

Florida Gaming Control Commission

Public Meeting

May 02, 2023



FLORIDA GAMING CONTROL COMMISSION
PUBLIC MEETING

PRESENT: Julie I. Brown, Commissioner
John D'Aquila, Commissioner
Chuck Drago, Commissioner
Tina Repp, Commissioner

BOARD STAFF PARTICIPANTS:

Louis Trombetta, Executive Director
Joseph Dillmore, Director of Pari-Mutuel Wagering
Carl Herold, Director of Law Enforcement
Ross Marshman, Esquire, General Counsel

DATE: Tuesday, May 2, 2023
TIME: 9:02 a.m. - 9:57 a.m.
PLACE: Fort Lauderdale Marriott North
6650 North Andrews Avenue
Fort Lauderdale, Florida 33309

Stenographically Reported by:
Thomas N. Sevier, RPR, FPR-C

Job No. 307928

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1 Thereupon,
2 the following proceedings began at 9:02 a.m.:

3 MR. TROMBETTA: Good morning, everybody. My
4 name is Lou Trombetta. I'm the Executive Director
5 of Florida's Gaming Control Commission. To my
6 right is Joe Dillmore. He is the Director of
7 Division of Pari-Mutuel Wagering.

8 So if you're not familiar, the Gaming
9 Commission is kind of divided into two functional
10 areas, our regulatory team and our criminal
11 enforcement team; which is to my left, Director
12 Carl Herold, Director of Law Enforcement, and then
13 further down is Ross Marshman, who is our general
14 counsel.

15 First, thank you. It's a little cold in this
16 room. But I think, honestly, it's pretty nice
17 compared to how these things usually end up. Thank
18 you for being here at 9. This is kind of a unique
19 opportunity to get everybody in the room.

20 So I've been with the Division of Pari-Mutuel
21 Wagering previously to the Gaming Commission for
22 10 years. And really from the day I started, I was
23 told you'll never get more than like two or three
24 pari-mutuels in the same room without some type of
25 brawl happening. And it's kind of nice just to see

1 a lot of familiar faces walking in here and a lot
2 of people we know. And really just thank you for
3 showing up.

4 So the goal of today for this meeting really
5 is to, it's kind of twofold; one, to give you guys
6 an update on some of the things we've been working
7 on, some of the things we're doing; and, two, to
8 hear from you. One of the main focuses -- we are
9 going to cover regulation, our regulatory team,
10 some of the things we've been doing. But really
11 the focus here is the illegal gambling market.

12 I want to just, I guess, share with all of you
13 some of the things we've been finding, some of the
14 things we're working on, some of the results we've
15 had, and sort of what to expect going forward. But
16 kind of before we get into that, I'm just going to
17 kind of cover some of the bases of what we've been
18 doing and how things are going.

19 We have a microphone here in the middle. When
20 you signed in, there were speaker cards. If
21 anybody wants to speak, please fill out a speaker
22 card. We have a decent amount of time here. But
23 if -- well, let me get to there. We'll talk about
24 timelines.

25 I guess, just to start, so Gaming Commission

1 started in July. It's almost a year now. We're
2 almost through our first legislative session.
3 During that time, obviously, a lot of our focus was
4 on building up the Commission, getting staff hired,
5 getting our Commissioners in and, honestly,
6 creating the process for how the Commission was
7 going to work.

8 Joe's team, the regulation side, was kind of
9 in a good position, because they kind of just had
10 to keep the train on the rails and add some kind of
11 new processes to it. Those new processes, you
12 know, candidly, I know have been a little difficult
13 at times for the pari-mutuels, for the regulated
14 industry to kind of deal with.

15 You know, you guys went from being able to
16 call me or the secretary or somebody if you had an
17 issue and say, hey, I need a new poker table, you
18 know, we've got a tournament coming up this week,
19 can you do it. And, obviously, we're not in that
20 environment anymore.

21 So I appreciate you all kind of working with
22 us and kind of understanding some of that. We're
23 continuing to kind of work with you and internally
24 try to come up with processes that can better fit
25 the needs of the regulated industries. But,

1 frankly, we're still early on in this.

2 I know -- I mean, I don't want to speak for
3 Joe. But I know his team has done a great job in
4 adjusting to some of those issues and trying to
5 stay on top and trying to be customer focused
6 where, you know, you guys are the customer for us.

7 So that's something when, if you do have any
8 feedback, when we open it up for questions and
9 comments, I'm interested in thoughts, ideas. Let
10 me know how you've been impacted. Really the goal
11 here is to kind of have a back and forth and really
12 be able to try to get everybody in the same room to
13 hear from you. So on that end, I think things are
14 going pretty well.

15 To look forward to, so we've started going
16 down the rule-making process. Again, this too is a
17 new process for us. Now, the procedures are,
18 according to the lawyers in the room, kind of
19 outlined in 120. But we're trying to, you know,
20 make that work under these new conditions.

21 So at the previous meeting or two meetings
22 ago, we initiated three rules. On the agenda for
23 the actual Commission meeting coming up this
24 afternoon, we're going to be moving -- I'm going to
25 be asking the Commission to move into filing a

1 Notice of Proposed Rule on a notice on our rules
2 covering our Commission meetings.

3 The thought process is that we will kind of go
4 through rule-making process on this sort of lower
5 hanging fruit. This should be somewhat
6 straightforward. It shouldn't be too
7 controversial. The meeting, you know, it's
8 essentially procedures for operating the meeting,
9 how long people can speak and that type of thing.

10 We imagine that that rule will, hopefully, go
11 through somewhat smoothly. It will allow us to
12 kind of practice and get the process in place for
13 us to then later on this year, hopefully, do more
14 complex rules with our eyes on slots. I know I've
15 mentioned that to, you know, just looking around
16 the room, several people in this room many times
17 about slots coming up. It is on our radar.

18 It is something that, I think, everybody has
19 identified as something that the industry,
20 particularly in South Florida, needs updated slot
21 rules. So, again, just kind of bear with us on
22 that. But the goal is to get there. It just might
23 take a little bit of time, because we want to go
24 through the rule-making process first just to kind
25 of iron out some of the details.

1 HISA and HIWU has been the biggest kind of
2 struggle for us. Now, I know that a lot of the
3 people in this room are not necessarily
4 Thoroughbred track owners that are impacted by
5 this.

6 But from our side, I think the desire -- you
7 know, Florida is a horseracing state with a huge
8 equine business that, I think, the Commissioners
9 have come in, identified as something important to
10 them and important to the State. And we've been
11 trying to respond to these federal changes in a way
12 that helps the State of Florida, if you've been
13 following, and without getting too much into the
14 weeds again.

15 There's now a May 22nd deadline, deadline is
16 one word, impact date for when the federal rules on
17 drug testing are taking effect. Joe's team, Ross,
18 our legal team, the Commissioners, we've all had
19 lots of conversations at this point with HIWU and
20 HISA to try to do everything we can to maximize
21 our, I guess, support for the horseracing industry.

22 The goal is to kind of do everything that
23 we've been doing that we can handle and try to get
24 as much of a credit as we can for the State;
25 realizing that the credit, some of this is,

1 frankly, just out of our hands at this point. This
2 federal authority clearly intends to take over.

3 I know there's still lots of -- I think
4 there's, by my count, four or five cases, whether
5 the rule challenges or some type of constitutional
6 matter, impacting the federal, you know, the HISA.
7 But I've been advising my staff. Joe has been very
8 involved, going to Gulfstream, going to Tampa
9 Downs, meeting with his staff to be prepared.

10 We were ready to go at the end of March.
11 We're going to be ready to go in May. Again, our
12 kind of concept is that we will continue to have
13 our employees at all the tracks doing everything we
14 can; which right now the agreement that we're going
15 to have with HISA, another item on the meeting
16 later today, will capture that.

17 We will continue to do sampling, collect
18 samples and employ our staff at the racetracks. We
19 will use our investigators to conduct
20 investigations on behalf of HISA to try to offset
21 some of the costs associated with this program.
22 Again, I know that the horseracing industry is in a
23 tough spot. We're trying to do what we can and try
24 to work with you.

25 Again, you guys have been great. I hope you

1 know -- Andy, you've been great in e-mailing me.
2 I've been trying to get back to you as I can,
3 Lonny, you know. Just keep doing that. The people
4 at Gulfstream, everybody has been very involved in
5 working with both me and Joe. Please keep doing
6 that. We want to hear how this is going. We want
7 to try to be able to help when we can.

8 Okay. The other thing we've been working on
9 is with -- so Carl has been working with me to
10 reach out to law enforcement agencies around the
11 state to talk about illegal gambling that's going
12 on. Separately, when I get out to the facilities,
13 when I have conversations, I try to make a point of
14 speaking with the regulated industry in the state
15 and try to figure out how you guys are handling the
16 issues that are coming up.

17 So I'd like to kind of focus on that area
18 right now. Carl and I have spent -- you know, not
19 just me -- but spent a ton of time trying to
20 understand what's going on in the state. And,
21 essentially, in my mind, it kind of breaks down to
22 three things.

23 So the question I get asked most is why is
24 illegal gambling so prolific in the state. First,
25 it's not just Florida. This is not a Florida

1 specific issue. It's an issue that a number of
2 states in this country are dealing with. It is a
3 problem in a lot of states for a lot of the same
4 reasons.

5 So first is a legal reason and it has to do
6 with the laws. Florida is unique in that we have a
7 pretty broad and good definition of what a slot
8 machine is in 849. So, in my opinion, our problem
9 is not the definition of a slot machine. Our
10 problem is the penalties associated with the
11 illegal activity.

12 So some states will have a very kind of narrow
13 definition of what a slot machine is. If there's
14 an element of skill, it may not be a slot machine.
15 That's not the case in Florida. So what we've
16 discovered is lot of businesses are being sold the
17 idea that these slot machines, these games are
18 legal because they're skill-based games, which is
19 not true for the most part.

20 So in Florida what we've been doing, and what
21 I've been trying to get the message out there, is
22 that the big issue legally is the penalties
23 associated with these actions. We have a lot of
24 misdemeanors. So simple possession of an illegal
25 gambling device is a misdemeanor; which kind of

1 leads to the second big problem, essentially, is a
2 knowledge problem.

3 And this is separate from the legal area. The
4 knowledge really, from my end, is focused for
5 everybody involved; from, you know, my staff, from
6 local, at the county level, County Commissions and
7 law enforcement agencies around the state. But it
8 also goes up to the politicians in the legislature.
9 It's very unclear what's happening. And they're
10 being told different things.

11 So, you know, I think for the people in this
12 room, most of the people in this room -- again,
13 this is pretty straightforward. Slot gaming is
14 legal in two counties in this state and at the
15 Seminole properties. If there are slot machines in
16 places other than that, they're likely illegal. So
17 I've been trying to get that message out.

18 But, again, we're finding that the business
19 owners that are participating in this activity, you
20 have kind of a variety of business owners in the
21 knowledge level. Some know that they're illegal
22 and are just operating an illegal business and they
23 understand that. On the other end of the spectrum
24 are people that own and operate, you know, a
25 legitimate, just using 7-Eleven as an example.

1 And somebody comes to them and says, hey, I
2 can put this machine in your gas station, it's
3 going to make X amount per month and we'll just
4 split it 50/50. It's totally legal, here's the
5 literature presented from, you know, some attorney
6 that they paid, some other state, or it's just kind
7 of, or we don't know who presented it. It says,
8 hey this is a skill-based game, it's totally legal,
9 and the business owner doesn't know any better.

10 So one of the things we're focusing on is
11 trying to get the messages out there that the law
12 on this is not that complicated. And we're trying
13 to create a resource on our web page so that people
14 can go to that, look at it, and identify whether or
15 not the machine that they're looking at or that
16 they're dealing with is illegal.

17 Right now we've gotten our Frequently Asked
18 Questions up on the website. We have a few that
19 deal specifically with this issue. But we are
20 trying to long-term come up with a better tool that
21 will allow the public to go to some type of portal
22 or something; you know, ask them a few questions,
23 it will say illegal or, you know, call somebody
24 type thing. So we are trying to get there, so that
25 we can kind of better help this knowledge gap.

1 And separately -- and Carl is going to talk
2 about it in a second -- Carl is making a big effort
3 and has done a ton of time and energy just on
4 getting out there and talking to law enforcement
5 agencies around the state to kind of get them up to
6 speed. Not that they're behind. But, again, it's
7 a complicated issue and, you know, when they're
8 hearing from all these different parties, it's
9 tough to kind of figure it out.

10 The Gaming Commission was created, in my
11 opinion, to fill some of this gap; that there was a
12 void in the state of who was responsible for this
13 activity. And so we're trying to fill that space.
14 We're trying to be the expert. We're trying to be
15 the ones that if you have questions, if you have
16 issues, you can come and contact us.

17 Then the third kind of issue is resources. So
18 let's say that you had a law enforcement agency
19 that knew these things were illegal. The question
20 comes, okay, why aren't you doing anything. Well,
21 there's limited resources. Again, this is
22 misdemeanor crimes. And so we're trying to help
23 with resources.

24 We provided -- essentially, the big one that
25 we keep getting is storage. If we go into one of

1 these places and we seize 50 machines, where we do
2 put them, where do we put them while the case is
3 pending. So the Gaming Commission, we've received
4 money in our budget that will, hopefully, get --
5 both houses have now approved it, and it looks like
6 it should come for storage centers.

7 We're going to physically lease warehouse
8 space -- one in North Florida, one in South Florida
9 is what we're looking at now, this may change -- to
10 provide a long-term solution for the storage
11 problem. In the meantime, we are working to find
12 storage space in the short-term. And Carl has been
13 successful to do that. Carl and Lisa, you know,
14 people on our team, have again been pretty
15 successful in doing that and helping.

16 Because I think that's -- that's sort of where
17 we are finding we can make the biggest difference
18 immediately is by reaching out to people that want
19 to do something and say we can help you do this.
20 So for the law enforcement guys in the room, please
21 continue to contact us.

22 Carl, do you mind adding a little bit more
23 about sort of what you've been working on and how
24 the conversations have gone with local law
25 enforcement?

1 MR. HEROLD: Sure. Good morning, everybody.
2 I had a lot to say and Lou just took all of it from
3 me. But just to kind of let you know, like Lou
4 said, the regulatory side of the Commission came
5 over in its totality. And it just, you know, it
6 was already rocking and we just needed it to
7 continue to rock.

8 The law enforcement side was the part that was
9 kind of the added value to the commission. And
10 this was a brand new law enforcement agency.
11 Typically in state government, a new law
12 enforcement agency is carved out of another agency,
13 and it has some momentum already built into it and
14 you simply just point the machine in a new
15 direction.

16 But we had the added challenge of trying to
17 build that momentum. So while maybe some of you
18 have thought that we weren't maybe reacting as
19 quickly as you wanted, the reality is is we had to
20 build all those things up to create the momentum to
21 begin doing that.

22 And part of the idea, in my mind, was, you
23 know, there had not been a state level law
24 enforcement agency dedicated to gambling
25 enforcement solely that I'm aware of ever. And I

1 needed to go out and find out what the
2 stakeholders, the other law enforcement agencies
3 and our prosecutors and those folks like that, what
4 they identified as being the most helpful to them
5 so that we could, you know, successfully attack
6 this issue in Florida.

7 And I can tell you that prior to going out,
8 the things that I had in my mind were not what the
9 law enforcement and prosecutors said. And to what
10 Lou said, the first very thing was, where are we
11 going to put all these machines. Law enforcement
12 views the problem of gambling in a different way.
13 And that is it's all a bunch of misdemeanors, and
14 it costs a lot of money to hold on to these
15 machines.

16 Because as a requirement for evidentiary
17 purposes, it has to be secured; but it also has to
18 be kept in the condition that it's operating and if
19 it is turned back over to whoever the slot machines
20 are seized from, it has to be in a functioning
21 manner or you have to pay for it to be put back in
22 normal condition.

23 And so that is problematic. Most of these
24 machines were built pretty shoddily. And if you're
25 not putting them in some sort of climate-controlled

1 environment, they will simply fall apart. So that
2 was the first thing that came up. And I was,
3 honestly, very shocked. But it made a lot of sense
4 that holding on to these machines would be
5 problematic.

6 The next thing was -- so I've got 43 years in
7 law enforcement. I've been 33 1/2 with the Florida
8 Highway Patrol, 7 1/2 years with the Florida
9 Lottery, and now here. And so I have, I feel like,
10 a pretty robust law enforcement background. But I
11 can tell you that for most law enforcement
12 officers, the gambling statutes are difficult to
13 understand.

14 And there's an educational element that we
15 needed to meet with our law enforcement folks. And
16 as I dug into it and, you know, we dug into it, we
17 found out that really the educational part of this
18 is at every level. The people at the very bottom
19 level that are playing see no distinction between
20 going into some illegal place or, you know, at
21 their corner or going to, you know, a regulated
22 industry. They don't see that distinction.

23 And we have to educate them about that, that
24 what they're doing is participating in a business
25 that doesn't have the same level of regulatory

1 oversight, doesn't have the integrity, you know,
2 ensuring the integrity of the people that are
3 working there and also payment practices and those
4 kind of things like that.

5 So we find that -- we found that we need to
6 educate the public, but it's at every level. The
7 people that are buying these arcades, for the most
8 part, understand that what they're doing is
9 illegal.

10 But it's the one-offs, the Ma and Pa places
11 that have two or three in there and somebody comes
12 them to and says here's all this documentation
13 showing that these things are legal, I want to put
14 two in your business, and we'll split the proceeds.

15 And these folks are just trying to make a
16 profit. The people down the road have already got
17 two, they think they need two or three. And then
18 the business owners, the business owners oftentimes
19 are being duped about this. To what Lou said,
20 we've been sending out letters of warning. We
21 collaborate with local law enforcement.

22 The Charlotte County Sheriff's Office
23 requested that we send letters of warning to
24 arcades in their county. They gave us a list of 22
25 arcades. We sent the letters back to Charlotte

1 County. They hand delivered them. And immediately
2 20 of the 22 quit, got out of the business.

3 And then I got calls from landlords saying,
4 hey, I have a lease with these individuals and it
5 says they're not supposed to be doing anything
6 illegal, is this illegal. And I had to explain to
7 them that, for the most part, this was illegal. So
8 we had to educate lessees and property owners and
9 those things like that. So it's education at every
10 level.

11 Prosecutors. Prosecutors, I speak to law
12 enforcement agencies across the state. And the
13 level of interest in trying to prosecute these
14 types of case varies from very, very interested in
15 going after these individuals to not so much.
16 Because there's a lot of confusion about what the
17 statute says and, you know, what is and isn't a
18 slot machine or other gambling device or those kind
19 of things like that.

20 So I see an important element for the Gaming
21 Commission is not just the enforcement, but also
22 the educational side of it. And once we've
23 educated you, if you no longer heed that education,
24 then we are certainly prepared to take care of the
25 enforcement. And that's what we're going to do.

1 Long-term, you know, the goal is for us to
2 collaborate with other law enforcement agencies.
3 We're a very small law enforcement agency at this
4 point. We have 15 sworn law enforcement officials.
5 And I think that the greatest success that we will
6 have in giving the greatest impact to you as our
7 stakeholders and having some meaningful impact on
8 the illegal gambling and the illegal slot machines
9 at this point is partnering with our law
10 enforcement agencies, helping them be successful.

11 Obviously, we will have our own cases. But if
12 we can help local law enforcement understand the
13 issues and the illegality and how to successfully
14 investigate these cases and bring them to
15 prosecution, that's our goal is to maximize our
16 impact by collaborating with local law enforcement.

17 Lou, what did I leave out?

18 MR. TROMBETTA: No, I think you're good.

19 So to add to what Carl put on, you know, I
20 think one of the roles of the Commission here is to
21 help support the regulated industry. And,
22 essentially, I see it as good actors trying to do
23 the right thing, right. The law is set up in the
24 state to reward, to authorize gaming in a few
25 narrow ways.

1 And the relationship is the people that want
2 to offer this business can do so, and in return
3 they have to pay the state revenue, taxes. I think
4 our role and what we're trying to do here by going
5 after these illegal gaming businesses is to drive
6 revenue back to the casinos, back to the
7 pari-mutuels.

8 I know that -- I was in Atlantic City at a
9 conference two weeks ago, and there was a
10 conversation about cannibalization of markets.
11 And, you know, most of this is usually related
12 to -- it had to do with New York, the New York
13 market, what was going to happen when the downstate
14 casinos open. But really, the cannibalization is
15 an issue that affects your businesses on a
16 day-to-day basis.

17 To me, gaming is a form of entertainment,
18 there's X amounts of entertainment dollars. If
19 people are going to the adult arcade down the
20 street instead of the poker room or instead of the
21 slot facility, it's money that the State is not
22 getting, because those illegal businesses are not
23 paying taxes.

24 They don't have to get a license. They don't
25 have to pay a \$2 million dollar licensing fee.

1 They don't have to pay 35 percent of their revenue
2 or of their, you know, the wins. So, you know, in
3 Florida, there's a reason to go after this illegal
4 market beyond just the harm that it's doing to
5 individual citizens, which it does do.

6 It's not a victimless industry. The machines
7 are not audited. You know, I mean, I don't have
8 to -- you know, there's no controls in place. My
9 team can't go out and say, hey, are you paying out
10 the right percentage. We can't deal with
11 complaints.

12 We get a lot of this. Someone goes to these
13 places, wins something, and they don't get paid.
14 Well, I mean, sorry, you're playing at an illegal
15 gambling business. So there's a lot of incentive
16 from my end to try to drive this business out of
17 the illegal markets into the regulated markets.

18 And I think right now it's starting with the
19 adult amusement arcades. I know in speaking with
20 some of the pari-mutuels that do not have slots
21 that card rooms, there's a lot of activity on, you
22 know, essentially, poker apps or home games. And
23 I'm not saying that I'm going to, you know, tell
24 Carl go, you know, raid everybody's home tomorrow.
25 But we are aware, you know.

1 So this is -- Daytona Beach gave me this this
2 morning. This is not the only one. This is,
3 essentially, illegal gambling activity in Central
4 Florida. I just skimmed it. It's both illegal
5 arcades, but it's also a lot of illegal card games.

6 That, I think, is something that we are
7 interested. If you have that information, pass
8 this on. This is a fantastic tool, I think not
9 just for me, but -- Carl, would you agree?

10 MR. HEROLD: Absolutely.

11 MR. TROMBETTA: And we've received this from
12 other people and similar things that has helped us
13 start doing some of the research, start doing some
14 of the ground work. So for the regulated parties,
15 you know, in this meeting, if you want -- you know,
16 it sounds like a lot of you have done this research
17 already. Please send it to us. We'd be happy to
18 have it.

19 Before I kind of open it up to questions and
20 just the back and forth type side, I just want to
21 touch on -- so I was this morning kind of writing
22 down some of the Frequently Asked Questions that we
23 get about these things.

24 So first one, how many illegal businesses are
25 there in the state? This one has come up a bunch.

1 Simple answer, I'm not sure. We're finding that it
2 varies a lot from county to county. But there's a
3 lot more, I think, than people expect or believe.
4 Even if you live in a county where there's tons of
5 them, I think it's hard to kind of fathom how, you
6 know, the scope of these things.

7 How many machines are there? Well, that
8 varies too. But we're finding, you know, usually
9 between 30 and 70 machines in these things. So if
10 you have, you know, 10 to 20 in a county with, you
11 know, 30 to 70 machines, you know, the math, it
12 starts getting -- the number of machines in the
13 state starts growing exponentially.

14 Are all amusement machines illegal? So this
15 is kind of an interesting one just in terms of --
16 we get one this from the public, you know, is it
17 illegal to go play at this place. Again, the law
18 is somewhat straightforward. You can play legal
19 slots in one of the eight pari-mutuel facilities in
20 Miami-Dade or Broward or at a Seminole property.

21 If you're playing outside of that, you're
22 probably playing an illegal slot machine. If it
23 looks like a slot machine, it is not an amusement
24 machine. If it looks like a slot machine, there's
25 a presumption that it is an illegal slot machine.

1 So, again, you know, from that end, that part is
2 somewhat straightforward.

3 These things aren't hurting anybody, why do
4 you care? That's just, you know, blindly false.
5 They are hurting people. They're taking money
6 away. They're predatory. And they're not -- there
7 aren't the consumer protections in place that you
8 guys all care about, that we care about.

9 You know, the good actors in gaming, I think,
10 understand that, you know, you can -- I'm going to
11 say -- I'm very bad at this saying. You can shear
12 a sheep once -- how does that go? What does that
13 say about shearing a sheep once -- you can only
14 kill it once and you can shear it a whole bunch of
15 times.

16 Okay. The idea here is that, you know, it's
17 okay to -- you want repeat customers, right. You
18 want to drive business from people that can afford
19 to play in your business. I mean, it's gambling.
20 Everybody knows that it's a form of entertainment
21 and that it can be done safely.

22 And the future of this business, you know --
23 there's an implication that you can't just take all
24 the money from the customers in a week. And that's
25 not the same model that these illegal places have.

1 They do not necessarily care about that. So,
2 again, I think it helps the State, it helps
3 citizens if we can drive this business to the legal
4 markets. And really, that's really what we're
5 trying to do.

6 Joe, anything to add or to say before we kind
7 of open it up?

8 MR. DILLMORE: Not so much. Like our division
9 moved over. Our job was to try to keep everything
10 on the regulated side moving as seamlessly as we
11 could, you know, given the new processes.
12 Although, you know, the underlying statutes, a lot
13 of cases didn't change on the regulated side, it's
14 just a different decision-making process.

15 So I'm anxious to hear any suggestions on
16 things that we are doing well or not doing well
17 that we can improve on and hearing some ideas from
18 the regulated side, any rule-making that you might
19 be interested in seeing or adjustment in our
20 processes. So I look forward to your input from
21 that perspective.

22 MR. TROMBETTA: All right. Great. So I do
23 have a few speaker cards. If you can, just be a
24 little cognizant of -- I mean, I only have three.
25 I wasn't sure how many this was going to go. But,

1 obviously, if there's back and forth, if anybody
2 else wants to speak after that, you'd be welcome.

3 So, Mr. Fred Guzman, you can just come up to
4 this microphone.

5 MR. GUZMAN: Director Trombetta, Director
6 Herold, Director Dillmore, thank you for holding
7 this forum. My name is Fred Guzman. I am the
8 President and General Manager of Daytona Beach
9 Racing and Card Club and Orange City Racing and
10 Card Club.

11 I have been in the pari-mutuel industry in the
12 State of Florida for over 40 years. I've seen a
13 lot of changes throughout those decades. A Gaming
14 Control Commission with enforcement authority is
15 welcome and long overdue.

16 When COVID shuttered the industry, illegal
17 online gambling activity skyrocketed. The packets
18 that I handed out also included screenshots of
19 various number of illegal online poker sites that
20 operate in Florida. They use the guise of social
21 gaming, but they advertise real money payouts.

22 I included my business card in the packet. So
23 if you'd like the live links, just e-mail me and
24 I'll send them to you. I also included a list of
25 Internet cafes that operate in Central Florida.

1 The Internet cafes that are in bold are the
2 ones with the largest number of machines. Some
3 exceed a hundred machines. Most of these were shut
4 down by the Volusia County Sheriff in 2018.
5 Unfortunately, with the lack of follow-through,
6 they reopened.

7 The agency's objective of gaming enforcement
8 is a lofty one. Thank you for taking this on, and
9 I look forward to supporting your efforts in any
10 way I can. So I'm happy to take any questions.

11 MR. TROMBETTA: So in regard to, I guess, the
12 poker games, are you finding that players at your
13 card rooms are participating in those things? Is
14 it driving business away?

15 MR. GUZMAN: Well, yes, absolutely. So these
16 Internet or these poker apps, we'll see in our
17 rooms people playing on them as they're actually
18 playing actual games.

19 And I should explain the idea of social
20 gaming. So with social gaming, there's no money at
21 risk. You play for fun. So the platform is a
22 social gaming platform. But they use that platform
23 to pay out real money. So there's some serious big
24 games happening online with these social gaming
25 platforms.

1 MR. TROMBETTA: Okay. Thank you, sir.

2 MR. GUZMAN: Thank you.

3 MR. TROMBETTA: Jonathan Zachem.

4 MR. ZACHEM: I was going to speak on the next
5 subject matter. But if you want to hear my voice,
6 I'm glad to go up.

7 MR. TROMBETTA: Well, what's the next subject
8 matter?

9 MR. ZACHEM: The reg industries.

10 MR. TROMBETTA: The reg industries?

11 MR. ZACHEM: Yeah. You've got two sections.
12 One is regulated industries and --

13 MR. TROMBETTA: Okay. I mean, if you want to
14 touch on that, you're welcome to.

15 MR. ZACHEM: Well, speaking to this briefly --
16 first of all, thank you, Chief. You've been
17 phenomenal at trying to work on the illegal
18 activities that are happening in our communities.
19 I don't think anybody here wants to have illegal
20 formats or forums that are going on in these areas.

21 I would encourage the Commission to work on
22 some of the areas that are not as clear with that,
23 as the exceptions as to what is allowed under slot
24 statutes especially. There's some confusion there.
25 I've had people approach me previously and ask if

1 something is legal. I tell them, no, that's not.
2 They go to the website and try and see if there's
3 an exception that applies to it.

4 As Mr. Trombetta said before, they talk to
5 some unnamed lawyer that I can't find his license
6 being in the state, and they suddenly tell them
7 that this is legal and here's an exception that it
8 falls under. So if you can address some of the
9 exceptions, I think that helps a little bit.

10 Slots, as far as what they are, they're
11 illegal as far as the possession. But they ask
12 questions about how can cruise ships, things like
13 that, end up having slots going towards them;
14 shipment if the possession is legal, how does that
15 happen. So maybe if you had a little section that
16 you can apply that to.

17 I'm going to delay the other part that I'm
18 going to talk about, because the process that I
19 want to discuss about has nothing to do with the
20 illegal slots section. So I think that would be
21 easier to address in a later section, if you want.

22 MR. TROMBETTA: No, it does -- you know,
23 frankly, the regulated section, we can take that
24 just for purposes of the meeting. What all -- I
25 guess from my end, my notes in the regulated

1 section is really we just want to hear from you.

2 It's sort of what Joe touched on there. So I
3 don't have items to highlight. But if you want
4 to -- you know, we'd be happy to here what issues
5 you guys have and kind of go back and forth that
6 way on the regulated section.

7 MR. ZACHEM: Sure. I just wanted to stay on
8 point and not detract from what you were saying. I
9 had a suggestion as far as some of the processes
10 going forward in dealing, especially, with
11 facilities.

12 I think there needs to be -- and we get it.
13 The Commission is trying to figure out, getting its
14 legs under it and do a lot of things. But there
15 needs to be a little more communication before an
16 administrative complaint is drafted.

17 There are other opportunities, since we've
18 heard repeatedly that the goal is compliance with
19 statute and rule, that either more information can
20 be provided to you or the compliance can be
21 achieved prior to an administrative complaint that
22 suddenly is a public complaint affecting licensees
23 in multiple jurisdictions.

24 Either with a letter of guidance in some
25 cases; I don't know if you're focused on

1 non-disciplinary citations; or in some cases just a
2 telephone call after the investigation itself is
3 done by attorney that says here's what we're
4 looking at prior to the administrative complaint.

5 And you would get a response. I think every
6 facility has a compliance person or someone that
7 you can reach out and talk to -- I think so -- that
8 you can talk to and be able to find out from them
9 what's happening at their facility.

10 Either this is a one-off or they can do
11 something to address it systematically, instead of
12 getting a complaint to them and then having less
13 than three weeks to try and figure out what
14 happened, go through tape and figure out where it
15 was at their facility sometimes six, eight months
16 prior.

17 So that would be my suggestion is
18 communication prior to the administrative
19 complaint, and maybe something that is not as penal
20 as an administrative complaint at that point if
21 there is compliance. Thank you.

22 MR. TROMBETTA: Thank you. And just for
23 purposes of what Mr. Zachem just brought up, if
24 there are any questions or comments beyond illegal
25 stuff, you know, from anybody else, we can take

1 them now too.

2 The next speaker card is Mr. Joe Webster.

3 MR. WEBSTER: Good morning. Thank you. Joe
4 Webster, I'm outside counsel for the Seminole
5 Tribe.

6 I'd like to, first of all, commend all of you
7 for having the session today; because it certainly
8 is something that, I think, is long overdue. We
9 also recognize the extent of the challenge, you
10 know that's facing you. And, you know, this is
11 something that certainly the Tribe has been focused
12 on for a long time is, you know, the extent of
13 illegal gambling in various forms.

14 And certainly, you know, as other have
15 commented, you know, it's not an issue that's
16 limited to one form of gaming or one location.
17 This is, you know, something that is prevalent
18 across, you know, multiple jurisdictions and in
19 many different forms. So, again, you know the fact
20 that, you know, you all are focusing, you know, the
21 attention on this and have been taking action, I
22 think, you know, is certainly very welcome.

23 One suggestion that, you know, I think is, you
24 know, may be something that you all are already,
25 you know, thinking about. But, you know, as you've

1 indicated, you've got so many different small, you
2 know, Mom and Pop facilities and others that, you
3 know, vary in size that in many cases the problem
4 is the distributors.

5 And the enforcement against the distributors
6 is likely to have a much more, I think, pronounced
7 effect than, you know, the -- certainly you should
8 go after, you know, the individuals; not saying
9 otherwise. But, you know, going after the
10 distributors, I think, is something that would make
11 a significant difference.

12 And also, you know, I agree, you know, with
13 the comments about the importance of education.
14 And, you know, frankly, the fact that there's been
15 some good press, I think, in recent days about
16 enforcement action, you know, those things, to me,
17 I think, are mutually enforcing.

18 You know, the fact that you all are taking
19 enforcement action, it's getting press coverage;
20 that, you know, in and of itself, I think, is doing
21 a lot to educate the public that, you know, these
22 are issues that, you know, it's not something that,
23 one, there's no risk to, but that it is an illegal
24 activity.

25 So, again, you know, I certainly commend all

1 of you for, you know, the work that you're doing.

2 And, you know, I'm glad to see the focus on this
3 important subject. So thank you.

4 MR. TROMBETTA: Thank you. And we can just
5 add a little bit more just on things we've been
6 doing. So some of the press coverage, we've been
7 trying to work with partners around the state, both
8 in law enforcement agencies, the pari-mutuel
9 industry.

10 We now have -- again, just in terms of the
11 process of putting this thing together, we've hired
12 a Director of External Affairs; which is,
13 essentially -- right now a big, big role has been
14 comps. That has been a gap that I haven't had. So
15 having somebody to help with comps is making a big
16 difference in terms of the press. We've been able
17 to kind of showcase some of the things we've been
18 able to do.

19 And, you know, we're trying to use the press
20 to get the word out there that, again, you know,
21 that we're doing something, that illegal activity
22 is not okay and that there is a threat to the
23 public. So we are continuing to try to do that. I
24 think that's where we're going.

25 Any other comments on either illegal or

1 regulated at this point? Yes, sir.

2 MR. GUZMAN: I just want to bring up one more
3 trend that we're seeing that I'd like to get on
4 your radar. And that's charity poker tournaments.
5 Now, charity poker tournaments are fine. As
6 operators, we hold charity poker tournaments all
7 the time.

8 But what we're talking about is individuals
9 holding charity poker tournaments, paying out --
10 they skirt the law where it's in that gray area.
11 Instead of paying out cash, they pay out gift
12 cards, often thousand dollar gift cards. So
13 they're getting around the, I guess, the intent of
14 the law by framing it as a charity event. But that
15 is pulling from regulated card rooms.

16 MR. TROMBETTA: Thank you. Yes, sir.

17 MR. POWELL: I can fill out a card afterwards.
18 So just --

19 MR. TROMBETTA: Please identify yourself.

20 MR. POWELL: It's a little more generic. I am
21 Lonny Powell. I'm the Chief Executive Officer of
22 the Florida Thoroughbred Breeders' and Owners'
23 Association.

24 First of all, I want to encourage our new
25 gaming entity. I've seen some real nice things

1 from staff in terms of accessibility. Lou, you're
2 more accessible than you've ever been. And, Joe,
3 you always were accessible. And you're carrying
4 that theme. You know, you can't mix with us all
5 the time or you'll never your job done. But I
6 appreciate that.

7 I also appreciate you actually have employees
8 that reach out. A couple of your staff reached out
9 to introduce themselves when we couldn't meet in
10 person. It might have been on a Zoom or something.
11 So you've got some folks that just aren't, you
12 know, good at their credit duties, they're people
13 persons. So I applaud you.

14 As far as HISA, I think I got good news for
15 you. I think you might be tracking where we're at.
16 But as of tomorrow, there will be a bill approved
17 on the Senate floor. And part of that bill will be
18 that HISA -- which when I dealt with HISA at the
19 federal level, my biggest problem, as you know,
20 Lou, was not the integrity and safety measures.
21 Those were all great.

22 It was an unfunded mandate in either this
23 state or the tracks. And typically, if it goes to
24 the tracks, that means the horsemen. If it goes to
25 the horsemen, they start looking at the breeders.

1 It all just gets passed on and everybody eats each
2 other's lunch.

3 The bill tomorrow will provide tax credits to
4 the racetracks, because they're the ones that are
5 designated to be paying it. And so the industry
6 will, basically, not have those millions of dollars
7 taken out of its limited economy; which was really
8 a bad deal, as you know. That's good news.

9 I think the other great news behind it is
10 there is in this legislation, the thoroughbred
11 industry that you regulate is going to get a real
12 shot in the arm from an economic development
13 standpoint. And, you know, it's going to be at the
14 point where purses are going to be able to get
15 raised at the two tracks.

16 It's when we get to the point where we're
17 going to have some stability. We actually are all
18 getting along now for the last three weeks, to my
19 knowledge. And, you know, I haven't seen that in
20 over 10 years. I don't expect it to go forever,
21 but it's kind of nice. No Thanksgiving dinners.

22 But I think that ultimately from the
23 Florida-bred standpoint, Florida-breds are winning
24 40 percent of the races at Gulfstream. Over 40
25 percent of those or over 70 percent of those are

1 being sired by Florida stallions. We still have
2 the second largest breeding industry in North
3 America; not nearly what we used to be, but who is.
4 Things have changed. We're still that kind of a
5 player.

6 In '24 and '25 with the passage of this
7 legislation, in addition to all this nice funding
8 that's going out to all the different stakeholders
9 is we at Gulfstream, for example, the flagship
10 track, are a Florida-Bred Stakes Program, which
11 this year features that money that comes from our
12 share of the business.

13 And in '24 and '25, it's not going to be just
14 us. The tracks and the horsemen, in recognition of
15 the importance of Florida-breds, are going to be
16 for the first time actually contributing as well.
17 So not only does all this nice funding come through
18 with suspenders and buckles for anything from
19 purses to breeders' awards to HISA, we're going to
20 have some stability of not knowing what the next
21 year means.

22 And if we all play our cards right, that's a
23 great phrase to use here, if we all play our cards
24 right, the thoroughbred industry has a chance to
25 really make a move. And I'm excited about this.

1 Nothing like this has happened in 12 years. We've
2 been mostly fighting for our existence, especially
3 with great decoupling.

4 And a lot of my friends with the other breeds
5 and disciplines got decoupled. I still think it's
6 a tragedy and I will always say that for the
7 record. But I think there's reason to be
8 optimistic about your Florida thoroughbred industry
9 that you regulate, because there's some good
10 things.

11 And, by the way, supported fully by both
12 houses with particular thanks to President
13 Passidomo; our man, Stan McClain, out of Marion
14 County. That's where it all started. He wanted to
15 do something to help his thoroughbred people in
16 Marion County. That's where the conversation
17 began. And also, Lawrence McClure, Representative
18 Lawrence McClure.

19 They were all heroes in this and we hope to do
20 right by everybody. But some actual good news from
21 Tallahassee. So thank you. And, again, keep up
22 your the good work on working with the people like
23 you're doing. Appreciate it.

24 MR. TROMBETTA: Thank you. Yes, sir.
25 Mr. Calabro.

1 MR. CALABRO: My name is Steve Calabro from
2 Hialeah Park.

3 Related to the illegal gaming options that are
4 going on throughout the state, one of the things I
5 want to add as a suggestion, you mentioned that
6 you're going to raid the places, you're going to
7 shut them down. And that has happened in Charlotte
8 and great job. We fully appreciate that and we
9 support that and anything that we can do to help,
10 please, we're there.

11 The next step is you're looking to find
12 warehouses to store these while the case is being
13 resolved. I think if you could also add, and this
14 may mean a change to the law, but if you could add
15 the destruction of those machines. And I'll tell
16 you why.

17 Because I believe it's a game of tag that's
18 going on in the State of Florida. You might be
19 shutting down Charlotte, and the guy goes two
20 counties over and he opens up his machines.
21 Because that's what it appears is happening.
22 They're sort of bouncing all over the state.

23 So I think if you had the, if the operators,
24 if these illegal operators knew that if they got
25 shut down and the machines get confiscated and the

1 case gets resolved and it's a guilty charge and the
2 machines get destroyed, they'll go someplace else,
3 another state, I should say. They'll go to another
4 state.

5 So I think that's just another component that
6 I'm suggesting that you might to want to think
7 about adding. I know it sounds easier said than
8 done. There may be some laws that have to be, a
9 law might have to be added in the next session.
10 But I think the destruction of the illegal slot
11 machines would really be a bigger deterrent than
12 most.

13 And in many states -- I agree with you. In
14 many states there's illegal slots. But in the
15 states that have regulated gaming, two or three
16 examples, like New Jersey and Pennsylvania, there's
17 very little, very little illegal slot machines.
18 Because when they take a slot machine, they take
19 it, they convict, and the machine is destroyed. So
20 just a suggestion.

21 MR. TROMBETTA: Thank you, Mr. Calabro. And
22 there are just -- if I can add to that. And I'm
23 going to at some point turn it over to the general
24 counsel here.

25 But what you've seen from us so far is,

1 essentially, a lot of, you know, soft power. So we
2 have -- you know, as Director Herold said, you
3 know, we sent the letter just informing these
4 businesses what they were doing.

5 But really it just said we received a
6 complaint of illegal activity, here's the law,
7 please conduct yourself accordingly. And just from
8 that letter, so not even a cease and desist, we got
9 a number of businesses to stop operating. So
10 there's a lot of tools in our tool bag. That's
11 kind of where I'm going here.

12 And the authority provided by the legislature
13 when they created the Commission, in Chapter 16
14 gives the Commission a lot of authority to do a lot
15 of these things. So what you're seeing right now
16 is sort of the early stages of what we're doing. I
17 think we have the authority to do a lot more and a
18 lot more enforceable acts in terms of arrests and
19 seizures.

20 And I think this is where it's -- so, Ross,
21 correct me if I'm wrong here, but I believe that
22 once -- these items will be considered contraband.
23 If we seize an illegal slot machine and went
24 through a court case, I think we'd have to have a
25 judge order that. But once it's contraband, is

1 it -- is destruction something we could do?

2 MR. MARSHMAN: It's in the statute.

3 MR. TROMBETTA: Okay.

4 SERGEANT CHURCH: Once the case is closed and
5 there's actually a verdict and there's a guilty
6 verdict or whatever is proposed by the judge, you
7 can destroy that property.

8 MR. TROMBETTA: Thank you, sir. That was my
9 understanding.

10 SERGEANT CHURCH: We have done that in the
11 past.

12 MR. TROMBETTA: Okay. Great. And that is
13 something that --

14 SERGEANT CHURCH: There's a recent case that,
15 I think it was -- Flagler County just did, their
16 sheriff did a press release where he actually, his
17 guys went out and they destroyed all the property
18 online, social media.

19 MR. TROMBETTA: Thank you. And I know I've
20 seen videos in other states where they take, you
21 know, a dump truck or they take something and crush
22 the machines. So, I mean, it is something that I
23 think Carl has brought that up to me. He showed me
24 the video, hey, this is something we can do.

25 MR. HEROLD: I'm here to drive a bulldozer.

1 MR. TROMBETTA: And beyond that, there is also
2 a civil penalty, so to speak. So there's a \$10,000
3 civil penalty per machine. Again, you got to get a
4 judge to order that.

5 But that's just another, again, another tool
6 that we haven't yet utilized, but that we are aware
7 of. It's something that we're -- you know, we know
8 it exists, it's something that we're considering
9 when it's appropriate.

10 Anyone else? Yes, sir.

11 SERGEANT AUSTIN: My name is Scott Austin, and
12 I'm a sergeant with the Palm Beach County Sheriff's
13 Office. I've worked in our intelligence,
14 counterterrorism, and organized crime. So it's
15 kind of a big umbrella for -- I was there as an
16 agent and now I'm back as a supervisor.

17 I applaud what the Gaming Commission is
18 attempting to do. I think we're very early in the
19 game. But I have seen the -- we were talking about
20 the charities. So I've seen all variations of
21 charities. We have video arcades in our county
22 where the arcade has an advertisement on one window
23 and the charity has an advertisement on the other
24 window; and so everything is covered, according to
25 the way the statutes are currently written.

1 As far as the video games, unless you guys
2 have made a major change in the last year to the
3 statute, it's not very clearly outlined what a slot
4 machine is. The one-armed bandits are clearly
5 documented as a slot machine. Video arcade games
6 are not. They're games of skill and games of
7 chance.

8 And we continue to run into this when we bring
9 it to the State Attorney's Office. And with 67
10 different State's Attorney's Offices, you're going
11 to get 67 different opinions in the State of
12 Florida.

13 So I would implore you guys to get together a
14 Statewide Prosecutor that handles all gaming type
15 issues so that we can go directly to them, across
16 the board everything is going to be same. I'm not
17 going to deal with somebody who's in for election
18 in the end of the year, so on and so forth.

19 As far as these video games are concerned,
20 because they're not one-armed bandit slot machines
21 that we all grew up with and we know what they are,
22 they're not listed in the statute. They're not
23 specifically spelled out. A craps table, a
24 roulette table are all listed as a key, they're --
25 in and of itself I walk into a business or a home,

1 that is a gaming product.

2 I can then seize it. I can have that PC for
3 anything else and I can destroy it by statute.

4 Your arcade games are not listed as that such in
5 the statute. So if we're going to move forward
6 with these things, we need to actually make it
7 illegal, make it to the point where, you know, we
8 can destroy them.

9 And as far as getting warehouses available, I
10 guarantee you between Broward and Palm Beach County
11 alone we can fill your Southern. So once we get to
12 the point where you're ready to move forward on
13 this stuff, we would love to eradicate them.

14 Because you're right, where they are targeted
15 in our county are outside of the senior living
16 centers and everybody is going over there. And
17 there's always one scam or another. It's either
18 gift cards. It's, oh, we're like Chuck E. Cheese,
19 here's our tickets, you can go pick up whatever you
20 want after you've selected.

21 So you have a long way to go. Law enforcement
22 is here to help you all. We want to get rid of the
23 problem as much as you guys do. But I know that
24 you're understaffed. Currently you're trying to
25 build up your staff.

1 So love to -- I know that we can get together
2 in each one of these counties if you guys put a
3 task force together and said, hey, we're going to
4 go hit these places and clean them up.

5 MR. TROMBETTA: Thank you for the comments and
6 for the suggestion. I mean, we'd be happy to. I
7 also just want to make sure it's known. Please
8 reach out to Carl or our legal team too.

9 If you have questions like that where you --
10 you know, for any of the law enforcement guys, if
11 you're not sure what you're looking at or if you
12 need some help on, hey, you know, we're
13 encountering this where they're saying this is a
14 skill game and it's not a slot machine, we can try
15 to help you through that.

16 We can be a resource immediately to help you
17 prepare for when you do go to the prosecutor just
18 to try to make it a little bit clearer of what
19 you're looking at.

20 Anything else? Okay. Seeing no other
21 questions, I don't have too much else.

22 I'd like to kind of just recognize that we
23 have four Commissioners in the room here today.
24 Please feel free to talk to them. Just be
25 cognizant of ex parte rules. Don't talk to them

1 about things they're going to be making decisions
2 on at the next meeting. But please introduce
3 yourselves.

4 I think, you know, one of the best things of
5 having the Commission meeting later today and, you
6 know, this meeting is being down here and getting
7 to interact and put faces to names and just meet
8 you. So please feel free -- myself too. Please,
9 you know, feel free to come up and talk to me. I'm
10 interested in what you're dealing with, how your
11 businesses are running. And thank you for the time
12 today.

13 All right. I guess, one more thing. So our
14 actual Commission meeting is scheduled to start at
15 1 p.m. So we're going to have a lunch break after
16 this and come back at 1. Then the Commissioners
17 will be up here, and we will be having our actual
18 Commission meeting. The agenda, meeting materials
19 and everything is online.

20 So you're welcome to stay. I hope some of you
21 have an opportunity to join us for that too.

22 Thank you all for attending and have a good day.

23 (Thereupon, the proceedings concluded at
24 9:57 a.m.)

25

REPORTER CERTIFICATE

STATE OF FLORIDA

COUNTY OF BROWARD

I, THOMAS N. SEVIER, Registered Professional Reporter, Florida Professional Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

Dated this 24th day of May, 2023.



THOMAS N. SEVIER, RPR, FPR-C