
FLORIDA GAMING CONTROL COMMISSION

PUBLIC MEETING/WORKSHOP HEARING

LOCATION

Betty Easley Conference Center, Room 152
4075 Esplanade Way
Tallahassee, Florida 32399-0850

(Page Nos. 1 - 85)

Thursday, February 13, 2025

9:30 a.m. - 11:08 a.m.

BEFORE: Vice Chair Julie I. Brown
Commissioner Chuck Drago
Commissioner John D'Aquila
Commissioner Tina Repp

Stenographically Reported By:
I. Iris Cooper
Stenographic Reporter

Job No.: 387731

1 APPEARANCES:

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COMMISSION MEMBERS:

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Vice Chair Julie I. Brown

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Commissioner Chuck Drago

Commissioner John D'Aquila

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Commissioner Tina Repp

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7 PARTICIPANTS:

8

- Emily Alvarado, Deputy Chief Attorney

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- Shireen Anbardan, Senior Attorney

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- Joe Dillmore, Director of Pari-Mutuel Wagering

11

- Rene Harkins, Chief Attorney

12

- La'Kesha Jelks, Government Operations

Consultant III

13

- Justin Thomas Hundersmarck, Senior Attorney

14

- Ross Marshman, Acting Executive Director

15

- Elina Valentine, General Counsel

- Lisa M. Mustain, Director Of Administration

16

- Dixie Parker, General and Operations Manager I

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- Marc Taupier, Deputy General

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- Carl Herold, Director of Law Enforcement

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22 OTHERS PRESENT:

23

- Various Members of the Public

24

- The Florida Channel

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1	INDEX OF PROCEEDINGS	Page 3
2		PAGE
3	1. Discussion of a Mutual Cooperation Agreement	5
4	for the 2025 calendar year between HISA, HIWU	
5	and FGCC	
6	2. Discussion of amended application for	
7	pari-mutuel operating license	
8	2.1. 2025-005515 - Dania Entertainment	12
9	Center, LLC	
10	3. Discussion of default final orders	
11	3.1. 2024-054731 - Davidson, St-Phard	13
12	3.2. 2024-060176 - Castro, Jr., Omar	14
13	4. Discussion of consent orders	
14	4.1. 2024-015793 - Kirby, Stephen Glen	16
15	4.2. 2024-028202 - South Florida Racing	24
16	Association, LLC	
17	4.3. 2024-040400 - Rochford, Devin	25
18	4.4. 2024-061325 - Bestbet Orange Park	27
19	Kennel, Inc.	
20	5. Discussion of recommended orders	
21	5.1. 2023-064914 - Van Hassel, Christopher A.	28
22	5.2. 2024-009404 - Newnum, Michael	31
23	5.3. 2024-032775 - Smith, Christie	32
24	5.4. 2024-046235 - Wong, Edward Jung	34
25	6. Discussion of request for waiver	
	6.1. 2024-062658 - Anderson, Garrett T.	37
	6.2. 2024-063690 - Chavis, Jessica Leeann	39

1	INDEX OF PROCEEDINGS - (Continued)	Page 4
2		PAGE
3	7. Discussion of license denials	
4	7.1. 2024-069186 - Howard, Shayla Meshon	41
5	7.2. 2024-071349 - Mitchell, Robert Oneal	45
6	8. Executive Director update	51
7	9. Public Comment	77
8	10. Attorney-client session	
9	10.1. 2022-024540 - Tampa Bay Downs, Inc.	79
10		
11	CERTIFICATE OF REPORTER	85
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 Thereupon, the following proceeding began at 9:30 a.m.:

2 VICE CHAIR BROWN: Welcome to the Florida
3 Gaming Control Commission's February 13th agenda
4 meeting. If you will, please stand for the pledge
5 of allegiance which will be led by
6 Commissioner Drago.

7 (Pledge of allegiance.)

8 VICE CHAIR BROWN: Thank you,
9 Commissioner Drago.

10 We've had a busy month already, and we'll get
11 to that at the end of the meeting and talk about
12 some of the great updates going on. I did want to
13 note that there is an attorney-client meeting at
14 the end of this meeting, and we'll talk about that
15 as well. We will be taking public comment
16 thereafter.

17 With that, we're going to go ahead and open up
18 the meeting on Item No. 1, General Counsel
19 Valentine.

20 MS. VALENTINE: Item No. 1 is the Mutual
21 Cooperation Agreement between the Commission, HISA
22 and HIWU for the 2025 calendar year. There are a
23 few changes to the 2025 Mutual Cooperation
24 Agreement that are in front of the Commission for
25 review from the prior terms of the agreement.

1 One notable one is the confidentiality
2 provisions in the racetrack safety component of the
3 agreement. HISA and HIWU has requested the
4 Commission to agree to keep certain notices of
5 suspected or actual violations confidential when
6 those violations relate to the racetrack safety
7 rules and other violations that don't involve
8 prohibited drugs or medications.

9 VICE CHAIR BROWN: Thank you. I just want to
10 talk briefly about the confidentiality provision
11 for the racetrack safety as it is distinguished
12 from the Anti-Dope ADMC program. There are some
13 distinctions from the proposed language, including
14 under the ADMC portion which is on paragraph 17,
15 there's some indemnification language that attaches
16 to the confidentiality provision.

17 As you all know, we have a very robust Florida
18 public records laws, and some of this kind of gives
19 me some concern to have such confidential nature.
20 Ms. Valentine, if you could talk about the need for
21 having it for the racetrack safety program, or
22 Mr. Dillmore.

23 MS. VALENTINE: Sure. If we agree to these
24 confidentiality provisions, we would receive
25 notices of suspected violations which my

1 understanding is before any discipline is taken
2 against a covered person, they would receive a
3 notice of a suspected violation, racetrack safety,
4 or for failure to comply with some of the
5 Authority's rules.

6 And so the value of the notices is not as
7 important as the risk that the Commission would be
8 taking on based on the public record laws. And
9 based on the language of the HISA and HIWU rules as
10 well, which don't carve out any special status for
11 the Commission should the Commission agree to these
12 confidentiality provisions as it does under the
13 ADMC program.

14 VICE CHAIR BROWN: Thank you. And I'll just
15 note, Commissioners, it's on Page No. 11 under 17B.
16 The inclusion of language that had already been
17 agreed to by HISA and HIWU was talking about
18 indemnifying any challenge the Commission's
19 withholding of confidential information shall be
20 indemnified and defended by the Authority.

21 I don't have a problem with that
22 confidentiality provision in the earlier section if
23 that language is also included, if you guys are
24 open to that.

25 Commissioner D'Aquila.

1 COMMISSIONER D'AQUILA: I have a question. Is
2 paragraph 1, subparagraph 9 if it were removed,
3 what would be the effect?

4 MS. VALENTINE: The effect would be that the
5 Commission might not be notified of these notices
6 of suspected or actual violations that are received
7 by the covered persons which include horse owners
8 and other individuals who would be responsible for
9 these violations, and we would not receive them
10 before the public does.

11 COMMISSIONER D'AQUILA: So it's your
12 recommendation as counsel that we leave that added
13 language in there?

14 MS. VALENTINE: My recommendation would be
15 that this language is not -- it is not necessary
16 because, again, just by virtue of agreeing to the
17 confidentiality provisions, there are no federal
18 rules that would guarantee that we would receive
19 those notices, even if we did agree to the
20 confidentiality provisions as there are under the
21 federal rules covering the ADMC program.

22 So, again, the concern here is that there are
23 under Chapter 119, we have an obligation to the
24 public to release information that is not otherwise
25 exempt by Florida statute to the public upon

1 request.

2 And as Vice Chair Brown noted, with respect to
3 the ADMC program, there is indemnification language
4 that provides that if we did not release certain
5 confidential information and there was a lawsuit
6 against us to release it, then HISA or HIWU would
7 indemnify us, would cover the attorneys' fees, and
8 would litigate the matter of whether this
9 information is or is not exempt under Florida law.

10 That is not the case under Section 9 as it is
11 currently drafted in Item No. 1.

12 COMMISSIONER D'AQUILA: Thank you.

13 VICE CHAIR BROWN: Thank you. So it sounds
14 like the language that's proposed is not necessary
15 under Section 9. And I believe we may have a
16 speaker on this item, if that's correct.
17 Commissioners, if you will indulge us, Mr. Rutledge
18 is here to speak on the item.

19 MR. RUTLEDGE: Thank you. Gary Rutledge of
20 Rutledge Ecenia appearing on behalf of Tampa Bay
21 Downs. Just a brief comment, not a request or
22 action item.

23 I was asked yesterday to just let the
24 Commission know that there's a deep concern in the
25 horseracing industry about the funding situation.

1 Evidently, they've advised me in their
2 situation, as well as Gulfstream Park's, that the
3 money that's been provided, the credits and so
4 forth that Emily and Joe and everybody knows very
5 much about are going to not be close to adequate
6 going forward.

7 And so there's going to be a potential huge --
8 and I can't tell you how much at this point in
9 time, and they don't know, but a huge assessment
10 that the tracks will need to absorb to pay for the
11 HISA assessment.

12 And I mentioned that to Mr. Dillmore
13 beforehand, so I'm not suggesting there's anything
14 you can necessarily do about that. But they did
15 want to let you know that this is going to have a
16 significant adverse financial impact on them and
17 they indicated on Gulfstream Park as well.

18 I'm not sure. I know there's been a lot of
19 frustration by this Commission and everybody in
20 front of you about this whole process. In fact, I
21 asked the client at one point in time, well, why
22 did we do this?

23 And as you know and everybody here knows that
24 they were handcuffed because if they didn't
25 participate in the program, they wouldn't have been

1 able to do their simulcast and attract wagering
2 around the country.

3 So it was kind of like they were very much
4 handcuffed that they had to go forward with it.
5 But the amount of money being spent, I don't need
6 to tell you all, is an incredible amount of money.

7 And either because of the decrease in live
8 racing going on around the country or otherwise,
9 now that's going to be compacted on those remaining
10 people. So I'm not sure what the solution is, but
11 they did want me to apprise you of this because
12 it's a deep concern that they have.

13 VICE CHAIR BROWN: Thank you, Mr. Rutledge.

14 Any questions? All right, Ms. Valentine.

15 Commissioners, are there any other questions
16 on the provisions and the proposed agreement?

17 I do want to point out and thank you,
18 Ms. Valentine, for putting some additional language
19 in there under Section 9, which is going to give us
20 the opportunity to conduct our own initiate
21 investigations, which we did not have before under
22 the program. So I think the language is good
23 there, and it strengthens our relationship as well.

24 All right. We are ready for a motion, also
25 noting that we do not need Section 19.

1 Commissioners, can we get a motion to approve with
2 the removal of Section 19.

3 COMMISSIONER D'AQUILA: I make a motion to
4 approve.

5 VICE CHAIR BROWN: Thank you. Is there a
6 second?

7 COMMISSIONER DRAGO: Second.

8 COMMISSIONER REPP: Second.

9 VICE CHAIR BROWN: Any discussion? All those
10 in favor, say aye.

11 (Multiple ayes.)

12 VICE CHAIR BROWN: Thank you for your work on
13 this. We are moving on to Item 2.1.

14 MS. JELKS: Good morning. LaKesha Jelks, for
15 the record. Case No. 2025-005515, Dania
16 Entertainment Center. They had a power outage on
17 January 22nd. They notified the Commission of this
18 outage, and they would now like to --

19 VICE CHAIR BROWN: Can you start over, please.

20 MS. JELKS: I'm so sorry. I talk fast.

21 Again, for the record, LaKesha Jelks. Case No.

22 2025-005515, Dania Entertainment Center Jai Alai

23 had a power outage on January 22nd. They notified
24 the Commission, and they would now like to

25 reschedule those performances on February 17th. It

1 is our recommendation that this request is
2 approved.

3 VICE CHAIR BROWN: Thank you.

4 Commissioners, any questions? If not, can we
5 get a motion to approve Dania's application to
6 amend its 2024-2025 operating schedule.

7 COMMISSIONER DRAGO: So moved.

8 VICE CHAIR BROWN: Is there a second?

9 COMMISSIONER D'AQUILA: Second.

10 VICE CHAIR BROWN: All those in favor, say
11 aye.

12 (Multiple ayes.)

13 VICE CHAIR BROWN: Thank you. Motion passes.
14 We are moving on to discussion of default final
15 orders 3.1 and 3.2, Ms. Alvarado.

16 MS. ALVARADO: Item 3.1 is St-Phard Davidson,
17 2024-054731. In these case materials, you were
18 provided with a one-count administrative complaint
19 alleging that respondent was excluded from Casino
20 Miami on September 12, 2024.

21 He is therefore subject to exclusion from all
22 pari-mutuel and all slot machine facilities in the
23 state of Florida pursuant to Sections 550.0251(6)
24 and 551.112. You were also provided the certified
25 USPS tracking showing that he was served and failed

1 to respond within 21 days.

2 Therefore the Division would ask that the
3 Commission enter an order finding that the
4 respondent was properly served with the
5 administrative complaint, that the respondent
6 failed to respond within 21 days, that the facts in
7 the administrative complaint are the facts in this
8 case, and concluding that respondent will be added
9 to the permanent exclusion list for all pari-mutuel
10 and slot machine facilities.

11 VICE CHAIR BROWN: Thank you, Ms. Alvarado.

12 Are there any questions? If not, can we get a
13 motion to that effect.

14 COMMISSIONER REPP: I'll make that motion to
15 accept the recommended order.

16 VICE CHAIR BROWN: Is there a second?

17 COMMISSIONER D'AQUILA: I will second that
18 motion.

19 VICE CHAIR BROWN: All those in favor, say
20 aye.

21 (Multiple ayes.)

22 VICE CHAIR BROWN: Item 3.2.

23 MS. ALVARADO: Item No. 3.2 is 2024-060176,
24 Omar Castro, Jr. In the case materials, you were
25 provided with a one-count administrative complaint

1 alleging that the respondent was excluded from
2 Bonita Springs Poker Room on September 28, 2024.

3 He is subject to exclusion from all
4 pari-mutual facilities pursuant to Section
5 550.0251(6). You were also provided with the USPS
6 tracking that showed that he was served and failed
7 to respond within 21 days.

8 Therefore, the Division would ask the
9 Commission to enter an order finding that the
10 respondent was properly served, he failed to
11 respond within 21 days, that the facts in this
12 administrative complaint are accepted as the facts
13 in this case, and concluding that the respondent
14 will be added to the permanent exclusion list for
15 all pari-mutuel facilities.

16 VICE CHAIR BROWN: Thank you, Ms. Alvarado.
17 This is a very interesting fact pattern here that
18 involves another individual, too, Mr. Gutierrez, I
19 believe. I was wondering, have we seen a permanent
20 exclusion?

21 MS. ALVARADO: Has he been presented to you.
22 As yet, there is still a pending case with him.

23 VICE CHAIR BROWN: Thank you.

24 Commissioners, are there any questions on this
25 item? If not, can we get a motion to approve the

1 recommended order.

2 COMMISSIONER REPP: I'll make a motion to
3 approve the recommended order.

4 VICE CHAIR BROWN: Is there a second?

5 COMMISSIONER DRAGO: Second.

6 VICE CHAIR BROWN: All those in favor, say
7 aye.

8 (Multiple ayes.)

9 VICE CHAIR BROWN: Thank you we are moving on
10 to consent orders now.

11 MS. VALENTINE: Item 4.1 is Florida Gaming
12 Control Commission versus Stephen Glen Kirby, Case
13 No. 2024-015793. This issue has been in front of
14 the Commission before. In the meeting materials,
15 there are two consent orders to draft.

16 The first one is a consent order that was a
17 counteroffer by the Office of General Counsel
18 through the Commission, and it contains the terms
19 that we were directed to include during our closed
20 attorney-client session.

21 The second consent order is a counteroffer to
22 that consent order by Mr. Kirby. And I'm here to
23 answer any questions that you may have on our
24 terms, and I believe counsel is here to speak
25 regarding their counteroffer.

1 VICE CHAIR BROWN: Thank you, Ms. Valentine.

2 And my understanding also is Mr. Kirby is on the
3 line, too, if we have questions of him. But I'm
4 going to have Mr. T.J. Morton come up here and
5 address the Commission.

6 MR. MORTON: Good morning, members of the
7 Commission. Thank you for the opportunity.
8 T.J. Morton with The Lockwood Law Firm on behalf of
9 Mr. Kirby. As mentioned by Ms. Valentine, you have
10 two consent orders before you. Mr. Kirby has
11 accepted both.

12 The first is the one drafted by Ms. Valentine
13 which contains the terms that the Commission
14 requested at the January closed meeting. We made
15 some proposed revisions to those terms. In truth,
16 they were my recommendations to Mr. Kirby.

17 He's happy with the terms that the Commission
18 provided. As his attorney, I felt obligated to
19 point out some concerns that I had with the terms.
20 And in an abundance of caution, I didn't feel like
21 I would be doing my job if I just said go ahead and
22 sign this.

23 And so I'll go kind of through my thought
24 process with those.

25 VICE CHAIR BROWN: Please do.

1 MR. MORTON: Thank you. So the first one is I
2 made a change to -- there is a provision that says
3 if he doesn't pay his fine on time or if he doesn't
4 fulfill his suspension, then he immediately loses
5 his license, and he has no opportunity to dispute
6 that.

7 My concern is, again, it's an abundance of
8 caution. I think this is very unlikely, but if a
9 mistake was made with respect to when he paid the
10 fine. So he pays it timely. It gets stamped a day
11 late. Under the terms in the initial version, he
12 wouldn't have the opportunity to dispute that.

13 And so he would lose his license, even if he
14 did, in fact, fulfilled the terms of the consent
15 order. So my concern was if that were to occur, he
16 would lose his license. I at least wanted to
17 preserve the opportunity to dispute that.

18 If he doesn't pay the fine, which I know he
19 will, but if he just didn't pay the fine and tried
20 to use that as a way to avoid getting his license
21 revoked, I don't think anyone's going to make that
22 argument, right.

23 Like this is just there to prevent an error
24 and to allow him to keep his license and in good
25 faith dispute that if there is an error. Again, I

1 think it's unlikely.

2 The other provision I changed, and this one
3 was a little more concerning to me was basically if
4 he gets arrested at any point in the next, I want
5 to say it's five years I think he's going to be on
6 probation, something like that. So it's a good
7 amount of time.

8 If he's arrested or charged with an
9 administrative violation related to theft, he would
10 lose his license and not have any opportunity to
11 dispute that. Totally understand the purpose for
12 that.

13 And we're in agreement that if he is, in fact,
14 you know, arrested, he shouldn't be working during
15 that period of time. My concern is if, again,
16 being a lawyer and just trying to protect his
17 rights.

18 If someone in a cardroom were to find out
19 about this provision and they make some sort of
20 false allegation against him, a player who is upset
21 with him as a dealer for whatever reason and they
22 falsely allege that he did something and he ends up
23 getting arrested and then charges are dismissed
24 because they realize it wasn't true, well, he loses
25 his license, and he can no longer work just because

1 that guy made that allegations.

2 So under the terms that we provided, he would
3 be suspended in that situation until the resolution
4 of that proceeding. If, in fact, those charges get
5 dropped, dismissed, he goes to trial and he is
6 found not guilty, the suspension would be lifted.
7 He would keep his license.

8 But if he pleads no contest, if he pleads
9 guilty, if he is found guilty with respect to an
10 administrative complaint, if he enters into a
11 settlement agreement with the Commission, he would
12 lose his license in that situation.

13 So the only way the suspension would be lifted
14 and he would keep his license is if he is, in fact,
15 determined to be not responsible or not guilty,
16 whatever the term would be. So that's why that was
17 included.

18 Again, these are done in an abundance of
19 caution by me on his behalf. He's accepted both
20 consent orders. He's fully happy to accept yours.
21 I'm just doing my due diligence as an attorney
22 thinking ahead what could be some of the downfalls
23 with the language. That was why we made those
24 changes.

25 And so, again, Mr. Kirby is very thankful for

1 the counteroffer and the opportunity to continue
2 with the negotiations and hopeful that we can put
3 this to bed one way or the other.

4 VICE CHAIR BROWN: Thank you. Thank you,
5 Mr. Morton.

6 Commissioners, are there any questions?

7 COMMISSIONER DRAGO: Yes, I have, I guess, one
8 question or comment. I understand your caution, in
9 terms of the due process and so forth. I get that,
10 and I understand your reasoning behind it.

11 One of my concerns would be, like you said, if
12 the case is disposed of, he gets arrested and the
13 case is disposed of that he would be able to keep
14 his license. But we know that the case can be
15 disposed of in a lot of ways that don't indicate
16 necessarily that he wasn't guilty.

17 It's nolle prossed for some reason by a
18 prosecutor because of a zillion different reasons
19 he may or she may have. The reason for the arrest
20 part of this is to remove that danger, that issue,
21 that concern.

22 If he's arrested, then does he keep his job?
23 Does he get suspended? Do we have to wait to see
24 what the courts end up doing two years down the
25 line or that type of thing?

1 So I think my concern is that it's a little
2 too broad. That if it gets dismissed for any
3 reason, then he can automatically come back and get
4 his license. So I have a little concern with that.

5 Again, I understand your reasoning, protecting
6 your client in terms of the due process and all
7 that. I think it makes it much broader than I had
8 anticipated, so I have concerns with that.

9 VICE CHAIR BROWN: Mr. Morton.

10 MR. MORTON: Thank you. Understood. I would
11 point out that he would be suspended during this
12 entire process. Charges are dropped for various
13 reasons. I'm not a criminal attorney, so I don't
14 understand all the nuances of that.

15 But, you know, I think -- I don't know how to
16 kind of thread that needle with language. I think
17 the same concern occurs when you have applicants
18 for licenses who have been arrested multiple times
19 and charges were dropped.

20 And they're not disqualified because the
21 charges were dropped, and it could have been for
22 various reasons. I understand the concern. I
23 tried to do the best I could and protect him with
24 that.

25 COMMISSIONER DRAGO: I understand that. I

1 appreciate that. Thank you.

2 VICE CHAIR BROWN: Thank you.

3 Commissioners, any other questions of
4 Mr. Morton?

5 Thank you for your testimony here.

6 MR. MORTON: Thank you.

7 VICE CHAIR BROWN: Commissioners, are there
8 any questions of Mr. Kirby, who is on the phone?
9 Commissioner Drago, would you like to make a
10 motion?

11 COMMISSIONER DRAGO: Yes. I would like to
12 move that we -- what's the language we need to put
13 on this?

14 VICE CHAIR BROWN: Either agree to consent
15 order one or consent order two.

16 COMMISSIONER DRAGO: Agree to consent order
17 one, original order, the Gaming Commission's order,
18 original order.

19 VICE CHAIR BROWN: Is there a second?

20 COMMISSIONER D'AQUILA: I'll second that
21 motion.

22 VICE CHAIR BROWN: Is there any discussion?
23 My only discussion is I think the fact that
24 Mr. Kirby is willing to accept either consent
25 order, it would make me inclined to support the

1 motion.

2 So I was fine with either, with the proposed
3 language in the second one. But given that the
4 individual is willing to accept the first one, I
5 will support the motion.

6 So with that, all those in favor, say aye.

7 (Multiple ayes.)

8 VICE CHAIR BROWN: Thank you. We are moving
9 on to 4.2.

10 MS. ALVARADO: 4.2 is South Florida Racing
11 Association, L.L.C., 2024-028202. In this case,
12 you were provided with an administrative complaint
13 alleging that the respondent violated Rule
14 75-11.022(3) by failing to ensure the imprest trays
15 were stored in a secured area.

16 Specifically here, the Commission
17 investigators observed a float cart containing
18 imprest trays that were left unsecured on the poker
19 room floor. After being notified of this, they
20 fired the employee.

21 This was the employee's second offense. The
22 respondent has no prior violations of this rule.
23 Here, you were provided with a settlement and
24 consent order which contained a fine of \$250.

25 VICE CHAIR BROWN: Thank you. Ms. Alvarado,

1 it's my understanding that we have the individual
2 available on the phone?

3 MS. ALVARADO: Yes. I think it's a general
4 manager is on the phone as well.

5 VICE CHAIR BROWN: Do you know if they would
6 like to speak?

7 MS. ALVARADO: He said if there was any
8 questions, he was available for questions.

9 VICE CHAIR BROWN: Thank you.

10 Commissioners, any questions?

11 COMMISSIONER REPP: No.

12 COMMISSIONER D'AQUILA: No.

13 VICE CHAIR BROWN: Can we get a motion to
14 approve the consent order as presented.

15 COMMISSIONER REPP: I'll make a motion to
16 approve the consent order.

17 VICE CHAIR BROWN: Is there a second?

18 COMMISSIONER D'AQUILA: I'll second.

19 VICE CHAIR BROWN: All those in favor, say
20 aye.

21 (Multiple ayes.)

22 VICE CHAIR BROWN: Thank you. We are moving
23 on to 4.3.

24 MS. ALVARADO: 4.3 is Devin Rochford,
25 2024-040400. In this case, you were provided with

1 a three-count administrative complaint alleging
2 violations of 75-11.004(8)(a) by failing to clear
3 his hands when cash, chips, or tokens were
4 exchanged with a player or provided to a play; a
5 violation of Rule 75-11.004(4)(a) by failing to tap
6 the tip on the imprest tray when accepting a tip
7 while dealing at a table; and Rule 75-11.024(2)(c)
8 by failing to take a flat fee rake immediately
9 after the winner is declared for a round, a hand,
10 or game on six occasions on July 14, 2024.

11 The respondent has no prior violations of any
12 of these rules. Here, you were provided with a
13 settlement and consent order with \$150 fine, so \$50
14 per count.

15 VICE CHAIR BROWN: Thank you, Ms. Alvarado.

16 Commissioners, any questions on this? Can we
17 get a motion to approve the stipulation and consent
18 order.

19 COMMISSIONER D'AQUILA: So moved.

20 VICE CHAIR BROWN: Is there a second?

21 COMMISSIONER REPP: Second.

22 VICE CHAIR BROWN: All those in favor, say
23 aye.

24 (Multiple ayes.)

25 VICE CHAIR BROWN: Thank you. We are moving

1 on to 4.4.

2 MS. ALVARADO: 4.4 is 2024-061325, Bestbet
3 Orange Park. In this case, you were provided with
4 a filed administrative complaint alleging a
5 violation of 75-11.015(1) by failing to secure the
6 lock on an imprest tray to ensure that all chips
7 and tokens not in play are locked in a secured
8 location.

9 Here, the Commission investigators observed an
10 unsecured impress tray which contained about 1,200
11 chips at a table, and it was loose enough that they
12 could remove the top of it.

13 They spoke to the staff, and they immediately
14 fixed the problem and implemented a plan to
15 properly seal the lids. They do have one prior
16 violation from 2020 which had a \$250 fine. And
17 here the respondent has signed a consent order with
18 a \$500 penalty.

19 VICE CHAIR BROWN: Thank you for the overview,
20 too.

21 Commissioners, any questions on this item?
22 All right. Can we get a motion to approve the
23 stipulation and consent order.

24 COMMISSIONER D'AQUILA: I make a motion to
25 approve the stipulation and consent order.

1 VICE CHAIR BROWN: Is there a second?

2 COMMISSIONER REPP: Second.

3 VICE CHAIR BROWN: All those in favor, say
4 aye.

5 (Multiple ayes.)

6 VICE CHAIR BROWN: Thank you. And we are
7 going to move right now to discussion of
8 recommended orders. We have a new attorney
9 presenting before us today.

10 Welcome. We'll be friendly. Item No. 5.1.

11 MR. HUNDERSMARCK: 5.1 is Case No.
12 2023-064914. For the record, Justin Hundersmarck.

13 VICE CHAIR BROWN: Spelling your last name for
14 the court reporter.

15 MR. HUNDERSMARCK: Sure. It is
16 H-u-n-d-e-r-s-m-a-r-c-k.

17 VICE CHAIR BROWN: Thank you.

18 MR. HUNDERSMARCK: Christopher Van Hassel
19 submitted an application for a pari-mutuel wagering
20 professional individual occupational license.
21 Following review of the application, the Commission
22 issued a letter of license denial notifying
23 petitioner of its intent to deny the application
24 based on petitioner's felony conviction.

25 Petitioner requested an informal hearing,

1 which held on December 10, 2024. On January 31,
2 2025, the hearing officer recommended denying
3 petitioner's application.

4 The Division recommends the Commission adopt
5 the hearing officer's recommended order and deny
6 petitioner's application.

7 VICE CHAIR BROWN: Thank you.

8 Commissioners, are there any thoughts on this
9 item? If not, can we get a motion to approve the
10 hearing order's recommended order?

11 COMMISSIONER DRAGO: Can you just go through
12 the charges on this one, the criminal history that
13 we're dealing with here?

14 MR. HUNDERSMARCK: Sure. His disqualifying
15 offense was a 2020 criminal attempt. It was a
16 criminal trespass, break into structure. This was
17 a felony in Pennsylvania. There were also two
18 misdemeanor convictions.

19 VICE CHAIR BROWN: Commissioner Drago, any
20 follow-up?

21 COMMISSIONER DRAGO: The misdemeanor
22 conviction was in 2016, that was the DOC charge?

23 MR. HUNDERSMARCK: Disorderly conduct, yes.

24 COMMISSIONER DRAGO: Thank you.

25 VICE CHAIR BROWN: Commissioner D'Aquila.

1 COMMISSIONER D'AQUILA: Did I read correctly
2 also that the fines were not paid?

3 MR. HUNDERSMARCK: That's correct. There are
4 about \$26,500 outstanding. Most of it was from the
5 criminal trespass, the insurance money.

6 COMMISSIONER D'AQUILA: And was there
7 restitution involved here?

8 MR. HUNDERSMARCK: Yes. That was included,
9 yes.

10 COMMISSIONER D'AQUILA: That figure remains
11 unpaid?

12 MR. HUNDERSMARCK: That's correct.

13 COMMISSIONER D'AQUILA: Thank you.

14 VICE CHAIR BROWN: And the applicant was
15 applying to be a jockey; is that correct?

16 MR. HUNDERSMARCK: Yes.

17 VICE CHAIR BROWN: Commissioners, any comments
18 or thoughts on this? If not, again, the hearing
19 officer is making a recommended order to deny the
20 license?

21 MR. HUNDERSMARCK: Yes.

22 VICE CHAIR BROWN: Commissioners, can we get a
23 motion?

24 COMMISSIONER DRAGO: I'll make a motion.

25 VICE CHAIR BROWN: And just to the clarify,

1 it's to adopt the hearing officer's --

2 COMMISSIONER DRAGO: To adopt the staff
3 recommendation, yes.

4 VICE CHAIR BROWN: Thank you. Is there a
5 second?

6 COMMISSIONER D'AQUILA: I will second that
7 motion.

8 VICE CHAIR BROWN: Any discussion? All those
9 in favor, say aye.

10 (Multiple ayes.)

11 VICE CHAIR BROWN: Thank you. We are moving
12 on to 5.2.

13 MR. HUNDERSMARCK: 5.2 is Case No. 2024-00944,
14 Michael J. Newnum submitted an application for a
15 cardroom employee occupational license. Following
16 review of the application submitted by petitioner,
17 the Commission issued a letter of license denial
18 notifying petitioner of its intent to deny the
19 application based on petitioner's misdemeanor
20 conviction involving larceny.

21 Petitioner requested an informal hearing,
22 which was held on December 17, 2024. On January
23 31, 2025, the hearing officer recommended denying
24 petitioner's application.

25 The Division recommends the Commission adopt

1 the hearing officer's recommended order and deny
2 petitioner's application.

3 VICE CHAIR BROWN: Thank you. You said it's
4 larceny, but the actual Missouri felony is
5 receiving stolen property.

6 MR. HUNDERSMARCK: That's correct.

7 VICE CHAIR BROWN: Thank you.

8 Commissioners, any questions on the fact
9 pattern behind here? Seeing none, can we get a
10 motion to approve the recommended order by the
11 hearing officer.

12 COMMISSIONER D'AQUILA: I make a motion to
13 approve the recommended order by the hearing
14 officer.

15 VICE CHAIR BROWN: Is there a second?

16 COMMISSIONER REPP: Second.

17 VICE CHAIR BROWN: All those in favor, say
18 aye.

19 (Multiple ayes.)

20 VICE CHAIR BROWN: All right. 5.3. For
21 clarification, we do have Ms. Christie Smith.
22 Would she like to speak after you present the item?

23 MR. HUNDERSMARCK: I'm not sure. Is she here?

24 VICE CHAIR BROWN: She's on the phone?

25 MS. PARKER: Yes.

1 VICE CHAIR BROWN: Okay. Thank you. Do you
2 know if she would like to speak after?

3 MS. PARKER: No. Only if you have questions,
4 she's available.

5 VICE CHAIR BROWN: Thank you, Ms. Parker.
6 All right. Mr. Hundersmarck.

7 MR. HUNDERSMARCK: 5.3 is Case No.
8 2024-032775. Christie L. Smith submitted an
9 application for a pari-mutuel wagering professional
10 individual occupational license.

11 On review of the application submitted by
12 petitioner, the Commission issued a letter license
13 denial notifying petitioner of its intent to deny
14 the application based on petitioner's three felony
15 convictions.

16 Petitioner requested an informal hearing,
17 which was held on December 17, 2024. On January
18 31, 2025, the hearing officer recommended granting
19 petitioner's application.

20 VICE CHAIR BROWN: Thank you.

21 Commissioners, are there any questions on the
22 recommended order to grant the licensee? Seeing
23 none, can we get a motion to approve the hearing
24 officer's recommended order and issue a license?

25 COMMISSIONER D'AQUILA: I'll make a motion to

1 approve the hearing officer's recommended motion.

2 VICE CHAIR BROWN: All right. Is there a
3 second?

4 COMMISSIONER REPP: Second.

5 VICE CHAIR BROWN: Is there any discussion on
6 this? And I know there's a lot of information in
7 this file, so take your time. If not, all those in
8 favor, say aye.

9 Aye.

10 Commissioners.

11 COMMISSIONER D'AQUILA: Aye.

12 COMMISSIONER REPP: Aye.

13 COMMISSIONER DRAGO: Aye.

14 VICE CHAIR BROWN: Thank you. Motion passes
15 unanimously. We are moving on to 5.4.

16 MR. HUNDERSMARCK: 5.4 is Case No.
17 2024-046235. Edward Jung Wong submitted an
18 application for a slot machine/cardroom/pari-mutuel
19 combination occupational license.

20 Following review of the application submitted
21 by petitioner, the Commission issued a letter of
22 license denial notifying petitioner of its intent
23 to deny the application based on petitioner's
24 felony conviction.

25 Petitioner requested an informal hearing,

1 which was held on December 10, 2024. On January
2 31, 2025, the hearing officer recommended denying
3 petitioner's application. The Division recommends
4 the Commission adopt the hearing officer's
5 recommended order and deny petitioner's
6 application.

7 VICE CHAIR BROWN: Thank you.
8 Mr. Hundersmarck, this particular felony went back
9 to -- it's quite old.

10 MR. HUNDERSMARCK: 1999.

11 VICE CHAIR BROWN: Are there any other
12 criminal offenses since that time? I didn't see
13 any in the file.

14 MR. HUNDERSMARCK: No felonies. He has a 2008
15 misdemeanor for a marijuana possession 20 grams or
16 less out of Broward County. He pled no contest,
17 and adjudication was withheld. He received six
18 months probation.

19 VICE CHAIR BROWN: Thank you. Was the
20 applicant forthcoming in his application disclosing
21 this information?

22 MR. HUNDERSMARCK: He absolutely was. In
23 fact, he overstated it and called something that
24 was a misdemeanor a felony.

25 VICE CHAIR BROWN: Thank you.

1 Commissioners, any thoughts on this item?

2 I was a little surprised the hearing officer
3 denied -- is recommending denying it, given the
4 amount of time that has lapsed and the fact that he
5 was forthright on his application and he has not
6 committed any disqualifying offenses.

7 And the actual position that he's applying for
8 is?

9 MR. HUNDERSMARCK: Poker dealer at Dania
10 Entertainment Center.

11 VICE CHAIR BROWN: Thank you.

12 Commissioner D'Aquila.

13 COMMISSIONER D'AQUILA: One question. Were
14 there not some misdemeanors also on this or just
15 those two; correct?

16 MR. HUNDERSMARCK: So three misdemeanor
17 arrests after the disqualify offense. There was a
18 2007 conviction for driving under the influence, a
19 2009 conviction for driving under the influence,
20 and a 2020 arrest for driving under the influence
21 that was reduced to a reckless driving charge.

22 VICE CHAIR BROWN: Thank you.

23 COMMISSIONER DRAGO: Are those disqualifying
24 offenses?

25 MR. HUNDERSMARCK: No.

1 VICE CHAIR BROWN: Thank you.

2 COMMISSIONER D'AQUILA: That was my question.

3 VICE CHAIR BROWN: Commissioners, any thoughts
4 on this item?

5 COMMISSIONER DRAGO: I'd like to make a motion
6 to approve the staff recommendation to adopt the
7 hearing officer's recommended order and deny the
8 petitioner's application.

9 VICE CHAIR BROWN: Is there a second on that?

10 COMMISSIONER REPP: Second.

11 VICE CHAIR BROWN: I am not going to support
12 the motion because I do believe this person has
13 rehabilitated himself, based on his record and his
14 forthrightness as well, so I will be dissenting.

15 Any other discussion? All those in favor, say
16 aye?

17 COMMISSIONER D'AQUILA: Aye.

18 COMMISSIONER DRAGO: Aye.

19 VICE CHAIR BROWN: Nay.

20 All right. We are going to move on to Item
21 No. 6.1 through 6.2.

22 MS. ALVARADO: Item No. 6.1 is Garrett
23 Anderson, 2024-062658. Here, the applicant applied
24 for a cardroom employee occupational license. Upon
25 review of the application, it was discovered that

1 he had two disqualifying offenses of evading or
2 attempting to allude high speed and fleeing or
3 attempting to allude high speed, both out of
4 Volusia County from September 15, 2022.

5 A waiver interview was conducted on November
6 22, 2024 and is documented in the meeting
7 materials. Here, the applicant answered yes to
8 being convicted on his original application. He
9 did list one.

10 But seeing as though they're relatively
11 similar, I think he was attempting to probably -- I
12 can't speak for him. But I assume he was
13 attempting to probably list both on there, since
14 they're from the same date.

15 He did have a previously denied license from
16 last February of 2024 where he provided the two
17 witness statements that were in this packet as
18 well. Here, the Commission can decide whether they
19 would like to grant the waiver and, if not, issue a
20 letter of license denial.

21 VICE CHAIR BROWN: Thank you, Ms. Alvarado.
22 And the position that he's applying for is
23 cardroom?

24 MS. ALVARADO: Yes, at Orange City.

25 VICE CHAIR BROWN: Commissioners, any comments

1 or questions or this?

2 COMMISSIONER DRAGO: Just one question. The
3 fleeing, was that a felony fleeing?

4 MS. ALVARADO: Yes, both are felonies. Also I
5 didn't mention that since that denial in February,
6 he has paid his court costs, and his probation was
7 terminated in September of last year.

8 VICE CHAIR BROWN: Commissioner D'Aquila.

9 If there are no questions, can we get a motion
10 on this item.

11 COMMISSIONER REPP: I'm going to make a motion
12 to deny the waiver.

13 VICE CHAIR BROWN: Thank you. Is there a
14 second?

15 COMMISSIONER DRAGO: I'll second.

16 VICE CHAIR BROWN: Any discussion? All those
17 in favor, say aye.

18 (Multiple ayes.)

19 VICE CHAIR BROWN: All right. We are moving
20 on to 6.2.

21 MS. ALVARADO: Item No. 6.2 is Jessica Chavis,
22 2024-063690. Here, the applicant applied for a
23 cardroom employee occupational license. Upon
24 review of her application, it was discovered that
25 she had two disqualifying offenses of petty theft

1 out of Duval County from 2013 and larceny petty
2 theft out of Clay County from 2020.

3 She also has unpaid court costs and fees in
4 the amount of \$403 in one of these cases and about
5 \$389 in the other case. On the original
6 application, she did answer yes to having been
7 convicted of a disqualifying offense.

8 She's applying to be a chip runner at Bestbet
9 Jacksonville. A waiver interview was conducted on
10 December 13th, and it is documented in the meeting
11 materials. So here the Commission can decide
12 whether they'd like to grant the waiver or issue a
13 letter of license denial in this case.

14 VICE CHAIR BROWN: Thank you. And my
15 understanding is that Ms. Chavis is on the phone
16 right now and available for questions.

17 So, Commissioners, if you have questions of
18 staff or Ms. Chavis, now is the time.

19 VICE CHAIR BROWN: Given the actual
20 underlining crime that she was arrested for, I
21 would have to agree that the waiver be denied.

22 Can I get a motion.

23 COMMISSIONER DRAGO: I'll make a motion to
24 deny.

25 VICE CHAIR BROWN: Is there a second?

1 COMMISSIONER REPP: Second.

2 VICE CHAIR BROWN: All those in favor, say
3 aye.

4 (Multiple ayes.)

5 VICE CHAIR BROWN: Thank you. We are moving
6 on to 7.1 through 7.2.

7 MS. ALVARADO: 7.1 is 2024-069186, Shayla
8 Howard. The Division received a completed
9 application from Ms. Howard on November 22, 2024.
10 She is seeking a slot machine/cardroom/pari-mutuel
11 combination occupational license.

12 Upon review of her application, it was
13 discovered that she was convicted of a felony
14 offense of possession of cocaine in Broward County
15 from August 1, 2005. She did not disclose this on
16 her original application.

17 She is looking to work in food service at PPI.
18 Here, the Division would ask that the Commission
19 authorize the issuance of a letter of license
20 denial in this case.

21 VICE CHAIR BROWN: Thank you.

22 Commissioners, any questions on this? If not,
23 can we get a motion to approve or to issue a letter
24 of notice of license denial, intent to license
25 denial -- pardon me -- or grant the license, either

1 one.

2 COMMISSIONER REPP: I have a question.

3 VICE CHAIR BROWN: Sure. Commissioner Repp.

4 COMMISSIONER REPP: What is the date on the
5 last criminal activity?

6 MS. ALVARADO: Are you asking specifically
7 about her like the disqualifying conviction?

8 COMMISSIONER REPP: Yes, the last
9 disqualifying.

10 MS. ALVARADO: Okay. Sorry. August 1, 2005.

11 COMMISSIONER REPP: 2005?

12 MS. ALVARADO: Yes.

13 COMMISSIONER REPP: And what is the last
14 encounter with law enforcement?

15 MS. ALVARADO: I just wasn't sure because I
16 looked at so many. But, no, that is the last thing
17 that we have. 2004 was her last arrest, and then
18 this was conviction in 2005.

19 COMMISSIONER REPP: And there's nothing on the
20 record since then?

21 MS. ALVARADO: No.

22 VICE CHAIR BROWN: Have all of her court fees
23 and costs been paid for?

24 MS. ALVARADO: Yes.

25 VICE CHAIR BROWN: And probation is expired?

1 MS. ALVARADO: Yes.

2 VICE CHAIR BROWN: This is another one with
3 voluminous materials, so please bear with us.

4 Ms. Alvarado, she previously had a license in
5 Florida?

6 MS. ALVARADO: In 2007 to 2008, yes.

7 COMMISSIONER DRAGO: And why doesn't she have
8 one now?

9 MS. ALVARADO: She hadn't applied after that.
10 The statute did change in 2009 to allow for denial
11 based on crimes where adjudication was withheld, so
12 that's what happened here. Her crime was
13 adjudication withheld. It wouldn't have been
14 disqualifying prior when she applied.

15 COMMISSIONER DRAGO: I see.

16 VICE CHAIR BROWN: Commissioners, any thoughts
17 or comments? Are we ready for a motion?

18 COMMISSIONER DRAGO: Just a comment, I guess.
19 It's been a very long time since this offense.
20 From what we know, there seems to be an indication
21 in the materials that I'm looking at that there's
22 room to believe that she's been rehabilitated and
23 stayed out of trouble.

24 There isn't any particular reason to believe
25 that she's going to enter into a life of crime

1 again at this point after, what, 21 years or so, so
2 I think we need to consider that.

3 I think the rehabilitation part of all this is
4 very important as we try to protect the public, but
5 also try to ensure that people get a fair shake and
6 have an opportunity to earn a living where they
7 don't appear to be any anger to the organization or
8 to the public, the people of Florida, just my
9 comment.

10 VICE CHAIR BROWN: Commissioner Drago, thank
11 you. You know I fully support those comments, too,
12 and the facts of this matter, too.

13 Commissioners, any thoughts?

14 Commissioner D'Aquila.

15 COMMISSIONER D'AQUILA: No. I concur with
16 Commissioner Drago's comments. The only reason I
17 paused, but I'm looking at the time here, is it's a
18 cashier position and one of the charges was credit
19 card dealing.

20 MS. ALVARADO: That was dropped.

21 COMMISSIONER D'AQUILA: That was dropped?

22 MS. ALVARADO: Uh-huh.

23 COMMISSIONER D'AQUILA: I just want to
24 clarify.

25 MS. ALVARADO: Yes, that was.

1 COMMISSIONER D'AQUILA: Thank you. With that
2 dropped, then I concur with Commissioner Drago's
3 assessment.

4 VICE CHAIR BROWN: Commissioner Repp, any
5 thoughts, comments?

6 COMMISSIONER REPP: No.

7 VICE CHAIR BROWN: Can we get a motion on this
8 item to move forward and issue her license.

9 COMMISSIONER DRAGO: I'd like to make that
10 motion.

11 VICE CHAIR BROWN: Thank you. Is there a
12 second?

13 COMMISSIONER REPP: Second.

14 VICE CHAIR BROWN: All those in favor, say
15 aye.

16 (Multiple ayes.)

17 VICE CHAIR BROWN: We are moving on to 7.2.

18 MS. ALVARADO: 7.2 is 2024-071349, Robert
19 Oneal Mitchell. The Division received a completed
20 application for Mr. Mitchell on December 11, 2024
21 for a slot machine/cardroom/pari-mutuel combination
22 occupational license.

23 After review of the application, it was
24 discovered that he was convicted of carrying a
25 concealed weapon out of Miami-Dade County on April

1 4, 2018. He is applying to be a security officer
2 at Casino Miami.

3 He did not disclose this on his original
4 application. Therefore, the Division would ask
5 that the Commission authorize the issuance of a
6 letter of license denial in this case.

7 VICE CHAIR BROWN: Thank you.
8 Commissioners.

9 COMMISSIONER DRAGO: What is the weapon that
10 he was concealing?

11 VICE CHAIR BROWN: It looks like the charge
12 says carry, so I'm assuming --

13 MS. ALVARADO: We don't have much information
14 on that. I don't have the arrest report. I just
15 have a document. It seems like he also had drug
16 paraphernalia with him. It says a firearm, but I
17 don't have much more.

18 COMMISSIONER DRAGO: Is it firearm?

19 MS. ALVARADO: Yes, concealed firearm. That's
20 all the information I have.

21 COMMISSIONER DRAGO: Because it just says CCW.
22 It doesn't say what weapon it is.

23 MS. ALVARADO: It says concealed firearm.

24 VICE CHAIR BROWN: Commissioners, thoughts on
25 this? I'm a little on the fence on this one.

1 COMMISSIONER D'AQUILA: (Inaudible.) But
2 conceal carry, he was guilty because he did not
3 have a conceal carry permit at the time?

4 MS. ALVARADO: I assume so.

5 COMMISSIONER D'AQUILA: Which was the law at
6 the time, unlike the law today?

7 MS. ALVARADO: Right.

8 COMMISSIONER D'AQUILA: In the state of
9 Florida.

10 VICE CHAIR BROWN: Very good point.

11 COMMISSIONER D'AQUILA: And there's nothing in
12 here indicating that he was brandishing a weapon or
13 threatening use.

14 MS. ALVARADO: We have very minimal
15 information. Like I said, I don't have like an
16 arrest report document with any details, but that's
17 what I have is what you guys have presented in
18 front of you.

19 COMMISSIONER D'AQUILA: Let me clarify. I've
20 been through everything twice here, but I don't see
21 any other charges historically and subsequently or
22 prior to this.

23 MS. ALVARADO: No. This was all.

24 COMMISSIONER D'AQUILA: This is in Miami-Dade?

25 MS. ALVARADO: Yes.

1 VICE CHAIR BROWN: Thank you,
2 Commissioner D'Aquila.

3 I just wish he would have disclosed it and
4 been forthright on the application. As you noted,
5 Ms. Alvarado, there is very little information
6 regarding the arrest itself and the facts of the
7 matter.

8 MS. ALVARADO: Right.

9 VICE CHAIR BROWN: Commissioner D'Aquila.

10 COMMISSIONER D'AQUILA: I'll just follow up to
11 your comment, Commissioner. But I think we see a
12 lot of confusion considering the change in law that
13 we once had a law of having a permit for a
14 concealed carry, and we no longer do, I believe.

15 So there might -- I want to say there could be
16 some confusion there as well when looking at it by
17 a layman thinking that maybe I was waived now, you
18 know, et cetera.

19 Just thinking in the realm of possibilities,
20 and I'm only thinking along that path because of
21 there being no other convictions historical or
22 subsequent.

23 MS. ALVARADO: Right.

24 VICE CHAIR BROWN: Appreciate that.
25 Commissioner Drago.

1 COMMISSIONER DRAGO: I'd like to see more
2 information on this. Can we table this, or how can
3 we -- is there something we can do in order to
4 delay this?

5 MS. ALVARADO: I think the 90 days for this
6 one is going to be on the 11th. I don't know when
7 the March meeting is scheduled for.

8 VICE CHAIR BROWN: I think it's earlier, the
9 March meeting.

10 MS. ALVARADO: So we would pass the 90 days.

11 COMMISSIONER D'AQUILA: March meeting is March
12 6th.

13 MS. ALVARADO: So, yes, we would pass the 90
14 days. I think that's the reason I put this one on
15 this meeting to ensure we could hear it obviously
16 before the deadline.

17 VICE CHAIR BROWN: Commissioner Drago, any
18 comment?

19 COMMISSIONER DRAGO: So the 90 days is when?

20 MS. ALVARADO: It would be March 11th, which
21 would be past the next meeting. We would pass the
22 90 days.

23 COMMISSIONER D'AQUILA: So it would be okay?

24 MS. ALVARADO: It's not okay to extend it.
25 Sorry if that's not clear, yes. No, it's not okay

1 to extend it. We'd pass the 90-day deadline,
2 unless we held a special meeting in order to hear
3 this one on the 10th or sometime.

4 (Multiple speakers.)

5 MS. ALVARADO: Oh, wait. I'm sorry. I'm
6 wrong. Yes, you're right, it can be. I'm sorry.
7 Yes, you're right. Yes, it can be heard at the
8 next meeting. I don't know math. Yes.

9 VICE CHAIR BROWN: You were confusing me.

10 MS. ALVARADO: I'm sorry. I'm sorry. Yes, we
11 can. We can.

12 VICE CHAIR BROWN: Commissioners, are you open
13 to tabling this item to get more information?

14 COMMISSIONER DRAGO: I am, yes.

15 COMMISSIONER D'AQUILA: I am.

16 VICE CHAIR BROWN: Ms. Alvarado, we're going
17 to table it. And just if you can reach out to the
18 applicant and get more -- or even the Miami-Dade --

19 COMMISSIONER DRAGO: Incident report if we can
20 get that, yes.

21 MS. ALVARADO: Okay. I'll to that.

22 VICE CHAIR BROWN: Thank you. All right. We
23 are moving on. That will conclude the portion of
24 our administrative issues. We are moving on to
25 Executive Director update. Thank you.

1 MR. MARSHMAN: Good morning. Just in terms of
2 a roadmap of the update today, as I normally do, I
3 would like to invite Director Herold to provide an
4 update for what Division in Gaming Enforcement has
5 been doing since last we spoke, then give some
6 updates about the upcoming May meeting, an update
7 on the cashless rulemaking, an update on
8 legislative affairs that have been ongoing, and
9 then recognizing certain employees that have been
10 singled out for their exemplary service to the
11 Commission.

12 So with your permission, Madam Chair, I would
13 like to invite Director Herold to the podium.

14 VICE CHAIR BROWN: Thank you.
15 Director Herold.

16 MR. HEROLD: Good morning. Carl Herold, for
17 the record. Thank you, Vice Chair and
18 Commissioners. This past month again for the
19 Gaming Control Commission, Division of Gaming
20 Enforcement, another fantastic month for us.

21 Some of the stats that I would like to share
22 with each of you is that for January, the
23 investigators touched 50 different investigations
24 again doing a great deal of work. We closed ten
25 illegal casinos with a total of 23 persons arrested

1 in a total of 71 charges.

2 In that, the big operation for January was an
3 operation called Fools Treasure that took place in
4 multiple counties across the state, and we
5 partnered with the Palm Beach County Sheriff's
6 Office, with Broward County Sheriff's Office,
7 St. Lucie County Sheriff's Office, and with
8 Zephyrhills where one of the other locations were.

9 Probably the most significant impact of this
10 operation was that in Broward, we were able to stop
11 the operations of the distributorship that was
12 supplying these machines for other illegal casinos.

13 And so the reason that I want to kind of stand
14 behind that and wave the flag for it is because as
15 we move up the ladder, these investigations have
16 started small, and we've moving up the ladder to
17 more and more substantial investigations.

18 Hitting the distributorship probably has the
19 single greatest impact on what we're attempting to
20 do here because if the illegal casinos cannot get
21 illegal machines, it's difficult for them to run
22 their illegal operations. And so we're very, very
23 happy about getting this distributorship.

24 COMMISSIONER DRAGO: Excuse me. Can you
25 explain what that means, distributorship?

1 VICE CHAIR BROWN: And the penalties
2 associated with that.

3 MR. HEROLD: Well, the distributorship simply
4 means these are the locations where these bad
5 actors that have these illegal casinos go to get
6 their machines. They're getting their machines
7 from a variety of different locations.

8 Some are very organized, as this one was, very
9 put together. You'll see we're posting a video
10 later today up on the Gaming Commission website.
11 And in that, it has some video and some still
12 footage of the inside of this distributorship.

13 It was very nice. They had conveyor belts
14 moving the machines through as they prepared them
15 for distribution where they took them into a lab
16 where they programmed them. And, of course, they
17 were using illegal software that had been pirated
18 from legitimate sources, but they were installing
19 them on these machines.

20 And then they were supplying these machines to
21 we don't know exactly how many, but probably 30 or
22 more locations in the South Florida area. So the
23 importance of it is these are the locations that
24 our illegal casinos across the state are getting
25 these resources to run their operations.

1 COMMISSIONER DRAGO: You're saying that there
2 is a group or a people that are large enough to be
3 able to distribute all these machines to various
4 locations? They're not all independent, and it
5 appears that a lot of these are being funneled from
6 the same place?

7 MR. HEROLD: Yes. The investigations we've
8 done find that all of these locations -- and when
9 we're talking about locations, the illegal casinos
10 across the state. They have to have somebody to
11 supply those machines to them, supply the service
12 when they go down.

13 Typically, these individuals or these
14 distributorships also have some sort of business
15 arrangement with the illegal casinos, and they come
16 by and collect the money out of them.

17 So this is significant because it interrupts
18 their operations at every level, the ability to get
19 those machines -- them being the illegal casinos --
20 the ability for them to be maintained and repaired
21 whenever they're broken, and then the collection of
22 the money.

23 And then ultimately the distributorship is
24 also typically involved in sharing out that money
25 that they've collected with these locations.

1 COMMISSIONER DRAGO: Thank you.

2 VICE CHAIR BROWN: Commissioner Repp.

3 COMMISSIONER REPP: As far as these
4 distributorships, are they dealing in -- are they
5 building the machines there? Are they coming in
6 with parts? Is it coming from somewhere? Are
7 these coming from outside of Florida?

8 VICE CHAIR BROWN: Microphone.

9 COMMISSIONER REPP: Sorry. So are we having
10 whole machines coming to this distributorship from
11 somewhere, or are we having parts and they're being
12 assembled here in Florida?

13 MR. HEROLD: So our understanding of
14 this -- and there doesn't seem to be one blueprint
15 that fits all operations in the way that it's run
16 since that there's no accepted business plan for
17 that.

18 But in this particular operation, they seem to
19 have been getting cabinets from someplace. We're
20 not exactly sure. And then they were installing
21 parts and then installing software in that location
22 and then delivering the machines to whoever they
23 partnered with.

24 COMMISSIONER REPP: And are these -- they're
25 here in Florida doing the -- are they providing any

1 machines to otherwise legal casinos, or are these
2 strictly illegal machines going to illegal casinos?

3 MR. HEROLD: That's a great question, and I'm
4 going to answer it very high level without giving
5 away too much investigative information. And what
6 I will say is that in all of our work up to this
7 point, there are no legitimate resources or, you
8 know, the folks that are supplying the machines to
9 all our regulated facilities.

10 Or our legitimate businesses, they are not
11 involved in any of this type of activity. They
12 have too much to lose to be in this, and these are
13 all illegal actors, you know, trying to find ways
14 around it and stay below the radar.

15 COMMISSIONER REPP: Thank you.

16 VICE CHAIR BROWN: Commissioner D'Aquila.

17 COMMISSIONER D'AQUILA: So this is not just a
18 distributorship. This is an assembly operation and
19 a service business?

20 MR. HEROLD: It was very broad in all the
21 things that they did.

22 COMMISSIONER D'AQUILA: And I include in there
23 they're in the parts business as well?

24 MR. HEROLD: Yes. Yes.

25 COMMISSIONER D'AQUILA: And is it too early to

1 say, I mean, there are both income tax, sales tax
2 issues here.

3 MR. HEROLD: That would be a little out of my
4 swim lane, so to speak, but I'm certain that there
5 are folks looking at that.

6 COMMISSIONER D'AQUILA: Thank you.

7 VICE CHAIR BROWN: Thank you. And as you
8 noted, this is very significant. We've been
9 talking about these distributorships that are out
10 there. This is a major undertaking and milestone.
11 We're excited to see the video.

12 Can you go over the criminal charges that were
13 associated with it?

14 MR. HEROLD: I don't have that at hand. But I
15 will tell you that we had RICO charges. There was
16 money laundering and some other felonies, but I
17 don't have that right here.

18 VICE CHAIR BROWN: Additional crime, though?

19 MR. HEROLD: Yes. Absolutely. I would like
20 to add on to what Commissioner D'Aquila asked,
21 which is did they have parts. I will tell you that
22 we seized over 1,000 machines from this location.

23 That was only half of the space needed to stop
24 this operation because nearly 50 percent of the
25 space that was needed to seize all this equipment

1 was parts and other things.

2 They had shelving that was three levels high
3 stacked full of all types of parts and other
4 things, so they were definitely prepared to repair
5 and assemble.

6 VICE CHAIR BROWN: Thank you.

7 MR. HEROLD: Thank you. And I would like to
8 add because there was some conversation last month
9 about warehouse space. We were able to secure a
10 warehouse of 7,400 square feet in preparation for
11 this operation.

12 And after all the machines from -- there were
13 also three other illegal casinos that were
14 associated with this that were all taken down at
15 the same time.

16 But that particular warehouse after we took
17 everything out of the distributorship, it's 85
18 percent full now in one operation, the very first
19 operation.

20 And to that issue about talking about
21 warehouses, we now have 11 warehouses that the
22 Gaming Commission does totaling about 35,000 square
23 feet, and only 28 percent of our warehouse is full.
24 The rest of it remains -- contains machines and
25 evidence and other types of things like that.

1 VICE CHAIR BROWN: Commissioner Repp.

2 COMMISSIONER REPP: Has there been any further
3 conversation or efforts into keeping five, six
4 machines and doing a photograph catalog as best
5 evidence for the rest of it, as opposed to holding
6 on to every single machine we seize? Have we made
7 any traction or efforts in that area?

8 MR. HEROLD: That would be a little bit out of
9 my area of expertise, but I do know that that
10 conversation continues. But I don't have an update
11 on that.

12 The other thing that I would like to talk
13 about is I did mention that we got a video up about
14 this particular operation. But I do want to kind
15 of applaud the team, the Gaming Enforcement side
16 because this was a whole team operation in that we
17 had analysts here in Tallahassee.

18 We had the chief of our intelligence and
19 analytical side. Everybody responded to the four
20 locations that were part of this operation. And it
21 was really quite encouraging to see everybody
22 working together doing their investigative work and
23 also responding to intake all this evidence.

24 I will tell you from the distributorship, it
25 took 12 truck tractors to move all that stuff to

1 the warehouse. Great deal of work, and I want to
2 applaud the team for their fantastic teamwork
3 together.

4 COMMISSIONER DRAGO: You mentioned on the
5 sheet that there was a kilo of cocaine seized?

6 MR. HEROLD: That's in the next operation. I
7 want to only talk superficially on this because the
8 press release hasn't gone out. But I will just say
9 that we were involved in another operation in South
10 Florida, and I hope to be able to share more with
11 you the next time around.

12 But much to what we've said many, many times,
13 these bad actors do not limit themselves to one
14 particular activity. And in this particular case,
15 we assisted several law enforcement agencies in
16 South Florida on an illegal gambling operation that
17 involved dog fighting.

18 We rescued 55 dogs from horrendous conditions,
19 five weapons, and 1 kilogram of cocaine. So this
20 is another one of these operations that touches a
21 bunch of different areas as far as criminality is
22 concerned.

23 COMMISSIONER DRAGO: Was the cocaine in these
24 illegal casinos?

25 MR. HEROLD: This was a straight up illegal

1 dog fighting operation.

2 COMMISSIONER DRAGO: So the cocaine came from
3 that?

4 MR. HEROLD: Yes.

5 COMMISSIONER DRAGO: The dog fighting case?

6 MR. HEROLD: Yes, along with the five weapons.

7 VICE CHAIR BROWN: Were there individual
8 betting on the --

9 MR. HEROLD: Yes. That's how we got involved
10 in it. Ultimately, they raised these animals to
11 bet on them. Very distressing. Very distressing.

12 VICE CHAIR BROWN: I really commend you for
13 that investigation and for being so successful in
14 rescuing.

15 MR. HEROLD: Yes. I'll have more information
16 for you next month, I hope. Changing into
17 something a little more pleasant, we hired our
18 accreditation manager this past month. Very
19 thankful to have that. Her name is LaTonya Banks.
20 LaTonya, there she is.

21 As you can tell, she's still smiling. She
22 hasn't seen all the work that I have for her. But
23 anyway, we're super excited to have her. We were
24 able to hire her away from Highway Safety and Motor
25 Vehicles, a/k/a FHP.

1 I continue to get a reputation of stealing
2 good folks from other agencies, so we're very
3 thankful for that.

4 COMMISSIONER DRAGO: Are we going to be
5 starting the accreditation process?

6 VICE CHAIR BROWN: Yes. She's already started
7 reviewing the policies, and it's going to be
8 multi-layer type of function. Right now, we're
9 trying to get her some training, and we have her
10 visiting other law enforcement agencies on a kind
11 of collaboration with them to see how they manage
12 this.

13 We also have to purchase some software related
14 to the accreditation process. It's going to take a
15 little bit of time to get her ramped up to be able
16 to do all that stuff, but this is the first step on
17 that.

18 COMMISSIONER DRAGO: Great.

19 MR. HEROLD: We've got a new agent in South
20 Florida starting on Monday, and that will bring us
21 up to capacity. And then we have a new agent in
22 central Florida starting on Monday.

23 South Florida should be within the next couple
24 weeks. And then we're going to interview for the
25 single vacancy here in Tallahassee probably in the

1 next couple weeks.

2 That's all very exciting because that will
3 bring us up to full capacity. And in that regard,
4 we are readvertising for two cyber analysts that we
5 have here in North Florida.

6 And then we're interviewing for an
7 administrative aid in central Florida. And once
8 those positions are filled, I will be full up. So
9 it's very exciting news, very exciting news.

10 COMMISSIONER DRAGO: Great job.

11 MR. HEROLD: Thank you. I'm very proud of the
12 team and the sacrifices that they've made and just
13 the teamwork altogether. It's been phenomenal.

14 VICE CHAIR BROWN: Director Herold, when we're
15 down in South Florida for our main meeting, is
16 there an opportunity for us to visit some of these
17 warehouse spaces?

18 MR. HEROLD: Absolutely. Yes. Yes. And when
19 you see the video, I would ask you to compare the
20 inside of this distributorship and the resources
21 they have and see what we're battling against.
22 Thank you very much.

23 VICE CHAIR BROWN: Thank you, Director Herold.
24 Director Marshman.

25 MR. MARSHMAN: Before we talk about the main

1 meeting, I did just want to point out that our next
2 meeting is March 6th. That will be across the hall
3 in the larger room. And then we have another
4 meeting on April 10th. Again, that will be across
5 the hall in the larger room.

6 That leads to the May meeting that's currently
7 scheduled for May 13th. We are trying to locate
8 the same accommodations and meeting spaces we had
9 last year, which I believe is the Marriott Hotel at
10 the Fort Lauderdale airport area.

11 That's obviously a lot closer to many of our
12 license holders in the slot machine area. And that
13 leads me to my next point, which is an update on
14 cashless rulemaking. I've discussed this
15 individually with you all.

16 But I think it's fair to say in the public
17 that my goal is to release the language in the
18 quarter one of 2025, so we're still on track to
19 meet that.

20 What I ultimately recommend is that we publish
21 a notice of workshop and attach the draft language
22 to it sooner rather than later and then schedule
23 the workshop on or around that May 13th meeting in
24 South Florida.

25 The people that we most impacted by that rule

1 will be much closer to us at the Fort Lauderdale
2 Airport than they will here in Tallahassee. So I
3 feel like that's appropriate, so long as you all
4 agree with that time line.

5 VICE CHAIR BROWN: Commissioners?

6 Can we get a motion then to authorize staff to
7 publish notice of workshop for the cashless
8 wagering, Commissioners.

9 Commissioner Repp.

10 COMMISSIONER REPP: I'll make that motion.

11 VICE CHAIR BROWN: Is there a second?

12 COMMISSIONER D'AQUILA: I'll second that
13 motion.

14 VICE CHAIR BROWN: All those in favor, say
15 aye.

16 (Multiple ayes.)

17 VICE CHAIR BROWN: Thank you.

18 MR. MARSHMAN: And just to clarify on that,
19 since we are still trying to locate the exact
20 meeting space and trying to get the times, do I
21 have your permission and your delegation to set a
22 specific time for the meeting of the workshop,
23 including on the 13th, but perhaps the day after on
24 the 14th if we can't make all the days, just so I
25 don't have to come back to you again?

1 VICE CHAIR BROWN: Commissioner Repp.

2 MR. MARSHMAN: So I have a little flexibility
3 on the date, in other words.

4 VICE CHAIR BROWN: Are you amenable to that in
5 your motion?

6 COMMISSIONER REPP: I will make that motion.

7 VICE CHAIR BROWN: All right. Is there a
8 second?

9 COMMISSIONER DRAGO: Second.

10 VICE CHAIR BROWN: All those in favor, say
11 aye.

12 (Multiple ayes.)

13 VICE CHAIR BROWN: Thank you.

14 MR. MARSHMAN: Thank you. Next is more of an
15 update for legislative affairs. First and
16 foremost, staff wants to express its appreciation
17 for Governor DeSantis and his recommended budget.

18 It sees more than \$3 million added to support
19 Carl's team and the Division of Gaming
20 Enforcement's efforts. That's additional staff,
21 additional investigative tools, and additional
22 warehouse space.

23 I don't think we want to be in the business of
24 renting out every available warehouse in the state.
25 But unless something gives, we're going to be

1 pretty busy on that front. But again, we
2 appreciate Governor DeSantis and his leadership on
3 that point.

4 Next, just as a short overview of what we've
5 been doing, in case people haven't been following
6 along, we're done two public presentations so far,
7 one in the House, and in the Senate.

8 The first one was in the House in the
9 Industries and Professional Activities subcommittee
10 with Chair Giallombardo. That was a panel
11 discussion on January 15th.

12 I want to thank again the speakers that appear
13 alongside me. They were from law enforcement
14 across the state and state attorney's offices from
15 across the state.

16 I think they provided excellent feedback and
17 answers to questions that the panel had to explore
18 the issues that all law enforcement faces in the
19 state, not just Director Herold and his team.

20 The next one was on February 4th. That was in
21 the Senate in the Regulated Industries Committee
22 with Chair Bradley. That was a presentation that I
23 did about primarily illegal slot machines casinos,
24 which focused a lot of Fools Treasure.

25 So again, I encourage you to watch the video

1 and anyone listening to watch the video we post,
2 just so you can see how well organized this
3 operation was.

4 And you'll to remind yourself as I have to
5 remind myself that that these are the criminals'
6 warehouse. That's the criminals' forklift. That's
7 the criminals' break room, not ours. So something
8 to take a look at.

9 VICE CHAIR BROWN: I know we all have looked
10 at it and appreciate the amount of time you and
11 your staff are also putting into these
12 presentations.

13 MR. MARSHMAN: Katie Young deserves a lot of
14 credit for that. She's been an excellent hire.
15 And that video is mostly her work and Carl's
16 excellent voiceover and script.

17 VICE CHAIR BROWN: He's a star, and they both
18 are.

19 COMMISSIONER DRAGO: Katie did well on that,
20 in spite of Carl.

21 MR. MARSHMAN: I agree with that. We do have
22 ongoing discussions and appearances with the House
23 State Budget Administration Subcommittee. I would
24 like to appreciate the meeting that we had or
25 express staff's appreciation of the meeting we've

1 already had with Representatives Yarkosky and Owen.

2 Those were assigned to be our pen pals more or
3 less to try to do a deep dive on the Commission.
4 And they obviously were interested in what we had
5 to say.

6 They were receptive. And they want to support
7 what the Commission is trying to do, both in the
8 regulated space and in law enforcement with Carl's
9 team. We will appear in front of that budget
10 subcommittee next Thursday the next time.

11 And just before I shift to the employee of the
12 month, I would be remiss if I did not thank all of
13 the people that are helping me go downtown
14 seemingly every week nowadays and talk about the
15 Commission.

16 Henry Mahler obviously deserves a lot of the
17 credit for assisting me. He is our legislative
18 affairs director.

19 Lisa Mustain is going with me to the capitol
20 as well, so is Christine Hutton, our budget
21 officer. There are other people, though, that are
22 not making the trek, but they are equally
23 responsible for our excellent presentations, people
24 like Cheryl Buteen, Rena Gilliam, Henry Davis, and
25 many more people that are supporting everything the

1 Commission is doing this session.

2 So I just want to take a moment to express my
3 personal thanks to all of them for trying to make
4 the Commission look at good as possible during
5 these committee weeks.

6 COMMISSIONER DRAGO: Can we have them stand
7 up.

8 VICE CHAIR BROWN: Can we have them stand up,
9 please, because there's been a lot of work, and we
10 just want to recognize -- if you could, please
11 stand up.

12 MR. MARSHMAN: I know Henry is here.

13 VICE CHAIR BROWN: Thank you all for the work
14 you're doing.

15 COMMISSIONER DRAGO: Thank you.

16 MR. MARSHMAN: And with that, I would like to
17 recognize some other employees from across the
18 Commission that have been providing exemplary
19 service.

20 VICE CHAIR BROWN: If they're in the audience,
21 can they stand up at the end.

22 MR. MARSHMAN: Of course.

23 VICE CHAIR BROWN: Thank you.

24 MR. MARSHMAN: First is from the Division of
25 Administration, and that's Ms. Jasmine Hopkins.

1 She's a human resource analyst and the
2 administration's employee of the month for
3 February.

4 She consistently demonstrates an exceptional
5 work ethic and attitude that contributes greatly to
6 FGCC's success receiving many shout outs from
7 employees she has assisted. Jasmine is dedicated
8 to exceptional customer service always with a smile
9 and helpful demeanor.

10 She approaches her tasks with professionalism
11 and a positive can-do attitude. Her teamwork and
12 commitment to supporting her colleagues makes her
13 an absolute pleasure to work with. Jasmine
14 exemplifies what it means to be an outstand human
15 resource analyst.

16 VICE CHAIR BROWN: Thank you.

17 MR. MARSHMAN: Next is from information
18 technology. IT's employee of the month is Frank
19 Virella. Frank is actually out of town. He's in
20 South Florida. He's the information technologies
21 employee of the month.

22 As the team lead of the help desk in
23 Fort Lauderdale, Frank consistently demonstrates
24 outstanding leadership and commitment to his role.
25 His exceptional troubleshooting skills and tireless

1 work ethic set him apart.

2 He always goes the extra mile to resolve
3 issues promptly and effectively. Frank is not only
4 reliable in handling his responsibilities, but also
5 willing to take on additional tasks to ensure the
6 team's success.

7 As a leader, he's a great mentor to the
8 Fort Lauderdale IT team fostering a collaborative
9 and supportive environment where knowledge is
10 shared and growth is encouraged.

11 His genuine care for both his colleagues and
12 his clients and customers make him an invaluable
13 member of the team, and his dedication is truly
14 inspiring. So I hope Frank is watching, and here's
15 the appreciation.

16 VICE CHAIR BROWN: Thank you, Frank.

17 MR. MARSHMAN: Next is from Director Herold's
18 shop in Gaming Enforcement. Gaming Enforcement's
19 employee of the month is Olivia Williams. Olivia
20 is recognized for outstanding dedication, tireless
21 work ethic, and unwavering commitment to the
22 success of our agency.

23 Olivia exemplifies the qualities of a true
24 team player, always eager to assist her colleagues.
25 She goes above and beyond to ensure that every

1 task, no matter how big or small, is handled with
2 precision and care.

3 She also tells me where Carl is hiding.
4 Whether she's supporting her peers or streamlining
5 daily operations, Olivia approaches her work with a
6 positive attitude and a genuine desire to make the
7 workplace better for everyone.

8 Her exceptional attention to detail and
9 proactive approach ensures that the office remains
10 efficient and organized, creating an environment
11 where the entire team can thrive.

12 VICE CHAIR BROWN: Thank you, Olivia.

13 MR. MARSHMAN: Next from the Commission and
14 OGC silo is Melba Apellaniz. She's OGC's employee
15 of the month. I'm going to take a little bit of
16 credit for her because I hired her back when I was
17 general counsel when we stole her from the
18 Department of Health.

19 And actually a former employee of the month,
20 Brandy Humphries, applied for the same position,
21 and we managed to find another place for her. So
22 we were really lucky to get both of them.

23 Melba has been the clerk of the Commission for
24 more than two years. She's been one of the first
25 hires in OGC that wasn't already working in the

1 Division of Pari-Mutuel Wagering.

2 In her role, she is responsive, helpful,
3 meticulous and always willing to go above and
4 beyond. She takes great care to ensure that
5 documents filed with the clerk's office are timely
6 recorded and processed, even if it means staying
7 late or coming in early.

8 Melba's professionalism and can-do attitude is
9 a boon to the Commission and to members of the
10 public.

11 I've got two more. Next from the Division of
12 Pari-Mutuel Wagering. It's Kelly Costello. Kelly
13 exemplifies FGCC's core values through her
14 unwavering dedication, professionalism and
15 helpfulness.

16 While our team was short staffed, Kelly
17 consistently rose to the challenge performing the
18 responsibilities of two positions with exceptional
19 efficiency and without complaint for several months
20 and continues to perform other tasks within the
21 unit that are not her specific responsibility, but
22 to ensure that the unit continues to operate
23 smoothly and that work tasks are completed timely
24 until we have full staff.

25 She played an instrumental role in developing

1 new auditing procedures and checklists, and has
2 helped train all new staff within the unit
3 associated with auditing.

4 Her ability to excel in all roles has far
5 surpassed expectations and reflects her
6 extraordinary work ethic and commitment to the
7 organization.

8 Last but not least is Jorge Cabezas. He was
9 nominated by Glenda Ricks in the field office.
10 Jorge has worked for the Division of Pari-Mutuel
11 Wagering's operation unit for almost 25 years.
12 Over the years, he has served as an OPS greyhound
13 racing and Jai Alai judge, an OPS veterinarian
14 assistant, and is currently employed as an OPS
15 chief veterinarian assistant responsible for
16 specimen collection and documentation involving
17 racing thoroughbreds at the FGCC detention barn.

18 Jorge has supplement staffing in our Gulfstream
19 licensing office where he assists thoroughbred
20 owners, trainers, stables, and backside workers
21 with their licensing needs.

22 Jorge has developed significant industry core
23 competence and demonstrated a high degree of
24 initiative, customer service, exceptional work
25 ethic, and consistently exceeds performance metrics

1 set for his various positions.

2 VICE CHAIR BROWN: Congratulations, Jorge.

3 MR. MARSHMAN: And with that, that concludes
4 my update. But I'm available, as always, to answer
5 any questions you may have today or in the future.

6 VICE CHAIR BROWN: Commissioners, are there
7 any questions of Mr. Marshman? Thank you for the
8 update.

9 Ms. Valentine.

10 MS. VALENTINE: For Agenda Item No. 10, the
11 Office of the General Counsel seeks advice from the
12 commission in a closed meeting concerning
13 litigation styled Tampa Bay Downs, Inc. versus
14 Florida Gaming Control Commission, FGCC Case No.
15 2022-024540.

16 This advice relates to litigation strategy and
17 settlement negotiations and may therefore be
18 discussed in private pursuant to Sections 16.716 and
19 286.011(8).

20 VICE CHAIR BROWN: Thank you. Ms. Valentine,
21 just for clarification, public comment on all
22 matters outside of this will be conducted after the
23 session; is that correct?

24 MS. VALENTINE: If that's what you would like
25 to do, yes.

1 VICE CHAIR BROWN: Is there an opportunity --

2 I think it would be fair for those that are in
3 attendance to do public commencement first before
4 we get to Item No. 10.

5 MS. VALENTINE: Yes.

6 VICE CHAIR BROWN: So is there anybody from
7 the public that would like to address the
8 Commission on any matter today? Going once. Going
9 twice.

10 Ms. Valentine, are you completed with your
11 whole speil for Item No. 10.

12 MS. VALENTINE: Yes.

13 VICE CHAIR BROWN: I have to go through a
14 litany of required language here. So in connection
15 with the performance of the Commission's regulatory
16 duties, it's necessary for the Commission to hear
17 information that is exempt or confidential.

18 Specifically, Commission counsel will be
19 discussing litigation strategy and settlement
20 negotiations with the commissioners related to
21 litigation styled Tampa Bay Downs, Inc. versus
22 Florida Gaming Control Commission, Case No.
23 2022-024540.

24 This closed meeting that will be conducted
25 shortly is scheduled for approximately 30 minutes.

1 Those in attendance will be Vice Chair, Julie
2 Brown; Commissioner Chuck Drago; Commissioner Tina
3 Repp; Commissioner John D'Aquila; Acting Executive
4 Director, Ross Marshman; Division Director, Joe
5 Dillmore; General Counsel, Elina Valentine; Deputy
6 General Counsel, Marc Taupier; Chief Attorney,
7 Emily Alvarado; Chief Attorney, Rene Harkins; and
8 Senior Attorneys Justin Hundersmarck and Shireen
9 Anbardan; Brandy Humphries; Dixie Parker; and
10 certified court reporter, Iris Cooper.

11 In accordance with Section 16.716 and 286.011(8)
12 subsection 8C Florida statutes, the closed meeting,
13 including the necessity for closure and the
14 specific reasons for such necessity will be
15 recorded by the court reporter.

16 No portion of the closed meeting will be off
17 the record. The court reporter's notes will be
18 fully transcribed and filed with the clerk of the
19 Commission. The transcript will be made public
20 upon conclusion of the litigation.

21 For the record, the time is now 10:53 a.m.
22 I'm going to ask the Florida Channel to discontinue
23 the live feed for approximately 30 minutes so that
24 the Commission may conduct the closed meeting.
25 With that, thank you all. We're not officially

1 adjourned, but thank you for allowing us to be in
2 the closed meeting.

3 (Recess 10:53 a.m. until 10:59 a.m.)

4 VICE CHAIR BROWN: We are entering our closed
5 meeting session at this time. The time is 10:59.

6 General Counsel Valentine.

7 MS. VALENTINE: Agenda Item 10.1 is the last
8 piece of litigation that has now concluded. The
9 Commission did not prevail in the underlying case
10 in front of DOAH, and the Commission did not
11 prevail on appeal and is now ordered to pay
12 attorneys' fees to the prevailing party, Tampa Bay
13 Downs.

14 Counsel for Tampa Bay Downs has provided a
15 list of the attorneys' fees and costs that is in
16 the meeting materials that you see in front of you.
17 The total of attorneys' fees I believe is roughly
18 around \$75,000 total. \$74,645, and then there's an
19 additional \$2,000 in defending fee. \$2,093.50 for
20 court reporter costs.

21 The total amount is represented by counsel as
22 the settlement offer. According to counsel's
23 representations, the total amount of attorneys'
24 fees and costs that they have incurred and paid is
25 roughly \$110,000.

1 They are offering this lower amount in an
2 effort to conclude this matter from the litigation.
3 And what I am asking is for the Commission's
4 authority to proceed with the settlement for that
5 amount of attorneys' fees.

6 VICE CHAIR BROWN: Thank you. And I can say
7 that you have probably the best group here to
8 actually review this. You've got an expert
9 witness, you have two lawyers, and you have a CPA.
10 So literally you're in good hands here.

11 Commissioners, your thoughts on the proposal,
12 which is very detailed, of course, the attorneys'
13 fees. The item is pretty detailed, as is
14 customary.

15 COMMISSIONER DRAGO: What options do we have?

16 MS. VALENTINE: Our options are we could
17 accept the settlement offer. Another option would
18 be to say that we do not agree that these
19 attorneys' fees are reasonable.

20 We would have to retain our own expert to
21 testify as to whether these attorneys' fees are
22 reasonable. So we'd have to find an expert who
23 would say that they're not and then proceed with
24 litigation over the amount of the attorneys' fees.

25 That we have to pay attorneys' fees is not in

1 question. We are ordered to do so and are
2 obligated to do so by statute as well. So we would
3 just be disputing the total amount of the
4 attorneys' fees.

5 Based on my review, I did not see any charges
6 that did not pertain to the litigation in question,
7 and I did not see anything so objectionable as to
8 render it unreasonable. But, of course, that is up
9 to the commissioners.

10 VICE CHAIR BROWN: The only thing I was
11 interested in that they didn't put in there was the
12 hourly rate of them. We recognize some of the
13 initials of the attorneys. Point three, you kind
14 of have to try and figure out what is the actual
15 hourly rate, which is hard to decipher.

16 MS. VALENTINE: I agree. You've got thoughts?

17 COMMISSIONER REPP: No. I think that
18 Ms. Valentine and our legal staff is most familiar
19 with what transpired in this case and what charges
20 are reasonable and that they're trying to be no
21 unreasonable charges. I would take the
22 recommendation personally that what we're being
23 requested of is reasonable.

24 VICE CHAIR BROWN: And be done with this
25 protracted litigation and close that chapter.

1 COMMISSIONER D'AQUILA: I just have to ask,
2 just having experience. You did mention the hourly
3 rates. You implied the charges look reasonable.
4 This is a very obvious question. We did add up to
5 see that the bill fits to the total?

6 MS. VALENTINE: I did not add up all of the
7 individual numbers to see that it adds up.

8 COMMISSIONER D'AQUILA: To the \$74,000. I'm
9 talking about the subtotal -- well, total of
10 \$74,645 as part of our verification because it's a
11 PDF document or whatever. I would just say we
12 should definitely do that.

13 MS. VALENTINE: Yes. Absolutely. I did some
14 rough calculations, but I did not confer that the
15 numbers were, in fact. So I will do so, assuming
16 that the numbers to accurately add up. I will
17 modify my request. Thank you, Commissioner.

18 I will modify my request that assuming that
19 the numbers all add up correctly, we are requesting
20 the authorization to pursue settlement for that
21 amount of attorneys' fees.

22 VICE CHAIR BROWN: I think that's fair.
23 Commissioners.

24 COMMISSIONER D'AQUILA: I agree.

25 VICE CHAIR BROWN: Close this chapter.

1 COMMISSIONER DRAGO: Close the door.

2 MS. VALENTINE: Well, then we will reopen the
3 meeting so that the commissioners may take a vote
4 on it in public, and then that will conclude Agenda
5 Item No. 10.

6 VICE CHAIR BROWN: The time is now 11:05. The
7 closed meeting is hereby terminated.

8 The public meet is hereby reopened, again,
9 noting the time at 11:05.

10 (Recess 11:05 a.m. until 11:07 a.m.)

11 VICE CHAIR BROWN: The public meeting is
12 reopened. The time is 11:07, and we are on Item
13 No. 10.1, which is following a closed meeting which
14 is Tampa Bay Downs, Inc. in Case No. 2022-024540.

15 Commissioners, we are ripe for a motion
16 following the closed session.

17 Commissioner Drago.

18 COMMISSIONER DRAGO: I would like to move to
19 accept the settlement amount.

20 MS. VALENTINE: If you would like to add that,
21 just accept the settlement amount subject to the
22 confirmation that the total number of hours and the
23 costs add up to the represented amount.

24 COMMISSIONER DRAGO: I would make a motion to
25 accept the settlement amount on the condition that

1 total number of hours and billing associated
2 with those hours is accurate.

3 VICE CHAIR BROWN: Is there a second?

4 COMMISSIONER REPP: Second.

5 VICE CHAIR BROWN: All those in favor, say
6 aye.

7 (Multiple ayes.)

8 VICE CHAIR BROWN: Thank you. Commissioners,
9 are there any other matters that need to be
10 addressed today? All right. This meeting is
11 hereby adjourned. Thank you.

12 (Proceedings concluded at 11:08 a.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF LEON

I, I. IRIS COOPER, do hereby certify that I
was authorized to and did stenographically report
the foregoing proceeding, and that the transcript
is a true and complete record of my stenographic
notes.

Dated this 26th day of November, 2024.



I. Iris Cooper
Stenographic Reporter
Notary Public, State of Florida
My Commission No. 1366674
Expires: February 7, 2028

Job No.: 373300