

Florida Gaming Control Commission

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January 05, 2023

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1    In The Matter Of:  
2    Florida Gaming Control Commission  
3    Public Meeting  
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5    DATE:    Thursday, January 5, 2023  
6    TIME:    9:30 a.m. to 10:29 a.m.  
7    LOCATION:    The Florida Capitol  
8    Cabinet Meeting Room  
9    Tallahassee, Florida 32399

10    STENOGRAPHICALLY REPORTED BY:  
11    JUDY LYNN MARTIN, STENOGRAPHER, (Via telephone)

12  
13    PRESENT:  
14    MICHAEL YAWORSKY, VICE CHAIR  
15    JULIE I. BROWN, COMMISSIONER  
16    CHUCK DRAGO, COMMISSIONER  
17    JOHN D'AQUILA, COMMISSIONER

18    PARTICIPANTS:  
19    ROSS MARSHMAN, ESQUIRE  
20    LOUIS TROMBETTA, EXECUTIVE DIRECTOR  
21    JAMIE POUNCEY, PROGRAM ADMINISTRATOR  
22    MARC TAUPIER, ESQUIRE  
23    ELIZABETH STINSON, ESQUIRE  
24    LISA MUSTAIN, DIRECTOR OF ADMINISTRATION

25    Job No.:    290733

1 Proceedings began via telephone at 9:30 a.m.

2 VICE CHAIR YAWORSKY: Good morning, everyone.

3 I'm calling this meeting to order of the Florida  
4 Gaming Control Commission scheduled for Thursday,  
5 January 5th, 2023, at 9:30 a.m.

6 I want to first apologize for my -- my voice  
7 is not as smooth and eloquent as usual. I'm a  
8 little bit under the weather, but hopefully  
9 together we'll get through this.

10 Commissioner Brown, would you please do the  
11 Pledge of Allegiance.

12 COMMISSIONER BROWN: Certainly.

13 Please rise.

14 (Pledge of Allegiance)

15 VICE CHAIR YAWORSKY: Thank you. Thank you,  
16 Commissioner Brown.

17 Item Number 1 is approval of the meeting  
18 minutes for July 27, 2022.

19 Is there a motion?

20 COMMISSIONER BROWN: Move to approve the  
21 meeting minutes for July 27, '22.

22 VICE CHAIR YAWORSKY: And a second?

23 COMMISSIONER DRAGO: Second.

24 VICE CHAIR YAWORSKY: It's been moved and  
25 seconded.

1 Any opposed? Being none, I show that item  
2 adopt -- passed.

3 Item 1.2 is the approval of the meeting  
4 minutes for August 4th, 2022.

5 Is there a motion?

6 COMMISSIONER BROWN: Approved.

7 VICE CHAIR YAWORSKY: Thank you,  
8 Commissioner Brown.

9 Is there a second?

10 COMMISSIONER D'AQUILA: Second.

11 VICE CHAIR YAWORSKY: Thank you.  
12 Commissioner D'Aquila seconded.

13 Any opposed? Hearing none, show that adopted.

14 Item Number 1.3 is meeting minutes for  
15 September 1, 2022. Is there a motion?

16 COMMISSIONER DRAGO: So moved.

17 VICE CHAIR YAWORSKY: Thank you, Commissioner.

18 Is there a second?

19 COMMISSIONER D'AQUILA: Second.

20 VICE CHAIR YAWORSKY: Any opposed? Hearing  
21 none, show that's approved.

22 Item Number 2 is discussion of the amended  
23 application for card room licenses. First item,  
24 Item Number 2.1, is for Fronton Holdings, LLC,  
25 Commissioner -- excuse me, Director Trombetta.

1 MR. TROMBETTA: Thank you, Mr. Vice Chair. We  
2 have Ms. Jamie Pouncey here to present on behalf of  
3 the division for Item Number 2.

4 VICE CHAIR YAWORSKY: Thank you. Ms. Pouncey,  
5 welcome.

6 MS. POUNCEY: Thank you. Jamie Pouncey,  
7 program administrator pari-mutuel wagering.

8 Agenda Item 2.1 is a request for a card room  
9 operator Fronton Holdings, LLC, doing business as  
10 Casino Fort Pierce for a increase of their card  
11 room tables.

12 They have requested to add 19 tables to their  
13 card room at their new location. Casino Fort  
14 Pierce has paid the \$19,000 associated fees. Aside  
15 from the thousand dollar per table fee, there are  
16 no other restrictions to the number of tables that  
17 Casino Fort Pierce can add.

18 Since Casino Fort Pierce has paid the fees, we  
19 are recommending approval of this license to add  
20 their tables.

21 VICE CHAIR YAWORSKY: Thank you very much.  
22 Are there any discussions from commissioners? I  
23 have no public comment cards at this time on this  
24 matter, so I'll take a motion or...

25 COMMISSIONER BROWN: Mr. Chairman, this is

1 pretty straightforward, so with that I move  
2 approval of the staff recommendation.

3 VICE CHAIR YAWORSKY: Thank you. Is there a  
4 second?

5 COMMISSIONER D'AQUILA: Second.

6 VICE CHAIR YAWORSKY: All those in favor?  
7 (Aye responses by all commissioners)

8 VICE CHAIR YAWORSKY: Unanimous, thank you  
9 very much. Show this approved.

10 MS. POUNCEY: Item Number 2.2 is also a  
11 request to add tables to bestbet Jacksonville doing  
12 business as bestbet. The request is to add an  
13 additional four -- four tables to their floor.  
14 They've paid the \$4,000 license fee.

15 Aside from the thousand dollar per table fee,  
16 there's no other restrictions to the number of  
17 tables that Jacksonville can add. Since they paid  
18 the fees, we are requesting approval of the license  
19 to add the additional tables.

20 VICE CHAIR YAWORSKY: Is there any discussion  
21 amongst the commissioners? Seeing none, I have no  
22 public comment cards on this at this time.

23 Is there a motion?

24 COMMISSIONER D'AQUILA: Motion.

25 VICE CHAIR YAWORSKY: Second? Is there -- all

1 those in favor?

2 COMMISSIONER DRAGO: Second.

3 VICE CHAIR YAWORSKY: Unanimous. Show this  
4 adopted, approved.

5 Moving on to Item Number 3.

6 MS. POUNCEY: Item Number 3.1 is a request to  
7 renew the slot machine license for Pompano Park.  
8 It is -- Pompano Park doing business as -- I don't  
9 even know how to say that, Harrah's Pompano Beach.  
10 They hold a valid harness permit. PPI was issued  
11 an operating license and a card room license for  
12 the 2022/2023 fiscal year.

13 The commission staff had received their  
14 application to renew it. In addition to the --  
15 submitting a completed application, they must  
16 satisfy numerous other requirements to be entitled  
17 to renew the license.

18 They've satisfied all of these requirements  
19 and the recommendation is that the commission  
20 should approve the renewal of Pompano Park's slot  
21 machine license effective January 9, 2023, through  
22 January 8, 2024.

23 VICE CHAIR YAWORSKY: Thank you. Is there any  
24 discussion? Seeing none, I have no public comment  
25 cards on this item, so I'll accept a motion.

1           COMMISSIONER DRAGO: I'll make a motion to  
2 approve the application for renewal of its slot  
3 machine license.

4           COMMISSIONER BROWN: Second.

5           VICE CHAIR YAWORSKY: All those in favor?  
6           (Aye responses)

7           VICE CHAIR YAWORSKY: Seeing none opposed,  
8 show this approved.

9           Moving on to Section 4. I believe we are --  
10 Director Trombetta.

11           MR. TROMBETTA: Thank you, Mr. Vice Chair.  
12 For Item Number 4 I think we have Mr. Marc Taupier  
13 to present for the agency.

14           VICE CHAIR YAWORSKY: Mr. Taupier, welcome.

15           MR. TAUPIER: Thank you. Marc Taupier for the  
16 record presenting Item 4.1, Lillie Marsha Brandon  
17 (ph), Case Number 2022-056726. This is on an  
18 application for a slot combo pari-mutuel  
19 occupational license which was submitted on the  
20 14th of November of this year (sic).

21           Upon review of that application, it appears  
22 that the applicant was convicted of aggravated  
23 battery in 1991 and throwing a deadly missile in  
24 1991. Applicant did fail to disclose the  
25 aggravated battery conviction on her application.



1 She was sentenced to a probationary term, which she  
2 did complete successfully.

3 Based upon the fact that no interview was done  
4 because the law does not allow us full waivers for  
5 slot machine licensing, the recommendation from the  
6 Division of Pari-Mutuel Wagering is to deny the  
7 license.

8 VICE CHAIR YAWORSKY: Just to be clear, its  
9 recommendation is to issue a notice of intent to  
10 deny?

11 MR. TAUPIER: That's correct.

12 VICE CHAIR YAWORSKY: Thank you very much.

13 Commissioners, any questions?

14 COMMISSIONER DRAGO: Just one quick one. So  
15 if the notice to deny -- with the notice to deny,  
16 the applicant still has an opportunity to come in  
17 and explain the situation as it relates to arrests  
18 and so forth; correct?

19 MR. TAUPIER: Absolutely. They have two  
20 avenues to do that.

21 COMMISSIONER DRAGO: Thank you.

22 VICE CHAIR YAWORSKY: Commissioner Brown.

23 COMMISSIONER BROWN: A little bit of  
24 clarification on that notice of intent to deny. In  
25 that when we -- you send a letter to this

1 applicant, do you provide information of what  
2 you're seeking? Is it a standardized form that's  
3 approved by our rule?

4 These are -- there's a couple of these that  
5 we're going to hear today that are really older  
6 crimes, early '90s, and their application form is  
7 by rule, of course, and it's somewhat dated. It  
8 doesn't ask for letters of reference or anything,  
9 character attestations, anything to that effect.

10 Does the notice of intent to deny provide  
11 anything of that sort?

12 MR. TAUPIER: The notice of intent to deny  
13 does -- only provide the applicants with one notice  
14 from the department that we are seeking to deny the  
15 license, which is required under (technical  
16 interference). And also required is their notice  
17 of their rights to dispute or have a hearing.

18 Within that notice of rights, it does explain  
19 to them the purposes of those hearings and what  
20 they can and cannot do. It does provide them  
21 information if they want to provide us information  
22 about rehabilitation and things like that, they  
23 have an opportunity to do that under a formal or  
24 informal hearing.

25 COMMISSIONER BROWN: Excellent. And those

1 notices are those adopted by rule or can we amend  
2 them without a rule -- without opening a rule?

3 MR. TAUPIER: They are just letters that go  
4 out, so they're not rule driven and they aren't  
5 form either. They vary depending on the applicant  
6 and what the commission asks what to do, so you  
7 could put any type of information in there  
8 (technical interference).

9 COMMISSIONER BROWN: Would you all mind  
10 providing us a copy with that for our next  
11 meeting -- or in advance of the next meeting to see  
12 if there's something that we could -- at least we  
13 could see it and see if there's information that  
14 needs to be included in there.

15 MR. TAUPIER: Just for clarification, would  
16 you like this particular applicant's notice of  
17 intent to deny letter or just (technical  
18 interference)?

19 COMMISSIONER BROWN: A form. A form. Thank  
20 you.

21 VICE CHAIR YAWORSKY: Thank you,  
22 Commissioner Brown.

23 Just for clarification, when you say the  
24 letters vary, I assume what you mean there is  
25 the -- the specific instances of whatever the basis

1 for the intent to deny is, but is there a -- is  
2 there a broader -- I understand it's not a rule,  
3 but is there a broader set of typical language  
4 that's used in there for -- to explain what the  
5 circumstances are or where they are in the process?

6 Is that -- is that an accurate statement or is  
7 it -- it sounded very much like it was kind of much  
8 looser than maybe it is and I just want to  
9 understand what is typically in the letter.

10 MR. TAUPIER: So the letter addresses what  
11 laws are applicable for the notice of intent to  
12 deny, what we're denying under. So that changes  
13 depending on the license they're applying for, what  
14 type of crimes they have been convicted of,  
15 depending on either misdemeanor or felonies  
16 (technical interference, you know, the law does  
17 change on misdemeanor convictions that aren't  
18 related to arson or theft. So that does vary, but  
19 most of -- I won't say most.

20 All of the information with regard to the  
21 rights that they have never changes because it is  
22 by statute. You have to give them certain language  
23 of what crimes they do have. That's essentially  
24 what the letter...

25 VICE CHAIR YAWORSKY: I agree with

1 Commissioner Brown in seeing that -- maybe seeing a  
2 couple of examples would be great. Thank you.

3 Okay. Any other discussion or questions from  
4 the commissioners? Seeing none, I'll accept a  
5 motion if there is one.

6 COMMISSIONER DRAGO: Could I just --

7 VICE CHAIR YAWORSKY: Yes.

8 COMMISSIONER DRAGO: I just have one follow-up  
9 question if I could. I think you said that she did  
10 not disclose this on her application. Am I looking  
11 at the right part of that? That seems to indicate  
12 that she is -- she did indicate the felony  
13 charge -- or the conviction.

14 MR. TAUPIER: So there were two felony  
15 charges. The applicant failed to disclose the  
16 aggravated battery charge.

17 COMMISSIONER DRAGO: Oh, I see. Okay.

18 MR. TAUPIER: On the throwing a deadly  
19 missile she did disclose, but not the aggravated...

20 COMMISSIONER DRAGO: I understand. Thank you.

21 VICE CHAIR YAWORSKY: Since that was brought  
22 up, can we discuss real quick the -- I know -- I  
23 believe adjudication was withheld on -- on both of  
24 these and is it -- is it correct that sometimes  
25 applicants -- or as believed by staff that

1 applicants do not entirely understand what that  
2 means when we -- we had some good discussion  
3 yesterday about this and I know there's a lot of  
4 back and forth.

5 I understand that the language on the form  
6 says regardless of whether or not adjudication is  
7 withheld in most places, but you've -- I guess my  
8 question would be you've calculated that into the  
9 recommendation of the staff today?

10 MR. TAUPIER: Yes and no, because there were  
11 two felonies and I believe both were adjudication  
12 withheld. To disclose one and not the other made  
13 no difference. My legal opinion to disregard one  
14 and disclose the other that -- she understood to  
15 disclose, but the decision to disclose on one was  
16 one that she made.

17 VICE CHAIR YAWORSKY: Okay. Okay.

18 COMMISSIONER BROWN: If I may -- and part of  
19 the reason why I'd like to see the letter is  
20 without having necessitating completely opening up  
21 a rule to change the application form, I feel like  
22 a lot of these right now are causing some  
23 regulatory time, regulatory lag cost expenses on  
24 the staff's part as well as the applicant's part.

25 If there was information that was requested in

1 -- under this section, under background  
2 information, attach additional pages is pretty bare  
3 of what they should include, other than just  
4 provide the charge.

5 I just wanted to see if there's more  
6 information you can get up front, so that we don't  
7 have to go back and forth and have these applicants  
8 appeal and have our staff provide a lot of  
9 investigation in time ultimately getting some -- a  
10 licensee that will be ultimately approved once they  
11 provide the information.

12 VICE CHAIR YAWORSKY: Yeah, I think --

13 MR. TAUPIER: Just for comment on that. Our  
14 application, although it is dated as we indicated  
15 (technical interference) was changing, one question  
16 does specifically ask if adjudication of guilt was  
17 withheld.

18 So otherwise I see that legal position is that  
19 she was asked a direct question -- regardless of  
20 whether or not she understood what withheld on  
21 adjudication is, she was asked did that ever  
22 happen.

23 So in my legal opinion, it made no difference  
24 that she disclosed one and not the other, because  
25 she was asked have you ever had that happen.

1           VICE CHAIR YAWORSKY: I do think  
2           Commissioner Brown's point is not lost on me,  
3           though, that these forms could -- could stand it.  
4           I just -- there's some very basic things that are  
5           no longer accurate on it -- not no longer accurate,  
6           but are -- are outdated I would say and I think  
7           that a review would be a great idea to see if there  
8           are efficiencies that could be made...

9           COMMISSIONER D'AQUILA: Yeah. Is there a  
10          workshop scheduled to address these forms and  
11          update them for the coming year?

12          VICE CHAIR YAWORSKY: That might be a question  
13          for Director Trombetta.

14          MR. TROMBETTA: Yes. Thank you. That sounds  
15          better.

16          We're having a little -- technical issues with  
17          the microphones that's why I'm jumping around. I  
18          apologize.

19          To the question about forms and I guess  
20          rulemaking in general, we can -- I suggest that  
21          with your approval that kind of -- you allow me to  
22          start doing some research into how we could update  
23          the forms to address some of the things that have  
24          been discussed here and I can issue a report back  
25          to you and then we can go down that road, but at



1 the moment there isn't anything scheduled to answer  
2 the direct question.

3 VICE CHAIR YAWORSKY: Why don't we discuss  
4 that in -- during your report.

5 MR. TROMBETTA: Yes, sir.

6 VICE CHAIR YAWORSKY: Thank you. Okay.

7 COMMISSIONER BROWN: I would move to approve  
8 the recommended denial -- notice of intent to deny  
9 on this applicant.

10 VICE CHAIR YAWORSKY: Is there a second?

11 COMMISSIONER D'AQUILA: Second.

12 VICE CHAIR YAWORSKY: It's been moved and  
13 seconded. All in favor?

14 (Aye response)

15 VICE CHAIR YAWORSKY: Hearing none opposed,  
16 show that staff recommendation approved.

17 I believe we are on Item Number 4.2.

18 MR. TAUPIER: Marc Taupier for the record.  
19 Item 4.2, Christopher Michael Pena, Case Number  
20 2022057534. This is upon Mr. Pena's application  
21 for a slot machine card room, pari-mutuel  
22 combination, occupational license, which was  
23 submitted on November 21st of 2022.

24 Upon review of that complete application, it  
25 appears that he was convicted of possession of

1 cocaine in 2016. Looking back through his criminal  
2 history, he failed to disclose misdemeanor trespass  
3 conviction from 2011 and a felony possession of  
4 cocaine and misdemeanor possession of paraphernalia  
5 convictions from 2016. It does not appear that he  
6 was placed on probation.

7 Based upon the fact that the law does not  
8 allow the executive director to waive any type of  
9 felony convictions for slot license, the  
10 recommendation from the Division of Pari-Mutuel  
11 Wagering is to authorize the issuance of a notice  
12 of intent to deny.

13 VICE CHAIR YAWORSKY: Thank you, Mr. Taupier.  
14 Is there any discussion or questions from the  
15 commissioners? Seeing none, I'll take a motion at  
16 this time if there is one.

17 COMMISSIONER DRAGO: I'll make a motion to  
18 authorize the issuance of the notice of intent to  
19 deny.

20 VICE CHAIR YAWORSKY: Thank you, Commissioner.  
21 Is there a second?

22 COMMISSIONER D'AQUILA: I'll second.

23 VICE CHAIR YAWORSKY: Thank you. And all  
24 those in favor?

25 (Aye responses)

1           VICE CHAIR YAWORSKY: So consider it unanimous  
2 to adopt the staff recommendation.

3           Next item.

4           MR. TAUPIER: Marc Taupier for the record. I  
5 have a 4.3, Michael Farber, Case number 2022058961.  
6 This is upon Mr. Farber's application for slot  
7 machine, card room, and pari-mutuel combination  
8 occupational license that was submitted on  
9 November 29th of 2022.

10           Upon review of that complete application, it  
11 appears that Mr. Farber was convicted of 10 counts  
12 of burglary of a structure or conveyance in 1998  
13 and two counts of grand theft in 1998.

14           The applicant failed to disclose all of the  
15 convictions set forth on his application. He was  
16 placed on probation and it does not appear that any  
17 violations had occurred and he did successfully  
18 complete probation.

19           Based upon the fact that the law does not  
20 authorize the executive directory to waive any  
21 criminal convictions for a slot license, the  
22 recommendation from the Division of Pari-Mutuel  
23 Wagering is to authorize the issuance of a notice  
24 of intent to deny.

25           VICE CHAIR YAWORSKY: Any discussion or

1 questions? Commissioner Brown.

2 COMMISSIONER BROWN: These are big charges.  
3 Even though they date back to '98, it's grand  
4 larceny and burglary. And with that I would agree  
5 a hundred percent with the staff recommendation. I  
6 move to notice of intent to deny the applicant.

7 VICE CHAIR YAWORSKY: So moved. Is there...

8 COMMISSIONER D'AQUILA: I'll second.

9 VICE CHAIR YAWORSKY: Moved and seconded. All  
10 those in favor?

11 (Aye responses)

12 VICE CHAIR YAWORSKY: Show the staff  
13 recommendation adopted.

14 Next item.

15 MR. TAUPIER: Marc Taupier for the record.  
16 Item 4.4, Lanisha Shantrel Thomas, Case Number  
17 2022059000. This is upon a license application for  
18 slot machine, card room, pari-mutuel combination  
19 occupational license. That was submitted on  
20 November 29th of 2022.

21 Upon review of that full application, it  
22 appears that the applicant was convicted of  
23 uttering a forged instrument in 2014, grand theft  
24 in 2014, petty theft in 2015.

25 Applicant failed to disclose all of those

1 convictions on their application. There was  
2 probation that was issued and only one probation  
3 violation arrest for that, but subsequent he was  
4 successful on probation.

5 Based upon the law that does not authorize the  
6 executive director to waive any criminal  
7 convictions for a slot license, it is the  
8 recommendation of the Division of Pari-Mutuel  
9 Wagering to authorize the issuance of a notice of  
10 intent to deny.

11 VICE CHAIR YAWORSKY: Thank you, Mr. Taupier.  
12 Is there any questions? I will take a motion at  
13 this time.

14 COMMISSIONER DRAGO: I move to authorize the  
15 issuance of a notice of intent to deny the letter.

16 VICE CHAIR YAWORSKY: Thank you,  
17 Commissioner Drago and Brown. This has been moved  
18 and seconded. All those in favor.

19 (Aye response)

20 VICE CHAIR YAWORSKY: Show that unanimously  
21 that the staff recommendation has been adopted.  
22 Next item.

23 MR. TAUPIER: Marc Taupier for the record.  
24 Item 4.5, Rosanna Curita McLeary, Case Number  
25 2022059718. This is upon Ms. McLeary's application

1 for a slot machine, card room, pari-mutuel  
2 combination occupational license that was submitted  
3 on November 28th of 2022.

4 Upon review of that complete application, it  
5 appears that Ms. McLeary was convicted of receiving  
6 stolen property in 2010 and conspiracy to  
7 manufacture, distribute, control dangerous  
8 substance in 2012.

9 The applicant failed to disclose all of those  
10 convictions set forth in the application. She was  
11 placed on probation. It appears that she  
12 successfully completed it.

13 Because the law does not authorize the  
14 executive director to waive criminal convictions  
15 for a slot license, it is the recommendation of the  
16 Division of Pari-Mutuel Wagering to authorize the  
17 issuance of a notice of intent to deny.

18 VICE CHAIR YAWORSKY: Is there any discussion  
19 from -- or questions from commissioners? Is there  
20 a motion?

21 COMMISSIONER D'AQUILA: I'll make a motion to  
22 deny the application.

23 VICE CHAIR YAWORSKY: It's been moved and  
24 seconded. Just to clarify, that's a notice of  
25 intent to deny.

1 COMMISSIONER D'AQUILA: Make a motion.  
2 of a notice of intent to deny the application.

3 COMMISSIONER BROWN: Second.

4 VICE CHAIR YAWORSKY: Thank you very much.  
5 All those in favor?

6 (Aye responses)

7 VICE CHAIR YAWORSKY: Show that unanimously  
8 that the staff recommendation has been adopted.

9 On to Item Number 5, which is  
10 Director Trombetta's report.

11 MR. TROMBETTA: Thank you. I have an update  
12 and then a few things to discuss. So first update  
13 is Horse Racing Integrity Safety Act. In November  
14 the Fifth Circuit deemed HISA to be  
15 unconstitutional. After that the FTC announced  
16 that it would not be promulgating the ending drug  
17 testing rules.

18 And then in the federal omnibus spending bill  
19 that was passed by Congress and signed by the  
20 president, there was language included to address  
21 some of the things that are identified by the Fifth  
22 Circuit that led to HISA being found  
23 unconstitutional.

24 All that means that we from the agency side  
25 are in a business as usual. We are continuing to

1 conduct testing at the race tracks, we're  
2 continuing to operate as we did prior to HISA being  
3 a thing.

4 Initially the drug testing rules and policies  
5 were supposed to go into effect on January 1st.  
6 That did not happen with all of this going on and  
7 we are kind of waiting to see what the FTC does now  
8 before doing anything.

9 Essentially the last meeting you had asked us  
10 to begin negotiations with HIWU, which is the drug  
11 enforcement organization. We are kind of again  
12 we're -- we've delayed. We have not -- we've kind  
13 of stalled as some of this has been playing out, so  
14 just an update there. But if you have any  
15 questions on HISA or anything that's going on, I  
16 wanted to also be available, both me, Liz Stinson  
17 and I believe Ross Marshman can also address any  
18 questions...

19 VICE CHAIR YAWORSKY: Commissioner Brown.

20 COMMISSIONER BROWN: Thank you, Mr. Trombetta,  
21 and maybe, Ms. Stinson. I know that there have  
22 been industry talks even before the -- the ruling  
23 by the appellate court.

24 But are you aware of any industry talks or  
25 industry conferences that you participated in about



1 the effects post-appeal or if the law is ultimately  
2 changed? I know there's a conference coming up  
3 that dealt with -- that had several folks from the  
4 horse industry.

5 MR. TROMBETTA: Liz -- sorry. Ms. Stinson,  
6 let me -- let me try and then I'll turn it over to  
7 you.

8 So there aren't -- a lot of it right now  
9 building up to what happened with the language  
10 amendment to try to fix some of the problems, there  
11 was a lot of kind of open questions about what was  
12 going to happen and if there was going to be  
13 conflict between districts. So there's multiple  
14 court cases challenging the constitutionality of  
15 HISA.

16 The ruling in the Fifth was sort of the first  
17 one where it found it to be unconstitutional and  
18 people were kind of waiting to see what was going  
19 to happen in some of the -- without some of the  
20 other cases. At this point I'd say it's probably  
21 shifted to figure out what's going to happen with  
22 this new language.

23 I believe that there is a motion for  
24 reconsideration filed in the Fifth Circuit to ask  
25 the Court to reconsider now that there's this new

1 language. So essentially a lot of people are  
2 waiting.

3 In terms of conferences, Ms. Stinson was at --  
4 with the director of the division. Joe Dillmore  
5 was at a conference in Tucson where there was  
6 discussions. I don't -- I was not there, so I  
7 don't know if there's anything material.

8 The Association of Racing Commissioners  
9 International has a conference coming up in March I  
10 believe where there will be more conversations  
11 there, anything to add or any --

12 MS. STINSON: The only thing that I wanted to  
13 add was a lot of the discussion that we had in  
14 Tucson was before the omnibus bill was passed. So  
15 now a lot of the conversations that we had there  
16 are sort of moot while we see what happens with the  
17 litigation.

18 COMMISSIONER BROWN: Are states going to file  
19 any comments with the -- or the proposed omnibus  
20 bill?

21 MR. TROMBETTA: The bill has been signed, so  
22 it's law now. The language has changed. The  
23 language in HISA has been amended to address some  
24 of the issues.

25 As the FTC --

1           COMMISSIONER BROWN: Post signing of the bill,  
2           though. Is there a -- I mean, a poster for any  
3           states to --

4           MR. TROMBETTA: I believe, and I'm going to  
5           ask for support here, but I believe as FTC  
6           promulgates rules there's a comment period as there  
7           is in Florida rulemaking process. We have  
8           previously submitted some comments to some of the  
9           rules, so there will be opportunity for states to  
10          provide comment as that happens.

11          COMMISSIONER BROWN: Thank you.

12          VICE CHAIR YAWORSKY: Thank you. Any other  
13          questions on this?

14          Just for clarity the -- the industry in  
15          Florida here is currently running as -- as usual,  
16          and I want to say unimpacted but they are -- they  
17          are --

18          MR. TROMBETTA: Yes, and that's -- sorry, so  
19          the Division of Pari-Mutuel Wagering is doing  
20          everything that we've been doing for, you know, a  
21          number of years. We have -- our employees are  
22          collecting samples, sources are being tested, races  
23          are being run in a way that ensures that they are  
24          done -- there's integrity in the races and that the  
25          animals are not -- are racing with (inaudible)

1 substances.

2 VICE CHAIR YAWORSKY: Thank you. Please  
3 continue.

4 MR. TROMBETTA: Next I'd like to touch on --  
5 so included with the meeting materials are three  
6 policies and procedures that the agency has put  
7 together. I'd like to kind of go through each of  
8 them, provide kind of a general overview, you've  
9 been provided copies of them, solicit any feedback  
10 you have, and if you are in a position to approve  
11 any of them, that would be great.

12 This is kind of the first three of what I  
13 envision will be a number of policies. As we are a  
14 new agency, we did not inherit these. So we are  
15 sort of starting fresh with all of the normal  
16 policies that most government agencies have.

17 This is kind of the first three, so if you  
18 could -- the first one is the adopting, repealing,  
19 and amending policy. So this is, forgive me, but  
20 it's the policy on policies.

21 This includes essentially how policies are  
22 created, how they get to the commission for  
23 approval, and then on the back end how they're  
24 amended or changed. For the most part there's a  
25 process where the agency will do all the -- all the

1 drafting, get everything together.

2 We use kind of specific teams in areas to work  
3 on policies that would be specific to them. It  
4 gets routed through our director of administration,  
5 ultimately to me and Lisa Mustain, the director of  
6 administration, make a decision about whether or  
7 not to -- it's ready for commission review. If it  
8 is, it goes to you for approval.

9 So with -- this is the big one. If you guys  
10 have -- if the commission approves this one, it's  
11 going to help us going forward, because then we  
12 have instructions on how exactly to go forward.

13 The idea as well is that as these  
14 commission -- as these procedures are approved, we  
15 will be maintaining them electronically and we will  
16 be providing them to employees and we'll be  
17 following up with some type of training or review  
18 to make sure that the employees, one, to get them  
19 to actually know what's in them. The training --  
20 that part of it is still sort of being worked out.  
21 As this process unfolds, we'll be moving forward.

22 So if there's any questions or any feedback on  
23 the policy -- adopting or appealing amended  
24 policies?

25 VICE CHAIR YAWORSKY: Commissioner D'Aquila.

1           COMMISSIONER D'AQUILA: Yes, I have a question.  
2 Now, does counsel review those before it goes to  
3 the commission that they are -- policies that  
4 you're suggesting are in accordance with state law,  
5 et cetera?

6           MR. TROMBETTA: Yes, sir. The three in front  
7 of you have been reviewed by legal I think. The --  
8 obviously the -- so we have the -- the three  
9 policies that you have right now are the adopting,  
10 repealing amended policies, attendance and leave,  
11 and unlawful discrimination.

12           So the unlawful discrimination, legal has  
13 reviewed and I think there was a little bit more  
14 in-depth legal review on that policy that on like  
15 the policy for policies. But to answer your  
16 question, legal is a required kind of shop that  
17 these policies will go through.

18           VICE CHAIR YAWORSKY: Just real quick maybe  
19 for clarity and for everyone's, could you or  
20 Mr. Marshman just walk through the policy on  
21 policies, mainly the workflow so that there's -- as  
22 I mentioned yesterday, there's a lot of words. And  
23 if you haven't dealt with AP&P, I think it can  
24 quickly seem like more than it is and just walk us  
25 through the workflow if you could.

1 MR. TROMBETTA: I'm going to phone a friend.

2 Lisa, do you mind?

3 MS. MUSTAIN: Morning, Commissioners.

4 VICE CHAIR YAWORSKY: Morning.

5 MS. MUSTAIN: So when there's a policy that  
6 needs to be created, basically the director of that  
7 section that owns that policy will draft policy up,  
8 provide it to the director of administration, to  
9 myself. I'll set up a meeting with the leadership  
10 team, which includes our general counsel. We'll go  
11 through the policy, make any kind of edits that we  
12 want to make to the policy, and then forward it to  
13 our executive director. If he's happy with it,  
14 then he'll bring it forward to the commission.

15 We have a nomenclature for numbering the  
16 policies by area, so there's an administrative  
17 section, IT section, so that -- it will be easy --  
18 it will be easy to go right to that particular  
19 policy.

20 If we need to review or revise the policy at  
21 any given time, at any time -- I know there was a  
22 question put forward to me about so we put a policy  
23 in place, can we revise it? Always. We just have  
24 to use this format and this process, you know,  
25 to -- to get the revision.

1 All of the policies that are revised will be  
2 kept in my office, so that we'll always have them  
3 on file. The original copies, yes, we're going to  
4 put it out electronically, put it on our intranet  
5 at some point, but they will always be there to be  
6 audited -- for our auditors that are coming one  
7 day.

8 Do you have any other specific questions?

9 VICE CHAIR YAWORSKY: Not immediately. I  
10 don't know -- Commissioner Drago.

11 COMMISSIONER DRAGO: One quick question on  
12 what -- in terms of reviewing these policies and --  
13 I know it's in there. You mentioned the fact that  
14 we can review these and change them whenever  
15 needed, but I also notice in there that's important  
16 to me is that no matter what they will be reviewed  
17 at some point regardless.

18 In other words, every two years, every three  
19 years, or whatever that is going to be -- every  
20 policy is going to be reviewed to make sure  
21 something hasn't changed, whatever, over the course  
22 of time. People didn't realize at the time, but  
23 now that you're reviewing it and getting into it,  
24 you see that there's some changes.

25 I think that's in there already that says you



1 will have some time limit on each of these  
2 policies, whatever it is. It may depend on the  
3 type of policy, but you will have some time limits  
4 on it; right?

5 MS. MUSTAIN: Yes, Commissioner. Thank you.  
6 Every two years they will be reviewed. We're going  
7 to make sure that happens. If something needs --  
8 if the policy needs to be revised prior to their  
9 two-year review date and we find the need, we'll  
10 put that in play.

11 VICE CHAIR YAWORSKY: Great. Commissioner --  
12 okay.

13 Can I ask one question real quick? Just for  
14 clarity it's not just the inspector general, the  
15 agency will also -- could possibly periodically  
16 review the agency's compliance with -- with its own  
17 standards and policies and procedures?

18 MS. MUSTAIN: He is part of the leadership  
19 group that will be reviewed.

20 COMMISSIONER BROWN: A follow-up to that. Can  
21 the commission also suggest opening up a new policy  
22 to -- okay.

23 VICE CHAIR YAWORSKY: Commissioner D'Aquila.

24 COMMISSIONER D'AQUILA: Yeah. When you say  
25 every two years, is that a specific -- like the

1 first of every odd year to actually set a deadline  
2 or is it just left as every two years in the  
3 writing? In my experience sometimes every two  
4 years is, you know, we'll get to it whenever.

5 MS. MUSTAIN: So it's based on the numbering.  
6 So if it's an odd number, it ends in an odd number,  
7 then we will review those every two years on the  
8 odd number. And if it's an even number, we'll  
9 review those on an even year, so that's how we're  
10 going to manage it.

11 COMMISSIONER D'AQUILA: Thank you.

12 VICE CHAIR YAWORSKY: Commissioner Brown.

13 COMMISSIONER BROWN: Just two specific  
14 questions, but first thank you for all of the work  
15 that went -- of course, that goes without saying.  
16 All three of them look very professional and very  
17 detailed. I know you probably spent a lot of time  
18 and effort and this looks really good.

19 I have a question regarding Section 5 under  
20 the responsibilities. The last sentence it says:  
21 The executive director has the authority to make  
22 exceptions on AP&Ps on a case-by-case basis.

23 I just want to know what that actually means.  
24 And it follows that -- the prior paragraph where it  
25 talks about addition for changes being

1 insignificant or minor than it does in the  
2 approval.

3 MS. MUSTAIN: So an example of that would be  
4 if a comptroller's memorandum came out that  
5 specified a different form say that we would be  
6 using in accounting. You wouldn't want to have  
7 this whole -- I mean, go through this huge process  
8 for a very small minor change of a form.

9 Whatever is in the policy -- any changes from  
10 that policy has to be adopted. So it's to allow  
11 the executive director to say, yes, you can -- you  
12 can go in and make that minor change. And he would  
13 make a determination whether if it's more than a  
14 minor change and that we need to go through the  
15 huge total process of rewriting and...

16 COMMISSIONER BROWN: Would any of those minor  
17 changes that don't need commission approval, would  
18 the commission get a memorandum of -- memorializing  
19 it rather than it just being updated to the  
20 intranet?

21 MS. MUSTAIN: Yes.

22 COMMISSIONER BROWN: Would that be something  
23 that is included in there to make it more --

24 MS. MUSTAIN: Absolutely.

25 COMMISSIONER BROWN: Thank you. And then the

1 second question, if I may. Aerial font -- that's  
2 not the question. It's regarding the approval of  
3 repeal. So for any modifications or new changes to  
4 procedures, it needs commission approval. But it  
5 looks like there's no approval needed for repeals.

6 Can you just explain that a little bit? And I  
7 get minor, you know, repeals, but I didn't see it  
8 needing commission approval. I'm sorry. And it's  
9 section -- it's on page 3 of 6, Section 5(c).

10 MS. MUSTAIN: Yes. Well, it doesn't  
11 specifically say that, but that was the intent and  
12 we should add it.

13 COMMISSIONER BROWN: I think similarly if it  
14 was -- if it's a minor, you know, repeal of a rule,  
15 then it would probably go hand in hand with the  
16 amendments to kind of mirror that language?

17 MS. MUSTAIN: Yep.

18 COMMISSIONER BROWN: These are just some  
19 suggestions.

20 MS. MUSTAIN: Thank you.

21 VICE CHAIR YAWORSKY: Commissioner Drago.

22 COMMISSIONER DRAGO: Thank you. Just a couple  
23 questions. Going back to -- Commissioner Brown was  
24 talking about in terms of responsibilities under  
25 Number 5, the executive director.

1           Every policy obviously has to have some leeway  
2           for the executive director to alter when it's  
3           urgent. Some urgency comes up, something changes  
4           very quickly, there's no time to go to the  
5           commission or whatever and ask to be done, but that  
6           would be a one-time thing. So it was done because  
7           of some urgency and then we go back to the normal  
8           policy every day after that's done.

9           So the executive director has to have that  
10          authority to be able to make that change without  
11          having to call the commission and set up a meeting  
12          or to make an urgent change.

13          Is that what that means, because that's what  
14          I'm just -- I'm a little confused as to whether  
15          that means that the executive director has the  
16          authority to make a change with some urgency and  
17          then go back to the policy or does that mean that  
18          the executive director can change something for  
19          good from that point on without commission  
20          approval? So it's a little confusing to me.

21          MR. TROMBETTA: Just as a suggestion, the  
22          intent was that -- sort of addressed an as needed  
23          kind of immediate change, and maybe it's not  
24          explicit in here, but we could essentially add  
25          something where if a change like that is made, we

1 can bring it up to the commission at the next  
2 scheduled meeting for approval type thing.

3 Would that address the -- the concern?

4 COMMISSIONER DRAGO: Yes. And I think that's  
5 what I'm -- I'm trying to say is that you had --  
6 you as the director had to make that decision on  
7 the run because of some urgency involved, but then  
8 at the next commission meeting you'd -- you would  
9 bring that to the commission and establish it as  
10 permanent, if that's what's necessary.

11 There may be times when it's -- you only  
12 needed to do it one time because of something that  
13 was occurring and then that's fine. You have to  
14 have that authority to be a little bit flexible.

15 MS. MUSTAIN: We can update that language.

16 COMMISSIONER DRAGO: Thank you. I think one  
17 other thing is this is a very comprehensive policy.  
18 The processes in here are very well done in my  
19 opinion. It covers -- covers everything very well.  
20 No policy is clear to everyone every single time.  
21 Sometimes things get a little bit muddy, but  
22 Director Trombetta mentioned before that there was  
23 plans to establish a process whereby when people --  
24 when these policies are created and they're sent  
25 out to the people, there's some tracking system,

1 some way to -- to show that each person got that  
2 policy.

3 So I would be interested to see something,  
4 whatever you decide -- however you decide to do it  
5 in the policy that indicates how you will -- how  
6 you will show that every employee received that  
7 policy and -- otherwise we don't have any way of  
8 knowing the person ever got it. So we need to  
9 track in my opinion and I know you're working on  
10 that.

11 The other thing is -- should be to I think,  
12 and I know Director Trombetta mentioned this  
13 already too, it's the training, that there's  
14 something in this policy that indicates when a new  
15 policy comes out revised or brand new that there's  
16 training associated with it to ensure that  
17 everybody understands what the policy means.

18 So I know you're working on that already. I  
19 just -- for the record just to make sure we get it  
20 in writing in the policy.

21 But thank you very much, because it's all  
22 really looking good. This particular policy is one  
23 of the most important to me. If you don't have  
24 this process, you know, your policy manual is weak.  
25 So thank you for doing this.

1 MS. MUSTAIN: Thank you, Commissioner.

2 MR. TROMBETTA: With that, Mr. Vice Chair, if  
3 I may then. I'm not going to move these like for  
4 approval at this point, because I'd like to make  
5 edits to this one for sure. Do you might --  
6 though, I think it might still be a good use of our  
7 time to provide feedback on the other two with the  
8 same thing. We're not going to move them for  
9 approval at this point, but at least we can get  
10 your feedback. And if there's changes, we can make  
11 all those changes and get everything back to you.

12 VICE CHAIR YAWORSKY: I think that's a good  
13 idea. So you feel you have enough feedback on  
14 the --

15 MR. TROMBETTA: Yes, sir.

16 VICE CHAIR YAWORSKY: Let's move on to the --  
17 take them in your -- your preference.

18 MR. TROMBETTA: The next one -- sorry, Lisa,  
19 to take over -- is the attendance and leave policy.  
20 So the -- so the -- stay close, because I might  
21 ask.

22 The -- so the big picture on this one is  
23 essentially just to have the basic standards for  
24 attendance and leave. The highlights here are that  
25 we provide essentially a window within which an



1 eight-hour day must be scheduled. I think it's  
2 between 8:00 and 6:00 p.m. We allow flexibility  
3 within that period. We allow -- we provide  
4 specifics about lunches, about breaks. We also  
5 provide a 10-hour flex schedule if approved by a  
6 supervisor, and I think those are kind of the main  
7 highlights on this one.

8 VICE CHAIR YAWORSKY: Any questions?

9 Commissioner Brown.

10 COMMISSIONER BROWN: Thank you. I appreciate  
11 again the work on this. It was very detailed. I  
12 think the flexible work schedule section is -- I  
13 really enjoyed reading that too and I think it's  
14 something that keeps and retains -- and tracks  
15 state employees. And I just wanted to know -- it  
16 lists factors that were -- would be considered for  
17 approving or disapproving the request for a flex  
18 work schedule.

19 Do we -- I mean, and they're pretty specific.  
20 Do we want to do that? I'm sure there's a reason  
21 that there were factors listed. There was a reason  
22 behind it, but I'm just thinking as a lawyer right  
23 now. If -- if an employee is denied based on some  
24 other factor that's not listed in there, would  
25 that --

1 MR. TROMBETTA: I think the -- if I'm hearing  
2 you correctly, the suggestion might be to make it  
3 more general decision-based criteria.

4 COMMISSIONER BROWN: Based on the manager's  
5 discretion. I think that's usually typical in  
6 other state agencies as well without having the  
7 specific criteria.

8 MR. TROMBETTA: Yes, ma'am. I think we can do  
9 that.

10 COMMISSIONER BROWN: I'm not asking -- I just  
11 wanted to get your --

12 MR. TROMBETTA: I can tell you that the intent  
13 in this was just to make it clear that -- you know,  
14 unfortunately not every position may -- it may not  
15 be in the agency's best interest for every single  
16 position to have a flex schedule. And we want to  
17 make sure that managers have discretion to provide  
18 flex schedule where appropriate and at the same  
19 time have -- have a reason for denial, a justified  
20 reason. I think we can work through that.

21 VICE CHAIR YAWORSKY: Mr. Marshman, I would  
22 just take that as -- and, Director Trombetta, all  
23 of you just take that as maybe constructive  
24 feedback to consider when it comes back as maybe  
25 that might be a good -- a good -- make sure it's

1 broad enough to capsulate the agency's interest.

2 COMMISSIONER D'AQUILA: I have a question.

3 When you developed this policy or this proposal -

4 this proposed policy, did you look -- how many

5 other agencies did you look at within the state?

6 Are we comparable? Are we -- where do we fall in

7 with this?

8 MR. TROMBETTA: Lisa -- I'm going to ask

9 Ms. Mustain to --

10 MS. MUSTAIN: So this policy is mirrored from

11 Department of Management Services' policies,

12 because they kind of house the attendance and leave

13 and human resource section.

14 So mirrored after the rules that are on the

15 books for attendance and leave (technical

16 interference). We did look at financial services.

17 We -- I think we looked at Department of

18 Corrections as well for review.

19 COMMISSIONER D'AQUILA: We are consistent with

20 them or -- or do we deviate? I'm curious.

21 MS. MUSTAIN: We are consistent with

22 Department of Management Services. That's where we

23 landed, because they really manage the -- the human

24 resource management division for the state. We

25 looked at them as being the SMEs, the subject

1 matter expert.

2 COMMISSIONER D'AQUILA: Question and  
3 clarification. When I reviewed the policy, I  
4 didn't see a minimum advanced time for requested  
5 time leave off. Was that in there? Maybe I  
6 overlooked it.

7 MR. TROMBETTA: I don't believe there's a  
8 minimum in there.

9 COMMISSIONER D'AQUILA: Should there be one?  
10 I'm just curious.

11 MR. TROMBETTA: It's sort of -- so I'll tell  
12 you what my take is, maybe it's a -- I think a  
13 question that frankly I would be interested in  
14 everybody's feedback here.

15 I think it's sort of supervisor and employee  
16 dependent. I prefer to be able to give discretion  
17 so that if something comes up, somebody can request  
18 leave, but I think there -- it's a good idea to  
19 say, you know, provide 14 days' notice, you know,  
20 where appropriate or ideally, you know, that --  
21 that we could -- I think we should encourage notice  
22 for planning purposes. I mean, I think that's kind  
23 of obvious. So it probably -- we probably should  
24 touch on that and include something in the policy  
25 about that.

1           COMMISSIONER D'AQUILA: Yeah. I would just add  
2 I think you put your supervisors in a tough spot if  
3 numerous people are requesting three days' notice  
4 or two days' notice.

5           VICE CHAIR YAWORSKY: I have a quick question  
6 also when it -- as it -- great question,  
7 Commissioner D'Aquila.

8           How -- what's the similarity or differences  
9 between what we're adopting -- what we're  
10 potentially adopting here and what our employees  
11 experience with DBPR? Is it -- is it going to be  
12 generally a smooth transition what they're used to?  
13 Are there benefits being included in this that DBR  
14 -- DBPR did not offer? Just what are the  
15 differences?

16           MR. TROMBETTA: My understanding is that it  
17 should be pretty smooth.

18           Ms. Mustain, do you want to touch on that?

19           I mean, it's -- I imagine -- I know I came  
20 from DBPR and I -- nothing in this stood out as a  
21 (inaudible). That's very different, but, you know,  
22 it should be -- everything is pretty standard.  
23 Like we said, we kind of borrowed from a lot of  
24 other agencies, so it shouldn't be that different.

25           MS. MUSTAIN: I was just going to say that we

1 didn't look at any DBPR policies when we were  
2 constructing this...

3 VICE CHAIR YAWORSKY: Commissioner.

4 COMMISSIONER BROWN: Just one more question.  
5 Some of our -- a lot of our employees also are  
6 students and they take advantage of that. Is there  
7 -- there's not really a section on that in here.  
8 Is that something that we should include or not  
9 include for administrative purposes?

10 MR. TROMBETTA: Are you talking about the  
11 tuition reimbursement waiver?

12 COMMISSIONER BROWN: Yes.

13 MR. TROMBETTA: My understanding that might be  
14 separate.

15 MS. MUSTAIN: Yeah, if I may, it would be  
16 separate policy. It wouldn't be included in time  
17 and attendance.

18 COMMISSIONER BROWN: Thank you.

19 MR. TROMBETTA: Any other feedback on that  
20 one?

21 VICE CHAIR YAWORSKY: Let's move on to the  
22 next one.

23 MR. TROMBETTA: The next one is unlawful  
24 discrimination, including sexual harassment. So  
25 this we've tried to include -- this one is a little

1 bit wordier, because I think there's -- frankly  
2 there's more legal issues involved.

3 So we have a definition section that to kind  
4 of be very clear about what we're talking about, it  
5 provides a process for handling complaints made by,  
6 you know, employees or nonemployees and how those  
7 complaints are handled and processed.

8 And I know that when this one was created, we  
9 looked both at other agencies and I know legal  
10 spent a long time on this one reviewing relevant  
11 law too.

12 VICE CHAIR YAWORSKY: My understanding is that  
13 there are a number of laws and executive orders and  
14 other items that come into play as -- as the -- as  
15 any agency is building up this particular -- is  
16 that correct?

17 MR. TROMBETTA: Yes, sir.

18 Mr. Marshman, do you have any interest in  
19 expanding on any of that?

20 MR. MARSHMAN: Good morning. Mr. Vice Chair,  
21 your comment is correct. There are a lot of  
22 required provisions in this that stem from Florida  
23 law or executive orders that were passed in 2017  
24 and then ratified again 2019 that continue to have  
25 an affect.

1           So a lot of this isn't something that the  
2           commission came up with on its own so much as  
3           incorporating other guidance and other mandatory  
4           requirements and terms that we are including, for  
5           instance, the definition of sexual harassment.  
6           That comes from Department of Management Services'  
7           rule.

8           So there are provisions at the end to several  
9           of the commissioners' points that there is required  
10          training for new employees and there is a  
11          continuing training obligation for supervising  
12          employees. There is also a required acknowledgment  
13          of receipt for each employee for this policy.

14          COMMISSIONER BROWN: Thank you. I was just  
15          going to say this looks really -- really well  
16          prepared and I didn't have any changes at all or  
17          suggestions, but just a comment there.

18          VICE CHAIR YAWORSKY: Will there be issue with  
19          -- without having an underlying -- the policy and  
20          policies adopted, will there be an issue with  
21          adopting this one today?

22          MR. TROMBETTA: No. I think this one could be  
23          adopted today.

24          COMMISSIONER D'AQUILA: I'd like to make a  
25          motion to adopt the -- what's the appropriate name



1 of the policy? The policy on unlawful  
2 discrimination including sexual harassment.

3 VICE CHAIR YAWORSKY: Moved and seconded. Any  
4 objection? Seeing none, show that adopted.

5 MR. TROMBETTA: Thank you.

6 VICE CHAIR YAWORSKY: Great job to all the  
7 staff on these. This is not -- this is not easy  
8 work to put these together and to maintain them and  
9 to -- to create them. Having been around this for  
10 many years, I can tell you it's not easy to do. So  
11 thank you to everyone who's put their time and  
12 effort into it. It's greatly appreciated.

13 Director Trombetta, is there more?

14 MR. TROMBETTA: Yes. Thank you. Mr. Vice  
15 Chair, there's one more item. So essentially it's  
16 scheduling. So the -- our next meeting is  
17 scheduled for -- let me just get my laptop,  
18 February 2nd, so it's a good guess. I didn't want  
19 to guess.

20 There's committee meetings the following week.  
21 So I suggest -- just get it out there. I want to  
22 see what your availability was -- potentially  
23 moving the meeting to the following week, because I  
24 think it might provide some avenues for meetings  
25 and just for other things to happen.

1           So I think my staff it would work. We did  
2           some -- some research and it didn't look like there  
3           were any licenses or anything that would lapse or  
4           would be deemed by not having a meeting in that  
5           time.

6           So with your -- if you are available, if you  
7           have a discussion about your calendars, I might  
8           suggest having a meeting at some point that  
9           following week. It would be February 6 to I think  
10          the 10th is a Friday.

11          VICE CHAIR YAWORSKY: Commissioner Brown.

12          COMMISSIONER BROWN: Mr. Chairman, I think  
13          that's a great suggestion, especially knowing that  
14          we're going to have to have some meetings during  
15          that week too, so it would be helpful to have it.

16          I would also -- just looking ahead at the week  
17          of March 6, that session begins on March 7, and I  
18          would probably think that it would be right for us  
19          to be up there during that week as well if we're  
20          considering changes at this time and if staff -- if  
21          it works for everyone.

22          MR. TROMBETTA: March is a little bit more  
23          complicated. I mean, we're happy to work on your  
24          schedule, but with the operational licenses being  
25          renewed March 14th, I think -- don't get me wrong.

1 I think it would help to set a meeting, but we  
2 might have to have multiple meetings. We're still  
3 trying to figure out internally how that process is  
4 going to work first time doing it with the  
5 commission. There's a lot to do. So I think it's  
6 -- I think your point about keeping that in mind, I  
7 mean, if you guys want to set a meeting now, but...

8 VICE CHAIR YAWORSKY: Let's discuss  
9 February 1st if we could.

10 Commissioner.

11 COMMISSIONER D'AQUILA: I'm fine with the week  
12 of the 6th. You want to stick with Thursdays?

13 VICE CHAIR YAWORSKY: I'm very flexible on  
14 that. We can continue Thursdays or if there's --  
15 Commissioner Drago, I know you have --

16 COMMISSIONER DRAGO: Either day is okay. I  
17 just need to know as soon as we possibly can, but I  
18 can do -- we can stick with Thursday if that works  
19 for everyone or we can move it around that week.

20 VICE CHAIR YAWORSKY: If we do it on Thursday  
21 then I think the idea would be that perhaps  
22 commissioners would be -- Thursday might be good,  
23 but the idea I think would be the commissioners  
24 would be present earlier in the week potentially to  
25 have some individualized meetings with other --

1 other officials. That would work.

2 COMMISSIONER DRAGO: Are we thinking like  
3 Wednesday and Thursday that week or --

4 VICE CHAIR YAWORSKY: Tuesday, Wednesday and  
5 -- it could be. It will depend probably on the  
6 number of factors, but I think (technical  
7 interference) where we are in the process.

8 Is that good with everyone? Let's make that  
9 move for February to the following week, meeting on  
10 a Thursday and potentially commissioners present in  
11 Tallahassee up to two days before.

12 MR. TROMBETTA: That works. Thank you.

13 VICE CHAIR YAWORSKY: Then for March perhaps  
14 we could do -- I think my thinking right now is to  
15 perhaps do that. If there's a change that needs to  
16 be made, Director Trombetta, you could -- you could  
17 poll the commissioners on their availability as we  
18 get closer, because I know there is a lot of  
19 uncertainty as it relates to probably both -- both  
20 session and -- and our internal process on -- on  
21 these upcoming approvals.

22 MR. TROMBETTA: Yeah. I mean, if -- sorry,  
23 Mr. Vice Chair, thank you.

24 I think -- I mean, even if I could brief -- in  
25 the February meeting on March, I think by that time

1 I'll have a better idea of what -- internally what  
2 the workload is going to look like and how many  
3 meetings if -- you know, if multiple meetings are  
4 needed and then how many timing. I think if we can  
5 revisit this at the February meeting, I think it  
6 will be helpful.

7 VICE CHAIR YAWORSKY: Okay. That works for  
8 everyone -- okay. Great.

9 MR. TROMBETTA: With that, I have nothing  
10 else.

11 VICE CHAIR YAWORSKY: Thank you. We are now  
12 in the public comments' section. I did not receive  
13 any public comment cards, but is there anyone at  
14 this time who would like to speak to the  
15 commission?

16 And I'm seeing no -- no one walking toward  
17 dais, so I'll accept a motion to adjourn.

18 COMMISSIONER DRAGO: So moved.

19 COMMISSIONER BROWN: Second.

20 VICE CHAIR YAWORSKY: Seconded. And with no  
21 objection, we are adjourned. Thank you very much,  
22 everyone.

23 (Proceedings concluded at 10:29 a.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA  
COUNTY OF WAKULLA

I, JUDY LYNN MARTIN, do hereby certify that I was authorized to and did stenographically report the foregoing telephonic proceedings and that the transcript, pages 1 through 51, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 17th day of January, 2023.

\_\_\_\_\_  
*Judy Lynn Martin*  
\_\_\_\_\_  
JUDY LYNN MARTIN