

March 06, 2024

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In The Matter Of:  
Florida Gaming Control Commission  
Public Meeting

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DATE: Wednesday, March 6, 2024  
TIME: 9:32 a.m. to 12:00 p.m.  
LOCATION: The Joseph P. Cresse Hearing  
Room 148 in the Betty Easley  
Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399

Stenographically Reported, via Teams, by:  
JUDY LYNN MARTIN, STENOGRAPHER

Job Number: 345107

1 APPEARANCES:

2 Julie Brown, Vice Chair

3 Tina Repp, Commissioner

4 Chuck Drago, Commissioner

5 John D'Aquila, Commissioner

6

7 PARTICIPANTS:

8 Louis Trombetta, Executive Director

9 Ross Marshman, Deputy Exec. Director/Chief Legal Officer

10 Elina Valentine, General Counsel

11 Jamie Pouncey, Program Administrator

12 Carl Herold, Director of Gaming Enforcement

13 Joseph Dillmore, Director of PMW

14 Joseph Klein, Senior Attorney

15

16 PUBLIC SPEAKER:

17 Jonathan Zachem, Esquire

18

19 OTHER PRESENT:

20 The Florida Channel

21 Various Members of the Public

22

23

24

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1 Proceedings began at 9:32 a.m.

2 VICE CHAIR BROWN: Good morning and welcome to  
3 the Florida Gaming Control Commission meeting.

4 Today is March 6 and the time is 9:32.

5 Please rise with us for the Pledge of  
6 Allegiance, which will be given by  
7 Commissioner Repp.

8 (Pledge of Allegiance by Commissioner Repp)

9 VICE CHAIR BROWN: Thank you,  
10 Commissioner Repp. Today we have a meeting of a  
11 lot of material, so I just wanted to give you all  
12 an overview for ease and sufficiency.

13 We're going to kind of rearrange the agenda a  
14 little bit after we get the approval of meeting  
15 minutes through. We're going to go to the license  
16 applications in bulk, that's item 6 through 10.

17 So we're going to -- after we approve the  
18 meeting minutes, we're going to go 6 through 10 and  
19 we're going go back up to Items 2, 3, and 4 and  
20 close it out with our policies and procedures.

21 So with that, Commissioners, does that sound  
22 good? All right. Can we get -- go into the  
23 approval of the meeting minutes for January 11 and  
24 February 1st, 2024, can I get a motion to approve  
25 both.

1 (Motion inaudible)

2 VICE CHAIR BROWN: Is there a second?

3 COMMISSIONER REPP: Second.

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

6 (Aye response)

7 VICE CHAIR BROWN: We are moving on to Items  
8 6.1 through 6.19, the discussion of license  
9 applications for Greyhound permitholders. We have  
10 with us from our staff Ms. Jamie Pouncey. Good  
11 morning.

12 MS. POUNCEY: Good morning. With permission  
13 I'd like to group these primarily by industry and  
14 then secondary by performances and cardrooms.

15 VICE CHAIR BROWN: Certainly.

16 MS. POUNCEY: So we're going to start with  
17 Item 6.1 through 6.16 which is Greyhound  
18 permitholders who have submitted their annual  
19 application for an operating license and cardroom.

20 They have submitted the required  
21 documentation, associated fees, and meet the  
22 requirements for the license. The Division  
23 recommends approval.

24 VICE CHAIR BROWN: Commissioners, do any of  
25 you have any questions regarding 6.1 through 6.16?

1 Personally I've read all of the (technical  
2 interference) documentation and all of them and  
3 the -- the requirements, the statutory requirements  
4 have been met.

5 If you have a question, if not we can have a  
6 motion to approve the staff recommendation on Item  
7 6.1 through 6.16.

8 COMMISSIONER DRAGO: So moved.

9 VICE CHAIR BROWN: Is there a second?

10 All those in favor, say aye.

11 (Aye response)

12 VICE CHAIR BROWN: Thank you.

13 MS. POUNCEY: Item 6.17, 6.18, 6.19 are  
14 Greyhound permitholders who have submitted an  
15 application for an operating license and no  
16 cardroom. They have submitted the required  
17 documentation and the -- meet the requirements for  
18 an annual operating license. The Division  
19 recommends approval.

20 VICE CHAIR BROWN: Thank you, Ms. Pouncey.

21 Commissioners, any questions on 6.17 through  
22 6.19? If not, can we get a motion to approve.

23 COMMISSIONER REPP: I'll make a motion to  
24 approve the permit (technical interference).

25 VICE CHAIR BROWN: Thank you.

1           COMMISSIONER D'AQUILA: I will second said  
2 motion.

3           VICE CHAIR BROWN: Thank you. Any discussion?  
4 Seeing none all those in favor, say aye.

5           (Aye response)

6           VICE CHAIR BROWN: The motion passes on those  
7 items.

8           Moving on to 7, discussion of license  
9 application for Jai Alai permitholders.

10          MS. POUNCEY: Item 7.1 through 7.5 are  
11 Jai Alai permitholders who have applied for an  
12 annual operating license and an annual cardroom  
13 license.

14          They have submitted the required documentation  
15 for the operating license, documentation for the  
16 cardroom license, and associated fees and have met  
17 the requirements. The Division recommends  
18 approval.

19          VICE CHAIR BROWN: Thank you. We are Item 7.1  
20 through 7.5. Commissioners, any questions? If  
21 not, can we get a motion to approve those  
22 applications.

23          COMMISSIONER DRAGO: I move to approve.

24          VICE CHAIR BROWN: Thank you. Is there a  
25 second?

1 COMMISSIONER REPP: Second.

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

4 (Aye response)

5 VICE CHAIR BROWN: Thank you. Motion passes  
6 on 7.1 through 7.5.

7 MS. POUNCEY: We have 7.6, which is also a  
8 Jai Alai permitholder who has submitted an  
9 application for live performances in their  
10 operating license and also a cardroom license.

11 They have submitted the required documentation  
12 for the operating license, the documentation for  
13 the cardroom license, and the associated fees, and  
14 the Division recommends approval.

15 VICE CHAIR BROWN: Thank you. That's great.  
16 Item 7.6 through 7.10, any questions on them? If  
17 not, can we get a motion to approve.

18 COMMISSIONER DRAGO: I make a motion to  
19 approve.

20 VICE CHAIR BROWN: Is there a second?

21 COMMISSIONER D'AQUILA: I'll second said  
22 motion.

23 VICE CHAIR BROWN: Thank you. All those in  
24 favor, say aye.

25 (Aye response)

1           VICE CHAIR BROWN: 7.6 through 7.10 passes and  
2 we are on to Items 8.1 through 8.3, Thoroughbred  
3 permitholders.

4           MS. POUNCEY: The following, 8.1 through 8.3  
5 are Thoroughbred racing permitholders who have  
6 submitted an application for live performances and  
7 two of which have submitted an application for  
8 cardroom license, excluding Gulfstream Park  
9 Thoroughbred After Racing who has no cardroom.

10           They have all submitted the required  
11 documentation for their annual operating license,  
12 in addition the documents required for their  
13 cardroom license, and if applicable have submitted  
14 the fees associated with it. The Division  
15 recommends approval.

16           VICE CHAIR BROWN: Thank you, Ms. Pouncey.

17           Any questions on Items 8.1 through 8.3? If  
18 not, can we get a motion to approve those  
19 applications.

20           COMMISSIONER REPP: Motion to approve  
21 applications 8.1 through 8.3.

22           VICE CHAIR BROWN: A second?

23           COMMISSIONER D'AQUILA: I'll second that  
24 motion.

25           VICE CHAIR BROWN: Thank you. All those in



1 favor, say aye.

2 (Aye response)

3 VICE CHAIR BROWN: The motion passes.

4 And moving on to Items 9.1 through 9.6 Quarter  
5 Horse permitholders.

6 MS. POUNCEY: The Quarter Horse permits  
7 reference 9.1 through 9.6, have submitted an annual  
8 operating license and cardroom license, only one of  
9 which does not have a cardroom.

10 They have submitted the required documentation  
11 for their annual operating license in addition the  
12 documents required for the cardroom license, and  
13 associated fees. As required they've met the  
14 requirements and the Division recommends approval.

15 VICE CHAIR BROWN: Commissioner D'Aquila.

16 COMMISSIONER D'AQUILA: I have a question with  
17 regard to 9.5 Hamilton Downs Horsetrack, LLC, and  
18 just understanding the paperwork, the checklist  
19 prepared by the commission is either deficiency  
20 letters were sent on the 12th, but I just didn't  
21 notice the box next to it completed.

22 Were those deficiencies addressed on the 12th  
23 specifically -- submission of the of the original  
24 application that was offered?

25 MS. POUNCEY: Yes. All the deficiencies have

1     been resolved. I don't have the documentation  
2     immediately in front of me, but all the  
3     deficiencies on the application have been resolved.

4           COMMISSIONER D'AQUILA: It would be the -- I  
5     guess the original application which appears right  
6     after the license, so they have all been as they --  
7     it is checked off on the submission at the top, I  
8     guess the bottom (technical interference). Thank  
9     you. My question's been answered.

10           VICE CHAIR BROWN: Thank you,  
11     Commissioner D'Aquila.

12           And, Ms. Pouncey, that -- that will become  
13     part of the record too, the clearing up of the  
14     deficiencies as well, the supporting documentation?

15           MS. POUNCEY: Yes, ma'am. If there's any  
16     information missing, I'll look into it. Generally  
17     what we do is it's order of receipt. So if it was  
18     a deficiency on something not answered on the  
19     application, then that top application would be the  
20     correct version, which answers whatever question  
21     was vacant on the previous submission.

22           VICE CHAIR BROWN: Thank you.

23           Commissioners, any other questions? If not,  
24     can we get a motion to approve 9.1 through 9.6.

25           COMMISSIONER DRAGO: I'll move --

1 COMMISSIONER A'QUILA: Second.

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

4 (Aye response)

5 VICE CHAIR BROWN: Thank you. Motion passes.  
6 Finally moving on to Item 10, discussion for  
7 Harness permitholder.

8 MS. POUNCEY: Item 10.1 is the Harness racing  
9 permit application. They submitted an application  
10 for annual operating license and annual cardroom  
11 license.

12 They have submitted the required documentation  
13 for operating license and cardroom license and the  
14 associated fees required for the cardroom. They  
15 have met the requirements and the Division  
16 recommends approval.

17 VICE CHAIR BROWN: Commissioners, any question  
18 on 10.1? Seeing none, can we get a motion to  
19 approve the application.

20 COMMISSIONER REPP: Motion to approve 10.1.

21 VICE CHAIR BROWN: Thank you. Is there a  
22 second?

23 COMMISSIONER D'AQUILA: Second.

24 VICE CHAIR BROWN: All those in favor, say  
25 aye.

1 (Aye response)

2 VICE CHAIR BROWN: Thank you. Motion passes.

3 We're circling up to Item 2, which is a  
4 discussion of petition for waiver or variance, 2.1.  
5 We do have a speaker card and I just want to note  
6 real quickly for the record before the meeting  
7 began, petitioner's counsel did approach the bench  
8 and ask to give him an opportunity to be heard  
9 before our staff speaks, and I've let our staff  
10 know. So before I go ahead and do that, I just  
11 will turn it over to our legal counsel.

12 MR. MARSHMAN: Good morning. This is  
13 Ross Marshman for the record. Out of an abundance  
14 of caution based on petitioner's counsel's  
15 addressing the commissioners out of the commission  
16 meeting about the merits potentially about an item  
17 that was on the agenda today, I think, Vice Chair  
18 Brown, you've already satisfied I hope what the law  
19 would require for us to disclose the ex parte  
20 communication and substance of it.

21 I would note that the speaker of the ex parte  
22 communication also has requirements under  
23 Chapter 16, so I would encourage him to review that  
24 statute as well.

25 VICE CHAIR BROWN: Thank you. Does, Counsel,

1 have any objection to allowing the petitioner's  
2 counsel speak prior to your introduction of the  
3 item?

4 MR. MARSHMAN: No.

5 VICE CHAIR BROWN: Commissioners, do you have  
6 any questions or comments before we begin and turn  
7 it over to Mr. Zachem?

8 COMMISSIONER DRAGO: That's fine.

9 VICE CHAIR BROWN: Mr. Zachem, welcome.

10 MR. ZACHEM: Thank you. Sorry I'm a little  
11 taller than Ms. Pouncey. Thank you and I  
12 appreciate Mr. Marshman's point, for an abundance  
13 of clarity, any communication that I had with  
14 Commissioner Brown, I told executive director prior  
15 to doing so, Trombetta, what I was doing and it  
16 simply had to do with being able to lodge an  
17 objection before things were put on record. It had  
18 nothing to do with substantive matters. It just  
19 was a procedural element.

20 So as much as I appreciate Mr. Marshman's  
21 education, I'm not aware of anything that would  
22 prohibit someone from being able to -- to do so,  
23 but I'll make sure to research deferring to his  
24 expertise in that area.

25 I think what -- and forgive me. I'm trying to

1 work my way through this in procedural order. My  
2 understanding is that a memo was provided to the  
3 commission sometime within the last 24 hours.

4 The record that you have before you on this  
5 matter is approximately 20 pages long with about  
6 eight pages of those redacted, but somehow an  
7 11-page legal -- legal memo was provided to you all  
8 that substantively would affect the -- the ability  
9 of my client to have a -- an approval in this  
10 variance.

11 Our objection that we're putting forth for the  
12 record is that this has not been provided to us,  
13 this legal memo. The first that I became aware of  
14 it was yesterday afternoon, less than 24 hours  
15 before this meeting. In an abundance of caution I  
16 was told that there probably would be a  
17 recommendation of denial. That did occur and it  
18 was within the last two weeks that I was told that  
19 by counsel, but I have not set eyes on this memo  
20 that you have been provided until less than 24  
21 hours before this meeting.

22 You'll notice that there is no service block  
23 that's included on it that would show that I have  
24 been served with it. I checked with my client to  
25 make sure that they haven't been served with it as

1 well, and my objection has to do with whether or  
2 not that should be for consideration by the  
3 commission in -- in their review of this.

4 I would point to the areas of concern that we  
5 have pertaining to an ex parte communication and  
6 the entire reason that this is put forward, which  
7 I'm sure counsel would agree with and this was not  
8 their attempt.

9 I'm not saying that they were intentionally  
10 trying to do something that would have been wrong,  
11 but just as an education from the commissioners  
12 from the Florida Bar, an ex parte consideration:  
13 Communication between the Court, or in this case  
14 hearing officers, and counsel, or other interested  
15 persons, when opposing counsel has neither notice  
16 nor an opportunity to respond is a prohibited  
17 ex parte communication.

18 The purpose behind prohibiting ex parte  
19 communications is to ensure that litigants in a  
20 proceeding have a neutral forum and an impartial  
21 judge. Ex parte communications with a judge or  
22 even related to such matters as scheduling can  
23 often damage the perception of fairness and should  
24 be avoided where at all possible. That's Rose  
25 versus State.

1           So the idea is that if something is submitted  
2           to a hearing officer or a finder of fact, which you  
3           all serve in this situation, that there be an  
4           opportunity for opposing counsel to be able to put  
5           their arguments forward too so that both arguments  
6           can be considered neutrally and there not be, I  
7           always find gaming terms slipping away vernacular  
8           when I'm dealing with commission, stacking of the  
9           deck going in a negative direction.

10           Again I'm not suggesting this was intentional,  
11           but when you have an 11-page memorandum with legal  
12           conclusions that are drawn in it and no opportunity  
13           for me or for my client to be able to present a  
14           counterargument for your consideration and put on  
15           public record less than 24 hours before a  
16           proceeding, I would object to it being included and  
17           I would ask that it be excluded from the record and  
18           for consideration by the commission.

19           VICE CHAIR BROWN: Thank you, Mr. Zachem. I'm  
20           going to turn it over to Mr. Marshman or Elina.

21           MR. MARSHMAN: I think if -- with the  
22           commission's permission, I'd like to address  
23           Mr. Zachem's points he raised now and then for the  
24           substance of the petition I would rely --

25           VICE CHAIR BROWN: Please.



1 MR. MARSHMAN: -- on Ms. Valentine. Thank  
2 you.

3 Petitioner's counsel's objection lacks any and  
4 all merit and demonstrates yet again a fundamental  
5 lack of understanding of the administrative  
6 process.

7 Your lawyers work for you and we are under an  
8 obligation to provide you with counsel. And we are  
9 not in a 120.569 or 120.57 proceeding. We are  
10 under 120.542. We are also subject to other  
11 provisions in 120, including 120.525 which state  
12 when agenda and meeting materials must be made  
13 available to the public.

14 We have complied with all of those  
15 requirements, and I believe that the objection  
16 today is mixing apples and oranges frankly to use  
17 the legal term.

18 This is a recommendation from staff. This is  
19 not a new recommendation to petitioner's counsel.  
20 In fact on February 21st staff met with  
21 petitioner's counsel for over an hour and explained  
22 the substance that you see in this memo to him two  
23 weeks ago.

24 That should have given petitioner's counsel  
25 ample opportunity to understand staff's

1 recommendation well in advance of when these  
2 materials were made public and then either work  
3 with his client or prepare to address what counsel  
4 had already flagged to petitioner's counsel.

5 And just to put it on the record, I mean,  
6 this -- this meeting included a full Whiteboard  
7 chart of the entirety of staff's analysis of this  
8 issue before the commission today. This memo is  
9 nothing more than the long form of the chart.

10 There is no merit to the objection being  
11 raised today as a matter of law or as a matter of  
12 any judicial bar -- strike that, Florida Bar  
13 opinion that's been raised. We're just not in that  
14 scenario. We're not in that far along.

15 I'm happy to answer any other questions you  
16 have, but I would encourage the commission to move  
17 to the merits of the petition for waiver of  
18 variance today.

19 VICE CHAIR BROWN: Thank you, Mr. Marshman.  
20 You know, as Mr. Zachem was talking, I was thinking  
21 back to my over a decade my phase before the Public  
22 Service Commission when we would get petitions for  
23 variances and waivers. And similarly staff --  
24 legal staff represent like in this case the  
25 commissioners, very similar, and we would get

1 similar fact patterns, background materials, as  
2 well as a recommendation.

3 Timing I do understand the 24 hours wanting to  
4 be able to opine and refute the materials  
5 potentially, but it's really just helpful for the  
6 commissioners and serves as a background and a  
7 summary of all of the facts that have happened  
8 since the petition was filed.

9 Without this document, you know, going through  
10 the documents that were filed in the petition would  
11 be really hard to decipher, because there seems to  
12 be some vagueness to what is already in the  
13 materials filed by the petitioner.

14 So this has been very helpful for me. I do --  
15 I think it is appropriate to move forward. I think  
16 you sum up -- summed up the legal argument  
17 disputing Mr. Zachem's claim, but I will let the  
18 commissioners talk first.

19 Mr. Zachem, I'll give you an opportunity as  
20 soon as commissioners have an opportunity to speak.

21 MR. ZACHEM: Thank you.

22 VICE CHAIR BROWN: Any comments?

23 COMMISSIONER DRAGO: I -- personally I think  
24 we're ready to move forward and -- and listen to  
25 the merits of the petition and discuss that and

1 make a decision based on that at that point.

2 And we can always come back to this I guess if  
3 there seems to be something -- information or  
4 something that's been provided in this memo that  
5 you were not provided with in the past or some  
6 reason why we should not further consider that --  
7 this memo, but I haven't heard anything that would  
8 cause us to go down that road right now.

9 VICE CHAIR BROWN: Thank you. Commissioners,  
10 any other comments? Commissioner Repp.

11 COMMISSIONER REPP: Vice chair stated a  
12 summary of what's already heard (technical  
13 interference). I've had full (technical  
14 interference) to review all of that (technical  
15 interference).

16 VICE CHAIR BROWN: Thank you,  
17 Commissioner Repp.

18 Commissioner D'Aquila.

19 COMMISSIONER D'AQUILA: I will just add having  
20 read the earlier version and the latter version, it  
21 did not change any thoughts I had with the issue at  
22 hand. It was definitely longer, but I think the  
23 substance in my mind having read it multiple times,  
24 both (technical interference).

25 VICE CHAIR BROWN: Thank you. And I finally

1 would add the relevant law provisions that staff  
2 illuminated in the memo was very helpful, because  
3 of course that was in the documentation that was  
4 provided by the petitioner, so that to me has been  
5 the most helpful aspect of the memo and appreciate  
6 staff preparing.

7 Yes, Mr. Marshman.

8 MR. MARSHMAN: Thank you, Vice Chair. I  
9 forgot to mention as well petitioner's counsel  
10 raised the issue that perhaps the commissioners saw  
11 redacted versions of their submissions.

12 There is of course a difference between the  
13 publicly available materials that are redacted to  
14 protect trade secrets that are marked by members of  
15 the industry versus the materials that you as  
16 commissioners and us as staff are able to see.

17 So of course I believe the commissioners have  
18 reviewed the unredacted materials in connection  
19 with this petition as you would with any other  
20 matter before the commission today.

21 VICE CHAIR BROWN: I'll confirm that. I  
22 certainly have and I'm sure my colleagues have as  
23 well, if you just want to say yes on the record.

24 COMMISSIONER DRAGO: Yes.

25 COMMISSIONER D'AQUILA: Yes.

1 COMMISSIONER REPP: Yes.

2 VICE CHAIR BROWN: Thank you. Thank you,  
3 Mr. Marshman.

4 Mr. Zachem.

5 MR. ZACHEM: Thank you, Commissioner,  
6 Madam Vice Chair.

7 For clarity sake the meeting that Mr. Marshman  
8 was putting forward to you, he was not at. So his  
9 testimony as far as -- I should say his  
10 presentation to you as far as what occurred in the  
11 meeting, with all due respect he wasn't there.

12 So I get it and I understand that you can look  
13 procedurally what happened and a lot of the  
14 substance of what's forwarded in the memo is -- is  
15 available to you. It's the law. It is what it is.  
16 The entire idea is that I was not afforded the  
17 opportunity for a counterargument, but I understand  
18 what you're saying, Commissioners, and I get what  
19 you're -- you're putting forward.

20 I would just ask Mr. Marshman to please stop,  
21 even though I'm considering giving him all of these  
22 credits and compliments, to perhaps not continue  
23 insulting me on the record, so I would appreciate  
24 that.

25 VICE CHAIR BROWN: Thank you, Mr. Zachem.

1           We're going to move into the substance,  
2   Ms. Valentine.

3           MS. VALENTINE:   Elina Valentine for the  
4   record.  I just want to mention that I was at the  
5   meeting and I presented the information to  
6   Mr. Zachem.  And I drew a chart and I went and  
7   explained in detail everything that is in the  
8   memorandum, so I just wanted to state that --

9           VICE CHAIR BROWN:  Thank you.  I will note  
10   that -- it is a public record.  I've seen the  
11   chart, picture of the chart as well.

12          MS. VALENTINE:  Mr. Zachem took a picture of  
13   the chart as well for his record, so he -- he does  
14   have that should he wish to review it.

15          VICE CHAIR BROWN:  Mr. Zachem, we'll get to  
16   you.  She has a lot of material to cover.  If you  
17   want to hold off so that we can go in a procedural  
18   fashion, that would be great.

19          MR. ZACHEM:  That's fine.  Can I have one  
20   clarity?

21          VICE CHAIR BROWN:  Sure.

22          MR. ZACHEM:  Did you say you saw the chart?

23          VICE CHAIR BROWN:  I saw a picture of it, a  
24   document.

25          MS. VALENTINE:  The chart is a public record.

1 Mr. Zachem, you took a photo of the chart and so  
2 therefore we also saved the photo of the chart.

3 MR. ZACHEM: I understand. I didn't know it  
4 existed. I hadn't -- I was unaware that it was  
5 provided to the commission.

6 VICE CHAIR BROWN: Thank you.

7 MS. VALENTINE: Moving to the merits of the  
8 petition. PPI, Inc., d/b/a Harrah's Pompano Beach,  
9 filed a petition requesting a waiver from Rule  
10 75-14.047 of the Florida Administrative Code  
11 entitled Facility Based Monitoring System and  
12 Computer Diagnostics.

13 The petition comprises the initial submission  
14 and two subsequent responses. The three documents  
15 that were submitted by the petitioner do not have  
16 the information that is required by Florida law.  
17 Therefore, the petition is legally deficient and  
18 the staff recommends that the commission issue a  
19 notice of intent to deny the petition.

20 VICE CHAIR BROWN: Thank you, Ms. Valentine.  
21 I appreciate the brief summary. Can you just walk  
22 us through the dates and the time frame here. You  
23 do highlight them in the memorandum of what is  
24 legally required, but when the petition was filed,  
25 when the supplemental information was reported back



1 to the commission and all of that, so give us kind  
2 of a time frame of the overall process.

3 MS. VALENTINE: Absolutely. On July 17, 2023,  
4 PPI filed the initial petition with the agency  
5 clerk. On August 14, 2023, the commission  
6 requested from PPI additional information that is  
7 required under Section 120.542 and Rule 28-104.002.

8 Ninety days -- I apologize, 60 days following  
9 the commission's request on October 13, PPI  
10 submitted a written response. This written  
11 response raised a new matter, which is fully  
12 explained in the memo, and did not satisfy the  
13 statutory requirements and it was therefore  
14 deficient.

15 On November 9, 2023, the commission sent a  
16 second request to PPI for additional information.  
17 On December 18, 2023, 39 days following the  
18 commission's request, the commission received a  
19 response from PPI with additional information, that  
20 response was legally deficient as well. At that  
21 point the 90-day time period for the commission's  
22 denial or grant of the waiver started.

23 VICE CHAIR BROWN: Then can you clarify your  
24 two-week meeting that occurred ago with the  
25 petitioner's counsel?

1 MS. VALENTINE: Yes. As evident by the memo,  
2 that just explains the documents that were  
3 submitted by the petitioner and it includes the  
4 implicated rules. This matter is complex. And so  
5 once staff had a chance to review all of the  
6 submitted documents, it was evident that the memo  
7 was -- I mean, I'm sorry, that the petition was  
8 legally deficient.

9 At that point, I reached out to Mr. Zachem to  
10 discuss the deficiencies and that OGC was going to  
11 recommend denial of the petition. And to -- to  
12 ensure that all of the matters were covered and  
13 that Mr. Zachem had all of the information  
14 necessary, as a professional courtesy, I had  
15 scheduled a meeting in person with Mr. Zachem.

16 At the meeting I drew a chart in an effort to  
17 explain the deficiencies and how a petition should  
18 petitioner wish to submit a new petition could be  
19 drafted to -- to avoid the current issues.

20 VICE CHAIR BROWN: Thank you very much for the  
21 summary.

22 Commissioners, are there questions about the  
23 process? If not, we're going to hear from the  
24 petitioner on the substance here, Mr. Zachem.

25 MR. ZACHEM: Thank you, Madam Vice Chair. And

1 while I appreciate the recitation of time frames,  
2 I'm afraid that some things were left out of the  
3 communication that existed.

4 As I'm sure that questions would arise to you  
5 why would a petition come to you that is unsigned  
6 and not dated, so I think the back story as far as  
7 how we got there since it seems to be that time  
8 frames are so relevant to legal staff, I think  
9 putting all of them forward is more relevant than  
10 what was said during those time frames.

11 So moving backward and I think this is  
12 important that I say before we even get into some  
13 of these nuances. Gaming is a partnership that is  
14 established to generate tax revenue for the state.

15 PPI Harrah's is a partner with you all. We're  
16 not talking about something that's that complex,  
17 we're obviously not. Maybe for an attorney such as  
18 myself it's complex, because I have no idea how a  
19 Cloud works, but even I can use it at my work.

20 All we're talking about is data storage,  
21 that's it. The totality of what you have before  
22 you is a sophisticated facility that's in multiple  
23 jurisdictions is trying to switch from a physical  
24 server location to Cloud based, that's it, but  
25 we've now gone here.

1           This is 10 months after legal staff was  
2           contacted about this, not 90 days. The first  
3           communications that we actually had were officially  
4           in early May, and I'll read that to you briefly.  
5           For some reason it was not included in the  
6           information before you, but it puts things in a  
7           proper stance so that you can see where the  
8           petitioner was at in their submittal and you can  
9           understand why it's where it is.

10           But in trying to work in this partnership and  
11           what has always happened with the gaming industry  
12           is there have been discussions with your team at  
13           locations, with your team here in an effort to be  
14           compliant with statute.

15           As I said in February we're risk adverse  
16           people. We want to talk to you and we will ask you  
17           how do you want this to be presented, so that we  
18           can check all the boxes and do all the things you  
19           want from us. And no matter what happens with this  
20           today, that's our desire going forward.

21           We don't want to be adversarial to you. And  
22           honestly the fact that we're in this situation to  
23           me is -- well, I wish it hadn't happened this way  
24           and I don't think it needed to.

25           But with putting things in the posture of when

1 things occurred and how they occurred, I would let  
2 you know that I joined into this -- this petition  
3 well after it started. It was after the initial  
4 documentation that you have, and some of these  
5 things predated me so I had to go back and research  
6 and find out and get information provided by my  
7 client that was emailed to them by the commission.

8 So the first communication was on or about  
9 May 11th where as normally happens with slot  
10 facilities, some of your team is down at the  
11 locations doing great jobs as they always have  
12 throughout the years and some discussions started  
13 about plan going forward.

14 Communication happened between Pompano and  
15 between some of the slot folks that work for you  
16 all and here's what we would like to do with Cloud  
17 based. But as very appropriately should be  
18 handled, this was not answered at site. Instead it  
19 was forwarded up to legal. It resulted in an email  
20 from Mr. Ross Marshman that's dated May 24th, 2023,  
21 that was back to Bill Crafts (ph) and copied  
22 Joe Dillmore, Emily Alvarado, Elina Valentine, and  
23 Lou Trombetta. The subject is Rubrik backup,  
24 SES 13 system regulatory requirement.

25 I'm not going to include all of it, because it

1 includes a separate subject matter in the second  
2 half, but I'm going to include the first paragraph  
3 which is substantive towards what we're here for.

4 Bill, thanks again for your patience.  
5 Starting with method of storage issue, my  
6 understanding after our conversation is the  
7 facility wants to move away from storing or backing  
8 up certain records on physical media and migrate to  
9 Cloud storage instead.

10 From my reading of 551 Florida Statutes,  
11 there's no particular statute directing a slot  
12 machine gaming facility such as this one to store  
13 or backup any of its record in a particular manner.

14 I agree with Mr. Marshman 100 percent.  
15 There's no statutory element to it. The  
16 commission, though, is authorized to adopt more  
17 specific rules. He sites to the two rules that are  
18 relevant.

19 To keep me from stumbling over the  
20 subsections, that's 75-14.047, 75-14.080. Those  
21 rules include requirements mandating certain types  
22 of records be backed up to physical media  
23 guaranteeing a certain level of fire and water  
24 protection. So the motivation is for fire and  
25 water protection, that's why that rule is issued

1 there from this.

2 And since it seeks to deviate from requirement  
3 related to physical storage stemming from a rule as  
4 opposed to statute, the facility may want to  
5 consider submitting a petition for variance or  
6 waiver. More details about such petition can be  
7 done.

8 In Florida Statutes absent a formal  
9 petition -- and this is important, because I want  
10 to make sure it's not being mischaracterized.  
11 Mr. Marshman very appropriately said: Absent a  
12 formal petition, however, that spells out exactly  
13 how the facility plans on storing certain types of  
14 data, the commission can provide neither meaningful  
15 analysis or definitive answer. That's very fair.  
16 It's hard to end up getting a hypothetical sent to  
17 you and try to give a definitive answer, but the  
18 research began in May. That's when all of this  
19 started.

20 So in response to what happened from this  
21 email, my client on July 17th sent an email to  
22 Mr. Crafts trying to make sure they captured this.  
23 My client was not an attorney doing so, but a  
24 layperson trying to do things, again, to work with  
25 the commission.

1           The substance of the email is: Bill, is there  
2 anything else I need to answer for this waiver?  
3 Please see attached draft and let me know if  
4 there's anything else I need to provide. Thank  
5 you.

6           The document you have before you was intended  
7 to be a draft. For some reason it was taken and  
8 put in the posture of being a formal variance. So  
9 afterwards we were kind of going -- trying to go  
10 upriver. But even with that, we appreciate the  
11 commission working with us. They did everything  
12 very professionally and tried to get it to the  
13 proper posture.

14           But it's important that you understand that if  
15 we're being held to account that we had an improper  
16 petition, there's a reason for it. It wasn't  
17 supposed to be a petition at that time. That's why  
18 it's not signed and dated. It was a draft.

19           The response that was received by my client is  
20 that there would be a meeting and they would follow  
21 up. This was done on July 17th and not too long  
22 after this petition was filed -- or draft of a  
23 petition was filed as being a formal petition.

24           Now, I ended up coming into the game a little  
25 bit -- in August 1st, so some of this your counsel



1 might know much better than me, but this is what I  
2 had before me.

3 Immediately I contacted Mr. Marshman,  
4 requested any additional information, and I  
5 received a clerk response dated August 15, 2023.  
6 Part of the confusion that occurred is staff on  
7 site asked follow-up questions, because they were  
8 aware there were a couple systems that we were  
9 going to change on it. It wasn't just Cloud based.

10 But on about September 11th, there were  
11 questions from staff in South Florida saying that  
12 we understand you're going to do a new accounting  
13 system as well. How are they going to interact  
14 with a Cloud-based system? That's where some of  
15 these questions that appear to have created  
16 confusion came from.

17 So we received questions from two areas and  
18 they were the best-intended questions, they  
19 honestly were, but they started less than 30 days  
20 after that August 15th letter.

21 So as we got these on September 11th, they  
22 were formally sent to us -- well, I shouldn't say  
23 formally, but there was an email that contained  
24 these questions that was dated September 27th.

25 If you end up looking at the document, you can

1 see two parts. The first part addresses what came  
2 from one letter that ends up addressing those  
3 questions. The second part was from that email,  
4 and that's why the time frame ended up going a  
5 little bit longer, because there were follow-up  
6 questions that came.

7 Now, the response to those questions was  
8 submitted October 13th. There were follow-up  
9 questions that were sent November 9th, and a  
10 response was submitted to counsel. I will tell you  
11 it was my fault. I think it was about three days  
12 late. It was right around December 16th and with  
13 the holidays, honestly that was -- I appreciate the  
14 commission being able to accept something three  
15 days late.

16 That was emailed to Ms. Stinson. And in an  
17 attempt to make sure that it was received, there  
18 was another email to Mr. Marshman, which he  
19 appropriately did confirmation the exact same day,  
20 which was December 18th.

21 Since that December 18th communication, we're  
22 now 80 days out. So it's been 80 days in addition  
23 to having all of this information before them in  
24 May.

25 So in abundance of caution trying to find out

1 the status for my client, on January 7th an email  
2 to Mr. Marshman, which I understand he had some  
3 reasons to be out, understandable, but after that  
4 there was no response to the email. In abundance  
5 of caution again an email to Ms. Stinson  
6 January 10th, no response. Email to both on  
7 January 23rd, 2024, still no response.

8 I did receive a call prior to the February  
9 meeting pertaining to the fact that we would not be  
10 on the agenda, but there was no issue raised to us  
11 at all that there was a reason to oppose the  
12 petition or that there was anything substantively  
13 that we needed to provide an answer to.

14 That's about 45 days that we're looking at  
15 from when this was submitted to the February 1st  
16 meeting that you all had. I stood before you and  
17 tried to keep it between the lines without seeing  
18 the substance of the petition, but mentioned to you  
19 all that time was ticking on this element.

20 And this is partially why is because now we're  
21 at this far along and if we have anything  
22 procedurally that happens today, there's no buffer  
23 for you all to end up working with. We're not at  
24 less than 10 days before we've had our 90 I think  
25 if my math's right. I might be off by a day.

1 I have received a telephone call like I said  
2 from Ms. Stinson saying we wouldn't be on the  
3 agenda, but the communication I received two weeks  
4 ago, so that it's put in the proper context, where  
5 apparently I was put on notice of what was going to  
6 happen is the totality of what I was provided is  
7 that they were going to recommend a denial. What  
8 was going to be denied, I didn't know until I got  
9 here. I was not provided documentation. I was not  
10 provided a memorandum. I was not provided any of  
11 these things.

12 I was given a board and on that board I tried  
13 to take pictures and understand what I was talking  
14 about without the opportunity to even prepare to  
15 have questions for that meeting.

16 So you understand we're looking at close to 70  
17 days after the petition came. The first time that  
18 I'm hearing there's going to be a possible denial  
19 is then.

20 So with that being said, my understanding from  
21 the meeting is that there was concern about how  
22 another rule might apply to my factual situation.  
23 That's very fair, but that's not the question  
24 before you all today. The question is this  
25 specific rule and how it applies.

1           Even if you approve this rule, we still have  
2   to follow all the others. It's not a blanket  
3   petition. We have not cited to another rule where  
4   we suddenly get a get-out-of-jail-free card on it.  
5   It is this one narrow area. So hopefully we'll  
6   have further discussion with some of your team so  
7   we can communicate with them. And if they  
8   determine that there's another area that we need a  
9   variance for, we'll file another variance for that  
10 as well.

11           But for the petition you have before you, and  
12 again I'll try and wrap this up because I know I'm  
13 taking a long period of time, is specifically for  
14 this subpart of the rule and how it applies in our  
15 situation. We were asked how it affects us and  
16 some of the constraints that are legally put  
17 forward to us. There are eight total licensees  
18 that this rule applies to including us.

19           So when you talk about how does this put you  
20 in a position compared to the rest of the industry,  
21 there isn't a whole lot of the rest of the industry  
22 to present to you as far as what they're doing.  
23 And some of it honestly they don't share with each  
24 other.

25           But what I can tell you is we provided data

1 that shows that over \$50,000 a year will be saved  
2 by my client by this process. They ask for money,  
3 we're telling you money, but more importantly  
4 security is going to be provided for this  
5 information.

6 The more locations that you keep data, the  
7 more opportunity for people to try and access it.  
8 This is to protect our systems. We exist in  
9 multiple jurisdictions throughout the country, and  
10 I'll also share with you as we've rolled this out  
11 nationwide, Florida is the only one so far that's  
12 given us any pushback. It's already been approved  
13 in multiple jurisdictions, Pennsylvania is the only  
14 other one that we've been asked follow-up questions  
15 on. This is not some form of voodoo that we're  
16 asking you all to look at. It's a very simple  
17 question.

18 Now, I can stand here all day and end up  
19 having staff try and find ways to say no, and maybe  
20 some of it has merit but the question is why. Why  
21 are we looking for a reason to say no at a  
22 partnership for something that honestly is this  
23 narrow. And if there is a further variance needed,  
24 I look forward to communicating with you and filing  
25 it with you soon. It would be really nice to have

1 this same conversation two months from now.

2 VICE CHAIR BROWN: Thank you, Mr. Zachem.  
3 Thank you.

4 Commissioners, I'm going to give staff an  
5 opportunity to respond to some of the comments made  
6 first before -- if you have questions for Zachem --  
7 Mr. Zachem or staff.

8 Ms. Valentine or Mr. Marshman, would you like  
9 to respond to some of the comments?

10 MR. MARSHMAN: Again I think we'll do a  
11 tag-team approach here. Strength in numbers. For  
12 the procedure that was presented, if the commission  
13 has any specific questions about staff on how we  
14 handle this, I'm happy to address it.

15 But as I stated a month ago we've already done  
16 more than what the law or the rule requires here  
17 for this petition in terms of working with  
18 petitioner's counsel and trying to tease out the  
19 exact issues.

20 I understand that this is not going the way  
21 petitioner's counsel may have anticipated, but  
22 we've already gone above and beyond to try to do as  
23 much as we can to get this across the finish line.  
24 But as petitioner's counsel stated, he -- this is a  
25 complex issue. He may not understand all the exact

1 workings of how the Cloud works. You as  
2 regulators, however, must to make these decisions  
3 that you're about to make.

4 And as I stated a month ago, this is statewide  
5 industry. These are slot machine licensees. They  
6 are the revenue producers for the state. These are  
7 the most regulated entities that you have on your  
8 plate.

9 So what you do with one will have an impact on  
10 the entire slot machine gaming industry in the  
11 State of Florida that is licensed by you. So this  
12 does have a serious statewide impact, even though  
13 it may seem at first glance to be insignificant,  
14 minor. I don't believe that's a fair  
15 characterization and that this will have  
16 industry-wide implications.

17 So again if the commission has any questions  
18 about the procedure, I'm happy to answer that. But  
19 if not, I would like to again turn it over to  
20 Ms. Valentine to address the substance of the  
21 petition that is currently before the  
22 commissioners.

23 VICE CHAIR BROWN: Thank you. Commissioners,  
24 any questions on Mr. Marshman?

25 COMMISSIONER DRAGO: No.



1 VICE CHAIR BROWN: Ms. Valentine.

2 MS. VALENTINE: Elina Valentine for the  
3 record. As a preliminary matter everything that  
4 Mr. Zachem has testified to today that does not  
5 relate to the initial submission and the subsequent  
6 two responses cannot be considered by the  
7 commissioners.

8 The record for this petition closed. It  
9 closed in December when the second response was  
10 filed and the 90-day time period began.

11 Section 120.542 does not contemplate a process  
12 where once the 90-day time period has began and the  
13 time period for requesting and providing additional  
14 information has terminated that the record can be  
15 supplemented or amended or just be verbalized to  
16 the agency head, such as the commissioners.

17 And the reason for that is the industry and  
18 members of the public as a whole have a right under  
19 Section 125.42 and Rule 28-104 of the Florida  
20 Administrative Code to review the documents that  
21 are submitted with a petition for a variance or  
22 waiver and to have an ability to comment on such  
23 documents within 14 days of the submission.

24 And -- and in addition, the members of the  
25 industry, members of the public as a whole can

1 request copies of the documents that are submitted.  
2 The submission has to be in writing. Anything that  
3 is just spoken or testified to would violate  
4 Section 120.542 if it is considered. And as  
5 Mr. Zachem -- as Mr. Zachem's client and as the  
6 commission, we all have to follow Florida law, so  
7 that is the preliminary matter.

8 The second item I want to address relates to  
9 the substantial hardship that is mentioned by  
10 Mr. Zachem, which is the extra expense. And this  
11 is explained in detail in the memorandum, but when  
12 I had stated earlier as I state in the memo, the  
13 commission does not have sufficient information  
14 relating to the waiver from the rule that  
15 Mr. Zachem has requested.

16 And the reason for that is because the  
17 information that was provided regarding the  
18 substantial hardship deals with the requirements of  
19 a separate rule that is not mentioned in the  
20 petition.

21 The -- the rule from which the waiver is  
22 requested deals with the matter of saving data to  
23 removal storage device. The information provided  
24 in the petition for the hardship, reasons for the  
25 waiver relates to storing the data on premises.

1 That is in a separate rule.

2 Furthermore, while I understand that  
3 Mr. Zachem wishes that certain parts of the  
4 petition are just not considered by the commission,  
5 including remote access into potentially the  
6 facility-based monitoring system, the record is the  
7 record. Everything that has been submitted has to  
8 be considered.

9 If there is any explanation or if Mr. Zachem  
10 wishes to submit a new petition that does not  
11 include that information, he's welcome to do so.  
12 If you have any other questions, then I'm here to  
13 answer them.

14 VICE CHAIR BROWN: That was a very succinct  
15 explanation. I appreciate that too.

16 So the petition before us is regarding the FB,  
17 we call it. You refer to it as the  
18 facilities-based computer system, FBSC, which has  
19 triggered after the supplemental data that was  
20 provided by the petitioner back to the staff  
21 triggered several other rules based on the facts  
22 and explanation of how that operation Cloud system  
23 would work.

24 A hardship that is being met is not -- is not  
25 attached to the rule petitioner is seeking, but

1 rather one of the other rules that would have been  
2 triggered just to kind of sum up what you stated.

3 MS. VALENTINE: Yes. That's correct, Vice  
4 Chair Brown.

5 VICE CHAIR BROWN: Commissioners, I know  
6 Commissioner D'Aquila's got one.

7 COMMISSIONER D'AQUILA: Well, first I want to  
8 add as a commissioner I fully appreciate the effort  
9 of your client, they're trying to do. We're no  
10 stranger to what is the current trend among large  
11 organizations deal with threats of both  
12 cybersecurity, efficiency, protection of data,  
13 growing their business in the most efficient  
14 manner.

15 So your opening point I think we are  
16 sympathetic to that. I think -- it appears to me,  
17 though, this reminds me very similar readings of  
18 many state tax codes don't get updated.

19 And we have -- perhaps maybe one thing that is  
20 confusing this is the statutes when they were  
21 written many, many years ago if one were to look at  
22 instructions and statutes in other places, one  
23 might see words like mimeograph and Telex and what  
24 is storage and where is it and so forth, not  
25 necessarily written for the year 2024, so years.

1 And it's natural that your client being as  
2 significant a player in the industry is going in  
3 that direction.

4 However with that said having come into this  
5 later, I can't help but wonder -- it seemed to me  
6 the original request was for demonstration of  
7 substantial hardship and whether it was the 55,000,  
8 53,000 for the additional cost of maintaining a  
9 redundant, albeit older system simultaneously to  
10 meet the requirements of the statute while  
11 simultaneously investing -- and it's not  
12 inexpensive running a Cloud environment. I'm very  
13 familiar with that.

14 If that is it, the first request for the  
15 variance I think, if I'm not mistaken, I'm going to  
16 ask our counsel the same question, why was that not  
17 just put right out from the very beginning that we  
18 are -- our hardship, our economic hardship is the  
19 cost of the Cloud and (technical interference), how  
20 did we get to this? Question for counsel -- for  
21 the commission.

22 MS. VALENTINE: Elina Valentine for the  
23 record. Again the cost -- the information  
24 regarding the expenses that was provided in the  
25 petition is -- is information that is required by

1 different rule, and that is the storage of this  
2 data on site.

3 As to why it was not provided in the initial  
4 petition, I don't have an answer for that. I think  
5 that is a decision that was made by the petitioner.  
6 There was a follow-up request -- there were two  
7 follow-up requests for additional information from  
8 the commission asking for the required information  
9 by statute.

10 One of them was to please identify this -- how  
11 the application of the rule would violate a  
12 principle of fairness or would create a substantial  
13 hardship. In the second response, we received an  
14 explantation of the substantial hardship.  
15 Unfortunately that is not a hardship that is  
16 created by the rule from which the waiver is being  
17 sought.

18 Because the waiver from -- that is being  
19 sought is from the requirement that this backup  
20 data is stored -- is stored on a removable storage  
21 device. The requirement that this removable  
22 storage device once it is created is stored on  
23 site, on premises at PPI is in a separate rule, a  
24 rule that is not contained in the petition. And so  
25 because of that, the petition itself is legally

1 deficient.

2 VICE CHAIR BROWN: Commissioner Drago.

3 COMMISSIONER DRAGO: Personally I feel we got  
4 enough information adequate to make a decision in  
5 the information memo and -- and accompanying  
6 documents that we've received.

7 But I -- but I do appreciate you coming in and  
8 I do -- I do because I do -- I am concerned and  
9 want to certainly be sure that we, the staff, and  
10 the commission is providing everything that we need  
11 to provide and working closely with petitioners to  
12 make sure that everything is done fairly and  
13 properly and openly when they -- when they do this  
14 process.

15 And I feel very comfortable that the staff has  
16 done everything they possibly can to try to work  
17 this out and try to accommodate -- accommodate the  
18 petitioner to ensure that everybody's treated  
19 fairly.

20 So I'm personally satisfied with that part,  
21 which is -- which is concerning to me or important  
22 to me as I hear this from Mr. Zachem and go over  
23 everything, I'm satisfied with that. I'm satisfied  
24 with -- with the material that's been provided as  
25 it relates to the merits of the petition as well,

1 so.

2 VICE CHAIR BROWN: Thank you.

3 Mr. Zachem.

4 MR. ZACHEM: Thank you, Commissioner.

5 And just for clarification, I keep hearing  
6 something over and over again that I don't think is  
7 correct. We've already been approved for off-site  
8 storage. We don't have it on site.

9 It keeps being mentioned that it's on-site  
10 storage. The rule contemplates off-site storage  
11 and this was a matter that was resolved with the  
12 Division of Pari-Mutuel Wagering three years ago.  
13 I guess that wasn't included in the record either,  
14 but we've already been approved for that, so --

15 VICE CHAIR BROWN: Thank you for your  
16 clarification.

17 Ms. Valentine.

18 MS. VALENTINE: Mr. Zachem under --  
19 misunderstands the rule. So the rule from which  
20 the waiver is requested does include an additional  
21 storage requirement to the on-site premises and  
22 that is a 120-day on site or off-site storage  
23 requirement that is for a copy of the backup data.

24 So the way that the rule is drafted and the  
25 way that the rule reads is that this facility-based



1 monitoring system data has to be daily backed up to  
2 removal storage device.

3 And then the rule goes on to read as the rule  
4 was produced in the memo that in addition to the  
5 requirements of Rule 75-14.080 this -- a copy of  
6 the backup data has to be stored for 120 days on or  
7 off-site premises in a fire and water resistant  
8 storage.

9 What Mr. Zachem is missing is that there is  
10 this requirement under Rule 75-14.080 and that is  
11 where the on-site premises storage requirement is  
12 set forth and that is a rule from which a waiver  
13 was not requested in the petition. I explained  
14 this information to Mr. Zachem at the meeting two  
15 weeks ago.

16 VICE CHAIR BROWN: Thank you for that  
17 clarification.

18 Yes. So I'm clear on the three rules that are  
19 really impacted by the petitioner's initial request  
20 and supplemental materials. I do want to also give  
21 big compliments to staff for going the extra mile  
22 and really trying to help guide the petitioner on  
23 this process and identify the areas of -- of  
24 concern.

25 And then I did want to just ask Mr. Dillmore

1 too just generally an overview -- I mean, some of  
2 these rules may be -- you know, they're from years  
3 ago. I think Commissioner D'Aquila stated it very  
4 well about companies do -- are -- are gearing  
5 towards Cloud storage.

6 The actual request in general, just a general  
7 term, it's not an unusual request but for I think  
8 the -- the rules that we have in place and as well  
9 as the actual petition and the compliance with the  
10 substantial hardship.

11 In fairness facts that were presented and the  
12 petitioner -- I just -- the big one for me is  
13 the -- the remote access rule. That one causes me  
14 consternation because of the susceptibility of  
15 security intrusion and the lack of internal  
16 controls. I get why we have that rule. I get why  
17 we have the other rules, but they predate a lot of  
18 the newer technology.

19 Do you want to just opine or comment?

20 MR. DILLMORE: Yes, Joe Dillmore for -- for  
21 the record. I won't get into the legal aspects of  
22 this at all. I think Ms. Elina and Mr. Marshman  
23 handled that quite well.

24 Sure that some of the rules in which slots  
25 were first contemplated were 2006 I think when the

1 Constitution Amendment came. I think the -- the  
2 rules were probably developed within -- within a  
3 year time frame after that.

4 There have been some amendments in different  
5 areas through the years, but certainly technology  
6 is -- is moving rapidly and particularly in the  
7 Cloud storage and other types of available  
8 technologies to store such data.

9 But be that as it may, the rule is still  
10 existent and has multiple reasons for it, it forces  
11 data redundancy and things of that nature. I don't  
12 think the concept is horrible as long as we  
13 understand what the scope is that's -- what's being  
14 asked in the petition.

15 So I think those things that you really need  
16 clarity on to approve a waiver so we exactly know  
17 what things you're touching in this petition,  
18 particularly remote access like you have  
19 referenced. And those instances we get very  
20 concerned about someone off site, maybe another  
21 jurisdiction or another state, reaching into the  
22 data that's stored on site and that's in the real  
23 time monitoring system of all the slot machines and  
24 all the data.

25 I mean, that's -- you know, you've -- you've

1 kind of heard that old saying, you know, the data's  
2 only good as what your inputs are. So you have bad  
3 inputs or changing things, we don't have good  
4 outputs as far as the coin and state revenue and  
5 net revenue to the -- to the industries.

6 So with that being said, you know, these might  
7 be things that are right for -- for future  
8 consideration for general rule changes. Like we  
9 actually recently had a workshop on cashless, which  
10 is a new concept in technologies that we're viewing  
11 and certainly that can be considered in the future.

12 VICE CHAIR BROWN: Appreciate that. Thank  
13 you, Mr. Dillmore.

14 I just wanted to kind of talk generally  
15 although -- what, before us is -- we have very,  
16 very -- four corners that are pretty limited in  
17 what we are, but I did want to get some feedback on  
18 the actual substance.

19 Commissioners, any additional questions or  
20 comments? Commissioner Repp.

21 COMMISSIONER REPP: I just wanted to say that  
22 I do empathize with the issue that that time  
23 constraints -- time lines that we're working with  
24 that you brought up, everything that we've done  
25 either by statute, or by rules that we have here in

1 Florida and technology is not always contemplated  
2 (technical interference).

3 However time lines are (technical  
4 interference). But we have to read these  
5 (technical interference) just because we don't, but  
6 I do understand the frustration that -- everybody's  
7 frustration from time to time (technical  
8 interference), but do I feel that...

9 VICE CHAIR BROWN: Thank you,  
10 Commissioner Repp.

11 Commissioner D'Aquila.

12 COMMISSIONER D'AQUILA: Just one more  
13 question. With regard to the remote access that --  
14 that's proposed storage in the Cloud unlike, use  
15 your example of floppy or flash drive, physical  
16 copy that maintains the integrity of the data, how  
17 is that data, that integrity at that point in time  
18 protected from anyone accessing for 120 days under  
19 the scenario you present?

20 MR. ZACHEM: How is it protected, is that --

21 COMMISSIONER D'AQUILA: In other words, I  
22 believe the spirit of the statute is that once that  
23 date has ended, that date -- the data is lost. It  
24 can -- and is available for audit, cannot be  
25 altered by another party after that point in time.

1 I mean, every day is a day and every day  
2 begins a 120-day clock, do I understand that  
3 correctly the backup, Mr. Dillmore?

4 MR. DILLMORE: It seems to be the spirit of  
5 the rule, that's a moving window. It's not --

6 COMMISSIONER D'AQUILA: So my -- and excuse my  
7 question if -- if it seems simplistic, but how is  
8 that accomplished in the scenario presented here by  
9 your client?

10 MR. ZACHEM: Excellent question. And the  
11 drive for this is to create more security, because  
12 with -- counsel is correct. There are requirements  
13 to keep things on site, but there also are elements  
14 of backups that end up being kept off site.

15 The more locations that you have that people  
16 can access, the more vulnerabilities you have. If  
17 all data is kept in one Cloud storage so that all  
18 of the security team can protect it, to be able to  
19 do so that is part of our business. It actually is  
20 a higher level of security.

21 And I'm sure, Commissioner, you've seen that  
22 there have been challenges with the security in the  
23 gaming industry just within this last year. This  
24 is to offer more security.

25 And again I can read the writing on the wall

1 as far as where y'all are going to go, but this is  
2 just for this one part of the rule. If there is  
3 another part of the rule that we have to follow, we  
4 still would have to. And if counsel is suggesting  
5 that, we will submit another variance. I would ask  
6 you to approve this narrowly tailored for this one  
7 area, because it will help us with that security.

8 I hope that answers your question, sir.

9 COMMISSIONER D'AQUILA: It does. It  
10 answers -- I understand, but what I don't  
11 understand is does it maintain -- my question was  
12 directed more towards the auditing of compliance,  
13 which is very sensitive to the commission on that  
14 particular day, and the question was not about  
15 overall security.

16 The question was about the integrity of the  
17 data on that particular day and I provided the  
18 example of if I take the data and place it on a  
19 flash drive, excuse me, and that flash drive is  
20 locked up and I'm auditing that data, albeit 30  
21 days later, I can be assured nobody has touched  
22 that data.

23 So I'll repeat my question, which is: What  
24 under the scenario you have presented accomplishes  
25 the same objective, which I believe is the

1 objective of the statute that has been referred to  
2 in this particular instance?

3 Again I'll ask counsel to correct me if I'm  
4 incorrect on that. Yes.

5 MS. VALENTINE: Elina Valentine for the  
6 record. You are correct.

7 COMMISSIONER D'AQUILA: Thank you. I'll leave  
8 the question with you, Mr. Zachem.

9 MR. ZACHEM: I apologize I misunderstood on  
10 the first attempt. No, the integrity is going to  
11 be maintained. I date myself back to flash drives  
12 as well, so I guess that shows about where I am on  
13 the scheme of things.

14 But all of the data is required to be limited  
15 as far as any access. It is only going to be  
16 accessed by the same points that access it  
17 currently, which are going to be law enforcement,  
18 they're going to be by the Gaming Commission.  
19 Nothing changes there. It's just literally what  
20 medium it's being stored on. There's not going to  
21 be an access that's going to change at all.

22 So if you're asking about integrity, there's  
23 no one able to go in and manipulate it that would  
24 be any different than if they could now, which I  
25 couldn't imagine a scenario where they could.



1           This would actually protect against that more  
2           so, because if you had a hacker come in or someone  
3           like that that were able to get ahold of data or if  
4           you ended up having -- God forbid a hurricane end  
5           up striking where your data center is or something  
6           like that, this protects it more so than you would  
7           have had before.

8           COMMISSIONER D'AQUILA: I think I understand  
9           your answer, but I think where we're differing here  
10          and understanding is I understand the security and  
11          all the protections that are offered by the Cloud.  
12          I've actually been a part of building Clouds, so I  
13          get it.

14          What I don't -- I almost -- thinking about the  
15          statute here and it almost seems both can be  
16          accomplished by doing both, right, the -- what's  
17          the -- the way the statute's written now you could  
18          be in compliance by simply doing a backup in the  
19          original -- well, with the legacy method fashion.

20          We've been using the example of flash drive  
21          but yet continue to operate your business in the  
22          Cloud and I fully understand and appreciate that,  
23          albeit I do understand there's an additional cost  
24          until the statutes have been upgraded perhaps to  
25          deal with it. Is that not where we're going here?

1 MR. ZACHEM: Yes. And just for clarity, the  
2 statute doesn't address it, it's just a rule. And  
3 I -- I'm a lawyer, so I got to do that nuance. The  
4 statute doesn't address it, it's rule, but, yes,  
5 you are a hundred percent correct, sir. There's  
6 nothing that would prohibit some element of dual  
7 backup.

8 But again if you end up doing that, it does  
9 explore -- expose more locations. The idea is to  
10 reduce points of entry. In computer world the  
11 fewer points of entry you have, the more security.  
12 You're right, could they do it, yes, but then it  
13 generates actually another point of entry.

14 COMMISSIONER D'AQUILA: Thank you. I think I  
15 understand the situation and I appreciate your  
16 candor on the subject.

17 MR. ZACHEM: Thank you, sir.

18 VICE CHAIR BROWN: Thank you. Okay. I think  
19 it sounds like from the bench that we are prepared  
20 to move forward with the petition as presented  
21 before us. Again the burden of proof is on the  
22 petitioner under Section 120.542 of Florida  
23 Statutes, and I think we are right for a motion now  
24 based on the petition as presented.

25 Commissioners, either Commissioner Repp or

1 Commissioner Drago or Commissioner D'Aquila.

2 COMMISSIONER DRAGO: I'd like to make a motion  
3 to deny the petition -- excuse me, deny the  
4 petition.

5 VICE CHAIR BROWN: Could you please also note  
6 that without prejudice?

7 COMMISSIONER DRAGO: Yes. Without prejudice,  
8 yes.

9 VICE CHAIR BROWN: Is there a second?

10 COMMISSIONER REPP: Second.

11 VICE CHAIR BROWN: Is there any further  
12 discussion on the matter? Being none all those in  
13 favor, say aye.

14 (Aye response)

15 VICE CHAIR BROWN: Thank you. Thank you,  
16 Mr. Zachem.

17 We are moving on to Items 3.1 through 3.3, of  
18 default final orders. Mr. Klein.

19 MR. KLEIN: Yes. Thank you. For the record  
20 this is Joseph Klein. Good morning.

21 We have -- 3.1 is Florida Gaming Control  
22 Commission versus Lucasindre Remy, Case Number  
23 2023-014450.

24 In the meeting materials you've been provided  
25 with an administrative complaint that was filed

1 against the respondent who is permanently excluded  
2 from Calder Casino effective April 17th, 2023, for  
3 capping his bet.

4 The respondent was served via publication and  
5 failed to respond. He is therefore subject to  
6 permanent exclusion from all pari-mutual and slot  
7 machine facilities in the state pursuant to  
8 Sections 550.0251(6) and 551.112 respectively.

9 The division would therefore ask that the  
10 commission find that the respondent was properly  
11 served, find that he failed to respond within 21  
12 days, find that the facts in the administrative  
13 complaint are accepted as the facts in this case,  
14 and conclude that respondent be excluded from all  
15 pari-mutual and slot machine facilities.

16 VICE CHAIR BROWN: Thank you, Mr. Klein,  
17 appreciate the overview.

18 Commissioners, any questions on this item? If  
19 not, can we get a motion to approve the final order  
20 permanently excluding the individual.

21 COMMISSIONER D'AQUILA: I will make a motion  
22 to approve the final order --

23 VICE CHAIR BROWN: A second?

24 COMMISSIONER D'AQUILA: -- including the  
25 individual.

1 COMMISSIONER REPP: Second.

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

4 (Aye response)

5 VICE CHAIR BROWN: Thank you. On to 3.2.

6 MR. KLEIN: Thank you. 3.2 is Florida Gaming  
7 Control Commission versus Alfonso Morgade Yoamet,  
8 Case Number 2023-049923.

9 In the meeting materials you have been  
10 provided an administrative complaint that was filed  
11 against respondent who was ejected and issued a  
12 permanent trespass from Casino Miami on June 28,  
13 2023, for shaking the visual display dice machine  
14 game each time he played to manipulate the outcome.  
15 He's therefore subject to permanent exclusion from  
16 all pari-mutual and slot machine facilities  
17 pursuant to Sections 550-0251(6) and 551.112  
18 respectively.

19 The respondent was properly served via  
20 certified mail and failed to respond. The division  
21 would ask that the commission find that the  
22 respondent was properly served, find that he failed  
23 to respond within 21 days, find that the facts in  
24 the administrative complaint are accepted as the  
25 facts in the case, and conclude that respondent be

1 excluded from all pari-mutual and slot machine  
2 facilities.

3 VICE CHAIR BROWN: Thank you, Mr. Klein. And  
4 he shook it 149 times and didn't have a complaint  
5 against him for property damage?

6 MR. KLEIN: Yes.

7 VICE CHAIR BROWN: Thank you.

8 Commissioners, any questions? If not, can we  
9 get a motion to approve the final order permanently  
10 -- permanently excluding.

11 COMMISSIONER REPP: Motion to approve final  
12 order, 3.2.

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

15 COMMISSIONER A'QUILA: Second.

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

18 (Aye response)

19 VICE CHAIR BROWN: Thank you. Motion passes.  
20 3.3, please.

21 MR. KLEIN: 3.3 is Florida Gaming Control  
22 Commission versus Frank C. Hurlbert, Case Number  
23 2023-055750.

24 In this case you've been provided a two-count  
25 administrative complaint alleging that respondent

1 was terminated as a poker dealer for stealing chips  
2 from players during live poker games.

3 He's therefore subject to exclusion from all  
4 pari-mutual facilities pursuant to Section  
5 550-0251(6) as well as the suspension or revocation  
6 of his cardroom employee occupational license  
7 pursuant to Section 849-086(14)(a).

8 The respondent was properly served and failed  
9 to respond to the administrative complaint. The  
10 division would therefore ask that the commission  
11 find that the respondent was properly served, find  
12 that he failed to respond in 21 days, find that the  
13 facts in the administrative complaint are accepted  
14 as the facts in the case, and conclude that the  
15 respondent will be excluded from all pari-mutual  
16 facilities in the state and that his cardroom  
17 employee occupational license will be revoked.

18 VICE CHAIR BROWN: Thank you, or suspended.  
19 Does it say revoked or suspended?

20 MR. KLEIN: Well, the complaint was stating  
21 the law. The statute states it's subject to  
22 suspension or revocation. We're asking for  
23 revocation.

24 VICE CHAIR BROWN: I just wanted that  
25 clarification. Thank you.

1           Commissioners, any questions on this? All  
2 right. If not, can we get a motion to approve the  
3 staff recommendation of the final order permanently  
4 excluding as well as revoking Mr. Hurlbert's  
5 license.

6           COMMISSIONER DRAGO: So moved.

7           VICE CHAIR BROWN: Thank you. Is there a  
8 second?

9           COMMISSIONER D'AQUILA: Second.

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

12          (Aye response)

13          VICE CHAIR BROWN: Thank you. Moving on to  
14 consent orders, Items 4.1 and 4.2.

15          MR. KLEIN: 4.1 is Luc-Hugues Genna, II, Case  
16 Number 2023-041937. In this case an administrative  
17 complaint was filed charging respondent with a  
18 violation of Rule 75-110047 for allowing a food  
19 container to be placed onto a poker table between  
20 two patrons.

21          There's no prior violation at hand. The  
22 commission has been provided a settlement imposing  
23 a \$50 administrative fine. Therefore the division  
24 would ask that the commission adopt this consent  
25 order.



1           VICE CHAIR BROWN: Commissioners, any  
2 questions on this item? Seeing none, can we get a  
3 motion to approve the proposed settlement and  
4 consent order.

5           COMMISSIONER REPP: Motion to approve.

6           COMMISSIONER D'AQUILA: Second.

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

9           (Aye response)

10          VICE CHAIR BROWN: Motion passes. Thank you.  
11 4.2, please.

12          MR. KLEIN: 4.2 is Florida Gaming Control  
13 Commission versus Gretna Racing, LLC, Case Number  
14 2023-050851.

15          A three-count administrative complaint was  
16 filed charging respondent with violating Rule  
17 75-110.144(b)(1) for failure to remove an entire  
18 deck of cards when the damaged card was discovered,  
19 Rule 75-11312 for conducting transactions of chips  
20 and cash from patrons from a podium, and Rule  
21 75-110151 for storing chips not in play in an  
22 unlocked location.

23          There are no prior violations of these rules.  
24 The commission has been provided with a settlement  
25 and consent order imposing \$750 fine, that's 250

1 for each violation, therefore the division would  
2 ask that the commission adopt this consent order.

3 VICE CHAIR BROWN: Thank you, Mr. Klein. I  
4 know we've seen this one before and this was sent  
5 back.

6 I have just a question briefly. The  
7 license -- the actual individual licensees that  
8 were offending -- involved in the rule offenses,  
9 were they also cited previously by the commission?

10 MR. KLEIN: No. I did not find that there  
11 were any previous violations --

12 VICE CHAIR BROWN: I mean of the individual  
13 licensees.

14 THE WITNESS: That's what I mean. I'm sorry.  
15 I looked and I did not find them in the record as  
16 being cited, not to the best of my knowledge.

17 VICE CHAIR BROWN: Commissioners, any  
18 questions? Can we get a motion to approve the  
19 consent order?

20 COMMISSIONER DRAGO: I'll move to adopt the  
21 proposed settlement and consent order.

22 VICE CHAIR BROWN: Thank you. Is there a  
23 second?

24 COMMISSIONER A'QUILA: I will second that  
25 motion.

1           VICE CHAIR BROWN: Any discussion? All those  
2 in favor, say aye.

3           (Aye response)

4           VICE CHAIR BROWN: Thank you. The motion  
5 passes.

6           Moving on to license denials, 5.1 through 5.5,  
7 please.

8           MR. KLEIN: 5.1 is Alberto Luis Ocasio, Case  
9 Number 2023-058027. The division received a  
10 license application from Mr. Ocasio on October 10,  
11 2023, seeking a pari-mutual general individual  
12 occupational license.

13           After review of the application, it was  
14 discovered that in 1997 the applicant was convicted  
15 of a felony offense in New Jersey and was convicted  
16 of 13 felony offenses in the State of Florida over  
17 a span of more than 16 years from 2004 through  
18 2020.

19           Applicant failed to disclose the status of the  
20 case, dispositions, and arrests at the time of his  
21 application. The applicant applied for a waiver,  
22 which was declined by the executive director. As  
23 such the division's recommendation is that the  
24 commission authorize the issuance of a notice of  
25 intent to deny.

1 VICE CHAIR BROWN: Thank you. Mr. Klein, I  
2 want to compliment you on your memorandum too. The  
3 formatting was very thorough. I'm really delighted  
4 and in a very clear fashion, so thank you.

5 MR. KLEIN: You're welcome. Thank you.

6 VICE CHAIR BROWN: Commissioners, any  
7 questions of this? If not, can we get a motion of  
8 a notice of intent to deny.

9 COMMISSIONER DRAGO: So moved.

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

12 COMMISSIONER REPP: Second.

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

15 (Aye response)

16 VICE CHAIR BROWN: Thank you. 5.2, please.

17 MR. KLEIN: Yes. 5.2 is Tamolis Mandrel  
18 Clark, II, Case Number 2023-068578.

19 The division received a license application  
20 from Mr. Clark on December 5th, 2023, seeking a  
21 pari-mutual general individual occupational  
22 license.

23 After review of the application, it was  
24 discovered that in 2013 the applicant was convicted  
25 of four felony offenses in the State of Florida:

1 Possession of a firearm on school property,  
2 possession of a destructive device on school  
3 property, trespass on school property with a  
4 firearm or weapon, and carrying a concealed  
5 firearm.

6 The applicant failed to disclose these on his  
7 initial application. He applied for a waiver,  
8 which was declined by the executive director. As  
9 such the division's recommendation is that the  
10 commission authorize the issuance of a notice of  
11 intent to deny.

12 VICE CHAIR BROWN: Thank you. Commissioners,  
13 is this -- another straightforward one. Is there  
14 any questions on this, Commissioner D'Aquila?

15 COMMISSIONER D'AQUILA: Yeah, I read the  
16 matter. I guess over 10 years have lapsed. All of  
17 these charges were one instance I guess when he was  
18 19 years old. He's now 30 years old. He's had no  
19 other charges ever since. If I understand  
20 correctly too, he's applying for a security officer  
21 position despite all of that, am I correct?

22 MR. KLEIN: It is for security, yes.

23 COMMISSIONER D'AQUILA: Thank you.

24 MR. KLEIN: You're welcome.

25 VICE CHAIR BROWN: Commissioners, any other

1 questions or comments?

2 COMMISSIONER DRAGO: Yes. My allergies are  
3 killing me.

4 Yes, so this is -- this is one incident that  
5 occurred back in 2013 and my understanding from the  
6 material is that this gentleman has a security  
7 license now, Security Guard G license from what I  
8 could determine from the material. So he's already  
9 been approved for that, now he wants to get a  
10 license for security in the casino.

11 You know, we've -- we've tried to balance  
12 these in terms of supporting people who were trying  
13 to make a living and appeared to have rehabilitated  
14 themselves since the offense and kept themselves  
15 clean and trying to work hard and work through it  
16 and I don't see anything else that this  
17 individual's done other than that offense when he  
18 was in high school.

19 Not to make light of the offense by any means,  
20 but it was -- it was one offense when he was 19,  
21 '13 or -- what was it, 11 years ago, whenever it  
22 was, and he's got a temporary license I understand  
23 now.

24 So I just would ask the commission to take all  
25 that in consideration I guess when we look at this

1 and make a decision. His probation was terminated  
2 back in 2015, so I just point out some things that  
3 I'm considering and ask the commission to just  
4 consider those when we make our decision here.

5 VICE CHAIR BROWN: Thank you,  
6 Commissioner Drago. I agree his statement in his  
7 interview, his waiver interview was really clear  
8 about why he was carrying the gun, possessing the  
9 gun, and the fact -- I think what gives our staff  
10 confliction of when they look at these license  
11 applications is the fact that they don't disclose  
12 the offenses initially on the application, so they  
13 failed to approve the waiver request.

14 That's something we really need to emphasize  
15 on our applications that they need to be aware. I  
16 mean, I know it's there, but a lot of folks after a  
17 decade they -- they tend to either forget or they  
18 think that if it's an adjudication withheld that it  
19 doesn't need to be provided.

20 I just think some people are not as aware  
21 of -- even if we emphasize provide all -- all  
22 arrests, just bold language to make sure that  
23 they're clear, but I think that, if I'm right,  
24 Mr. Trombetta and I had a conversation about this  
25 the fact that -- we've had lots of discussions

1 about these applicant -- many of these that of  
2 course did not disclose their prior offenses and as  
3 such I know that you tend to -- that's a big  
4 element of a denial of the waiver.

5 MR. TROMBETTA: I consider the applications in  
6 their entirety. One of the factors I do look at is  
7 whether or not they were truthful and forthcoming  
8 in their prior criminal history. I believe our  
9 application is very clear in the instructions.

10 VICE CHAIR BROWN: I know you do.

11 MR. TROMBETTA: It does indicate and  
12 specifically say that adjudications withheld or any  
13 type of arrest should be disclosed.

14 VICE CHAIR BROWN: I know. Commission --  
15 Commissioner Repp.

16 COMMISSIONER REPP: I have a couple of  
17 concerns, first of all being that it was not  
18 disclosed in the first place of -- and on school  
19 grounds I think would be something significant one  
20 would remember and I think it's quite clear in our  
21 application and, second, his interview, though  
22 compelling, says: I was there to pick my  
23 girlfriend up for breakfast.

24 Anyone who has a child in school knows that  
25 you don't show up in the morning after your child



1 arrives at school to then pick your girlfriend up  
2 to take her out of school to -- so I didn't buy the  
3 whole story to begin with.

4 And then reading the subsequent witness  
5 reports and the police reports, I -- I am not  
6 compelled under -- to -- I'm not compelled to  
7 believe his story that he conveyed during his most  
8 current interview.

9 It seems to go into quite a bit of detail from  
10 witnesses that there was a fight to be had, that  
11 there was issues there, that Mr. Clark had actually  
12 threatened to harm someone at the time.

13 I think his -- his interview I believe he  
14 failed to be completely honest in that particular  
15 interview also, which causes me concern when we're  
16 dealing with a security officer.

17 VICE CHAIR BROWN: Thank you. All right.

18 COMMISSIONER DRAGO: Can I ask one --

19 VICE CHAIR BROWN: Yes, Commissioner Drago.

20 COMMISSIONER DRAGO: When they leave this off  
21 the application, they get a deficiency notice just  
22 like if they leave anything else off, right. So if  
23 they -- if they don't put their address on there,  
24 they get deficiency notice.

25 They don't get disqualified automatically,

1 correct, when they leave something off like that  
2 and whether it's -- whether it's their arrest or  
3 their address or last employee -- employer or  
4 whatever?

5 MR. MARSHMAN: Yes, sir, that's correct.

6 COMMISSIONER DRAGO: He also mentioned  
7 something in his -- in his statement that I'm just  
8 curious about. He said that his lawyer told him  
9 not to -- not to report that, because it's been  
10 seven years.

11 Is there any basis for that at all or can you  
12 think of any reason why that would actually happen  
13 whether an attorney might misunderstand something  
14 and say something like that? I just never heard  
15 that before, so I'm just wondering if there's a  
16 possibility that could have occurred in your  
17 opinion.

18 MR. MARSHMAN: If I might?

19 COMMISSIONER DRAGO: Sure. Oh, I'm sorry.

20 MR. MARSHMAN: I'm sure that defense counsel  
21 at the time advised their client a lot of things  
22 about the repercussions of having an adjudication  
23 withheld for a series of felonies.

24 I am unaware as I sit here today about any  
25 seven-year time line that would -- that I -- if I

1 was doing this job, yeah, I would advise my client  
2 to wait seven years and then stop telling people  
3 about it.

4 Just as a note, I'm sure Mr. Taupier would  
5 have said this as well if he was here. He was  
6 sentenced to community control, which is the  
7 strictest form of house arrest that Florida has and  
8 he successfully made community control and he did  
9 not have a violation of probation.

10 So he is separate from other applicants that  
11 you have had in that sense that he was able to stay  
12 on a very strict regime with in my experience  
13 probation officers are looking to violate you on  
14 community control.

15 So I just wanted to note that as well on  
16 behalf of the applicant. Because I hear what Vice  
17 Chair Brown is saying, but also what  
18 Director Trombetta is saying. I just want to note  
19 that, so the commission can weigh that as well.

20 COMMISSIONER DRAGO: Thank you.

21 VICE CHAIR BROWN: Thank you. Thank you for  
22 the question and the point too, Mr. Marshman.  
23 Again his probation has been served, has been  
24 terminated March 23rd, 2015, his fines and court  
25 costs have been paid, and his Level 1 community

1 control has been served without fail, so I'm  
2 inclined to support the license.

3 I do understand Commissioner Repp's concerns  
4 on it -- on the matter, but at this point,  
5 Commissioners, if there's a motion to proceed.

6 COMMISSIONER DRAGO: I make a motion to  
7 approve the license.

8 VICE CHAIR BROWN: A second.

9 COMMISSIONER D'AQUILA: I will second the  
10 motion.

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

13 (Aye response)

14 VICE CHAIR BROWN: All those opposed say nay.

15 (Nay response)

16 VICE CHAIR BROWN: Three/one, the applicant  
17 gets a license. Thank you.

18 Item 5.3, please.

19 MR. KLEIN: 5.3 is Glenn C. Koelbel, Case  
20 Number 2024-000615.

21 The division received a license application  
22 from Mr. Koelbel on December 21st, 2023, seeking a  
23 cardroom employee occupational license. After  
24 review of the application, it was discovered that  
25 the applicant was convicted of a second degree

1 misdemeanor offense for promoting gambling in  
2 Suffolk County, New York in 1989, which he failed  
3 to initially disclose on the application.

4 The applicant applied for a waiver, which was  
5 declined by the executive director. Therefore the  
6 division's recommendation is that the commission  
7 authorize the issuance of a notice of intent to  
8 deny.

9 VICE CHAIR BROWN: Thank you. Mr. Klein, this  
10 is a 19 -- 1989 case. I think the individual was  
11 in his teens at the time in high school and thank  
12 you. Thank you.

13 Commissioners, are there thoughts or comments  
14 on this? Commissioner D'Aquila.

15 COMMISSIONER D'AQUILA: In the '71 matter was  
16 possession of a device, narcotics device, is that  
17 correct, such as a pipe or something of that  
18 nature?

19 MR. KLEIN: There were -- I believe --

20 COMMISSIONER D'AQUILA: The laws were probably  
21 quite different at the time?

22 MR. KLEIN: Yes, there were -- I believe it  
23 was possession of narcotics and possession of a  
24 narcotic device, which were misdemeanors, yes.

25 COMMISSIONER D'AQUILA: So my understanding is

1 the applicant once -- is applying for a host, chip  
2 runner host position at the age of 73, my  
3 understanding is correct having read all  
4 the (talkover) materials?

5 MR. KLEIN: Your understanding is correct.

6 COMMISSIONER D'AQUILA: To me these -- and the  
7 other charges were like appears that somewhat  
8 accusations of participating in sports gambling in  
9 a friend's bar back in 1989 and a fine was, you  
10 know, paid for such and it was enforced by the  
11 Suffolk County Police at that time.

12 I think my -- after reading everything, it  
13 appears to me that maybe enough time has lapsed and  
14 by his own admission that this might be -- we might  
15 consider -- motion to consider granting this  
16 gentleman a license (technical interference) to be  
17 a host chip runner.

18 VICE CHAIR BROWN: Thank you. Thank you,  
19 Commissioner D'Aquila. Yes, this is 40 years. In  
20 his comments he has been completely rehabilitated  
21 if you look at his past criminal record since that  
22 time.

23 Commissioners, the disqualifying matter is  
24 1989 and there are no other arrests or convictions  
25 in the matter. Are there any comments or can I get

1 a motion to approve or deny the license.

2 COMMISSIONER REPP: Motion to approve the  
3 license.

4 VICE CHAIR BROWN: Is there a second?

5 COMMISSIONER DRAGO: Second.

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

8 (Aye response)

9 VICE CHAIR BROWN: Any opposed, no. Motion  
10 passes.

11 5.4.

12 MR. KLEIN: 5.4 is Tiffany Shaunta Walker,  
13 Case Number 2024-003876. The division received a  
14 license application from Ms. Walker on January 4th,  
15 2024, where a slot machine, cardroom, pari-mutual  
16 combination occupational license.

17 Upon review of the application, it was  
18 discovered that in 2014 the applicant was convicted  
19 of battery on law -- battery on a law enforcement  
20 officer, a third degree felony in the State of  
21 Florida.

22 The applicant didn't apply for a waiver as  
23 that is not authorized under Chapter 551. The  
24 division would therefore ask that the commission  
25 issue a notice of intent to deny in this case.

1 VICE CHAIR BROWN: Thank you, Mr. Klein.

2 Any questions for Mr. Klein? If not, can we  
3 get a motion.

4 COMMISSIONER DRAGO: Motion to accept staff  
5 recommendation.

6 VICE CHAIR BROWN: Is there a second?

7 COMMISSIONER D'AQUILA: I'll second that  
8 motion.

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

11 (Aye response)

12 VICE CHAIR BROWN: Thank you. Motion passes.  
13 5.5.

14 MR. KLEIN: 5.5 is Marvin M. Malcolm, Case  
15 Number 2024-006143.

16 The division received a license application  
17 from Mr. Malcolm on December 12th, 2023, for a slot  
18 machine, cardroom, pari-mutual combination  
19 occupational license.

20 Upon review of the application, it was  
21 discovered that in 2002 the applicant was convicted  
22 of driving with a license suspended habitual, a  
23 felony offense in the State of Florida.

24 He did not disclose this on his application.  
25 The applicant did not apply for a waiver as that is



1 not authorized under Chapter 551. The division  
2 would therefore ask the commission to issue a  
3 notice of intent to deny in this case.

4 VICE CHAIR BROWN: Thank you, Mr. Klein. This  
5 again -- this is 2002 case and the individual  
6 cannot apply for a waiver given the nature of the  
7 license.

8 Commissioners, are there any questions or  
9 comments on this item?

10 COMMISSIONER DRAGO: If I might.

11 VICE CHAIR BROWN: Please.

12 COMMISSIONER DRAGO: Again this is -- it's  
13 been a long time since this offense. It sounds  
14 like it's a driving offense, even though it's an  
15 habitual violation, which is much more serious of  
16 course, but I don't see anything else in the  
17 material that indicates he's been convicted of  
18 anything else, and that's been 23 year -- 22 years  
19 since this happened.

20 I think as I've said before, I think -- I can  
21 assume based on the material that he's been  
22 rehabilitated and I'll leave it at that.

23 VICE CHAIR BROWN: Thank you. And I guess  
24 I'll just add to yours is that the harm to the  
25 industry and consumers for which the license is

1 intended (technical interference) hearing none --  
2 with that -- hearing no other comments can we get a  
3 motion to approve the license.

4 COMMISSIONER DRAGO: So moved.

5 VICE CHAIR BROWN: Is there a second?

6 COMMISSIONER REPP: Second.

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

9 (Aye response)

10 VICE CHAIR BROWN: The motion passes  
11 unanimously.

12 We are now moving on to Item 11.1 through  
13 11.11, which is discussion of policies and  
14 procedures law enforcement in nature. I guess I  
15 will start with either Mr. Herold or Trombetta.

16 MR. TROMBETTA: Thank you. I guess just  
17 for -- for order of the meeting, I think  
18 Director Herold and I and the rest of the staff  
19 here are prepared to handle this however you'd  
20 like.

21 What we've had on the agenda are 11 policies,  
22 all involving our Division of Law Enforcement. And  
23 the individual briefings we've had with you all  
24 yesterday, there was some discussion points. So it  
25 sounds like some of them everybody is fine with.

1           You know, Vice Chair Brown, if you want to  
2 maybe see if there's an appetite to move several of  
3 them as is, but I think the use of force I think  
4 probably merits little bit of discussion and then  
5 if there's anything else that, you know, you'd like  
6 to discuss, we are here to help.

7           VICE CHAIR BROWN: Commissioners, if this is  
8 amenable to you, 11.2, the use of force, we're  
9 going to take that after we get through the other  
10 ones.

11           Are there any major policies that you'd like  
12 to -- or questions that you'd like to go over?  
13 We'll have Mr. Herold just do a brief summary of  
14 the policies that we'll be voting on, but if there  
15 are any ones that you have questions on beforehand.

16           COMMISSIONER DRAGO: Just for clarification,  
17 so director will go through -- at least give the  
18 title of each one, go through for the record?

19           VICE CHAIR BROWN: That's right.

20           COMMISSIONER DRAGO: If we have any  
21 discussion, we can --

22           VICE CHAIR BROWN: Yeah, absolutely. And  
23 we'll -- we're going to move 11.2 to the -- the end  
24 of the policy...

25           Okay. So can we just start with 11.1, just a

1 brief summary.

2 MR. HEROLD: Carl Herold, Director of Gaming  
3 Enforcement. Thank you, Vice Chair.

4 So I'll go through these. We have as --  
5 excuse me. I'm sorry. I'll go through these. We  
6 have 10 new policies, one that -- that we've done  
7 some edits on and I'll give you some information on  
8 that when I get there, and I think we are going to  
9 pull one of these policies so that we will not take  
10 one of these up right now. It will be the domestic  
11 violence.

12 VICE CHAIR BROWN: 11.9. Okay. So let's just  
13 address 11.1 and the others and then go back to  
14 11.2 at the end. Does that sound good?

15 MR. HEROLD: Yes, absolutely. I'm sorry. I  
16 was looking for 11.1 if -- the first one that I see  
17 here is 2.03.01, which is public recording of law  
18 enforcement, and just so that there's complete  
19 understanding from the commission.

20 You know, a lot of these policies are meant to  
21 provide direction to law enforcement so we handle  
22 our interaction with the community in an  
23 appropriate way. And this is one of those -- it  
24 just simply reaffirms to our law enforcement agents  
25 that persons have a right to lawfully record any of

1 their activities while they're performing official  
2 duties. It just provides guidance to them and  
3 understanding on we don't violate anybody's  
4 constitutional rights to record us.

5 VICE CHAIR BROWN: Thank you, Mr. Herold.

6 Commissioners, any questions? Okay. We're  
7 going to take a motion at the end of -- after  
8 you're done.

9 11.3, which is foot pursuits.

10 MR. HEROLD: Thank you. Foot pursuits, this  
11 is just a policy that helps the agents understand  
12 when they should decide or initiate a foot pursuit  
13 and then also helping them to understand and  
14 balance the -- the objective of apprehending a  
15 suspect and the risk of potential injury to  
16 themselves should they continue a foot pursuit.

17 So once again, it's guidelines that we ask our  
18 agents to consider if they should consider a foot  
19 pursuit.

20 VICE CHAIR BROWN: Thank you.

21 Commissioners, any questions on -- okay.  
22 Thank you.

23 11.4, which is personal communication devices.

24 MR. HEROLD: This particular policy just  
25 reiterates to our agents that we issued them

1 division-issued communication devices, phones, and  
2 that they can also carry their personal phones with  
3 them, but that there are certain limitations and  
4 activities that they can partake in as it relates  
5 to personal devices and what -- that they should be  
6 doing business on business phones.

7 VICE CHAIR BROWN: Thank you. Makes sense.  
8 11.5, temporary custody of juveniles.

9 MR. HEROLD: This particular policy is driven  
10 so that -- just for clarify for the commission is  
11 that all the things related to juveniles, whether  
12 it be the holding, temporary custody, or keeping  
13 them safe if you take them in a temporary capacity  
14 where you're trying to reunite them with either  
15 their family or a caretaker.

16 There are a lot of both state and federal  
17 rules and also accreditation rules related to this,  
18 and this is simply a policy that provides guidance  
19 to the agents on how they would handle those in all  
20 the disparate types of situations they may come in  
21 and interactions with these -- and the juveniles.

22 VICE CHAIR BROWN: Thank you, Mr. Herold.  
23 And, yes, it notes a lot of the federal and state  
24 local statutes in that rule -- policy, pardon me.

25 Commissioners, any questions on this one?

1 COMMISSIONER DRAGO: No.

2 VICE CHAIR BROWN: 11.6, medical aid and  
3 response.

4 MR. HEROLD: Medical aid and response is  
5 simply a policy that states that all the agents and  
6 other folks that are within the -- the Division of  
7 Gaming Enforcement should be trained on how to  
8 provide emergency medical aid and facilitate any  
9 kind of emergency medical response.

10 And to that end we -- we provide first aid  
11 training, AED training is on the books to provide  
12 to our folks, and also some of the other first  
13 responder type training.

14 VICE CHAIR BROWN: Thank you.

15 Any questions on this one?

16 Moving on to 11.7, foreign diplomatic and  
17 consular representatives.

18 MR. HEROLD: The best way to explain this is  
19 that the rules associated with dealing with foreign  
20 nationals is quite complex.

21 And to appropriately handle that, we have a  
22 policy -- this is pretty typical in law  
23 enforcement, because there are the occasions where  
24 you interact with somebody that is from another  
25 country or foreign diplomatic representative, and

1 this simply gives them guidance on how to do that  
2 without creating some sort of incident.

3 VICE CHAIR BROWN: Thank you.

4 Commissioners, questions?

5 COMMISSIONER DRAGO: No.

6 VICE CHAIR BROWN: 11.8, please, major  
7 incident notification.

8 MR. HEROLD: So major incident notification is  
9 simply a guidebook for agency and for folks like  
10 myself on how we would notify the upper staff and  
11 administration on any type of incident that would  
12 be either newsworthy or involve an injury to one of  
13 our employees or something like that.

14 VICE CHAIR BROWN: Thank you. Mr. Herold,  
15 just a question on page 2 of that policy under  
16 criteria for notification, just the last bullet  
17 point says: Any other incident that has attracted  
18 or is likely to attract significant media  
19 attention, just a pretty vague, subjective --

20 MR. HEROLD: If you don't mind it really is  
21 intentionally vague and subjective in that we don't  
22 know what might be important and so -- and  
23 oftentimes any of the things that don't fall  
24 particularly within the other bullets that are on  
25 there sometimes do have relevance and have



1 significant impact.

2 And so we don't want to give too many -- we  
3 want this one to be specifically vague so that they  
4 can think outside the box and let us know.

5 VICE CHAIR BROWN: Not necessarily related to  
6 the gaming industry or --

7 MR. HEROLD: Exactly, exactly. It could be  
8 some incident that an agent occasions upon and  
9 could be something that is newsworthy that -- in  
10 some fashion.

11 VICE CHAIR BROWN: Skipping to 11.10,  
12 emergency management -- oh, Commissioners, I'm  
13 sorry. Do you have any questions on the major?

14 MR. HEROLD: I don't have emergency  
15 management.

16 VICE CHAIR BROWN: It's 02.63.01.

17 MR. HEROLD: The last one I have is  
18 volunteers.

19 VICE CHAIR BROWN: In our materials we've got  
20 emergency management plan, two pages. It's pretty  
21 straightforward, about the EOC operations.

22 MR. HEROLD: So this one is -- this particular  
23 policy is about response to emergencies as dictated  
24 by, you know, emergency response plan. These are  
25 for the most part issues that are taken -- come

1 from -- come to us from the Division of Emergency  
2 Management. They ask for response by us in our law  
3 enforcement capacity to help protect the persons  
4 and property of individuals, I'm sorry.

5 VICE CHAIR BROWN: Thank you.

6 Commissioners, any questions on this item?  
7 Thank you. We are going to volunteers and then use  
8 of force.

9 MR. HEROLD: So volunteers -- thank you.  
10 Volunteers, this particular policy is to set  
11 guidelines -- set guidelines and rules in place for  
12 volunteers that we have and somebody might say,  
13 well, what type of volunteers are we typically  
14 referring to here, and that is part of our overall  
15 interaction with the community.

16 In helping to foster future law enforcement  
17 officers is that we are partnering with FSU and  
18 some other organizations to have students that are  
19 trying to get their criminal justice degree, they  
20 can come and intern with -- with the Gaming  
21 Commission and get that experience to kind of help  
22 them understand how law enforcement functions and  
23 better drive them in their future careers.

24 VICE CHAIR BROWN: Commissioners, any  
25 questions? And then back -- our last one, 11.2,

1 use of force, on yours 02.04.01.

2 MR. HEROLD: Yes. Use of force. This  
3 particular policy is one that you've seen  
4 previously. And the reason we're bringing it back  
5 to you is because after some feedback from  
6 stakeholders and from agents, what we've attempted  
7 to do here is help clarify language to make it a  
8 little better understood and -- not that there was  
9 any problem with it, but we wanted to make sure  
10 that we provided clarity to the agents and law  
11 enforcement personnel and also met the needs and  
12 requirements of our stakeholders.

13 VICE CHAIR BROWN: Thank you. I'm going to  
14 turn it over to our law enforcement commissioners  
15 here, whichever, Commissioner Repp or  
16 Commissioner Drago.

17 COMMISSIONER REPP: Yes. I'm happy to see  
18 some of the concerns that I had have been  
19 addressed. However the copy I got right now is the  
20 most current or --

21 MR. MARSHMAN: If I may?

22 COMMISSIONER REPP: Yes, please.

23 MR. MARSHMAN: I can speak to that. Based on  
24 some of the feedback we received from the  
25 commissioners individually yesterday, last night

1 Carl and his team prepared additional edits that  
2 were sent to the commissioners late last evening.

3 If we would like to discuss those edits now, I  
4 think we just need to read them out clearly into  
5 the record so that members of the public know  
6 exactly what we're talking about.

7 But to your specific question,  
8 Commissioner Repp, if you have a version that has  
9 two phrases highlighted towards the beginning of  
10 the policy, that is the version that I would  
11 like -- or I would suggest that the commission read  
12 aloud and discuss today so that we can move the  
13 policy forward.

14 And if additional changes are needed, we can  
15 always make those as well. We're not bound to  
16 anything here. We just have to have the discussion  
17 in public and make sure everything is saved for the  
18 record.

19 VICE CHAIR BROWN: Thank you, and read into  
20 the record?

21 MR. MARSHMAN: Yes, ma'am.

22 COMMISSIONER REPP: Thank you. My concern,  
23 harking back to previous discussions about policies  
24 not aging well or rules not aging well, it still  
25 remains here in both of A and B under duty to

1 intercede: Any special agent present and observing  
2 another law enforcement officer or a member using  
3 force, and then B is: Any special agent who  
4 observed.

5 Do we want to take out "present" in A as -- as  
6 I would note that there are occasions now that I  
7 have seen in military and some police forces where  
8 people can't observe actions taking place real time  
9 without actually being present or if there's a  
10 reason why we should keep present, should it be in  
11 both? Thank you.

12 VICE CHAIR BROWN: Commissioners -- I'm sorry,  
13 Mr. Marshman or Mr. Herold.

14 MR. MARSHMAN: I would defer to Mr. Herold.

15 VICE CHAIR BROWN: Mr. Herold.

16 MR. HEROLD: Thank you. The distinction  
17 between the two, and I thank you again for your  
18 comment, Commissioner, was that there was a -- the  
19 first bullet A speaks to being there at the scene  
20 and observing actions taken by another law  
21 enforcement and that the actions -- the key set of  
22 words here is clearly beyond what is objectionably  
23 reasonable under the circumstances.

24 And so obviously something that is taking  
25 place that's clearly beyond the necessary amount of

1 force needed to do whatever it is that they're  
2 trying to do, we have a duty to intercede under  
3 943.1735.

4 The second bullet is that it's not clear.  
5 It's not clear that what's actually occurring is  
6 objectively unreasonable for the situation. And so  
7 what it says is that if there's a situation where  
8 an officer observes this kind of conduct and they  
9 believe it's potentially beyond, they should just  
10 report it if -- if there's some question about  
11 that, and so that's the distinction between the  
12 two.

13 Did I answer the question?

14 MR. MARSHMAN: If I may?

15 VICE CHAIR BROWN: Yes, please.

16 MR. MARSHMAN: I think just to add on to what  
17 Director Herold just noted. In Sub A there is also  
18 the duty to intercede. When I was reviewing this  
19 policy last night, I was unclear how an agent  
20 viewing in a remote capacity would then be able to  
21 intercede.

22 So I think the -- the commission is -- is  
23 definitely understanding Commissioner Repp's  
24 position on this. Like I think that it is  
25 reasonable to expect that people will be observing

1 our agents in the future remotely. I don't know if  
2 the statute is written in such a way to contemplate  
3 the remote observation in conjunction with a duty  
4 to intercede at the scene, at present.

5 So we're open to making changes to this  
6 policy. Still I think we may have to modify it on  
7 the back end of the policy to clarify exactly what  
8 intervention would look like, maybe communicating  
9 to an agent who we know is present could be  
10 something. We can make that change as well.

11 I just to your point, Commissioner Repp, the  
12 statutes are frozen in time and we're trying to --  
13 to work with it too. So I think changing the  
14 intersession, I don't know how to conjugate that  
15 word. I don't know how to exactly phrase that, but  
16 I think we can work on that part hopefully with  
17 your guidance as well.

18 VICE CHAIR BROWN: The goal today, though, is  
19 to get these 11 policies approved, and this one  
20 particularly because we've already seen it before.  
21 So even if we need to take a five minute,  
22 ten-minute recess so that we can read the language  
23 directly, that may be helpful.

24 MR. MARSHMAN: I agree and perhaps if we can  
25 use the time to go through the rest of the proposed

1 changes too so that the break we have can be  
2 maximized in futility.

3 VICE CHAIR BROWN: Great. Thank you.

4 Commissioner Repp, you still have the floor.

5 COMMISSIONER REPP: No, that was very helpful.  
6 Thank you.

7 VICE CHAIR BROWN: Commissioner Drago.

8 COMMISSIONER DRAGO: Just a comment on that.  
9 Yeah, I think -- well, A and B are different in  
10 that the first one is you know it's illegal, the  
11 activity is illegal, the force is illegal. The  
12 second one is it potentially could be illegal.

13 And in the first one you are absolutely  
14 mandated to intervene. The second one you have to  
15 at least report it at some point, that this --  
16 potentially unreasonable force was used at some  
17 point.

18 I think the present like Commissioner Repp  
19 brought up I think was a little bit confusing to me  
20 too because -- but you just answered it I think,  
21 Mr. Marshman.

22 If someone's not present, how do they know  
23 that there's unreasonable force being used at the  
24 time, but it could -- it could occur after, it  
25 could be something they see on a video, something



1 they could be told by another officer, or whatever  
2 the case may be.

3 So the agent wouldn't have to be present in  
4 order to be -- in order to learn or suspect that  
5 there was some unreasonable force used, but I think  
6 the difference between A and B is clear in that  
7 officers are often -- and it's often like this in  
8 policies across the country.

9 Often one that there is a difference between  
10 what is clearly unreasonable force and what may  
11 potentially be in your opinion especially since you  
12 may not have all the facts as to what was occurring  
13 before you got there and those types of things.

14 So I think -- I think this is trying to  
15 differentiate those two -- those two issues for  
16 clarity for -- for the officer who has to -- who  
17 has to understand that he also has to -- and while  
18 it is his duty to intervene without doubt, he also  
19 has to be careful when he makes that call. That  
20 it's not just automatic, that he's got -- he has to  
21 be careful when he intervenes -- intercedes in some  
22 type of police action.

23 VICE CHAIR BROWN: Mr. Marshman.

24 MR. MARSHMAN: I think a five-minute break for  
25 staff to wear one hat at a time will be very useful

1 and I think we can create some language that  
2 addresses the commission's concern so we can get  
3 this policy through today.

4 VICE CHAIR BROWN: Would now be right?

5 MR. MARSHMAN: Well, I think there are some  
6 other (talkover) that if there are no I guess  
7 suggestions made to it, we should at least note --  
8 we should at least make them part of the record,  
9 because this was something that we sent last night  
10 just so we could get it done today.

11 So if you would like, either Director Herold  
12 or I can just go through the remaining changes.

13 VICE CHAIR BROWN: Commissioners, if you --  
14 yes, Commissioner Repp.

15 COMMISSIONER REPP: Just for the rest of it I  
16 have no other issues and I understand A and B are  
17 two different policies as they read differently.  
18 My only interest is in the word "present." Thank  
19 you.

20 VICE CHAIR BROWN: Thank you.

21 Commissioner Drago, you want to move forward  
22 and --

23 COMMISSIONER DRAGO: Sure. Yes.

24 VICE CHAIR BROWN: My CPA colleague I know  
25 wants to move forward.

1           So with that, Mr. Marshman, can you please go  
2 ahead, unless Mr. Herold wants to do it, and read  
3 the redline changes that you sent last night.

4           MR. MARSHMAN: Director Herold, would you like  
5 me to go through these? I've got them pulled up in  
6 front of me. Okay.

7           So we were already discussing just previously  
8 under the policy duty to intercede and report. In  
9 Subsection B of Section 1 we changed "should" to  
10 "shall" in the second to last line and we also  
11 changed more of a formatting issue on the first  
12 paragraph.

13           Under "perspective," which is Subsection A of  
14 Sub 2, I'm just going to try to give you some  
15 perspective. We have omitted the phrase "observing  
16 or" and have just included "when reporting force,"  
17 that's how it now reads.

18           And we have also omitted starting at the  
19 second line starting at and, "and the possibility  
20 that other law enforcement officers may have  
21 additional information," we have struck that. So  
22 the sentence now reads, "when reporting force used  
23 by a law enforcement officer, each special agent  
24 should take into account the totality of  
25 circumstances regarding the threat posed by the

1 subject."

2 VICE CHAIR BROWN: Thank you. Under 4.

3 MR. MARSHMAN: Well, I'm seeing changes to  
4 purpose first.

5 VICE CHAIR BROWN: Yes.

6 MR. MARSHMAN: We have omitted the statutory  
7 reference at the end of the first paragraph, so  
8 that Section 943.1735 no longer appears. And we  
9 have also omitted the second paragraph under the  
10 purpose section, and there's a reason for that.  
11 It's because we've reconfigured the policy and  
12 makes it clear later how we're terming it.

13 VICE CHAIR BROWN: Definitions.

14 MR. MARSHMAN: I'm sorry?

15 VICE CHAIR BROWN: Definitions.

16 MR. MARSHMAN: Under deadly force we have  
17 omitted, quote, very serious injury, and have  
18 replaced it with "great bodily harm," that tracks  
19 the statute more closely.

20 VICE CHAIR BROWN: Subsection 4, use of force.

21 MR. MARSHMAN: In the first paragraph we have  
22 omitted a citation again, Section 943.1735. We  
23 have also omitted what was the third paragraph that  
24 read no -- given that no policy can realistically  
25 predict, et cetera, et cetera, we have omitted

1 that.

2 In the following paragraph we have omitted  
3 from that paragraph the sentence starting with  
4 "special agents may find it more effective to," we  
5 have omitted that and provided clarity in the  
6 policy elsewhere.

7 There is an uninterrupted paragraph. We have  
8 suggested two additional paragraphs that I think  
9 clarify some of the content that was previously  
10 omitted.

11 The first paragraph reads: An agent is  
12 permitted to use any force necessary, including  
13 deadly force, to defend their life or another  
14 agent's life when faced with imminent unlawful  
15 force designed to cause great bodily harm or death  
16 regardless of whether they've been trained in a  
17 particular technique or not.

18 The next paragraph begins with: However in  
19 situations where an agent faces unlawful force not  
20 designed to cause great bodily harm or death, uses  
21 of physical force and weapons are authorized to be  
22 used. Agents may only use such physical force and  
23 weapons if they have been previously trained and  
24 are proficient using such techniques and weapons.  
25 Those alternatives include but are not limited to,

1 colon, and then a list of techniques that were  
2 previously part of this policy.

3 So again kind of skimming through, not  
4 skimming, I have to read all of them. In the next  
5 section under alternative tactic, deescalation (sic)  
6 -- deescalation, we have omitted the statutory  
7 reference at the end of the paragraph.

8 Likewise under paragraph 2, we have omitted  
9 and reconfigured to a more correct statutory  
10 citation for use of force to effect an arrest, and  
11 that statutory citation is 776.05 and 776.051.

12 VICE CHAIR BROWN: I think the next change is  
13 under Section 5, deadly force, Subsection A and B.

14 MR. MARSHMAN: Yes. Under what looks like  
15 paragraph A, we have again omitted the term  
16 "serious" and included the term "great bodily harm"  
17 instead of "serious bodily injury," that tracks  
18 more narrowly to the Florida Statute.

19 Again in paragraph B we made the same  
20 consistent change that again tracks to the Florida  
21 Statute, "great bodily harm."

22 We have also omitted the paragraph beginning  
23 with "imminent does not mean immediate or  
24 instantaneous." There are reasons for doing that.  
25 If the commission has any questions for that,

1 please ask. If not, we can move on to the moving  
2 vehicles portion --

3 VICE CHAIR BROWN: Seeing none, move on to  
4 moving vehicles.

5 MR. MARSHMAN: Under moving vehicles we have  
6 changed in the first paragraph the word "of" in the  
7 last line to "from," I think that makes it more  
8 grammatically correct and gives state agents more  
9 flexibility. We have omitted the second paragraph  
10 in its entirety and we have kept the third  
11 paragraph in its entirety.

12 VICE CHAIR BROWN: Thank you. The next  
13 changes are under 6 Subsection 2.

14 MR. MARSHMAN: Again this is more of a  
15 scribner's change more than anything. We have made  
16 a more correct citation to Chapter 9 -- Section  
17 943.6872 Florida Statutes.

18 VICE CHAIR BROWN: Thank you. Moving to 8,  
19 supervisor of possibilities.

20 MR. MARSHMAN: We have clarified in Section 8  
21 that the term is actually in the first paragraph a  
22 special agent supervisor or higher. As it was  
23 originally written it stated simply "a supervisor  
24 should," now it reads "a special agent supervisor  
25 or higher should respond," so again more

1 flexibility for the Division of Law Enforcement and  
2 its team.

3 VICE CHAIR BROWN: Thank you. Moving on to 9  
4 (technical interference).

5 MR. MARSHMAN: In paragraph 1 we have omitted  
6 again a statutory citation and we have also omitted  
7 a reference to a crisis intervention incident  
8 policy and --

9 VICE CHAIR BROWN: That's it.

10 MR. MARSHMAN: I agree, Vice Chair Brown.

11 VICE CHAIR BROWN: So now would be a great  
12 time -- oh, Mr. Trombetta.

13 MR. TROMBETTA: Could I make sort of a  
14 question for Mr. Marshman for everybody, but on the  
15 record because I think it's worth discussing. It  
16 sounds like there might still be a little bit of --  
17 I think we -- I don't think we need to break  
18 essentially.

19 Were there any feedback on any things that  
20 were just mentioned by Mr. Marshman that was read  
21 into the record that you'd like additional  
22 discussion or that you'd like us to consider when  
23 we take this break?

24 VICE CHAIR BROWN: No.

25 MR. TROMBETTA: It's just then the part



1 about --

2 MR. MARSHMAN: Duty to intervene or intercede  
3 while also being remote.

4 MR. TROMBETTA: So if we can talk about just  
5 on that one issue, but is it worth maybe like  
6 having a vote to approve everything else right now  
7 just for purposes of a clear record.

8 VICE CHAIR BROWN: Commissioners, so then  
9 we'll just have one policy left. So we are voting  
10 on our Agenda Item 11.1, 11.3, 11.4, 11.5, 11.6,  
11 11.7, 11.8, 11.10, and 11.11; is that correct -- I  
12 think that's all. We're just not voting on 11.2  
13 and 11.9.

14 So if there's no other discussion, can we get  
15 a motion to approve the items listed, other than  
16 11.2 and 11.9?

17 COMMISSIONER DRAGO: So moved.

18 VICE CHAIR BROWN: Thank you. Is there a  
19 second?

20 COMMISSIONER REPP: Second.

21 VICE CHAIR BROWN: Any further discussion?  
22 All those in favor, say aye.

23 (Aye response)

24 VICE CHAIR BROWN: Motion passes. It's 11:30,  
25 does ten minutes or five minutes work? Five

1 minutes. Okay. We are going to recess right now  
2 and we'll be back at 11:36.

3 (Recessed at 11:30 a.m. to 11:40 a.m.)

4 VICE CHAIR BROWN: We went a little bit  
5 longer, but I think we've got the language down.  
6 The time is 11:40. We are reconvening the Florida  
7 Gaming Control Commission meeting at this time to  
8 address a -- our policies and procedures. Just one  
9 item is left, 11.2.

10 Mr. Marshman.

11 MR. MARSHMAN: Thank you. So after the recess  
12 and after viewing the statute and speaking with the  
13 Division of Law Enforcement's legal adviser as  
14 well, we believe that omitting the word "present"  
15 in Section 1A would satisfy the legal requirements,  
16 but also the practical requirements of having  
17 agents that would still be on notice that Florida  
18 law would still apply even if they are observing  
19 another agent's actions that are clearly beyond  
20 what is reasonable force in a remote capacity.

21 So that would I think address  
22 Commissioner Repp's concern in trying to future  
23 proof this policy. If there was some remote access  
24 viewing, I think the duty would still apply and I  
25 think the statute still makes the duty apply.

1 VICE CHAIR BROWN: Commissioner Repp.

2 COMMISSIONER REPP: Yes, thank -- thank you so  
3 much for taking the time to look that over and  
4 evaluate it and as I said complies with Florida  
5 law. I think it's probably the best way to go to  
6 as you said future proof particular rule here and  
7 hoping that rest of the commission agrees, because  
8 I feel it's something that I can agree to.

9 VICE CHAIR BROWN: Commissioner Drago.

10 COMMISSIONER DRAGO: Yeah. I'm fine with  
11 that. I just wonder how we contemplate if  
12 somebody's not present how they would intercede.

13 Do we -- do we -- I guess that's my question.  
14 How does somebody intercede if they're not present  
15 to -- to intervene or intercede, they're off  
16 watching another video or -- or whatever.

17 I just -- I just want to make sure we're not  
18 putting an obligation on someone that I'm not quite  
19 sure how we do it, so that's my question.

20 MR. MARSHMAN: If I may?

21 VICE CHAIR BROWN: Yes, please.

22 MR. MARSHMAN: I think Florida law does impose  
23 that obligation on the agent or any law enforcement  
24 agent if they are -- happen to be remote, they have  
25 a take some action, they have a duty to intervene

1 to stop the unreasonable force within the limits of  
2 Chapter 943.

3 So this is a problem that we'll have to  
4 tackle, but it will be a problem that all law  
5 enforcement will have to tackle across the state,  
6 so at least we're not unique and hopefully we can  
7 get some feedback from other stakeholders that may  
8 have additional resources and experiences and help  
9 inform us.

10 I think Director Herold is going to have to  
11 bear this in mind as he crafts the training for  
12 this policy on gaming out some scenarios that I  
13 think, Commissioner Drago, you've already kind of  
14 flagged how exactly -- what -- what exactly is  
15 intervention going to look like.

16 And I think that the division legal adviser  
17 can help Carl craft some meaningful training to  
18 give some agents some -- some tools on how they  
19 would have to respond in these cases.

20 COMMISSIONER DRAGO: Great. Thank you.

21 VICE CHAIR BROWN: Commissioners, are there  
22 any other questions or comments?

23 And I think you read it pretty clearly into  
24 the -- the minor modification is just removing that  
25 one word.

1 MR. MARSHMAN: Yes, ma'am. Again just for as  
2 much clarity as I can muster, this is in Item 11.2,  
3 appearing on page 2 of 12, and Section 1, paragraph  
4 A omitting the term "present" in the first line.

5 VICE CHAIR BROWN: Thank you for the clarify.  
6 Commissioners, can we get a motion to approve  
7 this policy as presented with the proposed changes  
8 that were read into the record?

9 MR. MARSHMAN: Sorry, one note, if we remove  
10 the word present, we should also remove the word  
11 "and," so to avoid a mistake there.

12 The sentence will read now if my proposed  
13 amendment is adopted: Any special agent present --  
14 strike that.

15 Any special agent observing another law  
16 enforcement officer or a member using force that is  
17 clearly beyond that which is objectively reasonable  
18 under the circumstances shall and in a position to  
19 do so intercede to prevent the use of unreasonable  
20 force, period, followed by Statutory Citation  
21 Section 943.1735.

22 VICE CHAIR BROWN: Yes. We're good.

23 Commissioners, can we get a motion to approve  
24 this item under 11.2, 02.04.01, use of force as  
25 presented with the modifications here today?

1           COMMISSIONER REPP: Motion to approve the use  
2 of force policy with the modifications.

3           VICE CHAIR BROWN: Can we get a second?

4           COMMISSIONER DRAGO: Second.

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

7           (Aye response)

8           VICE CHAIR BROWN: Thank you. The motion  
9 passes. Is there any -- before we get to the  
10 executive director update, any other issues  
11 surrounding discussion of policies and procedures  
12 on the law enforcement side?

13           COMMISSIONER DRAGO: I would like to bring up  
14 one thing as it -- as it relates to these policies.  
15 Policies as we all know is a critical part of -- of  
16 law enforcement and it's really critical that we  
17 get these completed and out and approved and so  
18 forth as quickly as we possibly can.

19           And we may not be able to do that in the  
20 format that we're doing it at this point and it  
21 kind of slows the whole process down a bit and I  
22 know it's frustrating to everybody involved that's  
23 trying to make this happen.

24           So I just want to make a suggestion perhaps to  
25 the commission that maybe we form a committee aside

1 from the commission itself that would sit with --  
2 with the subject matter experts and  
3 Director Herold, attorneys, and so forth separate  
4 from the commission meeting and go over policies at  
5 that meeting and make decision either -- however  
6 the commission wants to do it, whether it's to  
7 approve them at that time or present them to the  
8 commission at a later time.

9 I would hope that we could have some format  
10 whereby we could approve them at the time that  
11 would -- that way we are speeding it up, not  
12 waiting for commission meetings.

13 But we would have to talk about who would be  
14 on the committee, how many commissioners we need on  
15 the committee, everything that goes along with  
16 that, notification of the meetings, et cetera.

17 So I just open that up now for discussion to  
18 see if anybody has any thoughts on that whether  
19 that sounds like a viable alternative to what we're  
20 doing now. And if you do, how we might structure  
21 that.

22 And of course I would ask staff to help us out  
23 with that and how this needs to be structured in  
24 order to be complied with the law, but if -- if we  
25 could get a consensus I guess to start off from the

1 commission that, yes, that might be worthwhile  
2 looking into so that we can speed up this process  
3 and get these policies approved and out so that the  
4 agents can be trained in them. So that's my  
5 thought for discussion if anybody's interested in  
6 going down that avenue.

7 VICE CHAIR BROWN: Commissioner Drago, I know  
8 these law enforcement policies and procedures are  
9 really so critical. And timing is as the agency  
10 and law enforcement team is more engaged and  
11 involved is an evolving discussion and I know that  
12 time is certainly of the essence on a lot of these,  
13 which I really wanted to get these all approved  
14 today.

15 So I'm completely receptive to the idea. You  
16 know, I'm not a subject matter expert in law  
17 enforcement like Commissioner Drago and  
18 Commissioner Repp, so I would just defer to  
19 Commissioner Repp for further discussion on it.

20 COMMISSIONER REPP: I completely agree with  
21 Commissioner Drago. I think law enforcement as  
22 well as its policy work best when it's  
23 collaborative and a group effort where people can  
24 really contribute ideas, that's going to move  
25 policies along quicker and I think make them



1 ultimately better, so I agree.

2 VICE CHAIR BROWN: Thank you.

3 Commissioner D'Aquila, do you have any  
4 comments or thoughts?

5 All right. We're going to turn it over to  
6 legal and staff to figure out how -- logistics.

7 MR. TROMBETTA: I'm going to ask Mr. Marshman  
8 or Ms. Valentine to kind of go over some of the  
9 technical kind of legal things to consider and then  
10 again I'll just kind of throw some ideas out there.

11 MR. MARSHMAN: In Section 16.71(1)(c) there  
12 are some statutory requirements on when a  
13 meeting -- a formal meeting can be convened. And  
14 the type of action that I expect the working group  
15 or the subcommittee, however we're going to phrase  
16 "to take" would likely trigger the scrutiny under  
17 the section, so what does that mean.

18 That means that we need at least three  
19 commissioners for every meeting and a majority of  
20 those commissioners present would have to vote to  
21 adopt to take a formal agency action.

22 There is a provision that applies to  
23 rulemaking that I don't think would apply here. So  
24 I think a majority of the members present at a  
25 committee meeting would be able to adopt on behalf

1 of the entire commission and new law enforcement  
2 policy.

3 MR. TROMBETTA: I have a question to you.  
4 This is a bit free flowing, this is kind of not,  
5 but it's -- because I somewhat disagree a little  
6 bit.

7 I think that that is true for agency action  
8 but if -- in other words there's a -- the  
9 commission formally adopted a policy on adopting  
10 and revising policies where they provided the  
11 overview of how that process is supposed to happen.

12 In my head this could be done where they could  
13 empower a committee to adopt policies, because  
14 that's little bit different than like adopting a  
15 rule or taking final agency action.

16 VICE CHAIR BROWN: So that there are  
17 commissioners present. I think we adopted that  
18 rule with staff in mind, not commissioners. We  
19 delegated designated authority to staff.

20 MR. MARSHMAN: Just to clarify my point if I  
21 may, Vice Chair, if more than one commissioner  
22 meeting and discussing things, we're going to need  
23 to make that a publicly noticed meeting just for  
24 matters of the commission, just commission business  
25 itself, not -- not just final agency actions. So

1 that's -- that's why I still believe that section  
2 would apply in this scenario.

3 MR. TROMBETTA: I guess my take is not on the  
4 public notice formal commission meeting side of it,  
5 it's the need for quorum I guess is -- is my -- and  
6 again I'll defer to you on this.

7 VICE CHAIR BROWN: Mr. Marshman, would -- and  
8 this is just for final agency action to adopt the  
9 policy, not necessarily a working group to discuss  
10 the merits. A quorum would not be necessary for --  
11 to a committee with two commissioners. There would  
12 be notice and Sunshine Law rules and requirements  
13 would apply, but to adopt a policy a quorum would  
14 be required.

15 MR. MARSHMAN: If I may read the statute, I  
16 think it is worded very broadly. This is again  
17 from Section 16.71(1)(c): Meetings may be held via  
18 teleconference or other electronic means. Three  
19 members of the commission constitute a quorum and  
20 an affirmative vote of the majority of the quorum  
21 is required for any action or recommendation by the  
22 commission. So I believe that that language would  
23 bind the commission's hands and require the more  
24 formal quorum requirements, formal notice  
25 requirements.

1 Do any of my legal colleagues disagree or  
2 Executive Director Trombetta or any of the  
3 commissioners have any questions?

4 MR. TROMBETTA: What I was going to suggest is  
5 that I think obviously this is a good idea. I  
6 think from my end too I was supporting this idea.

7 Could we maybe -- I don't want to delay this  
8 too long, but it seems like maybe it might be a  
9 good idea to come up with a plan for this.

10 MR. MARSHMAN: I think that  
11 Commissioner Drago's idea can work. It can work  
12 and we can just notice the meeting just like any  
13 other meeting. We will publish the agenda and  
14 we'll just list law enforcement policies and then  
15 we will just convene the meeting via electronic  
16 means if we want or teleconference and we can just  
17 discuss those matters just like any other meeting.  
18 It will just be focused on the law enforcement  
19 policies.

20 And whatever decision that group of  
21 commissioners takes will be binding, and so it will  
22 not be an unnecessary step. In other words, it  
23 won't be the precept to getting a commission  
24 meeting -- or a policy before the meeting. Let me  
25 rephrase.

1           The subcommittee working group if it meets and  
2 we comply with Florida's laws, requirements and  
3 they vote to adopt law enforcement policy, that  
4 will be the final word on that matter and that  
5 policy will be in effect.

6           VICE CHAIR BROWN: But there will need to be  
7 three commissioners or more present?

8           MR. MARSHMAN: Correct. Yes, ma'am, because  
9 there will need to be quorum. And then a majority  
10 of the members present will have to vote to adopt,  
11 so two out of three Commissioners will have to vote  
12 to adopt a policy.

13           VICE CHAIR BROWN: Well, it is clear that  
14 Commissioner Repp and Commissioner Drago would be  
15 the two and I don't have a preference. It would be  
16 -- we could take turns attending it or not. I  
17 guess the subject matter experts are the law  
18 enforcement commissioners; correct?

19           MR. TROMBETTA: Yes. So taking just  
20 everything that has just come up, I think we can  
21 work with staff. I'll discuss this individually  
22 with you all and we can set up some meeting outside  
23 of our own meeting schedule to meet on Zoom to have  
24 an agenda just with law enforcement policies,  
25 either for their initial adoption or for their, you

1 know, revisions type thing. We'll notice it and we  
2 can meet by Zoom or if you guys want to get  
3 together, you know, we can figure all that out, but  
4 we can do that at a meeting separate from our  
5 normal calendared meeting.

6 VICE CHAIR BROWN: Does that sound good,  
7 Commissioner Drago?

8 COMMISSIONER DRAGO: Yeah. I just want to ask  
9 one question. Do we have to notice it in the same  
10 way we would notice a regular commission meeting,  
11 seven days I think it is?

12 MR. MARSHMAN: Yes, sir. If I may, yes, sir,  
13 I believe so. Just because when more than one  
14 commissioner are meeting together and discussing  
15 commission business and are going to be taking  
16 action, I think this provision in Chapter 16 is  
17 going to be triggered.

18 COMMISSIONER DRAGO: I'm just trying to --  
19 trying to figure out a way to streamline this whole  
20 thing and make it move quicker and not get bogged  
21 down, but we have to follow the law obviously.

22 But any way we can speed it up or move quicker  
23 or make it more lean, you know, would be -- I think  
24 is what I would hope to see, however we can do  
25 that.

1           VICE CHAIR BROWN: Commissioners, does that  
2 sound good?

3           So, Mr. Trombetta, we look forward to talking  
4 to you one on one.

5           MR. TROMBETTA: Thank you.

6           VICE CHAIR BROWN: Well, we're going to go  
7 back to executive director update. I mean, back to  
8 you, Mr. Trombetta.

9           MR. TROMBETTA: Sorry, mic phone was not on.  
10 I actually -- I have a single -- just got a  
11 message. I have a single executive director update  
12 dealing with calendars.

13           I think a number of commissioners have  
14 expressed to me the desire to plan beyond -- or  
15 just plan the next few months, try to get through  
16 to the July 4th weekend.

17           Separately I have a copy of PSC room. We've  
18 also discussed traveling to South Florida for a  
19 meeting sometime spring, summer type thing. So  
20 really that's -- I don't have much of an update  
21 beyond trying to get the next few meetings planned.

22           VICE CHAIR BROWN: Commissioners, so I  
23 believe -- can we -- we have all of our meetings  
24 planned for April I thought and -- is that correct?  
25 April -- we have April 3rd and then May -- nothing,

1 that's right.

2 Mr. Trombetta, I know there was a conference  
3 that commissioners may be wanting to attend that  
4 week of May 6. Is there -- are there any type of  
5 deadlines that are needed or necessary to meet in  
6 May?

7 MR. TROMBETTA: Thank you. Mr. Dillmore did  
8 just hand me two -- well, it's June and July. We  
9 do have some -- the dates for slot license  
10 expirations. As you're aware the slot -- when the  
11 slot license expires, it's not on a set schedule.  
12 It's on an individual set schedule, so I do have  
13 that. Your question about May, I don't have a  
14 conflict in May.

15 VICE CHAIR BROWN: Does anybody have a  
16 conflict or preference for May, the first week in  
17 May or the week beginning with the 13th?

18 COMMISSIONER DRAGO: The 13th?

19 VICE CHAIR BROWN: Yes, of -- of May.

20 COMMISSIONER REPP: Of May we have the first  
21 Thursday, the 2nd.

22 VICE CHAIR BROWN: Oh, we have that -- we have  
23 that -- I don't have that in my --

24 COMMISSIONER REPP: Either way, I don't have a  
25 conflict, Thursday the 2nd...



1 VICE CHAIR BROWN: I don't either.

2 COMMISSIONER REPP: Or the 9th.

3 VICE CHAIR BROWN: May 2nd sounds good. Does  
4 it work for everyone?

5 COMMISSIONER DRAGO: Let me -- I think so.  
6 I'm not a hundred percent sure. I guess we can put  
7 it in.

8 VICE CHAIR BROWN: We can always change it  
9 next month.

10 COMMISSIONER DRAGO: Is that the  
11 Fort Lauderdale -- Fort Lauderdale week or no?

12 MR. TROMBETTA: Well, I was going to say, May  
13 this room is occupied the 1st and 2nd, so it might  
14 be a good opportunity to visit South Florida for  
15 our commission meeting --

16 VICE CHAIR BROWN: For May.

17 MR. TROMBETTA: -- because you can stick to  
18 that date still and just do it in a different  
19 location.

20 VICE CHAIR BROWN: Yes. Do we want to  
21 tentatively explore the idea of doing it the --  
22 either the week of May 1st or the week of May 13th  
23 down in South Florida?

24 COMMISSIONER DRAGO: Is the week of May 6 out?

25 VICE CHAIR BROWN: There's a conference that I

1 know.

2 COMMISSIONER DRAGO: Oh, okay.

3 VICE CHAIR BROWN: National conference.

4 COMMISSIONER DRAGO: Okay.

5 VICE CHAIR BROWN: Suggestions May 2nd, does  
6 that sound good?

7 MR. TROMBETTA: I mean, it does for me if  
8 everybody else is good.

9 COMMISSIONER REPP: I'm fine with it.

10 VICE CHAIR BROWN: Yep, me too. So let's --  
11 South Florida and we'll finalize the details at the  
12 next meeting.

13 MR. TROMBETTA: Yes, ma'am.

14 VICE CHAIR BROWN: Then June, I just want to  
15 get us through the summer.

16 MR. TROMBETTA: So June there is a slot  
17 license expires on June 10th, so as long as we meet  
18 before, where's my calendar, before June 10 --

19 COMMISSIONER REPP: June 6. Does June 6 work  
20 for everybody?

21 COMMISSIONER DRAGO: Yes.

22 COMMISSIONER D'AQUILA: Yes.

23 COMMISSIONER REPP: Yes.

24 VICE CHAIR BROWN: June 6 sounds good. And  
25 then July.

1 MR. TROMBETTA: July 4th is the first Thursday  
2 in July.

3 VICE CHAIR BROWN: We are not doing it then.  
4 How about July 11th?

5 COMMISSIONER REPP: That fine.

6 COMMISSIONER DRAGO: Yep.

7 VICE CHAIR BROWN: July 11th.

8 MR. TROMBETTA: And other complication in July  
9 is that there's a slot -- one of the slot machine  
10 licenses expires July 9th.

11 COMMISSIONER REPP: We can do it remote. I'm  
12 open to that.

13 MR. TROMBETTA: So just for my -- looking at  
14 possibly doing a remote meeting at the end of June?

15 VICE CHAIR BROWN: Yes, at the end of June.  
16 Does that work, Mr. Dillmore, for a remote meeting?

17 MR. DILLMORE: Yes, that slot license isn't  
18 expired till June -- July 11th, so we would make  
19 that and it would give us enough time to obviously  
20 review all of the materials and submissions.

21 VICE CHAIR BROWN: We won't have a solidified  
22 date just yet, but staff will work with each of us  
23 on that last week in June for a remote meeting, if  
24 that works.

25 COMMISSIONER DRAGO: Is that a remote meeting

1 in addition to the July meeting?

2 VICE CHAIR BROWN: Yes.

3 COMMISSIONER DRAGO: I just want to be clear.

4 COMMISSIONER D'AQUILA: Clarification, the  
5 July meeting will be July 11th and the remote  
6 meeting to be announced?

7 VICE CHAIR BROWN: That is correct, but we  
8 know it's the last week in June.

9 Correct?

10 MR. TROMBETTA: Thank you for the question,  
11 Commissioner D'Aquila. So remote meeting at the  
12 end of June and then a regular scheduled July  
13 meeting the week after July 4th on July 11th, was  
14 that the date that was just --

15 VICE CHAIR BROWN: That's right.

16 COMMISSIONER D'AQUILA: Yes.

17 VICE CHAIR BROWN: You guys want to go in  
18 August or --

19 COMMISSIONER REPP: I am prepared to.

20 VICE CHAIR BROWN: They got critical dates in  
21 August.

22 COMMISSIONER REPP: I'm fine with August 1st,  
23 which is the first Thursday (technical  
24 interference).

25 MR. TROMBETTA: It is not -- we're talking

1 about something not related to August.

2 VICE CHAIR BROWN: I do have a conflict  
3 August 1st, but does August 8th work for everybody?  
4 I know school starts.

5 COMMISSIONER D'AQUILA: Yep.

6 VICE CHAIR BROWN: Tentatively August 8.  
7 Okay.

8 Is there any other matters to address,  
9 Mr. Trombetta?

10 MR. TROMBETTA: No, Commissioner Brown, thank  
11 you.

12 VICE CHAIR BROWN: Commissioners, are there  
13 any other matters to address before we get to  
14 public comment? Seeing none.

15 All right. Is there anybody from the public  
16 that would like to address us today? Going once,  
17 going twice. We are adjourned at 12 o'clock.  
18 Thank you.

19 (The proceedings concluded at 12:00 p.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 remote proceedings and that the transcript, pages 1 through 125, 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 20th day of March, 2024.

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JUDY LYNN MARTIN