mistakes.

12. Petitioner stated that he was incarcerated for 6 months in 2014, was released, and then violated his probation, causing him to serve time through December 25, 2017.

13. Regarding Petitioner's conviction for False Verification of Ownership of Pawned Items, Petitioner testified that he won an iPad in a poker game, and pawned it, not knowing it was stolen.

14. Petitioner testified that the reasons behind applying for a dealer license are because poker is his passion and because his girlfriend is pregnant.

15. Petitioner stated he goes to church but not frequently.

16. Petitioner stated he does not do community service or anything community related.

17. Petitioner stated that he still has contact with a person involved in Petitioner's disqualifying criminal offenses.

18. Petitioner then called Jeff Wilkens to testify about his character,

19. Jeff Wilkens works at bestbet and conducted the poker dealer training class.

20. Mr. Wilkens testified that he and Petitioner were close, but then testified that he does not hang out with Petitioner outside of the class.

21. Mr. Wilkens could not testify about Petitioner's convictions, nor did he have any information regarding those convictions.

22. Mr. Wilkens, although credible, lacked any relevant information regarding whether Petitioner had been rehabilitated.

23. Petitioner then called Cassandra Whitley as a witness.

24. Ms. Whitley works with bestbet and assisted Petitioner with his paperwork to apply for his dealer license with the Commission.

25. Ms. Whitley testified that she told Petitioner there was a slim chance of him getting a license due to his criminal record and that the charges he had are concerning.

26. Ms. Whitley testified to Petitioner's character, vouching for his character, but testified that she had contact with Petitioner roughly for 10 hours total over the span of 1 year.

27. Although credible, Ms. Whitley has only interacted with Petitioner for a total of 10 hours.

28. Petitioner then called Richie Nguyen to testify on his behalf at the hearing.

29. Mr. Nguyen stated that he met Petitioner in the poker dealer class.
30. Mr. Nguyen stated that he has known Petitioner for about 6 months.
31. Mr. Nguyen stated that Petitioner was a good guy because he bought food for the class and opened up his home to them to watch football games.
32. Mr. Nguyen testified that Petitioner was awesome and changed his life.
33. When questions what “changed his life” meant, Mr. Nguyen stated that he had a gambling addiction and was a degenerate gambler, and Petitioner showed him he was not a bad person.
34. Counsel for the Commission questioned Mr. Nguyen on whether he was aware of the convictions that Petitioner possessed.
35. Mr. Nguyen stated that he was under the impression that there was only 1 conviction.
36. Mr. Nguyen was then asked if the sheer amount of crimes someone commits would change his opinion of that person.
37. Mr. Nguyen was unable to truly answer the question, and counsel for the Commission then asked “if someone had 30 convictions would that change your opinion of that person?”
38. Mr. Nguyen stated that information would change his opinion of someone.
39. Counsel for the Commission then asked if his view of a person would change if that person had over 20 convictions, to which Mr. Nguyen stated it would.
40. Mr. Nguyen then confirmed that he does not know how many convictions Petitioner has, or what they are for.
41. Petitioner then called Stephon Reed as a witness.
42. Mr. Reed testified that he is the brother of Petitioner.

43. Mr. Reed testified that he also went through the poker dealer class with Petitioner.

44. Mr. Reed stated that Petitioner is amazing, a hard worker, and looked up to him.

45. Counsel for the Commission asked if Petitioner was the same person from before the convictions, to which Mr. Reed stated that he was.

46. Mr. Reed testified that he has been convicted of a felony for carrying a concealed weapon. Mr. Reed testified that he has applied for a license with the Commission and that his application is being held up.

47. Brian Williams was then called to testify on behalf of Petitioner.

48. Mr. Williams met Petitioner around 2 to 3 years ago through a mutual friend playing poker at bestbet.

49. Mr. Williams testified that he and Petitioner have gotten close and text every day.

50. Mr. Williams was asked by counsel for the Commission if he knew why Petitioner was denied a license, to which he stated that he did not know what the convictions were.

51. Mr. Williams testified that he has a burglary conviction from when he was 17 years old and violated his probation during that stint. Mr. Williams is now 29.

52. Mr. Williams testified that he has stayed away from criminal activity and believes that someone can be rehabilitated through their actions.

53. Mr. Williams, although credible, did not testify as to Petitioner's actions that prove rehabilitation on the part of Petitioner.

54. Counsel for the Commission questioned Petitioner at the end of the hearing regarding a letter of recommendation that was submitted on his behalf. This letter was from a Daniel Pierre, who is a former employer.

55. When asked when Petitioner held this job, Petitioner stated that it was on and off.

56. Counsel asked Petitioner whether he worked with Daniel Pierre, which Petitioner

testified that he did not work with him directly or in person, Mr. Pierre only offered Petitioner the “under the table” jobs.

57. The undersigned Hearing Officer then asked Petitioner questions regarding the circumstances surrounding his convictions.

58. Through Petitioner’s own testimony, Petitioner stated that he “wouldn’t say that he regrets it” and that you “live and learn.”

#### FINDINGS OF FACT

59. On August 11, 2014, Petitioner was convicted of 2 Counts of Burglary of a Structure or Conveyance, third degree felonies, in Clay County, Florida, in Case No. 14-CF-000678-A.

60. On August 11, 2014, Petitioner was convicted of Petit Theft, a misdemeanor, in Clay County, Florida, in Case No. 14-CF-000678-A.

61. On August 11, 2014, Petitioner was convicted of 2 Counts of Burglary of a Structure or Conveyance, third degree felonies, in Clay County, Florida, in Case No. 14-CF-000679-A.

62. On August 11, 2014, Petitioner was convicted of Petit Theft, a misdemeanor, in Clay County, Florida, in Case No. 14-CF-000679-A.

63. On August 11, 2014, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 14-CF-000680-A.

64. On August 11, 2014, Petitioner was convicted of 3 Counts of Burglary of a Structure or Conveyance, third degree felonies, in Clay County, Florida, in Case No. 14-CF-000681-A.

65. On August 11, 2014, Petitioner was convicted of Petit Theft, a misdemeanor, in Clay County, Florida, in Case No. 14-CF-000681-A.

66. On August 11, 2014, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 14-CF-000682-A.

67. On August 11, 2014, Petitioner was convicted of Petit Theft, a misdemeanor, in Clay County, Florida, in Case No. 14-CF-000682-A.

68. On August 11, 2014, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 14-CF-000683-A.

69. On August 11, 2014, Petitioner was convicted of Petit Theft, a misdemeanor, in Clay County, Florida, in Case No. 14-CF-000683-A.

70. On January 13, 2014, Petitioner was convicted of Burglary, a first degree felony, in Duval County, Florida, in Case No. 13-CF-007198-A.

71. On January 13, 2014, Petitioner was convicted of Dealing in Stolen Property, a second degree felony, in Duval County, Florida, in Case No. 13-CF-007198-A.

72. On January 13, 2014, Petitioner was convicted of False Verification of Ownership of Pawned Items, a third degree felony, in Duval County, Florida, in Case No. 13-CF-007198-A.

73. On November 21, 2011, Petitioner was convicted of Petit Theft, a misdemeanor, in Clay County, Florida, in Case No. 12-CF-002231-A.

74. On November 21, 2011, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 12-CF-002231-A.

75. On November 21, 2011, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 12-CF-002227-A.

76. On November 21, 2011, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 12-CF-002228-A.

77. On November 21, 2011, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 12-CF-002229-A.

78. On November 21, 2011, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 12-CF-002293-A.

79. On November 21, 2011, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 12-CF-002310-A.

#### CONCLUSIONS OF LAW

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

81. The Commission has jurisdiction over this matter pursuant to Chapters 120 and 550, Florida Statutes.

82. Section 849.086(6)(g), Florida Statutes, provides that:

“[t]he commission may deny, declare ineligible, or revoke any cardroom occupational license if the applicant or holder thereof has been found guilty or had adjudication withheld in this state or any other state, or under the laws of the United States of 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.”

83. Section 849.086(6)(f), Florida Statutes, provides that the “provisions specified in s. 550.105(4), (5), (6), (7), (8), and (10) relating to licensure shall be applicable to cardroom occupational licenses.”

84. Section 550.105(5)(b), Florida Statutes, states, in pertinent part:

“The 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.”

85. Petitioner was convicted of five counts of Petit Theft and one count of False Verification of Ownership of Pawned Items.

86. The Court stated that “the legislature amended chapter 812 extensively and replaced “larceny” with “theft.” Daniels v. State, 587 So. 2d 460, 462 (Fla. 1991).

87. Therefore, Petitioner’s convictions for these 5 counts of Petit Theft are equivalent to convictions for larceny and are disqualifying offenses under Section 849.086(6)(g), Florida Statutes.

88. Pursuant to Sections 550.105(5)(b) and 849.086(6)(f), Florida Statutes, Petitioner’s felony and misdemeanor convictions are disqualifying offenses.

89. In a prior case, the administrative law judge found that “Proof that one has completed five years of probation without incident is not even threshold proof of current good moral character or rehabilitation.” *David J. Gibby, Petitioner v. Department of Business and Professional Regulation, Division of Pari-mutuel Wagering, Respondent*, 2003 WL 21146606, at 3.

90. In *Gibby*, the administrative law judge took into consideration efforts of good moral character rehabilitation and opined that “Petitioner herein presented no evidence concerning what he had been doing since 1996; no evidence of spiritual enlightenment; no evidence of job reliability; no evidence of an emotional support network; no evidence of anger management classes; no evidence of further professional training; no evidence of contribution to the civic order or society; and no character witnesses.” *Id.*

91. Even when a Petitioner successfully completes probation or parole, that is not enough to prove rehabilitation. “While Petitioner has demonstrated that he has stayed out of trouble since his release from parole, which happened only five years ago, Petitioner did not present sufficient evidence of rehabilitation or sufficiently demonstrate good moral character to grant him the waiver and,

therefore the license, which he seeks. The undersigned is not aware of any prohibition to Petitioner from reapplying for a PMW license at a later time, after more time has passed since his conviction and period of sentence, and presentation of more evidence of rehabilitation and of good moral character.” *James L. Ellis, Petitioner v. Department of Business and Professional Regulation, Division of Pari-mutuel Wagering, Respondent*, 2010 WL 1667776, at 3.

92. While it is admirable for Petitioner to find multiple people to testify on his behalf at the informal hearing, many of the witnesses had only known Petitioner in a limited capacity or for a limited amount of time. Other witnesses did not provide evidence of sufficient rehabilitation to overcome the quantity and severity of Petitioner’s disqualifying convictions, or that the convictions had occurred recently.

93. Petitioner failed to establish good moral character or rehabilitation as set out in section 550.105(5)(c), Florida Statutes.

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

RECOMMENDED ORDER

WHEREFORE, based upon the Findings of Fact and Conclusions of Law, it is hereby recommended that the Florida Gaming Control Commission enter a Final Order DENYING Petitioner’s application for a Cardroom Employee Individual Occupational License.

This Recommended Order in FGCC Case Number 2022-024620 is submitted this 28th day of April, 2023.

*Elizabeth K. Stinson*

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Elizabeth K. Stinson  
Florida Gaming Control Commission

CERTIFICATE OF SERVICE

I hereby certify this 28th day of April, 2023, that a true copy of the foregoing has been furnished by email to:

Motyk A. Scott  
Petitioner  
[motykscott@gmail.com](mailto:motykscott@gmail.com)

Emily Alvarado  
Counsel for Respondent  
[Emily.Alvarado@flgaming.gov](mailto:Emily.Alvarado@flgaming.gov)

*Elizabeth K. Stinson*

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Elizabeth K. Stinson  
Florida Gaming Control Commission

Case No. 2022-024620

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February 13, 2023

Mr. Motyk Anthony Scott  
2783 Spoonbill Trail  
Orange Park, Florida 32073

RE: Motyk Anthony Scott v. Florida Gaming Control Commission  
Case No.: 2022-024620

Dear Mr. Scott:

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 Monday, February 27, 2023 between 1:00 p.m and 5:00 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@fgcc.fl.gov, the attorney representing the Florida Gaming Control Commission at Marc.Taupier@fgcc.fl.gov at least 7 days before the date of the hearing. If you do not have an email address, please contact Ebonie Lanier at the contact information below 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 1:00 PM and 5:00 PM (EST) at the following number: (904) 300-9330.** If that number is incorrect, please notify Ebonie Lanier as soon as possible at the contact information below of the correct number at which to reach you. Failure to answer the telephone, promptly return a voicemail, 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 Ebonie Lanier via telephone or email at 850-717-1663 or [Ebonie.Lanier@fgcc.fl.gov](mailto:Ebonie.Lanier@fgcc.fl.gov).

Sincerely,

*s/Brandy Humphries*

Brandy Humphries  
Administrative Assistant II

Enclosures: Notice of Hearing and Case File

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

MOTYK ANTHONY SCOTT,

Petitioner,

v.

FGCC Case No.: 2022-024620

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

Respondent.

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NOTICE OF TELEPHONIC HEARING

TO: Mr. Motyk Anthony Scott  
2783 Spoonbill Trail  
Orange Park, Florida 32073  
motykscott25@gmail.com

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 **Monday, February 27, 2023, at 1:00 p.m. (Eastern Time)**. **If you choose not to attend the hearing in person or by video conference, the Hearing Officer will call you at (904) 300-9330 sometime between 1:00 p.m. – 5:00 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@fgcc.fl.gov](mailto:Ebonie.Lanier@fgcc.fl.gov) or telephone at (850) 717-1663, 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 the hearing officer at [Elizabeth.Stinson@fgcc.fl.gov](mailto:Elizabeth.Stinson@fgcc.fl.gov) and the attorney representing the Florida Gaming Control Commission at [Marc.Taupier@fgcc.fl.gov](mailto:Marc.Taupier@fgcc.fl.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@fgcc.fl.gov](mailto:Elizabeth.Stinson@fgcc.fl.gov) and Opposing Counsel at [Marc.Taupier@fgcc.fl.gov](mailto:Marc.Taupier@fgcc.fl.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 13th day of February, 2023.

By: /s/ Brandy Humphries  
Brandy Humphries  
Administrative Assistant II  
Florida Gaming Control Commission  
2601 Blair Stone Road  
Tallahassee, Florida 32399-2202  
Telephone: (850) 717-1919  
Facsimile: (850) 921-1311  
[Brandy.Humphries@fgcc.fl.gov](mailto:Brandy.Humphries@fgcc.fl.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) 717-1663. If you are hearing or speech impaired, please contact the agency by calling 1-800-955-8771.

DISTRICT COURT OF APPEAL, FIRST DISTRICT  
2000 Drayton Drive  
Tallahassee, Florida 32399-0950  
Telephone No. (850) 488-6151

December 14, 2022

CASE NO.: 1D22-3131  
L.T. No.: 2022-024620

Motyk Scott v. Florida Gaming Control Commission

Appellant / Petitioner(s), Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

Not having received a response to this Court's orders of October 3, 2022, and November 9, 2022, requiring appellant to pay the filing fee of \$300.00 or submit a Lower Tribunal order of insolvency, to file an amended Notice of Appeal which contains a proper certificate of service showing service on Ross Marshman, General Counsel, Florida Gaming Control Commission, and to file a supplemental certificate of service which demonstrates service of the November 4, 2022, motion to waive filing fee, the above-styled cause is hereby dismissed.

**I HEREBY CERTIFY** that the foregoing is (a true copy of) the original court order.

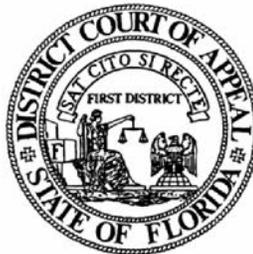
Served:

Ross Marshman, GC  
Melba L. Apellaniz, Clerk

Motyk A. Scott

pp

  
KRISTINA SAMUELS, CLERK



DISTRICT COURT OF APPEAL, FIRST DISTRICT  
2000 Drayton Drive  
Tallahassee, Florida 32399-0950  
Telephone No. (850) 488-6151

October 03, 2022

**CASE NO.: 1D22-3131**

L.T. No.: 2022-024620

Motyk Scott

v.

Florida Gaming Control Commission

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Appellant / Petitioner(s),

Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

Appellant has filed a notice of appeal in the lower tribunal without the entry of an order of insolvency or deposit of the statutory filing fee. Accordingly, Appellant shall, within 30 days from the date of this order, either file a certified copy of the lower tribunal's order of insolvency for appellate purposes as required by Florida Rule of Appellate Procedure 9.430 or pay to the clerk of this Court the sum of \$300.00 as the appellate filing fee required by the applicable rule of procedure and Section 35.22(2)(a), Florida Statutes (2018). If Appellant seeks a waiver of the filing fee on the grounds of indigency, Appellant shall file a motion and affidavit of indigency with the clerk of the lower tribunal (the court, agency, officer, board, commission, or body whose order is to be reviewed) for a determination by the lower tribunal of whether an order of insolvency should be issued pursuant to Rule 9.430 and Section 57.081(1) or 57.085(2), Florida Statutes (2018), as applicable.

This appeal shall not proceed until the order of insolvency is filed or the fee is paid. Failure to comply with this order will result in the dismissal of this case without further opportunity to be heard. Florida Rule of Appellate Procedure 9.410.

**I HEREBY CERTIFY** that the foregoing is (a true copy of) the original court order.

Served:

Ross Marshman, GC  
Melba L. Apellaniz, Clerk

Motyk A. Scott

pp

*Kristina Samuels*  
KIRSTINA SAMUELS, CLERK



DBPR PMW-3100 – Request for Appeal of Stewards’/Judges’ Ruling



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

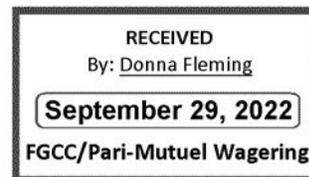
[www.myfloridalicense.com](http://www.myfloridalicense.com)

If you have any questions or need assistance in completing this application, please contact the Department of Business and Professional Regulation, Customer Contact Center, at 850.487.1395.

INSTRUCTIONS	
This form is to be completed to request an appeal of a Stewards’/Judges’ ruling. The Request for an Appeal must provide the reason(s) for the request. No new evidence may be presented. Upon completion, the original Request for Appeal should be sent to the above address, Attention: Division Clerk, Division of Pari-Mutuel Wagering and a copy provided to the track stewards/judges who issued the ruling.	
Failure to file a Request for Appeal within 10 days of the Stewards’/Judges’ ruling constitutes a waiver of the right to a hearing. Failure of a party to appear for an appeal hearing scheduled and noticed by the Division shall constitute a waiver of the right to such a hearing.	

LICENSEE INFORMATION			
Ruling Number <u>2022-024620</u>			
Name <u>Motyk Scott</u>			
PERMANENT ADDRESS			
Street Address or P.O. Box <u>2783 Spoonbill Tr</u>			
City <u>Orange Park</u>		State <u>FL</u>	Zip Code (+4 optional) <u>32073</u>
CONTACT INFORMATION			
Primary Phone Number <u>(904) 300-9330</u>		Primary E-Mail Address <u>MotykScott25@gmail.com</u>	
TEMPORARY ADDRESS (IF DIFFERENT THAN PERMANENT ADDRESS)			
Street Address <u>8662 Julia Marie Cir</u>			
City <u>Jacksonville</u>		State <u>FL</u>	Zip Code (+4 optional) <u>32210</u>

ADDITIONAL CONTACT INFORMATION (OPTIONAL)	
Alternate Phone Number	Fax Number
Alternate E-Mail Address	



**I APPEAL THE DECISION BASED ON THE FOLLOWING ISSUE(S)**

I hereby appeal the decision of the Stewards/Judges of Florida Gaming Control Commission  
(track or fronton)

rendered on September 16, 20 22 and request a hearing before the Division of  
Pari-Mutuel Wagering. No new evidence may be presented. List issues in space below.

*I'm willing to speak with whoever about my behalf.  
Moving on from my past and if given the chance I  
can show my growth. Looking for a second chance  
at life and prove that poker is my life and would  
be my career. Thanks for the time, but I will  
not give up*

**ATTEST STATEMENT**

I understand that filing this request does not relieve me from the penalty imposed by the  
Stewards/Judges.\*

I have attached a copy of the Stewards'/Judges' Ruling to this document. I understand that failure to file  
a request for an appeal within 10 days of the decision of the stewards, judges, or panel of judges  
constitutes a waiver of a right to a hearing.

Licensee Signature *Matyjk Lott* Date 9/26/22

\* Stays from the ruling must be obtained from the Stewards/Judges.



September 23<sup>rd</sup>, 2022

To Whom It May Concern:

Dear Sir/Madam,

I am writing this letter on behalf of Motyk Scott. I first met Motyk in May 2022 when he expressed interest in a career with bestbet. From the start, Motyk was wholeheartedly honest and upfront about choices he made as a young adult. In return, I was also very blunt with him that the possibility of obtaining a cardroom license would be quite slim, especially given the nature of his past decisions. He understood but was insistent that if successful in his attempts he believed that this could provide an incredible opportunity for Motyk.

As of today, I am pleased to state that I believe in him as well. Throughout this entire process, Motyk has been proactive in working towards this goal. Not only has he left an impression on me, but also his classmates and teacher in our most recent dealer class. I believe that, if given a chance, Motyk would take full advantage of this opportunity allowing his passion for the game of poker to change his life for the better. It is my hope that an appeal hearing will allow the FGCC to see for themselves just how much effort Motyk is willing to put into this potential career break.

Sincerely,

Kassandra Whitley  
Onboarding Manager  
**bestbet Poker and Simulcast**  
**PO Box 959 Orange Park, FL 32065**  
Jacksonville | Orange Park  
Office: (904) 646-0001 ext. 4432  
Email: [kassiew@bestbetjax.com](mailto:kassiew@bestbetjax.com)

Mail body: Fwd: Character Reference

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----- Forwarded message -----

From: **jeff wilkens** <[wilkensjeff@yahoo.com](mailto:wilkensjeff@yahoo.com)>

Date: Fri, Sep 16, 2022, 2:30 PM

Subject: Character Reference

To: <[motykscott25@gmail.com](mailto:motykscott25@gmail.com)>

To whom it may concern:

I recently have had the pleasure of having Motyk Scott as a student in my poker dealing school. The class ran Monday-Friday from 11am-3pm and lasted 10 weeks. Motyk not only had perfect attendance but frequently came in early and stayed late. Since he was one of the most gifted students, he didn't need to put in the extra time. He did it to help his classmates. Throughout the entire run of the course Motyk exhibited outstanding leadership skills. He impressed with his ability as well as his work ethic.

I have been in business management for 35 years. Several of those years have been spent as a training manager. I would rank Motyk Scott right at the top both in terms of maturity and attitude. I feel if given an opportunity, he would be a valuable asset to any company regardless of position. I strongly recommend that he be given the chance to shine in the profession where his true passion lies, dealing cards in a poker room. Thank you for your time and attention.

Sincerely,

Jeff C. Wilkens  
Bestbet St. Augustine

Mail body: Fwd: Character Reference

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----- Forwarded message -----

From: **Windell McDonald** <[delmcd@yahoo.com](mailto:delmcd@yahoo.com)>

Date: Mon, Sep 19, 2022, 11:43 PM

Subject: Character Reference

To: <[motykscott25@gmail.com](mailto:motykscott25@gmail.com)>

To whom it may concern,

I've had the pleasure to have Motyk Scott as a classmate in poker dealing school. The class is a 4hr class, 5 days a week, for 10 weeks. Not only did he maintain a perfect attendance, he was usually the first to arrive and last to leave. This was not for his personal gain because he was clearly the best in the class. He offered his time to help his classmates that was struggling in any area.

Throughout our 10 weeks together he maintained a humble and supportive attitude. He is very charismatic and always had a smile on his face. Motyk has always been there for me in my times of doubt with helpful advice or tips, or to even just put a smile on my face. Motyk Scott is a stand up guy, and a very positive individual. He is a natural talent and the card room industry would be done a great disservice not to have him as a dealer.

Thanks for your time

Sincerely,

Windell McDonald

To whom It may concern,

Hello, my name is Joel Reagan. I have also participated in the 10-week course with Motyk Scott and some other colleagues. In which case after spending two and a half months with everyone, you some what get to know these people as they become your future co-workers, acquaintances, and friends. On behalf of Motyk, it's been quite wonderful working besides him, learning with him, and encouraging each other to do better in this class. Regarding whom left a mark on me and helped pushed me to be a better dealer while I was in the class, Motyk is within the top 3 people of a 14-person class to do so. For that, I am grateful and appreciative towards Motyk.

I believe Motyk has the potential to become one of the best dealers in BestBet Poker rooms, not just in procedure and card handling, but in kindness and professionalism to all he meets. With my experience in the class, Motyk made a conscious effort everyday to make the people around him just a little bit happier and better in ways he could provide. If given the opportunity to work for the company, Motyk would not disappoint and become one of the companies best.

**Thank you for your time and consideration.**

For any further information or questions, please contact me at: [Joelpreagan@gmail.com](mailto:Joelpreagan@gmail.com)

Sincerely,  
Joel Reagan

*Graduate in BestBet dealer school (September 2022.)*

*Full-time student at FSCJ pursuing a B.A. in Public Safety & Minor in Homeland Security (Pending)*

To whom It may concern,

Hello, my name is Cheyenne Blake. I recently graduated in the 10-week course with Motyk Scott and some other Bestbet employees. During this time, Motyk Scott displayed enthusiastic participation, perfect attendance, and exemplary professionalism. Motyk made immense effort in specifically dedicating his time to tutor other students in the class, myself included. He purposefully created a fun atmosphere and took time to learn the skills needed. Not only did Motyk graduate as top of the class, but he had the best audition scores out of everyone.

It is my personal and professional opinion that Motyk Scott be granted a second chance to enter as a Bestbet employee. This individual has shown immense kindness and compassion where others have not, he remained patient and optimistic throughout his training. He continues to be resilient and exceptional in all areas morally and professionally. I recommend a thorough reconsideration regarding his denial and if you should have any further questions feel free to contact me at the number listed below.

**Thank you for your time and consideration.**

For any further information or questions, please contact me at: 941-413-8904

Sincerely,  
Cheyenne Blake

*Graduate in BestBet dealer school (September 2022.)*

*Full-time student at FSCJ pursuing a B.A. in Criminal Justice (Pending)*

Mail body: Fwd:

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----- Forwarded message -----

From: **Motyk Scott** <[motykscott25@gmail.com](mailto:motykscott25@gmail.com)>

Date: Tue, Sep 20, 2022, 11:12 AM

Subject: Fwd:

To: <[officedepot@printme.com](mailto:officedepot@printme.com)>

----- Forwarded message -----

From: **caleb powell** <[ccetip03@yahoo.com](mailto:ccetip03@yahoo.com)>

Date: Sun, Sep 18, 2022, 9:01 PM

Subject:

To: <[Motykscott25@gmail.com](mailto:Motykscott25@gmail.com)>

To whom it may concern:

I have been lucky to meet Motyk Scott and interact with him during our class over the last three months practicing and acquiring the skills to deal poker for BestBet. Motyk and I not only became close friends in the class but started hanging out outside of our class as well. I have been around him five days a week for the last few months and have seen nothing but someone trying to make the best out of an unfortunate situation. He has always been positive and great to be around. I enjoy his company I would want nothing but this best for his future. I believe he deserves this opportunity and will excel greatly if given a chance.

Respectfully , Caleb

**Mail body: Fwd: Character reference**

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----- Forwarded message -----

From: **Motyk Scott** <[motykscott25@gmail.com](mailto:motykscott25@gmail.com)>  
Date: Tue, Sep 20, 2022, 11:12 AM  
Subject: Fwd: Character reference  
To: <[officedepot@printme.com](mailto:officedepot@printme.com)>

----- Forwarded message -----

From: **Stephon Reed** <[stephonreed8888@gmail.com](mailto:stephonreed8888@gmail.com)>  
Date: Sun, Sep 18, 2022, 7:04 AM  
Subject: Character reference  
To: <[Motykscott25@gmail.com](mailto:Motykscott25@gmail.com)>

My name is Desiree Whitted and I've known Motyk Scott for a few years and ever since I've met him he always been a take charge type of person. Motyk has always been a hard worker. He had recently taken a poker dealing class that was Mon-Fri from 11 am- 3pm. I know for a fact that he didn't miss a single day and was never late and stayed late. Motyk has a true passion for dealing cards.

I had also taken the class and I passed and became a poker dealer. Motyk would light up when we would have conversations about poker dealing. When I would tell him about my struggles in the poker room dealing cards he would give me tips and advice on what to do. Motyk has truly worked hard to get to this point in his life and this is his dream job, and even more it's a true passion. Most people go their entire lives not knowing and searching for their true passion and Motyk has found his, so please don't keep him from fulfilling his true passion and dreams for dealing cards.

Sincerely  
Desiree white

Mail body: Fwd: Character reference

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----- Forwarded message -----

From: **Stephon Reed** <[stephonreed8888@gmail.com](mailto:stephonreed8888@gmail.com)>

Date: Sun, Sep 18, 2022, 6:44 AM

Subject: Character reference

To: <[Motykscott25@gmail.com](mailto:Motykscott25@gmail.com)>

To whom it may concern

My name is Stephon Reed one of the classmates in the poker dealing class and the little brother of Motyk Scott. When we were little Motyk always had a interest in cards. We were kids after school we would do the chores around the house and then we would do our homework. Then once we were done with our chores and homework we would play cards for a couple of hours until I wanted to quit for losing so much. I only said that to say this, that other people love to cook, clean and creating things but Motyk love to deal cards. So as a Bestbet poker dealer he can do what he loves to do. Not only is he great with cards, he's even better with people. With his smile and great personality he just has a natural way of making people feel comfortable. So when people are gambling they need that type of energy. Motyk was the best student in the class.

Some of our classmates and I unfortunately failed the first part of our auditions, so every other day after class Motyk would stay and help me and the other classmates understand what we weren't understanding, he made sure we had it right. There was a second part of the auditions and I pass thanks from the extra help form Motyk. Motyk just has so much love for dealing cards. Dealing cards is his dream job and I know my older brother doesn't have the best past, but everyone makes mistakes when they are young, and he has surly grown up and has learn form his mistakes. He's trying to do right by his life. So please form the bottom of my heart please don't stop my big brother form living his dream job, and for me to working along side with him and from us watching each other grow into great poker dealers.

Sincerely,  
Stephon Reed

Mail body: Fwd: Letter

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----- Forwarded message -----

From: **Zack Queen** <[zqueen00091@gmail.com](mailto:zqueen00091@gmail.com)>

Date: Fri, Sep 16, 2022, 8:27 PM

Subject: Letter

To: <[Motykscott25@gmail.com](mailto:Motykscott25@gmail.com)>

To whom it may concern,

I recently finished a 10 week training program with Motyk Scott, as a student alongside of him. From the beginning I knew he had pure talent. Along with that talent he portrayed leadership skills and willingness to learn and become the best he could be. And he was without a doubt the best student, dealer and person through and through. There was not a single day that he missed and on top of that was always early and stayed late to perfect each skill as well as help others. He proved throughout the course of class that he truly has a heart of gold, as the trainer and I had this conversation many times throughout the last 10 weeks. He made it clear through all of the things listed above that this is the profession where his heart and mind lies. I feel as though Motyk, without a doubt, should be given the opportunity to prove himself in this industry and will be a strong asset to not only BestBet, but the industry as a whole.

Thank you for your time,

Zack Queen

Sept. 16, 2019

To whom it may concern:

I do not often write letters of recommendation; for reasons of morality. I believe someone's word is a sacred thing and honesty is key. With that said, writing a truthful letter of recommendation is very simple. I have been in the hospitality industry for over 10 years and have met all kinds of people. When Motyk Scott approached me about this letter, I eagerly volunteered. I first met Motyk when we began our poker dealing class in St. Augustine, Florida. I could tell that I had met someone truly as passionate about the game as I do. I have been nothing but impressed with his ability to consistently perform far above average, giving me friendly competition in class to see who the best in class was. He has always exceeded the performance standards required of him. His honest nature, charismatic attitude and kind nature are truly unmatched. I admire Motyk very much and support him with overwhelming enthusiasm. With a child on the way, he deserves the opportunity to provide for his family and raise a child with Bestbets job opportunity. It would be a blessing to consider Motyk as a friend and a work colleague. Plus he plays poker tight, he's good for the games and entertaining.

Motyk Scott holds incredible potential and is an invaluable asset to any organization.

If you have any questions, please contact me via the information provided below.

Sincerely,

Quoc 'Richie' Nguyen

904.616.0062

KonanNguyen@gmail.com

Mail body: Fwd: Character Reference

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----- Forwarded message -----

From: Re'Genae Stewart <regenae5502@gmail.com>

Date: Sat, Sep 17, 2022, 9:18 AM

Subject: Character Reference

To: motykscott25@gmail.com <motykscott25@gmail.com>

To whom it may concern,

I was given an opportunity to become a dealer in a class that I was ecstatic about, In my class I also had the pleasure of meeting Motyk Scott, who was such a great student it could make you envious. He was so good at everything and was very quick to pick up on the things he wasn't familiar with. And If you were ever struggling no doubt you could depend on him to lend a hand, and even better explain to you where you went wrong if you were willing to take constructive criticism. He wanted everyone to pass, he made that very clear. I happen to be one of the student's who didn't pass my first audition and was required to re-audition within those weeks of practicing. Motyk would wake up early on days where class started two hours later just to help those of us who fail short. A gesture that was much appreciated especially since he was so great, he didn't have to practice at all.

Before the dealing opportunity presented itself, I worked in healthcare where I found my true passion of helping people as well as informing people of their health so that longevity is added on to life, because I believe that life is so precious. I see the way Motyk deals cards, you can tell that he's in his element, I hear the way he talks about cards, and I think it's nice for a person to be able to do what they love in this lifetime. I passed my second audition, and I'm thankful to say Motyk Scott took part in my achievement, however I would hate to see him not be able to take part on his own.

Thank you for your time and attention.

Sincerely,

Re'Genae S. Stewart

To whom it may concern,

In regards to Motyk Scott my time knowing him, he has been nothing short of an outstanding friend and person. We have worked together in the lawn care industry and his attitude and outlook each day going into work has driven our team morale up. Motyk is a great person and from what I've seen each day he has grown and learned from his past mistakes. I believe with this opportunity granted to him he will transcend and surpass your expectations of him. He has been a great influence not just in the workplace but around my family as well. I hope he is given this opportunity, he will not let you down.

Thank you,  
Daniel Pierre

To whom it may concern,

I was recently in a card dealer class with Motyk Scott. It was a 5day a week class and lasted 10 weeks. In those ten weeks, not only did he not miss a day, but he always checked on others to make sure they made it as well. He has a great attitude and sense of humor. I am a Navy vet and suffer from PTSD and one day in class I had a small episode, and he was sitting next to me, and his humor is what helped me get back to reality easier. He would find ways to help others remember things and improve on their skills. He would stay late and arrive early just to help someone that was struggling and be the first to do so.

As a Navy vet, I have been many places and worked with many people and Motyk is one of the ones that I would have been honored to work with and this opportunity presented is a chance that I will be able to. He has helped me through this class and outside the class. He watches out for others in a way you don't see much anymore. He is a classmate and considered a friend. I believe that if given the chance to be in this profession, not only will he be a great asset to the company, but he will thrive, and many others will benefit from his presence as well.

Thank you for your time.

Sincerely,

Christopher B. Cotten

Mail body: Fwd: Character Reference

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----- Forwarded message -----

From: **funnydemon 43** <catngators@gmail.com>

Date: Fri, Sep 16, 2022, 5:31 PM

Subject: Character Reference

To: <motykscott25@gmail.com>

To whom it may concern:

I recently was enrolled in a poker dealer class alongside Motyk Scott. Throughout this class Motyk not only helped to ensure that the rest of us understood the mechanics and procedures but also managed to be very professional. He was in my opinion top of the class. He was usually first in the class and one of the last to leave. Motyk would also buy food occasionally for the class after we completed some milestone boosting morale for all of us. He helped support those who struggled and make sure we all passed the class. Overall i think it would be a mistake to deny him the position.

Mail body: Fwd: Reference letter

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----- Forwarded message -----

From: Amaliegha Lowe <[amaliegha@yahoo.com](mailto:amaliegha@yahoo.com)>

Date: Fri, Sep 16, 2022, 4:04 PM

Subject: Reference letter

To: <[Motykscott25@gmail.com](mailto:Motykscott25@gmail.com)>

To Whom it may concern

Recently I attended the dealer class/training with Best Bet. I learned and worked along side Motyk Scott every day for the last 10 weeks. He displayed great teamwork skills, amazing work ethic, and passion for what we were learning. There were days that myself and others in the class had a hard time grasping things and he would dedicate spare time before and after the class ended, to pitch in and help us learn things right. He was in my opinion top of this class and very good at what he does. I feel like he deserves this chance and would be an asset in this setting. He is a very caring person and I truly hope he gets this opportunity as he deserves it!

Sincerely,  
Amaliegha Reagan-Lowe

If you have any questions please feel free to reach out to me.  
904-654-3781

Mail body: Fwd: Character Reference

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----- Forwarded message -----

From: Andrew Michael Gariepy <[gariepya@patriots.cf.edu](mailto:gariepya@patriots.cf.edu)>

Date: Fri, Sep 16, 2022, 4:02 PM

Subject: Character Reference

To: [motykscott25@gmail.com](mailto:motykscott25@gmail.com) <[motykscott25@gmail.com](mailto:motykscott25@gmail.com)>

To whom it may concern,

I am pleased to write this letter on behalf of Motyk Scott. Motyk and I were students together in poker dealer school for 10 weeks. In that time, I was able to watch and grow with Motyk to become a confident, polite, and outgoing individual. Motyk demonstrated a high level of knowledge, dedication, and enthusiasm while in class together. Motyk was always on time and most of the time would stay late to help other classmates. Motyk would be an extremely valuable employee to have in the card room, he was one of the top dealers in our class and would be one of the best dealers on the card room floor if he is given a chance. I strongly recommend that he gets work in dealing his passion of cards.

Thanks, Andrew Gariepy



# FLORIDA GAMING CONTROL COMMISSION

JOHN MACIVER, CHAIRMAN  
MICHAEL YAWORSKY, VICE CHAIR  
JULIE I. BROWN, COMMISSIONER  
CHUCK DRAGO, COMMISSIONER  
JOHN D'AQUILA, COMMISSIONER

September 16, 2022

Mr. Motyk A. Scott  
2783 Spoonbill Trail  
Orange Park, Florida 32073

**FILED**  
**FLORIDA GAMING CONTROL COMMISSION**

Date: 9/16/2022

File Number: \_\_\_\_\_

**BY: MELBA L. APELLANIZ**  
**CLERK OF THE COMMISSION**

## Letter of License Denial

Dear Mr. Scott:

This Letter of License Denial ("Denial") serves to inform you that your application for a Cardroom Employee Individual Occupational License and request for waiver is denied in accordance with the provisions of chapter 550 and 849, Florida Statutes, and the rules promulgated thereto. This Denial is based upon your following criminal dispositions:

1. 08/11/2014 – 2 Counts of Burglary of a Structure or Conveyance (F3) – Guilty – Clay County, Florida (Case No. 14-CF-000678-A)
2. 08/11/2014 – Petit Theft (MM) – Guilty – Clay County, Florida (Case No. 14-CF-000678-A)
3. 08/11/2014 – 2 Counts of Burglary of a Structure or Conveyance (F3) – Guilty – Clay County, Florida (Case No. 14-CF-000679-A)
4. 08/11/2014 – Petit Theft (MM) – Guilty – Clay County, Florida (Case No. 14-CF-000679-A)
5. 08/11/2014 – Burglary of a Structure or Conveyance (F3) – Guilty – Clay County, Florida (Case No. 14-CF-000680-A)
6. 08/11/2014 – 3 Counts of Burglary of a Structure or Conveyance (F3) – Guilty – Clay County, Florida (Case No. 14-CF-000681-A)
7. 08/11/2014 – Petit Theft (MM) – Guilty – Clay County, Florida (Case No. 14-CF-000681-A)
8. 08/11/2014 – Burglary of a Structure or Conveyance (F3) – Guilty – Clay County, Florida (Case No. 14-CF-000682-A)

9. 08/11/2014 – Petit Theft (MM) – Guilty – Clay County, Florida (Case No. 14-CF-000682-A)
10. 08/11/2014 – Burglary of a Structure or Conveyance (F3) – Guilty – Clay County, Florida (Case No. 14-CF-000683-A)
11. 08/11/2014 – Petit Theft (MM) – Guilty – Clay County, Florida (Case No. 14-CF-000683-A)
12. 01/13/2014 – Burglary (F1) – Guilty – Duval County, Florida (Case No. 13-CF-007198-A)
13. 01/13/2014 – Dealing in Stolen Property (F2) – Guilty – Duval County, Florida (Case No. 13-CF-007198-A)
14. 01/13/2014 – False Verification of Ownership of Pawned Items (F3) – Guilty – Duval County, Florida (Case No. 13-CF-007198-A)
15. 11/21/2011 – Petit Theft (MM) – Guilty – Clay County, Florida (Case No. 12-CF-002231-A)
16. 11/21/2011 – Burglary of a Structure or Conveyance (F3) – Guilty – Clay County, Florida (Case No. 12-CF-002231-A)
17. 11/21/2011 – Burglary of a Structure or Conveyance (F3) – Guilty – Clay County, Florida (Case No. 12-CF-002227-A)
18. 11/21/2011 – Burglary of a Structure or Conveyance (F3) – Guilty – Clay County, Florida (Case No. 12-CF-002228-A)
19. 11/21/2011 – Burglary of a Structure or Conveyance (F3) – Guilty – Clay County, Florida (Case No. 12-CF-002229-A)
20. 11/21/2011 – Burglary of a Structure or Conveyance (F3) – Guilty – Clay County, Florida (Case No. 12-CF-002293-A)
21. 11/21/2011 – Burglary of a Structure or Conveyance (F3) – Guilty – Clay County, Florida (Case No. 12-CF-002310-A)

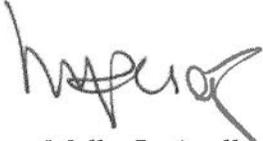
These convictions are disqualifying offenses under sections 550.105(5) and 849.086(6)(g), Florida Statutes. A withhold of adjudication of guilt is considered a conviction for licensing under section 550.105(5) and 849.086(6)(f), Florida Statutes. Your Request for Waiver has been denied based on your failure to meet the requirements of section 550.105(5)(c), Florida Statutes.

You are advised you may not work in any position requiring licensure or be within a restricted area at a pari-mutuel facility without an appropriate valid occupational license.

Pursuant to section 120.57, Florida Statutes, you may request a hearing to challenge the Division's decision within twenty-one (21) days of receipt of this Denial, as provided for in rule 28-106, Florida Administrative Code, and the attached Notice of Rights.

If you do not request a hearing within twenty-one (21) days of your receipt of this Denial, this Denial will become the Agency's Final Order. If this Denial becomes a Final Order, you will have 30 days to file for an appeal pursuant to section 120.68, Florida Statutes.

Sincerely,



Melba L. Apellaniz  
Clerk of the Commission

Attachment: Notice of Rights

CERTIFICATE OF SERVICE

I hereby certify this 16<sup>th</sup> day of SEPTEMBER, 2022, that a true copy of the foregoing has been furnished by certified U.S. mail to:

**Mr. Motyk A. Scott**  
2783 Spoonbill Trail  
Orange Park, Florida 32073



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**CLERK OF THE COMMISSION**  
Florida Gaming Control Commission

Case No. 2022-024620

## NOTICE OF RIGHTS

This is an action that may affect your substantial interests. Mediation of this administrative dispute is not available. However, pursuant to sections 120.569 and 120.57, Florida Statutes, you may request a hearing on this matter, provided a written request is filed with the agency. The request must comply with the requirements of rules 28-106.111, and 28-106.201 or 28-106.301, Florida Administrative Code. The written request must be received by the Division within 21 days of your receipt of this notice.

If the Division determines there are disputed issues of material fact, the case will be forwarded to the Division of Administrative Hearings for a formal hearing. If there are no disputed issues of material fact, the Division will schedule an informal hearing. You will be notified of the date, time and place of the hearing. In either case, you have the burden of establishing entitlement to the license.

In a formal hearing, you have the right to appear in person on your own behalf, to be represented by an attorney, to bring witnesses and present evidence, to cross-examine any witnesses produced against you by the State, and to have subpoenas issued on your behalf.

In an informal hearing, you have the right to appear in person on your own behalf, to be represented by an attorney, and to submit whatever information you desire to show entitlement to the license.

If a hearing pursuant to sections 120.569 and 120.57, Florida Statutes, is not requested within 21 days, the foregoing Letter of License Denial will become a Final Order. Any party adversely affected by this Final Order has the right to seek its judicial review under section 120.68, Florida Statutes, by the filing of an original Notice of Appeal pursuant to rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202 (Email: [Clerk@fgcc.fl.gov](mailto:Clerk@fgcc.fl.gov)), and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate Florida District Court of Appeal. The Notice of Appeal must be filed (received) by the Clerk of the Commission within thirty (30) days after the date this Order is filed with the Clerk.

In all the above proceedings, practice is governed by chapter 120, Florida Statutes, and rule 28-106, Florida Administrative Code.

VR Home | **Inbox** | Entity | Application | License | Cash | Exam | Inspection | Enforcement | Report

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

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

Logged in as: **rmahalinga**

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

Lic Type	<b>1012 - Cardroom Employee Occupational</b>	Status	<b>20 Under Investigation</b>	Status Date	<b>05/19/2022</b>
Complaint #	<b>2022024620</b>	Case Type	<b>CMP - Complaint</b>	Disposition	Disposition Date
Docket#	Respondent	<b>SCOTT, MOTYK ANTHONY</b>	Responsible	<b>cwtaylor - TAYLOR, CHARLES W</b>	<b>Private Case</b>

Complaint | Respondent | Complainant | Add'l Info

Source	<b>LIC - Licensee</b>	Security Level	<b>1</b>	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Activities
Form	<b>WALK - Walk-in</b>	Priority		<input checked="" type="checkbox"/> Allegations	<input type="checkbox"/> Discipline
Class'n	<b>IIIB - Waivers</b>	Complexity	<b>R - Regular</b>	<input type="checkbox"/> Violations	<input type="checkbox"/> Compliance
Security	<b>STND - Standard</b>	Incident	<b>05/12/2022</b>	<input type="checkbox"/> Related	<input checked="" type="checkbox"/> Disposition
Region	<b>CR - Central Region</b>	Received	<b>05/19/2022</b>	<input type="checkbox"/> Inspection	
Reference				<input type="checkbox"/> Costs	
Entered	<b>05/19/2022</b>	Entered By	<b>rmahalinga</b>	<input type="checkbox"/> Time Tracking	<input type="button" value="Auto Assign"/>
Summary	<b>148-Orange Park Kennel Club, Inc</b>			<input type="checkbox"/> Attachments	<input type="button" value="History"/>
Updated	<b>05/19/2022 09:36:32</b>	By	<b>rmahalinga</b>	<input type="checkbox"/> Work Notes	<input type="button" value="Print Report"/>

 Get Adobe Reader.



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

TO: MOTYK ANTHONY SCOTT
Full Legal Name of Applicant

[Redacted]
Date of Birth

13183649
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:

- 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.
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:

- 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.
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 of Motyk Anthony Scott]
Signature of Applicant

5/12/22
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.

RECEIVED
2022 MAY 17 PM 2:28
DIVISION OF PARI-MUTUEL WAGERING

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

**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]		Date of Birth (MM/DD/YYYY) [REDACTED]		Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
Last Name	First	Middle	Suffix	
SCOTT	MOTYK	ANTHONY		
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 checked="" type="checkbox"/> Black or African American		<input type="checkbox"/> Asian or Pacific Islander		<input type="checkbox"/> Native American or Alaska Native
<input type="checkbox"/> White or Caucasian		<input type="checkbox"/> Hispanic/Latino		<input type="checkbox"/> Other
Current Mailing Address 2783 SPOONBILL TRL.			Email Address (optional)	
City ORANGE PARK	State FL	Zip Code (+4 optional) 32073	Country, if other than USA	
Primary Phone Number 904-300-9330			Secondary/Cell Phone Number (optional)	
Current Street Address SAME AS ABOVE				
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 type="checkbox"/> Pari-Mutuel Professional Individual <input checked="" type="checkbox"/> Cardroom Employee			Facility where employed and/or doing business: bestbet 148	
Occupation: <u>CHIP RUNNER</u>				
Does your position require access to the Cardroom? <input checked="" type="checkbox"/> Yes <input 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>1012</u>	License # <u>13183649</u>	File # <u>13748</u>	App # <u>48733</u>	
Association Code <u>14P</u>	Date Received <u>5/2/22</u>	Entered By <u>CH</u>	License Year <u>2/25</u>	
License Fee <u>100.00</u>	FP Date <u>5/2/22</u>	FP Fee <u>37.25</u>	Total Fee <u>137.25</u>	
Off Temp	Waiver Requested	ARCI	Enforcement	Minor

RECEIVED  
 2022 MAY -2 AM 11:06  
 DIVISION OF  
 PARI-MUTUEL WAGERING

**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
2012	CLAY	FL	BURGLARY OF A STRUCTURE	F	TIME SERVED W/ PROBATION
JULY 2013	DUVAL	FL	ARMED BURGLARY STOLEN PILOT	F	3 YEARS

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 licensure 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 an unpaid fine? If yes, you must list the state(s) or jurisdiction(s) of licensure and give details the offense and discipline.

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

ALL LEGAL PPW INCLUDED - TIME SERVED.

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 2022 MAY -2 AM 11:00  
 DIVISION OF  
 PARI-MUTUEL WAGERING

**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 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.

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

4/27/22  
 Date

**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
2012	CLAY	FL	BURGLARY OF A STRUCTURE	F	TIME SERVED W/ PROBATION
JULY 2013	DUVAL	FL	ARMED BURGLARY STOLEN PROP	F	3 YEARS

- 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 licensure 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 an unpaid fine? If yes, you must list the state(s) or jurisdiction(s) of licensure and give details the offense and discipline.

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

ALL LEGAL PPW INCLUDED - TIME SERVED.

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DIVISION OF  
PARI-MUTUEL WAGERING

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M. L. [Signature]  
Signature of Applicant

4/27/22  
Date

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

**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				
[REDACTED]		Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		
Middle		Suffix		
SCOTT		MDTYK		ANTHONY
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 checked="" type="checkbox"/> Black or African American		<input type="checkbox"/> Asian or Pacific Islander		<input type="checkbox"/> Native American or Alaska Native
<input type="checkbox"/> White or Caucasian		<input type="checkbox"/> Hispanic/Latino		<input type="checkbox"/> Other
Current Mailing Address		Email Address (optional)		
2783 SPOONBILL TRL.				
City	State	Zip Code (+4 optional)	Country, if other than USA	
ORANGE PARK	FL	32073		
Primary Phone Number		Secondary/Cell Phone Number (optional)		
904-300-9330				
Current Street Address				
SAME AS ABOVE				
City	State	Zip Code (+4 optional)	Country, if other than USA	
Type of Occupational License applying for:			Facility where employed and/or doing business:	
<input type="checkbox"/> Pari-Mutuel General Individual <input type="checkbox"/> Pari-Mutuel Professional Individual			bestbet 148	
<input checked="" type="checkbox"/> Cardroom Employee				
Occupation: <u>CHIP RUNNER</u>				
Does your position require access to the Cardroom?			Is this your first time applying for a racing/gaming license in Florida?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			<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	License #	File #	App #	
1012	13183649	13748	48733	
Association Code	Date Received	Entered By	License Year	
14P	5/2/22	CH	22/25	
License Fee	FP Date	FP Fee	Total Fee	
100.00	5/2/22	37.25	137.25	
Off Temp	Waiver Requested	ARCI	Enforcement	Minor

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 DIVISION OF  
 PARI-MUTUEL WAGERING

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

ALL LEGAL PPW INCLUDED - TIME SERVED.

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 DIVISION OF  
 PARI-MUTUEL WAGERING

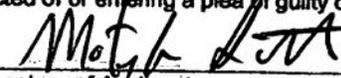
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I certify that I am empowered to execute this application as required by Section 559.79, Florida Statutes. I understand that my signature on this application has the same legal effect as an oath or affirmation. I declare that I have read the foregoing 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

4/27/22  
 Date













































































FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE  
CJIS DIVISION/CLARKSBURG, WV 26306

1110-0046

1. LOOP



CENTER OF LOOP

DELTA

THE LINES BETWEEN CENTER OF LOOP AND DELTA MUST SHOW

2. WHORL



DELTAS

THESE LINES RUNNING BETWEEN DELTAS MUST BE CLEAR

3. ARCH



ARCHES HAVE NO DELTAS

APPLICANT

THIS CARD FOR USE BY:

1. LAW ENFORCEMENT AGENCIES IN FINGERPRINTING APPLICANTS FOR LAW ENFORCEMENT POSITIONS;
2. OFFICIALS OF STATE AND LOCAL GOVERNMENTS FOR PURPOSES OF EMPLOYMENT, LICENSING, AND PERMITS, AS AUTHORIZED BY STATE STATUTES AND APPROVED BY THE ATTORNEY GENERAL OF THE UNITED STATES. LOCAL AND COUNTY ORDINANCES, UNLESS SPECIFICALLY BASED ON APPLICABLE STATE STATUTES DO NOT SATISFY THIS REQUIREMENT;
3. U.S. GOVERNMENT AGENCIES AND OTHER ENTITIES REQUIRED BY FEDERAL LAW;
4. OFFICIALS OF FEDERALLY CHARTERED OR INSURED BANKING INSTITUTIONS TO PROMOTE OR MAINTAIN THE SECURITY OF THOSE INSTITUTIONS.

Please review this helpful information to aid in the successful processing of hard copy civil fingerprint submissions in order to prevent delays or rejections. Hard copy fingerprint submissions must meet specific criteria for processing by the Federal Bureau of Investigation.

Ensure all information is typed or legibly printed using blue or black ink.

Enter data within the boundaries of the designated field or block.

Complete all required fields. (If a required field is left blank, the fingerprint card may be immediately rejected without further processing.)

- The required fields for hard copy civil fingerprint cards are: ORI, Date of Birth, Place of Birth, NAM, Sex, Date fingerprinted, Reason Fingerprinted, and proper completion of fingerprint impression boxes.

Do not use highlighters on fingerprint cards.

Do not enter data or labels within 'Leave Blank' areas.

Ensure fingerprint impressions are rolled completely from nail to nail.

Ensure fingerprint impressions are in the correct sequence.

Ensure notations are made for any missing fingerprint impression (i.e. amputation).

Do not use more than two rebats per fingerprint impression block.

Ensure no stray marks are within the fingerprint impression blocks.

Training aids can be ordered online via the Internet by accessing the FBI's website at: [fbi.gov](http://fbi.gov), click on 'Fingerprints', then click on

'Ordering Fingerprint Cards & Training Aids'. Direct questions to the Biometric Services Section's Customer Service Group at (304) 625-5590 or by e-mail at [cidentity@fbi.gov](mailto:cidentity@fbi.gov).

**Social Security Account Number (SSAN):** Pursuant to the Privacy Act of 1974, any Federal, state, or local government agency that requests an individual to disclose his or her SSAN, is responsible for informing the person whether disclosure is mandatory or voluntary, by what statutory or other authority the SSAN is solicited, and what uses will be made of it. In this instance, the SSAN is solicited pursuant to 28 U.S.C. 534, and will be used as a unique identifier to confirm your identity because many people have the same name and date of birth. Disclosure of your SSAN is voluntary; however, failure to disclose your SSAN may affect completion or approval of your application.

PRIVACY ACT STATEMENT

**Authority:** The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub.L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

**Principal Purpose:** Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprints repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

**Routine Uses:** During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

PAPERWORK REDUCTION ACT NOTICE

According to the Paperwork Reduction Act of 1995, no persons are required to provide the information requested unless a valid OMB control number is displayed. The valid OMB control number for this information collected is 1110-0046. The time required to complete this information collected is estimated to be 10 minutes, including time reviewing instructions, gathering, completing, reviewing and submitting the information collection. If you have any comments concerning the accuracy of this time estimate or suggestions for reducing this burden, please send to: Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Washington, DC 20530.

INSTRUCTIONS:

1. PRINTS MUST GENERALLY BE CHECKED THROUGH THE APPROPRIATE STATE IDENTIFICATION BUREAU, AND ONLY THOSE FINGERPRINTS FOR WHICH NO DISQUALIFYING RECORD HAS BEEN FOUND LOCALLY SHOULD BE SUBMITTED FOR FBI SEARCH.
2. IDENTITY OF PRIVATE CONTRACTORS SHOULD BE SHOWN IN SPACE 'EMPLOYER AND ADDRESS'. THE CONTRIBUTOR IS THE NAME OF THE AGENCY SUBMITTING THE FINGERPRINT CARD TO THE FBI. UNIVERSAL CONTROL NUMBER, IF KNOWN, SHOULD ALWAYS BE FURNISHED IN THE APPROPRIATE SPACE.
3. MISCELLANEOUS NO. - RECORD: OTHER ARMED FORCES NO. PASSPORT NO. (FP), ALIEN REGISTRATION NO. (AR), PORT SECURITY CARD NO. (PS), SELECTIVE SERVICE NO. (SS) VETERANS' ADMINISTRATION CLAIM NO. (VA).

FD-258 (REV. 5-15-17)

U.S. GOVERNMENT PUBLISHING OFFICE:  
07/05/2018 12:11:07

Department of Business and Professional Regulation  
Division of Pari-Mutuel Wagering

Licensing Administrator Review – PMW Occupational License

RE: SCOTT, MOTYK ANTHONY - 13183649 Case No: \_\_\_\_\_  
(APPLICANT'S NAME– LICENSE #)

INITIAL APPLICATION RECEIVED:	<u>5/2/2022</u>
COMPLETE APPLICATION RECEIVED:	<u>5/18/2022</u>
<b>90-DAY DEADLINE:</b>	<b><u>8/16/2022</u></b>

Randall Kitchens                      148 – Orange Park                      1012 – Chip Runner  
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
<input checked="" type="checkbox"/> Felony : 19 Count(s)				
<input type="checkbox"/> Misdemeanor – Industry Related/Gambling Related/Bookmaking				
<input type="checkbox"/> Animal Cruelty				
<input type="checkbox"/> Forgery, Larceny Extortion, Conspiracy to Defraud (Cardroom Professions Only)				
<b>Comments:</b>				
Arrest Date	Location	Charge	Level	Disposition
10/05/2012	Clay County, Fl	Burg Struct or Convey	F3	Guilty
10/05/2012	Clay County, Fl	Burg Struct or Convey	F3	Guilty
10/05/2012	Clay County, Fl	Burg Struct or Convey	F3	Guilty
10/05/2012	Clay County, Fl	Burg Struct or Convey	F3	Guilty
10/11/2012	Clay County, Fl	Burg Struct or Convey	F3	Guilty
10/12/2012	Clay County, Fl	Burg Struct or Convey	F3	Guilty
07/31/2013	Duval County, Fl	Burg Become Arm and Dang	F1	Guilty
07/31/2013	Duval County, Fl	Deal Stolen Property	F2	Guilty
07/31/2013	Duval County, Fl	False Info Pawn Less 300 Dol	F3	Guilty
05/29/2014	Clay County, Fl	Burg Struct or Convey	F3	Guilty
05/29/2014	Clay County, Fl	Burg Struct or Convey	F3	Guilty
05/29/2014	Clay County, Fl	Burg Struct or Convey	F3	Guilty
05/29/2014	Clay County, Fl	Burg Struct or Convey	F3	Guilty
05/29/2014	Clay County, Fl	Burg Struct or Convey	F3	Guilty
05/29/2014	Clay County, Fl	Burg Struct or Convey	F3	Guilty
05/29/2014	Clay County, Fl	Burg Struct or Convey	F3	Guilty
05/29/2014	Clay County, Fl	Burg Struct or Convey	F3	Guilty
05/29/2014	Clay County, Fl	Burg Struct or Convey	F3	Guilty
05/29/2014	Clay County, Fl	Burg Struct or Convey	F3	Guilty
05/29/2014	Clay County, Fl	Burg Struct or Convey	F3	Guilty
05/29/2014	Clay County, Fl	Burg Struct or Convey	F3	Guilty
05/29/2014	Clay County, Fl	Burg Struct or Convey	F3	Guilty
05/29/2014	Clay County, Fl	Burg Struct or Convey	F3	Guilty
05/29/2014	Clay County, Fl	Petit Theft Less 300 Dol	M1	Guilty
05/29/2014	Clay County, Fl	Petit Theft Less 300 Dol	M1	Guilty
05/29/2014	Clay County, Fl	Petit Theft	M2	Guilty
05/29/2014	Clay County, Fl	Petit Theft	M2	Guilty
05/29/2014	Clay County, Fl	Petit Theft	M2	Guilty
<b>Disposition Unknown</b>				
<input type="checkbox"/> Felony Arrest(s) :				
<input type="checkbox"/> Misdemeanor Arrest – Industry Related/Gambling Related/Bookmaking				
<input type="checkbox"/> Animal Cruelty				
<b>Enforcement/Jurisdiction Offenses</b>				

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

### 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:

### Licensing Administrator Review

#### Disposition Confirmation

Disqualifying Convictions/Arrests Confirmed? Yes  No   Approval

Forward to  **Investigations**  **Legal**  **Director** Initials: S

5/18/22

Comments:



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

PERSONAL INFORMATION					
Social Security Number/Federal Employer ID Number					
IF INDIVIDUAL APPLICANT, PLEASE COMPLETE THE FOLLOWING SECTION					
Last Name	Scott	First	Motyk	Middle	A
Birth Date (MM/DD/YYYY)					
IF BUSINESS APPLICANT, PLEASE COMPLETE THE FOLLOWING SECTION					
Representative's Name Last		First		Middle	
Permitholder Name					
Official Capacity					
ATTEST STATEMENT					
I, <u>Motyk Scott</u> , do hereby instruct all law enforcement					
(name of applicant/representative)					
or criminal justice agencies, present and former employers or institutions with whom I or my businesses have a present or past business relationship, as well as all present or past social associates to release all requested information to the bearer of this release form, who is an authorized representative of the State of Florida, Department of Business and Professional Regulation.					
I further authorize any individual, agency, corporation, or other entity to release any and all information requested by the bearer of this release form with respect to myself or my business. Additionally, I do release such individuals or entities from any and all liability due to the release of information requested.					
<u>Motyk Scott</u>					
(if individual applicant - legal name and any nickname or alias in parentheses)					
Applicant/Representative Signature: <u>Motyk Scott</u> Date: <u>5/12/22</u>					
NOTARIZATION					
The foregoing application was sworn to and subscribed before me this _____ Day of _____, 20____					
by _____			_____		
Type or print name of applicant			Signature of applicant		
who is personally known to me or who has produced the following as identification.					
_____					
Type of identification					
_____					
Signature of person taking acknowledgement					
Notary Seal					
(Rubber Stamp and Expiration)					

DIVISION OF PARI-MUTUEL WAGERING  
 MAY 17 2 28 PM '22

RECEIVED

**Melanie S. Griffin**, Secretary

**Ron DeSantis**, Governor

May 5, 2022

Mr. Motyk Anthony Scott  
2783 Spoonbill Trail  
Orange Park, Florida 32073

RE: Application No. 68733, Entity 13183649  
1012 - Cardroom Employee Occupational

Dear Mr. Scott:

Your application for an occupational license with the Division of Pari-Mutuel Wagering 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 2 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. Please initial and date any changes made to your application.

You must list the information on your application for the following charges:

- Clay county, Florida Arrest(s) – 10/05/2012, 10/11/2012, 10/12/2012, 05/29/2014
- Duval County, Florida Arrest(s) – 07/31/2013
- DBPR PMW 3180 - Request for Waiver (form enclosed).
- DBPR PMW-3195 - Request for Release of Information and Authorization to Release Information (form enclosed).

**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 850.487.1395.**

**If you fail to provide the Division with a complete application by 09/04/2022 your application shall lapse and no longer be processed by the Division. 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 Division Rule.**

Checks or money orders should be made payable to the Department of Business and Professional Regulation or DBPR. **Return the missing document and/or information to the**

---

**Melanie S. Griffin**, Secretary

**Ron DeSantis**, Governor

**address provided above, attention PMW Licensing Section.** If you have any questions please call 850.487.1395.

Thank you,

Randall Kitchens  
Operations Analyst II

## **Mahalingam, Rajani**

---

**From:** Kitchens, Randall  
**Sent:** Thursday, May 19, 2022 8:59 AM  
**To:** Mahalingam, Rajani  
**Cc:** Muniz, Luz; Campbell, Ian; Futrell, Michelle; Donaldson, David; Ricks, Glenda  
**Subject:** Investigations Referral 1012 - File 13748 - Entity 13183649

Good morning,

Ms. Mahalingam, can you please open a case for Motyk Anthony Scott. His 90-day deadline is 08/16/2022. Please see the Application Routing Slip in Onbase for all Supporting Documents.

Thank you!



**Randall Kitchens, Operations Analyst II**  
**Division of Pari-Mutuel Wagering** – Office of Operations  
Florida Department of Business and Professional Regulation  
2601 Blair Stone Road, Tallahassee, Florida 32399-1037  
Phone: (850) 488-3211 ~ Fax: (850) 410.5350

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

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

Logged in as: **rmahalinga**

VR Home > License Search > **License Home**

<b>License</b> Fed Tax # [REDACTED] Lic Type <b>1012 - Cardroom Employee Occupational</b> Expires On File # <b>13748</b> Name <b>SCOTT, MOTYK ANTHONY</b> Extended To License # Rank Renewed On Entity # <b>13183649</b> Lic Status <b>Applicant</b>			<input type="checkbox"/> <table border="1"> <tr><td>Licensee</td></tr> <tr><td>History</td></tr> <tr><td>Notes</td></tr> <tr><td>Notes History</td></tr> <tr><td>Back</td></tr> </table>	Licensee	History	Notes	Notes History	Back		
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STATE OF FLORIDA  
FLORIDA GAMING CONTROL COMMISSION  
DIVISION OF PARI-MUTUEL WAGERING

MOTYK SCOTT

Petitioner,

v.

FGCC Case No.: 2022-024620

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

Respondent.

\_\_\_\_\_ /

RESPONDENT’S PROPOSED RECOMMENDED ORDER

THIS MATTER came before Elizabeth Stinson, designated Hearing Officer for the Florida Gaming Control Commission (“Commission”), on February 27, 2023, in Tallahassee, Florida, in accordance with the provisions of Sections 120.569 and 120.57(2), Florida Statutes, for consideration of Mr. Scott’s (“Petitioner”) petition for a hearing in response to the Commission’s Letter of License Denial filed in DBPR Case Number 2022-024620. The Commission was represented by Marc D. Taupier, Chief Attorney. Petitioner appeared pro se and the hearing was held via GoToMeeting. Both sides were permitted to present witnesses, offer items into evidence, and otherwise fully participate in the hearing.

PRELIMINARY STATEMENT

1. On or about May 12, 2022, Petitioner submitted to the Commission a Cardroom Employee Individual Occupational License application.
2. On May 12, 2022, Petitioner submitted a request for waiver.
3. On June 21, 2022, a waiver interview was conducted with Petitioner.
4. On August 15, 2022, the Executive Director of the Florida Gaming Control Commission declined to waive the felony and misdemeanor convictions for Petitioner.

5. On September 16, 2022, the Commission filed a Letter of License Denial, seeking to deny Petitioner's license application based on his criminal record, which includes nineteen (19) felony convictions and six misdemeanor convictions involving larceny.

6. On or about October 14, 2022, Petitioner, through a representative at bestbet Poker & Simulcast, sent an email to the Commission requesting a hearing, not disputing any issues of material fact.

7. Prior to the hearing, the Commission received sixteen (16) letters of recommendation from Petitioner.

8. A hearing pursuant to Section 120.57(2), Florida Statutes, was held on February 27, 2023, during which the Commission presented the issues raised in the Letter of License Denial.

9. At the hearing, Petitioner called six witnesses on his behalf. Respondent did not present any witnesses to testify.

#### FINDINGS OF FACT

10. Petitioner was the first witness to testify in the hearing and testified that he was hanging with the wrong crowd and made mistakes.

11. Petitioner stated that he did time in prison from approximately 2014 through December 25, 2017.

12. Petitioner testified that the reasons behind applying for a dealer license is because poker is his passion and because his girlfriend is pregnant with the baby due soon.

13. Petitioner stated he goes to church but not frequently.

14. Petitioner stated he does not do community service or anything community related.

15. Petitioner then called Jeff Wilkens to testify about his character,

16. Jeff Wilkens works at bestbet and conducted the poker dealer training class.

17. Mr. Wilkens testified that he and Petitioner were close, but then testified that he does not hang out with Petitioner outside of the class.

18. Mr. Wilkens could not testify about Petitioner's convictions, nor did he have any information regarding those convictions.

19. Mr. Wilkens, although credible, lacked any relevant information regarding whether Petitioner had been rehabilitated.

20. The next witness called by Petitioner was Kassandra Whitley.

21. Ms. Whitley works with bestbet and was the individual who did the paperwork with Petitioner to get his dealer license with the Commission.

22. Ms. Whitley testified that she told Petitioner there was a slim chance of him getting a license due to his criminal record and that the charges he had are concerning.

23. Ms. Whitley testified to Petitioner's character, vouching for his character, but testified that she had contact with Petitioner roughly for 10 hours total over the span of 1 year.

24. Although credible, Ms. Whitley's testimony is concerning due to the inadequate amount of time she has truly spent with Petitioner. Ms. Whitley's testimony does not show or prove in any way that Petitioner has been rehabilitated.

25. Petitioner called Richie Nguyen to testify on his behalf at the hearing.

26. Mr. Nguyen stated that he met Petitioner in the poker dealer class.

27. Mr. Nguyen stated that he has known Petitioner for about 6 months.

28. Mr. Nguyen stated that Petitioner was a good guy because he bought food for the class and opened up his home to them to watch football games.

29. Mr. Nguyen testified that Petitioner was awesome and changed his life.

30. When questions what “changed his life” meant, Mr. Nguyen stated that he had a gambling addiction and was a degenerate gambler.

31. Counsel for the Commission questioned Mr. Nguyen on whether he was aware of the convictions that Petitioner possessed.

32. Mr. Nguyen stated that he was under the impression that there was only 1 conviction.

33. Mr. Nguyen was then asked if the sheer amount of crimes someone commits would change his opinion of that person.

34. Mr. Nguyen was unable to truly answer the question, and counsel for the Commission then asked “if someone had 30 convictions would that change your opinion of that person?”

35. Mr. Nguyen stated that someone with that many convictions “never learned” and apologized and stated that that information would change his opinion of someone.

36. Counsel for the Commission then asked if his view of a person would change if that person had over 20 convictions, to which Mr. Nguyen stated it would.

37. Mr. Nguyen then confirmed that he does not know how many convictions Petitioner has, or what they are for.

38. Although credible, Mr. Nguyen’s testimony shows that his belief of Petitioner’s character is placed solely on believing that Petitioner has only one conviction. Mr. Nguyen testified that his opinion of a person would change if he learned that they had over 20 convictions.

39. As seen in the record, Petitioner has over 20 convictions. Based off of Mr. Nguyen’s testimony, this Hearing Officer cannot take Mr. Nguyen’s testimony at full face value based upon

the fact that the opinion of Mr. Nguyen would be different if he knew the truth of Petitioner's convictions.

40. The next witness called on behalf of Petitioner was Stephon Reed.

41. Mr. Reed testified that he is the brother of Petitioner.

42. Mr. Reed testified that he also went through the poker dealer class with Petitioner.

43. Mr. Reed stated that Petitioner is amazing, a hard worker, and looked up to him.

44. Counsel for the Commission asked if Petitioner was the same great person from before the convictions, to which Mr. Reed stated that he was the same person he knew before the convictions.

45. Mr. Reed testified that he has been convicted of a felony for carrying a concealed weapon. Mr. Reed testified that he has applied for a license with the Commission and that his application is being held up.

46. Based off the testimony, Mr. Reed did not show how Petitioner has been rehabilitated. In fact, he testified that Petitioner is the same person he was when he committed the voluminous amounts of crimes.

47. Lastly, Brian Williams was called to testify on behalf of Petitioner.

48. Mr. Williams met Petitioner around 2 to 3 years ago through a mutual friend playing poker at bestbet.

49. Mr. Williams testified that he and Petitioner have gotten close and text every day.

50. Mr. Williams was asked by counsel for the Commission if he knew why Petitioner was denied a license, to which he stated that he did not know what the convictions were.

51. Mr. Williams testified that he has a burglary conviction from when he was 17 years old and violated his probation during that stint. Mr. Williams is now 29.

52. Mr. Williams testified that he has stayed away from criminal activity and believes that someone can be rehabilitated through their actions. Mr. Williams was unable to pinpoint what actions would be needed for someone to become rehabilitated.

53. Mr. Williams, although credible, did not testify as to Petitioner's actions that show any type of rehabilitation has been made.

54. Counsel for the Commission questioned Petitioner at the end of the hearing regarding a letter of recommendation that was submitted on his behalf. This letter was from a Daniel Pierre, who is a former employer.

55. When asked when Petitioner held this job, Petitioner stated that it was on and off.

56. Counsel asked Petitioner whether he worked with Daniel Pierre, which Petitioner testified that he did not work with him directly or in person, Mr. Pierre only offered Petitioner the "under the table" jobs.

57. Based on the testimony from Petitioner, the letter from Daniel Pierre is not credible as Mr. Pierre, from Petitioner's own acknowledgment, does not have personal knowledge of Petitioner outside of offering him under the table jobs.

58. The Hearing Officer then asked Petitioner questions at the end of the hearing regarding the circumstances surrounding his convictions.

59. Through Petitioner's own testimony, Petitioner stated that he "wouldn't say that he regrets it" and that you "live and learn."

60. Again, Petitioner did not provide any testimony as to his current community connections, support system, or other circumstances that would show that Petitioner has been rehabilitated.

61. In an effort to show good moral character, Petitioner submitted several letters of recommendation, but one in particular is not signed by anyone, nor can a name be seen on the letter indicating who the writer was.

62. Due to the fact that this letter cannot be verified, the letter is not credible.

63. Petitioner's letters that were submitted on his behalf all seem to be from classmates from the poker dealer training that they all attended together.

64. Although it is generous for these individuals to write letters, they all appear to be individuals who do not know Petitioner, or, know him only from the poker dealer class they took together. Although some of these letters are credible, these letters serve no purpose as to the question of rehabilitation since these letters only talk about Petitioner as a student of the poker dealer class.

65. The Hearing Officer granted the Commission's motion to accept the findings of fact in the Letter of License Denial as the undisputed facts in the case and accepted the investigative report into the record as Respondent's Exhibit 1.

66. On August 11, 2014, Petitioner was convicted of 2 Counts of Burglary of a Structure or Conveyance, third degree felonies, in Clay County, Florida, in Case No. 14-CF-000678-A.

67. On August 11, 2014, Petitioner was convicted of Petit Theft, a misdemeanor, in Clay County, Florida, in Case No. 14-CF-000678-A.

68. On August 11, 2014, Petitioner was convicted of 2 Counts of Burglary of a Structure or Conveyance, third degree felonies, in Clay County, Florida, in Case No. 14-CF-000679-A.

69. On August 11, 2014, Petitioner was convicted of Petit Theft, a misdemeanor, in Clay County, Florida, in Case No. 14-CF-000679-A.

70. On August 11, 2014, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 14-CF-000680-A.

71. On August 11, 2014, Petitioner was convicted of 3 Counts of Burglary of a Structure or Conveyance, third degree felonies, in Clay County, Florida, in Case No. 14-CF-000681-A.

72. On August 11, 2014, Petitioner was convicted of Petit Theft, a misdemeanor, in Clay County, Florida, in Case No. 14-CF-000681-A.

73. On August 11, 2014, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 14-CF-000682-A.

74. On August 11, 2014, Petitioner was convicted of Petit Theft, a misdemeanor, in Clay County, Florida, in Case No. 14-CF-000682-A.

75. On August 11, 2014, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 14-CF-000683-A.

76. On August 11, 2014, Petitioner was convicted of Petit Theft, a misdemeanor, in Clay County, Florida, in Case No. 14-CF-000683-A.

77. On January 13, 2014, Petitioner was convicted of Burglary, a first degree felony, in Duval County, Florida, in Case No. 13-CF-007198-A.

78. On January 13, 2014, Petitioner was convicted of Dealing in Stolen Property, a second degree felony, in Duval County, Florida, in Case No. 13-CF-007198-A.

79. On January 13, 2014, Petitioner was convicted of False Verification of Ownership of Pawned Items, a third degree felony, in Duval County, Florida, in Case No. 13-CF-007198-A.

80. On November 21, 2011, Petitioner was convicted of Petit Theft, a misdemeanor, in Clay County, Florida, in Case No. 12-CF-002231-A.

81. On November 21, 2011, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 12-CF-002231-A.

82. On November 21, 2011, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 12-CF-002227-A.

83. On November 21, 2011, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 12-CF-002228-A.

84. On November 21, 2011, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 12-CF-002229-A.

85. On November 21, 2011, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 12-CF-002293-A.

86. On November 21, 2011, Petitioner was convicted of Burglary of a Structure or Conveyance, a third degree felony, in Clay County, Florida, in Case No. 12-CF-002310-A.

#### CONCLUSIONS OF LAW

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

88. The Commission has jurisdiction over this matter pursuant to Chapters 120 and 550, Florida Statutes.

89. Section 849.086(6)(f), Florida Statutes, provides that the “provisions specified in s. 550.105(4), (5), (6), (7), (8), and (10) relating to licensure shall be applicable to cardroom occupational licenses.”

90. Section 849.086(6)(g), Florida Statutes, provides that:

“[t]he commission may deny, declare ineligible, or revoke any cardroom occupational license if the applicant or holder thereof has been found guilty or had adjudication withheld in this state or any other state, or under the laws of the United States of 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.”

91. Section 550.105(5)(b), Florida Statutes, states, in pertinent part:

The 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.

92. Pursuant to Sections 550.105(5)(b) and 849.086(6)(f), Florida Statutes, Petitioner’s felony and misdemeanor convictions are disqualifying offenses.

93. Proof that one has completed five years of probation without incident is not even threshold proof of current good moral character or rehabilitation. *David J. Gibby, Petitioner v. Department of Business and Professional Regulation, Division of Pari-mutuel Wagering, Respondent*, 2003 WL 21146606, at \*3.

94. In *Gibby*, the court took into consideration efforts of good moral character rehabilitation and opined that “Petitioner herein presented no evidence concerning what he had been doing since 1996; no evidence of spiritual enlightenment; no evidence of job reliability; no evidence of an emotional support network; no evidence of anger management classes; no evidence of further professional training; no evidence of contribution to the civic order or society; and no character witnesses.” *Id.*

95. Even when a Petitioner successfully completes probation or parole, that is not enough to prove rehabilitation. “While Petitioner has demonstrated that he has stayed out of trouble since his release from parole, which happened only five years ago, Petitioner did not present sufficient evidence of rehabilitation or sufficiently demonstrate good moral character to grant him the waiver and, therefore the license, which he seeks.” *James L. Ellis, Petitioner v. Department of Business and Professional Regulation, Division of Pari-mutuel Wagering, Respondent*, 2010 WL 1667776, at \*3

96. Petitioner failed to establish good moral character or rehabilitation as set out in section 550.105(5)(c), Florida Statutes.

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

PROPOSED RECOMMENDED ORDER

WHEREFORE, based upon the Findings of Fact and Conclusions of Law, it is hereby requested that the Hearing Officer enter a Recommended Order DENYING Petitioner’s application for a Cardroom Employee Individual Occupational License.

This Proposed Recommended Order in FGCC Case Number 2022-024620 is submitted this 13th day of Marc, 2023.

*s/ Marc D. Taupier*

---

Marc D. Taupier  
Chief Attorney  
Florida Bar Number: 106732  
Florida Gaming Control Commission  
Office of the General Counsel  
Division of Pari-Mutuel Wagering  
2601 Blair Stone Road  
Tallahassee, Florida 32399-2202  
Telephone: (850) 717-1499  
Facsimile: (850) 921-1311  
Primary: Marc.Taupier@fgcc.fl.gov  
Secondary: Ebonie.Lanier@fgcc.fl.go

CERTIFICATE OF SERVICE

I hereby certify this \_\_\_\_ day of \_\_\_\_\_, 2023, that a true copy of the foregoing has been furnished by certified U.S. mail to:

**Mr. Motyk A. Scott**  
2783 Spoonbill Trail  
Orange Park, Florida 32073

---

**CLERK OF THE COMMISSION**  
Florida Gaming Control Commission

Case No. 2022-024620

APRIL 25, 2022

MOTYK SCOTT  
2783 SPOONBILL TRAIL  
ORANGE PARK, FL 32073 | (904) 300-9330 | [Motykscott25@gmail.com](mailto:Motykscott25@gmail.com)

To Whom It May Concern:

My name is Motyk Scott, and I am writing this letter in regards to the opportunity of my lifetime. For years, Poker has been a way for me to escape my reality, finding my passion and peace. Just the mere thought of playing cards makes me overjoyed, and the reality that my dream of becoming a Professional Dealer can be possible, makes me purely ecstatic. I'm a magnificent Poker player, and I am confident enough in my skills to know that I would thrive and be very successful as a Professional Dealer.

Unfortunately, in my younger years, I had not found the path that was for me and I was exposed to influences that caused me more harm than good. While trying to find myself, I made decisions and choices that caused me to lose my freedom. Yes, I am a convicted felon; however, I have changed my life around, and I believe that my past should not dictate my future. I have grown and matured from the young man I once was, and it has been 10 years since I have been involved in any sorts of strife or tribulation.

For me, this is the opportunity of a lifetime, and I will not let the Company or myself down. I will not make any excuses for who I once was and I own it; however, I am here to seek a second chance for the person that I am today. I love the game of Poker, I have always been great with cards, very astute with numbers, and I'm a hospitable person. If given this opportunity, I plan to show you with my actions, better than I can ever express with my words.

P.S. I want to say thanks to the state again to even been given the time of the day to plead my case on my behalf. That within self I will forever be grateful but it'll all be worth it in the end if given the chance to show my growth and worth.

Best regards,

MotyK Scott

## MEMORANDUM

To: The Florida Gaming Control Commission  
From: Division of Pari-Mutuel Wagering  
Through: Emily Alvarado, Deputy Chief Attorney  
Re: FGCC v. Edgar David Diaz; Case No. 2022-040422  
Date: April 29, 2023

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### *Executive Summary*

The Division of Pari-Mutuel Wagering seeks to adopt the hearing officer's recommended order revoking Edgar David Diaz's ("Respondent") Cardroom Employee Occupational License. On July 12, 2022, Respondent was convicted of a felony offense. On September 12, 2022, the Division filed an Administrative Complaint seeking to revoke Respondent's License. On December 14, 2022, Respondent requested an informal hearing pursuant to section 120.57(2), Florida Statutes. A hearing was held on February 27, 2023. Following the hearing, the hearing officer recommended revoking Respondent's license. Therefore, the Florida Gaming Control Commission should adopt the hearing officer's recommended order and revoking Respondent's Cardroom Employee Occupational License.

### *Pertinent Facts*

On July 12, 2022, Respondent was convicted of Aggravated Battery Upon a Pregnant Victim out of Marion County, Florida. Respondent did not inform the Division of this felony offense within 48 hours. Respondent also failed to inform the Division of his arrest in five days. Based on this conviction, the Division served Respondent with an administrative complaint seeking revocation of his Cardroom Employee Occupational License. Respondent requested an informal hearing.

Prior to the hearing, Respondent provided one recommendation letter. At the informal hearing held on February 27, 2023, Applicant testified to the circumstances that led to this conviction. Following the hearing, the hearing officer issued a recommended order revoking Respondent's license.

## *Relevant Law*

Section 550.105(5)(b), Florida Statutes, provides, that the commission may suspend or revoke any occupational license if the applicant has been convicted of a felony offense.<sup>1</sup>

Section 849.086(6)(f), Florida Statutes, provides that the “provisions specified in s. 550.105(4), (5), (6), (7), (8), and (10) relating to licensure shall be applicable to cardroom occupational licenses.”

Section 550.105(10)(d), Florida Statutes, provides that each licensee shall inform the Division, within 48 hours, “if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.” Accordingly, Respondent license can be revoked or suspended based on the felony offense and Respondent’s failure to inform the Division of this conviction within 48 hours.

Rule 75-11.011, Florida Administrative Code, states:

Any cardroom occupational licensee shall provide written notification to the division when the licensee has been arrested, indicted, or charged in any other way with a criminal offense within five days of the arrest, or if not arrested, within five days of the receipt of a charging document. Licensees are not required to report non-criminal traffic offenses.

Staff Recommendation: The Division of Pari-Mutuel Wagering recommends the Florida Gaming Control Commission adopt the hearing officer’s recommended order in case number 2022-040422.

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<sup>1</sup> Section 550.105(5)(d), Florida Statutes, provides 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.”

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.: 2022-040422

EDGAR DAVID DIAZ,

Respondent.

\_\_\_\_\_ /

**HEARING OFFICER'S RECOMMENDED FINAL ORDER**

THIS MATTER came before Elizabeth K. Stinson, designated Hearing Officer for the Florida Gaming Control Commission ("Commission"), on February 27, 2023, 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 Edgar David Diaz ("Respondent"), in FGCC Case Number 2022-040422 ("Administrative Complaint"). The Commission was represented by Emily A. Alvarado, Deputy Chief Attorney. Respondent appeared *pro se* and the hearing was held telephonically. Both sides were permitted to present witnesses, offer items into evidence, and otherwise fully participate in the hearing.

**PRELIMINARY STATEMENT**

1. Respondent currently holds a Cardroom Employee Occupational License, number 11937341-1012, issued by the Commission.
2. On September 12, 2022, the Commission filed a three-count Administrative Complaint against Respondent alleging violations of sections 550.105(5)(b), and

550.105(10)(d), Florida Statutes, and rule 61D-1 1.011, based on his July 12, 2022, felony conviction, his failure to notify the Commission of his March 3, 2022, arrest within five days, and his failure to notify the Commission of his July 12, 2022, conviction within 48 hours.

3. On or about December 14, 2022, Respondent requested an informal hearing pursuant to section 120.57(2), Florida Statutes.

4. Prior to the hearing, Respondent submitted a letter purporting to be from his past employer David Donnelly.

5. A hearing pursuant to section 120.57(2), Florida Statutes, was held on February 27, 2023.

#### The February 27, 2023 Informal Hearing

6. At the hearing, the Commission presented the issues raised in its Administrative Complaint. The Hearing Officer 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.

7. Respondent testified regarding the facts leading to his conviction, stating that the incident did not occur as stated in the arrest report.

8. Respondent stated that he and the victim were in and out of a romantic relationship when he found out she was pregnant. Respondent allowed the victim to move into his home. After finding out that he may not be the father of the baby, Respondent asked the victim to leave. A few days following this incident, Respondent testified that the victim contacted the police to file a report.

9. Respondent testified that he was out on bail for a little while in between his arrest

and his plea of nolo contendere on July 12, 2022.

10. Respondent testified that he pled nolo contendere to the charge of Battery on a Pregnant Victim, a felony, because it would be his word against the victim's, and that he did not want to risk going to prison.

11. Respondent further stated that when he was released from jail on July 18, 2022, he did not return to his job as a dealer but began working other jobs, including working as a horse hand in Ocala.

12. Respondent testified that he has been employed by Daytona Beach Kennel Club from October 2022 to the present.

13. When asked if he received reference letters from Daytona Beach Kennel Club, he stated that he did not ask his new employer for any letters of reference.

14. Respondent explained that he has been in the poker industry since the age of nineteen. He started as a host and then became a dealer at Oxford Downs.

15. Respondent also testified that the victim worked with him at Oxford Downs.

16. Respondent stated that David Donnelly was his boss at Oxford Downs, and he became his friend and was close to his family.

17. Respondent further stated that he was placed on probation for three years, and required to complete battery prevention classes, 80 hours of community service, drug testing, and Respondent could not return to Oxford Downs.

18. Respondent stated that he was unaware of the requirement to notify the Commission of his arrest or conviction and explained that he was in jail and could not comply with that notification requirement.

## FINDINGS OF FACT

19. Petitioner is the state agency charged with regulating pari-mutuel wagering, cardrooms, and slot machine facilities, pursuant to chapters 550, 551, and 849, Florida Statutes.

20. Respondent currently holds a Cardroom Employee Occupational License, number 11937341-1012, issued by Petitioner.

21. On March 3, 2022, Respondent was arrested in Marion County, Florida and was charged with Aggravated Battery upon a Pregnant Victim.

22. On July 12, 2022, Respondent pled nolo contendere for Aggravated Battery upon a Pregnant Victim out of Marion County, Florida in case number 22CF000845AX.

23. Respondent failed to provide written notification of his arrest to the Commission within 48 hours for Aggravated Battery upon a Pregnant Victim.

24. Respondent failed to provide written notification of his plea of nolo contendere for Aggravated Battery upon a Pregnant Victim within 5 days to the Commission.

25. There is competent substantial evidence to support the foregoing findings of fact.

## CONCLUSIONS OF LAW

26. The Hearing Officer has jurisdiction over the subject matter and the Parties pursuant to chapter 120, Florida Statutes.

27. Section 550.105(5)(b), Florida Statutes, provides:

The commission may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the commission governing the conduct of

persons connected with racetracks and frontons. In addition, the 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.

28. Section 550.105(5)(c), Florida Statutes, states, in pertinent part, that “[i]f the applicant establishes that she or he is of good moral character, that she or he has been rehabilitated, and that the crime she or he was convicted of is not related to pari-mutuel wagering and is not a capital offense, the restrictions excluding offenders may be waived by the director of the commission.”

29. Section 550.105(5)(d), Florida Statutes, provides 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.”

30. Section 550.105(10)(d), Florida Statutes, states that each licensee shall inform the Commission, within 48 hours, “if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.”

31. Section 849.086(6)(f), Florida Statutes, states, “[t]he provisions specified in s. 550.105(4), (5), (6), (7), (8), and (10) relating to licensure shall be applicable to cardroom occupational licenses.”

32. Rule 61D-11.011, Florida Administrative Code, states:

Any cardroom occupational licensee shall provide written notification to the division when the licensee has been arrested, indicted, or charged in any other way with a criminal offense within five days of the arrest, or if not arrested, within five days of the receipt of a charging document. Licensees are not required to report non-criminal traffic offenses.

33. Respondent was arrested on March 3, 2022, entered a plea of nolo contendere to a disqualifying felony offense on July 12, 2022, and failed to inform the Commission of his arrest within five days and conviction within 48 hours.

34. Even though Respondent testified that it was physically impossible for Respondent to notify the Commission within five days of his arrest or within 48 hours of his conviction due to Respondent's incarceration, Respondent never notified the Commission of either his arrest or conviction, and the Administrative Complaint was filed two months later on September 12, 2022.

35. Additionally, Respondent's plea of nolo contendere was to the crime of Aggravated Battery on a Pregnant Victim, a felony offense pursuant to Section 550.105(5)(c), Florida Statutes.

36. Pursuant to section 550.105(5)(b), Florida Statutes, the Commission may revoke Respondent's Cardroom Employee Occupational License due to Respondent's felony conviction for Aggravated Battery on a Pregnant Victim.

37. Respondent's plea of nolo contendere to a felony was less than a year ago and Respondent is still currently on probation.

38. At the informal hearing, Respondent did not take responsibility for the crime for which he pled nolo contendere, or his failure to report his arrest or conviction to the Commission.

39. Respondent failed to establish good moral character or rehabilitation as set out

in section 550.105(5)(c), Florida Statutes.

40. 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 revoking Respondent's Cardroom Employee Occupational License, number 11937341-1012.

This Hearing Officer's Recommended Order in FGCC Case Number 2022-040422 is hereby submitted this 28th day of April, 2023.

*Elizabeth K. Stinson*  
\_\_\_\_\_  
Elizabeth K. Stinson  
Florida Gaming Control Commission

CERTIFICATE OF SERVICE

I hereby certify this 28th day of April, 2023, that a true copy of the foregoing

“Hearing Officer’s Recommended Order” has been provided by email to:

Emily Alvarado  
Counsel for Petitioner  
[Emily.Alvarado@flgaming.gov](mailto:Emily.Alvarado@flgaming.gov)

Edgar David Diaz  
Respondent  
[Edg484@gmail.com](mailto:Edg484@gmail.com)

*Elizabeth K. Stinson*  
\_\_\_\_\_  
Elizabeth K. Stinson  
Florida Gaming Control Commission

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.: 2022-040422

EDGAR DAVID DIAZ,

Respondent.

---

NOTICE OF TELEPHONIC HEARING

To: Mr. Edgar Diaz  
901 NW 22<sup>nd</sup> St.  
Ocala, Florida 34475  
Edg484@gmail.com

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 **Monday, February 27, 2023, at 1:00 p.m. (Eastern Time)**. **If you choose not to attend the hearing in person or by video conference, the Hearing Officer will call you at (352) 421-0677 sometime between 1:00 p.m. – 5:00 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@fgcc.fl.gov or telephone at (850) 717-1663, 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 the hearing officer at [Elizabeth.Stinson@fgcc.fl.gov](mailto:Elizabeth.Stinson@fgcc.fl.gov) and the attorney representing the Florida Gaming Control Commission at [Emily.Alvarado@fgcc.fl.gov](mailto:Emily.Alvarado@fgcc.fl.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@fgcc.fl.gov](mailto:Elizabeth.Stinson@fgcc.fl.gov) and Opposing Counsel at [Emily.Alvarado@fgcc.fl.gov](mailto:Emily.Alvarado@fgcc.fl.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 13th day of February, 2023.

By: /s/ *Brandy Humphries*  
Brandy Humphries  
Administrative Assistant II  
Florida Gaming Control Commission  
2601 Blair Stone Road  
Tallahassee, Florida 32399-2202  
Telephone: (850) 717-1919  
Facsimile: (850) 921-1311  
[Brandy.Humphries@fgcc.fl.gov](mailto:Brandy.Humphries@fgcc.fl.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) 717-1663. If you are hearing or speech impaired, please contact the agency by calling 1-800-955-8771.

STATE OF FLORIDA  
FLORIDA GAMING CONTROL COMMISSION

AMENDED ELECTION OF RIGHTS

FGCC v. EDGAR DAVID DIAZ

CASE NO.: 2022-040422

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](http://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.

Edgar Diaz  
PRINTED NAME

\_\_\_\_\_  
ATTORNEY OR QUALIFIED REPRESENTATIVE

901 NW 22nd St.  
Street Address

\_\_\_\_\_  
Street Address (where service shall be made)

ocalo FL 34479  
City State Zip

\_\_\_\_\_  
City State Zip

352-421-0677  
Telephone Number Facsimile Number (if any)

\_\_\_\_\_  
Telephone Number Facsimile Number (if any)

Edg484@gmail.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](mailto:Ebonie.Lanier@fgcc.fl.gov)

RECEIVED  
2022 DEC 14 AM 11:19  
FLORIDA GAMING  
CONTROL COMMISSION

RECEIVED  
By: Donna Fleming  
December 14, 2022  
FGCC/Pari-Mutuel Wagering

To whom it may concern,

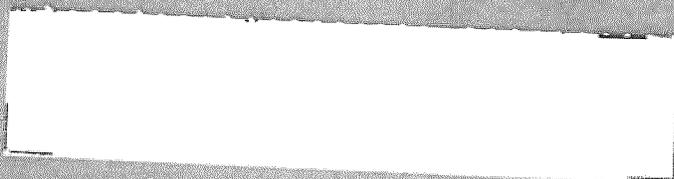
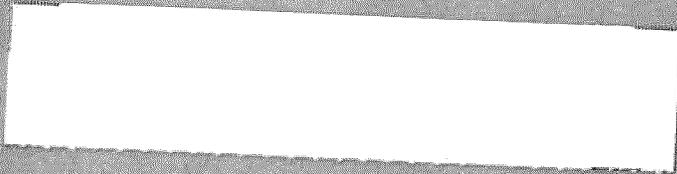
Around the 2nd of November I received a letter concerning the future status of my gaming license. The letter disclosed that I was in violation of a statute of a FGCC regulation that says that I must report any criminal arrest made to myself. I can acknowledge that I was arrested and detained from the 25th of March to the 18th of July, however I must let the FGCC and any concerning parties know that prior to the letter disclosing the complaint I was not made aware of any rule or regulation stating that I was required to report any arrest. I applied for my gaming license at 18 years old, 4 years ago now, and till now no one has ever explained anything saying I had to report myself nor do I have any memory of me signing anything saying that it was a requirement. If I had known I certainly would've followed all the proper procedures that come with the gaming license. I would also like to add that at the time of my original case I was still incarcerated and had no ability to report to the FGCC even if I had known about the rule. I am also complying with all the court orders and all requirements made to me after resolving my case. In the package I have mailed the final papers and decisions of my court case as well as a copy of my certificate of incarceration. I hope things can be cleared up. Thank you for your time.

Edgar Diaz  
11-11-2022



RECEIVED  
2022 DEC 14 AM 11:19  
FLORIDA GAMING  
CONTROL COMMISSION

**Edgar David Diaz**  
901 Northwest 22<sup>nd</sup> Street  
Ocala, Florida 34475  
Def. EOR – 2022040422 – PMW



STATE OF FLORIDA  
**FLORIDA GAMING CONTROL COMMISSION**  
2601 Blair Stone Road  
Tallahassee, Florida 32399  
[www.fgcc.fl.gov/](http://www.fgcc.fl.gov/)



# FLORIDA GAMING CONTROL COMMISSION

JOHN MACIVER, CHAIRMAN  
MICHAEL YAWORSKY, VICE CHAIR  
JULIE I. BROWN, COMMISSIONER  
CHUCK DRAGO, COMMISSIONER  
JOHN D'AQUILA, COMMISSIONER

November 22, 2022

Edgar David Diaz  
901 Northwest 22<sup>nd</sup> Street  
Ocala, Florida 34475

Case No.: **2022-040422**  
Subject: **SERVICE OF ADMINISTRATIVE COMPLAINT**

Dear Mr. Diaz:

You have requested an evidentiary hearing involving disputed issues of material fact before the Commission of Administrative Hearings, pursuant to Section 120.57(1), Florida Statutes (“formal hearing”).

The Commission carefully reviewed your petition for a formal evidentiary hearing to determine if it contains all the information required by Section 120.569(2)(c), Florida Statutes, and Rule 28-106.201, Florida Administrative Code. This is to inform you that the Commission has determined that your request for formal hearing does not identify a dispute of material fact. Therefore, your request does not comply with the requirements of the law.

In order to proceed with a formal hearing, you must submit an amended request for a formal hearing. *The response must specifically identify issues of material fact you dispute.* An amended request for formal must be **received** by the Commission at the address at the bottom of the form within twenty-one (21) days after the date you receive this letter.

If the **amended** request for formal hearing still does not dispute issues of material fact, you will be scheduled for a hearing not involving disputed issues of material fact (“informal hearing”) pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Please contact me if you have any questions.

Sincerely,

/s/ Emily A. Alvarado

Emily A. Alvarado  
Deputy Chief Attorney  
850-717-1783

Enclosure: Statement written by Respondent dated November 11, 2022, Amended Election of Rights Form

STATE OF FLORIDA  
FLORIDA GAMING CONTROL COMMISSION

RECEIVED

ELECTION OF RIGHTS

2022 NOV 22 AM 10:04  
CASE NO: 2022-040422

FGCC v. EDGAR DAVID DIAZ

PLEASE CHECK ONLY ONE OF THE THREE OPTIONS.

FLORIDA GAMING  
CONTROL COMMISSION

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):

I was not made aware of this regulation.

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.

Edgar D. Diaz  
PRINTED NAME

ATTORNEY OR QUALIFIED REPRESENTATIVE

901 NW 22nd St.  
Street Address

Street Address (where service shall be made)

Ocala FL 34425  
City State Zip

City State Zip

352-421-0677  
Telephone Number Facsimile Number (if any)

Telephone Number Facsimile Number (if any)

edg484@gmail.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

To whom it may concern,

Around the 2nd of November I received a letter concerning the future status of my gaming license. The letter disclosed that I was in violation of a statute of a FGCC regulation that says that I must report any criminal arrest made to myself. I can acknowledge that I was arrested and detained from the 25th of March to the 18th of July, however I must let the FGCC and any concerning parties know that prior to the letter disclosing the complaint I was not made aware of any rule or regulation stating that I was required to report any arrest. I applied for my gaming license at 18 years old, 4 years ago now, and till now no one has ever explained anything saying I had to report myself nor do I have any memory of me signing anything saying that it was a requirement. If I had known I certainly would've followed all the proper procedures that come with the gaming license. I would also like to add that at the time of my original case I was still incarcerated and had no ability to report to the FGCC even if I had known about the rule. I am also complying with all the court orders and all requirements made to me after resolving my case. In the package I have mailed the final papers and decisions of my court case as well as a copy of my certificate of incarceration. I hope things can be cleared up. Thank you for your time.

Edgar Diaz  
11-11-2022

A handwritten signature in black ink, appearing to be 'Edgar Diaz', with a long horizontal flourish extending to the right.

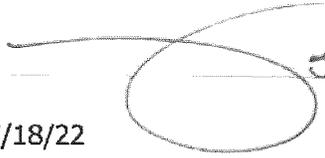


**SHERIFF - Marion County**  
**CERTIFICATE OF JAIL TIME**



**CERTIFICATION OF JAIL TIME**

This is to certify that \_\_\_\_\_ DIAZ, EDGAR \_\_\_\_\_ served time  
 in the Marion County Jail from \_\_\_\_\_ 03/25/22 \_\_\_\_\_ until  
 \_\_\_\_\_ 07/18/22 \_\_\_\_\_

Signed: \_\_\_\_\_  \_\_\_\_\_ 5611

Date: 07/18/22

Case #: 22MM1855

Case #: 22CF0845

Case#: \_\_\_\_\_

Case #: \_\_\_\_\_

Case#: \_\_\_\_\_

CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR MARION COUNTY, FLORIDA

*Copies*

STATE OF FLORIDA  
vs.  
EDGAR DAVID DIAZ

Case Number: 22CF000845AX  
Agency Case Number: S22004336



**COURT MINUTES**

Judge: PETER M BRIGHAM  
State Attorney: CINDY HARPER  
Defense Attorney: Luz Maria Root

Event Date: 07/12/2022  
Hearing Type: CHANGE OF PLEA  
Defendant Present with Attorney

**Arrest Data:**

Date:	Booking #:	Agency Case #:	OBTS #:
03/03/2022	S22004336	S22004336	4203199873
04/06/2022		S22006856	4203201132

1	784.045.1B	AGGRAVATED BATTERY UPON PREGNANT VICTIM	Felony Second Degree	03/03/2022
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<b>PROSECUTOR PHASE:</b>	<b>COURT PHASE/PLEA/DISPOSITION:</b>
	CNT: 1 Action: ADJ W/H BY JUDGE on 07/12/2022 Plea: Nolo-Contendere

<b>SENTENCE/PROVISIONS/ADDITIONAL SENTENCE NOTES:</b>
CNT: 1 Submit to DNA Test CNT: 1 MAX CONFINEMENT County Jail FOR 120 DYS CNT: 1 CREDIT TIME SERVED FOR 110 DYS CNT: 1 PROBATION REPORTING FOR 36 MOS

<b>MONETARY OBLIGATIONS:</b>			
<u>Date</u>	<u>Amount</u>	<u>Description</u>	<u>Balance</u>
07/12/2022	325.00	FELONY COURT COSTS	325.00
07/12/2022	150.00	COSTS OF PROSECUTION	150.00
07/12/2022	150.00	ADJUDICATION WITHHELD-CIRCUIT CRIMINAL	150.00
07/12/2022	7.50	5% SURCHARGE CRIMES COMPENSATION-WITHHOLD	7.50
07/12/2022	151.00	RAPE CRISIS PROGRAM COSTS W/H	151.00

\*Copies to SAO/Probation/MCJ \_\_\_\_\_  
\*NCOP - Not a Condition of Probation

07/12/2022	201.00	DOMESTIC VIOLENCE SURCHARGE W/H	201.00
07/12/2022	93.00	CIRCUIT CRIM PER COUNT COSTS- WITHHOLD	93.00
07/12/2022	13.00	RECORDING FEE-CHARGE COST FEE PAGE CF	13.00
03/04/2022	50.00	AFFIDAVIT OF INDIGENT STATUS **PREVIOUSLY ORDERED**	50.00
03/08/2022	50.00	AFFIDAVIT OF INDIGENT STATUS **PREVIOUSLY ORDERED**	50.00

**DOCKETS:**

RANDOM DRUG SCREENS AT OWN EXPENSE  
 PROBATION/COMMUNITY CONTROL IS TO RUN CONSECUTIVE TO  
 INCARCERATION  
 DEFENDANT IS TO COMPLETE 80 HOURS COMMUNITY SERVICE WITHIN THE  
 FIRST 32 MONTHS OF SUPERVISION  
 ENTER AND SUCCESSFULLY COMPLETE A BATTERERS INTERVENTION PROGRAM  
 WITHIN THE FIRST 32 MONTHS OF SUPERVISION  
 FINE/COSTS TO BE PAID TO THE MARION COUNTY CLERK'S OFFICE  
 CANNOT HAVE CONTACT WITH VICTIM  
 DEFENDANT IS NOT TO POSSESS ANY FIREARMS/WEAPONS  
 DEFENDANT IS TO REPORT TO PROBATION AND THE COLLECTIONS  
 DEPARTMENT  
 DEFENDANT MUST MAKE RESTITUTION TO VICTIM(S)

I HEREBY ACKNOWLEDGE receipt of  
 a copy of this form and understand that I  
 must comply with all applicable  
 conditions noted above.

Filed in open court on July 12, 2022.

Deputy Clerk

Defendant's Signature  
 901 NW 22ND STREET  
 Ocala, FL 34475  
 Mailing Address

OS  
copy

COUNTY COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR MARION COUNTY, FLORIDA

STATE OF FLORIDA  
vs.  
EDGAR DAVID DIAZ

Case Number: 22MM001855AX  
Agency Case Number: S22005921



**COURT MINUTES**

Judge: LORI COTTON  
State Attorney:  
Defense Attorney: Luz Maria Root

Event Date: 04/06/2022  
Hearing Type: ARRAIGNMENT

Arrest Data:

Date:	Booking #:	Agency Case #:	OBTS #:
03/25/2022	S22005921	S22005921	4203200674

741.29.6	VIOLATE DOMESTIC VIOLENCE PRETRIAL RELEASE	Misdemeanor First Degree	03/25/2022
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**MOTIONS/WAIVERS:**

Plea Not Guilty

**CONTINUANCES:**

- PRISONER CHANGE PLEA on 05/11/2022 at 01:00 PM with R JAMES MCCUNE at XX in COURTROOM 5B
- CHANGE OF PLEA on 05/11/2022 at 08:00 AM with R JAMES MCCUNE at XX in COURTROOM 5B
- REG CHANGE OF PLEA on 05/11/2022 at 08:00 AM with R JAMES MCCUNE at XX in COURTROOM 5B
- PD-PRO SE COP on 05/18/2022 at 08:00 AM with R JAMES MCCUNE at XX in COURTROOM 5B
- CALENDAR CALL on 05/27/2022 at 08:00 AM with R JAMES MCCUNE at XX in COURTROOM 5B
- JURY SELECTION on 06/06/2022 at 08:00 AM with R JAMES MCCUNE at XX in COURTROOM 5B

<b>PROSECUTOR PHASE:</b>	<b>COURT PHASE/PLEA/DISPOSITION:</b>
--------------------------	--------------------------------------

<b>SENTENCE/PROVISIONS/ADDITIONAL SENTENCE NOTES:</b>

\*Copies to SAO/Probation/MCJ \_\_\_\_\_  
\*NCOP – Not a Condition of Probation

**STATE OF FLORIDA**

IN THE FIFTH JUDICIAL  
CIRCUIT COURT, IN AND FOR  
MARION COUNTY

-VS-

CASE NUMBER 22CF000845AX

EDGAR DAVID DIAZ

Defendant

DC NUMBER F21591/CSEN/056

Local Jurisdiction Identification Number: \_\_\_\_\_

**ORDER OF PROBATION**

MCC - CRIMINAL  
JUL 14 '22 PM2:20

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

- 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 1 AGGRAVATED BATTERY UPON PREGNANT VICTIM

**SECTION 1: JUDGMENT OF GUILT**

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

Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed on Probation for a period of \_\_\_\_\_ under the supervision of the Department of Corrections, subject to Florida law.

**SECTION 2: ORDER WITHHOLDING ADJUDICATION**

- Now, therefore, it is ordered and adjudged that the adjudication of guilt is hereby withheld and that you be placed on Probation for a period of SEE SECTION 3 under the supervision of the Department of Corrections, subject to Florida law.

**SECTION 3: 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 \_\_\_\_\_ prison with credit for \_\_\_\_\_ jail time, followed by 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 120 DAYS with credit for 110 DAYS jail time. After you have served BALANCE of the term, you shall be placed on Probation for a period of 36 MONTHS 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 officer as directed.
- (2) You will pay the State of Florida the amount of \$50.00 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 specified 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 any law. A conviction in a court of law is not necessary for such a violation of law to constitute a 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, an advanced practice registered nurse, or a physician assistant. 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 or use 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.
- (1) You will report in person within 72 hours of your release from incarceration to the probation office in MARION County, Florida, unless otherwise instructed by the court or department. (This condition applies only if section 3 on the previous page is checked.) Otherwise, you must report immediately to the probation office located at 5640 SW 6<sup>TH</sup> PLACE, SUITE 100, OCALA, FL 34474 (352)732-1324.

**SPECIAL CONDITIONS**

- 2. You will make restitution to the following victim(s), as directed by the court, until the obligation is paid in full:  
NAME: \_\_\_\_\_  
TOTAL AMOUNT: \$ \_\_\_\_\_  
Additional instructions ordered, including specific monthly amount, begin date, due date, or joint & several: \_\_\_\_\_
- 6. You will submit to urinalysis testing on a **RANDOM** basis to determine the presence of alcohol or illegal drugs. You will be required to pay for the tests unless exempt by the court.
- 8. You will successfully complete 80 hours of community service at a rate of \_\_\_\_\_, at a work site approved by your officer.  
Additional instructions ordered: WITHIN THE FIRST 32 MONTHS OF SUPERVISION.
- 13. You will have no contact (direct or indirect) with VICTIM during the period of supervision.

**SPECIAL CONDITIONS – CONTINUED**

- 18. You must successfully complete 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: COMPLETE WITHIN THE FIRST 32 MONTHS OF SUPERVISION.
- 23. Pay \$1 per month during the term of probation or community control to supplement rehabilitative efforts through First Step Funds, pursuant to s. 948.039(2), F.S.
- 27. Other: DEFENDANT IS TO REPORT TO PROBATION AND THE COLLECTIONS DEPARTMENT.
- 28. Other: DEFENDANT IS TO REPORT TO PROBATION AND THE COLLECTIONS DEPARTMENT.

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.

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)(b)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 the 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.

Effective for offenders whose crime was committed on or after October 1, 2014, and who is placed on probation or community control for a violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition to all other conditions imposed, is prohibited from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan provided by a qualified practitioner in the sexual offender treatment program. Visual or auditory material includes, but is not limited to, telephone, electronic media, computer programs, and computer services.

**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 you pay:

**Court Costs, Fees, and Fines, as imposed at sentencing, in the total amount of: \$ 1,190.50**

Payments processed through the Department of Corrections will be assessed a 4% surcharge pursuant to s. 945.31, F.S. Pursuant to s. 948.09, F.S., you will be assessed an amount of \$2.00 per month for each month of supervision for the Training Trust Fund Surcharge.

- Court Costs/Fines Waived
- Court Costs/Fines in the amount of \_\_\_\_\_ converted to \_\_\_\_\_ community service hours
- Court Costs/Fines in the amount of \_\_\_\_\_ reduced to civil judgment.

**SPECIFIC INSTRUCTIONS FOR PAYMENT: FINES/COURT COST TO BE PAID TO THE MARION COUNTY CLERK'S OFFICE**

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

**DONE AND ORDERED**, on 14 July 2022

**NUNC PRO TUNC 07/12/2022**

  
**PETER M BRIGHAM, 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: 7/19/22

Instructed by:   
Supervising Officer



Defendant

## Fleming, Donna

---

**From:** Clerk  
**Sent:** Tuesday, November 22, 2022 11:03 AM  
**To:** Lanier-FGCC, Ebonie; Fleming, Donna  
**Subject:** Defective EOR (Filed)  
**Attachments:** Defective EOR.22-04022.Diaz.pdf

Good Morning,

Attached find Defective Election of Rights filed today, 11/22/2022, for:

1. Edgar David Diaz, 2022-040422

NOTE: Ms. Lanier will be mailing out a new Election of Rights to Respondent.



**FLORIDA**  
GAMING CONTROL  
COMMISSION

**Melba L. Apellaniz**  
Clerk of the Commission  
Office of the General Counsel  
Florida Gaming Control Commission  
Phone: (850) 717-1913 | Fax (850) 488-0550

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.: 2022-040422

EDGAR DAVID DIAZ,

Respondent.

\_\_\_\_\_ /

ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Edgar David Diaz (“Respondent”), and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering and cardroom operations pursuant to Chapters 550 and 849, Florida Statutes.
2. At all times material hereto, Respondent held a Cardroom Employee Occupational License, number 11937341-1012, issued by Petitioner.
3. On or about July 12, 2022, Respondent entered a plea of nolo contendere and was convicted of Aggravated Battery Upon a Pregnant Victim, a felony, in the Circuit Court of the Fifth Judicial Circuit in and for Marion County, Florida, in case number 22CF000845AX.

COUNT I

4. Petitioner realleges and adopts paragraphs numbered one through three as if set forth fully herein.
5. Pursuant to Section 550.105(5)(b), Florida Statutes:

The commission may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the commission governing the conduct of persons connected with racetracks and frontons. In addition, the 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.

6. Section 550.105(5)(d), Florida Statutes, provides 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.”

7. Section 849.086(6)(f), Florida Statutes, states, “[t]he provisions specified in s. 550.105(4), (5), (6), (7), (8), and (10) relating to licensure shall be applicable to cardroom occupational licenses.”

8. Based on the foregoing, Respondent violated Section 550.105(5)(b), Florida Statutes, by entering a plea of nolo contendere and being convicted of Aggravated Battery Upon a Pregnant Victim, a felony, in Marion County, Florida on July 12, 2022.

## COUNT II

9. Petitioner realleges and adopts paragraphs numbered one through three as if set forth fully herein.

10. Respondent failed to notify Petitioner within 48 hours of his July 12, 2022 conviction for Aggravated Battery Upon a Pregnant Victim in Marion County, Florida.

11. Pursuant to Section 550.105(10)(d), Florida Statutes, each licensee shall inform the Commission, within 48 hours, “if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.”

12. Based on the foregoing, Respondent violated Section 550.105(10)(d), Florida Statutes, by failing to inform the Division of his July 12, 2022 conviction for a disqualifying offense within 48 hours.

### COUNT III

13. Petitioner realleges and adopts paragraphs numbered one through three as if set forth fully herein.

14. On or about March 3, 2022, Respondent was arrested in Marion County, Florida, and was charged with Aggravated Battery Upon a Pregnant Victim.

15. Respondent failed to provide written notification to Petitioner within five days of his March 3, 2022 arrest.

16. Rule 61D-11.011, Florida Administrative Code, states:

Any cardroom occupational licensee shall provide written notification to the division when the licensee has been arrested, indicted, or charged in any other way with a criminal offense within five days of the arrest, or if not arrested, within five days of the receipt of a charging document. Licensees are not required to report non-criminal traffic offenses.

17. Based on the foregoing, Respondent violated Rule 61D-11.011, Florida Administrative Code, by failing to provide written notification to Petitioner within five days of his March 3, 2022 arrest.

WHEREFORE, Petitioner respectfully requests the Florida Gaming Control Commission enter an Order imposing against Respondent one or more of the penalties specified in Chapters 550 and 849, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for FGCC Case Number 2022-040422 is signed this 8th day of September, 2022.

*/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  
2601 Blair Stone Road  
Tallahassee, Florida 32399-2202  
Telephone: (850) 717-1783  
Facsimile: (850) 921-1311  
Primary: [Emily.Alvarado@fgcc.fl.gov](mailto:Emily.Alvarado@fgcc.fl.gov)  
Secondary: [Ebonie.Lanier@fgcc.fl.gov](mailto:Ebonie.Lanier@fgcc.fl.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
---------	-------	--------	-------------	---------	------	------	------------	-------------	--------

[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	<b>1012 - Cardroom Employee Occupational</b>	Status	<b>90 Closed</b>	Status Date	<b>09/07/2022</b>
Complaint #	<b>2022040422</b>	Case Type	<b>CMP - Complaint</b>	Disposition	
Docket#		Respondent	<b>DIAZ, EDGAR DAVID</b>	Responsible	<b>dwa hingto WASHINGTON, DEREK</b>
					<b>Private Case</b>

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

Source	<b>INTN - Internal</b>	Security Level	<b>1</b>	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Activities
Form	<b>INTR - Internal</b>	Priority		<input checked="" type="checkbox"/> Allegation	<input type="checkbox"/> Discipline
Class'n	<b>CHIS - Criminal History</b>	Complexity	<b>R - Regular</b>	<input type="checkbox"/> Violations	<input type="checkbox"/> Compliance
Security	<b>STND - Standard</b>	Incident	<b>07/12/2022</b>	<input type="checkbox"/> Related	<input checked="" type="checkbox"/> Disposition
Region	<b>CR - Central Region</b>	Received	<b>08/18/2022</b>	<input type="checkbox"/> Inspection	
Reference	<b>550.105</b>			<input type="checkbox"/> Court	
Entered	<b>08/19/2022</b>	Entered By	<b>icampbell</b>	<input type="checkbox"/> Time Tracking	<input type="button" value="Auto Assign"/>
Summary	<p><b>950 - Ocala Breeder's Sales Company, Inc. - Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines: Licensee Edgar David DIAZ, a Host at Ocala Breeders, and who holds a PMW Cardroom Employee Occupational License, (Lic# 11937341 / 1012), was convicted on July 12, 2022, of Aggravated Battery Upon Pregnant Victim (Felony 2nd Degree). Upon his conviction, DIAZ failed to notify the Division of his felony conviction as required by Florida Statutes.</b></p>			<input type="checkbox"/> Attachments	<input type="button" value="History"/>
Updated	<b>09/07/2022 12:26:22</b>	By	<b>icampbell</b>	<input type="checkbox"/> Work Notes	<input type="button" value="Print Report"/>

<b>19</b>	<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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**ROUTING SLIP**

**CRIMINAL CONVICTION WHILE LICENSED**

RE: DIAZ, EDGAR DAVID – 11937341  
(LICENSEE NAME – LICENSE #)

Case No: 2022 04 0422

Orange Park Kennel Club  
Facility (d/b/a name)

Host  
Occupation/Job Title

Yes  No  
Notified by Licensee

**DATE OF CONVICTION:**

**JULY 12, 2022**  
(DATE)

**Investigations Section:**  
Reviewed by Steve Kogan

  
September 7, 2022  
(Initial & Date)

ARCI CHECKED Yes \_\_\_\_\_  
No \_\_\_\_\_

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

**Licensing Section:**

Reviewed/Forwarded to legal by David Donaldson \_\_\_\_\_  
(Initial & Date)

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

Yes \_\_\_\_\_  
No \_\_\_\_\_

Comments: \_\_\_\_\_

**Investigative Findings:**

March 3, 2022 Marion County Sheriff's Office, FL. – Aggravated Battery upon a Pregnant Victim - Felony - Pled Nolo Contendere – Adjudication Withheld on July 12, 2022 – 120 days in County Jail with credit for 110 days jail time, followed by 36 months' probation - fined \$1190.50 and ordered to pay \$2000 in restitution.

Host

\* Please attach Routing Slip to front of case file.

Louis Trombetta, Executive Director

Ron DeSantis, Governor

## OFFICE OF INVESTIGATIONS

### INVESTIGATIVE REPORT

Office: <b>PMW</b>	Region: <b>Central</b>	Date of Complaint: <b>August 18, 2022</b>	Case Number: <b>2022 04 0422</b>
Respondent:  <b>DIAZ, EDGAR DAVID</b> 3867 Pepper Tree Lane, Apt 10308 Wildwood, Florida 34785  (352) 801-0906		Complainant:  <b>Division of Pari-Mutuel Wagering</b> <b>Office of Investigations</b> <b>1400 West Commercial Boulevard, Suite 165</b> <b>Ft. Lauderdale, Florida 33309</b>	
License # and Type: <b>11937341 - 1012</b>		Profession: <b>Host</b>	Report Date: <b>September 6, 2022</b>
Period of Investigation: <b>August 18, 2022 – September 6, 2022</b>		Type of Report: <b>FINAL</b>	
<p>Alleged Violation: <b>849.086 Cardrooms authorized (6)(g)</b> The division may deny, declare ineligible, or revoke any cardroom occupational license if the applicant or holder thereof has been found guilty or had adjudication withheld in this state or any other state, or under the laws of the United States of 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.</p> <p><b>550.105 Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines. — (10) (d)</b> Under penalty of perjury, each person who is licensed or who is fingerprinted as required by this section must agree to inform the division within 48 hours if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.</p> <p><b>61D-11.011 Notification of Criminal Conviction or Charge</b> Any cardroom occupational licensee shall provide written notification to the division when the licensee has been arrested, indicted, or charged in any other way with a criminal offense within five days of the arrest, or if not arrested, within five days of the receipt of a charging document. Licensees are not required to report non-criminal traffic offenses</p>			
Synopsis: Licensee Edgar David DIAZ, a Host at Ocala Breeders, and who holds a PMW Cardroom Employee Occupational License, (Lic# 11937341 / 1012), was convicted on July 12, 2022, of Aggravated Battery Upon Pregnant Victim (Felony 2 <sup>nd</sup> Degree). Upon his conviction, DIAZ failed to notify the Division of his felony arrest and conviction as required by Florida Statutes.			
Related Case:			
Investigator Supervisor / Date  /s/  C. Derek Washington / September 6, 2022		Chief of Investigations / Date  Steven Kogan /	

## CONTINUATION

On March 3, 2022, the Division received an Applicant Hit notification from the Florida Department of Law Enforcement (FDLE). The report indicated that on March 3, 2022, **DIAZ** was arrested by the Marion County Sheriff's Office and charged with Aggravated Battery on a Pregnant Person (Felony).

Mr. **DIAZ** received his PMW Cardroom Employee Occupational license on January 30, 2019 to work as a Host at the Ocala Breeders facility and renewed his license on May 13, 2021. **DIAZ** is currently licensed until June 30, 2024. On March 4, 2022, PMW Operations Review Specialist Cyntoria Harris placed an Enforcement Alert on **DIAZ's** PMW license regarding the above offense (**Exhibit #2**).

A check of the Florida Comprehensive Case Information System (CCIS) for Marion County, Florida indicated that **DIAZ** pled nolo contendere to the charge of Aggravated Battery upon a Pregnant Victim (Felony 2<sup>nd</sup> Degree). He was sentenced to 120 days in County Jail with credit for 110 days jail time, followed by 36 months' probation with Adjudication Withheld on July 12, 2022. In addition, **DIAZ** was fined \$1190.50 and ordered to pay \$2000 in restitution (**Exhibit #3**).

**DIAZ** is in violation of Florida Statutes 849.086(6)(g), 550.105(10)(d) and Rule 61D-11.011 for his felony conviction and for failing to notify the Division of his felony arrest and subsequent conviction.

Status: Investigations case closed and case forwarded to Legal for review.

**TABLE OF CONTENTS**

I. INVESTIGATIVE REPORT COVERSHEET .....

II. INVESTIGATIVE REPORT .....

III. EXHIBITS

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    2. License & Enforcement Alert..... 1-3

    3. Court Dispositions..... 1-18

PMW Occupational License Applicant Hit Routing Slip

RE: DIAZ, EDGAR DAVID LICENSE NO: 11937341  
 (LICENSEE NAME)

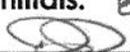
APPLICANT HIT RECEIVED: 03/03/2022  
 (DATE)

Cyntoria Harris 950 - Ocala Breeders Host/Hostess

**Applicant Hit ORS**                      **Facility (d/b/a name)**                      **Occupation/Job Title**

*Pursuant to Section 550.105(5)(a) 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 Section Review		
Did the applicant self-report this conviction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>Conviction</b>		
<input checked="" type="checkbox"/> Felony		
<input type="checkbox"/> Misdemeanor – Gambling Related/Bookmaking		
<input type="checkbox"/> Animal Cruelty		
Is the applicant currently under suspension, has unpaid fines, or has been refused a license by any racing jurisdiction?                      Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<input type="checkbox"/> Cardroom Licenses, Professions 1012, 1031 and 1032 (Fraud, Larceny, Theft, etc.)		
<input type="checkbox"/> Other:		
<b>Comments:</b>		
<b>03/03/2022- Marion County, Florida (Case #: 422022CF000845CFAXXX)</b>		
<b>Charge 1- Aggravated Battery Upon Pregnant Victim (F)- Adjudication Withheld</b>		
<input checked="" type="checkbox"/> Referred to Investigations	Initials: <u>CH</u>	Date: <u>8/17/2022</u>

<b>License Administrator Review:</b>	<input type="checkbox"/> No Referral Required	<input checked="" type="checkbox"/> Forward to Investigations	<b>Initials:</b> <u>8/17/22</u> 





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: icampbell

VR Home | Complaint Search | Maintain Complaint | License Home

**License**

Fed Tax [REDACTED] Lic Type **1012 - Cardroom Employee Occupational** Expire On **06/30/2024**

File # **11389** Name **DIAZ, EDGAR DAVID** Extended To

License # **11937341** Rank **CEMP - Cardroom Employee Occupational** Renewed On **05/13/2021**

Entity # **11937341** Lic Status **Current**

- Licensee
- History
- Notes
- Notes History
- Back

**Address**

Street # **3867** Street **PEPPER TREE LN APT 10308**

Line 2

Line 3

City **WILDWOOD** State **FL** Zip **34785**

Routing

**Other**

1st License Date **01/30/2019** Rank Date **05/13/2021** Certificate #

Method **I-S-1024** Status Date **01/30/2019** Certificate Date

Fee Exempt **No** Birth Date [REDACTED] Renewal Sent

**Select**

Action   

**Modifiers**

Type	Modifier	Effective Date	Additional Info
A	ENFO - Enforcement Alert	03/04/2022	Applicant Hit
C	HOST - Host/Hostess	01/04/2019	
I	QHRS - Quarter-Horse	01/04/2019	
L	950 Ocala Breeder	01/04/2019	
Y	3YR - 3 Year License	01/04/2019	

**Alt Keys**

BEST LIC NBR **11937341**

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<a href="#">VR Home</a>	<a href="#">Inbox</a>	<a href="#">Entity</a>	<a href="#">Application</a>	<a href="#">License</a>	<a href="#">Cash</a>	<a href="#">Exam</a>	<a href="#">Inspection</a>	<a href="#">Enforcement</a>	<a href="#">Report</a>
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[License Search](#) | [Entity Search](#) | [Modify License Standing](#) | [Maintain License CE Control](#)

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

Logged in as: **dwashingto**

[VR Home](#) | [License Search](#) | [Display Alert](#)

Fed Tax # [REDACTED]	Lic Type <b>1012 - Cardroom Employee Occupational</b>	Expire On <b>06/30/2024</b>
File # <b>11389</b>	Name <b>DIAZ, EDGAR DAVID</b>	Extended To
License # <b>11937341</b>	Rank <b>CEMP - Cardroom Employee Occupational</b>	Renewed On <b>05/13/2021</b>
Entity # <b>11937341</b>	Lic Statu <b>Current</b>	

Description	Effective	Notes	OK
<a href="#">Enforcement Alert</a>	03/04/2022	<input checked="" type="checkbox"/>	<input type="button" value="OK"/>

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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: dwashingto

VR Home | License Search | Display Alert | Maintain License Modifier | **BASE CLONE**

Search Criteria | Results | Detail

Modifier Type **A - Alert**  
 Modifier **ENFO - Enforcement**  
 Effective **03/04/2022**  
 Expires **-**  
 Additional Info :  
 Prompt  
 Value **Applicant Hit**  
 Notes **Applicant must provide court disposition records for the 03/03/2022, 03/25/2022 & 4/6/22 arrests in Marion County prior to licensure**  
 Updated **04/13/2022 10:52:37**  
 By **tmcdowell1**

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# Probable Cause Affidavit

# ORIGINAL

MARION COUNTY SHERIFF'S OFFICE  
 692 NW 30TH AVE  
 OCALA, FL 34475

22CF845W

Report Date / Time 3/3/2022 03:46 PM	Report Number MCSO55ARR71675S	Case Number/Cad Number MCSO22OFF004336 / 2203030483	Reporting Officer Name VASQUEZ, CHRISTOPHER
Originating Agency ORI FL0420000	Occur Date Time Range 03/01/2022 04:00:00 -	OBTS 4203199873	Clearance

### Location of Occurrence

County MARION	Location Type RESIDENCE	Location Description HOME			
Street Number 8882	Street SE 64TH AVE	Apt/Lot/Bldg	City OCALA	State FL	Zip Code 34472

### Suspect

First Name EDGAR	Middle Name DAVID	Last Name DIAZ	Suffix	Race H	Sex MALE	Height 510	Weight 170	Hair BLK	Eyes BRO
MNI #	SSN	Date of Birth [REDACTED]	Age 21	Place of Birth Columbia	Drivers License or other ID [REDACTED]	State FL	ID Type E	Address * RESIDENCE / 8882 SE 64TH AVE , OCALA, FL 34472 / 689-212-5580	

### Probable Cause Affidavit Data

Question Occupation and Employer	Answer Oxford Downs
Question Alias	Answer None
Question Under the Influence of	Answer None
Question Domestic Related	Answer Yes
Question Primary Language	Answer English
Question Immigration Status	Answer US Citizen
Question Vehicle Company / Address	Answer

### Arrest

Arrest Date/Time 3/3/2022 3:42:06 PM	Arrest Location Type RESIDENCE	Arrest Location Description HOME				
Street Number 8882	Street SE 64TH AVE	Apt/Lot/Bldg	County MARION	City OCALA	State FL	Zip Code 34472

### Charge :

Counts 1	Charge 784.045.1b	Bond Amount \$0.00	<input checked="" type="checkbox"/> No Bond
-------------	----------------------	-----------------------	---

Report Date / Time 3/3/2022 03:46 PM	Report Number MCSO55ARR71675S	Case Number/Cad Number MCSO22OFF004336 / 2203030483	Reporting Officer Name VASQUEZ, CHRISTOPHER
Originating Agency ORI FL0420000	Occur Date Time Range 03/01/2022 04:00:00 -	OBTS	Clearance

Charge Degree S	Charge Level FELONY	General Offense Code AGGRAV BATTERY
--------------------	------------------------	--

Charge Description  
OFFENDR KNEW/SHOULD HAVE KNOWN VICT PREGNANT

**Bond Set by Charges**

Bond Amount	<input checked="" type="checkbox"/> No Bond
-------------	---

Bond Type(s)

**Probable Cause**

Before Me, the undersigned authority personally appeared C.VASQUEZ ID# 6370 who being duly sworn, alleges, on information and belief, that on the 3RD day of MARCH 2022 in Marion County, Florida the defendant did:

Commit the offense of AGGRAVATED BATTERY ON A PREGNANT PERSON to wit:

ON 3/3/2022 WHILE ASSIGNED AS THE TELEPHONE RESOURCE OFFICER(TRO) I MADE CONTACT WITH VICTIM [REDACTED] AT 692 NW 30TH AVENUE AT THE OPERATIONS CENTER IN REFERENCE TO A DOMESTIC BATTERY.

THE VICTIM ADVISED ON 3/1/2022 AT APPROXIMATELY 0400 HOURS SHE WAS IN BED WITH HER BOYFRIEND/DEFENDANT EDGAR DIAZ WHEN HE THEN GOT ON TOP OF HER AND STARTED TO HIT HER MULTIPLE TIMES. THE VICTIM ADVISED THE INCIDENT OCCURRED AT 8882 SE 64TH AVENUE IN MARION COUNTY FLORIDA. THE VICTIM ADVISED THAT THE DEFENDANT WOKE HER UP AT 0400 HOURS IN THE MORNING AND GOT INTO AN ARGUMENT WITH HER ABOUT WHO THE FATHER WAS OF THE CHILD SHE WAS PREGNANT WITH. THE VICTIM ADVISED THE DEFENDANT DID NOT BELIEVE THAT HE WAS THE FATHER AND WANTED TO GET INTO THE VICTIMS PHONE.

THE VICTIM ADVISED THAT SHE DID NOT LET HIM GET INTO HER PHONE AND ADVISED THAT IS WHEN THE DEFENDANT WOULD START TO HIT HER WITH CLOSED FIST IN HER FACE WHILE HE WAS ON TOP OF HER. THE VICTIM ADVISED THE DEFENDANT HIT HER APPROXIMATELY 12 TIMES. THE VICTIM ADVISED THAT SHE THEN LET HIM INTO THE PHONE, AND HE STARTED TO LOOK INTO IT. THE VICTIM ADVISED THAT HE THEN FOUND OUT STUFF THAT HAPPENED WHILE THEY WERE NOT TOGETHER, AND HE GOT MAD AND STARTED TO PUNCH HER AGAIN ALL OVER HER BODY. THE VICTIM THEN STATED THE DEFENDANT THEN POURED WATER ON HER AND PROCEEDED TO PUSH HER OFF THE BED AND AGAIN STARTED TO HIT HER WHILE SHE WAS ON THE FLOOR.

**ORIGINAL**

Report Date / Time 3/3/2022 03:46 PM	Report Number MCSO55ARR71675S	Case Number/Cad Number MCSO22OFF004336 / 2203030483	Reporting Officer Name VASQUEZ, CHRISTOPHER
Originating Agency ORI FL0420000	Occur Date Time Range 03/01/2022 04:00:00 -	OBTS	Clearance

THE VICTIM ADVISED THE REASON WHY SHE COULD NOT CONTACT LAW ENFORCEMENT SOONER WAS BECAUSE THE DEFENDANT KEPT THE PHONE AND WOULD NOT GIVE IT TO HER, THE VICTIM ADVISED YESTERDAY ON 3/2/2022 SHE DROPPED OFF THE DEFENDANT AT WORK AND THAT IS WHEN SHE LEFT THE RESIDENCE. THE VICTIM ADVISED THAT SHE WAS 16 WEEKS PREGNANT AND ALSO ADVISED THAT THE DEFENDANT WAS THE FATHER OF THE CHILD.

I OBSERVED THE VICTIM AND SAW THAT SHE DID HAVE MULTIPLE BRUISES ALL OVER HER BODY. THE VICTIM DID HAVE BRUISING ON THE LEFT SIDE OF HER TEMPLE OVER HER LEFT EYE AND ALSO HAD SWELLING AND BRUISING OVER HER RIGHT EYE AS WELL. THE VICTIM ALSO HAD BRUISING ON THE TOP PORTION OF HER RIGHT EAR. THE VICTIM ALSO HAD BRUISING ON HER RIGHT ARM BY THE TRICEPS AREA AS WELL AS THE TOP OF HER FOREARM. ON THE VICTIMS LEFT HAND SHE HAD BRUISING IN BETWEEN HER INDEX FINGER AND HER THUMB.

DEPUTY J.LANE ID# 6302 MADE CONTACT WITH THE DEFENDANT AT THE INCIDENT LOCATION. THE DEFENDANT WAS READ HIS MIRANDA RIGHTS AND ADVISED THAT HE DID NOT WANT TO SPEAK WITH LAW ENFORCEMENT. THE DEFENDANT DID ADVISED THAT HE DID ASK THE VICTIM FOR HER PHONE AND ADVISED THAT HE ASKED HER ABOUT THE CHILD'S FATHER. THE DEFENDANT ADVISED THE VICTIM DID NOT WANT TO TALK AND ADVISED THAT HE WAS NOT ON TOP OF HER AND ADVISED THAT HE WAS SITTING ON A CHAIR NEXT TO HER. THE DEFENDANT ADVISED THE VICTIM WAS STARTING TO YELL AND THEN JUST KICKED HIM ON HIS MOUTH. THE DEFENDANT FIRST STATED THAT HE FIRST GRABBED THE VICTIM BY HER ARMS AND THAT IS WHEN SHE KICKED HIM. BUT THEN STATED SHE KICKED HIM BEFORE THE INCIDENT STARTED. THE DEFENDANT ADVISED THAT THE VICTIM THEN MIGHT HAVE FELL OFF THE BED BUT COULD NOT REMEMBER.

DUE TO THE STATEMENTS MADE AND EVIDENCE PRESENT THE DEFENDANT WAS PLACED UNDER ARREST AND TRANSPORTED TO THE MARION COUNTY JAIL WITHOUT INCIDENT.

THE VICTIM ADVISED THAT SHE DID NOT NEED ANY MEDICAL ATTENTION AND ADVISED THAT SHE WOULD NOT BE STAYING AT THE INCIDENT LOCATION.

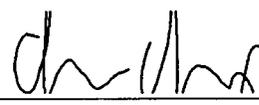
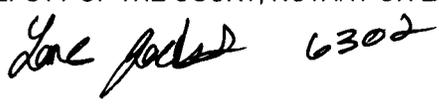
Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
DICE, E SERGEANT 2682	APPROVING SUPERVISOR	MARION COUNTY SHERIFF'S OFFICE LAW ENFORCEMENT
VASQUEZ, CHRISTOPHER DEPUTY I 6370	REPORTING OFFICER	MARION COUNTY SHERIFF'S OFFICE LAW ENFORCEMENT

ORIGINAL

Report Date / Time 3/3/2022 03:46 PM	Report Number MCSO55ARR71675S	Case Number/Cad Number MCSO22OFF004336 / 2203030483	Reporting Officer Name VASQUEZ, CHRISTOPHER
Originating Agency ORI FL0420000	Occur Date Time Range 03/01/2022 04:00:00 -	OBTS	Clearance

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

**Reporting Officer**

Officer Name <b>VASQUEZ, CHRISTOPHER</b>  Officer Rank <b>DEPUTY I</b>  Officer ID No <b>6370</b>  Officer Agency <b>MARION COUNTY SHERIFF'S OFFICE</b>   Officer Signature	Sworn and subscribed before me, the undersigned authority This the <u>3</u> day of <u>March</u> , <u>2022</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT 
---	--

\_\_\_\_\_

COUNTY / CIRCUIT JUDGE



MARION COUNTY

SHERIFF'S OFFICE

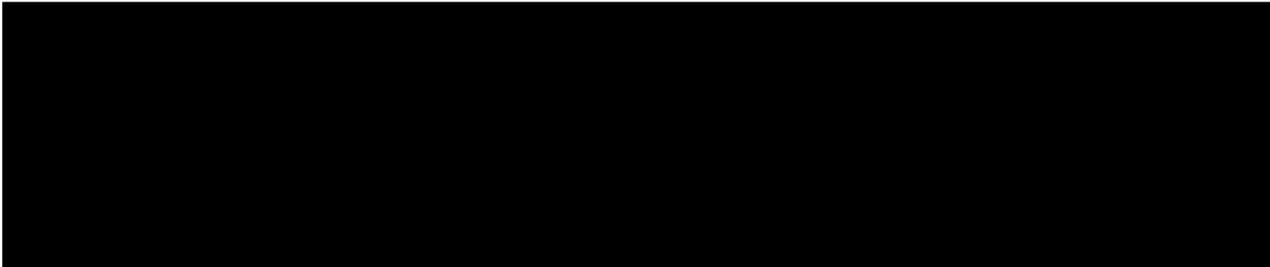
CASE NUMBER: MCSO 22 OFF 004336

DEFENDANT'S NAME: EDGAR DAIZ DOB: [REDACTED]

DEFENDANT'S ADDRESS: 8882 SE 64TH AVE

SHIELD VICTIM CONTACT/EXCLUSION ZONE FORM

The Marion County Sheriff's Office has established the SHIELD (Surviving Harmful Interactions through Electronic Location Devices) Program in order to provide an alternative method to deter domestic violence offenders from violating pre-trial release conditions, thus granting victims another tool for protection. This program allows low risk, court ordered, pre-trial defendants to be mapped and tracked with a GPS ankle monitor. The defendant can only be placed into the SHIELD program by a court order issued by a judge: Therefore, the defendant in your case may not be selected for participation in the program. By providing the below information, the Judge can set exclusion zones where the defendant cannot go while on the



VICTIM'S EMPLOYER: \_\_\_\_\_

VICTIM'S SCHOOL: \_\_\_\_\_

VICTIM'S CHILDREN: \_\_\_\_\_

CHILDREN'S SCHOOL/DAYCARE: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

OTHER LOCATIONS VICTIM(S) FREQUENT: \_\_\_\_\_

VICTIM'S SIGNATURE: *[Signature]* DATE: 03/03/2022

ATTACH THIS FORM TO THE PROBABLE CAUSE AFFIDAVIT

Billy Woods, Sheriff

MCSO Form #15-532 Rev. 01/19/17

CASE NUMBER: 22004336

NAME OF INMATE: Diaz, Edgar OBTS: 4203199873

Indication of: Alcohol:  Drug:  Weapon Seized:  Juvenile Disposition:

Jail Log: (To be completed by booking officer) Jail Inmate #:

Date Booked: 3/3/22 Time Booked: 1725 Booking Officer: 6464 Fingerprinted By: 3012

Photographed By: 3012 Bin Number: Advised of Rights By:

Check for Warrants:  NCIC  PCIC  Local Holds:  Yes  No Agency of Hold:

Attorney (if known): Religion: Christian Marital Status:  S  M  D  Sep

Telephone call logged: Time AM PM # ( ) Allowed

Next Of Kin: Relation: Relation Phone:

Relation Address:

Bond Date: Returnable Court Date: Returnable Court Time: Release Date:

Release Time: AM/PM Releasing Officer: Bond, Charge A: Charge B:

Charge C: Charge D: Charge E: Bond Type:  ROR  SURETY  CASH

Name Address of Bondsman:  BAIL BOND  CERT  Other

EXHIBIT #3  
PAGE 6-18

MCCC - CASE INTAKE  
MAR 4 '22 AM 7:02

ORIGINAL

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA, IN AND FOR MARION COUNTY

STATE OF FLORIDA

CASE NO 2022-CF-000845-A

vs.

EDGAR DAVID DIAZ (A) H/M, 09/08/2000

MCCG - CASE INTAKE  
MAR 31 '22 AM 9:57

INFORMATION

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

WILLIAM M GLADSON, State Attorney for the Fifth Judicial Circuit of the State of Florida, in and for Marion County prosecuting for the State of Florida, by and through the undersigned Assistant State Attorney, in the said County, under oath, information makes that, in the County of Marion, and the State of Florida:

COUNT I: AGGRAVATED BATTERY OF PREGNANT FEMALE PERSON (F2)  
784.045(1)(b) and 784.045(2)

EDGAR DAVID DIAZ on or about March 1, 2022, did actually and intentionally touch or strike [REDACTED], a human female person, who was pregnant at the time, against the will of said person, or by intentionally causing bodily harm to her, and, at the time of the commission of [REDACTED] EDGAR DAVID DIAZ knew or should have known that [REDACTED] was pregnant, in violation of Florida Statutes 784.045(1)(b) and 784.045(2)

STATE OF FLORIDA, COUNTY OF MARION

Personally appeared before me, WILLIAM M GLADSON, State Attorney for the Fifth Judicial Circuit, State of Florida, in and for Marion County, or his duly designated Assistant State Attorney, who first being sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as true, and which if true, would constitute the offense therein charged. Prosecution instituted in good faith and subscribed under oath, certifying he or she has received testimony under oath from the material witness or witnesses of the offense.

  
CYNTHIA HARPER  
Assistant to William M Gladson State Attorney,  
Fifth Judicial Circuit of Florida  
Florida Bar No. 98139

EXHIBIT #3  
PAGE 7-18

M-2022-08713-A

PAGE 2

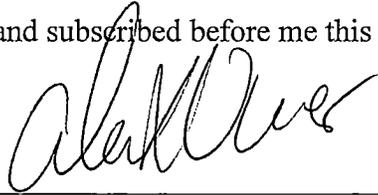
STATE OF FLORIDA

VS

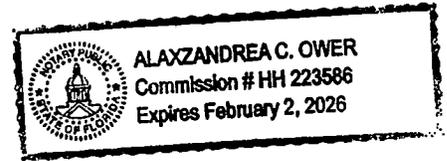
EDGAR DAVID DIAZ et al

2022-CF-000845-A

Sworn to and subscribed before me this 30<sup>th</sup> day of March, 2022.



Affiant Personally Known to Notary Public



FCIC REFERENCE NUMBERS:

1) AGGRAVATED BATTERY OF PREGNANT FEMALE PERSON 1318

EXHIBIT #3  
PAGE 8-18

**STATE OF FLORIDA  
IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR MARION COUNTY FLORIDA**

STATE OF FLORIDA,  
-vs-  
EDGAR DAVID DIAZ  
Defendant.

UCN: 422022CF000845CFAXXX  
Case Number: 22CF000845AX  
OBTS#:  
4203199873  
4203201132

**Judgment**

- PROBATION VIOLATOR/COMMUNITY CONTROL VIOLATOR
- RESENTENCE  RETRIAL

The defendant EDGAR DAVID DIAZ being personally before the court represented by Luz Maria Root, the attorney of record and the state represented by CINDY HARPER and having entered a plea of Nolo-Contendere to the following crime(s):

<b>CNT #</b>	<b>CHARGE</b>	<b>LVL DGR</b>
1	784.045.1B AGGRAVATED BATTERY UPON PREGNANT VICTIM	Felony Second Degree

- The PROBATION/COMMUNITY CONTROL previously ordered in this case is revoked.
- The PRIOR ADJUDICATION OF GUILT IN THIS CASE IS CONFIRMED and no cause having been shown why the defendant should not be adjudicated guilty.

It is ordered that Adjudication of Guilt be Withheld.  
and having entered a plea of Nolo-Contendere, regardless of adjudication, to attempts or offenses relating to aggravated battery, the defendant shall be required to submit blood specimens or other biological specimens approved by FDLE.



**STATE OF FLORIDA  
IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR MARION COUNTY FLORIDA**

STATE OF FLORIDA,  
-vs-  
EDGAR DAVID DIAZ  
Defendant.

UCN: 422022CF000845CFAXXX  
Case Number: 22CF000845AX

**Sentence**

(As To Count 1)

The defendant, being personally before this court, accompanied by the defendants' attorney of record, Luz Maria Root and having been ADJ WITHHELD BY JUDGE herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

(Check applicable provision)

- and the court having on 07/12/2022 deferred imposition of sentence until this date 07/12/2022
- and the court having previously entered a judgment in this case on \_\_\_\_\_ now resentsences the defendant
- and the court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control

IT IS SENTENCE OF THE COURT that:

- The Defendant is hereby committed to the custody of the Sheriff of MARION County Florida.
- The defendant pay a fine pursuant to section 775.083, Florida Statutes, plus a 5% surcharge pursuant to section 938.04 Florida Statutes.
- The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

TO BE IMPRISONED:

For a term of Minimum 0.000 year(s) 0.000 month(s) 0.000 day(s) Maximum 120.000 day(s)

In the event the defendant is ordered to serve additional split sentences, all incarcerations portions shall be satisfied before the defendant begins service to the supervision terms.

COMMUNITY CONTROL/PROBATION:

Community Control  
For a term of 0.000 year(s) 0.000 month(s) 0.000 day(s)  
Probation  
For a term of 36.000 month(s)

STATE OF FLORIDA

IN THE FIFTH JUDICIAL  
CIRCUIT COURT, IN AND FOR  
MARION COUNTY

-VS-

CASE NUMBER 22CF000845AX

EDGAR DAVID DIAZ

Defendant

DC NUMBER F21591/CSEN/056

Local Jurisdiction Identification Number: \_\_\_\_\_

**ORDER OF PROBATION**

MCC - CRIMINAL  
JUL 14 '22 PM2:20

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

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

**Count 1 AGGRAVATED BATTERY UPON PREGNANT VICTIM**

**SECTION 1: JUDGMENT OF GUILT**

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

Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed on Probation for a period of \_\_\_\_\_ under the supervision of the Department of Corrections, subject to Florida law.

**SECTION 2: ORDER WITHHOLDING ADJUDICATION**

- Now, therefore, it is ordered and adjudged that the adjudication of guilt is hereby withheld and that you be placed on Probation for a period of SEE SECTION 3 under the supervision of the Department of Corrections, subject to Florida law.

**SECTION 3: 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 \_\_\_\_\_ prison with credit for \_\_\_\_\_ jail time, followed by 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 120 DAYS with credit for 110 DAYS jail time. After you have served BALANCE of the term, you shall be placed on Probation for a period of 36 MONTHS 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 officer as directed.
- (2) You will pay the State of Florida the amount of **\$50.00** 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 specified 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 any law. A conviction in a court of law is not necessary for such a violation of law to constitute a 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, an advanced practice registered nurse, or a physician assistant. 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 or use 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.
- (1) You will report in person within 72 hours of your release from incarceration to the probation office in **MARION** County, Florida, unless otherwise instructed by the court or department. (This condition applies only if section 3 on the previous page is checked.) Otherwise, you must report immediately to the probation office located at 5640 SW 6<sup>TH</sup> PLACE, SUITE 100, OCALA, FL 34474 (352)732-1324.

### SPECIAL CONDITIONS

- 2. You will make restitution to the following victim(s), as directed by the court, until the obligation is paid in full:**  
**NAME:** \_\_\_\_\_  
**TOTAL AMOUNT:** \$ \_\_\_\_\_  
**Additional instructions ordered, including specific monthly amount, begin date, due date, or joint & several:** \_\_\_\_\_
- 6. You will submit to urinalysis testing on a RANDOM basis to determine the presence of alcohol or illegal drugs. You will be required to pay for the tests unless exempt by the court.**
- 8. You will successfully complete 80 hours of community service at a rate of \_\_\_\_\_, at a work site approved by your officer.**  
**Additional instructions ordered: WITHIN THE FIRST 32 MONTHS OF SUPERVISION.**
- 13. You will have no contact (direct or indirect) with VICTIM during the period of supervision.**

**SPECIAL CONDITIONS – CONTINUED**

18. You must successfully complete 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: COMPLETE WITHIN THE FIRST 32 MONTHS OF SUPERVISION.
23. Pay \$1 per month during the term of probation or community control to supplement rehabilitative efforts through First Step Funds, pursuant to s. 948.039(2), F.S.
27. Other: DEFENDANT IS TO REPORT TO PROBATION AND THE COLLECTIONS DEPARTMENT.
28. Other: DEFENDANT IS TO REPORT TO PROBATION AND THE COLLECTIONS DEPARTMENT.

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.

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)(h)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 the 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.

Effective for offenders whose crime was committed on or after October 1, 2014, and who is placed on probation or community control for a violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition to all other conditions imposed, is prohibited from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan provided by a qualified practitioner in the sexual offender treatment program. Visual or auditory material includes, but is not limited to, telephone, electronic media, computer programs, and computer services.

**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 you pay:  
**Court Costs, Fees, and Fines, as imposed at sentencing, in the total amount of: \$ 1,190.50**

Payments processed through the Department of Corrections will be assessed a 4% surcharge pursuant to s. 945.31, F.S.  
Pursuant to s. 948.09, F.S., you will be assessed an amount of \$2.00 per month for each month of supervision for the Training Trust Fund Surcharge.

- Court Costs/Fines Waived
- Court Costs/Fines in the amount of \_\_\_\_\_ converted to \_\_\_\_\_ community service hours
- Court Costs/Fines in the amount of \_\_\_\_\_ reduced to civil judgment.

**SPECIFIC INSTRUCTIONS FOR PAYMENT: FINES/COURT COST TO BE PAID TO THE MARION COUNTY CLERK'S OFFICE**

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

**DONE AND ORDERED**, on 14 July 2022

**NUNC PRO TUNC** 07/12/2022

  
\_\_\_\_\_  
**PETER M BRIGHAM**, 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: \_\_\_\_\_

\_\_\_\_\_  
Defendant

Instructed by: \_\_\_\_\_  
Supervising Officer

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
OF THE STATE OF FLORIDA, IN AND FOR MARION COUNTY

STATE OF FLORIDA

CASE NO. 2022-CF-000845-A

VS

EDGAR DAVID DIAZ  
Defendant

**RESTITUTION ORDER**

**Defendant is responsible for the full amount unless otherwise specified herein.**

Restitution is ordered as follows:

\$2,000.00

To: Victim (An alternate name or agency may be provided)



NCCC - CRIMINAL  
JUL 14 '22 PM2:20

\_\_\_\_\_ Restitution must be paid to the Crimes Compensation Trust Fund in the amount awarded to victim.

X Restitution is to be paid through the Probation Supervisor, to the victim or the victim's designee with an additional 4% fee to the Probation Supervisor for handling, processing and forwarding said restitution to the victim(s).

\_\_\_\_\_ Restitution to be paid through the Clerk of the Court, to the victim or the victim's designee with a \$3.50 per payment to the Clerk of the Court for handling, processing and forwarding said restitution to the victim(s).

\_\_\_\_\_ Restitution is not ordered.

\_\_\_\_\_ Restitution is reduced to judgment lien.

This order of restitution may be recorded by the victim or aggrieved party and enforced in the same manner as a civil judgment pursuant to F.S. 55.03 and 55.10.

DONE AND ORDERED at MARION County, Florida this 14 day of July, 2022

PETER MATTHEW BRIGHAM Judge  
For which let execution issue

EXHIBIT #3  
PAGE 16-18



(<http://www.dc.state.fl.us/index.html>)

**Florida Department of Corrections**  
(<http://www.dc.state.fl.us/index.html>)



**Ron DeSantis, Governor**  
**Ricky D. Dixon, Secretary**

"Inspiring Success by Transforming One Life at a Time"

- [Offender Search \(/OffenderSearch/InmateInfoMenu.aspx\)](#)
- [Visit an Inmate \(/ci/visit.html\)](#)
- [Correctional Institutions \(/ci/index.html\)](#)
- [Probation Services \(/cc/index.html\)](#)
- [Programs \(/development/index.html\)](#)
- [FDC Jobs \(http://www.fdcjobs.com\)](http://www.fdcjobs.com)
- [Newsroom \(/comm/index.html\)](#)
- [Statistics \(/pub/index.html\)](#)
- [Partners \(mailto:development@fdc.myflorida.com\)](mailto:development@fdc.myflorida.com)

## Corrections Offender Network

### Supervised Population Information Detail

(This information was current as of 8/14/2022)



<b>DC Number:</b>	F21591
<b>Name:</b>	DIAZ, EDGAR DAVID
<b>Race:</b>	WHITE
<b>Sex:</b>	MALE
<b>Birth Date:</b>	██████████
<b>Supervision Begin Date:</b>	07/18/2022
<b>Current Location:</b>	<a href="http://prod.fdc-wpws001.fdc.myflorida.com/c">TAVARES (http://prod.fdc-wpws001.fdc.myflorida.com/c)</a>
<b>Current Status:</b>	<u>ACTIVE</u>
<b>Supervision Type:</b>	PROBATION FELONY
<b>Scheduled Termination Date:</b>	07/17/2025
 <a href="https://www.vinelink.com/vinelink/servlet/SubjectSearch?siteID=10000&amp;agency=900&amp;offenderID=F21591">CLICK HERE for Custody Status Updates</a> <a href="https://www.vinelink.com/vinelink/servlet/SubjectSearch?siteID=10000&amp;agency=900&amp;offenderID=F21591">https://www.vinelink.com/vinelink/servlet/SubjectSearch?siteID=10000&amp;agency=900&amp;offenderID=F21591</a>	

#### Current Verified PERMANENT Address:

901 NW 22ND ST  
OCALA, FL 34475

#### Aliases:

EDGAR DAVID DIAZ

Note: The offense descriptions are truncated and do not necessarily reflect the crime for which the offender is on supervision. Please refer to the court documents or the Florida Statutes for further information or definition.

#### Current Community Supervision History:

Offense Date	Offense	Sentence Date	County	Case No.	Community Supervision Length
03/03/2022	AGGRAV.BATTERY,VICTIM PREGNANT	07/12/2022	MARION	2200845	3Y 0M 0D

[First](#)
[Previous](#)
[Next](#)
[Last](#)
[Return to List](#)

[New Search](#)

Record: 1 of 1

The Florida Department of Corrections updates this information regularly, to ensure that it is complete and accurate, however this information can change quickly. Therefore, the information on this site may not reflect the true current location, status, scheduled termination date, or other information regarding an offender.

This database contains public record information on felony offenders sentenced to the Department of Corrections. This information includes offenders sentenced or released to state supervision or offenders received for supervision from another state as the result of an Interstate Compact transfer. Information contained herein includes current supervision offenses. Offense types include related crimes such as attempts, conspiracies and solicitations to commit crimes. Information on offenders sentenced to county jail, county probation, or any other form of supervision is not contained. The information is derived from court records provided to the Department of Corrections and is made available as a public service to interested citizens. The Department of Corrections makes no guarantee as to the accuracy or completeness of the information contained herein. Any person who believes information provided is not accurate may contact the Department of Corrections.

For questions and comments, you may contact the Department of Corrections, Bureau of Probation and Parole Field Services, at [TAVARES Circuit Office \(http://prod.fdc-wpws001.fdc.myflorida.com/cc/05.html\)](#). This information is made available to the public and law enforcement in the interest of public safety.

**Search Criteria:** (/OffenderSearch/search.aspx?TypeSearch=AO) Last Name: diaz First Name: edgar Search Aliases: YES Offense Category: Supervision Type: ALL Supervision Status: ALL County of Supervision: ALL Current Location: ALL

**Current Status Definitions:** **Active** - offender is being actively supervised by the probation officer in the community. **Active Suspense** - offender is temporarily unavailable for direct supervision during the supervision term, due to being in custody in jail or another facility, but is still being monitored by a probation officer for release, arrest, etc. **Absconder** - offender absconds from supervision (his/her whereabouts are unknown and the offender is not available for supervision) and warrant is issued for violation.

[Return to Corrections Offender Information Network \(../OffenderSearch/InmateInfoMenu.aspx\)](#)

### About Us

<http://www.dc.state.fl.us/about.html>

As Florida's largest state agency, and the third largest prison system in the country, FDC employs 24,000 members, incarcerates approximately 80,000 inmates and supervises nearly 146,000 offenders in the community.

### Quick Links

[Contact an Inmate](#) (<http://www.dc.state.fl.us/ci/ContactInmate.html>)  
[Public Records](#) (<http://www.dc.state.fl.us/comm/PRR.html>)  
[Volunteer](#) (<http://www.dc.state.fl.us/volunteer/index.html>)  
[File a Complaint](#) (<http://www.dc.state.fl.us/apps/IGcomplaint.html>)  
[Organization](#) (<http://www.dc.state.fl.us/org/orgchart.html>)  
[Regulatory Plan](#) (<http://www.dc.state.fl.us/pub/regulatory/2018.pdf>)  
[Victim Services](#) (<http://www.dc.state.fl.us/vict/index.html>)  
[Inmate and Offender Programming](#) (<http://www.dc.state.fl.us/development/index.html>)  
[Corrections Foundation](#) (<https://www.correctionsfoundation.org/>)  
[Parole Information](#) (<https://www.fcpr.state.fl.us/index.shtml>)  
[Inspector General](#) (<http://www.dc.state.fl.us/ig/index.html>)  
[Prison Rape Elimination Act](#) (<http://www.dc.state.fl.us/PREA/index.html>)

### Contact Us

<http://www.dc.state.fl.us/org>

501 South Calhoun Street  
 Tallahassee, FL 32399-2500  
 Main: (850) 488-5021  
[Phone Directory](#) (<http://www.dc.state.fl.us/org/contact.html>)  
[Citizen Services](#) (<http://www.dc.state.fl.us/citizen/index.html>)



February 13, 2023

Mr. Edgar Diaz  
901 NW 22<sup>nd</sup> St.  
Ocala, Florida 34475

RE: Florida Gaming Control Commission v. Edgar David Diaz  
Case No.: 2022-040422

Dear Mr. Diaz:

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 Monday, February 27, 2023 between 1:00 p.m and 5:00 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@fgcc.fl.gov, the attorney representing the Florida Gaming Control Commission at Marc.Taupier@fgcc.fl.gov at least 7 days before the date of the hearing. If you do not have an email address, please contact Ebonie Lanier at the contact information below 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 1:00 PM and 5:00 PM (EST) at the following number: (352) 421-0677.** If that number is incorrect, please notify Ebonie Lanier at the contact information below of the correct number at which to reach you. Failure to answer the telephone, promptly return a voicemail, 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 Ebonie Lanier via telephone or email at 850-717-1663 or [Ebonie.Lanier@fgcc.fl.gov](mailto:Ebonie.Lanier@fgcc.fl.gov).

Sincerely,

*s/Brandy Humphries*

Brandy Humphries  
Administrative Assistant II

Enclosures: Notice of Hearing and Case File

To Whom it May Concern,

Edgar David Diaz was one of my employees for four years and was an outstanding employee. He started as host/brush, and was perfect for the job. He has an outgoing personality and a drive for hard work. He was a perfect host that never once had a write up or a negative employee evaluation. He had ambition and drive because after two years of hosting he stepped up to the plate and became a dealer. In those two years as a dealer he was again a great employee. I never once had to punish him or have an evaluation with him. Edgar and I became very close throughout his career because he reminded me of my children. He is a great kid and has a good head on his shoulders. So I was shocked to hear about his unfortunate situation that made him leave my employment, because I know that's simply not him. Regardless of every obstacle that was thrown his way, he landed back on his feet. Even though he's no longer under my employment, I'm truly happy that he pursued his passion for poker elsewhere! Please don't just take my word for it. Please contact these two supervisors and they will say the same!

Hernan Crespo (Floor Manager) 219-256-2833

Jason Ray (Dual-Rate) 219-677-2229

Sincerely,  
Darold Donnelly  
Director of Operations  
219-730-5457

**From:** [Marc Taupier](#)  
**To:** [Elizabeth Stinson](#)  
**Cc:** [Emily Alvarado](#); [Edgar Diaz](#)  
**Subject:** FW: "Edgar's Recommendation Letter"  
**Date:** Tuesday, February 28, 2023 10:13:34 AM

---

Please see the email below from Mr. Donnelly regarding the reference letter. In good faith the Commission does not object to this email being part of the record since the veracity of the letter was questioned. I think this solves the matter.

**Marc D. Taupier**  
**Chief Attorney**

---

**From:** ddonnelly@betoxford.com [mailto:ddonnelly@betoxford.com]  
**Sent:** Tuesday, February 28, 2023 7:33 AM  
**To:** Taupier-FGCC, Marc <Marc.Taupier-FGCC@fgcc.fl.gov>  
**Subject:** Re: "Edgar's Recommendation Letter"

**[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.**

Hey Mr. Taupier

Good Morning, I know where the mix up came from, you and I spoke Monday morning about if I had sent out an email about a Recommendation on Edger. (Which I did not) I knew he needed a Recommendation letter sent in to someone, But when you ask me about the letter, I wasn't really thinking about an email and Edger. I had worked all day Sunday and the drove all through the night on my way to Biloxi. But here is what happened, I sent my son (Jason Donnelly) a rough copy of the letter that I typed up on my iPhone and send it to my son (Jason) to make sure this is what you guys (I guess you) were looking for. But I'm guessing my son told Edger that this is what my Dad sent me, is this what they are looking for? So I guess Edger copied and pasted it to an email and sent it out to whoever need it. So yes I did write the letter, but I did not send it in email form. What I did send him, was the same thing I sent you, it was from my iPhone note page.

I'm sorry for the confusion, but you really can ask anyone from Oxford Downs on how great of a person he really is. I'm sure Daytona card room will say the same thing during his short employment with them. I really hope you guys find it in you to give this kid a chance to pursue a career in the gaming industry. First chance I get, I will definitely bring him back to Oxford Downs. To me, he is a great asset to any company he works for and he has a great future in front of him, but his future is now in your hands.

Thank you

Darold Donnelly.

Sent from my iPhone

On Feb 27, 2023, at 3:36 PM, Taupier-FGCC, Marc <[Marc.Taupier-FGCC@fgcc.fl.gov](mailto:Marc.Taupier-FGCC@fgcc.fl.gov)> wrote:

Did you ever give a letter to Mr. Diaz or his family before sending this to me? He provided a letter to us claiming to be you, but after our conversation this morning I am concerned of the veracity of the letter sent in by Mr. Diaz.

Please confirm no letter was given to anyone before sending this to me today.

Marc Taupier  
Chief Attorney  
Florida Gaming Control Commission  
Office of the General Counsel  
850-717-1499 Office

Sent from my iPhone

On Feb 27, 2023, at 12:35 PM, [ddonnelly@betoxford.com](mailto:ddonnelly@betoxford.com) wrote:

**[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.**

Please let me know if you have any questions.

Thanks

Darold

Open my shared note:



Sent from my iPhone

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.: 2022-040422

EDGAR DAVID DIAZ,

Respondent.

\_\_\_\_\_ /

PETITIONER'S PROPOSED RECOMMENDED ORDER

THIS MATTER came before Elizabeth Stinson, designated Hearing Officer for the Florida Gaming Control Commission ("Commission"), on February 27, 2023, 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 Edgar David Diaz ("Respondent"), in FGCC Case Number 2022-040422 ("Administrative Complaint"). The Commission was represented by Emily A. Alvarado, Deputy Chief Attorney. Respondent appeared *pro se* and the hearing was held telephonically. Both sides were permitted to present witnesses, offer items into evidence, and otherwise fully participate in the hearing.

PRELIMINARY STATEMENT

1. On September 12, 2022, the Commission filed a three-count Administrative Complaint against Respondent alleging violations of sections 550.105(5)(b), and 550.105(10)(d), Florida Statutes, and rule 61D-11.011, based on his July 12, 2022, felony conviction, his failure to notify the Commission of the conviction within 48 hours, and his failure to notify the Commission of his March 3, 2022 arrest within five days.

2. On or about December 14, 2022, Respondent requested an informal hearing pursuant to section 120.57(2), Florida Statutes.

3. Prior to the hearing, Respondent submitted a letter from his past employer David Donnelly, which explained that Respondent was an outstanding employee.

4. Prior to the hearing, the Commission received information that Mr. Donnelly had not sent a letter yet, but intended to send a letter.

5. Following the hearing, the Commission received confirmation that the letter was from David Donnelly and he was unaware his son had already sent the letter.

6. A hearing pursuant to section 120.57(2), Florida Statutes, was held on February 27, 2023.

7. At the hearing, the Commission presented the issues raised in its Administrative Complaint. The Hearing Officer 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.

8. Respondent explained the facts leading to his conviction stating that the incident did not occur as stated in the arrest report.

9. He stated that he and the victim were in and out of a romantic relationship when he found out she was pregnant. Respondent allowed the victim to move into his home. After finding out that he may not be the father of the baby, he asked the victim to leave. A few days following this incident, the victim contacted the police to file a report.

10. Respondent further stated that when he was released from jail on July 18, 2022, he did not return to his job as a dealer but began working other jobs, including working as a horse hand in Ocala.

11. Currently, Respondent has been employed with Daytona Beach Kennel Club since October 2022.

12. When asked if he received reference letters from Daytona Beach Kennel Club, he stated that he did not ask his new employer.

13. Respondent explained that he has been in the poker industry since the age of nineteen. He started as a host and then became a dealer at Oxford Downs.

14. Respondent also explained that the victim worked with him at Oxford Downs.

15. Respondent stated that David Donnelly was his boss at Oxford Downs and he became his friend and was close to his family.

16. He further stated that he was placed on probation for three years which required battery prevention classes, 80 hours of community service, drug testing, and that he could not return to Oxford Downs.

17. Lastly, Respondent explained that he was unaware of the requirement to notify the Commission of his arrest or his conviction and explained that he was in jail and could not comply with that notification.

#### FINDINGS OF FACT

18. Petitioner is the state agency charged with regulating pari-mutuel wagering, card rooms, and slot machine facilities, pursuant to chapters 550, 551, and 849, Florida Statutes.

19. Respondent holds a Cardroom Employee Occupational License, number 11937341-1012, issued by Petitioner.

20. On March 3, 2022, Respondent was arrested in Marion County, Florida and was charged with Aggravated Battery upon a Pregnant Victim.

21. On July 12, 2022, Respondent was convicted for Aggravated Battery upon a Pregnant Victim out of Marion County, Florida in case no 22CF000845AX.

22. There is competent substantial evidence to support the foregoing findings of fact.

#### CONCLUSIONS OF LAW

23. The Hearing Officer has jurisdiction over the subject matter and the Parties pursuant to chapter 120, Florida Statutes.

24. Section 550.105(5)(b), Florida Statutes, provides:

The commission may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the commission governing the conduct of persons connected with racetracks and frontons. In addition, the 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.

25. Section 550.105(10)(d), Florida Statutes, each licensee shall inform the Commission, within 48 hours, “if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.”

26. Section 550.105(5)(c), Florida Statutes, states, in pertinent part, that “[i]f the applicant establishes that she or he is of good moral character, that she or he has been rehabilitated, and that the crime she or he was convicted of is not related to pari-mutuel wagering and is not a capital offense, the restrictions excluding offenders may be waived by the director of the commission.”

27. Rule 61D-11.011, Florida Administrative Code, states:

Any cardroom occupational licensee shall provide written notification to the division when the licensee has been arrested, indicted, or charged in any other way with a criminal offense within five days of the arrest, or if not arrested, within five days of the receipt of a charging document. Licensees are not required to report non-criminal traffic offenses.

28. Respondent was arrested on March 3, 2022, was convicted of a felony offense on July 12, 2022, and failed to inform the Commission of his conviction for the disqualifying offense within 48 hours.

29. Respondent also failed to establish good moral character or rehabilitation as set out in section 550.105(5)(c), Florida Statutes.

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

PROPOSED RECOMMENDED ORDER

Based upon the Findings of Fact and Conclusions of Law, it is hereby requested that the Hearing Officer issue a Recommended Order revoking Respondent's Cardroom Employee Occupational License, number 11937341-1012.

This Proposed Recommended Order in FGCC Case Number 2022-040422 is submitted this 2nd day of March, 2023.

*/s/ Emily A. Alvarado*

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Emily A. Alvarado  
Deputy Chief Attorney  
Florida Bar Number: 1025200  
Florida Gaming Control Commission  
Office of the General Counsel  
Division of Pari-Mutuel Wagering  
2601 Blair Stone Road  
Tallahassee, Florida 32399-2202  
Telephone: (850) 717-1783  
Facsimile: (850) 921-1311  
Primary: Emily.Alvarado@fgcc.fl.gov  
Secondary: Ebonie.Lanier@fgcc.fl.gov

CERTIFICATE OF SERVICE

I hereby certify this 3rd day of March, 2023, that a true copy of the foregoing “Petitioner’s Proposed Recommended Order” has been provided by electronic mail to:

**Edgar David Diaz**  
901 Northwest 22nd Street  
Ocala, Florida 34475  
Edg484@gmail.com

## MEMORANDUM

To: The Florida Gaming Control Commission  
From: Division of Pari-Mutuel Wagering  
Through: Emily Alvarado, Deputy Chief Attorney  
Re: FGCC v. Cynthia I. Fernandes; Case No. 2022-052835  
Date: April 29, 2023

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### *Executive Summary*

On October 6, 2022, Respondent was convicted of a felony offense. On December 7, 2022, the Division filed an Administrative Complaint seeking to revoke Respondent's License. On December 21, 2022, Respondent requested an informal hearing pursuant to section 120.57(2), Florida Statutes. A hearing was held on February 27, 2023. Following the hearing, the Division recommended revoking Respondent's license, while the hearing officer recommended waiving the felony offense.

### *Pertinent Facts*

On October 6, 2022, Respondent was convicted of Possession of a Controlled Substance with the Intent to Distribute out of the United States District Court, District of the Virgin Islands, Division of St. Croix. Respondent did not inform the Division of this felony offense within 48 hours. Based on this conviction, the Division served Respondent with an administrative complaint seeking revocation of her Pari-Mutuel Wagering General Individual Occupational License. Respondent requested an informal hearing.

Prior to the hearing, Respondent provided one recommendation letter. At the informal hearing held on February 27, 2023, Applicant testified to the circumstances that led to this conviction. Following the hearing, the hearing officer issued a recommended order waiving Respondent's felony offense.

### *Relevant Law*

Section 550.105(5)(b), Florida Statutes, provides, that the commission may suspend or revoke any occupational license if the applicant has been convicted of a felony offense.<sup>1</sup>

Section 550.105(10)(d), Florida Statutes, provides that each licensee shall inform the Division, within 48 hours, “if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.” Accordingly, Respondent license can be revoked or suspended based on the felony offense and Respondent’s failure to inform the Division of this conviction within 48 hours.

Section 550.105(5)(c), Florida Statutes, states, in pertinent part, that “[i]f the applicant establishes that she or he is of good moral character, that she or he has been rehabilitated, and that the crime she or he was convicted of is not related to pari-mutuel wagering and is not a capital offense, the restrictions excluding offenders may be waived by the director of the commission.”

Staff Recommendation: The Division of Pari-Mutuel Wagering recommended the Florida Gaming Control Commission revoked Respondent’s License. The Hearing Officer recommended waiving the felony offense.

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<sup>1</sup> Section 550.105(5)(d), Florida Statutes, provides 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.”

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.: 2022-052835

CYNTHIA I. FERNANDES,

Respondent.

\_\_\_\_\_ /

HEARING OFFICER'S RECOMMENDED ORDER

THIS MATTER came before Elizabeth K. Stinson, designated Hearing Officer for the Florida Gaming Control Commission ("Commission"), on February 27, 2023, 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 Cynthia I. Fernandes ("Respondent"), in FGCC Case Number 2022-052835 ("Administrative Complaint"). The Commission was represented by Emily A. Alvarado, Deputy Chief Attorney. Respondent appeared via GoToMeeting and was represented by Gary Printy, Esq., who appeared in person. Both sides were permitted to present witnesses, offer items into evidence, and otherwise fully participate in the hearing.

PRELIMINARY STATEMENT

1. Respondent applied for a Pari-Mutuel Wagering General Individual Occupational License ("License") on August 9, 2022.
2. On this application, Respondent disclosed that she had pled guilty to a felony of Possession with Intent to Distribute, and was awaiting sentencing in October of 2022.
3. Respondent was granted a License on August 17, 2022, and is currently employed at bestbet St. Augustine, Inc. ("bestbet") as a Food Service employee.

4. On October 28, 2022, the Commission received from Respondent, the final disposition documents, showing that the imposition of judgement occurred on October 6, 2022.

5. On December 7, 2022, the Commission filed a two-count Administrative Complaint against Respondent alleging violations of sections 550.105(5)(b), and 550.105(10)(d), Florida Statutes, based on her October 6, 2022, felony conviction and her failure to notify the Commission of the conviction within 48 hours.

6. On or about December 21, 2022, Respondent requested an informal hearing pursuant to section 120.57(2), Florida Statutes.

7. Prior to the hearing, Respondent submitted a letter from her employer, bestbet, which explained that Respondent was one of their most reliable employees, who always showed up with a positive attitude, and provided customer service that caused customers to consistently complement Respondent's work. The letter explained that Respondent had stepped up to the plate in multiple instances of staff shortages to work unscheduled hours while maintaining quality customer service.

8. A hearing pursuant to section 120.57(2), Florida Statutes, was held on February 27, 2023.

9. At the hearing, the Commission presented the issues raised in its Administrative Complaint. The Hearing Officer 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.

10. Respondent testified about the facts leading to her conviction for Possession of a Controlled Substance With Intent To Distribute, to wit Marijuana, stating that someone she believed she was in a relationship with for approximately six to ten months asked her to transport the drugs.

11. Respondent stated that she had no idea what the drugs were, who the drugs were going to, or the intended use of the drugs.

12. Respondent stated that she was not promised compensation.

13. Respondent stated she does not use drugs nor does she have a history of selling drugs.

14. Respondent testified that she was placed on probation for five years.

15. Respondent stated that she has paid her fines and is in the process of completing her community service hours. She also stated that she has no violations of her probation.

16. Respondent explained that she loves her employment at bestbet and would like to continue to work there.

17. Respondent stated that she spoke with two individuals at the Commission on or around October 6, 2022, the date of her imposition of judgment, and sent in the documents relating to her conviction as soon as she received them. She believed she had complied with section 550.105(10)(d), Florida Statutes.

18. After the informal hearing on February 27, 2023, counsel for Respondent provided to the hearing officer a letter from Respondent's probation officer stating that she was being considered for an administrative caseload that would be monitored by a probation officer assistant. The letter stated that this type of probation is reserved for offenders who have demonstrated a high level of compliance and are considered to be low risk for reoffending.

#### FINDINGS OF FACT

19. Petitioner is the state agency charged with regulating pari-mutuel wagering, cardrooms, and slot machine facilities, pursuant to chapters 550, 551, and 849, Florida Statutes.

20. Respondent holds a Pari-Mutuel Wagering General Individual Occupational

License, number 13295503-1022 issued by Petitioner.

21. On October 6, 2022, Respondent was convicted for Possession of a Controlled Substance With Intent To Distribute in the United States District Court, District of the Virgin Islands, Division of St. Croix in Case. No 1:21-CR-0013.

22. There is competent substantial evidence to support the foregoing findings of fact.

#### CONCLUSIONS OF LAW

23. The Hearing Officer has jurisdiction over the subject matter and the Parties pursuant to chapter 120, Florida Statutes.

24. Section 550.105(5)(b), Florida Statutes, provides:

The commission may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the commission governing the conduct of persons connected with racetracks and frontons. In addition, the 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.

25. Section 550.105(10)(d), Florida Statutes, states that each licensee shall inform the Commission, within 48 hours, “if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.”

26. Section 550.105(5)(c), Florida Statutes, states, in pertinent part, that “[i]f the applicant establishes that she or he is of good moral character, that she or he has been rehabilitated, and that the crime she or he was convicted of is not related to pari-mutuel wagering and is not a

capital offense, the restrictions excluding offenders may be waived by the director of the commission.”

27. Section 550.105(5)(b), Florida Statutes, provides that the Florida Gaming Control Commission *may* revoke a license for violations of chapter 550, Florida Statutes, or for criminal convictions. This gives the Commission the discretion to refrain from revoking a license in circumstances where the Commission feels revocation would not be appropriate.

28. While Respondent was convicted of a felony offense on October 6, 2022, and failed to inform the Commission of her conviction for the disqualifying offense within 48 hours after the imposition of judgment, Respondent testified that she notified two Commission staff members verbally on this date. Respondent also testified that she submitted the documents related to her conviction as soon as she received them. Respondent’s testimony is credible and corroborated by the filing provided by Respondent in the investigative packet submitted as evidence by the Commission.

29. Additionally, Respondent disclosed her plea of guilty to Possession of a Controlled Substance With Intent To Distribute on her original application for a License, and was granted a License by the Commission.

30. Respondent’s crime, Possession with Intent to Distribute, is not related to pari-mutuel wagering and is not a capital offense.

31. Respondent testified at the hearing that she no longer associates with anyone who does drugs, and that she herself does not use drugs.

32. The letter provided to the Hearing Officer by Respondent’s attorney, from Respondent’s Probation Officer, shows that Respondent is being considered for a probation caseload that is reserved for individuals who have demonstrated a high level of compliance and are considered a low risk of re-offending.

33. Respondent provided a very positive letter of recommendation to the Commission from Respondent's employer, that demonstrated that Respondent is focused on bettering herself and being an asset to her employer.

34. Respondent's testimony and the investigative packet appear to show that the Respondent had the intention to comply with the reporting requirement under section 550.105(10)(d).

35. Respondent established good moral character and rehabilitation as set out in section 550.105(5)(c), Florida Statutes.

36. 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 requested that the Florida Gaming Control Commission issue a Final Order that:

1. Places Respondent's license on probation until October 5, 2027, the date that Respondent is scheduled to conclude probation; and
2. During this probationary period, any subsequent criminal convictions, excluding non-criminal traffic citations, may lead to the automatic revocation of Petitioner's license.

This Recommended Order in FGCC Case Number 2022-052835 is submitted this 28<sup>th</sup> day of April, 2023.

\_\_\_\_\_  
Elizabeth K. Stinson  
Florida Gaming Control Commission

CERTIFICATE OF SERVICE

I hereby certify this \_\_\_\_ day of \_\_\_\_\_, 2023, that a true copy of the foregoing  
“Hearing Officer’s Recommended Order” has been provided by \_\_\_\_\_ to:

**Cynthia I. Fernandes**  
c/o Gary Printy, Esq.  
1804 Miccosukee Commons Dr., Ste 200  
Tallahassee, FL 32308-5471

\_\_\_\_\_  
Clerk of the Commission

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
PROBATION OFFICE

JOSEPH C. COLLINS  
CHIEF PROBATION OFFICER

501 E Polk Street, Suite 800  
Tampa, Florida 33602

February 28, 2023

300 N. Hogan Street, Suite 6-350  
Jacksonville, Florida 32202

REPLY TO: **Jacksonville**

Printy & Printy, P.A.  
1804 Miccosukee Commons Dr Ste 200  
Tallahassee, FL 32308-5471

**Re: Fernandes, Cynthia**

To Whom It May Concern:

Cynthia Fernandes has requested a letter detailing her compliance under federal supervision be forwarded to your office. On October 6, 2022, Fernandes was sentenced to five (5) years probation for Possession with Intent to Distribute. Special conditions include: 1) submit to random drug testing; 2) complete 150 hours of community service; 3) maintain suitable employment; and 4) pay a \$4,000.00 fine. A \$100.00 special assessment was imposed and paid on October 17, 2022. She is scheduled to conclude supervision on October 5, 2027.

Ms. Fernandes paid the \$4,000.00 fine on December 19, 2022, and has completed approximately half of the court ordered 150 community service hours.

Thus far, she appears to have adjusted well to supervision and there have been no issues of non-compliance. The probation office's risk assessment tool placed her in the low-risk category. Individuals in this category exhibit minimal criminal thinking and have little risk of recidivism.

Currently, Ms. Fernandes is being considered for the administrative caseload monitored by a probation officer assistant. This caseload is reserved for individuals who have demonstrated a high level of compliance and are considered a low risk of re-offending.

Per federal statute, all people on federal supervision are eligible for early termination from supervision after completing one year on supervision.

If you have any questions, please do not hesitate to contact me at [REDACTED].

Sincerely,

/s/ [REDACTED]

[REDACTED]  
United States Probation Officer

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.: 2022-052835

CYNTHIA I. FERNANDES,

Respondent.

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NOTICE OF TELEPHONIC HEARING

TO: Mr. Gary Lee Printy  
1804 Miccosukee Commons Dr., Ste 200  
Tallahassee, Florida, 32308-5471

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 **Monday, February 27, 2023, 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 (850) 877-7299 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@fgcc.fl.gov](mailto:Ebonie.Lanier@fgcc.fl.gov) or telephone at (850) 717-1663, 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 the hearing officer at [Elizabeth.Stinson@fgcc.fl.gov](mailto:Elizabeth.Stinson@fgcc.fl.gov) and the attorney representing the Florida Gaming Control Commission at [Emily.Alvarado@fgcc.fl.gov](mailto:Emily.Alvarado@fgcc.fl.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@fgcc.fl.gov](mailto:Elizabeth.Stinson@fgcc.fl.gov) and Opposing Counsel at [Emily.Alvarado@fgcc.fl.gov](mailto:Emily.Alvarado@fgcc.fl.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 13th day of February, 2023.

By: /s/ *Brandy Humphries*  
Brandy Humphries  
Administrative Assistant II  
Florida Gaming Control Commission  
2601 Blair Stone Road  
Tallahassee, Florida 32399-2202  
Telephone: (850) 717-1919  
Facsimile: (850) 921-1311  
[Brandy.Humphries@fgcc.fl.gov](mailto:Brandy.Humphries@fgcc.fl.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) 717-1663. If you are hearing or speech impaired, please contact the agency by calling 1-800-955-8771.



# FLORIDA GAMING CONTROL COMMISSION

MICHAEL YAWORSKY, VICE CHAIR  
JULIE I. BROWN, COMMISSIONER  
CHUCK DRAGO, COMMISSIONER  
JOHN D'AQUILA, COMMISSIONER

February 13, 2023

Mr. Gary Lee Printy  
1804 Miccosukee Commons Dr. Ste 200  
Tallahassee, FL 32308-5471

RE: Florida Gaming Control Commission v. Cynthia I. Fernandes  
Case No.: 2022-052835

Dear Mr. Printy:

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 Monday, February 27, 2023 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@fgcc.fl.gov, the attorney representing the Florida Gaming Control Commission at Emily.Alvarado@fgcc.fl.gov at least 7 days before the date of the hearing. If you do not have an email address, please contact Ebonie Lanier at the contact information below 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: (850) 877-7299**. If that number is incorrect, please contact Ebonie Lanier at her contact information below as soon as possible to notify her of the correct number at which to reach you. Failure to answer the telephone, promptly return a voicemail, 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 Ebonie Lanier via telephone or email at 850-717-1663 or [Ebonie.Lanier@fgcc.fl.gov](mailto:Ebonie.Lanier@fgcc.fl.gov).

Sincerely,

*s/Brandy Humphries*

Brandy Humphries  
Administrative Assistant II

Enclosures: Notice of Hearing and Case File



Edward Zielinski

800 Market Place Dr.

St. Augustine, FL. 32084

January 11, 2023

I am writing on behalf of Ms. Cynthia Fernandes, who I have had the pleasure to employ since August 2022. As her employer I would like to provide this character reference, regarding my experience in her presence.

We opened this new location in August and Cynthia has been here since the very beginning. It is always unspoken that if anything is needed, we call always call one of most reliable employees Cynthia. To be a manager to someone who always shows up with a positive attitude has been such a pleasure. I have had the opportunity to watch Cynthia grow her communication in high volume situations to ensure the job gets done every time she in on the clock.

On multiple instances, if we have experienced a shortage of staff Cynthia has stepped up to the plate working extra unscheduled hours, while never dropping the quality of customer service she brings to the table. Not only is she a pleasure to work with, but we also receive consistent customer compliments reflecting her sweet and attentive nature.

Please do not hesitate to contact me if you would like to discuss this recommendation further.

Sincerely,

Edward Zielinski

edz@bestbetjax.com

## Lanier-FGCC, Ebonie

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**From:** Ed Zielinski <edz@bestbetjax.com>  
**Sent:** Wednesday, January 11, 2023 4:36 PM  
**To:** Lanier-FGCC, Ebonie  
**Subject:** Character Reference - Cynthia Fernandes  
**Attachments:** Character Reference - CF.pdf

**[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 afternoon ,

Please see attached character reference for Cynthia Fernandes.

Thank you !

Ed Zielinski  
Food and Beverage Manager  
**St Augustine**  
**bestbet Poker & Simulcast**  
Office: (904) 646-0001  
Cell: (443) 356-2363  
[www.bestbetjax.com](http://www.bestbetjax.com)



STATE OF FLORIDA  
FLORIDA GAMING CONTROL COMMISSION

AMENDED ELECTION OF RIGHTS

FGCC v. CYNTHIA I. FERNANDES

CASE NO.: 2022-052835

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.

PRINTED NAME

Garylee Priny  
ATTORNEY OR QUALIFIED REPRESENTATIVE

Street Address

1804 Miccosukee Common Drive  
Street Address (where service shall be made) Wic20

City State Zip

Tallahassee FL 32308-5474  
City State Zip

Telephone Number Facsimile Number (if any)

860 877 7299 850 877 2211  
Telephone Number Facsimile Number (if any)

E-mail

atty.garypriny@gmail.com  
E-mail

SIGNATURE

Garylee Priny

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

## Lanier-FGCC, Ebonie

---

**To:** Lanier-FGCC, Ebonie  
**Subject:** RE: FGCC Case No. 2022052835 - FERNANDES, CYNTHIA I

---

**From:** Lanier-FGCC, Ebonie  
**Sent:** Wednesday, December 21, 2022 3:27 PM  
**To:** 'Gary Printy' <attygaryprinty@gmail.com>  
**Subject:** RE: FGCC Case No. 2022052835 - FERNANDES, CYNTHIA I

Good Afternoon Mr. Printy,

This email is to confirm receipt of the Amended Election of Rights form. Please allow time to receive further feedback regarding the informal hearing date.

Thanks,  
*Ebonie Lanier*

**From:** Gary Printy [<mailto:attygaryprinty@gmail.com>]  
**Sent:** Wednesday, December 21, 2022 3:01 PM  
**To:** Lanier-FGCC, Ebonie <[Ebonie.Lanier-FGCC@fgcc.fl.gov](mailto:Ebonie.Lanier-FGCC@fgcc.fl.gov)>  
**Subject:** Re: FGCC Case No. 2022052835 - FERNANDES, CYNTHIA I

**[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.

See attached Election of rights form

On Wed, Dec 21, 2022 Lanier-FGCC, Ebonie <[Ebonie.Lanier-FGCC@fgcc.fl.gov](mailto:Ebonie.Lanier-FGCC@fgcc.fl.gov)> wrote:

Good Afternoon Mr. Printy,

Please see the attached documents regarding FGCC Case No. 2022-052835.

Thanks,

*Ebonie Lanier*

STATE OF FLORIDA  
 FLORIDA GAMING CONTROL COMMISSION

ELECTION OF RIGHTS

FGCC v. CYNTHIA I. FERNANDES

CASE NO.: 2022-052835

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):

Count 11 paragraph 9 paragraph 10 paragraph 11

**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](http://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.

Cynthia Fernandes  
 PRINTED NAME

\_\_\_\_\_  
 ATTORNEY OR QUALIFIED REPRESENTATIVE

470 wooded crossing Cir.  
 Street Address

\_\_\_\_\_  
 Street Address (where service shall be made)

St. Augustine FL 32084  
 City State Zip

\_\_\_\_\_  
 City State Zip

904-408-7100  
 Telephone Number Facsimile Number (if any)

\_\_\_\_\_  
 Telephone Number Facsimile Number (if any)

Cynthiaines914@gmail.com  
 E-mail

\_\_\_\_\_  
 E-mail

  
 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](mailto:Ebonie.Lanier@fgcc.fl.gov)

RECEIVED  
 By: Donna Fleming  
 December 20, 2022  
 FGCC/Pari-Mutuel Wagering

The commission may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the commission governing the conduct of persons connected with racetracks and frontons. In addition, the 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.

6. Section 550.105(5)(d), Florida Statutes, provides 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.”

7. Based on the foregoing, Respondent violated Section 550.105(5)(b), Florida Statutes, by entering a plea of guilty and being convicted of Possession of a Controlled Substance with Intent to Distribute, a felony in the United States District Court, District of the Virgin Islands, Division of St. Croix on October 6, 2022.

## COUNT II

8. Petitioner realleges and adopts paragraphs numbered one through three as if set forth fully herein.

9. Respondent failed to notify Petitioner within 48 hours of her October 6, 2022 conviction for Possession of a Controlled Substance with Intent to Distribute in the United States District Court, District of the Virgin Islands, Division of St. Croix.

10. Pursuant to Section 550.105(10)(d), Florida Statutes, each licensee shall inform the Commission, within 48 hours, "if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication."

11. Based on the foregoing, Respondent violated Section 550.105(10)(d), Florida Statutes, by failing to inform the Division of her October 6, 2022 conviction for a disqualifying offense within 48 hours.

WHEREFORE, Petitioner respectfully requests the Florida Gaming Control Commission enter an Order imposing against Respondent one or more of the penalties specified in Chapter 550, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for FGCC Case Number 2022-052835 is signed this 7th day of December, 2022.

/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  
2601 Blair Stone Road  
Tallahassee, Florida 32399-2202  
Telephone: (850) 717-1783  
Facsimile: (850) 921-1311  
Primary: Emily.Alvarado@fgcc.fl.gov  
Secondary: Ebonie.Lanier@fgcc.fl.gov

## Lanier-FGCC, Ebonie

---

**From:** Alvarado, Emily  
**Sent:** Monday, December 19, 2022 9:19 AM  
**To:** Lanier-FGCC, Ebonie  
**Subject:** FW: Adobe Scan Dec 15, 2022 (2).pdf  
**Attachments:** Adobe Scan Dec 15, 2022 (2).pdf



**Emily A. Alvarado**  
Deputy Chief Attorney  
Office of the General Counsel  
Florida Gaming Control Commission  
Phone: (850) 717-1783  
Fax: (850) 921- 1311

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:** Gary Printy [mailto:attygaryprinty@gmail.com]  
**\* Sent:** Friday, December 16, 2022 9:03 AM  
**To:** Alvarado, Emily <Emily.Alvarado@fgcc.fl.gov>  
**Subject:** Adobe Scan Dec 15, 2022 (2).pdf

**[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.**

Ms Alvarado, please acknowledge receipt of this email and the signed election of rights by my client Cynthia I Fernandes. Gary Lee Printy attorney for cynthia Fernandes

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.: 2022-052835

CYNTHIA I. FERNANDES,

Respondent.

\_\_\_\_\_ /

ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Cynthia I. Fernandes (“Respondent”), and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering pursuant to Chapter 550, Florida Statutes.
2. At all times material hereto, Respondent held a Pari-Mutuel Wagering General Individual Occupational License, number 13295503-1022, issued by Petitioner.
3. On or about October 6, 2022, Respondent entered a plea of guilty and was convicted of Possession of a Controlled Substance with Intent to Distribute, a felony, in the United States District Court, District of the Virgin Islands, Division of St. Croix, in case number 1:21-CR-0013.

COUNT I

4. Petitioner realleges and adopts paragraphs numbered one through three as if set forth fully herein.
5. Pursuant to Section 550.105(5)(b), Florida Statutes:

The commission may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the commission governing the conduct of persons connected with racetracks and frontons. In addition, the 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.

6. Section 550.105(5)(d), Florida Statutes, provides 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.”

7. Based on the foregoing, Respondent violated Section 550.105(5)(b), Florida Statutes, by entering a plea of guilty and being convicted of Possession of a Controlled Substance with Intent to Distribute, a felony in the United States District Court, District of the Virgin Islands, Division of St. Croix on October 6, 2022.

## COUNT II

8. Petitioner realleges and adopts paragraphs numbered one through three as if set forth fully herein.

9. Respondent failed to notify Petitioner within 48 hours of her October 6, 2022 conviction for Possession of a Controlled Substance with Intent to Distribute in the United States District Court, District of the Virgin Islands, Division of St. Croix.

10. Pursuant to Section 550.105(10)(d), Florida Statutes, each licensee shall inform the Commission, within 48 hours, “if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.”

11. Based on the foregoing, Respondent violated Section 550.105(10)(d), Florida Statutes, by failing to inform the Division of her October 6, 2022 conviction for a disqualifying offense within 48 hours.

WHEREFORE, Petitioner respectfully requests the Florida Gaming Control Commission enter an Order imposing against Respondent one or more of the penalties specified in Chapter 550, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for FGCC Case Number 2022-052835 is signed this 7th day of December, 2022.

/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  
2601 Blair Stone Road  
Tallahassee, Florida 32399-2202  
Telephone: (850) 717-1783  
Facsimile: (850) 921-1311  
Primary: Emily.Alvarado@fgcc.fl.gov  
Secondary: Ebonie.Lanier@fgcc.fl.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 Mass Status Update	Change Recording License Type Public Case Info	Delete Complaint	Mass Activity Update	Mass Discipline Update
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Domain **10 - Division of Pari-Mutuel Wagering**

Logged in as: **Imuniz**

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

Lic Type	<b>1022 - Pari-Mutuel General Individual Occupational</b>	Status	<b>90 Closed</b>	Status Date	<b>11/22/2022</b>
Complaint #	<b>2022052835</b>	Case Type	<b>CMP - Complaint</b>	Disposition	
Docket#		Respondent	<b>FERNANDES, CYNTHIA I</b>	Responsible	<b>dwashingto - WASHINGTON, DEREK</b>
					<b>Private Case</b>

Complaint	Respondent	Complainant	Add'l Info
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Source	<b>INTN - Internal</b>	Security Level	<b>1</b>	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Activities
Form	<b>INTR - Internal</b>	Priority		<input checked="" type="checkbox"/> Allegations	<input type="checkbox"/> Discipline
Class'n	<b>CHIS - Criminal History</b>	Complexity	<b>R - Regular</b>	<input type="checkbox"/> Violations	<input type="checkbox"/> Compliance
Security	<b>STND - Standard</b>	Incident	<b>10/06/2022</b>	<input type="checkbox"/> Related	<input checked="" type="checkbox"/> Disposition
Region	<b>CR - Central Region</b>	Received	<b>11/02/2022</b>	<input type="checkbox"/> Inspection	
Reference	<b>550.105(5)(b), (d) &amp; (10)(d)</b>			<input type="checkbox"/> Costs	
Entered	<b>11/02/2022</b>	Entered By	<b>Imuniz</b>	<input type="checkbox"/> Time Tracking	<input type="button" value="Auto Assign"/>
Summary	<p><b>148-Orange Park Kennel Club, Inc. ----- / ---- . Applicant Hit / Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines : Licensee Cynthia I. FERNANDES, a Food Service employee at Orange Park Kennel Club, and who holds a PMW General Individual Occupational License, (Lic# 13295503 / 1022), was convicted on October 6, 2022, by the District Court of the Virgin Island, Division of St. Croix, of Felony Possession with Intent to Distribute.</b></p>			<input type="checkbox"/> Attachments	<input type="button" value="History"/>
Updated	<b>11/28/2022 10:50:45</b>	By	<b>Imuniz</b>	<input type="checkbox"/> Work Notes	<input type="button" value="Print Report"/>

20	<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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Louis Trombetta, Executive Director

Ron DeSantis, Governor

## OFFICE OF INVESTIGATIONS

### INVESTIGATIVE REPORT

Office: <b>PMW</b>	Region: <b>Northern</b>	Date of Complaint: <b>November 2, 2022</b>	Case Number: <b>2022 05 2835</b>
Respondent:  <b>FERNANDES, CYNTHIA I.</b> 470 Wooded Crossing Cr. St. Augustine, FL 32084 Panama, FL 32404  (904) 408-7100		Complainant:  <b>Division of Pari-Mutuel Wagering</b> <b>Office of Investigations</b> <b>1400 West Commercial Boulevard, Suite 165</b> <b>Ft. Lauderdale, Florida 33309</b>	
License # and Type: <b>13295503 - 1022</b>		Profession: <b>Food Service</b>	Report Date: <b>November 19, 2022</b>
Period of Investigation: <b>November 2, 2022 – November 19, 2022</b>		Type of Report: <b>FINAL</b>	
<p><b>Alleged Violation: 550.105 Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines: (5)(b)</b> The division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the division governing the conduct of persons connected with racetracks and frontons. In addition, 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; 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.</p> <p><b>(d)</b> For purposes of this subsection, 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.</p> <p><b>(10)(d)</b> Under penalty of perjury, each person who is licensed or who is fingerprinted as required by this section must agree to inform the division within 48 hours if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.</p>			
<p>Synopsis: Licensee Cynthia I. FERNANDES, a Food Service employee at Orange Park Kennel Club, and who holds a PMW General Individual Occupational License, (Lic# 13295503 / 1022), was convicted on October 6, 2022, by the District Court of the Virgin Island, Division of St. Croix, of Felony Possession with Intent to Distribute (Marijuana).</p>			
Related Case:			
Investigator Supervisor / Date  <i>C. Derek Washington</i> /s/ C. Derek Washington / November 19, 2022		Chief of Investigations / Date  <i>Steven E. Kogan</i> /s/ Steven E. Kogan / November 22, 2022	

## CONTINUATION

On August 9, 2022, **FERNANDES** applied for a PMW General Individual Occupational License (1022) to work in Food Service at Orange Park Best Bet. On her application, she answered "Yes" 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?" She disclosed a 2022 Felony offense in St. Croix, USVI, for Possession with Intent to Distribute (Marijuana) and that the case (Case #1:21-CR-00013-WAL-EAH) was still pending (**Exhibit #1**).

On August 17, 2022, **FERNANDES** received her PMW General Individual Occupational License (1022) with a letter acknowledging her November 6, 2021, arrest in the District of St. Croix, Virgin Islands that was currently pending judicial review and final disposition. The letter further advised that **FERNANDES** is required to forward final court disposition paperwork within 48 hours of the date of conviction, pursuant to 550.105(10)(d), Florida Statutes (**Exhibit #1**).

On August 17, 2022, PMW Operations Review Specialist Miriam Achens placed an Enforcement Alert on her PMW license regarding her arrest (**Exhibit #2**).

On October 28, 2022, the Division received final disposition court documents from **FERNANDES** showing that she pled guilty and was adjudicated guilty on October 6, 2022, by the District Court of the Virgin Islands, Division of St. Croix, for Felony Possession with Intent to Distribute (Marijuana). She was sentenced to five (5) years' probation, must submit to random drug testing, complete 150 hours of community service, maintain suitable employment and fined \$4000. (**Exhibit #3**).

Information obtained from the District Court of the Virgin Islands, Division of St. Croix database on PACERS (Public Access to Court Electronic Records), indicated the following:

- The affidavit indicated that **FERNANDES** was arrested on November 6, 2021, in St. Croix, District of the Virgin Islands for Possession with Intent to Distribute a Controlled Substance to wit, Marijuana, after US Customs and Border Protection (CBP) Anti-Terrorism Contraband Enforcement Team (A-TCET) found approximately 12.52 Kilograms of marijuana in her checked baggage (**Exhibit #4**).

**FERNANDES** is currently licensed until June 30, 2025 (**Exhibit #5**).

**FERNANDES** is in violation of Florida Statutes 550.105(10)(d) for her Felony conviction listed above.

Status: Investigations case closed and case forwarded to Legal for review.

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4. Court Documents form PACERS ..... 1-3  
5. License Information ..... 1-1



**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
06/15/2022	St. Croix	USVI	Possession	Felony	N/A

- 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 licensure 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 an unpaid fine? If yes, you must list the state(s) or jurisdiction(s) of licensure and give details the offense and discipline.

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

Pled guilty to possession w/ intent to distribute. 1 forensic parole and no jail time. Sentencing is due October. Court records to date attached

**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 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.

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.

 08/09/2022  
 Signature of Applicant Date



JOHN MACIVER, CHAIRMAN  
MICHAEL YAWORSKY, VICE CHAIR  
JULIE I. BROWN, COMMISSIONER  
CHUCK DRAGO, COMMISSIONER  
JOHN D'AQUILA, COMMISSIONER

---

August 17, 2022

Ms. Cynthia I. Fernandes  
470 Wooded Crossing Cr.  
Saint Augustine, Florida 32084

Dear Ms. Fernandes:

Enclosed is your PMW General Individual Occupational License issued by the Florida Gaming Control Commission. Based upon the documentation recently received, we acknowledge your 11/06/2021 arrest in District of Saint Croix, Virgin Islands that is currently pending judicial review and final disposition (Case # 1:21-CR-00013-WAL-EAH).

Once these matters have been resolved in a court of law, you are required to forward the disposition documents to the address above, including your name, license number and contact information within 48 hours of the date of disposition, pursuant to 550.105 (10) (d), Florida Statutes.

If you have any questions or concerns regarding this matter, please feel free to contact me at 850.488.3211.

Sincerely,

*David Donaldson*

David Donaldson,  
Licensing Administrator  
Florida Gaming Control Commission

EXHIBIT #1  
PAGE 3/3

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: **dwashingto**

VR Home > License Search > **Display Alerts**

Fed Tax # [REDACTED]	Lic Type <b>1022 - PMW General Individual Occupational</b>	Expires On <b>06/30/2025</b>
File # <b>101573</b>	Name <b>Fernandes, Cynthia I.</b>	Extended To
License # <b>13295503</b>	Rank <b>GIND - General Individual Occupational</b>	Renewed On
Entity # <b>13295503</b>	Lic Status <b>Current</b>	

Description	Effective	Notes
Enforcement Alert	08/17/2022	

OK

 Get Adobe Reader.

EXHIBIT #2  
PAGE 1/2

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: **dwashingto**

VR Home > License Search > Display Alerts > **Maintain License Modifiers - BASE\_CLONE**

Search Criteria | Results | Detail

Modifier Type **A - Alert**

Modifier **ENFO - Alert**

Effective **08/17/2022**

Expires -

Additional Info :

Prompt

Value **OPEN CASE**

**Applicant has an open case for their 11/06/2021 arrest in US Virgin Islands District of Saint Croix. Once the matter has been resolved in a court of law, or upon final disposition of the case, the applicant is required to forward the disposition documents to the Division.**

Notes

Updated **08/17/2022 09:16:13**

By **machens**

Notes History

Change

Delete

Save

Cancel

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Add

Back

 Get Adobe Reader.



**DEFENDANT: CYNTHIA INES FERNANDES**  
**CASE NUMBER: 1:21-CR-0013**

## PROBATION

You are hereby sentenced to probation for a term of:

**Five (5) years.**

RECEIVED  
2022 OCT 28 PM 3:07  
FLORIDA COUNTY  
CONTROL COMMISSION

## MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.
  - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4.  You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5.  You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6.  You must participate in an approved program for domestic violence. *(check if applicable)*
7.  You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. *(check if applicable)*
8. You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
10. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

**DEFENDANT:** CYNTHIA INES FERNANDES  
**CASE NUMBER:** 1:21-CR-0013

### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

#### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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2022 OCT 28 PM 3:07  
FLORIDA PROBATION  
CONTROL COMMISSION

EXHIBIT #3  
PAGE 3/6

**DEFENDANT:** CYNTHIA INES FERNANDES  
**CASE NUMBER:** 1:21-CR-0013

### **ADDITIONAL PROBATION TERMS**

While on probation, the defendant shall: (1) submit to random drug testing at the direction of the U.S. Probation Office; (2) complete 150 hours of community service under the supervision of the U.S. Probation Office by the conclusion of her term of probation; and (3) maintain suitable employment.

RECEIVED  
2022 OCT 28 PM 3:07  
FLORIDA GAMING  
CONTROL COMMISSION

**DEFENDANT:** CYNTHIA INES FERNANDES  
**CASE NUMBER:** 1:21-CR-0013

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
<b>TOTALS</b>	\$100.00	\$0.00	\$4,000.00	\$0.00	\$0.00

- The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- Restitution amount ordered pursuant to plea agreement \$
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
  - the interest requirement is waived for the  fine  restitution
  - the interest requirement for the  fine  restitution is modified as follows:

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

RECEIVED  
 2022 OCT 26 PM 3:07  
 FLORIDA CHILD  
 CONTROL COMMISSION

DEFENDANT: CYNTHIA INES FERNANDES  
CASE NUMBER: 1:21-CR-0013

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A  Lump sum payments of \$ 100 due immediately
  - not later than \_\_\_\_\_, or
  - in accordance with  C,  D,  E, and  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; and
- F  Special instructions regarding the payment of criminal monetary penalties:

The special assessment of \$100.00 shall be paid to the Clerk of Court forthwith. Payment of the \$4000.00 fine shall be completed no later than at the conclusion of the defendant's period of probation.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several  
See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- Defendant shall receive credit on her restitution obligation for recovery from other defendants who contributed to the same loss that gave rise to defendant's restitution obligation.
- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVTA assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of the Virgin Islands

United States of America )

v. )

Cynthia Ines Fernandes )

Case No. 21mj32

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 6, 2021 in the county of St. Croix in the District of the Virgin Islands, the defendant(s) violated:

Code Section
21 U.S.C. Sec. 841(a)(1)

Offense Description
Possession of a Controlled Substance with Intent to Distribute, to wit: marihuana

This criminal complaint is based on these facts:
see attached affidavit

Continued on the attached sheet.

Complainant's signature

HSI Special Agent Chris McGrath

Printed name and title

Sworn to before me and signed in my presence.

Date: Nov. 8, 2021

Judge's signature

City and state: St. Croix, VI

U.S. Magistrate Judge George W. Cannon, Jr.

Printed name and title

21-mj 32

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

**AFFIDAVIT**

I, Christopher P. McGrath, having been duly sworn, hereby depose and state:

1. I, Christopher McGrath, am a Special Agent of the Department of Homeland Security, Immigration and Customs Enforcement (hereinafter "ICE"), Homeland Security Investigations (hereinafter "HSI") and have been employed by HSI and the Immigration and Naturalization Service (hereinafter "INS") for approximately 15 years. I have passed the Federal Law Enforcement Academy in Glynco, GA in 1996 as a US Border Patrol Agent and the Federal Law Enforcement Academy in Artesia, NM in 2002 as a Senior Patrol Agent. I have also passed the Criminal Investigator Training Program in 2006 at the Federal Law Enforcement Training Center in Glynco, GA which includes, but not limited to, training into drug smuggling investigations.
  
1. This affidavit is made in support of a criminal complaint against Cynthia Ines FERNANDES regarding this individual being charged with: Title 21 U.S. Code, Section 841(a)(1), Possession with Intent to Distribute a Controlled Substance to wit, Marijuana.
  
2. On November 6, 2021, Cynthia Ines FERNANDES arrived at the Henry Rohlsen International Airport on St. Croix, USVI from Charlotte, NC on board American Airlines flight 1077.
  
3. During inbound US Customs and Border Protection (CBP) Anti-Terrorism Contraband Enforcement Team (A-TCET) inspections of American Airline

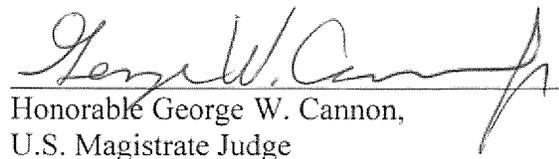
flights, CBP discovered approximately 12.52 kilograms of marijuana arriving on St. Croix, USVI (STX) from Charlotte, NC in checked luggage.

4. U.S. Customs and Border Protection (CBP) A-TCET officers selected two checked bags for an inspection after anomalies were observed during x-ray. A preliminary baggage exam revealed what appeared to be a large bundle in between vacuum sealed clothing in each bag. The bags were closed and placed on the carousel for a controlled baggage claim. A female, later identified as Cynthia Ines FERNANDES, was observed retrieving the luggage and after verifying that her name matched both bag tags, she was escorted to baggage control secondary with the two checked bags. A binding declaration was obtained.
5. In the Customs and Border Protection baggage control secondary area, a full baggage exam of the two checked bags revealed thirteen individually wrapped packages total of a green leafy substance wrapped in between clothing. At 1435, the green leafy substance tested positive for marijuana and a total weight of 12.52 kg. The test was performed by Customs and Border Protection Officer Pat King.
6. Cynthia Ines FERNANDES was read her Statement of Rights (ICE form 73-025) by Special Agents Chris McGrath and Dennis Carter. She invoked her rights.
7. Based upon all of the foregoing, I believe probable cause exists to charge Cynthia Ines FERNANDES with violations Title 21 U.S. Code, Section 841 (a) (1), Possession of a Controlled Substance with Intent to Distribute, to wit Marijuana.



Christopher P. McGrath  
Special Agent  
DHS/ICE/HSI

Subscribed to and sworn before me this 8 day of November, 2021.



Honorable George W. Cannon,  
U.S. Magistrate Judge

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: **dwashingto**

VR Home > License Search > License Home

**License**

Fed Tax # [REDACTED] Lic Type **1022 - PMW General Individual Occupational** Expires On **06/30/2025**

File # **101573** Name **Fernandes, Cynthia I.** Extended To

License # **13295503** Rank **GIND - General Individual Occupational** Renewed On

Entity # **13295503** Lic Status **Current**

- Licensee
- History
- Notes
- Notes History
- Back

**Address**

Street # **470** Street **WOODED CROSSING CR.**

Line 2

Line 3

City **SAINT AUGUSTINE** State **FL** Zip **32084**

Routing

**Other**

1st License Date **08/17/2022** Rank Date **08/17/2022** Certificate #

Method **I-S-1020** Status Date **08/17/2022** Certificate Date

Fee Exempt **No** Birth Date [REDACTED] Renewal Sent

**Select**

Action   

**Modifiers**

Type	Modifier	Effective Date	Additional Info
A	ENFO - Enforcement Alert	08/17/2022	OPEN CASE
C	FOOD - Food Service	08/17/2022	
I	GHND - Greyhound	08/17/2022	
L	148 - Orange Park Kennel Club, Inc.	08/17/2022	
Y	3YR - 3 Year License		

**Alt Keys**

BEST LIC NBR **13295503**

 Get Adobe Reader.

## Muniz, Luz

---

**From:** Washington, Derek  
**Sent:** Wednesday, November 2, 2022 12:54 PM  
**To:** Muniz, Luz  
**Subject:** OCR - Fernandes, Cynthia I. (Appl Hit)  
**Attachments:** Alert 1.pdf; Alert 2.pdf; (al12) License Home.pdf; OCR - Fernandes, Cynthia I. (Appl Hit).docx

Luz,  
Attached is an OCR for an Applicant Hit, please assign to me.

Thanks  
Derek

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

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

Logged in as: **dwashingto**

VR Home > License Search > **Display Alerts**

Fed Tax # [REDACTED]	Lic Type <b>1022 - PMW General Individual Occupational</b>	Expires On <b>06/30/2025</b>
File # <b>101573</b>	Name <b>Fernandes, Cynthia I.</b>	Extended To
License # <b>13295503</b>	Rank <b>GIND - General Individual Occupational</b>	Renewed On
Entity # <b>13295503</b>	Lic Status <b>Current</b>	

Description	Effective	Notes
Enforcement Alert	08/17/2022	

OK

 Get Adobe Reader.

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: **dwashingto**

VR Home > License Search > Display Alerts > **Maintain License Modifiers - BASE\_CLONE**

Search Criteria | Results | Detail

Modifier Type **A - Alert**

Modifier **ENFO - Alert**

Effective **08/17/2022**

Expires -

Additional Info :

Prompt

Value **OPEN CASE**

**Applicant has an open case for their 11/06/2021 arrest in US Virgin Islands District of Saint Croix. Once the matter has been resolved in a court of law, or upon final disposition of the case, the applicant is required to forward the disposition documents to the Division.**

Notes

Updated **08/17/2022 09:16:13**

By **machens**

Notes History

Change

Delete

Save

Cancel

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Add

Back

 Get Adobe Reader.

Domain 10 - Division of Pari-Mutuel Wagering

Logged in as: **dwashingto**

VR Home > License Search > License Home

**License** [REDACTED]

Fed Tax [REDACTED] License Type **1022 - PMW General Individual Occupational** Expires On **06/30/2025**

File # **101573** Name **Fernandes, Cynthia I.** Extended To

License # **13295503** Rank **GIND - General Individual Occupational** Renewed On

Entity # **13295503** Lic Status **Current**

- [Licensee](#)
- [History](#)
- [Notes](#)
- [Notes History](#)
- [Back](#)

**Address**

Street # **470** Street **WOODED CROSSING CR.**

Line 2

Line 3

City **SAINT AUGUSTINE** State **FL** Zip **32084**

Routing

**Other**

1st License Date **08/17/2022** Rank Date **08/17/2022** Certificate #

Method **I-S-1020** Status Date [REDACTED] Certificate Date

Fee Exempt **No** Birth Date [REDACTED] Renewal Sent

**Select**

Action   

**Modifiers**

Type	Modifier	Effective Date	Additional Info
A	ENFO - Enforcement Alert	08/17/2022	OPEN CASE
C	FOOD - Food Service	08/17/2022	
I	GHND - Greyhound	08/17/2022	
L	148 - Orange Park Kennel Club, Inc.	08/17/2022	
Y	3YR - 3 Year License		

**Alt Keys**

BEST LIC NBR **13295503**

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

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

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

Logged in as: **Imuniz**

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

Lic Type	<b>1022 - Pari-Mutuel General Individual Occupational</b>	Status	<b>90 Closed</b>	Status Date	<b>11/22/2022</b>
Complaint #	<b>2022052835</b>	Case Type	<b>CMP - Complaint</b>	Disposition	
Docket#	Respondent <b>FERNANDES, CYNTHIA I</b>	Responsible	<b>dwashingto - WASHINGTON, DEREK</b>		<b>Private Case</b>

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

Source	<b>INTN - Internal</b>	Security Level	<b>1</b>	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Activities
Form	<b>INTR - Internal</b>	Priority		<input checked="" type="checkbox"/> Allegations	<input type="checkbox"/> Discipline
Class'n	<b>CHIS - Criminal History</b>	Complexity	<b>R - Regular</b>	<input type="checkbox"/> Violations	<input type="checkbox"/> Compliance
Security	<b>STND - Standard</b>	Incident	<b>10/06/2022</b>	<input type="checkbox"/> Related	<input checked="" type="checkbox"/> Disposition
Region	<b>CR - Central Region</b>	Received	<b>11/02/2022</b>	<input type="checkbox"/> Inspection	
Reference	<b>550.105(5)(b), (d) &amp; (10)(d)</b>			<input type="checkbox"/> Costs	
Entered	<b>11/02/2022</b>	Entered By	<b>Imuniz</b>	<input type="checkbox"/> Time Tracking	<input type="button" value="Auto Assign"/>
Summary	<p><b>148-Orange Park Kennel Club, Inc. ----- / ---- . Applicant Hit / Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines : Licensee Cynthia I. FERNANDES, a Food Service employee at Orange Park Kennel Club, and who holds a PMW General Individual Occupational License, (Lic# 13295503 / 1022), was convicted on October 6, 2022, by the District Court of the Virgin Island, Division of St. Croix, of Felony Possession with Intent to Distribute.</b></p>			<input type="checkbox"/> Attachments	<input type="button" value="History"/>
Updated	<b>11/28/2022 10:50:45</b>	By	<b>Imuniz</b>	<input type="checkbox"/> Work Notes	<input type="button" value="Print Report"/>

20	<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"/>
----	---------------------------------------	-------------------------------------	-----------------------------------	---------------------------------------	-------------------------------------

ROUTING SLIP

CRIMINAL CONVICTION WHILE LICENSED

RE: FERNANDES, CYNTHIA I. – 13295503  
(LICENSEE NAME – LICENSE #)

Case No: 2022 05 2835

Orange Park Kennel Club  
Facility (d/b/a name)

Food Service  
Occupation/Job Title

Yes  No  
Notified by Licensee

DATE OF CONVICTION:

OCTOBER 6, 2022  
(DATE)

Investigations Section:  
Reviewed by Steve Kogan

 November 22, 2022  
(Initial & Date)

ARCI CHECKED Yes \_\_\_\_\_  
No \_\_\_\_\_

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

Licensing Section:

Reviewed/Forwarded to legal by David Donaldson \_\_\_\_\_  
(Initial & Date)

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

Yes \_\_\_\_\_  
No \_\_\_\_\_

Comments: \_\_\_\_\_

Investigative Findings:

November 6, 2021 US Customs and Border Protection (CBP) Anti-Terrorism Contraband Enforcement Team (A-TCET), St. Croix, USVI. – Possession with Intent to Distribute (Marijuana) - Felony - Pled Guilty – Adjudicated Guilty on October 6, 2022 – Sentenced to five (5) years’ probation, must submit to random drug testing, complete 150 hours of community service, maintain suitable employment and fined \$4000.

Food Service

\* Please attach Routing Slip to front of case file.

Louis Trombetta, Executive Director

Ron DeSantis, Governor

## OFFICE OF INVESTIGATIONS

### INVESTIGATIVE REPORT

Office: <b>PMW</b>	Region: <b>Northern</b>	Date of Complaint: <b>November 2, 2022</b>	Case Number: <b>2022 05 2835</b>
Respondent:  <b>FERNANDES, CYNTHIA I.</b> 470 Wooded Crossing Cr. St. Augustine, FL 32084 Panama, FL 32404  (904) 408-7100		Complainant:  <b>Division of Pari-Mutuel Wagering</b> <b>Office of Investigations</b> <b>1400 West Commercial Boulevard, Suite 165</b> <b>Ft. Lauderdale, Florida 33309</b>	
License # and Type: <b>13295503 - 1022</b>		Profession: <b>Food Service</b>	Report Date: <b>November 19, 2022</b>
Period of Investigation: <b>November 2, 2022 – November 19, 2022</b>		Type of Report: <b>FINAL</b>	
<p><b>Alleged Violation: 550.105 Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines: (5)(b)</b> The division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the division governing the conduct of persons connected with racetracks and frontons. In addition, 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; 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.</p> <p><b>(d)</b> For purposes of this subsection, 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.</p> <p><b>(10)(d)</b> Under penalty of perjury, each person who is licensed or who is fingerprinted as required by this section must agree to inform the division within 48 hours if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.</p>			
<p>Synopsis: Licensee Cynthia I. FERNANDES, a Food Service employee at Orange Park Kennel Club, and who holds a PMW General Individual Occupational License, (Lic# 13295503 / 1022), was convicted on October 6, 2022, by the District Court of the Virgin Island, Division of St. Croix, of Felony Possession with Intent to Distribute (Marijuana).</p>			
Related Case:			
Investigator Supervisor / Date  <i>C. Derek Washington</i> /s/ C. Derek Washington / November 19, 2022		Chief of Investigations / Date  <i>Steven E. Kogan</i> /s/ Steven E. Kogan / November 22, 2022	

## CONTINUATION

On August 9, 2022, **FERNANDES** applied for a PMW General Individual Occupational License (1022) to work in Food Service at Orange Park Best Bet. On her application, she answered "Yes" 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?" She disclosed a 2022 Felony offense in St. Croix, USVI, for Possession with Intent to Distribute (Marijuana) and that the case (Case #1:21-CR-00013-WAL-EAH) was still pending (**Exhibit #1**).

On August 17, 2022, **FERNANDES** received her PMW General Individual Occupational License (1022) with a letter acknowledging her November 6, 2021, arrest in the District of St. Croix, Virgin Islands that was currently pending judicial review and final disposition. The letter further advised that **FERNANDES** is required to forward final court disposition paperwork within 48 hours of the date of conviction, pursuant to 550.105(10)(d), Florida Statutes (**Exhibit #1**).

On August 17, 2022, PMW Operations Review Specialist Miriam Achens placed an Enforcement Alert on her PMW license regarding her arrest (**Exhibit #2**).

On October 28, 2022, the Division received final disposition court documents from **FERNANDES** showing that she pled guilty and was adjudicated guilty on October 6, 2022, by the District Court of the Virgin Islands, Division of St. Croix, for Felony Possession with Intent to Distribute (Marijuana). She was sentenced to five (5) years' probation, must submit to random drug testing, complete 150 hours of community service, maintain suitable employment and fined \$4000. (**Exhibit #3**).

Information obtained from the District Court of the Virgin Islands, Division of St. Croix database on PACERS (Public Access to Court Electronic Records), indicated the following:

- The affidavit indicated that **FERNANDES** was arrested on November 6, 2021, in St. Croix, District of the Virgin Islands for Possession with Intent to Distribute a Controlled Substance to wit, Marijuana, after US Customs and Border Protection (CBP) Anti-Terrorism Contraband Enforcement Team (A-TCET) found approximately 12.52 Kilograms of marijuana in her checked baggage (**Exhibit #4**).

**FERNANDES** is currently licensed until June 30, 2025 (**Exhibit #5**).

**FERNANDES** is in violation of Florida Statutes 550.105(10)(d) for her Felony conviction listed above.

Status: Investigations case closed and case forwarded to Legal for review.

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**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
06/15/2022	St. Croix	USVI	Possession	Felony	N/A

- 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 licensure 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 an unpaid fine? If yes, you must list the state(s) or jurisdiction(s) of licensure and give details the offense and discipline.

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

Pled guilty to possession w/ intent to distribute. 1 forensic parole and no jail time. Sentencing is due October. Court records to date attached

**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 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.

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

08/09/2022  
Date



JOHN MACIVER, CHAIRMAN  
MICHAEL YAWORSKY, VICE CHAIR  
JULIE I. BROWN, COMMISSIONER  
CHUCK DRAGO, COMMISSIONER  
JOHN D'AQUILA, COMMISSIONER

---

August 17, 2022

Ms. Cynthia I. Fernandes  
470 Wooded Crossing Cr.  
Saint Augustine, Florida 32084

Dear Ms. Fernandes:

Enclosed is your PMW General Individual Occupational License issued by the Florida Gaming Control Commission. Based upon the documentation recently received, we acknowledge your 11/06/2021 arrest in District of Saint Croix, Virgin Islands that is currently pending judicial review and final disposition (Case # 1:21-CR-00013-WAL-EAH).

Once these matters have been resolved in a court of law, you are required to forward the disposition documents to the address above, including your name, license number and contact information within 48 hours of the date of disposition, pursuant to 550.105 (10) (d), Florida Statutes.

If you have any questions or concerns regarding this matter, please feel free to contact me at 850.488.3211.

Sincerely,

*David Donaldson*

David Donaldson,  
Licensing Administrator  
Florida Gaming Control Commission

EXHIBIT #1  
PAGE 3/3

OFFICE OF OPERATIONS  
2601 BLAIR STONE ROAD  
TALLAHASSEE, FLORIDA 32399

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

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

Logged in as: **dwashingto**

VR Home > License Search > **Display Alerts**

Fed Tax # [REDACTED]	Lic Type <b>1022 - PMW General Individual Occupational</b>	Expires On <b>06/30/2025</b>
File # <b>101573</b>	Name <b>Fernandes, Cynthia I.</b>	Extended To
License # <b>13295503</b>	Rank <b>GIND - General Individual Occupational</b>	Renewed On
Entity # <b>13295503</b>	Lic Status <b>Current</b>	

Description	Effective	Notes
Enforcement Alert	08/17/2022	

OK

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EXHIBIT #2  
PAGE 1/2

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: **dwashingto**

VR Home > License Search > Display Alerts > **Maintain License Modifiers - BASE\_CLONE**

Search Criteria | Results | Detail

Modifier Type **A - Alert**

Modifier **ENFO - Alert**

Effective **08/17/2022**

Expires -

Additional Info :

Prompt

Value **OPEN CASE**

**Applicant has an open case for their 11/06/2021 arrest in US Virgin Islands District of Saint Croix. Once the matter has been resolved in a court of law, or upon final disposition of the case, the applicant is required to forward the disposition documents to the Division.**

Notes

Updated **08/17/2022 09:16:13**

By **machens**

Notes History

Change

Delete

Save

Cancel

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>

Add

Back

 Get Adobe Reader.



**DEFENDANT: CYNTHIA INES FERNANDES**  
**CASE NUMBER: 1:21-CR-0013**

## PROBATION

You are hereby sentenced to probation for a term of:

**Five (5) years.**

RECEIVED  
2022 OCT 28 PM 3:07  
FLORIDA COUNTY  
CONTROL COMMISSION

## MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.
  - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4.  You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5.  You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6.  You must participate in an approved program for domestic violence. *(check if applicable)*
7.  You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. *(check if applicable)*
8. You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
10. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

**DEFENDANT:** CYNTHIA INES FERNANDES  
**CASE NUMBER:** 1:21-CR-0013

### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

#### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

RECEIVED  
2022 OCT 28 PM 3:07  
FLORIDA JUVENILE  
CONTROL COMMISSION

EXHIBIT #3  
PAGE 3/6

**DEFENDANT:** CYNTHIA INES FERNANDES  
**CASE NUMBER:** 1:21-CR-0013

### **ADDITIONAL PROBATION TERMS**

While on probation, the defendant shall: (1) submit to random drug testing at the direction of the U.S. Probation Office; (2) complete 150 hours of community service under the supervision of the U.S. Probation Office by the conclusion of her term of probation; and (3) maintain suitable employment.

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2022 OCT 28 PM 3:07  
FLORIDA GAMING  
CONTROL COMMISSION

**DEFENDANT:** CYNTHIA INES FERNANDES  
**CASE NUMBER:** 1:21-CR-0013

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
<b>TOTALS</b>	\$100.00	\$0.00	\$4,000.00	\$0.00	\$0.00

- The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- Restitution amount ordered pursuant to plea agreement \$
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
  - the interest requirement is waived for the  fine  restitution
  - the interest requirement for the  fine  restitution is modified as follows:

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

RECEIVED  
 2022 OCT 26 PM 3:07  
 FLORIDA CHILD  
 CONTROL COMMISSION

DEFENDANT: CYNTHIA INES FERNANDES  
CASE NUMBER: 1:21-CR-0013

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A  Lump sum payments of \$ 100 due immediately
  - not later than \_\_\_\_\_, or
  - in accordance with  C,  D,  E, and  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; and
- F  Special instructions regarding the payment of criminal monetary penalties:

The special assessment of \$100.00 shall be paid to the Clerk of Court forthwith. Payment of the \$4000.00 fine shall be completed no later than at the conclusion of the defendant's period of probation.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several  
See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- Defendant shall receive credit on her restitution obligation for recovery from other defendants who contributed to the same loss that gave rise to defendant's restitution obligation.
- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVTAs assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of the Virgin Islands

United States of America )

v. )

Cynthia Ines Fernandes )

Case No. 21mj32

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 6, 2021 in the county of St. Croix in the District of the Virgin Islands, the defendant(s) violated:

Code Section
21 U.S.C. Sec. 841(a)(1)

Offense Description
Possession of a Controlled Substance with Intent to Distribute, to wit: marihuana

This criminal complaint is based on these facts:
see attached affidavit

Continued on the attached sheet.

Complainant's signature

HSI Special Agent Chris McGrath

Printed name and title

Sworn to before me and signed in my presence.

Date: Nov. 8, 2021

Judge's signature

City and state: St. Croix, VI

U.S. Magistrate Judge George W. Cannon, Jr.

Printed name and title

21-mj 32

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

**AFFIDAVIT**

I, Christopher P. McGrath, having been duly sworn, hereby depose and state:

1. I, Christopher McGrath, am a Special Agent of the Department of Homeland Security, Immigration and Customs Enforcement (hereinafter "ICE"), Homeland Security Investigations (hereinafter "HSI") and have been employed by HSI and the Immigration and Naturalization Service (hereinafter "INS") for approximately 15 years. I have passed the Federal Law Enforcement Academy in Glynco, GA in 1996 as a US Border Patrol Agent and the Federal Law Enforcement Academy in Artesia, NM in 2002 as a Senior Patrol Agent. I have also passed the Criminal Investigator Training Program in 2006 at the Federal Law Enforcement Training Center in Glynco, GA which includes, but not limited to, training into drug smuggling investigations.
1. This affidavit is made in support of a criminal complaint against Cynthia Ines FERNANDES regarding this individual being charged with: Title 21 U.S. Code, Section 841(a)(1), Possession with Intent to Distribute a Controlled Substance to wit, Marijuana.
2. On November 6, 2021, Cynthia Ines FERNANDES arrived at the Henry Rohlsen International Airport on St. Croix, USVI from Charlotte, NC on board American Airlines flight 1077.
3. During inbound US Customs and Border Protection (CBP) Anti-Terrorism Contraband Enforcement Team (A-TCET) inspections of American Airline

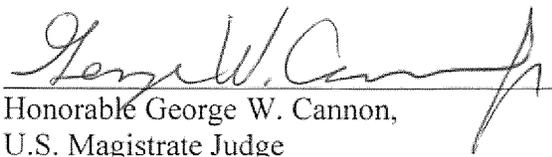
flights, CBP discovered approximately 12.52 kilograms of marijuana arriving on St. Croix, USVI (STX) from Charlotte, NC in checked luggage.

4. U.S. Customs and Border Protection (CBP) A-TCET officers selected two checked bags for an inspection after anomalies were observed during x-ray. A preliminary baggage exam revealed what appeared to be a large bundle in between vacuum sealed clothing in each bag. The bags were closed and placed on the carousel for a controlled baggage claim. A female, later identified as Cynthia Ines FERNANDES, was observed retrieving the luggage and after verifying that her name matched both bag tags, she was escorted to baggage control secondary with the two checked bags. A binding declaration was obtained.
5. In the Customs and Border Protection baggage control secondary area, a full baggage exam of the two checked bags revealed thirteen individually wrapped packages total of a green leafy substance wrapped in between clothing. At 1435, the green leafy substance tested positive for marijuana and a total weight of 12.52 kg. The test was performed by Customs and Border Protection Officer Pat King.
6. Cynthia Ines FERNANDES was read her Statement of Rights (ICE form 73-025) by Special Agents Chris McGrath and Dennis Carter. She invoked her rights.
7. Based upon all of the foregoing, I believe probable cause exists to charge Cynthia Ines FERNANDES with violations Title 21 U.S. Code, Section 841 (a) (1), Possession of a Controlled Substance with Intent to Distribute, to wit Marijuana.



Christopher P. McGrath  
Special Agent  
DHS/ICE/HSI

Subscribed to and sworn before me this 8 day of November, 2021.



Honorable George W. Cannon,  
U.S. Magistrate Judge

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: **dwashingto**

VR Home > License Search > License Home

**License**

Fed Tax # [REDACTED] Lic Type **1022 - PMW General Individual Occupational** Expires On **06/30/2025**

File # **101573** Name **Fernandes, Cynthia I.** Extended To

License # **13295503** Rank **GIND - General Individual Occupational** Renewed On

Entity # **13295503** Lic Status **Current**

- Licensee
- History
- Notes
- Notes History
- Back

**Address**

Street # **470** Street **WOODED CROSSING CR.**

Line 2

Line 3

City **SAINT AUGUSTINE** State **FL** Zip **32084**

Routing

**Other**

1st License Date **08/17/2022** Rank Date **08/17/2022** Certificate #

Method **I-S-1020** Status Date **08/17/2022** Certificate Date

Fee Exempt **No** Birth Date [REDACTED] Renewal Sent

**Select**

Action

**Modifiers**

Type	Modifier	Effective Date	Additional Info
A	ENFO - Enforcement Alert	08/17/2022	OPEN CASE
C	FOOD - Food Service	08/17/2022	
I	GHND - Greyhound	08/17/2022	
L	148 - Orange Park Kennel Club, Inc.	08/17/2022	
Y	3YR - 3 Year License		

**Alt Keys**

BEST LIC NBR **13295503**

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## Muniz, Luz

---

**From:** Washington, Derek  
**Sent:** Wednesday, November 2, 2022 12:54 PM  
**To:** Muniz, Luz  
**Subject:** OCR - Fernandes, Cynthia I. (Appl Hit)  
**Attachments:** Alert 1.pdf; Alert 2.pdf; (al12) License Home.pdf; OCR - Fernandes, Cynthia I. (Appl Hit).docx

Luz,  
Attached is an OCR for an Applicant Hit, please assign to me.

Thanks  
Derek

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

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

Logged in as: **dwashingto**

VR Home > License Search > **Display Alerts**

Fed Tax # [REDACTED]	Lic Type <b>1022 - PMW General Individual Occupational</b>	Expires On <b>06/30/2025</b>
File # <b>101573</b>	Name <b>Fernandes, Cynthia I.</b>	Extended To
License # <b>13295503</b>	Rank <b>GIND - General Individual Occupational</b>	Renewed On
Entity # <b>13295503</b>	Lic Status <b>Current</b>	

Description	Effective	Notes
Enforcement Alert	08/17/2022	

OK

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License Search | Entity Search | Modify License Standing | Maintain License CE Control

Domain 10 - Division of Pari-Mutuel Wagering

Logged in as: **dwashingto**

VR Home > License Search > Display Alerts > **Maintain License Modifiers - BASE\_CLONE**

Search Criteria | Results | Detail

Modifier Type **A - Alert**

Modifier **ENFO - Alert**

Effective **08/17/2022**

Expires -

Additional Info :

Prompt

Value **OPEN CASE**

**Applicant has an open case for their 11/06/2021 arrest in US Virgin Islands District of Saint Croix. Once the matter has been resolved in a court of law, or upon final disposition of the case, the applicant is required to forward the disposition documents to the Division.**

Notes

Updated **08/17/2022 09:16:13**

By **machens**

Notes History

Change

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Cancel

<

>

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Domain 10 - Division of Pari-Mutuel Wagering

Logged in as: **dwashingto**

VR Home > License Search > License Home

**License** [REDACTED]

Fed Tax [REDACTED] License Type **1022 - PMW General Individual Occupational** Expires On **06/30/2025**

File # **101573** Name **Fernandes, Cynthia I.** Extended To

License # **13295503** Rank **GIND - General Individual Occupational** Renewed On

Entity # **13295503** Lic Status **Current**

- [Licensee](#)
- [History](#)
- [Notes](#)
- [Notes History](#)
- [Back](#)

**Address**

Street # **470** Street **WOODED CROSSING CR.**

Line 2

Line 3

City **SAINT AUGUSTINE** State **FL** Zip **32084**

Routing

**Other**

1st License Date **08/17/2022** Rank Date **08/17/2022** Certificate #

Method **I-S-1020** Status Date [REDACTED] Certificate Date

Fee Exempt **No** Birth Date [REDACTED] Renewal Sent

**Select**

Action   

**Modifiers**

Type	Modifier	Effective Date	Additional Info
A	ENFO - Enforcement Alert	08/17/2022	OPEN CASE
C	FOOD - Food Service	08/17/2022	
I	GHND - Greyhound	08/17/2022	
L	148 - Orange Park Kennel Club, Inc.	08/17/2022	
Y	3YR - 3 Year License		

**Alt Keys**

BEST LIC NBR **13295503**

STATE OF FLORIDA  
FLORIDA GAMING CONTROL COMMISSION

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

Petitioner,

v.

FGCC Case No.: 2022-052835

CYNTHIA I. FERNANDES,

Respondent.

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ORDER

The final hearing for this matter is set for February 27, 2023. Respondent's counsel requested that Respondent's counsel appear in person for the final hearing and that Respondent be allowed to appear via video conference. Petitioner's counsel did not object.

Pursuant to rule 28-106.305, Fla Admin. Code, "The presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case."

It is therefore ORDERED:

1. The final hearing set for February 27, 2023 will be held in person at 2601 Blair Stone Road, Tallahassee, Florida 32399 and via video conference at 10:00 am Eastern Standard Time. For those attending in person, check in at the entrance of Building B and have the front desk contact Melinda Bristow. For those wishing to attend virtually, the video conferencing information is as follows:

<https://meet.goto.com/528099429>

To call into the hearing via phone-  
United States (Toll Free): 1 877 309 2073  
- One-touch: <tel:+18773092073,,528099429#>

United States: +1 (646) 749-3129  
- One-touch: <tel:+16467493129,,528099429#>

Access Code: 528-099-429

To download the GoToMeeting software: <https://meet.goto.com/install>

DONE AND ORDERED this 24th day of February, 2023, in Tallahassee, Leon County Florida.



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Elizabeth K. Stinson  
Florida Gaming Control Commission

CERTIFICATE OF SERVICE

I hereby certify this 24th day of February, 2023 that a true copy of the foregoing “Order of Telephonic Hearing” has been furnished via email to:

Emily Alvarado  
[Emily.Alvarado@fgcc.fl.gov](mailto:Emily.Alvarado@fgcc.fl.gov)  
Counsel for Petitioner

Gary Lee Printy  
[attygaryprinty@gmail.com](mailto:attygaryprinty@gmail.com)  
Counsel for Respondent



---

Elizabeth K. Stinson  
Florida Gaming Control Commission

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
PROBATION OFFICE

JOSEPH C. COLLINS  
CHIEF PROBATION OFFICER

501 E Polk Street, Suite 800  
Tampa, Florida 33602

February 28, 2023

300 N. Hogan Street, Suite 6-350  
Jacksonville, Florida 32202

REPLY TO: **Jacksonville**

Printy & Printy, P.A.  
1804 Miccosukee Commons Dr Ste 200  
Tallahassee, FL 32308-5471

**Re: Fernandes, Cynthia**

To Whom It May Concern:

Cynthia Fernandes has requested a letter detailing her compliance under federal supervision be forwarded to your office. On October 6, 2022, Fernandes was sentenced to five (5) years probation for Possession with Intent to Distribute. Special conditions include: 1) submit to random drug testing; 2) complete 150 hours of community service; 3) maintain suitable employment; and 4) pay a \$4,000.00 fine. A \$100.00 special assessment was imposed and paid on October 17, 2022. She is scheduled to conclude supervision on October 5, 2027.

Ms. Fernandes paid the \$4,000.00 fine on December 19, 2022, and has completed approximately half of the court ordered 150 community service hours.

Thus far, she appears to have adjusted well to supervision and there have been no issues of non-compliance. The probation office's risk assessment tool placed her in the low-risk category. Individuals in this category exhibit minimal criminal thinking and have little risk of recidivism.

Currently, Ms. Fernandes is being considered for the administrative caseload monitored by a probation officer assistant. This caseload is reserved for individuals who have demonstrated a high level of compliance and are considered a low risk of re-offending.

Per federal statute, all people on federal supervision are eligible for early termination from supervision after completing one year on supervision.

If you have any questions, please do not hesitate to contact me at 904-301-6446.

Sincerely,

*Jewel Butler*

Jewel Butler  
United States Probation Officer

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.: 2022-052835

CYNTHIA I. FERNANDES,

Respondent.

\_\_\_\_\_ /

PETITIONER'S PROPOSED RECOMMENDED ORDER

THIS MATTER came before Elizabeth Stinson, designated Hearing Officer for the Florida Gaming Control Commission ("Commission"), on February 27, 2023, 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 Cynthia I. Fernandes ("Respondent"), in FGCC Case Number 2022-052835 ("Administrative Complaint"). The Commission was represented by Emily A. Alvarado, Deputy Chief Attorney. Respondent appeared via Gotomeeting and was represented by Gary Printy, Esq., who appeared in person. Both sides were permitted to present witnesses, offer items into evidence, and otherwise fully participate in the hearing.

PRELIMINARY STATEMENT

1. On December 7, 2022, the Commission filed a two-count Administrative Complaint against Respondent alleging violations of sections 550.105(5)(b), and 550.105(10)(d), Florida Statutes, based on her October 6, 2022, felony conviction and her failure to notify the Commission of the conviction within 48 hours.

2. On or about December 21, 2022, Respondent requested an informal hearing pursuant to section 120.57(2), Florida Statutes.

3. Prior to the hearing, Respondent submitted a letter from her employer, BestBet, which explained that Respondent was a positive and reliable employee.

4. A hearing pursuant to section 120.57(2), Florida Statutes, was held on February 27, 2023.

5. At the hearing, the Commission presented the issues raised in its Administrative Complaint. The Hearing Officer 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.

6. Respondent explained the facts leading to her conviction stating that someone she believed she was in a relationship with for approximately six to ten months asked her to transport the drugs.

7. Respondent stated that she had no idea what the drugs were, who the drugs were going to, or what the intended use of the drugs was for.

8. Respondent stated that she was not promised compensation, although she assumed she would be compensated for transporting the drugs.

9. Respondent stated she does not use drugs nor does she have a history of selling drugs.

10. Respondent was placed on probation for five years and following the hearing, provided the Hearing Officer a letter from her probation officer stating she has had no issues of non-compliance and categorized her as low-risk.

11. Respondent stated that she has paid her fines and is in the process of completing her community service hours. She also stated that she has no violations of her probation.

12. Respondent explained that she loves her employment at BestBet and would like to continue to work there.

13. Lastly, Respondent stated that she spoke with two individuals at the Commission on or around October 6, 2022, and sent in the documents relating to her conviction as soon as she received them. She believed she had complied with section 550.105(10)(d), Florida Statutes.

#### FINDINGS OF FACT

14. Petitioner is the state agency charged with regulating pari-mutuel wagering, card rooms, and slot machine facilities, pursuant to chapters 550, 551, and 849, Florida Statutes.

15. Respondent holds a Pari-Mutuel Wagering General Individual Occupational License, number 13295503-1022 issued by Petitioner.

16. On October 6, 2022, Respondent was convicted for Possession of a Controlled Substance With Intent To Distribute in the United States District Court, District of the Virgin Islands, Division of St. Croix in Case. No 1:21-CR-0013.

17. There is competent substantial evidence to support the foregoing findings of fact.

#### CONCLUSIONS OF LAW

18. The Hearing Officer has jurisdiction over the subject matter and the Parties pursuant to chapter 120, Florida Statutes.

19. Section 550.105(5)(b), Florida Statutes, provides:

The commission may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the commission governing the conduct of persons connected with racetracks and frontons. In addition, the 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.

20. Section 550.105(10)(d), Florida Statutes, each licensee shall inform the Commission, within 48 hours, “if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.”

21. Section 550.105(5)(c), Florida Statutes, states, in pertinent part, that “[i]f the applicant establishes that she or he is of good moral character, that she or he has been rehabilitated, and that the crime she or he was convicted of is not related to pari-mutuel wagering and is not a capital offense, the restrictions excluding offenders may be waived by the director of the commission.”

22. Respondent was convicted of a felony offense on October 6, 2022, and failed to inform the Commission of her conviction for the disqualifying offense within 48 hours.

23. Respondent also failed to establish good moral character or rehabilitation as set out in section 550.105(5)(c), Florida Statutes.

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

PROPOSED RECOMMENDED ORDER

Based upon the Findings of Fact and Conclusions of Law, it is hereby requested that the Hearing Officer issue a Recommended Order revoking Respondent's Pari-Mutuel Wagering General Individual Occupational License, number 13295503-1022.

This Proposed Recommended Order in FGCC Case Number 2022-052835 is submitted this 1st day of March, 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  
2601 Blair Stone Road  
Tallahassee, Florida 32399-2202  
Telephone: (850) 717-1783  
Facsimile: (850) 921-1311  
Primary: Emily.Alvarado@fgcc.fl.gov  
Secondary: Ebonie.Lanier@fgcc.fl.gov

CERTIFICATE OF SERVICE

I hereby certify this 2nd day of March, 2023, that a true copy of the foregoing “Petitioner’s Proposed Recommended Order” has been provided by electronic mail to:

**Cynthia I. Fernandes**  
c/o Gary Printy, Esq.  
attygaryprinty@gmail.com

# Discussion of HISA and HIWU Agreement

## MUTUAL COOPERATION AGREEMENT

THIS MUTUAL COOPERATION AGREEMENT (the “Agreement”) is entered into as of \_\_\_\_\_ day of May 2023, by and among the Horseracing Integrity and Safety Authority, Inc., a Delaware non-profit corporation, 401 West Main Street, Unit 222, Lexington, Kentucky 40507 (the “Authority”), the Horseracing Integrity & Welfare Unit, a division of Drug Free Sport, LLC (“Drug Free Sport”), a Delaware limited liability company, 4801 Main Street, Suite 350, Kansas City, Missouri 64112 (the “Agency”), and the Florida Gaming Control Commission, an agency of the Florida State government, 4070 Esplanade Way, Tallahassee, FL 32399 (the “Commission”). As used herein, the “Parties” shall mean the Authority, the Agency, and the Commission, collectively; and a “Party” shall mean the Authority, the Agency or the Commission, individually.

**WHEREAS**, the Authority is a private, independent, self-regulatory, non-profit corporation recognized by the Horseracing Integrity and Safety Act of 2020, as amended (the “Act”) for the purpose of developing and implementing a horseracing anti-doping and medication control program and a racetrack safety program for covered horses, covered persons, and covered horseraces;

**WHEREAS**, pursuant to 15 USC § 3054(e)(1), the Authority entered into an agreement with Drug Free Sport to create an entity to act as the anti-doping and medication control enforcement agency for the Authority under the Act;

**WHEREAS**, Drug Free Sport created the Agency to act as the anti-doping and medication control enforcement agency under the Act and to develop and enforce an independent and uniform thoroughbred anti-doping and medication control program (“ADMC Program”);

**WHEREAS**, the Commission is the independent agency of state government vested with jurisdiction to regulate the conduct of horse racing and pari-mutuel wagering on horse racing and related activities within the State of Florida (the “State”);

**WHEREAS**, pursuant to 15 U.S.C. § 3054(e)(2)(A)(i), the Authority may enter into an agreement with a state racing commission for services consistent with the enforcement of the racetrack safety program (the “Racetrack Safety Program”);

**WHEREAS**, pursuant to 15 U.S.C. § 3060, the Authority may to enter into an agreement with a state racing commission to implement, within the jurisdiction of racing commission, a component of the Racetrack Safety Program;

**WHEREAS**, pursuant to 15 U.S.C. § 3054(e)(2)(A)(ii), the Agency may enter into an agreement with a state racing commission for services consistent with the enforcement of the ADCMC Program;

**WHEREAS**, pursuant to 15 U.S.C. § 3060, the Authority, with the concurrence of the Agency, may enter into an agreement with a state racing commission to implement, within the jurisdiction of racing commission, a component of the ADCMC Program;

**WHEREAS**, the Authority has determined that the Commission is able to implement certain areas of the Racetrack Safety Program in accordance with the rules, standards, and requirements established by the Act and the Authority; and

**WHEREAS**, the Authority and Agency have determined that the Commission is able to implement certain areas of the ADMC Program in accordance with the rules, standards, and requirements established by the Act, the Authority, and the Agency.

**NOW THEREFORE**, in consideration of the covenants herein contained and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

**I. Racetrack Safety Program**

1. **Purpose and Definitions.** The terms used in Section I., “Racetrack Safety Program,” shall mean the same as they are defined in Horseracing and Integrity and Safety Act of 2020, as amended, as codified in 15 U.S.C. §§ 3051-3060, and the Authority’s Racetrack Safety (“Safety”) Rules, 87 Fed. Reg. 435-459 (Jan. 5, 2022). The Authority and the Commission hereby enter into this Agreement, described in 15 U.S.C. § 3054(e)(2)(A)(i), to delineate the guidelines under which the Parties will cooperate to enforce specified portions of the Racetrack Safety Program.
2. **Medical Director.** The Authority shall appoint and employ a Medical Director for the State who shall carry out the duties and responsibilities set forth in Safety Rule 2132.
3. **Safety Director.** The Commission has no obligation to implement the requirements set forth in Safety Rule 2131 because the Racetracks in the State of Florida have assumed this obligation, including the appointment of a Safety Director.
4. **Stewards.** The Commission names and appoints its current stewards as the stewards for the State of Florida under Safety Rule 2133. The Commission reserves the right to hire additional stewards, if needed, who will also serve as stewards for purposes of Safety Rule 2133. Any steward hired by the Commission after the effective date of this Agreement shall have the same authority as those stewards that were named and appointed previously. The Commission will ensure that all stewards meet the requirements of Safety Rule 2133(a)-(c), as well as enforce the safety regulations set forth in Safety Rules 2200 through 2293. The Authority agrees to provide training and guidance to the stewards, at the Authority’s expense, on the enforcement of Safety Rules 2200 through 2293. The Authority agrees that any steward hired by the Commission after the effective date of this Agreement will not need to be approved by the Authority and that this Agreement will not need to be amended in that regard. The Commission steward and stewards appointed by Race-tracks, subject to approval of the Racetrack Safety Committee, make up a board of three. The enforcement of Safety Rules 2200 through 2293 by the stewards shall constitute action by the Au-thority.
5. **Regulatory Veterinarian.** The Commission names and appoints its current veterinarian as the Regulatory Veterinarian for the State of Florida under Safety Rule 2134. The Commission reserves

the right to hire additional veterinarians, if needed, who will also serve as Regulatory Veterinarians for purposes of Safety Rule 2134. Any veterinarian hired by the Commission after the effective date of this Agreement shall be deemed a Regulatory Veterinarian under Safety Rule 2134. The Authority agrees that any veterinarian hired by the Commission after the effective date of this Agreement does not require approval by the Authority and does not necessitate an amendment to this Agreement in that regard. The Commission shall ensure that all Regulatory Veterinarians meet the requirements of Safety Rule 2134(a)(1)-(5), as well as carry out only the specific duties enumerated in Safety Rule 2135(a) (1), (5) and (11). In accordance with Safety Rule 2135(b), the Association Veterinarian will perform the specific duties outlined in Safety Rule 2135(a) (2)-(4), and (6)-(10).

6. Emergency Warning Systems. Once the Authority, or the Racetrack Safety and Welfare Committee, approves a Racetrack's emergency warning system, as described in Safety Rule 2153(d), the Commission agrees to ensure that the Racetrack maintains the approved emergency warning system. Furthermore, the Commission agrees to ensure that the Racetrack tests its approved emergency warning system as described in Safety Rule 2153(d)(2). The Commission shall provide periodic reports concerning a Racetrack's maintenance and testing of its approved emergency warning system as directed by and on forms prescribed by the Authority.
7. Uniform National Trainers Test. The Authority agrees to develop and provide the Commission with a uniform National Trainers Test ("test") as described in Safety Rule 2181. The Commission agrees to encourage Racetracks to administer the test and make successful passage of the test a condition for entry of a Covered Horse.
8. Training Opportunities. The Commission agrees to provide reasonable notice of training opportunities made available by the Authority or industry organizations to all Florida licensed Racetrack employees who have roles in racetrack safety or direct contact with Covered Horses.
9. Jockey Drug and Alcohol Testing. Once the Authority, or the Racetrack Safety Committee, approves a Racetrack's jockey drug and alcohol testing program ("testing program"), as described in Safety Rule 2191, the Commission shall ensure that the Racetrack abides by the terms of the approved testing program. The Commission shall provide periodic reports concerning Racetrack's compliance with the testing program as directed by and on forms prescribed by the Authority.
10. Concussion Management. Once the Authority, or the Racetrack Safety Committee, approves a Racetrack's concussion management program ("concussion program"), as described in Safety Rule 2192, the Commission agrees to ensure that the Racetrack abides by the terms of the approved concussion program. The Commission shall provide periodic reports concerning Racetrack's compliance with the concussion program as directed by and on forms prescribed by the Authority.
11. Racetrack Safety Program Scope of Work. The scope of work and reporting obligations for the Racetrack Safety Program under this Agreement are set forth in training provided by the Authority regarding the Safety Rule 2000 Series and any additional policies and procedures implemented

by the Authority which are consistent with the Act and any regulations approved by the Federal Trade Commission pursuant to the Act (“HISA Policies”). Copies of HISA Policies shall be communicated to the Commission in a manner that allows for timely implementation by the Commission in accordance with the provisions of Paragraph I.13 below, which may involve regulatory changes that are subject to review by appropriate administrative or legislative bodies. The Commission and the Authority shall work together to achieve an agreement on the Commission’s role in implementing and administering any and all Authority policies that are not promulgated as regulations approved by the Federal Trade Commission. The Commission agrees to provide performance metrics in reasonable detail, upon request by the Authority, and on forms prescribed by the Authority. The Parties agree to meet and confer on a regular basis, and at least quarterly, to discuss and collaborate on the effective and efficient implementation and administration of the Racetrack Safety Program and the duties and responsibilities set forth in this Section.

12. Indemnification. The Authority expressly agrees to indemnify and hold harmless the Commission and its agents or employees from and against any and all claims, loss, damages, injury, liability and costs, including but not limited to reasonable attorneys’ fees and court costs, resulting from, arising out of, or in any way connected with the Racetrack Safety Program Scope of Work as defined in this Agreement, except to the extent that such liability, loss, expense, attorneys’ fees, or claims for injury or damages are caused by, or result from, the willful misconduct of the Commission or its employees or agents. Any enforcement actions related to the Racetrack Safety Program Scope of Work shall be the responsibility of and shall be defended by the Authority. Any appeals or challenges to actions taken by Commission agents or employees when enforcing the Act or federal rules or regulations promulgated pursuant to the Act shall proceed pursuant to the enforcement rules promulgated pursuant to the Act and shall be defended by the Authority. Notwithstanding anything set forth in this Agreement to the contrary, this Agreement shall not be construed to waive any immunity under applicable state law, including, but not limited to, sovereign or qualified immunity, possessed by the Commission and its agents or employees.
13. Authority Protocols Policies, Procedures, and Forms. The Authority shall provide the Commission with a copy of all existing amended and new training materials, policies, procedures, and forms. These documents shall be provided to the Commission’s Executive Director Louis A. Trombetta, or his successor, with copies to Director of Pari-Mutuel Wagering Joe Dillmore, by email within 72 hours of implementation. The Commission shall be afforded a reasonable time to implement any such changes once notice of a new policy, protocol, or procedure is provided to the Commission by the Authority.
14. Reimbursement for Investigations. The Authority agrees to reimburse the Commission for any actual costs or expenses incurred in connection with any Authority investigation conducted in the State pursuant to the Racetrack Safety portion of this Agreement, which were incurred over and above typical duties that would have been performed in the course of their Commission employment. This reimbursement is contemplated for at least the following potential costs: the cost of using Commission employees as investigators or as witnesses at a hearing or trial (including witness preparation and testimony), as well as the travel, copying, and other resources utilized or

expensed in performing these tasks. The Commission agrees to invoice the Authority quarterly for such costs and expenses. The Authority agrees to fully pay such invoices within 30 days.

## **II. ADMC Program**

1. **Purpose and Definitions.** The terms used in Section II., “ADMC Program,” shall mean the same as they are defined in Horseracing and Integrity and Safety Act of 2020 (as amended), as codified in 15 U.S.C. §§ 3051-3060, and the Authority’s Anti-Doping and Medication Control (ADMC) Rules, 88 Fed. Reg. 5070-5201 (Jan. 26, 2023), which were approved by the Federal Trade Commission on March 27, 2023. The Agency and the Commission hereby enter into this Agreement, described in 15 U.S.C. § 3054(e)(2)(A)(ii), to delineate the guidelines under which the Parties will cooperate to enforce specified portions of the ADMC Program.
2. **Agency-Authorized Collection Personnel.**
  - (a) The Commission agrees that its personnel currently collecting post-race samples for Covered Horses in the State of Florida, including, but not limited to, its employees and/or contractors, will collect certain samples in the State of Florida (the “Agency Samples”) for, and under the authority of, the Agency in accordance with ADMC Rule Series 3000, (“Equine Anti-Doping and Controlled Medication Protocol”), ADMC Rules 3131–3140 (collectively referred to as “Testing and Investigations”), and ADMC Rule Series 5000, (“Equine Testing and Investigation Standards”) (such personnel are hereinafter referred to as the “Agency-Authorized Collection Personnel.”) The term “Agency Sample” includes Post-Race Sample collection on Race Day. The term “Agency Sample” does not include TCO<sub>2</sub>, Post-Work Samples, or Out-of-Competition Samples but may include the collection of samples from Claimed Horses, provided that such sample collection is part of the ordinary Post-Race Sample collection on Race Day.
  - (b) The Commission understands that Agency-Authorized Collection Personnel shall acquire and maintain certification from the Agency, as required by the ADMC Rules, in order to be permitted to conduct collections of Agency Samples. To ensure that Agency-Authorized Collection Personnel timely acquire and maintain Agency certification, the Agency agrees to provide training opportunities for Commission personnel no later than ten (10) business days of the date of hire or date of recertification, unless the Parties mutually agree to a later date, of Agency-Authorized Collection Personnel. Pursuant to ADMC Rule 5450, the Agency will authorize these Agency-Authorized Collection Personnel to conduct sample collections for the ADMC Program.
  - (c) As directed in training provided by the Agency, the Commission agrees to provide information relating to the compliance of its Agency-Authorized Collection Personnel with the ADMC Rule Series 3000, “Equine Anti-Doping and Controlled Medication Protocol,” ADMC Rule Series 5000, “Equine Testing and Investigation Standards,” and any additional policies and procedures implemented by the Agency which are consistent with the Act and

the ADMC Rules (the “HIWU Policies”) upon request by the Agency and on forms to be specified by the Agency.

3. Background Checks. The Commission agrees to provide the Agency with: (a) a certification that all Agency-Authorized Collection Personnel have satisfactorily completed a Level I background check no earlier than one (1) year prior to May 22, 2023, the effective date of the ADMC Program (the “Program Effective Date”); and (b) a conflict of interest statement completed by each Agency-Authorized Collection Personnel in a form specified by the Agency. The Commission understands that the requirements of subsections (a) and (b) above are a condition of certification of Agency-Authorized Collection Personnel by the Agency.
4. Testing Liaison. The Commission names and appoints Glenda Ricks, the Chief of Operations for the Commission, Division of Pari-Mutuel Wagering, as the HIWU Testing Liaison of the State (the “HIWU Testing Liaison”). The Agency and the Commission agree that the Testing Liaison shall be the point-of-contact with the Agency for: (a) the scheduling of the collection of Agency Samples by Agency-Authorized Collection Personnel; (b) any problems or issues that arise during collections of Agency Samples by Agency-Authorized Collection Personnel; and (c) the delivery of any notice required under ADMC Rule Series 3000, (“Equine Anti-Doping and Controlled Medication Protocol”) to individuals present at Racetracks or Training Facilities in the State. The Commission shall provide the Agency with the HIWU Testing Liaison’s contact information and shall promptly inform the Agency when that information changes. Any person named to replace the individual named as HIWU Testing Liaison shall be confirmed in written notice to the Agency.
5. Direction and Control of Agency-Authorized Collection Personnel. The Commission agrees that Agency-Authorized Collection Personnel will perform the Agency Sample collections in accordance with the Agency’s policies, procedures and instructions. With the exception of scheduling Agency-Authorized Collection Personnel and monitoring Agency-Authorized Collection Personnel when they are carrying out responsibilities in accordance with the ADMC Program, the Commission agrees that it will not, in any way, be involved in the collection of Agency Samples, including, but not limited to, instructing or directing such Agency-Authorized Collection Personnel on the Covered Horses that should be selected for testing at a given Covered Horserace unless authorized by the Agency to do so provided such instructions or directions comply with Commission human resources policies or the State of Florida labor laws. The Commission agrees that only Agency-Authorized Collection Personnel will be involved in the collection of Agency Samples, including giving directions and instructions to other Agency-Authorized Collection Personnel with respect to how to conduct any portion of an Agency Sample collection.
6. Limitation on Testing. The Commission understands that under the Act, no testing of Covered Horses under the ADMC Program will occur in the State after the Program Effective Date, unless it is at the direction of the Agency or has been authorized in advance and in writing by the Agency. No testing of Covered Horses will occur under the ADMC Program prior to the Program Effective Date.

7. State Investigative Personnel. The Commission agrees that Commission personnel currently conducting investigations in the State of Florida, including, but not limited to, its employees and/or contractors will conduct investigations in the State for, and at the direction of, the Agency (“Agency Investigations”) pursuant to ADMC Rule Series 3000, (“Equine Anti-Doping and Controlled Medication Protocol”), ADMC Rules 3131-3140 (“Testing and Investigations”), and Rule Series 5000, (“Equine Testing and Investigation Standards”), including the regulations under Rule ADMC 5700 (“Standards for Investigations”) (such Commission personnel are hereinafter referred to as the “State Investigative Personnel.”) After training by the Agency, State Investigative Personnel will be authorized by the Agency to conduct investigations for, and at the direction of, the Agency and as such, shall be deemed designees under Rule 8400 (“Investigatory Powers.”)
8. Investigations Liaison. The Commission names and appoints Brad Jones, Chief of Investigations for the Commission as Investigations Liaison of the State (the “Investigations Liaison”). The Agency and the Commission agree that the Investigations Liaison shall be the point-of-contact with the Agency for the scheduling of any investigatory work requested by the Agency pursuant to Paragraph I.7 above. In connection with Agency Investigations, the Investigations Liaison shall be deemed designees of the Authority pursuant to Rule 8400 (“Investigatory Powers”). The Commission shall provide the Agency with the Investigation Liaison’s contact information and shall promptly inform the Agency when that information changes. Any person named to replace the individual named as Investigations Liaison shall be confirmed in written notice to the Agency.
9. Direction and Control of State Investigative Personnel. The Commission agrees that State Investigative Personnel will perform investigative work requested by the Agency in accordance with the Agency’s policies, procedures and instructions. The Commission agrees that it will not be, in any way, involved in decision-making in connection with these Agency Investigations, including, but not limited to, instructing or directing the State Investigative Personnel on which Covered Persons and/or Covered Horses should be investigated regarding potential violations that fall under the jurisdiction of the Agency. Likewise, the Agency agrees that is will not, in any way, be involved in decision-making in connection with investigations of any matter that falls outside of the Agency’s jurisdiction. The Commission will not limit or instruct State Investigative Personnel regarding when or where to conduct an Agency Investigation provided such instructions or directions comply with Commission human resources policies or the State of Florida labor laws. Likewise, the Agency will not limit or obstruct State Investigative Personnel in connection with investigations of any matter that falls outside of the Agency’s jurisdiction. Nothing in this Paragraph is intended to abrogate the Commission’s authority to investigate any matter that falls under the Commission’s jurisdiction.
10. Limitation on Investigations. The Commission understands that, under the Act, the Commission shall not conduct any investigation pertaining to the ADMC Program, including, but not limited to, any interviews or searches of any kind, unless it is at the request and in coordination with of the Agency. No Agency Investigations will occur pursuant to this Agreement prior to the Program Effective Date. This does not abrogate the Commission’s authority to investigate a matter related to a Covered Horse or Covered Person that falls outside of the jurisdiction of the Agency.

11. Access to Racetracks. The Commission agrees that any individual who presents a credential or letter of authorization issued by the Agency shall be permitted access to any portion of any participating Racetrack that the Commission controls access to in the State at which Covered Horses compete, and such access shall include all areas of the Racetracks, including, but not limited to, the backside. This access does not extend to areas adjacent to Racetracks that do not involve any activities connected to Covered Horses, including, but not limited to, slot machine gaming areas and/or cardrooms. The Agency agrees to provide to the Commission an example credential or letter of authorization to facilitate enforcement of this Paragraph. The Agency agrees that all individuals will prominently display their credentials or promptly display their letter of authorization upon request while on Racetrack grounds. Any changes to such credential or letter of authorization shall be communicated by the Agency to the Commission.
12. Regulatory Veterinarian. The Commission names and appoints its current veterinarian as the Regulatory Veterinarian for the State of Florida. The Commission reserves the right to hire additional veterinarians, if needed, who will also serve as Regulatory Veterinarians for purposes of the ADMC Program. Any veterinarian hired by the Commission after the effective date of this Agreement shall be deemed a Regulatory Veterinarian, and the Commission will notify the Agency of the hiring of such individual within ten (10) business days of his or her start date with the Commission. The Parties agree that the Regulatory Veterinarians shall carry out the duties and responsibilities of the Regulatory Veterinarians set forth in the ADMC Program as directed in training provided by the Agency, including, but not limited to, the duties and responsibilities set forth in ADMC Rule Series 3000 (“Equine Anti-Doping and Controlled Medication Protocol”) and ADMC Rule Series 5000 (“Equine Testing and Investigation Standards”). Any person named to replace a Regulatory Veterinarian herein shall possess the qualifications set forth in Safety Rule 2134(a), and such replacement requires the prior written approval of the Agency.
13. Sample Testing. The Commission agrees that Agency Samples will be sent to, and analyzed by, a laboratory selected by the Agency. The Commission also understands that the Agency has the authority to direct further analysis on all Agency Samples at its discretion.
14. Training Opportunities. The Commission and the Agency agree to cooperate in organizing local training opportunities for all Agency-Authorized Collection Personnel and State Investigations Personnel. The Commission further agrees that the Agency may request and review information pertaining to the training opportunities available to Agency-Authorized Collection Personnel and State Investigations Personnel.
15. Arbitration Procedures. The Commission understands that, under the Act, any anti-doping rule or controlled medication rule violations alleged to have occurred in the State will be processed pursuant to ADMC Rule Series 7000, “Arbitration Procedures,” and that, under these regulations, alleged anti-doping rule violations will be heard by the Arbitral Body and alleged controlled medication rule violations will be heard by the Internal Adjudication Panel. The Commission agrees that its employees, consultants and other agents (including, but not limited to, Agency-Authorized

Collection Personnel and State Investigative Personnel) will cooperate with any process or proceeding conducted pursuant to the Arbitration Procedures, including, but not limited to, providing documents and testimony in connection with the case or matter.

16. ADMC Program Scope of Work. The scope of work and reporting obligations for the ADMC Program (“State Requirements”) under this Agreement are those set forth in the ADMC Rule Series 3000, (“Equine Anti- Doping and Controlled Medication Protocol”), ADMC Rule Series 5000, (“Equine Testing and Investigation Standards”), and any HIWU Policies. Copies of HIWU Policies shall be communicated to the Commission in a manner that allows for timely implementation by the Commission in accordance with the provisions of Paragraph II.21 below. State Requirements are set forth in Exhibit A to this Agreement.
17. Information Sharing.
  - (a) The Commission agrees that it will provide the Agency, on a timely basis, with any information, documentation, or evidence that it receives or discovers relating to possible violations of the ADMC Program.
  - (b) The Agency agrees that it will provide the Commission, on a timely basis, with any information, documentation, or evidence that it receives or discovers relating to possible violations of the State’s laws, regulations, or rules, which are not preempted by the Act.
  - (c) In addition to any notifications required by the Act to be made by the Agency to the Commission, the Agency will make its best efforts to notify the Commission of negative tests from Agency Samples that are A Samples for a specific Race Day within 3 business days of the Agency’s receipt of those results from a laboratory accredited by the Agency. This notification will be made by email to Chief of Operations for the Commission, Division of Pari-Mutuel Wagering, Glenda Ricks ([Glenda.Ricks@fgcc.fl.gov](mailto:Glenda.Ricks@fgcc.fl.gov)) or her successor. This notification shall not be made for a specific Race Day until all of the results for that day have been received by the Agency.
18. Confidentiality.
  - (a) The Commission agrees that the content of any notices, including Equine Anti-Doping (“EAD”) Notices under ADMC Rule 3245 and Equine Controlled Medication (“ECM”) Notices under ADMC Rule 3345, received by it from the Agency pursuant to the ADMC Rule Series 3000, “Equine Anti-Doping and Controlled Medication Protocol,” (the “Confidential Information”) shall not be publicly disclosed by the Commission or its officers, directors, employees, or agents unless and until (a) that information has been publicly disclosed by the Agency pursuant to the requirements of the Act, or (b) the Agency has given written consent for the information to be disclosed. In addition, the Commission agrees not to disclose the Confidential Information to any person other than to such of its officers, directors, employees, or agents who have a need to know and who agree to be bound by the confidentiality provisions hereof. The Commission agrees that it shall be responsible for any knowing and

intentional breach of this Agreement by its officers, directors, employees, or agents. The Agency agrees that any such notices shall bear a watermark or other marking agreed upon by the Parties clearly denoting the confidential nature of the document.

- (b) Upon receipt of any request for the disclosure of documents relating to the ADMC Program, the Commission agrees to provide the Authority and/or the Agency with appropriate notification and opportunity to challenge the disclosure of such records.
- (c) By agreeing to the provisions of this Paragraph II.18, the Commission will be considered an Interested Party under the ADMC Rules.

19. Performance of Agency-Authorized Collection Personnel or State Investigative Personnel. If at any time during the term of this Agreement, the Agency, with good cause, believes that any individual Agency-Authorized Collection Personnel or State Investigative Personnel is not satisfying the requirements set forth in this Agreement, it shall notify the Commission of the reasons for its good faith basis in writing, with specificity and particularity. The Commission agrees to take any necessary action to promptly correct the non-compliant conduct or prevent any future non-compliance to the satisfaction of the Agency. If the individual at issue continues to be non-compliant, or if the initial conduct was so egregious as to warrant removal (as determined by the Agency in its reasonable discretion), then the Agency may revoke the individual's certification and, if such revocation occurs, the Commission will not assign said individual to perform further services under this Agreement. Any action by the Agency under this Paragraph shall in no way affect the employment status of any individual and shall in no way impair the Commission's right to continue to employ such individual. The Agency acknowledges that Agency-Authorized Collection Personnel and State Investigative Personnel are not employees of the Agency.
20. Indemnification. The Authority expressly agrees to indemnify and hold harmless the Commission and its employees or agents from and against any and all claims, loss, damages, injury, liability and costs, including, but not limited to, reasonable attorneys' fees and court costs, resulting from, or arising out of, the ADMC Program Scope of Work as defined in Paragraph II.16 above, except to the extent that such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by, or result from, the breach of this Agreement by, or the negligence, willful misconduct, or intentional acts or omissions of, the Commission or its employees or agents. Any enforcement actions related to the ADMC Program Scope of Work will be the responsibility of, and will be defended by, the Authority and the Agency. Any appeals or challenges to actions taken by Commission employees or agents when enforcing the Act or federal rules or regulations promulgated pursuant to the Act will proceed pursuant to the enforcement rules of the Act and will be defended by the Authority and the Agency. Notwithstanding anything set forth in this Agreement to the contrary, this Agreement shall not be construed to waive any immunity under applicable state law, including, but not limited to, sovereign immunity, possessed by the Commission and its agents, contractors, or employees.

21. HIWU Regulations, Policies, Procedures, and Forms. The Agency shall provide the Commission with a copy of all existing, amended, and new training materials, policies, procedures, and forms. This notification shall be provided to the Commission's Executive Director Louis A. Trombetta, or his successor, with copies to Director of Pari-Mutuel Wagering Joe Dillmore, by email within 24 hours of implementation. The Commission shall be afforded a reasonable time to implement any such changes once notice of a new policy, protocol, or procedure is provided to the Commission by the Agency.
22. Reimbursement for Investigations. The Agency agrees to reimburse the Commission for any actual costs or expenses incurred in connection with any Agency Investigation in the State conducted pursuant to Paragraphs II. 7-10 and 15 above. This reimbursement is contemplated for at least the following potential costs: the cost of using Commission employees for investigations or as witnesses at a hearing or trial (including witness preparation and testimony), and the cost of travel, copying, and other expenses necessarily incurred in service of this Agreement. The Commission agrees to invoice the Agency quarterly for such costs and expenses. The Agency agrees to fully pay such invoices within thirty (30) days of receipt by the Agency.

### **III. Testing Credit**

1. 2023 Credit. The Commission will receive a credit to its 2023 assessment which was sent to the Commission by the Authority on December 28, 2022. The credit will be applied to the amount paid to the Authority for that calendar year in connection with the funding required to be paid to the Authority under the Act (the "State Testing Credit"). The State Testing Credit is an estimated amount for costs, including the costs of Agency-Authorized Collection Personnel required for Race Day testing, including Post-Race, as well as additional testing of all Claimed Horses as described in this Agreement. These estimated costs include travel, per diem, and other direct and additional costs associated with the collections conducted by Agency-Authorized Personnel as described in this Agreement. The Parties agree that, for the 2023 calendar year, the Commission will generate a portion of the overall State Testing Credit in the amount of \$742,500.00.<sup>1</sup> If the costs of Agency-Authorized Collection Personnel required for Race Day testing, including Post-Race as well as additional testing of all Claimed Horses as described in this Agreement exceed \$742,500.00 at the end of 2023, the Commission will generate an additional credit for 2024 in the amount of the excess costs.
2. Future Application of State Testing Credit. In each subsequent year of this Agreement, the Agency will provide the State with the annual State Testing Credit by the November 1 of the previous year (e.g., November 1, 2023 for 2024).
3. Notification of Racing Dates. The Commission agrees that, by October 1 of each calendar year, it shall provide the Agency with a list of the Covered Horserace days to be held in Florida through

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<sup>1</sup> Provided Racetracks conduct certain testing as described in the Revised Florida HISA Financial 2023 Assessment, dated December 28, 2022 (on file with the Commission), the potential State Testing Credit is \$1,300,000.00.

June 30 of the subsequent calendar year, including dates, locations, and number of races each day. Upon issuing the pari-mutuel operating license on March 15 of each calendar year, the Commission will notify the Agency of the remaining Covered Horserace days from July 1 to December 31 of each calendar year. The Commission also agrees to provide the Agency with prompt notice of any changes to Covered Horserace days.

#### **IV. General Provisions**

1. **Term and Termination.** This Agreement shall be effective when signed by all Parties to the Agreement. The Parties acknowledge that the Federal Trade Commission has approved the regulations comprising the Racetrack Safety Program and the ADMC Program. If, after the effective date of this Agreement, any portion of the Racetrack Safety Program or the ADMC Program is legally invalidated by a court of competent jurisdiction, the Commission will no longer have an obligation to carry out any duties specified in this Agreement related to the invalidated portion of either program. If the Horseracing Integrity and Safety Act is found to be unconstitutional or void and unenforceable for any reason by a court of competent jurisdiction, this Agreement shall terminate and be of no force or effect. This Agreement will terminate on December 31, 2023, unless the Parties agree to extend the term of the Agreement.
  - (a) This Agreement may be terminated by any Party upon one hundred and twenty (120) days written notice.
  - (b) This Agreement may be terminated by the Agency upon sixty (60) days written notice if the Agency has determined, in good faith, that the Commission, Agency-Authorized Collection Personnel, or State Investigative Personnel have failed to substantially comply with the requirements of ADMC Rule Series 3000, (“Equine Anti-Doping and Controlled Medication Protocol,”) ADMC Rule Series 5000, (“Equine Testing and Investigation Standards”) or any HIWU Policy. Any written notice provided pursuant to this subparagraph shall include the basis for the Agency’s determination.
  - (c) If any Party defaults in a material obligation under this Agreement and continues in default for a period of thirty (30) days after written notice of default is given to it by another Party, the other Party may terminate and cancel this Agreement, immediately upon written notice of termination given to the defaulting Party. The written notice of default shall include specific actions or omissions that comprise the defaulting Party’s breach of its obligations under this Agreement.
  - (d) If this Agreement is terminated pursuant to this Paragraph IV.1: (i) any State Testing Credit provided to the Commission pursuant to Paragraph III. above will be reduced on a pro-rata basis; (ii) the certification of all Agency-Authorized Collection Personnel will be revoked by the Agency; and (iii) the Agency will, pursuant to the Act, take direct control of all anti-doping and controlled medication testing and investigative operations in the State with respect to Covered Horses.

(e) In addition to any right of termination granted to the Agency pursuant to this Agreement, the Agency may request that the Authority reduce the Commission's State Testing Credit, on a pro-rata basis, for any period of time that the Agency determines that the Commission has not complied with its material obligations under this Agreement. The Agency will provide the Authority and the Commission written notice of the request, which will include the basis for the Agency's determination and the period covered by the request. The Commission shall have the opportunity to respond in writing to such a request within thirty (30) days and will provide the Agency with a copy of the response. The Authority will make a decision on the request within thirty (30) days of receiving the Agency's request or Commission's response, whichever is latest.

2. Notices. All notices required to be provided hereunder shall be in writing and shall be deemed delivered if: (a) sent by facsimile, upon confirmation of faxing; (b) if sent by overnight courier, by the date after mailing; (c) if by hand delivery, upon actual receipt; or (d) if by certified mail, return receipt requested and postage prepaid, on the third business day after deposit in the mails, to the addressee set forth below (with a copy emailed to the email addresses set forth below) or at such other location as such Party notifies the other pursuant to this provision.

If to the Authority:  
401 West Main Street, Unit 222  
Lexington, KY 40507  
Attention: Lisa Lazarus  
Executive Director  
lisa.lazarus@hisaus.org

If to the Agency:  
4801 Main Street, Suite 350  
Kansas City, MO 64112  
Attention: Ben Mosier  
Executive Director  
bmosier@hiwu.org

If to the Commission:  
4070 Esplanade Way, Suite  
XXX  
Tallahassee, FL 32399  
Attention: Louis A. Trombetta  
Executive Director  
Louis.Trombetta@fgcc.fl.gov

with a copy to:  
Ransdell Roach & Royse PLLC  
176 Pasadena Drive  
Building One  
Lexington, Kentucky 40502 At-  
tention: John C. Roach  
john@rrrfirm.com

with a copy to:  
Michelle Pujals,  
HIWU General Counsel mpu-  
jals@hiwu.org

with a copy to:  
Ross Marshman  
FGCC General Counsel  
Ross.marshman@fgcc.fl.gov

3. Severability. If any part of this Agreement is determined to be invalid or illegal by any court or agency of competent jurisdiction, then that part shall be limited or curtailed to the extent necessary to make such provision valid, and all other remaining terms of this Agreement shall remain in full force and effect.

4. Final Agency Action. The Parties agree and acknowledge that the Commission does not have the jurisdiction or authority to, and will not take, any final agency action regarding the enforcement of any rules or regulations under the Racetrack Safety Program or the ADMC Program that fall under the jurisdiction and authority of HISA and/or HIWU.

5. Entire Agreement. This Agreement constitutes the entire agreement among the Parties and supercedes all prior and contemporaneous agreements and understandings, whether written or oral, among the Parties with respect to the subject matter hereof.
6. Amendment and Waiver. This Agreement may be modified or amended only in a writing signed by all Parties. A Party's failure to act hereunder shall not indicate a waiver of its rights hereto. No waiver of any provision of this Agreement shall be valid unless made in writing and signed by the waiving Party. The failure of any Party to require the performance of any term or obligation of this Agreement or the waiver by any Party of any breach of this Agreement shall not prevent any subsequent enforcement of such term and shall not be deemed a waiver of any subsequent breach.
7. Governing Law. This Agreement shall be governed by, and construed and interpreted in accordance with, the laws of the state of Florida, without regard to its conflicts of laws principles.
8. Assignability. The Agency may assign this Agreement to an affiliate, a successor in connection with a merger, acquisition, or consolidation, or to the purchaser in connection with the sale of all or substantially all of its assets without notice to the Commission. This Agreement and all the terms and provisions hereof will be binding upon, enforceable against, and will inure to the benefit of, the Parties hereto and their respective successors and assigns.
9. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one instrument. Any signature page delivered by facsimile, telecopy machine, portable document format (.pdf) or email shall be binding to the same extent as an original.
10. Headings; Interpretation. The headings in this Agreement have been included solely for ease of reference and shall not be considered in the interpretation or construction of this Agreement. All references herein to the masculine, neuter or singular shall be construed to include the masculine, feminine, neuter or plural, as appropriate.

IN WITNESS WHEREOF, the undersigned have executed this Mutual Cooperation Agreement as of date first written above.

HORSERACING INTEGRITY AND SAFETY AUTHORITY, INC.

By: \_\_\_\_\_

Name: Lisa Lazarus  
Title: Chief Executive Officer

HORSERACING INTEGRITY & WELFARE UNIT,  
A DIVISION OF DRUG FREE SPORT, LLC

By: \_\_\_\_\_

Name: Ben Mosier  
Title: Executive Director

FLORIDA GAMING CONTROL COMMISSION

By: \_\_\_\_\_

Name: Louis A. Trombetta  
Title: Executive Director

**EXHIBIT A**  
**STATE REQUIREMENTS**

The State Requirements set forth below are general in nature and for illustrative purposes only. More specific requirements will be set forth in the HIWU Policies.

- Race Day Agency-Authorized Collection Personnel (at a minimum, 1 Veterinarian, 1 Test Barn Supervisor, and 5 assistants (with responsibilities including notifications, urine collections, and chaperoning))
- Commission or Racetrack personnel stationed outside the Test Barn to control and monitor access to the Test Barn
- Scheduling of Agency-Authorization Collection Personnel for Race Day
- Coordination of shipping of Agency Samples to selected laboratories
- State Investigative Staff for service of notices and accompanying searches
- State Investigative Staff for other tasks as requested by the Agency
- Coordination of Stewards to assist with directing the selection of horses to the Test Barn on Race Days pursuant to HIWU Policies
- Coordination of training and certification of Agency-Authorized Collection Personnel
- Coordination of training of State Investigations Personnel
- Minimum employment and workers' compensation insurance policies required by law
- Required work permits/authorizations for Agency-Authorized Collection Personnel and State Investigative Personnel

# Discussion of Rule Making

## Notice of Proposed Rule

### FLORIDA GAMING CONTROL COMMISSION

RULE NO.:       RULE TITLE:  
75-15.001       Public Comment

PURPOSE AND EFFECT: The Commission proposes the rule promulgation to provide the criteria for public comment at commission meetings.

SUMMARY: The rule will be promulgated to provide the criteria for public comment at commission meetings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 286.0114 FS.

LAW IMPLEMENTED: 286.0114 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elizabeth Stinson, Chief Attorney, Florida Gaming Control Commission, 2601 Blair Stone Rd, Tallahassee, Florida 32399-1027

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 75-15.001 Public Comment.

The Florida Gaming Control Commission invites and encourages all members of the public to provide comment on matters or propositions before the Commission. The opportunity to provide comment shall be subject to the following:

(1) Members of the public will be given an opportunity to provide comment on subject matters before the Commission after an agenda item is introduced at a properly noticed Commission meeting.

(2) Members of the public shall be limited five (5) minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Commission members, staff or Commission counsel. The chair of the Commission may extend the time to provide comment if time permits.

(3) A member of the public shall notify commission staff in writing of his or her interest to be heard on a proposition or matter before the Commission. The notification shall identify the person or entity, indicate the person or entity's support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons consisting of five (5) or more persons. If the person or entity appearing before the Board does not wish to be identified, a pseudonym may be used.

Rulemaking Authority 286.0114 FS. Law Implemented 286.0114 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Gaming Control Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Gaming Control Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: Month XX, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Month XX, 2023